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PROCEEDINGS AND DEBATES OF THE 86th CONGRESS, SECOND SESSION

SENATE

TUESDAY, MARCH 15, 1960

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

Rev. Thomas L. Painter, pastor, Kensington Baptist Church, Kensington, Md., offered the following prayer:

Almighty God, our heavenly Father, we offer Thee our sincere thanks for Thy manifold blessings bestowed upon us from time to time.

Holy Father, Thou hast been our dwelling place in all generations. Thou art our refuge and strength, a very present help in time of need. We pray for Thy help in all the experiences of our lives. Grant that we may be conscious of Thy love and filled with Thy power. Lift us out of the darkness of despair, the torture of doubts, that we may be courageous to do Thy will. Enfold us in Thy mercy, that we may find forgiveness for our sins. Surround us with Thy protecting power, that we may find calmness and peace of soul.

Let Thy blessing rest upon these, Thy servants, the Members of this body. Give them strength to carry the weight of the responsibilities which rest so heavily upon their hearts and minds. Guide them in the momentous decisions of these times. We make our prayer in the name of Jesus Christ, our Saviour. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Monday, March 14, 1960, was dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate a message from the President of the United States submitting the nomination of Bradley Fisk, of New York, to be an Assistant Secretary of Commerce, which was referred to the Committee on Interstate and Foreign Commerce.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 1193. An act for the relief of Eleanor Constan;

S. 1703. An act for the relief of Raul Jorge Jose Hermitte; and

S. 2028. An act for the relief of Candace Elizabeth Lee Johnson (Kyung Hee Lee).

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour; and I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

RESOLUTION OF RED LAKE INDIAN TRIBAL COUNCIL, MINNESOTA

Mr. HUMPHREY. Mr. President, a resolution of the Red Lake Indian Tribal Council requesting the Secretary of Interior to reestablish the Red Lake Indian Agency with appropriate appointed personnel on the Red Lake Indian Reservation and to return certain tribal records to the council has been referred to me by the Beltrami, Minn., County Board of Commissioners, who had in turn approved the council resolution.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD, and appropriately referred.

There being no objection, the resolution was referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Whereas Roger A. Jourdain, chairman of the Red Lake Indian Tribal Council, has submitted a resolution adopted by said council on January 7, 1960, which reads as follows:

"RESOLUTION 9–60

"'Whereas on December 1, 1954 the Secretary of the Interior merged and relocated the Red Lake and Cass Lake Indian Agencies into a joint Minnesota Agency located in the city of Bemidji, Minn.; and

"'Whereas section 63 in the Code of Federal Regulations, title 25, provides that before any merger or relocation of Indian Agencies, the Indians affected must first give their consent in their usual manner which is by tribal council action in legal session; and

"'Whereas the Secretary of the Interior contravened and disregarded the consent of the Red Lake Band of Chippewa Indians to give their consent in their usual manner which is by council action of approval, despite the fact that countless numbers of the members of the band manifested their objections and opposition to the establishment of the consolidated Minnesota Agency in writing deeming such proposal neither being expedient, nor necessary to the best interests of the affairs of the Red Lake Band of Chippewa Indians; and

"'Whereas the tribal council having appraised the present type of the Bureau of Indian Affairs administration has caused considerable inconvenience with unnecessary expenses for communications, delay of the Bureau of Indian Affairs administrative actions, tribal records are incomplete and are not readily available on the reservation and the Minnesota Agency Superintendent's dual responsibility are overtaxed in relation to his administration responsibility to both the Red Lake Band of Chippewa Indians and the Consolidated Minnesota Chippewa Tribe which nullifies satisfactory and efficient services this agency is required to provide for the Indians in this area: Now, therefore, be it

"'*Resolved*, That the tribal council does hereby respectfully request the Secretary of the Interior to institute the necessary measures to reestablish the Red Lake Indian Agency on the Red Lake Indian Reservation with a full-time appointed Superintendent and personnel, and to return all the tribal records where they can be accessible for the daily conduct of the council business and where they rightfully belong; and be it further

"'*Resolved*, That copies of this resolution be transmitted to the Minnesota congressional delegation in Washington, D.C., State of Minnesota Legislature Commission on Indian Affairs, Beltrami County Board of Commissioners, Clearwater County Board of Commissioners, and to the Consolidated Minnesota Chippewa Tribe requesting their support on this resolution.'

"We do hereby certify that the foregoing resolution was duly presented and enacted upon at the regular meeting of the tribal council held on January 7, 1960, with a quorum present, in the Red Lake Council Hall, Red Lake, Minn.

"ROGER A. JOURDAIN,
"Chairman.

"OTTO THUNDER,
"Secretary."

"Whereas the Beltrami County Board of Commissioners after giving due consideration to the provisions of said resolution feel that the requests contained herein have merit and if granted would tend to eliminate some of the problems with which the Red Lake Agency has to contend: Now, therefore, be it

"*Resolved*, That the Beltrami County Board of Commissioners does support said resolution adopted by said council; and be it further

"*Resolved*, That copies of this resolution be forwarded to U.S. Senator Hubert H. Humphrey, U.S. Senator Eugene McCarthy, Congressman Odin Langen and Congressman Fred Marshall, all at Washington, D.C., State Senator John H. McKee, and State Representative Elmer Berglund, of Bemidji, Minn., Harry Basford, Chairman of Indian Affairs, Wolf Lake, Minn., and Roger A. Jourdain,

chairman of the Red Lake Indian Tribal Council, Red Lake, Minn."

I, A. D. Johnson, county auditor of Beltrami County, Minn., do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Beltrami County Board of Commissioners at their regular meeting March 1, 1960.

Witness my hand and official seal this 9th day of March 1960.

A. D. JOHNSON,
Beltrami County Auditor.

LITHUANIAN INDEPENDENCE DAY—RESOLUTION

Mr. JAVITS. Mr. President, a resolution was adopted by a large group of Lithuanian Americans gathered in Webster Hall, New York City, Sunday, February 14, to commemorate the 42d anniversary of the restoration of the independence of Lithuania.

On February 16, Lithuania's Independence Day, we paid tribute to the indomitable courage of the Lithuanians enslaved behind the Iron Curtain. We have refused to recognize the illegal annexation of that country by Russia and we join them in solemn observance of their independence day in prayerful hope for future freedom for Lithuania and all enslaved peoples in the world. I ask unanimous consent that the resolution may be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD as follows:

RESOLUTION ADOPTED BY THE LITHUANIAN RALLY ON FEBRUARY 14, 1960

We, Lithuanian Americans of Greater New York, loyal citizens and residents of the United States, gathered on February 14 of this year of grace 1960 at Webster Hall in New York City to commemorate the 42d anniversary of the restoration of the independent Lithuanian state after a prolonged eclipse of its liberty;

Voicing once again our indignation and our protest against the brutal suppression by the Government of the Soviet Union of Lithuania's independence and freedom and her subjugation to ruthless Soviet colonial exploitation, perpetrated at a time when Lithuania was living in peace with the U.S.S.R. and was bound to her by a peace treaty and a nonaggression pact;

Pointing out that this year, marking the 20th anniversary of the Soviet subjugation of Lithuania, poses a particular challenge to the West to press for application of the principle of self-determination in Lithuania and the entire captive part of Europe;

Stating that the present Soviet challenge to the West, with Berlin as its direct objective, is aimed at the settlement on Soviet terms of the political problems resulting from World War II, namely, at the legalization and consolidation of Soviet criminal conquests in Europe and at creating conditions for further Communist expansion in Europe and elsewhere;

Considering that the present abnormal and dangerous situation in Europe, characterized by the division of Germany, the subjugation of nine formerly sovereign states of central and eastern Europe, including Lithuania, and by the division of the continent is the major cause of the present international tension and requires an urgent and global settlement in conformity with the wartime and postwar commitments and pledges of the great powers;

Resolve—

1. To appeal to the President, the Secretary of State, and the Congress of the United States firmly to pursue and vigorously to promote their repeatedly declared policy of the restoration of the independence and freedom of Lithuania and other captive countries of central and Eastern Europe free and unfettered elections after the withdrawal of Soviet armed forces and agents, and to reaffirm the determination of the Government of this great country not to be party to any agreement or treaty which would confirm or prolong the subjugation of Lithuania, now held in bondage by the U.S.S.R.;

2. To express gratitude to the President, the Secretary of State, and the Congress of the United States for the proclamation of the Captive Nations Week in July 1959, which importantly contributed to strengthening the determination of the Lithuanian people to achieve freedom, as well as to maintaining their faith in the West;

3. To request the President of the United States that, in line with the pledges and principles enumerated above, and to the advantage of both the United States and captive Lithuania, the issue of Lithuania's subjugation be raised at the forthcoming summit meeting;

4. To rededicate ourselves to the just cause of Lithuania's independence and freedom and to combat Communist aggression and Soviet-Russian imperialism;

5. To assure the Lithuanian people under Soviet occupation of the indissolubility of our ties and of our unswerving determination to spare no efforts and sacrifices for the attainment of the sacred goal of the Lithuanian nation—its independence and freedom;

6. Actively to support the policy of the United States Government aiming at the establishment in Europe and elsewhere of a just and durable peace based on the inalienable right of the respective peoples to governments of their own choosing.

RESOLUTION OF INTERMOUNTAIN VETERINARY MEDICAL ASSOCIATION

Mr. BENNETT. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution adopted by the Intermountain Veterinary Medical Association at their 32d annual meeting in Salt Lake City January 20 through 23.

This resolution deals with a problem which is causing much concern among sheep producers in the Western States, the importation of live sheep which may carry diseases and parasites not known in this country.

There is now no adequate quarantine station on the Pacific coast for quarantine of large numbers of sheep. Consequently, I believe the association is certainly justified in its request for a study of this problem.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas three shipments of live sheep of approximately 75,000 animals have been imported from Australia to California since July 27, 1959, and placed under quarantine by the Federal Government at the port of San Diego and then released after 30 days, and;

Whereas diseases of sheep are known to exist in the country of origin that do not exist in this country; and

Whereas it is not feasible to be assured that shipments of live sheep in such large numbers are not carrying other diseases than those observed and diseases that do not exist in this country; and

Whereas the importers of said sheep have made repeated requests to move some of said sheep to the Imperial Valley in California for feeding and possible breeding purposes, there is, therefore, great danger of these sheep disseminating diseases of sheep to California flocks and flocks of other States to which they may be consigned and/or establish new diseases or parasites not known to exist in this country; and

Whereas seasonal movements of sheep are made each year between California and all of the Western States, and there is, for this reason, danger of the future dissemination of the diseases referred to herein to the various Western States and ultimately to the entire United States in the event such imports are not slaughtered immediately after arrival and, furthermore, since the quarantine facilities at San Diego, Calif., where said sheep are being held under 30-day quarantine, are of a temporary nature and there are no adequate quarantine facilities for imported animals on the Pacific coast: Now, therefore, be it

Resolved, That the Western States Livestock Sanitary Officials and the Intermountain Veterinary Medical Association, in session at Salt Lake City, Utah, January 22, 1960, request that the entire matter of the imports of sheep, cattle, and other animals from foreign countries be investigated and the need for adequate quarantine facilities for animals and birds on the Pacific coast be recognized and investigated by the Congress and that necessary funds be provided at the earliest possible time for the establishment and maintenance of an animal quarantine station to serve the Pacific area and that the imports of sheep, cattle, and other animals from foreign continents be prohibited for purposes other than immediate slaughter until adequate facilities are provided and such other steps are taken that will effectively prevent the introduction and dissemination of livestock diseases inimical to the livestock industry of this country; and be it further

Resolved, That copies of this resolution be furnished the Governors of each of the Western States, Members of the Senate Committee on Agriculture and Forestry, and the House Committee on Agriculture, and the congressional delegations from each of the Western States, and the Honorable Ezra Taft Benson, Secretary of Agriculture.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 1154. A bill for the relief of Carl J. Fisher, captain, U.S. Army, retired (Rept. No. 1178);

S. 1328. A bill for the relief of Parker E. Dragoo (Rept. No. 1179);

S. 1408. A bill for the relief of Ronald R. Dagon and Richard J. Hensel (Rept. No. 1180);

S. 1410. A bill for the relief of Jay R. Melville and Peter E. K. Shepherd (Rept. No. 1181);

S. 2173. A bill for the relief of Mrs. John Slingsby, Lena Slingsby, Alice V. Slingsby, and Harry Slingsby (Rept. No. 1182);

S. 2234. A bill for the relief of the estate of Hilma Claxton (Rept. No. 1183);

S. 2430. A bill for the relief of certain employees of the General Services Administration (Rept. No. 1184);

S. 2507. A bill to relieve Joe Keller and H. E. Piper from 1958 wheat marketing penalties and loss of soil bank benefits (Rept. No. 1185);

S. 2523. A bill for the relief of Harry L. Arkin (Rept. No. 1186);

H.R. 2849. An act for the relief of Oscar A. LaBranche (Rept. No. 1187);

H.R. 5301. An act for the relief of Harry E. Nelson (Rept. No. 1188);

H.R. 6023. An act for the relief of William J. Kaiser (Rept. No. 1189);

H.R. 6402. An act for the relief of Victor Stiglic (Rept. No. 1190);

H.R. 6885. An act for the relief of Neal E. Andersen (Rept. No. 1191);

H.R. 6948. An act for the relief of Miss Marion A. Cramer (Rept. No. 1192);

H.R. 7079. An act for the relief of Don L. Herring (Rept. No. 1193);

H.R. 7116. An act for the relief of George W. Gibson (Rept. No. 1194);

H.R. 7447. An act for the relief of Paul Levitt (Rept. No. 1195);

H.R. 7636. An act for the relief of Mrs. Viola H. Rooks (Rept. No. 1196); and

H.R. 8801. An act for the relief of the Maco Warehouse Co. (Rept. No. 1197).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

H.R. 2310. An act for the relief of Hoo W. Yuey (Rept. No. 1198).

REPORT ENTITLED "CONSTITUTIONAL RIGHTS" (S. REPT. NO. 1199)

Mr. HENNINGS. Mr. President, from the Committee on the Judiciary, pursuant to Senate Resolution 62 as amended and extended, I submit a report entitled "Constitutional Rights," and ask that it be printed.

The VICE PRESIDENT. The report will be received and printed, as requested by the Senator from Missouri.

REPORT ENTITLED "CONSTITUTIONAL AMENDMENTS" (S. REPT. NO. 1200)

Mr. KEFAUVER. Mr. President, from the Committtee on the Judiciary, pursuant to Senate Resolution 58 as extended, I submit a report entitled "Constitutional Amendments," and ask that it be printed.

The PRESIDING OFFICER. The report will be received and printed, as requested by the Senator from Tennessee.

REPORT ENTITLED "ANTITRUST AND MONOPOLY"—INDIVIDUAL VIEWS (S. REPT. NO. 1201)

Mr. KEFAUVER. Mr. President, from the Committee on the Judiciary, pursuant to Senate Resolution 57 as extended, I submit a report entitled "Antitrust and Monopoly," together with the individual views of the Senator from Illinois [Mr. DIRKSEN], and the Senator from Wisconsin [Mr. WILEY].

I ask unanimous consent that the report, together with the individual views, be printed.

The PRESIDING OFFICER (Mr. MCGEE in the chair). The report will be received and printed, as requested by the Senator from Tennessee.

REPORT OF SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD—SEPARATE VIEWS (PART 2 OF S. REPT. NO. 1139)

Mr. MCCLELLAN. Mr. President, as chairman of the Select Committee on Improper Activities in the Labor or Management Field, I ask unanimous consent to file part 2 of the final report of the Senate Select Committee on Improper Activities in the Labor or Management Field. Part 2 of the final report consists of the following:

Reports and findings approved by the chairman and Senators KENNEDY, ERVIN, and CHURCH, who are the Democratic members of the committee on:

First. The Kohler-UAW hearings and investigations.

Second. The Perfect Circle-UAW hearings and investigations.

Third. The Richard T. Gosser, Local No. 12, UAW hearings and investigations.

Also, the separate views of:

First. The chairman and Senator ERVIN on the Kohler and Perfect Circle investigations.

Second. Senators CHURCH and KENNEDY on the Kohler and Perfect Circle investigations.

Third. The chairman on the Richard T. Gosser, Local No. 12, UAW matters, concurred in by Senators ERVIN, KENNEDY, and CHURCH.

Mr. President, I ask unanimous consent that the distinguished Senator from South Dakota [Mr. MUNDT], who is the senior Republican member of the Senate select committee, be permitted at this time to file the separate findings and views of the Republican members of the committee, together with the separate views and findings of the individual members of the Republican membership of the committee, if that is desirable.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUNDT. Mr. President, there is an appendix or a compilation of findings in our separate views. I assume the unanimous-consent request would include them, but I desired to make that certain.

Mr. MCCLELLAN. Is the Senator from South Dakota ready to submit his findings?

Mr. MUNDT. Yes.

Mr. MCCLELLAN. Mr. President, I ask unanimous consent that whatever material the Republican members of the select committee desire to submit may be filed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. MCCLELLAN. I yield.

Mr. ELLENDER. Does this conclude the work of the select committee?

Mr. MCCLELLAN. It does, with the exception of two or three more reports. I have in mind, however, holding one executive session of the select committee in order to conclude a matter, but I shall do so within the time limit.

Mr. ELLENDER. As I recall, the resolution provides a cutoff date.

Mr. MCCLELLAN. It is March 31. We are submitting our reports. Only two more are to be filed. I may at the time of filing them make a summary statement; and, of course, other Senators may wish to do the same thing.

Also, although I have not determined whether I shall do so, I may hold a brief executive hearing on one day in order to conclude a matter which the select committee has had under consideration.

Mr. MUNDT. Mr. President, will the Senator from Arkansas yield?

Mr. MCCLELLAN. I yield.

Mr. MUNDT. I believe the chairman might well assure the distinguished Senator from Louisiana, who has been something of a watchdog over select committees, that the Select Committee on Improper Activities in the Labor or Management Field expects to conclude its work on time. I believe it is safe to say also that the select committee will return to the Senate some unexpended funds.

Mr. MCCLELLAN. That is correct. We returned $100,000 of last year's money. This year we obtained $50,000 in order to continue our work to this time. I believe that almost half of that amount will be returned. I am not certain at the moment, but I am confident that a considerable amount of that sum will be returned.

Mr. MUNDT. Mr. President, I should like to make a statement in connection with the report the Senator from Arkansas [Mr. MCCLELLAN], the chairman of our committee, has filed. When he filed it, I addressed the Chair; but the Chair failed to recognize me.

Mr. President, pursuant to the unanimous consent received by the committee, I send to the desk the separate views of the Senator from Indiana [Mr. CAPEHART], the Senator from Nebraska [Mr. CURTIS], the Senator from Arizona [Mr. GOLDWATER], and myself, and ask—and in respect to this matter, the chairman of the committee and I are in complete agreement—that the several views of the chairman of the committee and the other members of the committee be printed together, under one cover.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUNDT. Mr. President, let me say that this report does not quite mark the termination of the activities of our committee, because, as the chairman has pointed out, we still have some minor reports to prepare, and the chairman of the committee has in mind a rather minor matter which is to come before the committee, in the form of a follow-up investigation.

I should like to state that I shall have more to say on the occasion of the final termination of our committee.

Since the retirement of Senator Ives, of New York, it has been my responsibility to serve as the ranking Republican member of the committee. I have been highly pleased with my experience in connection with serving with the distinguished chairman of the committee, who has done an admirable job of conducting the investigation. I have enjoyed my service with him, just as I have had the privilege also, of serving with him on other investigations, some of which have been more tempestuous than these, and some less.

Mr. President, this investigation has been an important one. Its importance is dramatized by the plethora of individual views which have been filed by committee members, and which are to be printed in connection with the committee's report.

Mr. President, if our committee had done nothing other than provide the background and the information for legislation which resulted in the passage of the Landrum-Griffin Act, it seems to me our committee would well have served the public interest and would well have justified its expenditures of public funds during the 3-year investigation on which the committee has been engaged. However, much information has been

obtained; and the newspapers publish almost daily new evidence of changes and alterations in labor-management relationships and in the structure of labor organizations, growing out of the evidence adduced by our committee.

I regret that we could not always act with unanimity; but that is scarcely to be expected in an investigation of an area so controversial as this one.

I feel that the committee has rendered great service; and I shall have more to say about this matter when the committee terminates its activities at the end of the month.

Mr. McCLELLAN. Mr. President, I wish to thank the distinguished Senator from South Dakota for his comments regarding the work of the committee.

I believe the committee's investigation has been more arduous, and possibly of longer duration, than that of any other Senate committee, at least since I have been a Member of this distinguished body.

The work of the committee has not been pleasant; at times it has been quite unpleasant.

Mr. President, when we consider all the facts and circumstances involved, I believe it somewhat remarkable that the committee members could work together as harmoniously and as effectively as they did to obtain some good results; and I feel that we have obtained some very good results.

I certainly agree with the distinguished Senator from South Dakota when he says he believes the Congress and the country got their money's worth. The expenditures made by the committee certainly were not wasted, but have contributed invaluably to the correction of some conditions which definitely needed legislative attention.

Mr. GOLDWATER subsequently said: Mr. President, today the Republican members of the Select Committee To Investigate Improper Activities in the Labor or Management Field filed separate views on three areas of investigation of this committee.

These separate views, which represent more than 2 years' work, and which are exhaustively documented, are, I believe, worthy of comment at this time.

Mr. President, I have no doubt that the charge of political motivation will be leveled at this report, in fact already has, and this charge is bound to be raised again now that the report is officially filed with the Senate.

Let me say to these critics that if it is politics to demand that the electorate of our Nation be given a factual disclosure of the investigation or lack of investigation pertaining to the hearings on Perfect Circle, the Kohler strike, and Richard Gosser, then we must plead guilty as charged.

However, I am convinced that a fair reading of the report which the Republican members of the McClellan committee have submitted will show that it is an accurate presentation of facts, it is thoroughly documented, and above all, it clearly defines the pattern of violence that goes hand in hand with the operation of the United Auto Workers.

Mr. President, that there is substance to this report is demonstrated by the recent action of UAW President Walter Reuther who requested that his union's public review board investigate the material presented in our separate views.

I hope that if the review board accepts jurisdiction of this matter it will be prepared to make the complete investigation which has hitherto been lacking. In that event, we would welcome the opportunity to present to them the material contained in the report which we now submit.

Mr. President, I invite attention to a section in our report which is entitled "The Development of a Technique Whereby Private Interest Can Use Illegal Force To Gain Its Ends." This is the section to which the junior Senator from Michigan objected when, in a preliminary draft, it was discovered that Michigan was referred to as "a privileged sanctuary for the harboring of criminals." This language also stirred indignation on the part of some segments of the press.

As I have noted, the language was subsequently changed for I felt there was merit in the argument of my colleague from Michigan.

However, I believe this change served to strengthen our position, for we then documented the cases of John Gunaca, Emil Mazey, William Vinson, and others, all pointing to the development by these masters of corrupt power of a technique whereby a private interest can use illegal force to gain its ends.

The far-reaching power of the UAW is distilled in the remark Gunaca made to his captor en route to the preliminary hearing:

Sarge, this will never do you any good. Mazey will never leave Soapy (Governor Williams) send me back to Wisconsin.

It is interesting to note, that following the publicity on this section, mail to my office from the State of Michigan supported our original language in a ratio of 8 to 1.

A Michigan clergyman wrote to me as follows:

The worst thing about the whole mess is that your report is factual and correct. Conditions such as you describe will obtain in Michigan so long as the Emil Mazeys, Jimmy Hoffas, and Victor Reuthers are in the saddle in the union movement.

I agree with Mr. HART that the facts are an insult and defamation to the fair State of Michigan, but I disagree in that I believe that the facts are still facts, and will continue to be facts until, and unless, stern action is taken by Congress.

It is puzzling to me that a statement by the chief counsel of our committee, Mr. Robert Kennedy, in which he asserted there was lax law enforcement in Michigan failed to stir any righteous indignation on the part of the same principals.

It is significant that an almost unanimous Senate in its current consideration of civil rights legislation approved my proposal making it a Federal crime for anyone who has been guilty of bombing or setting fire to any structure or facility to flee to another State. This is unequivocal recognition that existing legal procedures for dealing with the type of misconduct analogous to that in which Gunaca was involved are entirely inadequate.

I cannot sufficiently emphasize that in offering this proposal I made it perfectly clear that it was designed to reach precisely, among other things, this type of outrage against the general public.

It is ironic that labor legislation must be enacted in a civil rights bill, but that is exactly the posture this body finds itself in today.

REPORT OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES—FEDERAL STOCKPILE INVENTORIES AS OF DECEMBER 31, 1959

Mr. BYRD of Virginia. Mr. President, as chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, I submit a report on Federal Stockpile Inventories as of December 31, 1959, and ask unanimous consent to have it printed in the RECORD, together with a statement by me.

There being no objection, the report and statement were ordered to be printed in the RECORD, as follows:

FEDERAL STOCKPILE INVENTORIES, DECEMBER 31, 1959

INTRODUCTION

This is the first of a series of monthly reports on the condition of Federal stockpile inventories under the Department of Agriculture, General Services Administration, and Office of Civil and Defense Mobilization. The report is compiled from official data submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures by the agencies involved.

The three agencies reported that as of December 31, 1959, the cost value of materials in their stockpile inventories totaled $16 billion, as follows:

Summary of inventories, by agency and program, Dec. 31, 1959

Agency and program	*Cost value (in thousands)*
Department of Agriculture:	
Price support program:	
Agricultural commodities	$7,349,095
Exchange commodities, strategic and critical materials	103,353
Total, price support program	7,452,448
Defense Production Act program	3
Total, Department of Agriculture	7,452,451
General Services Administration:	
Strategic and critical materials:	
National stockpile	6,209,713
Federal Facilities Corporation, tin inventory	9,519
Defense Production Act program	1,424,006
Supplemental stockpile	644,902
Supplemental stockpile inventory in transit	45,045
Total, General Services Administration	8,333,185
Office of Civil and Defense Mobilization: Civil defense stockpile	201,570
Grand total	15,987,206

Subsequent regular monthly reports will show opening inventories at the beginning of the month in quantity and cost, transactions during the month, and the closing inventories at the end of the month.

Tables which follow in this report show each inventory by commodities except the national stockpile. Commodity detail for the national stockpile is classified. The inventory tables are as follows:

Table 1: Agricultural price support program: Inventories under Commodity Credit Corporation, including agricultural commodities, strategic and critical materials acquired by exchange or barter, and special acquisitions under the Defense Production Act.

Table 2: Strategic and critical materials: Inventories under General Services Administration, including materials in the national stockpile, Federal Facilities Corporation tin inventory, Defense Production Act purchase program, the supplemental stockpile of materials acquired by exchange or barter of agricultural commodities, etc., and inventory in transit from Commodity Credit Corporation to the supplemental stockpile.

Table 3: Civil defense stockpile: Inventory under the Office of Civil and Defense Mobilization.

Appendix: Program descriptions, statutory citations, and explanatory notes relating to the reporting of strategic and critical materials acquired by exchange or barter of agricultural commodities.

APPENDIX

U.S. DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

The price-support program

Price-support operations are carried out under the Corporation's charter powers (15 U.S.C. 714), in conformity with the Agricultural Act of 1949 (7 U.S.C. 1421), the Agricultural Act of 1954 (7 U.S.C. 1741), which includes the National Wool Act of 1954, the Agricultural Act of 1956 (7 U.S.C. 1442), the Agricultural Act of 1958 and with respect to certain types of tobacco, in conformity with the act of July 28, 1945, as amended (7 U.S.C. 1312). Under the Agricultural Act of 1949, price support is mandatory for the basic commodities—corn, cotton, wheat, rice, peanuts, and tobacco—and specific nonbasic commodities; namely, tung nuts, honey, milk, butterfat, and the products of milk and butterfat. Under the Agricultural Act of 1958, as producers of corn voted in favor of the new price-support program for corn authorized by that act, price support is mandatory for barley, oats, rye, and grain sorghums. Price support for wool and mohair is mandatory under the National Wool Act of 1954, through the marketing year ending March 31, 1962. Price support for other nonbasic agricultural commodities is discretionary except that whenever the price of either cottonseed or soybeans is supported, the price of the other must be supported at such level as the Secretary determines will cause them to compete on equal terms on the market. This program may also include operations to remove and dispose of or aid in the removal or disposition of surplus agricultural commodities for the purpose of stabilizing prices at levels not in excess of permissible price-support levels.

Price support is made available through loans, purchase agreements, purchases, and other operations, and, in the case of wool and mohair, through incentive payments based on marketings. The producer's commodities serve as collateral for price-support loans. With limited exceptions, price-support loans are nonrecourse and the Corporation looks only to the pledged or mortgaged collateral for satisfaction of the loan. Purchase agreements generally are available during the same period that loans are available. By signing a purchase agreement, a producer receives an option to sell to the Corporation any quantity of the commodity which he may elect within the maximum specified in the agreement.

The major effect on budgetary expenditures is represented by the disbursements for

TABLE 1.—*Agricultural price support program—Inventories under Commodity Credit Corporation, including agricultural commodities, strategic and critical materials acquired by exchange or barter, and special acquisitions under the Defense Production Act*

EXPLANATORY NOTES

This table shows inventories as recorded in the accounts of the Commodity Credit Corporation as of Dec. 31, 1959. The Commodity Credit Corporation defines the content of each column as follows:

Commodity: Lists each commodity in the form in which it exists when extended support, and in some instances in a form to which the supported commodity is processed or converted to increase marketability. The commodities are grouped under the appropriate statutory subclassifications as "Basic," "Designated nonbasic," "Other nonbasic," and "Exchange."

Unit of measure: The applicable unit used in the accounting records and reports of the Corporation.

Inventory: Shown in terms of quantity (number of units) and cost value. All inventories are recorded in the accounts at cost. "Cost value" is comprised of the initial cost of the commodity plus storage, handling, transportation, and accessorial expenses paid or accrued up to the date of reporting. The initial cost of inventories acquired by delivery of collateral securing loans is the unpaid balance of the notes plus storage and other charges advanced, any equities due or paid to producers on warehouse-stored collateral (by Public Law 85-836, and beginning with 1959 crop production, the Corporation will not make equity payments to borrowers on unredeemed price-support loan collateral, title to which it acquired on or after maturity of the loans), and the net value of any quantity or quality differences determined upon delivery of farm-stored collateral. Amounts paid to lending agencies participating in the loan program for crop years prior to 1958 were recorded as a part of inventory cost.

[In thousands]

Program and commodity	Unit of measure	Inventory, Dec. 31, 1959	
		Quantity	Cost value
Price support program:			
Agricultural commodities:			
Basic commodities:			
Corn	Bushel	1,235,090	$2,172,954
Cornmeal	Pound		
Cotton, extra long staple	Bale	50	16,909
Cotton, upland	do	7,523	1,311,878
Peanuts, farmers' stock	Pound	25,089	2,309
Peanuts, shelled	do	68,968	11,486
Peanut butter	do		
Rice, milled	Hundredweight	3,657	30,745
Rice, rough	do	3,160	17,882
Tobacco	Pound	6,045	4,005
Wheat	Bushel	1,109,175	2,892,141
Wheat flour	Pound		
Total, basic commodities			6,469,399
Designated nonbasic commodities:			
Barley	Bushel	64,648	76,185
Grain sorghum	Hundredweight	269,302	701,662
Honey	Pound	2,002	196
Milk and butterfat:			
Butter	do	17,236	10,253
Cheese	do	28,700	10,126
Milk, dried	do	59,716	8,831
Milk, fluid	do		
Oats	Bushel	17,484	13,316
Rye	do	3,176	4,051
Tung oil	Pound	26,309	5,577
Total, designated nonbasic commodities.			830,216
Other nonbasic commodities:			
Beans, dry edible	Hundredweight	(1)	2
Cottonseed oil, crude	Pound	6	1
Cottonseed oil, refined	do	1	(1)
Flaxseed	Bushel	438	1,397
Linseed oil	Pound	55,616	6,671
Rosin	do	14,474	1,160
Soybeans	Bushel	17,651	40,250
Total, other nonbasic commodities.			49,480
Total, agricultural commodities.			7,349,095
Exchange commodities—strategic and critical materials: [2]			
Aluminum oxide, abrasive, crude	Pound	29,105	$1,973
Antimony, metal	do	1,933	445
Asbestos, amosite	do	3,990	499
Asbestos, crocidolite	do	2,701	427
Bauxite	do	764,440	4,930
Beryllium copper master alloy	do	626	1,242
Cadmium	do	184	247
Chrome ore, chemical grade	do	81,311	691
Chrome ore, refractory grade	do		
Chrome ore, Turkish, metallurgical	do	44,132	1,202
Chromium metal	do	920	884
Colmanite, Turkish boron minerals	do	10,478	274
Copper	do		
Diamonds	Carat	2,896	35,397
Ferrochrome, high carbon	Pound	79,322	13,555
Ferrochrome, low carbon	do	31,491	6,723
Ferromanganese	do	1,492	141
Fluorspar, acid grade	do	16,409	298
Fluorspar, metallurgical	do	65,057	929
Lead	do	60,996	5,912
Manganese ore, chemical grade	do	40,853	2,059
Manganese ore, metallurgical	do	134,914	2,726
Manganese ore, natural, battery	do	21,062	999
Mercury	do		
Mica	do	525	913
Palladium	Troy ounce	60	1,016
Quartz	Pound	77	1,166
Selenium	do	87	566
Silicon carbide	do	19,430	1,779
Thorium nitrate	do	2,720	6,185
Tin	do	4,257	4,326
Titanium sponge	do	1,500	1,800
Zinc	do	35,538	4,070
Total, exchange commodities—strategic and critical materials.			103,353
Total, price support program			7,452,448
Defense Production Act inventory: Cotton, American-Egyptian.	Bale	(1)	3
Total, Department of Agriculture.			7,452,451

[1] Less than 500.

[2] See appendix for notes relating to reporting of strategic and critical materials acquired by exchange or barter of agricultural commodities.

NOTE.—Figures are rounded and may not add to totals.

TABLE 2.—*Strategic and critical materials—Inventories under General Services Administration, including materials in the national stockpile, Federal Facilities Corporation tin inventory, Defense Production Act purchase program, the supplemental stockpile of materials acquired by exchange or barter of agricultural commodities, etc., and inventory in transit from Commodity Credit Corporation to the supplemental stockpile*

EXPLANATORY NOTES

This table shows inventories as recorded in the accounts of the General Services Administration as of Dec. 31, 1959. The General Services Administration defines the content of each column as follows:

Program and commodity: Identifies the program and the minerals, metals, fibers and oils acquired under the program.

Unit of measure: The standard weight or measure of minerals, metals, fibers, and oils determined to be the stockpile unit of measure.

Inventory: Represents quantity and cost of material in storage. For the national stockpile and Defense Production Act acquisitions include open market purchases at contract prices; intradepartmental transfers at market or appraised value at time of transfer; transportation to first permanent storage location; and beneficiating and processing cost in upgrading materials. For the supplemental stockpile acquisition include the market value or Commodity Credit Corporation's acquisition cost whichever is the lower at time of transfer from Commodity Credit Corporation. Figures are net of certain inventory and accounting adjustments.

[In thousands]

Program and commodity	Unit of measure	Inventory, Dec. 31, 1959	
		Quantity	Cost value
National stockpile, total (classified detail omitted).			$6,209,713
Federal Facilities Corporation: Tin	Long ton	4	9,519
Defense Production Act:			
Aluminum	Short ton	690	350,039
Asbestos, chrysotile	Short dry ton	2	2,103
Bauxite, metal grade, Jamaica type	Long dry ton	1,370	18,168
Beryl	Short ton	2	976
Bismuth	Pound	23	62
Chromite, metallurgical grade	Short dry ton	788	28,622
Cobalt	Pound	20,641	43,774
Columbite	do	11,068	54,424
Copper	Short ton	136	75,589
Cryolite	do	39	10,676
Fluorspar, acid grade	Short dry ton	20	1,394
Graphite, lubricating	Short ton	1	178
Lead	do	8	3,036
Manganese, battery grade, synthetic dioxide.	Short dry ton	4	2,524
Manganese, metallurgical grade	do	2,838	161,463
Mica, muscovite block, strained and better.	Pound	5,186	28,041
Mica, muscovite film	do	93	503
Nickel	do	149,794	131,511
Palladium	Troy ounce	8	177
Rare earth residue	Pound	5,551	594
Rutile	Short dry ton	8	1,458
Thorium	Pound	720	36
Tantalite	do	925	6,075
Tin	Long ton	1	1,038
Titanium	Short ton	22	162,332
Tungsten	Pound	79,811	325,459
Subtotal, DPA commodities			1,410,243
Machine tools inventory:			
In storage	Machine	1	9,285
On lease	do	(1)	4,466
On loan	do	(1)	12
Subtotal, DPA machine tools inventory.			13,764
Total, Defense Production Act.			1,424,006
Supplemental stockpile: [2]			
Aluminum oxide, fused, crude	Short ton	101	12,784
Antimony, metal	do	.7	3,970
Asbestos, chrysotile	Short dry ton	5	3,499
Bauxite, metal grade, Jamaica type	Long dry ton	1,702	24,632
Beryl	Short ton	7	12,965
Bismuth	Pound	1,146	2,579
Cadmium	do	6,108	10,287
Chromite, chemical grade	Short dry ton	14	9,121
Chromite, metallurgical grade	do	963	153,881
Cobalt	Pound	1,077	$2,169
Colemanite	Long dry ton	33	2,152
Columbite	Pound	42	235
Copper	Short ton	9	6,218
Diamond, industrial; stones	Carat	7,010	91,823
Fluorspar, acid grade	Short dry ton	402	22,671
Graphite, natural Ceylon, amorphous lump.	do	1	341
Iodine	Pound	242	231
Lead	Short ton	176	48,640
Manganese, battery grade, natural	Short dry ton	31	2,881
Manganese, chemical grade, type B	do	17	1,407
Manganese, metallurgical grade	do	1,037	90,563
Mica, muscovite block, strained and better.	Pound	197	591
Mica, muscovite film	do	17	184
Mica, muscovite splittings	do	4,429	5,295
Palladium	Troy ounce	463	8,309
Quartz crystals	Pound	82	1,099
Rare earths	Short dry ton	2	2,427
Selenium	Pound	60	436
Silicon carbide, crude	Short ton	38	7,417
Titanium	do	5	18,937
Tungsten	Pound	4,485	15,627
Zinc	Short ton	294	72,535
Total, supplemental stockpile			644,902
Supplemental stockpile inventory in transit: [2]			
Bauxite	Long dry ton	638	9,756
Beryllium copper master alloy	Short ton	(1)	1,482
Cadmium	Pound	140	189
Chrome ore, Turkish, metallurgical.	Short dry ton	28	1,532
Chromite, refractory	do	153	4,378
Chromium metal	Short ton	1	1,551
Colemanite	Long dry ton	6	391
Ferrochrome, high carbon	Short ton	7	2,232
Ferrochrome, low carbon	do	11	4,662
Ferromanganese	do	5	1,039
Fluorspar, acid grade	Short dry ton	43	1,728
Lead	Short ton	15	2,972
Manganese ore	Short dry ton	4	372
Mercury	Flask	16	3,396
Mica	Pound	145	252
Palladium	Troy ounce	25	426
Ruthenium	do	13	533
Silicon carbide, crude	Short dry ton	16	2,847
Thorium nitrate	Pound	1,200	2,720
Zinc	Short ton	11	2,592
Total, supplemental stockpile inventory in transit.			45,045
Total, General Services Administration.			8,333,185

[1] Less than 500.

[2] See appendix, for notes relating to reporting of strategic and critical materials acquired by exchange or barter of agricultural commodities.

NOTE.—Figures are rounded and may not add to totals.

price-support loans. The largest part of the commodity acquisitions under the program result from the forfeiting of commodities pledged as loan collateral for which the expenditures occurred at the time of making the loan, rather than at the time of acquiring the commodities.

Dispositions of commodities acquired by the Corporation in its price-support operations are made in compliance with sections 202, 407, and 416 of the Agricultural Act of 1949, and other applicable legislation, particularly the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691), title I of the Agricultural Act of 1954, title II of the Agricultural Act of 1956, the Agricultural Act of 1958, the act of August 19, 1958, in the case of cornmeal and wheat flour, and the act of September 21, 1959, with regard to sales of livestock feed in emergency areas.

Defense Production Act Program

The programs authorized by and certified to the Secretary of Agriculture under the provisions of the Defense Production Act are administered and operated through the Commodity Credit Corporation.

All present and past programs involved the acquisition and disposition of agricultural commodities or products thereof. Commodities acquired are entered in and maintained through the inventory accounts of the Corporation. As the commodities are disposed of, the realized gains or losses are recorded by CCC as a receivable against the Secretary of Agriculture. Administrative expenses of the Corporation are recorded in this receivable; and interest is computed monthly on the total amount of CCC's investment at the same rate per annum as that paid by the Corporation on its borrowings from the Treasury.

The net total of realized gains and losses, CCC's administrative expenses, and CCC's interest expense represented a payable item under the revolving fund.

The recording of realized gains or losses represents a cash basis, inasmuch as the amounts recorded represent the net results of actual dispositions. Values of inventories on hand at reporting date are not included in these fund accounts and therefore allowances for losses are not included. Administrative and interest expenses are accounted for on an accrual basis. All values are at cost.

When a program is completed, the Secretary of Agriculture secures funds by issuing interest-bearing notes to the Treasury and reimburses CCC. Interest on the notes issued by the Secretary is accrued monthly, compounded semiannually, as an accrued liability of the revolving fund.

TABLE 3.—*Civil defense stockpile—Inventory under Office of Civil and Defense Mobilization*

EXPLANATORY NOTES

This report shows the civil defense inventory as recorded in the accounts of the Office of Civil and Defense Mobilization, as of December 31, 1959. The Office of Civil and Defense Mobilization defines the content of each column as follows:

Commodity: Composite groups of many different items.

Unit of measure: Shown only for engineering supply units and hospital functional units; not feasible by other composite groups.

Inventory-quantity: Shown only for 2 items, namely, engineering supply units and civil defense emergency hospital functional units. It is not feasible to furnish quantity figures on the other commodity groups because they are composite groups of many different items. To report quantities, it would be necessary to list several hundred different items.

Inventory-cost value: The dollar value figures on commodities in the civil defense stockpile inventory reflect essentially the actual costs of the commodities. No transportation, delivery, or storage costs are included. However, these statements should be qualified by the fact that the total inventory includes Government excess property items valued at over $2,000,000 (a little more than 1 percent of the total), which were acquired by Office of Civil and Defense Mobilization at little or no cost. These materials are received into the inventory on 1 of 3 value bases: Items similar or identical to items purchased in the open market for stockpile purposes are accepted at the average unit cost for similar items purchased; the remaining items are accepted at a current fair value, if such has been determined or, at the original acquisition cost to the Federal Government, if a current fair value has not been determined.

[In thousands]

Commodity	Unit of measure	Inventory, Dec. 31, 1959	
		Quantity	Value
Engineering stockpile (engine generators, pumps, chlorinators, purifiers, pipe and fittings).	10-mile units	(1)	$6,210
Medical bulk stocks and associated items at OCDM locations.			105,763
Medical bulk stocks at manufacturer locations.			34,544
Chemical and biological equipment			$1,214
Radiological equipment			6,168
Civil defense emergency hospital functional units.	Each	2	28,822
Replenishment units for hospitals			8,850
Total, civil defense stockpile			201,570

[1] Less than 500.

NOTE.—Figures are rounded and may not add to totals.

GENERAL SERVICES ADMINISTRATION

Strategic and critical materials stockpiling and related programs

1. National Stockpile

The Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) provides for the establishment and maintenance of a national stockpile of strategic and critical materials. GSA is responsible for making purchases of strategic and critical materials and providing for their storage, security, and maintenance. These functions are performed in accordance with directives issued by the Director of the Office of Civil and Defense Mobilization. The act also provides for the transfer from other Government agencies of strategic and critical materials which are excess to the needs of such other agencies and are required to meet the stockpile objectives established by OCDM. In addition, GSA is responsible for disposing of those strategic and critical materials which OCDM determines to be no longer needed for stockpile purposes.

General policies for strategic and critical materials stockpiling are contained in DMO V–7, issued by the Director of the Office of Civil and Defense Mobilization and published in the Federal Register of December 19, 1959 (24 F.R. 10309). Portions of this order relate also to Defense Production Act inventories.

2. Tin Received From Federal Facilities Corporation

Public Law 608, 84th Congress (50 U.S.C. 98 note), provided, among other things, for the continuation of operation of the Government-owned tin smelter at Texas City, Tex., from June 30, 1956, until January 31, 1957. It provided also that all tin acquired by the Federal Facilities Corporation by reason of such extension should be transferred to GSA.

3. Defense Production Act

Under section 303 of the Defense Production Act of 1950 (50 U.S.C. app. 2093) and Executive Order No. 10480, as amended, GSA is authorized to make purchases of or commitments to purchase metals, minerals, and other materials, for Government use or resale, in order to expand productive capacity and supply, and also to store the materials acquired as a result of such purchases or commitments. Such functions are carried out in accordance with programs certified by the Director of the Office of Civil and Defense Mobilization.

4. Supplemental Stockpile

As a result of a delegation of authority from OCDM (32A CFR, ch. I, DCO V–4), GSA is responsible for the maintenance and storage of materials placed in the supplemental stockpile. Section 206 of the Agricultural Act of 1956 (7 U.S.C. 1856) provides that strategic and other materials acquired by the Commodity Credit Corporation as a result of barter or exchange of agricultural products, unless acquired for the national stockpile or for other purposes, shall be transferred to the supplemental stockpile established by section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1704(b)). In addition to the materials which have been or may be so acquired, the materials obtained under the programs established pursuant to the Domestic Tungsten, Asbestos, Fluorspar, and Columbium-Tantalum Production and Purchase Act of 1956 (50 U.S.C. app. 2191–2195), which terminated December 31, 1958, have been transferred to the supplemental stockpile, as authorized by the provisions of said Production and Purchase Act.

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

Civil defense stockpile program

This stockpiling program, under authorization of Public Law 920, 81st Congress, section 201(h), is designed to provide some of the most essential medical and engineering supplies for emergency use in event of enemy attack. Materials and equipment not normally available or not present in the quantities needed to cope with such conditions are stockpiled at strategic locations. The Office of Civil and Defense Mobilization stockpile procured to date, including medical supplies, emergency engineering equipment, and radiological instruments, is stored and maintained in a nationwide warehouse system consisting of medical and general storage facilities.

EXPLANATORY NOTES RELATING TO THE REPORTING OF STRATEGIC AND CRITICAL MATERIALS ACQUIRED BY EXCHANGE OR BARTER OF AGRICULTURAL COMMODITIES

Surplus agricultural commodities in the Commodity Credit Corporation's price-support inventory may be exchanged or bartered for strategic and critical materials under the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480), and other basic legislation, including the CCC Charter Act, as amended, Agricultural Act of 1954, and the Agricultural Act of 1956.

Except for small amounts which may go to the national stockpile, the strategic and critical materials acquired by Commodity Credit Corporation under the barter program are transferred to the supplemental stockpile.

Direct appropriations reimburse Commodity Credit Corporation for materials so transferred from the price support inventory.

The General Services Administration is charged with the custody and management of strategic and critical materials, and becomes the responsible reporting agency when title to these bartered materials is placed in the supplemental stockpile.

For purposes of this report, strategic and critical materials acquired by barter appear in three inventories, reflecting the stages of the transfer of title.

1. The Department of Agriculture reports those to which the Commodity Credit Corporation still has title, prior to transfer to the supplemental stockpile.

2. The General Services Administration reports those which have been transferred from the Commodity Credit Corporation exchange inventory in two parts:

A. Materials for which title is "in transit" from Commodity Credit Corporation to the supplemental stockpile.

B. Materials for which title has passed to the supplemental stockpile.

Totals for these three inventories, as shown in this report, follow:

Exchange commodities held by Commodity Credit Corporation for transfer to the supplemental stockpile	$103,353,000
Inventory "in transit" from Commodity Credit Corporation to the supplemental stockpile	45,045,000
Supplemental stockpile	644,902,000

STATEMENT BY SENATOR BYRD OF VIRGINIA

The cost value of materials in Federal stockpiles in custody of three agencies—Department of Agriculture, General Services Administration and the Office of Civil and Defense Mobilization—totals $16 billion.

A summary of the cost value of the materials in these inventories, by agency and program, as of December 31, 1959, follows:

[In thousands]

Department of Agriculture:	
Price support program:	
Agriculture commodities	$7,349,095
Exchange commodities, strategic and critical materials	103,353
Total, price support program	7,452,448

[In thousands]	
Department of Agriculture—Con.	
Defense Production Act program	3
Total, Department of Agriculture	7,452,451
General Service Administration:	
Strategic and critical materials:	
National stockpile	6,209,713
Federal Facilities Corporation, tin inventory	9,519
Defense Production Act program	1,424,006
Supplemental stockpile	644,902
Supplemental stockpile inventory in transit	45,045
Total, General Services Administration	8,333,185
Office of Civil and Defense Mobilization: Civil defense stockpile	201,570
Grand total	15,987,206

These figures were developed in the first of a series of monthly reports on the Federal stockpile situation to be published by the Joint Committee on Reduction of Nonessential Federal Expenditures.

AGRICULTURAL COMMODITIES

The report shows a total of $7.3 billion in 25 agricultural commodities in the Commodity Credit Corporation price support inventory. Commodities leading in cost value include:

More than 1.1 billion bushels of wheat at a cost of 2.9 billion.

More than 1.2 billion bushels of corn at a cost of 2.2 billion.

More than 7.5 million bales of cotton at a cost of more than $1.3 billion.

More than 269 million hundredweight of grain sorghum at a cost of $702 million.

STRATEGIC AND CRITICAL MATERIALS

The report shows strategic and critical materials in six inventories totaling $8.4 billion. Of this total $6.2 billion is in the national stockpile for which the commodity breakdown is classified. Combined figures from the other five inventories show commodities (in all grades and forms) leading in cost value as follows:

Nearly 4.9 million tons of aluminum, bauxite, etc., at a cost of $422 million.

More than 84 million pounds of tungsten at a cost of $341 million

More than 4 million tons of manganese, manganese ores, etc., at a cost of $275 million.

More than 2 million tons of chrome, chrome ores, etc., at a cost of $229 million.

Twenty-eight thousand tons of titanium at a cost of $183 million.

Nearly 150 million pounds of nickel at a cost of $132 million.

More than 9.9 million carats of diamonds at a cost of $127 million.

CIVIL DEFENSE SUPPLIES AND EQUIPMENT

The report shows the civil defense stockpile of medical and engineering supplies and equipment in seven composite groups totaling $202 million. Nearly 70 percent of this total is in medical bulk stocks, valued at $140.3 million.

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. JOHNSTON of South Carolina, from the Joint Select Committee on the Disposition of Papers in the Executive Departments, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Administrator of General Services, that appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Lyndall G. Beamer, of Illinois, for appointment as a Foreign Service officer of class 8, a vice consul of career, and a secretary in the diplomatic service;

Theodore C. Achilles, of the District of Columbia, to be Counselor of the Department of State;

Thomas C. Mann, of Texas, a Foreign Service officer of class 1, and Assistant Secretary of State for Economic Affairs, to be the representative to the 16th session of the Economic Commission for Asia and the Far East of the Economic and Social Council of the United Nations;

Sigurd S. Larmon, of New York, to be a member of the United States Advisory Commission on Information;

Selden Chapin, of the District of Columbia, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary to Peru; and

Ralph J. Blake, of Oregon, and sundry other persons, for appointment and promotion in the Foreign Service.

By Mr. ANDERSON, from the Joint Committee on Atomic Energy:

Robert E. Wilson, of Illinois, to be a member of the Atomic Energy Commission, for the remainder of the term expiring June 30, 1960; and

Robert E. Wilson, of Illinois, to be a member of the Atomic Energy Commission for a term of 5 years expiring June 30, 1965.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BENNETT:

S. 3200. A bill to amend the Internal Revenue Code of 1954 to provide that the taxpayer's personal exemption for an individual not related to him shall be allowed if such individual resides in his home for the major part of the taxable year, making special provision where such individual is a child living with him for the duration of a school year; to the Committee on Finance.

By Mr. PROXMIRE:

S. 3201. A bill for the relief of Sonja Dolata; to the Committee on the Judiciary.

By Mr. YARBOROUGH:

S. 3202. A bill to provide extra compensation for Sunday or holiday work by employees of the Department of Agriculture performing inspection or quarantine services; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. YARBOROUGH when he introduced the above bill, which appear under a separate heading.)

By Mr. LONG of Hawaii:

S. 3203. A bill to provide for promotion of economic and social development in the Ryukyu Islands; to the Committee on Armed Services.

(See the remarks of Mr. LONG of Hawaii when he introduced the above bill, which appear under a separate heading.)

By Mr. ELLENDER (for himself, Mr. LONG of Louisiana, Mr. EASTLAND, Mr. STENNIS, and Mr. YARBOROUGH):

S. 3204. A bill to amend the Tariff Act of 1930 to provide for the establishment of country-by-country quotas for the importation of shrimps and shrimp products, to impose a duty on all unprocessed shrimp imported in excess of the applicable quota, and to impose a duty on processed shrimp and prohibit its importation in excess of the applicable quota; to the Committee on Finance.

(See the remarks of Mr. ELLENDER when he introduced the above bill, which appear under a separate heading.)

By Mr. ANDERSON:

S. 3205. A bill to provide for the construction of recreation facilities in the Elephant Butte Reservoir area, New Mexico; to the Committee on Interior and Insular Affairs.

By Mr. MAGNUSON:

S. 3206. A bill to authorize the construction of an oceangoing hydrofoil vessel in order to demonstrate the commercial application of hydrofoil seacraft; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMS of Delaware:

S. 3207. A bill to eliminate block voting for marketing orders; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. WILLIAMS of Delaware when he introduced the above bill, which appear under a separate heading.)

RESOLUTIONS

TRANSFER TO COMMITTEE ON GOVERNMENT OPERATIONS ALL PAPERS OF SELECT COMMITTEE ON IMPROPER ACTIVITIES IN LABOR-MANAGEMENT FIELD, AND AUTHORIZING CONTINUING STUDIES

Mr. McCLELLAN (for himself, Mr. ERVIN, Mr. MUNDT, and Mr. GOLDWATER) submitted a resolution (S. Res. 287) to transfer to the Committee on Government Operations all papers of the Select Committee on Improper Activities in the Labor-Management Field, and authorizing continuing studies, which was referred to the Committee on Government Operations.

(See the above resolution printed in full when submitted by Mr. McCLELLAN, which appears under a separate heading.)

ADLER CONSTRUCTION CO.—REFERENCE OF BILL TO COURT OF CLAIMS

Mr. HRUSKA submitted the following resolution (S. Res. 288); which was referred to the Committee on the Judiciary:

Resolved, That the bill (S. 3199) entitled "A bill for the relief of the Adler Construction Company," now pending in the Senate, together with all accompanying papers, is hereby referred to the Court of Claims; and the court shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code and report to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States and the amount, if any, legally or equitably due from the United States to the claimant.

FUNERAL EXPENSES OF THE LATE SENATOR NEUBERGER OF OREGON

Mr. MORSE submitted the following resolution (S. Res. 289); which was referred to the Committee on Rules and Administration:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed to arrange for and attend the funeral of the Honorable Richard L. Neuberger, late a Senator from the State of Oregon, on vouchers to be approved by the chairman of the Committee on Rules and Administration.

KURE BEACH, N.C.—REFERENCE OF BILL TO COURT OF CLAIMS

Mr. ERVIN (for himself and Mr. JORDAN) submitted the following resolution (S. Res. 290); which was referred to the Committee on the Judiciary:

Resolved, That the bill (S. 3150) entitled "A bill for the relief of the town of Kure Beach, North Carolina," together with all accompanying papers, is hereby referred to the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code; and the court shall proceed expeditiously with the same and report to the Senate, at the earliest practicable date, such findings of fact, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitation should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy, and conclusions based on such facts as shall be sufficient to inform Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

EXTRA COMPENSATION FOR OVERTIME WORK BY EMPLOYEES OF INSPECTION OR QUARANTINE SERVICES, DEPARTMENT OF AGRICULTURE

Mr. YARBOROUGH. Mr. President, I introduce for appropriate reference a bill to improve the pay of those working in Department of Agriculture inspectional services at the points of entry into our country. This long-needed step would allow the import-export plant and animal inspectors of the Department of Agriculture premium pay for Sunday or holiday work. Premium pay for this work is now received by the other inspectors who work alongside the plant and animal inspectors at border and port stations. These, the Customs, Immigration, and Public Health inspectors, now receive premium pay for Sunday work or holiday work. The plant and animal inspectors, who hold interchangeable designations with the other inspectors, sometimes performing their work, receive only regular pay for Sunday or holiday work. This certainly does not create desirable morale in the border and port stations and it is hoped that this bill will correct this situation.

I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3202) to provide extra compensation for Sunday or holiday work by employees of the Department of Agriculture performing inspection or quarantine services, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to enable the Secretary of Agriculture to furnish, upon a reimbursable basis, certain inspection services involving overtime work," approved August 28, 1950 (64 Stat. 561), is amended by inserting the word "Sunday," between the words "night," and "or," and by adding after the last sentence the following: "Pay for Sunday or holiday work shall be computed on the basis of two times the basic hourly rate for each hour of work, in addition to any basic pay for that day. Any employee required to perform work on a Sunday or holiday shall be compensated for at least two hours of such work."

SEC. 2. The amendment made by this Act shall take effect at the beginning of the first pay period following its enactment.

FINANCIAL AID TO OKINAWA

Mr. LONG of Hawaii. Mr. President, I introduce, for appropriate reference, a bill to provide for the promotion of the economic and social development in the Ryukyu Islands. For almost 15 years the United States has occupied the Ryukyu Islands, of which Okinawa is the principal island. Our control is under international law; but since April 1, 1952, almost exactly 8 years ago, we have authorized local governmental institutions to participate in the governance of the island group. For the central government, these institutions include a unicameral legislature, a Ryukyuan chief executive, and independent courts. Regional and municipal governmental units also exercise increasing powers. However, the United States has retained overall authority, and therefore has primary responsibility for the well-being of the islands.

Okinawa has been repeatedly caught in the crossfire of international conflict. Themselves famous for their peaceful ways, the people of the Ryukyus saw their islands fortified and defended to the death by Japan, during World War II. Since the war, the United States, in its own defense and that of the other democratic powers, has based an important part of its air defenses in the Ryukyus. It seems clear that we must stay there for the foreseeable future.

The people of Okinawa have both benefited and been disturbed by American occupation. For the most part our occupation has been conducive to friendly relations. Our military expenditures comprise the largest source of jobs and income to Okinawans. Under American occupation, reconstruction of war damage has gone forward and the standard of living has been raised. Health conditions have been improved, life expectancy has been lengthened.

Given the harsh circumstances of the cold war and our essential need for an airbase in Okinawa—which most of its people understand and accept—we have generally acquitted ourselves well. However, there is room for improvement. To make one basic improvement is the purpose of this bill.

What is critically needed in Okinawa is capital for economic development. A young and growing population requires more job opportunities each year. Only new industries and the expansion of long established industries can create these jobs and can reduce the island's dependence on U.S. military expenditures.

To a limited extent, this capital can be supplied from private sources. For example, last December a Hawaiian corporation called Ryu-Sons International, formed of young business and professional men from Hawaii of Okinawan ancestry, was licensed to do business in the Ryukyus. The corporation is capitalized at $500,000. It will manufacture lacquerware and prefabricated houses, and will engage in dredging and land reclamation.

These private investments are laudable, and I hope they will multiply. However, there is need for massive assistance, which at present can come only from government sources, the kind we are giving to nations around the globe.

Furthermore, Mr. President, we have an obligation to reimburse, the Government of the Ryukyu Islands for services performed for the benefit of our Armed Forces stationed there—just as we defray a large portion of the expenses of the District of Columbia for services performed for Federal activities in the Capital. If it were not for the presence of our military personnel, the public health, safety, and other governmental programs in Okinawa would be much smaller than they actually are.

The bill I am introducing would support these programs of direct benefit to the United States, and at the same time would help finance economic development in the Ryukyus, by annually earmarking for the island government up to $6 million of Federal income taxes withheld at the source in Okinawa. In addition, all revenues collected by the Government of the Ryukyus would be covered into its treasury.

Congressional control would be retained by a provision requiring the consent of the Appropriations Committees of the Senate and House of Representatives before retained income taxes could be spent on any program costing more than $5,000. The only exception would be relief from the damage done by typhoons and other natural disasters. In such cases a report to the committees would be required within 60 days of the emergency expenditure.

Ample precedent exists for permitting island territories and dependencies to retain Federal taxes collected within their boundaries. These precedents include similar arrangements made with the Philippine Islands, Puerto Rico, Virgin Islands, and Guam. In each case the effect of the tax transfer was salutary, both to the economy of the area and to the relationship of its people to our Government. I am confident that the same will be true if this bill becomes law.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3203) to provide for promotion of economic and social development in the Ryukyu Islands, introduced by Mr. LONG of Hawaii, was received, read twice by its title, and referred to the Committee on Armed Services.

AMENDMENT OF TARIFF ACT OF 1950, RELATING TO QUOTAS FOR, AND IMPOSITION OF DUTY ON IMPORTATION OF SHRIMP

Mr. ELLENDER. Mr. President, on behalf of myself, my colleague, the junior Senator from Louisiana [Mr. LONG], the Senators from Mississippi [Mr. EASTLAND and Mr. STENNIS], and the Senator from Texas [Mr. YARBOROUGH], I introduce, for appropriate reference, a bill to amend the Tariff Act of 1930 to provide for the establishment of country-by-country quotas for the importation of shrimps and shrimp products, to impose a duty on all unprocessed shrimp imported in excess of the applicable quota, and to impose a duty on processed shrimp and prohibit its importation in excess of the applicable quota.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3204) to amend the Tariff Act of 1930 to provide for the establishment of country-by-country quotas for the importation of shrimps and shrimp products, to impose a duty on all unprocessed shrimp imported in excess of the applicable quota, and to impose a duty on processed shrimp and prohibit its importation in excess of the applicable quota, introduced by Mr. ELLENDER (for himself, Mr. LONG of Louisiana, Mr. EASTLAND, Mr. STENNIS, and Mr. YARBOROUGH), was received, read twice by its title, and referred to the Committee on Finance.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the bill may remain at the desk until 2 p. m. on March 18, so that in the event any other Senators wish to join as cosponsors they may do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, the bill would amend the Tariff Act of 1930 to provide for establishment of country-by-country quotas for the importation of shrimp and shrimp products, to impose a duty on all unprocessed shrimp imported in excess of the applicable quota, and to impose a duty on processed shrimp and prohibit its importation in excess of the applicable quota.

Purpose of the bill is to assure an orderly increase in shrimp imports in a manner calculated to protect domestic shrimp producers while promoting growth and stability in the shrimp market throughout the world.

The bill directs establishment of initial quotas for processed and unprocessed shrimp, effective for year 1960. The initial quota by country cannot be less than actual 1958 imports, or January-August 1959, imports, plus 50 percent, whichever is higher. A country with no history of importation would have a provisional quota of 100,000 pounds of shrimp.

After the initial quota is established, the bill provides for a cumulative increase in country-by-country quotas for 5 years in order to determine the permanent quotas for each country. These annual quota increases range from 5 percent annually, compounded, for countries exporting more than 5 million pounds of shrimp to this country to 25 percent for those exporting less than 1 million pounds.

At the end of the 5 years, a permanent basic quota for each country will be calculated under this formula: First, the average annual importations for the years 1960 to 1964, inclusive, not counting any year in which there were no imports; second, a minimum guaranteed permanent basic quota not less than the actual importation for 1964.

Imports of unprocessed shrimp in excess of quota will be subject to 50 percent ad valorem duty. All processed shrimp will pay a 25-percent ad valorem duty within quotas.

Virtually all shrimp importations fall within the classification of "unprocessed" as defined in this bill.

ELIMINATION OF BLOCK VOTING FOR MARKETING ORDERS

Mr. WILLIAMS of Delaware. Mr. President, I introduce, for appropriate reference, a bill to eliminate block voting for marketing orders. I ask unanimous consent that a brief explanation of the bill be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the explanation will be printed in the RECORD.

The bill (S. 3207) to eliminate block voting for marketing orders, introduced by Mr. WILLIAMS of Delaware, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

The explanation presented by Mr. WILLIAMS of Delaware is as follows:

EXPLANATION OF BILL TO ELIMINATE BLOCK VOTING FOR MARKETING ORDERS

This bill requires that any producer approval or disapproval required in connection with the issuance or termination of any marketing order shall be determined by the individual votes of the producers. This would eliminate block voting of their members by cooperative associations.

Paragraphs (8) and (9) of section 8c of the Agricultural Adjustment Act provide that a marketing order may be issued only if the Secretary of Agriculture determines that it is approved by at least two-thirds of the producers by number or volume (three-fourths of the producers in the case of certain citrus fruits). Other paragraphs provide for producer approval of particular provisions of orders and of the termination of orders.

Paragraph (12) of section 8c at present provides that the Secretary of Agriculture may consider the approval or disapproval of a cooperative association of producers as the approval or disapproval of its members. The attached bill would amend paragraph (12) to eliminate such representation by cooperatives of their members and to require instead that the approval or disapproval of producers shall be determined by their individual votes.

Paragraph (19) of section 8c authorizes the Secretary to conduct referendums to determine producer approval or disapproval of the issuance of an order. Section 2 of the bill would amend paragraph (19) so as to require the Secretary to conduct referendums in such cases and so as to eliminate a reference in paragraph (19) to representation by cooperatives of their members.

TRANSFER TO COMMITTEE ON GOVERNMENT OPERATIONS ALL PAPERS OF SELECT COMMITTEE ON IMPROPER ACTIVITIES IN LABOR-MANAGEMENT FIELD, AND AUTHORIZATION FOR CONTINUING STUDIES

Mr. MCCLELLAN. Mr. President, for myself and on behalf of the Senator from North Carolina [Mr. ERVIN], the Senator from South Dakota [Mr. MUNDT], and the Senator from Arizona [Mr. GOLDWATER], I submit a resolution for appropriate reference. I ask unanimous consent that the resolution may remain at the desk during the day to provide an opportunity for two other Senators who may desire to cosponsor it to place their names upon the resolution.

The resolution provides for the transferring of the files and records of the Senate Select Committee on Improper Practices in Labor-Management Relations to the Senate Committee on Government Operations and authorizes the Committee on Government Operations to make a study of the 1959 act and the manner in which it is administered, to determine if it is effective. I believe the committee already has that authority and jurisdiction, but the resolution also authorizes the Committee on Government Operations, or a subcommittee thereof, which would actually be the Permanent Subcommittee on Investigations, to conduct any hearings or investigations in that field which might be necessary to make those determinations.

The PRESIDING OFFICER. The resolution will be received and appropriately referred; and without objection, the resolution will lie on the desk, as requested by the Senator from Arkansas.

The resolution (S. Res. 287) was referred to the Committee on Government Operations, as follows:

Resolved, That upon the filing of the final report of the Select Committee on Improper Activities in the Labor or Management Field, established by S. Res. 74, Eighty-fifth Congress, agreed to January 30, 1957, as amended and supplemented, all files, papers, records, and documents in the possession of such select committee shall be transferred to the Committee on Government Operations for the use of such committee or any duly authorized subcommittee thereof in carrying out its functions under S. Res. 246, Eighty-sixth Congress agreed to February 6, 1960, and under this resolution.

SEC. 2. (a) The Committee on Government Operations or any duly authorized subcommittee thereof is authorized—

(1) to make continuing studies of the administration of the Labor-Management Reporting and Disclosure Act of 1959 and such investigations as may be necessary for the purpose of ascertaining whether such Act and the administration thereof are adequate to fulfill the needs of labor, management, and the public; and

(2) to conduct an investigation and study of the extent to which criminal or other improper practices or activities are or have been engaged in in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities.

(b) For the purposes of this section, the committee from April 1, 1960, to January 31, 1961, inclusive, as authorized, as it deems necessary and appropriate to (1) make such expenditures from the contingent fund of the Senate; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpena or otherwise the attendance of such witnesses and production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony, either orally or by deposition; (7) employ on a temporary basis such technical, clerical, and other assistants and consultants; and (8) with the prior consent of the executive department or agency concerned and the Committee on Rules and Administration, employ on a reimbursable basis such executive branch personnel as it deems advisable; and, further, with the consent of other committees or subcommittees, to work in conjunction with and utilize their staffs, as it shall be deemed necessary and appropriate in the judgment of the chairman of the committee.

(c) The expenses of the committee under this section, which shall not exceed $75,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

WHEAT MARKETING ACT OF 1960—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of March 10, 1960, the names of Senators MOSS, MURRAY, JACKSON, YARBOROUGH, MANSFIELD, KENNEDY, MORSE, ALLOTT, SYMINGTON, SCHOEPPEL, and MCGEE were added as additional cosponsors of the bill (S. 3159) to amend the Agricultural Adjustment Act of 1938, as amended, to establish a marketing program for wheat, introduced by Mr. CARLSON (for himself and other Senators) on March 10, 1960.

USE OF TELEVISION STATIONS BY PRESIDENTIAL CANDIDATES—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of March 10, 1960, the names of Senators CASE of South Dakota, CLARK, HARTKE, MANSFIELD, MCGEE, GRUENING, BARTLETT, MOSS, FULBRIGHT, CANNON, MCNAMARA, ENGLE, ANDERSON, SPARKMAN, YARBOROUGH, HART, and HENNINGS were added as additional cosponsors of the bill (S. 3171) to provide for the use of television broadcasting stations by candidates for the Office of President of the United States, introduced by Mr. MAGNUSON (for himself and Senators MONRONEY, SMATHERS, PASTORE, CHURCH, and KEFAUVER) on March 10, 1960.

EXTENSION OF TIME FOR FILING REPORTS

Mr. MCCLELLAN. Mr. President, at the request of the chairman of the Committee on the Judiciary, the distinguished Senator from Mississippi [Mr. EASTLAND], and on behalf of the committee, I ask unanimous consent that the time for the filing of reports pursuant to Senate Resolutions 52, 53, 54, 55, 56, 57, 58, 60, 61, 62, 63, and 91, of the 86th Congress, be extended to April 15, 1960. These reports concern certain subcommittees of the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. RANDOLPH:

Article by him for Charleston (W. Va.) Gazette, March 12, 1960, entitled "West Virginia Undergoing Period of Economic Transition Which, When Fulfilled, Will Provide a Broader and More Secure Foundation for Prosperity."

By Mr. WILEY:

Résumé relating to research needed to brighten the economic outlook for the fish industry in the Great Lakes region.

By Mr. HUMPHREY:

Article entitled "The Christian Imperative: Heal the Sick and Feed the Hungry," written by him, and published in the Adult Student, periodical of the general board of education of the Methodist Church, of March 1960.

Article entitled "A Diplomatic Service Second to None," written by him, and published in the January edition of Stentorian, a publication of the Public Administration Society, City College, New York, N.Y.

ONE HUNDRED AND TENTH ANNIVERSARY OF BIRTH OF THOMAS MASARYK

Mr. DIRKSEN. Mr. President, 110 years ago this month, Thomas Masaryk was born in a small Moravian village, the son of a poor coachman and his wife, who had been a serving maid. In his lifetime he became one of the great thinkers and leaders in the broad fields of philosophy, sociology, and statesmanship, and became the President of Czechoslovakia when he had already attained the age of 69.

On the very threshold of spring, we think of new life, because it is the beginning of life, rather than the end, which is important. So a life was launched 110 years ago, when the resurrection of spring was about to bring a burst of new life for that humble country, peopled with rugged men and women to whom freedom was the most priceless thing in the world.

Thomas Masaryk lived to impress his profound wisdom, his vision, and his devotion to freedom upon several generations, and became well known in our own land as a teacher, philosopher, and leader.

How fitting it was that when the Postmaster General authorized a series of commemorative stamps dedicated to champions of freedom, one such stamp was dedicated to Thomas Masaryk, and was issued on the 110th anniversary of his birth.

I am sure that this modest act will serve as an inspiration to the hearts and souls of Czech patriots, not only those in the United States, but also those in their ancestral land, and will help to keep alight the flame of freedom until it shall have consumed every vestige of the tyranny and the despotism which have been imposed upon that great country.

THOMAS MASARYK COMMEMORATIVE STAMP—ADDRESS BY REV. J. J. PELIKAN, JR.

Mr. HRUSKA. Mr. President, the Reverend J. J. Pelikan, Jr., of the Trinity Slovak Lutheran Church, of Chicago, Ill., was one of the speakers at the banquet program of the Thomas Masaryk commemorative stamp committee, held on Sunday evening, March 6, in Washington's Willard Hotel.

Reverend Pelikan made a brief but splendid contribution in a characterization of President-Liberator Masaryk, the founder and the first President of the first Republic of Czechoslovakia, and in well-chosen, expressive words described a personality who justly bears the title "champion of liberty."

Mr. President, I ask unanimous consent that the text of Reverend Pelikan's remarks be printed in the CONGRESSIONAL RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THOMAS MASARYK COMMEMORATIVE STAMP—ADDRESS BY REV. J. J. PELIKAN, JR.

Thomas G. Masaryk's name and life is permanently inscribed in the annals of Czechoslovakia. And now our beloved United States of America, and with it the whole free world, pauses to do him honor.

This is because Masaryk was not an ordinary individual. All his yesterdays can look back with a smile. He was the brave Czechoslovak lion who stood his ground in the dust of battle, strong and indomitable. Hatred, thereby engendered, has passed away, but the impact and the glory remains. His was ever the motto, "I myself must mix with action, lest I wither by despair." He was his people's Moses who led them out of the bondage and wilderness of a medieval monarchy into the pure air of freedom and democracy. He breasted the flow of circumstances with a most resolute will. And, after the dust of battle settled, he turned his penetrating mind to things of peace and most skillfully guided the Ship of State through all the perils of the turbulent sea of mid-European strife and jealousy.

By his philosophy of humanitarianism, he made his mark in the world long before World War I. The University of Oxford knew him as well as the Sorbonne in France and the University of Chicago. His system of philosophy is world renowned, as are his efforts in behalf of the poor, the underprivileged, and downtrodden. But, above all, the world honors him as the father of his country who had a tender heart but a will inflexible. For this he shall flourish in immortal youth.

It goes without saying that he was not infallible. But we may all profit from the lesson his life teaches—strenuously to keep in mind the true and lasting good of all the people, the salus publica, and that personal ambition, popular but passing fancies, and nebulous theories are incompatible with such public good. Masaryk demonstrated that man is able to guide the ship which is in the stream, but not the stream itself; that we cannot make, much less create, truly great things; however, that man is able to observe the natural flow of the stream and make secure those eventualities which the stream has brought to fruition. In other words, everything depends upon the ability clearly to recognize the boundaries of what actually can be accomplished—and then to wager all to attain this end for the good of the country.

For these reasons, Masaryk did not belong to any one country; no coterie can claim him as its very own. He belongs to everyone all over the world who loves freedom, for he never gave up, but followed the motto of the poet who said, "No change, no pause, no hope, yet I endure." Now that Czechoslovakia, like Rusalka in the famous opera by that name, "fell into the clutches of the accursed elements," Masaryk inculcates for all of us today the utter necessity of knowing one's self and remaining true to the ideal of freedom and democracy, no matter what the cost.

He has erected for himself a monument more enduring than brass.

POTENTIAL POISONS ENDANGER YOUR FAMILY—THE NEED FOR A FEDERAL HAZARDOUS SUBSTANCES LABELING ACT

Mr. BUSH. Mr. President, one of the Nation's major health problems is the accidental poisoning of young children who swallow common household products, such as furniture polish, bleaches, detergents, and so forth.

The Public Health Service estimates that every year 600,000 children swallow household aids left within their reach, and about 500 children die each year as a result of such accidents.

In the 85th Congress, I introduced Senate bill 1900, a proposed Federal Hazardous Articles Act, which was intended to protect the public against such tragic occurrence, by requiring manufacturers to label such articles, so as to clearly identify the hazard and the precautionary measures which should be taken to protect life and health.

No action was taken in the 85th Congress, because of the complexity of the proposed legislation and the necessity of submitting the draft for careful study by industry groups, representatives of the Department of Health, Education, and Welfare, the committee on toxicology, of the American Medical Association, and State public health officials who have been concerned with the problem at the State level.

Soon after the 86th Congress convened, I was privileged to cosponsor, with the chairman of the Senate Committee on Interstate and Foreign Commerce, the distinguished senior Senator from Washington [Mr. MAGNUSON] a revised draft, Senate bill 1283, which now has been reported with perfecting amendments which have resulted from further study by that committee.

I compliment the chairman and the staff of the committee on the excellent work which has been done; and I express the hope that the Senate will soon act of the proposed legislation, which can do so much to prevent future occurrences of the tragic accidents which have brought grief to so many American families.

Mr. President, I ask unanimous consent that a portion of the committee's report be printed in the RECORD following these remarks.

There being no objection, the excerpt from the Report No. 1158 was ordered to be printed in the RECORD, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 1283) to regulate the interstate distribution and sale of packages of hazardous substances intended or suitable for household use, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

1. THE PROBLEM

In a single year, your committee was informed, there are more than 200,000 poisonings in the United States, resulting in approximately 5,000 deaths, and the loss of over 9,000 man-years. Your committee was told there are over 300,000 common household products such as furniture polish, bleaches, detergents, cleaners, etc., containing poisonous or dangerous substances that lack adequate warning labels and adequate identification of the dangerous substances, information so necessary to the attending doctor in his effort to aid his patient.

Further, we have been informed by the Public Health Service, that as the result of the recent national health survey, the Service estimates that 600,000 children under the age of 15 will swallow a poisonous or potentially poisonous substance each year.

The Federal Caustic Poison Act of 1927 (15 U.S.C. 401 et seq.) lists 12 chemical substances required to be labeled. It is outdated, and your committee hopes the Congress, by approving this bill, will modernize the protection given the public by the 1927 act.

2. IN GENERAL

In 1927 when Congress first required labels on caustic or corrosive substances conditions were considerably different than they are today. At that time there were only a few hazardous substances used to any extent in and about the household. The development and introduction of many new substances during the postwar years for household use has created a public health problem. These substances are widely used and many are essential to the public. At the same time, the nature of a number of these new products, and the frequent introduction of new ones, has focused attention upon the need for warning the user, whenever the hazards in their use are significant. It is no longer possible to list, as did the Caustic Poison Act, chemical substances by name which should have precautionary labeling. At the same time, to be meaningful and to accomplish the purpose of this bill it is equally important that susbtances which, as packaged, present only a minor hazard not be required to display a series of precautionary statements, since the public might quickly learn to disregard the importance and significance of precautionary labeling.

The standards established in this bill for determining whether a substance is or is not a hazardous substance are those which are generally recognized at common law in civil liability cases relating to the seller's duty to warn users of the hazards of his products. Thus, substances to be regulated under this bill are carefully defined in the bill. These definitions are the result of meetings between industry groups, the Committee on Toxicology of the American Medical Association, representatives of the Department of Health, Education, and Welfare, and State public health officials who have recognized the need for and have supported legislation on this subject at the State level. In addition to those States having legislation, other States and some cities have adopted regulations to meet the same problem. The first States to adopt comprehensive legislation on this subject were the States of Texas, Kansas, Indiana, and Connecticut which enacted laws in 1957. The definitions in these State laws, which have had the benefit of 2 years of enforcement, are generally consistent with the definitions in this bill.

The testimony of the witnesses at the hearing on August 13, 1959, and letters and statements filed by various interested persons and groups, show a remarkable unanimity of support for the principle of this legislation. There appears to be no objection to this legislation and all suggestions and recommendations for amendments to S. 1283 have been considered by your committee.

3. PURPOSE OF THE LEGISLATION

The primary purpose of this bill is to establish standards for the labeling of hazardous substances which are used in and about the household but which are not regulated by existing law. The Federal Caustic Poison Act which was enacted in 1927 lists 12 chemical substances which are required to be labeled, when such substances are in a container suitable for household use. This list of substances has been found by your committee to be inadequate in view of the numerous new chemical substances which are being sold for household use.

Economic poisons are regulated under and labeled in accordance with the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act of 1947, as amended. Foods, drugs, and cosmetics are subject to the provisions of the Food, Drug, and Cosmetic Act of 1938, as amended. Substances which are neither economic poisons nor foods, drugs, and cosmetics are not regulated with respect to precautionary labeling at the Federal level except for the 12 chemicals listed in the Caustic Poison Act.

In recent years legislation has been enacted in several States—Colorado, Connecticut, Illinois, Indiana, Kansas, Ohio, Texas, and Vermont—regulating the labeling of hazardous substances suitable or intended for household use, many of which are shipped in interstate commerce. It is desirable that labeling of these substances be regulated when shipped in interstate commerce and that the standards and requirements of such labels be uniform. Thus, Federal legislation on this subject is needed to require uniform labeling of hazardous substances for household use to require that the labels of such substances: First, warn the user of any hazard in the customary use of the product; and, second, in case of an accident identify the hazardous ingredient for the attending physician.

4. NEED FOR THE LEGISLATION

The need for this legislation was highlighted, your committee believes, by the testimony of Dr. Charles J. Savarese, Jr., director of the Suburban Hospital Poison Control Center, Bethesda, Md.

His testimony, given in open hearing, August 13, 1959, follows:

"Dr. SAVARESE. My name is Charles J. Savarese, Jr., M.D., residing at 9812 Old Spring Road, Kensington, Md. I am director of the Poison Control Center of Suburban Hospital, 8600 Old Georgetown Road, Bethesda, Md. The Poison Control Center of Suburban Hospital was established officially as of July 1, 1958, by the U.S. Public Health Service, and the Maryland State Department of Health.

"Dr. W. von Oettinger, on my right, is one of the foremost toxicologists in the country. He recently retired from the National Insti-

tutes of Health and he is now acting as our consultant.

"Primarily, poison control centers are designed for the use of physicians, as an information center where they may obtain the list of ingredients in various products, particularly household products, and the antidotes. A file is kept which is supplemented with additional items monthly by the National Clearinghouse of Poison Control Centers. Records are sent to the National Clearinghouse of Poison Control Centers. Records are sent to the national clearinghouse from each poison control center in order to disseminate the information. At present there are approximately 200 such centers in the United States and Canada.

"I appear before this committee today for only one purpose—that of a physician who is primarily concerned with the preservation of human life. Before becoming director of the new poison control center at Suburban Hospital, I gave only passing thought to the problems of household poisonings, simply lamenting the carelessness of parents when youngsters were brought to me suffering ill effects from having consumed some common household products. Now, because we have kept tab on poisonings at our poison control center, and because of the fund of information made available to us through the national clearinghouse, I realize it seldom was gross carelessness on the part of parents but ignorance. Yes, innocent ignorance on the part of a class of people who are better educated, who enjoy better than average living conditions in my particular area, and ignorance because they are not warned by manufacturers of products that contain ingredients that may be fatal, particularly when consumed by young children.

"There are over 300,000 common trade name items that contain poisonous materials, and the huge number of persons who are poisoned by them, the large percentage of them are children. Furniture polish, bleaches, detergents, pot cleaners, cosmetics, hair preparations—I could name an almost endless list of products such as these [indicating] commonly found in the average home within easy reach of children. I show you now but a few of the containers of poisonous materials from the 385 cases that we have collected in only 1 year's period of operation of our poison control center at Suburban Hospital. A substantial percentage of them are household products. Records such as these 385, which represent 1 year's work, are carefully kept at the center, and duplicates of these forms are forwarded to the national clearinghouse for analysis and statistical use.

"You may wonder, 'Why should a child consume something as evil tasting as products such as these?' But, oddly enough they do. In a single year, 1956, there were over 200,000 poisonings in this country, with 5,000 deaths, more than from all the so-called dread diseases such as scarlet fever, meningitis, polio, diphtheria, combined. Poisoning figures can be further dramatized by computing that there are 89,761 man-years lost in a single year due to poisonings. Actually, there are 100 instances of poisonings suffered for every fatality from poisoning.

"These figures are based on death certificates of the Public Health Service and other reliable sources.

"More and more the crying need for legislation to enforce uniform labeling of household products is becoming apparent to the physician, and the more enlightened public. You may question, 'But a preschool child could not read the label.' But his parents can and thereby will be warned. There has been widespread publicity on this subject. MD magazine for the medical profession, February 1958; the Saturday Evening Post, November 16, 1957; the New Yorker magazine, May 4, 1957; Hospitals magazine of the American Hospital Association; Look magazine; the Kiplinger magazine, Changing Times, July 1957; Health News of the New York State Department of Health, and many other publications. Coronet magazine of September 1958, in an article, 'Household Chemicals That Kill,' with the subtitle 'Lax Laws, Carelessness, and Inadequate Labels Allow Potential Poisons To Endanger Your Family,' laid particular emphasis on the need for uniformity in labeling laws. Every article we have read on the subject of poisonings emphasizes this point to a strong degree.

"In our small way at Suburban Hospital we are making an attempt to educate families to the perils that lurk in the kitchen, the bathroom, and the bedroom and garage, as well as the work environment. Publicity goes out regularly to our local newspapers. Civic groups, particularly those composed of young parents, are addressed on the subject by members of our poison control center committee, such as Mrs. Angel here, and invariably these young mothers express astonishment and are appalled to learn of the large numerous poisonous products they are innocently harboring in their homes within reach of children.

"We have distributed stickers to these groups, to be put on suspected products and this past spring, through the Board of Education of Montgomery County, we distributed 7,000 leaflets at the preschool conferences, warning mothers of kindergartners of the dangers in common household products. The Public Health nurses of our county have been thoroughly briefed by us in the subject. But the proportion of parents we reach is, of course, extremely limited.

"Senator HARTKE. Let me ask you, Doctor, do you have a copy of the leaflet you are speaking of?

"Dr. SAVARESE. Yes, sir; I do.

"Senator HARTKE. We will make that a part of the record.

"(The leaflet follows:)

"'KEEP OUT OF REACH OF CHILDREN

"'Suburban Hospital

"'Poison Control Center

"'Oliver 6-6000

"'DEAR PARENTS: We want to talk to you about poison. In a single year 240,000 American youngsters were poisoned, and more than 5,000 of them died. Because of the increased number of accidental poisonings among children, particularly in the 1 to 4 age group, poison control centers have been set up throughout the country. Such a center was established last summer at Suburban Hospital in Bethesda, and in the first 9 months of operation, more than 225 cases of accidental poisoning have been treated and recorded at the hospital.

"'Designed primarily as a service for physicians, the poison control center has on file thousands of cards listing products that contain poisonous ingredients, giving their antidotes. The center is located in the emergency roof of Suburban Hospital, and its service is available 24 hours a day.

"'Today there are many thousands of products on the market containing harmful ingredients. No physician could possibly carry all the information in his mind. In the event that your child has swallowed something you suspect may be harmful, contact your physician immediately, or—if you cannot reach him, take your child to the nearest hospital, taking the container with you. The facilities of the poison control center are available to determine the toxicity of the material.

"'*Advice to parents*

"'It's natural for a young child to put everything in his mouth. Unfortunately many common household items don't have warning labels, but are very dangerous. Your home probably has some of these potential poisons:

"'Medicines (particularly aspirin and candy-flavored medications).

"'Petroleum products (kerosene, lighter fluid, furniture polish).

"'Paint remover (including turpentine).

"'Detergents and laundry bleaches.

"'Cosmetics (hair lotions, shampoos, nail preparations, perfumes).

"'Insecticides.

"'"*Out of reach—Out of sight—Keeps your child out of trouble*"

"'Check your home, especially the kitchen, the bathroom, the basement. Keep all potentially harmful products out of reach of children.

"'Lock up all suspected items. Store potentially harmful household products on high shelves.

"'Do not store things in unlabeled bottles or containers that originally had another use—particularly not in drinking cups or pop bottles.

"'Never sell a child on the idea of taking medicine by telling him it is candy. Aspirin is dangerous—12 tablets can be fatal to a small child.

"'In administering medicines, read labels three times, in a good light. Never administer or take medicines in the dark. Place bottles on stable surfaces out of reach of children. Throw away special medications after the patient has recovered.'

"Poisoning is the most common medical emergency among children. Accidental poisonings account for 43 percent of all deaths among children between the ages of 2 and 3. Realizing this, physicians are greatly alarmed at the increasing number of products appearing on the market that contain toxic ingredients, and are in no way labeled as to content and toxicity. We physicians who act as heads of poison control centers keep pleading with manufacturers of these household items that contain potential poison to be a bit more open and informative in the labeling.

"Some producers of these items are reluctant to label their product 'Poison' when it isn't outright poison. They do not want to use the old skull and crossbones insignia on labels because it lowers their sales, is their argument. Some will not indicate a harmful ingredient 'for fear of giving away the formula.' Some suggest to the buyer that a certain polish, cleaning fluid, or deodorant 'may be fatal if inhaled or swallowed,' but too many put this in the tiniest type which few users ever read. Many do not even have a warning label.

"At present no Federal law compels a manufacturer of household and commercial products to list the ingredients in these products on his labels. This leaves the doctor in the dark. When a patient comes in violently sick, convulsing, or in a coma, sometimes hours are spent trying to track down a manufacturer to learn what is in the new cleanser, or anti-trust compound, so that possible treatment may be administered. Often the police are called upon to help locate the manufacturer of some new lethal household liquid or paste. There is strong evidence that the toxicity of common household products is not generally recognized; hence many parents delay hours, even many days, in seeking treatment for children whom they know have swallowed household products.

"The important and sad fact is that each of these many deaths and illnesses is capable of being prevented. Literally hundreds of thousands of poisonings need not have occurred. Unless we get legislation in this country leading to uniformity in labeling household products as to toxic content, these tragic poisonings will continue and will increase.

"Gentlemen, I deeply appreciate this opportunity to appear before this committee to present you with a few of the facts of the poisoning picture, facts which are overwhelmingly substantiated through the national clearinghouse for poison control centers which act under the U.S. Department of Health, Education, and Welfare. I feel that, as a typical poison control center director, I speak for all such directors when I assure you of our earnest desire to see legislation enacted that will help prevent these tragic unnecessary poisonings of our children, legislation that will create a fair and uniform labeling law for household and commercial products.

"Thank you for permitting me to appear."

IS PEACE A RED WEAPON?

Mr. HRUSKA. Mr. President, the threat of Communist subversion is always with us. It is important that we recognize that fact; that we disclose, when we can, the methods which Communists employ; and that we oppose those efforts, so we can protect America.

I know of no one who feels his responsibility in this area more than does the senior Senator from South Dakota [Mr. MUNDT]. The Director of the FBI once described Senator MUNDT as "a fearless and determined opponent of America's criminal and subversive enemies."

A few days ago I read an article written by the Senator from South Dakota [Mr. MUNDT] which appeared in the March issue of Reporting, a monthly publication of the International Council of Industrial Editors. The article is entitled "Is Peace a Red Weapon?" In it, Senator MUNDT discloses how international communism is assuming the pose and wearing the mask of peacemaker in many areas of the world, even in the United States. The able Senator from South Dakota, who is an expert on this problem, lays bare the plans, the programs, and the progress of the Reds in this hypocritical posture.

This warning is timely. I am confident this analysis by Senator MUNDT is correct. His proposals for strengthening the sentiments of Americans against communism and for working out means of combating them are worth careful study.

The editorial staff of Reporting magazine share this opinion. In a striking editorial entitled, "Lest We Forget," Harry Anderson, vice president of International Council of Industrial Editors, wrote telling to this point. I ask unanimous consent that its text be printed at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

One of the most respected and authoritative voices on Capitol Hill is the voice belonging to Senator MUNDT, particularly when he discusses the Communist conspiracy with which he is abundantly familiar.

In response to a request from ICIE's legislation committee (Del Rucker of Washington, D.C., chairman), Senator MUNDT has written the accompanying article for Reporting. It brings the timely reminder to industrial editors that communism, while making peace overtures on the one hand, still remains dedicated to engulfing the fruitful life we now enjoy.

While industrial editors everywhere join in the hope that the current flutterings of peace are a preamble to a lessening of world tensions, they are also aware of the lethal ends to which communism remains dedicated.

Realizing the dangers to our way of life, to our freedoms, to our individual rights—and to the progress we hope to make under freedom in coming decades—every industrial editor of the free world will want to fortify himself with background information of the type which Senator MUNDT here presents—then apply the message as best it may fit into his own communications program.

Mr. HRUSKA. Mr. President, I am of the opinion that we can never overemphasize the menace of the Communist international intrigue.

It is important that experts in this field, such as Senator MUNDT, of South Dakota, call attention to the changing scenes and schemes of the Red conspiracy.

Senator MUNDT's article clearly sets forth the story of treachery as it is practiced by the subversive elements in our country. I commend it to everyone's attention.

Mr. President, I ask unanimous consent that the text of the article written by the Senator from South Dakota [Mr. MUNDT] be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WORD OF CAUTION—IS PEACE A RED WEAPON?

(By KARL E. MUNDT, U.S. Senator, of South Dakota)

"I repeat, there is only one way to peace, one way out of the existing tension: peaceful coexistence."—Nikita Khrushchev, Foreign Affairs magazine, October 1959.

The above statement, written by Russia's current strong man, may give to many people in America a feeling of relief from the tension of international strife. To some, it may come as a gratifying surprise. But, to others, it is a statement to be viewed with suspicion since it fits the pattern of political prophecy announced by the Communists nearly 30 years ago.

In 1931, Dimitri Z. Manuilsky, a top Kremlin leader, told students in the Lenin School of Political Warfare that, for the next 30 years, Soviet Russia would lull the capitalist countries into a false sense of security by waging a peace movement. He said that electrifying overtures and unheard-of concessions would be offered and, when the people of the Western World let down their guard, Communists would smash them.

The Communist "peace movement" is not a 1959 innovation. Stronger and more persuasive efforts were made right after World War II and during the following years. The Stockholm peace petition, which was initiated in 1960 at the World Peace Congress, a Communist meeting, was circulated in almost every country of the world. An amazing number of people in the United States were duped into signing it, unaware or unimpressed by the fact that the petition was a highly critical diatribe against the United States and its official policies.

An examination of the names reported to be on the petition show that ministers, teachers, entertainers, and fraternal organization leaders were listed. The Communists were adroit enough to slant their arguments so as to be able to confuse even those who ought to have been able to see through the sham and fraud of the peace movements and petitions.

Since it has happened, it is well to be alerted to all Communist peace moves because it could happen again—to the point where the prophecy of the Communist leader of 30 years ago could be fulfilled.

NOT PEACE BUT THE SWORD

Nothing clinches the argument that Soviet peace programs are fradulent more than the Red record of aggression around the world. While the right hand of the Communists proffers the olive branch, the left hand swings the sword of aggression.

While the Communists were holding international meetings to proclaim the policy of nonaggression, cessation of atomic bomb tests, and self-determination of peoples, Soviet-controlled armed forces were moving into areas of the free world, pulling millions behind the Iron Curtain.

Hungary was brutally assaulted, the citizens gunned down in the street, military law imposed and a strict dictatorship established. The small Baltic States of Latvia, Estonia, and Lithuania were physically invaded and taken over by Red armies.

Soviet stooges are in control of several satellite states in Europe. The people are under complete domination of Communist law, with no opportunity to hold free elections, or to exercise any of the other basic human freedoms.

While the Stockholm peace petition was being circulated around the world, Communist arms, munitions and men were being channeled into North Korea to help in the fight against the United Nations troops.

Russian troops and Russian munitions were used to overthrow the Nationalist Government in China.

Moscow has used infiltration and intrigue to overthrow governments in neighboring countries. A fifth column of Reds has been successful in such countries as Bulgaria, Czechoslovakia, and Albania. These subversives are operating in every country of the world and on every continent. The United States has not been exempt, nor have our Latin American neighbors. Current history reveals that these subversives have been effective; right on our own doorstep.

Wherever revolt occurs, Soviet agents are on the spot to help in the dissension and uprisings, furnishing arms, money, and political guidance. This has happened in Africa, Cuba, the Middle East, and the Far East.

As this was written, Communist forces were moving against free people in Laos, Tibet, and India. The stark perfidy of the Soviet peace movement can never be more clearly outlined.

SAD EXPERIENCES, BEING SOFT

It is puzzling—but it is a sad fact—that thousands of people who should know better have accepted Communist assertions of peace and good will. This has extended even to heads of government.

Some who have sown the wind of neutralism in regard to the Communist menace, are now reaping the whirlwind of Communist aggression. A good recent case in point is the Nation of India. Nehru, as head of the Government of India, has been disinclined to view communism as a serious threat to his country, or to the free world.

There are many historic instances where heads of governments have tried to do business with the Communist dragon and have ended up by being swallowed. The situation in India points up in a dramatic fashion the failure of such a policy of appeasement.

It will be recalled that India rushed to recognize the new Red regime in China just 3 months after the proclamation setting up the people's republic. India has always had a conciliatory attitude toward Red China and has continuously urged that the Peiping government be admitted to the U.N. as a full-fledged member.

India's friendship has been repaid by betrayal. Communists knew that whenever they violated India's borders, Nehru's answer would be, "Let's negotiate." One wonders how long a man can go on sending diplomatic notes through channels to someone who is giving him a bloody nose. The example is there—being friendly, courteous, acquiescent, patient or subservient when a Communist steps on your toes just does not pay off.

"SOFT" SPOTS IN AMERICA

We can ill afford to look askance at other nations that have collapsed under Communist subversion as long as we lend encouragement to ideas which cause us to drop our guard against the international menace. There are those in this country who say that they hate Russian communism or any communism existing overseas, but they think that communism in the United States is a "political belief" and that Communists are ill-guided idealists who should be tolerated but not condemned.

These people fail to realize that the Communist in Peiping, Potsdam, or Peoria is guided by the same identical political nerve that leads back to the Kremlin brain. All are dedicated to the success of international communism and each will gladly sell out his own country to help further that cause.

Two questions of current history point up prevalent attitudes among certain self-styled "liberals" who advocate ideas for giving Communists added latitude.

The pressure for recognition of Red China is growing, week by week. To those who do not follow foreign affairs closely, the arguments presented in favor of recognition seem logical and persuasive.

Some say we should trade with Red China. They say that trade does not denote recognition and point out that we do trade with Russia.

First, we officially recognize Russia—we do not recognize Red China. It can be pointed out, if one wants to justify trade with Russia (which I do not) that Russian international sins were committed, in the main, after we recognized her, and not before.

In the second place, there is very little support for the argument that the United States would have any favorable balance of trade with Red China. The things which we could buy are not critical in our economy. The things we could sell are critical to Red China's economy—and, most important, to her military needs. We would be a party to strengthening an aggressor nation at a time when that country is despoiling her neighbors and overrunning Tibet and India provinces in the manner of Genghis Khan.

It can be argued, but not convincingly, that if we trade with Red China we can still show strong disapproval of her actions. Once we open the gates, it will be taken as a gesture of acquiescence toward the Peiping Government.

EROSION SLOWLY SETS IN

Another argument put forward by the advocates for recognition of Red China is that the Communists are there, they are running the country, and we can't force them out, so we might as well recognize them and do business with them.

The only force that stands between Red China and the rest of the free nations of southeast Asia is the United States.

The independence of a dozen southeast Asia nations would be seriously threatened by such recognition. Economic pressures and political pressures would be applied to force them into the Soviet dominated orbit. We would be widening the door to the expansion of communism, but, more important to our own national safety, we would lose the faith and trust of the free nations of southeast Asia who have stood with us during our policy of firm refusal to recognize the Red China Government.

Presidents Eisenhower and Truman have maintained identical policies of nonrecognition of Red China. Both Houses of Congress and both political parties in convention voted almost unanimously to uphold this policy.

However, those who favor reversing this policy are steadily eroding the firmness which both the Democratic and Republican administration have shown. This is definitely a soft spot in our country—it is one which aids the Communist peace offensive because it makes concessions to international banditry.

Currently Congress is studying the problem of what attitude our Government should maintain in the matter of issuing passports to Communists. Since the Supreme Court handed down a decision stating that the Secretary of State does not have legislative authority to ban passports to Communists, Red agents by the score are availing themselves of the new-found privilege of traveling abroad under the protection of a U.S. passport. Legislation has been introduced and is before three Senate committees. The bills vary widely in the provisions dealing with communism.

PASSPORT FOR SUBVERSIVE EFFORT

There is one school of thought which says that Communists, who are citizens of the United States, have a basic right to have a passport. Those opposing that idea (of whom I am one) say that a Communist going abroad is going as an agent of the Communist Party, and, therefore, does not deserve a passport to help him in his subversive efforts.

At the request of the subcommittee of the Senate Committee on Government Operations, the State Department gave the Senate a list of cases of Communists who have obtained passports since the Supreme Court decision opened the way for them to obtain the document legally. A description of a few of these cases should enable most Americans to decide whether the prohibitions against issuing passports to Communists is a good one. Here are some of the cases:

CASE NO. 13

This person joined the Communist Party as early as 1924, and was, at one time, involved in a scheme of counterfeiting for the purpose of financing Soviet espionage. Using the birth certificate of a dead Communist, he obtained a passport under the name of the deceased and used this passport in furtherance of the counterfeiting scheme.

Fortunately, he was apprehended, tried and convicted but throughout his trial Communist Party financial assistance was provided. The Communist Party reportedly considered this person extremely loyal and following his conviction continued efforts were made to effect his release. He has now received a U.S. passport and is free to travel abroad wherever he may be ordered by the leaders of the Communist conspiracy.

CASE NO. 8

This person, allegedly a Communist Party member, was active in Communist-inspired front organizations and while enjoying the benefits of a U.S. passport, is reported to have attended an espionage training school abroad. She violated the travel restrictions in her passport during 1955 when she traveled in Poland, Czechoslovakia, and the U.S.S.R. While residing abroad, subject married a Communist official of a foreign country and reportedly will seek to bring this person to the United States.

CASE NO. 11

This person previously traveled to Communist China, the Soviet Union, Poland, and Czechoslovakia in violation of the restrictions in his passport. He served as a delegate to the so-called Peiping Peace Conference, after which he condemned the United States for engaging in germ warfare.

There are many other cases, but these serve as illustrations of what has happened, and will continue to happen, as long as we have a tolerant view that communism is just a domestic political belief and not a part of the international conspiracy, working against our national interests and safety.

Communist travel abroad has taken a noticeable upturn during the last year. A number of these Communists have taken their passports and have gone immediately into areas for which their passports are not valid. This further supports the view that Communists travel abroad for the purposes of espionage. In that light, they act as foreign agents and do not deserve our protection or our privileges abroad.

A few witnesses before congressional committees have said they think that denial of passports is a denial of a basic freedom, and, in their view, this is more important than the question of whether a man is a Communist. They forget that there is one thing more important than guaranteeing all freedoms and privileges to Communists, and that is our national security and safety.

If we have complete freedom, we end up with anarchy. If personal freedom is paramount to the safety of the group, we would have chaos. Orderly government is based on the premise that some individual freedoms must be restrained in order that basic and fundamental freedoms can prevail for all.

WHAT SHOULD OUR ATTITUDE BE?

Perhaps this recitation of Communist intrigue is confusing. Granted that peace offers by Khrushchev may be phony, that aggression goes on in spite of pious pronouncements, that subversion within our country continues, what can each citizen of this country do to help counter the menace?

We must remember a few facts: The principal deterrent to worldwide aggression by the Soviet Union is the United States; Communists everywhere, inside and outside our country, are dedicated to the overthrow of our Government; Communists, everywhere, are guided in what they do and what they think by the Kremlin; deceit, intrigue, subversion, disloyalty, lying, are all part and parcel of the machination of communism.

Remembering these facts, we can do this: See that communism gets no foothold in our Government at any level; give support to those persons and organizations who strive for restrictions which make it more difficult for Communists to work in the international conspiracy; ask ourselves and our leaders what Communist peace offers really mean, and insist that peace offers are followed by positive action.

If we maintain a stern attitude toward communism at home, we make it more difficult for the conspiracy to operate internally and internationally. This makes it necessary for Reds to operate more openly and honestly. Then we can judge their attitude by their actions rather than by their adjectives.

It can be stated categorically that whenever we have shown ourselves to be tough, the Communists have retreated and have become more realistic. This has happened on a half dozen important international problems, and it is the pattern that should be continued.

This Nation is a nation of people who belong to churches. This high degree of spirituality is the iron core of our resistance to communism.

It would be ironic if a country like ours—built around the great ideal of freedom—were to collapse because we did not appraise the Communist strategy realistically, or were lulled into a sense of false security by Communist peace offers.

It is time for us in the free world to quit being defensive, apologetic, and mealy-mouthed when our system comes under attack. The most effective antidote to communism is a program of intelligent, articulate, positive Americanism. Each citizen has a sober responsibility to know the facts and to do his part in the preservation of our great heritage.

HEARINGS BY SENATE ANTITRUST AND MONOPOLY SUBCOMMITTEE CONCERNING DRUG INDUSTRY

Mr. DIRKSEN. Mr. President, I was delighted to note the editorial in the Washington Post and Times Herald on February 26 commenting on certain disclosures before the Senate Antitrust and Monopoly Subcommittee hearing in connection with the drug industry. One significant sentence in that editorial read as follows:

> The early Kefauver disclosures of fantastic markups in individual drugs made headlines more than they did sense.

One reason for my interest in the editorial is that it supports the criticisms I have made from time to time concerning misleading and unfair exhibits which creep into the hearings.

One of the witnesses before the committee was Dr. Austin Smith, president of the Pharmaceutical Manufacturers Association, who subsequently commented on the editorial in a letter to the Washington Post which was published at length, and I ask consent to have Dr. Smith's statement, together with an additional statement by Dr. Roland E. Bieren, of Falls Church, Va., included as a part of my remarks.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

> The entire medical profession and all the allied pursuits that serve it, including pharmacy and pharmaceutical manufacturing, must surely agree with this sentiment expressed in your editorial February 26:
>
> "Obviously, the companies' answers to these latest charges must be awaited before any conclusions are reached."
>
> Therefore, speaking for the Pharmaceutical Manufacturers Association, I must express my disappointment that you failed to follow this excellent advice but instead accepted as fact certain misleading and damaging charges made against the industry as a whole and against physicians in general—charges not supported by the facts.
>
> There is a twofold danger in circulating critical opinions that are obviously based only on a reading of the charges without study of the facts. First, the patient's confidence in the judgment of his doctor can be destroyed by implying that physicians are or even can be brainwashed. Second, physicians may become hesitant to prescribe drugs that are correct for the patient but perhaps discredited in the layman's mind by misleading publicity. In either event, the public would be the loser.
>
> The transcript of the hearings before the Subcommittee on Antitrust and Monopoly Legislation contains ample evidence that many of the critical charges so loosely bandied about today are disproved; and I commend an impartial study of it to you. The pharmaceutical industry, currently under attack, has not only experienced enormous growth but has contributed enormously to the great improvement in the health of this Nation and of the world. This is evident in the wealth of information and statistics that have been presented to the subcommittee.
>
> Consider a few such facts:
>
> Manufacturers' prices have held the line against inflation with an increase of only 3 percent on the BLS Index since 1947, as compared with an increase of 22 percent for all commodities.
>
> Such major breakthrough drugs as the tranquilizers, the corticosteroids, and many important antibiotics are so new they are not even included in BLS Wholesale Price Index but their prices have come down sharply with mass production and consumption.
>
> Top governmental health administrators credit the tranquilizing drugs with reducing the population of mental hospitals.
>
> The 20 years added to life expectancy since the turn of the century are credited in large measure to the development of drugs that have obliterated some killer diseases and taken the sting out of others.
>
> Science is pressing the crucial search for cures for cancer, for heart disease and for many other dread afflictions. There is reason to believe that the drug industry will contribute as importantly to the solution of these problems as it has to the problems of infectious diseases, mental illness, and rheumatoid arthritis. This is possible only if the industry's strength and incentives are not impaired so as to limit research, curb production facilities, or interfere with physician's prescribing.
>
> I think your editorial staff should balance all the factors before reaching a conclusion about this or any industry—should, in short, follow the excellent advice in your editorial. In view of the fact that so many illnesses are now susceptible to rapid drug therapy instead of hospitalization or even death, I am convinced we should be talking about the low cost of drugs not the high cost.
>
> AUSTIN SMITH, M.D.,
> *President, Pharmaceutical Manufacturers Association.*
> WASHINGTON.

> ON BUYING DRUGS
>
> Undoubtedly a brand name medicine costs the patient more in terms of money paid for a prescription. On several past occasions patients under my care for serious conditions have unexpectedly developed relapses. At that time it was my custom to prescribe by the generic name of the medicine as is suggested by your newspaper. In each instance questioning brought out the fact that the patient had her prescription filled at a discount store which specialized in bargain prices.
>
> I do not doubt that the generic drug had been supplied at a low price but I am certain that it failed to meet required standards of strength and purity. A new prescription for a brand name medicine made by a reputable pharmaceutical manufacturer promptly produced a return to a state of good health in every case.
>
> ROLAND E. BIEREN, M.D.
> FALLS CHURCH.

Mr. DIRKSEN. Mr. President, when the Senate Antitrust and Monopoly Subcommittee considered the matter of administered prices in the drug industry, a question arose in the hearings as to whether profits should be considered on the basis of net worth or total capital or on sales.

On this point Dr. Frederick L. Thomsen, a competent consulting economist, presented his views to the subcommittee, and in the course of examination of Dr. Thomsen by the very distinguished Senator from Nebraska [Mr. HRUSKA], the Senator pointed out that Dr. Thomsen's statement would have great value for reference purposes.

I believe the statement is of such importance as to merit wider currency, and I therefore ask unanimous consent that the entire statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

COMPETITION AND PROFITS IN THE ETHICAL DRUG INDUSTRY

(By Frederick L. Thomsen, Ph. D., consulting economist, Pharmaceutical Manufacturers Association, before the Senate Subcommittee on Antitrust and Monopoly Legislation, February 23, 1960)

Mr. Chairman and members of the committee, Senator KEFAUVER, in the opening session of these hearings on the ethical drug industry you stated that: "What in essence the subcommittee is seeking to determine is whether the public is adequately protected by competition."

Since then, many witnesses have testified, and your staff has inserted in the record a number of interesting exhibits. It has seemed to me, in studying the record, that many of the points brought out have been left hanging in the air, so to speak. The time has come to pull together some of the economic facts that have been presented, together with their implications in terms of the objectives of this committee as stated by you, and to view them dispassionately within the context of an orderly consideration of conditions of competition in the industry. This is the task that I have been asked by Dr. Smith to do.

But since I am testifying in a professional capacity, the committee may wish to have a summary of my professional training and experience.

I received my Ph. D. in economics from the University of Wisconsin, have taught economics at several colleges and universities, and have held a number of professional and administrative positions in the field of economic research with special emphasis on marketing and price analysis. I am the author of several widely used textbooks in those fields and am now engaged in writing a text on industrial prices. I have been professor of marketing at the University of Missouri; associate head of the Division of Statistical Research of the former Bureau of Agricultural Economics responsible for price analyses and the price situation and outlook reports of the Department of Agriculture; Director of the Marketing Research Branch, Production and Marketing Administration, USDA; and director of research for a New York City consulting firm which specialized in price analyses. Since 1952 I have been engaged in private consulting work, with headquarters in St. Petersburg, Fla. In the course of this work I have conducted a number of research projects in drug and medical fields.

In my testimony I will make no attempt to particularize the virtues of the tremendously important research and resulting new health-giving products of the ethical drug industry, although economists are said to delight in particularizing the obvious. This subject has been covered well and rather fully by other witnesses. Instead, I would like to deal directly and solely with the economic questions of competition, prices, and profits.

I. COMPETITION IN THE ETHICAL DRUG INDUSTRY

In considering the nature of competition in the ethical drug industry, let us first see who the competitors are. From the testimony that has been offered, one might get the impression that the industry is composed of only a few large firms. Actually, according to the 1954 census, there are 1,255 companies primarily engaged in the manufacture of drugs and medicines. Most of these firms produce ethical drugs and those which do not are potential producers.

A. Concentration

Ethical drug manufacturers are of widely varying size and compete in different fields, hence have different facilities and functions. Nevertheles, virtually all of them are either competitors or potential competitors of any other firm. There have been instances of small firms getting into the production of a successful drug product, changing the whole course of manufacturing and financial operations of the firm and putting it into more direct competition with others previously predominant in the particular field involved. There has been a marked tendency on the part of chemical companies and manufacturers of proprietary drugs to enter the ethical drug manufacturing field in recent years.

The relative size or concentration of firms composing the industry is indicated by a report of the National Industrial Conference Board. It states that: "Study of standard first 4, 8, and 20 company census-based concentration ratios for the 1947–56 period gives little cause for concluding that concentration in drugs and medicines has become a major economic problem." For pharmaceutical preparations, which account for about 80 percent of total shipments of the drug manufacturing industry (both as defined by the Census Bureau), the share of industry shipments accounted for by the first 4 companies declined from 28 to 25 percent between 1947 and 1956; for the first 8 companies, it remained constant at 44 percent; and for the first 20 companies, it rose from 63 to 72 percent.

These figures indicate that among the top 20 companies (in volume) the smaller companies grew at a relatively faster rate.

The NICB study further states: "With a concentration ratio of 25 percent for the first four companies, the pharmaceutical preparations industry ranked close to the lowest quartile of all industries in size of concentration ratio. Indeed, 300 of the 447 manufacturing industries had higher ratios and 8 others had the same concentration ratio for the first 4 companies in that year (1954)."

Given the situation described without any industry identification, I believe that most economists would conclude that a broader basis for vigorous competition exists here than in many or even most American industries.

B. Forms of competition

Competition as it exists throughout most of American industry and commerce today under the free enterprise system takes three different forms:

(1) "Price competition," which is the attempt to increase earnings by increasing sales through lowering prices, or to increase earnings by raising prices. Such price changes may affect sales of an individual firm in either or both of two ways:

(a) By affecting the total consumption of the product by ultimate users.

(b) By affecting the proportion of total sales obtained by the individual firm.

(2) "Utility competition," which includes all kinds of research and development intended to expand total demand for the products produced by the firm, or its products relative to that of competitors, by enhancing the usefulness of the products.

(3) "Distribution competition," which includes obtaining wide physical availability of the product, advertising, personal selling, education, and a variety of other services, such as the extension of credit.

So far as the seller is concerned, these three forms of competition are interchangeable. All are designed to have the same effect, that is, to increase the net revenue of the firm by increasing sales at the existing or a lower price or permitting the same sales at a higher price. Each of these forms of competition has a cost to the competitor. Viewed from the standpoint of the individual firm, a decrease in price, an increase in research expenditures to improve the utility of the product, or an increase in distribution expenditures, represents a cost. The decision as to which form to use in a given case depends upon the anticipated effect of the cost increase upon sales and the net revenue of the seller.

From a social standpoint, also, there is no special or peculiar merit to any one of these forms of competition. It is quite erroneous, for example, to view price competition as the only or even a particularly desirable form, as seems to be implied by some of the statements that have been made in the course of this committee's deliberations. Depending upon the circumstances, it is often more advantageous to the public for a manufacturer to incur a given competitive cost in the form of an expenditure for utility competition than as a cost to him of lowering the price per unit charged for the product. To dwell upon price as the only or even the main benefit that consumers obtain from competition is to overlook the most important advantages that the public has derived from competition. If this were not so, we would still be driving Model T Fords and using Model T drugs.

Let us suppose, for example, that at the end of World War II the leading firms of the drug industry had been run by executives of limited vision out to grab as much of the prevailing market for existing products as they could get, solely by cutting prices, while holding their expenses for research and distribution to a minimum. Under these conditions, prices of some drugs might have been lower during the intervening years than they were. However, the emphasis on price competition would have precluded the vast expenditures for research and distribution which were made during the intervening years, and we would today be lacking the benefits of hundreds of important new drug products that have played such a large part in the reduction of disease and extension of the lifespan during these decades.

Can there be any doubt that the general public has benefited much more from the fact that competition in the drug industry has taken partly the form of utility and distribution competition, rather than wholly price competition?

Let us suppose that at the end of the war the drug industry had been treated as a public utility, with prices and profits regulated on the basis of direct production costs, plus a limited profit, on drugs then being produced.

I shudder to think, having reached the age at which longevity has a special appeal, of how many diseases I might now be liable to incur without any suitable drug therapy and with a correspondingly dismal prognosis.

To say that any one of these three forms of competition is superior to the others, or that it is more a measure of the vigor of competition existing in an industry, or that it is productive of greater social benefits, is completely erroneous.

Nothing in what has been said about the great benefits derived by the public from utility and distribution competition should be interpreted to imply that there has been any lack of price competition in the industry. The history of the drug manufacturing industry bears striking evidence of the existence of price competition. Various witnesses in these hearings have brought out the fact that wholesale drug prices have not incerased as much as (a) industrial commodity prices, (b) other costs of medical care, and (c) incomes of consumers. "Real" prices of drugs sold by manufacturers, in terms of almost any appropriate measure, have declined. I will not burden you or the record with repetition of these convincing data. Suffice it to say that the record shows that, on a comparative basis, drugs are cheap. They certainly have not contributed to the inflation of prices that has been of so much concern to us all.

II. PROFITS IN THE DRUG INDUSTRY

In the preceding analysis I have shown that strong competition does exist in the drug industry, and that this competition has been responsible for much of the tremendous progress that has been made in recent years in developing new products and therapies, and for making physicians acquainted with these rapid and multitudinous new developments. I am sure that even the severest critic of the drug industry must admit that without this intense competition among the producers of ethical drugs, progress in medicine would have been immeasurably slower and millions of people who at this very moment are enjoying life and health would be suffering from serious diseases or moldering in their graves. To bring this point home to you more forcefully: if there are 400 people in this room, 12 of them would not be alive today if they had not benefited by the modern drug advances that have occurred since 1937.

But, you may say, granted that competition exists, and in important respects is intense, is it of a kind and degree sufficient to hold profits, and hence prices, within reasonable bounds? Actually, the criticisms of the industry, both direct and implied, that appear in the records of these hearings seem to be based largely upon this question of profits, which it seems some of you consider unduly high. Would it not be better, you have asked, if profits and therefore prices to consumers were lower? To this and associated questions I shall now address myself.

A. Profitability of individual products

Much of the testimony concerning profits, and comment thereon, has related to individual products. Certain costs of bulk materials, packaging charges, and selling prices have been used to indicate so-called profits for these particular products.

Nearly all this testimony relating to specific products has dealt, not with profits, but with margins or markups, which are altogether different things.

A profit is a total gross return minus total expenses. Any attempt to arrive at a total or per unit profit on an ethical drug item is foredoomed to failure, because most of the expenses or costs that must be deducted from gross returns, on either a total or per unit basis, are not separable, but "joint" costs. There is no satisfactory basis for allocating these joint costs to individual products.

If a rational system of allocating joint costs among all the different products produced and sold by any one manufacturer were available, the picture with respect to apparent margins, markups, or what have been erroneously viewed as individual product profits, would be entirely different from that indicated by certain superficial figures which have been considered by the committee. We would no longer find the ridiculous percentages of alleged profits on individual products to which so much headline attention unfortunately has been given.

Despite these complications involved in even roughly approximating the margins or "profits" realized on individual products of a drug manufacturer, there is no doubt that some of these products are much more profitable than others.

If these joint costs could be allocated, it would be found that the products yielding the highest profit margins are those that are (1) new, and hence not yet "copied," (2) for which no close substitutes are now

available, and (3) for which a widespread need exists. As time and competitive research progresses, fully or closely substitutable products will be developed and marketed by other firms, and/or the product will be made wholly or partially obsolete by the discovery of generically different products serving the same purpose better. This happens in practically every case, as evidenced by the extremely high rate of obsolescence. Thereafter, the formerly highly profitable product is either discontinued or becomes one of the many also-rans included in the product mix of any company.

Economists refer to unusual profits made on pioneering products, or as a result of pioneering development of more efficient production of marketing methods, as "profits of innovation." The profits of innovation are temporary, persisting only until competitors duplicate the product, develop a better one, or, if the source of the profits is a superior process, adopt the same methods.

Profits on some drug products will appear high to some if price-cost comparisons are restricted to the early stage in their life cycle when the products are unique and the demand is at its peak. By the same token, profits and prices on some drug products would appear low if measured later in their life cycle when substitutes have been developed and demand has fallen. Even limited price-cost and profits comparisons can only be made over the whole life cycle of a product.

At any one time, the product mix of any ethical drug manufacturer consists of many different products in all phases of development, marketing, and obsolescence. Some of the products in this mix are new, the result of years of planning, researching, conferences, laboratory work, pilot plant operation. If they fill a widespread need they may give rise to large sales and better-than-average profits. Without the anticipation and realization of these profits of innovation practically none of the continuing research by manufacturers necessary to provide new therapies and to support constantly improving medical practice would or could be undertaken.

Other products, as a result of obsolescence, competition, or limited need, are barely holding their own, or are even being handled at a loss, retained primarily to offer to pharmacists, the medical profession and their patients, a necessary component of some prescriptions.

Obviously, the situation with respect to any one or a few of these products cannot be taken as representative of the whole, even if that situation, profitwise, could be properly pinpointed without the difficulties presented by joint costs and other obstacles that have been described. It would be as silly to judge the profits of the drug industry by high margins for a selected few products as to judge the profits of the automobile industry by profits made on Cadillacs.

If rates of return on individual drug products are compared with overall company profits, it is clear that the product successes singled out for committee attention do not adequately describe the whole range of successes and failures of the individual drug firm. Any attempt to use individual product profits to reflect profits on the many products supplied by the individual drug firm is in error. This procedure misrepresents the average profit component of drug prices. It completely overlooks the fact that the continued existence of a firm depends upon balancing no return or lower return, mature products with higher return, unique products.

It is quite evident, therefore, that the only way in which the profits of the drug industry can be measured is by looking at these costs, gross returns, and profits as a whole. The profit figures for individual products that have been paraded before this subcommittee by staff members may be a way of raising questions, but they can be misleading to many. They can build up false hopes in the public mind that significant decreases in drug prices can be effected by decreasing these profits. Let us now see if more light can be thrown on this question by examining aggregate or average profits.

B. Profits on invested capital or net worth

Profits stated as so many dollars are meaningless in themselves. Some point of reference is required in order to give such dollar figures significance. In going over the record of the subcommittee's hearings I have noted that a point of reference frequently or even most used has been either net worth or invested capital.

When I see data such as those that have been introduced relating to profits as a percentage of either invested capital or net worth, I wonder whether the effect of some of this testimony will not be to confuse rather than enlighten. Such comparisons may be meaningful to an investment analyst for certain purposes, or to a banker considering credit arrangements for a drug company; but they have no relation at all to the question of how much, if any, drug prices might be reduced by the reduction or elimination of profits.

Let us take an extreme example outside of manufacturing industry to make the point quite obvious. A hardware store with an investment of $150,000 and a law firm with an investment of $12,000 may each be grossing $600,000 per year, with a profit of $30,000, or 5 percent of sales in each case. Expressed as percentage of investment this would be 20 percent for the hardware store and 250 percent for the law firm. The comparison obviously is meaningless. Some businesses require a large inventory of fixed assets such as land, buildings, and equipment, or raw materials and finished or purchased products, or both. Other businesses have very little money tied up in such physical properties. Any comparisons among them of profits as a percentage of investment are simply figures without meaning except for certain very limited purposes that are not included among those for which they have been used.

Let us look at two more illustrations. Let us take the case of two firms, A and B, not necessarily in the same business, for which we may be trying to judge the "reasonableness" of profits made:

Firm	Investment	Sales	Profits (after taxes)	Percent of sales	Percent of investment
A	$500,000	$2,000,000	$50,000	2.5	10
B	50,000	2,000,000	10,000	.5	20

Now, the untrained person, given only the information that sales of the two firms were equal, but firm B made twice as high a rate of profit on its investment as did firm A, is likely to form the opinion that firm B must have much higher profit margins on sales. Actually, his profits per dollar of sales are only one-half of 1 percent, or one-fifth those of firm A. Even if they were eliminated entirely the buyers of the firm's products would hardly notice the difference.

I do not wish to labor the point, but the subcommittee has so frequently been confronted with such meaningless data, and the latter have apparently been misunderstood even by members of the drug industry, that it will be well to clinch the point with another, more detailed example.

The following hypothetical data (table 1) may be used to represent three different establishments, let us say grocery supermarkets. The principle is applicable to all business.

TABLE 1

	Store A	Store B	Store C
Owns building, $100,000 mortgage, net investment	$80,000		
Owns building, no debt, value		$180,000	(1)
Stock of goods, value	50,000	50,000	$50,000
Total capital	230,000	230,000	50,000
Net worth	130,000	230,000	50,000
Annual sales	900,000	900,000	900,000
Interest on mortgage	5,000		
Cost of building maintenance	9,000	9,000	
Annual rent			18,000
Other annual operating expenses	837,000	837,000	837,000
Total annual expenses	851,000	846,000	855,000
Net profit after taxes	49,000	54,000	45,000
Net profit as percent of sales	5.4	6.0	5
Net profit as percent of total capital	21.3	23.5	90
Net profit as percent of net worth	37.7	23.5	90

[1] Store C rents building, no investments.

Store A owns the $180,000 building in which it is located, on which there is a mortgage for $100,000 requiring $5,000 annual interest. Annual cost of building maintenance is $9,000. Store B owns the building outright, with no mortgage or interest to pay and with the same building maintenance cost. Store C rents the building, paying $18,000 per year but incurring no building maintenance cost. All three of the stores have a stock of goods valued at $50,000, giving a total capital for the three stores of, respectively, $230,000; $230,000; $50,000. But their net worth is, respectively, $130,000; $230,000; $50,000. Annual sales for all three stores are $900,000, and total annual expenses other than building, $837,000. Total annual expenses are: Store A, $851,000; store B, $846,000; store C, $855,000. This gives a net profit of, respectively: $49,000, $54,000, $45,000, representing, as a percentage of sales: 5.4, 6, 5. But net profit as a percentage of total capital is, respectively: 21.3, 23.5, 90. Profits as a percentage of net worth are: 37.7, 23.5, 90.

This example, which is by no means extreme, but representative of situations commonly encountered in business, shows how impossible it is to draw any conclusions regarding profits in relation to prices by referring to profits per dollar of capital or net worth. In the above example, all three stores handled exactly the same merchandise at exactly the same costs other than rent, a minor item, and sold at exactly the same prices; yet the profits per dollar of net worth for store C were nearly four times higher than for store B.

Gentlemen, the primary significance of such data on profits per dollar of capital or of net worth, so far as this subcommittee is concerned, is whether or not they are sufficient to attract or retain enough capital in the industry to give it the means to perform the functions expected of it by the public. It has been largely by the use of retained earnings that the technological growth of the drug industry, its new drugs and new therapies, have been financed. On this point, Messrs. Donald B. Woodward and Banks T. Adams, Jr., have prepared a report to the Pharmaceutical Manufacturers Association which has been made available to you.

Frankly, gentlemen, for the principal purposes of this committee, which are related to drug prices, I would consider all such measures of net profit as a percentage of net worth as being almost meaningless. I believe that any objective economist would agree with what I have said on this subject.

So, gentlemen, may I now address my remarks to profits per dollar of sales.

C. Great variation in profits among individual companies and from year to year

Profit rates among companies in almost any industry vary widely, due to differences in managerial ability, the caliber of personnel built up over the years, and the other circumstances conditioning their operation. In automobiles, for example, some companies went on to make large profits while many others were dropping by the wayside for lack of profits. Over 90 percent of independent retail establishments are said to fail within a few years, whereas others in the same kind of business prosper. Even farmers differ tremendously in the financial results of their operations. Similar disparities exist in the drug industry.

To use the profit figures of any one company or several individual companies, without taking into account these differing circumstances, as indicative of conditions in the industry as a whole can be as misleading as using the profits of a single product as representative of the operations of a single firm. I realize that the temptation to do so is great, since individual companies, like individual products, furnish striking cases in apparent support of points one would like to make. At least, we can all recognize the danger and try to avoid drawing wrong conclusions or creating misleading public impressions by generalizing on the basis of operations not representative of the industry.

Because of these differences among companies, profits per dollar of sales as reported in different analyses of the drug industry differ considerably, according to the companies included. The study by Woodward and Adams, of the 10 companies for which figures are available, shows profit margins for each of the years 1947–58.

Profit margins vary substantially from year to year as well as from firm to firm. The study shows a variation in the profit margins from 9.4 percent in 1953 to 15.7 in 1948. The year 1958 was one of the higher ones, and hence should not be used as representative, even though it is the last year for which data were available to the committee. Profit margins declined from 1957 to 1958 and again from 1958 to 1959, and in all these years were significantly lower than for the years 1947 through 1950 and for the prewar years. The average for the years 1951–55, after the industry had about gotten over the dislocations of the war years, may be about as representative as any for at least the larger companies carrying broad lines of ethical drugs. For the 10 companies included in the PMA study the profit margin was 10.5 percent, for the years 1951–55; for the 10 years 1949–58, which include several of the higher postwar years and the unusual years of 1957 and 1958, the average was 12.2 percent. For 1959, the figure for 8 of the 10 companies so far available was 12.8 percent compared with 13.8 percent for 1957.

The variation in profit margins from firm to firm is also great. Among the 10 companies in the study these margins in 1958, the latest year for which all 10 companies' data are available, ranged from a low of 6.5 percent to 16.8 percent.

These variations clearly indicate the danger of using data for one or a few firms or years to represent the industry.

D. "Reasonableness" of profits per dollar of sales

The words "reasonable" and "fair," as applied to profits, are not economic concepts, and not capable of objective appraisal. But we can seek to explain why profits are what they are, and thereby be in a better position to exercise our necessarily subjective judgment about them.

E. Variations in profits among industries

Profit margins vary widely among different industries, as shown by table 2, taken from a study by Cottle and Whitman. These figures are for the years 1951–55; these most comprehensive materials for this completely objective study do not extend beyond this period, and this is a fairly representative economic period.

There are many reasons for the great variation in profit margins among industries.

Most of these may be included in one of four categories: (1) turnover; (2) degree of risk; (3) circumstances such as growth rate and position on the industry cycle, if any; and (4) external conditions such as the business cycle.

Of these, one of the most important is turnover of both inventory and capital. This may sound surprising to the layman, but not to any businessman or economist who has observed the importance of this factor. Any business with a high turnover may make a very small profit per unit or per dollar of sales and still accumulate a respectable total by income tax time. The same applies to different lines of products.

Cottle and Whitman (p. 31) have given rates of turnover of total capital for the industries included in table 2. If rates of profit given in this table are plotted against the corresponding turnover rates for the respective industries, a very substantial degree of correlation is observed. The relationship also appears to be definitely curvilinear; i.e., the lower the turnover rate the greater the proportionate effect upon profit margins of a change in such rate.

When the profit margins shown in table 2 are adjusted by readings from the curvilinear regression depicting the above relationship (see the second column of table 2), they appear entirely different. The apparently low profit margins now closely approach the average, and the higher ones do likewise. The previously apparent discrepancies among industries disappear to a substantial degree. The factor of turnover, in fact as well as in theory, has partly explained why some industries have relatively high profit margins and some have relatively low ones.

TABLE 2.—*Average net profit margin,*[1] *1951–55*

	Unadjusted [2]	Adjusted [3]
Copper	15.1	9.6
Oil	12.0	8.2
Ethical drugs	10.1	7.5
Chemicals	9.5	6.1
Building materials	9.2	5.0
Paper and allied products	8.8	6.3
Proprietary drugs	7.8	3.5
Corn products	7.4	5.7
Automobiles	6.6	8.4
Steel	6.5	4.4
General industrial machinery	6.2	5.5
Glass containers	5.6	5.2
Electrical supplies and equipment	5.4	5.7
Toilet preparations and soap	5.3	5.4
Agricultural machinery	5.2	2.9
Automobile parts and accessories	4.7	5.9
Rubber	4.6	4.7
Mail order houses	4.4	4.8
Cigarettes	4.4	3.1
Distilling	4.3	2.6
Metal containers	4.3	3.5
Limited-price variety	4.0	3.7
Textile fabrics	3.8	2.5
Radio and television	3.6	5.3
Packaged foods	3.4	4.8
Apparel and accessory chains	3.3	6.4
Aircraft	3.0	7.8
Department stores	2.8	3.5
Dairy products	2.7	4.5
Grain mill products	1.9	4.8
Grocery chainstores	1.0	6.5
Meatpacking	.6	5.5

[1] Net profits after taxes as percent of sales.
[2] Cottle & Whitman, "Corporate Earning Power and Market Valuation, 1935–55, Duke University Press, 1959, p. 30.
[3] Adjusted for values of curvilinear regression of profit margins on rates of total capital turnover by adding algebraically, to the average for all industries, the deviations from the corresponding regression values.

Contrary to what might be expected without more thorough examination of the industry, ethical drug firms have a relatively slow annual turnover of capital (only 1.30) compared with the lowest of the industries included, copper (0.72) and, the highest, grocery chainstores (8.54). In other words, for the ethical drug firms included in the PMA study, annual sales were only 30 percent greater than capital, or it required $1 of capital to support each $1.30 of sales. This serves to explain in large measure the relative position of the ethical drug industry in regard to profit margins.

If satisfactory quantitative measures of the three other groups of factors affecting margins were available, and time permitted, they could be used in a multiple correlation analysis to explain the differences in profit margins among industries not accounted for by capital turnover. If this procedure were carried to a completely logical and statistically successful conclusion, all of the adjusted figures shown in the second column of table 2 would be the same, namely, the average figure (5.5).

F. Profits in relation to prices

It has been shown that profits as a percentage of net worth cannot be used to draw significant economic conclusions in relation to possible reductions in prices. It has been shown, also, that profits per dollar of sales (profit margins), although higher for the drug industry than for some other industries, are largely explainable in terms of factors common to all industries. Neither of these measures of profits, on a relative basis, has any significant economic relation to the question of how much drug prices might be reduced by reduction or elimination of profits. However, some light may be thrown on this question by consideration of absolute, as opposed to relative, profit margins.

According to data obtained by your committee from 20 firms for the year 1958, the average profit was 13.1 percent of sales. It has been shown that 1958 was an abnormally high-profit year, as was 1957. For the period 1951–55, the Cottle and Whitman figure was 10.1 percent and the Woodward-Adams figure for the larger group of companies was 10.5 percent. For the 10-year period 1949–58, the profit margin was 12.2 percent for the latter group. But this is on manufacturers' sales. Significant costs are incurred after the manufacturer sells the drug to the trade, reflecting the high standards that the consumer demands of the entire medical services industry. Drugs cannot be handled in the trade in the same manner as nails or sugar, and trade markups necessarily are higher than for such staple commodities. Although I have no specific data on this point, I believe it may be said with confidence that the price paid by consumers for prescription drugs, after the wholesaler's and retailer's markups have been added, is at least twice that received by the manufacturer. So it is evident that manufacturers' average profit per retail dollar paid for drugs is roughly 6 percent.

G. Elimination or reduction of profits no panacea

I believe that even the most ardent critics of the drug manufacturing industry would not have it operate at a no-profit level. Let us presume that they would not object to manufacturers' profits of, say, 3 or 4 percent per dollar of retail sales. Whatever this subjectively determined figure might be, the difference between it and 6 percent would not represent much in terms of retail drug prices, at the most a few cents on a dollar's worth of prescription drugs.

In fact, if the entire profit of drug manufacturers were wiped out completely, buyers of consumer drugs on the average would hardly notice the difference in prices, which could easily be lost in the shuffle. Small changes in wholesale prices frequently are not reflected in retail prices. No, the concern that has been felt over drug prices has not been on the order of a few pennies per dollar, but of fancied profits running to many hundreds or thousands of percents.

that do not exist in reality because the false measures of costs that have been used to adduce such figures have not taken properly into account all costs, position on the life cycle of the drug, and other conditions that have been dealt with in the foregoing analysis.

A company-by-company approach to the drug industry, and the singling out of the most profitable items in each company's line, coupled with inadequate measures of costs, can produce a totally erroneous impression of the across-the-board possibilities for price reductions through profit elimination. Only a very small reduction in the level of drug prices, and an even smaller percentage reduction in the total cost of a cure, would result if all profits of all the drug companies were wiped out.

III. THE PUBLIC'S REAL INTEREST IN DRUG PROFITS AND PRICES

The price that society has paid in the form of drug industry profits is, in the aggregate, very low. The consumers' alternatives of longer hospitalization, more time lost from work, and more medical services would have been far more costly than the aggregate profits of the drug industry.

Even if all drug manufacturers' profits were wiped out, the problem presented by the low-income consumer and the chronically ill would remain, and costs to the ordinary in-and-out user of prescription drugs would not be reduced enough to pay for his daily newspaper.

In fact, the temporarily high profits of innovation accruing from the production and sale of a few drugs during the early phases of the products' life cycle, by stimulating research and development by the originating firm and its competitors, in the long run undoubtedly serve to minimize the total costs of medical care to the consumer and society. These profits induce private capital to devote research and manufacturing resources to the risky undertaking of pioneering new drugs. Prospective gains must be large enough to compensate for unusual risks.

In the midst of a technological revolution society properly demands an outpouring of research and education resources to rapidly bring benefits to consumers. In order to obtain the speed, daring, and flexibility of a private enterprise solution of this social problem, society must pay rewards which in the case of some unusually successful innovators may appear large. Even when research is successful, the financial advantages flowing from it in the drug industry are usually short lived. If profits on such newly discovered, short-lived products were greatly reduced or eliminated, then investment in research and development to produce similarly unique products would be discouraged. In an enterprise economy the level of profits determines incentives. There is no way to tamper with profits without affecting incentives. In the drug field, these incentives are of the utmost importance in promoting advancement in medical science and practice, the discovery of new therapies, and the improvement of the health and well-being of all of us.

The research which has led to the development of so many tremendously useful drugs since World War II already is behind us. The much more difficult research, the research where risks of failure are greatest, lies ahead. Cancer and other important diseases give rise to prodigious research problems. One drug manufacturer already has expended over $7 million in the search for a chemical that might be useful in the treatment of cancer, with no marketable product resulting. If the manufacturers' increasing chances of loss are coupled with new penalties for success, it is hard to see how the consumer can gain. To condemn an industry or a firm for its ability to maintain profits through successful new product development will not only discourage profits, but much more importantly the unique efforts that have produced these profits.

In my humble and very sincere opinion as an economist, gentlemen, the committee's primary concern should be with the incentive function of profits, since consumer welfare stands to be benefited most by research and product development yet to be done. Society's alternatives to sickness, mortality, and inefficiency are priceless compared with the profits of the drug industry which can contribute so much to reducing them in the future.

LOYALTY OATH AND DISCLAIMER AFFIDAVIT FOR STUDENTS

Mr. McGEE. Mr. President, a recent news dispatch from Chicago reported that the National Conference on Higher Education called for the elimination of both the loyalty oath and disclaimer affidavit required in the National Defense Education Act.

This is but another indication of concern in this country about encroachments being made on a rather significant philosophy of freedom, as well as the actual application of that philosophy.

A series of editorials has appeared on this subject. From time to time I have been inserting in the RECORD certain of these editorial sentiments. I should like to add to them an editorial by a distinguished writer for a distinguished newspaper, Mr. William L. White, in the Emporia, Kans., Gazette.

Mr. White writes in the Emporia Gazette that—

In effect this affidavit would mean that boys of 18 who had Communist or Fascist leanings might be denied an education. You can say this is a fuss about almost nothing, since not 1 American boy in 10,000 is disloyal to his country, or dreams of overthrowing our free, democratic institutions.

We answer that it is the principle of the thing: in a free country, a boy's education should not be depending on passing a political test—however sane that test would appear to be.

In Mr. White's text he invokes another concept, that is, our concept that our political system has strength because it is based on the ascertainment of truth. If we really believe that education is a powerful agency for truth—and I, for one, think it is so dedicated—then we ought not to be complaining about anybody's convictions and the eroding effect of his beliefs in fascism and communism. In a somewhat less than facetious tone, if we really are confident in the power of education we ought to demand that every Communist and every Fascist be given a scholarship to our universities, in order that they may be exposed to free education, and let them be led to the truth.

I ask unanimous consent that the editorial by Mr. William L. White be included in the RECORD as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

In effect this affidavit would mean that boys of 18 who had Communist or Fascist leanings might be denied an education. You can say this is a fuss about almost nothing, since not 1 American boy in 10,000 is disloyal to his country, or dreams of overthrowing our free, democratic institutions.

We answer that it is the principle of the thing: in a free country, a boy's education should not depend on passing a political test—however sane that test would appear to be.

We further answer that in this field of political testing, once you give a government an inch, it will take an ell. Once you set this dangerous precedent, who can say that a boy may not someday be denied an education because he does not believe in an eighth term for RICHARD NIXON, Adlai Stevenson or Walter Reuther?

It has happened before: it happened even in Soviet Russia where, for 30 years, no boy of middle class origin was allowed an education, which was restricted to sons of the proletariat. In this political testing for education, are we now to copy Lenin and Hitler?

Political tests have their place. They are proper for members of the Government, for bureaucrats in key positions, and they are indispensable for officers in the Army—all sniveling of the left to the contrary. The people have every right to demand that those who pretend to serve our free Government are not conspiring to overthrow it.

They are, however, utterly inappropriate as applied to the ordinary citizen, who, in a free country, should have a right to believe in anything he chooses, or in nothing at all.

Meanwhile, do not worry about Harvard and Yale. Each has millions of dollars in private student loan funds, available to any and all students who can pass their high entrance examinations. They will not suffer. Nor will they be clogged with Communists.

But in taking this strong stand for freedom of conscience, they have set a noble precedent.

TWENTY-ONE DEMOCRATIC SENATORS CALL ON CHAIRMAN MARTIN OF THE FEDERAL RESERVE SYSTEM TO PUT INTO EFFECT FOUR BASIC REFORMS

Mr. DOUGLAS. Mr. President, on Saturday, March 12, 21 Senators of the United States addressed a letter to Mr. William McChesney Martin, of the Federal Reserve System, calling for the Federal Reserve Board to put into effect four basic reforms in its policy. Before I outline them, may I mention the two major effects which we consider adoption of these reforms would have.

First, in our judgment they would raise the price, and hence lower the yield, or interest rates, on long-term bonds. This could be done without resort either to "pegging" the market or other inflationary devices. The reforms would directly affect the controversy over the removal of the 4¼-percent ceiling on long-term bonds and would make removal of the ceiling unnecessary.

Second, the reforms would provide the Treasury with a considerable increase in revenues. The amounts involved are the interest and profits on one-sixth of $80 billion. The Federal Government would thereby share in the interest and profits created when the Congress delegates its constitutional power to "coin money and regulate the value thereof" to the private banking system through the Federal Reserve Board.

In the introduction of our letter, we stated that we hoped that—

The Federal Reserve Board may adopt certain very definite reforms which, if accom-

panied by parallel action on the part of the Treasury, may remove or greatly lessen the very real dangers to the people of the United States which we believe would be created by the lifting or removal of the interest ceiling on longtime Government bonds.

The four specific reforms which we asked Chairman Martin to signify his intent to put into effect are as follows:

First. The establishment of margins on the purchase of Government bonds and the regulation of the 17 dealers who operate in the market. At present the dealers are unregulated and virtually no margins are required in a market where trading in Government bonds amounts to some $200 billion per year. Such regulation would reduce the speculative nature of this market, as evidenced in the debacle of 1958, strengthen confidence in Government securities, and hence reduce their risk and thus bring down the interest rate.

Second. We asked the Reserve Board to abandon the "bills only" policy. Although it holds over $25 billion in Government securities and buys and sells them regularly, the Federal Reserve now buys and sells only short-term Government bills. We urge that the Federal Reserve buy and sell all forms of Government securities, including long-term bonds. This action would increase the price and reduce the yield, or interest rate, on long-term bonds.

Our third recommendation was that the Federal Reserve should permit the money supply to grow at approximately the same rate as the growth in the economy.

Since 1953 the economy has grown at the slow rate of 2.3 percent per year. Meanwhile, the money supply has expanded by only 1.8 percent per year. On a per capita basis, this expansion has been only 0.1 percent per year. We assert the failure to expand the money supply at a proper rate has been in part responsible for "the increasing unemployment during this period and for slowing down the rate of growth itself." Expansion of the money supply at a proper rate would have the effect of reducing interest rates and stimulating homebuilding and investment by small business and by State and local authorities. This, of course, would reduce unemployment.

Fourth. We urged that such proper expansion of the money supply should take place through the purchase of Government bonds, rather than by lowering the reserve requirements of member banks of the Federal Reserve System.

We pointed out that if the expansion takes place by lowering reserve requirements, as Mr. Martin desires, the banks of the country will receive the interest and profits on some $80 billion, without almost any cost to themselves, and without any increase in the capital assets and reserves of the Federal Reserve System.

If, on the other hand, the needed expansion takes place through open market purchases, the Federal Reserve and the Government would receive the interest and profits on one-sixth of the $80 billion, or on $13⅓ billion.

As 90 percent of the Federal Reserve System's profits are returned to the Treasury, the cumulative amounts of earnings which would go to the Treasury would be over $4 billion during the period that the expansion took place. We stated in our letter:

These [amounts] may be small and inconsequential to you, Mr. Chairman, but to the hard-pressed taxpayers of this country, and to the Members of Congress charged with fiscal responsibility, they are of great importance.

Mr. President, I ask unanimous consent that the text of the letter, together with the names of the signers, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 12, 1960.

The Honorable WILLIAM MCCHESNEY MARTIN,
Chairman, Federal Reserve Board,
Washington, D.C.

MY DEAR CHAIRMAN MARTIN: We are addressing this letter to you in the hope that the Federal Reserve Board may adopt certain very definite reforms which, if accompanied by parallel action on the part of the Treasury, may remove or greatly lessen the very real dangers to the people of the United States which we believe would be created by the lifting or removal of the interest ceiling on longtime Government bonds. Combined with needed Treasury reforms, these would have the effect of increasing the price and lowering the yield and hence the interest rate on Government bonds without resorting either to "pegging" the market or inflationary devices. Somewhat similar proposals for reforms were made to you during 1959 and in January of this year by certain majority members of the Joint Economic Committee. At those times you were firm in your refusal to accept these reforms.

We wish to help the country and reduce the tension which is developing between the Board and a large section of Congress, and we hope that further reflection upon these matters may have induced a greater willingness on your part and that of the Board to reconsider basic issues of policy.

We now appeal to you to signify your intent and that of the Board to make at least four basic reforms or improvements in the conduct of the Board's affairs:

1. To recommend the establishment of margins on the purchase of Government securities by customers of security dealers, and to regulate the activities of the security dealers themselves.

As the debacle of the summer of 1958 clearly showed, it is intolerable that there should be such widespread speculation in Government securities on infinitesimal or nonexistent margins. This can be damaging to the credit of the United States of America. We have waited for you to give us a lead on this matter on the basis of your long study of the incident and have been disappointed by your silence and your failure to act.

This offers the possibility of fruitful cooperation between your Board and Congress, and if you will assign some of your experts to work with us, we shall be glad to draft legislation which will deal with the great abuses which have been revealed and yet be fair to all parties.

2. A second reform which we believe the Reserve Board should adopt is to abandon its "bills only" policy. We have scarcely been able to find a single competent economist who endorses this policy to which, with rare exceptions, you have held for so many years. The abandonment of this mistaken policy would be desirable in itself and would clear the way for further reforms.

3. In our judgment, it is imperative that you should, over a period of time, permit an increase in the money supply (currency plus demand deposits) at approximately the same rate as that at which the real gross national product is growing. This would not be inflationary. Rather it would be a stabilizing force.

We regret that, during the years from 1953 to 1959 when the economy was growing at the excessively slow rate of 2.3 percent a year, your Board would only permit the money supply to grow at the still slower rate of 1.8 percent a year. The increase in population cut the growth of the money supply on a per capita basis to 0.1 percent per annum. In our judgment, this slow rate of growth was one of the causes which artificially increased the interest rate and hence retarded home building, expansion of small business, and State and local investment. It was therefore one of the causes for the increasing unemployment during this period and for slowing down the rate of growth itself.

We must honestly state that your failure to expand the supply of money at an adequate rate has been in large part responsible for this.

Let us, however, emphasize two things: First, we want relative stability in the price level, with the longtime growth in the money supply only matching the longtime growth in the real gross national product.

Second, we are not opposed to some cyclical variations in the growth of the money supply. The availability of credit could, for example, be relatively increased in periods of recession or depression, or slightly dampened down in an undue upswing. But these variations should not be used to alter the longrun policy of expanding the money supply in line with the increase in the production of goods and services so as to avoid both inflation and deflation, but also with a view to maximum employment and adequate growth.

4. The Federal Reserve should use open market purchases to provide the increase in member bank reserves for the needed longtime or secular expansion of the money supply. Taking normal velocity into account, this would be at the rate of about 3 to 4 percent per year.

As you know, such expansion could be achieved by one of two ways: (a) the reserve requirements of the member banks could be lowered; or (b) the same end could be accomplished by open market purchases.

You have stated publicly that you felt that the reserve ratios should be lowered still further and the banking system appears to be aiming for an ultimate average level of about 10 percent as preferable to the present level of approximately 16 percent. A reduction in reserve requirements from 16 to 10 percent would support, with present member bank reserve balances, an expansion in demand deposits from the present $110 billion to about $190 billion, or an increase of $80 billion.

If the creation of this $80 billion is accomplished by lowering reserve requirements, it would be done without any increase in the capital assets and earnings of the Federal Reserve System. The interest on those additional sums and the profits from this great expansion of credit would accrue entirely to the private commercial banks, without the Reserve System or the Government sharing in the profits then made through having delegated the Government's power to create monetary purchasing power or money to the banks. In other words, private banks will get all the interest and profits on this money, with little or no cost to themselves. In these circumstances, one can understand why the banks are so anxious to use this method and why those who support the banks find it possible to justify this method. Huge sums are at stake.

According to Federal Reserve System figures, the average rate of earnings of member banks on their combined capital, surplus, and undistributed profits in 1958, the last

full year for which figures are available, was 17.3 percent before taxes and 9.7 percent after taxes.

In view of the fact that the risks of bank stockholders have been decreased in the last decade by the guarantee of bank deposits and the abolition of double liability, this rate of earnings on capital and surplus (accumulated from prior earnings) would seem to be amply adequate.

Now, if you feel that the private banking system of the country, whose major source of profit is the loans and deposits created by the fractional reserve system at little cost to the banks themselves, deserves higher rates of earnings than these, then you should frankly say so for the record and justify your reasons. You should do this for that would be the effect of creating the long-run needed expansion of the money supply by the method of reducing reserve requirements which you advocate.

If instead, the creation of these amounts is done by open market purchases, the Government will get 90 percent of the interest and profits on one-sixth of the $80 billion, or on about $13⅓ billion. The banks will still receive the interest and profits on $66⅔ billion. Certainly the banks should not be unhappy to see the Government and the people get this small profit for the delegation to them of the constitutional proof of the Congress to coin money and regulate the value thereof.

As you understand, if the expansion were accomplished by open market purchases, then the Federal Reserve System would acquire added earning assets of approximately $13⅓ billion in Government bonds over the years at an initial rate of about $570 million a year and an average rate of about $740 million per year.

At 4 percent interest, this would mean initial earnings of approximately $23 million a year and rising by slightly more than this amount each year to over $46 million in the second year, $69 million the third year, etc., until at the end of the period, the annual added earnings would be approximately $940 million a year and would continue from then on. The cumulative amounts of these earnings which would accrue to the Federal Reserve System in the period would be over $4.5 billion. Under prevailing practices, at least 90 percent of these sums, or over $4 billion, would be turned over to the Treasury.

These may seem to be small and inconsequential amounts to you, Mr. Chairman, but to the hard-pressed taxpayers of the country and the Members of Congress charged with the duty of fiscal responsibility, they are of great importance. They would help to balance the budget and provide needed services. Moreover, the large volume of annual purchases of Government bonds would raise their prices and lower their yields and hence lower the basic interest rates on governments about which you and the Treasury have been complaining.

This action, along with a more appropriate fiscal policy, would result in long-term interest rates well below the 4¼ percent ceiling and would make the question of whether the ceiling should be removed largely an academic one.

Instead of focusing on the question of the symptoms of our problems, namely the 4¼ percent ceiling, we urge you and the Treasury to get at the basic causes of the problem, namely excessively high interest rates in a period characterized not by full employment, forced draft growth, and inflation but one characterized by excessive unemployment, a slow rate of growth, and stable prices.

We should emphasize that we are not proposing that present reserve requirements be raised but that they be kept at existing levels. Thus, we are not advocating that the Government's share in the creation of additional purchasing power be increased, but merely that it not be reduced, as you would have it done.

When we have questioned you on this issue, you have objected on the grounds that in times of recession, lowering reserve requirements may be a faster and quicker way of expanding credit than through achieving these effects by open market purchases.

However, this answer has to do with the short-run and does not affect the question of the secular or long-run expansion about which we are concerned.

It may be proper to lower and raise reserve requirements for cyclical or short-run purposes. Yet during the years 1951 to 1960, a period dominated by the tight-money policy of the Federal Reserve System, the Federal Reserve has lowered reserve requirements during recessions but has not subsequently raised them during periods of expansion. The effects, therefore, have been to lower reserve ratios permanently.

In other words, since 1951 you have not raised reserve requirements and hence have not used them as a counter cyclical weapon in periods of expansion. This fact seriously diminishes the force of the single argument you have used in opposition to our view that open market operations are to be preferred to the method of lowering reserve requirements for secular expansion. In the first place, you have been using a short-run argument in reply to our point that the long-run expansion should occur by open market purchases. In the second place, even in the short run you have not used reserve requirements fully as a countercyclical weapon for they have been changed only downward and have not been raised.

With respect to the long run, the ultimate effects of the two methods would, as you have admitted, be the same. Even the immediate effects would be substantially similar. The public interest calls for using the open market purchase method for the long run or secular expansion of the money supply and we call upon you and the Federal Reserve Board to issue a clear statement of policy to that effect.

In short, we believe that a proper sense of fiscal responsibility should lead you (1) to work cooperatively with Congress for requiring margins on the purchases of Government bonds and for proper regulation of that market, (2) to abandon the discredited bills only policy, (3) to effect the longtime increase in the money supply at approximately the same rate as the growth in the real national product, and (4) to do this by open market operations rather than by lowering reserve ratios.

We will welcome your cooperation for these worthy ends.

With best wishes.

Sincerely yours,

PAUL H. DOUGLAS, of Illinois; JAMES E. MURRAY, of Montana; WAYNE MORSE, of Oregon; CLINTON P. ANDERSON, of New Mexico; HUBERT H. HUMPHREY, of Minnesota; JOSEPH C. O'MAHONEY, of Wyoming; PAT MCNAMARA, of Michigan, JOHN A. CARROLL, of Colorado; FRANK CHURCH, of Idaho; JOSEPH S. CLARK, of Pennsylvania; WILLIAM PROXMIRE, of Wisconsin; JENNINGS RANDOLPH, of West Virginia; E. L. (BOB) BARTLETT, of Alaska; HOWARD W. CANNON, of Nevada; ERNEST GRUENING, of Alaska; EUGENE J. MCCARTHY, of Minnesota; GALE W. MCGEE, of Wyoming; FRANK E. MOSS, of Utah; EDMUND S. MUSKIE, of Maine; HARRISON A. WILLIAMS, JR., of New Jersey; OREN LONG, of Hawaii.

CIVIL RIGHTS LEGISLATION

Mr. SPARKMAN. Mr. President, several days ago I discussed the section of the Dirksen substitute having to do with obstruction of court orders. I pointed out that the section posed a substantial threat to some of our fundamental freedoms guaranteed by the first amendment to the U.S. Constitution—freedoms of speech, press, and assembly.

This section has been laid on the table, and I hope that no effort will be made to resurrect it. Accordingly, I am reluctant to refer to it again and I would not, were it not for the editorial which appeared this morning in the Washington Post and Times Herald. The editorial is not particularly important in itself, except when considered along with other editorials on the so-called civil rights package.

Taken as a whole, the editorial policy of the Washington Post and Times Herald in respect to this debate demonstrates the value of extended debate in the Senate. At the same time, it shows how shortsighted it is to dismiss the arguments of 18 U.S. Senators as "pish-posh," "filibustering," and "delay."

We have had a story to tell to those who would listen.

We have studied and analyzed these different proposals, and we have found them deficient in many ways. This is a continuing and difficult task, because the proposals are many and varied. In addition, there are new proposals and refinements of old ones being introduced almost daily.

However, in spite of all this and the serious deficiencies we disclosed in these proposals, we were told on February 29, 1960, by the Washington Post and Times Herald that we were engaged in a "shoddy performance," that this was a "niggling controversy," and that our "cause, boiled down to fundamentals, is for a free hand in denying citizens of the United States the right to vote."

On March 2, the newspaper finally admitted that there were other issues involved, one of which "would forbid riots aimed at upsetting desegregation decrees of the courts."

In a later editorial, the Washington Post and Times Herald censured personally the junior Senator from Alabama, his colleague [Mr. HILL], and the Senator from Arkansas [Mr. FULBRIGHT]. According to the newspaper, we were diminishing our luster "during the civil rights debacle"—March 3, 1960.

When I discussed this subject, I pointed out the dangers inherent in this section. I pointed out that it was not needed to "forbid riots aimed at upsetting court orders," since there is sufficient existing law to prevent such action. I warned that this section far transcended this purpose and was subject to much abuse.

Of course, there were only a few Senators on the floor at the time. However, my remarks appeared in the RECORD. Even so, apparently the civil rights advocates did not follow the debate, because last Thursday when it was suggested that a motion to table the section might be made several Senators, proponents of the bill, expressed great concern lest the Senate take precipitous action without adequate debate.

Indeed, after the section was tabled the Washington Post and Times Herald expressed its disapproval of the Senate action and urged that the provision be reincorporated in the bill.

In view of this, Mr. President, imagine my surprise when I read the editorial in this morning's paper.

It now appears that the newspaper is troubled by the "sweep of the prohibition as drafted." It finds that "the language is such as to suggest a serious constitutional issue in abridgment of the first amendment." It warns that "in this as in all other legislation Congress needs to be careful lest, in the objective of furthering civil rights, it impose fetters on the right of protest."

To correct this the Washington Post and Times Herald suggests that the phrase "or by any threatening letter or communication" be struck. Apparently, someone on the newspaper staff has begun to do a little study on this matter. I might suggest that the meaning and effect of the word "corruptly" as it appears in the section also be included in that study. The junior Senator from Alabama believes that the Washington Post and Times Herald will find this language to constitute a more serious threat to our freedoms of speech and press.

I would also point out that in the event these two phrases were struck, it is quite probable no action would be made a crime under the proposal which is not already a crime under the administration of justice section, section 1503.

Senators know, Mr. President, that I have been talking about only one section out of seven appearing in the Dirksen substitute. A review of my comments will show how important careful consideration of this one section is to the preservation of our freedoms. Every other section of the proposal is worthy of similar exhaustive and thorough consideration. In fact, the voting proposals are far more complicated and there are far more differences of opinion in respect to them.

For example, there appeared on the editorial page of the Washington Post and Times Herald this morning a letter from the Senator from Michigan [Mr. HART] to the editor concerning the voting referee proposal. My friend, Senator HART, severely criticized the Attorney General's proposal as being of doubtful constitutionality and deficient in several respects. He supports the proposal of the Senator from Missouri [Mr. HENNINGS]. Mr. HENNINGS' proposal was introduced in this body only last week. No committee has considered it, and we have had very little debate with respect to it, and the Attorney General has not given us his views with respect to it.

These voting proposals affect one of the fundamental processes of Government, the electoral process. They should be studied carefully as to their effect and constitutionality. It is not a question of "denying people the right to vote." It is a question of the proper exercise of the legislative function.

I would hope that the northern press will profit from this experience, and I also trust that each Member of the Senate will study every one of these proposals carefully and thoroughly. There are indications that the Senate has decided to act in a responsible fashion. I am not surprised, because I have faith and confidence in the wisdom of the Senate and in its traditional respect for the rights of all our people all over the land.

If the Senate is to act in the public interest, it must not be stampeded by the emotions of the hour or the pressures of political expediency. We Senators from the Southern States will continue to discuss the sections of the Dirksen substitute on their merits as they come before us. This is not a "niggling controversy." It is a debate of great consequence to the people of America and to their fundamental freedoms.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, as a part of my remarks, the several editorials referred to, published in the Washington Post and Times Herald, including the one published in this morning's Washington Post and Times Herald, as well as a letter printed in this paper this morning, written by the distinguished Senator from Michigan [Mr. HART], pointing out some of the things which need to be cleared up in the proposed legislation.

There being no objection, the editorials and letter were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 29, 1960]

WHAT A CAUSE CELEBRE

Let no one call this niggling controversy in the Senate a great debate. It is true that passions have been aroused and tempers are already becoming frayed. Southern orators are crying "tyranny," "torture," and "inhumane treatment." Senator HILL conjured up the bogey of another Reconstruction era. Senator RUSSELL pretended that incendiary organizations are playing with matches—thus creating a danger of setting off some very tragic situation." Senator THURMOND insisted that he and his colleagues will "fight to the finish" for some great principle. But what is the cause for which these men are risking their lives and their standing before the bar of world opinion?

Boiled down to fundamentals, their demand is for a free hand in denying citizens of the United States the right to vote. No amount of shouting, eloquence, or windbaggery can obscure this basic fact. The Civil Rights Commission which Congress itself created has shown that about 25 percent of the southern Negroes of voting age are registered as compared to 60 percent of the white population of voting age in the same area. The evidence that Negroes are deliberately and arbitrarily kept out of the voting booth because of their race is overwhelming. Everyone with a grain of honesty in his system knows that the present struggle has come about only because the South insists on continuing this gross discrimination.

The controversy would not look so bad if the issues were being determined for the first time. Actually, the real issue was decided just 90 years ago. Congress proposed and the States ratified an amendment to the Constitution which provides:

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

Yet nine decades after this policy was solemnly written into our fundamental law a group of Senators sworn to uphold the Constitution are asserting the right to make it a mockery. In the world's greatest democracy they are trying to make a cause célèbre of racial disfranchisement. Their onslaught against the right to vote by means of a filibuster, which even prevents the Senate from voting on a reasonable remedy, is a shoddy performance indeed; States rights are being invoked to camouflage the denial of other rights.

Of course, it would have been better if the States themselves had respected and applied the 15th amendment when it was first enacted. But most of the Southern States have failed to do so. In the light of that record, is there any shred of reason in asking citizens to wait another 90 years for recognition of rights that were spelled out so clearly?

Anyone who is willing to look facts in the face knows that the people made Congress the special guardian of the right to vote in 1870 because the Southern States had not dealt fairly with Negro citizens. History has proved the wisdom of that decision. But history can only condemn the long failure of Congress to make use of this power. Now at last the issue has been joined. It cannot be regarded as one of the great questions of our day. Rather, it is a belated effort to clear up an item of unfinished business from the 19th century in the face of a stubborn backwash from the tragic era when freedom was thought to be a white man's monopoly.

[From the Washington Post, Mar. 2, 1960]

THE ISSUE BEFORE THE SENATE

Senator RUSSELL's scathing denunciation of our editorial on voting rights (What a Cause Celebre! Feb. 29) had several salutary consequences. First, it focused the debate on the bill before the Senate. Second, it raised at least some hope that southern opposition to the voting provisions of the civil-rights bill may be softened or abandoned when the going becomes rough. Third, it showed how extremely vulnerable the whole case of the filibustering Senators actually is.

The Senator made a heroic effort to convince his colleagues that this newspaper is trying "to deceive the people as to the real purpose of the pending, misnamed civil-rights legislation." The editorial in question, he said, tried to make it appear that only voting rights were at stake. Actually, he said, he sees only a minor objection to the provision requiring the States to keep their voting records and make them available to the Attorney General. Even the vote-guarding referee plan he places "well down the list in the order of obnoxious proposals in the legislation."

Well, this seems to be an important concession, despite the Senator's denial, and we think it should be regarded as such. In making his concession in order to discredit the editorial, however, the Senator distorted what we actually said. We did not, of course, pretend that the entire bill is concerned with voting rights. What we did say is that "Boiled down to fundamentals, their (the filibustering Senators') demand is for a free hand in denying citizens of the United States the right to vote." At one point in his excoriation the Senator left off the qualifying phrase.

We continue to insist that the voting provisions are the heart of the bill. In our opinion, a vast majority of the sponsors of the bill so regard them, and for good reason. For the first time they would provide machinery by which the right of Negroes to vote could be protected in the South.

Mr. RUSSELL wants to play down opposition to voting because such opposition is indefensible in a free country. Let no one suppose, however, that he has at this point

dropped such opposition. On the contrary, he indicated that he is "ready to fight this bill [presumably the entire bill] to the death—whatever this may entail * * *." Apparently he just wants to avoid leading with so fragile an argument.

It is interesting to note that the Supreme Court on Monday upset the absurd contention of Mr. RUSSELL's home State of Georgia that the Civil Rights Act of 1957 is unconstitutional. The case arose out of the efforts of the Attorney General to protect the right of Negroes to vote in Terrell County. The Court has given the Department of Justice a green light to go ahead with its attempt to put Negroes on the voting rolls, but the chairman of the vote registration board says that he will continue its discriminatory practices. In the face of this kind of defiance, it does Senator RUSSELL little credit to pretend that voting rights in the South are not a major issue.

And what of the other provisions of the bill before the Senate? Section 4 at which Senator RUSSELL directs his most bitter epithets is an innocuous recognition that desegregation of public schools has become the law of the land. The Senator sees it as an unholy "mandate to local school trustees of every school district to get out and mix races in the public schools of this country." Where has Mr. RUSSELL been during the last 6 years?

The Supreme Court has found that desegregation of public schools is required by the law of the land. Congress can change that law only by constitutional amendment. The bill before the Senate would merely recognize the existing situation and offer help to the States in adjusting their school systems to the inevitable. This is an admirable example of responsible policymaking. How can Mr. RUSSELL and his colleagues deceive themselves into supposing that this is a sinister plot? On the contrary, it is the essence of orderly government.

Nor has any serious objection been raised to the other sections of the bill. These would forbid riots aimed at upsetting desegregation decrees of the courts; penalize the flight of church- and school-bombing hoodlums across State lines; provide education for children living on Federal property when the local agencies fail to do so; and provide a statutory footing for the Commission on Equal Job Opportunity. Some of the legal language in the bill may be objectionable, but we think that the ends sought are highly commendable.

By far the most important provisions, however, are those throwing additional safeguards around the right to vote. Senator RUSSELL and his colleagues must expect to feel the sting of the country's reproach until they withdraw their obstructionism intended to defeat this fundamental right of American citizenship. The only way in which the filibusterers can escape the stigma of their antivoting-rights crusade is to accept these provisions and let the debate be centered on the remaining less significant issues.

[From the Washington Post, Mar. 3, 1960]

NO COLOSSUS OF RHODES

A number of men of whom this Capital is fond have been diminishing their luster during the civil rights debacle in the Senate. It is distressing, for example, to see such a stout champion of humanitarian legislation as Senator LISTER HILL, of Alabama, abetting the southern extremists. It is dismaying that Senator JOHN SPARKMAN, of Alabama, a former Democratic vice-presidential nominee, has been lending his prestige to the Alice-in-Wonderland effort to paint the voting rights bill as an invasion of civil liberties. It is disturbing that other respected southern Senators have supported Senator RICHARD RUSSELL's attempt to label those who disagree with him as liars or Senator OLIN JOHNSTON's absurd charge that proponents of voting rights have fallen for a Communist plot to destroy constitutional government.

But the onus falls most heavily upon the chairman of the Foreign Relations Committee, Senator J. WILLIAM FULBRIGHT, of Arkansas, because more is expected of him. Mr. FULBRIGHT is a Rhodes scholar and a former university president. By virtue of his role in foreign affairs he is looked to for sane comment and leadership above sectionalism. He is the author of so enlightened a piece of legislation as the scholarship program that bears his name, and during the McCarthy era he gained justified acclaim for his sometimes solitary protests.

Can so intelligent a man seriously contend that present voting protections are adequate without considering the reasons why enforcement of them has been frustrated in large areas of the South? Can he contend with a straight face that there is no voting discrimination despite the irregularities in Louisiana and the outright defiance in Georgia? Can he really believe, as he stated, that "It is merely apathy which keeps more Negroes from voting in the South and, indeed, through the Nation"? Can he be so blind to the real causes of trouble as to think that it is the effort on the part of northerners to impose certain conditions on the South that may give the Communists an opportunity to try to demonstrate to the world the weakness and deterioration of the democratic system in this country?

In short, is Mr. FULBRIGHT doing justice to himself, his position, and the dignity of the body he represents by joining in this cabal of know-nothingism? In particular, does he relish his Alphonse and Gaston colloquies with Senator JAMES EASTLAND, of Mississippi, who refers to decisions of the Supreme Court of the United States as crap and tripe?

[From the Washington Post, Mar. 12, 1960]

SENATE STRIP TEASE

The vote of the Senate to table all of section 1 of the civil-rights bill is a disappointing sequel to its more moderate actions of Thursday. We thought the Senate showed good judgment in rejecting cloture at this time and in turning down the amendment sponsored by the northern liberals to authorize Department of Justice suits for injunctive relief in all civil rights cases. But in ripping out the entire first section of the Dirksen bill the Senate went too far.

This action appears to have been a direct result of Senator LAUSCHE's attempt to broaden section 1. That section was originally intended to enable the Government to cope with riots of the Little Rock type without the use of troops. Penalties were provided for anyone who obstructs a school desegregation order of a Federal court. Mr. LAUSCHE argued that the penalties should be extended to anyone who interferes with a court order in any kind of case, and the Senate agreed with him by a 65 to 14 vote. While there is logic in this argument, the fact is that law-enforcement officials see no practical need for granting this power beyond the scope of desegregation cases, and the generalization would have raised serious questions about the impact of the provision on labor disputes. This apparently caused the Senate to toss out the entire section on a motion by Senator MORSE.

Perhaps the House can repair the damage, as this provision in its restricted form is part of the bill reported out by its Judiciary Committee. The effect of the Senate vote is to throw a great deal of new emphasis on the importance of what the House is doing.

[From the Washington Post, Mar. 15, 1960]

THE RIGHT TO PROTEST

As the House of Representatives moves into detailed consideration of the civil rights bill, it ought to take a close look at the language of the section penalizing obstruction of court school desegregation orders. This is the section that the Senate struck out of the Dirksen bill last Friday after Senator LAUSCHE had made an attempt to broaden it so as to apply generally to obstruction of all legitimate court orders.

What troubles this newspaper is the sweep of the prohibition as drafted. The Judiciary Committee bill now before the House, like the Dirksen bill from which the Senate pruned the section in question, would apply to "whoever corruptly, or by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes, or interferes with or willfully endeavors to prevent * * *" the exercise of duties under a court desegregation order. The Lausche bill which the Senate defeated contained much the same language.

The above section is intended, surely, to deal with crank letters or telephone calls—threats of bombing or bodily harm and the like. But if the prohibition were interpreted literally it might also be brought to bear against a mere vigorous expression of opinion. What is a threatening letter? Might a letter published in a newspaper citing the possibility of dire consequences be construed as an endeavor willfully to obstruct, impede or interfere with the execution of a court order?

The language is such as to suggest a serious constitutional issue in abridgment of the 1st amendment. Yet the offensive portion could easily be deleted, it seems to us, without impairing the effectiveness of the measure. If the phrase "by any threatening letter or communication" were eliminated, the use of threats or force would still be a crime.

We believe firmly that final court orders must be obeyed, and we hope that the bill which finally emerges from the House and Senate will contain an effective section on this point. A strong case can be made, as we acknowledged the other day, that the prohibition against interference ought to be focused especially on court desegregation orders, since it is here that the immediate problem arises. On the other hand, interference with legitimate court orders of any sort (as distinguished from lawful opposition) ought to be prohibited irrespective of the issue at stake.

The argument that the attempt to broaden the prohibition as in the Lausche bill might have impaired the rights of labor seems to us on reflection to be rather thin. Labor has a long fear of the injunctive process, but the Lausche bill would apply only to Federal court injunctions—issued principally, as applied to labor, under the Taft-Hartley Act. Possibly the effort to broaden the interference provision would create an unnecessary diversion from the main purpose of the bill, which is the more effective protection of voting rights; and that might constitute a reason to retain the more limited scope. But it cannot be argued that labor ought to be in a privileged category with respect to obedience to court orders.

In any event, whether the House broadens the prohibition or restricts it to interference with desegregation orders, we hope that legislators will eliminate the unnecessarily sweeping definition of threats. In this as in all other legislation Congress needs to be careful lest, in the objective of furthering civil rights, it impose fetters on the right of protest.

[From the Washington Post, Mar. 15, 1960]

REFEREES OR REGISTRARS?—LETTER BY SENATOR PHILIP A. HART, OF MICHIGAN

In the Senate on March 10 I attempted to point out some of the major defects in the Attorney General's voting referee proposal. I did this in the hope that I might restore a

sense of perspective to the debate over what would be an effective civil rights voting bill.

This appears to be especially necessary in view of the impression which both the President and the Attorney General have given the country during their press conferences in January and February, when they labeled the Civil Rights Commission recommendations for temporary Federal registrars as "possibly unconstitutional" and "unworkable." Neither of these criticisms has been substantiated, but the fact that they were voiced has left confusion between the referee and registrar approaches.

The difference between them is relatively simple. The referee approach would provide an officer appointed by the court to help the court make its determinations and carry out its orders. The registrar approach would provide an officer appointed by the President to perform administrative or clerical functions under State law where State officials fail to do their job or have resigned. Understanding this difference is crucial, if we are to get more than a handful of Negro citizens registered.

Under Attorney General Rogers' plan it would be necessary first for the Federal court to find that there is racial discrimination in registration and voting in a case brought under the 1957 act by the Attorney General. If the court were to make this finding—and only one has been made since the 1957 act was approved—the Attorney General would then ask the court to appoint a referee who would review the cases of others in the area who claimed to have been disfranchised.

Before he went to the referee, however, the individual would first be required to go to a State officer and be turned down. If the referee found that he had been turned down, he would report this to the Federal judge. At that time the State would be permitted to challenge the referee's action by appealing the finding.

The defects in this procedure are many. The most important are: (1) it is cumbersome and invites delay; (2) it subjects the disfranchised citizen to obstacles of public harassment not encountered by other citizens; (3) it involves the courts in administrative functions which are not the courts' job; and (4) it raises questions of constitutionality when it permits referees to act without hearing both sides and without allowing the right of confrontation and cross examination on material issues.

In addition, it will come as no surprise to lawyers that the means are available under present law to designate officers to function as would the referees.

On the other hand, the proposal of the Commission embodied in the new bill proposed by Sen. Thomas C. Hennings, Jr., would permit the findings of racial discrimination to be made by the Commission on Civil Rights, authorize the appointment of registrars who would do the same job which the State official refused to do.

It would provide for full review in the courts of any action of the Federal officials, but would do so in the same way that any other citizen's ballot is challenged—after the ballot is cast. It would put those who interfere with the proper action of registrars in jeopardy of violating a Federal court injunction which is authorized under the act.

In my remarks to the Senate I tried to emphasize that what disfranchised citizens need is not the right to go to court, but the right to go to the voting booths like everybody else. The Rogers proposal is a tedious and laborious judicial approach. We are faced with systematic mass disfranchisement, with not one of 214,213 Negro citizens registered in some 57 counties. What we need is a systematic administrative remedy.

I concur with Father Hesburgh, who expressed the conviction of the Civil Rights Commission: "We all knew that something must be done about this situation, and done as quickly and as simply and as cleanly as possible."

In my view, the administration's proposal does not meet these objectives.

PHILIP A. HART,
Senator From Michigan.

Mr. SPARKMAN. Mr. President, I also ask unanimous consent to have printed in the RECORD an editorial published in the Wall Street Journal of March 14, 1960, entitled "The Cloak of Words."

It has been interesting to note in the last few days the editorials in various newspapers admitting there is, after all, some merit in extended debate.

The being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE CLOAK OF WORDS

No one expected the Senate to get the two-thirds vote necessary to limit debate on the civil rights bill—a minority of southerners were supposed to block that.

But as matters turned out, the proponents of the legislation couldn't even muster a simple majority of the Senators willing to turn off the talk against the bill.

The result has been a bit of confusion as to what happens next. It has also, it seems to us, confused the arguments of those who pictured the filibuster as the wicked machination of a stubborn minority thwarting the set will of the majority of the Senate.

The Senate rules, as everyone knows by now, provide that no legislation shall be voted upon until every Senator has had his say, unless two-thirds of the Senators agree to halt debate. The Senate has invoked cloture upon occasion, but rarely.

The purpose of these rules is not to favor a minority southern bloc, although the casual follower of current events might suppose so. The purpose is first of all to make sure that any great issue is fully debated before irrevocable decisions are made; and, beyond that, provide a deliberate brake against a simple majority running roughshod over a large minority on issues of very great moment.

Now it's quite true that these rules—like many other procedural safeguards in our constitutional system—are sometimes put to strange uses. The right of unlimited debate can be used not to debate but simply to delay. The words of a filibuster can be a cloak to cover many things, and it is this aspect of it that has many times brought the filibuster into public disfavor.

But the disfavor, be it noted, has a strange way of shifting. Last week, for example, Senator MORSE, of Oregon, voted to shut off debate because he did not agree with those talking. Yet upon another day and another issue it was Senator MORSE who invoked for himself the same right to talk; for a long time he held the Senate's filibuster record.

Moreover, the power to talk has been vastly overrated as a power to halt the Senate from what it would do. A Senate of a 100 men which truly wanted to vote on an issue could, if it chose to do so, outlisten any handful of Senators. Others besides Senator MORSE have shown remarkable endurance at steady talking, but human endurance still has an end.

The truth is that there are a good many Senators outside the southern bloc who might have had some hard choices to make if forced to vote on this particular bill. The filibuster by the determined opponents delivers them from the necessity of voting on the bill itself and offers them at the same time a whipping boy to castigate.

Thus while there were only 18 Senators who by their talking openly sought to put off a vote on this controversial legislation, there were 52 Senators who, on the test, were opposed to suspending the debate and thus hurrying the bill to a vote.

All this suggests, we think, a little perspective on last week's events and the controversy over the ancient safeguard of unlimited debate provided in the Senate's rules.

What ought not to be obscured in the cloak of words is that the will of the Senate was not thwarted by a handful of Senators. When the Senate gets a civil rights bill which the majority is truly determined to have, then the Senate will have it, filibuster or no.

ONE HUNDRED AND TWELFTH ANNIVERSARY OF THE HUNGARIAN REVOLUTION

Mr. BUSH. Mr. President, today marks the 112th anniversary of the victorious Hungarian revolution against czarist Russia. That revolution was crushed by the czarist army, just as the 1956 revolution was crushed by the tanks of the Soviet Union.

We can imagine the yearning which exists in the hearts of the Hungarian people on this anniversary. They yearn for the freedom, the liberty, and the human dignity which have been denied them by the evil of Communist imperialism.

While criticizing the Western countries and the colonialism of the past, the Soviet Union continues to perpetrate the colonialism of today as it insists on keeping its small neighboring states in slavery.

Throughout the free world, there are being held plebiscites and national referendums granting the right of self determination to the many new nations that are emerging throughout the world. Khrushchev and his henchmen, on the other hand, have their armies at the throats of the Hungarian people and many other nations.

Why do not we hear Khrushchev calling for a plebiscite in the satellite countries? Why do not we hear Khrushchev proclaiming his advocacy of the principle of self-determination? The obvious answer to these questions is that any plebiscite or any referendum would unquestionably produce a defeat for communism. We note the historical fact that never has any country voted, through a free, democratic process, to adopt the system of communism.

We convey to the Hungarian people our fervent desire and our faith that their days of bondage will not long endure. The free world has not forgotten Hungary, nor has it forgotten the other nations which are caught in the web of godless communism.

On this anniversary of the revolution of 1848, we say to the Hungarian people that the free world will continue to work toward their liberation from the whiplash of communism.

Mr. JAVITS. Mr. President, I wish to join in the celebration of the 112th anniversary of the Hungarian revolution of 1848, which is being held today. The brave people of Hungary have been spirited fighters for freedom for many generations, and no conqueror has ever

been able to crush for long their determination to be free.

American ties with the people of Hungary, who are now held captive by the Soviet Union and local Communist rulers, are much more than bonds of sympathy and understanding. For millions of our citizens who trace their ancestry to this ancient land, these are ties of blood. For other Americans, there are strong bonds of history and tradition in which the names of such great freedom fighters as Louis Kossuth figure prominently.

The American people, through the Congress, have set themselves unequivocally on record as being strongly in support of the national aspirations for liberty of the Hungarian people, and their burning desire for freedom from Communist tyranny. I deem it a privilege to be able to contribute my voice in some small measure to this heroic struggle.

Mr. President, I ask unanimous consent that a "Memorandum on the Hungarian Problem To Be Presented to the Honorable Members of the U.S. Congress," by a distinguished Hungarian organization, the Hungarian Committee, headed by Msgr. Bela Varga, known so very well to all of us, and by Mr. Ferenc Nagy, be printed as a part of my remarks.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM ON THE HUNGARIAN PROBLEM TO BE PRESENTED TO THE HONORABLE MEMBERS OF THE U.S. CONGRESS

After World War II, the democratic political leaders did their utmost to establish a truly democratic system of government in Hungary in accordance with the will of the people as manifested in the free elections of November 4, 1945, when the Communists were not able to muster more than 17 percent of the votes, despite Soviet occupation and Communist terror.

However, unfortunately, the Hungarian people were not duly sustained by the Western allies in their efforts of developing and preserving the democratic institutions of the Hungarian Republic. The sad fact that the Western Powers had tolerated that there be no rotation in the chairmanship of the Allied Control Commission in Hungary, had enabled the permanent Soviet chairman to intensify gradually the direct Soviet interference in all domestic matters of the country.

Despite this direct Soviet interference which was virtually sanctioned by the mere presence of the two Western members in this Control Commission and following the elimination of the leading democratic politicians in the Hungarian Republic, the Hungarian people made another desperate demonstration of their unshakable will to reestablish a democratic system of government. In the elections of August 31, 1947, ordered to be held by the Communist Party chief, Matyas Rakosi, the Communist Party polled only 20 percent of the votes. It was Rakosi's aim to erase the non-Communist majority by fraud and terror, exploiting the psychological effect of the presence of Soviet troops.

Transformed in 1949 into a so-called People's Republic whose institutions were set up on the Soviet pattern, Hungary's entire public life, economy and territory was placed under the Kremlin's control in striking defiance of the agreement on liberated Europe and the Hungarian Peace Treaty, both signed by the Allied Powers and the Soviet Union.

The nationwide Hungarian Revolution of October 23, 1956, left no doubt that the Hungarian people, even the youth and the working class, in spite of 10 years of indoctrination, rejected the Communist system and foreign domination. However, while they were ready to sacrifice their lives for freedom and democracy, they very realistically stressed in their political manifestations the necessity of good neighborly relations with the powerful Soviet Union. The authentic spokesmen of the revolution had many times declared that they were not intent on converting Hungary into an anti-Soviet state. On the contrary, they emphatically advocated the idea of an internationally recognized neutrality as this was officially proclaimed by Premier Imre Nagy's government.

All these facts have been established by the United Nations Special Committee on the Problem of Hungary, and accepted by the United Nations General Assembly as trustworthy evidence of the bad faith of the Soviet Union which did not shrink from the assertion that the spontaneous Hungarian revolution was the result of a plot of Hungarian Fascists and foreign secret services.

This Soviet version was completely reversed by Khrushchev himself when he bluntly declared in an off-the-cuff speech delivered in the Ganz factory in Budapest on December 2, 1959, that the revolution was crushed because the Soviets wanted to preserve by force the Communist regime in Hungary. He also openly admitted that the revolution was due to the extreme despair of the Hungarian people as a reaction to Rákosi's terror regime. His third sensational revelation was that even his colleagues in the party presidium had misgivings that the Soviet military intervention in Hungary might be "misconstrued" abroad.

Thus, these revelations have strikingly confirmed, even on the part of the Soviet Union, the facts established by the United Nations factfinding organ on the real causes of the revolution and the brutal crushing of the uprising by the Soviet tank divisions.

The United Nations General Assembly has, since 1956, successively adopted 12 political resolutions on Hungary, demanding the withdrawal of Soviet troops and free elections under international control, while condemning the Soviet Union for the brutal crushing of the victorious Hungarian revolution. The Soviet defiance of these resolutions has gravely affected the prestige of the world organization by creating a dangerous precedent for the impunity of members who do not comply with the General Assembly resolutions.

Although the political actions of the United Nations could not be enforced, the mere discussion of the Hungarian situation during the periodical debates of the General Assembly on Hungary kept alive the Hungarian people's spirit of resistance under a seemingly quiet surface. However, it was shocking for Hungarians at home and abroad that 3 days after the adoption of the latest U.N. General Assembly resolution on Hungary, December 9, 1959, the very same high U.N. body accepted Hungary as a member of the Committee for the Peaceful Exploration of Outer Space December 12, 1959).

By this totally unexpected and inconsistent move the General Assembly accepted the Kadar regime as an equal international partner, although the Hungarian delegation's credentials were not approved, with the motivation that it was issued by a regime which was placed in power by the Soviet armed forces in 1956. This move, which was supported by the Western Powers, virtually amounts to the rehabilitation of the Kadar regime and thus means a complete Western capitulation in the Hungarian case, which is now noisily exploited by the Communist propaganda in Hungary and abroad.

It is the most revolting injustice in the 20th century that the Hungarian people with a record of a thousand years of independence is languishing in the most ruthless colonial bondage of the Soviet Union, while even backward peoples are attaining nationhood and independence, one after another, thanks to the help of the Western Powers.

The present situation in Hungary may be briefly illustrated as follows: increasing persecution of the patriots, secret trials and executions, a ruthless drive for the collectivization of agriculture, institutional violation of the basic human rights, psychological exploitation of the presence of Soviet troops, overcrowding of the forced labor camps, control and persecution of the clergy.

Speeches of Communist Party leaders delivered at the party congress in December 1959, clearly indicate that Moscow wants to tighten the regime in Hungary despite the period of thaw in East-West relations. This mirrors the Soviet determination to present Hungary as a completely socialized state as soon as possible in order to eliminate one of the most outstanding problems in Eastern Europe, and to make it, thus, disappear from the United Nations General Assembly agenda, also.

For all these reasons the Hungarian people who had not received any Western diplomatic or political assistance in the victorious days of their life-and-death struggle for freedom, now rightly expect that the Western Powers seize the very first East-West summit meeting to be held after the adoption of 12 United Nations resolutions on Hungary, to pose the grave problem of noncompliance with the United Nations resolutions to the Soviet Union.

Both the juridical and moral obligations of the Western Powers and the preservation of the prestige of the United Nations equally demand that the Western Powers bring up forcefully the Hungarian question at the forthcoming summit meeting.

Mr. KEATING. Mr. President, March 15 marks the 112th anniversary of the victorious Hungarian Revolution of 1848, a revolution that was crushed by the Czarist army just as the 1956 revolution was crushed by the tanks of the Soviet Union.

Revolutions may be crushed by tyranny, but the great names of history cannot be obliterated from the memory of free men. Such a name was Louis Kossuth. In 1848, this splendid fighter for freedom led his brave Hungarian fellow men in an insurgent action which resulted in the abolition of serfdom, and the proclamation of the inalienable rights of freedom.

We who live in a free land must always think of the Hungarian people as blood brothers in the sublime human cause of liberty and democracy. This day must remain in our hearts and thoughts as imperishably as the courageous acts which made it such a glorious page in the history of Hungary, in the history of freedom. Because Hungarians now bowing under tyranny's yoke in their native land are not permitted to mark the anniversary date of their liberation, it is all the more incumbent upon us who draw the breath of freedom to pay due homage on this day to a brave and magnificent people.

That the fire of liberty still flames in Hungarian breasts is a truth that history has recorded. The revolution of 1956, that splendid if smothered cry of a great people, testifies to the indomitable spirit

that must one day break the bonds that shackle it to the tyranny of communism.

Free Hungary lives for us not only in the spirit of its people, but also in the vital and continuous contribution of Hungarians who have come to the United States and enriched our national life by their talents, their energies and their exemplary citizenship.

In this day of homage to a great people, let us reaffirm our devotion to their cause, and express, in particular to the Hungary fettered still in the chains it so bravely tried to break, our fervent hope that the day of deliverance will be hastened, and Hungary will be, as in the past, the homeland of free men.

At this time our hearts must go out particularly to those brave Hungarian freedom fighters whose valorous acts in 1956 have doomed them to an imprisonment that still continues. I have been proud and honored to associate myself with a number of my fellow citizens in a petition that expresses the fervent hope for an amnesty in the case of these courageous Hungarian defenders of the cause for which they gladly risked their lives and their futures.

This petition was sent to me by Monsignor Bela Varga, who is chairman of the Amnesty for Political Prisoners in Hungary Action Committee, and who has been a tireless leader in all efforts to aid his countrymen now trapped behind the Iron Curtain.

Mr. President, I ask unanimous consent to have this amnesty petition printed at this point in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

AMNESTY FOR POLITICAL PRISONERS IN HUNGARY—DECLARATION OF AMERICAN CITIZENS

We, the undersigned, fully recognizing the great responsibility incumbent upon us in this age when man has the means of total destruction, solemnly declare our intention to serve the most important cause, the preservation of peace.

We agree that all efforts must be directed to that end and every possibility must be employed to ameliorate those problems which result in the present dangerous world tensions. To attain the desired goal all nations must show evidence of their good faith.

We firmly believe that one of the disturbing elements in the effort toward mutual understanding is the fate of those Hungarians who participated in the revolt of 1956. If there is a spirit which radiates understanding and forgiveness, we think that those Hungarian political prisoners, regardless of their age and sentences, must be forgiven, too.

Therefore, we are appealing to the understanding and consideration of the Communist leaders to grant an amnesty to Hungarian political prisoners, gratifying those throughout the world who are yearning for peace and justice. We hope that the Communist leaders will recognize their own responsibilities in connection with our demand and they will act according to their conscience, and with humanity.

Done in the month of March 1960, in the United States of America.

Mr. SCOTT. Mr. President, today is the 112th anniversary of the Hungarian Revolution of 1848.

It is especially important that we note this anniversary date, because that government was wiped out shortly later by Czarist Russia, just the way free Hungary was shackled in more recent years by Soviet Russia.

As a member of the American Friends of the Captive Nations and of the Emergency Committee for U.N. Action on Hungary, I want to call attention to the plight of Hungarians in advance of the East-West summit conference.

As many of us know, whenever the Hungarian people have been able to express their will, they have emphatically voted for freedom and independence. In a free election in November 1945, the Communists were not able to muster more than 17 percent of the votes in Hungary. In August 1947, the Reds polled only 20 percent of the votes.

But by 1949, Hungary was put under Kremlin control and a so-called People's Republic was superimposed upon the nation. Despite years of Communist indoctrination, on October 23, 1956, the Hungarian people rose in defiance of the Communists and only by brute force did the Russians restore the Communist government.

Since then the Communists have instituted a reign of terror that surpasses even Stalin's fanaticism.

A ruthless campaign was launched in 1959 to force peasants back into the kolkhozes they had left during the revolution. State control of church affairs was established by purging hundreds of clergymen, both Catholic and Protestant, and by exacting oaths of allegiance from the rest.

Labor brigades have been organized among the youth to do dangerous and arduous work.

The estimated total of political prisoners in concentration camps is at least 50,000. The chief public prosecutor, speaking before the Budapest National Assembly last year said:

> We will vigorously crush our enemies and all troublemakers who disturb our social system.

It is important that we in the Congress recite these facts, unpleasant though they are. They are reminders to us that we must be ever on the alert against bartering the lives of freedom-loving peoples for some temporary gains in international affairs. And our restatement of these facts are reassurance to the captive peoples that we are aware of their slavery and are constantly working toward the day when they may rejoin the assembly of free and independent nations.

JOHAN LUDVIG RUNEBERG

Mr. HUMPHREY. Mr. President, the birthday of Johan Ludvig Runeberg, a great poet revered by the people of both Finland and Sweden, was celebrated on March 5.

This gifted and talented son of a Swedish sea captain, born in Finland 154 years ago, was the national poet of Finland and one of the most loved men of letters in Sweden. In his early youth Runeberg showed keen interest in native folklore, in popular literature, particularly in the literature which has survived in verse. While studying literature at the University of Abo, he became so intensely interested in folklore that he interrupted his studies there, went out to the countryside and, in a number of villages, he heard people recite and sing old Finnish folk songs. He wrote these down, and years later when he began composing his great poems, these folk songs, as preserved in the hearts of patriotic Finns, served him as his most inspiring source.

The fame and greatness of Runeberg rests on a series of popular poems on the Finnish war of independence of 1808, a war in which Swedes supported the Finnish cause through and through. With the publication of these poems he attained national fame and was proclaimed Finland's national poet. His poems, showing much originality and great power, formed the first firm link between the Finns and Swedes. In this he was, in a sense, a great forerunner for international amity and comradeship, and no doubt that is why he is beloved and honored by both the Finns and Swedes. Blessed be the memory of this great and gifted son of Swedish parents, the patriotic national poet of Finland.

THE ALLEGED DISCRIMINATION AGAINST NEGRO EMPLOYEES OF CIVIL RIGHTS COMMISSION

Mr. THURMOND. Mr. President, the ridiculous state of affairs which has been reached in connection with the subject of the pending amendment is well illustrated by an item which appeared in the news releases a few minutes ago. The item speaks for itself.

> An attorney who quit his job with the Civil Rights Commission today accused Staff Director Gordon Tiffany of discriminating against Negro employees of the Commission.
>
> John T. R. Godlewski called a news conference to air his grievances against Tiffany, a former attorney general of New Hampshire.
>
> Godlewski, 42, an attorney with the Commission since November 1958, said: "There have been numerous instances of discrimination against Negroes in the Commission."
>
> Stressing that his quarrel was with Tiffany and not with the six Commissioners, Godlewski said his Negro secretary was asked to resign before marrying a German white girl last August. The Negro met the girl while stationed in Germany with the Armed Forces, Godlewski said.
>
> Godlewski also said Negroes were given lower grade ratings than whites even though they had equally high scholastic standings.

AMERICAN TARIFF PROBLEMS

Mr. MURRAY. Mr. President, in the past decade the United States has increasingly provided worldwide leadership in reducing international trade barriers. We have not only reduced our own tariffs through GATT and also in those areas not covered by GATT, we have persuaded other nations to reduce their own tariffs. Sometimes the net results of our efforts have been very gratifying; unfortunately, there have been instances in which the net result has been damaging to American industry. Nevertheless, we have plowed ahead with this program hoping that our leadership would set an example for all the nations of the world

engaged in international trade and commerce. However, when sincere and earnest efforts are not met with reciprocity then we must reexamine not the objectives of our world trade policies but the results they have developed.

During the past 3 or 4 years the United States has been experiencing a greater imbalance in our export-import payments. In the past year many of our Government, financial, and commercial interests have expressed real concern over this imbalance and the resulting outflow of gold from the United States. At this time there are clear signs that as a nation our exports are facing increasing opposition in many parts of the world. The time has now come when we must redress the imbalance of our trade payments and protect our commerce and industry against the imposition of higher foreign tariffs.

When individual nations raise tariffs against goods from our primary industries such as aluminum, that industry can expect to suffer when exporting to those nations. While the aluminum industry may not be able to overcome losses in its trade with an individual nation that raises its tariff it may hope and seek to increase exports to other countries in the same trade area. However, when six major European nations band together to form a so-called Common Market and spread over themselves a tariff blanket of 10 percent against primary aluminum pig, then the blow to this U.S. industry is severe and must be countered.

While reciprocation in kind may not be the most desirable step in international trade the United States can take, such action is immediately available and most likely to produce results.

Our aluminum industry is now faced with the situation wherein the price of primary aluminum pig exported to the six European Common Market countries will be increased by a 10 percent tariff. At the same time European countries are selling primary aluminum in the United States for 22 cents a pound. The domestic price of primary aluminum in the United States currently is 26 cents a pound. The most immediately effective answer to this invasion is an increase in the U.S. tariff on primary aluminum pig to 4 cents per pound.

TRIBUTE TO CHANCELLOR KONRAD ADENAUER ON THE OCCASION OF HIS VISIT TO THE UNITED STATES

Mr. KEATING. Mr. President, this Nation is signally honored by the visit to our shores of Dr. Konrad Adenauer, Chancellor of West Germany. Dr. Adenauer has arrived for talks of high political importance, set in the context of the forthcoming East-West summit discussions.

The United States receives Dr. Adenauer with the warmth of welcome reserved to old and admired friends. A legend in his lifetime, this preeminent German statesman symbolizes to the world both the free spirit of West Germany and its resurgence to a position of strength and prestige in the Western World. The principles and policies espoused by Dr. Adenauer have contributed immeasurably to the rise of Germany from the rubble of war to a position of stability and of respect in the global sphere.

The Chancellor's visit at this time is the more pointed and meaningful because of the impending decisions to be taken at the summit conference in the matter of the status of West Berlin. Premier Khrushchev has applied constant pressures for acceptance of his demand that the West leave Berlin and acknowledge the permanent division of Germany. In the face of this threat to the freedom of West Berlin and to the unity of free Germany, it must remain our pledge and our intent to direct our efforts toward the preservation of the territorial integrity of West Germany.

In another aspect of the free world struggle for true democracy and for the dignity of man, it is heartening to note that Chancellor Adenauer and Prime Minister Ben-Gurion of Israel have met during their concurrent visit to the United States. It was the Chancellor's firmness in rejecting the Nazi past, and in his incisive condemnation of recent anti-Jewish acts in West Germany, that have made possible this desirable and fruitful meeting.

PROTECTION OF RIGHTS OF NEGROES AGAINST RACIAL DISCRIMINATION IN VOTING

Mr. HENNINGS. Mr. President, I shall this morning, within the time limitation applying to the morning hour, attempt to sum up briefly the subject of an effective bill to protect the right of Negroes against racial discrimination in voting.

To a Negro, be he highly educated or uneducated as the case may be, who has never had the privilege of voting in an election the voting booth is a foreign land that he has never seen but hopes to visit and an election registration certificate or other similar qualification, is a passport to that foreign land. If the Congress desires to make it realistically possible for that Negro, who, for purposes of discussion we shall assume can meet the qualifications under State law, to vote, the Congress will have to enact legislation providing for a simple routine procedure without encumbrances and delays for that Negro to be registered or qualified to vote. Anything else we enact will be a sham.

The Attorney General of the United States has suggested that the unregistered Negro is to first try to get registered by State officials who probably have either already refused to register him or some other Negro in his community and after they have declined to register him, he is to seek out a court referee who is appoined by a Federal judge following what will probably be protracted litigation. I suggest, Mr. President, that first getting refused by a State registration officer and then going to the courthouse and finding the referee in his law office and having his testimony taken down by a stenographer, will not be in the eyes of an unregistered Negro a simple routine matter. No, this procedure is law business of a very special kind.

In contrast to this many Senators, including myself, have offered legislation in one form or another providing for a simple routine registration or enrollment procedure before a Federal Government official appointed by the President. Later on today or at some later appropriate time I shall speak in as much detail as possible laying out point by point insofar as time allows the reasons why in my opinion the referee proposal would be bad legislation and why the enrollment officer proposal offered by me or some similar proposal which relies primarily on an administrative official not connected with the courts to register qualified Negroes is much to be preferred.

In summary, for the moment, let me say that the referee proposal would, under the best circumstances, be ineffective, full of delay, and of doubtful constitutionality—depending on what version is presented. On the other hand, the enrollment officer proposal would, with proper administration, be both constitutional and effective.

While we must concentrate on an effective voting proposal we must not fail to act on public school desegregation at the same time.

The very least we should do is to pass a provision authorizing Federal technical assistance and financial aid to communities wishing to accomplish desegregation of their public schools in compliance with the clear mandate of the Supreme Court in the decisions of 1954 and 1955.

If the Senate feels paragraph (1) of subsection (2) of section 4 of the Dirksen amendment—identified as "2-24-60—1"—is ineptly phrased, I suggest adoption of the language in Senate Concurrent Resolution 64, introduced on July 15, 1959, by the junior Senator from Colorado [Mr. CARROLL] and myself. I ask unanimous consent that the text of that resolution be printed at this point in the RECORD.

There being no objection, the concurrent resolution (S. Con. Res. 64) was ordered to be printed in the RECORD, as follows:

Whereas, in very special situations, the Congress may be called upon to express the sense of its Members on extremely important issues of government and public policy; and

Whereas such a situation exists today with regard to public school desegregation inasmuch as, to date, the Congress is the only branch of the Federal Government which has neither spoken nor acted; and

Whereas the Supreme Court of the United States decided in cases on May 17, 1954, that enforced segregation in public education is a denial of the equal protection of the laws and therefore a violation of the fourteenth amendment; and in the implementing decision the following year (May 31, 1955) the Court directed lower Federal courts to proceed, consistent with the opinion, to admit parties to these cases to public schools on a racially nondiscriminatory basis with all deliberate speed; and

Whereas the Supreme Court has spoken and lower Federal courts have acted; and

Whereas the Chief Executive and the Attorney General of the United States also have spoken and acted, but the Congress has been silent; and

Whereas it is not within the competence of the Congress to express an opinion regarding the legal merit of a decision of the Supreme Court of the United States, and for that reason the Congress neither declares its approval nor disapproval of any particular decision of the Supreme Court; and

Whereas the Congress has an obligation to recognize the right and duty of the Supreme Court to interpret the Constitution of the United States in cases and controversies before it and to state clearly and in the plainest terms the intention of the Congress to enforce, by appropriate legislation, the rights of citizens under the Constitution; and

Whereas the Congress owes to the Nation a duty to destroy the mistaken impression which the silence of the Congress has encouraged that the rights of citizens recognized by the Supreme Court may be defeated with the acquiescence of one of the three great branches of our Government: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) a healthy public school system is an essential element today in American life;

(2) in the field of public education the doctrine of "separate but equal" has no place, separate facilities on the basis of racial discrimination are inherently unequal, and racial discrimination in public education should be eliminated with all deliberate speed.

Mr. HENNINGS. Mr. President, I ask unanimous consent to have printed in the RECORD at this point those portions of the Civil Rights Act of 1957 bearing on this problem; an analysis of my amendment to House bill 8315; a detailed analysis of the revised voting referee proposal, and a press release from my office, prepared by me on March 13, 1960.

There being no objection, the matters referred to were ordered to be printed in the RECORD, as follows:

UNITED STATES CODE, TITLE 42—THE PUBLIC HEALTH AND WELFARE

§ 1971. Voting rights.

(a) Race, color, or previous condition not to affect right to vote.

All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding.

(b) Intimidation, threats, or coercion.

No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories or possessions, at any general, special, or primary election held solely or in part of the purpose of selecting or electing any such candidate.

(c) Preventive relief; injunction; costs.

Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

(d) Jurisdiction; exhaustion of other remedies.

The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.

(e) Contempt; assignment of counsel; witnesses.

Any person cited for an alleged contempt under this Act shall be allowed to make his full defense by counsel learned in the law; and the court before which he is cited or tried, or some judge thereof, shall immediately, upon his request, assign to him such counsel, not exceeding two, as he may desire, who shall have free access to him at all reasonable hours. He shall be allowed, in his defense to make any proof that he can produce by lawful witnesses, and shall have the like process of the court to compel his witnesses to appear at his trial or hearing, as is usually granted to compel witnesses to appear on behalf of the prosecution. If such person shall be found by the court to be financially unable to provide for such counsel, it shall be the duty of the court to provide such counsel. (R.S. § 2004; Sept. 9, 1957, Pub. L. 85–315, pt. IV § 131, 71 Stat. 637.)

DERIVATION

Act May 31, 1870, ch. 114, § 1, 16 Stat. 140.

REFERENCES IN TEXT

This Act, referred to in subsec. (e), means Pub. L. 85–315, which is classified to this section and sections 1975—1975e and 1995 of this title, section 295–1 of Title 5, Executive Departments and Government Officers and Employees, and sections 1343 and 1861 of Title 28, Judiciary and Judicial Procedure.

AMENDMENTS

1957—Pub. L. 85–315, § 131(a), amended catchline by substituting "Voting rights" for "Race, color, or previous condition not to affect right to vote."

Subsec. (a), formerly entire section, so designated by Pub. L. 85–315, § 131(b).

Subsecs. (b)—(e) added by Pub. L. 85–315, § 131(c).

§ 1975. Commission on Civil Rights.

(a) Establishment.

There is created in the executive branch of the Government a Commission on Civil Rights (hereinafter called the "Commission").

(b) Composition; appointment.

The Commission shall be composed of six members who shall be appointed by the President by and with the advice and consent of the Senate. Not more than three of the members shall at any one time be of the same political party.

(c) Chairman and Vice Chairman.

The President shall designate one of the members of the Commission as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in that office.

(d) Vacancies.

Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner, and subject to the same limitation with respect to party affiliations as the original appointment was made.

(e) Quorum.

Four members of the Commission shall constitute a quorum. (Pub. L. 85–315, pt. I, § 101, Sept. 9, 1957, 71 Stat. 634.)

§ 1975a. Rules of procedure.

(a) Opening statement.

The Chairman or one designated by him to act as Chairman at a hearing of the Commission shall announce in an opening statement the subject of the hearing.

(b) Copy of rules.

A copy of the Commission's rules shall be made available to the witness before the Commission.

(c) Attendance of counsel.

Witnesses at the hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(d) Censure and exclusion of counsel.

The Chairman or Acting Chairman may punish breaches of order and decorum and unprofessional ethics on the part of counsel, by censure and exclusion from the hearings.

(e) Defamatory, degrading or incriminating evidence.

If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall (1) receive such evidence or testimony in executive session; (2) afford such person an opportunity voluntarily to appear as a witness; and (3) receive and dispose of requests from such person to subpena additional witnesses.

(f) Requests for additional witnesses.

Except as provided in this section and section 1975d(f) of this title, the Chairman shall receive and the Commission shall dispose of requests to subpena additional witnesses.

(g) Release of evidence taken in executive session.

No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission. Whoever releases or uses in public without the consent of the Commission evidence or testimony taken in executive session shall be fined not more than $1,000, or imprisoned for not more than one year.

(h) Submission of written statements.

In the discretion of the Commission, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Commission is the sole judge of the pertinency of testimony and evidence adduced at its hearings.

(i) Transcripts.

Upon payment of the cost thereof, a witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Commission.

(j) Witness fees.

A witness attending any session of the Commission shall receive $4 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and 8 cents per mile for going from and returning to his place of residence. Witnesses who attend at points so far removed

from their respective residences as to prohibit return thereto from day to day shall be entitled to an additional allowance of $12 per day for expenses of subsistence, including the time necessarily occupied in going to and returning from the place of attendance. Mileage payments shall be tendered to the witness upon service of a subpena issued on behalf of the Commission or any subcommittee thereof.

(k) Restriction on issuance of subpena.

The Commission shall not issue any subpena for the attendance and testimony of witnesses or for the production of written or other matter which would require the presence of the party subpenaed at a hearing to be held outside of the State, wherein the witness is found or resides or transacts business. (Pub. L. 85–315, pt. I, § 102, Sept. 9, 1957, 71 Stat. 634.)

§ 1975b. Compensation of members.

(a) Each member of the Commission who is not otherwise in the service of the Government of the United States shall receive the sum of $50 per day for each day spent in the work of the Commission, shall be reimbursed for actual and necessary travel expenses, and shall receive a per diem allowance of $12 in lieu of actual expenses for subsistence when away from his usual place of residence, inclusive of fees or tips to porters and stewards.

(b) Each member of the Commission who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Commission shall be reimbursed for actual and necessary travel expenses, and shall receive a per diem allowance of $12 in lieu of actual expenses for subsistence when away from his usual place of residence, inclusive of fees or tips to porters and stewards. (Pub. L. 85–315, pt. I, § 103, Sept. 9, 1957, 71 Stat. 635.)

§ 1975c. Duties; reports; termination.

(a) The Commission shall—

(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;

(2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; and

(3) appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.

(b) The Commission shall submit interim reports to the President and to the Congress at such times as either the Commission or the President shall deem desirable, and shall submit to the President and to the Congress a final and comprehensive report of its activities, findings, and recommendations not later than two years from September 9, 1957.

(c) Sixty days after the submission of its final report and recommendations the Commission shall cease to exist. (Pub. L. 85–315, pt. I, § 104, Sept. 9, 1957, 71 Stat. 635.)

§ 1975d. Powers.

(a) Staff director; appointment and compensation; personnel and services.

There shall be a full-time staff director for the Commission who shall be appointed by the President by and with the advice and consent of the Senate and who shall receive compensation at a rate, to be fixed by the President, not in excess of $22,500 a year. The President shall consult with the Commission before submitting the nomination of any person for appointment to the position of staff director. Within the limitations of its appropriations, the Commission may appoint such other personnel as it deems advisable, in accordance with the civil service and classification laws, and may procure services as authorized by section 55a of Title 5, but at rates for individuals not in excess of $50 per diem.

(b) Services of voluntary or uncompensated personnel.

The Commission shall not accept or utilize services of voluntary or uncompensated personnel, and the term "whoever" as used in paragraph (g) of section 1975a of this title shall be construed to mean a person whose services are compensated by the United States.

(c) Advisory committees.

The Commission may constitute such advisory committees within States composed of citizens of that State and may consult with governors, attorneys general, and other representatives of State and local governments, and private organizations, as it deems advisable.

(d) Exemption from conflict-of-interest statutes.

Members of the Commission, and members of advisory committees constituted pursuant to subsection (c) of this section, shall be exempt from the operation of sections 281, 283, 284, 434, and 1914 of Title 18, and section 99 of Title 5.

(e) Cooperation with Federal agencies.

All Federal agencies shall cooperate fully with the Commission to the end that it may effectively carry out its functions and duties.

(f) Hearings; issuance of subpenas.

The Commission, or on the authorization of the Commission any subcommittee of two or more members, at least one of whom shall be of each major political party, may, for the purpose of carrying out the provisions of this Act, hold such hearings and act at such times and places as the Commission or such authorized subcommittee may deem advisable. Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued in accordance with the rules of the Commission as contained in section 1975a (j) and (k) of this title, over the signature of the Chairman of the Commission or of such subcommittee, and may be served by any person designated by such Chairman.

(g) Aid of courts in enforcing subpenas.

In case of contumacy or refusal to obey a subpena, any district court of the United States or the United States court of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof. (Pub. L. 85–315, pt. I, § 105, Sept. 9, 1957, 71 Stat. 636.)

§ 1975e. Appropriations.

There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this Act. (Pub. L. 85–315, pt. I, § 106 Sept. 9, 1957, 71 Stat. 636.)

ANALYSIS OF THE HENNINGS' AMENDMENT TO H.R. 8315

This amendment provides that the President may in his discretion appoint from among Federal officers and employees who are registered voters enrollment officers who are authorized to enroll applicants whom they determine meet the voting qualifications under State law. The President is authorized to take this action if either of two things happen: (1) a Federal court finds that persons have been deprived of the right to register or vote because of their race, or (2) the Commission on Civil Rights makes a similar finding under its responsibilities set forth in the Civil Rights Act of 1957. This procedure is purely administrative in those cases where the Commission's findings are relied on and also purely administrative in those cases where the district judge's findings are relied on from the time when the district judge makes his finding. The President does not need to wait until the Supreme Court has made a final decision after appeal. Once a district judge has made a finding of racial discrimination in voting in a case brought by the Attorney General, the Attorney General notifies the President and the President acts in his discretion and may delay appointing enrollment officers for a time of grace in which to give State officials a final chance to administer their State registration and election laws fairly.

The other important thing to keep in mind concerning this amendment is that it provides for State officials and citizens of a State a day in court, but places that day after an election has been held and challenged votes have been cast, counted, and separately preserved. This procedure protects all the essential litigious rights of States and citizens, but prevents obstructions to the effective voting by Negroes.

BRIEF POINT BY POINT ANALYSIS OF THE HENNINGS' AMENDMENT

Section 7(a) makes findings that continual denial of rights under the 14th and 15th amendments requires congressional action.

(b) (1) defines elections to include any general or special election or primary.

(b) (2) defines registration district for the purposes of this legislation to correspond with a congressional district. An area this large is used for two reasons: (1) If for purposes of administering this amendment we used the registration district or area established under State law, a State which wished to resist the enrollment of qualified Negroes to the bitter end could by State law greatly increase the number of registration districts and decrease their size to very small units and thereby utterly frustrate administration of the Federal act (the Rogers' referee plan would run smack up against this obstacle). (2) By providing an area as large as a congressional district, as the registration district under the amendment, the President should have no difficulty finding a Federal officer or employee of sufficient stature in the part of the State where he lives and votes to serve as enrollment officer.

(c) (1) provides that whenever under section 131(c) of the Civil Rights Act of 1957 a court finds that under the color of law or by State action persons have been deprived of the right to register because of race, the Attorney General shall notify the President.

(c) (2) makes a similar provision concerning a finding of voting discrimination because of race by the Commission on Civil Rights.

(d) (1) provides that the President, upon notification of a finding either by the Attorney General or the Civil Rights Commission, is authorized to appoint a Federal enrollment officer of among Federal employees qualified to vote in the congressional district.

It further provides that when the President determines there is no further need for the office he may abolish the office, and that the individual appointed enrollment officer shall perform the duties until relieved of them by the President.

(d) (2) provides that the President may, in his discretion, delay the appointment of an enrollment officer in order to permit prompt and continuous good-faith effort by State and local officials to comply with the requirements of the 14th and 15th amendments. This provision was added to this amendment in keeping with the proposal put forward by Senator LYNDON JOHNSON.

(e) provides that the enrollment officer, when appointed shall accept applications and shall enroll all applicants whom he finds to meet the qualifications for voters under the laws of the State and these enrolled voters are qualified to vote for the period provided under State law. The successful applicants are to be given certificates of enrollment and the enrollment officer is directed to provide State and local officials with notification concerning the persons whom he has enrolled.

The last paragraph of (e) provides: "Nothing contained in this section shall be construed as impairing the right of any State to establish nondiscriminatory voting qualifications."

(f) provides that each voter enrolled by the Federal enrollment officer shall have the right to vote and have the vote counted subject to provisions of section (g).

(g) (1) provides that nothing in the amendment shall be construed to deny appropriate State officials or other interested persons of the right to challenge the eligibility of voters at the time of elections. It further provides that if challenged, however, the voter shall be permitted to cast his vote and have it counted, but the vote shall be preserved subject to a later determination of the validity of the challenge in an appropriate action before a U.S. judge.

(g) (2) provides that enrollment officers shall ascertain that persons enrolled by him are afforded the right to vote and have their votes counted and for this purpose is authorized to attend the voting and counting on election day. This subsection further provides that if any enrolled person is denied the right to cast his vote or have the vote counted, this fact shall be forthwith given to the Attorney General.

(g) (3) provides civil and equitable proceedings to enforce the provisions of the amendment and to give immediate injunctive relief if a voter is interfered with on election day at the polls.

(g) (4) sets forth the provisions contained in the Civil Rights Act of 1957 for cases of criminal contempt.

DETAILED ANALYSIS OF REVISED VOTING REFEREE PROPOSAL

NOTE.—Representative WILLIAM MCCULLOCH, of Ohio, is sponsoring in the House of Representatives the revised Rogers' voting referee amendment. Since this is the only referee proposal so far sponsored in the House, where the issue of voting rights is now being debated, this analysis deals with it rather than the original version which has not been replaced in the Senate. (As I noted in a memorandum placed in the CONGRESSIONAL RECORD on Friday, March 11, 1960, at page 5250, Attorney General Rogers apparently still prefers the original referee proposal copies of which he released to the press on January 26, 1960.)

In brief the revised referee proposal provides as follows:

(1) If in a civil suit brought by the Attorney General under the Civil Rights Act of 1957, the judge finds that State registration officials have deprived any person or persons of the right to register or vote because of race or color, the judge must upon request by the Attorney General make a finding whether such deprivation is pursuant to a pattern or practice.

(2) If the judge finds a pattern or practice, for at least 1 year any Negro residing in the affected area (the registration district or districts served by the State registration officials pursuing the pattern or practice of racial voting discrimination) shall be entitled, on application, to a court order declaring him qualified to vote on (1) proof that he is qualified under State law to vote, and (2) that he has under color of law been (a) deprived of the opportunity to register to vote or (b) found not qualified to vote by a State official.

(3) Court order qualifying applicant to vote is to be effective for longest period for which applicant could have been registered by State officials under State law.

(4) Applicant is to be permitted to vote in any election for which he is declared qualified.

(5) In a proceeding before voting referee, the applicant shall be heard ex parte. His statement under oath shall be prima facie evidence as to his age and residence. Where proof of literacy or understanding of other [sic] subjects is required by State law, referee's report shall include answers given by applicant.

(6) Copies of referee's report shall be sent to State's Attorney General and to each party in case with order to show cause within 10 days why order of court should not be entered in accordance with the referee's report. Unless exceptions to report are filed interim 10-day period, court order is to be entered. Exceptions as to facts to be considered by judge only if supported by public record or affidavit of person having personal knowledge of such facts. Exceptions as to law must be supported by memorandum of law. Issue of fact or law to be determined by court or referee under judge's direction. A hearing on an issue of fact to be held only when exceptions show existence of genuine issue of material fact. Applicant's literacy and understanding of other [sic] subjects to be determined solely on basis of applicant's answers included in report.

(7) The court is to issue to each applicant declared qualified to vote a certificate to this effect.

(8) The court may authorize referee or other person (1) to attend any place of election and to report whether any applicant declared qualified has been denied right to vote and (2) to attend the counting and tabulation of votes and report any action making such vote ineffective.

(9) Confers on referees powers given "masters" under Rule 53(c) of Federal Rules of Civil Procedure not inconsistent with act and permits compensation payable by United States as fixed by judge.

(10) Court is authorized to make an order giving applicant provisional right to vote pending final determination of any exception taken to referee's report.

PRESS RELEASE FROM THE OFFICE OF SENATOR THOMAS C. HENNINGS, JR., DEMOCRAT, OF MISSOURI, CHAIRMAN OF THE SENATE RULES COMMITTEE, AND CHAIRMAN OF THE SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS

Senator THOMAS C. HENNINGS, Jr., Democrat, of Missouri, chairman of the Senate Rules Committee, today announced that during the coming week he would engage in an all-out two-pronged effort, in the Senate, to enact effective legislation making it possible for qualified Negroes to vote, as guaranteed by the 14th and 15th amendments.

In directing his first appeal to northern and western liberals, HENNINGS called on them to stop dissipating their strength over an entire field of benefits for Negroes, and to concentrate on the heart of the problem of racial discrimination: Enacting a voting right bill that will really permit Negroes who meet State qualifications to register and vote. HENNINGS said that while he was in favor of all or most of the other benefits not already voted down in the Senate, and would vote for them, he considered them "fringe benefits." He said the major effort should be made on the issue of voting. HENNINGS added that when Negroes start voting in adequate numbers, as they are entitled to under the Constitution, a lot of these other discriminations will disappear within a short time.

In announcing his plans, he pointed out that he had presided over hearings before the Senate Rules Committee for a period extending over 3 weeks in January and February of this year, and in 1957 and 1959 he held many weeks of hearings as chairman of the Subcommittee on Constitutional Rights. He said, "I have had this problem under study for years, and last Wednesday I introduced in the Senate the fourth draft of a revised voting bill that will be effective. At the same time this measure need not be offensive to southern officials.

He emphasized the difference between his bill and that known as the McCulloch-Dirksen referee proposal originally put forward by Attorney General Rogers. HENNINGS said: "My bill will not bring a horde of lawsuits and U.S. marshals on the South. The Rogers bill on the other hand," he said, if it is to be effective at all, will involve hundreds and thousands of local and State registration and voting officials in lawsuits and, for this very reason, while it would appear altogether offensive to the South, will probably be utterly ineffective to handle the big problem of registering thousands of Negroes. And furthermore, it is of very doubtful constitutionality.

"I shall develop these points at length in a series of speeches in the Senate."

In his second appeal, directed to the southerners, HENNINGS said: "Distasteful as this entire matter is to many southerners, I would think they would rather accept now, this year, an effective constitutional and moderate scheme such as I have suggested, than to have the Congress pass a measure that will be either ineffective or declared by the Supreme Court to be unconstitutional and, for these reasons, have the Congress again take up this issue in the next session. I can assure them that if the Congress passes a law that proved to be ineffective or unconstitutional, the issue will be with us again and, in fact, will continue to be with us until the Congress does pass an effective law."

The Hennings Enrollment Officer Act would authorize the President to designate Federal employees, living in the South and voting there, as enrollment officers who would be directed to enroll Negroes for voting who could meet State legal qualifications. Under the Hennings bill, the President in his discretion could take this step on notification that (1) a Federal district court had made a finding that Negroes had been denied the right to vote because of their race or color, or (2) that the Commission on Civil Rights (on which three southerners sit) had made a similar finding.

The McCulloch-Dirksen bill would rely on the referees who would be appointed following full-dress civil suits brought by the Attorney General.

ONE HUNDRED FORTY-FOURTH ANNIVERSARY OF THE DEATH OF PHILIP MAZZEI

Mr. PASTORE. Mr. President, during these days the attention of the Congress and of all our people has been

especially directed to the Constitution of the United States. It is the source of the sovereignty of the individual, defining the liberties of the people which not even the Congress may infringe.

It is the oldest written Constitution in any country of the world today. But we are reminded that the Constitution did not come to us as a miraculous revelation, complete and entire. It was the product of the determination of rival States to form a more perfect Union. It owes its stature to the contributions of many able minds.

The history of the Constitution is a fascinating study. It rewards the student and enriches his Americanism. Fortunately for us there are dedicated Americans who foster this study—encouraging queries and stimulating the respect and admiration of all citizens for this treasure house of their powers.

Such a dedicated person is Miss Etta V. Leighton, of Cumberland, R.I. For years her column in the Providence Evening Bulletin, entitled "The Constitution and You," has been a cherished feature of our community life. That column has been the clearinghouse of the historical facts and human romances that surround this document of our destiny.

There is no more fascinating chapter of our national origin and existence than is to be found in the human sources of our binding principles—the various minds and hearts to which so many owe so much.

I have chosen as a specimen of Miss Leighton's scholarship and research her article on Philip Mazzei, Italian statesman, physician, and economist, friend and associate of Washington, Jefferson, Franklin, Patrick Henry, Rochambeau, and Lafayette.

I select it at this time because March 19 will mark the 144th anniversary of the death of this friend of America, credited with developing the philosophy of American independence.

Miss Leighton's column presents it in graphic fashion and I ask that her article be made part of my remarks and printed in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Providence (R.I.) Evening Bulletin, Sept. 24, 1957]

THE CONSTITUTION AND YOU

(By Etta V. Leighton)

Question. Who was the Italian statesman who helped formulate constitutional principles? I would appreciate knowing his name and something about his work.

Answer. Philip Mazzei, physician and surgeon, adviser in politics to many countries in Europe. Six rulers called him friend and he knew many more. He met Benjamin Franklin in London for the purpose of buying Franklin stoves for the Grand Duke of Tuscany. Franklin suggested that Mazzei come to America, but it was at the invitation of John Adams and Thomas Jefferson that Mazzei, his sons, and friends came to settle on land donated by Thomas Jefferson to begin the growing of grapes and olives. In those days States granted citizenship and Virginia made him a citizen.

Mazzei was a prime mover in organizing the Constitutional Society, a group of Virginia's leaders dedicated to "preserving the handing down of those pure and sacred principles derived from the late Revolution." They pledged themselves "by every holy tie and obligation that everyone in his respective station will keep a watchful eye over the great fundamental rights of the people." Among signers were John Blair and James Madison, called the father of the Constitution; Patrick Henry; Edmund Randolph; John Marshall, later Chief Justice of the Supreme Court; James Monroe, fifth President; Richard Henry Lee, who in later years moved the adoption of the Declaration of Independence. Mazzei signed at the bottom of the sheet to leave room above for the other signers.

Members were to write essays on needed changes in government to remedy faults in the Articles of Confederation which was called a rope of sand. If a member missed writing one, he would have to write two in the succeeding 6 months. A second delinquency would cancel his membership. Mazzei's, written in Italian, were translated by Thomas Jefferson and in 1774–75 were printed in Pinkney's Virginia Gazette. He enlisted as a Virginia private but Gov. Patrick Henry sent him to Europe to obtain financial aid for Virginia. His friend Franklin opposed him, believing all aid should go not to States but to the Continental Congress. From Paris he furnished Thomas Jefferson the plan of coordinating the French Fleet with the Continental Army which brought victory at Yorktown. In 1807 at the invitation of Thomas Jefferson and Latrobe, Architect of the Capitol, he scoured Europe for two capable sculptors with whom Latrobe was greatly pleased. To America Mazzei gave whole-souled devotion for 40 years.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. JOHNSON of Texas. I congratulate the distinguished junior Senator from Rhode Island for his very fine and eloquent speech. I appreciate his having made it to the Senate this morning. I shall look forward with a great deal of interest to reading the very fine article he has placed in the RECORD.

Mr. PASTORE. The majority leader is ever so generous and gracious, and I thank him.

THE MARKET FOR U.S. GOVERNMENT BONDS

Mr. MONRONEY. Mr. President, yesterday I inserted in the CONGRESSIONAL RECORD an article written by Mr. Paul Heffernan, and published in the New York Times, which showed the strong forward surge of Government bonds and the Government's ability to get its money at lower and lower interest cost.

It seemed to me that this was a rather strong reversal of what had been happening in the past. It also seemed to indicate that the Treasury and the administration had been premature in demanding the removal of the alltime, historic interest rate ceiling which Congress had always placed on long-term bonds in the public debt.

Lest some Senators think that this was merely some passing evidence, I ask unanimous consent to have printed at the conclusion of my remarks an article entitled "Bonds: Securities of the Government Lead General Advance," written by Paul Heffernan, and published in the New York Times of today, March 15, 1960. The subheadings read "Treasury Bills Continue Strong—Yields Dip Sharply—Short Issues Shortage Is Seen—Corporates Firm."

It seems to me that this indication of a resurgence of strength in Government gilt-edged securities bears out what many Senators have contended in the past. We have maintained that speculators in the market were sucking off available capital in the hope of making capital gains profits; and that when those who were engaging in quick-buck financing operations found that the goose was no longer laying golden eggs, they would sooner or later come back and invest in Government gilt-edged securities which would pay a greater yield per annum than the dividends being paid on most of the stocks in the market.

Mr. DOUGLAS. Mr. President, will the Senator from Oklahoma yield?

Mr. MONRONEY. I yield.

Mr. DOUGLAS. I congratulate the Senator from Oklahoma upon introducing this evidence into the RECORD. If Congress had acceded to the request made by the administration last summer, it was assumed that the intent of the administration was to float from $5 billion to $20 billion of bonds at high interest rates, which the administration then said were necessary. The administration floated one issue of 5-year bonds at 5 percent. The Treasury has refused steadily to issue callable bonds, so the taxpayers of the country will be saddled for at least a generation, possibly longer, with high interest rates. But interest rates have since receded very much, the rate of interest on short-term Government bonds having fallen from 4⅞ percent to about 3⅞ percent.

I believe that the much-abused group of Democratic liberals who prevented the proposal for high interest rates from being adopted, and who have been exposed to a drumfire of criticism, may have saved the taxpayers billions of dollars, if the amount is reckoned over a period of years.

I congratulate the Senator from Oklahoma for having introduced this additional evidence. I hope that more material of this nature may be presented in the future.

Mr. MONRONEY. I thank the distinguished Senator from Illinois for his statement, and also I compliment him for the great work he has done as chairman of the Joint Committee on the Economic Report, in helping to expose the fallacy of the necessity for higher interest rates.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oklahoma?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 15, 1960]

BONDS: SECURITIES OF THE GOVERNMENT LEAD GENERAL ADVANCE—TREASURY BILLS CONTINUE STRONG—YIELDS DIP SHARPLY—SHORT ISSUES SHORTAGE IS SEEN—CORPORATES FIRM

(By Paul Heffernan)

Resurging of bond prices yesterday made it clear that last week's emphatic rally in the market standing of prime fixed-income securities was not a flash-in-the-pan.

Once again Treasury securities were the center of strength. This was true especially of short-dated Government issues where yields on certain discount bills declined by nearly one-quarter of 1 percentage point from the levels of Friday.

Until yesterday there were reservations in the bill market about the lasting power of the March bidding for these short-dated prime debt investments. Was it not too soon to write off the selling by nonfinancial corporations needing money for tax payments?

BILL SHORTAGE DISCERNED

Bidders at the Treasury's weekly bill auction yesterday did not take long to sense the substantial basis for the short market's strength. The professional sounding of the preauction market indicated that there was a shortage of bills. Instead of nonfinancial corporations being out to raise money before the March tax date, they were out rather to invest idle money. Commercial banks indicated they would participate in the bill auction for their own account, as well as in behalf of customers. Faced with this prospect, the dealers had to sharpen pencils.

The reappraisal of the value of the bills was reflected in a sharp improvement of discount rates in the secondary market. The 91-day issue due June 9 was quoted at a discount of 3.34 percent at the close, equal to a yield of 3.41 percent. On Friday, the discount rate was 3.56 percent and the yield 3.64 percent.

The long-dated January bills, which now have a life of 305 days, closed at a discount rate of 3.58 percent, equal to a yield of 3.77 percent. This marked the first time in months that none of the Treasury's 32 bill issues was not selling at a discount basis to yield 4 percent or more to buyers.

Dealers were encouraged by the lasting strength of the bill market to resume markups for the Treasury's interest-bearing securities. Gains ranged generally from four thirty-seconds to ten thirty-seconds, with most of the business in intermediates, such as the 2½s of 1961 and 1963 and the new 4⅞-percent notes due in November 1964.

The best gain on the day was scored by the 2½-percent war-issued bonds due in June 1967, and callable next year. This issue closed at 89 2/32 bid, a gain of 12/32.

The Government market's stride forward after two trading sessions in which selloffs predominated was taken to augur well for the Treasury's next cash financing—a borrowing of up to $2,500 million expected next month.

The Treasury's next big debt transaction will be related to the maturing of a special issue of $4 billion of tax anticipation bills due on March 22. Generally, about 30 percent of an issue of tax bills is turned in for cash redemption instead of being used to pay Federal taxes.

If this were to apply to the March 22 bill issue upward of $1 billion of reinvestment money would soon be available in the market. It was suggested in financial circles yesterday that the reinvestment potential of the March bill maturity might be one of the forces causing rates to decline in the short market.

Secondary market trading in high-grade corporate and local government bonds was light yesterday, with prices firm. Most of the new prime corporate issues in market supply improved about one-eighth point on the bid side.

ORDER OF BUSINESS

Mr. YOUNG of Ohio obtained the floor.

Mr. KEFAUVER. Mr. President, will the Senator from Ohio yield to me?

Mr. YOUNG of Ohio. I yield briefly.

(At this point, Mr. KEFAUVER, from the Committee on the Judiciary, submitted two reports, and Mr. MUNDT submitted separate views on pt. 2 of S. Rept. No. 1139, which appear under the heading "Reports of Committees.")

CIVIL DEFENSE? RUN OR HIDE? OR BOTH?

Mr. YOUNG of Ohio. Mr. President, after 10 years and spending more than $1 billion of taxpayers' money on muddled civil defense planning, evacuation programs part of the time, siren shrieking still perpetrated in many cities, then shelter programs—what about civil defense? What about the Office of Civil and Defense Mobilization?

Americans are being lulled into a Maginot line feeling of security about civil defense at a time when millions of their tax dollars are being spent to prolong the useless life of a boondoggling, superannuated Civil Defense Agency.

Defense of our civilian population is an important part of the defense of the Nation. Definitely, this is the responsibility of our Armed Forces. We should do away with any dependency for the lives of our people upon political hacks and has-beens now crowding the public trough in Washington, and in every State and large city, with high-sounding titles and lush suites of offices in the Department of Civil and Defense Mobilization headed by ex-Governor Hoegh of Iowa. Voters of that State denied him a second term, but his present sinecure pays him twice as much.

Our people, whose homes and lives are threatened, should know the truth—the cold hard facts of survival in a nuclear war. We, as their elected representatives, are duty bound to provide them with a sane, sound, realistic defense program, instead of subaverage planners drawing big salaries to head up the present outfit.

The truth is, Mr. President, that our civil defense program is suffering from, among other things, an acute case of schizophrenia, a split personality.

Unbelievable as it may sound, at one and the same time civil defense bureaucrats are advocating evacuation and a shelter program.

To illustrate this paradox, the Office of Civil and Defense Mobilization recently issued a 16-page "Guide to Civil Defense Action in the Washington Area." Over a million and a quarter of these pamphlets were delivered to all households within a 20-mile radius of the Washington Monument. Apart from wasting the time and straining the backs of mail carriers in the area, it served only to compound the confusion that already exists in the civil defense program.

On the one hand, they tell us to "dig in" and build fallout shelters. We are assured that these can be built for $150. Of course, no mention is made of the fact that a shallow basement shelter would be of no use in areas where the blast and thermal effects would virtually destroy all existing buildings. They also make the cryptic remarks that "excellent protection can be obtained from—aboveground shelters." They do not explain how, of course, but continue happily on with this make-believe narrative.

These shallow shelters would be no more effective than lying flat on one's face or falling on one's knees in prayer. In my own State of Ohio no salaried civil defense official has taken the trouble and incurred the expense of building such a shelter; unless, since I first exposed this fact months ago perhaps one of these papsuckers, because of shame, has built a shelter in his basement. If so, he has built a likely firetrap in event of a nuclear attack. What the American people really need is shelter from a big new fallout of state regimentation.

On the other hand, they tell us the procedures for evacuation and provide an elaborate map showing the various evacuation routes. From the complexity of the thing, it would require a course in map reading to figure out where one is to flee at any particular hour of any given day. So, after we build our do-it-yourself shelter, we are to head for the hills, leaving it behind.

According to the booklet, we are to hop into our cars and head for the remote areas in Virginia and Maryland. Anyone who has seen or been in the everyday rush hour traffic jam in Washington can easily imagine what would happen if every car in the District of Columbia were simultaneously to begin the trek out of town. The idea is too ridiculous to even contemplate. It is doubtful there would be time enough to reach one's car, much less to drive it out of the city.

Mr. President, intercontinental ballistic missiles fired from the Soviet Union would hit targets in our country within 18 or 20 minutes. Soviet submarines off our coasts could send rockets with nuclear warheads 1,500 miles or more inland with accuracy, and we would be lucky to have 5 minutes' warning.

It is just too absurd to consider evacuation plans under the circumstances. The thermonuclear weapon, with its destructive power, and the missile, with its speed and accuracy, have now made evacuation not only impractical, but impossible.

It is incredible to believe, but it is a fact, that at this late date salaried civil defense officials are issuing plans and directives for evacuation.

These high-paid officials are living in a make-believe world at the taxpayers' expense. I assert that it is high time we brought them back to earth.

Are we to run or hide, or both? Or, are we to revamp this whole program for a new realistic approach to the defense requirements of the Nation?

The present expenditure of millions each year is nothing more than a futile gesture to fool ourselves into thinking that something is being done about civil defense. To face the issue squarely, we should quit wasting taxpayers' money.

May I express the hope that good judgment and commonsense will prevail and appropriations urged for civil defense will be denied.

In his budget message, the President requested $6 million for the General Services Administration for building fallout shelters in Federal buildings. This may be a boon to contractors, but I am sure it will be a bane to taxpayers.

Of what earthly use will shallow shelters be in Federal buildings most of which are located in metropolitan areas where shelters will be of little or no protection? At a time when the Nation faces serious housing problems, which the administration is loath to face head on for fear of unbalancing the sacrosanct budget, this same administration proposes $6 million worth of useless shelters in Government buildings.

In addition, Mr. President, for this costly package of foolhardy euphoria we are being asked to provide over $6 million more than last year for salaries and expenses. Ostensibly, this is to enable other Federal agencies to perform civil defense functions. It is bad enough to have one agency wasting taxpayers' money and employees' time. Now we are asked to provide the money to waste the time of the staffs of other governmental departments.

It is interesting to note that of the $76 million requested for this agency, $47 million, or 62 percent, of the total appropriation request is designated for salaries and expenses of salaried officials and employees.

Mr. President, the ills and ailments affecting this bureau are too numerous to mention at this time. I intend to enumerate them in great detail during this session of Congress, and to continue to urge that this program be thoroughly overhauled.

The defense of our civilian population is a part of the total defense of our country. As such, it should be under the direction of those who know most about defense—our Military Establishment. In his message to the Congress of August 25, 1959, the President himself stated that, along with our military defense and retaliatory forces, civil defense is a vital part of the Nation's total defense.

Why, then, continue with a separate agency, politically inspired and politically staffed, to handle the vital problem of the defense of our people in wartime? The Nation cannot afford to separate the defense of its most valuable resource—our people—from the defense of the Nation as a whole. Our entire Defense Establishment—military and civil—must be unified.

In event of a missile attack, the military would undoubtedly take over, just as it did in our Civil War, when President Lincoln immediately declared martial law.

The Civil War was, of course, a brush fire in comparison to what the holocaust of a thermonuclear war would be. Nevertheless, at that time, Abraham Lincoln seized a series of emergency powers to cope with the situation that added up to a virtual dictatorship. These powers ranged from suspending the writ of habeas corpus to spending unappropriated Government funds.

In any future war—and we pray that there shall never be one—it is an absolute certainty that the President as Commander in Chief and the Armed Forces would assume full and dictatorial powers immediately. There will be no time for congressional debate or political discussions over policy and strategy.

In the ridiculous little booklet on the evacuation of Washington, we are told that local police, augmented by civil defense personnel, will regulate evacuating traffic. Can you imagine, Mr. President, what attention would be given by anyone, soldiers or civilians, to the orders of an officious civilian with an armband?

Mr. ALLOTT. Mr. President, I call for the regular order.

The PRESIDING OFFICER (Mr. McGEE in the chair). The Chair rules that the Senator from Ohio is proceeding in regular order. The Senator from Ohio had yielded, with unanimous consent, to other Senators.

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent to proceed for 2 additional minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator may proceed.

Mr. YOUNG of Ohio. Mr. President, recently, the mayor of Cleveland, Ohio, joined with several of the suburban mayors in Cuyahoga County, in which Cleveland is located, in taking an emphatic stand in favor of continuing a worse than useless county civil defense program.

The budget adopted by them for 1960 is just short of a quarter of a million dollars, slightly larger than last year's. Additional funds will be used this year to prepare evacuation signs and a special civil defense brochure for every home in Cuyahoga County.

I hope I am mistaken in assuming that this brochure will be modeled on the ridiculous pamphlet in the Washington, D.C., area which I have discussed.

If it is, then once again we shall have a vivid example of the split personality, and an exceedingly wasteful one, of our civil defense program.

Our citizens are to be told, at taxpayers' expense, to build shelters in their basements and backyards at the same time that they are being told to evacuate. Meanwhile, paid civil defense officials are spending taxpayers' money to erect evacuation signs. How absurd can we get?

The mayor of Cleveland commented that those who do not have the responsibility of defending a community find it very easy to be critical. Ohio mayors should know that our State's two U.S. Senators, my distinguished colleague, Ohio's senior Senator [Mr. LAUSCHE] and its junior Senator, and all Senators of the United States, have a far more grave responsibility of providing for the defense of Ohio's communities and the millions of citizens of the Buckeye State than do any of its mayors. We are fulfilling our duty and responsibility. We, as Senators of the United States have the responsibility of seeing to it that taxpayers' money is not wasted, and that all our citizens have an adequate national civil defense program. Ours is the responsibility to protect not alone the citizens of Cleveland, Ohio, but those living everywhere in the United States.

As of this date, over $1 billion has been wasted, and the Nation has no realistic civil defense program. Certainly the type of program followed on the national level and emulated on the local level, including Cuyahoga County, is neither realistic nor economical.

Therefore, I am critical and shall continue to be critical of our civil defense program until a sane, rational program that faces the facts is established for our citizens.

Because of my fervent desire that the people of Ohio and of the Nation should have the maximum protection in event of all-out war, I will continue to urge that our present civil defense setup be scrapped, and that this vital function be put in the hands of those who are best trained and equipped to handle it—the leaders of our Armed Forces.

Apologists for civil defense as now operated cite the public services performed by civil defense volunteers who direct traffic and make themselves available when natural disasters occur. Americans have always responded in times of disaster and will continue to do so without the doubtful leadership of paid civil defense officials.

It is not the volunteer civil defense worker who is to blame for this fantastic boondoggle. He is to be praised. I pay tribute to the many thousands of patriotic Americans who volunteered their time and efforts, often at great risk to themselves. These people performed valuable service while paid civil defense officials directed them from behind safe desks.

This is in the finest American tradition—a tradition that I am sure will continue long after our present Civil Defense Agency is abolished. Citizens as special deputies or simply as good neighbors have always helped in times of floods, fires, windstorms, and other disasters. Along with merging our civil and military defense under one unified leadership, we should initiate a vigorous and continuing campaign of education on self-protection in a nuclear war and first aid procedures, making use of the Red Cross and all the media of communication at our command—television, radio, newspapers, magazines, and our schools.

I seriously doubt, in spite of the millions spent, whether one in a thousand Americans knows what he is to do in event of an attack or understands the rudimentary personal precautions he must take both before and after such an attack.

High paid staffs, useless airstrips, shelters erected in Government buildings at great expense, and untold other examples of waste and inefficiency will not save American lives. This agency has been totally remiss in informing the American people of the fundamentals of personal precautionary measures in a nuclear war.

Mr. President, rather than pour additional millions into shaky, unsound plans for passive defense—many of which are silly—it seems to me that much more logical is the old but sound notion that the best defense is a good offense. Our shelter lies in our weap-

ons; in our power for instant retaliation. If we are prepared, we will not be hit first or at any time.

Mr. GRUENING. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. The Senator from Ohio had asked for 2 additional minutes only. His time has almost expired.

Mr. YOUNG of Ohio. If we allow this bureaucratic monstrosity to expand itself this year, who knows to what extent it will grow and spend, grow and waste—always a refuge for ex-Governors, defeated politicians, and political hangers-on of the party in power?

Mr. President, now is the time to bring this drain on the treasury to an end. Now is the time for a thorough reappraisal of our entire civil defense program.

Mr. GRUENING. Mr. President, I ask unanimous consent that I may ask the Senator a question on the subject matter he has been discussing.

The PRESIDING OFFICER. Does the Senator from Ohio seek unanimous consent for that purpose?

Mr. YOUNG of Ohio. I ask unanimous consent to yield for a question from the Senator from Alaska.

The PRESIDING OFFICER. Is there objection?

Mr. ALLOTT. Mr. President, I object.

The PRESIDING OFFICER. There is objection.

Mr. YOUNG of Ohio. I yield the floor.

SENATOR JOHNSON OF TEXAS AND THE CIVIL RIGHTS DEBATE

Mr. CHURCH. Mr. President, in the course of the lengthy debate on civil rights legislation, no man has had to bear as much criticism as the man in the middle, our distinguished majority leader. Much of it has been abusive and irresponsible.

One of our foremost columnists, Ralph McGill, has helped to set the record straight in making a fair and objective appraisal of the role of LYNDON JOHNSON in the controversy that now engulfs us.

I ask unanimous consent that the text of his excellent column be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JOHNSON ARISES ABOVE PASSEL OF DEMAGOGS

(By Ralph McGill)

ATLANTA.—A clear example of an irresponsible press may be seen in the rabid attacks on Senator LYNDON JOHNSON of Texas for calling up the civil rights legislation. Various editorialists in the Deep South have referred to him as a charlatan, a traitor, and worse. They have declared him to be interested only in Negro votes. He has been slandered as being the basest of opportunists, and therefore as lacking in character.

This is irresponsibility which cannot in any degree be exonerated. It deceives those who would know the facts. It betrays the real South in that it appeals to what is base, and false. It bolsters an unworthy stereotype of the South to the delight of those who will gain from such a picture. It inflames passions and intimidates the moderate.

Senator JOHNSON is certainly a politician. But there is nothing in his record that is base or false. He is skilled. He is a parliamentarian of unusual ability. He is a maker of compromises, an essential ingredient of party government. There has not been, and is not, anything dishonorable in his career.

On the final day of the 1959 congressional session Senator JOHNSON announced agreement had been reached so that adjournment could be had to bring up the civil rights legislation in mid-February. No person then attacked him. No Senator made objection. No southern newspaper then referred to him as a charlatan or traitor.

Yet, since he kept the agreement, attacks on him have not ceased.

If one looks back at Senator JOHNSON'S record and searches out his words, it is plain the man believes there should be protection of the right to vote and that basic rights of all citizens should be protected. To say he has no moral convictions is to betray an unreasoning, malignant prejudice. He has never had any real chance at being nominated for the Presidency. This he knows. But he will have a great deal to say about who is selected.

Senator JOHNSON'S ability to be a powerful influence will be the greater because he is on the right side of a moral issue. To oppose the right of citizens to vote and to argue that States rights guarantee the right of discrimination if a State so chooses is not new, whatever it may have been in the past, a position which may be defended.

Civil rights legislation will be voted at this session.

It will not include all the measures introduced by Senator DIRKSEN, of Illinois. It will contain a bit more than the moderate White House bill introduced last year.

It was the Eisenhower measure which Senator JOHNSON sought to get through the Congress in 1959. It was, and is, a mild approach. The tragedy of it is that the more responsible southern leadership so recognized it. But they were, and are, captives of the extremists in their States and could not accept it.

The Nation, not merely the South, is paying a heavy penalty for not having managed, in 1954, to develop a climate of discussion which would not be in the hands of those at the extreme ends of the spectrum. It is, in a sense, the same old story of 1859–60 when the fire-eaters Rhett, Ruffin, Yancay, et al., called the southern tune as the more fanatic abolitionists did that of the North. The voice of commonsense and of acceptable compromise then, as now, was drowned out.

AWARE OF SOPTH'S PROBLEMS

Senator JOHNSON even now is, as a man aware of his region's problems, obviously working on a measure less objectionable to the people of the Southeast and Southwest. He likely will succeed. But if he does not, it will be because of a filibuster against any sort of legislation whatever.

The South will lose. The Nation will lose. Let the thoughtful man and woman today ask of himself what the thoughtful Negro citizen must be thinking as he watches this filibuster. Let the thoughtful citizen ask himself what the rest of the world must be thinking about the American way of life which we so strongly enunciate and to which we give so many pledges of loyalty. And let even those whose brains are on fire hesitate before they say they do not give a damn what the rest of the world thinks.

Historians will, in the years ahead, evaluate this period. And when they do, they will not apply to Senator LYNDON JOHNSON the epithet of charlatan or traitor to the South.

ORDER OF BUSINESS

Mr. ALLOTT. Mr. President, I want to say simply, first of all, addressing myself to the situation on the floor of the Senate, that there have been nine Members from the other side of the aisle recognized since I have been on the floor, and I have been on my feet now for in excess of 30 minutes.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). May the Chair state that the Senator from Colorado is the very first Senator the present Presiding Officer has recognized.

Mr. ALLOTT. That statement is correct. I was going to make that fact obvious. I think Senators from either side of the aisle should be recognized alternately. The Vice President always tries to do it. I realize that there are twice as many Senators on the other side as there are Republicans, and allowance should be made for that fact; but I believe the alternate practice of recognition should be followed.

Mr. President, on another question——

Mr. McGEE. Mr. President, will the Senator yield?

Mr. ALLOTT. I shall be very happy to yield for a question, within my 3-minute allowance.

Mr. McGEE. Does the Senator not realize that there have been other Senators likewise on their feet for 30 minutes? The general procedure was to try to accord Senators recognition in the order in which they were arriving in the Chamber during the transaction of routine morning business. There was no intent to discriminate. I think a check with the list at the desk will show that Senators were recognized in the order in which they appeared in the Chamber.

Mr. ALLOTT. If the Senator is asking my opinion, I will say to the Senator that other Senators have not been on their feet during all this time, and I have been on my feet continuously since 10 minutes of 1.

Mr. President——

The PRESIDING OFFICER. The Senator from Colorado.

STABILIZATION OF WHEAT PRICES AND PRODUCTION

Mr. ALLOTT. Mr. President, I have today joined in sponsoring S. 3159, introduced by the Senator from Washington [Mr. MAGNUSON] and the Senator from Kansas [Mr. CARLSON], providing a dramatic new approach to the problem of stabilizing wheat prices and production.

It is an approach which seems to me reasonable and one which, for the first time, has the support of most of the farm organizations in this country. It would authorize a program which is fair to wheat producers, to the producers of other crops, to the consumers, and to the taxpayers.

It is "constructive," as the President defined that word in his farm message this year with respect to legislation he would accept. It provides realistic production controls which will reduce wheat

surpluses and, accordingly, storage costs. It will not stimulate excessive production or reduce domestic markets. It will avoid the problems related to direct subsidy payments and would not provoke countermeasures by our friends abroad.

It is a result of a great deal of work by farm leaders and other interested groups. As such it does not, I am sure, represent the thinking of any particular group. It does not represent the exact approach I would prefer. As a matter of fact, Mr. President, there are 537 Members of Congress, and I am sure there must be at least that many solutions to the wheat problem. It may well be that some further revisions in the committees dealing with agriculture of the Senate and House will make it more workable. I certainly would not contend that it is perfect. I, for one, believe that the 15-acre exemption should be completely eliminated or greatly reduced, but recognize that this is not a realistic possibility. I do say, however, that this bill represents the most reasonable proposal yet offered with any substantial backing here in Congress and represents probably our best chance in recent years for a solution of the many problems that have developed in connection with wheat.

HOW IT WOULD WORK

The proposal is designed to stabilize the income of wheatgrowers at a fair level and reduce stocks of wheat now in the hands of Government, thereby providing a much-needed saving for the taxpayers. This would be done by having the Secretary of Agriculture estimate the amount of wheat needed in the coming year for primary use. On this basis, he would establish a national marketing quota of 150 million bushels less than the estimated need for domestic food consumption and export. This quota would then be allocated to the various producers on the basis of their history of production. The historic wheat farmer would then be given marketing certificates representing his share of the national marketing quota, without which wheat could not be marketed for primary use. These would be nontransferable and good for 1 year only. Special adjustments are authorized for producers on fewer than 15 acres.

The Government would be allowed to release primary-use wheat from surplus stocks at not less than 100 percent of parity. This would allow reduction of the wheat surplus by about 150 million bushels per year. Since the Government could not release its wheat for primary use at less than 100 percent of parity, it seems clear that the market price for primary-use wheat would approach 100 percent of parity and probably stabilize in the vicinity of 95 percent. Loans would be available for certificated wheat only at 75 percent of parity, in order to assist an orderly market. After CCC stocks have been reduced substantially, the 150-million-bushel carve out for CCC would be reduced, providing a larger market for the primary producers.

Growers would be required to retire at least 10 percent of their wheat-base acreage, without any payment, in order to qualify for the program. They would be required to retire an additional 10 percent in the soil bank if funds were available. In all other respects, the grower would be completely free to seed, harvest, sell, or put in storage all the wheat he desires.

Many experts and hardheaded wheat farmers have contributed to the present development of this compromise that seems to me workable. I have no doubt that the committees of Congress dealing with agriculture will make further changes and hope they will be able to improve it further.

EFFECT OF PROGRAM

To the wheat producers it seems to me this bill would: First, stabilize income at reasonable levels; second, allow a good deal more freedom from government interference; third, provide a carryover of reserves for short crop years; and, fourth, permit a return to traditional wheat-marketing patterns and uses.

For other farmers, particularly feed grain producers, this program would prevent the shifting of diverted wheat acreage to other crops, reduce substantially the production of feed grain on wheat farms, and assist in the orderly reduction of present Government stocks of feed grain.

Of interest to the consuming and taxpaying public, it would: First, materially reduce the cost of wheat programs; second, stop the buildup, and initiate an orderly reduction of Government stocks; third, encourage marketing of quality wheat through the regular channels of trade; and, fourth, insure the continued ability of wheat producers to contribute to the economic growth of this country through the purchase of the products of labor and industry. It would indirectly, of course, stabilize the incomes of small business operators, rural communities, and strengthen the tax base of these localities.

We in Colorado, where only 18 percent of our farmers produced a $112 million wheat crop in 1958, believe it is important to develop a realistic wheat program. Our other friends in the Great Plains region, where $1½ billion worth of wheat will be produced this year, believe that this very basic industry must be given a chance to work its way out of the problem contributed by increased proficiency and unrealistic Government programs.

I can assure my colleagues that as taxpayers we are concerned about the $1½ million per day storage cost and believe that it would be well worth it to increase the price of a loaf of bread about 1 cent in order to eliminate these absurd storage costs and reduce the burden on the taxpayers of this country. I hope that a majority of my colleagues here and in the other body will concur so that we can get on with the much-needed changes proposed by this bill.

The multifaceted wheat situation can no longer be ignored. Commonsense demands that constructive steps be taken to adjust production to the market, improve net income to the grower, and reduce the size and cost of the Federal operations. Although short of perfection, this bill, it seems to me, is a realistic step and unless and until someone presents a more workable solution, I intend to press forward with this approach.

TRIBUTE TO THE LATE SENATOR RICHARD L. NEUBERGER

Mr. GRUENING. Mr. President, I ask unanimous consent that I may proceed for 7 minutes with regard to our late colleague, Richard Neuberger.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska? The Chair hears none, and it is so ordered.

Mr. GRUENING. Mr. President, a tribute to the services of our late colleague, Dick Neuberger, in behalf of the cause of conservation, by Howard Zahniser, executive secretary of the Wilderness Society, appeared in this morning's Washington Post and Times Herald.

I ask unanimous consent that the letter be printed in the RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

RICHARD NEUBERGER

Your March 10 editorial in recognition of Richard L. Neuberger, as an extraordinarily useful, constructive, and independent-minded Member of the Senate is both modest and reserved—an excellent tribute.

There are many particulars in Senator Neuberger's contributions that will come strikingly to light as his conservation leadership, for example, is recorded and discussed by historians.

His courage and devotion to principle led him to become a champion of national park protection when he first took his Senate seat, at a time when this leadership apparently turned the tide. He was one of the earliest champions and architects of the wilderness bill—so strikingly so, that Senator HUMPHREY, on each introduction of this measure, insisted that Senator Neuberger be its first-named cosponsor.

As a member of the Interior Committee handling this measure, Senator Neuberger became a leading advocate, Senator HUMPHREY not being a member of the committee, and Senator Neuberger not only conducted hearings in Bend, Oreg., and San Francisco, Calif., but in many ways—on the Senate floor, in magazine writings, in interviews—advocated the enactment of this bill.

These contributions by Senator Neuberger are familiar to me because of my own association with them, but they will be matched by many others in other fields of the public interest, for Dick Neuberger was not only devoted but also diligent. It was amazing to note his accomplishments—achievements that will be adequately recognized only when a competent biographer has published another volume for our history of great Americans.

HOWARD ZAHNISER,
Executive Secretary, the Wilderness Society.
WASHINGTON.

Mr. GRUENING. Mr. President, Richard Neuberger was, as Zahniser points out, a great supporter of our national park system, of the establishment of wilderness areas, of the setting aside of shorelines as national parks or national monuments. One of those will, if so established, preserve the wonderful Oregon Dunes on the Pacific coast. This national park or monument should

very appropriately bear Dick Neuberger's name. In line with these efforts Richard Neuberger objected to the defacing of our Federal thruways by billboards, and to the extent that these principal arteries will be freed from billboards through the amendatory legislation which Dick sponsored in connection with Federal highway aid legislation and his public advocacy of this cause, much of America's superb scenery will remain visible in all its original beauty to automobile travelers. Mr. Zahniser quite properly says that the contribution of Dick Neuberger in the field of conservation will be matched in many other fields.

A mere listing of them would take a long time and I will name only a few. Senator Neuberger was active in the promotion of health legislation, and even before he was stricken by the dread disease, he did all in his power to promote a crash program for cancer research. In a related field was the legislation which he successfully sponsored to provide health insurance for Federal employees. It is now law, and millions of Government employees and their families will benefit therefrom. Still pending and likewise largely due to his sponsorship, is similar legislation to provide health insurance for the retirees in the Government service.

Richard Neuberger was also a great advocate of our natural resources development. His voice was raised again and again in the Senate and on public platforms, and for many years before, his pen was enlisted in favor of such projects as Grand Coulee, Bonneville, and the many other power dams which have been erected in the West and have done so much to develop the use of hydroelectric power, for irrigation, flood control, and low-cost electricity generation.

His book, "The Promised Land"—one of his many enduring publications—published 22 years ago was both a program and an invocation for much of the development of the West which has followed. His great interest in Alaska was a natural concomitant of his devotion to the West, and a demonstration of his own pioneer spirit—a spirit which led to his creative exploration of so many fields of human activity.

In this connection I am pleased to report that the House of Representatives of the Alaska Legislature has voted to name a mountain in Alaska after Richard Neuberger, and has recommended a specific peak to the Board of Geographic Names. It is a 6,747-foot-high mountain, visible from the Alaska Highway, in the construction of which Dick Neuberger, when in the Armed Forces in World War II, played so active a part. The vote was unanimous and testifies to the appreciation of the 40 house members of Richard Neuberger's great record of service to Alaska during the last 20 years of his fruitful life.

Dick Neuberger was always a great friend and supporter of any group or category of our citizens who for one reason or another were disadvantaged or denied equality of opportunity. Thus, he was a protector of the Indians in fields where he felt their rights were being invaded, and as chairman of the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs, was able to secure the conservation of some of their tribal timber properties which were in danger of being despoiled, thus serving at one time the causes of human and resource conservation.

He raised his voice repeatedly against discrimination in employment because of age. He felt that a great injustice was done not only to the men and women who, after a certain time of life, were denied employment even though fully capable—an injustice not merely to the individuals and their families—but also to the entire fabric of our society.

On the other end of the age scale, he strongly supported a bill to establish a Youth Conservation Corps—on the model of the CCC of President Franklin Roosevelt's administration—which was passed by the Senate last year and now awaits action by the House. Likewise, he urged the establishment of a Foreign Service Academy to give our youngsters a chance to be trained for service abroad.

He was a strong supporter of education in all its aspects and for the development of better low-cost housing.

With all his interest in national affairs, ranging over a wide variety of subjects, he was devoted and indefatigable in protecting and advancing the requirements of his own State, although never at the expense of the larger regional and still larger national interests.

In this, as in all his other endeavors, he was greatly aided by his devoted helpmeet, Maurine. Of her our distinguished colleague, the Senator from Maine [Mrs. SMITH] said, when last Wednesday the Senate was paying its tributes to Dick Neuberger:

If there ever was an instance of a widow deserving to succeed to and carry on the work of her husband, it is Maurine Neuberger because she is the surviving member of a partnership that inspired the people of Oregon and those of us in Washington who saw that partnership in action.

Mr. President, I feel that this gracious and generous tribute from the other side of the aisle on the part of one who has so graced this body and brought such great distinction to her sex, will be widely shared in this body, in a spirit equally above partisanship, as so gallantly displayed by the Senator from Maine [Mrs. SMITH].

Now that Maurine Neuberger has announced her candidacy for the Senate, it is my confident hope that she will be with us after the fall election to carry on the great work which will forever enshrine the name of Neuberger in American annals.

SPEECH OF SENATOR DODD ON ANTI-SEMITISM, THE SWASTIKA EPIDEMIC, AND COMMUNISM

Mr. SMATHERS. Mr. President, just prior to becoming ill, the very able and distinguished junior Senator from Connecticut [Mr. DODD] completed for delivery on the Senate floor, a very excellent and thought-provoking speech on anti-Semitism, the swastika epidemic, and communism.

Unfortunately, his present illness has made it impossible for him to deliver this speech as he intended. I am sure I speak for all of his colleagues here in the Senate when I say that we wish him a speedy recovery and early return to this body.

The speech is a very careful and detailed analysis of the contrast between anti-Semitism in West Germany and in Soviet Russia. It sets forth the determined effort made by Chancellor Konrad Adenauer and his government to wipe out the last vestiges of nazism and anti-Semitism in West Germany.

Because I feel that it is timely and significant during this week when Chancellor Adenauer is visiting the United States, a period when his government is under unjustified attack as a result of anti-Semitic incidents, I am particularly pleased to have been asked by the Senator from Connecticut to have his prepared text printed in the RECORD.

This thought-provoking speech merits the attention of all of us here in the Congress.

I ask unanimous consent that the remarks of Senator DODD which he prepared for delivery be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS PREPARED BY SENATOR DODD FOR DELIVERY TO THE SENATE OF THE UNITED STATES ON ANTI-SEMITISM, THE SWASTIKA EPIDEMIC, AND COMMUNISM

Last Christmas night, swastikas and anti-Jewish inscriptions were painted on the synagogue in Cologne. The incident was the signal for an epidemic of swastika painting on synagogues and Jewish institutions throughout Germany and the free world. There were incidents in almost every West European country, in the United States, Canada, and Latin America, and in Australia. Day after day for a period of weeks, the American press and the press in other countries carried headline stories on the swastika epidemic.

Free men everywhere were horrified by the reappearance of this symbol of intolerance and persecution, under whose aegis 6 million Jews had been brutally murdered by the Nazi regime. At the close of the war in Europe, an incredulous world had recoiled from the fact of this crime—a crime that can never be completely understood, completely explained, or properly required. Slowly, almost unwillingly, sadly, mankind moved to the acceptance of this terrible truth.

The reemergence of the swastika not only brought back to memory the most terrifying act of Nazi bestiality: it again posed the question of anti-Semitism before the conscience of the entire world.

For anti-Semitism is not a specifically German problem—it is a world problem. It exists both in the free world and in the Communist world, in all those countries where there are Jewish communities and, for that matter, in many countries where the Jewish communities are tiny or nonexistent. It varies in degree and in quality from one country to another. In most countries of the free world it has been reduced to residual proportions. In other countries, it is a massive and current phenomenon. But its existence is something that must be combated, no matter what the degree or quality, because prejudice can lead to hatred—and hatred, unbridled, can lead us once again to a totalitarian Gehenna.

It must be combated because it contradicts the doctrine of universal love which

is the heart of our religion and because it does violence to the foundation of our society.

It must be combated because, even in its milder forms, it constitutes a danger to our sanity and moral probity.

It must be combated because it is a tool of the Communist conspiracy.

It is a problem with many parts. To combat it effectively, we must view these parts in proportion, so that our actions may be governed by an intelligent assignment of our energies.

The need for a sense of proportion is something that cannot be overemphasized.

A sense of proportion is the key both to sanity and morality. In the world in which we live today, it may very well be a key to our survival.

Our everyday judgments, our code of morality, our legal system, our political decisions—all are governed, or should be governed, by our sense of proportion.

It is not enough to be able to distinguish right from wrong. There are many gradations of evil, and the civilized society distinguishes between them in its structure of laws. Similarly, it is not enough to be able to distinguish the beneficent from the harmful, the safe from the dangerous.

Without a sense of proportion we should find ourselves equating petty larceny with rape, measles with leprosy, a toy chameleon with a crocodile.

In the balanced mind, in the same society, everything is scaled, everything has its measure or its value.

When an individual loses his sense of proportion, he can no longer cope effectively with the problems of everyday life. When a nation loses its sense of proportion, it courts disaster.

In the light of our reaction to the swastika epidemic events, I wonder whether the free world has not already lost much of its sense of proportion, whether it is not suffering from some kind of mesmeric condition that has destroyed its capacity for judgment. If this is so, then the Kremlin's experts in psychological warfare have achieved a signal victory.

Now that the headlines generated by the epidemic have disappeared from our front pages, and now that the hysteria that accompanied them has died down, I believe we can learn much from a careful analytical postmortem.

Where were the origins of this international rash of anti-Semitic incidents? Does the neo-Nazi movement really constitute a serious danger? Did the Communists instigate the epidemic or did they simply exploit it for cold war purposes? What effect has it had on the Western Alliance? Does anti-Semitism still remain a major world problem—and if it does, how does it manifest itself in various countries and at what points is the problem most acute? These are some of the questions we ought to try to answer.

But I believe the free world has most to learn from a self-analysis of its own reactions to the epidemic. I believe that such an analysis will reveal that, at the height of the outbreak, the free world was afflicted with an almost total collapse of its sense of proportion—so that, in our eyes, small dangers became big dangers while massive and imminent dangers were ignored—so that scattered violations of human dignity in country A made us roar our protest at the top of our lungs, while, in country B, violations of human rights and human dignity a thousand times as grave and ten thousand times as numerous commanded our total silence.

We would be less than human if we did not react with indignation to the persecution of the Jews in any country. My argument is that our indignation to be meaningful, must also be governed by a sense of proportion—and it was not so governed at the time of the swastika epidemic. I do not argue for less indignation; I argue for more indignation—for in indignation that responds in proper measure to every crime and every injustice.

In country B—the Soviet Union—there are some 3 million Jews. In a land where all minorities are persecuted, they are the most persecuted of all minorities. They have been the victims of a policy that can only be described as physical and cultural genocide. They are without political representation, without community organizations, almost without religious or cultural rights and without opportunity for higher education or employment.

Summing up the plight of the Soviet Jews, the Anti-Defamation League of B'nai B'rith said in 1958:

"The prospects for Soviet Jewry are dire and gloomy; at best, the extinction of a once-flourishing and rich cultural tradition and life; at worst, the completion by the Communists of the heinous work begun by the Nazis—the liquidation by forcible assimilation of this community of 3 million Jews."

Between the brutality of Soviet anti-Semitism and the brutality of Nazi anti-Semitism, there is little to choose. About all that is lacking so far in the U.S.S.R. is the gas chambers. For this deficiency, the Communists have made up, at least in part, by employing Siberia and the firing squads as substitute instruments of death.

The crimes that have characterized Soviet anti-Semitism have not been perpetrated by hotheads or juvenile delinquents.

They have been perpetrated, or else instigated, by the Soviet state itself, first under the command of Josef Stalin and then under the command of the present Prime Minister, Nikita Khrushchev. In my opinion, this fact makes these crimes a thousand times more damnable.

How does the free world react to the merciless persecution of the 3 million Jews in the Soviet Union? It closes its eyes to it. Instead of protests and indignation, we witness demands for increased trade with the Soviet bloc, for stepped-up cultural exchange programs, for state visits by the Soviet terrorist in chief.

In country A—Germany—there are some 30,000 Jews who enjoy complete freedom of religion, complete equality before the law, complete acceptance. While there is a residue of anti-Semitism from the terrible days of Hitler, the Government has done its utmost to combat this residue and to make restitution to the Jews for their suffering under nazism.

Suddenly there is a rash of swastika smearing and of other minor acts of vandalism, perpetrated, for the most part, by juvenile delinquents. No Jew is physically assaulted, no Jewish building seriously damaged. The Government moves with the utmost vigor to punish those responsible. The press, pulpit, and political parties join in unanimous condemnation of the hate smearers.

And how does the free world react to this situation?

Overnight, the West German democracy was placed in the pillory, rendered suspect, morally isolated from its Western allies—and this in the critical period preceding the summit conference.

The reaction was strongest in Great Britain. Forty thousand Londoners marched in a protest parade; German maids were dismissed by their employers; orders for German goods were demonstratively canceled by a number of British concerns; and some editors even suggested a reexamination of Germany's role in the Western alliance.

In our own country, although the reaction was milder and more mixed, the swastika campaign brought a flood of protests from U.S. editors, from Members of Congress, and from religious leaders. "The fact that acts of anti-Semitism can take place under present circumstances," said one of our most respected newspapers, is a "clear indication that the sickness still lurks deep in the German soul."

One of my old colleagues in the House said that it was high time the President and Congress considered whether our massive economic and military assistance is making a contribution to the sad events in Germany.

It is to the eternal credit of the Jewish leaders that they kept their sense of proportion while so many people, who had far less reason to fear the reemergence of the swastika, were losing theirs. Heaven knows, no Jew could have been blamed for reacting strongly—even excessively—to the news of the swastika epidemic. Instead, the recognized leaders of the Jewish community, in this country and abroad, spoke with statesmanlike restraint and balance. By their sanity, by their morality, by their abjurence of vengeance and hatred and racism, they showed an example to the entire free world.

Dr. Nahum Goldmann, president of the World Jewish Congress, and Premier David Ben-Gurion of Israel, both told their coreligionists that the record of the Bonn Government toward the Jews was beyond reproach and that it would be nazism upside down to hold the German people guilty in perpetuity for the crimes of the Hitler regime.

Mr. Ben Epstein, director of the Anti-Defamation League of the B'nai B'rith, in an interview over the German radio on January 14, rejected the theory that some international Nazi organization was responsible for the epidemic. He said that while two members of the neo-Nazi party had been responsible for the original incident in Cologne, the epidemic which followed was essentially a wave of imitative behavior by juvenile delinquents and other irresponsible elements.

Dr. Hendrik G. van Dam, president of the Jewish community in Berlin, in an article entitled "Anti-Semitism Without Jews," assailed "the merciless anti-Germanism" in other countries and the tendency to seek any evidence in support of a collective judgment of the German people and he warned against those journalists who "attempt to prove that the Germans never change, that the Federal Republic, therefore, is not fit to be a member of an alliance, and indeed cannot be trusted."

But in the general hysteria that existed for several weeks, these voices of reason were swallowed up. Only the most assiduous readers of the press noticed them.

The swastika epidemic was something that lent itself intrinsically to sensationalism, and the democratic press cannot be blamed for treating it as a matter for page 1 reportage. But in doing so, in my opinion, it served—unwittingly—as a vehicle for a Soviet campaign of saturation propaganda.

After several weeks of swastika headlines and exaggerated reactions, the threat of world communism and the Berlin crisis became items of minor importance in the public mind. If the headlines and the hysteria could be taken as a guide, the real menace confronting the free world was not Communist aggression, but the revival of nazism and anti-Semitism in Germany.

Encouraged by the reaction of the free world to the swastika incidents, the Communists propaganda apparatus had a field day. No charges were too extreme, no language too extravagant. Pravda on January 8, for example, charged that "this organized racist campaign had been launched as if at a signal given by Adenauer" and it said that its purpose is to "clear the road for a wide propaganda in favor of a nazi ideology, openly fascist."

The following day the Communist German radio charged that the entire campaign had been organized by the West German office of psychological warfare under the direction of Defense Minister Strauss.

The orgy achieved its peak on February 1, when Mr. Khrushchev wrote in an open letter to Chancellor Adenauer: "People are prosecuted in your country for their thoughts, for their progressive ideas. You actually occupy the same position occupied by Hitler." It would be difficult to find a comparably insulting letter from one head of state to another, even on the eve of war.

The purpose of all this propaganda was obvious. It was designed, very simply, to further isolate West Germany, to further divide the Western Alliance, and to soften our policy by appealing to our still vivid memories of Nazi brutality. In particular, it was designed to appeal to the people of Britain, where antinazism is frequently combined with a strong general dislike of Germans and Germany.

The ultimate goal of this propaganda is the city of West Berlin.

GERMANY'S POSTWAR RECORD

The questions of neonazism and anti-Semitism in West Germany have been posed—and these questions can only be answered by a detailed evaluation of Germany's postwar history.

As executive trial counsel at the major Nuremberg trial, I had spread before me in nightmarish detail the whole incredible story of Nazi barbarism and of its fiendish persecution of the Jewish people. Almost equally incredible, was the story of how this party of madmen and fanatics had achieved power over a nation of 70 million people, and enslaved their minds and warped their characters.

To those of us who were close to the problem in the immediate postwar period, the problem of denazification seemed almost insurmountable. How could tens of thousands of administrators be dismissed—and an administration still be maintained? How could minds be purged of the Nazi virus and a sense of morality and civic responsibility restored? How could teachers be found so that the new generation of Germans could be schooled in dedication to the ideals of democracy? There were many of us who felt at the time that the restoration of Germany would be a work of generations.

I have seen the bottom of the abyss from which the German people had to come—and, for my own part, I cannot help marvelling that they have traveled so far in so short a period of time. There is still much to be done. There are certain hard unpleasant facts that must be confronted. But when we compare the Germany of today with the Germany of yesterday, there is every reason for optimism and confidence.

For the great progress that has been made, I believe that Germany and the free world will remain eternally indebted to the statesmanship and humanity of Chancellor Konrad Adenauer and of men like Mayor Brandt of Berlin and his predecessor, Mayor Ernst Reuter. But one leader or a few leaders by themselves could not explain the rate of recovery in Germany. The fact is that there were in Germany far more anti-Nazis and non-Nazis than we had been inclined to believe.

For more than a decade now, West Germany has had a freely elected parliamentary regime, a free press, and a free society which is watchful of individual liberties.

In successive elections, at federal, state and municipal levels, the overwhelming majority of the German voters have given their support to the Christian Democratic Party or to the Social Democratic Party. Both of these parties are completely dedicated to democratic ideals, are stanchly anti-Nazi, liberal in their approach to social problems, solidly pro-Western in their orientation. Of the long list of splinter parties, the largest is the Free Democratic Party, which in 1958 won the backing of 7.7 percent of the electorate. These splinter parties are also, for the most part, essentially democratic in orientation, some of them liberal, some of them middle-of-the-road, some of them conservative.

The one significant exception, the German Reichspartei, is neo-Nazi in outlook, and is led by a group of diehard ex-Nazis. But it has a national membership of only 13,000 and obtained only 1 percent of the vote in the last election. This means that it has no representation in parliament, because under German electoral law, a party must obtain a minimum of 5 percent of the popular vote before it is given representation. In addition, there are half a dozen other ultranationalist reactionary splinter groups which, between them, were able to obtain 1.32 percent of the total vote.

On the basis of the electoral record of the past decade, it is obvious that there remains a core of unregenerate Germans who are prepared to vote to resurrect the past. But it is a very tiny core, representing no more than about 2.5 percent of the total electorate.

The important thing is the trend. Before the Nazi Party came to power, it obtained an increasing percentage of the German vote in successive elections—18.3 percent in 1930, 37.1 percent in 1932, 44.2 percent in March 1933. Has the trend since the end of the war been toward a revival of Nazi extremism, or toward the parties of moderation? Here, I believe, the proof is conclusive: In 1949 the Christian Democratic Party and the Social Democratic Party between them polled 60 percent of the vote. In 1953, the figure rose to 74 percent, in 1957 to 82 percent.

These, in my opinion, are the basic facts—the central criteria in appraising Germany's political evolution since the end of the war.

What remains to be done?

EX-NAZIS IN GOVERNMENT: EAST AND WEST

There is still a problem of former Nazis in government. The Jewish organization, the B'nai B'rith, speaks of some 900 of them, of whom several hold high office. This is a relatively small number compared with the scores of thousands of Nazis who were dismissed from office—but it is still reason for concern. There is also a number of ex-Nazis who hold positions of importance in private life as editors, writers, publishers, bankers, and industrialists.

It is proper that the problem of ex-Nazi officeholders should be openly discussed by the West German people and by their allies. But it becomes a trifle outrageous when Khrushchev and his German quislings mount their pulpits and prate self-righteously about ex-Nazis in the West German Government.

In Communist Europe there was no process of denazification. In East Germany and in every European country where the Communists have taken power, they have opened their ranks to the most vicious Nazis and Nazi collaborators. Their past was no handicap; quite the contrary, for the dirty work which the Communist regime had to do, a gangster past constituted a decided recommendation.

I have in hand a documentation compiled by the investigating committee of free jurists in Berlin. In it are listed some hundreds of former Nazis who now hold important posts in the Communist government of East Germany, or in its armed forces. Here are their photographs, their Nazi party numbers, the record of their date of entry into the Nazi party, the lists of their awards and decorations from the Hitler government. In it you will find such names as that of Dr. Kurt Schumann, president of the East German Supreme Court; Seigfried Dallmann, chairman of the Law Committee of the People's Chamber; the chief editor of the official Communist theoretical periodical "German Foreign Policy," Hans W. Aust; and a long roster of political leaders, leading judges, officers, publicists, and educators.

When the Berlin Jurists Association first printed its list of ex-Nazis in the service of communism, the German Communists—unable to deny the truth of the charges—replied with the assertion that all of these people had realized their past political errors and had developed into "upright democrats and fighters for peace." By this they mean to say that these people have now become Communists. Such a statement I would not be prepared to dispute. For a Communist to become a Nazi or a Nazi to become a Communist requires no real transformation. They are blood brothers.

DENAZIFICATION AND THE CASE OF DR. GLOBKE

In West Germany, as a result of the denazification process, the apparatus of government was purged of virtually every Nazi who was personally guilty of crimes against humanity. In an operation which involved scores of thousands of people, it was inevitable that there should be some errors of judgment. A number who were guilty escaped punishment, while some who were innocent were wrongly punished. But, in general, the denazification courts made exceptions only for those former Nazi party members who could prove that they used their positions for anti-Nazi purposes, or that their party membership was a simple formality necessary to protect their positions or livelihood.

On the basis of the evidence I have seen, I am inclined to believe that, while there is still a fair amount of housecleaning to be done, many of the ex-Nazis at present employed by the West German Government have demonstrated their innocence. Each case must be considered on its merits; no sweeping judgment could possibly be fair.

About Refugee Minister Oberlaender and Interior Minister Schroeder I have serious doubts. They were not personally involved in any crimes against humanity; Oberlaender, in fact, has voluntarily submitted himself to an examination by a committee of former resistance fighters. Both men have strongly opposed the neo-Nazi movement. But the fact remains that they did belong to the Nazi party and not to the opposition. In the case of Dr. Hans Globke, secretary of the Chancellor's office, however, I have examined a documentation which completely persuades me of the man's innocence.

The story of Dr. Globke illustrates how exceedingly complex the business of making judgments can be. The Communists raise his name at every opportunity. They charge that he was coauthor of a legal commentary on the infamous Nuremberg racial laws. This is true. This information, in itself, would predispose most decent people against Globke. How, they would ask, could such a man be innocent?

In the terrible politics of our time, men have frequently been confronted with choices that torture the soul. If one sees an opportunity to serve the cause of freedom in the ranks of the Nazi movement, does one reject the opportunity because it is morally repugnant—or does one accept? It is not an easy choice; and if one accepts, it is not an easy thing to explain or live down. In fact, during World War II, more than one resister posing as a collaborator was shot down by fellow resisters to whom his identity was unknown.

As a functionary Ministry of the Interior, Hans Globke was given the task of preparing a legal commentary on the Nuremberg law. He was not a Nazi; he was by tradition a devout Catholic who abhorred the brutality of godlessness of the Nazi regime. The specific choice which confronted him was whether to resign and leave the drafting to some fanatical Nazi, or to assume the responsibility and draw up the commentary in a manner which would leave the greatest number of loopholes for Jews, half-Jews, quarter-Jews, and one-eighth Jews. In a torment of conscience, Globke at one point

came to Cardinal Konrad von Preysing, then bishop of Berlin, and suggested that he resign his post. The bishop urged him not to resign because he was in a position to render invaluable services to the anti-Nazi cause.

The loopholes existing in Globke's legal commentary were effectively utilized by thousands of German Jews, many of whom have written letters in his defense. Among other things, according to this testimony, Globke served as their chief go-between with the Ministry of the Interior. Dr. Walter Jellinek, a Jewish professor at Heidelberg University, has written to him: "You belong to the very few men of the Hitler era whom I remember with gratitude and with pleasure."

Under Secretary of Justice Walter Strauss, himself a "non-Aryan," has stated that he can prove Globke saved the lives not only of thousands, but of tens of thousands of German Jews. Dr. Jacob Kaiser, chairman of the Christian Democratic Party and a veteran of Hitler's concentration camps, has testified that Globke played a key role in the anti-Nazi resistance from the beginning of the war, that he helped draw up plans for the overthrow of the Nazi regime, and that he had been slated to take over the post of Minister of Education if the plot of July 20 had succeeded. Cardinal von Preysing has testified that over and above his fundamental opposition to nazism, Globke always "sought to obstruct or prevent unlawful actions and acts of injustice and violence on the part of the Nazis, to the fullest extent possible to him." And there are many more such testimonials from people of unimpeachable anti-Nazi records.

Perhaps the most important testimony comes from Dr. Hans Gisevius, Allen Dulles' chief contact with the German resistance and author of the book "To The Bitter End." Dr. Gisevius has stated repeatedly that few people rendered more decisive services to the resistance than Globke. I met Gisevius during the course of my duties in Nuremberg—and like everyone else who met him, I was enormously impressed. Perhaps better than any other man he knows the moral dilemma which confronted Globke because he himself served the resistance in the ranks of the Nazi secret police.

I have been greatly impressed by the fact that, as a result of the growing body of evidence in Globke's defense, key Jewish organizations concerned with the German situation no longer list his name among the ex-Nazis whose presence in government they consider suspect.

This has been a rather long digression. But since Dr. Globke has been wrongly accused not only by the Communists but by uninformed Western editorialists, I wanted to take advantage of this opportunity to set the record straight.

RESTITUTION AND REEDUCATION

There have been many articles in the Western press dealing with the continuing prevalence of anti-Semitic attitudes among the West German people, the inadequate treatment of the Nazi era in German history textbooks, the unwillingness of the older generation to confront or speak openly about the so-called recent past, the ignorance of German youth concerning the crimes of the Hitler era.

There is a good deal of validity in these criticisms.

But on checking back through a number of such articles I have discovered that, almost without exception, they have been based on public opinion polls or studies conducted by German organizations or on articles or statements by prominent German educators and political leaders. This demonstrates, in my opinion, that there are a substantial number of Germans who understand the weaknesses in their society, who are doing their utmost to expose them, and who are endeavoring to devise remedies. The severest critics of the weaknesses in West German society have, in fact, been the West German people themselves. This is as it should be in a democracy. What is more, it proves that the West German system, despite certain weaknesses, is essentially healthy.

According to a report shortly to be made public by the American Council on Germany, there is a growing trend in West Germany toward public castigation of what happened during the Nazi period. The trend is becoming more and more evident in the press, in the TV programs, in the movies, and, most important of all, in the schools.

"It has taken 15 years," says the report, "but this year marks the beginning of a really noticeable awareness of Nazi crimes and a determination to bring them out into the open, to examine the developments which led up to 1933 and to answer the demanding questions of this generation of youth about the period in their country's history which they did not know."

The report quotes instance after instance of new school programs designed to teach the terrible truth about the Nazi era to German students. It also describes the rapidly expanding program of adult education now being conducted by the Institute on Current Events, the People's High Schools, and other bodies.

The horrors of the Hitler regime are also being brought home to the German people by the series of so-called concentration-camp trials involving former camp directors. These trials have been front-page news throughout the German press. In general, I am not a believer in gory details when it comes to newspaper reporting. But in this case I believe the German press has rendered a service by its detailed and graphic reporting.

Incidentally, the Bonn Government has been so assiduous in tracking down Nazi criminals and bringing them to trial that hundreds of Nazis have fled the country. Certainly no Nazis with criminal records have dared to return to their fatherland. In Egypt alone, there is a colony of some 600 Nazi refugees from anti-Nazi Germany—where many of them are working hand-in-glove with Communist agents in spreading anti-Semitic propaganda and exacerbating Arab-Israeli relations. Those who believe that West Germany is some kind of paradise for former Nazis, might do well to ruminate on the meaning of this inverted historical situation.

Among the older generation, who supported the Hitler regime either through their action or inaction, there has admittely been a tendency to forget the past or at least not to talk about the evils of the past. Frankly, I do not find this surprising. It is only human to want to put painful memories out of one's mind. But even this older generation has given many evidences of understanding and of contrition. Indeed, it has been remarked that the hundreds of thousands of Germans who came to performances of "The Diary of Anne Frank," sat through the play in a stunned silence more eloquent than any spoken repentance.

But most indicative, in my opinion, of the vast progress Germany has made was the reaction of the German people to the incident at Cologne and the rash of anti-Semitic incidents which followed it. The rabbi of the Cologne synagogue received thousands of wires and letters from individual Germans, expressing their personal indignation and their shame. The Protestant churches, the Catholic bishops, the trade unions, the student and youth organizations joined in condemnation of the desecrations. Virtually every newspaper in the country thundered editorially against the delinquents and criminals who were fanning the evil embers of the past and defaming their country, and they demanded the most stringent measures against them. In Berlin, 15,000 students marched in an anti-Nazi protest demonstration. So great was the public pressure that even the Mutual Society of SS Veterans adopted a resolution threatening expulsion of anyone guilty of an anti-Semitic act. The Federal Government and the Land governments acted with the utmost vigor to track down the perpetrators and to punish them.

On January 20, Prof. Carlo Schmid, vice president of the Bundestag, made a remarkable statement to the Bundestag in the name of all four parties. I quote one paragraph from this statement:

"It is a disgrace that this could happen in our country. This disgrace is not mitigated by the fact that in other countries, too, walls have been smeared with swastikas and abuse of the Jewish people. We Germans have no right to point our fingers at others. It is true that in other countries there has been ruffianism under the sign of the swastika; but in our country 6 million Jews were murdered in the name of this symbol. For this reason, what has happened in Germany during these weeks is a greater disgrace than it would be elsewhere. And for the same reason, our reaction against it must be stronger and must proceed from greater introspection."

When Professor Schmid concluded his statement, the entire Bundestag rose and applauded enthusiastically. No more significant statement of contrition has ever been spoken in a parliamentary body.

The attitude of the German Government on the question of restitution provides perhaps the most concrete evidence of its determination to extirpate the evil vestiges of the past and somehow to atone for the terrible crimes that were committed in the name of the German people.

When they are completed, Germany's payments of restitution and reparations to Jewish victims of nazism and to the State of Israel will total almost $6 billion. Dr. Nahum Goldmann, president of the World Jewish Congress, has declared that Israel has received more money from Germany than from all the Jews in the world put together.

Germany's commitment to pay restitution was entirely voluntary. This in itself is remarkable. Indeed, I believe it is unique in history. But Germany's restitution program is remarkable in many other ways.

It is remarkable because the commitment was made not at a time of general prosperity, but in the year 1951, when the Government was still attempting to cope with the gigantic problems of reconstruction and with the equally gigantic problem of the 9 million refugees and expellees from the Soviet zone.

It is remarkable that for a generosity that refused to be limited by an already generous initial commitment. As Dr. Goldmann pointed out, Germany's restitution payments will amount to two or three times as much as the figure German and Jewish experts had originally agreed upon.

It is remarkable because this onerous voluntary burden was assumed by unanimous vote of the Bundestag, with the complete support of the German press, with the backing of a clear majority of the German people, and in defiance of a threatened Arab boycott of Germany.

This is Germany's postwar record.

THE ORIGINS OF THE EPIDEMIC

Who was responsible—what was responsible—for the swastika epidemic? The white paper issued by the Bonn Government has, I believe, presented a frank and careful analysis of the epidemic. The white paper found that, of the 234 culprits apprehended, 8 percent had clear records of either neo-Nazi or Communist association, while 24 percent acted out of subconscious Nazi or antidemocratic motives. The German police uncovered no evidence to prove that the outbreak was controlled or centrally directed. On the other hand, the white paper made it clear that the neo-Nazi movement could not es-

cape moral responsibility for the individual actions of its members.

It had been suggested by sources both inside Germany and abroad that the entire outbreak was the work of the Communists, bent on discrediting the Adenauer government. The white paper found that once the epidemic got under way, the Communists got in on the act. Of those apprehended, at least seven had proven records of Communist affiliation. Members of Communist youth organizations were found smearing swastikas and pasting up anti-Semitic placards, and agents of the East German police were found operating in Berlin and in some of the neo-Nazi organizations. But it found no proof of Communist masterminding. On the basis of the evidence available, the West German authorities concluded that the epidemic was essentially the work of nonpolitical elements—of hoodlums and juvenile delinquents.

I believe the German white paper did the right thing in bending over backward to avoid any accusation that could not be conclusively substantiated. I cannot escape the feeling however, that the evidence of Communist involvement unearthed by the West German authorities tells only a small part of the story. And I am surprised that there should have been people who felt that somehow the charge of Communist instigation constituted a heinous libel against the Kremlin.

The specific charge that the Communists instigated the swastika epidemic may not be provable. But, from a strictly legal standpoint, is it libel to suggest that a many-times convicted rapist may be guilty of still another act of rape, or that a notorious forger and perjurer may have pulled off another act of deception? Where a crime of a specific type has been committed, is it not common procedure in every country to suspect those criminals whose records show a long list of crimes that are similar in purpose and method?

Whether or not the charge was intrinsically libelous depends on whether or not the Kremlin has a record of collaboration with Nazis or Nazi elements or a record of anti-Semitic instigation which might be relevant to the charge. Such a record does exist—and what a long and terrible record it is.

History records that when the League of Nations imposed economic sanctions against Fascist Italy in an effort to hamper or, if possible, prevent its rape of Ethiopia, the Soviet Government stepped into the gap and provided Mussolini with vast quantities of oil and other commodities essential to the conduct of his war.

History also records that when the Nazi Party in 1931 called for a plebiscite to oust the democratic government of Prussia, the Communist Party voted with the Nazis—even though the ousting of the government would have brought the Nazis to power.

History also records that in 1939 the Soviet state concluded a treaty with Hitler which made it possible for Hitler to unleash his war against the West; that this treaty contained secret annexes providing for the division of Europe between Nazi Germany and Soviet Russia; that at the signing of this treaty, Stalin toasted Hitler with the words—"I know how much the German nation loves its Fuhrer"; that Molotov gloated over the dismemberment of Poland with the shameful words—"One blow from the German Army and one blow from the mighty Red army, and this ugly duckling of Versailles ceased to exist."

History also records that until the Soviet Union itself was invaded, the Communist Parties throughout the world did their utmost to support the war efforts of Nazi Germany and to obstruct and sabotage the war efforts of the Allied democracies; that Walter Ulbricht, the present head of the East German Communist Party, said to his followers on November 23, 1939: "Not only the Communists, but also many social democratic and national socialist workers regard it as their task not in any circumstances to permit a breach of the pact. (By this he meant the Hitler-Stalin pact.) Those who intrigue against the friendship of the German and Soviet people are enemies of the German people and are branded as accomplices of British imperialists."

History also records that the Kremlin turned over to Hitler's Gestapo certain German Communists who were on the Nazi wanted lists. Among those thus turned over was Margarete Buber-Neumann, widow of the German Communist leader, Heinz Neumann, who had been executed by Stalin in 1937. Not even the limited, perverted sense of honor that is customary among thieves was evident in this practice.

History records that the Soviet regime has practiced anti-Semitism in its own territory, has engaged in a genocidal campaign against Jewish culture, has exported anti-Semitism to its satellite countries, and is currently employing the anti-Semitic motif in its broadcasts to the Arab countries. The Kremlin has conducted, and is conducting today, an anti-Semitic propaganda strongly reminiscent of Goebbels and Streicher and that infamous forgery "The Protocols of the Elders of Zion." The general theme of this propaganda is that Jewish bankers and Zionists have combined with the American capitalists and imperialists to plot an attack against the Soviet Union and that Jewish religious and humanitarian organizations are all agents of American intelligence.

How can one possibly "libel" a government with such a record. That the Kremlin is morally capable of having instigated the swastika epidemic is, therefore, indisputable; and while moral reputation does not constitute proof, it does constitute justification for suspicion.

If we accept the finding of the white paper that the outbreak was essentially a psychological epidemic, I feel that the Kremlin still deserves a much larger share of the blame than the white paper has attributed to it. An epidemic is caused by a virus. The swastika epidemic may have been caused in part by the latent virus of anti-Semitism which existed in small pockets in Germany. But since the end of the war the chief breeding place of the virus of anti-Semitism has not been Germany nor has the chief instigator been the neo-Nazi movement. The chief breeding place has been, and remains today, the Soviet Union. The chief instigator is the international Communist movement.

No one can tell me that the Soviet state can encourage internal anti-Semitism on a massive scale, and can direct its exportation to the satellite countries and to the Arab world, without somehow spreading the infection to the peripheral areas. In this sense, even accepting the psychological epidemic theory without reservation, the Kremlin bears an inescapable moral responsibility.

THE RECORD OF SOVIET ANTI-SEMITISM

There should be no secret about Soviet anti-Semitism. The terrible ordeal of the Jewish people under the Kremlin's rule has been painstakingly set forth and documented in a whole series of studies by scholarly authorities. In addition to several full-length books on the subject, there have been studies by the American Jewish Committee, the Anti-Defamation League of the B'nai B'rith, the Jewish Labor Committee, the authoritative Jewish magazine Commentary, the internationally respected weekly, the New Leader, the Select Committee on Communist Aggression of the 83d Congress, and by the Senate Subcommittee on Internal Security. Scattered over a period of 2 decades, moreover, there were some dozens of carefully researched articles in newspapers like the New York Times and New York Herald-Tribune and in magazines like Life.

But for some strange reason, the terrifying story of persecution of the Jews under communism has not penetrated the public consciousness of the free world.

Perhaps the scholarly studies were too esoteric, too limited in distribution.

Perhaps the newspaper and magazine articles were too scattered and infrequent to be effective.

Perhaps the Jewish communities in the Western countries did not speak up as loudly as they should have for fear of further endangering their coreligionists behind the Iron Curtain.

Perhaps our minds are conditioned far more than we ourselves are prepared to admit by the most powerful and most subtle propaganda apparatus the world has ever known.

Whatever the reason may be, I am convinced from many conversations that, in the public mind, anti-Semitism is far more closely identified with Germany than it is with the Soviet Union. I do not blame the public for this. I try to be a reasonably assiduous reader. I was aware before I began preparing this analysis that anti-Semitism existed on a very substantial scale throughout the Soviet sphere. But as I checked through the available documentation, I found myself constantly appalled.

I was appalled by the totality of Soviet anti-Semitism, by its utter ruthlessness, by its doctrinal and practical similarity to Nazi anti-Semitism. I was even more appalled to discover how little I knew, how little my friends knew, about this terrible crime against humanity which has been going on for more than two decades now.

Let me set forth here the full record of this crime.

For many years after the Bolshevik revolution, it was commonly believed, by conservatives as well as liberals, that, despite all its evil features, Communism did not practice discrimination on racial or religious grounds. It was equalitarian in the sense that all men, regardless of race or religion, were equally persecuted. Personally, I question this conception of equalitarianism—but there were, and still are, many people who seem to see some peculiar virtue in equality of persecution.

The myth that all men are equal under communism remains to this day one of the Kremlin's chief propaganda weapons in its appeal to the Negro, Jewish and other minorities in this country, to racial minorities in other countries, and to the colonial peoples.

The fact is that the Soviet Union is a gigantic prison-house of nations where minorities have been persecuted and exploited; and where genocide has been a common instrument of state police. It is an imperialist empire which, for its cold-blooded ruthlessness, has no equal in history.

The fate of the Jews under communism is most illustrative.

The treatment of minorities, historically, may be considered a gage of social and moral progress; and in modern times, it has become a gage of social sanity. Wherever minorities have been oppressed in Europe, the Jews have generally been among the first to suffer and they have often suffered the most acutely. This is so because they are dispersed and more helpless, and because differences of custom and religion and the survival of ancient prejudices make them convenient scapegoats for despotic regimes.

On the specific question of anti-Semitism, the Communist leaders, in the early days, made some very strong statements: "Anti-Semitism," said Stalin, in an interview with the Jewish Telegraphic Agency of America in January 1931, "is an extreme form of racial chauvinism, is the most dangerous survival of cannibalism—anti-Semitism, as a phenomenon hostile to the Soviet system, is

severely punished by law. Active anti-Semites are punished by capital punishment under the laws of the U.S.S.R."

Thus spoke Stalin in 1931. But, in reality, anti-Semitism is as inherent in Marxist totalitarianism as it was in Nazi totalitarianism. Karl Marx himself was, in many of his statements, as virulently anti-Semitic as Goebbels. Over the decades, the Communists have done their utmost to conceal this fact. Marx's translators into English and the European languages carefully eliminated his anti-Semitic diatribes from editions of his books and writings. But the proof exists.

I have in hand the first English translation of the unexpurgated papers of Karl Marx on the so-called Jewish question. It was printed only last year. In it, you will find that Marx referred to the distinguished German Social Democratic leader, Ferdinand Lasalle, whom he considered too moderate, as, I quote, "Judel Itzig—Jewish nigger." In another letter, Marx made the statement: "Ramsgate is full of Jews and fleas." In still another statement he said—and I quote again—"emancipation from usury and money, that is, from practical real Judaism, would constitute the emancipation of our time."

This was not Hitler speaking. It was the recognized ideological father of Soviet communism. This was Karl Marx.

The persecution of the Jews in the Soviet Union can only be understood within the context of the Marxist ideology and of the Kremlin's broad general policy toward all minorities.

In the period immediately after the revolution, when they were still endeavoring to consolidate their regime, the Bolsheviks attempted to purchase the support of the national minorities by preaching the freedom and equality of peoples. The appointment to native Communists to party and government posts was encouraged. The use of the various minority languages, which had been restricted under the czar, was also encouraged.

By the early thirties, Stalin had achieved absolute power. At this point, the toleration and encouragement of national culture gave way to a massive campaign against the languages and cultures of all the national minorities.

The development of a totalitarian state requires total conformity, it requires the reduction of all peoples to a single norm. The Russian language was selected as the instrument for the new cultural straitjacket because it happened to be the language of the largest national group and was the most widely spoken.

In the Ukraine, for example, Russian was again made the main language of instruction in almost 80 percent of the universities. Ukrainian specialists and scientists were assigned to other areas of the Soviet Union while increasing numbers of Russian specialists and scientists were imported into the Ukraine.

The apparatus of government was ruthlessly purged of all those who were suspected of the sin of bourgeois nationalism. Ukrainian intellectuals, party leaders and administrators were the chief targets of this terror. The terror reached its zenith during 1937–38 when, it is estimated, some 200,000 persons were executed in the course of one year. I have documentary evidence concerning the massacre in the city of Vinitsa alone of 10,000 persons; and there is evidence that similar massacres occurred at many other points in the Ukraine.

The man in charge of the Ukraine during this period, I might point out, incidentally, was a certain N. S. Khrushchev, who last summer was invited to visit our country as an honored guest.

What happened to the Ukrainian people happened, with variations in pattern and degree, to all the other national minorities in the Soviet Union.

The imposition of Russian Communist control was even more marked in the case of the minor Moslem nationalities of central Asia. In all of these central Asian republics, Russians held the key posts in the ministries of security and of the interior and, in general, throughout the apparatus of party and government. In the so-called autonomous Kazakh Republic, for example, native Kazakhs, according to a report published in 1948, held only 2 percent of the administrative posts in the ministry of local industry and public health; 4 percent in light industry; 6.7 percent in textiles; and so on down the line.

The Negro in America unquestionably suffers from serious restrictions on rights and opportunities. He is now on his way up. But in the darkest days after emancipation, he enjoyed far greater rights than do some of the Asian minorities in the Soviet Union today.

In certain respects the persecution of the Jews and of Jewish culture in the Soviet Union has been even more severe than that endured by other minorities. Physically their persecution is on a par with that of the Ukrainians. In terms of denial of opportunity, their treatment is even worse than that of the Kazakhs. Culturally, their persecution is total. Instead of being permitted a restricted representation in the apparatus of party and government, the Jews today are virtually excluded from all administrative positions of any importance. While all religion is persecuted and regulated, the Jewish religion is persecuted with particular ruthlessness.

Why is this so? I can think of several reasons. First of all, there is the fact that the Jews have both their own religion and their own national culture; this makes them eligible for persecution on both scores.

Secondly, the rulers of the Kremlin have apparently suspected them of mass disloyalty to the Soviet state. This is not surprising, for no Jew could be expected to enthuse over things like the Hitler-Stalin pact or Moscow's incitation of the Arabs against the State of Israel.

Perhaps even more important, the great majority of the Russian Jews have relatives in America. This makes them suspect, in Khrushchev's eyes of harboring pro-American sympathies.

Finally, Communist anti-Semitism, like czarist anti-Semitism, exploits the Jew as a scapegoat—a convenient outlet for popular resentment which might otherwise be directed against the regime.

A major shift in Soviet policy toward the Jews first became apparent in 1937–38. Zinoviev, Radek, and a few of the other old Bolsheviks who were liquidated in the great purges of the thirties had been born Jews. Of course, they could no more be considered Jews than Stalin and Khrushchev could be considered Christians. But there is reason to believe that in Stalin's paranoid mind, party opposition to his one-man rule somehow became identified with the accident of Jewish birth.

Perhaps more important, there seemed to be a growing possibility of a deal with Hitler. If this deal were consummated, every Jew in the Soviet Union would have to be considered an enemy of the regime.

Surreptitiously, the Soviet Government began to encourage anti-Semitic propaganda. Secret directives went out to the civil service to restrict recruitment of Jews and to demote or remove many of those who held office. Jewish schools and newspapers and community organizations were forcibly closed down. Thousands of the Jewish communal leaders were physically liquidated.

The Nazi invasion of the Soviet Union did not persuade the Kremlin to abandon its persecution of the Jews. Jews in the Red army fought heroically against the Nazi invader and, in many cases, rose to fairly high rank. But Stalin by this time apparently shared Hitler's psychopathic hatred of the Jews. The result was a policy of passive cooperation with the Nazi enemy in permitting their extermination.

When Hitler invaded Russia there were more than 5 million Jews in the Soviet Union proper and in the territories it had annexed under the Hitler-Stalin pact. More than 3 million of these vanished during World War II. Scores of thousands of those who vanished were victims of mass deportations to Siberia. The great majority, however, were captured by the Nazis and perished in their infamous extermination camps.

But the question arises: How is it that more Jews were not able to flee before the Nazi army? How is it that the Nazi were able to capture virtually intact the large Jewish communities in so many cities in Soviet territory?

Jewish organizations in this country are convinced that the Soviet Government did nothing to facilitate the evacuation of the Jews from areas that were threatened by the Nazi army—even though they knew the fate that awaited the Jews under Nazi occupation. According to eyewitnesses before the House Select Committee on Communist Aggression in 1954, those Jews in the occupied territories who succeeded in escaping did so by fleeing individually or in small groups through the swamps and forests. They testified that Jews attempting to flee from threatened areas en masse or in large groups were turned back by Soviet guard units.

The attitude of the Soviet press during the war also deserves some comment. The Kremlin editorialists could find no words strong enough to denounce Nazi inhumanity. But they spoke always of "crimes against Soviet citizens." The systematic extermination of the Jews by the Nazi was, apparently, a crime that did not call for special mention or display of moral indignation.

For several years after World War II, Soviet policy toward the Jews continued to manifest two faces. In its propaganda to the free world, the Kremlin continued to pose as an opponent of anti-Semitism and all forms of racial discrimination. At home, the persecution was intensified. In increasing numbers, the Jews were forced out of administrative positions. Public hostility toward them was encouraged by a hundred subtle devices.

During the period of Soviet occupation, at least 40,000 Jews were deported to Siberia from Hungary alone and many thousands more were deported from Rumania.

Other terrors awaited the Jews of the satellite countries. In the immediate postwar period, the Communists did not yet have complete control of these countries. They were either in the process of consolidating control or preparing to seize power. What more convenient smokescreen could there be for them, what more effective diversion, than a campaign against the Jews, with a few old-fashioned pogroms thrown in?

In Poland during the course of 1946 there was a whole series of murderous attacks on Jews which cost several hundred Jewish lives. In the pogrom at Kielce alone, 41 Jews were killed by a mob, while the Communist militia stood idly by—or else arrested the Jews.

In Czechoslovakia there was also a series of bloody anti-Semitic incidents. The Communists tried to blame these incidents on the Fascists—but there is considerable evidence that they themselves instigated them. The Czechoslovakian Minister of Propaganda during this period, Vaclov Kopecky, referred to the Jews in his statements as "those bearded Solomons" or "this Jewish scum."

In this propaganda he was abetted by the present Prime Minister of Czechoslovakia, Antonin Zapotocky.

In Hungary, local Communist leaders organized bloody attacks on the Jewish people in the cities of Miskolcz and Kunmadaras. According to the testimony of Dr. Zoltan Klar, a Hungarian Jewish leader, and of Mr. Irving Engel of the American Jewish Committee, the Communist police did nothing to prevent the riots and in many cases they protected the instigators. Those responsible for the riots, moreover, were never punished.

But in 1948 Stalin apparently became impatient with the limited, gradual anti-Semitism of the previous decade. The cold war had sharpened. Tito had defected from Soviet control. The Jews of the Soviet Union and the satellite countries had shown unconcealed enthusiasm over the establishment of the State of Israel. In the warped mind of Stalin this situation called for an all-out offensive against everything that might be considered a "foreign" or "Western" influence. Anything which suggested adherence to a non-Russian group was automatically guilty of "bourgeois nationalism;" and friendship for anything outside the Soviet Union was stygmatized as "cosmopolitanism."

In the fall of 1948, with one sweeping administrative decree, Stalin and his cultural commissar, Andrei Zhdanov, completely eliminated what remained of Jewish cultural and communal life in the Soviet Union. Nominally, the campaign was directed against the Zionists. Of course, everyone who considered himself a Zionist had long previously perished in Stalin's concentration camps. In reality, the new Soviet anti-Semitism was directed not against zionism, but against the Jewish religion and all those of Jewish origin, even if they were Communists.

In this respect, I see nothing to distinguish the anti-Semitism of Stalin from the anti-Semitism of Hitler.

At one stroke, all Jewish schools were closed. Jewish newspapers were shut down. The Yiddish publishing house, Emes, was also closed. The Jewish anti-Fascist committee in Moscow was dissolved and its leaders arrested. More than 450 Jewish writers, artists and intellectuals—the cream of the Jewish intelligentsia in the Soviet Union—were executed.

Despite restraints and persecution, Russia under the czar had been the world center of Yiddish culture. In the early period of cultural tolerance, the Soviet Union had the largest number of Yiddish schools in the world, the greatest number of Jewish pedagogical institutions, the only Jewish institution of higher learning in Yiddish, and Yiddish departments in many universities. There were 4 Yiddish state publishing houses and 14 state theaters. And there were 35 periodicals and newspapers, 4 of them dailies.

Some of these institutions and publications had ceased to exist during the anti-Semitic purges of 1936–38. Others had ceased to exist during the war. But with the Zhdanov decree, everything ceased. Where there had once been a flourishing Jewish culture, there was now a desert.

One year after the Zhdanov decree, in September 1949, there took place the first of a whole series of spectacular Communist show trials involving Jewish defendants. The scene of this first trial was Budapest. The chief defendant was the former Minister of the Interior, Laszlo Rajk.

Rajk himself was not a Jew. In fact he was generally considered anti-Semitic. He had ued his post to instigate the pogroms in Miskolcz and Kunmadaras, or else to protect those Communists who had instigated them. Three of Rajk's codefendants, in this trial, however, were Jewish—and they were forced to sign confessions that they had served as "Zionist spies." These so-called Zionist spies had, according to the charges, conspired with America, England and Tito's Yugoslavia to overthrow the Communist Government.

To the accompaniment of an ominous propaganda about the "world Zionist conspiracy," Rajk and his chief codefendants were sentenced to death.

A few years later, it was the turn of Czechoslovakia. In November 1952 there took place the great Prague trial of Rudolf Slansky, former Secretary-General of the Party, and his alleged confederates. In this trial, 11 of the 14 defendants, including Slansky, were Jews. To make sure that this fact was not missed by the public, the official indictment bore the words—I quote—"of Jewish origin" after the name of each Jewish defendant.

As Communists, it goes without saying, all of these defendants had long previously renounced their Jewish religion and they were violently opposed to Zionism. This apparently was not considered any serious obstacle by the professional brainwashers who prepared Slansky and his colleagues for their appearances in court.

The trial, from the first, was an obscene anti-Semitic orgy. The defendants confessed that they had been participants in a worldwide Jewish conspiracy operating in the service of American and British imperialism. For variety, their conspiracy was sometimes referred to as a "capitalist-imperialist-Trotskyist-Titoist plot." Involved in this plot, if one were to believe the confessions, were former U.S. Secretary of the Treasury Henry J. Morgenthau, Mr. Bernard Baruch, Israeli Prime Minister David Ben-Gurion, and the Yugoslav Communist leader Moshe Pijade.

All of the evils of the Communist regime and all of the suffering of the Czechoslovak peoples were charged to the account of Slansky and his codefendants and their American and British imperialist masters. They confessed to planning the disorganization of the Czechoslovak economy, to contriving artificial scarcities of food and fuel and the inflation of the national currency. The commentaries of the Czechoslovak press, in referring to the Jewish defendants, employed such adjectives as "huckstering," "profiteering," "bloodsucking," "Judases," "scum with a dark past."

On November 28, 11 defendants, 8 of them Jews, were sentenced to death by hanging. The sentences were carried out a few days later.

There is a footnote to the stories of the Rajk trial in Hungary and the Slansky trial in Czechoslovakia. In the fall of 1956, after Khrushchev's denunciation of Stalin's crimes, it was announced that the Rajk trial had been a frameup from beginning to end and that the confessions had been extorted. The rehabilitation of some of Slansky's codefendants implied a similar admission.

What a commentary on the practice of justice under communism.

Needless to say, the Slansky trial was accompanied by a wholesale dismissal of Jews from all public office. The trial also served as a signal for a further intensification of the campaign of official anti-Semitism throughout the Soviet empire. This campaign reached perhaps its lowest point in the infamous "Moscow doctors' plot."

On January 13, 1953, the Soviet Ministry of Internal Security announced that nine prominent doctors, six of whom were Jews, had been arrested on the charge of murdering two Politburo members, Andrei Zhdanov and Alexander Shcherbakov, by medical mistreatment. They were also accused of having attempted the murder of a number of top-ranking officers of the Soviet armed forces. The arrested doctors, said the Kremlin, had all confessed that they had carried out their crimes on orders of the world Zionist conspiracy and that these orders had been transmitted from Israel by the American Jewish Joint Distribution Committee.

According to the American Jewish Yearbook for 1954, the so-called doctors' plot resulted in a universal orgy of denunciations, demotions and arrest of Jewish citizens throughout the Soviet empire. All this, it said, was accompanied by a barrage of propaganda designed to prove that all Jews were apt to be traitors, spies, imperialist agents, embezzlers, and outright murderers.

On March 5, 1953, Stalin died. The public campaign against the arrested Jewish doctors and against the Jews ceased. On April 4 the Ministry of the Interior made the startling announcement that the doctors' plot had been a frameup: the evidence had been falsified and the confessions extorted. This seemed to be a step in the right direction. It caused many people to hope that, with Stalin's death, anti-Semitism in the Soviet sphere had also perished.

Everything that has happened since 1953, however, proves conclusively that Moscow has never abandoned its anti-Jewish campaign.

In Moscow the 13 doctors were released—but this was the only concession granted. The thousands of Jews in prison remained in prison. Zionism remained illegal. Jewish culture and communal life and Jewish emigration remained under total ban, the Jewish religion under a near-total ban. And the basic charges made in the Slansky trial and in the Moscow doctors' plot were repeated and repeated until they achieved the status of articles of faith for all Communists.

Two weeks after the Moscow doctors were released, on April 16, 1953, the head of the Czechoslovak delegation to the U.N., Foreign Minister Vaclav David, upheld all the charges that had been made in the Slansky trial and reiterated the accusation that the Zionists and other Jewish organizations were hotbeds of American sabotage and espionage. Soviet Foreign Minister Andrei Vishinsky backed his Czechoslovak protegé to the hilt on this occasion.

In Czechoslovakia, Hungary, and Rumania, the rash of anti-Jewish show trials continued for more than a year after the release of the Moscow doctors. In Czechoslovakia alone there were four such trials between May of 1953 and April of 1954. The last of these trials, which took place in Bratislava, had a new twist. None of the defendants were Jewish, but they were charged with the crime of having protected Jews or having failed to punish them.

These show trials, involving amalgams of Jewish and non-Jewish Communists, received considerable international publicity. The persecution of the Jewish community leaders and Zionist leaders, unfortunately, received far less publicity. Literally thousands of these leaders had been imprisoned in the satellite countries—in particular in Czechoslovakia, Hungary, and Rumania—during 1948 and 1949. During the course of 1953–54, some hundreds of these were brought to trial, charged with Zionist activities and aid to Jewish emigrants.

These trials were secret, but some of the details inevitably leaked out. Writing in the magazine Commentary, Peter Meyer reported that in the spring of 1954 the secret trials in Rumania reached such numbers as to constitute a mass terror. Not less than 100 Jewish leaders were tried and sentenced in one month, he said. One of the trials involved 22 members of a Socialist Zionist youth group. Its leader defied the Communist court with these words: "You have tortured and killed many of our members in your dungeons. This crime will never be forgotten." He and his comrades were all sentenced to 20 years in prison.

The 5-year period that followed the Zhdanov decree of 1948 is remembered by the Jews of the Soviet Union as "the black years." The facts about this period were documented as early as 1951 by the Jewish scholar, Dr. Solomon Schwarz in his book,

"The Jews in the Soviet Union." But despite such documentations and despite the blatant anti-Semitism of all the show trials that took place during this period, the Kremlin was able to pretend to its followers in the free world, as late as 1956, that there was no anti-Semitism in the Soviet Union.

Even high-ranking Jewish Communists, who should have had access to the facts, assured their followers—and assured themselves—that the charges of anti-Semitism made by Jewish organizations were slanderous fabrications.

In February 1956 there took place the 20th Congress of the Communist Party of the Soviet Union, at which Khrushchev made his famous denunciation of the crimes of the Stalin era. A slackening of control inevitably followed this speech. In his speech to the party congress, Khrushchev said nothing about the persecution of the Jews. But shortly after the congress, on April 4, 1956, the Polish Jewish paper Folkshtimme confirmed the fact that the hundreds of Jewish writers who had disappeared in the wake of the Zhdanov decree, had been executed.

To the scattered Jewish following which the Communist Party still maintained in the free world, the article in Folkshtimme struck a shattering blow. Some of the most eloquent condemnations of Soviet and anti-Semitism have been written by former Jewish Communists and by official Communist Party delegations who went to the Soviet Union to check on the facts. Their eyes were opened by what they saw.

I want to quote a few paragraphs from one of the many revealing articles that appeared in the world Communist press during the period of disarray that followed these revelations. These paragraphs are extracted from the report of a delegation of the British Communist Party to the Soviet Union and they were printed in the London Communist weekly World News in October 1956:

"For some years prior to the death of Stalin, rumors began to spread that all was not well in the Jewish field, and that well-known Jewish writers and intellectuals had disappeared. Then came the revelations of the 20th Congress, and, later, specific charges in the Folkshtimme.

"Naturally these charges created consternation and bewilderment in the ranks of Jewish Communists in all countries, so that it became a matter of urgency and of importance to expose their truth or falsehood.

"The first piece of concrete information came from a visit to the Lenin State Library. Here there exists a Yiddish and a Hebrew section. It turned out that there is nothing in Yiddish later than 1948, when publication of Yiddish papers and journals must therefore have ceased.

"The Soviet Encyclopedia, which in its 1932 edition devoted about 160 columns to the Jews, reduces this in the 1952 edition to four columns. The biographies of many eminent Jews had been removed. Marx was no longer referred to as a Jew.

"The first task, therefore, was to meet a few Jewish writers and to examine their reactions to this. Official requests to this end were made, but we were informed that this was not possible as they were all on holiday, while Halkin (a Jewish writer who survived), who was at home, was too ill to receive anyone.

"Then came the discovery from private conversations by Comrade Levy with Jews that the years 1948–52 were known among them as 'The Black Years,' the period during which many Jews were dismissed from their posts, Jewish poets and writers were arrested and charged with treason and executed, Yiddish disappeared from the street and marketplace, the population closed up together, becoming tense and nervy, and young Jews who might otherwise have merged with the general population and have forgotten that they were Jews, awoke to a new sense of unity in distress.

"But let it be said that this fear did not emanate from any general feeling of antagonism from among the Russian population, but from official or quasi-official sources; from the security police, in fact."

This report, I want to emphasize was written not by critics of the Soviet regime, but by members of the British Communist Party.

The furor which such articles caused in the world Communist movement resulted in a few very minor concessions. In the course of 1957, for the first time since the revolution, the Jews were permitted to establish a small theological seminary in Moscow. Permission was also granted for the publication of a small number of prayer books in Hebrew, for the staging of some Yiddish music recitals, for the printing of a few works of Yiddish writers in Russian translation.

But this is as far as the concessions went. Despite repeated promises to Communist delegations which visited the Soviet Union after 1955, the reestablishment of a Yiddish theater and Yiddish press and Yiddish publishing house was never permitted. Instead, there was an accelerated discrimination against Jews in public life, in the national economy and in the educational field.

The Jewish population of the Soviet Union represents approximately 1.4 percent of the country's total population. In 1958, only 3 of the 1,336 members of the Supreme Soviet—one-fourth of 1 percent of the total, could be identified as Jews. On a per capita basis, this would signify that the Jews had only one-sixth the political representation to which they were entitled.

So far as is known, no Jew is to be found in the foreign service, among the higher ranks of the armed forces, or in the various military academies. Jews are also excluded from leading posts in the Communist Party, from the central party newspapers and the foreign section of the Soviet press. Jews are progressively being excluded from admission to the universities.

The facts which I have just listed here were part of a statement issued by the American Jewish Committee in conjunction with their meeting with First Deputy Premier Anastas Mikoyan in January 1959. Since that time, there seems to have been a further deterioration in the position of the Soviet Jews.

What is the situation today in the Soviet Union? Let me list only a few items from the current catalogs on Soviet anti-Semitism that have been compiled by the New York Times, the New York Herald Tribune, the New Leader, and other publications.

A few months ago the synagogue in the town of Malachovka near Moscow was set afire.

The synagogues of Chernovtsky, Bobruisk, Korosten, Baranovich, Rakhov, Novoselitsa, Orenburg, Chernigov, Staline, Babushkin, and other cities have been closed down by the security authorities.

In the city of Kharkov, where there are 70,000 Jews, there is not a single synagogue to serve their religious needs.

The synagogue at Voronezh has been taken over by the authorities for use as a grain warehouse. The Jewish community has been unable to raise the money required to redeem it.

In Yevpatoriya, in the Crimea, the authorities confiscated 25,000 rubles raised by the Jewish community to rent a building for a synagogue.

Deprived of synagogues, the Jews have attempted to pursue their worship in private prayer meetings. Such prayer meetings have been reported forcibly dispersed in the cities of Kharkov, Olevsk, Tula, Bobruisk, Vitebsk, and other places. In Vitebsk the Jews were threatened with 10 years in prison if they resumed their meetings.

In Bendery, Baranovich, Minsk, Kishinev, Voronezh, and Kiev, Jewish cemeteries have been desecrated and memorials defaced.

In Kiev, Kharkov, Kuibyshev, Rostov, Kishinev, Odessa, and Lvov, a ban was imposed on the baking of matzoh, the unleavened bread which plays a central role in the Passover observance. To my mind, there could be no more pitiless or more pointless deprivation than this.

For the Jewish population of almost 3 million, there are only 60 rabbis in the whole of the Soviet Union. Their average age is well over 70. In the case of the Orthodox religion in Russia, there is 1 priest for every 5,000 faithful. This is bad enough. But in the case of the Jewish religion there is only 1 rabbi for every 50,000 Jews. With virtually no replacements in sight, the situation is bound to become worse over the coming years.

The Orthodox church and the Moslem religion have been permitted to maintain a number of seminaries. The only Jewish seminary permitted is limited to an attendance of 20 students. Patricia Blake, in her article in Life magazine last December, has described how these 20 students pursue their studies in the corners of the Moscow synagogue, because no space has been made available for their seminary.

The teaching of Hebrew remains under the ban imposed at the time of the revolution. In the 40 years of Soviet rule, no more than several thousand Hebrew prayerbooks have been printed; only several hundred distributed.

Openly anti-Semitic books and publications are appearing with increasing frequency. The villains in this literature all adhere to a single stereotype. They all have unmistakably Jewish names; they are all moneygrubbers, without human feeling, dishonest in their relations with the state and their fellow men.

Whether a Jew is religious or nonreligious, whether he is pro-Communist or anti-Communist, he has no way of escaping the fate which the Soviet regime has ordained for his people. The word "Jew" is stamped on his internal passport—the document which in the key to a man's existence in every Communist country. This inscription is not intended as a religious identification because the members of no other religious groups are thus identified. The Soviet internal passport does state the nationality of the bearer—but the Kremlin apparently does not recognize the Jews as a nationality because it refuses to grant them the most elementary communal rights enjoyed by the smallest and most primitive national groupings in the U.S.S.R. The marked passports of the Soviet Jews serve only one purpose—the same purpose served in its time by the yellow badge which the Nazis compelled the Jews to wear for purpose of self-identification. To every factory manager, to every university president, to every party bureaucrat, to every minor official, it constitutes a directive to treat the bearer as a member of a hostile and inferior breed; it constitutes a command to hate and to persecute.

As I was winding up the work on this analysis, I received a communication from a group of professors of the Social Sciences Division of Fairleigh Dickenson University, who had toured the Soviet Union last summer. Appalled by the many evidences of Soviet anti-Semitism, they wrote letters last November and December to 10 leading Soviet educators and editors, including Aleksei Adzhubei, editor of Izvestia and son-in-law of Nikita Khrushchev. Their letters pointed out that the Jews do not appear to enjoy the rights guaranteed by Soviet laws and professed by the Communist philosophy, and they asked for a detailed explanation of this anomalous situation. To date only one Soviet editor has deigned to reply. The reply said that their letter had been forwarded to somebody else.

In their letter to me, the group of American professors wrote: "Our observations have led us to the unhappy conclusions that anti-Semitism in the U.S.S.R. is not an atavistic remnant of czarist Russia, but is the official policy of the Government of the U.S.S.R."

In Rumania, in Hungary, and especially in Poland under Prime Minister Gomulka, there appears to have been limited improvement in the treatment of Jews. In these countries, while they still suffer from discrimination and economic disabilities, Jewish cultural and religious life now enjoy somewhat increased freedom. This limited improvement in the satellite countries is, of course, subject to instant recall if it ever serves Communist purposes.

Why is there this difference between Soviet policy toward the Jews and the policy presently pursued in some of the satellites? I can think of two reasons.

The first reason is that the Soviet Government is more directly interested than are the satellites in influencing Arab opinion in the Middle East and in preventing any settlement between the Arab States and Israel. Soviet anti-Semitism and Soviet strategic objectives in the Middle East complement each other. Arab nationalism must be wooed and fanned by constantly identifying Israel and Zionism with British and American imperialism.

Let me give you one example of the Kremlin's propaganda to the Arab world. I quote from the publication, "The State of Israel—Its Position and Policies," printed by the Soviet state publishing house in 1958:

"The Zionist movement represents a form of the nationalistic ideology of the rich Jewish bourgeoisie, intimately tied to imperialism and to colonial oppression of the people of Asia. Zionism has tied itself to American and other Western capitalism and, with Jewish terrorist tactics, attacked its Arab neighbors. The national liberation movement of the people of the Middle East, spearheaded by its native leaders (such as President Nasser, King Ibn Saud of Saudi Arabia, and King Iman Ahmad of Yemen) is constantly threatened by naked Jewish aggression. The clear duty of all Marxists and Communists in this situation is to help the Asian and African people crush the reactionary Jewish forces."

The second explanation I can think of for the intensified anti-Semitism in the Soviet Union today is the personally irrational attitude of Prime Minister Khrushchev. The Anti-Defamation League has stated that the primitive, vulgar anti-Semitic tone characteristic of Khrushchev's occasional interviews and outbursts on the subject of the Jews is unmistakable. This evaluation coincides with that of the most prominent Jewish member of the Canadian Communist Party, Mr. J. B. Salsberg, after a 2-hour interview with the Soviet Premier in August 1956.

According to Mr. Salsberg, Khrushchev first of all denied that there was anti-Semitism in the Soviet Union, and then went on to list a whole series of personal objections to Jews. He quoted the Soviet Prime Minister as saying that:

"Wherever a Jew settles, the first thing he does is build a synagogue.

"Of the thousands of Soviet citizens who have toured abroad, only three failed to return. All of them were Jews.

"* * * [He, Khrushchev] agreed with Stalin that the Crimea, which had been depopulated at the war's end, should not be turned into a Jewish colonization center, because, in case of war, it would be turned into a base for attacking the U.S.S.R."

"I was much disturbed by the above remarks," concluded Mr. Salsberg. "They reflect a backward prejudice against the Jewish group as a people. * * * Khrushchev's statements smack of White Russian chauvinism * * * his approach to the problem of Jewish nationality is an unforgiveable violation of social democracy. If Khrushchev's distrust of the Jewish people is warranted, then this is a terrible indictment, not of Soviet Jewry, but of Stalinist crimes and of distortions in the nationalities policy, in particular as it is applied to the Jewish people."

This is the Khrushchev who today accuses Konrad Adenauer of being another Hitler.

ANTI-SEMITISM, PATRIOTISM, AND CHRISTIANITY

Having set forth the facts about Soviet anti-Semitism, I now want to deal with anti-Semitism in this country. I have purposely observed this sequence because anti-Semitism in this country can, I believe, only be evaluated against the background of Communist anti-Semitism.

Thanks to our free press and thanks to the energetic attitude of the leaders of both political parties, active anti-Semitism is not now a serious problem in our country. But I would warn against complacency. There is, let us be frank about it, a good deal of passive—or polite—anti-Semitism which expressed itself in various forms of discrimination and segregation.

Moreover, here and there, scattered across the country, there are little hate groups who make the Jews the chief target of their venom. More frequently than not, they have high-sounding names which describe them as "Christian" or "patriotic"—when in reality they are both anti-Christian and antipatriotic.

When Hitler was alive and the depression was still upon us, these groups were able to make some headway. Today they are isolated and without influence. But under certain circumstances, they could again become dangerous.

There is already some evidence that the KKK and other extremists in this country maintain contact with ex-Nazi groupiets scattered around the world. In terms of membership, this pro-Nazi international today has no more than nuisance value. But there is reason to believe that it commands substantial funds which leading Nazis smuggled out of Germany before the collapse of the Hitler regime, and that these Nazi expatriates hate the Western democracies with undiminished passion and yearn for a revival of the Nazi-Soviet pact. In any case, this is a matter that could well stand investigation.

I believe we should keep our eye on these old professional merchants of hate.

I find much more reason for concern, however, in the fact that those involved in the swastika epidemic in our own country have been, for the most part, high school students and teenagers.

Since last Christmas, some 70 synagogues in the United States have been desecrated and a number of Jewish cemeteries have been vandalized. Some of the outrages were perpetrated by members of youthful neo-Nazi clubs, which had their fuhrers and flaunted the swastika emblem. A report from Kansas City this February 1st, for example, said that 13 youths had been suspended from high school for membership in such neo-Nazi clubs. From the many arrests that have been made, however, it would appear that most of the swastika painters operated as individuals or in groups of two or three, and were not members of any organization.

The actions of these young people bore many features of the standard psychological epidemics to which juveniles in every country are prone. But I would urge that we do not dismiss the matter with this easy analysis. A serious study should be made to determine the personal backgrounds of the young people involved, their political attitudes—if any—and the possible social and political consequences of this new type of epidemic.

Perhaps we, in America, too, must find ways of improving the education of our young people—yes, and of our adult population too. Somehow we must communicate to them the unspeakable evil which the swastika and the hammer and sickle both stand for. Somehow we must make them understand that anti-Semitism is anti-American—that it is today an instrument of communism, as it was yesterday an instrument of nazism—and those who ply it in this country, are unwittingly the tools of the Communist conspiracy.

Even more important, we must make them understand that anti-Christianism goes with anti-Semitism, as godlessness goes with totalitarianism. It is no accident, in my opinion, that the two great godless movements of our time, nazism and communism, should both be vehemently anti-Semitic. But in checking through some of the writings of Karl Marx, I have been amazed to discover how similar his views on the relationship between Christianity and Judaism were to the views of the Nazi pagan philosophers.

The Nazis objected to Judaism because, in their eyes, it was the root monotheistic religion, because their creed of race and hate and war and brutality could not be reconciled with belief in God. They objected to Christianity because, in their eyes, it derived from Judaism, because its doctrine of universal love was as difficult to reconcile with their pagan beliefs.

Let me read to you what Karl Marx himself had to say on this same subject:

"Christianity sprang from Judaism. Christianity is the sublime thought of Judaism, Judaism is the everyday practical application of Christianity. But this application could become universal only after Christianity had been theoretically perfected as the religion of self-alienation of man, from himself and from nature."

By their statements both Marx and Hitler have made it clear that any movement which sets out to persecute Judaism inevitably winds up by rejecting and persecuting Christianity.

As free men who worship God, we cannot ignore the existence of anti-Semitism, even on a small scale, in this country or in other countries. We cannot ignore the desecration of a single synagogue, any more than we can ignore the taking of a single life.

Let us strive, therefore, to achieve a clearer understanding of the nature and origins of this evil, and let our leaders and our educators join in an effort to control and ultimately eliminate the virus in our own country.

Let us join in condemning every manifestation of anti-Semitism, wherever it may occur.

Let us give every assistance and encouragement to the Government of West Germany in the long and inevitably difficult struggle to eradicate the last vestiges of the Nazi evil.

Let us do all of these things. But in doing so, let us not lose our sense of proportion and priority. Let us not permit ourselves to be so distracted by the actions of a handful of juvenile delinquents and by the saturation propaganda of the Kremlin, that we take our eyes off the chief source of human injustice in the world today.

Let us raise our voices against the inhuman persecution of the Jews which is today practiced in the Soviet Union, and let us use our offices at every opportunity to persuade the Soviet leaders to grant equality of treatment to their Jewish subjects.

Let us protest, too, at every available opportunity, against the continued enslavement of the 100 million people in captive Europe, and against the vicious oppression of other minorities in the Soviet Union.

Under the Nazi regime many Christians and numberless Jews were united in a community of suffering. Under communism, the community of suffering is total. Thus, by a strange arrangement of circumstances, the godless totalitarians who have sought to destroy both Judaism and Christianity may have laid the foundation for an understanding that will grow best because it will have survived the worst.

RURAL DEVELOPMENT

Mr. SCOTT. Mr. President, the growing interest in area assistance, and particularly in the rural development program, which has resulted from the work going forward in 30 States and Puerto Rico, prompts me to call attention to the action taken by the Extension directors of the United States in the annual meeting of the Association of Land-Grant Colleges and Universities last November.

The policy statement, entitled "Extension in Rural Development," received unanimous approval by all the Extension directors. It originated with the agency's committee on organization and policy, a group of State directors and leaders of home demonstration programs.

Among the major recommendations by the directors were the following:

Use by all States of rural development approaches to aid in the development of potential resources in "lagging" rural communities.

Closer coordination at the local level of Extension program planning and rural development to promote more effective utilization of county or area resources.

Encouragement of and assistance in forming State and area interagency committees to stimulate rural development in all States.

Establishment of a clear channel within existing Extension organization framework with identifiable leader positions to carry out the Rural Development effort. This has been urged by other governmental departments and agencies so as to give more effective coordination to all participating in the work, both private and governmental.

Pointing out that no rural family today can escape the technological revolution in agriculture, the Extension directors observe in their policy statement:

It is obvious that many families are lagging in the present race for an improved position. The same is true of communities. We believe that much of the prevailing frustration is the consequence of an intense and to some extent fruitless search for logical directions. We also believe that families and communities in such situations can be assisted through combined educational approaches.

In the emerging community where progress is being made, an increasing dependence on nonfarm income is obvious. Also found in such communities are effective local leaders who assume a larger responsibility to the rural community.

Out of this matrix of forces comes our proposal for Extension in rural development.

Started in 1955–56 on a pilot basis, the rural development program has as its aim the development of farm, marketing, industrial, educational and other resources in areas with large numbers of small, low production farms. The program is going forward in some 200 counties in 30 States and Puerto Rico.

From the beginning, Extension Services in the participating States have assigned local staff members to support Rural Development Committee in their work. In addition, local representatives of both Federal and State agencies, as well as private organizations, have given wholehearted support to these committees.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further business in the morning hour?

Mr. GOLDWATER. Mr. President——

Mr. DOUGLAS. Mr. President, is the Senator from Arizona seeking recognition to speak in the morning hour, or at the conclusion of the morning hour?

The PRESIDING OFFICER. The Senate is still in the morning hour.

Mr. GOLDWATER. Mr. President, the Senator from Arizona has a short piece of morning hour business. Following the morning hour the Senator from Arizona will seek recognition.

Mr. DOUGLAS. Mr. President, I state that at approximately 12:30 I approached the present occupant of the chair and requested that I be recognized at the conclusion of the morning hour.

Mr. GOLDWATER. Mr. President, will the Senator yield? I think the Senator will find that my name was on the list ahead of his, at 12 o'clock.

The PRESIDING OFFICER. That is correct. The Chair recalls that the Senator from Illinois did speak with the Chair at about 12:20 or 12:30, and the present occupant of the chair did say to the Senator from Illinois that he would recognize him immediately after the morning hour.

Mr. GOLDWATER obtained the floor.

Mr. LONG of Louisiana. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for a parliamentary inquiry. Does the Senator from Arizona yield for that purpose?

Mr. GOLDWATER. I yield.

Mr. LONG of Louisiana. Do not the rules provide a way to clear up this debate by providing that the first Senator to address the Chair shall be recognized?

The PRESIDING OFFICER. The Senator from Louisiana is absolutely correct, when the rule is invoked.

Mr. GOLDWATER. Mr. President, I recognize that the rule is exactly as the Senator from Louisiana has outlined, but the Senator from Louisiana will recognize that custom prevails to a certain extent in this body. I asked that my name be placed on the list at 12 o'clock, and it heads the list. If Senators wish to have a race to see who can first rise and address the Chair, I will gladly yield and go to luncheon. I came here with the expectation of being recognized in accordance with the custom of this body.

Mr. DOUGLAS. Mr. President, while I wish to be very courteous to my good friend from Arizona, let me say that it all depends on who first catches the eye of the Chair.

Mr. GOLDWATER. I may observe that my good friend in the Chair (Mr. YOUNG of Ohio) is a member of the opposition party. I would hardly expect him to recognize a Republican first, with all deference to him. Let us have a little contest, and if the Senator is first on his feet, I will gladly go to luncheon.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. LONG of Louisiana. Does the Senator recall that some years ago, when the rule was applied more nearly in accordance with the Senate rule itself, one way of obtaining recognition was for a Senator to start shouting for recognition even before he reached his seat? That gave him a slight headstart.

Mr. GOLDWATER. It does not make that much difference to the junior Senator from Arizona. His remarks will not shake the world, or disturb the dome over our heads. I shall be glad to make them at any time I can obtain the floor.

The PRESIDING OFFICER. Is there further morning business?

Mr. DOUGLAS. Mr. President, has morning business been concluded?

The PRESIDING OFFICER. Is there further morning business?

Mr. DOUGLAS and Mr. GOLDWATER addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. GOLDWATER. I congratulate the Senator.

Mr. BYRD of Virginia. Mr. President, will the Senator yield to me?

Mr. DOUGLAS. I yield to the Senator from Virginia for an insertion in the RECORD, with the understanding that I will not lose my right to the floor.

(The matter inserted by the Senator from Virginia appears elsewhere in the RECORD under the appropriate headline.)

The PRESIDING OFFICER. Is there further morning business?

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

Mr. BYRD of Virginia. Mr. President, will the Senator withhold that suggestion?

Mr. WILLIAMS of Delaware. I withhold the suggestion of the absence of a quorum.

Mr. DOUGLAS. Mr. President——

The PRESIDING OFFICER. The Chair had recognized the Senator from Illinois in the morning hour.

Mr. DOUGLAS. That is correct.

The PRESIDING OFFICER. Does the Senator from Illinois yield——

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOUGLAS. I understood the Senator from Delaware [Mr. WILLIAMS] to suggest the absence of a quorum. I should like a ruling——

Mr. WILLIAMS of Delaware. I withdrew that suggestion.

The PRESIDING OFFICER. The Chair is advised that the Senator from Delaware withdrew the suggestion of the absence of a quorum.

Mr. DOUGLAS. Mr. President——

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded, and the Chair lays before the Senate the unfinished business.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. DOUGLAS and Mr. GOLDWATER addressed the Chair.

Mr. KEATING. Mr. President, a parliamentary inquiry.

Mr. DOUGLAS. Mr. President, may I ask whom the Chair has recognized?

The PRESIDING OFFICER. The Senator from New York [Mr. KEATING] has the floor at the moment, to propound a parliamentary inquiry.

Mr. KEATING. Mr. President, a parliamentary inquiry.

Mr. DOUGLAS. I suggest that this should be for a parliamentary inquiry only.

Mr. KEATING. That is correct.

The PRESIDING OFFICER. The Senator from New York is recognized for a parliamentary inquiry only.

Mr. KEATING. Mr. President, my parliamentary inquiry is this: When the unfinished business was laid before the Senate the title of the bill was read by the clerk. Is the pending question the amendment which I have offered to section 2 of the so-called Dirksen substitute as amended?

The PRESIDING OFFICER. That is the pending question.

Mr. GOLDWATER and Mr. DOUGLAS addressed the Chair.

The PRESIDING OFFICER. The Presiding Officer feels that he should abide by the list at the desk.

Mr. CLARK. Mr. President, a point of order. Whom did the Chair recognize?

The PRESIDING OFFICER. Does the Senator from Arizona yield for a parliamentary inquiry?

Mr. DOUGLAS. Has the Senator from Arizona been recognized?

Mr. CLARK. Has the Senator from Arizona been recognized?

The PRESIDING OFFICER. The Chair has stated that he would abide by the list at the desk.

Mr. CLARK. A point of order. I call for the regular order.

The PRESIDING OFFICER. The Senator from Arizona was recognized by the Chair.

Mr. CLARK. A point of order. I call for the regular order. The Chair is out of order in recognizing the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. CLARK. Mr. President, I appeal from the ruling of the Chair. I call attention to the absence of a quorum.

Mr. GOLDWATER. Mr. President, I am not yielding for that purpose.

Mr. CLARK. An appeal from a ruling of the Chair is always in order.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. GOLDWATER. The Senator from Pennsylvania has called for the regular order. What is the regular order?

The PRESIDING OFFICER. The Chair has recognized the Senator from Arizona. The regular order is for the Senator from Arizona to proceed.

Mr. GOLDWATER. I thank the Chair.

Mr. CLARK. Has my appeal from the ruling of the Chair been ruled to be out of order?

The PRESIDING OFFICER. The Chair will state to the Senator from Pennsylvania that it is the understanding of the Chair that the Senator from Arizona has not yielded for that purpose.

Mr. GOLDWATER. I have not yielded to my distinguished friend from Pennsylvania. He is out of order in calling for the regular order. The regular order is that the Senator from Arizona has the floor. I do not see how the Senator from Pennsylvania can appeal that ruling.

Mr. DOUGLAS. May the Senator from Illinois be heard on the ruling of the Chair?

Mr. GOLDWATER. It might facilitate matters if the Senator from Illinois would indicate about how long he intends to speak.

Mr. DOUGLAS. For 2½ minutes now.

Mr. GOLDWATER. How long does the Senator from Illinois intend to speak?

Mr. DOUGLAS. I intend to speak for approximately 2 minutes.

Mr. GOLDWATER. If the Senator will indicate how long it will take him to make his speech, if it is not overly long, I will entertain a request to yield to him briefly.

Mr. DOUGLAS. I do not ask for any favors. I wished to comment on the ruling of the Chair which reversed a previous ruling by the Chair. I will not ask the Senator from Arizona for any favors. I am not asking him to yield to me. I have merely asked the Chair to give me the right to speak on the Chair's ruling in recognizing the Senator from Arizona after he had previously recognized me.

Mr. GOLDWATER. If that is the extent of the Senator's comment, I shall proceed with my remarks.

The PRESIDING OFFICER. The Senator from Arizona.

THE STATE OF OUR NATION

Mr. GOLDWATER. Mr. President, American freedom has always depended, to an extent, on what is happening beyond our shores. Even in Ben Franklin's day, Americans had to reckon with foreign threats. Our forebears knew that keeping a republic meant, above all, keeping it safe from foreign transgressors; they knew that a people cannot live and work freely, and develop national institutions conducive to freedom, except in peace and with independence.

Mr. THURMOND. Mr. President, will the Senator yield to me for a minute and a half?

Mr. GOLDWATER. I shall be very glad to yield to the Senator from South Carolina.

Mr. CLARK. I object.

Mr. GOLDWATER. Then I shall continue with my remarks.

In those early days the threat to peace and independence was very real. We were a fledgling nation, and the slightest misstep—or faint hearts—would have laid us open to the ravages of predatory European powers. It was only because wise and courageous men understood that defense of freedom required risks and sacrifice, as well as their belief in it, that we survived the crisis of national infancy. As we grew stronger, and as the oceans continued to interpose a physical barrier between ourselves and European militarism, the foreign danger gradually receded. Though we always had to keep a weather eye on would-be conquerors, our independence was acknowledged and peace, unless we chose otherwise, was established. Indeed, after the Second World War, we were not only master of our own destiny; we were master of the world. With a monopoly of atomic weapons, and with a conventional military establishment superior to any in the world, America was—in relative and absolute terms—the most powerful Nation the world had ever known. American freedom was as secure as at any time in our history.

Now, a decade and half later, we have come full circle and our national existence is once again threatened as it was in the early days of the Republic. Though we are still strong physically, we are in clear and imminent danger of being overwhelmed by alien forces. We are confronted by a revolutionary world movement that possesses not only the will to dominate absolutely every square mile of the globe, but increasingly the capacity to do so: a military power that rivals our own, political warfare, and propaganda skills that are superior to ours, an international fifth column that operates conspiratorially in the heart of our defenses, an ideology that imbues its adherents with a sense of historical mission; and all of these resources controlled by a ruthless despotism that brooks no deviation from the revolutionary course. This threat, moreover, is growing day by day. And it has now reached the point where American leaders, both political, and intellectual, are searching desperately for means of "appeasing" or "accommodating" the Soviet Union as the price of national survival. The American people are being told that, however valuable their freedom may be, it is even more important to live. A craven fear of death is entering the American consciousness; so much so that many recently felt that honoring the chief despot himself was the price we had to pay to avoid nuclear destruction.

The temptation is strong to blame the deterioration of America's fortunes on the Soviet Union's acquisition of nuclear weapons. But this is self-delusion. The rot had set in, the crumbling of our position was already observable,

long before the Communists detonated their first atom bomb. Even in the early 1950's, when America still held unquestioned nuclear superiority, it was clear that we were losing the cold war. Time and again in my campaign speeches of 1952-I warned my fellow Arizonians that "American foreign policy has brought us from a position of undisputed power, in 7 short years, to the brink of possible disaster." And in the succeeding 7 years, that trend, because its cause remains, has continued.

The real cause of the deterioration can be simply stated. Our enemies have understood the nature of the conflict, and we have not. They are determined to win the conflict, and we are not.

I hesitate to restate the obvious—to say again what has been said so many times before by so many others: That the Communists' aim is to conquer the world. I repeat it because it is the beginning and the end of our knowledge about the conflict between East and West. I repeat it because I fear that however often we have given lipservice to this central political fact of our time, very few of us have believed it. If we had, our entire approach to foreign policy over the past 14 years would have been radically different, and the course of world events radically changed.

Mr. President, if an enemy power is bent on conquering you, and proposes to turn all of his resources to that end, he is at war with you; and you—unless you contemplate surrender—are at war with him. Moreover—unless you contemplate treason—your objective, like his, will be victory. Not peace, but victory. Now, while traitors—and perhaps cowards—have at times occupied key positions in our Government, it is clear that our national leadership over the past 14 years has favored neither surrender nor treason. It is equally clear, however, that our leaders have not made victory the goal of American policy. And the reason they have not done so, I am saying, is that they have never believed deeply that the Communists are in earnest.

Our avowed national objective is peace. We have, with great sincerity, waged peace, while the Communists wage war. We have sought settlements, while the Communists seek victories. We have tried to pacify the world. The Communists mean to own it. Here is why the contest has been an unequal one, and why, essentially, we are losing it.

Peace, to be sure, is a proper goal for American policy—as long as it is understood that peace is not all we seek. For we do not want the peace of surrender. We want a peace in which freedom and justice will prevail, and that—given the nature of communism—is a peace in which Soviet power will no longer be in a position to threaten us and the rest of the world. A tolerable peace, in other words, must follow victory over communism. We have been 14 years trying to bury that unpleasant fact. It cannot be buried, and any foreign policy that ignores it will lead to our extinction as a Nation.

We do not, of course, want to achieve victory by force of arms. If possible, overt hostilities should always be avoided; especially is this so when a shooting war may cause the death of many millions of people, including our own. But we cannot, for that reason, make the avoidance of a shooting war our chief objective. If we do that—if we tell ourselves that it is more important to avoid shooting than to keep our freedom—we are committed to a course that has only one terminal point: surrender. We cannot, by proclamation, make war "unthinkable." For it is not unthinkable to the Communists: naturally, they would prefer to avoid war, but they are prepared to risk it, in the last analysis, to achieve their objectives. We must, in our hearts, be equally dedicated to our objectives. If war is unthinkable to us but not to them, the famous "balance of terror" is not a balance at all, but an instrument of blackmail. And it cannot be long before a universal Communist Empire sits astride the globe.

Mr. President, the rallying cry of an appeasement organization, portrayed in a recent novel on American politics, was "I would rather crawl on my knees to Moscow than die under an atom bomb." This sentiment, of course, repudiates everything that is courageous and honorable and dignified in the human being. We must—as the first step toward saving American freedom—affirm the contrary view and make it the cornerstone of our foreign policy: that we would rather die than lose our freedom. There are ways which I will suggest later on—not easy ways, to be sure—in which we may save both our freedom and our lives; but all such suggestions are meaningless and vain unless we first understand what the objective is. We want to stay alive, of course; but more than that we want to be free. We want to have peace; but before that we want to establish the conditions that will make peace tolerable. "Like it or not," Eugene Lyons his written, "the great and inescapable task of our epoch is not to end the cold war but to win it."

I suggest that we look at America's present foreign policy, and ask whether it is conducive to victory. There are several aspects of this policy. Let us measure each of them by the test: Does it help defeat the enemy?

DEFENSIVE ALLIANCES

Through NATO, SEATO, and the Central Treaty Organization in mid-Asia, we have served notice on the Kremlin that overt Communist aggression in certain areas of the world will be opposed by American arms. It is likely that the existence of these alliances has helped discourage military adventurism by the Communists.

Still, we should not overestimate the value of the alliances. Although they play a significant role in safeguarding American freedom, there are a number of reasons why it is a limited role.

First, the alliance system is not coextensive with the line that must be held if enemy expansion is to be prevented. There are huge areas of the non-Communist world which the alliances do not touch. Nor—even assuming America is strong enough to guard a world-wide defense perimeter—is there any prospect of bringing these areas into the system. The so-called neutral countries of the Middle East, Africa, and southern Asia have refused to aline themselves with the anti-Communist cause, and it is in those areas, as we might expect, that the Communists are making significant strides. This is a critical weakness. If all of those areas should fall under Communist rule, the alliances would be outflanked everywhere: the system would be reduced to a series of outposts, and probably indefensible ones at that, in a wholly hostile world.

Secondly, the alliance system does not protect even its members against the most prevalent kind of Communist aggressions: political penetration and internal subversion. Iraq is a case in point. We had pledged ourselves to support the Iraqis against overt Soviet aggression—not only under the Baghdad Pact, of which Iraq was the cornerstone, but also under the Eisenhower Doctrine. Iraq fell victim to a pro-Communist coup without an American or Russian shot being fired. Cuba is another example. If the Red army had landed in Havana, we would have gone to Cuba's aid. Castro's forces, however, were native Cubans; as a result, a pro-Communist regime has become entrenched on our very doorstep through the technique of internal subversion. So it will always be with an enemy that lays even more emphasis on political warfare than on military warfare. So it will be until we learn to meet the enemy on his own grounds.

But thirdly, the alliance system cannot adequately protect its members even against overt aggression. In the past, the Communists have been kept in check by America's strategic air arm. Indeed, in the light of the weakness of the allied nation's conventional military forces, our nuclear superiority has been the only real weapon of the alliances. But as the Soviet Union draws abreast of us in nuclear strength, that weakness could prove our undoing. In a nuclear stalemate, where neither side is prepared to go all out over local issues, the side with the superior conventional forces has an obvious advantage. Moreover, it is clear that we cannot hope to match the Communist world man for man, nor are we capable of furnishing the guns and tanks necessary to defend thirty nations scattered over the face of the globe. The long-overdue answer, as we will see later on, lies in the development of a nuclear capacity for limited wars.

Finally—and I consider this the most serious defect of all—the alliance system is completely defensive in nature and outlook. This fact, in the light of the Communists' dynamic offensive strategy, ultimately dooms it to failure. No nation at war, employing an exclusively defensive strategy, can hope to survive for long. Like the boxer who refuses to throw a punch, the defense-bound nation will be cut down sooner or later. So long as every encounter with the enemy is fought on his initiative, on grounds of his choosing and with weapons of his choosing, we shall keep on losing the cold war.

FOREIGN AID

Another aspect of our policy is the foreign aid program. To it, in the last 14 years, we have committed more than $80 billion worth of American treasure—in grants, loans, materiel, and technical advice. I will not develop here what every thinking American knows about this gargantuan expenditure—that it has had dire consequences, not only for the American taxpayer, but for the American economy; that it has been characterized by waste and extravagance both overseas and in the agencies that administer it; and that it has created a vast reservoir of anti-Americanism among proud peoples who, however irrationally, resent dependence on a foreign dole. I would rather put the question, Has the foreign aid program, for all of its drawbacks, made a compensating contribution toward winning the cold war?

This test, let me say parenthetically, is the only one under which the foreign aid program can be justified. It cannot, that is to say, be defended as a charity. The American Government does not have the right, much less the obligation, to try to promote the economic and social welfare of foreign peoples. Of course, all of us are interested in combating poverty and disease wherever it exists. But the Constitution does not empower our Government to undertake that job in foreign countries, no matter how worth while it might be. Therefore, except as it can be shown to promote America's national interests, the foreign aid program is unconstitutional.

It can be argued, but not proved, that American aid helped prevent Western Europe from going Communist after the Second World War. It is true, for example, that the Communist Parties in France and Italy were somewhat weaker after economic recovery than before it. But it does not follow that recovery caused the reduction in Communist strength, or that American aid caused the recovery. It is also true, let us remember, that West Germany recovered economically at a far faster rate than France or Italy, and received comparatively little American aid.

It also can be argued that American military aid has made the difference between friendly countries having the power to fight off or discourage Communist aggression, and not having that power. Here, however, we must distinguish between friendly countries that were not able to build their own military forces, and those that were. Greece, Turkey, Free China, South Korea, and South Vietnam needed our help. Other countries—England and France, for example—were able to maintain military forces with their own resources. For many years now, our allies in Western Europe have devoted smaller portions of their national budgets to military forces than we have. The result is that the American people, in the name of military aid, have been giving an economic handout to these nations; we have permitted them to transfer to their domestic economy funds which, in justice, should have been used in the common defense effort.

Now let us note a significant fact. In each of the situations we have mentioned so far—situations where some evidence exists that foreign aid has promoted American interests—there is a common denominator: In every case, the recipient government was already committed to our side. We may have made these nations, on balance, stronger and more constant allies, although even that is debatable. But we did not cause them to alter their basic political commitments. This brings us to the rest of the foreign aid program, and to the great fallacy that I see underlying it.

Increasingly, our foreign aid goes, not to our friends, but to professed neutrals—and even to professed enemies. We furnish this aid under the theory that we can buy the allegiance of foreign peoples—or at least can discourage them from going Communist—by making them economically prosperous. This has been called the stomach theory of communism, and it implies that a man's politics are determined by the amount of food in his belly.

Mr. President, everything we have learned from experience and from our observation of the nature of man refutes this theory. A man's politics are, primarily, the product of his mind. Material wealth can help him further his political goals, but it will not change them. It is thus the height of folly to try to promote anticommunism by giving money to governments that are not anti-Communist, but that are, indeed, far more inclined to the Soviet-type society than to a free one. And let us remember that the foreign policies of many of the allegedly neutral nations that receive our aid are not neutral at all. Is Sukarno's Indonesia neutral when it encourages Red Chinese aggression, or Nehru's India when it censures the Western effort to recover Suez but refuses to censure the Soviet invasion of Hungary, or Nasser's United Arab Republic which equips its armed forces with Communist weapons and Communist personnel? Is American aid likely to make these nations less pro-Communist? Has it, Mr. President?

But let us, for the moment, concede the validity of the stomach theory, and ask a further question: Is our foreign-aid program the kind that will bring prosperity to underdeveloped countries? We Americans believe—and we can cite 150 years of experience to support the belief—that the way to build a strong economy is to encourage the free play of economic forces: free capital, free labor, a free market. Yet every one of the "neutral" countries we are aiding is committed to a system of state socialism. Our present policy of government-to-government aid strengthens socialism in those countries. We are not only perpetuating the inefficiency and waste that always attend government-controlled economies; but by strengthening the hand of those governments we are making it more difficult for free enterprise to take hold. For this reason alone, Mr. President, we should eliminate all government-to-government capital assistance, and should encourage the substitution of American private investment.

Our present foreign aid program, in sum, is not only ill administered, but it is also ill conceived. It has not, in the majority of cases, made the free world stronger; it has made America weaker; and it has created in minds the world over an image of a nation that puts prime reliance, not on spiritual and human values, but on the material things that are the stock in trade of Communist propaganda.

In the future, if our methods are to be in tune with our true objectives, we will confine foreign aid to military assistance for the nations that need it and that are committed to a common goal of defeating world communism.

NEGOTIATIONS

Mr. President, as I now speak, the world is waiting for another round of diplomatic conferences between East and West. A full-scale summit meeting is scheduled for spring; later on, President Eisenhower and Premier Khrushchev will have further talks in the Soviet Union. And we are told that this is only the beginning of a long-range American policy to try to settle world problems by negotiation.

As the preparations for the spring meetings go forward, I am struck by a singular fact: No one on our side claims—let alone believes—that the West will be stronger after these new negotiations than it is today. The same was true last summer. We agreed to "negotiate" about Berlin—not because we hoped to gain anything by such talks, but because the Communists had created a "crisis," and we could think of nothing better to do about it than go to the conference table. After all, we assured ourselves, there is no harm in talking.

Mr. President, I maintain there is harm in talking under present conditions. There are several reasons why this is so. First of all, Communists do not look upon negotiations, as we do, as an effort to reach an agreement. For them, negotiations are simply an instrument of political warfare. For them, a summit meeting is another battle is the struggle for the world. A diplomatic conference, in Communist language, is a propaganda forum from which to speak to the masses over the heads of their leaders.

Of course, if Communists can obtain a formal agreement beneficial to them, so much the better. But if not, the negotiations themselves will provide victory enough. For example, when the Soviets challenged our rights in West Berlin, we handed them a victory by the mere act of sitting down at the conference table. By agreeing to negotiate on that subject, we agreed that our rights in Berlin were "negotiable"—something they never were before. Thus, we acknowledged, in effect, the inadequacy of our position; and the world now expects us to adjust it as proof of our good faith. Our answer to Khrushchev's ultimatum should have been that the status of West Berlin concerns only West Berliners and the occupying powers, and is therefore not a matter that we are prepared to discuss with the Soviet Union. That would have been the end of the Berlin crisis.

Mr. President, the Berlin situation illustrates another reason why the West is at an inherent disadvantage in negotiating with the Communists. The central strategic fact of the cold war, as it is presently fought, is that the Communists are on the offensive and we are on the defensive. The Soviet Union is always moving ahead, always trying to get something from the free world; the West endeavors, at best, to hold what it has. Therefore, the focal point of negotiations is invariably somewhere in the non-Communist world. Every conference between East and West deals with some territory or some right belonging to the free world which the Communists covet. Conversely, since the free world does not seek the liberation of Communist territory, the possibility of Communist concessions never arises. However, once the West did attempt to use the conference table for positive gain. At Geneva, in 1955, President Eisenhower told the Soviets he wanted to discuss the status of the satellite nations of Eastern Europe. He was promptly advised that the Soviet Union did not consider the matter a legitimate subject for negotiation; and that was that. Since we are not permitted to talk about what we can get, the only interesting question at an East-West conference is what the Communists can get. Under such conditions, we can never win. At best we can hope for a stalemate that will end us up exactly where we started.

There is still another reason, Mr. President, for questioning the value of negotiations. Assume that somehow we achieve an agreement we think advances our interests: Is there any reason for supposing the Communists will keep it one moment longer than suits their purpose? We and they are different in this respect. We keep our word. But the long and perfidious Communist record of breaking agreements and treaties proves that the Soviet Union will not keep any agreement that is not to its advantage to keep. It follows that the only agreement worth making with the Soviets is one that will be self-enforcible—which means one that is in the Kremlin's interest to keep. But if that is the case, why bother to negotiate about it? If an action is in the interest of the Soviet Union, the Kremlin will go ahead and perform it without feeling any need to make it the subject of a formal treaty.

Mr. President, the next time we are urged to rush to the conference table in order to relax world tensions, let our reaction be determined by this simple fact: The only tensions that exist between East and West have been created, and deliberately so, by the Communists. They can, therefore, be relaxed by the Kremlin's unilateral act. The moment we decide to relax tensions by a negotiated compromise, we have decided to yield something of value to the West.

THE EXCHANGE PROGRAM

In recent months, the so-called exchange program has become an increasingly prominent feature of American foreign policy. The program began modestly enough in 1955 at the Geneva summit meeting, when we agreed with the Soviets to promote cultural exchanges between the two countries. Since then we have exchanged everything from opera companies and basketball teams to trade exhibitions and heads of governments. We are told that these exchanges are our best hope of peace—that if only the American and Russian peoples can learn to understand each other, they will be able to reconcile their differences.

In my view, the claim that the conflict between the Soviets and ourselves stems from a lack of understanding is the chief political fable of our time. Whose lack of understanding?

Are the American people ill-informed as to the nature of communism and of the Soviet state? True, some Americans fail to grasp how evil the Soviet system really is. But a performance by the Bolshoi Ballet, or a tour of the United States by Nikita Khrushchev, is certainly not calculated to correct that deficiency.

What of the Soviet leaders? Are they misled? All of the evidence is that the men in the Kremlin have a greater knowledge of America than many of our own leaders. They know about our political system, our industrial capacity, our way of life—and would like to destroy it all.

What about the Russian people? We are repeatedly told that the Russian man on the street is woefully ignorant of the American way, and that our trade exhibition in Moscow, for example, contributed vastly to his knowledge, and thus to his appreciation of America. Assume this is true. Is it relevant? As long as the Russian people do not control their government, it makes little difference whether they think well of us or ill. I suggest it is high time that our leaders stopped treating the Russian people and the Soviet Government as one and the same thing. The Russian people, we may safely assume, are basically on our side—whether or not they have the opportunity to listen to American musicians—but their sympathy will not help us win the cold war as long as all power is held firmly in the hands of the Communist ruling class.

The exchange program, in Soviet eyes, is simply another operation in Communist political warfare. The people the Kremlin sends over here are, to a man, trained agents of Soviet policy. Some of them are spies, seeking information; all of them are trusted carriers of Communist propaganda. Their mission is not cultural, but political. Their aim is not to inform, but to mislead. Their assignment is not to convey a true image of the Soviet Union, but a false image. The Kremlin's hope is that they will persuade the American people to forget the ugly aspects of Soviet life, and the danger that the Soviet system poses to American freedom.

It is a mistake to measure the success of this Communist operation by the extent to which it converts Americans to communism. By that test, of course, the operation is almost a complete failure. But the Kremlin's aim is not to make Americans approve of communism, much as they would like that; it is to make us tolerant of communism. The Kremlin knows that our willingness to make sacrifices to halt Communist expansion varies in direct ratio as we are hostile to communism. They know that if Americans regard the Soviet Union as a dangerous, implacable enemy, communism will not be able to conquer the world. The Communists' purpose, then, is to show that Mr. Khrushchev does not have horns; that he is fundamentally a nice fellow; that the Soviet people are ordinary people just like ourselves; that communism is just another political system.

It would not have made sense, midway in the Second World War, to promote a Nazi-American exchange program or to invite Hitler to make a state visit to the United States. Unless we cherish victory less today than we did then, we will be equally reluctant to treat Communist agents as friends and welcome guests. The exchange program is a Communist confidence game. Let us not be taken in by it. Let us remember that American confidence in the Soviet Government is the very last thing we want.

Many people contend that a normalization of Soviet-American relations, as envisaged by the exchange program, is only a logical extension of granting diplomatic recognition to Communists governments. I agree. Accordingly, I think it would be wise for the United States to reexamine the question of its diplomatic relations with Communist regimes. We often hear that recognition permits us to gather information in Communist countries. I am unaware, however, of any advantage that our diplomatic mission in Moscow confers along these lines which does not doubly accrue to the Soviet Union from its diplomatic spy corps in Washington and other American cities. Espionage possibilities aside, I am quite certain that our entire approach to the cold war would change for the better the moment we announced that the United States does not regard Mr. Khrushchev's murderous claque as the legitimate rulers of the Russian people or of any other people. Not only would withdrawal of recognition stiffen the American people's attitude toward communism; it would also give heart to the enslaved peoples and help them to overthrow their captors. Our present policy of not recognizing Red China is eminently correct, and the reasons behind that policy apply equally to the Soyiet Union and its European satellites. If our objective is to win the cold war, we will start now by denying our moral support to the very regimes we mean to defeat.

DISARMAMENT

For many years, our policymakers have paid lipservice to the idea of disarmament. This seems to be one of the ways, in modern diplomacy, of proving one's virtue. Recently, however—under strong Communist propaganda pressure—we have acted as though we mean this talk to be taken seriously. I cite our Government's momentous decision to suspend nuclear tests.

Students of history have always recognized that armament races are a symptom of international friction—not a cause of it. Peace has never been achieved, and it will not be in our time,

by rival nations suddenly deciding to turn their swords into plowshares. No nation in its right mind will give up the means of defending itself without first making sure that hostile powers are no longer in a position to threaten it.

The Communists leaders are, of course, in their right minds. They would not dream of adopting a policy which would leave them, on balance, relatively weaker than before they adopted such a policy. They might preach general disarmament for propaganda purposes. They also might seriously promote mutual disarmament in certain weapons in the knowledge that their superior strength in other weapons would leave them, on balance, decisively stronger than the West. Thus, in the light of the West's weakness in conventional weapons, it might make sense for the Communists to seek disarmament in the nuclear field: if all nuclear weapons suddenly ceased to exist, much of the world would immediately be laid open to conquest by masses of Russian and Chinese manpower.

American leaders have not shown a comparable solicitude for our security needs. After the Second World War, the United States had a conventional Military Establishment rivaling the Soviet Union's, and an absolute monopoly in nuclear power. The former weapon we hastily and irresponsibly dismantled. The latter we failed to exploit politically, and then we proceeded to "fritter away" our lead by belated entry into the hydrogen bomb and guided missile fields. The result is that we are hopelessly outclassed in conventional weapons and in regard to nuclear weapons, we are approaching the point, if it has not already been reached, where Communist power is equal to our own.

To the impending physical parity in nuclear weapons must be added a psychological factor assiduously cultivated by Communist propaganda. The horrors of all-out warfare are said to be so great that no nation would consider resorting to nuclear weapons unless under direct attack by those same weapons. Now the moment our leaders really accept this, strategic nuclear weapons will be neutralized and Communist armies will be able to launch limited wars without fear of retaliation by our Strategic Air Command. I fear they are coming to accept it, and thus that a military and psychological situation is fast developing in which aggressive Communist forces will be free to maneuver under the umbrella of nuclear terror.

It is in this context that we must view the Communist propaganda drive for a permanent ban on the testing of nuclear weapons, and the inclination of our own leaders to go along with the proposal. There are two preliminary reasons why such proposals ought to be firmly rejected: First, there is no reliable means of preventing the Communists from secretly breaking such an agreement. Our most recent tests demonstrated that underground atomic explosions can be set off without detection. Secondly, we cannot hope to maintain even an effective strategic deterrent unless we keep our present nuclear arsenal up to date. This requires testing. But the main point I want to make is that tests are needed to develop tactical nuclear weapons for possible use in limited wars. Our military experts have long recognized that for limited warfare purposes we must have a weapons superiority to offset the Communists' manpower superiority. This means we must develop and perfect a variety of small, clean nuclear weapons; and this in turn means testing. The development of such a weapons system is the only way in which America will be able to fight itself out of the dilemma—one horn of which is Communist superiority in conventional forces, the other the impending neutralization of strategic nuclear weapons.

Our Government was originally pushed into suspending tests by Communist-induced hysteria on the subject of radioactive fallout. However one may rate that danger, it simply has no bearing on the problem at hand. The facts are that there is practically no fallout from tests conducted above the earth's atmosphere, and none at all from underground tests. Therefore, the only excuse for suspending tests is that our forbearance somehow contributes to peace. And my answer is that I am unable to see how peace is brought any nearer by a policy which may reduce our relative military strength. Such a policy makes sense only under the assumption that Communist leaders have given up their plan for world revolution and will settle for peaceful coexistence—an assumption we make at the risk of losing our national life.

If our objective is victory over communism, we must achieve superiority in all of the weapons—military, as well as political and economic—that may be useful in reaching that goal. As a conservative, I deplore the huge tax levy which is needed to finance the world's No. 1 Military Establishment. But even more do I deplore the prospect of a foreign conquest, which the absence of that establishment would quickly accomplish.

UNITED NATIONS

Support of the United Nations, our leaders earnestly proclaim, is one of the cornerstones of American foreign policy. I confess to being more interested in whether American foreign policy has the support of the United Nations.

Here, again, it seems to me that our approach to foreign affairs suffers from a confusion in objectives. Is the perpetuation of an international debating forum, for its own sake, the primary objective of American policy? If so, there is much to be said for our past record of subordinating our national interest to that of the United Nations. If, on the other hand, our primary objective is victory over communism, we will, as a matter of course, view such organizations as the U.N. as a possible means to that end. Once the question is asked—Does America's participation in the United Nations help or hinder her struggle against world communism?—it becomes clear that our present commitment to the U.N. deserves reexamination.

The United Nations, we must remember, is in part a Communist organization. The Communists always have at least one seat in its major policymaking body, the Security Council; and the Soviet Union's permanent veto power in that body allows the Kremlin to block any action, on a substantial issue, that is contrary to its interests. The Communists also have a sizable membership in the U.N.'s other policymaking body, the General Assembly. Moreover, the U.N.'s working staff, the Secretariat, is manned by hundreds of Communist agents who are frequently in a position to sabotage those few U.N. policies that are contrary to Communist interests. Finally, a great number of non-Communist United Nations are sympathetic to Soviet aims—or, at best, are unsympathetic to ours.

We therefore should not be surprised that many of the policies that emerge from the deliberations of the United Nations are not policies that are in the best interest of the United States. United Nations policy is, necessarily, the product of many different views—some of them friendly, some of them indifferent to our interests, some of them mortally hostile. And the result is that our national interests usually suffer when we subordinate our own policy to the U.N.'s. In nearly every case in which we have called upon the United Nations to do our thinking for us, and to make our policy for us—whether during the Korean war, or in the Suez crisis, or following the revolution in Iraq—we have been a less effective foe of communism than we otherwise might have been.

Unlike America, the Communists do not respect the United Nations and do not permit their policies to be affected by it. If the "opinion of mankind," as reflected by a United Nations resolution, goes against them, they, in effect, tell mankind to go fly a kite. Not so with us: We would rather be approved than succeed, and so are likely to adjust our own views to conform with a United Nations majority. This is not the way to win the cold war. I repeat, communism will not be beaten by a policy that is the common denominator of the foreign policies of 80-odd nations, some of which are our enemies, nearly all of which are less determined than we to save the world from Communist domination. Let us, then, have done with submitting major policy decisions to a forum where the opinions of the Sultan of Yemen count equally with ours; where the vote of the United States can be canceled out by the likes of Byelorussia.

I am troubled by several other aspects of our United Nations commitment. First—and here again our cold war interests are damaged—the United Nations provides a unique forum for Communist propaganda. We, too, of course, can voice our views at the United Nations; but the Communists' special advantage is that their lies and misrepresentations are elevated to the level of serious international debate. By recognizing the right of Communist regimes to participate in the United Nations as equals, and by officially acknowledging them as peace loving, we grant Communist propaganda a presumption of reasonableness and plausibility it otherwise would not have.

Second, the United Nations places an unwarranted financial burden on the American taxpayer. The Marxist formula, "from each according to his ability—under which contributions to the United Nations and its specialized agencies are determined—does not tally with the American concept of justice. The United States is currently defraying roughly a third of all United Nations expenses. That assessment should be drastically reduced. The U.N. should not operate as a charity. Assessments should take into account the benefits received by the contributor nation.

Finally, I fear that our involvement in the United Nations may be leading to an unconstitutional surrender of American sovereignty. Many U.N. activities have already made strong inroads against the sovereign powers of member nations. This is neither the time nor place to discuss the merits of yielding sovereign American rights—other than to record my unequivocal opposition to the idea. It is both the time and place, however, to insist that any such discussion take place within the framework of a proposed constitutional amendment—and not, clandestinely, in the headquarters of some U.N. agency.

Withdrawal from the United Nations is probably not the answer to these problems. For a number of reasons that course is unfeasible. We should make sure, however, that the nature of our commitment is such as to advance American interests; and that will involve changes in some of our present attitudes and policies toward the U.N. Let the U.N.-firsters—of whom there are many in this country—put their enthusiasm for international cooperation in proper perspective. Let them understand that victory over communism must come before the achievement of lasting peace. Let them, in a word, keep their eyes on the target.

AID TO COMMUNIST GOVERNMENTS

There is one aspect of our policy that is offensive minded—in the minds of its authors, anyway. Its effect, unfortunately, is exactly opposite to the one intended.

Some time ago our leaders advanced the theory that Communist satellite regimes would, with our help, gradually break their ties with the Soviet Union and evolve political systems more in keeping with our notions of freedom and justice. Accordingly, America adopted the policy of giving aid to Communist governments whose relations with Moscow seemed to be strained. And that policy gave birth to a slogan: "America seeks the liberation of enslaved peoples—not by revolution—but through evolution." Under the aegis of this slogan, we are sending hundreds of millions of dollars to the Communist government of Poland, having already given more than a billion dollars to the Communist government of Yugoslavia.

In my view, this money has not only been wasted; it has positively promoted the Communist cause. It has not made Communist governments less Communist. It has not caused Communist governments to change sides in the cold war. It has made it easier for Communist governments to keep their subjects enslaved. And none of these results should have come as a surprise.

One does not have to take the view that a Communist regime will never evolve into a non-Communist one—though I tend to it—in order to see that this is practically impossible as long as the Soviet Union possesses the military power to prevent it. The Kremlin may, for its own purposes, permit certain liberalization tendencies in satellite countries; it may even permit small deviations from the approved Soviet foreign policy line. It will do so sometimes to confuse the West, sometimes as a prudent means of relieving internal pressures. But it will never let things go too far. Hungary proved that. The moment a Communist government threatens to become a non-Communist one, or threatens to aline itself with the West against the Soviet Union, the Kremlin will take steps to bring the defecting government into line.

Hungary proved this truth, and Poland has proved that dissident Communists learned it. Western leaders, unfortunately, were much less perceptive. In the fall of 1956 there appeared to be a breach between Gomulka's government and the Kremlin. Many Westerners joyfully proclaimed that Poland was pulling away from communism, and, hoping to hasten this movement, our Government began to send the Gomulka regime American aid. The succeeding years witnessed two facts: First, our money made it easier for Gomulka's regime to deal with its economic problems; second, Gomulka moved into an ever closer relationship with the Soviet Government. Gomulka knew, as American policymakers ought to have known, that the price of abandoning communism is a Budapest-type blood bath. This, of course, need not be the case were America prepared to come to the aid of people who want to strike out for freedom. But as long as we give Soviet military forces a free hand in Eastern Europe it is the height of folly to try to bribe Communist governments into becoming our friends.

We must realize that the captive peoples are our friends and potential allies—not their rulers. A truly offensive-minded strategy would recognize that the captive peoples are our strongest weapon in the war against communism, and would encourage them to overthrow their captors. A policy of strengthening their captors can only postpone that upheaval within the Communist empire that is our best hope of defeating communism without resort to nuclear war.

TOWARD VICTORY

By measuring each aspect of our foreign policy against the standard—Is it helpful in defeating the enemy?—we can understand why the past 14 years have been marked by frustration and failure. We have not gotten ahead because we have been traveling the wrong road.

It is less easy to stake out the right road. For it is a new road we seek, and one, therefore, that will hold challenges and perils that are different, though hardly graver, from any we have heretofore known. However, we do know the direction the road will take; and our standard—Is it helpful in defeating communism?—will provide guideposts all along the way.

There are some that can be observed even now:

First. The key guidepost is the objective, and we must never lose sight of it. It is not to wage a struggle against communism, but to win it. Our goal must be victory.

Second. Our strategy must be primarily offensive in nature. Given the dynamic, revolutionary character of the enemy's challenge, we cannot win merely by trying to hold our own. In addition to parrying his blows, we must strike our own. In addition to guarding our frontiers, we must try to puncture his. In addition to keeping the free world free, we must try to make the Communist world free. To these ends, we must always try to engage the enemy at times and places, and with weapons, of our own choosing.

Third. We must strive to achieve military superiority. Mere parity will not do. Since we can never match the Communists in manpower, our equipment and weapons must more than offset his advantage in numbers. We must also develop a limited war capacity. For this latter purpose, we should make every effort to achieve decisive superiority in small, clean nuclear weapons.

Fourth. We must make America economically strong. We have already seen why economic energy must be released from Government strangulation if individual freedom is to survive. Economic emancipation is equally imperative if the Nation is to survive. America's maximum economic power will be forged, not under bureaucratic direction, but in freedom.

Fifth. In all of our dealings with foreign nations, we must behave like a great power. Our national posture must reflect strength and confidence and purpose, as well as good will. We need not be bellicose, but neither should we encourage others to believe that American rights can be violated with impunity. We must protect American nationals and American property and American honor—everywhere. We may not make foreign peoples love us—no nation has ever succeeded in that—but we can make them respect us. And respect is the stuff of which enduring friendships and firm alliances are made.

Sixth. We should adopt a discriminating foreign-aid policy. American aid should be furnished only to friendly, anti-Communist nations that are willing to join with us in the struggle for freedom. We should insist, moreover, that such nations contribute their fair share to the common cause. This policy would, of course, give due consideration to the needs of our economy.

Seventh. We should declare the world Communist movement an outlaw in the community of civilized nations. Accordingly, we should withdraw diplomatic recognition from all Communist governments including that of the Soviet Union, thereby serving notice on the world that we regard such governments as neither legitimate nor permanent.

Eighth. We should encourage the captive peoples to revolt against their Communist rulers. This policy must be pursued with caution and prudence, as well as courage. For while our enslaved friends must be told we are anxious to help them, we should discourage premature uprisings that have no chance of success. The freedom fighters must understand that the time and place and method of such uprisings will be dictated by the needs of an overall world strategy. To this end we should establish close liaison with underground leaders behind the Iron Curtain, furnishing them with printing presses, radios, weapons, instructors; the paraphernalia of a full-fledged resistance.

Ninth. We should encourage friendly peoples that have the means and desire to do so to undertake offensive operations for the recovery of their homelands. For example, should a revolt occur inside Red China, we should encourage and support guerrilla operations on the mainland by the Free Chinese. Should the situation develop favorably, we should permit the South Koreans and the South Vietnamese to join free Chinese forces in a combined effort to liberate the enslaved peoples of Asia.

Tenth. We must—ourselves—be prepared to undertake military operations against vulnerable Communist regimes. Assume we have developed nuclear weapons that can be used in land warfare, and that we have equipped our European divisions accordingly. Assume also a major uprising in Eastern Europe, such as occurred in Budapest in 1956. In such a situation, we ought to present the Kremlin with an ultimatum forbidding Soviet intervention, and be prepared, if the ultimatum is rejected, to move a highly mobile task force equipped with appropriate nuclear weapons to the scene of the revolt. Our objective would be to confront the Soviet Union with superior force in the immediate vicinity of the uprising and to compel a Soviet withdrawal. An actual clash between American and Soviet armies would be unlikely: the mere threat of American action, coupled with the Kremlin's knowledge that the fighting would occur amid a hostile population and could easily spread to other areas, would probably result in Soviet acceptance of the ultimatum. The Kremlin would also be put on notice, of course, that resort to long-range bombers and missiles would prompt automatic retaliation in kind. On this level, we would invite the Communist leaders to choose between total destruction of the Soviet Union, and accepting a local defeat. Had we the will and the means for it in 1956, such a policy would have saved the Hungarian revolution.

This is hard counsel. But it is hard, I think, not for what it says but for saying it openly. Such a policy involves the risk of war? Of course; but any policy, short of surrender, does that. Any policy that successfully frustrates the Communists' aim of world domination runs the risk that the Kremlin will choose to lose in a kamikaze-finish. It is hard counsel because it frankly acknowledges that war may be the price of freedom, and thus intrudes on our national complacency. But is it really so hard when it goes on to search for the most likely means of safeguarding both our lives and our freedom?

The risks I speak of are risks on our terms, instead of on Communist terms. We, not they, would select the time and place for a test of wills. We, not they, would have the opportunity to bring maximum strength to bear on that test. They, not we, would have to decide between fighting for limited objectives under unfavorable circumstances, or backing down. And these are immense advantages.

The future, as I see it, will unfold along one of two paths. Either the Communists will retain the offensive; will lay down one challenge after another; will invite us in local crisis after local crisis to choose between all-out war and limited retreat; and will force us, ultimately, to surrender or accept war under the most disadvantageous circumstances. Or we will summon the will and the means for taking the initiative, and wage a war of attrition against them—and hope, thereby, to bring about the internal disintegration of the Communist empire. One course runs the risk of war, and leads, in any case, to probable defeat. The other runs the risk of war, and holds forth the promise of victory. For Americans who cherish their lives, but their freedom more, the choice cannot be difficult.

VISIT TO THE SENATE BY DR. JOSE M. GUIDO, PROVISIONAL PRESIDENT OF THE ARGENTINE SENATE; AND HON. ALEJANDRO ORFILA, MINISTER OF THE ARGENTINE EMBASSY

During the delivery of Mr. GOLDWATER's address on international negotiations,

Mr. MORSE. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am happy to yield.

Mr. MORSE. I ask unanimous consent that the Senator from Arizona be allowed to yield to me for the introduction of distinguished guests, with the understanding that my interruption will not take him off the floor and with the further understanding that my remarks and introduction will be printed in the RECORD following the Senator's speech.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MORSE. I now ask unanimous consent that the Provisional President of the Argentine Senate, accompanied by the Argentine Minister, and his interpreter, be given the privilege of coming on the Senate floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MORSE. Mr. President, the Senate of the United States is greatly honored today to have as our distinguished guest and visitor Dr. Jose M. Guido, who is the Provisional President of the Argentine Senate.

Dr. Guido was elected Provisional President of that body, a position corresponding to that of President pro tempore of the U.S. Senate, when the Argentine Senate was organized in connection with the assumpton of office on May 1, 1958, by the current Argentine Government headed by President Arturo Frondizi. Since there is currently no Argentine Vice President—the last incumbent, elected with Frondizi, having resigned in November 1958—Senator Guido is next in direct line for the Argentine Presidency, and has exercised that office on a temporary basis on several occasions when President Frondizi has left Argentina, including the period of Frondizi's state visit to the United States in January 1959.

Dr. Guido, who was born in 1910, is a lawyer by profession. He has been active in politics since 1936, and was named to the national committee of the Radical Party in 1954, when he began to work closely with President Frondizi. When a major party split occurred in 1957, Dr. Guido allied himself with the group headed by President Frondizi which adopted the name of the Intransigent Radical Party. In the Argentine Senate, Dr. Guido represents the Province of Rio Negro, in the northern section of the Patagonian region of Argentina. San Carlos Bariloche, the resort in the Argentine lake region which was visited by the President during his recent South American trip, is in the Province of Rio Negro.

Dr. Guido is a rather reserved and studious person, whose recognized capabilities and integrity have earned him considerable prestige.

When I was in the Argentine last December, I heard of the renown of this great leader of the Argentine before I had the privilege of meeting him personally, and what I had heard about him was borne out by the very fine impression he made upon me.

He supports President Frondizi's program unreservedly, including the current Argentine policy of close cooperation with the United States.

Senator Guido's present trip to the United States is a personal and unofficial one at the invitation of the Governor of Tennessee. Its principal purpose is to visit the TVA. He is scheduled to travel to Knoxville in this connection, accompanied by the Argentine Ambassador, Dr. Emilio D. del Carril, later this week.

We are honored to have with him today, Mr. President, the Minister of the Argentine Embassy, Mr. Alejandro Orfila.

Mr. President, it is now my great honor and privilege to present to the Senate of the United States Dr. Guido.

[Applause, Senators rising.]

Mr. MORSE. Mr. President, I also introduce the Minister of the Argentine Embassy, Mr. Orfila.

[Applause, Senators rising.]

Mr. GOLDWATER. Mr. President, during my vacation after the end of the last session of Congress it was my great pleasure to visit the Argentine. I enjoyed my stay there greatly, and I hope someday to repeat my visit.

CIVIL RIGHTS LEGISLATION—ORDER OF BUSINESS

Mr. RUSSELL. Mr. President——

Mr. DOUGLAS. Mr. President——

The PRESIDING OFFICER. The Senator from Illinois.

Mr. ELLENDER. Mr. President, I should like to ask a question.

Mr. DOUGLAS. Mr. President, who has been recognized?

The PRESIDING OFFICER. The Chair has recognized the Senator from Illinois. The Chair heard his voice first, and it happens that his name is first on the list.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. DOUGLAS. Not at the moment. I will yield later but having lost the floor once this afternoon, I do not want to have it repeated.

Mr. President, earlier in the afternoon, when the Senator from Georgia was not here, I was recognized by the Chair. Then the Senator from Virginia asked me if I would yield for the purpose of making an insertion in the RECORD. I did so, saying that I did not want to yield my right to the floor. I yielded to the Senator from Virginia.

Then the Senator from Arizona [Mr. GOLDWATER] took the floor and demanded recognition. It was accorded to him.

Having been taken off the floor once because of a desire on my part, to be accommodating, I hope that the Senator from Georgia will permit me to continue. Then, after I have proceeded with my remarks, I shall be glad to yield to him with the understanding that I do not lose my rights to the floor. But I should like to proceed.

Mr. RUSSELL. Mr. President, I ask unanimous consent that I may make a parliamentary inquiry without in any wise impairing the right of the Senator from Illinois to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUSSELL. Mr. President, I do not desire to get into a controversy about the right to the floor. Ordinarily I would have yielded to the distinguished Senator from Illinois, but he now has the floor, and there is nothing I can do about it.

However, during the morning hour I approached the Chair and the clerks at the desk. I asked if there was any list of speakers. I had handed to me from the Chair a list which carried the name of the Senator from Arizona [Mr. GOLDWATER].

I stated that I desired to be recognized and to speak, and I entered my name on the list. I wrote my name on the list right under the name of the Senator from Arizona.

I do not desire to be technical, and I hope I shall not be considered picayunish, but it seems to me that Senators who are being charged with filibustering ought to be able to be recognized at some time and be given a chance to speak. [Laughter.]

Did the Chair see the list which was submitted?

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). The Chair states for the information of the Senator from Illinois [Mr. DOUGLAS] and the Senator from Georgia [Mr. RUSSELL] that there is a printed list at the desk, which reads: "Mr. President, Senator GOLDWATER would like to be recognized immediately after the morning hour."

Directly beneath that, and not in the handwriting of the present occupant of the chair, but in the handwriting of a preceding occupant of the chair, in the handwriting of the Senator from Wyoming [Mr. MCGEE], the Presiding Officer who preceded the present occupant of the chair, there is the writing "DOUGLAS"; beneath that, the writing "RUSSELL" and "KEATING," to which the present occupant of the chair has added the names "Senator CLARK and Senator THURMOND."

That was the situation which confronted the present occupant of the chair. In addition, the present occupant of the chair heard the loud voice of the Senator from Illinois [Mr. DOUGLAS].

Mr. RUSSELL. Oh, well; oh, well; I am not going to argue about it. The Chair can recognize whomever he desires to hear. I can take it by the way it is played. We have been going by the list. I do not know who wrote the name of the Senator from Illinois ahead of my name, but I know that at the time I read the list, which was a typewritten list, Senator GOLDWATER had asked to be recognized, and I wrote my name underneath his.

I will not try to make any great point about it. I shall try to be reasonable. But I do not think I have been treated exactly fairly, and I would be less than honest if I did not say so. I do not care to get into any argument; I shall await the remarks of the Senator from Illinois.

May I inquire of the present occupant of the chair how many Senators I shall have to wait for, after having written in my name second on the list?

The PRESIDING OFFICER. The present occupant of the chair states that directly under the typewritten word "hour" and apparently written in the handwriting of the Senator from Wyoming [Mr. MCGEE], who occupied the chair preceding the junior Senator from Ohio, is the name "DOUGLAS." Directly beneath that is the name "RUSSELL."

Mr. RUSSELL. All I can say is that the name "DOUGLAS" was not on the list when the name "RUSSELL" was written there, because I wrote the name "RUSSELL" myself. I shall not quibble about it; I shall take my seat and subside.

Mr. DOUGLAS. Mr. President, I spoke to the Senator from Wyoming [Mr. MCGEE] at approximately 12:20 p.m. I stated that I should like to be recognized at the conclusion of the morning hour. I was assured by the Senator from Wyoming at that time that I would be recognized, but that he did not expect to be in the chair; that the junior Senator from Ohio would be in the chair.

So I went to the junior Senator from Ohio and made an oral request at approximately 12:25 or 12:30 p.m., and later made a memorandum to that effect on the piece of paper which I believe the Senator from Ohio, the present occupant of the chair, has in his hand. I simply wish to make it clear that I had received early assurance that I would be recognized.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. DOUGLAS. Not at this time. May I finish?

Then the Senator from Arizona [Mr. GOLDWATER] announced that he intended to seek recognition. The Chair recognized me, but then upon consultation he recognized the Senator from Arizona, and the Senator from Illinois has been sitting here for an hour and a half, waiting patiently for his chance to speak. I thought I had been recognized by the Chair the second time, and I hope I shall be permitted to proceed.

Mr. RUSSELL. I would not vie with the distinguished Senator from Illinois for priority in this or any other matter; but particularly in view of the circumstances which the Senator from Illinois has related, and the fact that the distinguished Senator from Ohio [Mr. YOUNG] is in the chair, does the distinguished Senator from Illinois think that this time ought to be charged to filibustering?

Mr. DOUGLAS. Oh, no. As I understand, the Senator from Georgia is now willing to bide his time.

Mr. RUSSELL. I have no alternative. When the Chair and the Senator from Illinois form a conspiracy, there is no alternative.

Mr. DOUGLAS. It is no conspiracy; it is merely recognition of properly requested priority.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. DOUGLAS. Mr. President, the discussion of the measure under consideration, namely, H.R. 8315, seems to have bogged down in the last few days into a rather lengthy discussion of relative trivialities. Much time has been spent on matters which are of only secondary or tertiary importance.

There is a common belief in the Senate that what we are doing is marking time on these trivia while the House is proceeding to pass a cut-down and weak civil rights bill, a bill which will be confined almost exclusively to voting rights, and which will have very ineffective provisions so far as the voting rights themselves are concerned.

VOTING RIGHTS ISSUE NEEDS THOROUGH DISCUSSION

Then it is commonly believed that when the House has passed such a cut-down weakened voting rights bill, there will be a strong incentive, backed by both the majority leader and the minority leader, and not opposed too strongly by our friends from the South, to have the House bill substituted for the Senate bill, and that without adequate debate and without adequate consideration by the country, we may find ourselves saddled with a voting-rights provision which will

be heralded by some as a carrying out of the pledges made by both political parties, but in reality will be ineffective, and in practice will fail to carry out the real purposes of any legitimate voting-rights bill.

Therefore, Mr. President, I believe it appropriate that we try to deal with the substantive issues involved in voting rights, so that in the 2 or 3 days' time before the House bill comes to the Senate, we may have a clearer idea of the issues and the weaknesses in the bill now before the House and in the amendment of Representative MCCULLOCH, which is likely shortly to be moved, and in order that we may see some of the superior merits, in my opinion, of alternative methods of procedure. In other words, I believe that we should utilize the time available to us to have a thorough airing and discussion of these vital matters.

Excellent addresses on this subject have been made by the Senator from Michigan [Mr. HART] and the Senator from New York [Mr. JAVITS]; and several hours ago the Senator from Missouri [Mr. HENNINGS] made a very brief statement in which he outlined some of the weaknesses of some pending proposals.

Mr. President, if the bill is to be cut down to a pure voting rights measure—as apparently both the majority leader and the minority leader intend—it is important to have it as strong as possible, and not to have a weak and delusive measure put over on the American people.

DENIALS OF NEGROES' RIGHT TO VOTE ARE WIDESPREAD

Let us first ask ourselves whether there is any question that there is a grave abuse for which a remedy is needed.

It does not seem to me that anyone can seriously deny the fact that in most sections of the South, qualified Negroes are denied the right to vote. They are denied this right in various ways, sometimes by open pressure and sometimes by covert pressure at the polls, and sometimes by discrimination in regard to the matter of registration. This is done both by delay and by excessively severe standards of qualification which are imposed upon Negro applicants for the suffrage, but are not imposed upon white applicants. It is quite possible that some of the same discriminations exist in certain parts of the Southwest, against Mexican-Americans.

In 1957, when the Senate was considering the voting rights bill, I introduced into the RECORD certain statistics on registration which had been prepared by the Southern Regional Council. Those statistics showed the very small percentage of Negroes who were registered in the South, particularly in Alabama, where approximately 8 percent of the Negroes of voting age were registered; and in Mississippi, where approximately 4 percent of the Negroes of voting age were registered; and also in South Carolina, in the rural regions of Georgia, and, in fact, in the rural regions throughout most of the South.

The substantial accuracy of those figures was not successfully challenged, although minor faults were found in individual details of the figures for the various States. But since those statistics did not come from an official source—though it was a southern source—they did not have the precise standing before the court of public opinion which official figures would have.

I also placed in the RECORD a summary of the various methods by which Negroes were in effect prevented from registering and voting.

As all of us know, in 1957 the U.S. Commission on Civil Rights was authorized; and, after delays in its creation, it finally, after a year's additional study, made its report during last September. I hope that everyone in the country and certainly every Member of the Senate will have read the vital sections of that report, particularly part II, pages 19 to 146, which deal with voting.

COMMISSION REPORT CONFIRMS WIDESPREAD DISCRIMINATIONS AGAINST NEGROES' VOTING

The Commission, which consisted of six members, three of whom were distinguished residents of the South, agreed unanimously that there was widespread deprivation of the voting rights of Negroes in the South, and that quite commonly it took the form of improper restrictions upon the right to register. Some of the figures which the Commission developed appear in its report from page 42 to approximately page 110. I shall now summarize a few of them.

Mr. President, the Commission showed that in 16 counties in the South, where Negroes formed a majority of the population, not one Negro was a registered voter. I may say that 6 of those 16 counties were in the State of Mississippi.

The Commission also showed that there were 57 counties, with a total Negro population of 214,000, which were without a single Negro voter. Fourteen of them were in the State of Mississippi. I take it that the 57 included the 16 in which Negroes formed a majority of the population.

In 49 additional counties, where Negroes formed a majority of the population, not 1 Negro was a registered but that number amounted to from only 1 percent to 5 percent of the total number of Negroes of voting age.

The Commission concluded that those figures indicated something more than the low status and level of achievement of the rural southern Negro.

Then the Commission conducted investigations in a series of States and in a number of counties—in Gadsden County, Fla.; and in the State of Mississippi, including Bolivar County, Sunflower County, Leflore County, Claiborne County, Jefferson Davis County, Forrest County, and Clarke County. In Tennessee investigations were conducted in Haywood and Fayette Counties. There were various investigations in the State of North Carolina.

The Commission found in Georgia that in Baker County, with some 1,800 Negroes of voting age, none was registered; in Lincoln County, only 3 out of more than 1,500 were registered; in Miller County, 6 out of more than 1,300; in Terrell County, 48 out of 5,000. The Commission's study ascertained that in 22 counties with sizable Negro populations, fewer than 5 percent were registered.

The Commission also considered the question of New York.

May I say that if there are any deprivations of the right to vote in New York which are illegal and improper, we believe that New York should have the law applied in that State just as much as in any other State, and that same statement applies to Illinois.

Mr. JAVITS. Mr. President, will the Senator, as long as he is mentioning New York, yield for a question?

Mr. DOUGLAS. Yes.

Mr. JAVITS. I should like to ask the Senator a question because I do not want in any way to jeopardize the Senator's position on the floor.

Is it not a fact that my colleague from New York [Mr. KEATING] and I have constantly affirmed, without any question, our deep fidelity to the proposition that we want any law that is passed applied to us, and that we are more than happy to meet the challenge of the law? We believe that in our State we are applying the law, without any discrimination or favor, to everyone to whom the law applies. The real reason for our case here, which the Senator is so eloquently making, is the fact that State laws, in the States to which the Senator has been referring from the report of the Civil Rights Commission, are not equally applied. Is that correct?

Mr. DOUGLAS. Yes; that is correct.

Mr. JAVITS. I thank my friend.

Mr. DOUGLAS. Mr. President, I join the two Senators from New York in saying that if there are any illegal or improper acts of discrimination in the State of Illinois, we want the law applied to us as well as to any other State. We do not think there are any such discriminations in Illinois. But if there should be, we want the law to apply with equal strength and equal severity to us as to others.

The Commission went into the State of Alabama and dealt with complaints which had been made from Barbour, Bullock, Dallas, Macon, Montgomery, and Wilcox Counties.

The Commission found that very detailed constitutional questions were asked of the Negroes to which it was almost impossible to give satisfactory answers. Even the most highly cultivated Ph. D. in political science would have had difficulty in answering those questions, which were asked of the Negroes, but not of the whites.

Of course, there was the extraordinary case of Tuskegee, in Macon County, I believe, where the famous Tuskegee Institute is located, and where there is also a hospital which has a very large percentage of Negro doctors and technicians.

The level of education of the Negroes in that county is extremely high; and it is not casting any reflection on the whites to say that, in all probability, the educational standards of the Negroes in that country are superior, on the average, to those of the whites.

I may say that in 1957 we had complaints from a number of teachers at Tuskegee, and we held an informal hearing in this building, where testimony was produced indicating that many of these highly educated teachers had been kept

in line for hours and days and, in effect, denied the right to register; that they had been disqualified because of fantastic questions about the Constitution. We put the evidence in the CONGRESSIONAL RECORD at that time, and it can be found by those who wish to look up the material.

When the Negroes at Tuskegee began to press for registration, then the registrars resigned, and there was no registration board ready to receive any registration. A board was later constituted, and when attempts were again made to register, the registrars resigned once more. So that there was a vacuum. Nobody could register, and therefore, since nobody could register, additional Negroes could not register; and those who were qualified were thus denied the right to register, whereas most of the whites had already registered and hence did not need to qualify.

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). Will the Senator yield for a question?

Mr. DOUGLAS. Yes.

The PRESIDING OFFICER. Did those registration attempts take place after the passage of the 1957 Civil Rights Act?

Mr. DOUGLAS. The matters I have just referred to took place before the passage of the 1957 act.

Gerrymandering was then carried through, by which the city of Tuskegee was redistricted in such a way as to disqualify the main body of Negroes from voting in municipal elections.

The Commission went to Montgomery, Ala., and held hearings there. I would invite Senators and the general public to look at pages 75 to 81 of the Commission's report on this matter.

It should also be noted that the Governor of that State—who was then its Attorney General—appeared and declared that the Civil Rights Commission had no constitutional right to call a judicial officer and to question him about the affairs of that court although it was the repository of data on the numbers of Negro and white voters and on poll tax payments. There was very unsatisfactory and evasive testimony by the county judge.

In general, I think one can say that there was an attempt made to sabotage the hearings.

Former Governor Battle and Mr. Storey both rebuked the local and State officials for their failure to make an adequate showing.

The Commission also went into the records of Barbour County and Bullock County. It made a finding of fact which declared that in those counties in Alabama, Negroes were seriously impeded from voting and registering.

The Commission went into Louisiana, and held a hearing in Louisiana on the basis of complaints. The Commission found where one voter registration had been challenged on the ground that the applicant could not spell, and the challenge affidavit contained the statement, "error in s-p-i-l-l-i-n-g" as the reason for the challenge, which indicated that the registrar or the challenger had applied somewhat more stringent requirements to the applicant than the qualifications which he himself possessed.

The PRESIDING OFFICER. Will the Senator please repeat his last statement?

Mr. DOUGLAS. Yes. The Commission found, as is reproduced on page 104 of the report, an affidavit with respect to a voter who had been challenged by Curtis M. Thomas, containing a statement why the prospective voter was to be disqualified. The ground for disqualification was stated to be "error in s-p-i-l-l-i-n-g," which as I say, implied that the challenger, the registrar, applied more severe standards to those whose qualifications he was challenging than he himself was capable of meeting.

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. DOUGLAS. I yield for a question.

Mr. CLARK. Is it not correct to say that on the affidavit which the Senator has cited, as shown on page 104 of the report, there is clearly a dot over what otherwise might be construed to be either an "i" or an "e"?

Mr. DOUGLAS. The Senator is correct.

Mr. CLARK. So there is not any doubt that the word is "spilling" and not "spelling"?

Mr. DOUGLAS. That is correct.

FINDING OF IMPROPER DISQUALIFICATION OF NEGROES WAS UNANIMOUS

This whole series of case studies led the entire Commission to state that there were serious and improper disqualifications of Negro voters in the South, and that these included the denial of the rights of registration, and thus of the rights to vote. All six members agreed to this.

FIVE COMMISSIONERS, INCLUDING TWO SOUTHERN MEMBERS RECOMMENDED FEDERAL VOTING REGISTRARS

As a result of this finding of fact, five of the six members, including two of the southern members, Mr. Robert Storey of Dallas, a former president of the American Bar Association and former dean of Southern Methodist University Law School, and a former governor of Florida, joined in a recommendation for the appointment of Federal registrars to meet these difficulties.

The remaining member, former Governor Battle of Virginia, who had agreed that there were serious disqualifications, did not assent to the proposal for the creation of Federal registrars.

Since the decision which we shall have to make will depend in part upon whether we wish to use administratively appointed registrars or judicially appointed referees—what combination we may wish to make of them, what powers we may wish to grant to them, and what legal procedures and steps are to be followed—I think it is important to outline the actual recommendations of the Commission.

We find the Commission's specific recommendation on pages 141 and 142 of the report.

In brief, the Commission wishes to have a number of steps taken. First, it is suggested by the Commission that upon receipt by the President of the United States of sworn affidavits by nine or more individuals from any political subdivision, alleging that the affiants have unsuccessfully attempted to register with the duly constituted State registration office, and that those so sworn believe themselves qualified under State law to be electors but have been denied the right to register because of race, color, religion, or national origin, the President should refer such affidavits to the Commission on Civil Rights.

The Commission on Civil Rights would then investigate whether the charges were true. If they were untrue, the Commission would dismiss them. If any of the charges were found to be true, the Commission would certify them to the President.

The President would then, upon such certification, designate an existing Federal officer or employee in the area from which the complaints had been received to act as a temporary registrar.

The registrar would administer the State qualification laws—that is, the laws concerning literacy, residence, and I suppose the interpretation of the Constitution—and issue to all individuals found qualified, registration certificates which would entitle them to vote in Federal elections.

Implicit in this recommendation is at least the fact that the standards which the Federal registrar should apply should not be more severe with regard to the Negroes than the standards applied to non-Negroes.

I wish to emphasize that the Federal registrar was merely to apply the State standards—he was not to impose specific standards of his own.

The registrar would then certify to the responsible State registration officials the names and the fact of registration of all persons registered by him, and these certifications were to permit the registrants to take part in Federal elections.

I should say that the registrars were to be Federal officers or employees in the area from which the complaints had been received, so that there was to be no possibility of persons from outside the area being designated to come in.

COMMISSION RECOMMENDATION UNNECESSARILY LIMITED TO FEDERAL ELECTIONS

I think this proposal of the Civil Rights Commission was an eminently sensible one. There was one weakness in it; namely, it was confined to Federal elections. I think it is undoubtedly true that this limitation was imposed in order to obtain the approval of the two southern members of the Commission; and it was justified by an exclusive appeal to article I, section 4, of the Constitution, which gives to the Congress the power of determining the time, place and manner of electing its Members, which, since the provision with respect to direct election of Senators has been added, applies to the Senate as well as to the House of Representatives.

To my mind this is not necessary. The Constitution of the United States in its 15th amendment, which provides in part that no State shall deprive any citizen of the right to vote because of race, color, or previous condition of servitude, also has a section 2 which states, "The Congress shall have power to enforce this article by appropriate legislation."

The 15th amendment to the Constitution would clearly seem to give the power to Congress to prescribe regulations and to protect the right of voting against such racial discriminations in State elections as well as in Federal elections.

Mr. JAVITS. Mr. President, will the Senator yield at that point?

Mr. DOUGLAS. I am glad to yield for a question.

Mr. JAVITS. Is it a fact that under the 15th amendment some finding has to be made, by whoever the Congress will entrust to make that finding, that there is in fact a violation or a threatened violation of the equal opportunity to vote which is provided by that amendment?

Mr. DOUGLAS. The Senator from New York is a very eminent attorney. I have admired his dextrous skill on many occasions. As everyone knows, I am not an attorney. Perhaps I should not venture an opinion upon a question of constitutional law.

I would merely say that I am not convinced this finding has to be by a judicial body. I think it can also be made by an administrative body, subject of course to judicial review.

Mr. JAVITS. If the Senator will yield further, the Senator from New York would like to put a question in the form of a leading question, for the opinion of the Senator from New York on that subject is well known.

Is it not a fact that the Congress may itself choose that officer or agency of government which it considers satisfactory to it make the finding with respect to violation or threatened violation of the 15th amendment, and therefore may design legislation to give the same or another officer authority to proceed in that instance by appropriate action in order to redress a wrong which is actually done or threatened?

Mr. DOUGLAS. I think the Senator from New York is entirely correct. I think it is also true, however, that there should be an ultimate right of judicial review, after the administrative finding has been made. Is that not true?

Mr. JAVITS. The Senator from New York, again utilizing the technique of a leading question, asks the Senator from Illinois the following question: Is it not a fact that the Congress has in many instances chosen quasi-judicial bodies, such as governmental commissions, the President of the United States, courts, and perhaps even specially created agencies of government, for the purpose of making such determination; and has not the Congress, upon various occasions, given the right of judicial review? In some cases has it not even qualified the right of judicial review by limiting the questions for review, or the nature of the review, all in pursuance of the power to "enforce by appropriate legislation"?

Mr. DOUGLAS. I certainly know that that is true in the case of the National Labor Relations Act, and a number of antitrust laws.

Mr. JAVITS. Is it not also a fact that the burthen of the Senator's speech today is to the effect that we should not await a time when we should be asked supinely to take what comes over from the House? Rather, is it not time to deal with the question as to whether this is really regarded as the heart of the legislation which a majority finds itself capable of passing in this body, and therefore has not the time come to put before the Senate in a definitive way—which I am confident both the Senator from Illinois and I intend to do at the earliest possible moment—the opportunity to fashion legislation for what we are told will be the heart of a civil rights bill, in a way which will best do the job, in answer to the shocking disclosures to the national conscience which have come from the report of the Civil Rights Commission and from cases decided as recently as a few weeks ago—for example, the Raines case and the Louisiana case?

Mr. DOUGLAS. The Senator from New York is completely correct. Our purpose is to discuss these issues, so that when the House bill comes over we shall be better intellectually prepared, and the country will be better prepared intellectually, to consider the questions which will inevitably arise, instead of having the measure rushed through under great pressure from the leaders of both parties.

Mr. JAVITS. Is it not a fact also that our purpose will be to submit to the Senate for definitive adoption various alternatives which are available in order to fashion a measure upon the subject of securing the voting rights by means of some Federal officer empowered to register, through a measure which represents the best creative activity of the Senate? What we are trying to avoid is a situation in which time and the dynamics of continuing pressure compel us to take what the House sends over here.

Mr. DOUGLAS. The Senator from New York is completely correct. We have no assurance that the bill which comes over from the House will be an effective one in its voting-rights provisions—or adequate in other respects.

Mr. KEATING. Mr. President, will the Senator yield, with the understanding that he does not lose the floor?

Mr. DOUGLAS. I am glad to yield with that understanding.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOUGLAS. Of course, technically I can yield only for a question; and inasmuch as I was taken off my feet earlier in the afternoon, I am a little wary. So I hope my good friend from New York will forgive me if I say that I shall be glad to yield for a question. I know that my friend from New York is very skillful, and can make a speech in the form of a question. I hope he will do so, so that I will not be taken from the floor.

Mr. KEATING. Let me say to my friend from Illinois that unanimous consent has already been obtained for him to yield to me without the necessity of my framing a statement in the form of a question.

The PRESIDING OFFICER. The Chair informs the Senator from Illinois that if the Senator from New York is incapable of making an argument in the form of a question he may proceed to make it directly, without any danger of the Senator from Illinois losing the floor.

Mr. DOUGLAS. I thank the Chair.

Mr. KEATING. I thank the Chair. I assure the Chair that I mean to be forthright. I do not wish to make a statement in the form of a question unless it should be so designated. I am very grateful for this explanation from the Chair.

I wish to express my complete accord with the distinguished Senator from Illinois in his statement that we should not merely wait here for some bill from the other body and then be expected to accept such a measure here, lock, stock, and barrel. We would not be performing our legislative responsibilities, in my judgment, if we did so.

I agree, from what I have heard, read, and observed, that there is a movement on foot to bring about such a result. However, from the knowledge which I have now, I must challenge any statement regarding the alleged participation of the distinguished minority leader in such an effort. We have heard him repeatedly say, "I will carry the flag, with hand upraised, for the administration's seven-point package." I must say that he has been carrying that flag very nobly since this debate began. I cannot believe that the distinguished minority leader would yield to the idea of eliminating from the so-called Dirksen substitute, which is before us, any essential parts of that package. I include specifically the part which makes the Commission on Equal Job Opportunities statutory, and the provision dealing with aid to school districts which are making sincere efforts to desegregate.

Unless there are things going on with which I am unfamiliar, I must say to my good friend from Illinois that I have seen no evidence that the distinguished minority leader would allow this flag to touch the ground. He has repeatedly asserted that he will not do so. I believe he will not. On the contrary, I believe, from everything he has said, that he can be depended upon to resist efforts to accept whatever bill the House sees fit to pass.

Speaking for myself, I shall not act in that way unless it happens that the House in some manner sends over to us a better package than the one with which we are here confronted. In the pending amendment I am seeking even to strengthen the provisions of section 2, relating to the antibombing provisions.

I am grateful to my friend from Illinois for allowing me a few minutes to interpose and make this statement, because I think it is high time, as does the Senator from Illinois, to bring some of these controversial questions to the floor for discussion. I hope that sometime before it is too late I shall obtain recognition to pursue my theme further.

Mr. DOUGLAS. Mr. President, I am very happy to have this declaration of faith on the part of my good friend from New York. If his hope is realized, I shall be the first to praise my colleague, the minority leader [Mr. DIRKSEN]. Although I shall shortly express some of my doubts about the effectiveness of a section of his bill, in its present form,

faith is one of the three great Christian virtues, the other two being hope and charity. Inasmuch as we have between us both faith and hope, we should perhaps extend charity as well.

Mr. JAVITS. Mr. President, will the Senator yield at that point for a question?

Mr. DOUGLAS. I am glad to yield for a question.

Mr. JAVITS. Does it not seem to the Senator from Illinois—as it seems to me—that, taking everything my colleague from New York says at face value—and I do, as the Senator knows—my colleague from New York and I, and others of our colleagues, will certainly remain faithful to the trust which the Senator has so well described? I am confident that the distinguished minority leader will do likewise.

Is it not a fact that we have now reached the point where there is a great deal of pie dangling in the sky, to the effect that the heart of this bill will be a good voting rights bill? In the meantime, essential sections of the bill have been struck down. Section 1, which in my view was essential, was struck down. Other sections of the bill may be struck down, looking toward the ultimate "pie in the sky."

I should like to ask my colleague, further, whether he does not feel this way about it. Is this not the burthen of everything we have tried to say, namely, that the time has come to get from the Senate majority some delivery on this matter; that is, exactly what is going to be the heart of the bill on voting rights? We have a right to ask the Senate majority what delivery will be made, if there is to be any delivery—if I know the Senator's purpose, it is the same as mine—before more of these sections are struck down. I would appreciate the comments of my colleague on this subject.

Mr. DOUGLAS. Mr. President, I do not believe in questioning motives, and I shall not do so. I agree we should get into the real heart of the voting rights provisions as promptly as possible. However, it was unfortunate in my opinion that the Attorney General did not accept the major outlines of the recommendations of the Civil Rights Commission. Instead of supporting the Civil Rights Commission, he appeared before the appropriate committees and proposed that, instead of administratively appointed registrars, there should be judicially appointed referees.

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. DOUGLAS. I yield.

Mr. CLARK. Is it the intention of the Senator to move into the section of the Dirksen amendment dealing with voting rights?

Mr. DOUGLAS. Yes.

Mr. CLARK. Would the Senator yield further? I should like to have the privilege of asking a few questions about that part of the bill.

Mr. DOUGLAS. Yes.

Mr. CLARK. It is true, is it not, that the distinguished senior Senator from New York and my friend the Senator from Illinois proposed on March 1 an amendment marked 3-1-60-D, which is to be a substitute for section 7 of the Dirksen amendment?

Mr. DOUGLAS. That is correct.

Essentially the difference is that, whereas the Dirksen bill follows the line of the Attorney General for judicially appointed referees, the draft to which the Senator refers, and which was prepared for us by distinguished lawyers at the Yale University Law School and at the University of Pennsylvania Law School, calls for both administratively appointed registrars and judicial referees, permitting the President to take one or the other course, as he wishes.

It was an attempt on our part to reach some form of acceptable compromise with those who advocated judicial referees. Speaking for myself, I would prefer administrative registrars as the sole method.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. DOUGLAS. I yield.

Mr. CLARK. Is it not true that if the Senate were to consider the amendment of the Senator from New York and the Senator from Illinois, and adopt subsection 7 (a) through (i), and reject the remainder of the proposed amendment, we would then have a registrar bill without any referee provision?

Mr. DOUGLAS. Yes.

Mr. CLARK. Do I correctly understand that if the Senator from Illinois had his way, and if I had my way, which neither of us are likely to have, that that would be the best solution of the question, with one important exception, that is, that the registrar amendment offered by the Senator from Illinois and the Senator from New York would apply only to Federal elections.

Mr. DOUGLAS. I might say that we included these alternative methods in an effort to get the greatest common agreement that it was possible to obtain. We restricted the registrar sections to Federal elections in compliance with the Commission's recommendations, but we would give the President the alternative of using one or the other, so that he would not be tied to the judicial referee proposal alone.

Personally I greatly prefer the administrative registrar proposal. I will tell the Senator why.

It permits mass registration where there has been mass disenfranchisement. The junior Senator from Michigan [Mr. HART] has repeatedly put his finger on that important point; namely, that where there is mass disenfranchisement it is almost impossible to deal adequately with the problem by a case-by-case court method.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. DOUGLAS. I shall be glad to yield further in a moment.

Furthermore, the administrative registrar proposal, as I shall try to show, greatly reduces the delays which occur when we get into a judicial process. Therefore, I greatly prefer the registrar proposal.

Perhaps I was guilty of a minor sin by trying to reach a compromise which had a combination of provisions which I thought had the possibility of getting a wider basis of support.

However, let me say that if we are to tie the new voting rights provisions exclusively to a referee proposal, which is what my colleague from Illinois is proposing, and which Representative MCCULLOCH is seeking to do in the House, and which is likely to be the provision included in the House bill, then no matter how much it is improved, it will carry within itself three great faults:

First, there will be excessive delays. Second, there will be the requirement that the applicant must submit himself to going before local white registrars and experiencing all the difficulties, discriminations and humiliations that come from such an experience. Third—and this is connected with the other two points—on a case-by-case basis, if there is any real attempt to cure the evil, the procedure will swamp the courts with work, and therefore deny to any substantial number of applicants the possibility of relief.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. DOUGLAS. I yield.

Mr. CLARK. Returning to the Senator's registrar proposal, would the Senator agree with me, following the leading question technique of my friend the Senator from New York, that there is no valid constitutional or administrative reason why the Senator's registrar proposal should not be expanded to cover State as well as Federal primary and general elections?

Mr. DOUGLAS. Mr. President, this is really a ridiculous situation. Here is one of the leaders of the Philadelphia Bar—and Philadelphia lawyers have been known to be among the ablest lawyers in the country——

Mr. CLARK. But not always correct.

Mr. DOUGLAS. And the former Attorney General of the State of New York discussing a legal issue through the intermediary of a nonlawyer. Therefore I must say that I certainly do not qualify in the big league with these two gentlemen.

I can only say that, according to the 15th amendment it seems clear to a plain layman that if Congress has the power by appropriate legislation to prevent discrimination on the ground of race, color, or previous condition of servitude, it can apply those powers in State elections as well as in Federal elections.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. DOUGLAS. I am glad to yield for a question, which I would like to be permitted to answer on my own basis, rather than acting as a telephone wire to connect the arguments of the Philadelphia lawyer and the former Attorney General.

Mr. CLARK. Would the Senator prefer not to yield at this time?

Mr. DOUGLAS. No; I am glad to yield.

Mr. CLARK. Of course we must ask questions, or the Senator may be taken off the floor.

Mr. DOUGLAS. I understand.

Mr. CLARK. Leaving aside the legal and constitutional questions involved, does my friend from Illinois not agree that his bill would be vastly stronger if it were amended to apply to State elections as well?

Mr. DOUGLAS. Yes.

Mr. CLARK. Would the Senator also agree that a bill introduced by the distinguished Senator from Missouri [Mr. HENNINGS], does contain a provision for Federal enrollment officers, who would be authorized to register voters for both Federal and State elections?

Mr. DOUGLAS. I greatly prefer that.

Mr. CLARK. I shall ask the Senator one more question, and then I shall desist.

Mr. DOUGLAS. Oh, no.

Mr. CLARK. I ask the Senator to refer to the preamble of his bill, which reads:

> The Congress finds that substantial numbers of citizens of the United States qualified to vote under State registration and election laws are being deprived of that right, by being denied the right to register to vote—

And so forth. I will not continue to read the preamble, which I know perhaps would be a violation of a strict interpretation of the rules of the Senate.

I ask the Senator, What is the evidence on which he expects that congressional finding to be sustained?

Mr. DOUGLAS. The report of the U.S. Commission on Civil Rights.

Mr. CLARK. Is that report not replete with proof after proof which would sustain such a finding of fact by the Congress?

Mr. DOUGLAS. I certainly agree. I spent some minutes reading into the RECORD some of the salient findings of the Civil Rights Commission.

Mr. CLARK. Is it not true that there are so many salient findings indicating widespread denial of voting rights, in that report that the Senate would be here for many hours if the Senator were to read all of the findings into the RECORD?

Mr. DOUGLAS. That is correct. Those which I read were merely as grains of sand on the seashore of discrimination.

Mr. CLARK. The Senator concludes, does he not, the Congress is amply justified in making findings on the basis of the report of the Civil Rights Commission?

Mr. DOUGLAS. Yes, and as to State elections and Federal elections, as well.

Mr. CLARK. I thank the Senator from Illinois.

JUDICIAL REFEREE PROCEDURES OF DOUBTFUL EFFECTIVENESS

Mr. DOUGLAS. Mr. President, the proposal of the Attorney General in its original form is given in the present section 7 of the Dirksen bill, and in the bill introduced in the House on January 28 by Representative MCCULLOCH, of Michigan, H.R. 10035.

But we are likely to have a situation of "now you see it, now you don't." Whenever we criticize this draft, we are told that the later McCulloch bill will supersede it. The revised McCulloch bill was introduced on February 23, and is H.R. 10625.

I shall base my discussion primarily upon the present draft of the Dirksen bill, section 7, but shall summarize the main changes which would be introduced if the later or current McCulloch bill were substituted for it, as we understand it will be in the House.

The referee proposal is based not on the idea of mass registration, but on case-by-case, judicially tested and administered registration. Not only is the official appointed an arm of the judicial branch, but the appeals from his decision take a judicial course with all the delays which the use of the judicial process necessarily entails.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield for a question.

Mr. LONG of Louisiana. Is the Senator from Illinois familiar with the fact that in the Louisiana case the judge found by sampling a number of persons disqualified that there had been discrimination, and that based on the sampling he then proceeded to order a number of persons 10 times greater restored to the rolls, without ever considering specifically the larger number?

Mr. DOUGLAS. Yes, I believe that is true; but if there were to be any considerable volume of cases, I do not believe that procedure could be followed in registering new voters.

Mr. LONG of Louisiana. If a judge can examine 130 cases, and based on those 130 samples proceed to order 1,400 persons restored to the rolls, could he not just as easily examine the cases of the 1,400 who had been denied registration, and order them back on the rolls, based on the sampling of 130?

Mr. DOUGLAS. The Senator from Louisiana is a very skilled lawyer in the Napoleonic code as well as in the Anglo-Saxon law. I certainly do not intend to dispute with him; but I should like to point out, as I shall in just a minute, that under the Rogers-Dirksen-McCulloch proposal the applicant must first make application to local officials for registration before his case can be considered by the referee and, subsequently, by the courts.

So mass treatment is not provided for in this draft. It is on the basis of case by case, individual by individual. Therefore, the proposal we are considering differs from the procedure followed out in the Louisiana case, which was conducted, as I understand, under the voting rights bill of 1957.

Mr. LONG of Louisiana. Yes; but any number of persons who may have been denied the right to register can be joined in a single suit by having their names listed as being subjected to discrimination. Thereby they can have their names placed on the rolls by court order, similar to what happened in the Thomas case, in Louisiana.

In other words, if a judge can do what was done in the Louisiana case, which was simply to take a sample of 130 registrations and conclude that the persons who challenged them had discriminated in choosing those whom they would challenge, and thereby order onto the rolls a number 10 times as great as the sample the judge had examined, could he not do the same thing under existing law with regard to any number who might say they have been improperly denied the right to register, and that they had been discriminated against?

Mr. DOUGLAS. I call the attention of the Senator from Louisiana to page 20 of the Dirksen bill, section (e), which states that the voting referees would "receive applications from any person claiming such deprivation as to the right to register or otherwise to qualify to vote at any election."

So the emphasis is thrown upon the individual, and the individual must give proof not only that he was qualified, but that he applied to the local voting official and was discriminated against.

It might be possible to institute a mass or so-called class suit. But I think that is contrary to the general purport of all the proposals of the Department of Justice. And the procedures to be followed under the referee proposal do not lend themselves to speed and broad coverage.

Mr. LONG of Louisiana. In the Thomas case, in Louisiana 1,377 people claimed that they had been the subject of discrimination, so a suit was filed on behalf of the whole 1,377.

The judge looked at a sample of those situations, and after the sampling process, having considered only about 10 percent of them, concluded that there had been discrimination, and thereby ordered the entire 1,377 placed back on the rolls.

Mr. DOUGLAS. I am not discussing the 1957 act. I am discussing the new proposals for judicially appointed referees.

I think that this provision may, as a matter of fact, supersede the work of that act, and therefore, to that extent, weaken the mass protections which the 1957 act might otherwise have afforded.

Mr. LONG of Louisiana. Does the Senator from Illinois see anything in the bill to prevent suit being filed on behalf of any number of persons who contend that they are the subject of discrimination, joining them in a single suit?

Mr. DOUGLAS. It is not clear, but at times, it is true, the term "applicants"—in the plural—is used, as well as the term "applicant"—in the singular. But I do not believe under the proposed plan it will be easy to find any such groups of 1,350 identified individuals, discriminated against because of race or color, to whom the new referee procedures permitting registration can apply with speed and directness.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. JAVITS. Is it not true that in the Louisiana case the whole 1,377 were the subject of a suit, and that, therefore, the court, after a reasonable sampling of the types of methods which were used to deny them registration, concluded that the discrimination applied to all who were the subject of the suit?

Is it not also true that if we adopt one of these bills, whether it be the administration bill or the bill introduced by the Senator from Illinois and me, what the court will be finding will be a pattern and a practice that applied to persons

who are of the same class, to wit, let us say, Negroes in Louisiana, but who are not subjects of that suit, but who have come in after the suit has been decided, and the pattern or practice found to qualify in accordance with the terms of law? Therefore, we do need a provision which is not included in the present law.

Mr. DOUGLAS. I think the Senator from New York is completely correct.

I also point out that in the Louisiana case, the names of approximately 1,350 persons were restored—I emphasize "restored"—to the voting lists. They had previously been registered, but their names were stricken from the voting lists on specific challenges which the Court found discriminatory.

Apparently the 1957 act provided protection against that type of disqualification. But the 1957 act did not adequately provide protection for the large number of persons who had not previously been registered, and who wanted to be registered, but who encountered delays and unjust disqualifications imposed upon them by local registration officials.

Mr. LONG of Louisiana. Mr. President, will the Senator from Illinois yield further.

Mr. DOUGLAS. I yield.

Mr. LONG of Louisiana. But is that not one of the problems we face here? The Attorney General has never gone to the extent—as he very well could have—of seeing to it that the subject of discrimination was dealt with under the provisions of that act. By analogy, could not what was done for the 1,377 also be done with respect to those who had not previously been registered?

Mr. DOUGLAS. I am not a defender of the Attorney General. I do believe he could have done much more under the 1957 act than he has done. However, I point out that the Commission, which censured the Attorney General in that respect, also said the 1957 act was inadequate to provide a remedy for these wholesale denials of registration; and I am ready to accept the Commission's conclusion.

Mr. LONG of Louisiana. Was not the reason why not one voter was added that the constitutionality of the act had not then been tested; in fact, the Supreme Court did not pass on the constitutionality of the act until 2 weeks ago. That report is 6 months old.

Mr. DOUGLAS. I agree that the Attorney General did not adequately use the power that he could have used.

Mr. LONG of Louisiana. Does the Senator from Illinois see that every United States attorney could have filed suit to have the name of any person or the names of any group of persons in the country placed on the rolls, under the powers already provided?

Mr. DOUGLAS. I would not wish to comment on that point. I simply say that the Civil Rights Commission has held that the Attorney General does not have adequate power, and that additional legislation is needed.

Mr. LONG of Louisiana. But does the Senator not realize that the case to which he has referred and the recommendation of the Commission occurred before a single case had been tested in the courts? Does the Senator realize that the act already on the books refers to persons who are otherwise qualified to vote? But in the Louisiana case, the court in effect ruled that people must have their names placed on the rolls, even if they are not otherwise qualified to vote. So the effect of the Thomas case, in Louisiana, is that people can have their names placed on the rolls en masse, even though they are not technically qualified, under the law, at all.

Mr. DOUGLAS. I could not draw that technical inference. There were 1,350 persons who had proved that they were qualified to vote, even under the voting standards in Louisiana, and they were previously registered. But their names then were eliminated from the voting rolls, as a result of the drive put on by the White Citizens' Council.

I believe that the local Federal district judge and the Supreme Court ruled correctly in ruling that there was sufficient evidence of racial discrimination in the challenge procedure and that the names of those persons must be restored to the voting rolls, under the 1957 act.

But that does not mean that the 1957 act contained sufficient provision of authority to compel the registration of large numbers of persons who had not previously been registered, and whose initial registration was delayed by means of the stringent application, insofar as the Negroes were concerned, of technical requirements which were not applied insofar as the white registrants in those communities were concerned.

Mr. LONG of Louisiana. But the Louisiana case occurred by virtue of their failing to properly fill out their application forms and their failure to spell words correctly, and other technical errors. It is clear that those persons were not held to be properly qualified at all. The courts held that because a large number of white persons who were similarly unqualified had been allowed to register and to vote, therefore both unqualified groups of voters must be left on the rolls, if the white group had not been challenged and was allowed to remain on the rolls. If the courts can go that far, then voters who were not qualified could have their names placed on the rolls. However, I have stated the basis of the Louisiana case decision.

Mr. DOUGLAS. Do I correctly understand the Senator to ask whether new legislation is needed?

Mr. LONG of Louisiana. Yes; does the Senator from Illinois believe that the decision in the Louisiana case shows that the names of various unqualified persons can be placed on the rolls, as a result of the filing of a suit by a U.S. attorney, and thereafter the names of thousands of unqualified persons could be placed on the rolls, even though there might be no basis whatever for having their names placed on the rolls except that other unqualified voters are on the rolls.

Mr. DOUGLAS. Mr. President, I think the Senator from Louisiana is falling into error in that respect. I have not been arguing for the registration of unqualified voters.

I am urging the adoption of administrative procedures, as recommended by the Civil Rights Commission, by which large numbers of the qualified voters who are now barred may take part in our elections without discrimination because of race or color.

In my opinion in the judicial referee proposal, the Attorney General is attempting to provide individual remedies for what in effect is a mass disqualification. I doubt that by that method it will be possible to provide an adequate remedy for the enormous numbers of southern Negroes who are disqualified.

I may say that probably approximately 1,700,000 Negroes in the South would, under northern standards, be entitled to be registered and to vote, but they are not registered and do not vote. Some of that may be due to indifference or to inertia. But, notwithstanding all that, undoubtedly hundreds of thousands of Negroes who are properly qualified are not permitted to register and are not permitted to vote.

In that situation, we have a mass problem on our hands. It is not like the problem involved in an individual lawsuit over property or whatnot. Treatment by medicine dropper will not suffice in this instance. This problem must be approached and dealt with on a wholesale scale. And the process of registration to vote is basically an administrative, not a judicial one. That is the entire burden of the argument I have made thus far, and which I shall try to continue to make—although very imperfectly—in the next few minutes, if my good friend, the Senator from Louisiana, will permit me to proceed, and will not get the RECORD muddied up with all these legal sideshows.

Mr. LONG of Louisiana. Mr. President, will the Senator from Illinois yield further?

Mr. DOUGLAS. Yes, Mr. President; I knew that request was coming; and I love my friend, the Senator from Louisiana, so much that I am willing to put myself at a disadvantage, insofar as the RECORD is concerned, by yielding to him.

Mr. LONG of Louisiana. May I point out to my good friend, the Senator from Illinois, that the Louisiana case was a wholesale case; it was not a case of saying that out of a certain number of colored persons who had been challenged, at least half of them were qualified. In that case 1,377 had been challenged, and the entire 1,377 had a case filed in their behalf; and every one of them—not two-thirds of them, but all of them—were placed back on the rolls by means of a single mass action. If that could be done with regard to all those who have been challenged, certainly it could be done with regard to all who had applied to be registered.

Mr. DOUGLAS. Well, I think the Court's decision does prove that the constitutionality of the procedure which we recommend would be undoubted. I think it proves that beyond question.

I do not know that it is worthwhile to pursue this matter much further. I simply say that I think the process of registering persons who had not previously been registered is different from the process of reregistering and placing back on the rolls persons who previously had been registered, but whose names had been eliminated from the rolls as a result of discriminatory challenges.

Mr. LONG of Louisiana. What would be the difference, from a legal or from a theoretical point of view, between the statement of a judge that "Here are 1,500 people who have applied to register, but whose names have not been put on the rolls, and I order the registrars to put them on the rolls" and the statement of a judge that "Here are 1,377 persons whose registration has been challenged, and I have looked at samples, and I am convinced that the challengers discriminated against them so I order that the names of all of them be put back on the rolls."

Mr. DOUGLAS. Well, if I may make a reply somewhat in anticipation of the argument I shall present, let me say that I think the record in that case would show that the 1,350 were previously qualified. But the trouble comes when a new applicant is required to prove not only that he is qualified, but also that he has been discriminated against and has a long series of hearings and appeals before State officials, referees and courts to look forward to. That is one of the objections I shall make, and one which I do make, to the Rogers-Dirksen-McCulloch bill, which, if we are not properly informed about it we are likely to have jammed down our throats.

Mr. LONG of Louisiana. If the Senator will yield, in the Louisiana case, the Government did not prove that anybody was qualified. It proved only they had been subject to discrimination. The holding was that, even if not qualified, they must be placed on the rolls if they were subject to discrimination. I do not see how anybody could ask for any more than that.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. JAVITS. Is it not a fact that what we are trying to get at is the situation where persons do not get on the rolls so that they are in a position where they can be stricken off, but they are not on the rolls because they are afraid to come to a registrar, or because there is no registrar, as indeed we found in the Alabama case, where the registrars resigned? Is it not a fact also—and I have heard the Senator from Louisiana make this argument before—that it is his interpretation of the Louisiana decision that these people were not qualified, but were put on the rolls only because they were discriminated against? The rationale of the Louisiana decision, according to what the court said, was that it accepted the fact that these people were qualified under Louisiana law, and therefore, under the Constitution, whether it be under Federal law or State law, they could not be registered otherwise.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DOUGLAS. Mr. President, since I was kind enough to yield to the Senator from Louisiana, will he be kind enough to let me continue? Does he wish to speak about the Louisiana case ad nauseam?

Mr. LONG of Louisiana. I dislike to have the law misstated. If the Senator will read the district court decision—after all, the Supreme Court decision said practically nothing about the case except that it was confirmed—and if the Senator will read the briefs on both sides, he will learn that the State of Louisiana and the Justice Department both recognized there were technical defects in the application. The State contended that if the applicants were not otherwise qualified, they could not be placed on the rolls; and that position was not sustained.

Mr. DOUGLAS. I thank my friend.

OBSTACLES ARE NUMEROUS UNDER REFEREE PROPOSALS

May I now indicate the successive hurdles which are set up under the Dirksen bill, and the McCulloch bill in the House, which would make it extremely difficult for the Negroes to get registered and to vote.

First, the court must make a judicial finding that in a given area or election district there is a prevailing pattern or practice of discrimination. That provision is clearly stated. This judicial process would rest upon a complaint filed by the Attorney General under the authority of the 1957 act, and then there would have to be an investigation and a full trial with very substantial difficulties in presenting the essential proofs required for the findings.

Such a procedure would be extremely time consuming.

So we start off with a good deal of time taken up before we can even have a finding judicially, that a pattern of discrimination or practice of discrimination exists.

After that pattern or practice has been found, the district court may appoint a referee whose powers are similar to those of a master in chancery. But I should like to point out that the phrase used is that "He may" appoint a referee. Even after he has found a pattern or practice of discrimination to exist, he is not compelled to appoint a referee. It is optional upon the judge's part.

Then, however, the applicant must go to the local registration board and be turned down by that board or prevented from registering before he can apply to the referee.

I should like to point out that it would take pretty stouthearted Negroes to go before white registration boards and apply day after day, in many cases stand in line for long hours, and be subjected to humiliating questions, and possibly actually incur physical and economic danger.

And yet the Rogers-Dirksen-McCulloch proposal requires that every Negro in the South wishing to avail himself of the offered remedy would have to appear before the local voting registrar, however antagonistic that registrar might be, however unapproachable, however insulting, however threatening, however dangerous that official might be, or the groups about him, to the certain knowledge of the individual Negro, and apply to register to vote; and only after he had been turned down could he then apply to the referee for relief.

When he goes to the referee, he must then show two things: First, that he is qualified; namely, that he meets the literacy tests or other qualifications which the State imposes. I suppose there can be no quarrel about such a requirement, because we do not want anyone registered who cannot meet the tests on the same terms as are imposed on the white population. I want to emphasize that—not more severe terms, but the same terms. But he must also prove that he was deprived of the opportunity to register to vote or otherwise to qualify to vote in any election or that he was found by State officials not qualified to register or to vote in any election.

In other words, he must not only prove that he was qualified, but also that he applied to the local officials and was discriminated against. He must prove this to the referee; and the local officials—under the present Dirksen proposal, section 7—can object and offer proof to the contrary.

We know the subtle ways in which the runaround can be administered. The Tuskegee case is replete with the methods by which this can be done—limited hours of registration, absence of registrars, a long period of time taken to ask a whole battery of questions which I said previously would have challenged the ingenuity of Charles Van Doren, but perhaps I should modify that statement and say now, challenge the ingenuity even of the Parliamentarian of this body.

Mr. LONG of Louisiana. Mr. President, if the Senator will yield, will the Senator tell me where that situation exists in which fantastic questions are asked?

Mr. DOUGLAS. It exists throughout the State of Alabama. The evidence is replete with instances which show that it exists in Alabama, at least, and I think in other parts of the South. Such questions were asked in North Carolina.

Mr. LONG of Louisiana. That same implication was made by the Commission about the State of Louisiana. The situation in Louisiana is that a person does not have to understand everything that is in the law, but he must be able to understand something in the law.

Mr. DOUGLAS. The questions they pick out for the Negroes, however, tend to be much more difficult than the questions they pick out for the whites. The interpretation is that one must answer satisfactorily any question that is asked of him; and by the choice of the question, a local registrar can disqualify a person.

Mr. LONG of Louisiana. Does the Senator know that 10 percent of the Negroes who are registered in Louisiana, more than 17,000 of them, are registered as illiterates, because they cannot read or write? They are nevertheless upon the rolls, on the proposition that if anything is read to them from the Constitution and they can tell what anything in the Constitution means they can be put on the rolls.

In other words, a colored man might not understand the meaning of the first section of the Constitution, but he certainly ought to understand the meaning

of the 15th amendment, which says a person shall not be denied the right to vote because of race or color. That is a simple standard by which it is proposed to differentiate between a person who is completely mentally incompetent and a person who at least has some understanding of what is being said to him.

Mr. DOUGLAS. I will say to my good friend, I am aware of the fact that the standards applied in the State of Louisiana differ from district to district, depending upon the political forces which dominate. I do not wish to embarrass my friend from Louisiana by being too particular on this subject. I shall merely say that some of the political groups in Louisiana are more liberal than others in their willingness to register. The Senator from Louisiana knows what I say is true.

Mr. LONG of Louisiana. If one seeks to secure his rights under the 1957 act, I am sure any court would hold the meaning of the act is that a person must be able to understand not the entire Constitution, but must be able to understand something in the Constitution.

Mr. DOUGLAS. Generally the "something" which is asked the Negro applicant is something extremely difficult to answer. In some other cases the local registrars will throw up a "softie." In some cases a soft ball is thrown to a batter so that he can hit it over the fence. The Senator knows that can be done.

Mr. LONG of Louisiana. It would be my interpretation—and I believe this is correct—that the person would be entitled to specify that part of the Constitution he wanted to have read to him. If he understood any section—any section—he could be placed on the rolls.

Mr. DOUGLAS. Mr. President, I have pointed out that under the proposed referee procedure the applicant, after prior application to the local registration officials, would have to prove to the satisfaction of the referee that he was qualified to vote according to State standards and that he applied to and was discriminated against by the local official. He has to prove both. It is not enough merely to be qualified. Such a person has to prove he applied and was discriminated against.

Only if he can prove the second fact will the referee certify him as being entitled to vote. If he cannot prove the second fact presumably he will be sent back to the local registrar.

Then there is to be filed the report or the opinion of the referee, or the specialized master in chancery.

That matter goes, of course, to the district court, and the district court can give time—it is cut to 10 days in the revised McCulloch version—to the local public officials to make a reply. That represents a further delay.

In my judgment, a reading of the present draft of the referee plan seems to indicate that appeals can be taken on matters of fact as well as on matters of law. In the McCulloch draft, which has still not been adopted by the House, according to my information, this would be appreciably modified, and the finding of the referee that the man is qualified and the statement of fact that the man has been discriminated against, by the referee, are to be accepted as prima facie evidence. But even the revised McCulloch draft provides that a memorandum on the law can be submitted to the district court. If a memorandum on the law is submitted, then arguments on the law can be entertained. That will mean a further delay.

I do not wish to reflect upon my legal brethren. I observe that nearly everyone in the Chamber is a lawyer. I hope my colleagues will not think I am reflecting on their profession when I say that I have never known a group of men more expert in ability to delay proceedings by interminable argument and appeal. The law has become a vehicle not for action, but for delay, in large part. A large part of the ingenuity of the legal profession is devoted to delay and obfuscation. So this will mean still further delay.

I have always understood that the decisions of the district court are subject to appeal to the court of appeals and from that court to the Supreme Court. I do not see any provision in the Dirksen amendment or in the McCulloch bill which would curtail this right of appeal through the judicial system.

It is true that the U.S. Supreme Court took the Georgia case and the Louisiana case directly from the district courts and bypassed the circuit court, but those were exceptional cases. The Court was anxious to give a quick verdict. If the Court had hundreds and thousands of cases, it could not bypass the circuit courts in such a way.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. LONG of Louisiana. Does the Senator not realize that once a case is decided and the point of law is settled the Court is not likely even to hear the appeal? If the case does not present a new issue or a new point of law, the Court is not likely even to hear an appeal from the district court.

Mr. DOUGLAS. The Senator can depend upon that frail reed for support if he wishes, but I think he will find, if we can consider the school cases to be any precedent, that the decisions of the district courts will be appealed all the way. The defense of those cases has been financed by the localities out of local tax money and State tax money. Where there is massive resistance to the granting of constitutional rights, I think we will have massive resistance applied to the judicial process without stint or limit.

Mr. LONG of Louisiana. Once the district court has made a decision on a point of law it is settled. For example, if there were a question involving the constitutionality of the act, if the act were held to be constitutional then the Supreme Court would not be likely to hear an appeal involving constitutionality of the act. If the case involves the same principle of law which the Court already has had before it on an appeal, ordinarily the Court would not allow an additional appeal on another case.

Mr. DOUGLAS. The ingenuity of lawyers in distinguishing one case from another and in insisting that new points of law are involved is tremendous. The fact is that there is not precise uniformity between cases, and I think the southern lawyers, who are extremely able and good lawyers, as the southern soldiers are good fighters, will be able to spin out appeals in great quantity. Indeed, we may even see special courses given on ways to defeat the Civil Rights Act of 1957 and the voting rights bill of 1960. It will become a very interesting subject for legal study.

As a matter of fact, probably the election will be over and done with before even the district court will have finished its consideration of the matter. Time moves on these things. If the period between registration and election is relatively brief, as it frequently is—and as it can be made to be—after the election the court will hand down a ruling, let us say, that the man was qualified, that the man was discriminated against, that the man should be permitted to vote, but by that time the election may well be over.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. DOUGLAS. I should like to finish, if I may, and then I will yield.

Then in the next registration period the same process would have to be repeated.

The applicant must go again to the local registration officer, and in all probability be turned down. He must go at the proper registration periods, during the proper hours, and observe the local rules and amenities.

Then he must go to the referee appointed by the district court, to prove that he is qualified, and prove that he was discriminated against.

The report must then be taken again from the referee to the district court.

And appeals may be taken from the district court to the higher courts.

This process can go on, and the second election will go by.

It is like the old game of Parchesi, or Going to Jerusalem, except that the Pilgrim will always strike a space where he is ordered to go back to the very beginning. The law will have provided an illusory, inadequate, false remedy for an existing evil.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield for a question. I do not wish to be taken off my feet.

Mr. ELLENDER. Am I to understand that the Senator from Illinois has devised a plan whereby an aggrieved party could not go to court?

Mr. DOUGLAS. Oh, no. He could go to court.

Mr. ELLENDER. What would be the difference? Has he not considered the possibility that if we follow his assumption smart southern lawyers might be able to obtain delays under both the plan the Senator is suggesting, as well as under present laws?

Mr. DOUGLAS. What is needed, as the junior Senator from Michigan [Mr. HART] has pointed out again and again, is a method of mass registration—by simple administrative procedures—to meet mass disqualification.

Mr. JOHNSTON of South Carolina. Mr. President——

Mr. DOUGLAS. Just a moment.

Appeals may be taken. The voters can be challenged; but the ballots can be sequestered and put in envelopes; and the contested points of law can be decided after the election.

That is the provision in the so-called Hennings bill, which is shortly to be introduced. In all fairness, I must say that there is some approach to it in the revised McCulloch draft.

Mr. ELLENDER. I may say to my good friend from Illinois that we have such a provision in Louisiana law. Under conditions of existing Louisiana law, if a sufficient number of ballots have been challenged so that they might have an affect on the outcome of an election, then after it has been determined that the challenges are bona fide, then the entire election must be declared null and void and a new election ordered.

Mr. DOUGLAS. I congratulate the Senator.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield for a question.

Mr. JOHNSTON of South Carolina. In all his research, has the Senator ever found a case in South Carolina in which a prospective voter, white or colored, was not registered when he should have been registered?

Mr. DOUGLAS. The only time I spent in South Carolina was as a "boot" at Parris Island, and as a somewhat overage Marine who was trying to get overseas, but was being held back. I was really so busy with the drill and the work at Parris Island that I did not have an opportunity for deep personal acquaintanceship with all the details of South Carolina election procedures.

Mr. JOHNSTON of South Carolina. Did the Senator read the testimony of the Attorney General this year?

Mr. DOUGLAS. Yes; I did.

Mr. JOHNSTON of South Carolina. There was only one case in which such an allegation was made, and when it was investigated it was discovered that there was nothing to it.

Mr. DOUGLAS. I refer the Senator to some voting registration figures from South Carolina, to be found at page 47 of the report of the Civil Rights Commission.

Mr. JOHNSTON of South Carolina. The Commission said there were 47 counties in South Carolina, when there are only 46. I think the Commission has colonies confused with counties. We have one nudist colony down there.

Mr. DOUGLAS. I am sure the Senator from South Carolina is not a member of that colony.

Mr. JOHNSTON of South Carolina. It fits into this organization.

Mr. DOUGLAS. I am sure the Senator from South Carolina is not a member of the nudist colony.

Mr. JOHNSTON of South Carolina. Not at the present time.

Mr. DOUGLAS. My good friend from South Carolina asked for material from South Carolina. I refer him to page 57 of the report of the Commission, where it appears that there was one county in which there were 2,625 nonwhites—meaning Negroes—but none registered. There were six counties in which less than 5 percent were registered.

Mr. JOHNSTON of South Carolina. Is there any evidence that anyone tried to register in South Carolina and was not allowed to register?

Mr. DOUGLAS. It requires superhuman courage, in many places, for those folks to try to register. The Senator knows that perfectly well. All the massed power of the community and the law is against them.

Mr. JOHNSTON of South Carolina. No——

Mr. DOUGLAS. The requirement that poor individuals must prove to be heroes before their rights are recognized is an altogether excessive demand, which the Senator from South Carolina would not apply in other branches of life, because he is a decent individual.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I do not want to see South Carolina accused of something of which it is not guilty, so far as registration is concerned. Witnesses came before my committee and testified that 200,000 Negroes were able to vote.

Mr. DOUGLAS. I believe that in the past the Senator from South Carolina has profited from their votes.

Mr. JOHNSTON of South Carolina. At times I may have profited, and at other times I may not have profited. Some of them voted for me and some voted against me. I have never tried to obtain their votes as a bloc. Neither have I kept any of them from voting.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield for a question.

Mr. EASTLAND. The distinguished Senator mentioned a county in South Carolina.

Mr. DOUGLAS. I mentioned a county in South Carolina where there were 2,625 nonwhites, meaning Negroes, but none was registered.

Mr. EASTLAND. Let us take that county. Did the Civil Rights Commission investigate that county?

Mr. DOUGLAS. I believe it did, or it obtained registration figures. Are not the registration figures separated by race in South Carolina?

Mr. JOHNSTON of South Carolina. They were not until recent years, when people began talking so much about the subject. We separated the figures by race to show that colored people were being registered.

Mr. DOUGLAS. I believe the statement of the Civil Rights Commission was based on official figures.

Mr. EASTLAND. Mr. President, will the Senator further yield?

Mr. DOUGLAS. I yield for a question.

Mr. EASTLAND. If there was mass discrimination, as alleged by the Senator from Illinois, why did not the Attorney General of the United States file a suit? He had the Civil Rights Division of the Department of Justice at his disposal. He had the entire Republican organization at his disposal. He had the Civil Rights Commission at his disposal. There were available the Civil Rights Division in the Department of Justice and the Civil Rights Commission, with its reports. If the Senator is correct, why was not a suit filed? There is adequate law.

Mr. DOUGLAS. I am not here to defend the Attorney General. I stated earlier that in my judgment he has not adequately used the powers which he already possessed under the 1957 act. I think in many ways he was delinquent in his duty.

Mr. EASTLAND. I do not think he has been delinquent. I think the distinguished Senator is mistaken. I think there is not the mass discrimination of which the Senator speaks. Perhaps I am wrong. Perhaps the Attorney General is right. I do not know.

Mr. DOUGLAS. The Senator from Mississippi is one of the blandest and most pleasant men one could possibly imagine. I like him very much. But when he says there is no mass discrimination, when there are many counties in his own State in which no Negroes are registered——

Mr. EASTLAND. All right——

Mr. DOUGLAS. Wait a moment. I wish to reply to the Senator. There are many counties in his own State in which the majority of the population consists of Negroes, and no Negroes are registered.

Mr. EASTLAND. That is the first mistake.

Mr. DOUGLAS. That is not a mistake at all.

Mr. EASTLAND. The Senator said the majority of the State's population was colored.

Mr. DOUGLAS. No; I am referring to the county population.

Mr. EASTLAND. That is true.

Mr. DOUGLAS. And yet not a single Negro is registered in some counties.

Mr. EASTLAND. I do not know of that. The Senator knows facts that I do not know.

Mr. DOUGLAS. Does the Senator mean to say that he has lived in Mississippi all his life, and that he does not know that there are counties where no Negroes are registered?

Mr. EASTLAND. All right. A thorough investigation was made by the Civil Rights Commission. The distinguished Senator voted to confirm the nomination of every member of the Commission. An investigation was made by the Department of Justice. There was only one suit filed, in 1 of 82 counties. It was dismissed, and the NAACP did not even appeal it.

Mr. DOUGLAS. The Senator from Mississippi knows that it is pretty hard for a Negro in Mississippi to try to register.

Mr. EASTLAND. I deny that. I challenge the Senator to name one individual who has been intimidated.

Mr. DOUGLAS. Not intimidated. It is difficult to prove that they are intimidated, because they are intimidated before they start.

Mr. EASTLAND. Name one. Let us deal in facts on the floor of the Senate.

Mr. DOUGLAS. The Governor of Mississippi, who is a fine man, and who agrees with the Senator from Mississippi in this attitude, has said that only 4 percent of the adult Negroes in Mississippi are registered. Does the Senator from Mississippi say that only 4 percent of the Negroes are qualified?

Mr. EASTLAND. I have seen the results in several States, including the Senator's State of Illinois, which is represented in the House of Representatives by Negroes. In their districts only a small number of Negro votes were cast.

Mr. DOUGLAS. That is sometimes true——

Mr. EASTLAND. Wait a moment. The Senator is not permitting me to finish. There is no attempt to discriminate against anyone. Everyone who is qualified votes; as a rule, everyone votes who desires to vote. The figures are proven in the Senator's State in the districts which are represented by a Negro Congressman.

Mr. DOUGLAS. I may say to my good friend that it is true, unfortunately, there may be a certain degree of indifference among Negro people about registering and voting. That is true. Where they have full opportunity to register to vote, as in Illinois, they do not take full advantage of it. That is true.

However, as the Civil Rights Commission says, that is not enough to explain the fact that there are 16 counties in the South where the Negroes form a majority of the population and where not a single Negro is registered; that there are 57 counties where Negroes form a very large proportion of the population, having a total population, I believe, of something like 220,000, and where not a single Negro is registered; that there are 49 counties where Negroes form a majority of the population but there are only about 1 to 5 percent registered.

Mr. EASTLAND. Mr. President will the Senator yield?

Mr. DOUGLAS. Those figures cannot be explained away entirely by the allegation of indifference or lack of qualification.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. I believe that some 13 of those counties are in the State of Mississippi.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. EASTLAND. The Senator shows that he is inaccurate when he says that 13 of the 16 counties are in Mississippi.

Mr. DOUGLAS. No. I was speaking of the various groups of counties.

Mr. EASTLAND. The Senator voted to give the Department of Justice the right to file suits in those cases, did he not?

Mr. DOUGLAS. On voting rights; yes.

Mr. EASTLAND. They have the FBI at their disposal to make determinations. Does the Senator know of an investigating agency anywhere in the world which is more powerful than the FBI?

Mr. DOUGLAS. I will answer that question by repeating a story about St. Augustine. When Augustine was a pagan, before he was converted to Christianity, he was on the seashore one day, and there met a little child who was trying to bail up the ocean with a pint dipper. St. Augustine asked him what he was trying to do; that it was impossible for the child to dip up the ocean. The child replied, "It is just as possible for me to bail up the ocean with a pint dipper as it is for you, with your finite knowledge, to comprehend the mysteries of the Almighty."

I would say that, effective as the FBI is, for it to try to remedy the mass disenfranchisement in the South would be like trying to bail up the Atlantic Ocean with a pint dipper. What we need to do is to find an effective administrative remedy.

Mr. EASTLAND. The Senator is jumping to another question. We were discussing the State of Mississippi.

Mr. DOUGLAS. I was trying to draw an analogy.

Mr. JAVITS. Mr. President, will the Senator yield to me on the question of Mississippi?

Mr. EASTLAND. The Civil Rights Commission and the FBI could come up with only one suit in Mississippi, and they lost that and did not appeal it. This is the question I am asking the Senator.

Mr. DOUGLAS. I am tempted to call attention to a play by Bernard Shaw.

Mr. EASTLAND. I am asking the Senator a question, and I have been leading up to it. If there was this great mass discrimination which the distinguished Senator from Illinois alleges——

The PRESIDING OFFICER. The Senator from Illinois has the floor. He can yield only for a question.

Mr. EASTLAND. He has yielded to me for a question. My question is this. If there is this mass discrimination which the Senator from Illinois has mentioned, it appears that the Department of Justice and the Federal Bureau of Investigation certainly should be able to find it. They have not found it.

Mr. JAVITS. Mr. President, will the Senator yield to me for a question?

Mr. EASTLAND. We are dealing with facts, not generalities.

Mr. DOUGLAS. I do not know that the Department of Justice has been trying as hard as it should in this matter. I have stated that I am not arguing for or attempting to excuse the Attorney General. I believe he has been delinquent in his duties.

Mr. EASTLAND. The facts are that he has been diligent in his duty and he has not found anything wrong in Mississippi.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. DOUGLAS. I yield.

Mr. JAVITS. Mr. President, is it not a fact that, so far as the Attorney General is concerned, he has started only four cases; and is it not a fact also that, as I explained on the floor of the Senate on February 27, or, at least, as I tried to give to the Senate the Attorney General's explanation for starting only four cases, it is because it took him so long to get his people confirmed—7 or 8 months to get confirmed the man who is in charge of that division—and because he had first to demonstrate the constitutionality of the act, which has been done only recently, and because it does take time to get a department working under a newly created act; and is it not also a fact that the Civil Rights Commission—I am asking the question of the Senator from Illinois—at pages 58 to 62, inclusive, specifically relating to investigations in the State of Mississippi, to which the distinguished Senator from Mississippi has referred, finds, at page 58: "Racial disparities in voting appear to be wider in Mississippi than in any other State"? And is it a fact also that in the same report of the Civil Rights Commission, at page 60, the Civil Rights Commission describes an actual case which occurred in Leflore County; and that this relates to the question asked by the Senator from Mississippi as to whether anyone had been prevented from registering in Mississippi?

Mr. DOUGLAS. It is the case of a Negro Army veteran. That is correct.

Mr. JAVITS. Of a discharged Army veteran, a technical sergeant. Is it not a fact that the Commission describes this case as follows:

> One Negro Army veteran discharged as a technical sergeant, reported that he went to the courthouse and was asked by a female clerk what he wanted. "I want to register," he said. "To register for the Army?" she asked. When he assured her he wanted to register to vote, she told him she didn't have time because the court was meeting. She did, however, have him write his name and address on a slip of paper. Less than half an hour after his return home, two white men came to his door and asked him why he had tried to register. He replied that it was his duty. They told him that he was just trying to stir up trouble and advised him not to go back. He did return a week later, and again was told by the same clerk that she was busy. Fearful of reprisals, he stopped trying.

Is it not a fact that that is the finding of the Commission?

Mr. EASTLAND. Mr. President——

Mr. JAVITS. Mr. President, may we have the regular order? I have not interrupted the Senator from Mississippi.

Mr. EASTLAND. He is not asking a question. He is making a speech. I call for the regular order.

Mr. DOUGLAS. I have yielded to the Senator from New York for a question.

The PRESIDING OFFICER. The regular order is requested.

Mr. DOUGLAS. I have not had a chance to reply.

The PRESIDING OFFICER. The Senator from New York has been yielded to by the Senator from Illinois for a question.

Mr. DOUGLAS. My reply is that the Senator from New York has correctly read the passage from the civil rights report at page 60.

Mr. JAVITS. If the Senator will yield for a further question, I should like to ask him whether it is not a fact, also, that the Civil Rights Commission has found, at page 138 of its report, the following:

> The Commission finds that the lack of an affirmative duty to constitute boards of registrars, or failure to discharge or enforce such duty under State law, and the failure of such boards to function on particular occasions or for long periods of time, or to restrict periods of function to such limited periods of time as to make it impossible for most citizens to register, are devices by which the right to vote is denied to citizens of the United States by reason of their race or color. It further finds that such failure to act is arbitrary, capricious, and without legal cause or justification.

Is it not also a fact, finally, that these findings, which are the conclusion of the Commission, tie directly to such cases as the one I have cited at page 60 of the report?

Mr. DOUGLAS. The Senator from New York is correct.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am always glad to yield and to be obliging to my good friend from Mississippi, with whom I disagree on most questions, but with whom I have managed to maintain a very pleasant personal relationship, largely due to his charity.

Mr. EASTLAND. In fact, we are personal friends, but we disagree because my distinguished friend is wrong. [Laughter.]

The Senator from New York has described the condition in Leflore County, Miss. If what he has said is true, why did not the Attorney General of the United States, with the FBI behind him, develop the facts and bring suit?

Mr. DOUGLAS. Ask the Attorney General; do not ask me.

Mr. EASTLAND. The answer is, I believe, that the statement of the Civil Rights Commission is incorrect.

Mr. DOUGLAS. I think it was probably delinquency of duty on the part of the Attorney General.

Mr. EASTLAND. How long has the right to bring voting rights suits in this country existed?

Mr. DOUGLAS. By Government injunction suits, since 1957. Other remedies date farther back.

Mr. EASTLAND. And how long before that? For 90 years. How long have the Republicans been in control of the White House?

Mr. DOUGLAS. Since 1953.

Mr. EASTLAND. They have had the legal authority. Why have they not brought suits?

Mr. DOUGLAS. I do not know.

Mr. EASTLAND. The answer is that the conditions which warrant it do not exist. They have done their duty.

Mr. DOUGLAS. That is not the answer at all.

Mr. EASTLAND. It is the answer. The distinguished Senator from Illinois knows that the Attorney General of the United States has had the legal authority. He has the strongest and the most powerful investigative body in the world at his disposal—the Federal Bureau of Investigation. Had the condition which the Senator from New York [Mr. JAVITS] described actually existed, it was the solemn duty of the Attorney General to bring suit. The fact that he has not done so shows that the Civil Rights Commission was wrong.

Mr. DOUGLAS. May I reply to that statement?

Mr. EASTLAND. Oh, certainly.

Mr. DOUGLAS. It is possible that the Attorney General has not acted, but I have a possible explanation. He knows that the distinguished Senator from Mississippi is chairman of the Committee on the Judiciary, and possibly, wanting to have the nominations of some judges confirmed by that committee, he did not want to antagonize the Senator from Mississippi; therefore, he soft-pedaled civil rights.

Mr. EASTLAND. I think the Attorney General has been entirely too diligent, according to what the facts in the South justify.

But here was an investigative body, appointed by the President and confirmed by the Senate. If what they found in Leflore County, Miss., was true, why were not the facts developed and a suit brought?

Mr. DOUGLAS. As I say, possibly the Attorney General was intimidated by the Senator from Mississippi.

Mr. EASTLAND. If the Attorney General had listened to me, he would have been a better Attorney General. The fact is that the Attorney General has never listened to me.

Mr. DOUGLAS. If he had, I am certain that he would have been a more delinquent Attorney General.

Mr. EASTLAND. No; he would have been a better Attorney General; but he has not listened to me.

Mr. LONG of Louisiana. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. It is always interesting when I stand between the Senator from Louisiana and the Senator from Mississippi. I am like a weak bull in a Spanish bullring, with the famous matadors closing in for the kill, because these Senators are not mere picadors; they are matadors. I am really in the big leagues, with the matadors closing in. I may be like a bull in a china shop, but I am ready to take them on. I yield.

Mr. LONG of Louisiana. The Senator from Illinois knows well that he can make a good case any time he has the facts to make such a case.

Is it not true, as was developed in the Louisiana case, that the Commission was taking affidavits, but then they would not permit any of the persons against whom the affidavits were directed to cross-examine or test the veracity of any of those statements? For example, does the Senator from Illinois not know that in one of the Louisiana cases—and that case is before the Supreme Court now—the registrars felt that before they submitted themselves to subpenas, to examination, and to investigation, they had the right to know what they were charged with doing, but that the Commission would never permit even one of the affidavits to be examined?

Mr. DOUGLAS. I am not familiar with all the details of the procedure in the Louisiana case. I do not propose to retry the Louisiana suit.

I am saying that there is wholesale discrimination against Negroes in the South in the matter of voting, a practice which needs to be remedied, and that the referee method, which is what I am trying to get at, inevitably subjects the applicant to the pressures of the local community. It involves a case-by-case judicial treatment, which is inadequate to deal with the evil which we seek to remedy.

SIMPLE ADMINISTRATIVE PROCEDURE FOR MASS REGISTRATION IS NECESSARY

This is the whole burden of what I am trying to maintain. There should be a system of Federal registrars which will permit mass registration according to standards which the States have established, but which are applied by Federal officials, chosen, it is true, from the locality; and although legal appeals should be allowed, the facts should not have to be reargued.

Finally, judicial review should take place after the election; and only if the voter has then been adjudged to be disqualified is the vote to be torn up and not counted; whereas if the voter is qualified, then the envelope can be unsealed and the vote put in the box and counted.

Mr. LONG of Louisiana. Does the Senator know whether the allegation concerning Mississippi, to which he has referred, is a sort of unverified thing which the committee accepted and used without permitting anyone to cross-examine to determine the correctness or honesty of it?

Mr. DOUGLAS. I know the Commission went into Louisiana and tried to hold hearings, but they were served with an injunction to restrain them and to prevent them from proceeding.

Mr. LONG of Louisiana. Does the Senator from Illinois not know that a Federal court issued the injunction, and the basis for its issuance was that a person who is charged with wrongdoing is entitled to know what he is charged with and has the right to confront his accuser and the right to confront adverse testimony against him?

Mr. DOUGLAS. Does the Senator from Louisiana not know that six members of the Commission, three southerners and three northerners, fairminded, conservative gentlemen, would certainly have accorded full individual rights to those with whose cases they were dealing?

Mr. LONG of Louisiana. Would the Senator from Illinois, if he were the subject of investigation, upon the suggestion that he was guilty of wrongdoing in violation of law, and subject to criminal penalties, not feel that he was entitled to know what he charges were and that he should have the right to face his accusers and to cross-examine adverse testimony? Does he not know that the Administrative Procedure Act requires that?

Mr. DOUGLAS. In the first place, this was not a judicial proceeding; it was a proceeding somewhat similar to those conducted by Senate committees. I believe that persons who testify before Senate committees and who are adversely reflected upon should have the right to counsel and should have the right to make a statement in advance. On one investigative committee which I directed, I granted those rights. I think that should be the common procedure. But I am certain that the members of the committee would not have denied these rights to individuals.

What the officials of Louisiana objected to was the action of this Commission in showing up mass disqualification which the white citizens councils had put into effect. The councils did not want the facts revealed.

Mr. LONG of Louisiana. I should like to set the Senator from Illinois straight on that, because he has made a great misstatement. Much of the findings in the report is based on affidavits which can be proved to be completely false, but they were never proved to be false because the Commission would never let those whom they were investigating have the chance to examine the affidavits and to cross-examine those who made the allegations against them or to disprove the statements which were made. That case is before the Supreme Court now. Does the Senator from Illinois not know that?

The Commission made inferences on the basis of unverified affidavits and held persons up to scorn and opprobrium. It brought them in without giving them a chance to defend themselves. They were not told of what they were accused or why they were being investigated, in order that they might reply and cross-examine the adverse testimony to them.

Mr. DOUGLAS. The Senator from Louisiana has made a case for the officials who are accused.

What does he think about the persons who have summoned up their courage to make such affidavits? He knows that if they were subjected to cross-examination by the officials of Louisiana, they would have great difficulty in standing up in the face of that pressure. The Senator from Louisiana is demanding the legal right of the strong to endanger the weak. This would be a travesty on justice.

Mr. LONG of Louisiana. That is not correct. To prove the inaccuracy of that statement, 160,000 Negroes have registered.

Mr. DOUGLAS. In the past.

Mr. LONG of Louisiana. The Senator from Illinois himself voted for a law which provides that any white man who discriminate against a colored man by denying him his rights can be tried before a judge without a jury, and sent to jail without a jury trial.

Mr. DOUGLAS. But the Senator also knows that it is the declared purpose of the white citizens council to reduce the number of Negro registrants from the previous number of 130,000 to approximately 13,000, or to make a reduction to one-tenth of the former number. The Senator from Louisiana certainly knows that; does he not?

Mr. LONG of Louisiana. Well, does the Senator——

Mr. DOUGLAS. Is that not true?

Mr. LONG of Louisiana. May I ask the Senator——

Mr. DOUGLAS. Is it true?

Mr. LONG of Louisiana. Yes; and may I ask the Senator from Illinois a question?

Mr. DOUGLAS. Very well; I yield for a question.

Mr. LONG of Louisiana. Let me ask the Senator from Illinois whether he knows that when he asked that question he completely misrepresented what happened, because while the effort to reduce the number of Negro registrants was being made, instead of Negro registration being reduced from 130,000 to 13,000, it increased from 130,000 to 160,000 during that period.

Mr. DOUGLAS. Well that is proof that they have a good deal of courage.

But I say that in the regions where the white citizens councils were supreme, they did try to reduce the registration to approximately one-tenth of the former number.

Mr. LONG of Louisiana. However, let me inform the Senator, the facts show that during that period the registration of Negroes increased approximately 20 percent—from 130,000 to 160,000.

Mr. DOUGLAS. I do not have those facts.

Mr. LONG of Louisiana. Did not the Senator from Illinois hear those facts stated a number of times for the RECORD? I spoke for about 9 hours, and stated those facts for the RECORD.

Mr. DOUGLAS. The Senators from south of the Mason-Dixon line talked 24 hours a day, for about 7 days, and constantly had quorum calls; one night there were quorum calls every hour on the hour. I believe that during those 7 days I averaged approximately 2½ hours of sleep a night. I tried to read the RECORD, but I was not able to read every word in the RECORD; and evidently I missed the statement to which the Senator from Louisiana now refers—namely, that Negro registration in Louisiana increased from 130,000 to 160,000. I have never known my friend, the Senator from Louisiana, to tell an untruth, so I will not brand that as an untruth. In fact I will say it probably is true.

Mr. LONG of Louisiana. I will say that that statement was made by me, not only once, and not only in the course of one speech, but at least 4 or 5 times in the course of several speeches.

Mr. CLARK. Mr. President, will the Senator from Illinois yield?

The PRESIDING OFFICER (Mr. CANNON in the chair). Does the Senator from Illinois yield to the Senator from Pennsylvania?

Mr. DOUGLAS. Yes, Mr. President; I am glad to have a question come from a friendly source. [Laughter.]

Mr. CLARK. Will not the Senator from Illinois agree with me that it is not very material whether the number of Negroes registered in Louisiana increased, if in certain parts of Louisiana there were obvious and clear cases in which the number of registered Negroes had been drastically decreased?

Mr. DOUGLAS. That is correct.

Mr. CLARK. If the Senator from Illinois will yield further, let me ask whether he is familiar with the first paragraph of the opinion of the outstanding and distinguished Federal Judge Wright, of the U.S. District Court for the Eastern District of Louisiana, who stated in the opening paragraph of his opinion.

> In the spring of 1959 the Citizens Council, professing a purpose to purge the registration rolls of Washington Parish, La., of all persons illegally registered, succeeded in disenfranchising 89 percent of the Negro voters of the parish and .07 percent of the white. The United States in this action charges that this profession of high purpose was a fraud designed to deny Negro citizens of a right to vote. Made defendants and charged with conspiring with the Citizens Council are several members of the council and the registrar of voters for Washington Parish.

Is my friend, the Senator from Illinois, familiar with that?

Mr. DOUGLAS. Yes, I read that; and the finding of the judge was upheld.

Mr. CLARK. It was upheld by the Supreme Court of the United States?

Mr. DOUGLAS. That is right.

Mr. EASTLAND. Mr. President, will the Senator from Illinois yield for a question?

Mr. DOUGLAS. In just a minute.

I believe that my good friend, the Senator from Louisiana, would not question the integrity or the good faith of that eminent judge, would he?

Mr. LONG of Louisiana. Does the Senator from Illinois not know that, in the very case from which the Senator has been reading, all who were challenged—all 1,377—were placed on the rolls, regardless of whether they were qualified?

Mr. EASTLAND. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. EASTLAND. Let me state that no arguments will be won by quoting from statements made by candidates. J. Skelly Wright is a candidate in Louisiana, and I know what I am talking about. I make this statement as a Senator from Mississippi; and I make this statement on the authority that I have as a Senator, and on the basis of what I know of conditions in the State of Louisiana. Judge Wright wants to be a Supreme Court Justice.

Mr. DOUGLAS. Well, there are many candidates for various offices who are not professed candidates. Of course, one's motives can always be impugned by charging that he is a secret candidate.

Mr. EASTLAND. No; he is a candidate; and I point out that an argument will not be won by quoting a candidate for high office.

Mr. DOUGLAS. Then do I correctly understand that the Senator from Louisiana and the Senator from Mississippi have endorsed him for appointment to the Supreme Court? [Laughter.]

Mr. CLARK. Mr. President, will the Senator from Illinois yield for a question?

Mr. EASTLAND. Mr. President, the answer to the question of the Senator from Illinois, so far as I am concerned, is that I am in a quasi-judicial position. If Judge Wright is nominated, we have to consider the nomination, and I have to give him a square deal. So I cannot say anything.

Mr. DOUGLAS. All I can say is that if he is appointed to the Supreme Bench, then, in view of the present composition of the Judiciary Committee, he is going to have a very rough time.

Mr. CLARK. Mr. President, will the Senator from Illinois yield for a question?

Mr. DOUGLAS. I yield.

Mr. CLARK. I assure the Senator from Illinois that this will be a question.

No one has wished to question the right of the Senator from Mississippi to stand on the floor of the Senate—and I am the last who would question his right to do so—and state that a certain Federal district judge is a candidate for appointment to the Supreme Court of the United States. But does it not occur to the Senator from Illinois that when that statement is made, the evidence in support of the charge would be of interest to the colleagues of the Senator from Mississippi?

Mr. DOUGLAS. Yes; and I should like to hear it.

Mr. EASTLAND. Yes, we will get the evidence if the nomination is ever made. As I said, I have made that statement on my word as a Senator. I believe that. I think some of his rulings are proof of it.

Mr. DOUGLAS. Mr. President, I understand the Senator from Louisiana [Mr. LONG] wishes to ask me a question, and then the Senator from South Carolina does. Perhaps I should yield first to the Senator from South Carolina. After I yield, I should like to make a concluding statement and then yield the floor.

I yield first to the Senator from South Carolina.

Mr. JOHNSTON of South Carolina. I do not think the Senator from Illinois will deny what the chairman of the South Carolina Progressive Democratic Organization, from Columbia, S.C., had to say before the committee.

Mr. DOUGLAS. I am not acquainted with the gentleman.

Mr. JOHNSTON of South Carolina. McCray is the head of the South Carolina Progressive Democratic Organization. He had this to say. I am quoting from his testimony given when he was before the committee, as appears on page 568 of part I of the hearings. I asked him this question:

> Did you make a statement in 1952 to the effect that 100,000 Negroes have voted in the election that year? That is the general election.
>
> Mr. MCCRAY. I probably did, sir.
>
> Senator JOHNSTON of South Carolina. Well, in order to vote they had to be registered, isn't that right?
>
> Mr. MCCRAY. Yes, sir; that was in 1952.
>
> Senator JOHNSTON of South Carolina. 1952.
>
> Mr. MCCRAY. That, I think, at that time—we didn't have any actual count.

I depart from reading from the hearings for a minute to answer something that the Senator said a few minutes ago. We did not have figures on registration separated as to white and colored up to 1958. In 1958 all registrations went out. That is done every 10 years. It is nothing new. The people have to reregister. Then that registration is good for another 10 years.

I continue reading from the hearings. This is McCray speaking:

> We estimated we had between 150,000 and 200,000 registered voters among Negroes.

That is a colored man speaking.

> Senator JOHNSTON of South Carolina. I see. Now, then, you don't have that many now?
>
> Mr. MCCRAY. We have about 60,000 now.

There had not been an election since 1958. He was testifying in 1959. There were 60,000 registered in that time. There had been no election, and no agitation to get them enrolled at that time, but 60,000 had been enrolled, so McCray said. At that time we knew fairly well how many colored were registered, because after 1958 they were registered by race.

I continue to read from the hearings:

> Senator JOHNSTON of South Carolina. Well, the truth of the matter—the reason you don't have them registered, isn't it because our registration law required reregistration in 1958, and you have to be registered again?
>
> Mr. MCCRAY. That is right, at the end of 1958. The new law became operative April 1, 1958, I believe.
>
> Senator JOHNSTON of South Carolina. We had a lot of people registered, both white and colored, duplications, too, at that time, I imagine. They moved from one place to another, isn't that true?
>
> Mr. MCCRAY. It is possible. There were a lot in the graveyard at the time, too.

During those 10 years people had died.

> Senator JOHNSTON of South Carolina. I think I was registered in a couple of places when I moved from one place to another.
>
> According to that, there were a good many people being registered and voting in South Carolina, isn't that true?
>
> Mr. MCCRAY. There were 60,000.

He is speaking of having that many on the rolls at that time.

> Senator JOHNSTON of South Carolina. Yes. I mean 120,000.

There were 120,000 when they voted in 1952.

> Mr. MCCRAY. Oh, at that time.
>
> Senator JOHNSTON of South Carolina. And they will keep registering, you are growing every day, isn't that right?
>
> Mr. MCCRAY. Well, Senator——

Then he goes into a statement and tells how they are, so far as they are concerned, able to vote. If his testimony is read, the Senator will see how the registrations are building up every day.

Mr. DOUGLAS. The Senator has quoted figures of registrations in South Carolina in 1952. I now read from page 47 of the report of the Civil Rights Commission. I will ask the Senator, if he does not have a copy——

Mr. JOHNSTON of South Carolina. I want to tell the Senator that every bit of those figures is guesswork. They had 47 counties instead of 46. Up to that time we did not have voters registered according to whether they were colored or white. Every bit of that information is guesswork.

Mr. DOUGLAS. The Commission's report, on page 47, shows that in 1950 there were 390,024 nonwhites of voting age.

In the next paragraph, the report states that of the registered voters in 1958, 57,978 were nonwhite.

As stated in the next paragraph, the number of nonwhites registered in 1958 represented only 14.9 percent of the total 1950 population of voting age nonwhites.

Mr. JOHNSTON of South Carolina. That is——

Mr. DOUGLAS. Just a minute. According to these figures, not 120,000, not 60,000, but 58,000 were registered in 1958, according to the official figures of the State, which drew a distinction between nonwhites and whites, and the latter represented only 15 percent of the voting age population of Negroes in 1950, and probably that percentage had decreased during that time.

So the Senator was quoting facts perhaps true in 1952, but not in 1958.

Mr. JOHNSTON of South Carolina. The Senator is right and he is wrong. I am going to show him why he is wrong. In April 1958, according to the statement I read of McCray, registrations were cut off after that. There were new registrations. When the figures cited in the report were used, they were taken from the new registrations, and they were only 58,000 or 60,000. But those new registration figures were used without telling the people what the actual facts were. That is what happened.

New registrations were started in April 1958. The new registration figures were obtained and were held up to be the true registration figures. The officials of South Carolina were not given an opportunity to show the true situation. No election was held. People could vote on the old registrations. The new registrations would be good in the future. Those new figures were used, without giving the public the actual facts, which was unfair to South Carolina.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DOUGLAS. I wish to point out, in regard to the new registration, there was an editorial published at about that time in the leading paper of South Carolina, the Charleston News and Courier, praising the requirement that racial designations be given in registration. The editoral stated:

> Those who have no stake in their communities, who have only limited education or who might be herded to the polls should not be encouraged. To encourage the unfit would be to hurt the cause of good government in South Carolina. The need in South Carolina is not for more voters, but for better qualified voters.

I think the implication, though guarded, is pretty clear that this is meant, in effect, to say Negroes were to be discouraged from registering.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. LONG of Louisiana. I believe the Senator can understand the point regarding a State which has periodic registration, such as the State of South Carolina or the State of Louisiana. The registration of all voters expires periodically, as a procedure to prevent those who have died or moved from the State from remaining on the rolls indefinitely. The high point in registration occurs toward the end of the period of registration.

For example, in many parishes of Louisiana every fourth year the registration of most voters expires. That being the case, as time progresses more people register, and they continue to be qualified for 4 years. If one compares the beginning of the 4-year period with the ending of the 4-year period of registration, perhaps there would be a 50 or 60 percent higher registration at the end of the 4-year period than at the beginning, after the new registration went into effect.

The Civil Rights Commission made the mistake with regard to Louisiana of comparing 1956 with 1959. It is true that there were fewer colored voters registered in 1959 than in 1956, but there were also fewer white voters in 1959 than in 1956, simply because the end of the 4-year period and the most important elections would be in 1960.

By the time the registration advances to 1960 there are more colored voters than there were in 1956, as well as more white voters.

I assume that is the kind of thing to which the Senator from South Carolina referred in regard to his State. A comparison of the last years of a 10-year period of registration with the early years of the next 10-year period of registration might make it appear that the number of registered voters had declined, without showing the logical reason. In fact, the number of both white and colored voters would decline in such an instance, due to the fact that a completely new set of registration books had gone into effect in the interim.

Mr. DOUGLAS. Of course, 1952 was only 4 years into the 1948–58 period. It was not the end of the term.

Mr. LONG of Louisiana. If the South Carolina registration expired in 1948, the Senator can well understand that 1958 would be the next high point in the registration.

Mr. DOUGLAS. Yet the number was much lower than it was in 1952.

Mr. LONG of Louisiana. The new registration was only 4 years old in 1952. A comparison to a previous period in which the registration had been going on for 10 years to a subsequent 4-year registration period would not allow adequate time for registration to reach the high point of a 10-year period.

Mr. DOUGLAS. Mr. President, I should like to conclude, if I may, with two points.

IF THERE ARE NO DISCRIMINATIONS AGAINST NEGRO VOTERS, PROPOSED LAW WON'T DO ANY HARM

I am really satisfied that people with the intelligence of my friend from Louisiana, of my friend from South Carolina and of my friend from Mississippi cannot seriously argue there is no discrimination on the matter of Negro voting and that the difficulty is that the Negroes do not try to vote or are not qualified to vote. I do not think they are fooling anybody.

But if they are correct then passage of the law would do no harm.

I do not think there is any discrimination in the State of Illinois on the ground of race or color, but I am perfectly willing to have a law passed so that if there is discrimination any voting officials who practice such discrimination can be properly brought to book. The Senators from New York are perfectly willing to have that done in their State also.

If, as the Senators from the South say, there is no discrimination, no harm will be done by passing a law. But we know, as reasonable men, that this elaborate defense—forgive me for saying this—is not in fact true.

If there is discrimination—and I believe it is clearly proven—something should be done. I think what we put into the RECORD in the 1957 debate showed there was discrimination at that time. I do not want to burden the RECORD again, but if necessary I shall do so. The Civil Rights Commission has documented the RECORD more thoroughly in recent days.

I have in my hand, Mr. President, a study written by Margaret Price entitled, "The Negro and the Ballot in the South," issued by the Southern Regional Council. In spite of the efforts made to discredit that organization it is a perfectly reputable organization. This article contains the figures, wherever available, county by county, for the entire South. In some cases the figures are official figures. In some cases it is material which the Council itself collected. The figures are not merely the 1950 population figures, but also the 1958 figures as given by the Bureau of the Census. It is a thorough study.

Mr. President, I ask unanimous consent that the article written by Margaret Price entitled "The Negro and the Ballot in the South," and accompanying tables be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois? The Chair hears none, and it is so ordered.

(See exhibit 1.)

REFEREE PROCEDURE IS NOT ADEQUATE TO MEET PROBLEM OF WIDESPREAD DISCRIMINATION

Mr. DOUGLAS. Mr. President, if there is an evil against which we should proceed, I hope my argument may have demonstrated that the referee method would be an inadequate method of dealing with it.

It involves tremendous delays; first, in obtaining a judicial finding that a pattern of discrimination exists; and, second, in the requirement that the weak Negro must first apply to what is generally a hostile white set of registrars, that then and only then may he go to the referee, where he must prove not merely that he was qualified but also that he applied and was discriminated against.

Then there are involved further delays in the review by the district court. Even under the most truncated procedure these delays would exist. There certainly would be more time consumed to argue the law, even though the finding of the referee might be taken as correct. There would be further appeals from the district court to the circuit court.

As a matter of fact, in all probability the election would be over with by the time the judicial process was completed; and, in all probability, unless the procedure were very carefully guarded, the applicant would not be able to vote.

I know that the recent McCulloch draft tries to modify the provisions on this point, but when the election is over the applicant will have to go back again to the very beginning, during the next registration period, to start the fight all over.

In other words, with the judicial process of case by case or group by group, the procedure would be totally inadequate to deal with the situation. Delays would be involved. Excessive pressures would exist. An adequate remedy would not be available.

AN ADMINISTRATIVE PROCEDURE TO PERMIT SIMPLE, LARGE-SCALE REGISTRATIONS OF QUALIFIED VOTERS IS ESSENTIAL

I insist that we must work for a more adequate remedy, which will permit administrative officials to register groups of people simply and directly. The people should be permitted to vote, subject to challenge, with a hearing upon the challenge to take place after the election. In the meantime, the challenged votes could be sequestered in envelopes. Only those voters who were later found to be disqualified by the court would have their votes, in the envelopes, destroyed, so that their votes would not be cast. Those who were qualified and permitted to vote would then have their ballots counted.

This, I submit, is the simple way to deal with this problem. Some form of this system should be adopted.

I warn the country and the Senate most solemnly not to allow a false bill of goods to be sold to it. We should not permit an inadequate voting-rights bill passed by the House to be rushed through the Senate without adequate examination.

If that were done, the people of the country, and particularly the Negro population, would find that they had been sold a false bill of goods. Their faith in our institutions, already somewhat challenged and somewhat weakened by the experiences they have had, would be still further weakened.

All over the world people of color would say, "This is what is to be expected from governments dominated by white men."

This is a serious matter for national security, and, indeed, national survival, as well as for justice.

The referee proposal reminds me of an analogy which Abraham Lincoln once used. To me it is as thin as the soup made from the shadow of a crow that has starved to death.

Mr. President, I ask unanimous consent that the Javits-Douglas voting rights amendment to section 3, which I now send to the desk, be printed and lie on the table, and also that it be treated as having been read under rule XXII, and be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 4, line 1, strike out section 3 and insert in lieu thereof the following:

"SEC. 3. (a) The Congress finds that substantial numbers of citizens of the United States qualified to vote under State registration and election laws are being deprived of that right, by being denied the right to register to vote, to vote, and to have their vote counted on account of their race or color. It further finds that the unequal application of qualifications to vote by some State and local officials, the failure of such officials to give adequate and reasonable opportunity to certain citizens to register, and the inadequacy of present law to deal with this situation, requires that the Congress implement its constitutional authority over the time, place, and manner of holding Federal elections and with respect to the enforcement of the provisions of the fourteenth and fifteenth amendments to the Constitution, to the extent necessary to overcome interference with such rights. It further finds that such denials of rights of citizens of the United States require the enactment of the provisions of this section, including the delegation by the Congress to the President of the United States of the powers granted herein, in order to effectuate the constitutional rights of all citizens.

"APPOINTMENT OF TEMPORARY FEDERAL REGISTRARS BY THE PRESIDENT

"(b)(1) Any individual who—

"(A) believes that he is qualified, under the laws of the State in which he lives, to vote in Federal elections held in such State; and

"(B) believes that citizens are being denied such right in the county in which he lives on account of their race or color, may file a petition with the President of the United States, petitioning him to appoint a temporary Federal registrar for such county. Such petitions shall be filed in such form and manner as the President may by regulation prescribe.

"(2)(A) Whenever there shall, within a period of not more than one year, have been filed with the President a petition or petitions under paragraph (1) from not less than fifty individuals from the same county, and the President believes, after such investigation as he may deem appropriate and necessary, that citizens in such county are being denied the right to register to vote, to vote, or to have their vote counted in Federal elections on account of their race or color, the President may issue an Executive order designating from among Federal officials or employees living in or near such county, but within the same State, an individual to serve as a temporary Federal registrar for such county, for persons of the class believed by the President to be denied the right to register to vote, to vote, and to have their vote counted on account of race or color.

"(B) The President may, if in his judgment such action appears justified and suitable, delay the appointment of such Federal registrar, in order to permit prompt and continuous good faith efforts by State and local officials to terminate in such county deprivation of the right to register and to vote on account of race or color.

"(C) Any such Federal registrar shall serve until such time as the President determines that citizens living within the county for which such Federal registrar was appointed are no longer being denied the right to register to vote, to vote, or to have their vote counted on account of race or color, and that such denial will not be resumed if the Federal registrar ceases to serve.

"(D) In conducting any investigation under the provisions of this section, the President may designate the Commission on Civil Rights, the Department of Justice, or such other department or agency as he may deem appropriate to make available to him such facts as he finds necessary for his determination.

"(3) The Federal registrar for any county shall accept applications for voting registrations from all individuals of the class designated by the President residing within such county and shall register all such individuals whom he finds to have the qualifications requisite, under the laws of the State wherein such county is situated, for electors of the most numerous branch of the legislature of such State, who shall be registered by him as being qualified to vote in Federal elections held in such county, for such period as would be applicable if such applicant had been registered or otherwise qualified under State law. The Federal registrar shall, from time to time, certify to the appropriate election officials of such State and of such county and of any election district within it, the names of all applicants registered by him and the fact that such applicants have been so registered. The Federal registrar shall also issue to each person so registered a certificate, the form of which shall be prescribed by the President in the Executive order designating the Federal registrar, identifying the holder as a person qualified and entitled, pursuant to this section to vote at any such election.

"(4) In any Federal election, the inclusion on the ballot of candidates for election to other State and local offices and of other provisions for determination by the voters shall be deemed a recognition by the State of the right of any person qualified to vote in Federal elections, under this section or otherwise, to vote for such other officials and proposals as are placed on the same ballot, and to have such votes counted. If, however, there shall be within the State, as a result of the operations of this section or otherwise, any voters eligible to vote in Federal elections who are not eligible to vote for such other officers or provisions as may be placed before the electorate at the same election, then there shall be issued to every voter eligible to vote in Federal elections, whether registered under the provisions of this section or otherwise, a separate ballot containing only such offices and other provisions as may be voted on by all persons eligible to vote in Federal elections.

"(5) Any person denied registration by a Federal registrar designated for the county in which he lives, and any person having standing under State law to challenge the determination of State registration or election officials that another person is qualified to vote, may challenge such determination by the Federal registrar by filing suit in the United States district court for the district in which the county is located, against such Federal registrar, and, where the qualification of a voter registered by the Federal registrar is challenged, against such voter. In any such suit, the determination of the Federal registrar with respect to such registration shall not be stayed pending the final decision of the district court, and any such decision, and appropriate appeals therefrom, shall be determined by the courts in the most expeditious manner, giving due consideration to the time of the next ensuing election. The procedure set forth in this subsection shall be the exclusive method for challenging the qualifications of a person to whom a certificate has been issued by a Federal registrar.

"(6) In any case where a voting referee has been appointed for the county or any portion of it by a district court under the provisions of subsection (c) of this section, the decision of such referee as to whether the applicant possesses the qualifications requisite under State law for electors of the most numerous branch of the State legislature shall, when accepted by the district court, supersede any prior inconsistent determination by the Federal registrar. Such appointment shall not, however, deprive the Federal registrar of any other authority under this section.

"(7) Any individual who is registered under subsection (b) of this section by a Federal registrar to vote in Federal elections shall have the right to cast his vote and have such vote counted in any Federal election, and any election official or other person who willfully denies him such right or who willfully interferes by threats or force, or otherwise willfully prevents, obstructs, impedes or who willfully endeavors to prevent, obstruct, impede, or interfere with such right, shall be fined not more than $1,000 or imprisoned not longer than six months, or both.

"(8) The provisions of subsection (b) of this section shall be enforcible by appropriate civil and equitable proceedings instituted in the district court of the United States within the jurisdiction of which such county is located, by the Attorney General of the United States for and in the name of the United States, or by any individual whose rights under subsection (b) of this section shall have been denied or interfered with, and the court may grant such permanent or temporary injunction, restraining order or other order as it may deem appropriate. Any proceeding brought under the provisions of this section shall be subject to the provisions of part V of the Civil Rights Act of 1957.

"APPOINTMENT OF VOTING REFEREES BY THE DISTRICT COURTS OF THE UNITED STATES

"(c) (1) In any proceeding instituted in any district court of the United States pursuant to section 2004(c) of the Revised Statutes, as amended, pursuant to subsection (b) of this section, or pursuant to any other law of the United States or to the law of any State, in the event that the courts finds that under color of law or by State action any person or persons have been deprived on account of race or color of the right to register or vote at any election, the court shall upon request of the Attorney General or any other plaintiff make a finding whether such deprivation was or is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color residing within the affected area shall, for one year and thereafter until the court subsequently finds that such a pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has been (A) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, (B) found not qualified to vote by any person acting under color of law, (C) registered by a Federal registrar under the provisions of subsection (b) of this section and refused the right to vote in a Federal election pursuant to such registration, or (D) attempts to register under clauses (A) and (B) would be futile. Such order shall be effective as to any election held within the longest period for which such applicant could have been registered or otherwise qualified under State law at which the applicant's qualifications would under State law entitle him to vote.

"(2) Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate

election officers. The refusal by any such officer with notice of such order to permit any person so declared qualified to vote to vote at an appropriate election shall constitute contempt of court.

"(3) An application for an order pursuant to this subsection shall be heard within ten days, and the execution of any order disposing of such application shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

"(4) The court may appoint one or more persons, to be known as voting referees, to serve for such period as the courts shall detetmine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has been (A) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, (B) found not qualified to vote by any person acting under color of law, (C) registered by a Federal registrar under the provisions of subsections (b) through (i) of this section and refused the right to vote in a Federal election pursuant to such registration or (D) attempts to register under clauses (A) and (B) would be futile. In a proceeding before a voting referee, the applicant shall be heard ex parte. His statement under oath shall be prima facie evidence as to his age, residence and his prior efforts to register or otherwise qualify to vote or to vote pursuant to subsection (b) through (i) of this section. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

"(5) Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceeding together with an order to show cause within ten days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered unless prior to that time there has been filed with the court and served upon all parties a statement of exceptions to such report. Exceptions as to matters of fact shall be considered only if supported by duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts; those relating to matters of law shall be supported by an appropriate memorandum of law. The issues of fact and law raised by such exceptions shall be determined by the court, or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court. A hearing as to an issue of fact shall be held only in the event that the affidavits in support of the exception disclose the existence of a genuine issue of material fact. The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

"(6) The court, or at its direction the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

"(7) The court may authorize such referee or such other person or persons as it may designate (A) to attend at any time and place for holding any election and to report whether any such person declared qualified to vote has been denied the right to vote, and (B) to attend at any time and place for other action relating to such election necessary to make effective the vote of such a person and to report to the court any action or failure to act which would make such vote ineffective.

"(8) Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(C) of the Federal Rules of Civil Procedure. The compensation to be allowed to any persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

"(9) The court shall have authority to make an order entitling an applicant to vote provisionally pending final determination of any exception and to take any other action appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees, and this subsection shall in no way be construed as a limitation upon the existing powers of the court.

"(10) When used in this subsection, the word 'vote' includes all action necessary to make a vote effective including, but not limited to, registration of other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election; the words 'affected area' shall mean any subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have under color of law or by State action deprived any person or persons on account of race or color of the right to register or vote at any election; and the words 'qualified under State law' shall mean qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have under color of law or by State action deprived any person or persons on account of race or color of the right to register or vote at any election in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist.

"(d) Section 2004(c) of the Revised Statutes, as amended, is amended by adding at the end thereof the following new sentence:

"'Whenever, in a proceeding instituted under this subsection, any official of a State or subdivision thereof is alleged to have committed any act or practice constituting a deprivation of any right or privilege secured by subsection (a), the act or practice shall also be deemed that of the State and the State may be joined as a party defendant and, if, prior to the institution of such proceeding, such official has resigned or has been relieved of his office and no successor has assumed such office, the proceeding may be instituted or continued against the State.'

"(e) For the purposes of this section—

"(1) The term 'election' means any general or special election held in any State solely or partially for the purpose of electing any candidate to Federal, State, or local public office, and any primary election held in any State solely or partially for the purpose of selecting any candidate for election to any Federal, State, or local public office, and

"(2) The term 'Federal election' means any general or special election held solely or partially for the purpose of electing any individual to, or any primary election held solely or partially for the purpose of selecting any individual as a candidate or nominee for, any of the following Federal offices:

"(A) The office of President or Vice President of the United States;

"(B) The office of elector for President or Vice President of the United States;

"(C) The office of Member of the United States Senate;

"(D) The office of Member of the House of Representatives of the United States; or

"(E) The office of Delegate or Commissioner of any territory or possession of the United States representing such territory or possession in the House of Representatives of the United States, whether or not such election, or any ballot, voting machine or other means used in such election for casting and counting votes, may also include provisions for the election of other State and local officials, or other provisions for determination by the voters.

"(3) The term 'ballot' means any ballot, voting machine or other means used in any election for casting and counting votes, including provisions for the election of Federal, State, or local officials, or provisions for the determination of any other proposals submitted to the voters.

"(4) The term 'county' means a county, parish, or similar political subdivision of a State, irrespective of whether it consists of one or more election or registration districts which are, under State law, authorized to provide for the registration or qualifications of voters living within such county, parish, or similar political subdivision.

"(5) The term 'State' includes any possession or territorial subdivision of the United States which is authorized, by a law of the United States, to elect a Delegate to, or Commissioner in, the House of Representatives.

"(f) The provisions of neither subsection (b) nor subsection (c) of this section shall supersede or affect the other, except to the extent specified therein. The President of the United States shall, to the extent necessary, coordinate his designation of a Federal registrar, where appropriate, with any actions or other proceedings brought by the United States for the appointment of a voting referee.

"(g) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this section.

"(h) No injunctive or other civil relief under the provisions of this section shall be denied on the grounds that the acts complained of are a crime, nor shall the provisions of this section be deemed to repeal or amend any other provisions of law providing for alternative relief or penalties under such circumstances.

"RETENTION AND PRODUCTION OF VOTING RECORDS

"(i) (1) Every officer of election shall retain and preserve, for a period of three years from the date of any general, special, or primary election at which candidates for the office of President, Vice President, presidential elector, Member of the Senate or Member of the House of Representatives are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that if a State designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(2) Any person, whether or not an officer of election or custodian, who willfully steals, destroys, conceals, mutilates, or alters any record or paper required by paragraph (1) to be retained and preserved shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"(3) Any record or paper required by paragraph (1) to be retained and preserved shall, upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying by the Attorney General or his representative.

"(4) Any record or paper demanded pursuant to paragraph (3) shall be produced for inspection, reproduction, and copying at the principal office of the person upon whom such demand is made or at an office of the United States attorney in the district in which such records or papers are located.

"(5) Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to this subsection, or any reproduction or copy, except as is necessary in the performance of his official duties, including presentation of any case or proceeding before any court or grand jury.

"(6) The United States district court for the district in which a demand is made pursuant to paragraph (3), or in which a record or paper so demanded is located, shall have jurisdiction by appropriate process to compel the production of such record or paper.

"(7) As used in this subsection, the term 'officer of election' means any person who, under color of any Federal, State, or local law, statute, ordinance, regulation, authority, custom, or usage, performs or is authorized to perform any function, duty, or task in connection with any application, registration, payment of poll tax, or other act requisite to voting in any general, special, or primary election at which candidates for the office of President, Vice President, presidential elector, Member of the Senate or Member of the House of Representatives are voted for."

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. JOHNSTON of South Carolina. Has the Senator, or any member of the staff providing him with information, visited South Carolina to see just how voters are registered? I invite the Senator to come down to South Carolina and visit the courthouse in any county. There are certain days for registration. Immediately preceding the election other registrars go out over the county to different localities to register voters. I wish the Senator would go down there and visit the State before he criticizes South Carolina so much. I invite him to see exactly how we proceed with registering voters.

When Mrs. Johnston and I went to register the last time, I remember that there was a line as long as the distance from here to the door of the Senate Chamber. Ahead of the senior Senator from South Carolina and behind him, there were colored people waiting to be registered.

I know what is done in South Carolina. My position is that the Federal Government has no business coming into a State to regulate its elections. That is a matter for the State alone. It is not a Federal matter.

Mr. DOUGLAS. If there is no discrimination, again I ask, Why should the Senator from South Carolina object to a voting rights law? Why should he object to an effective voting rights law?

Mr. JOHNSTON of South Carolina. I object because the Federal Government has no business sticking its nose into the affairs of South Carolina.

Mr. DOUGLAS. This issue was fought out in the time of Andrew Jackson. It was fought out again in the period between 1861 and 1865. I hope it will not have to be fought out again. The Federal Government has the right—yes, and the duty—to uphold the principles of the Constitution.

Mr. President, I am ready to yield the floor unless some of my colleagues wish to ask questions.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. DOUGLAS. I yield for a question.

Mr. JAVITS. Has the Senator announced anything with respect to his intention regarding how he feels this particular issue, which we have been discussing, should be projected directly to the Senate?

Mr. DOUGLAS. I think the proposal could well be offered as an amendment in the form of a substitute for section 3, because it embodies some of the eixsting parts of section 3, but adds to it a more effective procedure. In this way, too, we could move to its consideration directly after completing our action upon section 2, the pending section.

However, I think I should say in all fairness that, inasmuch as I prefer the direct approach of the registrar proposal, because it lends itself more readily to mass registration, if the Senator from Missouri [Mr. HENNINGS] proposes such an amendment, I will support it in preference to the present amendment. I do not wish to foreclose the Senator from Missouri from proposing such an amendment.

I may add that we had hoped that the Senator from Missouri would speak today. Really I am a very inadequate substitute for him. But the Senator from Missouri was indisposed. He felt that he should postpone his appearance until at least tomorrow. In a manner of speaking, a pinch-hitter was sent to bat for Mickey Mantle.

Mr. JAVITS. I take it the Senator therefore agrees with me that the time has come in this debate to propose a definitive technique for accomplishing the voting opportunity, whether it be through referees or registrars, or a Federal enrolling officer. If the Senator does not offer such a proposal, I shall do so, or other Senators will do it. I believe it should be clear in the RECORD as to what should be done. I believe that it should be done now in respect of the third section, rather than to wait until other sections have been disposed of, and then get to it. The basis for saying that it should be done now is that it is time to mature into a practical determination of the majority of the Senate what it proposes to do in this connection. This provision has been held off in the distance, as the thing which we all want, and which we will get. I think it is time—and I should like to know whether the Senator agrees with me—for the country to see exactly what the Senate majority proposes. Therefore it is our intention to see that this opportunity is afforded to the majority very currently, in respect to the third section of the bill.

Mr. DOUGLAS. I quite agree with the Senator from New York. It is for that purpose that I sent the amendment to the desk and asked to have it treated as read, and printed in the RECORD, with the understanding that we intend to offer it as an amendment in the form of a substitute for section 3 of the so-called Dirksen substitute.

Mr. President, I yield the floor.

EXHIBIT 1

THE NEGRO AND THE BALLOT IN THE SOUTH

(By Margaret Price)

FOREWORD

Since the white primary was outlawed in 1944, the Southern Regional Council has studied and reported on the growth of Negro suffrage in the region. In the wake of the Supreme Court's school decisions, this continuing analysis became a matter of practical urgency. Resistance to desegregation, and the tensions resulting from this resistance, have focused national concern on access to the ballot by Negro southerners. It was generally, and correctly, concluded that the future rate of progress in civil rights will depend heavily on Negroes achieving their proportionate influence at the polling places.

So it was that in 1956, the Southern Regional Council undertook the most ambitious survey of Negro registration and voting yet attempted. The results were published the following year under the title "The Negro Voter in the South." The publication was remarkably timely, coming at a time when the debate over national legislation to advance voting rights—ultimately enacted—had created a tremendous demand for information in this field. The findings of the council's 1956 survey filed an important gap in public understanding of the problems and progress involved in enfranchisement of Negroes in the South.

One result of the Civil Rights Act of 1957 was the creation of a Federal Commission on Civil Rights, charged especially to investigate and assess alleged discriminations against would-be voters. This welcome development seemed to the Council no reason for private organizations to abandon their interest in the field. On the contrary, it suggested the desirability of supplementing the official and carefully delimited work of the Commission with more broad-gaged study by voluntary agencies.

Hence, this further report on the status of Negro suffrage in the South. The fact-finding efforts on which it is based were made possible by a grant from the Field Foundation, for which the council is most grateful. Appreciation is also due to the public officials and private individuals who cooperated in the gathering of registration figures and other data—most particularly to the three consultants whose work is reflected in the case studies published at the end of this report.

Finally, the council owes a debt of thanks to Mrs. Margaret Price for her skill and application in the exacting role of author of this report.

SOUTHERN REGIONAL COUNCIL,
HAROLD C. FLEMING,
Executive Director.

AUGUST 1959.

AN AMERICAN RIGHT

Under the American system of government, the vote is the basic tool for all citizens who would "promote the general welfare, and

secure the blessings of liberty," set forth in the preamble to the Constitution.

In recent years, with increasing attention directed to the American ideal of equality for all, the access of Negro citizens to the ballot has assumed new importance.

The ballot is one of the keys to the solution of the myriad problems of segregation. Through his vote, the Negro citizen can be heard and given equal consideration along with other groups representing business and labor, veterans, and farmers.

Due in large part to the power of the Negro vote, both major political parties have included in their platforms stronger resolutions aimed at improving the lot of the Negro citizen.

This is not to imply that only practical considerations will focus attention on the plight of the Nation's 18 million nonwhite citizens. A kind of national soul searching began with World War II. While fighting a war against forces proclaiming a doctrine of racial superiority, it became increasingly difficult to justify racial discrimination at home. Since then, the difficulty has mounted as questions about discrimination have been raised with each new court case, whether involving school desegregation or other efforts to obtain civic justice, with each publicized case of violence against Negro citizens.

At the same time, there has been a new awareness of the threat to all citizens in the denial of individual liberties to some.

During the same period, as the United States became the leader of the free world, racial injustice at home has been an ever-growing source of embarrassment. In emerging areas of Africa and Asia it is one of our greatest liabilities.

No one has understood this better than the Negro citizens of the United States. World opinion, as well as individual rights, has been stressed repeatedly in their demands for political equality.

As one Negro leader, A. T. Walden, Atlanta lawyer, told a Senate subcommittee during the civil rights hearing in 1957:

"The ultimate object of the proposed civil rights bills is the implementation of our democratic ideals and making our constitutional concept of equal justice under law a living reality in our Nation's struggle to deserve to win the minds and hearts of men the world over who are striving to gain or retain freedom for themselves and their children.

"Our Nation is the most favored nation of all history. Providence has smiled upon it as the leader of the free world. However, that leadership is not fully accepted among large segments of mankind because of deficiencies in its implementation and practices of its professed and proclaimed democratic ideals, inclusive of all its citizenry."

Since 1944, when the white primary was held unconstitutional, the Southern Regional Council has reported on the importance and growth of Negro suffrage in the South. In 1956 the SRC undertook the most ambitious survey of the question up to that time. The pace of desegregation—and resistance—has quickened since then. How has this affected the Negro voter?

Opposing forces

Negroes of voting age in the South today are being influenced by two distinct forces.

On one side is the Nation as a whole. Congress has passed the first civil-rights legislation since Reconstruction. Federal courts have spoken with increasing frequency and clarity on the right of every American to legal equality and justice.

On the other side, stand local custom and resistance to change. In this camp there is a vocal, sometimes violent and threatening element. There are also many political candidates who use racism as a stepping-stone to public office. What these elements lack in national support is offset, at least temporarily, by the fact that they are on the scene. The threat of Main Street often can be more real than the hope of Washington.

Negro southerners are caught in the middle by other factors. If more of them voted, they undoubtedly would benefit by improved educational, economic, and political opportunities. But, on the other hand, only when their educational and economic levels are raised can many be persuaded to vote. By the same token, politicians who could aid in their struggle for first class citizenship cannot be expected to seek their vote until enough are registered to make it worthwhile to run the risk of condemnation by many white voters. However, to many Negroes it is not worthwhile to run the risk of registering—and it still is a risk in many places—until candidates seek their votes, and they can expect the same rewards as white voters.

Currently, it cannot be said that either the proponents or opponents of equal suffrage are winning. In the States where the most reliable figures are available, the number of Negro registrants dropped slightly between 1956 and 1958. However, in this off-year election period, registration dropped over the Nation. Even the fact that there was no sharp decrease in Negro registrants might be considered something of an achievement in light of the South's tensions, sporadic violence, tightening of voter registration laws, and the purging of voting rolls in the intervening 2 years.

The influence of basic national forces indicates that the long-range prospect is for a steady, if slow, growth in Negro suffrage in the South. As Negroes improve their educational and economic standing, their interest in voting can be expected to grow. Along with this growth should come an expanded, experienced leadership. If the trend toward urbanization continues, more Negroes can be expected to vote in cities, which are generally more permissive. The existing new Federal agencies also may be expected in the long run to encourage more Negroes to exercise their basic civil rights.

However, there seems to be no reason to expect a sudden, dramatic rise in the number of Negro voters in the South, for the obstacles which have restricted Negro voting in the recent past are still strong.

This report will review the developments since 1956 which have brought both new problems and new hope for the political future of Negro Southerners.

In addition, studies of three southern counties are included to spotlight forces influencing specific areas. These deal with a northern Louisiana parish which experienced a wholesale removal of Negroes from voting lists, a South Carolina coastal county, and a Deep South Black Belt county.

CURRENT NEGRO REGISTRATION

In mid-1956, an estimated 1,238,038 Negroes were registered in the 11 Southern States. At the close of 1958, there were an estimated 1,303,827 registered, a gain of 65,789.

This apparent gain is somewhat misleading, however, largely because the 1956 estimate of Negro registrants in Tennessee proved low in light of later available information.

On the other hand, the 1956 total for South Carolina probably was inflated, since the available figures there were based on out-of-date registration rolls which undoubtedly carried the names of some who had died or moved. Since then, the State has had a complete reregistration as required every 10 years. Both white and Negro totals dropped sharply.

In the 8 States where the Southern Regional Council was able to obtain reliable figures, the number of Negroes registered in 1958 totaled 1,028,827, as compared to 1,074,672 in 1956, a drop of 45,845.

These eight included Arkansas, Florida, Georgia, Louisiana, South Carolina, and Virginia, where registration figures all came from official sources. In North Carolina, a statewide estimate was made by the executive secretary of the State election board. In Texas, SRC sponsored a county-by-county check, the first of its kind in recent memory.

Of the remaining three States, Tennessee presented a special problem in obtaining data. There is no central source for registration figures and any estimate is of necessity always speculative. At election time, even the number of precincts in the State is in dispute. Judging by the number of votes cast in Tennessee in the presidential race of 1956, the previous estimate of all eligible voters available to SRC was low. If the overall strength was underestimated in 1956, it seems likely that the Negro portion of that total also was low. The 1958 estimate was obtained from a veteran capitol reporter.

In Mississippi, for lack of an official source, observers in the State interested in Negro suffrage were relied upon. These generally estimated the number of qualified Negro voters in the State at 20,000, the same figure used since 1952. They felt there had been no increase because of the State's stringent racial restrictions and because the number of Negroes has declined in Mississippi.[1]

As for Alabama, scene of some of the South's strongest resistance to racial change, there also was no central, official source for registration figures. An estimate of 70,000 Negro voters there was made by MacDonald Gallion, attorney general of Alabama, in testimony before a congressional committee in Washington in April 1959.

Virginia figures were revised after SRC issued an interim report on voting in the fall of 1958. In October, the secretary of the State board of elections gave the number of Negroes registered in the counties (cities are listed separately in Virginia) as 82,423, based on estimates submitted to him by the various counties. In January 1959, after the board had met, Negro registration in the counties was listed at 40,455, a drop of nearly 42,000. (At the same time, the white registration figures for the counties went up nearly 45,000 from the October total.)[2]

The foregoing suggests the difficulty of obtaining reliable, current registration figures. Even States which have a central source for registration data usually can rely only on figures submitted by the various localities and except in some of the larger cities, there is generally no sustained procedure for keeping the roles up to date. The names of persons who have died, or who have moved, often are not struck. When a State has had a periodic reregistration, as South Carolina had in 1958, the new figures will be reasonably accurate for several years. On the other hand, a researcher is confronted by such discrepancies as are obvious in the Georgia estimates, where about 50 counties report more white voters than there were white residents over 18 (voting age in Georgia) in the 1950 census. These are rural counties, most of which have been losing population since 1950.

[1] However, Kenneth Toler, head of the Mississippi Bureau of the Commercial Appeal, in an article in the Atlanta Journal-Constitution, Dec. 14, 1958, said Negro voting strength in Mississippi was estimated at 35,000. He said this "is probably a record high and results from reported FBI checking on county registrars or threats of agents moving in."

[2] In April 1959, the State board of election announced that estimates provided by local clerks and registrars showed a new total of 94,311 Negro voters in Virginia at that time.

The following table shows the changes in Negro registration[3] over the past 11 years.

Negro registration

	1947	1952	1956	1958
Alabama	6,000	25,224	53,366	70,000
Arkansas	47,000	61,413	69,677	64,023
Florida	49,000	120,900	148,703	144,810
Georgia	125,000	144,835	163,389	161,958
Louisiana	10,000	120,000	161,410	131,068
Mississippi	5,000	20,000	20,000	20,000
North Carolina	75,000	100,000	135,000	150,000
South Carolina	50,000	80,000	99,890	57,978
Tennessee	80,000	85,000	90,000	185,000
Texas	100,000	181,916	214,000	226,818
Virginia	48,000	69,326	82,603	92,172
Total	595,000	1,008,614	1,238,038	1,303,827

Negro registration figures probably are more reliable than those for whites. As stated in the 1956 study, Negro registration is supervised more carefully by officials and also is made up largely of names which have been on the books not more than 12 or 15 years; thus, it is less likely to be inflated by the names of persons who have moved or have died.

In Arkansas, Florida, Georgia, and South Carolina, where official figures showed a decline in Negro registration, the number of qualified white voters also dropped.

An estimated 25 percent of the eligible Negroes were registered in the South in 1956, as compared to 60 percent of the white citizens of voting age. The 1958 total represents about the same percentage, a little over 25 percent of the Negroes of voting age at the time of the 1950 census. (Interim population figures do not have an age breakdown.)

The number of registrants who actually vote lowers the score of the region's political participation even more. For example, of some 20,000 Negroes registered in Mississippi, officials there estimated that only 8,000 had paid the poll tax and only about 7,000 voted in 1956.

The South continues to lag generally behind the rest of the country in the percentage of eligible citizens who vote. The one party system and the thousands of Negroes who do not or cannot vote are contributing factors. In the 1956 presidential election the percentage of adults of voting age who cast their ballot ranged from the top of 77.3 percent in Idaho and 76.6 in Connecticut to the lowest percentages in the 11 Southern States. They ranked 38–48 in this order:

	Percent Voting
Florida	48.4
North Carolina	47.6
Tennessee	46.0
Arkansas	39.9
Louisiana	39.3
Texas	38.0
Virginia	34.2
Georgia	30.4
Alabama	28.4
South Carolina	24.5
Mississippi	22.1

Black Belt

While only 25 percent of the Negro voting age population is registered in the South as a whole, many areas have a long way to go to reach even this proportion. Discrimination against Negroes traditionally has tended to be strongest in those areas where the ratio of Negroes to whites is highest. It is there Negroes often experience the greatest difficulty in registering.

Mississippi, the State with the highest proportion of Negroes, has the fewest Negro voters in the South, both in total numbers and in percentage. Thirty Mississippi counties are over 50 percent Negro. According to the best reports available, not more than 2,200 Negroes are registered in 28 of these counties; in the other 2, about 2,500 are registered, or a total of 4,700 in all 30 counties. Half of all Mississippi's 82 counties had, in 1956 (and the situation is not believed to have improved), less than 1 percent of the Negroes over 21 registered.

Twelve Alabama counties have populations over 50 percent Negro. Yet the median percentage of voters in these counties who are Negroes is only 4 percent.

In North Carolina, nine counties (excluding Robeson with its large Indian population) are over 50 percent nonwhite. Registration figures for 1958 were unavailable for these counties and were not obtainable for one of them in 1956. The other eight had in 1956 a total of 5,858 registered Negro voters, which represented 9 percent of the Negro population over 21 in those counties.

Sixteen counties in Virginia have populations over 50 percent Negro. In these, the median percentage of registered voters who are Negro is 26.7.

Twenty-one of the forty-six counties in South Carolina have populations over 50 percent Negro. The median percentage of registered Negro voters in these counties is 10.7.

Forty Georgia counties have populations 50 percent or more Negro. Their median percentage of registered Negro voters is 11.2.

Two Florida counties are over 50 percent Negro. In one, Negroes comprise less than 1 percent of the registered voters, in the other 12.4.

Most of these counties are in a rough arc extending from southside Virginia to east Texas—the old plantation country, or Black Belt. Here is to be found still the highest ratio of Negroes, though their numbers are diminishing through migration to the cities of the South, North, and West. This historic agricultural region has lost much of its economic importance, but not its political dominance. The old Black Belt, which, through inequitable legislative apportionment dominates the politics of several States and heavily influences the politics of others, is the area of highest Negro concentration of population, and of discrimination.[4]

In South Carolina, for example, both the current president pro tempore of the State senate and the speaker of the house are from a county 60 percent Negro in population and 10 percent Negro in registration. Eighteen of thirty-four chairmen of standing committees in the Senate are from the 21 counties with over 50 percent Negro population.

In Georgia, the county unit system gives even greater weight to the political influence of Black Belt counties. Under the system, the State's eight largest counties each have three State representatives and six unit votes in State primaries. The next 30 largest have 2 seats in the house and 4 unit votes each. The remaining 121 counties have 1 seat and 2 unit votes each. The 40 counties of over 50 percent Negro population include only 3 4-vote counties; the rest have 2 unit votes. They have, therefore, 43 seats in Georgia's lower house and 86 unit votes. Their total population is an estimated 410,000. Fulton County, which includes most of Atlanta, has a population of 571,600, substantially more than the entire 40; yet it has but 3 seats and 6 unit votes. The political domination of rural counties of high Negro population is even more marked when it is remembered that the above classification does not include neighboring counties which often have Negro population percentages in the forties.

In Florida, the apportionment of seats in the State legislature gives control to those sections of the State which are most adamant in curtailing Negro voting. Hugh D. Price has written:[5]

"In both houses (of the Florida Legislature) a majority of the members are elected by counties containing less than one-fifth of the State's population. In the lower house the bias in favor of the smaller counties is written into the constitutional formula for apportionment. In the senate, which can draw its own districts provided only that no county shall be divided, the bias is also in favor of the smaller counties and particularly of the north Florida rural counties. Five of the eleven smallest districts are located entirely within the race-conscious Suwannee-Apalachicola River region. Although many of the counties in this area have relatively high proportions of Negro population, they are the counties where Negro registration is least and white supremacy sentiment greatest."[6]

As an additional illustration, it can be seen in the following figures that nearly all of the counties in the South where there is complete disfranchisement of Negroes are counties of heavy Negro population:[7]

County	State	Population percent Negro	Number of Negro voters
Botetourt	Virginia	9	0
McCormick	South Carolina	64	0
Baker	Georgia	64	0
Webster	do	66	0
Lafayette	Florida	7	0
Liberty	do	21	0
Union	do	33	0
Lowndes	Alabama	82	0
Wilcox	do	79	0
Haywood	Tennessee	62	0
Carroll	Mississippi	62	0
Chickasaw	do	43	0
Clarke	do	42	0
George	do	12	0
Humphreys	do	72	0
Issaquena	do	60	0
Jefferson	do	75	0
Lamar	do	15	0
Montgomery	do	46	0
Noxubee	do	72	0
Pearl River	do	24	0
Tallahatchie	do	65	0
Tate	do	60	0
Walthall	do	45	0
Wayne	do	37	0
East Carroll	Louisiana	61	0
Madison	do	67	0
Tensas	do	65	0
West Feliciana	do	73	0

The observation that discrimination against Negro voters goes hand in hand with a high Negro-to-white population ratio requires several qualifications:

1. Marked discrimination also occurs in some localities where the Negro-to-white

[3] See appendix for detailed sources for figures.

[4] Rural dominated legislatures are not, of course, confined to the South. The Associated Press, July 20, 1959, found that in at least 20 States groups of legislators—usually rural—represent a minority of their State's population yet hold a majority of the legislative seats.

[5] Hugh D. Price, "The Negro and Southern Politics: A Chapter of Florida History," New York, 1957, p. 103.

[6] The 1959 session of the Florida Legislature enacted a reapportionment plan which, in the form of a constitutional amendment, will be submitted to the voters in November 1959.

[7] This listing is based on the best available information. There are other counties with only a few, or even one or two, Negro voters. These counties are scarcely superior to the ones listed but nevertheless there is a difference: Where there are no voters at all, there is an indication of either uncompromising discrimination, extreme apathy, or both. The counties in which there are either no Negroes or only very few, have not been listed. Although there are no reliable figures available for Haywood County, Tenn., it is listed on the basis of longstanding reports from political observers in that State.

population is low. The above list, for example, shows counties with as low as 7 to 9 percent Negro populations maintaining all-white registration lists.

2. Negro registration is high in several localities of large Negro population because of factional politics; there Negroes are registered and encouraged to vote in support of one faction.

3. Of greater importance, there are cultural differences even within the Black Belt which are reflected in more permissive racial attitudes by the white population. For example, voter registration by Negroes tends to be higher in coastal areas. This can be seen along the Georgia coast's five counties (excluding metropolitan Chatham County) where Negroes register in substantial numbers:

Georgia coastal counties	Population percent Negro	Registration percent Negro
Bryan	40	29
Liberty	59	54
McIntosh	62	47
Glynn	31	22
Camden	47	35

Another cultural difference is worth noting, although it affects only one State. Louisiana consultants demonstrated in the 1956 voting study that French Catholic parishes of Louisiana are generally more tolerant toward their Negro citizens than are the other parishes.

The cities

The discussion so far has centered on the rural South. Increasingly, however, Negroes are moving to the cities. In Virginia, over half of the Negro registrants reside in the State's 32 independent cities, although considerably less than half of the Negro population is in those cities. Only about three-eighths of Virginia's white voters are in the cities.

Duval County (Jacksonville) and Dade County (Miami) have about one-third of Florida's Negro voters, about one-fourth of the State's Negro population. Over one-third of Georgia's Negro citizens and voters live in the eight largest counties of the State. Shreveport, Baton Rouge, and New Orleans have about one-third of the Negro voters of Louisiana.

Even where discrimination is highest, what Negro vote there is tends to be urban. In Alabama, about one-half of the total Negro vote is in the cities. In Mississippi, perhaps one-third of the Negro voters are in the three counties in which are located Jackson, Meridian, Biloxi, and Gulfport.

However, Negroes have not found it uniformly easy to register in all southern cities, for there are variations in the urban areas just as there are within the Black Belt. But, since the natural tendency of an urban environment is toward a more tolerant racial atmosphere, it seems plausible to regard such cities as Atlanta and Jacksonville as more indicative of a future trend than, say, Birmingham. The first two have relatively high Negro voting participation, but in the latter the political status of Negroes is scarcely superior to that of their country cousins.

DISCRIMINATION

For Negroes in some section of the South, an attempt to exercise their right of franchise as Americans seemed a greater risk in 1958 than at any time since the outlawing of the white primary in 1944.

After the 1954–55 school desegregation rulings of the Supreme Court the white South's resistance to change intensified. A report on the increased tensions of the area, 1955–58, found 530 cases of violence, reprisal, and intimidation in the aftermath of the Court's decision.[9]

"In the past 4 years, the South experienced a widespread erosion of individual liberties," the report concluded.

The threats and illegal activities aimed at individual Negroes and whites who questioned the South's tradition of segregation undoubtedly deterred other Negroes from asserting their rights, including the right to vote. An instance of racial violence in the South is rarely an isolated event—it serves as a reminder to Negroes that what has happened can happen again.

To many Negroes the long-range rewards for voting scarcely seemed worth the risk. Too often they still could make a choice only between equally vociferous racists, waving the banner of white supremacy. Too often, also, they were excluded from the inner circle of local political parties, had no hope of one of their race winning elective office nor promise of immediate, concrete benefits from their vote. It was not surprising that many were unwilling to face possible threats to their jobs and credit, their homes, and even their personal safety.

To Negroes in the more depressed rural areas, the turmoil during the period of transition in the South from an old to a new order only increased their problems. With low education and economic levels and the opportunity to improve either one lagging behind that of the white community, the emphasis on bread before ballots remained.

But there were other Negroes who forged ahead in their efforts to vote. Some cleared the first hurdle of registration only to find their efforts wasted. Others were frustrated in every attempt. What methods were used to disfranchise Negro southerners?

PURGES

One method was the purging of Negroes from registration rolls in Louisiana, largely at the prompting of the citizens councils. Restricting, or even wiping out, Negro registration has been an aim of the segregationist white citizens' councils which have sprung up across the South since 1954. They have been particularly successful in Louisiana. It has been easy for them in a number of rural parishes (counties) to "find mistakes" in practically all Negro registrations. The account of the purge in Ouachita Parish, which is included in this report, offers an example of how the group worked.

Purges were conducted in at least 12 parishes in Louisiana. Within a period of several months in 1956–57 alone about 10,000 to 11,000 voters, mostly Negroes, were dropped from voting rolls. The following percentages are an illustration of their effectiveness:

Percentage change in voter registration in 12 purge parishes, March 1956 to March 1958

	Negro	White
Bienville	−95	−11
Concordia	−71	−42
DeSoto	−36	−1
Franklin	−51	−31
Grant	−39	−18
Jackson	−68	−9
Natchitoches	−52	−36
Ouachita	−87	−9
Red River	−99	−45
Richland	−76	−40
Union	−77	−43
Webster	−95	−36

Of these 12, all in the northern half of the State, 4 have populations over 50 percent Negro—Bienville, Concordia, De Soto, and Red River—according to the 1958 population estimates. Three—Grant, Ouachita, and Jackson—are 16 to 33 percent Negro and the other from one-third to one-half Negro.

In each case, both Negro and white registration fell, although the latter less sharply. By contrast, in 10 representative nonpurge parishes, Negro registration increased in 3, and 6 had only a small drop. In the same 10, white registration increased in 4, showed no change in 1, and fell in the other 5. These 10 nonpurge parishes:

Percentage change in 10 representative nonpurge parishes, March 1956 to October 1958

	Negro	White
Beauregard	−7	−9
Bossier	−5	+16
Caddo	−19	+5
East Baton Rouge	+4	+6
Evangeline	−6	−3
Jefferson	+11	+13
Orleans	−2	−10
St. James	+3	0
St. Martin	−3	−16
Tangipahoa	−7	−3

Assistant Attorney General Warren Olney III, in a letter (February 27, 1957) to Representative EMANUEL CELLER, chairman of a House Judiciary Subcommittee, told of some of the findings of Federal investigators in Louisiana. After outlining State laws which require that a registrant be notified if he is challenged, Olney wrote:

"In none of the 10 parishes which were the subject of FBI investigations did the registrar make it a practice to send a form of reply affidavit to the challenged registrant. On the contrary, investigations in Bienville, Caldwell, De Soto, Jackson, La Salle, and Ouachita Parishes disclosed that the registrar in those parishes did everything to discourage the filing of reply affidavits in the statutory form and generally refused to accept them when offered.

"In Ouachita Parish the registrar refused to accept as witnesses on behalf of a challenged voter, bona fide registered voters of the parish who were not from the same precinct as the challenged voter. She also refused to accept as witnesses bona fide registered voters who had themselves been challenged. She also refused to accept as witnesses registered voters who had already witnessed to the qualification of another challenged voter.

"In Caldwell Parish the registrar refused to accept witnesses on behalf of a challenged voter unless they were accompanied by a law enforcement officer and a member of the Citizens Council to identify them. He even refused to accept white persons as witnesses for Negro voters on the grounds that the witnesses were of a different race from the race of the challenged voter.

"In Bienville Parish, where 560 of the 595 registered Negro voters were challenged, the registrars consistently refused to accept affidavits on behalf of registered voters which were in the statutory form and, as a result, the names of every one of the challenged Negro voters were stricken from the voting rolls.

"In Jackson Parish, where 953 of the 1,122 Negro voters were challenged, the registrar also refused to accept for filing, affidavits on behalf of challenged voters. * * * As a result, all of the challenged Negro voters, with the exception of two who were physically disabled and therefore unable to fill out voter application cards, were stricken from the rolls.

"In a number of parishes when challenged Negro registrants came to the registrar's office in response to the challenging citation, they were told by the registrar that they would have to see a private attorney in order to get the matter straightened out.

[9] Intimidation, Reprisal, and Violence in the South's Racial Crisis," published by the southeastern office, American Friends Service Committee; Department of Racial and Cultural Relations, National Council of the Churches of Christ in the United States of America; and the Southern Regional Council, 1959.

With respect only to cases which have been investigated by the FBI, the following numbers of Negro voters were challenged in each of the following parishes:

"Bienville	560
Caldwell	330
De Soto	383
Grant	758
Jackson	953
La Salle	345
Lincoln	325
Ouachita	3,240
Rapides	1,058
Union	600"

Olney said a Federal grand jury in Louisiana heard evidence during December 1956 and January and February 1957, in connection with civil rights violations in Caldwell, De Soto, and Grant Parishes but that no indictments were returned. On that occasion, a Justice Department attorney outlined evidence relating to cases in Bienville, Jackson, and Ouachita Parishes. The grand jury, after deliberating in private, announced there was no possibility of indictments in the three cases and went on record as not desiring to hear any testimony concerning them.

Meanwhile, indications that the purges are continuing in Louisiana came from State Senator William M. Rainach, chairman of the joint legislative committee on segregation. Rainach, who resigned as head of the Association of Citizens Councils of Louisiana to run for Governor, announced he intends to purge 100,000 of the State's approximately 130,000 Negro registrants from the rolls of qualified voters. In the summer of 1959 he moved into Opelousas, seat of St. Landry Parish, and said his purge there will be a test of what he will do elsewhere. He added that only 700 of some 7,000 Negroes registered in the parish were qualified to vote. Rainach said he had requests from 15 other parishes for similar purges.

Slowdown

Another method of reducing Negro political influence is the slowdown. Caddo Parish, site of Shreveport, largest city in northern Louisiana (population 160,000), offered an outstanding example of the technique. The slowdown—raising barriers which cause Negro registration to slow to a mere trickle—began there in 1958.

The Caddo Parish Citizens Council met in August 1956 and decided not to attempt a purge of Negro voters. It said a check showed there were not enough incorrect registrations to warrant a purge. However, in the purge parishes most determined investigators could manage to find a mistake in practically all Negro registrations. It was more likely that in an area containing a large urban center, the white citizens council was forced to moderate its techniques. No purge has been carried out in a parish containing a large metropolitan area.

(The Louisiana consultant for this report said Monroe, in Ouachita Parish, was no exception to this, since Monroe has remained provincial during the past 20 years when other Louisiana cities such as Shreveport were developing an urban culture.)

In an urban area located in a plantation culture, like Shreveport, segregationists can advocate the continuance of most forms of segregation, but they are on somewhat shaky ground in advocating the more extreme disfranchisement of Negro voters. Before 1958, after their initial registration, Negroes experienced little difficulty in registering. Nevertheless, the number of Negro registrants was low, primarily because of lack of interest and leadership and the absence of any faction seeking their votes. Then, in early 1958, the United Christian Movement, a group composed mostly of ministers, organized a campaign to increase the number of Negro voters. Instruction classes were held, and eventually 2,000 more Negroes were on the voting rolls. Their difficulties began with this campaign and the appointment of a new registrar. The registrar before 1958 had imposed few difficulties for potential Negro voters.

Dr. C. D. Simpkins, Shreveport dentist who heads the United Christian Movement, said he has in his files about 200 documented cases in which Negroes were impeded in their attempts to register. Two tactics were used frequently: (1) Computing of exact age. If a registrant made a mistake in the calculation of his age in years, months, and days, this was considered justification for rejection, (2) establishment of identification.

An example of the extremes to which the second tactic can be carried came from a Negro woman:

(a) On her first trip to the registrar's office she was asked to establish her identity. A doctor's receipt dated 1956, receipts from a mail carrier dated 1957 and 1958, and two hospital receipts dated 1948 and 1958 were not allowed as evidence.

(b) She made a second trip the same day to present written identification from friends and neighbors. They were not accepted.

(c) The following day she returned to ask what kind of identification would be admitted and was asked to bring a registered voter.

(d) The same day she did bring a registered voter but was told that a Negro would not do but that a white voter might establish her identity.

(e) She then returned with a white storeowner and a white notary. Even this identification was deemed insufficient, although after some delay she finally was allowed to register.

The process usually is not so difficult, but applicants often are required to make an extra trip or two and go to a great deal of trouble to secure identifying documents. Needless to say, many are discouraged after one trip, and still others, hearing of the troubles they can expect to encounter, will not even try to register.

How effective was the slowdown? Despite the registration drive, the number of Negro eligible voters in Caddo Parish dropped 19 percent between March 1956 and October 1958. In the same period the number of eligible white voters rose 5 percent.

Refusal

Although registrars who were determined to deny Negroes their right to vote usually could find some technicality for refusing registration, occasionally they didn't bother to advance a reason.

The Reverend W. D. Ridgeway, pastor of the Trulight Baptist Church, Hattiesburg, Miss., told the 1957 Senate subcommittee hearing on civil rights he had been a minister for 31 years and added:

"I have lived in Forrest County, Miss., for more than 30 years, honoring and obeying the many ordinances and statutes enacted by the State, county, and city governments; paying promptly taxes—State, county, and municipal—to enjoy the privileges of a citizen of a great country and State. I have constantly taught and preached good citizenship for many years. However, even until this day, I have not been permitted to register and vote like other Americans.

"The glaring disgrace of Forrest County, Miss., is the uncontested fact that of the 12,958 Negroes in the county, less than 25 have been permitted to register and vote. Included in the remaining 12,933 Negroes are doctors, teachers, preachers, and laymen who are disfranchised simply because they are Negroes.

"On October 16, 1956, I was flatly refused the right to register along with 17 other Negroes who were in the office of the registrar at the same time that I was. Again and again, I have gone to qualify myself so that I might be eligible, along with many other Americans, to cast a vote for Federal and State officials, only to find myself and other Negroes turned down.

"It is always so confusing to me and other Negroes in my county and State to explain to our children when they ask the simple question, 'Why is it so easy for foreigners to spend only 5 years in America and Mississippi, then enjoy all the freedom and privileges that our U.S. Constitution calls for, but, on the other hand, native-born Negro Americans and Mississippians are denied the very basic guarantees that our Constitution provides—the right to vote and petition one's government without intimidations and economic reprisals?' We cannot answer the above question."

Threats and tests

In all the Southern States which permit or require tests to determine literacy or knowledge of Government functions the question must be answered "to the satisfaction of the registrar." Where the law is administered fairly, it can be merely a method of determining the qualification of all applicants but to the registrar determined to limit voting by Negroes, it can be a powerful weapon of discrimination.

However, some Negroes, particularly those in rural areas and small communities, are hesitant about trying to register and not only because of discriminatory literacy tests. Some have been threatened, like those in Lowndes County, Miss., who received anonymous letters reading: "Last warning. If you are tired of living, vote and die." At the same time (1956) 52 of a possible 9,200 Negroes there were registered.[9]

Or, prospective registrants may face economic reprisals like the Negro sharecroppers in McCormick County, S.C., who could not find white buyers' for their produce, or the Negro businessmen in Humphreys County, Miss., who could not get credit. Some Negroes have lost their jobs for trying to register. Others have faced violence, as in Liberty County, Fla., where all but one of the first 10 Negroes in the county's history took their names off the voting list in 1956 after a series of cross-burnings, bomb throwings, and shots fired into their homes.[10]

NEW LAWS AND THE COURTS

In 1957 Congress enacted the first civil rights legislation since the post-Civil War years. This did not bring immediate benefit for prospective Negro voters, but rather the voice of defiance from officials in parts of the South.

Negroes themselves were slow to file well-documented complaints with the new Civil Rights Commission. This was due in part to Negro fears, general political apathy in the South and Negro concentration on school desegregation. However, by April 1959, in hearings before a House subcommittee on appropriations, the Commission reported it had received the following voting complaints from the South.[10a]

	Total	Sworn	Unsworn
Alabama	119	104	15
Arkansas	6		6
Florida	14	12	2
Georgia	1		1
Louisiana	95	88	7
Mississippi	41	40	1
North Carolina	2	1	1
South Carolina	3		3
Tennessee	7	1	6
Texas	1		1
Virginia	2		2
Total	291	246	45

[9] The Reporter, June 27, 1956.

[10] Time magazine, July 29, 1957.

In 1958, no Negroes were registered in the county.

[10a] From the Nation as a whole, including the South, 310 complaints were received, 253 of them sworn.

The Civil Rights Act of 1957 set up the Civil Rights Commission and gave it authority to investigate the status of civil rights anywhere in the Nation. The Commission has the power to subpena witnesses and hold hearings to obtain information, but no enforcement powers. The subpena power is backed by the authority of Federal courts to punish refusals by issuing contempt citations. The Commission is charged with reporting its findings and recommendations for additional legislation to the President and Congress.

The 1957 act also created a new Civil Rights Division of the Justice Department which can seek court orders to enforce voting rights, although it does not have subpena powers.

Alabama: The Civil Rights Commission met its first major test in Macon County, Ala. This rural county, home of noted Tuskegee Institute for Negroes and Negro-staffed Veterans' Administration Hospital, has a population 85 percent Negro—the highest percentage of nonwhites of any southern county. However, only about 28 percent of Macon's registered voters are Negroes.

The Tuskegee Civic Association reported that 1,110 Negroes and 3,016 white persons were registered in 1958. Since the total white population was estimated at 4,671 in 1957, this meant that almost all white citizens over 21 had registered. The disproportionately low number of Negro registrants is despite the fact that Macon County ranks first in Alabama both in the number of Negro high school and college graduates.

Negroes in Macon County have fought a long battle for their right to vote. At a hearing in Montgomery, Ala., in December 1958, witnesses told the Civil Rights Commission their efforts have been thwarted by a series of delaying and evasive tactics. They told of pitfalls from Negroes who are required to read and copy sections of the Constitution "to the satisfaction of the registrars;" of the failure of registrars to take applications from Negroes on several regular registration days, and of the board's policy of allowing an individual Negro to vouch for only two applicants a year. (Alabama requires that a qualified voter vouch for an applicant.) The witnesses told how, when these methods lost their effectiveness, the board either would resign or meet in a place undisclosed to Negroes.

William P. Mitchell, chairman of the Voter Franchise Committee of the Tuskegee Civic Association, said that in the previous 8 years 1,585 Negro applications for registration were made but only 510 granted. He added that hundreds more appeared to file applications but could not do so because only two Negroes were allowed to apply simultaneously in a small, separate room. Mitchell estimated that at the present rate of issuing certificates to Negroes, it would require 203 years to register the approximately 13,000 unregistered Negroes in Macon County then over 21. This estimate did not take into account the yearly increase of population.

The Commission had subpenaed voting officials of Macon and five other rural, south central Alabama counties—Barbour, Bullock, Dallas, Wilcox, and Lowndes, all with a Negro population of from 53 to 82 percent. They were ordered to bring with them voting records for the past 3 years. However, State and county officials refused to produce records and in several instances refused to testify.

Circuit Court Judge George Wallace, unsuccessful prosegregationist candidate for Governor, had seized the records of Barbour and Bullock a month earlier, claiming they were needed for a grand jury investigation of voting frauds. Two days before the Commission met, grand juries impounded the records of Dallas, Wilcox, and Lowndes. The Commission received records from Macon County but they showed only the names of voters already registered and contained none of the requested information about prospective voters who were turned down.

The Commission ended its hearing with a request to the Justice Department for a court order to open voting records in the recalcitrant counties.

Two days later, U.S. District Judge Frank M. Johnson, Jr., in Montgomery, ordered the defiant counties to produce registration records and issued subpenas to Circuit Judge Wallace and five registrars in Macon, Barbour, and Bullock Counties. Shortly thereafter, the two subpenaed Macon County registrars resigned and said they would then appear before the Commission since they were no longer registrars and had no records in their possession. In January 1959, in a compromise settlement, State authorities agreed to let the Commission look at registration books without removing them from custody of the registrars in Bullock, Barbour, and Macon Counties. No mention was made of the other three counties where records were impounded by grand juries. None of the officials of these three had refused to testify at the December hearings.

Subsequently, Wallace turned the registration records of Barbour and Bullock over to grand juries before leaving office. His action resulted in a contempt of court charge, but Federal Judge Johnson acquitted him, ruling that Wallace had in fact complied with the court order, though by devious means. (The county grand juries had opened the records to Commission examiners.)

The Commission released a report July 31, 1959, which Director Gordon M. Tiffany said showed "a consistent pattern of denial of equal protection of the laws as regards voting in six Alabama counties" (Macon, Barbour, Bullock, Dallas, Lowndes, and Wilcox).

The report included testimony taken in executive session from four staff members who had examined voting records in the counties involved. They testified that a double standard was used by some Alabama registrars when considering Negro applicants for registration. Negroes, they said, often were disqualified for minor mistakes that did not generally disqualify white applicants. For example, they told of Negro applicants being turned down for writing the letters "M" or "S" instead of "married" or "single"; of one who gave the month and year he became a resident but was rejected because he left out the day.

They said a spot check of accepted applications showed that 16 persons were registered who had made the same type of mistakes as those rejected. Fifteen of the sixteen accepted were white. Three of those registered had left blank a question on whether they would "give aid or comfort to the enemies of the U.S. Government or the government of the State of Alabama."

The Justice Department, which made its own independent investigation of Macon County complaints, filed a suit in Montgomery February 6, 1959, charging that voting officials in Macon County discriminated against Negroes. Judge Johnson dismissed the suit, which would have required the Macon registrars to enroll 13 Negroes the Department contended were qualified.

Central legal problem in the case was the resignation of the registrars before the suit was filed. The Justice Department argued that under Alabama law the resignations could not be effective until successors qualified. Alternatively, in case the resignations were held legal, the State of Alabama was named codefendant. Judge Johnson ruled that the registrars had resigned legally and that the Civil Rights Act allowed the Department to seek injunctions only against individuals, not States. He was upheld in June 1959 by the U.S. court of appeals in New Orleans. The Justice Department announced that the decision will be appealed to the Supreme Court.

In February 1959 the Alabama Legislature, without a dissenting vote, passed an act authorizing registration boards to destroy their records. Specifically, boards could destroy questionnaires completed by applicants at the end of the 30-day limit for appealing a board ruling.

Georgia: On September 4, 1958, the Civil Rights Division of the Department of Justice filed a suit in U.S. district court against the board of registrars of Terrell County, Ga. It was the first suit filed under section 131 of the Civil Rights Act of 1957. This section gives the Attorney General of the United States the right to institute a suit in behalf of citizens denied the right to vote.

The suit asked for an injunction prohibiting registrars from applying stricter literacy standards to Negroes and from delaying applications by Negroes. It sought registration certificates for five Negroes, four of them college graduates. The Government charged they were denied the right to register by discriminatory use of a literacy test.

The Justice Department also indicated the five instances were part of a systematic exclusion of Negro voters. The complaint said there were only 48 registered Negroes of 5,036 of voting age but that 2,679 of the 3,233 eligible white citizens were enrolled. (The secretary of state's office reported 2,810 registered white voters in Terrell in 1958.)

On January 26, 1959, Federal Judge T. Hoyt Davis dismissed the suit. He ruled that the injunctive clause of the 1957 Civil Rights Act violated States rights and was unconstitutional. The Justice Department appealed and the Supreme Court has agreed to review the case.

The suit was filed several months after Terrell County appeared in the news because of other racial problems. On June 8, 1958, Robert Baker reported in the Washington Post and Times Herald charges of police brutality, as well as of unsuccessful attempts by Negroes to register. Subsequently, Federal investigators proposed indictments based on the death of two Negroes, the pistol wounding of another, the beating of one, and the allegedly illegal detention of a fifth. However, a Federal grand jury refused the Government's request to indict three policemen of Dawson, the county seat of Terrell.

Louisiana: Investigation of voting discrimination complaints from 68 persons in seven northern Louisiana parishes ran into legal snags also. There, in July 1959, U.S. District Judge Ben C. Dawkins granted a temporary restraining order preventing the Civil Rights Commission from holding a scheduled hearing. At the same time, Judge Dawkins ordered a three-judge court to rule on the constitutionality of the Commission.

The judge granted the injunction to Louisiana Attorney General Jack Gremillion, who filed the suit on behalf of 17 north Louisiana registrars subpenaed to appear at the hearing. In charging the registrars were denied their constitutional rights, Gremillion claimed they were not informed of the nature and cause of the accusations against them nor allowed to confront their accusers. The Government then asked the court to require those involved in the case to post bond but the request was denied.

Two weeks earlier, the Justice Department filed suit to stop the purge of Negro voters in Washington Parish in southeastern Louisiana. Named as defendants were the White Citizens Council of Washington Parish, four of its members and the parish registrar. The Government said that during the previous 7 months Negro registration in the parish was reduced from 1,517 to 236, as a result of challenges by Citizens Council members. The petition said that in the same period only 10 affidavits were filed questioning the voting rights of white persons. The complaint said that almost without exception the challenging affidavits were based on minor technical deficiencies. Under Louisiana law any two bona fide voters may challenge the right of another voter.

From the outset, investigators of voting rights complaints ran into problems in Louisiana. When one staff member of the Civil Rights Commission went to Webster Parish he found the registrar, who had the State attorney general sitting in as legal adviser, refused to turn over voter records. Although Negroes make up 37.1 percent of the total population of Webster, they represent 1 percent of the registration; of the 8,277 registered voters there in 1958, only 80 were Negro.

The same investigator met a similar refusal in Caddo Parish.

Both registrars contended the investigator failed to comply with 2 points of State law necessary to obtain their records: he was not a registered voter of Louisiana and he had not obtained a petition signed by 25 Louisiana voters.

Mississippi: The Civil Rights Commission had a difficult time even getting started in Mississippi, one of the first three States where it announced it would investigate registration complaints. (Alabama and Florida were the other two.). When the Commission announced advisory groups would be set up in each State to work with it on civil rights problems, the word from a citizens council source in Mississippi was that "anyone who would accept an appointment would be considered a traitor to the South." In Washington, the Commission conceded it was having difficulty in getting a "well balanced" committee in Mississippi.

Florida: In Florida, where the Commission announced it would look into registration procedures, Gov. LeRoy Collins said he had no objection, so long as the investigation was carried out in a sound manner.

Edward D. Davis, president of the Florida Voters League, a nonpartisan Negro organization, said he had received no complaints at the time of the 1958 primary. Before that, however, Davis said Negroes complained of registration procedures in the four north Florida counties of Liberty, Lafayette, Union, and Gadsden. As the following figures show, Negroes are almost totally disfranchised in these counties:

	1958 population		Registered voters		Population percent Negro	Percent Negroes registered
	White	Negro	White	Negro		
Gadsden	21,700	28,400	6,310	7	56.7	11
Lafayette	2,600	200	1,992	0	7.1	0
Liberty	2,200	600	1,706	0	21.4	0
Union	7,100	3,500	2,598	0	33.0	0

The States: Since the Southern Regional Council's 1958 voting survey, no Southern State has eased its registration laws. Five States retain the poll tax—Alabama, Arkansas, Mississippi, Texas, and Virginia. More important, literacy tests which could be used to limit Negro registration remain in effect in Alabama, Georgia, Louisiana, South Carolina, North Carolina, Mississippi, and Virginia.

Two States tightened registration laws—Virginia and Georgia.

Georgia passed a new registration law which some of its legislative sponsors frankly admitted was intended to discourage Negro voting. In opposing the bill, the Georgia League of Women Voters claimed the measure would make unequal application possible in several respects:

1. Every county could have a different voter application form.

2. Some voters could register with only one trip to the registrar's office; others would have to make a trip to the clerk's office and the registrar's office also.

3. Registrars could choose any section of the Georgia or U.S. Constitution for applicants to read and write but the law sets no standards of correctness.

4. Answers were not provided with a set of 30 questions to ask the registrant nor was it made clear who would decide the correctness of the answers.

Virginia put a new blank paper registration law into effect in July 1958. It requires new registrants to write from memory, on a blank sheet of paper, answers to 10 questions about age, residence, occupation, etc.

In North Carolina a 1957 State law provides for court appeals from the rulings of registrars. It requires applicants denied registration to file notice of appeal with the registrar the following day; appeals then can be carried to the county boards of elections, and on to the superior court and the State supreme court.

The Louisiana Legislature defeated two bills of Gov. Earl K. Long which would have prevented the removal of any voter from the registration rolls who had been registered for more than 12 months, despite errors found in the registration, and another bill which stipulated that minor errors in the filing of an application would not disqualify the registrant.

Pending before the Alabama Legislature was a constitutional amendment restoring the cumulative poll tax. In 1953 the poll tax law was modified, limiting past due taxes to 2 years, or $3. Previously, a voter might have had to pay as much as $36 in accumulated unpaid poll taxes before registering.

The courts: In November 1958, a three-judge Federal court dismissed a suit brought by a Negro minister, the Rev. H. D. Darby, who in effect contended that Mississippi registration laws were designed to be administered arbitrarily and were used to discriminate against Negroes. The NAACP announced the suit would not be appealed but would instead be referred to the Civil Rights Commission.

The Supreme Court of the United States denied the appeal of a Negro woman, Mrs. Louise Lassiter, to enjoin North Carolina registrars from using literacy tests if an applicant were otherwise qualified. In a unanimous decision, the court said the tests apply regardless of race and are "one fair way of determining whether a person is literate."

THE NEXT MILLION

The climate of opinion

The disturbed atmosphere in much of the South, created by resistance to school desegregation, clearly has retarded the normal growth of Negro suffrage. The fear and hostility generated by demagogs have dampened both Negro initiative and white acceptance of Negro political participation.

While this troubled climate has not lowered the total number of southern Negro registrants appreciably, two adverse effects may be attributed to it. First, it has slowed the evolutionary growth in Negro registration and voting that might have been anticipated in a calmer period.

A second effect of heightened racial feeling has been the artificial deflation in importance of the Negro vote. In normal times, when political campaigns are focused on practical issues, no serious officeseeker or faction will deliberately antagonize a sizable segment of voters, actual or potential.

That this principle works in the South, as well as elsewhere, is amply attested to by many campaigns of recent years, particularly in some of the larger cities. In these cases, the appeal to all voters, Negro as well as white, has become commonplace, accepted alike by candidates and the general population. Seldom, if ever, are Negro voters given preferential treatment, as the racists are wont to charge. But, in many instances, they have come to be regarded with the same degree of respect and consideration as other voters. In such situations, a Negro vote has equal value with any other, no more and no less.

By contrast, in many parts of the region, emotionalism surrounding the segregation issue has led to a sharper division of voters along racial lines. Extremists in and out of public office have based their political appeals on racial fears and antagonisms. By accusing their opponents of "wooing the Negro vote" or "catering to the NAACP," they have sought—with considerable success—to make support by Negro citizens a liability rather than an asset, because Negro support has proved in a number of instances insufficient to compensate for the resulting loss of white votes. Wherever this process has been effective, every Negro voter has seen his ballot artificially devalued. Negro voters are a minority in every State and in most communities. So long as politicians can persuade the electorate that the issue is white against black, Negroes will be denied the normal and proportionate benefits of the ballot.

This unhappy state of affairs is not likely to be permanent. If prior experience is any guide, no southern electorate will remain indefinitely preoccupied with fear of change as the overriding issue in every political conflict. Whenever, soon or late, the segregation-desegregation controversy abates, other more vital issues will come to the fore, and the votes of Negro southerners will weigh no less heavily than others in the political scales.

In the long perspective, there is every reason to expect a steady, if gradual, increase in Negro political participation—along with rising economic and social status. However, no abrupt or dramatic rise in the number of Negro registrants seems likely in the foreseeable future. It probably would be unrealistic to expect this in a time of widespread racial tension. Instead, the next big breakthrough in the field of suffrage may well be the revitalization of the existing Negro vote in the South.

Political consciousness

Many Negro leaders have repeated one theme with growing emphasis in recent years: Our political future rests in our own hands.

In a large sense, this is true, for the discriminatory climate and tactics outlined in this report are not uniformly present in the South. There are many areas where determined Negroes could register and vote in greater number.

This determination must spring, however, from an awareness of the power of the ballot, which in turn comes generally as social and economic status improves. Although the gap is narrowing gradually, Negroes still lag behind the white community in average education and income.

For almost half a century the South was allowed to operate under a "separate-but-equal" doctrine for its Negro citizens. Not until the mid-1940's, under the pressure of Federal court action, did the South give serious consideration to the "equal" meaning of the doctrine. Since then, school facilities for Negroes have improved greatly, but the neglect of years has left its mark.

At the same time, Negroes have faced an uphill fight to improve their economic status. Many jobs still are closed to them

and even the more qualified and competent too often can find only menial work. Credit still rests largely in the hands of white businessmen. Nevertheless, there is a growing body of Negro professional and business men and women. Development of this group is one of the factors which should lead to increased use of the ballot by Negro citizens.

Donald Strong, professor of political science at the University of Alabama, has drawn an analogy with various immigrant groups.[11] He said it was only when these had produced their own lawyers and prosperous merchants that they were able to command a respectful hearing in politics.

"Negroes, too, must develop a corps of middle-class leaders with substantial education and economic independence of whites," he added.

Migration

This leadership is most likely to flourish in metropolitan areas. There, too, Negroes experience the least difficulty in registering and voting. These factors point to a prospect of a growing number of Negro voters, since the South has seen a vast migration of Negroes from rural to urban communities.

Dr. Irene B. Taeuber of the Office of Population Research, Princeton University, has analyzed this migration.[12] A brief summary of some of her findings:

1. In 1950 there were 8.7 million Negroes in the South, almost 2½ times the number in the 15 slaveholding States in 1860.

2. However, there also were 4.8 million Negroes in the North—more than there had been in all the Confederate States at the time of the Civil War.

3. The 5 southern States of Alabama, Georgia, Louisiana, Mississippi, and Virginia had a Negro population of 4.5 million in 1910 and 4.6 million in 1950.

4. Five northern States—Illinois, Michigan, New York, Ohio, and Pennsylvania—had a Negro population of 566,000 in 1910 and 3.2 million in 1950. In the 40-year period, these 5 States absorbed half the increase in the Negro population of the country. Another fifth was absorbed by California, Florida, and Texas.

5. By 1950, only a little more than one-fourth of the nonwhite population of the South was classified as rural farm.

Doctor Taeuber said that "the fundamental change in the Negro population was not the movement from South to North but the concentration in industrial sections of the country, including the South."

(However, she said this great migration seemed to be nearing an end, because the number of sharecroppers, the major source of supply for new urban labor, has dwindled. By 1954 there were only 160,000 farms operated by nonwhite sharecroppers in the South.)

Cities

In a number of cities in the South, Negro voters already are receiving attention from politicians. Negroes are credited with helping elect mayors in at least three major cities—Atlanta, New Orleans, and Houston—in the past few years.

In the July 14, 1959, Democratic primary in Virginia, Negroes in several urban centers showed more interest in voting than white citizens. The Richmond News Leader said 8,850 Negroes in that city, or 57 percent of the number registered, voted as compared to only 34 percent of the registered white citizens. In Charlottesville, 705, or more than half the registered Negro voters, went to the polls, contrasted with less than one-third of the eligible white voters.[13]

More Negro candidates are seeking political office. As early as 1951, Nashville, Tenn., elected two Negroes to the city council. In recent years, Negroes have been serving on boards of education in Greensboro, Durham, Winston-Salem, Atlanta, Houston, Nashville, and Knoxville. Chapel Hill, N.C., has had a Negro on the board of aldermen. In Charles City County, Va., Negroes served on the county board of supervisors, county welfare board, and the county school board.

Admittedly, this sampling tells only part of the story. Many more have filed for office and been defeated. The road to political office remains a stony one for Negroes. However, the mere fact that a Negro is on the ballot sometimes—but by no means always—spurs other Negroes to qualify and vote. It also may bring out a larger than normal white vote in opposition.

Leadership

The quality and vigor of Negro leadership is one of the greatest forces in encouraging voting. Regionally, the two most active groups working to extend the franchise have been the Southern Christian Leadership Conference and the National Association for the Advancement of Colored People.

The Southern Christian Leadership Conference, spearheaded by the Rev. Martin Luther King, Jr., of Montgomery, Ala., was formed in 1957 by Negro leaders throughout the South in a "crusade for citizenship." Its announced aim: to aid and encourage Negroes to register and vote, to gather facts, where resistance is met, and present them to duly constituted authorities.

The NAACP long has been active in encouraging Negroes to vote. In the past few years it has been increasingly busy with a growing number of other problems. It has been in the forefront of the court battles to protect the individual rights of Negroes and to achieve legal equality. At the same time, it has been the target of restrictive legislation which has hampered its work in several southern States.

Roy Wilkins, executive secretary of the NAACP, is among those who believe that Negroes themselves hold the key to their political future.

"Negro citizens must prepare to present themselves in numbers to be qualified, and that preparation is their responsibility," Wilkins has said.[14]

"In reaching this conclusion there is no attempt here to underestimate the forces of resistance, the ignorance, trickery, fear, threats and physical assaults that have been employed and will continue to be employed. But their eradication will not be accomplished by some miracle out of the sky, some wished-for relief from a far-off place; it will be downed primarily through the intelligence, diligence, persistence and courage of the population presently disfranchised."

Dr. Elston E. Roady of the Department of Political Science, Florida State University, has agreed that: "We may well have reached that plateau in the development of greater Negro participation in politics which demands greater efforts by Negroes themselves. The successful assault on the next mountain seems to rest largely in the hands of the Negro citizen in most areas." [15]

A LOUISIANA PARISH: WHOLESALE PURGE [16]

By 1956 Negro registration in Louisiana had attained a size insuring it substantial respect in State and local politics, its 18 percent of total registration ranking as highest in the South. The processes of accommodation and compromise practiced in Louisiana politics out of respect to the Negro vote made State politics an important area of interracial communication.

Then came the purges. In 8 months Negro registration was reduced by 10,000 at the same time that white registration was increasing. According to State Senator Rainach, citizens' council leader and chief political spokesman for the purges, the purge of Negro voters in Louisiana was designed to eliminate 90 percent of Negro registration in Louisiana and its ultimate purpose was to "solve our segregation problem" and "make Louisiana a shining example to the Nation on how to thwart the National Association for the Advancement of Colored People."

This is a report on the purge of Negro voters in the one parish of Ouachita. This particular parish has been selected for analysis for several reasons: Ouachita was the first of the parishes to embark upon the purge and its success in eliminating 5,000 Negro voters of the 5,700 registered tended to set the pattern for the purges which followed in the surrounding parishes. Ouachita's leadership in the purge resulted not only from its success in reducing Negro registration but also from its position as the most populous of the parishes, the site of the city of Monroe with about 50,000 population. Yet with the exception of the rather high degree of urbanism resulting from the presence of the city of Monroe, Ouachita is typical, culturally speaking, of the group of 13 parishes where an effort was made to reduce Negro registration. The story of the purge in Ouachita Parish is thus a story of how it began and also a narrative typical of the purges in northern Louisiana.

The setting of the purge

To know one of the purge parishes, like Ouachita, is to know something about all 13. Not only are they all contiguous but they have many cultural characteristics in common as well. Located in northern Louisiana in what is called the North Louisiana Uplands, Ouachita Parish takes its character partly from the nearby delta regions where a plantation cotton economy predominates, partly from the hill country which extends up to the parish. Its estimated population in 1957 was 86,063, of whom 56,863 were white and 29,200 non-white.

The largest crop raised in Ouachita is cotton, with over 10,000 acres being planted each year. Yet the parish is by no means a plantation-type area, since the cotton is raised for the most part on small- or medium-sized individual farms and there is a low rate of tenancy in the area. Beef cattle, dairying, and forest-produce industries provide important supplementary incomes, as does the truck farming which goes on in the area.

Ouachita is not, however, predominantly a rural parish, since about 65 percent of the population is classified as urban. The largest city is Monroe. Unlike some of the other cities of the State, such as Shreveport and Baton Rouge, Monroe has not experienced the growth and industrialization characteristic of the rapidly growing areas of the South and its position as an urban center is somewhat in decline. Industrially, it depends upon lumber and lumber industries and textiles and has not attracted the heavy industry nor the mass-production manufacturing necessary for rapid development.

The relative slow growth of Monroe has meant that social change has not been rapid, either, and Monroe has not developed the style of life and values of an urban center, but remains merely a capital of the provinces. To emphasize the small-town quality of Monroe, one hears in New Orleans that a shotgun could be blasted down the main street of Monroe at 9 o'clock at night with-

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[11] "The Future of the Negro Voter in the South," the Journal of Negro Education, summer 1957.

[12] Irene B. Taeuber, "Migration, Mobility and the Assimilation of the Negro," Population Bulletin, Population Reference Bureau, Inc., November 1958.

[13] Columnist Benjamin Muse, Washington Post and Times Herald, July 26, 1959.

[14] Roy Wilkins, "The Future of the Negro Voter in the United States," the Journal of Negro Education, summer, 1957.

[15] The Negro's Role in American Society, Florida State University, 1958.

[16] Kenneth N. Vines, department of political science, Tulane University.

out hitting a soul—a statement not much exaggerated, as this writer can testify.

The people of the Ouachita area have been characterized as yeomen farmers, and a sociological authority on Louisiana culture speaks of them as "hardy, independent, individualistic, God-fearing people who tend to be somewhat conservative in their approach to new ideas or practices."

Religiously, the area is Protestant and is dominated by the Baptist church, with only 10 percent of the population adhering to the non-Protestant faiths of Catholicism or Judaism. Fenton and Vines have demonstrated in a study of Negro registration in Louisiana [17] the importance of Catholic culture in creating a permissive climate for Negro registration and in weakening white supremacists' ideas on segregation. But in Ouachita it is the role of the different Protestant congregations which is of decisive importance.

A prominent Protestant minister in Monroe, not a Baptist, has characterized the Baptists generally as not "ecumenically minded," that is, not organizationally cooperative with other Protestant religions in matters of faith and work of interest to all, and as "not much concerned with the witness of faith" as this concerns social problems such as race relations.

While it would certainly be premature to attribute causal factors to the religious environment of Ouachita, it should be remembered that in a culture which can be characterized as basically a churchgoing one the set of attitudes and values manifested by the churches are of some importance. In this instance the Baptist churches of Ouachita have provided a setting permitting favorable attitudes toward registration purges or other discriminatory racial attitudes.

In addition, the Baptist churches do not belong to the Ministerial Alliance, the organization of Protestant ministers which generally has worked for a more tolerant attitude on race relations and which tended to oppose the purge.

In politics, the voters of Ouachita as well as the other purge parishes have tended to follow the conservative politics of the Southern cotton plantation culture rather than the more populistic politics of the hill country. Dixiecrats, states' rights, and other white supremacy factions have always done well in Ouachita while the parish, in common with other purge parishes, has been relatively hostile to the Long family and its factional candidates. This hostility to Longism is significant since Long faction candidates have generally relied on the Negro vote, have wooed it in campaigns, and accordingly have shown a willingness to operate politically with Negro voters and a reluctance to resort to racial demagoguery in political campaigning. With the exception of the recent Mayor Cass of Monroe, who was alined with the Long faction and did court the Negro vote, political figures popular in the purge parishes have generally been of the anti-Long faction of Louisiana politics, have not courted the Negro voters, but on the contrary have on occasion campaigned on the basis of appeals involving racial demagoguery.

Structure of race relations

Considering the violence with which the purge erupted in Ouachita, it is surprising to find that within the context of a segregated southern town, race relations were considered good by both white and Negro community leaders. There were no records of police brutality, no incidents of any importance which could be pointed to as evidence of racial tension of an unusual nature. As Dr. Reddix, Negro dentist and leader of Monroe, put it, "I could walk down the streets of Monroe and not feel that I had to fight every white person I met." Much of the harmony of race relations in Monroe was due to the efforts made by Mayor Cass to accommodate Negroes in a small way into the life of Monroe and to improve Negro municipal facilities.

Under the Cass administration a Negro recreation center had been built, the Negro swimming pool improved, and two Negro policemen had been appointed to the Monroe police force and were serving without incident. The usual new schools had been erected for Negroes following 1954, but there were complaints by Negroes that the equipment and curriculum did not live up to the exterior appearance.

Social segregation in Ouachita's public facilities remains unchanged and while race demarcation signs have been removed in the buses the removal is more a matter of complying with distant court decrees than an indication that any ferment is occurring relative to a change in the segregation structure. For indeed there have been no challenges to the segregation structure such as suits for school, public transportation or recreation desegregation. There are no chapters of the NAACP, no Urban League in Ouachita Parish and hence no formal structure to promote Negro aspirations. No Martin Luther King or other charismatic personality has arisen to inspire the Negro people to visions of equality or to lead them in the fight for their rights. The Negro people of Ouachita see the struggle for Negro rights in their particular case as some distance off and, in a region where traditionally the Negro has had a difficult life and lacked the opportunity to expect much more, were relatively satisfied with the achievements which had been made; the comparative lack of violence in race relations, the new Negro schools, and the respect achieved as a result of the power of the Negro vote.

Indeed, the main challenge to the traditional structure of race relations in Ouachita Parish has been political in nature. It is in the campaigns for local office, the structure of political support, in the day-to-day accommodations and communications—in short, in the extension of the powers of the ballot box—that the racial separatism and lack of communication so characteristic of the traditional pattern of segregation have been modified. While the challenges to segregation in the courts had been dormant, a more vital challenge, involving the desegregation of the whole democratic process, had been making great headway in the city of Monroe under the willing sponsorship of Mayor Cass, whose structure of political support and campaign methods involved appealing to Negro voters as well as whites.

The importance of this desegregation of the political process was fully realized by the chief instigators of the purge movement, the citizens' councils. In a statement released just 2 weeks before the start of the purge in Ouachita Parish, Senator Rainach, president of the State citizens' councils and head of the legislative watchdog committee on segregation, spelled out in detail the concern of the white supremacists with the importance of the Negro vote in State politics. Negro registration, the statement read, is "definitely well past the danger point," and the NAACP will trade its bloc of votes "with one group of white people and then another until no political faction feels it can be elected without the Negro support." In a later comment, Rainach emphasized the great importance of the purges to the segregationists: "From the long-range standpoint our only hope in the segregation fight is to clear our rolls of all illegally qualified voters."

Rainach's statement is a clear reference to the prevailing pattern in Louisiana parish politics which includes competition for the Negro vote. In all probability it was designed as a kind of pre-purge justification of the purges since it was released to all newspapers in the State and received wide attention. Two weeks after the Rainach statement the purge in Ouachita began.

The role of the citizens' councils in the purges has been prominent all along but was especially important in the initial motivations of the movement. The exact numbers and the membership composition of the citizens' councils remain an intriguing mystery. Membership is variously estimated in Ouachita Parish at from 500 (a council estimate) to 150. Whatever its numbers and membership, its influence in Ouachita instigated the purge.

The challenges for all 5,700 Negro voters were prepared by members of the citizens' councils working in relays long hours in the registrar's office. It has been suggested, and is generally believed by community leaders in Ouachita Parish, that initially the purges were a conspiracy originating in the citizens' councils and only later received the wider support and application that they now have in northern Louisiana.[18]

In seeking to understand the purge of Negro voters one looks to the nature, the extent and circumstances of Negro registration. As in most of the larger cities of Louisiana registration in Ouachita began in the 1948–49 period and took place with some pressures from Negro leaders but actually with a minimum of difficulty. By 1950 Negro registration was 2,300 and remained at less than 2,500 until interest in local political contests raised the figure to its prepurge high of 5,700.

Proportionately, Negro registration in Ouachita ranked well below that of the white. While about three out of four whites eligible are registered to vote, less than half of the eligible Negroes were registered. To put it another way, Negroes make up 33 percent of the total population of Ouachita but constituted only 19 percent of the voter population. In comparison with the other parishes of Louisiana Ouachita did not rank high with respect to the percentage of eligible Negroes registered. Classifying the parishes into four groups on the basis of Negro registration of potential registration (0–29, 30–49, 50–69, 70–100), Ouachita, with 40 percent of the Negro potential voters registered ranked in the third lowest of the four groups.

Negro registration certainly could not be classified as either hyperactive or extremely interested but could be described at best as "somewhat apathetic." Despite the fact that before the purge there were several years of no hindrances to Negro registration the proportion of Negroes registered to vote from the potential registration was well below that of the white population of Ouachita.

The key to the fear of the Negro vote lies in its potential function as a balance-of-power factor and the strength of this as a political lever for gaining political and social ends. Although Negroes were only 19 percent of the voting population of Ouachita, by voting as a fairly cohesive group, they could decisively influence almost any parish election. Exactly this kind of thing had happened in the city of Monroe, and Mayor Cass in treating them with respect, in improving Negro recreational facilities, and in hiring Negro policemen had earned the respect of the Negro voters. It was known that Cass could probably not be beaten unless the Negro vote was destroyed, and many persons in Ouachita say that the purge was initially an effort to defeat Cass who was coming up for reelection in May 1956. As a result of the purge, Cass was beaten.

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[17] Fenton, J. H., and Vines, "Negro Registration in Louisiana," American Political Science Review, September 1957.

[18] An eyewitness account of the planning of the purge for another parish in the meeting of a citizens' council may be had by consulting the Colfax Chronicle published in Grant Parish, p. 1 of the issue of Oct. 12, 1956.

The purge

Direct preparations for the purge of Negro voters in Ouachita Parish began in March 1956, when from six to eight members of the citizens' councils, working in relays every day, began preparing the necessary forms by which every one of the 5,782 Negro voters would be challenged. By mid-April around 3,000 challenges were mailed, and when the great majority of the Negroes failed to gain retractions of the challenges, they were erased from the rolls. By May, when the mayor's race began, only 595 Negro voters were on the rolls.

The procedures by which the Negro voters were successfully purged involved a system of challenging voters, which put the burden upon the voter of demonstrating his proper registration. The system originated in a series of acts passed in 1940 by the Louisiana Legislature, then interested in finding ways to reform elections by removing unqualified voters from the rolls. The acts were in part a reaction against the corrupt practices frequently seen in Louisiana and practiced by the adherents of the Long factions and received the support of the good government groups in Louisiana.

The acts provide (Louisiana Statutes 18: 132–134) that "upon an affidavit signed and sworn to in duplicate by any two bona fide registered voters to the effect that after reasonable investigation and on information or belief certain persons are illegally registered or have lost their right to vote in precinct, ward, or parish" the registrar shall then notify the voters by mail. If within 10 days of notification the voter produces an affidavit signed by three other registered voters of the parish attesting to the correctness of his registration, he may stay on the rolls. Otherwise, if the voter does not produce such a document 10 days from notification, his name is removed.

As originally designated, the statute was intended to provide a means of challenging voters whose place and duration of residence were in question. And while it provides a kind of citizen challenge (two registered voters) it also provides for a citizen refutation of the challenge (three registered voters). Thus as written the statute provides for a relatively easy and casual challenge, but also for an easy refutation of the challenge.

The method of challenge used by the citizens' council, however, did not involve questions of residence but deviations from the "proper" method of filling out the entire registration form; e.g., any mistake in the calculation of age (which had to be put in years, months, and days), or writing "M" instead of "male" and "C" instead of "colored." And if there were none of these "mistakes" the challenged voter was told that the signature on the registration card didn't appear to be his signature, that his identity was questioned, that he was not who he said he was.

A few days after the challenges were mailed pandemonium prevailed at the courthouse in Monroe. Hundreds of Negro voters jammed the registrar's office and overflowed onto the courthouse lawns with the intention of refuting the challenges. The strategy of the registrar's office then involved several procedures. First, the processing of challenges was slowed to a mere trickle by assigning only one or two persons in the office to deal with the challenges and by requiring that a single line of Negroes be formed, and by delaying the individual cases and dragging them out as much as possible. It is estimated that 1,400 or 1,500 persons tried to clear their registration during the first few days after the challenges. Secondly, the proofs required by the registrar for refuting the challenges were stiffer than those listed in the statutes. Negroes were not allowed to sign affidavits for other Negroes because they had been challenged, so initially Negro voters had to secure signatures from white friends and employers. After the first voters were cleared, they could then sign for others challenged. Then the registrar's office required that signers to the affidavit must reside in the same precinct, a requirement definitely not to be found in the statutes. This further slowed down the process.

Some Negro voters were urged by the clerks in the registrar's office to forget about refuting the challenges and to go ahead and reregister as the simplest course of action. However, when quite a few voters, on this recommendation, attempted to reregister, they were confronted with questions concerning the interpretation of the constitution of Louisiana which in most cases they were said to fail.

By the time the 10 days were up, 595 Negroes had managed to stay on the registration rolls and 5,187 or 90 percent of all voters challenged were erased from the rolls. Although it is estimated by Negro leaders that around 1,600 went to the registrar's office in an attempt to stay on the registration rolls, less than half of these were able to do so, so obstructive and time-consuming were methode employed by the office of the registrar.

During the controversy over registration only two groups in the white community gave or expressed sympathy to the beleaguered Negro voters. Initially the most effective opposition came from the local political faction headed by Mayor Cass and from James E. Noe, former Governor of Louisiana and owner of a Monroe television station and member of the Cass faction. Mr. Noe on May 2 accompanied a group of Negroes to the registrar's office in an effort to expedite their filing of affidavits and while there actually came to blows, so the story goes, with an employee of the registrar's office. Later Noe issued a statement that, "If there are any ineligible voters I am 100 percent for taking them off the rolls. But I am going to try every way possible to help everyone who is legally registered, white or Negro, to protect their franchise." Later Noe withdrew from the controversy, reportedly because of economic pressures imposed against him in the form of withdrawal of advertising from his television station.

The Monroe Ministerial Alliance, consisting of Methodist, Presbyterian, and Episcopalian ministers, also opposed the purge and met with Negro ministers to discuss ways in which the situation could be remedied. The Ministerial Alliance later was responsible for a call to the Justice Department to investigate the situation, a move which led the Department in the latter part of 1956 to send several FBI agents into the purge parishes.

Other than the two groups mentioned, the Monroe white community tended to go along with the purge even if it did not actively participate. The Monroe newspapers owned by Colonel Ewing did not incite the purge but tended to report it as a legitimate clearing of the rolls of illegally registered voters, an attitude which is echoed by the editorial staff of the Monroe Morning World. Interviews with various persons indicate that the purge gets a nod of approval from the man in the street who is likely to comment somewhat cynically that the purge was necessary after all because the Negroes do "bloc vote." A leading minister of Monroe declares that some of the prominent business and professional citizens of Monroe have serious reservations about the purge but, if they do, such opinions were not shown during the controversy and there was no organized action or sympathy other than that from the two groups mentioned.

Negro leadership during the purge was furnished chiefly by an organization formed during the purge and called the Guiding Voice. Three months after the purge began, by September 1956, the Guiding Voice had a membership of over 50 business and professional leaders, was collecting money for a defense fund and seemed to be a satisfactory focus for Negro resistance which through the summer of 1956 had grown more determined and had captured the interest and devotion of much of the Negro community. Those active in the Guiding Voice, particularly its president, Dr. Reddix, report that determination and interest in fighting the purge reached almost a fever pitch during the time the Guiding Voice was operating successfully. An office was set up to serve as headquarters for the organization, funds solicited with some success from the Negro community (at one time $1,800 was in the treasury) and meetings were held frequently to decide upon a defensive strategy.

Although initially some aid and encouragement was given to those Negroes trying to defend their registration, the decision was made early in the life of the Guiding Voice that the chief defensive strategy should be legal. Accordingly, a suit was filed in Federal court in September 1956 suing Mrs. Mae Lucky, the registrar, for $50,000 on behalf of Dr. John Reddix and Attorney James Sharp. Mrs. Lucky refused to register Dr. Reddix, it was alleged; and, in the case of Sharp, it was complained that when he appeared at the registrar's office on behalf of a client whose registration was challenged, he was refused permission to inspect the cards in the office because he was a Negro, and was told that he would be waited on by her assistant in another room. The case for plaintiffs Sharp and Reddix was handled by lawyer Sharp while an array of legal representatives from the State attorney general's office, including the parish district attorney, advised the defendant Mrs. Lucky.

During the course of the trial the full story of the purge was detailed by Sharp. Especially stressed were the facts that the purge was timed to coincide with the upcoming municipal election so that the registrar's office was closed May 12, 10 days before the municipal primary on May 22. In this way the office of registrar was not open to process any new registrants or handle any of the challenged voters.

In February Federal Judge Ben Dawkins handed down his opinion, in effect dismissing the suit and charging Reddix with bad faith, in emotional tones somewhat unusual for a Federal judge: "Plaintiff's lack of good faith, in applying here for a declaratory judgment and an injunction • • • is shown plainly by his deliberate failure to seek reregistration since May 15, 1956 • • •. His bad faith • • • his sheer stubborn vindictiveness • • • is doubly demonstrated by the fact that his wife applied for and actually was granted registration • • • he apparently prefers litigation to registration." The case was taken to the court of appeals where Judge Dawkins was overruled and the appellate court commented that the refusal to register Reddix represented "a shockingly unfair act by someone." [19]

The case involving the suit brought by Attorney James Sharp against Mrs. Lucky was decided by Judge Dawkins against Lucky. After the court of appeals reversed and remanded the case, Judge Dawkins still denied the requested relief, because he found that the practice of segregation in the registrar's office had "been stopped voluntarily almost a month before this suit was filed"; he further remarked that the registrar had, in the purge period, segregated Negroes "for their advantage and convenience." [20]

Although *Reddix* v. *Lucky* was decided in favor of the plaintiff in that Reddix was held by the appellate court to have been illegally deprived of his registration, in a larger sense, the case represented defeat for the Negroes of Monroe since the court held also that there was no "class action" in the case. And since it was held that there was no class action, the ruling of the case was not applicable to the purge as such, but only to the case of Reddix.

After the defeat on the principle of class action in the Reddix case a virtual collapse of the Negro leadership in Monroe occurred. Those in the Guiding Voice had placed almost total reliance on this case, and its loss was taken as a great disappointment. In addition a bitter and highly personal quarrel developed between the two most active leaders, Reddix and Sharp, over the disposition of funds raised—to what extent these should be used in the payment of Sharp's fees and whether or not the Guiding Voice could maintain an office and a secretary or should operate more informally. Finally Sharp withdrew or was withdrawn from the case and Attorney Jesse Stone from Shreveport was called in to handle the retrial of Dr. Reddix's case advocating a class action. At the present time, however, action on the case is at a standstill.

With the collapse and demoralization of Negro leadership in Monroe, resistance on the part of Negro voters challenged or refused registration seems almost to have disappeared. The Guiding Voice belies its name and guides no one, vocally or otherwise, and continues as an organization in name only. The registrar's office is no longer thronged with Negroes seeking to secure their right of franchise.

In 1956, after the elections, Assistant Attorney General Warren Olney of the Justice Department began action against the registrars and citizens' council leaders. Agents from the FBI were sent into the area to investigate and on December 4, 1956, a grand jury was empaneled to hear testimony on three parishes: Grant, Caldwell, and DeSoto. However, no indictment was issued and on February 12 the grand jury announced candidly that no more testimony would be heard on three other parishes: Ouachita, Jackson, and Bienville. Thus Senator Rainach's prediction that "It is not going to be easy to get Louisiana people to indict Louisiana people" proved all too true.

Aftermath of the purge

In 1959, nearly 3 years after the start of the purge in Ouachita Parish, it is necessary to state that the immediate victory belongs to the purgers. Negro registration has been reduced from 5,782 to 776, and new registrations are discouraged with such vehemence by the registrar's office that in the past year or so there has been virtually no increase in the number of Negroes registered. Twelve other neighboring parishes have followed the lead of Ouachita and together have eliminated some 10,000 Negroes from the State registration rolls. In nearby parishes not a part of the purge, resistance to new Negro registration has stiffened where before it was permissive. Where before the Negro vote was considered politically, now politics has returned to the familiar white supremacy model—notably in the case of Monroe municipal politics.

As yet no effective remedy has developed against this latest disfranchisement of Negro citizens. The white community failed to develop action to block the purge, the cases in court failed to develop a principle of law by which the purge could be limited, and, most demoralizing of all, Negro leadership in Monroe collapsed after a name-calling, futile squabble. It is said that the only time the purgers showed fear and reluctance was during the investigations conducted in Ouachita by FBI agents.

In a real sense the whole people of Louisiana were the losers by the purge because during the time the citizens' council ran the registrar's office, government ceased to be public and was manipulated according to the private purposes of a small group of zealots. Acts of the legislature intended to advance the cause of good government were twisted and misused in a manner wholly foreign to the intentions and purposes of "honest and legal registration." The evasiveness, the hypocrisy of those in power, the cynical frustrations of those attempting to exercise the franchises of citizenship have seemed more like a grim totalitarianism than a democratic polity.

From the long-range point of view it may be doubted that the purges have really been as successful as the immediate record indicates. Negro registration in Louisiana is still well past the 100,000 mark and has been reduced only 7 or 8 percent, considering all factors, rather than the 90 percent reduction set by Senator Rainach as the desirable goal. Instead of engulfing the whole State, as undoubtedly was the intention, purges of Negro voters have taken place in only a group of 13 contiguous parishes and the majority of parishes in Louisiana remained unaffected by the movement.

While Negroes in Monroe did not succeed in fighting the purge effectively, possibly because of lack of able leadership, there is evidence that elsewhere in northern Louisiana determination and resistance to the purges are stiffening. Organizations have formed in several parishes and Negro leaders have come forward to assume the responsibilities of opposition. Even in Ouachita where organized opposition failed, Negroes appear to feel a quiet determination to see issues through and, although somewhat discouraged at the way events turned out, are far from defeatist in their hope for future remedies of the situation.

It is quite possible that in the long run the purges of Negro voters may redound against the aims of its sponsors and to the actual increase of Negro registration. By dramatizing registration and giving it an excitement and importance lacking before, the purges may very well ultimately increase the number of Negro voters. By overcrowding apathy, the most important factor inhibiting registration in Louisiana, the purges can bring Negroes to the registration office, whose interest might never have been aroused. A second possibility, which now seems a probability, is that the publicity resulting from purges will result eventually in a stronger Civil Rights Act which through Federal pressures will open up areas of Negro registration previously restricted.

The political history of the American democracy has seen a progressive extension of the franchise and only rarely has this trend been reversed and groups deprived of the franchise. There would be a certain historical justice, therefore, if the purgers in trying to reverse the historic extension of the suffrage should actually turn out to be the instruments of the increase of Negro registration.

(EDITOR'S NOTE.—An item in Southern School News, May 1959, adds an interesting supplement to Professor Vines' report:

"In a ruling several weeks ago at Franklinton, La., U.S. District Judge C. A. Barnett ruled that members of the citizens council are free to continue challenging registered voters.

"Barnett said two citizens council members had a right to explore public records in a move to purge the rolls of Negro voters.

"He said they are acting within State law. The pair of citizens council members have challenged more than 140 registrants in a single precinct on basis of the intelligence provisions in State voter registration laws.")

[19] *Reddix* v. *Lucky* (148 F. Supp. 108, 152 F. 2d 910; 165 F. Supp. 405).

[20] *Sharp* v. *Lucky* (148 F. Supp. 8; 252 F.

A COASTAL COUNTY: QUIET ACCOMMODATIONS [21]

Negroes in Beaufort County, along the South Carolina coast, have a heritage of sea lore, folk music, farming, and freedom.

Beaufort Negroes were among the members of the North's Company A, 1st South Carolina Volunteers, during the Civil War. This was "the first official regiment made up of former slaves; strictly speaking, the first of all the Negro regiments with official military status." [22] Since that war, many have owned land and sent their children to school.

Schools still are segregated in Beaufort County and racial customs of the South prevail, but the atmosphere is more relaxed than in the majority of rural, Deep South counties.

The county once was an era of very large, successful plantations growing sea-island or long staple cotton, rice and indigo. Today there are a number of plantations still in existence but most are occupied by winter residents and used as resorts.

Farms in this coastal county are decreasing in number but growing in size. In 1930 there were 2,021 farms with an average of 62.5 acres; in 1955 there were 1,201 farms with an average of 110½ acres. In 1950, 67.1 percent of the rural farm population was Negro; 12 percent of the rural Negroes were tenants and only one-tenth of 1 percent sharecroppers.

About 60 percent of the population is Negro. In 1957, the population was estimated at 12,357 white persons and 18,200 Negroes.

The Negroes of Beaufort County maintained political influence for a number of years after Reconstruction. In the period from 1878 to 1900 some 73 Negroes were elected to the South Carolina Legislature; of these, 26 came from Beaufort. There were three Negro Congressmen from South Carolina in that period; two of these were from Beaufort. Until 1888 all elective offices in Beaufort were held by Negroes and in fact some Negroes held elective offices there until 1896. At that time, white South Carolinians barred Negroes from the Democratic primaries. However, even in the years between this move and the outlawing of the white primaries in the 1940's, some Negroes voted in general elections in Beaufort County.

Registration

After the 1958 re-registration—required every 10 years in South Carolina—Beaufort County had 4,141 whites and 1,286 Negroes registered to vote. Approximately 31 percent of the registrants then were Negroes, although they comprised 60 percent of the population.

For the most part, both white and Negro persons interviewed felt that at present there is no effort to limit the number of Negroes registered. [23]

Except for an occasional complaint that white applicants seem to be favored slightly, the general feeling among Negroes interviewed was that registrars are cooperative. They said Negro registration is limited primarily by apathy, a failure to realize the importance of voting, or, in some cases, a fear of not being able to pass registration tests.

[21] Based on a field survey by Courtney Siceloff, director of Penn Community Services, Frogmore, S.C.

[22] Benjamin Quarles, "The Negro in the Civil War," Little-Brown, p. 119

[23] While Beaufort County as a whole is referred to throughout, the interviews for this survey were conducted around the town of Beaufort and St. Helena Island, which are somewhat more advanced politically and economically than the other sections of the county. Consequently, while interviews with officials deal with the county as a whole, those with private citizens may apply to a more limited section of the county.

In general, county officials, and political candidates are not racists; in fact, they seem to avoid the subject of race altogether. Their attitudes are generally friendly toward Negroes and white candidates now are occasionally seeking opportunities to speak before Negro groups during their campaigns.

There are a number of Negro organizations working to increase registration. There is a citizens committee in Beaufort, a voters association on St. Helena, and the NAACP in both, which have active programs in the field of registration and voting.

Within the churches, it is primarily the lay members rather than the ministers who take the lead, although one Negro minister is establishing a social action committee primarily concerned with registration and voting and is trying to get a similar committee in all churches. The Negro teachers do not generally participate in registration movements. One remarked they feel closely watched and so do not feel free to speak out.

Lines of communication remain open between the white and Negro communities, although primarily on an unofficial level. There are four or five self-reliant Negro leaders who serve as spokesmen for particular requests. One of these is vice president of the United Fund and has attended State meetings in that capacity. A local Negro citizens committee, which is nonpartisan, goes to see the city council and mayor. Its spokesmen are cordially received but have not been impressed by the degree of action that has followed. One recent achievement was that, whereas in past parades Negroes always brought up the rear, the 1958 Christmas parade was desegregated with Scouts and other marchers together.

Facilities and social institutions

There have been Negro elementary and high schools under private auspices for a long period. At the beginning of the Civil War a number of northern abolitionists came to the freed areas of Beaufort County to set up schools for Negroes. One of these became Penn Normal, Industrial and Agricultural School, which continued as an elementary and high school until 1948 when the formal school program was turned over to the county. Two other schools were started in that period, one by the American Baptists which still operates as Mather School and Junior College. The Port Royal Training School, established in 1903 as an elementary and high school for Negroes, was operated until 1926 when it was turned over to the county. These schools had boarding departments, and thus pupils came from over the county as well as the locality

In 1951, South Carolina passed a 3-percent sales tax to aid in construction of schools and the operation of school buses; the following year, school districts were consolidated. Since then transportation and school facilities have been improved for Negroes in Beaufort County. Four new Negro schools have been constructed in the county north of Broad River, in school district No. 1. In 1951–52 the expenditure per Negro child was approximately 55 to 60 percent of that for the white children. In 1956–57, when the expenditure was 70 percent that of the white child, the comparative average costs in Beaufort County were:

	Elementary	High school
Negro	$136	$171
White	199	237

In the 5-year period between 1951–52 and 1956–57, the cost per white pupil went down $3 and increased per Negro pupil by $60. During the 1951–52 school year the total library fund for Negro schools of the county was $35; in 1956–57, it was $7,000. Both white and Negro teachers receive the same salary for equal qualification levels. The salary in Beaufort County for the grade A certificate beginning teacher is the highest in the State. The salary in Beaufort County for the grade A certificate, 14 years' experience, is the second highest in the State. Of the white teachers, 92.4 percent have grade A certificates, the highest percentage in South Carolina; and 37.9 percent of the Negro teachers, the next highest in the State, have grade A certificates. The annual report of the State superintendent of education for 1956–57 lists the average salary for classroom teachers in the county as:

	Elementary		High school	
	White	Negro	White	Negro
Men	$4,250	$3,641	$3,543	$3,101
Women	2,977	2,716	3,054	2,992

The Parris Island Marine Corps Recruit Depot has its own elementary school, which is desegregated, having four Negro pupils at present.

A white doctor interviewed said Beaufort County Memorial Hospital had the same facilities in some cases for both races. For example, the same delivery and operating rooms were used; there were equal facilities for private rooms and lying-in privileges. Negro physicians have been courtesy (nonvoting) members of the hospital staff, although there are none on the staff now, apparently for reasons unconnected with race.

Among the white persons interviewed, including a minister, in the Beaufort-St. Helena area, none had heard of any of the white ministers speaking out pro or con on segregation-integration questions. A white layman prominent in the community indicated that attitudes vary considerably. He spoke, for instance, of one minister who feels that it is not a basic issue, that other questions are of more importance; of another minister who is an avowed segregationist; a third minister who approaches the problem as a psychologist and is apparently liberal in his attitude.

The fourth church in Beaufort has had Negro attendants, primarily students at the Mather School, who presumably have now finished school. About a year ago, there was a Negro applicant from the Mather School who wanted to join this church. The governing body voted unanimously for acceptance but reserved a section in the front of the church for her. It also was suggested to the Negro that she come to last serving of the communion, to which she agreed; she was joined usually by at least one white person. A Negro marine participated in one service, not sitting in the "reserved section" and while there was some adverse comment, it was not known if anything was said directly to the marine, although he attended only the one time.

The Catholic priest said in an interview that he had Negro communicants; the Negroes are welcome to all spiritual activities, but their presence at social functions poses a problem.

Since Beaufort County is not industrial, labor unions have not been a major issue. However, there are a few unions, one with the reactivated State port at Port Royal. A public official has urged Beaufort Negroes to organize a union so as to obtain work, since union members have been coming in from Charleston to service the ships. This official said in an interview that most of the skilled construction workers of Parris Island are union members.

The daily newspaper read most widely in Beaufort is the News and Courier of Charleston, one of the South's strongest advocates of racial segregation. The weekly Beaufort Gazette also is segregationist in tone although editorials dealing with racial problems do not appear frequently, whereas almost every issue of the News and Courier deals with the question.

A State park located on the Atlantic Beach has a segregated section for Negroes which is inferior in both facilities and layout to that for whites.

There are two drive-in movies in Beaufort, both of which are desegregated, so that Negroes can park anywhere, which is rare in the South.

As far as public accommodations are concerned there seems to be no desegregation whatsoever. However, three important military installations in the county are completely desegregated: the Parris Island Marine Corps Recruit Department, the U.S. Naval Hospital, and the Marine Corps Air Station. Not only is military personnel integrated, but also the large civilian personnel.

Police and community attitudes

There are unanimity among both the white and Negro persons interviewed that the attitudes and actions of the sheriffs, deputies and local police were good toward the Negro community. None knew of police brutality.

However, there were comments by some Negroes about the one full-time Negro policeman on the Beaufort staff. One said the Negro community thought of him more as a night watchman that a policeman; the Negroes do not believe he could arrest white persons. Another felt the sheriff was lax with Negro prisoners, for some apparently were allowed to go home at night.

The sheriff, J. E. McTeer, took issue with these impressions. He indicated that in June 1959, a white man was fined in the city court for cursing the Negro policeman who had remonstrated with him for disturbing the peace. Also the sheriff denied that prisoners could go home at night.

The sheriff said he would like to be quoted on the following: "If I had to be tried in my own court, I would like to change the color of my skin." He felt that the judge made it much easier for Negroes. He indicated that he, himself, feels towards Negroes as if they were his children.

The sheriff's attitude toward the Negro community is important in all rural counties in the South, but this is particulary true in Beaufort County, where the sheriff holds a more important position politically than probably any counterpart in South Carolina. He has been in office more than 33 years. He is a close friend of the district's Congressman and of one of the U.S. Senators.

There was an article in a State paper recently about the Beaufort County sheriff, who does not wear a gun. It is obvious that the sheriff does not take a hostile, aggressive attitude in dealing with Negroes in the matter of law enforcement. Sheriff McTeer said there has been Negro deputies in the county since 1900. He said he has three Negro deputies full-time during the summer, stationed particularly around the Negro beach, and part-time the rest of the year. One has held the job for 33 years. He indicated there was no limit to the authority of the Negro policeman or deputies in arresting white violators.

The county seems to have had less racial violence over the years than many other rural Deep South counties. The sheriff said the county never has had a lynching. Both white and Negro interviewees could recall only three or four incidents in the past 30 years which led to heightened racial tensions.

In June 1959, a Beaufort jury in general sessions court convicted a young white Marine of raping a Negro woman. Since the verdict was without a recommendation of

mercy the death sentence was mandatory, a rare finding against a white man in such a case in the South. The decision has been appealed.

This was followed by trial of a Negro accused of raping a white woman. The defendant was convicted and sentenced to death; however, he was committed to the State hospital for a 30-day mental examination, and his counsel has still, at this writing, time to appeal the sentence.

There has been no known Ku Klux Klan active in the county since about 1930 and even then, the sheriff said, it did nothing but collect dues. There is a citizens council which, according to its own figures has 50 members; just about that number turned up at a well-publicized meeting in Beaufort 3 years ago. Despite the strong support given the citizens council by the News and Courier, which serves the county, the local group appears to have failed so far to interest many community leaders.

Some of those of both races interviewed feel there has been no change in Negro-white relations since the Supreme Court school decisions or events in Little Rock. Others think that while the white community is still accessible as before to Negro spokesmen, so far as individual relations are concerned there is a change consisting of a definite "standing off" by white people. However, a white minister said he had heard discussions in favor of preserving public schools, regardless of whether or not they were desegregated. He said this was a change from the absolute defiance predominant soon after the Little Rock crisis.

Negroes were unanimous in feeling they now have a greater determination about extending their civil liberties.

Legal action

There have been only two legal efforts to break the segregation pattern in the county, one handled through the courts and the other in the form of a petition. In July 1948, David Brown, Negro, of Beaufort, brought suit successfully against the State Democratic committee to open primary elections to Negroes. The case came before Federal Judge J. Waites Waring on the eve of an election, after the registration books were closed. Judge Waring ruled in favor of Brown and also ruled that the registration rolls be opened again.[24] Negroes voted without incident in that election and have continued to do so. Brown, a garage owner, said the suit neither led to any threats against him nor to any discernible hard feelings by white members of the community.

About 2 years ago some 75 Negroes signed a petition and presented it to the Beaufort County Board of Education for the assigning of pupils without regard to race. The board did not respond.

Political future

In 1948 four Negro candidates ran for the board of education but none was elected, in part because the Negro vote was split. One Negro has been a member of the trustee board, appointed by the board of education, since 1952. In St. Helena Island precinct, since Negroes began voting in 1948, several of them have met with white leaders to work out a slate of precinct candidates. The chairman of the precinct has always been white, but the other officers have been about equally divided. A number of Beaufort Negroes have served as delegates to county political conventions. The Beaufort delegation to the State Democratic convention included a Negro in 1956, and two in 1958. (There was only one other Negro delegate at this 1958 convention.) Negroes serve as poll officials both in Beaufort and St. Helena in township elections.

[24] *Brown* v. *Baskin* (78 F. Supp. 933); *Baskin* v. *Brown* (174 F. 2d 391).

At the central polling place in Beaufort, there are two ballot boxes, one manned by whites and one by Negroes, but when the line of white voters is long, a number usually drop their ballots in the Negro box. The ballots from both boxes are mingled before being counted, a Negro poll watcher said. Prior to the last election this same Negro had the voting lists and the boxes in his custody.

Five white and three Negro leaders were asked about the future of Negro voting in the county. All the white persons indicated support of the right of all citizens to vote. Although none professed any personal concern about increased voting by Negroes, a few thought there was a certain anxiety among some white men and women who feared the election of Negro candidates. One foresaw "some different reaction if more Negroes register, but I don't know what type reaction it will be."

The Negroes all felt there was a growing interest in voting among their people. They pointed to larger attendance at political meetings. They also believed that before long Negroes would be elected to certain offices. On this subject, a Negro businessman commented:

"If they are elected, some white people may be shocked but I do not expect any severe reaction."

A "BLACKBELT" COUNTY: TOTAL DISFRANCHISEMENT[25]

This is an account of disfranchisement in a Deep South county located in the area commonly called the "blackbelt," both because of the color of its soil and its large Negro population. For reasons that will shortly become apparent, the identity of the county and that of the individuals referred to have been deliberately obscured. The field study on which this study is based was not intended to develop an exposé of the particular county in question. Rather, the object was to shed light on a way of life, still prevalent in rural areas of the lower South, in which all of the economic and political arrangements serve to keep the Negro in abject subordination.

"Blackbelt" county is still one of the most highly agricultural counties in the region, four-fifths of the population being farm-dwellers. Peanuts, pecans, and cotton account for approximately two-thirds of its annual income. Three large plantations cover a large portion of the county—two of them owned by northern families. These plantations are big businesses and have adapted to the racial patterns of the area. Individually owned farms decreased from 1,502 in 1920 to 751 in 1954.

The county, then, has had little industrialization or urbanization which would tend to alter provincial customs. The dominant mentality is rural, with a strong Old South motif. This is due to the racial, as well as the agricultural, composition of the county. In 1958 the total population was not much over 5,000 and showed a sizable decrease since 1950. Negroes comprised over 60 percent of the total.

Voter registration

The racial makeup of the county has generated fears on the part of the white population that, if the voting system is not controlled, Negroes might "take over."

Official records show that nearly nine-tenths of the total white population was registered to vote in 1958. Yet a simple count of the population below voting age indicates that it is a virtual impossibility for so high a percentage of the total to be legally registered. One can only conclude that the white registration figures for the county are inflated.

Although Negroes comprise a majority of the total population, none is registered to vote. In the mid-1940's, after the outlawing of the white primary, several hundred succeeded in getting registered. They were later purged, however, by supporters of a white-supremacist candidate for Governor.

Despite the small population of the county and the much smaller number of voters necessary to decide an election, "blackbelt" county carries weight in State politics. Under the lopsided apportionment of the legislature, characteristic of many States and all of those in the Deep South, this rural county has one-third as much representation as the most populous county in the State. Thus the racial attitudes which prevail there and in other rural counties of the same type heavily influence the workings of State government.

Socioeconomic factors

Most "blackbelt" county Negroes work as farm laborers or domestic servants for $3 or $4 a day. There is a widespread belief among local Negroes that welfare administrators are slow to put aged Negroes on their rolls. They insist that when they do get on, they usually receive $35 a month, while aged white citizens generally qualify for $50. One interviewee commented, "A Negro is just about dead when he gets $50 a month."

Good housing is at a premium. Shacks abound in Negro neighborhoods. Only about seven Negro homes in the county have bathrooms and septic tanks, except for one small housing project built for Negroes in the county seat.

Most of the few white collar jobs in the county are available only to white persons, except for 35 teaching jobs open to Negroes.

Several Negroes own their own farms, which are reasonably large and profitable. However, these landowners must operate carefully within the bounds of racial restrictions that apply to all the Negroes. They feel this is necessary if they want to keep their credit open and their taxes from being arbitrarily increased as a punitive measure.

One effective way to suppress any group is to withhold the right and ability to obtain an education. For years "blackbelt" county, along with many other counties in the area, failed to provide high school facilities for Negro children. In most instances, these children had only one-teacher elementary schools which often operated in a Negro lodge hall or church. If parents wanted a high school education for their children they had to send them outside the county at their own expense. Needless to say, there was a high school for white children and many of them went on to college. Very few Negroes were able to attend high school and even fewer college. This meant that, by and large, Negroes could not form an educated nucleus to provide leadership.

In 1941 the Negroes themselves started a high school in an old house. Several years later, largely as a result of pressure from Federal court decisions in other areas, the educational picture for Negro children in the county began to change. The elementary school for Negroes now has 11 teachers. In 1956 a new combined high and elementary school for Negroes was built and now has 24 teachers. Unlike the long established county high school for white children, the new Negro high school does not have a gymnasium. However, Negro taxpayers have helped pay off a bond issue which financed the construction of a gym for the white school. Each school has classes in agriculture but neither offers trade courses. White pupils, however, can go to an area trade school in a nearby city. There is no area trade school available to Negroes.

[25] Brailsford R. Brazeal, dean of Morehouse College.

Church leadership among Negroes is a weekend affair. All of the Negro preachers live outside the county. Except for emergencies, they come in only for the weekend, and when the Sunday services are over they leave. Several of the Negro churches have received token building and maintenance contributions from the owners or managers of the county's three large plantations. These relatively small gifts—and the anticipation of more—were considered by most of the Negroes interviewed as one reason their ministers do not provide a citizenship program which would encourage registration. Also, some of the ministers are limited in the knowledge of what their leadership roles should be. One person interviewed said, "I am going to tell you the truth about these preachers here—no preacher will tell us about voting. They are scared." In any event, voter registration meetings in churches for Negroes have been rare, apparently because of a feeling of obligation to the leading whites.

Another consensus of the Negroes interviewed was that the overseers of the three large plantations support the rigid system of segregation and tend to exploit labor, both white and Negro. "These hunting reserves mainly for northerners," as one Negro termed them, "help in many ways to maintain the pattern of segregation."

There is a strong citizens council in the county which helps police Negroes, and also whites, who attempt to deviate from the normally accepted pattern of racial behavior. Several of those interviewed said the white ministers have been silenced by the citizens council.

Whatever the reason, the white ministers do not have any line of communication with Negro ministers who serve the county. One Negro said, "Once there was a white minister here who would speak in Negro churches and show some brotherly concern, but they got rid of him." There seems to be no adequate, intelligent communication between the two racial groups in other fields. There is no contact between white and Negro veterans, teachers, or civic groups.

Some Negroes get in touch with whites who wish to learn surreptitiously what other Negroes are thinking about. There is a reluctance on the part of Negroes to communicate with each other about civil rights problems unless they are reasonably sure that what they say will not be communicated to the whites.

Under present conditions, Negro teachers feel that they dare not assert any leadership in the civil rights field if they expect to hold their jobs. They do not openly encourage, or even discuss, Negro voting; nor do they seek this right for themselves. They fear the loss of their jobs and possible physical violence. They know of the firing of two Negro teachers and a bus driver who are relatives of two Negro men who showed interest in registering and voting.

A Negro woman who was a visiting teacher in "blackbelt" county for 30 years decided under pressure that she should resign after she was caught unwittingly in the crossfire of a local political campaign. The episode, as recounted by Negroes interviewed, took this course:

About 3 years ago the incumbent school superintendent was running for reelection against the principal of the high school. The principal's campaign was designed to appeal to citizens council members and their supporters. He attacked the Negro visiting teacher, who is regarded by those who know her as a woman of integrity, dignity, and culture, because her name was listed among the names of other school officials on the official stationery used by the superintendent. The latter was attacked because, it was charged, he tacitly admitted the equality of the races by placing the Negro woman's name along with the white names on the official stationery which was used by the board of education and his office. This was the crux of the campaign. The challenger's promise over the radio and in public political meetings was that when he was elected he was going to remove "that black nigger woman's name from your stationery that has been paid for by your tax money." Some white women resented this type of campaign. The principal was not elected. But the visiting teacher left her job and her home.

Efforts to register

The above factors explain in part why there is not a single Negro registered to vote in "blackbelt" county. But many techniques have been used to disfranchise Negroes.

Shortly after the Civil Rights Act became effective in 1957 four substantial, taxpaying Negro residents of the county decided to sponsor a mass meeting to discuss setting up classes to help prospective registrants answer questions asked under the State voters' law. Later, a registration rally-barbecue was given by one of the leaders. According to those at the rally, the sheriff drove near the barbecue site, stopped and blew his siren. The sheriff left and nothing else happened; yet those at the rally interpreted this as a clear signal that the sheriff was opposed to Negroes registering.

Nevertheless, the Negro leaders continued their efforts with some assistance from one or two Negro civic leaders from a city in the neighboring county. Their efforts were unsuccessful. Negroes said members of the board of registrars have resorted to familiar evasive tactics, such as taking would-be registrants' names under the pretense of enrolling them. Later these Negroes would learn they were not actually registered. At other times the registration books or office would be closed when Negroes sought to register. Some found that no one would tell them the names of the registrars. On 1 occasion, 25 to 30 Negroes went together to register but one of the registrars told them to come back after banking hours. When they returned at the time suggested, the registrars' office was closed. A Negro leader of the group was later approached by a white man who told him, "I know you are a good nigger—just leave that thing off; go up later." Another white man who had known him for many years said "You are one of the best niggers in 'blackbelt' county and I advise you not to bother with this business." This kind of advice from white persons has frequently served to deter Negro registration.

Another tactic has been to discourage outside Negroes from coming to "blackbelt" county to "stir up trouble." After it was learned that one or two members of the voters league in a nearby city were encouraging local Negroes to register, law enforcement officers apparently felt they should discourage visits by these outsiders. In the fall of 1957 one of the visiting Negroes had a picnic in "blackbelt" county and invited a number of Negroes from his city to attend. On their way back home, most of them were arrested for speeding and drinking and each one arrested was fined from $35 to $100 for a total of about $1,400.

The highway through the county has long been known as a speed trap, although this method of raising revenue has been curtailed in recent times, following outside pressure and unfavorable publicity. However, even now drivers must be careful, particularly if the driver happens to be a well-dressed Negro.

Some Negroes characterize "blackbelt" county as "one step down from hell." More specifically one Negro said, "I stay out of that county because I wear a tie." To the uninitiated this would appear to be a casual, flippant remark, but it is not. In rural areas the wearing of a tie or dress clothing, instead of work clothing, by Negroes (except on Saturday afternoon, Sundays, or holidays) is regarded as evidence of a desire to break away from the customary racial pattern, and this is resented by many whites. It may not be the Negro's dress that is involved but his car, his house, his manner of speaking, or his desire to register and vote.

For some time the Voters League in the nearby city has considered methods of opening registration lists for Negroes in several rural counties. It believes that "if we can break through in 'blackbelt' county, the others will follow." The league is aware that strong leadership against the extension of civil rights in the area is centered in the city, which is headquarters for citizens council activities in "blackbelt" and elsewhere in this region.

The daily newspaper of the city serves a large part of the area. Its editor, a vigorous segregationist, is a northerner who has been in the community only since World War II. He has characterized the South's segregation laws as no more immoral than U.S. laws concerning Indians and immigrants. The Supreme Court, he has said, is "very much bent on fostering social revolution."

To Negroes, the daily is known as an anti-Negro paper. Every Saturday it carries a page of "News of the Colored People," but this deals only with such personal items as marriages, deaths, and social events. No news is carried on the page about efforts to extend the Negro's civil rights.

Many Negroes in the area are concerned about a network of opposition they believe is set to "pick off" progressive Negro leaders. A case in point was the ouster, several years ago, of the president of a State-supported Negro college adjacent to Blackbelt County. The Negro educator was accused of aiding the NAACP, because he sat next to a State NAACP leader at a public meeting. He was later summoned before the Governor and the State board in charge of higher education, which subsequently declined to renew his contract.

The college president's difficulties apparently started when some of his faculty members and students decided on a quiet boycott of local businesses which treated Negroes discourteously. The net effect of the president's ouster was to neutralize college-based civil rights activities and to serve as a warning to other Negro leaders that such efforts would lead to reprisals.

Fear and violence

"Blackbelt" county has underscored in a number of ways its opposition to even a fractional extension of civil rights to its Negro citizens. Negroes feel that the sheriff's office has for years used brutality to keep them "in line." They still recall what they regard as a public lynching of a Negro in 1943. The then sheriff had arrested the Negro on a charge of stealing an automobile tire and, before jailing him, beat him in a particularly brutal fashion. As a court later characterized the incident, it was "a shocking and revolting episode in law enforcement." Apparently frightened by their own cruelty, his attackers called an ambulance, and the victim died in a local hospital. The sheriff and two former policemen were indicted by the Federal Government and convicted of depriving the Negro of his life without due process of law. Eventually, on a technical legal point, the case was sent back for a new trial. The second trial ended in an acquittal. The former sheriff was later elected to the State senate. And among local Negroes, the case has never been forgotten.

A man who had worked under the perpetrator of this brutality succeeded him as sheriff. Negroes interviewed said that the present sheriff is opposed to Negroes voting and in fact to their coming to the courthouse except for trial. He too has killed a Negro. He said he acted in the line of duty in shooting to death a Negro sitting in a parked car, and that ended the matter. These instances explain why Negroes in other counties in the South center so much attention on candidates for the sheriff's office. But in "blackbelt" county, Negroes have no political voice.

Some 3 years ago, there were three separate bombings of property belonging to three of the four Negroes who attempted to register to vote and to persuade others to do the same. The front porch of one of them was bombed, as were cars belonging to the other two. (Because of these bombings and other factors, Negroes in the county report that it is increasingly difficult to get liability insurance on their cars.) Although the explosions were extremely noisy in the silence of night, no white persons came to see what had happened. Those whose property was bombed wondered if most of the white population in and around the county seat knew in advance what was going to happen. Negroes quickly showed up at the site of each bombing. The victims were sorely disillusioned because all of them thought they knew some white persons who would befriend them. No white person has publicly condemned the bombings.

Since the bombings, the suspense of not knowing what would happen next has been a source of deep anxiety to the families whose property was damaged. Meanwhile, the daughter of one of the men has lost her job as a school teacher; his brother-in-law was fired as a bus driver and his schoolteacher daughter also suffered the same fate.

The fourth Negro who sought to register was arrested for having illicit liquor on his property and sentenced to jail, although he finally got out of this difficulty. Most persons interviewed believed his arrest was attributable to his registration activities.

Following the dynamitings, FBI agents came into the county to investigate. After several days of questioning the victims and others, the agents left. Undoubtedly, they failed to unearth information or evidence to support any indictments or reveal that a Federal law had been violated. There are two types of reaction among Negroes to this FBI investigation. Two of the victims felt the agents were "on the up and up" but "some Negroes wouldn't talk" and the "good white people held their peace too much." Nevertheless, they felt the "FBI had the Crackers scared." Some outspoken Negroes in the nearby city condemned the failure of the FBI to piece together what they considered an obvious violation of the civil rights of Negroes. When the agents entered Blackbelt County, some whites sent word to the Negroes they could register but none have dared attempt to do so yet.

Finally, widely publicized racial violence in a neighboring rural county served as further warning to "blackbelt" county Negroes and others in the area who might otherwise have pressed their plans to register and vote.

Prospects

This county is but one political and geographical unit in a system of counties in the blackbelt which have decreed that no Negro shall have the privilege of registering and voting, or none beyond a token number that would serve as a safety valve against Federal intervention. These counties are counting on a pattern of sporadic and potential violence to keep civic-minded Negroes from attempting to register and, by their example, to deter others from doing so. Dramatic violence is usually reserved for those Negro citizens who will not heed the warning signals and evasions. Long before Negroes go this far, the opposition seeks to detect signs which indicate that stern warnings are necessary, such as: "It's all right for you to go ahead and register but we advise you not to do so."

Negroes who are pressing for the vote in "blackbelt" county state emphatically that "the white folks watch us like a hawk watches a chicken." And these Negroes in turn watch Negro informants who "carry information to the white folks."

Economic reprisals have been applied only on a limited scale. However, they indicate what might take place if a Negro resident continues to press for his civil rights.

"If you owe money on a place white men will block you," said one Negro who had felt this kind of economic pressure.

They think, too, of the Negro school teachers who have been fired.

Some local Negroes don't do business in the county seat now, and the local merchants are feeling the effects. On the other hand, if a Negro has been somewhat forthright in his insistence on civil and legal rights, it is alleged that he is unlikely to qualify for welfare or old age assistance benefits.

Considering all these factors, there is little likelihood that Negroes in the county will initiate any united effort to register and vote in the near future. It seems unlikely that any formally well-educated Negro litigants will initiate a Federal suit, at least for some time. For one thing, a number of Negro teachers have not established voting residence in the county. Then, too, they feel they would be fired and would thus have to leave the county to obtain another white collar job. There is a dearth of Negro professional and business men and women who would have a reasonable degree of the economic independence which would enable them to provide leadership.

Under the circumstances, most Negroes in the county interested in voting feel that their only hope in the near future must come from Federal action against the Board of Registrars. They reason that Federal intervention would provide would-be Negro registrants with a degree of protection from local white hostility. Without this Federal intervention they feel it will be a long time before Negroes will be able to vote safely in "blackbelt" counties and others of the same type in the rural Deep South.

Appendix

FLORIDA

County	1958 population			1958 registration			Population, percent Negro	Registration, percent Negro
	Total	White	Negro	Total	White	Negro		
Alachua	80,500	60,400	20,100	15,602	13,433	2,169	25.0	13.9
Baker	6,800	5,100	1,700	3,820	3,423	397	25.0	10.4
Bay	63,600	53,600	10,000	21,063	19,159	1,904	15.7	9.0
Bradford	12,200	9,100	3,100	5,305	4,535	770	25.4	14.5
Brevard	86,200	75,800	10,400	21,019	19,272	1,747	12.1	8.3
Broward	265,900	218,900	47,000	92,604	84,997	7,607	17.7	8.2
Calhoun	7,800	6,700	1,100	4,303	4,038	265	14.1	6.2
Charlotte	7,200	6,300	900	4,168	3,895	273	12.5	6.5
Citrus	8,400	6,600	1,800	3,976	3,576	400	19.0	10.1
Clay	19,700	17,300	2,400	6,312	5,402	910	12.2	14.4
Collier	13,900	10,300	3,600	4,491	4,164	327	25.9	7.3
Columbia	18,600	12,400	6,200	6,221	5,250	971	33.3	15.6
Dade	846,800	732,000	114,800	358,833	337,838	20,785	13.6	5.8
DeSoto	11,600	9,200	2,400	4,910	3,995	915	20.7	18.6
Dixie	4,400	3,600	800	2,018	1,948	70	18.2	3.4
Duval	427,200	324,400	102,800	132,105	105,652	26,453	24.1	20.0
Escambia	166,400	131,000	35,400	60,033	51,956	8,077	21.3	13.5
Flagler	5,300	3,800	1,500	1,551	1,532	19	28.3	1.2
Franklin	5,700	4,100	1,600	3,420	2,897	523	28.1	15.3
Gadsden	50,100	21,700	28,400	6,317	6,310	7	56.7	.1
Gilchrist	3,300	2,900	400	1,704	1,670	34	12.1	2.0
Glades	3,100	1,700	1,400	881	735	146	45.2	16.6
Gulf	8,900	6,400	2,500	3,736	3,234	502	28.1	13.4
Hamilton	8,300	4,500	3,800	4,317	3,805	512	45.8	11.9
Hardee	13,600	11,600	2,000	4,595	4,303	292	14.7	6.4
Hendry	7,200	4,900	2,300	2,702	2,339	563	31.9	20.8
Hernando	9,800	7,100	2,700	3,734	3,248	486	27.6	13.0
Highlands	17,400	13,100	4,300	9,856	8,922	934	24.7	9.5
Hillsborough	359,300	305,000	54,300	114,938	105,116	9,822	15.1	8.5
Holmes	11,600	11,100	500	6,838	6,698	140	4.3	2.0
Indian River	23,100	18,000	5,100	7,220	6,708	521	22.1	7.2
Jackson	34,100	23,000	11,100	11,530	9,440	2,090	32.6	18.1
Jefferson	9,500	3,700	5,800	3,470	3,038	432	61.1	12.4
Lafayette	2,800	2,600	200	1,902	1,902	0	7.1	0
Lake	52,200	40,900	11,300	17,725	16,362	1,363	21.6	7.7
Lee	40,800	32,900	7,900	15,491	14,359	1,132	19.4	7.3
Leon	78,000	50,800	27,200	19,143	15,054	4,089	34.9	21.4
Levy	9,900	6,700	3,200	5,552	5,139	413	32.3	7.4
Liberty	2,800	2,200	600	1,706	1,706	0	21.4	0
Madison	14,200	7,800	6,400	4,570	3,617	953	45.1	20.9
Manatee	56,300	46,100	10,200	18,207	17,293	914	18.1	5.0
Marion	47,500	31,500	16,000	15,022	12,018	3,004	33.7	20.0

Appendix—Continued

FLORIDA

County	1958 population			1958 registration			Population, percent Negro	Registration, percent Negro
	Total	White	Negro	Total	White	Negro		
Martin	13,100	10,000	3,100	6,065	5,450	615	23.7	10.1
Monroe	54,000	49,000	5,000	11,504	9,856	1,648	9.3	14.3
Nassau	14,900	10,700	4,200	6,304	5,041	1,263	28.2	20.0
Okaloosa	56,500	52,100	4,400	13,006	15,321	684	7.8	5.3
Okeechobee	5,100	4,000	1,100	2,514	2,147	367	21.6	14.6
Orange	237,600	201,200	36,400	59,594	56,358	3,146	15.3	5.3
Osceola	16,300	14,600	1,700	7,456	7,102	354	10.4	4.7
Palm Beach	214,300	162,700	51,600	73,300	67,009	6,291	24.1	8.6
Pasco	30,800	27,300	3,500	13,767	13,097	670	11.4	4.9
Pinellas	296,100	264,600	31,500	138,833	134,223	4,610	10.6	3.3
Polk	176,000	142,900	33,100	61,360	55,761	5,599	18.8	9.1
Putnam	33,500	22,000	11,500	12,800	10,979	1,821	34.3	14.2
St. Johns	31,300	21,600	9,700	12,775	10,605	2,170	31.0	17.0
St. Lucie	33,600	24,000	9,600	13,072	11,179	1,893	28.6	14.5
Santa Rosa	25,200	23,300	1,900	11,139	10,390	749	7.5	6.7
Sarasota	59,600	51,700	7,900	21,598	20,915	683	12.4	3.2
Seminole	46,200	33,000	13,200	11,110	9,529	1,581	28.6	14.2
Sumter	11,500	8,600	2,900	4,790	4,216	574	25.2	12.0
Suwannee	14,100	10,200	3,900	5,709	5,312	397	27.7	7.0
Taylor	14,000	10,700	3,300	4,550	4,483	67	23.6	1.5
Union	10,600	7,100	3,500	2,598	2,598	0	33.0	0
Volusia	102,100	80,000	22,100	48,206	43,350	4,856	21.6	10.1
Wakulla	5,100	3,600	1,500	2,994	2,601	393	29.4	13.1
Walton	14,200	12,400	1,800	6,189	5,479	710	12.7	11.5
Washington	10,900	9,000	1,900	6,302	5,664	738	17.4	11.7
State	4,448,000	3,603,100	84,490	[1] 1,593,353	1,448,543	144,810	19.0	9.1

[1] Total of Democratic and Republican registrants. There were also 13,861 voters with other affiliation or independent; as there is no racial breakdown for these, they are excluded from the county figures and the State totals.

Source: Secretary of State of Florida, July 1958. Population figures: Florida State Board of Health, February 1959.

GEORGIA

County	1958 population			1958 registration			Population, percent Negro	Registration, percent Negro
	Total	White	Negro	Total	White	Negro		
Appling	14,100	11,300	2,800	7,752	6,612	1,140	19.9	14.7
Atkinson	7,700	6,000	1,700	4,961	4,164	797	22.1	16.1
Bacon	9,700	8,600	1,100	6,127	6,105	22	11.3	.36
Baker	5,200	1,900	3,300	1,670	1,670	0	63.5	0
Baldwin	21,700	13,900	7,800	10,293	7,675	2,618	35.9	24.5
Banks	5,900	5,600	300	4,464	4,420	44	5.1	1.0
Barrow	13,500	11,000	2,500	6,100	5,858	312	18.5	5.1
Bartow	29,400	25,200	4,200	12,442	11,239	1,203	14.3	9.7
Ben Hill	15,400	10,700	5,000	4,727	3,797	930	32.5	19.7
Berrien	13,400	11,600	1,800	4,580	4,177	403	13.4	8.8
Bibb	142,000	94,700	47,300	31,037	26,124	4,913	33.3	15.8
Bleckley	9,100	6,400	2,700	3,391	3,346	45	29.7	1.3
Brantley	6,200	5,600	600	3,993	3,767	226	9.7	5.7
Brooks	17,100	8,900	8,200	5,016	4,321	695	48.0	13.9
Bryan	6,000	3,600	2,400	2,789	1,972	817	40.0	29.3
Bulloch	24,600	15,400	9,200	9,289	7,899	1,390	37.4	15.0
Burke	22,100	6,900	15,200	4,091	3,664	427	68.8	10.4
Butts	9,200	5,000	4,200	5,241	3,810	1,437	45.7	27.4
Calhoun	7,600	2,500	5,100	1,814	1,682	132	67.1	7.3
Camden	8,800	4,700	4,100	3,991	2,606	1,385	46.6	34.7
Candler	7,500	4,900	2,600	4,369	3,195	1,174	34.7	26.9
Carroll	35,000	28,200	6,800	14,605	13,680	925	19.4	6.3
Catoosa	17,600	17,200	400	10,008	9,938	70	2.3	.7
Charlton	4,800	1,400	3,400	2,333	2,293	40	70.2	1.7
Chatham	193,400	124,400	69,000	46,193	36,943	9,250	35.7	20.0
Chattahoochee	1,200	600	600	292	284	8	50.0	2.7
Chattooga	23,400	21,200	2,200	12,261	11,250	1,011	9.4	8.2
Cherokee	21,800	20,800	1,000	1,069	879	190	4.6	17.8
Clarke	42,700	32,400	10,300	17,391	14,255	3,136	24.1	18.0
Clay	5,200	1,600	3,600	1,107	1,013	94	69.2	8.5
Clayton	33,900	29,100	4,800	11,918	11,441	477	14.2	4.0
Clinch	6,500	4,400	2,100	2,748	2,429	319	32.3	11.6
Cobb	84,800	77,800	7,000	30,042	28,134	1,908	8.3	6.4
Coffee	26,100	19,600	6,500	11,000	10,058	942	24.9	8.6
Colquitt	35,700	27,200	8,500	13,965	13,000	965	23.8	6.9
Columbia	11,000	6,100	4,900	3,933	3,423	510	44.5	13.0
Cook	12,700	9,000	3,700	6,500	6,000	500	29.1	7.7
Coweta	28,900	18,300	10,600	13,244	11,597	1,647	36.7	12.4
Crawford	5,600	2,300	3,300	1,651	1,496	155	58.9	9.4
Crisp	18,200	10,300	7,900	5,506	4,785	721	43.4	13.1
Dade	8,500	8,400	100	3,718	3,678	40	1.2	1.0
Dawson	3,300	3,300	0	2,172	2,172	0	0	0
Decatur	25,300	13,700	11,600	8,490	7,530	960	45.8	11.3
De Kalb	202,800	183,900	19,000	66,903	64,450	2,153	9.4	3.2
Dodge	16,200	11,500	4,700	10,756	8,728	2,028	29.0	18.9
Dooly	12,800	6,100	6,700	4,974	4,252	722	52.3	14.5
Dougherty	59,000	36,500	22,500	13,443	10,815	2,628	38.1	19.5
Douglas	14,000	11,900	2,100	7,778	6,946	832	15.0	10.7
Early	17,000	7,700	9,300	4,017	3,812	205	54.7	5.1
Echols	2,300	1,700	600	819	804	15	26.1	1.8
Effingham	9,000	5,700	3,300	2,806	2,618	188	36.7	6.7
Elbert	18,300	12,700	5,600	10,116	9,012	1,104	30.6	10.9
Emanuel	17,800	11,500	6,300	9,014	7,252	1,762	35.4	19.5
Evans	6,400	3,800	2,600	2,689	2,206	483	40.6	18.0
Fannin	15,700	15,600	100	8,522	8,503	19	.63	.22
Fayette	8,000	5,400	2,600	3,229	3,204	25	67.5	.77
Floyd	67,700	58,000	9,700	20,767	19,244	1,523	14.3	7.3
Forsyth	11,100	11,000	100	4,148	4,148	0	.9	0
Franklin	13,900	12,300	1,600	5,800	5,500	300	11.5	5.2
Fulton	571,600	395,000	176,600	133,291	104,877	28,414	30.9	21.3

Appendix—Continued

GEORGIA

County	1958 population			1958 registration			Population, percent Negro	Registration, percent Negro
	Total	White	Negro	Total	White	Negro		
Gilmer	10,700	10,600	100	4,460	4,454	6	0.9	0.13
Glascock	3,000	2,200	800	1,358	1,339	19	26.7	1.4
Glynn	35,400	24,600	10,800	9,464	7,425	2,039	30.5	21.5
Gordon	19,600	18,400	1,200	7,702	[1] 7,353	[1] 348	6.1	4.7
Grady	18,900	12,300	6,600	5,907	5,076	831	34.9	14.1
Greene	12,500	6,100	6,400	7,781	5,053	2,728	51.2	35.1
Gwinnett	35,600	32,400	3,200	17,500	16,498	1,002	9.0	5.7
Habersham	18,100	17,500	600	8,423	8,223	200	3.3	2.4
Hall	45,000	40,200	4,800	18,751	17,542	1,209	10.7	6.4
Hancock	10,200	2,600	7,600	3,794	2,064	1,730	74.5	45.6
Haralson	15,100	13,900	1,200	12,194	11,443	751	7.9	6.2
Harris	11,400	5,000	6,400	3,850	3,635	215	56.1	5.6
Hart	14,100	10,600	3,500	6,238	5,944	294	24.8	4.7
Heard	6,000	4,600	1,400	2,849	2,475	374	23.3	13.1
Henry	16,800	9,400	7,400	7,104	5,442	1,662	44.0	23.4
Houston	28,600	20,600	8,000	7,739	[2] 7,259	[2] 480	28.0	6.2
Irwin	11,600	7,300	4,300	5,200	4,500	700	37.1	13.5
Jackson	18,700	16,000	2,700	7,659	7,209	450	14.4	5.9
Jasper	6,800	2,900	3,900	3,334	2,530	804	57.4	24.1
Jeff Davis	9,800	7,600	2,200	6,190	6,134	56	22.4	.9
Jefferson	18,500	7,700	10,800	4,384	4,120	264	58.4	6.0
Jenkins	9,500	4,500	5,000	3,196	2,502	694	52.6	21.7
Johnson	8,300	5,700	2,500	3,923	3,655	268	30.5	6.8
Jones	7,300	3,500	3,800	2,659	2,048	611	52.1	23.0
Lamar	10,600	6,400	4,200	3,700	2,801	899	39.6	24.3
Lanier	5,100	3,400	1,700	2,344	1,892	452	33.3	19.3
Laurens	33,600	20,000	13,600	16,725	13,218	3,507	40.5	21.0
Lee	6,200	2,000	4,200	1,310	1,281	29	67.7	2.2
Liberty	9,700	4,000	5,700	4,600	2,128	2,472	58.8	53.7
Lincoln	6,300	3,200	3,100	2,440	2,437	3	49.2	.12
Long	3,400	2,300	1,100	[3] 3,262	[3] 2,201	[3] 1,061	32.4	32.5
Lowndes	42,700	26,800	15,900	14,564	11,860	2,704	37.2	18.6
Lumpkin	7,000	6,800	200	3,995	3,912	83	2.9	2.1
Macon	13,500	4,700	8,800	3,302	3,024	178	65.2	5.6
Madison	11,700	9,400	2,300	4,643	4,588	55	19.7	1.2
Marion	6,400	2,400	4,000	1,382	1,330	52	62.5	3.8
McDuffie	12,200	6,800	5,400	4,468	[4] 4,089	379	44.3	8.5
McIntosh	6,600	2,500	4,100	2,615	1,396	1,219	62.1	46.6
Meriwether	20,900	10,400	10,500	6,384	5,457	927	50.2	14.5
Miller	8,600	6,200	2,400	3,363	3,357	6	27.9	.18
Mitchell	22,700	11,400	11,300	7,673	7,298	375	49.8	4.9
Monroe	10,600	5,600	5,000	4,086	3,333	753	47.2	18.4
Montgomery	6,900	4,000	2,900	4,320	3,315	1,005	42.0	23.3
Morgan	11,600	5,600	6,000	3,353	2,615	738	51.7	22.0
Murray	10,600	10,500	100	4,997	4,962	35	.94	.7
Muscogee	144,100	109,900	34,200	26,388	22,859	3,729	23.7	14.0
Newton	21,600	14,400	7,200	10,962	9,038	1,905	33.3	17.4
Oconee	6,800	5,200	1,600	3,596	3,224	372	23.5	10.3
Oglethorpe	8,600	4,800	3,800	3,157	2,958	199	44.2	6.3
Paulding	11,400	10,100	1,300	8,286	7,851	435	11.4	5.2
Peach	12,900	4,900	8,000	3,218	2,539	679	62.0	21.1
Pickens	8,900	8,500	400	4,394	4,293	101	4.5	2.2
Pierce	10,900	8,400	2,500	3,769	3,388	381	22.9	10.1
Pike	7,400	4,100	3,300	3,016	2,520	496	44.6	16.4
Polk	33,200	27,900	5,300	11,006	9,852	1,154	16.0	10.5
Pulaski	8,400	4,500	3,900	3,088	2,853	235	46.4	7.6
Putnam	7,500	3,500	4,000	2,936	2,366	570	53.3	19.4
Quitman	2,800	1,000	1,800	764	721	43	64.3	5.6
Rabun	7,400	7,300	100	4,578	4,567	11	1.4	.22
Randolph	12,300	4,500	7,800	3,078	2,585	493	63.4	16.0
Richmond	154,400	106,200	48,200	29,080	23,260	5,820	31.2	20.0
Rockdale	9,200	6,600	2,600	4,064	3,501	563	28.3	13.9
Sehley	3,500	1,400	2,100	1,164	1,004	158	60.0	13.6
Screven	16,900	7,300	9,600	3,562	3,027	535	53.3	15.0
Seminole	7,700	4,800	2,900	3,201	3,172	29	37.7	.9
Spalding	33,500	24,700	8,800	[4] 11,930	[4] 9,930	[4] 2,000	26.3	16.8
Stephens	19,400	16,900	2,500	8,869	8,242	627	12.9	7.1
Stewart	8,600	2,300	6,300	1,662	1,555	107	73.3	6.4
Sumter	24,600	11,900	12,700	5,647	5,164	483	51.6	8.6
Talbot	7,600	2,200	5,400	1,667	1,448	219	71.1	13.1
Taliaferro	3,600	1,200	2,300	1,660	913	756	63.7	45.3
Tattnall	13,700	10,500	3,200	9,904	8,224	1,680	23.4	17.0
Taylor	8,300	4,200	4,100	3,450	3,103	347	49.4	10.1
Telfair	12,400	8,200	4,200	7,558	7,389	169	33.9	2.2
Terrell	13,200	4,700	8,500	2,858	2,810	48	64.4	1.7
Thomas	36,600	22,100	14,500	10,001	8,422	1,579	39.6	15.8
Tift	25,900	18,500	7,400	7,794	6,681	1,113	28.6	14.3
Toombs	18,100	12,900	5,200	5,713	5,543	170	28.7	3.0
Towns	4,800	4,800	0	[5] 2,123	[5] 2,123	[5] 0	0	0
Treutlen	6,000	4,100	1,900	[5] 3,559	[5] 3,541	[5] 18	31.7	.5
Troup	54,700	38,000	16,700	15,940	13,836	2,104	30.5	13.2
Turner	10,500	6,400	4,100	4,367	3,893	474	39.0	10.9
Twiggs	8,000	3,100	4,900	2,865	2,517	348	61.3	12.1
Union	7,200	7,200	0	4,944	4,944	0	0	0
Upson	25,600	19,300	6,300	5,903	5,437	466	24.6	7.9
Walker	43,800	41,100	2,700	24,451	23,324	1,127	6.2	4.6
Walton	20,400	13,900	6,500	7,678	6,873	805	31.9	10.5
Ware	32,800	24,100	8,700	13,736	11,418	2,318	26.5	16.9
Warren	8,000	2,900	5,100	2,201	2,006	195	63.8	8.9
Washington	19,600	8,300	11,300	8,400	6,696	1,704	57.7	20.3
Wayne	15,600	12,500	3,100	9,370	7,931	1,439	19.9	15.4
Webster	3,800	1,300	2,500	934	934	0	65.8	0
Wheeler	5,700	3,700	2,000	3,592	3,157	435	35.1	12.1
White	5,800	5,400	400	4,121	3,932	189	6.9	4.6
Whitfield	40,800	29,100	1,700	16,777	15,920	857	4.2	5.1
Wilcox	8,700	5,900	2,800	3,289	3,059	230	32.2	7.0

See footnotes at end of table.

Appendix—Continued

GEORGIA—Continued

County	1958 population			1958 registration			Population, percent Negro	Registration, percent Negro
	Total	White	Negro	Total	White	Negro		
Wilkes	10,900	5,100	5,800	3,654	3,364	290	53.2	7.9
Wilkinson	9,200	4,700	4,500	3,452	3,041	411	48.9	11.9
Worth	18,700	9,200	9,500	6,151	5,855	296	50.8	4.8
State	3,934,000	2,791,000	1,143,000	1,292,343	1,130,385	161,958	29.0	12.5

[1] Total reported by secretary of state not broken down by race. Negro estimate taken from SRC 1956 report; white estimate based on population reports.
[2] Total reported by secretary of state not broken down by race. White and Negro estimates by county board of registrars.
[3] Not reported by secretary of state. Estimates taken from SRC 1956 report.
[4] Not reported by secretary of state. Estimates provided by county board of registrars.

Source: Secretary of state, September 1958, unless otherwise noted. Population figures: Georgia Department of Public Health, July 1958.

LOUISIANA

Parish	1958 population			1958 registration			Population, percent Negro	Registration, percent Negro
	Total	White	Negro	Total	White	Negro		
Acadia	55,050	43,771	11,279	21,828	18,324	3,504	20.5	16.1
Allen	21,883	16,550	5,333	8,816	7,053	1,763	24.4	20.0
Ascension	25,919	16,744	9,175	9,406	7,382	2,024	35.4	21.5
Assumption	19,781	11,261	8,520	6,720	4,731	1,989	43.1	29.6
Avoyelles	43,311	31,288	12,023	15,999	14,045	1,954	27.8	12.2
Beauregard	21,030	17,291	3,739	7,787	6,747	1,040	17.8	13.4
Bienville	20,905	10,107	10,796	4,787	4,759	28	51.6	.58
Bossier	50,376	33,994	16,382	10,455	9,983	472	32.5	4.5
Caddo	208,722	127,707	81,015	55,688	51,222	4,466	38.8	8.0
Calcasieu	112,461	87,039	25,422	41,967	35,603	6,364	22.6	15.2
Caldwell	11,338	8,025	3,313	2,572	2,534	38	29.2	1.5
Cameron	6,733	6,284	449	2,003	1,928	75	6.7	3.7
Catahoula	13,566	8,672	4,894	2,409	2,222	187	36.1	7.8
Claiborne	27,325	12,834	14,491	5,713	5,698	15	53.0	.26
Concordia	16,968	7,037	9,931	2,262	2,090	172	58.5	7.6
DeSoto	27,434	11,403	16,031	6,012	5,526	486	58.4	8.1
East Baton Rouge	190,198	127,464	62,734	63,690	54,590	9,100	33.0	14.3
East Carroll	18,681	7,243	11,438	2,028	2,028	0	61.2	0
East Feliciana	21,198	8,343	12,855	2,939	2,485	454	60.1	15.4
Evangeline	35,908	26,626	9,282	15,901	12,815	3,086	25.8	19.4
Franklin	34,146	20,905	13,241	6,056	5,692	364	38.8	6.0
Grant	15,783	11,732	4,051	5,277	4,752	525	25.7	9.9
Iberia	47,533	32,070	15,463	18,602	14,490	4,112	32.5	22.1
Iberville	30,479	15,440	15,039	7,853	5,917	1,936	49.3	24.7
Jackson	17,296	11,756	5,540	5,316	4,956	360	32.0	6.8
Jefferson	130,226	108,398	21,828	66,127	59,392	6,735	16.8	10.2
Jefferson Davis	30,823	23,925	6,888	10,830	9,169	1,661	22.3	15.3
Lafayette	69,568	49,993	19,575	17,121	14,125	2,996	28.1	17.5
Lafourche	50,456	43,584	6,872	22,879	20,926	1,953	13.6	8.5
LaSalle	14,256	12,577	1,679	5,058	4,901	157	11.8	3.1
Lincoln	28,798	16,855	11,943	5,135	4,665	470	41.5	9.2
Livingston	23,238	19,511	3,727	7,107	6,543	564	16.0	7.9
Madison	20,156	6,654	13,502	1,316	1,316	0	67.0	0
Morehouse	38,276	19,308	18,968	4,849	4,647	202	49.6	4.2
Natchitoches	42,796	23,084	19,712	7,528	6,121	1,407	46.1	18.7
Orleans	643,979	424,440	219,539	194,421	163,132	31,289	34.1	16.1
Ouachita	87,967	58,006	29,961	22,755	21,979	776	34.1	3.4
Plaquemines	17,714	10,962	6,752	5,416	5,371	45	38.1	.83
Point Coupee	25,060	11,301	13,759	3,747	3,121	626	54.9	16.7
Rapides	105,119	70,082	35,037	27,924	25,294	2,630	33.3	9.4
Red River	13,460	6,480	6,980	1,973	1,958	15	54.9	.76
Richland	31,261	17,757	13,504	4,452	4,273	179	43.2	4.0
Sabine	23,205	18,128	5,077	9,135	7,643	1,492	21.9	16.3
St. Bernard	14,944	12,919	2,025			802	13.6	
St. Charles	16,600	11,373	5,227	6,433	5,001	1,432	31.5	22.3
St. Helena	9,958	4,458	5,500	2,761	1,702	1,059	55.2	8.4
St. James	18,006	8,783	9,223				51.2	
St. John	17,653	8,565	9,088			2,426	51.5	
St. Landry	92,456	50,536	41,920	22,512	15,367	7,145	45.3	31.7
St. Martin	31,335	19,308	12,027	9,650	7,144	2,506	38.4	26.0
St. Mary	42,703	26,845	15,858	14,021	11,363	2,658	37.1	19.0
St. Tammany	31,177	21,381	9,796	16,129	14,059	2,070	31.4	12.8
Tangipahoa	61,991	41,135	20,856	21,031	17,554	3,477	33.6	16.5
Tensas	15,009	5,210	9,799	928	928	0	65.3	0
Terrabonne	53,184	40,551	12,633	12,192	11,193	999	23.8	8.2
Union	21,164	13,390	7,774	4,303	3,935	368	36.7	8.6
Vermilion	42,245	36,711	5,534	18,753	16,863	1,890	13.1	10.1
Vernon	23,242	20,463	2,779	8,063	7,423	640	12.0	7.9
Washington	44,852	29,838	15,014	12,961	11,444	1,517	33.5	11.7
Webster	41,189	25,890	15,299	8,277	8,197	80	37.1	1.0
West Baton Rouge	13,448	6,354	7,094	2,315	1,301	1,014	52.8	43.8
West Carroll	19,488	15,709	3,779	3,335	3,265	70	19.4	2.1
West Feliciana	11,405	3,091	8,314	901	901	0	72.9	0
Winn	17,742	12,589	5,153			1,430	29.0	
State	3,130,173	2,067,740	1,062,433	[1] 920,675	[1] 793,265	[2] 126,410	33.9	13.7

[1] Excluding St. Bernard, St. John the Baptist, and Winn Parishes, for which registration figures were not available at the time of the survey. The Negro registration figures entered above for these parishes are from SRC's 1956 survey, and are not included in the State totals or percentages.
[2] Plus 4,658 for the 3 excluded parishes equals 131,068.

Source: Secretary of state, Oct. 4, 1958. Population figures: Louisiana State Department of Health, 1958.

Appendix—Continued

SOUTH CAROLINA

County	1957 population			1958 registration			Population, percent Negro	Registration, percent Negro
	Total	White	Negro	Total	White	Negro		
Abbeville	24,167	15,995	8,172	5,538	5,420	118	33.8	2.1
Aiken	63,075	41,719	21,356	20,216	18,454	1,762	33.9	8.7
Allendale	13,211	3,704	9,507	2,559	2,419	140	72.0	5.5
Anderson	100,724	77,296	21,428	25,048	23,424	1,624	21.3	6.5
Bamberg	19,733	8,029	11,704	3,660	3,267	393	59.3	10.7
Barnwell	20,074	8,097	11,977	5,317	4,786	531	59.7	10.0
Beaufort	30,466	12,257	18,209	4,141	2,855	1,286	59.8	31.1
Berkeley	34,609	12,427	22,182	7,060	5,147	1,913	64.1	27.1
Calhoun	16,490	4,515	11,975	1,773	1,699	74	72.6	4.2
Charleston	193,973	113,329	80,644	40,136	32,859	7,277	41.6	18.5
Cherokee	39,146	29,976	9,170	11,276	10,612	664	23.4	5.9
Chester	36,716	20,802	15,914	9,143	8,463	680	43.3	7.4
Chesterfield	40,417	24,346	16,071	9,597	8,196	1,401	39.8	14.6
Clarendon	37,376	10,372	27,004	3,782	3,458	324	72.2	8.6
Colleton	31,684	14,405	17,279	6,430	5,695	735	54.5	11.4
Darlington	57,480	30,098	27,382	12,635	10,191	2,444	47.6	19.3
Dillon	35,541	18,045	17,496	5,740	4,924	816	49.2	14.2
Dorchester	25,514	11,153	14,361	5,742	5,330	412	56.3	7.2
Edgefield	18,950	7,231	11,719	3,537	3,267	270	61.8	7.6
Fairfield	24,824	9,692	15,132	4,963	4,218	750	61.0	15.1
Florence	90,885	49,189	41,696	17,953	16,090	1,863	45.9	10.4
Georgetown	37,160	17,127	20,033	5,578	4,667	911	53.9	16.3
Greenville	193,720	157,176	36,544	51,097	47,057	4,040	18.8	7.9
Greenwood	46,524	32,327	14,197	11,682	10,844	838	30.5	29.3
Hampton	20,258	8,625	11,633	3,460	3,210	250	57.4	7.2
Harry	69,224	49,692	19,532	15,122	13,892	1,230	28.2	8.1
Jasper	12,224	4,213	8,011	2,464	1,975	489	65.5	19.8
Kershaw	36,262	18,709	17,553	9,790	8,706	1,084	48.4	11.1
Lancaster	41,921	29,593	12,328	12,977	12,084	893	29.4	6.9
Laurens	51,396	34,988	16,408	11,033	10,102	931	31.9	8.4
Lee	26,754	8,229	18,525	4,908	4,166	742	69.2	15.1
Lexington	50,725	39,833	10,892	14,319	14,106	213	21.5	1.5
McCormick	10,859	3,867	6,992	1,399	1,399	0	64.4	0
Marion	38,196	16,349	21,847	6,252	5,280	972	57.2	15.5
Marlboro	35,204	16,409	18,795	7,411	7,016	395	53.4	5.3
Newberry	34,392	21,283	13,109	8,480	7,984	496	38.1	5.8
Oconee	43,441	38,219	5,222	8,277	7,717	560	12.0	6.8
Orangeburg	78,513	27,910	50,603	12,288	10,068	2,220	64.5	18.1
Pickens	44,737	39,866	4,871	10,734	10,435	299	10.9	2.8
Richland	165,882	106,686	59,196	38,775	32,110	6,665	35.7	17.2
Saluda	17,679	9,952	7,727	4,351	4,135	216	43.7	5.0
Spartanburg	167,990	129,872	38,118	45,084	41,914	3,170	22.7	7.0
Sumter	69,385	30,494	38,891	9,704	7,574	2,130	56.1	21.9
Union	34,687	23,408	11,279	12,124	11,100	1,024	32.5	8.4
Williamsburg	51,222	15,736	35,486	6,390	6,156	234	69.3	3.7
York	82,092	56,145	25,947	18,966	16,552	2,414	31.6	12.7
State	2,415,502	1,461,385	954,117	537,406	479,711	57,978	39.5	10.8

Source: Secretary of State O. Frank Thornton, as reported in the State (Columbia, S.C.), May 24, 1958.

The "South Carolina Legislative Manual, 1959," prints county registration figures as of June 10, 1958 (p. 358); the figures given above were reported by the secretary of state as of May 10, 1958. The later figures are not used because they are not broken down by race. The difference, however, is slight: a total State registration of 536,206, or 1,200 less than the May 10 report used here.

Population figures: State board of health, Jan. 1, 1957.

VIRGINIA

County	1956 population			1958 registration			Population, percent Negro	Registration, percent Negro
	Total	White	Negro	Total	White	Negro		
Accomack	33,923	22,094	11,829	4,962	4,469	493	34.9	9.9
Albermarle	27,933	22,805	5,128	4,765	4,120	645	18.4	13.5
Alleghany	11,725	10,834	891	2,214	2,056	158	7.6	7.1
Amelia	8,299	4,128	4,171	2,582	1,975	607	50.3	23.5
Amherst	21,063	15,623	5,440	5,182	4,586	596	25.8	11.5
Appomattox	8,667	6,429	2,238	2,540	2,390	150	25.8	5.9
Arlington	158,710	151,207	7,203	44,526	43,252	1,274	4.5	2.9
Augusta	35,107	33,322	1,785	7,446	7,271	175	5.1	2.4
Bath	5,982	5,321	661	1,776	1,704	72	11.0	4.1
Bedford	31,601	25,693	5,908	6,985	6,130	855	18.7	12.2
Bland	6,185	6,048	137	1,689	1,672	17	2.2	1.0
Botetourt	16,555	15,112	1,443	4,740	4,740	0	8.7	0
Brunswick	20,544	8,095	12,449	4,626	3,856	770	60.6	16.6
Buchanan	38,650	38,636	14	11,625	11,625	0	.04	0
Buckingham	12,135	6,738	5,397	1,515	1,075	440	44.4	29.0
Campbell	33,669	26,063	7,606	6,133	5,358	775	22.6	12.6
Caroline	12,788	6,108	6,680	1,912	1,410	502	52.2	26.3
Carroll	26,882	26,481	401	6,456	6,445	11	1.5	.17
Charles City	4,842	867	3,975	1,186	554	632	82.1	53.3
Charlotte	15,431	9,352	6,079	3,580	3,296	284	39.4	7.9
Chesterfield	56,044	46,385	9,659	12,595	11,325	1,270	17.2	10.1
Clarke	7,267	6,050	1,217	2,330	2,105	225	16.7	9.7
Craig	3,315	3,301	14	1,080	1,080	0	.42	0
Culpeper	14,517	10,662	3,855	3,304	2,827	477	26.6	14.4
Cumberland	6,966	2,868	4,098	1,775	1,475	300	58.8	16.9
Dickenson	23,391	23,181	210	9,305	9,260	45	.9	.48
Dinwiddie	20,575	7,866	12,709	4,260	3,424	836	61.8	19.6
Essex	6,666	3,496	3,170	1,070	845	225	47.6	21.0
Fairfax	176,371	164,269	12,102	48,580	47,506	1,074	6.9	2.2
Fauquier	24,401	18,206	6,195	4,120	3,937	183	25.4	4.4
Floyd	11,580	11,174	406	4,538	4,433	105	3.5	2.3
Fluvanna	7,289	4,492	2,797	890	808	82	38.4	9.2
Franklin	27,188	23,011	4,177	3,995	3,609	386	15.4	9.7
Frederick	20,400	19,972	428	4,265	4,220	45	2.1	1.1
Giles	20,090	19,547	543	5,001	4,950	51	2.7	1.0
Gloucester	11,351	7,942	3,409	2,596	2,949	647	30.0	18.0
Goochland	9,280	4,512	4,768	2,625	1,950	675	51.4	25.7

Appendix—Continued

VIRGINIA—Continued

County	1956 population			1958 registration			Population, percent Negro	Registration, percent Negro
	Total	White	Negro	Total	White	Negro		
Grayson	16,587	15,869	1,018	6,501	6,430	71	6.0	1.1
Greene	5,321	4,641	680	1,787	1,700	87	12.8	4.9
Greensville	17,996	7,456	10,540	3,685	2,810	875	58.6	23.7
Halifax	43,418	24,223	19,195	6,332	5,750	582	44.2	9.2
Hanover	26,012	18,374	7,638	5,175	4,640	535	29.4	10.3
Henrico	86,821	80,776	6,045	30,813	29,958	855	7.0	2.8
Henry	36,835	27,400	9,425	6,621	6,270	351	25.6	5.3
Highland	3,811	3,695	116	1,257	1,247	10	3.0	.8
Isle of Wight	16,580	7,899	8,681	4,523	3,592	931	52.4	20.6
James City	7,370	4,037	3,333	1,465	1,123	342	45.2	23.3
King George	6,636	4,652	1,984	1,525	1,200	325	29.9	21.3
King and Queen	6,822	3,110	3,712	915	565	350	54.4	28.3
King William	7,949	4,650	3,299	1,405	1,100	305	41.5	21.7
Lancaster	9,911	5,316	3,595	2,075	1,660	415	40.3	20.0
Lee	30,363	30,013	350	12,311	12,183	128	1.2	1.0
Loudoun	23,764	19,788	3,976	7,919	7,498	421	16.7	5.3
Louisa	13,550	8,181	5,369	2,464	2,085	379	39.6	15.4
Lunenburg	14,925	8,134	6,791	2,660	2,200	460	45.5	17.3
Madison	8,784	6,621	2,163	2,110	1,985	125	24.6	5.9
Mathews	6,900	4,981	1,919	1,675	1,475	200	27.8	11.9
Mecklenburg	33,810	17,220	16,590	5,880	5,250	630	49.1	10.7
Middlesex	6,971	4,049	2,922	1,206	1,003	203	41.9	16.8
Montgomery	32,171	30,647	1,524	6,530	6,100	430	4.7	6.6
Nansemond	29,554	10,081	18,473	4,247	2,909	1,338	64.7	31.5
Nelson	14,218	10,229	4,019	3,444	3,078	366	28.2	10.6
New Kent	4,237	1,925	2,312	1,182	808	374	54.6	31.6
Norfolk	70,428	54,110	16,318	8,040	6,739	1,301	23.2	16.2
Northampton	17,861	8,085	9,776	2,735	2,275	520	54.7	18.6
Northumberland	9,594	5,391	4,203	4,550	3,070	1,480	43.8	32.5
Nottoway	13,964	8,921	7,043	3,220	2,655	565	44.1	17.5
Orange	12,589	10,208	3,381	2,531	2,274	257	24.9	10.2
Page	15,550	15,043	507	6,010	5,900	110	3.2	1.8
Patrick	16,307	14,999	1,308	3,980	3,900	80	8.0	2.0
Pittsylvania	60,674	38,597	22,077	6,918	6,425	493	36.4	7.1
Powhatan	5,823	3,534	2,289	1,796	1,365	431	39.3	14.0
Prince Edward	13,963	9,259	6,734	3,450	2,750	700	42.1	20.3
Prince George	22,134	16,389	5,745	2,946	1,819	427	26.0	19.0
Princess Anne	77,104	64,438	12,666	16,573	15,158	1,415	16.4	8.5
Prince William	28,840	25,852	2,988	4,205	3,851	354	10.4	8.4
Pulaski	30,357	28,284	2,073	8,077	7,572	505	6.8	6.3
Rappahannock	5,839	4,875	964	2,360	2,150	210	16.5	8.9
Richmond	6,136	3,885	2,251	1,255	970	285	36.7	22.7
Roanoke	56,123	46,565	9,558	19,435	18,647	788	7.1	4.1
Rockbridge	23,054	23,013	2,041	5,179	4,834	345	8.1	6.7
Rockingham	39,544	38,928	616	7,933	7,855	78	1.6	.98
Russell	27,858	27,161	697	7,052	6,963	89	2.5	1.3
Scott	28,398	28,134	264	6,360	6,320	40	.93	.63
Shenandoah	21,651	21,240	411	6,260	6,205	55	1.9	.88
Smyth	30,922	30,383	539	8,022	7,931	91	1.7	1.1
Southampton	27,038	11,161	15,877	4,155	3,630	525	58.7	12.6
Spotsylvania	13,770	10,685	3,085	3,900	3,500	400	22.4	10.3
Stafford	14,235	12,430	1,805	3,285	2,940	345	12.7	10.5
Surry	6,662	2,391	4,271	1,340	1,075	265	64.1	19.8
Sussex	13,628	4,726	8,902	2,910	2,275	635	65.3	21.8
Tazewell	46,395	46,807	2,588	7,487	7,140	347	5.2	4.6
Warren	15,622	14,456	1,166	4,090	3,911	179	7.5	4.4
Washington	38,308	37,415	893	7,964	7,686	178	2.3	2.3
Westmoreland	16,825	5,824	5,001	3,543	3,177	366	46.2	10.3
Wise	44,223	46,918	1,305	11,095	11,044	51	2.7	.4
Wythe	23,075	21,848	1,227	12,391	12,131	260	5.3	2.1
York	18,635	14,361	4,274	3,235	2,715	520	22.9	16.1

Independent cities	1956 population			1958 registration			Population, percent Negro	Registration, percent Negro
	Total	White	Negro	Total	White	Negro		
Alexandria	85,427	76,767	8,660	28,046	27,175	871	10.1	3.1
Bristol	15,093	14,986	1,107	3,230	3,000	230	6.1	7.2
Buena Vista	6,204	5,979	225	1,124	1,093	31	3.6	2.8
Charlottesville	29,975	24,616	5,359	10,638	9,467	1,171	17.8	11.0
Clifton Forge	5,830	4,736	1,094	2,216	2,000	216	18.7	9.7
Colonial Heights	7,313	7,796	17	2,500	2,500	0	.2	0
Covington	14,453	10,353	1,100	3,215	2,755	460	9.6	14.3
Danville	50,006	36,824	13,182	11,450	9,893	1,557	26.4	13.6
Falls Church	9,752	9,592	160	3,352	3,297	55	1.6	1.6
Fredericksburg	12,697	10,658	1,939	4,411	3,853	558	15.4	2.7
Galax	5,423	5,094	329	1,360	1,350	10	6.1	.74
Hampton	75,980	58,805	17,175	17,440	14,811	2,629	22.6	15.1
Harrisonburg	12,188	11,326	862	3,385	3,200	185	7.1	5.5
Hopewell	18,722	16,052	2,670	4,310	4,000	310	14.3	7.2
Lynchburg	50,528	39,641	10,887	20,568	17,992	2,576	21.5	12.5
Martinsville	15,764	13,159	5,605	3,807	3,397	410	20.8	10.8
Newport News	44,778	22,355	22,423	11,369	6,626	4,743	50.1	41.7
Norfolk	291,896	218,108	73,787	69,310	59,422	9,888	25.3	14.3
Norton	5,139	4,714	425	1,459	1,386	73	8.3	5.0
Petersburg	36,620	19,074	16,546	8,236	6,029	2,207	46.5	26.8
Portsmouth	88,073	54,927	33,146	15,724	11,415	4,309	37.6	27.4
Radford	9,999	9,416	584	4,196	3,957	241	5.8	5.7
Richmond	240,744	152,181	88,563	68,012	55,666	12,346	36.8	18.2
Roanoke	101,540	84,598	16,942	36,524	33,825	2,699	16.7	7.4
South Norfolk	24,105	18,762	5,343	4,535	3,850	685	22.2	15.1
Staunton	23,374	20,016	2,358	5,733	5,337	396	10.5	6.9
Suffolk	12,456	7,977	4,479	3,663	2,988	675	36.0	18.4
Virginia Beach	6,958	6,658	300	3,714	3,591	123	4.3	3.3

Appendix—Continued

VIRGINIA—Continued

Independent cities	1958 population			1958 registration			Population, percent Negro	Registration, percent Negro
	Total	White	Negro	Total	White	Negro		
Warwick	58,345	43,411	14,934	12,419	11,116	1,303	25.6	10.5
Waynesboro	14,051	13,028	1,023	4,309	4,165	144	7.3	3.3
Williamsburg	7,865	6,835	1,030	1,293	1,173	120	13.1	9.3
Winchester	14,700	13,377	1,323	4,067	3,976	91	9.0	2.2
State	3,799,174	2,981,893	817,281	[1]944,727	852,483	92,172	21.5	9.8

[1] Includes 72 Indians in Charles City County.

Source: Secretary, State board of elections, Jan. 15, 1959. Population figures: Bureau of Population and Economic Research, University of Virginia, May 1957.

ARKANSAS

County	1957 registration			Registration, percent Negro	County	1957 registration			Registration, percent Negro
	Total	White	Negro			Total	White	Negro	
Arkansas	8,008	7,308	700	8.7	Lincoln	3,871	2,569	1,302	33.6
Ashley	8,030	6,868	1,162	14.7	Little River	3,760	3,230	500	13.4
Baxter	3,597	3,597	0	0	Logan	6,041	5,996	45	.74
Benton	12,308	12,284	25	.2	Lonoke	7,755	6,597	1,158	14.9
Boone	5,869	5,869	0	0	Madison	3,645	3,645	0	0
Bradley	5,566	4,443	1,123	20.2	Marion	2,792	2,792	0	0
Calhoun	2,907	2,607	300	10.3	Miller	10,740	9,172	1,568	14.6
Carroll	4,195	4,195	0	0	Mississippi	16,841	12,919	3,922	23.3
Chicot	6,286	3,761	2,525	40.2	Monroe	4,389	3,453	936	21.3
Clark	7,083	5,872	1,211	17.1	Montgomery	2,625	2,625	0	0
Clay	5,337	5,337	0	0	Nevada	4,021	3,285	736	18.3
Cleburne	2,839	2,839	0	0	Newton	2,465	2,465	0	0
Cleveland	2,886	2,536	350	12.1	Ouachita	11,421	7,401	4,020	35.2
Columbia	7,544	6,534	1,010	13.4	Perry	2,147	2,117	30	1.4
Conway	7,585	6,189	1,396	18.4	Phillips	9,512	5,900	3,612	37.9
Craighead	14,239	13,929	310	2.2	Pike	3,242	3,139	103	3.2
Crawford	6,584	6,489	95	1.4	Poinsett	9,003	8,653	350	3.9
Crittenden	6,923	5,778	1,145	16.5	Polk	4,803	4,803	0	0
Cross	4,642	4,036	606	13.1	Pope	7,059	6,969	90	1.3
Dallas	4,268	3,240	1,028	24.1	Prairie	5,832	3,632	200	5.2
Desha	6,852	4,693	2,159	31.5	Pulaski	72,190	61,771	10,419	14.4
Drew	5,000	4,500	500	10.0	Randolph	4,428	4,403	25	.55
Faulkner	9,223	8,767	456	4.9	St. Francis	7,162	5,262	1,900	26.5
Franklin	4,547	4,518	29	.6	Saline	9,415	9,328	87	.92
Fulton	2,647	2,647	0	0	Scott	3,275	3,230	45	1.4
Garland	17,347	16,647	700	4.0	Searcy	2,766	2,766	0	0
Grant	3,665	3,479	186	5.1	Sebastian	21,045	20,209	836	4.0
Greene	8,144	8,134	10	.12	Sevier	3,406	3,205	201	5.9
Hempstead	7,034	5,884	1,150	16.3	Sharp	2,823	2,823	0	0
Hot Springs	8,859	8,559	300	3.4	Stone	2,770	2,770	0	0
Howard	4,112	3,852	260	6.3	Union	17,928	15,158	2,770	15.5
Independence	6,962	6,787	75	1.1	Van Buren	3,300	3,280	20	.60
Izard	2,933	2,910	23	.78	Washington	13,933	13,921	12	.09
Jackson	7,368	6,553	815	11.1	White	9,780	9,480	300	3.1
Jefferson	20,970	15,308	5,662	27.0	Woodruff	4,140	3,224	916	22.1
Johnson	4,892	4,877	15	.31	Yell	4,975	4,902	73	1.5
Lafayette	3,830	2,725	1,105	28.9					
Lawrence	5,536	5,506	30	.54	State	563,978	499,955	64,023	
Lee	4,171	2,805	1,366	32.7					

Source: Report of Jimmie "Red" Jones, auditor of State of Arkansas, 1958.

TEXAS

STATISTICAL ESTIMATES OF QUALIFIED NEGRO VOTERS

Explanation: Texas has no personal registration for voting, and the closest thing to it is poll tax payment. The poll tax is levied on all between the ages of 21 and 60, with a few classes of people (e.g., some physically disabled) exempted from payment. For these latter persons to vote, they must obtain a certificate of exemption; so also must persons over 60 who reside in a city of 10,000 or more population. Persons over 60 living in smaller places need not get a certificate to vote, if otherwise qualified. The table below, therefore, shows (1) number of poll taxes paid; (2) number of certified, or listed, exempts; (3) number of unlisted exempts, i.e., persons over 60 living in places of less than 10,000 population. Some of this third group, of course, may not realize that they are eligible to vote.

Counties	Poll taxes paid	Listed exempts	Unlisted exempts (estimate)	1958 voter total	Negro population, 1950	Counties	Poll taxes paid	Listed exempts	Unlisted exempts (estimate)	1958 voter total	Negro population, 1950
Anderson	917	188	656	1,761	4,864	Brazoria	1,419	29	672	2,120	6,845
Andrews	33	0	1	34	34	Brazos	700	350	533	1,583	9,192
Angelina [1]	768	242	188	1,198	5,944	Brewster	7	0	7	14	40
Aransas	54	0	9	63	107	Briscoe [12]	10	0	2	12	98
Archer [12]	1	0	1	2	16	Brooks	4	0	2	6	39
Armstrong [12]	0	0	0	0	7	Brown [3]	127	41	90	258	906
Atascosa	24	0	12	36	240	Burleson [3]	508	0	704	1,212	4,203
Austin [2]	365	0	435	800	3,016	Burnet [12]	26	0	16	42	220
Bailey [12]	29	0	6	35	239	Caldwell	370	0	448	820	3,068
Bandera	2	0	1	2	15	Calhoun	118	1	58	177	712
Bastrop	666	0	858	1,524	6,196	Callahan	0	0	2	2	7
Baylor	6	0	8	14	108	Cameron [12]	88	0	39	127	732
Bee	120	0	55	175	470	Camp [2]	532	0	468	1,000	3,478
Bell	1,007	13	211	1,231	8,646	Carson	2	0	3	5	11
Bexar	6,175	1,376	216	7,767	32,565	Cass [2]	1,324	0	917	2,241	8,657
Blanco	15	0	23	38	105	Castro	19	0	1	20	64
Borden	0	0	0	0	24	Chambers	621	0	174	795	1,526
Bosque	9	0	59	68	373	Cherokee	883	0	1,101	1,984	10,634
Bowie [2]	1,614	355	922	2,891	15,184	Childress	61	0	62	123	832

See footnotes at end of table.

Appendix—Continued

TEXAS—Continued

Counties	Poll taxes paid	Listed exempts	Unlisted exempts (estimate)	1958 voter total	Negro population, 1950
Clay	9	0	21	30	81
Cochran [12]	20	0	10	30	164
Coke	0	0	0	0	5
Coleman [12]	48	0	38	86	402
Collin [3]	[4] 444	0	244	688	3,792
Collingsworth [12]	81	0	48	129	671
Colorado	535	0	687	1,222	4,436
Comal	15	0	1	16	277
Comanche	0	0	3	3	8
Concho	0	0	1	1	10
Cooke [3]	[4] 112	0	18	130	959
Coryell	8	0	49	57	424
Cottle [12]	46	0	14	60	385
Crane	53	0	1	54	104
Crockett [12]	12	0	6	18	106
Crosby [12]	99	0	39	138	827
Culberson	0	0	0	0	4
Dallam	6	0	2	8	35
Dallas [3]	[4] 17,074	0	1,615	18,689	82,922
Dawson [3]	103	29	2	134	1,091
Deaf Smith	4	0	0	4	6
Delta	24	0	101	125	934
Denton [1]	200	0	105	305	2,321
De Witt [3]	[4] 387	0	547	934	3,199
Dickens	14	0	31	45	360
Dimmit	3	0	5	8	63
Donley	13	0	20	33	253
Duval	4	0	6	10	23
Eastland [12]	38	0	62	100	313
Ector [12]	557	0	28	585	1,571
Edwards	0	1	1	1	13
Ellis [3]	[4] 1,270	0	852	2,122	10,843
El Paso [12]	[4] 905	0	57	962	4,182
Erath	4	0	25	29	148
Falls	321	28	1,121	1,470	8,590
Fannin [3]	[4] 384	0	490	874	2,282
Fayette	275	0	643	918	3,926
Fisher	31	0	48	79	561
Floyd	36	0	16	52	387
Foard	23	0	15	38	430
Fort Bend [3]	[4] 909	0	952	1,861	7,520
Franklin	50	0	54	104	424
Freestone	746	5	860	1,611	6,316
Frio	8	0	6	14	98
Gaines [12]	14	0	5	19	119
Galveston	6,011	961	358	7,330	23,712
Garza	37	0	10	47	242
Gillespie	2	0	4	6	15
Glasscock	0	0	1	1	11
Goliad [12]	77	0	105	182	638
Gonzales	224	0	560	784	3,926
Gray [12]	75	0	2	77	622
Grayson [3]	[4] 1,900	0	232	2,132	6,157
Gregg	[4] 4,412	0	690	5,102	14,963
Grimes [3]	[4] 740	0	948	1,688	6,116
Guadalupe [3]	[4] 438	0	541	979	3,622
Hale [3]	89	0	11	100	1,039
Hall [12]	118	0	38	156	986
Hamilton	0	0	1	1	1
Hansford	0	0	0	0	0
Hardeman [12]	99	0	65	164	822
Hardin	761	4	334	1,099	3,079
Harris	[4] 44,282	0	1,112	45,994	149,286
Harrison [3]	[4] 2,000	200	1,543	3,743	24,717
Hartley	0	0	1	1	11
Haskell	35	0	45	80	887
Hays	128	0	187	315	1,144
Hemphill	0	0	0	0	1
Henderson	463	0	518	981	4,766
Hidalgo [12]	73	0	77	150	609
Hill	106	0	490	595	4,677
Hockley	31	0	28	59	940
Hood	4	0	25	29	30
Hopkins	201	0	292	493	2,631
Houston	701	4	1,050	1,755	8,918
Howard [3]	155	27	4	186	890
Hudspeth	0	0	1	10	25
Hunt [3]	[4] 738	0	260	998	6,309
Hutchinson	113	28	31	172	522
Irion [12]	0	0	1	1	10
Jack [12]	8	0	4	12	74
Jackson	166	1	202	369	1,714
Jasper	636	3	572	1,211	5,305
Jeff Davis	2	0	3	5	26
Jefferson	8,616	1,383	162	10,161	44,122
Jim Hogg	2	0	1	3	13
Jim Wells [12]	48	0	3	51	401
Johnson	80	3	98	181	1,761
Jones	58	0	109	167	1,333
Karnes	74	1	95	170	59
Kaufman [3]	[4] 1,042	0	465	1,507	8,905
Kendall	8	0	19	27	60
Kenedy	0	0	0	0	0
Kent [12]	6	0	4	10	48
Kerr [12]	68	0	56	114	564
Kimble	1	0	2	3	5
King [12]	7	0	2	9	62
Kinney	56	0	36	92	221
Kleberg	253	0	2	255	810
Knox	21	0	42	63	613
Lamar [3]	561	276	363	1,200	7,971
Lamb [12]	159	0	44	203	1,326
Lampass [12]	24	0	38	62	201
LaSalle [12]	2	0	5	7	15
Lavaca	127	0	372	499	2,278
Lee [3]	[4] 326	0	425	751	2,695
Leon [3]	[4] 682	0	636	1,318	4,737
Liberty	[4] 1,144	22	590	1,756	6,071
Limestone	1,305	22	827	2,154	7,468
Lipscomb	0	0	1	1	2
Live Oak	0	0	2	2	31
Llano [12]	6	0	7	13	54
Loving	4	0	0	4	0
Lubbock [3]	404	90	48	542	7,893
Lynn	28	0	23	51	592
Madison	194	30	315	539	2,618
Marion [3]	[4] 885	0	721	1,606	5,782
Martin [12]	32	0	8	40	263
Mason	0	0	4	3	64
Matagorda [3]	[4] 571	0	601	1,182	4,809
Maverick	0	0	4	14	10
McCulloch [12]	44	0	35	79	370
McLennan [3]	[4] 4,000	0	800	4,800	22,329
McMullen	0	0	1	10	5
Medina	12	0	32	44	207
Menard [12]	3	0	5	8	26
Midland	672	78	13	763	2,123
Milam	210	0	715	925	4,160
Mills	0	0	1	1	2
Mitchell [1]	200	0	63	263	905
Montague	0	0	0	0	1
Montgomery	1,084	0	704	1,788	6,149
Moore	0	0	1	1	6
Morris	269	2	274	545	3,126
Motley	18	0	16	34	259
Nacogdoches [3]	879	191	429	1,499	3,655
Navarro [3]	785	200	550	1,535	9,886
Newton	631	4	436	1,071	3,824
Nolan [3]	61	23	6	90	783
Nueces [3]	1,566	100	30	1,696	7,958
Ochiltree	0	0	0	0	0
Oldham	0	0	0	0	0
Orange [3]	[4] 632	0	32	664	4,387
Palo Pinto [1]	100	0	82	182	606
Panola	891	0	543	1,434	6,643
Parker [12]	32	0	54	86	263
Parmer [12]	2	0	1	3	17
Pecos	12	0	6	18	126
Polk [3]	[4] 648	0	599	1,247	4,504
Potter [3]	184	133	2	319	3,556
Presidio	1	0	9	10	57
Rains [12]	51	0	41	92	424
Randall	0	0	4	4	47
Reagan [12]	17	0	3	20	141
Real	1	0	0	1	8
Red River	318	0	647	965	5,230
Reeves [12]	33	0	10	43	276
Refugio [12]	134	0	101	235	1,120
Roberts	0	0	0	0	0
Robertson	753	0	1,147	1,900	5,212
Rockwall [9]	[4] 197	0	116	313	1,668
Runnels	0	0	60	60	509
Rusk	2,093	29	1,258	3,380	12,632
Sabine [3]	[4] 322	0	185	507	2,240
San Augustine	236	0	302	538	3,068
San Jacinto [3]	[4] 542	0	528	1,070	3,767
San Patricio	53	0	41	93	723
San Saba	7	3	11	21	70
Schleicher [12]	12	0	0	17	99
Scurry [12]	47	0	15	62	341
Shackelford	8	0	17	25	135
Shelby [3]	700	0	584	1,284	5,916
Sherman	0	0	0	0	2
Smith [12]	2,000	500	1,276	3,776	22,291
Somervell	0	0	0	0	2
Starr	0	0	1	0	3
Stephens	151	0	50	201	359
Sterling [12]	1	0	0	1	13
Stonewall [12]	12	0	14	26	101
Sutton	4	0	1	5	33
Swisher	4	0	6	10	104
Tarrant [3]	4,590	433	242	5,265	39,674
Taylor [12]	307	0	26	333	2,561
Terrell	1	0	3	4	13
Terry [12]	46	0	16	62	382
Throckmorton	0	0	1	1	1
Titus	566	0	305	871	3,197
Tom Green [3]	500	110	2	612	3,091
Travis	3,919	961	473	5,353	22,493
Trinity	1,100	7	417	1,524	2,688
Tyler	227	0	205	432	2,232
Upshur [3]	[4] 919	0	604	1,523	6,009
Upton	84	0	11	95	207
Uvalde	10	0	23	33	193
Val Verde [1]	43	15	2	60	355
Van Zandt [3]	181	0	180	361	1,543
Victoria [3]	420	46	182	648	3,073
Walker	792	0	885	1,677	7,494
Waller [3]	[4] 765	0	626	1,391	6,328
Ward	76	1	21	98	319
Washington [3]	[4] 846	0	1,202	2,048	6,993
Webb [2]	1	3	0	4	79
Wharton [3]	[4] 949	0	1,008	1,957	7,843
Wheeler	10	0	25	35	288

See footnotes at end of table.

Appendix—Continued

TEXAS—Continued

Counties	Poll taxes paid	Listed exempts	Unlisted exempts (estimate)	1958 voter total	Negro population, 1950	Counties	Poll taxes paid	Listed exempts	Unlisted exempts (estimate)	1958 voter total	Negro population, 1950
Wichita [2]	803	191	27	1,021	6,276	Wood	328	0	399	677	3,124
Wilbarger [1 2]	210	0	22	323	1,746	Yoakum	17	0	1	18	13
Willacy [1 2]	13	0	12	25	110	Young	17	0	9	26	140
Williamson	56	0	655	711	5,864	Zapata	0	0	0	0	1
Wilson	24	0	60	84	310	Zavala	23	1	7	31	95
Winkler	71	0	6	77	170						
Wise	7	0	16	23	135	Total	163,773	8,954	54,291	226,818	977,458

[1] Estimate of county tax assessor-collector.
[2] County includes a city of 10,000 or over population.
[3] Estimate of SRC consultant.
[4] Includes both poll taxes paid and listed exempts.
Source: SRC Consultant—Population figures: 1950 census.

During the delivery of Mr. DOUGLAS' remarks,

Mr. ERVIN. Mr. President, will the Senator from Illinois yield to me, if unanimous consent is given that he may do so without losing his right to the floor?

Mr. DOUGLAS. I shall be glad to yield to the Senator from North Carolina, on the condition that he will tell one of his stories, as the fee for the privilege which I shall extend to him. [Laughter.]

Mr. ERVIN. I shall do that privately.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I ask unanimous consent that I be permitted to submit at this time a substitute for the pending amendment, that the substitute be read and printed in the RECORD immediately following the remarks of the Senator from Illinois, and that it lie on the table until called up for consideration.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the amendment submitted by the Senator from North Carolina will be stated.

The legislative clerk read as follows:

In lieu of the language contained in the Keating amendment (3-14-60—A) beginning on page 1, line 4, and extending down to and including line 18, on page 4, insert the following:

"SEC. 837. Explosives; illegal transportation.

"(a) Whoever transports or aids and abets another in transporting in interstate or foreign commerce any explosive with the knowledge or intent that it will be used in violation of the law of any State, Territory, Commonwealth, District, or possession of the United States shall be subject to imprisonment for not more than two years, or a fine of not more than $2,000.00, or both."

"(b) This section shall not be construed as indicating an intent on the part of Congress to occupy the field in which this section operates to the exclusion of a law of any State, Territory, Commonwealth, or possession of the United States, and no law of any State, Territory, Commonwealth, or possession of the United States, which would be valid in the absence of the section shall be declared invalid, and no local authorities shall be deprived of any jurisdiction over any offense over which they would have jurisdiction in the absence of this section."

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. ERVIN. I am deeply indebted to the Senator from Illinois for his courtesy on this occasion, as on all other occasions when I have made requests.

APPOINTMENT OF HALL S. LUSK TO BE U.S. SENATOR FROM OREGON

Mr. MORSE. Mr. President, I have been advised that the Governor of Oregon has appointed Hon. HALL S. LUSK to fill the Senate vacancy created by the untimely death of Senator Richard Neuberger.

Judge LUSK has been one of the distinguished jurists of our State since 1930. He is a member of the Democratic Party; and for many years he has been an outstanding leader in the Oregon bar. When I was the dean of the University of Oregon School of Law, I came to know Judge LUSK, and formed a very high regard for the brilliance of his mind, the unimpeachable integrity of his character, and his fine human qualities.

Judge LUSK was appointed to the Supreme Court of Oregon on July 21, 1937, and has held that position since that time. He was chief justice of the court from 1949 to 1950. Prior to his membership on the supreme court, Judge LUSK served as circuit judge of Multnomah County, Oreg., from 1930 to 1937; he was a member of the law firm of Emmons, Lusk & Bynon from 1920 to 1930; he served as assistant U.S. district attorney of Oregon from 1918 to 1920; he was a member of the law firm of Dolph, Mallory, Simon & Gearin from 1912 to 1918; he had his own private law practice in Portland, Oreg., from 1909 to 1912; and he served as secretary to Chief Justice Shepard, of the Court of Appeals, in Washington, D.C., from 1906 to 1909.

Born in Washington, D.C., on September 21, 1883, he received a B.A. degree from Georgetown University in 1904; an LL.B. degree in 1907, and an honorary doctor of laws degree in 1954. He was also awarded an honorary doctor of laws degree from the University of Portland in 1941.

Judge LUSK married Sara C. Emmons on September 30, 1914; and they have five daughters.

Mr. President, it will be a privilege and an honor for me to welcome Judge LUSK to the Senate.

The following is the telegram I sent to Judge LUSK today:

MARCH 15, 1960.

Hon. HALL S. LUSK,
Oregon Supreme Court,
Salem, Oreg.:

Congratulations on your appointment to the Senate. It will be a great honor to welcome you to the Senate. Please be assured that my office is at your service. Regards.

WAYNE MORSE.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. JOHNSTON of South Carolina. Mr. President, I invite the attention of the Senate to what is taking place today in some of the towns of the South, where we had peace and harmony between the white and colored races for many years. They have been stirred up. I think they have been stirred up by some of the proposed legislation which has been debated on the floor of the Senate.

I read a press release which I have today issued to the newspapers:

Senator OLIN D. JOHNSTON, Democrat, South Carolina, today warned citizens of all races to avoid the traps of professional agitators before bloodshed replaces debate and mob violence supplants law and order.

The reason I make this statement is that I have just read an item from the news ticker, from Orangeburg, S.C. It reads as follows:

ORANGEBURG, S.C.—Fire hoses were used to quell the demonstration.

Police asked the leaders to step forward and the rest to disperse. When the demonstrators refused, arrests began.

No violence was reported.

Meanwhile, 10 Negroes were arrested for lunchcounter remonstrations at Columbia and a group of 30 at Sumter sang "America" at the courthouse.

Today's demonstrations came less than a week after Gov. Ernest F. Hollings warned they would not be tolerated in the State.

A similar situation can be found in Columbia, S.C., in Atlanta, Ga., and in Sumter, S.C.

We did not hear of such happenings until this issue was stirred to a fever heat. I say to the proponents of so-called civil rights legislation that they had a great deal to do with stirring up trouble. The agitators who have come into my State from the outside have caused trouble.

This is what I say in my press release of today:

"Calm down and go about your business in an orderly fashion, reject hatemongers, and leave the business of changing laws and debating civil rights to Congress," Senator JOHNSTON advised "people of all races."

The South Carolina lawmaker said he "viewed with alarm" the growing disturbances among the people over racial unrest, and charged that "all these racial incidents are a result of professional agitators. These

promoters of civil strife are preying upon the deeply embedded emotions of people of different beliefs for political purposes and, in so doing, are endangering the very security of our country.

"The lives of millions of citizens who, to this day, have lived side by side peacefully are now endangered by the ravings and rantings of these professional agitators. The true purpose behind all these sitdown strikes is not really a Gandhi like protest, but is actually designed to cause violence and bloodshed in order to further the promotion of civil rights legislation in Congress.

"I appeal to people of all races to stop these demonstrations, which are highly dangerous and could set off bloody strife at any of a number of points. Calm deliberation, which can be carried out only in the Halls of Congress where the duly elected representatives of the people have authority, is the only answer to the question. Attempts by groups of people of any color or any race to undertake the writing or changing of laws by mass demonstration can only lead to disaster.

"While some people promoting civil rights legislation may be sincere in their beliefs and in their endeavors, they must be wary of those who back their endeavors because, behind it all are subversive forces that thrive on violence and disorders such as are being promoted in some sections of our Nation.

"This week's Charleston, S.C., incident where six Negroes armed with a razor cut the initials of the Ku Klux Klan into the back of a 24-year-old white man is an example of the tragedies which can come out of any form of mass demonstration. This terrifying incident would never have happened had not the professional agitators like the Reverend Martin Luther King and others instigated mass demonstrations and hatred.

"There is no civil rights bill that could be devised by the human mind that could have prevented the Charleston incident and the other incidents that are now occurring in the South. Only sane, sober people who refuse to become a part of the mass demonstration and mass violence conspiracy can stop further, and perhaps more widespread, terror like this."

I hope they will heed my warning and stop these demonstrations to try to force us to act here on the bill in the Senate. South Carolina has been peaceful up until recently. We have had no lynchings in almost 20 years. Think of that. No lynching in over 20 years in South Carolina. I say that it is just as much an act of lynching to go riding on the streets of New York or Chicago with a pump gun and machine gunning a person. It is just as much lynching to do that as it would be to shoot a man with a single-shot rifle or with a pistol.

Friends, Senators, we should stop and think on these matters and think of what we are doing here and how we may be stirring up some strife and discontent in certain sections of this Nation of ours.

Mr. LONG of Louisiana. Mr. President, I had not planned to discuss the civil rights proposals this evening, but at the same time I do not like to have the RECORD cluttered up with misstatements, many of which could be corrected if we looked at the facts as we went along. I regret that the Senator from Illinois [Mr. DOUGLAS] is not on the floor, because I would like to apprise him of some of these facts. Perhaps he will read my statement in the RECORD.

Much reference has been made to the report of the Civil Rights Commission, and certain statements have been read from that report. I should like to point out that much of the information in that report is based on unverified information and unverified affidavits which were never permitted to be the subject of cross-examination in order to determine the truthfulness of those statements or affidavits. That happens to be one of the problems involved in the Civil Rights Commission's visit to Louisiana, and I assume the same situation existed elsewhere.

In connection with the investigation of the question of registrars, objection was made on the basis that these people had a right to know what they were accused of doing wrong and what charges or allegations had been made against them and that they had the right to defend themselves against adverse testimony. They had the right to cross-examine. The Commission was not willing to permit any of these affidavits to be examined.

Upon that basis the Federal courts—both the district court and the 3-judge appellate court which reviewed the district court holdings—upheld the local people by holding that the Commission was bound by the law which gave a person accused of committing a wrong the opportunity of hearing what he has been accused of and the right of confronting the accuser and of cross-examining adverse testimony. The Commission never for a moment was willing to permit that kind of cross-examination when it was in Louisiana.

The wholly unverified nature of this information can be seen when we note that the Commission, as an excuse for not permitting the affidavits to be the subject of cross-examination, gave as its reason that it was fearful someone who swore out these affidavits might be prosecuted for perjury or hurt in some fashion. That argument was made in the Federal court.

The Federal judge held that he had no basis whatever for holding or believing that to be true, namely, that a person who swore out an affidavit alleging truthfully that he had been discriminated against would be subject to any harm against him. The judge quite correctly ruled that there was no basis for any such holding.

On the other hand, a lawyer in defending one of the registrars of voters, and in demanding to know what the registrar had been accused of doing wrong, the registrar being a lady well known and highly regarded in her community, made the statement that a person who alleged that the lady was guilty of violating the law would undoubtedly be telling a falsehood, and that a person who would falsely swear against another person should be prosecuted for perjury.

The Commission seized upon this statement and tried to make it appear that persons who might have sworn out affidavits, which the Commission did not permit to be examined, might be subjected to prosecution for perjury.

The fact is that if a person lies under oath, he should be prosecuted for perjury. That is the purpose of the perjury statute. All that the Commission in its single day of hearings in Louisiana could produce to prove intimidation was simply a testimonial by a lawyer to his confidence in the integrity and honor of a very fine and decent lady who had been a registrar for some time in her parish.

Various statements have been made here to the effect that a Negro is afraid to apply to vote when he had a hostile registrar to apply to. None of that sort of information has been verified. It is unfair to any State to produce information which has not been proven or verified, and to condemn a State by that sort of information as a finding of a commission.

The Senator from Illinois has said in his speech this afternoon that a person who was discriminated against could be kept off the rolls until the election was over.

Mr. President, we just had a Louisiana case involving a registrar named Thomas which was appealed to the Supreme Court. The Supreme Court undertook to take the case away from the court of appeals which had granted a stay, and decided it within 6 weeks after the district court acted. That is about the fastest service anyone has ever had in having a case upheld by the Supreme Court when the case was subject to appeal.

In that case, 1,377 persons, who, even though they were technically unqualified, were returned to the rolls in time to vote in the general election, although they had been challenged some few months before that and although they had not availed themselves of their remedies under State law.

There is still no showing that the present law does not adequately provide a remedy for anyone who is the subject of discrimination. The Senator from Illinois [Mr. DOUGLAS] suggested that the junior Senator from Louisiana said there is no discrimination. I did not make that statement; but I say that there is no showing anywhere that the remedies are not adequate under the 1957 act to place on the rolls anyone who feels he has been the subject of discrimination, as was held in the Thomas case, originating in Louisiana. That case goes to the extent of holding that if a person is not qualified, he must be placed on the rolls if there are also on the rolls other persons who are similarly unqualified to vote.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. JAVITS. The Senator from Louisiana has been making a great deal about the Louisiana case and his construction of it, saying that persons who were not qualified under State law were placed on the rolls.

I am analyzing that case in great detail. I shall be prepared to debate that question with the Senator from Louisiana. I think it is high time we get that matter very clear on the record.

I thank the Senator from Louisiana.

Mr. LONG of Louisiana. I thought perhaps the Senator from New York might want to dispute that point. In that case, the action was taken as a result of a simple sampling process. The judge undertook to show by sampling that there were defects in the registration of the ten percent whom he sampled.

Then he proceeded to say he had sampled some of those who were also on the rolls, and that there were similar technical defects with regard to large numbers who had not been challenged. Because there were other nonqualified voters on the rolls, the court held that there had been discrimination in the challenging of voters. Ten percent of those who were challenged were not qualified.

A few days ago, I read into the RECORD the brief of the State of Louisiana. The principal point on which the State replied was that although there was no showing anywhere that those people were qualified to vote, nevertheless, the district court held that the persons should have been placed on the rolls, and that decision was upheld.

If the court can go to the extent of placing applicants by the thousands on the rolls, finding that they are qualified in the fact of an affirmative contention that they are not qualified to vote, and without considering their individual qualifications at all, then they can be placed on the rolls even if they are not technically qualified with others who are on the rolls.

There is no showing anywhere that a United States attorney cannot have placed on the rolls any person who can meet the requirements. As a matter of fact, if there are on the rolls persons who cannot meet the legal or technical requirements of State law, there is no showing anywhere that persons who are not qualified cannot be placed on the rolls under the law as it exists, passed by Congress in 1957.

Senators well know that that law requires that when a judge issues such an order the registrar must comply with it; otherwise he can be tried before a Federal judge and placed in jail for contempt of court.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. I yield.

ORDER FOR ADJOURNMENT UNTIL NOON TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it adjourn until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, so far as I am informed, it is not expected that there will be any yea-and-nay votes or rollcalls this evening. However, we will ask the Senate to remain in session to accommodate Senators who desire to address the Senate.

ANNIVERSARY OF VICTORIOUS HUNGARIAN REVOLUTION OF 1848

Mr. PROXMIRE. Mr. President, today marks the 112th anniversary of an important event in the history of Hungary and Europe. In 1848, the Hungarian people, led by the noted patriot, Louis Kossuth, freed themselves from the rule of the Hapsburgs, and later proclaimed the independent Republic of Hungary, with Kossuth as President.

But within a few months, troops of the czarist Russian and Hapsburg armies crushed the new Republic. Kossuth fled abroad, coming to the United States for a time, where he won support for Hungarian freedom.

With this historical basis now over a century old, Americans have great sympathy for free Hungary. We are deeply regretful, because of this, for the present situation of the Hungarian people, who live under a regime clearly not of their free choosing. For this reason, Americans were much moved by the spirit which brought about the Hungarian uprising in 1956, and we are still very deeply disturbed about the unatoned atrocities and indignities that were committed against the Hungarian patriots at that time. We fully recognize the complex and delicate international problems that arose from this situation, and the difficult policy questions that remain to be decided. This is not an easy question to resolve, nor can it be done in a short time, but our country must never lose sight of our goal supporting the right of the Hungarian people to fulfill their desire for freedom, and at the same time to advance toward peace with freedom for the entire world. This must be the goal of every policy position and action taken by our country.

Mr. President, with this idea in mind, I should like to place in the RECORD a statement by the Hungarian committee addressed to me and other Senators on the subject of the Hungarian problem. As a statement of belief by a group with a sincere and fervent interest in the future freedom of the Hungarian nation, I ask unanimous consent that the letter and statement be printed at this point in the RECORD.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

HUNGARIAN COMMITTEE,
New York, N.Y., March 1, 1960.

The Honorable WILLIAM PROXMIRE,
U.S. Senate.

MY DEAR SENATOR PROXMIRE: On March 15, all Hungarians will celebrate the 112th anniversary of the victorious Hungarian revolution in 1848, which was then crushed by the czarist army just as the 1956 revolution was crushed by the tanks of the Soviet Union.

This year the celebration of this national holiday will precede the East-West summit meeting which might be as fateful for the future of the Hungarian people as were the Teheran and Yalta Conferences.

Knowing that Your Honor has consistently raised your voice in favor of the Hungarian people who had sacrificed their lives for freedom and national independence so often in their thousand-year history, we would be very grateful if you would have the kindness to say a few words of remembrance on the heroic struggles of the Hungarian people and in expressing your hope that the Hungarian question may be discussed at the summit meeting.

It would be highly regrettable if the West would fail to raise this question at the very first East-West summit conference following the adoption of not less than 12 U.N. resolutions on Hungary which have been consistently defied by the Soviet Union.

Thus, apart from other considerations the prestige of the U.N. also calls for the placing of the Hungarian question on the agenda of the summit meeting.

Finally, we would be extremely appreciative for any initiative in the U.S. Congress aimed at authorizing the President of the United States of America to proclaim October 23 of each year as Hungarian Independence Day. It was on that day in 1956, that the Hungarian people rose as one man against their Soviet and local Communist oppressors, and we think that this would be the most dignified way to pay tribute to the world-shaking Hungarian freedom fight and to give hope to the heroic Hungarian people that the freedom-loving American people will not forget their immense suffering under foreign colonial domination.

For your kind information I am attaching to this letter a memorandum dealing with various aspects of the Hungarian problem. We would be deeply thankful for its eventual inclusion in the CONGRESSIONAL RECORD.

Being convinced that Your Honor will do what is the best to commemorate in this sense the Hungarian Independence Day, we convey to you the expression of our warmest thanks.

Sincerely yours,

MSGR. BÉLA VARGA,
Chairman of the Hungarian Committee, former President of the Hungarian Parliament.

MR. FERENC NAGY,
Chairman, Foreign Affairs Committee, former Prime Minister of Hungary.

MEMORANDUM ON THE HUNGARIAN PROBLEM TO BE PRESENTED TO THE HONORABLE MEMBERS OF THE U.S. CONGRESS

After World War II, the democratic political leaders did their utmost to establish a truly democratic system of government in Hungary in accordance with the will of the people as manifested in the free elections of November 4, 1945, when the Communists were not able to muster more than 17 percent of the votes, despite Soviet occupation and Communist terror.

However, unfortunately, the Hungarian people were not duly sustained by the Western Allies in their efforts of developing and preserving the democratic institutions of the Hungarian Republic. The sad fact that the Western Powers had tolerated that there be no rotation in the chairmanship of the Allied Control Commission in Hungary, had enabled the permanent Soviet chairman to intensify gradually the direct Soviet interference in all domestic matters of the country.

Despite this direct Soviet interference which was virtually sanctioned by the mere presence of the two Western members in this control commission and following the elimination of the leading democratic politicians in the Hungarian Republic, the Hungarian people made another desperate demonstration of their unshakable will to reestablish a democratic system of government. In the elections of August 31, 1947, ordered to be held by the Communist Party chief, Mátyás Rákosi, the Communist Party polled only 20 percent of the votes. It was Rákosi's aim to erase the non-Communist majority by fraud and terror, exploiting the psychological effect of the presence of Soviet troops.

Transformed in 1949 into a so-called People's Republic whose institutions were set up on the Soviet pattern, Hungary's entire public life, economy and territory was placed under the Kremlin's control in striking defiance of the agreement on liberated Europe and the Hungarian Peace Treaty, both signed by the Allied Powers and the Soviet Union.

The nationwide Hungarian revolution of October 23, 1956, left no doubt that the Hungarian people, even the youth and the working class, in spite of ten years of indoctrination, rejected the Communist system and foreign domination. However, while they were ready to sacrifice their lives for freedom and democracy, they very realistically stressed in their political manifestations the necessity of good-neighborly relations with the powerful Soviet Union. The authentic spokesmen of the revolution had many times declared that they were not intent on converting Hungary into an anti-Soviet state. On the contrary, they emphatically advocated the idea of an internationally recognized neutrality as this was officially proclaimed by Premier Imre Nagy's government.

All these facts have been established by the U.N. Special Committee on the Problem of Hungary, and accepted by the U.N. General Assembly as trustworthy evidence of the bad faith of the Soviet Union which did not shrink from the assertion that the spontaneous Hungarian revolution was the result of a plot of Hungarian Fascists and foreign secret services.

This Soviet version was completely reversed by Khrushchev himself when he bluntly declared in an off-the-cuff speech delivered in the Ganz factory in Budapest on December 2, 1959, that the revolution was crushed because the Soviets wanted to preserve by force the Communist regime in Hungary. He also openly admitted that the revolution was due to the extreme despair of the Hungarian people as a reaction to Rákosi's terror regime. His third sensational revelation was that even his colleagues in the party presidium had misgivings that the Soviet military intervention in Hungary might be misconstrued abroad.

Thus, these revelations have strikingly confirmed, even on the part of the Soviet Union, the facts established by the U.N. fact-finding organ on the real causes of the revolution and the brutal crushing of the uprising by the Soviet tank divisions.

The U.N. General Assembly has, since 1956, successively adopted 12 political resolutions on Hungary, demanding the withdrawal of Soviet troops and free elections under international control, while condemning the Soviet Union for the brutal crushing of the victorious Hungarian revolution. The Soviet defiance of these resolutions has gravely affected the prestige of the world organization by creating a dangerous precedent for the impunity of members who do not comply with the General Assembly resolutions.

Although the political actions of the United Nations could not be enforced, the mere discussion of the Hungarian situation during the periodical debates of the General Assembly on Hungary kept alive the Hungarian people's spirit of resistance under a seemingly quiet surface. However, it was shocking for Hungarians at home and abroad that 3 days after the adoption of the latest U.N. General Assembly resolution on Hungary (December 9, 1959), the very same high U.N. body accepted Hungary as a member of the Committee for the Peaceful Exploration of Outer Space (December 12, 1959).

By this totally unexpected and inconsistent move the General Assembly accepted the Kádár regime as an equal international partner, although the Hungarian delegation's credentials were not approved, with the motivation that it was issued by a regime which was placed in power by the Soviet armed forces in 1956. This move, which was supported by the Western Powers, virtually amounts to the rehabilitation of the Kádár regime and thus means a complete Western capitulation in the Hungarian case, which is now noisily exploited by the Communist propaganda in Hungary and abroad.

It is the most revolting injustice in the 20th century that the Hungarian people with a record of a thousand years of independence is languishing in the most ruthless colonial bondage of the Soviet Union, while even backward peoples are attaining nationhood and independence, one after another, thanks to the help of the Western Powers.

The present situation in Hungary may be briefly illustrated as follows: increasing persecution of the patriots, secret trials and executions, a ruthless drive for the collectivization of agriculture, institutional violation of the basic human rights, psychological exploitation of the presence of Soviet troops, overcrowding of the forced labor camps, control and persecution of the clergy.

Speeches of Communist Party leaders delivered at the Party Congress in December 1959 clearly indicate that Moscow wants to tighten the regime of Hungary despite the period of "thaw" in East-West relations. This mirrors the Soviet determination to present Hungary as a completely socialized state as soon as possible in order to eliminate one of the most outstanding problems in Eastern Europe, and to make it, thus, disappear from the United Nations General Assembly agenda, also.

For all these reasons the Hungarian people who had not received any Western diplomatic or political assistance in the victorious days of their life-and-death struggle for freedom, now rightly expect that the Western Powers seize the very first East-West summit meeting to be held after the adoption of 12 United Nations resolutions on Hungary, to pose the grave problem of noncompliance with the United Nations resolutions to the Soviet Union.

Both the juridical and moral obligations of the Western Powers and the preservation of the prestige of the United Nations equally demand that the Western Powers bring up forcefully the Hungarian question at the forthcoming summit meeting.

NEW YORK, N.Y., *March 1, 1960*.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. MORSE. Mr. President, since the close of the debate on Friday, and following the Senate's action in removing section 1 from the administration's civil rights bill, there has been some comment in the press, and elsewhere, that liberals who back strong civil rights legislation have weakened an already weak bill. I say most respectfully that, in my opinion, the newspaper editors who have written editorials to that effect, and the reporters who have submitted articles to that effect, have not displayed much comprehension of the very technical points of legal procedure which are involved in this particular subject matter. At least, they have not reported them.

Mr. President, one editorial writer has recognized the import of the argument we made last Friday when we urged the dropping of section 1 from the administration bill. I refer to the writer of the editorial which appears in tonight's issue of the Washington Star. This editorial gives an excellent analysis of the situation; and I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ATTORNEY GENERAL'S PLEA

Attorney General Rogers has appealed indirectly to the House to retain in its version of a civil rights bill the provision making it a Federal crime willfully to use force or threats of force to obstruct Federal court orders in school desegregation cases. The language used by the Attorney General is somewhat surprising, especially in the light of the debate in the Senate last Friday.

Essentially this same provision was contained in section 1 of the administration bill submitted to the Senate. This section was killed, however, after the Senate, by vote of 65 to 19, had accepted the Lausche amendment which made it a crime to obstruct any Federal court order, not merely orders issued in school desegregation cases.

Why did the Senate adopt the Lausche amendment by an overwhelming vote, and then move on to kill all of section 1 after the Lausche amendment had been added to it? In many respects, we think, this was purely a political performance. But some very persuasive arguments were advanced against section 1 as originally proposed by the administration.

Chief among these was the contention that it would be unjust, as a matter of principle, to legislate with respect to one—and only one—class of cases. In this view, if it is wrong to obstruct court orders in school desegregation cases, it is equally wrong to obstruct court orders in other types of cases. And if such obstruction is to be made a crime, the law should apply evenly to all obstructions, not to just one kind of obstruction. The political hitch is that organized labor would bitterly oppose the application of the Lausche doctrine to court orders in labor disputes. As a matter of principle, however, it seems to us that the argument in support of the Lausche proposal cannot be successfully answered.

The Senate vote (49 to 35) to strike all of section 1 came after the labor lobbyist had been heard from. But this action was not entirely a result of labor pressure. Senator Morse, for example, argued strongly and we thought persuasively to the effect that the new criminal provision in section 1 is not needed. He thought that existing law plus the power of a Federal judge to punish for contempt is sufficient.

The Attorney General does not think that these remedies are adequate. He believes that the criminal provision is needed. If he is right in this, however, it is surprising to us that, in effect, he would be urging the the House to ignore the sentiment of the Senate as expressed in the 65-to-19 vote on the Lausche amendment. The Attorney General, of course, did not say this in so many words. But his appeal was strictly and repeatedly limited to school desegregation cases, and he even tried, not very successfully, to draw a distinction between court orders in school cases and court orders in other cases. Yet, according to Senator MORSE, the Attorney General testified earlier before a Senate committee that "if Congress feels there are other situations where there is a similar need for this [section 1] statute, we obviously would have no objection."

As of this date, however, Mr. Rogers apparently wants a criminal sanction applicable only to school desegregation cases. We think that this, as a matter of principle, is wrong, and we do not see how the 65 Senators who voted for the Lausche amendment can be expected to accept, in the House bill, the very same discriminatory provision which the Lausche proposal was designed to remedy.

Mr. MORSE. Mr. President, instead of weakening the bill when we laid section 1 on the table, we strengthened the bill, as I hope to show once again before I finish, although I am proud to stand on the argument made last Friday in opposition to the recommendation of the Attorney General in respect to his proposal contained in section 1. But the more I study the section, the more I am impressed with its unsoundness.

It was the burden of our contention in the debate that the need for section 1 had not been demonstrated by the Attorney General. All we had from him in the hearing record of the Senate Judiciary Committee was an expression of his opinion. He asked that the obstruction of court orders in school desegregation cases be made a Federal crime. He justified his request with the opinion that existing statutes did not enable the executive branch to protect sufficiently the enforcement of court orders, short of use of troops.

As was pointed out on Friday, the Attorney General did not substantiate his case with any instance of where the present statute had been tested, and found wanting.

Nor did he submit instances where the contempt powers which reside in the Federal courts had been found wanting.

I find in the report of the House Judiciary Committee on H.R. 8601, which unfortunately is the only committee report we have to guide us on the purpose and meaning of our own bill, this explanation of the need for section 1:

> It is the opinion of the Department of Justice that there is doubt as to whether the existing authority of Federal courts is sufficient to impose effective sanctions against the members of a mob who, by threats or force, willfully prevent, obstruct, impede, or interfere with the exercise of rights or the performance of duties under a school desegregation order of a Federal court. The objective of this proposal is to remove that doubt. Under Federal procedure, an individual cannot ordinarily be held in contempt of court unless he was either a party against whom the decree was issued or was acting in concert with such a party. Thus it is clear that in an ordinary situation a mob is not in concert with those named in a school desegregation order. The only alternative the Government would have in such a case of mob action would be to return to the courts for a new injunction against its leaders and then prove subsequent acts on their part violating the order so as to establish a contempt.
>
> The present obstruction of justice statute (18 U.S.C. 1503) also appears to be inadequate for such a situation. The particular provision of that section, namely 4, dealing with one who corrupts or by threats of force endeavors to impede due administration of justice would be applicable only if it could be considered that the action involved obstructed or impeded the due administration of justice. That particular phrase has been a subject of narrow interpretation by the courts and while it is not possible to state categorically that a desegregation decree is beyond the reach of the existing statute, there is much doubt as to whether or not a prosecution of mob leaders could be sustained.

ENACTMENT OF SECTION 1 WOULD CREATE JURY TRIAL IN CONTEMPT CASES

Mr. President, I call attention to this language in the committee report because it states so clearly that no one is certain whether section 1 of the pending bill creates a new Federal crime, or not.

This is to me the key point in the whole discussion.

Another part of the criminal code of the United States is very deeply involved, if obstruction of court orders is really being newly established as a Federal crime.

I call attention to title 18, United States Code, section 401, which reads as follows:

> A court of the United States shall have power to punish by fine or imprisonment, at its discretion, such contempt of its authority, and none other, as—
>
> (1) Misbehavior of any person in its presence or so near thereto as to obstruct the administration of justice;
>
> (2) Misbehavior of any of its officers in their official transactions;
>
> (3) Disobedience or resistance to its lawful writ, process, order, rule, decrease, or command.

Let me emphasize again that the contempt power of the U.S. courts extends to such contempt of its authority as "disobedience or resistance to its lawful writ, process, order, rule, decree, or command."

I next direct the attention of the Senate to title 18, United States Code, section 3691, which provides:

> SEC. 3691. Jury trial of criminal contempts. Whenever a contempt charge shall consist in willful disobedience of any lawful writ, process, order, rule, decree, or command of any district court of the United States by doing or omitting any act or thing in violation thereof, and the act or thing done or omitted also constitutes a criminal offense under any act of Congress, or under the laws of any State in which it was done or omitted, the accused, upon demand therefor, shall be entitled to trial by a jury, which shall conform as near as may be to the practice in other criminal cases.
>
> This section shall not apply to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States.

What section 1 of the administration bill proposes is to make at least some of the disobedience described in section 3691 of the Criminal Code an offense under the laws of the United States, thereby entitling the individual to a jury trial, not only in the resulting prosecution for his crime, but in the contempt proceeding, as well.

Mr. President, that was the burden of my argument last Friday afternoon, here in the Senate Chamber. I am very sorry that, apparently, we set forth that argument in such unclear fashion that no newspaper editor or reporter whose writings on this subject I have seen, caught this controlling point.

But it is the controlling point, let me say to the editors of the Washington Post, for example. The other morning, the editors of the Washington Post published an editorial in which they completely ignored the argument made against the adoption of section 1 by the Senate.

Let me repeat that argument, and expound it in further detail, for the benefit of the editors who made so cursory a study of the debate that they wrote editorials in which they did not set forth the true position of those of us who oppose section 1 of the administration bill, known as the Dirksen section 1.

COUNTRY MUST LOOK BEHIND LABELS IN CIVIL RIGHTS DEBATE

We opposed it because in our judgment, as a matter of legal effect, it weakened the civil rights bill rather than strengthened it. Our charge then, and it is also my charge tonight, was that the Eisenhower administration—and let me say this to the Negroes of America—came to the floor of the Senate with a section 1, as a part of the Eisenhower bill, what would have had the effect of denying to the Negroes of America the protection that is needed in desegregation cases.

It makes no difference how much the Attorney General, speaking for the President of the United States, seeks now to persuade the colored people of America that he was standing for a procedure that would strengthen their position in civil rights. The fact is that in section 1 the Attorney General sought to provide a procedure which would require a jury trial in contempt cases involving the desegregation issue; and I now repeat what I said the other afternoon, here on the floor of the Senate:

If U.S. Senators from the South, far removed from the emotion and the hysteria which prevail when a whole community is aroused over a desegregation case, can say some of the things that have been said in this debate against the U.S. Supreme Court, does anyone really think that when there is before a jury in the South a highly emotionalized case involving the question of whether the person before the bar of justice is guilty of obstructing a court order, there will be a unanimous decision from local juries when only one member of it could hang the jury?

Mr. President, I do not intend to vote to weaken what I consider to be the existing contempt powers of Federal courts by voting for the adoption of a section 1 which would put the Federal courts in a position in which they would have to take the issue of contempt to the jury for determination. That, in my opinion, takes away from the courts the inherent power which should be preserved to them in order to protect the integrity of the judicial process in connection with a desegregation case or, for that matter, in connection with any other case, when a Federal crime is, in fact, not involved.

Let me say, for the benefit of the editors who have not made the legal analysis which must be made in order to understand the position of those of us who made the fight we made last Friday afternoon, that we were seeking to maintain the strength of the Federal courts, in the exercise of the inherent contempt power which they possess, to determine,

without a jury, whether there had been an obstruction of their court order. That is the issue. I think upon rereading the debate of last Friday it will have to be admitted that we made that clear then.

But, because of the political overtones and undertones involved in the whole civil rights issue, it is so easy to give the impression that the group of us who are fighting to protect the contempt powers of Federal courts were really moving to water down the civil rights bill. I wish to say that the watering down was done when the administration proposed section 1, and that what we sought to do was to squeeze that water out of it. We did that by the course of action we took in voting to lay on the table section 1, as amended by the Lausche amendment. I voted to do that because I want the Federal judiciary to remain in the position where it can protect its own judicial integrity without being required to take the issue to a jury.

Thus, it is very important that the Congress have a much better idea than it now has as to whether enactment of section 1 would create a new Federal crime. The Attorney General recommended section 1 on that basis. If it would not create a new Federal crime, then the Attorney General now has authority to proceed against individuals who obstruct court orders in school desegregation cases. That is why I said on last Friday that the Attorney General had completely failed to prove his case; in his testimony before the committee he had failed to come forward with any evidence to substantiate his claim that he was without such power.

Mr. President, it is a sad thing to say, and I say it respectfully; but, in my judgment, the Department of Justice has not done its job in respect to the desegregation issue.

SECTION 1 PROBABLY WEAKENS PRESENT ENFORCEMENT POWER

So I say it is very important that the Congress have a much better idea than it now has as to whether enactment of section 1 would create a new Federal crime. If it would, then we should be deciding whether or not we want to severely weaken the existing power of the Federal courts to deal themselves with contempts of their desegregation orders.

That is why I said if we are proceeding on an assumption that it creates a new Federal crime, then I am against leaving section 1 in the bill, because if it creates a new Federal crime, then the issue of contempt has to go to a jury, and if such cases go to a jury in this type of case, in my judgment, we welcome hung juries.

I do not think we should so weaken what, in the absence of the creation of a Federal crime, involves the power of a Federal district court to protect itself by its own contempt actions.

My views are well known on this subject. I believe the powers of the Federal courts should not be weakened or curtailed in the area of protecting the constitutional rights of Americans. I am no more in favor of a jury trial where contempt of court occurs in a desegregation case than I was in a voting violation case.

In fact, I do not propose—and remember, in 1957, I opposed it, too—to take away from a court, and transfer to the jury box, the common law power of the court to protect its own integrity by way of contempt proceedings.

Because the Attorney General failed to spell out in specific terms and cases whether and where the contempt power was insufficient to deal with desegregation orders, I believe very strongly that Congress should not weaken what appears to be adequate authority in this area.

It can be said that section 1 may not entitle to a jury trial anyone not already entitled to it, because an obstruction of a Federal court order may already be covered by State statutes, and thus under section 3691 the individual would already be guaranteed his jury trial in the contempt proceeding. That is quite possible. But it would put the burden upon the individual to show that he has violated a State law in order to gain his jury trial in the contempt proceeding.

Why remove that obligation from him, and why remove all doubt as to the existing Federal statute by making certain that his action will be a Federal crime?

UNITED STATES SHOULD HAVE POWER TO INITIATE SUITS

Of course, the second paragraph of section 3691 is equally important. It provides that the jury trial shall not apply in cases of contempts where the ruling of the court resulted from "any suit or action brought or prosecuted in the name of, or on behalf of, the United States."

Now, if the Attorney General of the United States were before the congressional committees asking for the authority to initiate suits on behalf of the United States under the 14th amendment, if he were asking Congress for enactment of part III of the 1957 bill, or the Case amendment which a majority of the Senate defeated, then section 1 of the Dirksen bill would have meaning. But he does not want that power; he is not asking for it.

In fact, let the RECORD show once again that the Eisenhower administration was against part III. The Eisenhower administration was against the one part we have been proposing in this debate again this year, as we did in 1957, which would put some teeth in a civil rights bill, which would give some power of enforcement, which would give some meaning to a civil rights bill, rather than the kind of watered down, meaningless bill we are grinding out here in the legislative process, which process in my judgment, started when part III was defeated for the second time here on the floor of the Senate the other day.

In 1957 I was the only northern Democrat who voted against the so-called civil rights bill. Why did I so vote? Because when the Senate was willing to strike part III from the bill, no effective enforcement procedure was left in the bill. I had no intention of voting for a bill which, in my judgment, was bound to lead many people of this country into believing that they were getting an effective civil rights bill in 1957.

I took a great deal of criticism for refusing to go along then with a bill which had been stripped of its main effective enforcement procedure.

It is interesting, is it not, that in 1960 we had brought before us again the same enforcement procedures that were stricken in 1957?

It was a sad day the other afternoon when once again a majority of the Senate was not willing to write part III into the civil rights bill. Let me say to the President of the United States, and let me say to the Attorney General of the United States, this record is clear, that these two gentlemen were the ones in this Government who refused to support a strong section in the civil rights bill.

Mr. President, and Mr. Attorney General, I believe that you owed it to the cause of civil rights to support part III, rather than omit it from this bill, and then have the Attorney General seek to give the false impression to the American people that we who refused to go along with his proposal—if it was his proposal, and he was so confused in his statement, we cannot be sure—were defeating a real civil rights proposal.

By requesting a new Federal crime and thereby assuring individuals in contempt of court of a jury trial, the Attorney General was guaranteeing, in my judgment, that in most of the cases in the Southern States involving a desegregation issue, where a contempt violation was raised, the result would be hung juries. We would get a weakened bill, and not a strengthened one. Because of that fact, I took the position last Friday against weakening the inherent powers of a court in contempt cases. I do not propose to put the Negroes in the South at the mercy of southern juries in contempt cases. I was well satisfied that the probabilities were, in case after case, there would either be a verdict of not guilty or there would be a "hung jury."

Mr. President, are we not perfectly willing to trust the Federal judges? If the Federal judges, upon a review of the evidence in the case, find that the defendant is not guilty of obstructing the court's order, I am perfectly satisfied the Federal judges will not hold a man in contempt when in fact he is not in contempt.

Mr. President, I do not propose to go along with the proposal of the U.S. Attorney General to create this limited area of a crime in desegregation cases. The present Presiding Officer of the Senate, the Senator from Ohio [Mr. LAUSCHE] will recall I took that position last Friday. He unanswerably pointed out that, of course, if we are going to make this action a crime with regard to one limited field of the obstruction of justice, in keeping with the principle of equal administration of the law under our Constitution, it ought to apply to all other cases involving obstruction of justice. So I supported the Lausche amendment because it was in keeping with a principle which I taught for too many years in

the classroom, to walk out on simply because I walked in the Chamber of the U.S. Senate.

After that amendment was adopted, so that the law would be uniform in application, then I took the position that we should not weaken the contempt power of the Federal courts. We should leave it up to the Federal judge to exercise what throughout the whole history of Anglo-Saxon justice has been the reserved power of the judiciary to protect its own integrity and the sanctity of its own judicial processes.

So I said in the argument Friday, as I say again tonight, the Attorney General failed to prove the need for the kind of a new crime he allegedly claimed he wanted stated.

That is the issue, I will say for the benefit of the newspaper editors. Of course, it involves a technical discussion of abstract principles of justice and perhaps we ask too much when we expect busy editors, who have to meet deadlines, to write accurate editorials on complicated legal questions. This statement is good for newspaper reporters, too, I say most respectfully. When they are involved in these problems which are complex legal abstractions, too frequently they miss the point, as they missed the position of those of us who urged the striking of section 1.

I repeat: We urged the striking of section 1 not to weaken the civil rights bill before the Senate, but to strengthen the bill. By striking the section we maintain the power of the Federal judges of America to protect the integrity of their own courts in desegregation cases and other cases as well. Once we adopted the Lausche amendment we had the uniform principle which was going to apply to all cases of obstructing justice.

NAACP CARRYING BURDEN OF DESEGREGATION

Mr. President, I say that the Attorney General is leaving the initiative of school desegregation suits to the National Association for the Advancement of Colored People.

The PRESIDING OFFICER. (Mr. LAUSCHE in the chair). Will the Senator yield?

Mr. MORSE. I yield.

The PRESIDING OFFICER. The Chair will say at this point that generally there has been a failure to recognize the historic and judicial significance of the proposal to make the law equal in its operation upon all citizens.

Mr. MORSE. The Senator from Ohio is absolutely correct about that matter. I did not read that in a single newspaper story. What did we read in newspaper story after newspaper story? We read a charge against the liberals of the Senate of the United States. We read the charge that civil rights advocates in the Senate were doing labor's bidding in connection with this issue, when the fact is we made it very clear to labor last Friday that if we were going to have a new crime involving the obstruction of justice, then labor, as well as every other group, was going to be brought under the law. That was the position the liberals took.

I am quite accustomed to this procedure, Mr. President. Every time anyone makes a fight in the Senate for a principle which involves the uniform application of a rule of law to all concerned, the newspapermen and editorialists smear him by the kind of shallow reporting job that appeared over the last weekend with respect to the motivations of those of us who moved to strike section 1 from the bill.

As is usually the case, Mr. President, eventually this boomerangs against those who make such false charges. At first I received calls from a good many Negro leaders asking, "Is what the Washington Post says true?"

I said to them, goodnaturedly, "If you are going to victimize yourselves by reading hastily written editorials in the Washington Post, you are going to be wrong more than right."

I explained to them what the real objection to section 1 was. This is already beginning to boomerang against these newspaper editors and newspaper reporters who wrote these editorials and stories which misrepresented both the motivation of and the argument made last Friday by those of us who supported my motion to lay on the table section 1.

Mr. President, I was saying that the Attorney General is leaving initiation of school desegregation suits to the National Association for the Advancement of Colored People. By asking that obstruction of an order resulting from an NAACP suit be made a Federal crime, I believe the Attorney General is—inadvertently, I am sure—weakening the enforcement of any court order so obtained.

I think it is a sad thing that only private parties are able to initiate school desegregation suits, in order to obtain their constitutional rights under the 14th amendment. It is unconscionable to me that the U.S. executive does not act to secure the constitutional rights of citizens, and does not even ask Congress for statutory authority to act.

What the Attorney General should be doing is seeking authority to bring these suits on behalf of the United States. Then the existing section 3691 of the Criminal Code would not apply to anyone in violation or obstruction of the resulting order, and section 1 of the Dirksen amendment would strengthen his hand.

But until he does have that power, I shall not vote to weaken the enforcement procedures already available to the courts in NAACP cases. That is why I believe the Senate was very wise in eliminating section 1 of the pending amendment.

ATTORNEY GENERAL SHOULD BE ACTING UNDER PRESENT POWERS

In light of the language of the House committee report, I think it is even more evident that the present status of the courts powers is probably more effective than the change requested.

The committee says that the only alternative the Government would have in such a case of mob action would be to return to the court for a new injunction against its leaders and then prove subsequent acts on their part violating the order so as to establish a contempt.

In such a procedure, no jury trial is provided; but under the language we are being asked to approve, the jury trial would be available, and all the same steps of securing proof would have to be undertaken, too.

But the Attorney General did not tell us that. He has the same mob to consider. What does the creation of a new Federal crime do to change that operative fact situation? Nothing. Simply nothing, Mr. President. So I say the Attorney General simply did not make his case.

In short, I am encouraged by the refusal of the Senate last Friday to create a new jury trial in criminal contempt cases, where constitutional rights are involved. I welcome the overwhelming vote against section 1. I think the hand of the Federal courts would probably have been weakened had it been approved.

My judgment is, unfortunately, based only on a summary review, because we have no body of evidence from the Attorney General. Until evidence is submitted that my analysis of the situation is not borne out by the facts and by the experience of the courts, I hope that Congress will not enact section 1, even if it should happen to come over from the House in the House bill.

Of course, very strong representations are being made on the House side for the inclusion of section 1 in the House bill, on the basis of propaganda from the Department of Justice that we in the Senate weakened the bill.

To keep the record complete in this matter, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the letter from Attorney General Rogers to Hon. WILLIAM P. MCCULLOCH in defense of the section 1 proposal.

The PRESIDING OFFICER. Without objection, the letter may be printed, as requested.

(See exhibit 1.)

SECTION UNCLEAR IN ITS APPLICATION AS WELL

Mr. MORSE. There is another phase which should be mentioned. I say that it would be foolish to let the Attorney General's letter go unanswered in all its misstatements and omissions.

The Senate killed section 1, not because section 1 endorsed by implication the desegregation cases, as the Attorney General contends, but because the administration had submitted the proposal to the Congress under false colors. The administration offered the provision as one dealing with mob violence, but when the Senator from Ohio [Mr. LAUSCHE] offered the amendment to make it applicable to all court orders, the Senate saw, for the first time, that it went far beyond force and threats of force, and was unfair.

In his letter to Representative MCCULLOCH, Attorney General Rogers again claims that the obstruction of court orders provisions is directed against violent interference with desegregation orders. His letter characterizes the provision as

one which would make it a Federal offense willfully to use force or threats of force to obstruct the orders of Federal courts in school desegregation cases. This statement is simply not true. The provision goes far beyond the use of force or threats of force. It reads:

Whoever, corruptly, or by threats or force, or by any threatening letter or communication—

It does not read—

Whoever, by force or threats of force—

The bill as submitted by the Attorney General reads "threats or force," not "threats of force." A little word like that makes a great deal of difference in all the legal implications and effects.

Although the provision clearly includes conduct other than force or threats of force, the administration has tried to sell it as a bill dealing with force from the beginning. The President in his civil rights message of last year, and the Attorney General in his testimony before the House and Senate committees, talked only of violent conduct. I ask unanimous consent that the references to this matter by the President of the United States and by the Attorney General be incorporated at this point in my remarks.

There being no objection, the references were ordered to be printed in the RECORD, as follows:

EXCERPT FROM THE PRESIDENT'S MESSAGE TO CONGRESS ON FEBRUARY 5, 1959

First, I recommend legislation to strengthen the law dealing with obstructions of justice so as to provide expressly that the use of force or threats of force to obstruct court orders in school desegregation cases shall be a Federal offense.

There have been instances where extremists have attempted by mob violence and other concerted threats of violence to obstruct the accomplishment of the objectives in school decrees. There is a serious question whether the present obstruction of justice statute reaches such acts of obstruction which occur after the completion of the court proceedings. Nor is the contempt power a satisfactory enforcement weapon to deal with persons who seek to obstruct court decrees by such means.

The legislation that I am recommending would correct a deficiency in the present law and would be a valuable enforcement power on which the Government could rely to deter mob violence and such other acts of violence or threats which seek to obstruct court decrees in desegregation cases.

EXCERPT FROM STATEMENT BY ATTORNEY GENERAL WILLIAM P. ROGERS BEFORE HOUSE COMMITTEE ON THE JUDICIARY, MARCH 11, 1959

1. Obstruction of court orders in school desegregation cases.

Title I of H.R. 4457 proposes to amend the Criminal Code with respect to obstructions of court orders in school desegregation cases. The measure would make it a Federal offense willfully to use force or threats of force to obstruct court orders in school desegregation cases. Upon conviction the offender could be punished by fine of not more than $10,000 or imprisonment for not more than 2 years, or both.

It is not intended to apply to a person who is named in an outstanding court order for such an individual is answerable in contempt if he violates or resists the order directed to him. This proposal is designed to cover persons who are not in terms subject to the order, but who willfully intervene in the situation for the purpose of frustrating that order. Although the bill properly covers individual action it is contemplated that it would be used principally in coping with concerted action.

A striking demonstration of the need for a bill of this nature is the occurrence at Little Rock in 1957 when, notwithstanding the presence of the local police force, assembly of a large mob made it necessary, for reasons of safety, to remove nine Negro children who had been enrolled in the Central High School pursuant to the decree of the Federal district court. If the execution of the decrees of the courts are obstructed by force or threats of force, the Federal Government should have authority to act effectively. In a democracy, disagreement with court decrees can find free expression in the available judicial or political processes. It cannot be permitted to find expression in force and thus frustrate the lawfully determined rights of individual citizens.

The Department's study shows that there is doubt as to whether the existing authority of the Federal courts is sufficient to impose effective sanctions against members of mobs—or against others who, by threats or force, willfully prevent, obstruct, impede or interfere with the exercise of rights or the performance of duties under a school desegregation order of a Federal court. The purpose of this proposal is to remove that doubt.

The reason for the doubt in the present law is that the contempt power comes into play only when it has been found by the court that the persons charged with contempt disobeyed or resisted the decree of the court. Under Federal procedure, a person cannot ordinarily be held in contempt unless he was either a party against whom the decree was issued or was acting in active concert with a party.

In the example I have given, obviously a desegregation order cannot name the members of a mob not yet formed. Moreover, in the ordinary situation a mob is not in concert with the school board or other defendants who, whatever their personal sentiments, invariably recognize the authority of law.

Let me illustrate the inadequacy of the contempt power by referring again to the resistance to an order of desegregation in the Little Rock case. A mob was incited to resist the orders of the court concerning the operation of the school. This conduct did not involve contempt of the decree which ordered the school desegregated since the persons responsible were not parties to that decree, and there was no proof that they acted in concert with those named in the decree. Of course it would be possible to return to court to obtain a new injunction against mob leaders. Then it would be necessary to prove subsequent acts by those named in the new injunction in order to establish a contempt. Obviously, this is a time-consuming procedure and is of no practical use in producing the prompt action needed to break up a mob which may be threatening the safety of children. It is for these reasons that we believe that additional legislation is needed to deal with individual or concerted action seeking to obstruct orders of the court.

The relevant obstruction of justice statute also appears to be inadequate. It (18 U.S.C., sec. 1503) punishes whoever (1) "corruptly, or by threats or force, or by any threatening letter or communication," intimidates or endeavors to intimidate a witness in a U.S. court or before a U.S. commissioner or any grand or petit jury, or any official in the discharge of judicially connected duties; or (2) injures a party or witness on account of his testimony in a Federal judicial proceeding or a grand or petit juror on account of a verdict or indictment; or (3) injures an officer on account of the performance of judicially connected duties; or (4) corruptly or by threats or force obstructs or impedes the "due administration of justice."

The use of force to obstruct an existing desegregation decree would be covered by this statute, if at all, only if it could be considered to obstruct or impede the "due administration of justice." That phrase has been narrowly interpreted to be qualified and limited by the acts specifically enumerated in the preceding portions of the statute (*United States* v. *Scoratow*, 137 F. Supp. 620 (W.D. Pa., 1956)), and to embrace only conduct similar in nature to the specifically enumerated acts (*Haili* v. *United States*, 260 F. 2d 744 (C.A. 9, 1958)).

Thus, we find that the statute does not cover an assault upon a U.S. commissioner who had required a defendant to execute a bail bond (*United States*, v. *McLeod*, 119 Fed. 416 (C.C.N.D. Ala., 1902)). The court held that since the commissioner had already performed his duty, the assault could not have influenced or impeded the due administration of justice. And in the Scoratow case the statute was held inapplicable to threats made against witnesses in the course of an FBI investigation and prior to the filing of a complaint, the conduct not being related to a pending judicial proceeding.

It is not possible to state categorically that a desegregation decree is necessarily beyond the reach of the existing obstruction of justice statute. It could be argued that interference with an existing order relates to a case that is still pending and thus disturbs the ordinary and proper functions of the court within the meaning of the statute.

However, there is so much doubt as to the scope of the present law that arrests of mob leaders by Federal authorities would be precarious and their prosecution probably unsuccessful. What is involved are deliberate attempts by force or threats of force to frustrate Federal court orders dealing with a settled constitutional right. Such a challenge to the rule of law must be met clearly and unequivocally.

The language describing the actions covered is substantially similar to that employed by the existing obstruction of justice statute,[1] except for the addition of the word willfully. Willfulness, however, would seem to be an implicit element under the present obstruction of justice statute (*Pettibone* v. *United States*, 148 U.S. 197, 206 (1893)). Its insertion here would make it clear that no one could be convicted without evidence of an intention to obstruct the exercise of rights or the performance of duties under a Federal desegregation decree. The defendant would have to know of the existence of the decree. We want to reach only those people who have decided to take the law out of the hands of the court and place it into their own.

The bill would grant Federal officers authority to make arrests on the spot. The offenders would be afforded every procedural protection, including indictment by a local grand jury and a trial by a local petit jury. We anticipate that making this conduct a specific Federal offense, together with the complementary power to make on-the-spot arrests, will undoubtedly deter the formation of mobs and will help in the suppression of such mob action as may nevertheless occur.

[1] That statute now applies to "Who ever * * * corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice."

The bill should thus contribute substantially to the safety of the schoolchildren involved.

You will note that the bill would not apply to "an act of a student, officer or employee of a school if such act is done pursuant to the direction of, or is subject to disciplinary action by, an officer of such school."

The reason for this exception is that students, or others who are part of a school system, can be dealt with as a matter of school discipline.

To sum up, this is clearly a Federal problem and it calls for effective Federal action. This proposal is a specific and firm response to that proven need.

EXCERPT FROM TESTIMONY OF ATTORNEY GENERAL BEFORE SENATE CONSTITUTIONAL RIGHTS SUBCOMMITTEE, MARCH 20, 1959

Mr. Chairman, I would like first to talk about the obstruction of court orders in school desegregation cases.

A striking demonstration of the need for a bill of this nature is the occurrence at Little Rock in 1957. Notwithstanding the presence of the local police force, the assembly of a large mob made it necessary, for reasons of safety, to remove the nine Negro children who had been enrolled in the Central High School pursuant to the decree of the Federal district court. When the execution of the decrees of the courts are obstructed by force or threats of force, there must be authority to act effectively. If the State is unable or unwilling to act effectively, it is to the Federal Government that the country looks for prompt and decisive action in the face of such a challenge. I believe this proposal would provide authority for the Federal Government to act effectively under such circumstances. In a democracy, disagreement with court decrees can find free expression in the available judicial or political processes. It cannot be permitted to find expression in force and thus frustrate the lawfully determined rights of individual citizens. And if forcible resistance occurs, it must be met.

Our proposal is a specific and firm reaponse to a proven need. It would amend the Criminal Code with respect to court orders in school desegregation cases. The measure would make it a Federal offense willfully to use force or threats of force to obstruct court orders in school desegregation cases. Upon conviction the offender could be punished by fine of not more than $10,000, or imprisonment for not more than 2 years, or both.

The bill is not intended to apply to a person who is named in an outstanding court order. Under existing law such an individual is answerable in contempt if he violates or resists the order directed to him. This proposal is designed to cover persons who are not in terms subject to the order, but who willfully intervene in the situation for the purpose of frustrating that order. Although the bill properly covers individual action it is contemplated that it would be used principally in coping with concerted action.

There is a substantial doubt whether the existing authority of the Federal courts is sufficient to impose effective sanctions against members of mobs—or against others who, by threats or force, willfully prevent, obstruct, impede, or interfere with the exercise of rights or the performance of duties under a school desegregation order of a Federal court. The purpose of the bill is to remove that doubt.

The doubt concerning the present law arises from the fact that the contempt power comes into play only when it has been found by the court that the persons charged with contempt disobeyed or resisted the decree of the court. Under Federal procedure, a person cannot ordinarily be held in contempt unless he was either a party against whom the decree was issued or was acting in active concert with a party. These limitations are provided by rule 65(d) of the Federal Rules of Civil Procedure.

In the example I have given, obviously a desegregation order cannot name the members of a mob not yet formed. Moreover, in the ordinary situation a mob is not in concert with the school board defendants.

The inadequacy of the contempt power is well illustrated in the Little Rock case. A mob was incited to resist the orders of the court concerning the desegregation of the school. The persons responsible were not parties in the litigation, there was no proof that they acted in concert with those parties, hence a contempt case was impossible. Of course it would be possible to return to court to obtain a new injunction against mob leaders. Then it would be necessary, of course, to prove subsequent acts in violation of the new injunction. Obviously, this time-consuming procedure is of no practical use in that situation. It will not produce the prompt action needed to break up a mob which may be threatening the safety of children. For these reasons we believe that the contempt power must be supplemented if we are to deal promptly and effectively with individual or concerted action seeking to obstruct orders of the court.

The present obstruction of justice statute also appears to be inadequate. It is 18 U.S.C. 1503, which punishes whoever (1) "corruptly, or by threats or force, or by any threatening letter or communication," intimidates or endeavors to intimidate a witness in a U.S. court or before a U.S. Commissioner or any grand or petit jury, or any official in the discharge of judicially connected duties; or (2) injures a party or witness on account of his testimony in a Federal judicial proceeding or a grand or petit juror on account of a verdict or indictment; or (3) injures an officer on account of the performance of judicially connected duties; or (4) corruptly or by threats or force obstructs or impedes the "due administration of justice."

Senator JOHNSTON of South Carolina. Does the Attorney General want to be interrupted in giving his paper or does he want to wait until after he finishes before we ask questions?

Mr. ROGERS. Senator, naturally I will bow to the wishes of the committee, but I think it might be a little better first to finish my statement and then have the questions. But I will do as the committee desires. I think it is a little easier sometimes to complete the statement because occasionally I would cover in some subsequent part of my testimony the question you might ask, so I would prefer to finish my statement. But I will be bound by the wishes of the committee.

Senator JOHNSTON of South Carolina. You may proceed then.

Mr. ROGERS. Thank you very much.

The important phrase for our purposes is "due administration of justice." The use of force to obstruct an existing desegregation decree would be covered, if at all, only if it could be considered to obstruct or impede the "due administration of justice." But the phrase has been narrowly interpreted to be qualified and limited by the acts specifically enumerated in the preceding portions of the statute (*United States* v. *Scoratow*, 137 F. Supp. 620 (W.D. Pa., 1956)), and to include only conduct of that nature (*Haili* v. *United States*, 260 F. 2d 744 (C.A. 9, 1958)).

Thus, the statute has been held as not covering an assault upon a U.S. Commissioner who had required a defendant to execute a bail bond (*United States* v. *McLeod*, 119 Fed. 416 (C.C.N.D. Ala., 1902)). The court was of the view that since the Commissioner had already performed his duty, the assault could not have influenced or impeded the due administration of justice. And in the Scoratow case the statute was held inapplicable to threats made against witnesses in the course of an FBI investigation and prior to the filing of a complaint, the conduct not being related to a pending judicial proceeding.

I do not want to be understood as suggesting categorically that a desegregation decree is beyond the reach of the existing obstruction-of-justice statute. It is possible to argue that interference with an existing order relates to a case that is still pending and thus disturbs the ordinary and proper functions of the court within the meaning of the statute.

However, in view of the previous decisions of the court there is so much doubt as to the scope of the present law that arrests of mob leaders by Federal authorities would be of questionable validity and their prosecution probably unsuccessful. What we are trying to reach here are deliberate attempts by force or threats of force to frustrate Federal court orders dealing with a settled constitutional right. Such a challenge to the rule of law must be met clearly and unequivocally.

The language describing the actions covered is substantially similar to that employed by the existing obstruction-of-justice statute, except for the addition of the word "willfully." Now we added this word "willfully" because although we think it is implicit in the present statute (*Pettibone* v. *United States*, 148 U.S. 197, 206 (1893)) we want to make it clear that a conviction could not be obtained without evidence of an intention to obstruct the exercise of rights or the performance of duties under a Federal desegregation decree. The defendant would have to know of existence of the decree. We want to reach only those people who have decided to take the law out of the hands of the court, and we all know the resulting difficulties and trouble that causes our Nation.

Under the measure Federal officers would have the necessary authority to make arrests on the spot. However, those charged would be given every procedural protection, including indictment by a local grand jury and a trial by local petit jury. We believe that making this conduct a specific Federal offense, together with the complementary power to make on-the-spot arrests, will undoubtedly deter the formation of mobs and will help in the suppression of such mob action as may nevertheless occur. The bill should thus contribute substantially to the safety of the schoolchildren involved.

You will note that the bill would not apply to "an act of a student, officer, or employee of a school if such act is done pursuant to the direction of, or is subject to disciplinary action by, an officer of such school."

The reason for this exception is that students, or others who are part of a school system, can be dealt with as a manner of school discipline. We want it to be clear that the statute can in no sense of the word, be thought of as interfering with the normal operation of the schools themselves.

The problems that arise when individuals act by force or threats of force to obstruct desegregation decrees issued by a Federal court are national in scope. They must be met promptly and vigorously, and this proposal has been drafted with this thought and objective in mind.

Now going to the second proposal which relates to flight to avoid prosecution for destruction of educational or religious structures. This important problem we believe requires additional legislation, particularly as it relates to bombing of schools and places of worship. All decent, self-respecting people are shocked by these incidents of lawlessness. They are manifestations of racial and religious intolerance that are of extreme concern on both the domestic and international

scene. While the perpetrators should be dealt with primarily under local law and by local law enforcement officers, supplemental aid from the Federal Government is needed.

We therefore propose to amend the Criminal Code so as to make it a felony punishable by fine of not more than $5,000 or imprisonment of not more than 5 years, or both, for an individual to travel in interstate or foreign commerce to avoid local prosecution, custody, or confinement for willfully damaging or destroying, or attempting to damage or destroy, by fire or explosive any building, structure, facility, or vehicle used primarily for the purpose of public or private education or for religious purposes. Flight to avoid testifying in any criminal proceeding relating to such conduct would likewise be punishable.

In my opinion this bill will serve as an effective deterrent to the bombing of educational and religious structures. It has the full support of the Director of the Federal Bureau of Investigation who recognizes that these incidents have confronted local law enforcement officials with difficult investigation and detection problems. A bombing is one of the most difficult types of crimes to solve. Evidence and clues which might otherwise be available are ordinarily destroyed by the blast. There are no tangible "fruits," the sale or disposal of which can be traced. The offense is most often committed at night and therefore there are usually no eyewitnesses. The collection, sifting, and analysis of whatever physical evidence remains requires not only a great amount of effort and patience, but also expert training, equipment, and experience. And while local officials have been diligent in their efforts to apprehend the offenders, there is no doubt that there are interstate aspects to the offenses and utilization of the resources and powers of the Federal Government is needed.

When it has been requested by local authorities, the FBI in these cases has given its complete cooperation. It has rendered effective assistance in a number of bombing incidents, including those at Clinton, Tenn., Atlanta, Ga., Peoria, Ill., and Osage, W. Va. The FBI has made available the full use of its laboratory facilities, and to coordinate efforts to cope with the problem, it has held 176 field conferences with top local law enforcement officials, attended by over 8,000 officers representing 3,687 local law enforcement agencies. FBI representatives have discussed appropriate techniques for solving these bombings and have outlined the services the Bureau may offer local officials in their investigations.

However, the FBI should be in a position to act independently. For that purpose it requires a clear and solid jurisdictional basis on which it can proceed promptly and with it all its resources to make the necessary investigations and to apprehend the persons involved. The present bill, which has as its model—when I say "the present bill," I mean this part of the administration proposal—has as its model the Fugitive Felon Act (18 U.S.C. 1073), reflects a basic principle that has been long maintained by the legislative and executive branches of the Federal Government. This principle is that the FBI is not a national police force, should not become such, and should not supersede local law enforcement agencies.

Since 1934 the Fugitive Felon Act has been the means for punishing persons who travel in interstate commerce with the intent to avoid prosecution under State law for certain listed felonies, or to avoid testifying in State felony proceedings. While the Fugitive Felon Act established such conduct as a Federal offense, its purpose was to supplement State law enforcement. Under the act the FBI can and does locate and apprehend fugitives from State justice. When fugitives are arrested by the FBI, they are turned over for State prosecution and as a rule are not prosecuted for unlawful flight, except where for some reason State prosecution is impracticable or inadequate. During fiscal 1957, 947 fugitives were located by the FBI proceeding under the Fugitive Felon Act. Of these only nine were prosecuted in the Federal courts under the act.

The proposal, in providing for Federal action as a supplement to, but not a substitute for, State and local action, proceeds on the same principle and policy reflected in the Fugitive Felon Act. It differs from that act in some particulars. While the Fugitive Felon Act applies to flight from prosecution for specified common law and statutory felonies, this bill would apply to flight from any prosecution for the willful destruction or damaging by fire or explosives of any educational or religious building, structure, facility, or vehicle, or for attempting to do so. It would be immaterial whether the State prosecution would be for a felony or a misdemeanor.

It is our belief that enactment of this statute will bring home to terrorists involved in these incidents that the matter is one of serious national concern and that whoever is foolish enough to indulge in such lawless action will have to face up to the formidable array of both State and Federal authority.

Our next proposal, S. 957, is designed to implement the authority vested in the Attorney General by the Civil Rights Act of 1957, to institute civil proceedings for preventive relief against discriminatory denials of the right to vote in Federal elections. We have found that an effective exercise of this authority is seriously hampered by lack of suitable provisions for access to voting records during an investigation.

This bill would vest in the Attorney General the authority to require the production for inspection of records and papers relating to any general, special, or primary election involving candidates for Federal office. It would also require the retention and preservation of such records for 3 years. Willful failure to retain and preserve the records would be an offense punishable by fine of not more than $1,000 or imprisonment for not more than 1 year, or both, and their willful theft, destruction, concealment, mutilation, or alteration, by fine of not more than $5,000 or imprisonment for not more than 5 years, or both. In the event of nonproduction, jurisdiction would be conferred upon the Federal district courts to resolve any dispute which might arise in connection with the exercise of the authority conferred.

To establish a denial or threatened denial of the right to vote because of racial discrimination requires proof not only that qualified persons are not permitted to register or vote, but that the denial is based on racial discrimination. This calls for evidence that individuals of a particular race had in fact either satisfactorily demonstrated their qualifications and had offered to do so, and were nevertheless not allowed to register or vote, while individuals of another race no better qualified had been permitted to register or vote.

To assemble the necessary proof of discrimination is impracticable, if not impossible, without access to detailed information concerning applications, registrations, or other acts, tests, and procedures requisite to voting. It is on the basis of such information that it becomes possible to determine who has been permitted to register or vote and who has not, and to make the necessary racial breakdown. The only source of such comparative information—necessary for proper evaluation of complaints and in the preparation of cases—is the records of registrations or other action required for exercise of the franchise.

In the exercise of his authority under the Civil Rights Act the Attorney General has no existing power to require the production of election records during any investigation of complaints that qualified persons have been denied the right to vote in violation of Federal election law. The need for this power is plain. Some State and local authorities have refused to permit inspection. There are also the recent experiences of the Civil Rights Commission. The Commission, which does have the power to subpena such records (although not for the purpose of enforcing voting rights—in other words, we can't use the evidence that they get as a result of subpena), has found it necessary to utilize its power to compel production. In the recent Alabama case, in the U.S. District Court for the Middle District of Alabama (*In re George C. Wallace, et al.*, No. 1487–N), Judge Johnson, in enforcing the subpena power of the Civil Rights Commission, stated in his opinion of January 9, 1959, that the inspection of voting records "must be considered to be an essential step in the process of enforcing and protecting the right to vote regardless of color, race, religion, or national origin." An even more recent example is the refusal of a Louisiana official to permit the Commission to inspect voting records in his custody.

Our proposal is the considered product of experience. Two of its provisions are of particular significance. The first of these is the provision which calls for production and inspection of the records rather than for the issuance of a subpena. In actual operation production would normally be at the usual place of custody of the voting records. Because of the importance of voting records and the frequent need to refer to them, we believed it would be preferable that the legislation should provide for inspection at their location rather than to permit their removal by subpena to some other place. The subpena power might be viewed by some as an attempt by the Federal Government to interfere unduly with State control over voting records. Inspection at the place of custody avoids such charge. The bill authorizes inspection of the records at the office of the local U.S. attorney as an alternative if for some good and sufficient reason—which the court could pass on—the usual place of custody is unsuitable.

The second provision requiring retention of records for a period of 3 years is extremely important. Its practical need has been strikingly demonstrated in the State of Alabama. After the commencement of a suit by the United States under the Civil Rights Act of 1957, the Alabama Legislature introduced a bill permitting destruction of the questionnaires of unsuccessful applicants for registration. Its obvious purpose was to obstruct the enforcement of the Civil Rights Act. Immediately after the introduction of the bill, the Government applied for and obtained a temporary restraining order preventing destruction of the records in the county involved in the case. Within a matter of days the bill authorizing destruction of the records had been passed into law. Similar action in other States would frustrate Government inspection of the records if the preservation provision of this proposal does not become law.

Mr. MORSE. Note, for example, the President's message:

First, I recommend legislation to strengthen the law dealing with obstructions of justice so as to provide expressly that the use of force or threats of force to obstruct court orders in school desegregation cases shall be a Federal offense.

The President and the Attorney General have attempted to sell this provision as needed to control mob violence, and leave the clear implication that the provision deals only with force and threats of force.

If the Attorney General should submit a bill to Congress which conformed to the President's message and his own

testimony, and make unlawful the violent interference with any Federal court order, it is doubtful that business and labor interests would openly oppose it, and Congress might well adopt it. The Attorney General would then have what he says he wants—a statute which would deal with violent interference with desegregation orders. All other instances of violent interference with orders of Federal courts would also be covered.

It is very important that any proposal that is made on this subject matter be considered in light of section 3691 of title 18 of the Criminal Code, so that the way may be left open for the Federal courts, through the exercise of their contempt powers, without submission to a jury, to protect their own integrity and their own judicial processes, and the sanctity of their own orders.

We must come to grips with the realities of the situation, and we must leave the Federal courts in a position in which the integrity of the judicial process can be protected against a community which may find itself so aroused, so emotional, so hysterical about a desegregation case that the rights of the courts would not be protected in that community unless we preserved the power of the court to protect itself, through the exercise of its own contempt power.

That is the burden of my argument. I am sorry that the Attorney General did not tell the whole story. I am sorry that the press has so inadequately reported the matter during the past few days that the false impression has been created in many places that those of us who for years in the Senate have been fighting for a civil rights bill with teeth in it followed a course of action last Friday which weakened a civil rights bill.

Mr. President, it is an uncalled for misrepresentation of the liberals in the Senate who took the lead in the fight last Friday. So I took these few minutes today to set the record straight. The insertions which I have had permission to make in the RECORD will be found in the President's message of February 5, 1959, which I have duly marked, and in the testimony of the Attorney General on page 186 of the committee hearings, in respect to the civil rights bill.

Mr. President, I make these remarks in order to call attention to what I consider an injustice to those of us who stood on the floor of the Senate and fought for the principles for which we stood last Friday. When we were fighting for the principle advocated by the Senator from Ohio [Mr. LAUSCHE], I think we represented the Senate in its highest traditions, represented the Senate as a great guardian of the American people, in support of the equal protection of the laws and the equal application of the laws, and uniform justice in America.

When we adopted the Lausche amendment, and then laid on the table the entire section as amended, we were really protecting the rights of the colored people of America.

For any newspaper to seek to give the impression that a single one of us would have sought to deny to the Negroes of the country the full protection of their constitutional rights was to misstate the facts. But we are used to that from American journalism.

I am thankful that this right of untrammeled free speech on the floor of the Senate makes it possible to make the speech I have just made setting the record straight.

EXHIBIT I

[From the New York Times, Mar. 14, 1960]

ROGERS' LETTER ON RIGHTS

In view of the Senate action in tabling section 1 of the administration bill to amend chapter 73 of title 18 of the United States Code, you have asked for my views on the importance of this section. It would, as you know, make it a Federal offense willfully to use force or threats of force to obstruct the orders of Federal courts in school desegregation cases.

I believe it is of the utmost importance that Congress enact this section.

As you know, the Supreme Court in 1954 unanimously held that a State violates the Constitution of the United States when it denies a Negro child, who is otherwise qualified for admission to a particular public school and who seeks admission, the right to enter that school. Subsequently, there have been several court orders requiring State officials and others to comply with these decisions. There will, of course, be others.

The executive branch of the Government has a sworn and solemn responsibility to support the orders of the Federal courts and to make certain that they are complied with promptly. Otherwise, Federal constitutional rights would have little meaning.

Court orders in the school cases will be enforced and the interests of the Nation require that it be done in an orderly manner without mob violence and without the necessity of using Federal troops.

Section 1 deals with this proven need and has as one of its specific purposes preventing a recurrence of what happened in Little Rock, Ark., in 1957. At the present time, when State officials fail to maintain law and order, the Federal Government, as a practical matter, has no certain or very effective way to deal with mob violence except by the use of Federal troops.

The contempt power is of slight practical effect because the mob leaders are not defendants in the litigation in the usual case; nor could it be proved in most cases that they were acting in concert with named defendants. To attempt to add mob leaders as defendants in the litigation would be impractical, for it is too slow a procedure to cope with mob violence. Thus, the need for additional legislation to deal with obstruction of court orders in school cases is imperative.

Section 1 is an extension of an existing statute to give the Federal Government a practical alternative to the use of troops to enforce the orders of a Federal court in school desegregation cases.

It has been said in the debates on civil rights, and I fully agree, that in the long run the right to vote is of fundamental importance to the Negro. This thought should not lull anyone into forgetting that, meanwhile, the Federal Government has a responsibility in other civil rights matters, including the duty to enforce court orders in school desegregation cases.

There are three reasons why school desegregation orders differ from orders in most other types of cases:

1. The injunction is a continuing one which may require day-to-day compliance by State officials over a long period of time.

2. State and local authorities, who are often opposed in principle to the order of the Federal court, may not maintain law and order with the same dedication as in other situations.

3. The lives of children who seek to exercise their constitutional rights are at stake.

Congress should consider an additional fact of importance. If it should shy away from passing any legislation to assist the executive branch of the Government in carrying out its responsibility of enforcing court orders in school desegregation cases because Congress would prefer not to give any express or implied approval to the decision of the Supreme Court in the school cases, it would be most unfortunate.

This would give encouragement to the extremists, who constantly chant that the orders of the court are not the law of the land and thus may be flouted. All thoughtful persons in our country know that they may not be, or anarchy would prevail. The legislative as well as the executive branch of the Government, I believe, should make it clear that they give their full support to enforcing the orders of the Federal courts in school cases. I therefore urge steadfast support of this proposal in the national interest.

Because your inquiry dealt only with section 1, I have confined my response accordingly. It should be understood, of course, that I fully support the other six proposals of the administration.

ADJOURNMENT

Mr. JAVITS. Mr. President, unless another Senator wishes to address the Senate, I move that, under the order previously entered, the Senate now adjourn until noon tomorrow. I am informed by the Parliamentarian that the majority leader's unanimous-consent request was for an adjournment, rather than a recess.

The motion was agreed to; and (at 6 o'clock and 40 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Wednesday, March 16, 1960, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate March 15, 1960:

DEPARTMENT OF COMMERCE

Bradley Fisk, of New York, to be an Assistant Secretary of Commerce, vice Henry Kearns.

HOUSE OF REPRESENTATIVES

TUESDAY, MARCH 15, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Proverbs 2: 6: *For the Lord giveth wisdom; out of His mouth cometh knowledge and understanding.*

Eternal God, we are bowing humbly in the fellowship of prayer, seeking together those blessings which none can ever find and enjoy alone.

We beseech Thee to evoke within us, during the serious deliberations of these days, a larger measure of the virtue of tolerance which always grants to others the right of opposing points of view and a willingness to listen to them.

Guide us in our quest for that just and fair solution of our difficult problems which will redound to Thy glory and the blessedness of all the inhabitants of our beloved country.

Inspire us with a firm commitment to maintain and perpetuate the noblest principles and ideals of democracy.

Grant that, in the midst of the world's darkness and confusion, we may always be able to say that our Republic still stands. We pray however that it may never be said that it is standing still but going forward with new vistas of outlook and new ventures of faith.

Lead on, O King Eternal, we follow Thee. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

PRIVATE CALENDAR

The SPEAKER. Today is Private Calendar day. The Clerk will call the first bill on the calendar.

MR. HUGHIE D. MARTIN AND IONE MARTIN

The CLERK called the bill (H.R. 7226) for the relief of Mr. Hughie D. Martin and Ione Martin.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated (1) to Mr. Hughie D. Martin and Ione Martin, of Lawton, Oklahoma, the sum of $10,000, in full settlement of all claims of the said Mr. Hughie D. Martin and his wife Ione Martin against the United States on account of the death of their son, Darrell, resulting from the explosion of an artillery shell which had been found by this boy and which undoubtedly had come from nearby Fort Sill, Oklahoma, and (2) to Mr. Hughie D. Martin and Ione Martin of Lawton, Oklahoma, the sum of $1,376.06 in full settlement of their claim against the United States for reimbursement of hospital, funeral, burial, and other expenses incurred by them on account of the injuries and death of said Darrell: This claim is not cognizable under the Federal Tort Claims Act: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, strike "$10,000" and insert "$6,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PATRICIA CROUSE BREDEE

The Clerk called the bill (S. 231) for the relief of Patricia Crouse Bredee.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. AVERY. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

LIONIE TARPINIAN

The Clerk called the bill (S. 594) for the relief of Lionie Tarpinian.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Lionie Tarpinian shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct the number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Lionie Tarpinian. From and after the date of the enactment of this Act, the said Lionie Tarpinian shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SIRVART KASABIAN

The Clerk called the bill (S. 1241) for the relief of Sirvart Kasabian.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. AVERY. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

RAUL JORGE JOSE HERMITTE

The Clerk called the bill (S. 1703) for the relief of Raul Jorge Jose Hermitte.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of the Immigration and Nationality Act, the periods of time Raul Jorge Jose Hermitte has resided and was physically present in the United States or any State since September 23, 1953, shall be held and considered as compliance with the residence and physical presence requirements of section 316 of said Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CANDACE ELIZABETH LEE JOHNSON (KYUNG HEE LEE)

The Clerk called the bill (S. 2028) for the relief of Candace Elizabeth Lee Johnson (Kyung Hee Lee).

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Candace Elizabeth Lee Johnson (Kyung Hee Lee), shall be held and considered to be the natural-born alien child of Mr. and Mrs. Jack H. Johnson, citizens of the United States: *Provided*, That the natural parents of the said Candace Elizabeth Lee Johnson (Kyung Hee Lee) shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELEANOR CONSTAN

The Clerk called the bill (S. 1193) for the relief of Eleanor Constan.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of the War Claims Act of 1948, as amended, limiting the period of time within which claims may be filed thereunder, the Foreign Claims Settlement Commission of the United States shall have jurisdiction to receive and to determine the validity and amount of the claim of Eleanor Constan, of West Newton, Massachusetts, for civilian detention benefits under subsections (a) through (e) of section 5 of that Act of 1948, as amended, and shall certify to the Secretary of the Treasury for payment out of the War Claims Fund any award made thereunder. The Secretary of the Treasury shall pay to the said Eleanor Constan the amount of any such award so certified by the Commission.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NORTH AMERICAN PHILIPS CO., INC.

The Clerk called the resolution (H. Res. 451) providing for sending the bill, H.R. 7901, with accompanying papers, to the Court of Claims.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. HEMPHILL. Mr. Speaker, I ask unanimous consent that this resolution may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

MRS. OLA F. THOMPSON AND MRS. MATTIE F. THOMPSON

The Clerk called the bill (H.R. 2314) for the relief of Mrs. Ola F. Thompson and Mrs. Mattie F. Thompson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of Veterans' Affairs shall pay, out of current appropriations for the payment of compensation for service-connected disabilities, to Mrs. Ola F. Thompson, Vicksburg, Mississippi, and Mrs. Mattie F. Thompson, Wesson, Mississippi, sisters of William M. Farmer (Veterans' Administration claim numbered XC1312694), jointly the sum of $7,744.25. Such sum represents the amount withheld from the compensation payable to the said William M. Farmer while he was receiving treatment in a Veterans' Administration facility, which amount was sent to an address where the veteran was no longer residing, and was not forwarded to his correct address until after his death. The Administrator of Veterans' Affairs has held that the proceeds of such check may not be paid to any person, on the grour d that the veteran did not cash the check before his death: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Lines 5 to 7, strike out "Mrs. Ola F. Thompson, Vicksburg, Mississippi, and Mrs. Mattie F. Thompson, Wesson, Mississippi, sisters of".

Line 8, after the word "to" insert "the estate of".

Line 9, strike out the word "jointly".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed:

The title of the bill was amended to read: "A bill for the relief of the estate of William M. Farmer."

A motion to reconsider was laid on the table.

MRS. VIRGINIA LEE SAGE

The Clerk called the bill (H.R. 3242) for the relief of Mrs. Virginia Lee Sage.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mrs. Virginia Lee Sage, Richmond, Virginia, is hereby relieved of all liability to repay to the United States the sum of $3,200, which was erroneously paid to her by the Department of the Army as an allotment of $50 per month between October 31, 1942, and March 1, 1948, pursuant to an application of her former husband, Alfred G. Sage, formerly an officer in the Army of the United States, who was discharged on November 17, 1942. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BETTY KEENAN

The Clerk called the bill (H.R. 5033) for the relief of Betty Keenan.

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

EMMETT P. DYER

The Clerk called the bill (H.R. 5771) for the relief of Emmett P. Dyer.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the application for old-age insurance benefits filed with the Bureau of Old-Age and Survivors Insurance in February 1956 by Emmett P. Dyer (social security account numbered 578-28-5162) shall be deemed to have been filed on December 31, 1956; and the Secretary of Health, Education, and Welfare is hereby authorized and directed, without requiring a further application, to recompute his primary insurance amount (effective with respect to monthly insurance benefits under title II of the Social Security Act for months beginning after the date of the enactment of this act) on the basis of such filing date and in accordance with section 102(e)(6) of the Social Security Amendments of 1954. Such recomputation shall not be deemed to be a recomputation for the purposes of section 215(f) of the Social Security Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARY V. JONES

The Clerk called the bill (H.R. 6083) for the relief of Mary V. Jones.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $20,000 to Mary V. Jones, of Washington, District of Columbia, in full settlement of all claims against the United States. Such sum represents compensation of personal injuries sustained as the result of an accident at the 8079th Army Hospital, Camp Omiya, Japan, on January 8, 1953: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike out "$20,000" and insert "$13,799.96".

Page 2, line 1, strike out the words "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PLACID J. PECORARO ET AL.

The Clerk called the bill (H.R. 6121) for the relief of Placid J. Pecoraro, Gabrielle Pecoraro, and their minor child, Joseph Pecoraro.

Mr. HEMPHILL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

WESLEY C. NEWCOMB

The Clerk called the bill (H.R. 6149) for the relief of Wesley C. Newcomb.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Wesley C. Newcomb of Des Moines, Iowa, the sum of $314.45. The payment of such sum shall be in full settlement of all claims of the said Wesley C. Newcomb against the United States for reimbursement of the amount he was required to pay as the judgment and costs rendered against him in the United States District Court for the Western District of Missouri, arising out of an accident occurring on January 17, 1956, in the city of Saint Joseph, Missouri, when the said Wesley C. Newcomb was operating a Government vehicle in the course of his duties as an employee of the Fish and Wildlife Service, Department of the Interior: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROBERT DOLTON

The Clerk called the bill (H.R. 6493) for the relief of Robert Dolton.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the

Treasury not otherwise appropriated, to Robert Dolton, of Hoidenville, Oklahoma, the sum of $2,099.54. The payments of such sum shall be in full settlement of all the claims of Robert Dolton against the United States for damages suffered by him by reason of his inability to repair his well because of its proximity to certain high voltage power transmission lines of the Southwestern Power Administration: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike out "Robert Dolton" and insert "Pearl E. Dolton, executrix of the estate of Clifford Dolton, deceased,".

Page 1, line 8, strike out the words "Robert Dolton against the United States for damages suffered by him by reason of his inability to repair his well because of its proximity to certain high voltage power transmission lines of the Southwestern Power Administration," and insert "that estate against the United States for damages heretofore or hereafter sustained because the location of certain high voltage power transmission lines of the Southwestern Power Administration prevents safe performance of necessary repairs to a well on property owned by that estate: *Provided*,".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CARL J. FISHER, CAPTAIN, U.S. ARMY, RETIRED

The Clerk called the bill (H.R. 7037) for the relief of Carl J. Fisher, captain, U.S. Army, retired.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Carl J. Fisher, captain, United States Army, retired, is hereby relieved of all liability to refund to the United States the sum of $2,384.86, representing overpayments of retired pay received by him for the period July 1, 1952, to September 30, 1958, inclusive.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Carl J. Fisher, the sum of any amounts withheld from him on account of the overpayments referred to in the first section of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHESTER A. SPINDLER

The Clerk called the bill (H.R. 7363) for the relief of Chester A. Spindler.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Chester A. Spindler, Potato Creek, South Dakota, the sum of $2,000. The payment of such sum shall be in full settlement of all claims of Chester A. Spindler against the United States on account of damages alleged to have been sustained by him during 1942 in preparing to move his home and business from certain real property proposed to be taken by the Department of the Army for use as an aerial gunnery range: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, strike out "$2,000" and insert "$2,376."

Page 2, line 2, strike out "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROYCE C. PLUME, A MEMBER OF THE ARAPAHOE TRIBE OF INDIANS

The Clerk called the bill (H.R. 7582) for the relief of Royce C. Plume, a member of the Arapahoe Tribe of Indians.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives in the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Royce C. Plume, the sum of $1,044.06, plus simple interest at 4 per centum per annum from December 8, 1941, to June 29, 1948, on $2,088.11, and simple interest at 4 per centum per annum from June 30, 1948, to final date of payment on $1,144.06, in full satisfaction of his claim against the United States for being wrongfully deprived of funds due him from the estate of his father, as the result of an erroneous heirship determination of an examiner of inheritance of the Department of the Interior on December 8, 1941.

SEC. 2. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.00.

With the following committee amendment:

Page 1, line 5, strike out "$1,044.06, plus simple interest at 4 per centum per annum from December 8, 1941, to June 29, 1948, on $2,088.11, and simple interest at 4 per centum per annum from June 30, 1948, to final date of payment on $1,144.06," and insert "$1,144.06,".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CLARENCE T. TOLPO

The Clerk called the bill (H.R. 8380) for the relief of Clarence T. Tolpo.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Clarence T. Tolpo, an employee of the Civil Aeronautics Administration, the sum of $503.20. The payment of such sum shall be in full settlement of all the claims of Clarence T. Tolpo against the United States for the shipment of his household effects from New Orleans, Louisiana, to Boynton Beach, Florida, on February 26, 1958. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 1, strike out "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MAJ. JACK E. HUDSON

The Clerk called the bill (H.R. 8383) for the relief of Maj. Jack E. Hudson.

There being no objection, the clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 212 of the Act of June 30, 1932, as amended (5 U.S.C. 59a), and section 2 of the Act of July 31, 1894, as amended (5 U.S.C. 62), are hereby waived for the period beginning June 21, 1956, and ending November 30, 1958, both dates inclusive, insofar as they apply to Maj. Jack E. Hudson, retired (Army serial number O409969), and he is hereby relieved of all liability to repay to the United States the sum of $2,806.22 which was erroneously paid to him by reason of the failure of the Department of the Army to reduce his retired pay in the proper amount so that his income both from retired pay and from his civilian employment as Quartermaster Maintenance Officer at Fort Sam Houston, Texas, would not exceed the maximum allowable income under the provisions of the Act of 1932, as amended. Be it further enacted that he is entitled to refund of all funds collected from his retirement pay as reimbursement of the above sum. In the settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be allowed for all amounts for which liability is relieved by this Act.

With the following committee amendment:

Page 1, line 4, strike out "and section 2 of the Act of July 31, 1894, as amended (5 U.S.C. 62), are" and insert "is".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CAPT. JACK RUBLEY

The Clerk called the bill (H.R. 8456) for the relief of Capt. Jack Rubley.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Captain Jack Rubley, O1919848, United States Army, is hereby relieved of liability to the United States in the amount of $2,199.90, the amount of his salary as an officer of the Army during the period from October 8, 1951, through October 31, 1958, said amount having been erroneously paid to Captain Rubley, but without knowledge on his part of any violation of law. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for any amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Captain Jack Rubley, O1919848, United States Army, an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the liability to the United States specified in the first section: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 11, strike out "in excess of 10 per centum thereof".

This committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. ALICE ANDERSON

The Clerk called the bill (H.R. 8941) for the relief of Mrs. Alice Anderson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a), notwithstanding the expiration of the period prescribed by Public Law 615, Eighty-third Congress (68 Stat. 750), for the settlement of claims authorized under subsection (e) of section 6 of the War Claims Act of 1948, as amended, the Foreign Claims Settlement Commission of the United States is authorized and directed to determine the validity and amount of the claim (numbered K-255882) of Mrs. Alice Anderson as surviving mother of Orvill F. Linebaugh, deceased.

(b) Any award made by the Foreign Claims Settlement Commission of the United States with respect to such claims shall be certified to the Secretary of the Treasury for payment, in accordance with applicable provisions of the War Claims Act of 1948, as amended, out of any money in the Treasury of the United States not otherwise appropriated.

SEC. 2. There is hereby authorized to be appropriated such sums as may be necessary for the payment of any award or awards that may be certified by the Foreign Claims Settlement Commission of the United States pursuant to this Act, including amounts required by such Commission and the Secretary of the Treasury for the payment of their respective administrative expenses in connection therewith.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN J. FINN, JR.

The Clerk called the bill (H.R. 9170) for the relief of John J. Finn, Jr.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John J. Finn, Junior, the sum of $437. The payment of such sum shall be in full settlement of all claims of the said John J. Finn, Junior, against the United States for reimbursement of medical expenses incurred by him as a result of an operation performed by an Army dentist on August 18, 1942, during which a surgical needle was left imbedded in his right jaw and was not discovered and removed until May 20, 1952. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 1, strike out "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DANIEL C. TURNER

The Clerk called the bill (H.R. 9216) for the relief of Daniel C. Turner.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Daniel C. Turner, of Cromwell, Connecticut, the sum of $268. The payment of such sum shall be in full settlement of all the claims of Daniel C. Turner against the United States arising out of the destruction of his personal property in a fire in a Government-owned building at Yakutat, Alaska, in August of 1954, while he was an employee of the Fish and Wildlife Service: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 1, strike out "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROSINA GARTLING ET AL.

The Clerk called the bill (H.R. 9228) for the relief of Rosina Gartling, Rosa Gartling, Gustav Gartling, and Adolph Gartling.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $350.89 to Rosina Gartling; to pay the sum of $350.89 to Rosa Gartling; to pay the sum of $350.89 to Gustav Gartling, and to pay the sum of $350.89 to Adolph Gartling, all of Würtemberg, Germany, in full settlement of all claims against the United States. Such sums represent their share of the estate of Joseph Ernest, deceased, as set forth in the findings of the Orphans' Court of Montgomery County, Pennsylvania, on November 12, 1953: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 1, strike out "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEORGE E. WILLIAMS AND WILLIAM L. JOHNSON

The Clerk called the bill (H.R. 9476) for the relief of George E. Williams and William L. Johnson.

There being no objection, the clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $250.25 to George E. Williams, and the sum of $299.92 to William L. Johnson, employees of the United States Weather Bureau, Department of Commerce, in full settlement of all claims against the United States for personal property owned by them

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

which through no fault of theirs was lost while they were carrying out their official duties.

With the following committee amendment:

Page 1, line 11, after "duties" insert a colon and the following: "*Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. FERENC DOMJAN AND OTHERS

The Clerk called the bill (H.R. 9560) for the relief of Dr. Ferenc Domjan and others.

There being no objection, the clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision contained in section 202 of the General Government Matters Appropriation Act for fiscal years 1957, 1958, and 1959 (70 Stat. 276, 71 Stat. 49, and 72 Stat. 220, respectively), prohibiting the payment of compensation from appropriations contained in that or any other Act to officers or employees whose post of duty is in the continental United States, and who are not citizens of the United States, payments for services rendered by Doctor Ferenc Domjan, Doctor Theodor Tkaczuk, Doctor Karol Sobolewski, and Doctor Alfred Zebrowski, as employees of the United States Department of Agriculture, contrary to the citizenship prohibition, are validated and the said employees shall not be required to refund the amounts thereof. Furthermore, any service rendered by such employees during the period July 30, 1956, through June 30, 1959, for which they were not compensated on account of the citizenship prohibition cited above shall be paid for out of current appropriations or funds otherwise available for salaries and expenses.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEORGE T. MOORE ET AL.

The Clerk called the bill (H.R. 10631) for the relief of George T. Moore, Carl D. Berry, and Dr. Harold J. Heck.

There being no objection, the clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That George T. Moore of Glencoe, Illinois, an employee of the Department of Commerce, is hereby relieved of all liability to refund to the United States the sum of $3,051, representing payments of a per diem allowance in lieu of subsistence paid to him for the period from December 21, 1953, through November 30, 1954, as a result of administrative error, in connection with service rendered to the Government as consultant and as expert in Washington, District of Columbia. In the audit and settlement of accounts of any certifying or disbursing officer of the United States full credit shall be given for the amounts for which liability is relieved by this Act.

Sec. 2. Carl D. Berry, of Winnetka, Illinois, a former employee of the Department of Commerce, is hereby relieved of all liability to refund to the United States the sum of $1,423.66, $1,127.25 of which represents payments of a per diem allowance in lieu of subsistence for the period from March 9, 1955, through July 31, 1955, and $296.41 represents payments for travel incurred between Washington, District of Columbia, and Winnetka, Illinois, which payments were made as the result of administrative error, in connection with service rendered to the Government as consultant and as expert in Washington, District of Columbia. In the audit and settlement of accounts of any certifying or disbursing officer of the United States full credit shall be given for amounts for which liability is relieved by this Act.

Sec. 3. Doctor Harold J. Heck, of New Orleans, Louisiana, a former employee of the Department of Commerce, is hereby relieved of all liability to refund to the United States the sum of $616.03, representing payments of a per diem allowance and travel expenses paid to him for the period June 1, 1955, through August 31, 1955, as a result of administrative error in connection with services rendered to the Government as consultant and as expert in Washington, District of Columbia. In the audit and settlement of accounts of any certifying or disbursing officer of the United States full credit shall be given for the amounts for which liability is relieved by this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BLUE STAR MOTHERS OF AMERICA, INC.

The Clerk called the bill (S. 1315) for the incorporation of the Blue Star Mothers of America, Inc.

There being no objection, the clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following named persons, to wit: Ann Clumfoot, Port Huron, Michigan; Audree Jonechat, Covina, California; Nettie Ludwig, Milwaukee, Wisconsin; Esther Beer, Mansfield, Ohio; Evelyn Lauritson, Cedar Falls, Iowa; Ethel Stevensen, Fresh Meadows, New York; Etta Drayton, Flint, Michigan; Evelyn Bednar, Milwaukee, Wisconsin; Edna Crorey, Grants Pass, Oregon; Erma Sweeney, Long Beach, California; Josephine Plant, Waterloo, Iowa; Dorothy Christensen, Flint, Michigan; Mary Tracey, Brooklyn, New York; LaVina Shope, Lima, Ohio; Olga Barnes, Roseburg, Oregon; Levia Jamison, Jamestown, Pennsylvania; Jean Williams, Port Orchard, Washington; Ida Alford, Little Rock, Arkansas; Edna May Standing, Orange City, Florida; Charlotte Cobb, Chatham, Massachusetts; Ann Sine Gale, Milwaukee, Wisconsin; Ann F. Fetting, Smiths Creek, Michigan; Irene Uhl, Rosemead, California; Hazel Rue Scott, Arlington, Virginia; Louise Meyerhoff, Queens Village, New York; Ivah Jones, Long Beach, California; Florence Brown, Pontiac, Michigan; Erma Hoffman, Columbus, Ohio; Nellie Leonhardt, Detroit, Michigan; and all past national presidents, and their successors, retiring or leaving their office in good standing, are hereby created and declared to be a body corporate of the District of Columbia, where its legal domicile shall be, by the name of the Blue Star Mothers of America, Inc. (hereinafter referred to as the corporation), and by such name shall be known and have perpetual succession and the powers, limitations, and restrictions herein contained.

COMPLETION OF ORGANIZATION

Sec. 2. A majority of the persons named in the first section of this Act, acting in person or by written proxy, are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of a constitution and bylaws not inconsistent with this Act, and the doing of such other acts as may be necesary for such purpose.

PURPOSES OF CORPORATION

Sec. 3. The purposes of the corporation shall be: To perpetuate the Blue Star Mothers of America, Inc., and the memory of all the men and women who have served our country as members of the Armed Forces; the further object of this organization shall be patriotic, educational, social, and for service; to maintain true allegiance to the Government of the United States; to educate our members and others not to divulge military, naval, or other Government information; to assist in veterans' ceremonies, to attend patriotic rallies and meetings; to foster true democracy; to care for the unsupported mothers who gave their sons to the service of the Nation; to aid in bringing about recognition of the need of permanent civilian defense for each community and to ever be alert against invasion of un-American activities; to uphold the American institutions of freedom, justice, and equal rights, and to defend the United States from all enemies.

CORPORATE POWERS

Sec. 4. The corporation shall have power—

(1) to have succession by its corporate name;

(2) to sue and be sued, complain and defend in any court of competent jurisdiction;

(3) to adopt, use, and alter a corporate seal;

(4) to choose such officers, managers, agents, and employees as the activities of the corporation may require;

(5) to adopt, amend and alter a constitution and bylaws; not inconsistent with the laws of the United States or of any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(6) to contract and be contracted with;

(7) to take by lease, gift, purchase, grant, devise, or bequest from any public body or agency or any private corporation, association, partnership, firm, or individual and to hold absolutely or in trust for any of the purposes of the corporation any property, real, personal, or mixed, necessary or convenient for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State (A) governing the amount of or kind of property which may be held by, or (B) otherwise limiting or controlling the ownership of property by, a corporation operating in such State;

(8) to transfer, convey, lease, sublease, mortgage, encumber and otherwise alienate real, personal, or mixed property; and

(9) to borrow money for the purpose of the corporation, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise, subject in every case to all applicable provisions of Federal and State laws; and

(10) to do any and all acts and things necessary and proper to carry out the objects and purposes of the corporation.

MEMBERSHIP; VOTING RIGHTS

Sec. 5. Eligibility: A mother, adopted mother, or stepmother (a stepmother eligible for membership in the Blue Star Mothers of America, Inc., can claim that eligibility only if she has given a mother's care to the stepchild from the age of thirteen or under), living in the United States, of a son or daughter serving in the Armed Forces of the United States, or having a son or daughter who has served, or has been honorably discharged from the Armed Forces of the United States in World War II or the Korean hostilities. The term "Armed Forces" shall include the United States Army; United States Navy; United States Marines; United States Air Force; United States Coast Guard; National Guard; United States Army Reserves; United States Navy Reserves; United States Marine Reserves; United States Air Force Reserves; United States Coast Guard Reserves; United States Naval Militia; merchant marines; and the armed home guards who have served on active duty.

GOVERNING BODY

Sec. 6. The supreme governing authority of the corporation shall be the national convention thereof, composed of such officers and elected representatives from the several States and other local subdivisions of the corporate organization as shall be provided by the constitution and bylaws: *Provided*, That the form of the government of the corporation shall always be representative of the membership at large and shall not permit the concentration of control thereof in the hands of a limited number of members or in a self-perpetuating group not so representative. The meetings of the national convention may be held in any State or Territory or in the District of Columbia.

OFFICERS OF CORPORATION

Sec. 7. The officers of the corporation shall be selected in such manner and for such terms and with such duties and titles as may be prescribed in the constitution and bylaws of the corporation.

PRINCIPAL OFFICE; SCOPE OF ACTIVITIES; DISTRICT OF COLUMBIA AGENT

Sec. 8. The principal office of the corporation shall be located in the District of Columbia and shall have in the District of Columbia at all times a designated agent authorized to accept service of process, for the corporation, and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the corporation.

USE OF INCOME; LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

Sec. 9. (a) No part of the income or assets of the corporation shall inure to any of its members or officers as such, or be distributable to any of them during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of compensation to officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the council of administration of the corporation.

(b) The corporation shall not make loans to its officers or employees. Any member of the council of administration who votes for or assents to the making of a loan or advance to any officer or employee of the corporation, and any officer who participates in the making of such loan or advance, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

NONPOLITICAL NATURE OF CORPORATION

Sec. 10. The corporation and its officers and agents as such shall not contribute to any political party or candidate for public office.

LIABILITIES FOR ACTS OF OFFICERS AND AGENTS

Sec. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

Sec. 12. The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

BOOKS AND RECORDS; INSPECTION

Sec. 13. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its national conventions and council of administration. All books and records of the corporation may be inspected by any member, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

Sec. 14. (a) The financial transactions of the corporation shall be audited annually by an independent public accountant of recognized standing in accordance with generally accepted auditing standards. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. The independent public accountant, or his representatives, shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians

(b) A report of such audit shall be made by the corporation to the Congress and not later than March 1 of each year. The report shall set forth the scope of the audit and shall include a verification by the person or persons conducting the audit of statements of (1) assets and liabilities, (2) capital and surplus or deficit, (3) surplus or deficit analysis, (4) income and expense, and (5) sources and application of funds. Such report shall not be printed as a public document.

REPORT TO CONGRESS

Sec. 15. On or before March 1 of each year the corporation shall report to the Congress on its activities during the preceding fiscal year. Such report may consist of a report on the proceedings of the national convention covering such fiscal year. Such report shall not be printed as a public document.

USE OF NAME

Sec. 16. The coporation and its subordinate divisions shall have the sole and exclusive right to use the name, "Blue Star Mothers of America, Inc.", and no other organization shall use the name "Blue Star Mothers of America, Inc.". The corporation shall have the exclusive and sole right to use, or to allow or refuse the use of, such emblems, seals, and badges as have heretofore been used by the Blue Star Mothers of America.

USE OF ASSETS ON DISSOLUTION OR LIQUIDATION

Sec. 17. Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets, if any, of the corporation shall be distributed in accordance with the determination of the national executive board and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

Sec. 18. The right to alter, amend, or repeal this act is expressly reserved.

With the following committee amendments:

On page 2, following line 18, insert the following new sentence. "It shall be the duty of the persons named in this section, jointly and severally, to file with the Superintendent of Corporations of the District of Columbia a copy of this Act within fifteen days after the date of its enactment."

On page 7, line 2, following the word "process" insert a comma and the following: ", notice, or demand".

On page 7, strike lines 3, 4, and 5 and insert in lieu thereof the following: "Service of such process, notice, or demand required or permitted by law to be served upon the corporation may be served upon such agent. The corporation shall file with the Superintendent of Corporations of the District of Columbia a statement designating the initial and each successor registered agent of the corporation and the initial and each successor registered office of the corporation immediately following any such designation. As used in this Act the term "Superintendent of Corporations of the District of Columbia" means the Commissioners of the District of Columbia or any agent designated by them to perform the functions vested by this Act in the Superintendent of Corporations."

On page 8, lines 22, 23, and 24, strike the following: "by an independent public accountant of recognized standing in accordance with generally accepted auditing standards" and insert in lieu thereof "in accordance with generally accepted auditing standards by an independent licensed or certified public accountant or a firm of independent licensed or certified public accountants."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILHELMINA ORDONEZ

The Clerk called the bill (H.R. 1752) for the relief of Wilhelmina Ordonez.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Wilhelmina Ordonez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MAY HOURANI

The Clerk called the bill (H.R. 2007) for the relief of May Hourani.

Mr. CONTE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

JAMES DEMETRIOS CHRYSANTHES, ALSO KNOWN AS JAMES DEMETRIOS CHRYSANTHACOPOULOS

The Clerk called the bill (H.R. 2082) for the relief of James Demetrios Chrysanthes, also known as James Demetrios Chrysanthacopoulos.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a) (27) (A) and 205 of the Immigration and Nationality Act, James Demetrios Chrysanthes, also known as James Demetrios Chrysanthacopoulos, shall be held and considered to be the minor natural-born alien child of Nick Mallas, citizen of the United States, and his wife.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That, for the purposes of the Immigration and Nationality Act, James Demetrios Chrysanthes, also known as James Demetrios Chrysanthacopoulos, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RIVKA GHESSER

The Clerk called the bill (H.R. 2309) for the relief of Rivka Ghesser.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Rivka Ghesser shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JESUS CRUZ-FIGUEROA

The Clerk called the bill (H.R. 2645) for the relief of Jesus Cruz-Figueroa.

Mr. CONTE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CHAN KIT YING AND JAMES GEORGE BAINTER

The Clerk called the bill (H.R. 3786) for the relief of Chan Kit Ying and James George Bainter.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, Chan Kit Ying and James George Bainter shall be deemed to be within the purview of section 101(a) (27) (A) of the Immigration and Nationality Act, and the provisions of section 205 of that Act shall not be applicable in this case.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. E. CHRISTINE WILLIAMS

The Clerk called the bill (H.R. 3934) for the relief of Mrs. E. Christine Williams.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Mrs. E. Christine Williams shall be held and considered to have been lawfully admitted to the United States for permanent residence as of March 5, 1953, upon payment of the required visa fee: *Provided*, That unless she is entitled to care under the Dependents' Medical Care Act (70 Stat. 250), a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

STANISLAW GRZELEWSKI

The Clerk called the bill (H.R. 4562) for the relief of Stanislaw Grzelewski.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a) (9) of the Immigration and Nationality Act, Stanislaw Grzelewski may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DANIEL WILGING

The Clerk called the bill (H.R. 6843) for the relief of Daniel Wilging.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Naturalization Act, Daniel Wilging shall be held and considered to be a nonquota immigrant.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That, notwithstanding the provisions of section 212(a) (6) and (19) of the Immigration and Nationality Act, Daniel Wilging may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided*, That a suitable and proper bond of undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act: *Provided further*, That these exemptions shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SIMEEN HELENA CHAGHAGHI

The Clerk called the bill (H.R. 7254) for the relief of Simeen Chaghaghi.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Simeen Chaghaghi, a citizen of the United States at birth, pursuant to section 301(a) (7) of the Immigration and Nationality Act, shall be held and considered to have complied with the residential requirements of section 301 (b) of the said Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That, in the administration of section 301 (b) of the Immigration and Nationality Act, and section 16 of the Act of September 11, 1957, Simeen Helena Chaghaghi shall be held and considered to have complied with the provisions thereof if she establishes residence in the United States prior to attaining the age of twenty-five years."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

The title was amened so as to read: "A bill for the relief of Simeen Helena Chaghaghi."

A motion to reconsider was laid on the table.

DR. DEH CHANG TAO

The Clerk called the bill (H.R. 8672) for the relief of Dr. Deh Chang Tao.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Deh Chang Tao (A-6980049) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 9, 1948.

With the following committee amendment:

Page 1, line 6, after "of" strike out "September 9, 1948" and insert "September 10, 1948".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. AVERY. Mr. Speaker, I ask unanimous consent that the further call of the Private Calendar be dispensed with.

Mr. HEMPHILL. Reserving the right to object, Mr. Speaker, for what purpose is the gentleman making this request?

Mr. AVERY. This has nothing to do with the program that is before the House today. The request is made merely because the remainder of the bills on the Private Calendar have not been on there the required number of days, and the majority and minority have agreed they would have to be on the calendar the required time.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

SIRVART KASABIAN

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to return for immediate consideration to Calendar No. 379, the bill (S. 1241) for the relief of Sirvart Kasabian.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Sirvart Kasabian shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee.

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Sirvart Kasabian. From and after the date of the enactment of this Act, the said Sirvart Kasabian shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. ABERNETHY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. WALTER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 24]

Anderson, Mont.	Diggs	Metcalf
Barrett	Dixon	Powell
Bow	Durham	Shelley
Coffin	Fogarty	Sheppard
Derwinski	Goodell	
	Kasem	

The SPEAKER. On this rollcall, 416 Members have answered to their names, a quorum.

By unanimous consent further proceedings under the call were dispensed with.

CIVIL RIGHTS

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 8601, with Mr. WALTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday there were pending the amendment offered by the gentleman from New York [Mr. LINDSAY], the amendment offered by the gentleman from Ohio [Mr. McCULLOCH] as a substitute for the Lindsay amendment, and the amendment offered by the gentleman from Michigan [Mr. MEADER] to the McCulloch substitute, on which a point of order was reserved by the gentleman from New York [Mr. CELLER].

Does the gentleman from New York withdraw his point of order?

Mr. CELLER. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn and the Chair recognizes the gentleman from Michigan [Mr. MEADER] for 5 minutes in support of his amendment.

Mr. MEADER. Mr. Chairman, the amendment I propose has the same objective as the McCulloch substitute, namely, to augment the powers of the Justice Department and the courts in enforcing voting rights guaranteed by the 15th amendment of the U.S. Constitution.

Although each new edition of the so-called voting referee device brings our proposals closer together, there is still a wide gulf between the Justice Department proposal so competently championed by the gentleman from Ohio and the procedural reforms which I advocate to strengthen the Civil Rights Act of 1957.

I hope I can make this distinction so plain that no one can misunderstand it. Incidentally, I believe it will help clear thinking if we drop the euphemistic term "referee" in referring to the Justice Department's proposal. Let us call this proposed Federal officer a "receiver of State governmental power"—a more accurate description of the nature of his office.

Although there is a gulf between our proposals there is no clash between the gentleman from Ohio [Mr. McCULLOCH] and myself. He is an able lawyer and a fine gentleman, and one of the fairest, most judicious men it has ever been my privilege to meet.

When the gentleman from New York [Mr. CELLER], chairman of our Judiciary Committee, proposed merely to hold a briefing in executive session to hear Deputy Attorney General Walsh, it was the gentleman from Ohio [Mr. McCULLOCH] who led the fight within the committee to open the hearing to the public and to give an opportunity for opponents of the proposal to be heard.

In addition, the gentleman from Ohio also sought full committee consideration and recommendations on this proposal. Unfortunately, Members are going to have to take a stand on this measure without the advantage of the analysis of the pros and cons and the considered judgment of the able lawyers who compose the House Judiciary Committee.

It is possible we may enact into law a novel and powerful sanction, a revolutionary change in judicial procedure, without a legislative history in the form of a committee report and considered and informed debate.

The gentleman from Ohio has been most helpful to me personally by providing staff assistance and in valuable informal discussions in my search for adequate strengthening of the Civil Rights Act of 1957, short of authorizing a court subordinate officer, a receiver, to seize and exercise power vested by State constitutions and laws in State officers.

Now let me outline briefly my proposal and then point out differences and similarities between my proposal and that of the Justice Department as set forth in the McCulloch substitute.

My amendment will strengthen the 1957 Civil Rights Act and close loopholes which have been shown to exist in 2½ years' experience in the enforcement of that act. It will:

First. Authorize Federal courts to grant affirmative as well as preventive relief.

Second. Authorize appointment of masters, or genuine referees, if you will, not receivers, to be paid by the Federal Government to assist the court in enforcing voting rights.

Third. Provide that court orders will bind not only the parties to the proceeding but their successors in office.

Fourth. Make a court order finding individuals qualified to vote the equivalent of a registration by the State registration officer.

Fifth. Provide that proceedings under the Civil Rights Act of 1957 shall supersede any State proceedings relating to the same subject matter to the extent of any inconsistency.

Incidentally, the text of my amendment appears on page 5489 of the CONGRESSIONAL RECORD of yesterday, March

14, 1960. Discussion of my proposal and also the Justice Department's proposal appears on pages 5196–5197 and 5221–5225 of the CONGRESSIONAL RECORD of March 10, 1960. The substance of my amendment is contained in my bill H.R. 11042.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. POFF. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan [Mr. MEADER], may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. MEADER. Mr. Chairman, let me point out in as simple terms as I can the differences and similarities between my proposal and that of the Justice Department.

First. The provisions authorizing affirmative relief and for precedence of Federal over State proceedings in my proposal are nowhere to be found in the Justice Department proposal.

Second. My proposal that court orders bind successors in office is an alternative to the Justice Department proposal that a State be a party responsible for the wrongful acts of State officials.

Third. Both proposals provide that court orders finding named individuals are entitled to vote are the equivalent of registration by State officials.

Fourth. Both proposals authorize the appointment of masters, or referees, to assist the court, at the expense of the Federal Government. My proposal however, adopts existing procedures under rule 53 of the Federal Rules of Civil Procedure and the body of case law interpreting that rule with all the provisions of due process under existing law. The Justice Department proposals would amend existing law with respect to the powers and proceedings of masters primarily at the expense of due process. In fact, the various versions of the Justice Department proposal conceding that deficiency are successive restorations of due process, practically nonexistent in the first version.

But there remain in the most recent version of the Justice Department proposal four features which, in my opinion, while technical and innocent-appearing to the laymen, raise such grave constitutional and policy questions as to shake the very foundation of our Federal system:

First. The receiver would operate ex parte, that is, only one party to the controversy would be before him. The opponent would be excluded.

Second. The receiver would be empowered to perform a ministerial or administrative, not a judicial, function.

Third. The receiver would be authorized to assume and exercise powers and duties vested by State constitutions and State laws in State officers.

Fourth. A conclusive, irrebuttable presumption of the existence of the central basic fact to be established in the offense or cause of action would come into being upon a court finding that a pattern or practice of discrimination exists.

It is this novel, ingenious, and revolutionary change in judicial procedure and machinery, which has been carefully hammered out in statutes and decided cases over the decades of our national life, which alarms me as it should my colleagues. If it is a valid constitutional device, and is established as a precedent in carrying out national policy with respect to voting rights, it can be employed in a multitude of other fields of national policy.

It can be applied in the field of labor relations. Court-appointed receivers could be authorized in the future by statute to assume and exercise powers vested in union officials by their constitutions and bylaws.

It can be applied in the field of education. Court-appointed receivers could be authorized in the future by statute to assume and exercise powers vested by State law in school boards.

It can be applied in the field of State police powers for the regulation of health and safety and in the field of public utilities where both the State and National Government have powers and responsibilities.

In fact, this powerful engine for the enforcement of national policy can be employed in any field in which the National Government has authority.

What more powerful device possibly could be invented than to authorize a Federal officer, whether appointed by a court or otherwise, to assume and exercise power and discretionary authority vested in a State officer or left to an individual citizen?

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that the gentleman may have 5 additional minutes in order to answer questions.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from New York.

Mr. CELLER. What exactly will the gentleman's proposal do that cannot already be done under the Civil Rights Act of 1957?

Mr. MEADER. I think I have explained the features of my proposal.

I think the gentleman may be referring to the matter of affirmative relief. I know that it is the contention of the Justice Department that under the words "preventive relief" the Attorney General may ask and the court may grant "affirmative relief."

In a discussion on the opening day of the debate on this measure I inserted in the CONGRESSIONAL RECORD the decree of the court in the Louisiana case and I quoted from paragraph 3(b) of that decree where the court, by virtue of a double negative, ordered the restoration of 1,377 names to rolls from which they had been deleted.

I think it would be interesting if we could review the legislative history and find that the basis for interpreting "preventive relief" to include "affirmative relief" was a colloquy in the committee between the Attorney General and one of the members of the committee. It is not contained in the report of the committee. I just read it and I have excerpts from the report before me. It is not referred to in the debate on the Civil Rights Act of 1957. This interpretation of preventive relief including affirmative relief is derived from a statement by the Attorney General in the hearings of the Judiciary Committee.

Mr. CELLER. Does not the gentleman's proposal do away with the idea of a presumption of a pattern or practice which would be developed by the court in the original proceedings brought by the Attorney General; and as a result, every case of discrimination would have to be a separate and distinct case under the gentleman's amendment as is the case today under the Civil Rights Act of 1957?

Mr. MEADER. I think I mentioned that the basic distinctions between the Justice Department's proposal and mine were twofold: First, that the referee or master under my proposal could not as a ministerial duty or a ministerial function assume and exercise the power of a State officer. That is one. My proposal does not provide for the conclusive irrebuttable presumption which is contained in the Justice Department's proposal.

Mr. CELLER. Did not the Louisiana case to which the gentleman referred, which was approved by the Supreme Court, provide that there could be interference by the special master or the registrar, whatever you want to call it, so as to prevent interference with a person's right to vote? Witness the fact that there was caused to be restored to the registration rolls 1,300-odd names. Is that not so?

Mr. MEADER. The Supreme Court in a per curiam opinion in which there was no discussion whatever of the affirmative relief granted in the Louisiana case did affirm that case. Let me read paragraph 3(b). This appears on page 5222 of the CONGRESSIONAL RECORD for March 10. Paragraph 3(b) provides that:

> These individuals are hereby enjoined—

And this is 3(b)—

> from permitting the names of any of the approximately 1,377 persons challenged as set out in paragraph 3(a) of this decree, to remain off the present and current rolls of qualified voters of Washington Parish, La., or from a legal supplement thereto, longer than 10 days from the date of this decree. It is the intent and purpose of this paragraph that the persons enjoined shall do whatever is necessary to be done to reinstate within 10 days from the date of this decree upon the current rolls of qualified voters in Washington Parish and upon all official copies thereof, the names of all of the said approximately 1,377 persons.

What I am saying is that I do not believe any Member of this House who gave any voice to his thoughts asserted during the debate on this act 2 years ago that the term "preventive relief" included affirmative relief, but I am willing to spell it out in the statute now.

Mr. POFF. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan [Mr. MEADER] may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. POFF. Responding in part to the question raised by the distinguished chairman of the Committee on the Judiciary, is it not a fact that had the suit in the Louisiana case been brought by or in the names of all aggrieved parties, they would have had the opportunity for the affirmative relief to which the gentleman's amendment is addressed?

Mr. MEADER. Yes; and the Attorney General, if my bill is adopted, could do it for those people.

Mr. POFF. Is it not also true under the gentleman's bill that all parties to the initial action will be the parties bound to the jurisdiction of the master and bound by the decree issued by the court based on the report of the master?

Mr. MEADER. Also, the order of the court would run against the successors in office to such parties.

Mr. POFF. Exactly. May I compliment the gentleman on this new approach to the problem. I may say that I am not willing to concede that it is necessary, but at least it is a much superior piece of legal craftsmanship.

Mr. MEADER. I doubt the constitutionality of the Justice Department proposal first on the ground that its vests ministerial duties in a judicial officer. I should like to quote and draw the attention of the Committee to page 38 of the committee's hearings on voting proposals, where Judge Walsh said this, referring to the function of the referee:

> But it is the administrative type of action in which a court officer serves in many areas as a receiver of property or as the conductor of a corporate election.

Later on the page he says:

> In other words, the referee will do the work which the county clerk should have done under State law.

There is no question whatever in the cases. In fact, the Attorney General does not dispute this, that the registration and voting functions of State officials are ministerial functions, not judicial.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. CRAMER. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to proceed for 5 additional minutes. This is probably one of the most important amendments to be offered.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MEADER. The cases are clear, and I have references here at the desk, that the courts, since they are vested only with judicial power under article III of the Constitution will not accept and have held they cannot accept nonjudicial or administrative and ministerial functions.

The argument the Attorney General makes with respect to the referee, who is an officer of the court and is supposed to act in a judicial capacity, is that that is merely an ancillary matter. His performance of the function of deciding who is qualified to vote under State law is admittedly a ministerial function, but the Justice Department claims that is merely ancillary to the main body of the case. However, I say to you the very purpose of a civil rights act and the original section 1971 is the qualification of a voter to vote. That is not an ancillary matter, that is the purpose of the statute. It is an essential purpose.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Louisiana.

Mr. WILLIS. At page 34 of the hearings in connection with the point the gentleman is talking about, Mr. Walsh said:

> The only question would be whether this was an unnecessary intrusion of the Federal law into the State administrative procedure.

Of course, he calls it the only question, but that is a very big question. He admitted the possibility the gentleman is pointing out.

Mr. MEADER. I believe these voting referees are created for the unique purpose of registering voters. It is not an ancillary matter, it is the purpose of the bill in the first place. I believe that since it is a ministerial function it would seek to impose upon the courts and their officers nonjudicial responsibilities which the courts have uniformly held they will not accept and thus be unconstitutional.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Florida.

Mr. CRAMER. I know the gentleman is familiar with the Senate discussion on the referee proposal, and I know the gentleman is concerned, as I am, about the suggestions made with regard to the constitutionality of the referee proposal, specifically in reference to the due process clause, which the gentleman has just touched upon, and with regard to the question of the court becoming an administrative agency through the referee exercising present functions of local registrars procedure, which the gentleman has just touched on. Does your amendment avoid those two possible constitutional pitfalls?

Mr. MEADER. I do not think there is the slightest doubt of the constitutionality of my proposal.

Mr. CRAMER. May I ask the gentleman further: Is it not true that as to anyone on whose behalf the Attorney General at the taxpayers' expense and provided with counsel under the 1957 act, and if the person so requests, makes a demand with regard to his having been discriminated against concerning his voting or registering to vote under that act, if in fact the court finds he has been discriminated against, then under your amendment the court would have additional authority to affirmatively order that man to be placed upon the voting rolls or be permitted to vote; is that not correct?

Mr. MEADER. There is no doubt about it.

Mr. CRAMER. So is it not the gentleman's position that this, in fact, also avoids the pitfalls of ex parte procedures and other pitfalls involved in the referee proposal which again raises the constitutional questions?

Mr. MEADER. The court would operate as a court. The court-appointed officer, the special master, would operate as a special master under existing rules of judicial procedure and in no other way. There is a great body of law and judicial procedure, governing masters, and I think we ought to be pretty careful before we start tampering with it.

Mr. CRAMER. In these other cases that have been suggested of these thirteen hundred and some odd persons in the Alabama case, the Attorney General could join each of them as a plaintiff and as to each one of them, it could be determined by the court that they be entitled to be registered and you would get the same result as the referee proposal without running this constitutional gamble.

Mr. MEADER. There is no question but what was done in the Louisiana case to which I referred would be clearly authorized if we provide for affirmative relief and we would not have to go through the legal legerdemain of making a double negative the equivalent of a positive.

Mr. CRAMER. I congratulate the gentleman on his presentation of this matter.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield.

Mr. LINDSAY. I should like to ask the gentleman: Is it not true that the Supreme Court considered at great length the very question that the gentleman is raising on this point of affirmative relief? In fact, it was argued at great length by the Solicitor General of the United States and by opposing attorneys when the court, citing the Raines case, decided the Thomas case, settling for all time the point the gentleman raises under the 1957 civil rights act. Therefore in effect, the gentleman is not doing anything that cannot already be done under the 1957 civil rights act.

Mr. MEADER. The gentleman knows very well that the opinion in the Thomas case was a per curiam opinion and that the Court did not discuss this question.

Mr. LINDSAY. Has the gentleman examined or read the briefs in that case?

Mr. MEADER. In the Georgia case or the Raines case, where there was an opinion discussing legal principles this point was not raised. They based the decision in the Louisiana per curiam opinion on the constitutionality of the 1957 act as upheld in the Georgia case, but they did not discuss this point.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. LINDSAY. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan be permitted to proceed for 5 additional minutes.

Mr. HALLECK. Mr. Chairman, reserving the right to object, and I am not going to object, I wish to call to the attention of the Members that a number of Members want to speak on this amendment, and I sincerely hope that we will have the usual procedure. Certainly, we want to have sufficient debate and orderly procedure, but I do hope we can move along in view of the fact that there are others who want to speak so that we can get to a vote at least on this amendment in a reasonable time.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LINDSAY. Is it not the fact that the gentleman's point as to affirmative relief was argued before the Supreme Court and the Supreme Court decided the matter in the Thomas case? Is it not true also under the gentleman's amendment that voting relief measures would be confined to the parties to a case?

Mr. MEADER. I will answer the first question first. I know that the Attorney General argued the matter in his brief because I saw a copy of the brief. That brief cited as legislative history a colloquy between the gentleman from New York [Mr. MILLER] and Attorney General Brownell who was a witness before the committee, wherein the Attorney General gave it as his opinion in response to an inquiry by the gentleman from New York [Mr. MILLER] that preventive relief would include the restoration of names to the rolls.

I am going to ask the gentleman, in return, does he believe that is the way we should legislate; that we should authorize a court to grant preventive relief, an injunction restraining a person from a wrongful act, and on the other hand come around with a command to do a specific act?

I say there is a great deal of difference between restraint and command and it is basic to our whole system of government, that citizens can be restrained from doing things which are harmful to others, but we did not adopt the totalitarian system of the Soviets which orders individuals in their society to do specific acts.

I say if we are going to grant authority to a Federal court to order affirmative action, let us spell it out. Why do we have to go around through the back door? All we have to do is to put that word in. If we intended to grant affirmative relief in the 1957 act, why was it not in the act itself?

Mr. LINDSAY. The lower court and the Supreme Court interpreted the 1957 act the only way it can be interpreted. May I say also that I cannot agree that the judiciary is here being put into a nonjudicial role.

I pointed out last week a number of areas where the Federal courts have, under law, established machinery by appropriate decrees whereby the court is made the guardian of the public interest.

Mr. MEADER. If you are talking about receiverships appointed by courts in equity——

Mr. LINDSAY. I am not talking about that. Look at the Sherman Anti-trust Act. It says nothing about affirmative or negative relief. It establishes machinery for the writing of a decree by the Federal court. That decree requires a corporate entity or a person not to take certain action, or to take certain action.

Mr. MEADER. Will the gentleman cite me a case where it has been applied to the exercise of authority by a State?

Mr. LINDSAY. Any time when you get a State involved as a party. The Raines case is a good example. Here was a case where the Supreme Court said as follows:

> It is urged that it is beyond the power of Congress to authorize the United States to bring this action in support of private constitutional rights. But there is the highest public interest in the due observance of all the constitutional guarantees, including those that bear the most directly on private rights, and we think it perfectly competent for Congress to authorize the United States to be the guardian of that public interest in a suit for injunctive relief.

Mr. MEADER. Is it the gentleman's contention that the Federal court can appoint a referee who can assume the authority of a State officer?

Mr. LINDSAY. Under the 1957 Civil Rights Act it is my contention that the Federal court can do exactly what the gentleman is trying to write into his proposed amendment.

Mr. MEADER. Is it the gentleman's contention that a Federal district court, under the 1957 act, can appoint a referee to assume and exercise the authority of State officials?

Mr. LINDSAY. No. That is why we have got a bill here.

Mr. MEADER. I just wanted to be sure.

Mr. LINDSAY. That is exactly why we have a bill.

Mr. MEADER. Now I would like to ask the gentleman another question. Does the gentleman believe that the people of a State should have control over the exercise of the sovereign governmental authority of a State?

Mr. LINDSAY. I do not know what the question has to do with this matter.

Mr. MEADER. Would not the gentleman concede that one of the essential ingredients of a republican form of government, guaranteed by the Federal Constitution is that the people, through democratic processes, can determine what they want with regard to the running of their affairs?

Mr. LINDSAY. That question implies that we want no change at all. The reason we are debating this question is because it has been demonstrated beyond doubt that under existing practices in certain States citizens are not being enrolled.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. MEADER] has again expired.

Mr. CELLER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have the highest regard for the gentleman from Michigan, indeed I have an affectionate regard for him; therefore, I dislike to be in the position of having to oppose his amendment. I do so primarily because, as was said by the gentleman from New York [Mr. LINDSAY], it does not add one iota to the present statute, that is, the act of 1957, called the Civil Rights Act of 1957, but it would actually kill the McCulloch substitute.

His provision provides for the appointment of special masters. The act of 1957 provides for the appointment of special masters. There is always inherent power in the courts to appoint special masters under conditions of this sort.

This amendment would give great comfort to those who oppose the bill, because it would strike a blow at the McCulloch substitute. Why do we have the McCulloch substitute? We have it because the present act has been insufficient to cope with the overpowering situation that exists in certain parts of the country. The very guts of the McCulloch amendment is the so-called presumption of a pattern or practice of discrimination which can be a finding of the judge in the original suit brought under the Civil Rights Act of 1957.

The gentleman from Michigan would omit and do away with the idea of a pattern or practice. He would, therefore, vitiate and scuttle the so-called McCulloch substitute which is so desperately needed in the situations that have developed in various parts of the country.

Under the provision contained in the amendment offered by the gentleman from Michigan the civil rules of practice would apply in every case. When I say "every case" this is what is meant: In every case where there is discrimination be it 1 case, 50 cases, a hundred cases, or a thousand cases, exactly that number, 50, a hundred, or a thousand specific individual actions would have to be brought. That is the situation under the present statute. That would remain the situation under the proposal of the gentleman from Michigan. You can see it would take eons and eons of years, if I may use that term, before you would get any relief for the very people who have been discriminated against. The report of the Civil Rights Commission is replete with evidence of discrimination. So the very purpose of our legislation here would be destroyed; we would have no genuine relief whatsoever for present intolerant conditions; in fact, I would say we go backwards, because there are some provisions in the proposal of the gentleman from Michigan that would be quite serious.

It provides that rule 53 of the Federal Rules of Civil Practice shall apply in its entirety. That means that in every one of these individual cases there could be all manner and kinds of subterfuge, all manner and kinds of procrastination, so that the litigation would be drawn out for days and days, weeks and weeks. The election will have gone by, and the record and remedy would be purely abortive.

The gentleman says: "Why, we would be establishing a precedent if we set up this idea of pattern or practice, a precedent which could be applied to labor matters, to education, to health, and to public utilities." Of course it could; but there has not been manifested a need for this overpowering, this overriding remedy in cases of education, health,

public utilities, labor, or what have you. We have a desperate need as to the great desideratum in the South, deprivation of the ballot; we have to meet this need. The voting referee proposal meets this emergency.

We have a desperate need and we must meet that need with unusual remedies. Therefore, this might be termed an unusual remedy. For that reason I think we have to reject the amendment offered by the gentleman from Michigan. Under the present setup, the Civil Rights Act, as was the case in Louisiana, which was mentioned, the special master appointed by the court simply said to the registrar in that particular parish: "You must restore to the registration rolls these 1,300-odd voters."

He did just exactly that, and the Supreme Court upheld the action.

Mr. Chairman, I hope that the amendment will fail.

Mr. SIKES. Mr. Chairman, I move to strike the last word.

On yesterday I noted the concern of the Attorney General of the United States in preserving section 1 of the bill which he proposed on civil rights. As I read between the lines in this bill and in the Attorney General's concern, I see two things in particular in section 1. First, it appears to me Congress is now asked to place its seal of approval on the unfortunate invasion of Little Rock by the Armed Forces of the United States. This inexcusable event, which shook the civilized world and cost $5 million of the taxpayers' money, was done to quiet a disturbance which could have been handled by a dozen deputy marshals. Now, we are asked to place the cloak of congressional sanction around it. Second, it is apparent upon its face that section 1 of the Attorney General's bill and some modifications thereof would set aside the guarantees of freedom of speech. This language is so dangerous that it has even provoked concern on the part of newspapers of the extreme left. This is an almost unheard of occurrence.

Now, let us take the measure as a whole. It is clearly unconstitutional because it would put the Federal Government into the business of conducting elections at State and local levels. No one can read into the Constitution any such grant of authority to the Federal Government. It would authorize the issuance of registration certificates to voters for use in an election without requiring the finding that the 15th amendment had been violated. It would give to the judicial branch of the Government functions which clearly are not judicial, either in substance or in the manner of execution prescribed. It would delegate to Federal officials the function of determining the qualification of voters, a function vested in the States by article I, section 2, and the 17th amendment. It would violate all principles of due process and sound procedure. The ex parte proceedings for the appointment of voting referees and issuance of registration certificates all without notice to the election officials charged with violation of the 15th amendment, without notice to other voters in the same district, and without notice to the candidates involved, violate the most basic standards of fairplay and due process.

This bill, taken as a whole, is one of the worst voter-catch-all hodgepodges submitted to Congress in many a day. It could even make it possible, if my interpretation is correct, for the Attorney General, acting through the Federal courts, to shut off legal processes at any point desired by the Federal Government in those cases where delays are sought by local or State officials in integration cases. This bill constitutes a request for a grant of dictatorial power which has seldom been equaled in peacetime in this country.

We do not seek to avoid the law. We seek to preserve the laws. We know that the laws are written for everyone and they must apply to everyone alike. The rights of the individual are sacred to everyone and must be guaranteed and protected by all the people. By the same token, the laws must have the acceptance and backing of the people or they become a farce, disregarded or violated through subterfuge. When a group of people placed in power by the accident of appointment, whose views and opinions are not subject to approval or disapproval by the electorate, rewrite the laws through socialistic precept and not by legal precedent, those laws do not enjoy the support of the people. When we defer from the rulings of these people, even though they may sit in the highest court, we do not thereby become people who violate the law.

The Constitution is the supreme law of the land—not the courts. The courts only interpret the law and different courts have been known to interpret the same law in different ways. Due process of law is our right. If a man is hung without due process of law, it is called a lynching. If you would lynch the South, you have hit upon the right vehicle in this bill.

Tomorrow's courts may change the present controversial court rulings. We in the South are seeking to find a way to change those objectionable rulings. This is our right under the law. A condemned man has the right of appeal, the right to ask for a new trial or a reversal. We seek the time which the law promises to fight for the things in which we believe. This is the way it should be in free America. This is not lawlessness. We are simply seeking to insure freedom of thought and action for the South as well as for the rest of the Nation. Someday the Nation will thank God that this fight for constitutional government is being made. The drift toward dictatorial power which some of you seek to enhance with bills such as this will come back to haunt you and to haunt the Nation. But, then it may be too late to undo the harm you are doing now to our Nation and to all its people.

I look around and I see many great and serious problems which affect our Nation and which are unsolved. The destinies and economic status of millions of Americans are crying out to us for consideration. I find it hard to understand the detailed interest in this legislation on civil rights which will solve nothing and which fills no actual need.

Many speakers have said the farm problem is the most important one now before us. Certainly it is one of the most important. Farm income continues to shrink year by year. Farm costs continue to grow. A crisis in American agriculture is upon us—not only for the average farmer but for the farm community merchant. Yet this is one of the problems about which we are doing least. And the administration, after vetoing many measures passed by the Congress on the farm problem, now says in effect, "We have no solution. We wash our hands of the whole mess."

Some are concerned about defense, and properly so. We are reducing our conventional defense more rapidly than we are building up our inventory of superweapons. This is resulting in a gap which can be dangerous. We can, if we choose, build more missiles today. We can provide more aircraft, an air alert, modern weapons to replace the World War II weapons of the Army. If we failed to do these things we don't necessarily invite war, but we encourage it. Particularly do we leave the door open for limited war or aggression by the Russian satellites. We provide a golden opportunity for the Communists to throw their weight around and coerce or intimidate our allies or gain concessions at the conference tables. Should that situation which affects the life of this Nation and the future of democracy not occupy our thoughts ahead of this manufactured issue of civil rights?

There are those who believe we are becoming a second-rate power, second in defense, second in diplomacy, eventually second in economy. With the problems of leadership which are ours, we cannot afford to be second-best anything. We are destined to be second best in government if we persist in wasting our time on measures which disrupt rather than solidify the determination of Americans to stand together. Does anyone doubt for an instant that focusing of national attention on this bill has inspired the current wave of racial problems? They make no one happy but the Communists and, no doubt, there are Communist agigators in every one of these incidents. This is an illustration of what may be anticipated from this bill.

Responsible southerners have an obligation to work out voting problems and other racial problems—and they are doing so—and they will continue to do so insofar as these apply to the South, but not as a result of this bill or any civil rights legislation which the Congress may enact.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the Meader amendment end in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. MORRIS of Oklahoma. I object, Mr. Chairman, unless I can be given 5 minutes.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the Meader amendment end in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Chairman, I rise in opposition to the amendment to the McCulloch substitute. The point was made that under the voting referee proposal a nonjudicial function is being imposed upon the Federal courts. Now, first of all, let us point out that what we are talking about here initially is a case or controversy within the meaning of article III of the Constitution. No proceeding may be begun initially unless you have a judicial case brought by the United States in order to vindicate the interests of persons who have been denied their right to vote under the 15th amendment.

The case or controversy between the United States and the defendants in an action under the Civil Rights Act of 1957 is concluded only when the court is satisfied that in the affected area its processes have completely vindicated the public interest in securing freedom from racial discrimination in voting. When a court utilizes voting referees, it is merely performing a duty, mandated to it by the Congress, to eliminate the effects of the previously found pattern or practice of discrimination in voting. When a court appoints a referee to receive applications, make findings and submit those findings to the court, the court is utilizing the referee to perform the same kinds of functions exercised by court-appointed masters and referees throughout the history of our jurisprudence. Moreover, even those less common duties which the referee would perform—for example, poll watching—are not extrajudicial. In order to give full scope and effect to their decisions, courts, in stockholders' suits to compel the holding of corporate elections illegally delayed by corporate officers, have appointed masters to conduct the elections—for example, *Bartlett* v. *Gates* (118 F. 66 (C.C. Colo., 1902)); *Burnett* v. *Banks* (279 P. 2d 579 (Cal. App., 1955)); *Fein* v. *Lanston Monotype Machine Co.* (85 S.E. 2d 353 (Va. Sup. Ct., 1955))—in suits by a remainderman, where the life tenant has failed to carry out his duties, a court will appoint an officer to manage the estate—(Restatement of property, ch. 13, sec. 189(f); for example, *Keeley* v. *Clark* (211 N.Y. Supp. 391 (1925))—upon failure of a party to comply with an order to convey land or deliver deeds or to perform any other specific act, Federal courts are authorized to appoint a third person to perform the act—(rule 70, Fed. R. Civ. P.)—in a suit by union members, a court has appointed a board of monitors to review and report to the court on the management of the union in order to protect the rights of union members—*English* v. *Cunningham* (29 F. 2d 517), modified 269 F. 2d 539 (C.A., D.C., 1959), cert. denied, 80 S. Ct. 195—in suits for abatement of a nuisance, courts have directed an officer of the court to engage a contractor specifically to abate the nuisance—for example, *Clarke* v. *Chicago B. & O. R. Co.* (62 F. 2d 440 (C.A. 10, 1933))—in a suit for specific performance of a contract for the transportation of personal property, a court has appointed a receiver to take possession of the property and deliver it to the plaintiff—*Madden* v. *Rosseter* (187 N.Y. Supp. 462 (1921)). All of these examples demonstrate conclusively that it is a judicial function for courts of equity, in order to cope effectively with unlawful practices, to appoint officers in ancillary proceedings to insure the complete eradication of both the unlawful practices and their tainted effects.

Even if it should be argued that some of the duties of the referees appear to be nonjudicial, article II, section 2, of the Constitution expressly authorizes Congress to vest the appointment of inferior executive officers in the courts. This power has been exercised by the Congress on various occasions—(for example, 28 U.S.C., secs. 506 and 545).

Let me say also that a few moments ago in a colloquy between the distinguished gentleman from Michigan and myself on the subject of the effects of the proposed amendment to the substitute, I made the point, and the gentleman from New York, the chairman of the full committee, made the point, that the amendment does not do a thing that cannot already be done under existing law.

Let me say further that what the amendment would propose to do is to confine any activity in this area to the parties in a proceeding. It eliminates the concept of a finding of a pattern of practice and the subsequent appointment of referees to examine into this whole subject for the benefit of the court and to report to the court. It eliminates that concept.

Let me say further, however, that a Federal judge, where he is dealing with parties to a case or controversy, is already empowered to appoint a special master, if he so wishes, in order to discover the facts in a particular area, should those facts be complicated of solution. This may be done right now, I should think, under the 1957 act.

The crux of the substitute offered by the gentleman from Ohio [Mr. McCULLOCH] is, of course, that part of it which makes provision for the finding by the court of a pattern or practice and from then on the processing of applications from persons in like condition who are qualified to vote under the laws of the State, but who have been denied the right to vote.

The CHAIRMAN. The time of the gentleman from New York [Mr. LINDSAY] has expired.

Mr. MORRIS of Oklahoma. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, in my judgment there is great doubt of the constitutionality of the amendment offered by the gentleman from Ohio [Mr. McCULLOCH] and the one offered by the gentleman from Michigan [Mr. MEADER]. And I will tell you why. The 15th amendment is very brief and I should like to read it. You have all read it, but I want to emphasize a few points. It provides as follows:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State—

That does not say any individual, but by the United States or a State—

> on account of race, color, or previous condition of servitude.
>
> SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

Get that adjective; not just by any legislation. And the courts have so held. Congress cannot just legislate any way in the world it might want to. There must be appropriate legislation if any is enacted.

I do not believe there is any Member of this House who is more anxious to see every citizen, colored or noncolored, in this Nation who is qualified given the right to vote and have that vote protected. I am very anxious to help to carry out these rights. But I do want us to proceed in a constitutional and a logical, reasonable way.

Under that article, in my judgment, and I think I have read all the decisions—I spent some time yesterday in the library here taking the United States Code Annotated and reading these decisions—and as I read them Congress would have no right to invade or disturb the machinery set up by the States except to see that it does not discriminate.

There is definitely an exception to that, and I will read you that exception. Section 4 of article I provides as follows:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

I presume the last part of it would not be pertinent, since we now elect Senators by direct vote; but get this: In regard to choosing Representatives, and probably Senators, the Congress can if it feels it justified and proper to do so, step in and determine the manner of holding elections. The Constitution gives them that right, but it absolutely does not give the Congress the right to step in and disturb the machinery of the States in regard to electing a sheriff, a Governor, or any other State official. That is very clear, and these decisions I have read I think bear me out in that. But that is what the amendment offered by the gentleman from Ohio [Mr. McCULLOCH] and the one offered by the gentleman from Michigan [Mr. MEADER] would do. They would permit going outside the State machinery and let the Federal Government go in and direct the election. That just cannot be done. In my judgment at this moment it is absolutely unconstitutional or at least I seriously question its constitutionality. We are dealing in a very tough area, I recognize that fact. It is difficult to legislate in this area.

So it is not limited. I say we are getting on dangerous ground here. I think the Celler bill is the best bill of all of them, except I think two titles ought to go out, title II and title V, because they ought to be considered by other committees that have jurisdiction of the subject matters dealt with.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Chairman, we all realize that the matter with which we are dealing is highly controversial. There are people who would go a great, long way on one side and some other folks would not go very far on some other side. I should like to put myself in that area where I think something meaningful needs to be done.

I think we must do it and we ought to do it. I want to move in that direction.

It has been argued here in the last day or two that there should have been committee consideration of what is now the McCulloch substitute. I think in the normal course of events that might have been desirable. But, in any event, that action has not been taken. However, I think it is only fair to say that the McCulloch substitute has been considered and reconsidered by a great many people on both sides of the aisle and in the executive branch of the Government where a great responsibility for administration will rest. I can say to you with confidence that the McCulloch substitute, as it has been refined as late as yesterday, is, I think, fair and effective legislation in the direction of voting rights and I believe we should carry it forward to adoption without destructive amendments.

I do not like to find myself in disagreement with my good friend, the gentleman from Michigan [Mr. MEADER], but I sincerely trust his amendment will not be adopted because I do not believe his amendment would accomplish the job we are seeking here to accomplish. Actually, the gentleman from Oklahoma just referred to the constitutional provision which guarantees the right to vote without regard to race or color. The McCulloch substitute seeks to deal only with those actions that defeat the right to vote by reason of race or color. The constitution itself requires us to act. It says we shall guarantee these rights by appropriate legislation. It is not sufficient to say that this legislation is not appropriate because, as I say, people who have worked on it do believe that it is appropriate and so do I.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. HALLECK. I yield.

Mr. CELLER. It is rather important to have noted by this Chamber that the Meader amendment, if carried, would utterly destroy and wipe out parliamentarily and actually the McCulloch substitute, and there would be no McCulloch substitute to vote on, the way the Meader amendment is worded.

Mr. HALLECK. Of course, if it is substituted, then it is destructive of the purposes of the McCulloch substitute. I just wanted to make it clear. I am quite sure the McCulloch substitute is fair and effective. I do not think it is punitive in light of the fact that the Constitution puts upon us the responsibility to guarantee these rights. I sincerely trust that the Meader substitute will be voted down and that the McCulloch substitute will be adopted by the Committee of the Whole.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. MEADER] to the substitute amendment offered by the gentleman from Ohio [Mr. McCULLOCH]

The question was taken; and on a division (demanded by Mr. MEADER) there were—ayes 95, noes 138.

So the amendment to the substitute amendment was rejected.

Mr. WILLIS. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to proceed for 10 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WILLIS. Mr. Chairman, I would like to discuss one of the most far-reaching and dangerous parts of the voting referee proposal. The provision I want to outline is not hard to understand if we set our minds to it. I, therefore, beg your indulgence for the time allotted me, and thereafter if I am granted additional time as was accorded to the gentleman from Ohio [Mr. McCULLOCH] yesterday, I will be delighted to answer any and all questions.

The first step will be an injunction suit filed by the Attorney General in the name of the United States under the Civil Rights Act of 1957. Who is the defendant in that injunction suit? The defendant, of course, is the local registrar of voters. The court would then issue an injunction to stop the registrar of voters from any alleged discrimination against colored people on account of their race. We cannot object to this initial proceeding because it is authorized under the Civil Rights Act of 1957. We, of course, objected to the passage of that law in 1957, but since it was made the law we cannot at this time object to the initial injunction suit.

It is only after this initial injunction is issued that this bill would come into play. After the Federal judge issues the injunction, then, on request of the Attorney General, the Federal judge must make a finding as to whether the alleged discrimination is pursuant to a pattern or practice. Who is before the court when this finding is made? Again, since this is a continuation of the initial injunction suit, of course, the local registrar of voters is before the court. That is the great concession that the revised McCulloch substitute offered yesterday would make. In reality, however, this is no concession at all because I think my friend from Ohio [Mr. McCULLOCH], and any members of the Judiciary Committee and others who have studied this bill would concede that it would be implied that the registrar of voters must necessarily be before the court when the finding of an alleged pattern or practice of discrimination is made.

Anyway, when the Federal judge makes this finding the decree would establish a conclusive presumption that all the colored people in the area have in fact been discriminated against. It must be remembered that this conclusive presumption would be made for the exclusive benefit of people who never appeared before the Federal court and who never set foot in the Federal court.

At this stage, the Federal judge would appoint a referee to issue voting certificates to all the people in the affected area. What would these people have to prove in order to obtain a certificate entitling them to vote in any State or Federal election? Would they have to prove that they have been discriminated against on account of their race or color? Oh, no, that is made unnecessary by the conclusive presumption established by the Federal decree.

Now, the 15th amendment provides that the right of citizens of the United States to vote shall not be abridged or denied on account of race or color. The key words, of course, are "on account of race or color." It took another constitutional amendment to prevent the denial of the right of women to vote "on account of sex." And in order to prevent the denial of the right of soldier's below the age of 21 on account of their age, the President asked for another constitutional amendment.

Yet this proposal would make it unnecessary for the people affected to prove the only thing that the Constitution prohibits; namely, denial of the right to vote on account of color. The Deputy Attorney General, Mr. Walsh, blandly said that the purpose of this bill is to "shortcut" this requirement and to "fill this gap."

I think if you listen to the debates carefully, you will catch on how the proponents of this voting referee proposal would gloss over the point I am making. I ask you to just watch them shy away from that proposition.

Now there is an old saying to the effect that it is impolite to look a gift horse in the mouth. But this is not a gift horse—it is a mean and hard-hitting animal. And it is no bargain. The price is mighty high. The price is the circumvention of the 15th amendment and trampling upon all accepted standards of due process. That is why we have the right, we have the obligation to look this horse not only in the mouth but at every point.

I caution you again that the proponents of this bill will be asking you to look only on one side of the picture. I assure you that it is no Rembrandt and that we had better look on the other side.

And so I will offer an amendment at page 2, line 13, to put a comma after the word "law" and to add the words "on account of his race or color", so that the sentence on the proof required will read that the applicant has been "found not qualified to vote by any person acting under State law because of his race or color."

That is exactly what this fuss is all about. The whole argument, the whole tenor of the debate, the only thing we hear complaint about is that these people should not be denied the right to vote on account of their race or color.

We would hope that this voting referee proposal would be defeated. But I suppose we must be realistic about it. I think the will of this body is such that some sort of voting referee proposal will be adopted.

Is it too much to ask the people affected to prove the one and only thing the 15th amendment prohibits, namely: denial of the right to vote on account of race or color? Is it too much to ask the Members of this great body to follow accepted standards of due process? And in this connection, I want to address myself to the very sincere civil libertarians in the House of Representatives, among whom my chairman towers perhaps above all others.

We all know that "seniority" and "precedence" are the two noble words on Capitol Hill. Make no mistake about it, we are now setting a dangerous precedent. Just as sure as I am talking to you, next year, the year after, or sometime in the future, the principle of this bill will be sought to be applied to other matters than civil rights.

Now, how would the principle of this bill operate if we applied it to other areas? Taking only one illustration; suppose a rash of accidents should develop in the District of Columbia because of reckless driving. Suppose a Federal judge would make a finding that reckless driving has developed into a pattern or practice. Suppose the finding establishes a conclusive presumption that all people involved in accidents have been guilty of reckless driving. Suppose the Federal judge appoints a referee to receive complaints of alleged victims of reckless driving. Suppose the defendant or the insurance company involved is deprived of the right in an individual case to prove that a particular accident was not due to reckless driving. Suppose these people were denied the opportunity to appear before the referee with counsel to confront and cross-examine their accusers. And suppose in this ex parte, or one-sided so-called hearing before the referee, the only thing the person who complains that he is a victim of reckless driving would have to say is—my name is John Brown, I live at such-and-such an address, I have been hurt and I have been damaged in the sum of one, ten, or twenty thousand dollars. And suppose the referee would say "OK, Mr. Insurance Company, give this man a check for the amount of his damages." How would you like all of this? Yet, that is exactly what this bill would accomplish. The hearing before the referee would be ex parte. It would be one sided. He would not be required to prove the only thing the 15th amendment prohibits, namely: the denial of the right to vote on account of race or color, and the local registrar of voters would be deprived of the right to be present with counsel and to cross-examine and confront his accusers.

If applied to matters other than so-called civil rights, would it not raise the issue that in this country of ours a person is presumed to be innocent until proven guilty? Would you not urge that each individual case would have to be proven on its merits? That is all my proposed amendment would accomplish.

Thus far these debates have proceeded on a high plane. I, for one, applaud this attitude. If my suggested amendment is adopted, I personally would offer only one or two others to the voting referee proposal. To be sure, others will be offered. And I am quite sure they will be meritorious.

I am in no position to threaten. We do not have the power of filibuster in this body, but the amendment I suggest is so important and strikes at such fundamental constitutional principles that I must say to you that if I were a member of the other body, I would employ all powers at my disposal to defeat this bill. And I suspect that that is exactly what might happen. I do not cherish this prospect, but I am giving you my best judgment on what might happen.

And so I ask you, I plead with you, I implore you not to pass this bitter cup to us during this lenten season and to vote for the amendment I have discussed.

I realize that if you support my amendment you will probably incur the displeasure of the Attorney General. But somehow I have a feeling that you would not displease the chairman of our committee and the senior minority member too much. In fact, when I brought out these questions about conclusive presumption and violation of standards of due process of law, I was taken to task by these gentlemen. I raised some of these questions on page 101 of the hearing in a colloquy with Mr. MEADER and the chairman. The chairman said:

> Wait a minute, Mr. MEADER. I want to correct the gentleman from Louisiana. There is nothing conclusive about the presumption.

And when Mr. MEADER made the same point that I developed, Mr. MCCULLOCH, at page 105 of the hearing, said:

> Mr. Chairman, I do not agree with that statement. The language of H.R. 10035 does not justify that statement, in my opinion.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. WILLIS] has expired.

Mr. SMITH of Virginia. Mr. Chairman, I ask unanimous consent that the gentleman from Louisiana [Mr. WILLIS] may proceed for 10 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WILLIS. Mr. Chairman, I will say that I have completed my statement, but I ask my chairman if he does not think that my proposal has merit enough to seriously consider it before I offer it?

Mr. CELLER. Mr. Chairman, everything the gentleman from Louisiana offers should have serious consideration. I am almost sure when I say that that I speak for the entire membership of the committee because we have great confidence in the gentleman's wisdom and in his fairness. However, sometimes all of us get into a position where our emotions get the better of our judgment, and I think that some of the fears that the gentleman expressed will not eventuate if we pass this bill. I do remember, when we considered the 1957 act, his statement was not dissimilar and all the dire catastrophes that were prophesied by him and others did not come to pass after we passed the 1957 act.

Mr. WILLIS. I thank the gentleman and I would say to him that is one point that I brushed on, and that is, what he says is perfectly true. But we had hearings on the 1957 act. The way the bill was introduced and the way it came out of the full committee were entirely different. One bore no resemblance to the other. And it was modified further on the floor of the House. But we came out with a basic bill.

I am now addressing myself only to the voting referee proposal, a new proposal—the fourth or fifth proposal. I do not accuse anybody of having a new thought every morning, but it is a cold fact that the Civil Rights Commission recommended one thing, the registrar proposal. Then my good friend, the chairman, the gentleman from New York, introduced a bill to carry out that proposal, restricted to State elections and proof of the deprivation of the right based solely upon race. Then the President of the United States made a statement in a press conference that he thought that the registrar bill raised constitutional questions and he said he was waiting for an opinion from his Attorney General. Then the next step—that is the fourth step; not necessarily in bills—the Attorney General made a statement that the registrar proposal was about as effective as a ticket to the Dempsey-Firpo contest of many years ago. Then the Attorney General came back with a proposal, H.R. 10035. Then we had a briefing and pursuant to some rather sharp questioning, he came out with H.R. 10625. Now this morning they come out with H.R. 11160, or some such number. The gentleman from Michigan [Mr. MEADER] has another proposal. None of these proposals has been subjected to hearings and I think my good friend will concede that if we had had hearings, and if the 32 lawyers on that committee, all good, conscientious, amiable gentlemen, would perform as they had in the past, locked up in executive session, without the fanfare of the press and the gallery and the editorials, and worked over this for days in and days out, as we did with the basic bill, H.R. 8601—I will say to the gentleman that at the very least the amendment that we would come out with successfully would be the one that I now propose or shall propose.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I am delighted to yield.

Mr. LINDSAY. Mr. Chairman, I listened with great interest to the gentleman, because I know no finer or more able lawyer or more objective lawyer.

Mr. WILLIS. I thank the gentleman.

Mr. LINDSAY. I should like to ask this question. The gentleman made the point that the bill, from his point of view, would be improved if it were amended to require that a person, in order to receive a certificate from the referee, must show or state that he has been

deprived of or denied the right to vote or the opportunity to register to vote because of race or color; is that not correct?

Mr. WILLIS. Yes. What does that do that the bill does not already do? The bill in its present form, H.R. 10625, page 3, lines 10 to 14, provides that the referee shall receive applications, take evidence, and report to the court findings as to whether or not at any election or elections, one, any such applicant is qualified under State law to vote, and, two, he has been deprived. Is that what the gentleman has in mind?

Mr. WILLIS. "On account of race" would be put at this point also, as the gentleman knows. In order to be brief, I said it would occur on page 2, but that is the same language and there would be a conforming passage to add "on account of race."

Mr. LINDSAY. I thought the gentleman was talking about the referee provision.

Mr. WILLIS. Both. The amendment if offered and accepted would necessarily have to be at all appropriate points in the bill where that same sentence occurs.

Mr. LINDSAY. Let us talk about this particular portion right here.

Mr. WILLIS. That is word for word the same as the provision on page 2. What is the gentleman's question?

Mr. LINDSAY. The question is, if I may talk about the function of the referee for a moment, the applicant must come to the referee and show that he is qualified to vote under State law.

Mr. WILLIS. Right.

Mr. LINDSAY. Second, and that he has been denied the right to vote.

Mr. WILLIS. Why? Why was he denied? The gentleman has put his finger on it. The Constitution said it is prohibited to deny him the right to vote on account of race or color, and those are the words made necessary in the element of proof.

Mr. LINDSAY. The question I am trying to pose—I am looking for education; I am not arguing with the gentleman—is that, if he is qualified under State law to vote, under what circumstances other than race or color would he be denied the right to vote?

Mr. WILLIS. It may be because he has not complied with residence prerequisites; he may have lost his civil rights by criminal conviction or some other legal impediment to his qualification. But the question is that he is qualified to vote under State law. That means that he gives his age and his residence. That is all that he talks about.

What is being very cleverly avoided is the element of proof that he has been deprived of the right to vote on account of race or color, which is the only thing the Constitution protects; and I am told by everybody that the basis of this proposal is the 15th amendment.

Mr. LINDSAY. The gentleman would agree that if a citizen does not live in the proper area he is not a resident. If he is too young he cannot pass the basic test as required under State law. If he cannot pass the literacy test, or whatever it is, he is not qualified under State law.

Mr. WILLIS. Yes; but the only possible basis for Federal jurisdiction is the issue of race or color. Does the gentleman say he wants to take over and, without the issue of race or color being present, issue certificates of registration merely on State qualification, the age or the residence? Unless you bring that issue into the picture, then this Congress indeed is being mighty silly to go into a Federal matter where there is no Federal question presented. The only Federal question presented is the 15th amendment, and that is our only justification to go into this. The only one, single, solitary thing that the 15th amendment prohibits is the denial of the right to vote "on account of race or color."

Mr. ROOSEVELT. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I gladly yield to the gentleman.

Mr. ROOSEVELT. Is it not true at the present time there is no State in the Union that specifically denies the right to vote because of race or color, but that it is done through many other methods. Therefore, in actuality that is what happens. Would the gentleman's amendment make it possible to say that if through other devious methods the end result was the denial of the right to vote because of race or color that this would then be possible?

Mr. WILLIS. I appreciate the gentleman's sincere concern on that issue. What I am trying to do is to lay on the table what this thing is all about. My friend then agrees with the mechanics of this bill—very clever, I would say—to get Congress into the picture on the basis of the 15th amendment and thus make it unnecessary to prove the only thing that the 15th amendment deals with.

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

Mr. SMITH of Virginia. Mr. Chairman, I ask unanimous consent that the gentleman from Louisiana may proceed for 10 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WILLIS. I will say to my friend, the gentleman from California, that his question does not take me off my feet—it does not surprise me—because I had that colloquy with Judge Walsh. He asked that question. I said, "Now, look, this is not my bill, this is your bill." There probably is a way to achieve what the gentleman has in mind. I have not thought about it. But certainly the way that has been proposed simply will not work and simply tramples upon my idea of the 15th amendment and accepted standards of due process of law.

Mr. ROOSEVELT. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield.

Mr. ROOSEVELT. However, would he not have to admit that the effect of his amendment, as he has described it, if it does not do what I asked him, then, in effect, it is actually leaving the matter in the status quo, as it is now—because no State in the Union today deprives an individual of the right to vote because of either race or color by statute.

Mr. WILLIS. I am so glad to hear the gentleman from California make that statement that no State in the Union deprives any individual of the right to vote on the ground of race or color.

Mr. ROOSEVELT. No State in the Union denies any individual of the right to vote specifically on the ground of race or color, but it goes ahead and does it by every other possible method. The effect, of course, is to deprive an individual of the right to vote because of race or color; and it is that which we believe to be unconstitutional, and it is that which we are trying to cure.

Mr. WILLIS. I would also say to my friend that the other amendment, which I will propose later on would require the hearing before the referee to be expeditious. The gentleman may choose any word he pleases. I, for one, am not in favor of dilatory tactics before the referee. If the gentleman wants to say that no dilatory tactics shall be employed and that it shall be expeditious, I do not want to protract this hearing before the referee.

Mr. ROOSEVELT. I think my friend knows that he is not answering the question at all.

Mr. WILLIS. I answered the gentleman's question just a moment ago. It is not up to me to prepare a bill to accomplish what this gentleman said. I am only pointing up that it is unconstitutional. And I would remind the gentleman of one more thing, and that is the virtue of committee hearings. Do not kid yourself on that point. The good chairman of the committee and the proponents of civil rights upon being shown that this does not square with the Constitution in committee, just as sure as I am standing here, would have found a way within the Constitution. It is not my purpose and not my job to rewrite the bill on the floor. I am trying to refine it within the meaning and provisions of the Constitution. I think the great fault with this whole thing and this whole unprecedented idea of writing a bill having to do with and dealing, for the first time I think in the history of our Republic, with the very sensitive area of qualifying voters in the State to vote for a justice of the peace right on up to Governor is that it is being done without any hearings, and that is the great fault of this bill. I know the facts of life. I would prefer that it be stricken. I would prefer that it be referred to the Judiciary Committee. I would not employ dilatory tactics. We should have a hearing. But any time you are going to try to write a bill on the floor of the House on an area which thus far the Members of this Congress have felt wise to leave alone because you are dealing with qualification and issuing voting certificates to people voting in towns and counties and cities and States, the wrong with this bill is that there have been no hearings. If there had been hearings we would not be in this predicament.

Mr. ROOSEVELT. When we voted on the labor bill last year I did not hear the gentleman make this protest then.

Mr. WILLIS. Oh, my friend, let us see. My friends the gentleman from

Tennessee [Mr. LOSER] and the gentleman from Texas [Mr. DOWDY] offered amendments and there were amendments passed to that bill that the gentleman tried to point to us to the South about.

Mr. ROOSEVELT. But there were no hearings.

Mr. WILLIS. Well, I do not know about that. Honestly I do not know. I am not on that committee.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the distinguished gentleman from New York.

Mr. CELLER. It strikes me from what the gentleman has indicated that what sticks like a cinder in the gentleman's eye is the finding by the court of a pattern of discrimination. Am I correct in that?

Mr. WILLIS. I am sorry I did not get the question.

Mr. CELLER. A finding by the judge that there is a pattern or practice of discrimination.

Mr. WILLIS. What about it?

Mr. CELLER. That idea of that finding seems to stick in the gentleman's eye like a cinder.

Mr. WILLIS. No; not at all. That even violates rule 53(b). Rule 53(b) or (c) of the Rules of Practice. Let us see. You have a receivership. Let us say you have a suit for infringement of a patent involving intricate matters of accounting in law. A Federal judge may appoint a master, the same as a referee. If the gentleman will give me that rule, I will show you how it reads. A judge cannot appoint a referee because he is a busy man as a judge. The rule says:

> A reference to a master shall be the exception and not the rule. In cases to be tried by a jury a reference shall be made only when the issue is complicated. In applications to be tried without a jury the referee shall be made only upon a showing that some constitutional conditions require it.

The pattern or practice satisfies the rule of an exceptional situation arising; and, therefore, a referee should be appointed. But what this bill does is to give that referee the powers of a master under that rule when they deliberately do not give him the duties which require counsel, which require notice, which permit cross examination. So I say the element of pattern or practice is a compliance with rule 53.

Mr. CELLER. But in the first instance, under the suggested amendment of the gentleman from Ohio there is an adversary proceeding, and all those who are parties to the original cause——

Mr. WILLIS. Who are they?

Mr. CELLER. The Attorney General or, likely, the registrar in the State.

Mr. MEADER. That is all.

Mr. CELLER. They give notice, and what more notice would you wish? The registrar is a State official. He knows all about what is happening in his own bailiwick. He is given sufficient notice. The hearing is had before the judge. It is not an ex parte proceeding at that stage at all. Then the judge on the record, on the basis of the evidence adduced, issues an order of a pattern or practice which the special master, called the voting referee, follows, and any individual of that particular race is presumed——

Mr. WILLIS. Conclusively.

Mr. CELLER. This is what I am getting at, he is presumed to have been discriminated against because he is a member of that particular race and because there is a pattern or practice proven in that particular community against that particular race.

We have precedents for Congress establishing proceedings of that sort.

Mr. WILLIS. Will the gentleman name one.

Mr. CELLER. In an antitrust case where an action is brought for treble damages, in conflict of interest cases, court officials, and bank examiners under title 18.

Mr. WILLIS. I do not agree with the gentleman, I am sorry I do not have time to challenge it, but I will later on.

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

Mr. McCULLOCH. Mr. Chairman, I ask unanimous consent to correct a typographical error in the substitute amendment I offered to the Lindsay amendment on yesterday. I ask that on page 6, line 21, the word "or" after the word "practice" be deleted and that the word "of" be substituted for the word "or", which, I repeat, is a typographical error.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. McCULLOCH. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, after the very able exposition of the gentleman from Louisiana, it is not necessary to say that he was an able and persuasive advocate. For that very reason I want to say a word or two concerning that which he said.

The gentleman from Louisiana lays great stress on the fact that after there has been an adversary proceeding in the Federal court and a finding that an otherwise qualified Negro was deprived of his right to register or vote by reason of race or color and finds that such deprivation was pusuant to a pattern or practice, that a person who may be colored may go to a referee and apply for a certificate which will be followed by an order which would entitle him to register and to vote.

I want to say to the House again that which I said yesterday, that when that person goes to the referee and makes an application for the certificate the proceeding is an ex parte proceeding.

But after the ex parte proceeding, the referee must make a written report which is filed with the court and which is served upon the Attorney General of the State, among other people. For 10 days thereafter exceptions may be made to the finding of the referee which gave the certificate to the gentleman who is seeking a right to vote. Upon hearing, if that certificate has been improperly granted, the certificate and the order in connection therewith will be in accordance with the facts of the case and the man will not be entitled to vote.

I ask the members of this Committee, what could be fairer in attempting to grant to citizens of our country a right, a basic, fundamental, constitutional right of the elective franchise?

There is no real objection to that procedure, Mr. Chairman, and I hope when this matter comes to a final decision by the Committee the fundamental rights which are at issue and the manner in which they can be implemented will be taken into consideration and the proposal and the objection of the gentleman from Louisiana put in their proper perspective.

I regret the necessity of doing this, but it may be helpful. You know, until there has been a pattern or practice of discrimination found which denies otherwise qualified citizens of this country the right to vote, the procedures do not come into being. Down in the State from which my very good friend comes I see this is the finding of the Commission on Civil Rights. I am quoting from page 101. First, in the parishes of Madison and East Carroll no Negro was registered or had ever registered to vote.

Just one other State that I picked at random, and I quote from the commission this: "In 27 of the States, 159 counties," and I now refer to the great State of Georgia, "more than 50 percent of the voting-age Negroes were registered in 1958, but in Baker County with some 1,800 Negroes of voting age none was registered."

For that reason I do not want to take further time of the Committee; I say that a pattern has been determined by this Commission on Civil Rights, and I do not believe the statistics have been successfully controverted.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Maryland.

Mr. FOLEY. The gentleman from Louisiana mentioned that under existing power, the Federal district judges in equity court can today appoint a referee in exceptional cases to protect the rights of litigants; is that correct?

Mr. McCULLOCH. I would say that is correct.

Mr. FOLEY. If a Federal judge today is possessed of such powers, is there any defect in the procedure today to protect a person under the 15th amendment from the exercise of his constitutional right to vote and protection against discrimination on the ground of color?

Mr. McCULLOCH. The only remedy which that person has is a remedy which makes it impossible for any relief to be granted where there are hundreds of people in townships, precincts, and parishes being deprived of the right to vote at this time without the pattern of discrimination which was found not only by the district court in Louisiana but by the Supreme Court of the United States.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. KASTENMEIER. Mr. Chairman, I offer an amendment to the substitute.

The clerk read as follows:

> Amendment offered by Mr. KASTENMEIER: On page 1, line 8 of the McCulloch substitute, before the word "In", insert "(e)(1)(A)" and on page 1 of the McCulloch substitute strike out "that any person has been deprived" on line 9 and all that follows down through the last page of such substitute, and insert in lieu thereof the following: "that, under color of law or by State action, a voting registrar or other State or local official has deprived persons in any locality or area of registration, of the opportunity of registration, for elections because of their race or color, the Attorney General shall notify the President of the United States of such finding.
>
> "(B) Whenever the Commission on Civil Rights, acting under the duties imposed upon it by section 104(a) of the Civil Rights Act of 1957 (71 Stat. 635, 42 U.S.C. 1975c (a)) or in the event of termination of the Commission such other agency or department as the President shall designate to perform the same function (hereinafter referred to as the Commission) finds that, under color of law or by State action, a voting registrar or other State or local official has deprived persons in any locality or area of registration of the opportunity of registration, for election because of their race or color, the Commission shall notify the President of the United States of such finding.
>
> "(2) Upon any notification of a finding pursuant to paragraph (1) of this subsection, the President is authorized to establish a Federal Enrollment Office in each registration district that includes the locality or area for which such finding has been made and to appoint one or more Federal Enrollment Officers for such district from among officers or employees of the United States who are qualified voters within such district. Whenever the President determines that there is no further need for a Federal Enrollment Office, he shall abolish the Office for such registration district. An individual who is appointed a Federal Enrollment Officer shall perform the duties required by the Act until such time as he is relieved of such duties by the President.
>
> "(3) The President may if in his judgment such action appears justified and suitable delay the appointment of Federal Enrollment Officers in order to permit prompt and continuous good faith efforts by State and local officials to terminate in an affected area deprivation of the right to vote on account of race or color.
>
> "(4) The Federal Enrollment Officer for any registration district shall accept enrollment applications from individuals living in localities or areas in such district as to which a finding has been rendered pursuant to paragraph (1) of this subsection. All such applicants whom he finds to meet the qualifications for voters under the laws of the State, wherein such district is situated, shall be enrolled by him as qualified to vote in all elections held in such district in like manner and for like period as prescribed for persons registered under State law, and shall receive from him certificates of enrollment. The Federal Enrollment Officer shall, from time to time, transmit to the proper State and local officials all information necessary to identify the persons who have been enrolled by him. Nothing contained herein shall be construed to authorize an Enrollment Officer to enroll any person who is not of the same race or color as the persons found pursuant to paragraph (1) of this subsection to have been deprived of registration, or the opportunity of registration, for elections. Nothing contained in this subsection shall be construed as impairing the right of any State or establish nondiscriminatory voting qualifications.
>
> "(5) Each qualified voter who is enrolled pursuant to paragraph (4) of this subsection shall have the right to vote, and to have such vote counted, for candidates for elective public office in elections held in his registration district, and, in the case of a primary election, for persons seeking nomination as candidates for elective public office, subject to the provisions of paragraph (6) of this subsection.
>
> "(6) Nothing contained in this subsection shall be construed to deny to appropriate State officials or other interested persons the right at the time of elections, to challenge the eligibility to vote of persons enrolled hereunder. Whenever such a challenge is made, however, the enrollee shall be permitted to cast his vote and have it counted, but it shall be preserved subject to a determination of the validity of the challenge in any appropriate action brought in the U.S. district court having jurisdiction over the registration district in which the challenge is made. The Attorney General shall provide appropriate legal defense to any such enrollee whose eligibility to vote has been challenged in such proceedings.
>
> "(7) Federal enrollment officers shall ascertain that persons enrolled under this subsection are afforded the right to vote and to have their votes fairly counted, and for this purpose the Federal Enrollment Officer is authorized to attend at any election held within his registration district to inspect the taking of the vote and the counting thereof. Should any person enrolled under this subsection be denied the right to cast his vote or to have his vote counted, the Federal Enrollment Officer shall forthwith notify the Attorney General.
>
> "(8) The provisions of this subsection shall be enforceable by appropriate civil and equitable proceedings instituted in the district courts of the United States by the Attorney General, for or in the name of the United States. When necessary to assure persons enrolled under paragraph (4) of this subsection of the right to vote and to have their votes counted, the district court shall issue permanent or temporary injunctions or other orders directed to appropriate State or local voting officials, requiring them to permit persons enrolled under the provisions of this subsection to cast their votes and have them counted, subject to the provisions of paragraph (6) of this subsection.
>
> "(9) For the purposes of this subsection—
>
> "(A) The term 'election' means any general or special election held in any State for the purpose of electing any candidate to elective public office and any primary election held in any State for the purpose of selecting any candidate for elective public office.
>
> "(B) The term 'registration district' means an area in a State corresponding with any of the districts established by State law from which the voters elect a Member of the House of Representatives of the United States.
>
> "(C) The terms 'qualified voters', 'qualifications for voters', and 'qualified to vote' mean qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by voting registrars, or other State or local officials, in qualifying other persons in the registration district not of the same race or color."

Mr. KASTENMEIER. Mr. Chairman, I rise in support of my amendment, which is based on the bill introduced by the gentleman from the other body, Mr. HENNINGS on Friday last. Its full and exact text is printed on pages 5504–5505 of the RECORD of March 14, where it was inserted by our colleague the gentleman from Michigan [Mr. O'HARA] who has worked long and hard on this proposal. Incidentally, the gentleman from Michigan and a number of our other colleagues will seek recognition to discuss the amendment further.

The amendment is based on the fundamental proposition that Congress has the constitutional authority and political obligation to aid the courts and to work with the courts to guarantee equal rights to all our citizens regardless of race or color. We should not forget that this problem is not one which is primarily judicial, it is congressional. This is made clear by the enforcement article of the 15th amendment.

Precisely what would my amendment do? Where a court or the Civil Rights Commission finds that people have been denied the right to register because of race or color, the President is notified. If he feels it necessary, he may appoint a Federal enrollment officer, from among Federal employees and officers already registered to vote in the affected local district.

The President is not required to do so. He is permitted to delay so long as he feels local officials are making good faith efforts to eliminate the deprivation of voters' rights.

If an enrollment officer is appointed, applicants deprived of their voting rights because of race or color may go to the enrollment officer and prove their qualifications. Those who are qualified to vote under the laws of the State, he enrolls. They must be permitted to vote and to have their votes counted.

The enrollment officer is authorized to inspect the polls and the counting of the votes to see that this is accomplished.

Appropriate State and local officials are given an opportunity to challenge the right of the enrollees to vote, but in the meantime the enrollee has the right to make his vote.

As compared to the referee bill, my amendment offers a more speedy and effective remedy for those who have been deprived of their right to vote. At the same time, it avoids the serious constitutional problems raised by the referee proposal.

My proposal is more speedy in that it provides a dual trigger for setting into motion the processes necessary to establish a voter's rights. Registration and protection of a voter's rights can begin immediately upon the President acting upon a finding either by a court or by the Civil Rights Commission that persons are being deprived of voting rights because of race or color.

It eliminates several of the steps required under the referee proposal. Under that proposal, the Attorney General must first be persuaded to bring an action in Federal court stating that an unregistered Negro was deprived of his right to vote because of race or color. The Attorney General must also request from the court that an additional finding be made showing that a pattern or practice of discrimination existed. After such adjudication was made there would still be room for judicial appeal through the court system. After this occurs, the Federal judge in his district could appoint voting referees who would consider any other cases of discrimination of voting. These hearings on the part of the Federal referee would be ex parte. Exception could be taken to the finding of the referee, in which case the applicants might have to attend another hearing. If they succeeded there, they would again go to the local registration official

and make another attempt to register. Only after they had taken all these steps might they go to the polls, and even at that point, there is no assurance that they would be permitted to vote.

The amendment which I offer eliminates several of these steps. Applicants of the same race or color as those found by the court or the Civil Rights Commission to have been denied the right to register or vote need only go to the enrollment officer. If they demonstrate their qualifications to his satisfaction, the fact of their qualification is communicated to the local registration official. The prospective voters are then qualified to go to the polls and must be permitted to vote and to have their votes counted.

By eliminating the extra steps, my amendment reduces the potential exposure of the prospective registrant to social, economic, and physical threats before he ever gets to the polls. My proposal also eliminates the opportunity for local officials through exceptions and appeals to delay, possibly for years, the effective protection of the voter's rights. Further, it puts the burden of challenging a voter's rights where it belongs—on those who would deny him the right to vote. This is in keeping with the current practice of the States requiring those who would challenge a voter to assume the burden of proof and to litigate the issues involved.

My proposal avoids the constitutional questions involved in the referee proposal. It clearly assigns administrative functions to administrative officers, judicial functions to judicial officers, thus preserving their traditional roles under the Constitution.

The referee proposal is to a large measure a restatement of existing procedures of the Federal courts which are manifestly inadequate. At this very moment it is possible for the Attorney General to bring an action under the Civil Rights Act which is in the nature of a class action. It is perfectly permissible and has been for years for the Federal court to appoint a "special master" who could carry out the functions which it is proposed to assign to the referee. We are debating this issue today because of the manifest inadequacy of these procedures. It would represent the grossest kind of political cynicism for us to go through the motions of codifying these procedures, which, by their very nature, are slow and cumbersome.

We who are sworn to uphold the Constitution have an obligation to do something more than that. I therefore ask my colleagues to give serious consideration to my amendment, which is the only proposal that promises speedy and effective elimination of a tragic situation, in accordance with the philosophy of our Constitution.

Mr. O'HARA of Michigan. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, there are a number of reasons for favoring the proposal for Federal enrollment officers in preference to the Federal referee plan submitted by Attorney General Rogers.

Important among these considerations, apart from the cumbersomeness and doubtful workability of the referee proposal to be discussed by other speakers, are the serious questions of constitutionality created by the chosen procedures of the referee plan.

These constitutional problems, which relate to the proper functions of the judiciary and to the requirements of procedural due process, can and should be avoided.

The constitutional vice of the Rogers referee proposal begins in its assignment of the task of identification and registration of qualified electors to an arm of the judiciary rather than to an agent of the administration where it properly belongs.

The jurisdiction of the Federal courts, set forth in article III of the Constitution, is limited to cases and controversies arising under the Constitution and laws of the United States.

The Congress cannot assign an administrative or ministerial function to the courts. This clearly follows from the grant of jurisdiction contained in article III, and was conceded by Deputy Attorney General Walsh before the Judiciary Committee when he admitted that registration of voters is not "ordinarily regarded as a judicial function"—page 28 of voting rights hearings.

Mr. Walsh then attempted to salvage the situation by contending that registration becomes a judicial proceeding "when it is challenged and the judge has to decide between two conflicting claims." If this is so, what about unchallenged registrations? Will the Rogers' provision for a perfunctory review by the judge of the referee's determination convert such registrations to judicial functions? I hope so, but I doubt it.

But assuming that the referee proposal has succeeded in converting a ministerial function to a judicial function, it has yet another hurdle to clear. The fifth amendment requires that judicial proceedings provide procedural due process.

Local election officials then must have the opportunity, at some stage, for confrontation and cross-examination of witnesses and presentation of evidence.

Such opportunity is not afforded them when applicants appear before the referee.

Local election officials are permitted, however, to a limited extent to contest the referee's findings at the time of review of his determinations by the judge.

But at no stage of the proceedings are local election officials permitted to explore the applicant's literacy and understanding of other subjects beyond the transcript of the referee proceedings, which local officials are not permitted to attend. Yet the literacy and understanding of those seeking registration is often the very heart of the controversy.

Mr. Chairman, the very least this Congress can do in the field of civil rights is to provide protection for the franchise—the most basic of requirements of a democratic society. This privilege must be secured by the enactment of safeguards which are at once effective and constitutionally permissible.

The Attorney General's proposal for the establishment of Federal referees fully meets neither of these tests.

The proposal of Senator HENNINGS embodied in this amendment does meet these tests. It provides for conduct of registration process by administrative officers, the manner in which registration has always been handled in the United States. It provides for thorough judicial review of the enrollment officers determinations with all of the safeguards of procedural due process. This review which is in no way limited or confined will take place, in the customary manner, after new registrants have been permitted to cast their ballot in the election contests.

Mr. Chairman, I therefore urge this Congress to face up to its responsibilities to our Negro citizens by protecting their right to vote in fact as well as in form by adopting the amendment offered by the gentleman from Wisconsin.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. I yield.

Mr. BARRETT. Mr. Chairman, on September 22, 1862, the Emancipation Proclamation was issued by President Lincoln freeing all slaves, and there was great rejoicing all the way from the Delaware to the Rio Grande. It was apparent the issue that birthed the Civil War had been settled and at last the Negro race would claim its inherited rights to life, liberty, and the pursuit of happiness.

It is, indeed, a pity we do not have in this present-day world more men with the foresight and understanding of Mr. Lincoln. It is regrettable that our colored citizens today are not allowed to vote or permitted to go to schools of their choice.

Mr. Chairman, for the past 2 weeks a nationwide spotlight has been focused on the Congress during its deliberation of civil rights bills in both the Senate and the House, and, I regret to say, little has been accomplished. Every attempt has been made to water down the original bills, and it looks as though ineffective legislation which will do nothing for our colored citizens will be presented to the President.

The Civil Rights Act of 1959, H.R. 8601, will have my full support merely because it is apparent it will be the only piece of legislation scheduled for a vote this session of the Congress; and unless the original provisions are restored, the true purpose of the act will be destroyed.

Mr. Chairman, H.R. 8601, as originally introduced, would provide a workable program and would forge another link in the chain of rights for the colored people. It would elevate them one step higher in their quest to become first-class citizens, entitled to all the privileges the majority of us enjoy today.

Is it not a fact that we were all created equal in the sight of God? Are we not a Christian nation? Then let us not forget our duty to God and to our fellow man. Let us destroy bigotry and prejudice and strengthen the framework of our society and our Constitution.

Mr. KASEM. Mr. Chairman, I move to strike out the last word.

Mr. SANTANGELO. Mr. Chairman, will the gentleman yield?

Mr. KASEM. I yield.

Mr. SANTANGELO. Mr. Chairman, I wish to associate myself with the remarks made by the gentleman from Michigan [Mr. O'HARA] and the gentleman from Wisconsin [Mr. KASTENMEIER]. Of all the amendments that have been proposed on this very technical and complicated subject, this is one which, in my opinion, would be the most effective, which may be the very reason, perhaps, why some of the opponents of civil rights might not wish to vote for it. This amendment preserves the constitutional guarantees which are implied and, perhaps, inherent in the other amendments as to which, however, questions of constitutionality have been raised. But, this is an amendment which will be effective not only in protecting the rights of a person who is denied the right to vote, but also in protecting those States which feel their local power is being encroached upon.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. KASEM. I yield.

Mr. WOLF. Mr. Chairman, I rise to support the excellent statements of the gentleman from Wisconsin [Mr. KASTENMEIER].

The diligent and aggressive efforts of this outstanding Congressman have contributed greatly to our understanding of this civil rights legislation. I hope the proposal of my friend, the gentleman from Wisconsin, is adopted.

With his excellent discussion it becomes eminently clear to me that herein lies the best approach to securing voting rights for all American citizens.

It is significant to note that no question of constitutionality has been raised to the Kastenmeier amendment.

I wish to congratulate the gentleman from Michigan [Mr. O'HARA] as well, for his assistance in preparing this perfecting amendment. I hope that all Members will vote for this amendment.

Mr. KASEM. Mr. Chairman, I feel that we should review for a moment the history of this legislation. The President sent to the Committee on the Judiciary an excellent bill, which contained a title III which vested in the Attorney General of the United States, the proper officer under the Constitution, the right and the power to move to protect the right of American citizens who are being denied their right to vote.

During our deliberations a message was received from us by the President to the effect that this was a matter for education and persuasion, and no more effective cue could have been given to the party of Abraham Lincoln to join forces with Dixieland to defeat the most effective proposal yet offered to protect the right of our Negro citizens to vote. Title III vested in the Attorney General the power to act on the petition of a person who was being deprived of the right. When that was gone the bill was gutted. Now the administration comes back with a proposal, the so-called referee plan, sometimes called Rogers No. 2. I cannot for the life of me understand why our Representatives from the South opposed the referee plan, because it would freeze into the Federal system the inequities that presently exist in the States. Here is a bill that would have a southern judge, under all of the southern pressures, appoint a southern referee to pass upon the problem that we have in the South. I am going to vote for it on the basis that it is better than nothing, although there is serious doubt in my mind if it is better than nothing. It may be better to keep a clean slate; we may sooner have some legislation to protect the rights.

We have before us a most moderate and intelligent proposal to effect this legislation. The Republicans, it is very obvious, are in control. The Democratic Party is split right down the middle on civil rights. What will be passed in this area will be what the Republicans want passed, and what will not be passed will be what the Republicans do not want passed. I appeal to our Republican colleagues to do something of an effective nature, something beyond the anemic proposal that was inspired by an anemic administration on behalf of our Negro citizens in the South.

Mr. Chairman, this speech is obviously for the purpose of fixing responsibility in this legislation. I think I have done that. I, therefore, yield back the remainder of my time.

Mr. DAVIS of Georgia. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DAVIS of Georgia. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, the clamor for this racial, sectional legislation comes from the North, the East, and the West. These areas have throughout the years dodged their responsibility to care for their proportionate share of the Negro population of this country. They have evaded their moral duty to take their fair share of the Negroes in this country and provide them with education, homes, and jobs. They have been slackers in the past in this respect. They are slackers now in this respect.

They have been quick to point the finger of criticism at our section of the country which has been carrying this burden—our own and theirs. All the while they have disavowed any responsibility on their own part. Their greatest contribution to the problem has been one of faultfinding.

The people in New York, Pennsylvania, Illinois, and Michigan are as segregationminded as the people in Georgia, Alabama, Mississippi, or Louisiana, and they are far more hypocritical.

During the general debate on yesterday there was a colloquy between the gentleman from Mississippi [Mr. WILLIAMS] and the gentleman from Pennsylvania [Mr. FULTON]. The gentleman from Pennsylvania disclaimed any unwillingness on his part to welcome Negro migration from the South into the Pittsburgh area. I would not dispute that the gentleman from Pennsylvania properly represented his own attitude in the matter.

I do know, however, that an Associated Press article on last October 29, datelined from Philadelphia, contained this statement:

> Harold E. Stassen says that if he is elected mayor of Philadelphia he will stop an alleged heavy migration flow of Negroes from the South to this city.

The article quoted Stassen as making this statement in a campaign speech:

> The policies springing from this concept during the past years have already caused serious damage to all the people of our great city and if continued for the next 4 years, will lead to tragic results for all the people of both races in Philadelphia and adjacent counties.

There was a former Governor of one of the Northern States, a man who also has held high office in the Federal Government under Republican administration, publicly advocating official action to prevent Negroes moving from the South into Philadelphia and adjacent counties. I shall ask permission at the proper time to insert the entire article in the RECORD as a part of these remarks. The article appeared in the Greensboro, N.C., Daily News, Friday morning, October 30, 1959, and is as follows:

> STASSEN PROMISES CURB ON NEGRO MIGRATION
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> PHILADELPHIA, October 29.—Harold E. Stassen says that if he is elected mayor of Philadelphia he will stop an alleged heavy migration flow of Negroes from the South to this city.
>
> The Republican candidate said tonight Democratic Mayor Richardson Dilworth had declared "the only relief for southern poverty is northern migration."
>
> Stassen, in a debate with Dilworth who is seeking reelection, said:
>
> "The policies springing from this concept during the past years have already caused serious damage to all the people of our great city and if continued for the next 4 years will lead to tragic results for all the people of both races in Philadelphia and adjacent counties."

Yet, if Stassen were a Member of the House or the Senate today, he would be here clamoring as loudly as possible for this civil rights legislation. This is what I mean when I say the people from the North, the East, and the West have evaded their responsibility and have failed in their moral duty to carry their share of this burden.

This is not an isolated instance. Just 1 year ago, in March 1959, in Detroit, Mich., white policemen were assigned to ride with Negro policemen in squad cars. The white policemen immediately started a slowdown strike as a means of registering their protest. These strikers against integration were policemen, presumed law-abiding citizens, and indeed law enforcers.

In 1956, the U.S. News & World Report quoted a Detroit Negro newspaper as saying:

> Detroit seems to be rapidly returning to its old pattern of a few years ago, when we lived from crisis to crisis. * * * In the last 2 years there has been an unmistakable resurgence in organized resistance to Negroes based upon color prejudice.

In the nearby city of Dearborn, Mich., the mayor boasted that no Negroes were permitted in that city. A newspaper reporter quoted him as saying:

They can't get in here. We watch it. Every time we hear of a Negro moving in—for instance, we had one last year—We respond quicker than you do to a fire. That's generally known. It is known among the Negroes here.

The reporter asked if the NAACP ever called upon him, and he was quoted as answering:

No, we'd chase 'em to hell out of town.

He was also quoted as saying:

The politicians have made the race question a football. It's hot up here, but we've taken an open stand in our community. Detroit hasn't done it; they're in a helluva mess. We are for complete segregation, no ifs, ands, or buts about it. That is my position, and I tell the Negroes the same thing.

In Ohio, the Executive Director of an organization known as the Council To Aid Migrant Workers in Cleveland wrote a letter to an Alabama Negro school teacher advising him to urge his pupils to stay in the South instead of coming North. He was reported as having said that:

The exodus North of southern Negroes has hurt the battle of Negroes to obtain first-class citizenship.

I do not know which member of the "holier than thou" Illinois delegation represents the city of Deerfield, Ill. But, within recent months the city of Deerfield has been taking some very definite and positive steps against immigration of Negroes and integrated housing. A residential subdivision developer let it be known that he was planning an integrated housing subdivision. Loud protests were made by the Deerfield citizens. They went so far as to vote a bond issue to buy the tract of land from the developer and make a public park out of it. The developer objected to selling the tract, and the newspapers quoted the Deerfield people as responding to that with a statement that the land would be condemned under eminent domain proceedings, would be purchased by the city and turned into a park.

In another place in Illinois, a little town called Colp, the public school was ordered integrated, and the white people of the community boycotted the school and sent their children to all-white schools in neighboring towns. This was reported in the Wall Street Journal of October 15, 1958, which reported the incident with the following comment:

Colp's story points up the fact school integration disputes are not limited to States south of the Mason-Dixon line.

The National Association for the Advancement of Colored People is authority for the statement that 31 percent of all the elementary pupils in Chicago attend schools that are predominantly of one race; that of 355 elementary schools listed in the 1956 school directory, 32 of them, or 9 percent, are mixed racially; 250 of them or 70 percent are predominately white—that is, containing 90 percent or more white pupils—that 73 of them or 21 percent are predominately Negro—that is, 90 percent or more Negro pupils. They further state that the 14,673 Negro pupils in the 32 mixed schools constituted 12 percent of the estimated total number—117,582—of Negro public elementary school pupils. The estimate further stated that 1,002, or less than 1 percent of the total Negro pupils, were in predominately white schools, and that 87 percent of the Negro elementary school children were in predominately Negro schools in the spring of 1957.

A very similar condition prevails in New York City.

With reference to residential construction, in Levittown, Pa., not so long ago there were loud and noisy demonstrations for several days against a family of Negroes moving into that all-white area. The demonstrators went so far there as to attack a policeman who had been guarding the Negro family and knock him unconscious with a rock.

We are all familiar with the story of the court in Ohio, which not so long ago, ordered a Negro woman and her large family of minor children returned to her home in Alabama, although she cried and protested she did not want to return to Alabama but wanted to live in Ohio. While people in Pennsylvania, Illinois, Ohio, and other northern and eastern jurisdictions are building walls around themselves and their towns to keep Negroes out, we have been and are now taking care of them in the South. In contrast to the North and other sections of the country the South has lived with the racial problem for years, and knows how to deal with it. Just recently, Dr. John Hannah, Chairman of the U.S. Civil Rights Commission, which was investigating housing in Atlanta, said:

The Negro housing situation in Atlanta is better than in the North, and more progress is being made to improve it.

Dr. Hannah was quoted by the Atlanta Journal in April last year as saying, "There is very serious discrimination in housing" in his home State of Michigan. He stated, "What has been described here—in Atlanta—is definitely better than what we have in northern cities."

We are not only providing housing for Negroes in Atlanta and in Georgia and the South. We have been and are providing them, almost wholly at the expense of white people, first-class, excellent educational facilities. I live in De Kalb County, Ga., a county whose population now is about 240,000 people. It was 136,000 in 1950. In 1950 I requested the superintendent of county schools in my home county to give me figures from his school records regarding the number of Negro children in the county public school system and the cost of operating those schools, and by whom that cost was paid. These facts were that we had 2,042 Negro children in the county public school system; that the county spent $85.33 per pupil on white and colored alike—not including the State contribution—which amounted to $174,242.86, the county paid toward the education of these children.

His information further showed that Negro property owners in DeKalb County paid school tax upon 1,348 parcels of real estate, total evaluation, $357,320, net evaluation after deducting the homestead exemptions, $77,600. Negro property owners paid taxes upon 842 items of personal property, gross evaluation $79,500, net evaluation after homestead exemption, $50,750. The Negro property owners thus paid school tax upon $128,350 of taxable property. The total amount of school taxes paid by those property owning Negroes was $1,925.35. The county operated 4 Negro school buses to haul Negro school children to the county public schools at an expense of $2,000 each or a total expense for school buses of $8,000. So the total school taxes paid by the Negroes of DeKalb County into the county school system was actually not enough to pay the expenses of one school bus to haul their children to the schoolhouse. The $1,925.35 school tax paid by them would have provided less than $1 per pupil for the 2,042 Negro children who attended the county public schools.

Again in 1956 I asked the county school superintendent for the same information. In that year, the State of Georgia paid $92.35 per pupil for operating purposes and DeKalb County paid $51.70 per pupil, making a total of $144.05 per pupil. Of the $51.70 county payment the Negro taxpayer paid $1.93 per pupil, the white taxpayer paid $49.77 per pupil. In a 6-year period the DeKalb County Board of Education spent $1,377,223.28 rehousing Negro children and purchasing school equipment for them. That represented $517.95 per Negro pupil in capital outlay. In one day DeKalb County dedicated 13 new school buildings; 8 of them were for white children and 5 were for Negro children. At this time all the Negro children in our county are in new school classrooms. All Negro schools meet full standards for accreditation; in a check recently made I was advised that 17 percent of the Negro teachers hold master's degrees, 75 percent hold A.B. or B.S. degrees, and only 8 percent of them had less than 4 years of college. No Negro teacher with less than a B.S. degree has been employed in the last 6 years.

The city of Atlanta is in my congressional district. I just yesterday obtained from the assistant deputy vice chairman of the Fulton County Board of Tax Assessors information as to the cost of educating Negro children there. In 1959 white property owners in Fulton County paid for school taxes $16,131,763. Negro property owners paid $769,422 school taxes. Of these school taxes, the white property owners paid 95.45 percent and the Negro property owners paid 4.05 percent. In the city of Atlanta schools in 1958 there were 61,137 white pupils and 37,951 Negro pupils. In 1959 there were 61,412 white pupils and 40,625 Negro pupils. These figures show you how we are successfully, efficiently, and uncomplainingly carrying the burden of caring for the Negroes in the South—carrying not only our part of the burden, but the part which should be carried by those people in Michigan, Illinois, Pennsylvania, and Ohio who are building walls to keep the Negroes out and who are sending them back South after they have traveled from the South to this so-called promised land in the North.

So far as voting is concerned, I want to give you some figures on that. On Saturday, March 12, the registration books were closed for our next Democratic Party primary. At the time of closing there were 102,997 white persons registered in Fulton County and 33,284 Negroes registered. In proportion to the number of white residents and Negro residents in Fulton County, this is a very favorable showing of registered voters for Negro citizens. No obstacles are placed in the way of Negroes registering in my congressional district. They register as freely as white persons, and they vote the same way.

I give you these figures, which are subject to check by anyone who wishes to check them, and they demonstrate that there is no need for Federal legislation to protect the Negroes in my district in the area of education, housing, or voting. We are doing a far better job than the meddlers and the busybodies in the other areas of the country who have been shirking their own responsibility in this respect, and we are doing it with far less friction and ill feeling.

Mr. ROOSEVELT. Mr. Chairman, I move to strike out the requisite number of words, and I ask unanimous consent to proceed for an additional 3 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. QUIGLEY. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from Pennsylvania.

Mr. QUIGLEY. Mr. Chairman, I would like to make this observation apropos of the remarks of the gentleman from Georgia and in fairness to the people of the great city of Philadelphia, I think that the record should show that Mr. Stassen went down to the worst political defeat in the entire history of that city.

Mr. ROOSEVELT. Mr. Chairman, the very distinguished gentleman from Virginia [Mr. SMITH], my good friend, remarked yesterday that the gentleman from California was able to note a boobytrap when he saw one. I would just like to say today I have to bow my head in acknowledgement to the gentleman from Virginia because I think he, too, has taught me something about boobytraps.

Mr. Chairman, the rule under which this bill is being considered was ostensibly, to most of us, supposed to be an open rule. It was a rule which covered a good many subjects. By specific provision it was open to a voting rights rule, but we discovered somewhat to our dismay slightly later that other subject matters which had been included in the President's recommendation to this body on civil rights were not to be a part of this bill and in spite of the fact that the bill's title specifically says that it is to be for the protection of constitutional rights, we have found out that under the rule before us these were not germane to the bill. So, I hope that my colleagues and the rest of us will learn too, that a boobytrap must be looked at very carefully and we will look at all rules with the greatest of care in the future.

Mr. Chairman, I rise particularly in support of the amendment offered by the gentleman from Wisconsin because I feel that it overcomes some of the deficiencies of the proposal offered by the gentleman from Ohio [Mr. MCCULLOCH]. I am not, of course, going to vote against the provision offered by the gentleman from Ohio if we should fail in this effort because, as has been said, half a loaf may be better than no loaf. However, it certainly is the duty of every Member of this body to try to improve and better the legislation before us. And, there can be no question that in the amendment offered by the gentleman from Wisconsin, which is largely the Hennings amendment proposed by a Member of the other body, for the first time we definitely do have the executive branch doing the job that it ought to do, and not leave it entirely to the judiciary. I think also that there can be no question that it eliminates a long harassment which would have to be faced by any voter under the McCulloch bill who took advantage of it to try to protect his own individual rights. If I may also say, it seems to me that one of the things that it does is very clearly to bring to all of these voters initially the protection which is needed and not to try to spell it out piecemeal, as I am afraid the eventual record will show will be required under the substitute proposed by the gentleman from Ohio.

On top of that I think also that we must recognize that the individual moving under the substitute offered by the gentleman from Ohio is going to be subject to that economic harassment which has been the bane of the existence of so much of the effort of individual Negroes in the South to obtain their full civil rights stature. I am only sorry that we have not been able to devise a better way under the administration plan that is now offered.

I would also say to my good friend, the gentleman from Louisiana [Mr. WILLIS], that I think he will find in our proposal some of the answers to the constitutional questions that he raised before, because we do, what I was trying to say a bit earlier, specifically say that these findings must be made toward specifically the prevention of registration because of race or color, and if the various acts which are used tend toward that specific thing, then they will be acted upon by the President or they will be acted upon by the Civil Rights Commission as is suggested in this part of the bill.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from Louisiana.

Mr. WILLIS. Where does that language occur? Unfortunately I cannot put my finger on it.

Mr. ROOSEVELT. I will try to dig it out, and if I do not do it in my time, I will ask for a few minutes later to read it to you.

Lastly, Mr. Chairman, may I simply say that sometimes we are told, as we were a few minutes ago, that it is just the North or the East or the West that is interested in bringing civil rights to all American citizens. So, I would like to read you these words:

Whatever the laws may say, however lofty may be their sentiments, a man without a vote is a man without protection. He is virtually helpless, dependent upon the charitable impulses of others. But, a man with a vote immediately acquires status as every one of my colleagues is well aware.

He has his destiny in his own hands and he can do far more to help himself than others can do to help him. A man with a vote also does something else. He strengthens the unity of America.

Those words are the words of a gentleman from Texas. Those words, I believe, are patriotic words. And in supporting this bill and particularly the provision of the gentleman from Wisconsin I join with those words. This is not a sectional matter. It is a matter for our country that all citizens everywhere may have the right to vote.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I am happy to yield to the gentleman from Indiana.

Mr. HALLECK. The gentleman said, if I understood him, that he would support the McCulloch substitute. As I said before, I am supporting the McCulloch substitute. I should like to say to the gentleman that he might find himself in a parliamentary situation here where he may not have anything when we get through.

Mr. ROOSEVELT. I think, if the amendment which we are supporting is adopted, we would have that to support, and I presume then, if we had that, the gentleman from Indiana would support that, too, in order to get an effective bill.

Mr. HALLECK. I want to say to the gentleman very honestly that I have not had an opportunity to examine it and I would not commit myself to support it. It has just been brought in here. The gentleman said that somebody on the other side introduced the bill. No one has had a chance to look at it. I have not had a chance to look at it. It seems to provide for Federal registrars and about that there has been great concern. So I would not want the gentleman to put me in the position of committing myself to vote for this.

Mr. ROOSEVELT. The gentleman is putting me in that position, to vote for his amendment; the latest one only came out this morning. So I do not think he has the right to criticize me on those grounds.

Mr. HALLECK. If the gentleman will yield further, he volunteered the statement that he would support the McCulloch substitute.

Mr. ROOSEVELT. Only if the amendment of the gentleman from Wisconsin is defeated. But I would certainly hate to believe that the gentleman or anybody on his side would not fail to support the bill if the amendment of the gentleman from Wisconsin is adopted.

Mr. CELLER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I hope that those who favor the Kastenmeier proposal will, if

their amendment fails, vote for the McCulloch substitute. Procrastination and harassment will undoubtedly accompany any proposal. As to which proposal is the better one is quite debatable. I do hope, however, that those who favor the Hennings proposal, as I indicated before, will cast their vote for the McCulloch substitute in the event the Hennings proposal fails.

Mr. McCULLOCH. Mr. Chairman, I rise in opposition to the proposal offered by my colleague on the Judiciary Committee, the gentleman from Wisconsin [Mr. KASTENMEIER]. If he has not already said so in his remarks I think it has been said by others that this is the voting registrars bill. While I do not like the word "carpetbagger," if there is any legislation before the Congress which would provide for carpetbaggers, this is the one that would do it.

I have the proposal before me and, in effect, it would either give permanent life to the Civil Rights Commission or would authorize the President to name a new agency or commission which would have permanent status.

Furthermore, each of the people who would be charged with seeing that people who in the past had been denied the right to vote by reason of race or color would have relief from people appointed by the executive department of the Government. I am sure that every lawyer in this Committee well knows that the judiciary keeps a strong watch over its appointees and few, if any of them, go far astray. Why should registrars be Federal employees? What is to fear from court referees?

The proposal by my distinguished colleague would not be nearly as effective and would have few of the safeguards provided by the substitute which I offered on yesterday. I hope the proposal is rejected.

Mr. RIVERS of South Carolina. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am going to take about as much time as my influence will be felt here today.

We are witnessing the gambling for the raiment of the crucified body of the South. These fellows on my left and on my right have decided they have the votes. What do they care about the Constitution? They have the votes. It is a cheap and hypocritical bid for the votes to the left and for the Negro votes of the vastly populated areas of the East, the Far West, and the Mid-northwest.

But let me remind some of these people who are shedding crocodile tears about discrimination of this: You remember how the subcommittee was convened to write the original heart of this bill. The only southerner on that committee came out of southern New Jersey. Out of the nine members on the Judiciary Committee from the South not one was selected from south of the Mason-Dixon Line. Out of the two Republicans on that committee from the South not one was selected. The only qualification anybody needed to serve on that subcommittee was to come from north of the Mason-Dixon line. They have unanimity in mind and body from the cradle to the grave. They are against us. They did not want any of us. That subcommittee could have passed any bill from the suspending of the writ of habeas corpus to the quartering of soldiers in every congressional district in the South if it cost a billion dollars a soldier.

The votes were what they were interested in, not the right of a southern Negro to vote but the right to get his vote in the North, have it counted, and get elected in this election here. That is all there is to it. But let me remind you that you may wake up, some of you from the other areas, and find yourselves in the minority some of these days. You are hanging and trying in absentia the Democratic Party as we know it. One of these days, to the glee of these people on my left, you may find yourselves in the minority. I would not shed any crocodile tears because we in the South would be in the position of holding the balance of power. We have the brains, do not misunderstand me, we just do not have the votes, and brains are not worth anything in this Congress if you do not have the votes to back them up. I see that here today. When the vote comes I will be like the rest of you, only there will not be enough of me but there will be of you.

Mr. Chairman, the distinguished chairman of the Judiciary Committee, in his frantic effort to saddle the South with this monstrous so-called civil rights bill, demonstrated his feelings for the people of the South when he referred to us on Sunday as cattle. This is somewhat surprising, Mr. Chairman, that the able gentleman from New York would stoop to invective in his headlong program to write legislation demanded by the NAACP and other leftwing organizations. When one has a case, he does not have to resort to diatribe and insults by labeling his opponents as animals. Everybody knows that those who wrote the so-called civil rights bill had no interest other than political gain. This is a political bill and nothing else. The civil rights bill actually is designed to protect all the rights of the sponsors to reelection and the only voting rights its sponsors really want to protect are their own rights to enough votes to get reelected.

This recurs in every election year just as positively as the night follows the day. When it was not civil rights bills that the gentleman from New York sponsored in years gone by, it was antipoll tax, antilynching, and everything against the South generally or specifically. This has become a contest between the so-called Democrats of the North and the Republicans to see who can go to the conventions in July to win the political contest of the NAACP. The chairman has talked about discrimination against the rights of others to vote, work, and so on, and so on, and so on. He understands discrimination well. When he appointed a subcommittee to handle this matter, he selected not one southerner despite the fact that we have two Republicans on that committee from the South and nine Democrats. To be sure, every southerner on the committee cannot be unfair, unreasonable. The southern side of this coin was never looked at in the Celler subcommittee on civil rights. On this committee we have CHELF of Kentucky, WILLIS of Louisiana, FORRESTER of Georgia, BROOKS of Texas, TUCK of Virginia, ASHMORE of South Carolina, DOWDY of Texas, WHITENER of North Carolina, and LOSER of Tennessee. Not one of these gentlemen served on the Celler subcommittee this year or in 1957 when the original so-called civil rights bill was considered. The chairman was certain that there was no difference of opinion in this committee as to what kind of antisouthern bill would come to the attention of the Committee on the Judiciary. He did not want the record cluttered up with disagreement. Unanimity was there from the cradle to the grave.

Mr. Chairman, that committee could have reported out any kind of bill it pleased from the suspension of habeas corpus to the occupation of every State south of the Mason-Dixon line with the U.S. Army. This type of leadership, Mr. Chairman, is doing more harm to our national welfare and unanimity than any imaginable thing could do. It is destroying the Democratic Party and destroying our way of life. This is Hitlerism in reverse. Adolf Hitler said:

> All effective propaganda has to limit itself only to a very few points and to use them like slogans until even the very last man is able to imagine what is intended by such a word.

The pattern is the same—perpetuate the big lie and use it over and over and over again. Such is the lie about denial of the right of people to vote only in the South and the ridiculous expression first-class citizens and referring to the colored people as second-class citizens in the South. I say to you a first-class citizen is not born by legislation. A first-class citizen is one who earns this reputation. This was created by the NAACP. They deliberately want to confuse citizenship with social privilege. In his book, "The Case for the South," William D. Workman, Jr., of South Carolina, makes this very compelling observation:

> Citizenship is a conditional, not an absolute, right. It comes unasked as a blessing to those fortunate enough to be born in the United States, and to certain others under varying conditions, so there is no real credit attached to becoming or being an American citizen. It generally stems from the accident of birth. But even so, the right of citizenship can be forfeited, or abridged, by misconduct in any of a number of ways, and therein may lie some basis for distinction between "first-class" and "second-class" citizens.
>
> First-class citizenship demands more than the simple payment of taxes and the rendering of obligatory military or civil service as the need arises. It demands a fulfillment of society's unwritten as well as its written responsibilities. It involves a civic consciousness which contributes to community welfare, a code of personal and family conduct which meets the standard of decency and self-respect, and a willingness to participate in as well as partake of the benefits of the social organization.

Where on earth has a colored person been accorded more first-class citizenship than in Washington, D.C.? What

do the statistics prove as to the manner and way he is conducting himself as a first-class citizen? What do the records show in crime of every category known to man? What do the records show on the integrated schools in the District of Columbia? I say to you Mr. Chairman, legislation will not change this animus in the minds of those who are not prepared for this so-called first class legislated citizenship.

A few years ago a distinguished jurist from Philadelphia by the name of Herbert E. Millen, a one-time official of the NAACP, spoke in my city of Charleston, S.C. He said:

> My people contribute all out of proportion to their numerical ratio to the crime statistics of Philadelphia. Some 90 percent of the assault and battery cases are Negroes. If I receive 42 or 43 cases of unwed mothers in the 12- to 14-year bracket, usually 39 or 40 of them are Negroes. Is this because we have lost our sense of moral standards? Are these children naturally immoral? I think not. It is due to a lack of attention by the parents.

Compare the Negro with the Japanese-American. To again quote from Mr. Workman's book:

> Japanese Americans, it is found, want to solve their problems in their own way—through hard work, education and high moral standards, more than by court action or publicity. Already their educational median is higher than that of Los Angeles County as a whole, and their income is considerably above that of the other minorities. As a result, many Anglo whites of Los Angeles voice a growing respect for Japanese-Americans—respect that means growing acceptance. And Mexican-Americans are heard to cite the Japanese-American community as an example that their own people should emulate.

Who demonstrated more love of America and pride in their citizenship in the battle for Italy in World War II? The 92d Division, which was all colored, or the Nisei Division, which was all Japanese? Never in the annals of American military history has a greater debacle occurred than did with the 92d Division. Never in the annals of military history was greater valor and heroism shown than by the Japanese-American Division, known as the Division of the Purple Heart or the "Go for Broke" Division, with more casualties per capita than any division we had in that last great conflict. From those ranks we have today a Member of this body. What do you think goes on in his mind when he hears of this talk about first-class citizen, and priority in everything, and legislation on this floor on prior consideration in Government jobs, and now, under the guise of so-called right to vote, a monstrous proposal such as this before us at this very moment? It is a sad commentary on what has happened to America.

Mr. Chairman, there is no such thing as a right to vote. It is a right to qualify and have one's vote counted. This has happened in my State ever since I was born. We do not have discrimination against a person and his right to vote in my State. We do not have discrimination against opportunity in my State. Unlike New York, New Jersey, and New England, we hire more colored teachers than that entire area combined. The speaker of the House of Representatives of South Carolina is a Jew and he has held this job longer than anybody in the history of our State. Anybody who wants to be a good citizen can get ahead in my State. We are the last bastion of States rights and States sovereignty. We are the last bulwark against centralized government. When we are gone the Democratic Party is gone and the hope for a Democratic Congress and a Democratic President. In this election year the other side of the coin which we are considering today is, "Where will the South be in 1960?" The Democrats of the North could well wake up and find themselves a minority party in the next Congress and in the next election. We just do not plan to take your insults any longer from a position of defense. From now on, we plan to give you a dose of your own medicine and see how well those who have been giving this prescription of arsenic can stand a similar dose of hemlock.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the Kastenmeier proposal end in 20 minutes.

Mr. DINGELL. I object, Mr. Chairman.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the Kastenmeier proposal end in 25 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. DINGELL] for 3 minutes.

Mr. DINGELL. Mr. Chairman, I favor the amendment offered by the gentleman from Wisconsin. I would point out to my colleagues certain of the defects which are inherent in the proposal offered by the gentleman from Ohio [Mr. MCCULLOCH].

I would first point out that the debate here today has shown rather conclusively that the provisions of rule 53(b) for the appointment of referees or special masters, make available this kind of remedy in the extraordinary situation where large numbers of citizens are deprived of the right to vote because of race or color.

In effect we are doing by statute what can already be done under the Federal rules.

But, I would point out, that if after all this work, and if after all of the difficulty of bringing a proposal to the floor of the Congress for a vote to authorize citizens to exercise the prerogatives and the rights guaranteed to them by the Constitution, we were to pass anything less than a good bill and if the future were to reveal that we had passed less than a good bill, then this Congress would be subject to the most justifiable and proper and harsh criticism. Let me point out the provisions of the McCulloch amendment permit opportunity to delay a citizen in the securing of his right to vote for upwards of 6 years. I make that statement advisedly—a delay of 6 years or more may well not be unusual.

First of all, the individual must seek to register. This will require time and involve harassment, pressure, intimidation, and difficulty of social, political, and economic nature.

Then the applicant must seek his relief and go, first, to the Federal court. There may then be an appeal right on up to the Supreme Court. That would take a period of, perhaps, 3 years or more. The matter then goes back down for determination and procedure before the special master or referee. Again there is a long period of delay, perhaps, a year with opportunities again for more appeals and, perhaps, all the way up to the Supreme Court.

Note that the strong structures against the citizen continue and compound at each step and increase with the delay. After this has taken place, the citizen finds that he must then go and again seek to register. That involves more delay; and again considerable opportunity for harassment, embarassment, and danger. We are literally imposing upon the voting applicant the duty, Mr. Chairman, to run the gauntlet of opprobrium and of political, economic and social pressure in the community in which he seeks to vote for a long time and with little hope of immediate relief.

Mr. Chairman, last of all, after this whole proceeding has taken place, there is again the possibility of a judicial review. No one knows how many of national elections will pass before the citizen gets to vote, if ever. I would point out that the proposal offered by the gentleman from Wisconsin [Mr. KASTENMEIER] avoids and obviates all these difficulties. It postpones, as is done under present law in almost every State, the judicial review of any portion of the proceedings until after the election is concluded, but a complete and full review of the matter then takes place. The citizen may have his vote counted subject to a full review and subject to every legitimate and proper challenge and to all requirements of substantive and procedural due process.

I would point out that there are no constitutional objections in the Kastenmeier proposal of the type that have been raised against the McCulloch amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Chairman, I rise in support of the amendment of the gentleman from Wisconsin.

I do so because it goes directly to the core of what is needed in a meaningful civil rights bill.

To be blunt spoken, I mean a civil rights bill with guts in it—guts to open voting booths to the millions of Negroes to whom these voting booths have been effectively closed for years.

The right of all citizens to cast a meaningful vote is the cornerstone of a democratic government. Securing this right for millions who are now denied it is what this civil rights bill is all about.

Citizens without the right to vote are citizens without protection, citizens dependent upon the benevolence of a dictator or autocratic majority.

To some extent, they are citizens in name only.

In 1776 the American colonists declared their independence because, among other things, they did not have the right to vote. "Taxation without representation" was the way they expressed the grievance. And in declaring their independence, the colonists gave the world a new concept of civil rights when they declared "all men are created equal, that they are endowed by their Creator with certain unalienable rights."

A large part of our development as a Constitutional Republic since then, however, has been devoted to the struggle to close the gap between the lofty declaration of principle and the lower plateau of civil rights in actual practice.

For example, 80 years after the Declaration of Independence, Lincoln was to write to his friend Joshua Speed,

> As a Nation, we began by declaring "all men are created equal." We now practically read it "all men are created equal, except Negroes." When the know-nothings get control, it will read "all men are created equal, except Negroes, and foreigners, and Catholics." When it comes to this I should prefer emigrating to some country where they make no pretence of loving liberty—to Russia, for instance, where despotism can be taken pure, and without the base alloy of hypocracy.

Despite the eerie, prophetic quality about Lincoln's words of the 1850's when read in today's world, we have, on balance in our history, been going forward in civil rights. Although sometimes we appear to take three steps forward only to fall back two.

The distance between the lofty heights of asserted principle and the lower level of civil rights in practice has been shortened a step at a time and each step stands out as a noteworthy plateau.

The 14th or due process of law amendment ratified in 1868. The 15th amendment ratified in 1870 affirming the Negro's right to vote and giving Congress the power to enforce and protect this right were milestone advances.

As the Supreme Court said in 1879 (*Ex parte Virginia* (100 U.S. 339, 334)):

> One great purpose of these amendments was to raise the colored race from that condition of inferiority and servitude in which most of them had previously stood into perfect equality of civil rights with all other persons within the jurisdiction of the States.

Legalistic devices, economic pressures, and even threats of violence, however, have made a mockery of the lofty ideals of the 15th amendment. The idealism which Lincoln brought to his country and to his party died shortly after his death.

We had to wait 80 years for the next step forward in civil rights for the Negro. This came when a Democratic Congress enacted the civil rights bill of 1957. There were many at the time who thought this bill a mild, inconsequential statute, but it gave us the Civil Rights Commission which is largely responsible for the seriousness of our debate today.

For civil rights legislation in 1960 was again expected to be bland indeed until the Civil Rights Commission's proposal for voting registrars concept caught fire in the minds of liberals across the country.

Since then we have had the Attorney General's proposal for court-appointed referees. Now we debate whether to accept one or the other or any number of compromises embodying some of the points of each approach.

Mr. Chairman, let me make it abundantly clear that if the choice is between the referee plan or no plan, I am strongly in favor of the referee plan.

However, I very strongly support substituting the proposal of Senator HENNINGS which combines the best of the referee plan and the registrar plan.

I do so because I want to be sure that the American Negro receives from this legislation not only the right to go to the courts but, more directly, the right to go to the voting booths.

I have doubts that the referee plan will fully accomplish the objectives of the proponents of civil rights.

First, this plan probably could be put into effect under present law—under the provisions of section 1971 of the Civil Rights Act of 1957 and rule 53 of the Federal Rules of Civil Procedure. Thus, the referee plan is not the bold, imaginative step which is needed.

Second, the referee plan, with its reliance upon the judicial system, is better suited to bring the vote to individuals or isolated groups rather than to reverse the situation of the mass disenfranchisement which is so evident in many of our States. As a lawyer, I know that judicial proceedings inevitably lead to delay. Our already overburdened Federal courts will be swamped if the plan is used by large numbers of disenfranchised voters.

Third, the Attorney General's amendments to his original plan which are designed to prevent delay by providing for ex parte hearings may very well prove to be unconstitutional.

Fourth, the referee plan shields the executive branch of the Government from any responsibility for providing voting opportunities. For many years all three branches of Government avoided responsibility in the explosive field of civil rights. In 1954 the judicial branch took action in the school desegregation case. In 1957 the Congress took action by enacting the first Civil Rights Act.

With the possible exception of the tardy and awkward handling of matters in Little Rock, the executive branch has avoided even the responsibility of making a moral pronouncement upon the issue.

The registrar plan, or the enrollment officer plan, as Senator HENNINGS has modified it, brings all three branches of Government into the civil rights field.

As stated by Prof. Paul Freund of the Harvard Law School in a memorandum to Senator KENNEDY published on February 15, 1960:

> The Commission plan brings the President into the process of safeguarding the right to vote. The justice plan seems designed to shield the President from any such participation. As a corollary, the justice plan imposes on the Federal courts still further responsibilities. There is reason to believe that the Federal judges have been shouldering more than their fair share of responsibility in this general area and that in all fairness the executive branch should lend its weight to the discharge of this national responsibility.

I fully realize, Mr. Chairman, that there are many other members in both parties with a devotion to the fullest application of constitutional rights who favor the referee plan; and, despite my doubts, I recognize that it is a definite step forward.

I assure them that if the amendment to add the registrar plan is defeated I will vote for any one of these plans or any new compromise which will really effectuate the Negro's opportunity to register and vote. A provision opening the voting booths to millions of American Negroes to whom those voting booths are now closed constitutes the real guts of this civil rights bill. That is what the civil rights debate is all about.

This objective must not be wrecked by political partisanship. This objective is more important than the label applied to the proposal finally adopted. For we are now writing a vitally important chapter in our history of constitutional rights.

Let us write it well and overwhelmingly in the interest of all citizens and for our own respect and standing in the eyes of the rest of this country and the world.

The CHAIRMAN. The gentleman from Ohio [Mr. ASHLEY] is recognized.

Mr. ASHLEY. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Wisconsin, because I have serious reservations as to whether the referee plan advanced by my distinguished colleague from Ohio [Mr. MCCULLOCH] is the best means of achieving the goal which we have in common, that of bringing the right to vote to millions of American Negroes who are presently disfranchised. I say this because I am convinced that the referee plan is not only unworkable but because I fear it is unconstitutional as well. It has been said, Mr. Chairman, that the referee proposal is the least efficient, least speedy, least appealing, and the least systematic remedy that legal ingenuity could devise. Unfortunately, this statement may be true.

Consider the fact that in each instance where a referee is to be appointed a court would first have to find a pattern or practice of racial disfranchisement and that such finding could only be made after a trial in each case and after appeal to courts of appeal and to the Supreme Court.

What this means is that under the referee plan it is doubtful if there would be actual appointment of referees until some time after the 1962 elections. But the delay will not end here. Under the McCulloch proposal judicial referees do not pass on the voting qualifications of the Negro applicants, but instead refer the matter to the district court. This court must hear evidence and make findings and issue decrees, again with the possibility, if not certainty, of appeals in each individual case.

The amendment before us, Mr. Chairman, would correct not only the unworkability defect of the McCulloch proposal but the constitutional defect as well. It has been pointed out that one difference between the first Attorney General proposal offered by the gentleman from New York [Mr. LINDSAY], and the second, offered by the gentleman from Ohio [Mr. MCCULLOCH] is that a District Court under the McCulloch proposal is directed upon request by the Attorney General to make a finding with regard to the existence of a pattern or practice of disfranchisement.

Since such a finding is unnecessary and superfluous in order for the court to decide the case before it, there is every reason to suppose that this requirement runs counter to article III of the Constitution, which has been interpreted for more than 100 years to mean that Congress may not impose on courts an obligation to make a finding except where it relates directly to the case at hand.

The amendment offered by the gentleman from Wisconsin eliminates this constitutional stumbling block by eliminating any judicial finding of a "practice or pattern" of disfranchisement by reason of race or color. It also eliminates the ex parte proceedings under the referee plan—thus skirting the serious due process pitfall about which we have heard so much.

For these reasons, Mr. Chairman, I urge adoption of the amendment before the House.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I take the floor at this time in an effort to conciliate and make everybody happy, if I can. I suggest that the bill be amended to provide for referees, for registrars, and for enrollment officers. Apparently these people can be political employees; they can be anything. I see no qualifications for them in any of these bills. Why not just throw them all in and make everybody happy; give everybody what they want? And why not build a lot of new Federal courthouses over the country to take care of this bureaucracy? Is there any reason why everybody should not be made happy?

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield, if the gentleman can shed any light. Can the gentleman tell us anything about the qualifications of the unlimited number of people he wants to employ?

Mr. KASTENMEIER. The plan provides that these shall be Federal employees or officers. They are not political.

Mr. GROSS. Yes; but what are their qualifications for these jobs?

Mr. KASTENMEIER. That they be registered to vote in the district affected.

Mr. GROSS. What are they going to be paid?

Mr. KASTENMEIER. They are already employees or officers of the Government under salary.

Mr. GROSS. They are what?

Mr. KASTENMEIER. They are already officers or employees of the Federal Government under salary.

Mr. GROSS. Is that so?

Mr. KASTENMEIER. There is no additional compensation involved.

Mr. GROSS. I beg the gentleman's pardon.

Mr. KASTENMEIER. There is no additional compensation involved.

Mr. GROSS. They are already employees of the Federal Government; is that correct?

Mr. KASTENMEIER. That is correct.

Mr. GROSS. There will be no additions to the bureaucracy?

Mr. KASTENMEIER. The gentleman is correct.

Mr. GROSS. I cannot believe that these will be people already employed, and there will be no increase in the payroll.

Mr. KASTENMEIER. The gentleman is correct.

Mr. GROSS. That is amazing, absolutely amazing.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. YATES. Based upon the statement will the gentleman not vote for the amendment?

Mr. GROSS. I should say not.

Mr. DOWDY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. DOWDY. As I read what I understand to be the amendment, it is going to create a bunch of new officers at the Federal level, enrollment officers. I fail to find any indication that they will be using people who are already Federal employees.

Mr. GROSS. When the amendment was read I certainly did not get the impression that these were to be persons presently on the payroll of the Government.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. HARRIS. I wonder if the gentleman has in mind postal employees being assigned to this job.

Mr. GROSS. It could be.

Mr. HARRIS. And if that were to take place what would happen to the so-called Hatch Act, which says that Federal employees cannot engage in political activity?

Mr. GROSS. And what would happen to the postal service and the deficit in the Post Office Department if postal employees were used?

Mr. HARRIS. Or to the service for the people. I would like to hear these questions answered.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

The Chair recognizes the gentleman from Pennsylvania [Mr. QUIGLEY] for 3 minutes.

(By unanimous consent, Mr. CELLER yielded his time to Mr. QUIGLEY.)

Mr. QUIGLEY. I thank the gentleman, and if I do not consume all the time I will be delighted to yield it back.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. QUIGLEY. Mr. Chairman, it seems that the rule of life the present administration has been following is, if in doubt propose a commission to study the problem, call a conference to delay it, or appoint a committee to confound it.

For the past 7 years this punting technique has been the standard treatment reserved for just about all of this Nation's problems from classroom space to outer space, from our migrant workers to our missile might.

Mr. Chairman, no matter facing America has been given the full-stall administration more than civil rights. When the administration has not hemmed on civil rights, it has hawed. When it has not dillied, it dallied. It has in fact taken the President even longer to realize the meaning of the Supreme Court's decision in the school integration cases than to grasp the significance of sputnik.

One recalls, for example, the President's initial, however belated, reaction to Little Rock was one more conference. Admitted it was a rather unique conference, held, as I recall, with Governor Faubus on a golf course up in Rhode Island, but the result was the same—nothing. In fact, Mr. Chairman, it took the Eisenhower administration almost three and a half years after it came into office before it got around to submitting to the Congress any legislative proposals on civil rights. And, Mr. Chairman, that civil rights proposal came in the spring of 1956 when the administration felt the hot breath of an election year on the back of its neck. In fact, it was on the very day that the House Judiciary Committee was scheduled to report its own civil rights bill offered by its chairman, that longtime and sincere proponent of civil rights, the gentleman from New York [Mr. CELLER] the Attorney General arrived on the Hill out of breath but bearing the administration's solution to the civil rights problem.

As I remember that event, Mr. Chairman, when the Attorney General appeared before the committee that day he did not even have a bill ready. While he talked, aides downtown were busy slapping together the administration bill. When it finally got up here, what do you suppose was the administration's answer to the civil rights problem? You guessed it. They suggested that the Congress create a commission to study the problem.

In the summer of 1957 the Congress did create such a commission, and while it took the President several more months to appoint the members, it finally got to work toward the end of that year and it submitted its report last September.

Just about everything in that report is at least debatable and, as could be expected, most of the commission's recommendations called for even further study before final action. However, Mr. Chairman, on just one point the commission was unanimous. Every member of the commission from the North and from the South agreed that there did exist in certain parts of this country

a pattern of discrimination to prevent qualified Negroes from registering and voting. When it came to recommending action to meet this problem the commission was all but unanimous, with but one member dissenting. The action they recommended was that the President of the United States appoint an administrative officer to register qualified Negro voters where it was established that a definite pattern of discrimination on the part of local officials prevented them from becoming qualified voters under the State law.

Unfortunately, Mr. Chairman, the Attorney General has taken the simple, direct, workable administrative approach proposed by five out of the six Commissioners and converted it into what strikes me as a complicated, unworkable judicial monstrosity. The administration proposes not to act where the Civil Rights Commission said that the should. Instead, under the McCulloch proposal, they proposed to pass the buck once more, this time to the courts.

Frankly, Mr. Chairman, I am not interested in passing a lawyer's full employment bill. All I am interested in seeing passed here is a bill which will enable American citizens to enjoy the full rights of their citizenship. I am not interested in making a Federal case out of every Negro in the South. All I am interested in doing is making a voter out of him.

The Kastenmeier proposal gets back on the track. It is the only effective administrative way to do the job. I will vote for that amendment, and if it is defeated I will then with reluctance but sincerity support the McCulloch proposal.

Mr. BRADEMAS. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BRADEMAS. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Wisconsin [Mr. KASTENMEIER].

His proposal is known as the Federal enrollment officer plan and is the same as that introduced in the other body by Senator HENNINGS, of Missouri. In my opinion it will be a far more effective law for insuring the right to vote than the proposal offered by the gentleman from Ohio [Mr. MCCULLOCH] which is known as the referee plan.

Why will the Kastenmeier amendment be more effective than the McCulloch bill?

The chief reason, Mr. Chairman, is that the Federal enrollment officer plan authorizes either the judicial or the executive branch of our Federal Government to initiate the process whereby disfranchised Negroes can secure their voting rights.

Last month, on February 14, a conference on civil rights was held at the University of Notre Dame, in the district I have the honor to represent. Mr. Harris Wofford, of the Notre Dame law school faculty and a former member of the staff of the U.S. Commission on Civil Rights, in the March 5, 1960, issue of the weekly, Ave Maria, wrote a summary of the proceedings of the conference.

Professor Wofford noted that a recurring theme of the Notre Dame Civil Rights Conference was the need for the responsibilities in this matter to be shared more fully by the legislative and executive branches.

> The Government of the United States—said Professor Wofford—is propelled by three great engines, but in civil rights it has been flying on only one engine—the Federal judiciary. This, agreed the participants, is not a problem for the courts alone but for all three branches of Government.

Mr. Chairman, Congress, as the legislative branch, will be doing its part to guarantee voting rights for all Americans if we approve the Kastenmeier Federal enrollment officer amendment. And the executive branch of Government will be enabled to do its part as well because the Kastenmeier proposal authorizes either a Federal district court or the Civil Rights Commission to make a finding that a registrar or State or local official has deprived persons of the opportunity for registration because of their race or color.

The McCulloch bill, on the other hand, by restricting the basic responsibility in this matter to the judiciary, imposes more burdens in this field on the already heavily burdened Federal court system.

Mr. Chairman, I believe that the executive branch of Government should do its share of the work.

I believe that all three of the great engines of our Federal Government should be in operation, moving us toward the day when no citizen of the United States, regardless of his race or color, is denied the right fundamental to any free society, the right to vote in free elections.

Millions of disfranchised American Negroes will be watching and waiting to see what the party of Abraham Lincoln will do when the chips are down and the time for action, not speeches, is at hand.

Mr. Chairman, I hope the amendment offered by the distinguished gentleman is adopted and I hope that the Republican Members of the House of Representatives do not join hands with the southern Members on this side of the aisle to defeat it.

Mr. COHELAN. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COHELAN. Mr. Chairman, I rise in support of the Kastenmeier amendment and I wish to associate myself with the remarks of those who have spoken in support of this measure.

In providing for joint judicial and executive responsibility for protecting the right of everyone to register and vote, this amendment improves upon the so-called Federal referee proposal insofar as it provides for much more effectiveness than could result from local litigation. In its pertinence to all Federal, State, and local elections, it improves upon the so-called Federal registrar proposal which would be limited to Federal offices.

The President is authorized to appoint a Federal enrollment officer when either the courts or the Federal Civil Rights Commission or a similar body finds that local officials have deprived American citizens of the right to register to vote because of race or color, and that enrollment officer does not supersede, but rather implements the local registrar in seeing to it that the job is done.

American citizens are being denied the right to register and vote. This fact is irrefutable. The evidence which exists in great abundance shows clearly that this kind of Federal administrative authority is all important. I cannot urge strongly enough that this amendment, the Kastenmeier amendment, be adopted. With this kind of provision, the 1960 Civil Rights Act can be effective at least as far as voting rights are concerned.

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut [Mr. GIAIMO].

Mr. GIAIMO. Mr. Chairman, I rise in support of the Kastenmeier amendment. We have heard a great deal here today about the rights of the States and we have heard a great deal also about the procedures of the Federal Government and the U.S. judiciary in general. But, what we have not heard enough about is the thousands and thousands of Negro Americans who are denied the right to vote by a concerted, deliberate attempt on the part of the local authorities.

Mr. Chairman, the referee plan, so-called, will not, in my opinion, result in the registration of many Negroes. What we are giving him is not the right to vote but the right to go to court, and we are inviting the Negro to go through this process of what I would call a legal obstruction course. Consider the plight of the Negro. He must first be refused registration. This in itself is often a humiliating and degrading situation. Do not take my word for it. It is written right here in the report of the Commission on Civil Rights. After that he must convince the Attorney General under the proposed legislation to initiate the proper action to set this referee plan into operation. This is another legal step. Then he must appear in an ex parte hearing before the referee to qualify as to his rights to vote. Then, I believe, we have the show cause provision where within 10 days or so those who oppose the rights of the Negro to be registered have the right to take appropriate court action in the courts. Then, finally, if he is certified to vote, then he must go down to the place of registration or to the place of voting and he must, perhaps enforced with additional court orders, seek to actually vote. All along the line we find that there are legal provisions. We find that there will be legal hearings, with the usual provision for review, for appeal, for delay, such as we have seen time and time again in the past. We must be honest with ourselves. We must recognize that this is asking too much of the average man, let alone of a person down in many of these States, the American Negro, who has been disenfranchised for so long.

I urge you in the spirit of true civil rights legislation to support a workable registrar plan such as is proposed by the gentleman from Wisconsin [Mr. KASTENMEIER].

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. MEADER].

Mr. MEADER. Mr. Chairman, those of you who heard my remarks on the amendment I proposed to the McCulloch substitute know that I was disturbed that after certain court procedures the court-appointed referees would be authorized to exercise powers of State officials.

The proposal offered by the gentleman from Wisconsin authorizes Federal registrars to perform the duties of State officers without any such legal proceedings and without affording such officers any due process as provided in the McCulloch amendment.

Certainly the Kastenmeier proposal goes far beyond the McCulloch proposal and fails to contain some of the safeguards of due process provided in the McCulloch proposal, and I urge that the Kastenmeier amendment be voted down.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from New York.

Mr. LINDSAY. Mr. Chairman, there have been some very harsh statements made in the last few minutes about the effectiveness of the McCulloch proposal. May I say that each one of the persons who made those statements was not even born at the time that the distinguished chairman of the Committee on the Judiciary, Mr. CELLER, was championing the rights of every single human being for the equal protection of the laws. Every single one of these spokesmen must yield to the chairman of the Committee on the Judiciary when it comes to knowledge and advocacy of the right of every single citizen in the United States to vote. And I note with interest that the chairman of the Judiciary Committee does not join with these spokesmen in their condemnation of the referee proposal.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman.

Mr. CELLER. I am not quite as old as that. I am old, but I am young in spirit.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. MEADER] has expired. All time has expired.

Mr. ROOSEVELT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROOSEVELT. If the Kastenmeier amendment prevails, would it then become subject to amendment?

The CHAIRMAN. No; the Kastenmeier amendment is an amendment to the pending substitute for the amendment provided under the rule and it would not be subject to amendment.

Mr. ROOSEVELT. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. KASTENMEIER].

The question was taken; and on a division (demanded by Mr. HALLECK) there were—ayes 115, noes 98.

Mr. MCCULLOCH. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. KASTENMEIER and Mr. MCCULLOCH.

The Committee again divided, and the tellers reported that there were—ayes 152, noes 128.

So the amendment to the substitute amendment was agreed to.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Ohio [Mr. MCCULLOCH], as amended.

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. CELLER. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. CELLER and Mr. MCCULLOCH.

Mr. ROOSEVELT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. ROOSEVELT. Mr. Chairman, on what amendment is the vote now about to be taken?

The CHAIRMAN. The vote is about to be taken on the substitute amendment offered by the gentleman from Ohio [Mr. MCCULLOCH] as amended.

Mr. HALLECK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HALLECK. Mr. Chairman, in other words, the vote is on the McCulloch substitute amendment, as amended, as against the original amendment offered by the gentleman from New York [Mr. LINDSAY].

The CHAIRMAN. That is correct.

Mr. YATES. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. YATES. Mr. Chairman, will the Chair state what the situation will be in the event the pending amendment is voted down?

The CHAIRMAN. Then the amendment offered by the gentleman from New York [Mr. LINDSAY] will be before the Committee for further consideration.

Mr. BROWN of Ohio. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Ohio will state the parliamentary inquiry.

Mr. BROWN of Ohio. Mr. Chairman, if I understand the situation correctly, and I wish the Chair would explain what the situation is, the Committee is now voting on the substitute amendment offered by the gentleman from Ohio [Mr. MCCULLOCH] to the bill H.R. 10035.

The CHAIRMAN. Under the rule, as the gentleman well knows, it was made in order to consider the text of the bill H.R. 10035, as an amendment to the bill H.R. 8601. The amendment was offered by the gentleman from New York [Mr. LINDSAY] and a substitute for that amendment was offered by the gentleman from Ohio [Mr. MCCULLOCH]. The substitute amendment has been amended and the Committee is about to vote upon the substitute amendment, as amended.

Mr. BROWN of Ohio. In other words, we are voting on the substitute amendment, and if that should be defeated, then the so-called Lindsay amendment will still be in order.

The CHAIRMAN. If the substitute amendment is defeated, then the amendment offered by the gentleman from New York [Mr. LINDSAY] is still before the Committee for further consideration.

Mr. BROWN of Ohio. I thank the Chairman.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Ohio [Mr. MCCULLOCH], as amended.

The Committee divided, and the tellers reported that there were—ayes 179, noes 116.

So the substitute amendment was agreed to.

The CHAIRMAN. The question recurs on the Lindsay amendment as amended by the McCulloch substitute.

The question was taken; and on a division (demanded by Mr. CELLER) there were—ayes 195, noes 155.

Mr. MCCULLOCH. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. CELLER and Mr. MCCULLOCH.

The Committee again divided and the tellers reported that there were—ayes 143, noes 170.

So the amendment was rejected.

Mr. MCCULLOCH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. MCCULLOCH: On page 12, immediately below line 7, insert the following:
>
> "TITLE VI
>
> "SEC. 601. That section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), is amended as follows:
>
> "(a) Add the following as subsection (e) and designate the present subsection (e) as subsection '(f)':
>
> "'In any proceeding instituted pursuant to subsection (c) in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall upon request of the Attorney General and after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has since such finding by the court been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. Such order shall be effective as to any election held within the longest period for which such applicant could have been registered or otherwise qualified under State law at which the applicant's qualifications would under State law entitle him to vote.

"Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with notice of such order to permit any person so declared qualified to vote to vote at an appropriate election shall constitute contempt of court.

"'An application for an order pursuant to this subsection shall be heard within ten days, and the execution of any order disposing of such application shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

"'The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. In a proceeding before a voting referee, the applicant shall be heard ex parte. His statement under oath shall be prima facie evidence as to his age, residence, and his prior efforts to register or otherwise qualify to vote. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

"'Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceeding together with an order to show cause within ten days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered unless prior to that time there has been filed with the court and served upon all parties a statement of exceptions to such report. Exceptions as to matters of fact shall be considered only if supported by a duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts or by statements or matters contained in such report; those relating to matters of law shall be supported by an appropriate memorandum of law. The issues of fact and law raised by such exceptions shall be determined by the court or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court. A hearing as to an issue of fact shall be held only in the event that the proof in support of the exception disclose the existence of a genuine issue of material fact. The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

"'The court, or at its direction the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

"'The court may authorize such referee or such other person or persons as it may designate to attend at any time and place for holding any election and to report whether any such person declared qualified to vote has been denied the right to vote.

"'Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(c) of the Federal Rules of Civil Procedure. The compensation to be allowed to any persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

"'The court shall have authority to make an order entitling an applicant to vote provisionally pending final determination of any exception and to take any other action appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees, and this subsection shall in no way be construed as a limitation upon the existing powers of the court.

"'When used in the subsection, the word "vote" includes all action necessary to make a vote effective including, but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election; the words "affected area" shall mean any subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have violated subsection (a); and the words "qualified under State law" shall mean qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have violated subsection (a) in qualifying persons other than those of the race or color against which the pattern or practice or discrimination was found to exist.'

"(b) Add the following sentence at the end of subsection (c):

"'Whenever, in a proceeding instituted under this subsection any official of a State or subdivision thereof is alleged to have committed any act or practice constituting a deprivation of any right or privilege secured by subsection (a), the act or practice shall also be deemed that of the State and the State may be joined as a party defendant and, if prior to the institution of such proceeding, such official has resigned or has been relieved of his office and no successor has assumed such office, the proceeding may be instituted against the State.'"

Mr. SMITH of Virginia. Mr. Chairman, I reserve all points of order against the amendment, whatever it is.

The CHAIRMAN. The Clerk has just reported an amendment offered by the gentleman from Ohio [Mr. McCULLOCH].

The Chair recognizes the gentleman from Ohio.

Mr. McCULLOCH. Mr. Chairman, in view of what has just happened in the Committee of the Whole House on the State of the Union and the uncertainty that existed with respect to some of the proceedings that were had, I offer as an amendment at this time H.R. 11160, with the exception that one full paragraph is stricken therefrom. The part that was stricken in this amendment I have offered would reduce the authority of the court to name a referee who would have the authority to go into the election booth and possibly to supervise the election.

At the risk of repetition, I should like to say that this is a voting referee proposal which will, in my opinion, implement the 15th Amendment to the Constitution of the United States which provides that the right of citizens to vote shall not be denied or abridged by the United States or by any State on account of race or color or previous condition of servitude.

This is a matter of great concern and has been debated here for almost 3 full days, and has been under debate in the other body for a much longer time. I think we should all bear in mind that we are considering fundamental rights of the people, rights which are the very cornerstone of representative government, and we are considering proposals that will have far-reaching influence in American life—yes, far-reaching influence all over the world. I do not wish to be dramatic, but I think this matter is of such importance that I would like now to paraphrase a statement of Sir Winston Churchill, and say that we must brace ourselves to our duties, and so bear ourselves that if our Republic stands for a thousand years that historians will say, "This was one of their finest hours."

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield.

Mr. HALLECK. Mr. Chairman, in the debate on March 11, the distinguished chairman of the committee, discussing the amendment offered by the gentleman from New York [Mr. LINDSAY] which was followed, of course, by the substitute amendment offered by the gentleman from Ohio [Mr. McCULLOCH] said, "I am in favor of the proposal. I think the proposal with reference to voting referees is a very direct one, and I do not think there would be an unusual length of time required for a man to get himself counted or to get himself registered."

Then, finally, he said, "I conceive of no undue delay. The matter will be far more expeditious in my mind than the so-called Hennings proposal."

Mr. Chairman, I would just like to point out that many of us agreed with him and, wanting to write a really meaningful bill, we supported the McCulloch substitute. If we had gotten the cooperation that we should have received from the people who say they are in favor of civil rights, we would now be well on our way toward writing meaningful civil rights legislation.

Mr. McCULLOCH. Mr. Chairman, I thank the gentleman from Indiana for his contribution.

Mr. Chairman, I want to say again to the members of the committee that the overwhelming majority of you will be pleased to have supported this last amendment that I have offered when the record is made and we are finally called to account—and I am not referring to the elections.

Mr. Chairman, I am in an enviable position in this matter, and I say this without any sarcasm and without any inference whatsoever. I am not a candidate for President. I am not a candidate for Vice President. I am not a candidate for the U.S. Senate or for any State office. Furthermore, Mr. Chairman, it is probably a fact that 98 percent of the people in the Fourth Congressional District of Ohio are native-born white. I advocate this legislation because I think it is in the best interests of America. I hope you will support the amendment I have offered.

The CHAIRMAN. The gentleman from Virginia [Mr. SMITH] has reserved a point of order against the amendment.

Mr. SMITH of Virginia. Yes, Mr. Chairman; I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state the point of order.

Mr. SMITH of Virginia. Mr. Chairman, I make a point of order against this amendment for several reasons. One is that the rule under which we are operating gives protection only to H.R. 10035 and to no other substitute proposal. In other words, the original bill, the Lindsay amendment, which has already been defeated, was a bill that the rule makes in order. We have already voted upon this bill within the last 30 minutes. The only difference between this bill and the bill we just voted down is two or three very minor corrections; very minor; so minor that many of us are greatly disappointed.

Mr. Chairman, the matter has been passed upon. The House has voted upon it within the last 30 minutes. I make the point of order that it cannot be reintroduced.

Mr. CELLER. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The gentleman from New York [Mr. CELLER] is recognized.

Mr. CELLER. Mr. Chairman, in the first place, you may recall that you ruled on the first day we were under the 5-minute rule with reference to the amendment which was offered to the effect that this bill was fundamentally a voting bill. The amendment now offered by the gentleman from Ohio [Mr. McCULLOCH] is fundamentally a voting bill, voting, pure and simple. There has been considerable variance between the amendment offered by the gentleman from Ohio [Mr. McCULLOCH] now and the previous proposal that was offered by the gentleman, and for these reasons I believe firmly that the amendment offered by the gentleman from Ohio [Mr. McCULLOCH] is germane, and the point of order is not well taken.

Mr. HALLECK. Mr. Chairman, I would like to be heard on the point of order.

The gentleman from Virginia [Mr. SMITH] has spoken of the rule that undertook to specifically make the provisions of the original bill in order. Without undertaking to state what the facts were, although I know something about them, the fact that the rule makes specific provision in that regard does not mean that the measure itself on its merits is not germane. In other words, if I understand the Rules Committee correctly, out of an excess of precaution, it provided by the special rule that the bill which was offered originally would be in order as an amendment. When it was originally offered we operated under that rule. However, addressing myself to the point of germaneness, and I must say that I agree with the gentleman from New York [Mr. CELLER], title III has to do with the Federal election records. As has been pointed out, the basic purpose of this legislation is to deal with the right to vote—voting rights. Certainly the amendment offered by the gentleman from Ohio [Mr. McCULLOCH]—and may I say parenthetically it is a different bill from the one we voted on; it is different in a material respect. As we have listened to the debate, it is a referee, voting rights bill. So in my opinion it should be held germane to the original bill reported by the Committee on the Judiciary.

Mr. SMITH of Virginia. Mr. Chairman, of course I made the point that the bill is not germane, but if I may enlarge upon that for a moment, as I said before, the rule protects only H.R. 10035. The rule would not have been granted if it had not been understood that it was not germane to the original bill, which it is not. While the rule protected that bill, it did not protect any other bill, and it did not protect any question of germaneness. In other words, if it was not included in the rule, H.R. 10035, the rule does not protect the germaneness of any other bill.

The CHAIRMAN (Mr. WALTER). The Chair is ready to rule.

It is quite true that the rule House Resolution 359, under which H.R. 8601 is being considered, contains the language that the gentleman from Virginia mentioned a moment ago, concerning putting in order H.R. 10035 in order to eliminate any question of germaneness of that particular proposal.

The Chair dislikes to substitute the judgment of the Chair for that of the distinguished Committee on Rules, but, frankly, the Chair does not believe that including this language necessarily binds the present occupant of the chair.

It is quite true that the measure, H.R. 8601, deals with Federal election records, and the Chair is quite certain that the membership agrees with the Chair that the scope is rather narrow. However, the Chair feels that the amendment offered by the gentleman from Ohio has to do with the basic purpose of title 3 of the bill H.R. 8601.

The Chair overrules the point of order.

The gentleman from Ohio is recognized in support of his amendment.

Mr. McCULLOCH. Mr. Chairman, I am convinced that the Members of the House, all of whom are so interested in this right which is so basic to all qualified citizens in America, have heard every argument both for and against. I do not like to repeat that which has been said so often, but the objections which have been made to this bill, Mr. Chairman, are objections which are superficial and which would come into play only, if ever, if you please, after fundamental rights had been denied to a portion of the citizenry which had theretofore been found to be entitled to exercise the elective franchise.

Mr. Chairman, I want to say once more that the elective franchise for qualified citizens is the very cornerstone of representative government. Mr. Chairman, if this great country continues to deny qualified citizens that basic fundamental right, this country will not long endure.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to my distinguished chairman, the gentleman from New York.

Mr. CELLER. Having been reminded that H.R. 11160 contains the verbiage of the gentleman's amendment, do I understand the gentleman has stricken out on page 5 lines 9 to 13, inclusive?

Mr. McCULLOCH. That is correct. That materially changes the bill and takes away from the referee the authority in a field and in a manner which has been objected to, so seriously, by our distinguished colleagues, the gentleman from Louisiana [Mr. WILLIS] and the gentleman from Virginia [Mr. SMITH].

Mr. CELLER. Does that mean also that the Federal referee would not have the right, for example, actually to impound any ballots? That he would not have the right to substitute for the State official? That all he could do is to see that the applicant gets a qualifying certificate permitting him to vote?

Mr. McCULLOCH. My answer is an unqualified "Yes." The gentleman has pointed up a very important difference in the two proposals.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Indiana.

Mr. HALLECK. I think it ought to be pointed out also there was very serious doubt whether this language was superfluous or not because in all probability the court in charge of this matter would have full authority to follow through to see that compliance is had.

Mr. McCULLOCH. I think that is recognized by all good lawyers that a court of equity would have the authority to issue orders to effectuate its decrees.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from New York.

Mr. CELLER. The court, of course, has inherent power, but you have by striking out that language which was originally in the bill given something in the nature of an admonition to the court that might have the effect of curbing that power so that the court—and I say this for the edification of those who might oppose this amendment—would not actually have the voting referee substituted for the State official in the actual counting of the ballots.

Mr. McCULLOCH. That is right, but I want to make the record unmistakably clear. It is not my intent to lessen the authority that is inherent in courts of equity to effectuate their decrees by whatever manner is inherent in the Anglo-Saxon system of jurisprudence.

Mr. CELLER. Is it not true in that provision that we have now, we would have no such thing as carpetbaggers? The referees would have to come from the judicial district, they would have to be qualified voters in the Federal district.

Mr. McCULLOCH. That is right, and that is one of the major improvements in the bill.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. McCULLOCH (at the request of Mr. WILLIS) was allowed to proceed for 5 additional minutes.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Louisiana.

Mr. WILLIS. I want to understand very clearly the bill or the proposal that the gentleman has offered. This is a very simple question. Am I correct that the proposal now on the desk is identical to the bill H.R. 11160 except for the deletion of the language appearing on page 5, lines 9 through 13?

Mr. McCULLOCH. The answer is "Yes."

Mr. HARRIS. Mr. Chairman, I raise a point of order if that is true.

Mr. DINGELL. Mr. Chairman, I make a point of order against the point of order.

Mr. HARRIS. Mr. Chairman, I raise the point of order that the Clerk read that language.

The CHAIRMAN. The gentleman from Arkansas is recognized.

Mr. HARRIS. Mr. Chairman, I raise the point of order that the Clerk did read the language referred to that the gentleman from Ohio just advised the Committee was deleted.

Mr. McCULLOCH. Mr. Chairman, I ask unanimous consent to have the amendment which was transmitted to the Speaker's dais show that lines 9 to 13, inclusive, were stricken in the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. COLMER. Mr. Chairman, I object.

Mr. DINGELL. Mr. Chairman, I still have a point of order pending.

Mr. McCULLOCH. Which will include material which strikes from H.R. 11160 lines 9 to 13, inclusive.

Mr. DINGELL. Mr. Chairman, I still have a point of order pending.

The CHAIRMAN. What is the point of order?

Mr. DINGELL. Mr. Chairman, I raise a point of order against the point of order of the gentleman from Arkansas which I previously raised, and which I specifically reserved, that the point of order raised by the gentleman from Arkansas was not made in timely fashion.

The CHAIRMAN. The fact of the matter is that an objection was heard.

Mr. DINGELL. Mr. Chairman, I still understand my point of order was in order.

The CHAIRMAN. The gentleman from Mississippi objected to the request to delete the language on page 5, lines 9 to 13, inclusive.

Mr. CELLER. Mr. Chairman, does the amendment not speak for itself?

The CHAIRMAN. Of course it does. The gentleman heard the amendment read.

Mr. DINGELL. Mr. Chairman, I still ask for a ruling on my point of order.

The CHAIRMAN. What is the point of order?

Mr. DINGELL. That the point of order made by the gentleman from Arkansas was not made in timely fashion, and I want to insist on that point of order.

The CHAIRMAN. The point of order made by the gentleman from Arkansas was withdrawn.

Mr. CELLER. Mr. Chairman, I move to strike out the last word.

Mr. HARRIS. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. CELLER. I do.

Mr. HARRIS. My parliamentary inquiry is this. Since the amendment was read, the gentleman from Ohio then explained his amendment and advised the committee that on page 5, lines 9 through 13 were deleted from the amendment as reported. My parliamentary inquiry is this. Did the clerk not read the amendment and include those lines as he read it?

The CHAIRMAN. That is not a parliamentary inquiry. However, that is the fact.

Mr. HARRIS. I thank the Chair.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Indiana.

Mr. HALLECK. I would just simply like to say that even though that amendment should go by the wayside, this amendment is offered in line with what was expected to be done. It was just simply a matter of confusion of the clerk here at the desk picking up the wrong bill. Whatever action was taken on the previous amendment, this amendment under the ruling of the Chair is germane and is in order.

Mr. SMITH of Virginia. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SMITH of Virginia. Mr. Chairman, my point of order is that we are really considering a bill that is different from the bill upon which the Chair ruled when I raised my first point of order.

Mr. DINGELL. I make the same point of order to this point of order.

Mr. SMITH of Virginia. Will the gentleman please let me finish?

Mr. DINGELL. Mr. Chairman, I make the same point of order.

The CHAIRMAN. The Chair is trying to hear somebody. The gentleman from Virginia is stating his point of order.

Mr. DINGELL. I make the point of order against his point of order.

Mr. SMITH of Virginia. I will be through shortly if the gentleman on my left will wait until I get through.

Mr. DINGELL. I will reserve my point of order, Mr. Chairman.

Mr. SMITH of Virginia. I make the further point of order, Mr. Chairman, and it will require some clarification and maybe we will have to look at the text on the desk. I make the further point of order that this amendment has been once defeated.

Mr. DINGELL. Mr. Chairman, I make the same point of order.

Mr. SMITH of Virginia. And that the amendment as read is different from what the gentleman from Ohio thought it was when he sent it up. He now strikes out this language, but this language was in the bill when I made the point of order.

Mr. DINGELL. I renew my point of order.

The CHAIRMAN. The gentleman from Virginia [Mr. SMITH] has made a point of order. The Chair would like to rule. There has been no vote on the amendment offered by the gentleman from Ohio. The amendment that the Chair has ruled on, on the question of the point of order, did contain this language on page 5 from lines 9 to 13, inclusive. However, with that language in the amendment, the Chair has ruled that the amendment is germane.

Mr. SMITH of Virginia. I do not want to exhaust the patience of the Chair, and I hope he will bear with me. If I am correct, the Chair never ruled on the question that this amendment had been voted on. This amendment was offered——

The CHAIRMAN. May the Chair call the gentleman's attention to the fact that this has never been voted on. The language contained in this amendment was a substitute for another amendment.

Mr. SMITH of Virginia. It was a substitute for that and it was offered yesterday afternoon by the gentleman from Ohio [Mr. McCULLOCH] and printed in the RECORD.

The CHAIRMAN. But, I should like to remind the gentleman, as a substitute for the bill made in order under the rule.

Mr. CELLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CELLER. Would it be in order for me to offer the contents of H.R. 11160 without the language on page 5, lines 9 through 13, inclusive, as a substitute?

The CHAIRMAN. The gentleman could do that, or he could offer that as an amendment.

Mr. CELLER. Mr. Chairman, I offer that as a substitute for the amendment offered by the gentleman from Ohio [Mr. McCULLOCH].

The CHAIRMAN. The Clerk will report the substitute offered by the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. CELLER as a substitute for the amendment offered by Mr. McCULLOCH: That section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), is amended as follows:

(a) Add the following as subsection (e) and designate the present subsection (e) as subsection "(f)":

"In any proceeding instituted pursuant to subsection (c) in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall upon request of the Attorney General and after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon

proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has since such finding by the court been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. Such order shall be effective as to any election held within the longest period for which such applicant could have been registered or otherwise qualified under State law at which the applicant's qualifications would under State law entitle him to vote.

"Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with notice of such order to permit any person so declared qualified to vote to vote at an appropriate election shall constitute contempt of court.

"An application for an order pursuant to this subsection shall be heard within ten days, and the execution of any order disposing of such application shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

"The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. In a proceeding before a voting referee, the applicant shall be heard ex parte. His statement under oath shall be prima facie evidence as to his age, residence, and his prior efforts to register or otherwise qualify to vote. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

"Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceeding together with an order to show cause within ten days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered unless prior to that time there has been filed with the court and served upon all parties a statement of exceptions to such report. Exceptions as to matters of fact shall be considered only if supported by a duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts or by statements or matters contained in such report; those relating to matters of law shall be supported by an appropriate memorandum of law. The issues of fact and law raised by such exceptions shall be determined by the court or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court. A hearing as to an issue of fact shall be held only in the event that the proof in support of the exception disclose the existence of a genuine issue of material fact. The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

"The court, or at its direction the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

"Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(c) of the Federal Rules of Civil Procedure. The compensation to be allowed to any persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

"The court shall have authority to make an order entitling an applicant to vote provisionally pending final determination of any exception and to take any other action appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees, and this subsection shall in no way be construed as a limitation upon the existing powers of the court.

"When used in the subsection, the word 'vote' includes all action necessary to make a vote effective including, but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election; the word's 'affected area' shall mean any subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have violated subsection (a); and the words 'qualified under State law' shall mean qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have violated subsection (a) in qualifying persons other than those of the race or color against which the pattern or practice or discrimination was found to exist."

(b) Add the following sentence at the end of subsection (c):

"Whenever, in a proceeding instituted under this subsection any official of a State or subdivision thereof is alleged to have committed any act or practice constituting a deprivation of any right or privilege secured by subsection (a), the act or practice shall also be deemed that of the State and the State may be joined as a party defendant and, if, prior to the institution of such proceeding, such official has resigned or has been relieved of his office and no successor has assumed such office, the proceeding may be instituted against the State."

Mr. WILLIS (interrupting the reading of the amendment). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. McCULLOCH. Mr. Chairman, I reserve a point of order against the substitute offered by the gentleman from New York [Mr. CELLER].

Mr. WILLIS. Mr. Chairman, I ask unanimous consent that the gentleman from Alabama [Mr. ROBERTS] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. ROBERTS. Mr. Chairman, I rise today as I have on so many occasions in the past when these so-called civil rights bills have been considered in committee and on the floor. My mission is the same: to attempt to point out again to those who consistently harass us with this sort of ill-conceived legislation something of what this does and does not do.

A brave and wise brigade of southern men on the other side of the Capitol tried with great determination to do this for a number of days and even nights.

In the bill presently before this body, as in the Senate, the solutions for a problem are being propounded by those who do not have the problem, and hence cannot understand the problem.

These pressure groups who have spawned this legislation do not understand that legislation like this does nothing to further the cause of racial advancement, provides no new right or privilege, and has no helpful effect in the ethnic groups it purports to serve.

Mr. Chairman, this legislation is aimed at the South, so let us talk for a few minutes about the South. Let me try to impart some modicum of understanding about my beloved homeland.

The prosperous and healthy new South of today is a signal example of progress through determination and spirit. Following the War Between the States, dust and rubble covered the broken Southland. Federal troops still marched in our homeland, and we were at the mercy of numerous newly freed slaves, and irresponsible opportunists. The South was chained and bound and for the better part of a century we have progressed and succeeded to break these chains and emerge as a modern land of diversification of farming, industry, art and culture.

The South, with all this, has had a distinct problem shared by no other part of the country—how to accommodate a large minority group of people, newly freed from slavery, who had radically different customs, practices, origin, and culture. Our area was able to do what no other nation or section of a nation has ever been able to accomplish satisfactorily. We were able to devise a system wherein two races of mankind could live peacefully with mutual respect. It is a system of "separate but equal" opportunities and facilities, allowing each race to work out its own destiny within its own people, allowing, at the same time, each race to preserve its own racial integrity. The Negro has benefited from this mutually agreeable system. He has grown with the South. In terms of point of origin, he actually has grown faster than other races. His race has made more progress in this country, and made it faster, than any other race of people in the history of man. The progress came and was coming from within, real, genuine, in a natural and unforced manner.

And then came developments which were to set back by 50 years race relations in the South. The Supreme Court in 1954 suddenly and without precedent decided social status is to be conferred, not earned. It sought to decree social change. It attempted to force radical new concepts, alien to fundamental beliefs.

The coals of mistrust, confusion, and conflict which smoldered since that iniquitous decree were fanned into life by the action of the 85th Congress in passing legislation attempting to implement this abuse of public trust by legislating a people's moral behavior and social patterns.

This is not the way things are done in a free and democratic society. Listen to the words of the chief judge of the Eighth Circuit Court of Appeals, Archibald K. Gardner, speaking on this subject:

> For centuries there has been no intimate social relations between the white and colored races in the section referred to as the South. There had been no integration in the schools and that practice had the sanction of a decision of the Supreme Court of the United States as constitutionally legal. It had become a way of life in that section of the country, and it is not strange that this long-established, cherished practice could not suddenly be changed without resistance. Such changes, if successful, are usually accomplished by evolution rather than revolution, and time, patience and forbearance are important elements in effecting all radical changes.

Traditions are not changed by revolution. Before one attempts to overthrow them, let there be understanding, patience and forbearance.

The Supreme Court did not act with patience or forbearance. Congress did not act with understanding. Neither took time to study the problem and see whether the so-called solution would be helpful or harmful. Integration, the Court said, must be forced upon the South, quickly and relentlessly.

Mr. Chairman, the South is not at its knees, cowering in fear or begging for mercy. Southerners are proud, patriotic, peace-loving people. We know that our way of life is the best way of life for all of us who live it. Ultimately, we believe this way will prevail, and that any changes made will come naturally from within, not forced unnaturally from without. Our convictions are founded in mutual trust, love, and constitutional law.

We insist that we have a right as citizens of these United States to expect that our lawful and proven way of life will not be disrupted by some self-seeking politicians, that our peaceful coexistence with our colored neighbors will not be overthrown by some socialist philosophers, that our society will not be squashed by the whims of those who do not even attempt to understand that society.

Force bills and force decrees such as we have experienced in the past several years will not be effective in the aims they are alleged to seek.

The former Justice Brandeis of the Supreme Court said:

> No law can be effective which does not take into consideration the conditions of the community for which it is designed; no law can be a good law—every law must be a bad law—that remains unenforced.

There was a force bill enacted by Congress during the black days following the War Between the States. That law operated for more than 20 years until it was finally recognized in both North and South as such a repugnant and disgraceful law that Congress repealed it.

The bill we consider today was cut of the same cloth as the force bills of Reconstruction days.

Some would have us believe that this is "just a voting rights bill."

This is a smokescreen sent up to cloud the issue. Our real fight is not against a voting rights bill but against a bill which threatens to rend the South asunder, to invoke total racial integration by Federal force, treading as it does on unsound legal ground.

Let us examine H.R. 8601. First I would like to commend those members of the Judiciary Committee who authored the very cogent and sound minority report. These members performed an outstanding service in pointing out the inequities, the shortcomings, and the paradoxes of this legislation and in succeeding in eliminating several noxious proposals during committee considerations.

Two section of H.R. 8601 clearly do not belong in this bill.

Title II, making it a felony to flee to avoid prosecution for damaging or destroying any building or any other real or personal property, would certainly seem to be a desirable action in the way that it is written. Certainly all of us deplore bombing any property, but what has this to do with a so-called civil rights bill?

Would the proponents of the legislation have us believe that any bombing or desecration of real or personal property is related somehow to racial disorders, and that this therefore should be included in a panacea civil rights bill?

I would not be surprised if that were the intention of the proponents of this bill, because that is the same sort of smokescreen they have been throwing over this subject.

There was a lot of talk about strengthening Federal law to make it more severe on hate bombers following the dynamiting of the home of one of the colored students involved in the campaign to desegregate Central High School in Little Rock, Ark. The inference was that the student was colored, she helped integrate Central High School, and so it was concluded that race disorder was responsible for the dynamiting of her home.

Later, investigating officers and the prosecutor completely discounted a race disorder motive in this case. Two Negroes were charged with the deed. Of course, this is deplorable. The law ought to be stiff enough to dissuade destruction or damaging buildings and homes, but to blandly infer that all bombings are associated with segregation and to insist, therefore, that a provision on this subject be included in a civil rights bill is unthinkable to me.

This is another example of the sort of conclusion-jumping, uninvestigated legislation which actually causes more racial conflict that it cures.

Title V also is out of place in H.R. 8601. This title relates to education of children of members of the Armed Forces in the event public schools are closed to them.

In the first place, this legislation, if it had to be considered, should have been considered by the Committee on Education and Labor. This clearly is a Federal aid to education provision, and consideration of this type of legislation is clearly the responsibility of the Education and Labor Committee. There is no relevancy between this provision and the overall stated purpose of the bill itself.

Mr. Chairman, in passing will Members note what I have been talking about? Does this sound like just a voting rights bill? We have not as yet even mentioned voting rights. Let us move to title I of this voting rights bill.

Title I, which deals with the obstruction of court orders in school desegregation cases, is a masterpiece of vagueness and broad generalities which could have incredible ramifications

This title strikes to the heart of the subject which I discussed earlier, that of attempting to force in an unnatural manner, social change.

The minority report on H.R. 8601 points up a very serious shortcoming of this title in the language used to describe what act or action constitutes a violation of the section.

It is conceivable that it would make it illegal for a newspaper to voice in its editorial columns opposition to integration under a court order of this type.

This title makes it a crime for one to "willfully endeavor" to prevent, obstruct, impede or interfere with court orders in school integration cases. Use of the word "endeavor," as those of us who have practiced law realize, makes extremely lighter the burden of proving guilt.

The minority report very convincingly repudiates this title, as well as title III.

Title III is the only section of the entire bill devoted exclusively to voting. It is this little section, and a portion of title IV, which must justify the right of the proponents to call this "just a voting rights bill."

This title requires all records of national elections preserved for 2 years along with all records and papers relating thereto so the Attorney General can inspect and reproduce them.

This, of course, rests on the authority of Congress to enact such legislation in the field of Federal elections. The constitutionality of the title is extremely doubtful. The minority report reveals the validity of such doubt with citations and references.

This would be a costly, unwieldy burden on local election officials and governments. It would be one more twist of the Federal boot into the face of State and local officials who are trying to conduct their affairs conscientiously and fairly without outside interference. The constitutional rights of the States to govern themselves again would be threatened by the enactment of any provision such as this. It is certainly unwarranted and probably unconstitutional.

Title IV would extend the Civil Rights Commission for 2 more years.

When the 85th Congress was passing that iniquitous legislation creating the Civil Rights Commission, proponents argued for a simple trial period of only 2 years. I asked then whether anyone honestly thought that the minority pressure groups which had spawned such a powerful tool would ever allow it to perish once it was created.

At the end of that first 2 years, the Commission was to all fair-minded observers a dismal failure. All the members but one—the newest, a Negro—were ready to call it quits. The Chairman of the Commission stated publicly that many of the questions referred to the Commission had no right answers. The Commission begged for someone to come in and state that his civil rights were denied, and it only received a handful of witnesses. There was and is evident confusion and discouragement about the function of the Commission.

The Commission submitted its required report, and it turned out to be one of the most incriminating pieces of evidence against this body.

The report was a lengthy, costly attempt to justify the action of the 85th Congress in creating the Commission. The so-called report rambled along through more than 600 prejudiced pages. In the last analysis, it was best described by one of the Commissioners who himself said it was merely an argument advocating preconceived ideas.

The Civil Rights Commission armed itself with malice and set out like Don Quixote to conquer the windmill of civil wrongs. It went to find alleged irregularities whether they existed or not; and in the process it did nothing more than stir up racial unrest and set back harmonious, understanding race relations.

Certainly title IV should be defeated with the rest of this bill, or Congress will be guilty of compounding the error of its action in creating the Civil Rights Commission. The trial period accomplished nothing worthwhile and produced not a shred of evidence to substantiate the need to continue the Commission.

Mr. Chairman, as I stated at the outset, legislation of this type does not serve the best interests of anyone and certainly not those of the group it purports to help.

Passage of this bill would only have a divisive effect, widening the break in relationship between the two races involved, forcing every person to take sides and leaving no place for reason and understanding.

I urge you to consider the seriousness of the social implications involved. I implore you to reflect soberly and objectively, and I vigorously urge the rejection of this foul legislation.

Mr. COLMER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COLMER. In the status in which we now find ourselves, is it the proper concept that the new substitute of the gentleman from Ohio [Mr. McCULLOCH], will be subject to amendment? Will that be the procedure?

The CHAIRMAN. The McCulloch amendment has been read and there is pending thereto the substitute of the gentleman from New York [Mr. CELLER].

Mr. COLMER. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COLMER. At the conclusion of that, the balance of the bill will be open to amendment at any point?

The CHAIRMAN. That is correct, under the rule.

Mr. CELLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CELLER. The gentleman from Mississippi [Mr. COLMER] spoke of the McCulloch substitute. I ask whether it is the Celler substitute to the McCulloch amendment; and will that be open to amendment?

The CHAIRMAN. What is pending now is the McCulloch amendment with the Celler substitute.

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. WALTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, had come to no resolution thereon.

UNITED STATES AGAINST ELLIOTT SULLIVAN

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

MARCH 14, 1960.

The Honorable the SPEAKER,
House of Representatives.

SIR: From the U.S. District Court for the Southern District of New York, I have received a subpena duces tecum, directed to me as Clerk of the House of Representatives, to appear before said court as a witness in the case of the *United States* v. *Elliott Sullivan* (No. C152–238), and to bring with me certain and sundry papers therein described in the files of the House of Representatives.

The rules and practice of the House of Representatives indicates that the Clerk may not, either voluntarily or in obedience to a subpena duces tecum, produce such papers, without the consent of the House being first obtained. It is further indicated that he may not supply copies of certain of the documents and papers requested without consent.

The subpena in question is herewith enclosed, and the matter is presented for such action as the House in its wisdom may see fit to take.

Respectfully yours,
RALPH R. ROBERTS,
Clerk, U.S. House of Representatives.

The SPEAKER. The Clerk will read the subpena.

The Clerk read as follows:

U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK—UNITED STATES OF AMERICA *v.* ELLIOTT SULLIVAN—No. C152–238

RALPH R. ROBERTS,
Clerk of the House of Representatives, The Capitol, Washington, D.C.
RICHARD ARENS,
Staff Director, House Un-American Activities Committee, House Office Building, Washington, D.C.:

You are hereby commanded to appear in the U.S. District Court for the Southern District of New York at the Federal Courthouse, room 318, in the city of New York on the 21st day of March 1960 at 10:30 o'clock a.m., to testify in the case of *United States* v. *Elliott Sullivan* and bring with you the papers, documents, correspondence, transcripts of testimony and reports more fully described on the annexed schedule.

(See attached schedule.)

HERBERT A. CHARLSON,
Clerk.
By CATHERINE B. SALAMONE,
Deputy Clerk.

March 8, 1960.

David Scribner, attorney for defendant, New York.

STATEMENT

1. Transcript of testimony of Lee J. Cobb before House Committee on Un-American Activities (hereafter referred to as HUAC) on June 2, 1953.

2. Transcript of testimony of Jerome Robbins before HUAC on May 5, 1953.

3. Transcript of testimony of Martin Berkeley before HUAC in 1951.

4. Transcript of testimony of Nicholas Bela before HUAC on December 14, 1954.

5. Transcript of testimony, or written statement, or written report of oral statement of "a former Communist" who "identified" Elliott Sullivan "in 1951" as a member of the Communist Party; the material sought being that specifically referred to in the HUAC Annual Report for 1953, House Report No. 1192, 83d Congress, 2d session, at page 51.

6. Transcript of testimony of Elliott Sullivan in executive session before HUAC on July 29, 1955, which was later released for publication.

7. HUAC Annual Report for the year 1954.

8. Transcript of testimony of Larry Parks before HUAC on or about April 1951.

9. True copies of any letters or other written communications or reports referring to Elliott Sullivan sent by HUAC or its members, staff members, counsel, agents, or representatives to Aware, Inc., Vincent Hartnett, Godfrey Schmidt, Ted Kirkpatrick, John Keenan, Counterattack (a publication), or Red Channels (a publication) during the period January 1, 1951 through December 31, 1956.

10. Letters or other written communications referring to Elliott Sullivan sent by any of the persons or organizations or publications named in paragraph 9 above to the HUAC, its members, staff members, counsel, agents, or representatives during the period January 1, 1951, through December 31, 1956.

11. True copy of letter dated on or about January 31, 1956, by Frank J. Tavenner, counsel to HUAC, to Charles Collingwood, then president of American Federation of Television and Radio Artists, New York.

12. True copies of any and all letters or other written communications or reports sent by HUAC, its members, staff members, counsel, agents, or representatives during the period January 1, 1951, through December 31, 1956, to any advertising agencies, radio or television broadcasting systems, sponsors of radio and television programs, theatrical agencies and producers, or their counsel, agents, or representatives, in respect to persons called or to be called for their testimony as to Communist methods or activities in entertainment, or in respect to the employment or nonemployment of persons in the field of entertainment.

13. Any and all letters or other written communications received by the HUAC, its members, staff members, counsel, agents, or representatives during the period January 1, 1951, through December 31, 1956, from the individuals, agencies, and companies and organizations referred to in paragraph 12 above in respect to the subject matters referred to in said paragraph.

14. Original stenographic minutes of executive session or any other meeting of the HUAC or any of its subcommittees at which the citation of defendant for contempt was discussed, considered, or acted upon.

15. Original stenographic minutes of any meeting of the committee or of any of its subcommittees at which the issuance of a subpena to appear before the committee or any of its subcommittees was discussed, considered, or acted upon.

16. All transcripts of testimony, memoranda, written statements, reports, and any other material in the custody or under the custody of the committee, its agents other than those already referred to in this subpena duces tecum, which refers or relates to the defendant.

Mr. McCORMACK. Mr. Speaker, I offer a resolution (H. Res. 476) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Whereas in the case of the United States of America against Elliott Sullivan (criminal case numbered C152–238), pending in the United States District Court for the Southern District of New York, a subpena duces tecum was issued by the said court and addressed to Ralph R. Roberts, Clerk of the House of Representatives, directing him to appear as a witness before the said court on the 21st day of March 1960, at 10:30 a.m., and to bring with him certain and sundry papers in the possession and under the control of the House of Representatives: Therefore be it

Resolved, That by the privileges of this House no evidence of a documentary character under the control and in the possession of the House of Representatives can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by its permission; be it further

Resolved, That when it appears by the order of the court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that documentary evidence in the possession and under the control of the House is needful for use in any court of justice, or before any judge or such legal officer, for the promotion of justice, this House will take such order thereon as will promote the ends of justice consistently with the privileges and rights of this House; be it further

Resolved, That Ralph R. Roberts, Clerk of the House, be authorized to appear at the place and before the court named in the subpena duces tecum before-mentioned, but shall not take with him any papers or documents on file in his office or under his control or in possession of the House of Representatives; be it further

Resolved, That when said court determines upon the materiality and the relevancy of the papers and documents called for in the subpena duces tecum, then the said court, through any of its officers or agents, have full permission to attend with all proper parties to the proceeding and then always at any place under the orders and control of this House and take copies of any documents or papers and the Clerk is authorized to supply certified copies of such documents or papers in possession or control of said Clerk that the court has found to be material and relevant (except that under no circumstances shall any minutes or transcripts of executive sessions of committees, or confidential papers, documents, or files of the House of Representatives, or any evidence of witnesses in respect thereto, be disclosed or copied) and which the court or other proper officer thereof shall desire, so as, however, the possession of said documents and papers by the said Clerk shall not be disturbed, or the same shall not be removed from their place of file or custody under said Clerk; and be it further

Resolved, That a copy of these resolutions be transmitted to the said court as a respectful answer to the subpena aforementioned.

The resolution was agreed to.

A motion to reconsider was laid on the table.

UNITED STATES AGAINST PETER SEEGER

The SPEAKER. The Chair lays before the House the following communication from the Clerk of the House.

The Clerk read as follows:

MARCH 14, 1960.

The Honorable the SPEAKER,
House of Representatives.

SIR: From the U.S. District Court for the Southern District of New York, I have received a subpena duces tecum, directed to me as Clerk of the House of Representatives, to appear before said court as a witness in the case of the *United States v. Peter Seeger* (No. C–152–240), and to bring with me certain and sundry papers therein described in the files of the House of Representatives.

The rules and practice of the House of Representatives indicates that the Clerk may not, either voluntarily or in obedience to a subpena duces tecum, produce such papers without the consent of the House being first obtained. It is further indicated that he may not supply copies of certain of the documents and papers requested without consent.

The subpena in question is herewith enclosed, and the matter is presented for such action as the House in its wisdom may see fit to take.

Respectfully yours,
RALPH R. ROBERTS,
Clerk, U.S. House of Representatives.

The Clerk will read the subpena.

The Clerk read the subpena as follows:

U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK—UNITED STATES OF AMERICA *v.* PETER SEEGER—No. C–152–240

RALPH R. ROBERTS,
Clerk of the House of Representatives, The Capitol, Washington, D.C.
RICHARD ARENS,
Staff Director, House Un-American Activities Committee, House Office Building, Washington, D.C.

You are hereby commanded to appear in the U.S. District Court for the Southern District of New York at the Federal Courthouse, in the city of New York on the 21st day of March 1960 at 10:30 o'clock a.m. to testify in the case of *United States v. Peter Seeger* and bring with you the papers, documents, correspondence, transcripts of testimony, and reports more fully described on the annexed schedule.

HERBERT A. CHARLSON,
By CATHERINE B. SALAMONE,
Deputy Clerk.

March 8, 1960.

Wolf, Popper, Ross, Wolf & Jones, attorney for defendant, New York, N.Y.

SCHEDULE ATTACHED TO SUBPENA DUCES TECUM IN THE CASE OF UNITED STATES OF AMERICA *v.* PETER SEEGER

1. House Resolution No. 2, 84th Congress, 1st session, January 5, 1955.

2. Rules of the House of Representatives for the 84th Congress.

3. Journal of the House of Representatives of January 13, 1955, and January 20, 1955, indicating the constitution of the Committee on Un-American Activities of the House of Representatives.

4. The minutes of a January 20, 1955, executive session of the Committee on Un-American Activities adopting a resolution empowering and authorizing the chairman to appoint subcommittees composed of three or more members, a majority of whom to constitute a quorum, for the purpose of performing any and all acts which the committee as a whole is authorized to perform.

5. The written minutes, record, and report of an organizational meeting of the Committee on Un-American Activities in January 1955 at which a preliminary investigation into Communist infiltration in the field of entertaining in New York was authorized.

6. All transcripts of testimony, memorandums, written statements, reports, and any other material in the custody or control of the committee, its clerk, counsel, or staff director, which refers or relates to defendant.

7. Original stenographic minutes or report of any meeting of the committee or any of its subcommittees at which the issuance of a subpena to the defendant to appear before the committee or any of its subcommittees was discussed, considered, or acted upon.

8. Original stenographic minutes of executive session or any other meeting of the committee or any of its subcommittees at which the citation of the defendant for contempt was discussed, considered or acted upon, and particularly the minutes of an executive session of the committee on June 27, 1956.

9. The original report approved by the committee for presentation to the House of Representatives requesting the citation of defendant for contempt.

10. House Reports Nos. 2918, 2919, and 2920 relating to the appearance of this defendant before the subcommittee, and House Reports Nos. 634, 635, and 636, including to July 25, 1956, relating to the certification of these reports to the U.S. attorney.

11. All the annual reports of the committee to the House of Representatives covering its activities from and including the year 1938 to and including the year 1956.

12. Transcripts of the testimony before the committee of the following named individuals, which testimony was given on the dates set opposite their names:

Lee J. Cobb, June 2, 1953.
Jerome Robbins, May 5, 1953.
Carl Foreman, September 24, 1951.
Larry Parks, March 21, 1951.
Marc Lawrence, April 24, 1951.
Sterling Hayden, April 10, 1951.
Richard J. Collins, April 12, 1951.
Meta Reis Rosenberg, April 13, 1951.
Roy M. Brewer, May 17, 1951, and July 12, 1956.
Edward Dmytryk, April 25, 1951.
David Raskin, September 20, 1951.
George Hall, August 17, 1955.
Vincent W. Hartnett, July 12, 1956.

Paul R. Milton, July 12, 13, 1956.
Elizabeth Wilson, September 12, 1951.
Frank Tuttle, May 24, 1951.
Martin Berkeley, September 19, 1951.
Harold J. Ashe, September 17, 1951.
Budd Wilson Schulberg, May 23, 1951.
Mildred Ashe, September 17, 1951.
Leo Townsend, September 18, 1951.
Bernice Polifka Fleury, September 24, 1951.
George Beck, September 25, 1959(?).
Karl Tunberg, September 25, 1951.
Eugene Fleury, September 10, 1951.
Eve Ettinger, September 10, 1951.
Anne Ray Frank, September 10, 1951.
Mendell Morton Krieger, September 11, 1951.
Stanley Roberts, May 20, 1952.
Isobel Lennart, May 20, 1952.
Nicholas Bela, December 14, 1954.
Clifford Odets, May 19, 1952; May 20, 1952.
Elia Kazan, April 10, 1952.
Melvin Levy, January 28, 1952.
George Bassman, January 28, 1952.
Roy Huggins, September 29, 1952.
Allan E. Sloane, January 13, 1954.
Abram S. Burrows, November 12, 1952, and March 20, 1951.
Bernard C. Schoenfeld, August 19, 1952.

13. True copies of any letters or other written communications or reports referring to Peter Seeger sent by the committee or its members, staff members, counsel, agents, or representatives to Aware, Inc., Vincent Hartnett, Godfrey Schmidt, Ted Kirkpatrick, John Keenan, Counterattack (a publication), or Red Channels (a publication), during the period January 1, 1951, through December 31, 1956.

14. Letters or other written communications referring to Peter Seeger sent by any of the persons or organizations or publications named in paragraph 13 above to the committee, its members, staff members, counsel, agents, or representatives during the period January 1, 1951, through December 31, 1956.

15. True copy of letter dated on or about January 31, 1956, by Frank J. Tavenner, counsel to the committee, to Charles Collingwood, then president of American Federation of Television and Radio Artists, New York.

16. True copies of any and all letters or other written communications or reports sent by the committee, its members, staff members, counsel, agents, or representatives during the period January 1, 1951, through December 31, 1956, to any advertising agencies, radio or television broadcasting systems, sponsors of radio and television programs, theatrical agencies and producers, or their counsel, agents, or representatives, in respect to persons called or to be called for their testimony as to Communist methods or activities in entertainment, or in respect to the employment or nonemployment of persons in the field of entertainment.

17. Any and all letters or other written communications received by the committee, its members, staff members, counsel, agents or representatives during the period January 1, 1951, through December 31, 1956, from the individuals, agencies and companies and organizations referred to in paragraph 16 above in respect to the subject matters referred to in said paragraph.

Mr. McCORMACK. Mr. Speaker, I offer a resolution, House Resolution 477, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Whereas in the case of United States of America against Peter Seeger (criminal case numbered C–152–240), pending in the United States District Court for the Southern District of New York, a subpena duces tecum was issued by the said court and addressed to Ralph R. Roberts, Clerk of the House of Representatives, directing him to appear as a witness before said court at 10:30 o'clock antemeridian on the 21st day of March 1960, and to bring with him certain and sundry papers in the possession and under the control of the House of Representatives: Therefore be it

Resolved, That by the privileges of this House no evidence of a documentary character under the control and in the possession of the House of Representatives can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by its permission; be it further

Resolved, That when it appears by the order of the court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that documentary evidence in the possession and under the control of the House is needful for use in any court of justice, or before any judge or such legal officer, for the promotion of justice, this House will take such action thereon as will promote the ends of justice consistently with the privileges and rights of this House; be it further

Resolved, That Ralph R. Roberts, Clerk of the House, be authorized to appear at the place and before the court named in the subpena duces tecum before-mentioned, but shall not take with him any papers or documents on file in his office or under his control or in possession of the House of Representatives; be it further

Resolved, That when said court determines upon the materiality and the relevancy of the papers and documents called for in the subpena duces tecum, then the said court, through any of its officers or agents, have full permission to attend with all proper parties to the proceeding and then always at any place under the orders and control of this House and take copies of any documents or papers and the Clerk is authorized to supply certified copies of such documents or papers in possession or control of said Clerk that the court has found to be material and relevant (except that under no circumstances shall any minutes or transcripts of executive sessions of committees, or confidential papers, documents, or files of the House of Representatives, or any evidence of witnesses in respect thereto, be disclosed or copied) and which the court or other proper officer thereof shall desire, so as, however, the possession of said documents and papers by the said Clerk shall not be disturbed, or the same shall not be removed from their place of file or custody under the said Clerk; and be it further

Resolved, That a copy of these resolutions be transmitted to the said court as a respectful answer to the subpena aforementioned.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDER GRANTED

Mr. BAILEY Mr. Speaker, I ask unanimous consent that, following the other special orders heretofore entered into, the gentleman from Pennsylvania [Mr. FLOOD] may be permitted to address the House for 30 minutes and to revise and extend his remarks and include therein extraneous matter.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

RECENT PHILIPPINE DEVELOPMENTS

Mr. DORN of South Carolina. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include a brief statement.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN of South Carolina. Mr. Speaker, our close friend and ally, the Republic of the Philippines, has shown time and again its loyalty to the ideals of freedom and democracy that we Americans cherish so highly that I believe it important that we in the United States should do all we can to develop closer ties with them. It is for this reason that I would like to give the positive side of recent Philippine developments because such is the nature of modern journalism that it is usually the negative that is transmitted as news. I have for my authority our good friend and former colleague in this House, Gen. Carlos P. Romulo, Philippine Ambassador to the United States, who has just returned to Washington after a 2½ months' stay in his homeland.

I commend his statement to the distinguished Members of this body. It is a factual refutation of press reports that have chosen to feature the sensational. It is a sober and restrained account of what the present administration is achieving in the Philippines today. Because we know the record in war and in peace of General Romulo, because we have faith in him, I know his words carry weight, and it is for this reason that, under unanimous consent, I include his statement with my remarks:

STATEMENT OF GEN. CARLOS P. ROMULO, PHILIPPINE AMBASSADOR TO THE UNITED STATES, UPON ARRIVAL IN WASHINGTON, D.C., FEBRUARY 4, 1960

I have just returned from the Philippines and I would like to give a factual report of conditions now obtaining there.

As a clear and definite index of our steady economic growth, the Philippines for the first time since the war, has achieved a favorable balance of trade.

For the first time also our agricultural production has registered such an increase we not only produce enough rice and corn for domestic consumption but we piled up surpluses that show the success of the present administration's campaign for self-sufficiency in food.

The first ship built by Filipino naval architects and engineers was launched, a significant advance for the Philippines which is an archipelago of more than 7,000 islands.

Oil has been discovered in the Province of Cebu, and together with steel will unquestionably be an important factor in giving the necessary impetus to our newly established agro-industrial economy.

The cornerstone of a nuclear center made possible by America's generosity in granting the Philippines an atomic reactor was laid by President Garcia last month, thus ushering the Philippines into the atomic era with all that this means in revolutionizing us industrially.

A national election was held, clean, free, and orderly, and the results were received as the untrammeled expression of the people's sovereign will.

More than any previous administration, the present one prosecuted its campaign against graft and corruption in the government, giving such positive results as 12,223 cases investigated, roughly 50 percent were decided, and 4,024 respondents were found guilty.

President Garcia has last month reorganized his Cabinet with the appointment of men whose ability and moral integrity are unquestioned and whose excellent record of public service in the past is universally admitted in the Philippines. The new appointments were hailed by the press as an earnest of President Garcia's determination to give the people an honest and efficient government.

The "Filipino First" policy is not the sudden outgrowth of a new surge of nationalism. It had its roots during the Commonwealth period in 1935 when Manuel L. Quezon was the President, and the National Economic Protectionism Association (NEPA) was formed. It was revived and strengthened by President Manuel Roxas under the name "Bagong Katipunan." Today, President Garcia is giving it point and meaning since unlike the Commonwealth period, we now have the attributes of national sovereignty and the formulation of our economic policies is entirely in Filipino hands.

Our economic policies, however, must conform to the Philippine Trade Act and to our Constitution, both of which protect the rights of American citizens. The Filipino-first policy, therefore, cannot be anti-American, firstly, because it is not intended to be so, and, secondly, because in its implementation, the basic laws of the country must be complied with and they fully protect Americans against any discrimination.

In the words of President Garcia, it is a policy designed to secure Philippine economic independence, a national effort to the end that Filipinos may obtain major and dominant participation in their own national economy. He emphasized in his recent state of the Nation message that the Filipino-first policy will be carried out "within the framework of our special relations with the United States to whose citizens we granted until 1974, by constitutional provision, equal rights as Filipinos in the exploitation of our natural resources and public utilities, and to whom we also granted trading parity rights under the amended Philippine Trade Act." He also stressed the fact that the Filipino people under this policy "welcome friendly and understanding foreign capital willing to collaborate with us in the exploitation of our vast natural resources, preferably on joint venture basis."

In other words, the Filipino-first policy means that the Filipino welcomes and will extend hospitality to all who want to be his guest in his house but he wants to remain the master therein. Certainly, no national of any self-respecting sovereign nation in the world can quarrel with that.

MAKING ELECTION DAY A NATIONAL LEGAL HOLIDAY

Mr. FINO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FINO. Mr. Speaker, I think that all Americans are in agreement that election day is one of the most significant days in our national life. For this reason I have today introduced in Congress a joint resolution declaring that, beginning this year and applying to every even-numbered year from now on, the first Tuesday after the first Monday in November shall be recognized as a legal public holiday by the Federal Government.

This day is, of course, election day. It is the day on which, in every fourth year, the people elect a President of the United States. It is the day that, every biennium, one-third of the Senate of the United States and the entire membership of the House of Representatives are chosen by the people at the polls.

It is the day when practically all of the States elect their Governors and other top officials, as well as members of their State legislatures. And it is the day on which thousands of local officials—mayors, city councilmen, county commissioners, school board members, and so forth—are elected.

The fundamental meaning and importance of election day actually go beyond the choosing of individuals to fill public offices. It is on this day, more than on any other, that democracy really comes to life. It is on this day that democracy becomes more than a treasured and cherished set of principles and precepts. It becomes a very real, active, and practical expression of a free people.

Yet, we as a nation take no special note of election day. We give it no particular recognition or significance for its own sake.

I believe that this is wrong and that we ought to do something about it. I believe that the day on which we exercise the freedom, the principles, and the ideals expressed in the Declaration of Independence and the Constitution and, for that matter, in the entire tradition and heritage of Western democracy—I believe that this day most certainly should be accorded a very special, official recognition.

That is why I have introduced this resolution.

On George Washington's birthday we honor the memory of a great American who contributed so much toward the founding of this country and then served as its first President. On the Fourth of July, Independence Day, we pay homage to those remarkable men who wrote and proclaimed the Declaration of Independence and were prepared to die in support of its principles.

But we do not celebrate, commemorate, or otherwise acknowledge in any official manner at all that one day above all others, election day, when we put these principles into action. In my opinion this is a serious mistake, but it is a mistake that can easily be corrected by the passage of this resolution.

I think it is interesting and informative to see what the States have done about this question. According to the latest available data, they have set an example which the Federal Government would do well to emulate. In 37 of the States, election day is a full holiday; in one, Ohio, it is a half-holiday. Thus, it would appear that approximately three-fourths of the States grant to election day the much deserved honor and recognition that are not accorded to it by the Federal Government.

There are other reasons why election day ought to be made by Federal law a national public holiday. I am sure it would, for example, result in a large turnout of eligible voters.

It is certainly a fact that many people do not vote because it is inconvenient for them to do so. All of us these days lead very busy lives. As it is now, voting, if it is going to be done at all, may of necessity be a chore for many people that has to be sandwiched hurriedly into the day's schedule.

One should not be forced to vote in this way. It is far too important a civic function to be done when one's mind is occupied with other things—and only then if there happens to be a free moment.

The normal routine of a regular business day—and election day is little more than this now—may interfere far more with voting than many of us realize. The New York Times, for example, reported shortly after the 1956 election that among the large blocs of people who did not vote were an estimated 2,600,000 who were traveling for business reasons on the day of the election.

I suppose it can be argued that these people should have voted by absentee ballot. To me, this is not a persuasive argument. In the first place, people cannot always anticipate when business will take them away from their polling places. Secondly, a few States have no provision for absentee voting. Finally, even where it is possible to vote by absentee ballot, the process may be so slow, cumbersome, and complicated that it discourages people.

We ought to do all we can to encourage people to go to the polls. We ought to do all we can to make it as easy as possible for them to vote.

By making election day a legal national holiday we would not only make it easier for many people to vote but we would also make the day into something special. And election day truly is something special. It is the day of decision for the American people. It is a day of unique significance to the vitality and continuing success of democratic government.

I strongly urge Congress to act promptly and favorable on this resolution.

CAPT. CICERO FRANCIS HOGAN

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, recently a man whom we all know and admire, retired as the national director of claims of the Disabled American Veterans. I refer to Capt. Cicero Francis Hogan, who, for the past 10½ years, has directed the claims and rehabilitation service of the Disabled American Veterans and who has given a lifetime of dedicated effort in behalf of disabled veterans, their dependents, and survivors. I had occasion recently to participate in a retirement banquet in his honor, at which time he was honored by many of his friends and associates in all walks of life. The story of his life and his work and accomplishments in veterans' affairs is so noteworthy and impressive that I feel all the American people, and especially the veterans of this Nation, should join with me in these honors which Captain Hogan so richly deserves.

"Cap," as he is affectionately known to all, was born in Portland, Oreg., in 1891. He is one of four children and the son of Ellen Alice Kenealy and Cicero Lewis Hogan. His forbears emigrated from Waterford, Ireland, originally settling in northern Maryland. In 1849 his grandfather, as a young man, joined the gold rush to California, later going to Oregon and settling in the small town of Portland, where "Cap's" father was born in 1860—100 years ago. So, even though an Oregonian by birth, "Cap" now resides in Maryland, the State from whence his forefathers came.

In 1912 he received his law degree from the University of Oregon. After about 4 years of law practice, in 1915, he enlisted in the Oregon National Guard and, as a first lieutenant of cavalry, served on the Mexican border in 1916 and 1917. On his release from border service, he was commissioned a captain. Seventeen days later he was called back to active duty on the outbreak of World War I. He was placed in charge of recruiting for the Oregon National Guard and established for himself a considerable reputation for his outstanding work in recruitment of the guard in Oregon. He left Oregon as a senior captain and helped organize the 66th Field Artillery Brigade at Camp Greene, N.C. He was then assigned to the 148th Field Artillery and, as an officer in the 148th Field Artillery, participated in five major engagements on the Western front. Following the armistice, he served with the army of occupation, and in April 1919 was ordered to Paris, France, and for 8 months he served as trial judge advocate in the Provost Marshal's Office. On his return to the States in 1920, he was assigned to the 15th Field Artillery and resigned from the service at Camp Travis, Tex., on June 2, 1920.

Following Army service, he returned to Portland to enter law practice, but his war service had taken its toll and for some time the doctors despaired of his life. Despite his poor state of health, he was selected by the Governor of Oregon to go to Washington in 1921 to represent the State of Oregon in the dedication of the Tomb of the Unknown Soldier. It was during these early years that he became interested in veterans' affairs and in particular, the plight of the disabled veteran and his family. In 1922 he joined a small but growing organization called the Disabled American Veterans of the World War. He also joined the Veterans of Foreign Wars and in 1928 became a rehabilitation officer with that organization. In these early years, he became concerned with the lack of hospital and medical facilities and the inadequate compensation for disabled veterans. Since that time he has been a leader in the fight for an adequate Veterans' Administration hospital system, an adequate compensation and pension program for veterans and dependents of veterans, retirement rights for emergency war officers, and the proper observance of events established in honor of veterans.

He became a rehabilitation officer of the Disabled American Veterans in 1933, at about the time the Economy Act was passed. For the next 7 years, he served in Portland as a rehabilitation officer of the Disabled American Veterans and gained the reputation as a fighting leader for improved hospital and medical care for veterans and an adequate benefit program for veterans, their children, widows, and dependent parents. Through his tireless efforts, he was to see much legislation enacted for the returning World War II disabled serviceman. Many will recall his famous convention speeches and the friendly debates with Veterans' Administrator, Frank T. Hines, and other Veterans' Administration officials. It is little known that, in 1938, he was elected national senior vice commander of the Disabled American Veterans and might have become the national commander but for his greater interest in service work.

In 1940, he was finally brought into the Disabled American Veterans national headquarters in Cincinnati, Ohio, and appointed the assistant national adjutant. For the next 9 years, he served as the assistant business and administrative head of the Disabled American Veterans, but never did he lose his interest or his love of work in the service and rehabilitation of disabled veterans.

In April 1949 he was appointed the national director of the Disabled American Veterans claims service by Gen. Jonathan M. Wainwright, at that time the national commander. He was selected from a large group of qualified men to direct the destinies of the Disabled American Veterans claims service. During his tenure of office, he has fought for a strong national claims and rehabilitation program as he believes that the service officer is the most important person in the world to the veteran or his widow who might not know where to turn in their efforts to secure benefits to which he or she may be entitled. His work and accomplishments over the 10½ years he has been the national claims director is known to all who are associated with veterans affairs. He leaves the Disabled American Veterans with a claims service, and with a national staff of trained, qualified national service officers, that is second to none.

He has always fought for what he believed to be right and he has always found time, in his many varied duties and responsibilities, to help and assist any and all disabled veterans and dependents who call on him. He is known to service officers everywhere as the dean of all service officers. His wisdom and sagacity and his forthrightness will be missed by everyone. We, of the Committee on Veterans' Affairs in the House of Representatives, recall his straightforward statements and helpful information given in his scores of appearances before our committee.

He is a "Kentucky Colonel," an "Arkansas Traveler," a "Nebraska Admiral," a "Texas Land Owner," an "Aid to the Governor of Georgia," and has received similar citations from almost every State in the Nation. He is a 42-year member of the American Legion, a member of the Forty and Eight, the Military Order of the World Wars, the Disabled Officers' Association, the Retired Officers' Association, the Elks, the Eagles, and many other organizations.

Captain Hogan lives with his lovely wife, Beatrice, a past national commander of the Disabled American Veterans Auxiliary, at 9219 Mintwood Avenue, Silver Spring, Md. In his retirement they intend to reside in Silver Spring.

To a great American, a dedicated service officer, and a friend of the veterans, I extend wishes for a healthy, happy retirement.

THE FOREIGN INVESTMENT INCENTIVE TAX BILL

The SPEAKER. Under previous order of the House, the gentleman from West Virginia [Mr. BAILEY] is recognized for 30 minutes.

Mr. BAILEY. Mr. Speaker, since the recent withdrawal of the foreign investment incentive tax bill, H.R. 5, from this floor, I hope that Members have found time to study the bill. The bill was brought to the floor so suddenly that Members hardly had time to acquaint themselves with it.

When they study the bill I believe they will find it as incomprehensible as I did. I can tell you that a mere reading of the language will get you nowhere. It would call for the training of an expert legislative draftsman to find one's way through the bill. Otherwise its meaning would have to be accepted on faith.

Let me read you the definition of gross income as given in the bill:

(1) The gross income of a foreign business corporation shall be the sum of—

(A) The gross income from sources within the United States, and

(B) The amount (which shall be treated as an item of income derived from sources without the United States during the taxable year) subtracted from its reinvested income account for the taxable year, as determined under section 953.

After the meaning of this has been digested the bill tells us that the taxable income of a foreign business corporation shall be—

the amount determined under paragraph (1) (above), minus the sum of deductions allowed by this chapter to the extent deductible under part I of this subchapter (relating to determination of sources of income), as modified by this subpart, in determining taxable income from within the United States.

Now you know exactly what is taxable income under the bill. The remainder of the bill is just as crystal clear as the parts that I have quoted. If this seems an exaggerated account, let me tell you how "distribution by reason of United States investment and payroll" is to be made, as set forth on page 34 of the printed bill. It says:

(1) General: Under regulations prescribed by the Secretary or his delegate, there shall be treated as distributed to shareholders for the taxable year, out of the reinvested foreign income account, one-half of the amount determined by multiplying the portion of the reinvested foreign income for the taxable year which is attributable to the active conduct of a trade or business by the percentage determined by dividing

(A) the sum of (i) the adjusted basis of the taxpayer's property within the United States, and (ii) an amount two times the amount paid or accrued during the taxable year for labor and personal services performed within the United States, by (B) the sum of (i) the adjusted basis of the taxpayer's property wherever located, and (ii) an amount two times the amount paid or accrued during the taxable year for all labor and personal services.

Now, Mr. Speaker, I know that legislative language sometimes becomes technical but the language of this bill, I feel certain, could be translated into understandable English if an effort were made to do so.

I do not say that clarification of the bill would make it a good legislative proposal or that it would convert a bad policy into a good one. I am simply saying that when we are asked to vote on a bill its language should bring out its purpose rather than obscuring or hiding its meaning. It would be possible then to refer to this or that section and discuss it on its merits.

I am convinced that the bill is against the best interests of this country; but it is difficult to pin this down by reference to any particular part or section of it because of the involved language.

The whole proposal is out of joint with world economic and military realities. Not only is there no need to induce American capital to go abroad; it is already doing this in a growing stream and needs no further incentive. In fact what we should be doing would be to create an incentive for greater investment at home to provide more jobs for the jobless in this country.

Has anyone given thought to the effects of more voluminous foreign investments such as is contemplated by H.R. 5?

Much is made of the need of American industry to get itself established within the confines of the European common market and the outer seven or European free trade area. It is said that we will find it difficult if not impossible to ship into these areas from the outside once the inner tariffs are removed or considerably lowered. It is maintained that we will be frozen out because our exports will encounter tariff and other obstructions that do not apply to member countries.

Therefore, it is argued, American firms will do well to get themselves established inside of the outer walls. They can then get an extra dividend or two extra dividends, so to speak. They will have the employment of much cheaper labor than is available in this country and will be able to supply the new markets from within; but that is not all. They can ship out from these European bases to other parts of the world rather than shipping out from this country. The employment of labor abroad with the lower rates of pay will make our capital more competitive when invested overseas.

We can help reindustrialize Europe with the use of the latest technology; and, abetted by the widening mass markets thus opened up on the Continent, can participate in the intensive manufacturing enterprises that will grow up. Europe will soon surpass this country and we should be in on the ground floor.

There is one bothersome fly in this otherwise beautiful ointment. That is the military vulnerability of Europe to occupation by Russian forces in the event of war. The great industrial complex in which we would be deeply involved might quickly crumble and fall.

Another unwelcome feature of the whole plan is the invitation to reduce exports from this country and to substitute exports from foreign industrial locations. Employment in our export industries would either fall or drop behind in relation to the rest of our economy. Employment would expand overseas rather than here. I think we must all be aware of the serious problem we have in this country with the maintenance of employment. We should give this problem more, rather than less, attention. We should try to solve it, rather than aggravating it as this bill would do.

One of the worst of all the features of the plan would be the substitution of foreign for domestic production. Already considerable volumes of competitive goods generated by our existing foreign investments are creating havoc in this country. Automobiles, sewing machines, typewriters and office equipment, electronic devices, watches, cameras, oil and many other products produced abroad by American capital are already causing varying degrees of distress in this country. Such distress will grow immeasurably and culminate in a crisis if we stimulate foreign investments. Even without additional incentives the situation is already deplorable and getting worse.

Why, indeed, does our capital prefer foreign plants to investments here?

I can tell you why. In this country we have achieved higher labor standards, standards that have brought us the best market in the world. Through our so-called reciprocal trade program we have exposed these standards to the lower standards of other countries.

We have demolished our tariffs and refuse to come to the assistance of the many industries that are sorely beset by imports. Other countries have lower costs of production because they have not followed our system; but their productivity has greatly increased through the use of the modern plants, latest type of machinery, and equipment that they got from us.

I think it must be agreed that the people in this country have worked hard to build our economy to the position it occupies in the world today.

Now we are to see it wrecked, not merely by imports that flow in with little obstruction from foreign-owned plants abroad but from plants opened abroad by our own capital.

This is an upside-down proposal that belongs in Alice in Wonderland. It is almost unbelievable that it should be offered seriously.

We are running a bad deficit already in our foreign account. The more money we send out, the worse the deficit. Already our direct investments abroad are some $30 billion. This gives rise to direct employment of an estimated work force of more than 1½ million and some 3 million additional in indirect employment. We could use these 4½ to 5 million jobs in this country.

If we assured our industries a fair competitive chance at holding their markets in this country, our capital would do its expanding here and would employ the unemployed that now darken the homes and blight the communities in many parts of the country. Hope would shine again in the eyes of those who are told week after week that there is no longer a job for them.

But no, we want to help our money to flow overseas as proposed in H.R. 5 and forget about these people back in West Virginia and other sorely afflicted localities. We will not lighten their tax burden one iota; rather we will burden them by the amount that we lighten the burden on the foreign investments. This is a new type of patriotism.

We all know that in the past year hundreds of our firms have been busy exploring abroad, seeking suitable fields of investment in order to produce abroad what can no longer be competitively produced here. I do not blame these companies. I blame us here in Congress for supporting the kind of trade policy that has brought on the condition that makes the home market less attractive than the foreign.

If we had proper enforcement of the escape clause under the Trade Agreements program our companies could better afford to invest at home and do their expanding here rather than abroad. When our industry has absorbed our unemployed, then it is in order to expand abroad, not before, and not as an escape hatch from home responsibilities.

There is already adequate incentive for our companies that want to go abroad. The profit record of many companies that are already abroad will be sufficient lure to those who want to follow. Here are a few examples:

The Brazilian subsidiary of Addressograph-Multigraph Corp. showed a 38-percent increase in net sales, 26-percent increase in net income in 1958. Its English subsidiary showed a net income which was 12.4 percent of net sales.

Net sales of the foreign companies of American Radiator & Standard Sanitary Corp. for all its branches totaled $139 million—compared with $351 million from domestic operations—provided net income of $10.1 million or 7.3 percent of sales—compared to $4.9 million or 1.3 percent from domestic.

The subsidiaries of Armstrong Cork Co. had combined earnings of $891,000, an increase of 42 percent over 1957. Combined sales were $23,325,000, up 9 percent from 1957.

The French affiliates of Bendix Aviation Co. experienced production increases of 25 to 30 percent in 1958.

American journalists who have interviewed some of the oldtimers in foreign investment work abroad have stated that "it sure does pay to come; there's a great opportunity to make big profits in Europe." There must be some truth in this observation if one considers the recent trends. A survey of 115 American machine tool companies of which 25 percent are already overseas, shows that 16 percent more intend to construct branches there in 1960. In addition, another 10 percent have signed contracts with foreign companies to ship their products back here and another 8 percent intend to do so in 1960.

It has been estimated that the sales generated by our plants abroad now amount to over $30 million annually, a considerable inducement, attractive to almost every manufacturer.

The added attraction of the common markets is another feature which has helped speed up the flow of American direct investment capital. With the lowering of tariffs among the member countries of the common markets it will have the effect of actually raising the restrictions around the economic region insofar as an American product is concerned. If a Frenchman wants to buy an automobile from either a German or American firm the German-domiciled company will now have the advantage of paying a lower tariff compared with the U.S. product exported from here.

That our companies do not need further inducement to go abroad may be concluded from what has already happened. Take Holland for instance. Our subsidiaries are far more numerous there than those of other investing countries: They are by country of origin: United States, 102; United Kingdom, 24; Belgium, 19; West Germany, 12; Switzerland, 9; Sweden, 6; France, 4; other countries, 7.

And H.R. 5 says we have to encourage our enterprises to go overseas.

Without the artificial stimulation which we might unwisely provide if we pass H.R. 5, let us examine the planned expenditures of our industries in Europe for 1960 in relation to 1958 as reflected in a survey made by McGraw-Hill:

[Millions of dollars]

Industry	1958	1960
Primary metals	1.9	24.7
Machinery	99.6	166.0
Transport equipment	52.3	122.7
Chemicals	38.2	57.1
All manufacturing	237.8	417.9
Petroleum	384.0	433.5

NOTE.—Figures reflect only expenditures of companies which participated in survey.

The survey stated that "manufacturing companies are probably setting a new record for capital expenditures overseas this year—1959—with plans for $957 million." This would be an increase of 26 percent over 1958 and even exceed the peak year of 1957. It is expected to go higher in 1960. The actual figures which should be published this month will show that U.S. direct investments in 1959 exceeded all estimates. We shall soon know. In addition all U.S. foreign investments have been running at an annual rate of $3½ to $4 billion.

Mr. Speaker, we do not need H.R. 5. H.R. 5, if successful, could only make worse a situation that is already bad. The bill should not be brought back but given a decent burial by the Ways and Means Committee without further ado.

HUNGARIAN INDEPENDENCE DAY

Mr. STRATTON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. STRATTON. Mr. Speaker, today, March 15, is the 112th anniversary of the victorious Hungarian Revolution in 1848. This date is of great significance not only because it reminds us of the profound spirit of the Hungarian people and the long fight which they have waged in behalf of their own freedom, but also because this victorious revolution which occurred 112 years ago today was crushed just as ruthlessly by the army of the Russian Czar as was the subsequent Hungarian Revolution of 1956, which valiantly displayed the same love of freedom and the same willingness to risk for that freedom, crushed by the tanks of the Soviet Union.

The love of the Hungarian people for freedom and the long fight they have made to achieve it is something which the people of America hold deeply in their mind and hearts. It is particularly appropriate then that we should recall these events today because it so happens that this 112th anniversary of the Hungarian Revolution of 1848 comes only a few weeks before the projected East-West summit meeting which could well be as fateful for the future of the Hungarian people as were the Teheran and Yalta Conferences of an earlier day.

Because of our deep regard for the Hungarian people and because of our sympathy for the situation in which they find themselves, Mr. Speaker, I trust the administration will make certain that the fate of the Hungarian people and their legitimate desire for freedom from Soviet domination be made a topic of the highest priority on the agenda of any forthcoming summit meeting. Surely, in view of the fact that the United Nations has adopted not less than 12 resolutions on the subject of Hungary which have been consistently defied by the Soviet Union, it would be regrettable indeed if the nations of the West were not to raise this whole question at their very first opportunity and insist that no settlement of the outstanding issues of Europe could properly be made with the Soviets without insisting on full freedom for the Hungarian people.

In this connection, also, Mr. Speaker, I believe it would be most appropriate if this country were to recognize the brave fight of the Hungarian people by commemorating in some more concrete way the fight for Hungarian independence which took place on October 23, 1956, one of the bravest and most courageous actions which any people have ever undertaken. I would therefore like to urge my colleagues in the Congress to join in asking the President of the United States to proclaim October 23 of each year as Hungarian Independence Day, not only in commemoration of the brave fight of the Hungarian people but also in recognition that we in America continue to look forward to the day when Hungary will again be free.

HUNGARIAN FREEDOM DAY

The SPEAKER. Under the previous order of the House, the gentleman from Massachusetts [Mr. MCCORMACK] is recognized for 30 minutes.

Mr. MCCORMACK. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and also ask unanimous consent that all Members who desire to do so may extend their remarks in the body of the RECORD today and for 5 legislative days on the subject of Hungarian Freedom Day, the 112th anniversary of the celebration of the independence of Hungary.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCCORMACK. Mr. Speaker, the Revolution of 1848 was like a hurricane in Europe. It swept over most of the continent, reviving long-dormant aspirations among oppressed and downtrodden peoples, and terrorizing autocrats who seemed secure in their posts. Unfortunately, however, in less than a year the whole movement had spent its force. In many countries its leaders were either in jail or in hiding, or had barely managed to escape with their lives.

To the Hungarians that revolutionary movement was of great significance. The Austrian Government had been ruling in Hungary with an iron hand, and there seemed to be little hope for relaxation while Metternich was at the helm. Austria was afraid of the revolution. The threats to its government seemed so serious that for awhile Metternich actually went into hiding, and the Government was prepared to make concessions on many fronts.

Early in 1848, when the situation was clear to the Hungarians, they seized upon the opportunity and made demands upon the Government for reforms that would give them considerable freedom. The Austrian Government, conscious of its weakening position and aware of the threatening dangers, met these Hungarian demands on March 15. That is the day that is marked in Hungarian history as their liberation, or Freedom Day, for that day became a turning point in their history.

Hungary was caught in the vortex of the last war and at the end of the war fell into the Soviet sphere. That itself has multiplied Hungary's woes. Since 1947, when a Communist-dominated government was hoisted over their heads, unhappy Hungarians have suffered more than did their forbears under old tyrannies. The Communists have never been popular in this home of those brave and gallant fighters. Left to themselves, these treacherous traitors would be harried out of the country without much effort, but as they are backed up by the full might of the Red army, helpless Hungarians are not able to deal with their Communist tyrants.

The world-shaking events of October 1956 clearly demonstrated to the world that the indomitable spirit of freedom and independence is burning bright in the hearts of freedom-loving Hungarians. As we all know, and ruefully

remember, they staged a revolt against their oppressors when they knew that they had little, if any, chance of success without immediate outside aid. But they braved the dangers and took all the risks attendant to such a perilous situation. They defied the Communist government imposed upon them and proclaimed their war for freedom. Unfortunately, and in unconcealed sorrow, one must confess that the free West did not in any way extend aid to these gallant Hungarians. In a matter of weeks the world was horrified to learn that the man—Khrushchev—who preaches peaceful coexistence and sweet reasonableness to the statesmen of the democracies in the West, dispatched new troops to Hungary and his powerful and ruthless forces from the Soviet Union cruelly put an end to all uprising in Hungary.

Since those fateful October-November days of 1956, the free world's conscience has been stirred by the fate of the Hungarians. The United Nations Assembly has more than once condemned the treachery of the Soviet Union in Hungary. Unfortunately, all such moves have not helped Hungarians in any effective way. It is now to be hoped that at the forthcoming Summit meeting in May the Hungarian question will be heard, and that perhaps a way may yet be found to help these unhappy victims of Communist tyranny.

Mr. Speaker, Hungary and other Communist-dominated countries, in their opposition to the Communist yoke, have at least one basic thing in common, the restoration of their independence and the freedom of their people.

The peoples of these countries years ago were promised that they would have the right to determine their own form of government through a secret ballot and internationally supervised.

It is due to the ruthlessness of the Soviet Union, of her broken word, that this has not been carried out.

This question should be put upon the agenda of the coming summit meeting by the United States, Great Britain, and France. Such action will keep alive the courage of tens of millions of persons behind the Iron Curtain who despise communism, and who are praying and hoping for the day of deliverance.

Such action would convey to those millions that this question is still alive; such action will also show the Soviet Union that this question is not dead.

For one of the major concerns of Khrushchev and his associates is the knowledge that as long as the United States and the free world keep alive hope in the minds of these millions, that they are a constant threat to the Soviet Union, as well as a reservoir of strength for the West.

There is a strong feeling that Fascist Russia is using the Berlin situation as a means to a greater victory for the Soviet Union, an agreement freezing the present division of Europe.

Such an agreement would be morally wrong.

Such an agreement would be adverse to our national interest.

Such an agreement would be a military and psychological victory of major importance to the Soviet Union.

Such an agreement, through disillusionment, would drive these millions into the influence of the Kremlin, and with the destruction of their prayers and hopes, make them bitter toward those they feel had "sold them down the river."

The results of such an agreement would be to weaken NATO, and in all probability would result in its quick dissolution and death.

Such an agreement would be an appeasement, and experience with Hitler shows that appeasement is the road to war.

This is the 112th anniversary of the celebration of that glorious Independence Day. Let us all hope that soon all stout-hearted and gallant Hungarians who are suffering under Communist tyranny will again have freedom in their once free homeland.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, I believe the distinguished majority leader, the gentleman from Massachusetts [Mr. McCORMACK], deserves the praise of the entire country for his remarks today and for again expressing, as he has for many years expressed, his very deep and sincere desire that people of the captive nations be given an opportunity to choose their own form of government, and I certainly wish to associate myself with the remarks of the distinguished majority leader. God grant that we may have the power and the wisdom to make the citizens of our country understand the great benefits that will come to the West by supporting the aspirations of these suppressed people. I congratulate the distinguished majority leader on his great concern for these people.

Mr. McCORMACK. I appreciate what my friend says. Although the gentleman is a new Member of the House, there is no one who is more devoted to freedom, and particularly for the restoration of independence and liberty of the dominated people of Europe, than is the gentleman from Illinois who has just spoken.

Mr. HALPERN. Mr. Speaker, today, March 15, is the 112th anniversary of the Hungarian Revolution of 1848, an eminently successful national endeavor until crushed by the troops of the Russian Czar. The wave of liberalism that swept through continental Europe in 1848, threatened to roll back the stifling autocracy fashioned by the royal governments which were still holding much of Europe under their dominion following the defeat of Napoleon and the French.

Although these revolutions were snuffed out, the groundwork was laid for the rise of parlimentary government in later years. The dead hand of oppression was eventually thrown aside by those to whom liberty and freedom were more precious than life itself.

On October 23, 1956, the pattern recurred and Russian armed forces brutally machinegunned Hungarian patriots in the streets of Budapest. The uneasy peace of despotism has once more descended upon Hungary.

For all who, with anxiety and hope, watched events unfold in the fall of 1956, this day is a fitting occasion on which to salute the brave people of Hungary who have fought foreign oppressors more than once in order to give substance to their deep-seated aspirations for freedom and self-determination.

Those of us who love freedom believe that events in 1956, were a prelude to the eventual dissolution of tyranny in Hungary. We wish the people of that land to know that they are not forgotten. We share with them the hope that the dark night of oppression will soon pass, and that this courageous nation will once again be welcomed into the ranks of the free.

Mr. McDONOUGH. Mr. Speaker, today marks the 112th anniversary of the victorious Hungarian Revolution in 1848, a date commemorated by the Hungarian people and by people of Hungarian descent wherever they may be.

The Hungarian people have demonstrated again and again throughout their history their determination to free their native land from oppression and to establish and maintain Hungary as a free independent nation.

It is one of the great tragedies of our time that in spite of the supreme sacrifice of the Hungarian people, Hungary has not gained independence and the people of Hungary are still enslaved under the domination of the Soviet Union.

In the Preamble to the Constitution of the United States, the Founding Fathers of our Nation stated in part:

> We the people of the United States, in order to * * * secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

As our Nation is founded upon the concept of national liberty and freedom for our people, we join wholeheartedly with the people of Hungary in their fervent prayer for liberation from the oppression and tyranny which now dominate their land.

The Hungarian people, in my opinion, have exemplified a spirit of liberty and independence, and sacrifice for liberty and independence that is unequaled in the contemporary history of the world. They are entitled to all the aid they can obtain from democratic nations throughout the world.

The people of the United States share with the people of Hungary the hope that Hungary may soon be freed from Soviet bondage and emerge a free and independent nation.

Mrs. CHURCH. Mr. Speaker, today, a most important day of the year for all freedom-loving Hungarians, we pause to commemorate the 112th anniversary of Hungarian independence and to pay tribute not only to the freedom fighters of 1848 but also to their descendants, the freedom fighters of 1956.

The history of Hungary portrays a centuries-long struggle for independence and liberty. The nation, founded in 897 A.D., became a Christian nation in 1000

A.D., and in the 13th century won a bill of rights similar to the Magna Carta. Beset on all sides by continental powers with imperialistic tendencies, the Hungarian people have been given little time to enjoy constructive peace. Since 1453, the struggle to maintain their sovereignty has been continuous. The Turks, after nearly 100 years of fighting the Hungarians, finally defeated the Magyar army in 1526 and occupied the major portion of Hungarian territory while the Hapsburgs ruled the remainder. Although in 1683 the Turks were defeated, the Hapsburgs extended their rule over all of Hungary.

It was in 1848 that the Hungarian people, under the brilliant leadership of Louis Kossuth, revolted against the rule of the Austrian Empire and proclaimed their independence. Freedom was short-lived. The Austrian Emperor prevailed upon the Czar of Russia to help crush the insurrection.

It is interesting to note that even in the early days Illinois hailed the courage of this brave people. Certain citizens in Springfield, Ill., met and passed a resolution which read in part as follows: "That, in their present glorious struggle for liberty, the Hungarians command our highest admiration and have our warmest sympathy; and that they have our prayers for their speedy triumph and final success." One of the three-man committee which submitted this resolution at the Springfield meeting was Abraham Lincoln.

After World War I, a freely elected national assembly repealed the measures of the regime of Bela Kun and restored the monarchial constitution, with Admiral Horthy as regent. With the rise of the Nazis, Hungary again lost real independence; and after the Nazis left, the Russians entered and forced upon the Hungarian people a form of government which as lovers of freedom they were bound to abhor. The Hungarians soon openly showed their hatred for this government by a revolt so courageous and fervent that the Soviets had to resort to extreme measures, which shocked the conscience of the world, we vividly and with deep regret remember.

At what cost the men, women, and even the children of Hungary made that bid for freedom we well know. To gain their long-cherished dream of liberty and independence, they paid the price in blood. Their sacrifice, however, although they lost the present battle—could not be held to be in vain. Their battle for freedom, their undaunted sacrificial courage will stand in ineradicable testimony to the demand of mankind everywhere for basic freedom and the right to live in true dignity and brotherhood under governments of their own choosing. Above all, the sacrifice then made unstintingly by the Hungarian people presents a challenge to those of us more fortunate to lift high the torch and carry on mankind's battle against domination of the spirit as well as of the body.

It is in this spirit that we express again to the Hungarian people not only our sympathy but our pride in their stamina and courage. It is in this spirit that we rededicate ourselves to the cause of and battle for human freedom.

Mr. LIBONATI. Mr. Speaker, little Hungary, virile and fertile—blessed by God with the principal crops necessary for the abundant food cellars of her children and formerly stored for her free children—but today stored in the larders of the Soviet nation—wheat, rye, barley, oats, corn, potatoes, sugar beets, hemp and flax. Her abundant variety of wines and extensive output of coal, oil, iron, steel; industries of machines, tools, chemicals, vehicles, railroad equipment, milling and distilling, make it plain for us to see that the Hungarians, from early times under its earliest settlers, chiefly Slav and Germanic, although overrun by Huns and Magyars from the East, and its civilization under Stephen I—997–1038—with the promulgation of its constitution in 1222, was always productive and contributory to the high standards of continental Europe. She fought against the domination of the Turks, who overwhelmed the country in 1526, but were ousted by the Hungarians and Austrians, who found domination difficult.

In 1844 Magyar become the official language and in 1867 Austria recognized the kingdom of Hungary, with the Emperor of Austria as King of Hungary, in a dual monarchy with a single diplomatic service.

Hungary being defeated in World War I—1918—lost Transylvania, Croatia, Bacska, Slovakia, and Carpatho-Ruthenia. It remained as a republic under Michael Karoly and, later, a bolshevist revolt under Bela Kun, and both were followed by a vote for a monarchy in 1920 with Admiral Horthy regent.

Hungary joined Germany in World War II; Horthy was removed and Nazi supporters put in power in 1944. Russian troops captured most of the country in 1945, and, by terms of the armistice, returned to its borders of 1937. In 1946 Hungary declared for a republic and elected Zoltan Tildy President only to find that, in 1947, the Communists forced Tildy out.

A Soviet-type constitution was adopted on August 18, 1949, which vests power in Parliament and a Presidium. Parliament, since 1953, consists of 308 deputies, one for each 32,000 population. The regime, in single list elections, as of November 16, 1956, was overwhelmingly victorious.

Since communism gained control, all industries have been nationalized and an intensive campaign has been conducted to collectivize farms, establish cooperatives, and increase farm production. Those who oppose it are deported to Russia. Hungary has, in recent years, confiscated American property and abused officials and citizens. It was admitted to the United Nations on December 14, 1955.

Premier Imre Nagy, in office since mid-1953, was ousted for his moderate policy of favoring agriculture and consumer production, on April 18, 1955; he was succeeded by Andras Hegedus.

Hungary developed into open revolt in 1956, with popular demands for the ouster of Erno Gero, Hungarian Communist Party secretary, and for the formation of a new government by Imre Nagy, which resulted in the latter's appointment on October 23d of that year. The revolt occurred when the security police fired on the people. Gero called in Soviet armed forces to crush the revolt, but Revolutionary Councils spread throughout the country. The insurrection appeared halted when Premier Nagy announced that the Soviet Union had agreed to withdraw its troops from Hungary; however, by November 1, 1956, Soviet forces again surrounded Budapest and, despite Nagy's protests to the U.S.S.R. and the United Nations, launched a massive surprise attack against the city on November 4th, with an estimated 200,000 troops, 2,500 tanks and armored cars. The gallantry of the young patriots, in their bid for free government, was crushed and the casualties were estimated as from 6,500 to 32,000 dead. Many rebels were reported executed and thousands were deported. About 196,000 persons fled the country. The United States received 38,248 under a refugee emergency program.

Premier Nagy was removed in November 1956, and Janos Kadar installed as chief of the Hungarian Communist Party, June 29, 1957.

On June 17, 1958, Moscow announced the trial and execution of Nagy, General Pal Maleter, who led the 1956 revolt, and Miklos Gimesz and Jozsep Szlagy. The executions were condemned by the United States in both Houses of the Congress on June 19th, and scored by many other nations, including Yugoslavia and neutralistic India.

Hungry refused, on June 27, to provide information on the executions requested by a United Nations special committee on Hungary.

Dr. Ferenc Munnich was appointed Premier on January 27, 1958, and Istvan Dobi was appointed President of the Presidential Council on August 14, 1952.

It is unfortunate that a country, whose 1941 census indicated a population that was 65.7 percent Catholic, and where a public school education is compulsory for 8 years, where church schools were nationalized in 1948, and there are six universities maintained by the state, that a free people, whose many contributions to the civilization of the free world are in the highest tradition of national pride, should be subjected to the domination of a heartless and irreligious leadership, which has enslaved and regimented its citizens and youth to the idolatry of nationalism.

It is the church that keeps alive in the hearts of the religious patriots of Hungary their undying love for freedom. We, of course, in our blunt and awkward way have tried to assuage our own feelings as to our shortcomings in standing up against Russia's slaughter of the innocents, by making it possible to permit political refugees to enter our borders for protection.

It was a kind gesture, but a confession of complete surrender of our national honor in permitting Russia to go unchallenged on its bloodstrewn way to power.

In the near future it is incumbent upon us to redeem our pledge to these liberty-loving people.

Mr. CANFIELD. Mr. Speaker, as time steals by we tend to forget much that is worth remembering. But in our lifetimes we witness a number of significant events that remain with us always. One of these memorable events that will not fade from our minds was the Hungarian revolt of 1956.

It is fitting that we recall the revolt today as Hungarians celebrate the 112th anniversary of the Hungarian Revolution of 1848. The more recent 1956 revolt made it abundantly clear that the Hungarian people, after 10 years of foreign domination and indoctrination, decisively rejected the system of communism.

I recall how impressed I was when there was received into our country at Camp Mercy—Camp Kilmer, N.J.—thousands of Hungarian refugees, most of whom have since become assimilated into the fabric of our society. In particular I recall the work of Maj. Gen. Sydney C. Wooten, now commander of Fort Dix, who was in charge of the camp. I shall always remember how he and his men along with Red Gross workers and other civil groups turned in a remarkable performance in making these people feel at ease and at home.

Since 1956 the United Nations General Assembly has adopted no less than 12 resolutions on Hungary demanding the withdrawal of Soviet troops and the establishment of free elections under international control. The resolutions have met with stubborn Soviet defiance. In the face of this recalcitrance we must continue to pursue the cause of our free and independent Hungarian friends. Would not the coming East-West summit conference be a suitable place to raise again the Hungarian question?

Mr. MURPHY. Mr. Speaker, the year 1848 is a great landmark in the history of many European nations. That year marked the revival of national aspirations and their attainment by means of revolutions. For a while most of Europe was engulfed in a huge revolutionary turmoil, and in many countries where peoples were subjected to despotic regimes there were disturbances. These were serious threats to absolute rulers and monarchs, particularly to those autocrats ruling over alien nationalities.

At the time Hungarians were ruled by the Austrian government in Vienna, and for a long time that government had proved ruthlessly efficient and able to keep Hungarian national aspirations under control. But with the beginning of 1848, the situation had changed considerably, and this change was to benefit the Hungarians. The government in Vienna was, for the first time in the century, seriously threatened. Its leading statesman, the reactionary Metternich, was so worried that he was concerned with his personal safety.

The Hungarians were well aware of this situation. Early in March a group of patriotic, enthusiastic leaders in Budapest prepared a list of their grievances and presented to the Austrian authorities their demands. The government in Vienna was conciliatory and granted the Hungarian demands, including freedom, on March 15. That is the day the anniversary of which is being celebrated today, the 112th anniversary of Hungarian Freedom Day.

Mr. O'HARA of Illinois. Mr. Speaker, I am addressing my remarks on the occasion of our annual observance of Hungarian Independence Day to a fear in many minds that in an effort to reach an understanding with the Soviet, minimizing the possibility of an atomic war, the enslaved peoples of Hungary and the other captive nations of Europe will be sacrificed on the altar of expediency.

This is the fear that has been voiced by delegations of dedicated Hungarian, Polish, Czechoslovakian, Ukrainian and Lithuanian patriots, some in exile in this country, who have visited me as a member of the Committee on Foreign Affairs.

What they fear is that as the price of peace and desistance from further aggression the United States will be drawn into an armistice arrangement with Russia whereby until further summit talks have worked out the terms of a permanent arrangement there will be recognition of the authority and jurisdiction of the Soviet in nations now held by it. This, of course, would amount to an abandonment of the captive nations to their own fate, temporarily on the surface of course, but actually total abandonment, since armistice terms are the reflection of future peace terms.

The delegations that have visited me point out as significant the recent cessation of tensions in the Far East and the Near East and the violent emergence of tensions in the American hemisphere. This it is reasoned could be preliminary to the ultimate Soviet suggestion that Russia should be left alone to take care of the European area while the Americas take care of themselves, unmolested by Russia.

I know of no better way to celebrate Hungarian Independence Day than here in the House of Representatives of the Congress of the United States to make reaffirmation of our position.

We will not abandon the capitve peoples of Europe for the price of a short-lived peace, a temporary easing of tensions, a lull in the cold war; until, the Soviet domain solidified, we ourselves face the enslavement to which we had abandoned our friends. We will not trade freedom in any part of the world for a promise of ease from tensions that will not be kept.

We will not abandon the captive peo-Soviet brutality in Hungary that horrified the world and brought to our shores so many refugees, fine men and women who now are a worthy and respected part and parcel of our American fabric. Nor will we permit cooing words of appeasement that now fill the air to soften the verdict of our indignation against the perpetrators of unspeakable crimes on the people of Hungary. Those crimes stunned the world, even in countries that had been neutral, and it is imperative that the United States press with increasing vigor a demand for drastic action by the United Nations.

Mr. Speaker, from private conversations with my distinguished colleagues and from their remarks on the floor of the House, I am convinced that it is overwhelmingly the sense of this body that the fate of the people of Hungary should not hang in the balance in conversations at the summit. As regards the captive nations there can be no retreat or compromise on the American position.

Hungary lies at the crossroads of Asia and Europe, and the Hungarian people have successfully maintained their national entity against all contending forces only through ceaseless struggle for freedom. In the 18th century, however, they were forced to submit to Austrian rule, and their country became part of Austria's polyglot empire. For more than 100 years the Hungarians endured the oppressive yoke of their unwanted overlords although several times they tried to free themselves, but all these attempts ended in failure. At last in 1848 their efforts along these lines fortunately were successful.

In that year revolutionary forces undermined the authority of Austria over its outlying provinces. Even in Vienna the government's authority seemed to be challenged. Hungarian leaders in Budapest were looking for such an opportunity as the weakening of the Austrian Government. When they learned of this early in March, they presented their just complaints to the authorities in Budapest and demanded freedom. The government was not in a position to refuse any such demand at the time, and, therefore, acceded to the demands made by Hungarian patriots on March 15. That is the day that has become Hungarian national holiday, and every year its anniversary is celebrated by the Hungarian people.

Today, as we all know, they will not be allowed to do this under the Communist regime in their homeland. But more than ever they still cherish the ideas embodied in their independence day and hope for their freedom.

Mr. BUCKLEY. Mr. Speaker, today is March 15—this date is indeed a significant date in the history of the Hungarian nation. It was on this date in 1848 that the victorious Hungarian Revolution brought into being the free nation of Hungary.

The Revolution of 1848 was crushed under the heel of the armies of the czar just as the inspired but abortive October revolution of recent memory, that of 1956, was wiped out by the bloodstained hands of their Communist aggressors.

But that October revolution of 1956 shines as a beacon light in the darkness of those who live under the long night of the Soviet tyranny. It is an indication of the true feelings of the people of Hungary and all those behind the Iron Curtain who are enslaved by their Soviet masters. They are but waiting for the day when they can throw off the yoke of their enslavers and stand once again by the side of free nations throughout the world. Hungary is indeed in this category. Those people are among the most freedom-loving in the world. In any free election they have clearly and completely repudiated the Communist Party and its aims. This is shown by the fact that in the elections of August 1957, held under the control of the Communist Party, the Communist Party itself held only 20 percent of the votes. Since 1949 Hungary has been a so-called People's Republic and despite years of indoctrination under Communist rule and propaganda both the old and young of Hungary have kept alive their belief in the true democratic principles. They indeed show an unshakable will despite the hardships they live under to recreate once again within their own nation a true democratic government.

I am proud to raise my voice in a tribute to these brave Hungarian people on this significant date in their history. Furthermore, I would like to suggest that as a token of appreciation for their valiant struggle this Congress consider the President be authorized to proclaim October 23 of each year as Hungarian Independence Day. This is the date on which the Hungarian people rose against their Communist oppressors and showed to the whole world the true feelings of that nation. It is my earnest hope that these liberty-loving people will one day be masters of their own destinies and contribute as they have done in the past to the overall freedom and good will of nations.

Mr. COLLIER. Mr. Speaker, the recent history of the Hungarian people is full of woes and tribulations. In our day they have had more than their share of misery and misfortune. This is particularly saddening because the Hungarians have been, in their long history, among the bravest fighters for freedom and independence.

In 1848 they were living under the rule of Austria's despotic Government. They were being oppressed by that great power, and they could not free themselves from its clutches, but the revolutionary events of that year gave the Hungarian people their chance for freedom. The Austrian Government's authority was undermined by revolutionary forces, and that citadel of despotism in Vienna was tottering.

The Hungarians, sensing the weakness of the Government, made drastic demands upon it, including the grant of their freedom. The Government was not in a position to reject their demands, and granted them. That was done on March 15, 1848. The anniversary of that event is celebrated annually as the Hungarian national holiday, for that has been a memorable day for the liberty-loving Hungarians. We all hope that in our time their never-ending search for liberty from the oppressor will be rewarded with eventual success.

Mr. DAGUE. Mr. Speaker, today marks the 112th anniversary of the Hungarian Revolution of 1848 which was crushed by imperial Russia, thereby setting the pattern for the bloody hand with which Communist Russia put down the revolution of 1956.

Scattered throughout the free nations of the world, and particularly in this country, there are countless thousands of these Hungarian patriots who have accepted expatriation rather than live in slavery under the dictator's heel. And in my congressional district there is a substantial number of these God-fearing people who, having set us a shining example of militant patriotism, are now discharging to the fullest the responsibilities of citizenship in the land of their adoption. We are the beneficiaries of the circumstances that forced them to flee from their homeland and it is our responsibility to make them welcome and do all we can to nurture the intense love of freedom that burns undimmed in each Hungarian breast.

As we look back on the tragedy that befell Hungary in 1956 we are further indebted to those brave freedom fighters who by their action exposed the pious fraud perpetrated by the Communist leaders that their regime had the support of the Hungarian people. And when the U.S.S.R. moved in with her troops to exterminate the flaring flame of liberty on the march, the dedication to complete ruthlessness to which Red Russia is committed stood exposed before all the world. For us also there is the lesson that if we go to any summit meeting without taking into account the unchanging attitude of the Communists toward the right of self-determination we will be aiding in the compounding of an evil while at the same time condoning a ruthless colonialism which Mr. Khrushchev attempts to lay at so many other doors. No one advocates the war that would be necessary to liberate an enslaved Hungary. There are, however, many things that we can do to let the world know that we do not accept the present state of enslavement of these brave people and that no man can feel secure and free so long as they are held in bondage.

Mr. ANFUSO. Mr. Speaker, the 112th anniversary of the Hungarian revolution of 1848 and the declaration of independence from foreign oppression is being observed on March 15. This is the date that is traditionally observed by freedom-loving Hungarians everywhere, except in their homeland which is now suffering under the yoke of its Communist oppressor.

It is strange that Hungary's independence of more than a century ago was crushed by the armies of the Russian czar, just as the attempt to establish an independent Hungary in 1956 was drowned in blood by the tanks of the Soviet Union. During that short but heroic effort in 1956, Hungary paid a large toll in human lives lost, in property destroyed, in losing nearly a quarter of a million of its citizens who were forced to flee from the Communist reign of terror, and finally the extinction of its last vestiges of freedom.

Today, the Hungarian people is a captive nation together with the other captive nations of Central and Eastern Europe enslaved by communism. When the U.S. Congress adopted last year the resolution on Captive Nations Week, we struck a hard blow against communism. All of us surely recall the violent reaction of the Soviet leaders to this resolution and its effectiveness in molding public opinion. Their reaction proved the uneasiness existing in the Kremlin concerning its subjugation and domination of the captive peoples.

In May of this year the East-West summit meeting of the "Big Four" is scheduled to take place in Paris. In view of the fact that the United Nations has in recent years adopted at least 12 resolutions on the Hungarian problem, it would seem very logical that this problem be placed on the agenda of the summit meeting. We cannot permit the Soviet Union to continue to ignore this problem any longer, and this would seem to be a most opportune moment for positive action.

In the meantime, despite all adversities, we must encourage the Hungarians not to lose faith or hope for the future no matter how long or difficult the road to freedom and independence may be. We join them in prayer that a free Hungary will once again rise in our lifetime and its people will know the full meaning of human dignity.

Mr. ROONEY. Mr. Speaker, all Hungarians today celebrate the 112th anniversary of the victorious Hungarian revolution in 1848. Unfortunately, because of the Red tyrants in the Kremlin, today's celebration of this national holiday is not one of much rejoicing.

Mr. Speaker, I have always had great admiration for the many Hungarian people who sacrificed their lives for freedom and independence in their thousand-year history. Although the captive Hungarian people now behind the Iron Curtain observe today's anniversary with a sad heart, I am confident that they have great hope and yearning for their eventual independence and freedom. The cruel yoke of the Soviet tyrants has not crushed and will not crush the desire of the Hungarian people for a free and independent nation.

As we all know, in the fall of 1956 the Hungarian people made a courageous effort to overthrow their cruel foreign rule, but the supremacy of Soviet Russian tanks and artillery was too much for them to overcome. The shocking termination of their uprising in 1956 cannot and must not be forgotten by all freedom-loving people throughout the world. It should inspire us all to increase our efforts to aid them in their quest for freedom.

Today's celebration of the 112th anniversary of the victorious Hungarian revolution in 1848 does much more than commemorate the history of a brave nation. It serves notice to Soviet despots that the Hungarian people will never surrender to atheistic Communist doctrines. As long as there is a March 15, every foe of liberty must fear and dread the Hungarian Freedom Day. I pray that the day will soon come when the independence of these brave and valiant people may become a reality.

Mr RODINO. Mr. Speaker, Hungary has been a citadel of freedom and independence for centuries, and its rugged, stouthearted inhabitants among the most gallant warriors in defense of freedom in Europe. But in the 18th century the Hungarians had lost their freedom and were placed under the Austrian regime. For more than a century they endured the foreign yoke, and the

particularly oppressive regime headed by Metternich in the 19th century. They had cherished their independence but had no real chance of attaining it until the revolutionary year of 1848.

In that year when the revolutionary wave was sweeping over many parts of Europe, and the regime in Vienna was definitely tottering, a group of liberty loving and patriotic Hungarians in Budapest staged a bloodless revolution in the form of a demonstration, and presented their grievances to the government, demanding reforms and freedom. The government, well aware of the widespread discontent and the dangers threatening its very existence, acquiesced in these demands, and allowed the Hungarians much of the freedom they had demanded. That March 15, the day on which the demonstration was staged, is marked in Hungarian history as their Freedom Day, as their national holiday.

The freedom gained on March 15 was brief and fleeting. It was only a matter of months before the Hapsburg rulers succeeded in crushing the new republic. Prophetically enough, the Austrian forces were aided in their efforts by reinforcements from Russia.

Hungary today, once again under tyranny and oppression, must celebrate their day of freedom in secret. But all Hungarians throughout the free world, and all free men everywhere, will commemorate the significance of March 15.

Indeed the tragic betrayal of Hungary is remembered not only on this day, but on every day of the year. We join the oppressed peoples of Hungary in a prayer that they will soon regain their treasured liberty and freedom. No people has prized freedom more, nor sacrificed more in order to attain it.

Mr. ROOSEVELT. Mr. Speaker, the revolution of 1848 was one of the most important movements in man's long and arduous road for freedom and liberty. It ranks high as an attempt to revive long dormant national aspirations among peoples suffering under alien yokes. As the movement swept from one end of Europe to the other, these peoples were stirred and roused by the revolutionary spirit. They readied themselves to stage revolts against their autocratic governments and free themselves from their clutches.

At the time Hungarians were subject to Austria's stern and inflexible government run by the able but ruthless Metternich, the outstanding arch-conservative and reactionary statesman in Europe. The government under his chancellorship had successfuly subdued all uprisings and had crushed all revolutionary movements among the Hungarians. But the year 1848 ushered in a new dawn for Hungarians as well as for some of the other peoples suffering under Austrian despotism. Early in the year as the strong revolutionary wave reached Vienna, and as liberal elements there raised their cry against the government, the government felt that its security was in jeopardy. Even Metternich was seriously apprehensive of the impending danger. In March when this situation became known in Hungary, the leaders of the Hungarian recolutionary movement meeting in Budapest drafted a list of complaints against the government and demanded that they be given freedom. The Austrian Government for once acted wisely, and, in a conciliatory spirit, listened to the complaints of the Hungarians and met their demands, including the demand for freedom. This was done on March 14, 112 years ago, and since then that historic day has become the Hungarian national holiday. Today on the 112th anniversary celebration of that memorable day, let us ardently and devoutly hope that Hungarians suffering under Communist tyranny will once more regain their dearly cherished freedom.

Mr. GEORGE. Mr. Speaker, may I congratulate the great leader of the majority, our distinguished colleague from Massachusetts, upon his splendid tribute to the people of a freedom-loving nation. Today all Hungarians celebrate the 112th anniversary of the victorious Hungarian revolution of 1848 which, although crushed, demonstrated the heroic struggle of these great people for freedom and independence. It is indeed unfortunate that the Western Powers tolerated a permanent Soviet Chairman following World War II because gradually these freedom-loving people were subjected to Soviet interference.

Notwithstanding Soviet pressure, the Hungarian people have repeatedly rebuked the Communist system and foreign domination. In the free elections of 1945 the Communists polled only 17 percent of the votes despite Soviet occupation and Communist terror. And again in 1947 the Communists obtained only 20 percent of the vote. In 1949, Hungary was transformed into the so-called People's Republic. Their entire public life was placed under the Kremlin's control despite the agreement between the Allies and Soviet Union on a liberated Europe.

But the real denunciation of the Communist Party and its interference in Hungary came on October 23, 1956. On that day a nationwide revolution took place. Despite 10 years of Soviet indoctrination the Hungarian people, even the youth and the working class, showed that they were ready to sacrifice their lives for freedom and democracy.

The present situation in Hungary is critical. Today we note increasing persecution of patriots, control and persecution of the clergy, secret trials and executions, and many other violations of basic human rights. It is one of the great injustices of the 20th century that the Hungarian people, with their record of a thousand years of independence, are forced to languish in the colonial bondage of the Soviet Union. The United Nations General Assembly has adopted 12 resolutions demanding withdrawal of Soviet troops since 1956. Unfortunately, these resolutions cannot be enforced but we join all freedom-loving people in the hope that the Hungarian situation will be discussed at the coming summit meeting and that soon again the people of Hungary will regain complete freedom.

Mr. KEOGH. Mr. Speaker, it is a privilege to rise on the floor of the House on this date, March 15, to salute the brave people of Hungary and the Hungarian nation. This date, as we all know, is the 112th anniversary of the victorious Hungarian revolution of 1848.

It is particularly fitting and proper I believe to commemorate this date because of its significance in the history of those Hungarian people who have been among the forefront in the fight for freedom for themselves and all men and who have sacrificed their lives in this cause so often in their thousand year history.

Only too well do we recall the brave but valiant effort of the Hungarian people in October of 1956 when they attempted to throw off the yoke of their Communist masters, both within and outside their country. It is true that they failed eventually and that once again Hungary lies supine under the heel of its Communist masters. But by their action in October of 1956 they showed to the world that the spirit of liberty and democracy still beats as strongly as ever within the hearts of all God-fearing Hungarian men, women, and children.

It is my earnest hope that none of us here today will forget what is known as the Hungarian question for I believe it hangs heavy on the conscience of all free nations of the world. There have been many expressions of worldwide sentiment in support of the Hungarian people as witness the no less than 12 United Nations resolutions which have been adopted on the Hungarian question and which have been consistently ignored or defied by the Hungarian peoples' masters—the Soviet Union. I trust that in the near future the people of Hungary will once again stand as free men before the world and that March 15 which is such an important date to the Hungarians will be properly celebrated by them under their own flag and under a government of their own choosing.

Mr. MULTER. Mr. Speaker, Hungary has always been a battlefield for contending forces from East and West, causing much hardship and suffering to its gifted and stouthearted people.

Their suffering was aggravated early in the 19th century when the Austrian Government proved to be unduly oppressive. But even against their most relentless and powerful foe indominable Hungarians refused to bow. Late in the 1840's when all Europe seemed engulfed in the then surging revolutionary tide, Hungarians planned to revolt against the Austrian Government. But to their credit, first they presented their grievances to the government, hoping to attain their goal without bloodshed.

Early in 1848 revolutionary tidings reached Vienna. There the all-powerful Metternich and his regime was shaken. When the news reached Budapest, a band of idealist-patriots drafted a list of their grievances and presented them to the government, and demanded freedom. On March 15 their freedom was granted, and the Hungarian people thus won their freedom without revolution and without bloodshed on March 15, 112 years ago.

Unfortunately, Hungary is again under domination of an oppressor but

Hungarians the world over live in the hope that freedom will soon again come to their homeland.

Mr. BECKER. Mr. Speaker, no one in the free world will ever forget those fateful months in 1956 when Hungary fought and lost to her Communist oppressors. The courage of the Hungarian people then and now in these years of tribulation make us pause to offer her humble tribute today. And with my colleagues in the House I join in extending best wishes as we offer a prayer that Hungary may soon enjoy the freedom participated in by those Hungarian-Americans in the United States.

Mr. FRIEDEL. Mr. Speaker, on March 15, 1848, Louis Kossuth and the freedom-seeking people of Hungary struck their first great blow for independence. For centuries this nation had been tied to Austria and finally its desire for freedom flamed up in open rebellion. That uprising was soon crushed by the czarist army.

It was not until after World War II that the people of Hungary saw another promising opportunity for the establishment of a truly democratic system of government. Despite Soviet interference, free elections were held on November 5, 1945, at which time the people demonstrated their overwhelming desire for independence. History proved this to be an empty victory because for 2 years the Soviets sought to erase the non-Communist majority by every deceitful means at their command. Finally, on August 31, 1947, Communist Party Chief Maryas Rokosi, who had by then assumed political control of the Hungarian Republic, ordered another election. In spite of the illegal tactics used by the Reds, the courageous Hungarian people still voiced their desire for freedom. Yet in 1949, this non-Communist country was modified into a Communist-controlled Peoples Republic.

For 8 years these people lived under the exacting control of the Kremlin. In retaliation, the patriots of Hungary rose up in open rebellion and on October 23, 1956, the world renowned Hungarian Revolution was launched. Almost to a man, this brave nation fought against overwhelming odds to restore their God-given right to live as a free and independent nation. Unfortunately, the efforts of these valiant people of Hungary were again suppressed, but their cry for freedom still vibrates throughout the world.

It is my belief, and I hope the belief of all liberty-loving people, that this problem should be presented at the forthcoming summit conference and that the necessary steps be taken to insure that the Hungarian people be permitted to establish the democratic form of government they have long fought to create.

On this, the 112th anniversary of the Hungarian revolution of 1848, we in the Congress of the United States hope to call to the attention of the world that we fervently share the hope that the time will soon come when the light of freedom and independence will be brightly shining in Hungary.

Mr. LINDSAY. Mr. Speaker, as we find ourselves seriously engaged in a battle to invigorate and revitalize our political institutions, it is significant to note that on this very day, 112 years ago, a bloody struggle was fought by a people in order to assume their rightful place among the free peoples of the world.

But no sooner had the Hungarians took hold of the reins of government after their victorious revolution against Russia than the czarist army crushed any vestige of freedom, just as the Soviet tanks crushed the 1956 Hungarian revolution.

That unconscionable incident of the recent past, paid by millions of innocent lives, still reverberates in the far corners of the world; it is still fresh in our minds.

I distinctly remember, Mr. Speaker, that fateful 23d day of October in 1956. I was shocked, as I am sure all of my distinguished colleagues must have been shocked, to read in the papers and to hear over the radio of the brutal and diabolical slaying of countless Hungarians who, in their unquenchable thirst for freedom, rose against their Soviet and Communist oppressors. The events immediately thereafter shocked the conscience of humanity.

Having spent some time in Austria and on the Hungarian border during this period assisting in the effort to relieve the plight of Hungarian refugees, I know firsthand something of the agony that was Hungary's.

But in the midst of this dismal picture in the life-and-death struggle of the Hungarians for freedom, Mr. Speaker, there is a bright spot which is worthy of emulation. And that is, in spite of the tremendous odds against them the Hungarians behind the Iron Curtain, as well as their compatriots in this country, are incessantly keeping alive, as only a courageous people can, the hope that one day they shall once again breathe the air of freedom which they richly deserve.

These people whose lives are cast in heroic mold are deserving of our unstinted support.

It is for this reason, Mr. Speaker, that we should pause for a moment to pay tribute to a courageous people.

Mr. BOLAND. Mr. Speaker, there is, perhaps, no more fitting time than the present to commemorate the glories and the tragedies of the Hungarian people in their struggle for freedom.

For the past few years we in the West have undergone a period of so-called Soviet peaceful coexistence. The Soviet objective is clear and unequivocal: to erode the resolve of the West to oppose Soviet and Communist expansionism, to soften the will to resist, and to create the impression that communism is really a tolerable and permissible way of life.

Under the superhuman pressure and extraordinary efforts by Khrushchev in trying to sell this bill of goods, I fear many may have been persuaded to reevaluate the basis of their opposition to communism.

This commemoration of Hungarian Freedom Day comes as a reminder to all of us that millions of people are still held captive by the Soviet Union, that communism is an intolerable way of life, and that the will to resist Soviet and Communist expansionism cannot be weakened if we as free people are to survive.

Our hearts go out to the brave Hungarian people on this day. And we Americans, like free peoples the world over, pray that one day the oppressive yoke will be removed from their shoulders and that Hungarians can once again enjoy the freedom for which they yearn.

Mr. WOLF. Mr. Speaker, 112 years ago when Europe was in the grip of revolutionary waves the Hungarian people took advantage of the situation and on this day of March 15, staged a bloodless demonstration in Budapest demanding various reforms and freedoms. The Hungarian youth, inspired by a spirit of patriotism, circulated stirring revolutionary poems. Their demands were accepted by the government. Since that time the Hungarian people celebrate March 15 as a national holiday. This day has become a symbol of political reforms and ideals of liberty. It has kept alive in them the spirit of freedom and liberty and it will remain so until they win back their freedom and thereafter.

The spirit which has taken roots so deep in the hearts and minds of the Hungarians will, I am sure, someday erupt like a volcano and will win back their freedom. It is my belief that suppression cannot stay forever. A day shall dawn when the spirit of freedom and liberty will overpower tyranny.

Hungary has seen the day of Kossuth, who gave Hungarian people the people's democracy. The experience of democracy is still fresh in their minds. I join the Hungarian people and Americans of Hungarian descent in celebrating their national freedom day and pray for their freedom from oppression.

Mr. WALLHAUSER. Mr. Speaker, we of the free world join today in the solemn observation of the 112th anniversary of Hungarian Freedom Day. Unfortunately, it is a day of sad contemplation, rather than one of great rejoicing.

It is a solemn day and one of sad contemplation because of the rules of Soviet Russia. In defiance of all that is legally and morally right, the masters of the Kremlin have placed the Hungarian nation under the yoke of Soviet Russia and taken from its freedom-loving people all the rights that are inherently theirs.

In observing this anniversary of Hungarian Freedom Day, it is well to relate some of the history of Hungary so none will ever forget the ruthlessness and cruelty of the Soviet and its ultimate aim—the placing of the entire world behind the Iron Curtain and making all people of the world its captives.

It was on March 15, 1848, under the leadership of the famed and great Louis Kossuth, that the patriots of Hungary boldly bid for freedom after being tied to Austria for centuries. It brought freedom and national autonomy.

Then in 1945, Hungary found its freedom crushed through occupation by the crawling octopus called Soviet Russia. Yet, the cruel yoke of the Communists

could not crush the desires of the Hungarian people for a free and independent nation. It burned steadily in their hearts and in their minds. There were many evidences of it. Then, in the tragic fall of 1956 the Hungarian people again rebelled against alien rule.

Once again the Hungarians demanded freedom and independence and they fought courageously for it. Sadly, the freedom day victory of 1848 was not repeated. Soviet tanks and artillery proved too much for these inspired and dedicated people.

The shocking end of the Hungarian bid for freedom in 1956 cannot and must not be forgotten. Although physically and ruthlessly crushed by Russia's disregard for the fundamental aspirations and rights of mankind, the patriots of Hungary gave enduring proof that their desire for freedom remains unquenchable.

Since the uprising of 1956, the United Nations General Assembly has adopted 12 resolutions on Hungary, demanding the withdrawal of Soviet troops and free elections under international control, while condemning the brutality of the Soviet Union. The Soviet has defied each and every one of those resolutions.

The Soviet continues to defy the United Nations and its resolutions. In view of this and what continues to transpire within Hungary, I sincerely hope the opportunity will present itself at the soon-to-be-held East-West summit conference for a full-scale discussion of the Hungarian situation. It is my strong belief that no effort should be spared in our striving for the restoration of independence to Hungary.

Today, as we commemorate an earlier era of Hungarian freedom, we honor all Hungarians for their gallant and tenacious longing for liberty and we pray that the day soon will come when the light of freedom and independence again will be burning brightly in their beloved homeland.

Mr. CUNNINGHAM. Mr. Speaker, I join my colleagues in marking this somber anniversary. For more than a century, the people of Hungary have fought and dreamed of independence and freedom as we have known and loved it in this country.

We can hardly appreciate what freedom means to people who are enslaved by the Soviet military rule, their every institution and activity subject to controls ordered from the Kremlin. Yet we know the yearning these people have for self-government, for true justice in the courts, for freedom of opportunity and individual liberty.

This anniversary of the Hungarian Revolution of 1848 is an appropriate time to pledge our friendship and offer our best wishes to the people of Hungary. Let us hope that the forthcoming meeting of the heads of states will be one at which important blows may be struck for the freedom of the Hungarian people.

Mr. RABAUT. Mr. Speaker, the memory of the valiant freedom fighters of the Hungarian revolt of recent years is still vivid in the minds of all. The heroic efforts of the Hungarian people in the face of the completely overwhelming odds represented by the Russian Army will long live as an inspiration to freedom-loving people everywhere. Indeed the love of freedom has long been a basic characteristic of the Hungarian people. Today, Mr. Speaker, marks the 112th anniversary of the first realization of true freedom by the Hungarian people. It was on March 15 in 1848 that the demands of freedom-seeking Hungarian nationalists were acceded to by King Ferdinand II.

The history of 19th century Europe has been characterized as an age of liberalism and nationalism. At the opening of the century the fall of Napoleon tolled the death knell of the liberal-thinking, democracy-seeking ideals that had arisen by then. The Congress of Vienna that met in 1815 to decide the future of post-Napoleonic Europe was dominated by the Austrian Prime Minister Metternich and culminated in a return to the harshly restrictive conservatism of the absolutist era. This policy, seated in Vienna and backed by the might of the Austrian Army, had the effect of repressing individual freedom and subjugating it to the interests of strong central monarchs. The struggle against this trend and the assertion once more of the basic human liberties implicit in self-government took place in every European country for most of the balance of the 19th century. This struggle was certainly the case in Hungary. The key year in this struggle of the Hungarian people was 1848. In this year the freedom-seeking nationalists, led by such men as Louis Kossuth, were fully prepared to stage a revolution to gain their ends. Happily such a revolution with all its usual bloodshed and terror proved unnecessary. For the tidings of the successful French revolutionary effort came from Paris and the demands of the dedicated Hungarian liberty-lovers were acceded to in a bloodless manner.

And so on this March 15, over a century later, I take great pleasure in saluting the Hungarian people on the 112th anniversary of the freedom day of the Hungarian Nation. And I close, Mr. Speaker, with the heartfelt wish and fervent prayer that before another March 15 passes, we here, and indeed the whole world, may witness and rejoice in a rebirth of that eternal freedom that the Hungarian people have always sought.

Mr. ZABLOCKI. Mr. Speaker, March 15 marks the 112th anniversary of the Hungarian Revolution of 1848. It is fitting that we join with Americans of Hungarian descent and with freedom-loving peoples everywhere in commemorating this date and in assuring those suffering behind the Iron Curtain that they are not forgotten.

The brave people of Hungary have kept alive the spirit of freedom through the years of Communist oppression and enslavement. Their strong national feelings and their love of liberty, were demonstrated clearly during the October 1956 revolution. Their spirit will not be broken in spite of the reign of terror which still prevails in their homeland.

The people of Hungary must not lose their determination to regain their independence, and their hope in the eventual liberation of their nation. Our Nation will continue to work toward this end through every peaceful means, and we hope that our efforts to this end will bring added courage to the Hungarian people and to the peoples of other Communist-dominated nations.

Mr. SANTANGELO. Mr. Speaker, the Hungarian people have not always enjoyed freedom, but they have always had the burning desire to be free and have always been ready to fight for their freedom. In 1848 they were prepared to revolt against their Austrian oppressors, but fortunately that was not necessary because they gained their goal without a revolution.

The revolution of 1848 in Europe was a severe blow to all autocracies there, and the despotic regime in Vienna was no exception. Early in the year the Government in Vienna seemed to be toppling, and the Hungarians knew it. In Budapest a band of Hungarian patriots, instead of staging a revolt against the Government, prepared a list of their complaints, presented it to the Government, and demanded freedom. The Government, realizing its weakness and helplessness, proved conciliatory and granted the Hungarian demands on March 15. This was a significant victory for the Hungarians, and thus March 15 became their day of liberation, the Hungarian Freedom Day. On this 112th anniversary of that memorable day let us hope that Hungarians will again regain their freedom and enjoy liberty in their homeland.

NAVAL RESERVE SURFACE DIVISION 3–77 AWARDED THE FORRESTAL TROPHY

Mr. BOSCH. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOSCH. Mr. Speaker, it was my pleasure to have attended the recent ceremonies conducted at the Naval Reserve Training Center in Whitestone, Queens, at which time the Under Secretary of the Navy, the Honorable Fred A. Bantz, presented the James V. Forrestal Trophy to Naval Reserve Surface Division 3–77, under the command of Comdr. A. D. Oder, U.S. Naval Reserve. This represented the first time that a surface division in the Third Naval District had won this award, which is presented annually to the outstanding surface division of the U.S. Naval Reserve, of which there are 300 such units in the United States.

The Forrestal Trophy, which is this Nation's top Naval Reserve award, was named in honor of James V. Forrestal, the Secretary of the Navy who launched the postwar Naval Reserve program.

In addition to the Forrestal Trophy, Surface Division 3–77 received three additional awards for excellence. It was awarded the Commandant's Trophy by Vice Adm. Thomas S. Combs, U.S. Navy, commandant, Third Naval District, for being the best surface unit in the Third Naval District; Maj. Gen. A. C. O'Hara, chief of staff to Governor Rockefeller and commanding general, New York Army National Guard, presented the award given annually to the outstanding unit of the Naval Militia in New York State; and finally, it was the recipient of the Naval Reserve Association's annual award for being the outstanding surface division in the entire country.

I believe all of us should be proud of this exemplary record which has been established by the officers and men connected with this unit. In particular, I feel that credit should be given to Comdr. Albert Sobel, U.S. Naval Reserve, battalion commander of Battalion 3–22, and Comdr. Robert J. Stankowski, U.S. Navy, commanding officer of the training center, whose untiring leadership and guidance were in a great part responsible for this division receiving these awards.

I am most happy to note that my good friend and our former colleague, the Honorable Henry J. Latham, now a justice of the Supreme Court of the State of New York, is an active member of Battalion 3–22.

HUNGARIAN NATIONAL HOLIDAY—THE 112TH ANNIVERSARY OF THE HUNGARIAN REVOLUTION OF 1848

The SPEAKER. Under previous order of the House, the gentleman from Pennsylvania [Mr. FLOOD] is recognized for 30 minutes.

Mr. FLOOD. Mr. Speaker, today's Hungarian national holiday, the 112th anniversary of the Hungarian Revolution of 1848, is a reminder of what the free world owes to the heroic and freedom-loving Hungarian people who had sacrificed their lives so often in their thousand-year history for freedom and independence.

This anniversary of the 1848 revolution also reminds us that then it was also the Russian Army which crushed the nationwide uprising just as in 1956, when again Moscow's army crushed so brutally the victorious Hungarian revolution.

In his off-the-cuff speech delivered at the Ganz-Mavag factory in Budapest on December 2, 1959—see New York Times report of December 3—Soviet Premier Khrushchev bluntly admitted, with scornful defiance of world opinion and the United Nations, that there was a parallel between the Soviet armed intervention in 1956 and the czarist crushing of the 1848 Hungarian revolution.

It is sad enough that in the 20th century a dictator can openly boast that his imperialist forces repressed the uprising of peoples in search of national freedom.

The problem is: Should we forget the ruthless reenslavement of self-liberated Hungary? Should the question of Hungary be swept under the carpet? What small, free country can feel secure in the enjoyment of its independence if the doctrine gains even tacit acceptance that it is the privilege of the powerful to police and discipline the weak? It is this very principle which is involved in the question of Hungary, as it has been the case of many small countries since 1945. Is this a principle to be forgotten, to be put discreetly aside, because our temporary convenience might best be served by glossing over awkward, but tragic facts?

I am posing these grave questions with extreme emphasis, because it was shocking for me to learn that 3 days after the adoption of the U.N. General Assembly resolution on Hungary December 9, 1959, the same high U.N. body unanimously accepted Hungary, December 12, 1959, as a member of the 24-member Committee on Outer Space. With this totally unexpected and inconsistent move the U.N. suddenly reversed its stand on the Communist regime in Hungary, which was branded by the General Assembly resolution of September 14, 1957, as "having been imposed on the Hungarian people by the armed intervention of the Soviet Union." Now this very same puppet regime whose delegation was not formally accepted to the U.N. General Assembly, became an equal international partner in a highly important U.N. body which deals with a matter with which Hungary has absolutely nothing to do. Has Hungary made any tangible contributions to achievements in outer space?

This unexpected and unanimously adopted U.N. move made a virtual mockery of the whole U.N. activity on Hungary, and it amounts at the same time to a Western capitulation in the Hungarian case. Is such a Western attitude encouraging for smaller free nations? Is it apt to strengthen the spirit of resistance of these nations against Communist pressures and subversion? Certainly not.

For all these reasons and in the very interest of the preservation of the prestige of the U.N. it seems imperative to pose to the Soviets at the forthcoming summit meeting the grave problem of their noncompliance with the 12 U.N. political resolutions on Hungary.

From raising the Hungarian problem at the summit meeting the West may reap important advantages, since it would enable the West to counter the Soviet efforts to confine the negotiations on Berlin and Germany with an eventual overall plan of a European settlement based on the universally recognized principle of self-determination. This would permit the West to switch from a rather defensive position to a more imaginative strategy which would also demonstrate that the balance of power has not changed so radically as to negotiate under the pressure of Soviet missile supremacy.

The extreme effectiveness of Soviet diplomatic strategy lies in the fact that the Soviets have a long-range, prefixed program which they are realizing step by step, with greatest determination and energy. Therefore, only a consistent and bold Western strategy, aimed at an overall settlement in Europe, instead of a piecemeal method could counter the Soviet diplomatic offensive with success in the long run. Among the international issues the Hungarian question might be regarded as one of the test cases to probe the alleged sincerity and good faith of the Soviet dictator.

Should the Western Powers decide to raise the Hungarian question at the summit meeting they might first of all request the Soviet Government to use its authority in Hungary in order to cease the repressive measures against the patriots, to stop secret trials and executions and to proclaim an amnesty for all political prisoners. This would certainly contribute to the easing of international tension. Furthermore, the Western Powers might attempt to persuade the Soviet negotiators that it would be also in the Soviet interest to eliminate this presently dormant powerkeg by finding an adequate solution to the Hungarian question.

The raising of the Hungarian question at the summit meeting would at the same time show the Hungarian people that the West has not forgotten them. It would keep alive the faith of Hungarians and the other captive nations in the West's determination to stick to the principles of self-determination and noninterference, principles used nowadays by the Soviets so hypocritically in Asia, Africa, and Latin America to promote the overthrow of democratic regimes.

It would also show to the Hungarians at home and abroad, and even to the small free nations, that the acceptance of the Hungarian Communist regime in Hungary as a member of the U.N. Committee on Outer Space does not mean a Western acquiescence in the subjugation of the Hungarian people.

Finally, I think that under these circumstances, the U.S. Congress, as the representative of the freedom-loving American people might pay its tribute to the Hungarian people and their world-shaking freedom fight in the most dignified way if it would pass a joint resolution authorizing the President of the United States to proclaim October 23 of each year as Hungarian Independence Day.

It was on that day in 1956 that the Hungarian people rose as one man against their Soviet and local Communist oppressors. The adoption of such a joint resolution might at least alleviate the Hungarian people's deep grief, caused by the acceptance of the previously condemned Kadar regime as a full-fledged member of the U.N. Committee on Outer Space.

Mr. Speaker, to that end I have this day introduced a resolution that the President is authorized and requested to issue a proclamation designating October 23 of each year as Hungarian Independence Day and inviting the people of the United States of America to observe such day with appropriate ceremonies since it was on that date in 1956 that the Hungarian people rose as one man against their Soviet and local Communist oppressors.

THE 112TH ANNIVERSARY OF THE HUNGARIAN REVOLUTION OF 1848

The SPEAKER. Under previous order of the House, the gentleman from Massachusetts [Mr. CONTE] is recognized for 5 minutes.

Mr. CONTE. Mr. Speaker, the bloodbath of the recent Hungarian revolt against their brutal oppressors is still

fresh in the minds of men everywhere who cherish freedom and liberty. Although we are contemporary witnesses to a great drama in the struggle for liberty, it is by no means the first time that the brave Hungarian people have given their lives to liberate themselves from the same enslaver. On this date, 112 years ago, the Hungarians temporarily gained their freedom, only like the recent attempt to have it mercilessly taken from them by the czar's army. It is strange indeed, that these two singularly brave acts by a great freedom-loving people should be directed against the same nation, Russia.

Surely, one cannot but feel the tremendous drive for freedom exemplified by their actions. Their revolt against oppression in 1848 was a clear indication that this precious right is an inherent part of their traditions and desires: 1956 proved conclusively that it had never died.

Today, 112 years after, the Hungarian people once again find themselves under the heavy boot of foreign occupation and under the yoke of an involuntarily imposed government. Yet, despite the seeming futility of their efforts, I am certain that the spirit of 1848 is not dead. On the contrary, it will grow, nurtured by the ideals of liberty and freedom to someday erupt again.

In light of this great spirit of 1848, let us pledge our faith and support to the Hungarian people that when this great manifestation shall appear again, that they shall have the liberty and freedom which is their right.

ONE HUNDRED AND TWELFTH ANNIVERSARY OF THE HUNGARIAN REVOLUTION OF 1848

Mr. COLLIER. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. BENTLEY] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BENTLEY. Mr. Speaker, it is truly a privilege to remind the Congress and the American people that today, March 15, 1960, marks the 112th anniversary of the Hunganian Revolution of 1848, a revolution which was crushed by Russian imperialistic aggression, just as was the case with the well-known uprising of 1956.

It is particularly important to raise the Hungarian question at this time in view of the imminence of the East-West summit meeting in May and to express the hope that the question of Hungary and indeed of all captive peoples will be placed on the agenda of the conference. I should point out in this connection that my resolution, House Resolution 337, which was introduced by me on August 5, 1959, and which is still pending before the House Committee on Foreign Affairs would, if passed, specifically express the feeling of Congress with regard to the inclusion of this topic on the summit conference agenda.

Since the 1956 uprising in Hungary was brutally crushed by the Soviet Union in open defiance of the United Nations and in spite of the adoption of no less than 12 U.N. resolutions condemning Russia for her brutality and unprovoked intervention, little or nothing has been done by the free world to assist the present plight of the Hungarian people. The recent barbaric news that young Hungarian patriots who were arrested by the Communist regime at the time of the uprising are now being executed on their having reached 18 years of age should again serve to remind the world of the utter and complete immorality that has and will always characterize the followers of Lenin, Stalin, and Khrushchev. I just had the pleasure of signing a petition addressed to the Hungarian Communist Government and asking amnesty for all these political prisoners. While I am not too optimistic that this petition will awaken any humanitarian feeling in the hearts of the Hungarian and Russian Communist leaders, I feel that this is little enough to do for these brave children whose only crime was wanting their country once again to be free. I am pleased to include with my remarks a memorandum on the Hungarian problem, dated March 1, 1960, and furnished me by the Hungarian committee and its officials, Monsignor Bela Varga and Mr. Ferenc Nagy, both of whom occupied high posts in the postwar Government of Hungary.

Ever since my own period of residence in Hungary in the service of the U.S. Government, the problem of Hungary and all the captive peoples has been very close to my heart. I sincerely trust that our Government leaves no stone unturned to remind the captive peoples of our deep sympathy and concern for their present plight and that under no circumstances will we ever agree to any step which would tend to confirm them in their captive status.

It is, therefore, particularly appropriate that on this date, the most glorious one in all Hungarian history, we again call the attention of the free world to the eternal desire of the Hungarian people for freedom and to express the hope that they may soon again enjoy that liberty which is rightly theirs and for which they have sacrificed so much.

MEMORANDUM ON THE HUNGARIAN PROBLEM TO BE PRESENTED TO THE HONORABLE MEMBERS OF THE U.S. CONGRESS

After World War II, the democratic political leaders did their utmost to establish a truly democratic system of government in Hungary in accordance with the will of the people as manifested in the free elections of November 4, 1945, when the Communists were not able to muster more than 17 percent of the votes, despite Soviet occupation and Communist terror.

However, unfortunately, the Hungarian people were not duly sustained by the Western Allies in their efforts of developing and preserving the democratic institutions of the Hungarian Republic. The said fact that the Western Powers had tolerated that there be no rotation in the chairmanship of the Allied Control Commission in Hungary, had enabled the permanent Soviet chairman to intensify gradually the direct Soviet interference in all domestic matters of the country.

Despite this direct Soviet interference which was virtually sanctioned by the mere presence of the two Western members in this Control Commission and following the elimination of the leading democratic politicians in the Hungarian Republic, the Hungarian people made another desperate demonstration of their unshakable will to reestablish a democratic system of government. In the elections of August 31, 1947, ordered to be held by the Communist Party chief, Mátyás Rákosi, the Communist Party polled only 20 percent of the votes. It was Rákosi's aim to erase the non-Communist majority by fraud and terror, exploiting the psychological effect of the presence of Soviet troops.

Transformed in 1949 into a so-called People's Republic whose institutions were set up on the Soviet pattern, Hungary's entire public life, economy, and territory was placed under the Kremlin's control in striking defiance of the agreement on liberated Europe and the Hungarian Peace Treaty, both signed by the Allied Powers and the Soviet Union.

The nationwide Hungarian Revolution of October 23, 1956, left no doubt that the Hungarian people, even the youth and the working class, in spite of 10 years of indoctrination, rejected the Communist system and foreign domination. However, while they were ready to sacrifice their lives for freedom and democracy, they very realistically stressed in their political manifestations the necessity of good-neighborly relations with the powerful Soviet Union. The authentic spokesmen of the revolution had many times declared that they were not intent on converting Hungary into an anti-Soviet state. On the contrary, they emphatically advocated the idea of an internationally recognized neutrality as this was officially proclaimed by Premier Imre Nagy's government.

All these facts have been established by the United Nations Special Committee on the Problem of Hungary, and accepted by the United Nations General Assembly as trustworthy evidence of the bad faith of the Soviet Union which did not shrink from the assertion that the spontaneous Hungarian revolution was the result of a plot of Hungarian fascists and foreign secret services.

This Soviet version was completely reversed by Khrushchev himself when he bluntly declared in an off-the-cuff speech delivered in the Ganz factory in Budapest on December 3, 1959, that the revolution was crushed because the Soviets wanted to preserve by force the Communist regime in Hungary. He also openly admitted that the revolution was due to the extreme despair of the Hungarian people as a reaction to Rákosi's terror regime. His third sensational revelation was that even his colleagues in the Party Presidium had misgivings that the Soviet military intervention in Hungary might be misconstrued abroad.

Thus, these revelations have strikingly confirmed, even on the part of the Soviet Union, the facts established by the United Nations factfinding organ on the real causes of the revolution and the brutal crushing of the uprising by the Soviet tank divisions.

The United Nations General Assembly has, since 1956, successively adopted 12 political resolutions on Hungary, demanding the withdrawal of Soviet troops and free elections under international control, while condemning the Soviet Union for the brutal crushing of the victorious Hungarian revolution. The Soviet defiance of these resolutions has gravely affected the prestige of the world organization by creating a dangerous precedent for the impunity of members who do not comply with the General Assembly resolutions.

Although the political actions of the United Nations could not be enforced, the mere discussion of the Hungarian situation during the periodical debates of the General Assembly on Hungary kept alive the Hungarian people's spirit of resistance under a seemingly quiet surface. However, it was shocking for Hungarians at home and abroad that 3 days after the adoption of the latest U.N. General Assembly resolution on Hungary [December 9, 1959] the very same high U.N. body accepted Hungary as a member of the Committee for the Peaceful Exploration of Outer Space [December 12, 1959].

By this totally unexpected and inconsistent move the General Assembly accepted the Kádár regime as an equal international partner, although the Hungarian delegation's credentials were not approved, with the motivation that it was issued by a regime which was placed in power by the Soviet armed forces in 1956. This move, which was supported by the Western Powers, virtually amounts to the rehabilitation of the Kádár regime and thus means a complete Western capitulation in the Hungarian case, which is now noisily exploited by the Communist propaganda in Hungary and abroad.

It is the most revolting injustice in the 20th century that the Hungarian people with a record of a thousand years of independence is languishing in the most ruthless colonial bondage of the Soviet Union, while even backward peoples are attaining nationhood and independence, one after another, thanks to the help of the Western Powers.

The present situation in Hungary may be briefly illustrated as follows: increasing persecution of the patriots, secret trials and executions, a ruthless drive for the collectivization of agriculture, institutional violation of the basic human rights, psychological exploitation of the presence of Soviet troops, overcrowding of the forced labor camps, control and persecution of the clergy.

Speeches of Communist Party leaders delivered at the Party Congress in December 1959, clearly indicate that Moscow wants to tighten the regime in Hungary despite the period of thaw in East-West relations. This mirrors the Soviet determination to present Hungary as a completely socialized state as soon as possible in order to eliminate one of the most outstanding problems in Eastern Europe, and to make it, thus, disappear from the United Nations General Assembly agenda, also.

For all these reasons the Hungarian people who had not received any Western diplomatic or political assistance in the victorious days of their life-and-death struggle for freedom, now rightly expect that the Western Powers seize the very first East-West summit meeting to be held after the adoption of 12 United Nations resolutions on Hungary, to pose the grave problem of noncompliance with the United Nations resolutions to the Soviet Union.

Both the juridical and moral obligations of the Western Powers and the preservation of the prestige of the United Nations equally demand that the Western Powers bring up forcefully the Hungarian question at the forthcoming summit meeting.

THE LATE ADELE ROSENWALD LEVY

Mr. COLLIER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. LINDSAY] may extend his remarks at this point in the RECORD, and to include editorials.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LINDSAY. Mr. Speaker, I am taking the time of the House for a few minutes this morning in order to tell my colleagues about one of the country's most distinguished citizens, and one of my most distinguished constituents, who died tragically on Saturday last, March 12, after a brief illness.

The death of Adele Rosenwald Levy, illustrious daughter of the late Julius Rosenwald, who was so intimately identified with civic, cultural, educational and philanthropic causes in New York City, throughout our country, and even throughout the world, constitutes and irreplaceable loss to the whole country, and particularly to the city of New York.

In all of her work for the benefit of her community Mrs. Levy's horizons were wide, but her chief interest over many years was focused on the welfare of children. For the betterment of their lives she gave not only financial support but she gave her time and she gave of herself.

Among the many awards presented to Mrs. Levy were the following:

In 1946 the National Council of Jewish Women named her the outstanding Jewish woman of the year.

In 1950 she received the Lane Bryant Award for her work for Citizens' Committee for Children.

In 1955 the John Findley Award from City College was presented to her.

In 1957 the fashion division of the Federation of Jewish Philanthropies gave her a Gold Key Award citing her as the woman of the year.

In 1958 she received the Spirit of Achievement Award from the women's division of the Albert Einstein College of Medicine.

Among the many organizations with which Mrs. Levy was active were the Play Schools Association, the Jewish Board of Guardians, the Wiltwyck School for Boys, the Committee for the Nations' Health and Youth House, Hudson Guild and the Child Welfare League of America. She frequently visited the child care shelters and institutions, schools and hospitals, and she always talked from personal knowledge of conditions and needs.

She was one of the founders and the first president of the Citizens' Committee for Children of New York, of which she was still president at the time of her death. Mrs. Levy had been a member of the Mayor's Committee on the Wartime Care of Children.

Her efforts led to the creation of the day care unit in the health department that is responsible for the high standards of day care for children in New York City. In addition, she was instrumental in saving the wartime day care program and in setting up the present New York City program which cares for more than 6,000 children each year. Mrs. Levy had been a member of the Mayor's Committee on the Wartime Care of Children. She was formerly chairman of the Child Care Committee of the Community Service Society. She frequently visited the child care shelters and institutions, schools, and hospitals, and she always talked from personal knowledge of conditions and needs.

She was one of the founders and the first president of the Citizens' Committee for Children of New York of which she was still president at the time of her death.

Mrs. Levy's work in the field of child care was recognized by her official appointments by top governmental officials, such as her appointment in 1950 by President Truman as a member of the Executive Committee of the Mid-Century White House Conference on Children and Youth. Governor Rockefeller appointed her a vice chairman of the State committee for the 1960 White House Conference. She was appointed as a charter member of the New York City Youth Board and was later appointed by Governor Harriman as vice chairman of the Temporary Commission on Youth and Delinquency.

When the New York State Youth Commission was created, Governor Harriman named Mrs. Levy as a member and she was reappointed by Governor Rockefeller.

At the time of her death, Mrs. Levy was a member of the board of trustees of Brandeis University. She was the American delegate to the first World Health Organization Conference in Geneva in 1948. Her past activities included serving as an aide of Waldon School and as a board member of the National Committee on Mental Hygiene.

One of Mrs. Levy's major interests has been that of the refugee and the displaced person. She was vice chairman of the Citizens' Committee on Displaced Persons and for years had been on the board of directors of the American Jewish Joint Distribution Committee. She was the first chairman of the National Women's Division of the United Jewish Appeal and served in that capacity for 2 years. From 1946–48 she was honorary chairman. She was one of the first American women to visit the displaced persons camps in Europe on behalf of United Jewish Appeal and on her return made a nationwide tour of the United States to report on the needs of the European Jewish community and to stimulate women's participation in the UJA campaign of that year. In 1946 she made another visit abroad on behalf of UJA, visiting various parts of Europe and Palestine, now Israel.

In the past she had been executive chairman of the women's division and on the board of directors of the Greater New York United Jewish Appeal.

She was a member of the board of the International Social Service, American branch, and a member of the Zellerbach Commission on the European Refugee Situation.

Mrs. Levy was one of the founders and the first president of the New York Association for New Americans. She had also been active with the United HIAS Service and with the National Council of Jewish Women.

For many years she was a board member of the Federation of Jewish Philanthropies of New York. She was a founder of the women's division and served as honorary officer of it.

Mrs. Levy was a member of the board of directors of the Mount Sinai Hospital.

Mr. Speaker, under unanimous consent I include in the RECORD at this point copies of editorials about Mrs. Levy that were printed in the New York Times and the New York Herald Tribune on this morning's date, March 15, 1960:

[From the New York Times, Mar. 15, 1960]

THE LUCKIEST PERSON

Adele Rosenwald Levy was an engaging, warmhearted, modest woman whose disarming simplicity of manner veiled a deep

sense of social service backed by the firm resolution to make of this world a better place because of her being here.

That she succeeded would be attested by the thousands of persons who knew her, loved her, and mourn for her today, and the hundreds of thousands who never knew her but whose lives have been immeasurably benefited because she lived. The helpless, the hopeless, the downtrodden, the dispossessed, found in Mrs. Levy a sympathetic and understanding friend. Her characteristic, though not exclusive, interest was the welfare of children; and her constructive contributions to this cause alone in time, in ideas, in effort and in money would have been enough to satisfy most ordinary mortals. But Adele Levy was extraordinary. Education, art, music and public service at city, State, National, and even international levels—all claimed a share of her enthusiastic activity.

Daughter of the late Julius Rosenwald, Mrs. Levy came naturally by her abiding sense of public obligation. "I'm the luckiest person," she said, because her wealth gave her the opportunity to serve. Resident in this city only the latter half of her life, she made an impact here that will long be remembered.

[From the New York Herald Tribune, Mar. 15, 1960]

MRS. ADELE LEVY'S MANY-SIDED CAREER

No one who did not know her can view the list of Mrs. Adele Rosenwald Levy's activities without a certain awe. Primarily she will be remembered as a humanitarian; the youth of New York City, in particular, owes much to her intelligent devotion to their cause. But somehow she also found time for the arts, for education, and for politics. In her there was nothing of the dilettante; what she did she did well, with selfless energy and professional skill.

During her life, Mrs. Levy received many honors and, what she cherished more, many responsibilities and opportunities for service. Her death will be mourned by the community she enriched through her works and her example.

FEDERAL RECREATION BILL

Mr. COLLIER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BARRY] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BARRY. Mr. Speaker, I take this opportunity to introduce a bill to create a Federal Recreation Service in the Department of Health, Education, and Welfare. The establishment of a Federal Recreation Service would be of great assistance to the 6 cities, 18 townships, and 22 villages of Westchester County, as well as to many other localities in the Nation. The recreation programs in our communities are limited and we have an ever-increasing need for technical data, research, cooperative studies with other governmental agencies, assistance with programs, and recreation planning. The assistance that is needed by our communities is not limited to the public agencies, but required as well by the private, semiprivate, and other voluntary recreation agencies engaged in providing leisure time opportunities for peoples of all ages.

It is increasingly important that recreation be recognized on the Federal level just as it is on the State, county, and local levels, as there are many things which only a national agency can effectively deal with in the field of recreation. This bill is introduced in the hope and expectation that it will be of assistance in achieving the fullest health for our people and the best type of opportunities for the wholesome use of leisure by the American people. Certainly service of this kind appropriately belongs in the Department of Health, Education, and Welfare which is concerned with the preservation and development of human resources. I hope that the Congress will enact this legislation.

THE PEOPLE'S RIGHT TO EXPRESS THEIR VIEWS ON LEGISLATION WITHOUT THE PENALTY OF UNWARRANTED TAXATION

Mr. COLLIER. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. LAFORE] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LAFORE. Mr. Speaker, along with many Members of the House of Representatives, I have been concerned over a recent regulation by the Internal Revenue Service which muddied the tax waters concerning the right of our taxpaying citizens and their organizations in the country to petition the Congress or participate in any legislative activities without incurring tax penalties for their efforts.

In essence the IRS regulation, which is now in effect, would deny a business deduction for tax purposes of expenditures for legislative purposes. Contributions to a labor union or a business association would be nondeductible to the extent such organizations engaged in legislative activities, direct or indirect. Even newspapers and their advertisers—and I presume this could be interpreted to include radio and television—could be called to turn by revenue agents on the money they spend in commenting on legislation at all levels of government—local, county, State, and Federal.

The ruling has resulted in a chaotic condition for many of our associations and labor organizations, who have in the past, voluntarily or by request, presented their views to Congress either in direct testimony or by making their views known in printed form.

Surely, any business, association, or other group, threatened by accident or design with legislation that could be ruinous, should have the right to protest by whatever means available, and should not be penalized by our tax collectors for protecting their own and the interest of their employees, members, and stockholders.

At this moment, the House Ways and Means Committee, on which I have the honor to serve, has before it two important communications on this subject, relating to legislation before the committee, designed to correct this situation.

One is from the Secretary of Commerce, Frederick H. Mueller, a longtime businessman and Government official.

Secretary Mueller recommends legislative solution and points out that "the sound policy would be to permit full deduction for all lawful expenditures that are related to the business of the taxpayer." The legislation endorsed by Secretary Mueller is a bill which I have been honored to join in sponsoring (H.R. 10502) along with my distinguished colleague on the Ways and Means Committee, the Honorable HALE BOGGS, of Louisiana, who originally introduced the bill, H.R. 7123, on May 14, 1959. In addition, I am pleased to note that my colleagues in the House, the Honorable WILLIAM E. MILLER, of New York, and the Honorable EDWIN B. DOOLEY, also of New York, have introduced identical legislation.

"Freedom of expression is an essential element of a free economy," the Secretary of Commerce points out in his communication. I am sure every Member of this House will endorse this statement.

The second communication regarding this matter is from the Under Secretary of the Treasury, Fred C. Scribner, Jr., an equally dedicated and perceptive public official.

He points out, in a paragraph which I will now quote in its entirety, one of the anomalous situations that now exist in this area of tax law:

> Existing law as developed has frozen concepts relating to expenditures in the area of legislative process which are quite distinct from generally accepted attitudes in regard to expenditures related to fields of administrative and judicial processes. It appears to many anomalous that no expenditures involving legislation, without regard to their character, are deductible, while similar activities before administrative and judicial bodies are clearly deductible if they otherwise constitute ordinary and necessary business expenses.

Speaking for the Treasury Department, Secretary Scribner "recommends early consideration by the Congress of the various proposals designed to modify the bar to deductibility of expenditures in connection with the legislative process." In this connection, Mr. Speaker, I should like to point out that the Congress has never acted affirmatively in this area of taxation. The present difficult situation resulting in the Internal Revenue Service regulation in question stems from a series of court decisions, rather than direct legislative action by the Congress.

The problem we are faced with is obvious, Mr. Speaker. Measures to correct it are at hand. I hope that the Congress will act during this session, so that the people, whose very existence in many instances depends on their right to petition their legislators, may continue to express their views without the penalty of unwarranted taxation.

TAX DEDUCTIONS SHOULD BE PERMITTED ON INDIAN CHILDREN LIVING IN NON-INDIAN HOMES

Mr. COLLIER. Mr. Speaker, I ask unanimous consent that the gentleman from Utah [Mr. DIXON] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DIXON. Mr. Speaker, today I have introduced a bill which is being cosponsored by Senator WALLACE F. BENNETT in the Senate to permit non-Indian families who take Indian children into their homes for a school year to receive a tax deduction.

Approximately 360 families in the intermountain area are paying the living costs of Indian children and taking them into their homes during the present school year and the number is growing every year. In addition to this there are many families which are similarly financing the expenses of Indian college students.

It is an injustice that the fine citizens who take on this responsibility cannot count these children as tax deductions because of the present Internal Revenue Service ruling that nonrelatives must live in a home an entire year to be counted as tax deductions. Under this program the Indian children are deliberately not kept in the non-Indian families' homes for the entire year because they would then lose their connection with their own families. The Indian children are regularly sent to their own homes for at least two months during the summer.

It is highly desirable to encourage non-Indian families to take in Indian children and help give them the training for future leadership among their own people. So far there has been no significant problem of acceptance of the Indian children in the white communities and that they have adjusted well to the public schools. Some of the Indian children have been outstanding students and athletes.

This program has been in operation for 5 years and is sponsored primarily by the Latter-day Saints Church. Its success thus far should commend the program to the attention of other groups who might consider instituting similar programs.

I would like to add one more reason why it is important that Congress correct this inequity in the tax laws. As is often the case with worthy causes many of the people who take these Indians into their homes and clothe, feed and care for all of their needs for 9 or 10 months a year are above average in generosity but below average in income. And yet I have received letters from them indicating that they are so thrilled with the results of the program that if they were permitted a tax deduction, they would be able to take even more Indian children into their homes. Thus allowing such a tax deduction may be a factor in causing this program to become widespread. This would be most desirable because it would result in the education and rehabilitation of the coming generation among the Indians rather than having them treated as wards of the States as we have tended to do in the past.

THE SOCIAL SECURITY LAW

Mr. COLLIER. Mr. Speaker, I ask unanimous consent that the gentlewoman from Massachusetts [Mrs. ROGERS] may extend her remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I include as a part of my remarks the following resolutions from the Commonwealth of Massachusetts:

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION AMENDING THE SOCIAL SECURITY LAW

Whereas it is advisable to raise the maximum which an individual can earn while obtaining full social security benefits from the present $1,200 a year to $2,500 a year, and to permit wives to earn more than the present maximum of $1,200 a year: Therefore be it

Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to give early and favorable consideration to the enactment of legislation to amend the social security laws to raise the maximums which may be earned under the social security laws; and be it further

Resolved, That copies of these resolutions be sent forthwith by the secretary of the Commonwealth to the Senators and Representatives in Congress from this Commonwealth.

House of representatives, adopted, February 29, 1960.

LAWRENCE R. GROVE,
Clerk.

Senate, adopted, in concurrence, March 2, 1960.

IRVING N. HAYDEN,
Clerk.

A true copy. Attest:

JOSEPH D. WARD,
Secretary of the Commonwealth.

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT A FEDERAL AREA REDEVELOPMENT ACT

Whereas passage of a Federal Area Redevelopment Act would provide Federal aid for the revitalization of older mill and factory areas, and thereby enable the Commonwealth to compete more effectively with other States for new industry and provide funds for the retraining of workers in areas of chronic unemployment: Therefore be it

Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to give early and favorable consideration to the passage of a Federal Area Redevelopment Act; and be it further

Resolved, That copies of these resolutions be sent forthwith by the secretary of the Commonwealth to the Senators and Representatives in Congress from this Commonwealth.

House of representatives, adopted, February 29, 1960.

LAWRENCE R. GROVE,
Clerk.

Senate, adopted, in concurrence, March 2, 1960.

IRVING N. HAYDEN,
Clerk.

A true copy. Attest:

JOSEPH D. WARD,
Secretary of the Commonwealth.

NATIONAL CONSTITUTIONAL CRISIS—SEQUEL

Mr. ALFORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ALFORD. Mr. Speaker, in a statement to the House in the RECORD of March 14, 1960, I included an editorial in the February 18, 1960, issue of the Ploche Record of Ploche, Nev.

This editorial is an incisive legal analysis of the stand proposed for Virginia in measures introduced in the 1960 session of its General Assembly, among them House Joint Resolution 44, which was referred to committees that held hearings which were notable in the history of this great Commonwealth for the range of experience of the authorities presented.

House Joint Resolution 44, which passed the Virginia House of Delegates, has been referred to a committee in the Senate.

In order that the text of this resolution may be available for reference in connection with the legal analysis of the stand proposed for Virginia, it is quoted as follows:

HOUSE JOINT RESOLUTION 44

Joint resolution concerning the powers of the Commonwealth of Virginia and the United States, respectively

Whereas it is necessary to restate the line of demarcation between the powers conferred upon the United States and those reserved to Virginia and her sister States: Now, therefore, be it

Resolved by the House of Delegates (the Senate concurring)—

1. That there is evidence of foreign intervention in our affairs of government that should be a matter of grave concern to our people.

2. That the persistent effort to upset the happily progressing improvement, in relations that have existed among the different races of the people in our Nation, can only be construed as an effort to weaken the Nation as well as to upset the rule of the people, through the means of artificially contrived controversies.

3. That the trend of the constituted agencies of Federal authority to exercise powers in excess of what is granted to them under the Constitution of the United States has now progressed to a point where the misrule of our people is comparable to the state of our affairs which afforded the grounds for our Revolutionary War.

4. That a study of the statement of the Virginia Commission on Constitutional Government dated September 9, 1958, which classifies the action of the Supreme Court in the school cases as lacking in constitutional authority, raises a question which may be thus stated: Referring to the tyrannical usurpation of power by the British Parliament in its enactment of the Stamp Act, which was questioned and repudiated by the General Assembly of Virginia under the resolutions introduced by the illustrious Patrick Henry in 1765, which Stamp Act was later repealed by the Parliament; was this assumption of power by the British Parliament anything less, by way of usurpation of authority, than was the action of the members of the Supreme Court, who can only act as a court when their actions are held within the bounds of the authority granted to them under the Constitution?

5. That the authority of the Parliament to enact the Stamp Act was limited by the Virginia Charter of James I and was so declared by the 1765 resolutions of the Virginia Assembly, so likewise the authority of the Supreme Court is limited in its authority as fixed by this State and recorded in article III of the Constitution and should be so declared by the General Assembly.

6. That article III, by limiting the activities of the Court to "judicial power," restricts it to the application of established law, as already fixed by the lawmaking agencies of government, to the parties and matters in litigation before the Court, and, that this also requires that in the interpretation of the Constitution the Court shall be guided by the rule of law that the intent of the ratifying parties shall govern in determining its meaning.

7. That the Stamp Act was based on questioned authority, in conflict with the Charter of the Virginia Colony and, for that reason was repudiated by the Virginia Assembly, in like manner the interference with the laws of this State by the unauthorized and therefore unlawful acts of members of the Supreme Court in the matters relating to public education, we likewise repudiate and declare not the law, on the same grounds, namely, the lack of constitutional authority.

8. That no such authority can be found to have been conferred upon the Court within the grant of power accorded to it by the people of this State as recorded in the compact or agreement known as the Constitution of the United States or in any amendment thereto.

9. That no power is granted under that Constitution to interfere with the administration of the laws relating to the public schools of this Commonwealth, without the Constitution of this State or the laws made pursuant thereto being duly determined and decreed to be in conflict with the Constitution of the United States, after a hearing duly held by the Supreme Court in an action to which the State of Virginia is a party, with full opportunity for the State to be heard as required by the Constitution.

10. That the constitution of the Commonwealth of Virginia and the Constitution of the United States are still the law in this State and will remain the law until changed or amended in the manner provided by law.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MCCORMACK for 30 minutes, today, on the 112th anniversary of the independence of Hungary.

Mr. VAN ZANDT (at the request of Mr. COLLIER), for 15 minutes, on March 16.

Mr. CONTE (at the request of Mr. COLLIER), for 5 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. WALTER.

Mr. SMITH of Kansas.

Mr. HOLLAND and to include extraneous matter.

Mrs. ROGERS of Massachusetts.

Mr. GALLAGHER.

Mr. WEAVER.

(The following Members (at the request of Mr. BURKE of Kentucky) and to include extraneous matter:)

Mr. MCDOWELL in two instances.

Mr. TOLL.

Mr. HECHLER.

Mr. PATMAN.

ADJOURNMENT

Mr. BURKE of Kentucky. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 24 minutes p.m.) the House adjourned until tomorrow, Wednesday, March 16, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1947. A letter from the Secretary of the Treasury, transmitting the Annual Report of the Secretary of the Treasury on the State of the Finances of the Federal Government for the fiscal year ended June 30, 1959 (H. Doc. No. 243); to the Committee on Ways and Means and ordered to be printed with illustrations.

1948. A letter from the Under Secretary of the Interior, relative to an application for a loan to the Browns Valley Irrigation District in Yuba County, Calif., pursuant to the Small Reclamation Projects Act of 1956 (Aug. 6, 1956, 70 Sat. 1044, as amended June 5, 1957, 71 Stat. 48); to the Committee on Interior and Insular Affairs.

1949. A letter from the Administrator, Small Business Administration, transmitting a draft of proposed legislation entitled "a bill to amend the Small Business Act, and for other purposes"; to the Committee on Banking and Currency.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of New Jersey: Joint Committee on the Disposition of Executive Papers. House Report No. 1391. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. ROGERS of Texas: Committee on Interior and Insular Affairs. S. 1185. An act to provide for the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam; without amendment (Rept. No. 1392). Referred to the Committee of the Whole House on the State of the Union.

Mrs. PFOST: Committee on Interior and Insular Affairs. H.R. 6851. A bill authorizing the establishment of a national historic site at Bent's Old Fort, near La Junta, Colo.; with amendment (Rept. No. 1393). Referred to the Committee of the Whole House on the State of the Union.

Mr. SPENCE: Committee on Banking and Currency. H.R. 10213. A bill to amend the National Housing Act to halt the serious slump in residential construction, to increase both on-site and off-site job opportunities, to help achieve an expanding full employment economy, and to broaden homeownership opportunities for the American people; with amendment (Rept. No. 1394). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. S. 1712. An act to extend the application of the Motorboat Act of 1940 to certain possessions of the United States; without amendment (Rept. No. 1395). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. S. 2185. An act to provide appropriate public recognition of the gallant action of the steamship *Meredith Victory* in the December 1950 evacuation of Hungnam, Korea; without amendment (Rept. No. 1396). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. S. 2482. An act to remove geographical limitations on activities of the Coast and Geodetic Survey, and for other purposes; with amendment (Rept. No. 1397). Refer ed to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H.R. 5055. A bill to remove a restriction on the use of certain real property heretofore conveyed to the city of St. Augustine, Fla., by the United States; with amendment (Rept. No. 1398). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H.R. 9084. A bill to repeal certain retirement promotion authority of the Coast and Geodetic Survey; without amendment (Rept. No. 1399). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H.R. 9599. A bill to provide transportation on Canadian vessels between ports in southeastern Alaska, and between Hyder, Alaska, and other points in southeastern Alaska, and between Hyder, Alaska, and other points in the United States outside Alaska, either directly or via a foreign port, or for any part of the transportation; without amendment (Rept. No. 1400). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANFUSO:

H.R. 11169. A bill to provide that tips and gratuities received from customers of an individual's employer may be included as part of such individual's wages for old-age, survivors, and disability insurance purposes; to the Committee on Ways and Means.

By Mr. BARRY:

H.R. 11170. A bill to establish a Federal Recreation Service in the Department of Health, Education, and Welfare, and for other purposes; to the Committee on Education and Labor.

By Mr. COLLIER:

H.R. 11171. A bill to amend section 37 of the Internal Revenue Code of 1954 to equalize for all taxpayers the amount which may be taken into account in computing the retirement income credit thereunder; to the Committee on Ways and Means.

By Mr. DIXON:

H.R. 11172. A bill to amend the Internal Revenue Code of 1954 to provide that the taxpayer's personal exemption for an individual not related to him shall be allowed if such individual resides in his home for the major part of the taxable year, making special provision where such individual is a child living with him for the duration of a school year; to the Committee on Ways and Means.

By Mr. DOYLE (by request):

H.R. 11173. A bill to incorporate the Indoor Sports' Club, Inc.; to the Committee on the Judiciary.

By Mr. LIBONATI:

H.R. 11174. A bill to provide that tips and gratuities received from customers of an individual's employer may be included as part of such individual's wages for old-age, survivors, and disability insurance purposes; to the Committee on Ways and Means.

By Mr. MULTER:

H.R. 11175. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. PERKINS:

H.R. 11176. A bill to amend the Internal Revenue Code of 1954 to allow a taxpayer an additional income tax exemption for a spouse or dependent who is a student at a college or university and whose educational expenses are paid by such taxpayer; to the Committee on Ways and Means.

By Mr. RHODES of Arizona:

H.R. 11177. A bill relating to the interest rates on loans made by the Treasury to the Department of Agriculture to carry out the programs authorized by the Rural Electrification Act of 1936; to the Committee on Agriculture.

By Mr. CHIPERFIELD:

H.R. 11178. A bill to amend the Soil Bank Act, as amended, and the Agricultural Act of 1956, as amended; to the Committee on Agriculture.

By Mr. DENT:

H.R. 11179. A bill to provide that tips and gratuities received from customers of an individual's employer may be included as part of such individual's wages for old-age, survivors, and disability insurance purposes; to the Committee on Ways and Means.

By Mr. GRAY:

H.R. 11180. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. KING of California:

H.R. 11181. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SPRINGER:

H.R. 11182. A bill to consent to the annexation of certain real property of the United States by the city of Decatur, Ill.; to the Committee on Armed Services.

H.R. 11183. A bill to consent to the annexation of certain real property of the United States by the city of Decatur, Ill.; to the Committee on Armed Services.

By Mr. TEAGUE of Texas (by request):

H.R. 11184. A bill to increase rates of death compensation payable under laws administered by the Veterans' Administration; to the Committee on Veterans' Affairs.

H.R. 11185. A bill to increase and equalize all rates of wartime disability compensation and to provide for payment of additional compensation to veterans with dependents when rated less than 50 percent in degree on the same basis as for those rated 50 percent or more in degree; to the Committee on Veterans' Affairs.

By Mr. FINO:

H.J. Res. 650. Joint resolution declaring the first Tuesday after the first Monday of November in each even-numbered year to be a legal public holiday; to the Committee on the Judiciary.

By Mr. FLOOD:

H.J. Res. 651. Joint resolution authorizing the President to issue a proclamation designating October 23 of each year as Hungarian Independence Day; to the Committee on the Judiciary.

By Mr. TELLER:

H. Con. Res. 620. Concurrent resolution expressing the sense of the Congress that the U.S. moratorium on the testing of nuclear weapons shall be continued; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANFUSO:

H.R. 11186. A bill for the relief of Maria DiFranco Cesarino; to the Committee on the Judiciary.

By Mr. BREWSTER:

H.R. 11187. A bill for the relief of Capt. Kemp Tolley; to the Committee on the Judiciary.

By Mr. DEVINE:

H.R. 11188. A bill for the relief of Edward S. Anderson; to the Committee on the Judiciary.

By Mr. DIXON:

H.R. 11189. A bill to authorize the Secretary of the Interior to issue patents in fee to certain persons to lands located in the State of Utah; to the Committee on Interior and Insular Affairs.

By Mr. LANE:

H.R. 11190. A bill for the relief of Cora V. March; to the Committee on the Judiciary.

By Mr. TAYLOR:

H.R. 11191. A bill for the relief of Maurice Chao Chen Mow, Van Chao-Hsien Mow, Aychuen Wang Mow, William Chao Wei Mow; to the Committee on the Judiciary.

By Mr. YOUNGER:

H.R. 11192. A bill for the relief of Mansureh Rinehart; to the Committee on the Judiciary.

By Mr. ZABLOCKI:

H.R. 11193. A bill for the relief of Alena Christine Ludwicki; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

373. The SPEAKER presented a petition of Veronica Principalle, and approximately 1 million others, Catholic War Veterans of the Philadelphia County, Philadelphia, Pa., requesting new, strong legislation controlling the sale and distribution of all obscenity, films, photographs, records, magazines, and the like, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Heal the Sick and Feed the Hungry

EXTENSION OF REMARKS
OF
HON. HUBERT H. HUMPHREY
OF MINNESOTA
IN THE SENATE OF THE UNITED STATES
Tuesday, March 15, 1960

Mr. HUMPHREY. Mr. President, the needs of the peoples of the Middle East for food, clothing, and medicines and for schools and hospitals are urgent. I have long felt and often said that we Americans have a special responsibility in conscience to share from our abundance of food, fiber, and technical skill with the peoples of the underdeveloped nations still living in desperate poverty.

Mr. President, I ask unanimous consent that an article I wrote which appeared in the March 1960 issue of Adult Student, periodical of the general board of education of the Methodist Church, and which is entitled "The Christian Imperative: Heal the Sick and Feed the Hungry," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CHRISTIAN IMPERATIVE: HEAL THE SICK AND FEED THE HUNGRY

(By HUBERT H. HUMPHREY)

For years the undeveloped Middle East has needed medicine, not machineguns. It has needed schools, not soldiers. It has needed food, not foxholes. Medicine, schools, and food are the three ingredients necessary to battle the "Four Horsemen."

For a long time, some of us have been contending that:

First. Most of the critical areas of the world do not need American arms, guns, and tanks as much as they need American helping hands.

Second. If America will put more of her international effort into constructive channels—such as medicine, schooling, and food—we shall have far more of an impact on the minds of the underdeveloped countries of the world than we shall if we proceed by way of the military type of aid which we tend to extend.

Third. Conditions among the average people in the underdeveloped countries are so bad that they will tend to accept almost any form of quick, dramatic salvation. The tragic truth, which we must realize, is that while the living standard of the people in the industrial nations is rising, that of the people in underdeveloped countries is actually deteriorating.

Interestingly enough, while President Nasser, of the United Arab Republic, continues with his so-called diplomatic victories, the truth is that the standard of living of his people is abysmally low; in fact, there has been little or no improvement. I have heard that there has actually been a drop in the per capita income of the people of Egypt. What a shame. These people desperately need a more constructive use of their meager resources.

Something can be done about this matter; but it cannot be done by the sending of tanks, guns, and soldiers. Instead, it can be done by meeting the needs of these people, by sending to them teachers, medicine, food, social planning. It will not be achieved by sending military missions or by trying to bolster up old, feudalistic governing groups which will be rubbed out of existence as surely as the dawn follows the

night. Today a revolution is underway. No amount of patching up or firming up old, feudalistic, monarchical, or aristocratic systems will succeed; and we shall be well advised if we kept that fact in mind.

This situation means that we must have a program which at least will lend itself to constructive results.

The Middle East is not only a hotbed of intrigue, conspiracy, and East-West conflict but also a hotbed of human disease and suffering. With such conditions, it is impossible to have peace; the world's peace is bound to be threatened. The people of these countries are emotional and explosive in temperament; and with such problems ever present and, indeed, becoming aggravated, there is an inevitable trend toward trouble.

Let the American people ask themselves about the ragged rioters—the pro-Nasser demonstraters—in the streets of Tripoli, Lebanon, or Beirut, or in the streets of Baghdad, Iraq, or Amman, Jordan. "Exactly who are these rioters—these riflemen and hand grenade throwers? What is their condition in life? What, if any, possessions do they have in the world?"

Let the American people also ask, "How well, physically, are these people and their families?"

If we ask ourselves the latter question, we shall find that in these Middle East countries we are dealing with populations which contain a fantastically large number of sick and diseased persons. It is not surprising that in bodies so often racked with pain and disease, judgments may be distorted, and demagogy may be heeded and followed.

The available health statistics on these and other underdeveloped countries are woefully deficient. But they do reveal a tragic picture.

For example, the very eyes with which the people of Egypt or the people of Iraq or other lands view man's problems are, in literally hundreds of thousands of cases, racked with the disease of trachoma, which can lead to blindness. In some places—for instance in some villages in Egypt—the trachoma rate is over 90 percent.

So we would do well to remind the peoples of Egypt and their leaders that we are prepared to wage war against the disease of trachoma, and that our facilities for waging war against disease are even more efficient than are our capacity and our facilities to maintain military defense and to wage war, if need be, in behalf of our own freedom.

Approximately 1 out of every 5 persons in Iraq is suffering from trachoma or some other form of eye disease. In those two countries, the rate of malnutrition is appalling. Well over 50 percent of the entire population is underfed, the victims of hunger and malnutrition.

Egypt and Iraq are plagued by the snail-borne disease known as schistosomiasis, which goes on from generation to generation, racking and debilitating whole segments of the population.

In Syria, malaria is still a long way from conquest, with more than three-quarters of a million persons living in malarious areas.

In some areas of Jordan, 9 out of every 10 people are infected with intestinal worms and diseases.

I have seen those people; and I want to say that never in my life did I experience such emotional pain as when I saw the hunger, the privation, and the disease of literally hundreds of thousands of people.

Is it any wonder they are in rebellion? Is it any wonder they are emotional? Is it any wonder they follow demagogs? Is it any wonder they kill? What do they have to live for? Our answer, all too often, has been more guns for ruling groups, rather than more food, medicine, teachers, and books for the people.

It is not as if we had no way of doing these things. We can work through the United Nations, the World Health Organization, the International Cooperation Administration, and the Food and Agriculture Organization. We can work through these great international organizations and give leadership and counsel against man's ancient enemies of ignorance, poverty, and disease. We can work through our great philanthropic foundations, our colleges, our churches, and our many private groups.

There is no doubt that we must maintain our armed strength in the current world-wide struggle. We would do well to maintain our shield of strength so that there could be no doubt as to our ability to defend ourselves and our allies; but we do not need to continuously shout about it—a little less talk and a little more doing. But this is, and can only be, a negative aspect of our foreign policy. The United States must demonstrate that Americans genuinely and unselfishly are interested in helping to alleviate deprivation and suffering of hundreds of millions in the underdeveloped nations.

There is only one way to win the cold war in those areas, and that is with a warm heart and a clear mind. I might add, a clear and clean mind—a mind that states our objectives and then represents a will to fulfill those objectives.

When are we going to start to act like this? When are we going to demonstrate to the world that our main interest is people, and not power; that our main interest is human welfare, and not just natural resources like oil? We refuse to really use the strength we have. No wonder we are in trouble. No wonder Khrushchev enjoys batting us from one end of the world to the other with his propaganda, because we play the Communists' game of power politics, when indeed we should be acting like ourselves, and being the compassionate, generous, kindly, considerate Americans that we are, and letting the banner of righteousness and doing the right thing be our flag and our shield.

Therefore, from the highest offices and councils of this Republic, from every political and civil and lay leader, let there come the desire, and the expressed desire, to mobilize the great human resources of the free world in an attack against ignorance, poverty, and disease. Indeed, the cost will be little compared to the fantastic costs of arms in which we have indulged ourselves year after year.

Sometimes I wonder where we are going. We voted for a $40 billion defense budget in the Senate in less than 5 hours of debate. Yet we argued for days about $1 billion of food under Public Law 480. Why, we have argued for hours about the extent to which we are willing to utilize our surplus foods to relieve human suffering. What is wrong with us?

This only spells disaster and doom. We are playing into the Communists' hands. We are acting like they act. We are using the tools they use. We cannot win that way. The only way to act is to be one's self, and not to be made over. There is no need to be vindictive; no need to be vituperative; there is a need only to be right; to be firm; to be ourselves. In that way we cannot help but mobilize tremendous popular support. As the great Abraham Lincoln said so beautifully and profoundly: "With malice toward none; with charity for all; but with firmness in the right as God gives us to see the right."

The mistakes of the past cannot be undone, but there may still be time to develop a new relationship with the peoples of the Middle East and other parts of the world. It should be a relationship expressed in terms of food, of education, of jobs, and of medical care.

Diseased bodies and empty stomachs produce warped minds, and indeed bitter hearts. We cannot find peace in a world which is afflicted with diseased bodies, empty stomachs, warped minds, and bitter hearts. These conditions are not conducive to reasoned political decisions. The sooner we begin to attack the fantastic problems of hunger and illness the sooner we are going to see sound political development.

It is not only, in my mind, un-Christian and immoral, but it is positively dangerous to remain smugly content that we are the best fed, best housed, and healthiest people in the world. Until we recognize the brute facts of suffering among other peoples, and put our tremendous resources of food and medicine to work for others, we are simply going to find ourselves ever more isolated in a rising sea of hostility.

But we always think in terms of military aid. We can spend millions of dollars to move tanks to Lebanon. But I ask the question, How much medicine have we moved to the sick? I ask the question, How many teachers have we sent to the illiterate? I ask the question, How much of our abundance of food have we given to the hungry?

Not enough—indeed, not enough. But these are the tools which we must use. These are the wonder drugs, so to speak—the food, the teachers, the technicians, and the schools—the real "wonder drugs" to cure some of man's diseases: diseases of body, of mind, of spirit, and of will. These are the wonder drugs we can use to combat the virus of Communist totalitarianism.

West Virginia Is Getting Shortchanged—XVII

EXTENSION OF REMARKS
OF
HON. KEN HECHLER
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 15, 1960

Mr. HECHLER. Mr. Speaker, 16 times before I have addressed the House to advise my colleagues that West Virginia is getting shortchanged by the agencies of the Federal Government.

Particularly I have singled out the Defense Department, which controls the spending of more than $40 billion a year, more than half of our national budget.

The Defense Department, on a per capita basis, has ranked West Virginia a dead last among the States in military and civilian payrolls and in the number of installations within the State.

This is doubly regrettable in view of the fact that our State has the highest rate of unemployment in the Nation today, and that improvement of the condition of the State's economy will require efforts on many levels.

One big boost for the economy would be the fair allocation of military contracts and payrolls within the State.

Today, Mr. Speaker, I want to present recent and comprehensive figures to prove that just the opposite is being done.

These figures pin down not only the total military and civilian payrolls, but also the total spent on supplies, services, and construction within each State.

I hardly need tell you where West Virginia ranks on a per capita listing of the 50 States and the District of Columbia. It is last, 51st.

In fact, although West Virginia is 30th among the States in population, it ranks a low, low 50th on the list of total funds spent. Only Vermont, with barely a sixth of the Mountain State's population, rates below the Mountain State on this list.

Mr. Speaker, I have never maintained that West Virginia is geographically or strategically situated in a manner that would justify an expenditure as great as California's or New York's.

But surely West Virginia deserves a per capita share more than one-fiftieth that of California's, or more than one-fifteenth that of New York's.

Surely it merits more than one-fifty-eighth that of Alaska's announced per capita share—which does not even include supplies, services, and construction spending.

And it seems hard to explain why Connecticut should get 37 times as much business as West Virginia on a per capita basis, and why Arizona should have 24 times as much spending on supplies, services, and construction.

Mr. Speaker, every single State in the Union shares in the annual budget to more than three times the extent that West Virginia does—while our State remains the most sorely depressed in the country.

Mr. Speaker, the following statistical table documents the unfair way in which West Virginia is getting shortchanged:

States' apportionment of U.S. defense budget for year ending June 30, 1959

[Ranked on per capita basis]

Rank	State	Military spending for supplies, services, construction, etc.	Pay to military personnel	Pay to civilians	Total	Amount spent per capita
		Million	*Million*	*Million*	*Million*	
1	Alaska	(1)	$124	$43	$167	$759
2	California	$5,283	757	780	6,820	644
3	Washington	961	185	142	1,288	537
4	Arizona	299	84	39	362	483
5	Connecticut	920	20	13	953	475
6	District of Columbia	98	73	188	359	448
7	Hawaii	(1)	133	124	257	438
8	Utah	175	13	95	283	411
9	Maryland	509	174	224	907	387
10	Delaware	74	30	8	112	355
11	Nevada	11	29	15	55	344
12	New Mexico	73	95	61	229	336
13	Colorado	252	111	77	440	322
14	Kansas	450	135	35	620	325
15	Virginia	293	307	428	1,028	310
16	Massachusetts	1,150	143	139	1,432	305
17	Florida	405	248	137	790	285
18	Texas	1,305	630	315	2,250	273
19	New Jersey	919	158	142	1,219	252
20	New Hampshire	41	36	49	126	237
21	Georgia	271	259	180	710	206
22	Maine	117	64	10	181	198
23	New York	2,409	156	300	2,865	193
24	Missouri	571	111	81	763	192
25	Wyoming	41	7	4	52	179
26	Oklahoma	135	118	135	388	174
27	Ohio	$1,691	$79	$211	$1,321	$166
28	North Carolina	321	248	56	625	154
29	Alabama	138	87	209	434	142
30	South Carolina	38	182	78	298	141
31	Michigan	783	51	52	886	139
32	Rhode Island	27	25	48	100	126
33	Indiana	399	31	60	490	122
34	Nebraska	63	61	23	147	111
35	Pennsylvania	684	57	376	1,117	108
36	Louisiana	151	90	36	279	104
37	Montana	28	25	4	57	96
38	Mississippi	87	91	32	210	96
39	Illinois	491	170	159	820	94
40	Minnesota	238	19	9	266	89
41	Kentucky	39	156	66	261	88
42	South Dakota	12	29	8	49	75
43	Tennessee	106	71	43	220	67
44	Iowa	155	8	3	166	63
45	Idaho	9	20	4	33	56
46	Vermont	14	6	1	21	56
47	Wisconsin	168	20	11	199	55
48	North Dakota	17	12	4	33	53
49	Oregon	31	19	20	70	46
50	Arkansas	16	42	20	78	41
51	West Virginia	20	2	6	28	13

(1) Data unavailable.

Source of basic data: U.S. Department of Defense and U.S. Census Bureau.

Research To Brighten Economic Outlook for Great Lakes Fish Industry

EXTENSION OF REMARKS
OF
HON. ALEXANDER WILEY
OF WISCONSIN
IN THE SENATE OF THE UNITED STATES
Tuesday, March 15, 1960

Mr. WILEY. Mr. President, in promoting economic progress for the country generally and for industry specifically, we recognize that research plays a tremendously significant role.

In many cases it provides the foundation essential for building progress for the future.

Today I would like to call attention to a specific problem that is confronting the fish industry in the Great Lakes region in terms of the need for an expanded research program.

Over the years the commercial fishing industry has depended upon the supply of choice fish in the waters of the Great Lakes for economic health.

Recently, unfortunately, the deadly lamprey have killed off large numbers of the lake trout, whitefish, and other prized species. As a result, the fishing industry in Wisconsin and the Midwest is facing serious difficulties.

Currently an antilamprey campaign underway is making progress toward elimination of the lamprey eels. However, it will be years before the lake is likely to be replenished with stocks of choice fish.

Meanwhile there is an abundance of other kinds of fish—formerly food for the prize species—in the lakes, including Lake Michigan, which can be utilized for such commercial uses as pet and animal foods, and other purposes.

There are, however, serious difficulties in adapting processing techniques of the fishing industry for a changeover to this kind of commercial operation.

Currently the Bureau of Commercial Fisheries is carrying on research in this field to provide for better, wider utilization of these resources.

Recognizing the plight of the fish industry, I believe that Congress—before which the Fish and Wildlife Service appropriations are pending—should approve adequate funds for a good, sound research program. In addition, I have urged the Bureau of Commercial Fisheries to direct as much of the fish research as possible to meeting the specific problems in the Great Lakes regions.

At this time I ask unanimous consent to have a brief résumé of the kinds of research needed to resolve the problems and thus brighten the economic outlook for the fish industry in the Great Lakes region printed in the RECORD.

There being no objection, the résumé was ordered to be printed in the RECORD, as follows:

FIVE-POINT RESEARCH PROGRAM FOR COMMERCIAL FISHING INDUSTRY IN GREAT LAKES REGION

1. Exploratory fishing and gear research, including modern fish-finding equipment with trawls and other fishing gear to appraise the commercial potential of the fish stocks on Lake Michigan and Green Bay to determine the most economical means of capture.

2. Technological studies on the adoption of modern mechanized equipment to permit efficient handling and processing of fish catching in sufficient volume.

3. Information on the chemical composition of raw fish supplies and the effect of processing factors on nutrient values of industrial food fish.

4. Market research to provide liaison between industry groups and the various State, Federal and other agencies at work in market development; and to assist producers, processors and industrial shipments in the location and distribution of fish supplies.

5. Biological studies of the entire lake waters to measure changes and to forecast

fishery trends and conditions. These studies should be accompanied by statistical matter to aid in the management and regulation of future fishery harvests.

The Late Walter S. Steele

EXTENSION OF REMARKS
OF
HON. WINT SMITH
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 15, 1960

Mr. SMITH of Kansas. Mr. Speaker, as the years roll on there disappear from the Washington scene many men of high stature. Some of these top quality men are defeated for high office, some voluntarily retire, some are called to their final home by the unseen hand of Him who controls all things.

Recently there passed from our national scene one of the most dedicated and most sincere patriots whom it has been my pleasure and good fortune to know since coming to Washington some 14 years ago.

Walter S. Steele, editor and general manager of the National Republic, a magazine of basic and fundamental Americanism, died on March 2, 1960. America and freedom-loving Americans will always be indebted for his advocacy and his burning desire to protect the basic doctrines of the Constitution and Bill of Rights. Walter Steele was unrelenting in his attack on any cause or principle that tended in any way to undermine the institutions of this Republic. It was always to be noted in his endeavors to teach Americans their basic rights that the word "democracy" was little used. He well knew that our U.S. Constitution does not use the word "democracy." This document states our Government is a Republic and guarantees to each State a Republican form of Government. Walter Steele well understood the difference.

Back in 1918, some 42 years ago, a group of farsighted and patriotic Americans saw the necessity of assembling and pointing out some dangers that were beginning to appear—dangers to the well-being of America. This group did not go out parading up and down the street waving the flag to the tune of brass bands. They started out with the quiet purpose of collecting documentary and other reliable facts for presentation to the American public on the dangers of subversion and collectivism within the structure of our own Government.

Walter Steele many years ago became convinced that the American Government would not be destroyed from without, that the real danger was subversion from within our own borders. The sole purpose of his group and the National Republic was to try to get every patriotic citizen to share some of the responsibility for our national security. He well knew and this publication has through the years tried to point out that mere denunciation will not achieve the desired ends—that only through constant endeavor, constant research, constant attention to the ways of "the enemy within" could America be properly made to understand its danger.

Walter Steele was no mere propagandist. He knew the ways and means of the Collectivist, Socialist, Communist, and front organization. He knew their pattern and method of operation. His basic belief was if patriotic Americans could keep Amercan workers, American youth well taught in the principles which made this Nation great, the Communists and Collectivists would have a hard time destroying America from within. Walter Steele knew that the story of why America occupies its present position must be repeated and repeated constantly.

He also knew what apparently is unknown to many, that communism and collectivism is in general a disease of the mind and not a disease of the stomach as many international do-gooders, one-worlders, and demagogues are always proclaiming.

Over the years Walter Steele and his great organization, through their office, maintained a most thorough library on subversive activities in the United States. This National Republic has done more to unmask and expose Red front organizations and Communists at work than any other private organization in America.

It is also a well-known fact that Government security agents check the files of the National Republic as a first source of information. Over 100 front organizations were first exposed by the National Republic which were later placed on the Department of Justice's subversive organizations list.

It is not commonly known that this organization—National Republic—has a card index file of 400,000 names of Communists and their front carrying agents. This work and the large index of subversive members and organizations is a product of planning and work by patriotic Americans with very little pay and no acclaim from the American public at large. This National Republic organization has carried on as the squawkers, the pinks, internationalists, one worlders seem to become more active and deadly in their attacks on our ancient time-proven American principles.

The American people know very little of the service this National Republic has rendered under the guidance of Walter Steele. He never lost courage although many dark clouds appeared. He never compromised his principles for expediency. He lighted his lamp only by the desire to serve his God and country. Certainly, the life of Walter Steele exemplifies the motto for "God and country" to the highest degree.

A great many Americans know full well the debt that is owed to this man. There is genuine sorrow in the ranks of patriots at his passing. The only smiles, no doubt, are those of the Communists and their sympathizers, because they full well know that their best informed enemy of their ways and designs has passed away.

It will be difficult to find another American eagle to sit in his place as one of the guardians of our American heritage. Walter Steele full well realized, in the words of Capt. Tom Gibson of Friars Point, Miss., who has so aptly said, "The American eagle can't fly much longer on two left wings."

West Virginia Undergoing Period of Economic Transition Which, When Fulfilled, Will Provide a Broader and More Secure Foundation for Prosperity

EXTENSION OF REMARKS
OF
HON. JENNINGS RANDOLPH
OF WEST VIRGINIA
IN THE SENATE OF THE UNITED STATES
Tuesday, March 15, 1960

Mr. RANDOLPH. Mr. President, there appeared in the Charleston (W. Va.) Gazette's issue of March 12, 1960, an article the editor of that newspaper invited me to prepare on future prospects in West Virginia and to discuss some of our State's needs in the field of Federal legislation and administrative actions.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WEST VIRGINIA UNDERGOING PERIOD OF ECONOMIC TRANSITION WHICH, WHEN FULFILLED, WILL PROVIDE A BROADER AND MORE SECURE FOUNDATION FOR PROSPERITY

(By JENNINGS RANDOLPH, U.S. Senator from West Virginia)

We have been seeking to diagnose the major economic ailments which beset the State of West Virginia, to evaluate the human and material resources we can bring to bear in providing a cure, and to indicate briefly some of the lines of future development.

There is no element of belief on my part that our economic problems are those of a dying State. The pangs we presently experience are growing pains, not those associated with senility and decay.

There is abundant evidence that West Virginia is undergoing a period of economic transition—though a painful one in some sections—which, when fulfilled, will provide a broader and more secure foundation for the future prosperity of our State.

Our present problems, as well as our future promise, are but different aspects of the transition which emerge from the technological revolution at work in West Virginia and throughout the country. And, in the long run, there cannot be valid objection to the use of machines where men once served in mining and manufacturing—provided that we find economic use and devise adequate living standards for the humans thus displaced. This is one of the fundamental elements of the challenge to which we must address ourselves, and it is to this goal that the creative efforts of both private enterprise and government must be devoted.

TWO FUNDAMENTAL OBJECTIVES

The objectives toward which we should work seem to fit into a fundamental two-fold pattern: first, to relieve the immediate effects of the poverty and distress brought to many of our citizens by continued and long-standing unemployment; second, to lay the foundations for long-term development of a balanced economy and the wise conservation and utilization of our national resources.

As a Senator from West Virginia, a major portion of my endeavor during the past 16 months has been devoted to efforts to help seek the fulfillment of these two goals. Criticism has been directed at me for some of the actions taken on behalf of West Virginia, some claims having been made that I have painted too bleak a picture of the circumstances prevailing in our State. As asserted heretofore, I recognize that public officials are subject to condemnation as well as commendation. It is my hope always to be able to accept both with equal good humor and awareness of the circumstances from whence they arise. But I must emphasize that we do not solve problems in this life by looking the other way or by lulling ourselves into a false sense of security in the belief that they do not exist.

Earlier in this discussion the opinion was expressed that the best efforts of both private enterprise and Government must be devoted to the building of a better State. It has been pointed out, too, that all elements for success are present. If the constructive potentials of private enterprise, government action, and individual initiative are fully developed and made to complement each other—rather than clash—real progress for West Virginia will be assured.

INDIVIDUAL CITIZEN PROVIDES IMPETUS

But in this field, as in others, the initial impetus must come from the enterprise and imagination of the individual citizen. Such a person is Hayes Scott, of Mill Creek, in my home county, who has built a thriving business through his own vision and drive and the natural resources immediately at hand. He started by buying dead chestnut trees, which he hauled home in short sections in the back of his old model Ford. He then trimmed and fashioned chestnut rails and posts for the rustic fence industry. As the market widened for his product, Hayes Scott employed his neighbors, so that he now has an average wintertime work force of 40 men and a summertime peak of approximately 80 men. He has, in addition, expanded his operations to include hardwoods for the furniture industry.

This is but one of many instances of the individual initiative of West Virginians. To preserve and foster its development, and to prevent the demoralization of our people and the destruction of their health, we dare not permit chronic unemployment and lingering distress to continue. In attempting to serve the most immediate needs of eliminating such distress, the State's delegation in Congress has been in the forefront of the constant efforts to increase the quantity and variety of food supplied under the surplus commodity distribution program. We have sought, and will continue to press for the augmentation of the inadequate diet afforded by the few items of food available under this program. Though our efforts thus far have been frustrated by the failure of the national administration to use the means at its disposal, we shall continue to strive to communicate a sense of urgency to members of the executive branch.

A PROGRAM FOR ACHIEVEMENT

Over and over again the testimony recorded during official hearings by Senate committees in West Virginia, and substantiated by constituent correspondence, bluntly and forthrightly states: "West Virginians don't want handouts—they want work." The desire and the will to work is another of our assets which we must preserve through area redevelopment aid in conjunction with industrial development and diversification; by research to find new products and markets for our coal industry and agriculture; by furthering useful public works; by stepping up water antipollution programs in spite of executive decrees to the contrary; through expediting needed military construction and utilizing Government-owned former defense production plants, such as those at Morgantown, South Charleston, and Huntington, for private peacetime production; by qualifying for and utilizing Federal aid for airport improvement and modernization; and by conserving our natural beauty and natural resources and expanding the State and National forests and parks, including the Monongahela National Forest, the Harpers Ferry National Monument, and a proposed Washington's Western Lands Monument area.

All of these would increase tourism, enrich the economy, provide needed employment for thousands of West Virginians, preserve much of our heritage, and help restore dignity, health and self-respect to many of our citizens presently in distressed circumstances.

As one of the Senators from West Virginia, I am dedicated to every activity and desirable result so stated. In most efforts I have been joined by my colleague, Senator ROBERT C. BYRD, and our State's delegation in the House in the advocacy of appropriate action or indicated legislation—some of it pending in the Congress, some enacted by the Congress and in effect, and some of it passed by the Congress and disapproved by the President.

NATIONAL FUELS POLICY IMPORTANT

To further help in stabilizing and, hopefully, to improve the vitality of our basic coal industry, I strongly advocate legislation to bring into existence a sound and necessary national fuels policy, and I am the chief sponsor of a measure in the Senate to bring this into being. The West Virginia delegation in Congress has achieved an active role in successfully advocating mandatory controls on residual fuel oil imports—and we must be vigilant and aggressive in working for the maintenance of this procedure for protecting coal's domestic fuel markets against unfair competition from abroad. There must be equal effort expended on behalf of other of our important industries, especially glass and pottery.

Better opportunities for small enterprises to survive and thrive must continue to be explored. In this respect, there have been some helpful developments in recent weeks for small businesses and small industries in both the northern and southern parts of West Virginia through loans made by the Small Business Administration under liberalized legislation which I supported. We must also work to procure more technical assistance from the SBA facilities.

There is an increasing awareness of the worth of the programs administered by the Federal Housing and Home Finance Agency. There must be additional participation by West Virginia in the programs administered by this agency, especially to increase home building starts, urban development and renewal, and to provide more college dormitory facilities.

BETTER ROADS AND ENRICHED EDUCATION

Certainly collateral with any substantial improvement of the economic and social aspects of our State should come better roads and expanded and modernized education facilities with an enriched curriculum. It is an unfortunate truth that the high cost of living for the individual, and the increasing cost of operations in commerce and industry, also are experienced by the public roads and educational systems. Although there seems to be general countrywide acceptance of and reliance on Federal aid for highways, it is paradoxical that the same is not true with respect to advocated Federal aid for public education.

Yet, as we have reiterated in this series of articles, the people are West Virginia's most important assets, and nothing will contribute more to the development of our human resources than the improvement of our public educational system.

The importance of the individual was again brought to my attention with considerable impact during a recent conversation with a young woman from West Virginia. While preparing this article, I received a visit from Janet Lea Cavender, a charming senior at Morris Harvey College.

Miss Cavender was in Washington as one of six 4–H Club members representing a total nationwide membership of two and a quarter million youth. She is the first person from West Virginia to have achieved this annual distinction in the 4–H movement. During our conversation the Charleston girl referred to her interest in international relations and her desire to help alleviate tension between the people of the world. "But," she remarked, "Senator RANDOLPH, I am just as interested in helping to solve the problems of West Virginia."

With the devoted interest and assistance of young people like Miss Cavender, who see their own community in relation to the world, we possess the certain proof that our West Virginia of the future will usher in a challenging era of notable achievements.

Dennis Baker, of Winchester, Mass., Science Talent Search Winner

EXTENSION OF REMARKS
OF
HON. EDITH NOURSE ROGERS
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 15, 1960

Mrs. ROGERS of Massachusetts. Mr. Speaker, among the 40 top winners in the 19th annual science talent search, the major science scholarship competition of the Nation's secondary schools was, I am very proud to say, a high-school senior from my congressional district, Dennis Graham Baker, 17, of Winchester High School, Winchester, Mass. These 40 boys and girls were selected from 29,402 high school seniors to be invited to Washington to attend the Science Talent Institute March 3 through 7, and to be judged for the Westinghouse science talent search scholarships and awards in the final phase of the science talent search conducted by Science Clubs of America. I had the pleasure of being Dennis' guest at the Science Clubs of America dinner on Friday, March 4, at the Statler-Hilton Hotel.

There were 9 girls and 31 boys in this group of winners, who excel in such qualities as creative curiosity, independent reasoning, scholarship, and strong drive to explore untried areas of knowledge. They were picked by the judges from among the 29,402 contestants, after having completed their entries by taking a science aptitude examination, obtaining recommendations, and writing a report on "My Scientific Project."

Dennis Baker's project was a 4-year program in meteorology, representing 4 years of weather reporting at his weather station at home. In his project report, he discussed data he collected on five different weather elements: climatological observations; semidiurnal pressure change; local thunderstorms; precipitation totals; and photography

of cloud types. When he finishes at Winchester High School, Dennis says he will go on to Harvard College and study physics. Meteorology is his first choice for a life occupation, and physics is a possible second. He has taken second and third prizes at his high school's science fairs. He plays French horn in the orchestra. He is continuing his weather observations "to improve the accuracy of the climatological results" and will keep his camera handy to photograph any unusual cloud types that pass over this station.

Dennis is the son of Dr. and Mrs. James G. Baker. Dr. Baker, an optical physicist and associate research astronomer, is the inventor and designer of the Baker-Schmidt telescope at Harvard University.

Dennis Baker's mother is also an eminent scientist.

The Massacre of Budapest

EXTENSION OF REMARKS
OF
HON. FRANCIS E. WALTER
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 15, 1960

Mr. WALTER. Mr. Speaker, the uprising of the Hungarian people against the Russian regime on March 15, 1848, has been a monument to the Magyar Nation which has, throughout history, remained faithful to the Western ideals of freedom.

In the Hungarian uprising of 1956, this historical tradition has again revealed itself to the world and proved that the imposition of the Communist ideology on the people of Hungary has failed and that their spirit could not be broken. Thus, the Hungarian people have in a manner triumphed over their Soviet hangmen.

However, and this is a matter of conscience to all of the Western world, these undaunted people are today enslaved by the sheer might of the Soviet army.

No amount of words can ever justify the massacre of Budapest, nor can diplomatic casuistry ever justify any further concessions to or coexistence with the Bolsheviks while present conditions in Hungary exist.

The Soviet rulers may talk about coexistence and they may haggle for peace in the world on their terms, of course. They may raise the issue of Berlin and peddle disarmament proposals. But, it is folly to ignore the fact that they have under their thumb millions of captive human beings, while operating today with the same unvarying purpose of ultimate world conquest that existed in their minds in 1917.

We must remain aware of this and we must avoid any consideration or agreement on issues which would blackout the actual situation existing in Hungary and the other enslaved nations of the Soviet colonial empire.

The issue of Soviet conquests must be brought to the fore and kept alive at the forthcoming summit meeting. We must stand firm if we agree to bargain with the butchers of Budapest, and we must force them to consider the plight of the captive nations before we consider their cover-up issues.

The Facts About the High Interest Policy as Disclosed by the Honorable Byron Johnson, of Colorado

EXTENSION OF REMARKS
OF
HON. WRIGHT PATMAN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 15, 1960

Mr. PATMAN. Mr. Speaker, the gentleman from Colorado [Mr. JOHNSON] has prepared one of the best and most concise statements on interest rates that I have ever seen.

More than that, this statement brings out some new facts and some new ideas which I have not previously seen. It gives several facts which illustrate how the present high interest policy of our Government is reaching into the pocketbooks of the great majority of the American people. This high interest policy is shooting holes in everybody's pocketbook—everybody's pocketbook, that is, except a small minority of wealthy families who receive their income from clipping bond coupons and, of course, the bankers and other financial institutions, which are all profiting very handsomely.

The Members who read our colleague's statement will, I think, dismiss any question of removing the interest rate ceiling on Government bonds as the President has requested, and dismiss any question of passing the Ways and Means Committee bill, H.R. 10590, which would have the same effect as removing the ceiling. Instead, I believe that the Members who consider this statement will demand an end to the policy of maintaining interest rates at their present artificially high levels. They will demand, in short, that interest rates be brought down to the point where Wall Street has only a finger or two in our pocketbooks instead of having both hands in our pocketbooks.

The statement which has been prepared by our colleague from Colorado [Mr. JOHNSON] is devoid of any oratory. It simply sets out the facts in 1, 2, 3 order. And the importance of these facts surely makes this statement required reading for all Members of the House. It is as follows:

FACTS ABOUT INTEREST RATES
IN GENERAL

Interest is a cost item; it is the price of money.

Higher interest rates increase costs without increasing output. Therefore, high interest is inflationary.

The administration opposes increasing the prices of everything except money.

THE MATHEMATICS OF PUBLIC DEBT

The increased cost to the taxpayer of a one-quarter of 1 percent rise in interest on $1 billion of Government bonds is $2.5 million a year; over 20 years it is $50 million.

During the next year about $100 billion of Treasury borrowing must be undertaken. Each rise of one-quarter of 1 percent will add $250 million to the cost of carrying the debt each year; each 1 percent increase adds $1 billion to the cost of the debt in the first year, and more in later years. Ultimately, each 1 percent adds $2.9 billion a year to the taxpayer's burdens.

None of this increased cost gives the taxpayer a dime's worth of additional services. Instead it pushes up the cost of all the other money borrowed.

The cost of interest on the public debt was $4.8 billion in 1946; $5.8 billion in 1952. Note the rapid upward revisions in estimates now as a result of interest increases: It was first estimated at $8.1 billion for 1960; in June 1959, the President raised it to $8.6 billion for fiscal 1960. The present estimate is $9.4 billion for fiscal 1960, and $9.6 billion for fiscal 1961. This is more than the entire cost of the Federal Government in any New Deal year before World War II. The total Federal budget in 1939 for all purposes was $7.9 billion.

THE EFFECT ON OTHER DEBT

Government debt is roughly one-third of all Federal, State, local, business, and consumer debt. Gross debt, public and private, is roughly $900 billion.

The economy is paying at least $10 billion more this year for the use of money than it would have paid under the rates prevailing in 1952. This is a part of the inflation created by the administration.

The Federal interest rate is basic to all others. Hence private interest rates and State and local interest rates will go up as the Federal interest rate goes up.

EFFECT ON INDIVIDUALS

Higher interest makes homes more costly. In 1952 a $10,000 Government mortgage at 4-percent interest would be paid off over 25 years at a total cost of $15,840, of which interest was $5,840. In 1960, the same mortgage at 6 percent can be paid off over 25 years at a total cost of $19,330, of which interest is $9,330. The increase of $3,490 would have been enough to pay for two more bedrooms and a bath. To put it another way, if you wanted to refinance this 4 percent—25 year—$10,000 mortgage on today's 6-percent market, and keep the monthly payments the same, you would need a 50-year mortgage, making the home twice as costly.

The higher interest rate has added the cost of a new set of tires to your car, which you pay for but do not get; on a new 20-room school, it has added the cost of 6 classrooms which you pay for but do not get. Higher interest makes costs to farmers and small business even higher, and leads to more liquidations and bankruptcies. Higher interest makes home appliances more costly. It raises the cost of living and cuts the standard of living.

HISTORY

The maximum rate of interest of 4¼ percent was fixed by Congress in 1917 in the Liberty Loan Act. The Treasury has operated within that ceiling through World War I, a depression, a boom, the great depression, World War II, postwar readjustment, and the Korean incident, down to date. Within that ceiling the Federal debt soared in a few brief war years from $45 billion to $270 billion, but the 4¼-percent interest rate ceiling held because the Federal Reserve cooperated with the Treasury.

The Treasury can sell its bonds without an increase in long-term interest rates and without inflation if the Federal Reserve will use the power it already has to preserve the value of Government securities by using its open market policies consistently to these ends.

The Federal Reserve notes in your wallet, which carry no interest, always trade at par. It is a sad commentary that Government bonds, bearing interest, are permitted by the Federal Reserve to sag indefinitely in value. The Federal Reserve is supposed to provide an orderly market for Government bonds. It should do so now. A firm statement by the Federal Reserve that it intends to do so, in a manner sufficient to meet the monetary needs of an expanding economy without inflation, would quickly firm up the market. Increased purchases by the Federal Reserve need not create inflationary pressure. If bank reserves rose too sharply, a simple increase in reserve ratio requirements would prevent any inflation. What is more, a more attractive inducement to the public to buy savings bonds—without piercing the 4¼-percent interest rate ceiling—will also help the Treasury sell long-term bonds.

RECENT DEVELOPMENTS

Along with its hard-money policies, the widespread fear of inflation last year sent investors into stocks and out of bonds, which raised the yields on U.S. Treasury bonds. Forces are now in motion to lower the price of stocks and raise the price of bonds. As a result, the yields of Government bonds are falling. At the first of the year, 1960, almost every issue was selling at prices to yield more than 4¼ percent, three of them to yield more than 5 percent. At the close of business on Friday most Government bonds were selling at yields below 4¼ percent. All the bonds with 10 or more years to run were below 4¼ percent. (See CONGRESSIONAL RECORD, Mar. 9, pp. 5065–5066). In the face of these market developments, there is no urgency in acting at this time. If these trends persist, there may be no need for action.

CONCLUSION

Any sanction of the proposal to breach the 4¼-percent interest rate ceiling at this time would be a betrayal of our own party's position, as set forth in the 1956 party platform:

"Debt management: The Republican debt-management policy of higher interest rates serves only to benefit a few to the detriment of the general taxpayer, the small borrower, and the small and middle-class investor in Government bonds. We pledge ourselves to a vigilant review of our debt-management policy in order to reduce interest rates in the service of our common welfare."

It is economically sound, historically fitting, and a proper discharge of our duties to oppose further increases in interest rates.

Small Independent Business and Professional Men Vote Overwhelmingly for 25-Percent Cut in Business and Agricultural Subsidies to Big Businessmen and Big Farmers in Poll Conducted Among Its Members by the National Federation of Independent Business

EXTENSION OF REMARKS
OF
HON. HARRIS B. McDOWELL, JR.
OF DELAWARE
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 15, 1960

Mr. McDOWELL. Mr. Speaker, of 150,000 small independent business and professional men polled recently by the National Federation of Independent Business, 89 percent voted "for the reduction by not less than 25 percent of all business and agricultural subsidies."

The nationwide poll was made on my House Resolution 361.

George J. Burger, first vice president, National Federation of Independent Business, today notified me of the results of the poll. Only 8 percent voted against the measure I have sponsored, with 3 percent not voting.

My resolution requests President Eisenhower to prepare and transmit to the Congress advice, suggestions, plans, and proposals, including legislative recommendations "which are better, sounder, and more specific than heretofore" provided, which would not only prevent further increases in Federal expenditures but actually reduce them.

Business and agricultural subsidies to big businessmen and to big farmers, including but not limited to direct grants, disguised grants in the form of nonrepayable loans, postal subsidies, shipping and airline subsidies, although perhaps—and it is a very qualified perhaps—desirable as a means of assisting special groups to retain their relative positions in the economy, should now be reexamined in the light of the overall need for rigid control and a sizable reduction of Federal expenditures.

I have sponsored a number of bills in the Congress to assist small businessmen, farmers, and veterans but there is more interest in this particular bill to reduce subsidies to big businessmen, and big farmers than in almost any other bill that I am familiar with.

The National Federation of Independent Business has approximately 500 members in the State of Delaware alone.

It polls each month its national membership of 150,000 small independent business and professional men on 5 legislative and economic issues affecting small business with the purpose of determining their views on these matters.

The National Federation of Independent Business conducts its polls with complete fairness, without bias, and without attempting to lead its members to any predetermined conclusions.

The 16-year-old National Federation of Independent Business is highly thought of by leading Republican and Democratic Members of the Congress.

By invitation in 1948, 1952, and 1956, George J. Burger, first vice president of the National Federation of Independent Business, has appeared before the platform committees of both the Democratic and Republican Conventions on behalf of small business.

I have found that many informed people competent to judge these issues consider the polls taken by the National Federation of Independent Business to be at least as accurate and honest as those better known polls which report regularly to the mass media on matters of general interest to the public.

The argument for my House Resolution 361 was stated this way in ballot 254 of the Mandate, published by the National Federation of Independent Business:

BALLOT 254

Make these fellows stand on their own two feet—that's the aim of this bill. Their profits are running at, or near, all-time highs. There's no need for them to continue dipping their arms into the public till. By enacting this bill, Congress could save upward of $5 billion yearly, and cut this out of spending. This would go a long way toward keeping Government finances in balance, and would relieve all our people of the constant pressure for higher and higher taxes. It could result in some cuts.

I include as part of my remarks the text of my House Resolution 361 for the information of my colleagues:

Resolved, That it is the sense of the House that in view of the increase in the Federal debt by $19 billion in the past six years, and the increase in the cost of interest on the Federal debt from $5,800 million to $8 billion during the same period, there is a pressing need for substantial reductions in Federal expenditures in order to reduce the staggering burden of our ever-increasing Federal debt with its constantly rising interest and refinancing charges and resulting dangerous inflation. The House finds that business and agricultural subsidies to big businessmen and to big farmers, including but not limited to direct grants, disguised grants in the form of nonrepayable loans, postal subsidies, shipping and airline subsidies of various kinds, accelerated tax amortization programs, and indirect grants through long-term, low-interest-rate loans and other methods and programs, although desirable as a means of assisting these special groups to retain their relative positions in the economy, should be reexamined in the light of the overall need for rigid control and a sizable reduction of Federal expenditures.

SEC. 2. In view of the foregoing, the President is requested to prepare and transmit to the Congress, by January 1960, advice, suggestions, plans, and proposals, including legislative recommendations which are better, sounder, and more specific than heretofore, to provide (1) for the reduction by not less than 25 per centum of all business and agricultural subsidies, together with such other specific proposals, including specific legislative recommendations, as he may deem advisable in order not only to prevent further increases in Federal expenditures but to actually reduce them, and (2) for the reduction of Federal income taxes in aggregate amounts equal to the total of the reductions in subsidies effected for the taxable years involved pursuant to such legislative recommendations.

Hospitalization and Medical Care for the Aged

EXTENSION OF REMARKS
OF
HON. ELMER J. HOLLAND
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 15, 1960

Mr. HOLLAND. Mr. Speaker, President Eisenhower, our No. 1 recipient of socialized medicine, has seen fit to turn his back on our 15 million other elder citizens in their quest for hospitalization and medical care.

Yesterday, March 23, his Secretary of Health, Education, and Welfare, Mr. Flemming, appeared before the House Ways and Means Committee and said that Mr. Eisenhower would not support the Forand bill or any others like it, nor would he present a substitute measure.

It is hard to believe that our President would take this stand when he has received free all the medical care, nursing

care, and hospitalization he ever needed plus necessary medicines, since he was a cadet at West Point.

Not only has he, personally, received these free benefits, but so has his wife and, now since his son, too, is a major in the Armed Forces, his daughter-in-law and his four grandchildren receive like benefits. And the President can continue to enjoy these privileges until he and his wife no longer need them.

The legislation providing proper health care for our elder citizens could be enacted at a very small additional cost to the wage earners of today who would, in turn, be paying for their own benefits when they were eligible.

But, the President has spoken, and he has said that our elder citizens can continue to beg and borrow for proper medical care, and should they need hospitalization, they can always get it under the free clinics provided by the State with those less fortunate citizens we have on our relief rolls.

He forgets, or ignores, the fact that these 15 million are not as lucky as he was with a Government financed education, Government employment, Government pension plan, and Government retirement benefits that cover everything—even the cost of an aspirin tablet.

A Tribute to Purim

EXTENSION OF REMARKS
OF
HON. HERMAN TOLL
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 15, 1960

Mr. TOLL. The triumph of righteousness over outrage, and decency over wickedness, has been the goal of mankind, from the beginning, as witness the everlasting popularity of the David and Goliath story and the destruction of the walls of Jericho. Indeed, no news so delights the general public as that describing the comeuppance of some villain, for in this we all can sense the influence of eternal justice.

Such an event in history is annually celebrated by the Jewish people at this season of the year, to honor the deliverance of their ancestors from destruction at the hands of despotism. The occasion is called Purim, the Festival of Lots, and, in the manner of all holidays, is now principally a time for festivity. But its history is awe-inspiring and worthy of review on this occasion.

In ancient days it was the manner of kings to select their wives on a basis of beauty, and so it came about that Ahaseurus, ruler of the Medes and Persians, took to wife one Esther, a Jewish maiden and daughter of Mordacai, an humble servant at the royal gate. Fearing the effects of prejudice, Mordacai forbade his daughter to reveal who her people were or her family, and proceeded to maintain his humble station, unhonored and unsung. Yet, in this capacity, he was soon to uncover a plot against the king's life, and relaying the news through Esther, prevented its execution.

Soon after this there arose in the court of King Ahasuerus an arrogant nobleman named Haman, who issued an order that all the king's servants should bow before him. Enraged by the refusal of Mordacai the Jew to meet this preposterous requirement, Haman vindictively conceived the destruction of all the Jews in the kingdom—a policy to be inaugurated through the hanging of Mordacai upon a gallows 75 feet high, especially constructed for the purpose. But here Queen Esther intervened, advising the king both as to her true identity, and Mordacai's efforts in his behalf, and accusing Haman of plotting the extermination of her people. Enraged, Ahasuerus ordered Haman's arrest and hanged him on his own gallows. The king then appointed Mordacai as one of his advisers and canceled Haman's program of mass extermination.

The Jews of Media and Persia were thereby gladdened in spirit, and in every city throughout the land they celebrated in joy of their deliverance.

On the 14th and 15th days of the month of Adar they rested and devoted their efforts to feasting and rejoicing. And so the holiday has come down through the ages as a Jewish custom. Since Haman had cast pur, that is to say, lots, to destroy them, the Jews designated the holiday as Purim, the Festival of Lots, and so it is known to this day.

Few holidays so specifically represent opposition to the tyrant; a policy as essential to the happiness of the world today as in the world of ancient times. In truth, its celebration stands as testimony by the Jewish people that their influence will ever serve the cause of freedom and justice, so long as mankind remains upon the earth.

A Diplomatic Service Second to None

EXTENSION OF REMARKS
OF
HON. HUBERT H. HUMPHREY
OF MINNESOTA
IN THE SENATE OF THE UNITED STATES
Tuesday, March 15, 1960

Mr. HUMPHREY. Mr. President, during my period of service in the Senate I have supported many measures designed to strengthen our Foreign Service. In these days of competitive coexistence with world communism we cannot afford to be second best in our official representation abroad. Mr. President, I elaborated this point in a recent article, "A Diplomatic Service Second to None," which appeared in the January number of Stentorian, a publication of the Public Administration Society, City College, New York, N.Y., and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A DIPLOMATIC SERVICE SECOND TO NONE
(By HUBERT H. HUMPHREY)

It is an old American custom to snipe at our diplomats. For generations the virile, aggressive man of business, the laborer, the frontiersman were representative of our forming national tradition. The diplomat, however, was looked upon as an un-American type, distrusted as too cultivated, too restrained. He seemed to be too much at home in the semiaristocratic atmosphere of European courts to be a real, he-man American. And it has only been during the past 30 years, since the Rogers Act of 1924 established a career foreign service, that American diplomacy has become fully recognized as a profession.

American diplomats have a remarkably sensitive and complicated task to perform. They represent abroad a vast, energetic, and diverse nation. Many Americans speak out with different voices, often contrary to the official policy the diplomat must represent.

Yet the diplomat must seek to represent, and interpret, the central, the basic American will and intent.

During the past 20 years few American professions have undergone such rapid change as diplomacy. Before World War II, the United States was believed to be splendidly secure; Europe's quarrels seemed quaint and distant affairs. Then the diplomat merely observed, reported, and kept his superiors in Washington informed. Incidentally, American diplomats even then had a very high reputation for knowing what was afoot abroad.

Since World War II, however, the American diplomat is in the front line of world conflict. We and the rest of the free world rely heavily on his sharp eye, his feel for intricate political or military developments abroad. He is the top administrator overseeing and meshing the complex activities of American military, economic assistance, and information missions. Each of these is made up of specialists, often persuaded that they alone know all the answers to American policies and American needs. It is the diplomat who must fit each specialist into his proper place in the total fabric of American national policy. He represents us in other countries; he also represents us at NATO and at the United Nations, not just during the headline days when the big names come but also during the dog days of patient discussion and the exploration of each party's point of view. He looks out for the needs of Americans doing business abroad.

He recognizes that each nation has its own set of interests that spring from its political life, its traditions and its peoples' sense of what is important. The interests of states often conflict. Specific American interests often contradict the ardent desires of other countries; their needs often work against our own. Our own interests must be protected in such a way as to retain the goodwill of the foreign country with which he deals. If we trample on our friends today, who shall stand with us tomorrow? The diplomat's task is also to seek out areas of agreement and mutual adjustment, to overpass disagreement or details by emphasizing agreement on larger, more fundamental issues.

In dealing with the Soviet Union and China, he takes the measure of the Kremlin's vaulting ambitions; he knows how to interpret Mr. Khrushchev's optimism about the future. He understands the necessity of strength in all its many forms, of showing determination and power in the face of Soviet demands. He also comprehends the costs of ill-considered stand-patism. Often, by refusing to budge in a fast-moving play, the man who loses the initiative also loses the game. The slow-moving Sunday driver is as much a hazard on the highway as a speeder the police have not yet apprehended.

These are special skills of judgment and personality. They are not given to any man at one moment. Only by training and experience can they be acquired.

American diplomats are often accused of becoming too close to whatever government happens now to be in power. The error is obvious, it is said, since every government now in power is bound to be out of power 10 years from now. The critics argue that we must be friendly with all political groups in a country so that we shall be "in" with a future government. But this is not always easy outside of Europe and North America. In many countries, the notion of a loyal opposition is unthinkable; opponents of the government are looked upon as traitors. For diplomats to consort with them is to render our representatives incapable of performing their principal duty—to represent American interests in dealing with the sovereign government. Yet we must be sensitive to the currents of public opinion, to the ideas of organized labor, or racial or religious groups in other countries. The diplomat must be friendly with these political forces that may mold the politics of tomorrow while he deals directly with the governments of today.

For the sake of serving their country abroad, the diplomats give up normal family life; they stay in no one post more than 4 years as a rule; they forego the warmth of neighborhood, of a permanent circle of friends and loved ones. Mothers abroad sometimes watch their children become stricken with strange diseases. The social obligations of foreign service wives are very heavy, and family life for young children is often disrupted. As children grow, their parents must send them home for advanced education. Our diplomats wander the world like nomads, having seen all places, but profoundly at home in none. Those of us who remain at home might ponder what our lives would be like if we had to uproot ourselves once in every 3 or 4 years for the balance of our working lives, moving from one country to another. These men and women should be amply rewarded for their services.

We continue to show our disregard of the diplomat's skill by our unwillingness to provide highly qualified career men with necessary entertainment and representation allowances, although every salesman and business executive with one-tenth the responsibility of these men have generous entertainment allowances indirectly falling upon the taxpayer through deductible business expenses. As a result, we block the advance of our most qualified men from the responsibilities of some of our most important embassies. These go, instead, to political appointees as rewards for political support and for having been endowed with a private income. The best man for the job is often passed over.

Of course, no profession is perfect. There have been instances where professional American representatives abroad have lacked the necessary sensitivity, curiosity, and openness to cultures that are often very different from our own. Too few of our diplomats in the past have known necessary foreign languages. In exotic lands where mothers do worry about their children's health, where local food and household supplies are short, or where the very safety of our representatives may be at stake, Americans may live too much apart from the local community. Local governments may even encourage the clustering together of American families because it is easier to protect American and other diplomats from local upheavals. Contacts with the local people may then be impeded. Political appointees, ignorant of the country they go to, ignorant, even, of the name of the country's Prime Minister, take a long time to understand the rigorous and difficult art of diplomatic representation. These are all weaknesses we must overcome.

It has been very encouraging to me to see the growing evidences of the American people's interest in the quality and performance of our Foreign Service officers abroad. Numbers of highly qualified young applicants are again competing for Foreign Service appointments by taking very stiff examinations. The Congress has authorized and the State Department has undertaken expanded language training programs. Officers in midcareer now have opportunities to be temporarily relieved of their duties for a period of study and contemplation. New men experienced in Washington have been drawn into the Foreign Service.

These are all good steps in the direction of providing us with a diplomatic service adequate to the task of confronting the total Soviet challenge. We should settle for nothing but the best.

The U.S. Comptroller General Says, Regarding Patents Derived From Federal Research and Development Programs, "The Government Should Retain the Property Rights Thereto"

EXTENSION OF REMARKS
OF
HON. HARRIS B. McDOWELL, JR.
OF DELAWARE
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 15, 1960

Mr. McDOWELL. Mr. Speaker, I have joined with the gentleman from New Jersey [Mr. THOMPSON] in offering legislation which would establish an overall U.S. patent policy. Other countries, among them Great Britain and the Soviet Union, have overall patent policies which clearly have advanced, not impeded, research and development.

At the present time there is no overall Federal Government policy on patents. Since many contracts with the Federal Government cut across several Federal departments and agencies, the contractor may be forced to deal with half a dozen patent policies on a single project. There is a growing recognition of the fact that U.S. Government patent policies are "a mess." With the Federal Government now footing the cost of more than half the research in the United States, agitation for a general overhaul of the system is increasing both in the Congress and elsewhere.

Government funds devoted to research have grown rapidly in recent years, and the National Science Foundation estimates the total obligations for scientific research and development of all Federal departments and agencies for 1960 at the stupendous sum of $8,148 million. How well this vast amount of money is spent must become a matter of the utmost importance to the Federal Government, as it is already a subject of growing concern to U.S. taxpayers.

Many people today are asking why the United States does not at least recoup its research costs by taking a cut of the commercial royalties. The British Government has been doing this for over 50 years. The Vickers Viscount, developed under government contract, has returned enough to the British treasury to pay off the original research cost and yield a profit. Jet engines have proved to be a profitable investment for the British Government.

The Comptroller General of the United States, Joseph Campbell, in his official report of March 10, 1960, on the bill I have cosponsored with the gentleman from New Jersey [Mr. THOMPSON] declared:

An examination made by us of the operations of a major defense contractor disclosed that 218 invention disclosures arose from work financed under Government contracts. Of these, 62 patent applications had been filed, 33 applications were approved for filing, 57 disclosures were under evaluation, 3 were awaiting evaluation, and the remaining 62 disclosures were in an inactive status. Two disclosures were combined in a simple patent application. Most of these disclosures for which patent applications were filed or approved for filing were classified by the contractor as having commercial value. The circumstances that the work was sponsored and financed by the Government and performed for the express purpose of accomplishing research and development in the particular field seem to afford persuasive reasons for urging that, in addition to the right to the free use of any inventions, improvements, or discoveries resulting therefrom, the Government should retain the property rights thereto, including any patents that might be granted therefor.

Under the Thompson-McDowell bill—H.R. 5448 and H.R. 7705, 86th Congress—the Government would share in patent royalties on inventions resulting from Federal research contracts, and small business would be given tangible assistance in the form of Government contracts instead of the lipservice which this administration gives to the 4 million small businessmen of our Nation. The present strong monopolistic trend which today dominates the $8 billion Federal research and development program would be halted if the Thompson-McDowell bill was enacted into law.

The magazine Product Engineering, published by McGraw-Hill says:

Excessive channeling of research contracts into big business is causing considerable worry. Big business (over 500 employees) gets at least 95 percent of the Government research, and 100 firms get 85 percent among them. The top 14 companies getting contracts between 1954–1958 were all big electric and aircraft companies. The Attorney General has warned that channeling all this patent potential into big business is just building up the monopoly trend.

The House Small Business Committee recently spoke of the ominous shadow cast on the future with the monopoly of technology by big business.

The House Small Business Committee insists that since the Nation's 4 million small businessmen help to pay the staggering costs of the Federal Government's

research and development programs through taxes they should at least have access to the patents developed at the taxpayers' expense.

There is a growing awareness in the Congress of the importance of a Government-wide patent policy. Senator RUSSELL B. LONG, chairman of the Subcommittee on Monopoly of the Senate Select Committee on Small Business, held some very important hearings on the patent policies of departments and agencies of the Federal Government on December 8, 9, and 10. Important results are expected to ensue.

More recently, Senator JOSEPH C. O'MAHONEY introduced S. 3156, a bill "to provide for the protection of the interests of the United States in basic research with respect to patent rights arising from research conducted under projects financed by the United States."

In introducing his bill, S. 3156, Senator O'MAHONEY said, in part:

> The Judiciary Subcommittee on Patents, Trademarks, and Copyrights was authorized in the 85th Congress by Senate Resolution 236 to conduct a series of studies on the practices of the various Government agencies. So much divergence among the various Government agencies was discovered that there is every indication that the subcommittee should give immediate attention to establishing a uniform policy among the various agencies.

Senator O'MAHONEY went on to point out that—

> The Government's basic research should be promoted and protected because it is growing clearer every day that the comparable positions of Soviet Russia and this country will depend upon the success and proper conduct of this program and the successful establishment of a uniform and sound Government policy.

As usual, when the present administration ought to be moving decisively in a matter of this gravity it has established yet another committee to study the matter. In accordance with the administration's usual practice of postponing difficult decisions, it has established an interagency committee composed of representatives of the major agencies having an interest in patent policy. The Honorable Robert C. Watson, Commissioner of Patents, is serving as chairman.

After initial examination of the subject, the new interagency committee felt that more factual information should be secured. The interagency committee passed the "hot potato" along by entering into a contract with the Patent, Trademark, and Copyright Foundation of the George Washington University providing for the development of "factual information reflecting both Government and private industry experience under practices heretofore followed," according to a report on the Thompson-McDowell bill by the General Services Administration.

This matter has been under study for more than 13 years by the Federal Government. In 1947 Justice Tom C. Clark, former Attorney General, after intensive study, recommended that the Government should take title to all inventions produced in the performance of research contracts with the Federal Government except in special cases approved by the Government Patents Administrator, an office which he also recommended should be established, and the heads of the agencies involved in making the contract.

On November 9, 1956, former Attorney General Herbert Brownell submitted a report to Congress as required by the Defense Production Act of 1950 in which he found that present patent policy "may be one of the major factors tending to concentrate economic power."

Yet, despite the repeated recommendations by the Attorneys General of both Democratic and Republic administrations, here we go again on another study, a study which can be only for the purposes of postponement and obfuscation since the factual information already available is voluminous and detailed.

If there had to be another study, why wasn't the Attorney General, who has some competence in the matter, placed in charge of it?

I include as part of my remarks a section of the report by the Comptroller General of the United States on the bill which I have cosponsored with my dear friend and colleague, the gentleman from New Jersey [Mr. THOMPSON].

> COMPTROLLER GENERAL OF THE UNITED STATES,
> *Washington, March 10, 1960.*
>
> Hon. EMANUEL CELLER,
> *Chairman, Committee on the Judiciary, House of Representatives.*
>
> DEAR MR. CHAIRMAN: Further reference is made to your letter of September 2, 1959, requesting a report on H.R. 5448, 86th Congress, 1st session, "A bill to amend chapter 27 of title 35 of the United States Code with respect to the rights of the United States in certain patents."
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> It seems quite evident from the reports on the studies made thus far that there are many divergent views on the subject. The basic problem is whether the Government should take title to patents developed by private concerns under research and development contracts; or whether, in the light of present-day circumstances, the Government's interests may be sufficiently protected by retaining a royalty-free license covering all governmental uses. The former is basic policy under the Atomic Energy Act of 1954 and the National Aeronautics and Space Act of 1958. The latter has been the prevailing practice in the administration of research and development contracts entered into by the military agencies.
>
> Despite the divergent views on the subject, we believe there can be little disagreement as to the need for uniformity where contracts are being performed in the same or similar research and development areas. For example, the Department of Defense and the National Aeronautics and Space Agency sometimes contract with the same contractor on similar types of research and development work, but with entirely different contract provisions on patent rights. Under the Defense contract, the contractor obtains the patent and the Government receives a royalty-free nonexclusive license to practice or have practiced any inventions conceived in the course of the work. Under the NASA contract, all inventions become the property of the Government unless the Administrator determines that the public interest is better served by a waiver of the rights.
>
> As illustrative of the position of the Government, an examination made by us of the operations of a major defense contractor disclosed that 218 invention disclosures arose from work financed under Government contracts. Of these, 62 patent applications had been filed, 33 applications were approved for filing, 57 disclosures were under evaluation, 3 were awaiting evaluation, and the remaining 62 disclosures were in an inactive status. Two disclosures were combined in a simple patent application. Most of these disclosures for which patent applications were filed or approved for filing were classified by the contractor as having commercial value. The circumstances that the work was sponsored and financed by the Government and performed for the express purpose of accomplishing research and development in the particular field seem to afford persuasive reasons for urging that, in addition to the right to the free use of any inventions, improvements, or discoveries resulting therefrom, the Government should retain the property rights thereto, including any patents that might be granted therefor. Cf. *United States* v. *Houghton* (D.C. Md., 1927, 20 F. 2d 434), affirmed by the Fourth Circuit Court of Appeals, 1928 (23 F. 2d 385), holding that where an employee of the Public Health Service made a discovery or invention while employed to conduct experiments for the purpose of making it, his invention was the property of his employer, the United States; and *Ordnance Engineering Corp* v. *U.S.* ((1929) 68 C. Cls. 301, cert. denied, 302 U.S. 708), where the court was of the view that a Government contractor may occupy the same position as a Government employee with respect to rights in an invention made at the Government's direction and expense. We recognize, however, that persuasive reasons, particularly incentive on the part of the contractor, can be advanced for allowing the contractor patent rights to inventions, improvements, or discoveries made during the performance of a research and development contract with the Government.
>
> In considering the provisions proposed by the bill a number of significant differences may be noted between its provisions and those of comparatively recent enactments dealing with specific Government agencies; for example, the National Aeronautics and Space Act of 1958, 42 U.S.C. 2457; Atomic Energy Act of 1954, 42 U.S.C. 2181–2190; and the National Science Foundation Act of 1950, 42 U.S.C. 1871. These differences seem to indicate that the provisions proposed by the bill need clarification so as to minimize the possibility of conflicting interpretations, some of which may be illustrated, as follows:
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> 1. The laws governing patent rights under certain AEC and NASA contracts provide basically that inventions shall become the property of the United States, except that the rights of the United States may be waived under proper conditions. H.R. 5448 states only that the United States shall have a royalty-free, nonexclusive license to practice or have practiced such inventions, improvement, or discovery.
>
> 2. The language in H.R. 5448 which describes the circumstances under which the United States shall have an interest in an invention differs from corresponding language in existing law.
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> 3. A provision of the National Aeronautics and Space Act of 1958 stated: "Each such waiver made with respect to any invention shall be subject to the reservation by the Administrator of an irrevocable, nonexclusive, nontransferable, royalty-free license for the practice of such invention throughout the world or by or on behalf of the United States or any foreign government pursuant to any treaty or agreement with the United States." The language of H.R. 5448 does not provide the United States the right to assign royalty-free use of an invention to a foreign government pursuant to treaty.
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> The following general considerations are submitted with respect to the specific provisions of the bill:
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> 1. The relationships between the provisions of the bill and those of existing statutes relating to specific agencies should be set out.
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> 2. H.R. 5448 contains a provision that "Each research or development contract hereafter awarded by the United States shall provide that in the case of any patent covered by the preceding sentence, the United States shall receive a percentage, determined by negotiation as provided in the contract, of the income from the commercial utilization of the invention, improvement, or discovery patented." Some situations might be encountered where it would be impractical to determine or make a reasonable estimate of the income, gross or net, derived from commercial utilization. An example would be where the invention conceived under a research and development contract is used by the contractor as an integral part of the production of his commercial products. It might also be impractical to determine on a reasonable basis what part of the income could be attributed to the conception of a given device as opposed to its engineering development.
>
> 3. The income provisions of the bill would be made applicable only to contracts "hereafter awarded." Contracts for services and use of facilities for research and development may be in force for many years, subject to the availability of appropriations. It appears that where long-term contracts are already in existence, the contractors involved would be in a preferential position. It might, therefore, be appropriate to amend the language to cover these situations.
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> 4. The bill does not include provisions for application to subcontracts, and clarification of this aspect seems desirable.
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> 5. The proposed new subsection 35 U.S.C. 268(a) apparently would apply only to research and development contracts or the performance of any prior experimental, developmental, or research work done upon the understanding that a contract (whether or not a research and development contract) would be awarded. It would not seem to include a contract not considered to be primarily a research and development contract but which would have as one of its purposes experimental, research or development work, except in a case of performance of prior experimental, developmental, or research work done upon an understanding that a contract would be awarded. An appropriate amendment to clearly establish the intent is suggested.
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> 6. Consideration might be given to the inclusion of a provision in the bill similar to 42 U.S.C. 2182 to provide full disclosure of any invention, improvement, or discovery conceived or actually reduced to practice in the performance of any research and development contract, etc.
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> 7. Provisions with respect to the effect of an omission of the contract terms specified would seem desirable as an enforcement aid and to fix the validity of contracts not in conformance with the requirements.
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> 8. The proposed requirements relating to the inclusion of specific provisions in Government contracts might be appropriately included under title 41 U.S.C. dealing expressly with "public contracts."
>
> It is apparent there is a need for the establishment by Congress of basic policies for the determination of patent rights derived from Government research and development programs. Whether the policies should provide for retention by the Government of patent rights, or for the granting of those rights to contractors with royalty-free licenses for Government use in the manner provided by H.R. 5448 is a matter which is for determination by the Congress. However, we are of the opinion that thorough consideration of all the various aspects and divergent views concerning this matter is warranted before legislation is enacted establishing a general policy of retaining royalty-free licenses with waiver of such property rights as it might have or acquire in patents arising out of the prosecution of its many extensive research and development projects, as proposed by the bill.
>
> It is suggested that, in lieu of establishing one uniform policy governing patent rights under research and development contracts, consideration might be given to legislation which would give recognition to the functions and problems peculiar to the activities of individual agencies, as well as the differences in the types of research and development being contracted for by the Government. Such legislation might appropriately set forth broad general policies, including basic principles, guidelines, and criteria, permitting a measure of flexibility in administration where circumstances so dictate, and might embrace some features of the present administrative practices and methods. We believe such legislation could give full regard to all considerations designed to serve and protect the national interest, the Government, and contractors. Legislation along these lines would facilitate improved methods and practices for administering and carrying out our extensive research and development programs and bring about a degree of standardization in the handling of patent rights, with substantial benefits to all concerned.
>
> Sincerely yours,
> JOSEPH CAMPBELL,
> *Comptroller General of the United States.*

The People of the First Congressional District of Nebraska Are Asked To Give Their Opinions on Basic Issues

EXTENSION OF REMARKS
OF
HON. PHIL WEAVER
OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 1960

Mr. WEAVER. Mr. Speaker, I am today mailing out to a number of my constituents my regular legislative report and annual questionnaire.

I have made it a practice since coming to Congress to seek the advice and counsel of my constituents on many of the basic problems and issues of the day. To me, this sounding out of public opinion is the very essence of representative government.

I am including in the RECORD both my report and the questions I have asked:

WASHINGTON, March 15, 1960.—When new Government programs are mentioned, they're always talked about in terms of billions of dollars. The figures are always so big that they're hard to understand and comprehend.

What, exactly, is a billion dollars?

As 1 of the 44 million American families struggling with a household budget, it's $22 you can't spend for food or for shoes for the youngsters.

What I would like to do in this report is relate Government spending and—more important—fiscal honesty and responsibility to you, your dinner table, and your family clothing budget.

This approach seems to me necessary because there has been too much of the "something for nothing" philosophy in Washington over the past quarter-century when the spenders in Congress, after Congress have launched into new and bigger programs of giving the Nation something. When the Federal Government is writing the checks it seems so far away, so easy. Let the Government do it.

But pause just a moment.

What will that school construction program the Senate passed a few weeks ago and which is now pending before the House mean to you?

If you are part of an American family, then it means a dress and a pair of shoes for mother, nearly 2 weeks of groceries for the whole family, half a month's payment on a new Buick or Mercury, or just about half a month's payment if you're buying a new home.

Or how about urban renewal which is being pushed so hard?

A new suit for Dad—3 weeks of pretty good eating for the family—a year's school clothes for the grade-school youngster.

So, when someone tells you that the school-construction program only costs $1.8 billion, or urban renewal just costs $3 billion, associate them with yourself, your family.

There is no such thing as "something for nothing" even when Uncle Sam is footing the bill. You are paying for it with hamburger instead of roast beef, with a second-hand car instead of a new one, by living in an apartment instead of buying a new home.

Take another look at this business of fiscal responsibility.

What does that $290 billion national debt mean to you?

It means that your family owes $6,360.

How about the total obligation written onto the lawbooks by the recent Congresses of the present majority party totaling $680 billion?

Your family owes $14,960.

Can you afford to keep on paying for the luxury of getting "something for nothing?"

MONEY SAVER

The business of saving tax dollars belongs to the House Committee on Appropriations. Our job is to weigh each request for budget money, to measure the needs against the ability to pay for them.

Each bill, and there are 15 major money measures, is first carefully and thoroughly examined by a subcommittee. This takes weeks of testimony. Then it is analyzed dollar-by-dollar and the final bill written. The full Appropriations Committee then reexamines the bill in detail, and votes it to the floor of the House where once again it is carefully gone over.

This is the normal process—the way it should be done. But the spenders have found ways around our committee.

Back door raiding: Tricky methods have been worked out to give some agencies direct access to the Treasury without going through Congress. These back door deals or earmarked funds deny to the Congress, and therefore the people, constitutional controls over the purse strings.

A new method was worked out last year when the Tennessee Valley Authority was given permission to issue its own bonds in competition with the U.S. Treasury without regard to the national debt ceiling.

Regardless of the merits of TVA itself, this new proposal permits a bureaucracy to perpetuate itself without any controls by the people.

So far we on the Appropriations Committee have trimmed Federal spending by $800 million, and we have considered only six bills. It is my firm belief that when we are through we can save up to $2 billion—and I shall most certainly work toward this goal—without impairing our strength or those essentials which tend to help our free economic growth rather than hinder it.

OUR NATIONAL DEFENSE

A great political smokescreen has been launched concerning our national defense posture primarily by a group of men running for the Presidential nomination who are willing to substitute doubt and fear for facts.

For 15 months I have listened to a long series of witnesses and, on assignment by the committee chairman, I have personally looked into our military programs. Our job has been to get the full facts on defense. The man responsible for bringing out these facts is one of the most honored men in Congress—GEORGE MAHON, of Texas, a responsible, hard-working Democrat who has studied the problems of national defense since World War II days.

What does Mr. MAHON have to say about the confusion of charges made by certain Senators, charges that we are lagging behind the Soviet Union, that we are becoming a second-rate power, and that the missile gap means disaster?

Mr. MAHON spoke out recently on a TV program. Here's what he had to say:

"We have a greater overall striking ability than the Soviet Union. * * * This Nation is stronger than any nation in the world today."

Ours is a balanced defense system leaning heavily at present on our bomber fleets capable of delivering a nuclear punch anywhere Slowly these fleets will be augmented by Atlas and Titan ICBM's, and supplemented by Polaris submarine-launched missiles capable of striking at the heart of the Soviet Empire.

With the span of a few years a much cheaper, equally potent missile, Minuteman, will come into operation. Minuteman is mobile and less expensive than the Titan and Atlas weapons.

Along with this growing arsenal of deterrent weapons we are concentrating on an antimissile missile, the Nike-Zeus for protection against a potential missile attack upon America.

The question is not whether we match Russia missile for missile, or whether we have one or 100,000 ICBM's. The question is: Do we have enough striking power to deter the Russians from attacking us or the free world?

Mr. MAHON's answer to that is: "We have greater overall striking ability than the Soviet Union."

Mr. MAHON has also expressed his opinion against so-called crash programs to build vast arsenals of soon-to-be outmoded ICBM's. He says it may take slightly more money for some parts of the Defense budget than the President requested but that this money can be "recouped by making reductions in low-priority items."

This is an altogether different estimate than the one we hear from Senator SYMINGTON and others of his group who are attempting to build near-hysteria for political advantage. This statement from GEORGE MAHON is by a responsible man of SYMINGTON's own political party who knows as much about defense perhaps as any civilian in Government today.

QUESTIONNAIRE

To measure the attitude of the people of the First Congressional District is the very essence of representative government. Each year since being elected your Congressman I have asked you to assist me by expressing your personal opinion on various public questions. I must assume full responsibility for my votes. However, in doing this I must carefully weigh the views of those whom I am elected to represent. Your individual opinions therefore, will be extremely helpful.

You need not sign this form.

Your further comments are welcome and will be helpful.

If you have such comments to make, please feel free to do so.

1. The President has predicted a $4.1 billion surplus this year.

Do you favor using this money for:

A. Reduction of the national debt ———.

B. Reduction of taxes ———.

C. A combination of both ———.

D. Using this money for further expansion of Government programs ———.

2. Do you feel the President is best qualified to know what money is necessary to provide a strong, flexible defense posture? Yes ———; no ———.

3. Do you favor matching Russia missile-for-missile in an all-out arms race? Yes ———; no ———.

4. If your answer to No. 3 is "Yes," would you favor financing such an arms race by:

A. Increased taxes ———.

B. Increased public debt ———.

Please fill out the above and return to Congressman PHIL WEAVER, Box 1550, New House Office Building, Washington 25, D.C.

Thank you for your cooperation and guidance.

Sugar

EXTENSION OF REMARKS
OF
HON. CORNELIUS E. GALLAGHER
OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 1960

Mr. GALLAGHER. Mr. Speaker, yesterday I submitted to the House a bill, H.R. 11138, which I hope will provide some direction of a new approach in our relationship with Cuba.

H.R. 11138 was the product of my concern with the folly of automatically renewing the present Sugar Act in view of Mr. Castro's charges that this act was enslaving the Cuban people. Similar was my concern that if we eliminated Cuba from the Sugar Act we may be creating additional hardship for the Cuban people, which is not the desire of anyone in the United States.

H.R. 11138 would extend the present act for an additional 4 years when it expires on December 31, 1960. The renewal would, however, be amended with a flexibility permitting the President to adjust or eliminate the Cuban sugar quota at any time during the life of the bill if he deemed it necessary to protect the national interest.

I feel we must adopt a realistic attitude in view of the new challenges presented to us by the irresponsible conduct and policies of Mr. Castro. Sugar quota and sugar price levels are vital factors in dealing with the Castro regime. I therefore feel that control with flexibility should be given to the President, who has the responsibility for dealing with foreign nations. I sincerely hope that the President never has cause to use this authorization. The bill authorizes the President to increase the quota of other sugar producers covered in the act pro rata in the event the Cuban quota must be decreased. Further, H.R. 11138 has a retroactive provision which would create this flexibility in that part of the present act which is unexpired.

Sugar accounts for 76 percent of total Cuban exports. Cuban sugar production accounts for roughly 20 percent of the total world production, and a little over 50 percent of this is sold to the United States.

Cuba, because of its natural advantages as a sugar producer, has a large excess capacity and must therefore regulate its own production. In addition to providing an assured market for over half of its annual production, the U.S. quota for Cuban sugar also allows Cuba to benefit from the higher U.S. price on the commodity. In 1958 this differential amounted to 1.91 per pound which gave a total premium to Cuba of $132 million. In addition, Cuba enjoys a tariff preference of 12.5 cents per hundred pounds which in the same year provided a total additional return of $9 million.

I believe that we have demonstrated great patience toward the outrageous accusations made by Mr. Castro against the United States. The United States has acted with dignity and maturity in this very difficult situation. I believe, however that we must show our friends and those not so friendly that we can act with dignity, maturity, patience, and at the same time with firmness.

I do not believe that merely because we are a great and powerful Nation that we cannot possess a feeling of patriotic pride and self-respect. I do not feel that merely because we are strong and powerful we must constantly assume a bovine posture when some irresponsible leader of a smaller nation challenges our national integrity.

Because we are a great freedom-loving Nation we have greater responsibilities and obligations in the exercise of patience and understanding toward the less fortunate. This, however, should not be allowed to become the basic premise of every hostile planner seeking to undermine the prestige or power of the United States, for they interpret this as a hole in our armour rather than a virtue in our national character. We should not allow our enmity to become a greater advantage than our friendship.

We have secured liberty and maintained our freedom because American leadership was guided by a sense of justice and an adherence to conscience. This should be our guiding principle to the new challenges of our times. The opinion of our enemies whether voiced directly or indirectly should never outweigh our own good sense of doing what we think is right.

Dependent on our sense of right is the real hope for freedom everywhere.

SENATE

WEDNESDAY, MARCH 16, 1960

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

Rev. Walter A. Pegg, D.D., pastor, Metropolitan Baptist Church, Washington, D.C., offered the following prayer:

O Lord, our God, we come before Thee in response to Thine own invitation when Thou didst say, "Draw nigh to God, and I will draw nigh unto thee." May we sense our need of Thy presence and Thy help as we stand before Thee.

Thou hast endowed us with wisdom and insight into the problems that are common to men, but we freely recognize that we are subject to limitations. There are barriers that our puny powers cannot surmount; there are questions which find us groping for an answer. Help us to be humble enough to acknowledge our shortcomings, and in so doing wait upon Thee for that which we cannot produce of ourselves.

We do acknowledge Thee to be our Creator, the Provider of every good and perfect gift which cometh down from above, climaxing in the gift of Thy well-beloved Son, to be our Saviour. Enable us, therefore, to walk in the light of Thy countenance, to be guided by the precepts of Thy Holy Word, that we may discharge the awesome responsibilities placed upon us with respect to both domestic and foreign affairs in this, our brief day.

Grant us physical strength, mental acumen, and spiritual perception commensurate to our tasks. Keep us from merely rendering Thee lip service; and may our hearts become right in Thy sight by a submission to Thy gracious will and through a right relationship to Thy Son, in whose name we pray. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, March 15, 1960, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 594. An act for the relief of Lionie Tarpinian; and

S. 1241. An act for the relief of Sirvart Kasabian.

The message also announced that the House had passed the bill (S. 1315) for the incorporation of the Blue Star Mothers of America, Inc., with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1752. An act for the relief of Wilhelmina Ordonez;

H.R. 2082. An act for the relief of James Demetrios Chrysanthes, also known as James Demetrios Chrysanthacopoulos;

H.R. 2309. An act for the relief of Rivka Ghesser;

H.R. 2314. An act for the relief of the estate of William M. Farmer;

H.R. 3242. An act for the relief of Mrs. Virginia Lee Sage;

H.R. 3786. An act for the relief of Chan Kit Ying and James George Bainter;

H.R. 3934. An act for the relief of Mrs. E. Christine Williams;

H.R. 4562. An act for the relief of Stanislaw Grzelewski;

H.R. 5771. An act for the relief of Emmett P. Dyer;

H.R. 6083. An act for the relief of Mary V. Jones;

H.R. 6149. An act for the relief of Wesley C. Newcomb;

H.R. 6493. An act for the relief of Robert Dolton;

H.R. 6843. An act for the relief of Daniel Wilging;

H.R. 7037. An act for the relief of Carl J. Fisher, captain, U.S. Army, retired;

H.R. 7226. An act for the relief of Mr. Hughie D. Martin and Ione Martin;

H.R. 7254. An act for the relief of Simeen Helena Chaghaghi;

H.R. 7363. An act for the relief of Chester A. Spindler;

H.R. 7582. An act for the relief of Royce C. Plume, a member of the Arapahoe Tribe of Indians;

H.R. 8280. An act for the relief of Clarence T. Tolpo;

H.R. 8383. An act for the relief of Maj. Jack E. Hudson;

H.R. 8456. An act for the relief of Capt. Jack Rubley;

H.R. 8672. An act for the relief of Dr. Deh Chang Tao;

H.R. 8941. An act for the relief of Mrs. Alice Anderson;

H.R. 9170. An act for the relief of John J. Finn, Jr.;

H.R. 9216. An act for the relief of Daniel C. Turner;

H.R. 9476. An act for the relief of George E. Williams and William L. Johnson; and

H.R. 10631. An act for the relief of George T. Moore, Carl D. Berry, and Dr. Harold J. Heck.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 1193. An act for the relief of Eleanor Constan;

S. 1703. An act for the relief of Raul Jorge Jose Hermitte; and

S. 2028. An act for the relief of Candace Elizabeth Lee Johnson (Kyung Hee Lee).

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 1752. An act for the relief of Wilhelmina Ordonez;

H.R. 2082. An act for the relief of James Demetrios Chrysanthes, also known as James Demetrios Chrysanthacopoulos;

H.R. 2309. An act for the relief of Rivka Ghesser;

H.R. 3242. An act for the relief of Mrs. Virginia Lee Sage;

H.R. 3786. An act for the relief of Chan Kit Ying and James George Bainter;

H.R. 3934. An act for the relief of Mrs. E. Christine Williams;

H.R. 4562. An act for the relief of Stanislaw Grzelewski;

H.R. 6083. An act for the relief of Mary V. Jones;

H.R. 6149. An act for the relief of Wesley C. Newcomb;

H.R. 6493. An act for the relief of Robert Dolton;

H.R. 6843. An act for the relief of Daniel Wilging;

H.R. 7037. An act for the relief of Carl J. Fisher, captain, U.S. Army, retired;

H.R. 7226. An act for the relief of Mr. Hughie D. Martin and Ione Martin;

H.R. 7254. An act for the relief of Simeen Helena Chaghaghi;

H.R. 7363. An act for the relief of Chester A. Spindler;

H.R. 7582. An act for the relief of Royce C. Plume, a member of the Arapahoe Tribe of Indians;

H.R. 8280. An act for the relief of Clarence T. Tolpo;

H.R. 8383. An act for the relief of Maj. Jack E. Hudson;

H.R. 8456. An act for the relief of Capt. Jack Rubley;

H.R. 8672. An act for the relief of Dr. Deh Chang Tao;

H.R. 8941. An act for the relief of Mrs. Alice Anderson;

H.R. 9170. An act for the relief of John J. Finn, Jr.;

H.R. 9216. An act for the relief of Daniel C. Turner;

H.R. 9476. An act for the relief of George E. Williams and William L. Johnson; and

H.R. 10631. An act for the relief of George T. Moore, Carl D. Berry, and Dr. Harold J. Heck; to the Committee on the Judiciary.

H.R. 2314. An act for the relief of the estate of William M. Farmer; and

H.R. 5771. An act for the relief of Emmett P. Dyer; to the Committee on Finance.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Preparedness Subcommittee of the Committee on Armed Services and the Aeronautical and Space Sciences Committee were authorized to meet during the session of the Senate today until 1 o'clock p.m.

PERSONAL STATEMENT—THE CIVIL RIGHTS BILL

Mr. JOHNSON of Texas. Mr. President, I was asked to make a comment on a statement by an allegedly important

Democratic official. I think that for the RECORD I should like to say only this: I never get involved in family quarrels if I can help it. I particularly do not get involved when the member of the family prefers to remain anonymous. I think I shall leave it at that.

Earlier today I was asked to comment on the action of the House of Representatives yesterday. The House of Representatives is fully capable of conducting its own business, without any interference from the outside.

Basically, I believe the situation remains the same: The Senate, in which I have some responsibility, is trying its best, I believe, to evolve the best possible bill in this very difficult field. Ultimately, if the bill is to mean anything at all, every citizen and every Member of Congress must recognize that it must be approved by a majority of the Members of both branches of the Congress and must be approved and signed by the President of the United States. All of us must always be aware of that fact, in our consideration of the bill.

Mr. President, I feel that in the Congress there is a determination to make progress. No informed man ever underestimates the difficulties of doing that. Because of the wide divergences of opinion and the deep convictions on both sides, no one familar with the situation has ever thought this was going to be a subject which could be handled easily.

Mr. President, I want the Senate to know and I want the Congress to know and I want the country to know that I am completely indifferent to such considerations as to whether the bill is a Democratic bill or whether it is a Republican bill, or whether it is a House bill or whether it is a Senate bill, or whether it is drafted to meet the requirements of Madison Avenue or the requirements of some other emotional symbols.

The test I am going to apply, and the test which I think the Congress collectively will apply, is whether the bill is effective and will do the job.

Mr. President, this is an area in which men must be prudent, careful, and conscientious; and the only standard which I think any Senator will apply in his own conscience is whether what is proposed is the right thing to do. I believe that when Senators apply that standard, we can trust the Senate.

BIRTHDAY CONGRATULATIONS TO SENATOR MANSFIELD

Mr. AIKEN. Mr. President, I wish to call the attention of the Senate to the significance of this day: I am informed that today is the birthday of the junior Senator from Montana [Mr. MANSFIELD], who is one of the most respected and one of the most beloved Members of this body.

I am not going to indulge in a statement regarding the biography or the record of accomplishment of the Senator from Montana, although certainly his biography and his record of accomplishment are most impressive and are greatly to his credit.

I understand that the junior Senator from Montana arrived on this earth prematurely, having been born on the 16th of March, whereas he might more appropriately have been born on the 17th. However, that is something which cannot be corrected at this point. [Laughter.]

Mr. President, I have been asked how old the junior Senator from Montana may be. Unfortunately, up to now that has been a well-guarded secret. His age will not be found listed in the biographies of Senators. In fact, it is as well guarded a secret as the endorsements by Dwight Eisenhower and Paul Butler in expressing their choices for presidential candidates in the coming election. However, Mr. President, inasmuch as I am not President of the United States and I am not chairman of the Democratic National Committee, I am under no compulsion to keep that secret; so I can inform the Senate that at this time MIKE MANSFIELD is 46 again. [Laughter.]

Mr. McGEE. Mr. President, will the Senator from Vermont yield?

Mr. AIKEN. I yield.

Mr. McGEE. Let me say that I thought perhaps the Vice President might be here at this time, so we could make the accolade a dual one—to both the junior Senator from Montana [Mr. MANSFIELD] and to the Vice President's lovely wife, whose birthday is also today, I understand. Is that correct?

Mr. AIKEN. I do not know; I go only as far as Montana in my record of birthdays.

Mr. McGEE. I believe it would be well to keep our accolade on a bipartisan basis, so as to make the celebration truly impartial.

Mr. AIKEN. That is why I think it fitting that I call attention to the birthday of the junior Senator from Montana.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Vermont yield?

Mr. AIKEN. I yield.

Mr. JOHNSON of Texas. Mr. President, I am very grateful to the Senator from Vermont for reminding us of the importance and significance of this day—the birthday of the junior Senator from Montana [Mr. MANSFIELD]. I must confess that I had no knowledge of that fact. I am delighted to know that the Senator from Vermont has brought this valuable information to the Senate.

No Member of the Senate enjoys more greatly the respect of the Senate than does Senator MANSFIELD, and in public life today there is no more dedicated public servant than he. So I am happy to join the Senator from Vermont in the bipartisan wish he expresses; namely, that the Senator from Montana may enjoy many more happy birthdays.

Mr. AIKEN. Furthermore, I should like to say that if the junior Senator from Montana objects to my saying he is 46 again, I will reduce the number. [Laughter.]

Mr. JOHNSON of Texas. Mr. President, I am most grateful to the Senator from Vermont; he is always accommodating.

Mr. RUSSELL. Mr. President, will the Senator from Vermont yield?

Mr. AIKEN. I yield.

Mr. RUSSELL. I wish to associate myself with the expressions by the distinguished majority leader and by the distinguished senior Senator from Vermont [Mr. AIKEN], congratulating the junior Senator from Montana [Mr. MANSFIELD] on his natal day.

This is a fine bipartisan gesture of respect to one of the finest men I have served with in the Senate. It is typical of the generous conduct of the distinguished Senator from Vermont [Mr. AIKEN] that he should bring this to the attention of the Senate.

The Senator from Montana is a gentleman to the manner born. Any such suggestion from me may be the kiss of death, politically, but I repeat what I have said before that I think that the Senator from Montana has all of the qualifications to serve as a President of the United States. He is a truly great character.

Let me also say, Mr. President, that if we must have a Republican President for the next 4 years, the Senator from Vermont would be much more acceptable to me than many other Republicans who have been suggested as candidates for the Presidency.

Mr. AIKEN. I want to thank the Senator ffom Georgia for his nomination, but I remind him that, along with my other work, I would not have time.

Mr. RUSSELL. If I had thought the Senator would take it, I would not have put the handicap of this additional burden on him.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. DIRKSEN. I concur in the expressions of esteem and congratulations to the great Senator from Montana. He really is a dedicated person, for whom I have very great respect, admiration, and affection.

The Senator from Vermont mentioned the fact that, in a way, it was a little dreadful that the Senator from Montana was not born 1 day later, so his birthday would fall on a great day. Since that fact cannot be undone, we might amend the calendar and accomplish the same result. But if anybody has in mind doing that, I would not want such an amendment to come to the civil rights bill. [Laughter.]

Mr. AIKEN. I may say that we have in the past spent more time on less worthy objectives than that.

Mr. GORE. Mr. President, will the Senator yield?

Mr. AIKEN. I yield to the Senator from Tennessee.

Mr. GORE. I wish to join in the extending of felicitations to the junior Senator from Montana upon the attainment of one more birthday. In connection with his qualifications, I should like to say that I have already, in a private way, suggested to some very important Americans the eminent qualifications and eminent availability of the junior Senator from Montana as the Secretary of State of the United States.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. AIKEN. I yield to the Senator from New York.

Mr. KEATING. Without entering into speculations about presidential sweepstakes, I want to express my great admiration for the distinguished Senator from Vermont and to express to him the gratitude of the new Members of the Senate for the great consideration which he has shown to us. He has always exhibited a fair, calm, moderate attitude and a completely nonpartisan attitude in our dealings.

There is no Member of this body for whom I have greater respect than I do for the Senator from Montana. I join in the expressions of my friend from Vermont, who has thoughtfully brought to our attention that today is the natal day of the Senator from Montana.

Mr. JAVITS. Mr. President, will the Senator yield on the same subject?

Mr. AIKEN. If the Chair will permit me to, I yield.

Mr. JAVITS. I also desire to add my congratulations to Senator MANSFIELD, with whom I served in the House and on the House Foreign Relations Committee. As a Member of the Senate, he properly deserves the high regard and respect which we hold for him for his thoughtfulness. I admire him greatly for that quality, and also, not only for his willingness, but his anxiety, to debate issues, even those in which he has some profound convictions.

Mr. TALMADGE. Mr. President, I desire to associate myself with the remarks which have been made on the birthday of our distinguished majority whip. I have never known a more accomplished, sincere, and dedicated public servant than MIKE MANSFIELD.

Mr. MUNDT. Mr. President, I wish to salute the majority whip, Senator MANSFIELD, on the occasion of his birthday. I had the pleasure of serving with MIKE MANSFIELD in the House of Representatives on the Committee on Foreign Affairs. I have traveled abroad with him. I have recognized him for a long time as an able public servant dedicated to ideals to which he adheres. I congratulate him on his birthday.

Mr. FREAR. Mr. President, it is my fervent hope that the junior Senator from Montana [Mr. MANSFIELD] may experience a very happy birthday anniversary, and that Mrs. Mansfield may also enjoy it.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON 1959 SOIL BANK CONSERVATION RESERVE PROGRAM

A letter from the Assistant Secretary of Agriculture, transmitting, pursuant to law, a report on the 1959 soil bank conservation reserve program, dated March 1960 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT ON MILITARY CONSTRUCTION CONTRACTS AWARDED WITHOUT FORMAL ADVERTISING

A letter from the Assistant Secretary of the Navy (Material), transmitting, pursuant to law, a report on military construction contracts awarded without formal advertising, during the period from July 1, 1959, to December 31, 1959 (with an accompanying report); to the Committee on Armed Services.

SMALL BUSINESS ACT AMENDMENTS OF 1960

A letter from the Administrator, Small Business Administration, Washington, D.C., transmitting a draft of proposed legislation to amend the Small Business Act and for other purposes (with an accompanying paper); to the Committee on Banking and Currency.

REPORT OF SECRETARY OF THE TREASURY ON THE STATE OF THE FINANCES

A letter from the Secretary of the Treasury, transmitting, pursuant to law, his report on the state of the finances, for the fiscal year ended June 30, 1959 (with an accompanying report); to the Committee on Finance.

AMENDMENT AND EXTENSION OF SUGAR ACT OF 1948

A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to amend and extend the provisions of the Sugar Act of 1948, as amended (with an accompanying paper); to the Committee on Finance.

REPORT ON EAST-WEST TRADE IN 1958

A letter from the Under Secretary of State, transmitting, pursuant to law, a summary of East-West trade in 1958 (with an accompanying report); to the Committee on Foreign Relations.

REPORT ON REVIEW OF SELECTED ACTIVITIES OF PORTLAND REGIONAL OFFICE (REGION 6), FOREST SERVICE

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of selected activities of Portland regional office (region 6), Forest Service, Department of Agriculture, September 1959 (with an accompanying report); to the Committee on Government Operations.

REPORT ON RECEIPT OF APPLICATION FOR LOAN UNDER SMALL RECLAMATION PROJECTS ACT OF 1956

A letter from the Acting Secretary of the Interior, reporting, pursuant to law, that the Browns Valley Irrigation District in Yuba County, Calif., had applied for a loan of $4,804,000 (with accompanying papers); to the Committee on Interior and Insular Affairs.

RESOLUTION OF NEPALESE PARLIAMENT

The PRESIDENT pro tempore laid before the Senate a letter from the Assistant Secretary of State, transmitting a copy of a resolution adopted by the Nepalese Parliament, extending its greetings and thanks to the Congress of the United States for its adoption of House Concurrent Resolution 299, extending the greetings of the Congress to the newly established Parliament of the Kingdom of Nepal, which, with the accompanying papers, was referred to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the Commonwealth of Kentucky; to the Committee on Public Works:

"CONCURRENT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES OF AMERICA TO CONSIDER APPROPRIATE LEGISLATION TO PROHIBIT THE CONSTRUCTION OF BRIDGES ACROSS THE OHIO RIVER WHICH DO NOT HAVE ADEQUATE CLEARANCE FOR RIVER TRAFFIC

"Whereas 73,476,894 tons of domestic freight was moved over the Ohio River in 1958 and preliminary calculations indicate an even greater amount in 1959; and

"Whereas the utility of this artery of transportation is threatened by the erection of more bridges across the Ohio River which, because of inadequate clearance, impede the river traffic; and

"Whereas the development of this Nation's natural resources, the prosperity and economic development of the Ohio River Valley, and interests of national defense depend upon the full utilization of this waterway: Now, therefore, be it

"Resolved by the Senate of the Commonwealth of Kentucky (the House of Representatives concurring therein):

"SECTION 1. That the Congress of the United States of America be, and it hereby is, memorialized to consider appropriate legislation to prohibit the construction of bridges which do not have adequate clearance for river traffic across the Ohio River.

"SEC. 2. That the clerk of the senate be directed to forward copies of this resolution to the U.S. Senators and Representatives elected from Kentucky, and to the Speaker of the House of Representatives and the President of the Senate of the Congress of the United States.

"JOHN W. WILLIS,
"Chief Clerk of Senate."

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Banking and Currency:

"RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES OF AMERICA TO ENACT A FEDERAL AREA REDEVELOPMENT ACT

"Whereas passage of a Federal area redevelopment act would provide Federal aid for the revitalization of older mill and factory areas, and thereby enable the Commonwealth to compete more effectively with other States for new industry and provide funds for the retraining of workers in areas of chronic unemployment: Therefore be it

"Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to give early and favorable consideration to the passage of a Federal area redevelopment act; and be it further

"Resolved, That copies of these resolutions be sent forthwith by the secretary of the Commonwealth to the Senators and Representatives in Congress from this Commonwealth.

"Adopted by house of representatives, February 29, 1960.

"LAWRENCE R. GROVE,
"Clerk.

"Adopted by senate in concurrence March 2, 1960.

"IRVING N. HAYDEN,
"Clerk."

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Finance:

"RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION AMENDING THE SOCIAL SECURITY LAW

"Whereas it is advisable to raise the maximum which an individual can earn while obtaining full social security benefits from the present $1,200 a year to $2,500 a year, and to permit wives to earn more than the present maximum of $1,200 a year: Therefore be it

"Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to give early and favorable consideration to the enactment of legislation to amend the social security laws to raise the maximums which may be earned under the social security laws; and be it further

"Resolved, That copies of these resolutions be sent forthwith by the secretary of the Commonwealth to the Senators and Representatives in Congress from this Commonwealth.

"Adopted by house of representatives, February 29, 1960.

"LAWRENCE R. GROVE,
"Clerk.

"Adopted by senate in concurrence, March 2, 1960.

"IRVING N. HAYDEN,
"Clerk."

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Labor and Public Welfare:

"RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION OUTLAWING DISCRIMINATION IN EMPLOYMENT BECAUSE OF AGE

"Whereas many older people can work as effectively as younger people but find difficulty in obtaining employment: Therefore be it

"Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to give early and favorable consideration to the enactment of legislation outlawing discrimination in employment because of age; and be it further

"Resolved, That copies of these resolutions be sent forthwith by the secretary of the Commonwealth to the Senators and Representatives in Congress from this Commonwealth.

"Adopted by house of representatives, February 29, 1960.

"LAWRENCE R. GROVE,
"Clerk.

"Adopted by senate in concurrence, March 2, 1960.

"IRVING N. HAYDEN,
"Clerk."

A resolution of the House of Representatives of the State of Rhode Island; to the Committee on Finance:

"H. 1325

"Resolution requesting the Senators and Representatives in the Congress of the United States to amend the Federal income tax laws to permit income tax exemption for the parents of students in accredited colleges and universities for the period while said students are enrolled in said institutions for higher education

"Whereas the future of the United States of America will become the responsibility of young men and women, graduates of accredited colleges and universities, since full and complete higher education will be needed to train these young persons for the challenges ahead in this changing world; and

"Whereas the cost of higher education has so advanced, as well as the cost of living, that, if we are to prepare our young people to be equipped for such challenges, it becomes the responsibility of all to make it easier for the parents to sacrifice for said continuing higher education; and

"Whereas if the Federal income tax laws could be so amended that exemption can be granted to the parents of such students in accredited colleges and universities: Now, therefore, be it

"Resolved, That the members of the General Assembly of the State of Rhode Island and Providence Plantations now respectfully request the Senators and Representatives in the Congress of the United States to take such appropriate action to have passed remedial legislation for such Federal income tax exemption for the parents of such students in the accredited colleges and universities of the Nation; directing the Secretary of State to transmit duly certified copies of this resolution to the Presiding Officers of both branches of Congress and to the Senators and Representatives from Rhode Island in the Congress of the United States urging that remedial legislation of this particular import may be activated to alleviate the financial burden upon parents whose children in accredited colleges and universities are being trained in every possible form of higher education to take their rightful places for the forthcoming challenges of the future of the Nation in a troubled world."

A concurrent resolution of the Legislature of the State of South Carolina; ordered to lie on the table:

"CONCURRENT RESOLUTION COMMENDING THE 18 U.S. SENATORS FROM THE SOUTH ON THEIR COURAGEOUS STAND IN OPPOSING THE PROPOSED "CIVIL RIGHTS" LEGISLATION PENDING IN THE U.S. SENATE

"Whereas the present Republican administration recommended that certain legislation directed at the South be enacted which would be wholly punitive against that section of the county which constitutes the last stronghold of supporters of constitutional government; and

"Whereas the liberal Democrats of the Senate joining with the Republican Members of that body launched a determined drive to carry out the President's iniquitous program in the face of the request of the Senators representing Southern States that they refrain from supporting the administration in this punitive type of legislation; and

"Whereas on Monday, February 29, 18 U.S. Senators from the South began a filibuster to block proposed so-called civil rights legislation proposed by Members of Congress who are determined to interfere with the constitutional rights of Southern States to manage their own affairs; and

"Whereas in the face of tremendous opposition these 18 Senators are continuing their fight through many long and arduous hours to protect the interest of their constituents and to insure the perpetuation of the way of life enjoyed by southerners for generations; and

"Whereas this little band of 18 has stood out against great odds and under the most trying conditions and has refused to compromise the rights of the South on the vital issue of the right of the States to control their own elections and to operate their own schools without Federal interference; and

"Whereas it is the desire of the members of the General Assembly of South Carolina to manifest their pride in and admiration for these 18 champions of constitutional government: Now, therefore, be it

"Resolved by the senate (the house of representatives concurring), That the General Assembly of the State of South Carolina commend the 18 U.S. Senators presently filibustering against alleged civil rights legislation upon their gallant and determined fight against powerful and tyrannical opposition; and be it further

"Resolved, That a copy of this resolution be sent to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States, and to Senators OLIN D. JOHNSTON and J. STROM THURMOND, Members of the U.S. Senate from the State of South Carolina, and to each Representative in the House of Representatives from the State of South Carolina."

A resolution adopted by the Board of County Commissioners of Pinellas County, Clearwater, Fla., favoring the enactment of legislation to provide additional funds for the continuation of construction of the Intracoastal Waterway in Florida; to the Committee on Appropriations.

A resolution adopted by the Board of County Commissioners of Hillsborough County, Tampa, Fla., favoring the enactment of legislation to provide funds for the continuance of construction of the Intracoastal Waterway in the State of Florida; to the Committee on Appropriations.

A letter in the nature of a petition from Robert Richard, of Chattanooga, Tenn., relating to civil rights; to the Committee on the Judiciary.

REPORT ENTITLED "PATENTS, TRADEMARKS, AND COPYRIGHTS" (S. REPT. NO. 1202)

Mr. EASTLAND (for Mr. O'MAHONEY), Mr. President, from the Committee on the Judiciary, pursuant to Senate Resolution 53 as extended, I submit a report entitled "Patents, Trademarks, and Copyrights," and ask that it be printed.

The PRESIDENT pro tempore. The report will be received and printed, as requested by the Senator from Mississippi.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MUNDT (for himself and Mr. CASE of South Dakota):

S. 3208. A bill to provide for the payment for individual Indian and tribal lands of the Lower Brule Sioux Reservation in South Dakota, required by the United States for the Big Bend Dam and Reservoir project on the Missouri River, and for the rehabilitation, social and economic development of the members of the Lower Brule Sioux Tribe, and for other purposes; and

S. 3209. A bill to provide for the payment for individual Indian and tribal lands of the Crow Creek Sioux Reservation in South Dakota, required by the United States for the Big Bend Dam and Reservoir project on the Missouri River, and for the rehabilitation, social and economic development of the members of the Crow Creek Sioux Tribe, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. MUNDT when he introduced the above bills, which appear under a separate heading.)

By Mr. BENNETT:

S. 3210. A bill to amend and extend the provisions of the Sugar Act of 1948, as amended; to the Committee on Finance.

(See the remarks of Mr. BENNETT when he introduced the above bill, which appear under a separate heading.)

By Mr. MANSFIELD (for himself and Mr. KUCHEL):

S. 3211. A bill to establish the Richard L. Neuberger National Seashore, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. MANSFIELD when he introduced the above bill, which appear under a separate heading.)

By Mr. BIBLE (for himself and Mr. CANNON):

S. 3212. A bill to direct the Secretary of the Interior to convey certain public lands in the State of Nevada to the county of Mineral, State of Nevada; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. BIBLE when he introduced the above bill, which appear under a separate heading.)

By Mr. KEFAUVER:

S. 3213. A bill for the relief of Dr. Anwar Amin Anthony; to the Committee on the Judiciary.

By Mr. ANDERSON:

S. 3214. A bill to clarify the law with respect to transportation of airmail, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MORSE:

S. 3215. A bill to designate the John Day lock and dam on the Columbia River, Oreg., and Wash., as the Richard L. Neuberger lock and dam; to the Committee on Public Works.

(See the remarks of Mr. MORSE when he introduced the above bill, which appear under a separate heading.)

RESOLUTION

AUTHORIZATION TO PRINT AS A SENATE DOCUMENT A STUDY ENTITLED "USING OUR FARM PRODUCTIVE POWERS FOR HUMAN PROGRESS AND PEACE"

Mr. HUMPHREY submitted a resolution (S. Res. 291) authorizing the printing as a Senate document a study entitled "Using Our Farm Productive Powers for Human Progress and Peace," which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. HUMPHREY, which appears under a separate heading.)

PAYMENT FOR CERTAIN INDIVIDUAL INDIAN AND TRIBAL LANDS, SOUTH DAKOTA

Mr. MUNDT. Mr. President, I introduce, for appropriate reference, two bills which propose reimbursement to the Lower Brule and Crow Creek Sioux Tribes and their individual members for the tribal and individually held trust lands, which are to be taken by the United States for the Big Bend Dam and Reservoir project on the Missouri River.

These bills also authorize the appropriation of funds to be used for the purposes of social and economic rehabilitation of the individual members of these two Sioux Indian Tribes.

Mr. President, construction activities by the Corps of Engineers are already in progress on the Big Bend Dam, which is to be located between the Oahe and Fort Randall Dams on the Missouri River in South Dakota. If construction proceeds according to current plans and estimates, it is expected that closure of the Big Bend Dam will take place in 1962. This means that within less than 3 years this dam will begin impounding water which will inundate lands on the Lower Brule and Crow Creek Reservations, thus necessitating the relocation of many Indian families.

Mr. President, this will be the second time in less than 5 years that these tribes and their members have been dispossessed of lands located on their reservations because of the construction of multipurpose dam facilities on the Missouri River by the Federal Government. In 1955 members of these tribes were forced to leave their homes and lands in connection with the Fort Randall Dam construction. On the occasion of that dispossession, the Federal Government was shockingly dilatory in compensating these tribes and their individual members for the tangible and intangible damages suffered in the displacement from their lands and homes. As a matter of fact the reservoir waters of Fort Randall had inundated much of this land for a period of over 3 years before Congress finally adopted legislation to compensate these tribes for their losses. This long delay in payment caused serious hardship among the members of the Lower Brule and Crow Creek Tribes, which could have been prevented had Congress and the Federal agencies involved taken prompt and appropriate action to compensate, relocate and rehabilitate these tribes and their individual members.

Mr. President, the only fair conclusion which can be drawn is that the United States failed these good Indian people on the occasion of the Fort Randall Dam construction. I earnestly pray that this shabby treatment will not be duplicated in connection with the building of the Big Bend Dam.

I have been assured by the Bureau of Indian Affairs and the Corps of Engineers that they are anxious to initiate the necessary activities and programs to ensure that the members of the Lower Brule and Crow Creek Tribes are justly compensated and properly relocated prior to the closure of the Big Bend Dam. These two agencies are currently formulating plans for this relocation, but before they can take any material action in this direction Congress must adopt general legislation, authorizing the Corps and the Bureau to proceed with the required projects and programs. Because I feel that action is demanded in the early future if the United States is to remain faithful to its obligations to these tribes, I am today introducing these legislative measures authorizing the Corps of Engineers and the Bureau of Indian Affairs to undertake their respective responsibilities for the relocation and rehabilitation of these Indian families, who will soon be dispossessed by the Big Bend Dam construction. I earnestly hope that Congress also will recognize its considerable obligations in this matter and that hearings can be scheduled on these two bills in the very near future.

The PRESIDENT pro tempore. The bills will be received and appropriately referred.

The bills, introduced by Mr. MUNDT, were received, read twice by their titles, and referred to the Committee on Interior and Insular Affairs, as follows:

S. 3208. A bill to provide for the payment for individual Indian and tribal lands of the Lower Brule Sioux Reservation in South Dakota, required by the United States for the Big Bend Dam and Reservoir project on the Missouri River, and for the rehabilitation, social and economic development of the members of the Lower Brule Sioux Tribe, and for other purposes; and

S. 3209. A bill to provide for the payment for individual Indian and tribal lands of the Crow Creek Sioux Reservation in South Dakota, required by the United States for the Big Bend Dam and Reservoir project on the Missouri River, and for the rehabilitation, social and economic development of the members of the Crow Creek Sioux Tribe, and for other purposes.

EXTENSION OF SUGAR ACT

Mr. BENNETT. Mr. President, I rise today to introduce the administration bill to extend the Sugar Act for a period of 4 years, and I ask unanimous consent that I may proceed for 8 minutes, in order that this entire statement may appear in full in the body of the RECORD.

The PRESIDING OFFICER (Mr. BIBLE in the chair). Is there objection? The Chair hears none, and the Senator may proceed.

Mr. BENNETT. I am today introducing the administration bill to extend the Sugar Act for a period of 4 years, to December 31, 1964, and ask that it be referred to the appropriate committee.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3210) to amend and extend the provisions of the Sugar Act of 1948, as amended, introduced by Mr. BENNETT was received, read twice by its title, and referred to the Committee on Finance.

Mr. BENNETT. Mr. President, few developments in international affairs in recent years have attracted so much attention as the revolution in Cuba of a little over a year ago, and the resultant events in that country. Naturally, much of the discussion of our relations with Cuba has centered around the Sugar Act, which in the past has helped to establish strong economic relations between the United States and Cuba.

The intemperate remarks of Fidel Castro and other Cuban officials have aroused many extremists in this country to demand an immediate discontinuance of the Cuba quota under the Sugar Act as a means of reprisal against the Castro regime. However, if the Cuban quota is completely cut off, it may be impossible to get it restored if and when conditions change. Even more important is the question of the serious damage this would inflict upon the Cuban people, who have traditionally been our friends. There is also the question of the effect this will have on our relations with other Latin American countries, and finally, there is the question of touching off serious economic reprisals by the Castro regime against American companies doing business in Cuba.

On the other hand, there are those who believe the act should be extended in its present form with no cognizance of the fact that conditions in Cuba—or any other country receiving a quota—might be changed. This in effect would be rewarding Castro for bad behavior. It would give the administration no discretionary powers whatsoever and would permit no flexibility in our dealings with Cuba.

The bill I am introducing today is a moderate approach embracing neither of these concepts, but gives the President the authority to adjust quotas as he deems advisable. It has the support of the President and represents the culmination of months of work by the Department of Agriculture and the Department of State, who have worked closely with representatives of the sugar industry. I sincerely hope that Congress will adopt this wise and moderate approach.

The bill would accomplish the following objectives:

First. It would extend the act for a period of 4 years; that is, from December 31, 1960, to December 31, 1964. A 4-year extension would follow precedent and give farmers, the industry, and sugar consumers a reasonable period for forward planning—section 4.

Second. Marketing quotas would be increased by 50,000 tons for the mainland sugarcane area and 150,000 tons for the beet area.

This would be in compensation for domestic areas giving up their rights to Puerto Rican deficits.

During the past 3 years the mainland cane quota has on the average received 40,000 tons and the beet quota 130,000 tons through reallocations from Puerto Rico. By giving the two mainland areas fixed increases in their quotas in lieu of claims on future Puerto Rican deficits, mainland producers will be able to market consistently throughout the year and the eastern refiners can depend upon their supplies of raw sugar—section 1.

Third. Section 2 of the proposed bill would amend the provisions for reallocating to other supplying areas the deficits resulting from failures of producing areas to fill their quotas.

(a) Deficits from Puerto Rico or the Virgin Islands would be prorated 96 percent to Cuba and 4 percent to the full-duty countries, to restore quotas to such countries on the same basis that they would lose quotas under section 1, paragraph 4.

(b) The deficit-area provisions—section 204 of the act—would be rewritten for the purpose of simplification and clarification and of providing a better balance of supplies. Deficits from Hawaii, which ships to the west coast and the gulf, would be prorated to the beet and mainland cane areas—paragraph 3; and deficits from the mainland cane area would be prorated to other domestic cane areas—paragraph 2.

(c) Section 204(c) of the act would be amended by providing that quotas for foreign countries other than the Republic of the Philippines would be reduced in accordance with determinations of deficit by the Secretary. At present the Secretary can determine deficits and make reallocations but he cannot cut quotas for the countries having deficits.

The proposed amendment would make the act safe to use when foreign countries develop shortages during our heavy consuming season. Without this amendment, a foreign country against whose quota a deficit has been declared might be able to dump surpluses on our markets late in the year when our import needs are light—section 2(b).

Fourth. Section 3 would authorize the President, in the national interest or to secure adequate supplies, to reduce the quota for a calendar year for any foreign country other than the Republic of the Philippines and authorize the Secretary of Agriculture to cause or permit the importation of a corresponding quantity of sugar.

This would give the President standby authority to deal with emergencies that might develop during the period for which the act will be extended. This section and section 2(b) would become effective upon enactment, whereas the provisions become effective January 1, 1961.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. GRUENING. Are we to understand that Congress is to be asked to give up to the Executive the power to regulate the sugar quotas?

Mr. BENNETT. The Senator should not so understand. Congress sets the quotas, and would continue to set them under the terms of the bill. However, the bill would give the President the power, for 1 year at a time only, to reduce the quota of any country when he deemed it to be in the national interest. It would not give him the power to transfer that quota to any other country. It would simply make it possible for the Government to make up the deficit in any market where it deemed such action advisable.

If Congress were in session, and the President decided, in his wisdom, that it was necessary to reduce the quota of any given country by 5 or 10 percent, Congress would have the power to step in and say, "No, that should not be done. We insist that the quota be maintained."

However, in a situation like that which we now face in respect to Cuba, it would be difficult, and would require many weeks and months of time for Congress to act on this problem when, under some foreign relations situations, it might be wise to act promptly.

We do not propose to transfer to the President the ultimate power to remake the quota system. We are simply proposing to give him the power, for 1 year at a time, to make certain adjustments.

Mr. GRUENING. But some powers Congress now has would be transferred to the President. In other words, the present power of the Congress would be diminished somewhat, would it not?

Mr. BENNETT. Yes; but we must remember that the President has the ultimate responsibility for conducting our foreign relations. Unfortunately, because of the actions of Castro, the Cuban sugar situation has become very much a part of our foreign relations.

The bill would be effective for 4 years. If the emergency in Cuba should pass, I am sure that the President would be very desirous of returning to Congress any temporary power which this bill would confer upon him, because I am sure the Executive is not seeking additional power.

The PRESIDING OFFICER. The time of the Senator from Utah has expired.

Mr. GRUENING. Mr. President, I ask unanimous consent that the Senator from Utah be granted 1 additional minute, in order that I may make a comment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator may proceed.

Mr. GRUENING. I think we all appreciate the very grave situation which has arisen in Cuba. Certainly it is something which requires attention, not merely the executive, but also the legislative branch of the Government.

Nevertheless, I hope the Congress will consider very carefully any proposal for a further diminution of its power and relinquishment of them to the Executive. I think we have traveled a long way in that direction, far too far, indeed, and I think we should scrutinize the bill very carefully from that standpoint.

Mr. BENNETT subsequently said: Mr. President, today I introduced the administration's sugar bill, S. 3210. I ask unanimous consent that the bill may lie on the desk until Monday, so that any Senators who may wish to join in its sponsorship may attach their names.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

RICHARD L. NEUBERGER NATIONAL SEASHORE

Mr. MANSFIELD. Mr. President, I ask unanimous consent to proceed for as much time as may be necessary beyond the normal 3 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator may proceed.

Mr. MANSFIELD. Mr. President, on behalf of the senior Senator from California [Mr. KUCHEL] and myself, I introduce, for appropriate reference, a bill to create the Richard L. Neuberger National Seashore in Oregon in honor of our late colleague from Oregon. When I spoke in the Senate on March 9 in tribute to the late junior Senator from Oregon, Mr. Neuberger, I suggested that it would be a fitting tribute if a Federal wilderness area in the Pacific Northwest were named for him. Afterwards, upon reflection, and in discussion with some of my colleagues, I reached the conclusion that the most fitting tribute would be to create a memorial dear to the Senator and more symbolic of the contributions he made.

Last fall when Dick Neuberger should have been resting he crusaded throughout his State on behalf of the creation of a national park on the Oregon coast. He sought this park for posterity, and it was a project into which he threw all of his energies. I shall not detail the efforts he went to, but I call attention to some of the things he did to help create an Oregon Coast National Seashore Recreation Area. On March 25, 1959, he had introduced his own bill to create this park, S. 1526. On May 20, 1959, he introduced S. 2010 at the request of the Secretary of the Interior. This bill would have created three seacoast parks to be selected by the Secretary of the Interior. On October 26, 1959, he prepared a modified version of his own bill, which was circulated widely through the State. This was his effort to meet the criticisms voiced by Oregon's Governor, Mark Hatfield, to his first bill. On January 18, 1960, he received a substitute bill from the Governor of Oregon, which included not only the provisions of the October 26 version of his bill, but a number of additional drastic departures. Then on January 25, 1960, he introduced the bill which combined the Governor's thinking with his own and contained his views plus those of the Governor.

This was typical of Dick Neuberger, and he emphasized in his remarks first that he was not in complete agreement with the Governor, second, that the best way to obtain a park would be to reach all possible agreement with the Governor, and, third, that it was his firm intention to accept whatever changes the Governor had made which were likewise acceptable to the Secretary of the Interior. Senator Neuberger pointed out:

> Many years from now the important and essential thing will be the existence of a great national park along America's most majestic shoreline. • • • My goal • • • is to bring Oregon its first new national park since Crater Lake was set aside in 1902.

Further, Senator Neuberger stated:

> I am quite willing to abide by the judgment of those who possess this experience. I feel certain that Governor Hatfield will likewise trust the judgment of the Department of the Interior and the National Park Service.

This record of events demonstrates effectively the traits which were Dick Neuberger's hallmark and which were referred to so often by his colleagues. In introducing a new version of the Oregon Dunes bill we have done two things: First, we have suggested that this park be named for the late Senator Richard L. Neuberger, and, second, we have sought the advice and counsel of the Department of the Interior in order to present to the Senate Committee on Interior and Insular Affairs a bill which we believe will obtain the official support of the Secretary of the Interior and the President.

I would say, however, in all fairness that one section dealing with payments in lieu of taxes has not been revised, and it is my understanding that as presently suggested by the Governor, this language would not be in accord with the views of the administration. The revised bill has changed the boundaries of the park, primarily as to the area surrounding Lake Tahkenitch. In lieu of acquiring the lands around Lake Tahkenitch immediately, the same provisions would apply as apply to the Sea Lion Caves. So long as the lands are used for their present noncommercial purposes, or for forest management, they will not become a part of the park, but should the present owners wish to change the use of the property, or to dispose of it to others who would change the use, the Federal Government will have the opportunity to purchase these lands. A few tracts on the south and east boundary near Siltcoos Lake have also been excluded. The other revisions in the language of the bill are designed to bring it into better harmony with the manner in which the great majority of our park areas are administered.

I have included this discussion of the bill so that those concerned will be well informed of the changes in the bill and the efforts which have been made to revise it in accordance with the standards set by the late Senator.

Mr. President, I believe that it is incumbent upon me to present the reasons which motivated me to suggest that this great scenic area on the Oregon coast be named in honor of the late junior Senator from Oregon.

The conservation experts of our Nation are in agreement that our ocean shoreline, one of our greatest recreational treasures, is rapidly vanishing from public use. They are also in agreement that there are a limited number of outstanding scenic seashore areas, which are today in a relative undeveloped state. The Oregon Dunes is one of these, so we have selected an area which meets the high criteria prescribed to make it qualify as a national seashore. It is entirely fitting and proper that we create this park, and it is equally fitting that it be named Richard L. Neuberger.

Before this man entered the U.S. Senate, his name was known around the world as one of America's leading conservationists. He understood the true meaning of the word "conservation." He knew the role that wise management of our renewable resources played in our economic, social, and spiritual well-being. He understood that it was necessary to utilize the forest, the range, and the water, to meet the needs of our people for the material requirements of life. He continuously urged that we treat our soil well and husband our resources so that their ability to be renewed would be in no way jeopardized or impaired. Even more, he understood the necessity that we preserve to nature's way of making changes certain areas so that future generations could view the work of nature alone. Thus, he had a keen appreciation of the role that was man's and the role that was nature's. He understood that we could not build a civilization on machines and factories or on material wealth alone, but rather that the spiritual strength which could be obtained only from nature was the solid base upon which a successful civilization must rest.

There is no more fitting spot in Oregon to name in honor of Dick Neuberger than this scenic stretch of coastline. He had the vision and the foresight to see why it must be preserved. This area more nearly typifies his contribution to his fellowman than any other. All through his life he stood on the shores of civilization, looking beyond and thinking of the future. He did not stand on a mountain looking down, nor was he in a wilderness, his view obscured by trees and mountains. New ideas came to him as the wind and waves which swept in from the sea.

It is my hope that the Congress will proceed speedily to enact this bill. It is also my hope that all those who are interested will join to aid in this cause. I urge that those who may have views to express to do so with the same tolerance and thoughtfulness which characterized Dick Neuberger's approach to every problem.

Mr. President, I have but one further thought to offer, that in addition to naming the park for Richard L. Neuberger, that there be placed at an appropriate spot a modest plaque which will read: "To Richard Lewis Neuberger, humanitarian and conservationist. He loved his people and his land."

Mr. President, I ask unanimous consent to have printed in the RECORD two editorials from the March 10, 1960, issues of the New York Times and the Northern Virginia Sun.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 10, 1960]

RICHARD L. NEUBERGER

When the tall young man from Oregon took his seat for the first time in the U.S. Senate on January 3, 1955, he was far better known throughout the country as a writer and crusading conservationist than as a political personality. When untimely death took him yesterday at the age of 47 his extraordinary qualities of mind and heart and spirit had achieved for him in those 5 short years a secure eminence of stature as a Senator.

It is difficult to write of Richard L. Neuberger in the past tense. His enthusiasm and sincerity; his undeviating conscience, and his high sense of public service combined to make him not only one of the most respected Members of the Senate but also one of the most useful and most vital. His powerful pen and his persuasive voice gave life and point to many issues, notably improvement of the legislative process and preservation of this country's dwindling natural and scenic resources that brought him into conflict with interests that a lesser politician would have been afraid to offend.

One of his current projects dearest to Senator Neuberger's heart was enactment of legislation to establish as a national seashore preserve a magnificent stretch of Pacific beachland in his native State, known as the Oregon Dunes. No more fitting tribute could be paid him by the Congress and the people of the United States than to adopt the Neuberger bill that would set aside forever this area in memory of a fine legislator and great outdoorsman who was determined that future generations should share in the great natural heritage of this country that he knew so well and loved.

[From the Northern Virginia Sun, Mar. 10, 1960]

A SYMBOL OF YOUNG COURAGE, INTELLECT—SENATOR RICHARD NEUBERGER

The sudden, tragic death of Oregon's young Senator, Richard Neuberger, will be mourned far beyond the borders of his native State. For the things that Dick Neuberger fought for hold a special value and a higher meaning for mankind everywhere: human rights and the betterment of the lot of his fellow men.

A successful writer, Democrat Neuberger was attracted to politics by his admiration for the late George W. Norris, Nebraska's Republican liberal Senator. Together with his wife, Maurine, he served in the Oregon Legislature as the lone Democrat in a Republican State senate. He was the first Oregon Democrat to be elected to the U.S. Senate since 1914. But Dick Neuberger was a Democrat in the broader sense and so well did he serve his State that he was facing no serious opposition in his forthcoming reelection.

It was only a few months ago that he was assured he had conquered the cancer for which he had been operated on in 1958. His personal struggle against this dread disease won him respect and admiration throughout the Nation and he used his own experience and his position as Senator to campaign successfully for vastly increased medical research.

Following his cancer operation, he wrote: "A brush with cancer tends to place many things in true perspective • • • old antagonisms fade away. I can no longer transform political disagreements into any feelings of personal malice. When one is grateful to be alive, it is difficult to dislike a fellow human being."

For many Americans, Senator Neuberger symbolized young courage and intellect and a dedication to his convictions that were in the highest traditions of political democracy.

He was also a vigorous advocate for conserving the Nation's natural resources and Senator MIKE MANSFIELD's announcement of a bill to name the proposed Oregon Dunes National Park for Senator Neuberger would seem a fitting tribute to the memory of a courageous heart who, in the words of Mr. MANSFIELD, was "a star whose light remains."

Mr. MANSFIELD. Mr. President, I ask unanimous consent also to have printed in the RECORD a copy of the bill which is today being introduced by the distinguished minority whip, the Senator from California [Mr. KUCHEL] and myself.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3211) to establish the Richard L. Neuberger National Seashore, and for other purposes, introduced by Mr. MANSFIELD (for himself and Mr. KUCHEL), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to effect a coordinated method of conserving and developing for the benefit, inspiration, and use of the public certain ocean shoreline, sand dunes, forested areas, fresh-water lakes, and recreational facilities, the combination of which comprises a total recreation area of scenic, scientific, recreational, and historic significance, the Secretary of the Interior is authorized, as provided herein, to establish the Richard L. Neuberger National Seashore, hereinafter referred to as the Seashore, such area to be administered by the National Park Service as a unit of the National Park System.

SEC. 2. (a) The Seashore shall consist of that particular land, water, and submerged land area on the Oregon coast, the exterior boundary limit of which is specifically described as follows:

Township 18 south, range 12 west, beginning at the southeast corner of the southwest quarter of the southwest quarter of section 34;

Thence east to the southwest corner of the southeast quarter of the southeast quarter of the said section 34;

South to the southeast corner of the southwest quarter of the northeast quarter of section 10, township 19 south, range 12 west;

West to the southeast corner of the southeast quarter of the northwest quarter of the said section 10;

South to the northwest corner of the southwest quarter of the southeast quarter of section 15;

East to the point of intersection with the shoreline of Woahink Lake at elevation thirty-eight feet above sea level;

Following the said shoreline generally north and east to the intersection of the said shoreline with the quarter section line of section 11;

East to the northeast corner of the southeast quarter of the said section 11;

South to the southeast corner of the said section;

East to the northeast corner of section 13;

South to the southeast corner of the said section 13;

East to the northeast corner of the northwest quarter of section 19, township 19 south, range 11 west;

South to the southeast corner of northwest quarter of the said section 19;

East to the northeast corner of the northwest quarter of the southeast quarter of the said section 19;

South to the southwest corner of the northwest quarter of the northeast quarter of section 31;

West to the northwest corner of the southwest quarter of the northeast quarter of the said section 31;

South to the southwest corner of the northeast quarter of section 7, township 20 south, range 12 west;

West to the southeast corner of the northwest quarter of section 12, township 20 north, range 12 west;

North to the northeast corner of the southeast quarter of the northwest quarter of section 12;

West to the west right-of-way of Southern Pacific Railway in section 11, township 20 south, range 12 west;

In a generally southerly and westerly direction along Southern Pacific Railway west right-of-way to the intersection with the line between section 11 and section 14;

West to the southeast corner of the southwest quarter of the southwest quarter of section 11;

North to the northeast corner of the northwest quarter of the southwest quarter of section 11;

West to the southeast corner of the northwest quarter of section 11;

North to the northeast corner of the southeast quarter of the northwest quarter of section 3;

West to the northwest corner of the southeast quarter of the northwest quarter of section 3;

North to the northeast corner of the northwest quarter of the northwest quarter of section 3;

West to the northwest corner of section 3;

South to the northwest corner of the southwest quarter of section 3;

West to the northwest corner of the southeast quarter of section 4;

South to the southwest corner of the southeast quarter of section 4;

West to the southwest corner of the southeast quarter of the southwest quarter of section 4;

South to the northeast corner of the northwest quarter of the southwest quarter of section 9;

West to the northwest corner of southwest quarter of section 9;

South along section lines to the point of intersection on the north bank of the Umpqua River with the mean low tide line at a point on a line between section 16 and section 17, township 21 south, range 12 west;

Following the said mean low tide line in a generally southerly and westerly direction to the intersection with the Pacific Ocean, section 1, township 22 south, range 13 west;

Due west 1,320 feet;

In a generally northerly direction paralleling the mean low tide line on the shore to a point due west of the said mean low tide line on the south bank of the mouth of the Siuslaw River;

East to the said mean low tide line on the south bank of the mouth of the Siuslaw River, section 16, township 18 south, range 12 west;

Following the said mean low tide line in a generally southerly and easterly direction to its intersection with a line due north of the point of beginning;

Due south to the point of beginning.

Beginning at a point where the line between ranges 12 west and 13 west (Willamette Meridian), in township 22 south, intersects the mean low tide line on the south shore of Winchester Bay at the mouth of the Umpqua River;

Thence following the said mean low tide line easterly and southerly along the said south shore of Winchester Bay and the west bank of Winchester Creek to its intersection with the west right-of-way boundary of United States Highway Numbered 101, township 22 south, range 12 west;

Following the said right-of-way boundary in a generally southerly direction to its intersection with the mean low water line on the north bank of Tenmile Creek, in section 13, township 23 south, range 13 west;

Following the said mean low water line along the north bank of the said Tenmile Creek in a generally southwesterly direction to the mean low tide line of the Pacific Ocean at the mouth of the said Tenmile Creek;

Due west 1,320 feet;

In a generally northerly direction paralleling the said mean low tide line on the shore to a point due west of the said mean low tide line on the south bank of the mouth of the Umpqua River;

East to the said mean low tide line on the south bank of the mouth of the Umpqua River, in section 14, township 22 south, range 13 west;

Following the said mean low tide line in a generally northerly and easterly direction to the point of beginning.

(b) The Seashore may be extended by Executive order of the President at some future time by the addition of a separate unit known as Sea Lion Caves, after consultation with and consideration of the recommendation of the Governor of the State of Oregon, said separate unit to include the land, water, and submerged land area in the vicinity of Sea Lion Caves, the exterior boundary limit of which is specifically described as follows:

Township 17 south, range 12 west, beginning at the northeast corner of section 4;

Thence east to the northeast corner of the northwest quarter of the northwest quarter of section 3;

South to the northeast corner of the northwest quarter of the southwest quarter of the said section 3;

East to the northeast corner of the southwest quarter of the said section 3;

South to the southeast corner of the southwest quarter of the said section 3;

West to the southwest corner of the said section 3;

Due west 3,960 feet;

Due north to a point due west of the point of beginning;

Due east to the point of beginning.

(c) If the Secretary of the Interior finds that any parcel within the Tehkenitch Lake unit is not being used in its entirety primarily for the growth and harvesting of timber on a sustained yield basis, he may, by publishing notice in the Federal Register, extend the boundaries of the Seashore to include said parcel. As used in this subsection, the phrase "parcel within the Tehkenitch Lake unit" means each ownership of land, water, and submerged land within the following described area:

Beginning at the northwest corner of section 13, township 20 south, range 12 west;

South to the southeast corner of section 23;

East to the northeast corner of the northwest quarter of the northwest quarter of section 25;

South to the southeast corner of the southwest quarter of the northwest quarter of the said section 25;

East to the northeast corner of the northwest quarter of the southeast quarter of the said section 25;

South to the southeast corner of the southwest quarter of the southwest quarter of the said section 25;

West to the southeast corner of the southwest quarter of the said section 25;

South to the southeast corner of the northwest quarter of section 36;

West to the southwest corner of the southeast quarter of the northwest quarter of the said section 36;

South to the southeast corner of the southwest quarter of the southwest quarter of the said section 36;

West to the northeast corner of the northwest quarter of the northeast quarter of section 2, township 21 south, range 12 west;

South to the southeast corner of the southwest quarter of the northeast quarter of the said section 2;

West to the southwest corner of the northeast quarter of the said section 2;

South to the southeast corner of the northeast quarter of the southwest quarter of the said section 2;

West to the southwest corner of the northwest quarter of the southwest quarter of the said section 2;

South to the southwest corner of the said section 2;

West to the northeast corner of the northwest quarter of the northeast quarter of section 10;

South to the southeast corner of the northwest quarter of the northeast quarter of the said section 10;

West to the northeast corner of the southwest quarter of the northwest quarter of the said section 10;

South to the southeast corner of the southwest quarter of the northwest quarter of the said section 10;

Due west to the point of intersection with the east right-of-way boundary of United States Highway Numbered 101;

Following the said right-of-way boundary in a generally westerly and northerly direction to the point of intersection with the section line between sections 4 and 5, township 21 south, range 12 west;

North to the northwest corner of the southwest quarter of section 9, township 20 south, range 12 west;

East to the northeast corner of the northwest quarter of the southwest quarter of section 9;

North to the southwest corner of the southeast quarter of the southwest quarter of section 4;

East to the southwest corner of the southeast quarter of section 4;

North to the northwest corner of the southeast quarter of section 4;

East to the northwest corner of the southwest quarter of section 3;

North to the northwest corner of section 3;

East to the northeast corner of the northwest quarter of the northwest quarter of section 3;

South to the northeast corner of the southwest quarter of the northwest quarter of the said section 3;

East to the northeast corner of the southwest quarter of the said section 3;

South to the southeast corner of the said section 3;

Due north to a point due west of the point of beginning;

Due east to the point of beginning.

SEC. 3. (a) Within the exterior boundaries of the Seashore described in section 2, the Secretary of the Interior is authorized to procure by purchase or donation, with donated or appropriated funds or otherwise, such lands, submerged lands and waters, or interests therein, as he considers necessary to carry out the purposes of this Act, commensurate with the adaptability of such lands and waters to the purposes of this Act: *Provided, however*, That lands, submerged lands, or waters owned by or under the control of the State of Oregon or its political subdivisions within the designated boundaries may be procured only with the concurrence and approval of the State of Oregon or its political subdivisions. Any lands owned by the United States within the designated boundaries may be transferred to the Department of the Interior for administration as a part of the Seashore: *Provided, however*, That the United States department or agency having administration of such land shall agree in advance to such a transfer.

(b) When the Secretary finds that land has been procured by the United States in sufficient quantity to afford an administrable unit under his jurisdiction, he shall declare the establishment of the Seashore by the publication of notice thereof in the Federal Register. Following such establishment, and subject to the aforesaid boundary and other limitations, the Secretary may continue to acquire lands for the National Seashore as authorized in this Act.

SEC. 4. Any owner or owners (hereinafter in this section referred to as "owner") of improved property on the date of its acquisition by the Secretary may, as a condition to such acquisition, retain the right of use and occupancy of commercial property for commercial purposes for a term not to exceed twenty-five years, and the right of use and occupancy of noncommercial residential property for noncommercial residential purposes for a term not to exceed twenty-five years or for a term ending at the death of such owner, the death of his spouse, or the day his last surviving child reaches the age of twenty-one, whichever is the latest. The owner shall elect the term to be reserved. Where any such owner retains a right of use and occupancy as herein provided, such right may during its existence be conveyed or leased, in whole, but not in part. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the right retained by the owner. As used in this section the term "improved property" shall mean a private, noncommercial dwelling and structures accessory thereto, and such commercial structures and operations which are, in the opinion of the Secretary, not incompatible with the purposes of this Act. In any event, this term shall only apply to such structures and operations which were in operation, or upon which construction has been commenced prior to the effective date of this Act together with land acreage necessary to the enjoyment of such property, as determined by the Secretary.

SEC. 5. (a) The Secretary is authorized to permit the investigation for, and withdrawal of, ground water from the sand dunes and the conveyance thereof outside the boundary of the National Seashore for beneficial use, in accordance with the laws of the State of Oregon, and to permit the removal of surface water and the conveyance thereof outside the boundary of the National Seashore for beneficial use in accordance with the laws of the State of Oregon, when requested to do so by the State of Oregon when the welfare of the surrounding persons becomes dependent upon the use of such water: *Provided, however*, That the withdrawal and use of water for these purposes will not materially impair the scenic, scientific, and recreational features of the National Seashore.

(b) The Secretary is authorized to permit the transportation and disposal of domestic and industrial wastes within or through the National Seashore in accordance with standards established by the State of Oregon: *Provided, however*, That such disposal does not materially impair the scenic, scientific, and recreational features of the National Seashore.

SEC. 6. (a) In order to provide compensation for whatever tax losses are sustained by the counties and other taxing bodies as a result of certain acquisitions by the Secretary of privately owned real estate and improvements thereon pursuant to the provisions of this Act, payments in lieu of taxes shall be made to each such taxing body which has been authorized under the laws of the State of Oregon to assess taxes upon any present interest in real estate to the owner of such interest, such payments to be made to the State of Oregon for distribution to the affected taxing bodies. In-lieu tax payments shall be made in accordance with the following schedule:

The full amount of the taxes levied on both land and improvements shall be paid for a period of five years. Thereafter, declining annual payments shall be made at the rate of full taxes less 5 per centum of such amount each year for twenty additional years, after which time no further in-lieu payments shall be made.

For the calendar year in which the real estate is acquired in fee simple absolute, the in-lieu payment shall be an amount which bears the same proportion to the full amount of tax assessed thereon in such year as the number of days remaining in such year after the date of acquisition bears to the number three hundred and sixty-five. In any case, where an amount in excess of the difference between such proportionate amount and such full amount has already been paid to the proper taxing bodies by or on behalf of the owner or owners from whom the real estate was so acquired, payment of such excess amount shall be made as reimbursement to such owner or owners out of such proportionate amount and only the balance remaining of such proportionate amount shall be paid to the State of Oregon on account of such taxing bodies.

(b) No payments in lieu of taxes shall be made on account of real estate and improvements thereon in which the Secretary holds on behalf of the United States less than a fee simple absolute under this Act.

(c) As soon as practicable after real estate taxes have been assessed by such taxing bodies in each calendar year, the Secretary shall compute and certify the amount of payments in lieu of taxes due to each of the taxing bodies, and such amounts shall be paid to the State of Oregon on account of said taxing bodies by the Secretary of the Treasury out of any money in the Treasury not otherwise appropriated.

(d) The foregoing provisions of this section shall not apply to any property acquired by the Secretary after December 31 of the twenty-fifth year following the date of enactment of this Act.

SEC. 7. The Secretary may conduct such sand dune stabilization and erosion control programs within the Seashore as deemed necessary to insure the protection of man-made developments and the natural resources of the area, and he shall secure the advice and assistance of other Federal and State agencies to accomplish these purposes.

SEC. 8. Nothing in this Act shall interfere with the normal jurisdiction, operation, maintenance and repair of United States Highway Numbered 101: *Provided*, That any relocation of the highway that affects the Seashore shall be subject to agreement between the State of Oregon, the Secretary of Commerce, and the Secretary of the Interior, and any increase in the cost of such relocation which is caused by a request of the Secretary of the Interior shall be borne by the Federal Government out of funds available to the Secretary of the Interior.

SEC. 9. The administration, protection, and development of the Seashore shall be exercised by the Secretary of the Interior, subject to the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 and the following), as amended and supplemented, relating to the national park system, and in accordance with other laws of general application relating to that system as defined by the Act of August 8, 1953 (67 Stat. 496; 16 U.S.C. 1c), except that authority otherwise available to the Secretary of the Interior for the conservation and management

of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act. The Secretary is authorized to enter into cooperative agreements with the State of Oregon, regarding rules pertaining to hunting and fishing and management programs pertaining to fish, game, wildlife, and wild furbearing animals which will not materially impair the scenic, scientific, and recreational features of the Seashore.

SEC. 10. There is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as are necessary to carry out the purposes of this Act.

Mr. KUCHEL. Mr. President, I am honored to join the distinguished majority whip [Mr. MANSFIELD] in sponsoring this proposed legislation to establish the Richard L. Neuberger National Seashore on the beautiful Oregon coast. No tribute we could pay our departed friend would be more symbolic of his life and his ideals.

The late Richard Neuberger was nurtured in the tradition of the great West. He knew well the twin conditioning influences of the West—distance from centralized authority and vastness. He knew its freedom, its spirit of innovation, its love of nature, its distinctive contribution to the brand of democracy which is uniquely American.

His work in the Senate testified to his faith in the ultimate triumph of spiritual values over the material conditions of life. He fought to preserve our seashores as national park sites where all might come to renew their strength at the ocean's edge. He fought to save the pine trees in the Klamath Indian Reservation from uncontrolled decimation. He sponsored the memorial to those intrepid pathfinders of the West—Lewis and Clark—whose great expedition opened the Oregon Trail. He worked tirelessly to bring Canada and the United States together in a program for the development of the upper Columbia River. He was a conservationist in the great tradition of Gifford Pinchot and Theodore Roosevelt. He was a devoted defender of American reclamation policy. And he spoke for the development of the Nation's water resources under which his State and mine, indeed, all the semiarid West has gone forward in their development toward greatness.

He was loyal to his political party, but he was not subservient to it. Above all he was a firm believer in American democracy and in the people who had made it work despite all the vicissitudes of fate and fortune. This legislative tribute will honor the memory, as MIKE MANSFIELD has so well said, of a humanitarian and conservationist who so well served his State and Nation.

CONVEYANCE OF CERTAIN LANDS TO MINERAL COUNTY, NEVADA

Mr. BIBLE. Mr. President, on behalf of my colleague, the junior Senator from Nevada [Mr. CANNON] and myself, I introduce, for appropriate reference, a bill to authorize the Secretary of the Interior to sell to the county of Mineral, State of Nevada, approximately 2,040 acres of public land adjoining the city of Hawthorne, Nev.

These lands are a portion of the area recently released by the Navy, and will be restored to the public domain. For many years this Nevada city has been completely landlocked by withdrawals for the Hawthorne Naval Ammunition Depot. There has been no room for growth or industrial expansion.

In the past year, decreases in employment at the depot have adversely affected the economic life of this community. Further layoffs are anticipated, due to the shift from conventional weapons to modern types of weapons, a trend that has occurred in other military installations.

These lands will be sold to the community, after appraisal, at their fair market value. They include the town's cemetery, a portion of the watershed area, and an industrial section that will enable industry to move in and provide a labor market for the persons who have been thrown out of work as a result of the reduced demand for personnel by the Navy.

The PRESIDING OFFICER (Mr. STENNIS in the chair). The bill will be received and appropriately referred.

The bill (S. 3212) to direct the Secretary of the Interior to convey certain public lands in the State of Nevada to the county of Mineral, State of Nevada, introduced by Mr. BIBLE (for himself and Mr. CANNON), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

AUTHORIZATION TO PRINT AS A SENATE DOCUMENT A STUDY ENTITLED "USING OUR FARM PRODUCTIVE POWERS FOR HUMAN PROGRESS AND PEACE"

Mr. HUMPHREY. Mr. President, the U.S. farm problem, in its domestic and worldwide aspects, has been moving further and further from solution. We have reason to be deeply concerned and ever more anxious to resolve it. Food surpluses mount, while many families in our own country lack satisfactory nutrition, and while more than half of the people in the free world go hungry. Public costs soar, while farm income continues its appalling decline. The whole economy suffers from the steady adverse pressure of the farm depression. And the accelerating advance of the farm technology, while a potential asset, remains an ironic and ever-increasing liability, so long as waste continues to substitute for use.

Yet I have never for a moment believed that our farm problem is insoluble. I am profoundly convinced that the light of reason—the application of rational efforts—can guide American agriculture into the sunlight of prosperity and keep it there. I am further convinced that a fully prosperous and productive agriculture can shed its benefits upon every American, and make a mighty contribution toward worldwide peace through worldwide plenty. I have made, and will continue to press for, practical proposals directed toward these goals which agriculture needs, and which indeed the whole Nation and the whole world need.

I am certain that all who have studied the farm problem long and earnestly can unite upon this one proposition: Never can we solve this problem, so long as our efforts remain fragmentary, improvised, ad hoc, and exclusively short ranged. We need, most of all, an approach which is integrated, comprehensive, purposeful, and long ranged. We need, in short, to budget over a period of years the optimum potentials of our farm productive resources, and equate these with optimum farm product consumption potentials at home and overseas. We need to set optimum goals for farm incomes and living standards, and equate these with the desired adjustments in farm output and farm product consumption. And we need to set all of these goals for agriculture in a framework of optimum overall prosperity and rising living standards in the United States, and also in the larger perspective of our worldwide economic endeavors.

The first step toward achievement of these interrelated goals is to gather the facts which bear upon them. But since the ocean of facts is limitless, the facts must be gathered in the light of a guiding hypothesis, which offers fair promise of the right answers by asking the relevant questions. Aimless research gets lost in the ocean of limitless facts.

For a year or longer, I have been aware of a most comprehensive endeavor to draw these kinds of facts together, to distill them, to bring them into a purposeful focus, and to look candidly and fearlessly at what they import. This endeavor has now culminated in an objective study, the thoroughness and utility of which—in my judgment—is not overstated by its title "Using Our Farm Productive Powers for Human Progress and Peace—A Study of Free World Food and Fiber Needs. How the United States Can Help To Meet Them, and How We Can Solve Our Farm Problem While Doing So."

The analytic and policy-orientated positions set forth in this study will not meet with universal approval. For these elements in the study involve many imponderables, and the ultimate judgments of each of us in such matters are in part subjective.

The study has this unique usefulness because of its sweeping portrayal of the facts in a meaningful perspective—the facts about the thrust of our farm technology, about production and consumption, prices and incomes, surpluses and costs. These facts, with illustrative charts, are put together not only historically, but also on the basis of forward-looking projections. These facts are developed, not only in the overall, but commodity by commodity. They are developed not only with respect to the United States, but also with respect to all those free areas of the world toward which our foods and fibers might flow in a manner beneficial to us and to them. And all of the projections look forward as far as 1970, in order to introduce essential long-range considerations.

The study has been prepared by a professional staff of able economists, under the able direction of Leon H. Keyserling, former Chairman of the Council of Economic Advisers, and now a consulting economist and president of the Conference on Economic Progress. Some of the earlier comprehensive studies of our economic problems, prepared under Mr. Keyserling's direction, have been utilized in full by several committees of the Senate. I know that these have proved useful, regardless of our respective party or policy attachments, because of their scrupulous determination to respect the facts fully, and to set them forth in a most interesting and usable format.

Personally, I am drawn to the study also by its essential hopefulness. The facts therein should help to persuade all open minds that despair and defeatism have no place in our consideration of this overwhelmingly vital issue. The study demonstrates that there is a constructive way out—constructive for farmers, for Government, and above all, for all people.

For these reasons, I believe that this study, a veritable treasury of data on the farm problem in its most far-reaching aspects, should be available for constant reference to everyone who insists—regardless of differing policy viewpoints—that our decisions bearing upon farm policy be guided by the facts. To serve this purpose, I submit a resolution, providing for the printing of the study as a Senate document, with illustrations.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The resolution (S. Res. 291) was referred to the Committee on Rules and Administration, as follows:

Resolved, That the study entitled "Using Our Farm Productive Powers for Human Progress and Peace," prepared by Leon H. Keyserling, former Chairman, Council of Economic Advisers, be printed as a Senate document, with illustrations.

PERMANENCY OF PROVISIONS OF SUGAR ACT OF 1948—AMENDMENT

Mr. CURTIS submitted an amendment, intended to be proposed by him, to the bill (S. 187) to make permanent the provisions of the Sugar Act of 1948, which was referred to the Committee on Finance and ordered to be printed.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. MANSFIELD:

Address delivered by Senator KERR before New York State Waterways Association, in New York City, on February 19, 1960.

By Mr. HUMPHREY:

Statement made by him on March 6, 1960, in Milwaukee, Wis., relating to the Berlin crisis.

Article entitled "Youth Conservation Corps," written by him, published in Sports Afield of January 1960.

By Mr. KEATING:

Letter to him, dated March 2, 1960, from George B. Galloway, senior specialist in American government and public administration, and S. 3096, both relating to the establishment of an office to disseminate general information concerning the organization of the Federal Government.

By Mr. THURMOND:

Article entitled "The Southern Side on Civil Rights," written by David Lawrence and published in the Washington Evening Star of March 15, 1960.

By Mr. CLARK:

Communications on the Forand bill to add health benefits to the social security program.

TRIBUTE TO SENATOR ERVIN, OF NORTH CAROLINA

Mr. TALMADGE. Mr. President, one of the most able men ever to sit in the U.S. Senate is the able, erudite, and learned Senator from North Carolina [Mr. ERVIN]. It has been a real pleasure to know him during the short time I have been a Member of the U.S. Senate. I have found him to be not only able and dedicated, but he is a profound lawyer, he has great charm, a sense of humor, and a wit about him that is not often found in public servants.

The Winston-Salem Journal on Monday, February 29, 1960, in its lead editorial entitled "Still on the Job," paid an outstanding tribute to this able and distinguished Senator.

I ask unanimous consent that the editorial be inserted at this point in the body of the RECORD as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Winston-Salem (N.C.) Journal, Feb. 29, 1960]

STILL ON THE JOB

Senator SAM ERVIN'S tireless probings into the whys and wherefores of civil rights legislation have contributed much to a better understanding of developments in the field.

His doggedness in the great civil rights debate of 1957, which finally resulted in the passage of the first civil rights measure since Reconstruction, helped inform the Nation what the arguments were all about. And this was true whether one agreed with the Senator's stand on the bill or not.

Senator ERVIN has brought his formidable knowledge of the law and the Constitution to bear on the debates in an effort to keep civil rights proposals on a narrow path. He has been alert to show where some measures might have a reverse effect from the one intended—that is, restrict liberties instead of broaden them.

The Senator has consistently insisted on uniform laws. He has stood against measures which would single out certain groups and make them special favorites of the laws.

Senator ERVIN is still on the job.

He plans to introduce an amendment to strike out of the administration-backed civil rights measure a proposal making interference with court orders a Federal crime in school desegregation cases.

The Senator has argued that in many areas of the civil rights field laws already on the books are ample to protect the rights of an individual secured to him by the Constitution or laws of the United States. And Senator ERVIN can be expected to argue logically that it is already a crime to flout an order of a Federal court. He can be counted on also to insist that the language of any law on this subject be specific enough to prevent its being used to abridge freedom of speech and assembly, etc.

And in line with his contention that special laws favoring special groups should be avoided, he would advocate broadening any such measure to make it a Federal crime to interfere with all Federal court orders—not just those dealing with school desegregation.

Along the same line, the Senator would favor also making interstate flight to avoid prosecution a Federal crime in all bombings, not just those involving school or church facilities—thus taking the measure out of the specialty realm.

One does not necessarily have to agree with Senator ERVIN on such points to credit him with raising meaningful questions leading to constructive debate. Such debate turns on commonsense and reason. These are the ingredients which often make the difference between good legislation and bad legislation.

THE ATTORNEY GENERAL'S POLITICAL PLEA

Mr. TALMADGE. Mr. President, if any further evidence is needed to prove the political motivation of the pending force legislation it is to be found in the statement of Attorney General William P. Rogers that he must have a law making it a Federal crime to oppose school integration.

The hypocrisy of Mr. Rogers on this point was dealt with sternly yesterday by the Washington Evening Star in its lead editorial.

I hope, Mr. President, that the Senate will not be swayed by the Attorney General's political plea to retreat from the sound and laudable position it has taken in this regard. I ask unanimous consent, Mr. President, to have the editorial printed herewith in the body of the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, Mar. 15, 1960]

ATTORNEY GENERAL'S PLEA

Attorney General Rogers has appealed indirectly to the House to retain in its version of a civil rights bill the provision making it a Federal crime willfully to use force or threats of force to obstruct Federal court orders in school desegregation cases. The language used by the Attorney General is somewhat surprising, especially in the light of the debate in the Senate last Friday.

Essentially this same provision was contained in section 1 of the administration bill submitted to the Senate. This section was killed, however, after the Senate, by vote of 65 to 19, had accepted the Lausche amendment which made it a crime to obstruct any Federal court order, not merely orders issued in school desegregation cases.

Why did the Senate adopt the Lausche amendment by an overwhelming vote, and then move on to kill all of section 1 after the Lausche amendment had been added to it? In many respects, we think, this was purely a political performance. But some very persuasive arguments were advanced against section 1 as originally proposed by the administration.

Chief among these was the contention that it would be unjust, as a matter of principle, to legislate with respect to one—and only one—class of cases. In this view, if it is wrong to obstruct court orders in school desegregation cases, it is equally wrong to obstruct court orders in other types of cases. And if such obstruction is to be made a crime, the law should apply evenly to all obstructions, not to just one kind of obstruction. The political hitch is that organized labor would bitterly oppose the application of the Lausche doctrine to court orders in labor disputes. As a matter of

principle, however, it seems to us that the argument in support of the Lausche proposal cannot be successfully answered.

The Senate vote (49 to 35) to strike all of section 1 came after the labor lobbyists had been heard from. But this action was not entirely a result of labor pressure. Senator Moass, for example, argued strongly and we thought persuasively to the effect that the new criminal provision in section 1 is not needed. He thought that existing law plus the power of a Federal judge to punish for contempt is sufficient.

The Attorney General does not think that these remedies are adequate. He believes that the criminal provision is needed. If he is right in this, however, it is surprising to us that, in effect, he would be urging the House to ignore the sentiment of the Senate as expressed in the 65-to-19 vote on the Lausche amendment. The Attorney General, of course, did not say this in so many words. But his appeal was strictly and repeatedly limited to school desegregation cases, and he even tried, not very successfully, to draw a distinction between court orders in school cases and court orders in other cases. Yet, according to Senator Moass, the Attorney General testified earlier before a Senate committee that "If Congress feels there are other situations where there is a similar need for this (section 1) statute, we obviously would have no objection."

As of this date, however, Mr. Rogers apparently wants a criminal sanction applicable only to school desegregation cases. We think that this, as a matter of principle, is wrong, and we do not see how the 65 Senators who voted for the Lausche amendment can be expected to accept, in the House bill, the very same discriminatory provision which the Lausche proposal was designed to remedy.

JUDGE GEORGE C. WALLACE OF CLAYTON, ALA.

Mr. TALMADGE. Mr. President, the South and indeed the entire country are indebted to the many leaders who have endeavored to preserve the Constitution and the rights of State to exercise those powers which the Constitution clearly shows belong to them.

One of the most vigorous in this fight is a citizen of my neighboring State, Alabama, Judge George C. Wallace, of Clayton, Ala.

Recently, the general assembly of my State honored Judge Wallace by inviting him to address the assembly and by a unanimous resolution of thanks to him.

Also, Judge Wallace has sent me a most excellent statement opposing the adoption of proposed plans for Federal registrars or referees.

I believe that other Senators may profit from reading this statement by Judge Wallace. I therefore ask that it be printed in the RECORD, along with the Georgia Assembly resolution, as part of my statement.

There being no objection, the resolution and statement were ordered to be printed in the RECORD, as follows:

Georgia General Assembly resolution thanking Judge George C. Wallace for his address to the joint session of the general assembly

Whereas the General Assembly of the State of Georgia wishes to express its appreciation to Hon. George C. Wallace for his splendid address to the joint session of the Georgia General Assembly; and

Whereas the general assembly appreciates the efforts of Judge George C. Wallace through the years in his efforts to maintain constitutional government in this country; and

Whereas the vigorous, intelligent, and courageous fight made against the Civil Rights Commission by Judge George C. Wallace has set the pattern for the resistance being carried on all over the South to this roving, meddling group; and

Whereas the Georgia General Assembly in joint session assembled recognizes Judge George C. Wallace as one of the foremost leaders in the South for the preservation of constitutional government and the traditions of the South and appreciates his leadership in opposing the efforts of the so-called Civil Rights Commission on their foray into the South: Now, therefore, be it

Resolved by the General Assembly of Georgia, That we hereby express our sincere thanks to Judge George C. Wallace for his visit and address to the Georgia General Assembly.

STATEMENT

It is an academic question that the proposals before the U.S. Senate to authorize the President of the United States to appoint Federal registrars to administer the election laws of the several States would abolish the dual sovereignty system of government that has existed in this country since its existence. There is no more laudable principle in American jurisprudence than that before resort to Federal courts there should be an exhaustion of State administrative remedies. These present proposals before the U.S. Senate provide for the abolition of this time-honored principle. The rule of comity should be enlarged instead of being abolished. Whenever and wherever any party who feels himself aggrieved at any ruling or the administration of any law by any agency of State government he or she should appeal such ruling or action to a State court where his rights could be adequately protected and then if such person was not satisfied with the action received on his question in the State courts appellate review to Federal courts is always available when a constitutional question is involved. The State courts have always construed Federal questions with respect to the Federal Constitution. It is an unwarranted interference with the orderly processes of State governments when Federal legislation renders ineffective the administrative remedies afforded by the several States. These proposals say in effect that there is a total lack of confidence in the integrity of the States' judicial systems and that there is only one court system where there lodges any virtue and integrity and that is the Federal courts. Nothing could be further from the truth. In Alabama the constitution of Alabama provides for an efficient registration process. The right to vote is provided in the constitution and statutes of our State to all persons over the age of 21 who are qualified under State law. Alabama State statutes provide that any person denied registration as a voter in Alabama may appeal this denial to the circuit court of the county in which the applicant resides and the matter is a trial de novo. If the circuit court finds that the applicant has been denied the right to vote arbitrarily by the registrars while possessing the qualifications of an elector under State law the circuit court will order the applicant placed upon the registration rolls. If the applicant feels aggrieved at the ruling of the circuit court in case of an adverse ruling the applicant may then appeal to the Federal courts. What more orderly procedure can be devised to protect the right to vote? I would say without fear of being contradicted that in every case so appealed to the State courts the State courts proceeded to render a decision based solely on the evidence and that in all future appeals the courts of Alabama would order the registration of any person arbitrarily denied the right to vote for any reason. Irrespective of these safeguards thrown around the right to vote by the State of Alabama the Federal Government without any limitations can step in and take over the registration processes and the holding of elections by the State and this done by registrars (Federal) with virtually no limitation upon their authority in the premises and throw aside all State law with one throw. Here the matter of race is not involved but the arrogant takeover by the Federal Government of the State's electoral processes. If the present Supreme Court continues down the path of invoking the dangerous doctrine of preemption as it did in the *Steve Nelson* v. *State of Pennsylvania* case it can then say since the Congress has legislated in the field of State elections it has preempted the field and the States would be excluded from legislating on the subject of electoral processes. These proposals have referred to State and Federal elections—there is no such thing as a Federal election and never has been. There is no authority found in the Constitution authorizing a Federal election. Every election for any office whether it be municipal, county, State, or for Members of the Congress and for President is and has been conducted since the birth of the Republic by the State under provisions of State law and by State officials. No authority is found anywhere in the Constitution that confers on the Federal Government the right to hold any election but on the contrary provides that the holding of elections is a matter for the several States. It can hardly be seen by any stretch of the imagination how such legislation is constitutional but in reality the legislation is in utter defiance of the Constitution. The passage of this legislation instead of providing orderly elections and protecting the rights of a certain class thereby making it purely class legislation will disturb and destroy orderly election procedures as has heretofore existed.

Mr. Justice Oliver Wendell Holmes in *Baldwin* v. *Missouri* (281 U.S. 586), had this to say: "I have not yet adequately expressed the more than anxiety that I feel at the ever increasing scope given to the 14th amendment in cutting down what I believe to be the constitutional rights of the States. I cannot believe that the amendment was intended to give us carte blanche to embody our economic or moral beliefs in its prohibitions."

Woodrow Wilson said, "Moral and social questions originally left to the several States for settlement can be drawn into the field of Federal authority only at the expense of the self-dependence and efficiency of the several communities of which our complex body politic is made up. Paternal morals enforced by the judgment and choices of the central authority at Washington is not and cannot create vital habits or methods of life unless sustained by local opinion and purpose, local prejudice and convenience—unless supported by local convenience and interest; and only communities capable of taking care of themselves will, taken together, constitute a nation capable of vital action and control. You cannot atrophy the parts without atrophying the whole * * * it is the alchemy of decay."

President Eisenhower while a candidate for President in 1952 made this fine statement although subsequent events have proved that he did not mean what he said or that he did not know of what he said, "America was built by a robust and vigorous people. They operated first through the original States and then through a balance of State and Federal powers. That balance was designed to keep as much of the government as close to the people as possible. No nation of free men was ever built from the top down. That system is one in which

the States have a vital part. The preservation of local order, elbowroom to produce and build, protection of our titles to land, the sacredness of our homes from intrusion, our right to get the best schooling for our children, we were secured these basic freedoms in the first instance by our State, our county, and our own hometown. These are primarily affairs for local administration. We must keep them so. Otherwise an all powerful Washington bureaucracy will rob us one by one of the whole bundle of our liberties. We must preserve and protect this matchless system of States united." Anyone who sponsors and supports such legislation as now proposed does not want to protect the States but to the contrary destroy them.

The U.S. reports abound with cases to support the case for those in the Congress who oppose this legislation at hand. A few for example are *McPherson* v. *Blacker* (146 U.S. 1 (1892)). In a very noted and important case *Breedlove v. Suttles* (303 U.S. 277 (1937)), it is stated "privilege of voting is not derived from the United States but is conferred by the State, and save as restrained by the 15th and 19th amendments and other provisions of the Federal Constitution, the State may condition suffrage as it deems appropriate."

McPherson v. *Blacker* (146 U.S. 1 (1892)), it is stated, "In short, the appointment of electors belongs exclusively to the States under the Constitution. Congress is empowered to determine the time of choosing the electors and the day on which they are to give their votes, which is required to be the same day throughout the United States, but otherwise the power and jurisdiction of the States is exclusive, with the exception of the provisions as to the number of electors and the ineligibility of certain persons, so framed that congressional and Federal influence might be excluded." (Also see *In re Green* (134 U.S. 377); *Ray* v. *Blair* (343 U.S. 214; 232 (1952)); *Walker* v. *U.S.* (93 F. (2d) 383 (8th Cir. 1937)), cert. denied, 303 U.S. 644 (1938)).

The Members of the American Congress take an oath to support and defend the Constitution of the United States from her enemies within and without. It is absolutely necessary that prolonged debate be made on the proposals at hand in order that the American people might be awakened from their apathy and nonconcern as to what will be done to them if this legislation becomes the law. In this election year when so many are more interested in being reelected than in what happens to the orderly processes of government it is of paramount importance that these measures be defeated. Therefore, it is necessary that all of the time possible be given to debate this great question for only in debate can the American people be awakened. This legislation will destroy the States as political entities, this legislation is an enemy of the Constitution, and Southern Members of the Congress must under their sworn duty defend the Constitution of the Nation. This defense of the Constitution made necessary in an election year by the introduction of these proposals has consumed more of the Congress' time this year and last year and years before than any other subject considered by the Congress. It is a last thing put first and is there any wonder there is some question as to who is ahead in the matter of missiles, preparedness and the general overall military strength of our country—we or the Russians. If those who have proposed this legislation for purely political reasons had put as much time upon first things such as the military strength of our country—the missile program and general preparedness—there would be no question as to the relative strength of our country with Soviet Russia. * * * This constant agitation of the race problem is bringing us close to the brink of disaster. The restraint and coolness of southern white people is commendable but before it is too late this Congress had better take a good look at itself because the passage of this legislation and its results will best be described as "you have sown the wind and you now reap the whirlwind."

In the light of many decisions rendered in years past by the Supreme Court when made up of men learned in the law and its membership devoid of those whose judicial experience was so limited it can hardly be imagined that even this present Supreme Court would hold that these proposals are constitutional. However, in view of decisions they have rendered since 1954 I would predict that their usurpation rampage would continue down the road to their ultimate goal of the destruction of the States. If this seems harsh to say about the Court let me quote that great American Thomas Jefferson when he said of the Court, "By reason and argument you might as well reason and argue with the marble columns encircling them * * *" he further advised "denounce the acts of usurpation until their accumulation shall overweigh that of separation."

Mr. Eisenhower has made the following statement to the American people: "I want to see maintained the constitutional relationship between the Federal and State Government, for if the State lose their meaning, our entire system of government loses its meaning and the next stop is the rise of the centralized national state in which the seeds of autocracy can take root and grow. You will see that the legitimate rights of the States and local communities are respected. We will not reach into the States and take from them their powers and responsibilities to serve our citizens."

If President Eisenhower meant what he said, then he could do no less than veto this proposed legislation if same passed the Congress. However, I fear, as has been demonstrated before, the present executive leadership in Washington has preached one type of philosophy and is prating the very opposite. The passage of this legislation will reach into the States and take from them the right to control their electoral processes and if that can be done in the face of the Constitution then the Congress next year could pass legislation to appoint executive supervisors to supervise the action of the Governor of the State to see that his actions according to their whim did not violate the civil rights of certain of the State's citizenry. Legislative supervisors could be appointed through Federal legislation to supervise and control the action of the State legislatures and whenever in the opinion of the supervisors the executive and legislative branches of State government took action they deemed to violate the civil rights of certain of its citizens, they could petition the Federal courts to bring about a nullification of such actions. Does this sound absurd? Yes; but not any more so absurd than the present proposals before the U.S. Senate.

The passage of any of the extreme proposals before the Senate allowing Federal registrars or Federal referees to conduct elections in the several States, which means, of course, the Southern States, will precipitate a constitutional crisis in this country the like of which has not been seen since the days of the Reconstruction era.

It is very timely to quote the recommendations of the Committee on Privileges and Elections, House of Representatives of the 53d Congress, when they recommended the repeal of a Reconstruction bill passed in 1871 and repealed in 1893. This committee's report has already been placed in the CONGRESSIONAL RECORD in a speech by Hon. RICHARD B. RUSSELL, of Georgia, on Monday, February 15, 1960.

WELCOME TO DR. KONRAD ADENAUER, CHANCELLOR OF THE FEDERAL REPUBLIC OF GERMANY

Mr. MUNDT. Mr. President, I have a number of items to present, during the course of which I shall probably try to find an answer to an unresolved enigma, under the 3-minute rule, of whether there is to be allowed 3 minutes per item or 3 minutes per Senator.

Mr. President, I desire to be among those expressing a word of warm welcome to a distinguished world leader, Dr. Konrad Adenauer, Chancellor of the Federal Republic of Germany. I want to express a warm welcome to Dr. Adenauer. I am glad he is visiting our country at this critical moment of time in world affairs. Discussions between leaders in the free world are all to the good.

As we all know, the Federal German Republic is in the front line in the struggle of the free world to stem the advance of the Russian Communists. Dr. Adenauer's views certainly are welcome to the American people, for his intimate experience in the struggle in which we are all engaged now has been extensive. Under his courageous leadership West Germany has stood steadfast for freedom and democracy.

To say that Dr. Adenauer is welcome in our country is not enough without noting the exceptional progress the Federal German Republic has been making under his dynamic leadership. We in the Senate are deeply concerned with strengthening the free world and in improving our position in relation to advances being made or being threatened by the Russian leaders. The progress being made under the dynamic leadership of Dr. Adenauer serves to encourage us and the peoples who strive for freedom everywhere.

We have all marveled at the rapid growth of the West German economy. This has been and continues to be one of the outstanding success stories of our era. In the past 6 or 7 years West German industrial output has grown some 60 percent. West Germany has become a leading producer of steel, and manufacturer of machinery, automobiles, and a wealth of consumer goods.

Now, it is evident that a rapid growth on an economy of that extent under a free enterprise and free political system must make a great impact upon the developing peoples of the world. This success must make an impact upon the minds of people in Communist-dominated Eastern Europe who would like to progress faster and in ways prohibited by the Communist leaders. It cannot be overlooked that the growing industrial strength of West Germany adds greatly to the strength of the entire free world.

As one who has visited in both West Germany and in East Germany I will say that walking from West Berlin into East Berlin is like walking from broad daylight into the darkness of a dismal fog.

The reality of the rapid economic growth under a free enterprise system must give pause to the Russian leaders. It gives the lie to their absurd claims

that only under communism can a people rebuild a society quickly, raise living standards, and provide educational and cultural advantages, as well.

It is hardly necessary to recall that these major achievements were not made in normal times. They have been made while the West German people have been under many and diverse pressures from the Communist world. There was the attempt of Russian leaders to isolate and to starve the free citizens of West Berlin into ignominious surrender in 1948. There was the Allied airlift in 1948–49 in which so many American boys distinguished themselves and which broke this Russian attempt at "peaceful" conquest. They broke it, Mr. President, at considerable loss. A fine young lad from South Dakota, Charles King, of Britton, whom I had the pleasure of appointing to a service academy, was among those who lost their lives in this great mission of mercy and crusade for freedom.

Now, at the very time Dr. Adenauer is a guest of the American people, West Berlin is again at the center of pressures from the Communist world.

Certainly, the devotion of the German people to the cause of freedom has been proven time and time again during all these recent years. Under Dr. Adenauer's leadership West Germany has taken a steadfast position of alliance with the forces of freedom in the world.

I cite as an example of this devotion the fact that armament was legalized in the Federal German Republic in 1956. By July 1, 1957, West Germany placed three divisions in NATO. Today West Germany has seven divisions—all under civilian control; five of them committed to NATO—and all strengthening the position of NATO forces in defense of free peoples.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. MUNDT. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from South Dakota? The Chair hears none, and it is so ordered.

Mr. MUNDT. Mr. President, it is well to remember that the strong position of Dr. Adenauer and his Government against Soviet advances not only encourages people in the free world; his stand encourages people now living under Communist domination to stand up for freedom and to keep alive the belief that their hopes to regain positions as free men are not forgotten.

As we welcome Dr. Adenauer to our Capital, and as we pay tribute to his courage and determination, we in the Senate must note this, too: The crisis in the world today is not being caused by the free world. It is not being caused by West Germany, which is dedicated, as we are, to peace with justice. It is being caused by the Russian Communist leaders who talk of self-determination of peoples, but deny self-determination to the German people, for their own aggressive ends.

Dr. Adenauer's welcome visit to the United States gives us the opportunity to learn to know him better. Many of my colleagues in the Senate, I know, will want to join me in expressing our support and best wishes to this great man, Dr. Konrad Adenauer, Chancellor of the Federal Republic of Germany.

RULE FOR RECOGNITION OF SENATORS

Mr. RUSSELL. Mr. President, I rise in an effort to ascertain something about the procedure which will be followed with respect to the recognition of Senators when the unfinished business is laid before the Senate.

I am fully familiar with rule XIX of the Senate. I am aware that that rule gives to the Presiding Officer of the Senate the very broadest latitude in recognizing Senators whom he may desire to recognize for any reason, good, bad, or indifferent.

For the past several weeks I have encountered a great deal of difficulty in harmonizing my requests to the Chair with the rule which happened to be in operation at the time that I addressed the Chair.

About 2 weeks ago I rose to my feet, as required under rule XIX, and addressed the Chair, before any other Senator addressed it. The Chair recognized another Senator, on the other side of the aisle. I was told the reason for that was that my name was not on some list that was in the hands of the Presiding Officer.

On another occasion I sought recognition and was told that, although I may have been first on my feet, my name was not on the list; therefore I could not be recognized.

Mr. President, I do not care whether we observe a list or whether we conform to the rule of the Senate, but I do say that whether the Chair observes the rule of the Senate and recognizes the Senator who speaks first, or follows a list, there should be some uniformity about the procedure in the Senate. A Senator should not be recognized to the exclusion of another Senator when a fair application of the rule would not bring about that result.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. CLARK. I should like to commend the Senator from Georgia for the comments he is making. I know that many of us would like to have an ascertainment made as to whether the Senate will follow the rule or whether it will follow a list. I do not care which procedure is followed, but I say we should have a determination and a definite decision which course will be followed. The Senator from Georgia is 100 percent correct.

Mr. RUSSELL. I thank the Senator. Yesterday, having encountered that difficulty, I went to the desk and asked if there was a list. I was told that there was a list and that the name of the distinguished junior Senator from Arizona [Mr. GOLDWATER] appeared on it, as seeking recognition as the first speaker after the Senate emerged from the morning hour.

I asked for the list, and wrote my name on it, as clearly and as legibly as I could write it, with pencil, immediately beneath the typewritten statement about the Senator from Arizona.

At that time, there was no other name on that list other than some names that had undoubtedly been used the day before and which apparently had been scratched through—as those Senators had spoken.

Mr. President, I then went to the Senator from Arizona and asked him about how long he intended to speak. He said it would be about an hour or more. I said, "I think I will go and get a bite to eat."

He replied, "You will have plenty of time. Go ahead."

I proceeded to the dining room to have my lunch. Then I came back to the Chamber and sat patiently until the Senator from Arizona had concluded his remarks.

I then rose and addressed the Chair, seeking recognition. I sought recognition both under rule XIX and under the list that was supposed to be on the desk of the Presiding Officer. I was told by the Presiding Officer that I was out of order on both counts. He said he heard the Senator from Illinois [Mr. DOUGLAS] address the Chair before he heard me—although the Official Reporter came to another result, and the RECORD shows, at page 5221, that the Official Reporter heard me address the Chair first—and that—in addition—someone had written on the list the name of the Senator from Illinois [Mr. DOUGLAS]. For those reasons the Presiding Officer recognized the Senator from Illinois.

Mr. President, when I first came to the Senate I saw that there were Senators who had been in the Senate so long that they had in a way developed a good deal of arrogance and intolerance in a number of things. In the last 20 years I have started every day with a little prayer that I would be able to retain my humility and my tolerance toward those who disagreed with me.

The PRESIDING OFFICER (Mr. BIBLE in the Chair). The time of the Senator has expired.

Mr. RUSSELL. Mr. President, I ask unanimous consent that I may be permitted to conclude my statement.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia? The Chair hears none, and the Senator may proceed until he has concluded his statement.

Mr. RUSSELL. If anyone had come to me and said that the Senator from Illinois [Mr. DOUGLAS] was disturbed and was anxious to speak—and would I kindly step aside so that he could speak, I would have done it gladly. I have done it before, and I would have done it again. That is one thing. But it is entirely another thing to do what was done—to be treated almost with contempt in the matter of recognition—when I had conformed to the requirement of any other Senator in this body.

Mr. President, I do not know where the responsibility for this lies. I ask

unanimous consent to have printed in the RECORD at this point, as a part of my remarks, the discussion in the Senate which has to do with this controversy, appearing in the CONGRESSIONAL RECORD on page 5578.

The PRESIDING OFFICER (Mr. STENNIS in the chair). Is there objection? The Chair hears none, and it is so ordered.

The material ordered to be printed in the RECORD, is as follows:

CIVIL RIGHTS LEGISLATION—ORDER OF BUSINESS

Mr. RUSSELL. Mr. President——

Mr. DOUGLAS. Mr. President——

The PRESIDING OFFICER. The Senator from Illinois.

Mr. ELLENDER. Mr. President, I should like to ask a question.

Mr. DOUGLAS. Mr. President, who has been recognized?

The PRESIDING OFFICER. The Chair has recognized the Senator from Illinois. The Chair heard his voice first, and it happens that his name is first on the list.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. DOUGLAS. Not at the moment. I will yield later but having lost the floor once this afternoon, I do not want to have it repeated.

Mr. President, earlier in the afternoon, when the Senator from Georgia was not here, I was recognized by the Chair. Then the Senator from Virginia asked me if I would yield for the purpose of making an insertion in the RECORD. I did so, saying that I did not want to yield my right to the floor. I yielded to the Senator from Virginia.

Then the Senator from Arizona [Mr. GOLDWATER] took the floor and demanded recognition. It was accorded to him.

Having been taken off the floor once because of a desire on my part, to be accommodating, I hope that the Senator from Georgia will permit me to continue. Then, after I have proceeded with my remarks, I shall be glad to yield to him with the understanding that I do not lose my rights to the floor. But I should like to proceed.

Mr. RUSSELL. Mr. President, I ask unanimous consent that I may make a parliamentary inquiry without in any wise impairing the right of the Senator from Illinois to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUSSELL. Mr. President, I do not desire to get into a controversy about the right to the floor. Ordinarily I would have yielded to the distinguished Senator from Illinois, but he now has the floor, and there is nothing I can do about it.

However, during the morning hour I approached the Chair and the clerks at the desk. I asked if there was any list of speakers. I had handed to me from the Chair a list which carried the name of the Senator from Arizona [Mr. GOLDWATER].

I stated that I desired to be recognized and to speak, and I entered my name on the list. I wrote my name on the list right under the name of the Senator from Arizona.

I do not desire to be technical, and I hope I shall not be considered picayunish, but it seems to me that Senators who are being charged with filibustering ought to be able to be recognized at some time and be given a chance to speak. [Laughter.]

Did the Chair see the list which was submitted?

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). The Chair states for the information of the Senator from Illinois [Mr. DOUGLAS] and the Senator from Georgia [Mr. RUSSELL] that there is a printed list at the desk, which reads: "Mr. President, Senator GOLDWATER would like to be recognized immediately after the morning hour."

Directly beneath that, and not in the handwriting of the present occupant of the chair, but in the handwriting of a preceding occupant of the chair, in the handwriting of the Senator from Wyoming [Mr. MCGEE], the Presiding Officer who preceded the present occupant of the chair, there is the writing "DOUGLAS"; beneath that, the writing "RUSSELL" and "KEATING," to which the present occupant of the chair has added the names "Senator CLARK and Senator THURMOND."

That was the situation which confronted the present occupant of the chair. In addition, the present occupant of the chair heard the loud voice of the Senator from Illinois [Mr. DOUGLAS].

Mr. RUSSELL. Oh, well; oh, well; I am not going to argue about it. The Chair can recognize whomever he desires to hear. I can take it by the way it is played. We have been going by the list. I do not know who wrote the name of the Senator from Illinois ahead of my name, but I know that at the time I read the list, which was a typewritten list, Senator GOLDWATER had asked to be recognized, and I wrote my name underneath his.

I will not try to make any great point about it. I shall try to be reasonable. But I do not think I have been treated exactly fairly, and I would be less than honest if I did not say so. I do not care to get into any argument; I shall await the remarks of the Senator from Illinois.

May I inquire of the present occupant of the chair how many Senators I shall have to wait for, after having written in my name second on the list?

The PRESIDING OFFICER. The present occupant of the chair states that directly under the typewritten word "hour" and apparently written in the handwriting of the Senator from Wyoming [Mr. MCGEE], who occupied the chair preceding the junior Senator from Ohio, is the name "DOUGLAS." Directly beneath that is the name "RUSSELL."

Mr. RUSSELL. All I can say is that the name "DOUGLAS" was not on the list when the name "RUSSELL" was written there, because I wrote the name "RUSSELL" myself. I shall not quibble about it; I shall take my seat and subside.

Mr. DOUGLAS. Mr. President, I spoke to the Senator from Wyoming [Mr. MCGEE] at approximately 12:20 p.m. I stated that I should like to be recognized at the conclusion of the morning hour. I was assured by the Senator from Wyoming at that time that I would be recognized, but that he did not expect to be in the chair; that the junior Senator from Ohio would be in the chair.

So I went to the junior Senator from Ohio and made an oral request at approximately 12:25 or 12:30 p.m., and later made a memorandum to that effect on the piece of paper which I believe the Senator from Ohio, the present occupant of the chair, has in his hand. I simply wish to make it clear that I had received early assurance that I would be recognized.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. DOUGLAS. Not at this time. May I finish?

Then the Senator from Arizona [Mr. GOLDWATER] announced that he intended to seek recognition. The Chair recognized me, but then upon consultation he recognized the Senator from Arizona, and the Senator from Illinois has been sitting here for an hour and a half, waiting patiently for his chance to speak. I thought I had been recognized by the Chair the second time, and I hope I shall be permitted to proceed.

Mr. RUSSELL. I would not vie with the distinguished Senator from Illinois for priority in this or any other matter; but particularly in view of the circumstances which the Senator from Illinois has related, and the fact that the distinguished Senator from Ohio [Mr. YOUNG] is in the chair, does the distinguished Senator from Illinois think that this time ought to be charged to filibustering?

Mr. DOUGLAS. Oh, no. As I understand, the Senator from Georgia is now willing to bide his time.

Mr. RUSSELL. I have no alternative. When the Chair and the Senator from Illinois form a conspiracy, there is no alternative.

Mr. DOUGLAS. It is no conspiracy; it is merely recognition of properly requested priority.

Mr. RUSSELL. That excerpt from the RECORD shows that I had sought recognition. Then I was told that I was not heard and that my name was not first on the list.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. McGEE. In reprinting that part of the RECORD, I wonder if there might be a correction made. An examination of the list that was at the desk will show that the allusion to the fact that any such insertion was in the handwriting of the Senator from Wyoming [Mr. MCGEE] is incorrect.

Mr. RUSSELL. That was stated yesterday.

Mr. McGEE. A quick examination of the handwriting on the list will show that there is no connection between this Senator from Wyoming, or this MCGEE, and the "McGEE" that is written on that list. I do not have many distinctions, Mr. President, but one of them is my bad handwriting. There is some writing on the list which is easily identifiable. It has no connection with me. The RECORD should show clearly that it is not in the handwriting of this Senator from Wyoming.

Mr. RUSSELL. I thank the distinguished Senator for that statement. It was impossible for me to believe that the Senator from Wyoming would have written in the name of the Senator from Illinois over and above the name of the Senator from Georgia which appeared first on the list.

Mr. YOUNG of Ohio. Mr. President, will the Senator yield?

Mr. RUSSELL. Yes; I yield.

Mr. YOUNG of Ohio. I thank the distinguished Senator from Georgia for yielding to me. May I say at the outset that it happened that I was one of those called on to preside over the Senate yesterday. It happens also that I was the Senator who presided at the time in question. Probably the junior Senator from Ohio "should have stood in bed" yesterday instead of presiding over the Senate, because it seems that my distinguished colleagues, the junior Senator from Arizona, the senior Senator from Pennsylvania, the senior Senator from Illinois, and the senior Senator from Georgia were somewhat agitated at the Senator from Ohio who was then presiding.

At the time I was called upon to preside, it is a fact that the Senator who presided just ahead of me was my friend, the Senator who has just spoken, the distinguished junior Senator from Wyoming [Mr. MCGEE]. I hold in my hand

the original paper that was at the desk of the Presiding Officer at the time.

May I say right here, before I read from the list, that I at no time had any reason, good, bad, or indifferent, to recognize anyone ahead of the distinguished senior Senator from Georgia. In that connection, I should like to say that if there is any Senator in this body who has no arrogance whatever, and no intolerance whatever, it is certainly the distinguished Senator from Georgia, with whom I have become very well acquainted.

The paper I inherited when I took the chair shows in typewriting: "March 15, 1960. Mr. President, Senator GOLDWATER would like to be recognized immediately after the morning hour."

Beneath that, in rather large handwriting, in pencil, is "RUSSELL." Beneath that is "KEATING." There is a little space then—and I will have a page take the paper to the Senator from Georgia after I have finished with it——

Mr. RUSSELL. I have seen it.

Mr. YOUNG of Ohio. Someone—it is not in my handwriting—had written in, had penned in, "DOUGLAS" above the name "RUSSELL." I remember that distinctly, because I held it up, and I had difficulty deciphering the handwriting. I ran a line through it and printed the name "DOUGLAS." It then reads "DOUGLAS, RUSSELL, KEATING." There are also a number of other names. I saw the name of the distinguished Senator from Arkansas, "MCCLELLAN," and the names "ELLENDER," "LONG," "YOUNG," "CHURCH," "KEFAUVER," "MOSS," "ALLOTT," and "GRUENING," with lines run through them.

It was my endeavor to be fair to everybody. This has happened to my embarrassment. There is an old saw that "experience keeps a dear school, but fools learn in no other."

It happens that the Senator from Illinois [Mr. DOUGLAS], at about 12:30 yesterday afternoon came up to me as I was seated here and said, "I understand that you will be called on to preside shortly. Will you recognize me directly after the morning hour?"

I said, "Sure."

Shortly thereafter, I was called on to preside. When I took the chair, I saw typed on the paper:

Mr. President: Senator GOLDWATER would like to be recognized immediately after the morning hour.

So I sent this paper by page to my friend, the distinguished senior Senator from Illinois [Mr. DOUGLAS], to show it to him. He wrote on it, which was unnecessary, because I was aware of what I had said when he talked with me, and I said I would recognize him.

When the matter came up, the junior Senator from Ohio, as the Presiding Officer yesterday, followed the written procedure as he saw it and as he read it at that time. I followed the typed procedure despite the fact that the distinguished junior Senator from Arizona [Mr. GOLDWATER] said that the Presiding Officer was a member of the opposite party and would presumably recognize the senior Senator from Illinois first.

I hesitated to reverse myself, I admit, but I did recognize the order. I recognized the junior Senator from Arizona [Mr. GOLDWATER], and following him, I then recognized the senior Senator from Illinois [Mr. DOUGLAS], because his name was written above that of the distinguished senior Senator from Georgia.

I regret any inconvenience that has occurred. If I owe an apology to the Senator from Georgia, who I hope is my friend, I want to extend it. I did my best to be fair. I thought I was following the proper order on the paper.

In all fairness to the Senator from Wyoming [Mr. MCGEE], inadvertently, I undoubtedly made an error. I assumed, as I had succeeded the junior Senator from Wyoming [Mr. MCGEE], in the chair that the handwriting was his. He states it was not, so I made a mistake in that particular.

For the information of any Senator who may wish to look at it, I wrote, in my handwriting, the name "DOUGLAS" as I customarily write, and it is entirely dissimilar to the name "DOUGLAS" as it is written on the paper in question, I say again to the senior Senator from Georgia [Mr. RUSSELL], above his name. I regret this very much. I want to be fair to the Senate.

Mr. RUSSELL. Mr. President——

The PRESIDING OFFICER (Mr. STENNIS in the chair). Let us have quiet in the Senate. The Chair does not believe it is necessary, for the welfare of the country, that there be so many independent conferences taking place on the floor of the Senate, many of which do not concern the Senate. Let the cloakroom doors be kept closed.

Mr. RUSSELL. Mr. President, I saw this paper on yesterday. I stated on the floor yesterday that at the time I signed that list the name "DOUGLAS" did not appear on it. I reaffirm that statement today. It was written in at some later time. I do not undertake to fix the responsibility. The distinguished Senator from Ohio [Mr. YOUNG] says he did not write it. I, of course, accept his statement.

The point I make is that someone who is connected with the Senate, either as a Member of the Senate or as a member of the staff of the Senate, must have written the name "DOUGLAS" above my name. What makes it worse is that I sat here for more than an hour expecting to be recognized. There were persons in the Senate Chamber, both Members of the Senate and of the staff, who knew I was expecting to be recognized following the Senator from Arizona [Mr. GOLDWATER]. No one came to me and said anything about it. No one told me there was any confusion or any doubt about it.

But someone who had full knowledge of the fact that my name appeared next on that list, under the name "GOLDWATER," had to have written this name in there.

I say that anything of that kind is an act unworthy of the Senate. It would be unworthy of any employee of the Senate or of any Member of the Senate.

Mr. President, I came to the Senate at a time when Senators tried to treat one another as gentlemen. I have not entirely abandoned that habit. I went to the Senator from Illinois [Mr. DOUGLAS] on Monday and told him that if I could get recognition, I intended to refer to some statistics he had offered for the RECORD, a week or more ago, with relation to crime. I went to him later in the afternoon and told him it was pretty evident that I could not be recognized because I had not been playing the "list game" on Monday, but that I hoped to be recognized on Tuesday as soon as possible after the morning hour. So the Senator from Illinois had full knowledge, at least, that I would seek recognition.

I regret to have to discuss a matter of this kind. It is distasteful to me. But I fear that the fact that I have endeavored to be humble here has led some persons to believe they can take advantage of me.

I have been in Washington a long time. I know that this is a city where almost everybody pushes everybody else to try to get an advantage. But I did not think it would come down to this sort of situation in the Senate of the United States.

Now I desire to propound a parliamentary inquiry to the Chair: Whether or not the Senate will operate today under rule XIX, or whether it will operate from some list.

The PRESIDING OFFICER (Mr. STENNIS in the chair). So far as the temporary Presiding Officer of the Senate is concerned, the Senate will follow the rule. There is a list here at the desk which I have read.

Mr. RUSSELL. I would much prefer following the rule.

The PRESIDING OFFICER. May the Chair finish? So far as the present occupant of the chair is concerned, the Senate will follow the rule. I merely restate that there is a list at the desk. I shall read the names on the list to give notice to those Senators that the present occupant of the chair understands that when the rule is invoked, it means it is invoked. The Senators whose names appear on the list are: KEATING, JAVITS, THURMOND, and CLARK.

As the occupant of the Chair, I announce that we will not follow that list; we will follow the rule.

Mr. RUSSELL. I am willing to follow any procedure which the Senate adopts. But I protest—I resent—being singled out and prevented from speaking when there is a list; and then, when I accord with the rule of the list, I find that due to a combination of circumstances and the act of some person or persons, unknown to me, I am still denied the right of recognition.

Mr. KEATING. Mr. President, will the Senator from Georgia yield?

The PRESIDING OFFICER. At this time let the Chair read the pertinent part of rule XIX:

RULE XIX

DEBATE

1. When a Senator desires to speak, he shall rise and address the Presiding Officer, and shall not proceed until he is recognized, and the Presiding Officer shall recognize the Senator who shall first address him.

That is the pertinent part of the rule.

Mr. DIRKSEN and Mr. KEATING addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Georgia yield; and if so, to whom?

Mr. RUSSELL. Mr. President, I yield first to the minority leader; thereafter, I shall yield to the Senator from New York.

Mr. DIRKSEN. Mr. President, obviously the Senator from Georgia has made a clear expression of the situation; and what he has stated here today is in clear conformity with rule XIX of the Senate, namely, that the Senator who first addresses the Chair and first seeks recognition shall be recognized. No statement about a list appears in rule XIX. On the contrary, the custom of using a list has more or less grown up.

I believe we dealt with that matter last year, in connection with the morning hour, when some Members had to wait a long time before they could obtain recognition during the morning hour; and I believe it was agreed at that time that during the morning hour, recognition should alternate from one side of the aisle to the other.

I assume that the use of list has simply become a matter of convenience.

I can well understand that a Senator who might be encumbered with an important engagement might ask for recognition early in the day, but certainly that would not be in accord with the rule.

Some time later in the day I should like to discuss this matter with the majority leader; and we can discuss it with the Presiding Officer, so we do not so clearly get away from following the rule, although I realize that strict observance of the rule does not take into account all the circumstances which may develop from day to day.

Mr. President, at this time I wish to commend the Senator from Ohio [Mr. YOUNG] for the statement he made. I have always said on this floor that open confession is good for the soul. I love to confess my sins in public; it makes me feel better.

Now that we have gotten this far, I believe we should ask whoever modified the list either to stand in his place and say so—if it be a Senator—or, if it be a Senate employee, to fully, freely, and out of an open heart state that he was the one who wrote in the name. I would not like to see this matter become a subject for investigation by the FBI or by Ellery Queen. [Laughter.] I think all of it can be disclosed by simply having whoever did it state openly that he inserted the name; and then we shall know.

Mr. RUSSELL. I thank the Senator, and I should like to have that done.

I wish to say that it has always been a custom in the Senate of recognizing first—if several Senators are clamoring for recognition—the majority leader if he is one of those seeking recognition. Next, the minority leader is entitled to recognition. And after that, all the remaining 98 Members of the Senate ought to stand on their feet and seek recognition, and be recognized in the order in which they address the Chair.

Mr. KEATING. Mr. President, will the distinguished Senator from Georgia yield to me?

Mr. RUSSELL. I yield to the Senator from New York.

Mr. KEATING. I was an extremely junior victim of the same difficulty to which the distinguished Senator from Georgia has referred. I believe he has performed a great service by trying to clarify for us this problem, which has arisen before. I hope something can be worked out in this connection, because the present distinguished occupant of the chair [Mr. STENNIS] may be in the chair only temporarily; and who can say that when the time for recognition comes, the present occupant of the chair will still be in the chair?

I wish to add a word about the distinguished Senator from Ohio [Mr. YOUNG]. I would go a little further than the minority leader did; and I would say the Senator from Ohio has not shown any partiality. I have always found him to be extremely fair in presiding; and I have noticed, before, that he has been confronted with rather ticklish situations.

I confess that if I were in the chair, and if a Senator came to me and asked me, "Will you recognize me next," I might reply, "Of course," and then I might find that I was confronted with a list.

Regardless of the rule, we have rather generally operated by means of such a list.

I commend the Senator for doing what was obviously the right thing with respect to the Senator from Arizona.

I entirely share the view of the distinguished minority leader that this matter must be clarified. It is simply intolerable that any Senator can put his name down or have someone else put his name down ahead of names already on the list, if a list is to be used.

I am grateful to the Senator from Georgia for bringing up this matter, because it so happens that I intended to speak on the pending question, which happens to be my amendment, which has been pending for quite some time. It is still the pending question; but on yesterday, although the Senate proceeded all afternoon, not one word was said about my amendment.

So, although I was a very junior victim of the situation, I felt very much the way the Senator from Georgia does.

Mr. RUSSELL. There is nothing junior in connection with recognition by the Chair on the basis of who first addresses the Chair. The first Senator who addresses the Chair is entitled to recognition.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Georgia yield to me?

Mr. RUSSELL. I yield; and then I shall yield the floor.

Mr. JOHNSON of Texas. I share the view expressed by the Senator from Georgia. I deeply regret what occurred yesterday. When I learned of it, I inquired of the secretary of the majority and the assistant secretary of the majority, and I inquired of the attachés at the desk; and all of them tell me that they are unaware of who inserted the name of the Senator from Illinois [Mr. DOUGLAS].

I express the hope—previously expressed by my friend, the minority leader—that whoever wrote in the name will so state to the Senate.

I appreciate the fact that many Members of the Senate are called upon to preside from time to time, and I realize that inconveniences them. I believe we are going to have to face this problem of how the Senate is to have a Presiding Officer, because many of the newer Members of the Senate complain that too much of their time is taken by presiding over the Senate—a responsibility which is not theirs.

I express my appreciation to my delightful friend, the Senator from Ohio [Mr. YOUNG], for his willingness to help on many occasions and for his forthright statement today. Certainly, it was forthright. I express equal appreciation to the Senator from Wyoming [Mr. MCGEE].

I hope the one who wrote in the name ahead of the name of the Senator from Georgia will admit it, and also that we can evolve some solution of the very unsatisfactory situation which now exists, namely, of having to call upon freshman Members of the Senate to spend most of their time in the Chair.

Mr. BUSH. Mr. President——

The PRESIDING OFFICER. The Chair understands that the Senator from Georgia has yielded the floor.

Mr. BUSH. Mr. President, is the Senate still proceeding in the morning hour?

The PRESIDING OFFICER. That is correct.

Mr. CLARK and Mr. ELLENDER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania addressed the Chair first. The Senator from Pennsylvania is recognized.

Mr. CLARK. Mr. President, I was present in the Senate while the recent colloquy about recognition and rules of the Senate took place. I do not desire to say anything more than to express my regret that the senior Senator from Illinois [Mr. DOUGLAS] was not here during that colloquy, and I am sure he will make a statement on the matter. I also wish to say I was in pretty constant touch with him during the course of events yesterday. I know he thought he had been promised recognition before both the Senator from Arizona and the Senator from Georgia. Perhaps he was wrong in that, but he believed it, I know.

Mr. President, I now turn to another matter.

The PRESIDING OFFICER. The Senator from Pennsylvania.

HOUSING

Mr. CLARK. Mr. President, this morning's Wall Street Journal contains an unusually graphic illustration of the way in which this administration chooses to whistle in the dark on economic matters.

On page 3 of the Journal appears an item headed "Housing Starts Declined 8 Percent During February."

However, Housing Administrator Norman Mason has a ready explanation for all this. He is quoted as saying:

We're seeing the results of a shortage of mortgage money last fall. It takes some time for builders to find that money is once more available and to translate that discovery into new building plans and operations.

In other words there is plenty of mortgage money; the tight money policy is not really causing any injury to the building industry; it is simply that builders have not found out how much money is available.

Yet, the lead story on page 1 of the same edition of that same newspaper says that tight money is so severe that it is causing a price decline in the housing market. While the story's emphasis is on used housing, it contains this statement:

Much of the cutback in available mortgage money affects new as well as older housing, of course. In January and February, the Nation's savings and loan associations put 10 percent less into home mortgages of all types than in the like 1959 period. Also, New York's mutual savings banks are cutting their mortgage lending sharply because many depositors withdrew their accounts to buy high-yielding Government bonds, lending men complain.

I think it would be most helpful if the administrators of the housing program would do as the Wall Street Journal reporters did and go out and talk to the homebuilders of the country, and the lending institutions, rather than sitting in their offices here in Washington and announcing to the press that plenty of money is available, but the builders just have not been alert enough to discover this alleged fact.

I ask unanimous consent that these two articles from the Wall Street Journal appear in the RECORD at this point in my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 16, 1960]

HOUSING STARTS DECLINED 8 PERCENT DURING FEBRUARY—OFFICIAL SAYS DROP WAS CAUSED BY SHORTAGE OF MORTGAGE MONEY LAST FALL—DIP SPURS DEBATE ON U.S. AID

WASHINGTON.—Housing starts slumped further during February, sparking a new round of debate over the need for more Federal aid to the construction industry.

The Census Bureau reported February starts of new private homes slowed to a seasonally adjusted annual rate of 1,115,000 units, down 8 percent from the January rate, which in turn was down 9 percent from the December rate.

Federal Housing Administrator Norman Mason said he wasn't surprised by the February figures. "We're seeing the results of a shortage of mortgage money last fall," he declared. "It takes some time for builders to find that money is once more available and to translate that discovery into new building plans and operations."

Mr. Mason reiterated earlier predictions that housing starts in 1960 will amount to 1.2 million units "or even a few more." Starts last year totaled 1.3 million.

However, congressional backers of legislation to pump more money into the housing industry immediately cited the February figures as proof that new Federal help is needed. Representative RAINS, Democrat, of Alabama, said the Census Bureau report "underscores the need for immediate mortgage credit legislation to shore up a sagging key industry."

Representative RAINS, chairman of the House Banking Subcommittee on Housing, is the sponsor of a measure giving an additional $1 billion to the Federal National Mortgage Association for special housing aid. Fannie Mae would use the money to buy existing mortgages on low-cost homes, so that the sellers could finance new construction with the proceeds. Under the proposal, Fannie Mae would pay $100 for each $100 outstanding on the mortgages, a feature designed to attract more mortgage sellers. The agency normally buys mortgages at less than face value.

The Rains bill was approved last week by the full House Banking Committee. The Alabama lawmaker yesterday urged that it be passed "so that its stimulating influence will be available at least for the late spring building season."

The Census Bureau report said the actual number of new homes started in February totaled 74,400 units, down slightly from the January total of 74,800. Starts usually increase in February, which accounts for the seasonally adjusted slump.

While the rate of actual February housing starts was down, a couple of advance barometers of homebuilders' intentions were less gloomy. The Federal Housing Administration earlier this week reported applications for mortgage insurance on new homes rose 30 percent during February, and about in line with seasonable trends. And the Veterans' Administration said yesterday that February requests for appraisal of proposed new homes showed the greatest increase of any month since last June.

A request by a homebuilder or homeowner for VA appraisal generally precedes an application for a Federal guarantee of a veteran's mortgage. Like FHA insurance applications, the rate of incoming appraisal requests is one measure of the housing industry's future construction plans.

The VA said it received 12,868 requests to appraise proposed new homes during February, up 1,702 from January. This was the second straight monthly increase in requests.

The VA doesn't attempt to adjust its figures for seasonal trends, so officials couldn't say whether the February increase was in line with the usual pattern for this time of year. In 1959, appraisal requests of 20,967 in February were 3,036 above the month before.

The agency said it also received 5,031 requests during February to appraise existing homes, up from 4,219 in January, but below the 7,154 received in February last year. Applications for mortgage guarantees on veterans' homes totaled 11,458, down a bit from January's mark of 11,836 and well below the 15,958 applications received the year before. New starts of houses under the VA mortgage guarantee program totaled 4,770 during February, compared with 4,132 in January and 6,154 a year ago.

[From the Wall Street Journal, Mar. 16, 1960]

SECONDHAND HOUSES—SALES DECLINE, PRICES SOFTEN IN MANY AREAS; TIGHT MONEY IS BLAMED—SOME SELLERS MARKET HOUSES ON INSTALLMENT PLAN; MANY OFFER HOMES FOR RENT—IS EASIER MONEY ON THE WAY?

(By Richard F. Janssen)

CHICAGO.—Sales of secondhand homes are dropping in many areas of the Nation, and prices are weakening.

More than two-thirds of the mortgage bankers, savings and loan officials, and real estate dealers questioned by the Wall Street Journal in a nationwide survey, report their own volume is slumping this year, or that used home turnover is lower in their area than a year ago. Even though new home costs continue to climb, used home prices almost everywhere either have leveled off or turned down.

Financing is the chief problem, housing men say. Many lenders simply do not have as much money to put into home loans as they had last year, and prefer to focus their lending on new houses. Traditionally, home mortgage lenders prefer new dwellings to older ones as security on the money they lend. Tight money also has pushed up interest rates, discouraging many prospective buyers of used as well as new homes. As a result, U.S. sales of used houses in January, the latest month for which figures are available, lagged 10 percent behind the comparable 1959 pace, according to Real Estate Research Corp., a private information service based here.

DEPRESSANT ON STARTS

There has been an easing of short-term money rates in recent weeks, lighter than anticipated demand by business borrowers and prospects of a Federal budget surplus, meaning reduced Treasury borrowing, have prompted some predictions of a further easing in the money supply. But mortgage lenders and real estate dealers say that this has not been reflected in any increased availability of mortgage money for used homes. If the tight money trend continues, it could further depress housing starts in 1960 because many prospective buyers of new homes first must sell their old residences. Starts already are down from a year ago, with tight money again blamed.

Last month housing starts fell to a seasonally adjusted rate of 1,115,000 units, down 8 percent from January and off from a rate of 1,403,000 for February 1959.

In any event, the weaker market for older houses already is having some definite consequences. Many buyers of older homes are assuming existing mortgages, often at interest costs well below current rates; in cases where any sizable amount of the original mortgage has been repaid, this sometimes means the buyer must obtain a secondary mortgage as well. Contract sales, little used in the past, are growing more common. Under these, the seller is paid over a period of years and the buyer does not actually own the house until the final payment. Furthermore, more older houses are being placed in the rental field by owners who are unable to obtain what they deem satisfactory prices for them.

Industrial areas are hardest hit by the slump in secondhand home sales, perhaps because the tight-money problem in such areas still is compounded by effects of last year's steel strike. The strike idled not only steelworkers but also many workers in steel-using industries. Many of these workers still have not rebuilt their savings to prestrike levels, and thus are not likely to be in the market for houses. "So far this year we've sold 50 percent fewer existing houses than we did a year ago," says Robert A. Taggart, president of Hannan Real Estate Exchange, Inc., of Detroit. But he insists quickly that the Motor City is "no worse off than any other industrial area." In 1 recent week, 49 Pittsburgh real estate offices checked by a mortgage firm could muster a combined total of only 8 sales; they aggregated about 30 in the like period a year before.

In Seattle, used home sales dragged about 50 percent below the pace of a year earlier in November, December, and January, says Clarence A. Hardesty, president of Carroll Mortgage Co. The pace last month didn't lag as badly, he adds.

"The number of our loan applications since the first of the year is off 25 percent from 1959," reports Roland H. Tornblom, executive vice president of the City National Bank in Council Bluffs, Iowa.

QUICK PROFITS ARE OUT

"Sales are definitely slower here," says Philip C. Jackson, Jr., of Jackson Securities & Investment Co., Birmingham, Ala. "The big problem is that people are not able to make a quick profit like they used to—if you've only lived in a house 2 or 3 years, you have to take a loss to sell now." W. G. Hodupp, president of Toledo Home Mortgages, Inc., Toledo, Ohio, agrees: "It's definitely a buyers' market." Sales by Home Mortgage's real estate department so far this year are running 50 percent below a year ago.

Prices have suffered along with sales in a number of areas. Detroit's Mr. Taggart estimates used home prices in this city average 10 percent below a year ago. The same is true in Wilmington, Del., says a mortgage banker there. A New Haven, Conn., real estate man reports that an attractive Cape Cod style home sold there recently for $18,000 after being on the market for 4 months. Only last summer an identical model sold quickly for $21,500, he adds.

In numerous other areas, prices simply have failed to continue their traditional gains. "Even though prices of new houses on Long Island are still going up, the prices of older homes have leveled off since around the middle of last year," says Philip L. Greenawalt, executive vice president of the Brooklyn Savings Bank in New York. Existing homes previously had been appreciating in value about 2 percent each year, he says.

Home owners frequently must keep their house on the market for a longer time before they can sell at a price they will accept. "A year or two ago, you could sell a second-hand house in 60 days, but now it takes 90 days, 120 days, or even 6 months," says Billy B. Williams, vice president of Ryan Mortgage Co., Fort Worth, Tex.

A big factor in the slower sales and softer prices is a sharply curtailed flow of funds coming to many lending agencies. "The insurance companies are giving us only half as much money to put into mortgages as they did last year," says Lloyd M. Bell, vice president of Rapides Bank & Trust Co., Alexandria, La. Many commercial banks, and most mortgage bankers, don't use their own funds but merely act as outlets for mortgage funds coming from insurance companies and other big investors.

"A year ago our investors would make loans on existing houses, but now they won't even talk to us about it," frets a Michigan mortgage banker. Adds Frank S. Hight, partner in the mortgage banking firm of Bogley, Harting & Hight, Inc., of Chevy Chase, Md.: "So far this year our insurance firms and New York savings banks have allowed us only 50 percent as much money as a year ago."

MANY SAVERS WITHDRAW FUNDS

Much of the cutback in available mortgage money affects new as well as older housing, of course. In January and February, the Nation's savings and loan associations put 10 percent less into home mortgages of all types than in the like 1959 period. Also, New York's mutual savings banks are cutting their mortgage lending sharply because many depositors withdrew their accounts to buy high-yielding Government bonds, lending men complain.

The cost of loans, rather than their scarcity, draws fire from some lenders. "It's a shortage of home buyers, rather than of money," asserts a midwestern mortgage manager. While varying according to region as well as the circumstances of the buyer and nature of the property, mortgage interest rates generally have advanced half a point in the past year to around 6 percent or a fraction higher. "I have friends at a number of mortgage firms, but the best I can do is a 6¼-percent rate," complains a young Chicago attorney. "So instead of buying a house, I guess I'll get some new carpeting for the apartment."

The higher rates stifle many sales by making monthly mortgage payments steeper, lenders say. Borrowers frequently are disqualified by a general lending rule requiring perhaps an extra $25 monthly income to meet a $5 increase in the monthly payment. A home buyer might be able to swing only a $14,000 loan today, while a year ago the same salary would have qualified him for a $15,000 mortgage. "Difficulty in qualifying people for loans is the biggest thing holding down sales," says H. Duff Vilm, owner of the Indianapolis mortgage firm bearing his name.

DISCOUNTS ARE TROUBLESOME

At least equally troublesome is the problem of discounts on loans backed by the Federal Housing Administration or the Veterans' Administration. With interest ceilings fixed by law and now below the free market level, lenders demand a discount. A 5 percent discount means that on a $10,000 loan the borrower actually receives only $9,500, although he must pay back principal and interest as if he had received the full amount. Older homes fare the poorest under discounting. One southern lender now discounts FHA loans on older houses by up to 8 percent against 5 percent a year ago. His discount on new or nearly new homes is 3 percent, up from 2 percent a year ago.

Discounts discourage many homeowners from selling, since by law the seller must absorb the discount on Government-insured mortgages. When the seller receives his payment from the buyer, it comes less the amount of the discount. Like new home builders, many homeowners try to jack up the price of their dwelling to offset the discount. But one hapless householder dutifully absorbed the discount when he sold and unwittingly absorbed it when he bought, too, by paying an inflated price for his new home, a lender relates.

Compounding the problem, at least from the standpoint of would-be buyers and sellers, are new restrictions clamped down by lenders. One bank today won't lend on a house of less than 1,200 square feet of floor space; a year ago it would accept 1,000 square feet. Other lenders no longer take the wife's income into consideration in qualifying a borrower. Another lender won't make a loan if the monthly payments would exceed 20 percent of the borrower's income; a year ago, 25 percent was the cutoff point. Some lenders now demand that loans on older homes be repaid in 15 years instead of 25 years, boosting monthly payments and thus disqualifying many prospective buyers.

PREPAYMENT PENALTIES

"We're much tougher on credit on older houses than we were a year ago," says R. S. Hodge, chairman of City-Wide Mortgage Corp., Kansas City, Mo. Also, to avoid a lot of refinancing if and when interest rates descend again, Mr. Hodge, like some other lenders, has stiffened prepayment penalties. Mortgages he writes now cannot be prepaid for 10 years, and then only with a penalty of up to 2 percent. A year ago, the maximum period was only 5 years, with no penalty.

All these financial roadblocks between buyer and seller have caused a tendency toward what some lenders decry as "makeshift financing." One device being used more is the contract sale. Under this arrangement, title ownership remains with the original owner and the buyer doesn't actually own the house until all his payments are made. Disadvantages: The seller doesn't get all his equity right away and the buyer risks losing everything if he is unable to meet his monthly payments.

Older homes are most subject to this type of sale, says Francis Scott Keye, owner of the Jackson-Keye agency in Rockford, Ill. "About 25 percent of the houses between 30 and 50 years old are sold on contract in our area, up from 15 percent about 18 months ago," he says. He explains the insurance firm routing mortgage funds through his agency demands a 50-percent downpayment on homes of that age. "So the buyer prefers to put down 15 percent and buy on contract," he says.

To avoid costly discounts and interest rates encountered in obtaining a new loan, more buyers of older dwellings are taking over existing FHA and GI loans. To do this, they often have to take out a second mortgage, frequently from the owner himself. This practice of assuming the old loan, which may bear a 4½-percent interest rate, is now so prevalent that it has played a major role in cutting his volume of new FHA loans by 50 percent from the pace of a year earlier, reports William E. Terry, president of William E. Terry & Co., Inc., mortgage bankers in Little Rock, Ark. In easier times lenders say, they would be willing to increase the principal of the old loan at the old interest rate.

DISARMAMENT TALKS AT GENEVA

Mr. CLARK. Mr. President, turning to one final matter, and I shall be brief, we all noted with interest yesterday that in Geneva the disarmament conference began. As is its usual custom, that great journal, the New York Times, has printed the texts of the messages and addresses read at the opening of the Geneva disarmament talks.

I ask unanimous consent that the texts of these messages and addresses as they appear in the New York Times on March 16, 1960, may be printed at this point in my comments.

There being no objection, the messages and addresses were ordered to be printed in the RECORD, as follows:

MESSAGE BY MR. KHRUSHCHEV, OF RUSSIA

[Official translation]

On behalf of the Soviet Government and on my own behalf, I extend greetings to the participants of the 10-nation Committee on Disarmament which begins its work in Geneva.

The 10-nation Committee is entrusted with the most important and responsible task—to work out within the briefest possible period practical ways of carrying out general and complete disarmament, thus putting into effect the recommendation of the 14th session of the General Assembly which was unanimously approved by all members of the United Nations. In our days, when weapons of terrible destructive force—atomic and hydrogen bombs and intercontinental missiles—have been created, the question of disarmament has become the major and the most urgent problem of the present time.

The Soviet Union is making every effort to break the deadlock in the disarmament problem. Last September, the Soviet Government submitted for the consideration of the United Nations the proposals on general and complete disarmament which were transmitted for a detailed consideration to the 10-nation Committee.

BEST WAY TO END WARS

It is precisely general and complete disarmament that is the most secure and reliable means of eliminating wars forever from the life of human society. The Soviet Union is fully resolved to carry out general and complete disarmament. It has demonstrated

its desire to back by concrete deeds this determination by the recent decision to further reduce its armed forces by 1,200,000 men, which, in our view, must facilitate the creation of favorable conditions for the negotiations on general and complete disarmament for which you have gathered now in Geneva.

The Soviet Government gave instructions to its representative on the 10-nation Committee to contribute in every possible way to the fruitful work of the Committee, and to strive for the earliest working out of a treaty on general and complete disarmament.

On behalf of the Soviet Government, I would like to express the hope that other participants of the 10-nation Committee will also make their contribution to the practical solution of the problem of general and complete disarmament. The Soviet Government is ready on its part to give attentive consideration to all proposals aimed at the achievement of this goal.

I am sending to the participants of the Committee our wishes for successful and fruitful work for the benefit of the peoples. I am deeply convinced that the day is not far off when the age-long dream of humanity will come true and the world will live without arms and wars.

MESSAGE BY MR. DAG HAMMARSKJOLD, U.N. SECRETARY GENERAL

This is the first occasion since the discussions in the subcommittee of the Disarmament Commission in London in 1957 that negotiations on general disarmament are being resumed by the powers having special responsibility in this field. This time the consideration of the question is being undertaken on the basis of an agreement by the Foreign Ministers of France, the U.S.S.R., the United Kingdom, and the United States to establish the new 10-nation Disarmament Committee and to report the results of its work to the Disarmament Commission of the United Nations.

In creating this new forum as "a useful means of exploring through mutual consultations avenues of possible progress," the four powers explicitly recognized the "ultimate responsibility for disarmament measures rests with the United Nations" and expressed the hope that "the results achieved in these deliberations would provide a useful basis for consideration of disarmament in the United Nations." The Disarmament Commission and the General Assembly have welcomed this new approach to the problem. Your deliberations, therefore, take place with the full endorsement and support of the United Nations.

It is unnecessary to stress here the seriousness and importance of your work. The Charter of the United Nations has made the establishment of a system for the regulation of armaments one of the prime tasks of the international community, and the General Assembly of the United Nations has repeatedly emphasized the need for controlled disarmament, the urgency of which is underlined by each new technological advance in the field of armaments. Members of the United Nations have expressed their deep and growing concern with the military, political, and economic implications of what is so commonly described as the armaments race. It may be taken for granted that all the members of this committee are fully cognizant of the vital interests of all nations and all peoples in the achievement of universal controlled disarmament.

You convene at a time when an acute concern about mankind's prospects has led to unusually intensive international political activity. This, in itself, could be a good augury for your deliberations, for may it not be that this intensified activity, especially at the highest levels, does in fact reflect at least a first step toward that mutual trust which would seem to be indispensable to the realization of this committee's goals. You know, of course, that the hopes of the world are solidly with you, at the same time as you are more fully aware of the formidable complexities of the task confronting you than probably anybody else.

I assure you that everything possible will be done to facilitate the smooth functioning of your work and to provide you with whatever may be required in the way of services and facilities. I have appointed as my personal representative to your committee, Dr. Dragoslav Protitch, and as deputy personal representative, Mr. William Epstein.

I offer my sincere good wishes and earnest hopes for success in your endeavors.

MESSAGE BY MR. FREDERICK M. EATON, OF THE UNITED STATES

I wish to express my thanks, and that of my Government, for the hospitality which is being afforded to us by the Federal Government of Switzerland, by this city, and by the republic and canton of Geneva. We are most grateful to the Secretary General for the facilities made available by the United Nations. It is appropriate that this conference should convene in a country which for so long has been at peace with the world, whose people enjoy those freedoms which we hold sacred.

We share a heavy burden. We must—in the words of the foreign ministers of September last—explore, through mutual consultation, avenues of possible progress for agreements and recommendations on the limitation and reduction of all types of armaments and armed forces under effective international control.

We must patiently address ourselves to the task of designing a workable plan of general disarmament, in a world in which man can live at peace with himself, where freedoms will flourish, secure from the fear of invasion by forces of oppression. A world of peace under law—this is the goal; disarmament—a means of achieving it.

There is, throughout the world, an all-pervasive yearning for security and peace. But peace—merely the absence of armed conflict—is not in itself sufficient. My country could have enjoyed such a peace during the last two wars. It chose, rather, to fight to preserve our freedoms.

These past wars and fear of nuclear war tend to distort our values. We must be ever-mindful that a disarmed world is not necessarily a secure world; a world in which man's way of life shall be of his own choosing, where thought and action and expression shall be determined by each individual, limited only by those minimum restraints necessary for the preservation of those freedoms; a world in which the right of privacy is respected, in which the individual can pursue his own life unhampered by the intervention of the state, a world which venerates the dignity of man.

We must design a plan broad and promising in scope, and yet realistic in conception, a plan which moves by measured safeguarded steps toward an attainable goal, not one which raises false hopes of a sudden and easy solution to one of mankind's oldest problems—the problem of abolishing war among nations, but a plan which will bring to a halt this frightening race to create even more massive means of destruction.

Existing forces and armaments must be gradually but surely reduced, under proper safeguards, until no nation shall possess the power to destroy its neighbors.

Although we have a great distance to travel, the initial steps must not be overly ambitious. For, until there is some greater degree of confidence and experience with arms control, only carefully measured first steps are feasible. From these can come some reduction in the tensions for which the world so anxiously waits.

Effective verification will be required. This is a difficult problem, more difficult for some than others. It has been said that there must be no inspection without commensurate disarmament. Conversely, the security of the world requires that there be no disarmament without commensurate inspection. We must patiently find our way through this difficulty.

Our speed will be determined by the willingness of States to permit verification of fulfillment of their commitments.

We would only deceive ourselves and those millions who are hungering for peace, for relief from the horrors of a possible war, if we were to place our names on some grand, but hollow, design, some ambitious but unenforceable scheme, some unrealistically timed program of disarmament.

INITIAL STEPS NEEDED

Our most urgent task is, therefore, to sort out, to define, and to agree on those initial steps which will bring increased security to each nation, steps which will provide the experience and evidence of performance that are essential to the more far-reaching measures to come.

We must determine those arrangements by which military forces can be limited and reduced.

We must arrange for reduction of armaments as forces are reduced.

We must find means to halt the uninhibited growth of nuclear stockpiles.

We must take immediate action to prevent the extension of the arms race into outer space.

We must develop arrangements to afford greater protection to all states against surprice attack and to lessen the danger of war by accident or miscalculation.

We must agree on measures which will reduce the threat of missile attack.

We must establish an international disarmament organization to supervise and verify the performance of these arrangements.

When these first steps have been agreed, we should then proceed to design those final measures necessary to attain the ultimate goal. National armaments and forces should be radically reduced. The production of weapons of mass destruction should be prohibited, and, so far as scientific knowledge makes verification feasible, we should move toward their final elimination. Offensive military missiles should be brought under control to the end of their elimination from national arsenals.

As arms are reduced, international arrangements must be strengthened for settling difficulties among nations in accordance with the principles of the United Nations Charter. Certain universally accepted rules of law must be established, backed by a universally recognized international court. For, although in the time of those now alive general disarmament may be achieved, differences among nations will remain.

The call to arms has been the historic means of settling such differences.

There must therefore come into being, as national armaments diminish, an international force within the framework of the United Nations to preserve the peace. A force to insure that seeds of conflict not mature to the point where small nations less endowed with the elements of national power, or even large nations, would be threatened by a more powerful and more highly organized state.

The establishment of such a force will be fraught with great difficulties, but how much more difficult and unhappy the alternative, the continuing, mounting diversion of the efforts, energies and lives of men to the production of the means of their own self-destruction.

U.N. CHARTER IS CITED

These problems affect not only the 10 nations assembled here in Geneva, but all of the United Nations. Happily the world is not without a foundation on which to build such indispensable machinery. The United Nations Charter contains this mandate:

"To maintain international peace and security and to that end to take effective collective measures for the prevention and removal of threats to the peace • • • and to bring about • • • adjustment or settlement of international disputes or situations which lead to a breach of the peace."

For the past 14 years, the United Nations has been gathering valuable experience in these fields.

This disarmament committee, comprised of only 10 of the members of the United Nations, cannot finally decide upon matters relating to the improvement of the international peace-keeping machinery of the world community as a whole. It is, however, our task to help identify the kind of international machinery necessary for the settlement of disputes and for the safeguarding of the peace in a disarmed world.

With the reduction of expenditures for armament, ever greater means can be devoted to human welfare and to the further development of those new and growing nations of the world which are so in need of assistance.

While we are engaged here, and until, hopefully, the agreements which we shall set down are implemented, my country will continue to maintain the strength necessary to assure its security and to meet its commitments to the world. Past experience has taught us the tragic lesson that to relax prematurely, to permit an imbalance of military power, is not conducive to disarmament and to the just and secure peace which we seek.

Eternal vigilance is the price of liberty, our most precious possession. We shall not let our liberties erode, nor shall we bargain them away. We shall proceed carefully, lest in the course of our quest, we lose those freedoms which we cherish more deeply than our lives.

The United States is conscious of its responsibility to the peoples of the world who share the common hope that in our day the course of events can be turned in the direction of peace. Those assembled here have the opportunity to contribute to the fulfillment of this hope. If each is faithful to this task, measures of far-reaching consequences can be taken toward attaining the goal of a secure, free and peaceful world in which there shall be general disarmament under effective international control.

MESSAGE BY MR. VALERIAN A. ZORIN, OF THE SOVIET UNION

(Official translation)

Please permit me on behalf of the Soviet delegation first of all to express our gratitude to the Swiss Government and to the authorities of the Canton and the city of Geneva who made it possible for us to hold meetings of the committee in Geneva.

The Soviet delegation extends sincere greetings to the representatives of all countries gathered at this conference of the 10-nation Committee on Disarmament.

We note with satisfaction also the presence at the opening meeting of our committee of Mr. Padilla Nervo, the Chairman of the United Nations Disarmament Commission, whose statement shows that a great importance is attached to our work by that commission.

Our committee is faced with a task of tremendous historical importance—to work out an agreement on the implementation of general and complete disarmament under international control. This task follows from the resolution unanimously adopted by the 14th session of the General Assembly, which recognized that the question of general and complete disarmament "is the most important one facing the world today" and which called upon the governments of all countries to make every effort for the earliest achievement of a "constructive solution of this problem."

RADICAL SOLUTION URGED

Only such a radical solution of the disarmament problem can deliver nations from the threat of nuclear-rocket war with its unprecedented grim consequences for mankind, create firm guarantees for the security of all states, big and small. Under the conditions of general disarmament, development of peaceful relations between states will be insured fully and for all time and any possibility of some states resorting to force against other states will be ruled out.

General and complete disarmament corresponds to the interests of all states, it places all states into equal position. It will make it possible to overcome also those difficulties in solving the question of control which invariably appeared when attempts were made to partially solve the disarmament problem. General and complete disarmament will provide a possibility to switch huge material and human resources from producing weapons of death and destruction to satisfying peaceful requirements of people. It will make it possible to render assistance to less developed countries on such a scale that will insure an early liquidation of their age-old economic backwardness.

These considerations have been put in the basis of the proposal on general and complete disarmament, now known to the entire world, by three stages within 4 years which was submitted on September 18, 1959, on behalf of the Soviet Union by the chairman of the U.S.S.R. Council of Ministers N. S. Khrushchev at the 14th session of the United Nations General Assembly.

The Soviet Government and the entire Soviet people are firmly convinced of the necessity and feasibility of this program of general and complete disarmament. The idea of general and complete disarmament is finding an ever-growing support in the whole world. As it has been recently stated in the declaration of member states of the Warsaw Treaty, the proposal on disarmament put forth by the Soviet Government expresses the common stand of all socialist countries.

NATIONS' SUPPORT

The Governments of India, Indonesia, Burma, and Afghanistan came out with a high appreciation and support of the Soviet proposals on general and complete disarmament. This is testified to by joint statements of these countries and of the Soviet Union made public in connection with the recent visit of the head of the Soviet Government to these countries. General and complete disarmament is supported by the overwhelming majority of the population of all continents of the globe, of all states.

The Soviet Government is doing its utmost on its part so that the program of general and complete disarmament be put into practice within the briefest period. Reducing its army by 1,200,000 men unilaterally, without waiting for an international agreement on general and complete disarmament, the Soviet Union is making every effort in order to facilitate and to bring closer the attainment of such an agreement.

We are certainly aware of the fact that difficulties also may arise on the way to the solution of the disarmament problem. There still exists forces in the world which offer stubborn resistance to the genuine disarmament. Without venturing to openly come out now against general and complete disarmament, they are trying to sidestep the practical solution of this problem. Instead of agreeing on concrete measures on the implementation of general and complete disarmament within an established time limit they, for instance, are putting forward the task of a prolonged study of various technical problems and forms of control over armaments, as well as of measures of the so-called insuring of the security of states, leaving the practical solution of the question of general disarmament for an indefinitely far-off future.

These circles are not only trying to prevent the implementation of general and complete disarmament but are taking steps for further intensification of the arms race. Is it not testified to by such steps as preparation for the establishment of a joint nuclear force of the NATO military bloc, arrangements for the deployment of the F.R.G. [Federal Republic of Germany] military bases on the territory of Spain and of a number of other states, and a persistent desire to evade complete cessation of all nuclear weapons tests despite the general demand by the peoples of all countries to stop such tests for all time?

What will be the trend of future developments of events? Will the world be a witness to the continuation of an unbridled race of nuclear-rocket armaments and the further growing of the threat of war with the use of the weapons of mass destruction, or will an agreement on general and complete disarmament, that is an agreement on complete destruction of all instruments and means of war, be worked out and concluded?

SOVIET PROPOSAL BACKED

The Soviet delegation believes that in the interests of securing a stable peace and peaceful coexistence of states the 10-nation committee should promptly proceed to the practical realization of the decision of General Assembly which approved the idea of general and complete disarmament and transmitted the Soviet proposal on this question to the committee for a detailed consideration. In the course of this consideration a treaty on general and complete disarmament should be, in our view, worked out and, first of all, an understanding should be reached on basic provisions of this treaty.

In this light the Soviet delegation will determine its attitude toward all proposals on the disarmament questions which may be submitted for the consideration of the committee by other delegations.

As to the proposal which, as already announced, our Western partners intend to put forward and which certain delegates have referred to today, our first impression is that these proposals are measures for the carrying out of general and complete disarmament, and the approach itself to this problem puts in question its practical solution.

COOPERATION EXPECTED

We count on a businesslike cooperation of all delegations in the constructive solution of the task of working out an agreement on general and complete disarmament of states facing us. The Soviet delegation, on its part, is ready to consider all additions and amendments to the Soviet program of general and complete disarmament as well as other possible proposals which will be aimed at practical solution of this lofty and noble task.

As said in today's message of greetings by N. S. Khrushchev, the Soviet Government gave instructions to the Soviet delegation "to contribute in every possible way to the fruitful work of the committee, and to strive for the earliest working out of a treaty on general and complete disarmament." The Soviet delegation will strictly adhere to these instructions.

The peoples await from the work of our committee a practical solution of the questions of general and complete disarmament. This places a great responsibility upon us and we must make every effort to justify the hopes of the peoples.

Mr. CLARK. Mr. President, I should like to call the attention of my colleagues to the strong statement made by our representative at Geneva, Mr. Eaton, in

which he made abundantly clear the four points of policy of the United States of America in connection with disarmament, with which I find myself in complete accord.

First, that we are in favor of the rule of law, and for a world of peace under world law; and that we are for a strengthened World Court.

Second, that we are in favor of an international disarmament organization supervising and verifying any disarmament agreement entered into.

Third, that we favor, through the United Nations, an international force to police world law to assure us that world law will be enforced.

Fourth, that we are in favor of using some of the savings from disarmament to help the plight of underdeveloped nations.

I am also in accord with Mr. Eaton in his strong statement that we must keep our defenses up and keep them strong until a workable disarmament agreement becomes effective, and further that we must insist on inspection and control in any disarmament agreement entered into.

I notice there seems to be a difference in procedure as between the Soviet Union and ourselves with respect to how we shall reach a disarmament agreement. Russia wants to start from the top down and have disarmament agreed to as a matter of principle, and then to work out the implementation of details. We want things started from the bottom up, with small steps which will eventually lead toward complete disarmament. Those are differences in procedure, and not in substance. I am hopeful, therefore, as to what may come out of Geneva.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, is morning business concluded?

The PRESIDING OFFICER. The Chair desires to make a statement.

May we have quiet at the desk.

The Senator now acting as Presiding Officer, speaking as a Member of the Senate, wishes to state, first, that the Chair is not trying to assess blame with reference to the matter concerning the experience of the Senator from Georgia yesterday, because the Senator from Mississippi is not cognizant of all the facts. At the same time, the Senator from Mississippi wishes to commend the Senator from Georgia for bringing this matter to the attention of the Senate; for relating his experience, giving his understanding of the rule, and asking for a ruling from the Chair as to what procedure was going to be followed today, and the Chair assumes every day.

The Chair wishes to make this comment: The situation was so very bad with reference to order, or the lack of order, in the Senate, and the problem relating to a Presiding Officer, that approximately a year ago the Senator from Mississippi proposed that something must be done about it. The Senator from Mississippi made clear, as is done now, that the office of the Vice President has certainly outgrown any concept that the Vice President should remain in the Senate all the time to preside; and certainly work of the President pro tempore of the Senate, as chairman of the Committee on Appropriations, precludes any concept that he should always be in the Chamber to preside. Therefore, the Senate is left to shift and chance as to a Presiding Officer.

Due to the pressure of work it has fallen to the lot of the newer Members of the Senate, without experience, to "put in time," so to speak, in the Chair. As a whole, the newer Members of the Senate have certainly done well, but it is not fair to call on them to preside.

The Senator from Mississippi proposed, at the previous time, to get something definite before the Senate, that the Senate employ an assistant Presiding Officer, a Senator versed in parliamentary law and in the Rules of the Senate. As an alternative, the Senator from Mississippi suggested informally that some Senators of experience should be selected—perhaps 6 or 8—who should be asked to divide the time among themselves.

The Senator from Mississippi reiterates those remarks today. The tone of the Senate debate and the behavior in the Senate can seldom rise above the level and the tone set by the Presiding Officer. That is stated after years of responsibility while presiding in court.

For an illustration, the Senator from Mississippi noticed the other day, when the vote came on the cloture motion, that there were approximately 165 people on the floor of the Senate who were not Members of the Senate. That is an amazing situation, where the 100 Members of the Senate have sat and let a situation such as that grow up without doing anything about it.

The general deterioration on the floor of the Senate, if that term can be used, is not the blame of any one person, but we have a collective responsibility. We certainly must do something about it if we expect to retain the respect of the American people.

It should also be said that the matter of having a list of speakers is not the fault of the majority leader or of the minority leader or of anyone else. That practice grows up, in a way. It is convenient, also. However, there is nothing which can happen along that line which can change the rules of the Senate or preclude a Member from getting recognition. It makes no difference whether the Member has been in the Senate a great number of years, as has the Senator from Georgia, or whether he came to the Senate yesterday; each Member is a Senator of the United States. A new Member ought not to try to run the Senate alone, but he ought to assert his rights and to represent his State. A very wise man in the Senate told me that when I first came to the Senate. He is still a Member of the Senate. He is the Senator from Georgia, who has spoken.

The Senator told me, "You are the newest Member of the Senate, but you are a full-fledged Member." Former Senator Barkley was then the leader. The Senator said, "Now, Senator Barkley is floor leader, but still he is only a Member of the Senate. You have rights and responsibilities in the Senate comparable to those of any other Member."

That was a very fine lesson. The Chair is not aware as to whether the newcomers to the Senate are now told such things, or whether that is emphasized, but the Chair thinks it ought to be.

The Chair will close by saying that the Chair is certainly not trying to assess anything in regard to who, if anyone, is to blame about the situation yesterday, because the Chair does not know the facts. However, the Chair feels very strongly that the Senate has to discipline itself. It must do so. Otherwise, we shall continue to detract greatly from the term we apply to the Senate, "the greatest deliberative body in the world." The Chair does not know whether too many others apply that term to the Senate or not any more.

Mr. DOUGLAS. Mr. President, I rise as a matter of personal privilege.

Mr. MANSFIELD. Mr. President——

Mr. DIRKSEN. Mr. President——

Mr. DOUGLAS. Mr. President, I rise to a point of personal privilege.

The PRESIDING OFFICER. The senior Senator from Illinois has been seeking recognition. The Chair recognizes the senior Senator from Illinois.

Mr. DOUGLAS. Mr. President, I was not able to be on the floor when the senior Senator from Georgia made his remarks a few minutes ago. Though I have sent for the text of his statement, apparently it has not yet been transcribed, and I must speak, therefore, with only a general impression as to what the Senator said.

I understand that the Senator from Georgia raised certain questions as to the legitimacy of my being recognized yesterday afternoon. The account regarding that time is contained on page 5578 of the CONGRESSIONAL RECORD. I made a full and truthful statement of the circumstances attending my request for recognition. I shall repeat them now.

Due to the kindness of the Senator from Georgia, I have in my possession now the much disputed sheet of paper which I should like to have photostated and made a matter of public record.

The circumstances are these: Desiring to have the discussion in the Senate crystallized on the measure before us, the so-called civil rights measure, at about 12:20 p.m. I approached the then Presiding Officer, the junior Senator from Wyoming [Mr. McGEE] and asked that I be recognized at the conclusion of the morning hour. I did not see any sheet of paper at that time on the desk of the Presiding Officer.

The junior Senator from Wyoming, then acting as Presiding Officer, said that at the conclusion of the morning hour he would not be in the chair, but that the junior Senator from Ohio [Mr. YOUNG] would be in the chair.

I found the junior Senator from Ohio approximately 5 or 10 minutes later, and somewhere between 12:25 and 12:30 I approached the junior Senator from Ohio

and asked him if he was to be in the chair at the conclusion of the morning hour, and I asked that I might be recognized at that time.

The junior Senator from Ohio assented, and said he would recognize me. When he assumed the chair, shortly before the termination of the morning hour, I went to him and reminded him of our conversation. At that time I saw this sheet of paper, which was then on his desk. I then added my name, in my own handwriting, on the lower right-hand side of the sheet, as follows:

I spoke to Senator YOUNG asking recognition at about 12:30.

(Signed) P. H. DOUGLAS.

It is news to me that any other insertions of my name had been added to this sheet. I find that my name appears four times on the sheet, in addition to my signature; but I certainly did not write any of those names, and any handwriting expert can tell that I did not, because the other versions of my name are legible, whereas my own handwriting is extremely illegible. It can be seen that the one on the lower right, and not the others, is the real McCoy.

Members of the Senate will remember that at the conclusion of the morning hour both the Senator from Arizona [Mr. GOLDWATER] and I sought recognition from the Chair. The RECORD will show that I was recognized by the Chair. This is shown on page 5570 of the RECORD. The Presiding Officer stated, as shown in the third column:

The Senator from Illinois is recognized.

Immediately after I was recognized the Senator from Virginia [Mr. BYRD] asked me to yield for an insertion in the RECORD, which I did, with the understanding that I would not lose my right to the floor. I am sure that this request by the Senator from Virginia was made in perfect good faith; but immediately after he had made his insertion in the RECORD the Senator from Arizona sought recognition, and this time he was granted recognition and I was taken off my feet.

I made a brief statement of the facts at that time, and protested as politely as I could, that after I had been recognized the recognition had been canceled and the Senator from Arizona was recognized instead.

I thought then that when the Senator from Arizona had finished his speech I would be recognized, so I rose, and the Senator from Georgia [Mr. RUSSELL] also rose. The Presiding Officer, the junior Senator from Ohio [Mr. YOUNG] recognized me, stating that he heard my voice first. He also said that it happened that my name was first on the list. Let me say that I did not put my name first on the list. The only record I made of my name was in the lower right-hand corner.

As I have said, I am laboring at some disadvantage because I did not know the precise charges, if any, which the Senator from Georgia made with respect to me. I simply say that I proceeded in good faith. I believe that the Presiding Officer should certainly not be censured, because, as I believe Members of the Senate have been reminded, the salient rule on this point is in the first section of rule XIX, which reads as follows:

When a Senator desires to speak, he shall rise and address the Presiding Officer, and shall not proceed until he is recognized, and the Presiding Officer shall recognize the Senator who shall first address him.

Obviously the Presiding Officer stated—and stated correctly—that he heard my voice first, and therefore he was following rule XIX when he recognized me.

I know that passions run high in these debates. I have great respect for the senior Senator from Georgia. I think he is in many ways a great American, and I believe that his services on the Armed Services Committee are beyond praise. So I do not wish to disparage him in the slightest. I am sure that he also feels that he is one of 100 Members of the Senate; and while he has a deserved reputation among us because of his character and ability, I am sure that he would not say that he was privileged under rule XIX to obtain recognition prior to some other Senator if the other Member of the Senate rose first, and first caught the eye or the ear of the Presiding Officer.

I had no intention of being disrespectful to the Senator from Georgia in claiming the right to the floor. I thought it was mine by right; and, having lost it once an hour or so before that time, I was perhaps somewhat wary about losing it again, which technically could have happened had I yielded to the Senator from Georgia.

I think that is as full a statement as I can make at the present time, in the absence of the statement of the Senator from Georgia.

I shall be glad to answer any questions the Senator from Georgia or any other Member of the Senate, or the Presiding Officer, wishes to address to me.

Mr. DIRKSEN. Mr. President——

Mr. DOUGLAS. Mr. President, I am ready to answer any questions on this subject which any Member of the Senate may address to me. If there are no questions, I will take my seat.

The PRESIDING OFFICER. Does the junior Senator from Illinois desire recognition?

Mr. DIRKSEN. Yes.

The PRESIDING OFFICER. The junior Senator from Illinois is recognized.

Mr. DIRKSEN. Mr. President, I wish to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DIRKSEN. Is the Senate still in the morning hour?

The PRESIDING OFFICER. There was no unanimous consent request for a 3-minute limitation, as is usual. The Senate is in the official morning hour, the Senate having adjourned yesterday.

Mr. DIRKSEN. Mr. President, in the light of the observations made by the distinguished occupant of the chair, and in view of the long colloquy which took place, I humbly and respectfully suggest, for the guidance of Senators who may hereafter occupy the chair of the Presiding Officer, that if there is a list on the desk, the list should be numbered.

I make the further suggestion that there might very well be a numbered list each day, so that one Senator could not displace another, if it is the intent of the Senate to follow a list. I recognize the practicalities of the situation, and the inconvenience which sometimes results when a Senator cannot obtain recognition. Other occupants of the chair may find it convenient to have a list showing the order in which Senators have indicated their intention to seek recognition.

The PRESIDING OFFICER. The present occupant of the chair would certainly say to the Senator from Illinois that if there is to be any kind of list, he has made a very practical suggestion, and the present occupant of the chair will make note of it on the list before him, so that if any use is to be made of it, there will be some regularity to it. May we have quiet, please? The Senate will be in order.

Mr. DOUGLAS. Mr. President, may I be heard?

The PRESIDING OFFICER. First I believe it should be stated further that the Parliamentarian advises the Chair that this speaker list custom is something that has grown up fairly recently; that before that, as a convenience to Senators, after a bill had been under long debate and the debate was coming to an end, the custom followed of having a list, as a matter of arranging the time.

Such a procedure is not binding on any Presiding Officer, either on the present occupant of the chair or on any other Senator, unless there is unanimous consent given with respect to it. The present occupant of the chair has called the majority leader's office, at times, and has asked to be put on the list. A Senator is almost compelled to do that in self-defense, because if the list custom is not followed, he might have to stay here all day.

The Senator from Illinois [Mr. DIRKSEN] has made a very good suggestion. The fact that the present occupant of the chair would approve of it is no indication that it will be followed.

Mr. DOUGLAS. I should like to make a comment, if I may, upon the suggestion of my colleague from Illinois. I believe this matter should be referred to the Committee on Rules and Administration, because this is a technical matter involving the conduct of the Senate. I can see certain advantages in the proposal of my colleague from Illinois. I can also see certain disadvantages, in that it might lead Senators to claim the right to speak days and weeks ahead.

I suggest, if it is in order, that this would be an excellent subject to be referred to the Committee on Rules and Administration to consider, and if my colleague wishes to make a motion to that effect, I would be willing to be a cosponsor of it with him.

Mr. DIRKSEN. Earlier in the morning we had considerable colloquy on this whole subject, and I undertook to make

the suggestion that I would confer with the majority leader about it, and that we might confer with the Presiding Officer before it was formalized and sent to the Committee on Rules and Administration.

Mr. DOUGLAS. I have great respect for the distinguished minority leader, and I also have great respect for the distinguished majority leader. However, if I may respectfully suggest, this is not a matter for adjustment between the two leaders; it is instead a matter for the Senate itself to decide, and the proper body is that charged with primary jurisdiction over the rules of the Senate.

Therefore, if my colleague, the junior Senator from Illinois wishes to submit a motion for consideration of the subject by the Committee on Rules and Administration, I would be glad to serve as a cosponsor. However, I do not wish to be understood as necessarily saying that a written list must control, because I can see very grave difficulties connected with such a custom.

I feel guiltless in this matter, Mr. President. I do not feel guilty at all. The Presiding Officers were not at all at fault. I regret that the Senator from Georgia has had his feelings ruffled. If I can in any way make amends to him. I shall be very glad to do so, although I have no feeling of having injured the Senator. But I will say—although he may not care to receive these assurances—that if I can be especially considerate to him in other ways I shall be glad to do so.

I now ask to have this letter photostated and made a part of the official Record of the Senate, with a copy given to the Senator from Georgia, one to me, and other copies to the two Presiding Officers, but that the original, together with one copy, be made a part of the archives of the Senate, in the custody of the Secretary of the Senate or the appropriate official.

The PRESIDING OFFICER. Is there objection?

Mr. RUSSELL. I do not at this time wish to object to the request, but I wonder what the significance of it is inasmuch as the Chair has ruled, as I understand, that the list has no significance and that the Senator who first addresses the Chair should be recognized. Therefore, I do not see why so much importance should be attached to the list. Are we to go back to the list after the Chair has ruled that the Senator who first addresses the Chair shall be recognized? In that case I would notify the Senator from New York [Mr. KEATING] that his name is also on the list.

All I have asked this morning is that we have some definite plan of proceeding, whereby a Senator can know that by clamoring for recognition and addressing the Chair first he will be recognized, or that a list is to be followed. It ought to be one way or the other. I have been caught out both ways.

The Chair has declined to recognize me when I was the first Senator to seek recognition because the Presiding Officer was following a list. Yesterday, the Chair said the list was of no particular significance, although the name of the Senator from Illinois [Mr. DOUGLAS] was first there, and that he saw the Senator from Illinois first. We ought to follow a regular procedure with respect to recognizing Members of the Senate.

I should like to say to the Senator from Illinois [Mr. DOUGLAS] that if he had done me the respect of reading my remarks, he would have found that I said I did not think I was entitled to any unusual recognition. I stated that I have always tried to conduct myself as a humble Senator, and that the newest Member of the Senate has as much right as any other Senator to be recognized if he rises and addresses the Chair. I demand that we have some uniformity of procedure.

Mr. DOUGLAS. Mr. President, the Senator from Georgia implicitly accuses me of not having respect for him by saying that if I had respect for him I would have read his remarks. The first thing I did when I came into the Chamber was to send for his remarks. The Official Reporter at that time did not have them ready. Since then they have been sent to my desk. Apparently the salient portion of the Senator's remarks has just reached me, in this very last minute.

I heard that the Senator from Georgia was speaking on this subject. However, I had some extremely pressing business to attend to in my office from which I could not disengage myself. I came to the Chamber at the first opportunity I could possibly find. My associate, Mr. McCULLOCH, told me that a dangling doubt had been left by the remarks of the Senator from Georgia as to whether I had written my name above the name of the Senator from Georgia. I came immediately to the floor. I now want to say here and now that I did not write my name above the name of the Senator from Georgia. I did not write my name on any portion of this sheet except this memorandum on the lower right-hand side, which fortunately I had foresight enough to put on it to indicate that I had asked the junior Senator from Ohio [Mr. YOUNG] at approximately 12:30 that he recognize me when I rose after the morning hour.

I do not know whether any further reply is needed. I am hastily going over the remarks of the Senator from Georgia as I speak, and I find on one of the pages of the stenographic transcript the remarks of the Senator from Georgia as follows:

> Mr. President, I came to the Senate at a time when Senators tried to treat one another as gentlemen. I have not entirely abandoned that habit. I went to the Senator from Illinois [Mr. DOUGLAS] on Monday and told him that if I could get recognition, I intended to refer to some statistics he had offered for the RECORD, a week or more ago, with relation to crime. I went to him later in the afternoon and told him it was pretty evident that I could not be recognized because I had not been playing the "list game" on Monday, but that I hoped to be recognized on Tuesday as soon as possible after the morning hour.

The Senator from Georgia did come to me, but I cannot remember that he said he wanted to be recognized as soon as possible after the morning hour. Although I knew he was planning to speak some time on Tuesday, I do not remember the Senator from Georgia telling me that he would seek recognition as soon as possible after the morning hour.

Mr. RUSSELL. I said as soon as I could be recognized. I do remember that I made specific reference to the morning hour. I said I would like to be recognized as soon as possible by the Chair.

Mr. DOUGLAS. Then the Senator from Georgia said:

> So the Senator from Illinois had full knowledge, at least, that I would seek recognition.

Mr. President, I knew that this matter would be brought up at some time during the day, and I made some preparation to reply to the statement which I understood the Senator from Georgia intended to make, because he had discussed that with me.

The Senator from Georgia also said, a few minutes ago:

> But I fear that the fact that I have endeavored to be humble here has led some persons to believe they can take advantage of me.

I never would take advantage of the Senator from Georgia. I do not think I have done so in the present instance. I shall be extremely careful not to do so in the future. I do not think I am at fault, but I shall move with extreme caution in the future not to give offense to the Senator from Georgia.

I am very glad that he has said that we are all Members of the U.S. Senate and that we have equal rights—and, I may say, equal responsibilities, as well. I sometimes have felt that I have been discriminated against in the Senate. I have, however, never openly complained about this; I do not intend to do so. I shall try to bear with dignity and with gentlemanliness whatever slights may be imposed.

Mr. President, if there is to be no further discussion on this subject, I shall be glad to yield the floor; or I shall be glad to try to answer any further questions which any Senator may have.

The PRESIDING OFFICER. There seems to be no further question.

Mr. RUSSELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia ask for the floor?

Mr. RUSSELL. I ask for the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. RUSSELL. Mr. President, I desire to clarify one statement which the Senator from Illinois has made with respect to the timing of his efforts to get his name on the list. I had no reason to expect any difficulty about it. Therefore, I didn't consult either my watch or the Senate clock to see whether it was 12:20 or 12:25 when I placed my name on the list. It was during the morning hour when I approached the desk and asked if a list was being followed. I was told that such a list was being followed. The list was handed down from the chair. Whatever time it was, I wrote my name underneath the statement about the Senator from Arizona. There was nothing on the list at that time to indicate that the Senator from Illinois [Mr. DOUGLAS] was seeking recognition. I cannot say whether it was before or after the 12:20 or 12:25 conference which the Senator from Illinois remembered so definitely at the time. Even if I had looked at the clock, I would not have paid any attention to it, because I did not think that was necessary. But I did pursue, as diligently as I knew how, my efforts to be recognized. Having twice failed of recognition because I was not on the list, I felt put upon to find the names of other Senators added to the list, and then to find that the rules had changed and the Chair had gone back to rule XIX to recognize Senators under the theory that the Senator who first rises has the floor.

I think this is a perfectly legitimate complaint. I have no apology to make to anyone for having made it.

Mr. MANSFIELD. Mr. President, is morning business concluded?

The PRESIDING OFFICER. Is there further morning business? The Chair is not enforcing the 3-minute rule today because there was no unanimous-consent request for a 3-minute limitation on speeches. The Senate has been operating under rule VII, which provides for a 2-hour period for morning business, which now lacks 2 minutes of completion.

Mr. CASE of South Dakota. Mr. President, I ask unanimous consent that since a 3-minute limitation has not been requested, the morning hour be extended to accommodate Senators who are on their feet, and that there be a limitation of at least 3 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

RESIGNATION OF THOMAS G. LANPHIER FROM CONVAIR CORP.

Mr. CASE of South Dakota. Mr. President, some days ago the press contained a statement that Mr. Thomas G. Lanphier, a vice president of the Convair Division of General Dynamics, maker of the Atlas ICBM, had resigned from his post in order to devote his time to what he termed the "defense crisis" or the "missile lag" in this country.

In commenting on his action, I said that I thought his position would be improved before the country, in pursuing his crusade, if it were also made clear that he had no stock interest in any company which was seeking to sell its wares to the Department of Defense.

Yesterday afternoon Mr. Lanphier called me to say he had, as of that date, completely severed his connection with Convair, and that he had no stock interest in General Dynamics or in any other company engaged in defense business.

He further stated that while it was true that he had had some rights for an extension of income into the future he had asked the company to calculate it as of now and that he be completely paid up, so that from this time forward he would have no pecuniary interests in the profits of the company.

Mr. President, I am glad to make this statement for the RECORD. As I said when I commented on this matter earlier—it is Mr. Lanphier's right to crusade for more missiles if he wishes to do so. But his position will be better now that it is clear he is not seeking to drum up business for some company in which he might be interested.

APPEAL TO REASON

Mr. JAVITS. Mr. President, at this time I wish to submit for the RECORD some material under the general title of "Appeal to Reason." In connection with this material, I make the following statement:

Mr. President, at a time of crisis and tension in racial relations in certain of the Southern States, I believe all Americans should welcome the traditional, reasonable American "appeal to reason." This is eloquently set forth in an editorial published on Saturday, March 12, 1960, in the Atlanta Constitution. The editorial comments at one and the same time on a full-page newspaper advertisement entitled "An Appeal for Human Rights," signed by the student bodies of six affiliated institutions which form the Atlanta, Ga., University Center, and on a manifesto on the same subject, issued by 134 Atlanta area ministers of religion. The editorial is entitled "Ministers Reaffirm Appeal to Reason."

Mr. President, no American can condone breaches of law or public order, nor can any American condone denial of the rights of free speech and free assembly. Yet, Mr. President, problems of law enforcement under these circumstances become so complex that an understanding of the deeper reasons for what is taking place becomes essential for all of us. A window upon this tense situation is opened for us by the manifesto of the Negro students and the manifesto of the ministers of religion and the editorial. The deep grievances which are disclosed, which appear intolerable to the students, constitute a clear bill of particulars to the community, and to the Nation as a whole, as to the present trouble. The Atlanta Constitution editorial and the ministers' manifesto indicate a means of release through open communications, without any suggestion of breaches of public order.

Mr. President, for those of us who serve here in the Senate, these events are also very important, for they demonstrate that what we would do, we should do promptly; that such law as we enact should not be permitted to be outrun by events, but should be enacted and put into effect when it may yet provide a means for the assertion of fundamental rights, without the danger of a deterioration of public order.

I hope very much that the Senate will be instructed by these events and will pass as promptly and as decisively as possible a bill that it is within the will of the majority of the Senate to pass.

Mr. President, it is my view that such a bill should effectively assure, without discrimination, the voting right to all Americans qualified under State law; that the bill should give aid and recognition to school districts which seek to desegregate; that the bill should give a statutory basis to the Government Contracts Committee; and that the bill should also include antibombing provisions and provisions in regard to the schooling to be provided for children of military personnel.

Mr. President, let me also state that I have long been convinced that in connection with civil injunction actions in civil rights cases, broader authority should be provided the Attorney General.

Obviously, Mr. President, regardless of what may be my views in this field, under the Constitution the majority of the Senate can take action and should take action, and should do so as promptly as possible.

Mr. President, I ask unanimous consent that the three documents to which I have referred, namely, the editorial published in the Atlanta Constitution; the news article from the Atlanta Constitution, about the ministers' declaration; and the advertisement by the college students, be printed at this point in the RECORD, in connection with my remarks.

There being no objection, the editorial, the article, and the advertisement were ordered to be printed in the RECORD, as follows:

[From the Atlanta Constitution, Mar. 12, 1960]

MINISTERS REAFFIRM APPEAL TO REASON

Once again a large group of Atlanta area ministers have issued a forthright and inspiring appeal for sanity and reasonableness in this period of racial tensions during which so many intemperate words are being spoken.

The 134 ministers also reaffirmed their belief in the principles of the earlier manifesto, including its six main points appealing for upholding freedom of speech, obedience to law, preservation of public schools, tolerance, and open communications between the races. They called also for prayer asking divine guidance in solving the conflict between local customs and law.

The ministers have performed a service, too, in upholding the method by which a group of Negro college students expressed their aspirations through an advertisement published in the newspapers. This statement, the ministers declared, "presented the case for our Negro citizens with dignity and restraint."

Certainly the right of self-expression and freedom of speech cannot be denied one group without running the risk of denying these rights to all. Demagogic and bitter attacks on those who exercise those rights, on their patriotism, motives, and sincerity borders on attempts at thought control which is alien to all basic principles of American democracy.

"We believe that careful study reveals that the appeal is not based on an alien point of view," the ministers declared, "but upon the spirit of our Constitution and upon the teachings of the Hebrew prophets and of Christ." Surely it is better than some of the ill-advised demonstrations of the past few weeks which have produced negative results.

As we have witnessed the deterioration of race relations in other communities, the loss of communications between them and the destructive work of extremists on both sides, the challenge to people of good will in Atlanta and Georgia becomes all the more imperative. The way of violence and hatred will benefit no one but could lead to scars which would require many decades to heal. There are enough intelligent people of good will to prevent its happening here.

These ministers again have performed a public service in line with Christian principles. All of us must think clearly on this

emotionally charged controversy which cannot be solved through extremism, hate, and fear.

There is every argument on the side of commonsense and reason. "Dignity and restraint" should be the rule.

[From the Atlanta Constitution, Mar. 11, 1960]

ONE HUNDRED AND THIRTY-FOUR PASTORS ASK 2 DAYS OF RACIAL PEACE PRAYERS

One hundred and thirty-four Atlanta ministers have issued a "call to prayer" throughout Georgia for divine guidance in solving the conflict between local custom and law, and Federal law on school segregation.

The ministers, all signers of the second "Atlanta minister's manifesto," urged that Saturday and Sunday, March 26 and 27, be observed as days of special prayer in all churches and synagogues in Georgia.

Members of all churches were asked to join on those days in earnest supplication for divine guidance and mercy to the end that we may solve our problems aright.

The pastors said the gravest problem currently facing Georgia is the question of public schools.

"We remind ourselves and all of the citizens of our State that the issues before us are too great for mere human wisdom," the ministers said.

"It is our faith, however, that divine wisdom and strength are available for those who seek them in sincerity and in willingness to be guided. In that faith we would dedicate ourselves and summon the people of our State to earnest and continuing prayer."

The ministers also expressed their confidence in the integrity of the general assembly's committee on schools, but asked that the committee increase its effort to be scrupulously fair in hearing those who testify, and objective in considering and reporting the views of all our citizens.

Said the recent "Appeal for Human Rights" by Atlanta Negro college students in newspaper advertisements presented the case for our Negro citizens with dignity and with restraint."

"We believe that careful study reveals that the appeal is not based upon an alien point of view, but upon the spirit of our Constitution, and upon the teachings of the Hebrew prophets and of Christ."

Governor Vandiver said Wednesday that the Negro students' appeal was a left-wing statement calculated to breed dissatisfaction, discontent, discord, and evil.

The 134 ministers met Thursday at the Second Ponce de Leon Baptist Church. It was the first large-scale meeting of signers of the manifesto. There were 312 ministers signing the manifesto. A spokesman said all of the 312 who still live in the city who could be reached were invited to the meeting Thursday.

The group also reaffirmed the principles of the manifesto which we signed more than a year ago, and we would appeal for the application of these principles today, earnestly believing that—

"1. Freedom of speech must at all costs be preserved.

"2. As Americans and as men of faith, we have an obligation to obey the law.

"3. The public school system must not be destroyed.

"4. Hatred and scorn for those of another race, or for those who hold a position different from our own can never be justified.

"5. Communication between responsible leaders of the races must be maintained.

"6. Our difficulties cannot be solved in our own strength or in human wisdom."

The ministers said they are convinced that through calm and judicious consideration, progress can be made in improving the lot of all Georgians.

"In this connection, we would express our primary and immediate concern with the question of our public schools in Georgia," they said in their statement.

"Let us pray for the study committee, for our Governor, for the legislature, and for all in authority over us, that they may be enabled to lead us aright," their statement concluded.

"Let us pray for ourselves and for our people as a whole, that we may be kept free from bitterness and from strife, and that in all our affairs we may be increasingly enabled to do justice, to have mercy, and to walk humbly with our God."

AN APPEAL FOR HUMAN RIGHTS

We, the students of the six affiliated institutions forming the Atlanta University Center—Clark, Morehouse, Morris Brown, and Spelman Colleges, Atlanta University, and the Interdenominational Theological Center—have joined our hearts, minds, and bodies in the cause of gaining those rights which are inherently ours as members of the human race and as citizens of these United States.

We pledge our unqualified support to those students in this Nation who have recently been engaged in the significant movement to secure certain long-awaited rights and privileges. This protest, like the bus boycott in Montgomery, has shocked many people throughout the world. Why? Because they had not quite realized the unanimity of spirit and purpose which motivates the thinking and action of the great majority of the Negro people. The students who instigate and participate in these sitdown protests are dissatified, not only with the existing conditions, but with the snail-like speed at which they are being ameliorated. Every normal human being wants to walk the earth with dignity and abhors any and all proscriptions placed upon him because of race or color. In essence, this is the meaning of the sitdown protests that are sweeping this Nation today.

We do not intend to wait placidly for those rights which are already legally and morally ours to be meted out to us one at a time. Today's youth will not sit by submissively, while being denied all of the rights, privileges, and joys of life. We want to state clearly and unequivocally that we cannot tolerate, in a nation professing democracy and among people professing Christianity, the discriminatory conditions under which the Negro is living today in Atlanta, Ga.—supposedly one of the most progressive cities in the South.

Among the inequalities and injustices in Atlanta and in Georgia against which we protest, the following are outstanding examples:

1. EDUCATION

In the public school system, facilities for Negroes and whites are separate and unequal. Double sessions continue in about half of the Negro public schools, and many Negro children travel 10 miles a day in order to reach a school that will admit them.

On the university level, the State will pay a Negro to attend a school out of State rather than admit him to the University of Georgia, Georgia Tech, the Georgia Medical School, and other tax-supported public institutions.

According to a recent publication, in the fiscal year 1958 a total of $31,632,057.18 was spent in the State institutions of higher education for white only. In the Negro State colleges only $2,001,177.06 was spent.

The publicly supported institutions of higher education are interracial now, except that they deny admission to Negro Americans.

2. JOBS

Negroes are denied employment in the majority of city, State, and Federal governmental jobs, except in the most menial capacities.

3. HOUSING

While Negroes constitute 32 percent of the population of Atlanta, they are forced to live within 16 percent of the area of the city.

Statistics also show that the bulk of the Negro population is still—

(a) Locked into the more undesirable and overcrowded areas of the city.

(b) Paying a proportionally higher percentage of income for rental and purchase of generally lower quality property.

(c) Blocked by political and direct or indirect racial restrictions in its efforts to secure better housing.

4. VOTING

Contrary to statements made in Congress recently by several southern Senators, we know that in many counties in Georgia and other Southern States, Negro college graduates are declared unqualified to vote and are not permitted to register.

5. HOSPITALS

Compared with facilities for other people in Atlanta and Georgia, those for Negroes are unequal and totally inadequate.

Reports show that Atlanta's 14 general hospitals and 9 related institutions provide some 4,000 beds. Except for some 430 beds at Grady Hospital, Negroes are limited to the 250 beds in three private Negro hospitals. Some of the hospitals barring Negroes were built with Federal funds.

6. MOVIES, CONCERTS, RESTAURANTS

Negroes are barred from most downtown movies and segregated in the rest.

Negroes must even sit in a segregated section of the municipal auditorium.

If a Negro is hungry, his hunger must wait until he comes to a "colored" restaurant, and even his thirst must await its quenching at a "colored" water fountain.

7. LAW ENFORCEMENT

There are grave inequalities in the area of law enforcement. Too often, Negroes are maltreated by officers of the law. An insufficient number of Negroes is employed in the law-enforcing agencies. They are seldom, if ever promoted. Of 830 policemen in Atlanta only 35 are Negroes.

We have briefly mentioned only a few situations in which we are discriminated against. We have understated rather than overstated the problems. These social evils are seriously plaguing Georgia, the South, the Nation, and the world.

We hold that: (1) The practice of racial segregation is not in keeping with the ideals of democracy and Christianity; (2) racial segregation is robbing not only the segregated but the segregator of his human dignity. Furthermore, the propagation of racial prejudice is unfair to the generations yet unborn; (3) in times of war, the Negro has fought and died for his country; yet he still has not been accorded first-class citizenship; (4) in spite of the fact that the Negro pays his share of taxes, he does not enjoy participation in city, county, and State government at the level where laws are enacted; (5) the social, economic, and political progress of Georgia is retarded by segregation and prejudices; and (6) America is fast losing the respect of other nations by the poor example which she sets in the area of race relations.

It is unfortunate that the Negro is being forced to fight, in any way, for what is due him and is freely accorded other Americans. It is unfortunate that even today some people should hold to the erroneous idea of racial superiority, despite the fact that the world is fast moving toward an integrated humanity.

The time has come for the people of Atlanta and Georgia to take a good look at what is really happening in this country, and to stop believing those who tell us that everything is fine and equal, and that the Negro is happy and satisfied.

It is to be regretted that there are those who still refuse to recognize the overriding supremacy of the Federal law.

Our churches which are ordained by God and claim to be the houses of all people, foster segregation of the races to the point of making Sunday the most segregated day of the week.

We, the students of the Atlanta University Center, are driven by past and present events to assert our feelings to the citizens of Atlanta and to the world.

We, therefore, call upon all people in authority—State, county, and city officials; all leaders in civic life—ministers, teachers, and businessmen; and all people of good will to assert themselves and abolish these injustices. We must say in all candor that we plan to use every legal and nonviolent means at our disposal to secure full citizenship rights as members of this great democracy of ours.

WILLIE MAYS,
President of Dormitory Council for the Students of Atlanta University.
JAMES FELDER,
President of Student Government Association for the Students of Clark College.
MARION D. BENNETT,
President of Student Association for the Students of Interdenominational Theological Center.
DON CLARKE,
President of Student Body for the Students of Morehouse College.
MARY ANN SMITH,
Secretary of Student Government Association for the Students of Morris Brown College.
ROSLYN POPE,
President of Student Government Association for the Students of Spelman College.

PROPOSAL THAT POSTMASTER GENERAL ISSUE SPECIAL CHAMPION OF LIBERTY SERIES STAMP IN HONOR OF IGNACE PADEREWSKI

Mr. SALTONSTALL. Mr. President, the Post Office Department has a unique opportunity this year to honor one of the world's greatest musicians and one of the world's greatest fighters for liberty.

All of us have admired the Champion of Liberty series of stamps which the Post Office Department inaugurated in 1957. These stamps have received worldwide attention. Included among those thus honored have been Magsaysay, President of the Philippines; Bolivar, who led Venezuela to freedom; San Martin, of Argentina; Kossuth, of Hungary; Ernst Reuter, of Germany; and Jan Masaryk, of Czechoslovakia.

On November 6 of this year, free men everywhere will pause to honor the birth of the man who did the most to establish Poland as an independent nation. Music lovers around the world will honor, on the same day, one of the greatest of piano virtuosos. Ignace Jan Paderewski was both the first Premier-Foreign Minister of the new Republic of Poland, established following the First World War, and the century's greatest pianist.

Paderewski was born in Podolia, which now is part of the Ukrainian S.S.R. Paderewski began his piano lessons at the age of 6. He showed extraordinary talent, and at 12 he entered the Warsaw Conservatory. In 1887 he began a brilliant career as a concert pianist. American audiences heard him for the first time in 1891 in New York City. Within 90 days he gave 117 recitals in this country. The following year he returned to the United States for another tour.

Paderewski's devotion and service to Poland constitute a bright, courageous page of modern history. During World War I, he gave concerts to raise relief funds and to encourage enlistment in the Polish Army. In the United States he recruited 100,000 Poles, who formed the largest Polish Army fighting in France. He represented his country at the Versailles Peace Conference, and later in the League of Nations. When the new Polish Republic was created, he served as Premier and as Minister of Foreign Affairs.

The great musician-statesman worked tirelessly to build up good will between his native country and America. As an expression of his friendship for the United States, he gave Poland a life-sized statue of Woodrow Wilson, President of the United States, during World War I. The statue was designed by the American sculptor, Gutzon Borglum, and was unveiled in Poznan on July 4, 1931.

In 1922, Paderewski resumed his concerts. He made his last American tour in 1939, at the age of 78. While an audience of 15,000 awaited his appearance at Madison Square Garden in New York City, the great musician collapsed from a mild heart attack. A few months later, Germany invaded Poland, and World War II began. Once more Paderewski devoted himself to the cause of his people. He was named President of the new Polish Parliament in exile. Late in 1940 he returned to the United States, to make his home here. He died in New York City, in 1941; and his body lies in Arlington National Cemetery.

Mr. President, I ask that my colleagues join me in urging that Postmaster Summerfield authorize the Post Office Department to issue a special Champion of Liberty series stamp on November 6, 1960, honoring Ignace Jan Paderewski on the 100th anniversary of his birth.

CIVIL RIGHTS LEGISLATION

Mr. HENNINGS. Mr. President, as I have said time and time again, the Congress must pass an effective provision to secure the right to vote as a reality. This can be done only by a simple direct procedure.

I firmly believe that my proposal incorporates the best features of the several proposals which have been suggested, and adds to these the best procedure to insure that the ballot is cast and counted.

Contrary to the Attorney General's proposal, under which election officials would be brought into lengthy litigation, under my proposal no election official need ever see the inside of a courtroom unless he takes the initiative and challenges a federally enrolled voter.

Mr. President, I ask unanimous consent that three editorials which have appeared in the St. Louis Post-Dispatch be printed in the body of the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the St. Louis Post-Dispatch, Feb. 16, 1960]

BEST OF THREE

The Senate has opened consideration of civil rights on schedule, thanks to Majority Leader JOHNSON'S surprise attachment of a voting rights bill to a minor Missouri school measure. Now the confusion begins, and it is compounded by the fact that three different plans have been proposed.

Last year the Civil Rights Commission found that, despite Federal efforts to protect voting under the 1957 law, only 25 percent of eligible southern Negroes were registered, as against some 60 percent of their white neighbors. The Commission thereupon suggested that the President be authorized to name Federal registrars. These officers could register voters for Federal elections upon a finding of discrimination by the Commission.

President Eisenhower proved reluctant to support a measure which put him in the middle of such cases. So Attorney General Rogers later offered a plan to let the Federal courts appoint referees to guard voting rights in Federal and State elections.

Mr. Rogers was quick to point out that the Commission proposal would not aid voting rights in State elections. Moreover, this plan depends entirely on an administrative investigation of discrimination, which would invite prolonged court tests and delaying actions.

The Attorney General's bill eliminates the first drawback but enhances the second. Under this measure, his office would first have to file injunction proceedings. Then Federal judges and their appointed referees would each be required to investigate voting denials before the judge could issue a restraining order. Even then the right to vote would not definitely be granted, but if local officials denied it, they would be subject to contempt proceedings. This process seems unnecessarily extended and subject to constant litigation.

Now Senator HENNINGS, of Missouri, has combined the better aspects of both proposals in a compromise plan which is the best of the three. He would authorize Justice Department suits under the 1957 law and judicial findings of voting discrimination in both Federal and State elections, as in the administration bill. But then the President would be directed to name registrars to admit qualified applicants to the polls, as in the Commission bill. Challenge ballots would be laid aside and the challenges heard after the election.

The Hennings plan is reasonably direct and simple. It limits the arena for legal entanglements, and assures the right to vote first of all. In this respect, it places the burden of proving that a citizen is not qualified to vote on those who would deny him that right, thus reversing the present procedure in which the citizen may be subjected to unreasonable tests of his qualification.

Missouri's senior Senator has offered the Senate an effective program, but whatever happens in the ensuing controversy, one thing is certain. Neither major party, and no serious presidential aspirant, can afford to be dissociated from the effort to extend the basic right of the ballot. The denial of voting in the world's leading democracy is an especially discomfiting fact in this campaign year.

[From the St. Louis Post-Dispatch, Feb. 18, 1960]

DIRECT ACTION ON VOTING

Senator HENNING'S new voting rights bill includes sections from both the administration and Civil Rights Commission measures, and raises two questions.

Why is it advisable to require Justice Department injunction suits rather than immediate Presidential appointment of registrars in places where the right to vote is denied?

Why, on the other hand, is it better to authorize eventual use of Presidential registrars rather than court-appointed referees?

On the first question, the Civil Rights Commission advocated that the President name registrars after the Commission itself found a denial of voting rights existed. This is a purely administrative procedure, legally and inevitably subject to challenge in the courts.

Senator HENNINGS therefore decided to bring the issue directly to the courts to avoid unnecessary delays. This much of the procedure is already permitted under the 1957 Civil Rights Act, which authorizes the Government to ask for injunctions against officials rejecting voters' rights.

On the second question, the administration proposed that after a Federal judge investigated a voting case, he would appoint a referee who would make his own investigation and report back to the judge. Then the judge could restrain interference with voting, while the referee would inspect the voting for possible cases of contempt of the court order.

Here the Missouri Senator intends to cut through duplicatory procedure and to assure the right to vote as quickly as possible. He would require the President to name registrars once a court had made its findings, and these registrars would be empowered to admit qualified voters directly to the polls, subject to challenge after the votes were cast.

Delay and unreasonable legal entanglements are the common weapons employed against the constitutional right of the ballot. The Hennings bill calls for swifter and sounder legal measures to assure that right than either of the other measures.

[From the St. Louis Post-Dispatch, Mar. 6, 1960]

THE RIGHTS MELANGE

As the Senate muddles through the civil rights filibuster, its leaders hope that time and exhaustion will force a compromise. What sort of compromise should it be?

At present the administration is backing a seven-point proposal which is unpalatable to the southerners and strong medicine even for some Republicans, while it seems ineffectual to northern liberals. Out of this melange Majority Leader JOHNSON and Minority Leader DIRKSEN must try to salvage a measure both sound and acceptable.

Aside from its voting rights provisions, the administration bill would make interference with court-ordered school integration a Federal crime, authorize Federal aid for areas faced with school desegregation problems and give enforcement power to the President's Committee on Government Contracts.

In some respects these proposals go beyond those of the Civil Rights Commission and in other respects not as far. The Commission did suggest aid for school officials plannings integration but divided on other integration issues; it also stressed such matters as biracial housing committees which Congress has not even considered. The administration's plans do not meet the demand of Senate liberals for a return to the old "part III" powers, which would allow the Attorney General to initiate civil suits to safeguard all civil rights.

Some of these provisions may have to be abandoned in the interest of action. The most important issue, we think, is voting rights. The Civil Rights Commission pointed out, and nearly every Senator except a few southerners should agree, that this most fundamental right of Americans has been arbitrarily denied to many thousands of citizens.

The administration proposes court hearings on denials of voting rights plus court-appointed referees to assure local respect for such rights. Senator HUMPHREY, on the other hand, has taken up the Rights Commission proposal for investigations of voting denials by the Commission, followed by Presidential appointment of registrars who could, unlike the referees, directly register voters. And Senator HENNINGS has drafted a bill combining court hearings with the Presidential registrars, which seems to us the simplest, most direct method.

The Hennings bill is waiting for Majority Leader JOHNSON if the Texan decides that the time has come for compromise and that this measure is the best vehicle for it. One thing is certain, however. Every Senator, and each party, and all presidential aspirants, will be publicly judged by how forthrightly they support and guard the basic right of the ballot.

Mr. HENNINGS. Mr. President, I would also like to call my colleagues' attention to a brief analysis of my proposal which appears on page 5554 of yesterday's RECORD.

ANNIVERSARY OF VICTORIOUS HUNGARIAN REVOLUTION OF 1848

Mr. CASE of New Jersey. Mr. President, March 15 marks the 112th anniversary of the Hungarian revolution of 1848, an expression of the millennium-long love of the people of Hungary for national independence. As with the repression of the Hungarian freedom fighters in 1956 by Russian tanks, the revolution of 1848 was crushed the following year with the help of Russians serving in the czarist army.

With the memory of the repression of the Hungarian freedom fighters still afflicting the conscience of civilized peoples everywhere, it is appropriate to pay tribute to the historic efforts of the Hungarian people to defend their national independence. But it would be hypocritical to do so if we did not also note that Soviet troops still occupy this brave land, and that many of those who struggled for freedom in 1956 are still in prison.

These harsh facts remain in an era when all sides proclaim their desire for improved international relations and when almost every speech by the rulers of the Soviet world professes a desire to reduce international tensions.

I believe it is appropriate to emphasize that in Hungary alone the Soviet leaders could greatly contribute to the achievement of the peaceful world which they claim they are seeking. They could recall their troops from this valiant little country which poses no threat whatever to the Soviet Union. None of the Hungarian governments since World War II has sought to join any grouping of states which could be seen as a military menace to the Soviet Union. And, at the least, the present regime of Janos Kadar could well extend an amnesty to those who participated in the 1956 demonstration of the Hungarian peoples' will to govern themselves.

Until such time as these things have happened, this anniversary of the temporarily victorious Hungarian revolution of 1848 for national independence can only be greeted with sadness and firm resolve in free countries.

Mr. HUMPHREY. Mr. President, it was on March 15, 1848—112 years ago—that the Russian Army crushed the Hungarian revolution of 1848, just as it stamped out another freedom uprising in 1956.

I think that we should make note of both of those revolutions today, just as historians in centuries to come may make note of the fact that the Hungarian revolution of 1956 might well have been the turning point in the Communist movement. We must constantly remind the world of the sacrifice that thousands of Hungarian freedom fighters laid before the alter of democracy.

Mr. President, I ask unanimous consent that "Amnesty for Political Prisoners in Hungary—Declaration of American Citizens," a declaration which is now being circulated and being signed by many of our leading citizens, be printed in the RECORD.

There being no objection, the declaration was ordered to be printed in the RECORD, as follows:

AMNESTY FOR POLITICAL PRISONERS IN HUNGARY—DECLARATION OF AMERICAN CITIZENS

We, the undersigned, fully recognizing the great responsibility incumbent upon us in this age when man has the means of total destruction, solemnly declare our intention to serve the most important cause, the preservation of peace.

We agree that all efforts must be directed to that end and every possibility must be employed to ameliorate those problems which result in the present dangerous world tensions. To attain the desired goal all nations must show evidence of their good faith.

We firmly believe that one of the disturbing elements in the effort toward mutual understanding is the fate of those Hungarians who participated in the revolt of 1956. If there is a spirit which radiates understanding and forgiveness, we think that those Hungarian political prisoners, regardless of their age and sentences, must be forgiven, too.

Therefore, we are appealing to the understanding and consideration of the Communist leaders to grant an amnesty to Hungarian political prisoners, gratifying those throughout the world who are yearning for peace and justice. We hope that the Communist leaders will recognize their own responsibilities in connection with our demand and they will act according to their conscience, and with humanity.

Done in the month of March 1960, in the United States of America.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). Is there further morning business? If not, morning business is closed.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

Mr. BIBLE. Mr. President, if there is no further morning business, I ask that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R-I, Missouri.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York [Mr. KEATING] to the Dirksen substitute.

Mr. RUSSELL. Mr. President, on Monday of last week, the Senator from Illinois [Mr. DOUGLAS] inserted in the CONGRESSIONAL RECORD certain data pertaining to the rate of crime and murder in various cities of the Nation. He undertook to show that the rate of crime—and, specifically, murder—was greater in the cities of the South than in the North.

Mr. President, this is not a pleasant subject, nor is it one that I desire to discuss at any great length. It is always painful to be compelled to make comparisons which might seem invidious as between different sections, different cities, or different races of our country.

However, since the question of crime rates has been raised, I have the duty of seeing to it that all the pertinent facts are stated, and that the entire matter is placed in its proper perspective.

Mr. President, I want it clearly understood that I, for one, have not stated during the debate on the miscalled civil rights issue that crime rates in the North were higher than in the South.

What I have stated—and I have done so reluctantly—and what I do maintain, is that the crime rate among Negroes is far higher than among whites, in relation to the population of each race. I know this is true for the country as a whole; I believe it to be true of every city in the country that has any substantial Negro population.

Mr. President, it is with regret that I am compelled to call attention to this unpleasant truth. I yield to no man in my deep affection for those of the colored race. I have known many of them who were as honorable, as high-minded, and as idealistic as any person of any race. They are respected. They are earning their living. They operate their own businesses. They own their own homes. Legislation such as that now pending here is a great detriment to the better class of Negroes.

In discussing the question of crime, I am forced to recognize the facts and the realities of life, as they actually exist. And, Mr. President, I say that the extremely high incidence of crimes of violence among members of the Negro race is one of the major reasons why the great majority of the white people of the South are irrevocably opposed to efforts to bring about enforced association of the races, whether it be by judicial decree or by legislative fiat. That is why the white people so adamantly insist that they have a right—indeed, an inalienable civil right—to form their own individual associations and their own relations freely and without the compulsion of Federal law; and that is why they prefer a social order which recognizes and respects that right.

Mr. President, this feeling may be more readily understood when we bring into focus the fact that in many areas of the South the two races are almost numerically equal in number. There are, in fact, some 150 counties in the South—about 40 of them in my own State—where Negroes outnumber whites.

Mr. President, the figures cited last week by the Senator from Illinois, which were taken from the uniform crime reports issued by the Federal Bureau of Investigation, were all right as far as they went. But they do not get to the real issue. They did not give the full picture of crime conditions as they exist in various parts of the country from the standpoint of those who commit them.

The Senator presented figures for selected cities from two of the eight categories in table I, "Index of Crime, 1958, Standard Metropolitan Areas." These figures gave the rate, per 100,000 inhabitants, of all offenses and for murder in the 35 or so cities selected for comparison by the Senator.

In order to put this entire matter into its proper perspective, I think a second table from the same FBI report on crime for 1958 should be considered. The table I refer to relates to arrests by race for criminal violations in cities all over the country having a population of 2,500 or more. This extremely significant table is found on page 97 of the report.

Mr. President, I ask unanimous consent to have the table printed in the RECORD at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 21.—*Arrests by race, 1958; 1,586 cities over 2,500; total population, 52,329,497*

Offense charged	Total	Race					
		White	Negro	Indian	Chinese	Japanese	All others
Total	2,340,004	1,583,070	696,209	43,126	1,252	296	16,051
Criminal homicide:							
(a) Murder and nonnegligent manslaughter	2,303	840	1,427	8	2	2	24
(b) Manslaughter by negligence	1,166	904	245	7	2	-------	8
Robbery	14,968	6,732	8,034	72	7	-------	123
Aggravated assault	25,824	9,073	16,389	75	5	2	280
Other assaults	82,454	45,840	35,733	311	26	4	540
Burglary—breaking or entering	61,045	41,754	18,623	343	27	1	297
Larceny—theft	118,325	80,292	36,642	678	57	13	643
Auto theft	30,240	23,691	6,135	227	31	7	149
Embezzlement and fraud	19,489	15,618	3,782	48	1	2	38
Stolen property; buying, receiving, etc	5,504	3,666	1,765	22	1	-------	49
Forgery and counterfeiting	11,317	9,580	1,653	62	9	3	20
Forcible rape	3,680	1,821	1,797	9	-------	-------	53
Prostitution and commercialized vice	17,482	9,194	7,885	110	20	7	266
Other sex offenses (includes statutory rape)	24,517	17,079	7,058	105	14	8	253
Narcotic drug laws	9,863	3,807	5,740	17	34	4	261
Weapons, carrying, possessing, etc	18,611	8,678	9,693	56	13	4	167
Offenses against family and children	23,701	15,118	8,378	71	7	-------	127
Liquor laws	52,707	34,158	17,877	453	21	10	188
Driving while intoxicated	102,219	84,640	16,068	1,008	16	16	471
Disorderly conduct	281,997	161,721	115,171	2,301	83	17	2,704
Drunkenness	908,957	673,894	195,051	33,017	297	128	6,570
Vagrancy	88,351	64,665	20,950	1,929	97	24	686
Gambling	61,546	13,820	46,767	3	341	8	607
Suspicion	96,740	63,231	32,711	579	42	10	167
All other offenses	276,998	193,254	80,635	1,624	99	26	1,360

Mr. RUSSELL. Mr. President, this table discloses that of a total of 2,340,004 persons arrested for all offenses in 1958, 1,583,070 were white and 696,209 were colored. The remainder were of other racial groups.

In other words our Negro population who make up about 10 percent of the total population of the Nation accounted for about 30 percent of all the persons arrested for criminal offenses in 1958.

The figures for murder are even more shocking. According to the FBI report, 1,427 Negroes were arrested for murder and non-negligent manslaughter in 1958 compared to only 840 white persons. Stated another way, 60 percent of the persons who were arrested for murder in 1958 were members of the colored race, though they constitute only 10 percent of the total population.

Mr. President, this table also shows that of a total of 25,824 aggravated assaults, there was a total of 9,073 committed by white offenders, and a total of 16,389 committed by Negro offenders. In the category of other assaults, there was a total of 45,840 committed by white offenders, and 35,733 committed by Negro offenders.

In still another category of burglary—breaking or entering—there was a total of 41,754 offenses by white offenders, and 18,623 by Negro offenders. Finally, in the offense of forcible rape, there were 1,821 white offenders and 1,797 Negro offenders.

Mr. President, I have also undertaken to delve deeper into the statistics on murder that were presented by the Senator from Illinois.

In response to a telegram that I sent to the chiefs of police of the southern cities that were listed, I am informed that the overwhelming percentage of the persons arrested for murder in 1958—the year cited—were Negroes. The same thing is also true for all types of offenses.

Nearly all the southern cities referred to by the Senator from Illinois have a larger Negro population than the national average. If the Senator will break the table down by races, he will find the crime rate among southern whites is far below the rates he gave for Chicago, Detroit, Pittsburgh, or any other large city outside the South.

Mr. President, I ask unanimous consent that some of these telegrams, including those from the Chiefs of Police of Little Rock, Ark.; Asheville, N.C.; Augusta, Ga.; and Greenville, S.C., be printed in the RECORD at this point as a part of my remarks. I do this because they are typical of the telegrams we received.

There being no objection, the telegrams were ordered to be printed in the RECORD.

LITTLE ROCK, ARK.

Senator RICHARD B. RUSSELL,
U.S. Senator,
Washington, D.C.:

Reference your telegram dated March 8, 1960. This is to advise that our 1958 classification of offenses does not reflect offenses of white against Negro or Negro against white, nor age of offenders. A search of our 1959 records revealed two altercations occurred aboard city buses between white and Negro over seating arrangements. One Negro male high school student struck a white female high school student. The Negro was arrested and this case was transferred to juvenile court because of age. One Negro male high school student struck a white man aboard a bus over seating arrangements. The Negro was arrested and fined $109.00 and 90 days.

The 1958 classification of offenses reflect the following:

Charge	Number charged	White	Negro	
Murder and negligent manslaughter	5			5
Manslaughter and negligence (female)	1			1
Robbery	55	15		40
Aggravated assault	123	42		81
Female				(17)
Burglary	165	93		72
Female				(2)
Larceny	257	143		114
Female				(39)
Other assaults	139	74		65
Female				(17)
Forgery and counterfeit	48	40		8
Embezzlement and fraud	19	15		4
Receiving stolen property	2	1		1
Carrying weapons	103	50		53
Prostitution and commercial vice	125	76		49
Sex offenses	2			2
Offenses against family and children	62	31		31
Narcotics	1	1		
Liquor laws	83	26		57
Drunkenness	4,748	3,224		1,524
Disorderly conduct	394	211		183
Vagrancy	156	125		31
Gambling	232	28		204
Driving while intoxicated	792	594		138
Suspicion	306	168		138
All other except traffic	710	463		247

GENE SMITH,
Chief of Police.

ASHEVILLE, N.C.

Senator RICHARD B. RUSSELL,
U.S. Senate,
Washington, D.C.:

In 1958 this department made a total of 9,850 arrests: 8,061 whites, 1,759 Negroes, 30 Indians. We had 5 murders, 3 Negroes against Negroes and 2 whites against whites. One rape case: a group of 8 Negroes ages 14 to 17 raped a white woman in one of our city parks. In all other crimes such as aggravated assaults, larceny automobile, breaking and entering, and so forth, the percentage of whites against Negroes and Negroes against whites was approximately 2 percent of total arrests. The percentage of Negroes in comparison to whites, was 1.7 percent. There have been no violent crimes or breach of the peace in our city by organized groups of either race. Our 1959 report is available, if desired.

A. R. SLUDER,
Chief of Police.

AUGUSTA, GA.

Re telephone of March 8.
Hon. RICHARD B. RUSSELL,
U.S. Senate, Washington D.C.:

Total persons arrested Augusta 1958, 20,757; total white, 10,554; total Negro, 10,200; others 3. Murder: White versus white, 3; Negro versus Negro, 7. Rape: White, 2; Negro, 24. Assault: White, 32; Negro, 64. Robbery: White, 3; Negro, 17. Burglary: White, 76; Negro 166. Larceny: White, 142; Negro, 168. Having weapons: White, 17; Negro, 49. Liquor laws: White, 22; Negro, 492. Gambling laws: White, 30; Negro, 437. Unable to furnish better breakdown race versus race except murder. Fortunately, race versus race is not a problem here yet. Hope this will be of some help.

F. B. GREEN,
Chief of Police.

GREENVILLE, S.C.

Re telephone.
Hon. RICHARD B. RUSSELL,
U.S. Senator, Washington, D.C.:

Total arrests this city, 1959: For murder, 19, 4 of which were white, 15 Negro. Offenses were white killing white, Negro killing Negro. No interracial offenses noted. Total arrests all offenses 1959 was 11,954 and involved 7,577 white and 4,377 Negro.

Total arrests 1958 for murder was nine, 3 of which were white, 6 Negro. Offenses were white killing white, Negro killing Negro. No interracial offense noted. Total arrest 11,586 for all offenses. Of these 7,453 were white, 4,133 Negroes.

Have witnessed no violent racial problems relative to fighting, etc. Only one case in 5 years where Negro was killed by white and this was done by a police in line of duty.

P. P. OAKES,
Chief of Police.

Mr. RUSSELL. Mr. President, I have compiled a breakdown by race of those arrested for murder in the various southern cities that were cited last week It is based on official information provided by the chiefs of police of these cities.

The figures are most revealing. They show, for example, that in Atlanta, Ga., 65 of the 75 persons who were arrested for murder in 1958 were Negroes and only 10 were white. Although the Negro population of Atlanta is only 24.6 percent of the total, colored offenders for murder accounted for more than 86 percent of the murder arrests in that city.

In Macon, Ga., Hampton-Newport News, Va., Pensacola, Fla., and Raleigh, N.C.—cities mentioned by the Senator from Illinois—all of the persons arrested for the crime of murder in 1958 were Negroes. In Memphis, Tenn., 28 of the 34 persons arrested for murder were Negroes—a percentage of 82.3, although the colored population of the city is only 37.3 percent.

Asheville, N.C., had only five arrests for murder in 1958, a remarkably good record. Three of those five persons so arrested were Negroes, notwithstanding the fact that the colored population of Asheville is about one-eighth of the city's total.

In Jackson, Miss., where the population is 45 percent—almost half—colored, Negroes accounted for 11 of the 14 persons arrested for murder in 1958—more than 78 percent of the total. The same trend was true in Birmingham. There, some 45 persons were arrested as murderers—39, or 86 percent, of them were Negroes.

Mr. President, I could cite further official statistics provided by the police departments of these cities, but those given confirm the statement I made.

I ask unanimous consent, however, to have a table which I have compiled giving the racial breakdown of murder arrests in these cities printed in the RECORD at this point of my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Breakdown by race of arrests for murder in 1958 in southern cities cited by Senator DOUGLAS

City	Total arrests	White	Negro	Percentage of Negros in total city population	Percentage of Negroes in total of arrests
Asheville, N.C.	5	2	3	12.2	60.0
Atlanta, Ga. (1959)	75	10	65	24.6	86.6
Augusta, Ga.	10	3	7	34.6	70.0
Baton Rouge, La.	55	5	50	33.0	90.9
Birmingham, Ala.	45	6	39	37.2	86.6
Charleston, S.C.	7	3	4	41.4	57.1
Charlotte, N.C.	21	2	19	25.3	90.5
Columbia, S.C.	5	1	4	35.4	80.0
Columbus, Ga.	(1)	(1)	(1)	31.4	
Durham, N.C.	10	5	5	33.2	50.0
Fort Smith, Ark.	(1)	(1)	(1)	8.1	
Gadsden, Ala.	5	3	2	14.4	40.0
Greensboro-High Point, N.C.	12	4	8	19.5	66.6
Greenville, S.C.	9	3	6	18.7	66.6
Jackson, Miss.	14	3	11	44.9	78.6
Hampton-Newport News-Warwick, Va.[2]	8	0	8	(1)	100.0
Jacksonville, Fla.	26	18	8	26.9	30.8
Little Rock-North Little Rock, Ark.	7	1	6	24.0	85.7
Macon, Ga.	6	0	6	35.7	100.0
Memphis, Tenn.	34	6	28	37.3	82.3
Miami, Fla.	41	8	33	13.1	80.5
Mobile, Ala.	23	8	15	33.6	65.2
Montgomery, Ala.	8	3	5	43.6	62.5
Nashville, Tenn.	51	9	42	30.9	82.3
New Orleans, La. (1959)	64	10	54	29.1	84.4
Norfolk-Portsmouth, Va. (Norfolk only)	17	4	13	27.3	76.5
Orlando, Fla.	8	2	6	19.8	75.0
Pensacola, Fla.	6	0	6	26.3	100.0
Raleigh, N.C.	6	0	6	29.3	100.0
Richmond, Va.	26	7	19	26.5	73.1
Roanoke, Va.	9	5	4	13.5	44.4
Savannah, Ga.	14	1	13	38.6	92.8
Shreveport, La.	19	1	18	37.6	94.7
Tampa, Fla.	30	12	18	21.9	60.0
West Palm Beach, Fla.	9	4	5	29.6	55.5
Winston-Salem, N.C.[3]	21	3	17	28.3	80.9

[1] Not available.
[2] Figures are Hampton and Newport News only. Warwick not available.
[3] In addition to whites and Negroes cited, Winston-Salem shows 1 Indian arrested for murder.

Mr. RUSSELL. Mr. President, I have not undertaken to obtain comparable figures from the northern cities that were selected by the Senator from Illinois. I doubt very much that the NAACP would permit the police departments of a great many of those cities to issue any information that would reveal a breakdown of criminal offenses by race.

However, we have seen piecemeal evidence in press reports that indicate the trend in the North is similar to that in the South. Indeed, I would not be surprised that Negro offenses are higher in northern cities in proportion to the population than in the South.

Here is some of that evidence:

In Washington, D.C., which has a Negro population of more than 50 percent, the Metropolitan Police Department reported that in fiscal 1959 there were 4.32 arrests for each 1,000 whites for serious offenses compared to 21.4 such arrests for each 1,000 Negroes.

The police chief of Los Angeles, in an appearance before the much-discussed Civil Rights Commission in January of this year, said that Negroes commit 11 times as many crimes as whites in proportion to their population in Los Angeles.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks an article appearing in the Los Angeles Times of January 27, 1960, which reports Police Chief Parker's appearance before the Civil Rights Commission.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PARKER ANGRILY DENIES RACIAL DISCRIMINATION—PRESENTS CHARTS OF CITY DISTRICTS, TELLS OF UNDESIRABLES SHIPPED INTO LOS ANGELES

Angry denial of any discrimination in Los Angeles law enforcement was voiced by Police Chief Parker yesterday in an appearance before the Federal Commission on Civil Rights on the second day of the 2-day hearings in the State building.

The chief was flanked by a battery of aids carrying charts. They showed breakdowns of the city's population by areas and the incidence of crime both by area and by national origin of the offenders.

Parker said that, according to reports of victims to police, Negroes commit 11 times as many crimes as Caucasians, in proportion to their population. Persons of Latin-American origin commit five times as many and Orientals and other nationalities only one-third as many, Parker said.

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He cited lack of manpower in the police department, with only 1.8 officers per 1,000 of population. Parker assured the Commission that officers are chosen and promoted strictly on the basis of qualification and ability without regard to race, creed, or color.

Parker's testimony came at the end of the morning's session which was opened by the reading of a prepared statement from Senator KUCHEL.

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AT SESSION

Those heard at the afternoon session included Rt. Rev. Msgr. Thomas J. O'Dwyer, representing Cardinal McIntyre; Dwight R. Zook, director of personnel service at North American Aviation; Randolph Van Nostrand, director of public relations for the Merchants and Manufacturers Association; Mrs. Eloise Kloke, regional director of the President's Committee on Government Contracts.

Others were Rev. Gilbert S. Zimmerman, representing the Community Relations Conference of Southern California; William L. Miller, chief engineer of the Los Angeles Fire Department; Percy H. Steele, Jr., executive director of the San Diego Urban League, and Dr. Ray Ragsdale, president of the Church Federation of Los Angeles.

FIRE DEPARTMENT

Miller reported that the Fire Department has prohibited "segregation on the basis of race, color, national origin, or religious creed," that proper procedures have been set up for the report of any instances of violation of this rule, and that those tensions and high emotions which were disrupting the department in 1956 have now been alleviated and most fire companies are functioning at a high level of efficiency.

Commission members left the city by air at 5 p.m. for San Francisco, where they will hold sessions today and tomorrow.

Mr. RUSSELL. Mr. President, during the first 6 months of 1959, the Milwaukee police reported that Negroes committed 43 percent of that city's major crimes even though the colored population of Milwaukee was only 4 percent.

An Associated Press dispatch of last September 25, as reported in the Washington Star, stated:

Although Negroes comprise only about 4 percent of Milwaukee's 764,000 population, they committed 43 percent of the city's major crimes during the first 6 months of this year, the police department reported yesterday.

A listing of major crimes by color in the department's tabulation section showed 682 were committed by Negroes, 916 by whites and 50 by "all others." Negroes were the offenders in 2 of the city's 3 1959 murders, 4 of the 8 manslaughters, and 7 of 11 rapes.

The disclosure, made at the request of newsmen, came as city officials called for tightening of firearm purchase regulations. The demands were made in the wake of the fatal shooting of a 39-year-old white housewife, Mrs. Sylvia Fink, by a Negro religious fanatic on Monday.

It is in New York, however, that crime conditions appear to be at their very worst. I was shocked to read an editorial recently that appeared in the New York Journal American that was headed "Protect Our Women."

This, I remind Senators, is New York City. It is not some southern city. It is a city that has the dubious distinction of being the most thoroughly integrated city in the country.

Mr. President, I ask unanimous consent that the editorial from the New York Journal American of Monday, February 29, be printed in the RECORD at this point as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PROTECT OUR WOMEN

When the wife of a minister is raped in midevening on the subway platform of a midtown station, the time has arrived for both law enforcement officials and lawmakers to begin invoking emergency measures to give greater protection to the women of New York.

Since the subway crime, there have been new manifestations of the jungle terror that has made it unsafe for women to venture out of their homes during the evening hours. The latest outrage is the raping of a 40-year-old Brooklyn woman, mother of two daughters, in a vacant lot three blocks from her home.

The screams of a young Queens girl saved her from being raped by a confessed burglar who was captured after a furious struggle with her father and brothers.

The high incidence of these revolting sex crimes is incontrovertible evidence that the police department needs help in making the streets safe for all citizens. This help is at hand if only Police Commissioner Kennedy will avail himself of it.

As we have done repeatedly for several months, we urge the commissioner to accept the offer of the Civilian Defense Organization to throw 2,500 specially trained auxiliary patrolmen into the war against the rapists. We again urge the formation of neighborhood home guards, consisting of carefully screened volunteers. We again urge that thought be given to the arming of taxi drivers, with good war records and a knowledge of firearms, to act as a mobile detection and prevention unit.

And, finally, we call upon the legislature to make the penalties for rape so severe as to deter the fiends who prey upon our women.

We are faced with a criminal crisis. The facts warrant immediate emergency action. The people demand it.

Mr. RUSSELL. Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks an editorial in a similar vein that appeared a few days earlier in this same newspaper.

There being no objection the editorial was ordered to be printed in the RECORD, as follows:

CHALLENGE TO LAW

Two savage and shocking crimes—committed within hours of each other in different parts of the city Wednesday—present grave challenges not only to those who enforce the laws but to all those who write our laws.

It is difficult, if not impossible, to write calmly or dispassionately about either crime.

No punishment, in our opinion, would be too severe for the fiend who raped and robbed the wife of a Presbyterian minister on a deserted section of the platform of the IND-Eighth Avenue subway's 50th Street-Madison Square Garden Station. This is the latest in a growing series of rapes that have caused New York women to be fearful of going out alone at night.

Likewise, we feel no punishment would be too harsh for the cowardly hit-run cabbie who struck a 4-year-old girl in Harlem, took her in his cab ostensibly to move her to a hospital and then abandoned her a half mile away. The little girl's body was found under a parked car on upper Broadway. It was without a doubt the most vicious hit-run killing in memory.

A LEGISLATIVE PROBLEM, TOO

There is a parallel in these two heinous instances. New York City is suffering from a veritable plague of both these types of crime. Many of New York's streets have been unsafe for women at night and there has even been talk of vigilante action. Since January 1, there have been 14 hit-run killings and few arrests.

This is not only an enforcement problem. It is even more a challenge to the legislature which is the fountainhead of law and security.

Repeated appeals have gone up to the legislature for more stringent and effective laws which would provide a deterrent that does not now exist in the cases of rapists and hit-run killings.

These appeals, we regret to state, have met with a business-as-usual attitude in Albany.

It is time the legislature began considering the use of the lash and capital punishment as deterrents to the human beasts who act as though our town was a jungle. It is tragically obvious that the present powder puff sentences provided in our laws fail to discourage sex criminals.

The laws governing hit-run maniacs are woefully inadequate, in that they classify this type of crime as merely a misdemeanor. Bills pending in the legislature would make it a felony, with prison sentences up to 7 years.

The situation calls for vigorous action by every representative of the city of New York who has been elected to the legislature. Those who do not act swiftly and strongly to make our streets safe for our people do not deserve to be reelected.

Mr. RUSSELL. Mr. President, according to the New York Times of last September 25, 1959, Judge Samuel Leibowitz compiled figures indicating that Negroes, who account for 11 percent of the population of New York City, comprised 46 percent of the city-wide cases awaiting trial in the Brooklyn House of Detention.

Even the police commissioner of New York, Stephen P. Kennedy, has described crime conditions in the Negro section of Harlem as "shocking." Commissioner Kennedy revealed that in 1958, 3,070 felonies were committed in a single precinct of Harlem comprising 122,000 persons.

Mr. President, again I express my regret that I have been compelled to bring these shocking and tragic facts to the attention of the Senate.

But in view of the relentless campaign of slander and abuse that is continually directed against the white people of the South, I do not intend to allow the truth about crime conditions in both the North and the South to go only half told.

Mr. President, the conditions that I have stated are the basis of a great deal of the demand on the part of southern whites that they be permitted to choose their own associates.

I also wish to bring to the attenion of the Senate the testimony which was given by Dr. Anslinger, the head of the Bureau of Narcotics, on January 26, of this year. His testimony casts a great deal of light, for those who are not familiar with the conditions throughout the Nation, as to another reason for the desperate resistance of the white people of the Southern States to the use of Federal power to compel their children to associate with those of the Negro race in our schools. It pertains to narcotic addiction.

A chart appears on page 140 of the hearings on the Treasury-Post Office Departments appropriations for 1961 before the subcommmittee of the Committee on Appropriations of the House of Representatives, 86th Congress. It is a chart giving the breakdown of active narcotics addicts reported in the United States as of December 31, 1959.

The chart shows that the total number of active addicts is 45,391. Of that number, 57.6 percent, or 26,146 addicts, are members of the Negro race. Some 11,703, or 25.8 percent of the total, are members of the white race. There are 3,889 addicts, comprising 8.6 percent of the total, who are Puerto Ricans. Some 2,823 addicts, or 6.2 percent of the total, are Mexicans. All others total 830 addicts, or 1.8 percent.

Under the rules, Mr. President, I cannot ask unanimous consent to have the chart printed in the RECORD, but I can give the figures from the chart.

It is interesting to note the chart shown on page 139 of Dr. Anslinger's testimony. I suppose this is the last time he will be permitted to testify in this vein, since the matter has been brought to the attention of the Senate and printed in the RECORD.

Senators will find active narcotics addicts reported in several selected States as of December 31, 1959. This shows that the total active addicts are 45,391. Of that total, in the State of New York there are 20,732 addicts, or 45.7 percent of the total.

In the State of California there are 6,471 addicts, or 14.2 percent of the total.

In the State of Illinois there are 6,189 addicts, or 13.6 percent of the total.

In the State of Michigan there are 2,366 addicts, or 5.2 percent of the total. According to the chart, all the other 9,631 addicts, or 21.2 percent, are found in the remaining 46 States.

It is also interesting to note that the four States which have 79 percent of all the addicts—and where more than half of them are Negroes, are the States that have attacked, by every conceivable State law, every inclination to separate the races. Some of them have even transported large numbers of Negro children entirely across a city to put them into schools which heretofore had been predominantly white—in order that the races may be intermingled. Other States and cities have passed laws to make it a crime for a man to rent his private property to whomever he wishes. Those are the cities and States that have such high percentages of racial crime. This bears out a contention of those of us from the South have held for years that when an effort is made to force the intermingling of the races, conditions are greatly worsened. No one is benefited. The Negro is not benefited, and certainly the white race is not benefited.

Mr. President, I ask unanimous consent that the table on page 145 of the House hearings before the Subcommittee on Treasury-Post Office Departments Appropriations for 1961, of the House Appropriations Committee, be printed in the RECORD at this point as a part of my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Active narcotic addicts reported to the Federal Bureau of Narcotics as of Dec. 31, 1959, by State

[Figures include the District of Columbia]

Alabama	112
Alaska	3
Arizona	136
Arkansas	42
California	6,471
Colorado	118
Connecticut	141
Delaware	17
District of Columbia	1,116
Florida	209
Georgia	117
Hawaii	47
Idaho	3
Illinois	6,191
Indiana	171
Iowa	40
Kansas	25
Kentucky	83
Louisiana	434
Maine	12
Maryland	345
Massachusetts	343
Michigan	2,366
Minnesota	168
Mississippi	61
Missouri	1,030
Montana	6
Nebraska	64
Nevada	20
New Hampshire	5
New Jersey	892
New Mexico	124
New York	20,732
North Carolina	81
North Dakota	6
Ohio	619
Oklahoma	94
Oregon	142
Pennsylvania	557
Rhode Island	15
South Carolina	45
South Dakota	5
Tennessee	71
Texas	1,566
Utah	1
Vermont	4
Virginia	187
Washington	162
West Virginia	32
Wisconsin	160
Wyoming	--
Grand total	45,391

Mr. RUSSELL. I further ask that a table showing the Federal narcotics law violations reported during the calendar years 1955–59, appearing on page 147 of the same hearings, before a committee of the other body, be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Federal narcotic law violations reported during the calendar years 1955–59, by State

State	1955	1956	1957	1958	1959
Alabama	6	14	10	6	8
Alaska	4		1		
Arizona	20	4	3	2	5
Arkansas	6	7		1	
California	189	270	269	249	322
Colorado	10	21	11	9	2
Connecticut	21	7	7	20	25
Delaware	1			13	3
District of Columbia	86	40	46	45	18
Florida	23	30	25	21	20
Georgia	27	14	18	7	2
Hawaii	8	2			1
Idaho	1		1		1
Illinois	173	151	179	265	227
Indiana	6	49	10	9	32
Iowa	6		12	2	
Kansas	4		3	1	
Kentucky	8	6	4	6	6
Louisiana	25	5	1	39	35
Maine	3	1			
Maryland	24	42	10	25	10
Massachusetts	53	11	17	9	50
Michigan	139	97	123	131	71
Minnesota	4	5	15	8	
Mississippi	4	6		1	9
Missouri	110	94	106	44	51
Montana		2			1
Nebraska	6	3	2	1	
Nevada	3	3	3	12	
New Hampshire	2	1			
New Jersey	51	18	57	35	38
New Mexico	21	11	14	17	6
New York	427	313	304	405	554
North Carolina	18	8	18	18	4
North Dakota	1				
Ohio	153	48	49	28	3

Federal narcotic law violations reported during the calendar years 1955–59, by State—Con.

State	1955	1956	1957	1958	1959
Oklahoma	22	7	27	2	4
Oregon	18	6	14	14	19
Pennsylvania	91	107	27	28	24
Rhode Island		2		2	3
South Carolina	4	4	5		
South Dakota		1	1		
Tennessee	29	10	7	4	
Texas	109	100	64	61	77
Utah	10	5	1		
Vermont					
Virginia	46	36	22	17	13
Washington	52	34	30	17	5
West Virginia	16	2		1	
Wisconsin	4	2		2	
Wyoming	4	1			
Total violations	2,048	1,600	1,516	1,577	1,649

Mr. RUSSELL. Mr. President, I have stated before, and I state again today, that political leaders who are pandering to the Negro vote should get out and urge the Negro people to eliminate these terrible conditions. They would do far more for them than they can do by coming here and seeking to bring to bear the force of Federal power to compel intermingling of the races. If the leaders of the Negro race—and they have some great leaders—were to devote their energies to an appeal to their people to eliminate these conditions, they would do much more for them than they could do by undertaking to strong-arm their way into places where they are not wanted.

The members of the Negro race are not the first minority, whether an ethnic group or a religious sect, who had reason to feel that they were the victims of discrimination. The Negro, however, is the only minority in the United States who has not been willing to work and strive to earn recognition and acceptance. The Negro race and the Negro alone have sought to strong-arm and use physical force to secure the right of association from the majority against the wishes of that majority.

Back in the 1850's, when the tide of Irish immigration was running so high, a new party was formed, called the American or Know Nothing Party. It was aimed at the Irish.

A distinguished national committeewoman from one of the great New England States told me that when she was a little girl she could not play on the main street of the greatest city of her State because she was Irish. If she had done so, the police would run her in. What did the Irish do? They proceeded to demonstrate their worth. They proceeded to take over the politics, the business, and other interests of that State. Today, no one raises a question about the Irish. No one thinks about forming a party to oppose them. The "Know Nothings" have been lost in history of the past. The Irish are a vital part of the warp and woof of the fabric of life of the United States.

When the Italians came along, they faced even greater difficulties, because they had been preceded by some members of the Mafia, who had been driven out of Italy because they were criminals. That prejudiced many people against the decent Italian immigrants.

The Italians did not seek to have a law enacted to make people recognize them and take them in socially. They set about to prove their worth, and they did it. Today we find them in positions of great importance, responsibility, and power in the financial, social, political, and industrial life of the Nation.

Still another minority group, the Mormons, was subjected to attacks by mobs throughout the entire West for years. The United States Army was even called out after members of that persecuted religious group made their great trek all the way to Utah. Today, if a man finds that he has a Mormon for a neighbor, he feels very happy about it, because he knows that his neighbor is a good citizen and an honorable man.

All manner of political pressures are now being brought to bear—to drive the Senate to vote for all kinds of miscalled civil rights bills. The proponents of such legislation might take over the highest court of the land and make it the tool of a group representing the Negro race, but they cannot force social acceptance in that way. It cannot be done by litigation or legislation. It must be earned. An attempt to enact laws to compel social acceptance can result only in creating a tragic era in this country.

The leaders of the Negro race have scorned to preach to their people the necessity of reducing their crime rate, their rate illegitimacy, of venereal infection and of narcotic addiction. They are demanding that the white people take them as they are and, through a process of amalgamation and assimilation, either spread these deficiencies throughout the people of the country or depend upon the strength of the whites who participate in the amalgamating process to absorb and eliminate these tragic vices.

There is nothing in human history to lead us to believe that this can be done. The white people of the South have cheerfully borne the cost of the burden of attempting to civilize and educate the majority of Negroes in the United States. They have borne this burden despite the fact that, since the 1860's, we have been the poorest part of the country with the lowest average per capita income.

The great majority of the white people of the South are not willing, however, to impose upon their children the task of seeking to amalgamate the Negro people into entitlement to social acceptance.

The Negro must do something to earn this for himself. The handful of whites in the Southern States who are telling the Negro that they can find an easy way are doing the Negro a grave disservice.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. ERVIN. I should like to ask the distinguished Senator from Georgia some questions along the line of his recent remarks.

I ask the Senator from Georgia if he agrees with me in the observation that no men or races of men can law or legislate their way to the better life. It is the reward for personal integrity and personal industry, and is something which cannot be conferred upon anyone from on high—even by men wearing judicial robes, or men occupying congressional seats.

Mr. RUSSELL. The Senator has stated better than I could the point I have been endeavoring to make.

Mr. ERVIN. I ask the Senator from Georgia further if he agrees with me in the observation that anyone who contends that a man can law or legislate his way to the better life is either fooling himself or attempting to fool someone else.

Mr. RUSSELL. That conclusion should be inescapable to any normal person.

Mr. ERVIN. I ask the distinguished Senator from Georgia if he agrees with me in the observation that all the agitation for civil rights bills, instead of improving the situation, is worsening the situation.

Mr. RUSSELL. I have just stated that it is my opinion that efforts to use the pending bill to whip up a frenzy throughout the country and to promote efforts of the Negro people to strong-arm their way into social acceptance at eating establishments and similar places can only end in great tragedy. It may elect some man to political office but the people most vitally affected will not benefit from it.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. STENNIS. As one of those who has the privilege of representing the State which has the largest percentage of Negro citizenship of any State in the Union, I wish especially to commend the Senator for the very logical, factual, calm way in which he has presented facts that are not pleasant to anyone. No one, much less the Senator from Georgia, would get any satisfaction from bringing such facts to the attention of the public or the Senate.

Mr. RUSSELL. I want to have the country know the real reason for our position. It is not based upon prejudice. It is not based upon the hatred of the Negro people. It is based upon existing conditions. The Negro people would be much better advised to undertake to clean up conditions in their race, rather than to come to Washington to urge the enactment of a law to enforce the right of Negroes to sit down and eat with the whites.

Mr. STENNIS. That approach is exactly the approach we are trying to take in my State. We have there over 8,000 colored schoolteachers, virtually 100 percent of whom are showing the same approach the Senator outlines in his speech, of self-improvement, gradual betterment, gradual increase of their worth and their earning capacity and their service ability, and it is the approach of building these people to make them more useful and stronger.

If we could entrust this problem to their own leaders, there would not be any problem. It is the outside agitation of political organizations and others who come in and give them misdirected

leadership, for the personal gain which may come to these organizations and others, which will lead them down a dead end alley by injecting politics into the question. That is the source of the trouble.

I am glad the Senator has brought out so clearly to the American people the exact situation.

If the Senator will yield further, I notice that he made reference to the Mormons in Utah. I have had in my desk for some time a paragraph which I clipped from the "100 Years Ago" column published in one of the New York newspapers. It is dated March 11, I think, 1859, and states:

> This bill being discussed before the U.S. Senate is a proposal to increase the standing Army from 18,000 to 24,000. The extra 6,000 are needed to send to Utah against the Mormons.

Mr. RUSSELL. They were burnt out and driven from pillar to post. After they made their long march across the country to Utah, the Government did send the U.S. Army out there against them. It was a disgraceful page in American history.

Mr. STENNIS. A short 100 years later—and a hundred years is a short time in the history of a nation, especially in the history of a race—the Senate is blessed—and I use that word "blessed" literally—with the Membership in the Senate of several Members from that great religious organization. I have said it before, and I say again now, that although there may be some bad Mormons, I have never met one.

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KEATING. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. KEATING. Mr. President, before the pending amendment gets "pended" so long that there is no more life left in it, I should like to explain briefly its provisions. In essence, under this amendment it would be a Federal offense for anyone to import or transport in interstate commerce any explosive with the knowledge or intent that it will be used to damage or destroy any property used for specified objectives or of intimidating any person pursuing those objectives. The property involved can be any building or any real or personal property.

This language is intended to be all-inclusive. The uses to which any such real or personal property are being put are defined in the amendment as "educational, religious, charitable, residential, business, or civic."

In other words, it will apply across the board.

The basis for Federal jurisdiction under this amendment is the importation or transportation of explosives in commerce. Under its provisions, the possession of an explosive in such a manner as to evince an intent to use or the actual use of an explosive for one of the prohibited objectives would create a rebuttable presumption that the explosive was imported to the United States or transported in commerce by the person possessing or using it. However, the amendment expressly provides that no person may be convicted of a violation of its provisions unless there is evidence of a violation independent of the presumptions.

This section is intended to create an immediate basis for Federal intervention in bombing cases without subjecting the accused to a possibility of a conviction solely on the basis of the presumption.

The amendment would also make it a crime willfully to impart or convey any threat or false information through the use of mail, telephone, telegraph, or other instruments of commerce concerning an attempt or act prohibited by the amendment.

The amendment contains a subsection making it clear that it is not intended to preempt State laws dealing with the same subject matter.

The amendment is virtually identical to S. 73, which I introduced on January 9, 1959, on behalf of myself and Senators Javits, Scott, Allott, Beall, Bennett, Bridges, Bush, Case of New Jersey, Cooper, Kuchel, Martin, Prouty, and Smith, and the late Senator Langer.

The amendment also is almost identical to S. 188, introduced by Senator KENNEDY on January 12, 1959, and cosponsored by Senators Ervin, Allott, Anderson, Bible, Bush, Byrd of West Virginia, Cannon, Carroll, Case of New Jersey, Chavez, Church, Clark, Dodd, Douglas, Engle, Green, Gruening, Hart, Hennings, Humphrey, Magnuson, Mansfield, Martin, McCarthy, Moss, Murray, Pastore, Randolph, Symington, Yarborough, Young of Ohio, and Young of North Dakota, and the late Senator Langer.

The latter bill, S. 188, is commonly referred to as the Kennedy-Ervin bill. There are only two differences between this amendment and the Kennedy-Ervin bill. One is that the Kennedy-Ervin bill does not apply to property being used for residential purposes, whereas my amendment does. The other difference is that the Kennedy-Ervin bill also contained a section amending the Fugitive Felon Act by adding to the list of crimes thereunder the following:

> willfully destroying or damaging any building or other real or personal property for the purpose of interfering with its use for business, educational, religious, charitable, or civic objectives, or of intimidating any person pursuing such objectives.

The latter section is now unnecessary in my amendment, since my amendment will leave intact the fugitive felon provision of section 2 of the Dirksen amendment, simply adding to it the antibombing measure.

In this and other respects, the Kennedy-Ervin bill sought to accomplish the very same objectives in practically the very same language as the pending amendment. It contains the same provisions with regard to importing or transporting explosives, the same presumptions, the same sections with regard to the use of mail, telephone, telegraph, or other instrument of commerce, the same penalty provisions, and the same section negating any preemption.

I should point out that on January 20, 1959, the distinguished majority leader [Mr. JOHNSON of Texas] introduced another bill, S. 499, title IV of which is almost identical with the language of the Kennedy-Ervin bill. In other words, that bill also proposed both an amendment to the fugitive-felon law, which we have already dealt with, and a separate antibombing addition to the Criminal Code.

The majority leader's bill on this point also contained a provision not found in other measures which have been proposed, a provision to deal with bombing incidents. This is the only respect in which the majority leader's bill differed substantially from this amendment or the Kennedy-Ervin bill. This provision would have expedited FBI investigations of all cases involving the damage or destruction of any building by any explosive under circumstances indicating that the substantive provisions of the law had been violated.

While I doubt the necessity for this addition, I should be happy to accept it if the majority leader and other Senators believe it is desirable. Certainly it does no harm. I simply feel that to have this additional provision in the bill, so as to expedite FBI investigations, is not essential to the measure.

A number of Senators sponsored both S. 73 and S. 188. However, not counting any duplications the total number of Senators who have sponsored one of the three bills introduced on this subject is 45, which is 5 less than half of the full membership of the Senate, and includes the distinguished majority leader [Mr. JOHNSON of Texas], the distinguished majority whip [Mr. MANSFIELD], and the distinguished minority whip [Mr. KUCHEL].

It is particularly noteworthy that a major percentage of this number sponsored a bill which would have accomplished exactly what I am now proposing; namely, a dual approach to the solution of bombing cases, both by amending the fugitive-felon law and by adding a new section to the Criminal Code. It is my hope that it may be possible to get unanimous, or almost unanimous, approval of this amendment.

I feel sincerely that it is one which should appeal and will appeal to Members from all sections of our great country. All the Senators who have proposed or sponsored these measures obviously believe, as I do, that this dual approach is necessary in order to make possible a complete counteroffensive against the vicious criminals who have destroyed schools, places of worship, and homes in their fight against law and order. These hoodlums deserve our severest condemnation. Their deeds have disgraced the entire Nation. Their crimes are a stain on the reputation of America throughout the world. We now have an opportunity to remove this stain, and I hope we shall do a complete job.

The present section of the Dirksen amendment would do a good part of the job. That is why it has my full support. However, it will not do the whole job, and that is why I suggest that we stick to the dual approach recommended by so many of our colleagues from all sections of the country—including the distinguished majority leader.

Primarily, the gap in the flight section alone is that it would not come into operation until after there had been a bombing and a flight across a State line. I see no reason to limit our action to apprehension and prosecution after the fact in the case of criminals who attempt to escape from the place where they have been guilty of such a bombing. If it is possible for the felons to be caught by the FBI before the acts reach fruition, certainly the law should be sufficiently broad to cover such situations, and there is no reason to exclude from Federal prosecution—provided they have committed a Federal offense—culprits who never flee the jurisdiction. The amendment would also cover some cases of intimidation, even though an actual bombing did not occur. The amendment would cover cases of possession of explosives with the knowledge or the intent of using them for the prohibited purposes, and the amendment would cover threatening telephone calls such as have been reported from time to time in such cases.

In other words, the amendment will allow action as broad as the problem that is being dealt with, and not just prosecution of felons who flee after the deed is done.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a complete list of the bombings which have occurred in recent years having racial overtones—although this amendment is not limited to such cases.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

BOMBING INCIDENTS (1955–60)

ALABAMA

1. Montgomery, January 30, 1956, home of Rev. Martin Luther King, Jr., Negro leader; bomb blew out windows and damaged front porch. King had organized a bus boycott in December 1955.

2. Birmingham, April 10, 1956, homes of Negroes on 12th Place, North in Fountain Heights; Fountain Heights nicknamed "Dynamite Hill"; association of whites sought to prevent sales to Negroes.

3. Montgomery, August 25, 1956, home of Rev. Robert Graetz; two sticks of dynamite exploded. Graetz is the white pastor of an all-Negro Lutheran Church and a member of the boycott association in Montgomery.

4. Birmingham, December 25, 1956; home of Rev. Dr. F. L. Shuttlesworth, Negro minister; explosion on Christmas night. Shuttlesworth had led a 1-day campaign in defiance of city bus segregation laws. Home heavily damaged. His home and church thereafter guarded continuously by volunteers.

5. Birmingham, December 31, 1956, home of Otis Flowers, Negro, in Woodlawn.

6–11. Montgomery, January 10, 1957, four Negro churches and the home of Negro minister of one church and the home of white minister of another church bombed in one night; outbreak of violence began shortly after bus segregation was ended by Federal court order in December 1956. Churches were First Baptist Church, Hutchinson Street Baptist Church, Mount Olive Church, and Bell Street Baptist Church. Ministers were Rev. Ralph D. Abernathy and Rev. Robert Graetz. Second explosion in Graetz's home. Two white members of Ku Klux Klan arrested and tried. Acquitted May 30, 1957.

12. Montgomery, January 27, 1957, unsuccessful attempt on home of Rev. Martin Luther King, Jr.; 12 sticks of dynamite were tossed on the porch but failed to explode. Second attempt on King home.

13. Montgomery, January 27, 1957, Negro home and a filling station; bomb tossed between both buildings. Three Negroes suffered cuts and scratches.

14. Mobile, February 18, 1957, home of Walter Johnson, Negro; little damage; a small bomb thrown by white boy on bicycle. Johnson lived in mixed neighborhood. Reported by press as fifth of a series of recent bombing attempts in Mobile. Second attempt on his home.

15. Birmingham, April 1957, Negro home on 11th Court, North; six persons in home at time uninjured.

16. Birmingham, April 10, 1957, Negro homes on 12th Place, North.

17. Bessemer, April 28, 1957, Allen Temple A.M.E. Church (Negro); explosion occurred during service. Two hundred persons present, no one injured. Bomb went off in alley behind the church. Minister not active in integration fight.

18. Birmingham, April 28, 1957, home of Asbury Howard, Negro civic leader and vice president of an international union; Howard was president of a Negro organization to encourage Negro voting.

19. Birmingham, October 19, 1957, Negro home on 12th Place, North; heavy property damage.

20. Bessemer, November 1, 1957, home of David Hood, Jr., Negro lawyer; damage $1,000. Hood had sued to open public parks to Negroes. Only two nights earlier, he had dismissed three guards who had protected his home for 3 weeks. The house had been circled with floodlights. Hood had been convicted of carrying a pistol without a permit. He had not been able to obtain a renewal of a permit which had expired.

21. Birmingham, December 7, 1957, home of Robert Greer, Negro, 13th Street, North; two separate blasts in two different rooms. Reported by Associated Press as fourth bombing in Fountain Heights in few months.

22. Birmingham, December 31, 1957, home of Otis Flowers, Negro, in east Birmingham; blast blew out a wall; 12-year-old boy suffered a cut hand. Home in white neighborhood. Prior warning by fiery cross.

23. Brewton, March 25, 1958, Freewill Baptist Church, white; church demolished. No apparent racial angle.

24. Birmingham, April 29, 1958 (Tuesday), unsuccessful attempt on Temple Beth El; 54 sticks of dynamite left in a satchel at the temple failed to explode. Fuse wet by rain.

25. Birmingham, June 29, 1958, unsuccessful attempt on Negro Bethel Baptist Church; smoking package of dynamite in front of church thrown into street where it exploded. F. L. Shuttlesworth, Negro integration leader, pastor of church.

26. Birmingham, July 17, 1958, home of William Blackwell, Negro, and of a white neighbor in a mixed neighborhood; three men who had attended a KKK meeting caught by Negroes in neighborhood and then arrested. Later charged with bombing. One man convicted on December 5, 1958, and given 10-year sentence.

ARKANSAS

1. Little Rock, December 31, 1957, unsuccessful effort to bomb home of Mrs. L. G. Bates; crude bomb in a bottle exploded in driveway causing no damage to home of NAACP leader.

FLORIDA

1. Sorrento, November 13, 1955, home of Allen Platt; gasoline bombs. Platt's children, dropped from school rolls on claim they were part Negro sued to compel their admission.

2. Havana, October 21, 1957, Negro church; blast tore hole in churchyard, the aftermath of killing of white man allegedly by Negro.

3. Miami, March 16, 1958 (Sunday), school annex of Temple Beth El; $6,000 damage. First terror explosion in Miami since 1951.

4. Jacksonville, April 28, 1958 (Monday), Jewish center; $2,000 damage. Telephone threat received immediately after explosion from "Confederate Underground."

5. Jacksonville, April 28, 1958, James Weldon Johnson Junior High School (for Negroes); $20,000 damage. School 4 miles away from Jewish center. Both explosions within half hour. No integration dispute or lawsuit in Jacksonville.

GEORGIA

1. Atlanta, March 25, 1956, home of Mrs. Eddie May Cooper, Negro; home, in mixed neighborhood, destroyed.

2. Atlanta, April 17, 1956, home of Mrs. Gertrude Anderson, Negro, on Old Know Street; West Side Improving Association sought unsuccessfully to buy Anderson home.

3. Atlanta, July 3, 1956, home of Carl Haynes, Negro; heavy damage to home in predominantly white neighborhood. Press reported bombing of several other Negro homes in northwest section earlier in the year.

4. Americus, July 23, 1956, roadside market at Koinonia farm; $3,000 damage. Farm is an interracial religious cooperative. Its leader had aided Negroes seeking admission to white school.

5. Americus, January 14, 1957, roadside market, Koinonia farm; second blast, $7,000 damage, market destroyed.

6. Ringgold, November 29, 1957, unsuccessful attempt on tenant farm home of Phillip Huggins, Negro; Huggins had been warned 2 months earlier by group of robed men to leave country. Seven sticks of dynamite found with burned-out fuse under front porch.

7. Atlanta, March 17, 1958, unoccupied home sold to Negro; home was in predominantly white neighborhood.

8. Columbus, July 2, 1958, home of Mrs. Essie Mae Ellison, Negro; home, in mixed neighborhood, partly destroyed.

9. Atlanta, October 12, 1958 (Sunday), Temple of Hebrew Benevolent Congregation; about $10,000 damage caused by estimated 30 to 40 sticks of dynamite. George Bright tried and acquitted.

LOUISIANA

1. New Orleans, November 23, 1958, parking lot of school building; the school superintendent had a parking place assigned near the site of the explosion.

NORTH CAROLINA

1. Greensboro, October 2, 1957, home of Elijah Herring, Negro; Herring's children were attending a white school.

2. Charlotte, November 5, 1957, home of Negro; vacant house partly destroyed; third blast in neighborhood in 2 weeks, a new development consisting of 65 homes intended for Negro occupancy was being built.

3. Charlotte, Tuesday, November 12, 1957, unsuccessful effort to bomb Temple Beth El; six sticks of dynamite with partly burned 14-foot fuse found outside the temple.

4. Charlotte, January 1, 1958, marquee of drive-in theater; theater admits both white and Negro patrons.

5. Gastonia, Sunday, February 9, 1958, unsuccessful effort to bomb Temple Emanuel; 30 sticks of dynamite found outside of temple; fuse had burned to within 1½ inches of dynamite.

6. Charlotte, March 20, 1958, Negro public school; three members of a KKK group were convicted of plotting to plant a homemade bomb in a Negro school on February 15; discovered by police undercover agent; three men began serving 5-year prison sentences.

7. Durham, July 7, 1958, home of Rev. Warren Carr, white; minister headed Durham Human Relations Committee; four teenagers admitted "prank" and were not prosecuted.

SOUTH CAROLINA

1. Gaffney, November 20, 1957, unsuccessful attempt on home of Dr. James H. Sanders, a white physician; Mrs. Sanders had contributed to a publication entitled "South Carolinians Speak—A Moderate Approach to Race Relations." Five KKK members charged on December 7, 1957, with the attempted bombing. Two were thereafter acquitted and other three never tried.

2. Cowpens, November 21, 1957, home of Lewis Ford, Negro tenant farmer; white owner could give no reason for bombs.

TENNESSEE

1. Clinton, September 1956, five dynamite blasts in Negro section; Federal court had ordered admission of 12 Negroes to Clinton High School in August 1956. One blast in a lot adjoining home of Negro student in Clinton High School.

2. Clinton, December 29, 1956, headquarters of White Citizens Council; three sticks of dynamite ripped hole in side of building.

3. Chattanooga, January 23, 1957, home of Galen Lehman, white man; house had been shown to Negro prospective buyers.

4. Clinton, February 15, 1957, blast in Negro neighborhood; suitcase loaded with dynamite exploded; windows in 30 homes shattered. Two persons injured.

5. Knoxville, February 19, 1957, bombing of municipal auditorium; single stick of dynamite tossed from passing car while Louis Armstrong's band was playing for a segregated audience. Bomb exploded 200 feet from building.

6. Clinton, March 11, 1957, unsuccessful attempt on home of Negro student of integrated high school; 15 pounds of loose explosive found in gallon bucket.

7. Chattanooga, May 25, 1957, home of R. H. Craig, Negro lawyer; Craig had urged more jobs for Negroes in county government. Earlier, crosses were burned on property and guns shot into his home.

8. Jersey, August 13, 1957, home of Negro couple; newspapers also reported that a dynamite attempt on a Negro restaurant occurred a few days earlier.

9. Nashville, September 10, 1957, destruction of one wing of Hattie Cotton Public School, in East Nashville; a Negro child had been admitted as first step in integration plan.

10. Chattanooga, October 27, 1957, explosion in field near Negro residential area; 65 houses being built in new subdivision designed exclusively for Negroes.

11. Chattanooga, October 28, 1957, home of Negro couple in Negro section.

12. Chattanooga, November 5, 1957, home in Negro section; third bombing in less than 2 weeks.

13. Chattanooga, January 19, 1958, Howard School (for Negroes); bomb, homemade. Damage $1,000.

14. Chattanooga, January 27, 1958, Phyllis Wheatley Branch of YWCA (for Negroes); explosion outside building.

15. Clinton, February 13, 1958, white man convicted of conspiring to dynamite integrated Clinton High School. Sentenced for 2- to 10-year prison term; two sacks of dynamite containing 150 sticks found across a river from the school last fall. Two men told the sheriff they had been offered $500 to blast the school, according to press accounts.

16. Nashville, March 16, 1958 (Sunday), Jewish Community Center; $6,000 damage. Telephone call immediately after explosion from "Confederate Underground." Threat also against Federal judge who had issued integration order.

17. Memphis, August 5, 1958, Negro Mount Moriah Baptist Church.

18. Clinton, October 5, 1958, Clinton High School (integrated); three dynamite blasts, $300,000 damage.

19. Nashville, November 1958, unsuccessful attempt on home of Lee Steegal, Negro employee of Fisk University; Steegal had been soliciting membership for NAACP. Stick of dynamite found in his backyard.

TEXAS

1. Beaumont, January 7, 1957, unsuccessful attempt on home of Dr. Ed Sprott, Negro physician; physician was former NAACP official.

2. Beaumont, January 9, 1957, home of Grover Lee Myles, Negro; home in mixed neighborhood.

3. Beaumont, January 28, 1957, truck owned by State Senator Rufus Kilpatrick; Kilpatrick had aided in delaying anti-integration bill.

4. Beaumont, January 28, 1957, home of white retired car dealer, C. R. Smith; he believed it was caused by his "middle of road" stand on integration.

5. Beaumont, January 28, 1957, entrance of St. Michael's Greek Orthodox Church; the pastor of St. Michael's said he had taken no stand on integration but had received a telephone warning "we wanted to get the foreigners." All three blasts occurred in the evening.

6. Beaumont, June 21, 1958, home of Dr. Russell Long, professor at Lamar State College of Technology; college was integrated in 1956.

VIRGINIA

1. Lynchburg, October 29, 1958, attempt on E. C. Glass High School; disconnected dynamite bomb found in the trash pile at school. A bombing threat had been received by the school a week earlier.

PARTIAL LIST OF 1959–60 BOMBINGS

1. Huntington, W. Va., January 13, 1959, a bomb exploded in a boys rest room at Beverly Hills Junior High school shortly before classes opened. Damage was slight.

2. Collins Park, Del., April 7, 1959, a bomb exploded in the rear of a home, climaxing a series of racial demonstrations against Mr. and Mrs. George Rayfield, the Negro owners who had moved in 6 weeks before. The attorney for the owners stated that they had asked for police protection in the past. Collins Park is an all-white suburb of Wilmington. Mobs had demonstrated in front of the home after they had moved in.

3. Little Rock, Ark., June 7, 1959, a homemade bomb was tossed on the lawn of Mrs. Daisy Bates, president of the Arkansas NAACP. No one was hurt. The bomb was the fourth thrown at the Bates home since the start of the integration crisis.

4. Houston, Tex., December 16, 1959, a suitcase of explosives was tossed into a school playground that resulted in the death of the bomber, three children, and two other adults. One of the dead was the son of the bomber.

5. Newark, N.J., September 21, 1959, a bomb was thrown through a window of a Negro storefront church. No one was injured. Five 18-year-old boys were later arrested.

6. Little Rock, Ark., September 7, 1959, the office building of the school board, the private business office of the mayor, and the fire chief's station wagon were bombed. The explosions occurred in all three structures in a 40-minute period. Thereafter, five men were arrested. One pleaded guilty and was sentenced to 5 years in jail. Another was convicted after trial and sentenced to 3 years. A third received a similar sentence after trial.

7. Boise, Idaho, September 11, 1959, a bomb was thrown into a Seventh-day Adventist church. Twenty-five persons in the room at the time escaped injury.

8. Collins Park, Del., August 7, 1959, a second bomb was thrown in the home of Mr. and Mrs. George Rayfield, who had bought a home in an all-white suburb. In September, seven men and one woman were indicted.

9. Kansas City, Mo., January 29, 1960, a bomb explosion shattered synagogue windows of Kehilath Synagogue.

10. Springfield, Mass., February 2, 1960, windows were shattered in a bomb explosion at Temple Beth El which had been defaced by swastika vandals a month before.

Mr. KEATING. Mr. President, the list shows 88 such bombings since 1955, up to February of this year. Of this total, 42 involved Negro homes; 11, desegregated schools or Negro schools; 8, Negro churches; 9, Jewish synagogues or centers; 3, white churches; 3, white homes; and 12, other property, including a theater, a municipal auditorium, a YWCA, a school office, and the private business office of the mayor of Little Rock, Ark. The list shows that while most of these incidents have occurred in southern cities, a number have occurred in areas in the North. For example, in September 1959, a bomb was thrown through a window of a Negro church in Newark, N.J. In the same month a bomb was thrown into a Seventh-Day Adventist church in Boise, Idaho. Just last month a bomb was exploded in a Jewish temple in Springfield, Mass.

It is obvious that this matter is not a sectional one. So I hope the amendment will not be approached on a narrow, sectional basis. In fact, I am sure it will not be approached on such a basis.

There is no question that the decent people of all sections of the country are as much outraged by the rash of bombings which has occurred as they would be by any other kind of lawless violence; and I, for one, do not doubt that most law-enforcement agencies in the communities affected are sincerely trying to apprehend and to punish the perpetrators of these evil deeds.

The difficulties confronting local law-enforcement officials, however, are virtually insurmountable. Only a combined effort at the Federal, State, and local levels will ever be completely effective.

The nature of the acts involved is one of stealth and secrecy. Bombings most often occur at night, and the resultant explosions normally destroy most of the evidence which would show who are the culprits. Expert skill and meticulous care are required in order to sift the meager evidence which remains. For this task, the Federal Bureau of Investigation, which would be called into play under this proposal, would be most helpful. The Bureau is amply prepared, on the basis of its experience, and by means of its techniques, to combat these criminals and to produce the evidence necessary for their conviction. Of course, it is true that the FBI has rendered assistance to local officials in numerous instances in which such bombings have occurred. But, unfortunately, under present law the Bureau lacks clear jurisdiction to proceed immediately in such matters. This amendment will provide that jurisdiction in unmistakable terms.

It is important to note that many local law-enforcement officials with whom I have discussed this problem agree that action at all levels is essential in order to wipe out the scourge of hate bombings.

Late in the fall of 1958, accompanied by my distinguished colleague [Mr. JAVITS], I toured several cities in the South, to investigate at firsthand the manifestations of this problem. In all, we traveled approximately 2,000 miles, and we talked with more than 50 government officials and community leaders in 3 cities—Jacksonville, Fla.; Atlanta, Ga.; and Birmingham, Ala.

Incidentally, let me state that these cities were selected carefully, in order to obtain a cross section of the types of structures which have been bombed. The object of our mission was to obtain from local leaders firsthand advise as to what help could be rendered by the Federal Government in order to combat these shocking outbreaks of violence.

On the basis of the information obtained in the course of our tour, I am convinced that Federal intervention and assistance are urgently needed, and would be generally welcomed in the communities we visited.

Mr. LONG of Louisiana. Mr. President, will the Senator from New York yield for a question?

Mr. KEATING. I am happy to yield.

Mr. LONG of Louisiana. Did the Senator from New York notice that someone attempted to bomb an auditorium in which Mrs. Roosevelt was speaking last night?

Mr. KEATING. Just before the Senator from Louisiana entered the Chamber—I know he was away on urgent business—I called attention to the 88 recent bombings, running from 1955 to February of this year; and I specifically mentioned three or four which did not occur in Southern States. One was in Springfield, Mass.; one was in Newark, N.J.; and one was in Boise, Idaho.

Mr. LONG of Louisiana. Has the Senator from New York seen the afternoon edition of the Washington News, with the headline "Plant Wrecked by Blast Here"?

The article refers to a blast which occurred in Washington; the blast "skyrocketed 300 feet," and burst windows for seven blocks around. Apparently no one was killed, but several people were injured.

Mr. KEATING. I had not seen that article, but I know there have been several instances of that sort; and I may call attention to the fact that this amendment is so broad in its terms that it would cover any bombing.

Mr. LONG of Louisiana. The Senator is willing to have his proposed criminal statute against bombing apply against all bombings?

Mr. KEATING. Yes; it does by its terms.

Mr. LONG of Louisiana. I am pleased to hear that.

Mr. KEATING. Because of this expression by the various officials and community leaders with whom we discussed this matter, I was somewhat surprised, during the debate on Monday evening a week ago, when the distinguished junior Senator from Florida [Mr. SMATHERS] inquired of the junior Senator from New York whether he knew of any demands for that provision of the pending Dirksen amendment which is aimed at apprehending criminals engaged in hate bombings of churches and schools.

The Senator from Florida [Mr. SMATHERS] asked:

Does he—

Meaning the junior Senator from New York—

have in his files any letter from the chief of police of New York, the attorney general of New York, or the State Highway Patrol of New York where they say that they cannot handle the crime of having a bomb thrown against a school building or a religious house, and that they have to have the help of the Federal Government in order to apprehend the criminal and prosecute the crime?

Is the Senator from New York aware of any breakdown in local law enforcement to such an extent that this has to become a province of the Federal Government?

I was glad to respond to the Senator from Florida, and stated, as will be found on page 4722 of the RECORD.

Is the distinguished Senator from Florida aware that the mayor of Jacksonville, Fla., among many other mayors, feels that it is desirable under certain circumstances to bring the Federal Government and the FBI in, as in the case of certain bombings, and that bills to that effect have been offered by the distinguished Senator from North Carolina and one of the distinguished Members of the House of Representatives from Tennessee?

The Senator from Florida expressed some disbelief that these officials, and particularly a Florida mayor, were for legislation in this area.

But, Mr. President, facts are stubborn things. The Jacksonville mayor, when I saw him about a year ago, did join with other southern mayors in approving Federal action. I found his views particularly heartening since he was at that time the acknowledged leader—I am not sure whether he was an elected leader or just what his status was, but he was the acknowledged leader—of concerted State efforts to bring the perpetrators of these hate bombings to justice.

Mr. President, I have been reminded of certain other facts in fuller answer to the interrogation put to me the other night by the Senator from Florida. I have here the transcript of hearings held before Subcommittee No. 3 of the House Judiciary Committee—on which committee I had the honor of serving for many years—on May 13 and 14 of 1959, less than a year ago. The hearing was called to consider several dozen bills which had been introduced to prohibit certain acts involving the use of explosives.

On page 58 of this volume, I find the statement of CHARLES E. BENNETT, Representative from the Second District of Florida. He appeared in support of his own bill, H.R. 1784, to prohibit and punish certain acts involving the importation, transportation, possession, or use of explosives.

Representative BENNETT, in his statement, referred to bombings of a Jewish center and a Negro high school which had occurred the previous year. After expressing his own deep shock, he reported as follows:

The day on which these acts occurred, Mayor Haydon Burns, of Jacksonville, asked the FBI to take jurisdiction of this matter and to lend its full assistance to the local law enforcement agencies in their efforts to detect and bring the criminals to justice. On the following day, the distinguished chairman of this committee, Hon. EMANUEL CELLER, directed a letter to Attorney General Rogers asking that the Department of Justice and FBI intervene. I joined in the effort to obtain FBI intervention, writing to Director J. Edgar Hoover as follows:

"In view of the apparent interstate nature of the crime and the desire of local authorities for FBI intervention and assistance, I believe this is a particularly strong case for your taking jurisdiction."

On April 30, 1958, Deputy Attorney General Lawrence E. Walsh advised Chairman CELLER: "* * * There is no basis at present for action by the Federal Bureau of Investigation," and thereafter the Department of Justice refused to take jurisdiction of the matter, pleading the absence of Federal legislation to support their jurisdiction. The FBI did cooperate with local law-enforcement officials as it would on any purely local case by offering the assistance of its laboratory, files, and other cooperative facilities. However, it did not actively enter the case."

That is the end of the quotation from Representative BENNETT's testimony.

Because of the inadequacies of the present law, Representative BENNETT, along with many others, sponsored new Federal legislation. As Mr. BENNETT declared:

These bills recognize the interstate nature of such acts and provide for dealing with these as an interstate problem. * * * We will make it possible for the FBI and other Federal agencies immediately to enter such a case with full jurisdiction and to provide maximum assistance and cooperation to local officials.

That is the end of the quotation from Representative BENNETT.

Now, Mr. President, I turn to page 133 of the House hearings, and I find the statement of Mr. DANTE B. FASCELL, a Representative from the Fourth District of Florida, and sponsor of H.R. 3005, to deal with the question of bombings of schools and churches. Mr. Fascell explained his support of new Federal legislation as follows:

This legislation will in no way interfere with nor prevent local investigation and enforcement of individual State laws prohibiting such acts; on the other hand, passage of this legislation will declare such offenses a Federal crime, thereby making available to local law-enforcement bodies the extensive facilities of the Federal Bureau of Investigation.

That is the end of the quotation from Representative FASCELL.

I submit, Mr. President, that if the Senator from Florida [Mr. SMATHERS] is looking for local support for anti-bombing legislation, he does not have to travel far to find it. I have now supplied

for the record information on two distinguished Members of the other body from the State of Florida and the mayor of Jacksonville, Fla.

Support for such legislation comes from other parts of the country, too. As I have indicated, the Senator from North Carolina [Mr. ERVIN] has sponsored legislation on the subject. Representative LOSER of Tennessee, and Representative WILLIS of Louisiana—with whom I served on the House Judiciary Committee—are among the Members of the Congress seeking Federal assistance in this area.

I will cite one other instance of impressive support. In the same record of hearings from which I have quoted, I find on page 106 the statement of John Ragsdale, chief of the fire department of Nashville, Tenn. In urging legislation designed to prevent interstate shipment of explosives, Mr. Ragsdale said:

> We have little or no protection from the explosives slipped into Nashville, and I know of no effective way to combat this danger on the local level. There is a definite need for interstate enforcement of legislation on malicious interstate traffic in explosives. I urge you to favorably consider legislation authorizing the Federal Bureau of Investigation to spearhead this enforcement. It is my sincere conviction that this is the only answer to a problem that involves all of us.

I recognize that the measure which Mr. Ragsdale supported would bring the FBI into the problem on a different basis from that contemplated in the amendment I am now offering. Here is an important official of a major southern city asking the Federal Government to help him carry out an important responsibility.

Mr. President, of all of the provisions of the pending bills, I would have thought that the provision dealing with apprehension of criminals who have performed acts of violence against churches and schools would have received the most general support among all the Members of the Senate.

I hope that the opposition on the part of some Senators, which I am sure is sincere and which is completely understood by those of us who differ with them, to anything which is labeled "civil rights" will not be so automatic and so unyielding that even this supremely reasonable objective is attacked. To the charge that this provision has been dreamed up by northern politicians without any support from local officials, I hope I have provided a part of the answer.

Mr. President, two widespread nations about the impact of Federal intervention were strongly discredited by the authorities in several cities we visited. First, it was made clear that Federal assistance in these cases would not be considered an infringement upon States' rights. It was made clear by the officials themselves.

Secondly, it was made clear that the promise of Federal help would not lead to any slackening-off of local efforts to apprehend and to punish the culprits. This means that under a Federal antidynamiting and flight-to-avoid-prosecution statute, we could expect a wide degree of cooperation between the State and Federal authorities—the kind of joint anticrime action which holds the greatest promise of success.

The need for broad legislation in this field is manifest. Although the pace of bombings of homes, schools, places of worship, and other structures has tapered off in recent months, the threat remains.

There is still the danger that hate bombers will again rear their ugly heads. The threat continues that these men with warped and bitter minds will resume their jungle warfare against the law of the land.

The recent outbreaks of anti-Semitism which have called forth heartfelt protests from people and organizations all over the country, bear further witness to the continuing threat of hatemongers. Mr. President, these are problems for all America to meet. They challenge the very essence of our concepts of human freedom and dignity.

While the eventual answer lies in cleansing the hearts and minds of men of the bitter poison of racial and religious hatred, the effort toward that goal must be buttressed with effective legislation. The amendment before us represents the vehicle for putting sound and strong protection on the statute books.

We can all be grateful that there have been fewer dynamitings in recent months. But a wise man once said, "There is no such thing as a little garlic." I submit that there is no such thing as a little bombing.

The heinousness of only one such act putrefies the atmosphere of freedom and self-respect in which our Nation is proud to flourish. Who knows where and when this ugly threat will again reappear?

I hope this amendment will be approved. It is my sincere belief we would be acting wisely, would be acting in the national interest, and could be proud of our action if we were to approve the amendment unanimously.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KEATING. I am happy to yield to my colleague.

Mr. JAVITS. First, my colleague has made, as is customary with him, a most reasoned and thoroughly documented statement in support of his amendment.

Second, Mr. President, I should like to point out this is not an amendment which is based upon abstract knowledge or upon reading the books. My colleague the Senator from New York [Mr. KEATING] and I have been actually on the ground where these events took place and we have an understanding, based upon our contacts with the local people concerned, of the police problems involved not only in respect to finding perpetrators of these crimes, which is a very grim duty on the part of the law-enforcement officials, but also what is even more important, as I think is borne out by the amendment of my colleague, in respect to doing our utmost to head these things off before they occur.

This is such a serious matter that merely depending upon that part of the fugitive felon statute which would deal with arresting a man after the fact, or even after a threat to bomb, may very well not be sufficient. As the Senator from New York [Mr. KEATING] has so forcefully argued, this is altogether too serious a matter to rely solely upon that.

Mr. President, perhaps views have changed, but certainly we found the greatest of acceptance among the southern officials with whom we conferred for the most effective law ingenious legal minds could draw up to deal with this subject. I think my colleague has thoroughly confirmed the need for adding this provision to the fugitive felon aspect of the bill, as demonstrated by the fact that some very distinguished legal minds in this Chamber have come to the same conclusion; to wit, the Senator from Massachusetts, and the Senator from Texas, who, though he is not a lawyer, certainly has available to him the best legal brains there are. With humbleness, I came to the same conclusion, and my own amendments were to this effect.

I think it is rather a tribute to the Senate that every Member had stood aside and allowed my colleague to present this amendment. I think my colleague perceived this danger at a very early date, thought through the kind of legislation which should be passed in order to deal with it, and is very much the proper person to bring this matter before the Senate. I am delighted to see he was given this opportunity by the whole Senate.

Mr. President, there are many things about these bills which, as I know and as everybody knows, can be argued about. I feel strongly about certain matters, but others feel as strongly about their points of view. It seems very hard to figure, however, how any of us could refrain from wanting to buttress the antibombing section of the bill with every possible provision which practicable, workable, and legally workmanlike, to do as much as we can devise. I think my colleague has certainly given us an opportunity, on which I hope we will take action. I hope the Senate will not reject this opportunity, and I hope very much the amendment will today be added to the bill before us.

I thank my colleague for yielding.

Mr. KEATING. Mr. President, I am extremely grateful to my distinguished senior colleague from New York for his kind remarks. The senior Senator from New York has an amendment virtually exactly in the terms of the one I am discussing, is a cosponsor of the bill which I introduced originally, and has performed a great service by accompanying me on the investigatory trip.

We were received with the utmost consideration, courtesy, and interest by the officials of the three cities we visited. They extended to us every facility. They called together community leaders, as we requested; and I came away with the definite feeling that not only was the trip helpful, but also that it was welcomed by the officials in the cities involved. I felt that they would welcome Federal legislation on this subject.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. KEATING. I am happy to yield to my distinguished friend from Kentucky.

Mr. COOPER. Like other Members of the Senate, I am certainly in sympathy with the objectives of the Senator's amendment, and the objectives of similar amendments which have been offered on this subject.

I should like to ask the Senator about subsection (c) on page 3. It provides that the possession of an explosive creates a rebuttable presumption that the explosive was imported into the United States or transported in commerce. I ask the Senator if there is any precedent with which he is familiar which would establish that presumption of at least one element of the crime. The Senator knows that the general rule is that there must be proof. The presumption is that the person charged with the crime is innocent until proven guilty. I ask if there is any conflict between that general principle and the purported intention of subsection (c) which would seem to create a presumption of at least one element of a crime, which could be rebutted?

Mr. KEATING. I am happy to respond to my colleague from Kentucky. I am not surprised that he made that inquiry, because he is a distinguished lawyer and a former judge in his own State. He has a fine legal background. This subsection is naturally a matter of some concern to anyone with legal training.

In the first place, there is a precedent in the Federal kidnapping law, the so-called Lindbergh law, which has the following provision in it:

> Failure to release the victim within 7 days—

We have changed that by amendment to 24 hours—

> after he shall have been unlawfully seized, confined, inveigled, decoyed, kidnapped, abducted, or carried away shall create a rebuttable presumption that such person has been transported in interstate or foreign commerce.

Lines 11 to 20 set forth the proposition that possession of an explosive shall create a rebuttable presumption, first, that the explosive was imported into the United States or transported in commerce; and second, that the explosive was imported or transported or caused to be imported or transported in commerce by the person so possessing or using it.

I would be concerned about subsection (c), so far as the actual trial of the defendant is concerned, were it not for the proviso which follows. I invite the specific and particular attention of the Senator to that proviso:

> *Provided, however,* That no person may be convicted under this section unless there is evidence independent of the presumptions that this section has been violated.

In other words, this presumption would give to the FBI the power to come in immediately and investigate; but no defendant could be convicted on that presumption if there were not independent proof of a violation.

Mr. COOPER. I assume that what the Senator intends is that the proviso would mean that in the trial there could be no conviction unless sufficient evidence could be adduced under the general rule to show guilt.

However, would the subsection have the practical result that the mere possession would give to a magistrate the authority to issue a warrant for the arrest, or permit a peace officer to arrest upon the mere ground of possession?

Mr. KEATING. It would if the possession of an explosive were "in such a manner as to evince an intent to use, or the use of, such explosive, to damage or destroy any building or any other real or personal property used for educational, religious, charitable, residential, business, or civic objectives," and so forth.

There would have to be some circumstances showing such an intent in order to justify the issuance of a warrant.

Mr. COOPER. Does the Senator think this language would in any way change the usual grounds upon which an officer may arrest a person without a warrant when he believes a felony has been committed?

Mr. KEATING. I do not. I would apprehend that there would be relatively few cases brought to trial under this section. It has been pointed out that under the Federal fugitive felon law there have been relatively few cases. I think it was brought out that there were 900-odd cases in which fugitives were apprehended by the FBI, but only nine had been brought to trial under the fugitive felon statute.

What was done in those cases, and what would be done here, presumably, would be, after investigation, to turn the defendants over to the local or State authorities for prosecution. Obviously every State has laws against criminal bombings.

The purpose of subsection (c) is primarily to bring the great arm of the Federal Bureau of Investigation into the problem at an early date; but I think the final proviso is necessary in order to be sure that no one could be convicted without due process. He could not be convicted merely based upon the presumptions set forth in the early part of the section.

Mr. COOPER. The Senator has no doubt, then, that the effect of the language of subsection (c), or at least an effect of the language of subsection (c), would be to preserve to a person who had been arrested and who was in possession of an explosive all the rights accorded to one charged with crime, and the presumption that he is innocent until proved guilty.

Mr. KEATING. I believe there is nothing to interfere with that presumption.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. KEATING. I yield.

Mr. ERVIN. First, I wish to commend the Senator from New York for his interest in this subject. As the Senator from New York has stated, I joined the junior Senator from Massachusetts [Mr. KENNEDY] in cosponsoring a somewhat similar bill. I did so as the result of a telephone conversation.

When I examined the bill which I cosponsored I had certain misgivings, and I have certain misgivings about the amendment of the able and distinguished junior Senator from New York. I wish to ask about those misgivings.

As the Senator from New York knows, I have prepared a substitute for his amendment which I intend to offer. I think my substitute deals adequately with the situation.

I agree with the Senator from New York that this is a question in the field of criminal law, rather than in the category of civil rights.

I also agree with the Senator from New York that it is a field Congress should deal with, because of the difficulty, first, of identifying persons who commit crimes of this nature and, second, because of the difficulty of apprehending them even in cases where they are subject to identification. I should like to ask the Senator from New York about the provision reading as follows, beginning at line 16—and I will leave out words which are not relevant to the question——

Mr. KEATING. Which page?

Mr. ERVIN. Page 2, subsection (b), "Whoever receives for introduction in commerce," and so on——

Mr. KEATING. I am afraid I do not follow the Senator. What line is that?

Mr. ERVIN. I am starting to read at line 16. There are several statements in what we lawyers call the disjunctive. I construe these words "whoever receives for introduction in commerce"—that is, in interstate commerce—"any explosive" with this knowledge and intent, for these purposes, would be guilty of crime under this bill. Is that true?

Mr. KEATING. Yes.

Mr. ERVIN. If a person merely receives for introduction in commerce, that receipt would be a local act, would it not?

Mr. KEATING. If it is received for introduction into the stream of commerce, it would give the Federal authorities jurisdiction.

Mr. ERVIN. I have a question about that. I should like to take a hypothetical case and present it to the Senator. Here is John Doe, who receives from Richard Roe an explosive, with the intent of taking it to the railroad to have it transported in interstate commerce for one of these forbidden purposes, and with the requisite knowledge. He would be guilty as soon as he received it for introduction into interstate commerce, whether he actually introduced it into interstate commerce or not, would he not?

Mr. KEATING. Yes, because he would be receiving it for introduction in commerce. I have had the assistance of a distinguished former assistant U.S. attorney in the District of Columbia, who buttresses my feeling that that would subject that person to Federal jurisdiction. If the Senator has any cases to the contrary, I will of course consider them. The point he has raised is a very valid one. I would make a

change in my language if the Senator could produce such cases. Offhand this does not bother me. I do not believe that that would prevent the Federal authorities from assuming jurisdiction in such a case.

Mr. ERVIN. I have no cases on that point; neither do I have any cases which sanction it as proper legislation.

Mr. KEATING. I understand.

Mr. ERVIN. But under the verbiage as it reads, it is quite possible that a man who does nothing except a local act, entirely within the borders of a State, with a certain intent and for certain purposes in mind, would be subject to Federal prosecution on the basis of the commission of a local act, even though there were no interstate commerce involved.

Mr. KEATING. That is true. It is even perhaps more so under the second subdivision, where he would possess the explosive. He obviously would possess it within the State. I am sure we can produce cases which hold that the possession of something which has been imported or transported across State lines with intent to do something illegal with it is a Federal crime.

Mr. ERVIN. I would think that would be true only in the case of a party, going now to section 2, who possesses it and is a party to the original conspiracy or the original crime of transporting it, because otherwise the Federal Government could punish a person for shooting someone with a pistol which he knew had been transported at some time in interstate commerce.

Mr. KEATING. This is a little more limited than that. If we were to change "explosive" to "pistol," it would read: "possesses a pistol which has been imported into the United States or transported across State lines with knowledge or intent that it be used to shoot somebody." We could make it a Federal crime in that case.

Mr. ERVIN. I do not follow the Senator there. The act contemplated in the second section is a local act. If I have possession of an explosive which has been transported in interstate commerce with this intent and for this purpose, that is entirely local. Assuming that I am not a party to the conspiracy which preceded the interstate act, I am at a loss to understand how the Federal Government would have any jurisdiction in such a case.

Mr. KEATING. I will say to my distinguished friend that if his contention is correct—and I know he is asking these very intelligent questions for the purpose of getting information—then we have passed a great many unconstitutional statutes. We have on the statute books the Federal lottery statute dealing with the importation and transportation of lottery tickets. At the end of that statute there is provided "or knowingly takes or receives any such paper, certificate, instrument, advertisement or list so brought, deposited, or transported." In that case receipt is within the State, because he knowingly receives something that has been carried across State lines. In that case he becomes subject to the Federal statute I am sure there are other statutes similar to that.

Mr. ERVIN. That is what Congress has said.

Mr. KEATING. Yes.

Mr. ERVIN. I doubt whether the court would go along with that. The only theory on which the party could be held would be on the theory that he was a party to the original crime involved in the transportation.

Mr. KEATING. What I am reading from does not contain any annotations, but I am sure the lottery law has been upheld. Whether that specific portion dealing with possession has been upheld, I am not positive. I am reasonably certain that this precise point has been passed upon by the court and has been held to be constitutional.

Mr. ERVIN. If the man is a party to the original crime under which the transportation is had, I would have no trouble with it, because he would be an aider and abetter and a party to the conspiracy.

Mr. KEATING. Under the lottery statute he does not have to be convicted. I again point out that I am only reading the statute. I am sure we can find cases either under that statute or under similar statutes which will satisfy the Senator that that is entirely in order, and will satisfy him that he was smarter than he thought when he became a cosponsor with the Senator from Massachusetts [Mr. KENNEDY] of this precise language.

Mr. ERVIN. Well, I have lost my smartness, because after studying the matter I have come to the other conclusion.

Mr. KEATING. I hope to "reconclude" the Senator and bring him back to his original thesis.

Mr. ERVIN. I should like to ask the Senator a question about this point. First, does the Senator agree with me that in all probability—I put it this way because I have not read all the laws and all the statutes dealing with exposives—that in all probability the act denounced by this bill, that is, the transportation and so on, of explosive, with requisite knowledge and for this purpose, would constitute a violation of the laws of a State in respect to local crimes committed inside the State?

Mr. KEATING. Yes.

Mr. ERVIN. Undoubtedly it is a violation of the law of virtually all the States for anybody to destroy or attempt to destroy with explosives any buildings devoted to the purposes specified.

Mr. KEATING. I am certain that the malicious bombings of buildings is a criminal offense under the laws of all the States, yes.

Mr. ERVIN. My amendment is calculated to cure all the diseases at one time. In seven lines, it provides:

> Whoever transports or aids and abets another in transporting in interstate or foreign commerce any explosive with the knowledge or intent that it will be used in violation of the law of any State, territory, Commonwealth, District, or possession of the United States shall be subject to imprisonment for not more than 2 years, or a fine of not more than $2,000, or both.

It seems to me that that covers the whole waterfront.

Mr. KEATING. The Senator from North Carolina was kind enough to call my attention to that exact language. He has offered it, and it is printed, as a substitute for this amendment. I do not wish to criticize the Senator's amendment as a quack remedy, and I would not even think of using that term if the Senator had not said he was seeking, by a few words, to cure all the diseases.

I think the Senator will agree with me—and he is a good lawyer; there is none better in this body——

Mr. ERVIN. I appreciate that comment from the Senator from New York. I will return the compliment in kind.

Mr. KEATING. That is expected. We expect that if we say something like that, it will be returned in kind. In this case, I mean it, and I believe the Senator from North Carolina means what he says.

Mr. ERVIN. I am not returning a compliment; I am telling the truth when I say the Senator from New York is a fine lawyer.

Mr. KEATING. I appreciate that compliment.

I am afraid that the Senator from North Carolina is trying to do the job in too few words. I point out, for instance, that the main purpose of what is sought to be done is, frankly, to give the FBI jurisdiction to go in on the ground and investigate these cases. As I said before, I should expect that very few such cases would ever reach a Federal court for prosecution, after the FBI had done its job. It would be like the fugitive felon statute. The FBI would turn the culprits over to the local authorities for prosecution under State laws, except in some aggravated or unusual case. That is the very purpose of this presumption, which I was discussing with the Senator from Kentucky [Mr. COOPER], as it appears on page 3.

I believe the elimination of that provision would do away with much of the value of the bill. It would require, under the Senator's proposal, actual evidence of the transportation of the explosives in interstate or foreign commerce before the FBI could intervene. That would, to a great extent, destroy the effectiveness of the legislation, it seems to me, because speed is of the essence. We discovered that in our investigation of the three bombings which we looked into. The culprits commit the crime and usually they flee across State lines, but they get away from the place of the crime. There is a pattern in the way they act. They wheel out of the location and are gone in a hurry. The local authorities should be enabled to call the nearest office of the FBI and say, "Will you get right into this matter?" So I believe the presumption, which has been very carefully worked out, and as to which we have obtained the best advice we can get from a number of good lawyers, is a very important and essential part of the proposed legislation.

There is a second reason why I am hesitant about accepting the proposal of the Senator from North Carolina. This provision, of course, could be cured, if the Senator would agree to it, by adding another section. I think section (d) of the pending amendment is a very valuable one. The Senator from North Carolina in his amendment has eliminated the prohibition against the use of mail, telephone, telegraph, or other instruments of commerce to make bombing threats. It seems to me that that is a desirable provision in this amendment.

The third reason for preferring my amendment to that of the Senator from North Carolina is that in his amendment he does not have any graduated penalties. He provides for a penalty of not more than 2 years or a fine of not more than $2,000 or both.

My amendment provides, if the offense is an ordinary one, for imprisonment for 1 year or a fine of $1,000. But if personal injury results, the provision for imprisonment goes as high as 10 years; and if death results, the imprisonment can be for a term of years or for life. And the court can impose the death penalty if the jury so recommends.

In other words, I have the feeling that there are degrees of this crime which should be dealt with in the statute, rather than to act in a catch-all way. For instance, if death results as a result of a bombing, I simply do not believe the Senator's provision for imprisonment for 2 years, or a fine of $2,000, or both, is sufficient.

Mr. ERVIN. I think the Senator's observation, a moment ago, that most of these cases would rarely be tried in the Federal courts is sound. I prefer to leave the trial of persons on a charge of murder, where death is involved, to the States, and in case of injury, I prefer that the person be tried for an attempt to murder, because the penalties in the States are very adequate.

I do not agree with the Senator from New York as the necessity for including a provision on presumption, because if there is any reason whatsoever to suspect that an explosion has been transported in interstate commerce, that would give the FBI ample authority to enter into the investigation.

Mr. KEATING. Does not the Senator from North Carolina agree that before the FBI entered a case, they would have to have proof, rather than a presumption, that explosives had been transported in interstate commerce?

Mr. ERVIN. I do not think so, if they had any reason whatever to suspect it, because in many States no explosives whatever are manufactured, so wherever an explosion took place, there would certainly be grounds to believe that the explosives had been illegally transported.

Mr. KEATING. I am told that when the Lindbergh kidnaping law was enacted, it was felt to be very important to include a provision pertaining to presumption, because the FBI could not enter the case without such presumption. The FBI could not come into the case until it had some actual proof that a person had been taken across State lines.

Mr. President, will the Senator from North Carolina permit me to yield to the distinguished Senator from Minnesota [Mr. HUMPHREY], who is very busy these days? I know we all want to be considerate of him. He has a unanimous-consent request to make, and must keep many other engagements.

Mr. ERVIN. I am happy to accommodate the Senator from New York.

Mr. KEATING. Mr. President, I am happy, through the courtesy of the Senator from North Carolina, to yield to the Senator from Minnesota, provided I do not lose the floor.

Mr. ERVIN. I am delighted to do this, because I know the Senator from Minnesota is almost as much in motion as a flying saucer.

Mr. HUMPHREY. I am deeply grateful to my solicitous colleagues.

The PRESIDING OFFICER. The Senator yields to the Senator from Minnesota.

LIBRARY SERVICES

Mr. HUMPHREY. Mr. President, the Library Services Act of 1956 has brought tremendous benefits to rural America. Under this program—a genuine grassroots program—about 30 million Americans in rural areas are getting new and improved library service. But the job is not finished. More than 40 million Americans are still without ready access to the wonderful world of learning, entertainment, and adventure which books open up.

The bookmobile is the symbol of this program, but traveling bookmobiles are not the only achievements of this program. This act has also meant more books more easily available, moving picture film service for rural areas, salaries for bigger library staffs, scholarships, and wokshops to train new library workers, county, and regional library projects, and greatly improved loan, and reference programs.

The American Library Association has urged extension of this program. I was privileged to join the senior Senator from Alabama [Mr. HILL] in sponsoring a 5-year extension of this program, and I hope that the Senate will take early action on S. 2830 for this purpose.

Mr. President, I am proud of the achievements of Minnesota under the Library Services Act. State and local matching funds have demonstrated the strong grassroots support in Minnesota for development and improvement of rural library services. The Minnesota Legislature provided $252,750 in State aid for 1957–59, and $250,000 for 1959–61. This State support is the first State aid for libraries in the history of Minnesota, and it is a result of the stimulating effect of the Library Services Act.

The program has been very successful and I want to give special praise to the Minnesota Library Association for its support of the rural library development program. The success of this program up to now thoroughly justifies continuation until the purposes of the program have been fully achieved.

Mr. Hannis Smith, director of the Library Division of the Minnesota State Department of Education, at my request prepared a report on accomplishments in Minnesota under the Library Services Act. I ask unanimous consent that a statement I have prepared on the basis of his report be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ACCOMPLISHMENTS IN MINNESOTA UNDER THE LIBRARY SERVICES ACT

SUMMARY

Rural library development in Minnesota under the Library Services Act has been very successful. Since every county in Minnesota had at least one small community library prior to the act, the major statistical contrasts are in the greater numbers of people who are getting better library service and in the amount of local money available to support this service. Rural library use has increased almost 50 percent.

Eight rural counties, without library service before, have established countywide library service, either alone or in regions.

Ten rural counties, which previously had countywide service, have improved their services.

These libraries have added 7 professional librarians and 25 other library workers to their staffs to serve rural people.

Ten more counties now have bookmobile service to rural people.

Seventy-five thousand Minnesotans, previously without libraries, now have library service.

Two-hundred and eighty thousand rural Minnesotans, previously served, have improved library service.

One hundred and fifty-eight thousand dollars more a year is being spent on rural library service from county funds.

Over half a million more books have been read by rural Minnesotans in 2 years as a result of LSA funds.

Twelve counties now have 16-millimeter film service through their county or regional libraries.

Now—perhaps the most important point of all—the program is gaining grassroots momentum. More and more rural people are eager to get good library service for themselves and their neighbors. What is more, they are working hard to establish this service and they are supplying the local funds necessary to make sure this service is continued.

FIRST YEAR, FEBRUARY–JUNE 1957

The first year, Federal funds amounting to $40,000 were matched only by the existing State appropriation for operation of the library division. We secured a rural library fieldworker, but the major expenditure was for two bookmobiles to be used in the program, and for additional high-quality library books for the bookmobiles and loans to rural libraries. The bookmobiles are used for exhibit, demonstration, and for loan to rural library syatems waiting for delivery of their own vehicles. During this time the library division prepared and published information materials to explain the program to the public in rural areas. A series of meetings in various parts of the State with librarians, library trustees, local officials and other civic leaders developed local interest and local activity—genuine grassroots action.

SECOND YEAR, JULY 1957–JUNE 1958

In the second year, the activities at the State level were continued, a bookmobile driver was added to the staff, and a workshop on rural library development was held for people interested in working for library establishment in their home counties and

regions. The major portion of the Federal funds, now matched by State-aid funds provided by the 1957 legislature, was used for grants to rural library systems. Grants were made to nine counties which qualified. Our program calls for a basic minimum of local support, qualified library staff, and a minimum level of quality in library services. The aid funds may be used to help the library reach these levels, but there must be intent to continue local support after the new or improved services are set up. Here are some accomplishments during 1957–58:

The Anoka County Library, a brandnew county library, was established. This library, now with a headquarters in a rented building, operates a bookmobile regularly every 2 weeks around the county. It has two branches in outlying communities, and a staff of two professional librarians, six clerks, and a bookmobile driver. This library system already has over 17,000 books. It is giving 16mm and phonograph record service, and it is circulating books at a rate of around 150,000 a year. This is an area in which there was no rural library service prior to 1958.

The other grants in the first year were to established county libraries for the improvement of their services. Most of the money was granted to enlarge and to improve book collections and to establish new outlets for library service in small rural communities. Here are some of the accomplishments with these grants:

The Kandiyohi County Library and the Willmar Public Library merged their libraries into a unified system, enlarged professional and clerical staff, started three new branch libraries, expanded their book collection—especially in reference and nonfiction—and began 16-millimeter film service.

The Blue Earth County Library started bookmobile service, improved its branches, and added considerably to its book collection.

The Clay County Library strengthened its book collection, started 16-millimeter-film service and improved the reference and nonfiction collections at its branches.

The Koochiching County Library opened its first "Bookateria Branch" and acquired many new books to make this possible.

The Stearns County Library built up its first substantial collection of adult nonfiction and reference books and improved its three branches with additional furniture and reference books.

The Nobles County Library used its grant to help buy a bookmobile and to enlarge its collection of reference and adult nonfiction books. Thus, it was able to improve its branch library service.

The Waseca County Library bought a new bookmobile, replacing a converted truck. The book collections available to both the headquarters patrons and at the branches were greatly improved, and 16-millimeter film service was added.

As a result of this activity in 1958, the 1959 statistics reflect real gains in library use in the rural areas which received aid funds. While statistics are not yet completely tabulated, there is an apparent increase in rural library use of around 45 percent. This is a combination of more people using rural library facilities and of more use of improved services by people who used libraries before. The bookmobile in Blue Earth County, for example, greatly increased the use of the Blue Earth County Library.

These changes, plus new use of 16-millimeter film services, are direct results of the Library Services Act.

THIRD YEAR, JULY 1958–JUNE 1959

The third year saw continued improvement of services at the State level and to small libraries and rural people without service. The library division, the University of Minnesota, and the Minnesota Library Association held an institute on multi-county and regional libraries to consider further improvements. The first two regional libraries in Minnesota were set up and a new county library was established.

The Dakota-Scott Regional Library was established late in 1958 by the joint action of the county commissioners. The small community libraries in the two counties all joined the regional system as branches and the regional library has established three more community libraries where there was no service before. There are two bookmobiles which have regular 2-week schedules throughout the rural areas. At present the administrative headquarters is in rented rooms, but a headquarters building is to be built cooperatively by one of the larger communities and Dakota County. The library now has nearly 20,000 books and 16-millimeter film service. It circulated nearly 80,000 books in the first 6 months after it began operations. County support has been increased by 40 percent effective January 1, 1960. This library is serving over 60,000 rural people.

The East Central Regional Library was established early in 1959 by Isanti, Mille Lacs, and Pine Counties. This regional library is not yet in full operation but plans to begin bookmobile service early in 1960. This library is using a library division bookmobile until it secures delivery on its own vehicle. The village of Cambridge and Isanti County are putting up the headquarters, and the regional library plans to operate at least two branches in each of the other counties. This library will serve over 45,000 rural people as soon as it begins operations. All but one of the small local libraries have joined in as branches of the system.

The Polk County Library was established in April 1959 after a referendum vote. The Crookston, McIntosh, and Fosston public libraries all merged with the county in a single system. Bookmobile service to the rural areas is now underway. Acquisition of books and site acquisition for branch libraries is progressing. This library is sponsoring an inservice training program—open to nearby librarians as well as to its own staff—under the direction of the University of Minnesota Extension Division.

The Anoka County Library received another grant to get it firmly established.

FOURTH YEAR, JULY 1959 TO DATE (FEBRUARY 1960)

State level activities continue, and the aid program is still growing. We are establishing the two regional libraries in their second year, and a grant has just been made to Chippewa County to establish countywide service as nucleus for regional library development with other neighboring counties. Negotiations are underway to add Meeker County to the Kandiyohi County-Willmar system to make our third regional library. When agreement is reached and approved, this new regional library will be qualified for a grant which will use the rest of aid funds available in 1959–60.

YOUTH CONSERVATION CORPS—SENATE BILL 812

Mr. HUMPHREY. Mr. President, one of the finest tributes to the concept of the Youth Conservation Corps, the bill for which the Senate has passed and has sent to the House, appeared in the Aurora-Virginia, Minn., Facts of February 25, 1960, written by the "Ol' Chief," Herman Keto, founder of this fine northern Minnesota newspaper.

Mr. President, I ask unanimous consent that the article, containing an open letter to the President on Senate bill 812, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Aurora-Virginia (Minn.) Facts, Feb. 25, 1960]

SMOKE SIGNALS—OPEN LETTER TO IKE

(By Ol' Chief)

Ol' Chief has never done this before, wrote a letter to our President. He is writing one now, and here it goes:

DEAR MR. PRESIDENT: I, and thousands of other people from up here I would guess, have strong feelings about conservation, mainly because just about all of our economy here in northern Minnesota is dependent directly on raw natural resources—and perhaps, too, because we have the good fortune here to be living on the doorstep of the country's finest and only real wilderness area left in our great country.

Maybe this is a bad time, politically, to ask this. But I hope that you will express support of the youth conservation bill which has passed the Senate and will come up for House consideration soon. The bill is authored by Senator HUBERT HUMPHREY of Minnesota, who now is seeking to succeed you in the White House, and who, as you may very well know by now, is a Democrat-Farm Labor Party leader and severe critic of many of your policies.

However, it would please me very much, and more important, it would be of great service to our youth and to our economy in the future, if this proposal were successfully enacted into law.

We up here know firsthand what the Civilian Conservation Corps program did for our country in the 1930's. Then, it was a matter primarily of supplying jobs for young men, and it was fortunate that they accomplished something worthwhile for the small recompense they received. Our timberlands up here virtually flowered as a result of this wise program; our rivers and streams ran clear and cold again. You, as a great trouter, know what this means. The burnt-out borders of many of our lakes became green again. Thousands of miles of portage trails were opened up and made passable. Thousands of people each year again can traverse the silent wilderness lakes, to seek some precious solitude and rest for a time.

Timber sales in the wilderness regions of our State again have come to the fore, much of it directly resulting from the work of the CCC in the thirties.

But since those days there has not been any large scale conservation work done in many of the areas formerly worked over by the CCC. Our forests, streams and lakes need another going over. Our soil conservation programs could be expanded as well.

But more important than these material gains, is the conservation of our youth. In my opinion there is not a better way available in our country to reorientate youth, or better yet, to prevent youth from having to be readjusted than through a youth conservation program as outlined in the YCC bill.

A public statement from you in support of this measure—which should be bipartisan if it isn't, would, I am sure, fall within the philosophy of your private and party thinking, and no doubt would go a long way in gaining support for it in the House.

May God protect and keep you in your labors to secure the peace in the world.

Sincerely,

OL' CHIEF.

SENATE SHOULD NOT APPROVE DURFEE FOR COURT

Mr. PROXMIRE. Mr. President——

Mr. KEATING. Mr. President, the Senator from Wisconsin is perhaps more occupied than is the Senator from Minnesota with the great amount of controversy which is occurring in connection with Wisconsin; and I know that imposes a great burden upon the Senator from Wisconsin. Therefore, if the Senator from North Carolina is willing to wait a minute or two, at this time I should like to yield to the Senator from Wisconsin, with the understanding that in doing so I shall not lose the floor.

Mr. ERVIN. Yes, I have understood there is some turmoil in Wisconsin. So I shall be glad to wait.

The PRESIDING OFFICER (Mr. BARTLETT in the chair). Is there objection? Without objection, it is so ordered.

Mr. PROXMIRE. I thank both Senators for their kindness, Mr. President. I do not rise at this time to comment on the turmoil in my beloved State, although there is considerable of it, and we are happy about it because out of this turmoil will come clarity, purpose, understanding, and Democratic victory in November.

I ask unanimous consent that an editorial from the Washington Post, critical of my position in opposition to Mr. Durfee; my reply to that editorial, in the form of a letter to the Post; together with a note of the editor of the Post commenting on my letter, be printed at this point in the body of the RECORD. I am including in my letter the full text, including sections of my letter which were deleted by the Post. I recognize, of course, that the deletions were for the purpose of saving space. The Post's editing of the letter was expert and fair.

There being no objection, the editorial and the letter were ordered to be printed in the RECORD, as follows:

[From the Washington Post]

WRONG TARGET

Senator PROXMIRE wants the Senate to reject the nomination of James R. Durfee to the Court of Claims because Mr. Durfee, as Chairman of the Civil Aeronautics Board, has taken three trips paid for by various airlines which are subject to CAB regulation. We think Mr. PROXMIRE has a better case against some long-standing CAB practices than he has against Mr. Durfee, and perhaps he ought to refocus his sights.

Two of the trips were inaugural flights, one to Mexico City and one to Rome. CAB members, Members of Congress, and other Federal and local Government officials and others have gone on these trips at airline expense for years—and probably should have done so. They are ceremonial public occasions in which official participation is often demanded, however. Under present law and regulation, the airlines cannot charge anyone for inaugural flights, and this is what ought to be changed. Congress could provide for reimbursement of the airlines on such occasions by any Federal agencies represented on the flights, thus removing any appearance of an attempt to influence official behavior.

The third trip was a train ride to Pinehurst, N.C., for an informal weekend conference and golfing party arranged and paid for by two competing air cargo carriers to discuss the Military Air Transport Service. Mr. Durfee and other officials and private participants in the conference went together in a chartered pullman, at a cost per person of about $85.

This is a bill Mr. Durfee could and should have paid and charged to the CAB. Moreover, we think Government business should not be mixed with pleasure trips. If this function of the CAB to promote civil aviation sometimes seems to intrude upon the Board's more judicial functions, the remedy may lie in reshaping Federal aviation activities and responsibilities.

Senator Proxmire also charges that Mr. Durfee lacks the proper experience for the Court of Claims, but the Senate Judiciary Committee has found his qualifications ample and has unanimously recommended his confirmation. Mr. Durfee's long private legal career and extensive experience in both State and Federal quasi-judicial posts seems to us to justify the committee's conclusion.

LETTER TO THE WASHINGTON POST BY SENATOR WILLIAM PROXMIRE, OF WISCONSIN

A few days ago your newspaper attacked Federal Communications Commission Chairman Doerfer because he accepted the 6-days-on-a-yacht hospitality of a wealthy television and radio station owner who had been and would, in the future, be subject to Doerfer's regulation. The Washington Post was right.

But on March 13 you whirl 180 degrees around in what must be one of the fastest turnabouts in editorial writing history and call on this Senator to withdraw his objections to James Durfee, whose ethical misbehavior has been demonstrably more serious, and who is now before the Senate for promotion to a $25,500 lifetime job on the Court of Claims.

Doerfer's 6-day yachting outing is not a violation of any code of ethics of the FCC. The Post condemns him anyway. I agree.

But Durfee's October 1956, safari[1] in a chartered pullman car to swank golf club in Pinehurst, N.C., paid for by two airlines, was a direct violation of a specific CAB code of ethics, which expressly forbids Durfee from doing exactly this. In this case, on the other hand, you say in effect, "so what."

And you say so apparently on the weird ground that Durfee's trip only cost about one-third of Doerfer's trip. Apparently, the Post thinks ethical behavior is a matter of arithmetic.[1]

Doerfer was entertained by a man who had no case pending before his FCC. Yet you disapprove of his conduct, and I agree.

But Durfee was entertained at Pinehurst by two airlines, both of which had a number of cases pending before his Civil Aeronautics Board. You blithely admit this may not be exactly ideal, but see no reason why it should interfere with Durfee's promotion to the Court of Claims.

Even more shocking, you suggest that Durfee's trip to Pinehurst would have been all right if the CAB (that is, the taxpayers) had paid for it. Let me ask, would Doerfer's 6 days on the Storer yacht have been all right if the FCC (that is, the taxpayers) had paid for that? Of course not. These trips either were not for the purpose of doing the public's business, or what is even worse, they were for just this purpose.

Durfee admits that at this Pinehurst "golfing, drinking and inside-straight" meeting, he and the two airlines did discuss the Nation's business. They were joined in this discussion by a Military Air Transport Service representative. In a letter to me, one of the airlines executives has written that in effect, the airlines and the MATS representative, with Durfee's help, got more solid work done for their own benefit in the 2½ days at Pinehurst than they had been able to get done in the preceding 2½ years.

Now the only public report on this meeting was a picture that appeared in Sports Illustrated some weeks later of the participants lined up happily together on the Pinehurst golf course.

There was no formal hearing, no record, no reports, no public or press representation, except the Sports Illustrated picture. Does the Post contend that if the taxpayers would pay for this kind of proceeding, it is the way for either the CAB or the Court of Claims to adjudicate?[2]

You easily dismiss the two inaugural flights that Durfee took to Mexico City and to Rome, Italy (the latter with his wife enjoying the hospitality along with him), as the all-expense-paid—including hotel rooms, and the wining and dining—guest of Eastern Airlines and Trans World Airlines.

Yet both airlines had many, many cases pending before Durfee's CAB at the very time that Mr. Durfee was their lavishly entertained guest. The Comptroller General has said that these flights violated good public policy. Initially he also said that in his judgment they violated Federal law. Later he wrote that in his opinion they were not a violation of law, but he said final decision on this matter must rely on the Attorney General and the courts.

You call Durfee qualified and rely on the voice-vote report of the Judiciary Committee to support this position. The report of the Judiciary Committee was made by my senior colleague, ALEXANDER WILEY, a fine gentleman, whose judgment in this case should be just as critically evaluated as my own. WILEY is Durfee's principal sponsor.

This is a Wiley nomination. With all deference to a fine and honest Senator, what kind of a report did the Post expect WILEY to make? But you not only uncritically accept the Wiley report, you cite it as final authority.[2]

The fact is that Durfee is not qualified on the basis of any objective judgment. He has no judicial experience. He has had no government claims experience. He conceded this in the hearings.[2]

The fact is that my office polled practitioners before the Court of Claims and they overwhelmingly told us that in their judgment Durfee is not qualified.[2]

The fact is that the judges now sitting on the Court of Claims are unusually well-qualified men with vast, appropriate experience before their appointment.[2]

In view of all this, I cannot defer to your proposal that I drop my opposition. I am determined to fight it out.

I am deeply disappointed that the Washington Post, which showed its fine sensitivity to the moral issue in the Doerfer 6-day yacht case, demonstrates such a peculiar blindness in the Durfee "golfing, drinking, inside-straight" safari.[2]

WILLIAM PROXMIRE,
Senator From Wisconsin.

WASHINGTON.

EDITOR'S NOTE

As for the Pinehurst trip, we said that Government business shouldn't be mixed with pleasure trips and that Mr. Durfee ought to have paid his way and charged it to CAB. The conference at Pinehurst was attended by representatives of all private parties interested in the subject at hand, the role of the Military Air Transport Service, as well as a representative of MATS. There was no apparent effort to give Mr. Durfee a one-sided presentation or to compromise his judgment, and no evidence that he was unduly influenced.

We agree with Senator PROXMIRE's evaluation, given to the Senate Judiciary Committee, that Mr. Durfee "was chiefly interested in the public purpose." Mr. Durfee's conduct was not blameless, but neither does it seem to us to have involved the gross impropriety inherent in the Doerfer case.

As for the inaugural flights, we said Congress ought to provide for Government payment for official travel of this kind when it is necessary. But we see no reason to single out Mr. Durfee for criticism in this regard

[1] This paragraph deleted by the Washington Post.

[2] This paragraph deleted by the Washington Post.

since many CAB members, Members of Congress, and others have for years participated in inaugural flights. We agree with Mr. PROXMIRE however—as we said in the editorial to which he takes such strong exception—that the policy ought to be changed.

Mr. PROXMIRE. Mr. President, I thank my good friend, the Senator from New York, for his courtesy; and I also thank my good friend, the Senator from North Carolina, for his courtesy.

Mr. KEATING. I have been very happy to yield.

Mr. ERVIN. It has been a pleasure.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Missouri, to Stella Reorganized Schools R–I, Missouri.

Mr. KEATING. Mr. President, I desire to continue my reply to my good friend, the Senator from North Carolina.

The late Senator Vandenberg once said that if one remained in Congress long enough, he would find himself on both sides of every question; also, that if one remained in Congress long enough, he would forget some of the things he had said.

Let me state that when I was in the House of Representatives, I sponsored the measure to change the presumption rule, in connection with kidnaping, from 7 days to 24 hours. At that time we were informed that the FBI did not believe it could wait, under the presumption statute, for as long as 7 days, and be able to take effective action. It was believed that the 7-day rule made effection action impossible in many cases. Therefore, the period of time was changed to 24 hours.

The first part of the statute reads as follows:

> Whoever knowingly transports in interstate or foreign commerce, any person who has been unlawfully seized, confined, inveigled, decoyed, kidnaped, abducted, or carried away and held for a ransom or reward or otherwise, except in the case of a minor, by a parent thereof, shall be punished—

And so forth. It was believed that in such cases it was necessary to have a presumption provision similar to that which is included in this amendment, in order to enable the FBI to take effective action. But it was found that a period of 7 days was too long. The FBI consistently waited that length of time, as then provided by law.

Of course, it is possible that the FBI was overly cautious. However, the FBI adopted a policy of waiting for the 7-day period. That is why we were told there was quite a widespread demand to change the time required from 7 days to 24 hours. Therefore, that change was made in the law.

That situation seems to me to buttress my belief that it is essential that we provide the power to investigate such matters before actual proof of transportation in interstate commerce is obtained.

Mr. ERVIN. With all due respect to the argument the Senator from New York is making on that point, I would say that his argument tends to sustain my position that such a presumption would be unwise, because it would cause delay. Certainly, there are in this Nation, under the Federal system, two separate governments, both of which operate in the same territory and on the same people. One of them has as much right to investigate supposed crimes against it as the other one does. I have never known that any presumption on this point was ever placed in the law before the Lindbergh kidnaping law was enacted. Prior to that time, the Federal officers investigated whenever they had reason to believe a crime had been committed.

So I believe such a provision would hamper, rather than help, enforcement of the law.

Mr. KEATING. Does the Senator from North Carolina believe—I know he shares the high respect I entertain for the FBI and its distinguished leader—that the FBI has been overly cautious?

Mr. ERVIN. I think the FBI has been overly cautious—due, I believe, to the fact that when the FBI was established, many persons feared the establishment of what might be called a Federal gestapo. So the FBI wanted to lean over backward, in order to avoid any idea that it would attempt to thrust itself into what were essentially crimes coming under the jurisdiction of the States. I think the FBI has been overly cautious in that respect.

I do share the Senator's opinion of Mr. Hoover, and also his opinion of the personnel of the FBI. I do not believe any finer body of men has ever been gathered together in any organization.

Mr. KEATING. I am sure the Senator from North Carolina does share that opinion with me, and I am also sure he is sincere in the contention he makes in regard to this provision.

I wish to say that the strongest opposition to taking action in this area—whether by means of the amendment of the Senator from North Carolina or by means of some other provision—comes from those who fear the creation of a Federal police force.

Mr. ERVIN. Yes.

Mr. KEATING. No one would be more opposed than I to the creation of a Federal police force. But I believe that as our society and our economy become more and more complicated, and as communication across State lines becomes easier, it is inevitable that we shall continue to create, in the years to come, Federal statutes which will declare to be a crime coming within the jurisdiction of the Federal authorities the commission of certain offenses in interstate commerce.

I have not talked about this matter with Mr. Hoover; but I venture the assertion that he would be opposed to either the Senator's suggestion or to mine, in connection with the matter now before us, due to Mr. Hoover's fear—and I commend him wholeheartedly for being one bureaucrat who is not trying to expand his agency until it is entirely out of shape and until it exceeds reasonable bounds—and his genuine concern in regard to a national police force. I would expect that on that basis he probably would be opposed to this provision.

The Senator from North Carolina will remember that during the debate on the Federal fugitive felon law, it was stated by the distinguished minority leader—and I have no doubt that it was correctly stated—that Mr. Hoover was concerned about the extension of the powers of his agency, and that additional agents would be required. Of course I suppose that any such provision would require additional personnel in order to enforce the law.

Certainly we must balance the interests involved. But I do not think we can allow that consideration to constitute the prevailing argument in connection with cases such as this one. Certainly we agree as regards the sincerity and the fine Americanism of the great director of the FBI.

As I understand, the FBI has an established policy of not participating in the investigating of kidnaping cases in the absence of some such presumption as that.

I was not in the Senate when the original kidnaping law was enacted, but I was on the periphery of the situation when that amendment was made in the law. As I recall, at that time I raised the question of why this presumption was set forth in the law at all. The necessity for it was explained to me, and I then became convinced that it was desirable.

This amendment is patterned after that one. Certainly I respect the views of the Senator from North Carolina, but I must say that I respectfully disagree with him.

Mr. ERVIN. Certainly there are many statutes which make Federal crimes of certain acts, based upon the power of Congress to regulate interstate and foreign commerce, in which there is no presumption whatsoever.

Mr. KEATING. That is correct.

Mr. ERVIN. One other matter. I appreciate the Senator's courtesy, and also his patience.

Mr. KEATING. The Senator and I, in the Judiciary Committee, have discussed these various proposals—not so much this one, because, as the Senator has pointed out, while it is proper in a civil rights bill, it is by no means limited to so-called racial cases or anything of that kind. But I have always found the Senator's observations interesting and informative, and, upon occasions, I might say, voluminous.

Mr. ERVIN. I thank the Senator.

Mr. KEATING. But I never lost patience with the Senator at any time.

Mr. ERVIN. As the Senator pointed out a while ago, my substitute does leave out subsection (d), which starts on the bottom of page 3. I left it out deliberately for the reason that I am very reluctant to make words a crime. Under subsection (d), if a man, by the use of language, through interstate media of communication, or even if he had a powerful enough voice to shout, or even if he whispered, across a State line false information or a threat about a bombing of a building, knowing it to be false, he would be guilty of a crime, although all he had done was to speak words.

I have great hesitation about making a man guilty of an offense for talking, even when he conveys false information, for this reason: In an ordinary crime, two elements have to be proved. The first is that a crime has to be committed. That has to be proved, ordinarily, by independent evidence, other than extrajudicial admission of a defendant. Second, it has to be proved that the defendant is the man who committed the crime. When a person is charged with homicide, there has to be produced a dead body bearing external marks of violence or other evidence of illegal infliction of death.

But here the only corpus delicti is some words which, unless they are reduced to writing, vanish at once; and there is no way to check on the truth of the charge, as far as the crime is concerned, other than the very evidence that would connect the defendant to the crime. There is no way of establishing by independent evidence the fact that the crime has been committed.

It seems to me it is very hazardous to make the mere use of words a crime, and that is exactly what subsection (d) does.

Mr. KEATING. The Senator is right, to a degree. The crime is not the whispering across State lines; it is the using of the mails or the telephone—one could whisper on the telephone or yell, either one, so long as he was telephoning—or another instrument of interstate commerce, to convey a threat or false information, knowing the same to be false, concerning an intent to do one of these acts.

I call the Senator's attention to the testimony of Representative HECHLER, of West Virginia, before the House Committee on the Judiciary, as it appears at page 50 of the hearings. There was a bombing in his area. He said:

> Almost as damaging to the orderly operation of West Virginia's schools are the bombs which didn't go off.
>
> The wave of publicity accompanying the Osage bombing touched off a wave of vicious pranking that saw school after school closed by bomb threats, usually telephoned anonymously to the principal's office. A telephone call often was sufficient to give the students a half holiday.
>
> This interference with the educational process, plus the nerve-racking possibility that one of the threats might be real, created a situation of worry and tension that severely damaged the educational climate last fall and winter in many West Virginia counties.

I assume such a situation is a real threat, and the Senator will remember, when we passed a law against placing bombs in airplanes, we at the same time made it a misdemeanor to use the facilities of interstate commerce to make a false statement about a bomb having been placed. There has been at least one case brought under the law. It is pretty hard to apprehend people who do a vicious thing like that, but there has been one case of that kind in which a man was apprehended. My recollection is that he pleaded guilty.

There has been a great number of cases in which airplanes have had to be grounded when such threats have been made. When such a threat is made, what is an airline to do? It has to stop all traffic and make a thorough search of the plane. It probably has to take off all the baggage and search all the baggage. We felt it was necessary in such cases to make the offense of conveying of certain threats a crime though a lesser crime.

In the case we are discussing, it would be unfortunate to have children who merely wanted to get out of going to school, and who used the telephone to make such threats, subject to prosecution. But the Senator and I know that any prosecutor would feel differently with respect to a child who made such a call merely because he was trying to close the school than he would about a vicious hate bomber.

I am inclined to think that it is a desirable provision to put into the law. I do not attach as much importance to it as I do to the presumption section.

If the Senator and I could meet halfway on the proposition of taking out this section and leaving the presumption in the section, I would be happy to give it great consideration. But I really think that to do a thorough job here we need something to crack down on such threats.

I have some of the hesitation the Senator from North Carolina has about making language a crime, but we have done it before. We have done it in other cases.

Mr. ERVIN. I think it is a power which ought to be exercised most rarely. I think most of these occasions arise from pranks of children. I do not like to make words a crime, because there is no proof of the corpus delicti.

I thank the Senator. I have enjoyed my discussion with him.

Mr. KEATING. I thank the Senator for his contribution. I appreciate the Senator's statement that something should be done in this area. I feel this rather carefully worked out provision, to which the Senator originally was a party, is preferable to the rather sweeping language which the Senator has suggested. I am grateful to the Senator from North Carolina for participating in this debate. I think we have perhaps helped to clarify the matter in the minds of some other Members.

Mr. STENNIS. Mr. President, will the Senator from New York yield for a question?

Mr. KEATING. I am happy to yield.

Mr. STENNIS. Without suggesting that the Senator limit himself if he has not finished his speech, the Senator from Mississippi would like to inquire what is the situation concerning voting?

Mr. KEATING. I have finished, I will say to my friend.

Mr. STENNIS. As I understand the situation, the Senator from North Carolina is offering a substitute amendment?

Mr. ERVIN. I have not called up the amendment.

Mr. KEATING. I think the senior Senator from New York desires to speak.

Mr. STENNIS. Is the senior Senator from New York going to speak on this subject?

Mr. JAVITS. Mr. President, if my colleague will yield, I will say I desire to speak on a part of the bill, but I shall not speak with regard to this particular matter. If my colleague from New York and my colleague from North Carolina would like to have the Senate come to a vote within a short time, that would be satisfactory to me. I think perhaps we should get the views of the Senator from North Carolina in this regard.

Mr. ERVIN. I should be glad to have an opportunity to call up my substitute amendment formally, to suggest the absence of a quorum, and to have a yea-and-nay vote on my substitute amendment. In case my amendment is rejected, we could have a yea-and-nay vote on the amendment of the Senator from New York.

Mr. KEATING. That is perfectly satisfactory to me.

Mr. ERVIN. Perhaps each one of us could take about 5 minutes after the quorum is obtained.

Mr. STENNIS. If the Senator will yield for one more question, to keep someone from prolonging the debate unduly after the quorum call, will the Senators ask for whatever time they feel is proper?

Mr. KEATING. We can do whatever my friend from North Carolina wants to do.

Mr. ERVIN. I would say 5 minutes would be enough.

Mr. KEATING. Five minutes would be fine.

Mr. JAVITS. Could we make a unanimous-consent request at this time?

Mr. STENNIS. It is customary to suggest the absence of a quorum first.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. STENNIS. The Senator from New York has the floor.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). The Senator from New York has the floor. Does the Senator from New York yield to the Senator from Oregon?

Mr. KEATING. Does the Senator desire to ask me a question?

Mr. MORSE. I thought I would make an announcement on this request.

Mr. KEATING. I have been yielding to candidates on other occasions.

Mr. MORSE. The Senator could not yield to a better one.

Mr. KEATING. I am happy to yield to the Senator from Oregon.

Mr. MORSE. I thought I would save time by saying I would object to any such agreement.

Mr. KEATING. That does save quite a little time, for the present.

Mr. STENNIS. I thank the Senator from New York for yielding to me.

Mr. JAVITS. Mr. President, I shall detain the Senate only very briefly.

A question was raised which I think it is important to answer at a time like this, when we are clarifying various parts of the bill. The question was raised by the Senator from Louisiana [Mr. LONG] with respect to the real meaning of the case decided by the U.S. Supreme Court, United States against Thomas, which involved the restoration to the voting rolls, from which they had been stricken, in a parish in Louisiana, of 1,377 Negroes.

As I understood my colleague from Louisiana, who I am glad to see is in the Chamber, it was his contention that what the courts had done was to restore people to the voting rolls notwithstanding the fact that these people were disqualified from voting by State law.

Mr. President, I have analyzed the case very thoroughly. I have come to an exactly opposite conclusion.

I think it is very important that the matter be clarified in the RECORD, for this reason: We are hopeful that we shall have, as an element of the civil rights bill, which I am confident we will pass, a provision with respect to voting and a provision with respect to Federal officers who will register to vote those whom local officials have not or will not register on grounds of race or color. In order to do that, we must be perfectly clear that these Federal officials will operate in accordance with the Federal Constitution, which makes the qualification for voting dependent upon the State qualifications for voting for the most numerous branch of the State legislature.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. JAVITS. If the Senator will permit me, I should like to finish my remarks first, if I may.

There is no question in my mind, Mr. President, about the fact that everything said in this case bears out the view which we take in regard to the statutes. It will, in my opinion, be incorporated in any provision of law which is passed in the Senate. The State qualification for voting will apply. Nothing will be done in any statute to change that situation, and nothing will be done in any decision to change that situation. Mr. President, certainly nothing could be done, because we are referring to a provision in the Constitution of the United States.

I therefore wish to address myself very briefly to this matter, and I am sure the Senator from Louisiana will wish to present his point of view.

I shall address myself very briefly to the implications and the meaning of this case, as I see it, as bearing out the proposition that there is no desire and no intention—and no actual merit in the opposite contention—of the courts or of a statute assuring voting rights through Federal officials, who would take charge of registration in certain cases, to in any way change the constitutional requirement that voters should be qualified according to State law.

Mr. President, I address myself to the case of the United States against Thomas, No. 667 in the October term of the United States Supreme Court, which, on February 29, 1960, by a per curiam opinion, affirmed the decision of the lower courts, the district court in Louisiana and the court of appeals, requiring the restoration to the rolls of 1,377 Negroes.

Mr. President, I shall state my understanding of the basis for the decision. The case is stated as follows: State qualifications for voting apply, but the discriminatory application of State law is wrong and may be corrected by a decree of the court, under the 1957 Civil Rights Act. If the State qualifications for voting are applied in a nondiscriminatory way then the State law on qualifications prevails, and every registrant would be required to comply with the State law. That is the law, as we direct it to be applied by the Federal official who might be handling registration under every one of these measures which is before us.

The Court says, however, that the way the law is actually applied is in substance the State law on qualifications. Therefore, all a State has to do to see that its law in regard to qualifications is carried out to the full, exactly as it intends it should be carried out, is to apply the law in a nondiscriminatory way.

I wish to repeat that, because it is the heart of this case. A State itself can determine whether its qualification statute shall be obeyed to the letter by simply applying the statute in a nondiscriminatory way. If, however, the State applies the statute in a discriminatory way, then the Court will hold that the way in which the statute is applied is in substance the qualifications law and that the State may not apply qualifications in a discriminatory way, but has to apply the law in the same way to all people, including Negroes. That is borne out by the decision of the district court, which is incorporated in its findings of law and findings of fact.

I have the findings of law and the findings of fact of the court before me now in this particular case in the court below.

The findings of fact state:

> The acts and practices of the individual defendants—

I interject to say that certain leaders in the White Citizens Council and the registrar of voters in that particular parish are referred to. I continue to read—

> as described, were committed and engaged in for the purpose and with the effect of depriving Negroes, solely because of their race or color, of the right to register and vote.

Another finding of fact is:

> But for the acts and practices of the individual defendants in filing the affidavits of challenge as described and the action of the defendant registrar in giving effect to such challenges the approximately 1,377 Negroes previously registered to vote and removed from the registration rolls would be presently registered to vote.

In short, the court found very clearly a discrimination which was engaged in by the defendants, except for which discrimination the Negroes in question would have been registered and entitled to vote.

The conclusions of law which bear upon my point are these:

The court says:

> Discriminatory application of a statute, even one unobjectionable on its face, is unconstitutional.

The court goes on, in one sentence, to state the central reason for its decision.

> It is of no bearing that some or all of the defects and deficiencies set out as basis for the challenges may, in fact, exist; and if nondiscriminatorily cited, could constitute legal grounds for removal of voters from the rolls, as indicated in *Thomas* v. *McElveen*.

In short, the court itself said that where the qualification is provided for in a nondiscriminatory way, the laws of the State as to qualification apply. Where it is applied in a discriminatory way, the courts will see to it that the discrimination is obviated, by holding that substantial compliance with the State law on the qualification is found in the State's practices among those against whom it does not discriminate.

I have examined the briefs of the Government and of the respondents. Appearing for the respondents was none other than the attorney general of Louisiana. I find what I have just stated brought out in the briefs. In my opinion the heart of the argument of the Federal Government is found at page 39 of the brief:

> Defidiencies of the type for which Negroes have here been removed from the registration rolls are not treated by the State of Louisiana as being bases of disqualification. This is demonstrated by the fact that thousands of white people whose registration cards have the same deficiencies as the Negroes' in this case are on the rolls today.

That is found on pages 39 and 40 of the brief.

I now turn to the brief of the attorney general of the State of Louisiana, which naturally makes the argument which has been made by the Senator from Louisiana. But, Mr. President, we are not bound by the arguments made by one of the contending parties, especially by the losing party. We are bound by the points which have been found by the court. I think I have very clearly set forth the points made by the court.

One peripheral point. My colleague from Louisiana has made great material of the fact, as he says, that there is no literacy test in his State. I do not know what my colleague from Louisiana calls it, but the attorney general of his State says there is a literacy test. I quote from page 36 of his brief, in which he says:

> If the Government's position is correct they have said in effect that the character and literacy test required under the Louisiana State constitution is of no effect. Nothing could be further from the law.

As a matter of fact, there is a literacy test, except that a prospective voter may either speak or write in the English language or in "his mother tongue."

It seems to me very clear, and I draw the clear conclusion from all this study and deliberation, that there is not, and could not be, any setting aside of the constitutional mandate for State qualification to obtain; second, that it was not set aside in the decision in United States against Thomas, in the U.S. Supreme Court; third, that what the Court said was that if the State applies its qualification in a nondiscriminatory way, it will be so applied by the United States, by the courts, and I have no doubt by any Federal official appointed to register voters; fourth, if the State shows, by its own discriminatory practices, that it is defining its qualification requirements in a certain way, the courts will follow the way in which the State says there is qualification, in substance.

Finally, no matter what anyone does, he cannot change the Constitution, nor does anyone wish to do so.

I therefore state affirmatively that any provisions in the bill before the Senate to have a Federal official cause voters to be registered who are discriminated against by virtue of their race or color would follow the State qualification. I find nothing that contradicts that, either in this case or in any applicable law I have been able to examine.

Mr. LONG of Louisiana. Mr. President, first let me say to the Senator from New York that when he says there is a literacy test in Louisiana, I believe he would want to have the RECORD straight. In Louisiana a person may register to vote even though he cannot read or write. That is contrary to the situation in the State of New York.

The test in Louisiana might be called a literacy test. Actually I would call it a sanity test. In effect, the law provides that if a person can have read to him any section of the State or Federal Constitution, and can give a reasonable explanation of what it means, he can be registered. Upon that basis 10 percent of the Negroes in Louisiana are registered, and the number who cannot read or write exceeds 17,000. They are registered as illiterates. There are 27,000 whites who are also in that category. Ten percent of the Negro voters and 3 percent of the white voters are registered to vote, although they can neither read nor write. The so-called literacy test to which the Senator from New York refers means that if they can understand anything from the constitution of the State or the Constitution of the United States, when read to them, they can be qualified. Some have tried to construe that to mean that they would have to be able to understand everything in the Constitution. My interpretation—and I believe it is the correct one—is that they must be able to understand something.

For example, a colored man may not be able to tell what ex post facto means, but he can tell what the 15th amendment means when it provides that no man may be denied the right to vote because of race, creed, or color. That understanding would show that he had some degree of intelligence, that he was not a moron.

That provision is much more liberal than the law in New York. In New York a prospective registrant must have an eighth-grade certificate, or must be able to pass a literacy test which would place him at that level of mentality.

With regard to the holding of the court, it seems to me that what the Senator from New York is saying amounts to a distinction without a difference. In Louisiana, in the French country, there is an expression "Ca c'est tout la méme chose."

It means, "It is all the same thing."

Let me quote from the decision. I quite agree with the Senator from New York that what is said in the briefs does not represent the interpretation of the law. What the court says is the interpretation of the law. As the Senator knows, there was very little language in the Supreme Court decision, other than to say that the district court decision was affirmed. I will read from the district court decision. I lift these words out of context, but I submit that I do no violence to the context:

> It is of no bearing that some or all of the defects and deficiencies set out as basis for the challenges may in fact exist, and, if nondiscriminatorily cited, could constitute legal grounds for removal of voters from the rolls, as indicated in *Thomas* v. *McElveen*.

The court is saying that, so far as the court is concerned, if every one of these Negroes could be validly challenged and removed from the rolls, the fact that the manner in which they were challenged amounted to a discriminatory approach to the subject required that they all had to be put back on the rolls.

In this decision the court restored all the Negroes and none of the whites, which, again, makes clear the point that there is no holding anywhere that these people were qualified. The court says, in effect, that even if they are not qualified, the fact that they were challenged in a discriminatory fashion means that they must all be put back on the rolls.

That is all the junior Senator from Louisiana was saying. He is not quarreling with this decision. His point was not that the decision was wrong. His point is that from the decision it follows that, under the existing law, any colored persons can be put on the rolls by the thousands, even if not qualified, if they have been discriminated against in the manner in which they were rejected.

The point the Senator from Louisiana made was that any U.S. attorney who has a complaint before him from a colored man who feels that he is being discriminated against can have him placed on the rolls now, and he can do it even if the man is not technically qualified, because that was done in this case.

Mr. JAVITS. If my colleague insists on reiterating the same point time and time again—which is very interesting though it does not prove anything—I do not expect that I can persuade him. I have no desire to persuade him. I merely wish to make the record clear, so that there will be no contention that there has been any change in the Constitution of the United States. No change was made here in the case of United States against Thomas. It is very interesting to note that both the Senator from Louisiana and I have cited exactly the same sentence from the findings of law of the court below and have drawn exactly opposite conclusions.

The only point I can make again and again and again is that no court—not the lower court, not the U.S. Supreme Court—can change the Constitution of the United States. The most that they can say is what complies with the Constitution of the United States. Therefore I reiterate what I said when I began. Any State, including the State of Louisiana, can set its qualifications with respect to voters and have its statute in that respect fully observed, provided it does not discriminate among different voters. If it does discriminate, then it is itself saying that the qualifications it applies to those against whom it discriminates are different than those it applies to those against whom it does not discriminate.

Mr. LONG of Louisiana. Mr. President——

Mr. JAVITS. I must ask the Senator to wait a moment. The Senator from Louisiana can repeat his contention again and again. I can never attempt to keep up with every time he makes the repetition. I know I will not be able to persuade him. However, I hope I can persuade the rest of my colleagues of this fundamental point, that in any statute which we passed, and in the decision in United States against Thomas, there was no change in the basic constitutional proposition that the qualifications of voters shall be according to State law, and that any U.S. official who is appointed under this statute will be required to apply them that way.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. LONG of Louisiana. I was reading the exact language of the court and I have said that that is what it means. The court said:

> It is of no bearing—

I will leave out three words which do not change the meaning—

> It is of no bearing that • • • all of the defects and deficiencies set out as basis for challenges may in fact exist, and if nondiscriminatorily cited, could constitute legal grounds for removal of voters from the rolls as indicated in *Thomas* v. *McElveen*.

I would construe the meaning to go this far:

If a colored man cannot read or write and is mentally incompetent and subject to valid challenge, and if someone challenges him and a number of other colored persons, without undertaking to challenge white persons on the rolls who are similarly unqualified, the colored person or persons cannot be removed from the rolls, although the challenge standing alone would be valid.

Some can argue, and it was the attitude of the attorney general of Louisiana, that a Negro had the same right to challenge an unqualified white man that a white man had to challenge an unqualified Negro, and that a person must first be qualified in order to be on the registration rolls; further, that it made no difference whether he had been discriminated against or not, because if he was not qualified, he had no place on the rolls.

I hold in my hand the brief of the attorney general of Louisiana. Throughout his brief the point is stressed in heavy print. It looks like a broken record in that respect, because it makes this point so many times and stresses it so much. Time and time again the attorney general of the State has made the point that these persons were not qualified and that they had been subjected to valid challenge. For that reason he contended that it made no difference if they had been discriminated against, if they were not qualified to begin with.

At page 4 of the brief I read:

> This subsection indicates all citizens of the United States who are—

And then in heavy print—

> otherwise qualified by law to vote.

On the same page the attorney general says, in heavy print, "otherwise qualified by law."

I next turn to page 8 of the brief and read:

All citizens of the United States who were—

In heavy print—

otherwise qualified by law to vote.

At page 18 he does the same thing. Also pages 23, 24, 28, 35, 50, 51, 53.

The Supreme Court upheld the district court, and in upholding the district court it upheld the language of the district court's decision. We have nothing to quarrel about. It is a matter of arriving at the same conclusion by different routes. The language is clear:

It is of no bearing that some or all of the defects and deficiencies set out as basis for the challenges may in fact exist, and if nondiscriminatorily cited—

In other words, if each one of the 1,377 had been challenged individually rather than in a group—

could constitute legal grounds for removal of voters from the rolls.

That is saying, in effect, that a person can be removed from the rolls if he is not qualified, provided that a person who challenges him does not discriminate against him because of color.

I cannot see any other conclusion being reached than that. These people were put on with the understanding and the district judge saying that it does not make any difference whether they were qualified or not qualified, if the challenge was done in a discriminatory fashion.

Mr. JAVITS. The court, it seems to me, is very clear on this subject. The court says:

The action of the defendant registrar in giving effect to the mass challenges of the individual defendants achieved a discriminatory result in violation of his duties under the 15th amendment.

It seems to me that this is the wrong the court was seeking to redress, and in redressing it it did not destroy in any way or change the Constitution of the United States.

As I have said, I have no hope of convincing my colleague from Louisiana. It seems to me, however, that the case is very clear.

Mr. LONG of Louisiana. I cannot for the life of me see that we have any point of difference. The junior Senator from Louisiana did not contend that the Civil Rights Act of 1957 was necessary in order to put these persons back on the rolls. The only difference that that act made is that it makes it possible to try the registrar without a jury and it makes the Attorney General the tax-free lawyer of the person who was challenged.

Therefore I would agree with the Senator that it was the 15th amendment which states that a person cannot be denied the right to vote on the ground of race, color, or national origin. My point was that under existing law a person can be restored to the rolls by suit filed by any U.S. attorney in the United States even if that person is not qualified, provided that he was denied the right to vote by someone who discriminated against him because of his color.

Mr. JAVITS. I cannot hope to convince the Senator from Louisiana. I certainly do not agree with him, because I believe that the 1957 act was indispensable. I believe these wrongs had to be redressed by suits by the United States, and I think that had to be done in a great many cases and situations. I have tried to set the record straight on this issue.

Mr. LONG of Louisiana. Can the Senator from New York show any case holding that, if he were a U.S. attorney, he could not place persons on the rolls if they had been discriminated against, even persons who are not qualified?

Mr. JAVITS. There are just so many people being denied the right to register. We have shown that by going through the civil rights report. Again I cannot convince the Senator from Louisiana. My only hope is that I can convince the country and some of my other colleagues, so that we can enact an effective law, so as to require some other way of proceeding than by depending on the local registrars, who will ask the people how they are going to construe the Constitution, and then make their own judgment as to how they shall answer the question. We have been all through that by an impartial body, the Civil Rights Commission. I think our side of the case, at least, has been thoroughly proved on the facts.

Mr. President, I yield the floor.

DESIGNATION OF JOHN DAY LOCK AND DAM, OREGON AND WASHINGTON, AS RICHARD L. NEUBERGER LOCK AND DAM

Mr. MORSE. Mr. President, I have received a telegram from the executive board of the Democratic Party of Oregon, which reads as follows:

PORTLAND, OREG., *March 16, 1960.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

The executive board of the Democratic Party of Oregon respectfully requests that the John Day Dam on the main stem of the Columbia River be renamed for the late Senator Richard L. Neuberger. Our best to you and Mrs. MORSE.

Chairman Robert Straub, vice chairman Beulah Hand, secretary Lloyd Rea, treasurer Erma Lindquist, Ruth Renfroe, Oscar Kendall, Lyndon Martin, Frank Roberts, Mildred Russell, Dan Dimick, Cornelius Bateson, Dewey Rand, Sr.

Mr. President, in the never-to-be-forgotten senatorial campaign of 1954, Dick Neuberger and I campaigned together across the State of Oregon. I made more than 150 speeches in behalf of his candidacy in that year. One of the promises which we made to the people of the State of Oregon was that we would do everything we could to have a start made on a dam which has become known as the John Day Dam.

In 1956, the President's budget proposed $500,000 for planning money. We fought hard in the Senate and in the House, and with the assistance of our Democratic colleagues from the State of Washington, we raised the figure to $550,000.

In 1957, we proposed $1,500,000, but we could not get that large a sum. We got $1,450,000.

The 1958 administration budget contained not a red cent for John Day Dam. Again, the Democrats of the Oregon and Washington delegations, working together, got $1 million in appropriations for John Day.

In 1959, once construction was started, the administration, at long last, recommended a substantial sum, this time $8 million, which was appropriated.

For fiscal 1960, $20 million was recommended by the administration, and $20 million was appropriated.

Now the administration, in this election year, proposes $41,800,000, which I hope will be the minimum to be appropriated for this purpose.

I have mentioned these figures because Dick Neuberger joined with us each year in our appropriation battles to get these funds for John Day Dam.

Mr. President, I have also received a letter from the vice chairman of the Democratic Party in Oregon, and a member of the House of Representatives of the Oregon State Legislature, Mrs. Beulah Hand, urging that I introduce this bill asking that the John Day Dam be named the Richard L. Neuberger Dam. I ask unanimous consent that the letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SALEM OREG., *March 12, 1960.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Senator Richard L. Neuberger has taken his place among the immortals of resource conservation. He now is in the company of George Norris, Gifford Pinchot, Theodore Roosevelt, Harold Ickes, and Bernard DeVoto, his teachers whom he revered.

Senator Neuberger's effective and inspired work in the development and conservation of our natural resources deserves a lasting tribute.

In honor of our great Senator I feel that John Day Dam, now under construction on the Columbia River, be named Neuberger Dam. It was through the efforts of Senator Neuberger, along with Senators MORSE, JACKSON, MAGNUSON, and others that this dam was started. It is only fitting that the dam be named for a man who devoted his life to his State and Nation.

Sincerely,

BEULAH HAND,
State Representative.

Mr. MORSE. Mr. President, on the basis of these requests, I have prepared a bill to designate the John Day lock and dam on the Columbia River, Oreg. and Wash., as the Richard L. Neuberger lock and dam. I introduce the bill for appropriate reference.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3215) to designate the John Day lock and dam on the Columbia River, Oreg. and Wash., as the Richard L. Neuberger lock and dam, introduced by Mr. MORSE, was received, read twice by its title, and referred to the Committee on Public Works.

ORDER OF BUSINESS—ORDER FOR ADJOURNMENT UNTIL NOON TOMORROW

Mr. JOHNSON of Texas. Mr. President, I appreciate the question which confronts many Senators concerning whether or not there will be any rollcalls this afternoon. It was hoped that it would be possible to dispose of the pending amendment and perhaps some other amendments today. Obviously, that will not be possible.

The weather outside is very bad. Therefore, the leadership would like to make it possible for Senators, and as many of the staff as can be spared, to leave early, with the understanding that there will not be any rollcalls this evening, and that the Senate will convene at 12 o'clock noon tomorrow.

Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today, it adjourn until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, the staff can arrange to continue to work with a limited attendance, which will require the presence of only those who must be here.

Senators who desire to leave may make their plans accordingly, with the understanding that there will be no yea-and-nay votes this evening. As Senator Knowland used to say, "The lid is on." There will be no votes during the rest of the day.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. THURMOND. Mr. President, two wrongs do not make a right. This, in essence, constitutes the case against section 4(A)(1) of the Dirksen substitute which proposes to have the Congress of the United States recognize and endorse the Supreme Court school decision of May 17, 1954.

Article I, section 1 of the Constitution provides:

All legislative power herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Article V of the Constitution provides:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided,* That no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

The first wrong was the usurpation of these constitutional provisions by the Supreme Court by virtue of its decision in the school cases on May 17, 1954.

Mr. President, the only justification for a constitutional form of government is to preserve the individual rights of the people themselves. A constitution accomplishes this purpose by giving the law stability, and certainly, through a limitation on the power of any individual or group, and through the establishment of certain basic principles of government which are, from a practical standpoint, almost unalterable because of the degree of unanimity of will essential to a change.

Essentially, then, the Constitution is a protection to individual liberty only so long as it requires such an overwhelming majority of public opinion to change its provisions. This, in essence, is the strength of a constitution, because it is the one factor that enables a people to be assured of a government of laws rather than a government of men.

It is obvious that any circumvention of the prescribed method of change of the Constitution strikes at the very foundation of individual liberty. And here, Mr. President, is where the blow has been struck.

Necessarily, Mr. President, a constitution cannot contain in written word every specific detail to eliminate all possible misinterpretations of its terms. In drafting such a document, our forefathers did not include a manual containing a detailed explanation of the philosophy which underlay the principles embodied in that document. They did not foresee a necessity for such a manual, for, indeed, the whole history of the times is permeated with expressions of their philosophies, both in the relations of the events which led up to the desire for a constitution and in the clear and unequivocal expressions of the drafters and other public figures in all Thirteen Original States, made during the consideration of its ratification. As they undoubtedly foresaw, the record was even further substantiated throughout the early years of our Republic by the correct application of the basic principles of government which they had so ably codified.

These basic philosophies which served as the birthspring of the Constitution, when reduced to application, are known as rules of construction. They are neither confusing nor difficult of application. Essentially, they are but the utilization of common sense and logic. Only by completely ignoring the recorded expressions of history and only by the intentional resort to tortured mental gymnastics can the basic rules of construction be avoided. An intentional act is required. It is impossible to believe that the more basic rules of construction can be misinterpreted in the absence of insincerity and ulterior motives.

Probably the most fundamental rule of construction for written instruments is to the effect that the meaning of the documents must be derived from events and expressions contemporaneous with the instrument's adoption. The interpretation justified by contemporaneous occurrences does not vary with future events, so long as the written instrument remains in force. The terms of the instrument may find new fields of application, or the circumstances to which the terms of the instrument apply may vary; but the meaning of the instrument never varies—it is forever constant. Any other construction would be, obviously, to vary the terms of a written instrument, and thereby to invalidate the only purpose of the writing—constancy. This rule of construction—in actuality, a simple application of logic—applies to all written instruments, but most particularly to the Constitution, of which stability and permanency are the very essence; and without such stability and permanency, the Constitution has no excuse for being.

So universal has been the recognition and application of this rule of construction that a discussion of it at any great length is rare. Rather, the courts have either merely stated it and then have proceeded to apply it, or, more frequently, they have merely proceeded to apply it to the written instrument at hand by an examination of circumstances contemporaneous with its adoption. A discussion of particular clarity of this rule of construction is found, however, in the opinion of the Indiana Supreme Court in the case of *Cory, et al* v. *Carter* (48 Ind. 327) at pages 335 through 336, as follows:

A cardinal rule in dealing with written instruments is that they are to receive an unvarying interpretation and that their practical construction is to be uniform. A constitution is not to be made to mean one thing at one time and another at some subsequent time when the circumstances may have so changed as perhaps to make a different rule in the case seem desirable. A principal share of the benefit expected from written constitutions would be lost if the rules they established were so flexible as to bend to circumstances or to be modified by public opinion. It is with special reference to the varying moods of public opinion, and with a view to putting the fundamentals of government beyond their control, that these instruments are framed; and there can be no such steady and imperceptible change in their rules as inheres in the principles of the common law. Those beneficent maxims of the common law which guard person and property have grown and expanded until they mean vastly more to us than they did to our ancestors, and are more minute, particular, and pervading in their protections; and we may confidently look forward in the future to still further modifications in the direction of improvement. Public sentiment and action effect such changes, and the courts recognize them, but a court or legislature which should allow a change in public sentiment to influence it in giving construction to a written constitution not warranted by the intention of its founders would be justly chargeable with reckless disregard of official oath and public duty; and if its course could become a precedent, these instruments would be of little avail. The violence of public passion is quite as likely to be in the direction of oppression as in any other, and the

necessity for bills of rights in our fundamental laws lies mainly in the danger that the legislature will be influenced by temporary excitements and passions among the people to adopt oppressive enactments. What a court is to do, therefore, is to declare the law as written, leaving it to the people themselves to make such changes as new circumstances may require. The meaning of the constitution is fixed when it is adopted, and it is not different at any subsequent time when a court has occasion to pass upon it.

Mr. President, for the application of this rule of construction, we need not go beyond the landmarks of outstanding cases. For instance, let us consider the language of the U.S. Supreme Court in *Martin* v. *Hunter* (1 Wheat 351), as follows:

It is a historical fact that this exposition of the Constitution, extending its appellate power to State courts, was, previous to its adoption, uniformly and publicly avowed by its friends, and admitted by its enemies, as the basis for their respective reasonings, both in and out of State conventions. It is also a historical fact that at the time when the Judiciary Act was submitted to the deliberations of the first Congress, composed, as it was, not only of men of great learning and ability, but of men who had acted a principal part in framing, supporting, or opposing that Constitution, the same exposition was explicitly declared and admitted by the friends and opponents of that system. It is an historical fact that the Supreme Court of the United States has, from time to time, sustained this appellate jurisdiction in a great variety of cases, brought from the tribunals of many of the most important States in the Union, and that no State tribunal has ever breathed a judicial doubt on the subject, or declined to obey the mandate of the Supreme Court, until the present occasion. This weight of contemporaneous exposition by all parties, this acquiescence of enlightened State courts, and these judicial decisions of the Supreme Court through so long a period, do, as we think, place the doctrine upon a foundation of authority which cannot be shaken, without delivering over the subject to perpetual and irremedial doubts.

Mr. President, let us notice that this learned Court, in considering the contemporaneous rule of construction so basic as not even to need a statement, much less an explanation, proceeded first and foremost, in the interpretation of the Constitution, to an examination of contemporary thought at the time of adoption, without so much as a glance at "current conditions."

Mr. President, could there be any doubt concerning the applicability of this purely logical rule of construction? This is the distinction, reduced to its simplest form, between a government of laws, on the one hand, and a government of men, on the other. When the rule of construction is followed in the construction of the Constitution, that great document has the stability essential to the protection of individual liberty. If this simple guide to construction is ignored, the Constitution thereby shrinks from its position as the noblest document of government welded by human hands to a parody of words useful only as a point of departure for the mad rationalizations of emotionally inspired mentalities. Only the blissfully ignorant or the most insidious malcontent could conceive of any other course but the application of this purely logical approach to interpretation of the Constitution.

This area of fundamentals—indeed, the very vitals of our Constitution—has sustained an underhanded blow. The very passions which inspired this dastardly undercutting of constitutional fabric continue to prevail, shielding minds that should, and, in objective analysis, would, comprehend and appreciate the nature of the offense which has inspired the wave of protests that have resulted.

Let us now examine the deed itself. It happened on May 17, 1954. The provision of the Constitution was the 14th amendment. The field to which the provision was sought to be applied was that of public education. The name of the case was Brown against Board of Education of Topeka. No novel questions were presented by the case.

In fact, only one question of any import was before the Court. It was this: Does segregation of children in public schools, solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of either group of the equal protection of the laws?

I repeat, it was far from a novel question. Had the Court proceeded to adjudicate the question, it would have followed the approach of the Court in Martin against Hunter, to wit: First, it would have examined the contemporaneous expressions and actions of the Congress which proposed, and the legislatures which ratified, the amendment; second, it would have considered the decisions of State courts which had passed on the question; and, third, it would have considered, as stare decisis demanded, the prior decisions of the Supreme Court, itself. This would have complied with the rule of contemporaneous interpretation.

There can be not the slightest doubt that both the Congress and the legislatures which proposed and considered ratification of the 14th amendment, respectively, undertook their actions thereon with the firm understanding that the 14th amendment in no way interfered with the rights of the several States to maintain separate schools for the white and colored races. The highest State tribunals which considered the question unanimously confirmed this intention and meaning. The Supreme Court itself considered such contemporaneous construction so valid as to accept it as a basic premise for the decision in the two cases in which the precise question was most nearly approached, to wit, *Cummings* v. *Board of Education* (175 U.S. 528) and *Gong Lun* v. *Rice* (275 U.S. 91).

Now, Mr. President, let us look at the action of the U.S. Supreme Court in the case of Brown against Board of Education of Topeka. A detailed discussion of the facts or the procedures involved is not necessary, for I am certain that the Members of this body are quite familiar with that decision. I have previously stated the question which was actually before the Court, to wit: Does segregation of children in public schools, solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of either group of the equal protection of the laws? Originally, the cases involved the question of whether the facilities themselves were substantially equal, but during argument the issue was obviously narrowed to the issue before stated.

It was clear during the argument that the Court was not thinking in terms of the contemporaneous interpretation rule, as is illustrated by a question of Justice Burton, and I quote:

Don't you recognize it as possible that within 75 years the social and economic conditions and the personal relations of the Nation may have changed so that what would have been a valid interpretation of them 75 years ago would not be a valid interpretation of them today?

Mr. President, never has the application of the trite phrase "immaterial and irrelevant" been more applicable than to this question. It should have been of no concern, and legally was of no concern to the Court, that the social and economic conditions of the Nation had changed in the 75 years since the adoption of the 14th amendment. The law and. the Constitution, except as amended, by the process specified in the Constitution, was and is the same today as the day it was adopted. Social and economic changes occurring subsequent to the adoption of a constitutional provision have no effect whatsoever on the interpretation of the particular provision. It is quite possible that, in a much shorter period, what had originally been a necessary and workable provision of law had become most onerous, and from the standpoint of fairness, a most unjust provision. A change in the law itself, however, to respond to changed social, economic, or political conditions is a policy decision reserved for legislative action. It has no place whatsoever in judicial deliberations.

Mr. President, the opinion of the Court in the Brown case completely ignored the oft-repeated expression in Supreme Court decisions that "it is the duty of the interpreters to place themselves as nearly as possible in the condition of those who framed the instrument." By way of contrast—and this is the heart of the matter—I quote the key paragraph from the decision of the United States Supreme Court in Brown against Board of Education:

In approaching this problem, we cannot turn the clock back to 1868 when the amendment was adopted, or even to 1896 when *Plessy* v. *Ferguson* was written. We must consider public education in the light of its full development and its present place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of equal protection of the laws.

In those few words, and we might even restrict it further to the clause "we cannot turn the clock back to 1868 when the amendment was adopted," the Court substituted in the United States of America a government of men for a government of laws. It is that simple.

Thus in one bold stroke, Mr. President, the Supreme Court rashly departed from its judicial function by attempting to legislate rather than adjudicate, in direct conflict with article I, section 1, of the Constitution. By this decision, the Supreme Court clearly arrogated unto itself legislative powers which are granted exclusively to the Congress by the Constitution.

This, then, is the first wrong of which I speak. Now let us turn to the second wrong, which it is proposed that we in the Congress commit.

Article III, section 1, clause 1 of the Constitution provides:

The Judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

Within this judicial power is included the authority to pass on the constitutionality of legislation. It is quite true that the Supreme Court has, as previously stated, departed from the exercise of judicial power to such an extent that one might say, particularly with reference to the school cases of May 17, 1954, that the Supreme Court has refused to exercise the authority and responsibility set out in clause 1, section 1, of article III of the Constitution.

It is nonetheless astounding, Mr. President, for the Congress to be presented with a proposal that we, in essence, trade or swap functions with the judicial branch of the Government. For section 4(A)(1) of the Dirksen substitute constitutes nothing less than a proposal that we review and confirm the validity of the legislation passed by the Supreme Court in that infamous decision.

This proposal not only contemplates a trading of powers and authority with the Supreme Court by the Congress; but, indeed, it even proposes that we confirm that bit of unconstitutional legislation without even conducting a judicial inquiry.

Mr. President, two wrongs do not make a right. In this instance, the second wrong does not only fail to right the first wrong, but compounds it.

I am loath to believe that the Senate of the United States has sunk to such a low ebb that it would be a party to an assassination of the Constitution and a farce in the eyes of the American public and the world.

Mr. President, for these reasons I intend to support the amendment of the distinguished Senator from Kentucky [Mr. COOPER] on this particular point.

Mr. CLARK. Mr. President, ever since the Senate convened in January of this year, we have been discussing civil rights legislation, off and on. A number of speeches were made on the subject before the 15th of February. On that date the pending business became a civil rights measure. Since then, with relatively few exceptions, the debate has been relevant to the question of civil rights, although on occasion current events made it necessary to set aside civil rights to discuss briefly matters of foreign policy, disarmament, and defense.

Starting the week before last, the Senate went into an around-the-clock session from Monday through Saturday, and since then the so-called debate on civil rights has been droning on.

We are no nearer to passing a civil rights bill in the Senate today than we were last January. Since it now appears that the Senate, being unable to legislate itself, is going to wait until the House legislates, and since the House has not legislated yet and we are marking time in both Houses of Congress, we might as well make as good use of the time as we can.

Parenthetically, Mr. President, in my judgment the activities of the Senate of the United States during the days since February 15 have done this body no good in the eyes of America, in the eyes of our allies, in the eyes of Asia and Africa, or in the eyes, indeed, of the entire civilized world. In fact, I suggest, with all deference to my colleagues, that our activities are rapidly bringing this body into disrepute.

I suggest further that what we have done is to resurrect and to drag out of its honored burial place the repudiated doctrine of the concurrent majority, so ardently advocated by Senator John C. Calhoun, of South Carolina, and made that doctrine the rule for the consideration of proposed legislation.

In effect, we have said that under our procedure it is impossible for the Senate to legislate unless a concurrent majority of every section and every grade of opinion all over the United States is content to permit the legislation to pass. It is not enough to have a simple majority in support of a bill; it is not enough to have two-thirds of the Senate in support of a bill; the bill must be advocated by a majority of every section and every point of view of the country—and if one section feels so strongly about a bill that it will oppose it to the end, then the Senate cannot legislate.

This, to me, is a negation of our duty as an important legislative body in the richest and in many ways the most important country in the world.

We must adjust our procedures, so that we can cope with the problems of the world, and get back to the overall majority rule which, in my judgment, at least, was the intention—and the wise intention—of the Founding Fathers.

Mr. President, having vented myself of that spleen, let me for the next few minutes take advantage of the lull in the legislative process in which we are presently indulging to outline what I think the Senate should do, and to express the hope that I do not stand alone in the expectation that at least some of the views which I outline may eventually prevail.

In the situation in which we find ourselves it seems clear that the most important issue facing the Senate with respect to civil rights is: What can we do as a practical matter to make it easier for all citizens of the United States, regardless of race or color, to vote? There are, it is true, other important sections of the bill before the Senate. I would not minimize their importance. I think they are important. I shall in general support the provisions which remain in the Dirksen amendment now pending, if they can be amended so as to represent a stronger effort to assure to all citizens that equal protection of the laws to which they are entitled under the 14th amendment to the Constitution, and the right to vote to which they are entitled under the 15th amendment.

This evening for a few minutes I should like to devote myself entirely to the question of voting rights. As I see it, Mr. President, we have three major proposals before us from which we can choose the kind of measure we want.

The first proposal is one to create Federal enrollment officers. This proposal is advocated by the distinguished senior Senator from Missouri [Mr. HENNINGS] and the distinguished junior Senator from Michigan [Mr. HART]. In my judgment, the Hennings enrollment officer amendment is the best voting measure which has been offered. I hope we will have a chance to vote on it. I hope it will be approved by a majority of the Senate. In essence, the Hennings amendment proposes an administrative rather than a judicial process for assuring that disfranchised citizens of the United States may be given the opportunity to register, the opportunity to vote, and the opportunity to have their votes counted.

Mr. President, in every State of the Union registration and voting are administrative processes. They are administrative processes outlined by legislation passed by State legislatures. Judicial review is always available, of course, in the event that the administrative officials defy or disobey the mandate of the legislatures or perform their duties unreasonably. Historically, however, the enrollment and registration of voters in the United States has been essentially an administration or executive function and not a judicial function.

Therefore, I believe that when it becomes necessary for the Federal Government to intervene because a State is interfering, in violation of the 15th amendment, with the rights of colored citizens to register and to vote, we should use standard administrative procedures similar to those used in the States, to protect by Federal action the right of all citizens to register and to vote. I can see no reason for departing from that system in connection with Federal legislation. I think it is important that any such system should carry with it a guarantee that if the Federal administrative officers, who undertake to enroll and to assure the right to vote and to assure the counting of the vote of disfranchised citizens, should disobey the Federal law they could be hauled into the courts and made to obey the law.

For that reason I strongly support the Hennings amendment. I would like to note that the junior Senator from Michigan [Mr. HART] made a brilliant speech in support of the Hennings proposal at the end of last week, which I believe deserves the attention of every one of our colleagues.

The administrative procedures to protect voting rights provided for in the Hennings proposal would be triggered in two ways. The first would be a judicial finding in a proceeding brought by the

Attorney General under the Civil Rights Act of 1957 that "under color of law or by State action, a voting registrar or other State or local official has deprived persons in any locality or area of registration, or the opportunities of registration, for elections becauses of their race or color."

The second method, under the Hennings proposal of triggering the Federal enrollment officer procedure is based on an administrative finding. Whenever the Civil Rights Commission or any other executive agency or department designated by the President to perform the same function makes a finding, similar to the judicial one described above, then the Commission shall notify the President of that finding, exactly as the Attorney General shall notify the President in the event of a court finding. When the President is notified of a finding of disenfranchisement in either of the two ways which I have suggested, he may appoint a Federal enrollment officer, who can then, to cut things short, proceed to enroll disfranchised citizens in that particular district.

The President may delay such appointment to permit the State or local authorities to register the persons who have been found to be disenfranchised.

When the enrollment officer has enrolled applicants in accordance with the procedures set forth, the officer is then authorized to attend the polling places to determine that the enrollees are permitted to vote. He is authorized to remain in the polling place to see that their votes are counted.

State or local authorities who believe that the action of the Federal enrollment officer is improper, can go into court and attempt to set aside the registration and the casting of the ballots, but the enrollee's vote would be counted subject to court determination of the validity of the challenge.

The Attorney General is authorized to enforce voting rights by "appropriate civil and equitable proceedings," and the courts are authorized to issue "permanent or temporary injunctions, or other orders" to protect the exercise of such rights. In all cases of contempt of court arising under the amendment, the accused, if convicted, would be subject to criminal penalties, though not particularly severe penalties.

That, in summary, is the Hennings amendment. The distinguished senior Senator from Missouri will doubtless explain his amendment more clearly and at greater length at a later date. I make this brief summary today, because unfortunately, our distinguished colleague has temporarily—and I hope only briefly—lost the use of his voice, and is unable to make a statement of his own.

I support the Hennings amendment as the best measure we can pass to protect voting rights. Many of my colleagues on our side of the aisle feel the same way. The administrative procedure provided in the amendment is the traditional American way of handling enrollment, registration, and voting, and the protection of the voting right. The proposal merely provides for the adaptation by the Federal Government of the same procedure outlined, with very few differences of substance, in the registration and election laws of the 50 States of the Union.

It may be that a majority of my colleagues will not see as I do on this question. If they do not, there is a second amendment which I think should be given careful consideration. I refer to the amendment sponsored by myself and the Senator from New York [Mr. JAVITS], and cosponsored by the Senator from Minnesota [Mr. HUMPHREY], the Senator from Vermont [Mr. AIKEN], the Senator from Alaska [Mr. BARTLETT], the Senator from New Jersey [Mr. CASE], the Senator from Oregon [Mr. MORSE], the Senator from California [Mr. KUCHEL], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Michigan [Mr. MCNAMARA], the Senator from New Jersey [Mr. WILLIAMS], and the Senator from Pennsylvania [Mr. SCOTT]. It is identified as "3–11–60—B." It has been printed and is on the desks of all Senators.

This is a compromise proposal. It is an effort to achieve a meeting of the minds between those who support the administrative enrollment officer proposal, and those who desire a referee bill, dealing entirely through the judicial process and not through the executive or administrative process, with the problems of registration and voting. This compromise measure contains both provisions.

As a further evidence of compromise, and as a mark of good will toward those who fear a swarm of Federal officials descending upon States in the South, this amendment provides that no action to protect voting rights may be taken unless and until there has been a court finding that there has been a pattern or practice of disenfranchisement. If and when a Federal court finds in an action brought by the Attorney General under the Civil Rights Act of 1957, or by an individual or a group, that any persons have been deprived on account of race of the right to register or the right to vote at any election (State or Federal, general or primary) by State action or by local action controlled by the State, and that such deprivation is pursuant to a pattern or practice, the dual remedies provided become available for the first time.

Thus, neither the enrollment officer nor the referee proposal could be triggered into action unless there had first been a court finding in an adversary proceeding that a pattern or practice of discrimination existed, which had resulted in the disfranchisement of voters because of race or color. Once that finding was made, under this compromise proposal, the Attorney General would have, in effect, two choices.

He could request the court to appoint voting referees to register and protect the voting rights of those who had been disfranchised by State action; or, in the alternative, he could notify the President of the finding by the court, and request the President to appoint Federal enrollment officers, who would proceed exactly as I have described the procedure called for by the Hennings amendment.

Thus, those who think the referee proposal would work best would have the opportunity to see it authorized; and inasmuch as the present Attorney General thinks it would work best, he could use that remedy exclusively if he saw fit, until his term expires at the end of this year. If the successor Attorney General in a new administration happened to be of the same view as the present Attorney General, he could continue to use the referee process. However, if, as I suspect—and as I hope—he would take the traditional American view that the registration process is essentially an administrative and not a judicial one, he would have available the shining tool called for by the Hennings amendment.

I do not believe it is necessary to outline in detail the referee proposal called for in the Clark-Javits amendment. I will say, however, that it is stronger than the administration proposal which I understand the House of Representatives had under consideration this afternoon. It would not require a disenfranchised voter to exhaust his remedies before the State registration officers before being permitted to exercise his voting rights through the referee process. It would give a 20-day period of grace to the State to enroll disfranchised voters before the Federal process springs into action. That is a brief period, but long enough to enable remedial action, and to enable the local registration board to register those who have been disfranchised if the board sees fit to do so.

It has the same disabilities in it which any court referee proposal is bound to have, namely, provisions for appeals, court delays, and difficulties in having a judicial officer act in what is essentially an administrative capacity. But there are those who believe that such delays are not as severe as some of us think, who believe that the Federal courts are not already unduly clogged with business, and who believe that it would be no great imposition to place another and heavy burden upon them in connection with voting cases. Therefore they advocate the referee proposal. If that is what they want, it is in the compromise amendment. I would hope that if we were unsuccessful in passing a straight administrative Federal enrollment officer bill, as a second line of defense enough of our colleagues would be induced to vote for the compromise bill to have it passed with a vote of a majority of the Senate.

There are several inducements to persuade our colleagues to do so. In the first place, it would give them the referee proposal, which so many seem to desire. In the second place, the compromise proposal would require a finding by a court of competent jurisdiction, a Federal judge who had been confirmed by the Senate, that there had been a pattern or practice of discrimination by the State, before any of its referee or enrollment officer provisions could go into effect.

Those are substantial concessions to men of good will in this body who want an effective civil rights bill, but want to be sure that it is fair.

Mr. President, it is possible, I suppose, although I hope not, that neither the Hennings bill nor the compromise bill will meet with the approval of a majority of the Senate. In that event the choice would be a strengthened voting referee measure or no voting measure at all.

I would reluctantly, in the last analysis, vote for a strengthened referee bill. I think many of my colleagues on our side of the aisle, from the North and the West, would in some desperation do so also, on the theory that a quarter of a loaf is better than no loaf at all.

I hope we will not come to that.

However, I should like to make it crystal clear that if our choice is between a watered down, phony voting referee bill, which will not result in the registration of more than a scattered handful of disfranchised citizens of the United States, or no bill at all, I am for no bill at all. I do not want to be a party to a fraud on the people of the United States, whether those people live in Pennsylvania or in Mississippi or in any other State.

Mr. President, that is the outline of my position. I do not believe that I speak for myself alone. Other Senators will in due course determine their positions and perhaps state them on the floor of the Senate and indicate whether they are in agreement or not.

I close with this thought: It is highly desirable that we should minimize to the greatest extent possible the number of amendments to the pending bill which will be called up for rollcall votes for determination. It is quite true that those of us who are in support of a strong civil rights bill have submitted too many amendments in the Senate, and have been too long unable to agree on what we are ready to vote for.

We have in recent days been making an effort to reduce the number, and we are making progress. I have reported progress to the majority leader from time to time. I hope to be able to tell him within the next 24 hours or so that we have so crystallized our thinking that the number of amendments on which we strongly feel we should record ourselves in public has been reduced to a minimum.

Mr. President, I suppose that in due course some kind of bill will come over from the House. I imagine that in due course efforts will be made to substitute the House bill for the Senate bill. I, for one, have no very real objection to that procedure if the House bill provides effective protection for civil rights. Perhaps it would be the wise thing to do at this late date, since the Senate has so clearly indicated its inability to legislate in this field, and we might as well take the bill passed by the other branch of Congress if it is a good one.

However, if we are to pass the House bill, then the next question will be: Will the Calhoun doctrine of concurrent majority apply to such an extent that we can get a bill up for final vote without cloture? I imagine that the doctrine of concurrent majority will apply if the bill is no good. If the bill does not help the disfranchised citizens of the South, then it will not be necessary to impose cloture.

I think that one test of whether the bill is any good will be the action of the Senate in passing a civil rights bill without cloture. If we do it without cloture, we can be sure that the bill is not much good.

I suspect that there are enough Senators who want a good bill, so that we will not pass a bad bill or any bill without cloture, and that a meaningful bill will require cloture.

Mr. President, if it is proposed to vote for cloture in order to pass a bill which has no real meaning and carries no real promise of enfranchising citizens of the United States, who have been disfranchised in violation of the 15th amendment because of race or color, then I think some of us will take a good, hard look at the petition to see whether we want to be parties to the imposition of cloture. For myself, I do not intend to be a party to a sham. I hope that time will not arrive.

In all courtesy and good nature and all kindness to our colleagues who do not feel as some of us do on my side of the aisle, who come from the North and in the West, I have felt some of these things should be brought out and laid on the table.

I still have high hopes that we will pass a meaningful bill. It is even possible that we can pass a meaningful bill without cloture. I say again that one test is going to be whether we can get a meaningful bill without cloture. I doubt it. I hope the kind of bill on which we will impose cloture will be one which will permit germane amendments in the field of voting and in the field of technical assistance to school segregation and in some of the other fields covered by the present Dirksen amendment.

It would be a sham to vote cloture on a basis by which these amendments, so pertinent to a meaningful civil rights bill, would be ruled nongermane by the Parliamentarian and the Chair. That is another hazard we will have to look forward to when we come to determine which of us want to vote for what kind of cloture.

I ask unanimous consent that summaries of the Hennings amendment and Clark-Javits amendment may appear in the RECORD at this point in my remarks.

There being no objection, the summaries were ordered to be printed in the RECORD, as follows:

SUMMARY OF HENNINGS AMENDMENT
(3–10–60—F)

1. INITIAL FINDING OF DISENFRANCHISEMENT AND NOTICE TO PRESIDENT

(a) Judicial: In a proceeding by the Attorney General under section 131(c) of the Civil Rights Act of 1957, the Attorney General is required to notify the President, if the court finds that "under color of law or by State action, a voting registrar or other State or local official has deprived persons in any locality or area of registration, or the opportunity of registration, for elections because of their race or color."

(b) Administrative: Whenever the Civil Rights Commission in a proceeding under section 104(a) of the 1957 act or another executive agency or department designated by the President to perform the same functions as the Civil Rights Commission makes a finding similar to that described in the preceding paragraph, the Commission shall notify the President.

2. APPOINTMENT OF FEDERAL ENROLLMENT OFFICERS

Upon notification of a judicial or administrative finding that voting rights have been deprived, the President is authorized to appoint Federal enrollment officers from among qualified voters within the congressional district in question. The President may delay such appointment if he determines that State officials are making efforts to end deprivation of voting rights in the district.

3. ENROLLMENT AND ENROLLMENT RIGHTS

All persons belonging to the race discriminated against, who are qualified to vote under State laws and reside in area covered by the finding, are eligible to register with the enrollment officers and receive certificates of enrollment. Enrolled voters have the right to vote and have their votes counted in any State or Federal primary or general election in the district.

4. ENFORCEMENT

(a) Challenges by State of eligibility of enrolled voters in Federal district courts are permitted, but the enrollees are permitted to vote and have their vote counted subject to court determination of the validity of the challenge.

(b) Enrollment officers are authorized to attend elections, determine whether enrollees are permitted to vote and have their votes counted, and directed to notify the Attorney General of denials.

(c) The Attorney General is authorized to enforce voting rights by "appropriate civil and equitable proceedings" and the courts are authorized to issue "permanent or temporary injunctions or other orders" to protect the exercise of such rights.

(d) In all cases of criminal contempt arising under the provisions of the proposal, conviction carries penalties up to $1,000 and 6 months' imprisonment. The judge can decide whether the trial shall be with or without jury. But the accused is given the right to demand a trial de novo before a jury if the sentence exceeds $300 or 45 days in prison.

SUMMARY OF CLARK-JAVITS AMENDMENT
(3–11–60—B)

Preamble: "Continuing denial of (voting) rights" requires congressional action.

A. INITIAL LEGAL PROCEEDING

Attorney General under section 131(c) of Civil Rights Act of 1957, or individual or group action.

B. JUDICIAL FINDING OF DEPRIVATION OF VOTING RIGHTS

If the court finds, upon request by the Attorney General or any plaintiff, that "under color of law or by State action any persons have been deprived on account of race or color of the right to register or to vote at any election (State or Federal, general or primary), purusant to a pattern or practice," two remedies are made available.

I. Court remedies

1. Direct applications for court orders: A person of the race discriminated against who resides in "the affected area" may apply to the court for an order declaring him qualified to vote and obtain such an order upon proof that he is qualified under State law to vote.

2. Effective date of order: The order is communicated to the State Governor and

the State is given a grace period of 20 days to comply with the order by registering the persons concerned; in which case the order is vacated.

3. Enforcement: Refusal by a State officer to let a person vote, who is covered by a court order of which the officer has knowledge, constitutes contempt.

4. Appointment of voting referees: The court may appoint referees to receive applications for court orders declaring voting qualifications.

5. Ex parte referee proceedings: The voting referees are authorized to take and record evidence of the applicant's voting qualifications in ex parte proceedings and report their findings as to the applicant's qualifications to the court.

6. Effective date of order: The referee's report is communicated to the State attorney general who is given 10 days to show cause why an order declaring the applicant's qualifications should not be issued. The order is entered at the end of the 10-day period, unless timely exceptions are filed. The exceptions may be heard by the court or by the referee.

7. Certificates identifying the persons covered by the court order are issued by the court or referee.

8. Inspection of election process: The court may authorize the referee or other designated person to attend the elections and the counting of the ballots and report to the court any denial of voting rights.

9. Referee powers are the same as those conferred on masters by FRCP 53(c).

10. Provisional voting: The court is authorized to issue orders entitling applicants to vote provisionally pending final determination of exceptions. Court powers to grant other equitable relief are preserved.

II. Administrative remedies

1. Executive order appointing enrollment officers effective date: Upon receipt of notification of a court finding that there has been a pattern or practice of voting right deprivation, the President is authorized to issue an Executive order designating Federal enrollment officers in the congressional district(s) involved from among resident Federal employees who are qualified voters. The order goes into effect 20 days after issuance and delivery to the State Governor, unless the State takes appropriate remedial action during that grace period.

2. Enrollment process: The enrollment officer is authorized to receive applications for enrollment by persons, of the race which has been discriminated against, who reside in the district, and to enroll such persons and to issue certificates of enrollment upon proof that they are qualified under State law to vote.

3. Enrollment rights include the right to vote and to have such vote counted in any election (State, Federal, general, or primary) in the district.

4. Challenges and preservation of challenged votes: State challenges in Federal courts of the right of enrollees to vote are sanctioned. Pending the final judicial approval of such challenge, however, the enrollee is permitted to vote and have his vote counted. Persons denied the enrollment by enrollment officers are given the right to file suit against the officer in Federal court.

5. Penalties: Willful denial of or interference with enrollment rights is punishable by fine of $1,000 and to 6 months' imprisonment.

6. Inspection of election process: The enrollment officer is authorized to attend the balloting and counting of ballots and directed to report violation of enrollment rights to the Attorney General.

7. Enforcement is authorized by appropriate civil and equitable proceeding brought by the Attorney General or an aggrieved individual. Injunction and other relief is provided. The court can try offenders with or without jury, but if the sentence exceeds $300 or 45 days, the accused is entitled to a trial de novo by jury.

C. GENERAL PROVISIONS

1. Intervention: The Attorney General is authorized to intervene in any case in which a person alleges denial of voting rights.

2. Referee-enrollment officer coordination: Referee decisions concerning voting qualifications supersede contrary findings of enrollment officers.

3. Resignation of State voting officials: Actions may be continued against the State if defendant State voting officials resign their positions.

Mr. CLARK. Mr. President, in conclusion I should like to reiterate that what I have said today I have said in no belligerent sense, in no unfriendly sense, but only in a spirit of real compromise and real willingness to adjust my views and those of my colleagues in the North and in the West who may feel as I do, with the views of our brethren who do not agree with us.

There is a meeting place on which we can get together. I hope that the meeting place can be found. However, it will never be found if we have a bill that will not result in the registration and in the protection of voting rights of large numbers of American citizens who are presently denied those rights.

CUBA, CASTRO, AND SUGAR

Mr. ALLOTT. Mr. President, despite the attempts of our State Department to deal rationally with Premier Castro, we have seen absolutely no sign of improved relations in the past 3 weeks. As a matter of obvious fact, we can see only deterioration.

Perhaps the turning point came with the unfortunate and disastrous explosions aboard the munitions ship in Havana harbor. Castro used this as an excuse to unleash new tirades, new accusations, against the United States.

As one observer in Cuba described the results of this tirade:

> Americans here feel a new coolness bordering on open hostility from Cubans who had been friendly.

American newsmen on the scene say that Castro's latest outburst has been more effective than his previous blasts because of the dramatic nature of the incident. The number of dead and wounded—which we all so deeply mourn and regret—is a concrete fact that can be parlayed into a campaign of hate by Castro in speeches and the Cuban press. Government-controlled radios and newspapers have been playing and replaying the tragedy of the dead and injured in another of his bitter campaigns. All manner of wild accusations are being tied to the one disaster and with that one fact they are bearing more credence in the eyes of the Cuban people.

The anti-American propaganda is being poured out through approximately 80 radio stations in Cuba—32 of them in Havana. Three Cuban networks broadcast from Havana. Two are government-controlled; one is semi-independent. All must use what broadcasters term "shirttails" to all newscasts. This is a closing paragraph stating whether the story to which it is appended is "true" or "false" by Castro standards. The same rule of disclaimer applies, incidentally, to Cuban newspapers.

Because of the tightening controls in Cuba, the continuing tyrannical abuses of freedoms and rights, and the constant anti-American propaganda, we are now receiving reports that diplomats stationed in Havana from other Latin American nations are beginning to believe the United States should respond with economic reprisals. They are starting to wonder if Castro's actions may not frighten U.S. technicians and investment capital away from other Latin American nations. They express beliefs that the revolutionary government in Cuba is Communist dominated and poses a serious menace to all the Americas.

Many of these diplomats reportedly favor a cut in the price the United States pays for Cuban sugar, which is roughly 2 cents above the world market and above the price for which Cuba sells sugar to Russia.

This certainly is a matter which I will want to consider as a Senator from a State where a good part of the agricultural economy depends on a stable, growing sugar market, in fact $65 million worth. My feelings in this matter have been made plain long before this. We must extend the Sugar Act. We should reallocate the established deficits. We should empower the President upon proper consultation with the Congress to cut the quota of any nation participating, if the need arises.

Mr. President, I understand that today the distinguished senior Senator from Utah [Mr. BENNETT] introduced a bill to amend and extend the Sugar Act of 1948. I ask unanimous consent—and this is with the agreement of the Senator from Utah—that I be included as a cosponsor of that bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, in asking to be made a cosponsor of the bill, I wish to state certain reservations I have concerning the bill. For example, section 2(a) provides that the deficit from Puerto Rico and the Virgin Islands would be prorated 96 percent to Cuba and 4 percent to the full duty countries, to restore the quotas of such countries on the same basis on which they would lose quotas under section 1.

I have already advocated that the deficits, in part, from Puerto Rico—at least 200,000 tons of them—should be reallocated to the farmers of the United States of America. This would result in the allocation of some 50,000 tons to the cane sugar growers of this country, and some 150,000 tons to the sugar beet growers. It would be only in keeping with fair treatment to our own farm people, I believe, to reallocate to this country the deficits of Puerto Rico, of which Cuba has been getting the benefit.

There are one or two other perfecting amendments which I think should be made. Perhaps they might be called more than perfecting amendments in the proposed legislation which has been introduced. But I concur in the general purpose of the measure, which is to put

into the hands of the President—and I believe it should be done after conference with the proper chairmen and members of committees in Congress—the opportunity and the right to deal with Castro upon a day-to-day basis, so that as Castro gets worse, we can also use our own methods to show the people of Cuba, and perhaps even to show him, that even a nation as big and strong as the United States will not accept the vilifications which have been heaped upon our shoulders, and are continuing to be heaped upon our shoulders, day by day.

No individual American can avoid the implication that he is personally responsible, under Castro's interpretation, for the explosion which took place in Havana Harbor; a false accusation which has been made by Castro, and one which he knows to be false. As a matter of fact, his technique is not different from that which has been employed by Communists all over the world. That technique is to create an incident themselves and then to accuse their opponents or enemies of having created the incident.

So in cosponsoring the bill, I have some reservations. I shall want to offer some amendments of my own to the bill, when it shall be called up; but I subscribe to the fact that the President should have the right to cut quotas, and not simply to cut them, but to cut the quotas of foreign countries in order that we can deal with the Cuban situation on a day-to-day basis, and not have to deal with it in Congress, where it might be necessary to wait another year or another 4 years to do so.

We would not get very far, either in Congress or with the rest of the world, by composing legislation the purpose of which was to punish Castro. The first purpose of our legislation should be to retain the protection and healthy quality of our own sugar industry.

The second purpose should be to maintain stability for our friends who are involved. This includes the State of Hawaii, the Philippines, and the other Latin American countries. The second purpose, therefore, is important; that we maintain stability for our friends. This is a matter which should always be kept in sight when we are dealing with sugar legislation.

The third purpose should be to put the legislation in such form as will enable us to have an effective economic weapon against Castro, and the Communist infestation which is now well developed 90 miles from our shores. He would be warned that if he continues his vilification, his confiscation, his intermeddling in other countries, he will force us to use the weapon I have described. Unfortunately, this would be a real blow also to the Cuban worker who has always been friendly to us, but he should understand that any action was forced upon us by Castro.

Now, here we come to the nub of our problem. How can we endeavor to assure that the people of Cuba, with whom we still feel the deepest friendship as well as sympathy, understand what might take place? How do we draw a line and tell Castro, the Cuban people, and the world that he shall not cross it without reprisal; that to do so will mean that he triggers whatever action we may have decided upon as a nation?

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an excellent editorial entitled "Tell Cubans the Truth," published in the Rocky Mountains News of March 11, 1960.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Rocky Mountain News]

TELL CUBANS THE TRUTH

Let's do something about Cuba. Let's do something about the Fidel Castro cynical hate campaign which is under way against the United States.

Let's tell the Cuban people the truth. As it stands, they cannot hear it.

There are ways to tell them. One way is to adopt the techniques of the Cuban dictator. He has seized the air, and—let's face it—controls the press to whatever degree he feels is necessary, barring a few scattered and courageous voices.

We can't do much at this time about the printed word—the Cuban Government has even protested the pamphlets released by the U.S. Embassy, but the air is still free.

Citizens of our country keep expressing amazement over the turn of events in Cuba. They ask, "What happened?"

Everybody here thought it was good when Tyrant Batista finally was turned out. The whole point is, the original revolution has been lost. Another revolution now is taking place.

The original revolution was supposed to bring stable representative government back to Cuba. The present revolution is simply another demagogic dictatorship; this time, a dictatorship of the proletariat, dyed red.

One purpose of the present anti-U.S. hate campaign is to so shake U.S. ownership of various enterprises in Cuba, that it will urge our State Department to make the best deal possible, soonest, so it can get out with something instead of nothing.

The so-called agrarian reform law under which these properties are being threatened or seized provides for payment in Cuban bonds. But nobody has yet seen these bonds; apparently the first one has yet to be printed.

What the revolutionary government granted itself is a license to steal, and it wants as few victims as possible running to the international police.

Meantime, decent Cubans are being brainwashed by the big lie, told by the big liars of the new Cuban dictatorship.

We propose that the United States tell its story to the Cuban people, directly.

This was possible until 1953. In that year, however, Congress cut the funds of the U.S. Information Agency, and, to stay within its budget and to provide the facilities which were presumably needed in the Near and Far East during that and succeeding crucial years, the USIA Spanish language broadcasts to Latin and South America were stopped.

So, let's reallocate some funds. Doubtless the USIA already is thinking about this.

There is a broadcasting station in Key West. Let's rebeam it, and use it.

There is a radio broadcasting ship, the *Courier*, now stationed at the Island of Rhodes. Let's bring it back, full steam, and set up shop off Cuba.

There are all manner of Government-owned light ships that could be fitted within a short time that could cruise up and down the Caribbean, broadcasting the truth on standard wavelengths, so that the *Courier* could return to Rhodes, if it is needed there more urgently.

The Cuban telecasting industry broadcast the last World Series from airplanes, picking up the U.S. land-based baseball broadcast with airborne equipment and recasting it all over Cuba.

We have all manner of aircraft, from old hurricane-tracking B–17's to modern fast bombers, that could be fitted in no time to blanket Cuba with the truth.

There is nothing new in this; Fidel has been doing it every day. Can't we—with all our facilities—at least match him? We have plenty of friends in Cuba, but they'd like to know what's the real score, and it is our fault if we do not tell them.

Mr. ALLOTT. Mr. President, as the editorial points out, at this point we cannot do much with the printed word in Cuba. What can we do to overcome the "big lie" brainwashing that Castro is inflicting upon the Cuban people?

If we cannot win this phase of the war for men's minds, when it is only 90 miles off our shores, how can we expect to do it in the far corners of Africa and Asia? We have been challenged, right in our own backyard, by the Communist conspiracy. The rest of the world is watching. It is time to bring to bear our unparalleled technical know-how in the field of broadcasting, our expert use of electronic communications, and our outstanding radio and television equipment.

What is the situation today? What are we doing?

First, in Cuba: The Voice of America still is placing some programing in Spanish on Cuban stations. It sends three 15-minute roundups a week to its post in Havana. These are: a Monday roundup of editorial opinion, Wednesday excerpts from President Eisenhower's press conference, and a Friday review of the week's news. The Voice of America also mails to its Cuban offices, for direct placement on Cuban stations, taped radio programs, mostly of the feature type.

Second, what are we doing from the mainland? The U.S. Information Agency has a contract with radio WRUL, with its powerful transmitters in Massachusetts for nightly half-hour broadcasts to Cuba in Spanish and Portuguese. These carry 15 minutes of news and 15 minutes of features, such as interviews with visitors returning from tours to neighboring lands to the south.

Additionally, Voice of America broadcasts 2½ hours daily to Latin America, on shortwave bands. The drawbacks to this are painfully obvious, because these broadcasts are in English. Even by the best estimates, shortwave transmissions reach only 3 percent of the 1½ million radio sets in Cuba. Like Americans, Cubans have formed listening habits geared to their own local stations, rather than to foreign broadcasts. Furthermore, by broadcasting in English, we drastically reduce the effective audience that anything we are saying might reach.

That is all, or nearly so.

Three commercial stations in Florida have some regular Cuban audiences. WKWF, in Key West, a 500-watt station, is heard in the early morning and in the evening in Havana. WMIA, a Spanish-language station in Miami, with 5-kilowatt power at nighttime with 10-kilowatt daytime power, has a few listeners.

WKIX, a 250-watt Key West station, has a very limited entry.

The thought that we might want to give facts to the Cuban people has not escaped Castro and his fellow conspirators.

I may say here, Mr. President, that within the last hour I have received a telephone call informing me that the Press Building in the city of Washington has been flooded with approximately 25,000 letters addressed to all the members of the press who ever have been known to be stationed in this city, as well as to a great many who have long since passed on to the Great Beyond. The letters were sent in an effort to convince the press of Castro's position on this matter. In other words, at this very moment Castro is trying to "beat us to the punch," and is trying to do that through the press of the United States—although, of course, I know he will not be successful.

Cuban newspapers already are harping on what they term "big" U.S. plans to dominate Cuban airwaves through expanded use of American commercial stations. While we could do this, it would mean use of powerful clear-channel stations, to do it effectively. We do not have enough such stations in Florida. The problems, therefore, would become enmeshed with our entire broadcasting pattern.

We also would want to operate within the framework of the North American Radio Broadcasting Agreement, which the Senate so recently ratified. I may add, parenthetically, that our regard for laws and treaties is not shared by Cuba, which reportedly is setting up low-power transmitters on clear channels to openly defy this solemn agreement.

Certainly, we might, as the editorial suggests, bring the ship *Courier* from the islands of Rhodes, station it within broadcast reach of Cuba, and use alternating wavelengths, to offset Cuban radio interference. We might utilize aircraft stations for both radio and TV. We might outfit other idle ships.

This is a broad field. It needs immediate study. I am requesting the Department of State and the U.S. Information Agency to speed whatever studies they are making.

Certainly they should watch closely and should work closely with our other good friends to the south, through the Organization of American States.

I am requesting the chairmen of the Foreign Relations Committee, the Foreign Affairs Committee, and the Appropriations Committee to institute similar studies. We are in a battle for the freedom and the peace of this hemisphere. We had best be prepared.

Mr. LONG of Louisiana. Mr. President, will the Senator from Colorado yield?

The PRESIDING OFFICER (Mr. ENGLE in the chair). Does the Senator from Colorado yield to the Senator from Louisiana?

Mr. ALLOTT. I am very happy to yield to my good friend, the Senator from Louisiana.

Mr. LONG of Louisiana. I thank the Senator from Colorado.

Let me say that I regret that I was not in the Chamber at the beginning of the Senator's speech, but I entered the Chamber during his delivery of it, and I am very much interested in it.

Do I correctly understand that the Senator from Colorado is urging that a strong stand be taken against the Castro government?

Mr. ALLOTT. First, let me say that—as the Senator from Louisiana knows—on several previous occasions, recently, I have addressed the Senate in regard to the Sugar Act and the effect it might have upon our friends to the south.

A moment ago I asked unanimous consent that my name be added as a cosponsor of the bill introduced today by the Senator from Utah [Mr. BENNETT], but I stated I have a reservation about the prorating of the Puerto Rican deficit. In my opinion, at least 200,000 tons of that deficit should be reallocated to the farmers of the United States of America.

Futhermore I suggest that the President of the United States be given power to cut these quotas, so that on a day-by-day basis—not a year or more from now—our country can deal effectively with the Communist menace.

The real subject of my speech tonight is my belief that we should organize and should utilize all our radio facilities, in order to bring our story to the Cuban people and let them know what Castro is doing to them, so that we can retain the friendship of the Cuban people, which we have had for so many years.

Mr. LONG of Louisiana. I should like to commend the Senator from Colorado for his presentation.

Let me say that I would wish to support the proposal that the President be allowed to reduce the quotas, if I could have some reasonable basis for believing that the President would make drastic reductions when Castro started to seize and to confiscate American investments in that area.

It might be contended that such action by us would be economic aggression—in other words, for the United States to reduce the Cuban quota—if Cuba is doing certain things which a nation has a sovereign right to do. However, I do not see how one nation can nationalize and confiscate the investments made by citizens of another nation and not have such action regarded as economic aggression.

Mr. ALLOTT. Mr. President, I am sure the Senator from Louisiana will agree that that property is being expropriated as fast as the cane is being cut in Cuba today; and that also is economic warfare, and it is warfare against people in whom we have a great interest. They have done much to develop Cuba. However, as the Senator from Louisiana is aware, all they are promised is payment in 20-year bonds; but, according to the knowledge of all those to whom I have talked, such bonds have not yet even been printed.

Mr. LONG of Louisiana. Mr. President, if the Senator from Colorado will yield further to me, let me say that there has occurred to me the thought that there are perhaps $800 million of American investments in Cuba, as of now. Of course, most of those investments have been made by private individuals and private corporations. Nevertheless, if our Nation chose to do so, it could allocate the amount of the sugar quota that presently goes to Cuba to an American trading corporation, and could permit that American trading corporation to buy sugar on the world market for less than 3 cents a pound, and sell it on the United States market for perhaps 6 cents a pound or more. That corporation thus could make approximately $125 million profit each year; and it would not take long to accumulate enough funds in that way, from such profits, to pay American claimants who had had their property seized by Castro. If that procedure were used, it might not be necessary to rely on the mercy of Castro to treat our people fairly.

Mr. ALLOTT. Mr. President, the Senator of Louisiana is completely correct in that respect.

I may say that another method—although not one called for by the bill I have cosponsored; but it is a method which I believe should be considered by the committee—is based on the position that really there is no more justification, under the present relationships between the United States and Cuba, for paying any more for Cuban sugar, than the amount the Russians have agreed to pay Cuba; and, as I understand, the Russians have agreed to pay Cuba approximately 3.47 cents a pound.

So it is rather ridiculous for us to think in terms of subsidizing—in effect—the sugar coming from Cuba, by paying 2 cents a pound more than the world market price. Dealing with this is another weapon which we may well have to use.

The method the Senator from Louisiana has outlined is one which should be explored and one which has great practical aspects, because property is being expropriated in the most ruthless way. Some of our people are having trouble getting even an inventory of the property that is taken from them.

Mr. LONG of Louisiana. The Senator has done a service to bring this matter before the Senate. I have seen a number of editorials saying we should be patient, we should not be precipitous. The junior Senator from Louisiana is not one who wishes to move abruptly, but, at the same time, he believes there comes a time when a nation should be forthright and should have the courage to protect its own people and its own interests. I do think that day is approaching with relation to our dealings with the Castro government of Cuba, which, as the Senator knows is either communistic, or, if it is not a Communist government, it is the most friendly government to the Communists that exists in this hemisphere.

Mr. ALLOTT. The Senator is entirely correct, and I thank him very much for his contribution. Neither do I want to act precipitately in this matter, but I wish to say that, in the eyes of the world, it is a ridiculous situation when a small dictator, on a very small island in this great world of ours, can "blast away" and the United States quake in fear about what the rest of the world thinks. I think we ourselves have to decide what justice is, and then move toward it. I, for one, am not going to stand and quake.

Mr. LONG of Louisiana. I am glad to hear the Senator is not in favor of appeasing Castro. I wish to join him in that expression.

MRS. HAZEL DAVENPORT, OF BECKLEY, W. VA., DESIGNATED 1960 NATIONAL TEACHER OF THE YEAR

Mr. BYRD of West Virginia. Mr. President, it is with pride that I call attention to the fact that Mrs. Hazel Davenport, a teacher from my home county, has been designated 1960 National Teacher of the Year by the national magazine, McCall's.

Mrs. Davenport was selected by McCall's from teachers nominated by State departments of education in all parts of the country at the invitation of Dr. Lawrence G. Derthick, U.S. Commissioner of Education, and Dr. Edgar Fuller, executive secretary of the National Council of Chief State School Officers. The nominees were observed at work over a period of months and rated by representatives approved by McCall's and the U.S. Office of Education. From the recommendations, McCall's selected Mrs. Davenport to receive the ninth citation in this project.

Mr. President, I know that my colleagues, Senator RANDOLPH, and the Members of the West Virginia delegation in the House of Representatives join with me in saluting Mrs. Davenport as the National Teacher of the Year. My fellow West Virginians everywhere are happy because of the recognition that has been accorded to Mrs. Davenport for her splendid work as a teacher.

We congratulate her and we thank McCall's for the service being rendered to America by the publication in encouraging the fine men and women of the teaching profession to give of their best in the day-by-day performance of their vitally important work.

It is my belief that a teacher has one of the most important responsibilities that any person could have. The teacher molds the attitudes and outlooks, the hearts and minds of boys and girls. The teacher never knows where her influence stops, and I think we will all agree that is does not stop with the present generation. It goes on and on, leaving its impression upon our children's children, the leaders of tomorrow.

Mr. President, Hattie Vose Hall once composed a poem entitled "Two Temples."

A Builder builded a temple,
He wrought it with grace and skill;
Pillars and groins and arches
All fashioned to work his will.
Men said, as they saw its beauty,
"It shall never know decay;
Great is thy skill, O Builder!
Thy fame shall endure for aye."

A Teacher builded a temple
With loving and infinite care,
Planning each arch with patience,
Laying each stone with prayer.
None praised her unceasing efforts,
None knew of her wondrous plan,
For the temple the Teacher builded
Was unseen by the eyes of man.

Gone is the Builder's temple,
Crumpled into the dust;
Low lies each stately pillar,
Food for consuming rust.
But the temple the Teacher builded
Will last while the ages roll,
For that beautiful unseen temple
Was a child's immortal soul.

This bit of poetry aptly portrays the teacher's role in our society.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. Yes; I am happy to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. The Senator from West Virginia has proved to be a constant fountain of some of the best poetry it has been my privilege to hear on the Senate floor during the time I have been a Member of this body. May I inquire how the Senator from West Virginia became so conversant with appropriate poetry for the occasion?

Mr. BYRD of West Virginia. I should like to inform the congenial Senator from Louisiana that I have been committing to memory poetry, Biblical quotations, quotations from Shakespeare and Pope, and other great writers, for a period of about 15 years. On trips to my home in the West Virginia hills, when I am driving along the road alone, I spend the entire 8 hours quoting poetry to myself.

I venture to say that if I should ever endeavor to engage in a lengthy discussion on the Senate floor, I shall be able to quote poetry for at least 8 hours, and perhaps I might even be able to continue for 21 hours, should I decide to try to equal the time I recently spent sitting in the chair of the Presiding Officer. I am attempting to give my delightful friend a modest answer, of course, and I am grateful for his kind reference to the poetry I use.

Mr. President, I have taken the liberty to insert the word "teacher" in lieu of the word "mother," which was the word used by the author in composing this poem.

I ask unanimous consent that I may insert in the RECORD the article which will appear in McCall's magazine this week.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MRS. DAVENPORT GETS AN A

Hazel Davenport, first-grade teacher at Central Elementary School in Beckley, W. Va., considers herself lucky because every afternoon she gets a report card showing what she has accomplished that day. This is recorded in the happy hums and pleased expressions of 6-year-olds as they learn to read. For 28 years, according to pupils, parents, and colleagues, her card has registered an A.

"Children love to learn and are so proud of themselves when they do," she says. "Few things in life can equal the delight of a small child learning to read—or of the teacher who can feel she has helped with this discovery."

Mrs. Davenport, a trim 52-year-old with laughing eyes, sandy hair, and contagious enthusiasm, would not trade jobs with anyone—not even the President. For one thing, she's sure her job is more fun than his. Who, she asks, is surrounded by a more refreshing audience and gets a brighter view of the world than a first-grade teacher does? Or receives more wonderful from-the-heart gifts? The big red apple is not so prominent as it used to be, but Mrs. Davenport will always remember the one she received with a big bite missing. "It's really good," the little boy said. "I took a bite just to make sure."

Along with 30 cheery "good mornings" each day, Mrs. Davenport receives gifts that range from a special smile, a quick touch of the hand, a piece of birthday cake, rocks presented as "sure-enough live fossils," to a breathless proposal from a little boy: "I'm going to the moon when I grow up. Do you want to go with me—or will you be too old?"

She has a soft spot in her heart for the little boy who was telling the class about his summer vacation. "We went to the beach, and I played in the sand. One day, I found some pretty shells and I—I—I—Say, where do the words go when you can't find them?" She, too, has wondered about this at times.

She loves the self-assurance of a little girl who came to school alone on opening day. Later, the child's mother asked, "And what is your teacher's name?" The 5½-year-old looked doubtful, then said, "Mrs. Divan? No. I just don't know, but it's something you sit on."

She rated it a compliment when a little girl looked at a nursery-book picture quite a while, raised her hand, and said, "Mrs. Davenport, you have lots more children than the Old Woman Who Lived in a Shoe. Why didn't she know what to do?"

Mrs. Davenport's aim with first graders is to start them on the road to learning in such a way that they will love school rather than dread it, acquaint them with orderly group behavior, and introduce them to the skill they will need most: reading. That she is successful is attested throughout her State and county. "This We Teach," a practical guide for the teaching of reading, which she helped write, is used by hundreds of her coworkers—as is "We Begin To Teach," a handbook for beginning teachers.

She once taught art and music, and her special hobby is making jewelry. All these talents she uses in the classroom. A former pupil, who's now in high school, declares, "She seemed to glamorize the things around us. Much to our delight, she often wore her very best dress to school. But most of all, I remember her earrings. Some dangled, and many of them sparkled as she taught. Also, she had the healing touch. Whether it was a scratched knee, a broken tooth, or hurt feelings, she always had the right words that would drive the tears away."

Another young adult happily remembers the day she and other first-graders went home with recordings—of songs they sang, the voice of the teacher, and the names of all the class. Mrs. Davenport recalls that these records were made by a proud father. For each class, she herself makes a keepsake booklet, prized by both parents and pupils.

Her car always is piled high with "things for school." She spends so much time preparing material that her mother's most frequent question is, "Hazel, what are you doing now?" Her father, however, an enthusiastic helper, devotes about half his garden to flowers and gourds and shrubs Hazel can use in the classroom. A widow with one son—now in medical school—Mrs. Davenport has lived with her parents for many years. Both women are superb cooks, and the home is a happy gathering place for relatives and friends.

Her life is an excellent illustration of the saying that "busy people have the most time." She is active in civic and teaching associations and such a valued worker for the First Christian Church that when she was selected West Virginia's "Teacher of the Year" in 1958, her pastor included the news in his Sunday sermon. "We know of no one more worthy of this honor," he said, "for in addition to the excellence of her classroom

work, she has proved herself a leader in church, community, and civic affairs. • • • She has won distinction in the most important secular profession in the world—training the minds and developing the character of youth."

Sherman C. Trail, her county superintendent, declares, "It is a joy to watch Mrs. Davenport handle small children. She is a willing worker and prepares herself ahead of time in everything she does." H. E. Ash, principal of her school, points to the tremendous number of visits to her classroom by interested parents and to the gracious manner in which she "goes out of her way to help them appreciate and understand their children. Moreover," she adds, "she is equally willing to do more than her share in helping other teachers. Hers is a true devotion to duty."

In Mrs. Davenport's classroom this spring, there are urns of pussywillows and flowering shrubs. Seeds planted by the children are sprouting in glass jars, and as "an Easter gift for mother," small plants are growing in eggshells. An Easter tree, decorated with eggshell plants, graces a table, and the blackboard wears a border of egg-shape heads, sporting spring hats made by the children from their own designs.

As a child learns to read, Mrs. Davenport often suggests that now he can read to his younger brothers and sisters. One proud little girl reported, "I read so good that my baby brother just laughed and cried. He waved his heels, too, and he yelled some." Baby brother was 8 months old. Another story Mrs. Davenport tells with amusement is about the day she commented, when the children had finished a job: "I am so proud of you. You have all worked hard and learned so many things." Quickly a child replied, "You've worked hard, and we're proud of you, too, Mrs. Davenport."

ADJOURNMENT

Mr. LONG of Louisiana. Mr. President, in accordance with the order previously entered, I move that the Senate stand in adjournment until noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 17 minutes p.m.) in accordance with the previous order, the Senate adjourned until tomorrow, Thursday, March 17, 1960, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate, March 16, 1960:

PROMOTIONS IN THE REGULAR AIR FORCE

The following-named officers for promotion in the Regular Air Force under the appropriate provisions of chapter 835, title 10, United States Code. All officers are subject to physical examination required by law.

SECOND LIEUTENANT TO FIRST LIEUTENANT

Line of the Air Force

Ahrens, Arthur H., Jr., 29919A.
Albertson, Robert L., 29920A.
Alexander, Douglas S., 29921A.
Alkire, Melvin G., 29922A.
Allen, Harlan G., Jr., 29923A.
Altenburg, Arthur J., 29924A.
Amacker, Jefferson Z., 29925A.
Ames, Ivan G., 50082A.
Anderson, Floyd R., 50075A.
Anderson, Gerald M., 29926A.
Andre, Howard V., Jr., 29927A.
Andrews, Glenn M., 29928A.
Andrews, Harry J., 29929A.
Antoniccelli, John R., 29930A.
Arnold, Robert F., 29931A.
Ausman, Neal E., Jr., 29932A.
Baca, Manuel J., Jr., 29933A.
Balent, John D., 29934A.
Barikmo, Norman M., 32523A.
Barrett, Archie D., 29935A.
Bass, Stanley A., 29936A.
Bateman, Robert P., 29937A.
Bates, Dean E., 29938A.
Bates, Neil G., 29939A.
Bauknecht, Charles A., 29940A.
Baum, Richard G., 29941A.
Bays, Brooks G., 29942A.
Bee, Gerald H., Jr., 29943A.
Began, Robert J., 29944A.
Beimforde, Gene E., 29945A.
Berger, Stephen C., 29946A.
Bernd, David P., 29947A.
Betcher, Raymond R., Jr., 29948A.
Biehunko, Ernest F., 32229A.
Biggers, Edwin L., 29949A.
Bishop, Ronald J. B., Jr., 29950A.
Bortz, John E., 29951A.
Bouvet, George C., 29952A.
Bradley, Martin G., 29953A.
Brewer, Gardner, 29954A.
Brodhecker, Thomas A., 54781A.
Brown, Alan B., Jr., 29955A.
Brown, Robert M., 29956A.
Bryan, Kenneth, 29957A.
Buell, Glenn D., Jr., 32231A.
Burdick, Martin M., 32237A.
Burner, Lee, 29959A.
Bustle, Lawrence E., Jr., 29960A.
Campbell, Bart C., 29961A.
Campbell, William F., Jr., 29962A.
Cannon, Matthew M., 29963A.
Carter, William T., 29964A.
Chaney, Clyde, 29965A.
Chase, Paul N., 29966A.
Christensen, Richard W., 29967A,
Christiansen, Robert P., 29968A.
Ciula, John A., 29969A.
Clark, Don A., 29970A.
Clark, William R., 29971A.
Clover, Craig V., 54778A.
Cochrane, John H., 29972A.
Cole, Alan R., 32241A.
Court, Jerome H., 29973A.
Couture, Donald J., 29974A.
Coyle, Harold S., Jr., 29975A.
Crakes, Patrick J., 32018A.
Crewe, Daniel N., 29976A.
Cudahy, George F., 29977A.
Cudmore, William T., 29978A.
Dahl, Sigvard, Jr., 50085A.
Dahnke, Roy S., 29979A.
Davey, Keith E., 32555A.
Davidson, Alfred H., 3d, 29980A.
Davis, Donald H., 29981A.
Dayton, Thomas E., 29982A.
Deegan, William D., 29983A.
Dehimer, Jerry S., 29984A.
Demott, Lucian K., 29985A.
Dempsey, George F., 29986A.
Desola, John R., 29987A.
Devito, Peter A., 29988A.
Dickson, William E., Jr., 32311A.
Dixon, Robert M., 29989A.
Dixson, Raymond D., 2999OA.
Doby, Herb, 29991A.
Doherty, Joseph P., 29992A.
Dolan, William G., Jr., 29993A.
Dougherty, Thomas H., 29994A.
Doyle, Edward P., 29995A.
Dressel, Ronald C., 29996A.
Ducote, Richard J., 29997A.
Duffley, Joseph C., 29998A.
Duke, Charles M., Jr., 29999A.
Dundervill, Robert F., Jr., 30000A.
Dunlosky, Anthony W., Jr., 30001A.
Durbin, Eugene P., 30002A.
Dwyer, Gerald T., 30003A.
Eidson, Charles W., 30004A.
Ellington, John D., 30005A.
Ellison, Arthur B., 30006A.
Elsby, C. Neale, 32239A.
Etheridge, Louis E., 54782A.
Farris, Jack K., 30027A.
Federici, Fred J., Jr., 30008A.
Fink, Barry N., 30009A.
Fisher, Donald H., 30010A.
Fitzgerald, Byron S., 30011A.
Flora, Roger T., 30012A.
Forsyth, Milton D., Jr., 30013A.
Foster, William H., Jr., 30014A.
Freathy, Frederick C., Jr., 30015A.
Freeman, Robert D., 30016A.
Funkhauser, John L., 30017A.
Gadd, Robert F., 3d., 30018A.
Gallagher, James M., 30019A.
Gammons, Norman E., 30020A.
Gareiss, Kurt W., 30021A.
Gasho, James B., Jr., 30022A.
Gates, Leo V., 2d, 32517A.
Gauntt, Turner M., Jr., 30023A.
Gee, Edward L., 30024A.
Gentry, Jerauld R., 30025A.
Gibbs, David P., Jr., 30026A.
Gibson, Franklin D., 30027A.
Gierhart, Loran W., 30028A.
Gilbert, Harvey B., Jr., 32240A.
Gilbert, Stanley M., 54783A.
Gilstrap, John W., Jr., 30029A.
Gionis, Nicholas G., 30030A.
Glass, Carter M., 30031A.
Gleason, John T., Jr., 30032A.
Gleneck, Norman T., 30033A.
Glyphis, Benedict E., 30034A.
Gober, Paul D., 30035A.
Goggins, William B., Jr., 30036A.
Goodwin, Flay O., Jr., 30037A.
Gorter, Robert, 50083A.
Grieger, Donald L., 54777A.
Gude, William W., 30038A.
Hasg, James I., 54763A.
Hagen, James F., 32522A.
Halliday, James T., 51426A.
Hamilton, Paul C., 30039A.
Hamm, William P., 30040A.
Hammond, Claude G., Jr., 30041A.
Hanford, John O., 30042A.
Hanna, Joseph W., 32238A.
Hansborough, John W., Jr., 30043A.
Hansen, Lawrence W., 30044A.
Hanvey, Forrest R., Jr., 30045A.
Harlow, Giles D., Jr., 30046A.
Harp, Kelly M., 30047A.
Harris, Elmer R., 30048A.
Hattings, Clarence, 30049A.
Haupt, Howard F. 2d, 3050A.
Hazelrigs, Maurice L., 30051A.
Hearn, Norman E., 32232A.
Heath, Mark C., Jr., 30052A.
Heckler, Archibald J., Jr., 30053A.
Henry, Eugene M., 54770A.
Heske, William J., 30054A.
Hesse, Jack E., Jr., 30055A.
Hesse, Kenneth R., 54779A.
Hindman, Charles U., 30056A.
Hirst, Donald L., 30057A.
Hobbs, Terrence E., 30058A.
Hocker, Ronald A., 32306A.
Hockney, James N., 30059A.
Hodge, William E., 30060A.
Hogg, Walter L., 30061A.
Holman, Orville E., Jr., 54780A.
Homnick, John A., 30062A.
Hooks, Lawrence E., 32236A.
Horney, Warren R., 54748A.
Houtz, Charles M., 30063A.
Howell, Douglas W., Jr., 30064A.
Hughes, Larry B., 54774A.
Huguley, Donald L., 30065A.
Huie, Richard V., 30066A.
Hurlburt, Richard G., 30067A.
Jagrowski, Gerald L., 30068A.
Jenerette, William D., Jr., 50084A.
Jenkins, Ernest L., Jr., 30069A.
Jensen, Ronald A., 30070A.
Jensen, Ronald J., 30071A.
Jensen, Stanley F., 30072A.
Johnson, Robert E., 30073A.
Johnston, Robert W., 30074A.
Jones, Charles W., 30075A.
Jones, Donald E., 30076A.
Jones, Donald L., 50079A.
Jones, Robert L., Jr., 30077A.
Junker, Joseph P., 30078A.
Kast, Henry G., 54761A.
Keating, Michael R., 30079A.
Keeler, Harper B., 30080A.
Kelly, John J., 30081A.
Kerrigan, Vincent M., 30082A.
Kirnberger, Richard J., 54754A.
Kmetz, Warren W., 50074A.
Knight, James F., 30083A.

Kompa, Bernard R., 30084A.
Koops, Herbert J., 30085A.
Krafft, Gottfried H. G., 30086A.
Krejci, James J., 54753A.
Ksycewski, Joseph C., 30087A.
Kutyna, Donald J., 30088A.
Lally, Richard H., 30089A.
Lamb, Amherst R., 30090A.
Lambert, Luther E., 32310A.
Lannon, Cormac M., 30091A.
Lapierre, Edward A., 54746A.
Larson, Eugene L., 30092A.
Lary, Marion S., Jr., 30093A.
Lawton, Timothy G., 30094A.
Lehman, Hilbert C., 30095A.
Liebeman, Burton S., 30096A.
Linder, Ronald G., 30097A.
Lindquist, Jay D., 30098A.
Llewellyn, Arden C., Jr., 30099A.
Lucas, Ray E., 30100A.
Luethke, Fred W., Jr., 32309A.
Lynde, Nelson M., 3d, 30101A.
Mack, Joseph B., Jr., 30102A.
Madison, Joseph B. H., 30103A.
Malynn, Edward E., 30105A.
Markham, Robert F., 30106A.
Marks, Morton H., 30107A.
Markwood, Calvin H., 32528A.
Martin, Harvey R., 30108A.
Massar, Cyril L. J., 30109A.
Masterson, Joseph L., 30110A.
Mazik, Robert A., 30111A.
McClanahan, John W., 30112A.
McCormick, Dennis A., 30113A.
McCoy, Donald G., 30114A.
McCoy, Robert P., 30115A.
McElwee, Robert T., 30116A.
McGurl, Daniel M., Jr., 30117A.
McIntyre, Owen O., 30118A.
McKean, John S., 30119A.
McKemie, George W., 30120A.
McKinzie, John W., 32521A.
McMahon, Robert J., 30121A.
McMahon Thomas V., 30122A.
McMahon, William W., 30123A.
McNeil, Lawrence F., 30124A.
McQuady, Robert H., 32307A.
McSpadden, John D., Jr., 30125A.
Meredith, Ernest R., 54750A.
Meyerholt, William H., 30127A.
Meyers, Jerome A., 30128A.
Mihelcic, Henry M., 32518A.
Mills, Darrel L., 54749A.
Miller, Donald L., 30129A.
Miner, Norman E., Jr., 30130A.
Mohn, William T. Jr., 30131A.
Mollicone, Richard A., 30132A.
Montgomery, Glen D., 32233A.
Monto, Olgert V., 30133A.
Mooring, James W., 30134A.
Morrow, Robert B., Jr., 30135A.
Morthland, Samuel, 30136A.
Morton, Allan W., 54788A.
Muesegaes, Frederick G., 32304A.
Mulligan, Lawrence H., 30137A.
Mullins, William H. L., 30138A.
Murphy, James R., 30139A.
Murphy, Lawrence J., 30140A.
Murphy, William J., 30141A.
Newman, John D., 30142A.
Nikkola, Edward F., 30143A.
Novak, Donald P., 54767A.
Ogas, John B., 30144A.
Ogrady, John W., 30145A.
Oldfield, Wayne H., 30146A.
Olsen, Paul O., 30147A.
Olvera, Jose J., 30148A.
O'Neil, Joseph W., 30149A.
Orsini, Richard A., 54760A.
Overlock, John F., 32520A.
Pagani, Albert L., 30150A.
Page, Peter M., 54776A.
Page, William F. H., 30151A.
Palanek, Edward J., 30152A.
Papaccio, Philip N., 30153A.
Parent, Michael G., 54756A.
Parkinson, Bradford W., 30154A.
Patrick, Robert B., 30155A.
Patterson, Douglas, 30156A.
Peake, Oliver J., 30157A.
Perritano, Frank R., 54765A.
Peterson, Ronald W., 30158A.
Petruno, Michael J., 30159A.
Pierson, Richard A., 32308A.
Place, Stephen B., 30160A.
Pope, William H., 30161A.
Prichard, Leslie J., 30163A.
Prochko, Robert J., 54758A.
Purdue, Joseph L., 54762A.
Putnam, Gerald W., 30164A.
Quill, Edward B., Jr., 30165A.
Quinn, Charles J., 30166A.
Rabe, Walter J., 30167A.
Ramberger, James H., 30168A.
Rapko, Michael, 54785A.
Rawlings, Peter E., 54757A.
Ray, David P., 30169A.
Redd, Frank J., 30170A.
Redman, Allen R., 50080A.
Rees, William H., 54701A.
Reeves, Garey M., 54751A.
Regenhardt, John D., 30171A.
Reinmiller, Ronald T., 54773A.
Rice, Herbert C., 30172A.
Rice, Herbert E., 30173A.
Ringler, William C., 30174A.
Rodriguez, Robert, 30175A.
Rogers, Craven C., Jr., 30176A.
Rooney, James W., 30177A.
Rosenberg, Robert A., 30178A.
Roth, Thomas L., 30179A.
Rothwell, Roger D., 30180A.
Rowland, Donald D., 30181A.
Roysdon, Douglas A., 30182A.
Ruffner, Monroe S., 30183A.
Rush, Thomas A., Jr., 30184A.
Russell, James F., 30185A.
Russell, John W., 30186A.
Samborsky, Joseph M., 30187A.
Schafer, John V., Jr., 30188A.
Schroeder, Lawrence J., 54769A.
Schwartzman, Larry, 32519A.
Schwehm, Paul J., 30189A.
Sedano, John M., 30190A.
Setnicky, John E., 30191A.
Sheppard, William E., 30193A.
Shoemaker, Rollin R., 54768A.
Simons, Richard W., 50086A.
Slaney, John H., 30194A.
Slaughter, Kent W., 30195A.
Smathers, Edwin D., Jr., 30196A.
Smiley, Wendell W., Jr., 30197A.
Smith, David A., 30198A.
Smith, Frederic H., 3d, 30199A.
Smith, Paul B., Jr., 32234A.
Smith, Philip E., 50087A.
Smith, Richard I., 30200A.
Smyly, Duncan P., 30201A.
Smyser, Craig H., 30202A.
Snider, Delmar E., Jr., 30203A.
Snow, William M., Jr., 30204A.
Sovereign, Allan F., 50076A.
Spackman, Richard H., 30205A.
Speerschneider, Lyle J., 54786A.
Stebbins, Roland A., 30206A.
Steinke, Shawn H., 30207A.
Stephenson, Ralp W., 30208A.
Stewart, John J., 30209A.
Stockton, Douglas W., 30210A.
Strickland, Reginald E., 54787A.
Stroup, Floyd B., 54747A.
Stuart, Floyd R., 30211A.
Sturtevant, James H., 30212A.
Swanson, Dean C., 30213A.
Swartz, Robert E., 30214A.
Swensen, Carman W., 30216A.
Swope, Charles F., 30217A.
Taylor, John R., 30218A.
Tedeschi, James R., 54766A.
Thoeny, Alan R., 30219A.
Thomas, Edgar F., 30220A.
Thomas, Frederick L., 30221A.
Thomas, George J., Jr., 30222A.
Thomas, Nathan H., 54759A.
Thompson, Gary J., 30223A.
Thompson, George E., 30224A.
Thomson, Willis M., 30225A.
Thornhill, John R., 50078A.
Thurman, Stephen P., 30226A.
Tieber, Julius A., 3d, 30227A.
Tillman, John B., 30228A.
Tilson, William T., 30229A.
Timothy, Thomas E., 30230A.
Toner, Richard J., 30231A.
Torrest, Julio L., Jr., 30232A.
Trimpert, Michael J., 30233A.
Twells, Ronald G., 32551A.
Utley, Noble L., 50081A.
Vallerie, Eugene M., 3d, 30234A.
Waddell, Dewey W., 54772A.
Waite, Jordan C., 30237A.
Waller, Benjamin E., 3d, 30238A.
Warner, Glen E., 30239A.
Washam, Billy M., 32554A.
Watcher, Peter, 30240A.
Webb, William B., 30241A.
Wells, Frederick L., 30242A.
Welsh, Edward F., 30243A.
Wessel, Robert L., 30244A.
Wheeler, Charles H., 30245A.
White, Richard T., 30246A.
White, Robert Y., 30247A.
Whiting, Edwin K., 30248A.
Wiesenauer, Robert F., 30250A.
Wiles, Richard E., 30251A.
Williams, Gordon E., 30252A.
Williamson, Roger C., 30253A.
Wilson, Charles J., 32552A.
Wolinsky, Ivan L., 30255A.
Woods, James A., 30256A.
Worrell, John R., Jr., 30257A.
Wright, David I., 30258A.
Wright, John H., 30259A.
Zeberlein, James W., 30260A.
Zigelhofer, George N., 32305A.
Zimmer, James W., 30261A.

Medical Service Corps

Beem, Gordon R., 55374A.
Cox, Willis D., 55371A.
Olson, Robert N., 55373A.
Parker, Lester B., 55370A.
Watson, John R., 55372A.

(NOTE.—Dates of rank of all officers nominated for promotion will be determined by the Secretary of the Air Force.)

IN THE NAVY

The following named officers of the Navy, for appointment to the grade of vice admiral on the retired list in accordance with title 10, United States Code, section 5233:

Vice Adm. Stuart H. Ingersoll, U.S. Navy.
Vice Adm. Ruthven E. Libby, U.S. Navy.
Vice Adm. Edward W. Clexton, U.S. Navy.
Rear Adm. Frank T. Watkins, U.S. Navy.

Having designated, under the provisions of title 10, United States Code, section 5231, the following officers for commands and other duties determined by the President to be within the contemplation of said section, I nominate them for appointment to the grade of vice admiral while so serving:

Rear Adm. Ulysses S. G. Sharp, Jr., U.S. Navy.
Rear Adm. Charles L. Melson, U.S. Navy.
Read Adm. George F. Beardsley, U.S. Navy.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MARCH 16, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Romans 4: 20: *He was strong in faith, giving glory to God.*

O Thou Lord of truth and of light, grant that our life during this day may be a pursuit of that which is noble and may we look for the best in others and always give unto them our best.

We thank Thee for lofty ideals and aspirations which call us to a life of integrity and service and beckon us to be true for there are those who trust us.

Hear us as we bring to Thy listening ear and understanding heart, the needs of humanity, beseeching Thee to give

strength to all who are carrying heavy burdens and the consolations of Thy grace to those whose hearts are beset by loneliness and beshadowed by sorrows.

Raise up among us, in the affairs of state, men and women of faith and vision who have heard Thy voice and whom Thou hast endowed with the gifts of wisdom and leadership, lest in these troublous days, faltering and confused mankind may lose its way and wander in darkness.

Hear us in His name who is the light of the world. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

THE SPIRIT OF ST. PATRICK

Mr. GREEN of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GREEN of Pennsylvania. Mr. Speaker, last night I was privileged to be a guest at the annual congressional St. Patrick's Day dinner given by our distinguished colleague and my good friend, MIKE KIRWAN, that genial Irishman from Ohio, at the National Press Club. As usual, the affair was outstanding and I am sure everyone had a wonderful time. As a matter of fact, I would be willing to bet that everyone there, Irish and otherwise, laid claim to the Blarney stone and, undoubtedly, some may have even seen leprechauns. It was a very nice affair.

Through the kindness of the Irish Ambassador, the Honorable John Hearn, we have been blessed with the presence of the shamrock, the floral emblem of Ireland. And the plenitude of green carnations casting their emerald glow through this Chamber is the gift from the Ancient Order of Hibernians—that grand organization dedicated to the preservation of Irish culture and tradition.

No two symbols could more clearly convey to us the essence of St. Patrick, honored tomorrow as the patron saint of Ireland. The spirit of Patrick is the spirit of freedom and its symbols are therefore the symbols of freedom. Consequently, we, too, hail the shamrock and the carnation and join with the Irish in their pride of faith, land, and heritage.

Long may they prosper and long may the shamrock flourish. For certainly, in this event, the spirit of freedom through the world shall prosper and flourish in like degree to the benefit of all mankind.

FOOD STAMP PLAN

Mrs. GRIFFITHS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from Michigan.

There was no objection.

Mrs. GRIFFITHS. Mr. Speaker, in the years that I have been in this Congress, I have spent a good deal of time attempting to pass a food stamp plan. Last year, the gentlewoman from Missouri was successful in adding an amendment to farm legislation to authorize the Secretary to institute a food stamp plan.

The citizens of Detroit and the administration of the city of Detroit looked forward eagerly to being one of the pilot cities in the use of the food stamp plan. Detroit had sent its welfare director and the Food Industry Committee of Detroit had sent their executive secretary to Washington repeatedly to testify before the Agriculture Committees of the House and Senate on the need for a food stamp plan and the best method of operating such a plan.

With great regret our city learns that the Secretary of Agriculture, Mr. Benson, has no intention of using the authorization given him by Congress and putting into effect any pilot food stamp plans in this country.

The mayor of the city of Detroit, Louis Miriani, has informed me of his deep disappointment in the Secretary's actions. Mr. Fitzgerald of the Food Industry Committee of Detroit has informed me that after years of carrying the burden of the distribution of food in Detroit, Mich., the welfare department plans to discontinue their present distribution centers and food will be distributed from one focal point. In January, the following number of families were taken care of through the retail store distribution centers of surplus food, all of which were located close to the homes of the recipients: Social security, 1,784; old age, 4,149; blind, 203; disabled, 295; aid to dependent children, 5,354; and straight welfare, 4,218.

To any thinking and feeling person, it is perfectly obvious that the old aged and the infirm cannot possibly cross the city to pick up food from central locations. Many of them cannot do it physically and most of them could not afford the financial drain.

I bring these facts to your attention to show you that once again the administration of the Agriculture Department has thwarted the will of this body and that this administration which has put a great drain upon its own taxpayers to build up vast stores of surplus farm commodities absolutely refuses to take the responsibility to provide these same surplus commodities for its own needy.

CALL OF THE HOUSE

Mr. CELLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 25]

Anderson, Mont.	Diggs	Powell
Ashley	Durham	Rooney
Brewster	Flynn	Shelley
	Mitchell	Withrow

The SPEAKER. On this rollcall 420 Members have answered to their names, a quorum.

By unanimous consent further proceedings under the call were dispensed with.

CIVIL RIGHTS

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 8601, with Mr. WALTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday there was pending the amendment of the gentlemen from Ohio [Mr. MCCULLOCH] and the substitute amendment of the gentleman from New York [Mr. CELLER], on which a point of order has been reserved by the gentleman from Ohio.

Mr. McCULLOCH. Mr. Chairman, I withdraw the point of order.

Mr. CELLER. Mr. Chairman, I ask unanimous consent to correct typographical errors in the amendment I have offered and to make identical changes in the substitute amendment to the amendment offered by the gentleman from Ohio.

On page 6 of the bill H.R. 11160, in line 18, the word "persons" is incorrectly spelled.

On line 20, between the words "practice" and "discrimination" the word should be "of" instead of "or."

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Chairman, relative to the substitute which I have offered, I shall not hold the attention of the membership very long. I wish to state that the time has come when some definite action must be taken to preserve the ballot in those parts of the country where evidence has been profusely recorded before the Civil Rights Commission of abuse of the right to cast ballots.

Now, the question is, What shall we do? Shall we look away and do nothing and adopt a laissez faire attitude? We have a duty to perform. The country has grown too closely together for one section of the country to disregard what is happening in the other. That is what we have done too long. Decades have gone by without appreciable results. We put off the remedy too long. I remember it was Cervantes who said, "By the street of by and by one arrives at the house of never." Now is the time for action, and we must, indeed, take time by the forelock and adopt this substitute if we are going to give this right to those who have been denied the right.

Now, there is plenty of constitutional basis for this voting referee proposal—

the 14th and 15th amendments, article I, section 2; article I, section 4; the 17th amendment, article I, section 8, clause 18. I need not go into the matter of the presumption of a pattern or practice of discrimination. That has been developed heretofore. I wish to repeat, however, that the referees to be appointed are to be appointed from the local communities in the sense that the court must appoint a qualified voter resident in the judicial district. All elections would be covered. This substitute would cover State as well as Federal elections. Discrimination must be by State officials or persons acting under color of law. It would not be directed against individuals. The action must stem from or arise out of a suit brought by the Attorney General under the original Civil Rights Act of 1957, subsection (C). Now, that act has proven cumbersome and inadequate. Only three cases have been brought under it because of the inherent difficulties. Hence he made the recommendation that we adopt this voting referee proposal. The referee has the power to act under what is known as Federal Rules of Civil Procedure and Practice, particularly section 53, subdivision (C). The latest change made in the proposal would require Negroes, for example, to show that they had been turned away from the registration desk after the court had found a pattern of discrimination in the community and not before. The effect would be to give the community a chance to correct abuses on its own authority and so escape wholesale intervention in the registration process by referees.

Finally, I wish to state that this substitute that I have offered deletes the following words:

> The court may authorize such referee or such other person or persons as it may designate to attend at any time and place for holding any election and to report whether any such person declared qualified to vote has been denied the right to vote.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CELLER. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Chairman, that deletion did not originate with me. That deletion originated with the minority leader on the Republican side. If I remember correctly he asked unanimous consent that those very words be deleted. Unanimous consent was not granted. So I am accommodating the minority leader by deleting these words from this provision.

Then also I want to sound a warning. I think, from the parliamentary standpoint, if we do not adopt the Celler substitute, and we know those words that the Celler substitute deletes are in the McCulloch amendment, there is a serious question that may arise as to whether you can delete those words from the McCulloch amendment. So that is a warning that I think must be carefully considered when all Members come to the conclusion whether they shall vote up or down the Celler substitute. I hope they will vote for it.

The CHAIRMAN. The time of the gentleman from New York [Mr. CELLER] has again expired.

Mr. GROSS. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. CELLER] may proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. GROSS. Do I understand that this also goes to municipal elections?

Mr. CELLER. This covers all elections, State and Federal.

Mr. GROSS. And municipal?

Mr. CELLER. It would cover an election for dogcatcher, Governor, presidential elector, Congressman, and Senator.

Mr. GROSS. Mayors, members of city councils?

Mr. CELLER. This is the right to vote.

Mr. GROSS. Mayors, members of city councils; is that correct?

Mr. CELLER. I want to state that this substitute is exactly what the gentleman's side intended.

Mr. GROSS. I am not sure I know right now which side I am on now.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I am happy to yield.

Mr. HALLECK. I might say to the gentleman that it is true that when the McCulloch amendment was offered we had stricken out the language to which the gentleman refers; but in the confusion at the desk one of the bills that was being used that got to the Clerk's desk did not have that language stricken out. The gentleman from New York offered a substitute which struck out the language. I might suggest to the gentleman from New York that if we could have a vote immediately on his substitute against the original McCulloch amendment and that were voted down, then we would have the language back in the bill.

Mr. POFF. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, yesterday during the course of debate, in answer to the complaint that no formal hearings have been held on the McCulloch amendment, it was said that the referee plan had been considered and reconsidered. That was perhaps the understatement of the year. Yes, it has been reconsidered. It has been reconsidered and redrafted four times since it was first introduced. The Celler substitute to the McCulloch amendment now pending represents the fifth version of the referee plan. The first version was that originally conceived by the Attorney General and incorporated in H.R. 10035. The second version was the mimeographed draft from which Deputy Attorney General Walsh testified. The third version was incorporated in H.R. 10625 introduced by the gentleman from Ohio [Mr. MCCULLOCH]. The fourth version was an amended form of H.R. 10625 offered by the gentleman from Ohio as a substitute for the Lindsey amendment. The fourth version, which was sidetracked yesterday, was offered again by the gentleman from Ohio as a primary amendment to the parent legislation, H.R. 8601. The fifth version is the substitute to the latest McCulloch amendment offered by the gentleman from New York [Mr. CELLER].

In summary, the pending substitute amendment represents the fifth generation of the referee plan; it is the great, great grandson of the original progenitor. Upon further reconsideration, who can say that there will not be born yet another offspring? In the most graphic way possible, this cycle of birth, death and rebirth dramatizes the virtue of committee hearings and illustrates the virtual impossibility of writing legislation on the floor of the House.

The time remaining available to me will not permit a proper legal analysis of the merits or demerits of the referee plan. Accordingly, I shall address myself to the question of the utility or the inutility, the necessity or the lack of necessity of the plan. Is this trip into the relatively unknown realms of our American jurisprudence really necessary? Do we need another law to protect voting rights? Let us examine the laws already on the books.

First of all, we have the supreme law of the land, viz, the 15th amendment to the Constitution. The gentleman from New York [Mr. CELLER] says that this is not enough, that it must be implemented with statutory enactment.

But there have already been statutory enactments. Title 42 U.S.C. 1971(a), which was derived from the Civil Rights Act of 1870, says that all citizens, regardless of race, shall be entitled to vote at every election, Federal, State, and local.

Another statute on the books is the Civil Rights Act of 1957. That act was far broader than many people understood. Let us review its contents.

First. It enlarged upon the aforementioned statute—which applied only to State officials acting under color of law—by extending protection of the right to vote against deprivation by private citizens.

Second. It authorized the Attorney General to bring a suit in the name of the United States to protect citizens threatened with violation of their right to vote.

Third. It abolished the time-honored rule that an aggrieved party must exhaust State administrative and judicial remedies and vested original jurisdiction over these voting right cases in the Federal district courts.

Fourth. It established a system of contempt proceedings which practically demolished the historic jury trial guarantee.

The Supreme Court has ruled that the Civil Rights Act of 1957, insofar as it applies to State action, is constitutional. It is yet barely 2 years old. As a weapon in the voting rights crusade, it has been used by the Justice Department only

four times. That can mean only one of three things: First, it is unfit to use; second, it is too bothersome to use; or third, there is no cause to use it. If it is unfit, then the Justice Department is to blame for recommending it in the first place. If it is too bothersome, the Justice Department cannot be excused for laziness. If there is no cause to use it, then there is no cause to justify the referee plan.

Mr. ROGERS of Colorado. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the gentleman from Virginia [Mr. POFF] has indicated we should not write this legislation on the floor of the House of Representatives for the reason that it should be discussed in the committee and testimony taken. The gentleman from Virginia well knows that the gentleman from New York [Mr. CELLER] originally introduced the bill H.R. 3147, which had as part of its provisions the so-called right of the Attorney General to institute action for the enforcement and preservation of voting rights. We, on the subcommittee, heard testimony on this for a number of days, and when we reported that bill to the full committee, the gentleman from Virginia and his counterparts on that side of the aisle joined with others to eliminate that from further discussion. Therefore, the only way you can have this legislation is to write it on the floor of the House. Now why is he objecting to this version as submitted by the chairman? The amendment is an orderly procedure authorized after notice where the right of an individual to vote has been taken away from him. The application is made pursuant to this amendment. This is a matter that has been discussed on the floor of the Congress for years. It is a matter that has been discussed in committee. How much longer must we continue to discuss a matter that each of us knows. Therefore, after all of these versions which were recommended by the Attorney General and the Department of Justice of the same political party as the gentleman from Virginia—why can you not rely upon them—why cannot you rely upon the Federal judge to whom these applications are made? Why cannot you rely upon the Federal judge to do equal justice and see that discrimination is not practiced. There is no reason why we cannot proceed to accept the amendment as offered by the gentleman from New York [Mr. CELLER] and then proceed with the proper and prompt enactment of this legislation and get it over with once and for all.

Mr. Chairman, I yield back the balance of my time.

Mr. ABERNETHY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in 1957 there originated in this body a piece of legislation which created that which is known as the Civil Rights Commission. That Commission in its makeup was to be the very essence of purity and perfection in the field of that which is known as civil rights. It was to set the pattern for the country in race relations, and, I might say, for religious relations. It was to be the example, the noble, the pure in heart, that which all of the rest of the Nation was to observe and conform to. In establishing its staff it was to set the pattern by employing an equal quantity of one race and an equal quantity of others, even equal quantities of those of various religions and creeds. It was to organize itself in such a manner as to establish a perfect example of mixology for all else to emulate.

I am sure that all of my very dear friends on the liberal side of the aisle, as well as those on the Republican side, who fostered this Commission and those who foster the legislation now pending, were shocked, extremely shocked, on reading in the papers last night and again in the liberal Washington Post this morning, although buried on page 14 in the Post, that this noble, pure, and perfect Commission had been charged with being guilty of racial and religious discriminations. What a horrible thing. Here, a Commission which was created by my liberal friends, a Commission which was to eliminate all racial and religious discrimination, was about to destroy its usefulness by practicing the very things which it was charged with eliminating—racial and religious discrimination.

The article which appeared in the Washington Evening Star of last night is as follows:

RIGHTS OFFICIALS DENY LAWYER'S BIAS CHARGES

An attorney for the Civil Rights Commission said today he resigned to protest racial discrimination by Staff Director Gordon M. Tiffany, but Mr. Tiffany categorically denied the charges.

John T. R. Godlewski, the attorney, made the charges at a press conference. Less than an hour later, Mr. Tiffany dismissed the allegations as complaints by a "disgruntled Federal employee" whose work had been unsatisfactory.

PLANS TO WRITE

Mr. Tiffany, at a press conference called on another matter, said he had requested Mr. Godlewski's resignation and was prepared to file charges for his discharge if he had refused.

Mr. Godlewski said he resigned voluntarily February 12, effective March 12. He said he intends to write about civil rights.

He made these charges:

1. Mr. Tiffany forced his (Mr. Godlewski's) Negro secretary to resign last August because the secretary planned to marry a German white girl.

2. Mr. Tiffany discriminates against Negro employees by hiring them at lower grades than white employees with similar scholastic qualifications.

3. Mr. Tiffany violated Federal laws and regulations by requesting information from staff members on their religious affiliations.

Mr. Godlewski said he had kept his complaints within the Commission until last Saturday, when he was called before the staff of the Senate Permanent Investigating Subcommittee, headed by Senator MCCLELLAN, Democrat, of Arkansas, which is conducting a preliminary inquiry into complaints of inefficiency and waste in the Commission.

DID NOT VOLUNTEER

Mr. Godlewski, a 42-year-old Republican lawyer from East St. Louis, Ill., said the subcommittee staff contacted him and he did not volunteer to appear.

He said his salary was about $11,455 per year. He said he joined the Commission's staff in November 1958.

Mr. Tiffany, who is a former attorney general for New Hampshire, said Mr. Godlewski could have complained to the Civil Service Commission if he had any grievances.

He said the Negro secretary, whom he identified as Fred Allen, resigned voluntarily to return to college.

Several days after Mr. Allen's resignation was submitted, Mr. Tiffany said, the plans for an inter-racial marriage came to his attention and he discussed the matter with Rufus M. Kuykendall, a Negro who then was a high-ranking member of the Commission staff. The discussion, Mr. Tiffany said, concerned any possible effects such a marriage would have on the Commission.

DENIES MARRIAGE INFLUENCE

He said Mr. Kuykendall told him he would talk to Mr. Allen about the matter.

Mr. Tiffany categorically denied that he asked for Mr. Allen's resignation, and that the prospective marriage had anything to do with Mr. Allen leaving the staff. He quoted a cordial exchange of correspondence between Mr. Allen and him.

Mr. Godlewski said the Commission's files contained a memo in which Mr. Tiffany said Mr. Allen had to resign because of the marriage. Mr. Tiffany denied any knowledge of such a memo.

David Koonce, the Commission's information officer said there have been interracial marriages by staff members without repercussions concerning their employment.

STRESS NEGRO ADVANCES

On the question of discrimination in grading employees, Mr. Tiffany said, "There is no staff or agency in the city of Washington that is more colorblind than this agency." He listed several high-ranking staff members who are Negroes.

Mr. Koonce denied that staff members had been asked to state their religious affiliations. He said he merely asked them to furnish biographical sketches, and gave them sketches of Commission members as guides. There was no form to fill out, Mr. Koonce said, and nothing happened to staff members who did not state their religious affiliations.

Mr. Koonce said Mr. Godlewski told him after his resignation: "I'm going but I'm going to take Tiffany and Bernhard (Berl I. Bernhard, acting deputy staff director) with me."

Mr. Koonce said charges prepared against Mr. Godlewski included allegations that he had told other staff members that the White House put him on the staff to spy on Mr. Tiffany.

And the article which appeared in the Washington Post of this morning had the following to say:

CIVIL RIGHTS DIRECTOR ACCUSED OF RACIAL BIAS

A former lawyer for the Civil Rights Commission yesterday charged its director, Gordon M. Tiffany, with acts of racial discrimination against staff members.

Tiffany denied it and characterized his accuser, John Godlewski, as a "disgruntled employee" who had been asked to resign.

"No agency in Washington is more colorblind than this one," said Tiffany.

Godlewski left his $11,455-a-year staff job Friday and called a press conference yesterday to air his grievances against Tiffany.

Godlewski said his male Negro secretary had been forced to resign by Tiffany last August because he was about to marry a white girl he met in Germany during military service.

NUMEROUS INSTANCES CHARGED

Godlewski said he had been asked by a Commission staff official, in violation of Federal employee regulations, to list his religion (which is Roman Catholic). He also charged there were "numerous" instances where Negroes had been given lower paying

Commission staff jobs than white persons of equal scholastic background.

Tiffany replied at a press conference which had been called to give details on a Commission conference with southern educators on school desegregation experiences in Gatlinburg, Tenn., Monday.

Tiffany said Godlewski's secretary had resigned to go back to college. He said the question of his marriage was not a factor. David Koonce, the Commission's information officer, said "some" other members of the staff were married to members of another race when they were hired.

Koonce said Godlewski and some other staff members had listed their religion on a biographical sheet he had requested for news purposes. But religion had not been asked for, he said.

NEGRO HIRING CALLED HIGH

Koonce also stated that 22 of the Commission's 65 staff employees, including seven of its higher paid professional staff, are Negroes. He said the Commission had no hiring policy, but noted that the proportion of Negro staff members was greater than the national population figures.

Tiffany and Koonce said Godlewski's resignation had been requested because he "told staff members he had been placed here by the White House to spy on Tiffany;" he had told three new staff members "not to work hard because they wouldn't get any credit for it anyway;" his work on the Commission's report had not been satisfactory.

Godlewski, 42, said that during the 1956 campaign he was director of the Polish division of the Republican National Committee. He said he plans to write about civil rights now. He said he had not complained to the Senate Permanent Investigating Subcommittee which has been quizzing Commission staffers about various practices.

Think for a moment, Mr. Chairman. What a horrible thing it is in this day and age for one to ask a person what his religious faith is. How terrible a thing it must be in the eyes of my liberal friends to discharge a Negro because he is about to take unto himself a white wife. I know they feel that this House should do something about such terrible discriminations.

I do not know that we have the power to impeach the Director of the Commission or the members of the Commission, themselves who have been guilty of these discriminations. There is one thing we might do and do it now, that is, provide for an investigation. We can establish another Commission to investigate the Civil Rights Commission and thereby determine whether or not the Civil Rights Commission has been guilty of discriminations and of violating the civil rights of others in its effort to eliminate discrimination and restore civil rights. Now, if that sounds a little complicated I agree with you that it is, but just because it is complicated is no reason why we should shirk our responsibility to do something about it.

So, I have prepared an amendment to offer to the bill at the appropriate time. It may be subject to a point of order; I do not know. I trust and hope that our liberal friends who are pushing and handling this bill will let us vote on it.

May I read the amendment, as follows:

On page 12 add a new title, as follows:

"TITLE VII

"There is created in the executive branch of the Government a Commission to be known as The Superior Commission on Civil Rights (hereinafter called 'The Superior Commission'). The Superior Commission shall be composed of nine members, appointed by the President, and who shall be expert in the field of racial and religious relations. Senate confirmation shall not be necessary.

"The Superior Commission shall forthwith investigate the subordinate Commission on Civil Rights created under Public Law 315, 85th Congress. The Superior Commission shall determine whether or not the subordinate Commission on Civil Rights has been guilty of racial and religious discriminations in carrying out its function of investigating racial and religious discriminations. The Superior Commission shall make a report of its findings to the President, the Attorney General, and the Congress in time for it to be thoroughly considered before the 1962 general elections.

"If after an ex parte hearing the Superior Commission should find the existence of a general pattern of racial and religious discrimination on the part of the subordinate Commission, then upon such conviction the members of the subordinate Commission shall be punished by a fine of not more than $10,000, or by imprisonment in the Federal penitentiary not to exceed 5 years, or both in the discretion of the court. Trial by jury is hereby waived."

You will note that I have endeavored to make the processes conform as nearly as possible to those contained in the pending bill. And certainly since it seems to be one of the objectives of the pending bill to send a number of people to jail, then similar punishment should be imposed upon any member of the Civil Rights Commission or its staff who is found guilty of discriminations.

At the proper time I hope to have the privilege of offering this amendment, and I invite the support of all Members of the House, particularly that of my liberal friends who are so anxious to incur the favor of the minority racial and religious groups prior to the general elections this coming November.

Thank you very much.

Mr. O'HARA of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. O'HARA of Michigan to the amendment offered by Mr. CELLER as a substitute for the amendment offered by Mr. MCCULLOCH: On page 5, line 21, strike out "The court shall have the authority to make an order" and all that follows down through line 3, on page 6, and insert in lieu thereof the following:

"Applications pursuant to this subsection shall be determined expeditiously. In the case of any application filed twenty or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally. In the case of an application filed within twenty days prior to an election, the court, in its discretion, may make such an order. In either case, the order shall make appropriate provision for the impounding of the applicant's ballot pending determination of the application. The court may take any other action, and may authorize such referee or such other person as it may designate to take any other action, appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees. This subsection shall in no way be construed as a limitation upon the existing powers of the court."

Mr. O'HARA of Michigan. Mr. Chairman, I do not believe it is any secret that a number of Members of this House have serious misgivings about some of the provisions of the referee proposal offered originally by the gentleman from Ohio [Mr. MCCULLOCH].

Among these misgivings, is the fear that under the referee proposal as it stands, there is a possibility that judicial review of the decisions of the referee could be prolonged over such a period of time as to, in effect, nullify the right to vote of those who had applied to the referee.

Various proposals have been discussed in an effort to assure that no such opportunity of delay should exist.

The language stricken by my amendment begins at line 21 on page 5; and, in part, states:

The court shall have authority to make an order entitling an applicant to vote provisionally pending final determination of any exception.

In that language there is no assurance of any sort that the court will actually issue such an order pending final determination of the exceptions to the referee's findings.

The amendment offered today would provide that in the case of any application filed 20 or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally.

Mind you, the court must issue an order authorizing such an applicant to vote provisionally.

If the application is made within 20 days prior to an election, the court may, in its discretion, issue such an order.

My amendment also makes it clear that the striking of the material on lines 9 to 13 on page 5 of the Celler substitute for the McCulloch amendment does not indicate any intention on the part of this Congress to remove from the court its traditional equitable powers to take whatever action is necessary to enforce its decrees.

My amendment states, to this point, that—

The court may take any other action and may authorize such referee or such other person as it may designate to take any other action appropriate or necessary to carry out the provisions of this subsection and to enforce its decree.

This subsection shall in no way be construed as a limitation upon the existing powers of the court.

This affirms the existing power of the court to take appropriate action to enforce its decree and it clearly shows the intention of Congress that the deletion of lines 9 to 13 on page 5 does not signify any attempt on the part of the Congress to remove such powers from the court.

Mr. MEADER. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. I yield to the gentleman from Michigan.

Mr. MEADER. As the gentleman knows, being a lawyer from my home State of Michigan, the Michigan election laws provide that registration must be applied for prior to 30 days before an election. In that 30-day period before an election the clerk is not authorized and may not accept applications for registration. Is it the intent of the gentleman's amendment to alter State law with

respect to the time in which applications for registration may be made?

Mr. O'HARA of Michigan. No; it is not.

Mr. MEADER. Is it the gentleman's opinion that the Congress may not change such election laws in that regard?

Mr. O'HARA of Michigan. There is no intent in my amendment to change State election laws; however, it does provide that an applicant otherwise entitled to apply to the referee who has done so more than 20 days prior to the election, shall be entitled to a provisional order of the court permitting him to vote.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. MEADER. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan [Mr. O'HARA] may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MEADER. As I read the gentleman's amendment, if the application is made to the court within 20 days prior to an election the court is required to enter an order entitling applicant to vote provisionally. Do I read the amendment correctly?

Mr. O'HARA of Michigan. That is correct.

Mr. MEADER. If that same applicant had gone to the clerk and sought registration within 20 days prior to an election in Michigan, it would be against the law for the clerk to accept the registration.

Mr. O'HARA of Michigan. I may say to the gentleman from Michigan, my amendment is to the Celler substitute for the McCulloch amendment. We all know the contents of the McCulloch amendment and the Celler substitute for it. If an applicant would be permitted, under the provisions of the McCulloch amendment and the Celler substitute to register within the 20-day period, he may be able to obtain a provisional order under my amendment.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. May I have the attention of the gentleman from Michigan? Directing his attention to the substitute offered by the gentleman from New York, he will find that before he is entitled to vote, on page 2, line 10, he is qualified under State law to vote. If under State law he is required to register 30 days before voting and nobody else can register him during that 30 days, then he must have been qualified to register before the 30 days.

If he made an application for registration within the time, and it was denied to him, then upon application to the court under this proceeding he could be authorized to vote.

Mr. MEADER. In other words, the gentleman from Colorado contends that the applicant to the court must have applied to the registrar or the clerk within the time limit specified by State law, or he would not be qualified and could not prove that he was qualified?

Mr. ROGERS of Colorado. First of all, he must be qualified under the laws of the State in which he makes application.

If he is not qualified, then the court is not going to do anything about it. If the law of Michigan requires that he go to the county clerk and recorder 30 days before election, make application and pass the necessary tests, and he fails to do so, then he is not qualified under the Michigan law as the gentleman has outlined it. The same thing is true in my State. We are permitted to register up to within 10 days preceding the election. Now, if I fail to make my application and go and register as required by the State, then the Federal court cannot and will not enter an order under this amendment.

Mr. MEADER. Will the gentleman give his opinion on whether or not Congress could, even if it wanted to, amend State election laws?

Mr. ROGERS of Colorado. According to the interpretation, if you read the 15th amendment, it says that no State shall deny a person the right to vote because of race, color, or creed. The second section of the 15th amendment says that we can pass laws in connection with it. Now, this amendment as submitted by the gentleman from Ohio [Mr. McCULLOCH] and the substitute offered by the gentleman from New York [Mr. CELLER] only intends to get at those who are qualified under the State law and permitted to vote and should be permitted to vote, and unless they qualify under State law, then the Federal Government under this provision does not intend to step in.

Mr. FLYNT. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. I yield to the gentleman from Georgia.

Mr. FLYNT. I would like to ask the gentleman if his amendment does not provide that in cases of late applications that the court shall do those things which are called for in the gentleman's amendment? Would not that vitiate the election provisions of his own State and probably every other State in that a late applicant could get court relief even though he did not qualify under the provisions of his own State law, simply because he applied late?

Mr. O'HARA of Michigan. I think the gentleman from Colorado explained that point.

Mr. FLYNT. Does not your amendment say that?

Mr. O'HARA of Michigan. Before he can be approved by the referee—and I am talking about the referee's finding in this case—he must establish that he is qualified under State law, and one of the qualifications is that he present himself at an appropriate time.

Mr. FLYNT. Mr. Chairman, will the gentleman yield further?

Mr. O'HARA of Michigan. I yield.

Mr. FLYNT. Will you give your definition of the expression "a late applicant"?

Mr. O'HARA of Michigan. Well, the words "late applicant" are not used in the amendment. I used it in an attempt to elucidate the contents of the amendment.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. FLYNT. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. O'HARA of Michigan. The amendment states "In the case of an application filed within 20 days prior to an election the court in its discretion may make such an order."

Mr. FLYNT. Then, would not the 20-day provision contained in the gentleman's own amendment have the effect of nullifying the provisions of State law which provides for an application within 30 days?

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. I yield to the gentleman from Colorado.

Mr. FLYNT. If possible, I would like to have the gentleman from Michigan explain it.

Mr. ROGERS of Colorado. Now, for the benefit of the gentleman from Georgia, if you will take page 2, line 12, of the proposed amendment, it says:

(a) Deprive of or deny under color of law the opportunity to register to vote, or otherwise to qualify to vote.

Now, the objective and purpose of this amendment is that if he has made the application within the time as provided under State law, and he is denied it, he has up to 20 days before an election to go into court. He is qualified at the time he made the application under the State law, and therefore the question of the interpretation of the State law is going to depend upon whether he has made the proper application and whether or not upon the proper application being made he has been denied the right to register and to vote. The gentleman's amendment provides that he can do it within 20 days before an election, but in order for him to do it he must first show that he is qualified under State law, and if it is within the 20 days, as I interpret it, he must also show that he has been deprived or denied the right under color of State law.

Mr. FLYNT. Mr. Chairman, will the gentleman yield further to me?

Mr. O'HARA of Michigan. If the gentleman will withhold his request for just a moment I would like to restate briefly what the gentleman from Colorado [Mr. ROGERS] has so ably said. The qualifications with regard to the time within which a voter may register will remain that of State law. The voter has to establish to the referee that he has presented himself to the local election official for registration during the time allowed by State law and has been turned down. Then he does not have to get into court within the time permitted for registration under State law. If he comes to the referee, after having been denied registration at an appropriate

time, within 20 days before the election, his application will be heard by that referee.

Mr. FLYNT. Mr. Chairman, will the gentleman yield further?

Mr. O'HARA of Michigan. I yield to the gentleman from Georgia.

Mr. FLYNT. I do not have available a verbatim copy of the gentleman's amendment, but I tried to listen as it was being read by the Clerk. It occurs to me—and I would like the gentleman to clarify this—that there is conflicting language between the language of the gentleman's amendment and the language which was quoted by the gentleman from Colorado [Mr. ROGERS] in attempting to answer the question that I asked of the gentleman from Michigan.

Mr. O'HARA of Michigan. I am sorry I do not agree with the gentleman on that.

Mr. FLYNT. Will the gentleman then please explain it to me.

Mr. O'HARA of Michigan. There is no conflict. The requirement of the State law with regard to registration deals with the time period within which the citizen of the State may apply to the local election official and get registered. This deals with persons who have met that requirement of the State law and have been turned down and then go to the referee for redress.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. I yield to the gentleman from Colorado.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. O'HARA] has again expired.

Mr. FLYNT. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan [Mr. O'HARA] may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. ROGERS of Colorado. I fail to see where there is any conflict between the gentleman's amendment and any other provision of the law, because the gentleman's amendment is on page 5, starting with line 21. He strikes all of that out on page 5 down to the end of line 3 on page 6. So, for the benefit of the gentleman from Georgia [Mr. FLYNT], the amendment offered by the gentleman from Michigan says, "Applications pursuant to this subsection shall be determined expeditiously." That subsection is subsection (a) which I have been reading as it relates to the qualifications of the electors in the State. The amendment goes further and says:

In the case of any application filed 20 or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally. In the case of an application filed within 20 days prior to an election, the court, in its discretion, may make such an order.

There is no conflict between the right of an individual to vote under the State law and under this application. This merely gives a guidepost to the court in determining whether or not an order can be issued and it permits him to issue a provisional order. It is just that simple. How you can have orderly procedure other than in that way, or how you can have any other interpretation of the amendment is beyond my comprehension.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. I yield to the chairman of the committee, the gentleman from New York.

Mr. CELLER. In essence does not this mean that in the cases pending for more than 20 days the court shall expeditiously—the word "shall" is used—determine the matter? If the case is existing less than 20 days before the election, then the court has discretion whether he shall or shall not issue the order permitting the applicant to register and to vote, and to vote provisionally, and the ballot will be impounded until a final decision is made. Am I correct in that?

Mr. O'HARA of Michigan. The gentleman from New York is correct.

Mr. CELLER. There cannot be any conflict because in the Celler substitute the provision is clear, on page 2, lines 10 and 11, that the applicant is qualified under the State law, so that he must also show that he is qualified, for example, that he has paid his poll tax or established his right under the literacy test or whatever the other qualifications may be.

Mr. FLYNT. If the gentleman will yield further, may I ask him if the language of his proposed amendment would not make it possible for a man to be registered and cast his vote, albeit provisionally, but to cast his vote under the provisions of this when he had never tried prior to 20 days before the election to make an attempt to register.

Mr. O'HARA of Michigan. Under the terms of the Celler substitute to the McCulloch amendment, if my amendment is adopted, that will not be possible.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. I yield to the gentleman from New York.

Mr. GOODELL. I am concerned with the provision of the amendment that says the order shall make appropriate provision for the impounding of the applicant's ballot pending the determination. The Attorney General has said he does not want a system under which ballots cast by Negroes would be as clearly identified as if their race were stamped on their ballots. I believe those are the Attorney General's precise words. How can ballots be impounded without doing exactly what the Attorney General says he wants to avoid, namely, segregating the Negro ballots?

Mr. O'HARA of Michigan. I agree with the gentleman's sentiments that it would not be desirable to have the ballots cast by Negroes identified. However, I do not think this is a good argument against my amendment. If the local election officials in any particular election district were absolutely determined to discover how these Negroes cast their votes, they would be able to do so just as well without my amendment.

Mr. McCULLOCH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have had the amendment the gentleman proposes before me for several hours. It has been thoroughly studied. I am pleased to say that I am willing to accept the amendment and we are willing to accept the amendment.

May I say further that my distinguished colleague from Colorado gave a most exhaustive, a most authoritative, a most understandable explanation of the amendment. I concur in every word he said in his first appearance on this matter.

The chairman of our committee touched upon its importance in two or three instances. I agree with what he said.

This amendment does not propose to, will not, and could not change basic State law. This provision can come into play only when a person qualified to vote makes application within the time prescribed by State law. Those times are different in the several States. In the district from which I come we have no registration except in two areas of that district. An application to vote may be made as late as 6:29 on the date of the election. So the question of date has no real significance if the application be made within State law.

I now recommend this amendment to the Committee.

Mr. CELLER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I likewise join with the ranking member of the Committee on the Judiciary, the distinguished gentleman from Ohio, in support of this amendment. I might say in the first instance, to outline the general procedure:

First. An applicant tries to register after the so-called pattern or practice of discrimination has been adopted.

Second. If he is denied, he goes to the referee who has been appointed by the court.

Third. The referee in an ex parte proceeding determines whether the applicant is qualified to vote under the State law. There must be a finding to the effect that the applicant has been denied the right to vote.

Fourth. The referee then reports to the court.

Fifth. The court may issue a decree ordering the applicant be permitted to register and/or be permitted to vote.

Sixth. Before the issuance of the decree, exception to findings may be filed by State officials.

That you will find on page 4, line 14, to the bottom of the page.

Seventh. If an application is filed more than 20 days before the election, the court must determine either, first, the validity of the application under the procedure outlined in the amendment; or second, if less than 20 days before election, the court may in its discretion issue an order authorizing the applicant to vote provisionally; also, provide for impounding of the ballot until the final decision has been made.

Mr. Chairman, that is all that this amendment does. It is a logical amendment, it is a reasonable amendment, and I ask for a vote in favor of it.

Mr. SMITH of Virginia. Mr. Chairman, I move to strike out the last word and ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. SMITH of Virginia. Mr. Chairman, in the mad scramble to determine the basic question involved in all these bills, namely, who is going to get the political credit for this monstrous piece of legislation we are considering, we have got into such a state of confusion that nobody knows and nobody can tell just what our situation is. I have never in my experience here witnessed any more vivid example of the folly and the utter foolishness of trying to write a complicated bill on the floor of the House. I had intended to offer an amendment to strike out this clause. This clause permits provisional voting. Now, I do not know what provisional voting is. The so-called McCulloch bill does not say what provisional voting is. And how is it going to operate? How is a lot of this stuff going to operate? Let me say to you men from other States who think you are doing something to the Southern States—this bill is not confined to the Southern States only.

This bill includes every State in the Union. When you get around to this question of provisional voting, somebody who understands it, if there is any such person and I very much doubt it, ought to at least try to inform the House what they are being asked to vote upon. What does "provisional voting" mean? Are you going to have a separate ballot marked "provisional"? Have one ballot box over here and another one over here and another one marked "provisional"? I suppose all the provisional votes will be dropped in this box and they will wait until whoever is in charge decides how many votes they need. Is that the object of this? If you are going to put them in the same ballot box and you decide that this provisional boy is entitled to a vote, how are you going to vote him? It is in the same box with the others. I do not know how far you are willing to go in order to get some political credit for passing this crazy-quilt civil rights bill. But are you going to go so far as to destroy in your State the secrecy of the ballot?

That is one clause in this bill that has no business there. It invites fraud. It invites utter confusion in your election. I know all this monkey business in the election is not confined to the Southern States, and you know it too. There are some places where they say they go out and get the names off of tombstones and vote them. I have heard that many times. I heard the other day about two fellows who were designated to go out and get names off the tombstones so that they could put them in the box. Finally, in copying down those names they ran across a fellow who had four names. One of the boys said: "This is good. We will get two out of this." The other fellow says: "Why, the idea of such a thing. We have got to be honest about this thing."

Now, I am appealing to you, let us be honest about this thing. Let us know what we are doing before we do it, because you are going to make a trap that will come up to catch you some time in the future.

I think this clause ought to be stricken. I shall offer a substitute amendment to do it. How many people in this Chamber know what the amendment is that was offered by the gentleman from Michigan a while ago?

I tried to get a copy of it and he was kind enough to show me a copy, but that was the only copy he had. It was a page long. It turns this business of provisional voting over to the courts. Have some kind of a trial. If a fellow has not made his application 20 days before, how are you going to make an application 20 days before when the law requires him to register 30 days before? How are you going to solve the numerous problems that are involved in this amendment offered by the gentleman from Michigan, which not a dozen Members in this Chamber know what it is or what it will do?

Now, I am going to yield to the gentleman from Colorado, who is so anxious to explain something.

Mr. ROGERS of Colorado. I wanted to divest your mind of the idea that we are trying to amend any State law. If the State of Virginia requires them to register 30 days before election, and if he is qualified and he does not make application, then we do not change it in any manner whatsoever. I want to make that clear.

Mr. SMITH of Virginia. Does the amendment say that?

Mr. ROGERS of Colorado. Yes, the amendment offered by the gentleman from New York definitely says that.

Mr. SMITH of Virginia. Let me ask you a question right there.

Mr. ROGERS of Colorado. And I direct the gentleman's attention to page 2, line 10, where it says: "One who is qualified under State law to vote." That answers as to the State proposal.

Now on the question that the gentleman has propounded here as to the provisional voting, what the gentleman has in mind is the amendment that has been offered which the gentleman said has been so graciously supplied to him by the gentleman some time ago. That is an action for the court to take when an application is made if there is some doubt in the mind of the court as to whether the man meets these qualifications; then the court having some doubt and election day coming on, the court can provisionally let him cast a ballot to be kept separately by the court until the court is satisfied that he is qualified; then it will be counted. If the court determines he is not qualified it will not be counted. I am sure the gentleman understands that the word "provisional" means "conditional."

Mr. SMITH of Virginia. How are you going to identify the provisional ballot?

Mr. ROGERS of Colorado. I did not understand the gentleman's question.

Mr. SMITH of Virginia. It is a rather simple qustion. After a man has voted provisionally, what are you going to do with his ballot? How are you going to know whether it is John Doe's ballot or John Smith's ballot?

Mr. ROGERS of Colorado. The gentleman has been a lawyer for many years and I am sure he is well qualified to understand.

Mr. SMITH of Virginia. In all my experience I have never run into a mess like this.

Mr. ROGERS of Colorado. The gentleman is well qualified to know that a Federal court having jurisdiction of the matter has the right and the privilege of determining how it shall be helped, and that is the gist of the proposition in the bill and the amendment.

Mr. SMITH of Virginia. I still do not understand what you are going to do with the provisional ballot, how you are going to identify it. Do you intend for the judge to put it in his pocket?

Mr. ROGERS of Colorado. He can put it in his pocket or elsewhere.

Mr. SMITH of Virginia. You are going to let the judge write the laws as he wants?

Mr. ROGERS of Colorado. No; there is where you are confused.

Mr. SMITH of Virginia. No; I am not confused.

Mr. ROGERS of Colorado. We set here a standard, and that judge must follow that standard. The standard is that the man must be qualified under the State law, and the standard is that he has been given the right to vote but because of the denial of the right to vote he makes an appliaction to the court, an arm of the Federal Government, one of the three distinct powers of the Federal Government, for protection; and we have qualified men, I am sure, on the Federal bench who will proceed to enact and carry out this law as we enact it.

Mr. SMITH of Virginia. The gentleman quite advisedly used the phrase that the court will proceed to enact this law, and that is what I do not want the court to do.

Mr. McCULLOCH. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, some statements have been made trying to becloud an interpretation of the word "provisional." "Provisional" is not a new or strange word in the English language nor in the judicial lexicon of this country, and I might say that those of you who have embraced the Agricultural Adjustment Administration program have probably many times cast provisional ballots and that did not become final and many times they were not counted until long after the date of the election.

Furthermore, every State in the Union, I presume, has some law which provides for contesting election results. After the suit is filed every ballot that is in issue in that election contest is a provisional ballot until it is passed upon and counted in accordance with the law. So let us not build a great big bogyman about the word "provisional." It is used in accordance with long-accepted practices in our jurisprudence.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Arkansas.

Mr. HARRIS. The thing that disturbs me about what the gentleman has tried to explain is that the bill the gentleman favors, which is similar to the substitute except for the one paragraph, includes this provision on page 6: "and having such ballot counted and included in the appropriate total of votes."

Well, now, how are you going to determine that a man received a majority of the votes if you are going to permit provisional votes to be put in a box by themselves and to be counted maybe months or a year or so later? How are you going to avoid a jurisdiction question between the State courts which, as in my State and I am sure the gentleman's State, have jurisdiction with reference to contested elections when a Federal court holding a ballot box over here somewhere when a year later it may be determined if they should or should not be counted?

Mr. McCULLOCH. The Federal court will determine the legality of the application of the vote in accordance with the law of the State. When that determination is made it becomes the law of the case and the vote will either be counted or it will not be counted, depending on whether or not the person was eligible to vote.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from California.

Mr. HOLIFIELD. May I ask the gentleman from Ohio, is it not true that an absentee ballot is in essence a provisional ballot because there are a certain number of days after the receipt of the ballot, after the election, when it is counted? It may be 10 or 15 days later.

Mr. McCULLOCH. An absentee ballot could be a provisional ballot or a conditional ballot. Furthermore, I should like to make this point because it has been raised several times on the floor of the House that the secrecy of the ballot is violated. There is really no secrecy to many absentee ballots.

Mr. BROOKS of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Louisiana.

Mr. BROOKS of Louisiana. That is true, but your absentee ballot under the laws of my State is counted by the commissioners at the time of the election and put in with all the other ballots. Suppose you had a hundred provisional ballots, 50 one way and 50 the other; how are you going to identify the ballot of any individual person? Are you going to call him and ask him how he voted, then take out one of those ballots, whether it be his ballot or not?

Mr. McCULLOCH. That would be a simple clerical matter, and should not present any difficulty whatsoever, and I do not mean to be facetious in answering the gentleman's question.

Mr. BROOKS of Louisiana. I have practiced law for 16 years, and I have had a good many cases and election cases often give plenty of difficulty.

Mr. McCULLOCH. I would like to suggest if someone wants a custom that has apparently worked that they go to the local AAA election officials and find out how they count their ballots, preserve the provisional ones, and how they identify them.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Iowa.

Mr. GROSS. My very good friend from Ohio is not going to say he would like to rest his political future on the basis of an AAA election as loosely conducted as those elections are?

Mr. McCULLOCH. I certainly would not want to do that, but I just suggested it as an example to those who are totally at sea on the matter.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. KASEM. Mr. Chairman, I move to strike the requisite number of words.

Mr. O'HARA of Michigan. Mr. Chairman, will the gentleman yield?

Mr. KASEM. I yield to the gentleman from Michigan.

Mr. O'HARA of Michigan. I would like to say in affirmation of the remarks of the gentleman from Ohio that we have this provision of keeping ballots separate in every State, I am sure. One method which might be used to maintain secrecy of the ballot until the qualifications of the applicant are established would be to use the same system as they use in the State of Michigan, where the ballot is put to one side in a plain envelope, which is sealed, and placed inside another larger envelope, which has the name of the voter on the outside envelope. Then after the qualifications of the voters have been determined and they are found qualified, you can take their envelopes and open them all at once, sort out the inside envelopes, and you still have secrecy of the ballot.

Mr. KITCHIN. Mr. Chairman, will the gentleman yield?

Mr. KASEM. I yield to the gentleman from North Carolina.

Mr. KITCHIN. I know the gentleman is well qualified to answer this question. I would like for him to explain to this House how provisional ballots would be counted in those precincts using voting machines.

Mr. KASEM. The gentleman compliments me, and I do not deserve it, but the answer is very simple. I think it would merely follow the suggestion of the gentleman from Michigan using absentee ballots as an example, as they do now in those States that have voting machines and also the other machines that I called portable voting machines, facetiously.

Mr. Chairman, about a year ago I had occasion to travel around the country quite a bit, and I rode on airplanes. I had just become a Congressman of the United States, and naturally I was immensely proud of the fact, and I lost no opportunity to let the people that I was in company with know it. When I would sit down beside a person in a plane I would very often ask him who his Congressman was, thinking that maybe I could find a common ground for conversation, that I might personally know his Congressman. Well, Mr. Chairman, I am dismayed that I must report that I spoke to 25 middle class American citizens riding on airplanes before I found a person who knew who his Congressman was, and that person, that 25th person, was a person who was active in politics and had actually served on a campaign committee of his Congressman. Since then, through inquiries I have made, it was indicated to me that perhaps this is not representative, but it is not far from representative.

Another experience I wish to relate was back during the time that we were discussing the labor bill. I was sitting here and I was wondering, Oh, if only the people of the United States could see what was going on in their House of Representatives. And, it occurred to me then, with these wonderful electronic devices called television we could really confer a great benefit upon the people of this country. And, as I heard the deliberations today, and particularly the events of yesterday afternoon, I thought, Oh, my, if there was a television camera right up where that clock is and in each corner of this Chamber there was a television camera looking down upon the floor so that the people of the United States could see how their House of Representatives conducts its business, how the Members vote, when they stand and when they do not stand, and how ably they champion the causes for which they fight, we would find out it would not be very long until this House of Representatives would be composed of Members who would be carrying on the people's wishes.

Mr. DOWDY. Mr. Chairman, will the gentleman yield?

Mr. KASEM. I yield to the gentleman from Texas.

Mr. DOWDY. If the people do not even know the names of the Congressmen, do you think they would recognize one when they saw him vote on the floor?

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. KASEM. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. KASEM. I think the answer to that is that it would be a very poor politician who would not make it known to the people of his district who was the gentleman here representing them. In some instances he might be very wise to conceal that fact.

Mr. ASHLEY. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHLEY. Mr. Chairman, while the technical question before us relates to the counting of challenged ballots, I believe that we must regard this issue and others which we will be considering in terms of the fundamental objective we seek to achieve.

This is not the first time in our country's history that there has been a deep difference of opinion with respect to the right to vote. The framers of our Constitution were anything but unanimous in their view that representative government, predicated on the right of our

citizenry to express itself at the polls, would prove a workable system. Indeed, there was a strong body of opinion, articulated by Alexander Hamilton, which not only feared the tyranny of the masses but advanced the notion—scoffed at by most of us today—that the responsibility for government should rest with an aristocratic elite. Since that time, Mr. Chairman, the American experiment, rejecting the Hamiltonian concept in favor of a faith in the ability of free people to govern themselves, has been universally accepted as a truly historic contribution.

But let us face facts, Mr. Chairman. Among millions of our own people, the principles of Thomas Jefferson—the real cornerstones of our representative system—have never been entirely accepted and are not accepted today. The reason that 4½ million Negroes have been deliberately disfranchised is the result of no petty political fear. It is the result of a deep-seated conviction that these Negroes are not really competent to govern themselves. The anxiety of our southern brethren is no different than the anxiety expressed by Hamilton, nor is their sincerity one measure less. Behind their anxiety is the belief that the whole fabric of society will be rent asunder if Negroes are given the same opportunity as whites at the polls.

All I can say, Mr. Chairman, is that it is high time that those of us who believe in the principles of Jefferson should speak out loudly and clearly. The confidence we express in representative government has a solid foundation—180 years of extraordinary progress and success.

It is with this confidence, I submit, that we should direct ourselves to the task at hand. If we do so, there is no question but that the result will be the source of pride for future generations ahead.

Mr. MORRIS of Oklahoma. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this is very important legislation. I am deeply interested in and most favorable toward the real purpose of this legislation to prevent discrimination. Every citizen who is qualified ought to have the right to vote and I am going to do what I can to help along that line. And I am referring to every qualified citizen, regardless of who he is.

Mr. Chairman, let me ask you this about this basic amendment that has been offered here. And let me suggest some wording and see what you think of it. Now, they are talking about referees. I think that the referee system set out in the amendment is wrong in principle but here is what it says—and please follow me, because this is extremely important and I should like the Members' attention on it, because I believe they ought to know about it.

On page 6, line 14, it says:

> And the words "qualified under State law" shall mean qualified according to the laws, customs, or usages of the State and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have violated subsection (a) in qualifying persons other than those of the race or color against which the pattern or practice or discrimination was found to exist.

Here is what the Constitution of the United States says, among other things:

> ARTICLE I, SECTION 2
>
> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Under the provisions of this bill, if someone permitted certain people to vote who were not qualified, then by this amendment other unqualified persons could lawfully vote and we shall have determined a different qualification by law than is set out in the Constitution and we are forced to allow people to vote who are not qualified to vote and possibly forbid qualified people from voting.

And that seems to me a rather basic matter here as it appears in this proposed amendment.

So it seems to me, I repeat, that we are trying to change the Constitution by law. I think we cannot do that. On page 4 of this basic amendment—and I hope you will follow me on this, please, because this is extremely important, at least in my opinion—on page 4, line 20, we find this language:

> The issues of fact and law raised by such exceptions shall be determined by the court or, if the due and speedy administration of justice requires, they—
>
> That is, the issues of fact and the law—
>
> may be referred to the voting referee to determine in accordance with procedures prescribed by the court.

I do not know; that may be constitutional, but I have never known of an instance of such kind of a law being passed—there may be some that I have overlooked, but I have been a lawyer since I was 21 years of age. I do not know all the legal answers, of course, and make no such pretensions. I served nearly 12 years as a district judge which is the highest trial court in Oklahoma. I was a trial judge, and was formerly a county attorney. I have had 10 years experience in the private practice of the law. I do not claim to be a great lawyer but I have studied law all my adult life. I do not know of any law anywhere that will permit a court to delegate to a layman the right to determine law for him, and that is what this does. It says that the referee may determine both the issues of fact and law if the court turns it over to him to do so. Even if it is constitutional and lawful, would it be a proper thing to do? That is the question I raise.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. MORRIS of Oklahoma. I yield to the distinguished gentleman from the State of Colorado.

Mr. ROGERS of Colorado. The gentleman says he knows of no case under the law where the judge has a right to set up a master or referee to take evidence and arrive at conclusions.

Mr. MORRIS of Oklahoma. I did not say that.

Mr. ROGERS of Colorado. That is all this does. What does the gentleman mean, then?

Mr. MORRIS of Oklahoma. All right, I will attempt to explain what I mean.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. FORRESTER. Mr. Chairman, I aks unanimous consent that the gentleman from Oklahoma [Mr. MORRIS] may proceed for 7 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. MORRIS of Oklahoma. I thank the distinguished gentleman from Georgia very much.

On page 3 this is stated, may I say to the gentleman from Colorado [Mr. ROGERS]:

> The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees.

He is not going to be appointing masters, he is just going to be appointing people. There is no qualification that he must be a lawyer, there is no qualification that he must have any legal attainments of any kind, and many of them, I am sure, will not have. In practice the court might not find enough lawyers, especially in some localities. He would not be able to do that if the thing gets rather widespread. So no doubt some of these people appointed will be laymen, and under this bill we are called upon to write, we are going to say that that man, who is unskilled in the law and not a lawyer at all, is going to make decisions on law. That is the very point I raise here.

Let us get back to the other point, talking about usages and customs of the State. What are they talking about? Sometimes in certain school elections they just hold up their hands and vote. What about another situation: In some States if a person votes in a municipal election for a bond issue to bond the people, he has to be a property owner. So conceivably it could turn out that only property owners could vote for public officials.

Now, if you want to go to the customs and practices of the State, you are going to change the qualifications set up by the Constitution.

I want it distinctly understood, that I am deeply interested in working out some kind of good legislation. I am not up here in any way trying to block that. But as a lawyer and as a Member of this House, when we do write legislation I want it to be constitutional and reasonable, to get the job done.

I think the sensible thing for us to do, at least that is my view of it, is to get back to the original Celler bill that was brought out and work our will on that, and do away with this referee business and things of that kind. I think we are getting into deep water, and that instead of settling the problem it is going to complicate the problem. It will very probably do more harm to the colored people as well as other people than if we passed no law on this subject matter.

Mr. FORRESTER. Mr. Chairman, will the gentleman yield?

Mr. MORRIS of Oklahoma. I yield to the distinguished gentleman from Georgia.

Mr. FORRESTER. I know of the gentleman's interest in trying to write fair legislation. I was the gentleman's neighbor for a couple of years, and we got to know each other very well indeed. The gentleman is a great lawyer from the great State of Oklahoma. The gentleman and I talked yesterday or the day before, and both of us decided that we had never heard of any such thing as a conclusive presumption. Is that correct?

Mr. MORRIS of Oklahoma. I thank and agree with the gentleman. There is no such thing in law as a conclusive presumption. You just cannot lawfully conclude by a presumption and stop evidence, proof. May I use this as an illustration that a person is presumed to be innocent until proved guilty, but that presumption may be overcome by proper proof. An officer is presumed to do his duty. That is another presumption, but that also can be overcome by proper proof. There are many presumptions in law, but they all are subject to being overcome by proper proof. If a person violates a city ordinance, in a damage suit, growing out of an automobile collision, he is presumed to be negligent, but he can overcome that presumption by proof. You cannot stop anything in law by a conclusive presumption—you must let the other fellow be heard. I fully agree with the distinguished gentleman.

Mr. FORRESTER. I have demanded and I have insisted with all the sincerity of my soul that they show me one citation of law to the effect that there is such a thing as a conclusive presumption, and I challenge them again. Will not the gentleman join with me in that challenge and will not the gentleman give him time to show you that citation or that decision?

Mr. MORRIS of Oklahoma. Yes, I fully agree with the gentleman on that.

Mr. KASEM. Mr. Chairman, will the gentleman yield?

Mr. MORRIS of Oklahoma. I yield to the distinguished gentleman from California.

Mr. KASEM. I think your objection about the issues of law being referred to a referee who may be a layman has merit. But, does the gentleman think by reference to the lines quoted, page 4, line 20, where it says, "The issues of fact and law raised by such exceptions shall be determined by the court or, if the due and speedy administration of justice requires, they may be referred"—"they" meaning issues of fact and law—if the word "they" were changed to "the issues of fact" may be referred to the voting referee—would that cure the weakness to which the gentleman objects?

Mr. MORRIS of Oklahoma. That would certainly improve it so far as that particular objection goes. Of course, I have some other objections that I have mentioned, but that certainly would improve it, there is no question about it.

Mr. KASEM. That is a defect that is easily remedied.

Mr. CHELF. Mr. Chairman, will the gentleman yield?

Mr. MORRIS of Oklahoma. I yield to the distinguished gentleman from Kentucky.

Mr. CHELF. I want to commend the distinguished gentleman, who is a former prosecuting attorney and an able and dedicated judge, from the great State of Oklahoma on the statement that he has made. I may say to you that most of these amendments being offered here on the floor today were offered before our committee and that week after week, month after month, our Judiciary Committee studied them, argued over them—amended, corrected, or entirely rejected them. As a result we came up with what we thought was a fair bill. Not a good one—a fair one. I still say there are some things in the present unamended bill that I cannot honestly support. I hope they can be deleted. I hope that in the final analysis that I can go along with it, but as long as the Federal Government (and its Federal courts) is going to attempt to superimpose itself on the State courts I cannot vote for the bill. This amendment makes the bill more objectionable than the one that our committee reported out.

Mr. MORRIS of Oklahoma. I appreciate the contribution of the gentleman.

Mr. CHELF. These amendments that are being offered here now are SOS—the same old stuff that we have heard time after time in and out of the committee and I am afraid that most of the membership is getting just about as frustrated as a woodpecker gnawing on an iron gate post. If we can confine this bill so that it will apply only to Federal elections—not primaries—or State elections, a lot of us might be willing to support this particular title.

Mr. MORRIS of Oklahoma. Mr. Chairman, my time is about to expire. I just want to say in conclusion that this debate has certainly been carried on in a dignified and wonderful way by both sides, each with their own different views. I compliment all those who have spoken and, also, Mr. Chairman, I want to compliment the committee in working hard on a tough proposition, indeed.

Mr. ELLIOTT. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. ELLIOTT. Mr. Chairman, the amendment we are considering here is extremely far reaching. It deals with the very heart of Federal-State relationships and constitutional interpretation.

Yet the Committee on the Judiciary of the House of Representatives was able to devote only 2 days of hearings to the general proposition of Federal voting referees or registrars.

I think it is imperative that we make a searching examination of this amendment. We should all understand fully its implications.

Let us look at the provisions:

Line 9, page 5, of the McCulloch amendment provides that—

> The court may authorize such referees or such other person or persons as it may designate to attend at any time and place for holding any election and to report whether any such person declared qualified to vote has been denied the right to vote.

You will note, Mr. Chairman, that considering the definition in this amendment of the term "vote," there is no restriction whatsoever upon the Federal judge as to whom he may appoint to oversee a State election, to be present and watch over the shoulders of the election officials, to be present as the vote is counted, and to be sure that the votes of those persons certificated by the Federal court are counted. I can see no reason under this why the Federal court might not have the power to call in Federal marshals, or maybe even request Federal troops to stand armed at the polling places in any election in the country. This would be tragic. If such should happen, Mr. Chairman, what would then happen to the age-old practice of secret balloting? If the marshal or the referee or the troops, as the case may be, are to carry out the orders of the court to see that the votes are properly counted, then, of course, this removes entirely the secrecy of the ballot, and removes one of the basic safeguards of our democracy.

The overseer, the supervisors if you please, must know how the person voted or else how is he to know that it has been properly counted? One can readily see the kind of abuses which this practice is subject to. The federally certificated voter will know in advance that the Federal supervisor is going to see how he voted. I would think this would have considerable influence upon the federally certificated voter. Mr. Chairman, such a procedure will make a mockery of our election process.

There may be some people who will say that we are being inflammatory and unreasonable in suggesting that Federal marshals or Federal troops would ever be called in to oversee our elections. However, I recall not too long ago during the debate of 1957 when the distinguished Senator from Georgia [Mr. RUSSELL] suggested the possibility of Federal troops being used to influence the integration of the public schools under the bill as it was drafted at that time.

The northern press had much to say about the intemperate language southern Senators and Representatives were using in even suggesting such a course. Yet it was only a matter of a few weeks before the President had authorized paratroops to invade the city of Little Rock and enforce the integration of the public schools in that city. This is an unfortunate story. It will go down in history as a blot upon our times.

The Attorney General of the United States, Mr. Rogers, testifying before the Senate Rules Committee, said:

> The powers which the voting referee proposal would confer upon the courts are plainly consistent with the traditional authority exercised by courts of equity in our constitutional system.

Thus it is seen that the Attorney General proposes to use the equity jurisdiction of our courts to accomplish something which the Supreme Court has ruled on several occasions to be unconstitutional. The right to vote is a precious personal right surrounded by secrecy and

by sanctity and we must not uproot these safeguards which the generations have evolved.

This voter referee, or registrar, proposal should be defeated. It has been poorly and hastily considered. It is unsound.

Mr. MEADER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. MEADER. Mr. Chairman, as I understand the situation, we are now considering the amendment offered by the gentleman from Michigan [Mr. O'HARA], which strikes out certain language on pages 5 and 6 which relates to provisional voting. If the O'Hara amendment is adopted, would it be in order to strike out the language just approved by the committee or would that be the end of any consideration of the provisions relating to provisional voting.

The CHAIRMAN. In reply to the parliamentary inquiry of the gentleman, the Chair will state that the so-called O'Hara amendment to the substitute amendment, as the Chair understands it, does strike out the language which the gentleman has just mentioned and inserts other language, therefore, if the amendment is agreed to the amendment cannot be further amended.

Mr. MEADER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I addressed a parliamentary inquiry to the Chair because I wanted the Members, in considering the O'Hara amendment, to realize that if it is adopted, any efforts to deal with the provisional voting sections of the so-called voting referee bill will be forever gone.

I believe the discussion of the O'Hara amendment has pointed to some practical difficulties that may arise in practice in carrying out the provisions of the voting referee bill.

I do not know how long it would take a Federal district court, with the help of the voting referee, to pass upon all the applications before, but conceivably it might run into weeks or perhaps even months from the time an applicant had applied to a court and final determination by the court.

If meanwhile an election occurs while that application is pending and there is an order for provisional voting you might find the results of the election in doubt for some time.

In the State of Michigan the election officials stay up all night and are required by law to file a report of the election promptly. What would happen if the case of an applicant who had voted provisionally, were not determined one way or the other for 30 or 60 days or even 6 months?

Would the election officials have to reconvene after the court got around to deciding the case, and would the outcome of the election be in doubt in that interval?

I think some Members might prefer to leave provisional voting out of the voting referee, because it might raise headaches and make trouble in practical administration. If you adopt the O'Hara amendment, you will not have a chance to vote one way or the other on that question.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Florida.

Mr. CRAMER. The matter that concerns me most is the secrecy of the ballot and how it can be carried out and observed under the State law without infringing on that State law and State registrars' duties. In my State there is no provision made for provisional voting at all. Absentee votes have to be in 5 days before the election. Otherwise, voting machines are used. How can this provisional voting possibly be carried out and preserve the voting rights and the secrecy of the ballot?

Mr. MEADER. I do not think the gentleman should address that question to me.

Mr. CRAMER. I would like to ask the gentleman from Michigan [Mr. O'HARA] who offered the amendment.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield to me?

Mr. MEADER. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. First of all, we have the judicial system. Remember, there are three departments of Government, the legislative, executive, and judicial. We place in the judicial system certain responsibilities, and we determine the standards. You ask what are the election officials going to do when they count these ballots. The answer is simple. They count the regular ballots, and then they say there are 50 provisional ballots that have not yet been counted, pursuant to court order.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. MEADER] has expired.

Mr. FLYNT. Mr. Chairman, I rise in opposition to the O'Hara amendment.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Iowa.

Mr. GROSS. What do they do? Just throw these ballots out willy-nilly, without regard to who voted or for whom the ballots were cast?

Mr. FLYNT. That is a question which should be propounded to the author of the amendment. I have tried to get an answer to that myself, but have received no answer.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield.

Mr. ROGERS of Colorado. The answer to that question is that it is purely the State law that controls in every instance. If some person feels that he is qualified and he is denied his right because of his race, color, or creed, we permit him to go into court, because the 15th amendment provides that he is entitled to vote and not to be discriminated against under that State law. When you have a Federal court intervening in this instance do you not place some faith in the ability of the judiciary to carry out an act of Congress and interpret it?

Mr. GROSS. Not to that extent.

Mr. ROGERS of Colorado. You do not?

Mr. GROSS. No.

Mr. ROGERS of Colorado. If you have no faith in the judiciary, then how can you have faith in the Congress?

Mr. GROSS. Not if my election is involved in it.

Mr. ROGERS of Colorado. Not if your election is involved in it. If your opponents file a contest under the State law under certain procedures the court would have something to say about it, would he not?

Mr. FLYNT. Mr. Chairman, I cannot yield further.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. After I have proceeded for a while.

Mr. FORRESTER. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The CHAIRMAN. The gentleman from Georgia is recognized for 8 minutes.

Mr. FLYNT. Mr. Chairman, I am opposed to the O'Hara amendment. I have asked questions of the author of the amendment and also of the gentleman from Colorado, but I have not received answers to the questions I have asked. I asked a question relative to the application of an unqualified voter to cast a provisional ballot.

Is there anything in the language of the amendment which limits this to the application of a qualified voter? I will ask the gentleman if that is true.

Mr. ROGERS of Colorado. Let me see if I understand the gentleman's question. The gentleman's question is that a man believes he is qualified to vote.

Mr. FLYNT. Or says he is, whether he believes it or not.

Mr. ROGERS of Colorado. Or says he is. He goes to court and when he gets there the court has to know as to whether he is qualified.

Mr. FLYNT. But under the amendment no discretion is granted to the court.

Mr. ROGERS of Colorado. That is where you are mistaken. It is within the court's duty and responsibility to appoint a referee if he wants to or if not he can look into it himself, and he makes the determination as to whether or not the applicant is a qualified voter.

Mr. FLYNT. That may be what the gentleman wants but here is what it says, if you will give me your attention.

> In the case of any application filed 20 or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally.

The language is "shall" not "may" or some similar word.

It is mandatory, not discretionary.

Mr. ROGERS of Colorado. Now, if the gentleman will yield——

Mr. FLYNT. I understand, I understand that it says here "provisionally"; but under this language if a resident of the State of Colorado goes into the home town of the gentleman from Michigan more than 20 days before the election and files an application under the terms of this subsection, the judge of the court has no discretion but to order him to be permitted to cast a provisional ballot. Is not that true?

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I will gladly yield, but is that not true?

Mr. ROGERS of Colorado. Will the gentleman yield?

Mr. FLYNT. I yield.

Mr. ROGERS of Colorado. What were you reading from when you said "in the case of an application filed within 20 days prior to the election"?

Mr. FLYNT. I am reading from what was handed to me by the Clerk as the amendment, and I am certain that I read it verbatim.

Mr. ROGERS of Colorado. The amendment reads:

> In the case of an application filed within 20 days prior to an election the court in its discretion may make such an order.

Perhaps we have different amendments.

Mr. FLYNT. The gentleman is reading the wrong portion. I am reading from the amendment, and I have it from the Clerk's desk:

> In the case of any application filed 20 or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally.

There is nothing in that section in reference to an application filed more than 20 days ago which says the court has any discretion. Does the gentleman challenge that?

Mr. ROGERS of Colorado. Read the next sentence.

Mr. FLYNT. I am not concerned with the next sentence. I shall come to that in a minute. Let me ask the gentleman from Colorado: If a resident, a qualified voter of the gentleman's district in Colorado, arrives in the district of the gentleman from Michigan more than 20 days prior to the election, can he not get the right to cast a provisional vote under this language?

Mr. ROGERS of Colorado. The answer is very simple.

Mr. FLYNT. The answer is "Yes."

Mr. ROGERS of Colorado. The answer is very simple because he has to be qualified under the State law.

Mr. FLYNT. If the gentleman will listen, it does not say that. It says in the case of any application, because the question of qualification is a question which under the remainder of this amendment would be determined by the referee. It could be determined even after the election.

Mr. ROGERS of Colorado. Read the first sentence of the amendment. It says, "application pursuant to this subsection shall be determined expeditiously."

Mr. FLYNT. I agree with that, but no one knows what "expeditiously" means. Suppose he has a backlog of these cases, so that he cannot determine them quickly, he cannot possibly reach them prior to election. The gentleman would let a man, wholly unqualified by reason of residence alone, to participation in an election process.

Mr. ROGERS of Colorado. Would the gentleman say the court itself would not exercise some discretion?

Mr. FLYNT. Under the O'Hara amendment the court has no discretion. It says that he shall issue an order authorizing him to cast a provisional ballot.

Mr. ROGERS of Colorado. A provisional ballot.

Mr. FLYNT. All right; but there is no provision in my State, and I doubt very seriously if there is provision in the State of Colorado for a provisional ballot. We do not know what it is, and I doubt if any Member of the House knows what a provisional ballot is.

Mr. O'HARA of Michigan. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Michigan.

Mr. O'HARA of Michigan. Does the gentleman have in his State of Georgia any provision for handling the ballots of voters who are challenged at the election booth on election day?

Mr. FLYNT. That comes under the laws relating to question of a contest, under the question of the registrars of the State appointed for the sole purpose of determining the eligibility and the requirements for registration and the right to vote. Those matters are entirely different.

Mr. O'HARA of Michigan. Are not those ballots preserved and kept until a final determination is made on whether the voter is qualified, if he has been challenged?

Mr. FLYNT. There is some doubt about that; there is considerable doubt in the minds of those who have studied this question that there is a conflict between the right to secrecy of the ballot guaranteed by the Australian ballot system and the right to challenge which obtains in my State, and I assume it does in the State of Michigan. There is some legal question whether or not the secrecy of the ballot can be violated even if the election result is contested.

Mr. O'HARA of Michigan. I would like to say that in the State of Michigan we have no difficulty doing this and we do it while protecting the question of the qualification of the voter, and at the same time protecting the secrecy of his ballot. I am sure that the great State of Georgia will have no difficulty in arranging such a provision for any challenged voters in Georgia, and I am sure that the district courts in the State of Georgia will not have any difficulty.

Mr. FLYNT. Replying to the statement of the gentleman from Michigan, there are a great many people in my State, and I assume there are a great many people in the State of Michigan, who consider the sanctity of the secrecy of their ballots as important as the question of their qualifications to register and to vote.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. WHITENER. Mr. Chairman, I ask unanimous consent that the gentleman from Georgia [Mr. FLYNT] may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Florida.

Mr. CRAMER. The gentleman, I think, has pointed out the key to this amendment which is objectionable. No. 1, he pointed out that if in fact an application is filed within 20 days it is mandatory for the court to permit the applicant to vote.

Mr. FLYNT. There is no discretion.

Mr. CRAMER. For the judge there is no discretion. That person must be provisionally permitted to vote; is that correct?

Mr. FLYNT. That is exactly correct. That is one of the objections which I have announced to this amendment, because the court has no discretion, and if an application is filed, regardless of the validity of the contents of the application, the judge—the court—has no discretion in authorizing that man to cast a provisional ballot.

Mr. CRAMER. May I ask the gentleman this further question: The point has been made, What difference does it make in effect because the man "must be qualified to vote" under State law, the implication being in order for him to be provisionally permitted to vote?

Well, now, an examination of the bill clearly shows, does it not, on page 2, that that is one of the determinations that the referee is going to have to make, whether the man is qualified under State law, and that determination has not been made at the time he is permitted to provisionally vote?

Mr. FLYNT. Yes; and it obtains even before a hearing on the question of his qualification under the requirements of State law.

Mr. CRAMER. May I follow that up with another question? Then there is no provision in the amendment that requires the court to make a timely determination after the votes have been cast as to the person's qualification to vote and as to whether or not he has been denied the right to vote? It could go on for 6 months in the local Federal court and months thereafter on appeal without the court making a determination, and the election of any Member of this House would be subject to question until the court finally got around under its loaded docket to make a determination on the person's qualification to vote; is that not correct?

Mr. FLYNT. I will say to the gentleman that if the normal time presently required in many Federal district court jurisdictions were followed through the Federal district court, through the circuit court of appeals, and finally to the U.S. Supreme Court—and this is not an impossibility or even an improbability—there might elapse more than a year, even more than 2 years, where an election would be in doubt, and perhaps no one would be able to perform the duties for which the election was called.

Mr. CRAMER. One further question. It is true also under the bill on page 4

that the judge himself does not even have to make a final determination nor does he even have to review under the terms of this bill the determination that he himself makes on the provisional voting question. It provides that issues of fact and law raised by such exception shall be determined by the court—this is after the registrar makes the exception—and if due and speedy determination of justice requires, they may be referred—that is, after the registrar objects—even those findings of fact and law may be referred to the determining referee to determine in accordance with the procedures prescribed by the court; therefore, the final determination even after the registrar has objected and filed exceptions to these various things we are talking about, can be decided by the very same person who made the initial determination, the referee.

Mr. FLYNT. The gentleman is absolutely correct. From the statement made a few minutes ago by the gentleman from Colorado it is indeed possible that a state of confusion could exist where the vote could get into a general ballot box without any markings on it to describe it as provisional, and there would be no way on the face of the earth to even recapture that vote in the event the man were determined not to be qualified.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Alabama.

Mr. HUDDLESTON. A great effort has been made by the supporters of this provisional voting section to attempt to draw some sort of a comparison between provisional voting required in this amendment and absentee balloting. I will ask the gentleman from Georgia if it is not a fact that some States have found such difficulty in the administration of their absentee voting laws with fraudulent voting and dishonest elections that the people have abolished absentee balloting in those States?

Mr. FLYNT. I understand that is the case, but I have no knowledge of it.

Mr. McSWEEN. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Louisiana.

Mr. McSWEEN. In connection with the remarks of the gentleman from Florida, is it not correct to say that the result of an election could easily be changed by the findings of the referee after the date of the election?

Mr. FLYNT. The gentleman is entirely correct. That could be done.

Mr. GROSS. Or by the court; is that not correct?

Mr. FORRESTER. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to my colleague from Georgia.

Mr. FORRESTER. Mr. Chairman, I would like to ask the gentleman a very practical question. I expect to be a candidate to succeed myself again. Is it not partially true that you can have these provisional voters by the thousands and that I would never know it; and do I not have a little interest in seeing that I get an honest election and get a sportsman's chance?

Mr. FLYNT. I will say to the gentleman that unless he found it out purely by accident it is highly probable that he would never know what his position was with respect to these so-called provisional ballots.

Mr. FORRESTER. And if I found it out, what would be my remedy?

Mr. FLYNT. As this is presently written the gentleman would have no remedy whatsoever. It would be a matter in which he would not be considered a party in interest.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. FLYNT. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

Mr. CELLER. Mr. Chairman, reserving the right to object—and I shall not object—I should like to ask unanimous consent that all debate on the O'Hara amendment close in 40 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. DAVIS of Georgia. Mr. Chairman, I object.

Mr. CELLER. Mr. Chairman, I withdraw my unanimous-consent request and my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia [Mr. FLYNT]?

There was no objection.

Mr. FLYNT. Mr. Chairman, in connection with this amendment and with the referee provision amendment introduced by both the gentleman from New York [Mr. CELLER] and the gentleman from Ohio [Mr. MCCULLOCH], and that is this. The combination of the referee provision coupled with the provisional vote would make it possible for a referee to control the outcome of any election, from that of constable and justice of the peace to that of President of the United States, because these things could be so tied up in both a state of doubt and a state of utter confusion that in the final analysis, under the provisions found on page 3, lines 10 through 24 of the amendment, which is taken verbatim from H.R. 11160, the referee would have the final say-so in many instances as to whether or not a man were qualified to vote.

It is provided in this very amendment creating election referees that the referee becomes the man who might control the election of every officer within his jurisdiction. The amendment contains no requirements for any qualification of this election referee except that he be a qualified voter in the judicial district in which he is appointed by the court. There is no provision that he be a man learned in the law, election laws, or otherwise. The sole requirement is that he be a qualified voter in that judicial district. And I am sure that even the gentleman from Colorado [Mr. ROGERS] will agree with me that there are some qualified voters who would by no means be qualified to sit as election referees and determine the complex questions which can arise.

There is no provision in this amendment which would effectively prohibit him from voting even though he is not a legal resident of the district or the jurisdiction in which he seeks to vote.

No one has ever contended, so far as I have any present knowledge, that a nonresident has the right to cross boundary lines and vote in a district or State in which he is not a qualified district resident. Yet this amendment would permit this very thing.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman.

Mr. ROGERS of Colorado. First of all, is every man who is qualified to register and vote in the State of Georgia required to be a lawyer before he can serve as an election official?

Mr. FLYNT. Of course not. But our laws have never given an election official these vast powers that are almost beyond reparation that the gentleman seeks to give to these election referees under this amendment.

Mr. ROGERS of Colorado. If the gentleman will yield further, I direct his attention to page 5, in the matter of the appointment of these referees.

> Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(c) of the Federal Rules of Civil Procedure.

I want to direct the gentleman's attention to 53(c) and the powers that are provided therein. This provides that the referee should have the right to swear witnesses. Does the gentleman anticipate that if a referee is authorized to swear witnesses we are going to get people to come in and testify as to whether or not they are qualified voters and risk prosecution for perjury?

Mr. FLYNT. I will answer the gentleman by saying this: I know of no provision in this amendment whereby he would be required to administer an oath. I certainly hope he would be. But I think this language would merely authorize him to administer an oath, not require him to do it. Under the provisions of this thing, I think anybody could come in and, if the referee were so inclined, according to the very language of this amendment, he could hear unsworn testimony and give it greater credence and greater weight than the sworn testimony of 10,000 witnesses.

Mr. ROGERS of Colorado. The gentleman's presumption is based on the proposition that a Federal judge has not the proper consideration for his office, that he would appoint almost any scalawag, as the gentleman has indicated he may, to serve as a referee and corrupt the State laws? Is that the gentleman's contention?

Mr. FLYNT. It is certainly not my contention, and the gentleman knows that is not my contention. I certainly hope such would not be the case. What I want to do while we are writing this legislation is make absolutely certain that our election processes cannot be controlled by tyrannical judges in any jurisdiction in the United States.

Whenever we legislate we cannot only assume what good men will do with the

powers granted; we must carefuly guard against what bad men could do with them.

Mr. PRESTON. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. PRESTON. Mr. Chairman, it is significant, I think, that three Washington newspapers, the Wall Street Journal, and the distinguished columnist, Gould Lincoln, have strongly supported the provisions of the so-called Lausche amendment and lauded the action of the other body in adoption of this amendment. This should serve notice on the Members of the House that the southerners are not alone in their belief that not only one class of Federal court orders should be implemented by Federal legislation but, in fairness, all court orders should be included if the provision is to be written in the pending bill.

For the information of the body, I include herewith the editorials and article just mentioned:

[From the Washington Post, Mar. 15, 1960]

THE RIGHT TO PROTEST

As the House of Representatives moves into detailed consideration of the civil rights bill, it ought to take a close look at the language of the section penalizing obstruction of court school desegregation orders. This is the section that the Senate struck out of the Dirksen bill last Friday after Senator LAUSCHE had made an attempt to broaden it so as to apply generally to obstruction of all legitimate court orders.

What troubles this newspaper is the sweep of the prohibition as drafted. The Judiciary Committee bill now before the House, like the Dirksen bill from which the Senate pruned the section in question, would apply to "whoever corruptly, or by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes, or interferes with or willfully endeavors to prevent" the exercise of duties under a court desegregation order. The Lausche bill which the Senate defeated contained much the same language.

The above section is intended, surely to deal with crank letters or telephone calls—threats of bombing or bodily harm and the like. But if the prohibition were interpreted literally it might also be brought to bear against a mere vigorous expression of opinion. What is a threatening letter? Might a letter published in a newspaper citing the possibility of dire consequences be construed as an endeavor willfully to obstruct, impede, or interfere with the execution of a court order?

The language is such as to suggest a serious constitutional issue in abridgment of the 1st amendment. Yet the offensive portion could easily be deleted, it seems to us, without impairing the effectiveness of the measure. If the phrase "by any threatening letter or communication" were eliminated, the use of threats or force would still be a crime.

We believe firmly that final court orders must be obeyed, and we hope that the bill which finally emerges from the House and Senate will contain an effective section on this point. A strong case can be made, as we acknowledged the other day, that the prohibition against interference ought to be focused especially on court desegregation orders, since it is here that the immediate problem arises. On the other hand, interference with legitimate court orders of any sort (as distinguished from lawful opposition) ought to be prohibited irrespective of the issue at stake.

The argument that the attempt to broaden the prohibition as in the Lausche bill might have impaired the rights of labor seems to us on reflection to be rather thin. Labor has a long fear of the injunctive process, but the Lausche bill would apply only to Federal court injunctions—issued principally, as applied to labor, under the Taft-Hartley Act. Possibly the effort to broaden the interference provision would create an unnecessary diversion from the main purpose of the bill, which is the more effective protection of voting rights; and that might constitute a reason to retain the more limited scope. But it cannot be argued that labor ought to be in a privileged category with respect to obedience to court orders.

In any event, whether the House broadens the prohibition or restricts it to interference with desegregation orders, we hope that legislators will eliminate the unnecessarily sweeping definition of threats. In this as in all other legislation, Congress needs to be careful lest, in the objective of furthering civil rights, it impose fetters on the right of protest.

[From the Washington Evening Star, Mar. 15, 1960]

ATTORNEY GENERAL'S PLEA

Attorney General Rogers has appealed indirectly to the House to retain in its version of a civil rights bill the provision making it a Federal crime willfully to use force or threats of force to obstruct Federal court orders in school desegregation cases. The language used by the Attorney General is somewhat surprising, especially in the light of the debate in the Senate last Friday.

Essentially this same provision was contained in section 1 of the administration bill submitted to the Senate. This section was killed, however, after the Senate, by vote of 65 to 19, had accepted the Lausche amendment which made it a crime to obstruct any Federal court order, not merely orders issued in school desegregation cases.

Why did the Senate adopt the Lausche amendment by an overwhelming vote, and then move on to kill all of section 1 after the Lausche amendment had been added to it? In many respects, we think, this was purely a political performance. But some very persuasive arguments were advanced against section 1 as originally proposed by the administration.

Chief among these was the contention that it would be unjust, as a matter of principle, to legislate with respect to one—and only one—class of cases. In this view, if it is wrong to obstruct court orders in school desegregation cases, it is equally wrong to obstruct court orders in other types of cases. And if such obstruction is to be made a crime, the law should apply evenly to all obstructions, not to just one kind of obstruction. The political hitch is that organized labor would bitterly oppose the application of the Lausche doctrine to court orders in labor disputes. As a matter of principle, however, it seems to us that the argument in support of the Lausche proposal cannot be successfully answered.

The Senate vote (49 to 35) to strike all of section 1 came after the labor lobbyists had been heard from. But this action was not entirely a result of labor pressure. Senator MORSE, for example, argued strongly and we thought persuasively to the effect that the new criminal provison in section 1 is not needed. He thought that existing law plus the power of a Federal judge to punish for contempt is sufficient.

The Attorney General does not think that these remedies are adequate. He believes that the criminal provision is needed. If he is right in this, however, it is surprising to us that, in effect, he would be urging the House to ignore the sentiment of the Senate as expressed in the 65-to-19 vote on the Lausche amendment. The Attorney General, of course, did not say this in so many words. But his appeal was strictly and repeatedly limited to school desegregation cases, and he even tried, not very successfully, to draw a distinction between court orders in school cases and court orders in other cases. Yet, according to Senator MORSE, the Attorney General testified earlier before a Senate committee that "if Congress feels there are other situations where there is a similar need for this [section 1] statute, we obviously would have no objection."

As of this date, however, Mr. Rogers apparently wants a criminal sanction applicable only to school desegregation cases. We think that this, as a matter of principle, is wrong, and we do not see how the 65 Senators who voted for the Lausche amendment can be expected to accept, in the House bill, the very same discriminatory provision which the Lausche proposal was designed to remedy.

[From the Washington Daily News, Mar. 15, 1960]

TREAT THEM ALL ALIKE

Federal court orders must be enforced, all of them. Otherwise our legal system will collapse, with every man his own Supreme Court, obeying the laws he likes and ignoring the others.

Attorney General Rogers has alined himself with those who would make a special case of court orders on school integration cases, and write it into the pending civil rights bill.

Motives here are excellent. Defiance of the law, as in the case of Little Rock, is intolerable. But the unavoidable implication of this proposal is that other court orders fall into a different legal category, without comparable need for enforcement. That, in our opinion, is bad law, setting a dangerous precedent.

Mr. Rogers says the Government now, "as a practical matter, has no certain or very effective way to deal with mob violence, except by the use of Federal troops."

Troops aren't the only, or even the best, enforcement agency. Deputy U.S. marshals ordinarily can be relied upon.

There's grave question, in retrospect, whether the abrupt assignment of troops to Little Rock was either necessary or wise. We do not criticize President Eisenhower, who did what he considered had to be done; but, with the advantage of hindsight, it seems deputy marshals might have done at least as well—and without alienating southern moderates who otherwise could not have defended the demagogic acts of Gov. Orval Faubus.

Deputies were used in a later Little Rock crisis, with good results.

U.S. judges have broad powers to fine and imprison for contempt and, if these powers are resisted, the executive branch of Government has an obligation to back them up, even with troops if that extreme becomes necessary. If, in the light of experience, further powers are required, they should apply across the board. There should be no special cases or implied exemptions.

[From the Wall Street Journal, Mar. 15, 1960]

ONLY TO SOME

There probably isn't a literate American around who doesn't know how necessary, in the view of most liberal Senators, each and every section of the administration's original civil rights bill was to the American people.

Included in the bill was a section that would have made it a Federal crime to interfere with Federal court orders striking down school segregation. This section was, admittedly, more controversial than that part

of the bill that guaranteed everyone the right to vote. The Attorney General has made a special plea to Congress to grant him powers to deal with obstructed Federal court segregation decisions and orders; only this way, he said, could such situations as Little Rock, if any were to arise in the future, be handled without sending in Federal troops.

Clearly, then, this was an important section and it was one the liberals were adamant about. To a great many of them, the civil rights bill under debate in the Senate was, at best, weaker than they wished. And unless obstruction of Federal court orders were made a crime, the bill became a mockery.

There were, however, other Senators, though not from the South, who thought the section should not apply only to school segregation. Senator LAUSCHE, of Ohio, said so; the section had, he said, "the indefensible weakness of applying only to one part of the country." He proposed to broaden the section to include obstruction of any and all Federal court orders—including court orders directed against labor unions such as in the case of picket line violence.

Since violence and obstruction of Federal court orders is obstruction of Federal court orders wherever and however they may take place, the Senate, to its credit, broadened that section of the bill to include all Federal court orders.

Then a strange thing happened.

The American Federation of Labor and the Congress of Industrial Organizations, whose observers were right on the spot, raised vehement objection to the inclusion of labor unions. This put many of the liberal Senators on the spot. For, although the section included what they wanted for school segregation in the South, now it also included what the union leaders didn't want.

Senator MORSE resolved the dilemma for everybody. He moved to kill the whole section. The Senate then voted to lay it on the table, and the vote disclosed some odd bedfellows, indeed. Senators from the South who were against the section from the onset joined Senators who were crusaders for it so long as it concerned only schools and only the South but who were against it for labor unions. The section was killed.

And the way it happened disclosed not only the willingness of some Senators to penalize civil disobedience in only one area of law. It disclosed also that when the area was broadened to include labor unions, the need to make obstruction of Federal court orders a crime ceased to be the necessary weapon to insure civil rights some of the liberals had claimed it was. The law, it seems, should not apply to all, but only to some.

[From the Washington Evening Star, Mar. 15, 1960]

FIRST- AND SECOND-CLASS COURT ORDERS

(By Gould Lincoln)

Politics continues to dog the steps of civil rights legislation, with major pressure groups playing their full part. This was exemplified when the Senate last Friday—like the King of France—marched up the hill on the Lausche amendment and then promptly marched down again. The Lausche amendment to the pending civil rights bill, offered by a Democratic Senator from Ohio, would have broadened the provision which made any obstruction of a Federal court order for public school desegregation a Federal crime so as to include court orders in labor injunctions and other cases. The Lausche amendment, which in effect made obstruction of court orders a criminal offense in all cases, can well be defended on the ground that to make only a certain kind of court order such an offense is discriminatory in itself—just as a lawmaking obstruction of a court order dealing with a labor injunction, and no other kind of court order, would be considered discriminatory. So the Senate voted 65 to 19 in favor of the Lausche amendment, with both southern Senators and many northern liberals voting for it.

Catching its second wind, however, the Senate then voted to table the entire section of the bill, including the Lausche amendment. The vote to table was 49 to 35. So far as the liberals from the North are concerned, their vote to table was easily understandable. They realized that if the Lausche amendment became law it would be denounced by organized labor as an antilabor act. Having labor on their backs ready to sink them politically would be even more dangerous than having the Negro voters on their backs. The southern Democratic Senators' vote to table was equally easy to understand—they do not want any such legislation applying to obstruction of court orders to enforce desegregation.

As a matter of fact, the courts have authority and power to punish for contempt of their orders without any new legislation. How far, then, does politics enter into the original provision of the civil rights bill, making obstruction of court orders dealing with school desegregation a criminal offense? The politics involved naturally applies to a desire to win Negro votes.

ROGERS' ARGUMENT

It will be argued—as Attorney General Rogers has already done—that the provision making a crime of obstruction of school desegregation court orders should make it easier to compel compliance with such orders. Writing to Representative MCCULLOCH, Ohio Republican Member of the House, urging that body to retain the section in question, Mr. Rogers pointed out that it will make it possible to deal with obstructers much more speedily; that State and local officials opposed to desegregation may not take necessary steps to enforce the court order, thereby not maintaining law and order, and that such a situation may endanger the lives of children sent to certain schools under orders of the court. He was arguing specifically against any future incident comparable to the Little Rock High School case.

These could be very good reasons—and apparently are—for making it a crime to obstruct a court order relating to school desegregation. At the same time, there may arise equally strong reasons for criminal cases against those who seek to obstruct court orders dealing with strikes—when physical violence occurs, with danger to life and to public safety. Why, therefore, should politics prevail to strike down a provision of law similar to the Lausche amendment? The answer again is power politics.

Attorney General Rogers said in his letter to Mr. MCCULLOCH that the executive branch of the Government has a "sworn and solemn responsibility" to support the orders of Federal courts and make certain they are complied with promptly. While he wrote specifically of the need of enacting into law the provision of the civil rights bill relating to court orders for school desegregation, Mr. Rogers did not say he was opposed to the Lausche proposal that other court orders—for example those applying to labor injunctions—should also be promptly enforced. This seemingly would leave Republican Members of Congress free to support the Lausche amendment or some similar amendment if they saw fit.

SOUTHERNERS' CONTENTION

The contest over the court order provision of the bill is only one facet of the civil rights bill struggle. But it has emphasized the contention of the southern Democrats that this legislation is aimed only at their section of the country. It is generally agreed that in the end a civil rights bill will be passed by both Houses and become law. But the fight in the Senate—after many weeks of debate, including around-the-clock sessions of that body—has brought a sober realization that the legislation will be on the moderate side and not go the lengths advocated by the extreme liberals. A majority of the Senate is tending that way. Much will depend on the form in which the House passes the bill—expected this week.

Whether the Senate accepts the House bill without change, or whether the bill will be sent to conference is still a matter of doubt. So, too, is the question whether another marathon filibuster will be undertaken by the southern Democrats of the Senate. They demonstrated last week they could sustain such a filibuster—each southern Senator being on duty to speak and hold the floor for 8 hours, while taking 72 hours off from the Senate Chamber, if they desired.

If Congress winds up with a moderate civil rights bill—not too offensive to the South—it could have some bearing on the situation in the coming presidential campaign. It might make Democratic unity more likely.

Mr. GARY. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, the debates on the so-called civil rights bills, in both Houses of this Congress, have been the most informative and effective ever held on the subject. I say it has been effective because at the beginning I feared that many wrong proposals advanced by the Republicans and some Democrats to trap the Negro votes in the big cities of the Northern States might be enacted into law under the guise of civil rights.

That may yet happen; but as of this moment the votes taken in both Houses show that the light of truth is breaking, and that the painstaking, time-consuming efforts of the southern Democrats to lay the facts before the Congress will bury at least the worst of many vicious propositions which have been advanced.

The press of the Northern States has not yet recognized, or at least has not reported, what is happening; perhaps having been committed to the false premise that the southern Democrats are fighting to deny Americans their civil rights by useless delay and filibusters, they find it hard to print the truth. Some of their readers would not like it. But the fact remains that unless raw political pressure from the Eisenhower-Nixon administration is brought to bear successfully, through its ruthless Attorney General, Mr. Rogers, the bill which will pass as the Civil Rights Act of 1960 will not be the complete travesty of civil wrongs which had been predicted at the outset.

What are the truths of which I speak?

First of all, the Federal Government has no constitutional power to determine the qualifications of voters in the several States, beyond the provision that none shall be denied the right to vote because of race, color, sex, or previous condition of servitude. The cornerstone of American democracy is local control of elections, so the people in a locality may know that only bona fide citizens of the community are voting, and not truckloads of paid voters packed in from other places, possibly through a dozen precincts in a day, as happened in New York the last time Federal registrars operated, in the 19th century.

Secondly, to be reasonable on the matter, and that is all we southern Democrats are trying to do, we must look fairly to see whether some massive voting fraud regarding race, color, sex, or slavery is being perpetrated in the States, some clear and present danger, which might conceivably call for Federal legislation to deprive the State governments of their constitutional power to administer voter qualifications. The Congress has searched for the evidence, and what have we found?

Let no Member believe that the Southern States, as a bloc, deny their citizens the right to register as voters because of race or color. The evidence supports no such contention. There are infractions in registration, just as is true, or, in fact, more true, in the corrupt machine politics of the northern cities. But it is not so general that interfering Federal legislation is required.

To cite my beloved Commonwealth of Virginia as an example, even the wildest of the race agitators has not been able to provide evidence that Negroes or any other citizens are denied the right to register for voting in Virginia on unconstitutional grounds. Why, then, does the Attorney General seek great powers for Federal referees who would operate as voting registrars, or commissars, in the several States, unloosing new dangers of election frauds upon us, on a false and insulting premise?

Apparently, he is trying to convince the Negro minorities in the northern cities that their brothers in the South are being horribly mistreated, segregated in places as bad as Harlem, and denied the voting rights of Americans. He has proposed special punitive legislation to correct these alleged evils. He has done this in the name of the Eisenhower-Nixon administration, claiming it is necessary for law and order; but his position on the issue of penalties for obstruction of court orders has betrayed his true interest in law and order. He wants stricter "law and order" in the South than elsewhere. Is this "equal protection of the laws?"

I give thanks to those fearless Democrats in the Congress, from States outside the South, who have driven a nail right into the heart of the Attorney General's argument by their speeches and votes on the injunction penalties question.

The Attorney General, among his many evil proposals, asked for special penalties to be applied in cases of the obstruction of Federal court orders in school desegregation cases. There is only one part of the country where these cases occur—the South. But what happened when it was proposed that the same penalties be applied to persons who obstruct Federal court orders in other cases, including those involving injunctions in labor disputes? Would we apply these penalties equally, because we Americans believe that the law should be applied equally, and that all Americans should have the equal protection of the laws?

This proposal let the cat out of the bag. A strong movement to strike this whole section from the bill developed because the Attorney General, the Eisenhower-Nixon administration, and crafty political bosses from the northern cities do not want special penalties in all cases involving court orders. They had intended to crucify only the South.

When the shoe is on the wrong foot, it pinches. This one pinched harder than any tried on in Washington this year.

There are dozens of other points which I could make on this bill, particularly regarding offensive proposals far removed from the question of voting rights, which the professional proponents of anti-southern civil rights legislation hoped to slip over in the guise of a voting rights bill. But they have all been discussed by the other southern Democrats who have spoken in both Houses of this Congress, and the brief time allotted me does not permit me to repeat them.

I fervently hope that my present expectation is borne out, and that if a bill is enacted, it will not be the travesty and tragedy which we feared at the start of this debate. No matter what happens, however, believers in the constitutional way of government have cause to be grateful for the magnificent way in which the southern Democrats, under able leadership in the other body and under the superb leadership of my distinguished colleague from Virginia, Representative SMITH, here in the House, have faultlessly presented the logical, factual, constitutional case for State and local control of elections, with such fortitude and patience that the whole course of the so-called Civil Rights Act of 1960 has been profoundly altered.

Mr. QUIGLEY. Mr. Chairman, I move to strike out the last word.

Mr. SHELLEY. Mr. Chairman, will the gentleman yield?

Mr. QUIGLEY. I yield.

Mr. SHELLEY. Mr. Chairman, I ask unanimous consent to extend my remarks immediately following the gentleman from Pennsylvania [Mr. QUIGLEY].

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. QUIGLEY. I yield.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the O'Hara amendment end at a quarter after 3 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. QUIGLEY. Mr. Chairman, I have taken this time primarily to direct a question at the ranking member and chairman of the Committee on the Judiciary. I ask this question for my own information and, particularly, for the guidance of some judge who, in the future, may be called upon to administer the O'Hara amendment.

As I understand the McCulloch proposal and the Celler substitute, the language on page 5, which says "The court may authorize such referee or such other person or persons as it may designate to attend at any time and place for holding any election and to report whether any such person declared qualified to vote has been denied the right to vote" is out at the present time; is that correct?

Mr. MCCULLOCH. That language is out.

Mr. QUIGLEY. I then direct your attention to the language contained in the O'Hara amendment, particularly the latter part of it, which says:

> The court may take any other action and may authorize such referee or such other persons as it may designate to take any action appropriate or necessary to carry out the provision of this subsection and to enforce its decree.

In the opinion of the gentleman from Ohio, is the language in the O'Hara amendment which I have just read, broad enough to include the right of judges to set up poll watchers on election day such as they would have been able to do under the deleted language in the gentleman's amendment?

Mr. MCCULLOCH. I think that this language, together with the inherent right in court of equity, results in that power.

Mr. QUIGLEY. I thank the gentleman. In the temporary absence of the chairman of the committee, I direct the same question to the sponsor of the amendment. Does he agree that his amendment is broad enough to include watchers at the polls by the courts?

Mr. O'HARA of Michigan. My amendment authorizes the court to take appropriate action to make sure its orders are being carried out, and I conceive that within the scope of that sort of action is the language stricken out in line 13.

Mr. QUIGLEY. I thank the gentleman, and I yield back the remainder of my time.

Mr. SHELLEY. Mr. Chairman, as we have been debating this Civil Rights Act of 1960 here on the floor of the House of Representatives, I have been turning over in my mind what I think is one of the major problems facing our Nation today. We claim to be a representative of the free world, in fact, the leading representative. Our President has traveled over the face of the globe carrying out the mission of peace for our world. He has pointed with a great deal of pride to the principles of freedom, liberty, and equality contained in our Constitution. Every year this Congress appropriates millions of dollars to persuade the world that the message in these documents is offering a better life than the dogmas of Marxism and Leninism and the current profferings of the Communist state of the Soviet Union.

However, our actions betray our words. Right at this very moment I am speaking to you, another several hundred students have been arrested in cities in the South for daring to order food and drink in business houses in these cities. Overseas our diplomats are harassed and embarrassed by reports of such events. How hollow our offers of life, liberty, and the pursuit of happiness must sound.

I feel this House should pass an effective and meaningful Civil Rights Act in this session. A lot of water has passed under the bridge since Congress passed a mild voting rights bill in 1957, a measure that obviously has proved to be quite

inadequate. As the newspapers and every organ of information tells us there remains—not only in the South—an intolerable amount of racial discrimination which is adversely affecting our national security, health, and strength, both at home and abroad.

Tension among the nonwhite people of America, as throughout the world, is mounting. As I have cited previously, the current protest demonstrations by Negro youth that we are reading about points up the fact that the constant denial of constitutional rights and of equal opportunities for this "life, liberty, and the pursuit of happiness" will no longer be acceptable. Some of those who fail to sense and understand the extraordinary significance and potency of the thrust by the nonwhite peoples of the world may suppose that jailings, fines, intimidations, and other forms of punishment will successfully halt this powerful and thus far, entirely nonviolent movement. Like the fabled King Canute of old, I believe they will find the tide eventually irresistible.

These newspaper reports this week set forth the unusual new situation which faces those who wish to continue to impose second-class citizenship on our colored citizens. These are the angry young men and women of America. They are impatient with the slow progress of desegregation and these students who sing "We are not afraid" realize their actions are in the mainstream of an international movement on the part of peoples throughout the world who are seeking to be free and to do as they please. These areas are not those of sweetness and light, Mr. Chairman, and unless we somehow recognize that this spreading protest can lead to possible bloodshed and enact good legislation, we stand responsible.

A distinguished editor has written referring to the advancement of Negro rights:

> There has been no progress in the South that I know of except under pressure from the Federal Government—the courts, the Congress, or the President.

It is indeed clear in this year of 1960 the Congress of the United States must face up to the changing scene and hasten to protect those disadvantaged citizens for whom some protection is long overdue. This Congress must avert a situation fraught with real and imminent danger to the security of the Nation.

At this point in my statement, Mr. Chairman, I would like to touch briefly on a basic constitutional question involved in this legislation.

The question is, Does the Congress have the right under our Constitution to legislate on civil rights at all? It is my opinion that we not only have the right, but the obligation. The Constitution which guarantees the States certain rights, does not guarantee them the right to do wrong.

Our Government is a government of laws, not of men. The 15th amendment to the Constitution specifically provides with regard to voting rights that "Congress shall have the power to enforce this article by appropriate legislation." Nothing can be clearer on the subject.

It is my firm belief that this legislation should include far more than is provided by the bill before us now in debate. First, there should be the restoration of title III providing for the Federal Government to initiate civil suits whenever the constitutional rights of individual persons have been denied. It is completely unfair and unacceptable that an aggrieved American citizen who is too poor and too weak to confront the massive power of the State and the hurdles of the recently passed harassing moves such as antibarratry laws should be left unprotected by the Federal branch of the Government. The House adopted this section in the 1957 debate on civil rights and I ask the Members to again sustain this section in the bill passed by this House.

The second most important step in preserving the basic American right to vote is an effective referee-registrar section to strengthen registration and voting rights for Negroes along the lines proposed by the Commission on Civil Rights. I also support the amendment to provide technical and financial assistance to States and localities needing assistance in meeting school desegregation problems as the local authorities carry out the Supreme Court's desegregation decision.

The restoration to the bill before us of the title 3 section of the original 1957 bill which this House adopted on June 18, 1957, alone would provide real protection of the constitutional rights of those citizens such as those reported in Montgomery, Ala., where nonviolent protest demonstrations are reported to have created danger to their lives from hostile individuals and mobs.

Mr. Chairman, like many other Members I, too, feel the ending of racial discrimination is a moral problem which would challenge my attention regardless of whether or not it helped or hindered politically. I want to see the House by passing the Civil Rights Act of 1960 take a big step forward toward this goal. Never let it be said this body has failed at a time like this to assure that ours is truly a Government of "all the people, by all the people, and for all the people."

Mr. WILLIS. Mr. Chairman, I move to strike out the appropriate number of words.

The CHAIRMAN. The gentleman is recognized for 3 minutes.

Mr. WILLIS. Mr. Chairman, I want to address myself to the answer given by the gentleman from Ohio [Mr. McCULLOCH]. Here is what we are confronted with: In the bill H.R. 10625 it was provided that Federal judges could send referees, really marshals, at the polling booths; and, second, another provision to make it worse.

Now here comes the bill H.R. 11160 striking out the provision giving broad powers, without saying what those powers might be. Then yesterday the gentleman from Ohio introduced first version. He struck out the first part, where people may attend at the polls. The gentleman from New York [Mr. CELLER] agreed to that. That has been done, and it is already out, but I am getting sick and tired of this amendment. The purpose of this amendment is to restore what has been stricken out.

I yield the balance of my time to the gentleman from Virginia [Mr. SMITH].

Mr. McCULLOCH. Mr. Chairman, I would like to say again to the members of the committee that since the time when Great Britain first became conscious of this great need years ago——

Mr. WILLIS. Mr. Chairman, I yielded the balance of my time to the gentleman from Virginia [Mr. SMITH]. I did not yield it generally. I expect to use it myself if not accepted. I wonder if the gentleman is speaking on his own time.

Mr. McCULLOCH. That was my intention.

Mr. WILLIS. Mr. Chairman, I reserve the balance of my time, even if it is only 5 seconds.

The CHAIRMAN. The gentleman has reserved one-half a minute; and, without objection, the half minute will be given to the gentleman from Virginia [Mr. SMITH].

(There was no objection.)

The CHAIRMAN. The Chair has recognized the gentleman from Ohio [Mr. McCULLOCH] for 3 minutes.

Mr. McCULLOCH. Mr. Chairman, again I want to say that which is known to all the good lawyers on the committee, that since there was first a court of chancery in England, a court of conscience, if you please, and ever since we have had a court of equity or chancery in America, that court has had the inherent power to do all things necessary to make effective its orders and decrees. Even without the language which has so disgusted my good friend and prominent lawyer, the gentleman from Louisiana, the authority would have been there nonetheless. However, Mr. Chairman, I was ready, willing, and anxious to request my very good friend from Louisiana to strike out the major part of the language to which he referred in H.R. 10625, for the very reason which I suggest. We have been marching up the hill and we have been marching down again. I for one in the final analysis would be satisfied to depend upon the inherent authority of the court, if that be necessary.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

The Chair recognizes the gentleman from Virginia [Mr. SMITH] for 3½ minutes.

Mr. SMITH of Virginia. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from Michigan.

The CHAIRMAN. The gentleman from Virginia is attempting to offer an amendment in the third degree.

Mr. SMITH of Virginia. I am offering a substitute.

The CHAIRMAN. That is still an amendment in the third degree. What we are considering is an amendment by the gentleman from Ohio [Mr. McCULLOCH], a substitute by the gentleman from New York [Mr. CELLER], and an amendment to the substitute offered by the gentleman from Michigan [Mr. O'HARA]. Therefore a further amendment at this time would be an amendment in the third degree.

Mr. SMITH of Virginia. May I leave it at the desk?

The CHAIRMAN. Yes.

Mr. DOWDY. Mr. Chairman, because of limited time, it can only be in a general way, but I want to point out a few of the objections to this particular proposal which we hope to partially alleviate by amendment. The O'Hara amendment to the McCulloch substitute by Mr. CELLER to the McCulloch amendment by Mr. McCULLOCH would make the thing worse rather than better.

When we started out it seemed possible the so-called civil rights bill would be limited to voting, but the U.S. Attorney General has rigged up this Federal referee provision as one of the series of punitive political measures designed to penalize the Southern States in order to appeal the North and East in the coming presidential election.

I am opposed to this as I was opposed to the impairment of the trial by jury proposal 3 years ago when the northern Democrats teamed up with some of the Republicans on that issue.

Few people have read the referee proposal, let alone studied it. Furthermore, its proponents have changed it so fast and so often the last few days that they do not know what is in it, and we who have tried to study it have had a hard time keeping up with it. But fundamentally, this thing restores the old force bills of the aggressive reconstruction days when the people of the South lived under military and carpetbagger government. As has been said, this thing restores the old carpetbagger provisions. We thought those carpetbagger provisions were taken out of the bill, but, now, they are put back in by this proposal called the O'Hara amendment. All of this thing would take from the States and place in the hands of the Federal authorities supervision and control of the elections, which has been traditionally in the hands of the States, and that would include city elections, school trustee elections, and all local officers on up to the State government. It is deceptively written to deprive the States and the people of more of their constitutional rights and privileges, just as the jury trial proposal I already mentioned. The appointment of referees would be left to the whim and caprice of Federal judges. The judge may come from a distant State, such as the judge from the Dakotas who was called to preside over the hearings in the Little Rock tragedy. The judge under the proposal would act under the guidance of the U.S. Attorney General without even having hearings on the issues. This thing would permit the Federal judge to appoint out-of-State referees, at least out-of-State assistants to the referee, which is a carpetbagger provision. Many of the proponents cannot even stomach that part of the thing, and I hope you will vote against the O'Hara amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT of Florida. Mr. Chairman, I hope this oppressive amendment and substitute will not be added to this bill. It is an unconstitutional infringement upon the rights of persons to govern themselves locally in these matters. The bill, in any event, is an abridgment of constitutional States rights and local rights of self-government. With this additional provision, it would be all the more objectionable as an abridgment of our constitutional protections against oppressive centralized government.

It is regrettable that Congress has had to occupy so much time with a bill which not only violates constitutional principles but which, if passed, will do little, if any, good. This is particularly true while Congress has given scarcely token consideration to bills introduced to provide educational, housing, and other benefits to which members of the Negro race are justly entitled and which they really desire.

As illustrative of these, I mention bills I have introduced: H.R. 716 on education and H.R. 1060 on housing. The first of these bills is along the line of the impact legislation. It gives grants-in-aid to schools regardless of whether the schools are integrated or segregated, on the basis of colored population in those schools. The other bill, H.R. 1060, deals with the so-called special assistance program. As a matter of fact, when the basic legislation in this field was under consideration, it was my understanding that special consideration was to be given to members of the Negro race who were discriminated against in housing assistance throughout all the United States. Yet, in practice, this legislation has not achieved this objective, largely because the committee involved has not approved specifically enough what is actually needed.

Let us hope that our efforts in the future will be more constructive as well as fully consistent with the wise provisions of our Constitution.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. BENNETT of Florida. I yield to the gentleman from New York.

Mr. STRATTON. I appreciate the gentleman yielding. I cannot agree with the gentleman as to the effects that he says would stem from this substitute. But, would the gentleman not agree with me that whatever the effects of the substitute might be, they could be quickly and completely vitiated and nullified if the "pattern of discrimination" to which the bill refers were eliminated in the locality concerned?

Mr. BENNETT of Florida. I believe, whether this legislation is passed or not, that the colored people within our country will have full access to the ballot in any place where they do not now have it. In the city I represent there are about 20,000 or 30,000 colored people that vote in every election, and I think that is characteristic of the urban as well as other areas of the State of Florida. There may be some small pockets in various areas of the United States where colored people now do not exercise the franchise, but the white people in the South, I think, are making a very real effort to help the colored people, who have themselves done much to provide a forward-looking and prosperous society in which to live.

The CHAIRMAN. The Chair recognizes the gentleman from Vermont [Mr. MEYER].

Mr. MEYER. Mr. Chairman, I have spent quite a few hours on the floor for quite a few days listening to the debate and the discussion of what is a rather important bill. I have seen many extensions of time granted and no one has objected to these extensions. I think that is fitting and proper. I am afraid that this bill is causing a great deal of controversy between people of all sections of the country and between the two political parties. However, I personally believe that qualified voters should have the right to vote. I think this discussion is important and I have no intention to object to extensions of time.

However, I would like to point out to all the Members of the House that I personally believe that many times we have equally important bills and that time for debate and discussion is either limited or completely prevented. As far as I am personally concerned, for the future, if I see other important measures brought up and we are not allowed time I shall reserve the right to object to extensions of time during future consideration of bills of the type now being debated.

I would like to point out that we have the matter of nuclear testing coming up, and the matter of nuclear agreements with other countries, and similar issues that we have had to evaluate previously, and we have never had the time to discuss them.

I certainly hope that those who have been given the courtesy of being granted plenty of time now through extension of their time will not object in the future when some of us may want to discuss what I and others consider to be very important legislation.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana [Mr. McSWEEN].

Mr. McSWEEN. Mr. Chairman, I should like to direct my remarks to the gentleman from Colorado who has been good enough to explain some of the provisions of this amendment.

Mr. Chairman, during the course of this debate on several occasions reference has been made to voting difficulties in Louisiana. I would like to say that over the years we have had a number of voting difficulties of another nature to the extent that in 1953 we adopted voting machines so as to make the temptation for illegal counts impossible. I hope that we can continue to conduct our elections through the use of voting machines.

However, I should like to ask the gentleman from Colorado this question. Would it not be possible under the provisions of this amendment to have at least 100,000 voters come into the picture, with their qualifications undecided, and be given the authority to vote provisionally; and the burden of determining these qualifications be so great, such that their ballots would not be counted until after the election, which would open the door to the problem of counting entire statewide election ballots and the results determined days after the election?

Mr. ROGERS of Colorado. First of all I want to say to the gentleman that the fact that they have voting machines does

not always guarantee that they are going to get a true count, because a lot of people learn how to manipulate voting machines. But answering the gentleman's question specifically, surely it is possible, but I do not anticipate that all the people of the State of Louisiana—I do not know how many qualified voters you may have, but certainly you have State laws, and, as I understand, you have a very good one. That is, if I am a resident of the State of Louisiana, and believe I am entitled to vote, there is a little questionnaire. I fill out that questionnaire and if it is filled out properly then I am qualified to vote according to the registrar. If he says no, that can be taken to the court in the State of Louisiana. Recently in the gentleman's own State there was an attempt to purge some 1,200 or 1,500 names and on an application made by the Attorney General of the United States, he did not have any trouble getting a Federal court to enter an order saying that before these names be purged that they had to be purged according to the State law. And when that came to the Supreme Court of the United States it was sustained. Of course, the gentleman knows his own laws much better than I do. I do not anticipate that the State of Louisiana is going to repeal its voting laws.

Mr. McSWEEN. No. The effect of this amendment is to repeal the voting laws of Louisiana by opening the door to the counting the votes of as many as 100,000 or 200,000 persons after the election.

Mr. ROGERS of Colorado. I have never disagreed so much with the gentleman.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia [Mr. MOORE].

Mr. MOORE. Mr. Chairman, I rise in support of the pending amendment and urge its adoption by the Committee.

Mr. Chairman, I yield to the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Chairman, I rise in support of the amendment. It strengthens the bill, and it insures that the Court's decree will be made effective.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. DOYLE].

Mr. DOYLE. Mr. Chairman, I rise in support of the amendment. I believe it will help make the purposes of the final bill effective. The Federal courts have long-established authority to put their findings into practical effect. I want to have some effective but fair bill enacted.

Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. ROOSEVELT].

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. ROOSEVELT].

(By unanimous consent, Mr. HOLTZMAN was given permission to yield the time allotted to him to Mr. ROOSEVELT.)

Mr. ROOSEVELT. Mr. Chairman, I rise to support the amendment offered by the gentleman from Michigan [Mr. O'HARA]. It is a significant contribution to improving the so-called referee plan for voting, which has been offered as a substitute by the gentleman from New York [Mr. CELLER]. However, I think in order that the record may be absolutely clear, particularly because many people became confused yesterday, we should just for a moment recapitulate what happened.

What happened was that the gentleman from Wisconsin [Mr. KASTENMEIER] offered a far better method of assuring the right to vote to those who are today deprived of it. What happened? That amendment succeeded. It succeeded because the gentleman from the so-called South decided to support this amendment. As a result it carried in spite of the opposition from the Republican side of the aisle. It went to another vote.

It again succeeded under the same coalition, if you like. Then when the final vote came, a vote which meant that the bill would have no voting rights at all in it, the lineup was changed, the coalition was changed, and all of a sudden our southern friends were completely joined by the Republican Members. Together they voted out the Kastenmeier proposal and we found ourselves with a bill which had no voting rights at all. Then of course the new amendment was offered by the gentleman from Ohio, which is about where we are at this time.

But let the RECORD clearly show that if the Republican members had wanted to have a better and more effective voting rights bill they could have had it then and there by supporting the Kastenmeier amendment. They lost their opportunity to join with those of us who believe it is of the greatest importance that a civil rights bill have a voting provision in it.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from New York, who yielded me his time.

Mr. HOLTZMAN. I hate to take issue with my distinguished friend from California, but the fact is that there were about six or seven Republicans who did not join in this coalition.

Mr. ROOSEVELT. I think the gentleman has pointed out something I should have included. There were six or seven Republicans on this side of the aisle who did support the Kastenmeier amendment. I bow to them and I am grateful to them for that, but it was a small number.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from New York.

Mr. GOODELL. If I may say so, I think the political maneuvering was on the other side. On Friday I sat here and listened to the debate when the gentleman from California had the floor, and he asked the chairman of the Judiciary Committee how he felt about the so-called Hennings amendment, which became the Kastenmeier amendment. The chairman said that he felt that the referee bill was the better approach. His final words with reference to the referee plan were, "The matter will be far more expeditious, in my mind, than the so-called Hennings proposal." What you are saying here today is, it seems to me, that after you people went through some sort of maneuvers and supported a proposal which had not had hearings and which did not have the support, at least until yesterday, of the Judiciary Committee chairman, or the Democratic leadership, and you put it through, you found yourselves almost in a parliamentary situation where we could have no voting rights provision in the bill.

Mr. ROOSEVELT. No matter how he may excuse it, may I say to my friend, he comes up with the same result. You have been opposed to a better voting rights bill and you have sustained that position, and I admit you are sustaining it. But the record must show that. Let me simply say, our chairman on this side did vote with us on that point after listening to the debate. We were, however, unable to convince you. Luckily, we were able to convince the gentleman from New York.

Mr. BALDWIN. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield.

Mr. BALDWIN. It is my understanding that the gentleman from California [Mr. ROOSEVELT] has now corrected his original statement saying that no Republicans supported the Kastenmeier amendment because I am sure the gentleman from California [Mr. ROOSEVELT] observed the procedure and a number of us of whom I am one, voted for the Kastenmeier amendment at every stage of the proceedings yesterday.

Mr. ROOSEVELT. I agree with the gentleman. I counted seven. While I would not call seven a considerable number, I nevertheless did count them.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield.

Mr. LINDSAY. I think it is regrettable that politics should be injected into this debate at this point. Let me say this. The gentleman's whole premise is that the so-called Kastenmeier approach is a better bill and a better approach. This is not a correct statement. A more efficacious and a more effective approach to this whole problem is exactly what the distinguished ranking minority member of the Judiciary Committee, the gentleman from Ohio [Mr. MCCULLOCH] on this side of the aisle has been proposing. It has had the support of the chairman of the Judiciary Committee because it is a better bill. And yesterday the leadership on the majority side voted for it.

The fact of the matter is, and it seems plain, that some gentlemen from the majority side were very ready to scuttle the whole thing rather than to see a program adopted which happened to have a Republican label on it.

Mr. ROOSEVELT. Let me say to the gentleman that at all times we have known that some of the people on our side of the aisle have been ready to scuttle the whole thing, but we never thought that you were ready to scuttle the whole thing. That is quite a different situation and something that the RECORD ought to show clearly.

Mr. MCCULLOCH. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield.

Mr. MCCULLOCH. Mr. Chairman, I would just like to make a remark so that the Members and those who read will be able to come to a conclusion on this matter. I am sure that those who have been interested in a bill which would guarantee the fundamental rights of the Constitution know that the proposal which bore my name was a really effective yet safe proposal, and that those on the other side—without pointing specifically to who did what to whom—I think they know just exactly what happened and what was in the making when it happened. My friend, the gentleman from Texas, said that we were coming up with something worse than what we had yesterday. I agree. You know that is the penalty for their vacillation and for their political maneuvering.

Mr. ROOSEVELT. Yes; and I am glad that the RECORD shows that we, on this side of the aisle, did not vacillate.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield.

Mr. COLMER. I thank the gentleman from California for yielding so that I may make an observation. This colloquy that has just taken place shows very clearly that this is purely a political question, as we have maintained from the very beginning.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. CELLER] for 3 minutes to close debate on the O'Hara amendment to the substitute amendment.

Mr. CELLER. Mr. Chairman, it is quite clear and the debate has indicated that the O'Hara amendment is an effective and worthwhile and reasonable amendment. I, indeed, hope that the amendment will prevail. It is an amendment which will clarify a good many provisions in the bill which are now a little obscure. This clearly indicates where a number of cases remain undecided, the referee must act expeditiously. It outlines what happens in cases undecided for more than 20 days before the election and for those cases which are pending for less than 20 days before the election.

The referee in the first instance is compelled to act or to allow the applicant to vote provisionally. In the second instance the referee has discretion, but can issue an order to permit the vote to be counted provisionally. Then the matter can be determined after election. Mr. Chairman, I yield back the remainder of my time, and I ask for a vote.

The CHAIRMAN. The question is on the amendment to the substitute.

The question was taken; and the Chair being in doubt, on a division there were—ayes 146, noes 110.

Mr. FLYNT. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. O'HARA of Michigan and Mr. WILLIS.

The Committee again divided, and the tellers reported that there were—ayes 188, noes 120.

So the amendment was agreed to.

EVERY DAY MUST BE FREEDOM DAY

Mrs. GRANAHAN. Mr. Chairman, in the long debate we are experiencing here in the Congress this month on the question of new civil rights legislation, and in the many parliamentary devices being used to block or to try to water down the legislation we are certainly going to pass, it is well for us to keep in mind that this is the last half of the 20th—not the 19th—century and that the issues we are trying to resolve should have been considered solved and disposed of nearly 100 years ago.

Yet these controversies still continue over whether all citizens are truly equal before the law—despite what the Supreme Court building proclaims so proudly to all the world in the great message carved into its stonework just across the street from our Capitol Building.

The 13th amendment ending slavery was adopted just 95 years ago. In recent years, our Nation has begun the practice of conducting an official observance each February 1 as National Freedom Day in commemoration of the passage by Congress and the signing by President Lincoln of the resolution proposing the 13th amendment. Much of the impetus for making February 1 of each year National Freedom Day was provided by a Philadelphia organization dedicated to this purpose, and the legislation which made National Freedom Day an official event was introduced by a Philadelphian, the late Senator Francis J. Myers.

For us in Philadelphia, it is quite fitting that we believe freedom should be made a meaningful thing for all of the citizens of this country for, in the years of our city's history, freedom has always been more than a pious slogan—it has been a way of life. I am proud as a Democrat that, in the short decade in which my party has guided the destinies of our city, Philadelphia has moved into the forefront of all cities in the country in sincere devotion to the principles of equal opportunity for all.

CONSTITUTIONAL GUARANTEES STILL BEING EVADED

I think tremendous progress has been made throughout the country in this direction. But, as we all know, the reason we are now debating this allegedly controversial legislation now before us is that the principles behind our constitutional guarantees of freedom and equal opportunity are still not actualities everywhere in this country.

Last Congress, we enacted a right-to-vote bill which was supposed to guarantee the rights of all citizens to vote on equal terms. Experience under that act has proved that it is not enough merely to proclaim a law—its enforcement must be effective.

I shall, of course, vote for the strongest legislation possible to guarantee the basic constitutional rights of all citizens. Those who oppose the free exercise of constitutional rights for others may have reasons which to them seem appropriate and justified, but those reasons are based neither on law nor on justice. The end of the Civil War 95 years ago did not end the cause for which the Confederacy fought. It is time now, as we prepare to commemorate the 100th anniversary of the start of that bloody and costly and tragic war, to declare a halt to the practices which rob many Americans in many localities in this country of the rights won for them generations ago.

HATE MOVEMENTS ALIEN TO AMERICA

There is no place in America of the second half of the 20th century for hatred, prejudice, and discrimination based on racial or religious or similar differences. We all love freedom for ourselves; we must see to it that it is enjoyed equally by all of our fellow citizens.

Movements founded on hatreds are alien to our Constitution and to our way of life. Those who promote and sponsor such movements are either part of or beholden to the lunatic fringe in our society. Everyone in public life owes it to himself and to the oath of office he has taken to uphold our Constitution to make sure these hate movements are given the brushoff they deserve.

Let us pass the kind of laws here which will assure the safety of every citizen in the exercise of all of his constitutional rights, including the most fundamental of all, the right to vote. Until these rights are so secure that no hatemonger or bomb thrower or school wrecker or church despoiler or nightshirted nightrider can get away with such depredations as have occurred in recent years, it is up to the Congress and to the President to use every power available to the Federal Government to make freedom meaningful to all.

In other words, Mr. Chairman, we must make every day National Freedom Day, not just February 1 of each year. This was the dream of the late Major Wright, of Philadelphia, founder and leader of the organization which worked for the enactment of the National Freedom Day law; this must be the objective of all of us in the Congress of the United States.

It took nearly 90 years after the founding of our Nation for slavery finally to be abolished. In the 95 years since then, the issue has not yet really and completely been resolved. If, in 95 years, gradualism has failed to prevent local despots on many election boards from refusing the right to vote to doctors of philosophy, teachers, preachers, doctors, and other educated Negroes, then certainly gradualism is not the answer.

The answer has to be found in affirmative, effective, uncompromising Federal legislation, backed by the full power of the Federal Government, and that is the kind of legislation we must enact. That is the kind of legislation I intend to vote for.

Mr. McSWEEN. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. McSWEEN. Mr. Chairman, after witnessing the action in the committee on yesterday which resulted in the defeat of the Lindsay amendment as

amended, it should be clear to all impartial observers that this civil rights agitation is without question politically inspired.

The liberal Democrats did not wish to support the referee plan authored by the Attorney General and the Republican civil rights advocates, so they offered their own registrar proposal, which was adopted temporarily with our Southern help. But the Republicans found this to be politically obnoxious and they voted against the amendment to the civil rights bill containing the Democratic proposal. This time we Southerners threw our lot with the Republicans and the amendment was voted down.

Both political parties are fighting for civil rights credit for passing a voting rights plan. Neither side was willing to see the other party gain an advantage. Recognizing this, southerners, having a balance of power, were glad of the opportunity to take advantage of this false pride of authorship and kill the entire voting rights amendment, because it is not needed and would do violence to many more rights than it would protect.

Mr. Chairman, the rights of all American citizens are already well protected, both by Federal and State law. People cannot be made to vote. They cannot be made to be good citizens against their will.

Civil rights propaganda and the report of the Civil Rights Commission have made much of the low percentages of Negro population registered to vote in Southern States. They have tried to create the conclusive presumption that Negroes are systematically denied the right to vote uniformly over the South. It has been helpful for them to cite the recent test cases that have come as a result of racial furor created by agitation since 1954.

But, Mr. Chairman, has anyone tried to point out that the Negro is denied the right to vote in Cleveland where only 25 percent of the Negroes are registered to vote? Or that they are prevented from exercising this privilege in Cleveland where only 25 percent of the registered Negroes actually vote?

Mr. Chairman, this illustrates the hypocrisy and the political propaganda that surrounds and beclouds this issue. I sincerely hope for the time to arrive again when men of good will will have regained their reason and ability to perceive the folly attendant to the unfortunate race problem. I also hope that in the meanwhile, however long, irreparable damage is not done to race relations and the unity of our great Nation.

Mr. BOLAND. Mr. Chairman, we, the Members of this House of Representatives, all of whom have risen from the people through the process of free elections to sit in this great deliberative body, today find a great responsibility resting squarely upon our shoulders. We have been presented with the challenge of passing a civil rights bill that will satisfy the needs of disadvantaged citizens of this Nation, particularly the American Negro and other human beings of dark skin who have come to our shores and have been absorbed into the American pattern of life.

The eyes of the peoples of Asian and African countries, now energetically emerging from centuries of colonialism and suppression, are focused today on this freely elected House of Representatives, and they are waiting to see whether we will adopt legislation that will guarantee to all Americans their basic constitutional rights. If we do not put through a meaningful civil rights bill, the uncommitted peoples of the world will be subjected to blares of Communist propaganda telling them that the United States preaches but does not practice democracy, that discrimination is practiced against dark skinned Americans, and that they are denied the right to vote.

Mr. Chairman, the United States cannot afford not to guarantee to all of its citizens their basic constitutional rights if this country is to continue to exert its leadership among the free countries of the world and meet and conquer the sinister challenges of communism. I am confident that we Americans will face up to this challenge. I am confident that we will endure against every provocation and every threat to our way of life as long as we continue to believe as Christians and Americans that God created all men equal and that these human beings are, as Thomas Jefferson wrote in the Declaration of Independence, endowed with the inalienable rights of life, liberty, and the pursuit of happiness.

It is pertinent at this time to recall some of the words of the late Supreme Court Justice Louis Brandeis, delivered in 1915 at Boston, Mass., on the occasion of the 139th anniversary of the signing of the Declaration of Independence:

> We are not the only nation which combines love of liberty with the practice of democracy and a longing for social justice. But there is one feature in our ideals and practices which is peculiar to Americans. It is inclusive brotherhood.
>
> Other countries, while developing the individual man, have assumed that their common good would be attained only if the privileges of their citizenship should be limited practically to natives or to persons of a particular nationality. America, on the other hand, has always declared herself for equality of nationalities as well as for equality of individuals. It recognizes racial equality as an essential of full human liberty and true brotherhood, and that racial equality is the complement of democracy. America has, therefore, given like welcome to all the peoples of Europe.
>
> Democracy rests upon two pillars: One, the principle that all men are equally entitled to life, liberty, and the pursuit of happiness; and the other, the conviction that such equal opportunity will meet advance civilization.

And in another passage Justice Brandeis pointed out:

> America has believed that each race had something of peculiar value which it can contribute to the attainment of those high ideals for which it is striving. America has believed that we must not only give to the immigrant the best that we have, but must preserve for America the good that is in the immigrant and develop in him the best of which he is capable. America has believed that in differentiation, not in uniformity, lies the path of progress. It acted on this belief; it has advanced human happiness, and it has prospered.

Mr. Chairman, well might we ponder today the meaning of Justice Brandeis' words uttered 45 years ago. We must continue to subscribe to the recognition of differentiation in America, not to discrimination in America. We must enact civil rights legislation that will guarantee to all of the different Americans all of their basic constitutional rights.

Mr. WILLIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. WILLIS: On page 2, line 14, after the first word "vote" insert "on account of his race or color."
>
> On page 2, line 15, after the word "law" delete the period and insert ", on account of his race or color."
>
> On page 3, line 19, after the first word "vote" insert ", on account of his race or color,".
>
> On page 3, line 20, after the word "law" delete the period and insert "on account of his race or color."

Mr. WILLIS. Mr. Chairman, under the amendment that has been read it is necessary to insert it at the various parts of the bill as outlined by the Clerk in order to conform other amendments with those read by the Clerk. In other words, the purpose of the amendment is to do away with the conclusive presumption established by court decree in the initial injunction suit. I do not propose to address you for very long because I explained my amendment yesterday at some length and I think everyone should be given an opportunity to express himself on this issue.

Now, we might as well face it that this is an important amendment. As I explained just yesterday, when an injunction suit is filed and an injunction decree is issued, the judge, upon the application of the Attorney General, must make a finding as to whether or not the alleged discrimination is pursuant to a pattern or practice. If he does make such a finding, then that finding establishes a conclusive presumption that everyone in the affected area has been discriminated against in fact and individually. The beneficiaries of the decree are not the parties before the court. The injunction decree is against the registrar of voters, preventing him from further discrimination. Then thereupon the judge makes a finding that there is a conclusive presumption that all the people in the area who were never before the court have been individually discriminated against. Then the judge appoints a referee to receive applications for voting certificates. What does he have to prove? He simply has to prove or state—he does not have to prove; he simply has to state his age, residence, and so on, and to say that "I have been denied the right to vote." But, he does not have to say why he has been denied the right to vote. That is conclusively presumed. Oh, I know it will be said that if he goes there, that there has been some practice somewhere, but certainly not in my congressional district. The Civil Rights Commission did not go into my district. The colored folks vote, and, incidentally, they vote for me, I am confident.

Then there has been the statement made that they go to the registrar's office and he absents himself and he is not there. Well, the applicant can say to the referee, "I tried to vote. I went there, but his office was closed." Now, do you know that there are some honest people on earth? There are some honest registrars in these United States. I know mine are. But yet, so long as he was not there, it is conclusively presumed that he was not there for a purpose, because the registrar of voters was discriminating against him on account of race or color. But, do you know it might be that the registrar may have been sick or that maybe his office was closed therefore for all other persons? And, do you know that the registrar of voters cannot come before the referee and say, "Well, I did not mean to deprive this man of his right to vote on account of race or color. Why, it was a fact that the day he came in I was not there." He does not have to show any reason.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. SMITH of Virginia. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WILLIS. The applicant does not have to prove why he has been deprived of the right to vote. That is all fixed up or agreed upon by that decree. Once the decree is issued, with these people not before the court, then everybody is conclusively presumed to have been deprived of the right to vote on account of race or color. Now, that is what the fuss is about, or that was what I understood, that people in some areas had been deprived of the right to vote on account of their race. Is that not the issue? Well, everyone states, including the Department of Justice, that the basis, the starting point, the only legal justification and the only legal possibility that we have jurisdiction over this matter is the 15th amendment.

What does the 15th amendment say? That the rights of citizens of the United States to vote shall not be abridged or denied on account of race or color. That is the only thing the Constitution forbids, the deprivation or the abridgement of the right to vote on account of race or color. Yet here we find a situation where by this pattern of practice persons affected do not have to prove anything, they do not have to prove the only thing that the Constitution prohibits. This bill, in my opinion, has the effrontery to do something we have never done before, to say that the so-called hearing before the referee shall be ex parte. We are putting that in the act. We have never done that before. That is to say, it is one sided.

It compels the referee to prevent—talk about the denial of rights—it compels the referee to prevent and deny, by its very terms, the registrar who is being accused of deprivation of right to vote, from having the opportunity to face his accuser and cross-examine him.

So my amendment is very simple. It would require proof that the applicant has been denied the right to vote on account of his race or color. That is what everybody says is the issue. That is what the debates say. That is what the Civil Rights Commission found, according to some people, that there has been a deprivation on this account, because the very civil rights bill proceeds on deprivation of rights on account of race or color. Everything is based on that. But yet the gimmick in this bill makes proof of that issue conclusively presumed and denies and deprives the registrar of the voters the right to be heard. This, in my book, is massive condemnation by conclusive presumption.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from Arkansas.

Mr. HARRIS. What the gentleman is attempting to do here is to bring in line the provisions of the bill at the appropriate place in accordance with the provisions of subsection (a) on the first page of the so-called referee plan, is that right?

Mr. WILLIS. Exactly.

Mr. HARRIS. To make it abundantly clear that the provisions as stated in the very first paragraph are carried into the other paragraphs of the bill.

Mr. WILLIS. Exactly.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. Gladly.

Mr. RODINO. Would not the gentleman admit that his amendment would have the effect of actually nullifying this bill?

Mr. WILLIS. No.

Mr. RODINO. Would it not bring us to the very position we are in without the voting referee proposal?

Mr. WILLIS. No. And I will say this to the gentleman. It does no such thing for the very reason that the only justification for jurisdiction of the Congress over this issue is based on the 15th amendment which talks about deprivation or abridgement of rights to vote on account of race and color.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. WILLIS] has again expired.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, while I have the deepest respect for the gentleman from Louisiana, as one whose name appears on the masthead of this bill I cannot support this amendment. The main purpose of this bill is involved in three words, "pattern or practice."

As has been indicated, where an original proceeding is brought under the 1953 act under subsection (c), the Attorney General appears in the court and he cites the discrimination and proves discrimination. Then, under the bill before us, when the judge upon proof is shown that there is a pattern or practice of discrimination, that would apply to a whole array of persons who are in general proscribed and discriminated against and it is not necessary to prove in each individual case that there was a denial of the right to vote or a denial of the right to register on the ground of race, color or creed.

The amendment would force the applicant in each individual case to prove all over again to the referee that he has been denied on the ground of race, color, or creed his right to register or his right to vote. What is the use, then, of having the court in the original instance set forth a rule as to pattern or practice if the individual has to prove all over again that very pattern or practice as applicable to the individual?

The very keystone of the arch of this bill is this provision of pattern or practice. The gentleman from Louisiana would remove that keystone and the arch would fall. It could not sustain itself.

The applicant would have the burden of proof in every instance to prove that he has been actually and specifically denied his right either to register or to vote on the ground of race or color. It is very difficult for a lowly, impoverished Negro in certain communities to employ counsel or get the evidence that he has actually been proscribed. He might fear economic intimidation. Yet he has to assume this proof.

Let us assume, for example, this Negro goes to a voting place and wants to register. It is closed. After a day he goes again. The place is closed. You know, and I know it has been deliberately closed because they do not want this Negro to vote. On that basis alone it would be very difficult for him to prove that he was proscribed because of race, color, or national origin. As you and I know, and we are not so naive as not to know, the proscription has been directed against him. He could not prove that he was denied because of race or creed, yet we know he has been denied.

That is why we set up this idea of the general pattern or practice. Then within that broad sweep these Negroes come in, and all they need do is show that they were qualified to vote and had complied with the State regulations as to qualification, residence, and so forth. If he is so qualified to vote and brings that proof before the referee, he does not have to show any more if he is colored.

And that is because the presumption is that being of a pigmentation of skin darker than yours and mine, he comes within that broad sweep of pattern or practice. If you are going to put this additional burden upon him to prove in all instances that he has been denied the right, then you put an insuperable burden on him, and you vitiate—no, you eviscerate—this whole bill. You take the whole guts out of it. I hope for that reason that this amendment will not prevail because if this amendment does prevail, you are just exactly where you are today under the 1957 Civil Rights Act. You have exactly the situation today—and the Attorney General has complained to us that, under the provisions of the act, he finds his hands tied and he cannot expeditiously go forward. He needs this implementation without which the bill would be worthless. So I do, indeed, hope that the amendment, and I say this most respectfully, offered by the gentleman from Louisiana, will not prevail.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. HARRIS. Is it not true the very basis of this proposal contained in the language on the first page of the substitute referred to is based on the term "on account of race or color"?

Mr. CELLER. To what line is the gentleman referring?

Mr. HARRIS. Line 10, page 1, of H.R. 11160.

Mr. CELLER. That is in the original proceedings.

Mr. HARRIS. Yes, and that is in the proceedings we have before us at this time.

Mr. CELLER. That is in the proceeding that is brought under the Civil Rights Act of 1957, subsection C.

Mr. HARRIS. After the proceedings have been initiated and the Attorney General makes his move and the court takes its action, then the court or any action after that, the referee or otherwise, can go beyond the purposes stated here—that action shall be taken on account of race or color.

Mr. CELLER. No, the referee then proceeds on the score that the pattern or practice prevails and he, therefore, makes the determination as far as an applicant who appears before him as to whether that applicant comes within that pattern or practice.

Mr. HARRIS. But is it not true that the pattern or practice is based upon the provisions and the words "on account of race or color"?

Mr. CELLER. There is no question about it.

Mr. HARRIS. Does the gentleman argue that it goes beyond that?

Mr. CELLER. No; it does not.

Mr. HARRIS. Is there any provision anywhere in this bill, after the first page, so that it would permit any of the courts or any referee or any person designed by the court to go beyond that provision on account of race or color?

Mr. CELLER. There are no provisions to that effect.

Mr. HARRIS. Then, I cannot see what the argument is about.

Mr. CELLER. The argument is that this is an ancillary proceeding to which the amendment is addressed. It is not the primary proceeding. The primary proceeding is before the court. The amendment of the gentleman from Louisiana refers to a proceeding before the referee.

Mr. HARRIS. The gentleman does not argue that the secondary proceedings can go beyond the primary proceedings; does he?

Mr. CELLER. Of course; no. In the primary proceeding, the pattern or practice is a result of the finding of the judge.

Mr. HARRIS. What finding of the judge?

Mr. CELLER. The finding that there is a pattern or practice of discrimination.

Mr. HARRIS. Based on what?

Mr. CELLER. Based on whatever evidence is brought forward in the original proceeding which is an adversary proceeding. In the adversary proceeding, the Attorney General brings the action against the State official. The State official brings forward all matters and kinds of evidence—written, documentary, and so on, what he suspects may be important according to what he feels should be offered. That is a regular proceeding.

Mr. HARRIS. Yes; but I might say to my distinguished friend: Is it not based upon the fact that some person has been deprived on account of race or color?

Mr. CELLER. That is right.

Mr. HARRIS. Yes, I know; but the basic provision cannot go beyond that, can it?

Mr. CELLER. In other words, on the basic or the single action brought, or it may be brought by more than one in that particular action—the court can make a finding of discrimination because of a pattern or practice of denying on account of race or color.

Mr. HARRIS. But it cannot go beyond that?

Mr. CELLER. It cannot.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. McCULLOCH. Mr. Chairman, I move to strike out the requisite number of words.

Mr. McCULLOCH. Mr. Chairman, from time to time, in debating subjects which are so emotional, words are used which might be interpreted as having some personal reference. If my words sounded that way, it was not my intention. I always feel that if any of the Members use words or tone of voice that might give that inference, they do not intend it.

One of my good friends, one of the ablest Members of this House, has recently said that he was discouraged; that he felt badly that someone, perhaps the author of the voting referee bill, the McCulloch bill, had the effrontery to do something that has never been done before.

In answer to that statement I would like to use, if I can remember them, the words of a famous bard of old, who said:

New actions teach new duties. Time makes ancient customs uncouth.

That same colleague has said that someone had by massive condemnation done certain things. If there has been massive condemnation, which was not intended by my bill, there was massive discrimination by reason of race or color which brought the language which has been described as massive condemnation.

I want to say to my friends who are interested in implementing the Constitution of the United States, in securing fundamental voting rights to qualified citizens, that the amendment offered by the gentleman from Louisiana, which we are now considering, goes to the very heart of this bill. If you adopt the amendment offered by the gentleman from Louisiana, you will make it extremely difficult, if not impossible, to effectuate the right of qualified people to vote in accordance with the fundamental law of the land.

I want to call to your attention the Supreme Court decision which was handed down within a fortnight which sustained the finding of the District Court of Louisiana that more than 1,350 qualified voters in 1 parish had been stricken from the registration rolls in a single action. The Supreme Court of the United States ordered the names of those people restored to the voting rolls. What money it would have cost, what time it would have taken to order the names, one by one, of all those qualified citizens returned to the registration rolls in an adversary proceeding in a Federal court.

And that is exactly what would be required if the amendment of the gentleman from Louisiana would be adopted.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to my able friend from New York.

Mr. HOLTZMAN. Is not this the very kind of pattern that the bill strikes out against?

Mr. McCULLOCH. That is an excellent question. The gentleman put his finger on the heart of the issue; and that is what the bill as I originally introduced it seeks to circumvent.

First of all, as has been said so many times, there must be a suit by the Attorney General in an adversary proceeding.

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. For one question.

Mr. DAVIS of Georgia. I want to ask the gentleman about the Louisiana case where he said so many people were dealt with. Is it not a fact that their voting rights were restored and it did not cost them anything in addition to what was spent in that one case?

Mr. McCULLOCH. That is very true, and that is a fine tribute to the judicial system that we have in America.

Mr. DAVIS of Georgia. What is the gentleman's objection to it?

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent Mr. McCULLOCH was allowed to proceed for 5 additional minutes.)

Mr. BROOKS of Louisiana. Mr. Chairman, will the gentleman yield at that point?

Mr. McCULLOCH. If I have time when I have finished my statement I shall be happy to yield to my distinguished friend from Louisiana.

I hold, Mr. Chairman, that the proposal before us would require an adversary proceeding on the part of every person in any county, precinct, or parish in America who felt that his right to vote was being denied to him solely by reason of race or color. Since the original proceeding is an adversary one, and the election officials of the precinct, or parish, or State are made parties and since they may call witnesses without end in their behalf, before a decree is entered on the basis of the evidence with a determination that a pattern or practice of discrimination has been had for the reason mentioned, do we proceed to the appointment of a referee, no defendant or community has a good reason to complain. The referee in turn holds hearings; he in turn makes a report which is filed with the Attorney General, and with the court to which

exceptions may be filed, which exceptions may be heard, which are followed by a ruling and decision of the court. If that proceeding, which is so detailed, and which is an adversary proceeding from the very beginning does not give the protection to the States and to the election officials thereof to which they are entitled under the law and under the Constitution, I want to say to the members of the committee there are no litigants in America receiving the protection of the courts to which some members of the committee appear to think they are entitled.

Mr. HARRIS. Mr. Chairman, will the gentleman yield for a question?

Mr. McCULLOCH. I yield to the gentleman from Arkansas.

Mr. HARRIS. I wish to ask a question on the amendment. I follow the gentleman as to the procedure. If there is any pattern determined by the court and then the bill is made to work in any particular case, can at any time during these proceedings, the court officials go beyond the basic purposes of the bill that such right has been denied on account of race or color?

Mr. McCULLOCH. The gentleman means with respect to the qualifications of the voter who is seeking a certificate?

Mr. HARRIS. Not at all, not at all.

Mr. McCULLOCH. I am afraid I did not understand the gentleman's question. Will the gentleman please restate it?

Mr. HARRIS. I follow the gentleman with reference to procedure, with reference to making the request, and the court order directing the hearing of witnesses.

Mr. McCULLOCH. That is right, an adversary proceeding.

Mr. HARRIS. And the determination by the court that a pattern exists; then the provisions of the bill start to work from there.

Mr. McCULLOCH. That is right.

Mr. HARRIS. Start to work to assure any individual his right to suffrage, to vote.

Mr. McCULLOCH. That is right.

Mr. HARRIS. Is it incumbent upon any official to make a finding on any basis other than the finding that the man has been denied the right to vote on account of race or color?

Mr. McCULLOCH. Under the exercise of his duty as a registrar under the State law?

Mr. HARRIS. No, in exercising his duty as a referee appointed by the court.

Mr. McCULLOCH. The referee when he is appointed by the court has the authority to hear applicants for certificates to vote.

Mr. HARRIS. If the applicant has been denied the right to vote.

Mr. McCULLOCH. That is right.

Mr. HARRIS. On the ground of race or color.

Mr. McCULLOCH. That is right.

Mr. HARRIS. Can he ever make a finding for any other reason insofar as the bill before us is concerned?

Mr. McCULLOCH. The referee makes a finding with regard to voting qualifications, but not with regard to discrimination, by reason of race or color.

Mr. HARRIS. That is the amendment we have here.

Mr. McCULLOCH. The amendment offered would require discrimination in each case.

Mr. HARRIS. That is what I understand the amendment to be.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Indiana.

Mr. HALLECK. The pattern that has to be determined must be on the basis of race or color, which are the only qualifications mentioned in the Constitution. Certainly anyone to be qualified after that finding would have to be in that category, against whom discrimination would be asserted or the prohibition of the right to vote. It cannot be opened wider than that.

Mr. HARRIS. That is the point I make. These amendments are offered and if they are not accepted it seems the history of the legislation might indicate that the purpose was for something else, and I do not want that to be left in the RECORD.

Mr. FORRESTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. WILLIAMS. Mr. Chairman, I ask unanimous consent that the gentleman from Georgia [Mr. FORRESTER] may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. FORRESTER. Mr. Chairman, first let me enthusiastically congratulate you gentlemen on the right and on the left who established a Civil Rights Commission in 1957. By virtue of the news I read in the paper of yesterday and this morning I find that they are one group that has taken their job seriously and literally and they are actually intermarrying, and they are going to do their best to see that we mongrelize without too much delay.

Mr. Chairman, I have a few more words I want to say. You know, all of my life I have tried my best to fight the battle of the underdog. I have always tried to represent the heartbeats of the minority races, and I am a little disturbed today because somehow or other I am wondering if those minority races have really been persecuted as much as they say they have, because, somehow, I think with persecution there always comes the milk of human kindness and when I see how these minority races are driving my people into the corner—my people, which happens to be the only minority race in this country, and they have already virtually declared war upon us. I shudder, and I think, "My God, my God; what has happened to those noble sentiments that you expressed so many times when you asked us to come to your aid," and we did so freely?

Mr. Chairman, I want to put a burden on you today.

Now, listen to me. Down in Atlanta, Ga., 500 were arrested yesterday. Down in Montgomery, Ala., 2,000 of them formed a mob. A few days ago 50 automobiles were overturned in Columbia, or Charlotte, down South Carolina or North Carolina. People are being beaten. They are being threatened. And, you listen to me. Those are my folks. I ask you not for sympathy for them, but I ask you for God's sake to give them a fair break. I am their voice. I am appealing to your conscience. And, mark me well, I am going to watch, and I am going to receive an indication from what is done with this legislation. I say to you, I ask no sympathy. All on God's earth I ask you to do is to be fair. Now, I am asking you lawyers, for God's sake do not disappoint me. You know, I have got a white skin, and you know I never had anybody help me go to school. Eight grades is as far as I ever went to school. I studied law at home. I was admitted to the bar, and you know I learned to love the judiciary; I have learned to love lawyers. I expect something out of lawyers. My God, men, do not forsake me; do not forsake the law of this country, because if the lawyers of this country forsake the law at this time, we are gone beyond redemption.

Now, here is all I am going to ask you to do. Please, please, listen to me. All on earth this amendment is trying to get you to do is to take out that pattern, that conclusive presumption set up in the legislation. I have challenged them every step of the way. I tell you, I stand flatfooted, my friends, on this. I tell you that never in the history of America have you had any conclusive pattern or conclusive presumption set up.

Now, I will tell you another thing, and I am going to be honest with you. I do not think you would get Russia to do that. Is that plain talk? I do not think you could. You lawyers know what I am talking about. Oh, you know, I am getting under your skin. You know there is no such thing as any conclusive pattern. I will state now, Do you want to show me a law court decision setting up a conclusive presumption? If you have one, bring it to me and I will eat it. Is that fair enough? I am telling you you have not got it. And, my friends, certainly, a section of these United States deserves the treatment that should be accorded to just ordinary human beings. I know what a prima facie presumption is, but I do not know what any conclusive presumption is, and there is not a lawyer here that knows it. My chairman does not know it. My good friend over on the Republican side does not know it. No living human being knows it. They asked the Attorney General's representative, Mr. Walsh, if he could give them any precedent. He said, "Well, no. The only thing I can think of offhand is the anti-trust law." My dear friends, the anti-trust law specifically says it shall be a prima facie presumption.

Here is what you are doing; you are destroying the Constitution. Are you going to let hatred of my people cause you to tear it up and make shreds out of it? Are you doing to do that?

Now, to get down to brass tacks, I do not think down in your hearts you hate my people. I will tell you what I think is the matter. I think you just think that the Democrats have got us, and

cannot lose us, and there is no help for it. And the Republicans say, "We cannot get you." Well, I have got something to tell you. They have said in Georgia that all we believed in was hell, calomel, and the Democratic Party. Well, I still believe in hell; I still believe there is a little virtue in calomel, but I will tell you this—I do think that if my people sued you northern Democrats for divorce on the ground of political adultery and abandonment without cause, I do not believe you could contest the action.

This thing stinks; it stinks. How you can vote for it and go home and sleep, I do not know. You know it is illegal, and woe to a nation when its lawmaking body deliberately passes an illegal act.

I am getting an education; I am getting a liberal education. Never did I dream that such a suggestion would be made, and especially by an Assistant Attorney General. And he said, "I want it because discrimination is hard to prove." In other words, he wants to get us going and coming. I think he is out after us, all right, but I want my people to have a sportsman's chance, I want to have a little fighting chance. Do you folks not want to give us a fighting chance?

And I want to tell you another thing. I am sick and tired of this foolishness about discrimination. You know, when I came up here a Congressman said to me, "FORRESTER, where are you from?" I said, "I am from Georgia." He said, "Well, every now and then you have some crooked politics down there, don't you?" I said, "You know, I am glad you did not ask me that until today." He said, "Why?" I said, "If you had asked me that the first few days I was here I would have told you yes, I was afraid we did sometimes, but after seeing you boys, we are just rank amateurs." You are hardly fit to be monitors of my people. We resent you wanting to be.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. FORRESTER] has expired.

Mr. DAVIS of Georgia. Mr. Chairman, I ask unanimous consent that the gentleman from Georgia have permission to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia [Mr. DAVIS]?

Mr. DIGGS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. FLYNT. Mr. Chairman, I move to strike out the last word.

Mr. FORRESTER. Mr. Chairman, will the gentleman yield to me?

Mr. FLYNT. I gladly yield to my colleague from Georgia.

Mr. FORRESTER. One more parting shot. I am tired of this helpless Negro stuff I hear so much talk about. They got after me one day about the way I pronounced that word. I never had any trouble with a nigger in my life, but oh, my God, that "neegro." I have had plenty with him. I am tired of this helpless sort of stuff; down South many are running up and down the streets in our cities and our towns and our communities. Do not tell me they cannot go to court. Of course, they do not want to go to court at their expense when you hire them a lawyer and you get up the witnesses and you give them a free ride. They say they are going to integrate. They say, "We are not going to settle for less." And do you know what else they say? They say we are 10 feet tall. Well, I am not but 5 feet 3 and I will be dogged if I do not think it is time to let them be men, assume the responsibilities of men and let them pay their way, like men.

Mr. Chairman, this House will do what it wants to. But history is going to record whether it lived up to the fine obligation and the fine privilege they have, or whether they succumbed to the demands of petty politics.

You know, I am telling you the truth. The record is now made. The verdict is in your hands. Do what you want. I am older than some of you. I am a southerner and I am used to being discriminated against, and I will bet you, I can stand it better than you can.

Mr. FLYNT. Mr. Chairman, with regard to this amendment to strike out the conclusive presumption, the amendment offered by the distinguished gentleman from Louisiana, gives thought to it. Be careful before you write into this or any other legislation the item of conclusive presumption, because while some of us may not live to see it, others of us and our children may; this conclusive presumption will be the very weapon by which every personal right and individual liberty of a proud and free people can be destroyed. Write it in if you will, and it appears that you may have the votes to do so. But if you do it, know that you are putting into the statute law of this land legislation which could strike down every safeguard of personal liberty and individual freedom that we in America and our forebears have fought for for more than three centuries.

If this goes in, there is no assurance where it will strike next and what it can tear down. Mr. Chairman, in the name of reason, in the name of common sense and good judgment, in the name of constitutional liberty, support the amendment offered by the gentleman from Louisiana, which is offered to this particular provision in the very utmost of good faith. While you may drive it into the hearts of the people who live in the Southern States today, next, this same weapon can be driven into the hearts of liberty-loving Americans in other sections of our country.

Without this amendment, this legislation provides for established guilt by association never before proposed or contemplated.

Mr. BUDGE. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Idaho.

Mr. BUDGE. Is it not correct that this legislation as now presented applies to every election held in the United States and in the individual States, whether or not there is a Federal connection? In other words, as written this applies to every municipal election, every election of school trustees; in fact, if the construction which has today been placed on the 15th amendment is correct, it might be broad enough to include elections in the Elks Club, the union halls, or maybe even for the local Queen of the May. Is that correct?

Mr. FLYNT. The gentleman is entirely correct.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the Willis amendment close in 15 minutes.

Mr. COLMER. Reserving the right to object, Mr. Chairman, on yesterday or the day before I pointed out when general debate was cut off the machine would start rolling when we got under the 5-minute rule and Members would not be permitted to adequately debate important amendments. Mr. Chairman, there are a dozen or more Members who want to speak on this amendment. They have not had the opportunity to speak. Members of the committee have been taking the time. I think in fairness and in justice on a question as important as this is that this should not be railroaded through in this manner. I hope the gentleman will not insist.

Mr. CELLER. Of course, I will not insist upon the request, but will the gentleman explain to me how many minutes we should take?

Mr. COLMER. I think we should take as many minutes as are required or are desirable so that those who have something to say on this important subject may have an opportunity to say it. They have the responsibility to represent their people.

Mr. KITCHIN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I doubt very seriously that very many in this Chamber this afternoon will listen to me to the extent that I will be able to influence anyone who is not already influenced to such a degree that they will not vary in their opinions. We have sat here today and listened to very good and able debate on several amendments that have been brought before this House. We are now considering an amendment which, I think, is essential for every freedom loving American to consider, and to consider it earnestly and as conscientiously as your heart and conscience will allow you, in the political situation in which you now find yourselves. The words "conclusive presumption" together, may I point out for the benefit of our laymen colleagues, constitute a fact, an irrebuttable fact and an absolute fact under the law that cannot be rebutted. Those two words joined together create something in our system of jurisprudence and in this land of ours that we have never heard of before. We do not know of any such thing as conclusive presumption in our law. But, I can tell you I disagree with some of our colleagues who have preceded me. We have had an example of conclusive presumption very vividly brought to our attention during the debate on this civil rights bill. I say that the pattern and the practice has been formed. The pattern and the practice has been witnessed by the press and by the people. The do-gooders and the civil-righters in this country have formed a conclusive presumption to the extent that the South is conclusively presumed to be anti-every minority race on the face of the globe. It has been conclusively presumed that we have no rights in this Nation. That we have no brains or intelligence in the law.

It has been conclusively presumed that we have no right to defy the great do-gooders and civil righters in this country. We have been foreclosed from any presumption that is rebuttable and every presumption that has been pointed at us has been a conclusive presumption. It is a conclusive presumption in this particular instance that there have been great men, the Fathers of our Country, who have been elected as Presidents of the United States from the land that we call the Deep South. It is a conclusive presumption that the situation created today would make it impossible for George Washington, Jackson, Jefferson, Patrick Henry, and any of the other great men who brought this great Nation to the high position that we now enjoy in world popularity today, could not be elected President of the United States today. Why? Because they are southerners—and that has been conclusively presumed by the people who face a situation as serious as this is on the basis of political expediency. Yes, my friends, and neither could Abraham Lincoln be elected President of the United States today. Why? Because he adopted a philosophy and believed in it conscientiously—a philosophy that is contrary to the present day thinking of the NAACP and of the present U.S. Supreme Court. Have we not been conclusively presumed against? Have we not been foreclosed from any rights as a section of this country when we are hollering and screaming for rights of other minority groups? I think so. We have just passed a bill today—an amendment to the substitute that you have to go back to your county commissioners that run elections in your localities and tell them that if they have invested money in voting machines they have to throw them out of the window, because there is no such thing as provisional voting through voting machines. There you have had cast upon you the conclusive presumption; nothing that I can say here today will probably change a vote in this House. But let me admonish you as sincerely as I possibly can that this thing you are about to do has been pointed up very clearly——

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. KITCHIN] has expired.

(By unanimous consent, at the request of Mr. KASEM, Mr. KITCHIN was granted 2 additional minutes.)

Mr. KASEM. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. I yield to the gentleman from California.

Mr. KASEM. I do not find any conclusive presumption in the bill. Will the gentleman enlighten me or refer to that part of it which establishes conclusive presumption?

Mr. KITCHIN. I would be glad to if you have the amendment that has been offered to the bill to which it refers.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. I yield.

Mr. SMITH of Virginia. Of course it is conclusive presumption. They would not be so bold that they would make it read "conclusive presumption." They have just hidden it in there. None of the advocates of the bill will deny it.

Mr. KASEM. What provision of the bill establishes any kind of conclusive presumption?

Mr. KITCHIN. That I will be glad to answer. As has been stated time and time again this afternoon, the pattern and practice, once established, then causes the presumption that all the rest in that community group, Negroes, are presumed to have been denied the right to vote on account of color or creed or race, because that is the only charge you have got under this bill.

Mr. KASEM. I have read the language on page 2, and all I can see is that when certain conditions are found to exist, a set of rules are to be applied. If that is what the gentleman refers to as conclusive presumption, that is not my idea of conclusive presumption. State laws require that.

Mr. KITCHIN. Now, just a moment.

Mr. SMITH of Virginia. Now, we are getting somewhere with this discussion. The gentleman from California, as a member of the Judiciary Committee, I assume knows all about this bill. It has been debated for days, that once the court sets a pattern, that is conclusive presumption, and it was not necessary for anybody else to prove it.

The CHAIRMAN. The time of the gentleman from North Carolina has again expired.

(By unanimous consent, at the request of Mr. SMITH of Virginia, Mr. KITCHIN was granted 2 additional minutes.)

Mr. SMITH of Virginia. If the gentleman from California [Mr. KASEM], who is supporting this position, and his other friends who are supporting this provision, will allow it to be known on the floor of this House as a legislative history of this bill, we will have settled one of the biggest disputes in this bill.

Mr. KASEM. Will the gentleman restate his proposition? My attention was diverted and I did not understand it.

Mr. SMITH of Virginia. As a matter of legislative history, is the gentleman from California, and those who are assisting him in railroading this referee position through, willing to concede that it is not intended that this shall be conclusive presumption against the whole community?

Mr. KASEM. I am ready to concede that.

Mr. SMITH of Virginia. I would like to ask the chairman of the Judiciary Committee if he agrees to that?

Mr. KASEM. I can only speak for myself. I say this is the usual tradition that is used in connection with certain employees. You will find it when certain conditions exist and certain rules go into effect to take care of the employees. When there is a pattern of discrimination you need a different set of laws than when there is no pattern of discrimination. That is precisely what this does.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield further?

Mr. KITCHIN. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. The gentleman from California has used a lot of words to say that he agrees that that is to be the legislative history of this bill, that there is no conclusive presumption. Now I wonder if his chief, the gentleman from New York, will make the same concession? Then we will be getting somewhere.

Mr. KITCHIN. Will the gentleman from New York answer? I will ask the same question. Will he, too, say that there is no conclusive presumption in this bill?

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. HARRIS. Mr. Chairman, I ask unanimous consent that the gentleman may continue for 5 additional minutes.

Mr. LATTA. Mr. Chairman, I object.

Mr. HARRIS. Mr. Chairman, I move to strike out the last word.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. I just want to ask this question: Is this not a perfect example of the folly of trying to legislate on the floor of the House without committee consideration when the very men who are putting it through, the chief advocates of this referee provision, themselves disagree as to what it means?

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I shall be delighted to yield to the gentleman from New York on this very same question.

Mr. LINDSAY. I will say to the gentleman from Arkansas in the absence of the ranking minority member of the Judiciary Committee, who is momentarily absent——

Mr. HARRIS. I would like to ask the gentleman from Indiana, the majority leader, to let me ask him the same question.

Mr. LINDSAY. In the absence of the gentleman from Ohio [Mr. MCCULLOCH] I should like at this point to bring to the gentleman's attention the testimony of the Deputy Attorney General of the United States, Mr. Walsh, on the subject of the practice of pattern.

Mr. HARRIS. Is it on the conclusive presumption item?

Mr. LINDSAY. It is on the point that has just been discussed.

Mr. HARRIS. I do not have the time to let the gentleman read from a report, I am sorry, because I would like to help the members of this great committee and the Members of this House, the leadership, to clear up this point. I think it is exceedingly important.

Mr. LINDSAY. The gentleman asked a question; I am attempting to answer it for him.

Mr. HARRIS. The gentleman was about to read from a long report. I do not have time for that.

I would like to ask the gentleman from Indiana, the minority leader, who has been taking a very active part in this, and who is very familiar with the legislative history and the background of this bill, the same question that was asked

the gentleman from California: Does the gentleman from Indiana, the minority leader, take the position that when a court establishes and finds that a pattern exists, that it is "conclusive presumption" that has been used here, that it is against the entire community? That the practice is permitted by the entire community?

Mr. HALLECK. I do not know whether that sort of presumption would be indulged in. Let me say to the gentleman, as far as I am concerned, as I understand the language of the amendment, first of all a pattern has to be found to exist. Now, whether you say that is a presumption that everybody in the community is a bad person, I do not know. I would not indulge it to that extent. All I would say is that certainly if the pattern is found to exist, then that pattern must be some sort of abridgement of the rights of people who are otherwise qualified except on the question of race or color; and if that is what the gentleman wants as a matter of legislative record I am perfectly willing to have it; but I think from that point on the referee in undertaking to make a decision would necessarily have to determine that the man or woman to whom he is undertaking to accord the right to vote is within the category of people found to be forbidden the right to vote because of a pattern against race or color.

Mr. HARRIS. It would seem to me that this bill should be applicable to those election officials who have to do with this problem; but, nevertheless, it is said here on page 2, I say to the distinguished gentleman from New York, "within the area affected."

Then on the final pages of the bill you attempt to define what is meant by "area affected." It seems to me that the whole community is condemned when it very well could be those who are responsible for it.

Addressing myself to the gentleman from Ohio, the ranking minority member of the Committee on the Judiciary, I wonder if he would attempt to clarify this for the RECORD by giving us the benefit of his opinion?

Mr. MCCULLOCH. Mr. Chairman, I will be happy to try to clarify this for the RECORD. I do not think it is too important what you have in mind with respect to community or otherwise. If the duly elected or qualified State officials, who are charged with the responsibility of registering qualified people to vote, proceed with a pattern or practice of discrimination which denies otherwise qualified people the right to vote by reason of color or race, and there is a finding in an adversary proceeding in a Federal court, that is what goes on in an area, I do not care whether it is precinct, village, city, town, parish, or a county or congressional district, or State, then we have that finding, and from there on I want to use the language of Judge Walsh of the Justice Department so that it will be in the RECORD.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. HARRIS. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MCCULLOCH. I thank the gentleman from Arkansas because this is an important matter and if we get it in the RECORD it may be helpful. I am quoting from page 6 of the hearings on voting rights.

Mr. HARRIS. I may say to my colleagues that in my judgment this is a very important matter. You are writing legislative history here that could very well kick back on you sometime because all of you are interested in elections.

Mr. MCCULLOCH. I want to say I am going to quote from the booklet entitled "Voting Rights" which contains the hearings before the Committee on the Judiciary, serial No. 15, under dates of February 9 and February 16, 1960, and I quote from page 6 of that report under the title "Voting Rights":

> One of the things you will do is enjoin the State registrar, or whoever the State officer is, from following that pattern any more. And the second thing you will do is, or that I think you would do, realizing that there are a large number of people who have been hurt this way: Instead of trying to hear all those people yourself, as a judge who has a lot of other things to do, you are going to appoint a man you have confidence in as a voting referee—in other words, that is just an easy title for a special master that Federal judges use for many purposes. You appoint him to hear persons who feel they have been aggrieved.
>
> Ordinarily, when you open up a proceeding like that, and a person wants to take advantage of a judgment which somebody else has obtained, he would have to come in and prove to the referee that he was in exactly the same position as the persons under consideration in the original case; in other words, that he was a qualified voter, that he tried to vote, and that he had been discriminated against because of his race.
>
> The great value of this proposed bill is that it eliminates that last element of proof. Where a judge has just found a pattern or practice of racial discrimination, it seemed a silly thing to leave it to the master or the referee to fight it out all over again.
>
> May I add one more thought—and that is what I had in mind when I made my original presentation against this amendment—that if there were an action, as in the Louisiana parish where there were over 1,350 people stricken from the rolls, without this kind of a bill you would have to have 1,350 adversary proceedings.

Mr. HARRIS. I thank the gentleman for his explanation, but it certainly does not make it any more palatable to me because of the great danger inherent in this, and from what the gentleman has said, and from what the gentleman from Indiana has said, is the very reason that the amendment offered by the gentleman from Louisiana should be adopted, to make it abundantly clear that that is what is intended. And it should be written into law, as I see it, instead of merely being stated in the report read by the gentleman in the RECORD.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Florida.

Mr. CRAMER. Following up the gentleman from Ohio, on page 31 of the hearings, again quoting Judge Walsh:

> We thought that all over, and we came to this one hurdle: Should he be required to prove in each individual case he personally was discriminated against? And we concluded that the burden of proof was too difficult under all these circumstances; and, indeed, the answer to that link and proof was so obvious from the previous pattern of discrimination that we could ask Congress to enact this conclusive presumption at the benefit of the applicant.

So there should not be any question about the fact that this does imply a conclusive presumption.

Mr. HARRIS. And for that very reason this amendment ought to be adopted.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that after the gentleman from North Carolina has 5 minutes all debate end on the Willis amendment in 10 minutes.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield me 3 minutes?

Mr. CELLER. Mr. Chairman, I move that all debate end in 10 minutes on the Willis amendment.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. WHITENER].

Mr. MEADER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MEADER. How many Members were standing at the time the debate was limited?

The CHAIRMAN. The request was that after the Chair recognized the gentleman from North Carolina and the gentleman from Virginia that debate on the Willis amendment to the substitute end.

Mr. HOFFMAN of Michigan. A further parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. HOFFMAN of Michigan. Does the adoption of this motion deprive individual members of making delaying tactics which can be taken advantage of here?

The CHAIRMAN. The Chair trusts that nobody will indulge in delaying tactics.

Mr. HOFFMAN of Michigan. And still make a point of order?

The CHAIRMAN. The gentleman from North Carolina is recognized.

Mr. WHITENER. Mr. Chairman, my friend from Georgia has admonished that we, as lawyers, should be true to the trust which has been given to us as members of the bar. I was somewhat astounded to hear a member of the Committee on the Judiciary express some surprise at the use of the expression "conclusive presumption," knowing that that particular member of the committee was present at the time the emissary of the Attorney General—who did not see fit to honor our committee with his presence—submitted a formal mimeographed statement.

On page 5 of that mimeographed statement the Deputy Attorney General, Judge Walsh, had this to say:

> A key feature of the Attorney General's bill is that, where a pattern of discrimination against Negroes has been found, a qualified Negro who has been deprived of the right to vote is conclusively presumed to have been so deprived because of the existence of that pattern.

On page 6 of the same mimeographed statement the Deputy Attorney General said this:

> It will not be necessary for the applicant to prove anew the existence of the pattern or practice of discrimination which the judge has already found. Neither will it be necessary for him to prove that the denial of his right to register was because of that pattern. This difficult element of proof is the one which the statute would eliminate.

Now, what does that mean? That means that any area, whether it be a precinct, a county, or a city, may have one case arise where someone has alleged and contended in an unsworn statement that he has been deprived of the right to vote by reason of some pattern or custom of depriving that particular ethnic group of the right to vote; and thereafter, any ragtag member of that particular group, totally without qualifications, can march into the Federal court clothed with this conclusive presumption without any responsibility to prove anything. And he will have a right, I presume, under this amendment that we recently adopted, to provisionally vote in the election.

That was not all that the Deputy Attorney General said. The chairman of our committee asked this question:

> The CHAIRMAN. Let us assume a pattern of practice where a group is involved. Does that mean the voting referee would have to make a determination based on the deprivation or the discrimination in each individual case in that group?
>
> Mr. WALSH. No, sir. The voting referee would not make the determination. That is the whole purpose of this statute, to avoid the need for that determination in each individual case.

In other words, if one person in a house is engaged in the pattern of practice of selling liquor, then you bring in everybody in the house and without any proof or without any evidence that individual, by reason of his residence, is guilty of violating the alcoholic beverage laws of your particular area or region.

And then the Deputy Attorney General had this to say in answer to a question from our chairman.

> The CHAIRMAN. And there is no evidence that he was a victim of the practice or pattern when the original order was issued.

That is the question the gentleman from New York asked. In effect, our chairman asked this: Mr. Attorney General, what happens if this new individual can present no evidence that he was a victim of this pattern which somebody has said exists in the community?

And then the Deputy Attorney General gave this remarkable and shocking answer:

> Well, if you found a pattern and practice against Negroes, and he is a Negro, I think Congress is justified in jumping the gap and establishing a conclusive presumption that that is the reason for his trouble.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. WHITENER] has expired.

Mr. SMITH of Virginia. Mr. Chairman, I ask unanimous consent to yield one-half minute of my time to the gentleman from North Carolina.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WHITENER. Yes; that is the answer given by the Deputy Attorney General notwithstanding that the question presumed that no such evidence was applicable to this particular applicant. That is the Deputy Attorney General of the United States speaking. How any one holding himself out as a member of my beloved profession can for political expediency so close his mind to the basic principles of Anglo-Saxon jurisprudence is a mystery to me.

The CHAIRMAN. The time of the gentleman from North Carolina has again expired.

Mr. HOFFMAN of Michigan. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. HOFFMAN of Michigan moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. MEADER. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. CURTIS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield.

Mr. CURTIS of Massachusetts. Mr. Chairman, we ought to get back to the substance of this motion and get away from technicalities.

Let us consider some facts about the deprivation of voting rights as reported by the Civil Rights Commission. I refer to a speech made by one of the distinguished members of that Commission, Father Theodore M. Hesburgh. He describes how people go and stand in line to register to vote in certain sections of the country. They stand in line and answer questions, and then in three months or so they find that they have been denied. Then they have to go back. That happens again and again, and they do not find themselves registered.

The motion before the Committee would require that in order to get relief the applicant would have to prove that he was denied the right to register on account of race or color. That is something that is impossible to prove, Mr. Chairman. This motion would cut the heart right out of this bill.

The question is not whether there is a conclusive presumption. The question is, sir, whether under the Constitution this is appropriate legislation to try to remedy this deprivation. I submit that it is. I submit further that this question of conclusive presumption is immaterial. This proposed law says that after a pattern of discrimination on account of race has been found, a person of the same race can go before a referee and say that he has been denied registration, and the referee may find that he should be registered. There is nothing wrong with that. Anything else would be unworkable. If we want effective legislation, we have to vote down this amendment.

Mr. MEADER. Mr. Chairman, with reference to the matter of conclusive presumption, the reason it was impossible to find any language in the bill saying that there will be a conclusive presumption of deprivation on account of race or color is because it is just not there.

Here we have a case of legislation by the absence of words, and it is done in this precise fashion: Once the pattern or practice is found to exist in an area, then any applicant of that race in that area can come in and prove these two elements: First, that he is qualified, and, second, that he has been deprived. He need not prove that he has been deprived on account of race or color.

That is the manner in which this language is drawn, and the effect of it is to give him a cause of action without proving the basic element of it, which appears in the 15th amendment, namely, the only basis for Federal action in this field being where people have been deprived on account of race or color. We provide in this bill, by failing to mention it, that that element of the cause of action need not be proved where a pattern is found to exist.

Mr. FLYNT. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Georgia for a question.

Mr. FLYNT. I ask the gentleman in all frankness and in all sincerity, Would it not make it possible to create a cause of action where no cause of action, in fact, existed?

Mr. MEADER. This is the law of the Congress and this is the cause of action we create. He needs to make proof of only two elements and then he is entitled to an order.

Mr. FLYNT. Even though he has no cause of action, as a matter of fact; is that not correct?

Mr. MEADER. It does not require him to prove the element that he was deprived on account of race or color. It excuses him from making that proof in order to be able to get relief.

Mr. FLYNT. In spite of the fact that that very element is the whole basis for the cause of action.

Mr. MEADER. That is the basis for Federal authority in this field.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Michigan [Mr. HOFFMAN].

The motion was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Chairman, I think this discussion is beginning to let the old cat gradually claw its way out of the bag. We are beginning to see the utter futility that some of us have mentioned here before in trying to write as intricate and as important a bill to every State in the Union as this bill is

on the floor of the House of Representatives. I would like to clarify this thing a little bit more with these gentlemen whom we have been trying to get to say whether it is the intention of this bill and whether it is the intention of the drafters of this bill that when the judge establishes a pattern in my town of Alexandria of discrimination, does that then establish a conclusive presumption that everybody of the colored race in Alexandria has been and is being discriminated against?

Now that is a simple thing. The gentleman from California, who I think is a good lawyer, says he does not know. I asked the gentleman from New York, who I know is a good lawyer, because I have known him for a long time, if he would not confirm that statement, and he said he would not. Then the gentleman from Arkansas called on the minority leader to tell what his construction of it was. The minority leader is a good lawyer. He is not only a good lawyer but he is an honest man. He never said this thing was intended to be any conclusive presumption. Is the country entitled to know whether or not you are putting conclusive presumption of guilt upon a community by reason of one or two incidents? We ought to know. The country ought to know, and you gentlemen ought to know. I do not know. I thought I knew. The question is whether it is a conclusive presumption, and we are trying to cure it by putting in two or three words "race or color." That is what it is all about. Why should you people who are in favor of this bill shy away from those words "race and color"? I think you would want it in there on every line. That is what we are talking about.

I am going to make this suggestion. My suggestion is that instead of voting on this proposition that the Committee rise and give the combination of Republicans and Democrats which is operating today an opportunity to caucus again and let them decide what they do mean, and let them come back here tomorrow and tell this House what they mean so we can tell the country and the newspapers if you are intending to put the stamp of guilt upon a whole community just because two or three people have been discriminated against. That is what the Attorney General intends. Do not make any mistake about that.

Now tonight, without knowing where you stand, I ask you in all seriousness, because this is a serious question, to do that.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

All time has expired. The question is on the amendment offered by the gentleman from Louisiana [Mr. WILLIS].

The question was taken, and on a division (demanded by Mr. CELLER) there were—ayes 113, noes 161.

Mr. WILLIS. Mr. Chairman, I demand tellers.

Tellers were ordered and the Chair appointed as tellers Mr. WILLIS and Mr. ROGERS of Colorado.

The Committee again divided, and the tellers reported that there were ayes 121, noes 149.

So the amendment was rejected.

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. WALTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, had come to no resolution thereon.

CONGRESSMAN UTT APOLOGIZES FOR MISTAKEN CHARGE RELATIVE TO CAMPAIGN REPORT OF CONGRESSMAN McGOVERN

Mr. McGOVERN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. McGOVERN. Mr. Speaker, I have today received a written apology from the gentleman from California [Mr. UTT] for a completely false charge contained in an insertion which he placed in the CONGRESSIONAL RECORD of Thursday, March 10, relative to receipts and expenditures in my 1958 campaign.

The unfortunate insertion of last week was based on a deceptive article from an extremist propaganda organ, Human Events, which alleged that I filed a different report with the Clerk of the House from the one filed with the secretary of state in South Dakota. The facts are that both reports are exactly the same. State law, however, requires that committees formed on behalf of a candidate must also file a report with the secretary of state. Such committees are not required to report to the Clerk of the House. Naturally, the total of funds in my personal campaign report would not be the same as the amount raised and expended by the McGovern for Congress Committee or any other committee formed by my South Dakota friends. The misleading insertion of last Thursday's RECORD also charged that the campaign report of the Committee on Political Education—COPE—indicates that they gave two $2,000 contributions to my 1958 campaign whereas my campaign report lists only one. This is equally false. The COPE report indicates only one contribution and this was made to my campaign committee as filed in the report of that committee.

The gentleman from California [Mr. UTT] now knows that his insertion was not correct and has fully apologized to me for it. In his letter to me of today's date, he states:

> I am asking the Speaker to recognize me for the purpose of making an apology on the floor of the House and for unanimous consent to strike the offending paragraph in the permanent RECORD. I sincerely regret the incident, for which I must assume the responsibility.

I publicly accept the gentleman's apology and thank him for his correction of the permanent RECORD.

I also want to state publicly that I am proud of every dollar that has been contributed to my two campaigns for the Congress, including the dollars from the Committee on Political Education. These dollars represent the voluntary contributions of working men and women.

It has been my privilege to receive both moral and financial support from businessmen, farmers, ranchers, workers, clergymen, housewives, teachers, students and the whole cross section of our citizenry. I am grateful for this broad support for as a schoolteacher and the father of five children, I could not finance a campaign for high office from my own resources. Frankly, I do not understand the attitude of those who feel that corporation executives and bankers should be permitted to contribute to campaigns but that it is wrong for working people to do so. I know that there are some few labor elements that are dishonest. They have never offered to contribute to my campaigns, nor would I accept their support if they did. But, I hope and pray that I never become so snobbish as to reject the honest dollar contributions of the man in overalls. The railroadman, the packinghouse worker, the carpenter, and the electrician have as much right to participate in election campaigns as do the oil tycoon or the investment banker.

During the years that I have been privileged to serve in the Congress, no worker, businessman, or farmer contributing to my campaign fund has asked me to support a dishonorable cause or to vote against the public interest. I want to thank these hundreds of patriotic citizens for assisting me in the rebuilding of healthy two-party government in South Dakota.

PIONEER V: A TRIUMPH IN OUR SPACE PROGRAM

Mr. BASS of New Hampshire. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. BASS of New Hampshire. Mr. Speaker, thus far, the new satellite of the sun, Pioneer V, which the United States put up into space last Friday has been behaving admirably.

It is traveling along its chosen path into orbit between Venus and Earth, an area never before probed by man. At its closest point to the sun it will be 74 million miles from the sun, or 20 million miles closer to the sun than the earth. It is sending back its reports in a voice that is loud and clear, and speaks whenever spoken to—upon command of a radio signal from earth. Also, Pioneer V reports that it is keeping cool and collected, within the range of temperatures at which it functions best, and getting neither too hot nor too cold. The internal temperature is about 75° F. and the external temperature is about 27° F.

By 5 p.m., Tuesday, March 15, the 94.8-pound, 26-inch sphere was 742,730 miles from the earth and setting new long-distance communications records with each radio transmission.

Pioneer V is equipped with solar paddles to keep its batteries charged and has already returned more than 10 hours of scientific data since it was launched at 8 a.m. e.s.t. on March 11, 1960, at Cape Canaveral, Fla.

Pioneer V's instruments are constantly recording information on the space environment encountered. About every 4 hours, the spacecraft's 5-watt transmitter is commanded by radio signal and the data is relayed to several of half a dozen receiving stations on earth. After each 15- to 30-minute interrogation, the Pioneer V transmitter is turned off to save power and prolong the life of the payload's highly complex electronic components.

When Pioneer V is several million miles out in space, it will be sent a signal to turn on its second transmitter, a more powerful 150-watt unit. Depending on the lifetime of its components this transmitter should permit earth-probe contact for up to 50 million miles.

Both the United States and the U.S.S.R. have previously placed artificial planets in orbits around the sun between the Earth and Mars. Neither of those, however, contained an auxiliary power source such as the solar cells in Pioneer V. Thus their batteries failed and both were silent after reaching a distance of approximately 400,000 miles from the earth.

The Pioneer V program is under the direction of the National Aeronautics and Space Administration. Technical assistance was furnished by the Air Force Ballistic Missile Division—Air Research and Development Command—with overall system engineering by Space Technology Laboratories, Inc., of Los Angeles. Through the supplying of component parts more than 50 business firms and two universities, the University of Chicago and University of Minnesota, have had a direct part in this new space exploration adventure. And indirectly hundreds of other industrial firms have contributed to this excellent achievement.

REPORT OF 1959 SIGMA DELTA CHI ADVANCEMENT OF FREEDOM OF INFORMATION COMMITTEE

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PUCINSKI. Mr. Speaker, my attention has been called to the report of the 1959 Sigma Delta Chi Advancement of Freedom of Information Committee. I am most grateful to Mr. Milburn P. Akers, editor of the Chicago Sun-Times, for calling this report to my attention.

I urge every Member of Congress to familiarize himself with this very penetrating analysis of one of the most serious problems confronting our Government today, namely, the widespread use of so-called executive privilege to withhold from the American people information about activities of their Government.

The Sigma Delta Chi Advancement of Freedom of Information Committee has performed one of the most profound public services in the history of our country. This analysis of the administration's almost complete blackout on objective and impartial information about its activities is a document that should be read by every American. The report quite properly points out that the President's persistent adherence to the so-called doctrine of executive privilege has "furnished the umbrella under which the Federal bureaucrats have effectively hidden while they withhold legitimate information from both the public and Congress."

This report does not suggest any easing of disclosure rules affecting national security, nor do I, but it effectively marshals indisputable evidence to show how records of expenditures of taxpayers' money by the Federal Government are closed to both the press and the public.

It will do us little good to debate the vital issues of civil rights, labor legislation, the lag in missile development, waste in foreign aid expenditures, and all the other vital issues pending before this Congress if we remain completely oblivious to the fact that the very cornerstone of our freedom rests in the unhindered right of the American people to know what goes on in their Government. The Sigma Delta Chi report clearly details the myriad obstructions that have been placed between the people and their Government by these executive privileges sanctioned by the President. We cannot survive as a free nation if an intolerable curtain of secrecy continues at the executive level of Government.

I am in full agreement with one of the many penetrating statements included in this report, which says, "The bureaucratic attitude which holds that the people must justify their right of access to Government information requires a continuing congressional pressure to remind Federal agencies that public business is the public's business." I also agree with the conclusion reached in the report that the privilege of secrecy claimed by officials far down the administrative line from the President is nothing more than an insidious resurgence of the divine right of an all-powerful executive—a doctrine laid to rest more than a century and a half ago by the American Revolution and the Constitution of the United States.

Mr. Speaker, it is my honest opinion that this report prepared by Sigma Delta Chi, the Nation's professional journalistic fraternity, should serve as a basis for sweeping reforms in this unconscionable practice of secrecy in Government, which indeed threatens the very survival of our Nation as a community of free people.

This report demonstrates so well the way in which the executive branch of our Government refuses to trust the intelligence and judgment of the American people by withholding from them essential information on which they could exercise their greatest privilege as Americans, that is, the right to free judgment of their executive leadership.

This report also deals with secrecy at the legislative level in Congress. I am proud to be a Member of the 86th Congress, which has come a long way to correct practices of secrecy described in this report regarding the legislative branch of Government.

While the Sigma Delta Chi report is in three parts—the first part dealing with secrecy at the Federal Government level, the second part dealing with secrecy in government at the State level, and the third part dealing with the press and the bar—for the purpose of my remarks today, I am including only the first part of the report, dealing with secrecy at the Federal Government level. I hope every American will become familiarized with this report so we can all fully appreciate how the freedoms so diligently carved out for all Americans are being eroded through the mounting torrent of so-called executive privileges.

In view of this very excellent analysis prepared by the Sigma Delta Chi committee, I hope the House Subcommittee on Government Information will redouble its efforts and present an effective program of corrective legislation to curb these abuses. I hope the program will be prepared in sufficient time for action by this Congress.

Mr. Speaker, the report follows:

REPORT OF THE 1959 SIGMA DELTA CHI ADVANCEMENT OF FREEDOM OF INFORMATION COMMITTEE—PART 1: THE FEDERAL GOVERNMENT

I. PROGRESS IN FREEDOM OF INFORMATION

Piecemeal progress was made in 1959 against unjustified secrecy imposed by Federal officials on information involving the operations of Government. At the same time, however, the imposition of secrecy on the broad and undefined ground of "executive privilege" reached a new peak posing the most serious threat to the theory of open government so far in U.S. history.

The major victory in the fight against Government secrecy was the opening of the Senate office payrolls for publication. Newspaper pressure forced the U.S. Senate to open for publication the payrolls of individual Senators. Vance H. Trimble of the Scripps-Howard Washington bureau led the way to elimination of this payroll secrecy with his series of articles on congressional payroll scandals. Senator THOMAS C. HENNINGS, of Missouri, initiated the action in the Senate which resulted in the opening of the payrolls.

It is important to note that the pressure of public opinion resulted in opening the Senate payrolls after a Federal court had rejected Trimble's lawsuit in which he had contended the Senate had no legal right to hide the payroll records. The court ruled that the Congress had a right to make its own rules relative to administration of its own affairs.

The case demonstrated how an overwhelming public opinion and a solid front of newspaper editorial support can force the opening of Government records, even when an agency of Government might have some legal right to withhold the records.

Late in 1959, Representative JOHN E. Moss' House Subcommittee on Government Information issued a 454-page report on the year's running fight against secrecy in Federal Government, and it drew the following conclusions:

"1. Continued withholding of information and officials reports from the public and the Congress solely because knowledge might create 'controversy' or affect the sensibilities

of Federal employes will inevitably destroy the very keystone of American Government—the principle that the operations of government must endure the crucible of public debate.

"2. Neither the Constitution, nor the laws enacted by Congress, nor the decisions of the courts provide any basis for the claim of 'executive privilege' now imposed upon the public and the Congress. The 'privilege' of secrecy, claimed by officials far down the administrative line from the President, is nothing more than an insidious resurgence of the divine right of an all-powerful executive—a doctrine laid to rest more than a century and a half ago by the American Revolution and the Constitution of the United States.

"3. To an alarming degree, the Pentagon's information organization has assumed characteristics of a propaganda ministry, and confusion has replaced candor in areas of vital importance to the survival of a democratic society.

"4. The bureaucratic attitude which holds that the people must justify their right of access to Government information requires a continuing congressional pressure to remind Federal agencies that 'public business is the public's business.'"

On October 17, in a speech to the college of journalism at the University of Colorado, Samuel J. Archibald, staff administrator of the House Subcommittee on Government Information, said:

"The problem of secrecy in Federal Government probably will get a lot worse before it gets better; and it will not get better until the majority of the Nation's newspapers realize that the fight for freedom of information is a lot more than an attempt to get more handout's from more Government agencies so newspapers can fill their news columns using fewer reporters."

Your committee subscribes wholeheartedly to these statements from a congressional committee which has spent 4 years investigating secrecy in Federal Government.

II. THE "DOCTRINE OF EXECUTIVE PRIVILEGE"

As a result of the concerted action by your Sigma Delta Chi Freedom of Information Committee, the American Society of Newspaper Editors, other newspaper groups, and the Moss and Hennings congressional committees, the Congress in 1958 adopted a law to prevent Federal officials from misusing a 170-year-old "housekeeping" statute as grounds for agency regulations imposing secrecy on the public business. Following the removal of this improper crutch for secrecy, Federal officials from the President on down have resorted more and more frequently to the vague claim of "executive privilege" to withhold information from the public, the press and the Congress.

For the record, your committee has not challenged the President on his exercise of the "doctrine of executive privilege" in the matter of White House policy. But your committee has challenged both the President and Federal agencies in the transferral of that "doctrine of executive privilege" from White House policy to a general umbrella of secrecy over all the transactions of the public's business throughout the Federal bureacracy. And we urge that this careful distinction be kept in mind throughout the reading of this report.

Attorney General William P. Rogers first officially and publicly proposed the "doctrine of executive privilege" before Senator HENNINGS' Subcommittee on Constitutional Rights early in 1958 as the "legal excuse" for the withholding of legitimate information of Government by all the Federal bureaucracy. In subsequent testimony before Senator HENNINGS' subcommittee, your chairman termed Mr. Rogers' "doctrine" as the bureaucrats' fanciful theory of doing as they please in the domain of the people's business and pointed out that there is not a single judicial decision in existence upholding it. Your chairman called upon the Senators for a return to the original American "doctrine of the people's privilege."

But nevertheless, the Federal bureaucracy has persisted in its "doctrine of executive privilege" and this resulted in a running fight throughout 1959 between the bureaucracy and the Congress over the withholding of information of government.

Most immediately affected was the General Accounting Office (GAO), an arm of the Congress directed by law to audit virtually all Federal expenditures and to assess the efficiency and economy of the Federal Government. By law the GAO is specifically entitled to "access to and the right to examine any books, documents, papers, or records of any such department or establishment. * * *" Despite this clear statutory authority, the GAO during 1959 encountered a greater number of refusals than ever before, particularly in efforts to investigate the expenditures of the Defense Department and the International Cooperative Administration, which handles the economic phases of the foreign aid program.

The Congress added riders to the foreign aid authorization and appropriations bills for the express purpose of trying to force the ICA to make an accounting of its spending to the GAO and the Congress. The adoption of the riders to the foreign aid bills was an indication of the wide concern in Congress over the use of executive privilege. The effectiveness of these riders should be apparent in 1960.

III. THE STRAUSS CASE

One of President Eisenhower's major setbacks in his relations with Congress involved the unwillingness of a top administration official to make available to Congress the full, candid facts about the operation of his agency.

The congressional rejection of the President's nomination of former Atomic Energy Commission Chairman Lewis L. Strauss to be Secretary of Commerce was the first rejection of a Cabinet nomination in 44 years. Mr. Strauss' defeat stemmed from his continued assertion that he would arbitrarily use the claim of executive privilege to withhold information from Congress, even if no question of national security was involved.

Mr. Strauss had been involved in a number of disputes with Congress on information policies while he was Chairman of the Atomic Energy Commission. The controversy centered around the question of whether Mr. Strauss had made misleading reports to the Congress.

The debate in the Senate indicated that the rejection of Mr. Strauss was based to a large extent on his testimony in which he said that in his administration of the Commerce Department he would give the Congress information on final decisions but would feel that "executive privilege" entitled him to withhold documents containing advice and recommendations of persons within the executive branch of the Government.

After prolonged hearings by the Senate Commerce Committee, seven members of that committee concluded that:

"It appears to us from careful attention to the testimony, that Mr. Strauss has withheld or manipulated information to serve policy or personal ends. On the basis of the record, we have grave doubts as to whether or not information furnished by Mr. Strauss, as Secretary of Commerce would be accurate or complete."

The Senators, in their opposition report, stated, among other things, that "the nominee often resorted to unnecessary untruths and what appeared to be an attempt to put himself in the best possible light before the committee."

Senator MIKE MONRONEY, of Oklahoma, in addition, as the eighth member opposing Mr. Strauss' nomination, stated:

"His initial assertions on almost every topic were misleading, and only after persistent questioning was the full story available to the committee.

"Information on the conduct of their Government is not only the people's right, but an absolute necessity for their effective supervision of that Government."

Although Mr. Strauss won the approval of the committee by the narrow margin of 9 to 8, the Senate overrode the narrow committee majority and voted to reject the Strauss nomination.

This case was of extreme importance in the fight for freedom of information in Federal Government simply because it was the first public repudiation of the bureaucrats' "doctrine of executive privilege" in the withholding of facts of Government on the part of the Congress.

IV. SECRECY IN FOREIGN AID

The General Accounting Office was refused access to evaluation reports prepared by the International Cooperation Administration of the foreign aid programs in Pakistan, India, Brazil, and Guatemala. Comptroller General Joseph Campbell, head of the General Accounting Office, protested to Congress that these refusals were hindering the GAO in the performance of its statutory duties and "could be almost fatal" to GAO's effectiveness.

Campbell had similar protests against the Air Force and the Navy. Both of these agencies have declined to make various inspector generals' reports available to the GAO auditors.

The House Foreign Operations Subcommittee, headed by Representative PORTER HARDY, JR., Democrat, of Virginia, was likewise stymied by refusal of ICA to make certain records available on the operation of the foreign aid program in Laos. Through the GAO and through other sources outside of the Government, HARDY was able to establish evidence of widespread waste, mismanagement and bribery in the foreign aid program in Laos.

The Senate Constitutional Rights Subcommittee headed by Senator HENNINGS conducted hearings on the administration's claims to a right to arbitrary secrecy. Acting International Cooperation Administration Director Leonard J. Saccio, in his testimony before the subcommittee, made it emphatically clear he believed "executive privilege" gave him the right to refuse the GAO virtually every document in the ICA's possession. He testified:

"I am not falling back now on legal distinctions or principle here. I am saying in effect that if ICA wanted to apply the executive privilege, GAO would not see one thing because practically every document in our agency has an opinion or a piece of advice."

No agency in the executive department has carried executive privilege to the extreme point indicated in Mr. Saccio's testimony. However, the testimony by Mr. Saccio was a clear showing of the danger inherent in a doctrine that any executive department official could withhold any document that includes advice or recommendations.

The major opposition to executive privilege came from Democratic committee chairmen who were intent on investigations involving the Republican administration. However, there were some Republicans who were equally concerned over this use of arbitrary secrecy and warned that this doctrine might be used by some subsequent Democratic administration to bar Republican congressional committees from conducting thorough investigations. Representative GEORGE MEADER, of Michigan, was

one of those most active in the effort to convince the administration that elimination of the broad "executive privilege" secrecy doctrine was not a partisan political issue.

The work of Representative HARDY, of Virginia, and Representative MEADER was largely responsible for the fact that the House unanimously adopted an amendment to the foreign aid authorization bill on June 18, 1959. That amendment stated:

"All documents, papers, communications, audits, reviews, findings, recommendations, reports, and other material which relate to the operation or activities of the International Cooperation Administration shall be furnished to the General Accounting Office and to any committee of the Congress, or any duly authorized subcommittee thereof, charged with considering legislation or appropriation for, or expenditures of, such Administration upon request of the General Accounting Office or such committee or subcommittee as the case may be."

The Senate approved the amendment, and it was included in the legislation sent to the President for signature.

President Eisenhower signed the bill on July 24, 1959, but announced that he would ignore the Hardy right-to-information amendment. The President stated:

"I have signed this bill on the express premise that the three amendments relating to disclosure are not intended to alter and cannot alter the recognized constitutional duty and power of the Executive with respect to the disclosure of information, documents, and other materials. Indeed, any other construction of these amendments would raise grave constitutional questions under the historic separation-of-powers doctrine."

Following the President's statement, Representative HARDY offered an amendment to the Mutual Security Appropriations Act which provides the actual funds for the foreign aid program authorized under the previous legislation. The new Hardy amendment stated that unless ICA provided the information requested by Congress and the GAO, funds for the foreign aid project in question would be cut off. His amendment applied solely to economic aid.

The Senate Appropriations Committee substituted for the Hardy amendment a watered down version by Senator A. WILLIS ROBERTSON, of Virginia, which would not cut off the funds in event of a refusal if the President certified that it was his decision in each case to withhold the information.

Although the legislation as finally sent to the President lacked the teeth which Representative HARDY proposed, it placed the responsibility for refusals squarely in the hands of the President and requires him to state his reason in each instance.

Senate debate during the consideration of the legislation showed that the Senate was not conceding a broad right of privilege to the President.

V. A CHRONOLOGY OF "EXECUTIVE PRIVILEGE" DEVELOPMENTS

Because of the great danger of the Federal bureaucrats' "doctrine of executive privilege" to the free flow of information of Federal Government to the American people, your committee early in 1959 officially requested Representative Moss' House Subcommittee on Government Information to keep a play by play record of the developments.

Most of these public developments involved the refusal of the Pentagon to release documents to the Congress, and this, of course, sparked a running debate between the bureaucracy and congressional committees.

Actually, it is impossible to ascertain how much the claim, or the threatened claim, of "executive privilege" hampered the Congress and the press in its search for information from the Federal departments and agencies. In many cases, the bureaucrats' refusals are made orally to congressional committee staffs and summaries or expurgated versions are accepted in lieu of actual documents. Undoubtedly, congressional committees, and the press, too, in many cases do not request information because they anticipate refusals.

Your committee therefore offers the following chronology of developments involving the "doctrine of executive privilege," compiled by Representative Moss' subcommittee, as a most important record of the fight for freedom of information in Federal Government in 1959:

January 22: Comptroller General Joseph Campbell formally protests Navy refusal of access to report on procurement activities of the Military Sea Transportation Service. (House Government Information Subcommittee hearings, pt. 17, p. 3973.)

February 17: Complaint from Congressman RICHARD E. LANKFORD of Maryland, to the House Government Information Subcommittee about the Navy refusal of Congressman LANKFORD's request for a report on the Naval Gun Factory, Washington, D.C. (House Government Information Subcommittee hearings, pt. 17, p. 3925.)

February 26: Congressman PORTER HARDY, JR., of Virginia, chairman of the House Foreign Operations Subcommittee, requests documents relating to the Office of Evaluation in the International Cooperation Administration as part of his subcommittee's investigation of the foreign aid program.

March 13: Hearings by the Senate Constitutional Rights Subcommittee with officials of the General Accounting Office on refusals to GAO. (Constitutional Rights Subcommittee hearings on "Executive Privilege and Freedom in Information," pt. 1.)

March 19: Report by the House Government Operations Committee based on hearings by the Government Information Subcommittee on the Air Force refusal of a General Accounting Office request for a report on management of the billion-dollar-a-year ballistic missile program. The committee concluded:

"The Air Force refusal to the Comptroller General is based solely on a naked claim of 'executive privilege.' The Constitution grants no such authority nor has the mythical doctrine of privilege been supported by the courts. The refusal not only violates the duly enacted law of the land but also is contrary to a specific constitutional requirement (art. II, sec. 3) that the President 'shall take care that the laws be faithfully executed.'

"No executive act can modify, amend, or contravene a statute. Laws can be amended only in the way they were enacted. Any attempt by the Executive to alter or supersede the law does violence to the Constitution.

"When the Executive can select which laws shall and shall not be enforced; when this selective power is applied to laws providing information necessary for the legislative branch to carry out its constitutional duties; when the executive privilege to control information for the Congress flows down from the President throughout the executive bureaucracy, then the Government of the Nation ceases to be a representative democracy. Sweeping claims of an unrestrained executive privilege to control the facts of Government are a step toward despotism" (H. Rept. No. 234, 86th Cong., 1st sess., p. 83).

April 2: Refusal by Acting ICA Director Leonard J. Saccio of Hardy request for documents.

April 15: Comptroller General Joseph Campbell, in testimony before the House Appropriations Subcommittee on Independent Offices, complains that refusals by ICA and the Department of Defense severely handicap the GAO in the performance of its statutory duties and may prove fatal to GAO's effectiveness (pp. 1045 ff).

April 20, 21, and 23: Hearings by the House Government Information Subcommittee on the Navy refusals to Congressman LANKFORD and to the GAO. GAO lists refusals by the Department of Defense and by ICA including reports on aid to Formosa, Laos, Brazil, India, Guatemala, Pakistan and Bolivia. (House Government Information Subcommittee hearings, pt. 17.)

May 15: Mr. Saccio, in testimony before the Senate Constitutional Rights Subcommittee, makes it emphatically clear that he believed he had the privilege to refuse GAO virtually any document in his agency. He testified (Senate Constitutional Rights Subcommittee hearings, pt. II, p. 395):

"I am not falling back now on legal distinctions or principle here. I am saying in effect that if ICA wanted to apply the 'executive privilege,' GAO would not see one thing because practically every document in our agency has an opinion or a piece of advice."

June 15: Hardy subcommittee, in a report adopted by the House Government Operations Committee, documents waste, mismanagement and bribery in the foreign aid program for Laos. (H. Rept. No. 546.)

June 16: "Executive privilege" discussed during Senate debate on nomination of Lewis L. Strauss as Secretary of Commerce (CONGRESSIONAL RECORD, vol. 105, pt. 8, pp. 10908–10920.)

June 18: Congressman PORTER HARDY, JR., of Virginia offered, and the House unanimously adopted, the following amendment to the pending Mutual Security Act of 1959 (H.R. 7500):

"All documents, papers, communications, audits, reviews, findings, recommendations, reports, and other material which relate to the operation or activities of the International Cooperation Administration shall be furnished to the General Accounting Office and to any committee of the Congress, or any duly authorized subcommittee thereof, charged with considering legislation or appropriation for, or expeditures of, such Administration upon request of the General Accounting Office or such committee or subcommittee as the case may be." (CONGRESSIONAL RECORD, vol. 105, pt. 9, pp. 11305–11307.)

July 1: President Eisenhower questioned at his press conferences about the claim of "executive privilege."

July 2: Senator WILLIS ROBERTSON, of Virginia offered, and the Senate unanimously adopted, the Hardy amendments during debate on the Mutual Security Act of 1959. (CONGRESSIONAL RECORD, vol. 105, pt. 10, pp. 12587–12590.)

July 14: Senate Subcommittee on Governmental Organization for Space Activities headed by Senator STUART SYMINGTON, of Missouri, complained in a report that the imposition of "executive privilege" by the head of the National Aeronautics and Space Administration had hindered Congress "from obtaining basic policy information" about U.S. space plans and programs. (S. Rept. No. 806, 86th Cong., 1st sess., July 14, 1959.)

July 15: President Eisenhower again questioned at press conference about executive privilege; reporter Clark Mollenhoff, at the President's suggestion, submits a written inquiry.

July 17: Claim of executive privilege discussed with Pentagon officials at hearing of the House Armed Services Investigating Subcommittee.

July 21: Reply to reporter Clark Mollenhoff from Gerald D. Morgan, Deputy Assistant of the President, reiterating claim of executive privilege.

July 24: The President signed the Mutual Security Act of 1959 (H.R. 7500) and issues the following statement on the Hardy amendments included in that bill:

"I have signed this bill on the express premise that three amendments relating to

disclosure are not intended to alter and cannot alter the recognized constitutional duty and power of the Executive with respect to disclosure of information, documents, and other materials. Indeed, any other construction of these amendments would raise grave constitutional questions under the historic separation-of-powers doctrine."

July 24: Congressman HARDY, pointing out the newly enacted Hardy amendments, requests James W. Riddleberger, Director of ICA, to make available ICA evaluation reports on foreign aid operations in Laos and Vietnam. The information was refused informally the same day, and refused formally by letter on August 5, 1959.

July 28: Congressman HARDY offers, and the House unanimously adopts, the following amendment to the Mutual Security Appropriations Act of 1960 (H.R. 8385) to cut off funds in the event that information is refused about economic aid projects:

"None of the funds herein appropriated shall be used to carry out any provision of chapter II, III, or IV of the Mutual Security Act of 1954, as amended, during any period when more than 20 days have elapsed between the request for, and the furnishing of, any document, paper, communication, audit, review, finding, recommendation, report, or other material relating to the administration of such provision by the International Cooperation Administration, to the General Accounting Office or any committee of the Congress, or any duly authorized subcommittee thereof, charged with considering legislation or appropriation for or expenditures of the International Cooperation Administration and the Department of State." (CONGRESSIONAL RECORD, vol. 105, pt. 11, p. 14530.)

July 29: President Eisenhower again comments on "executive privilege" at press conference and states that he does not believe the Hardy amendment to the appropriations bill "will ever get to my desk."

July 30: American Bar Association Journal article by Senator THOMAS C. HENNINGS of Missouri, "Constitutional Law: The People's Right to Know." (Reprinted in CONGRESSIONAL RECORD, vol. 105, pt. 11, pp. 14693–14697.)

August 5: ICA Director Riddleberger formally refuses Hardy request for evaluation reports on Laos and Vietnam.

August 5: C. Douglas Dillon, Acting Secretary of State, testifies in opposition to Hardy amendment. (Senate Appropriations Committee Hearings on Mutual Security Appropriations for 1960, pp. 81–82.)

August 6: HARDY informs Riddleberger that he cannot accept Riddleberger's position and that if the Hardy amendment to the Mutual Security Appropriations becomes law he will again demand that Riddleberger make the documents available.

August 6: Riddleberger testifies in opposition to Hardy amendment. (Senate Appropriations Committee Hearings on Mutual Security Appropriations for 1960, p. 163.)

August 10: Memorandum on claim of "executive privilege" sent by Congressman Moss to Members of the Senate in support of the Hardy amendment.

August 18: Statement by Senator HENNINGS to Senate Appropriations Committee in support of Hardy amendment. (Senate Appropriations Committee Hearings on Mutual Security Appropriations for 1960, pp. 582–585.)

September 3: A report by the House Government Operations Committee, based on the work of the House Government Information Subcommittee including the hearings on the Navy refusals to Congressman LANKFORD and the General Accounting Office, lists numerous instances of the abuse of "executive privilege" and concludes, in part:

"Neither the Constitution, nor the laws enacted by the Congress, nor the decisions of the courts provide any basis for the claim of 'executive privilege' now imposed upon the public and the Congress. The 'privilege' of secrecy, claimed by officials far down the administrative line from the President, is nothing more than an insidious resurgence of the divine right of an all-powerful executive—a doctrine rejected more than a century and a half ago by the American Revolution and the Constitution of the United States." (H. Rept. No. 1137, 86th Cong., 1st sess., Sept. 3, 1959, p. 400.)

September 8: The Senate Appropriations Committee, in a late night session, eliminates the Hardy amendment from the pending Mutual Security Appropriations Act of 1960 (H.R. 8385). (S. Rept. No. 981.)

September 9: Assistant Comptroller General Frank H. Weitzel informs Congressman HARDY that failure to enact the Hardy amendment not only will seriously affect GAO's work in ICA but also other departments and agencies will view the failure as congressional recognition of executive privilege.

September 10: Senator WILLIS ROBERTSON, of Virginia, proposes a substitute for the Hardy amendment to cut off funds in event of a refusal unless the President certifies in each instance that making the information available would be contrary to the public interest. The proposed Robertson amendment is as follows:

"(d) None of the funds herein appropriated shall be used to carry out any provision of chapter II, III, or IV of the Mutual Security Act of 1954, as amended, in any country, or with respect to any project or activity, after the expiration of the 20-day period which begins on the date the General Accounting Office or any committee of the Congress, or any duly authorized subcommittee thereof, charged with considering legislation or appropriations for, or expenditures of, the International Cooperation Administration, has delivered to the office of the Director of the International Cooperation Administration a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material relating to the administration of such provision by the International Cooperation Administration in such country or with respect to such project or activity, unless and until there has been furnished to the General Accounting Office, or to such committee or subcommittee as the case may be (1) the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested or (2) a certification by the President that he considers the disclosure of such document, paper, communication, audit, review, finding, recommendation, report, or other material to be contrary to the public interest and has forbidden its being furnished pursuant to such request." (CONGRESSIONAL RECORD, vol. 105, pt. 15, p. 18929.)

September 10: Letter from Chairman WILLIAM L. DAWSON of House Government Operations Committee, Congressmen HARDY and Moss to Members of the Senate warning of dangers if Hardy amendment not adopted.

September 12: Senate adopts the Robertson amendment. (For the debate see CONGRESSIONAL RECORD, vol. 105, pt. 15, pp. 19255–19259, 19269–19299, and 19302–19305.)

September 14: Speech by Senator MIKE MONRONEY, of Oklahoma, setting forth legal background of "executive privilege" and showing how the claim was being used to contravene duly enacted statutes. (CONGRESSIONAL RECORD, vol. 105, pt. 15, pp. 19509–19530.)

September 15: In the early morning hours shortly before adjournment of the 1st session of the 86th Congress, the House-Senate conference committee on the Mutual Security Appropriations Act of 1960 (H.R. 8385) agrees on the following language in a compromise between the Hardy and Robertson versions:

"(d) None of the funds herein appropriated shall be used to carry out any provision of chapter II, III, or IV of the Mutual Security Act of 1954, as amended, in any country, or with respect to any project or activity, after the expiration of the thirty-five day period which begins on the date the General Accounting Office or any committee of the Congress, or any duly authorized subcommittee thereof, charged with considering legislation or appropriations for, or expenditures of, the International Cooperation Administration, has delivered to the office of the Director of the International Cooperation Administration a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material relating to the administration of such provision by the International Cooperation Administration in such country or with respect to such project or activity, unless and until there has been furnished to the General Accounting Office, or to such committee or subcommittee as the case may be (1) the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested, or (2) a certification by the President that he has forbidden its being furnished pursuant to such request, and his reasons for so doing." (CONGRESSIONAL RECORD, vol. 105, pt. 15, pp. 19647 and 19735–19745.)

VI. YOUR COMMITTEE AND THE WHITE HOUSE

Your committee, through its Washington news member, Clark Mollenhoff, of the Des Moines Register and Tribune, twice engaged President Eisenhower in public controversies involving bureaucratic secrecy in Federal Government. Both incidents concerned the foreign aid program.

On July 15, at the President's press conference, Mollenhoff stated that committees of Congress have accused the administration of using secrecy "to hide imprudence, mismanagement, fraud, and in some cases material that has later resulted in indictments." Then he asked:

"I wonder if you have taken any steps to correct this, or how you reconcile this withholding with the Budgeting and Accounting Act which says it must be put forth to the Comptroller General, and your own constitutional requirement that you faithfully execute the laws?"

News accounts reported that this question visibly angered President Eisenhower, who replied as follows:

"I think you had better put that question in written form and let me take a look at it, because you start, right off the bat, with the premise or implication that someone is guilty of fraud. And I don't believe it."

Mollenhoff started again: "Mr. President—" but President Eisenhower cut him off with: "I will see your letter, if you would like to submit it."

In his subsequent letter, Mollenhoff pointed out that Congress had complained that Federal agencies were using the "doctrine of executive privilege" to withhold information from it, and that Comptroller General Joseph Campbell had complained that the International Cooperation Administration and the Department of Defense both had violated the law by withholding several reports from his office. Then Mollenhoff asked:

"Do you feel you have an executive responsibility to carry out the law in line with the Comptroller General's views?"

The White House did not answer this question. In his reply, Gerald D. Morgan, Deputy Assistant to the President, wrote that the Eisenhower position has not changed since the President wrote on the same subject last year to Representative

CLARE HOFFMAN, of Michigan. Morgan quoted the President as saying then:

"I believe, of course, that the public, the Congress, and such auditing units as the General Accounting Office should have all the information departments and agencies can properly make available.

"However, the public interest also demands order and efficiency in the operation of these departments and agencies. And in my judgment the public interest is not necessarily served by divulging the advice, suggestions, or recommendations which subordinate employees periodically make to their superiors.

"In this connection, recommendations of inspectors general have been a most useful advisory tool in administering the military departments; and historically, recommendations and other advisory matter in such reports have not been released. I think this practice is a correct one, and is in the best interest of the Nation."

Such statements, coming directly from the President and as reasonable sounding as they are, have furnished the umbrella under which the Federal bureaucrats have effectively hidden while they withhold legitimate information from both the public and the Congress, as has been brought out time and again by the hearings of the Hennings and Moss congressional committees.

The $3,186,500,000 foreign aid bill before Congress included a section that would cut off all foreign aid funds except military assistance if the administration held back from Congress reports evaluating the aid program. The White House had publicly opposed this provision.

On July 29, Mollenhoff rose at the President's press conference and asked if the President regarded the "'freedom of information' provision of the foreign aid bill as a criticism of the administration's 'secrecy policies.'" The President, again apparently angered, said sternly:

"You start your question with an implied fact that is not a fact. You say the administration's secrecy policies. There has been no administration."

At this point, Mollenhoff again rose to amplify his question.

"Please sit down," President Eisenhower said sharply. Mollenhoff sat down, and the President continued:

"There has been no administration since my memory, and I have been in this city since 1926, who has gone to such lengths to make information available as long as the national security and the national interest of this country is not involved."

Your chairman promptly wrote the following public letter to President Eisenhower:

"The official reports of the Moss Subcommittee on Governmental Information in the House of Representatives and the Hennings Subcommittee on Constitutional Rights in the Senate, covering their investigative hearings of the last 3 years, show clearly that there is more unnecessary secrecy in the Federal Government today than at any time in our history.

"These reports, totaling millions of words, carry the testimony of scores of leading Federal officials, who stated for the record that they were accustomed to withholding information of Government, which had nothing to do with either the security of the interests of our country, from both the press and the people. These reports are easily available to the White House.

"Mr. Mollenhoff's question at the press conference about your administration's 'secrecy policies' had to do with the House of Representatives' provision in the foreign aid bill that would force the bureaucracy to give information of this foreign aid to the Congress. I would like to state relative to this that since the end of World War II some $75 billion of the American people's tax funds have been expended on foreign aid, yet the American people have not been given an accounting of a single penny of these expenditures by the Federal bureaucrats.

"This secrecy, of course, explains the great confusion in the public mind over the expenditure of our tax funds in foreign aid, and the same secrecy in other departments of our Federal Government also explain the great confusion over other leading issues of our day in the public mind. Both the Congress, which votes the expenditure, and the American people, who pay the tax funds, are entitled to full information.

"The mere declaration by the bureaucrat that publication of news of Government would affect the public interest is not sufficient safeguard for the interests and the future well-being of the American people. Congressional hearings during the last 3 years have revealed time and again that such declarations simply are not justified and that they are being freely used by the bureaucrat to eliminate the proper restraint of public opinion, which is so necessary to the functioning of the free, American society.

"I am enclosing copies of the 1957 and 1958 reports of the Freedom of Information Committee of Sigma Delta Chi, the professional journalistic fraternity, of which I am chairman. These reports will show clearly the following trends in Federal Government today, which are carefully documented:

"1. Virtually all of the records of the expenditure of the American citizen's tax funds by the Federal Government are closed to both the press and the public, and most of the meetings of Federal Government dealing with these expenditures of tax funds are closed.

"I would like to point out that in the last 7 years, while the Federal Government has been increasing its secrecy, the legislatures of 19 States have adopted laws against secrecy in both govermental records and governmental meetings. Today 32 States have laws guaranteeing their citizens open records of government and 23 States have laws stipulating that governing bodies must meet in the public for all to see and hear.

"2. I have in my files 15 documented cases in the last 2 years wherein the bureaucrat has denied proper information of government to the Congress, and this, of course, points up definitely the usurpation of the functions of our legislative branch of Federal Government by the bureaucracy, a most dangerous trend for the future well-being of the free American people.

"3. It would take a super-Houdini to navigate the mushrooming maze of the Federal bureaucracy which places a restraining finger upon every phase of living of every American citizen.

"4. There is an unhealthy 'hostility of attitude' among the Federal bureaucrats toward the free press and its obligation to report all the facts of free American government to the free people.

"Let me stress to you that the free press of our country is just as interested in preserving the national security as you, and that this letter deals solely with the legitimate information of American government and not with the revelation of security secrets. And I might point out that the record shows clearly, deepite the numerous charges of the bureaucrats, that not one case has been documented wherein the press revealed a security secret that harmed the interests of our country.

"Therefore, this is to call upon you, both humbly and respectfully, for a change of attitude in your administration toward freedom of information and the American people's right to know about their Government, which is so necessary to the retention of American freedom in a most trying era."

The White House did not even acknowledge this letter. In January 1958, a copy of your committee's 1957 Freedom of Information Report, documenting 93 cases of outright abridgement of the American people's right to know, also was sent to Mr. Eisenhower. All of which leads your committee to the belief that those around the President are carefully keeping from him the true state of affairs in our national problem of freedom of information within the Federal Government. Otherwise, these controversies between the press and the White House would not be necessary.

VII. THE PRESS SUES THE CONGRESS

Your committee took a hand in a strange drop-the-handkerchief game involving both the Federal bureaucracy and the Congress over the matter of congressional secrecy during April and May.

While both the Hennings Committee in the Senate and the Moss Committee in the House were hammering away at Attorney General Rogers for his "doctrine of executive privilege" as the legal grounds for bureaucratic secrecy, Rogers and his aides were defending Congress in a suit in Federal court brought by the press to eliminate some of the congressional secrecy.

Under the rules of the Congress, House of Representatives office payrolls were open, whereas the Senate kept its financial transactions a deep, dark secret.

Early in 1959, Vance H. Trimble, Washington correspondent for the Scripps-Howard newspapers, began a series of stories on congressional nepotism, which revealed that many Senators and Representatives had wives, children, and political friends on their payrolls and which bared much political privilege in the rental of Congressmen's office space. These stories attracted wide national attention.

On March 24, House Clerk Harry Livingston slapped a top-secret label on the records of the Congressmen's rental of office space, apparently with the blessing of Speaker SAM RAYBURN, and declared that "we don't have the time or personnel to handle all requests to see them." This censorship resulted in so much public criticism that it lasted less than a week.

On April 2, Trimble sued both Houses of Congress in Federal court to force them to make public their expenditure of the public's tax funds in operation of their offices. He said: "The people have a right to know how Congress spends their tax money."

Your chairman met with Trimble's attorneys in Washington a short time later, agreed to serve as amicus curiae (friend of the court) in the case, and appointed Clark Mollenhoff, Washington correspondent for the Des Moines Register and Tribune and a member of your Freedom of Information Committee, as his attorney. Mollenhoff is an attorney as well as newspaperman and has all the privileges of practicing in Federal court.

All of this created great stir in the Congress. Senator FRANK J. LAUSCHE, of Ohio, rose on the Senate floor on April 8, declared that the Senators were inviting suspicion through "seemingly clandestine efforts to conceal" their payrolls, and called for public disclosure.

But Senator NORRIS COTTON, of New Hampshire, retorted sarcastically that "the Senate is not a factory," and Senator HOMER CAPEHART, of Indiana said we would have chaos if the Senate told the taxpayers how it was spending tax funds in operating its offices. And Senator EVERETT M. DIRKSEN, of Illinois, the Senate Republican leader, opposed the proposal on the grounds that "Everything, as far as I know, has been most circumspectly administered."

On April 15, with great public fanfare, Senators JACOB K. JAVITS and KENNETH B. KEATING, of New York, and HUGH SCOTT and JOSEPH S. CLARK, of Pennsylvania, called in the press and announced the details of their office expenditures.

There was an equal stew in the House of Representatives. The question came before a House Administration Subcommittee on April 27, and Representative GEORGE M. RHODES, of Pennsylvania, charged there was "unethical control of important news and information" and that newspapers were keeping the "public mind off great issues" by their stories on congressional nepotism. He also said that newspapers should be required to reveal the details on their own salaries and pensions. Representative FRANK E. SMITH, of Mississippi, agreed with him and declared that newspapers had been "wasting a lot of time" on congressional nepotism. But Representative WILLIAM E. MINSHALL, of Ohio, challenged them and said that newspapers were private organizations and "any attempt to force them to give such information would be socialism to the nth degree."

Under the law of our land, the Attorney General's office defends the Congress in all court proceedings. In mid-May, Attorney General Rogers filed a brief in court based solely on the doctrine of separation of powers in Federal Government, the same legal argument on which he based his "doctrine of executive privilege," contended that the courts lacked the power to compel the Senate to disclose its records, and suggested that Trimble's relief rested solely with the Senate itself.

On June 2, Judge Alexander Holtzoff threw Trimble's suit out of court. He ruled that "it is not the judicial function to supervise or control the business of the executive or legislative departments of government," which was Attorney General Rogers' claim not only in this particular court proceeding but also in his fight with Senator HENNINGS's Subcommittee on Constitutional Rights in behalf of his "doctrine of executive privilege."

Judge Holtzoff declared that freedom of the press did not extend to the right to inspect secret documents in Federal Government, which, together with his ruling on the separation of powers, apparently knocked into a cocked hat all the rights and privileges of both Senator HENNINGS' Committee and Representative JOHN E. Moss' House Subcommittee on Government Information in pummeling the bureaucrats over their secrecy. The judge declared:

"It would hardly be urged that the press is entitled to written material that the law does not regard as being automatically open to public examination, such as, for example, staff reports submitted to congressional committees, until the latter choose to release them; letters to the President from his advisers, unless he sees fit to make them public; memoranda written by personnel of executive departments to their superiors. • • • Numerous other instances of a similar nature might be cited at length."

The ink had hardly dried on Judge Holtzoff's decision when the Senate suddenly, by voice vote, decided to make public four times a year the lists of its employees and their salaries.

Thus the press, although losing the court decision, won its fight for open government in the Senate only because of the pressure of public opinion. But your committee warns that Judge Holtzoff's opinion, a judicial decision supporting the bureaucrats' doctrine of executive privilege, may come home to haunt all of us in the free press; that it is certain to be used by the bureaucracy as the legal precedent for its secrecy, and that eventually the press may be forced to take the whole matter to public opinion for final decision.

VIII. THE SUPREME COURT SANCTIFIES THE BUREAUCRAT

Judge Holtzoff's ruling was not the only judicial decision in 1959 which enhanced generally the growing estate of the Federal bureaucrat in the American society.

On June 29, the U.S. Supreme Court, in a 5 to 4 ruling, held that policymaking bureaucrats in the Federal Government are absolutely immune to libel suits against them for something they said or did in the line of duty.

This ruling had nothing to do with freedom of information, yet it, in effect, supports Attorney General Rogers' doctrine of executive privilege, which has been used freely in recent years to withhold information of Federal Government from both the American people and the Congress. And, for this reason, your committee feels impelled to include it in this report.

The Court's opinion involved a suit brought by two Federal employees, who were suspended and denounced in a press release in 1953 by the Director of Rent Stabilization for the way they handled cash annual leave settlements for some agency employees. In writing the majority opinion, Justice John M. Harlan said:

"In this instance it has been thought in the end better to leave unredressed the wrongs done by dishonest officers than to subject those who try to do their duty to the constant dread of retaliation."

But Justice William J. Brennan, who wrote the dissenting minority opinion, said absolute immunity for officials below Cabinet rank went too far and added that it makes them libel free even though they defamed someone maliciously and untruthfully.

And Chief Justice Earl Warren, another dissenter, was even plainer in his criticism of the majority opinion when he said:

"It will sanctify the powerful and silence debate."

At any rate, the Court's ruling poses some most interesting questions, and among them is this one: Could a policymaking bureaucrat, angered by newspaper criticism of him, deliberately and dishonestly, under the guise of official concern for his agency, defame the newspaper with immunity?

Two weeks later Attorney General Rogers sent a memorandum to all Federal agencies warning them to exercise "care and thoughtful restraint" in making derogatory statements about anyone under their newly won immunity from libel suits, and he put them on notice that they could face disciplinary action or removal from office if they used their privilege irresponsibly.

But the cold fact remains that the U.S. Supreme Court has extended to the Federal bureaucrat a privilege that is denied to both the American people and to the American press.

IX. HASSLE OVER CONGRESSIONAL JUNKETS

Your committee engaged the Committee on House Administration and its subsidiary, the House Subcommittee on Accounts, in another hassle involving congressional secrecy.

Early in the year, Representative H. R. GROSS, of Iowa, introduced H.R. 5401 in the House of Representatives, a bill stipulating that Members of Congress must make a public accounting of Government and counterpart funds they spend in traveling in overseas areas.

The bill was referred to the Committee on House Administration and then to the House Subcommittee on Accounts. There it languished for longer than 3 months, with only one secret meeting on it by the Subcommittee on Accounts. Several Washington correspondents advised your committee that it was being deliberately pigeonholed for a quiet death.

On June 5, your chairman wrote Representative OMAR BURLESON, of Texas, chairman of the Committee on House Administration, protested both the secrecy and the delay and called for prompt public consideration of the bill. A carbon was sent to Representative SAMUEL N. FRIEDEL, of Maryland, chairman of the Subcommittee on Accounts, and it produced immediate fireworks.

On June 16, Representative FRIEDEL wrote your chairman as follows:

"The hearing was not secret; it was held in executive session as is the usual practice when Members of Congress interrogate their colleagues on matters of policy."

In reply, your chairman wrote Representative FRIEDEL as follows:

"What is an 'executive session' but a secret meeting? The press is locked out. The public is locked out. Behind those locked doors, Members of Congress, the people's elected representatives, do as they choose about the people's business. Who knows whether or not there are any sweet little deals cooked up behind those locked doors? Who knows but the Congressmen present when political privilege enters into the people's business? The only information the people get from these secret meetings are censored reports by the committee or slanted verbal statements from those Congressmen who attend them."

On June 16, Representative FRIEDEL announced that H.R. 5401 would be considered in public hearing, which subsequently was held on June 30. It was a very colorful hearing, to say the least. Representative FRANK E. SMITH, of Mississippi, devoted most of the hearing to impassioned and personal vilification of your chairman in which he questioned the latter's knowledge of the legislative process. The next day the Washington Daily News reported that Representative SMITH swung a water pitcher at Clark Mollenhoff, a member of your committee and correspondent for the Des Moines Register and Tribune, during the course of the hearing.

Your chairman immediately wrote Representative SMITH and demanded that he justify both his words and actions, but in the ensuing correspondence your committee gathered only that Representative SMITH has a thick skin. Meanwhile, Representative GROSS wrote your committee:

"I do want you to know that Clark Mollenhoff was an excellent witness in behalf of Sigma Delta Chi and yourself when he appeared before the House Administration Committee. I am sure that you know that efforts were made repeatedly to bait Clark into arguments completely foreign to the merits or demerits of the bill, but he wisely refused to be baited, meanwhile holding firmly to his position in support of the bill."

The House committee subsequently approved the bill, but the Congress was adjourned before getting around to consideration of it. Meanwhile, Members of Congress can still spend tax funds on their overseas junkets without an accounting to the people who pay the taxes.

Your committee presents, the foregoing simply as an illustration of what usually takes place when it protests an incident of secrecy in the Federal Government.

X. CONGRESS MAINTAINS SECRECY IN ITS COMMITTEES

Despite all the public hullabaloo over secrecy in Washington during the year, the Congress quietly maintained its own standards of secret government throughout 1959, with only slight improvement over former years.

In October, Congressional Quarterly, a Washington publication which rides herd on Congress, reported that 29.6 percent of the committee sessions of the 86th Congress were secret executive meetings. This compared to 34 percent in 1957 and 1958 and 36 percent in 1955 and 1956.

The Quarterly said that the Senate closed 433 of its 1,350 committee meetings and the House 434 of its 1,639 committee meetings. Joint committees of the Senate and House closed 73 of their 163 meetings to the public.

Your committee noted that most of these 940 secret congressional committee meetings did not concern our security but were devoted largely to matters pertaining to the expenditures of the people's tax funds and should have been held in the open for all to see and hear in the sole interest of an informed public opinion.

Throughout the year, the Hennings committee in the Senate and the Moss committee in the House called the bureaucrats on the carpet for secrecy in the executive branch of Federal Government. This, of course, poses the key question of how can Congress pummel the bureaucrats over their secrecy when Congress itself practices the same secrecy in its transactions of the people's business.

Immediately after Judge Holtzoff's ruling out of the suit of Vance H. Trimble, of the Scripps-Howard Newspapers, to force the Congress to open its records of office expenses, your chairman wrote to Senator HENNINGS and Representative Moss and laid down the following points for discussion:

1. Since the greater part of the executive branch of Federal Government is closed to the press and public, perhaps largely through Attorney General William P. Rogers' doctrine of executive privilege, it would now appear that both the closed executive sessions and closed records of Federal Government have been made the law by the Federal judiciary.

2. This leaves the status of the free American press in relationship to the Federal Government very much in doubt. More and more, the bureaucrats of the executive branch have placed the press in the position of a handmaiden of governmental press handouts, much of them nothing more than propaganda to glorify the Federal bureaucrats and to prolong their political lives.

3. It has been a most ridiculous situation in Washington, wherein, on one hand, the House Subcommittee on Government Information and the Senate Subcommittee on Constitutional Rights place the Federal bureaucrat, including Attorney General Rogers and his assistants, upon the witness stand and question them on the withholding of information of Government from both the people and the Congress; whereas, on the other hand, Attorney General Rogers defends the U.S. Senate and the House of Representatives in Federal court—and wins the suit—on the matter of both the Senate and the House withholding information of Government from the people.

4. Attorney General Rogers' victory in this case leaves the Hennings and Moss committees in a most peculiar position in their investigation of secrecy in the executive branch of Federal Government. It is extremely doubtful that either committee can again question Attorney General Rogers in this matter simply because he can use the Federal court's ruling as sufficient legal means to decline to answer any congressional question.

5. Judge Holtzoff's ruling all but validates Attorney General Rogers' doctrine of executive privilege; it also all but limits Congress' investigative powers only to the people of the country; and it all but leaves Congress in the position as only a rubber stamp for the Federal bureaucracy. I might point out here that Judge Holtzoff's ruling was based on the separation of powers in Federal Government and that this was the same argument presented by Attorney General Rogers to the Senate Subcommittee on Constitutional Rights in behalf of his doctrine of executive privilege.

6. Judge Holtzoff's ruling installs the Federal bureaucracy as the sole arbiter of all affairs of Federal Government without restraints from the courts, the Congress, or the people. This, without a question, is a direct step down the road to an American bureaucratic dictatorship.

7. Judge Holtzoff's ruling indicates plainly the close relationship between the Federal judiciary and the Federal bureaucracy, and particularly the kinship with the Attorney General's office, and it, by necessity, pushes Congress into a final alliance with the people if it is to survive at all as a principal participant in Federal Government.

In reply, Representative Moss wrote, in part, as follows:

"I do not defend any unnecessary secrecy practiced by either the executive, the Congress, or the judiciary, but the Scripps-Howard case poses the question of legal authority to withhold information. If any right exists—and I do not say it does—the framers of the Constitution granted only to the Congress the authority to determine how much of its information should and should not be made available. I would guess that this congressional privilege was left in the Constitution because the framers recognized that abuse of the privilege could be prevented by the people who have direct control over the membership of Congress.

"In all its activities, the House Government Information Subcommittee has moved slowly and carefully, recognizing that in the important area we are studying one hasty misstep would mean the loss of all the freedom-of-information work which had gone before the creation of the subcommittee. Although the current ruling is prejudicial to both the case of freedom of information and to the best interests of the press, I believe a calm, careful consideration of the road ahead can prevent any further misstep."

Thus, Representative Moss lays down the challenge that this whole question of Federal secrecy must be decided by the American people and, in turn, your committee passes the challenge along to Sigma Delta Chi with the earnest plea that all of us do something about it because the future freedom of the American press is tied up with the future freedom of the American people.

XI. GAINS AND LOSSES IN 1959

During the year, Representative Moss' House Subcommittee on Government Information continued its watchdog surveillance over the Federal bureaucracy, taking up many complaints from the press and the public. In its final report for the year, the subcommittee listed 35 areas of inquiry, citing some gains and some losses. Here is its record:

"1. Every department which had cited the 'housekeeping' statute (5 U.S.C. 22) as authority to restrict information reported that the 1958 freedom of information amended to the statute did not limit executive power to restrict information.

"2. The Defense Department established an elaborate 'hold for release' system to control nonsecurity information about missile and satellite projects and create a favorable public reaction.

"3. The Defense Department shrouded the Atlas-Score talking satellite project in deep secrecy and, when the event was publicized, created the false impression that the satellite was more than twice as big as the largest comparable Russian satellite.

"4. The Defense Department repeatedly used the claim of military security to refuse information about the use of monkeys in scientific efforts.

"5. The Defense Department refused to release pictures of the outside of the Titan missile even though the outside configuration had been declassified and the missile stood in full public view, but pictures were released of the President viewing the completed missile just before the November 1958 elections.

"6. The Defense Department reorganized information activities to give the Department's public relations office greater control over the release of information by the military experts.

"7. Executive agencies used the excuse of security censorship to delete nonsecurity information from congressional testimony.

"8. The Army supported the Board of Engineers for Rivers and Harbors' policy of doing business in secret, admitting there is no statutory authority for the Board's secret meetings but contending secrecy permitted free discussion of controversial items in the billions of dollars' worth of public works projects handled by Board.

"9. The Federal Aviation Agency refused to make public reports on malfunctions of new-type altimeters installed in commercial jet airplanes after restricting use of the altimeters, claiming the public might misinterpret the facts.

"10. The Federal Power Commission refused to make public a Commission staff report on a proposed power exchange contract, claiming the staff would not comment freely on controversial matters if the information were available to the public.

"11. The Labor Department claimed Federal-State cooperation would be weakened by public access to Bureau of Employment Security analyses of administration of State unemployment insurance laws.

"12. The Bureau of Prisons denied public access to studies of conditions in local jails for fear of controversy; claiming an executive privilege for the restriction.

"13. The Housing and Home Finance Agency refused to make public audit reports of local housing authorities financed with Federal funds, claiming employees would not comment freely if the information were made public and asserting an executive privilege to restrict the reports.

"14. The Air Coordinating Committee cited an executive privilege as authority for refusing a State official access to minutes of its meetings.

"15. The Civil Service Commission claimed an executive privilege to hide the result of an investigation of irregularities in a Virginia rural mail carrier examination.

"16. The Army refused to make public the records of military trials which had been held in public even though records of comparable civil trials are available, claiming as authority for the restriction the 'inherent authority of the executive branch to safeguard records in the public interest.'

"17. The Navy backed up a subordinate official's refusal of a congressional request for an unclassified report on the Naval Gun Factory, claiming that the report would cause controversy and asserting an executive privilege for the refusal.

"18. The White House refused a congressional request for information on Operations Coordinating Board guidelines directing the Defense Department information policies, claiming an executive privilege to withhold the information.

"19. The House and Home Finance Agency claimed an executive privilege to refuse information on an investigation of the Los Angeles City Housing Authority to the California State Legislature, the attorney general of California, and to the Congress.

"20. The General Accounting Office reported the citation of executive privilege for numerous refusals by executive agencies to make available information which the agencies are required by law to provide the GAO.

"21. The Civil Service Commission reversed its earlier policy of making public the names of retiring Federal employees, contending that the information should be restricted because there was no law authorizing the release even though no law prohibited it.

"22. The Electronic Production Resources Agency in the Defense Department reversed the policy of making available to the public nonsecurity statistics after the Department of Commerce protested release of the information.

"23. The Department of Justice continued restrictions on access to information about Federal prisoners.

"24. The Navy provided reports of tests of an arctic cargo sled to the designer of the sled

who had been trying to get the information for 10 years.

"25. The Army disclosed information on medical payments after a private citizen had tried for 8 years to obtain the information.

"26. The Comptroller of the Currency initially refused to make public the blank forms filled out by persons applying for national bank charters, contending that only 'legitimate' requests for the blank forms should be honored, but later made the blank forms available when asked to cite statutory authority for the refusal.

"27. The Budget Bureau clarified restrictions on testimony by Defense Department witnesses before congressional Appropriations Committees, contending that military experts are not completely free to express personal views at variance with budget requests.

"28. The Bureau of Public Roads removed restrictions on the availability of nationwide highway statistics, making the information available to local government officials who needed it for tax planning purposes.

"29. The Defense Department issued a directive declassifying most military documents originated before 1946 and continued its study of methods to declassify current documents and prevent overclassification.

"30. The Defense Department stated that an attempt by a Navy public information officer to screen questions which reporters ask of high-ranking officials was a mistake contrary to Department policy.

"31. The Federal Aviation Agency made available a previously restricted engineering report on the materials to be used in paving the new Washington International Airport.

"32. The Agriculture Department clarified regulations which had been misused to restrict public access to crop allotment records, particularly in California.

"33. The Interior Department made available previously restricted information on leases of public lands and took steps to revise information practices in Bureau of Land Management offices.

"34. The Treasury Department, under requirements of a new law, provided for public access to applications filed by nonprofit organizations for tax exempt status.

"35. The Internal Revenue Service made more information publicly available about tax court cases and established an information seminar for executives."

* * * * *

This report respectfully submitted on the first day of November 1959 by the Freedom of Information Committee of Sigma Delta Chi. V. M. Newton, Jr., Tampa Tribune, chairman; Clark Mollenhoff, Washington correspondent, Des Moines Register and Tribune, Washington, D.C.; Theodore Koop, Columbia Broadcasting System, Washington, D.C.; David Howe, publisher, Burlington (Vt.) Free Press; Don Carter, Wall Street Journal, New York; Sam Saran, NBC Merchandise Mart, Chicago, Ill.; Alvin E. Austin, Department of Journalism, University of North Dakota, Grand Forks, N. Dak.; Bo Byers, Houston Chronicle correspondent, Austin, Tex.; Bob Murphy, the Castle, Syracuse University, Syracuse, N.Y.; Harm White, 4010 East Hazelwood, Phoenix, Ariz.; John L. Chandler, 140 Homestead Avenue, Albany, N.Y.; Howard Cleavinger, managing editor, the Daily Chronicle, Spokane, Wash.

BETHLEHEM STEEL CO.

Mr. BURKE of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BURKE of Massachusetts. Mr. Speaker, it is with sincere regret that I ask to include the following letter which I received from Mr. D. D. Strohmeier, vice president of the Bethlehem Steel Co., Inc., Shipbuilding Division:

BETHLEHEM STEEL CO., INC.,
SHIPBUILDING DIVISION,
New York, N.Y., March 10, 1960.

The Honorable LEVERETT SALTONSTALL,
U.S. Senate,
Washington, D.C.
The Honorable JOHN F. KENNEDY,
U.S. Senate,
Washington, D.C.
The Honorable JAMES A. BURKE,
The House of Representatives,
Washington, D.C.

DEAR MR. BURKE: Your concern about the continuing strike at Quincy, as expressed in your letter of March 4, 1960, is of course shared by the company. However, it is noticed that you express concern for only three groups—the strikers, the community that depends for its welfare on the shipyard, and the Navy whose ships are regrettably being delayed. Nowhere do you express concern for the company whose business has been brought to a halt by unions so greedy that they do not recognize their already superior benefits. These represent in toto the most favorable wage and benefit provisions that have ever been granted by any private shipbuilder in the world. Our company, which is also concerned about our "immediate and * * * long-range interests," does not intend to increase its competitive disadvantage, particularly at a critical time such as this in the future of American shipbuilding. To do so would be a disservice to the country, the economy of the community, and the economic well-being of Massachusetts.

Your seeming lack of concern for the company that provides the jobs and the payroll that oils the economic gears in the South Shore communities is not, we hope, another manifestation of the dire trend in the business atmosphere created by opportunistic political policies that have dominated Massachusetts affairs in recent years.

We are witnessing in Massachusetts a state of anarchy that is a disgrace to the State. I was born, raised, and educated in Massachusetts and I must hang my head in shame over the lack of respect for law that we are now experiencing there. A state of siege has been and is being maintained by the unions at Quincy. The company has been forcibly prevented from its lawful access to its own property by picketing that has been adjudged in this instance by a Massachusetts court as "unlawful and in some instances criminal," but against which an employer has no practical basis for relief under Massachusetts statutes. Nor are the police disposed to enforce the law. Some 2,000 nonstriking employees are denied access to their place of employment by this lawless activity. Important design and engineering work for the Navy is being seriously hampered by this activity. Yet, no responsible elected official has had the political courage to admonish the unions to obey the law.

The settlement of this dispute on the union's terms would insure the end of shipbuilding at Quincy. We do not intend to see that happen.

My last letter to you was somehow referred to the unions and was distorted by them publicly. I hope that will not happen to this letter, which I am sending in the spirit of the 5th and 6th lines of the second verse of Rudyard Kipling's "If" and trust you will not be among those who may be trapped.

Sincerely yours,
D. D. STROHMEIER,
Vice President.

My reasons for regret is based on the reckless statements made by Mr. Strohmeier, particularly his intemperate remark in the first sentence of the third paragraph of his letter stating:

We are witnessing in Massachusetts a state of anarchy that is a disgrace to the State.

For the benefit of Mr. Strohmeier, I would like to read the definition of the word "anarchy":

The absence of all political government; by extension, confusion in government.

The absence of government; a state of society where there is no law or supreme power (*Spies* v. *People*, 122 Ill. 253, 12 N.E. 865, 17 N.E. 898, 3 Am. St. Rep. 320).

A social theory which regards the union of order with the absence of all direct government of man by man as the political ideal; absolute individual liberty (Century Dictionary).

Taken in its proper sense, the word has nothing to do with disorder or crime, but in the act of Congress of March 3, 1903, the word "anarchists" is used synonymously with "persons who believe in or advocate the overthrow by force or violence of the Government of the United States or of all government or of all forms of law or the assassination of public officials," and this would seem to be the popular sense attaching to the word. In the address of U. M. Rose, president of the American Bar Association in 1902, criminal anarchy is defined as the doctrine that organized government should be over thrown by force and violence, or by assassination of the executive head or of any of the executive officials of the Government by any unlawful means—Fifteenth Report, American Bar Association, page 210.

In *U.S.* v. *Williams* (194 U.S. 294, 24 Sup. Ct. 719, 48 L. Ed. 979) it was held that even though an alien anarchist only regarded the absence of Government as a political ideal, yet when he sought to attain it by advocating a universal strike and discoursing upon "the legal murder of 1887"—*Spies* v. *People* (122 Ill. 1, 12 N.E. 865, 17 N.E. 898, 3 Am. St. Rep. 320)—there was a justifiable inference that he contemplated the ultimate realization of his ideal by the use of force, or that his speeches were incitements to that end. And further, that even if "anarchists" should be interpreted to mean political philosophers innocent of evil intent, yet the tendency of the general exploitation of such views is so dangerous to the public weal that aliens who hold and advocate them would be undesirable additions to the population and their exclusion infringes none of the constitutional guarantees respecting freedom of speech, and so forth.

PADEREWSKI POSTAGE STAMP

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MADDEN. Mr. Speaker, the No. 1 problem facing the Members of Congress, our Government, and the free world in general, is to curtail the future spread of communistic aggression and bring to the minds of all the people

in our country and the free world the necessity to sacrifice and continue the fight to preserve liberty and freedom.

Never in history has the liberty of mankind been threatened by such a powerful and well-organized set of tyrants as the Communist conspiracy operating from Moscow. No nation has, over the centuries, fought for liberty and freedom for its people more than Poland.

Of the many great patriots and leaders who have spearheaded the Polish resistance against tyranny no one holds a higher status than the late Ignace J. Paderewski. November 6 of this year marks the 100th anniversary of his birth.

The U.S. Post Office Department is now authorizing special commemorative stamps honoring world patriots under its "champion of liberty" series. It is fitting and proper that the Post Office Department should designate a stamp honoring Ignace J. Paderewski in this series, reminding our Nation and the people of the world of its reverence for former champions of liberty and freedom.

I do hope that every Member of Congress will communicate by letter, requesting Postmaster General Summerfield to include Ignace J. Paderewski in the "champion of liberty" series, honoring him on the 100th aninversary of his birth.

Mr. Speaker, under unanimous consent I also include a letter which I have received from Mr. Charles Burke, Washington representative, Polish American Congress, Inc., Washington, D.C., endorsing the issuance of this commemorative stamp to honor this great Polish hero and patriot:

POLISH AMERICAN CONGRESS, INC.,
Washington, D.C., March 8, 1960.

Hon. RAY J. MADDEN,
House Office Building,
Washington, D.C.

MY DEAR CONGRESSMAN MADDEN: The U.S. Post Office Department is now issuing special stamps in the "champion of liberty" series honoring heroes and great men of other lands who have worked and fought for the freedom of man.

It seems to us that such a stamp honoring Ignace J. Paderewski on the 100th anniversary of his birth (November 6, 1860) should be issued by our Post Office Department.

Ignace J. Paderewski was in a true sense a champion of liberty. He was not only a great artist and humanitarian but also a statesman who throughout his life worked, fought, and pleaded for the freedom of man.

During the First World War he interrupted his artistic career and worked for the independence of Poland. He was instrumental in organizing an independent Polish Army in France recruited in 1917–18 in the United States, Canada, South America, and Western Europe. This army fought at the side of the Allies on the Western front.

He was chairman of the Polish delegation to the Peace Conference in Versailles and on behalf of Poland signed the Peace Treaty by which Poland regained her independence.

He assisted in organizing the Polish Republic in 1918 and 1919, and was the first Polish delegate to the Council of Ambassadors at the League of Nations in 1920.

When the Second World War broke out and Poland was overrun by Soviet Russia and Germany, Paderewski, for the second time in his life, interrupted his career and set himself the task of laboring for the liberation of his native Poland.

He was instrumental in forming the Polish Government in Exile in 1939 and was chairman of the National Council of the Republic of Poland functioning in France and later in England.

In 1940 on his 80th birthday, aged and weary but spiritually valiant, Paderewski arrived in the United States to work for the independence of his distressed homeland. He died in New York on June 29, 1941, and by special authorization of President Franklin D. Roosevelt is buried in Arlington National Cemetery.

It seems to us that a stamp honoring this great man, this true champion of liberty, Ignace J. Paderewski, should be issued by our Post Office Department in the series of stamps honoring "Champions of Liberty" of other lands.

This matter is now under consideration by the Postmaster General who advises us that the name of Ignace J. Paderewski is still being considered. Your intervention with the Postmaster General would be greatly helpful and deeply appreciated.

Respectfully yours,
CHARLES BURKE,
Washington Representative, Polish American Congress.

BILLS TO HELP SMALL BUSINESS

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, our distinguished Chairman of the House Small Business Committee, the gentleman from Texas [Mr. PATMAN], and other members of the House Small Business Committee, have introduced bills which, if enacted into law, would improve the lot of small business.

These bills include H.R. 10235, which was introduced by the Honorable WRIGHT PATMAN, chairman of the House Small Business Committee, on February 8, 1960. Among other things, H.R. 10235 would provide a Federal law against sales below cost in or affecting interstate commerce where such sales would have the effect of substantially lessening competition and tending to create a monopoly. Another bill, H.R. 8841, was introduced several months ago by our colleague the gentleman from Oklahoma [Mr. STEED] to clarify the authority and power of the Federal Trade Commission to enter temporary cease and desist orders pending the disposition of litigation involving practices deleterious to small business.

On January 25, 1960, I introduced six bills, H.R. 9893 to 9898, inclusive. The first three of these bills, as I explained at the time I introduced them, would provide a measure of relief to small business concerns engaged in the sale and distribution of petroleum and related products at retail. H.R. 9896–9898 would provide small business concerns engaged in the distribution of food products with relief from unfair trade practices and conditions now faced by small business concerns in that segment of our economy. Specifically, H.R. 9898 would apply to the integrated operations of large chain food retail organizations which have extended their operations to include the processing of foods. The bill would prohibit the integration of food processing and the sale of food at retail only in those instances where such integrated operations would have the effect of substantially lessening competition and tending to create a monopoly.

These bills to help small business, to which I have referred, have been introduced only after the accumulation of an abundance of evidence clearly showing that unless action of the nature indicated is taken, small business will suffer irreparably. The special subcommittee and Subcommittee No. 5 of the House Small Business Committee have held hearings in various sections of the country. Before these subcommittees many representatives of small business concerns have appeared and explained how monopolistic conditions and practices are eliminating small business concerns wholesale. In the hearings before the special subcommittee, our colleague the gentleman from Oklahoma [Mr. STEED] has been told by representatives of small business concerns many times that unless legislation prohibiting sales below cost is enacted soon, small business concerns in the dairy industry will become a thing of the past. Likewise, witnesses representing hundreds of thousands of small business concerns in the food industry appeared before Subcommittee No. 5 of the House Small Business Committee and pointed out how the distribution of food is falling into the hands of a few large, nationwide chain food retailers. They have detailed in their testimony how the small processors, meat packers, wholesalers, and retailers are being swallowed up through the ever-expanding integrated operations of the large food chains. Their testimony has included references to the facts that the large food chains, through the exercise of their enormous economic power, are demanding and receiving preferred treatment in the form of favored prices and otherwise not available to their smaller competitors.

Mr. Speaker, it is believed that time will limit our opportunity to act with any hope of rendering effective help to small business. Time is running out. Unless we act in some effective way, there will be no small business for us to consider. The problem is far more alarming than I appreciated before our Subcommittee No. 5 held its hearings regarding small business problems in food distribution. I am convinced that if the Members were provided with the opportunity I have had to see and hear these small businesses in their appealing way request legislation providing only for simple justice, the Members would be moved as I have been to the conviction that we should act. It is noted that these small business concerns who are appealing for help are not only constituents of mine, but are the constituents of all of the Members. In that connection, I would like to refer to a letter recently received from Mr. J. E. Stovall, of Douglas, Ga., who is president of the National Independent Dairies Association, the members of which are small business concerns engaged in the processing and distribution of dairy products. They are located throughout the United

States. Mr. Stovall wrote me under date of March 1, 1960, about some of the problems of small business. I believe the Members would be interested in reading the contents of his letter. Therefore, under leave to extend and revise my remarks, I wish to include at this point Mr. Stovall's letter:

DOUGLAS, GA., *March 1, 1960.*

Hon. JAMES ROOSEVELT,
Member of Congress,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN: I want to take this opportunity to thank you and to congratulate you on the hard, conscientious work and the clear thinking you have done in Subcommittee No. 5 of the House Select Committee on Small Business.

Your H.R. 9898 seems to go to the heart of the matter with reference to the effect which the enormous buying and merchandising power of a few food chains is having on the farm, labor, and small business segments of our Nation.

The regulatory laws administered and enforced by the agencies charged with that duty, together with proposed corrections and amendments such as Congressman Patman's H.R. 10235 are very necessary and can help so very much when brought to bear and successfully prosecuted. We need them.

I characterize them as the salve or drugs to heal the sores and ravages of malnutrition.

I characterize your H.R. 9898 as a part of the prevention of the malnutrition of the food business. To help stop bad practices in their incipiency seems no less important, in fact, very, very desirable. We need to remove the causes and to heal the wounds.

As president of the National Independent Dairies Association, I thank you.

Respectfully,

J. E. STOVALL.

RED GROWTH RATE FOUND LAGGING

Mr. CURTIS of Missouri. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, I am placing in the RECORD an article appearing in the Saturday, March 12, 1960, Washington Post commenting upon the article in Fortune magazine which in turn comments upon the forthcoming book of Colin Clark, eminent British economist, entitled "The Real Productivity of Soviet Russia."

I am happy someone outside the United States has finally advanced the thesis that "the specter of burgeoning Russian productivity" is "in effect, tripe."

The Washington Post reporter states that almost alone this British economist has advanced this thesis in the face of "politicians, businessmen, economists, and scientists pointing to figures showing Russian growth rate of 6 percent or more against our 3.5 average."

It just goes to show that prophets are without honor in their own country. Last fall a subcommittee of the Joint Economic Committee held lengthy panel-type hearings on a series of papers prepared at the request of the Committee by a group of outstanding economists who were our panelists and published well ahead of the hearings on the subject of the relative postures of the Russian and United States economies.

A fair analysis of these papers and hearings, I think, would reveal that in essence they support the opinion of Colin Clark, "The specter of burgeoning Russian productivity is tripe."

As a member of this subcommittee of the Joint Economic Committee, indeed as the person who was largely responsible for these study papers and the hearings being held, I was somewhat surprised to notice the press attendance at the hearings fell almost off to nothing as soon as it became apparent that there was going to be little or no substantiation of the Russian specter. I had thought we Americans were interested in the truth and I was satisfied that it was very important to find out as much as we could about Russia's real prowess.

The papers and the hearings of the Joint Economic Committee are still available for anyone interested in the truth rather than the specter. Let me just point out a few interesting facts.

RUSSIAN EDUCATION

We have been hearing a great deal about Russia's great strides in the field of education, largely, I regret to say, from people who think the scare technique is one way to make the Federal Government do more than it is doing in the field of education. These cries of alarm for the most part come not from any serious belief or from even the most cursory study of what Russia really is or is not doing in education. In saying this I would make it clear that I do not advocate complacency; instead I advocate that our future actions be predicated on knowledge of the pertinent facts.

Here are some points to think about. Fifty percent of Russian population is still in rural areas. The rural families, as is usual in most societies, have a greater number of children per family than those in urban areas. Approximately 60 percent of Russian children may be presumed to be in rural areas. Russia has 4 years compulsory education in the rural areas. Roads are poor, housing is poor, transportation is poor. There is practically no electricity. What then can we properly conclude with respect to rural education in Russia?

In the Soviet urban areas compulsory education involves an 8-year period. It was increased from 7 years about 2 years ago. However, there has been a decline in overall enrollment inasmuch as in the additional 3 years of noncompulsory, secondary education there has been a policy decision to divert students from full time further education into industrial production. Lenin is cited on the subject of the inseparability of work and study to give this unpalatable move the backing of orthodoxy. I do not believe our educators would accept this explanation to be an advance in education. Nor do I believe that the Russian leaders do. The important fact is there is a serious shortage of Russian manpower resulting from, first, the great death rate in the agrarian reforms of the early 1930's; second, the death rate of World War II; third, a very small baby crop during the World War II years; and the maintenance of a large military force.

Russia clearly cut back upon its educational program in order to meet its manpower problems. This is undoubtedly one of the reasons she is currently undertaking a reduction in her military manpower under the guise of peaceful protestations.

HEALTH AND HOUSING

The people who come to Washington to promote Federal aid for health and housing do so partly on the plea that this is good economics. Bad housing makes for bad health, which promotes low productivity of the worker, including greater absenteeism.

Does not poor housing and poor health facilities produce low productivity in Russia? The answer is that of course it does and Russia which has very poor housing has a very low rate of productivity compared to the United States. For example, in urban areas Russia has 79 square feet of living space per person. The equivalent figure in the United States is 370 square feet per person. In Russia's new housing units in Moscow residents have 400 square feet per family of four. Each family shares a kitchen and bathroom with at least one other family. In 1959 in the United States in contrast 61 percent of our nonfarm dwellers—and 70 percent of farm dwellers—owned their own homes and in standard metropolitan areas 93 percent of the owner-occupied units have full plumbing facilities and are classified as "not dilapidated."

ELECTRIC POWER

One way of testing a nation's economic capabilities is through the electric power available to the nation.

In 1958 Russia had a total generating capacity of 53 million kilowatts. The same year the United States had a capability of over 167 million kilowatts.

In 1959 Russia jumped to 59 million kilowatts.

During the same period the United States jumped to 183 million kilowatts.

Russia's announced goal for 1965 is 110–112 million kilowatts.

The United States is expected to have about 245 million kilowatts in 1965.

One of the important aspects of power is its usability and this depends to a large degree upon transmission lines.

At the end of 1957 the total length of transmission on lines of 35,000 volts and above in Russia was about 46,485 miles.

In the United States the same year the total length of lines 35,000 volts and above was 240,000 miles.

I need not dwell on the fact that Russia has at least three times the distances to be covered as the United States.

In 1958, 80 percent of the power generated in Russia was devoted to industry and construction. Only about 16 percent went for rural and residential use.

In 1959 Russia produced 1,161 kilowatt-hours per capita.

In 1959 the United States produced 4,481 kilowatt-hours per capita.

The average home use of electricity in Russia is about 400 kilowatt-hours a year.

In the United States the average home use of power in 1959 was about 3,550 kilowatt-hours per year.

Just imagine how this affects productivity per worker. Just imagine how this relates to education, and home study entirely apart from the well-being of the people.

Incidentally there is practically no rural electrification in Russia and Russia's farm production utilizing half her population shows it.

But even in the area of utilization of personnel in the power industry itself which Russia has upgraded well ahead of almost any other industry we find some startling contrasts—as we should expect when we analyze the health, housing, and educational standards of Russia. Russia has shown remarkable progress for Russia, however. From 1950 to 1957 the number of personnel per megawatt of installed capacity was reduced from 9.6 to 5.6 persons. By 1958 in the larger power stations with a capacity of 500,000 kilowatts or over, the number of personnel was 2 to 2.5 persons per megawatt of installed capacity. In the United States, according to the Federal Power Commission, the large coal-burning plants built during the last decade require from 0.2 to 0.5 employees per megawatt of plant capacity.

TRANSPORTATION

I have discussed on the floor of the House before, the inadequacy of Russian transportation, so I will merely touch the high spots. However, I would point out that like power, transportation is a good statistical index on any modern economy regardless of whether it is directed to peaceful or warlike pursuits.

In 1958, 81.6 percent of Russian freight was handled on railroads.

In the United States the comparable figure is about 40.9 percent.

About 5.3 percent was handled on inland waterways and about 2.1 percent on pipelines in Russia.

In the United States about 28 percent was handled by inland and coastwise waterways, 15 percent truck, and 15 percent pipeline.

Total freight ton miles for Russia in 1956 in billion short ton miles was 821.1, contrasted with 1,664.0 for the United States. A ratio incidentally of 2.0 in comparison with a 2.3 ratio in 1938 before World War II.

Russia makes up for some of its shortcomings in railroad mileage and rolling stock by a much more intensive use of what they have. For example, the railway, not the shippers, route traffic and schedule it. Imagine, if you will, the restrictions and inefficiencies imposed on the manufacturers who must await the railroads' pleasure on receiving their production materials and on shipping out of their products.

I hope I have said enough to make the point. A reading of the papers the Joint Economic Committee received on various aspects of Russian economy all point to the same conclusions. At best it is one-third of that of the United States and that third is rather inflexible and brittle. The United States aside from being three times the size has a flexibility that would permit it under pressure of war or emergency to expand to six times the size of the already straining Russian economy.

I hope we in the United States will get back to reality. If we want progress in education, in science, in research and development, in more jobs, in better standards of living, in military prowess—and we certainly do—let us go about getting it in the traditional American way of objective self-criticism and constructive self-appraisal which include welcoming the criticisms of any on the outside who may contribute something to our better understanding. But let us not do it the way some of our misguided people are trying to do it by scaring ourselves to death with a nonexistent bogeyman. Fear does not really promote progress. Fear is really debilitating.

Russia is growing and it may be well that she is. Particularly I am happy to see her grow in the field of education. In her growing, our studies reveal, she has almost as a matter of course begun to abandon the Communist theories for running a society and to adopt many of the incentive features of the private enterprise system. Russia is a threat to us, of course, in a military way, just as every man, regardless of his size and physical prowess, became a threat to every other man when the pistol was perfected. In gangster language a pistol is referred to as an equalizer because it made the little runt equal to the biggest and most powerful male. So atomic bombs are in effect equalizers among nations which have atomic bombs and the ability to deliver them.

But should the strong man be afraid of the little man if both have guns? He has to look at things a bit differently, but it is spiritual values that are the test of whether he is or is not afraid, not weapons.

The real threat to America is ideological. If we believe in the private enterprise system, and I do, then we must understand it and promote its philosophy. The crass timidity and stupidity of playing Russia up as the giant she is not is bringing dangerous and unwarranted results among the uncommitted nations. These nations perhaps do not fear the bogeyman some of our people have pictured Russia to be, but can the thought escape them that if Russia really has achieved all that this silliness pictures her as having achieved under a system of communism, then America's story that communism is self-defeating cannot be true.

I believe the facts in history, and of the present day, demonstrate beyond much doubt that communism is self-defeating and to the extent that we in this country have abandoned some of the basic features of the private enterprise system by substituting political bureaucratic or industrial oligopolic decisions for the decisions of the marketplace—and we have—to that extent we have weakened ourselves. Herein lies our danger, not the specter that Colin Clark, in effect, has called "tripe."

The following is the news article in the Washington Post I have referred to:

RED GROWTH RATE FOUND LAGGING—ECONOMIST FINDS SOVIET PERFORMANCE MEDIOCRE

(By Frank C. Porter)

The specter of burgeoning Russian productivity has caused considerable consternation in the United States.

Politicians, businessmen, economists, and scientists have pointed to figures showing an annual Russian growth rate of 6 percent or more against our 3.5 percent average.

Some have called for extraordinary measures to close the gap, to protect the U.S. productive superiority, to give the lie to Khrushchev's boast that the Soviet's real national product will match or top ours in a decade or so—a boast which many Americans seem to fear may prove only too true.

Almost alone is a British economist who, in effect, calls the whole thesis tripe.

"Like so many other things which everybody knows, this supposed growth trend of the Soviet economy is an illusion," writes Colin Clark, Oxford University economist and research director of the Econometrica Institute. Fortune magazine has printed the main conclusions of Clark's forthcoming book, "The Real Productivity of Soviet Russia," in its current issue.

The illusion arose, Clark says, through expectations that a spurt in Russian productivity, reflected in data for the period 1948–53, will continue indefinitely. He chides fellow economists for overlooking a commonplace: After a war or other disaster which has drastically reduced its productivity, a nation will go through a period of rapid growth followed by gradual deceleration of this rate as productivity approaches that position on its normal trend line which it might have been expected to reach had the war not occurred.

"The information for the years after 1953 shows in actuality the rate of (Russian) growth slowing down," he points out.

Clark likens neurosis over Russian growth to the prognosis of a physician who, finding that a child recovering from a serious illness shows a rapid gain in weight for 2 successive weeks, plots the figures on a logarithmic diagram and tells the parents that in a year the child will weigh more than the father.

As for Clark's own figures, he finds the annual rate of Soviet growth per man-hour to be only 1.2 percent over the period 1913–56. Reckoned from 1928, the average is 1.7; from 1939, only 1.6 percent.

Against this, the average rate of growth per man-hour in the United States has been 2.3 percent a year from the 1890's, Clark says.

Since population increase is also a factor in growth of the total national product, Clark takes some pains to show that the Soviet Union falls far behind the United States in this category as well.

Russia's rate of population growth has been 1.5 percent and "possibly" is now decreasing while the U.S. rate stands at 1.8 percent and is increasing, Clark claims.

The British economist comes to a political and moral conclusion: "Governed by fanatical materialists, the Russian people have been called upon to sacrifice their personal liberties, their national traditions, and their religion for the sake of material progress; and all that they have received in return is a rate of material progress far below that of most other countries * * *. It should be made clear how very mediocre the economic results of communism have, in fact, been."

VAN ZANDT BILL TO CONSTRUCT 100 NUCLEAR-POWERED ATTACK SUBMARINES AT THE RATE OF 20 VESSELS PER FISCAL YEAR

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. VAN ZANDT. Mr. Speaker, in 1958, during the 85th Congress, and again in this Congress I introduced legislation which would authorize the Secretary of the Navy to construct 100 nuclear-powered attack submarines.

My bill, which is H.R. 6483, would direct the Secretary of the Navy to construct the 100 nuclear-powered attack submarines at the rate of 20 per fiscal year, starting with the present fiscal year which expires June 30, 1960.

H.R. 6483 would authorize to be appropriated out of any money in the Treasury not otherwise appropriated, such sums not to exceed $4 billion as may be necessary to carry out the provisions of such an act.

In urging that immediate attention be directed to the necessity of constructing 100 nuclear-powered attack submarines over a 5-year period, I wish to make it clear that I am not criticizing the present posture of our national defense.

In my opinion we have an adequate national defense. Moreover, I am convinced that the vast majority of Americans are in accord with President Eisenhower's reassuring statement that we have a strong defense system.

The one disturbing factor, however, is that everyone seems to be concerned solely with the need of concentrating on building more Polaris missile-firing submarines. Thus, in doing so we tend to neglect to recognize the imperative need of also increasing the fleet of nuclear-powered attack submarines which have a greater all-around capability as an arm of our national defense.

Mr. Speaker, it is common knowledge that all of our alliances and our ability to maintain the integrity of the free world are dependent upon keeping open the sealanes. And, in that respect, I am convinced that the most serious threat to the ability of the Navy to control the seas is the large Soviet submarine fleet already in being and the nuclear fleet now under construction by the Soviets.

Then too, Mr. Speaker, we must realize that a few of these Soviet submarines now equipped to fire missiles can place our coastal cities in danger of being destroyed in the event of war. Speaking frankly, many believe there is little doubt that the Soviets are capable of effecting their own marriage of the IREM to the nuclear-powered submarine, as we are doing with the Polaris type submarine.

At the same time, the Soviets are advanced in the missile field and are known to be building nuclear-powered submarines. In this connection, over a period of years they have long pointed out the vulnerability of the United States to such attacks. In short, missile launching submarines are the Soviet equivalent to our overseas air and missile bases.

Mr. Speaker, no longer is the ocean our protector. In fact, the ocean now becomes the hiding place, the breeding ground, and the potential battlefield of the most serious threat to our safety. Frankly, the Navy must expedite all efforts to cope with this threat, sacrificing if necessary other functions of lesser importance.

In analyzing our position today, it is well to recall that at the outbreak of World War II, Germany had 57 submarines of which 22 were ocean going. Before the war was over, 14 million tons of allied shipping went to the bottom of the sea. It took us four long years to gain control over the German sumbarine menace.

In this age of atomic power and missilery, the submarine is even a more powerful and more versatile weapon. The knowledge that the Russian submarine fleet is nearly nine times as large as was the German submarine force at the outbreak of World War II should stir us to action now, rather than waiting for destruction. For survival we not only must be able to control the air above and the surface of the sea but also the waters beneath.

Fortunately, we have in our arsenal the nuclear-powered attack submarine—a superior weapon which, if produced in sufficient numbers, could defeat the large Soviet submarine fleet.

With that thought in mind, it is pertinent to review the following tables showing the estimated maximum numbers of combat submarines we now have on hand and will have from now until 1966.

ESTIMATED MAXIMUM NUMBERS OF COMBAT SUBMARINES

TABLE I.—*Attack type less than 20 years old*

	Now	Late 1960	1961	1962	1963	1964	1965	1966
Nuclear	7	13	16	23	27	30	33	36
Conventional	87	87	87	87	84	59	23	19
Total	94	100	103	110	111	89	56	55

TABLE II.—*Missile types less than 20 years old*

	Now	Late 1960	1961	1962	1963	1964	1965	1966
Nuclear-Polaris	1	5	7	9	12	15	18	21
Nuclear-Regulus	1	1	1	1	1	1	1	1
Conventional-Regulus	4	4	4	4	4	3	2	2
Total	6	10	12	14	17	19	21	24

TABLE III

	Now	Late 1960	1961	1962	1963	1964	1965	1966
Nuclear total of table I and table II	9	19	24	33	40	46	52	58

BASIS FOR TABLE

First. Submarines have a maximum useful life of 20 years. This is due to two factors: (a) Hull deterioration becomes so pronounced that the ships become unsafe to operate except at very shallow depths. Repairs to the hull become prohibitively expensive. (b) Space and arrangement restrictions make it impossible to install the later types of equipment needed to keep the submarine militarily effective. Modern submarines require more and more electronic devices. These cannot be installed in World War II hulls without unacceptable infringements on habitability.

Second. Nuclear attack submarines will continue to be authorized at the present rate of about three per year.

Third. Nuclear Polaris type submarines will continue to be authorized at the present rate of about three per year.

Mr. Speaker, the majority of scientists and tacticians agree that the best way to hunt down and destroy a submarine is with another submarine. When dealing with the threat of Soviet submarines with nuclear power this naval fact becomes intensely significant. An atomic submarine is an extremely durable, elusive craft and is immune to many of the search and attack techniques effective against conventional submarines.

Further, as demonstrated by the cruises to the North Pole by the *Nautilus*, the *Skate*, and the *Sargo*, a whole new strategic area of the world has been opened. No longer can we comfort ourselves with the protection afforded the most northern boundaries of our continent by the Arctic ice cap. Nuclear submarines of any nation will be free to militarily exploit the Arctic Basin.

Only a strong force of nuclear attack submarines will provide us with the ability to check missile-firing submarine threats from that area.

Mr. Speaker, it is reassuring to know that the United States is for the present ahead of Russia in the development of nuclear submarines by a significant if not commanding margin. However, as Rear Adm. Hyman Rickover testified a considerable time ago, if the Soviets build their nuclear-powered submarines at even a fraction of the rate they have been building conventional submarines we could very soon lose our present lead in submarine nuclear propulsion.

No one will deny that it would be devastating and nothing short of criminal for us to let this happen.

The dramatic successes of our nuclear-powered submarines have captured the imagination and the admiration of all Americans and millions of people throughout the world. To these people these splendid ships are a modern symbol of America's capacity for progress and leadership in the field of science and exploration. If we permit the Russians to surpass us we not only invite destruction but we destroy this worldwide image. In a few words, it is an accepted fact that we now possess an actual weapon superiority and a psychological supremacy of incalculable value in the nuclear submarine. Frankly, we must retain it.

We should be mindful, too, of the fact that our current submarine fleet is composed mainly of ships built during World War II which was clearly demonstrated by the tables called to your attention a moment ago. These ships are rapidly becoming obsolete and overage. Therefore, as the tables show, if we are to have anything more than a token attack submarine fleet, we must immediately increase our submarine construction program.

Let me submit one further point for your consideration.

The Navy has been quick to point out that fighting Russian submarines is not a numbers matching game. The Navy has said that the usefulness of the nuclear-powered attack submarine best accrues when we are able to take advantage of its unique characteristics in conjunction with other tools which supplement it.

I do not deny this, but I am very much concerned that if we continue the construction of attack submarines at the present rate we very soon will not even have enough submarines to run target for these other tools of antisubmarine warfare.

Of all the elements of the U.S. Navy the nuclear-powered attack submarine will probably be the last to become obsolete. Even the Polaris submarine, now being developed so vigorously, will undoubtedly give way to improved deterrent systems utilizing the nuclear underwater concept.

As my bill, H.R. 6483 provides, I again urge that we immediately build large numbers of attack submarines that have the capacity to sink Russian submarines. My bill proposes that the Congress authorize, for construction in the next 8 years, 100 nuclear-powered attack submarines.

To get started on this effort now, I propose that we immediately authorize in the fiscal year 1961 supplemental budget $500 million for the construction this year of 10 additional attack submarines. If we start now I am confident that these ships could be completed in 1964 and 1965. If we build them on an accelerated basis, with top priority, and I propose that we do so, I am confident they can all be completed before the end of 1964.

Mr. Speaker, from my own investigations I have determined that these 10 ships could be built without constructing new facilities. In other words, no retooling would be required.

Failure to immediately start constructing these attack submarines is a national admission that we do not intend to protect the lead we now have in the nuclear submarine field.

To make my position crystal clear, I heartily support all efforts in the antisubmarine warfare program.

In addition, I recognize the urgency of ship construction, including new carriers, Polaris submarine, amphibious ships or vessels, and all the other elements involved in establishing and maintaining sea power.

I also recognize that ICBM missiles encased in hardened sites or moving around the countryside on flat cars, also play an important role in our defense structure.

But when all is said and done, considering the present state of the art, we have high hope of being able to at least briefly anticipate ICBM's by tracking devices as they travel through thousands of miles of space.

We have reason to hope that we will have enough advance notice to detect and intercept such missiles.

But no one has yet found a way to overcome the natural cover of billions of tons of sea water particularly under conditions of variable temperature.

Commonsense, therefore, would seem to indicate that this natural protection for our submarines is also our greatest danger.

Thus, that weapon which can seek out and destroy a submarine underwater is the weapon we should accelerate.

That weapon, Mr. Speaker, is the nuclear attack submarine.

It is the weapon that will destroy the ballistic missile submarine that would otherwise be able to fire its lethal load practically undetected.

Mr. Speaker, in concluding these remarks, I urge that we give immediate consideration to the construction of 100 nuclear-powered attack submarines as provided for in my bill, H.R. 6483, pending since April 16, 1959, before the House Armed Services Committee.

RURAL LIBRARY SERVICES

Mr. McGOVERN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. McGOVERN. Mr. Speaker, one of the fundamental means of transmitting knowledge in our country is through the written word. Of all the methods of recording the written word, books have proved to be the most durable. Books are of value, however, only insofar as they are available to be read. To make them more readily available to the rural people of America, Congress in 1956 passed the Library Services Act.

Mr. Speaker, I have today introduced legislation to extend for another 5 years this act which has done so much to bring the world of books to the rural residents of our Nation.

In my State of South Dakota, there are many living in areas far removed from established libraries. These people are just as interested in the quest for knowledge as is the suburban population.

Passage of the original act has done much to bring books closer to rural America. More than 1 million persons now have library service for the first time. Some 66 counties formerly without any public libraries now are receiving service. More than 200 new bookmobiles are bringing books and information to rural citizens. The hunger for books and information has been emphatically demonstrated by the tremendous increases in library usage as a result of these improved services.

The Library Services Act has encouraged States to inaugurate and extend their own programs tremendously. State funds, under impetus from this Federal legislation, appropriated for the improvement and extension of public library service to rural areas, have been increased more than 54 percent since 1956, and local funds have been increased by 45 percent.

In South Dakota, as in other States, there are areas which have inadequate library service or no service at all. As more persons realize the values of a library, the needs for improved service will increase.

It is my conviction that an extension of the act for another 5 years would benefit rural people, not only in South Dakota, but in the entire Nation. Education certainly must not stop with the classroom or upon graduation from school. Citizens should have the opportunity to enjoy the enrichment that reading can provide for them.

I strongly urge the proposed extension of the Library Services Act to better meet the needs of our rural citizens.

CHANCELLOR ADENAUER'S VISIT TO THE UNITED STATES

The SPEAKER. Under previous order of the House, the gentleman from New York [Mr. BOSCH] is recognized for 60 minutes.

Mr. BOSCH. Mr. Speaker, on this occasion of his visit to meet with President Eisenhower, it might be well to say a few words about a truly distinguished leader in the Western bloc, namely, Chancellor Konrad Adenauer, of the Federal Republic of Germany.

We all know the importance of the future of Berlin, and indeed Germany, in the overall aspiration of peoples everywhere for the restoration and the securing of world peace. It is logical therefore to review for the benefit of the RECORD certain fundamental facts.

It was on August 11, 1919, that Germany ceased to be a constitutional monarchy and became a Republic with

Berlin remaining the capital. It was governed by what is commonly referred to as the Weimar Constitution. This instrument was in many respects similar to our own Constitution and it contained certain emergency provisions which, unfortunately, were flagrantly abused rather than sparingly used in the days of the Nazi regime.

At the end of World War II in 1945, Germany surrendered its rights of sovereignty to the allied powers. A devastated Germany was divided into zones and the respective military commanders took over all governmental functions. It is now history that the Potsdam Treaty ceded all German territory east of the Oder-Neisse Rivers to Polish and Soviet administration, but with the specific reservation that the same was to be the subject of further consideration in a final peace treaty. The city of Berlin was divided into four sectors and was afforded a status independent of the established occupation zones. The administration by the four respective military commanders in the administration of Berlin began on July 7, 1945.

It was in March 1946 that the Allied Government of Germany broke down and there was no German Government to take over the functions of administration. With this development came the creation of what was known as the United Economic Area, a combination of the United States, British, and French Zones, under its own semi-governmental institutions. In the meantime, central Germany, under the control of the Soviets, was being governed by a German economic mission. The Soviet members of the Allied Control Commission and of the Allied Kommandatura of Berlin departed. It was here that Berlin's functions as the capitol of Germany ceased.

After a period of blockade and Soviet police terror, the freely elected German city council had to move to West Berlin. With this development, the Soviet commander on November 30, 1948, appointed a second city council and a mayor, thus creating the split of the city into its present East Berlin and West Berlin status.

It is now common knowledge that during the first postwar years the almost completely isolated Berlin was dependent on the Soviet Zone of Germany for food, supplies and raw materials. One can understand, therefore, that the exploitation by the Soviets of this situation put tremendous pressure on the western sectors by making communications with West Germany difficult indeed. There is no need to go into the various phases in which this pressure and exploitation was carried on other than to say that what was at first a curtailment of communications, finally on March 20, 1948, when the Soviets left the Allied Control Commission, developed into a complete throttling off of all lines of communication between Berlin and West Germany.

During this trying period, roads were blocked, trains ceased running, and rivers were closed to transportation. Yes, even the shipment of coal and milk from the Soviet Zone was discontinued, creating an emergency for the peoples of West Berlin. There were other incidents in this period, including monetary reform, which necessitated the order of June 25, 1948 of an airlift of supplies, food, medicines—yes, and even industrial products. It is recorded that on the 300th day of the blockade, 927 aircraft landed in Berlin, depositing more than 6,000 tons of supplies in their missions of mercy to the population of West Berlin. The success of Operation Airlift finally compelled the Soviets to lift the blockade. There then existed a period of limited relaxation of tensions.

Then, suddenly, we were again faced with threats of another blockade and with the establishment of an independent regime for East Berlin, coupled with the threat that this could be avoided only by withdrawal of our military occupation forces. One can well imagine the position in which we found ourselves, knowing that we were rightfully there under respected agreements, the honoring of which has always been our practice and policy. How different indeed from the experiences which we have encountered in our negotiations with the Soviet regime, replete as that record is with the common knowledge that of some 52 treaties, agreements, and conventions, the Soviets have violated 50 of them.

It is not my purpose to dwell at length on the results of the Geneva Conference which began on May 16, 1959, and was participated in by Great Britain, France, the Soviet Union, and our own country, other than to remind my colleagues that during the entire period of said conference, lasting into August of last year, no appreciable progress was made in solving what would appear to be the primary areas of tension and anxiety in this period of cold-war tactics.

Now, as we look forward to another conference, it is well that we reflect and frankly speak of certain charges made by the Soviets and compare them with actual reality.

First. They have charged that West Germany has a program of remilitarization which is a threat to the so-called German Democratic Republic—Soviet occupied zone.

What is the truth?

The German Democratic Republic has increased its regular army to almost double the size of the fighting force of West Germany. Its troops are equipped with the latest Czech and Soviet weapons, including tactical missiles from Russia. The East German Workers' Militia, originally formed for the purpose of guarding industrial plants against slowdowns and sabotage, has now been reorganized and armed with tanks and artillery. The Society for Sport and Technical Training, which is, in fact, a military branch of the Communist Youth Organization, is recruiting teenage troops. Youngsters are being trained in every war skill from firing small arms to driving jeeps and flying planes. It is reported that as of June 1959 the armed forces strength of the German Federal Republic was around 228,000, while the military manpower of the German Democratic Republic was 1,126,000.

Second. It has been also variously reported that Mr. Khrushchev on March 7, 1959, at Leipzig, had stated that the Soviet Union had "always been for a united Germany." He further asserted that the Soviet Government, and especially Stalin, had "persistently and consistently" advocated the idea of German unity.

What is the fact?

In the third volume of Sir Winston Churchill's history of the Second World War there appears on page 628 a report from Foreign Secretary Anthony Eden, dated January 5, 1942, as follows:

> At my first conversation with M. Stalin and M. Molotov on December 16 (1941) M. Stalin set out in some detail what he considered should be the postwar territorial frontiers in Europe, and in particular his ideas regarding the treatment of Germany. He proposed the restoration of Austria as an independent state, the detachment of the Rhineland from Prussia as an independent state or a protectorate and, possibly, the constitution of an independent state of Bavaria. He also proposed that East Prussia should be transferred to Poland.

In the published documentary volume on the Yalta papers we read from the Bohlen minutes of the second plenary meeting, February 5, 1945, 4 p.m., Livadia Palace—present: Roosevelt, Churchill, Stalin:

> Marshal Stalin said that in the discussion of Germany he would like to include the following points: (1) The question of the dismemberment of Germany. • • • Marshal Stalin inquired whether the three Allies should bring up dismemberment at the time of the presentation of the terms of unconditional surrender. In fact, he added, would it not be wise to add a clause to these terms saying that Germany would be dismembered without going into any details?

Third. Khrushchev and the Soviet regime have from time to time expounded on the virtues of self-determination as a cardinal principle to which they contend they subscribe for the peoples of Asia, Africa, and yes, even Latin America. To this the only answer can be: Why have they denied this right to 17 millions of peoples now living in the satellite nations behind the Iron Curtain? Why have they denied this right to the people of East Berlin and East Germany? It is obvious that this cannot be a one-way street or, to coin a phrase, "You do as I say, not as I do."

Into this category of obviously unsupported charges, classified probably more accurately as propaganda, is also the charge of colonialism. How can such a charge be justified when we review the actions of the Soviet regime in India, Burma and other areas which clearly demonstrate that they have been doing just the reverse.

Mr. Speaker, on the record it can only be said that it is firmness and a unified determination to remove for all time the areas of tension, namely, the problems of Berlin and reunification of Germany, which offer the possibility for a sound foundation upon which may be built the basic terms of a just and equitable peace. There cannot and should not be any compromise with principles for we all know that appeasement holds for the entire world a catastrophic nightmare.

We are pleased that in the 15 years since the end of World War II the Federal Republic of Germany has, under the distinguished and able leadership of its renowned and respected Chancellor, Konrad Adenauer, demonstrated its willingness to join the West as a bulwark against communism, its ideologies and philosophies. Mutual understanding and confidence is the only firm pillar of continued friendship between the Federal Republic of Germany and this great Nation of ours. The millions of peoples in the satellite nations, yes, throughout the world, look with hope to the Western Powers for the sorely needed leadership to end the cold war. The probable solution could be the reunification of Germany and the restoration of Berlin as its capital. Thus, Mr. Speaker, may our distinguished visitor, Chancellor Konrad Adenauer, and our esteemed and revered President, Dwight D. Eisenhower, enjoy divine guidance and worldly wisdom in their deliberations and during the arduous task that confronts them.

Mr. BENTLEY. Mr. Speaker, will the gentleman yield?

Mr. BOSCH. I yield.

Mr. BENTLEY. Mr. Speaker, I want to associate myself with the comments and views of my colleague, Representative ALBERT H. BOSCH, of New York, in tribute to Dr. Konrad Adenauer, Chancellor of the Federal German Republic, and to the heroic people of West Germany.

I need not remind the House that during the past 14 months the people of West Germany have been under a concentrated attack from Communists not only those in Moscow and in other Communist-run countries of Eastern Europe, but also from those in the United States. Since November 1958 when Chairman Nikita Khrushchev threatened to take actions which would isolate West Berlin and place West Berlin at the mercy of the East German regime, a campaign has been under way to defame and discredit the government and policies of Dr. Adenauer.

It is my view that tribute is due to the courageous position of Dr. Adenauer and of the German people in the face of this campaign aimed to influence, I might even say to poison, world public opinion against a stanch and unwavering free people. It is a credit to qualities of the German people that they have withstood these treacherous attacks and have grown stronger.

Morning, noon, and night the great press of our country has been warning that free peoples and free principles are under massive attack around the world today as never before. And that this attack is coming both from without and from within. No free people are under greater concentration of attack at this moment than the people of West Germany. For my part, it seems imperative now, just a few weeks before the summit meeting in Paris, to reassure Dr. Adenauer and the German people of the wholehearted support of the Congress in their continued struggle to maintain freedom of West Berlin.

To refresh the memories of the Members of the House as to one direction this attack has been taking recently, I call attention to the widely circulated charges of anti-Semitism leveled against West Germany. Where have these charges come from? On what are they based? Who alone in the world has anything to gain from them?

During the last weeks of 1959 a series of episodes were widely reported in the press. These episodes consisted of a few individuals, mostly unidentified, who smudged swastikas on Jewish synagogues in West Germany. Similar anti-Semitic acts were also reported in Britain, Italy, Norway, Austria, the Netherlands, the United States, and even in Israel.

People in the United States and people all over the world asked; who could do such things? The Communist propagandists were there first with answers. I will quote a few of the charges that Communists immediately hurled not at Britain or at Israel, or the United States, but at West Germany.

From Pravda, January 8, 1960:

> These loathsome Fascist provocations and the flaunting of the swastika are designed to fan up the cold war and to set some peoples against others. These efforts against the relaxation of international tension are especially to the advantage of the reactionary rulers of Western Germany engaged in arming the Bundeswehr.

Radio Pressburg, Czechoslovakia, January 12, 1960:

> The world public is condemning the Bonn initiators and organizers of the fascist campaign, only the reactionary press said that this movement was not organized, but resulted from irresponsible activity of individuals. And the old Chancellor did nothing against the poor activity of Bonn justice.

Radio Prague, January 11, 1960:

> The present neo-Fascist campaign in the West must be compared with the beginning of fascism in the thirties. Fascist provocations in Western Germany are encouraged in their activity by the fact that there are former Nazis occupying posts in the Adenauer government.

Ceteka, official Czechoslovak news agency, January 3, 1960:

> The anti-Semitic outbursts on Fascists in West Germany, Great Britain, Italy, Norway, Austria, and the Netherlands, all occurring in the last week of 1959, would seem to indicate that this is an organized action directed centrally.
>
> Anxiety is also voiced at the fact that atomic armament in the German Federal Republic makes this situation more dangerous. There is no guarantee that in an atmosphere where extreme nationalism is rampant the neo-Nazi elements might use these weapons not only against Germany's neighbors to the east, but also to the west. No trust can be placed in the statements of Bonn official spokesmen, trying to allay the fears aroused by these actions.

Deutschlandseder, the official radio of the Soviet Zone of Germany, January 5, 1960:

> The Western Powers bear the blame for the anti-Semitic drive by having given considerable assistance to the creation of the West German state and all its consequences. The reaction to the anti-Semitic drive is now growing in the other Western States, culminating in an open revolt in British and French papers. This is understandable. Millions of Englishmen and Frenchmen during the last war took up arms to make a definite end to fascism. For many of them it was a legitimate war just because they believed that its end would also be the end of suffering for the Jewish population in Europe. Was the victory against the most terrible barbarianism useless? Anti-Semitism is a main part of the Bonn system: Whoever inscribes revengism and anticommunism on his flag cannot live without anti-Semitism either.

Communist press and radio have been putting out a steady flow of this kind of statement. Mr. Speaker, I ask what other purpose could they have than to influence world opinion against a stanch ally of free peoples. What other aim could be advanced except that of exploiting acts of a few individuals possibly inspired by them in an attempt to alienate Western allies from supporting West Germany.

There can be no doubt who will profit if this campaign is believed. The only beneficiary is the Soviet Union, which is so widely accusing others of anti-Semitism. The irony is that the Soviet Union is the country guilty of violent anti-Semitism. It is not West Germany where Dr. Adenauer's government has striven to root out any vestiges of anti-Semitism. The guilty party is the one today shouting loudest accusations of anti-Semitism. It is the Soviet Union.

I call to your attention the following excerpts from a memorandum by Dr. Richard C. Hertz, rabbi of Congregation Beth El, of Detroit, Mich., which he presented to the White House upon his return from a visit to the Soviet Union. Dr. Hertz is an objective observer and I believe his observations which I have placed in the CONGRESSIONAL RECORD will be of interest to Members of the House. He comments:

> What is the situation now with respect to Jews and Judaism?
>
> 1. U.S.S.R. says it officially guarantees equality of rights in law and fact for all its citizens.
>
> (a) Yet discrimination is widely practiced against Jews.
>
> (b) Anti-Semitism has not been uprooted as its leaders claim.
>
> (c) The Government is dedicated to the complete extinction of Jewishness and the liquidation of all Jewish culture.
>
> 2. Jews are recognized and singled out as a special minority, yet Jews have none of the privileges granted other national minority groups.
>
> (a) No newspapers, no voluntary associations, no cultural groups, no Yiddish schools (primary, secondary, or of higher education), no books, no artistic or cultural life—none are permitted to Jews.
>
> (b) Synagogues are being closed by the Government despite their denials, in a calculated program of spiritual starvation for Soviet Jewry.
>
> (c) Again and again people expressed their fears to me at attending synagogue worship lest in retaliation their jobs be jeopardized and they be reported.

A similar appraisal of anti-Semitism in the Soviet Union has been made by Béla Fabian, chairman, Federation of Hungarian Former Political Prisoners, and a Jew. I quote excerpts from his report published in the March 7, 1960, issue of U.S. News & World Report:

> Discrimination against Jews in the Soviet Union may be seen by the following facts:
>
> 1. Each Soviet citizen has to have an internal passport that serves as a certificate

of identity within the country. Ordinary Soviet citizens have only the place of their birth marked on the cards, while those of the Jews are marked by the word "Evrei"—Jew.

2. Jews cannot be civil servants or Army officers. Since 1949 no Jews are admitted to Soviet military schools.

3. The world was shocked that, under the czars, only 5 percent of the Jews were allowed to study at Russian universities. Today there are no more than 1.5 percent, while at the universities of the Ukraine no Jews are admitted. Today there are still Jews who practice medicine and are employed as teachers and professors, but now they are excluded from the medical faculty, from training schools for teachers and from training schools for diplomats.

4. Jews are gradually being pushed out of administrative jobs in industrial plants. Nowadays, they even rarely hold the job of a foreman.

Mr. Fabian states later in the same article:

On February 9, I was invited to the Tuesday Panel to lecture on "Khrushchev and the Jews" at the Baltic Freedom House in New York. I told my audience in detail that, today, the Soviet Union was the only Nazi state in the world. Should the world continue to keep silent, then the governments of the so-called Soviet satellite states will openly pursue an anti-Semitic policy and the Jews of these countries will likewise be reduced to the level of Jews in the Soviet Union and will have to live under the same miserable conditions.

The complete report is as follows:

SOVIET ANTI-SEMITISM—STORY THAT KHRUSHCHEV TRIES TO HUSH UP

(Are the Soviet Communists taking up where Hitler's Nazis left off? A former political leader in Hungary who was once imprisoned by the Communists traces today's outbreaks of anti-Semitism to the Kremlin's official policies of oppression directed against Russian Jews. What was behind the rash of Nazi-like outbursts in widely separated areas of the world? The head of an organization of 15,000 former political prisoners and a close observer of Soviet affairs sees it as deliberate Communist camouflage to conceal the Nazi principles now at work in Russia.)

(By Béla Fabian, chairman, Federation of Hungarian Former Political Prisoners)

Within the last 6 months, a large number of synagogues have been closed down in the Soviet Union. Among them are the synagogues of Babushkin, Baranovichi, Bobruisk, Brest, Chelyabinsk, Chernigov, Chernovtsy, Karaganda, Kharkov, Korosten, Minsk, Novoselitsa, Orenburg, Rakhov, Samakand, Stalino, Tashkent, Tiraspol, Uzhgorod, and Vitebsk.

In Kiev, the big synagogue was closed down and only a small one remained open.

In Kharkov there is only one synagogue serving a Jewish population of 90,000, and it is even worse in Moscow, where there is only one synagogue for 600,000 Jews.

At present only 60 synagogues are functioning in the Soviet Union. The ones that were closed down are used for various purposes.

The great synagogue in Baranovichi was taken over by the State Security Committee. The one in Voronezh is used as a grain warehouse.

In Kharkov, Torah scrolls in private apartments where prayer groups used to meet were confiscated and 20 such groups were dispersed during the Jewish New Year service. Torah scrolls were also confiscated in Minsk and in the Moscow suburb of Kuntsevo.

The pretext for such actions is that the synagogues and prayer meetings are the hotbeds of anti-Soviet conspiracy and black marketeering. The officials of the Chernovtsy synagogue were forced to tell outsiders that the synagogue was closed down because it had been used for "nonreligious and illegal purposes."

Soviet authorities deliberately destroy memorials to Nazi victims. In Baranovichi, a memorial erected to 4,000 Jewish victims has been destroyed and a public lavatory built in its place. Near Kiev, a highway was constructed obliterating the mass graves of Nazi victims.

Acts of vandalism go unpunished. On New Year's Eve, the windows in Moscow's synagogue were broken, and this was repeated a few days later. In the town of Tamiriazevsk, an apartment used for prayer meetings was broken into and the worshipers beaten up by hoodlums.

In Baranovichi, Bendery, Kishinev, Kiev, Minsk, Voronezh, and Wilna, Jewish cemeteries were desecrated and memorials defaced. No punitive actions were taken against the perpetrators, which also shows that they were inspired or encouraged by the authorities.

Discrimination against Jews in the Soviet Union may be seen by the following facts:

1. Each Soviet citizen has to have an internal passport that serves as a certificate of identity within the country. Ordinary Soviet citizens have only the place of their birth marked on the cards, while those of the Jews are marked by the word "Evrei"—Jew.

2. Jews cannot be civil servants or Army officers. Since 1949, no Jews are admitted to Soviet military schools.

3. The world was shocked that, under the Czars, only 5 percent Jews were allowed to study at Russian universities. Today, there are no more than 1.5 percent, while at the universities of the Ukraine no Jews are admitted. Today, there are still Jews who practice medicine and are employed as teachers and professors, but now they are excluded from the medical faculty, from training schools for teachers and from training schools for diplomats.

4. Jews are gradually being pushed out of administrative jobs in industrial plants. Nowadays, they even rarely hold the job of a foreman. This is illustrated by the following little story, which comes from Soviet Russia.

A young Jewish engineer had applied in vain for a job for some time. At the next opportunity, when interviewed by the personnel manager, he said that he had lost his passport, and that he was an Indian. The manager engaged him with the remark, "How interesting, we already have an Indian here. You two must talk Indian; I never heard that language." The pseudo-Indian, on seeing the other, was very much afraid that he would lose his newly found job. He started to recite a Hebrew prayer, which was continued in perfect Hebrew by the other "Indian."

On February 9, I was invited by the "Tuesday panel" to lecture on "Khrushchev and the Jews" at the Baltic Freedom House in New York. I told my audience in detail that, today, the Soviet Union was the only Nazi state in the world. Should the world continue to keep silent, then the governments of the so-called Soviet satellite states will openly pursue an anti-Semitic policy and the Jews of these countries will likewise be reduced to the level of the Jews in the Soviet Union and will have to live under the same miserable conditions.

There are already signs that point to this. In Rumania, for example, within the last year 1,500 Jews were convicted for treason because they had asked their relatives in Israel to help them to emigrate to that country. Zionists, who were arrested in 1951, sentenced and later amnestied, were now rearrested. Among them were Magda and Elizabeta Herzl, relatives of Theodor Herzl (Hungarian-born journalist who was a founder of the modern Zionist movement). Magda Herzl was sentenced to 10 years' imprisonment for allegedly transmitting literature from the Israeli Legation in Bucharest to Rumanian Jews. It is regarded as high treason if anyone wants to emigrate because he cannot make a living in Rumania.

In the discussion following my lecture, Bogdan Raditsa, a Yugoslav exile and professor at Brooklyn College, spoke on the subject and said that, on his recent visit to the Soviet Union with a group of professors, he was followed by the secret police only when he and two of his colleagues, who were of Jewish faith, visited the Moscow synagogue. The Jews were afraid to talk to them when they told him they had come from America. It was terrible to see how frightened they were and how miserable they looked.

Later a lady who was a teacher at Hunter College approached me and said that she had recently been to Israel to visit her relatives. Her cousin, who had been deported from Poland to Russia in 1939, was later repatriated, and later succeeded in getting out to Israel with 70,000 other former deportees.

"If anyone wants to know what it means to live under Soviet nazism," the teacher said, "he should talk to the Jews in Israel who got out from the Soviet Union."

When Khrushchev visited the United States last September, leaders of the Jewish organizations wanted to talk to him, hoping to find means to remedy the situation of the Russian Jews. Khrushchev refused to receive them, with the standard phrase of Soviet double talk: In the Soviet Union all men are equal and enjoy equal rights.

The recent outbreaks of anti-Semitism, the desecration of synagogues, the smearing of swastikas and other acts of vandalism which simultaneously flared up in diverse spots all over the world—even in places where there are hardly any Jews—has given rise to widespread speculation.

Had the synagogue of Cologne been defiled by swastikas because German youth had not been taught about Hitler's crimes in school? Was swastika-smearing in this country due to the failure of education, which neglected to enlighten American youth about one of the most shameful epochs in history? If the swastikas were the work of hoodlums, why did they appear to have been drawn by an expert hand? And why did latent anti-Semitism erupt at this particular time and in so vastly different places?

Who was interested in compromising the liberal-democratic Chancellor Adenauer of Germany before the summit conference? Who would profit by breaking up the united front of the Western Alliance?

It is obvious that this anti-Semitic campaign did not serve the interest of West Germany—now waging a battle of life and death for Berlin and for the reunification of Germany—as, for this country, not only the support but also the sympathy of the free world is essential.

The weakening of West Germany's morale and the disruption of Western unity would profit only one power: the Soviet Union.

The anti-Semitic campaign would also serve to camouflage the tragic fact that, within the last 6 months, the Soviet Union is the only country to introduce legally and in practice the Nazi principles of Nuremberg.

Contrary to general belief, pogroms are not spontaneous outbreaks of mob violence. In Russia under the Czars, in Hitler Germany, as now in the Soviet Union, pogroms start and last as long as the authorities want them to.

I spent a year in Tashkent as prisoner of war in World War I and we were allowed to move freely in the city. One day our camp commandant warned us not to go to a certain part of town as a pogrom would take place. Some of us were curious to see what was happening. Looting went on freely for 2 days. Only after that did the authorities disperse the crowd.

On October 4, 1959, hoodlums set fire to the synagogue at Malakhovka, a Moscow suburb, on the second day of the Jewish New Year. The 70-year-old wife of the caretaker was strangled and her body thrown into the flames.

The tragic situation of the Jews in the Soviet Union is something that everybody knows but, unfortunately, no one wants to speak about.

The Jewish question is the skeleton in the Soviet cupboard. As long as silence is maintained, the gradual liquidation of Jewry goes on.

History may repeat itself. Had the world raised its voice in time—before Hitler sent millions of Jews to the gas chambers, and not after, when there was nothing one could do but lament—millions of lives would have been saved.

Mr. Speaker, even if we did not have these excellent and revealing reports by Dr. Hertz and Bela Fabian, the poison of anti-Semitism in the Soviet Union under Communist rule could be documented from statements and actions of Communists themselves. During the very period—during the last weeks of 1959—when swastikas were being smudged onto synagogues in free countries throughout the world, Communist propagandists were preaching hate against Jews inside the Soviet Union and—may the Members of the House note this—they were broadcasting this same kind of anti-Semitism into the turbulent and emotionally unstable Middle East.

Here are two examples of this kind of anti-Semitism rampant in the Soviet Union. I quote here what Soviet propagandists are broadcasting to poison the minds of the peoples in the Soviet Union:

There are unusual goings on at No. 56 Kirov Street in Kirovograd, where the synagogue on the Jewish community is located, and where the Orthodox Jews are drugged with moonshine and the Jewish religion. Of course, in our Soviet country a great majority of citizens of Jewish nationality broke with religion a long time ago. But an inconsiderable portion have not yet freed themselves from its shackles.

These propagandists continue:

The city synagogue has become a shelter for all sorts of hobos, preachers, prophets, who come here from Odessa, Siberia, Nikolayev, Orenburg, and other places. They beg money from the till of the Jewish community, spread various superstitions, and carry out the rites of circumcision.

Judaic sermons are sermons of bourgeois Zionists. Such sermons are tools of the nationalistic, Israeli, cosmopolitan, American bourgeoisie. With their tentacles, the Jewish bourgeois nationalists, with the help of Judaism, try to reach into our Soviet garden. But they will never succeed. At present the working people of Jewish nationality, together with all peoples of the Soviet motherland, are actively building the Communist society.

Those are not the words of justice and equality Nikita Khrushchev claims exist under his government. Mr. Speaker, as we can all recognize, these are words of deliberate prejudice and hate. There can be no substantial disagreement between honest and fair men on one basic element in Communist society. Where Communist governments have found it possible to close churches and to persecute religious people, they have done so. When it has been expedient, they have limited themselves to strict control over the churches coupled with increased atheistic propaganda and education to win believers away from religion.

Communists, in fact, proclaim there is no place for any religious belief in a Communist state. Their most advanced campaign toward this end today is against the Jews. Inside the Soviet Union their objective is obviously to destroy the Jewish religion, close the synagogues, and wipe Judaism from the face of the Soviet Union.

As Bela Fabian states it so well:

The Soviet Union is the only Nazi state in the world.

And for how cynically these arch anti-Semites carry on their foreign propaganda and diplomacy, Mr. Speaker, let us look at their propaganda appeals directed toward the Middle East. In a series of broadcasts from Moscow to the Near East late in December 1959, Communist propagandists made these revealing statements:

The State of Israel has been ruled since its foundation by the Mapai Party led by Ben-Gurion. • • • The main pillar of the Mapai Party is the Histadruth trade union federation, a strong organization comprising more than half the country's inhabitants. • • • The main preoccupation of the Histadruth's businessmen is the making of more profits from colonizing Israel. Next, they dream of colonizing neighboring territories, and this impels them to follow an aggressive foreign policy.

I call your attention particularly to the next Communist argument, made at the very time the anti-Semitic acts were taking place, in West Germany, and dozens of other countries, including Israel.

Said the Communist propagandists:

The real financial headquarters of the Histadruth is not in Israel but in the United States.

The Israeli leaders are likewise increasing their links with West Germany. It is well known that Israel receives large sums from West Germany as reparations, and a special bank has been set up in West Germany, called the International Trust Corporation, for settling matters relating to the payment of reparations. An interesting fact is that one of the close associates of the bank is Adenauer's intimate friend and adviser, Robert Pferdmenges, one of the most influential monopolists in West Germany.

The Communists obviously have no difficulties in adjusting their thinking to charge Dr. Adenauer with anti-Semitism in one area of the world and accuse him of aiding Israel in another area, at the very time they are carrying on an active anti-Semitic program right inside the Soviet Union. These are actions we can expect of a party whose morality is judged on the basis that—

Moral is only that which facilitates the destruction of the old world and strengthens the new, Communist regime.

Permit me, Mr. Speaker, to recall a dictum of Baron Karl von Clausewitz, the 18th century military strategist. It is:

Disarm your enemy in peace by diplomacy and trade if you would conquer him more readily on the field of battle.

Had Clausewitz lived in today's complex world with its worldwide network of communications media, he would have added, I am sure, "Disarm and weaken your enemy with propaganda if you would conquer them more readily at the conference table."

By filling the news channels with their own propaganda, Communists hope to convince world opinion to accept things which are not true. Further, knowing that people act on what they believe to be true rather than on what actually is true, they want people to act upon false information to make the hand of Moscow stronger and the cause of freedom weaker.

Is it any wonder that millions of people of the world and right here in the United States are confused by what is really going on in the world? I am sure there is no wonder here why there is so much concern over the summit meeting in May and the fate of West Berlin and of West Germany.

In summary, Mr. Speaker, these facts appear to me to be well established.

First. The anti-Semitic acts which took place in West Germany and in many countries of the free world in all probability were inspired by the only government which had anything to gain from them, the Soviet Union.

Second. The source of the strongest anti-Semitic agitation and action in the world today is the Soviet Union which is promoting anti-Semitism both inside its own borders by a determined program of discrimination against Soviet Jews and outside the Soviet Union by means of propaganda and incitement of emotionally unbalanced individuals to action.

Third. Our role here in the United States is to expose the supreme duplicity of the Soviet Union on this issue of anti-Semitism.

Fourth. We owe it to ourselves, our own consciences, our own religious convictions and our dedication to freedom, to support the Federal German Republic and the government of Dr. Konrad Adenauer in his struggle to maintain the freedom and integrity both of West Germany and of West Berlin.

Only today, Mr. Adenauer, in speaking before the Press Club, stated:

West Germany will remain a democratic State and every citizen of Jewish faith enjoys the same rights and same privileges of any other citizen there.

Mr. BENTLEY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mrs. WEIS. Mr. Speaker, I should like to concur in the remarks of my colleague the gentleman from the State of New York [Mr. BOSCH].

The visit of Chancellor Konrad Adenauer to our country is indeed a fitting

time for us to reflect on the growth and development of the democratic way of life in West Germany since the end of World War II, for it is Chancellor Adenauer who has steered the West German ship of state during all of these turbulent years.

It is he who has guided and promoted the democratic institutions which have replaced the old totalitarianism of the Hitler era. It is he who has supervised the economic resurgence which today marks West Germany as one of the most prosperous nations of Europe. Under his leadership, West Germany, 15 years ago a thoroughly defeated, completely discredited nation, today stands as a citadel of freedom and democratic self-government. It has been a truly remarkable metamorphosis, and it is difficult to understate the role of Chancellor Adenauer in effecting this dramatic change.

At the same time that we call to mind the developments which have taken place in Germany since World War II, it is, I think, also fitting that we remember the tremendous contributions which have been made to our own way of life by those of German origin who have made their homes in America.

In my own 38th Congressional District of New York—and I am sure this is true in other districts as well—German-Americans have made, and continue to make, large and lasting contributions to every community in which they live. They are industrious, hard-working, practical people who take a real interest in their work and in community activities as well. They are first-rate citizens in every way, and I consider it a privilege to represent them in the Congress.

America's relations with West Germany, based as they are on mutual respect and mutual love of freedom, are today at a high peak, and I am certain they have been even further improved by Chancellor Adenauer's visit. Let us hope that in the years ahead this relationship will continue and that our two nations will always maintain the same spirit of friendship and mutual cooperation which exists today.

IMPROPER ACTIVITIES IN THE LABOR FIELD

The SPEAKER. Under previous order of the House, the gentleman from Michigan [Mr. HOFFMAN] is recognized for 10 minutes.

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN of Michigan. Mr. Speaker, Walter Reuther, president of the UAW–CIO and Emil Mazey, secretary-treasurer, have told us to yield to their demands or else. Yesterday the members of the McClellan committee released a statement to the press, and the one released by Senator MCCLELLAN reads as follows:

SEPARATE STATEMENT OF SENATOR JOHN L. MCCLELLAN ON UAW–GOSSER MATTER

As chairman of the committee, I think it proper for me here to state that the foregoing UAW–Gosser investigation was conducted by the Republican members of the committee and their counsel; also that the subsequent executive and public hearings were held at the request of Senator CURTIS. All subpenas for witnesses and documents requested by him were issued by the chairman.

The witnesses, however, were not examined by the regular members of the staff, nor were the Democratic members of the committee made acquainted by Senator CURTIS, or other Republican members of the committee, with the nature of the testimony that was to be presented. All documentary evidence which had been procured by Senator CURTIS and by subpenas issued by the chair was withheld and kept secret from the Democratic members and the regular staff of the committee until actually presented at the hearings.

Thus, this particular investigation was conducted by the Republicans and the hearings thereon were held for their accommodation. Therefore, they are entitled to all credit and chargeable with all blame for the adequacy or inadequacy and for the character of the record made, which record now speaks for itself.

JOHN L. MCCLELLAN,
Chairman.

(Senators KENNEDY, ERVIN, and CHURCH join and concur with the chairman in the views hereinbefore expressed.)

Just why the chairman turned over the investigation to Republicans I do not know. Later on he made this statement, and he is referring to the Kohler-Perfect Circle-Gosser matter:

Thus, this particular investigation was conducted by the Republicans and the hearings thereon were held for their accommodation.

Well, I had always understood up to the time I received that statement that the hearings were held to disclose what was happening in connection with the labor organizations which was improper and to learn what, if any, legislation was needed.

Then Senators FRANK CHURCH and JOHN F. KENNEDY released a statement which reads as follows:

SEPARATE VIEWS OF SENATORS FRANK CHURCH AND JOHN F. KENNEDY

SUPPLEMENTARY FINDINGS OF THE KOHLER STRIKE, THE PERFECT CIRCLE STRIKE, AND LOCAL 12, UNITED AUTOMOBILE WORKERS, TOLEDO, OHIO

At the time that the committee's findings were prepared, we did not have the benefit of the separate views of the Republican members of the committee or of the appendixes to these separate views. An analysis of those documents, made available to the committee only recently, indicates a complete absence of one favorable word for the United Automobile Workers or of one critical word for the companies involved. Such a totally one-sided and distorted picture of our investigation does a disservice to the reputation for impartiality which this and other committees of the U.S. Senate have built up through the many years of their history.

Therefore, having considered the separate views and appendixes, we desire to record the following findings:

1. We hold the chief counsel and the staff of the committee blameless of the charges made against them. We reaffirm our confidence in the chief counsel and the staff, and we restate our belief that they have done the Nation a tremendous service in their fearless investigation of labor-management corruption without regard to political considerations.

2. There is no credible evidence of corruption, misappropriation of union funds, or collusion with the underworld in the United Automobile Workers. The union and its leaders have worked hard to keep the union clean, and the appointment of a public review board to deal with this problem is to be commended.

3. The strikes at Kohler and Perfect Circle do not reflect credit upon either union or management. But it is noteworthy that the UAW has had no such difficulties with thousands of employers who, as contrasted with these companies, are willing to accept the letter and spirit of the law of the land and to live in good faith with the trade-union movement of America.

4. The strikes at Kohler and Perfect Circle highlight the necessity for good-faith collective bargaining and the importance of speeding up NLRB procedures so that critical cases can be resolved before they fester and make good-faith collective bargaining impossible.

STATEMENT AND SEPARATE VIEWS OF SENATOR JOHN L. MCCLELLAN AND SENATOR SAM J. ERVIN, JR., ON THE KOHLER, PERFECT CIRCLE, AND GOSSER-LOCAL 12 SUMMARY REPORTS AND FINDINGS

First we wish to emphasize certain aspects of the findings herein made by the Democratic members of the committee.

THE UNION

From the evidence developed in the course of these hearings we are convinced and find that the UAW and the Kohler strike improperly engaged in:

1. Mass picketing as an economic force to coerce and prevent men and women from exercising their freedom and right to engage in work of their choosing at a plant where they were lawfully employed. (This mass picketing was improperly used as an economic weapon in support of a strike by the union against the Kohler Co.)

2. Mass picketing and acts of vandalism and violence directed at the homes and families of nonstrikers, which were intended to intimidate and coerce nonstrikers not to work at the struck plant. (These acts were utterly indefensible in the light of the ancient legal principle that every man's home is his castle and the Biblical injunction implicit in these words of Micah 4:4: "But they shall sit every man under his vine and under his fig tree: and none shall make them afraid: for the mouth of the Lord of hosts hath spoken it.")

3. Vandalism—the willful injury to, damage, and destruction of property.

4. Mass picketing and violence to prohibit the lawful unloading of a boatload of clay shipped to Sheboygan, Wis., for use in the manufacture of products at the struck Kohler plant.

5. Condoning of brutality and criminal assaults by outside union members who had been directed to the Kohler area by union officials to support and assist the local union in the conduct of the Kohler strike. (The providing of counsel by the union and payment of legal expenses for John Gunaca and William Vinson, and the payments of Vinson's salary while he was in prison, not only evidences approval of this violence by these union members, but it also served to encourage the use of further violence and vandalism as strike weapons in this dispute.)

6. The use of secondary boycotts by the union (now forbidden by the Labor-Management Reporting and Disclosure Act of 1959).

Some of the foregoing findings (with respect to violence and mass picketing) are also applicable to the Perfect Circle strike.

MANAGEMENT

We do not find management—the Kohler Co. and the Perfect Circle Co.—blameless. The attitude of the Kohler Co. was not conducive to bringing about a peaceable settlement of the strike. Its attitude in many respects had, we think, the effect of discouraging peaceful and good-faith collective bargaining. It is clear to us that the Kohler Co. decided (whether rightfully or wrongfully) that it would not seriously bargain with this union and determined to get rid of the UAW as a bargaining representative of its employees. For all practical purposes it has, in our judgment, won the strike and succeeded in that effort.

In the Perfect Circle case we have also concluded that both management and the union were guilty of improprieties, shootings, and violence. Neither the UAW nor the Perfect Circle Co. can shrug off its responsibilities for the violence that occurred in connection with that strike.

RICHARD T. GOSSER AND LOCAL 12, UAW

In the Gosser-Local 12 case, the record is crystal clear that this was an investigation by the Republican members. They insisted on conducting their own independent investigation and withheld and kept secret from the Democratic members of the committee all material, documents, and information they procured until they presented it in testimony by witnesses at the hearings. The chairman fully cooperated with them to the extent of issuing subpenas for all witnesses and documents which the Republican members requested. It will, therefore, be observed from the record that after prolonged hearing, at which the Republican members were afforded full opportunity to present all of the facts and information they had procured by their investigation, the evidence adduced was quite inconclusive on many aspects of the issues involved.

We have submitted a separate statement on this hearing which will be found immediately following the Gosser findings in this report.

OTHER CHARGES

In view of certain statements and charges made by the Republican members in their report of findings and separate views that should not be left unchallenged, we make these further comments:

From the inception of this Senate select committee, the chairman has strongly urged that it be organized as a completely bipartisan committee, composed of an equal number of Democratic and Republican members, in the sincere belief that to accomplish the objectives for which the committee was created, it should rise above partisan politics in its deliberations and in the conduct of its work. We deeply regret, therefore, that we are forced to the conclusion that some of the findings and separate views of the Republican members in the Kohler, Perfect Circle, and Gosser-Local 12 cases, transgress the nonpartisan spirit in which the chairman has endeavored to conduct the proceedings and report our findings and conclusions.

It should be stated that at the outset of the Kohler-United Automobile Workers hearing a disagreement arose between the Republican and the Democratic members of the committee with respect to the procedures to be followed in the presentation of witnesses and the conducting of the hearing. After serious controversy this disagreement was finally resolved by the chairman's yielding to the demands of the Republicans, stating at the time that he was yielding not out of deference to the views of others, because he did not agree with them, but out of deference to what he conceived to be a higher duty; to keep the committee from breaking up and in order to hold it together, if it was possible to do so, so that it might carry out its mission and assignment. The chairman further stated that if we proceeded as the Republican members desired, he would not accept the blame or the full responsibility for the results, whatever they might be, for he did not believe we were going to get the most satisfactory results by following such procedure. With this background the committee proceeded to public hearings.

At the opening session of the Kohler hearings the chairman made the following statement for the record:

"There has been some controversy within the ranks of the committee over the proposed procedure for these hearings. I want to say at this time that any Senator on this committee who feels that any particular witness can shed further light on these cases can ask for that witness to testify, and he will be required to do so. Some 70 witnesses have already been invited to testify in order to present the committee with as broad a picture as can be obtained.

"The Senate and the American people look to this committee to continue its efforts resolutely. To do less would be to shirk our responsibility and to bring comfort to those forces in organized labor and management who cannot stand the scrutiny of an investigation.

"I only wish to make this comment about it: The proceedings that will be followed here are not the proceedings in keeping with the Chair's views as to how this matter should be presented. I have yielded to this procedure out of what I conceive to be deference to a higher duty and responsibility.

"I believe the work of this committee, and I believe its task and its assignments and the importance of it transcend all other considerations of any person, any individual, any party, anybody's policy, or the political fortunes of any member of this committee.

"I am interested in neither side, and I want to get the whole truth and get it on record, so that the public may know from sworn testimony what occurred, what was wrong, and what should be corrected" (p. 8330).

The record reflects that the Kohler, Perfect Circle, and Gosser local 12 matters are contained in parts 21, 22, 23, 24, 25, 26, and 58 of the printed committee hearings. These hearings covered 32 days in which the committee received the testimony of 102 witnesses, testimony which is spread over 2,572 pages of the printed record.

The testimony in these hearings, in our judgment, could have been developed more thoroughly and presented more effectively had the Republicans permitted the chairman to arrange and conduct the proceedings in accordance with his judgment, as had been done in all previous hearings.

Criticism or a charge of failure to investigate these cases wholly lacks foundation and credibility. Walter Reuther, president of the United Automobile Workers, was a witness and testified for 3 continuous days. The Republicans were afforded, and took advantage of, the opportunity to ask him and all of the other 101 witnesses any and all questions they desired. Every witness they requested was called. If they are unhappy and disappointed in the record they made, obviously, the Democrats are not to blame for their failure.

In view of the fine contributions made by Republican members to the progress and effectiveness of the work of the committee in many instances, we deeply regret that they have now made, in their separate views, statements derogatory to Democratic members of the committee and of the chief counsel and staff of the committee. The partisan ring of such unwarranted derogatory statements is so revealing that it clearly obviates the necessity for us to make any defense of ourselves, and we shall not do so.

We assert, however, that the other Democratic members of the committee were diligent, intelligent, and courageous in the performance of their duties; that Robert F. Kennedy, chief counsel of the committee, assembled a most loyal, able, and competent staff of assistants, and brought to the discharge of his duties courage, integrity, and industry of the highest order. We, therefore, heartily commend Robert F. Kennedy and all members of the staff for the magnificent job they did for the committee, for the Senate, and for our country. Their most excellent services have earned for them the profound appreciation and gratitude of the American people.

At the same time, or perhaps a little before, an advance copy of the report of the Republican members of the committee came to me, and it reads as follows:

SEPARATE VIEWS OF SENATORS GOLDWATER, MUNDT, CARLSON, AND CAPEHART

PURPOSE OF THE HEARINGS

The purpose of the hearings before the Senate Select Committee on Improper Activities in the Labor or Management Field was to investigate all allegations concerning such activities and to recommend to the Senate of the United States such legislation as would appear to be appropriate or calculated to correct existing abuses and to protect the rights of labor, management, and the public as guaranteed under our constitutional free enterprise system.

In a previous series of hearings dealing with the Teamsters Union, the committee adduced evidence of an overwhelmingly persuasive nature indicating the misappropriations of union funds, corruption, criminality, and malfeasance in office of union leaders. The investigation by the committee was vigorous and productive and the full committee was able to agree, with only one Democratic member dissenting, on its findings and recommendations. Republican members supported the committee findings unanimously. It was a job well done. Legislation was enacted incorporating recommendations of the committee.

Unfortunately, the same cannot be said concerning investigation of the Kohler and the Perfect Circle strikes of the UAW and the Gosser investigation, with which this report is concerned. The Kohler and the Perfect Circle strikes are two of the most tragic disturbances in the modern history of American labor. The tragedy is compounded by realization that neither strike represented the wishes of more than 33 percent of the workers involved. The Gosser affair is of the same cloth from which the Hoffa pattern was cut. Yet, in our opinion, the committee failed properly to investigate pertinent allegations,[1] failed to examine key witnesses,[2] failed to affix responsibility, and failed to submit constructive corrective recommendations.

We cannot condone such a disservice to the American workingman, to American management, to the public, and to the U.S. Senate; and are, therefore, submitting these separate views for the consideration and appropriate action of responsible authority.

A clear case of UAW wrongdoing for which proof was readily available but which was never pursued was the Renda matter.

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[1] See app. D.
[2] See app. C, p. 3.

On or about December 22, 1953, Emil Mazey as secretary-treasurer of the UAW, ordered the UAW disbursing officer to write a check for $25,000 payable to an attorney by the name of Moran in the city of Windsor, Ontario, Canada, which was carried on the books as a disbursement for the purchase of Canadian real estate. Mr. Mazey, however, described this item as reward money for a statement by one Donald Ritchie to the prosecuting attorney resulting in the arrest and conviction of the person or persons responsible for the shooting of Walter Reuther. Mazey then described for the committee how the arrangement was to have worked:

"The reward offer that was made, and I have it here, I have the agreement we made with the Crown Trust Co. and Donald R. Moran—provided that if Mr. Ritchie gave a statement to the prosecuting attorney in the presence of police that would lead to the issuing of a warrant on the people involved in the Walter Reuther shooting that at the point that a warrant was issued • • • wife would get $5,000. If the people were brought to trial, his wife would get an additional $10,000. If they were convicted, there would be an additional $10,000 paid to his wife, a total of $25,000." (See hearings, p. 9044.)

Mazey then stated that Ritchie "signed a confession that was taken by the prosecuting attorney in the presence of police in Detroit, in which he said that he rode with Clarence Jacobs and with Pete Lombardo, to Walter Reuther's home when Walter Reuther was shot, and he also said in his statement that Walter Reuther was shot by Clarence Jacobs." The statement named Santo Perrone as the instigator of the shooting and Perrone's son-in-law, Carl Renda, as the "payoff man" who received "$5,000 for going along on this (i.e. shooting) job." Mazey said that Renda "had a scrap contract with the Briggs Manufacturing Co. that was worth $168,000 net profit each year." (See hearings, p. 9054.) Renda was subsequently arrested on the basis of the confession, $5,000 was paid according to the agreement. Ritchie fled to Windsor, Canada, where he renounced his confession as false, indicating that he had been induced to make it by persons acting on behalf of the UAW. Renda brought suit for malicious prosecution, naming the UAW as defendant for subornation of perjury causing his false arrest. The court awarded him a $400,000 judgment against the UAW.

During the hearings Mr. Mazey was asked about disbursements he was allowed to make without consulting the executive board. Senator Goldwater asked him: "On real estate, would the executive board be consulted on that, or do you have carte blanche approval to spend what you want?" Mazey answered: "No, the executive board would be consulted on that." (See hearings, p. 9041.)

Committee investigators (referred to in footnote 37 infra), however, failed to disclose this patent discrepancy.

We further are in disagreement with the statements of fact found in the committee-staff-prepared reports on Kohler, Perfect Circle, and the Gosser affair, and likewise with their findings and recommendations contained therein.

SUMMARY OF FINDINGS

As members of the committee, we are deeply disappointed that the Chief Counsel of this Senate Select Committee, who had been delegated broad authority, was not only reluctant, but actually refused in more than one instance to probe into areas which would have fixed the responsibility for the clear pattern of crime and violence which has characterized and has generally been associated with UAW strikes.[5]

We are not at all impressed by the evasive answers of such witnesses as testified, nor by the demagogic utterances and the legal semantics which were used in an attempt to conceal the truth. To us the pattern seems plain and the responsibility clear.

We do not contend that the Kohler Co. management was wholly blameless in this controversy, but it is clear that the violence which took place there was not in response to any company misconduct. That it was solely attributable to the UAW method of operation is borne out by the violent Perfect Circle Co. strike occurring a year later.

The company and the union in that case had enjoyed good relations for some 15 years prior to the strike; the violence there was not a response, it was an implement of the characteristic UAW pattern of violence.

It is curious that in the two UAW investigations, the Chief Counsel divorced himself from these probes and selected one staff member for the investigation with an entirely inadequate staff. In the case of Kohler and Perfect Circle, it was assigned to Jack McGovern who operated almost entirely without assistance. In the Gosser case it was assigned to Robert Manuel and Senator Curtis, who operated with no assistance whatsoever. Also, a fair reading of the testimony shows that the Chief Counsel associated himself with the witnesses supporting Gosser.[6]

From the very outset of the UAW investigation, it became apparent that the committee faced an awkward—if not an impossible—situation growing out of the natural conflict of interest situation in which its chief counsel found himself. When investigating unions other than those affiliated with the leadership of Walter Reuther, the chief counsel worked effectively and cooperatively with all members of the committee—Democrats and Republicans alike. But whenever an investigation touched upon the domain of Walter Reuther, an altogether different procedure was followed. Throughout the course of the investigation a double standard of committee morality prevailed—one procedure was employed for the unions not connected with Walter Reuther and a different procedure was employed for the investigation of activities of the United Automobile Workers. As a result, in the Kohler and Perfect Circle investigations, the staff used averaged less than one-tenth that utilized in other investigations. Not until the final days of the hearings when the Gosser case was before the committee did Assistant Counsel Manuel even have the opportunity to question witnesses at the open hearings and in that hearing the chief counsel frequently attacked those endeavoring to ascertain the true status of events attributable to Gosser instead of aiding in the investigation.

In both the Kohler and the Perfect Circle strikes, sufficient testimony was presented, representing but a small portion of that which we are confident was available, to establish that the following illegal and intolerable practices were committed:

1. Impairment of civil liberties.
2. Destruction of free collective bargaining.
3. Willful violation of law and organized incitement to riot by professional goons and thugs.
4. The development of a technique whereby a private interest can use illegal forces to gain its ends.

Furthermore, we are convinced, based on the information obtained during the investigation of Richard T. Gosser, senior vice president of the UAW and second in power only to Walter Reuther himself, that corruption, misappropriation of funds, bribery, extortion, and collusion with the underworld has occurred within the UAW.[8]

1. IMPAIRMENT OF CIVIL LIBERTIES

Civil liberties in the United States are constitutional guarantees extended to American citizens regardless of race, sex, creed, or economic circumstances. Under the laws of this country, employers are entitled to operate their plants during periods of labor strikes. Furthermore, nonstriking employees have a legal right to continue to work.[9] These are not matters of debate. These are moral and legal rights ingrained in our constitutional system. Any individual or group which interferes with the exercise of these rights is impairing the civil liberties of our citizens, among the most important of which is his right to earn a living.

In both the Kohler and Perfect Circle strikes, the employers were prevented from operating their plants and employees were prevented from continuing their employment.[7] It was the deliberate policy of the UAW to force the closing of the plants and to prevent employees from continuing to work.[8] This was the mechanism used by the union in its attempt to bring about the surrender of management.[9] There was an organized, directed campaign led by imported professional hoodlums [10] who, through mass picketing,[11] terroristic tactics, personal threats, and intimidation [12] sought to achieve the union objectives. The proposition that such activity was spontaneous or coincidental is so demonstrably inaccurate as to insult the intelligence of any rational person.

[5] See app. C, p. 3; app. 4, pp. 10–11.

[6] In the two UAW investigations which were conducted the chief counsel divorced himself from these probes. Instead, in each instance one staff member was selected to conduct the investigation and assigned an entirely inadequate staff. The case of the Kohler and Perfect Circle strikes was assigned to John J. McGovern who, despite numerous requests for additional help, operated almost entirely without assistance. The Gosser case was assigned to Robert Manuel and Senator Curtis, who likewise operated with insufficient help.

During the investigative period prior to the airing of the Kohler and Perfect Circle strikes numerous requests had been made for additional personnel to be assigned to McGovern because of the immense amount of investigation which would be required in order to properly present factual accounts. Upon checking into the nature of the staff of the Select Committee, the Republicans found that although the regular staff numbered only 35 to 40, additional personnel had been recruited from the Government Accounting Office, the General Services Administration, Internal Revenue Service, and the Department of the Army who served on loan from these departments, bringing the number working on and with the staff of the committee to, at times, over 100. All acted under the direction of the chief counsel with the exception of McGovern and the two people who were assigned to help him. To have done an adequate job for public presentation, in one of the McGovern reports it is estimated that it would have taken a staff of five additional accountants and five additional investigators acting under his direction, which were requested several times. Considering the total number acting under the direction of the chief counsel, it is difficult to understand why this relatively modest request could not be filled. Mr. Manuel was even more severely handicapped. He was the sole investigator, accountant, and counsel.

[8] See app. D.
[9] See app. B, pp. 11–12.
[7] See app. B, pp. 7, 50; app. C, pp. 4–6.
[8] See app. B, p. 49; app. C, pp. 17, 49.
[9] See app. B, p. 49.
[10] See app. B, pp. 8, 65; app. C, p. 16.
[11] See app. C, p. 8.
[12] See app. C, pp. 8–14.

The fact of the matter is that those who engaged in the impairment of civil liberties of citizens at Kohler and Perfect Circle were the paid agents and accredited representatives of the UAW, acting with the consent and the approval of the highest officials of that union.[13]

It is ironic and incongruous that the so-called liberals of America have applauded when a battalion of combat-ready paratroopers was dispatched to guarantee the rights of a racial minority to desegregated education in one State, while the same groups have stood idly by when entire communities have been intimidated, terrorized and deprived by the UAW of civil rights to which they are entitled under the law.[14] The American people have a right to know why.

2. DESTRUCTION OF FREE COLLECTIVE BARGAINING

American labor, management, and the general public have recognized that the principle of free collective bargaining is most beneficial to our society. Those who destroy the principle and the application of free collective bargaining render a disservice to the Nation.

From the viewpoint of labor, the essential ingredient of free collective bargaining is the right to strike. Conversely, from the viewpoint of management, the essential ingredient of free collective bargaining is the right to refuse the demands made upon it by labor during periods of negotiation or strike.

The UAW has claimed that it believes in free collective bargaining. Their conduct, however, makes such a claim a mockery and a farce. In the Kohler and Perfect Circle strikes, the UAW exercised its right to strike, but it then denied, through force and violence, the right of management to operate its plants and the right of nonstriking workers to continue employment. Such conduct destroys the principle which has allowed American labor to grow and prosper.

The testimony of these hearings is replete with evidence adduced from UAW officials admitting that there would have been no violence at either of these strikes had management not dared to exercise the right to which it was legally and morally entitled.[15] In other words, the UAW had the arrogance to proclaim publicly that when strike notices were issued, management must automatically cease operation. This is not free collective bargaining. This is abject surrender to labor bossism in its arrogant defiance of the law.

3. WILLFUL VIOLATION OF THE LAW AND ORGANIZED INCITEMENT TO RIOT BY PROFESSIONAL GOONS AND THUGS

In the previous sections we have demonstrated that the activities of the United Auto Workers deprived decent American citizens of the civil liberties guaranteed to them under our constitutional system, and that they jeopardized and contradicted our established American concepts of collective bargaining.

Examination of the Kohler and Perfect Circle strikes gives a shocking demonstration of what can happen in America if any group is allowed to place itself above and beyond the law. Testimony before the Senate select committee contained in the appendixes of this report enumerated crimes of violence against persons and property which are almost unbelievable. Entire communities were terrorized [16] in a characteristic pattern which occurred repeatedly.[17] People—decent law-abiding American citizens—including innocent bystanders, were actually in fear of their lives.

Were the activities of the UAW in violation of the law? We have only to enumerate the acts committed to determine the answer.

At Kohler and at Perfect Circle there were stonings; sluggings; assaults; rotten egg throwings; paint smearings; shotgun and rifle firings into homes and at individuals; shadowing; elbowing; kicking; reckless driving; stomping; destruction of homes; throwing of bottles; rocks, and paint bombs; destruction of automobiles; sugar, emery dust, and other substances placed in gas tanks of autos and trucks; dynamiting; ransacking of houses, ammonia bombings; slashing of tires and brake hoses. Almost every type of felonious aggravated assault with intent to commit great bodily harm or to destroy property and render it inoperative occurred.[18]

The communities involved in these labor disturbances were actually under siege as though invaded by foreign mercenaries. In this case, however, the invaders were the arm-locked professional goons and thugs employed and imported by the UAW to enforce its dictates.

It is a sad commentary that in both of these disturbances, the power of the UAW superseded and abolished the normal police authority and the legal and political processes of the municipality, the State and even the Nation.[19] Police officials either disappeared or refused to enforce the law in the presence of the mob rule and flying squadrons of the union.[20]

It is frightening to conjecture what will become of this Nation if we ever adopt the philosophy of Emil Mazey, secretary-treasurer of the UAW. He had the audacity to state before this committee that he believed that when the UAW called a strike "it is the same as when Congress declared war," [21] and referring to nonstrikers: "They have joined the ranks of the enemy, and they ought to be treated as such. During the war, when they joined the enemy, they were shot when convicted."[22]

This shocking record of crime and violence is all the more fantastic in view of the fact that at no time in either one of these major strikes did more than 33 percent of the workers vote to walk out.[23]

Never has there been a more clear-cut pattern of a minority dominating and destroying the rights of the majority through force and violence.

It has been said that the United States cannot ignore events which occur in the far-flung corners of the globe since they may ultimately have an impact upon our society. Can America afford to ignore what happened in Wisconsin and Indiana? Will America allow force and violence to supplant law throughout our Nation? Can American labor remain free under such leadership?

4. THE DEVELOPMENT OF A TECHNIQUE WHEREBY A PRIVATE INTEREST CAN USE ILLEGAL FORCES TO GAIN ITS ENDS

There is an inherent danger in the investigation of corruption that such an investigation will focus its efforts on matters such as larceny, consorting with criminals, and other activities normally related to police courts. In doing this we run the risk of overlooking the most dangerous departures from public morality. This is the case in the matter of the UAW.

Corruption which is most dangerous to our society is power that frequently masquerades as legal and in fact has a superficial legality. It is based on the ability to utilize legal loopholes and to enforce dictates with a private enforcement agency.

Judge Brandeis recognized such a danger when he said:

"You may compromise a matter of wages, you may compromise a matter of hours—if the margain of profit will permit. No man can say with certainty that his opinion is the right one on such a question. But you may not compromise on a question of morals, or where there is a lawlessness, or even arbitrariness. Industrial liberty, like civil liberty, must rest upon the solid foundation of law.

"Disregard the law in either, however good your motives, and you have anarchy. The plea of trades unions for immunity, be it from injunctions or from liability for damages, is fallacious as the plea of the lynchers. If lawless methods are pursued by trade unions, whether it be by violence, by intimidation, or by the more peaceful infringment of legal rights, that lawlessness must be put down at once and at any cost."

That such a pattern as Judge Brandeis describes exists within the framework of UAW policy is evident from testimony before the committee.

There has existed within the UAW what is called by them "Flying Squadron," a group of men well trained in UAW tactics. When needed, they assisted the employees of struck plants by providing "strike violence" and "intimidation." [24] By curious coincidence when these men appear on the scene a violent pattern follows. Examples of this are seen in the following items and footnote 17.

Item: "William P. Vinson, an admitted member of a UAW 'flying squadron,' served a 13-month prison term for assaulting a nonstriker with such ferocity that he drove some of his broken ribs into his lungs. The union paid for his defense and continued payments to Vinson's wife while he served his sentence.[25] In January 1960 he was again arrested for another strike-connected assault." [26]

Item: "Emil Mazey, now secretary-treasurer of the UAW in 1947 led 400 pickets from Detroit into the town of Clinton, Mich., during the strike at the Clinton Machine Co. Violence occurred. The union was ready to dispatch 'additional people, thousands if we had to' into this town of 1,600." [27]

[13] See app. B, p. 7.
[14] States' responsibility requires adherence to the U.S. Constitution. In a comparable situation late in 1959, however, the union met with success when the Governor of Minnesota intervened to close the plants of Wilson & Co., denying this employer its constitutional right to continue to operate during the strike. Thus, by resorting to violence, the strikers achieved their major objective of closing the plant; meanwhile protection of workers who wished to exercise their constitutional right to enter was denied.
[15] See app. C, p. 17.
[16] See app. B, pp. 7–8; app., p. 6.
[17] This pattern was duplicated recently when the United Packing House Workers of America called upon the master craftsman of strike violence and lawlessness, UAW secretary-treasurer, Emil Mazey, to assist in creating the turmoil necessary to reduce the situation to chaos. Mazey went to Albert Lea, Minn., to express his solidarity with the packinghouse union. In further expression, Walter Reuther's union sent along $25,000 to be distributed at Mr. Mazey's discretion. Immediately the strike took on the usual violent pattern characteristic of UAW strikes with the concomitant terrorization of the town of Albert Lea. The technique was eminently successful. Once again this dean of the UAW school of violence accomplished his mission of complete subjugation by terrorist warfare of a management whose only offense was an attempt to operate its plant in a law-abiding manner.
[18] See appendix B, pp. 53–65; appendix C, p. 14.
[19] See appendix B, pp. 29–33, 68–72; appendix C, p. 6.
[20] See appendix C, p. 6.
[21] See hearings, p. 9002.
[22] See hearings, p. 9003.
[23] See appendix B, p. 5; appendix C, p. 2.
[24] See hearings, p. 8996; app. D. p. 37.
[25] See hearings, p. 8955.
[26] See Detroit News, Jan. 8, 1960.
[27] See hearings, p. 9369.

Item: "A strike at the Flint, Mich., Cadillac plant prompted this statement from Kenneth Cole, financial secretary of local 14 of UAW at Toledo: 'I expect between 3,000 and 5,000 Toledo union men will be in Flint before night.' 3,000 employees from Ohio came, gathered with those from Flint and in spite of the fact that the Governor called out the 126th Infantry, later the cavalry, little protection was given the public. Employees were inside as the strikers descended on the plants, welded the doors shut and did an enormous amount of damage. As a result of the union induced violence, 24 people were injured.[29]

"Just prior to the 1955 strike of Perfect Circle plants in Indiana, a UAW organizer, William Caldwell, stated that there would be a $2 million strike fund to support the strike, that 'it will be the roughest thing you have ever seen. There will be outside people come in, cars will be overturned, and someone will get hurt.' He promised UAW strikers 'he would get us out of jail if we were put in for knocking heads,' and 'there would be plenty of help to keep the plant shut down.'[30]

"As the strike began, the UAW blocked plant entrances, assaulted employees and terrorized townspeople with large numbers of imported goons. Typical was the pattern followed in Hagerstown, Ind., the location of Perfect Circle Co.'s largest plant: Over 700 strangers accomplished this mission in a town which had a population of 1,800."[30]

Item: "Nicholas Flynn was arrested for overturning an automobile at the Nylon Products Co. He was convicted and sentenced to serve 18 months to 4 years and the case was carried to the Supreme Court of Michigan by UAW attorneys who defended Flynn throughout, where it was affirmed. Yet Flynn had served only a month and a day at the time his sentence was commuted by Governor Williams.[31]

"At the time the Detroit News carried this story: 'Emil Mazey, UAW treasurer, and Nicholas Rothe, Detroit attorney, recently came here to ask executive clemency for Flynn.'"[32]

Such violence on the part of employees or members is not condoned and defended by any other type of American organization.

Foremost is the case of John Gunaca which demonstrates the political influence of Walter Reuther and the UAW in the State of Michigan, influence so dominant that a goon may invade Wisconsin and then return to Michigan expecting to find a haven from which he could not be extradited for trial and punishment.

Gunaca entered Wisconsin and, according to the testimony of witnesses, committed felonious assault with intent to do bodily harm upon the person of a Wisconsin citizen. The victim of this beating never recovered and died a year later.

Gunaca fled to Michigan, was indicted and declared a fugitive from justice. According to proper legal processes, the Governor of Wisconsin requested that the Governor of Michigan comply with the Constitution of the United States,[33] and extradite this individual for trial to determine his guilt. The request for extradition was denied by the Governor of Michigan for 4 years.

Gunaca was finally returned to Wisconsin in 1958, after our hearings focused national attention on this intolerable situation, and convicted and sentenced to 3 years' imprisonment.

The far-reaching power of the UAW is distilled in the remark Gunaca made to his captor en route to the preliminary hearing: "Sarge, this will never do you any good. Mazey will never leave Soapy send me back to Wisconsin."[34]

Could it be that the exposure of this sordid affair before the committee and public opinion in the State of Michigan prompted the Governor to give up Gunaca for trial?

The right of Americans to be secure in their homes is a constitutional guarantee upon which our entire system is predicated. Those who violate such guarantees are subject to the penalties of the law. It certainly must be agreed that circumstances which result in a refuge of immunity from law and a bastion of private interest power is intolerable. Yet the masters of this corrupt power are subtly developing a technique which is by slow degrees gaining the aspect of quasi-legal status whereby a private interest can use force to gain its ends.

THE GOSSER HEARING[35]

One of the most fantastic developments resulting from the select committee's investigation of improper labor and management activities is the unsupported claim of Walter Reuther, that this committee has found the UAW to be free of corruption, misappropriation of funds, bribery, extortion, collusion with the underworld, and denial of the basic rights of its membership. Such a claim, to be accurate, would have necessitated a thorough and searching investigation of all of the facets of the UAW operation, with the same tenacity and staff as was utilized in the instance of the Teamsters, the Carpenters, the Hotel and Restaurant Workers, and other union investigations.

Such an investigation was not conducted. In fact, attempts to initiate and to develop such an investigation were successfully resisted and actually prevented by the chief counsel.[36]

We do not profess to have all the facts in our possession concerning corruption in the UAW. Nevertheless, with what we know about Richard T. Gosser, senior vice president of the UAW, we cannot tell the American people that this union deserves a "clean bill of health." We have seen sufficient evidence during the Gosser hearing of kickbacks, terrorism, collusion with gamblers, conflicts of interest, destruction of records, misappropriation of funds, falsification of records, and evasive tactics to convince us that a thorough investigation of the machinations of this individual and others would produce criminality on a scale comparable to that which has been previously exposed by this committee.

Two key UAW witnesses, when questioned on these matters, took the fifth amendment, leading us to believe even more strongly that a full-scale investigation of the affairs of this union should be conducted.

It is strangely significant to us that when Mr. Gosser appeared to become a potential target for our investigation that he suddenly was shorn of most of his authority by the other leaders of the UAW and relegated to an inactive status under the guise of illness.

We recognize that for sound legislative reasons it is desirable that any committee and especially a select committee, such as ours, should speak, whenever possible, with one voice when submitting its reports of findings, conclusions, and recommendations. The record will show that we have followed this policy since the inception of this committee and have joined in good faith in the reports, regardless of the subject matter, or personalities involved in the hearings, for our decisions to do so have been warranted by the evidence. However, in the reports in issue here which involve the UAW we detect a disparity of treatment not accorded others and a disinclination to follow the evidence wherever it leads, objections not heretofore encountered during the three years this committee has existed.

The authors of the report from which we dissent create the impression that this committee investigated the UAW for corruption with the same staff and zeal it has shown for other unions and employers in previous and later hearings (actually only a mere handful of our large investigative staff were ever permitted to work on any investigation of UAW improprieties), instead of acknowledging the fact that the committee limited its investigations here into the UAW's participation in the labor disputes; and on the sole basis of a cursory invited examination of a small part of the UAW's financial records by one member of the staff, the authors proceed from this fragmentary and entirely inadequate and incomplete investigation to issue a clean bill of health to Reuther, the UAW International, all of its officers and to its more than 1,300 locals and many joint councils.[37]

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[29] See hearings, pp. 9377–9378.
[30] See app. C, p. 3.
[30a] See app. C, pp. 5, 7.
[31] See app. B, pp. 115–116.
[32] See hearings, p. 10123.
[33] Art. IV, clause 2, of the U.S. Constitution reads as follows:

"Clause 2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime."

The Courts have held that:

"The constitutionally required surrender is not to be interferred with by habeas corpus upon speculations as to what ought to be the result of a trial" (*Drew* v. *Thaw* (235 U.S. 432)). "Nor is it proper thereby to inquire into the motives controlling the actions of the Governors of the demanding and surrendering States" (*Pettibone* v. *Nichols* (203 U.S. 192, 216)).

[34] See the Sheboygan Press, Dec. 19, 1958.
[35] See app. D.
[36] See app. D. pp. 10–11.

[37] Counsel Kennedy indicated during the hearing that his staff, assisted by accountant Carmine Bellino, had gone into "a number of different unions regarding the financial records that are kept by them," and that "we went into the UAW also, extensively." Further, "we found that a different procedure was followed by the UAW from that followed by these other unions that we have examined." (See hearings, p. 10242.) Questioned, Mr. Bellino stated that in going over the books, he found no instances of false entries (see footnote 1) and in the case of organizational expenses, supporting documents had been required showing the plant where the expenses were incurred, a detailing the nature of the expenses. There was also a weekly expense form entailing "a regular statement of expenses which is broken down by each day. It covers a period of 2 weeks and accounts for every expenditure, whether it is a car allowance or taxi, limousine, parking, telephone, telegraph, and to whom the telephone call was made. That would be listed. That is something we have never found in any other union." (See hearings, p. 10243.) Mr. Bellino indicated that he had examined Mr. Reuther's records extending over a period from 1942–57. No discrepancies were found. He concluded as follows:

"Mr. KENNEDY. Do you have any summary, Mr. Bellino, • • • just generally, what you found? • • • I mean generally on your review of the books and records of the international. What is your opinion, your view?

"Mr. BELLINO. Generally, I believe it was one of the reasons why we have never received any letters in all my experience, going back to the House Committee on Education and Labor, that involve any of these UAW–CIO locals, because of the excellent way that they keep their records and the auditing which is done in their organization."

We resent this obvious attempt to place the power and prestige of a committee of Congress at the disposal of Reuther so that he, having resisted all attempts to inquire into the books, records, and spending of enormous sums of dues by his union, can, as he has already, cite this committee report as evidence of his self-serving and oft-repeated hyperbole that the UAW is the model of what a "clean and democratic" union ought to be. We must say that if Walter Reuther desires a "clean bill of health," he must first submit the body of the UAW to the X-ray machine of public scrutiny. Such scrutiny in order to be adequate and penetrating would also have to investigate the so-called flower fund of the UAW and its use of dues moneys on a wide variety of political activities.

Under the very difficult circumstances which confronted the committee, by virtue of its chief counsel's understandable conflict of interest in pursuing certain aspects of the investigation with the same intensity and zeal devoted to other investigations—because of Walter Reuther's unique position in the national political picture—we feel the chairman did a commendable job in heading the committee and achieving the results obtained in the areas of investigation which were undertaken with the full committee cooperation and with the cooperative efforts of the entire staff.

RESPONSIBILITY

Knowledgeable individuals in American labor and management are aware of the pattern of violent acts which have accompanied the footsteps of UAW marchers from Walter Reuther's first sitdown strike in the 1930's to the present time.

We cannot deny our senses. We will not be dissuaded from stating the truth. It is a monstrous fiction to maintain that the leaders of the UAW have no personal responsibility for the outrages committed against decent American workers in the Kohler and Perfect Circle strikes. Those who perpetrated the outrages were their agents acting with their consent and tacit approval. One word from Reuther or his deputies would have put an end to violence and restored legal collective bargaining. The word never came.

Violence and intimidation are essential parts of the Reuther formula for power. This committee has previously condemned violence and intimidation when they used for the purpose of extorting or misappropriating union funds. It is equally if not more insidious and potentially dangerous to our society to allow these tactics to be used to (1) prevent employers from exercising their constitutional right to operate their plants, (2) deprive employees of their right to employment or (3) increase the organizational strength and bargaining position of a union.

Furthermore, it is our opinion that the committee could have secured ample evidence to prove that the pattern of crime and violence as devised and developed by the UAW is being increasingly imitated by other unions who have not remained unaware of the success of Reuther or his apparent immunity from the law.[38]

We believe that the entire American labor movement and many of the freedoms of our people are jeopardized as these practices continue. Under our system no class, no organization and certainly no man can be above the law—if our form of Government is to be preserved.

RECOMMENDATIONS

We have stated before that for the good of our Nation, crime and violence associated with labor-management disputes must cease. We must in candor further state that in our opinion, the immunity which the strike violence enjoys is based upon political intimidation and influence.

Local, State and Federal public officials are vilified if they attempt to enforce the law against such violence;[38a] the UAW blatantly claims to control political votes; union money, both "voluntary" contributions from members and direct payments from the union treasury, is used to support favorable candidates and to advance their cause through so-called educational campaigns in newspapers, through union publications and on radio and TV; union personnel are used as paid workers at election time, etc. Shocking as these practices are, under the specific privileges and immunities guaranteed these unions by law[39] the situation promises to get worse in those areas where unions are improperly led.

An increasing number of knowledgeable persons now recognize that the problem now confronting the American public in the

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Although the implication of this testimony is that there were no discrepancies to be found in all of the UAW books and records of the UAW including some 1,300 locals, it was discovered that only selected books and records had been scrutinized:

"Senator CURTIS. Mr. Bellino, Mr. Reuther stated on Thursday of this week, page 4189, and I quote: 'I met on a number of occasions with Mr. Bellino. I think large numbers of the staff of our union, other officers have, and we turned over to him all of the records of the international union.' My question is, did you have any records turned over to you relating to these payments made by Mr. Rand?

"Mr. BELLINO. I don't quite follow you, Senator.

"Senator CURTIS. Mr. Rand testified that he paid about $10 a week into a fund of some kind—flower fund—he stated that it was regular as to time and I asked him if it amounted to about $500 a year and he said, 'Yes.' In the records turned over to you, did you have any records that would reveal to you Mr. Donald Rand's transaction or contribution or any similar ones?

"Mr. BELLINO. Senator, the records which were turned over to me were only those that I specifically requested. I did not, when in Detroit, specifically request any flower funds in which Mr. Rand may have contributed. Therefore, I did not get any such records (hearings, p. 10213).

In footnote 2 (supra) the details of a transaction are set forth which show that a $25,000 check was drawn on the general fund of the UAW ostensibly for the purchase of Canadian real estate. It was charged against the general account. (Hearings, p. 9043.) In reality the proceeds were to be used to obtain a perjured statement which caused the false arrest of Carl Renda. Since expenditures for the purchase of real estate were required to be approved by the executive board and this one was not (hearings, p. 9044), an audit of the UAW general account would have disclosed this $25,000 discrepancy. Yet, apparently the books and records ordered selected by the chief counsel did not include the international union general account records of the UAW. We are perplexed that Mr. Bellino, a distinguished and very able auditor was not given sufficient instructions to enable him to examine books of the UAW that would have had a bearing on the relevancy of our contentions. It can only have been that such were his instructions from the chief counsel.

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[38] In the recent United Packing House Workers of America strike against Wilson & Co., Emil Mazey went to Albert Lea, Minn., to assist in strike activities. Violence ensued (see footnotes 14 and 17).

[38a] See app. B, pp. 42–49.

[39] Unions are immune from the Federal income tax and similar taxes in a number of the States. Only employers pay the unemployment compensation tax, the railroad unemployment insurance tax, and the payments required under workmen's compensation laws by both Federal and State Governments. Unions are not subject to the Federal antitrust laws and have substantial immunity from the granting of injunctions against them by the Federal courts under the Norris-LaGuardia Act and is some States which have little Norris-LaGuardia Acts. Among the additional privileges and immunities enjoyed by labor unions are the following:

1. They are not required to be incorporated under either State or Federal law. Corporations on the other hand owe their existence to State corporation law and their activities are limited to the provisions of their corporate charters which are required to be in conformity with State law.

2. Labor unions immunity against the misconduct of their members who are engaged in union activity as, for example, strikes and picketing. This kind of immunity is not possessed by other types of unincorporated associations.

3. Labor unions enjoy the right to bargain exclusively for all the employees in the unit, including those employees who are not members and even those who are strongly opposed to the union. This can mean, as it often does, that a union selected as the bargaining agent by as few as 25 percent of the employees in the unit becomes the bargaining spokesman for all the employees.

4. Labor unions are not subject to anything similar or equivalent to suits by minority corporate stockholders against their corporations.

5. Though collective bargaining contracts labor unions may require union membership as a condition of continued employment although employers are forbidden by law to require nonmembership in a union as a condition of employment.

6. Unions enjoy a right to strike without either the union or its members being penalized therefor. If the strike results from the employer's unfair labor practice, the strikers cannot be replaced. The employer does not have any equivalent right to engage in a lockout, except in two types of situations, both extremely rare and both of minor significance. All other types of lockout are illegal under the Taft-Hartely Act.

7. The prohibition imposed on unions by the Taft-Hartley Act against restraint and coercion of employees is limited to physical violence, direct economic coercion or to threats of either of these two types of conduct. On the other hand, the prohibition imposed on employers under the Act is against interference as well as restraint and coercion, and goes far beyond the violence and direct economic coercion which is forbidden to unions.

8. When management discriminates against an employee in violation of the Taft-Hartley Act, the Board may issue not only a cease-and-desist order but may require the employer to reinstate such employee and to pay him backpay as well. These remedies are in substance sufficient to take care of most of the unfair labor practices committed by employers and to restore employees to the status they would have enjoyed if the unfair labor practice had not been committed. Unions, on the other hand, even though they may engage in illegal conduct which results in loss of pay for employees, are not required to compensate employees for such loss, except where the union itself was responsible for causing an employer to discriminate. Thus, an illegal mass picket line where picketing denies access to the plant to employees who wish to continue to work and which as a result causes such employees to lose pay is not the type of misconduct which the NLRB has required the offending union to remedy by compensating the employees for loss of such pay, but an employer must

field of labor concerns primarily power. Edward H. Chamberlain, professor of political economics, Harvard University, states:

"There is certainly an anomaly in allowing a large union to concentrate resources drawn from its entire membership on the objective of ruining a single employer. The analogy with local price cutting, whereby a large firm takes losses in one small area in order to eliminate a local competitor—a practice forbidden to industry by the antitrust laws—seems complete to me, and I think means should be found to protect individual businesses from this abuse of big-union power.

"The size of unions and the size of bargaining units in different areas of the economy—in short, the structure of labor organization—should be dictated by the public interest rather than by the desires of the laborers concerned. The application of this principle might involve diluting the strength of some unions which are powerful because they are small and strategically situated, by merging them with larger units. In other cases, it might involve the breaking up of large units into smaller ones. The criterion should be not mere size but size in relation to industrial structure. The public interest should also prevail in the matter of collusive action between unions." [40]

The power which we feel has become basic to the types of excesses and improper activities exposed by our committee and covered by this report is the result of a few men exercising too much authority over too many union members in the trade union movement. When a few top labor officials, determined to perpetuate themselves in authority, have the power to call strikes without secret strike ballots; to establish administrative controls over locals showing a display of independent spirit or opposition; to assess fines, penalties, or other harassment punishment against rank and file dues-paying members and nonunion workers who exercise their America and constitutional right to dissent; to use dues money paid by the members to support partisan political causes and candidates through a whole family of direct and indirect activities and publications; to order violence or to use union funds to protect those who practice it against nonstrikers and nonconformists in or out of the union movement; and to engage in numerous other manifestations of rulership from the top down rather than from the bottom up, we confront a situation in which the general public and individual business or industrial concerns constantly face situations likely to erupt into improper practices and attacks upon the public interest or the property or persons of those marked for retribution by leaders of labor far removed from the site of controversy.

We have every confidence in and respect for the individual trade union member of America. We are determined to help advance the best interests and future opportunities of the rank and file dues-paying members of our unions. We believe unions have an important function to perform in our modern industrial society. We believe they must retain the right to strike as part of the collective bargaining process. And just as we believe that unions have an important place in our American democracy we also believe that democracy must have an important place in our American trade unions. The democratic rights of individual trade union members must be increasingly protected and promoted. As they attain greater stature we believe most of the evils and excesses exposed by our committee will be eliminated by corrective measures instigated by trade union members themselves.

We do not believe that the problem which faces us in the area of improper labor and management activities can be solved unless these legislative measures are enacted. We therefore recommend:

1. That a special committee be established to review the entire labor law structure with the objective of making recommendations for protection of the public interest.

2. Effective Federal legislation to outlaw the expenditure of union funds, manpower, and facilities for political purposes.

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compensate for loss of pay suffered by locked-out employees.

9. Unions have the right under certain circumstances to examine an employer's books and records inthe course of collective bargaining. The employer has no equivalent right.

10. Labor unions in many situations have a legal right of acess to the employer's property, the right to compel the employer to make his property available for use by the union, and the right to invade the privacy of employees who are not union members and sometimes even against their wishes. Employers enjoy no equivalent or similar rights.

[40] "The Public Stake in Union Power," University of Virginia Press, 1959.

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This morning's Chicago Tribune carries a story by William Moore, a very capable, accurate reporter of the news and not an editorial writer or a columnist, which reads as follows:

CHARGE UAW WHITEWASH IN KOHLER PROBE—REPUBLICANS FILE OWN REPORT

(By William Moore)

WASHINGTON, March 15.—Walter Reuther, Emil Mazey, Robert F. Kennedy, and Gov. G. Mennen (Soapy) Williams, of Michigan, were the targets of Republicans of the Senate Rackets Committee Tuesday in a blistering report on the Kohler Co. strike.

The Republicans, accusing the Democrats of whitewashing Reuther and his United Auto Workers, refused to accept the report of the Democrats, and wrote their own.

The Democratic report, filed with the Senate at the same time as the Republicans', was submitted by Senator JOHN MCCLELLAN, Democrat, of Arkansas, committee chairman.

THREE DEMOCRATIC REPORTS

Then Senators JOHN KENNEDY, of Massachusetts, and FRANK CHURCH, of Idaho, who had signed the Democratic report, filed a supplemental report. So did Senators MCCLELLAN and SAM ERVIN, of North Carolina, who also had signed the Democratic report.

Seldom have there been such violent clashes in reporting an investigation to the Senate. Below are examples of conflicting statements about the UAW and its strike against the Kohler plant at Kohler, Wis., and the Perfect Circle plants at New Castle and Hagerstown, Ind.

Kennedy-Church report: "There is no credible evidence of corruption, misappropriation of union funds, or collusion with the underworld in the UAW."

CONVINCED OF OPPOSITE

Republican report: "We are convinced, based on the information obtained during the investigation of Richard T. Gosser, senior vice president of the UAW and second in power only to Walter Reuther himself, that corruption, misappropriation of funds, bribery, extortion, and collusion with the underworld have occurred within the UAW."

Kennedy-Church report: "The strikes at Kohler and Perfect Circle do not reflect credit upon either union or management. But it is noteworthy that the UAW has had no such difficulties with thousands of employers. * * *"

PATTERN WELL KNOWN

Republican report: "Knowledgeable individuals in American labor and management are aware of the pattern of violent acts which have accompanied the footsteps of UAW marchers from Walter Reuther's first sitdown strikes in the 1930's to the present time * * * Violence and intimidation are essential parts of the Reuther formula for power."

Kennedy-Church report: "We hold the chief counsel (Robert F. Kennedy) and the staff of the committee blameless of the charges made against them."

Republican report: "It is curious that in the two UAW investigations, the chief counsel divorced himself from these probes and selected one staff member for the investigation with an entirely inadequate staff. In the case of Kohler and Perfect Circle, it was assigned to Jack McGovern, who operated almost entirely without assistance. In the Gosser case, it was assigned to Robert Manuel and Senator CARL CURTIS, Republican, of Nebraska, who operated with no assistance whatever. Also, a fair reading of the testimony shows that the chief counsel associated himself with the witnesses supporting Gosser."

RAP GOP SECRECY

McClellan-Ervin report: "In the Gosser case the record is crystal clear that this was an investigation by the Republican members. They insisted on conducting their own independent investigation and withheld and kept secret from the Democratic members all material, documents, and information they procured until they presented it in testimony at the hearings."

The Republicans investigated Gosser to ferret out facts on the UAW "flower funds."

The UAW insists that these funds are built up from voluntary contributions for the use of UAW officers seeking reelection.

The Republicans insist that the funds consist of compulsory payments, and are used to aid or defeat political candidates of the UAW. The Republicans insist that lack of cooperation by the Democrats and Robert Kennedy frustrated their investigation.

REBUKE BOTH SIDES

The report of the four Democrats recounted violence and terrorism by the union in both the Kohler and the Perfect Circle strikes, and rebuked both union and management.

The report was peppered with such passages as this one, which concerns Edmund Biever, Kohler plant manager.

"Biever was known as 'Butcher Boy Biever' to the strikers because he was believed to have fired the first shot in the 1934 strike killings, and because he had earlier during the 1934 strike been convicted of running down a picket with his automobile."

Senator BARRY GOLDWATER, Republican, of Arizona, in a Senate speech recalled the goon attack made upon a Kohler worker by John Gunaca, who fled to Michigan and was protected by Governor Williams against extradition for several years.

SHOWS NO FEAR

On the way to a preliminary hearing in Michigan that led to denial of extradition requests, GOLDWATER said, Gunaca showed the "far-reaching power" of the UAW by telling the arresting policeman:

"Sarge, this will never do you any good. Mazey will never leave Soapy send me back to Wisconsin."

GOLDWATER said the Republicans gave up their plans to term Michigan "a privileged sanctuary for the harboring of criminals," after Senator PHILIP HART, Democrat, of Michigan, protested. GOLDWATER said mail from Michigan, however, supported the charge in a ratio of 8 to 1.

One Michigan minister, he said, wrote him:

"The worst thing about the whole mess is that your report is factual and correct. Conditions such as you describe will obtain in Michigan so long as the Mazeys, the Hoffas, and the Reuthers are in the saddle in the union movement."

QUICK TO SOFTEN SENTENCE

More about Mazey and Williams was told in the Republican report, which said:

"Nicholas Flynn was arrested for overturning an automobile at the Nylon Products Co. He was convicted and sentenced to 18 months to 4 years, and the case was carried to the supreme court of Michigan by UAW attorneys, who defended Flynn throughout. There it was affirmed. Yet Flynn had served only a month and a day at the time his sentence was commuted by Governor Williams."

GOLDWATER said that the commutation came after Mazey asked executive clemency for Flynn.

The report also charged that the UAW maintains "flying squadrons" that provide violence and intimidation in strikes.

Later on, perhaps tomorrow, Mr. Speaker, or on some subsequent occasion I will, from the well of the House, show that the statements made by two of those who signed the report to the effect that Walter Reuther had not had any trouble with other employers just is not true. And, I will include a list of investigation of 17 strikes, one of them in 20 States of the Union, held by the labor committee, which shows that hundreds of thousands of employees were subjected to violence by Walter Reuther, Mazey, and criminals hired by them. And, when I say "criminals," I mean people who were convicted of crime in a court before a jury.

Then there is another statement in connection with the Kohler strike that the UAW was not responsible for violence, and it will be my purpose to show that the UAW–CIO through its president, Mr. Reuther, and the secretary-treasurer, Emil Mazey and five vice presidents of that union joined in authorizing the appropriations of union funds to carry on the Kohler strike and that more than a million dollars was spent by the union in that effort and that it is an absurdity to say that the union did not employ criminals, because I will place in the RECORD testimony taken before the McClellan committee—it is nothing new—testimony that shows that the union paid the wages of these criminals.

And when I say "criminals," again I mean people who were convicted of crime and who served time in prison. There is a long list of them which I shall include in the RECORD.

With that advance notice, Mr. Speaker, I yield back the balance of my time.

AGRICULTURE BILLS PENDING BEFORE THE CONGRESS

The SPEAKER pro tempore (Mr. STRATTON). Under previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 60 minutes.

Mr. MICHEL. Mr. Speaker, I have asked for this time to discuss several agriculture bills now pending before the Congress.

The so-called Poage bill, No. 10355, labeled the Family Farm Income Act of 1960, pending before the House Agriculture Committee and virtually identical with some 18 other measures introduced in this Congress, has been described as the Democratic reply to President Eisenhower's call for a sensible farm program.

I am quite willing to accept the view that these bills are a political answer by some of my colleagues across the aisle. They are certainly not an economic answer.

If the sponsors want to be identified with an effort to put the American farmer in perpetual bondage, that is certainly their privilege, though I, for one, do not envy them such a reputation.

We have seen some attempts in the past to enact a farm program designed to make all of agriculture subservient to the will of government. Fortunately, these attempts for the most part have been rather overwhelmingly repudiated by this Congress and this Government in its ultimate wisdom.

But master plans for controlling the lives, habits and incomes of farm families from one end of this great land to the other have a way of popping up, like the proverbial bad penny, time and time again.

Time and time again, they have to be exposed for what they are and knocked down by those of us who believe in the future of agriculture and are convinced the farmer is entitled to the same freedom to grow and prosper as all other segments of our society in this Republic.

I, therefore, seek the indulgence of this House to allow me a few moments today to expose this proposed legislation for what it is.

It is basically the infamous Brannan plan with a "New Look."

It was in 1949 that the then Secretary of Agriculture, Charles Brannan, advocated the widespread use of subsidy payments to all farm people. Yet, even though his price objectives were more modest and the scope of his program less broad than called for in the family farm income bills, the Brannan plan was decisively rejected.

Mr. Brannan gave us a taste of his ideas, just the same, when he decided in 1952 to lift the lid on production while retaining the high, rigid incentive prices to which he and the previous administration were so wedded.

In an effort to avoid too much upheaval in the planning of farmers, President Eisenhower assured them in the campaign of 1952 that he would not upset the applecart set in motion by Mr. Brannan for a 2-year period—in effect providing that adjustment would begin with the passage of an intelligent farm program in 1954 applying to the crop year of 1955.

Well, Mr. Brannan's bit of lidlifting on production coupled with his profit guaranteeing support levels—let me repeat, profit guarantees not just price guarantees—piled up the greatest accumulation of surpluses in Government storage bins ever known to man. He provided us with a price-depressing, first-class headache, which is still scandalizing the Nation in the case of wheat, and is costing the taxpayers a fortune.

It was not until 1954 and 1955 that this administration was able to start applying the brakes to this runaway production. Since then surpluses have continued to advance despite heroic efforts to move out of storage the vast inpouring of a few crops.

This administration has moved into consumption more than $17.5 billion worth of surplus commodities since 1953. This effort meant that the surplus has increased since 1955 from about $7 billion—when the brakes took hold—to $9 billion currently—only a slight rise in terms of the astounding production of these crops brought about by two excellent growing years, and the stimulants to production of science and legislatively fixed profit guarantees.

Now the sponsors of the family farm income bills with a new look on the old Brannan plan ask that we impose on all farmers, including hog producers, cattlemen, and sheep raisers, legislation to let Uncle Sam tell them how much they may produce, what price they should get, and what their gross income should be.

If such legislation were enacted:

Hog production would face a 30-percent cutback, requiring tight allotments and strict marketing rules for every hog producer.

Cattle production would be similarly regulated and cattle prices would be fixed.

The poultry industry would be geared to a program of scarcity.

Egg production would have to face a cutback of 40 percent on an across-the-board basis.

Wheatgrowers whose 1959 allotment was 55 million acres would face an allotment of approximately 25 million acres and possibly even less.

Cotton farmers would face an allotment reduction down to 11 million acres

from their present allotment of 16 million acres.

Consumer prices would go up on the food and fiber purchased.

In terms of international trade no American farm product could reach the export market without a subsidy.

These bills incorporate all of the crazy, mixed up ideas possible to conceive for controlling agriculture. They contain the same fuzzy thinking, in terms of economics, that a distinguished Missourian recently displayed while touring through my State.

When this speaker was in my hometown of Peoria, he addressed a Democratic party luncheon with a series of statements that made glib news quotes but strayed far afield from the facts.

He talked about grain storage. He talked as if he may have forgotten that the Department of Agriculture is bound by a congressional decision to store surpluses with private warehouse operators in preference to Government-owned facilities. Out of testimony, limited because of the adjournment of the public hearings, he picked a few exceptional cases of high storage charges without explaining that these charges were not typical or anywhere near average.

He hammered away at the old, hackneyed theme that the Secretary of Agriculture has spent a lot of money. This speaker did not dare tell his listeners that the money was spent carrying out programs the Congress passed—programs designed long before the present administration and the present Agriculture Secretary took office.

In Peoria, Ill., my friends, this man from Missouri complains about the dwindling farm population. Perhaps he is unaware that the farm population declined more rapidly during the previous administration of another Missourian than since January 1, 1953. He was long on charges and short on facts to support them. This is about the way the Family Farm Income Act strikes me—long on claims and short on fundamental, economic facts.

The farmers of my district and my State are responsible, enterprising and imaginative citizens who understand something about the laws of supply and demand, profit and loss, and the factors that make realized net income more important than gross income. They know, for instance, that the price per unit of production must be raised while costs of production are trimmed to improve the margin of profit. They do not work on the assumption that their costs are fixed at ironbound levels or that the goal of a better price per unit of production is unattainable.

They know, for instance, that whenever Government guarantees or tries to guarantee an incentive price for output, the output is apt to be carried to extremes. They know that such a program of incentives is apt to create excessive production which will tend to depress normal, free markets. They know farmers cannot long continue in the business of producing for Government warehouses—that sooner or later farmers must meet the competitive, healthy demands of the free market at home and abroad. They know, from sad experience with the obsolete farm laws inherited from previous Administrations, that a program conceived to meet an emergency is ruinous when continued long after the emergency.

The farmers of Illinois, Mr. Speaker, know what is bad for them. They want no part of the Family Farm Income Act of 1960. They also know what is good for them. They prefer to work toward greater freedom and a more prosperous future.

These farmers of my district and State want the Congress to enact laws which will get agriculture out of the mess it has been in for 30 years. They are not impressed with a record of agricultural programs during the 1930's and 1940's that had to be bailed out of serious surplus trouble by droughts and wars.

They are encouraged by the efforts of the present Administration to get some sense back into farm legislation; by the efforts to treat the problems facing agriculture with sound, economic answers instead of political answers.

So what have our friends across the aisle offered the farmers of Illinois? Charles Shuman, the president of the American Farm Bureau Federation, and an Illinois farmer put it pretty well in his testimony the other day. He said the family farm income bills offer farmers nothing but "payments, permits and peasantry."

Four-fifths of our agriculture today is free of Government subsidy and control. The so-called Poage bills would forever seal the exit from price-fixing and production restrictions for the one-fifth tied into controls. At the same time, it would open the trap-door that would gobble up the four-fifths that is free.

With no pun intended, I must say the so-called Poage bills appear to me to be nothing more than a "pig in a poke."

Mr. DIXON. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield.

Mr. DIXON. I appreciate the willingness of the gentleman from Illinois to give me an opportunity to join in his remarks and to support his opposition to the lovely sounding family farm income bill. That bill is just another futile attempt of the majority party to repeal the law of supply and demand. The former operations have gotten the basic commodities into serious trouble. The basic commodities are in trouble, but the commodities receiving very little price support or no price supports at all are in good shape. This bill would increase the number of commodities getting supports from 21 to 250 regardless of whether the farmers wanted it or needed it. The Poage bills provide for a referendum of growers of one specific crop. These growers must raise $500 worth of that crop on the average over the past 5 years before they can vote. The bill in that respect is based on a spurious foundation. A farmer, for instance, could raise $400 worth of wheat, $400 worth of corn, $400 worth of cotton and still he could not vote. This bill would eliminate the farmers who need the help the most because our Census Bureau defines a farm, I think, as an institution that markets $250 worth of farm crops, and I think I am correct in that statement. So this Poage bill is based on a spurious voting basis. That is one of the chief provisions of the bill and the chief objection to the bill.

In the second place, Mr. Speaker, I submit that the growers of one specific crop should not write their ticket when they write the law.

First of all, the consumer should be represented. In the second place, the growers of other crops should have a voice. By this gimmick of having the growers of one specific crop write the ticket they can do irreparable damage to others. Let me illustrate.

Under the measure the Secretary would allocate approximately 500 million bushels of wheat for feed, and give certificates to these farmers to the extent that the 500 million bushels would allow. These farmers would be paid about $2.45 a bushel for this wheat. The rest of the wheat they would grow, and it would be a vast amount, would have to go for export or for livestock feed. Not nearly all of it could be supported, so a great quantity would go for livestock feed.

This wheat would be dumped onto the market at lower prices than your corn and your other feed grains. So the prices of feed grains would be so depressed that that industry would be wrecked, in my opinion.

And what good does it do if they should take some wheat out of Government storage only to more than fill that space with feed grains? That is why I say it is entirely unjustifiable to let the growers of one commodity write your ticket to the ruination of other commodities.

Let us follow out the argument for wheat, and that is why we need legislation now, and let us have it. What else would it do? It would require an army of people to enforce it by increasing the commodities under support from 21 to 250. It would be almost impossible. It would allow tremendous opportunity for irregular practices and it would be impossible to administer fairly.

In my opinion it would certainly ruin our livestock industry, because the prices of livestock pretty well follow the price of feed grains. This dumping of wheat, the ruination of the prices of the feed grain would ruin the prices of your livestock.

I was startled and surprised to hear Governors from certain livestock States testify for this family farm bill, for as I pointed out it would actually ruin the whole economy.

Again, this overplanting, formerly overplanting and not abiding by the law: The speculators would hold their crops. They would speculate and the cooperators would be penalized while the noncooperators with the program on overplanting would be subsidized. This would be a tremendous injustice.

Again the proponent of the criteria says that he did not want a bill that would raise the subsidy on exports. If we refer again to wheat, it would be necessary for the Government to raise the subsidy on wheat from 60 cents to $1.15 a bushel which, in my opinion, is ridiculous. Then the minute we do

that what have we done to our allies, with Canada and other fine countries when we raise our subsidy to $1.15 a bushel?

The minute we raised the subsidy to $1.15 a bushel there would be a cry go up to the heavens that we are dumping wheat and ruining their entire economy.

LIVESTOCK

A program for agriculture has been suggested to this Congress that would have the effect of legislating cattle and hog producers out to pasture.

The so-called Family Farm Income Act of 1960, represented by 19 or 20 virtually identical bills, calls for something livestock producers have never favored or sought—namely, Government production controls and price fixing.

Oh, yes, we had our little experience in the Middle West with the corn-hog program, and the idea nearly died aborning. After a brief trial, farmers and consumers alike agreed the effort was ill advised and dropped the program.

Now the sponsors of this new legislation with its old Brannan plan trimmings come along and ask that we impose on cattlemen, hog producers, sheep raisers, legislation to let Uncle Sam tell them how much they can produce and what price they should get on the ranch, in the feedlot, and in normal marketing channels.

And I suppose it is fair to conclude that instead of grain-storage warehouses to handle the surplus of such another price-supported commodity, the backers of Family Farm Income Acts would provide us with Operation Deep Freeze to handle the excess carcasses?

The cattle industry is the largest single source of income in American agriculture. Cattlemen, opposing Government interference in their business, have increased production, improved the American diet and consumer demand for their products, and have lifted their own incomes.

Presently hog producers are facing a somewhat improved prospect. Farrowings in the spring of 1960 will be reduced by about 12 percent; the producers themselves, without Government intervention, are bringing their industry into balance. Why should it be necessary, with this demonstrated ability of hog producers to solve their own production problems, for the Government to intervene, gratuitously, and bring this great industry under Government controls?

In order to obtain the price objective specified in this act, hog production would have to be cut back about 30 percent from present levels. This would mean individual allotments for every hog farmer, with strict regulations as to the conditions of marketing.

The proposed act would virtually cartelize the livestock industry.

When the livestock people find out what the family farm bill contemplates doing to them and to their industry, the voices of protest will be loud and long.

Mr. MICHEL. I appreciate the remarks of the gentleman from Utah. He has been a very distinguished educator and knows how to think clearly and soundly. I appreciate the value of his contribution.

Mr. COLLIER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Illinois.

Mr. COLLIER. As my colleague from Illinois knows, I do not represent a farm district. If my figures are correct I understand that with transportation and storage the present cost of the storage program for farm surpluses runs to approximately $3 million per day; is that correct?

Mr. MICHEL. As a matter of fact, the entire program would be in the neighborhood of $300 million to $400 million per year. I think the figures would be predicated on a working day rather than on 7 days a week.

Mr. COLLIER. I am talking about the storage figure per day, storage and supplementary or complementary cost of transportation to pursue the surplus storage program.

Mr. MICHEL. In the Agricultural Subcommittee on Appropriations, we are confronted principally, of course, with that which has to do with actual storage, and I say that figure would still be in the neighborhood of what I mentioned. Whether or not some of the extraneous cost came under a different category, suffice it to say the figure is astounding.

Mr. COLLIER. The point I proposed to make with the preceding question was this: The gentleman mentioned in his discourse that the Congress or by congressional action the choice of storage or the dictation that the storage should be in private storage facilities rather than in Government facilities was something that was years ago set up by this Congress.

Now, that in itself is somewhat new to me. What would the gentleman say was the purpose or the alleged purpose behind this decision?

Mr. MICHEL. Actually, I think in the wisdom of the Congress we wrote into law that private enterprise should do the storing job and, as a matter of fact, they can accomplish it cheaper than the Government itself by getting into a long and protracted storage construction program of its own. We have facilities in my own district where the Government itself owns the bins and operates through the Commodity Credit Corporation. I must say that in many areas it has proved a failure because the facilities have not been of the quality that we know in private industry where they turn the grain regularly, they aerate it and keep it in good condition. Some of these Government facilities are built in low areas where in time of high rains they become flooded and, of course, then the grain deteriorates and you have a net loss to the Government.

May I say on this matter of storage that we have gone into it at considerable length. I noticed on the ticker today that the Department is anticipating a reduction in the storage rate on many of these commodities, but here is a problem that many people overlook when they cast a reflection upon the Department of Agriculture, and its storage problem. That is that the Commodity Credit Corporation and the Department of Agriculture are charged with the responsibility of getting the grain into storage when it is produced and when it has to be moved, and sometimes the situation is so tight and so critical that you just cannot go out anywhere and get x million bushels of storage space. Sometimes because of the urgency of the situation they have had to pay somewhat of a premium because the Congress itself charged the Commodity Credit Corporation with getting the grain under storage. Several years ago in a real bind the Department explored the possibility of putting millions of bushels of wheat under tents in million-bushel piles which were 200 or 300 feet long in a conical shape. Burris Mills, I believe, was the name of the company which undertook this multi-million-dollar project. Much of the grain deteriorated because the flaps blew open and the winds came in and the rains came in. But, nonetheless, it did not result in any loss to the Government, because he was a private warehouseman and took it with that responsibility. As a result, the gentleman lost millions of dollars trying to help the Government to get this grain under some sort of roof. But, here was an extreme situation where we accumulated millions and millions of bushels of grain with no place to put it.

Mr. COLLIER. That clarifies the question I had, because I was aware, of course, that there are Government storage facilities. Certainly, as a basic philosophy not only in this area but in other areas, I have always felt that at no time should the Federal Government ever compete with any enterprise of private business. I simply want to make the point, or at least square away my own thinking as to when the Government facilities, such as they are, are available, that then I believe they should be used inasmuch as the investment has been made.

Mr. MICHEL. I think the record will show that when Government storage has been available, it has been utilized. But, one must also recognize that Government storage in the East may not be readily adapted to a particular crop that is raised in some far distant western State. You have to have the storage at the proximity where the problem exists in order to be able to utilize it, and I am sure the gentleman appreciates that.

Mr. COLLIER. I thank my colleague for this edification of a city slicker who does not know the farm problem as well as the gentleman does.

Mr. MICHEL. I want to say to my good friend who represents the suburbs in the western part of the Chicago area that right in his neighborhood there would be a serious repercussion if this kind of legislation were enacted if for no other reason than the resultant cutback in cattle and hog production.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Minnesota.

Mr. NELSEN. I wish to thank the gentleman for his comments relative to the proposed farm legislation. I would like to make this observation, being one of the few farmers in the Congress and operating what is termed a family farm. I want to make an observation relative

to the bill under discussion that I think one of the areas in which this bill presents a very serious problem is in connection with the family farm that we talk so much about. On page 16 of the bill there is a provision there relating to a condition for eligibility, and it provides that the producer shall contribute not less than 10 percent of his tillable acres, and then in addition to that he may take another 30 percent which he will be compensated for in payment or kind. I would like to call attention to the fact that we have about 150 million acres of land in the United States that have never been in any kind of a program, which includes practically all of my own farm operation. The farmer that takes out 10 percent, he must pay taxes on that land. He probably borrowed the money to buy the land. He must pay interest on the money that he borrowed to buy this land. Yet he must contribute 10 percent, which returns nothing to him. And, imagine the many 80-acre farms and 100-acre farms around the country. If they are to take out 10 percent of their tillable land to qualify under this program, it will be a very, very severe load for them to carry. And, I think it should be highlighted a little more. I would also like to mention, as a farmer, that I would dislike very much to surrender the freedom I enjoy on my farm where my hog totals and my chicken and beef totals would be put in the hands of some committee. And, I presume the time would come when I would have to go to a county committee to get a rooster on the farm.

I thank the gentleman for his observations relative to the proposed legislation. I might mention that I will have a bill of my own relative to the farm program that will be introduced within the next 2 weeks and I hope that the gentleman will do me the honor to examine the provisions of our bill. I think it more nearly fits the family farm than the one under discussion.

Mr. MICHEL. I appreciate the remarks of the gentleman from Minnesota, coming as they do from a farmer and incidentally one who has served previously in Washington as Administrator of the Rural Electrification Administration, a true friend of the farmer who knows whereof he speaks. Again, I appreciate the valued comments he has contributed here this afternoon.

Mr. SHORT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield.

Mr. SHORT. Mr. Speaker, I ask unanimous consent that my colleague, the gentleman from South Dakota [Mr. BERRY] may have permission to extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. MICHEL. I appreciate the gentleman's making that request for the gentleman from South Dakota as he did want to make his position clear at this point.

Mr. BERRY. Mr. Speaker, I am glad to have an opportunity to add my comments to the remarks of the gentleman from Illinois [Mr. MICHEL] on the so-called Family Farm Income Act of 1960 because I believe this bill is in direct contradiction to the thinking of a majority of the farm operators in my part of South Dakota and, I believe, of the Nation generally.

I am just in the throes of completing the tabulations on a questionnaire which I sent out to all boxholders in my district a month ago. I have not had an opportunity to check this proposition percentagewise, but I believe, from having gone over each returned questionnaire and having read the comments which were made, that 75 percent of the farmers and the farmer-ranchers have told me that the farm program should be junked. They have told me over and over again that the present support program has simply made the large farmers larger and the small farmers smaller.

You can imagine my interest, Mr. Chairman, in studying the so-called farm bill introduced in the House by some 20 of my colleagues, most of whom are inclined to lean just a little toward the idea of regulating and controlling the lives of the American people. This bill would completely regulate, completely control, and completely place into a straitjacket all of agriculture. As it has been described on the floor of this House, the family farm income bills offer the farmers of this country only payments, permits, and peasantry.

The present farm program has more or less control over some 21 crops; this proposed farm bill would add regulations, permits, and controls to some 250 farm products, including cattle, hogs, sheep, chickens, turkeys, eggs, and everything else. In fact, everything that is produced on the farm will come under strict regulation and control. Someone in Washington will decide how many head of beef may be placed on the market each year, and then the distribution will be handed down from here to the States, to the counties, to the farmer, and he will be given an allotment. If he has been running 300 cattle, he will be allowed to run 250. If he has been raising 10, he will be cut to 7½ head.

This is not bad. On his croplands, he must give up 10 percent without any compensation and then, in addition, he can give up another 30 percent for which he will receive payment in kind.

Now, Mr. Speaker, let us remember this: We can take 10 or 30 percent from the large operator and we have not hurt him much, but take 10 or 30 percent from the small operator without any compensation and he is forced out of business. This is not a small farmer bill—it is a big farmer bill. It freezes a man's operations and then reduces that operation by from 10 to 40 percent.

Young farmers write to me constantly and demand the repeal of the present law which freezes the acreage of wheat. They tell me that the big operator overplants, pays his penalty, and soon obtains additional acreage allotment, while the small operator cannot afford this route. He is forced to operate the small acreage he is allowed and must turn to production of some other product in order to increase his income, to meet rising costs resulting from New Deal spending inflation. A young man cannot start now—what would it be like if everything his area produces is frozen into a production straitjacket?

This bill is intended to simply further regiment the farmer. As I have said so many times before, there is no farm problem. The problem is one of foreign policy—the problem is one of foreign imports. What we are doing is importing the food that goes onto our tables and the fiber which goes onto our backs, and the production of the acreage supplanted by these imports must go somewhere, so we call upon the Federal Government to purchase this production. This production is not surplus to American needs, it is simply supplemental. Supplemental, that is, to these agricultural imports.

Last year we imported more than two million head of beef. Across the Nation generally it requires the annual production of an average of 20 acres to produce a beef. It also requires an average of 2 years to put that beef on the market. The beef imports last year alone supplanted the production of more than 80 million acres. These 80 million acres had to be used for some other purpose, and the production is branded by this Congress and the Nation as surplus.

This production is not surplus, Mr. Speaker, it is supplanted.

This so-called Family Farm Income Act of 1960 makes no pretense of getting at the root of the evil. The evil is imports. Agricultural imports is the cancer that is eating away the life of the great agricultural industry in America. This so-called farm bill is not a farm bill—it is simply another import subsidy bill. It is just another patch, if you please, placed upon the open sore where the import cancer is draining.

If Congress is interested in doing something for agriculture, it will operate and remove the cancer. Covering the sores where the cancer is draining is only a subterfuge. It is only admitting that Congress does not have sufficient intestinal fortitude to go to the root of the evil, which evil is agricultural imports.

Instead of trying to stop the evil, this Congress passed a law reducing tariffs, and beef, lamb, mutton, pork, feed grains, sugar, wool, and processed woolen goods, and everything else that domestic agriculture should be producing comes rolling across our borders in ever-increasing amounts, and the American farmer is asked to reduce his acreage and his production to make room for it.

Mr. Speaker, we have no farm problem—we are blighted with only an import problem. All that these so-called farm bills do is to further put the farmer out of business, force him to cut down his production in order to make room for more imports, and to further shackle him with regulations, controls, payments, permits, and peasantry.

My suggestion for a Family Farm Income Act of 1960, Mr. Speaker, is to pass the Bailey-Mason bill, which would return the regulation and control of tariffs and quotas to the Tariff Commission, an arm of the Congress, which would limit these agricultural imports. Then we should freeze all of the so-called surpluses, taking them off the market completely and then remove all regulations,

controls, and shackles from agriculture and put it completely on a free-enterprise, supply-and-demand basis.

If this were done today, Mr. Speaker, the Tariff Commission would find that it would be necessary to allow substantial imports to come into this country, as we do not have sufficient acres in this country to produce the food and fiber needed by the people of this Nation.

Remove the cancer. Let the patient get well. Give the youth of America an opportunity to live on the farm, expand and grow according to his own ability. Prove to the world that America is still the land of the free and the home of unshackled free enterprise.

The choice, Mr. Speaker, is between that and payments, permits, and peasantry.

Mr. SHORT. Mr. Speaker, I want to compliment very highly the gentleman from Illinois [Mr. MICHEL] taking the time, at this late hour on this busy day, to set the record straight about this so-called Family Farm Income Act of 1960. This bill, if my limited experience in Congress means anything or shows me anything, has had very peculiar consideration so far. The proponents of this bill took time on the floor of the House not long ago and we witnessed the rather peculiar procedure of the merits of the bill being debated on the floor of the House before it had actually been assigned for consideration to the committee to which it properly belonged.

Mr. MICHEL. And, of course, the gentleman serves on the Committee on Agriculture, does he not?

Mr. SHORT. Yes, the gentleman is correct.

This bill, as somebody has stated, certainly opens a Pandora's box for the American farmer. The bill proposes to do everything that all of us are in complete accord with. All of us in Agriculture certainly are interested in and very concerned about—I will add that—the situation facing agriculture today and facing the American farmer, and facing our Government in relation to the American farmer.

All of us who live in agricultural areas are very sincerely desirous of attempting in some way, somehow, to come up with some kind of an answer to the farm dilemma we are in. We must somehow protect the income of the American farmer. At the same time it is very obvious that we have to take steps that are going to stop this, I hate to say, ridiculous, but I can think of no better word, building up of continuing surpluses in the hands of the Federal Government.

Now to get back to this bill. Someone remarked here on the floor of the House or before the committee that this bill would do some of the things that we all are in agreement need to be done for the American farmer. No. 1, it would increase the farmer's income. No. 2, it would reduce the cost to the Federal Government. And No. 3, it would provide more freedom in marketing for the American farmer.

To go back to point No. 1. I question very sincerely, and I do not see any language in the bill that says, that the bill intends to increase the income of the American farmer. There is nothing in it that says it will. There is much in it that says it will increase or attempt to increase the price, but after all, those of us who are farmers all know that it is the price plus volume that makes income. By simply increasing the price we are not necessarily going to increase the farmer's income. That is the basic objective all of us are concerned about.

No. 2, and this is the objective of the bill with which I heartily agree, that is, that it will reduce surpluses going into Commodity Credit stocks. I think it will restrict farm production to the extent that it will stop that. Certainly with that objective I am in complete agreement. How you are going to bring that about without adversely affecting the farmers' income is the question raised in my mind.

It has been alleged by the proponents of this bill that it will provide more freedom of market as far as the farmer is concerned, and that is an objective about which I am sure the gentleman and I are in complete agreement.

Mr. MICHEL. I concur with the gentleman.

Mr. SHORT. I see nothing in the bill that says it intends to bring that about. Certainly by specific provisions in the bill it will do exactly the opposite. The objective of the bill is to restrict production in the interest of bringing about a higher price. It certainly cannot be interpreted as a device that will bring about freedom of marketing.

The gentleman from Utah [Mr. DIXON] talked a few moments ago about the provisions of this bill in regard to wheat and how it might affect wheat farmers. I was very interested in one of these, shall I say extemporaneous and unintended, hearings that took place before the committee in regard to this bill a few days ago, when a very distinguished and very able representative of one of our national farm organizations said before the committee in very plain language that a special section would have to be added to the bill to provide for wheat, that the bill as written would not provide for wheat and solve the problem that exists as far as the wheat farmer is concerned.

Finally, the thing about this bill that concerns me most is this: As you know, I am a livestock man. I have a great many friends that are livestock people. I am interested in the livestock industry perhaps more than any other segment of agriculture.

Mr. MICHEL. The gentleman knows that is a very important segment of the agricultural economy in my district.

Mr. SHORT. It is one segment of agriculture that has never had any price supports and that has never had any controls, and presently pricewise it is in the best position of any single commodity in the United States. They are more interested perhaps that this free market we believe in so sincerely can work.

We have heard a lot about the plight of the hog farmer. I was extremely pleased and gratified yesterday that under a free market situation, at a time when we have a terrific surplus of hogs, as many people would have us believe, the top price in Omaha yesterday was 17 cents a pound for hogs, at a time when hogs are supposed to be going down and down all the time and the hog farmer is in more trouble all the time.

Mr. MICHEL. If I may interrupt the gentleman, may I say that the third largest hog producers of the country are in my congressional district. I have talked to many of them in the last several months. They were not so concerned about the drop in prices as being a long-term eventuality. They did not like it. No one likes $11, $12, and $13 hogs. You cannot make money on them at that price. But the long-term producer who has been producing hogs from the day he was just out of school until now recognizes that there is such a thing as a hog cycle and a corn-hog ratio and that there are going to be these ups and downs, and that the fellow who fouls up the market is the inner-and-outer.

Mr. SHORT. Lots of times it is that sidewalk farmer.

Mr. MICHEL. That is true. I am happy to note, too, that on the Peoria market just last week hogs were selling for $16 and $16.50, and with the projection of figures showing an 11- or 12-percent reduction in hog farrowing this year, I suspect that prices will be buoyed up and improved as we move along throughout the year.

Mr. SHORT. If my colleague will permit just a little bit further observation on this subject, cattle which are my primary interest, perhaps, have been able to maintain a very satisfactory price relationship in comparison to the other farm commodities. All of the prophets and breeders of gloom and doom as far as the future of agriculture is concerned will tell us that this buildup of feed supplies is going to immediately force the price of cattle down and you ranchers who think you are so smart are going to be so sorry one of these days. The price of calves out in my country got down to 26 cents or 27 cents a pound a couple, or 3 months ago, and we find the same calves today selling at 30 cents. The people in the livestock business in the range areas, and I talked to some of them in Washington at a dinner the night before last, are contracting their calves today for 30 cents a pound for delivery next October.

That does not indicate to me that the livestock people are very pessimistic about the outlook for livestock prices. There is just one further thing I want to say. I have no quarrel with this bill if it would provide the mechanism for certain segments of our agricultural economy to band together someway and somehow to work out a better means of bringing about a better supply and demand and price relationship for their commodity. This bill hinges on the marketing order principle, so to speak. That principle has been applied in certain restricted areas and to certain limited commodities very successfully. I certainly have no quarrel with that approach. I do say this. When you attempt to apply that principle on a nationwide basis, you are immediately getting into much greater trouble because of the diversity of interest and because of the diversity of production problems that people have across

the country. As far as livestock is concerned, I can see no possible way that it can ever be applied.

May I close with this statement. As far as the livestock industry is concerned, as I understand it, and I am a part of it individually and personally, we want no part of any price-support program with the inevitable controls that go along with it.

I thank the gentleman for yielding to me.

Mr. COLLIER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield.

Mr. COLLIER. Mr. Speaker, I ask unanimous consent that my colleague, the gentleman from Kansas [Mr. AVERY] may extend his remarks at this point in the RECORD and that my colleague the gentleman from Texas [Mr. ALGER] may have the same privilege.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. AVERY. Mr. Speaker, some of our Democratic friends across the aisle have proposed the surest possible program to price our agricultural products completely out of domestic and foreign markets. They have offered this Congress, for consideration, the so-called Family Farm Income Act of 1960.

Proposed in 18 or 19 virtually identical bills, this act would have the effect of destroying the liberal trade policies the United States has developed on a bipartisan level over nearly three decades.

The suggested legislation would totally divorce farm prices from competitive world price levels. It would also set up a price objective that has no relationship to existing prices in this country.

The act could operate only if the U.S. market was sealed off from competition by a series of quotas, tariffs, embargoes, or similar restrictions. Without such machinery, high prices of our farm products would attract other products to our shores like lamplight lures moths. And we might have to place our domestic agricultural outlets in mothballs.

If the bill became law, no American farm product could reach the export market without a subsidy. And because of the additional steps the United States would have to take to protect farm people from disaster, export markets for American manufactured products would be impaired.

There would be interference with the normal processes of trade and the resultant effect on world markets would be disruptive, to say the least.

This proposal would set back this Nation and its agricultural plant at least 50 years.

Mr. ALGER. Mr. Speaker, I would like to join in applauding the gentleman from Illinois for his appraisal of some of the farm bills pending. The gentleman mentioned the adverse effects upon the cotton farmer which concerns many of our citizens in Dallas and the Southwest. The family farm income bill would take us in the direction of scarcity. Since no more than 5 percent of the value of the cotton crop could be expended on this program, the outlay for the export subsidy would have to be sharply curtailed. Presently, the export subsidy is 8 cents a pound; under the bill it would be about 17 cents a pound.

We have been exporting in the neighborhood of 4, or 5, or 6 million bales of cotton a year. With the increased cost of the subsidy under this bill, and with the limitation on total expenditures, it is doubtful whether exports would exceed a million and a half bales. This tremendous loss in market outlets would necessitate a sharp reduction in acreage allotments. Allotments would have to be cut from about 16 million acres, the present figure, to about 11 million acres. This is a greater cut than the cotton people can stand.

The family farm income bill would have the effect, if implemented, of raising the price of cotton to almost 39 cents a pound, about 10 cents above the present level. This might seem at first like an excellent idea. But there is a trap here.

In recent years, the price of cotton has been permitted to work gradually downward. This shift has checked the inroads of synthetic fibers, and has reduced the incentive for foreign producers to get into the cotton business. As a result, the cotton industry has somewhat improved its competitive posture.

To reverse this trend and put the price of cotton back to and above any previous support level would price cotton out of the market, encourage the synthetic fibers, and increasingly hand our markets over to our competitors.

One must conclude that those who drafted the family farm income bill of 1960 were unaware of its effect on cotton farmers. As soon as the cotton producers learn the consequences of this bill, and they are already becoming aware of its impact, they will raise their voices loud in protest against this cutback of production, and this gratuitous gift of the textile market to synthetic fibers and foreign producers.

Mr. MICHEL. Mr. Speaker, I thank the gentleman from Texas and the gentleman from Kansas for expressing themselves on this subject.

Mr. Speaker, in conclusion, I ask unanimous consent to have printed in the RECORD at this point a recent speech of Secretary of Agriculture delivered at Yankton, S. Dak., on March 1, and following that a newspaper account of that speech appearing in the Sioux City Journal the day after.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

(The speech and newspaper article referred to are as follows:)

ADDRESS BY SECRETARY OF AGRICULTURE EZRA TAFT BENSON BEFORE FARMER-BUSINESSMEN'S DINNER OF YANKTON CHAMBER OF COMMERCE, YANKTON, S. DAK., MARCH 1, 1960

I have been looking forward to this opportunity to visit with you. I feel very much at home with you farmers and other businessmen of this great agricultural State.

Like many of you I was farm-born and farm-reared. Our crops and livestock, as well as our problems on our farm in Idaho, have been much the same as yours.

My brother and I farmed in that area through the 1920's—until I became a county agent and then went on to marketing and farm management extension work at the University of Idaho. My brother still operates a livestock and crop farm. As for me, practically my whole life has been devoted to farming or working with farm people on farm problems.

American farmers and ranchers are the salt of the earth. They are doing a wonderful job.

Through their enterprise, initiative, and self-reliance, our American farmers have done much to lift the standard of living in this country higher than has ever been known before, in any land, at any time.

Each farmer on the average produces enough food and fiber to support about 25 persons. This has released manpower for the industries and the professions. Farmers have taken hold of advances in technology to produce better and better commodities in greater and greater volume.

The increase in man-hour productivity on the farm is exceeding that in the factory.

Since 1950, output per man-hour in nonagricultural industry has risen 2 percent per year. In agriculture the increase has averaged 5 percent per year.

But unfortunately because of outmoded farm laws and related problems which this administration is striving to change, American farmers are not sharing equitably in the national prosperity they have helped to create.

Certainly this remarkable production achievement of our farmers and ranchers is important to you here in South Dakota where agriculture is basic to all of your economic life.

This region of the United States appropriately termed the "breadbasket of the Nation" has produced some of our finest quality crops and livestock. It has also given us two of the Nation's important Senators, KARL MUNDT and FRANCIS CASE.

Senator MUNDT is, as you know, a member of the Senate Committee on Agriculture and Forestry, before which I am a frequent witness. While Senators MUNDT and CASE have disagreed honestly with me on price support mechanisms, we share a common belief that it is important to America generally that the net income of our farmers be improved.

We have worked together successfully on the passage of Public Law 480, which sets the stage for the President's food for peace program, on expanding utilization research, on programs to increase farm exports through the development of our foreign agricultural marketing services, and on other activities.

Both of your Senators are devoted and earnest advocates of the interests of farm people.

This must be the objective of all of us—to work together to lessen the problems of agriculture and improve the economic position of our farmers and ranchers.

I have never known a time when agriculture did not have problems—sometimes more serious, sometimes less—but always we have problems.

This is unavoidable in a dynamic and growing nation—in a dynamic and growing industry. Adjustment to changing conditions is never ending.

Adjustment is necessary when war and the insatiable demands of war require maximum production, when there appears to be never enough of anything to fill all demands. With patriotism and efficiency, the farmers of South Dakota joined forces with farmers throughout the Nation in meeting the requirements of World War II, the Korean war, and related emergencies.

For most farm commodities, war brought rising prices and unlimited markets. War balled faulty farm programs out of trouble in 1941 and again when the Korean fighting broke out in 1950. But no one would recommend war as a solution to farm price problems. We should not be misled by agricultural prosperity based on casualty lists.

My admiration for the job farmers are doing now in time of world peace is exceeded only by my sympathy for their problems. The cost-price squeeze and the spread in marketing margins are two economic factors in agriculture that disturb me greatly, as they do all farmers. We are trying to hold the line on inflation. Through increasing emphasis on utilization, marketing, and production research, we are constantly striving to reduce the gap between what farmers receive for their goods and what the consumer pays.

These two fundamental problems, plus the more spectacular dilemma of the vast surplus in a few crops, are certainly not the fault of our farmers. They are not to blame. I make this point because there is a growing public tendency to point the finger of blame at the farmer. This is unfair. Farmers are not responsible for the high costs of the Government's involvement in agriculture.

These excessive costs are directly traceable to depression- and war-bred legislation continued too long in peacetime. The farmer's response to mandatory price supports at production-stimulating levels was what any reasonable person might expect.

Moreover, all the outlay of public money resulting from this overproduction does not find its way back to farmers' pockets, as some mistakenly believe. Far from it. To give one example, costs of storage, interest, and handling alone on the farm surpluses are now over a billion dollars a year. Very little of this billion dollars plus goes to farmers.

As I mentioned this noon in Minneapolis, I deplore farm policies that fill storehouses instead of stomachs. A Government warehouse is not a market.

If we are to develop programs for agriculture to meet the needs of today and tomorrow, we must be sure of the facts. It is only from an understanding of the facts that we can move forward to solutions.

Here is the first basic fact: Every commodity, if it is to hold and expand its markets, must be competitive in price, quality, and promotion.

A second basic fact is that inflation has been, and is, one of the major problems affecting agriculture.

Between 1939 and 1952 the index of prices paid by farmers, including interest, taxes, and wage rates, rose 133 percent. Since 1952 the index has risen only 4 percent. But the damage had already been done.

Here is what the immediate postwar inflation did to farmers from 1946 to 1952: Gross farm income increased from $30 billion in 1946 to $37 billion in 1952—a rise of $7 billion: But realized net farm income was actually $800 million less in 1952 than in 1946. More sales, less income.

Unlike many other businessmen, farmers generally cannot pass along their increased costs by raising prices.

Although inflation in the nonfarm economy has been greatly slowed, it is still creeping upward. It is preventing wider markets for farmers and lower prices for consumers.

We must stop inflation. We can do so only by working together. Government can do part of the job by exercising restraint in its expenditures and sound control over credit. A balanced budget is of the utmost importance. But labor and management must do a better job of holding down costs. I do not believe that the competitive struggles of labor and management must always result in higher prices. I do not believe farmer's production expenses must go up and up and up. As productivity improves in industry, we want to see some savings passed along in lower prices.

Yes, there are serious and perplexing problems confronting agriculture, but we have also made significant progress. Some political demagogues would have the Nation believe that all is bad in agriculture. There is a certain type of demagogue who thrives on discontent and crises. If no trouble exists, he sometimes seems to do his best to create it. He sows the seeds of doubt. When doubt appears, he feeds it, builds it up into a threat of disaster—all so he can rush in with a phony remedy for a phony crisis. Fortunately we don't have many such persons in America.

The simple truth is that our agriculture is fundamentally sound. The following basic facts should also not be overlooked:

Total agricultural assets are at an all-time high of $208.2 billion.

Total debt owed by farmers is $24 billion, or only 11½ percent of agricultural assets.

The net equity of U.S. farmers is $184.2 billion—an increase of $33 billion since 1952 and $141 billion since 1940.

Per capita income from all sources of persons living on farms last year was $960, about the same as in the Korean war year 1952 and $109 more than the 1947–49 average.

Farm ownership is record high, with two out of three farms free of mortgage debt.

Farm foreclosures are extremely rare—near an all-time record low.

On the other hand, as a farmer for many years, I do not minimize the seriousness of falling farm prices and increasing costs to the farmer. They are real, very real problems. I am deeply concerned about the drop in net farm income last year.

We look for improvement in some commodities in 1960. Besides record cash receipts from dairying, we anticipate an increase in income from poultry and eggs and a rise in hog prices. The farm price index went up 3 points in January. We all hope this trend continues.

The key to the more prosperous agriculture we all seek is the expansion of markets for farm products. There is no satisfactory substitute for markets. Again I say, a Government warehouse is not a market.

Our normal channels of trade are being widened. Our Foreign Agricultural Service estimates that U.S. agricultural exports will total about $4.2 billion during the current fiscal year.

Exports at this level would be the second highest in our history, exceeded only by the $4.7 billion total reached in 1956–57.

The improved outlook since last November results primarily from larger export prospects for wheat, feed grains, cotton, and soybeans.

Our exports for dollars will also be the second highest on record—close to 70 percent of the year's total export movement.

The food for peace program begun last year is moving ahead. We are working closely with Canada, Australia, France, and Argentina to promote better use of surplus wheat. A Wheat Utilization Committee, composed of representatives of the five nations, has just sent a mission to the Far East for 6 weeks to explore possibilities of making more effective use of wheat in that area.

Our efforts center on building upward and outward from the solid foundation of existing programs of which Public Law 480 is the cornerstone.

We have made an outstanding record in the field of food donations—moving substantial quantities of our surplus to deserving people at home and abroad. And, from time to time, we have temporarily stepped into a market with special purchases to alleviate a very troublesome oversupply. The food commodities acquired under these surplus removal operations have also been moved into domestic consumption.

Here are some highlights of our food donations:

Since 1953 we have distributed a total of 13 billion pounds of surplus foods, valued at $2.7 billion.

A record number of U.S. citizens—over 21 million—benefited from these food donations last fiscal year.

We have donated to the needy abroad nearly $2 billion worth of farm products.

Some 60 million people in 91 foreign countries received such donations last year. They were distributed by U.S. voluntary agencies like CARE, Church World Service, Catholic Relief, and other church groups in the name of the people of the United States.

This is a tremendous ambassador of good will. It is a concrete affirmation of our belief as a nation in the brotherhood of man.

I have visited some of these needy people whom we are helping—refugees in Hong Kong, Calcutta, and Karachi, for example. I visited them with representatives of U.S. voluntary relief agencies. I cannot describe to you the heart-rending scenes I saw. But I tell you that our food is truly helping to fill a great need.

Again and again we have used our abundance also for relief of distress arising out of natural disasters. A few years ago when an area in Turkey was stricken by floods, extreme cold weather, and a severe earthquake, we donated millions of dollars worth of food. When floods along the River Indus in Pakistan caused great distress, we made large donations to the Government of Pakistan to relieve the suffering.

No nation under Heaven has ever been so generous with its abundance. I am proud of it, and I think every American who knows the story is proud of it, too.

We propose to strengthen the President's food-for-peace program by additional amendments to Public Law 480. Our recommendations to Congress include food stockpiling in underdeveloped countries and payment in commodities for work done on foreign economic development.

Here at home, utilization research and development is a major segment of the U.S. Department of Agriculture's overall research program, which also includes studies of farm production, marketing, home economics, and forestry. Funds available for all USDA research have been increased over 100 percent in the past 7 years.

Worthwhile new uses for farm products must be practical uses. The final product must be able to sell consistently at a competitive price.

A Coordinator for Utilization Research has just been selected. He will have responsibility to determine how even greater progress can be made in developing and promoting new uses for farm products.

Research can create expanded markets for farm products. It already has. How many new products and new markets can be developed, and how fast, depends on the size and vigor of the effort devoted to the task.

I know that here in South Dakota, with your great agricultural heritage, you are most interested in these developments. You are blessed with a highly diversified agriculture, producing many kinds of grains and livestock.

Traditionally this area has produced milling wheat of the highest quality. In many years of normal production there was not enough of your high-quality milling wheat to meet the demand.

Nevertheless, this region has lost wheat acreage allotments under our outmoded farm law that was passed in the late 1930's. For example, since 1939, South Dakota has lost 1,200,000 acres of wheat allotment. North Dakota has lost 3 times that much. In contrast, during this same period, other States have increased wheat acreage. The Wheat Belt has been spread all over America. During the past 3 years, the number of wheatgrowers has increased under the stimulus of the 15-acre loophole, from 538,000 to 690,000, a total increase of 152,000 new wheatgrowers.

Why did this happen? Because we lost large portions of our cotton and tobacco markets by pricing ourselves out of competition.

Again, I say, we must be competitive in price, quality, and promotion. Winston-Salem, N.C., was one of the largest tobacco markets in the world, but Southern Rhodesia now claims that distinction. At one time we had lost 60 percent of our world cotton market. Artificial pricing was placing cotton in Government warehouses instead of selling it abroad. Those farmers who produce cotton and tobacco had no choice but to divert acres to corn, wheat, and livestock.

But as acreage allotments were cut back on your best crops in the upper Midwest, you did not have the choice of equally good alternatives. I have yet to see any cotton or tobacco produced in South Dakota.

It doesn't make sense to me that this traditional wheat should be deprived of production and economic wealth by unsound farm programs that lose markets and depress prices through imbalance of natural production.

That is why the President has recommended changes in the old basic farm law which would restore the rightful agricultural position of the upper Midwest and be fair to farmers in each of the 50 States. Farm programs that cause one region of the Nation to benefit at the expense of another region are unsound, uneconomic, and completely undesirable. They do not serve the Nation's welfare.

Certainly the way to cure our present farm problems is not to give the patient more of what made him ill in the first place. Yet this is what some would have us do. Some of the schemes proposed would be even more harmful to agriculture than the unrealistic programs of the past 20 years.

For example, recently there was introduced into the Congress a series of virtually identical bills—identical even as to the same typographical error—each with a discredited Brannan plan rigid control approach. The American people should know that these bills provide for controls over the production and marketing of virtually every agricultural commodity. This would take farmers on the road to eventual socialism. They would provide cuts so drastic as to shock the American farmer. Can the wheatgrower survive a cut in acreage of over 50 percent? Not only would these proposed controls sharply restrict production, they would adversely affect employment and business in every community in the United States.

Here in South Dakota about two-thirds of your agricultural income is derived from livestock. A few years ago when cattle prices were in a downcycle, I recall so well the cattle caravan that came to Washington—a cattle caravan with practically no cattlemen in it. A political caravan—political pressure. They demanded I put price supports under live cattle. I knew, as anyone does who understand simple economics, that you can't put supports under live cattle without putting the Government in the cattle business. I don't want the Government in the cattle business. The Government is in too darn many businesses now.

Instead of bowing to the pressure for price supports, we cooperated with cattlemen in an intensive sales promotion; we launched a program of beef purchases and diversion, of emergency credit, and of drought relief.

Cattlemen kept their freedom. Markets expanded. Prices recovered.

I pledge to you that I will never do things in the name of helping farmers that actually would work to their disadvantage, and be a disservice to them.

One of my greatest problems as Secretary of Agriculture has been in being misrepresented. There are those who consciously try to do this. Very frankly the upper Midwest is our major problem area. Some are attempting to conceal their own inability to offer anything constructive for agriculture by reckless charges. This is a great disservice to agriculture and an insult to the intelligence of the American people. Because of the smokescreen of untruth about agriculture which some demagogs have poured out, it is sometimes difficult for many honest people to distinguish between fact and fiction. They have tried to force me out of office. They have distorted my actions—sought to create a false image of the Secretary of Agriculture.

I only wish those people who have fallen for these distortions could be with me in my office for a month. I wish they could see for themselves what we are trying to do—what we are doing. We have nothing to hide. We are proud of our record. We are proud of our team.

There are many facts I would like to cite, but let me mention a few briefly.

Fact No. 1: The family farm has been, is now, and always will be the backbone of American agriculture, operated by the most efficient farmers in all the world. The family farm is not passing out of the picture. It is changing. It is growing stronger.

The charges by our opposition that farm programs of this administration are driving people off the farm are not only false, they are ridiculous. The fact is that more people left the farms during the last 4 years of the Truman administration than in any other period before or since.

The fact is that 96 percent of our commercial farms are family farms—about the same percentage as 30 years ago.

Fact No. 2: The existing, obsolete support program does not materially help the small farmer. The fact is that more than half of our farms market only 9 percent of agricultural production. Obviously, most of the Government dollars are routed in the direction of the biggest producers.

Fact No. 3: Most farm products are being sold competitively and on free markets. It is untrue that most farm prices and incomes are Government supported and on an artificial basis. Only 19 crops, plus dairy products, are being supported out of 250 commodities that farmers produce. On only five commodities are there production controls. Only one is produced in South Dakota.

Fact No. 4: As Secretary of Agriculture, I want to make it perfectly clear, we have never proposed—and we do not now propose—that we should scrap price supports. Price supports can and should be used to facilitate orderly marketing. But they should not be misused to destroy farm markets by pricing commodities out of markets.

Fact No. 5: Some people dramatize and exaggerate the size of the agriculture subsidies. This is partly because aids to agriculture are out in the open where everybody can see them. But let's remember that farmers do not want to depend on subsidies. Let's remember, too, that many other groups also receive sizable subsidies. Moreover, many of the services rendered by the Department of Agriculture are primarily in the public interest. Meat inspection, to give just one example, serves the public primarily and directly. The extension service gives much assistance to urban and other nonfarm groups. Research, which results in better products and new uses, and in lower costs, too, benefits consumers generally. Surplus disposal helps the needy at home and abroad.

Fact No. 6: Congress passes farm laws, the Secretary of Agriculture administers what Congress passes. This administration has been trying for several years to make needed changes. Until Congress acts, our farm programs will be burdened with too much government, too much politics, and too little common sense.

Fact No. 7: Farmers should not be saddled with the responsibility for the high cost of existing outmoded programs.

As some of you may have heard from another speaker in this community not too long ago, I am charged with spending more money than any other Secretary of Agriculture in history. May I say first of all that if that expenditure would have solved farmers' problems, I would have defended it. But this immense Government spending has not eased farmers' problems, it has complicated them.

The incredible situation is that some of those who devised these obsolete expensive farm laws are now attempting to saddle me and the American farmers with the responsibility for their mistakes. This administration inherited many serious agricultural problems, including a 19-point drop in the parity index level during the 23 months prior to our taking office. We also inherited an obsolete, expensive depression and war-born farm law mechanism which some demagogs are attempting to blame on this administration after their own failure to act realistically and in a manner truly beneficial to farmers.

By December 1955, before any change in the old law could become really effective, our surplus accumulation had reached nearly $9 billion. Why? Because, under the existing law, we could not even begin to put a sound program into operation until the 1955 crops. All during 1953 and 1954 our hands were tied by the law on the books.

These are some basic facts I believe the American people have a right to know, and I know you people in the Upper Midwest want to know them, and need to know them. I have faith in the American farmer.

Last fall some members of my staff and I made a trade development trip to seven European countries, including the Soviet Union.

We saw hundreds of posters in the U.S.S.R. urging farmers to surpass the United States in per capita production. We also saw numerous posters forecasting the ultimate victory of the Communist system.

After a firsthand look at agriculture under contrasting forms of government in three Communist countries, and after comparing it anew with United States and Canadian agriculture, I am all the more convinced of the superiority of our system of privately-owned family farms, the profit motive, competitive markets, and freedom for the farmer to decide what he wants to grow and market. The farms of America cannot be run from a desk in Washington.

The Soviets will not equal or surpass our productivity in our lifetime, if ever, under their system of agriculture. Why? Because they can never duplicate the levels of efficiency and productive ingenuity which are called forth in a free society. But we must be very sure that we preserve our own precious freedom.

I came back to my homeland grateful for its blessings, humble in the face of the responsibilities that confront us as free people, but filled with hope for the future, too.

The men and women who preceded us here in this choice land—from the explorers to the woodsrunners to our pioneer ancestors—set a great stage. We occupy that stage now. We must keep up the standard of performance set by those who dared to be free. Because they dared to be free, they prospered and left us a wonderful heritage. We have untold generations to follow us. We must keep the lights bright, the performance untarnished.

With God's help, let us build a prosperous, expanding, and free agriculture—a prosperous, expanding, and free economy—in a prosperous, expanding, and free America, an America that is economically, socially, and spiritually sound.

[From the Sioux City (Iowa) Journal, Mar. 2, 1960]

APPLAUD EZRA AT YANKTON—1,200 HEAR HIM REPLY TO CRITICS—SECRETARY WINS AUDIENCE FAVOR WITH SINCERITY

(By Robert Dodsley)

YANKTON, S. DAK.—Ezra Taft Benson flew into Yankton Tuesday, sounding like anything but a "lame duck" Secretary of Agriculture, and the climate of his reception seemed to lack the characteristics of the seedlings of a "farm revolt."

"I will never support a program which is economically unsound, nor one which will hurt the farmers in the long run," he intoned before 1,200 who jammed Nash Gymnasium for the 13th annual farmer-businessman banquet—a creed which he, a religious man, has religiously adhered to through 7 years of the Eisenhower administration.

It was a digression from his prepared text, but it seemed to point up his philosophy.

And when he had concluded, at least 150 farmers queued up to shake his hand.

Farmers constituted the bulk of the audience. They were guests of Yankton business men and, according to Mayor Clayton Christopherson, who introduced Benson, at least another 300 were turned away. It was the largest crowd ever to attend the banquet here.

NO INCIDENTS THIS TIME

There were no incidents such as marred the Secretary's last visit to South Dakota 2 years ago when he was the target for eggs at the national cornhusking contest at Sioux Falls.

In his address, Benson lashed out at what he termed "misrepresentation" and "political demagogery" with regard to his highly controversial farm program. Applause continued for about 20 seconds following conclusion of the hour-long talk.

Benson, who has held his office despite almost constant Farm Belt opposition, took cognizance of what he regarded as serious farm problems, but said their solution certainly "is not to give the patient more of what made him ill in the first place." In this category he listed a series of bills recently introduced in Congress, all virtually identical with what he termed "the discredited Brannan plan, rigid control approach."

"This would take farmers on the road to eventual socialism," he asserted.

PRINCIPAL PROBLEMS

Among the farmer's major problems he listed were those of falling farm prices and of increasing costs to the farmer. He expressed himself as deeply concerned with the drop in net farm income last year, but said improvement is seen for some commodities in 1960, listing dairying, poultry, eggs, and hogs among them.

Sharpest blast of the talk was that against "demagogs," who, Benson said, "pour out a smokescreen of untruth" about agriculture, and whose remarks constitute "a great disservice to agriculture and an insult to the intelligence of the American people."

"One of my greatest problems as Secretary of Agriculture has been in being misrepresented," he told his large audience. "There are those who consciously try to do this. Some are attempting to conceal their own inability to offer anything constructive for agriculture with reckless charges."

The upper Midwest, Benson said, is our major problem area in this respect. He said the demagogs have "tried to force me out of office. They have distorted my actions * * * sought to create a false image of the Secretary of Agriculture."

He added that "some political demagogs would have the Nation believe that all is bad in agriculture. There is a certain type of demagog who thrives on discontent and crises. If no trouble exists, he sometimes seems to do his best to create it so he may offer a phony remedy for a phony crisis."

"The simple truth is that our agriculture is fundamentally sound," Benson emphasized, and cited several significant figures. Total agricultural assets are at an all-time high, while total farmer debt is only 11.5 percent of the assets, he said. Net equity of farmers has shown an increase of $33 billion since 1952 and $141 billion since 1941.

PROUD OF RECORD

Also, he pointed out that per capita income, from all sources, of persons living on farms last year was $960, about the same as in the Korean war year of 1952 and $109 more than the 1947-49 average. Two of three farms now are free of mortgage debt, and farm foreclosure is "extremely rare," he said.

"We are proud of our record. We have nothing to hide," he said of the Agriculture Department team.

In a digression from his prepared text, Benson noted that "the economics of the farm dilemma is simple—it is the politics of the problem that is baffling. What farmers want and need is less government in the farming business, and less politics in agriculture.

"Four-fifths of agriculture is free of Government controls and doing fairly well. It is in the areas where Government has been most solicitious and has interfered the most that there are real difficulties. Futile attempts by Government to control production and fix prices at artificial levels are the cause.

"Despite repeated administration recommendations, the old rigid program still is in effect on a very few crops. It is not the Benson program, yet the Secretary must administer it. Congress must not postpone longer the action needed. The existing, outmoded farm laws must be changed," he asserted.

In spelling out details of his own program, the Secretary emphasized that he had "never proposed and * * * do not propose that we should scrap price supports," but asserted that "the existing obsolete support program does not materially help the small farmer." He pointed out the size of agriculture subsidies is being dramatized and exaggerated by many persons and that farmers should not be saddled with the responsibility for the high cost of existing outmoded programs.

Benson cited two "fundamental problems confronting the farmer—holding the line on inflation through increasing emphasis on utilization, marketing and production research, and striving to reduce the gap between what farmers receive for their goods and what the consumer pays." He also added what he termed a "more spectacular dilemma of the vast surplus in a few crops."

He emphasized these problems were not the farmer's fault, saying he was doing so "because there is a growing public tendency to point the finger of blame at the farmer. Farmers are not responsible for the high cost of government involvement in agriculture."

The Secretary stressed that "these excessive costs are directly traceable to depression and war-bred legislation continued too long in these times. I deplore farm policies that fill storehouses instead of stomachs. A government warehouse is not market," he asserted. Benson there reiterated a remark made earlier in the day at a Minneapolis luncheon.

Some proposals he outlined included strengthening of the President's food-for-peace program, including food stockpiling in underdeveloped countries and payment in commodities for work done in foreign economic development; utilization research and development, developing and promoting new uses for farm products; and expansion of our agricultural markets, especially in foreign trade.

Benson praised South Dakota Senator KARL MUNDT while admitting MUNDT had "disagreed honestly with me on price support mechanisms." He said they shared, however, a common belief that it is important generally that the net income of our farmers be improved.

The Secretary concluded with an expression of faith in the American farmer. "With God's help, let us build a prosperous expanding and free America."

Benson arrived here about an hour late after an all-day tour which saw him leave Washington early Tuesday and give talks at Detroit, Milwaukee, and Minneapolis before coming here. He left by plane for Omaha immediately after his speech.

He also visited the Edward Schramm farm about 10 miles north of here late Tuesday afternoon.

THE RICHARD L. NEUBERGER NATIONAL SEASHORE

Mr. PORTER. Mr. Speaker, there is before this House and the other body legislation to establish a national seashore area on the Oregon coast.

The bill to create a seashore park was one of the major pieces of work in which Senator Richard L. Neuberger was engaged at the time of his death. Dick Neuberger had spent a great amount of time last fall and winter working on details of the bill trying to iron out differences, trying to accommodate everyone so that a workable and meaningful park could be created.

I am introducing today a revised bill to establish this national park in Oregon on the coast in an area popularly known as the Oregon Dunes and to name it the Richard L. Neuberger National Seashore. Identical legislation is being cosponsored in the other body by Senator MANSFIELD and Senator KUCHEL.

Dick Neuberger accomplished much for conservation in our country. He did it through his writings and by his record of legislative accomplishments in the Oregon State Legislature and here in our Nation's Capitol.

Conservationists throughout this country agree that the Oregon Dunes area is an outstanding scenic attraction. There is no real difference of opinion over whether this area has the necessary scenic stature to warrant its being a national park. There is some difference of opinion locally and in other parts of the State over the type and nature of such a park. But here, as in all the things that Dick Neuberger worked on, there have been negotiations and compromises. I know there will be more give and take before enactment to insure that the solution will be in the best long-term public interest. Dick Neuberger was working toward that solution.

Mrs. Neuberger has said that she feels the renaming of the proposal national park would honor her husband. I believe such a memorial would serve as a lasting symbol of the great service Richard L. Neuberger rendered to our Nation in the field of conservation and of his own deep appreciation of the outdoors.

The revised bill I introduce today has an interesting history. It points up the

remarkable ability Dick Neuberger had to combine the thoughts and suggestions of many people with his own ideas.

When Senator Neuberger introduced S. 2898 on January 25, 1960, he noted that it was a bill presented to him earlier the same month by Governor Hatfield and that the bill was largely modeled after legislation Senator Neuberger had originally proposed. Dick also pointed out that where he and the Governor were in disagreement he would rest his case and permit the Secretary of the Interior to act as the arbitrator on any of the differences.

The bill I introduce today represents an effort to proceed exactly along the lines outlined by the late Senator from Oregon.

NOT THE LAST WORD

I want to stress that this bill does not contain the last word on the proposed park. I am, however, confident that it will meet with the approval of the Department of the Interior and of the administration.

There certainly is time for Oregonians who are affected by this bill or who have an interest in it to express their views to me or to the House Committee on Interior and Insular Affairs. It is my hope that we can proceed on this bill on the basis Dick Neuberger worked from—a basis of understanding and an ability to agree on adjustments.

I am filing this revised bill because the Senators have agreed to do so and because I believe it should have consideration in the House at this time. It is not my idea of a perfect or even the best bill we can enact. I understand the administration has informally approved the legislation. I file the bill with the understanding that further amendments will be considered. Certainly I feel that the language of the bill ought to direct certain actions by the Secretary as well as to authorize them. I am confident that these problems can be worked out and that this lovely area can be preserved.

Interest in the proposed national seashore area in the Florence-Reedsport area has been intense. Proponents and opponents of the bill appeared before congressional investigating committees which traveled to Oregon to get first-hand information. In this House the Interior and Insular Affairs Subcommittee on Public Lands spent 2 days in the Fourth Congressional District looking over the proposed park area. My good friend and colleague from Idaho, the Honorable GRACIE PFOST, was chairman of the House hearing in Florence last fall. At the hearing with her to meet with residents of the area were Representative J. EDGAR CHENOWETH and my great friend and colleague from eastern Oregon, AL ULLMAN.

Before that hearing I had sent to Gov. Mark Hatfield a letter in which I listed nine modifications which I felt should be studied to help formulate legislation so that the national seashore park could be established on a reasonable and fair basis. The modifications which I listed were:

NINE SUGGESTED MODIFICATIONS

1. Boundaries: These should be stated specifically in the bill. Sea Lion Caves should be omitted. The Crown Zellerbach tree farm lands should either be included entirely, in which case Lake Tahkenitch and the other lands in that vicinity should also be included, or they should be omitted completely. Please let me know your preference as to these alternatives and also with respect to the proposal to extend the southern boundaries to Ten Mile Creek.

2. Residents in the proposed park area who choose to remain shall be allowed to do so for their lives but of course paid fair value for their property minus the fair rental value for the period involved. Moreover, any children (along with their spouses) living at the time the park is formed would also be allowed life estates on the same basis.

3. School, hospital and other districts losing money because of land withdrawal will be paid sums in lieu of taxes. This was done at Jackson Hole in Wyoming.

4. Highway relocation done for the interests of the park would be paid for entirely by the Federal Government with no effect on matching funds for the State of Oregon.

5. The use of campgrounds and facilities but not admission to the park, should entail the payment of fees by the users so that the capital costs could ultimately be amortized.

6. Fishing and hunting of birds would be permitted subject to appropriate coordination of State and Federal regulations.

7. Industrial reservations for water under dunes and in lakes should be preserved consistent with park development. Particularly, an easement should be reserved across the south portion of the proposed area for a pipe to carry effluent to the ocean from a possible pulp plant in the Reedsport area.

8. Residents of the area who are renting boats, acting as guides or otherwise supplementing their incomes in ways consistent with the purposes of the proposed park should be allowed to continue these activities.

9. Sand dunes stabilization programs in key areas, such as adjacent to the Siuslaw River channel and near the highway, must be continued and improved.

HOW THE BILL MEASURES UP

I am glad to report today that the legislation I introduce contains a good part of these suggested modifications.

First. The Sea Lion Caves are omitted. The acreage of the Crown Zellerbach tree farm which had been included within the suggested park area has been substantially reduced—to 1,500 acres from 2,600 acres. These lands are distributed around Tahkenitch Lake. The suggested boundary revision is designed to keep the tree farm holdings reasonably intact.

The new bill extends the southern boundaries of the park to the area around Ten Mile Creek. It is still my hope that reductions in acreage may be made on the east side of Woahink Lake.

Second. The new bill contains language which would allow residents in the park to remain on their property, if it is not commercial, for a term not to exceed 25 years or for a term ending at the death of such owner, the death of his spouse, or the day his last surviving child reaches the age of 21, whichever is the latest. The owner shall elect the term to be reserved. Owners of commercial property may remain for a term not to exceed 25 years under the terms of the proposed bill. If the owner wishes, he may convey or lease his property in whole, but not in part, during this time.

It is not clear whether an owner of land can build on it. This must be clarified.

Third. The Jackson Hole provision, which authorizes the payment of money in lieu of taxes to schools, hospitals and other districts which would lose money, is left in. This was suggested by Governor Hatfield in his bill. I understand that there may be Bureau of the Budget opposition, but I hope the Governor can help us resolve this provision.

Fourth. Should there be relocation of Highway 101 which is requested by the Secretary of the Interior such expense would be borne by the Secretary of the Interior.

Fifth. This suggested payment of fees falls under the general authority of the Park Service, I am informed.

Sixth. Language is included in the suggested revised bill which insures appropriate coordination of State and Federal regulations for fishing and hunting of birds. My own preference is that this language be directive, not permissive.

Seventh. There may be the use by industry of water under the dunes and in the lakes. An easement may be reserved across the park area for a pipe to carry effluent to the ocean from a possible pulp plant in the Reedsport area.

Eighth. I understand that residents who rent boats and otherwise have commercial enterprises would be allowed to continue such enterprises during the suggested 25-year period.

Ninth. The National Park Service assures me that sand dunes stabilization programs in key areas will be continued and improved.

Also the revised bill has changed the boundaries of the park, primarily as to the area surrounding Lake Tahkenitch. In lieu of acquiring the lands around Lake Tahkenitch immediately, the same provisions would apply as apply to the Sea Lion Caves. So long as the lands are used for their present noncommercial purposes, or for forest management, they will not become a part of the park. However, should the present owners wish to change the use of the property, or to dispose of it to others who would change the use, the Federal Government will have an opportunity to purchase these lands. A few tracts on the south and east boundaries near Siltcoos Lake have also been excluded.

HE LOVED HIS PEOPLE AND HIS LAND

The National Park Service tells me that the primary park area as proposed in the bill I am introducing today is approximately 26,000 acres. This is a substantial reduction.

The bill I introduced originally, H.R. 6260, stated specifically that the acreage would not exceed 35,000 acres. The acreage described by the National Park Service at that time was approximately 32,000 acres.

The Governor's bill, later introduced by Senator Neuberger by request, set aside approximately 40,000 acres.

This revised bill includes a primary park area of approximately 26,000 acres. Under the language of the bill the size could be increased 340 acres if the Sea Lion Caves were ever added to it and another 10,000 acres if the Crown Zellerbach tree farm in the Tahkenitch Lake area were added. The tree farm would be added only if the company stopped using it as a tree farm.

I have recently asked the owners of property within the proposed park area to let me know the suggestions and objections they have. I will carefully consider them and will make them known to the committee when I receive them.

Senator MANSFIELD has suggested that there be placed in the park at an appropriate spot a plaque which would read:

"To Richard Lewis Neuberger, humanitarian and conservationist. He loved his people and his land."

Mr. Speaker, the text of the proposed bill follows:

H.R. 11204

A bill to establish the Richard L. Neuberger National Seashore, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to effect a coordinated method of conserving and developing for the benefit, inspiration, and use of the public certain ocean shoreline, sand dunes, forested areas, freshwater lakes, and recreational facilities, the combination of which comprises a total recreation area of scenic, scientific, recreational, and historic significance, the Secretary of the Interior is authorized, as provided herein, to establish the Richard L. Neuberger National Seashore, hereinafter referred to as the Seashore, such area to be administered by the National Park Service as a unit of the National Park System.

SEC. 2. (a) The Seashore shall consist of that particular land, water, and submerged land area on the Oregon coast, the exterior boundary limit of which is specifically described as follows:

Township 18 south, range 12 west, beginning at the southeast corner of the southwest quarter of the southwest quarter of section 34;

Thence east to the southwest corner of the southeast quarter of the southeast quarter of the said section 34;

South to the southeast corner of the southwest quarter of the northeast quarter of section 10, township 19 south, range 12 west;

West to the southeast corner of the southeast quarter of the northwest quarter of the said section 10;

South to the northwest corner of the southwest quarter of the southeast quarter of section 15;

East to the point of intersection with the shoreline of Woahink Lake at elevation thirty-eight feet above sea level;

Following the said shoreline generally north and east to the intersection of the said shoreline with the quarter section line of section 11;

East to the northeast corner of the southeast quarter of the said section 11;

South to the southeast corner of the said section;

East to the northeast corner of section 13;

South to the southeast corner of the said section 13;

East to the northeast corner of the northwest quarter of section 19, township 19 south, range 11 west;

South to the southeast corner of northwest quarter of the said section 19;

East to the northeast corner of the northwest quarter of the southeast quarter of the said section 19;

South to the southwest corner of the northeast quarter of the northeast quarter of section 31;

West to the northwest corner of the southwest quarter of the northeast quarter of the said section 31;

South to the southwest corner of the northeast quarter of section 7 township 20 south, range 12 west;

West to the southeast corner of the northwest quarter of section 12, township 20 north, range 12 west;

North to the northeast corner of the southeast quarter of the northwest quarter of section 12;

West to the west right-of-way of Southern Pacific Railway in section 11, township 20 south, range 12 west;

In a generally southerly and westerly direction along Southern Pacific Railway west right-of-way to the intersection with the line between section 11 and section 14;

West to the southeast corner of the southwest quarter of the southwest quarter of section 11;

North to the northeast corner of the northwest quarter of the southwest quarter of section 11;

West to the southeast corner of the northwest quarter of section 11;

North to the northeast corner of the southeast quarter of the northwest quarter of section 3;

West to the northwest corner of the southeast quarter of the northwest quarter of section 3;

North to the northeast corner of the northwest quarter of the northwest quarter of section 3;

West to the northwest corner of section 3;

South to the northwest corner of the southwest quarter of section 3;

West to the northwest corner of the southeast quarter of section 4;

South to the southwest corner of the southeast quarter of section 4;

West to the southwest corner of the southeast quarter of the southwest quarter of section 4;

South to the northeast corner of the northwest quarter of the southwest quarter of section 9;

West to the northwest corner of southwest quarter of section 9;

South along section lines to the point of intersection on the north bank of the Umpqua River with the mean low tide line at a point on a line between sections 16 and section 17 township 21 south, range 12 west;

Following the said mean low tide line in a generally southerly and westerly direction to the intersection with the Pacific Ocean, section 1, township 22 south, range 13 west;

Due west 1,320 feet;

In a generally northerly direction paralleling the mean low tide line on the shore to a point due west of the said mean low tide line on the south bank of the mouth of the Siuslaw River;

East to the said mean low tide line on the south bank of the mouth of the Siuslaw River, section 16, township 18 south, range 12 west;

Following the said mean low tide line in a generally southerly and easterly direction to its intersection with a line due north of the point of beginning;

Due south to the point of beginning.

Beginning at a point where the line between ranges 12 west and 13 west (Willamette Meridian), in township 22 south, intersects the mean low tide line on the south shore of Winchester Bay at the mouth of the Umpqua River;

Thence following the said mean low tide line easterly and southerly along the said south shore of Winchester Bay and the west bank of Winchester Creek to its intersection with the west right-of-way boundary of United States Highway Numbered 101, township 22 south, range 12 west;

Following the said right-of-way boundary in a generally southerly direction to its intersection with the mean low water line on the north bank of Tenmile Creek, in section 13, township 23 south, range 13 west;

Following the said mean low water line along the north bank of the said Tenmile Creek in a generally southwesterly direction to the mean low tide line of the Pacific Ocean at the mouth of the said Tenmile Creek;

Due west 1,320 feet;

In a generally northerly direction paralleling the said mean low tide line on the shore to a point due west of the said mean low tide line on the south bank of the mouth of the Umpqua River;

East to the said mean low tide line on the south bank of the mouth of the Umpqua River, in section 14, township 22 south, range 13 west;

Following the said mean low tide line in a generally northerly and easterly direction to the point of beginning.

(b) The Seashore may be extended by Executive Order of the President at some future time by the addition of a separate unit known as Sea Lion Caves, after consultation with and consideration of the recommendation of the Governor of the State of Oregon, said separate unit to include the land, water, and submerged land area in the vicinity of Sea Lion Caves, the exterior boundary limit of which is specifically described as follows:

Township 17 south, range 12 west, beginning at the northeast corner of section 4;

Thence east to the northeast corner of the northwest quarter of the northwest quarter of section 3;

South to the northeast corner of the northwest quarter of the southwest quarter of section 3;

East to the northeast corner of the southwest quarter of the said section 3;

South to the southeast corner of the southwest quarter of the said section 3;

West to the southwest corner of the said section 3;

Due west 3,960 feet;

Due north to a point due west of the point of beginning;

Due east to the point of beginning.

(c) If the Secretary of the Interior finds that any parcel within the Tahkenitch Lake unit is not being used in its entirety primarily for the growth and harvesting of timber on a sustained yield basis, he may, by publishing notice in the Federal Register, extend the boundaries of the seashore to include said parcel. As used in this subsection, the phrase "parcel within the Tahkenitch Lake unit" means each ownership of land, water, and submerged land within the following described area:

Beginning at the northwest corner of section 13, township 20 south, range 12 west;

South to the southeast corner of section 23;

East to the northeast corner of the northwest quarter of the northwest quarter of section 25;

South to the southeast corner of the southwest quarter of the northwest quarter of the said section 25;

East to the northeast corner of the northwest quarter of the southeast quarter of the said section 25;

South to the southeast corner of the southwest quarter of the southeast quarter of the said section 25;

West to the southeast corner of the southwest quarter of the said section 25;

South to the southeast corner of the northwest quarter of section 36;

West to the southwest corner of the southeast quarter of the northwest quarter of the said section 36;

South to the southeast corner of the southwest quarter of the southwest quarter of the said section 36;

West to the northeast corner of the northwest quarter of the northeast quarter of section 2, township 21 south, range 12 west;

South to the southeast corner of the southwest quarter of the northeast quarter of the said section 2;

West to the southwest corner of the northeast quarter of the said section 2;

South to the southeast corner of the northeast quarter of the southwest quarter of the said section 2;

West to the southwest corner of the northwest quarter of the southwest quarter of the said section 2;

South to the southwest corner of the said section 2;

West to the northeast corner of the northwest quarter of the northeast quarter of section 10;

South to the southeast corner of the northwest quarter of the northeast quarter of the said section 10;

West to the northeast corner of the southwest quarter of the northwest quarter of the said section 10;

South to the southeast corner of the southwest quarter of the northwest quarter of the said section 10;

Due west to the point of intersection with the east right-of-way boundary of United States Highway Numbered 101;

Following the said right-of-way boundary in a generally westerly and northerly direction to the point of intersection with the section line between sections 4 and 5, township 21 south, range 12 west;

North to the northwest corner of the southwest quarter of section 9, township 20 south, range 12 west;

East to the northeast corner of the northwest quarter of the southwest quarter of section 9;

North to the southwest corner of the southeast quarter of the southwest quarter of section 4;

East to the southwest corner of the southeast quarter of section 4;

North to the northwest corner of the southeast quarter of section 4;

East to the northwest corner of the southwest quarter of section 3;

North to the northwest corner of section 3;

East to the northeast corner of the northwest quarter of the northwest quarter of section 3;

South to the northwest corner of the southeast quarter of the northwest quarter of section 3;

East to the northeast corner of the southeast quarter of the northwest quarter of section 3;

South to the southeast corner of the northwest quarter of section 10;

East to the northeast corner of the northwest quarter of the southwest quarter of section 11;

South to the southeast corner of the southwest quarter of the southwest quarter of section 11;

East to the point of beginning.

(d) Upon approval of extensions of the Seashore as provided in subsections (b) and (c), the provisions of section 3 shall become applicable to the extensions.

SEC. 3. (a) Within the exterior boundaries of the Seashore described in section 2, the Secretary of the Interior is authorized to procure by purchase or donation, with donated or appropriated funds or otherwise, such lands, submerged lands and waters, or interests therein, as he considers necessary to carry out the purposes of this Act, commensurate with the adaptability of such lands and waters to the purposes of this Act: *Provided, however,* That lands, submerged lands, or waters owned by or under the control of the State of Oregon or its political subdivisions within the designated boundaries may be procured only with the concurrence and approval of the State of Oregon or its political subdivisions. Any lands owned by the United States within the designated boundaries may be transferred to the Department of the Interior for administration as a part of the Seashore: *Provided, however,* That the United States department or agency having administration of such land shall agree in advance to such a transfer.

(b) When the Secretary finds that land has been procured by the United States in sufficient quantity to afford an administrable unit under his jurisdiction, he shall declare the establishmment of the Seashore by the publication of notice thereof in the Federal Register. Following such establishment and subject to the aforesaid boundary and other limitations, the Secretary may continue to acquire lands for the National Seashore as authorized in this Act.

SEC. 4. Any owner or owners (hereinafter in this section referred to as "owner") of improved property on the date of its acquisition by the Secretary may, as a condition to such acquisition, retain the right of use and occupancy of commercial property for commercial purposes, for a term not to exceed twenty-five years, and the right of use and occupancy of noncommercial residential property for noncommercial residential purposes for a term not to exceed twenty-five years or for a term ending at the death of such owner, the death of his spouse, or the day his last surviving child reaches the age of twenty-one, whichever is the latest. The owner shall elect the term to be reserved. Where any such owner retains a right of use and occupancy as herein provided, such right may during its existence be conveyed or leased, in whole, but not in part. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the right retained by the owner. As used in this section the term "improved property" shall mean a private, noncommercial dwelling and structures accessory thereto, and such commercial structures and operations which are, in the opinion of the Secretary, not incompatible with the purpose of this Act. In any event, this term shall only apply to such structures and operations which were in operation, or upon which construction has been commenced prior to the effective date of this Act together with land acreage necessary to the enjoyment of such property, as determined by the Secretary.

SEC. 5. (a) The Secretary is authorized to permit the investigation for, and withdrawal of, ground water from the sand dunes and the conveyance thereof outside the boundary of the National Seashore for beneficial use, in accordance with the laws of the State of Oregon, and to permit the removal of surface water and the conveyance thereof outside the boundary of the National Seashore for beneficial use in accordance with the laws of the State of Oregon, when requested to do so by the State of Oregon when the welfare of the surrounding persons becomes dependent upon the use of such water: *Provided, however,* That the withdrawal and use of water for these purposes will not materially impair the scenic, scientific, and recreational features of the National Seashore.

(b) The Secretary is authorized to permit the transportation and disposal of domestic and industrial wastes within or through the National Seashore in accordance with standards established by the State of Oregon: *Provided, however,* That such disposal does not materially impair the scenic, scientific, and recreational features of the National Seashore.

SEC. 6. (a) In order to provide compensation for whatever tax losses are sustained by the counties and other taxing bodies as a result of certain acquisitions by the Secretary of privately owned real estate and improvements thereon pursuant to the provisions of this Act, payments in lieu of taxes shall be made to each such taxing body which has been authorized under the laws of the State of Oregon to assess taxes upon any present interest in real estate to the owner of such interest, such payments to be made to the State of Oregon for distribution to the affected taxing bodies. In-lieu tax payments shall be made in accordance with the following schedule:

The full amount of the taxes levied on both land and improvements shall be paid for a period of five years. Thereafter, declining annual payments shall be made at the rate of full taxes less 5 per centum of such amount each year for twenty additional years, after which time no further in-lieu payments shall be made.

For the calendar year in which the real estate is acquired in fee simple absolute, the in-lieu payment shall be an amount which bears the same proportion to the full amount of tax assessed thereon in such year as the number of days remaining in such year after the date of acquisition bears to the number three hundred and sixty-five. In any case, where an amount in excess of the difference between such proportionate amount and such full amount has already been paid to the proper taxing bodies by or on behalf of the owner or owners from whom the real estate was so acquired, payment of such excess amount shall be made as reimbursement to such owner or owners out of such proportionate amount and only the balance remaining of such proportionate amount shall be paid to the State of Oregon on account of such taxing bodies.

(b) No payments in lieu of taxes shall be made on account of real estate and improvements thereon in which the Secretary holds on behalf of the United States less than a fee simple absolute under this Act.

(c) As soon as practicable after real estate taxes have been assessed by such taxing bodies in each calendar year, the Secretary shall compute and certify the amount of payments in lieu of taxes due to each of the taxing bodies, and such amounts shall be paid to the State of Oregon on account of said taxing bodies by the Secretary of the Treasury out of any money in the Treasury not otherwise appropriated.

(d) The foregoing provisions of this section shall not apply to any property acquired by the Secretary after December 31 of the twenty-fifth year following the date of enactment of this Act.

SEC. 7. The Secretary may conduct such sand dune stabilization and erosion control programs within the Seashore as deemed necessary to insure the protection of man made developments and the natural resources of the area, and he shall secure the advice and assistance of other Federal and State agencies to accomplish these purposes.

SEC. 8. Nothing in this Act shall interfere with the normal jurisdiction, operation, maintenance and repair of United States Highway Numbered 101: *Provided,* That any relocation of the highway that affects the Seashore shall be subject to agreement between the State of Oregon, the Secretary of Commerce, and the Secretary of the Interior, and any increase in the cost of such relocation which is caused by a request of the Secretary of the Interior shall be borne by the Federal Government out of funds available to the Secretary of the Interior.

SEC. 9. The administration, protection, and development of the Seashore shall be exercised by the Secretary of the Interior, subject to the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented, relating to the national park system, and in accordance with other laws of general application relating to that system as defined by the Act of August 8, 1953 (67 Stat. 496; 16 U.S.C. 1c), except that authority otherwise available to the Secretary of the Interior for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act. The Secretary is authorized to enter into cooperative agreements with the State of Oregon regarding rules pertaining to hunting and fishing and management programs pertaining to fish, game, wildlife, and wild furbearing animals which will not materially impair the scenic, scientific, and recreational features of the Seashore.

SEC. 10. There is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as are necessary to carry out the purposes of this Act.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. SCHERER, for March 21 through March 25, on account of discussions in California and Ohio on highway legislation and problems with Associated General Contractors and Ohio Society of Professional Engineers.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. ALBERT, for 1 hour, on May 11, on the silver anniversary of the creation of the Rural Electrification Administration.

Mr. OLIVER, for 30 minutes, on tomorrow.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. PRESTON, his remarks today on H.R. 8601 and to include extraneous matter.

Mr. DORN of South Carolina and to include an article.

Mr. CURTIS of Missouri and to include extraneous matter.

(At the request of Mr. COLLIER, and to include extraneous matter, the following:)

Mr. BRAY.

Mr. GLENN.

(At the request of Mr. BURKE of Kentucky, and to include extraneous matter, the following:)

Mrs. KELLY.

Mr. BARING.

Mr. FRIEDEL.

(At the request of Mr. BURKE of Kentucky, and to include extraneous matter, the following:)

Mr. DADDARIO.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1193. An act for the relief of Eleanor Constan;

S. 1703. An act for the relief of Raul Jorge Jose Hermitte; and

S. 2028. An act for the relief of Candace Elizabeth Lee Johnson (Kyung Hee Lee).

ADJOURNMENT

Mr. BURKE of Kentucky. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 34 minutes p.m.) the House adjourned until tomorrow, Thursday, March 17, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1950. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation entitled "a bill to amend and extend the provisions of the Sugar Act of 1948, as amended"; to the Committee on Agriculture.

1951. A letter from the Assistant Secretary of Agriculture, transmitting a report on the 1959 soil bank conservation reserve program, pursuant to Public Law 540, 84th Congress; to the Committee on Agriculture.

1952. A letter from the Comptroller General of the United States, transmitting a report on the review of selected activities of the Portland regional office (region 6), Forest Service, Department of Agriculture, September 1959; to the Committee on Government Operations.

1953. A letter from the Under Secretary of Labor, transmitting a report of claims paid by this Department during the year ending December 31, 1959, pursuant to title 28, section 2672, United States Code; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ASPINALL: Committee on Interior and Insular Affairs. H.R. 10455. A bill to amend the Mineral Leasing Act of February 25, 1920; with amendment (Rept. No. 1401). Referred to the Committee of the Whole House on the State of the Union.

Mr. VINSON: Committee on Armed Services. H.R. 10474. A bill to authorize the construction of modern naval vessels; without amendment (Rept. No. 1402). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H.R. 10840. A bill to amend Public Law 85–626 relating to dual rate contract agreements; without amendment (Rept. No. 1403). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. S. 2483. An act to provide flexibility in the performance of certain functions of the Coast and Geodetic Survey and of the Weather Bureau; without amendment (Rept. No. 1404). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COLMER:

H.R. 11194. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. DOOLEY:

H.R. 11195. A bill to provide for the temporary suspension of the duty on corkboard insulation; to the Committee on Ways and Means.

By Mr. DORN of South Carolina:

H.R. 11196. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. FINO:

H.R. 11197. A bill to provide that tips and gratuities received from customers of an individual's employer may be included as part of such individual's wages for old-age, survivors, and disability insurance purposes; to the Committee on Ways and Means.

By Mr. FOGARTY:

H.R. 11198. A bill to provide for loan insurance on loans to students in higher education; to the Committee on Education and Labor.

By Mr. GARMATZ:

H.R. 11199. A bill to further amend the shipping laws to prohibit operation in the coastwise trade of a rebuilt vessel unless the entire rebuilding is effected within the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HALEY:

H.R. 11200. A bill to authorize the Secretary of the Interior to sell reserved mineral interests of the United States in lands located in the State of Florida to the record owners of the surface thereof; to the Committee on Interior and Insular Affairs.

By Mr. HALPERN:

H.R. 11201. A bill to equalize certain rates of wartime disability compensation by amending section 314 (a), (b), (c), (d), (i), and (j) of title 38, United States Code; to the Committee on Veterans' Affairs.

By Mr. McGOVERN:

H.R. 11202. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. PORTER:

H.R. 11203. A bill to clarify the law with respect to transportation of airmail, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11204. A bill to establish the Richard L. Neuberger National Seashore, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. REES of Kansas:

H.R. 11205. A bill to authorize the use of certified mail for the transmission of service of matter required by certain Federal laws to be transmitted or served by registered mail, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. REUSS:

H.R. 11206. A bill to amend the Internal Revenue Code of 1954 to exempt nonprofit lawn bowling clubs from the tax on club dues; to the Committee on Ways and Means.

By Mr. SPENCE:

H.R. 11207. A bill to amend the Small Business Act so as to authorize an additional $150 million for loans to small business, and for other purposes; to the Committee on Banking and Currency.

By Mr. GUBSER:

H.R. 11208. A bill to amend section 1074 of title 10, United States Code, to provide that retired reservists with 30 years of satisfactory Federal service who performed active duty during both World War I and World War II shall have the same privileges with respect to medical care as retired reservists who served 8 or more years on active duty; to the Committee on Armed Services.

By Mr. HOLIFIELD:
H.R. 11209. A bill to amend title II of the Social Security Act to permit public employees in the State of California (other than policemen and firemen) to elect coverage as self-employed individuals in cases where they do not have coverage under the applicable State agreements; to the Committee on Ways and Means.

By Mr. JOHNSON of Wisconsin:
H.R. 11210. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. McGOVERN:
H.R. 11211. A bill to amend title V of the Agricultural Act of 1949, as amended to provide, in connection with the employment of workers from Mexico, protection against unfair competition from corporate agriculture to the American family farm, and protection for the employment opportunities of domestic agricultural workers in the United States, and for other purposes; to the Committee on Agriculture.

By Mr. O'KONSKI:
H.R. 11212. A bill to amend section 12(b) of Public Law 85-857 to provide for payment of the World War I bonus to certain individuals discharged on account of alienage except pursuant to their own application or solicitation; to the Committee on Veterans' Affairs.

By Mr. PUCINSKI:
H.R. 11213. A bill to provide for adjusting conditions of competition between certain domestic industries and foreign industries with respect to the level of wages and the working conditions in the production of articles imported into the United States; to the Committee on Ways and Means.

By Mr. BERRY:
H.R. 11214. A bill to provide for the payment for individual Indian and tribal lands of the Lower Brule Sioux Reservation in South Dakota, required by the United States for the Big Bend Dam and Reservoir project on the Missouri River, and for the rehabilitation, social, and economic development of the members of the Lower Brule Sioux Tribe, and for other purposes; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HAGEN:
H.R. 11215. A bill for the relief of Pedro Rodrigues; to the Committee on the Judiciary.

By Mr. JACKSON:
H.R. 11216. A bill for the relief of Mrs. Sevim Zafer Altolka Ipar; to the Committee on the Judiciary.

By Mr. KASEM:
H.R. 11217. A bill for the relief of George Tillson Weed; to the Committee on the Judiciary.

By Mr. MAHON:
H.R. 11218. A bill to provide for the conveyance of certain mineral rights to Marvin B. King, Bledsoe, Tex.; to the Committee on Interior and Insular Affairs.

By Mr. O'NEILL:
H.R. 11219. A bill for the relief of Peter Ernst Fritze; to the Committee on the Judiciary.

By Mr. RUTHERFORD:
H.R. 11220. A bill for the relief of Arie Katzman, his wife, Zipora Katzman, and their two minor children, Orfa and Orna Katzman; to the Committee on the Judiciary.

By Mr. SANTANGELO:
H.R. 11221. A bill for the relief of Mr. and Mrs. Dezso Simon; to the Committee on the Judiciary.

By Mr. TEAGUE of California:
H.R. 11222. A bill for the relief of Miss Takako Inove; to the Committee on the Judiciary.

By Mr. WIDNALL:
H.R. 11223. A bill for the relief of Ryszard Wiklera; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

374. By Mr. GROSS: Petition of 22 residents of Charles City, Iowa, and vicinity in support of a pension for veterans of World War I, as stipulated in H.R. 9336; to the Committee on Veterans' Affairs.

375. Also, petition of 30 residents of Charles City, Iowa, in support of payment of a pension to World War I veterans as stipulated in H.R. 9336; to the Committee on Veterans' Affairs.

376. Also, petition of 108 residents of Marshalltown, Iowa, in support of payment of a pension to World War I veterans as stipulated in H.R. 9336; to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

The 42d Anniversary of Proclamation of Independence of Byelorussian Democratic Republic

EXTENSION OF REMARKS
OF
HON. EMILIO Q. DADDARIO
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 16, 1960

Mr. DADDARIO. Mr. Speaker, March 27 marks the 42d anniversary of the proclamation of independence of the Byelorussian Democratic Republic.

More than 10 million Byelorussians have been so completely isolated in the Soviet Union and have been so firmly sealed off from the free world that we in the West seldom hear of them. Just as they were almost lost in Czarist Russia, so they seem to be today in Communist Soviet Russia, and one seldom hears or reads about them except on rare occasions. March 25 offers such an occasion, for that day is their Independence Day.

For centuries these stouthearted people had suffered under the autocratic regime of Russia, but they had not given up hope for their eventual freedom and independence. Toward the end of the First World War when the Czarist regime was shattered, Byelorussians felt free to proclaim their independence, and this they did on March 25, 1918. Then for about 2 years they worked, fought, and lived freely in their reconstituted Byelorussian National Republic. But the new state, surrounded by foes, could not survive the powerful onslaught of the Red Army. Early in 1921 the country was overrun, and then made part of the Soviet Union. Thus ended the free and independent Byelorussia, but it still survives in the lives and memories of millions of liberty loving Byelorussians in and out of their homeland, and they celebrate March 25 as their national holiday, their Independence Day.

Referees and Storm Troopers

EXTENSION OF REMARKS
OF
HON. W. J. BRYAN DORN
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 16, 1960

Mr. DORN of South Carolina. Mr. Speaker, the civil rights bill passed today is a blueprint for dictatorship. It is a bill against free voting rights. It is the opposite of a bill to protect voting rights. It will promote controlled and rigged elections. It favors the bloc voter herded to the polls by goons and ward bosses operating under the watchful eye of Federal referees appointed by the political party in power. It will promote intimidation, discrimination, and fraud in elections. It can and will lead to a one-party system with Federal referees and party storm troopers. It will lead to a Stalin-Hitler type election with only one ticket on the ballot.

Konrad Adenauer—Leader in the Revival of West Germany

EXTENSION OF REMARKS
OF
HON. THOMAS B. CURTIS
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 16, 1960

Mr. CURTIS of Missouri. Mr. Speaker, it is fitting on the occasion of the visit of the distinguished Chancellor of West Germany, Konrad Adenauer, to review the record of West Germany's economic revival, its return from a position of collapse to the important and vital position it now holds in the economic strength of the free world.

Less than 15 years ago Germany was in desolation. The collapse of the monetary system had reduced exchange in the country to a barter system. The effects of defeat and destruction had sapped the physical and moral strength of the country and the economy had reverted to an unhappy subsistence level. Today we see in West Germany a strong and growing industrial plant and an economy that offers to its workers, managers and citizens the immense benefits of productive free enterprise.

In the decade from 1948 to 1958 Western Germany's annual rate of growth in its gross national product was 8 percent, in its real per capita gross national product 6.9 percent. During this same time, there was a seven percent increase in consumer prices, an increase at the rate of a mere eight-tenths of 1 percent per year. From these figures can be drawn a picture of substantial economic growth coupled with great success in preventing rising price levels from taking the benefits of this growth from the people. This is an expression of the vitality of the free enterprise system in providing economic growth and welfare.

A large measure of the credit for this growth must be given to the leader of West Germany, its Chancellor, Konrad Adenauer. His strength of character and strength of purpose have given the country a leadership under which it has risen from the desolate days of 1945 to its present position of economic prosperity.

H.R. 10385

EXTENSION OF REMARKS
OF
HON. EDNA F. KELLY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 16, 1960

Mrs. KELLY. Mr. Speaker, on February 11, I introduced a bill, H.R. 10385, to provide a much-needed salary increase for postal employees and those paid under the Classification Act schedule.

In sponsoring this bill, I am pleased to associate myself with more than 50 of my colleagues from this body who have introduced similar pay measures. Particularly am I pleased to note that this is a bipartisan effort to give a modicum of financial relief to these public servants; both Democrat and Republican Members have joined in sponsoring more than 50 pay bills thus far in the current session.

Unfortunately, this effort to grant a measure of economic equality to these workers has not found favor in the White House or with the Postmaster General. Both the President and Mr. Summerfield have been quoted in strong opposition to any pay bill this year.

In his most recent budget message, President Eisenhower said that a wage increase now was "unwarranted." Instead, he suggested that we "study" the problem. The Postmaster General has suggested that postal wages compare very favorably, particularly when one considers the fringe benefits Congress has approved for employees over the years.

If an increase in Federal salaries is unwarranted then I think our Republican friends in high places in the executive department owe it to Congress and the employees to explain one thing. I would like an explanation of why Vice President NIXON and Labor Secretary Mitchell considered it all right to urge the steel industry to grant better wages—and the steelworkers had my complete sympathy in their wage demands—while at the same time ignoring the plight of our own civil servants.

According to Mr. Roger Blough, spokesman for the steel industry, steelworkers were getting $3.11 per hour before the recent strike. Under the terms of my bill, a postal worker with 20 years' service would still be paid only $3.06 per hour.

In reply to Mr. Summerfield's suggestion that fringe benefits take the place of hard, cold cash in the marketplace, I should like to read an excerpt from a letter recently received from one of my constituents.

He is a letter carrier, 43 years of age. He is married and has a wife and two children to support on an annual gross postal salary of $5,075.

This is his story:

As for Mr. Summerfield, I haven't found a grocer, butcher, or baker yet who will take a day of my leave, sick or annual, for the groceries, meats, etc., that I buy.

Mr. Speaker, the committee to which my pay bill has been referred, the Committee on Post Office and Civil Service, under the chairmanship of the distinguished gentleman from Tennessee [Mr. MURRAY] has a well-deserved reputation for its interest in legislation affecting Government employees. I, along with the million and one-half workers covered by my bill, have complete confidence in the continued interest and concern of that committee. It is my earnest hope that it will forthwith schedule hearings on this vital subject and that we will have an opportunity in the near future to consider the recommendations of the committee here on the floor.

President Leads Hoosiers in Tribute to Representative Halleck

EXTENSION OF REMARKS
OF
HON. WILLIAM G. BRAY
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 16, 1960

Mr. BRAY. Mr. Speaker, on Thursday, March 10, hundreds of fellow Indianians and Government notables of both political parties joined to pay tribute to our colleague CHARLIE HALLECK for his distinguished service of more than 25 years in the Congress and of the great honor which he has brought to his native State. "Hoosier of the Year" was the designation bestowed on the Congressman from Rensselaer and Republican leader.

A list of all the notables and distinguished guests who gathered for this gala dinner would be a very long one indeed, headed by the President of the United States and the Speaker of the House of Representatives. Most of the Indiana congressional delegation were there and more than half a hundred other House colleagues. The great number of Hoosiers who journeyed to Washington for this occasion were led by Governor and Mrs. Handley.

The Indiana State Society of Washington issued a scroll honoring the second district Congressman. After he responded with words of gratitude the remainder of the evening was given over to entertainment with a truly Indiana flavor. A vocal quartet from Indiana University sang a variety of numbers including, of course, "Back Home in Indiana." World-famed Hoagy Carmichael performed some of his top hits, concluding with the song he said now belongs to everyone, "Stardust."

Herb Shriner, who has tickled the Nation's funnybone with Hoosier humor for the past many years, ended the evening by leaving everyone laughing in the best show-business tradition. To people in other parts of the country Herb's local mannerisms and stories seem completely fictitious but to those familiar with the Indiana scene his stories are very much of the same type that you will hear on street corners in hundreds of Indiana communities.

All in all it was truly "A Night to Remember" which was the theme chosen by the Indiana State Society for this event. I am sure CHARLIE will cherish memories of the evening, and especially the remarks of President Eisenhower which I now submit in full:

REMARKS OF THE PRESIDENT AT THE INDIANA STATE SOCIETY DINNER IN HONOR OF CONGRESSMAN CHARLES HALLECK AT THE SHERATON PARK HOTEL, WASHINGTON, D.C.

Mr. HALLECK, Mr. SAM, distinguished guests, ladies and gentlemen, I am just sort of a wanderer that just dropped in on this party.

First of all, I am not from Indiana. Actually, I was born in the district of my friend here, Mr. SAM. And all of these years he has allowed me to call myself his vicarious constituent to this moment.

I understand that about two-thirds of Indiana is here—the other third is probably snowbound.

As I understand it, they call today "Charlie Halleck Day," because he is Indiana's Man of the Year. I would like to say that for me, during a session at least, every day is "Charlie Halleck Day."

He once pleased me mightily. He said: "Mr. President, this is going to cost me a lot of votes, but I'll do it." That kind of loyalty to a leader of the party and to an administration is priceless. I know it. Everybody in the executive department knows it.

Indeed, I think that some of my very distinguished members of the opposition, of whom the chief one is here, knows it, too. For that reason he not only has a great affection for CHARLIE but he respects him mightily.

A political party should stand for something. If the issues of our country are to be debated intelligently and properly, it is only proper that Americans just as good as we are should have political views that do not coincide with our own. That's why we have two major parties.

Among them both CHARLIE and I claim many, many friends—personal friends—no matter how much we may battle them in those factors and those subjects where are properly partisan or political.

I think it is only proper that I should say on CHARLIE'S behalf—and my own—when it comes to matters that extend beyond the water's edge, we have had the cooperation

and we have sought the cooperation of the opposition, which I think has been most effective for our country.

So as I come here—not to praise CHARLIE, because he doesn't need it—but merely to recognize what he has done, and to be one of you in sharing a great privilege of saying, "Thank you, Mr. HALLECK." I think it's a very good thing for us to realize that the politics in Washington should be—and I think most frequently is—a means by which we promote the welfare of America, not merely to satisfy the ambitions of any particular individual or any particular party, much as all of us are partisans.

I leave you with this thought: CHARLIE is doing a job not just for Republicans but above all and first of all for the United States of America. I am quite sure that my first Congressman would join with me in tribute to this very topflight, fighting, tough little Hoosier.

God bless you, CHARLIE—and goodby.

Recognition of the Order of the Knights of Pythias

EXTENSION OF REMARKS
OF
HON. SAMUEL N. FRIEDEL
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1960

Mr. FRIEDEL. Mr. Speaker, ever since Biblical times the question has been asked, "Am I my brother's keeper?" We are told to love one another and to practice friendship, charity, and benevolence.

While we have our churches, synagogues, and other places of worship, it is an acknowledged fact that it is through the medium of the various fraternal organizations that the great lessons of brotherly love are more firmly inculcated and friendships among men promoted.

In order to help heal the wounds, allay the ill-feelings engendered by the Civil War, the Order of the Knights of Pythias was founded in 1864. This great fraternal order, which bases its lessons and builds its ritual largely on the familiar story of the friendship of Damon and Pythias, has grown to such an extent that it now embraces more than 3,000 subordinate lodges in the United States and Canada with occasional lodges having been formed elsewhere.

No doubt, it will interest my colleagues in the Congress that when President Abraham Lincoln was advised of the teachings of the Order of the Knights of Pythias he said in part:

> The purposes of your organization are most wonderful. If we could but bring its spirit to all our citizens, what a wonderful thing it would be. * * * I would suggest that these great principles be perpetuated and that you go to the Congress of the United States and ask for a charter.

The suggestion made by President Lincoln was adopted, and the Order of the Knights of Pythias was the first fraternal order chartered by an act of the Congress.

In recognition of its truly wonderful charitable and benevolent accomplishments, His Excellency J. Millard Tawes, Governor of Maryland, has proclaimed the week of March 13–19, 1960, as Pythian Week. The Governor's proclamation is as follows:

Whereas the Order of the Knights of Pythias is a great brotherhood with high principles based on the virtues of friendship, charity, and benevolence; and

Whereas it had its conception and takes its inspiration from the ancient friendship of Damon and Pythias; and

Whereas when the Pythagorean philosopher Damon was sentenced to death, he asked for a leave of absence to settle his affairs, and his friend, Pythias, pledged to give his own life if Damon did not return; and

Whereas such friendship and loyalty are the ingredients of true brotherhood—the great need of the world today,

Now, therefore, I, J. Millard Tawes, Governor of the State of Maryland, in recognition of the Pythians' fine accomplishments and in tribute to the order's magnificent principles, do hereby proclaim March 13–19, 1960, as Pythian Week throughout the great State of Maryland.

It is altogether fitting that we pause in our deliberations today and join in this tribute to the Order of the Knights of Pythias. In these days that try men's souls, when we know not what an hour may bring, it is both a comfort and an inspiration to know that organizations such as this are ever striving to bring about true friendship and charity among men.

Commentary on Civil Rights

EXTENSION OF REMARKS
OF
HON. MILTON W. GLENN
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1960

Mr. GLENN. Mr. Speaker, I have listened to all of the debate on H.R. 8601, the civil rights bill, for the past 5 days. I have listened to the explanation of the provisions of the bill by the proponents and the opponents. I have heard recitals in detail of the differences between the referee and the registrar plan of supervision of elections. I have heard repeated references to the voting rights of American citizens under the Lindsay amendment, the McCulloch amendment, the Meader amendment, and the Kastenmeier amendment, and on sober reflection, considering the provisions of the Declaration of Independence, the Constitution, and the Bill of Rights, it does not seem possible that we, the Members of this great deliberative body, must at this late date in the history of our Republic consider these things.

Starting with the famous phrase in the Declaration of Independence "that all men are created equal," and considering the supreme law of the land embodied in the Constitution, which guarantees to all people the blessings of liberty, due process and equal protection of the laws, it just does not seem possible that we must legislate on civil rights, year after year after year.

Further, the Constitution has conferred upon all native born and naturalized citizens, not only citizenship in the State where the individual resides, but citizenship of the United States as well, and this is an unqualified right, regardless of race, creed, or color. Therefore, I submit under these basic truths forming the foundation of our way of life in these United States of America, there would appear to be no rhyme or reason why there should be any dispute, disagreement, or distinction in the enjoyment of these things by every citizen of the United States. It is, indeed, unfortunate that so much litigation has been necessary to both define and enforce these rights within the past several years. Even so, the U.S. Supreme Court, the court of last resort of our judicial system, has had to say and reiterate that racial discrimination in publicly supported schools must be eliminated. It has directed that school desegregation shall be accomplished with "all deliberate speed" locally through Federal district courts.

I find the consideration of the need for this type of accomplishment difficult to comprehend, coming from the State of New Jersey, where we have enjoyed integration in our school system for years. In fact, I recall in my grammar and high school days in Atlantic City, the white and colored children not only studied and worked together, but formed friendships which have lasted throughout my lifetime—friendships for which I have the sincerest and deepest regard. I see no reason why the same mingling of the races cannot be effected in every State of the Union, the same as it has been in New Jersey for many years. It grieves me to think that it is necessary, as it is, to formulate and to act on legislation on these things, which are so fundamental in this life.

I naturally am in favor of this bill, the civil rights bill, and will support any amendment which gives it strength and simplicity to effect its purpose. I can only hope and pray that we are making true progress, and that we will eventually obtain through understanding and good will the ideal of equality before the law, regardless of race, creed, or color.

Expert Support for the Establishment of a "Know Your Government Office"

EXTENSION OF REMARKS
OF
HON. KENNETH B. KEATING
OF NEW YORK
IN THE SENATE OF THE UNITED STATES

Wednesday, March 16, 1960

Mr. KEATING. Mr. President, several weeks ago, I introduced S. 3096 which would establish a Know Your Government Office in the National Archives and Records Service of the General Services Administration.

Dr. George B. Galloway, senior specialist in American Government and Public Administration in the Legislative Reference Service of the Library of Congress, has written me a very informative and thoughtful letter commenting on this proposal. Dr. Galloway, who is one of the Nation's leading experts on governmental reform, indicates that he

is in agreement with this proposal and in a most interesting fashion describes a similar office which existed from 1934 to 1948.

I feel that Dr. Galloway's letter contains much useful background material with reference to the idea of establishing a Know Your Government Office. For this reason, Mr. President, I ask unanimous consent that this letter and the text of S. 3096 be printed in the CONGRESSIONAL RECORD.

There being no objection, the letter and bill were ordered to be printed in the RECORD, as follows:

THE LIBRARY OF CONGRESS,
Washington, D.C., March 2, 1960.

Senator KENNETH B. KEATING,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I have examined with much interest your bill (S. 3096) and supporting statement for establishing a "Know Your Government Office."

It seems to me that this is an excellent proposal for at least two reasons: (1) It would establish a central clearinghouse for informing the public on the organization and operation of the Federal Government; and (2) it might well reduce the workload on congressional offices created by constituent inquiries for such information.

The proposal to locate the new office in the National Archives and Records Service of the General Services Administration seems appropriate since that is where the U.S. Government Organization Manual is prepared.

An alternative title of the new Office might be the "Government Information Service."

It is pertinent to recall that such an agency as you now suggest actually existed in Washington from March 1934, to June 30, 1948. In March 1934, a "U.S. Information Service" was established as a division of the National Emergency Council, to function as a central clearinghouse for information on all phases of governmental activity. It continued as a division of the Office of Government Reports when that agency succeeded to the functions of the National Emergency Council pursuant to the President's Reorganization Plan No. 2, effective July 1, 1939. It was transferred and consolidated, along with other functions of the Office of Government Reports, into the Office of War Information by Executive Order 9182 of June 13, 1942, where it functioned as the Division of Public Inquiries within the Bureau of Special Services. Executive Order 9608, of August 31, 1945, transferred the Bureau of Special Services to the Bureau of the Budget where it functioned as the Government Information Service. Upon the reestablishment of the Office of Government Reports by Executive Order 9809, December 12, 1946, the service again became a unit of this office. Subsequent to the enactment of the act approved July 30, 1947 (61 Stat. 588), the functions of the OGR were restricted and liquidation of the OGR was completed on June 30, 1948.

Sincerely yours,
GEORGE B. GALLOWAY,
Senior Specialist in American Government and Public Administration.

S. 3096

A bill to establish in the General Services Administration an office to disseminate general information concerning the organization of the Federal Government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to achieve a better public understanding of the organization of the Federal Government, and the operation of its various agencies, the Administrator of General Services shall establish in the National Archives and Records Service an office, to be located in Washington, District of Columbia, and to be known as the "Know Your Government Office" (hereinafter referred to as the "Office").

(b) The functions of the Office shall include—

(1) the dissemination of general information concerning the functions of the various departments and agencies of the Government;

(2) providing students and other interested persons with information concerning the organization of the Government;

(3) the furnishing of information upon request concerning the officer or agency to be contacted for specific inquiries bearing upon the activities of a particular agency of the Government; and

(4) enhancing by an educational program public interest in and understanding of the structure and operations of the Government.

SEC. 2. Such sums as may be necessary to carry out the purposes of this Act are hereby authorized to be appropriated.

Free Berlin and the Summit

EXTENSION OF REMARKS
OF
HON. HUBERT H. HUMPHREY
OF MINNESOTA
IN THE SENATE OF THE UNITED STATES

Wednesday, March 16, 1960

Mr. HUMPHREY. Mr. President, in a recent statement made in Milwaukee, Wis., on March 6, 1960, I briefly summarized my assessment of the situation 10 weeks before the Geneva summit conference, with particular reference to the critical problem of Berlin. I ask unanimous consent at this time to have printed in the CONGRESSIONAL RECORD, the text of my remarks on the Berlin crisis.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HUMPHREY

Big and dramatic events are on their way. It is only 10 weeks until the opening of the summit conference at Geneva. It is 16 months since Khrushchev launched his ultimatum against the freedom-loving city of free Berlin, and he is losing no opportunity to show his impatience—his toughness.

He very badly wants to push the West—and freedom—out of Berlin.

Even during his recent junket to Indonesia, he took time to threaten Berlin again. He demanded that the Western Powers sign peace treaties with both Germanies—West Germany and East Germany.

If they did not, he threatened to sign his own treaty with East Germany, and to snuff out the legal rights of the occupying powers in Berlin.

"West Berlin," he said, "is on the territory of East Germany."

The 1958 ultimatum has already yielded big dividends to Khrushchev—two foreign ministers' conferences, his visit to America, and an invitation to a series of summit meetings. But the appetite grows with eating, and he wants more and more and more.

At his press conference last month, our Secretary of State Herter acknowledged that the tough Soviet talk on Berlin has him worried. He attributed this tough Communist talk to the lead the Soviet Union now holds over the United States in intercontinental missiles—the so-called missile gap.

This raises a very grave question—what have we done with the 16 months since Khrushchev launched his warning?

One thing we certainly cannot complain of—the attitude of the free people of West Berlin. Under the leadership of their gallant mayor, Willy Brandt—a man whom I am proud to number among my close friends—they have remained steadfast in the face of a long series of threats.

I was in Europe in 1958 when the Khrushchev ultimatum was delivered, and I went direct to Berlin to assure its mayor and people that the American people backed them to the hilt.

I remember, as if it were yesterday how warmly Mayor Brandt welcomed me and with what pride he showed me his half of the city—from its bustling shops and factories to its modern housing for workers.

In long and frank talks as we drove about the city, he shared with me the grave problems in maintaining this little island of freedom in a totalitarian sea.

At the heart of the city, by famous Brandenburg Gate, we stood together on the very frontier between freedom and slavery.

I was deeply moved as he told me of the hardships of the first Berlin blockade, and expressed the gratitude of his people for the allied airlift which kept the city alive. The people of Berlin have put up a beautiful memorial directly in front of Tempelhof Airport to the 38 flyers who lost their lives in the course of the airlift, and I was privileged to lay a wreath before it.

I spoke to many Berliners, and asked them how their nerves were standing up under the strain. They told me: "Don't worry about our nerves, and we won't worry about yours."

I don't worry about our nerves—but I do worry about the yawning gaps in our readiness to meet a crisis which may burst upon us in 10 weeks time—or even sooner.

I am concerned, as many well-informed observers are, about the space gap and the missile gap.

Soviet sputniks and luniks are blazing out into space with a magnitude of thrust which, even now—2 years after the first sputnik—we are unable to match.

I am alarmed by the prospect that, within the next 2 or 3 years, the Russians may have a 3-to-1 advantage over us in missiles—but I am even more alarmed that the administration reacts to this appalling prospect as if it were nothing more than the Russian victory in the winter Olympics.

It is the "complacency gap" which troubles me even more than the missile gap.

We have been warned—again and again and again. But all the administration does is to administer us another tranquilizing pill.

There is another huge gap that bothers me—what I call the "testimony gap," the gap between what we are told and what we uncomfortably suspect to be the painful truth.

Recently we were told, in an official manual that shall remain nameless—and, in fact, unsanctified—that the idea of Americans having a right to know what's going on is, and I quote: "Another foolish remark often heard."

The manual has been shot down, but the malady lingers on. Only a few days ago the President blasted two of our most responsible newspapers—the New York Times and the Washington Post—for printing perfectly accurate reports of the testimony of former Defense Secretary Robert A. Lovett—a Republican, by the way.

I for one shall keep repeating this so-called foolish remark until someone up there hears and heeds—and lets the American people know what's going on.

Who are we fooling, anyway? Maybe our own people—but not, by Secretary Herter's admission, the Soviets.

Then there is a third threatening gap—the "moral gap," the gap between what we preach and what we practice.

Almost 6 years have passed since the Supreme Court's decision outlawing segregated schools. Yet the administration and Congress still shirk their share of responsibility for enforcing that decision.

We haven't even heard from the White House what we have every right to expect—a clear and unequivocal affirmation of the moral rightness of that historic decision.

We talk of our prosperous society—and yet we leave over 20 million of our people languishing in poverty: the aged, the sick, and those marooned in the depressed areas which pockmark our country.

Khrushchev doesn't need a "seeing eye" satellite to spy out our weaknesses.

As he sees it, ours is a dying system—and his hands are itching for the spade so that he can "bury" us—to quote his own blunt word.

There isn't any quizmaster who can slip us, under the table, the answers to the grave questions which hang over us. There isn't any "payola" that will ensure our prestige in the world, unless we earn it by deeds as well as words.

I have made a careful study of Soviet strategy.

There is no day-to-day fumbling in their policy, as there too often is in ours. They think in terms of years and of decades. They weigh future trends as well as present facts.

They will have one kind of policy if they think America is rising in the world—a policy of respect and carefulness. They will have another, and much more unpleasant one, if they see we are sinking.

They will be watching what we do, listening to what we say, in the coming weeks. They will form their own shrewd judgment about whether we will continue sleepwalking into the limbo of second-class powers—or whether we will, at long last, wake up and rally our great energies and capabilities for the crisis that lies ahead.

It is good that we—Democrats and Republicans alike—have said in one united voice that we will stand firm on Berlin. But we must do more than say the right words—much more. We must move to close the gaps that cloud with doubt the firmness of our purpose.

I have just heard that Mayor Brandt of free Berlin has cancelled plans to visit America and put the case of his beleaguered city before us—because of the renewed gravity of the situation there.

He wants to be on the job 24 hours a day, to meet and to cope with whatever may come. Oh, how I wish that our own Government had been on the job 24 hours a day for all these recent 7 years.

For myself, I shall continue to blow the bugle, sound the warning, seek to awaken the American people to the peril in which they stand. Given the full facts and alert, on-the-job leadership, we shall—I am utterly confident—surmount this coming crisis.

The Forand Bill To Add Health Benefits to the Social Security Program

EXTENSION OF REMARKS
OF
HON. JOSEPH S. CLARK
OF PENNSYLVANIA
IN THE SENATE OF THE UNITED STATES
Wednesday, March 16, 1960

Mr. CLARK. Mr. President, like many of my colleagues I have received a great deal of mail pro and con the Forand bill to add health benefits to the social security program. Since the Ways and Means Committee is currently holding executive sessions to discuss social security amendments, and the Senate Subcommittee on Problems of the Aged and Aging—on which I serve—will soon resume hearings on health problems of the aging, increased public attention is bound to be focused on the Forand bill and similar proposals.

Some of the mail that has come into my office on this subject has shed more heat than light, but I am delighted to say that much of it has been so thoughtful and reasonable that the exchange of views has educated both my constituents and me. I have been especially heartened by the correspondence I have had with Mr. Jay Lavenson, Jr., president of the Denson Insurance Agency, Inc., of Philadelphia, Pa. I ask unanimous consent to include our exchange of correspondence in the RECORD.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

PHILADELPHIA, PA., *December 18, 1959.*
Re the Forand bill (H.R. 4700).
Hon. Senator JOSEPH S. CLARK,
U.S. Senator, Washington, D.C.

DEAR SENATOR CLARK: Regarding the captioned bill which I understand is now pending I would like to ask your consideration in voting against it.

It is my personal feeling that this legislation would result in unnecessary tax burden upon the citizens of the country and produce only quasi-desirable results.

Your cooperation in soliciting and working on behalf of those who are opposed to this measure would be very much appreciated.

Cordially,

JAY LAVENSON, Jr.

JANUARY 8, 1960.

Mr. JAY LAVENSON, Jr.,
President, Denson Insurance Agency, Inc.,
First Federal Building, Philadelphia, Pa.

DEAR MR. LAVENSON: I have your recent letter opposing the Forand bill.

While I am not committed to the specific provisions of that bill, I believe action is urgently needed in this field. During recent hearings of the Subcommittee on the Aging, of which I am a member, elderly people in every part of the country testified that their most frightening financial problem is that of meeting hospital and medical bills. They are most subject to catastrophic illness at a time when they earn the least (in 1958, 60 percent of those over 65 had less than $1,000 a year income) and when about two-thirds are not covered by private hospitalization plans, either because of cost or age limitations.

So far, nobody has come forward with any solution along other lines that shows promise of being effective, and I am not satisfied that this major human problem should continue to drift along without solution.

Rather than hurting private hospitals and hospitalization plans, the inclusion of some of these benefits under social security would be of great assistance to them in dealing with increasingly complex financial problems. (May I refer you to an article entitled, "Can Blue Cross Survive Its Own Success?" in the October 29, 1959, issue of Reporter magazine, for an illuminating discussion of these problems. And may I also refer you to the forthcoming report of our subcommittee.)

Since there is a good chance that the Forand bill will be considered in this session of Congress, I appreciate having your views. I hope you will also give serious consideration to the points I make above.

Sincerely,

JOSEPH S. CLARK.

DENSON INSURANCE AGENCY, INC.,
First Federal Building,
Philadelphia, Pa., February 9, 1960.
Hon. JOSEPH S. CLARK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CLARK: I was particularly pleased to receive yours of January 8 in reply to my letter asking you to oppose the Forand bill. I was particularly pleased at the fairness of your answer, your obvious complete awareness of the situation, and your open mind.

Enclosed is a copy of a letter I have written to Mr. Harold G. Evans, president of the American Casualty Co. of Reading, Pa. In addition, identical letters went to: Mr. James Powell, vice president, Provident Life & Accident Insurance Co., Chattanooga, Tenn.; Mr. James S. Kemper, chairman of the board, Kemper Insurance Group, Kemper Building, Chicago, Ill.; Mr. David Kilgour, president, Great-West Life Assurance Co., Winnipeg, Manitoba, Canada; Mr. V. J. Skutt, president, Mutual of Omaha, Omaha, Nebr.; Mr. Frank V. McCullough, vice president, Continental Casualty Co., Chicago, Ill.; Mr. Neville Pilling, U.S. manager, Zurich Insurance Co., 135 South La Salle Street, Chicago, Ill.

Again many thanks for your prompt and courteous response.

Cordially,

DENSON INSURANCE AGENCY, INC.,
JAY LAVENSON, JR.,
President.

DENSON INSURANCE AGENCY, INC.,
First Federal Building,
Philadelphia, Pa., February 9, 1960.
Mr. HAROLD G. EVANS,
President, American Casualty Co.,
Reading, Pa.

DEAR MR. EVANS: I am writing to the chief officer of every company with which our office holds an agency contract engaged in the writing of accident and sickness insurance and to a few additional companies we know as being extremely active in the accident and sickness field although we may not represent them at this moment.

We, as most other agencies, have received a flood of literature and letters from a number of insurance companies asking us to contact our Senators and Representatives to take a stand against the Forand bill. The brochures and letters we have received all quite directly criticize the Forand bill as being inadequate, encroachment in the sanctuary of private industry, and as a threat to the future of our social security system. In addition, we have been led to believe that the evil of the Forand bill is far-reaching in its effect on future taxation, costs, deterioration of individual initiative and independence, and the possibility of excessive use of our present hospital facilities.

As a good and loyal agent, I took up the cudgel of the insurance companies and wrote a letter to my Senator, JOSEPH S. CLARK, asking him to oppose the Forand bill. Mr. CLARK promptly replied in a manner that makes me proud to have him be my representative in our Federal Government. A copy of his reply is enclosed and I would like to call your attention to a few pertinent remarks.

First of all he reminds us that the problem of medical expenses for older persons is not only a financial but a human problem; second, and in my opinion a most valid observation, is the fact that apparently no one has as yet come forward with any solution better than the Forand bill.

Certainly we all are keenly aware that this problem is not a new one, and we have known for years that something would have to be done about it ultimately. Only a handful of insurance companies active in the field of hospitalization and medical expense insurance have done anything in the way of designing or affording any type of coverage for the older individual, particularly if the individual is not in good health when he initially applies for insurance.

We can't avoid the problem any longer; it's here—it's going to stay and undoubtedly become enlarged. If we of the insurance fraternity are going to be constructive and do the job we are certainly equipped to do, the time is now to design a standarized program of adequate coverage for the aged to be underwritten by the private companies, handled by the private companies, and supervised by the industry rather than the Government.

The only way we will effectively keep the Government out of the insurance business is to do such a damn good and effective job that it won't have any reason to come into our field. By spending our time designing literature of criticism for a job we have not been able to do ourselves, we are merely spinning our wheels, and we're being passed by the governmental machinery with its chains on.

Cordially,

DENSON INSURANCE AGENCY, INC.,
JAY LAVENSON, JR., *President.*

Southern Side on Civil Rights

EXTENSION OF REMARKS
OF
HON. STROM THURMOND
OF SOUTH CAROLINA
IN THE SENATE OF THE UNITED STATES
Wednesday, March 16, 1960

Mr. THURMOND. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD an article entitled "The Southern Side on Civil Rights: Talmadge Remarks on TV Interview Called Masterful Presentation," written by David Lawrence and published in the Washington Evening Star of March 15, 1960.

Mr. Lawrence is one of the ablest writers in this country. He has written an excellent article, which I hope Senators will take the time to read.

The distinguished junior Senator from Georgia [Mr. TALMADGE] was an able, progressive Governor of his State. He has made an outstanding record in the Senate. He is a member of that school which believes that the Constitution says what it means and means what it says. Senator TALMADGE is a strong exponent of constitutional government.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SOUTHERN SIDE ON CIVIL RIGHTS—TALMADGE REMARKS ON TV INTERVIEW CALLED MASTERFUL PRESENTATION

(By David Lawrence)

Much has been heard lately from the so-called liberal side about the need for balanced programing on television, but something happened the other day which indicates that maybe the broadcasters are doing better than the press in the balancing technique.

Just a week ago Sunday, for example, many persons heard a dramatic and informative debate on Meet the Press over the National Broadcasting Co.'s TV network and watched Senator HERMAN TALMADGE of Georgia, Democrat, do a masterful job in presenting his viewpoint on the civil rights issue. But how much of it was printed in most metropolitan papers of the North? Virtually nothing.

The Georgia Senator made some good points which still are news to many readers. What he said represents the other side of the controversy, and most Americans like to hear or read both sides. Asked what could be done to insure the right to vote, Senator TALMADGE held up a sheaf of papers and said in part:

"Here are 17 pages of Federal laws that guarantee every citizen in America the right to vote. * * *

"Now, in my own State we have approximately 175,000 to 185,000 Negroes who are registered and who do vote. They have elected officials within my State. Frequently, they are the balance of power in mayors' races and local races of all kinds. The Negroes in Georgia do vote in very substantial numbers. In some counties in Georgia we have a greater percentage of Negroes registered than we have of the white population. In three counties in Georgia we have more Negroes registered and voting than there are white people * * *.

"All citizens who are qualified have been encouraged to vote. We can't help it if some citizens don't exercise that right. My colleague, Senator RUSSELL, inserted in the CONGRESSIONAL RECORD this past week a statement by the leader of the National Association for the Advancement of Colored People in Cleveland, Ohio, which stated that only 25 percent of the Negroes in Cleveland were registered, and of that 25 or 26 percent only about 25 or 26 percent of them voted. Now, we have a much higher percentage than that who are registered in Georgia and a far higher percentage vote in Georgia."

The Georgia Senator was then reminded that, according to the U.S. Civil Rights Commission, there were 22 Georgia counties where less than 5 percent of the Negro population believed to be eligible was registered. He replied that there were adequate remedies and added:

"First, any citizen who thinks that he is being illegally deprived of the vote can go into the Federal court, he can get an injunction, he can recover damages against the registrar.

"Second, there is a criminal law. He (the registrar) can be indicted, he can be convicted and sentenced to the Federal penitentiary and fined. And, thirdly, there is the Civil Rights Act of 1957 that authorizes this group to have the Attorney General of the United States of America file a suit in the name of the United States of America as their tax-paid private lawyer to enforce their rights. Now, if those remedies aren't sufficient, there are no laws on the face of the earth that will be."

Then why did the Attorney General write a letter this week urging the House of Representatives to restore the section of the civil rights bill that was voted down by the Senate a few days ago? The answer is that politics is back of it all.

The moment Senator LAUSCHE of Ohio, a courageous Democrat, proposed that the principle of equal justice under law be applied so as to provide criminal penalties, not just for violations of court orders on school desegregation, but also for violations of court orders relating to picketing and violence in labor disputes, a northern group of Senators promptly voted against it. They were plainly afraid of the reprisals from the labor union vote.

The Attorney General, moreover, in his latest communication to Congress, writes that while the right to vote is of fundamental importance to the Negro, "this thought should not lull anyone into forgetting that, meanwhile, the Federal Government has a responsibility in other civil rights matters, including the duty to enforce court orders in school desegregation cases."

The Attorney General then makes an unhappy reference to what happened at Little Rock in 1957, and declared that the section deleted by the Senate and now up for passage in the House is designed to prevent a recurrence of the situation which, he says, required the use of Federal troops. He adds:

"At the present time, when State officials fail to maintain law and order, the Federal Government, as a practical matter, has no certain or very effective way to deal with mob violence except by the use of Federal troops."

Is this really so? The State of Arkansas did order its militia to maintain order and prevent mob violence, but the Federal Government obtained a court injunction which ordered the Governor to withdraw the militia. Then mob violence did ensue.

What the Attorney General is saying about the need to enforce court orders on school desegregation would be received with more enthusiasm if the Department of Justice had not remained strangely inactive in recent months when labor union pickets were refusing in many strikes in Northern States to allow nonunion workers and management personnel to enter plants where they wanted to work. So long as there are these examples of hypocrisy in Government, there will be little tendency to regard the present ruckus about enforcing court orders in civil rights cases as little else than a brazen attempt to win an election by wooing Negro votes in the North.

Baring Letter Exchange on Bureau of Public Roads False Technical Data

EXTENSION OF REMARKS
OF
HON. WALTER S. BARING
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 16, 1960

Mr. BARING. Mr. Speaker, under leave to extend my remarks, I wish to place in the RECORD information on an exchange of letters between Mr. Robert E. Merriam, Deputy Assistant to the President, and me. On January 27, 1960, I addressed a letter to Mr. Merriam which was substantially identical to a letter I addressed to the Secretary of Commerce on the same date, now appearing in the CONGRESSIONAL RECORD of February 4, 1960, pages 2133 and 2134. In that letter to Mr. Mueller I showed conclusively that the Bureau of Public Roads did falsify pertinent technical information in presenting its side of the picture to the John A. Blatnik Special Committee investigating the selection of the routing of the Interstate Freeway System from the California State line through Reno and Sparks to Vista, Nev. I now wish to insert in the RECORD the unusual answer Mr. Merriam sent on February 16, 1960, and the letter I addressed to Mr. Merriam on March 4, 1960, in which I showed that the responsibility for disciplining the Bureau of Public Roads on account of its issuance of false technical data to the John A. Blatnik Special Committee rests with the President of the United States in the exercise of his executive power in accordance with article II, section 1 of the

Constitution of the United States. The letters follow:

THE WHITE HOUSE,
Washington, February 16, 1960.

The Honorable WALTER S. BARING,
House of Representatives,
Washington, D.C.

DEAR MR. BARING: I wish to thank you for your letters of January 26 and January 27 with their further information regarding the National Defense Highway program for the Reno area.

There is very little I can add to my letter of September 22, 1959, to you.

Your two recent letters are mostly concerned with statements made in the Blatnik subcommittee report with which I was acquainted when I wrote my letter of September 22. It appears advisable at this time for you to discuss questions of interpretation of information contained in this report directly with the subcommittee. In this direct manner the problem of the third party is not produced.

While it would appear that the questions you have recently raised regarding the data furnished the subcommittee by the Bureau of Public Roads should be taken up with the subcommittee, I am requesting the Department of Commerce to furnish me with an analysis and interpretation of the comments in your letters with respect to the benefit cost data.

I am sure we are all interested in insuring that the information furnished public bodies shall be as accurate and complete as possible, and your interest on this occasion is appreciated.

Sincerely yours,
ROBERT E. MERRIAM,
Deputy Assistant to the President.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 4, 1960.

Mr. ROBERT E. MERRIAM,
Deputy Assistant to the President,
The White House, Washington, D.C.

DEAR MR. MERRIAM: This will acknowledge your letter of February 16. In my letter to you dated January 27 I told you that the Bureau of Public Roads' testimony before the John A. Blatnik subcommittee that the benefit-cost ratio of the Reno-Sparks Third Street Route would be 4.6 is false.

As all the affected constituted authorities as they reached their decisions were using essentially the same false data, their decisions, although possibly in agreement, are unsupported by technical fact and are, therefore, valueless. The Blatnik subcommittee, page 17 of its House Report No. 292, did "attach no sinister motives to the action of the Bureau in the above regard."

Now that the Blatnik subcommittee members know through unrefuted charges that the Bureau of Public Roads has presented false technical information to it at the Reno hearings, it may wish to reexamine its attachment of "no sinister motives to the action of the Bureau in the above regard."

The Blatnik subcommittee may wish to reexamine its conclusions and recommendations, report, page 17:

(a) The record contains falsely high benefit-cost ratio figures for a downtown highway through Reno.

When the record has been purged and factual technical data supplied, the record may well support charges that Federal participation in financing the construction of a downtown interstate highway through Reno would be a wasteful expenditure of Federal moneys.

(b) Line J—Verdi: Coercion and pressure. Report, page 17, shows there was not technical compliance by State officials with Federal statutory requirements on public hearings. It shows that the Bureau of Public Roads colluded with the State officials in violating the statutory requirements.

The record shows that the citizens of Reno, who live near and have full knowledge of the line J—Verdi infamy, received ample communication from the State to support their commonsense appraisal of the outrages being perpetrated upon them by the State, Federal, and county authorities. The citizens may well demand a house cleaning, rather than a justification and whitewash.

(c) Possible guidelines and paperwork in the "consideration of economic effects" by the Bureau of Public Roads would be an insult to the citizens as long as the Bureau of Public Roads can serve false information to the Congress of the United States and to the public with impunity.

(d) A falsifying Bureau of Public Roads does not need its "investigative function * * * strengthened." The Bureau of Public Roads needs to be investigated.

Nothing in your letter of September 22, 1959, bears on the infamy of the interstate highway program scandal in Reno.

We are not discussing "questions of interpretation of information contained in this (Blatnik) report." We are discussing false testimony presented to Members of the Congress of the United States as they were properly exercising their legislative powers in accordance with article I, section 1, of the Constitution of the United States by the Bureau of Public Roads which is a Bureau of an executive department acting under the executive power of the President of the United States and answerable to him in accordance with article II, section 1, of the Constitution of the United States.

There is no third party; the President of the United States is the first party where a bureau responsible to him presents false testimony.

We are more than "interested in insuring that the information furnished public bodies shall be as accurate and complete as possible."

The continuing viability of the United States of America depends on the furnishing of accurate technical and economic fact to public bodies by constituted authorities and their consultants.

Sincerely,

WALTER S. BARING,
Congressman for Nevada.

Youth Conservation

EXTENSION OF REMARKS
OF
HON. HUBERT H. HUMPHREY
OF MINNESOTA
IN THE SENATE OF THE UNITED STATES
Wednesday, March 16, 1960

Mr. HUMPHREY. Mr. President, public support for my proposal for a Youth Conservation Corps, authorized in S. 812 and sent to the House of Representatives last year continues to mount. In my travels throughout the country, and particularly in the great States of the Middle West and Northwest, there is the most intense interest and anticipation of the possibilities for good of such a corps of young men. I am deeply hopeful that we shall yet have hearings and action on the bill in the House before the end of the current session.

In an article which I prepared for the January issue of Sports Afield, I described the Youth Conservation Corps in some detail, and outlined the legislative situation with respect to S. 812. I ask unanimous consent that the text of this article, entitled "Youth Conservation Corps" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

YOUTH CONSERVATION CORPS
(By Senator HUBERT H. HUMPHREY)

On August 13, 1959, the forces of conservation in America squeaked through a surprise victory in the Senate, with the passage (47 to 45) of S. 812, a bill creating a youth conservation corps to consist eventually of 150,000 young men, trained to attack the major problems of resource conservation which have plagued our Nation since the onset of World War II.

It was a victory in which conservationists shared the glory with educators, judges, and youth authorities—sickened by the constant substitution of brave words for any meaningful action to deal with the growing problem of juvenile delinquency.

It was a victory, but the Youth Conservations Corps is not yet a reality.

Between now and next January, the infantry of conservation and those enlisted in the struggle against delinquency must move up into the line of battle. If the YCC bill cannot be passed by the House in 1960, any significant action on the conservation needs in our national forests and parks, our wildlife refuges and our other Federal-owned lands will inevitably be postponed until well into 1961.

Opposition to the proposal has been almost entirely underground, except for a blunt statement of opposition from the Bureau of the Budget. During the extensive hearings on the bill, no organization came to testify against it. Indeed, not one of the opponents of the bill in the Senate even attended a single hearing on the bill. The word was simply passed: "Kill the bill." And the forces that have always fought against any meaningful regulation of the public lands in the public interest, who have always tried to block any significant investment in conservation, quietly went to work. They have failed in their first attempt, but they will not give up with one defeat.

The outdoorsmen of America have better cause than most of their fellow-Americans to remember the Civilian Conservation Corps. They know that before the old CCC was thrown into the breach in 1933, only the most token efforts had been made to carry out the dreams of Gifford Pinchot and Teddy Roosevelt and their friends who succeeded in setting aside great tracts of the public lands for the benefit of future generations. The hunter and the fisherman, the family camper, the wilderness rider, the just plain nature-lover, each of these Americans every year can afford to say a word of thanks for those 3 million raw young men who were sent into the woods during the 1930's with no plans, no training, no preparation—just willing brain and muscle during a time when society seemed unable to offer men jobs in industry. The cleared camping area, the second-growth grove of trees, the stabilized streambank, the wilderness trail, the upstream reservoir, the handsome retaining wall, the still-sturdy but now rundown recreational facilities in the national forests and parks constitute a gift from one generation of boys to the next—and from one enlightened group of leaders to the sportsmen and outdoor-lovers of the next 500 years.

In 9 years the CCC boys—averaging more than 300,000 of them a year scattered throughout the country—built into our public land holdings almost incalculable values, in terms of timber and water and soil and recreational opportunities.

There were many harsh words said about some of the bold experiments of the New Deal, but there was virtually unanimous agreement that the CCC was a resounding success.

What happened to the CCC? It was one of the first casualties of World War II. The

boys who had been volunteering for the corps by the tens of thousands suddenly were swept up by an even more urgent call to arms. The manpower—or boypower—of the CCC just went to war.

And, strangely enough, when the last shot was fired, and the last GI returned to the United States, the country was just not in the mood to buckle down. We wanted to produce and consume all those goods we had been doing without for 5 years. We wanted to have fun, to get postponed families started, to buy that new car, the new house we had been dreaming about, the new gun, the new boat.

We hit a tremendous production stride. And to the surprise and consternation of all the population experts, we also began to produce what now looks like a virtual population explosion.

Conservationists soon began to have bad dreams about the available soil and water and timber resources for this mushrooming population, and the pressure on the outdoor recreational areas of the country began to get out of hand. In the national forests alone, there were 68.5 million visitors last year. By 1969 there will be 130 million.

Even the conservative Secretary of Agriculture of an administration publicly committed to a balanced budget at all costs was finally persuaded to sign his name to a report that outlined a vast new investment program for the national forests that would, he said, produce $245 million annually in new revenues from the sale of timber in the national forests by the year 2000. (P.S.—He did not ask Congress for the money.)

Conservationists outside the Government, unhampered by the wraps of the Budget Bureau and with long professional experience under previous Federal administrations, estimated the "conservation gap" in 1958 at $3 billion in needed investment over the next 10 years to put our forests into adequate productive shape. (There are 560,000 acres needing reforestation, 11 million acres that require thinning, pruning and other remedial action.) An investment of $4.5 billion is needed to halt the loss of our topsoil and to protect our vital watersheds. (At least 1.3 million acres of national forest lands need erosion control, and 535 flood prevention structures should be built. About $1 billion is needed to stabilize the soils and increase the forage yields on our western range lands. (Four million acres of national forest range lands needed revegetation.) There should be an investment of $2 billion over the next decade to upgrade and expand the areas of outdoor recreational facilities, and another $1 billion to improve wildlife refuges. Planned, detailed projects, adding up to these 10-year investment figures, the conservationists pointed out, are waiting in the files of the major Federal agencies concerned with the management of our public lands.

And while conservationists were worrying about the population pressure on our natural resources, a second and even uglier problem was developing in American cities.

From the files of police authorities and juvenile court judges an ugly and disturbing story has been brought to light—of boys dropping out of school and finding no jobs, of gang-formation and violence, of arrests and convictions on a scale so unprecedented that the FBI Director has felt himself compelled to call it to public attention. The Navy reports that one out of four of its recruits has a record of arrest for a nontraffic violation of the law. Police forces have been augmented, juvenile court dockets saturated and reformatories jammed.

With slum clearance moving at a snail's pace, school construction lagging and automation making it increasingly difficult for boys just out of school to find satisfactory jobs, youths from underprivileged families are turning to dark and desperate roads in increasing numbers.

During the hearings on S. 812, we heard witness after witness from the great metropolitan areas tell of the tremendous burden being placed on the police and the courts, and of the rising curve of costs to deal with delinquency. There was general agreement that a figure of $25,000 was a good estimate of the cost to the taxpayer for every juvenile delinquent who went the police-courts-reformatory road. The sickening waste of human lives was being accompanied by a staggering rise in costs. Worst of all, what was being spent apparently was not doing anything to solve the problem.

I particularly recall the comment of the warden of the Oklahoma State Reformatory, who wrote me: "The solution to our crime situation is not more jails, reformatories, and penitentiaries, but some educational program which will prevent boys from coming to our penal institutions." And Warden Joe Harp concluded, "It is so very hard to rehabilitate a boy behind prison walls."

The problem of juvenile delinquency is acute now, at a time when employment is at record heights, and before the great population bulge resulting from the marriages during and after World War II has hit its peak. The Bureau of Labor Statistics tells us that the rate of unemployment of young people between 16 and 19 is almost three times the national average for all workers. Furthermore, as Katherine Oettinger of the U.S. Children's Bureau points out, "It is all too easy to step from low pay or unemployment into delinquent behavior. * * *" And Ewan Clague of the Bureau of Labor Statistics predicts very firmly that by 1965 the number of persons in the work force under the age of 20 will increase by 40 percent. Where we now have about 9 million boys and girls between ages 18 and 21, by 1965 there will be more than 12 million, and by 1975 more than 16 million.

Unless we succeed in bringing down the rate of delinquency, the figures on delinquency are going to leap also.

It all adds up to trouble—big trouble—a shocking waste of young lives and a scandalous waste of the taxpayers' money in fruitless efforts to seal off nonrehabilitable boys from society.

When I first proposed the Youth Conservation Corps I tried to make it crystal clear that we were not proposing a panacea for the cancer of juvenile delinquency, but we were trying to save some boys who would otherwise go wrong. And we could point to the experience of hundreds of thousands of CCC boys who had been encouraged to lead a constructive life, who had been given both physical and mental health by their few months in hard, well-led work on the land.

Putting boys on the land, putting them to work on projects that needed to be done, on patriotic undertakings to build for the future of America, this I am ever more convinced would do more for America in terms of our Nation's mental health and physical fitness than even the important resource-conservation work.

We are creating no new agency, no make-work boondoggles, but a simple and direct way to channel the creative energies of American boys into the planned projects of our Federal conservation agencies—under the direct supervision and leadership of our splendid forest and park rangers, wildlife management specialists, and soil conservationists.

Although the Youth Conservation Corps will not be a "new CCC," it can proudly and rightfully draw upon the invaluable experience gained from that notable experiment in government. It has the vast successes and the minor mistakes of the CCC to guide the new corps. One has only to look at the record to know that what the YCC can do for America is not a matter of theory, but of proved practice.

Here is an opportunity to take action in a sea of words, to move purposefully and swiftly to deal with the two apparently unrelated problems of resource wastage and the wastage of youth, in one great forward step. Boys on the land in a Youth Conservation Corps—this can become a reality if every American who understands the wholesome and healing nature of the great outdoors will make it a personal project to express to his Congressman, and to his President, his support of S. 812.

Address by Hon. Robert S. Kerr, of Oklahoma, Before New York State Waterways Association

EXTENSION OF REMARKS
OF
HON. MIKE MANSFIELD
OF MONTANA
IN THE SENATE OF THE UNITED STATES
Wednesday, March 16, 1960

Mr. MANSFIELD. Mr. President, on February 19, of this year, the distinguished senior Senator from Oklahoma [Mr. KERR] made an address before the New York State Waterways Association in New York City. In that speech, which I think is worthy of the attention of every Member of the Senate—and I think we ought to keep in mind that the Senator from Oklahoma is chairman of the Select Committee on National Water Resources—the distinguished Senator had the following to say:

The Nation as a whole will require 2½ times as much municipal water in 1980 as we used 5 years ago. The six major water-using industries will use 3½ times more water in 1980 than they were using in 1954. The electric power generating facilities will require 4½ times as much water for cooling purposes.

Water is more than a natural resource. It is a necessity of life. It is the priceless ingredient for continuing increase in population and growth in industrial and agricultural production. The necessities and uses of water in modern society are so tremendous that they stagger the imagination.

Mr. President, I ask unanimous consent that the text of the speech delivered by the distinguished Senator from Oklahoma, chairman of the Select Committee on National Water Resources, be incorporated in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF SENATOR ROBERT S. KERR BEFORE THE NEW YORK STATE WATERWAYS ASSOCIATION, NEW YORK CITY, N.Y., FRIDAY, FEBRUARY 19, 1960

I was happy when your fine president, Mr. David A. Wright, invited me to address you. I am especially honored to have a part in your program as you observe your 50th anniversary.

New York City and State have always possessed a strange fascination for me. I am thrilled each time I visit this city, the greatest upon the earth.

New York City is not only the largest center of population in the world; it is more than that. It is a symbol of progress, of the most powerful of all nations. The heartbeat and pulse of American industry, trade and commerce, growth and development, are here in this wonderful metropolis. All

America shares your pride in this city and all America has a part in your success.

We, out in the middle prairies—all of the people between the two great mountain ranges, and those beyond the rugged western Rockies—have an interest in your further progress and development.

We see the mystic beauty of your skyline, unequaled in the realm of architecture; the sweep of your harbors; fleets of commerce sailing from every corner of the seven seas; the hum of your industries, unparalleled in the annals of time. All of these we have seen and heard. We have felt that this is a picture, not only of your progress but also of the Nation's development, of the strength of all the people, North, East, South and West. For truly, New York City is an expression of the production that takes place throughout the Nation and around the world.

And your city is but a part of the great Empire State. One of the countless assets of your State and one of its greatest is a man of rugged character and manner, and of tremendous ability and vision—Robert Moses.

I wish we had one such human dynamo and leader in each of the 50 States. It has been my privilege to watch and feel his drive, not only in connection with the St. Lawrence power project, but also the Niagara power project as well. I led the fight to give the State of New York the right to build the Niagara hydroelectric power project—one of the greatest in the world. You are now building it. You are bonding your own assets to finance it.

I led the fight to enable you to consume most of the power to be generated by it for domestic and industrial use within your own State.

That power is a necessity for the continued operation, the growth and expansion of domestic consumption and your thriving industrial economy. That great project and Robert Moses, who did so much to get it under way are, however, but symbolic of the building of the Empire State.

It was in the early dawn of our Nation's history when the pressure for a transportation route to the West induced New York to build the Erie Canal. Its promotion and building are now history, but it has long been a monument to the vision, daring and courage of the people of your State.

To me, however, its greatest significance is in what it has meant to the Nation and what it symbolizes as we think of the future.

The Federal Government long since took a leaf from your book and launched its own program of improvement of rivers and harbors, building of inland waterways, dams for flood control, hydroelectric power, and irrigation.

Attracted by these improvements, people by the uncounted millions have migrated to the improved areas to play their part in the enjoyment of the benefits and building the economy in the areas where the Federal Government has thus far spent great sums of Federal tax money. Efforts of people everywhere have increased to an intensity never before known to expand the Federal Government's program of development of our natural resources, primarily soil and water.

We in Oklahoma are working with the zeal of crusaders for such projects. We know that their development will determine what opportunity we can have in building an industrial economy in which our State and its people can grow, increase and prosper.

Now, the people of New York pay more income taxes to the Federal Government than those of any other State. We know that you are keenly aware of this fact. Yes, even painfully aware of it. I hope that your feeling in this regard is helped to some degree by the knowledge and assurance I now give you that we, in Oklahoma, are really grateful to you for the tremendous sums of Federal taxes you pay. In fact, and I say this in all reverence, we hope and even pray that you may live long and prosper more and more and accordingly pay more and more Federal taxes in order to make it possible for us to expedite the building of projects in Oklahoma.

We, too, pay vast sums in Federal taxes, and when we have developed our soil and water potentialities, we will pay much more. We know that this will be of benefit to our country, and also to your State which has the largest volume of trade and commerce of any State in the Union.

And, then I want to make this clear to you that while we are more interested personally in the development of the soil and water resources of Oklahoma, we will work just as diligently for the development of your soil and water resources as is appropriately possible.

Your navigable waterways have been of inestimable value in the development of your industrial economy. If it conforms with your wishes, their improvement, enlargement, extension and operation should be paid for by the Federal Government as are those throughout the Nation.

Yours are a part of the 23,000 miles of improved inland waterways which have been developed since the building of the Erie Canal. It was the forerunner of barge transportation in America. The mighty St. Lawrence Seaway with its international identity and its enormous potential for growth and progress, not only along its shores, but for the Nation, is a product of the same impetus that produced the Erie Canal.

I am not one who regards the expenditure of Federal funds for such projects as "pork barrel." I know of no national and domestic responsibility of government more worthy and more important than that of conservation of the water resources and the development of the waterways in our country. The need for more and wider and deeper harbors and waterways is illustrated by the experience of the first big trans-Atlantic steamer, *The Great Eastern*, which came to our shores a century ago. She required a channel 30 feet deep. Thus Portland, Maine, was the only harbor on the Atlantic sea coast she could use. New York Harbor was then only 23 feet deep. *The Great Eastern* failed commercially because she was too big for her day. She did make history though, and earned undying fame for making possible the laying of the Atlantic cable where smaller craft had failed. And, also, she pointed the way to the development of harbors and waterways which could handle ships not only of her tonnage and draft, but also those of the superspecifications of today.

Transportation today is one of the largest business operations in America. The public spends about $65 billion a year for transportation facilities, equipment, and service. This is about one-sixth of our national income. Yet the transportation business is one of the fastest growing in our economy. Its traffic grew from 544 billion ton-miles in 1939 to 1½ trillion ton-miles in 1957. Only an integrated system of highways, airways, railroads, waterways, and pipelines has made possible an increase in industrial production similar to the increase in transportation. It amounts to more than two and one-half times what it was 20 years ago. Each type of transportation has its place in the pattern. Each complements the other, and all are necessary. A significant fact about the industrial development in the past 10 years has been the growth of new industrial plants, facilities, and capacities along our navigable waterways. In 10 years we have seen a $15 billion expansion of industrial plants in the Ohio Valley. At the same time, we have seen tremendous developments along the Mississippi River and its navigable tributaries, as well as on the gulf coast. This expanded industry along our navigable waterways not only enables our country to grow more rapidly than would otherwise be possible, it feeds a constantly increasing volume of business to the entire Nation, including all other forms of transportation. It is especially noteworthy that some of our most prosperous railroads today are those which parallel the tremendous industrial developments along our water routes.

When I see New York City and State of today in relation to the Nation of today, I wonder what tomorrow will bring. Let's lift the curtain of the golden sixties and the fabulous decades beyond and inspect their entrancing possibilities. We are aware that it has taken 352 years to achieve a population of 180 million Americans. Yet Census Bureau experts assure us that the number will double in 40 years. Our mighty agricultural and industrial economy is now producing at the rate of $500 billion gross products per year. Authoritative engineers assure us that this production will double in 20 years. By 1980, they say the value of our gross national production will be $1 trillion per year based on the value of the 1959 dollar. It seems very probable that in that year our population will exceed 240 million.

Where will the agricultural production occur? Where will the enlarged and new industrial workshops be located? And, now for the $64 billion question, Will New York State achieve for herself the same relative position in the America of the eighties that she now claims as her own? The answer can be found in the quality and quantity of your water resources. Look to your inland waterways; look to your deep channels and enlarged harbors; look to your industrial, agricultural, and municipal water supplies.

The Nation as a whole will require 2½ times as much municipal water in 1980 as we used 5 years ago. The six major water-using industries will use 3½ times more water in 1980 than they were using in 1954. The electric power generating facilities will require 4½ times as much water for cooling purposes.

Water is more than a natural resource. It is a necessity of life. It is the priceless ingredient for continuing increase in population and growth in industrial and agricultural production. The necessities and uses of water in modern society are so tremendous that they stagger the imagination. The Department of Commerce tells us that the cities and towns in America must invest $80 billion in the next 20 years to keep abreast of the requirements for domestic and industrial water. Four years ago the Army Chief of Engineers reported that many areas even at that time were "constantly going through the ceiling of available average water supply." Even on the basis of our present national population, a U.S. Geological Survey hydrologist finds that most water which is immediately available, and inexpensive at each individual point, is already in use.

Please do not misunderstand me. I do not regard these problems as burdens, but as opportunities. They are burdens for men of little mind and limited vision and inadequate initiative or resourcefulness. They are the source of nearly as much worry to the pessimist as the pessimists are to a growing, thriving, prosperous America.

I am reminded of an incident that took place in Congress soon after the turn of the century. Members then complained of the burden of bureaucracy to the Government. People at home were demanding the elimination of any nonessential in Government. As a result a bill was introduced to eliminate the Patent Office. Its sponsors made the argument that since no more inventions could possibly be made, why keep a bunch of Government employees sitting around a Patent Office with nothing to do?

I once heard the story of an old grandfather who possessed most of the family wealth. He was urged by one of his daughters to provide the money to send her son, his grandson, through the necessary college and postgraduate work to become a doctor. The old man indicated his purpose to refuse—complained of the extravagance, low rated the young man's choice—and finally with a frown on his face demanded to know of his grandson what field of medicine he intended to pursue. "Obstetrics," the young man replied. "Yeah," the old man growled, "that's about what I thought—you spend 10 years and $20,000 getting ready to do it—by that time they will have a cure for it, and you'll starve to death trying to practice it."

Even the President of the United States twice vetoed the water resources appropriation bill last year, complaining that it contained provision for some 60 new starts which his Budget Bureau had not approved. He reminded Congress that he had declared a policy of "no new starts." Imagine if you can what America would have been at any point in her glorious history had she been shackled by an effective policy of "no new starts." There would have been no Government of the United States of America had King George's policy of "no new starts" prevailed. And then, upon the founding of a government with 13 States—that would have been it.

America has reached the greatest heights of wealth, power, industrial production, growth and prosperity of any nation in all history because its people believed in and practiced "new starts." I'm glad my father believed in new starts—else the log cabin in which I was born would never have been built. And then, tragedy of tragedies, had he practiced no new starts, I would not now be enjoying this blessed privilege of speaking to you here today.

The America of 1980 with its 240 plus million people and its gross annual national production in excess of $1 trillion will be the product of "new starts" of today and tomorrow.

I told you a moment ago of the estimate that our cities and towns must invest $80 billion in the next 20 years to keep abreast of requirements for domestic and industrial water. Add the presently projected Federal program to these figures and we learn that the total cost of all water development projects during the next 20 years will require in excess of $180 billion.

This program is an absolute necessity for the population, economy, and way of life in our country two short decades from now. It is an absolute necessity if we are to maintain and develop the military strength and power required for our survival in this modern world. It is an absolute necessity to meet the challenge of the Soviet rulers whose spokesman, Mr. Khrushchev, now says that he will not need to engage in military conflict to win the cold war or humble and subdue the free world. He has declared that Soviet Russia will achieve its aims of world domination through economic development and power. We stand today appalled at the sight of a godless nation and a pagan philosophy daring the free world to meet it in competition for economic growth and progress.

Undaunted and unafraid, America will answer this challenge. I know that the Empire State of New York and her proud people demand that we accept this challenge. They will cooperate in meeting it. To meet this challenge, we will plan ahead, and then work our plans, to adequately conserve our water resources and develop them as the prime necessity in reaching our goal. This we must do to achieve the agriculture production required. This we must do to build the industrial workshops our people will require. This we will do to improve and provide the recreational facilities for the teeming millions of Americans of today and tomorrow, who in their increasing periods of leisure will need them. Man who is made in the image of God feels an irresistible urge and necessity to spend increasing amounts of time in nature's environment as God made it. He yearns for the murmer of flowing water from pure mountain streams. He yearns to see the glint of the sunshine from the surface of reservoirs, large and small. Man is renewed when he walks within the arches of the cathedrals among the trees of God's forests.

A stronger, nobler America will be built as its people are permitted to enjoy the recreational facilities of a natural environment as nearly as we can keep it like the Creator fashioned it.

The people of the world respect you of the Empire State. The people of the Nation envy you with your natural resources, and unlimited quantities of water. They glory in the opportunity which is yours to play such a great role in the building of the America of tomorrow.

To contemplate the phenomenon which is the Empire State not only strains our powers of perception, it staggers the imagination. Nothing like it has ever existed before. But mark these words: Your fabulous economy has been possible under God, but is man made. And God is no respecter of persons. What man has done here, men are now doing elsewhere. Listen. Are you listening? If you are, you can hear the thunderous roar of the proud and mighty production machines in which the men and women of other States are even now threatening to catch and surpass you.

I know they cannot do so, except by your permission. Does their youth and vigor make you relatively old and feeble? Not at all. Do you posess a boldness and a daring which you once had but now have lost? Never. Yours is the tradition and glory of leadership. It is written in your factories and mills. It is attested on your farms and meadows. It is certified in your giant financial institutions which have achieved not only nationwide but worldwide leadership.

All of these are fortified by the abundance of your soil and water resources; by your vast forest and mineral wealth; by the wisdom of your leaders; by the daring of your men and women; by the courage and fidelity in the souls of your sons and daughters.

SENATE

THURSDAY, MARCH 17, 1960

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

Rev. Edward L. R. Elson, S.T.D., LL.D., minister, the National Presbyterian Church, Washington, D.C., offered the following prayer:

Eternal God, in the sacred silence of this moment, incline our thoughts to Thee, and to Thee alone. As we contemplate the majesty and perfection of Thy being, may our souls be purified and renewed in strength and beauty. Dispel all weariness of body or fretfulness of spirit, and put within us a new heart and a new mind full of grace and joy in serving Thee. Lift all the consultations of this body into the higher order of Thy kingdom.

Make this Nation, which Thou hast given us for our heritage, good enough, strong enough, and great enough for its solemn responsibilities, that its destiny and that of all mankind may be fulfilled according to Thy holy will.

In the great Redeemer's name. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, March 16, 1960, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 9228. An act for the relief of Rosina Gartling, Rosa Gartling, Gustav Gartling, and Adolph Gartling; and

H.R. 9560. An act for the relief of Dr. Ferenc Domjan and others.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on the Judiciary:

H.R. 9228. An act for the relief of Rosina Gartling, Rosa Gartling, Gustav Gartling, and Adolph Gartling; and

H.R. 9560. An act for the relief of Dr. Ferenc Domjan and others.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour. I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

EXPRESSION OF APPRECIATION BY SENATOR MANSFIELD FOR CONGRATULATIONS ON HIS BIRTHDAY

Mr. MANSFIELD. Mr. President, I should like to take this occasion to extend my thanks to the Senator from Vermont [Mr. AIKEN], the Senator from Texas [Mr. JOHNSON], the Senator from Georgia [Mr. RUSSELL], the Senator from Wyoming [Mr. MCGEE], who is presently the Presiding Officer, the Senator from Illinois [Mr. DIRKSEN], the Senator from Tennessee [Mr. GORE], the junior Senator from New York [Mr. KEATING], the senior Senator from New York [Mr. JAVITS], the Senator from Georgia [Mr. TALMADGE], the Senator from South Dakota [Mr. MUNDT], and the Senator from Delaware [Mr. FREAR] for the very many pleasant things they had to say about me on my birthday yesterday. I deeply appreciate their congratulations. but I

would say that the older we get, the more we think condolences rather than congratulations are in order. To all these friends, thank you and may you all have many happy birthdays in the years ahead.

ST. PATRICK'S DAY — BIRTHDAY CONGRATULATIONS TO SENATOR PASTORE AND SENATOR McGEE

Mr. JOHNSON of Texas. Mr. President, this is a day upon which Americans everywhere—whatever their ancestry—become sons of Ireland.

Shamrocks and green carnations sprout from every buttonhole. People who have never seen the Emerald Isle suddenly speak with a brogue. And the "wearing of the green" even tops the popularity of rock and roll.

The blessed Patrick becomes the patron saint of millions. And there is not a spot of orange anywhere to mar the color of the Gaelic skies.

But, Mr. President, the universal reverence for St. Patrick's Day is not just a bit of sentimentality on the part of Americans. It is a tribute to the rich contribution the Irish have made to our Nation.

Irish picks and Irish muscles built the railroads that span our continent. Irish humor has enlivened our scene. Irish courage has stood between our country and the aggressor at all times.

And, as everyone in our profession knows, it was certainly the Irish who taught us what we know about politics.

I am not going, on this day, to cite the Members of the Senate who can truly claim descent from the counties of Ireland. Early in life, I learned never to ask a man whether he is Irish.

There is an old saying that if he is Irish, he will tell you about it; if he is not Irish—why embarrass the man?

But, Mr. President, I do want to point out that for the Senate, this is a double celebration. We are not only commemorating St. Patrick's Day; we are celebrating the birthday of two of our distinguished Members.

One of them, the able junior Senator from Rhode Island, JOHN PASTORE, is one of the ablest, one of the finest, one of the most effective, one of the most genuine, and one of the most beloved Members of the Senate.

It is a little more than a coincidence that JOHN PASTORE was born on St. Patrick's Day. Senator PASTORE has displayed the courage and the leadership abilities for which the Irish are famous.

The Irish refer to themselves as the "Sons of the Mil." And historians speculate that the original founders may have been a Roman legion that landed on the island during the dim, misty days of early history.

And it is not difficult to find a connection between a son of the Romans and the sons of the Gaels.

I think that all of us share a deep respect and affection for JOHN PASTORE. And I know that the Irish do not for a moment begrudge sharing their national day with him.

The other colleague whose birthday we celebrate today is GALE MCGEE, of Wyoming. It is my understanding that GALE MCGEE is of Scotch descent. But Gaelic blood is a common bond among Gaels. And certainly anyone would be proud to claim the junior Senator from Wyoming, who in such a short time has distinguished himself in the Senate by such effective and dedicated service.

Mr. President, it has been said of the Irish that their songs are sad and their battles are gay. I do not presume to pass judgment upon either statement. But we do know that their haunting melodies and their gaiety have become permanent parts of our American life. And all of us, whatever our ancestry, share with them their pride in their history; and all of us, whatever our ancestry, are equally proud to be fellow Americans with them.

Mr. DIRKSEN. Mr. President, I am more than delighted to concur in these encomiums and these salutes and tributes, first to the great junior Senator from Rhode Island [Mr. PASTORE], who has greatly distinguished himself in public service, not only at the Federal level, but likewise at the State level, and also to the very distinguished junior Senator from Wyoming [Mr. MCGEE].

Mr. President, this is a great day for all the O'Pastores, all the O'McGee's, all the O'Mansfields, all the O'Johnsons, and all the O'Dirksens, as we join in this enriching fellowship; and it is a great day as we salute one who has made such an indelible imprint upon history.

The other day I said I thought it was remarkable that, insofar as my memory and my knowledge of history go, St. Patrick is the only person whose death day, rather than whose birthday, is commemorated. He was such a humble person, he was a shepherd boy, and I presume his birth anniversary was lost in the dusk and the confusions of history. But history does identify the day when he left this earth; and that is the day that is celebrated by the children of the Gael in all parts of the world.

St. Patrick could not have persisted and endured in the remembrance of people unless their memory of him was predicated upon imperishable accomplishments and imperishable action. He was a great crusader who invigorated the faith of people. He was a great builder who left a legacy of schools and churches and monasteries. He was a great scholar who encouraged learning and the illumination of the sacred parchments. He was a great missioner who met every impediment and who met every resistance. And he was constantly fortified with a deep conviction and a deep faith.

So we salute one who left an imperishable imprint upon history; and that is why this day has endured.

Mr. President, I join with the majority leader in saluting the great qualities and attributes of the Irish.

It was my good fortune, 2 years ago, to be host to the President of Ireland in the State of Illinois. The distinguished Senator from New Hampshire [Mr. BRIDGES] and I extended a personal and cordial invitation to the President, when we were in Dublin, to come and to be our guest—the first President of Ireland to visit the United States of America.

And so I think of this sturdy race, who have a genius for government, who so deeply protest all despotism and all tyranny, and who have ever been in the forefront in the battles for freedom for humankind.

So this is something of a great day. It is a salute to those of the Irish race, including the Patron Saint who made such a contribution to the cause of human freedom, and I am delighted indeed to associate myself with it, and to join also in congratulations to our two very distinguished colleagues who can claim this as their natal day.

Mr. GREEN. Mr. President, today marks the 53d anniversary of the birthday of my Rhode Island colleague and very good friend, Senator JOHN O. PASTORE. In extending my heartfelt congratulations to him, I know I echo the sentiments of the people of our State, who respect him highly as a strong champion and dedicated public servant.

His unstinted industry, lively brilliance, and courage have won their highest esteem. For these sterling qualities they give him full credit. His gracious personality and lively wit have won their hearts. Some of our constituents do not give him full credit for these characteristics. They seem to reason that anyone lucky enough to be born on the 17th day of March, St. Patrick's Day, comes into this world endowed with the power to charm. Perhaps that is why on this worldwide feast of St. Patrick those who know JOHN PASTORE best always refer to him with the accent on his middle initial as JOHN O. PASTORE.

With the help of the Lord and the support of the people of Rhode Island, I have been most fortunate in having the opportunity to serve four terms in the Senate. This is my last year as the senior Senator from Rhode Island; and, as I say "happy birthday" to Senator PASTORE, who was born during my 40th year, I want to add that one of the greatest comforts I shall have when I leave the Senate will be the knowledge that he will fall heir to the title of "senior Senator from Rhode Island."

When somebody has a birthday, it is customary to extend him good wishes. I have been thinking about what I could wish for Senator PASTORE, and this thought comes to me. Today, I am the oldest Senator, in point of age, ever to serve in the U.S. Senate or Congress. My wish for Senator PASTORE is that he may have the life, the health, and the success some day to take this title away from me, too. At least, I will know that it stays in Rhode Island.

Mr. MANSFIELD. Mr. President, I am delighted to be here with 99 of my colleagues, all of whom, on this day at least, claim some descent from the Irish. I am happy to participate in the encomiums and the congratulations extended to the Senator from Wyoming [Mr. MCGEE] who, in his period of service here, has made a record of distinction,

and certainly has justified the faith which the people of his State placed in him.

Mr. President, for years the Public Printer has been carrying in the CONGRESSIONAL RECORD as JOHN O. PASTORE the name of our distinguished colleague from Rhode Island. That spelling, while adequate in ordinary circumstances, is not genealogically correct, and is certainly not sufficient for this special day. I serve notice, therefore, that unless the name of the Senator from Rhode Island is spelled, for the purposes of these remarks, in accordance with its Gaelic origins rather than in accord with its later Latinization, I shall be compelled to offer a resolution to correct the RECORD.

On St. Patrick's Day the name of the Senator should appear in its correct genealogical form, that is, as JOHN O'PASTORE, with the apostrophe rather than the period. I stress the point because the Senator from Rhode Island, Mr. O'PASTORE, in spirit is as clearly a descendant of Ireland as the better known O'Briens, O'Hares, and O'Sullivans. Indeed, some of these great Irish clans have lost the "O" in migrating to the Americas, whereas the O'Pastores cling to it with typical Irish tenacity.

I have had occasion to witness at close hand the strong bond of the spirit which unites JOHN O'PASTORE to the Irish. He visited my State of Montana, where many other Irishmen have gone before him. In no time at all, he was besought to run for the Senate, as a native son, in place of both MURRAY and MANSFIELD. We compromised by making him the third Senator from the State, along with AIKEN, MCCARTHY, MONRONEY, MCGEE, O'MAHONEY, and MCNAMARA's band, and including—at least till July 11—JOHNSON, KENNEDY, SYMINGTON, and HUMPHREY, who, I hear, are running for some office or other—the name of which escapes me at the moment.

On another occasion, the Senator from Rhode Island and I were together in Eire. He accompanied me on a visit to my old aunts and uncles in Lowhill, Ballnakill, Kilkenny. My relatives greeted me, properly, as somebody or other's son from America. For the Senator from Rhode Island, however, arms were thrown open in loving welcome as though for a long lost clansman returned to his native soil. For long nights thereafter, the talk over the village fires in Lowhill, Ballnakill, was not of the Mansfield person from someplace-or-other called Montana. Rather, it was of the bright and smiling lad who is called SEAN O'PASTORE, and of the wonderous things he is bringing to pass in the U.S. Senate for another Ireland, a mite smaller, to be sure, but an Ireland, nevertheless, called Rhode Ireland.

Indeed, if JOHN O'PASTORE is now a living legend in Kilkenny, he is a living example of the finest Irish tradition, a man who fights the good fight for his people, his State and for the Nation. I wish to salute him on this St. Patrick's Day, his birthday as well, and to express again my deep respect and admiration for his outstanding public service, and my deep affection for him personally.

Mr. BUSH. Mr. President, I applaud the comments of those Senators who have spoken about my friendly neighbor from Rhode Island, and wish to say that it is a pleasure to see him sitting here today in the warmth of admiration and affection that we all feel for him; and I certainly wish him many happy returns of the day.

Likewise, to our newer colleague from Wyoming, I salute him and offer my congratulations on his birthday.

Mr. BRIDGES. Mr. President, I wish to congratulate my distinguished colleagues JOHN PASTORE and GALE MCGEE on the occasion of their birthdays, and to join in what the distinguished majority leader and minority leader have said about them.

We are delighted to have JOHN PASTORE come from New England, and to observe his very helpful fight for our section of the country. GALE MCGEE showed wisdom enough so that he chose a New Hampshire man as his administrative assistant.

Mr. ANDERSON. Mr. President, I was very much pleased a few moments ago to hear the senior Senator from Rhode Island pay tribute to the qualities of the junior Senator from Rhode Island. I was also interested in hearing the Irish expropriate him and assimilate him in the numbers of those who would enjoy St. Patrick's Day.

Speaking in behalf of the Scandinavian bloc in the Senate, I also wish to commend the able junior Senator from Rhode Island, and say to him, as I am sure others will say, we are glad he has reached this fateful turning point and is now past 50 years of age.

One of the finest things about the junior Senator from Rhode Island is the consuming interest he has in his family—the care and thought he demonstrates in regard to members of his family. Many, many times, while we were working in the Joint Committee on Atomic Energy, I have heard him express his interest in each one of his children. I have watched him with his children, and I am happy to pay tribute to him as he reaches the exalted age of 53 years.

Mr. MCGEE. Mr. President, I rise today, not green with envy, but green with pride, along with my colleague from Rhode Island.

I wish to add, so that the RECORD will be straight, that while I had very little to do with my birthday date I think it involved a considerable amount of planning. I have just come to the Chamber after having a telephone conversation long distance with my father. This is his birthday, also. I figure there was some kind of a prescribed fortuitousness, that I should be his birthday gift. He is 85 years old today.

I take no credit for this happy coincidence. However, I suggest, in view of some of the things that have been said, that if our distinguished assistant majority leader, the Senator from Montana [Mr. MANSFIELD] had not been in such a hurry he would have been with us on this occasion today. His birthday was yesterday. We might have made it even a merrier crew.

Mr. BARTLETT. Mr. President the junior Senator from Wyoming is entirely too modest. Few things can have more importance than a birthday anniversary. Therefore, I should like to join my colleagues in extending greetings to the junior Senator from Wyoming and to the junior Senator from Rhode Island [Mr. PASTORE]; also to the junior Senator from Montana, whose anniversary falls so close to this day.

St. Patrick's Day babies must be a happy lot. I am on the other end of the scale, because my birthday happens to fall on the same day as that of Adolf Hitler. [Laughter.]

Since bouquets are being distributed here today—verbal as well as in the form of carnations—I hope that Senators have noted the fact that Members of the freshman class are wearing unusual green ties on this day. I wish to thank Mrs. Moss, the wife of the junior Senator from Utah [Mr. MOSS] for having fashioned and made these ties for us freshmen. They are very elegant, and I know on that point there will be that which is so rare in any legislative body—unanimity.

Mr. SCOTT. Mr. President, I wish to join in the tributes of other Senators to our colleagues, the junior Senator from Rhode Island and the junior Senator from Wyoming, in congratulating them upon their birthdays, and in particular on having had the fortuitous prescience in selecting March 17 as their natal day.

All of us who have some Irish blood in our veins are proud of the fact that we exercise in this body one of the great privileges of the Irish, that is, to talk for as long as we want to talk. Surely, every Irishman everywhere must be very proud of the Senate of the United States and of all the Senators who have been exercising at such generous length one of the privileges of the Irish.

Mr. MCCARTHY. Mr. President, I wish to make one observation with respect to St. Patrick's Day. The green carnations which Senators are wearing have been supplied by the Ancient Order of Hibernians of the United States and Canada as a gesture of international good will on this particular day.

I desire to add my compliments to those which have already been paid to the Senator from Rhode Island [Mr. PASTORE] and the Senator from Wyoming [Mr. MCGEE], and to note especially that it is they who have been honored today, because on St. Patrick's Day, generally it is expected that only the Irish should be praised by the non-Irish. But in the Senate today, the Irish have been praised in the non-Irish on St. Patrick's Day. This is truly a high compliment which is being paid.

Mr. RUSSELL. Mr. President, I wish at this time to associate myself with all the complimentary expressions which may have been made to the Senator from Rhode Island. I know that all of them would be in that category, because Senators would be hard put to find anything to criticize in the life and public service of JOHN O'PASTORE. He possesses an unusual legal mind, and has a great power to express his thoughts in very few words.

I have often said that if I were in difficulty and were looking for a lawyer, I should like to have the distinguished Senator from Rhode Island [Mr. PASTORE] represent me. On occasion I have endeavored to have him do so here on the floor; but there are areas in which I have been unable to get him to assume that responsibility. [Laughter.]

But, Mr. President, I do have the greatest admiration and respect for the Senator from Rhode Island.

Mr. President, I am also informed that today is also the birthday of our able young colleague from Wyoming [Mr. MCGEE].

The Senator has made a distinguished mark in the Senate during the time he has been here and I predict great things for him in the future. I would like to join with my colleagues in wishing the Senator from Wyoming, along with the Senator from Rhode Island, a most happy birthday.

Mr. KEATING. Mr. President, I wish to join my colleagues in extending felicitations to our two distinguished colleagues, Senator PASTORE and Senator MCGEE. It is very fitting to have this celebration occur. I wish both of them long life, great happiness, and great prosperity.

Mr. President, it is also eminently fitting that today we join with all our fellow Americans of Irish descent in paying tribute to St. Patrick, who remains an undying symbol of the great Irish people. Today, the emerald green of Ireland is in rich evidence throughout our land, worn not only by the authentic descendants of Irish forebears, but also by the many millions of Americans who have adopted St. Patrick and proudly wear his traditional color on this time-hallowed day.

As a Senator whose own ancestors once called County Wexford home, I am particularly happy and honored to mark the day sacred to St. Patrick. Moreover, as a United States Senator from the State of New York, where so many fine Irish families have for generations enriched the life of the State, contributing to its growth, its character, and its prosperity, I find special reason to associate myself with the many tributes that will be paid to St. Patrick today in the city of New York and throughout the entire State and the entire Nation.

Mr. President, while we Irish are claiming to be the first in everything, as is our birthright, particularly on this day, let me say that, incidentally, I am not surprised to find among the advocates of the pending civil-rights bill, and among those who favor strengthening all our civil rights laws, so many who are of Irish descent. Perhaps as keenly as any group that exists, we have felt the sting of discriminatory treatment; and I am sure no group has fought harder for the right to vote for its own leaders. Therefore, Mr. President, it is particularly fitting that while we are in the midst of this important civil rights debate, we celebrate this day.

Mr. YARBOROUGH. Mr. President, I desire to have the privilege of associating myself with all of the commendatory remarks that have been made today about the distinguished junior Senator from Rhode Island [Mr. PASTORE], this being his birthday, which is commemorated on the same day as that on which the memory of St. Patrick is observed.

The Senator from Rhode Island has an enviable record in this body, and he has an enviable record outside of this body. The distinguished Senator from Rhode Island's achievements might be noted, on one score, in the fact that he has already been granted, during his services in this body, which have not yet been long, honorary degrees by at least seven American universities and colleges in recognition of his outstanding leadership.

Mr. President, it is my privilege to serve on one committee with the distinguished junior Senator from Rhode Island, the Interstate and Foreign Commerce Committee. A matter seldom comes before that committee which does not receive the benefit of his sharp reasoning and his facility for expression. We all envy his ability to express himself on the floor of the Senate. Unfortunately, he is not always on the same side as I am. I wish he were, because, for extemporaneous speech, he has few equals in the Senate, and no superior.

As one who was a practicing lawyer until I came to the Senate a little less than 3 years ago, I marvel at his ability to grasp the content of a bill which had not even been before his committee, his aptitude for incisive reasoning and logic, and his sharpness and ability in debate.

It is a privilege to serve in a body in which the distinguished Senator from Rhode Island is one of the ornaments, and to have the benefit that comes from associating with sharp minds is one of the rewards of serving in this body. To be able to lock horns with the Senator from Rhode Island, or to be fortunate enough to be on the same side with him, is a privilege. I congratulate him on his birthday, and hope that he will have many more active years in the Senate.

Mr. KUCHEL. Mr. President, with all their other friends and colleagues here in the Senate, I want to be associated on the occasion of the birthday greetings received by the junior Senator from Rhode Island, Mr. JOHN O'PASTORE, and the junior Senator from Wyoming, Mr. GALE MCGEE.

I imagine on this great St. Patrick's Day Mr. PASTORE will interpose no objection if the printer eliminates a period after his middle initial and substitutes, at least for 24 hours, an apostrophe.

I have great pride in calling the Senator from Rhode Island my good friend. I have known him as a friend ever since I first came to the Chamber.

I call GALE MCGEE a friend, too, although my years of knowing him have not extended as long as those in which I have known the junior Senator from Rhode Island.

I wish many happy returns of the day to both of them on this occasion.

Mr. HILL. Mr. President, I want to join in the tribute to my good friend Senator PASTORE and to extend to him my warmest congratulations on his birthday. He is so able, so brilliant of intellect, so powerful in his analysis and exposition and so persuasive in his eloquence that I have long since given him the richly deserved accolade of the little giant. He is ever the gentleman and the scholar and his character and his devotion to our country is a challenging example to all of us. I salute him—the friend, the patriot, the statesman.

Mr. PASTORE. Mr. President, my colleagues this afternoon have been overly generous in their commendatory remarks, and I rise at this time to express my deep appreciation. The remarks may not be true—and I doubt very much that they are—but indeed, being a mortal as I am, I appreciate them nevertheless.

Mr. President, throughout this entire land today our people rise, in one part and another, to pay tribute to the Irish people. It has been said on the floor of the Senate that the Irish gave of their muscle to build the railroads, gave of their humor and their wit to bring laughter and gladness to sad hearts, and exhibited tremendous courage in times of crisis. Indeed, they have done so.

Mr. President, spirituality is the very essence of our democratic system. We believe in and we revere the dignity of man. We revere the thought of equal opportunity for all in this great blessed land which is known as the United States of America.

Today I think the one outstanding tribute which must be paid to the Irish people as a race is that while all other racial strains and all other religious groups have made their contribution to the development and to the grandeur of this great country of ours, indeed the Irish consistently have made one magnificent contribution to the bounty. The Irish have given richly of their sons and daughters to the religious community of our great Nation—men and women who have been dedicated to and devoted to building up the moral fiber of our children and of the people of this country as a whole.

Today if I were to pay a single tribute to the Irish, it would be to thank God as humbly as I can for all the priests, brothers, and nuns they have given to the religious life of the United States. They have done this in order that our children may be given the moral fiber and the understanding to be good Americans, and to be devoted and law-abiding citizens.

REPORT ON CONTRACTUAL ACTIONS TAKEN TO FACILITATE THE NATIONAL DEFENSE

The VICE PRESIDENT laid before the Senate a letter from the Assistant Secretary of Defense (Supply and Logistics), transmitting, pursuant to law, a report on contractual actions taken in the calendar year 1959 to facilitate the national defense, which with the accompanying papers, was referred to the Committee on the Judiciary.

PETITION

The VICE PRESIDENT laid before the Senate a letter in the nature of a petition from the Conference of Jewish Women's Organizations, Los Angeles, Calif., signed by Bertie Kashare, president, expressing sorrow at the death of the late Senator Richard L. Neuberger, of Oregon, which was ordered to lie on the table.

REPORT ON USE OF FOREIGN CURRENCIES BY COMMITTEES AND JOINT COMMITTEES OF THE SENATE

Mr. HAYDEN. Mr. President, the Mutual Security Act of 1958, chapter IV, section 502(b) requires the Committee on Appropriations to publish in the CONGRESSIONAL RECORD, within 10 legislative days after receipt, the consolidated report of each committee of the Senate, and each joint committee whose funds are disbursed by the Secretary of the Senate, using foreign currencies during the preceding year. I ask unanimous consent to have printed in the RECORD a summary table showing the total amounts of foreign currencies used by all committees as well as the individual reports from the committees.

There being no objection, the summary table was ordered to be printed in the RECORD, as follows:

Report on foreign currencies and U.S. dollar equivalents, utilized by committees of U.S. Senate, for the period Jan. 1, 1959, to Dec. 31, 1959 (as provided by sec. 502(b) of the Mutual Security Act of 1954, as amended)

Committee	Transportation	Lodging	Meals	Other	Total
Aeronautical and Space Sciences	$539.71	$504.50	$299.43	$467.19	$1,810.83
Appropriations	8,192.86	6,815.19	4,928.56	3,024.49	22,961.10
Armed Services	1,993.05	4,624.36	3,849.77	1,544.45	12,021.63
Foreign Relations	3,591.25	4,281.34	3,262.15	2,311.22	13,445.96
Interior and Insular Affairs	1,740.82	4,011.50	5,966.00	1,394.52	13,112.84
Interstate and Foreign Commerce	12,148.31	6,268.17	4,787.20	3,367.56	26,571.24
Judiciary	11,116.23	2,243.24	3,008.15	854.26	17,221.88
Post Office and Civil Service	4,526.71	1,431.72	1,688.72	550.65	8,197.80
Public Works	4,752.00	974.00	697.00	360.00	6,783.00
Rules and Administration	351.80	438.75	266.67	570.68	1,627.90
Joint Committee on Atomic Energy	11,273.59	3,310.10	3,625.47	1,745.50	19,954.66
Joint Economic Committee	1,265.17	276.72	321.25	259.07	2,122.21
Total	61,491.50	35,179.59	32,700.37	16,459.59	145,831.05

COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES

Country	Kind of currency	Transportation		Lodging		Meals		Other		Total	
		Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent
United Kingdom	Pound	112.19.0	$316.26	90.10.10	$253.51	31.4.0	$88.32	48.16.6	$136.71	283.17.2	$794.80
West Germany	Deutsche mark	168	40.00	147	35.00	168	40.00	357	85.00	840	200.00
Switzerland	Franc	620	143.19	360	83.14	340	78.52	540	124.71	1,860	429.56
Italy	Lira	25,000	40.26	82,500	132.85	57,500	92.59	475,000	120.77	240,000	386.47
Total dollar equivalent			539.71		504.50		299.43		467.19		1,810.83

LYNDON B. JOHNSON.

COMMITTEE ON APPROPRIATIONS

Country	Kind of currency	Transportation		Lodging		Meals		Other		Total	
		Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent
Argentina	Peso			3,084	$37.00	2,700	$32.40	716	$8.60	6,500	$78.00
Belgium	Franc	4,500	$90.00	2,000	40.00	3,000	60.00	1,500	30.00	11,000	220.00
Brazil	Cruzeiro			16,875	87.76	21,208	110.26	11,392	59.25	49,475	257.27
Cambodia	Rial	2,625	75.00	3,150	90.00	2,100	60.00	1,125	32.14	9,000	257.14
Chile	Peso			15,875	15.62	4,125	4.14	4,000	4.03	25,000	23.79
Colombia	do	12,665	1,584.20	1,805	227.42	1,856	233.50	868	107.08	17,194	2,152.20
Denmark	Kroner	250	37.77	450	65.03	350	50.58	100	14.45	1,150	167.83
England	Pound	30	75.00	25	62.50	35	87.50	10	25.00	100	250.00
Formosa	New Taiwan dollar.			9,300	232.50	7,843	196.07	994	24.86	18,137	453.43
France	Franc	122,570	290.96	83,000	219.01	71,795	179.17	47,635	117.57	325,000	806.71
Germany	Deutsche mark	14,458	3,442.11	702	167.10	772	183.77	218	52.02	16,150	3,845.00
Hong Kong	Hong Kong dollar.	561	98.33	4,591.40	805.50	3,333.50	584.79	3,415.10	600.30	11,901	2,088.92
India	Rupee	1,675	334.68	3,846	814.23	1,724	365.36	1,244	264.13	8,489	1,778.40
Israel	Israeli pound	249	138.33	486	270.00	162.5	90.17	130.73	72.19	1,028.23	570.69
Italy	Lira	39,420	63.48	103,995	167.45	133,486	214.83	225,158	362.70	502,059	808.46
Japan	Yen	20,786	755.69	220,400	612.22	155,800	432.79	53,964	149.89	450,950	1,950.59
Jordan	Dinar	8	22.56	19.905	56.13	26.165	73.79	5.43	15.31	39.5	167.79
Korea	Hwan							90,000	180.00	90,000	180.00
Lebanon	Lebanese pound	62.07	36.62	1,072.44	633.28	719.91	365.01	265.22	126.75	2,119.64	1,061.66
Netherlands	Guilder	3,697	972.79	450	120.70	650	171.88	175	45.79	4,972	1,311.16
Pakistan	Rupee			402	85.00	146.5	31.04	362.5	76.76	911	192.80
Peru	Sole			4,025.30	148.44	3,700.70	136.72	2,061	76.34	9,788	361.50
Philippines	Peso			572	286.00	181	90.50			753	376.50
Spain	Peseta			36,900	615.00	27,000	450.00	11,601	193.35	75,501	1,258.35
Thailand	Baht	2,100	104.25	7,122	339.05	5,157	245.45	3,668	172.37	18,137	861.12
Turkey	Lira	90	10.00	3,744	416.00	3,420	380.00	1,533.24	167.36	8,787.24	973.36
United Arab Republics	Egyptian pound.	21	47.25	41	92.25	8	18.00	5	11.25	75	168.75
Vietnam	Piaster	1,006	13.84	15,304	210.00	5,888	80.84	2,552	35.00	24,750	339.68
Total dollar equivalent			8,192.86		6,815.19		4,928.56		3,024.49		22,961.10

CARL HAYDEN.

Report on foreign currencies and U.S. dollar equivalents, utilized by committees of U.S. Senate, for the period Jan. 1, 1959, to Dec. 31, 1959 (as provided by sec. 502(b) of the Mutual Security Act of 1954, as amended)—Continued

SENATE ARMED SERVICES COMMITTEE

Country	Kind of currency	Transportation		Lodging		Meals		Other		Total	
		Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent
Austria	Schilling	260	$10.00	1,950	$75.00	2,080	$80.00	858	$33.00	5,148	$198.00
Denmark	Krone	64	9.60	194	29.00	126	18.75	31	4.65	415	62.00
Formosa	Dollar			2,092	52.30	1,046	26.15			3,138	78.45
France	Franc	556,390	1,139.00	329,510	671.00	276,250	562.50	147,300	305.00	1,309,650	2,677.50
Germany	Deutsche mark	995	237.00	2,209	526.38	2,424	577.12	1,065	253.55	6,693	1,594.05
Ghana	Pound			12	33.60	8	22.40			20	56.00
Hong Kong	Dollar			1,120	206.74	1,500	280.72	380	73.00	3,000	560.46
India	Rupee			500	105.00	250	52.50			750	157.50
Israel	Pound			570	316.66	285	158.33			855	474.99
Italy	Lira	49,570	79.20	585,590	942.26	547,194	881.26	348,490	561.50	1,524,844	2,455.22
Japan	Yen			204,000	571.00	135,300	375.50	34,000	95.00	373,300	1,041.50
Jordan	Jordan dinar			35	99.40	15	43.03			50	142.43
Korea	Hwan			19,000	38.00	6,000	12.00			25,000	50.00
United Kingdom	Pound	19.33	51.25	137.77	385.70	151.50	424.20	74.15	207.75	381.75	1,068.90
Netherlands	Guilder	1,755.6	462.00							1,755.6	462.00
Nigeria	Pound			15	42.80	15	42.80			30.00	85.60
Philippines	Peso			167	83.50	83	41.50			250.00	125.00
Spain	Peseta	840	14.00	8,018	133.63	4,800	81.50	1,380	21.00	15,128	250.13
Switzerland	Franc			660	152.43	340	78.52			1,000	230.95
Thailand	Baht			2,000	93.96	1,000	46.99			3,000	140.95
Turkey	Lira			600	66.00	400	44.00			1,000	110.00
Total dollar equivalent			1,993.05		4,624.36		3,849.77		1,554.45		12,021.63

RICHARD B. RUSSELL.

COMMITTEE ON FOREIGN RELATIONS

Country	Kind of currency	Transportation		Lodging		Meals		Other		Total	
		Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent
Japan	Yen	11,379	$31.62	106,472	$300.75	99,227	$276.78	14,608	$40.60	231,686	$649.75
Vietnam	Piaster	6,406	87.10	50,343	683.69	32,859	455.34	10,127	141.17	99,735	1,367.30
Hong Kong	Hong Kong dollar.	390.30	53.37	1,622.60	269.62	1,664.70	270.36	743.40	125.30	4,361	716.65
Thailand	Baht	500.00	23.75	3,330.70	158.82	1,912.90	91.08	1,177.00	55.69	6,920.60	329.27
Indonesia	Rupiah					37,850	841.18	5,450	143.24	44,300	984.42
Jordan	Dinar	18,000	51.12	72,070	202.61	37,800	105.36	52,755	147.72	180,625	507.81
India	Rupee	522	111.07	1,562.28	330.31	379.64	80.21	1,601.08	338.24	9,065.00	859.83
Pakistan	do			124.00	26.27	47.38	10.34	47.20	10.00	220.00	46.61
Ceylon	do			829.45	174.18	65.30	13.72	94.30	19.56	989.05	207.46
Laos	Kip							5,250	150.00	5,250	150.00
Lebanon	Pound	58.19	16.62	288.25	90.07	120.56	37.68	48	15.00	510.00	159.37
U.A.R.	do	21.00	47.25	76.09	171.20	19.16	43.11	24.35	54.79	140.60	316.35
Israel	do	15	8.33	234	130.00	43.5	24.17	12.5	6.95	305	169.45
Germany	Deutsche mark	11,092.11	2,640.98	252	60.00	372	88.57	168	40.00	11,884.11	2,829.55
France	Franc							21,340	45.56	21,340	45.56
Italy	Lira							11,240	18.12	11,240	18.12
Spain	Peseta	13,900	232.65	10,944	180.15	7,007	115.95	12,099	213.75	44,550	742.50
Australia	Pound	97.9.0	218.52	123.6.6	278.00	170.18.2	386.17	165.6.4	372.64	557.0.0	1,255.33
Argentina	Peso	1,534	22.27	29,845	362.42	5,200	63.15			36,579	447.84
Brazil	Cruzeiro	6,080	32.45	46,916	251.16	41,980	223.78	27,660	146.40	122,545	653.79
Chile	Peso							30,900	29.40	30,900	29.40
Colombia	do							949.26	136.90	3,309.26	474.04
Peru	Sol	392	14.15	10,497	378.95	892	32.20	1,660	60.26	13,450	485.56
Total			3,591.25		4,281.34		3,262.15		2,311.22		13,445.96

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Country	Kind of currency	Transportation		Lodging		Meals		Other		Total	
		Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent
Australia	Pound	13	$30.00	107	$240.00	119	$268.00	11	$25.00	250	$563.00
Denmark	Krone	3,421	295.00	13,260	1,950.00	22,100	3,250.00	6,730	975.00	45,511	6,470.00
Finland	Markka	9,570	30.00	58,640	185.00	98,890	310.00	31,900	100.00	199,000	625.00
France	Franc	64,998	130.00	220,710	450.00	380,122	775.00	110,360	225.00	776,190	1,580.00
Germany	Mark			150	35.70	350	83.30			500	119.00
Hong Kong	Dollar	1,946	348.00	1,168	200.00	886	150.00			4,000	698.00
Japan	Yen	48,000	135.00	110,200	320.00	100,200	445.00			319,000	900.00
Netherlands	Guilder	50	13.15	125	32.88	125	32.88	40	10.52	340	89.43
New Zealand	Pound	30	84.00	36	100.00	37	107.00	22	59.00	125	350.00
Norway	Krone	200	28.17							200	28.17
Philippines	Peso	100	50.00	350	175.00	350	175.00			800	400.00
Poland	Zloty			1,191	35.00	3,836	70.00			5,027	105.00
Sweden	Krona	3,000	580.28	1,450	287.92	1,700	299.82			6,150	1,168.02
United Kingdom	Pound	6.2	17.22							6.2	17.22
Total dollar equivalent			1,740.82		4,011.50		5,966.00		1,394.52		13,122.84

JAMES E. MURRAY.

Report on foreign currencies and U.S. dollar equivalents, utilized by committees of U.S. Senate, for the period Jan. 1–Dec. 31, 1959 (as provided by sec. 502(b) of the Mutual Security Act of 1954, as amended)—Continued

SENATE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Country	Kind of currency	Transportation		Lodging		Meals		Other		Total	
		Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent
Australia	Pound	7.19.0	$17.92	46.9.0	$103.90	26.18.10	$80.32	19.17.8	$44.54	101.4.6	$226.68
Belgium	Franc			3,250	65.00	2,598	51.96			5,848	116.96
Cambodia	Riel	600	17.14	472	13.40	2,800	80.00	3,600	102.86	7,472	213.40
Egypt	Egyptian pound	108.000	257.60	105.034	263.86	85.000	226.71	30,076	79.72	328,170	827.89
England	Pound	282.19.6	792.32	259.17.2	728.42	151.5.5	424.14	114.5.1	320.06	808.18.2	2,264.94
France	Franc	215,817	439.32	416,308	857.20	237,514	488.17	238,912	484.00	1,108,551	2,268.69
Germany	Deutsche mark	18,831.86	4,490.87	1,652.95	394.15	1,329.14	316.76	1,512.96	361.15	23,326.91	5,562.93
Greece	Drachma	110	3.66	1,030	34.33	1,300	43.33	360	12.00	2,800	93.32
Hong Kong	Dollar	1,718.75	301.58	3,328.45	584.10	2,206.50	387.24	1,521.30	266.90	8,775	1,539.82
India	Rupee	851	181.84	1,213.34	258.77	932	198.22	743	157.99	3,739.34	796.82
Ireland	Pound	42.2.0	117.88	12.6.0	34.44	12.12.0	35.28	3.0.0	8.40	70.0.0	196.00
Israel	Israeli pound	341	188.83	774	429.25	523.5	289.17	771.5	426.97	2,410	1,334.22
Italy	Lira	711,298	1,144.34	457,705	734.04	410,230	657.72	266,124	426.90	1,845,328	2,963.00
Japan	Yen	8,538	721.66	34,793	96.60	26,457	73.40	4,750	13.10	74,538	904.76
Jordan	Dinar	8	22.56	22	61.57	29	81.88	27	77.32	86	243.33
Kenya	East African shilling.	800	112.00	510	71.40	855	119.70	1,515	222.10	3,680	525.20
Lebanon	Lebanese pound	53.19	16.62	340	106.25	88.8	27.75	48	15.00	530	165.62
Netherlands	Guilder	11,366.75	2,991.25	200	52.63	180	47.37	20	5.26	11,766.75	3,096.51
Pakistan	Rupee			118	25.00	28.5	6.04	23.5	4.98	170	36.02
Philippines	Peso	20.00	10.00	87.20	43.60	50.00	25.00	34.30	17.15	191.50	95.75
Portugal	Escudo	1,393	48.34	5,132	178.23	4,890	169.70	1,531	53.12	12,946	449.39
Saigon	Piaster	1,006	13.84	9,099	125.00	4,188	57.28	727	10.00	15,000	206.12
Spain	Peseta	5,820	97.00	15,100	251.67	13,490	224.83	4,690	78.00	39,090	651.50
South Africa	South African pound.	25.4	70.34	161	449.64	191	533.15	28	78.18	405.4	1,131.31
Sweden	Krona			120	23.21	70	13.54			190	36.75
Taiwan	Dollar	107	2.40	1,311.60	35.20	300.40	7.50	320	8.00	2,039	53.10
Thailand	Baht	1,530	72.42	3,308	156.49	2,174	102.85	1,444	68.30	8,456	400.06
Vienna	Shilling			1,000	38.46					1,000	38.46
Vietnam	Piaster	674	16.58	2,195	52.36	1,490	38.19	1,001	25.56	5,360	132.69
Total dollar equivalent			12,148.31		6,268.17		4,787.20		3,367.56		26,571.24

WARREN G. MAGNUSON.

COMMITTEE ON THE JUDICIARY

Country	Kind of currency	Transportation		Lodging		Meals		Other		Total	
		Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent
Australia	Pound			4.0.0	$9.00	4.5.3	$9.59			8.5.3	$18.59
Austria	Schilling			624.00	24.00	490.10	18.85	52.00	$2.00	1,166.10	44.85
France	Franc	342,128	$698.57	295,490	603.04	469,460	958.09	138,898	283.47	1,245,976	2,543.17
Germany	Deutsche mark	31,388.82	7,473.54	199,950	476.12	226,272	538.71	95,976	228.43	36,610.80	8,716.80
Greece	Drachma	950	31.67	2,380	79.34	5,140	171.33	835	27.82	9,305	310.16
Israel	Pound			55,800	31.00	44,244	24.58			100,044	55.58
Italy	Lira	240,139	386.26	310,533	499.60	459,134	738.61	99,932	160.79	1,109,738	1,785.26
Netherlands	Guilder	7,729.00	2,033.95							7,729.00	2,033.95
Portugal	Escudo	120.770	42.24	471,640	164.96	701,680	245.43	1,622.00	56.88	14,562.90	509.51
Switzerland	Franc	1,694.20	394.00	840.13	195.38	693.05	161.64	227.34	52.87	3,456.72	803.89
United Kingdom	Pound	20.0.0	56.00	57.8.7	160.80	50.2.1	141.32	15.0.0	42.00	142.10.8	400.12
Total dollar equivalent			11,116.23		2,243.24		3,008.15		854.26		17,221.88

JAMES O. EASTLAND.

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Country	Kind of currency	Transportation		Lodging		Meals		Other		Total	
		Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent
Austria	Schilling			3,900.00	$150.00	4,600.00	$176.93	1,500.00	$57.69	10,000.00	$384.62
France	Franc	225,003.00	$663.27	178,434.75	330.26	210,461.50	389.56	66,628.75	127.02	782,528.00	1,510.11
Germany	Deutsche mark			1,601.80	429.00	2,125.20	506.00	693.00	165.00	4,620.00	1,100.00
Greece	Drachma			4,680.00	156.00	5,520.00	184.00	1,800.00	60.00	12,000.00	400.00
Netherlands	Guilder	10,966.15	2,906.29							10,966.15	2,906.29
Switzerland	Franc	1,450.00	343.05	626.93	148.06	739.45	174.63	241.12	56.94	3,057.50	722.68
United Kingdom	Pound	217.47	614.10	78.00	218.40	92.00	257.60	30.00	84.00	417.47	1,174.10
Total dollar equivalent			4,526.71		1,431.72		1,683.72		550.65		8,197.80

OLIN D. JOHNSTON.

Report on foreign currencies and U.S. dollar equivalents, utilized by committees of U.S. Senate, for the period Jan. 1–Dec. 31, 1959 (as provided by sec. 502(b) of the Mutual Security Act of 1954, as amended)—Continued

COMMITTEE ON PUBLIC WORKS

Country	Kind of currency	Transportation		Lodging		Meals		Other		Total	
		Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent
Denmark [1]	Krone	31,362	$4,612	5,472	$805	3,219	$473	1,984	$291	42,037	$6,181
Finland	Markka	1,000	13	8,000	25	16,000	50	4,000	12	32,000	100
Poland	Zloty	275	5	1,100	20	1,260	23	1,116	20	3,751	68
France	Franc	59,740	122	60,890	124	73,878	151	18,190	37	212,698	434
Total dollar equivalent			4,752		974		697		360		6,783

[1] Includes purchase of intourist coupons for 50 days (2 persons) in U.S.S.R. and $4,224.80 air travel from United States to Russia and return.

DENNIS CHAVEZ, *Chairman.*

COMMITTEE ON RULES AND ADMINISTRATION

Country	Kind of currency	Transportation		Lodging		Meals		Other		Total	
		Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent
France	Franc	172,474	$351.80	215,505	$438.75	129,879	$266.67	279,799	$570.68	797,657	$1,627.90
Total dollar equivalent			351.80		438.75		266.67		570.68		1,627.90

THOMAS. C. HENNINGS, Jr., *Chairman.*

JOINT COMMITTEE ON ATOMIC ENERGY

Country	Kind of currency	Transportation		Lodging		Meals		Other		Total	
		Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent
Austria	Schilling	58,456	$2,132.90	33,472	$1,287.37	33,210	$1,277.23	20,497	$788.35	142,635	$5,485.85
Poland	Zloty	1,800	32.73	2,880	52.36	3,970	72.18	1,571	28.56	10,221	185.83
Finland	Finmark					2,975	9.33	9,352	30.90	12,800	40.13
Sweden	Krone	1,222	235.45	365	70.33	503	96.91	174	33.53	2,264	436.22
Norway	do	44	6.20	223	31.40	204	28.73	22	3.10	493	69.43
Denmark	do	1,905	276.09	1,788	259.13	1,806	261.74	421	61.02	5,920	857.98
Netherlands	Guilder	14,562	3,332.11							14,562	3,332.11
Spain	Peseta					7,280	121.33			7,280	121.33
United Kingdom	Pound	136.8.0	390.34	37.5.8	104.36	5.0.0	14.00	15.13.4	46.63	198.7.0	555.33
Switzerland	Franc	4,081	1,427.64	1,127	268.90	1,191	267.31	127	28.95	8,526	1,982.80
Belgium	do	6,743	134.86	9,664	193.28	12,226	244.52	3,730	74.60	32,363	647.26
Italy	Lira	876,675	1,402.06	74,520	120.06	25,490	41.03			970,678	1,563.08
Germany	Deutsche mark	30	7.14	313	74.52	37	8.81	20	4.76	400	95.23
France	Franc	682,459	1,396.08	420,151	858.45	578,864	1,182.35	317,725	645.20	2,000,199	4,082.08
Total dollar equivalent			11,273.59		3,310.10		3,625.47		1,745.50		19,954.66

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON ATOMIC ENERGY,
March 2, 1960.

Hon. CARL HAYDEN,
Chairman, Committee on Appropriations, U.S. Senate.

DEAR SENATOR HAYDEN: In accordance with the provisions of section 502(b) of the Mutual Security Act of 1954, as amended, there is submitted herewith an itemized report showing the amounts in dollar equivalent values of foreign currencies expended by members and staff of the Joint Committee on Atomic Energy, in connection with attendance by committee members as congressional advisers at the Geneva Conference on Suspension of Nuclear Weapons Tests, the third general conference of the International Atomic Energy Agency in Vienna, and visits to various atomic installations abroad.

The period covered in the report is from June 26, 1959, to October 19, 1959. The countries visited were: Austria, Poland, U.S.S.R., Finland, Sweden, Norway, Denmark, Belgium, France, Italy, West Germany, Spain, Switzerland, the Netherlands, and Great Britain.

The members of the Joint Committee and staff who attended the conferences and visited one or more of the above countries are as follows:

Senator Bourke B. Hickenlooper; Senator Albert Gore; Senator Wallace F. Bennett; Representative Chet Holifield; Representative James E. Van Zandt; Representative Melvin Price; Representative Craig Hosmer; Edward J. Bauser, staff technical adviser; John T. Conway, assistant executive director; Richard T. Lunger, staff consultant; Robert M. McKinney, consultant to the committee; and George F. Murphy, professional staff member.

In addition, the following representative of other agencies or departments accompanied the Joint Committee in the capacity of liaison officers: Comdr. Thomas Brady, U.S. Navy, Department of Defense; Thomas D. Huff, Department of State.

The attached table lists by country the amounts of foreign currencies expended and their dollar equivalents. It breaks down the expenditures in the following categories: Transportation, meals, lodgings, and other expenses. It should be noted that while the committee did not visit the Netherlands, this country was listed because counterpart Dutch guilders were utilized in payment for some of the transportation. In addition, some members and staff visited the U.S.S.R. However, Austrian schillings were used rather than Soviet rubles. Therefore, expenditures within the U.S.S.R. are combined with Austrian expenses.

The total expenditure in counterpart funds for calendar year 1959 for the Joint Committee on Atomic Energy was $19,954.66.

Sincerely yours,

CLINTON P. ANDERSON,
Chairman.

Report on foreign currencies and U.S. dollar equivalents utilized for the period Jan. 1–Dec. 31, 1959 (as provided by sec. 502(b) of the Mutual Security Act of 1954, as amended)

JOINT ECONOMIC COMMITTEE

Country	Kind of currency	Transportation		Lodging		Meals		Other		Total	
		Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent	Foreign currency	Dollar equivalent
France	Franc	11,500	$23.25	38,950	$77.78	46,000	$92.12	55,550	$114.47	153,000	$307.62
Denmark	Krone	30.5	5.71	114.65	16.57	85.5	12.37	10.5	1.52	250.15	36.17
Italy	Lire	831,555	1,186.83	39,300	62.88	60,000	96.14	39,700	63.68	1,027,445	1,409.53
West Germany	Deutsche mark	23	5.48	217.85	51.85	216.85	51.54	150	35.72	607.7	144.59
Belgium	Franc	375	7.50	1,863	37.26	1,235	24.70	1,680	33.60	5,153	103.06
England	Pound sterling	13.0	36.40	10.17	30.38	15.17	44.38	3.12	10.08	43.6	121.24
Total dollar equivalent			1,265.17		276.72		321.25		259.07		2,122.21

PAUL H. DOUGLAS

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LAUSCHE:

S. 3216. A bill for the relief of Anton Urbancic and Antonia Urbancic; to the Committee on the Judiciary.

By Mr. ANDERSON (by request):

S. 3217. A bill to waive certain restrictions of the New Mexico Enabling Act with respect to certain sales of lands granted to the State by the United States; and to consent to an amendment of the constitution of the State of New Mexico; to the Committee on Interior and Insular Affairs.

By Mr. SCHOEPPEL:

S. 3218. A bill for the relief of Mah Ngim Bell (Bill Mah); and

S. 3219. A bill for the relief of Mah Ngim Hay (Joe Mah); to the Committee on the Judiciary.

By Mr. BUTLER:

S. 3220. A bill to amend the Internal Revenue Code of 1954 so as to allow a deduction for payments of redeemable ground rent and for real property taxes paid on property subject to redeemable ground rent; to the Committee on Finance.

(See the remarks of Mr. BUTLER when he introduced the above bill, which appear under a separate heading.)

By Mr. EASTLAND:

S. 3221. A bill directing the Secretary of the Interior to convey certain property in the State of Mississippi to the heirs of H. A. McNemar; to the Committee on Interior and Insular Affairs.

By Mr. BARTLETT (for himself and Mr. GRUENING):

S. 3222. A bill to authorize the modification or reconstruction of certain works of the Eklutna project, Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. BARTLETT when he introduced the above bill, which appear under a separate heading.)

By Mr. MAGNUSON:

S. 3223. A bill for the relief of John W. Bos; to the Committee on the Judiciary.

By Mr. BRIDGES (for himself, Mr. BYRD of Virginia, Mr. CURTIS, and Mr. COTTON):

S.J. Res. 174. Joint resolution proposing an amendment to the Constitution of the United States relative to the balancing of the budget; to the Committee on the Judiciary.

(See the remarks of Mr. BRIDGES when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. MURRAY (for himself and Mr. MANSFIELD):

S.J. Res. 175. Joint resolution to authorize the Secretary of the Interior to defer the reclassification of certain lands of the Malta Irrigation District, Milk River Federal reclamation project, Montana, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. MURRAY when he introduced the above joint resolution, which appear under a separate heading.)

RESOLUTIONS

STUDY OF ACTIVITIES IN CERTAIN CENTRAL AND SOUTH AMERICAN COUNTRIES

Mr. CURTIS submitted the following resolution (S. Res. 292); which was referred to the Committee on Foreign Relations:

Whereas activities directed toward the removal of heads of government in certain Central American and South American countries seek to depose leaders of governments friendly to the United States; and

Whereas these activities may be a cumulative effort tending toward a conspiracy to depose heads of governments inimical to international communism: Therefore be it

Resolved, That the Senate Committee on Foreign Relations, or a subcommittee thereof, make appropriate studies of these activities for the purpose of advising the Senate whether the Monroe Doctrine is being violated and whether existing statutes and treaties enable the United States to take any actions that may be necessary or desirable to avoid encroachment upon governments of Western hemispheric countries who seek to resist international communism.

PROGRAM OF U.S. EXPORT CREDIT GUARANTEES BY EXPORT-IMPORT BANK OF WASHINGTON

Mr. JAVITS (for himself and Mr. KEATING) submitted a resolution (S. Res. 293) relative to the effectiveness of the program of export credit guarantees carried out by the Export-Import Bank of Washington, which was referred to the Committee on Banking and Currency.

(See the above resolution printed in full when submitted by Mr. JAVITS, which appears under a separate heading.)

AMENDMENT OF INTERNAL REVENUE CODE OF 1954, RELATING TO DEDUCTION FOR PAYMENTS OF CERTAIN GROUND RENT

Mr. BUTLER. Mr. President, I introduce, for appropriate reference, a bill to amend the Internal Revenue Code of 1954 so as to allow a deduction for payments of redeemable ground rent and for real property taxes paid on property subject to redeemable ground rent. I ask unanimous consent to have printed in the RECORD a statement, prepared by me, relating to the bill.

The PRESIDING OFFICER (Mr. COTTON in the chair). The bill will be received and appropriately referred; and, without objection, the statement will be printed in the RECORD.

The bill (S. 3220) to amend the Internal Revenue Code of 1954 so as to allow a deduction for payments of redeemable ground rent and for real property taxes paid on property subject to redeemable ground rent, introduced by Mr. BUTLER, was received, read twice by its title, and referred to the Committee on Finance.

The statement presented by Mr. BUTLER is as follows:

STATEMENT BY SENATOR BUTLER

Presently pending before the House Ways and Means Committee as part of the Technical Amendments Act of 1960, H.R. 9625 and its companion bill, H.R. 9626, section 4, is an amendment to the Internal Revenue Code which would have the effect of negating recent Court decisions relating to the tax treatment of ground rents. I oppose that section of the bill.

For a number of years the Treasury Department has treated the sale of property subject to annual ground rent as a mortgage transaction; that is, in computing the amount of taxable gain on the sale of property impressed with a ground rent Treasury took into consideration as part of the sale price the redemption value of the ground rent. This amount, which is computed by capitalizing the annual ground rent at 6 percent, was added to the actual selling price and the seller's profit was computed and taxed accordingly. In subsequent years, an interest deduction was granted to the purchasing home owner for his annual ground rent payments. The home owner was also permitted to deduct all real estate taxes he paid on the property notwithstanding that part of the taxes were attributable to the house and part to the land.

It should be noted that a Maryland State law permits a homeowner whose land is impressed with a ground rent to redeem it after 5 years, if he so desires, by capitalizing the ground rent at 6 percent. There is no requirement that he do so and if he doesn't choose to, the builder will never receive the redemption value of the ground rent unless he sells his interest.

In 1956, the U.S. Fourth Circuit Court of Appeals in the Simmers case, and subsequently the tax court in the Welsh Homes case, held that the Treasury Department

could not tax the seller according to its previous practice. Those cases held that when property is sold subject to ground rents, the seller sells only his leasehold interest in the property and retains a reversionary interest. The cases stated that the redemption value of the reversionary interest could not be taxed until it was actually sold, or redeemed by the homeowner. Thus, the decisions postponed the taxable event from the time of the sale of the leasehold interest until the time of sale or redemption of the reversionary interest.

H.R. 9625 (and H.R. 9626) section 4, would reimpose the income tax on the redemption value of the reversionary interest at the time of the sale of the leasehold interest and thereby overturn the decisions in the Simmers and Welsh Homes cases. This should not be done.

The Treasury Department contends that this legislation is needed in order to protect the ground rent interest deduction and tax deduction for amounts attributable to the land presently permitted the homeowner. Treasury reasons that it would have to change its regulations in this respect in order to be consistent with the result of Simmers and Welsh.

I do not agree that the homeowners should lose tax deductions to which they are justly entitled and, as well, I do not believe a home builder should be taxed on sums of money which he has never received.

I think the Simmers and Welsh Homes cases expound sound law. They postpone the taxable event until the time when it actually occurs; that is, to the time when the builder actually receives the money upon which he is being taxed. I can see no logical reason why anyone should be assessed an income tax before he receives the money that is being taxed. In the case of ground rents, there is no certainty that the builder will ever receive the redemption value of the ground rents since no one can make the homeowner redeem. I do not see that the Court decision will cause the Treasury Department any appreciable revenue loss, or, as a matter of fact, any revenue loss at all.

In addition, I feel that the homeowners should continue to receive the annual ground rent and tax deductions since they have traditionally been permitted them and since the ground rent situation is peculiar to Maryland (and there only in the Baltimore area), and probably one other State—Pennsylvania.

With this in mind, I am introducing at this time a bill for consideration by the Finance Committee when the Technical Amendments Act of 1960 is before it. This bill will guarantee the referred to deductions to the homeowners. It leaves intact existing law, as interpreted by the Simmers and Welsh Homes cases, relating to taxability of the reversionary interest held by the home builder. I think those cases adequately and properly state the law and that no change is needed in that respect.

RECONSTRUCTION OF CERTAIN WORKS OF EKLUTNA PROJECT, ALASKA

Mr. BARTLETT. Mr. President, on behalf of myself and my colleague the junior Senator from Alaska [Mr. GRUENING], I introduce, for appropriate reference, a bill to allow modification or reconstruction of the Eklutna hydroelectric project, near Anchorage, Alaska, by the Secretary of the Interior, acting through the Bureau of Reclamation. My colleague, the junior Senator from Alaska [Mr. GRUENING], joins me in sponsoring this legislation, under which the city of Anchorage would finance the modification or reconstruction costs.

Bureau of Reclamation and city officials agree that passage of this legislation would increase the total kilowatt-hour production and increase the load factor. A higher dam to increase the storage for additional power generation is contemplated.

Mr. President, I am happy to introduce this proposed legislation. The Eklutna hydroelectric power project is proving to be a financial success. The proposed legislation introduced today would improve—at no expense to the Federal Government—this fine facility. Projections now indicate that the project will repay the Federal Government's investment, with interest, in 44 years. At the end of the 50-year repayment period established initially, the projections show Eklutna should earn a surplus in excess of $8 million.

Of course, if improvements are made which will make possible increased revenues, and if these improvements are made at no cost to the Federal Government, the result will be that the U.S. investment in the Eklutna hydroelectric power will be even more secure and even more assured of reimbursement. The Eklutna project is proof that America acts wisely when it encourages the development of Alaska.

In addition, Mr. President, the proposed legislation which I introduce today reflects the desire of Alaskans to assume responsibilities consistent with the growth of the Alaska economy. Alaskans are a self-reliant people, and to the extent feasible, Alaskans, of course, want to develop the 49th State on a self-help basis, turning to the Federal Government for financial aid only when resources in Alaska are insufficient to raise needed capital for long-term investment. As I have noted, the improvements to Eklutna under this bill would be financed by the city of Anchorage.

It may be wondered why this proposed legislation is necessary, since the costs of the modification or reconstruction which it would authorize would be borne by the people of Alaska. The reason is that the statute authorizing the Eklutna project makes reference to a report which embodied a plan and design for the project as it now exists. To make fuller use of this project's potential, to meet the needs of an expanding power requirement in the area, to further the security of defense installations in the area which are major customers of the project's nonfirm power, this further authorization is necessary.

Mr. President, I ask unanimous consent that a table showing the latest available statistics concerning Eklutna be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the table will be printed in the RECORD.

The bill (S. 3222) to authorize the modification of reconstruction of certain works of the Eklutna project, Alaska, and for other purposes, introduced by Mr. BARTLETT (for himself and Mr. GRUENING), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The table presented by Mr. BARTLETT is as follows:

Eklutna hydroelectric project

	Kilowatt-hours
Calendar year 1958:	
Total energy sold (approximate)	159,000,000
Firm power sold to—	
City of Anchorage	72,811,200
Matanuska Electric Association	15,614,120
Chugach Electric Association	43,555,082
Nonfirm power sold to—	
Elmendorf AFB	11,367,900
Fort Richardson	6,218,900
Chugach Electric Association	9,289,318
Income from energy sold—firm power from—	
City of Anchorage at rate of 10.74 mills per kilowatt-hour	$782,162
Matanuska Electric Association at rate of 12.93 per kilowatt-hour	201,814
Chugach Electric Association at rate of 10.46 mills per kilowatt-hour	455,426
Income from energy sold—nonfirm power at rate of 6 mills from—	
Elmendorf AFB	68,207
Fort Richardson	37,301
Chugach Electric Association	55,735
Total income, 1958 calendar year (approximate)	1,600,000

PROPOSED AMENDMENT TO CONSTITUTION RELATING TO BALANCING THE BUDGET

Mr. BRIDGES. Mr. President, for myself, the distinguished Senator from Virginia [Mr. BYRD], the distinguished Senator from Nebraska [Mr. CURTIS], and my colleague, the distinguished junior Senator from New Hampshire [Mr. COTTON], I introduce, for appropriate reference, a joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget. I ask unanimous consent that the joint resolution be printed in the RECORD.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 174) proposing an amendment to the Constitution of the United States relative to the balancing of the budget, introduced by Mr. BRIDGES (for himself, Mr. BYRD of Virginia, Mr. CURTIS and Mr. COTTON), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. On or before the fifteenth day after the beginning of each regular session of the Congress, the President shall transmit to the Congress a budget which shall set forth his estimate of the receipts of the Government, other than trust funds, during the ensuing fiscal year under the laws then existing and his recommendations with respect to expenditures to be made from funds other than trust funds during such ensuing fiscal year, which shall include an amount not less than $500,000,000 for reduction of the public debt and which shall not exceed such estimate of the receipts. The President in transmitting such budget may recommend measures for raising additional revenue and his recommendations for the expenditure of such additional revenue. If the Congress shall authorize expenditures to be made during such ensuing fiscal year in excess of such estimate of the receipts, it shall not adjourn for more than three days at a time until such action has been taken as may be necessary to balance the budget for such ensuing fiscal year, nor shall it take any such adjournment without having provided for reduction of the public debt during such fiscal year by at least $500,000,000. In case of war or other grave national emergency, if the President shall so recommend, the Congress by a vote of three-fourths of all the Members of each House may suspend the foregoing provisions for balancing the budget and for reduction of the public debt for periods, either successive or otherwise, not exceeding one year each.

"SEC. 2. This article shall take effect on the first day of the calendar year next following the ratification of this article.

"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

Mr. CURTIS. Mr. President, I am very happy to join with the distinguished senior Senator from New Hampshire [Mr. BRIDGES] and the distinguished senior Senator from Virginia [Mr. BYRD] in the introduction today of a proposed constitutional amendment.

This proposal, if made a part of our Constitution, would end deficit financing by the Government of the United States. It would require the Federal Government to operate on a pay-as-you-go basis and it would further require the net reduction of the national debt by at least $500 million a year. The amendment simply provides that Congress cannot adjourn until provision has been made for a balanced budget and this minimum payment on the national debt.

The proposal does provide that, in case of war or other grave national emergency, the Congress can, by vote, suspend the operation of the amendment.

Mr. President, it is the rank and file of our citizens who carry the burden of our Federal taxes. Our Federal tax load falls directly and indirectly upon our workers, our farmers, our small businessmen, our white-collar people, and upon everyone. Our Federal expenditures are so high that any contention that they can be financed by taxing the rich is utter deception. To illustrate this, I want to cite a few facts:

Our budget for the coming year calls for expenditures of $79.8 billion, or almost $80 billion. Were the Federal Government to tax at 100 percent, or, in other words, confiscate all individual incomes over $100,000 per year, we would only take in $0.4 billion, or, in other words, enough money would be obtained to run the Federal Government for less than 3 days.

Were the Federal Government to confiscate all individual incomes over $25,000 per year, we would only realize $1.8 billion in revenue. The rest of the taxpayers would still have to raise approximately $78 billion for our expenditures in the coming year.

Were the Federal Government to confiscate through taxation all individual incomes over $10,000 per year, it would only bring in $5.6 billion. The rest of the taxpayers would still have to raise over $74 billion. The amount of money obtained by taking all incomes over $10,000 a year would run the Federal Government much less than 1 month out of the year.

To further illustrate the fallacy that Federal expenditures can be financed by taxing the rich only is shown by the following facts:

At the present time, the top bracket rate for individuals is 91 percent. Were this to be reduced to 75 percent, we would only lose $45 million in revenue. Were the individual top bracket rate to be reduced to 50 percent, the revenue loss would only be about $550 million, or less than one one-sixtieth of our expected revenue for next year.

Mr. President, what I am trying to say is that the burden of Federal expenditures falls upon young people who are getting a start and who are buying homes, upon parents who are educating their children, upon farmers and businessmen and workers who are trying to pay their bills and acquire their property. To increase Federal expenditures is to hurt and damage the rank and file of our citizens. To add to our Federal debt is to do damage to the same people. To lessen our expenditures and our taxes means that the benefits will flow to the same fine group of producers which constitute the vast majority of American citizens.

Mr. President, the spenders are an enemy of the people. Their activities should be curtailed. I hope that the proposed constitutional amendment can receive its two-thirds favorable vote of the Congress and be submitted to the States.

DEFERMENT OF RECLASSIFICATION OF CERTAIN LANDS OF THE MALTA IRRIGATION DISTRICT, MILK RIVER PROJECT, MONTANA

Mr. MURRAY. Mr. President, on behalf of myself and my distinguished colleague, the junior Senator from Montana [Mr. MANSFIELD], I introduce, for appropriate reference, a joint resolution to defer reclassification of certain lands of the Malta irrigation district, Milk River project, Montana.

This proposed legislation is necessary until the flood problem in the Beaver Creek Valley is resolved by the Bureau of Reclamation and other Federal agencies. The payment of that part of the district's construction charge obligation attributable to these lands may be deferred.

The Secretary of the Interior would be authorized to negotiate an appropriate amendatory repayment contract to carry out the provisions of the joint resolution.

The Malta irrigation district is one of the major developments of the Milk River project and its splendid groups of water users have made substantial contributions to the resource and agricultural development of eastern Montana.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 175) to authorize the Secretary of the Interior to defer the reclassification of certain lands of the Malta irrigation district, Milk River Federal reclamation project, Montana, and for other purposes, introduced by Mr. MURRAY (for himself and Mr. MANSFIELD), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

MORAL AND LEGAL RESPONSIBILITY OF CONGRESS TO ASSIST IN THE OPERATION OF SCHOOLS IN IMPACTED SCHOOL DISTRICTS—AMENDMENT TO SUPPLEMENTAL APPROPRIATION BILL

Mr. KUCHEL. Mr. President, I ask unanimous consent that I may speak to the Senate for not to exceed 8 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. KUCHEL. Mr. President, as soon as the parliamentary situation in this Chamber permits, I expect the Senate will be asked to act promptly on an urgent piece of legislation on the calendar for several days, the second supplemental appropriation bill, which was reported on March 11 and contains funds critically needed to carry on a variety of Federal activities.

I desire to call the attention of my colleagues to one provision which is of significance to every single one of our 50 States and to 2 American possessions as well. Among the numerous items in the bill is one for $8,330,000 for the Office of Education in the Department of Health, Education, and Welfare, the purpose of which is to enable the United States to discharge a most imperative moral commitment to our people. The money was added on the floor of the House and approved by the Senate Appropriations Committee in order to make up a lately discovered deficiency between the amounts available and the amounts required for payments to federally impacted school districts under Public Law 874.

Since the Senate committee hearings ended it has been learned from a review of applications for assistance toward operation of schools in these districts that the shortage actually will be $22,343,000. In other words, since the House took steps to prevent the Federal Government from reneging on its promises, the Office of Education has found that another $14 million odd will be needed if this assistance program is to be carried on as Congress several times has signified it intends shall be done.

Because of the far-reaching consequences of this situation, I wish to give notice that at the proper time I will undertake to prevent injustice from being done and to see that our Government does not break faith with our people. I intend to offer an amendment to H.R. 10743, the pending deficiency bill, which would replenish the accounts of the Office of Education so that full payment of all entitlements under the present Federal law can be made.

I have spoken, Mr. President, of the moral commitment upon the Congress. In my view, appropriation of these funds is an inescapable duty. The Congress only 2 years ago extended the law providing this assistance. Despite recommendations of the President, there has been clearly an undeniable unwillingness on the part of the legislative committees in both Chambers and the Congress itself to revise the law or to alter the assistance formula. We have not yet abandoned the legal responsibility—and I add the moral responsibility—of seeing that facilities are available to educate the children of federally connected personnel in these impacted school districts.

The obligation is clear and unavoidable. In the entire Union there are approximately 4,000 districts where the burden is heavy of providing classrooms, books, laboratories, and teachers for federally connected children. In some of these districts, upward of 50 percent of the entire budget for operating the schools is allotted to these Federal statutory costs. Consequently, even a 5 percent shortage in available funds for payment will have a severe impact in many areas.

I am naturally concerned about this problem because California stands at the head of the list of States in regard to the costs imposed on school districts by Federal activities which have brought large numbers of families within our borders.

It is true that California welcomed the defense installations and the defense industries which occasion the presence of these military and civilian residents attached to them. Our people have assumed a variety of financial obligations which these Federal activities made necessary, such as roads, police protection, utilities, and public services. At the same time, we have seen additional areas of land removed from the tax rolls in many other areas. On the other hand, it is certain that real estate owners in the vicinity of such Federal activities cannot bear the full burden of providing for education of children whose parents live on Federal property or who otherwise do not carry an equitable share of the local taxload.

The same conditions unquestionably exist in every other State of the Nation. Hence these Federal contributions under Public Law 874 are essentially payments in lieu of taxes. They are a reasonable item of expense for the Federal Government.

The effect of the shortage in available funds will be nationwide. Latest figures, which I invite my colleagues to examine, show the deficiency will run from $1,000 in the case of the Virgin Islands to $3,234,000 in the case of California, unless the appropriation I am proposing is made. Let me cite a few other States to show how school districts will be shortchanged without the funds I shall request by way of amendment. Even with the additional amount voted by the House, West Virginia districts will fail to receive $3,000; Vermont districts, $8,000; Texas districts, $470,000; Washington districts, $913,000; and Maryland districts, $929,000.

Mr. President, I have a table supplied by the Office of Education showing the total now available to pay entitlements, the additional amount estimated to be needed which prompted the House to add $8,330,000 to this deficiency bill, and the far greater amount which a recheck of applications shows must be provided if justice is to be done.

I ask unanimous consent that the table be printed in full at the conclusion of my remarks.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California? The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. KUCHEL. Mr. President, I now submit on behalf of myself and my colleague, the junior Senator from California [Mr. ENGLE], an appropriate amendment to H.R. 10743 which I ask to have lie on the table until tomorrow afternoon, in the hope that other Senators whose States are adversely affected may add their names as coauthors.

The PRESIDING OFFICER. The amendment will be received, and, without objection, the amendment will lie on the table as requested by the Senator from California.

EXHIBIT 1

Summary of fiscal year 1960, Public Law 874, estimated entitlements, by State (based on data as of Nov. 30, 1959, to Mar. 1, 1960)

[Nearest thousands of dollars]

State or territory	Requirements as of Nov. 30, 1959 [1]	Amount appropriated	Difference	Requirements as of Mar. 1, 1960 [2]	Amount appropriated	Difference	State or territory	Requirements as of Nov. 30, 1959 [1]	Amount appropriated	Difference	Requirements as of Mar. 1, 1960 [2]	Amount appropriated	Difference
Total	172,286	163,957	8,329	186,300	163,957	22,343	Nebraska	1,533	1,455	-78	1,615	1,455	160
							Nevada	1,141	1,083	58	1,215	1,083	132
Alabama	3,844	3,647	197	4,030	3,647	383	New Hampshire	885	840	45	965	840	125
Alaska	5,292	5,021	271	5,832	5,021	811	New Jersey	2,632	2,497	135	3,180	2,497	683
Arizona	3,827	3,632	195	3,903	3,632	271	New Mexico	3,973	3,770	203	4,374	3,770	604
Arkansas	970	920	50	990	920	70	New York	3,947	3,745	202	4,052	3,745	307
California	28,977	27,490	1,487	32,211	27,490	4,721	North Carolina	1,823	1,730	93	2,025	1,730	295
Colorado	4,614	4,378	236	4,819	4,378	441	North Dakota	293	278	15	341	278	63
Connecticut	1,646	1,562	84	1,878	1,562	316	Ohio	4,173	3,960	213	4,397	3,960	437
Delaware	197	187	10	211	187	24	Oklahoma	6,082	5,771	311	6,148	5,771	377
Florida	4,515	4,285	230	4,985	4,285	700	Oregon	874	829	45	1,038	829	209
Georgia	4,341	4,119	222	4,741	4,119	622	Pennsylvania	4,126	3,915	211	4,426	3,915	511
Hawaii	3,162	3,000	162	3,762	3,000	762	Rhode Island	1,506	1,429	77	1,545	1,429	116
Idaho	1,274	1,209	65	1,350	1,209	141	South Carolina	2,658	2,522	136	2,817	2,522	295
Illinois	2,724	2,585	139	2,924	2,585	339	South Dakota	1,764	1,674	90	1,774	1,674	100
Indiana	802	761	41	861	761	100	Tennessee	1,776	1,686	90	2,017	1,686	331
Iowa	440	417	23	500	417	83	Texas	10,366	9,836	530	10,836	9,836	-1,000
Kansas	4,327	4,106	221	4,617	4,106	511	Utah	1,500	1,423	77	1,561	1,423	138
Kentucky	1,115	1,058	57	1,139	1,058	81	Vermont	84	80	4	92	80	12
Louisiana	980	930	50	1,405	930	475	Virginia	11,767	11,165	602	12,092	11,165	927
Maine	1,344	1,274	70	1,368	1,274	94	Washington	7,098	6,735	363	8,011	6,735	1,276
Maryland	6,358	6,033	325	7,287	6,033	1,254	West Virginia	129	122	7	132	122	10
Massachusetts	4,458	4,230	228	4,940	4,230	710	Wisconsin	564	535	29	570	535	35
Michigan	826	784	42	901	784	117	Wyoming	492	467	25	727	467	260
Minnesota	411	390	21	445	390	55	Guam	651	618	33	678	618	60
Mississippi	1,268	1,203	65	1,291	1,203	88	Virgin Islands	50	47	3	51	47	4
Missouri	2,030	1,926	104	2,103	1,926	177	Federal installations	9,500	9,500	------	9,800	9,500	300
Montana	1,157	1,098	59	1,328	1,098	230							

[1] Based on data as of Nov. 30, 1959.
[2] Based on data as of Mar. 1, 1960.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, March 17, 1960, he presented to the President of the United States the following enrolled bills:

S. 1193. An act for the relief of Eleanor Constan;

S. 1703. An act for the relief of Raul Jorge Jose Hermitte; and

S. 2028. An act for the relief of Candace Elizabeth Lee Johnson (Kyung Hee Lee).

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. HUMPHREY:

Radio address entitled "A Program for Senior Citizens," delivered by him to his constituents during the week of March 7.

IGNACE J. PADEREWSKI SHOULD BE SELECTED FOR "CHAMPION OF LIBERTY" STAMP SERIES

Mr. BUSH. Mr. President, the U.S. Post Office Department's "champion of liberty" stamp series honoring those of other lands who have worked and fought for liberty is deserving of the highest praise.

It is said that a picture is worth a thousand words. The "champion of liberty" stamp series is a case in point. As the U.S. mail reaches the four corners of the world, the likenesses of those represented on the "champion of liberty" stamps will serve as a reminder of their outstanding accomplishments and heroism in the cause of liberty.

Those of us who live in freedom will be reminded that the preservation of liberty is best served by an active participation in the processes of democratic government. On the other hand, those who are living in lands under the control of forces which deny freedom will be reminded that through dedication, work, and prayer, liberty can be achieved despite almost overwhelming odds.

Mr. President, November 6, 1960, will mark the 100th anniversary of the birth of the great Polish patriot, Ignace J. Paderewski. His artistry, his humanitarianism, and his statesmanship have inspired millions in his homeland and throughout the world.

At this point, Mr. President, I should like to quote part of a letter which I received from the Polish American Congress, dated March 10, 1960, which describes the heroic record of Ignace J. Paderewski:

During the First World War he interrupted his artistic career and worked for the independence of Poland. He was instrumental in organizing an independent Polish army in France recruited in 1917–18 in the United States, Canada, South America, and Western Europe. This army fought at the side of the Allies on the western front.

He was chairman of the Polish delegation to the Peace Conference in Versailles and on behalf of Poland signed the peace treaty by which Poland gained her independence.

He assisted in organizing the Polish Republic in 1918 and 1919, and was the first Polish delegate to the Council of Ambassadors at the League of Nations in 1920.

When the Second World War broke out and Poland was overrun by Soviet Russia and Germany, Paderewski, for the second time in his life, interrupted his career and set himself the task of laboring for the liberation of his native Poland.

He was instrumental in forming the Polish Government-in-exile in 1939 and was chairman of the National Council of the Republic of Poland functioning in France and later in England.

In 1940 on his 80th birthday, aged and weary but spiritually valiant, Paderewski arrived in the United States to work for the independence of his distressed homeland. He died in New York on June 29, 1941, and by special authorization of President Franklin D. Roosevelt is buried in Arlington National Cemetery.

The Post Office Department is now considering candidates for the 1960 "champion of liberty" stamp series. I have expressed to the Postmaster General my sincere hope that Ignace J. Paderewski will be included among those chosen. No person, in my opinion, could better exemplify the noblest characteristics of the human spirit in its quest for universal freedom than that great champion of liberty, Ignace J. Paderewski.

PAUL BUTLER DOING FINE JOB—SHOULD NOT RESIGN

Mr. PROXMIRE. Mr. President, as the grandson of Pat Flannagan and Rose O'Reilly, I rise on St. Patrick's Day to pay tribute to a fighting Irishman, and I call on Democratic National Committee Chairman Paul Butler to continue on as chairman. I commend Butler for "his gallant fight for the platform and principles of the Democratic party."

In my judgment, Paul Butler is one of the best chairmen the Democratic Party has ever had. No chairman in my memory has more consistently or eloquently fought for the platform of our party than has Butler.

Butler has been under attack for a long time because he has violated the old chestnut that the party chairman has one job and only one job—to keep peace in the family. In my book it is far more important that a party chairman slam some backbone and moral strength into the family than harmony and peace. Butler has repeatedly done this. In doing so, he has—predictably—made enemies, but if he should resign it would be an enfeebling blow to our party. A Butler resignation under fire would mean that the party would be losing some of the fight, the fire, the zest, the zeal that has made our party worth belonging to.

I admire and respect the Senator from Minnesota [Mr. HUMPHREY]. I have not taken and will not take sides between him and the Senator from Massachusetts [Mr. KENNEDY] in the primary in my State. They are both splendid Senators and excellent candidates. But if any prediction has been made by Butler that the Senator from Massachusetts [Mr. KENNEDY] will win in Wisconsin, the Senator from Minnesota [Mr. HUMPHREY], should not resent it. In the past 9 years I have engaged in five hotly contested general election campaigns and three primary contests in Wisconsin. I have found that no outside person ever successfully tells the people of Wisconsin for whom to vote. I have also found that Wisconsin voters admire and support a candidate who is waging an uphill fight against odds. The Senator from Minnesota [Mr. HUMPHREY] should not regard any prediction that Butler may have made that he is behind as hurtful. I think it will help him.

If Butler has made any such prediction, I would not regard it as favoring one candidate over others in the slightest, unless of course the candidates want it to appear that way.

WASTE AND DUPLICATION IN DEFENSE SPENDING

Mr. BRIDGES. Mr. President, on Monday last, I made a statement on the floor of the Senate regarding the absolute necessity for avoiding waste and duplication in our defense spending. In connection with my remarks, I inserted an editorial from the Washington Daily News which points out the fallacy of assuming that we can maintain a superior defense posture simply by expending our financial resources without regard to economic good sense.

However, I did not intend to imply agreement with that portion of the editorial which calls for elimination of the individual military services as a device for curbing our defense spending. I have been, and remain, unequivocal in my position that interservice rivalry, when held within proper bounds, provides a healthy and productive contribution to the goal of acquiring a sound and effective defense posture. In short, for reasons which I have stated previously on the floor of the Senate, I consider such proposals as total unification, a single uniform, and a single Chief of Staff to be inherently inferior to the system we have at the present time.

Mr. President——

The PRESIDING OFFICER. The Senator from New Hampshire.

TRIBUTE TO THE MOST REVEREND ERNEST J. PRIMEAU, BISHOP OF MANCHESTER

Mr. BRIDGES. Mr. President, my distinguished colleague and junior Senator from New Hampshire [Mr. COTTON] and I had the privilege on Tuesday of joining thousands of other New Hampshire citizens in honoring our State's new Catholic bishop, the Most Reverend Ernest J. Primeau, at an impressive installation ceremony in St. Joseph's Cathedral at Manchester. Many dignitaries of the city of Manchester, the State, and the Catholic Church, including His Eminence Richard Cardinal Cushing, of Boston, were present as

Bishop Primeau became the sixth spiritual leader of the more than 200,000 Catholics in New Hampshire.

Upon his arrival from Chicago, where he was elevated to his new high office in the church, Bishop Primeau issued an excellent statement on his responsibilities and his aims as bishop of Manchester. In addition, the Manchester Union issue of March 15 published a fine editorial entitled "Welcome to Bishop Primeau."

Mr. President, I ask unanimous consent that Bishop Primeau's statement and the editorial be printed in the CONGRESSIONAL RECORD.

There being no objection, the statement and editorial were ordered to be printed in the RECORD, as follows:

[From the Manchester Union, Mar. 15, 1960]

TEXT OF STATEMENT BY BISHOP PRIMEAU

Following is the text of a statement issued yesterday by Most Rev. Ernest J. Primeau, S.T.D., new bishop of Manchester, shortly after he arrived in New Hampshire to assume authority as head of the diocese and spiritual leader of its 217,000 Catholics:

"I come, of course, with a salutary fear of the heavy responsibility which the office of bishop implies. I hope that I am laboring under no illusions in this matter. But I have great confidence in the grace of office and the trust, understanding, and cooperation of the priests and people of New Hampshire.

"I come as a stranger but eager to be of service in every way possible to those entrusted to my care. My work is primarily religious but the church through its religious, doctrinal, and moral values brings dignity to the individual and makes important contributions to the community and to the social, economic, political, and cultural welfare of our Nation in which we live. A good Christian must be a good citizen. National morality will prevail only if grounded on religious principles.

"I have drawn great encouragement and consolation from the warmth of the response with which my nomination has been received. I look forward to an interesting and challenging future. Kindly extend my greetings to all the people of the State of New Hampshire and assure them that I come to dedicate myself to their service and welfare."

WELCOME TO BISHOP PRIMEAU

All of New Hampshire joins in extending a hearty welcome to the Granite State to Most Rev. Ernest J. Primeau, S.T.D., bishop of Manchester and worthy successor to the late beloved Bishop Brady.

The inspiring and elaborate installation ceremony at St. Joseph Cathedral this morning is noteworthy not only in its deep religious significance, but also as a demonstration of the high esteem in which Bishop Primeau is held by civil dignitaries at all levels of government.

The attendance of such a large number of prominent citizens of all religious beliefs at this inspiring service has its own significance. Bishop Primeau comes to New Hampshire not only as a distinguished churchman but also as a highly respected fellow citizen.

Bishop Primeau has had an impressive career. He has been a parish priest, educator, social worker, administrator, and specialist in canon law, in which he holds a licentiate from Lateran University in Rome. Bishop Primeau, then Father Primeau, earned his licentiate, while serving as rector of Santa Maria del Lago, house of studies for Chicago students in Rome. He later obtained a doctorate in theology at Mundelein Seminary in Illinois.

From 1956 to 1958 Bishop Primeau served as an official with the Sacred Congregation of the Holy Office, as an aid to Cardinal Pisardo, who was then secretary of the congregation. Bishop Primeau speaks several languages, including Italian and French.

This brief review of some of the highlights of Bishop Primeau's career is ample justification for the many good things which are said about him.

We know that God will bless his works here.

FARMERS' OPINIONS ON THE FARM PROBLEM

Mr. MUNDT. Mr. President, I think we all agree that the greatest domestic economic problem we have in this country is the farm problem. It is not new. We have had a farm problem in this country for a great many years.

Many experts, many observers, and many commentators, have expressed opinions about the problem. Recently Mr. F. J. Gilbride, the State editor of the Sioux Falls Argus-Leader of Sioux Falls, S. Dak., which is the largest daily newspaper in the five-State farming area, decided it might be of interest to the country and it might be helpful to the Congress to find out what the farmers themselves thought about the farm problem. He has prepared a very interesting series of articles based on the observations of the farmers.

Mr. President, we have heard from politicians, from Senators, from Representatives in Congress, from bureaucrats, from college professors and from economists. I think it is good, on occasion, to go to the farmers themselves to see what are their reactions and their reflections. I therefore ask unanimous consent to have printed at this point in the RECORD this series of articles, and with the articles I ask unanimous consent to have printed the charts and graphs which it is possible for the Government Printing Office to include in the text of the RECORD. I think some can be included, Mr. President, and some cannot. I ask only that insofar as it meets the customs and convenience of the Government Printing Office those charts and those graphs be printed in the RECORD with the articles.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota?

There being no objection, the articles, charts, and graphs were ordered to be printed in the RECORD, as follows:

[From the Sioux Falls Argus-Leader, Feb. 28, 1960]

SOUTH DAKOTA FARMERS: "SOLONS SWEETEN US VOTEWISE TO GET REELECTED—FARM PROGRAM SHOULD NOT BE POLITICAL FOOTBALL"

(First in a series)

(By F. J. Gilbride)

Are farm measures politically inspired?

Many South Dakota farmers are of a mind that many of them are.

At least a number expressed such a view in a survey conducted by the Argus-Leader which covered 28 counties in all sections of the State.

The survey asked farmers for points they would include in a farm bill if they had the opportunity to author farm legislation.

NOT HESITANT

Some were not the least bit hesitant in declaring they felt farm measures are aimed toward their votes, not their welfare.

Others were not quite as outspoken in volunteering the thought.

A Harding County stockman said:

"I know that politicians have failed miserably since 1924 in solving any farm problem except their immediate problem of being reelected."

"A farm program satisfactory to everyone is very likely an impossibility," Clarence A. Dybvig, Baltic, said. "Politicians tend to be concerned about farmers as election time draws near. Farm programs should not be political footballs."

The Minnehaha County farmer added, "A farm program acceptable to farm people and city people alike is very complex and will very likely not be achieved on the political battlefield."

NO DOUBTS

There were no doubts in the feelings of Harold E. Harms, Hitchcock.

Harms, who feeds stock and operates an irrigation system on his Spink County farm, said his pet peeve is the politician who sits back and waits until he sees if a new farm plan is successful or not.

"Then," said Harms, "He yells loud and long against its failures but has no constructive program of his own to offer."

A Harding County rancher was equally as outspoken on the point of farm measures being politically inspired.

Claude E. Olson, Ludlow, said, "The U.S. Congress has created the present farm chaos by their attempt to sweeten us farmers votewise that they may get reelected. And I think the U.S. Congress must correct the example by removing the cause."

Olson is a trustee for the National Cowboy Hall of Fame.

DIVIDES BLAME

Lloyd B. Dye, Hitchcock, put a portion of the blame on the farmers, as he scored politicians' efforts to cure the farm ills.

The Beadle County farmer said:

"Politicians have had their say and to me a politician is primarily a liar and this, of course, he must be in order to be elected to the office he seeks. However, upon being successful in his political venture he becomes a farm management expert regardless of his past training, education, experience, etc.

"These things he cannot be," Dye continued, "and to make sure that I am right only necessitates the looking up of what politicians, with the help of the farmer himself, have done for the farmer in the past few years.

"When the politician and the farmer with enough guts (and believe me there are still a few) say they are done with the present mess and go back to statesmanship and two-handed farming, it is my belief that prosperity may return to the farm and thereby mushroom throughout every other industry in the Nation."

Dye described one-handed farming as the "farmer who holds his right hand out to Uncle Sam for a subsidy, soil bank or approved practices check and tries to farm with his left."

FIRST STEP

Speaking of the farm problems, Albert Vanhove, Madison, said he felt the first step toward new farm legislation would be "to set a basic policy."

"The way it is now," the Lake County man continued, "and in the past is something for politicians to mess around in.

"Agriculture is still one of the great industries of this Nation and its ups and downs affect everyone sooner or later. We have many farm organizations in the United States but each one seems to represent a certain field in agriculture such as grain, livestock, dairy, etc. It doesn't seem that they will ever get together on a common policy. Now I don't know if it is the government's duty to bring these people together but it surely must be someone's job. The politicians are making things worse."

Vanhove said he felt the politicians had better become statesmen before it is too late.

NEUTRAL VIEW

There was a neutral position in legislation issue.

It was expressed by William D. Duba, Ethan, who said at his Davison County farm:

"All legislation should have as its purpose the strengthening of the family farm enabling its operator to earn his fair share of the national income."

OPPOSITE VIEW

There were also extremely opposite views from those expressed above.

A county agent was asked for the names of several farmers in his county who could be contacted for views on what they would like to see in the way of farm legislation.

He replied:

"It isn't so much what the farmers want; it boils down to what President Eisenhower and Mr. Benson want. What good does it do to get a farm bill through Congress only to have it vetoed by the President and Mr. Benson."

This particular county agent is serving in a county some distance from a farm he owns in Moody County.

And a Grant County farmer, H. D. Brink, Ortley, said:

"Much of our trouble could easily be solved if our Secretary of Agriculture would work with agriculture-minded people."

[From the Sioux Falls Argus-Leader, Feb. 29, 1960]

SOUTH DAKOTA FARMERS ARE FOES, FRIENDS OF SOIL BANK

(Second in a series)

(By F. J. Gilbride)

The soil bank must go.

The soil bank must stay.

These directly opposite views are held by South Dakota farmers.

MAY BE CLUE

Perhaps they give a clue as to why it is difficult to write farm legislation that finds acceptance in all quarters.

The views were expressed in an Argus-Leader survey which asked farmers for points they would include in a farm bill should they have an opportunity to write such a measure.

Those wanting to put a lock on the soil bank offered arguments to support their beliefs and those favoring the continuance of the plan were equally eloquent in their beliefs.

CHANGES SUGGESTED

There were farmers in the 28-county survey that suggested modifications in the soil bank.

Those opposing the soil bank were not as large in number as those favoring it but they didn't mince words.

Bob Hlavka, Meade County's outstanding young farmer, said:

"I don't believe the soil bank program has served of any value for our State.

"It has caused many people to leave their rural homes and move to town, making for more unemployment, juvenile delinquency and abandoned farms slowly becoming run down and blown about, which does not make a very pretty sight."

Earl H. Sly, Platte, said the present farm program encourages large farmers—private or corporate—to produce for sale or storage thus swelling the surplus.

The Charles Mix County man said, "The soil bank is crowding many a young family off the land and forcing them to move to the cities and help swell the ranks of the unemployed.

"When opportunity is gone, when a man has nothing to lose he may become an easy prey to unrest or even communism.

"It removes much personal property, and in some cases, improvements from the tax list.

"By moving these families off the farm our smaller towns are losing much of their trade."

The soil bank has been a boon to three classes of people in the eyes of Lloyd B. Dye, Hitchcock.

He classed them as: (1) The farmer too old to continue farming his land; (2) the farmer with too many acres of land to farm without additional investment in new and expensive equipment; and (3) the town and city people who bought land simply for an investment and turned it into the soil bank acres of weeds.

WANTS IT OUT

Lawrence Lutz, who farms near Webster in Day County, said the sooner the soil bank is thrown out, the better.

"I have some land in the soil bank," he said, "not because I approve of it wholeheartedly, but it is a good way for a young farmer to be sure of the payment that must be made on the land.

"It is not only a bad deal for city farmers who own land, put the renters off and put the land in the soil bank, but also for the people on smalltown main streets who depend on the farmer."

Lutz said he would get much more satisfaction from being able to farm the land and get a fair return on the grain harvested, rather than "going to the mailbox on the 15th of October and picking up a check for a couple of thousand dollars of the taxpayers' money and doing practically nothing for it."

OTHER SIDE

Now let's take a look at the other side of the fence.

Lloyd A. Johnson, Brookings County, gave his endorsement of the plan when he said he believed it is much cheaper to store the grain in the soil before it is produced than to store it in bins.

"At the same time," he said, "we are conserving our land for future generations. We must conserve our land for the future when our population will increase and need it."

CONCERN TO ALL

A Miner County farmer said he feels the soil and water concerns everyone, regardless of who they are or where they live.

"I hear no complaint from city dwellers on the cost of the soil bank," M. W. Walter, Roswell, said, "and there should be none because it is their insurance as well as the farmers."

H. H. Ehlers, Presho, who combines farming and cattle feeding in Lyman County, said he would like to see more soil bank. He added perhaps more would have to be paid per acre to get the good land out of crop.

The treasurer of the Hand County Soil Conservation District, Wilford Herman, said it is desirable to extend soil bank coverage sufficiently to actually decrease production.

"Stopping with the present acreage will completely emasculate the program and its effect upon our crop surpluses," the miller-farmer said.

Herman said he felt if the size of the plan is not increased as a partial solution to the farm problem, the plan will be sabotaged before it is given a chance to function.

A Beadle County farmer sees the soil bank as a good effort to bring supply and demand into a closer relationship.

"But in the beginning," he continued, "there were loopholes that made it a speculator's paradise, which was bad."

MAKES PLEA

A large expansion of the program was the plea of Bert P. Mason, Spink County.

Farming near Frankfort, Mason said: "Expand the soil bank plan to a point whereby actual acres left in production would supply farm products nearly in balance with demand. As we progress toward this goal, support prices and crop controls could gradually be eliminated. Then each farm crop would compete for its price and position in the market."

Other believers in the soil bank program included Rich Daly, Columbia, in Brown County; Ed Leuning, Flandreau, in Moody County; and Francis Kelly, Corsica, in Douglas County.

[From the Sioux Falls Argus-Leader, Mar. 1, 1960]

FARMERS WOULD TOUGHEN SOIL BANK LOAN

(Third in a series)

(By F. J. Gilbride)

South Dakota farmers would put teeth in soil bank laws if they went to the congressional halls in Washington.

They would also extend some of the bank's dividends.

They see in their "legislation I would like to have" less absentee ownership, soil conservation, and a means to cut surpluses among other things.

Their opinions were given in a survey by the Argus-Leader which contacted farmers in 28 South Dakota counties.

WOULD SET LIMIT

Under a plan advanced by William D. Duba, Davison County, each farm operator would be permitted to put not more than half or 250 acres of his farm, whichever is smaller, into the soil bank.

The Ethan farmer said, "This would discourage absentee landlords from buying land and putting it into the soil bank. This would eliminate large tracts of land going into the soil bank under one ownership."

Duba's point is that if not more than half the farm could be put into the soil bank, it would require an operator to farm the other half, thereby putting him in a better position to maintain the soil bank acres.

STIFF PENALTY

He would impose a stiff penalty for not controlling the weeds on the soil bank acreage.

The Davison County farmer then advanced this plan so far as payments are concerned:

"Substitute surplus commodities for cash in payment for soil bank acres."

Land put in the soil bank would draw its payments in commodities (corn, oats, rice, etc.) on the already established average yield for that field. These figures are part of the records of the ASC offices.

POINTS TO PROBLEM

At Pipestone, Minn., Richard Ellefson pointed to overproduction as the main farm problem.

Ellefson, who farms in Moody County, said he would like to see a farm program that would employ the old principle of supply and demand.

"If a large enough price was paid for conservation acres," he said, "the supply of land going out of production would also be large enough. This payment should be payable to farm operators to prevent landlords from putting the renters off and receiving not only rent but also operators' share of conservation payments."

He felt such a program would aid the farmer and would also "conserve the land which will be greatly needed in generations to come."

WOULD REWRITE LAWS

Out in Spink County Harold E. Harms would rewrite soil bank laws to give each farmer his allotted acres.

Harms would not allow any landowner to put more than his allotted share into the soil bank.

"This would stop the buying of land for the purpose of putting it into the soil bank and would also give younger farmers an opportunity to rent land," he said.

PLAN IS SIMILAR

A member of the South Dakota House of Representatives offered a plan similar to that of Duba's.

This suggested plan came from Charles Droz, miller, in Hand County.

Droz would have rental payments geared or related to the assessed tax value of the land, building improvements not included.

Only land cultivated within the last 3 years would be eligible for inclusion under the soil bank, and rental agreements with the Government would not be over 5 years, perhaps not over 3.

Droz would not allow entire farms into the program. He would hold the limit to the point where at least 50 percent of the acreage would be under cultivation by a landlord or tenant living on that farm.

A Douglas County farmer, Francis Kelly, Corsica, said:

"I would raise the rate per acre to induce farmers to join, but I would limit each farm to not more than 10 percent of their plowed acres."

He said this would prevent farms from being bought "by some and expelling tenants and in 10 years being paid by the Government the amount he paid for the farm."

[From the Sioux Falls Argus-Leader, Mar. 2, 1960]

SOUTH DAKOTA FARMERS FAVOR BUSHEL PLAN IN LEGISLATION IDEAS

(Fourth in a series)

(By F. J. Gilbride)

"Give us bushels."

"Take away the acres."

South Dakota farmers would write out the acreage idea in crop allotments and write in a bushel plan.

At least that's the way a number of them expressed themselves in an Argus-Leader survey in 28 counties. The survey sought to determine what farm measures the State's farmers would write if they had such an opportunity.

BASED ON YIELD

Fern Foland, Ottumwa, said he would like to see wheat acreage allotments removed and bushel allotments imposed with the allotment based on the farmer's normal yield according to his wheat base.

The Haakon County farmer would freeze the allotments as of 1959, according to the 55 million acre national allotment until the present excess is depleted or stabilized.

"This, I believe," he said, "would eliminate the 15-acre minimum and the noncommercial areas that now plague our excesses. The machinery is all set up and I see nothing difficult or time consuming about it."

OTHERS SUPPORTED

Foland continued: "From these figures each farmer would be allotted his share of the national wheat used for home consumption plus export with this wheat supported at 90 percent of parity. After all the farmer isn't the only one getting Government supports. Your very paper is supported by the Government through postage costs, etc."

Under Foland's plan, any excess grain the farmer had would be stored at his own expense. He said he was not familiar with cotton, tobacco, etc., but saw no reason why these crops could not be handled in the same manner.

"If our main cash crops were stabilized, I believe the rest of the feed grain would soon level off according to the demand," Foland added.

WOULD CUT CONTROLS

M. E. Bierwagen, also of Haakon county, said he would like to see a farm bill that wiped out all wheat acreage allotments and controls.

The Milesville farmer, a former State legislator and active in soil and water conservation circles, would let a farmer plant all the wheat he desired and sell it on the open market.

Under Bierwagen's plan the Government would pay the difference between what the farmer gets on the open market and what the price would be at 100 percent of parity.

Bierwagen said, "Let's say the farmer would sell his wheat for $1.60 and 100 percent of parity would be $2 a bushel. The Government would then pay the farmer 40 cents a bushel or whatever the difference might be between open market and 100 percent of parity."

SETS LIMIT

He would place a limit of $5,000 as the amount any one operator could collect in 1 year.

This Haakon County farmer declared his plan would eliminate the large Government expense for wheat storage, checking acreages and keeping records.

He said under his plan a farmer could raise as much wheat as he desired and that if he raised more than he could get support on in 1 year, he could hold it on his own farm. If he had a crop failure the following year he would then have some wheat to sell.

"If a farmer had a number of good crops," Bierwagen said, "and had more wheat than he cared to sell without price support, he would naturally cut back on his acreage."

He envisions his plan as a protection for the family type farmer.

SEES SURPLUS CUT

Dropping down to Douglas County, Francis Kelly said he felt an allotment on the bushel plan would reduce the surplus in a few years.

"I would suggest anyone overproducing his quota of bushels would not qualify for price support," the Corsica man said.

Lawrence Bentz, Butte County, said he would like to see the elimination of acreage allotments and marketing quotas with a gradual lowering of price supports.

WANTS BUSHELS

"Do away with acre allotments and have bushel allotments instead," declared Harold E. Harms, Spink County.

"It would stabilize farming," he continued. "In years of abundance a farmer would sell his allotted bushels and in a year of crop failure he could sell from storage."

This Hitchcock farmer would throw out the idea of the Government storing grain. He cited the savings in this arrangement.

"Suppose a farm had an allotment of 1,000 bushels of wheat to sell," he said. "If the free market wouldn't pay a fair price ($2.50) per bushel, reduce every farm a percent until the market would pay that. In other words regulate the market by the amount of grain on the market. Farmers could regulate their own farms to what they could sell."

IDEA SAID WRONG

A Miner County farmer said he has always felt that an acre allotment was wrong.

"If we have a short crop we could not raise enough for feed and if a big crop the Government is caught with a big storage problem," is the view given by M. H. Walter, Roswell.

"I feel we should have a bushel allotment with a support price based on 100 percent parity for our domestic use," he said.

He would have the Government take for storage only that portion of the crop needed to fill the bushel allotment. If a farmer planted more or had an extra large crop it would be up to the farmer to take the world market price or store on his own farm.

"With a bushel allotment," he concluded, "if you have a large crop the place to store that big surplus crop is on the farm where it was produced. When the storage gets to be a problem, it is the problem of the man who produced it—not someone else."

HAND COUNTY RESPONSE

In Hand County, Wilford Hermann said: "Let's write a realistic paragraph in the law about acreage allotments. Perhaps a little less humanity is needed when handing out new allotments.

"The longtime, established wheat raisers in South Dakota are limited to allotments which are percentages of the historical wheat acres on the respective farms. But if a man from the southern Great Plains comes into the community, buys a couple sections of grass and breaks them up, the newcomer frequently is given a wheat allotment which is greater than that of his longtime resident neighbors.

"What a paradox. Wheat allotments are determined by the wheat cropping history of the farm but if the new owner plows up grassland, he is given a sizable wheat base on land which has no wheat history.

"Furthermore, why is everyone in this Nation entitled to 15 acres of wheat for market production? If a farmer wants to raise wheat for his hogs instead of corn that should be permissible but not for market.

"This is my second suggestion. No more wheat acres for anybody under any circumstances and strict enforcement of allotment compliance for every wheat raiser. I have used wheat as an example. Every allotment crop should be administered in a similar manner."

THINKS IT BETTER

Bob Hlavka, Meade County, wondered if a bushel allotment, rather than an acre allotment wouldn't be better for the farmer and Government.

It is the opinion of Lawrence Lutz, Webster, that acreage restrictions have not done any good.

"We used to think an 8 or 10 bushel wheat crop was pretty good," the Day County farmer said. "Now with acreage restrictions we put wheat on our best land, use fertilizer to up the yield to 20 or more bushels per acre and it doesn't reduce the surplus.

He aimed his favoritism toward bushel restrictions on grain at a fair rate of parity, preferably not less than 90 percent.

"I think if we would have a bushel restriction on grain, then we couldn't sell it all 1 year. We would have something to sell when we get a crop failure like we had in 1959," he concluded.

FEWER FARMS

WASHINGTON.—South Dakota lost 1,200 farms during 1959 according to the Agriculture Department.

The Department said South Dakota had 60,500 farms at the end of 1959 as compared to 61,700 at the end of 1958.

Iowa had 191,000 in 1959 as compared to 193,000 at the end of 1958; Illinois had 172,000 in 1959 as compared to 176,000 in 1958; Wisconsin had 144,000 and 150,000, Minnesota 158,000 and 162,000, Missouri 212,000 and 215,000 and Nebraska 101,000 and 102,000.

[From the Sioux Falls Argus-Leader, Mar. 3, 1960]

CROP SUPPORTS CONTROVERSIAL ON SOUTH DAKOTA FARMS

(Fifth in a series)

(By F. J. Gilbride)

The matter of supports on South Dakota crops seems to be a point of controversy among South Dakota farmers.

Some want them as they are.

Some want the support pegged at a higher figure.

And some want them tossed out.

GIVEN IN SURVEY

These varied opinions were expressed in an Argus-Leader survey in 28 counties in all parts of the State. The farmers were asked to give expressions on points they would include in a farm bill should they have the opportunity to author farm legislation.

It is the opinion of W. E. Holiway, Humboldt, the support program is a failure.

"Loans of 65 to 90 percent of parity are incentives to increased production, attracting to agriculture interests that are not dependent on farming because this program gives them a guaranteed profit for their large farming operations," the Minnehaha County farmer said.

LOAN PROGRAM

Holiway would make it a loan program based upon banking and loan principles. He would make loans of 30 to 40 percent of parity value.

He feels this plan would allow the farmer to adjust his marketing to a seasonable favorable market. He also feels it would discourage the large operators. He also believes it would reduce cost of administration for the Government.

Meade County's outstanding young farmer, Bob Hlavka, said present day farm price supports should never drop below present support prices as "I believe all businesses—rural and city—would suffer a severe blow."

DELL RAPIDS VIEW

Another Minnehaha County farmer, Justin Mortvedt, Dell Rapids, holds this view:

"Reasonable price supports which should be high enough to give producers a fair and reasonable remuneration for their efforts and yet not too high for consumption of the product."

Price supports would be confined to allotment crops by William D. Duba, Ethan, in Davison County.

His view is like this:

Price support should be set at not less than 90 percent of parity. There would be no supports on crops raised outside allotment. Price supports to any one operator in any year would be limited to $10,000.

On livestock and perishables, Duba would set price supports at not less than 90 percent of parity by payments similar to the payments in the wool program. Limits on such payments to any operator in any year would be $5,000.

TWO PLANS

Albert Van Hove, Madison (Lake County), came forward with two plans.

He said, "If the farmer expects 100 percent of parity he will have to limit his production. If a farmer would limit his production he would get a decent price and more farmers would stay in farming. But the farmers don't seem to want production controls. He wants to have his cake and eat it too."

His second thought is that if a farmer doesn't want production controls he doesn't see how the Government can support at 100 percent.

"A farmer should have, is entitled to, and to survive has to have a floor price of at least 90 percent of parity," said Arthur L. Reitz, Ralph, Harding County.

SEES DESTRUCTION

Then there is this view of Gene Gerard of Kennebec in Lyman County: "It is my firm belief that a continuation of our present program, or adoption of even higher, rigid price supports can accomplish nothing but the destruction of our disappearing family type farm.

"We consider our farm to be in this category. I am 30 years of age, born and raised on a farm and would really dread the thought of making a living and raising my family by working at any other occupation.

"To support my stand against high supports, I should point out what most of us already know, the larger the farm operation the greater the benefits from artificially supported prices.

"I further believe that the present farm laws were originally intended to be a relief measure during the depression and have therefore outlived their usefulness.

He would allow the Commodity Credit Corporation to act as a leading agency rather than its present interests as a sole purchasing agent of farm commodities.

SHOULD BE REPEALED

In Charles Mix County there is this view of Earl H. Sly, Platte: "I feel the measure supporting farm prices should have been repealed as soon as the emergency passed."

Guy F. Barnes, Pierre, speaking of wheat, said:

"I would make price supports contingent on the grade of wheat. Don't pay the same price for chicken feed that is paid for high-quality milling wheat."

[From the Sioux Falls Argus-Leader, Mar. 4, 1960]

FARMERS CITE NEED FOR RESEARCH

(Sixth in a series)

(By F. J. Gilbride)

Stimulate new uses for South Dakota agricultural products, declare those working with South Dakota soil.

They see much good from a research program they would include in farm legislation.

WIDE RANGE

It ranges from depleting surplus crops to a better standard of living.

Perhaps not much thought has been placed on an intensive research program in past legislation.

South Dakota farmers make a strong point of it in a survey conducted in 28 counties by the Argus-Leader.

CRASH PROGRAM

State Representative Charles Droz, Miller, favors the enactment of legislation "providing a crash program for stimulating industrial uses of farm products."

"Over the long pull," the Hand County farmer said, "An energetic program of this type can burn, chew, grind, distill, convert and utilize almost limitless acres of products from the American soil.

Clarence A. Dybvig, Baltic (Minnehaha County), said farm legislation should contain a research clause to find new uses for farm crops to provide new outlets for surplus crops.

A Bon Homme farmer said: "Research and education should be a part of the farm program. We should find new crops and new uses for old crops. We should look ahead or be progressive in a farm program."

Lloyd B. Dye, Hitchock (Beadle County), would like to see one-tenth of the "money now spent on our farm programs channeled into research to promote better crops, more uses for the things we can produce and better marketing procedures."

Eric J. Hermanson, Garretson, had this approach to the research idea:

"Our long-range program in agriculture should be toward a goal of all-out production and total consumption.

"This can be achieved by a highly activated approach through research to create new uses for our products and by modification of our products through science to fit the ever-changing needs of a changing world. This will give us an opportunity to use our ability to produce in volume, cut down our cost per unit, and put us on a more favorable competitive basis."

COMPREHENSIVE IDEA

Another Minnehaha County farmer, W. E. Holiway, Humboldt, had a more comprehensive idea on research.

This included an increase in number and pace of programs carried on by land-grant colleges and experiment stations with particular emphasis on livestock management and economics. He would have an economist in every county agent's office.

Holiway would expand the Agricultural Research Service with emphasis on soil and water research and new crops.

He would secure the cooperation of the petroleum industry for research in the possibilities of using farm products for motor fuels and lubricants.

"We have heard much about the industrial uses of agricultural products, especially those in the surplus supply, and research into that field of use should be continued," declared Williford Herman, Miller.

"But can we actually expect agricultural products to be so processed that they can be used in place of metals?" he asked.

"Are we justified in hoping that agricultural chemistry can convert crop surpluses into products which will displace petroleum products? No doubt chemurgy and industry can find new uses for farm products, but we must face realities while planning our program."

"So research is a must," the Hand County man said. "It will pay its way, but let's not expect too much."

[From the Sioux Falls Argus-Leader, Mar. 6, 1960]

IMPORTS WORRY SOUTH DAKOTA FARMERS

(Seventh in a series)

(By F. J. Gilbride)

Watch those imports.

South Dakota farmers want effective controls on agricultural imports.

They want the imports watched to prevent adding to products already in surplus or in depressing prices South Dakota farmers are entitled to receive.

Steadily rising costs of farm operations can't bear laxity in importing farm products.

Arguments for import controls came in a survey on legislation South Dakota farmers would like to write.

NO. 1 PROBLEM

"Our No. 1 farm problem, in my opinion, is the tremendous increase in imports in agricultural commodities," said Lawrence Bentz, Newell.

The Butte County rancher continued:

"Those of us engaged in lamb feeding have lost much of our west coast market to imported lamb from Australia and New Zealand.

"I feel that the American farmer is first entitled to the domestic consumption. If we cannot supply that demand, then allow imports to satisfy it. This can be accomplished by imposing quotas and tariffs on all imports."

Another West River rancher, Arthur L. Rietz, Ralph, said:

"I don't believe we farmers need a price-support program if grains from Canada and meat products from other countries were kept out of the United States by a protective tariff."

WANTS LIMIT

A limit on imports is wanted by William D. Duba, Ethan.

He would limit imports on any commodity which is at less than 100 percent of parity by a tariff which would be used to raise the price of that commodity.

A bit of a different twist was put on this particular point of importing and exporting by a Haakon County farmer, Vern Foland, Ottumwa.

We would like to see "legislation to improve and guarantee high grades of farm products to be exported. Thus foreign countries receiving our commodities would soon learn of our quality products."

He felt this would be a factor in increasing a demand for American farm products.

NEEDS STRENGTHENING

"A point I believe needs strengthening," said Bob Hlavak, Plainview, "is the tariff on imported farm products."

The Meade County man wondered if "We aren't using other nation's surpluses, thus causing our own products to be considered as surplus and creating the problem of what to do about them."

At Redfield, Harold E. Harms, said:

"Let's stop imports of farm and livestock products.

"For instance we imported in 1957 enough beef from Australia and New Zealand to supply the United States for 14 days. We import meats and other products from other countries.

"Labor is cheap in these countries and in many cases the people are undernourished and should be using the exported food themselves."

This Spink County resident would also stop imports on livestock.

PROTECTION NEEDED

"As we are living in a highly legislated and protected economy, there is a need for agriculture to have some protection against the hazards of the competitive market and yet produce enough foods for the growing needs of an expanding population," said Justin Mortvedt, Dell Rapids.

To this end he would place effective controls on imports of products that are in surplus together with an expanded program for moving surpluses to needy areas abroad.

[From the Sioux Falls Argus-Leader, Mar. 7, 1960]

FARMERS SAY "KNOW" PROGRAM A MUST

(Eighth of a series)

(By F. J. Gilbride)

Is a public relations program a needed element in a satisfactory farm program?

South Dakota farmers feel their fortunes can rise or fall on what the people know or don't know.

As a result there is a desire for a strong public relations or information clause in farm legislation which would be written by South Dakota farmers.

MAJOR PROBLEMS

"One of our major problems," said W. M. Kanago, Webster, "is poor public relations."

"This is where the larger publications and press could really help. The eastern papers write articles without even coming out here to see what they are writing about.

"The facts that the public should know are that we are fast approaching the time that if the farmers were to give away his products it would make little or no difference in price to the consumer."

GOOD EXAMPLES

"Good examples of this," the Day County farmer continued, "are breakfast foods that cost 35 cents a box have about 2 cents worth of grain. Bread has about 3 cents worth of wheat. Chicken and pork prices to consumers often do not follow prices paid to farmers.

"I believe the farmer, through some information programs, should try to reach the consumers with the facts on high prices as well as truth in advertising in competitive goods and brand names.

"The thing that really concerns me is that while the average American farmer is the most efficient he has ever been and certainly the most efficient farmer in the world, that he should find himself in such a position in the eyes of the consumer. * * * The farmer is certainly not getting the benefit of the high costs to the consumer."

WANTS FACTS

A Bon Homme County farmer feels public relations should be a part of the program so people "get the facts and not just the bill."

A Pipestone, Minn., man who farms in Moody County ventures this view on a public relations clause in farm legislation:

"We need some way to promote better public relations for agriculture.

"The farm operators," said Richard Ellefson, "are getting a very small percentage of what is appropriated and I think the public taxpayers should know this. The public should also know that what is spent on agriculture is very small compared to what is spent to subsidize other businesses that have a much more lucrative position than agriculture."

NEED OVERHAULING

Public relations are in need of overhauling, according to Clarence A. Dybvig, Dell Rapids.

At his Minnehaha County farm he said, "Some large magazines have been carrying articles which tend to overemphasize storage problems and farm subsidies in general."

From Bob Hlavaka, Plainview (Meade County), comes this thought:

"I think provision should be made to promote better understanding between city and rural people rather than to blame one another for higher costs of living and surpluses."

PROGRAM NEEDED

"Have an education program," asserts Harold E. Harms, Redfield.

"Let the city people know how much the farmer receives from his product. They won't think he is getting rich on 2½ cents worth of wheat in a 28-cent loaf of bread or quality grade A eggs that are shipped to New York which the farmer gets 25½ cents a dozen for and the produce house gets 1 cent for handling and the trucker gets 3 cents a dozen for hauling."

"Therefore," Harms continued, "they arrive in New York for less than 30 cents a dozen but the housewife there pays 60 to 65 cents a dozen for them."

[From the Sioux Falls Argus-Leader, Mar. 8, 1960]

EVER-NORMAL GRANARY, BETTER WHEAT CONTROLS FARM DESIRES

(Ninth in a series)

(By F. J. Gilbride)

Don't sell the South Dakota farmer short when asking him to express his ideas on the farm legislation he would write if he had such an opportunity.

He has thoughts on a varied list of subjects and is able to give you arguments why he would favor such desired legislation.

This was clearly expressed in a survey which covered 28 counties in all areas of the State.

They want the ever-normal granary; they have thoughts on the storage problem and they have ideas on wheat controls. They also want greater use of Public Law 480.

WANTS CONTINUANCE

Lloyd Schrag, Marion, wants the ever-normal granary continued.

The Turner County farmer said if a bumper crop creates a surplus, in spite of reduced acreage, the Government could buy and store the surplus. In a lean year this surplus could be sold back to the farmers.

The ever-normal granary is also a desire of William D. Duba, Ethan.

"First," he said, "There should be a reserve set aside for emergency use only.

"This would be entirely separate from any other agricultural commodity held by the Government. This should be handled similar to the stockpiling of other vital commodities such as copper and other strategic materials."

DESIRES PRESERVATION

Preserve the ever-normal granary, declares Arnold Matzner, Stickney.

The Aurora County farmer said:

"The ever-normal granary has been a real help to us in South Dakota and other States. It has held the grain on farms in South Dakota when the price was low and still gave the farmers grocery money."

Lloyd B. Dye, Hitchcock, wants the ever-normal granary maintained on the farms and not spend huge amounts for storage to other organizations.

He said, "Any of our land-grant colleges could come up with the number of bushels needed to maintain an ever-normal granary on each farm and Government might help farmers secure this amount of storage space and loan the money on this amount and no more. This grain could be readily available to that particular farmer in times of drought and disaster."

CONTROLS ON WHEAT

A better control of wheat production would be the aim of Leonel M. Jensen, Wall.

The Pennington County rancher would set up this plan:

Any farmer who raised only 15 acres of wheat could keep on raising that amount. For every acre over 15, up to 50 acres, cut off 10 percent; above 50 acres, reduce 15 percent; over 100 acres, cut 20 percent, and after 500 acres, cut 35 percent, and after he gets to 1,000 acres, cut 50 percent.

"This adjustable scale," said Jensen, "should be maintained so that as surpluses are reduced and the free market is usable again, each farmer will be reinstated by the same percentages."

"During the period of severe surgery," he continued, "Farmers should be compensated to a degree for the reductions they make. Not full compensation but enough to see that taxes and interest on borrowed money could be paid."

WOULD CUT ACREAGE

Carl Cronin, Gettysburg, would cut the wheat acreage to what is needed below the 55 million acres set by Congress. He would increase the support price the same percentage and the land affected by the cut be left idle or planted to a cover crop.

In Brown County, Verl H. Cutler, Claremont, would put the wheat price at 90 percent of parity and control supply by acre control.

He would give a premium to those controlling the acreage.

Along this line of crop controls, Justin Mortvedt, Dell Rapids, feels cross-compliance is very necessary.

The Minnehaha County man said, "It just does not reduce the output to curtail production of a product in a certain area, then increase production of the same product in other areas."

WANT LAW 480

In the legislation they would write if they could, South Dakota farmers would make greater use of Public Law 480.

Said Duba:

"We should sell, barter, or give to friendly needy nations our surpluses but this exchange should be charged to our defense program and not agriculture.

"We should expand our school-lunch program and we should put into effect the national food allotment stamp plan enacted in 1959 to aid our aged and needy."

Vern Foland, Ottumwa, said simply, "Strengthen Public Law 480."

GETTYSBURG VIEW

Fred E. Bartels, Gettysburg, has this to say:

"I firmly believe that we are wrong in calling this surplus a liability or a curse.

"I believe it is one of God's blessings and that it is one of the duties of our Government to use it wisely by helping to feed the people of the world with it and not waste it."

"My desire in farm legislation," he concluded, "is a better way of life for all people who are willing to work."

[From the Sioux Falls Argus-Leader, Mar. 9, 1960]

FARMERS WANT UNUSUAL LAWS

(Tenth in a series)

(By F. J. Gilbride)

Any time you ask anyone to legislate you had best brace yourself.

You are going to get all sorts of answers.

Individuals can think of many things they want laws for or against.

This survey of legislation desired by South Dakota farmers has been no different.

For obvious reasons names of the individuals will not be used.

One southeastern South Dakota farmer said:

"I do not know if this would be workable or not.

"I would like to have a law that livestock prices could not drop more than 25 cents a hundred in a given market day. I believe this would create a more even flow of livestock to market."

He apparently would not place a limit on how much the market could go up on any given day.

A north central area farmer said:

"I believe the corporation farm of several thousand acres is not in the best interests of the community and the public in general so I would give those not in excess of 10 years to disperse their holdings. In that way they could once again be converted to family farms."

An eastern South Dakota farmer has these laws in mind:

"1. Our farm roads are becoming public dumping grounds for all refuse such as cans, bottles, etc., due to little or no control. I know that this is a big problem due to available help but it certainly is a farm problem. I would place a rather high deposit on all containers such as bottles and cans so they will be returned by the user or will be picked up for profit by the youngsters.

"2. I would like to see a law to help control big raises or drops in livestock markets as it hurts so many producers to come and find their stock is worth a dollar or more a hundred less than the day before.

"3. Many farmers are high pressured into buying seeds which are not recommended for the soil and climate they live in and also into buying tools and equipment which they don't need or could buy cheaper in the local store. I would like to see rural agents stopped or at least controlled by some law.

"4. I would like to see a law making it illegal for airplane hunters to hunt foxes, rabbits, etc. I think fox and rabbit hunting should be saved for our farm youth as a sport and moneymaking hobby. We sure used to enjoy the sport until airplanes took over."

[From the Sioux Falls Argus-Leader, Mar. 10, 1960]

SOUTH DAKOTA FARMERS WANT UNCLE SAM OUT OF THEIR HAIR

(Last of a series)

(By F. J. Gilbride)

"I'm going to wash that man right out of my hair" are the words of a popular American song.

Some South Dakota farmers feel they would be better off if they could wash Uncle Sam out of their hair.

Their forward views were expressed in a survey which sought views on farm legislation they would author should such an opportunity present itself. The survey covered 28 counties in all sections of the State.

TO FREE ENTERPRISE

Jack Hunter, Ardmore, said: "The only legislation I want passed is to take Government out of agriculture, slowly perhaps, but it must be done to turn it back to free enterprise, which is the thing that made our country great and will keep it that way."

The Fall River County stockman, a former member of the State fair board, said he was of the opinion problems cannot be solved by more laws "and then adding more laws on top of those laws, which seems to be the trend in Washington."

"I personally feel," he continued, "we will have to take supports off in the near future. I realize that when this happens the whole farm economy will crash, but the question uppermost in my mind is when is the farm economy crash coming anyway?

"I feel that much ado is being made about the family-type farm. This is a political football.

"The constant harping on this subject has angered our city cousins, the small businessmen and he has an excellent reason to feel as he does. Were I in his shoes I would feel the same way. If his store does not make enough for him to exist, he closes his doors. The same thing will have to be done by the farmer whose operation is so small that he cannot make a decent living.

"The argument against this is that a farmer does not have any other trade.

"Do you know of any group of people that have experience in so many different fields?

"I certainly do not myself. Example: Welding, mechanics, bookkeeping, animal husbandry, heavy equipment operators and I could go on and on. The average farmer is by necessity a very versatile man with some knowledge in many types of work."

VIEWS AT PRESHO

In Lyman County, H. G. Ehlers, Presho, said:

"Do away with the giveaways that got started in the 1930's they call the ASC. I think the farmer can build his own dams and wells and build up his land for more crop himself."

LeRoy Thompson, a wheat farmer and stockman in Meade County, said he would like to see all the Government supports, subsidies, and gimme deals thrown in the trash can and let the business stand on its own feet.

VICIOUS THING

The Sturgis man feels subsidies of any sort are a vicious thing in the economic system and are a handicap to true progress.

"There's nothing wrong with the family-sized farm if it's about three times as big as it used to be," he continued, "and if the farmer is going to enjoy good automobiles, modern homes and all of the other benefits of modern progress, he had better produce and efficiently."

FOR REPEAL

At Ludlow, Claude E. Olson declared the Government should repeal all laws that guarantee anyone, including the farmer, a guaranteed price for any commodity.

"The Congress," Olson said, "should never interfere with the law of supply and demand only in emergencies like during wars. The support prices have always been too high, like wheat for instance. Large operators claim they can produce wheat for 32 cents a bushel. Whenever one is guaranteed six times cost of production there is bound to be a surplus created.

"The Government has no business in business. They can hardly run the Government much less all sorts of businesses. The present practice that has been applied for some 30 years can only lead to Federal bankruptcy."

NO MEAT SUPPORTS

Vern Foland, Ottumwa (Haakon County) would like to see the Government stay out of the support of the meat industry.

This same feeling was expressed in Minnehaha County by Henry Knochenmus, rural Sioux Falls. He said:

"I am opposed to any Government support for hogs, cattle, eggs, or poultry. I believe in the past we have been better off without them and would be better off in the future without them."

Clarence A. Dybvig, another Minnehaha County farmer, wants the termination of all Government assistance in draining potholes.

PURPOSE GONE

And in another part of Minnehaha County, a Humboldt farmer said he felt the agriculture conservation program has outlived its purpose.

W. E. Holiway said he doesn't think good farmers need the ACP incentive to carry out good soil and management practices on their land.

"As we know in the past," he said, "it has served as an incentive to drain away scarce and valuable water from South Dakota, destroying wildlife habitat and often destroying more land with ditches than was covered with water."

A rancher near Buffalo feels this way about it:

"It is a national disgrace, the manner in which surpluses have been handled.

"Also the education given to the actual farmer in believing that his own Government owes him a living. This is the penalty of being a democracy but worth every cent of it unless we do find ourselves no longer a power in world affairs and forced to where maybe we should sacrifice a little now and retain future choice of our own destiny.

"This freedom that one hears about to be given back to the farmer is worthless unless the right to eat, educate his children, etc., goes along with that freedom.

"Really, if the agricultural part of our economy could unite, control prices, acreage, etc., as the industrial economy has done, we could write our own farm bill.

"But, as long as the U.S. Treasury is so liberally dispersed to the agricultural section of our economy, why should farmers do anything except complain, vote for the one who promises the most, and feel sorry for himself as he has been educated to do for 40 years."

OWNERSHIP OF THE AIR

Mr. McGEE. Mr. President, on several occasions during the past few weeks I have been inserting editorials and newspaper articles in the RECORD which relate to the problem of television programing, and the regulation of television in the interests of the public at large.

I was delighted that the Senator from Connecticut [Mr. BUSH] placed in the RECORD the excellent article on this subject by Claire Boothe Luce, which was recently published.

On Monday of this week I included some quotations from many years ago,

consisting of statements by the then Secretary of Commerce, Herbert Hoover, who suggested some of the elements that have gone into the creation of the public interest factor in broadcasting.

Since then Mr. Hoover has had a change of mind. That fact has been called to my attention by one of the ablest women executives in America today, Helen J. Sioussat, of the Columbia Broadcasting System.

I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks an article entitled "A Historic Switch by Herbert Hoover," published in the March 14, 1960, issue of the trade magazine Broadcasting, which describes Mr. Hoover's present position.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A HISTORIC SWITCH BY HERBERT HOOVER

For more than three decades critics of commercial broadcasting have been quoting former President Herbert Hoover to bolster their cause.

When he was Secretary of Commerce and radio was in its infancy, Mr. Hoover expressed misgivings about advertising on the air. He was speaking on a subject about which there was still very little known, but his words have been used time and again in efforts to demean commercial radio and television.

Last week Mr. Hoover publicly changed his stand, and, in the act deprived commercial broadcasting critics of one of their sturdiest cliches. After 37 years, he said, he had come to realize that advertising made a great radio and television system possible.

He made the statement in a telegram acknowledging a special award given him by the Radio and Television Executives Society in New York. The telegram was read by Frank E. Pellegrin, of H–R Representatives, president of the society, at an RTES banquet last Thursday. Here is what Mr. Hoover said:

"It is a great honor to receive the award of the Radio & Television Executives Society. This revives memories of days when the older members of this group and I worked together to bring the benefits of a great scientific discovery into American homes. You have carried it to the level of a great art and a sturdy protector of the American way of life.

"On this happy occasion I will not expand my forebodings to you of 37 years ago as to commercials. They surround your great programs fore and aft with a half dozen plugs. However, even in the pain of singing commercials, I justify even these by the realization that from the support of advertisers you have kept the wavelengths and channels in the safer hands of private enterprise rather than in those of government."

THE ORIGINAL STAND

The time was 1924. The scene the hearing room of the House Committee on Merchant Marine and Fisheries. The witness was then Secretary of Commerce Herbert Hoover. This is what he said about radio:

"Radio communication is not to be considered merely as a business to be carried on for private gain, for private advertisement, or for entertainment of the curious. It is a public concern impressed with the public interest to the same extent and upon the same general principles as our other public utilities."

Two years later the same Mr. Hoover said this at the Third National Radio Conference in Washington:

"Direct advertising is the quickest way to kill broadcasting. The reader of the newspaper has an option whether he will read an advertisement or not, but if a speech by the President is to be used as the meat in the sandwich of two patent medicine advertisements there will be no radio."

Mr. McGEE. I also ask unanimous consent to have printed in the RECORD at this point as a part of my remarks an article entitled "Sarnoff Proposes Broad TV Parleys," written by John P. Shanley and published in the New York Times of March 11, 1960. I do not entirely agree with some of the statements, but I think they all point up the importance of opening this question wide and having a complete look at all the problems which the present communications issues have raised in recent months. I believe that only in this way will we be able to get at the real base of the problem and fairly serve the interests of all sides.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SARNOFF PROPOSES BROAD TV PARLEYS—ASKS CLOSED TALKS YEARLY WITH LEADERS IN OTHER FIELDS TO CHART FUTURE

(By John P. Shanley)

David Sarnoff, chairman of the Radio Corp. of America, proposed last night that broadcasters exchange ideas about television with leaders in other fields at closed annual conferences.

Advocating that leaders in government, religion, education, business, labor, advertising and publishing attend the meetings, Mr. Sarnoff said:

"In an appropriately cloistered atmosphere, away from klieg lights, microphones, printing presses, the broadcaster and his guests could exchange views face to face, could seek new ideas from each other, could clarify misunderstandings, could explore new uses of the specialized services and in the process, perhaps, could dislodge chips from shoulders on all sides of the table."

RECEIVES AWARD

Mr. Sarnoff spoke at a dinner of the Radio & Television Executives Society in the Waldorf-Astoria Hotel, at which he received the organization's first gold medal award for outstanding achievement in broadcasting.

He noted that he had made no public statement about fixed quiz programs and payola "since the storm broke last October in Washington."

He added, however, that he could not "ignore events and proposals that threaten to make more remote, or even to blot out" television.

Referring to disclosures of dishonest practices in TV, he said: "I cannot believe that the American people will ever permit this child of infinite promise to be thrown out because its bathwater once became murky."

He declared that "the responsible men in this industry had no part of and never attempted to defend rigging and payola."

Discussing the criticism that has been leveled at TV's mass-appeal programs, Mr. Sarnoff said:

"Violence on the home screen finds ample companionship in the lurid headlines on the front page. Mediocrity is no stranger to the theater or to the movies. The great moment of art is the rarity, not the rule, whatever the forum. One of television's needs—and it seems to me not an unreasonable one—is to be measured by the same criteria that apply to others."

FINDS FEW ERRORS

He referred to the rapid growth of television and said: "I find it remarkable that television has made as few serious errors as it has and that the errors, serious as they were, have not been irretrievable."

One error that could be irretrievable, he declared, would be acquiescence to proposals for more control of broadcasting.

Of censorship, Mr. Sarnoff said:

"Either you have censorship or you don't. Either it applies across the boards or not at all. How can one with reason relate it to a nonsubsidized communications medium which uses the public airways to reach the people free of charge, and ignore the other media that make a circulation charge and, in addition, use public subsidies to reach those same people?"

Mr. Sarnoff predicted global TV, electronic translation, and other advances.

"Technical developments, I firmly believe, will one day provide numerous additional channels capable of supplying many different services to small audiences with special educational, scientific, and cultural interests."

Mr. McGEE. Mr. President, I also ask that a statement which I have prepared on the subject be printed in the RECORD at this point as a part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MCGEE

On several occasions during the past few weeks, I have inserted editorials and newspaper articles in the RECORD apropos to the problems of television programing and regulation in the interests of the public at large.

Many of these articles and columns have condemned the television industry and pointed out that television has failed to meet its challenges and responsibilities. Some of the other articles have praised television and suggested that, with the passing of time, the industry will "grow up" and mature or "clean their own houses."

My purpose in bringing these articles to the attention to the Senate is to suggest that merely ridding ourselves of payola doesn't cure the basic ills of television, and that we should perhaps remain aware of the larger objectives which television should strive toward in fulfilling their obligations to the viewing public. Many industry executives and leaders have expressed these desires and diagnosed their failings far more perceptively than I.

However, one of the most powerful television executives—Mr. David Sarnoff, chairman of the Radio Corp. of America, as quoted in the March 11, 1960, edition of the New York Times, seems to resent criticism of the TV industry.

In discussing such criticism Mr. Sarnoff is quoted as saying: "Violence on the home screen finds ample companionship in the lurid headlines on the front page. Mediocrity is no stranger to the theater or to the movies. The great moment of art is the rarity, not the rule, whatever the forum."

Now, I submit that it is precisely this attitude, which seems to be altogether too common, that is perhaps the real "villain" which is retarding an establishment of public standards to be met by the TV industry.

I should hope that other television industry leaders do not share Mr. Sarnoff's view that "two wrongs make a right," or that we must look forward to only "rare" moments of art on television in the future. Certainly the public, whose airways are used to bring this medium to their homes, are entitled to more effort and responsibility than that.

CIVIL RIGHTS LEGISLATION—THE SUPREME LAW OF THE LAND

Mr. STENNIS. Mr. President, I shall address the Senate briefly on section 4(a)(1) of the Dirksen substitute. Included in this section is the bald statement: "The Constitution of the United States as interpreted by the Supreme Court is the supreme law of the land." This language is expressly pointed at the school desegregation decisions of May 17, 1954.

This quoted section is not what the Constitution says. Article VI, paragraph 2, states:

> This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land.

I flatly disagree with the statement included in section 4(a)(1). A Supreme Court decision is the law of the case and the policy of the Court, but it is not the supreme law of the land. It can be made the law of the land by spelling out the substance of the holding in a bill and having Congress enact it into law. But it is not the supreme law of the land merely by virtue of the judicial decision nor by virtue of a mere declaration by the Congress stating as a conclusion that the decision is the supreme law of the land.

The foregoing quoted statement in the Dirksen substitute is not liberal. It is certainly not conservative. It is reactionary. Enactment of section 4(a)(1) would put many legal issues, including social issues, in a new kind of legal deep freeze. It would arrest the development of constitutional law, not only in cases espoused by liberal groups, but in all fields.

This is not what I believe the liberals want, but it would be the unwitting legal consequence of enactment of this subsection.

Congress, by enacting language which says "The Constitution, as interpreted by the Supreme Court of the United States is the supreme law of the land," would elevate the Court's opinion to the level of Federal statutes—not because such opinions are the supreme law of the land, but because Congress, which is the only branch of the Government authorized to make such law, conferred such status on opinions.

This language in question, as quoted from the Dirksen amendment, will cause Congress to ratify and freeze every Supreme Court decision interpreting the Constitution.

Does anyone want to do that? I think not. We would thus tread in the realm of unknown and ponderous legal problems as need might arise to change these rulings that we would now call the law of the land.

The Congress could not thereafter change the status quo, because under this language of the proposed act it would require both a legislative and judicial determination before we could change the effect of a decision. It is clear as daylight that the Court could not thereafter change the status quo, for they would be legislatively bound by their own precedent.

Let there be no mistake. The language in section 4(a)(1) is exactly the same, in legal effect, as a legislative act stating, "Congress hereby ratifies each and every Supreme Court decision interpreting the Constitution as of the date of passage of this act."

Would there be a single vote for such a proposition? Of course not.

The so-called conservatives would not want it, because they are concerned about some recent Supreme Court decisions which they would like to see overruled later.

The middle-of-the-roaders would not want it, because they would not like to see our constitutional law stagnate and wither.

The liberals would not want it, because the growth of the liberal movement has depended on the willingness of the Court in recent years to reverse precedent, overrule itself, and actually legislate in support of the liberal movement's aims. They would not like to see the Court lose the flexibility which has enabled them to uphold the minimum wage laws, the social security laws, and other programs previously held unconstitutional.

I have other objections to section 4(a)(1), but my plea here is that we do not abdicate our lawmaking, law-changing, and law-repealing power to another branch of our Government.

CENSURE OF THE PRESIDENT BY PUERTO RICAN LEGISLATORS

Mr. SCOTT. Mr. President, one house of the Puerto Rican Legislature has taken the extraordinary action of voting censure against the President of the United States, and press reports indicate that the other house is considering doing the same thing.

This was a purely political measure, taken on a political vote. In my judgment, it was in extremely bad taste. I do not recall that any State legislature ever acted in this fashion in recent times in regard to any President.

The action was incited by petty political spite and cheap partisan motives. Certainly it has cost Puerto Rico good will in many quarters on the mainland.

I hope the Puerto Rican Legislature in a more mature moment—if it has such moments—will reconsider this rash, ill-tempered, and bad natured action.

Mr. YOUNG of Ohio subsequently said: Mr. President, a few minutes ago the distinguished junior Senator from Pennsylvania [Mr. SCOTT] castigated the house of representatives of the Legislature of the Commonwealth of Puerto Rico for adopting a resolution criticizing the President of the United States for permitting Luis A. Ferre the political opponent of Luis Muñoz-Marín, Governor of the Commonwealth of Puerto Rico, to have a free ride on the President's plane from Puerto Rico and for expressing his support for Mr. Ferre in his campaign for Governor of the island commonwealth. It seems a pity that someone did not place a primer on Puerto Rican politics into the President's briefcase during his good will tour to the south.

This morning, the Washington Post and Times Herald printed an excellent editorial on this very subject, taking an opposite view to that stated by the junior Senator from Pennsylvania.

Gov. Luis Muñoz-Marín, Governor of the Commonwealth of Puerto Rico, is a great and good friend of the United States, a man who is generally regarded as one of the great statesmen of the Western Hemisphere, if not of the entire world. The Puerto Rican people are our friends. They are fellow Americans. They are a proud people, members of a great Commonwealth.

Through the unique arrangement of Commonwealth status, Puerto Rico has transformed itself from an economic and psychological slum into a proud and prosperous island under the leadership of Governor Muñoz-Marín. Americans and Puerto Ricans alike can take great pride in this continuing achievement. It is a remarkable example of good will toward Latin America and of effective economic self-help.

The Republican Party of Puerto Rico is in reality nothing more than a splinter of the mainland Republican Party. In Puerto Rico it is also, and more importantly, the Statehood Party. Governor Muñoz-Marín's party, the Popular Democrats, has no ties with any mainland party.

The President was ill advised in interfering with the purely local political campaign in Puerto Rico. This interference may be interpreted by some Latin Americans as Yankee intervention in the affairs of our neighbors south of the border.

This unfortunate incident was a heavy-handed blunder, especially coming on the heels of the President's successful South American tour.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the editorial to which I have referred, entitled "Puerto Rican Fumble," published in the Washington Post of March 17, 1960.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PUERTO RICAN FUMBLE

It is a pity that someone did not stick a primer on Puerto Rican politics into President Eisenhower's briefcase during his good will tour to the south. This might have averted the gratuitous blunder made by the President in seeming to endorse the gubernatorial candidacy of Luis A. Ferré, leader of the island's Republican Statehood Party.

Puerto Rico, as Price Day of the Baltimore Sun points out elsewhere, is "not Iowa." It is a proud, self-governing Commonwealth and ought not be treated as just another ward in Philadelphia to be carried by a mainland party. Little wonder the island's house of representatives has rebuked Mr. Eisenhower for improper intervention in the Commonwealth's affairs.

The President's news conference comments yesterday, obviously intended to mollify only make matters worse. While withholding judgment on the merits of Puerto Rican statehood—the chief plank in Sr. Ferré's party—Mr. Eisenhower did not retract his endorsement. "He is a Republican candidate, I understand," quoth the President, "I believe that he is not in any primary struggle." A wealthy industrialist, Sr. Ferré is indeed a Republican and in 1956 contributed $2,000 to GOP organizations. But the important point is that the usual laws of politics do not apply in Puerto Ricco's case.

The island's Governor, Luis Muñoz-Marín, is a member of the Popular Democratic

Party—a group unaffiliated with any mainland faction. More that that he is a hemisphere figure held in highest esteem by all Americans, north and south. In 1958, Vice President NIXON observed correctly that the Governor is a man of whom "all of us can be immensely proud." A key reason for his prestige is that he has been freely chosen by his own people as their leader.

This country has gone to great pains in showing that Puerto Rico is not subject to the whim of Washington and its Governor not a puppet. Congress is considering legislation which would further enhance the island's autonomous status. But suppose, after Mr. Eisenhower's heavy-handed meddling, Sr. Ferré should win? It would conceivably be a Republican victory but a national defeat. Mr. Eisenhower ought to reconsider his misplaced party zeal.

GOLD PRODUCTION DECLINES

Mr. BARTLETT. Mr. President, I am fully aware that the price of domestically mined gold will not be increased by our Government on account of the fact that the U.S. gold-mining industry has come upon troubled days. Whether or not I would make such a statement if gold miners numbered tens or hundreds or thousands or even millions of people is another proposition. Then pressures for relief in behalf of a large and distressed segment of our economy might become effective. But the cruel fact is, under present circumstances, the economic welfare of individuals and companies engaged in gold mining is a matter for regret but not for action, and I cannot foresee any circumstances which will alter this. The fate of the gold miner is inextricably tied to national and international monetary considerations which are held to be of paramount importance, and the gold miner is certainly not the master of his own fate.

When the price of gold was raised in 1934 it is true that this was a bonanza for some. But their number was limited. The chief effect so far as the industry itself was concerned was that it attracted new members and mines were opened both in placer and lode which could not be profitably operated under the old price of $20.67 an ounce. The gold miner is adventurous and willing to take a chance in a manner that few others in our economy are. Even so, many then took chances that in the bitter light of experience were discovered not to be warranted. Even with gold at $35 an ounce, plenty of miners discovered that the ratio of gravel to gold, of rock to gold, was unchanged and the ratio remained too high on the side of gravel and rock. So many miners went broke.

Mr. President, if I may make a personal reference it would be to say that I count myself an extraordinarily successful miner. For after my mine was worked out and the last gold had been placed in the bank and the last bill had been paid I fortunately discovered that the books were in balance and that I was among the minority who got out with a whole skin.

Mr. President, gold mining was suspended during the war. It was held not to be an essential industry. After the war's end gold mining was resumed. But a change had come over the scene. Inflation was under way, and its pressures have never ceased. Those desiring to go into gold mining today buy their machinery at 1960 prices; they pay 1960 wages; their supplies are bought at 1960 prices. The price of their product, however, has not changed 1 penny in more than a quarter of a century, during the last part of which we have experienced this fierce inflationary storm. Gold is still bought by the U.S. Treasury at the price of $35 an ounce established so long ago. Of course, the miner does not get $35 an ounce, because he does not produce gold in pure form to sell to the Treasury. If his gold has a value of $30 an ounce when it goes from his mine he is fortunate indeed.

As I say, gold miners are under no delusions. They realize that they can go broke one after another in the process of working out valuable deposits, and there are few who will shed tears for them. Notwithstanding, Mr. President, there are those of us who can and will shed a sympathetic, figurative, and almost literal, tear at the decline and fall of this part of our American life which is possessed of long and honorable tradition. It is a "clean" business. It offers the fierce joy of battling against great natural obstacles, of surmounting hardships of every kind, where a single clean-up may make or break, and yet it is free of the fierce competition to be found in many areas of our economy. As to that, there are those of us who would like to become a little bit more competitive, who would like to see newly mined gold from the United States made available for sale on the world market at whatever price it would command instead of adherence to the requirement that it flow to the U.S. Treasury at $35 an ounce.

Mr. President, as the gold mining industry comes to increasingly hard days, there is reason for concern about the human beings involved. I think at the moment of a single Alaska community. It is Nome. Nome is the largest community in the northwestern part of Alaska. It was founded more than half a century ago. It came into being because gold was discovered on its fabulously rich beaches. It has survived because of gold mining. Gold mining has been the basic industry there all these years. Now the dredges of the U.S. Smelting, Refining & Mining Co. produce most of the gold which is mined on the Seward Peninsula where Nome is located. The announcement has been made that before long these dredges can no longer operate profitably and will be shut down. This is a sad thing to contemplate. It is true that Seward Peninsula has been described as a veritable storehouse of mineral wealth; but time and capital and need for these minerals will be required before a sound economy based upon them may be erected.

The question is: Do we have that much time so far as Nome is concerned? I have been told that about 80 percent of the working force of the U.S. Smelting, Refining & Mining Co. at Nome is composed of Eskimos, and James D. Crawford, vice president of the company and general manager of its Alaska operations, has told me that these native people are first-class workmen. Many of them fill jobs on the dredges requiring high technical skills. These people are hard working and industrious. By reason of necessity, if nothing else, they have become dependent upon a dollar economy.

They depend upon their regular paychecks just as the rest of us do. They could not return, even if they desired to, to the way of living of their ancestors. What will happen to these Eskimos when the dredges close down? Even if they wanted to leave the land in which they have lived all their lives, where would they go? There is no requirement for the skills they possess elsewhere, because gold mining everywhere else is similarly depressed and languishing.

Oh, Mr. President, perhaps the welfare of a small group of Eskimos whom we have trained in our ways is inconsequential and scarcely worthy of consideration matched against theories of international finance, but there are some of us who will always say that the well-being of the Eskimos and all other gold miners merits some attention, too.

It is argued, and with plausibility, so far as a layman such as I am concerned, that to advance the price of gold a nickel an ounce would have the direst national consequences. Maybe it is true. And I have heard economists otherwise minded make the argument that to delay longer in raising the price of gold would be to cause stress and strain to be exerted against our economic house. They sounded plausible, too. I don't know. And I am not so sure that anyone else does. I do know that away up in Nome before long welfare checks will have to be substituted for the good honest toil which has brought in paychecks.

The prospector is almost gone from the American scene, he of that special breed of men who dared greatly in the far places searching for the great rewards and the great adventures and who seldom found the rewards but always had the adventures. When he goes, much that has been part and parcel of America will have gone, too.

Mr. President, gold miners whom I have known—and I have known many of them—are sensible men, men who don't expect gold prices to be increased for their benefit. They know the problem that faces them, the handicaps that stand in the way of reviving what was once a vigorous, going, useful industry.

Only the other day, Mr. President, I had a letter from a man whom I have known all his life, Carl Parker, who is not only a gold miner but who is now chairman of the Fairbanks branch of the Alaska Miners Association.

In writing me, Mr. Parker had this to say:

> Should it be felt necessary to increase and strengthen our gold reserves without upsetting the delicate dollar balance throughout the world, it might conceivably be held necessary to do this through a premium for newly mined, domestic gold only. This would fit the wording of S. 590 quite well, and it might even be argued that it would cost little in the long run, since all effect and benefit would be confined to a domestic picture. It is our purpose to show that a relatively large increase is needed to stimulate such production and to justify an increase to $70 or more per ounce. This purpose is just as relevant if a world price rise is considered.

Mr. Parker sent along with his letter some very interesting figures, ones which I have long sought for but never before had been able to obtain. He informs me that in 1940, before inflation struck, 50 gold dredges were operating in Alaska. In 1958 the number had been cut back to 23, a reduction of 54 percent. In 1940 there were in Alaska 45 gold lode mines. In 1958 there was not a single such mine anywhere in Alaska. Other placer operations in 1940 numbered 501. By 1958 the decrease had been 81 percent; only 95 were left and this number includes, of course, the very smallest operations as well as the larger ones.

Mr. President, back in 1940 gold production in Alaska from all sources was valued at $26,458,950. Of this $12,418,210 came from dredging, $6,632,234 from other placer operations, and $7,408,506 from lode operations. What was the total production in 1958? Mr. President, it had declined to $6,518,255. Not a dollar came, naturally, from lode operations. Dredges accounted for the bulk of the production and the value of dredged gold was $5,261,970, while other placer operations accounted for $1,256,255.

In 1940 gold brought $35 an ounce in pure form. In 1960 gold brings $35 an ounce in pure form. How about expenses? They have not remained constant. The cost of heavy equipment in the last 20 years has gone up 265 percent. Labor costs have risen 234 percent and fuel costs have jumped 150 percent. The overall increase is 213 percent. The wonder of it is that there is a single gold miner left anywhere.

Mr. President, the Fairbanks branch of the Alaska Miners Association has made certain recommendations based upon this situation which I should like to call to the attention of the Senate. As communicated to me by Mr. Parker, they are:

> It would appear that an increase in gold price commensurate with cost increases since 1940 would initiate an almost immediate and very substantial response from the Alaska mining industry. This would be reflected to the greater degree by placer operation other than dredging. While it is doubtful that the larger type of operations would make so complete or so rapid a recovery, they should, within 2 to 3 years, reach a substantial proportion of prewar production. The composite effect would result in a production stabilized somewhere between 70 and 85 percent of prewar figures, based on presently known deposits. The increased incentive for prospecting could well result in location of substantial new commercial deposits of gold, as well as valuable discoveries of other minerals of prime importance. Since this estimate is made for production in terms of fine ounces, the impact on the State economy of any such action in terms of dollar value is self-evident.
>
> It is readily apparent that under present conditions, gold mining as an Alaskan industry is approaching extinction. The majority of the mines now producing are rapidly exhausting their workable reserves. Those mines still operative are mainly tagends of projects developed or operated prior to World War II—very little further development even of existing mines has been hazarded since that time. Many of the smaller operations were unable to recover from the effect of L208, and the extremely adverse influence was industrywide. A large increase in costs during the enforced idleness had removed a large share of the profit incentive. To combat rising costs, operators were forced to drastically curtail or eliminate that share of profit normally expended for further development. Such an undesirable condition can lead only to final closure. It would appear that the larger dredging operators purchased existence through these methods; there was little if any margin for further economy in an already highly efficient operation. Lode mines, with a higher labor cost proportion, were completely abandoned. In most cases, however, the small placer operator was forced to adapt new and more efficient methods to exist. This latter result will have an important effect in the future of the industry, if there should be an increase in the price of gold.
>
> An answer to the question of how much new production will be stimulated by various degrees of gold price increase must consider many relative factors. Production and cost figures serve to establish trend only—a theoretical guide to provide a ratio to basic standard, and can be inaccurate and incomplete without consideration of the variance factors. Information of value from this standpoint must be sought from those intimately acquainted with and active in the respective fields concerned. An increase of small proportion will aid only those surviving operations, and will in general merely tend to extend their life for a more or less brief period. A very substantial price increase or aid is needed to generate significant new production. For purposes of comparison an increase of 100 percent, in line with cost rise, may be assumed.
>
> The field of dredging in the Fairbanks area, a major past producer, is limited by factors other than the economy of the operation in itself. Little actual expansion is probable; a considerable extension in the life of present operations would be effected, however. The relatively large initial capital outlay necessary to start such activity demands a correspondingly large volume of workable gravel, and a relatively unrestricted operation. The Seward Peninsula and other of the outlying areas offer the best chance for expansion or resumption of such activity on a large scale. An estimate made by the general manager of one large dredging operation in Alaska predicts a return to 70 percent of the prewar production in that area under such conditions.
>
> Lode mining faces many of the same restrictions as dredging, yet has a somewhat better chance for expansion, at least for smaller operations. A considerable advance has been made in mechanization, to offset at least in part the high ratio of labor to total mining cost. Better air transport and overland methods allow for penetration of more remote areas. Certainly a good percentage of prewar mines would be reopened. Since such a large part of this production came from one large operation, however, it would be dangerous to attempt any prediction without a specific estimate from this source. It would seem reasonable to assume a resumption of vigorous activity, but to what degree is difficult to foretell accurately.
>
> The smaller individual placer operations will reflect the greatest reaction to such a stimulus. By nature a more flexible and mobile type of operation, advantage can be taken of modern transportation development to move into once remote areas of known value to initiate new production. The improvement in methods previously mentioned, and the present availability of types of equipment necessary for this method of mining would allow an almost immediate resumption of production in most of the now inactive mines. This same advance in technique would allow the opening of properties not operable before such progress, profit possibility being equal. It is a self-created margin for the small operator. Many of the "long corners" left by cessation of dredging, not large enough to warrant renewal on such a scale, would be reopened by this method. Added to the feasible expansion of existing operations, a rapid return to near normal prewar production levels is probable, and a considerable increase beyond that level quite possible in the near future.

Mr. President, if past experience is a guide to the future, I seriously doubt whether the U.S. Treasury or the big banking institutions in this country will willingly endorse the proposal that the price of gold should be raised. I, since one man's prediction is as good as another, predict notwithstanding that this increase will inevitably occur. It will occur not out of a desire to do justice to the gold mining community, but because it will be dictated by the course of events. Even now, Mr. President, our gold reserves continue to be drained away. Much of the gold on deposit in this country is, as we all know, foreign owned and there have been material losses in the total owned by this country. So for many reasons I believe that not too much time can pass before prudence will require a higher gold price. And when this comes about I am not so sure that this action will cause the flame in the lamp of inflation to burn so brightly as some have argued it will; that lamp has had its chimney scorched already from manmade causes.

CIVIL RIGHTS LEGISLATION

Mr. KUCHEL. Mr. President, I have been very glad to be one of those who has supported the so-called Dirksen substitute. In section 4 of that pending proposed legislation is a statement reading as follows:

> The Constitution as interpreted by the Supreme Court of the United States is the supreme law of the land;

An attempt will be made by some Senators to eliminate that and other provisions of section 4. I do not quarrel with the right of any Senator to try, by appropriate amendment, to change the present bill in any fashion, but I must say that was asseverated on this floor earlier today by the distinguished junior Senator from Mississippi—that this statement, "The Constitution as interpreted by the Supreme Court of the United States is the supreme law of the land," is not a correct statement of fact and of law in America—is shocking to the senior Senator from California. I deny it, and I deny it as vigorously as I can. The Senator's statement is completely incorrect. He is wrong.

Mr. President, the Constitution of our country sets forth in article VI:

> This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all Treaties made, or which shall be made, under the authority of the United States, shall be the supreme

law of the land, and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

Mr. President, of course the Constitution is the supreme law of the land; and when, under its constitutional responsibility, the highest judiciary under the Constitution is required to interpret what the language of the Constitution means and, being required to interpret it, registered its own considered judgment and opinion, that judgment and opinion then represents the supreme law of the land also. Our basic charter created a Supreme Court for the purpose, among others, of interpreting the provisions of the Constitution.

It is surprising to me, Mr. President, that anyone can disagree with that statement contained in the bill.

Senators may take it out, Mr. President, if they desire to vote it out of the bill, but I say to them, Do not say that the Constitution as interpreted by the Supreme Court of the United States is not the supreme law of the land. If that were the fact, God help the United States.

THE PRESIDENT'S PROPOSAL ON IMMIGRATION LEGISLATION

Mr. SCOTT. Mr. President, the President of the United States has submitted a proposal for new immigration legislation, legislation which is needed, legislation which goes to correct the present inequalities in the law, legislation which will be welcomed by all those who are students of this problem as fair and as wise and as well thought out.

However, now the game will begin. The President has submitted his proposal. Will it be promptly enacted into law? It is much more likely that what we will see now is that which happens every time the administration submits a proposal. Someone will come along and propose that we admit twice as many immigrants as the President proposes. Then someone will come along who will propose that we admit four times as many as the President proposes. Then I am sure someone will come along, who also may be up for election this year, and who will propose that we admit 10 times as many as the President proposes. Then those entertaining these views will load the bill to cover every possible vote-getting expedient which can be conceived of by the mind of any politically concerned individual. In that way they will endanger the fair and moderate and wise proposal of the President.

Mr. McCARTHY. Mr. President, I should like to speak to the statement of the Senator from Pennsylvania [Mr. SCOTT]. I sincerely hope that what he prophesies will not come true, and that the Democrats will give support to the President's immigration proposal.

However, I must note that we have been waiting ever since the campaign of 1952 for a recommendation from the President with regard to reforming and modifying the Immigration Act in keeping with one of the principal points emphasized in that campaign. We are now in the dying months of the President's second administration, almost 8 years since the campaign promise of 1952.

I shall urge all Democrats to support the President in his proposal exactly as he has made it, if necessary, because I am afraid if we do not do so, or if we modify it in any respect, we will get from him the same kind of comment that we got on the education bill. At one time he had recommended it, but when we proposed it to him he said it was all right for a starter, but it went too far.

I will do my utmost to urge my Democratic colleagues to support the President's position, and I hope that we will get the kind of measure he recommends.

Mr. SCOTT and Mr. KEATING addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Minnesota yield; and if so, to whom?

Mr. McCARTHY. I yield first to the Senator from Pennsylvania.

Mr. SCOTT. Does the Senator from Minnesota not agree that as a result of the earlier recommendations of the President we did, in fact, enact good immigration legislation?

Mr. McCARTHY. There has been some modification of the Immigration Act. In the 1952 campaign he promised a general revision of the Immigration Act. I am glad this recommendation has come, even though it is very late.

Mr. SCOTT. I am glad the Senator will support it.

Mr. McCARTHY. I now yield to the Senator from New York.

Mr. KEATING. I certainly would not want to have the Senator from Minnesota leave any impression on the RECORD that the President has done nothing about this matter since 1952. It was only 2 years ago, and, earlier, 4 years ago, when he sent his message to Congress asking for constructive immigration legislation. He has been consistently doing that over all these years, and Congress has taken some constructive steps in accordance with his recommendations. It would be inaccurate to say that he had simply sent a message in 1952 and then had done nothing about it.

Mr. McCARTHY. It was not a message to Congress to which I referred. The promise was made during the campaign. I will make the same answer to the Senator that I made to the Senator from Pennsylvania. We have not had from the administration a recommendation for a general revision of the Immigration Act corresponding to what was indicated in 1952.

Mr. KEATING. Mr. President, will the Senator from Minnesota yield?

The PRESIDING OFFICER (Mr. HILL, in the chair). The time of the Senator from New York has expired.

Mr. McCARTHY. Mr. President, I ask unanimous consent that I may have 2 additional minutes in which to yield to the Senator from New York.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Minnesota to have an additional 2 minutes to answer a question of the Senator from New York? The Chair hears no objection, and it is so ordered.

Mr. KEATING. I appreciate the Senator's yielding. I shall not consume 2 minutes.

It happens that I served as a member of the Committee on the Judiciary in the other body. I serve on the Committee on the Judiciary in this body, and also on the Subcommittee on Immigration and Naturalization.

The President has submitted comprehensive recommendations several times since the original submission, and has repeated them in his state of the Union messages and in other messages on several occasions. I am very happy that he has repeated them now. I feel that this is one subject on which I can speak with some authority, because I have a rather intimate knowledge of what has taken place in that field.

Mr. McCARTHY. I also have followed the matter closely. I am glad the President has made specific recommendations for a general revision of the Immigration Act. I hope Congress will act on his recommendations.

Mr. KEATING subsequently said: Mr. President, I am delighted, as I am sure most forward-thinking and fairminded Americans will be, by the President's appeal yesterday for liberalization of our present immigration system.

Too long have we overlooked and veered from the needed reforms which he cited in his message; and on many previous occasions he has called to our attention many of the needed changes. Now he has taken just the action needed to center attention upon our unduly restrictive and inequitable immigration system.

Last year, approximately 26 general immigration and naturalization bills were referred to the Immigration and Naturalization Subcommittee of the Senate Judiciary Committee. Of this total, only three—and these were of relatively limited nature—were reported favorably to the Senate, and subsequently were enacted into law.

What is needed is not incidental, remedial alterations, but a basic change in our immigration and naturalization policies.

For years, Mr. President, I have sponsored legislation calling for many of the recommendations urged by President Eisenhower. A number of other Members have introduced similar measures. It is my sincere hope the President's strong message will jar the Congress into action, and will result in the enactment of urgently needed comprehensive reforms in our basic immigration law.

DISARMAMENT AND DIPLOMACY

Mr. BUTLER. Mr. President, on Tuesday of this week the latest Geneva Disarmament Conference began amidst mixed feelings of high optimism and low cynicism. The optimism is engendered by some slight relaxation of tension in the world during the last year or so while the cynicism is based upon the failure of Premier Khrushchev to match his peaceful words with peaceful deeds. The fate of this Conference cannot be predicted although it can be prophesied with some degree of reliability that what ever it may be, its end will not be a swift one.

Herein lies a problem for the impatient American. Almost all of us like results—quick results—and for some of us, the strain of the cold war is beginning to tell and to persuade us to say and recommend things which might better be left unsaid.

For example, last weekend, 106 members of the faculties of Johns Hopkins University and Goucher College sent a telegram to Secretary of State Christian Herter stating:

> The survival of civilization requires the control of armaments of unlimited power and their eventual elimination as instruments of national policy.

Mr. President, there can be little quarrel with that statement. But the conclusion of the telegram strikes a far more debatable note:

> In view of the gravity of the present situation we are convinced that the United States should, if necessary, accept considerable risks to achieve the goal of general disarmament in order to avoid the far greater risks attendant upon continuing the arms race.

Mr. President, "considerable risks" is the stuff of which catastrophes are made in the field of international diplomacy. The Baltimore Sun in an editorial published on Sunday, March 13, underlined this political fact with clarity and dispatch. I ask unanimous consent to have printed at this point in the body of the RECORD the editorial and an accompanying article published in the Baltimore Sun.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Mar. 13, 1960]

ONE HUNDRED AND SIX TEACHERS BID UNITED STATES SEEK ARMS CHECK—HOPKINS-GOUCHER BLOC URGES HERTER TO ACCEPT RISKS

A large group of Johns Hopkins University and Goucher College faculty members said yesterday in a telegram to Christian A. Herter, Secretary of State, that "the survival of civilization requires the control of armaments of unlimited power and their eventual elimination as instruments of national policy."

And the telegram, sent 3 days before the start of the Disarmament Conference at Geneva, concluded that:

"In view of the gravity of the present situation we are convinced that the United States should, if necessary, accept considerable risks to achieve the goal of general disarmament in order to avoid the far greater risks attendant upon continuing the arms race."

ONE HUNDRED AND SIX SIGN TELEGRAM

It was signed by 71 members of the Hopkins faculty and 35 Goucher faculty members.

The message to the Secretary of State had its beginnings in the Seminar on Arms Control and World Peace, composed of about 15 Hopkins faculty members and two or three from Goucher.

The group has no official connection with either institution. It meets informally every other Sunday night and was formed last November by four Johns Hopkins professors—Dr. Charles A. Barker, professor of history; Dr. H. Bentley Glass, professor of biology; Dr. Jerome D. Frank, professor of psychiatry, and Dr. Leon Eisenberg, associate professor of psychiatry and pediatrics.

MESSAGE GIVEN

The telegram, in full:

"The forthcoming disarmament conference at Geneva impels us, members of the faculties of the Johns Hopkins University and Goucher College, to make the following statement which represents our personal views.

"Never have the peoples of the world spent so much on armament in time of peace and never have they been so insecure.

"During the past year the arms competition between the United States and the Soviet Union has become more intense than ever. The continuing spread of nuclear weapons to an enlarging circle of nations increases the danger of war and makes disarmament even more difficult.

"The survival of civilization requires the control of armaments of unlimited power and their eventual elimination as instruments of national policy."

SUSPICION NOTED

"The Soviets in disarmament negotiations have shown a suspicion of American proposals for inspection and control, and our own representatives have been reluctant to consider any scheme that would not eliminate every risk of deception.

"But every alternative open to the United States involves risk.

"Insistence upon a perfect system only insures that there will be no inspection and no control; the result must be an unrestricted arms race which sooner or later will almost certainly bring about unrestricted nuclear war.

"The present impasse must be broken.

"Serious as are the conflicting interests between the United States and the U.S.S.R., both countries, we believe, have been too preoccupied with their differences and not enough concerned with their common goals.

"Americans need not shed all their skepticism about Soviet words and actions; successful international agreements are based more on mutual advantage than on trust."

CONCESSIONS CITED

"Although the prevailing attitude of distrust has made agreement difficult, the American and Soviet positions on a test ban are now very close as a result of mutual concessions.

"Any resolution of the remaining differences is preferable to the dangers which would follow a breakdown of negotiations.

"The United States and the Soviet Union have a strong common interest in preventing the spread of nuclear weapons, which appears inevitable without an agreement to stop testing.

"Recent administration suggestions that such weapons be furnished to American allies would, if carried out, jeopardize further negotiations to end the arms race.

"We believe that the test ban is an essential first step toward comprehensive arms control."

SOME RISK URGED

"In view of the gravity of the present situation we are convinced that the United States should, if necessary, accept considerable risks to achieve the goal of general disarmament in order to avoid the far greater risks attendant upon continuing the arms race."

The telegram was signed by these members of the Johns Hopkins faculty:

D. C. Allen, Donald H. Andrews, Charles A. Barker, Ernst Cloos, Leighton E. Cluff, Elliott Coleman, Fred F. Converse, Richard T. Cox, J. D. H. Donnay, Nathan Edelman, Leon Eisenberg.

Also, A. Murray Fisher, Jerome D. Frank, John Freccero, Palmer H. Futcher, Olcott Gates, Hans Getzke, H. Bentley Glass, J. L. Gossman, Richard H. Green, Carola B. Guttmacher, Albert L. Hammond, Thomas R. Hart, Jr., C. A. Hopson.

Also, William H. McClain, Clara P. McSimmon Kuznets, W. G. Lambert, Frederic C. Lane, Louis Lasagna, Victor G. Laties, Owen Lattimore, Allan H. Levy, Victor Lowe, Fritz Machlup, A. J. Mandy.

Also, William M. McClain, Clara P. McMahon, Eugene Meyer, G. H. Mudge, Earl H. Nash, Jr., Helen Nash, Abraham G. Osler, Lee C. Park, E. T. Penrose, F. J. Pettijohn, Kingsley Price, Herbert J. Rapp.

Also, Jerzy E. Rose, Lawrence J. Ross, Francis E. Rourke, Regina Slaughter, F. Wilson Smith, Lex B. Smith, David Spring, Joseph H. Stephens, Arthur R. Stone, Wolfgang Thormann, Robert W. Tucker, Robert R. Wagner, Esther Walcott, John Walton.

Also, Bruce Wardropper, Earl R. Wasserman, Bernard Weiss, William D. Wheat, Frances Williams, M. S. Wilson, C. Vann Woodward, Kenneth R. Zeirler and Frank Albrecht, secretary.

These were the Goucher faculty members who signed the telegram:

Sherodd Albritton, John V. Chamberlain, Virginia Canfield, Lester C. Crocker, Sara deFord, Rhoda M. Dorsey, George A. Foote, Elliott W. Galkin, William L. Hedges, Lincoln F. Johnson, Jr., K. Lems John I. Lodge, Jame Morrell, Walter M. Morris.

Also, William R. Mueller, Rolf Muuss, William L. Neumann, Enrique Noble, Clifford R. Noll, Jr., Sonia F. Osler, Brooke Peirce, Olive Westbrooke Quinn, Norma K. Raffel.

Also, Donald Risley, Frederick G. Reuss, Marion Robison, Alice J. Reynolds, Annelies A. Rose, Peter J. Rose, James P. Scanlan, T. Guthrie Speers, Martha Taber, Richard Waidelich, Kenneth O. Walker and John C. Williams.

Signers represented about one-half the Goucher faculty and a large percentage of the Hopkins faculty.

[From the Baltimore Sun, Mar. 13, 1960]

DISARMAMENT MANIFESTO

When the Hopkins and Goucher professors in their manifesto urge the need to control nuclear weapons, beginning with a ban on atomic testing, 9 out of 10 Americans will echo them.

But when they state that "the United States should, if necessary, accept considerable risks" in negotiating for disarmament, they contradict themselves and they raise questions.

Just what does "considerable risks" mean?

The idea seems mild enough in the abstract. Concretely, it means that we lower our guard without any firm guarantee that the Russians will lower their guard also and in the same degree. It means abandoning the idea of "control" in favor of its opposite, mutual trust, as the operative principle in disarmament. The "considerable risks" would be that the Russians might not follow our trustful lead, so that, having guessed wrong, we would soon find the contest settled in Russia's favor. In the atomic age, one such wrong guess is all we get.

If the rival in the atomic arms race were Hitler's Germany, not Soviet Russia, would the professors favor taking considerable risks? That seems doubtful—and yet the record of Soviet Russia is not one to inspire trust.

There is hope for some progress toward disarmament without resort to "considerable risks." We are seeing it being realized at Geneva, where the negotiators after months of skeptical bargaining are close to agreement on the banning of atomic tests—under an agreed system of inspection and control. The remaining gap is so small that with some ingenuity it can certainly be bridged. And this fruitful bargaining has been based on the best and soundest of motives: an intense interest on the part of all the negotiators in ending atomic testing—by the others.

The same motive applies to disarmament generally. We want the Russians to stop

arming. They want us to stop arming. If the desire is genuine on each side—and we can't think why it shouldn't be—then each will yield as much as is necessary to accomplish the immediate step by the other, and no more. To yield more than tough bargaining requires, and especially to take "considerable risks," is to hand over the very tool by which the next step can be forced. A willingness to take "considerable risks" is not the right temperament for a disarmament negotiator—not when the fate of nations is at stake. Skepticism, ingenuity and infinite patience, backed by a powerful deterrent, are the qualities most likely to get results. The professors will discover this by examining the practice of Russian diplomacy.

PROGRESS IN EL SALVADOR

Mr. BUTLER. Mr. President, I ask unanimous consent to have printed in the RECORD, a recent letter to the New York Times by His Excellency, Dr. Hector David Castro, Ambassador of the Republic of El Salvador, who is accredited to the White House, and is one of the most respected diplomats in Washington, D.C. The Ambassador's picture of his country's socioeconomic and political condition is important, because it demonstrates that the officials and people of El Salvador are working constructively toward a solution to their problems. It is especially encouraging to learn from this high authority that "there is not a single political exile from El Salvador or any political prisoner in the country."

My attention was directed to this letter by my good friend, the Reverend Father Joseph F. Thorning, Ph. D., D.D., who resides in and works as a specialist on inter-American history at Carrollton Manor, Md., the original home of Charles and Daniel Carroll, of Carrollton.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 24, 1960]

EL SALVADOR'S PROGRAM—COUNTRY DECLARED PROCEEDING WITH HER ECONOMIC AND SOCIAL GOALS

To the EDITOR OF THE NEW YORK TIMES:

An editorial published in the Times of February 9 and a February 8 article by your correspondent Paul Kennedy present El Salvador as a country where political and social unrest prevails due to a difficult economic situation and to adverse political conditions impairing the stability of the country.

All Latin American countries suffer in their economies the results of continuous price fluctuation of their basic products, mostly raw materials, in the international market. While in recent years these prices have fallen to a very low level, at the same time the prices paid by these countries for imported manufactured goods have shown a continuous increase in price.

El Salvador is not an exception to this rule. The fall in the price of coffee and cotton in the last 2 years has seriously affected its economy. However, efforts made by El Salvador and other coffee-producing countries have resulted in an international agreement which has stopped the decline in the prices of this commodity, therefore stabilizing the market.

Efforts of the government are devoted naturally to decrease expenditures, to keep a balanced budget and to find stable markets for its basic products. A sugar import quota for El Salvador has been requested from the Government of the United States of America in order to decrease the dependence of El Salvador's economy on coffee and cotton.

NEW ELECTORAL LAW

As to political unrest in the country, a new electoral law has been enacted. It has been criticized in some sectors of opinion and upheld in others. El Salvador is approaching the election of members of Congress and local authorities.

Any political campaign produces political agitation. But it is not fair to regard it as a danger to the stability of the country concerned. There is absolute freedom of the press in El Salvador. The parties interested in the political campaign are already very active. All these facts reveal only the normal process of a democracy striving to solve its own problems.

It should be noted that there is not a single political exile from El Salvador or any political prisoner in the country.

El Salvador is carrying out an important social program for the purpose of improving the living conditions of workers in the cities and in the rural sections of the country. Of the appropriations in the national budget, 40.8 percent are devoted to education, sanitation, and public works, which include the housing program of the government. In the first two years of the present administration, 485 school buildings, including 59 of the largest type, were built. It is important to note that, in addition to grammar and high school education, instruction in colleges of the government and at the national university is free.

In brief, there is no reason to regard El Salvador as a country in danger. It is a young democracy facing the problems common to Latin American countries. El Salvador, as well as her sister republics, will find a way to solve them.

HECTOR DAVID CASTRO,
Ambassador of El Salvador.

WASHINGTON, *February 15, 1960.*

SEE HOW THE BUREAUCRATIC BABY GROWS

Mr. YOUNG of Ohio. Mr. President, a recent editorial entitled "See How the Bureaucratic Baby Grows," which was published in the Cleveland Press, a member of the Scripps-Howard league of newspapers, on March 16, 1960, is worthy of careful study.

This newspaper and the entire Scripps-Howard league of newspapers have long been aware of the waste and the danger in our civil defense program. Their editors, including Louis B. Seltzer, of the Cleveland Press and News, have repeatedly called for a complete reappraisal of this program as now operated.

I believe the editorial presents convincingly the waste of taxpayers' money on an ever-increasingly futile boondoggling bureaucracy which continues to attempt to propagate itself. It points out clearly the danger in allowing any further expansion of this bureaucracy.

The Office of Civil and Defense Mobilization has this year again requested $12 million for matching funds to pay the salaries of State and local civil defense officials.

It will not save any more lives in the event of a nuclear attack, but it certainly will add 6,480 new civil defense jobs in city halls and county courthouses throughout the land. There is no doubt that it would only serve to expand and encourage a lethargic bureaucracy that has already carried almost a billion dollars of taxpayers' money down the drain.

If the Congress approves this request, we can rest assured that in all probability we shall receive an even larger request for even more useless paid employees next year.

During the last session of Congress, this request was denied. It is my fervent hope that we will do so again this year.

Mr. President, as I pointed out to the Senate only recently, of the $76 million requested for this agency, $47 million, or 62 percent, is designated for salaries and expenses.

This year's budget request also includes $6 million more than last year for salaries and expenses to enable other Federal agencies to perform civil defense functions. It also contains a request for $6 million for the General Services Administration for building useless fallout shelters in Federal buildings.

As this editorial points out, rather than spend the $24 million, $12 million of which is State matching funds, on this senseless boondoggle, and rather than spend an additional $12 million on completely useless innovations, we would be wiser to spend this money on building new schools, more housing, sewage-treatment plants, and a multitude of vitally needed social-welfare improvements.

Mr. President, the ills and ailments affecting this bureau are too numerous to mention at this time. This excellent editorial succinctly points out the foolish philosophy behind our civil defense program.

I embody this fine editorial as a part of my remarks and ask unanimous consent that this editorial be printed at this place in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Cleveland Press, Mar. 16, 1960]

SEE HOW THE BUREAUCRATIC BABY GROWS

The persistent operation of Parkinson's Law is clearly illustrated by continuing pressures from Civil Defense.

In case you've forgotten, the law as defined by Prof. C. Northcote Parkinson is as follows:

"In any public administration organization, the number of new subordinates increases at a predictable rate, irrespective of any variation in the amount of work—if any—to be done."

A stubborn Congress has held back the normal rate of increase, in the case of CD, but steady pressures continue and it's no cinch that, in the end, this wistful bureaucracy won't be able to take up the slack.

For the last year or so, pressure has taken the form of a request for a $12 million extra annual appropriation to pay half the salaries of 6,480 new CD employees. The States and cities would be expected to pay the other half, so the total cost would be $24 million a year.

Just what work these 6,480 would do, aside from watching for ICBM's and passing out pamphlets, is not exactly clear. If any bombs ever came, the military would have to take over anyhow, aided by police and fire departments. There's a cynical suspicion they mainly would serve to justify still further expansion in personnel with still larger appropriations—all in conformance with the law as expounded by Professor Parkinson.

Nevertheless the Senate Appropriations Committee has approved the project and so may the whole Senate. But the House, which has blocked it twice before, remains unpersuaded and probably will turn it down again. This is another case where three strikes should be out. If the States have the spare $12 million to squander on this boondoggle, they would be better advised to use it to build some schools.

PREPAREDNESS AGAINST COMMUNIST THREAT

Mrs. SMITH. Mr. President, yesterday the Secretary of Defense appeared before the Senate Preparedness Investigating Subcommittee and make a statement which I feel should be brought to the attention not only of every Member of Congress but of every American. Consequently, I ask unanimous consent that it be printed in the body of the RECORD, and I invite everyone to read and study it.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE SECRETARY OF DEFENSE, THOMAS S. GATES, JR., BEFORE THE PREPAREDNESS INVESTIGATING SUBCOMMITTEE OF THE SENATE COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES, MARCH 16, 1960

Mr. Chairman, I have a short statement. The major threat confronting us today is the persistent and relentless drive of communism toward an unchanged goal—a Communist controlled world. This threat is real and formidable. It encompasses all fields of human endeavor. It is military, political, economic, and psychological.

It is important that we keep this complex threat in perspective. To do so we must examine each part in relationship to the whole.

By the same token we must examine our own capabilities in the same manner. In the military field we must consider the entire picture and not an isolated part, regardless of how dramatic that part may be. Our military requirements must be based on our needs and consistent with national objectives. The Communist military requirements are vastly different. That is one reason we do not need to match the Communists bomber for bomber, missile for missile, division for division, or submarine for submarine.

We need military strength which will convince the Communist leadership that no matter how hard it strikes it will be hit back so hard that its structure will collapse. An aggressor's destruction must be so inevitable that initiating war is tantamount to suicide. That strength I believe we have now, and our defense programs are designed to maintain this strength. This conviction is shared by my principal military and scientific advisers.

First. Some of the facts which support this judgment are:

(a) Our total strength, widely deployed within the United States and around the periphery of a single strategic target area, is so great that any surprise attack upon us would result in unacceptable destruction to the attacker. Contributing to this deterrent are tactical fighter bombers and light bombers plus tactical missiles and carrier attack aircraft in addition to the weapons of the Strategic Air Command.

(b) The establishment of early warning systems, the capability for an airborne alert at the time and on the scale needed, and the deployment of mobile, hardened, and concealed missiles are progressing as planned. Our defense programs are under continuous review to insure that we maintain a long-range program of military strength. For example, we are accelerating the second BMEWS station to bring it into operation 4 months ahead of schedule.

(c) Funds are included in the 1960 and 1961 budgets to provide an airborne alert capability for our heavy bombers. The extent of this effort is substantial: $142 million will be obligated this year and $85 million next year. This entails the procurement of extra engines and spare parts and the training of crews so that an airborne alert can be mounted if and when the need should arise. The Joint Chiefs of Staff and I agree that we do not need to fly airborne alert now but we do need the capability to do so during periods of tension which may lie ahead. The Congress has assisted this program by enacting section 612(b) in the 1960 Defense Appropriations Act which authorizes the incurring of deficiencies for this purpose. We are requesting reenacting of this provision in the 1961 act.

(d) The intercontinental missile is a new and vitally important weapon that will profoundly affect the character of our problem. However, the threat it poses is not best countered by matching missile for missile. In fact, we must not allow ourselves to overconcentrate on any instrument of war. Rather the solution to our maintaining a valid an effective defense posture is by having in being a variety of types of weapons systems capable of successfully countering all types of threats facing us and our allies.

Second. We have nuclear weapons that exceed those of the U.S.S.R. by several times in total destructive power. We have long-range means of delivery that exceed theirs by several times in total carrying capacity. We have, in combination, enough to bring destruction to anyone who attacks us. We are designing our programs to maintain this strength.

Last year we had available to us the national intelligence estimate which gave us the numbers of operational ICBM's which the U.S.S.R. could achieve or might achieve in various time periods. These were calculated to cover either of two possibilities: One, that the Soviets would pursue a vigorous but orderly ICBM program, and the other, that they would pursue a highly accelerated or crash program.

A year has now passed. Additional information has been acquired and further refinement has been accomplished. Considering all the available evidence, we believe it is now well established that the U.S.S.R. is not engaged in a crash program for ICBM development.

Whether we take the estimate of a year ago or the current estimate, it is my firm judgment and that of my military and scientific advisers that our deterrent and retaliatory position remains adequate to meet the threat today and in the years ahead. We do not foresee a time when the Soviets could launch an attack on us without inviting unacceptable damage to themselves in return.

I should also like to make it clear that neither General Twining nor I have been deprived of essential elements of intelligence, nor do I believe that our testimony indicates that we have been deprived of such essential elements.

The flow of intelligence information and its assessment by the intelligence experts is a continuous process. General Twining and I are kept constantly informed on important developments in this area.

Because they started much earlier and stayed persistently with the same program, the U.S.S.R. has booster engines, making possible exploration in deep space. Meanwhile, our Nation has had to telescope time in this effort. The lost years cannot be regained overnight, even though our scientists and engineers have worked wonders. For the years immediately ahead it is important that we clearly differentiate space exploration from military weapons systems. At present the Department of Defense has no specific military requirements for so-called super-boosters. We are vitally interested in the development of larger boosters because the future may well bring specific military requirements for them. Our military satellite program is progressing as a matter of priority and is well supported by the propulsion systems of our ballistic missiles.

Mr. Chairman, we are continuously reviewing our programs. We will not hesitate to come back to the Congress for additional funds at any time we feel such funds are required. We will not hesitate to take emergency measures. As of this time, I am convinced that we are on a sound basis and have presented a properly balanced concept. We will continue to plan and to change as necessary. We must always remain superior in total power. Along with the President, I am convinced that we will.

TRIBUTE TO REPRESENTATIVE E. H. REES, OF KANSAS

Mr. SCHOEPPEL. Mr. President, a few days ago a very distinguished Kansan, with whom many Members of this body have served in the House of Representatives, announced his intention of not being a candidate for reelection to the House of Representatives from the Fourth Congressional District of Kansas. The Representative of whom I am speaking is our beloved Representative EDWARD H. REES.

On March 9, of this year the Wichita Eagle, a daily newspaper in my hometown of Wichita, Kans., reprinted a guest editorial written, in part, by the owner and editor of the El Dorado, Kans., Times. I ask unanimous consent that this editorial be printed in the RECORD as a tribute to a very fine legislator. We regret to see him leave the public service.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wichita Eagle, Mar. 9, 1960, as reprinted from the El Dorado Times]

GUEST EDITORIAL—CONGRESSMAN ED REES PROTOTYPE OF HONEST PUBLIC SERVANT

In the simple and straightforward fashion which has always characterized his every act, Representative E. H. REES stood before the Fourth District Republican Convention at Emporia Saturday, and said:

"I am here not only to express my appreciation and gratitude to the Republican Party and to the citizens of the Fourth Congressional District, but to tell you that I am not a candidate for reelection in 1960."

This was a memorable and emotion-packed event in Kansas political history. For almost a quarter of a century—24 years at the end of his current term—ED REES has carried the trust and confidence of his constitutents in a degree with few parallels in the State's annals.

Some say sentiment has no place in politics; nearer the truth likely is the belief that sentiment rules as strongly in this field as in all other human relationships. At least, this was true at the moment when ED REES—silvery-haired and bent from the public burdens he has borne—voluntarily surrendered the office with which he has so long been entrusted and which he has served so well.

He was given a rousing ovation when he first went to the rostrum; he was given another when he stepped down, after his brief address with its unwelcome announcement. Then two of his friends went to the microphone to pay him tribute. Their words were impromptu, halting and unpolished—but minted directly from their hearts' deep feeling. When they had finished, a remarkable

occurrence took place. The entire assembly arose—without cheers—and stood for a long moment in spontaneous silence, in token of deep affection for this man who has served his people's needs with unbroken and unwavering faithfulness.

Poignant regret hung like a blanket over the scene. Tears rolled unashamedly down many cheeks. A spirit of reverence and allegiance to the truest ties of friendship ruled the entire gathering. As a testimonial to a living man who was present, this instance comprises one of rare precedent.

What has brought about his singular standing that ED REES enjoys among the hundreds of his fellow Kansans who know him best? He has no "side." He has never practiced the arts of the statesman, nor employed the genteel tricks of the seasoned politician.

He is not a brilliant orator. In all his long congressional tenure, he has never set himself at the head of a legislative crusade. In the main, he has worked quietly and diligently, without fanfare of any sort. What then has so endeared him to his district?

The answer lies in the rock-solid fact that he has always been his honest, conscientious self, that he has never indulged in double-talk, that he has dealt fairly and squarely with all men over the years, and that he has been guided by unwavering uprightness and unshakable integrity.

He has carried his credentials in his square-hewed, Welsh features and has never departed from the basic simplicity of his character. He has rendered countless favors to the people of his district and has extended effective help in many important instances. While steadfastly true to his party creed, he has never been domineering nor hidebound in his views—but gentle and persuasive in his approach. And so, he has made fast friends without number, and has always been able to turn back the sternest challenges to his occupancy of high office that the opposition has flung at him.

When the Fourth District came into its present form of 15 counties, it was so arranged with a practical political purpose. This was that the normal Republican majorities in the up-district counties would be sufficient to offset what was once a dominating district Democrat majority in Sedgwick County.

ED REES became the first Congressman of the remodeled district—and the force of his personality was such he went one better than the framers of the district had intended. He gained so much headway in the esteem of Sedgwick County that he frequently carried it by smashing margins. This originally unexpected development, coupled with his unbreakable hold upon the up-district counties has combined to give him uninterrupted possession of his office. He retires with the satisfaction of never having been defeated.

As a Congressman, Mr. REES has been industrious and always available. He has kept in close touch with his constituency, not just as an errand boy but as counsellor and friend. He has enjoyed high standing among the House membership for his responsible and obliging ways. As chairman of the Post Office and Civil Service Committee, he performed a vast amount of useful service. He also has been a member of other important committees. Since Dwight D. Eisenhower calls Abilene his home, the President refers fondly to ED REES as "my Congressman."

Now, ED REES is out of the congressional picture. He took himself out, making his own decision after long wrestling alone with his problem. He will serve out the balance of his term this year. In another 2 years, the present form of the Fourth District will have disappeared—under the knife of the State's enforced congressional redistricting—and another Fourth (of impossibly speculative form) will have taken its place.

So the old Fourth will be gone and ED REES along with it. It is not a pleasant outlook to contemplate for those who have always held pride and affection for the Fourth as it now stands.

Mr. REES' abdication has left the field wide open for both Democratic and Republican contesting. After the election tumult and shouting has died, the Fourth will have a new Congressman—and doubtless a good one, whatever his political affiliation.

Whoever he is, he will not be ED REES. None will be like ED REES. The mold that shaped him on a Lyon County farm, in the edge of the hills, 70-odd years ago has long been broken.

The fast-moving world of today will create its own paladins and prodigies. But to many thoughtful and sincere men and women in the Kansas Fourth District, ED REES will always stand as the prototype of the finest figures in American public life in his day and generation.

Mr. KEATING. Mr. President, will the Senator from Kansas yield to me?

Mr. SCHOEPPEL. I yield.

Mr. KEATING. I am delighted to add a word of tribute to ED REES. I served in the House with him for many years. He was extremely helpful to me and he has rendered a great service in the House of Representatives. I deeply regret seeing him leave. He will be hard to replace and I only hope that a worthy successor to ED REES will be chosen from the Fourth District.

Mr. SCHOEPPEL. I appreciate the very fine tribute paid to ED REES by the junior Senator from New York.

UNITED NATIONS CONDEMNS ANTI-SEMITISM

Mr. KEATING. Mr. President, I should like to draw attention to a report, published in the New York Times of March 16, which states that the United Nations Commission on Human Rights has condemned the recent world outbreaks of anti-Semitism as a "threat to the human rights and fundamental freedoms of all people." This condemnation was expressed in a resolution adopted by a unanimous vote of the 18-member Commission, now holding its 16th session in Geneva, Switzerland. The Commission noted with deep concern that the demonstrations of anti-Semitism and of racial prejudice and religious intolerance might once again be the forerunner of other heinous acts endangering the future. It called on all members of the United Nations and its specialized agencies to take all appropriate action to prevent effectively such acts, and to punish those who have committed them.

It is timely and fitting to point out, in this regard, that the "appropriate action" urged on member nations of the United Nations should be made to apply with special emphasis and urgency to the Soviet Union. Inside Russia, Jews are, in effect, treated as second-class citizens. They are consistently discriminated against, and often are used as scapegoats—as in the infamous "doctors' plot" in Stalin's last days. This situation has not changed in the slightest since the advent of Premier Khrushchev. Indeed, according to accurate eyewitness reports, this second largest Jewish community in the world today lives a restless, uncertain existence within the Soviet Union. Estimates of the Jewish population there range from 2,500,000 to nearly 4 million. And every Jew within the Soviet Union carries an identity card clearly marked "Jew." An American Jew thinks of his nationality as American, and his religion as Jewish. But in the Soviet Union, where the state stands for atheism, Jews are considered a separate national group, and no recognition is given to religion.

Searching analyses by thoughtful and able scholars confirm entirely the truth of the statements and the reports that in Soviet Russia there exists a calculated and brutal anti-Semitic campaign.

PLANS TO DUMP RADIOACTIVE WASTE IN GULF OF MEXICO MUST BE ABANDONED OR DELAYED

Mr. YARBOROUGH. Mr. President, Dr. Albert Schweitzer, the famed humanitarian and Nobel Prize winner, recently stated that he considered the present to be the most dangerous period in history, not merely modern history but all human history. He said this was true because heretofore nature has controlled man, but now man has learned to control elemental forces before he has learned to control himself.

Surely all of us recognize the great danger that at some farflung world crossroads the powers of the earth might be accidentally or even deliberately plunged into an atomic holocaust. But I think there is perhaps a greater danger that we will poison ourselves and contaminate mankind with radioactive waste disposal and fallout.

At this time the Atomic Energy Commission is considering whether to grant a license to dump radioactive wastes in the Gulf of Mexico. If the AEC does permit such dumping, it will be over the strongest possible protest of thousands of gulf coast area residents.

When this matter came up more than a year ago, I strongly urged the AEC to abandon its plans or at least to delay them until it had completed studies and knew beyond all reasonable doubt that the plan was safe or that it require dumping out in water over a mile deep—1,000 fathoms—and over 200 miles off shore. Our argument is not that the dumping of radioactive waste is definitely harmful to mankind: our argument is that in this program the AEC is setting sail on a hazardous, uncharted course that could irreparably endanger the health and welfare of millions of people.

Mr. President, there is an extremely penetrating and thought-provoking article on this subject in the current issue of the Reporter, written by Mr. Walter Schneir. At one point he reports:

A few years ago, scientist Louis A. Krumholz conducted a 3-year study for the AEC and TVA to determine if partially purified liquid radioactive waste discharged by Oak Ridge into White Oak Lake had any effects on life in the lake. Dr. Krumholz reported that the fish in the lake grew more slowly and died younger than was normal for the species.

At one point in the article, the author points out that one species of fish in the lake has died, and that only four are left. I continue to read:

Large quantities of strontium 90 had been absorbed into the bone structure of bluegills and black crappies in concentrations 20,000 to 30,000 times those found in the lake itself. The same scientist and Dr. John H. Rust reported earlier that a muskrat that had been eating food of its own choice around Oak Ridge had a huge burden of radioactivity in its bones. The "insignificant amounts" of radioactivity released in nearby streams were concentrated many times in water plants on which the animal apparently fed and by thousands of times in the muskrat's cancerous right hind leg.

Mr. President, with millions of tons of fish being taken from the Gulf of Mexico every year by sports and commercial fishermen and distributed on the tables of America, the importance of reports such as the findings at the lake near Oak Ridge is very clear.

I cannot too strongly urge the AEC and all other interested parties to abandon or at least long delay plans for the disposal of radioactive wastes in the Gulf of Mexico until additional studies prove beyond the shadow of a doubt that such disposal can be safely made.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD following my remarks, the article entitled "The Atom's Poisonous Garbage," written by Mr. Walter Schneir and published in the Reporter magazine of March 17, 1960.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Reporter magazine, Mar. 17, 1960]

THE ATOM'S POISONOUS GARBAGE

(By Walter Schneir)

One basic fact of life in the atomic era is that you cannot use the fissioning atom for war or peace without producing vast quantities of lethal radioactive wastes.

Over the past 15 years, while one arm of the Atomic Energy Commission has been conducting bomb tests, spreading fallout globally (and frequently insisting on its relative harmlessness), another arm has been transporting precisely the same kind of radioactive material to isolated areas and warily, entombing it in underground steel-lined reinforced concrete tanks. The only real difference between radioactive fallout and wastes is that the former is blown high into the stratosphere by an uncontrolled nuclear reaction with its subsequent course determined by the vagaries of wind and rain, whereas radioactive wastes are the byproduct of a carefully controlled nuclear reaction, and their ultimate disposal is up to man.

Not all of the atomic wastes are buried; some of the less radioactive material is released into rivers or dumped into the sea by the AEC and its licensees. It is this form of disposal that has provoked much of the recent controversy.

Although the controversy over the disposal of radioactive wastes has been going on for some time, it was heightened last spring when the National Academy of Sciences released a report, "Radioactive Waste Disposal Into Atlantic and Gulf Coastal Waters," prepared at the AEC's request, suggesting 28 tentative sites for offshore dumping of low-level radioactive wastes. The anguished howls from chambers of commerce, citizens' groups, State conservation departments, fishing and recreation interests, and many Congressmen are still ringing in the AEC's ears.

The essence of the AEC's disposal problem lies in the nature of the waste itself: compared with all other industrial pollutants, radioactive waste is millions of times more toxic, undetectable by human senses, and absolutely ineradicable except by a process of natural decay that may take centuries.

Clearly this is the most hazardous and treacherous material man has ever tried to deal with. The danger of accidents was dramatically illustrated last November 20 by a minor explosion at the Oak Ridge National Laboratory in a room where highly radioactive wastes are processed to recover plutonium. The explosion destroyed about $10,000 worth of equipment and scattered one-fiftieth of an ounce of plutonium over a few acres. For the following 3 months, cleanup crews tracked down the minute quantity of plutonium; they painted buildings, tarred roofs, replaced asphalt roadways, removed and resodded grass, and destroyed several trucks. Physicians examined 250 employees and found that 9 had absorbed some plutonium internally. By February 15, the job was nearly but not altogether finished. Total cost to decontaminate a $10,000 explosion—between $250,000 and $350,000.

This 3-month cleanup task was made necessary by a little more than half a curie of plutonium waste. A curie is the basic unit of radioactivity. Physically it is a very tiny fraction of an ounce of material; from the standpoint of human health it can be an enormous amount of radioactivity. We have heard much about the unfortunate women who in the early 1920's painted watch dials, tipping their brushes between their lips and swallowing tiny amounts of radium and other radioactive materials used to make the paint luminous. Some of these women died in about 3 years or gradually developed various painful bone ailments; in others, bone cancers appeared 15 years or more later. As little as one two-hundred-and-sixty-thousandth of a curie of radium produced bone cancer, and harmful bone changes occurred in women who had retained less than one two-millionth of a curie.

THE GARBAGE CANS ARE ROTTING

In the preatomic bomb world of 1940, only a few thousand curies of radioactive material (mostly radium) were available in the entire world. Today our weapon manufacturing program (not counting testing), plus our peacetime reactor program, is producing billions of curies of liquid, solid, and gaseous wastes every year.

These wastes derive from every step of nuclear energy production: uranium milling, fuel fabrication, reactor operation (on both land and sea), and especially from the chemical reprocessing of partially spent reactor fuels. This latter type of waste is far and away the most dangerous of all and may contain hundreds or even thousands of curies of various radioactive substances per gallon. The huge steel tanks interred at five different locations (primarily at Hanford, Wash.) in the United States contain more than 65 million gallons of this high-level radioactive waste. Within the boiling-hot caldrons is enough radioactive material to cause severe pollution of all of the land and water area of the United States. The tanks themselves may last for another 10 to 50 years; their contents will be deadly to man for many centuries.

The wastes can probably be successfully transferred to new tanks, but no one regards tank storage as a long-term answer to the problem. The hope is that some permanent means of disposal will eventually be developed. One suggestion is to pump high-level liquid wastes into deep, mined-out rock salt deposits. Possible hazards from this technique, however, include the contamination of waters that supply surface streams and the formation of radioactive geysers as a result of the tremendous heat generated by the wastes. If some way can be found to solidify the liquid wastes and fix them in an inert material, such as glass or clay, permanent disposal in a salt mine or other deep cavern might be practicable.

Two general approaches are at present available for the disposal of radioactive wastes: concentrate and contain or dilute and disperse. For the immediate future at least, the AEC will certainly continue to concentrate and contain the hottest wastes. Only the low-level wastes are being released into the environment. For this reason many people believe that low-level wastes constitute the greatest present health hazard from our nuclear program.

Low-level wastes generally contain from a few millionths to several thousandths of a curie per gallon; some, loosely classified as intermediate, may be as hot as a few curies per gallon. The low-level wastes are produced in enormous quantities; according to the AEC, any plan to concentrate and contain any considerable fraction of them would be impracticable and extremely costly. The Columbia, the Mohawk, and many other rivers are currently being used to dispose of low-level wastes; within a few months the Hudson will be used for such disposal. Other low-level liquid wastes are poured directly into the ground. Solids and solidified liquids are sometimes placed in concrete-lined 55-gallon barrels and dumped at sea; gaseous wastes are released to the atmosphere.

The disposal of these wastes is carefully guided by maximum permissible levels for human exposure set up by various national and international bodies. Still, people living today in the vicinity of nuclear reactors (and eventually this may include just about all of us) do receive a small additional amount of radiation from low-level wastes; for the most part the dose is still less than that from fallout from bomb tests. This radiation dose is added, of course, to what we already receive from medical X-rays, natural sources, and fallout. Some authorities have prophesied that unless we take extreme precautions, low-level wastes may some day head the list of manmade radiation to which we are exposed.

As with fallout, one question is frequently asked: Is the so-called maximum permissible level of radiation a completely safe level? The answer is "No." It is impossible to have a completely safe level of radiation; permissible levels must therefore be chosen in an essentially arbitrary fashion by a balance of political, economic, and scientific factors.

This point was illuminated last month when Health, Education, and Welfare Secretary Arthur Flemming announced a sharp reduction in the amount of strontium 90 intake permissible for humans over a lifetime. The new level for strontium 90 for milk, foods, and air is 33 micromicrocuries a liter as compared with the former maximum permissible level of 80 micromicrocuries.

Some interesting comments on maximum permissible levels were made last year by a National Academy of Sciences report on "Radioactive Waste Disposal From Nuclear Powered Ships": "At the onset it should be recognized that such a maximum permissible rate of exposure is not the most desirable rate. The latter, where technical and economic feasibility allow, should be as close to zero as possible. Thus in making this evaluation, some real, though admittedly extremely slight, risk to the general public is assumed."

THE MUSKRAT'S RIGHT HIND LEG

The trouble with the dilute-and-disperse theory is that low-level wastes released into the water do not dilute in any completely predictable way. For example, many organisms concentrate radioactive elements in their bodies by factors many times the quantity of radioactivity in the water.

A few years ago, Scientist Louis A. Krumholz conducted a 3-year study for the AEC and TVA to determine if partially purified liquid waste discharged by Oak Ridge into White Oak Lake had any effects on life in the lake. Dr. Krumholz reported that the fish in the lake grew more slowly and died younger than was normal for the species. Large quantities of strontium 90 had been absorbed into the bone structure of bluegills and black crappies in concentrations 20,000 to 30,000 times those found in the lake itself. One species, the white crapple, relatively common in the lake when the study began, had died out; another, the redhorse, had nearly disappeared—only 50 were found, all 3 or 4 years old.

The same scientist and Dr. John H. Rust reported earlier that a muskrat that had been eating food of its own choice in the area around Oak Ridge had a huge burden of radioactivity in its bones. The "insignificant" amounts of radioactivity released into nearby streams were concentrated many times in water plants on which the animal apparently fed and by thousands of times in the muskrat's cancerous right hind leg.

Incidents such as these have been cited in the current controversy over ocean and offshore dumping as reasons for an extreme degree of caution. The Wall Street Journal of February 17 quotes Dr. Paul C. Aebersold, an AEC official, in rebuttal: "Underwater disposal is absolutely safe when it's properly executed." Critics of the AEC feel that such statements bespeak a certain lack of humility, considering the present state of our knowledge. As with fallout, the AEC is frequently reassuring and positive in areas where a lot of uncertainty remains. Much of the rich harvest of the sea comes from coastal waters. A mistake cannot be easily rectified.

Moreover, the problem is not merely a national one. Most countries interested in the problem, with the exception of the United States and Great Britain, are strongly opposed to the disposal of any radioactive wastes at sea. Mexico has already filed a formal protest over dumping of wastes in the Gulf of Mexico.

Reporting an international conference on the subject at Monte Carlo last November, the London Observer's science correspondent John Davy stated: "It is not within the terms of reference of the conference to pass resolutions on matters of policy, but if it had been, it is quite likely that a resolution would have been passed today urging that radioactive waste disposal at sea should be banned."

A SEA OF TROUBLES

Huge gaps remain in our knowledge of the seas. We still are very far from knowing all there is to learn about the ocean's currents or the mixing rates of the deepest layers of water with the surface. Not long ago many oceanographers felt that the deepest waters might not mix with surface water for 2,000 years; now they are not at all sure.

We do know that the ocean, like rivers and lakes, is not a simple dilution tank: microscopic organisms, plankton and shellfish, concentrate radioactivity by many thousands or even millions of times the level in the surrounding water. Fish range freely between deep ocean and Continental Shelf. Shrimp, squid, and other organisms help spread radioactive elements from the depths to the surface.

The natural radioactivity of the oceans is much less than that of the land. Soon man will have the power to increase this radioactivity just about indefinitely. What would be the effects of such a change on the life in the sea and on human beings who depend on the sea for billions of pounds of protein each year? Frankly, no one knows.

With this uncertainty as background, U.S. Bureau of Standards Handbook 58, issued in 1954, gives this advice regarding radioactive wastes: "Disposal * * * shall be in regions where water depths exceed 1,000 fathoms. * * *

"In the case of sea disposal * * * the act is final * * * if disposal at sea is carried out under conditions or to an extent that later appears to have been ill-advised or dangerous, there is no way of correcting the situation."

This warning was contradicted last spring by the report of the National Academy of Sciences, which stated: "The panel is of the opinion that certain Atlantic and Gulf of Mexico coastal areas can be used as receiving waters for the controlled disposal of packaged, low-level radioactive wastes."

Of the 28 tentative dump sites suggested by the NAS, some were as little as 3 miles from shore in water 40 or 50 feet deep. At Cape Cod, where commercial fishing and the bathing beaches are essential to the local economy, a protest committee was formed. Its research disclosed that unknown to local residents and contrary to the warning in Handbook 58, offshore dumping had been going on for years. The Crossroads Marine Disposal Corp., of Boston, had been dumping radioactive wastes in 50 fathoms of water in Massachusetts Bay since 1946, and on an AEC license since 1952.

The AEC has since amended the license of this company so as to prohibit dumping in less than 1,000 fathoms. Even today, however, the AEC's attitude toward this offshore dumping is less than frank. As recently as January 27, the chief of the AEC's Environmental and Sanitary Engineering Branch, Joseph A. Lieberman, mentioned in a speech the dumping over the past 15 years of 14,000 curies into the Pacific and of 8,000 into the Atlantic. He said: "All of these disposals are in depths of water of a thousand fathoms or greater."

Questioned about the Crossroads dumping, Dr. Lieberman said that this was not done by the AEC but by an AEC licensee. Since the use of radioactive material by licensees is regulated by the AEC Division of Licensing and Regulation, such verbal tightrope walking by the AEC has not inspired much confidence in the Commission's pronouncements.

A number of Congressmen exhibited some skepticism about AEC practices and promises at last July's hearing of the Radiation Subcommittee of the Joint Congressional Committee on Atomic Energy. This 1-day hearing was called to enable east coast and gulf coast Congressmen to be heard on the NAS's proposed offshore dumping sites. Most of those testifying were in favor of a bill (H.R. 8187) proposed by Texas Representative CLARK W. THOMPSON, calling for disposal of wastes at least 200 miles from shore in water over 1,000 fathoms deep and in leak-proof containers.

This last point is important, inasmuch as the AEC does not require that barrels be so constructed as not to break open at 1,000 fathoms. Nor does anyone know how many barrels dumped into the sea spill their radioactive contents on the way down. Even those which reach the ocean floor safely are expected to corrode within 10 years.

One of the most illuminating exchanges at the July hearing took place between Senator JOHN O. PASTORE, Democrat, of Rhode Island, and Dr. Dayton E. Carritt, who headed the NAS panel on offshore waste disposal.

Senator PASTORE. "As you sit there now, you are in no position to say that as far as you have gone in your research of this subject and the selection in choosing these sites that this is foolproof insofar as hazard is concerned. Is that correct?"

Dr. Carritt. "Senator, you are absolutely right. * * * A good many people have come to me since publication of this report * * * and have ended up * * * by saying, 'I hope you have made absolutely sure that there will never be a radioactive atom get into our waters.' * * * It is impossible to assure anybody that that will not happen. When the decision was made by this country or by any other country to embark upon a program involving fission products, it was at that point that we lost that decision. From now on it is absolutely impossible to say that we cannot have any contamination in the human environment. The only possible question we can ask now is * * * How much time, money and effort can we expend to keep the contamination down to a permissible level? * * * The more money you want to put out over and above that, the lower it is going to go."

In any conflict between cost and contamination, the AEC finds itself in an embarrassing position: it conducts and encourages operations that produce radioactive waste; then it must regulate itself and its licenses to insure that the waste disposal does not harm the public.

A case in point is the pollution of the Animas River in Colorado and New Mexico, where the water used by 30,000 people was found by the Public Health Service to contain radium far in excess of maximum permissible levels. For a proper assessment of the danger from the wastes, the Public Health Service sought to learn what other man-made radiation the people of the area were exposed to. By unhappy coincidence, the peas, cabbages, lettuce, and other vegetables grown in the area were also discovered to have extremely large amounts of strontium-90 from fallout.

The radium in the Animas River comes from a uranium refinery run by the Vanadium Corp. of America. For more than 10 years the company had been pouring wastes into the river without regulation. Colorado and New Mexico assumed that the AEC was supervising the process; the AEC insists that it had no regulatory authority over a score or more of uranium mills until 1957. If this is true, it does not, of course, explain why the AEC did not ask Congress for authority to protect a public wholly unaware that it was being dosed with radiation.

At the 1958 conference on the pollution of the Animas River, Charles G. Caldwell, director of environmental sanitation services at New Mexico's Department of Health, seemed surprised to learn that the AEC had only recently begun surveying the pollution problem. "We of the State health department in the past assumed the AEC was attending to this problem, or had some control, and that because of the nature of the national defense effort it was pretty well kept quiet."

To many of the foregoing criticisms, AEC spokesmen reply that the critics are misinformed or just don't understand. These spokesmen note that the AEC has no present plans for ocean dumping of high-level wastes, which are the only wastes that could substantially alter the radioactivity of the oceans. Furthermore, they say, the quantity of low-level wastes dumped to date in the Atlantic and Pacific is infinitesimal compared with the amount the British are piping into the Irish Sea. The NAS report restricts the amount of strontium-90 that can be dumped at each site to 250 curies annually, and the waste dumped in shallow water near Cape Cod consists largely of one of the less dangerous radio active elements. Finally, the AEC emphasizes that the NAS report is merely advisory and that the AEC has no immediate need or intention of conducting offshore dumping. (Whether this is also true of private industry under AEC license is not clear.) Nevertheless, the AEC would like the matter left to administrative fiat and opposes the Thompson bill, which would prohibit offshore dumping.

Proponents of the Thompson bill claim that once a precedent is set for dumping of wastes in shallower coastal waters, it will be a simple matter for the AEC gradually and quietly to increase the allowable amount over the years. In Great Britain 1,000 curies were originally piped into the Irish Sea each month; now the quantity has been raised to 10,000 curies monthly, and some people have begun mentioning 25,000 or even 100,000 curies as the allowable monthly quota.

ON THE BEACH

Although the British experience with offshore dumping of radioactive wastes is often cited by the AEC as reassuring, some of the facts and figures now available on this disposal operation provide reason for concern. In a report on "The Disposal of Radioactive Liquid Wastes Into Coastal Waters," Dr. H. J. Dunster, of the United Kingdom Atomic Energy Authority, asserts: "In estimating the permissible activity of the shore sand, it has been assumed that no one regularly spends more than 100 hours per year on the sands."

This assumption may well be valid for English weather, but it simply does not apply here. In the Cape Cod area many people spend 200 or 300 hours a year on the beach, and in Florida 500 to 1,000 hours annually would not be unusual, especially for children. Furthermore, young children tend to spend most of their playtime close to the water's edge, the very area where Dr. Dunster reports levels of radioactivity in silt more than a hundred times those he found on shore sand.

If the United States had poured liquid wastes into the sea exactly as the British have done since 1952 and under similar conditions, then taking the British figures as a guide, we find that by 1957 many beaches would have become the leading source of radiation exposure for millions of American children and adults. Children who played long hours near the water's edge would receive approximately one-half to 2 roentgens a year, or between 5 and 20 times the dose they receive from natural background radiation.

When the Atomic Energy Act of 1954 was passed, the very existence of radioactive waste was largely unknown to the public. This ignorance prevailed until about 1956 or later, because the majority of AEC reports on wastes were classified "secret" or "for official use only." The act provided opportunities for privately owned industries to enter the field of atomic energy, and many of these firms will naturally want to construct their reactors near their markets in heavily populated areas.

The present policy of the administration is apparently to encourage as wide a use of nuclear power here and abroad as possible. Whether such a policy is based on realistic need is a serious question. One answer was suggested by Barron's on February 8 in an article entitled "Nuclear Fizzle": "In 1957, after Suez was clamped shut, much of Europe looked to nuclear power as the only way to assure its energy supply. A scant 3 years later, oil is on tap in quantities exceeding current needs, and new sources are opening in the Sahara, Libya, and West Africa. The once-feared shortage of coal has turned into a glut. Looming on the horizon, too, are generous supplies of natural gas. Not unnaturally, then, the members of Euratom have grown reluctant to invest large sums in atomic fission."

THE BALANCE SHEET

This apparent slowing down of reactor development may provide an opportunity for Congress to reconsider the path we chose to take in 1954. Most of the present reactors in the United States are owned by the military or the AEC—the era of commercial power reactors is just beginning. We can still take a rational approach, carefully balancing social gains against social losses, instead of treating atomic power, almost mystically, as the inevitable wave of the future.

On the side of gains would certainly be the AEC's isotope program, which provides invaluable research aids to medicine, industry, and agriculture. But is the production of atomic power to be counted a gain when fossil fuels are far cheaper and still abundant? Is the construction of more and more atomic ships with their potential for mass disaster a gain? Perhaps the answer is "Yes." But shouldn't we at least ask the question?

For example, some sources predict 300 fission-powered ships by 1975, dumping over a million curies of waste into the sea each year. Nuclear submarines and icebreakers have great and obvious advantages, but is it worth while to build merchant and passenger ships with atomic reactors? If the *Andrea Doria* had been nuclear-powered, millions of curies of radioactivity would have been released in the sea close to Nantucket, and very likely all the passengers would have been killed. To judge the effects on beaches and fish, we need only recall what our Bikini tests did to Japanese tuna.

Certainly, any careful weighing of the pros and cons of nuclear power will have to consider the very latest recommendations on "Somatic Radiation Dose for the General Population," just released by the National Committee on Radiation Protection and Measurements. Here are a few of the report's conclusions:

"Even the smallest dose is associated with some risk. Under these circumstances, the exposure of the population to any increase in radiation should not occur unless there is reason to expect some compensatory benefits.

"We believe that the population permissible somatic dose from manmade radiations, excluding medical and dental sources, should not be larger than that due to natural background radiation, without a careful examination of the reasons for, and the expected benefits to, society from a larger dose.

"The levels should be set so that the typical person in the area will not receive more than the established permissible dose when all sources are combined."

The burden of these conclusions is that the maximum permissible dose for fallout, atomic waste, and all other manmade radiation, excluding medical X-rays, should be no more than one-tenth of a roentgen annually, or a total of three roentgens for 30 years. Whether it will be possible to develop nuclear power on a large scale and still meet such a criterion is a question yet to be faced.

One major development could make all our problems about radioactive wastes academic. Many of the world's leading physicists believe that man's ultimate source of power will be atomic fusion rather than fission. There is a strong possibility that the power of a thermonuclear reaction (such as is utilized in the hydrogen bomb) can be tamed and harnessed—perhaps within the next two decades. Dr. Ralph E. Lapp has said: "Our brightest hope for future power is not the energy produced by nuclear fission, the splitting of heavy atoms like uranium. It is the energy produced in fusion, the joining together of light atoms." Happily, fusion power would produce no atomic wastes and for all practical purposes would be inexhaustible. One fuel that could be used for such energy is deuterium, a form of hydrogen found in sea water. According to an expert in the field, Dr. Lyman Spitzer, Jr., "The deuterium in the ocean's waters is sufficient to provide many times the present rate of world energy for more than a billion years." Technology may yet rescue us from technology, and the huge tanks of high-level waste may become relics of the crude science of the past.

Meanwhile, the Nation stands committed to an expanding program of commercially produced fission power that will inevitably entail increasing levels of environmental radiation for the general public. Today, 6 years after we embarked on this program, our ignorance about the effects of relatively small doses of radiation on human beings is still profound—and much of what we have most recently learned gives cause for caution. Using the facts that are available to us today, we might do well to pose a few last questions before deciding irretrievably to set full sail on an uncharted course:

Just how essential is a large-scale fission reactor program to enable us to meet our power needs over the next few decades?

When do we actually expect to be faced with shortages of fossil fuels?

Do we need some separate Federal regulatory agency, other than the AEC, to protect the public health from radiation hazards of both atomic waste and fallout?

Our answers to these and related questions will be better reasoned if we can free ourselves from the fatalistic notion that a complete changeover to fission power is inevitable. It is not too late at this point for us to reconsider old decisions and make new ones. For the moment at least, a choice is available.

THE PRESIDENT SHOULD BE GRANTED POWER TO ADJUST SUGAR QUOTAS

Mr. YARBOROUGH. Mr. President, yesterday the President of the United States appealed for authority to adjust sugar quotas for foreign countries and to reallocate quotas at home and abroad. The President warned that our foreign supply of sugar could be endangered, thus denying the American people an adequate supply of sugar.

Mr. President, under the quota system the United States is permitted to produce only 27 percent of the sugar used in the United States. Under this system, my home State of Texas is allocated, for sugar-beet production, about 1,800 acres, only 3 square miles, while the American people, including the people of Texas, are forced to buy from foreign sources 3 out of every 4 pounds of sugar they use. We ought to produce more sugar at home, as a matter of national safety, and for our own defense.

Sugar beets form the best paying crop, not only in the high plains of Texas, but also in many high plains regions of the central-western part of the United States, extending through the western Oklahoma Panhandle, through western Kansas, and through western Nebraska. Sugar beets produce a crop worth approximately $100 or $150 an acre. Neither wheat nor maize nor any other crop grown in that area will produce as much.

Those farmers should have some sugar beet acreage. They have sought it for years. I have inquired about it, and I am told that they cannot get it because there is a sugar cartel.

Mr. President, it is time that we thought more of America and her security and her prosperity than of a high-powered lobbying cartel. I refuse to go hat in hand and beg a Washington sugar-cartel lobby to give Texas a few more measly acres of sugar beets. I think this should be a governmental matter, not a private cartel matter.

Mr. President, I have not always seen eye to eye with the President of the United States on foreign policy, but I am 100 percent behind him on his request for power over sugar quotas. For

our national security, I hope the President is given this standby power over foreign sugar quotas, and that he will allocate to our own American farmers more than 27 percent of our domestic market. Once we go beyond our own borders, I think we might well consider the situation of our neighbors who have a common land boundary with the United States—and who, incidentally, want to furnish more sugar to the United States—because no hostile submarines could cut off their trade with the United States.

Mr. President, I ask unanimous consent to have printed at this point in the body of the RECORD an article entitled "Important That He Rule Sugar Quotas, Ike Says," which was published in the Washington Post of today.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 17, 1960]

IMPORTANT THAT HE RULE SUGAR QUOTAS, IKE SAYS

(By Carroll Kilpatrick)

President Eisenhower said yesterday that he needed discretionary authority over sugar quotas to protect the American consumer against a possible disruption of the supply from Cuba.

The President made his comment at a press conference before forwarding to Congress the draft of a bill to extend the Sugar Act for 4 years.

It would give him power to cut Cuba's quota should relations between the two countries worsen or should Cuba fail to fill its quota.

Mr. Eisenhower said at his news conference his request for standby authority to cut quotas of foreign suppliers was in no way intended as an act of reprisal against Cuba.

HOSTILITY IN THE HOUSE

On Capitol Hill and in Havana, however, his proposal provoked bitter comments, and it was freely predicted that the House, at least, was in no mood to go along.

The Senate seemed somewhat less hostile to the President's plan than the House. In introducing the administration bill, Senator WALLACE F. BENNETT (Republican, of Utah) called it wise and moderate. Senate Democratic Leader LYNDON B. JOHNSON (Texas) said it would receive thoughtful consideration.

House members predicted that they would approve a simple 1-year extension of the act as proposed by Chairman HAROLD D. COOLEY (Democrat, of North Carolina) of the House Agriculture Committee.

Disturbances in Cuba "could easily endanger our source of supply," the President said. He noted that the United States has been buying "on the order of 3.5 million tons of sugar from Cuba yearly," better than a third of its total requirements.

Mr. Eisenhower said that it was his responsibility to make sure of an adequate supply. If the supplying areas should fall down in supplying the quotas assigned to them he would want to be able to "go to somebody else to get it," the President said.

REJECTS PUNISHMENT VIEW

"I have flatly stated again and again that we are not trying to punish Cuba, particularly the Cuban people or even the Cuban Government," he said.

"We are trying to get a basis of agreement with them that it is based upon justice, on international usage and law, and so that the interests of both sides are protected."

In Havana, Prime Minister Fidel Castro conferred with President Osvaldo Dorticas after receiving word of the American proposal.

"The Prime Minister was not in a good mood," a Cuban source told the Associated Press. However, there was no official comment.

Last Sunday, Castro charged that the objective of a quota change would be to force his government to "leave things as they are, no social reforms or * * * they strangle us economically through an arbitrary measure."

COMPROMISE PROPOSED

Chairman ALLEN J. ELLENDER, Democrat, of Louisiana, of the Senate Agriculture Committee proposed a compromise which some observers believed eventually might provide a basis of agreement between the President and Congress.

ELLENDER said Congress should empower the President to alter foreign quotas only when Congress is not in session.

Another suggested compromise was for Congress to empower the President to act after appropriate consultation with congressional leaders.

RELATIONS WITH CUBA

Mr. GOLDWATER. Mr. President, some few days ago I made a few remarks concerning Cuba and her continuing insults to the United States and our people. At that time I said one form of reprisal we might take to remind the people of Cuba that their leadership is antagonistic to one of their historic best friends was to reallocate their sugar quota. I called attention to the ability of Mexico, which borders our country on the south, to supply us with sugar.

We watch Mr. Castro while he continues to insult the United States and the American people and seizes properties held by Americans in Cuba. Nothing has been done other than the exchange of some rather mild notes.

My mail increasingly indicates the concern of the American people over the apparent attitude of the United States that it will take these insults rather than risk some further trouble.

Not only is my mail reflecting this feeling, but so are editorials from newspapers in my State of Arizona.

I ask unanimous consent that four editorials on the subject be printed in the RECORD at this point in my remarks.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Arizona Daily Star, Mar. 10, 1960]

SOME FACTS ABOUT CUBA—I

As Premier Castro of Cuba continues his vicious anti-Yankee campaign, it is well to bear in mind a few salient and impersonal facts about Cuba itself.

Cuba is an island 44,778 square miles in size, located 90 miles south of Florida. It has a population of approximately 5 million people which has been growing at the rate of 100,000 a year. No matter who governs Cuba, its 5 million people face the task of earning existence by their labor and their ability to develop the resources of the island.

Until the coming of the Castro regime, life in Cuba had developed to a point where it was way ahead of life in the Caribbean area, save perhaps Puerto Rico. This had been accomplished by official and private help from the United States. American citizens for years had paid Cuba a preferential higher price for its sugar to the tune of more than $100 million. American investors had played a large role in the development of Cuba's natural resources. They had helped to develop a highly prosperous tourist trade.

This activity had helped to meet the needs of the Cuban people in the only ways that their needs can be met. There is not enough land in Cuba to make her agricultural resources sufficient to support 5 million people. Experience the world over shows that the division of agricultural land into small holdings, lessens rather than increases production. At its best, it creates a peasantry that barely can eke out its existence. That is why all Communist countries, save Poland, have abolished small holdings and have established a system of collectivized agriculture.

This forecasts that Castro's agrarian reform will reduce the productivity of Cuban agriculture, and thus reduce the income of the people of the country, at a time when an increase is badly needed. So it goes with industry. As nationalization of industry continues, investors will not put any more of their savings in the development of Cuban industry. Industry will languish, and so will the income from it which is desperately needed by the Cuban people. The highly profitable tourist industry that Cuba had developed, has now been reduced to a trickle.

These are stubborn facts that any government of Cuba must face. The welfare of the people cannot be improved by reducing so drastically their total economic income.

Under Perón, a relatively wealthy country like Argentina found that out. Perón literally looted his country, just as Castro is doing, with the same old anti-Yankee slogans. He consumed the seed corn of Argentine productivity. Not until life got desperate, so desperate that men were willing to risk their lives, was Perón overthrown.

Castro can last for possibly a couple of years as he consumes Cuba's liquid resources. The time will come, just as it did in Argentina, when Cuba's cupboard will become so bare, that the 5 million people will find out, after they have suffered long enough, that they cannot live on slogans of hatred against the United States.

[From the Arizona Daily Star, Mar. 11, 1960]

SOME FACTS ABOUT CUBA—II

Are the American people going to sit idly by and allow a Communist peoples democracy to be established in Cuba, which can be used as a base of operations for armed invasions in the neighboring countries of the Caribbean and Central America?

The course of events seems to be going in that direction. Castro's revolution from its inception has been running the way a professionally conducted Communist revolution should run. The agrarian reform, the rights of workers, the nationalization of private property, the extermination by death of opposition leaders, the denunciation of the United States, the lying, the cheating, the lack of any kind of elections, and the unlimited promises of wealth and influence to the people, comprise a pattern of professionally trained Communists in putting over a seizure of power.

This development is today self-evident, but more recently the revelation that the Castro government has been importing munitions, while Commissar Mikoyan, of the Soviet Union, pays an extended visit to Cuba, should awaken the American people to the possibility of Cuba's being used as a base for revolutionary activity beyond its own shores.

What are we going to do about it?

What can we do about it?

There was a time in American history when the Monroe Doctrine would be used as a guiding star. That doctrine warned all nations of Europe that the United States would not tolerate any kind of colonization in the Western Hemisphere. By the beginning of the 20th century that doctrine has been expanded to the point of forbidding any European nation from intervening in the life of any nation in the Western Hemisphere.

Today the Monroe Doctrine is a virtual dead letter. It has been supplanted by F. D. R.'s "Non-Intervention Protocol of Buenos Aires of December 23, 1936." Its article 1 reads:

"The high contracting parties declare inadmissible the intervention by any one of them, directly or indirectly, and for whatever reason, in the internal or external affairs of any of the other parties."

This treaty was ratified by the Senate without a single dissenting vote on June 29, 1937. It has been confirmed by a supplementary treaty made at Caracas, negotiated by Secretary Dulles, which provided for consultation and the use of the Organization of American States, in case of trouble comparable to what has been going on in Cuba.

Thus the American Government, since 1937 under both Democratic and Republican administrations, has changed its policy of the Monroe Doctrine, which was used for unilateral intervention by the United States, to new treaties that forbid any kind of intervention, "directly or indirectly, and for whatever reason" by us or any other Western Hemisphere Powers.

However, the Buenos Aires Treaty does carry one encouraging provision. Article 4 authorizes any one of the signatories to denounce the treaty on 1 year's notice. Possibly the time is coming when the United States should give that year's notice, and thus be free to take whatever action is necessary to protect its best interests.

It is hard to believe that the American people will permit the establishment of a Communist state in the Caribbean or the Western Hemisphere, at the same time they are being called upon to give their lives and wealth to stop communism in the Orient, Africa, and Europe.

[From the Arizona Republic]

WHO WILL BE NEXT, AFTER CASTRO?

The Castro government of Cuba now has seized four American-owned properties, three sugar mills, and a railroad. Its so-called intervention of these properties is the prelude to outright nationalization.

Under present Cuban law, the government can repay the American investors with 20-year bonds at 4½ percent, bonds which no doubt will be worthless.

This is only the latest of indignities heaped upon the U.S. Government and American citizens by this Communist-led, Communist-controlled government installed just 90 miles from our coast. Our Government has been falsely accused of bombing Cuban cities and canefields, of exploiting the Cuban people, of blowing up an ammunition ship, of every sort of heinous crime Castro and his Red henchmen can think up. We have been insulted, laughed at, and threatened by this pipsqueak dictator.

Yet the Eisenhower administration still stands helplessly by, looking like a big, fat, and sloppy Uncle Sam, while these attacks and depredations against us and our people continue. Our country has been made to look like a cowardly fool who can be abused and kicked at by any little bully boy who happens in the neighborhood.

It is clear that it will not be long before Castro, encouraged by the pusillanimous and inept policies of the President and Secretary of State, will demand the ouster of the U.S. naval base at Guantanamo Bay. At the same time Castro is certain to go even farther along the dangerous road of Soviet-Cuban political, diplomatic, and even military cooperation.

Soviet diplomats are experts on secret international agreements, and a Soviet-Cuban friendship pact could well have been signed during the recent Havana visit of Soviet Deputy Premier Mikoyan.

The Soviet-Cuban partnership is a direct violation of the Monroe Doctrine, which has been successful for over 100 years in keeping foreign domination away from this hemisphere. It is a direct threat to the military security of this country.

Should we lose our base at Guantanamo, and should Soviet-Cuban military cooperation become even closer, Russia might well get the use of a fully equipped naval base right under the shadow of our shores.

If the Government of the United States permits this situation to deteriorate any further, the consequences will be the seizure of American property all over Latin America.

Who will be next? The leftwing governments in Colombia and Venezuela are just waiting to see whether Castro can succeed before taking their turn at making the Eagle squeak.

If Castro gets away with his insults, his seizures of American property, his ousting of American business from Cuba, it will be only a matter of time before Venezuela and Colombia follow by seizing American oil, which constitutes one of the largest oil reserves in the world, mostly developed by American investors.

It is long past time for the President to get up off his easy chair and take a stand against this bush-faced dictator.

His very first move should be to reinforce the American naval base at Guantanamo with U.S. Marines.

Second, he should tell Castro in plain words that the United States will look upon any Cuban cooperation agreement with the Soviet Union as a direct threat to the security of the United States and will take any necessary moves to prevent it.

He should make it clear that this Government will use all economic or political measures in its power, and military measures, if necessary, to insure the rights of American citizens in Cuba or American investors in Cuba.

Diplomatic relations with the Cuban Government should be severed until the demands of American security are fulfilled. At the time, subsidy payments on sugar to the Castro government should be abolished forthwith.

This is a real and present danger to the people of the United States. It should be met with firmness and speed. Appeals to the Organization of American States for intervention are as fruitless as the Hungarian appeals to the U.N. for help.

But we need no help. We have the power. The danger exists. It must be met and met now—before it is too late.

[From the Arizona Republic, Mar. 13, 1960]

WHAT GOES ON HERE?

What's happening to American foreign policy? Have we lost completely our self-respect, our political judgment, our diplomatic skill? Have we thrown overboard our vigilant guard against the Communist menace? Where is the policy of peaceful coexistence with Moscow really leading us? Are we going back to the World War II United States-Russian alliance, which brought us on the brink of national disaster?

These are important and disturbing questions which the American people have the right to ask especially in view of two very regrettable foreign policy decisions made by the Eisenhower administration during the past few days. The first is sickening appeasement to the Communist-dominated Castro regime in Cuba, revealed in President Eisenhower's TV and radio speech on Latin America. The second is the cowardly retreat, announced by Secretary of State Christian Herter, on the question of American high altitude flights over the Berlin corridor.

Castro's government, as it is known, has been maltreating American citizens and confiscating American property with a systematic brutality hardly seen since the days, some 12 years ago, when the Chinese Reds descended on the peaceful American communities on the Chinese mainland. Yet the United States proposes to do nothing about Castro. The United States will even go on paying the Castro regime a handsome sugar subsidy, as well as substantial military aid and other economic assistance. In his TV and radio speech President Eisenhower, who didn't even dare mention Castro by name, only suggested that the Organization of American States might, perhaps in some distant future, deal collectively with the Cuban situation. This, of course, amounts to giving Castro the green light, and letting him know, officially, that he can go on indefinitely with his anti-American policy. For Castro is as afraid of the collective action of the Organization of American States as Russia's Nikita Khrushchev was afraid of the collective action of the United Nations during the 1956 Hungarian national revolution.

Instead of talking about the theoretical possibilities of future collective actions, President Eisenhower should invoke the Monroe Doctrine under which the United States—and not any noneffective collective group of states—can give notice to all non-American powers not to intervene in any way in the internal affairs of the American Continent. The Monroe Doctrine was effective for nearly 150 years because the world knew that the power of the United States stood behind it. In the face of Communist provocations in Cuba, the United States is more than justified to take steps, under the Monroe Doctrine, to defend its national interests and not to allow the setting up of a Communist-controlled regime on the territory of the American Continent.

Equally shocking is the case of the Berlin flights. The United States stopped its high level flights through the Berlin corridor about a year ago, on Soviet demand. But the United States, Britain, and France insisted that they could and would resume the flights any time they felt necessary. This happened 2 weeks ago and the United States officially served notice that it was resuming the flights. The Soviets immediately staged a hue-and-cry campaign, and accused the United States of aggressive intentions, etc. The West German Government of Chancellor Konrad Adenauer sent several urgent pleas to Washington warning that the Soviet protests should be ignored. But Secretary of State Herter announced 4 days ago that, after all, the United States has decided against the flights. He added that this has been a technical decision, not connected with the coming summit conference.

This is, of course, pure nonsense. To say the least, Secretary Herter is guilty not only of making a shamefully wrong foreign policy decision, he is also guilty of telling untruths about it to the American people. The truth is that the Berlin flights are not to be resumed in deference to those Western foreign policy advisers—in London and Washington—who believe that the Red dictators should not be displeased in any way before the summit conference. For the same reason the United States joined Britain a few weeks ago in vetoing a sensible German-Spanish military cooperation agreement. For the same reason U.S. delegates at the East-West disarmament conference, which starts in Geneva tomorrow, have been instructed to show cool indifference toward the positions of the French delegation, which takes a sensible anti-Soviet stand.

In short, U.S. foreign policy is at present being conducted under the guiding principle of appeasement of communism. Whether officials in Washington call it peaceful coexistence, or relaxation of tensions, or working

for a better international climate, this policy is producing the same results—concessions to Soviet viewpoints, retreats of U.S. diplomacy under Soviet pressure, surrender of important American political and ideological positions. There is also no doubt that President Eisenhower is personally responsible for this situation. Since the tragic death of John Foster Dulles, Mr. Eisenhower has been his own Secretary of State and has conducted the foreign policy of the United States on the basis of his "personal diplomacy" approach. Unfortunately, President Eisenhower's ardent ambition to prove himself the world's greatest peacemaker has blinded his political vision to such an extent that he doesn't see he might become the world's greatest appeaser of communism.

Mr. GOLDWATER. Mr. President, I should like to read a paragraph each from two of those editorials.

Mr. Eugene Pulliam, owner of the Arizona Republic in Phoenix, wrote a front page editorial on this subject and said in one paragraph:

This is a real and present danger to the people of the United States. It should be met with firmness and speed. Appeals to the Organization of American States for intervention are as fruitless as the Hungarian appeals to the U.N. for help.

Appearing at the same time in the Arizona Daily Star, one of the leading newspapers in my State, under the pen of Bill Mathews, was another editorial from which I should like to read:

It is hard to believe that the American people will permit the establishment of a Communist state in the Caribbean or the Western Hemisphere, at the same time they are being called upon to give their lives and wealth to stop communism in the Orient, Africa, and Europe.

THE MYTH OF RUSSIAN PRODUCTIVITY

Mr. BENNETT. Mr. President, during the past few months we have heard many statements about the tremendous rate of growth that has taken place in the Soviet Union, and how badly the American system is being outproduced.

In the March issue of Fortune magazine is printed the preface to a forthcoming book, which has been written by Mr. Colin Clark, a distinguished British economist. The title of the book is "The Real Productivity of Soviet Russia."

This particular reprint has headings such as "The Growth Debate: A Phony"; "What is U.S. Policy Toward Europe?"; "Childish Economics"; "The Communist Lie"; and "The Myth of Russian Productivity."

I think it will be reassuring to my colleagues in the Senate if they have the opportunity to read this preface, and I hope all of them will read the book when it appears.

This is another of the situations in the great debate about the relative position of the United States and Russia with respect to which I am sure there has been much misinformation, which needs to be corrected.

I ask unanimous consent that the article to which I refer, which was published in the March issue of Fortune magazine, be printed in the RECORD at this point as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE GROWTH DEBATE: A PHONY—WHAT IS U.S. POLICY TOWARD EUROPE?

MYTH OF RUSSIAN PRODUCTIVITY

(Many people are today arguing that the United States is lagging behind Russia in economic growth, and are proposing new Government spending measures to close the gap. These assumptions have been challenged by Colin Clark, distinguished British economist, of Oxford University, and research director of the Econometrica Institute. Fortune prints below Clark's main conclusions as embodied in the introduction to a forthcoming book, "The Real Productivity of Soviet Russia.")

A statement which has now circulated so extensively that nobody ever questions it is the proposition that the real product of the Soviet Union is growing at the rate of 6 percent per year (some even make it higher), and that therefore it is mathematically inevitable that it must, within quite a few years, overtake and then surpass the real product of the United States of America, which is only growing at the rate of 3.5 percent per year. Such statements have been circulated not only by university professors working on Soviet studies, but also by public officials. It is the circulation of these statements about Soviet productivity which has provoked the belief, now held by a number of economists, that some extraordinary steps (of a nature not very clearly specified) should be taken to raise the U.S. rate of growth to 4.5 percent per year.

Like so many other things which "everybody knows," this supposed 6-percent per annum growth trend of the Soviet economy is an illusion. The illusion arose through examining the data—such as were available—for the period 1948 to 1953, and expecting their movement to continue indefinitely. It should be a commonplace of economics—though many prominent economists have in fact failed to see it—that when a country is recovering from war, invasion, and similar disasters, which have reduced its productivity to a low level, there will be a recovery period in which growth is rapid, followed by a period of gradually decelerating growth as productivity approaches that position on its normal trend line which it might have been expected to reach had the war not occurred. This is exactly what has been observed in Germany, Japan, and Italy, countries which suffered devastation comparable with that in Soviet Russia. This was indeed pointed out, during the comparable period in the 1920's, by some of the official Soviet statisticians (they were more free to comment then than they are now).

CHILDISH ECONOMICS

However, this is a point which many economists apparently find very difficult to grasp. So let us reduce the matter to a simple simile. A child recovering from a serious illness shows, for 2 succeeding weeks, a rapid gain in weight. The doctor plots these figures on a logarithmic diagram and deduces the conclusion, which he tells to the parents, that in a little over a year the child is going to weigh more than its father. If any doctor acted in this manner, he would be regarded as not qualified to practice. Yet economists go on making the same mistake.

The results obtained by long and careful analysis of Soviet productivity can all be brought to a single conclusion. The information for the years after 1953 shows in actuality the rate of growth slowing down, as had been predicted. * * * Over the whole period 1913 to 1956 the long-period rate of growth averaged 1.2 percent per year. It may be contended—but not very plausibly—that the 1920's or the 1930's ought to be left out of the reckoning. If we reckon the productivity trends from 1928 or from 1939 we get figures of 1.7 or 1.6 percent per year.

The U.S. long-term growth rate of 3.5 percent per year outstrips that of Russia as a result of productivity and population increase. U.S. productivity has risen 2.3 percent per year versus Russia's gain of 1.2 percent. U.S. population also grows faster than that of the U.S.S.R.

These figures should be compared with the rate of growth of real product per man-hour found in the United States and other free-market countries. Subject only to minor fluctuations, the United States, ever since the 1890's, has maintained a steady rate of growth of real product per man-hour of 2.3 percent per year. Similar figures, with growth rates of real product per man-hour at over 2 percent per annum, are shown by a number of other countries, including Australia, Belgium, Canada, Finland, France, Italy, Japan, Netherlands, New Zealand, Sweden, Switzerland, and South Africa. Growth rates as low as 1.2 percent per annum are found, among the countries for which we have information, only in some of the Latin American countries, with chronically disordered currencies, Portugal, and Great Britain (where economic growth is being checked by grossly excessive taxation).

These conclusions about the comparatively low long-period rate of economic growth in the Soviet Union, so much in conflict with generally received opinion, are fully confirmed, however, by some very thorough researches into the trend of man-year and man-hour productivity in Soviet manufacturing industries carried out by Professor Nutter, of the University of Virginia, for the National Bureau of Economic Research, New York. Some extracts from these results have appeared in American Economic Review, 1957-58.

POPULATION SLOWDOWN

It is not only in the rate of growth of real product per man-hour that the Soviet Union falls far behind the United States. The Soviet Union now also has a lower rate of growth of population (a subject on which Soviet statisticians have been remarkably reticent). Some of the recently claimed figures of population growth (the same thing was true of the rates of population growth claimed by Stalin) cannot be reconciled with the census figures, or with the figures of the numbers of people on the electoral register—numerous "elections" are held in Soviet Russia. It seems clear that the official records of deaths are understated, perhaps through administrative incompetence rather than deliberately. The number of births has fallen heavily. The Soviet rate of population growth during recent years has been at 1.5 percent per annum, and is possibly now decreasing, whereas the U.S. rate of population growth is increasing, and has now reached 1.8 percent per annum.

THE COMMUNIST LIE

Governed by fanatical materialists, the Russian people have been called upon to sacrifice their personal liberties, their national traditions, and their religion for the sake of material progress; and all that they have received in return is a rate of material progress far below that of most other countries. The poor and uninformed peoples of Asia, Africa, and Latin America are persistently being told, by Communists, by fellow travelers, and by just plain muddleheads, that communism, while it may have certain drawbacks, is nevertheless the key to material advancement. It should be made clear how very mediocre the economic results of communism have, in fact, been.

Nor can it be contended that, while free-market economies may represent the best system for comparatively advanced countries, poorer countries need communism in order to get them started on economic development. Japan started from an economic level, at the end of the 19th century, far lower than that of Russia, and with a predominantly free-market economy has been able to obtain a far higher rate of economic growth.

Least of all is there any truth in the claim frequently made in the poorer countries, that communism will fill empty bellies. It will do the exact opposite. Agriculture is the field in which communism has had its most outstanding failures. Russia became a Communist country in 1917; but the property seized by the state at that time was still limited. The collectivization of the property of farmers and of small craftsmen and traders, which constituted the bulk of all private property in Russia, did not take place until 1928. Some of the results can be seen in the form of a really disastrous fall in productivity. The forcible collectivization of all farm property resulted in a famine in which millions of lives were lost. The first effect of communism, instead of enriching poor countries, is to take away from them some of that little which they have.

The PRESIDING OFFICER (Mr. HOLLAND in the chair). Is there further morning business?

Mr. BIBLE. Mr. President, I was about to inquire if there was further morning business.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

Mr. BIBLE. I suggest that the unfinished business be laid before the Senate, and then I shall suggest the absence of a quorum.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York [Mr. KEATING] to section 2 of the so-called Dirksen substitute, as amended.

Mr. BIBLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIBLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEATING. Mr. President, I modify my amendment, and I have sent to the desk the language which shows the modifications in the pending amendment. The amendments, as modified, are as follows:

On page 2, strike lines 16 through 24 and insert in lieu thereof the following:

"(b) whoever transports or aids and abets another in transporting in interstate or foreign commerce any explosive,".

On page 3, line 8, after the word "years", insert "or a fine of not more than $10,000, or both".

On page 3, strike the language after the word "explosive" on line 17, up to and including the word "it" on line 20, and substitute in lieu thereof the following: "was transported in interstate or foreign commerce or caused to be transported in interstate or foreign commerce by the person so possessing or using it, or by a person aiding or abetting the person so possessing or using it".

On page 4, line 4, strike out the words "to perform any act prohibited by this section" and insert in lieu thereof the following: "to damage or destroy any building or other real or personal property for the purpose of interfering with its use for educational, religious, charitable, residential, business, or civic objectives, or of intimidating any person pursuing such objectives".

The PRESIDING OFFICER. The Chair would like to inquire whether the yeas and nays have been ordered.

Mr. KEATING. The yeas and nays have not been ordered.

The PRESIDING OFFICER. The amendment will be modified as the Senator from New York requests.

Mr. KEATING. Mr. President, I wish to say a word in explanation of the modification. It is the result of the colloquy which I had with the distinguished and able Senator from North Carolina [Mr. ERVIN] yesterday afternoon. The first part of the modification has been taken from the proposed substitute which the Senator from North Carolina intended to offer. I believe that we are in accord that these changes should be made.

I wish to express my gratitude to the Senator from North Carolina for his assistance in bringing this about. It is my understanding that in the light of this modification he is prepared to withdraw his proposed substitute for this amendment.

Mr. ERVIN. Mr. President, I wish to state that the able and distinguished junior Senator from New York has performed a real service in making these modifications in his original amendment. These modifications accomplish the end which he and his cosponsors had in mind and that I had in view in proposing the substitute for his amendment.

I believe that the amendment as modified by the able and distinguished junior Senator from New York provides for legislation in a field which is properly a field for the Federal Government, and a field in which legislation is necessary. For this reason, I wish to commend the fine work he has done in this matter, and to ask that I may be permitted to withdraw my substitute at this time.

The PRESIDING OFFICER. Has the Senator from North Carolina actually offered his amendment?

Mr. ERVIN. I had not formally done so. I presume that for that reason it will not be necessary for me to withdraw it.

The PRESIDING OFFICER. The Senator is correct.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. ERVIN. I am delighted to yield.

Mr. DIRKSEN. This might be a good opportunity for me to express my individual view with respect to the whole amendment which the Senator from New York proposes to amend with his modified version of his amendment. It still leaves it out of context with the civil rights proposal, because it goes across the board.

I think I could make the same objection to it that I made in the first instance, when this particular section was broadened so as to make it a general criminal statute. However, I wish to say that that is all I have to say on the subject, except only to keep the RECORD clear and consistent; secondly, to say that for my part I certainly do not ask for a yea-and-nay vote. I do not know what the disposition is of the distinguished Senator from New York, or whether the distinguished Senator from Georgia intends to ask for the yeas and nays.

Mr. RUSSELL. The distinguished Senator from Illinois has completely ruined my speech. I intended to observe how great and perfect it is for brethren to dwell together in unity, after I had seen the Senator from New York and the Senator from North Carolina in agreement. Now the Senator from Illinois sounds a sour note by saying he does not agree.

Nevertheless, I believe we should have the yeas and nays on the amendment in order to formally ratify this pact between the Senator from North Carolina and the Senator from New York. I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. There are an insufficient number of Senators present to order the yeas and nays.

Mr. RUSSELL. Even two Senators can ask for the yeas and nays.

The PRESIDING OFFICER. There is an insufficient number present to order the yeas and nays.

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

Mr. DIRKSEN. Mr. President, will the Senator withhold that suggestion for the time being?

Mr. RUSSELL. I reserve my request for the time being.

Mr. DIRKSEN. I think the distinguished Senator from Georgia will admit that the position I take is consistent with the earlier position I took, when the Senate ran over me by a thumping majority, and when I cast the only vote on the other side.

Mr. RUSSELL. If the Senator perseveres in standing alone, I commend his courage. I recall once hearing a story, when I was a boy, about a little bull who came out to see a great locomotive coming down the track. He got up on the track and met the locomotive head on. A man who saw it said he admired the little bull's courage but deplored his judgment. I can make that statement with respect to the position of the Senator from Illinois.

Mr. DIRKSEN. Mr. President, does the Senator from Georgia have the floor?

The PRESIDING OFFICER. The Senator from Georgia has the floor.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. RUSSELL. I am glad to yield.

Mr. DIRKSEN. I had hoped that his reply would be responsive to my direct question.

Mr. RUSSELL. I do think the Senator is consistent; yes. I do not think this involves the same matter of principle, though.

Mr. DIRKSEN. Definitely so.

Mr. RUSSELL. It is in much less degree than the original position. In the first instance he was standing four-square upon his responsibility as the spokesman for the Republican administration.

Mr. DIRKSEN. That is correct.

Mr. RUSSELL. In this instance I do not believe the same principle obtains.

Mr. DIRKSEN. Yes; except, of course, that when there is included in the amendment a provision with reference to a residence or dwelling, it gives it a general character that is unrelated to religious or educational institutions. I think that position is quite consistent with the one I earlier asserted.

Mr. RUSSELL. I am sure the distinguished Senator will be consistent. It is most laudable in this case. I hope no one will be so cruel as to take the emphasis from the observation of the Senator.

The PRESIDING OFFICER. Does the Senator from Georgia withdraw his request for a quorum call?

Mr. RUSSELL. Yes. I renew my request for the yeas and nays. I should like to have a vote on the amendment. I think a sufficient number of Senators is now present.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

The yeas and nays were ordered.

Mr. RUSSELL obtained the floor.

Mr. DIRKSEN. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I am glad to yield.

Mr. DIRKSEN. I have in mind that rather fundamental observation by Ralph Waldo Emerson:

A foolish consistency is the hobgoblin of small minds.

However, I must always accent the proper word, because I do not say "consistency," standing by itself, but "a foolish consistency." I thought this position was not a foolish consistency.

Mr. RUSSELL. I would be the last to argue any such position to the distinguished Senator from Illinois, for whom I have very great admiration.

Mr. DIRKSEN. Having disposed of that philosophical observation, the Senate can now work its will.

Mr. KEATING. Mr. President, will the Senator yield for an observation?

Mr. RUSSELL. I yield.

Mr. KEATING. I again wish to compliment, as I have before, the distinguished Senator from Illinois for the course he has followed throughout the debate. He has carried the flag nobly for the bill at the desk, which is the administration's measure.

I pointed out yesterday, I may say in order that it may be clear to the Senator, that he and I are not at variance on fundamentals with respect to a number of instances where homes and business houses had been bombed in connection with racial disputes. But I wish to make it very clear that this proposal does go beyond simply any racial troubles, or anything of that nature.

Mr. DIRKSEN. May I make an observation in response?

Mr. RUSSELL. I yield for that purpose.

Mr. DIRKSEN. I should be the last to object to the Senator's contention. As I have said, I could readily support such a proposal. But I go back to the observation I made originally, that we should act according to the civil rights context, as I understand it. That is the only reason for my objection.

Mr. RUSSELL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York [Mr. KEATING], as modified.

Mr. DIRKSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TEACHER SHORTAGE REMAINS ACUTE PROBLEM IN PHILADELPHIA

Mr. CLARK. Mr. President, one of the problems which still confronts the country as a whole, and my State in particular, is the shortage of teachers, due largely to the fact that our school districts are unable to offer adequate salaries and other compensation, so as to be able to recruit the number of teachers needed in order properly to conduct our schools.

Evidence of this appears in this morning's issue of the Philadelphia Inquirer, in an article entitled "Teacher Shortage Remains Acute Problem in Philadelphia." I ask unanimous consent that the article be printed at this point in the RECORD, in connection with my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer, Mar. 17, 1960]

TEACHER SHORTAGE REMAINS ACUTE PROBLEM IN PHILADELPHIA

Teacher vacancies are still the most urgent problem facing Philadelphia public schools, although they have been reduced, Dr. Allen H. Wetter, superintendent of schools, reported Wednesday.

Overcrowding in elementary schools has also been cut but still remains a problem, Dr. Wetter said.

Easing of the teacher supply situation has been aided, he said, by the higher wage scales introduced on January 1 and by a continuing recruitment program.

"Vacancies in teaching positions have decreased substantially," he said, "from a high of 740 in September 1958, to the present 480, an improvement of 35 percent. There are 115 vacancies in elementary classes, 85 in special classes and 280 in junior, senior and vocational-technical schools."

Dr. Wetter said he was not happy about the vacancies and will not be satisfied until all are filled.

On overcrowding he said there are 3,220 pupils out of a total of 118,000 in elementary grades who are on part time, which represents the lowest number in 15 years. There are 66 first-grade, 18 second-grade, 6 third-grade, and 2 fourth-grade classes on part time. All secondary schools are operating on full time.

"Intensive study and determined action will be applied to reduce the present part-time situation even further," Dr. Wetter said.

The overcrowding, he said, is in the Strawberry Mansion, northeast and north central areas and these will have top priority in any relief measure.

Earlier Add B. Anderson, secretary and business manager of the board of education, stated that two schools in the Strawberry Mansion area have been listed for replacement. These are the Blaine School at 30th and Norris Streets and the McIntyre School at 30th Street near Dauphin. A third school, the McMichael, at 35th Street and Fairmount Avenue, is also scheduled for replacement, he said.

Wetter said a $5,500,000 combination junior-senior high school is on the drawing boards for the Bustleton area. Exclusive of this, he said the board of education has spent some $90 million since 1946 on capital improvements.

Improvement in the textbook situation also was reported, due to a 40-percent additional allotment for them in the 1960 budget. This assures every pupil an individual textbook in the basic subjects, Dr. Wetter said.

Also included in the 1960 budget is $100,000 to be spent on science facilities and equipment. This is to be matched by a Federal grant of $100,000 under the National Defense Education Act.

With one foreign language laboratory now operating, located in the Philadelphia High School for Girls, four more are to be instituted during this year, financed by $35,000 from the budget and a matching Federal grant.

Dr. Wetter reported vocational shops in excellent condition, with modernization being carried forward continuously. The budget allotted $90,000 for new vocational equipment. An application has been made for Federal funds of $40,000 to pay one-half the cost of special technical program in automation and instrumentation.

The School District of Philadelphia has allotted an extra sum of $78,000 for commercial education equipment in 1960.

With 40 percent additional allotted for books, Dr. Wetter said the school libraries will increase their purchases by a substantial amount. In addition a special sum of $50,000 has been set up in 1960 for library books.

This year's budget also includes $250,000 to provide for modern pupil furniture in grades 3 and 4 throughout the entire city.

WISDOM OF CONGRESSIONAL REFUSAL TO REMOVE 4¼ PERCENT INTEREST CEILING ON LONG-TERM GOVERNMENT BONDS

Mr. CLARK. Mr. President, each day's news reaffirms the wisdom of the Congress in refusing to accede to the request of the President and the Secretary of the Treasury to remove the 4.25 percent interest ceiling on long-term Government bonds.

In January, the bond market began to rise from its extraordinarily low levels, as many of us had predicted. The Treasury's response was that that was a seasonal phenomenon. But here we are in the latter half of March, and the trend is continuing—and even more rapidly.

Today's quotations show not a single series of long-term Treasury bonds selling at a yield as high as the 4.25 percent limit. A number of issues have sunk below 4 percent. The 4-percent bonds maturing in 1969 are selling almost at par.

It seems prefectly clear that the Treasury can at this moment sell at least some long-term bonds below the legal ceiling.

I ask unanimous consent to have printed at this point in the RECORD a table of U.S. Government and agency bond prices and yields, from this morning's edition of the New York Times.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

U.S. Government and agency bonds, Wednesday, Mar. 16, 1960

TREASURY BONDS

Maturities	Outstanding (millions)	Rate	3:30 p.m. Bid	3:30 p.m. Asked	Change in bid	Yield
1960, November	$3,806	2¼	99.2	99.4	0.4	3.48
1965-60, December	1,485	1 2¼	98.0	98.8	+.10	3.08
1961, September	2,239	2¾	98.4	98.12	+.6	3.97
1961, November	11,177	2½	97.10	97.14	+.6	4.11
1962-59, June	5,267	2¼	95.30	96.2	+.8	4.11
1967-62, June	2,112	2½	89.18	89.26	+.4	4.13
1962-60, December	3,456	2¼	95.2	95.6	+.12	4.11
1963, August	6,753	2½	94.22	94.26	+.12	4.15
1963-63, December	2,820	2½	87.14	87.22	X.4	4.18
1964, February	3,854	3	95.28	96.0	X.12	4.11
1969-64, June	3,745	2½	86.24	87.0	+.4	4.20
1969-64, December	3,819	2½	86.6	86.14	+.4	4.20
1965, February	6,896	2¾	93.0	93.4	+.10	4.18
1970-65, March	4,700	2½	85.24	86.0	+.4	4.23
1971-66, March	2,988	2½	85.20	85.28	+.4	4.10
1966, August	1,484	3	94.0	94.4	+.10	4.05
1972-67, June	1,840	2½	85.14	85.22	+.4	3.97
1972-67, September	3,710	2½	85.2	85.10	X.4	3.99
1972-67, December	3,715	2½	85.14	85.22	X.4	3.99
1968, October	1,250	4	96.30	96.0	+.12	4.06
1974, November	654	3½	90.30	97.6	+.10	4.13
1968-78, June	1,604	3½	87.30	88.2	+.14	4.06
1980, February	884	4	98.16	98.24	+.10	4.10
1965, May	1,135	3½	87.2	87.10	+.18	4.08
1966, February	1,727	3½	90.8	90.16	+.18	4.05
1965, February	3,741	3	85.6	85.14	+.8	3.74

1 Exempt from normal income tax.

Mr. CLARK. Mr. President, the same edition of the New York Times carries a renewed appeal by Under Secretary Baird for removal of the interest rate ceiling. Mr. Baird explains that a new bond "always has to carry an interest rate somewhat higher than the going yields in the market."

In order to anticipate this point, some days ago I addressed to Secretary of the Treasury Anderson a letter in which I asked what experience has shown to be the spread between the interest rate on new bonds and the yield on comparable outstanding issues at the time when the new bonds were issued. Yesterday, I received from Under Secretary Baird a reply which shows that in the case of nine issues between 1953 and 1959, the average spread was .11 percent.

From this, it seems fair to conclude that the Treasury can issue bonds within the 4.25 percent ceiling when current yield quotations fall below 4.14 percent. The table which I have just inserted in the RECORD shows that not a single issue maturing after 1970 is now trading at prices which produce a yield as high as 4.14 percent, and they range as low as 3.74 percent.

Under Secretary Baird, in his letter, acknowledges that "the interest rate trend at the moment seems to be downward" and that "a further substantial decline in rates would make it possible for the Treasury to issue long-term bonds at interest rates of 4.25 percent or less." Since this letter, which is dated March 15, was written, it appears clear that the further substantial decline which Under Secretary Baird has been waiting for has already occurred.

Mr. President, I ask unanimous consent that my letter to Secretary Anderson and Under Secretary Baird's reply to me be printed at this point in the RECORD; and I call particular attention to table 2, attached to the letter, which contains the figures, referred to earlier, as to the spread between the interest rate on new issues and the current yield on comparable outstanding issues at this time.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MARCH 9, 1960.

The Honorable ROBERT B. ANDERSON,
Secretary of the Treasury,
Washington, D.C.

DEAR MR. SECRETARY: In considering your repeated request for removal of the 4¼ percent interest rate ceiling on long-term Government bonds, some Members of the Senate have been wondering whether the trend in interest rates is such that the ceiling may shortly be no longer a practical limitation upon the Treasury's ability to float long-term bonds.

This morning's quotations, as reported in the Wall Street Journal, show marketable bonds maturing after 1966 are selling at yields of from 3.80 to 4.24. The 4 percent bonds maturing in 1969 are selling very close to par.

We realize that the Treasury must set rates on new issues at a point somewhat higher than the current yield quotations. However, it is not clear to us the extent to which the market on outstanding bonds must fall below the 4¼ percent yield before the Treasury can successfully market new issues at that rate.

I would appreciate your advising me your best estimate as to how far the market quotations on the 4 percent bonds maturing in 1980, for example, would have to fall below the 4.16 percent yield quoted in this morning's paper before the Treasury would feel it could successfully market 20-year bonds within the legal ceiling, and what other factors related to the state of the market would have to be taken into account?

It would also help our consideration of this question if you would supply information comparing the interest rates on some of your long-term issues over the past few years with the yield quotations on bonds of comparable maturity at the time the new issues were offered.

Sincerely yours,

JOSEPH S. CLARK.

UNDER SECRETARY OF THE TREASURY,
Washington, D.C., March 15, 1960.

Hon. JOSEPH S. CLARK,
U.S. Senate, Washington, D.C.

MY DEAR SENATOR: I have your letter of March 9 addressed to Secretary Anderson, and your inquiry as to "whether the trend in interest rates is such that the ceiling may shortly be no longer a practical limitation upon the Treasury's ability to float long-term bonds."

As you suggest, there has been a recent substantial increase in the market prices of all Government bonds. The 4-percent bonds maturing in 1969, for example, are now selling in the market at approximately 98, with a yield to the investor of 4.27 percent. The 4-percent bonds of 1980 are selling at approximately 97¾, with a yield to the investor of 4.18 percent. The decline in the interest yield on the shorter of these two issues from the peak early in January has been approximately one-half of 1 percent, with a decline of almost three-eighths of 1 percent on the longer issue.

Some people are suggesting that the recent decline in interest rates might go far enough so that the ceiling will no longer prevent the Treasury from engaging in some badly needed debt lengthening.

Such a wait-and-see attitude is, in my judgment, very much in error, unless we are convinced that we are actually entering an economic recession. A big portion of the recent decline in rates has resulted from seasonal factors, which are always apparent in January and February of each year. Part of it may reflect the prospect of a much reduced amount of Treasury cash borrowing in the next year or so, in view of the projected surplus in the Government's budget. And part of it may reflect the growing judgment that 1960, instead of being a year of strong inflationary pressures and an unsustainable upsurge in economic activity, is more likely to be a year of normal, healthy growth.

We do not believe any prediction that we are entering a recession is either prudent or warranted. What we look forward to is a long period of sustainable high activity, with a minimum of fluctuations.

It is not possible, in our opinion, for the Treasury to sell any significant amount of long bonds within the 4¼ percent ceiling on the basis of quotations on the current market—quotations which are almost exactly the same as when the President made his initial request last June.

In the first place the pattern of rates in the market for Government securities of 5 years and longer can be misleading since no new bonds have been sold for almost a year now. An artificial scarcity value has become associated with the longer term issues with the result that interest yields decline as maturities lengthen. A more realistic appraisal of the market for possible new issues of Government securities can be obtained by reference to the pattern of rates in the high-grade corporate securities market, a pattern which discloses no tendency for yields to decline as maturities lengthen.

A second factor to consider is that all outstanding Treasury long-term bonds are selling at a discount. When an investor buys such bonds, therefore, the difference between the price he pays and the maturity

value of the bond for tax purposes is capital gain rather than ordinary income. The effect of this tax factor is to make a long-term bond selling at a discount more attractive to a taxable investor than a new bond issued at par carrying the same yield to maturity. Thus, because of this tax factor, the yield to maturity on outstanding bonds selling at a discount cannot be taken as the basis for setting a rate of interest at which new long-term bonds could be marketed at par. The attached table 1 presents yields on all bonds with more than 5 years yet to run to maturity in terms of actual market quotations and on the basis of the comparable yield on a par issue after allowance for this tax factor.

A third factor is that almost all Treasury bonds now outstanding can be turned in at par on the death of the owner to pay Federal estate taxes. The exact effect of this tax privilege on market prices of outstanding bonds is difficult to measure, but it is obvious that it also tends to make discount bonds more attractive than new bonds issued at par.

As you have correctly stated, the Treasury cannot, of course, set rates on new issues that are exactly equal to current yield quotations and expect the issue to be a success. Over a number of years, the Treasury on average has had to price its new issues of long-term bonds at yields about one-eighth of 1 percent above the quotations on outstanding securities of comparable maturity. You may be interested to know that on highest grade corporate securities offered during recent years the average spread between the new issue and the outstanding market for such bonds is about three-eighths of 1 percent, or approximately three times the spread on new issues of Government bonds. That spread is higher when demands on the capital markets are heavy. Most recent issues of highest grade corporate securities have been sold at rates averaging about 5 percent, as compared with a highest grade corporate average yield in the market of approximately 4½ percent. The attached table 2 has been prepared in response to your request to indicate spreads for recent years on each specific Treasury long-term bond issue and on new highest grade corporate bond issues (on a quarterly basis) with reference to the market for outstanding issues of comparable maturity.

Although we do not believe that it is possible to issue any significant amount of long-term bonds in the present market within the 4¼-percent ceiling, a further substantial decline in rates would make it possible for the Treasury to issue long-term bonds at interest rates of 4¼ percent or less. As I mentioned, however, we do not yet know how much of the decline in interest rates to date may represent purely seasonal factors and how much may represent a more fundamental rappraisal by investors of interest rate trends.

The reasons for the removal of the 4¼ percent ceiling are fully as strong today as they were when the President first made his request last June. There is no justification for the continuation of the ceiling. Experience during the past year has demonstrated beyond question that the existence of the ceiling has (1) added unnecessarily to the cost of interest on the public debt to the American taxpayers, (2) added unnecessarily to the short-term borrowing costs of small businessmen, farmers, and consumers, (3) added unnecessarily to the difficulty of raising much-needed mortgage money, (4) added unnecessarily to the mounting size of a more inflationary short-term debt, and (5) added unnecessarily to the misgiving of investors both here and abroad as to the willingness of the U.S. Government to manage the public debt in the future in the most responsible way.

While it is true that the interest rate trend at the moment seems to be downward, we know from experience that this trend can easily shift—and the shift can occur rapidly. If the market improves to the point where we can undertake long-term financing at rates of 4¼ percent or less we certainly will do so. In view of the ever-mounting volume of the short-term debt, we would not be acting prudently if we relied completely on the likelihood of lower rates in the foreseeable future. To be responsible, therefore, we should work together to achieve the removal of the interest rate ceiling, so harmful to both the short- and long-range best interests of the American people.

Sincerely yours,

JULIAN B. BAIRD,
Under Secretary.

TABLE 1.—*Market yields of U.S. Government bonds having 5 or more years to maturity as of Mar. 11, 1960* [1]

Coupon rate	Date of maturity	Market yield	Comparative yield of new par issue of tax-equivalent value [2]	Coupon rate	Date of maturity	Market yield	Comparative yield of new par issue of tax-equivalent value [2]
		Percent	*Percent*			*Percent*	*Percent*
3 percent	Aug. 15, 1966	4.25	4.95	2½ percent	Sept. 15, 1967–72	4.10	5.00
2½ percent	June 15, 1962–67	4.31	5.33	2½ percent	Dec. 15, 1967–72	4.04	4.91
2½ percent	Dec. 15, 1963–68	4.35	5.39	3⅛ percent	Nov. 15, 1974	4.23	4.43
2½ percent	June 15, 1964–69	4.38	5.44	4 percent	Feb. 15, 1980	4.18	4.28
4 percent	Oct. 1, 1969	4.27	4.42	3¼ percent	June 15, 1978–83	4.15	4.66
2½ percent	Dec. 15, 1964–69	4.36	5.41	3¼ percent	May 15, 1985	4.16	4.67
2½ percent	Mar. 15, 1965–70	4.35	5.39	3½ percent	Feb. 15, 1990	4.14	4.50
2½ percent	Mar. 15, 1966–71	4.24	5.22	3 percent	Feb. 15, 1995	3.82	4.28
2½ percent	June 15, 1967–72	4.08	4.97				

[1] Closing bid yields as reported by the Federal Reserve Bank of New York.
[2] On basis of 52 percent corporate tax rate on coupon and 25 percent on excess of yield over coupon.

Source: Office of the Secretary of the Treasury, Debt Analysis Staff, Mar. 15, 1960.

TABLE 2.—*Comparison of interest rates on new issues of U.S. Treasury and highest grade corporate bonds, 1953–60*

	Date of issue	Amount	Interest cost	Yield on comparable outstanding issues	Spread
		Millions	*Percent*	*Percent*	*Percent*
U.S. Treasury [3]					
2¼ percent, June 15, 1978–83	May 1, 1953	$1,606	2.25	3.11	0.14
3 percent, Feb. 15, 1995	Feb. 15, 1955	1,924	3.00	2.92	.08
Do	July 20, 1955	821	3.00	2.99	.01
4 percent, Oct. 1, 1969	Oct. 1, 1957	657	4.00	3.87	.13
3¾ percent, Nov. 15, 1974	Dec. 2, 1957	654	3.88	3.59	.29
3½ percent, Feb. 15, 1990	Feb. 14, 1958	1,727	3.50	3.33	.17
3¼ percent, May 15, 1985	June 18, 1958	1,135	3.22	3.17	.05
4 percent, Feb. 15, 1980	Jan. 23, 1959	884	4.07	3.99	.08
4 percent, Oct. 1, 1969	Apr. 1, 1959	619	4.00	3.99	.01
Average spread					.11
Corporate (quarterly): [3]					
1953—1st		12	3.21	3.03	.18
2d		115	3.78	3.38	.40
3d		117	3.64	3.30	.34
4th		320	3.27	3.14	.13
1954—1st		55	3.26	3.09	.17
2d		100	3.02	2.88	.14
3d		140	3.01	2.88	.13
4th		75	2.97	2.87	.10
1955—1st		81	3.07	2.94	.13
2d		50	3.15	3.01	.14
Corporate (quarterly) [3]—Con.					
1955—2d		$30	3.20	3.05	0.15
4th		85	3.27	3.12	.15
1956—1st		80	3.31	3.12	.19
2d		415	3.52	3.27	.25
3d		40	3.99	3.42	.57
4th		90	4.06	3.63	.43
1957—1st		125	4.28	3.67	.61
2d		245	4.60	3.81	.79
3d		165	4.72	4.09	.63
4th		170	4.60	4.07	.53
1958—1st		140	3.83	3.60	.23
2d		285	3.75	3.57	.18
3d		265	4.40	3.98	.42
4th		145	4.51	4.07	.44
1959—1st		85	4.34	4.13	.21
2d		5	4.65	4.26	.39
3d		79	4.77	4.44	.33
4th		197	5.22	4.57	.65
1960—1st (through February)		345	5.06	4.57	.49
Average spread (1953–60)					.36

[1] Over 10 years to maturity.
[2] Moody's A.A.A. rated bonds. Interest cost and yields on outstanding issues weighted by amounts of new offerings.

Source: Office of the Secretary of the Treasury, Debt Analysis Staff, Mar. 15, 1960

Mr. CLARK. Mr. President, I also ask unanimous consent to have printed at this point in the RECORD the New York Times article which refers to Under Secretary Baird's new request for the lifting of the bond ceiling, which repeats in many respects his letter to me.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

APPEAL RENEWED ON BOND CEILING—BAIRD SAYS NEED FOR REPEAL OF LIMIT ON U.S. ISSUES REMAINS URGENT

WASHINGTON, March 16.—The Treasury said today that interest rates had not declined far enough to permit it to sell long-term bonds within the legal ceiling of 4¼ percent on interest rates.

The need for repeal of the ceiling, the Treasury said, was just as urgent now as when the President first made the request last year. Despite the recent decline in yields of outstanding Government bonds, these yields now "are almost exactly the same as when the request was first made," it declared.

The Treasury position was stated by Julian B. Baird, the Under Secretary, in a letter answering a question raised by Representative FRANK IKARD, Democrat, of Texas.

It would be a "very serious mistake," Mr. Baird said, for Congress to gamble on the chance that rates would go lower and permit sales within the ceiling. He pledged that "if the Government securities market improves to the point where the Treasury can undertake long-term financing at rates of 4¼ percent or less, then we shall certainly do so."

FOUR REASONS LISTED

The Under Secretary gave four reasons why the Treasury would have to pay more than 4¼ percent now to sell any significant amount of long-term bonds, even though outstanding bonds are selling to yield less than that.

The first was that there was something of an artificial scarcity of long-term Treasury issues now because none had been issued for almost a year. This has the effect of pushing up their price and reducing their yields. Thus, present yields do not give a true picture of what the interest rate on a new bond would have to be.

The second related to taxes. There is a capital gains element in bonds now outstanding because they are all selling well below par. A new bond would not have this advantage and thus would have to carry a higher interest rate.

The third was also a tax angle. Because outstanding bonds can be turned in at par for payment of estate taxes, discount bonds are more attractive than new bonds issued at par.

Finally, there is the fact that any new bond always has to carry an interest rate somewhat higher than the going yields in the market. This is because a "sweetener" is necessary to attract investors to take the new bond in preference to old ones, and because any new bond tends to depress prices and raise yields for a while in that maturity sector.

Mr. CLARK. Mr. President, I also ask unanimous consent to have printed in the RECORD an article, published in today's New York Times, by the highly respected reporter, Edwin L. Dale Jr., which begins with the assertion:

The upward movement in the economy came to a dead stop in February, two key economic indicators disclosed today.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TWO YARDSTICKS SHOW ECONOMY LEVELED OFF DURING FEBRUARY—INDUSTRIAL OUTPUT AND PERSONAL INCOME FAIL TO RISE—EISENHOWER DESCRIBES CONDITIONS AS VERY HEALTHY

(By Edwin L. Dale, Jr.)

WASHINGTON, March 16.—The upward movement in the economy came to a dead stop in February, two key economic indicators disclosed today.

The Federal Reserve Board reported that industrial production in the month fell by a point on its index below the January figure, which was revised downward by a point. The Department of Commerce said personal income failed to rise, with a small increase in wage and salary income offset by a drop in farm income.

President Eisenhower said today, however, that he thought the economy was "very healthy" and "very fine." He was asked a question on the subject at his news conference this morning, before today's reports were issued.

The President said some people "always want to have a recovery curve mounting more steeply." He noted that there were "some rather bold predictions made as late as December and early January and even early February," but he said his advisers "have always counseled to take a moderate target."

"The outlook for American business is indeed good," the President concluded.

Today's indicators did not dispute that conclusion, but they showed that general activity had leveled off, at least temporarily.

The industrial production index, seasonally adjusted, was put at 110 in February, with the 1957 level as 100. This compared with 111 in January, 109 in December, and 102 in February a year ago. The January figure originally had been 112 before the revision today.

The decline was accounted for by consumer goods, chiefly consumer durables. Auto production in February was off from the "very advanced rate" of January, and production of appliances and apparel also declined.

The reason for these declines, today's report suggested, was that "retail sales remained below earlier levels of output." January and February retail sales were no better than the level of last summer, though they were up from those of December.

Today's report emphasized that "most measures of business activity remained at advanced levels in February and unemployment declined." Output of business equipment and materials "was maintained at peak rates," and the same was true for "consumer staples." Although production of farm machinery fell a little, output of nonferrous metals rose sharply after settlement of the copper strike.

The personal income report was not encouraging for an early increase in retail sales. Actually, retail sales this winter have been up only 3 percent from the like months last year, while personal income was up 6 percent.

The report showed personal income in February at a rate, seasonally adjusted, of $393 billion a year. This compared with $392,800 million in January, $392,100 million in December and $369 billion in February a year ago.

February showed a $700 million rise in wage and salary payments, all of it outside manufacturing.

Mr. CLARK. Mr. President, this leveling off of the economy has occurred before we are even out of the last recession—with approximately 4 million men and women, or 4.8 percent of the labor force on a seasonally adjusted basis, still unemployed.

I believe this trend indicates once more the incredible folly of a tight money, high-interest-rate policy which restricts the growth of the economy at a time when growth, rather than restraint, is clearly our pressing need, and which, when pursued over the years by the Eisenhower administration, has done nothing whatever to decrease or to control inflation. Yet the administration tells us, through Mr. Baird, that we must raise the interest rate ceiling, in order to facilitate a further application of the discredited tight money, high-interest-rate policy.

It is indeed fortunate that the Congress has refused to give its assent to this misguided policy. We have already saved the country billions of dollars in interest charges, as the senior Senator from Illinois [Mr. DOUGLAS] recently pointed out. The longer we continue to hold the line, the more money we shall have saved the U.S. taxpayers.

Mr. YARBOROUGH. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I am happy to yield to my friend, the Senator from Texas.

Mr. YARBOROUGH. I desire to congratulate the distinguished senior Senator from Pennsylvania, both on behalf of myself and on behalf of my constituents and, I think, on behalf of the entire country, for the outstanding service he has been rendering with a group of Senators which includes the junior Senator from Oklahoma [Mr. MONRONEY] and the junior Senator from Tennessee [Mr. GORE].

Mr. CLARK. And also the junior Senator from Texas [Mr. YARBOROUGH].

Mr. YARBOROUGH. Well, Mr. President, modesty forbids that I place myself in the category of rendering service such as that rendered by those I have named, because they have been in the forefront of the fight to hold the line against the tight-money, high-interest-rate, slow-growth policies of this administration. By their continued fight, day after day, on the floor of the Senate, and by their submission of statistical proof of the bad effects of such a policy, they have slowed down the rise in interest rates.

It has been truly said, I believe, that U.S. bonds at their high interest rates furnish one of the best bargains in the history of our country. That is shown by the fact that now, with declining rates, there is such a demand for bonds that the interest rate is going steadily down. Under the leadership in the Senate of those who are fighting high interest rates, the interest rate on bonds has declined to the extent that the Treasury Department not only is able to sell long-term bonds at 4¼ percent interest, but at lower interest rates. The interest rate is so high it is shocking the Treasury should ask that there be a higher interest rate set. I think the Treasury Department should be seeking

ways of getting cheaper interest rates than 4¼ percent on long-term bonds, and should not be seeking to discourage people from buying them, and saying to people, "Just wait until we get a higher interest rate on bonds before you buy them."

I think the Treasurer owes to himself the duty that any creditor owes to himself, namely, to try to get money at the lowest rate he can. We think the Secretary of the Treasury ought to try to sell these bonds at a cheaper rate, instead of saying to the public, "Hold off, do not buy these bonds yet. We are trying to get a higher interest rate for you."

I think those of our people who are buying the bonds are beginning to see the handwriting on the wall and will rush in to buy the bonds, without waiting for higher interest rates to be established, because, as the people of the country get the information which is being gotten to them by such contributions as the Senator from Pennsylvania is making, they are going to be able to see the results of the high-interest-rate policy the present administration has put into effect.

I congratulate the Senator from Pennsylvania for his outstanding service, which is resulting in the saving of money to the taxpayers of the United States, and also is resulting in the turning back of the policy of the slowing down of the economic growth of this country.

Is this high interest rate policy not slowing up the economic growth of the United States by slowing down the gross national product?

Mr. CLARK. There is no question that what my friend from Texas has said is correct. We who are on the special committee on unemployment are presently working on our final report. We find that pretty close to 4 million individuals in America today are totally without work, and another million or so are underemployed. The productive capacity of this country is not being utilized to the fullest extent possible. Housing starts and general construction are falling off, and all because of the high interest rate, tight money policy that was fastened on the country by the Federal Reserve Board and the Treasurer of the United States, in a most unwise and unfortunate way, as a weapon to be used against the threat of inflation, which has pretty well ceased to bother us, and which policy is not suited for the fight against inflation.

I hope that by continuing to have talks on the Senate floor from time to time, and in discussions such as the Senator from Texas has helped me to have today, we shall be able to educate even the financial writers of this country, and even the New York papers, and even some of the people in Wall Street, and possibly even the very intelligent but misguided gentleman, Mr. William McChesney Martin, that the policy he has been following is not in the national interest.

I thank my friend for his helpful comments. I am hopeful that there will be enough of us on the floor of the Senate who feel as he and I do to see that no lifting of the 4¼ percent interest rate will take place.

Mr. President, I yield the floor.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York [Mr. KEATING], as modified, to section 2 of the Dirksen substitute, as amended.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from New York [Mr. KEATING], as modified, to section II of the Dirksen substitute, as amended. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN (when his name was called). Mr. President on this vote I have a pair with the distinguished Senator from Massachusetts [Mr. SALTONSTALL]. If he were present and voting he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Nevada [Mr. CANNON], the Senator from Washington [Mr. MAGNUSON], and the Senator from Oklahome [Mr. MONRONEY] are absent on official business.

The Senator from Massachusetts [Mr. KENNEDY] and the Senator from Missouri [Mr. SYMINGTON] are necessarily absent. The Senator from Connecticut [Mr. DODD] and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

I further announce that if present and voting, the Senator from Virginia [Mr. BYRD], the Senator from Nevada [Mr. CANNON], the Senator from Connecticut [Mr. DODD], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Washington [Mr. MAGNUSON], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Missouri [Mr. SYMINGTON] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The Senator from Massachusetts [Mr. SALTONSTALL] and the Senator from Hawaii [Mr. FONG] are necessarily absent.

The result was announced—yeas 87, nays 0, as follows:

[No. 123]

YEAS—87

Aiken	Fulbright	McNamara
Allott	Goldwater	Mansfield
Anderson	Gore	Martin
Bartlett	Green	Morse
Beall	Gruening	Morton
Bennett	Hart	Moss
Bible	Hartke	Mundt
Bridges	Hayden	Murray
Brunsdale	Hennings	Muskie
Bush	Hickenlooper	Pastore
Butler	Hill	Prouty
Byrd, W. Va.	Holland	Proxmire
Carlson	Hruska	Randolph
Carroll	Humphrey	Robertson
Case, N.J.	Jackson	Russell
Case, S. Dak.	Javits	Schoeppel
Chavez	Johnson, Tex.	Scott
Church	Johnston, S.C.	Smathers
Clark	Jordan	Smith
Cooper	Keating	Sparkman
Cotton	Kefauver	Stennis
Curtis	Kerr	Talmadge
Douglas	Kuchel	Thurmond
Dworshak	Lausche	Wiley
Eastland	Long, Hawaii	Williams, Del.
Ellender	Long, La.	Williams, N.J.
Engle	McCarthy	Yarborough
Ervin	McClellan	Young, N. Dak.
Frear	McGee	Young, Ohio

NAYS—0

NOT VOTING—12

Byrd, Va.	Dodd	Monroney
Cannon	Fong	O'Mahoney
Capehart	Kennedy	Saltonstall
Dirksen	Magnuson	Symington

So the Keating amendment, as modified, to section 2 of the Dirksen amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to section 2 of the so-called Dirksen amendment in the nature of a substitute, as amended.

Mr. RUSSELL. Mr. President, such a fine spirit of unity pervades the Senate that I think we should have a yea-and-nay vote on this section, as amended. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MANSFIELD. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Arizona [Mr. HAYDEN], the Senator from Hawaii [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], and the Senator from Oklahoma [Mr. MONRONEY] are absent on official business.

The Senator from Massachusetts [Mr. KENNEDY] and the Senator from Missouri [Mr. SYMINGTON] are necessarily absent.

The Senator from Connecticut [Mr. DODD] and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

I further announce that if present and voting, the Senator from Virginia [Mr. BYRD], the Senator from Arizona [Mr. HAYDEN], the Senator from Hawaii [Mr. LONG], the Senator from Connecticut [Mr. DODD], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Washington [Mr. MAGNUSON], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Missouri [Mr. SYMINGTON] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The Senator from Massachusetts [Mr. SALTONSTALL] and the Senator from Hawaii [Mr. FONG] are necessarily absent.

If present and voting, the Senator from Massachusetts [Mr. SALTONSTALL] would vote "yea."

The result was announced—yeas 86, nays 1, as follows:

[No. 124]

YEAS—86

Aiken	Frear	Mansfield
Allott	Fulbright	Martin
Anderson	Goldwater	Morse
Bartlett	Gore	Morton
Beall	Green	Moss
Bennett	Gruening	Mundt
Bible	Hart	Murray
Bridges	Hartke	Muskie
Brunsdale	Hennings	Pastore
Bush	Hickenlooper	Prouty
Butler	Hill	Proxmire
Byrd, W. Va.	Holland	Randolph
Cannon	Hruska	Robertson
Carlson	Humphrey	Russell
Carroll	Jackson	Schoeppel
Case, N.J.	Javits	Scott
Case, S. Dak.	Johnson, Tex.	Smathers
Chavez	Johnston, S. C.	Smith
Church	Jordan	Sparkman
Clark	Keating	Stennis
Cooper	Kefauver	Talmadge
Cotton	Kerr	Thurmond
Curtis	Kuchel	Wiley
Douglas	Lausche	Williams, Del.
Dworshak	Long, La.	Williams, N.J.
Eastland	McCarthy	Yarborough
Ellender	McClellan	Young, N. Dak.
Engle	McGee	Young, Ohio
Ervin	McNamara	

NAYS—1

Dirksen

NOT VOTING—12

Byrd, Va.	Hayden	Monroney
Capehart	Kennedy	O'Mahoney
Dodd	Long, Hawaii	Saltonstall
Fong	Magnuson	Symington

So section 2 of Mr. DIRKSEN's amendment in the nature of a substitute, as amended, was agreed to.

Mr. DIRKSEN. Mr. President, I was merely going to observe, with respect to section 2, that I have sought to follow a consistent course.

Mr. CLARK. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DIRKSEN. The vote I have recorded on section 2 is merely the reflection of an individual view. The Senate has worked its will on section 2 and has modified it very considerably beyond the original context. So in the interest of consistency I was compelled, even though mine was the only vote against the section, to follow that consistent course.

I should now like to ask the majority leader, if he is free at the moment, to give some indication about the weekend, because there have been a good many inquiries of me with respect to speeches Members wish to make and meetings they wish to attend, and so forth. This may be somewhat anticipatory, but I should like to be able to oblige Members who are trying to make plans for the weekend.

Mr. JOHNSON of Texas. How would the Senator like to oblige them?

Mr. DIRKSEN. Well, still being a devotee of consistency, and still feeling the effects of 120 continuous hours in a week, I am sure we would be sharply and deservedly criticized if we had no Friday session. However, if there were no Saturday session, I am sure that would be extremely helpful to the Members of the Senate, and I would assume the responsibility for making the suggestion to the majority leader.

Mr. JOHNSON of Texas. I should like to see the Senate stay here and work as long as it will. If Members are prepared to debate their amendments and call them up, I am prepared to ask the Senate to stay here as long as Senators are willing to do so. I have no desire to impose my personal judgment on a majority of the Senate. But we have this proposed legislation before us, and it has been before us for a month now. About this time each day a Senator comes to me and says, "I have a dinner to go to," either at the German Embassy or a St. Patrick's Day dinner, or something else. I do not know how we are going to dispose of the pending business if we do not stay in session and try to vote up or down the various proposals, or at least withdraw them, or perhaps get consent agreements on when we can vote on amendments.

Has the Senator from Kentucky called up his amendment?

Mr. COOPER. I have one to offer, but I understand——

Mr. CLARK. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I am asking a question of the Senator from Kentucky.

Mr. COOPER. I will reply to the Senator by saying that I am ready to offer the amendment. I understood that we were ready to proceed with section 3.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I should like to get the statement of the Senator from Kentucky.

Mr. COOPER. I will offer my amendment.

Mr. CLARK. I object.

Mr. COOPER. Mr. President, I am glad to yield to the Senator from Pennsylvania, if he wishes me to yield to him.

Mr. DIRKSEN. There is nothing to object to.

Mr. CLARK. Mr. President, a parliamentary inquiry.

Mr. DIRKSEN. The minority leader has the floor.

The PRESIDING OFFICER. Does the Senator from Illinois yield?

Mr. DIRKSEN. The minority leader has the floor. I am engaging in a very delightful colloquy with the majority leader. I thought I would get some expression from him as to the disposition of the weekend.

I have suggested that perhaps there will not be a Saturday session. I predicate that mainly upon the notable achievement we have made thus far and the advances and progress we have made in the consideration of the pending bill. I think on the basis of that achievement, and considering the fidelity of Senators in being in their places consistently all week, it would give them an opportunity to catch up with the obligations they have to meet as a part of their public service. So I wish to renew my inquiry as to whether some agreement can be developed with respect to Saturday.

Mr. JOHNSON of Texas. I am reluctant to oppose the Senator's request that we have no session on Saturday. First of all, he is the author of the bill pending before the Senate, and I know he needs to be here to explain it and to defend it against amendments if amendments are offered. Second, he speaks for a rather substantial group in the Senate, in numbers, and if he is expressing their desire, I do not wish to be adamant about the matter. I should like to see us work until a reasonable hour this evening, perhaps 5:30 or 6 o'clock; then come in tomorrow and work tomorrow to the same hour; and then come in on Saturday and work on that day also.

There is a great deal of legislation pending. Several appropriation bills have been reported. We have before us the very troublesome measure now pending. I have no assurance that the questions concerning it are anywhere near resolution. So, unless there is some engagements that are very urgent, and Members must keep those engagements on Saturday, I should prefer to come in on Saturday.

Mr. DIRKSEN. In answer to the majority leader, I should like to observe that, first, within reason I shall always be here no matter what happens to this brainchild of mine that is reposing on the desk and that is the order of business. I am confident, of course, that no successful effort can be made to lay aside the pending business, because there would certainly be objection. So this is going to be the long, hard furrow that we must continue to plow. However, I know that work piles up in senatorial offices. As for myself, I am frightfully behind in my mail, and I wonder whether I will ever be able to catch up. I have a list of phone calls as long as both of my arms, and I try to catch up on them in the cloakroom and elsewhere.

Therefore, a little respite from our current labor would be extremely helpful, for in catching up on our outside work we would also serve our constituents. The departmental and other routine work we must attend to in our senatorial offices is all proper business, and in attending to it we serve there just as well as on the Senate floor. But I am merely making a suggestion in the interest of Senators who find themselves encumbered with engagements.

Mr. JOHNSON of Texas. Mr. President, I will be prepared to make a recommendation as soon as the Senator from Pennsylvania has made a request.

Mr. CLARK. Mr. President, who has the floor?

Mr. DIRKSEN. I yield to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Illinois has the floor. He has yielded to the Senator from Pennsylvania.

Mr. CLARK. I merely wish to say, in reply to the distinguished majority leader and the distinguished minority leader, that I have an amendment to section 3 of the Dirksen substitute

amendment, which I understand is now the pending business. Needless to say, I shall abide by the wishes of the majority leader about when it should be called up.

Mr. JOHNSON of Texas. I have nothing to do with who calls up what. Senators can call up amendments when they get recognition. I am trying to determine whether the Senate should meet on Saturday or not. In the light of the statement of the distinguished minority leader, and of what I believe to be the sentiment on this side of the aisle, as well, I will recommend that the Senate go over from tomorrow evening until Monday, and that we not have a Saturday session.

Mr. DIRKSEN. I thank the majority leader.

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that earlier in the debate the Senator from Georgia [Mr. RUSSELL] asked for a division of the various sections of the Dirksen amendment, as amended, and that section 3 is the next section to be reached. The regular order would be section 3.

Mr. CLARK obtained the floor.

Mr. COOPER. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I am happy to yield to the Senator from Kentucky.

Mr. COOPER. The amendment I shall offer is to section 4, so I shall postpone the offering of my amendment until that section is reached. The amendment I shall offer will, I have no doubt, provoke some controversy. It is designated "3–10–60—C," and its purpose is to strike out the preamble of section 4.

Mr. CLARK. Mr. President, I call up my amendment designated "3–11–60—B." Before the clerk reads it, I should like to advise Senators that once it has been presented and read, or perhaps its reading waived, I intend to modify it so as to make it applicable to section 3 instead of to section 7. I call up my amendment.

The PRESIDING OFFICER. The amendment will be stated.

The Chief Clerk read as follows:

Beginning on page 19, line 23, it is proposed to strike out section 7 and insert in lieu thereof the following:

"SEC. 7. (a) The Congress has heretofore expressed, by the creation of the Commission on Civil Rights, its concern at the continuing disenfranchisement of qualified voters because of their race or color. The Commission has found that under color of law or by State action substantial numbers of qualified voters are being denied the right to register and vote in elections because of their race or color. The Congress hereby determines that the continuing denial of rights secured by the fourteenth and fifteenth amendments to the Constitution of the United States requires the exercise of the congressional authority provided under this section.

"APPOINTMENT OF VOTING REFEREES BY THE DISTRICT COURTS OF THE UNITED STATES

"(b)(1) In any proceeding instituted in any district court of the United States pursuant to section 2004(c) of the Revised Statutes, as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637; 42 U.S.C. 1971(c)); pursuant to subsection (c) of this section; or pursuant to any other law of the United States, in the event that the court finds that under color of law or by State action any person or persons have been deprived on account of race or color of the right to register or to vote at any election, the court shall upon request of the Attorney General or any plaintiff make a finding whether such deprivation is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color residing within the affected area shall, for one year and thereafter until the court subsequently finds that such a pattern or practice has ceased, be entitled, upon his application therefor, and subject to the provisions of this subsection, to an order declaring him qualified to vote, upon proof that he is qualified under State law to vote. Any such application shall be heard within ten days of its filing.

"(2) An order issued pursuant to paragraph (1) of this subsection shall become effective twenty days after the issuance of such order and notice thereof to the Governor of the State, unless any person named therein shall have been registered by appropriate State officials in the intervening period, in which case the order may be vacated on application duly made as to the registration of such person. When such order shall become effective, it shall apply to any election which is held within the longest period for which such applicant could have been registered or otherwise qualified under State law and at which the applicant's qualifications would under State law entitle him to vote. Except as provided in this paragraph, the execution of any order disposing of such applications shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

"(3) Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with knowledge of such order to permit any person so declared qualified to vote, to vote at an appropriate election shall constitute contempt of court.

"(4) The court may appoint one or more persons, to be known as voting referees, to serve for such period as the courts shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not any such applicant is qualified under State law to register and vote at any election or elections.

"(5) In a proceeding before a voting referee, the applicant shall be heard ex parte. His statement under oath shall be prima facie evidence as to his age and residence. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

"(6) Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceedings together with an order to show cause within ten days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered unless prior to that time there has been filed with the court and served upon all parties a statement of exceptions to such report or the applicants have been registered and will be entitled to vote pursuant to State law. Exceptions as to matters of fact shall be considered only if supported by duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts; those relating to matters of law shall be supported by an appropriate memorandum of law. The issues of fact and law raised by such exceptions shall be determined by the court, or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court. A hearing as to an issue of fact shall be held only in the event that the public record or affidavit in support of the exception discloses the existence of a genuine issue of material fact. The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

"(7) The court, or at its direction the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

"(8) The court may authorize such referee or such other person or persons as it may designate (1) to attend at any time and place for holding any election and to report whether any person declared qualified to vote has been denied the right to vote, and (2) to attend at any time and place for other action, including the counting and tabulation of votes, relating to such election necessary to make effective the vote of such a person and to report to the court any action or failure to act which would make such vote ineffective.

"(9) Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(C) of the Federal Rules of Civil Procedure. The compensation to be allowed to any persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

"(10) The court shall have authority to make an order entitling an applicant to vote provisionally pending final determination of any exception and to take any other action appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees, and this subsection shall in no way be construed as a limitation upon the existing powers of the court.

"APPOINTMENT OF FEDERAL ENROLLMENT OFFICERS BY THE PRESIDENT OF THE UNITED STATES

"(c)(1) Whenever the Attorney General shall notify the President of the United States of any affirmative finding of deprivation on account of race or color of registration or voting rights pursuant to a pattern or practice rendered by a district court of the United States pursuant to subsection (b) the President may thereupon issue an Executive order designating one or more temporary Federal Enrollment Officers from among officers or employees of the United States who are qualified voters within such district, or if there be no such qualified officer or employee, from among officers or employees of the United States living in or near such registration district, but within the same State. A copy of such Executive order shall be delivered to the Governor of the State concerned, and shall become effective twenty days after such delivery unless the President shall determine that appropriate remedial action has been taken in the intervening period. Any such temporary Federal Enrollment Officer shall serve until such time as the President determines that there is no further need for such Enrollment Officer. An individual who is appointed a Federal Enrollment Officer shall perform the duties required by this section until such time as he is relieved of such duties by the President.

"(2) The Federal Enrollment Officer for any registration district shall accept enrollment applications from any persons living in such registration district who are of the

race or color as to which a finding has been rendered as described in subsection (b). Any such applicants whom he finds to meet the qualifications for voters under the law of the State wherein such registration district is situated shall be enrolled by him as qualified to vote in all elections held in such district in like manner and for like periods as prescribed for persons registered under State law, and shall receive from him certificates of enrollment. The Federal Enrollment Officer shall, from time to time, transmit to the proper State and local officials all information necessary to identify the persons who have been enrolled by him.

"(3) Each qualified voter who is enrolled pursuant to this subsection shall have the right to vote, and to have such vote counted, in any election held in his registration district subject to the provisions of paragraph (4) of this subsection.

"(4) Nothing contained in this subsection shall be construed to deny to appropriate State officials or other persons having standing under State law the right to challenge the determination of State registration or election officials that another person is qualified to vote or the right at the time of elections, to challenge the eligibility to vote of persons enrolled hereunder. Whenever such a challenge is made, however, the enrollee shall be permitted to cast his vote and have it counted, but it shall be preserved subject to a determination of the validity of the challenge in any appropriate action brought in the United States district court having jurisdiction over the registration district in which the challenge is made. In the event the challenge is sustained the vote shall be disregarded in determining the result of the election. Any person denied registration by a Federal Enrollment Officer may challenge such determination by filing suit in the United States district court for the district in which the registration district is located, against such Federal Enrollment Officer. In any suit under the provisions of this paragraph, the determination of the Federal Enrollment Officer with respect to such registration shall not be stayed pending the final decision of the district court, and any such decision, and appropriate appeals therefrom, shall be determined by the courts in the most expeditious manner, giving due consideration to the time of the next ensuing election. The procedure set forth in this paragraph shall be the exclusive method for challenging the qualifications of a person to whom a certificate has been issued by a Federal Enrollment Officer.

"(5) Any individual who is enrolled under this subsection by a Federal Enrollment Officer shall have the right to cast his vote and have such vote counted in any election, and any election official or other person who willfully denies him such right or who willfully interferes by threats or force, or otherwise willfully prevents, obstructs, impedes or who willfully endeavors to prevent, obstruct, impede, or interfere with such right, shall be fined not more than $1,000 or imprisoned not longer than six months, or both.

"(6) Federal Enrollment Officers shall determine whether persons enrolled under this subsection are afforded the right to vote and to have their votes fairly counted. For this purpose each such officer shall be authorized to attend at any election held within his registration district to inspect the taking of the vote and the counting thereof. Should any person enrolled under this subsection be denied the right to cast his vote or to have his vote counted the Federal Enrollment Officer shall forthwith notify the Attorney General.

"(7) The provisions of this subsection shall be enforceable by appropriate civil and equitable proceedings instituted in the district court of the United States within the jurisdiction of which such registration district is located, by the Attorney General of the United States for and in the name of the United States, or by any individual whose rights under this subsection shall have been denied or interfered with, and the court may grant such permanent or temporary injunction, restraining order or other order as it may deem appropriate. Any proceeding brought under the provisions of this section shall be subject to the provisions of part V of the Civil Rights Act of 1957.

"(d) In any action, suit or proceeding in a court of the United States to which the United States is not a party, wherein any person alleges on oath or affirmation that he has been deprived on account of race or color of the right to register or to vote at any election, the court shall certify such fact to the Attorney General, and shall permit the United States to intervene as a party for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of whether any person or persons have been deprived on account of race or color of the right to register or vote at any election, and to recommend to the court the relief to be granted. The United States shall, subject to the applicable provisions of law, have all the rights of a party, including those provided for in subsection (b) of this section, and be subject to all the liabilities of a party as to court costs to the extent necessary for proper presentation of the facts and determination of the issues.

"(e) In any case where a voting referee has been appointed by a district court under the provisions of subsection (b) of this section for an area which is a registration district or a part thereof for which a Federal Enrollment Officer has been designated by the President of the United States under the provisions of subsection (c) of this section, the decision of such referee as to whether an applicant possesses the voting qualifications requisite under State law shall, when accepted by the district court, supersede any inconsistent determination by the Federal Enrollment Officer. Subject to this provision, neither subsection (b) nor subsection (c) of this section shall supersede or affect the other. The President of the United States shall, to the extent necessary, direct any Federal Enrollment Officer appointed for any registration district to coordinate his operations with those of any voting referee appointed for the same area or any part thereof.

"(f) Section 2004(c) of the Revised Statutes, as amended, is amended by adding at the end thereof the following new sentence: 'Whenever, in a proceeding instituted under this subsection, any official of a State or subdivision thereof is alleged to have committed any act or practice constituting a deprivation of any right or privilege secured by subsection (a), the act or practice shall also be deemed that of the State and the State may be joined as a party defendant and, if, prior to the institution of such proceeding, such official has resigned or has been relieved of his office and no successor has assumed such office, the proceeding may be instituted against the State.'

"(g) For the purposes of this section—

"(1) The term 'election' means any general or special election held in any State for the purpose of electing any candidate to any elective office and any primary election held in any State for the purpose of selecting any candidate for any elective office.

"(2) The term 'registration district' means an area in a State coterminus with a district established by State law for which a Member of the House of Representatives of the United States is elected.

"(3) The term 'vote' includes all action necessary to make a vote effective including, but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election.

"(4) The term 'affected area' means any subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have under color of law or by State action deprived any person or persons on account of race or color of the right to register or vote at any election.

"(5) The term 'qualified under State law' means qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have under color of law or by State action deprived any person or persons on account of race or color of the right to register or vote at any election in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist.

"(h) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this section.

"(i) No injunctive or other civil relief under the provisions of this section shall be denied on the grounds that the acts complained of are a crime, nor shall the provisions of this section be deemed to repeal or amend any other provisions of law providing for alternative relief or penalties under such circumstances.

"(j) If any provision of this section or the application of such provision to any person or circumstance is held invalid, the remainder of this section or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby."

Mr. CLARK. Mr. President, I desire to modify my amendment which has just been read by the clerk; I wish to modify it in order to make it apply to section 3, instead of to section 7. I have had the modified amendment prepared, and in a moment I shall send it to the desk.

The amendment, as modified, will be a substitute for section 3. The substitute will incorporate the amendment which has just been read, as well as the present text of section 3 which is retained without change.

Mr. President, I now send to the desk the modified amendment, which applies to section 3 of the Dirksen substitute amendment, in order that the bill clerk may have a copy of it available.

Mr. McCLELLAN. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. Yes, if I may do so with the understanding that I shall not lose my right to the floor.

Mr. McCLELLAN. I wish to make an inquiry. The Senator from Pennsylvania said his amendment would precede section 3. Will his amendment become a part of section 3, if the amendment is agreed to?

Mr. CLARK. Yes.

Mr. McCLELLAN. It will not be a part of the preceding section?

Mr. CLARK. My amendment will be a substitute for the present section 3. My amendment will modify the present section 3 by inserting new material at the beginning of section 3, in advance of the present text of section 3.

Mr. McCLELLAN. And without striking out any of the present text of section 3?

Mr. CLARK. The text of section 3 is retained without change in my substitute amendment.

The PRESIDING OFFICER. Does the Senator from Pennsylvania wish to have his amendment, as modified, read?

Mr. CLARK. No, Mr. President.

The PRESIDING OFFICER. Does the Senator from Pennsylvania ask unanimous consent that the reading of his modified amendment be dispensed with?

Mr. CLARK. I do, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment, as modified, will be printed in the RECORD.

The amendment as modified, submitted by Mr. CLARK (for himself, Mr. JAVITS, Mr. HUMPHREY, Mr. AIKEN, Mr. BARTLETT, Mr. CASE of New Jersey, Mr. MORSE, Mr. KUCHEL, Mr. PROXMIRE, Mr. MCNAMARA, Mr. WILLIAMS of New Jersey, and Mr. SCOTT) to the amendments proposed by Mr. DIRKSEN, is as follows:

Beginning on page 4, line 1, strike out section 3 and insert in lieu thereof the following:

"SEC. 3. (a) The Congress has heretofore expressed, by the creation of the Commission on Civil Rights, its concern at the continuing disenfranchisement of qualified voters because of their race or color. The Commission has found that under color of law or by State action substantial numbers of qualified voters are being denied the right to register and vote in elections because of their race or color. The Congress hereby determines that the continuing denial of rights secured by the fourteenth and fifteenth amendments to the Constitution of the United States requires the exercise of the congressional authority provided under this section.

"APPOINTMENT OF VOTING REFEREES BY THE DISTRICT COURTS OF THE UNITED STATES

"(b)(1) In any proceeding instituted in any district court of the United States pursuant to section 2004(c) of the Revised Statutes, as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637; 42 U.S.C. 1971(c)); pursuant to subsection (c) of this section; or pursuant to any other law of the United States, in the event that the court finds that under color of law or by State action any person or persons have been deprived on account of race or color of the right to register or to vote at any election, the court shall upon request of the Attorney General or any plaintiff make a finding whether such deprivation is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color residing within the affected area shall, for one year and thereafter until the court subsequently finds that such a pattern or practice has ceased, be entitled, upon his application therefor, and subject to the provisions of this subsection, to an order declaring him qualified to vote, upon proof that he is qualified under State law to vote. Any such application shall be heard within ten days of its filing.

"(2) An order issued pursuant to paragraph (1) of this subsection shall become effective twenty days after the issuance of such order and notice thereof to the Governor of the State, unless any person named therein shall have been registered by appropriate State officials in the intervening period, in which case the order may be vacated on application duly made as to the registration of such person. When such order shall become effective, it shall apply to any election which is held within the longest period for which such applicant could have been registered or otherwise qualified under State law and at which the applicant's qualifications would under State law entitle him to vote. Except as provided in this paragraph, the execution of any order disposing of such applications shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

"(3) Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with knowledge of such order to permit any person so declared qualified to vote, to vote at an appropriate election shall constitute contempt of court.

"(4) The court may appoint one or more persons, to be known as voting referees, to serve for such period as the courts shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not any such applicant is qualified under State law to register and vote at any election or elections.

"(5) In a proceeding before a voting referee, the applicant shall be heard ex parte. His statement under oath shall be prima facie evidence as to his age and residence. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

"(6) Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceedings together with an order to show cause within ten days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered unless prior to that time there has been filed with the court and served upon all parties a statement of exceptions to such report or the applicants have been registered and will be entitled to vote pursuant to State law. Exceptions as to matters of fact shall be considered only if supported by duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts; those relating to matters of law shall be supported by an appropriate memorandum of law. The issues of fact and law raised by such exceptions shall be determined by the court, or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court. A hearing as to an issue of fact shall be held only in the event that the public record or affidavit in support of the exception discloses the existence of a genuine issue of material fact. The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

"(7) The court, or at its direction the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

"(8) The court may authorize such referee or such other person or persons as it may designate (1) to attend at any time and place for holding any election and to report whether any person declared qualified to vote has been denied the right to vote, and (2) to attend at any time and place for other action, including the counting and tabulation of votes, relating to such election necessary to make effective the vote of such a person and to report to the court any action or failure to act which would make such vote ineffective.

"(9) Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(C) of the Federal Rules of Civil Procedure. The compensation to be allowed to any persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

"(10) The court shall have authority to make an order entitling an applicant to vote provisionally pending final determination of any exception and to take any other action appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees, and this subsection shall in no way be construed as a limitation upon the existing powers of the court.

"APPOINTMENT OF FEDERAL ENROLLMENT OFFICERS BY THE PRESIDENT OF THE UNITED STATES

"(c)(1) Whenever the Attorney General shall notify the President of the United States of any affirmative finding of deprivation on account of race or color of registration or voting rights pursuant to a pattern or practice rendered by a district court of the United States pursuant to subsection (b) the President may thereupon issue an Executive order designating one or more temporary Federal Enrollment Officers from among officers or employees of the United States who are qualified voters within such district, or if there be no such qualified officer or employee, from among officers or employees of the United States living in or near such registration district, but within the same State. A copy of such Executive order shall be delivered to the Governor of the State concerned, and shall become effective twenty days after such delivery unless the President shall determine that appropriate remedial action has been taken in the intervening period. Any such temporary Federal Enrollment Officer shall serve until such time as the President determines that there is no further need for such Enrollment Officer. An individual who is appointed a Federal Enrollment Officer shall perform the duties required by this section until such time as he is relieved of such duties by the President.

"(2) The Federal Enrollment Officer for any registration district shall accept enrollment applications from any persons living in such registration district who are of the race or color as to which a finding has been rendered as described in subsection (b). Any such applicants whom he finds to meet the qualifications for voters under the law of the State wherein such registration district is situated shall be enrolled by him as qualified to vote in all elections held in such district in like manner and for like periods as prescribed for persons registered under State law, and shall receive from him certificates of enrollment. The Federal Enrollment Officer shall, from time to time, transmit to the proper State and local officials all information necessary to identify the persons who have been enrolled by him.

"(3) Each qualified voter who is enrolled pursuant to this subsection shall have the right to vote, and to have such vote counted, in any election held in his registration district subject to the provisions of paragraph (4) of this subsection.

"(4) Nothing contained in this subsection shall be construed to deny to appropriate State officials or other persons having standing under State law the right to challenge the determination of State registration or election officials that another person is qualified to vote or the right at the time of

elections, to challenge the eligibility to vote of persons enrolled hereunder. Whenever such a challenge is made, however, the enrollee shall be permitted to cast his vote and have it counted, but it shall be preserved subject to a determination of the validity of the challenge in any appropriate action brought in the United States district court having jurisdiction over the registration district in which the challenge is made. In the event the challenge is sustained the vote shall be disregarded in determining the result of the election. Any person denied registration by a Federal Enrollment Officer may challenge such determination by filing suit in the United States district court for the district in which the registration district is located, against such Federal Enrollment Officer. In any suit under the provisions of this paragraph, the determination of the Federal Enrollment Officer with respect to such registration shall not be stayed pending the final decision of the district court, and any such decision, and appropriate appeals therefrom, shall be determined by the courts in the most expeditious manner, giving due consideration to the time of the next ensuing election. The procedure set forth in this paragraph shall be the exclusive method for challenging the qualifications of a person to whom a certificate has been issued by a Federal Enrollment Officer.

"(5) Any individual who is enrolled under this subsection by a Federal Enrollment Officer shall have the right to cast his vote and have such vote counted in any election, and any election official or other person who willfully denies him such right or who willfully interferes by threats or force, or otherwise willfully prevents, obstructs, impedes or who willfully endeavors to prevent, obstruct, impede, or interfere with such right, shall be fined not more than $1,000 or imprisoned not longer than six months, or both.

"(6) Federal Enrollment Officers shall determine whether persons enrolled under this subsection are afforded the right to vote and to have their votes fairly counted. For this purpose each such officer shall be authorized to attend at any election held within his registration district to inspect the taking of the vote and the counting thereof. Should any person enrolled under this subsection be denied the right to cast his vote or to have his vote counted the Federal Enrollment Officer shall forthwith notify the Attorney General.

"(7) The provisions of this subsection shall be enforceable by appropriate civil and equitable proceedings instituted in the district court of the United States within the jurisdiction of which such registration district is located, by the Attorney General of the United States for and in the name of the United States, or by any individual whose rights under this subsection shall have been denied or interfered with, and the court may grant such permanent or temporary injunction, restraining order, or other order as it may deem appropriate. Any proceeding brought under the provisions of this section shall be subject to the provisions of part V of the Civil Rights Act of 1957.

"(d) In any action, suit, or proceeding in a court of the United States to which the United States is not a party, wherein any person alleges on oath or affirmation that he has been deprived on account of race or color of the right to register or to vote at any election, the court shall certify such fact to the Attorney General, and shall permit the United States to intervene as a party for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of whether any person or persons have been deprived on account of race or color of the right to register or vote at any election, and to recommend to the court the relief to be granted. The United States shall, subject to the applicable provisions of law, have all the rights of a party, including those provided for in subsection (b) of this section, and be subject to all the liabilities of a party as to court costs to the extent necessary for proper presentation of the facts and determination of the issues.

"(e) In any case where a voting referee has been appointed by a district court under the provisions of subsection (b) of this section for an area which is a registration district or a part thereof for which a Federal Enrollment Officer has been designated by the President of the United States under the provisions of subsection (c) of this section, the decision of such referee as to whether an applicant possesses the voting qualifications requisite under State law shall, when accepted by the district court, supersede any inconsistent determination by the Federal Enrollment Officer. Subject to this provision, neither subsection (b) nor subsection (c) of this section shall supersede or affect the other. The President of the United States shall, to the extent necessary, direct any Federal Enrollment Officer appointed for any registration district to coordinate his operations with those of any voting referee appointed for the same area or any part thereof.

"(f) Section 2004(c) of the Revised Statutes, as amended, is amended by adding at the end thereof the following new sentence: 'Whenever, in a proceeding instituted under this subsection, any official of a State or subdivision thereof is alleged to have committed any act or practice constituting a deprivation of any right or privilege secured by subsection (a), the act or practice shall also be deemed that of the State and the State may be joined as a party defendant and, if, prior to the institution of such proceeding, such official has resigned or has been relieved of his office and no successor has assumed such office, the proceeding may be instituted against the State.'

"(g) For the purposes of this section—

"(1) The term 'election' means any general or special election held in any State for the purpose of electing any candidate to any elective office and any primary election held in any State for the purpose of selecting any candidate for any elective office.

"(2) The term 'registration district' means an area in a State coterminus with a district established by State law for which a Member of the House of Representatives of the United States is elected.

"(3) The term 'vote' includes all action necessary to make a vote effective including, but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election.

"(4) The term 'affected area' means any subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have under color of law or by State action deprived any person or persons on account of race or color of the right to register or vote at any election.

"(5) The term 'qualified under State law' means qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have under color of law or by State action deprived any person or persons on account of race or color of the right to register or vote at any election in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist.

"(h) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this section.

"(i) No injunctive or other civil relief under the provisions of this section shall be denied on the grounds that the acts complained of are a crime, nor shall the provisions of this section be deemed to repeal or amend any other provisions of law providing for alternative relief or penalties under such circumstances.

"(j) If any provision of this section or the application of such provision to any person or circumstance is held invalid, the remainder of this section or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

"(k) Every officer of election shall retain and preserve, for a period of three years from the date of any general, special, or primary election at which candidates for the office of President, Vice President, presidential elector, Member of the Senate or Member of the House of Representatives are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that if a State designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(l) Any person, whether or not an officer of election or custodian, who willfully steals, destroys, conceals, mutilates, or alters any record or paper required by subsection (a) to be retained and preserved shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"(m) Any record or paper required by subsection (a) to be retained and preserved shall, upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying by the Attorney General or his representative.

"(n) Any record or paper demanded pursuant to subsection (m) shall be produced for inspection, reproduction, and copying at the principal office of the person upon whom such demand is made or at an office of the United States attorney in the district in which such records or papers are located.

"(o) Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to this section, or any reproduction or copy, except as is necessary in the performance of his official duties, including presentation of any case or proceeding before any court or grand jury.

"(p) The United States district court for the district in which a demand is made pursuant to subsection (m) or in which a record or paper so demanded is located, shall have jurisdiction by appropriate process to compel the production of such record or paper.

"(q) As used in this section, the term 'officer of election' means any person who, under color of any Federal, State, or local law, statute, ordinance, regulation, authority, custom, or usage, performs or is authorized to perform any function, duty, or task in connection with any application, registration, payment of poll tax, or other act requisite to voting in any general, special, or primary election at which candidates for the office of President, Vice President, presidential elector, Member of the Senate or Member of the House of Representatives are voted for."

Mr. CLARK. Yesterday afternoon, on the floor of the Senate, I discussed this amendment at reasonable length. I then pointed out, and I point out now, that this is a compromise amendment, intended to persuade Senators who desire a meaningful civil rights bill to protect the voting rights of disfranchised citizens to accept a proposal which, in the first place, will insure a finding by a court of the existence of a practice or a pattern of discrimination as a condition precedent to the triggering into action of either a referee process or an enrollment officer process. This amendment is to insure that a Federal judge, confirmed by the Senate of the United States, will have an opportunity to determine whether the Attorney General or any private individual or group of individuals is making a valid claim that a practice or pattern of discrimination exists.

I believe this is a very real concession on the part of those who would support the Hennings amendment—in which no such concession is made—and to our friends who feel so deeply that the judicial process should be invoked in order to determine that a pattern or practice of discrimination actually does exist before the Federal Government shall intervene to provide machinery by which disfranchised voters—those disfranchised because of race or color, in violation of the 15th amendment—will be given the protection of Federal machinery to enable them to exercise their civil right to vote.

In addition to this substantial concession, this compromise amendment incorporates with modifications the referee proposal offered as section 7 of the Dirksen amendment.

However, the amendment gives the Attorney General, in effect, the option of proceeding by the enrollment officer process or by the referee process, or by both, as they may at the time see fit.

In my judgment, any Attorney General, except the present one, would prefer to move by the Federal enrollment officer road. But if this amendment is adopted and is enacted into law, the present Attorney General, if he sees fit to do so, can refuse to utilize the registrar proposal, until his term of office expires at the end of this year; and any Attorney General who may succeed Mr. Rogers could, if he saw fit to do so, utilize either course. He could either go down the referee road, with what I believe would be its inevitable delays and its imposition on the Federal courts of a burden which they should not be asked to carry; if the Attorney General preferred to go down the Federal enrollment officer road, which provides the same kind of administrative apparatus and procedure with respect to enrollment and voting which is universally used in all 50 of the States of the Union, the Attorney General could proceed in that way; or, both procedures could be used.

Mr. McCLELLAN. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. Yes, Mr. President, with the understanding that I shall not lose my right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCLELLAN. I thank the Senator. I should like to ask the Senator, for clarification, whether the amendment provides for registrars and also for referees.

Mr. CLARK. Either enrollment officers or referees or possibly, both. If they are both provided for, coordination would be required, but the referee orders would supersede the enrollment officer orders to the extent that they were inconsistent. In other words, the judicial would take precedence over the administrative function if they were both in effect.

Mr. McCLELLAN. I thank the Senator. I am asking these questions for clarification.

Mr. CLARK. I thoroughly understand. I thank my friend for his helpful intervention.

I do not think that I shall make any further detailed explanation of my proposed amendment at this time. I should like to call to the attention of my few colleagues who are on the floor, and to those colleagues who may conscientiously, tomorrow, read the RECORD, that I spoke at great length on this subject yesterday, and that those comments appear at pages 5743 and the following of the CONGRESSIONAL RECORD for yesterday, March 16.

As I said last night, Mr. President, I personally would infinitely prefer a straight registrar or Federal enrollment officer proposal, to this compromise amendment which I have just called up, and I stated in my speech last night, in some detail, my reasons for that belief.

I regret that a voice condition makes it impossible for the distinguished senior Senator from Missouri [Mr. HENNINGS] to offer at this time his enrollment officer amendment. He tells me that he will offer it at a later date if opportunity affords itself. Mr. President, my fear is that the opportunity will not afford itself. I fear that when the House passes the administration's voting referee proposal, as it is expected to do in the near future, we shall be asked to substitute the House bill for this bill; with the possibility that cloture will be imposed on the House bill within a few days after it comes to the Senate; with the fear that the amendment of the Senator from Missouri would be ruled not germane to the House bill after cloture, I am afraid the Senator will never get an opportunity to offer his enrollment officer proposal in the Senate. Therefore, reluctantly, I have concluded, with the concurrence of my cosponsors, to offer the amendment at this time.

I will say this, however, Mr. President. I am under no illusions that this amendment will come to a quick vote. It is, of course, always possible that a Senator will move to table, and that a motion to table will be sustained. I have such confidence in the good will of every one of my colleagues in this body that I am sure no motion to table will be made until we have had a reasonable opportunity to debate the amendment.

I will also say that if any Senator, on either side of the aisle, desires to offer as an amendment to section 3 of the pending bill, the section which we are now considering, a registrar bill or a Federal enrollment bill, a bill which follows the administrative instead of the judicial route toward the enfranchisement of the citizens denied the right to register or to vote by reason of race or color, in violation of the 15th amendment, I shall be only too happy and willing to withdraw this amendment and permit that Senator to offer his amendment as a substitute therefor.

I bring this amendment before the Senate at this time only because I know of no Senator, so far as I can ascertain, who is now ready to make such an offer. But I assure my friends that if and when such an offer is made, I shall be only too happy to yield and to withdraw my amendment until after a vote has been had on a registrar or a Federal enrollment amendment, and, if a vote on such an amendment is favorable, not to re-offer my amendment.

It was only because I feared we might find ourselves in a position in which the House bill would come over to the Senate and we would not have an opportunity to discuss these various alternatives for protecting the voting rights of disfranchised citizens that I moved today.

Does the Senator from Arkansas desire that I yield to him? I shall be only too happy to do so.

Mr. McCLELLAN. I shall be glad to interrogate the Senator upon one point. I did not want to interrupt his train of thought.

Mr. CLARK. I am happy to yield.

Mr. McCLELLAN. The Senator made some reference to the fact that a motion to table his amendment might be made, but he hoped a reasonable time would be given to discuss it before such a motion was made. I have no intention at this time to make any such motion, but I should like to inquire what the Senator considers may be a reasonable time for adequate discussion of his amendment.

Mr. CLARK. If my friend will excuse a comment made in a somewhat jocular vein, I would say considerably less time than our friends who feel as he and his colleagues do have taken in order to enlighten the Senate, and I use the word "enlighten" advisedly and in no derogatory sense, by the statement of their reasons for opposing any legislation at all in this regard.

I would not want to fix any definite time, I will say to the Senator from Arkansas, in direct response to his question, because I have not had an opportunity to confer with my colleagues. There are 12 sponsors and cosponsors of this amendment, among whom, with one or two exceptions—and my friend will

recognize who they are—are Members of the Senate who are customarily brief in their remarks. I would not think it would take an undue length of time. It might very well run into sometime tomorrow, and, if we, sit, conceivably sometime into Saturday. I myself will make no strenuous effort to prevent the Senate from voting at any time it desires to vote. I realize that my response has not been a specific answer to the Senator's inquiry.

Mr. McCLELLAN. I was not asking my question facetiously. I was trying to ascertain the time that Senator contemplated it would take to develop the purpose of his amendment so that I might take some action with respect to some other matters I have in mind, not necessarily relative to this subject matter.

The Senator spoke of the desire for a reasonable time to have his amendment debated. I may point out that he is more familiar with it than I or other Senators are, with the exception, possibly, of the cosponsors. From a reading of the amendment by the clerk, from my glancing through it, and from the Senator's brief statement about it, it occurred to me it needed some explanation.

I frankly confess I am unable to say I understand the entire effect of the amendment at the moment. The Senator did explain a minute ago that the amendment embodies both the registrar approach and the referee approach. That is a kind of double-barreled action I would say—though not critically. It seems to me it will require some study. I hope this matter will not come to a vote this afternoon.

Mr. CLARK. I share my colleague's views.

Mr. McCLELLAN. I think it ought to be debated. I do not mean by that we should debate it for eternity, but it should be discussed for the next few hours, while the Senate is in session, so that some real understanding may be had of it. I confess I do not immediately grasp the full significance of the amendment.

Mr. CLARK. I thoroughly agree with my friend from Arkansas about the need to discuss the amendment. We are in complete accord. It might be of some help to the Senator, if he feels inclined to do so, if he would read my speech of last night on this amendment and the insertions which follow it in the RECORD. The speech begins at page 5743 of the RECORD.

I shall, before a vote is had, undertake to make a necessarily repetitious explanation of the amendment, and to explain a little more fully. I think, meanwhile, perhaps some of my colleagues would like to be heard on the matter.

Mr. McCLELLAN. I thank the distinguished Senator. I would be most happy to read the Senator's explanation as it now appears in the RECORD. I was not fortunate enough to hear the Senator make his explanation on the floor of the Senate. I shall be glad to read it. I am quite certain other Senators would like to do the same.

Mr. President, I do not believe that we could reach a vote on the matter today, since the Senator from Pennsylvania feels the need for further discussion, and some of us certainly feel that we need more explanation of the matter.

If the Senator will bear with me——

Mr. CLARK. I am happy to yield further.

Mr. McCLELLAN. The Senator made some reference a moment ago to another anticipated cloture motion. I did not quite understand the frame of the reference. In what context was the statement made? Did the Senator say when we could expect another cloture motion? I did not understand the remark.

Mr. CLARK. Like the Senator from Arkansas, and like his great State mate—I think he was a State mate, Will Rogers—all I know is what I read in the papers.

Mr. McCLELLAN. I am perfectly willing to have Mr. Rogers identified with my State. He was from a neighboring State across the border, Oklahoma, but he was a great man.

I do not know, myself. The Senator made some reference to another cloture motion. I did not know whether it was anticipated another cloture effort would be made. As I understood the Senator, what he said was that another cloture effort would not be made until after the House bill comes to the Senate.

Mr. CLARK. I can answer my friend by saying that some of us on this side of the aisle are like those afraid of the dark at the head of the stairs. There are goblins and things around, and we do not know under which rug they are buried. We are not in anybody's confidence.

It has been suggested that perhaps—who knows?—when the House bill comes to the Senate there will be an effort made to substitute the House bill and to invoke cloture. At that point nongermane amendments to the House bill would not be in order.

If that time should ever arrive, then we would have no opportunity to pursue this proposed amendment to a decision one way or the other. I do not know any more about that matter than my friend from Arkansas. I simply have been reading the papers.

Mr. McCLELLAN. Mr. President, the Senator referred to goblins and to something else, also, I believe, that there was something under the rug. I did not quite understand the statement.

Mr. CLARK. Let us say gremlins.

Mr. McCLELLAN. The Senator refers to gremlins and goblins under the rug, and so forth, concerning cloture. Certainly the Senator did not mean to imply that the Senator from Arkansas, or those who may entertain views similar to his, have any thought of invoking cloture or of attempting to invoke cloture, or that we have such a gremlin or goblin, or whatever it is, under the rug. I am sure the Senator did not mean to imply that.

Mr. CLARK. I would be happy to absolve my good friend from Arkansas of any complicity.

Mr. McCLELLAN. I thank the Senator very much. Mr. President, I did not want any constituent of mine to get any impression from anything which might be said, or to have any inference possibly drawn from anything which is said, that I would ever be a party to stopping debate on such an important issue as this, because I believe it should be discussed until we can all understand not only what the intent is, granting the best of intentions to those who sponsor the proposed legislation, but also what will be the unhappy consequences, in some instances, if such proposed legislation as is contained in some of these proposals which have been before us should ever become law.

I thank my distinguished friend for yielding.

Mr. CLARK. If my friend from Arkansas thinks it would be of any assistance to him in his home State if I should make a public announcement there or elsewhere that he and I are in complete accord on this matter, I should be happy to assist him in that regard. My thought was that perhaps the Senator would decline my help with thanks.

Mr. McCLELLAN. We are in accord on what? Again, I do not want the RECORD to be cluttered up. We are in accord on what? We are not in accord on some things.

Mr. CLARK. We are in accord as to the need for free and full debate in regard to my amendment.

Mr. McCLELLAN. We are in accord on that, Mr. President, and I hope we can debate the matter until it is thoroughly understood.

Mr. CLARK. I thank my friend.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. CLARK. I yield to my friend from Colorado.

Mr. CARROLL. Mr. President, I ask unanimous consent that the Senator from Pennsylvania may be permitted to yield to me so that I may make an observation and ask a question, without the Senator from Pennsylvania losing his right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado? The Chair hears none, and it is so ordered.

Mr. CARROLL. I will say to my able friend from Pennsylvania, this is one day on which we should not be talking about goblins and gremlins. This is the day we ought to be talking about leprechauns, since it is St. Patrick's Day.

Mr. CLARK. And we should speak of the Senator from Colorado [Mr. CARROLL], who is of the same ancestry.

Mr. CARROLL. I wish to commend the able Senator from Pennsylvania for the service he is about to render in this particular field. The Senator has rendered service in many other fields in this regard, in making the record. This is what we must do, even though we may lose the fight. We have to make a record about what we mean in regard to Federal registration.

Mr. President, in commending the Senator from Pennsylvania, I wish to state that I have read many articles in the newspapers. I hope my colleagues will pay special attention to this matter. These articles have made statements as

to the extremists or radicals who were trying to get something besides a voting referee bill.

Mr. President, we did not initiate the so-called registration concept. That occurred last September, when the Civil Rights Commission, the members of which were appointed by the President of the United States, made the recommendation. It was that Commission which asked for the Federal registrar system. This has been abandoned by the administration now, and the administration has come forward with a voting referee proposal.

There are many able and conscientious men in the Senate and in the House of Representatives who believe there should be a Federal registrar system. I am one of those who is willing to entertain the thought, and to examine it thoroughly, although I feel there is some merit to the voting referee proposal.

With this as background, may I ask the able Senator from Pennsylvania whether some of us did not get together to seek to merge the voting referee concept, in one section of the bill which is now before the Senate, with the Federal registrar concept? Is this not the proposal which the able Senator is now discussing?

Mr. CLARK. The Senator is quite correct. I see no reason why our colleagues should not be advised, if they have any interest in what went forward, that a group of pro-civil-rights Democratic Senators met with a group of pro-civil-rights Republican Senators. In fact, I suspect it is no secret that we have been meeting off and on for several weeks now in an effort to harmonize our views.

There was a difference of opinion as to whether the Federal registrar proposal, the enrollment officer proposal, would be the more effective, or whether the referee proposal would be more effective. After a good deal of discussion we finally concluded we would marry the administrative and the judicial proposals. I am hopeful indeed that the couple can be married and live happily ever afterward, with the blessing of the Senate.

A few of us on each side of the aisle who are lawyers by training undertook to draft this compromise measure which, I say again, incorporates the thinking with regard to both the Federal enrollment officer and the voting referee concepts, as to how voting rights could be protected.

Mr. CARROLL. Mr. President, will the Senator yield further?

Mr. CLARK. The amendment now before us is the result of that work.

I am happy to yield further to my friend.

Mr. CARROLL. That is exactly the way the situation arose. But, more important, whether we pass a bill or not—and I suspect that we shall probably come up with a voting referee proposal, such as the able Senator from Pennsylvania has outlined—I think we should give warning today that many sincere people feel that this administrative function should not be lodged in the judiciary. There is some merit to that argument.

Be that as it may, we may come up with a voting referee proposal; but we are laying the foundation and giving warning for the future that if the situation does not change in the areas outlined by the Civil Rights Commission, there will be another movement made in connection with a Federal registrar proposal. This is not to demean the effort to be made in the Senate today, tomorrow, or the next day. The real reason I rise at this time is to commend the able Senator from Pennsylvania for laying the foundation and to give a warning, as well as to note the fact that there are serious-minded Members of this body who believe implicitly in the Federal registrar system.

I ask the able Senator from Pennsylvania if it is not true, with respect to both categories of the bill, the voting referee proposal and the administrative proposal, that both are motivated—I think the Senator from Pennsylvania said they are triggered—by a court finding?

Mr. CLARK. The Senator is correct.

Mr. CARROLL. A finding of a pattern or practice of discrimination. If we use the voting referee proposal, is there any reason why the President of the United States should not have the executive club in his hand to use if he deems it necessary?

Mr. CLARK. I think not.

Mr. CARROLL. It is entirely possible that in some areas of the South the court machinery may not function. This is one of the reasons why the junior Senator from Colorado, whose name does not appear on this amendment, is very happy to say for the record that he participated in its discussion.

Mr. CLARK. And in its drafting.

Mr. CARROLL. And in its drafting. I hoped that we could arrive at a compromise with Senators who have different ideas as to the relative merits. I believe that this is a standard to which all of us could repair.

Mr. CLARK. I thank my friend.

TOTAL DISARMAMENT—SENATOR HUMPHREY'S ANALYSIS OF PREMIER KHRUSHCHEV'S ADDRESS

Mr. HUMPHREY. Mr. President, the subject of Premier Nikita Khrushchev's major address of January 14, 1960, to the Supreme Soviet in Moscow on the subject of "total disarmament" is still a very lively topic indeed. As a matter of fact, I received in my office this week a handsomely printed text of the Soviet Premier's address, complete with photographs.

This is especially interesting in view of the fact that the Russian newspaper, Pravda, continues to refuse to print my detailed comment and rebuttal to the Khrushchev address, a copy of which I furnished Pravda on January 26.

I may add that Pravda had asked for this article, and have suggested that I prepare a statement relating to Mr. Khrushchev's address.

Mr. President, my reply to the Soviet Premier's address was deliberately moderate in tone, although it was quite candid and forthright. I have stated that the rejection of my reply—which had been specifically requested by Pravda—is but added evidence that the Soviet press wants a monologue, and fears a dialogue with the West.

I am pleased to announce, nevertheless, Mr. President, that the text of my rebuttal to the Soviet Premier's disarmament address has now been thoroughly broadcast behind the Iron Curtain by Radio Liberation. I am in hopes that through this means the Russian people will have an opportunity to hear the other side of the question, and while hearing some of the weak points in the Khrushchev proposal, will also get a message of friendship from the American people to the people of Russia. If the Soviet Government refuses to permit a fair exchange of ideas through the regular channels of mass communications, then we have no recourse but to bypass the Government and go directly to the people.

Mr. President, I ask unanimous consent that there be printed at this point in my remarks the text of the article prepared for Pravda, and now broadcast directly to the Russian people over Radio Liberation. The article which I had been asked to write for Izvestia also was not printed.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HUBERT H. HUMPHREY, PREPARED AT THE REQUEST OF THE EDITORS OF PRAVDA, MOSCOW, U.S.S.R., JANUARY 26, 1960

I appreciate your invitation to comment upon the speech of Chairman Khrushchev before the Supreme Soviet on January 14, 1960. The cause of peace stands to gain if the public opinion media of our respective countries make available to the people representative views on world issues.

Premier Khrushchev reports that the Soviet economic plan is proceeding satisfactorily. This should mean more food and consumer goods will be available to Soviet citizens. The people of the United States rejoice that better living conditions may now be realized by the Soviet people. We Americans want to see living conditions improved in all areas of the world.

Apparently Mr. Khrushchev did not have accurate information concerning the conditions of American workers. Permit me to report that while the days and hours of work of American workers have decreased steadily the wage and salary income have increased.

Premier Khrushchev reported in his speech that within 2 years the Soviet armed forces will be reduced. We welcome this news that over a million Soviet citizens will now have the opportunity to return to their families and homes to engage in productive work, and that, according to the figures given by Chairman Khrushchev, some 16 or 17 billion rubles annually will be diverted from preparation for warfare to an improvement of the standard of living of your peoples. We Americans wish that your people, and indeed all people, may enjoy in ever-greater measure the benefits of a peaceful, and abundant life. As Chairman Khrushchev saw on his recent visit to our country, the American people are dedicated to a harmonious life guided by the principles of freedom and opportunity for all. Through hard and rewarding labor they have attained high levels of material, spiritual and cultural well-being. The heavy burden of armaments threatens these

achievements. We sincerely seek to relieve the world of these dangerous and costly weapons.

Premier Khrushchev called on other countries to follow the Soviet Union and reduce their armies and he told the Supreme Soviet: "The United States will possess larger armed forces than the Soviet Union." I hope this was an error in translation, because never since the end of World War II have the Armed Forces of the United States been larger than the Soviet Union.

U.S. troops already are reduced far below the Soviet Union, and even following the completion of the announced reduction, U.S. military manpower will be only approximately at a par with Soviet military manpower.

The Soviet announcement, welcome as it is, does not remove the need for progressive elimination of the weapons of war under mutual agreements and effective control. Surely, everyone agrees that the world must live in peace, without the great costs and tensions created by an armaments race.

Chairman Khrushchev admitted that the manpower reduction had already been compensated for by increasing firepower and that he will see to it that this firepower will be even further increased. He reported also of yet "more perfect, more formidable • • • incredible weapons" to come. He spoke of "literally wiping" countries "off the face of the earth." These statements, unfortunately, do not sound very peaceful to me. Perhaps he said them to reassure the Soviet people that the manpower reduction would not leave the Soviet Union defenseless. But such statements are viewed with concern in other countries and cause the people of the United States to wonder whether the Soviet Union is truly seeking to end the cold war.

Such statements detract from the portions of Mr. Khrushchev's speech in which he says "we suggest solving ideological arguments between states not by the force of arms, but by the force of conviction and by good example." We welcome the statement by Premier Khrushchev that the Soviet Union does not wish to impose its will by force on others. And we hope that the Soviet Union will be able to persuade the Government of the Peoples Republic of China that force should not be used in the settlement of disputes among nations.

After speaking of the military advances of the Soviet Union, Chairman Khrushchev turned to the need for disarmament. My country fervently desires to see the terrible weapons of warfare reduced. We want the countries of the world to live in peace and to solve their differences through peaceful means. To live in peace we must secure meaningful disarmament, and to achieve meaningful disarmament we must have appropriate inspection and control measures to assure that each nation is living up to its commitments to disarm. I am hopeful that the Soviet Union, the United States, and other countries will agree on the appropriate control measures to accompany each stage of disarmament.

An agreement to stop tests of nuclear weapons with appropriate safeguards would be an important first step toward comprehensive disarmament. But the Soviet Union must be willing to accept the same control measures on its territory that we in the United States are prepared to accept on our territory. Mr. Khrushchev's speech is not clear on whether the Soviet Union will accept the necessary inspection. The Government of the United States is not asking any more of the Soviet Union in the way of inspection than it is requiring of itself. We shall let you check on us and we, then, will check on you. Then, our respective Governments and the government of other nations can work out agreements to stop the production of nuclear weapons and the production of military rockets and missiles.

The first and basic approach to peace and disarmament requires that together we seek to disarm the international political atmosphere. The use of abusive and aggressive language should be stopped. It is time to talk together rather than to shout at each other.

We must seek mutual trust instead of mutual suspicion. We should be able to sit down in a calm atmosphere and discuss frankly the issues that divide us, without the tensions engendered by a stockpile of nuclear weapons on both sides of the ocean. If we get an agreement on disarmament, it will make political settlements much easier.

With respect to the easing of tensions, we are pleased that Premier Khrushchev was able to visit our country and meet our people. We are also pleased that President Eisenhower will visit the Soviet Union. These exchange visits can contribute to better understanding.

But let us not confine the visits to the chiefs of states. Let us see more of the Soviet Union's great artistic attractions, your intellectuals, your farmers, and workers. And let the Soviet Union receive more of our outstanding artists, our intellectuals, business and labor leaders, and our farmers.

Yes, let us have a much greater people-to-people exchange. We would like to welcome thousands and thousands of Soviet tourists here every year. We want you to see our country, our cities, our farms, our factories, our schools, and our homes. We want to welcome you into our homes and show you American family life. Above all, we should have a greatly expanded exchange of students and professors.

In ways such as these, we can do much to lessen international tensions.

Finally, let me say this: That the only war the American people and Government want is a war against disease and hunger, illiteracy and poverty. The United States and the Soviet Union can and should join together in this noble struggle.

ADDRESS BY SENATOR HUMPHREY TO BUILDING TRADES UNIONS

Mr. HUMPHREY. Mr. President, this morning it was my privilege to address 3,000 delegates attending the sixth annual national legislative conference of the AFL–CIO Building and Construction Trades Department.

I ask unanimous consent that the text of my address be inserted in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR HUBERT HUMPHREY AT THE NATIONAL LEGISLATIVE CONFERENCE, BUILDING AND CONSTRUCTION TRADES DEPARTMENT, AFL–CIO, SHERATON-PARK HOTEL, WASHINGTON, D.C., MARCH 17, 1960

It is good to be here and to meet so many of my friends in the labor movement. It is inspiring to see 3,000 delegates of the building trades unions gathered here. You know what you want, and you've come to Washington to tell us.

As you know, some people call HUBERT HUMPHREY a "labor" Senator. I like to think of myself as a Senator who respects labor and who listens to what labor has to say.

I happen to think that, out of your rich practical experience, you have much of value to contribute to us in our deliberations here in Washington.

And, as I listen to you and read the programs adopted—democratically adopted, too—by the great labor bodies, I find much reassurance.

I find that, on just about every important public issue, the labor movement is on the same side of the fence as this Senator.

We seem to agree, and I like it that way.

Out of 214 votes tabulated by the AFL-CIO, I agreed with you 213 times.

That's 99.5 percent—purer than Ivory Soap, and that's no payola.

There's no mystery why you and HUBERT HUMPHREY see eye to eye. Yours is a genuine public-interest program.

It flows from your realization, your profound understanding, that labor's welfare depends upon the general welfare. As AFL-CIO Secretary Bill Schnitzler said recently: "We believe that what is good for America is good for American labor. In one area after another, it is clear that our own members will improve their lot in life only as all the people in the community improve theirs • • •. The welfare, happiness, and security of our people requires sound legislation."

The labor movement of America is virtually a people's lobby. Each of you this week, as you went about buttonholing your Senators and your Congressmen, was serving the public interest. This is good citizenship, good Americanism, and I salute you for it.

Now, I didn't make this discovery about labor in an election year. I didn't wait for 1960. As long ago as last June, I got sick and tired of listening to speeches—in and out of the Senate—and reading articles that told us everything that was wrong with the labor movement.

Even the President and his Cabinet got into the act. They were working every angle to get antiunion legislation enacted. The country's press and the airwaves overflowed with antilabor poison. I thought someone ought to stand up and balance the record. So I arose on the Senate floor and told my colleagues—and the country—what was right with labor. As you all know, I said a mouthful, and a heart full.

To me, the labor movement means making "democracy" and "citizenship" and the "right to petition" more than fine phrases you read in a civics textbook. The labor movement made these a reality for millions of men and women.

I can give personal testimony—and you can call on me any time as a witness—about what labor seeks from the Congress of the United States. Your lobbyists aren't coy or tongue-tied or mealy-mouthed about expressing labor's goals. They lay it right on the line. Of course, they seek legislation that will permit them to organize and to function with a minimum of government interference. But labor relations legislation is only a small part—although an important one of their program.

Labor asks that the Federal minimum wage be increased to $1.25 and its coverage greatly expanded—and so do I.

It's the administration that seems to think $50 a week is too much for millions of workers—even now, in the 1960's, in what some people call our "affluent society."

Union members have their wage standards protected by contracts, negotiated through collective bargaining. Very few union members need a Federal minimum wage. But they have the generosity and the vision to speak and work for the unorganized—those who cannot speak and work for themselves. If that's narrow self-interest, I'd better get myself a new dictionary.

Labor asks for improvements in unemployment insurance, and so do I. Here again, it is the administration that gives you the stone face and the stone-deaf ear.

Union members would benefit from this, but there are a greater number of nonunion workers who need it. Many union members, in fact, look to union-negotiated supplementary employment benefits for their own protection.

Labor asks for health benefits for retired people. It asks for higher appropriations for education and hospitals and medical research and child welfare. And so have I. These are practicable, desirable social goals, and long, long overdue.

Labor lobbies for slum clearance and urban redevelopment and a housing program for America's growing families. This surely is in the public interest.

Labor seeks depressed areas legislation, help for community facilities, bigger public roads programs and vitally needed public works. And so do I, for these are sorely needed by everybody, not just by labor.

Labor favors conservation of natural resources, and so do I, for this is a duty all of us owe to our children and grandchildren.

Labor supports legislation to help the family farmer—as I have long been doing in the Senate.

Labor wants a healthy legislative climate for small business. Is not such promotion of our free enterprise system in the public interest?

My friends, I could go on and on, listing all the good causes in which labor and liberals have fought shoulder to shoulder. But I can sum it up in six words: Labor works for a better America.

My friends, you are—by virtue of your trades and skills—essential to the building of this better America: To the homes and hospitals, the highways and harbors, the factories and the power stations.

This Senator is sick and tired of hearing talk of the housing problem, the school problem, the highway problem. These are not problems, they are opportunities.

We'd be pretty poor parents if we kept complaining that our children caused us a problem by outgrowing their clothes, instead of rejoicing in their growth and their development. And, no parents—even the worst ones—try to stop their children from growing. But this administration is so bothered by the growth of our economy that it is constantly cramping and curtailing it with tight-money policies.

You all know what industry that is hit first and hardest—the construction industry. Yet the tragic thing is that we have the manpower, the skills, the materials, the capital to build that better America. All that we need is the intelligence and the will to use them.

We are building homes for our people at only two-thirds the rate that is needed. The decaying central sections of our cities need rebuilding and, if you please, facelifting. We need more adequate highways, airports, hospitals, and all that is required to accommodate a growing population and its increasing needs and expectations.

This administration is dedicated to the worship of a new kind of golden calf—the fiscal budget.

I say that we have to balance the social and moral budget by a truly massive program of construction, public and private, to meet the needs of the great America of today and the greater America of tomorrow.

I know and sympathize with some of your particular objectives. That's why this Senator is proud to be the author of S. 1119, the bill to modernize and broaden the scope of the Davis-Bacon Prevailing Wage Act. That's why this Senator will work for the adoption of S. 2643, the bill to reverse the Denver rule and permit situs picketing. Both the bills are just. Both are needed. I join with you in urging their speedy enactment.

Much of what the unions of America have done for their members and for others can be measured in statistics: Wages increased, hours reduced, pensions gained, contributions to charity, CARE packages to refugees abroad. But the biggest contribution of all cannot be measured in dollars or in hours.

Almost 2,000 years ago the Apostle Paul said: "Be ye members one of another." That is what the labor movement has meant for millions of working men and women. It has brought them together, made them members one of another, given them common tools for common goals. And, as they won strength through unity, each of them gained the strength to speak up for himself, to talk back when necessary, to push back when the bosses tried to push him around.

Unions have put flesh on the bare bones of the democratic process by giving this voice to millions of individuals. Every day, literally thousands of men and women are speaking out for their fellow workers—the shop stewards, the grievance committees, the contract negotiators, the local executive boards. This is American democracy at work. This is one of the things I find so right about the labor movement.

You have met and mastered the challenge of Communist infiltration. You have met and are mastering the problem of corruption. And you are in process of solving a problem you have inherited from the society in which we live. I refer, of course, to discrimination.

I cannot tell you how proud I was of the labor movement when I read 2 weeks ago of the action taken by your retiring president, my good friend Dick Gray.

When the National Association for the Advancement of Colored People submitted a report to the Vice President indicating that there was much discrimination in the apprenticeship program, Dick Gray didn't run away from the problem or make excuses. He promptly wired the Vice President. Reminding him that the building trades department fully supported the AFL–CIO constitution on discrimination, Dick Gray requested that the Government committee involved notify the department of all complaints it may receive on discrimination in either apprenticeship or employment.

"I can assure you," Dick Gray added, "that this office will investigate each and every such complaint and will do everything within our power to immediately correct any incidents of discrimination. I am sure that I speak with the support of the overwhelming number of building trades leaders throughout the country in telling you that discrimination because of race, color, or creed must be wiped out whether it be in the arena of casting a vote for public office or employment."

I know that Dick Gray's commitment will be honored by his successor, Neil Haggerty, whose record in California is magnificent, and by his associates.

Labor's dedication to human rights—on the job and in the community—has been demonstrated over and over again. Only last week, George Meany wired me and urged that the Senate end the filibuster and proceed to the adoption of an effective civil rights bill. I didn't need the wire, I can assure you, but I was glad to know that labor was, once again, on the job and working for the common good.

My friends, one of the things I like most about you is that you aren't content to rest on past achievements; you are always pressing forward to new and higher goals.

I know you, and I know you will never be content to have America second-best in any field. Like me, you want America to roll up its sleeves, go to work, and prove to Mr. Khrushchev that the time will never come when we will lie down and let him "bury" us.

You want an educational program second to none, capable of developing our full brain power.

You want an economy, second to none, and going ahead at the giant strides of which America is capable.

You want a defense program second to none.

And, after almost 8 years of drift at home and the decay of our position in the world, you want—we all want—the very best and not the second best in national leadership.

RESOLUTION OF STUDENTS OF CATHOLIC UNIVERSITY ON RACIAL EQUALITY

Mr. HUMPHREY. Mr. President, this noon the student council of the Catholic University of America here in Washington, presented to the senior Senator from Kentucky [Mr. COOPER] and myself a resolution, and requested that it be presented to the Senate. I ask unanimous consent that the resolution be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

We, the undergraduate students of the Catholic University of America, cannot stand idly by while the rights of many of our fellow students, our fellow Americans, our fellow brothers in Christ, are being openly violated.

We reaffirm our belief that discrimination based on the accidental fact of race or color cannot be reconciled with the truth that God has created all men with equal rights and equal dignity.

We state our support of prudent, considered actions, such as the present nonviolent sit-in demonstrations, which are intended to work toward the elimination of such discrimination.

We protest any unwarranted retaliations, such as illegal arrests and politically inspired expulsions of our fellow students, as gross violations of their civil and moral rights.

The time must come when all men, regardless of race, will stand equal before their fellow man and before the law, as they now stand before their God. We, as American Catholic youth, will not rest until such justice is achieved.

Mr. HUMPHREY. Mr. President, it is indeed a great honor to present this resolution to the Senate of the United States.

The students of Catholic University are to be commended for this forthright expression of their belief in the equality of men regardless of race or color, and for their determination to work for racial justice.

We have been hearing and reading a great deal about what is wrong with our young people, but all too little about their accomplishments and concern for social justice.

I happen to believe that our young people do have a desire to do the right thing and to help build a better world in which to live. This resolution from Catholic University is testimony to the basic idealism of our young people, and their desire to lead useful and good lives.

I also ask unanimous consent, Mr. President, that a statement of the bishops of the United States of the Catholic Church entitled "Discrimination and the Christian Conscience," be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

DISCRIMINATION AND THE CHRISTIAN CONSCIENCE

(Statement of the Bishops of the United States, 1958)

Fifteen years ago, when this Nation was devoting its energies to a World War designed to maintain human freedom, the Catholic Bishops of the United States issued a prayerful warning to their fellow citizens. We called for the extension of full freedom within the confines of our beloved country. Specifically, we noted the problems faced by Negroes in obtaining the rights that are theirs as Americans. The statement of 1943 said in part:

"In the providence of God there are among us millions of fellow citizens of the Negro race. We owe to these fellow citizens, who have contributed so largely to the development of our country, and for whose welfare history imposes on us a special obligation of justice, to see that they have in fact the rights which are given them in our Constitution. This means not only political equality, but also fair economic and educational opportunities, a just share in public welfare projects, good housing without exploitation, and a full chance for the social advancement of their race."

PROGRESS MADE

In the intervening years, considerable progress was made in achieving these goals. The Negro race, brought to this country in slavery, continued its quiet but determined march toward the goal of equal rights and equal opportunity. During and after the Second World War, great and even spectacular advances were made in the obtaining of voting rights, good education, better-paying jobs, and adequate housing. Through the efforts of men of good will, of every race and creed and from all parts of the nation, the barriers of prejudice and discrimination were slowly but inevitably eroded.

Because this method of quiet conciliation produced such excellent results, we have preferred the path of action to that of exhortation. Unfortunately, however, it appears that in recent years the issues have become confused and the march toward justice and equality has been slowed if not halted in some areas. The transcendent moral issues involved have become obscured, and possibly forgotten.

Our Nation now stands divided by the problem of compulsory segregation of the races and the opposing demand for racial justice. No region of our land is immune from strife and division resulting from this problem. In one area, the key issue may concern the schools. In another it may be conflicts over housing. Job discrimination may be the focal point in still other sectors. But all these issues have one main point in common. They reflect the determination of our Negro people, and we hope the overwhelming majority of our white citizens, to see that our colored citizens obtain their full rights as given to them by God, the Creator of all, and guaranteed by the democratic traditions of our Nation.

There are many facets to the problems raised by the quest for racial justice. There are issues of law, of history, of economics, and of sociology. There are questions of procedure and technique. There are conflicts in cultures. Volumes have been written on each of these phases. Their importance we do not deny. But the time has come, in our considered and prayerful judgment, to cut through the maze of secondary or less essential issues and to come to the heart of the problem.

QUESTION IS MORAL AND RELIGIOUS

The heart of the race question is moral and religious. It concerns the rights of man and our attitude toward our fellow man. If our attitude is governed by the great Christian law of love of neighbor and respect for his rights, then we can work out harmoniously the techniques for making legal, educational, economic, and social adjustments. But if our hearts are poisoned by hatred, or even by indifference toward the welfare and rights of our fellow men, then our Nation faces a grave internal crisis.

No one who bears the name of Christian can deny the universal love of God for all mankind. When Our Lord and Saviour, Jesus Christ "took on the form of man" (Philippians 2: 7) and walked among men, He taught as the first two laws of life the love of God and the love of fellow man. "By this shall all men know that you are my disciples, that you have love, one for the other" (John 13: 35). He offered His life in sacrifice for all mankind. His parting mandate to His followers was to "teach all nations" (Matthew 28: 19).

Our Christian faith is of its nature universal. It knows not the distinctions of race, color, or nationhood. The missionaries of the church have spread throughout the world, visiting with equal impartiality nations such as China and India, whose ancient cultures antedate the coming of the Saviour, and the primitive tribes of the Americas. The love of Christ, and the love of the Christian, knows no bounds. In the words of Pope Pius XII, addressed to American Negro publishers 12 years ago, "All men are brothered in Jesus Christ; for He, through God, became also man, became a member of the human family, a brother of all" (May 27, 1946).

Even those who do not accept our Christian tradition should at least acknowledge that God has implanted in the souls of all men some knowledge of the natural moral law and a respect for its teachings. Reason alone taught philosophers through the ages respect for the sacred dignity of each human being and the fundamental rights of man. Every man has an equal right to life, to justice before the law, to marry and rear a family under human conditions, and to an equitable opportunity to use the goods of this earth for his needs and those of his family.

From these solemn truths, there follow certain conclusions vital for a proper approach to the problems that trouble us today. First, we must repeat the principle—embodied in our Declaration of Independence—that all men are equal in the sight of God. By equal we mean that they are created by God and redeemed by His Divine Son, that they are bound by His law, and that God desires them as His friends in the eternity of Heaven. This fact confers upon all men human dignity and human rights.

PERSONAL DIFFERENCES AMONG MEN

Men are unequal in talent and achievement. They differ in culture and personal characteristics. Some are saintly, some seem to be evil, most are men of good will, though beset with human frailty. On the basis of personal differences, we may distinguish among our fellow men, remembering always the admonition: "Let him who is without sin * * * cast the first stone" (John 8: 7). But discrimination based on the accidental fact of race or color, and as such injurious to human rights regardless of personal qualities or achievements, cannot be reconciled with the truth that God has created all men with equal rights and equal dignity.

Second, we are bound to love our fellow man. The Christian love we bespeak is not a matter of emotional likes or dislikes. It is a firm purpose to do good to all men, to the extent that ability and opportunity permit.

Among all races and national groups, class distinctions are inevitably made on the basis of like mindedness or a community of interests. Such distinctions are normal and constitute a universal social phenomenon. They are accidental, however, and are subject to change as conditions change. It is unreasonable and injurious to the rights of others that a factor such as race, by and of itself, should be made a cause of discrimination and a basis for unequal treatment in our mutual relations.

ENFORCED SEGREGATION

The question then arises: Can enforced segregation be reconciled with the Christian view of our fellow man? In our judgment, it cannot, and this for two fundamental reasons.

1. Legal segregation, or any form of compulsory segregation, in itself and by its very nature imposes a stigma of inferiority upon the segregated people. Even if the now obsolete court doctrine of "separate but equal" had been carried out to the fullest extent, so that all public and semipublic facilities were in fact equal, there is nonetheless the judgment that an entire race, by the sole fact of race and regardless of individual qualities, is not fit to associate on equal terms with members of another race. We cannot reconcile such a judgment with the Christian view of man's nature and rights. Here again it is appropriate to cite the language of Pope Pius XII: "God did not create a human family made up of segregated, dissociated, mutually independent members. No. He would have them all united by the bond of total love of Him and consequent self-dedication to assisting each other to maintain that bond intact" (September 7, 1956).

2. It is a matter of historical fact that segregation in our country has led to oppressive conditions and the denial of basic human rights for the Negro. This is evident in the fundamental fields of education, job opportunity, and housing. Flowing from these areas of neglect and discrimination are problems of health and the sordid train of evils so often associated with the consequent slum conditions. Surely Pope Pius XII must have had these conditions in mind when he said just 2 months ago: "It is only too well known, alas, to what excesses pride of race and racial hate can lead. The church has always been energetically opposed to attempts of genocide or practices arising from what is called the 'color bar.'" (Sept. 5, 1958.)

ECONOMIC AND EDUCATIONAL OPPORTUNITY

One of the tragedies of racial oppression is that the evils we have cited are being used as excuses to continue the very conditions that so strongly fostered such evils. Today we are told that Negroes, Indians, and also some Spanish-speaking Americans differ too much in culture and achievements to be assimilated in our schools, factories, and neighborhoods. Some decades back the same charge was made against the immigrant, Irish, Jewish, Italian, Polish, Hungarian, German, Russian. In both instances differences were used by some as a basis for discrimination and even for bigoted ill treatment. The immigrant, fortunately, has achieved his rightful status in the American community. Economic opportunity was wide open and educational equality was not denied to him.

Negro citizens seek these same opportunities. They wish an education that does not carry with it any stigma of inferiority. They wish economic advancement based on merit and skill. They wish their civil rights as American citizens. They wish acceptance based upon proved ability and achievement. No one who truly loves God's children will deny them this opportunity.

To work for this principle amid passions and misunderstandings will not be easy. It will take courage. But quiet and persevering courage has always been the mark of a true follower of Christ.

PLANS SHOULD BE BASED ON PRUDENCE

We urge that concrete plans in this field be based on prudence. Prudence may be called a virtue that inclines us to view problems in their proper perspective. It aids us to use the proper means to secure our aim.

The problems we inherit today are rooted in decades, even centuries, of custom and cultural patterns. Changes in deep-rooted

attitudes are not made overnight. When we are confronted with complex and far-reaching evils, it is not a sign of weakness or timidity to distinguish among remedies and reforms. Some changes are more necessary than others. Some are relatively easy to achieve. Others seem impossible at this time. What may succeed in one area may fail in another.

It is a sign of wisdom, rather than weakness, to study carefully the problems we face, to prepare for advances, and to bypass the nonessential if it interferes with essential progress. We may well deplore a gradualism that is merely a cloak for inaction. But we equally deplore rash impetuosity that would sacrifice the achievements of decades in ill-timed and ill-considered ventures. In concrete matters we distinguish between prudence and inaction by asking the question: Are we sincerely and earnestly acting to solve these problems? We distinguish between prudence and rashness by seeking the prayerful and considered judgment of experienced counselors who have achieved success in meeting similar problems.

VITAL THAT WE ACT NOW

For this reason we hope and earnestly pray that responsible and sober-minded Americans of all religious faiths, in all areas of our land, will seize the mantle of leadership from the agitator and the racist. It is vital that we act now and act decisively. All must act quietly, courageously, and prayerfully before it is too late.

For the welfare of our Nation we call upon all to root out from their hearts bitterness and hatred. The tasks we face are indeed difficult. But hearts inspired by Christian love will surmount these difficulties.

Clearly, then, these problems are vital and urgent. May God give this Nation the grace to meet the challenge it faces. For the sake of generations of future Americans, and indeed of all humanity, we cannot fail their short life here.

Signed by members of the administrative board, National Catholic Welfare Conference, in the name of the bishops of the United States:

Francis Cardinal Spellman, Archbishop of New York; James Francis Cardinal McIntyre, Archbishop of Los Angeles; Francis P. Keough, Archbishop of Baltimore; Karl J. Alter, Archbishop of Cincinnati; Joseph E. Ritter, Archbishop of St. Louis; William O. Brady, Archbishop of St. Paul; Albert G. Meyer, Archbishop of Chicago; Patrick A. O'Boyle, Archbishop of Washington; Leo Binz, Archbishop of Dubuque; Emmet M. Walsh, Bishop of Youngstown; Joseph M. Gilmore, Bishop of Helena; Albert R. Zuroweste, Bishop of Belleville.

THE WORLD COURT STATUTE—CONNALLY RESERVATION

Mr. HUMPHREY. Mr. President, a recent editorial in the Herman, Minn., Review of March 3, 1960, emphasizes the bipartisan national support that has been voiced for my proposal to rescind the U.S. reservation to the World Court statute in order to strengthen the Court. The editorial also objects to the argument that the Court does not need stronger U.S. support since peaceful means for settlement of disputes already exist.

Mr. President, I ask unanimous consent that the editorial entitled "The Connally Reservation" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE CONNALLY RESERVATION

A letter to the editor, elsewhere on this page, points out one of the most important and far-reaching subjects under consideration by our Government officials—the World Court and the Connally amendment. The clipping which was enclosed was one authored by Father Ginder under the heading of "Right or Wrong."

The author made a strong plea for retention of the Connally restriction which says, in effect: "That the United States will not recognize the jurisdiction of the World Court in matters which we may consider to be none of their business." This action, taken in 1945 when we joined the U.N., has made the World Court ineffectual.

Senator HUMPHREY has introduced a resolution to repeal this restriction, and Eisenhower, NIXON, etc., have supported the bill. Father Ginder feels that this action would be comparable to giving a key to your house to everyone in the community. His opinion is shared by many. They feel that an all-powerful World Court could cause the will of one country to be imposed on another—even though their cultures and moral standards be entirely different.

We shant pretend to understand the many implications of this thorny problem. Perhaps it does hold dire possibilities, as Father Ginder fears. Why then, we must ask ourselves, do our leaders seek to abolish this safeguard to the American way of life. Are we to conclude that Hubert Humphrey, Dwight Eisenhower, Earl Warren, and the rest are traitors or idiots? We would hardly think so.

Father Ginder's article goes on to say, "Up until now, international controversies have quite satisfactorily been settled by diplomatic negotiations and boards of arbitration."

At this point, we must take issue with Father Ginder—and we think that our Nation's millions of Gold Star Mothers will join with us. Their dead sons, buried from one end of this globe to the other, are mute testimony that negotiations do not settle international arguments.

That may be the reason that our Huberts, and our Ikes, and our Dicks, are seeking some new approach that will settle these troubles. The World Court, which they now support in bipartisan fashion, may not be the answer. But certainly there is justification for continuing to seek a workable solution.

ST. PATRICK'S DAY

Mr. HUMPHREY. Mr. President, we have a distinguished visitor to our shores this St. Patrick's Day, the Right Honorable Senator Mrs. Jane Dowdall, Lord Mayor of Cork and Member of the Irish Senate.

In recognition of this happy occasion I would like to say a word in tribute to the stateswomen of Ireland.

It is worthy of note that among Mrs. Dowdall's colleagues are three other woman senators—Mrs. Nora Connolly O'Brien, Mrs. Mary F. Davidson, and Mrs. Margaret Mary Pearse. The Irish House of Representatives has five women members—Mrs. Honor M. Crowley, Mrs. Bridget Hogan, Mrs. Celia Lynch, Mrs. May Renolds, and Mrs. May B. Ryan.

The delegate from Ireland to the United Nations on the Third Committee is Miss Marie MacEntee, a well-known poet and daughter of the Irish Deputy Prime Minister and Minister for Health, Hon. Sean MacEntee. She has played a prominent part in the deliberations of the Third Committee on Social and Humanitarian Problems. Also there is Miss Thecla Beere, permanent civil head and Secretary of Transport and Power, and in the diplomatic service, Her Excellency Mrs. Josephine McNeill, Irish Minister to Switzerland and Austria.

Ireland has always been personified as a woman: In olden times she was the mature, beautiful woman, Mother Ireland, and in more modern times she is the young beauty described in the haunting ballad beloved of Irish patriots:

To hear your sweet and sad complaints,
My life, my love, my saint of saints,
My Dark Rosaleen.

That the Irish are poets and dreamers is not news—there have always been distinguished Irish women in the fields of literature, art, the theater, the lecture hall, labor and social reform, national and international affairs. But to find that its women battled for social political justice is to find the poetic and the practical paired in a delightfully effective way. There is a reason, however, for their remarkable progress in the field of statesmanship.

The Brehon laws, governing the Irish from ancient times to the reign of James I of England, guaranteed the rights and privileges of women more carefully and specifically than any other civil code. Thus, even before the Christian era, she was directed to exercise hospitality; care for the needy; be merciful in war and kind to prisoners; a generous patron of the arts; faithful in prayer and in sacrifices for the security of the home. Also, the University of Dublin was the first university in the British Isles to give degrees to women. To top it off, the national wisdom contained in the following proverb enhanced their position immensely:

Woe to him who does not heed the counsel of a good wife.

Finally, with the promulgation of the Irish Constitution in 1918, the right of equal suffrage and opportunity was assured.

It is interesting to recall that while Elizabeth I reigned in England, Grace O'Malley reigned on the west coast of Ireland. She commanded an army or fleet as the need arose, to defeat the enemy. On good advice Elizabeth sought to court her favor by inviting her to England. There, her guest scorned to ask a favor when requested to do so, with the words "I'll honors give but none receive."

In American history, we have Irish Molly Pitcher, who took part in the Revolutionary War, and who, I am told, received a lieutenant's commission from General Washington and was retired at half pay for life in recognition for her bravery at the Battle of Monmouth. Also, Anna Ella Carroll, a master of state and military questions and one of Lincoln's advisers, aided the War Department strategy for the Tennessee campaign of the Civil War—the plan was put into operation by General Grant.

Both those of strong and positive temperament and those of delicate poetic bent have contributed generously of their talents in the cause of political and social justice in Ireland. The two most outstanding female figures of recent Irish history are the Countess Constance de Markievicz, Irish wife of a Polish nobleman, and Mme. Maud Gonne MacBride. They ardently engaged in political activity which greatly influenced the course of Irish affairs. The countess was court-martialed in Britain for her part in the revolution and was sentenced to death. She was released from prison, however, and returned to Ireland to be elected in 1918 as the first woman in Parliament under the British franchise. She did not take office but accepted rather the post of Minister of Labor in the First Dail Eireann, a perfect culmination of her previous efforts in labor and trade union organization.

The most glamorous heroine of all, and the most liberally endowed with human talents, was Maud Gonne. Brought up in society in England and the Continent as the daughter of an Irish father and English mother, she made her debut in St. Petersburg, Russia, while her father was military attaché there. Shortly after, she was moved to devote her life to public service at the sight of the sufferings of evicted farm families during the land troubles in Ireland. She married Maj. John MacBride in 1903 and took up the cause of freedom for Ireland, despite the tragic loss of her husband in the Easter Rising of 1916. For 50 years she worked for political reform and in the promotion of a renaissance of Irish language, history, literature and drama, through her organization, The Daughters of Ireland.

She inspired the youth of her time to seek eagerly the opportunity to enter the service of their motherland. Eloquent, generous, of splendid attitude and appearance, she aroused wild enthusiasm wherever she spoke throughout Europe or America in Ireland's cause.

These wonderful examples from Ireland of the spirit and influence which women naturally can exert in political life are counterparts of the political power of women in America. As the historian De Tocqueville gallantly said in 1840:

If I were asked to what the singular prosperity and growing strength of the American people ought mainly to be attributed, I should reply: To the superiority of their women.

A woman's task today is not merely to preserve our liberal traditions and pass them on to our children, but to achieve through democratic leadership a lasting world peace in our time. This is an infinitely difficult assignment. America has need for a woman's instinctive capacity for doing the appropriate thing, and for her applause when a blow is struck for the right. As fighting pacifists they are impatient with dilatory action on problems. It is our women, the dreamers and idealists who keep enthusiasms alive, not the statesmen. They will proceed not merely with a defiant gesture, but constructive thought; not only strength, but gentleness, not only escaping from the tyranny of fear, but all tyrannies of whatever stripe.

Writing articles, making speeches at the grassroots, applauding those who cherish the common weal, the vital question of disarmament, and the works of international peace, these are a woman's fields. The good cause is still truth, humanity, and hope. Public activity in critical times calls for the highest courage. Inspire the young, and do all you can to help shape events, and maintain your standards at a high level on behalf of the family of nations. Better than anyone else, a woman understands that a principle is really believed, only when one tries to bring about its realization in daily life. A woman's capacity for service to the community, her impatience with compromise, and her great courage in the battle for principle, makes her a most valuable asset in political life.

The oldtime genius of the Irish is still alive and active, and the opportunities of the present hold great potential for the talents of women of Irish blood in America, to respond to the awful problems of national and world crisis which are our portion today.

Just as Irish women worked for the cause of peace, of oppressed nationalities, in absolute fearlessness and loyalty, I am sure their descendants in America today, moved by their inspiring example, continue the noble traditions of the Gaels in their efforts to keep our country great and increase its prestige before the world.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. CLARK. Has the distinguished Senator from Minnesota ever kissed the Blarney stone?

Mr. HUMPHREY. The senior Senator from Minnesota feels that sometimes he was born kissing the Blarney stone. I may say that I thoroughly enjoyed it. It lends joy to one's life, hope to one's spirit, and the possibility of a promising future for all those who engage in this noble act.

Mr. CLARK. Is the answer to my previous question "yes"?

Mr. HUMPHREY. I will say to the Senator that such a concise answer would hardly do justice to the Irish, especially on St. Patrick's Day.

Mr. CLARK. This explains a great deal about the Senator from Minnesota.

Mr. HUMPHREY. I thank the Senator from Pennsylvania for his observation.

Mr. CLARK. It is my pleasure and my privilege. I thank the Senator.

THE INTERNAL AFFAIRS OF PUERTO RICO

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial and a column from the Washington Post and an editorial from the Baltimore Sun. There is food for thought in these comments dealing with the internal affairs of Puerto Rico, a Commonwealth associated with the United States.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 17, 1960]

PUERTO RICAN FUMBLE

It is a pity that someone did not stick a primer on Puerto Rican politics into President Eisenhower's briefcase during his good-will tour to the south. This might have averted the gratuitous blunder made by the President in seeming to endorse the gubernatorial candidacy of Luis A. Ferré, leader of the island's Republican Statehood Party.

Puerto Rico, as Price Day, of the Baltimore Sun, points out elsewhere on this page, is "not Iowa." It is a proud, self-governing Commonwealth and ought not be treated as just another ward in Philadelphia to be carried by a mainland party. Little wonder the island's House of Representatives has rebuked Mr. Eisenhower for improper intervention in the Commonwealth's affairs.

The President's news conference comments yesterday, obviously intended to mollify, only make matters worse. While withholding judgment on the merits of Puerto Rican statehood—the chief plank in Senor Ferré's party—Mr. Eisenhower did not retract his endorsement. "He is a Republican candidate, I understand," quoth the President, "I believe that he is not in any primary struggle. * * *" A wealthy industrialist, Senor Ferré is indeed a Republican and in 1956 contributed $2,000 to GOP organizations. But the important point is that the usual laws of politics do not apply in Puerto Rico's case.

The island's Governor, Luis Muñoz Marín, is a member of the Popular Democratic Party—a group unaffiliated with any mainland faction. More than that he is a hemisphere figure held in highest esteem by all Americans, north and south. In 1958, Vice President NIXON observed correctly that the Governor is a man of whom all of us can be immensely proud. A key reason for his prestige is that he has been freely chosen by his own people as their leader.

This country has gone to great pains in showing that Puerto Rico is not subject to the whim of Washington and its Governor not a puppet. Congress is considering legislation which would further enhance the island's autonomous status. But suppose, after Mr. Eisenhower's heavy-handed meddling, Senor Ferré should win? It would conceivably be a Republican victory but a national defeat. Mr. Eisenhower ought to reconsider his misplaced party zeal.

PLAYING POLITICS IN PUERTO RICO

(By Price Day, of the Baltimore Sun)

If the White House is to be credited with a new knowledgeability about Latin America it needs to revise its notion of what goes on in Puerto Rico.

On the word of James C. Hagerty, the President will support the candidacy of Luis A. Ferré for the governorship of Puerto Rico in the November elections. "Mr. Ferré is head of the Republican Party of Puerto Rico," the White House press secretary is quoted as having said. "He is also the Republican national committeeman from Puerto Rico. Can you imagine the head of the Republican Party being against a recognized candidate of his own party?"

Mr. Hagerty, and Mr. Eisenhower might take a moment to try to imagine it, after first consulting an ABC of Puerto Rico.

Puerto Rico is, shall we say, not Iowa. Its parties are not Iowa's parties. The insular political organization for which Mr. Ferré is the gubernatorial candidate does, as Mr. Hagerty indicated, have certain connections with the mainland Republicans. But besides being the Republican Party of Puerto Rico it is also the Statehood Party of Puerto Rico: it is the Republican Statehood Party.

Its opponents are the Populares, or the Popular Democrats, for two decades overwhelmingly dominant in Puerto Rican politics. They are led by the present Governor, first to hold that office by election, Luis Muñoz-Marín. They have no ties with any mainland party.

Unlike, shall we say, Kansas, Puerto Rico is not a State. It is associated with the United States in a unique arrangement as the Commonwealth of Puerto Rico.

Puerto Rico in this status partakes of nationhood—though the Populares in the campaign already strenuously under way refrain from saying so, lest their statehood adversaries raise the false charge that the goal of the Populares is independence.

The Statehood Party holds that partaking of nationhood is bad; it makes Puerto Ricans second-class citizens. The Statehood Party brings forward figures from which the most earnest examination cannot remove the fuzz of vagueness, to dispute the Populares' contention that statehood with its federal income taxes would bring ruin; that the island would be condemned indefinitely to the condition of poorest State in the Union. (Last fall the annual per capita income for Puerto Rico crept over $500: In Mississippi it is about $1,100.) Anyway, the Statehood Party says, it is not a question of economics but of dignity and pride.

The Populares say that it is a question of pride, dignity, and economics all together, and believe that citizenship in the Commonwealth of Puerto Rico is more dignified than citizenship in a State of Puerto Rico would be.

They believe that in the past 24 years Muñoz-Marín and a group of able men around him have transformed the island from an economic and psychological colony slum into a proud, free, prospering community; a lesson in United States good will toward Latin Americans, and an example of effective economic self-help.

This new Puerto Rico, they believe, has the duty of helping to show other peoples of the hemisphere—and beyond the hemisphere—what the United States is about. Dr. Arturo Morales Carrion, under secretary of state for the Comomnwealth, has put it this way: "It is a place where the Latin American feels at home, where he sees the great impact of United States industrial culture on a Hispanic land, and yet feels that the land and the people have retained their identity, their dignity, and their values and traditions."

Does the White House perceive that to take sides in a Puerto Rican election will for some Latin Americans seem to have just a taste—considering Puerto Rico's degree of nationhood—of the interventive?

Is it the judgment of the White House that the value of Puerto Rican votes in New York next fall (both the Populares and the Statehood people in Puerto Rico think this the reason for the White House favors to Mr. Ferré) overweighs the disadvantage of backing in Puerto Rico a sure loser with no program but the perhaps not quite wholehearted one of statehood?

Would it even get the votes?

Looking ahead, does the Republican Party wish in effect to give to the minority of Puerto Ricans who sincerely want statehood soon a pledge that cannot in the foreseeable future be fulfilled?

A bit of rethinking seems indicated.

[From the Baltimore Sun, Mar. 17, 1960]

EISENHOWER CENSURED

Nonintervention was a constant theme in Mr. Eisenhower's public remarks on his recent trip to Latin America. But as he returned via Puerto Rico he showed particular favor to Mr. Luis A. Ferré, gubernatorial candidate of the Statehood Republican Party in opposition to the incumbent, Gov. Luis Muñoz-Marín; and Press Secretary James C. Hagerty, questioned on the matter, said that Mr. Eisenhower was supporting Mr. Ferré.

The kindest possible reading is that Mr. Eisenhower and Mr. Hagerty know little about Puerto Rico or about Muñoz-Marín, and are ignorant of the simple political facts that Puerto Rico is not a State of the Union, as Mr. Ferré wishes it were, but a Commonwealth associated with the Union, and that its political parties do not parallel the political parties of the mainland. Yet guidance was available to them.

They could have considered what Vice President NIXON said to the National Press Club on May 21, 1958, when he spoke of "Muñoz-Marín, a man that all of us can be immensely proud of for his leadership for not only his own Commonwealth but for all Latin America and the United States."

They might have consulted a statement made at the airport in San Juan on February 22 of this year:

"Puerto Rico is truly unique. • • • We are happy that Puerto Rico is a proud, free, self-governing Commonwealth, joined to the United States of America by her own choice. This island, in the Caribbean waters between two great continental land masses, has been stirred by two mighty currents of history, enriched by two great traditions of culture. Out of them, Puerto Rico has fashioned its own way of life. " • • Your program of development—rooted in self-confidence, self-help and self-achievement—has aroused tremendous interest in every area of the free world. • • • By what you have accomplished for yourselves, by the help you have given others toward a like accomplishment for themselves, you have made for the Commonwealth a record of achievement in which many other people around the globe have found hope and inspiration."

Those words were spoken by Mr. Eisenhower, en route to South America, and addressed to Muñoz-Marín.

An especially unfortunate—indeed, a politically unethical—aspect of the affair is that when a President expresses an opinion on Puerto Rico's internal politics the Puerto Rican electorate has no direct means of answering: it has no vote in mainland national elections.

Still, the Puerto Rican electorate is not voiceless. Its representatives can speak. They have now done so, in an extraordinary vote of censure of Mr. Eisenhower for improper intervention.

The rebuke was asked for, invited; nor does the President's statement in his press conference yesterday that his support of Mr. Ferré does not at this time extend to advocacy of statehood fix up the blunder. If the incident has any good in it at all, its value may lie in the demonstration that if Puerto Rico is not a State neither is it the colony in thrall that some Latin American extremists say it is.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. DOUGLAS. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I yield to the Senator from Illinois.

Mr. DOUGLAS. I should like to ask the Senator from Pennsylvania whether it is not true that the precise differences between registrars or enrollment officers on the one hand, and referees on the other, are very imperfectly understood both by the members of the public and Members of the Senate.

Mr. CLARK. I fear my friend from Illinois is correct. There are great differences, however.

Mr. DOUGLAS. I wonder whether it would be helpful if we tried to develop the differences by means of a series of questions.

Mr. CLARK. I think it might be helpful to do so. Will the Senator proceed?

Mr. DOUGLAS. Will the Senator inform me whether I am correct in believing that under the current voting rights proposals the registrars or enrollment officers are administrative officers appointed by the President or by agents of the President?

Mr. CLARK. The Senator is correct. I should like to make one amplification of what he says, and that is this: They are agents of the executive arm of the Government, and their intervention in the registration and voting procedure as agents of the executive arm of the Government is in accord with the universal practice in the 50 States of the Union, where the legislatures have laid down registration and voting requirements by law and have directed that they be carried out by either appointed or elected agents or officials, who are themselves arms not of the State legislative, not of the State judicial, but of the State executive arm of the government.

Mr. DOUGLAS. Mr. President, I thank my friend from Pennsylvania. Is it not true that the referee, so-called, proposed for voting rights cases by the Attorney General, would be appointed by a Federal judge?

Mr. CLARK. The Senator is correct. The referee to be appointed by a Federal district judge under both the administration bill and the pending compromise amendment would be an agent of the judiciary. There are in Federal law some precedents for it. The first that comes to my mind is the referee in bankruptcy, to whom is referred the detailed proceedings to determine the assets of an insolvent bankrupt, and how they shall be distributed.

Mr. DOUGLAS. Is it true that the judicially appointed referee would serve in the approximate capacity of a master in chancery?

Mr. CLARK. The Senator is correct. There is much in common, at least from the standpoint of a layman and of this cornfield lawyer, between a Federal master and a Federal referee. A master is normally the agent of a court in equity proceedings where it is determined that the nature and detail of the testimony is such that the time of the court should be conserved by having a subordinate agent of the court take the testimony by permitting witnesses to testify and to be

subject to cross examination and to listen to argument of counsel; then to make his findings of fact and arrive at his conclusions of law, and to make report on it to the court, where the same proceedings may start all over again.

The Federal judge, acting on the report of the master or referee, makes his finding of fact and states his conclusions of law. Then that proceeding is subject to appeal to the court of appeals for the particular circuit in which the Federal judge sits. After they have heard the argument and rendered their decision, the proceedings are subject to certiorari to the Supreme Court, where, if it grants the writ of certiorari, there is more argument, and again a decision. What I have outlined is one reason why I do not believe the referee proposal will work very well in the voting situation.

Mr. DOUGLAS. May I ask my friend whether it is not also true that under the various forms of the so-called judicial referee plan, the process is triggered off, so to speak, by a judicial finding by a Federal district judge in a suit filed to enjoin interference with voting rights that there exists a pattern or practice of discrimination within a given area or voting district?

Mr. CLARK. The Senator is correct with respect to the various proposals which I have seen. I do not know of any of them that does not have that preliminary requirement. In some cases, the preliminary procedure is definitely set out in accordance with the Civil Rights Act of 1957, which calls for proceedings to be instituted by the Attorney General. Under the pending amendment the referees could also be appointed in proceedings instituted by an aggrieved individual or by a group of individuals. The Senator, of course, is aware of the antibarratry statutes in a number of Southern States which substantially restrict the right of a group of individuals to support a single individual.

Mr. DOUGLAS. I should like to ask the Senator from Pennsylvania, one of the very eminent members of a very eminent bar, the Philadelphia bar, whether such a process of making a judicial finding that there is a pattern or practice of discrimination, would not be time consuming?

Mr. CLARK. I am confident it would be very time consuming in districts where those who oppose action by the Federal referee desired to consume time. Once we get into a judicial proceeding, quite properly all the protections which are afforded to litigants are available. In this case there would be a conversion of what has always been considered an administrative process into a judicial process. In my judgment that is a hard thing to do in a way that will work with the expedition which is necessary in connection with registration and voting. I am also of the view that if we curtail too far the rights in a court of those who oppose action by a Federal referee, we run the danger of having such action held to be unconstitutional.

Mr. DOUGLAS. Mr. President, will the Senator yield for another question?

Mr. CLARK. I yield.

Mr. DOUGLAS. Is it not true that in the plan proposed by the Civil Rights Commission, for a voting registrar, action would be triggered by complaints from at least 9 persons within a given voting district that a pattern or practice of discrimination existed, and that thereafter the administrative body, in this case the Civil Rights Commission, would conduct an inquiry to determine whether or not the charges were well-founded; that they would throw into the discard those charges which they found to be ill-founded, but that if there were a sufficient number of complaints which they believed were justified, they could then ask the President to appoint a voting registrar?

Mr. CLARK. The Senator is entirely correct.

Mr. DOUGLAS. Is it not true that the President would then appoint a registrar who would be a Federal official or employee in the district about which complaint was made?

Mr. CLARK. Not only an official or employee, but a qualified voter within the district.

Mr. DOUGLAS. So that there would be no importation of outside persons to register voters.

Mr. CLARK. Carpetbaggers were out.

Mr. DOUGLAS. But they would be Federal employees, protected by civil service laws, normally speaking, and therefore not as much subject to local pressure and economic reprisals as would the citizens who were picked out of the main stream of the economic and political life of the community.

Mr. CLARK. Yes; I should like to make this one additional comment, that the proposal of the Civil Rights Commission—and the Senator will correct me if I am wrong—was recommended by five of the Commissioners, and two of the concurring Commissioners were from the South; but their proposal had this grave defect in it, that it applied only to Federal elections, not to all elections.

Mr. DOUGLAS. Is it not true that the Senator from Pennsylvania and the Senator from Illinois discussed this matter 2 days ago, and that the Senator from Illinois then said that in his judgment the decision thus to confine the process to Federal elections only was made to obtain the support of the two southern members, but that it was not necessary under the 15th amendment to the Constitution?

Mr. CLARK. I think, no doubt, that it is entirely unnecessary under the 15th amendment to the Constitution. The Senator from Illinois and I are two Members of this body who do not believe in attributing it to anybody. I do not know what caused the Civil Rights Commission to make this suggestion. The Senator from Illinois may well be correct. He is far more familiar than I with the detailed findings and the discussion of the Commission on Civil Right.

Mr. DOUGLAS. I have raised this question with certain members of the Civil Rights Commission, and they have not denied it.

Mr. CLARK. I thank the Senator from Illinois for his elucidation, which I believe is important.

Mr. DOUGLAS. Is it not true that the 15th amendment to the Constitution reads as follows:

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. • • •

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

Mr. CLARK. The Senator from Illinois is correct. It contains no words limiting its application to Federal elections, does it?

Mr. DOUGLAS. Therefore, was not the 15th amendment intended to apply to State elections as well as to Federal elections?

Mr. CLARK. Of that, I believe there can be little doubt.

Mr. DOUGLAS. According to section 2, has not Congress the power to prevent the denial or the abridgment of the voting rights in State as well as in Federal elections because of the race, color, or previous condition of servitude of the person in question?

Mr. CLARK. I do not believe that any competent lawyer would deny that statement. My recollection is that that interpretation was first given by the Supreme Court of the United States in the historic decision of Ex Parte Virginia, 75 or more years ago, and it has never been seriously questioned since.

Mr. DOUGLAS. Is it not true that the decisions reversing the so-called white primary laws have been, in part, based upon the 15th amendment?

Mr. CLARK. I think the Senator from Illinois is correct.

Mr. DOUGLAS. We have discussed thus far, have we not, the differences between the appointments of registrars and referees, a registrar being an administrative officer, and a referee being a judicial officer; and we have also discussed, have we not, the triggering-off process, if I may use that phrase, in the two methods? It is not true that in the draft which the Senator from New York [Mr. JAVITS] and I have prepared, we provide for a somewhat more stringent requirement than that of the Civil Rights Commission; namely, a complaint by 50 citizens rather than by 9?

Mr. CLARK. The Senator from Illinois is quite correct.

Mr. DOUGLAS. Is it not also true that the draft which has been circulated by the senior Senator from Missouri [Mr. HENNINGS] but which has not been introduced, provides for a somewhat more lenient standard; namely, a complaint by one individual?

Mr. CLARK. The Senator from Illinois is, I believe, correct. I am not certain, but my own thought is that——

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield to the Senator from Colorado. I hope he can enlighten us on this question.

Mr. CARROLL. I see in the Chamber the able Senator from Michigan [Mr. HART]. I will ask him to correct me if my understanding is not correct. It is my impression that the Clark-Douglas-Javits bill provides for complaints by 50

persons, and the Clark bill provides a pattern of practice, while the Hennings bill does not provide for a court finding of a pattern of practice. I think that 1 person may institute such a suit, rather than 9, or 50.

I ask the able Senator from Michigan if my statement is not correct.

Mr. HART. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I am happy to yield to the Senator from Michigan, with the understanding I do not lose the floor, in order that he may respond to the Senator from Colorado.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CLARK. The understanding expressed by the Senator from Colorado reflects accurately my understanding of the so-called Hennings draft. For the purpose of the RECORD, it might be helpful to indicate that the Hennings amendment bears the identification "3-10-60—F."

Mr. President, the Hennings proposal has been filed, has it not?

Mr. HART. It is on file.

Mr. CLARK. I thank the Senator from Michigan.

Mr. HART. It is my understanding that there may be a subsequent draft, but there is a Hennings bill.

Mr. DOUGLAS. If we may proceed to the next step, is it not true that under all the various referee proposals which the administration has put forward; namely, the original McCulloch bill, the Dirksen bill, and the second McCulloch bill——

Mr. CLARK. And the third, the fourth, and the fifth.

Mr. DOUGLAS. Yes—that in all those cases, even after a judicial finding that a pattern or a practice of discrimination has been made, it is then necessary for a person seeking to utilize the proposed registration procedure to go to the local registrars—the State election officials—and seek to be registered before he can apply to the judicial referee?

Mr. CARROLL. Mr. President, will the Senator from Pennsylvania yield at that point? I think a question may be helpful.

Mr. CLARK. I am happy to yield to the Senator from Colorado, while I am inspecting a copy of the Dirksen amendment in order that I may effectively answer the Senator from Illinois.

Mr. CARROLL. If I can recollect correctly, when we consider all the changes which have been made since the original Rogers presentation, I believe the last concept is that after the court finds a pattern and practice of discrimination with respect to a Negro who presents himself—this is a bill pertaining to race and color—and who seeks to bring himself under the umbrella of that court's opinion, he has to go back to the registrar again before he can come before the voting referee.

Whether this section has passed the House, I do not know. I believe it will be in the House bill. I think the words are similar to these, that he will have to have presented himself personally and physically to the registrar "since" the court order.

I observe the able Senator from New York [Mr. JAVITS] on his feet.

Mr. CLARK. In my draft of the referee proposal, which is pending in the Senate, there is no such provision requiring that the local citizen should go back to the State officials before he is entitled to an order by a Federal referee, once a pattern or practice of discrimination has been found.

There is a provision which permits State authorities to purge themselves of their failure to register the applicant by acting after the court has issued its decree, but before the actual registration procedure has been set up.

Does the Senator from Illinois ask me to yield further?

Mr. DOUGLAS. I ask the Senator from Pennsylvania to refer to page 20 of the Dirksen bill, H.R. 8315, which is now before the Senate, and to notice the following words in section 7(a), subsection (e):

> The court may appoint one or more persons (to be known as voting referees) to receive applications from any person claiming such deprivation as to the right to register or otherwise to qualify to vote at any election and to take evidence and report to the court findings as to whether such applicants or any of them (1) are qualified to vote at any election, and (2) have been (a) deprived of the opportunity to register to vote or otherwise to qualify to vote at any election, or (b) found by State election officials not qualified to register to vote or to vote at any election.

Is it not the clear import of this requirement that after the pattern has been found, the first step is for the applicant, who would be a Negro from the South, to go to the local registration officer and there seek to be registered?

Mr. CLARK. Correct. I believe the Senator from Illinois is correct in his understanding.

I point out that no such provision or restriction appears in the amendment offered by me and my colleagues.

Mr. DOUGLAS. I am very glad the Senator from Pennsylvania makes that distinction. I was not saying that this requirement was in the Senator's amendment; I was merely asking, Was it not in all the drafts of the so-called administration bill; namely, the first McCulloch, the Dirksen, the second McCulloch, and, so far as I know, the third and fourth McCulloch proposals?

Is not this a very crucial point that the administration has been unwilling to yield upon? In other words, does not the administration insist that, first, the applicant must go to the local registration officials, and there must seek to register and be turned down?

Mr. CLARK. It is my understanding that that is correct. My understanding is that the necessity for a registrant to exhaust State remedies before being entitled to vote is spelled out more clearly is the latest administration proposal now being considered in the House of Representatives.

Mr. CARROLL. Mr. President, will the Senator from Pennsylvania yield?

The PRESIDING OFFICER (Mr. Moss in the chair). Does the Senator from Pennsylvania yield to the Senator from Colorado?

Mr. CLARK. I yield.

Mr. CARROLL. Let me say that—as indicated by the Senator from Illinois—I think we were talking about various changes in the Rogers bill, not in the bill of the Senator from Pennsylvania.

Mr. CLARK. Yes.

Mr. CARROLL. I wish to state for the RECORD what I believe to be the last position of the Attorney General on this matter.

Mr. CLARK. Has not the Senator been in touch, within the last 24 hours, with representatives of the Attorney General?

Mr. CARROLL. Yes; and I wish to read into the RECORD, so there will be no doubt about it, from the Celler bill, which probably is under consideration at this very moment by the House of Representatives. I read now from page 5659 of the CONGRESSIONAL RECORD for March 15; and I believe this will clarify their position—not the position of the Senator from Pennsylvania:

> The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and—
>
> And here is the clincher—
>
> (2) he has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law.

I have read that excerpt from the Celler amendment, as then read in the House of Representatives by its Clerk.

In other words, after the court order was issued, the applicant would have to go back again, and would have to repeat his effort to register; and if they then denied him an opportunity to register, he would go before the referee; and then the applicant would have, first, to show that he was qualified to vote and second, that he had been denied the right to vote. He almost would have to prove again that he had been discriminated against.

Mr. CLARK. I thank the Senator. Apparently the Attorney General was afraid his original language was a little vague, and he modified it to make it crystal clear that he wanted the poor fellow to have to go back a second time to the local officials, if they were available, and if he could find them, and prove again that he had been turned down.

Mr. JAVITS. Mr. President——

Mr. CLARK. I yield to the Senator from New York.

Mr. JAVITS. First, let me express my appreciation to the Senator from Pennsylvania for undertaking to present this matter to the Senate. In due course, I hope to discuss the details in regard to how it came to be, and why we are proceeding in the way we are, and what we hope this will result in; namely, in allowing the majority of the Members of the Senate to crystallize their views in regard to what the voting rights provisions should do.

But for the moment I wish to comment on the matter now under discussion: It

seems to me that in view of the fact that a pattern or practice would have to be found by the court, and in view of the fact that there would be a provision in regard to the personal last, clear chance of the individual voter to be registered by the voting referee, the court would endeavor to reconcile both sets of language; and it seems to me that in that effort the court would inevitably hold that a finding of such a pattern or practice was required, in order to justify the issuance of a decree under which a voting referee would be appointed, and that then a showing of a last, clear chance would be required, in order to entitle the referee to register the individual voter, in lieu of having the State registrar do so.

Therefore, I hope that before the voting-referee provision is voted on by the Senate, we shall deal with this section, so as to eliminate that consideration, because unless we do, we shall run afoul of a whole host of wrongs for which we do not provide a remedy—in other words, the wrongs in regard to registrars who resign and the wrongs in regard to circumstances which amount to intimidation of voters.

Mr. CLARK. The Senator from New York understands, of course, that there is no such requirement in our pending amendment.

Mr. JAVITS. I understand.

But I believe it very important to point out that, in the final analysis, we must invoke one principle of equity—and it is invoked in our present amendment, and I hope very much the Senate will not forget it: No matter what happens to our amendment or to the registrar proposal or to any other proposal, at least the Senate should proceed in recognition of the principle of equity that in circumstances in which such an act would be futile or in which there would be jeopardy to the one called upon to act, equity will not require him to perform that act. Only if we keep in mind that this is established horn book law in equity, will the Senate "keep its eye on the ball" and will not allow the voting referee provision to be disposed of until at least that much is done with respect to it.

Mr. CLARK. I thank the Senator from New York.

Mr. DOUGLAS. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I yield.

Mr. DOUGLAS. Mr. President, it was precisely to bring out that point that I addressed my last series of questions to the Senator from Pennsylvania.

I wish now to ask another question, which apparently is superfluous, but deals with a point which I believe needs to be cleared up; namely, if a pattern or practice of discrimination had already been found to exist, would not this provision in itself imply that the local registrars did not administer the laws with equal justice, but, instead, practiced discrimination?

Mr. CLARK. I would say that was quite clear. Of course we know how easy it is to "skin the cat" in many ways. If we are going to require the individual applicant to go back again, it might well be that testimony to show that he did not really return would be presented, or that when he presented himself, he did not comply with the requirements—in other words, testimony in regard to many points which, as the Senator from New York has said, would have no substance, but certainly would result in delays.

Mr. DOUGLAS. Did not the Civil Rights Commission find that in many cases, and in many places, local registrars would be absent when Negro applicants came to register?

Mr. CLARK. That is quite correct; and I believe that the Senator from Illinois and the Senator from New York have already stated for the RECORD case after case after case in which such was the fact.

Mr. DOUGLAS. Is it not also true that there were many other cases, which the Civil Rights Commission developed, in which the applicants were kept standing in line for undue periods of time, with the result that, in effect, they were tired out?

Mr. CLARK. That is correct. I understand there were several instances—which the Senator from Illinois probably will recall—in which a long line of Negro applicants was kept waiting for hours. Two registrars were attempting to register that great mass of people, and the registrars took hours with respect to each one; and, in the end, many of the applicants became exhausted.

Mr. DOUGLAS. Did not the Civil Rights Commission also find that in many cases the questions asked the Negro applicants were such as to be virtually impossible for even the most highly educated person to answer?

Mr. CLARK. That is correct. As I recall, they turned down several doctor of philosophy candidates who applied for registration; they were turned down on the ground that they could not answer the questions.

Mr. DOUGLAS. Is it not also true that in many cases economic intimidation was exerted upon those who did persist in applying?

Mr. CLARK. Yes, I believe the reports so show.

Mr. DOUGLAS. Is it not also true that there were covert, and in some cases, overt threats made against those who sought to register?

Mr. CLARK. That is my understanding.

Mr. DOUGLAS. After a judicial pattern or practice of discrimination has been found, does the Senator from Pennsylvania think that it is fair to require the applicant to go to the same group which has practiced discrimination and to go through this process once again?

Mr. CLARK. No, I do not.

Mr. DOUGLAS. And would not this requirement in fact deter the vast majority of those who have previously been disqualified from voting because of a pattern or practice of discrimination from actually applying again?

Mr. CLARK. I think it highly likely it would.

Mr. DOUGLAS. Then this second "strainer", so to speak, would eliminate all but a relatively small minority of cases. Is that correct?

Mr. CLARK. I think the requirement is quite unrealistic, unwise, and unsound. I believe in all likelihood it would have the result which my friend from Illinois has just stated.

Mr. DOUGLAS. Without going into the question of motive, let me ask the Senator another question. If the administration had sought to get a method which would reduce to the greatest minimum possible the number of Negroes who would be registered, could it have been more successful than by using the method which it finally adopted? I do not say that this was the administration's motive. I simply ask, if it was its purpose, could it have been more successful in carrying it out? Could the administration have used a more clever device to restrict registrations than the device which it finally adopted?

Mr. CLARK. I am sure my friend will excuse me if my answer is not completely responsive. In my judgment this provision in the administration proposal so waters down the referee plan that any bill which contained it on final passage would be ineffective. I doubt very much if I would vote for it.

I yield again to the Senator from Illinois.

Mr. DOUGLAS. Mr. President, will the Senator from Pennsylvania yield, to permit me to ask unanimous consent to place in the RECORD, at this point following our discussion concerning the difficulties of Negro applicants applying to local registrars, a letter which I have received from Mr. William P. Mitchell, of the Tuskegee Civic Association, together with a series of petitions presented by the Negroes at Tuskegee to the Governor, asking the Governor to appoint a local registration board where none has existed for a considerable period of time? It is a valuable illustration in a specific case of the obstacles we have been outlining.

Mr. CLARK. Mr. President, I ask unanimous consent that I may be permitted to yield to the Senator from Illinois for that purpose, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered; and without objection, the request of the Senator from Illinois is granted.

The letter and petitions are as follows:

> TUSKEGEE CIVIC ASSOCIATION,
> TUSKEGEE INSTITUTE, ALABAMA,
> *January 25, 1960.*
>
> Senator PAUL H. DOUGLAS,
> *Senate Office Building,*
> *Washington, D.C.*
>
> HONORABLE SIR: We are forwarding some material to you that is self-explanatory of our efforts to get a functioning board of registrars for Macon County, Ala. The petitions (which follow) have been sent out each week since January 20, 1959. A total of 53 such petitions have been sent.
>
> Citizens have requested to serve on the board but the Governor says otherwise. Enclosed is just one of the letters from a local citizen offering to serve. We have copies of other letters in our files. We have had no board for over 13 months. We are totally unable to get a hearing with our State officials. Our letters go unanswered, and some of our registered letters are refused. We have all this evidence in our files.

We feel there is a dire need for a civil rights bill that provides for Federal registrars for national and local elections. Years of experience have taught us that we may expect no appreciable relief on the local level.

We urge you to give this matter serious consideration and active support.

Sincerely yours,

WILLIAM P. MITCHELL,
Chairman, Voter Franchise Committee, TCA.

OCTOBER 19, 1959.

The Honorable JOHN PATTERSON,
Chairman, State Board of Appointment,
State Capitol Building, Montgomery, Ala.

DEAR GOVERNOR: Representatives of the Tuskegee Civic Association respectfully request an audience with you and the other members of the State board of appointment, at a time and date set by you, for the purpose of trying to assist you in finding citizens in Macon County who would be willing to serve on the Macon County Board of Registrars.

Respectfully yours,

WILLIAM P. MITCHELL,
Chairman Voter Franchise Committee, TCA.

JANUARY 18, 1960.

The Honorable JOHN PATTERSON,
Chairman, State Board of Appointment,
State Capitol Building, Montgomery, Ala.:

We, the undersigned residents of Macon County, Ala., respectfully request you, the commissioner of agriculture and industries and the State auditor, to appoint a publicly functioning board of registrars for Macon County in order that we may register as voters in said county:

Jessie S. Hicks, William E. Bufford, Earl Newsome, Wm. H. Carter, W.B. Miller, Paul Dauy, Worley L. Davis, Howard A. Dunlap, Griffin Howard, Charlotte E. Butts, Lloyd Clements, Amy A. Upshaw, Tuskegee, Ala.

JANUARY 20, 1959.

The Honorable JOHN PATTERSON,
Chairman, State Board of Appointments,
State Capitol Building, Montgomery, Ala.:

We, the undersigned residents of Macon County, Ala., respectfully request you, the commissioner of agriculture and industries, and the State auditor, to appoint a board of registrars for Macon County in order that we may register as voters in said county:

Fidelia Jo Anne Adams, Daniel W. Wynn, Elvira W. Palmer, Johnie G. McPowen, Joe Grimm, Elizabeth Padgett, David Strand, J. S. Padgett, Roshell Bass, Marie Mahone, John S. Outlaw, Bertie Winfield.

TUSKEGEE INSTITUTE, ALA.,
May 22, 1959.

GOV. JOHN PATTERSON,
Chairman, State Board of Appointments
State Capitol Building, Montgomery, Ala.

DEAR SIR: I have been a resident of Macon County, Ala., for some 35 years. I am a qualified voter of that county. I have been advised that there is no functioning board of registrars in Macon County, and in discussing it there has been some possibility that no one contacted is willing to serve. I take this opportunity to express my willingness to serve as a member of the Board of Registrars of Macon County.

I am a retired Federal employee and would have ample time to perform this service in accordance with the prescribed laws of Alabama.

Very truly yours,

ROGER E. MCDONALD.

OFFICIAL RESTRICTION OF THE OPPORTUNITY OF NEGROES TO REGISTER AND VOTE IN MACON COUNTY, ALA., 1951–60

For more than 20 years, Negro citizens in Macon County, Ala., in their efforts to register and vote, have almost continuously met strong official resistance. Various techniques have been employed to limit or prevent the participation of Negroes in politics. Although Negroes have constituted more than four-fifths of the total population, they have only just recently constituted one-fourth of the total voters in the county.

Between January 1, 1951, and December 31, 1959 (9 years), certificates of registration were issued to only 510 (32 percent) of the 1,585 Negroes from whom applications were accepted. This was an average of 56.7 per year.

Following is a list of techniques which have been employed by the white officials to limit or prevent Negroes from political participation:

1. Requiring Negroes and Whites to register in separate rooms and in separate parts of the Macon County Courthouse.

2. Registrars frequently reporting for work late and leaving work early, thus reducing the number of hours available to Negro applicants.

3. Permitting only two Negro applicants in the registration room at the same time.

4. Requiring Negro applicants to read and transcribe articles from the Constitution of the United States, in addition to filling out the voter registration questionnaire.

5. Conversing with applicants as they write, which practice disturbs them, and stimulates making errors.

6. Permitting a Negro voter to vouch for only two applicants per year.

7. Preventing some Negro voters from vouching for any applicant.

8. Failing to issue certificates of registration to Negroes immediately upon the successful completion of the requirements for registration.

9. Failing to inform unsuccessful applicants of their failure to fulfill the requirements for registration.

10. Failing to work on many registration days.

11. Resigning from the board in order not to register Negroes.

To the foregoing restrictions, other county officials have (1) refused to appoint any Negro voter to serve in any capacity as one of the 108 workers at the polls on election days and (2) refused to appoint any Negro to serve on the seven-member county board of public welfare.

The State legislature has also contributed to the restrictive measures by enacting legislation which (1) permits boards of registrars to use 12 of their working days for clerical work only, and in even years to use up to 20 additional days in the precincts away from the courthouse. (There is no requirement that the board announce in advance which days will be so used.) (2) gerrymandered the city of Tuskegee in such a manner as to eliminate from residence in the city 400 of its 410 Negro voters. (Not a single white voter was removed from the city.)

Supplementing the foregoing, many local white citizens refuse to accept appointment to serve on the board of registrars, and the Governor and his two associates (the State appointing board) refuse to appoint qualified Negro voters to serve.

Mr. HILL. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. CLARK. Mr. President, will the Senator from Alabama withhold his request until the request of the Senator from Pennsylvania has been passed upon?

The PRESIDING OFFICER. The Chair announced that the Senator's request was agreed to.

Mr. CLARK. Then I am happy to yield to the Senator from Alabama.

Mr. HILL. I wondered if the Senator had read the testimony of the attorney general of Alabama before the Senate Committee on Rules and Administration concerning Federal registrar legislation.

Mr. CLARK. I regret that I have not.

Mr. HILL. The attorney general of Alabama, Mr. MacDonald Gallion, appearing before the Senate Committee on Rules and Administration last month—February—not too many days ago—explained that of the three members of the board of registrars at Tuskegee, which is the county seat of Macon County, Ala., one died; another one qualified a year before, or almost a year before, as the attorney general of Alabama said, and was elected to the State legislature; and the third member resigned and became a member of the board of equalization.

I may say that under the Alabama statute, a person is not eligible to hold two positions. If he is to be a member of the board of equalization, he cannot be a member of the board of registrars.

One man died; one man had qualified about a year ahead of time and was elected to the legislature; the third man became a member of the board of equalization. That is how that board became vacated.

Following the testimony given by Mr. Gallion, the attorney general of Alabama, the Governor of Alabama, the Honorable John Patterson, appeared before the Committee on Rules and Administration on February 2, 1960. On that day, he made this statement to the committee in connection with the vacancies on the board of registrars in Macon County, the county of which Tuskegee, Ala., is the county seat:

I have appointed numerous persons to fill these positions and they have declined stating that they do not feel that they should have to subject themselves to public intimidation and harassment by Federal agents. The responsibility for the breakdown of our registration machinery in these counties rests squarely at the doorstep of the Federal Government. I feel confident that we will be able to find someone to serve on these Boards soon, if we can have some assurance from the Federal Government that we will be able to carry out our duties within the framework of our laws without harassment and intimidation.

Mr. CLARK. I thank the Senator from Alabama. I am happy to have yielded to him so that he might make that statement.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield.

Mr. CARROLL. I ask unanimous consent that I may make an observation without the Senator from Pennsylvania losing the floor. May I say to both my distinguished friends from Pennsylvania and Illinois that I think it is very important that we make a record. At least we think the courts will read the RECORD.

I may say to the Senator from Pennsylvania that in the case which recently went to the Supreme Court excerpts of opinions given by Senators in this body were used in arguments before the Supreme Court.

I cannot wholeheartedly agree with my able friend from Illinois, for the reason that in 1957 we conferred a new power on a court of equity, and we conferred a new power upon the Attorney General. It is the opinion of the junior Senator from Colorado that, no matter what restrictions we write into the bill, we cannot impair that equity power. It is my hope that, if we pass a voting rights bill, a court of equity, in the appointment of a voting referee, will not permit these restrictions to stand in the way of constitutional rights of American citizens, no matter what interpretation is given on the floor of the Senate. I look upon these provisions as restrictive, and in good conscience not in keeping with our obligation to protect the right of an American to vote; and I hope a court of equity will ignore such restrictions on the ground that it would be interfering with a judicial power.

Mr. CLARK. I thank my friend for his comment. I would hope that it will not be necessary to have such a judicial interpretation of the legislative history of the bill we pass, and that that bill will contain no provision requiring a registrant to go before State officials to qualify to vote.

Mr. CARROLL. I agree wholeheartedly that we ought to strike out the restrictive provisions; but if we do not, I think there is a catch-all phrase in the bill to the effect that "this shall not impair the jurisdiction of a court of equity," and we hope we are not bound by these restrictive provisions.

Mr. CLARK. I thank the Senator; and I yield to the Senator from Illinois with the same understanding I have had.

Mr. DOUGLAS. Would not the best way of getting a court to ignore these restrictions be to eliminate them from the bill?

Mr. CARROLL. Exactly. I agree with the Senator that the best way would be to eliminate those restrictions from the bill.

Mr. DOUGLAS. Let me ask the Senator from Pennsylvania a question. If a hardy soul goes to the registration officer or officers who practiced discrimination in his case and is turned down, probably for the second time, and then goes to the referee, is it not true that he must prove not one, but two, facts?

Mr. CLARK. Is the Senator now referring to the pending proposal or to the Dirksen amendment?

Mr. DOUGLAS. To the Dirksen bill.

Mr. CLARK. Yes. I thank the Senator.

Mr. DOUGLAS. I have been directing my criticisms to the Dirksen bill and to the various drafts of the so-called McCulloch bill.

Is it not true that the applicant must prove not only, first, that he is qualified to vote at any election, but also, second, that he has been deprived of the opportunity to register to vote or otherwise to qualify to vote at any election, or has been found by State election officials to be not qualified to register or to vote at any election? In other words, he must prove not only that he is qualified, but that he has been discriminated against?

Mr. CLARK. The Senator is correct.

Mr. DOUGLAS. Is it not possible for the local election officer to say, "Why, if he had merely waited in line, if he had merely followed ordinary procedure, he would have been registered. We did not discriminate against him. We merely asked him to follow ordinary procedure."

Mr. CLARK. The Senator is quite correct.

Mr. DOUGLAS. And could not many crimes and discriminations be committed in the name of ordinary procedure?

Mr. CLARK. The Senator is surely right.

Mr. DOUGLAS. If the referee makes a finding that the person in question was both qualified to vote and had been deprived of the opportunity to be registered to vote, and issues a report stating that the person in question is qualified, does not this matter then go to the Federal district judge who originally appointed the voting referee?

Mr. CLARK. The Senator is correct. The court must review the referee's findings. To be sure, the court will probably accept the findings in most cases, unless they are clearly erroneous, but in some States this review by referees in the Federal courts could take months, particularly where there are congested court dockets.

Mr. DOUGLAS. And would not the Senator from Pennsylvania agree that even if the finding of fact by the referee were to be accepted, arguments could still be made on the question of law?

Mr. CLARK. The Senator is correct.

Mr. DOUGLAS. Would not the district court, in reviewing the finding of its special master or voting referee, necessarily have to take into consideration the arguments of law which could be made by local election officials or their judicial representatives?

Mr. CLARK. I would think that would be clear.

Mr. DOUGLAS. Would not that be a delaying process?

Mr. CLARK. I would think that would be likely to be the case. A great deal would depend upon the zeal of the local Federal district attorney, himself a resident of the district; upon the zeal of the local judge, presumably a long-time inhabitant of the area; and upon the congestion in the court docket, and a number of other factors. There could be requests from the defendants, the local officials, for delays. I would think the matter could be dragged out for a long time. I say that as a longtime practitioner in the Federal courts.

Mr. DOUGLAS. I ask my good friend whether it is not true that after the district judge made a finding and supplementary decree, an appeal could be taken from his decision to the circuit court?

Mr. CLARK. I would think it could be. That is a rather tough legal question on which I would not want to give a curbstone opinion. There is a U.S. statute which says one cannot appeal from anything other than a final decree, from the district court to the court of appeals. That statute has been interpreted in many different ways in many different actions. I would not want to give a curbstone opinion at this time, other than to say I think there is a substantial chance the appeal could be taken. Certainly there is nothing in the proposal which says that the decree shall not be subject to appeal until after the counting of the ballot.

Mr. DOUGLAS. May I further ask the Senator from Pennsylvania whether this whole process would not be subject to excessive delays, so that the final binding opinion of the Federal court in a vast proportion of the cases would occur after the election had been held?

Mr. CLARK. I am afraid that would be true. I do not think any man can say categorically that that would be the result, for I think we would have to wait and see, but I believe, as I said before, that the registrar proposal is far better. I have grave doubts as to the effectiveness of the referee process in giving speedy justice to disfranchised citizens. I ought not to get overboard on this, and I would prefer not to go any further than that in my statement.

Mr. DOUGLAS. Is it not also true that in addition to the legal and procedural delays during this period of time, the application would, in a very large proportion of the cases be subject to economic and social pressure not to go on with his application and appeal?

Mr. CLARK. I think that is true, but I must point out, in all fairness, I believe that would be equally true with regard to the registrar proposal; although, to be sure, the registrar proposal would be somewhat less involved and would permit less delay. I point out that the registrar proposal is also subject to court supervision and court appeal.

Mr. DOUGLAS. Yes, but is it not true that under the registrar proposal, or the enrollment officer proposal, there would not be the requirement that the applicant must first go to the local registrar and be turned down?

Mr. CLARK. The Senator is quite correct about that.

Mr. DOUGLAS. Under the voting registrar proposal, the applicant could go directly to the Federal registrar or enrollment officer.

Mr. CLARK. The Senator is correct. Of course, under our version of the referee proposal, he could do that, also.

Mr. DOUGLAS. I understand, but I am speaking of the administration proposal.

Mr. CLARK. The Senator is correct.

Mr. DOUGLAS. So that source of delay and intimidation under the administration's referee plan would be removed under the registrar proposal; is that true?

Mr. CLARK. The Senator is correct as to that. It would also be removed under the particular referee proposal incorporated in the pending amendment.

Mr. DOUGLAS. May I further inquire whether it is not true that in the various registrar proposals which have been advanced that while the right of

judicial review is retained the court hearings are to be held after the election?

Mr. CLARK. The Senator is correct.

Mr. DOUGLAS. In the meantime, the applicant would be privileged to vote, and his vote would be sequestered.

Mr. CLARK. The Senator is correct.

Mr. DOUGLAS. In such a situation, if later the court found the man to be disqualified, what would happen, in all probability, would be that the envelope within which the ballot of the man in question was contained could be torn up and destroyed; whereas if the man were found to be qualified the envelope could be opened and the ballot cast in a way similar to what happens in the case of absentee voters now.

Mr. CLARK. I think the Senator is quite correct.

The Senator has raised a very interesting question. I have heard it said in the course of the House debate that this kind of a provision will not work in the jurisdictions where voting machines are used. This seems to be a plausible argument at first blush, but I think we should place in the RECORD now the fact that it has no substance, because in any case where a voter is challenged when he goes to the polls, provision can be made for him to vote on a paper ballot, instead of on the machine.

It is true in a great many jurisdictions—it is true in my own, and I think in the State of the Senator from Illinois—that absentee voters can vote in that manner, and military voters can vote the same way, without coming to the polls to vote by machine. So in my judgment the question of voting by machine has no real bearing on the problem.

Mr. DOUGLAS. Mr. President, may I respectfully request that there be order in the Chamber?

The PRESIDING OFFICER (Mr. JORDAN in the chair). Let the Senate be in order.

Mr. CLARK. Mr. President, I join in that request. May the Senate suspend proceedings until it is in order? We have difficulty hearing even ourselves.

The PRESIDING OFFICER. The Senate will suspend until we have order in the Chamber.

The Senator may proceed.

Mr. DOUGLAS. Is it not true that in the revised registrar proposal there would be provided an opportunity for mass registration where mass disfranchisement exists?

Mr. CLARK. The Senator is correct. I regret to say I do not like much to use that phrase "mass registration" because, purely as a matter of semantics, it can be turned much against us. I think under the registrar proposal the citizen who had been disfranchised by reason of race or color could register as easily before a Federal registrar as any white individual who was a resident of the same voting district would be permitted to register before a State registrar, which is quite a simple process, indeed, as every Member of this body knows.

Mr. DOUGLAS. I am very glad indeed that the Senator from Pennsylvania has qualified his reply. What he has suggested was precisely the intent of the Senator from Illinois.

Mr. CLARK. I am sure it was.

Mr. DOUGLAS. Is it not true that the same standards of qualification would be applied by the Federal registrars to the Negro voters in the South or to the Mexican-American voters in the Southwest as are applied to the so-called native whites?

Mr. CLARK. That is the intention of the proposal.

Mr. DOUGLAS. In other words, the standards are not intended to be less severe but are intended to be uniform?

Mr. CLARK. The Senator is correct.

Mr. DOUGLAS. Where mass disfranchisement exists, the proposal would permit a much larger share of those who were disfranchised and who were qualified to be registered to register and vote; is that not true?

Mr. CLARK. I think that should follow, and I think it would.

I wish to point out for the record that whether it is registration of large numbers of persons or not, each individual citizen who had been denied the right to register and to vote would have to appear in person before the Federal enrollment officer; would have to give his name, his address, his age and so on; and would have to show his qualifications to vote under State law and do all other necessary things as a condition precedent to being registered. He would have to do all those things, but certainly it should not take more than a few minutes.

Mr. DOUGLAS. Is not the proposal of the administration really an attempt to cure widespread disenfranchisement by the use of a medicine dropper?

Mr. CLARK. I am not in favor of the administration proposal. I think I will confine my answer to that.

Mr. DOUGLAS. Would it not at best, in all probability, result in only an insignificant fraction of the disenfranchised voters of the South actually being registered and actually voting?

Mr. CLARK. I will say again that no one can know until we try, but my own best judgment, for whatever it is worth, is that it is a pretty ineffective procedure. I think there is a high degree of possibility that it would not result in very many disfranchised citizens being given the right to register and vote. No one can tell until we try. I hope we shall have a more effective procedure, so that we shall not have to try the administration proposal.

Mr. DOUGLAS. Would it not be true that a Federal registrar or voting officer at the polls, stripped of the delay and legal obfuscations, would permit a much larger number of qualified voters to be registered?

Mr. CLARK. I feel confident that it would, and that is why I support the registrar proposal.

Mr. DOUGLAS. Therefore it is without question the more effective remedy for the evil which the President's Commission on Civil Rights showed to exist.

Mr. CLARK. That is my best judgment, for whatever it may be worth.

Mr. DOUGLAS. I know the Senator from Pennsylvania does not like to ascribe motives, but can he offer any explanation as to why the administration should reject the proposal of its own Civil Rights Commission, which, as the Senator from Colorado pointed out, had been appointed by the President, and turn instead to the ineffective, delaying, and intimidating process of the voting referee?

Mr. CLARK. This has puzzled me, even in an election year.

Mr. DOUGLAS. Does the Senator from Pennsylvania think it is a good practice to sell something to the country on the pretense that it is an effective remedy when it is not an effective remedy?

Mr. CLARK. This is what concerns me very much: These things are difficult to analyze. It is hard to get to the bottom of them. They are difficult even for trained lawyers skilled in the field. I must say that I have no special competence in this particular field, but I think the more one analyze these proposals, the more one studies how to bring about an effective remedy to meet a revealed and clear evil, the more one is puzzled as to why the Attorney General chose this particular remedy, which seems, on analysis, to be so ineffective, and why he rejected the registrar remedy, which seems, on analysis, to be not only so much simpler, so much more effective, but so much more in accord with American practice.

Mr. DOUGLAS. Is it not true that in the various attempts which have been made, off the floor, to get the administration to agree to an effective bill, the Attorney General has stubbornly and persistently refused to eliminate the requirement that the applicant must, as a condition prior to having his case considered by a voting referee, present himself to the local voting registrar? Has not the administration taken the position that, at all costs, this provision must be retained, and that it will throw its strength against any measure which eliminates this requirement?

Mr. CLARK. My friend so advises me. I have not been in touch with the administration.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield to the distinguished Senator from Colorado.

Mr. CARROLL. This is a very important point. Again I ask unanimous consent to make an observation without the Senator from Pennsylvania losing the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARROLL. This is very important. This is why I say to my able and distinguished friend from Illinois that we must make the record.

Some day, in the months ahead, I am sure that a Federal judge, sitting as a court of equity, will look into the record. I hope he can follow this viewpoint. No matter what concessions the administration makes now with respect to these restrictive provisions, if a court of equity once finds a practice and pattern of discrimination which is widespread, and

under which the prospective voter is compelled to go back and try again, the court will take action. There is an old saying in law that the law does not require a futile gesture. I believe that a court of equity could say that the pattern is so widespread and the discrimination is so deep that it is not necessary for the prospective voter to go back and try again. The court would say to the voting referee, "First, determine whether or not the person is qualified to vote; and, second, follow the State practice. It is not necessary that the person should have been rejected recently, or since the court order."

Why do I say that? Let me cite an old, familiar example. Circumstances may have changed. Assume a case in a certain county where there are 40,000 people, 26,000 whites and 14,000 Negroes; and assume that for 30 years not a single Negro has been permitted to register.

Mr. CLARK. Or to vote.

Mr. CARROLL. Of course they could not vote if they could not register. Assume that in 30 years, not one has been permitted to register. Assume that the Attorney General brings suit. The pattern and practice is so widespread that, by simple logic the court would say, "Are those people, who have never in 30 years, a generation, been permitted to register or to vote, to be compelled to apply for registration and be denied?"

In my opinion the court of equity would say to the voting referee, "Register them."

Some of my friends are very strong for the Federal registrar proposal. I disagree with them on certain points, although I believe in that proposal. There would have to be a judicial ascertainment of the voting standards in the particular State. I believe the independent voter would have to conform to the two provisions to which reference has been made. That is why I believe it is important to make the record. I hope some day a Federal judge or the Supreme Court may read it. I believe that a court of equity would have great power if there were widespread discrimination.

Mr. DOUGLAS. Mr. President, let me ask the Senator the same question I asked before. Instead of trusting merely to the sense of equity of a Federal judge, would it not be better to eliminate this constraining provision from the statute, so that the judge would not be tempted to turn to the statute rather than to the broader principles of equity?

Mr. CARROLL. Will the Senator from Pennsylvania permit me to respond?

Mr. CLARK. I yield for that purpose.

Mr. CARROLL. I say, eliminate it; and if we cannot do so, let us modify it, or state in clear and simple language that the court may take certain action if he believes that any requirement is useless. In other words, he may abandon the concept that the prospective voter must have applied for registration and been rejected since the court order.

I do not know why the Attorney General and the House are accepting this provision. I repeat for the record that I do not believe a court of equity would be bound by it. I hope that if the court finds widespread discrimination it will ignore this provision, because I think it is an invasion of a judicial function.

Mr. CLARK. With all deference to my friend from Colorado, with whom I find myself completely in accord on most of these questions, let me state that I would find it very difficult indeed to conclude, as a lawyer, that the general principles of equity would permit a court to ignore a specific statutory provision such as that in the administration proposal pending in the House, that, as a part of the qualifications to vote, which are listed, the prospective voter must show positively that since the finding by the court of a pattern of discrimination he has again been deprived of or denied the right to register and vote by State officials. This may be an argument between lawyers, but I would have a little difficulty going along on this point with my friend, to whom I am happy to yield.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. CARROLL. There is another provision in the administration bill which in essence provides—I believe I am right in this, although I do not have the bill before me—"No provision in this bill is designed to impair the powers of a court of equity." I look upon this as legislative advice. This is not mandatory upon the court. This is legislative advice to the court. I want to make this record because I believe it is very important to do so. I believe the provision is much stronger. We recognize the powers of the court of equity, and we are not attempting to mitigate those powers. I hope this is not merely a discussion by lawyers. If the Senator from Pennsylvania has before him that provision, I think it would be well to read it into the RECORD.

Mr. CLARK. I applaud the Senator for his suggestion, and I hope that what he has said may be effective in determining legislative history, in the unhappy event that the administration proposal becomes law. The clause my friend has in mind reads:

> Applications pursuant to this subsection—

This has to do with the referee—

> shall be determined expeditiously. In the case of any application filed twenty or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally. In the case of an application filed within twenty days prior to an election, the court, in its discretion, may make such an order. In either case, the order shall make appropriate provision for the impounding of the applicant's ballot pending determination of the application.

So far, this only has to do with orders permitting provisional voting, but I continue to read:

> The court may take any other action, and may authorize such referee or such other person as it may designate to take any other action, appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees. This subsection shall in no way be construed as a limitation upon the existing powers of the court.

My friend makes a good case out of that, but in spite of his effort to make legislative history, I could not, as a lawyer, help but say that while I hope he is right, I am afraid he is not.

Mr. CARROLL. It is necessary to look at the whole history of the act.

Mr. CLARK. The Senator is correct.

Mr. CARROLL. It is now 57 years—I think it was in 1903—since Oliver Wendell Holmes in Giles against Harris resisted the concept that a court of equity should get into the political field. Whatever the concept was, we changed it in 1957. We have conferred upon the court of equity a new power, by congressional mandate.

I suppose it might be argued that we have to place a limitation on how it shall be done. However, we are dealing with a court of equity. We would say to the court that if it is going to assume this great power, if it is going to assume this great responsibility—and we have given the court the necessary machinery under the voting referee portion—we must get out of the way of the court and let it do its work.

Of course, certain minimal standards must be set up, but we cannot hedge in the great powers of the court of equity. It is my hope, therefore, that a judge, who knows the facts and who knows what is going on, when he sees widespread discrimination would not let 10,000, or 5,000, or 3,000 people go to a registrar, and let them stand in line, never to be recognized. Is he going to do that, or is he going to say to the voting referees, "Follow my findings and register these people"? He is bound, of course, by certain statutory provisions such as that the people are qualified to vote under State law.

This is my hope. This is what we are trying to do by following the referee plan.

Mr. CLARK. I hope the Senator is correct.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. DOUGLAS. Does my good friend from Pennsylvania recall, in the light of what our friend from Colorado has said, Oliver Goldsmith's lines:

> To the last moment of his breath
> On hope the wretch lies;
> And e'en the pang preceding death
> Bids expectation rise.

Mr. CLARK. I was thinking of some other lines by Oliver Goldsmith, which I think are also applicable to our friend from Colorado:

> And still they gaz'd, and still the wonder grew,
> That one small head could carry all he knew.

Mr. CARROLL. The Senator from Pennsylvania and the Senator from Illinois should have hope, because hope deferred maketh the heart sick. The Senators must have great hope. Let me, for a moment, be the devil's advocate for the Attorney General. Why did not the Attorney General follow the Civil

Rights Commission recommendation? This administration was frightened after what happened at Little Rock. When the Civil Rights Commission came up last September with the Federal registrar concept, and began to consider all the marching and all the flashing of bayonets, they did what they did the year before. They retreated from the 1958 fight. They then came up with the voting referee proposal. I am not opposed to the proposal. I shall vote for it. I think it is a step in the right direction. That is why I am making the record of what I believe to be the case. It is only 2 weeks or so since the Supreme Court has spoken. This is a wonderful achievement in American history, that we have been able to get this much on the books since 1957. I am not going to throw out the window all the progress we have made just because I cannot get all I want. I know that my friends feel the same way. It is not as strong as I would like it to be. However, it is a very difficult and tough field. It is not that I am soft on this issue. I am very toughminded on this subject. I can see, however, based on my lengthy experience, what we are confronted with. I commend the Senators for blazing a trail. Some day we will achieve this thing. We will achieve it some day in the future. Let us be filled with hope, therefore, and continue the fight.

Mr. CLARK. I thank my friend.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. DOUGLAS. I should like to ask the Senator this question. We have said that in our judgment the judicial process of referees, with all the delays which are involved and all the pressures to which an applicant would be subjected, would result in a relatively insignificant number of persons being qualified.

Mr. CLARK. That is what we fear.

Mr. DOUGLAS. If this were not true, and if a significant number were qualified to vote and so declared, would not the courts be swamped with work?

Mr. CLARK. I am very much afraid that that would be the case.

Mr. DOUGLAS. In other words, is not the judicial process one which can only operate effectively as a matter of fact for a relatively insignificant fraction of those who are now disfranchised who will be able to take ultimate advantage of this process?

Mr. CLARK. That has certainly been my experience as a practitioner in the Federal courts.

Mr. DOUGLAS. Does it not follow, therefore, that this method is grossly defective on virtually all counts?

Mr. CLARK. Let me say to my friend that I do not want to be pushed too far on this. I believe the registrar proposal is infinitely better, but we have included the referee proposal in the pending amendment. I am not ready to sell that proposal down the river. I do agree that in my judgment it is not as effective an instrument for realizing the registration and voting rights of disfranchised citizens as the registrar or enrollment officer process.

Mr. DOUGLAS. Let me say to my friend from Pennsylvania that he should realize that in the criticisms which I have been making of the referee proposal I have been referring to the administration proposal.

Mr. CLARK. I know the Senator has, but some of his comments would be equally applicable to the pending referee proposal, I fear, such as delays in the Federal courts.

Mr. DOUGLAS. Does the Senator remember the statement of Stephen Leacock, when he said:

> My friend the professor says that a knowledge of the classics has made him what he is. This is a very grave charge, if true.

If the proposals of the Senator from Pennsylvania are subject in some degree to the criticisms which I have been advancing, has not the Senator from Pennsylvania leveled a very grave charge against his own bill?

Mr. CLARK. I suppose the answer is: Look out for the lawyers. They are difficult people. I try to be moderate; I do not always succeed.

Mr. DOUGLAS. Are not many crimes committed in the name of moderation?

Mr. CLARK. I have no doubt about that.

Mr. DOUGLAS. Could not one paraphrase Madam Roland, and say, "Oh, moderation, moderation. What crimes are committed in thy name"?

Mr. CLARK. The Senator from Illinois is quite correct.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. CLARK. I yield to the Senator from Colorado.

Mr. CARROLL. Again, making a legislative record, which I hope some day will be read, I have been led to believe by able lawyers that some persons have asked the question: Why is a bill needed at all, if power has been given to the Attorney General to go into the Federal courts?

I said a little earlier that we now have courts of equity. Since we are now moving into the field of voting rights, why do we need a bill? I do not think this question has ever been put before the Senate at all. I do not believe it has been answered. I will attempt to answer it. I hope the courts will pay attention to what I say, and find with it.

It is most important that we understand why we need further legislation to guarantee the right to vote. I cannot emphasize enough how vital it is that the Congress and the courts know exactly why we need to reinforce our 1957 action with further legislative strengthening. What would happen if we left the law as it is today and walked away from it?

I have been informed by the best lawyers that a court of equity would have to try the cases individually. The essential element in the civil rights proposals before us is a court finding of a pattern and a practice of discrimination. By such an umbrella finding, a voting referee can move into a much wider area and will not have to have a finding on each single individual in an adversary proceeding. So I agree with the Senator from Illinois [Mr. DOUGLAS] that there will be many complications.

In the years ahead—it will not be before the next election—there will be findings by the courts. It will take some years to achieve a sound measure of progress in this field; make no mistake about it. We have all been disappointed by what has happened since 1957. The Attorney General has filed only four suits; but at least there have been two Supreme Court decisions.

Therefore, I agree with the Senator from Pennsylvania: We would like to move into the field of Federal registrars—and I will vote for them, and I should like to see such a provision sustained. Nevertheless, if the registrar proposal fails I cannot walk away and do nothing, if my legal information is correct. I have a pretty good lawyer advising me—not myself, because one who has himself for a lawyer has a fool for a client. What I have said is the position of some very able attorneys. I think we must prepare to strengthen, as much as possible, the referee proposal.

Mr. CLARK. The Senator from Colorado has made a very full and complete record.

Mr. President, earlier today I advised the Chair and the Senate that if any other Senator desired to offer as an amendment to section 3 of the pending bill a section which dealt only with registrars or enrollment officers, instead of with both referees and registrars, I would be prepared to withdraw my amendment in order that that amendment might first be disposed of.

I desire to address a parliamentary inquiry: Am I at liberty at present to withdraw my amendment?

The PRESIDING OFFICER. The Senator is at liberty to withdraw his amendment.

Mr. CLARK. Mr. President, I ask unanimous consent that I may yield to the Senator from Illinois [Mr. DOUGLAS], who has advised me that he desires to offer a straight registrar proposal, in order that he may be permitted to offer his amendment.

The PRESIDING OFFICER. Does the Senator from Pennsylvania first withdraw his amendment?

Mr. CLARK. I wish to see, first, if I am permitted to yield to the Senator from Illinois. If I am, I will then withdraw my amendment.

Mr. HILL. Mr. President, reserving the right to object, this is very irregular procedure. Since the Senate has taken no action on the amendment of the Senator from Pennsylvania, the yeas and nays have not been ordered, and it has not been amended in any way, and no action has been taken on it, the Senator has the right to withdraw his amendment. Then, after he has withdrawn his amendment, a Senator who has an amendment he wishes to offer has a right to address the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. CLARK. Mr. President, I withdraw my request.

Mr. HOLLAND. We were not going to interfere.

Mr. CLARK. Let me say to the Senator from Alabama and the Senator from Florida that I recognize the friendly manner in which we are proceeding.

Mr. President, I now withdraw my amendment.

I shall now yield the floor; and I hope the Senator from Illinois will be recognized.

Mr. DOUGLAS. Mr. President, I now send to the desk and submit, in behalf of the Senator from New York [Mr. JAVITS] and myself, an amendment in the nature of a substitute for section 3 of the pending Dirksen substitute, which, as I understand, is also the pending business. I may say that this amendment in the nature of a substitute retains the existing features of the third section of the Dirksen substitute proposal, but adds to it a provision for Federal registrars, applied to both Federal and State elections.

Therefore, I send the amendment to the desk, and ask that it be considered as the pending amendment, and also be treated as having been read.

The PRESIDING OFFICER (Mr. MCGEE in the chair). Is there objection?

Mr. HILL. Mr. President, reserving the right to object, let me say that I believe the amendment should be read, so we may know what it provides, particularly if the Senator from Illinois wishes to have it be the pending question.

The PRESIDING OFFICER. The amendment will be read.

The amendment submitted by Mr. DOUGLAS, on behalf of himself and Mr. JAVITS, was read, as follows:

Beginning on page 4, line 1, strike out section 3 and insert in lieu thereof the following:

"SEC. 3. (a) The Congress finds that substantial numbers of citizens of the United States qualified to vote under State registration and election laws are being deprived of that right, by being denied the right to register to vote, to vote, and to have their vote counted on account of their race or color. It further finds that the unequal application of qualifications to vote by some State and local officials, the failure of such officials to give adequate and reasonable opportunity to certain citizens to register, and the inadequacy of present law to deal with this situation, requires that the Congress implement its constitutional authority over the time, place, and manner of holding Federal elections and with respect to the enforcement of the provisions of the fourteenth and fifteenth amendments to the Constitution, to the extent necessary to overcome interference with such rights. It further finds that such denials of rights of citizens of the United States require the enactment of the provisions of this section, including the delegation by the Congress to the President of the United States of the powers granted herein, in order to effectuate the constitutional rights of all citizens.

"APPOINTMENT OF TEMPORARY FEDERAL REGISTRARS BY THE PRESIDENT

"(b)(1) Any individual who—

"(A) believes that he is qualified, under the laws of the State in which he lives, to vote in elections held in such State; and

"(B) believes that citizens are being denied such right in the county in which he lives on account of their race or color, may file a petition with the President of the United States, petitioning him to appoint a temporary Federal registrar for such county. Such petitions shall be filed in such form and manner as the President may by regulation prescribe.

"(2)(A) Whenever there shall, within a period of not more than one year, have been filed with the President a petition or petitions under paragraph (1) from not less than fifty individuals from the same county, and the President believes, after such investigation as he may deem appropriate and necessary, that citizens in such county are being denied the right to register to vote, to vote, or to have their vote counted in elections on account of their race or color, in violation of the provisions of the fifteenth amendment and other provisions of the Constitution the President may issue an Executive order designating from among Federal officials or employees living in or near such county, but within the same State, an individual to serve as a temporary Federal registrar for such county, for persons of the class believed by the President to be denied the right to register to vote, to vote, and to have their vote counted on account of race or color.

"(B) The President may, if in his judgment such action appears justified and suitable, delay the appointment of such Federal registrar, in order to permit prompt and continuous good faith efforts by State and local officials to terminate in such county deprivation of the right to register and to vote on account of race or color.

"(C) Any such Federal registrar shall serve until such time as the President determines that citizens living within the county for which such Federal registrar was appointed are no longer being denied the right to register to vote, to vote, or to have their vote counted on account of race or color, and that such denial will not be resumed if the Federal registrar ceases to serve.

"(D) In conducting any investigation under the provisions of this section, the President may designate the Commission on Civil Rights, the Department of Justice, or such other department or agency as he may deem appropriate to make available to him such facts as he finds necessary for his determination.

"(3) The Federal registrar for any county shall accept applications for voting registrations from all individuals of the class designated by the President residing within such county and shall register all such individuals whom he finds to have the qualifications requisite, under the laws of the State wherein such county is situated, who shall be registered by him as being qualified to vote in Federal elections held in such county, for such period as would be applicable if such applicant had been registered or otherwise qualified under State law. The Federal registrar shall, from time to time, certify to the appropriate election officials of such State and of such county and of any election district within it, the names of all applicants registered by him and the fact that such applicants have been so registered. The Federal registrar shall also issue to each person so registered a certificate, the form of which shall be prescribed by the President in the Executive order designating the Federal registrar, identifying the holder as a person qualified and entitled, pursuant to this section to vote at any such election.

"(4) Any person denied registration by a Federal registrar designated for the county in which he lives, and any person having standing under State law to challenge the determination of State registration or election officials that another person is qualified to vote, may challenge such determination by the Federal registrar by filing suit in the United States district court for the district in which the county is located, against such Federal registrar, and, where the qualification of a voter registered by the Federal registrar is challenged, against such voter. In any such suit, the determination of the Federal registrar with respect to such registration shall not be stayed pending the final decision of the district court, and any such decision, and appropriate appeals therefrom, shall be determined by the courts in the most expeditious manner, giving due consideration to the time of the next ensuing election. The procedure set forth in this subsection shall be the exclusive method for challenging the qualifications of a person to whom a certificate has been issued by a Federal registrar.

"(5) Any individual who is registered under subsection (b) of this section by a Federal registrar to vote in elections shall have the right to cast his vote and have such vote counted in any election, and any election official or other person who willfully denies him such right or who willfully interferes by threats or force, or otherwise willfully prevents, obstructs, impedes or who willfully endeavors to prevent, obstruct, impede, or interfere with such right, shall be fined not more than $1,000 or imprisoned not longer than six months, or both.

"(6) The provisions of subsection (b) of this section shall be enforcible by appropriate civil and equitable proceedings instituted in the district court of the United States within the jurisdiction of which such county is located, by the Attorney General of the United States for and in the name of the United States, or by any individual whose rights under subsection (b) of this section shall have been denied or interfered with, and the court may grant such permanent or temporary injunction, restraining order or other order as it may deem appropriate. Any proceeding brought under the provisions of this section shall be subject to the provisions of part V of the Civil Rights Act of 1957.

"(7) When used in subsections (a) and (b) of this section, the word 'vote' includes all action necessary to make a vote effective including, but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election; the words 'qualifications requisite, under the laws of the State' shall mean qualifications required according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have under color of law or by State action deprived any person or persons on account of race or color of the right to register or vote at any election in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist; the word 'election' means any general or special election held in any State solely or partially for the purpose of electing any candidate to Federal, State, or local public office, and any primary election held in any State solely or partially for the purpose of selecting any candidate for election to any Federal, State, or local public office; the word "county' means a county, parish, or similar political subdivision of a State, irrespective of whether it consists of one or more election or registration districts which are, under State law, authorized to provide for the registration or qualification of voters living within such county, parish, or similar political subdivision; and the word 'State' includes any possession or territorial subdivision of the United States which is authorized, by a law of the United States, to elect a Delegate to, or Commissioner in, the House of Representatives.

"(8) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this subsection (b) of this section.

"(9) No injunctive or other civil relief under the provisions of this section shall be denied on the grounds that the acts complained of are a crime, nor shall the provisions of this section be deemed to repeal or

amend any other provisions of law providing for alternative relief or penalties under such circumstances.

"RETENTION AND PRODUCTION OF VOTING RECORDS

"(c) (1) Every officer of election shall retain and preserve, for a period of three years from the date of any general, special, or primary election at which candidates for the office of President, Vice President, presidential elector, Member of the Senate or Member of the House of Representatives are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that if a State designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(2) Any person, whether or not an officer of election or custodian, who willfully steals, destroys, conceals, mutilates, or alters any record or paper required by paragraph (1) to be retained and preserved shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"(3) Any record or paper required by paragraph (1) to be retained and preserved shall, upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying by the Attorney General or his representative.

"(4) Any record or paper demanded pursuant to paragraph (3) shall be produced for inspection, reproduction, and copying at the principal office of the person upon whom such demand is made or at an office of the United States attorney in the district in which such records or papers are located.

"(5) Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employees of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to this subsection, or any reproduction or copy, except as is necessary in the performance of his official duties, including presentation of any case or proceeding before any court or grand jury.

"(6) The United States district court for the district in which a demand is made pursuant to paragraph (3), or in which a record or paper so demanded is located, shall have jurisdiction by appropriate process to compel the production of such record or paper.

"(7) As used in this subsection, the term 'officer of election' means any person who, under color of any Federal, State, or local law, statute, ordinance, regulation, authority, custom, or usage, performs or is authorized to perform any function, duty, or task in connection with any application, registration, payment of poll tax, or other act requisite to voting in any general, special, or primary election at which candidates for the office of President, Vice President, presidential elector, Member of the Senate or Member of the House of Representatives are voted for."

PROMOTION OF EXPORT TRADE—LIBERALIZATION OF IMMIGRATION LAWS—MESSAGES FROM THE PRESIDENT

Mr. MANSFIELD. Mr. President, the President of the United States has today transmitted to the Senate two messages—one dealing with the matter of increased exports, and the other with the liberalization of the immigration laws.

These messages, I am informed, have been read in the House. I therefore ask unanimous consent that they be printed in the RECORD, without having been read, and be referred to the appropriate committees.

The PRESIDING OFFICER (Mr. McGEE in the chair) laid before the Senate a message from the President of the United States, which was referred to the Committee on Interstate and Foreign Commerce.

(For text of the President's message see House proceedings for today.)

The PRESIDING OFFICER laid before the Senate a message from the President of the United States, which was referred to the Committee on the Judiciary.

(For text of the President's message see House proceedings for today.)

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, would the Senator from Illinois like to utilize the time during which he is entitled to the floor?

Mr. DOUGLAS. Mr. President, has the reading of the amendment been concluded?

The PRESIDING OFFICER. The amendment has been read.

Mr. DOUGLAS. I yield the floor.

Mr. JAVITS. Mr. President, I shall detain the Senate for but a short time, but I have three matters I should like to deal with.

First, I should like to submit a resolution with respect to U.S. export credit guarantees. Second, I should like to make some brief observations on the message on immigration which the President sent to Congress today. Lastly, I should like to make some observations on the pending amendment.

PROGRAM OF U.S. EXPORT CREDIT GUARANTEES BY EXPORT-IMPORT BANK OF WASHINGTON

Mr. JAVITS. Mr. President, I submit, and ask unanimous consent, since it is being done outside the morning hour, that it may be received and appropriately referred, a resolution on behalf of myself and my colleague, the junior Senator from New York [Mr. KEATING] to declare the support of the Congress for a new program of export credit guarantees to be carried out by the Export-Import Bank of Washington, in line with the administration's emphasis on the need to expand the U.S. export trade.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The resolution (S. Res. 293) was referred to the Committee on Banking and Currency, as follows:

Whereas the United States is the world's largest single exporter with a more than 17 per centum share of total world exports during the past decade, and United States exports form an important part of the resources available to the nations of the free world and make possible United States overseas private investment and economic aid programs vital to the strengthening of free institutions in the developing areas of the free world; and

Whereas the losses during the past two years in the world market share of United States manufactured goods are responsible for a large part of the increased United States balance of payments deficit which should be dealt with if this Nation is to continue in its role of free world leadership; and

Whereas the impact of production for foreign markets on domestic economic activity and its influence on stabilizing employment and production in various industries has become an increasingly important factor during the past two years; and

Whereas the Export-Import Bank of Washington during the past 25 years has stimulated the foreign trade program of the United States with some $10,000,000,000 in credits which have been and are being repaid; and

Whereas a large-scale program of United States export development is being launched by our Government, including among its most important elements the provision of improved export credit guaranty facilities by the Export-Import Bank, which will for the first time extend such guaranties to short-term credits; and

Whereas the Export-Import Bank is authorized by the Congress to "guarantee notes, drafts, checks, bills of exchange, acceptances, including bankers' acceptances, cable transfer and other evidence of indebtedness" which constitute the exchange media used in foreign trade; and

Whereas a program of export guaranties authorized by the Congress and now called for by the President to be undertaken by the Export-Import Bank is a vital supplement to the important activities in this field undertaken by the United States banks; and

Whereas the other major exporting nations of the free world for up to forty years have supported their foreign trade programs by means of government export credit guaranties, so that now between 5 per centum and 15 per centum of their exports are insured by their governments against commercial and political risks; and

Whereas United States businessmen are now in the keenest competition with producers assisted in this manner by friendly foreign governments: Now, therefore, be it

Resolved, That it is the sense of the Senate that a program of export credit guaranties carried out by the Export-Import Bank of Washington is deserving of the full support of the Congress; and be it further resolved that the Export-Import Bank should in its semiannual reports, required by Act of Congress, include an evaluation of the effectiveness of that export credit guaranty program to be pursued by the United States compared with similar programs pursued by the other major exporting nations of the world.

Mr. JAVITS. The President today sent Congress a message emphasizing the urgent need for expanding the exports of the United States. There also was issued an announcement by the Export-Import Bank of Washington, under the hand of its president, a very distinguished American, Samuel C. Waugh, of a new program of guarantees for short-term export credits, those of 6 months and less, and the giving of political risk guarantees, inaugurating a new program which the Export-Import Bank of Washington had not theretofore carried on.

For some time I have been studying the question of how to increase American exports, as this need is absolutely

dictated for us by considerations of national interest and national security, and even more urgently by the imbalance of our international payments, which is a very serious aspect of our present economic condition.

The United States has been behind the world parade in respect of export credit guarantees, for practically every leading industrial nation in the world has a program for export credit guarantees, and the United States did not, in a major way, until today, when the program is being effectively inaugurated.

Therefore, the resolution which I send to the desk for my distinguished colleague and myself—and I call this to the attention of the Senate because it is not merely a sense resolution favoring the program—calls for the evaluation of the effectiveness of the export credit guarantee program to be pursued by the United States compared with similar programs pursued by the other major exporting nations of the world.

This is very important, because it is a terrific race in which we have two factors to consider, first, our competition with other export nations; and, second, our economic position in the world, and the way that economic position is buttressed by our exports.

The continuance of U.S. economic leadership in the world today is directly related to our role as the globe's biggest single exporter during the last decade, when we were responsible for over 17 percent of total world exports. Then, in 1959, we incurred a deficit in the balance of our international payments of $3.8 billion, which prompted the President to stress in his state of the Union message that "continuing deficits of anything like this magnitude would, over time, impair our own economic growth and check the forward progress of the free world. We must meet this situation by promoting a rising volume of exports and world trade."

Right now, U.S. private oversea investment and the U.S. economic aid program represent the single largest source of development capital available in the free world, and particularly to the newly developing nations, where free political and economic institutions are just starting to take root. A prolonged slump in the U.S. export trade would seriously diminish these resources, which currently strengthen freedom and resistance to the Communist bloc's economic offensive in Latin America, Africa, the Middle East, and south and southeast Asia.

It is with these realities in mind that this resolution is being introduced to help stimulate a resurgence of U.S. export trade in the face of the mounting foreign competition in world markets. One of the most obvious and most necessary first steps in this effort is a broad program of guarantees of export credits. The United States would at last be adopting a policy which has been in practice for up to 40 years in some countries, and which has proved very profitable to many businesses in the nations of Western Europe which have scored major export trade gains in recent years.

In 1958, the share of the world market which had previously been held by U.S. manufactured goods began to shrink. An estimated $500 million worth of U.S. manufactures which we expected to sell overseas found no buyers abroad. If that trend also held true last year, then our total sales in this category for 1958 and 1959 fell almost $1 billion below expectations as based on our sales of manufactured items from 1954–56.

Meanwhile, export credit guarantee programs were already in operation in some 18 foreign countries, including the United Kingdom, Germany, other major European nations, Canada, Japan, Australia, India, Israel, and South Africa. Between 1957 and 1958, while our exports declined some 15 percent, several of these countries increased their share of world markets. In the first half of 1959, most of these countries registered a remarkable export increase, in complete contradiction of the U.S. export trend for the same months.

Most of the nations that are our strongest foreign-trade competitors have comprehensive guarantee programs, covering both commercial and political risks, where the exporter obtains from his government insurance or guarantee and then takes his insured credit to a private bank for financing. Between 5 and 15 percent of these countries' exports are insured by their own governments, with the result that foreign businessmen have profited as billions of dollars in foreign goods have been sold abroad as a direct result of government programs of short-term export credit guarantees covering political, and in some cases commercial, risks which could not have been obtained by a U.S. businessman in most cases. We can also draw on the experience of other government guarantee programs and predict that the very existence of such a system now put into an operational basis by the Export-Import Bank would encourage U.S. banks and companies which now have limited or no experience in export to get into this area if such guarantees were offered.

The designation of the Export-Import Bank, a federally chartered lending institution with $2 billion of its $7 billion authority currently available, to perform this function is a natural choice. During its 25 years in existence, the bank has extended some $10 billion in credits to spur U.S. foreign trade, and it is already authorized by the Congress to guarantee notes, drafts, checks, bills of exchange, acceptances, including bankers' acceptances, cable transfers, and other evidences of indebtedness which represent the exchange media for foreign trade. Eventually, should export credit guarantees be available in the United States on a scale comparable to other plans, it is conceivable that the sale of anywhere from $800 million to $2 billion in U.S. goods abroad could be expedited annually.

Contrary to what is generally supposed, the Export-Import Bank is not now extending any export credit guarantees, although it technically has the authority to do so. As competition in world markets becomes still keener, the drive for U.S. export expansion will encompass efforts to raise productivity, to keep our goods at competitive prices, and to develop new products while helping open up new markets in underdeveloped areas. But the Congress should not overlook the development of anything as basic as an export credit guarantee program—it is an international trade technique which has played a most significant part in the 70-percent increase since 1950 in total world export trade of $100 billion annually today.

Mr. President, I should like to make a few remarks in conclusion, and then I shall yield to my colleague from New York on this subject.

Mr. President, we are going to hear a great deal about foreign economic policy in the coming campaign. It is my belief this will be one of the major issues, since it involves exports and imports, and since a lot of the industries in our country complain about the impact of imports.

This involves the consumers, for imports affect consumers and have a tendency to give consumers greater supplies at competitive prices, by having an impact upon domestic prices.

This also affects export trade, which involves millions of people who are employed in various industries.

This involves our economic aid program which is heavily contributed to. Private industry carries some of that burden.

This involves our whole political effort in the world, because it deals with the viability and prosperity of a tremendous number of Nations, many of which are less developed and require an acceptable rate of development if they are to remain in the roll of the free nations.

Mr. President, I hope, because of this resolution, which I hope will have early consideration by the committee to which it is referred, and as a result of the impending hearings of the Senate Committee on Interstate and Foreign Commerce, which committee is going into this subject in a rather comprehensive way, first, that the American people will be alerted to what is going on in our country and in the world on this subject; and, second, that we shall move out in a very vigorous way with great initiative, especially employing the tool of credit, in order to materially expand our export trade and therefore to materially expand the amount of help we will give to the rest of the world.

Mr. President, I now yield to my colleague.

Mr. KEATING. Mr. President, I am very pleased to join as a cosponsor of the resolution offered by my distinguished senior colleague from New York. I sincerely hope the resolution will prove to be a positive and forward step in increasing American trade with the nations of the world.

It is very timely for the resolution to be offered today, since we have received this splendid message from the President, in which the President sets forth the efforts which are being made to expand our foreign trade. While, as the President says, most of the proposals can be taken without congressional action, there may be an area in which it may be necessary—in my judgment, there is an area in which it will be necessary—for

Congress to act. Certainly the resolution which my colleague and I are offering is one which is in complete conformity with the recommendations made by the President.

I am extremely interested, Mr. President, in every possible approach to our Nation's balance-of-payments deficit which is specifically referred to and discussed in the second clause of the resolution, and which of course has actuated the President to send us this message. I have on a number of occasions commented on the need for additional export credit guarantees as a means of increasing exports and in this way serving to alleviate our present balance-of-payments deficit. As is well known, the balance-of-payments deficit has become increasingly more serious in recent months.

I wish to commend my distinguished colleague from New York for the leadership which he was undertaken in this field toward strengthening and expanding the credit guarantees available to American exporters. There is no question in my mind that improved credit facilities will serve to stimulate our trade and the purchase of U.S. goods overseas. I am grateful to my colleague for yielding to me in order that I might add these few words to those which he has spoken on this subject.

Mr. JAVITS. Mr. President, I thank my colleague for his very gracious comments. I am hopeful that our joint interest in this field may continue with profit to the country and for the benefit of the best kind of work on the part of the Senate.

Mr. President, I desire to speak on another subject.

The PRESIDING OFFICER. The Senator from New York has the floor.

U.S. IMMIGRATION POLICY

Mr. JAVITS. Mr. President, I wish to say a word about the immigration message which the President sent to the Congress today.

Mr. President, for some reason or other, it is extremely difficult to get any action on immigration in the Congress. The most we have been able to get are some palliative measures to meet the most urgent requirements as they affect refugees and escapees.

The President has constantly tried, and many of us in the Congress have constantly tried, to get something done. The progress, I must say, has been very slow, except when it came to passing measures like the so-called McCarran-Walter bill, which very considerably restricted the opportunities for immigration, and which, in my opinion, carried out other very unjust aspects of the law as they affected immigration.

Mr. President, I think the fundamental difference between us and the Communists is that we want an open world in which people can move from place to place, in order to give the greatest opportunities in life and in order to have the liberty of the world. The Communists want a society in which people cannot move. The Communists want a world which is restricted within compartments, controlled by the state. We want a world in which movement is easily possible.

From the larger point of view of our struggle with the Communists, the plight of the escapees and refugees is tremendously important. Unless the United States takes the lead, as has been shown in regard to various statutes passed in recent years, it will be impossible to unlock the door for refugees. We still have a hard core of refugees and escapees from behind the Iron Curtain in Europe, and many of them are in camps. We still have tremendous refugee problems, no matter where one looks in the world.

There is a high commissioner for refugees working under the United Nations. We have an Intergovernmental Committee for Refugees in which Members of Congress, I think including my colleague from New York, have taken a very active part. There are also other measures which relate to this question, which come under our own State Department.

Mr. President, in my opinion, the highest kind of governmental policy is involved. I believe that we mark ourselves as a nation which has not yet fully grasped the significance of our role in the world when we allow other small countries—for example, like Venezuela—to show a record very much better than our own in respect to the resettlement of refugees and escapees. That is true not only with respect to Venezuela but also with respect to a dozen other countries, which have shown a better proportionate approach to this problem. Australia immediately comes to mind, as do other countries.

Mr. President, with the backing of the administration we now have had an eminently reasonable and moderate program presented to the Congress. I understand that the minority leader will, on tomorrow, introduce proposed legislation which a number of us, including my colleague from New York and myself, will have the privilege of joining as sponsors.

Mr. President, I can only hope that we shall not again, as we have so often before, forgo the opportunity to be true to ourselves, since essentially we are a nation built on immigration and made by immigrants, by denying the elementary justice of the very moderate bill called for by the administration. I hope that enough support will be marshaled this time to get action on that bill.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Illinois [Mr. DOUGLAS] for himself and the Senator from New York [Mr. JAVITS] as a substitute for section 3 of the amendment in the nature of a substitute offered by the Senator from Illinois [Mr. DIRKSEN] as amended.

Mr. JAVITS. Mr. President, there are not many Senators present; but Senators will be reading the RECORD. Hence, I wish to make a statement, because I believe it is important to put in focus what was started today.

It seems to those of us who are for a civil rights bill that it is necessary, in order to have an orderly debate and orderly consideration, to give the Senate an opportunity to consider the various alternative proposals which have been authoritatively suggested in order to implement the right to vote.

Everyone on the civil rights side, including the administration, the President, the group on the Democratic side identified as Democratic liberals, Republican liberals, and others who are interested in voting for a bill, agrees that a bill, to have any meaning at all, will have to contain some provision for a Federal voting official in lieu of State officials, who will register those who wish to vote. It seems to us, therefore, a service, at a point in the bill where it could be done with the least damage to the substantive parts of the bill, to give the Senate the free opportunity to accept or reject the three alternative proposals which have been brought forward in this connection.

In order to do that in an orderly way, it was necessary to start with the proposal which the Senator from Illinois [Mr. DOUGLAS] and I have offered in the form of the pending amendment. This is the Federal Civil Rights Commission's proposal, the so-called pure registrar plan, which is based upon the Presidential finding, and based upon the right of the Federal Government to act in a situation in which the voting right is being denied, contrary to the precepts of the 15th amendment. That is one proposal which has been made.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. JAVITS. Of course.

Mr. DOUGLAS. Is it not true that the proposal which we advance, which has been sent to the desk and has been read as an amendment in the form of a substitute for the present section 3, differs from the proposal of the President's Commission on Civil Rights in two vital respects: First, it applies to State elections as well as to Federal elections; and, second, it is triggered into action not by the complaint or petition of 9 individuals but of 50?

Mr. JAVITS. I am glad the Senator has made those points clear. I was about to come to them. I appreciate the Senator's intercession, because it anticipates what I was about to say.

The idea of applying the registrar proposal to the whole of the election process is based upon researches which the Senator from Illinois and I have had pursued by a very distinguished group of law school professors, primarily from two law schools; namely, Yale University and the University of Pennsylvania.

The general legal theory which backs up the registrar proposal within this compass is that in the case of Federal elections the Federal Government, under the Constitution, has the right to determine the time, place, and manner by which they shall be held, though the qualification remains the qualification prescribed by the State; and in the case of State elections the Federal jurisdiction is based upon the 15th amendment.

We see no reason, in law, why the authority to the President to make a conclusive enough finding to include both the 15th amendment and the provision inherent in the Constitution cannot be combined under the authority given to one Federal officer. All the power which he exercised would still be subject to the judicial jurisdiction, in terms of due process of law, equal protection of the laws, and other questions which are properly raised in court. But the point is that both authorities of the Federal Government may be married in the one officer, based upon an adequate finding to give the basis for jurisdiction by the President.

That is one approach. It is essentially the Federal Civil Rights Commission's approach. However, as the Senator from Illinois has properly pointed out, it has now been designed to meet the needs of the situation and give a broader base by requiring a larger number of complaints.

That is one alternative which the Senate should have before it. Coming as it does, from so authoritative a source as the Federal Civil Rights Commission, which investigated this subject with such care, it seems to me that it would be almost improper, in our own interest and in the interest of the country, not to submit, in debate, this authoritative proposal to the Senate.

At the other end of the spectrum comes the voting referee proposal. I know that my colleague from Illinois is not very enthusiastic about the voting referee proposal. Nevertheless, I must state in all honesty that if all else fails, I shall support the voting referee proposal, and I hope very much that it will be supported by a majority of the Senate. I say that because it at least represents a method by which there may be broader-scale registration for voting than individual litigation by the individual nonregistered voter would produce. That is already an important step forward.

Also I think that we must not forget that where we meet very tough opposition, which will go to any extreme in order to frustrate the right of the individual to vote, the voting referee is an officer with real impact, because he is an officer of the court in the area, and the contempt power of the court is there, to back up the decrees which the court makes upon the recommendations of what kind of referee.

That is a very powerful position. Indeed, in my opinion, it is the most powerful of any position in the range of all the alternatives which will be available to the Senate.

True, it has its complexities, in that it is based on litigation in a particular court, with all the opportunities for delay which that gives, but it is a very strong remedy, and in my opinion will be absolutely essential in the so-called hard core cases in areas where there is the most pronounced resistance, with every artifice and every device utilized to frustrate the right to vote of certain members of that particular community, on grounds of race or color.

Those are the two opposite ends of the proposition—the voting registrar, as I have described him, and the voting referee.

If it should please the Senate to try to find some amalgam of those propositions, I know that the Senate will have an opportunity, if it does not prefer to accept the registrar proposal, to vote upon a combined proposal, popularly identified by the names of the Senator from Pennsylvania and myself. That proposal was offered and then withdrawn, so that, quite properly, the pure registrar proposal could be submitted first.

The combined proposal has, in my opinion, a great deal to commend it. The main aspect which commends it, of course, is the fact that it does represent an amalgam of views, pounded out in negotiation and joint draftsmanship among a group of lawyers from both sides of the aisle.

The combined proposal uses as its fulcrum a case under the 1957 act, and provides that when a case has been brought which results in a decree that there is a pattern or a practice of discrimination on grounds of race or color, which denies people the right to register and vote, the appointment of an officer may move in either direction. It may move toward the voting referee; or the Attorney General may use a finding in that case as the basis for requesting the President to appoint a Federal enrollment officer. It may move, then, in the other direction.

Another great advantage of that procedure is that it enables one to deal with the hard core case where there is a tough proposition—a tough nut to crack, so to speak—in a county, as well as to deal generally with respect to other counties, in a way which permits of the most competent facility for registering a large number of people.

These, then, are the three alternatives which, in my opinion, the Senate should have an opportunity to consider. Through the wonderfully fine work of my colleague from Illinois [Mr. DOUGLAS] and my colleague from Pennsylvania [Mr. CLARK] those opportunities will be afforded to the Senate.

Finally, a residual opportunity is set up for the Senate to proceed as it will with the referee proposal in an integrated way under section 7, when that section is reached.

Of course, no one can interfere with the right of any Senator to offer any amendment, and such amendments, of course, can be offered as an amendment to section 7 when that section comes under consideration. However, at least there is provided a very easy way to proceed, with the least possible damage to what we feel would be the most meaningful bill that can be made available by this procedure. That is now offered to us through the efforts of the Senator from Illinois and the Senator from Pennsylvania through their successfully proposing their alternatives.

Finally, so that the record on this subject may be complete, it should be noted that oftentimes we discuss these matters with no contact with reality. Yet we are very much aware of reality, and it is essential that we be constantly reminded of reality.

This is not a light matter, even with respect to voting, because it is estimated that if the same proportion of Negroes were to vote in the South as do whites, there would be an increase in registration and voting of approximately 1,800,000 people. That is an enormous amount, and therefore represents an enormous issue, with a great impact upon a section of the country which so many of us feel lags behind the times in respect of recognition of its human resources.

I know how deeply and sincerely my colleagues from the South feel when they say, "You just let us alone. These are our human resources. We are doing our utmost in the best way we can do it for our States and communities."

Again, Mr. President, I say that this is the United States, and this is the U.S. Senate, and I sincerely hope that we will be able to realize this tremendous potential in human addition to the total national store of resources which is available to us in this field by getting the franchise for so many hundreds of thousands of Americans who, notwithstanding the Constitution, have been denied the franchise.

I have made these remarks not in any forensic way—and there are only a few Senators on the floor, although those who are here are very distinguished—and certainly not with any hope of swaying anyone with my eloquence, but because I believe these things must be said, so that Members of the Senate may have clearly before them the pattern which is expected to be followed in respect of these proposals to which we will address ourselves in the Senate, and so that all Members may have an understanding at least equal to that of those of us who have been working so actively on this subject, and thereby, perhaps, will be able to judge better how they might vote on particular proposals by having a concept of the whole of the area of opportunity which will be available to the Senate.

ADJOURNMENT

Mr. HART. Mr. President, if no other Senator desires to address the Senate, I move that the Senate adjourn until noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 45 minutes p.m.) the Senate adjourned until tomorrow, Friday, March 18, 1960, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

THURSDAY, MARCH 17, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Psalm 128: 1: *Blessed is everyone that feareth the Lord; that walketh in His ways.*

O Thou infinite and eternal God, with gladness and gratitude we are coming unto Thee in this moment of prayer.

May we be numbered among those who, in the midst of these strange and

strenuous days, have the courage to live in Thy spirit and to walk in Thy ways.

We humbly acknowledge that, in the area of human relationships, there are chasms which patience and sympathy, insight and understanding, diplomacy and statesmanship must help to bridge.

Grant that there may be in the heart of humanity a new birth of charity and considerateness, of kindness and good will, and a belief in the reality of moral and spiritual values and of loyalty to them.

To Thy name we shall ascribe all the praise. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Ratchford, one of his secretaries.

SINCLAIR G. STANLEY — CONFERENCE REPORT

Mr. LANE submitted a conference report and statement on the bill (S. 607) for the relief of the estate of Sinclair G. Stanley.

RESTRICTIONS ON IMMIGRATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 360)

The SPEAKER laid before the House the following message from the President of the United States, which was read by the Clerk, referred to the Committee on the Judiciary, and ordered to be printed:

To the Congress of the United States:

I again urge the liberalization of some of our existing restrictions upon immigration.

The strength of this Nation may be measured in many ways—military might, industrial productivity, scientific contributions, its system of justice, its freedom from autocracy, the fertility of its land, and the prowess of its people. Yet no analytical study can so dramatically demonstrate its position in the world as the simple truth that here, more than any other place, hundreds of thousands of people each year seek to enter and establish their homes and raise their children.

To the extent possible, without dislocating the lives of those already living here, this flow of immigration to this country must be encouraged. These persons who seek entry to this country seek more than a share of our material prosperity. The contributions of successive waves of immigrants show that they do not bring their families to a strange land and learn a new language and a new way of life simply to indulge themselves with comforts. Their real concern is with their children, and as a result those who have struggled for the right of American citizenship have, in countless ways, shown a deep appreciation of its responsibilities. The names of those who make important contributions in the fields of science, law, and almost every other field of endeavor indicate that there has been no period in which the immigrants to this country have not richly rewarded it for its liberality in receiving them.

In the world of today our immigration law badly needs revision.

Ideally, I believe that this could perhaps be accomplished best by leaving immigration policy subject to flexible standards. While I realize that such a departure from the past is unlikely now, a number of bills have already been introduced which contain the elements of such an idea. The time is ripe for their serious consideration so that the framework of a new pattern may begin to evolve.

For immediate action in this session I urge two major acts.

First. We should double the 154,000 quota immigrants that we are presently taking into our country.

Second. We should make special provision for the absorption of many thousands of persons who are refugees without a country as a result of political upheavals and their flight from persecution.

The first proposal would liberalize the quotas for every country and, to an important extent, moderate the features of existing law which operate unfairly in certain areas of the world. In this regard, I recommend the following steps:

1. The removal of the ceiling of 2,000 on quotas within the Asiatic-Pacific triangle;

2. The basing of the overall limitation on immigration on the 1960 census as soon as it is available in place of that of 1920 which is the present base;

3. The annual acceptance of one-sixth of 1 percent of our total population;

4. Abandonment of the concept of race and ethnic classifications within our population, at least for the purposes of the increases in quotas I have recommended, by substituting as the base for computation the number of immigrants actually accepted from each area between 1924 and 1959. In other words, the increase in the quota for Italy, for example, would not be based upon a percentage of a so-called Italian ethnic group within our country, but upon a percentage of actual immigration from Italy between 1924 and 1959; and

5. The unused quotas of undersubscribed countries should be distributed among oversubscribed countries. This distribution should be in proportion to the quotas of the oversubscribed countries.

My second major proposal is for authorization for the parole into this country of refugees from oppression. They are persons who have been forced to flee from their homes because of persecution or fear of persecution based upon race, religion, or political opinions, or they are victims of world political upheaval or national calamity which makes it impossible for them to return to their former homes.

This year has been designated "World Refugee Year." The United States and 68 other nations have joined together in an attempt to seek permanent solutions for the problems of these peoples. Nations who in the past have granted entry to the victims of political or religious persecutions have never had cause to regret extending such asylum. These persons with their intellectual idealism and toughness will become worthwhile citizens and will keep this Nation strong and respected as a contributor of thought and ideals.

I have asked the Attorney General to submit a draft of legislation to implement the recommendations I have made. The administration stands ready to supply whatever information is necessary to permit appropriate action by the Congress during its present session. If, notwithstanding my specific recommendations, the Congress should enact other or different liberalizations of our immigration law that are constructive, I will be glad to approve them.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *March 17, 1960.*

RESTRICTIONS ON IMMIGRATION

Mr. WALTER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALTER. Mr. Speaker, if anybody had any doubt as to when elections are going to take place, the President's immigration message certainly makes it clear that it is this year. We had an identical message from the President 4 years ago, and we are certainly going to have one like it 4 years hence. It is all a part of seeking political dividends by catering to groups representing special interests.

If we were to consider the President's proposal seriously, we would find that its enactment would raise the present annual average of immigrants entering this country from 260,000 to 500,000. Simple arithmetic indicates that the doubling of the regular immigration quota coupled with the retention of immigration not subject to quota limitations—natives of the Western Hemisphere and all spouses and children of U.S. citizens plus special classes such as clergymen and their immediate families, and so forth—will have precisely that effect.

Our present annual immigration quota is 154,000, but the actual number of immigrants who entered this country reached 2,499,268 in the last 10 years, instead of the theoretical figure of 1,540,000.

The problem of whether the United States is capable of absorbing economically and assimilating socially twice the number of immigrants which we presently admit annually is a matter to be tackled by qualified economists and sociologists, rather than to be tossed about by the Republican political advisers of the President. Economists and not politicians must ascertain whether

there are sufficient jobs, schoolrooms, hospital beds, and houses for the accommodation of the increased number of immigrants as proposed by the President. According to the Bureau of the Census, a new citizen of the United States is born every 7½ seconds; a person dies in the United States every 20 seconds; and an immigrant enters this country every 90 seconds. The effect of these three officially established facts is the net increase of our population by 2,890,800 annually, all of whom must be absorbed by the United States.

I wish to add one more thought. The sound and time-tested basic tenets of our immigration policy and the laws implementing it, have permitted this country to accept, whenever the international situation called for it, a sizable number of homeless refugees and victims of political persecution. Since the end of World War II, pursuant to this policy, the United States has led the whole world in admitting well over 1 million displaced persons and refugees. At the present time, my subcommittee is actively considering legislation under which an additional number of people in need of resettlement opportunities would be offered new homes and a new start in life in the United States.

The President's proposal, providing for a permanent automatic increase of the size of our annual immigration intake, will, of course, preclude the passage of legislation needed in emergent situations.

We must not sacrifice the welfare of the Nation in general to the dictates of election year politics, there is too much at stake.

APPOINTMENT TO COMMITTEE

Mr. MILLS. Mr. Speaker, I offer a privileged resolution (H. Res. 478) and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That JACOB H. GILBERT, of New York, be, and he is hereby, elected a member of the standing Committee of the House of Representatives on Post Office and Civil Service.

The resolution was agreed to.

PROGRAM FOR EXPANDED EXPORTS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 359)

The SPEAKER laid before the House the following message from the President of the United States, which was read by the Clerk and referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

To the Congress of the United States:

Because increased exports are important to the United States at this time, the administration has developed a program to promote the growth of our export trade. While most of the public steps to be taken with this end in view can be accomplished under existing legislative authority, the cooperation and support of the Congress are vital to the success of this program.

Expanded exports can add substantially to the millions of jobs already generated for our people by export trade. At the same time, our export surplus contributes significantly to our capacity to sustain our expenditures abroad for investment, private travel, maintenance of U.S. military forces, and programs of foreign economic cooperation. To support these essential activities, which are reflected in our international balance of payments, we must, as I pointed out in my State of the Union message, promote a rising volume of exports and world trade.

Unlike the sellers' markets of early postwar years when productive capacity abroad was limited, world markets have recently become highly competitive. To expand exports in these circumstances demands a more vigorous effort by both Government and business to improve our capacity for international competition.

Through the trade agreements program we shall continue to work with other countries toward the removal of unnecessary obstacles to international trade and payments. The discriminatory restrictions that other countries imposed at a time when they had serious balance of payments difficulties have been especially burdensome to our exports. Economic improvement in many countries has removed the justification for such barriers, and with the assistance of the General Agreement on Tariffs and Trade and the International Monetary Fund, much has been accomplished in eliminating those restrictions. We shall continue to seek the elimination of the discriminatory restrictions that still remain; we shall also continue to seek the general reduction of quantitative controls.

To assist our exporters to meet current international competition in export financing arrangements, the Export-Import Bank will inaugurate a new program of guarantees of noncommercial risks for short-term export credits. The Bank will also expand and improve its existing credit facilities for medium-term export transactions. These steps, which can be taken under existing statutory authority, should improve the ability of our exporters to compete in world markets. These arrangements will be designed and administered to encourage full participation of commercial banks and other private sources of credit and guarantees.

To help our exporters in the development of their foreign sales, we should improve the numerous Government services now available to business firms and especially useful to our smaller producers. These services have been available all along, but we must infuse them with a new purpose and strengthen them with additional resources. Accordingly, I have directed comprehensive steps to strengthen the trade-promotion services of the Department of Commerce, including its field offices located throughout the United States; to expand and give higher priority to the commercial activities of the Foreign Service; to expand the agricultural trade promotion activities of the Department of Agriculture; to place greater emphasis on the prompt reporting of information useful to American exporters; to establish new oversea trade centers; to make fuller use of international trade fairs, trade missions, and other promotional means to stimulate the interest of foreign buyers in U.S. products while continuing to emphasize the basic objectives of the special program for international understanding; and to emphasize the promotion of tourist travel to the United States.

The details of this program will be presented during the congressional hearings soon to be held on the expansion of U.S. trade and in connection with a forthcoming request for the supplemental appropriations necessary for rapid progress in the export promotion program. Government promotion, however, can be effective only to the extent that it stimulates and encourages private business efforts to expand sales abroad. Government can help enlarge export opportunities, but it is American business that must supply and sell the goods that world markets demand.

To this end I have asked the Secretary of Commerce, in cooperation with other department heads, to enlist the efforts of the business community. Consultations have already been held in connection with the preparation of this program. In addition, a group of business leaders will be asked to organize an export drive by business, to enlist the active support of existing national and local business groups, to discover the sectors in which better results can be obtained, to assist and encourage businessmen newly entering the export field, to strengthen contacts with business groups abroad, and to develop an organization structure adequate to these purposes.

The individual steps in this export program are modest ones. Their cumulative effect, however, will be substantial if American enterprise will make the necessary effort. With the support of the Congress, this Government can both facilitate and give continued impetus to the expansion of our exports as free world economic progress continues to enlarge the potential for international trade. The rising tide of productivity and prosperity in many nations creates a timely opportunity for mutual benefits from expanding world trade. By pursuing this opportunity, we can promote vigorous economic growth both at home and abroad.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *March 17, 1960.*

PROGRAM FOR EXPANDED EXPORTS

Mr. BOW. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOW. Mr. Speaker, the President has expressed highly desirable objectives regarding exports.

I am happy his message takes note of the discriminatory restrictions other nations have imposed on American products.

I question whether the expansion of export markets he contemplates can be accomplished without removal of all such restrictions.

I question that it can be accomplished quickly enough to overcome the damage that is being done each day by American policies that force American producers to compete at a disadvantage with foreign competitors, even for U.S. Government work.

Our policy of encouraging imports as well as the use of foreign products in Government work is injurious not only to American business and American workers but also to the Government itself.

The latest example with which I am familiar is the award of a contract for construction of the Canal Zone bridge using West German steel.

West German steel was the deciding factor in award of contract to the John F. Beasley Construction Co., Dallas, Tex., for construction of the superstructure of this $20 million bridge across the Panama Canal. Beasley based his winning bid of $9,119,000 on use of foreign-made steel. An alternate bid of $10,849,000 was submitted by Beasley based on materials manufactured in the United States. United States Steel Export Co., the second lowest of nine bidders on the project, priced the job at $9,861,000. However, the difference between winning and losing the bid for United States Steel was a bare $22,000, since added to the Beasley German-made steel bid, was $520,000 "Buy American" allowance, and $200,000 for cost of possible redesign because of the foreign steel use, and for expenses and other costs involving inspection of the steel in production. The bridge requires some 14,300 tons of structural steel. The United States Steel figure for supply of steel and erection was $8,727,000, against Beasley's $7,770,000 for nondomestic metal. The structure, suspension design, is to reach 5,425 feet from abutment to abutment, with a 1,000-foot main span and 201-foot main high-water clearance. The contract was awarded by the Panama Canal Company, an independent agency of the U.S. Government.

The award of this contract, based on use of foreign-made steel, will deprive our steelworkers, many in critical labor areas, of an estimated $2.3 million in basic wages alone for making the 14,300 tons of steel for the project. Had this contract for an American project gone to a firm using American steel, the movement of the steel in the United States by way of barge to New Orleans and thence in a U.S. vessel to Panama would involve a transportation charge of more than $600,000. Shipment of the erecting equipment to the site in the Canal Zone would require an additional expenditure of some $150,000.

Besides these substantial losses to the U.S. economy, it is pertinent that an American company using American-made steel would also use American-made equipment for erection of the bridge structure. It is estimated the new erection equipment needed for the project costs more than $600,000, plus transport costs to the site.

Conservative estimates indicate the total loss to American economy on this one $10 million contract may be close to $5 million. The loss to American steelworkers, equipment manufacturers and their employees, and transportation companies and their workers aggregate $3.6 million. This is an obvious loss. But, add to that imposing sum, direct losses to the U.S. Treasury in taxes it would have received from the wage earners involved—estimated in excess of half-a-million dollars. But this is not all of the tax loss to the Treasury. We have what is known as the corporation income tax applying to the producers of the steel in question, the equipment manufacturers, and the common carriers involved.

Every day we see startling and extensive evidence of the injurious inroads on our economy by foreign competition, mainly because such competition enjoys far lower labor costs and a benign U.S. policy which permits underselling us in our own backyards. The extent to which this has been accomplished reaches into the Halls of Congress. May I remind you gentleman our CONGRESSIONAL RECORD and all Government documents published by the Government Printing Office are bound with foreign-made bookbinder wire costing at least 20 percent less than the lowest U.S. price for the same product.

Much of our difficulty in foreign competition underbidding our own producers can be traced to an Executive order of December 19, 1954. It reduced the buy-American protection from 25 percent to 6 percent. In other words, a foreign firm bidding against an American firm need only be 6 percent under the American bid to be eligible for the Government contract. This is, in essence, no protection at all. Had the 25-percent factor been in effect on the Panama Canal Zone bridge superstructure contract, American workmen would be making the steel for it, as well as equipment for erection, in addition to being employed for transportation of both to the site—a territory under the sovereign power of the United States. And our Treasury would be collecting taxes from these sources to help pay for the project—rather than adding to our horrendously mounting debt.

There are hundreds of examples such as this where U.S. manufacturers and workmen have lost out to low labor-cost producers abroad under our so-called Buy American Act protection. Signs point to further acceleration of this trend—augmented by the very Federal agencies which depend on the tax dollars this policy deprives our workmen and businessmen from earning.

This sell-America-out principle, to put it more accurately, can also be applied to our highway program. "Policy and Procedures Memorandum 21–13," issued by the U.S. Bureau of Public Roads requires the States to use materials of foreign origin on Federal-aid highway projects when quoted 6 percent or more below domestic prices. An exception is made in critical areas of unemployment where a 12-percent differential is allowed.

It has been indicated by the Bureau of Public Roads, unofficially I think, that some of these materials can be bought for up to 30 percent less from foreign sources. Fortunately for our economy and our American workmen, this directive of the Bureau, which was to go into effect March 1, has been suspended to May 1. We have the Governor of Pennsylvania and the Senators from that State, and our colleague in the House, the Honorable FRANCIS E. WALTER, largely to thank for this deferral. They made a 12th hour appeal a day before the March 1 effective date to Commerce Secretary Mueller for further consideration of the impact of the order on industries and critical unemployment areas in that State. This protest of the Pennsylvania delegation has eloquent support from many of the other States, including 13, among which is California, which have State laws prohibiting use of foreign materials in roadbuilding. These laws as far as I know would be superseded by the Roads Bureau directive, or else the States in question would lose their eligibility for Federal aid for their State and Interstate Defense Highway Systems.

The Public Roads directive would be particularly damaging to small business enterprises which do not enjoy the diversification of the larger firms. I sincerely commend this matter to the attention of the House.

It is entirely possible that at some future date our exports may increase sufficiently to overcome the effects of these policies. I am not optimistic. I hope that the President's program will be given most sympathetic study. At the same time, I trust the President will give consideration to policies that will help American businessmen to compete for Government work on a realistic basis, taking into account the fact that the face value of a contract, as in the case of the canal bridge, is sometimes the least important consideration insofar as our economy is concerned.

NATIONAL LOTTERY

Mr. FINO. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FINO. Mr. Speaker, while the Members of this House persist in refusing to recognize, accept and capitalize on the natural gambling urge of the American people and while we keep our eyes closed and ignore the tremendous revenue producing features of a national lottery, millions of dollars continue to leave our shores every year in support of foreign run lotteries.

On Monday, March 21, Mr. Speaker, the official drawing for the Irish Sweepstakes will take place in Dublin, Ireland. Hundreds of thousands of American citizens across this country will be anxiously awaiting the results which, in some cases, will mean the happy fulfillment of a dream.

Ireland is one of many foreign countries where lotteries are legal and proper and where the gambling spirit of their inhabitants is tied together with the need for revenue. Last year, the total gross receipts from worldwide sale of Irish Sweepstakes tickets were a record high of $46,059,680. I venture to say that at least $40 million of that amount represents our own American dollars.

Yet, Mr. Speaker, we permit and allow hypocrisy to blind us from the obvious. We raise moral issues where none are involved. We allow fear to grip us and prevent a sensible and realistic approach to this whole question of gambling.

However, we have no religious or moral scruples when it comes to collecting taxes from these sweepstake winners. What price hypocrisy?

Mr. Speaker, we can shut off the flow of billions of dollars now siphoned off by the underworld in the United States and by foreign-run lotteries by adopting a logical and sensible plan. A national lottery in this country would bring $10 billion a year in new revenue to our Government Treasury and badly needed tax relief to our people.

I hope, Mr. Speaker, the Members of this House on this St. Patrick's Day will take a second and longer look at this proposal. It is worth a try—at least, for the sake of our hard-pressed taxpayers.

CALL OF THE HOUSE

Mr. WINSTEAD. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 26]

Barry	Jennings	Rogers, Mass.
Baumhart	Mahon	Shelley
Brown, Mo.	Minshall	Sheppard
Durham	Mitchell	Springer
Holifield	Osmers	Watts
Horan	Powell	Withrow

The SPEAKER. On this rollcall 413 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CIVIL RIGHTS

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H.R. 8601, with Mr. WALTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday there was pending the amendment of the gentleman from Ohio [Mr. MCCULLOCH] and the amendment offered by the gentleman from New York [Mr. CELLER] as a substitute for the McCulloch amendment.

Mr. WILLIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WILLIS to the amendment by Mr. CELLER as a substitute for the amendment by Mr. MCCULLOCH. On page 2, line 15, after "law" insert "such proof shall be prima facie evidence that such person has been denied the right to vote on account of his race or color."

The CHAIRMAN. The gentleman from Louisiana is recognized in support of his amendment.

Mr. WILLIS. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. The gentleman from Louisiana is recognized for 10 minutes.

Mr. WILLIS. Mr. Chairman, I think it is regrettable that the amendment I offered yesterday did not prevail. It is my honest opinion that we will live to rue that action; and I think the precedent we would have by putting in an act of Congress conclusive presumption is surely going to haunt us in the future.

The fact of the matter is that there is no precedent for such action; in fact, I will be so bold as to challenge anyone here to bring forth an act of Congress, any act of Congress in the history of our Republic, that establishes a conclusive presumption.

At the briefing when we heard from Judge Walsh, I asked his specifically: Is there a precedent for this procedure? He cited as a precedent, but not in point, the antitrust laws. I have been pressing the Department for a suggestion of an act of Congress at any time in the history of our Republic so that there could be some semblance of support for what we are doing.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. Mr. Chairman, I ask unanimous consent that the amendment may be again reported because the reading of it could not be heard originally.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk reread the Willis amendment.

Mr. WILLIS. Mr. Chairman, the precedent cited by the Attorney General, as I said, is the antitrust law, which is found in title XV, section 16, of the United States Code Annotated.

What does that law say? It says:

A final judgment or decree heretofore or hereafter rendered in any civil or criminal proceeding brought by or on behalf of the United States under the antitrust laws to the effect that a defendant has violated said laws shall be prima facie evidence against such defendant in any action or proceeding brought by any other party against such defendant under said laws.

What does that mean? That means that if the United States of America files a suit against, let us say, the Standard Oil Co. and Shell Oil Co., just like the United States of America through the Attorney General initiates an injunction against a registrar, and if in that antitrust law said judge after full consideration finds that the Standard and Shell Oil Co.'s have combined in order to depress the small operators, then all the filling stations in the area that have been hurt, like all the people here applying for voting certificates say they have been hurt, file a damage suit because of the effect of that decree, then they get a break. The law says that the decree shall be prima facie evidence in that proceeding by outside parties.

That is exactly what my amendment proposes.

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. The gentleman was present yesterday when it was asserted by several proponents of this legislation that the antitrust law was an example of law which had created a conclusive presumption. The gentleman has just read from the law which provides that prima facie presumption has been created. That is entirely different from a conclusive presumption?

Mr. WILLIS. It is very much different.

Mr. DAVIS of Georgia. Is there any other section or provision in the antitrust law which does create a conclusive presumption?

Mr. WILLIS. There is no such provision in the antitrust law, and I would like to have any Member get up and cite an act of Congress in the history of our Republic establishing a conclusive presumption.

Why is a conclusive presumption obnoxious to our system of Government? Why does it violate due process of law? It violates due process of law and is unconstitutional because under our system a person is presumed to be innocent until he is proven guilty. But here, under the structure of that bill, upon a finding by a Federal court, where only one or two people are before the court, it constitutes a conclusive presumption that everybody in the area has individually been discriminated against and that the registrar of voters is not here, he is not permitted to cross-examine his accusers at any point. And, it is conclusively presumed that the registrar of voters has, in fact, discriminated against everybody in the affected area without requiring those people to prove anything about race or color, which is what this fuss is all about.

Let me point this out. I think the gentleman from California, a member of our committee, yesterday helped to clarify this whole proposition. He said that in his opinion this bill did not establish a conclusive presumption. And, there were a lot of titters going on—you know what I am talking about—that he was treading on dangerous ground. And, I think the gentleman from Arkansas made a great contribution at that point in the debate by pointing up what this thing is all about.

But then we were forced to vote at that point. The Members of this great body were just about to understand what this thing is all about, when we were forced to vote. But as it is, although the point had just commenced to sink in, my amendment was defeated. I think if we had been permitted to talk about this thing some more, a different vote would have resulted. As it is, my amendment did not prevail, I think by about only 21 or 22 votes. Anyway, the damage has been done.

What does this important amendment do? My amendment puts in this bill the only precedent that they have been able to cite in support of this procedure, namely, that this court decree shall establish or be equivalent to prima facie evidence; that as to people not before the court it shall be prima facie evidence on the point.

Now, as a matter of fact, the gentleman from New York, the chairman of our committee, and the gentleman from Ohio, the ranking minority member, themselves were shocked about what was being attempted to be done and took us to task in committee on this very question. In a colloquy between the gentleman from Michigan [Mr. MEADER] and myself, when I was bringing out what this thing was all about, our good chairman said, "Wait a minute, Mr. MEADER. I want to correct the gentleman," meaning the gentleman from Louisiana. "There is nothing conclusive about the presumption. It is a rebuttable presumption; not conclusive."

Well, now, that is taking him at his word.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. SMITH of Virginia. Mr. Chairman, I ask unanimous consent that the gentleman from Louisiana [Mr. WILLIS] may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WILLIS. That was his position. And if I may be so bold, I think my good friend down in his heart is not at all pleased about the establishment of a conclusive presumption. Then the gentleman from Ohio said the same thing.

Mr. Chairman, I do not agree with that statement. The language of the bill does not justify that statement, in my opinion.

And so I offer this amendment. Frankly, it has been said time and time again that after the judge makes his decree and after these people appear before the referee and after the referee makes his report, at that point only the Attorney General can file exceptions to the report. But if the proceeding is ex parte, if it is a onesided affair, and if we establish a conclusive presumption that the registrar is discriminating, he is not being given an opportunity in filing his exceptions to show that the representations as to the race or color issue of the man applying for the certificate is not well founded. I think at least at some point, say in the filing of the exceptions, we should not shut off the registrar from overcoming the presumption.

I regret to have to offer this amendment. I am conceding a great deal because under my amendment now proposed I am shifting the burden of proof. The Attorney General and not the voter would have to prove that there was no disqualification on account of race or color. Is that too much to ask, to at least conform to standards of due process?

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Do I understand then that the gentleman's amendment is limited only to page 2, line 15, where he adds "Such proof shall be prima facie evidence?"

Mr. WILLIS. Yes.

Mr. ROGERS of Colorado. And that is the only place the gentleman amends it?

Mr. WILLIS. That is correct.

Mr. ROGERS of Colorado. The gentleman recognizes that on that part of the section at least you are dealing with the proceeding where parties have been notified and have come into court for the purpose of having the judge determine whether or not there is a pattern or practice. That is the part the gentleman is amending. Then does the gentleman mean to say that the amendment means that after the judge has determined that there is a pattern or practice, that is only going to be prima facie evidence although he, himself, has determined that there has been a pattern or practice you are going to limit it and say that it is only prima facie evidence?

Mr. WILLIS. In the first place, that is not the purpose of the amendment at all. The establishment of the prima facie case has to do with proof before the referee. That is to say, this applies to third parties. Of course, a court decree is res judicata and is conclusive as to the people he heard from. But this has nothing to do with that. This strikes at the point where the people apply for a voting certificate and their statement as to what happened, we dignify as being prima facie true.

It is unnecessary to repeat the language on page 3, line 20, after the word "law" because the referee there is hearing the evidence. But the weight to be given that evidence—that occurs at page 2.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield further?

Mr. WILLIS. Yes.

Mr. ROGERS of Colorado. Assume that the court has found the pattern or the practice and has entered the order and in his opinion he feels that a referee should be appointed. Would the gentleman's amendment say that the referee has a right to take as prima facie that an individual in the area has been deprived of his right to vote because of race or color?

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. WILLIS] has again expired.

Mr. WILLIS. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WILLIS. Let me clarify this. If the gentleman has the bill before him, he will see in line 9 that upon his application therefor a third party is entitled "to an order declaring him qualified to vote," upon what proof? "Upon proof that at any election or elections, first, he is qualified under State law to vote, and second, he has since such finding by the court been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote," by a person acting under State law.

But do you not see that he is not required to prove that he has been individually discriminated against? That is the idea of the bill. He is not required to prove that he has been denied the right to vote on account of his race. So this establishes a conclusive presumption, and that is the gimmick that does it. My bill says that such proof—what proof?—that he is qualified to vote, that he has been denied the right to vote without saying why. I say the purpose of my bill is to copy the antitrust law and say that such proof shall be prima facie evidence that that person has been deprived of the right to vote on account of race or color.

Mr. ROGERS of Colorado. As I understand the gentleman, the gentleman points out line 9 and makes reference to a third party.

Mr. WILLIS. Right.

Mr. ROGERS of Colorado. That applies only after the court has found these things.

Mr. WILLIS. Right. But what is the third party required to prove?

Mr. ROGERS of Colorado. What the gentleman is saying is that in order for the third party to come to the court or a referee he must then again prove——

Mr. WILLIS. I am saying no such thing.

Mr. ROGERS of Colorado. Then does it follow that the pattern exists?

Mr. WILLIS. It is on page 3 that the referee takes the evidence.

Mr. ROGERS of Colorado. I know, but on page 3, when the referee takes the evidence is there this prima facie presumption that the man who makes the application comes within this act? Is it prima facie evidence to that effect?

Mr. WILLIS. Yes, exactly, that his statement, the statement of the applicant that he is of age, that he lives within a certain area, and that by simply stating that someone deprived or denied him the right to vote, that statement under oath constitutes a prima facie case.

Mr. POFF. Mr. Chairman, I ask unanimous consent that the gentleman from Louisiana [Mr. WILLIS] may proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from Virginia.

Mr. POFF. As I understand the gentleman's amendment, it is in the nature of a compromise gesture.

Mr. WILLIS. Right.

Mr. POFF. The amendment offered by the gentleman yesterday would have removed every part of the conclusive presumption: The amendment the gentleman offers today goes halfway to meet those who disagree with the gentleman and offers to make the presumption prima facie only. A prima facie presumption is a rebuttable presumption. A rebuttable presumption is a presumption subject to being disproved by probative evidence.

Mr. WILLIS. I could not state the case more clearly than my friend from Virginia.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from Florida.

Mr. CRAMER. To follow it up, the proponents of this substitute are agreed that proof can be given by the registrar to overcome other facts, so why should not the registrar be permitted to submit facts on the most crucial point, which is the constitutional guarantee points as to whether the man has been denied the right on the basis of race, color, or creed?

Mr. WILLIS. That is correct.

Mr. CRAMER. Secondly, and I ask the gentleman as the distinguished chairman of Subcommittee No. 3, on which I have the privilege of serving, can the gentleman understand how the Attorney General can take a position with regard to the bill of the gentleman from Tennessee [Mr. LOSER] on antibombing and my bill on antibombing that he does not approve of and does not condone rebuttable presumptions even, when such explosives were carried in interstate commerce, and he refuses to accept that approach with regard to antibombing, one of the worst offenses that could be committed, and he will not condone that rebuttable presumption in that instance, but he wants a conclusive presumption in the case of voting. Can the gentleman explain that?

Mr. WILLIS. I would say to the gentleman that I would not want to monopolize the time, and I beg him to take 5 minutes and develop that point further.

Mr. CRAMER. I thank the gentleman.

Mr. WHITTEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

SOUTHERNERS MUST UNITE TO SAVE THE NATION

Mr. WHITTEN. Mr. Chairman, I just listened to the very fine presentation of our colleague, the gentleman from Louisiana [Mr. WILLIS]. It is inconceivable to me as a fellow lawyer that the proponents of the legislation before us could even argue against the provision that the gentleman from Louisiana offers. They desire to prevent any question of fact being open to determination even before a Federal judge. The gentleman from Louisiana and other distinguished lawyers from my area have made a marvelous presentation of what is involved here as a matter of law. However, sound legal argument passes over the backs of the proponents of this measure, like it would a duck.

My friends, sound legal argument against this measure is ignored because this is politics, pure and simple—but not by reason of purity. My friends, leaders of both parties agree that legislation in this field must be passed every election year. Next time it will be more.

We earnestly insist that the road you follow here leads to the destruction of our Nation. Since the situation gets worse and worse, and the danger of an all powerful Federal Government becomes greater, thoughtful people in the South are being forced to explore every possibility to best use their numbers and their Members of Congress.

Let us look at the election of a President and at the organization of a Congress.

I quote the Constitution on election of the President:

The executive power shall be vested in the President of the United States of America. He shall hold his office for the term of 4 years and together with the Vice President, chosen for the same term, be elected as follows: Each State shall appoint in such manner as the legislature thereof may direct a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in Congress; but no Senator or Representative or person holding an office of trust or profit under the State shall be appointed an elector. The Congress may determine the time of choosing the electors, and the day on which they shall give their vote, which day shall be the same throughout the United States.

A number of Southern States even now are considering the selection of independent electors. Such electors can wait 6 weeks after the election to determine how they shall cast their vote—perhaps for the Democratic nominee and perhaps for a third candidate. It will be theirs to determine.

ELECTION AND REMOVAL OF THE SPEAKER

Also, Mr. Chairman, I point out again the rules governing the election and removal of a Speaker.

We find that the House of Representatives shall choose their Speaker and other officers. In 1809 it was held that the Speaker should be elected by a majority of all present, and in 1879 that the Speaker might be elected by a majority of those present if a quorum; and a majority of all the Members was not required. In two instances the House chose the Speaker by plurality of votes, but confirmed the choice by majority vote. In Jefferson's Manual, in line with the Constitution, we read that a Speaker may be removed by the will of the House, and a Speaker pro tempore appointed.

The meaning of this, Mr. Chairman, is that a majority of the House of Representatives can change Speakers from time to time under the rules, if it so desires.

LINES TO BE DRAWN

Mr. Chairman, we have made an agreement to join with other Members of the Congress to meet here in Washington, on Friday, November 11, 1960, that we may unify our forces to use our votes in the Congress to preserve this great Nation.

I ask the attention of my colleagues. My friends, we are ready. We have enough commitments now to have changed the makeup of the last Congress. I note 93 Members voted against the present rule. That number could change the present Congress. To those we have not been able to talk to, we have made arrangements to list those southerners, and others who are willing to go all out to protect this Government from destruction. The time has come for us to accept the fact that we must unite, not only for the South but for the country. May I say if the division here in the next Congress is as close as expected, this number will be sufficient to determine control in 1961; and having that ability, this group can make its weight felt in committee makeup, both membership and ratio.

To those Members from the South who may not join in our efforts, may I say I wish you well; but you will be taken to be on the other side.

I remind you, involved is not merely the honor of who will be Speaker—involved is not merely chairmanships. Mr. Chairman, whoever organizes this House, be it party or coalition, will determine ratios and numbers on the Labor Committee, the Judiciary Committee, Appropriations, Ways and Means; yes, and of the powerful Rules Committee.

THE NATION IS THREATENED

It was Lord Benchley, I believe, who said in the 18th century that a democracy could not long endure. For, he said, the elected officials will give the country away in order to keep being elected. The last few days lead me to believe he may have been right.

For the last several years I have seen the leadership of the Democratic Party, my party, go along this road to an all-powerful National Government, absolutely ignoring, in my opinion, not only the people of the South in our party, but using my section as a whipping boy, while they destroyed the Constitution in their efforts to obtain this minority vote to win national elections and to run the Congress, where committees have been stacked to serve their purpose.

Mr. Chairman, during the last several years, and again this week, I have seen the leaders of the Republican Party try to outdo Democratic leadership in their efforts to pass legislation even more political. I know that 99 percent of those within the sound of my voice realize and recognize that this effort in the so-called civil rights field comes primarily from competition between the leaders of both major parties to get this minority vote in northern cities. Their desire is so great that they are apparently willing to do anything—deprive American citizens of the right to trial by jury, open up the ballot to the gaze and dictation of Federal agents, a la Hitler, set up an all-powerful Federal Government in the face of the lessons of history—which called for the Magna Carta and all the

rest. They would forget what caused our Nation to be formed in the first place.

ACTIONS MOTIVATED BY POLITICS

It has been easy for my friends on the right and my friends on the left to handle their local politics by pointing out what they are doing to straighten out, as they say, a great section of this Nation, ignoring their own local inadequacies. It is a sleight of hand trick. Our section is far ahead of yours in treatment, in oportunity for, and in love of the Negro people. You have run roughshod over the membership from the South, a membership whose ability and experience, knowledge of the law and the Constitution, compare most favorably with that of the Members from any section.

THEY BELIEVE THE SOUTH IS HELPLESS

Mr. Chairman, the leaders of the Democratic Party in the House, the leaders of the Republican Party in the House, have gone all out on this course, because on the one hand the Republicans felt they would not get the support of the Southern States in the Presidential race or southern Members here in the Congress in organizing this body—the Democratic leadership because they felt that those of us here from the South had nothing we could do and nowhere we could go.

Mr. Chairman, here in the last several days I have been convinced that unless the South, through those of us here from the South, regains some bargaining power not only is the South going to have to undergo another reconstruction era, but the Nation is bound to fall.

SOUTHERN PEOPLE ARE NOT HELPLESS

Mr. Chairman, it comes hard with me to have to acknowledge these facts to myself. However, knowing as I do that the people of the Southern States are not helpless, knowing as I do that they have more than 100 Members of the House of Representatives, approximately 22 U.S. Senators with 18 standing steadfast—Members whose votes are essential to organize this Congress, knowing as I do that whichever group organizes the Congress will set the number and ratios on the various committees, Labor, Judiciary, Appropriations, Ways and Means, the powerful Rules Committee, et cetera, I am saying to you now, southern Members will not have done all they can unless they unite here to make their weight felt.

It comes hard to me to have to acknowledge to myself that the national interest has deteriorated to the low level which quite clearly it has. It has not been easy to make this decision. I recognize that the road ahead will not be all smoothness; but there comes a time when those of us from the South must face up to what is happening and show the courage essential to the preservation of this great Nation. If we did less than we propose we would not only be untrue to the great Democrats who preceded us but we would be untrue to the founders of this great Nation.

To my national Democratic friends on the right I say, you may win your local elections but you are losing the main fight.

To my Republican friends on the left I say, you should be ashamed to forget everything in your efforts to gain the minority vote.

And to my colleagues from the South, do not tell your homefolks you have done everything you could to stop this course unless you join this bloc, made necessary by the leadership of both major parties.

I have talked to many of my colleagues from my area, and I know you are ready. Some I know will hesitate for the moment. To those of you who may not wish to join, again we wish you well. Let me remind you, however, as the strife and turmoil continues, you are going to be on this side or you are going to be on the other. The choice is yours.

COMMITTEE RATIOS AND MEMBERSHIP MORE IMPORTANT THAN CHAIRMANSHIPS

My friends, many southerners hold chairmanships, mine happens to be that of a rather important subcommittee on appropriations. But those in these key positions are bound to admit that the most any southerner can hope to do with a chairmanship or a key position is to have a better office, more employees, and he is lucky if he can retard and slow down or force the combined leadership, Republican and Democrat, to bypass his committee.

To point out what a hard fight we made, before the country was lost, does not save the country; and I trust that will no longer be good politics.

My friends from the South, the doors are open. I know the majority of you are ready, not merely to prevent another Reconstruction era in the South but to save the Nation from destruction.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would say that this amendment offered by the gentleman from Louisiana is just a little less unpalatable than the amendment that we voted down yesterday. It is however still unpalatable and hence objectionable. The proof would be prima facie evidence, I admit, only as to qualifications and denial on account of race or color. That evidence, I admit, can be rebutted. The amendment nonetheless is without merit.

This is just the same as the amendment we voted down yesterday except it is in a little different form. It is an amendment that may sound a little better, but I would say to my good friends on the committee, it may sound better, but the sound is deceptive. You would destroy almost completely the idea of "pattern or practice," which is the very keystone of this bill. Each case under the proposed amendment individually would have to be considered separately and tried separately. You would have a lawsuit, a genuine lawsuit in every individual case as to qualifications and as to discrimination. It would be possible in each case for witnesses to be called, examined, cross-examined, examined in rebuttal and surrebuttal; documentary evidence would be offered, records of the State would be offered. There would be contests as to the records and the data that might be submitted by either side. The contest in each case would be so interminably long drawn out as to render relief utterly useless and valueless.

Now, we are not childish, human nature being what it is, and our knowledge of discrimination being what it is in certain sections of the country, I would say that this amendment would open a Pandora's box of evasions, delays, difficulties, and postponements. Then actually voting for those who desperately desire the vote would be but a figment of imagination.

If you have an adversary or contested proceeding before a referee in each case, I repeat, the remedy offered by this bill would be just as useless as a $3 bill.

Now, let us take an illustration. Suppose in a certain precinct there were 500 Negroes qualified to vote. A pattern or practice of discrimination has been the court's finding in the original proceeding. Then, despite the finding by the court of a pattern of discrimination or a practice of discrimination concerning these very 500 Negroes in that particular precinct, you would have, on top of all of it, 500 separate and distinct proceedings. Everyone of these cases would be contested, I can assure you, knowing the situation as you know it today in the South.

Do not be misguided by the words "prima facie." They simply mean a shifting of the burden of proof, a shifting of the burden to the State officers who are charged with discrimination. There would be 500 individual cases separately tried, I say again, as far as that precinct is concerned, and it would render this bill a complete nullity.

Now, multiply the 500 by the thousands and thousands and thousands of other cases and you see where you would get as far as this particular amendment is concerned.

Those opposing this bill want these contests, they want more and more contests. The more contests they have, the more bridies they can place on the right to vote; and they would have contests galore with this amendment. Judge this amendment from the milieu of the South, judge it from the history of discriminations that we have heard of, consider the continued resistance to the right of the ballot. Judge the amendment in the light of the conclusions of the Civil Rights Commission as to denial of voting rights.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CELLER. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. HOFFMAN of Michigan. Mr. Chairman, reserving the right to object, are you not the gentleman who yesterday shut us off with a minute or two?

Mr. CELLER. I did not shut anybody off.

Mr. HOFFMAN of Michigan. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. I thank the gentleman.

Mr. Chairman, consider the continued resistance to the right of the ballot in certain sections of the country. Take the poll tax, the extreme literacy tests unevenly applied and the many refusals to permit registration, the record established by the Civil Rights Committee, and what I might say, for lack of a better term, a pitiless denial of the ballot. Consider such environment in which this amendment, providing for contests, would be applied and you come to the inevitable conclusion that the ballot would be kept from the Negro for generations.

I do indeed hope, therefore, that this amendment will be voted down because it is in effect and in essence no whit different than the amendment that we actually voted down on yesterday.

Mr. WHITENER. Mr. Chairman, I rise in support of the pending amendment.

Mr. Chairman, in supporting the amendment offered by the gentleman from Louisiana, I think that I am taking the only position that is consistent with proper procedures and with the preservation of certain basic concepts which have developed under the Anglo-Saxon system of jurisprudence. This amendment is nothing which should shock anyone's mind, but, rather, should appeal to the mind of anyone who has even had the privilege of walking through the front door of a law school. A prima facie case—and it shocks me that we would go that far in this case—is established under the bill as it now stands if some person in an area has been deprived, or if it is said that they have been deprived, of the right to vote by reason of race or color.

And, at that point, let me say that the word "creed" has been used rather generously throughout this debate. But, you can search the Constitution, the 15th amendment, as long as you like, and you will never see the word "creed" used. So, we are talking about people who allege that they have been deprived of their right to vote by reason of their race or color. This proposal would mean that a prima facie case would be established, which is going rather far.

Now, what do we mean by the words "prima facie"? Our chairman of the Committee on the Judiciary has talked as though that would be a terrible sort of thing to do in this bill. He says that we should not be content to merely establish a rule of prima facie evidence, but should engraft into the law a conclusive presumption rule.

But, in volume 72 of Corpus Juris Secundum, at page 499, we find the following discussion of the words "prima facie," and it says this:

> Latin words which have, by long usage, become a part of the English language, and the meaning of which is readily understood by a person of common understanding. They are words of very common use in the courts and in newspaper reports of judicial decisions, and they import that the evidence produces for the time being a certain result, but that the result may be repelled. They have been defined as meaning apparent. They have further been defined as meaning as it first appears; at first sight; at first view; on its face; on the face of it; on the first appearance; presumably; so far as can be judged by the first disclosure.

Now, I take it that the proponents of this legislation and the opponents of the Willis amendment would have you take the position that we should write a law which would bind a court in any area of the United States ad infinitum because at first disclosure or at first blush it appeared that a certain pattern or practice existed.

Now, my friends, those of us who call ourselves lawyers must have some pride in our profession. We must have some intellectual honesty and intent and purpose to do that which we were trained to do. Are we, as lawyers, and particularly as Members who are privileged to serve on the Committee on the Judiciary of the House, to take these strained and tenuous positions and talk about certain things which we imagine to exist, as I suspect my dear friend from New York has just done and say that notwithstanding time-honored customs and precedents, which have been found to be the best rules to follow in maintaining concord and harmony in a democratic country, we are to abandon those principles in order to meet some situation which we imagine exists somewhere in this great land of ours?

Is the amendment offered by the gentleman from Louisiana contrary to what you would want to have done if you were brought into court just because some other person in your community had been found to be guilty of the practice and the custom of doing some unconscionable act?

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. WHITENER. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Are we, as individual Americans, to use the expression, to be "tarred by the same brush" as our erring neighbor and be deprived of a fair trial in the courthouse? Is it the position of the opponents of this legislation that because in the State of North Carolina someone in my community would engage in some of these terrible things which the chairman of the Committee on the Judiciary seems to think happened, and he is without any proof, that I should be accused of the same sort of thing and then not have an opportunity to defend myself?

Mr. Chairman, I appeal to the ladies and gentlemen of the House, not as a southerner, but as an American and as one who from his contact with a study of our system of jurisprudence has led him to have some devotion to the orderly processes of the law which we have had throughout the history of this country. And let me say this to you: That at no time in the history of the country have the people of this Nation, whether North or South, permitted themselves to be led into excesses for long.

There were excesses following the War Between the States—and I am not here to fight the Civil War again, as someone might accuse me of doing—but I would call your attention to the fact that many excesses were indulged in at that time in our history by members of the political party which sits to my left here. But as a result of those excesses we find that the people, not only of the South, but of the Nation, in the elections of 1867 did this—and I quote from Mr. Coleman's book entitled "The Election of 1868," pages 48 and 49. He said this:

> The results of the congressional election of 1866 were very discouraging to the Democrats, but they did not have to wait long for better omens. State elections were held in 1867 in 19 States—all of New England, all of the Middle States except Delaware and Maryland, West Virginia, Kentucky, Tennessee, Ohio, Michigan, Wisconsin, Minnesota, Iowa, and California. In 1866 the Republicans had carried all of these States except Maryland and Kentucky. In 1867 the Democrats carried not only those two but also Connecticut, New York, Pennsylvania, New Jersey, and California. Still more significant was the fact that in each of the 19 States the Democratic majorities increased or the Republican majorities decreased. Even in local elections, not statewide, as in Indiana and Illinois, the Democrats made large gains. In New England the Republican majority for Massachusetts shrank from 65,000 to 28,000, the vote for the Democratic candidate for Governor increasing from 36,000 to 70,000. Boston elected a Democratic mayor ("The Election of 1868," Coleman, pp. 48 and 49).

Mr. Chairman, I point that out to you, not to wave a partisan flag, but to show you that in my judgment the people of this Nation are fair minded. Even as people in the areas that I have mentioned at that time were laboring under the propaganda and the feeling generated by this conflict between sections of our country, that when excesses were indulged in and when the people's idea of the American approach to problems was not followed, there was a revulsion on the part of the very people in the area who had been on the Union side of the conflict when military conflict was in existence.

And I would say to you, not as a political statement, that you and I as American citizens should not underrate the intelligence of the people of this country or the sense of fair play of the people of this country. Wherever you may come from, if you establish the precedent on the statute books of this country, of setting up conclusive presumptions which will meet your people in the courthouse, I predict that within not more than 2 years another piece of legislation relating to other subjects, perhaps distasteful to you, will be here. At that time I predict that this will be argued as a precedent for setting up a conclusive presumption. Many of our brethen will then be uncomfortably reminded of their statements in support of engrafting a philosophy of conclusive presumption on our statutes.

Mr. LINDSAY. Mr. Chairman, I rise in opposition to the amendment.

Mr. HOFFMAN of Michigan. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOFFMAN of Michigan. Is there any reason why, when a Member of the

Committee rises, and he is recognized under the rules or precedents of the House, another Member may not object to any unanimous-consent request for a 5-minute extension?

The CHAIRMAN. Of course, there is no reason why any member may not object at any time to such a unanimous-consent request.

Mr. LINDSAY. Mr. Chairman, let us get back into focus here as to what we are talking about. The gentleman from North Carolina is attempting to create the impression that what we are trying to do here by this measure is to indict an entire community, that somehow there is an element of guilt by association whereby the guilt of a registration board is imputed to all the members of the community who live there. This is not so.

It is agreed we are talking about powers granted under the 15th amendment of the Constitution. The 15th amendment applies only to States or State officers or persons acting under color of law under a State. The target is not the folks who live in the neighborhood but those who are acting under the power and color of law of the State involved.

The voting referee bill we are talking about here authorizes a court to certify as qualified to vote persons of the race or color found discriminated against pursuant to a pattern or practice, but does not require each such person to prove that his inability to vote was the result of this discrimination. This is an elimination of an item of proof, mind you, it is not an adjustment of it, it is not a modification of a burden, it is rather the total elimination of that burden. Therefore, we are not talking about shifting burdens here which go back and forth and which begin with the registration officer and then shift back on the applicant. There is no burden on the applicant except that of showing qualification.

First of all, let me say that the powers of the Congress to enact appropriate legislation, which is the wording in the 15th amendment, are sweeping and broad. There is ample statutory and case history on the breadth of our powers in this area.

Secondly, let me say that the elimination of an item of proof has ample statutory precedent. When you do eliminate an item of proof, Congress is sometimes said to be creating a conclusive presumption. But a conclusive presumption is merely a ruling of law which makes an element of proof unnecessary, and as such it is a device which is often used by Congress and also by legislative bodies of the States.

Let me just for one moment say this on this subject: This is not substantially different from the relief accorded by courts of equity in cases brought to vindicate a public interest. The bill permits the extension of the protection of a court decree to other persons of the group found to have been the victims of the illegal acts of the defendants. When we say "defendants" we are talking again about those who are acting under color of law. In suits involving the public interest, equity provides numerous examples of decrees which afford protection far beyond the redress of the particular wrongdoing which has been litigated. It should be remembered, and here I quote from a Supreme Court case decided in 1937:

> Courts of equity may, and frequently do, go much farther both to give and withhold relief in furtherance of the public interest than they are accustomed to go when only private interests are involved (*Virginia R. Co. v. System Federation* (300 U.S. 515, 552)).

The Attorney General was absolutely correct when he suggested that the antitrust field particularly provides a significant parallel in this area. Here suits are brought by the United States to vindicate a public interest, and the decrees in those cases are fashioned accordingly.

For example, in the case of *United States v. Bausch & Lomb Co.* (321 U.S. 707), decided in 1944, the Supreme Court, finding that the defendant had illegally established a system of retail price maintenance, invalidated all its price maintenance agreements, even those which were lawful. Similarly, under the proposed bill, that we are talking of here, once a pattern of discrimination has been found, the defendants' authority over all threatened victims of the pattern will be scrutinized by the Court "in order that the ground may be cleansed effectually from the vice of the former illegality."

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WHITENER. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 2 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. LINDSAY. I yield to the gentleman from North Carolina.

Mr. WHITENER. The gentleman has said that there is nothing here that would involve innocent people in unjust accusations. I take it the gentleman is saying, if one election registrar in your county or in my county has a pattern and practice of depriving people with certain qualifications from voting, that he is doing no injury or damage to the registrar in the next precinct, but that, ipso facto, he is guilty of the same sort of thing.

Mr. LINDSAY. Now the gentleman is giving me an opportunity to read the balance of what the Supreme Court said.

Mr. WHITENER. I asked the gentleman whether he is talking about a prima facie case right now?

Mr. LINDSAY. Let me answer the first question first. Let me say to the gentleman, here is what the Supreme Court said on this subject:

> Equity has power to eradicate the evils of a condemned scheme by prohibition of the use of admittedly valid parts of an invalid whole (321 U.S. at 724).

Let me give the gentleman one further example again. In the antitrust case of *International Salt Co. v. United States* (332 U.S. 394), decided in 1947, the Supreme Court said:

> In an equity suit, the end to be served is not punishment of past transgression, nor is it merely to end specific illegal practices. A public interest served by such civil suits is that they effectively pry open to competition a market that has been closed by the defendant's illegal restraints. If this decree accomplishes less than that, the Government has won a lawsuit and lost a cause.

Mr. WHITENER. I take it then that the gentleman, when he refers to antitrust cases and alleged conclusive presumptions that he finds himself in diametrical opposition to the testimony of Deputy Attorney General Walsh when he said:

> The first thing that occurs to me is in the antitrust cases where the presumption is not conclusive, but presumptive. • • • This is not a conclusive presumption; that would establish a prima facie case.

So you are in absolute opposition to that.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. POFF. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for an additional 2 minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. LINDSAY. The last question asked by the gentleman from North Carolina reveals the trick that is being used here. Here is where the confusion is being compounded by those who oppose the measure. They attempt to confuse the thinking of the Committee as to the meaning of conclusive presumption. As I attempted to point out in my main remarks, all you are talking about when you mention the words "conclusive presumption" is the elimination of an item of proof. Now, if the elimination of an item of proof to you means a conclusive presumption—well, then, so be it. Call it that if you will. But, the fact of the matter is, having established a pattern of practice which goes to the guts of the whole problem under the 15th amendment, from then on you eliminate this item of proof. The gentleman would not eliminate it. The gentleman would have the subject relitigated time after time in every individual case.

Mr. WHITENER. What the gentleman is saying is that he subscribes to the philosophy of the Deputy Attorney General when he talks about jumping the gap; is that right?

Mr. LINDSAY. I am not sure what the gentleman means by "jumping the gap," and I am not sure what the Deputy Attorney General said because I do not have the transcript of his testimony before me. But, again I come back to this question of an elimination of an item of proof—if that to the gentleman means "jumping the gap," then let us call it jumping the gap.

Mr. WHITENER. So then you might jump the gap on the age qualification of the voter, if you start jumping gaps.

Mr. POFF. Mr. Chairman, I move to strike out the last word.

Mr. SANTANGELO. Mr. Chairman, a parliamentary inquiry. Is there any way in which a nonmember of the Judiciary Committee can get in a word?

The CHAIRMAN. The Committee will be in order. The gentleman from Virginia [Mr. POFF] has been recognized.

Mr. POFF. Mr. Chairman, I want to begin my remarks by saying that while the philosophy of the gentleman from New York [Mr. CELLER] and my own philosophy are not always entirely harmonious, I do have a genuine personal fondness for the gentleman and a personal admiration and abiding respect for the integrity of his conduct.

Having said that, however, I want to ask this question: When before in the history of this Congress has the proposition ever been urged that a statement of fact should not be subject to contradiction? Essentially that is the proposition the gentleman from New York [Mr. CELLER] urges. Are we to understand from what he has just said that hereafter there are no longer two sides to every issue? Are we to understand that the Congress hereafter intends to define for every bill a "conclusive presumption"? If so, it is immaterial whether it is called "conclusive presumption," "jumping the gap," or "elimination of an element of proof"?

It is still the same animal; namely, that when this Congress makes its utterance on a proposition it is thereafter forever foreclosed from contradiction.

Let us inquire exactly what the amendment before us seeks to accomplish. As I said earlier in the colloquy with the gentleman from Louisiana, this was intended in good faith as a gesture of compromise. Yesterday the gentleman from Louisiana offered an amendment which would have completely removed all presumptions rebuttable and irrebuttable, from the legislation. Today the gentleman offers an amendment which would establish a prima facie presumption only. That is, the new presumption is not so formidable as the conclusive presumption. It affords the registrar an opportunity to bring proof to bear to disprove the presumption which the applicant enjoys. Is that unreasonable? How will a prima facie presumption arise as a procedural matter? An applicant of the same race mentioned in the court's decree will appear before the referee. When he appears before the referee he offers proof that he is qualified to vote under the State law and that he has since the court's decree been deprived of the right to vote or has been found not qualified to vote.

At that point the applicant is entitled to the prima facie presumption that the reason he was denied the right to vote was his race or color. When that presumption arises the registrar has the opportunity to prove that the reason he was not allowed to register was not his race or his color but some other substantive reason inherent in the State statutes.

What is unreasonable about that? Should the registrar not be permitted to show that there was some other valid reason, some reason other than the race or color of the applicant that, some 6 months or a year previously, he was denied the right to register? I ask you, is it unreasonable to set up a prima facie presumption in favor of the applicant but yet preserve to the registrar the opportunity to prove that there is no factual foundation for the presumption?

No more than that does this amendment accomplish; and may I say that if we are to follow the philosophy that has been suggested here, this Congress may as well discontinue its sitting, because we meet here in this body each with different viewpoints. One viewpoint may be correct and another may be incorrect, but it would be unbecoming of any Member to say arbitrarily that he is right and deny his colleagues the opportunity to prove that he may be wrong.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. ABBITT. Mr. Chairman, I ask unanimous consent that the gentleman from Virginia may be permitted to continue for 5 additional minutes.

Mr. WOLF. Mr. Chairman, reserving the right to object, and I shall not, I only hope that when some of us other Members have items of interest that we would like to discuss in some detail that we will not be cut short by the operation of this rule.

Mr. POFF. I will be glad to yield to the gentleman at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. The gentleman from Virginia is recognized for 5 additional minutes.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from North Carolina.

Mr. WHITENER. The gentleman has heard a great deal of this conversation here in the debate, I am sure, as I have, with reference to the alleged conclusive presumption established under the antitrust law. I think in order to set that speculation at rest once and for all it might be well to read section 16, title 5, U.S. Code Annotated, which is the section with reference to presumption.

Mr. POFF. If I may interrupt the gentleman for a moment, I will be happy for him to read it, but after it has been read I am sure the membership will draw but one conclusion, namely, that it creates only a prima facie presumption, not an irrebuttable presumption.

Mr. WHITENER. It says:

> Final judgment or decree heretofore or hereafter rendered in any civil or criminal proceeding brought by or on behalf of the United States under the antitrust law to the effect that the defendant has violated said law shall be prima facie evidence against such defendant in any action or proceeding brought by any other party against said defendant.

And so forth, and so on. The point I would like to bring out, if the gentleman will permit, is this: Is it not true that the situation under the antitrust laws to which the gentleman called attention is only a prima facie evidence situation, not a conclusive presumption? And, secondly, is it not true that the prima facie presumption under the statute applies only to the defendant who was in the original action?

Mr. POFF. It certainly does not apply to any person who was alien to the suit; it applies only to a party to the proceeding.

Mr. WHITENER. But some of the opponents who have spoken to the Willis amendment are saying that it is different from the antitrust laws, when, in fact, there is no semblance whatever. Does the gentleman agree?

Mr. POFF. I might go further and say that the rule of the Willis amendment is even broader in the protection of the rights of the applicant than it is in the antitrust situation.

Under the Willis amendment a person who is not a party to the original action may enjoy the privileges of the presumption.

Mr. WHITENER. Does the gentleman feel this so-called jumping the gap which the Deputy Attorney General so glibly recommends to the Congress as a proper course of legislative procedure could commence one of the most dangerous legislative procedures in our system of government that has ever been presented to the Congress?

Mr. POFF. Of course, it is a rather novel concept. The elimination of a so-called element of proof is almost entirely alien to our system of jurisprudence. It has always been understood in America that proof of every essential element of a proposition is sine qua non. If we are going to adopt the philosophy that no longer must the prosecution establish an element of proof and extend this philosophy to its ultimate extreme, we might as well abolish the presumption of innocence.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from Florida.

Mr. CRAMER. It was stated by the gentleman from New York, Mr. LINDSAY, that there are examples where facts are not required to be proved. Does the gentleman know of any circumstance where the critical fact involved by which the Federal Government acquires jurisdiction—that is, race, color or creed—is not required to be proven in any case? That is, the critical element involved.

Mr. POFF. With his usual keen insight into the law, the gentleman has put his finger on the heart of the issue. Of course, the question of discrimination on account of race is the essential element of the 15th amendment on which this plan is grounded for constitutional justification. If we are to eliminate that element of proof, we will have repealed or rewritten the 15th amendment.

Mr. CRAMER. The person against whom this conclusive presumption is raised is not a criminal. He is not a murderer; he is not a thief. He is an elected public official within the State whose functions this referee is taking over.

Mr. POFF. Yes.

Mr. CRAMER. We are not talking about a person who has committed a

heinous crime. We are talking about an elected State official against whom this conclusive presumption theory is lodged.

Mr. POFF. And who presumably at least is trying to carry out the statutory law of the State as his oath of office requires.

Mr. CRAMER. There is a presumption that he does act so.

Mr. POFF. Yes.

Mr. CRAMER. Some question has been raised as to the Attorney General's position with reference to whether this itself creates a conclusive presumption. On page 31 of the hearings the Attorney General specifically said:

> We thought that all over, and we came to this one hurdle: Should he be required to prove in each individual case he personally was discriminated against? And we concluded that burden of proof was too difficult under all these circumstances; and indeed the answer to that link and proof was so obvious from the previous pattern of discrimination that we could ask Congress to enact this conclusive presumption at the benefit of the applicant.

Is there any question about this being a conclusive presumption?

Mr. POFF. There can be no reasonable doubt that it is and was intended to be a conclusive presumption to "jump the gap" in order to eliminate the burden of proof which the Deputy Attorney General said was too heavy to bear.

Mr. CRAMER. The gentleman, I think, is familiar with the fact a number of bills introduced in reference to antibombing contained a provision that created a rebuttable presumption that explosives were transported in interstate commerce. The Attorney General has, as I understand it, objected to that legislation on the basis that it creates a prima facie presumption and, therefore, makes it questionable law. Yet, on the other hand, he turns around and asks for a conclusive presumption in voting legislation.

Mr. POFF. In other words, in one case he considers a rebuttable presumption too strong and in the other case nothing less than a conclusive presumption is strong enough.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. ROGERS of Colorado. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, a great deal of confusion has been creeping in here trying to really cloud up the issue by saying, "Oh, this is a presumptive conclusion." But, let us analyze exactly what this amendment is and what it proposes to do as to this piece of legislation and how it will work out.

First of all, this is not a criminal proceeding, so whenever you make any reference to repealing the law as it relates to presumption of innocence, you are begging the question and do not know what you are talking about. That is No. 1.

No. 2. What happens in this amendment? Proceedings are had by the filing of a complaint by the Attorney General to the effect that discrimination has been brought about under a certain pattern or authority of law to deprive an individual to cast his vote because of race or color. Now, that is the main part. Now, the individual who is deprived or is alleged to be deprived of the right to vote because of race or color, has an opportunity to have the Attorney General come into court and show that the pattern or practice of the State official has denied him the right to vote, and if the pattern or practice is proven then an order can be entered.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Arkansas.

Mr. HARRIS. In his request, does the Attorney General make an application to the court that such a pattern exists?

Mr. ROGERS of Colorado. Yes. If you will take and read page 1, line 8, it says:

> In any proceeding instituted pursuant to subsection (c) in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured under subsection (a), the court shall, upon request of the Attorney General and after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice.

Mr. HARRIS. That is my question.

Mr. ROGERS of Colorado. Yes. That is the plain reading of the amendment.

Mr. HARRIS. Does the Attorney General charge in his request that there is a pattern that exists?

Mr. ROGERS of Colorado. Well, how on earth would you get into a court if you did not make some kind of an allegation? You are lawyer enough to know that you do not walk up to the courthouse and say, "Listen, Judge. I want to try something." You usually file a proceeding, and that is what happens here.

Mr. HARRIS. What I am trying to develop for this RECORD is whether the court on its own determines whether there is a pattern or whether the Attorney General alleges that there is a pattern.

Mr. ROGERS of Colorado. The Attorney General is authorized to represent any person under the pattern here, and he can come in and file a proceeding. It says "in any proceeding instituted pursuant to subsection (c)."

Mr. HARRIS. That is the point.

Mr. ROGERS of Colorado. He has the right to institute that proceeding. After a full determination of the issue is had, if the court then determines that a pattern exists, he may then enter an order for a period not to exceed a year or until the pattern or practice has ceased, which would allow those who have been deprived of the right in that area under this pattern or practice to vote, and then he can, if he believes it necessary, appoint a referee.

Now, what does that mean? Does that mean, if he lives in another county and not in that area, he cannot come in under this pattern? The court has a right to limit the area of the pattern and that limit is based on the proof that is submitted. So what happens? If the man does come in and show that he is within that area and the court has appointed a referee, then he no longer has to prove that he falls within the group that has been discriminated against.

The CHAIRMAN. The time of the gentleman from Colorado [Mr. ROGERS] has expired.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that the gentleman from Colorado [Mr. ROGERS] may proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROGERS of Colorado. After the order has been entered and the individual makes his appearance before the referee then there is a conclusive presumption that he falls within that pattern. What the amendment here proposes to do is to make it absolutely unnecessary that he again prove that which the judge has already found. Why should this be so? If a white man went down to register he would not have to prove that he fell within the pattern, because he could go to the regular registrar and register. After the proof has been made to the judge, why should a black man be required to prove it again? And that is the only thing you are fussing about here, because a white man would not have to make the proof. He could go to the county clerk or the registration official and register without having to prove that he is a white man. Showing discrimination being practiced or that there is a pattern because he is a black man, he does not have to prove it all over again. He then must prove to the referee appointed by the court that he is qualified under the State law. Why there is this fuss about presumptions one way or the other when you have a practical application of it, I do not understand.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I am happy to yield to the gentleman.

Mr. HARRIS. Do I understand the gentleman to mean, then, that the only question or issue involved with this individual, the third party, is whether or not he is white or black?

Mr. ROGERS of Colorado. No; it is true that I gave that illustration of the white man and the black man. But if the pattern or the practice shows discrimination against the black man and it is in this area, then he can go down and show that he is qualified to vote under the State law.

Mr. HARRIS. Mr. Chairman, will the gentleman yield further?

Mr. ROGERS of Colorado. I yield.

Mr. HARRIS. That is precisely the issue here, and I hope every Member of this Committee will get this clearly in his mind. Do you believe that those who are charged with being guilty of such practice, of permitting such practice, should not have the opportunity to come back and show the court that this individual's application was not in good faith?

Mr. ROGERS of Colorado. May I first reply to the gentleman by stating that the official in charge that the gentleman mentions has had the opportunity before the Federal judge to show that he did not discriminate, that he had not set up a pattern of discrimination in the first instance.

The CHAIRMAN. The time of the gentleman from Colorado [Mr. ROGERS] has again expired.

Mr. WHITENER. Mr. Chairman, I ask unanimous consent that the gentleman from Colorado [Mr. ROGERS] may proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman.

Mr. WHITENER. Does the gentleman agree, following the argument that he has just made, that if you have a ward or a precinct in your city or in my city with three voting places, if a person of color had been deprived of his right to vote pursuant to custom or practice, that this conclusive presumption would apply with equal force to the other two voting precincts or wards in that one area, even though the two registrars when they are hauled into court by this colored person prove that they were diligent in protecting the rights of the voters?

Mr. ROGERS of Colorado. May I direct the gentleman's attention to line 6 on page 2, which states "resident within the affected area." It would become the duty of the judge to whom this complaint has been made to ascertain what is the affected area.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Arkansas.

Mr. HARRIS. Assume that a court after a hearing as provided under the proposal determines there is a pattern within an affected area. It is presumed, then, under this proposal conclusively that those within that area come within the pattern; is that true?

Mr. ROGERS of Colorado. He states the area and the pattern, yes.

Mr. HARRIS. What about those who move into the area after the pattern has been established? Do they come within it?

Mr. ROGERS of Colorado. If they are to qualify to vote under the laws of the State.

Mr. HARRIS. Then for a whole year, although they were not there at the outset, they can move in. You can move in 50 or 100 or 1,000, any number, and then the judge himself is powerless to change it. It that not true?

Mr. ROGERS of Colorado. No, the judge is not powerless. The judge can do it. The gentleman knows and I know that the judge has the authority at all times to set aside his own decree, if it is unjust and unreasonable.

Mr. HARRIS. Let me read the gentleman the language: "Shall, for 1 year and thereafter until the court subsequently finds that such pattern or practice has ceased." You are bound for 1 full year. That is what the language states.

Mr. McCULLOCH. Mr. Chairman, I ask unanimous consent that the gentleman from Colorado [Mr. ROGERS] may proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield for a question?

Mr. ROGERS of Colorado. I yield to the gentleman from Ohio.

Mr. McCULLOCH. Is it not true that the citizen who makes the application for an order to vote must be a qualified voter in acordance with the laws of the State where the application is made, and the registrar has at all times the right to decline the certificate or the registration if the applicant is not qualified under the laws of the State, and the registrar ultimately has his day in court in an adversary proceeding when he may prove that fact?

Mr. ROGERS of Colorado. It is my understanding and belief that the amendment offered by the gentleman as a substitute and that we are now considering relates to those who are qualified under the State law to vote. In response to the question asked by the gentleman from Arkansas a moment ago, we know that there are many State laws which would authorize one to move into a county within 90 days or a precinct within 30 days. Then he can register and vote within that particular precinct. So, if after the order is entered a black man should move into that area and qualify under the State law, he would come under the pattern, but he must meet the qualifications of the State law. I know a great deal has been said about the question of the administration by the referee who has been appointed by the court to carry out these responsibilities. But, let us remember that this referee is never appointed until a Federal judge has determined that a pattern exists.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KASEM. Mr. Chairman, I move to strike out the last word.

Mr. SANTANGELO. Mr. Chairman, will the gentleman yield?

Mr. KASEM. Mr. Chairman, I yield to the gentleman from New York, and I think I can do so in good conscience because I have worked with him in the preparation of some material that he is about to present, and the gentleman from New York presents it for me as well as for himself, and I join with the gentleman from New York in the remarks that he will make.

Mr. SANTANGELO. Mr. Chairman, I, and some of my colleagues from the East and from the North, have listened with a great deal of interest to the words of the gentleman from Louisiana [Mr. WILLIS]. We listened with an open mind and we were almost persuaded. We listened to the easy and convincing words about a prima facie case. We recognize the harshness of a conclusive presumption. The gentleman from Louisiana was followed by another gentleman from the South who challenged us and said that unless we showed reason that this body would pack the committees and that we would rue the day. Well, gentlemen, these committees so far as I can see have been packed already. It took 219 signatures on the petition to discharge at the Speaker's desk before we could get the Committee on Rules to pass a rule making in order the consideration of this bill. The Committee on Rules is controlled by the gentlemen from the South. The Committee on Education and Labor is also controlled by the gentlemen of the South. The Committee on Appropriations and the Committee on Ways and Means and the Committee on Armed Forces, the Committee on Post Office and Civil Service, the Committee on Veterans' Affairs and the Committee on Interstate and Foreign Commerce, and the Committee on Merchant Marine and Fisheries, the Committee on Outer Space, the Committee on House Administration and some other committees are all controlled by the gentlemen of the South. But, Mr. Chairman, I am not concerned about that aspect of the matter, but I do want to see if we can work out something which is fair and reasonable. I do want to see if these easy words of the gentleman from Louisiana have substance or whether they are just the lure of the siren attracting us to destruction on the rocks between Scylla and Charybdis. You say you want to have a prima facie case with respect to these situations after there has been a court trial where the proof has been presented and where the court has made the determination and the finding that there is a pattern and a practice which shows discrimination in a locality. And this is so after the Civil Rights Commission has found that there is discrimination in the South and in the East and in the North. After 3 years of study the Civil Rights Commission has found these acts and these practices of discrimination.

After a court has found a practice and pattern of discrimination, after a trial has been held, then you say you want to have the right to have that sort of proof considered as establishing only a prima facie case, when as a matter of fact that sort of proof is sufficient to prove the case altogether. If you gentlemen would say that you want to have the right of rebuttal, for example, in the case involving a question of the age of an applicant or involving the residence of the applicant or involving the fact that an applicant was a criminal and, therefore, could not qualify to vote, I, in good conscience, could say to you, "Yes, gentlemen, you have the right to show that the applicant is a carpetbagger and not a resident and you have the right to show that these applicants are floaters who come into an election district to change the result of an honest election"—but you do not say that, you go further—you ask for the right to dispute once again this information as to discrimination in the locality, and you want to disprove the fact that he has been deprived of the right to vote and denied that right under the color of authority. You want to dispute that a person has failed to register when the registrar absented himself or took a walk so that a Negro would not find anyone to register him.

Gentlemen, I say to you with respect to these provisions under (a) and (b), we do not want to give you the right to

rehash the facts in the case. You have hindered and obstructed them, and now you want the right to do it all over again. I say there comes a time for the end of litigation. If you come forward and say, "We want a rule providing a prima facie case so that we can present proof with respect to age or his record as a convict or with respect to residence or to explore the question of the length of his residence," I would say we would go along with you, but do not try to deceive us and kid us. We have been frustrated long enough by dillydally tactics, and we want to see that the citizen gets the right to vote which the Constitution guarantees him, and to fulfill the promises which our Declaration of Independence pronounced when it said "all people are created equal." This promise applied to black as well as white. It is time to act. Let us not dillydally. Let us come forward with a proposition giving these people the right to vote. Do not delay this proposition any longer.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CURTIS of Massachusetts. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have such high respect for many of the attorneys and others on the other side of the aisle, with some of whom I have worked on the Judiciary Committee, that I am sorry to have to disagree with them on these matters.

I agree with what the gentleman from Oklahoma [Mr. MORRIS] said yesterday—that we Members of the Congress who happen to be lawyers are deeply interested in seeing that wise and proper legislation is passed to accomplish the object before us.

The great difficulty with the Celler amendment, urged by the Members who are opposing it, is this so-called conclusive presumption. The distinguished and able gentleman from New York [Mr. CELLER], chairman of the Judiciary Committee, referred to this difficulty as a cinder which was in the eyes of those who oppose it.

However that may be, let us look at this so-called conclusive presumption. Is it so bad? Would it be a proper step to make it instead a prima facie presumption? I submit that to create a prima facie presumption is exactly as bad as the amendment before us yesterday. That amendment would have required the applicant to prove that he had been denied registration as a voter on account of race or color.

Why do I say that the amendment now before us is equally destructive of this legislation? Under the Celler amendment, that item of proof is eliminated. I will mention in a moment how it is eliminated. The motion that was defeated last night would have put that item of proof back. The present motion puts that item of proof back just as surely, except that the burden of proof is shifted. It is just as destructive of this legislation.

Now what is this conclusive presumption? Let us not think too much about technical terms. Let us look at the realities of the situation. As I said last night, the Commission on Civil Rights has found that various subterfuges are used to prevent certain people from getting their names registered as voters. There may be delays, there may be difficult literary tests, and then these men are refused. They try again and again.

The Celler amendment seeks a remedy for that. It eliminates the need for the applicant to prove that he was refused because of race or color. If the bill required the applicant to prove that, it would be unworkable. Such proof cannot be furnished under the circumstances of these cases. That fact just cannot be proved, Mr. Chairman.

So what does this proposed legislation do? It says in effect that it shall be sufficient proof of that fact, namely, refusal on account of race or color, if three things are proved:

First. That in that area there is a pattern of discrimination on account of race or color.

Second. That you have an applicant who is found to be qualified to vote under the laws of that State.

Third. That since the finding of this pattern of discrimination he has again applied to be registered as a voter and has been refused.

In other words, all this proposed legislation says is that it is proper to find on the basis of that proof that the applicant has been refused on account of race or color.

I think that is the better way to think of this situation than to talk about a conclusive presumption. I like the approach of the present motion better than that of the motion of last night. The present motion says in effect that the three items of proof mentioned above shall be prima facie evidence that the applicant has been refused on account of race or color. All that this legislation does is to go a step further and say that if those three things are proved, the court can properly find that the applicant was discriminated against on account of race or color.

The Constitutiton provides that the right to vote shall not be denied on account of race or color, and empowers the Congress to enforce that by appropriate legislation. The provisions of this bill are such appropriate legislation.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. HOFFMAN of Michigan. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, one trouble so many of us have with this bill is that there are so many lawyers interested in it, and they give us so much advice as to what should or not be in the bill that I at least just cannot learn what it is all about. It was my understanding that we were trying to make it possible for those who were deprived of the right to vote should have opportunity to exercise that right when qualified. One thing, I think, though, is true generally, that this is an attempt on the part of the two major parties—is the gentleman from Iowa [Mr. GROSS] listening?

Mr. GROSS. Yes, yes, yes.

Mr. HOFFMAN of Michigan. Thank you. Your advice is always helpful—you usually have knowledge of what should be done. The bill is an attempt on the part of the political leadership of the two major parties to corral the vote of certain minority groups.

Be that as it may, while I am not authorized to speak for my colleagues, it is possible neither party will be satisfied with the result or that its wishes will be realized. Probably not a vote will be changed unless it is by the granting of some special advantage or special benefit.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield.

Mr. GROSS. I want to say that the gentleman from Michigan can speak for the gentleman from Iowa.

Mr. HOFFMAN of Michigan. We are agreed?

Mr. GROSS. In our party, yes.

Mr. HOFFMAN of Michigan. Thank you, sir. If what is said is out of line with the thinking of the gentleman it will be a pleasure to revise my remarks.

The gentleman from Mississippi [Mr. WHITTEN] a little while ago, talking about his fear that a minority group might be organized and their votes bought—and be decisive on a vital issue or the selection of a President—suggested caution—a more than worthwhile thought. From what I see in the papers that may be true in Chicago, for example, and I take that from the Chicago Tribune; that is my political bible. It appears that while Chicago has an exceptionally effective police force the professional criminals have been able to corrupt a few policemen. Just recently they have gotten into trouble and several policemen have been arrested and are awaiting trial. Beyond question the Tribune and the other papers will drive the crooks out or get them in prison as happened before and will again.

But I do want to help with a suggestion for my friend from Mississippi, at least, I think he is my friend, for we have much in common. Now, this question of organizing and purchasing the vote of a minority. I know a Republican, at least he says he is a Republican, who is an able, effective, unafraid, aggressive organizer who can deliver. I know something about his record. While he is not my personal friend, and I receive no compensation from him and I give him none, when he takes on a job he usually finishes it. No one ever accused him of a lack of effort. Nor of being afraid of consequences. I am speaking of Jimmy Hoffa, who has demonstrated his ability to organize employees as well as voters. There is no question about his ability, his courage political, as well as physical. He lacks the yellow streak so abundantly possessed by Mazey and Reuther. Hoffa wants money and power. He is not finicky about how he gets either. Reuther would take over and destroy our Government. He has views similar if not the same as those of Tugwell who said in 1937 that business must be made to disappear, as those of Browder, onetime Communist Party head, who said he would take over industry because "we want it; we need it; we have the power," as he has demonstrated. By combining with Harry Bridges on the west coast and others on the east coast he could tie up the entire transportation system not only of the waterfront on the east and west coasts, but with his Teamsters, the entire country. If you can get him interested, if you will employ him as an organizer there is no doubt in my mind that he can organize and deliver the voters provided of course he is not in prison—and we might add—an election. He may have to pay off somebody. He may have to promise greater benefits, greater relief handouts, larger unemployment benefits, but he is the one who can organize and deliver the votes. If there is to be a delivery of votes, why fool around with a so-called expert politician who is a candidate back of a candidate but trying for a secondary position?

If votes are being purchased get an expert of proven ability. This attempt being made here is advertised as a crusade for the right to vote, but as our able colleague from Ohio [Mr. BOW] has so often said, we forget or ignore the right to vote to which some of our servicemen are entitled.

Does someone ask how the votes will be or may be purchased? Just as hundreds of thousands of other groups have been bought. Labor groups through special privileges. People in want through the promise of needed benefit payments. Unemployed through promise of increased cash payments. Some employees through an increase in minimum wages. Farmers through subsidies—the list is without end.

May I say to the gentleman from Texas [Mr. POAGE] who has obtained so much for his cotton farmers, and other groups, Do you remember that relief against the flood and before you could get the money to Texas you asked for more because the country was too dry? Or was it the other way around? An organizer can promise all those things and many more. He can charge a nominal fee to register with a group of voters who can elect the next President of the United States, either Republican or Democrat. The group of new voters, if properly handled by a Hoffa or a Reuther, will hold the balance of power. In more than one city election the result is now determined by the vote of a minority group. That is one danger that now exists. We should not, thoughtless, add others.

Many people do not want to vote, and many do not vote. At least in my district they do not vote. I have at least 7,000 colored voters in the section. They do not all vote for me, that is all right, they all have the right to vote. A delegation within the past week said they knew of no one who had been deprived of the right to vote.

Their only complaint was that somewhere someone, it was alleged, was deprived of that right. No doubt there always has been a denial of equality. There is no reason why we should not try to lessen the evil. But let us do it in the best possible way.

I can see no reason for this bill. I may vote for it. Why? Because it may be so worded that it will help correct wrongdoing in some sections. Because I do not want those professional organizers chasing me all over the six counties of my district. If some people want something they do not mean to use, all right. It is like the grandsons or great-grandchildren, they want an extra stick of candy, or an added dish of ice cream. I know it is going to make them sick, but if they want it and it is not going to kill them or hurt them seriously, give it to them. But if the end result is bad rather than good, the answer is "No."

What is there about this bill? I have had a certificate to practice law ever since I was 21, 63 years ago and that is a long, long time. I have tried for the last 2 or 3 days to understand the proposed legislation, but I must confess I am a little confused. I do not know what is now in it. Maybe I will vote for it. Maybe not. As the gentleman from Virginia suggested, why not take a recess—let the leaders get together. See if a fair agreement can be reached—explain it to the rest of us and then vote; then issue a press release saying we are all entitled to the support of the new voters. Do I hear approval. Not yet.

Mr. McCULLOCH. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, the amendment under consideration strikes at the very heart of this bill. If the amendment be adopted it will ruin the major effectiveness of it. We have heard a lot of talk about conclusive presumptions, about a possible denial of the person accused of some offense not being able to meet his accusers face to face; that this is an ex parte proceeding and is contrary to the principles of American jurisprudence. Notwithstanding the fact some of my very best friends have made statements that I interpret in that manner, I insist that they have not presented the true import of this bill.

I want to say to the Members of the Committee if this amendment is defeated—and I certainly hope it will be defeated—every person who is charged with a violation of law or with denying a person the right to vote will ultimately have his day in court, the Federal court of the United States of America, and his rights will be therein protected.

Mr. WINSTEAD. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Mississippi.

Mr. WINSTEAD. I am wondering what would happen in a State where you have a runoff in a primary election, and this whole thing gets tied up for a period of time. Nobody knows for certain who won the runoff in the primary election. How would that problem be solved?

Mr. McCULLOCH. I would say that the problem would be solved just as a contested-election problem would be solved in my congressional district if there are challenges by the score or hundreds or thousands in the primary election to be held on May 3, 1960.

Mr. WINSTEAD. But is this not true, that when these election officials operate in your State, you will have far fewer contests under that circumstance than we might have in this case if you get a Republican or a Democratic administration start appointing these referees? This thing could turn into a veritable political machine all over the country.

Mr. McCULLOCH. Members of the Committee, I am not disturbed by thinking that the election processes under this law will be perverted to such purposes. I would like to say to the gentleman who submitted the question to me, if the duly appointed or elected election officials of the United States will proceed in accordance with the Constitution of the United States and in justice, as it is recognized in an overwhelming majority of voting precincts in this country, the problems which he conjures up will not arise.

I repeat, members of the Committee, I hope the amendment is defeated.

Mr. WINSTEAD. Mr. Chairman, if the gentleman will yield further, had you rather risk the appointed referee than to risk the elected official? It seems to me that you have got to trust somebody.

Mr. McCULLOCH. Well, if the elected officials do not do their duty and if they pervert the Constitution of the United States, then I must place my reliance in a referee.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Iowa.

Mr. GROSS. Now, then, if everyone who may be brought in under this bill is guaranteed his day in court, that must be found in some other law; is that not correct?

Mr. McCULLOCH. That is not correct. His day in court is guaranteed in the McCulloch bill, H.R. 11160.

Mr. GROSS. Is there no other law that guarantees an American citizen the right to have his day in court?

Mr. McCULLOCH. Oh, yes. All laws, all the accepted practices at common law, or under equity or under the statutes guarantee a citizen his day in court.

Mr. GROSS. That being true, then why some of the provisions in this bill?

Mr. McCULLOCH. We want to make it abundantly clear that under H.R. 11160 people who are charged with violation of the law and of discriminating against people on account of race or color may have their day in court and prove that that was not the case.

Again, Mr. Chairman, I hope this amendment is defeated.

Mr. DOWDY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, 2 years ago last June in the debate on the so-called civil rights bill then under discussion, I made the observation that I was sorry I had lived to see the day when men elected to serve their people in the U.S. Congress would get up on the floor of this House, and advocate and vote to impair the right of trial by jury. I thought at the time that never again would this great legislative body fall so low.

But I was mistaken. We now have this Celler substitute before us which will not only amend the U.S. Constitution by statute—a means not recognized as legitimate—but it will legislate a new

concept, foreign to our ideals, that there can be and is to be such a thing as a "conclusive presumption" in law. The presumption of innocence can be overcome by adequate proof, but, in this bill, there is a conclusive presumption established, and a person, innocent though he may be, may not be heard to refute the presumption. I believe this to be an ebb even lower than the impairment of the constitutional right of trial by jury. I know not what precedence for this is, but I know that it is a philosophy that is alien to America and our jurisprudence.

On yesterday, the chance came to correct this grave defection from principle, but this House voted it down. I cannot say for you, as did Jesus dying on the cross, "Father, forgive them, for they know not what they do," because the House knew what it was doing. It was amply warned here from the well of the House. That plea will not avail—the only resort will be a plea of temporary insanity.

This plan that is being followed, to insidiously erode and tear down the U.S. Constitution and Bill of Rights will surely destroy all liberty of American citizens, unless this enemy within is defeated. If this plot is not exposed for what it is, and this Congress and all America awakened to defeat it, then remember what Christ said when he found his disciples asleep for the third time: "Sleep on now, and take your rest. It is enough, the hour is come; behold, the Son of Man is betrayed into the hands of sinners."

We have too much at stake—our freedoms are too precious to be insanely surrendered. Before it is too late, do a little thinking for yourselves—quit following the Judas goat, as sheep to the slaughter. If you do not, you and your people will pay a dear price for your folly. You have here one more chance for partial redemption.

Mr. HEMPHILL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think it is time in the consideration of this legislation that we begin to talk to some of the people who are proponents, and especially the gentleman from New York [Mr. CELLER] and the gentleman from Ohio [Mr. MCCULLOCH], and ask them if they intend what they are writing in this legislation. I recognize that on the face of it and so far as the hypocrisies of the situation are concerned, this legislation is supposed to be the political legislation to get the Negro vote, to say to the Negro that, "We in the House of Representatives fought here day after day to get you the right to vote." But actually, if you adopt the Celler substitute for the McCulloch amendment, you are putting into every kind of election—not only the presidential election and the elections to the U.S. Senate and the House of Representatives—but I should like to say to my friends from Chicago and New York and Los Angeles and San Francisco and Detroit and Cleveland and Buffalo and other places where you have city elections—you are putting these referees and you are putting these patterns into the city elections, county, State, and all others.

I hope somebody will face you with the problem and with the accusation that you are substituting a voting referee, whose only qualification is that he be qualified to vote, who has no qualification that he must know the election laws, who has no qualification that he must know the State laws, who has no qualification, or prerequisite that he must know the U.S. statutes—but because of the fact that he is picked by a Federal judge who may want an election to go one way or another, he has the right to make decisions which honest election officials would not have the right to make under this particular legislation.

The gentleman from New York, who is sitting at the counsel table, was up on Friday last or perhaps it was Monday, and I asked him what qualifications they require. He could not answer, because they had no qualifications written in. Evidently in an attempt to cure that particular defect in the bill, when they came back with the McCulloch substitute, they had written into the bill, I believe on page 3, "one or more persons who are qualified voters in the judicial district."

Is that the only thing you are going to require? Leaving aside all the emotion that this legislation has accounted for, are you going to substitute a man whose only qualification is that he may vote, for the judges of your election, for the managers of your election, for the registrars? Are you going to say to the people running in your city council races or running for judge or district attorney, "We can disfranchise you or we can put your political effort into difficulty or disrespect by a pattern process in which somebody comes to a Federal judge and says, 'I have been discriminated against' "? Then we have a conclusive presumption that because he is white or black, yellow or tan, that it is because of his race. Then you are going to say to the person running in the election, "Did you exclude this man?" What about the candidate? What position does that put him in if he is accused falsely or truthfully of being a party to the discrimination? You are going to say the pattern exists because it is conclusively presumed to exist.

This is going to apply to you city boys, too. It is conclusively presumed that the pattern exists in the city race.

Now we are going to get somebody to carry out the law with no qualifications except that he either be a political hack, a stooge, a Communist, or something of that nature and you are putting this into the realm of potentially being able to upset any election. You can castigate any candidate either directly or indirectly. You can say to people who have been working at the polls for years, or to registrars who have been working at the polls for years, that they have been violating the law and it is conclusively presumed that they are violating the law, whether you had a trial or not or whether there has been a hearing or not.

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. HEMPHILL] has expired.

Mr. FLYNT. Mr. Chairman, I ask unanimous consent that the gentleman from South Carolina [Mr. HEMPHILL] may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. HEMPHILL. That being the situation, I want your attention because I think you have the votes to write the kind of laws you are determined to write and that political expediency will demand here when we are writing this legislation, but I think you have conscience enought, at least I hope you have, to take the legislation and say, if you are going to write this law, "We are going to recognize the situation, we are not going to have the kind of law that will get us into trouble or allow a political party not visibly here proposing this legislation but happy at the difficulties caused, we are going to say to that party that here is the first time in the history of this country that we have had any statutory vehicle by which the elections of this country could be controlled. We are going to say to that particular party"—to which some of you may have some hidden allegiance, although I doubt it I hope not—that up until this time a man had his day in court, up until this time the sanctity of the ballot box in the United States was presumed. We have created here a monstrosity in which the sanctity of the ballot box is not presumed, but there is a conclusive presumption in the opposite direction. Not only has the sanctity of the ballot box been presumed, as far as I know, but the sanctity of the patriotism of the election officials, whether or not there have been evidences of discrimination, and I am happy to say I will match my own State against any. We are saying now that there is no sanctity, that it is necessary in America for political expediency to cast a shadow on every election official whether he comes from the much persecuted South or whether he comes from the city wards of one of the great municipalities.

You are writing this legislation. You are writing it with your votes. I say this in no acrimonious sense and not to denounce anyone, but I say that the country as a whole is going to suffer far more from this legislation than any of the southland. The country as a whole is going to suffer from the fact that this kind of statute exists on the books. All we ask you to do by this Willis amendment is say that we do not want any conclusive presumption without a hearing, that the man who is at the registration books in the United States of America, whether he is from the South or the North or the East or the West, has because of one man's affidavit ex parte, because of some political chicanery, been conclusively presumed to be crooked, to be a part of a plot against the people who vote in a particular precinct. If that is what you want, heaven help you. If you are faced with it in the future back home, where they are going to begin to ask questions, if the press is honest enough to give this provision its place in the sun, to give it to the people in the cities

back home, they will say, "We do not want it in our elections." But that is what you city boys are voting for, and that is exactly what you are going to get unless you have either the courage to vote for what you know to be your convictions or the intelligence to vote for the amendment necessary to cure this defect.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the Willis amendment conclude in 30 minutes.

Mr. DAVIS of Georgia. Mr. Chairman, reserving the right to object, I would like to ask the gentleman if he would not let the debate proceed for a while without limiting it because many of the Members who get 5 minutes present matters that require a little longer to answer.

Mr. CELLER. Mr. Chairman, I withdraw my request.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. BOW].

Mr. BOW. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, we are considering a bill here today to enforce constitutional rights and for other purposes. I hope in our attempt to enforce constitutional rights, we do not do violence to the Constitution. But, I am afraid in some areas we have come dangerously close to that. I want to call the attention of the Members to matters that I have spoken of in this House on many occasions, namely, that some constitutional rights have been denied many of our citizens of this country and yet the House of Representatives has done nothing about that situation. We have come close enough to have a bill voted out of the Committee on Foreign Affairs, but it was held in the Committee on Rules. That bill has for its purpose the protection of the constitutional rights of the American soldier. It has been ruled that this is a voting bill so there has been some question as to whether we are protecting all constitutional rights. But, I was interested to see in my home paper, which came in just this morning, the Canton, Ohio Repository, a fine paper, this article. This article says: "Franchise for Thousands Requested."

We have heard a lot of talk here about the franchise for certain individuals. But, listen to this further headline: "GI's on Ohio Bases Appeal for Vote."

Mr. Chairman, this is a voting bill. Let us begin to protect the constitutional rights of the American GI both here at home and abroad. This is home—this is in my State of Ohio.

The article reads as follows:

FRANCHISE FOR THOUSANDS REQUESTED—GI'S ON OHIO BASES APPEAL FOR VOTE

(By Reed Smith)

COLUMBUS, OHIO.—Demands by military personnel for the right to vote where they live outside their Ohio stations has kicked up a new fuss in this presidential election year.

Attorney General Mark McElroy has promised prompt ruling and Secretary of State Ted W. Brown said a court test and possible action by the legislature may result.

Thousands who entered service in other States are stationed in Ohio but the number is restricted information.

The question pops up almost every year, Brown said, but the latest rumble from the Dayton area is louder than usual.

That's because election boards told service personnel living outside Wright-Patterson Air Force Base they could not vote.

HAVE VOTED FOR YEARS

Hardest hit were several hundred living in Greene County and a number in neighboring Montgomery County. Many of them have voted in their areas for years.

Typical of numerous protests was a letter from Mrs. Jack Falleru, of Fairborn, to Representative Herman Ankeney, Republican, of Greene. She wrote:

"As 8-year residents and voters of Fairborn, my husband and I would like to make it known to you that we do not think the military residents of Greene County should be disfranchised because they wear a uniform.

"These personnel pay taxes, are subject to our municipal and State laws, are supporting members of our churches and contribute to our charitable organizations.

"Since they have met our residency requirements, how can they turn them away from the polls?"

Ankeney checked with local officials and Brown, the State's chief election official. They cited the constitution and State laws for their stand but called for an early decision on conflicting views.

Article V, section 5, of the Ohio Constitution reads: "No person in the military, naval or marine service of the United States, shall, by being stationed in any garrison, or military or naval station, within the State, be considered a resident of this State."

WIVES ALLOWED TO VOTE

Ohio laws provide that adults, to vote for President and Vice President, must live in the State for at least 40 days before the November election and for 1 year in the State and 40 days in their county and precinct to vote for local candidates and issues in all elections.

Voting information prepared by the Federal Government says the State, city, or county where a person lived before entering military or Federal service is usually considered his legal residence for voting purposes.

Officials have commended Brown for his efforts in aiding Ohioans, stationed elsewhere, to vote by using military service ballots sent out and marked early for counting at their legal residence.

He said wives of out-of-State servicemen stationed in Ohio have been allowed to vote locally when they met residency requirements, but military personnel living on bases in Ohio must vote where they entered service, he added.

Although Greene County previously allowed voting by those living off military bases, Montgomery County officials said only a few have voted there. They explained that some military personnel had slipped past by registering in civies without being asked if they were in service.

But some officials feel that the ban is wrong. Fairborn Mayor John S. Honaker said he was very unhappy about it. And Kettering Mayor Claude J. Cannon asserted it didn't seem fair.

COURT ACTION ADVISED

Maj. Gen. Moody R. Tidwell, Jr., staff judge advocate at Air Materiel Command, asserted that military personnel who met requirements are entitled to the same voting privileges as anyone else.

Answering a letter from Dwight W. Barnett, Greene County Republican chairman, Brown suggested he bring the issue to a head by starting court action. The secretary of state promised him full cooperation in any litigation.

Brown added that the legislature could help by clarifying election statutes and that the legislature, if it desired, could provide for a popular vote to change the constitution by placing an amendment on election ballots.

Mr. HOFFMAN of Michigan. Mr. Chairman, I make the point of order that the members of the committee in charge of the bill are not in order.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. BOW. I might say to the gentleman from Michigan that I have been fearful that in the past, many have been neglectful of these American soldiers and their constitutional rights—and this may be no exception.

Here we have people who for years are wearing the uniform of the United States who have been denied the right to vote in this country. Are we going to continue to cry about the areas that you are talking about here on the floor of the House for 3 days and neglect even the right to vote of our GI's? We have taken other constitutional rights away from them. We deny them the right of an indictment and the right to face witnesses and the right to a presumption of innocence. We have failed to let their constitutional rights follow them when they have been sent abroad, and now here we have a case where even the right to vote in this country is being denied to thousands of American soldiers.

Mr. Chairman, I have taken this time to serve notice that I am going to introduce an amendment, when the time comes, by which amendment I am going to try to preserve the rights of American soldiers to vote. I am going to try to preserve their constitutional rights when they are outside of their own country and are stationed abroad. You have all heard me go over this time and time again—those of you who have been here for some years—and as long as I am here, I am going to continue and some day, perhaps, we can call the roll and stand up and be counted and see who believes in the rights of our American GI's.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. These thousands of soldiers to whom the gentleman refers, are they colored or white soldiers?

Mr. BOW. Most of them are white, I will say to the gentleman.

Mr. SMITH of Virginia. No white man is given any protection under this bill.

Mr. BOW. I hope that my amendment will protect them.

Mr. SMITH of Virginia. I will say to the gentleman no white man comes under the protection of this law.

Mr. BOW. I thank the gentleman.

Mr. FLYNT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it has been said that the most dangerous thing that can happen to a people or to a government is mass hysteria. Yet I am inclined to believe that this committee in the position that it seems to take, in insisting upon writing into this legislation a conclusive presumption, is approaching a stage of mass hysteria.

The chairman of the Judiciary Committee, as all of us know, is a very able man. I think he understands this legislation just as well as any man on earth. In fact, he showed his close understanding when on yesterday in discussing Mr. Willis' amendment on page 5773 of the RECORD—and I wish some of you would get yesterday's RECORD and turn to that page so that you can follow what I am going to read—yesterday the distinguished chairman of the Judiciary Committee, the gentleman from New York [Mr. CELLER] made this statement, and I am quoting:

That is why we set up this idea of the general pattern or practice. Then within that broad sweep these Negroes come in, and all they need do is show that they were qualified to vote and had complied with the State regulations as to qualification, residence, and so forth. If he is so qualified to vote and brings that proof before the referee, he does not have to show any more if he is colored.

I think that is a correct statement under this bill, and I just wonder if the gentleman realizes the effect of that. I want to take this example. If a colored man and I went to the courthouse together to register on the last day permitted by State law for registration but arrived, say, 1 minute late. It is too late for either of us to register in accordance with the State law pertaining to registration. But under the statement of the gentleman from New York, which I just read, if this should become law, and we then tried to appeal the action that the registrar took by denying us the right to register, and if we followed the rule and came before this referee, under the statement of the gentleman from New York under the language of the bill here is what would happen——

The CHAIRMAN. The time of the gentleman from Georgia [Mr. FLYNT] has expired.

(By unanimous consent, at the request of Mr. CELLER, Mr. FLYNT was granted 5 additional minutes.)

Mr. FLYNT. Here is what would happen under this law: He would be permitted to be registered and I would be denied the same right simply because, as the gentleman said, the question of color is the determining factor. It would mean, as the gentleman from Virginia [Mr. SMITH] said a moment ago in colloquy with the gentleman from Ohio [Mr. BOW], it would mean that a white man is given no protection whatsoever under this law.

Mr. RIVERS of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from South Carolina.

Mr. RIVERS of South Carolina. Assuming that two men sought to vote in the State of New York, if one man was a Puerto Rican and the other was a colored man, would the Puerto Rican be able to vote in New York City?

Mr. FLYNT. Not unless he was a colored Puerto Rican.

Mr. RIVERS of South Carolina. That is right.

Mr. FLYNT. I think under this language that is absolutely what would happen.

Mr. RIVERS of South Carolina. Mr. Chairman, will the gentleman yield further?

Mr. FLYNT. I yield.

Mr. RIVERS of South Carolina. What about a Puerto Rican if he came from the district of one EMANUEL CELLER?

Mr. FLYNT. The language that concerns me about this conclusive presumption—as the gentleman from New York described it, and he described it accurately—that that is exactly what this thing does. I cannot for one minute believe that the gentleman from New York would want to write legislation on the floor of this House or in his committee that would discriminate against anybody whether he be white or colored; yet the very language of this section and the very language the gentleman used yesterday is discrimination of the rankest sort.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Mississippi.

Mr. COLMER. In other words, the gentleman is saying that this is a bill that gives one particular class of people, to wit, the colored people, preference over the majority of the people who happen to be of another race or color and, therefore, it is discrimination.

Mr. FLYNT. That is exactly what it is. The gentleman from Mississippi is so right.

This legislation itself, when you analyze it, is one of the first times I have ever seen in the period of my service in this House where the very language of the legislation discriminates, and the author of this legislation himself undertakes to write discriminatory legislation and to give sanction to discrimination of the worst sort.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I gladly yield to the gentleman from Virginia.

Mr. SMITH of Virginia. The gentleman has pointed out a very glaring one of many defects in this piece of legislation which is being written on the floor of the House without benefit of committee consideration. To point up the gentleman's remarks I would like to challenge anyone on this floor supporting this bill, to challenge his statement that the language here is not discrimination against the white man and that the white man has any protection under this bill, and that the Negro is favored over the white man.

Mr. FLYNT. I thank the gentleman, and I make the challenge. If I have been incorrect in my statement that this calls for discrimination and gives statutory sanction to discrimination, I call upon any Member present to challenge that statement.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Alabama.

Mr. HUDDLESTON. Let me ask the gentleman this question: Suppose an applicant for voting were refused the right to register to vote because he was in favor of repeal of section 14(b) of the Taft-Hartley Act; or suppose he were denied the right to register to vote because he was opposed to our mutual security program. His right is not even protected under this legislation.

Mr. FLYNT. He would have no protection whatever.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield.

Mr. ROGERS of Colorado. I assume the gentleman has in front of him the amendment which was offered by the gentleman from New York, H.R. 7160.

Mr. FLYNT. I do.

Mr. ROGERS of Colorado. Directing the gentleman's attention to page 1, line 10, where it reads "has been deprived on account of race or color of any right, or privilege secured by subsection (a)." Is there anything in that language that states whether that is a white man or a black man?

Mr. FLYNT. I am quoting the statement of the chairman of his own committee.

Mr. ROGERS of Colorado. You are quoting the chairman of our committee rather than relying upon the bill; is that right?

The CHAIRMAN. The time of the gentleman from Georgia has expired.

(By unanimous consent, Mr. FLYNT was allowed to proceed for 5 additional minutes.)

Mr. FLYNT. I follow the language of the bill, and I think the interpretation placed upon it by the chairman of the Judiciary Committee is a correct interpretation of it.

Mr. ROGERS of Colorado. Then the gentleman is basing it upon an interpretation of the chairman of the committee rather than the words of the bill itself?

Mr. FLYNT. I do not seen any other interpretation to be given to this language.

Mr. ROGERS of Colorado. The language is "on account of race or color." The gentleman says that applies only to the white man?

Mr. FLYNT. That is not all it says. You have to take the legislation altogether as a parcel. It further says that once a pattern has been established, the presumption is that he has been discriminated against for the reason of color and for no other. I would like to ask the gentleman this: Does he agree with the interpretation placed on that language by his chairman?

Mr. ROGERS of Colorado. I am sorry, I did not hear the gentleman.

Mr. FLYNT. I would like to know how the gentleman feels about that.

Mr. ROGERS of Colorado. I am referring to the interpretation. I am not acquainted with that particular part.

Mr. FLYNT. I can refer the gentleman to the page and line number, if he wants it. It is on page 5773, next to the last paragraph, right-hand column of that page in yesterday's RECORD.

Mr. ROGERS of Colorado. What does it say?

Mr. FLYNT. I read it a while ago.

Mr. ROGERS of Colorado. I did not hear it.

Mr. FLYNT. Here is what it says: "If he is so qualified to vote and brings that proof before the referee he does not have to show any more." If he is colored, the presumption is that is why he was discriminated against regardless of what the real reason may have been. That is what is so dangerous about this bill.

Mr. ROGERS of Colorado. Now, the gentleman says that refers to referees. The gentleman and I as lawyers know that before it gets to a referee there must be a complaint filed by the Attorney General of the United States in a Federal court which alleges discrimination on account of race, color, or creed. A pattern or practice must be proven before a referee is appointed. After that is done, the presumption that the gentleman is talking about, that is, if this pattern exists in this area because of discrimination on account of race, color, or creed, it can be applied to white as well as black. That is to be determined before you go to the referee.

Mr. FLYNT. I disagree thoroughly with the statement of the gentleman from Colorado.

Mr. BROOKS of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Louisiana.

Mr. BROOKS of Louisiana. On yesterday I asked the gentleman from Ohio in reference to this provision regarding provisional voting. I think one of the most vicious portions of the bill is that providing for provisional voting. It would be far better to let a man vote initially, count the votes and set aside his ballot. Here is what is going to happen: Those who can vote absolutely are going to use the voting machines. Those that are provisionally permitted to vote are going to put their ballots in an envelope, marked on the side, and after the election is over the same man who provided the ability for him to vote, the referee or anybody else, is going to check them to see how their part of those provisional votes were cast. It leads to intimidation and violation of the Australian secret ballot system and all of the abuses that come from the nonsecret ballot. I think that provision is especially vicious.

Mr. FLYNT. The gentleman is entirely correct. I think he was on the floor yesterday when I made the statement that I know a great many people who, if they became convinced that their vote is not secret, and if an election official, referee or anybody else can see his ballot and knows it is his ballot, many persons of my acquaintance might decline to vote because they value the secrecy of their vote highly.

Mr. BROOKS of Louisiana. There is no other way in provisional voting. The gentleman from Ohio whom I questioned yesterday says there is no way to have a secret ballot under a provisional balloting system such as is contemplated in this bill.

Mr. FLYNT. The gentleman is correct.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Does the State of Georgia have absentee ballots?

Mr. FLYNT. Of course, we do.

Mr. ROGERS of Colorado. There is provided a method by which they are counted?

Mr. FLYNT. There is.

Mr. ROGERS of Colorado. Would there be any objection on the part of the gentleman if they were counted in the same manner—and I refer to these provisionals?

Mr. FLYNT. There is no comparison between the secrecy of the absentee ballot and the secrecy of one of these monstrosities of a provisional ballot. And, if the gentleman will wait just a moment, I will tell him why. When the absentee ballots come in, the gentleman knows they come in in a double envelope. There is no marking on the inside envelope. There is no marking on the ballot. Once that outside envelope is stripped off of it, nobody on earth can tell how that man voted when all these absentee ballots are sent in.

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

Mr. FORRESTER. Mr. Chairman, I ask unanimous consent that the gentleman from Georgia [Mr. FLYNT] may proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. FLYNT. I want to come back and ask the gentleman whether he agrees with his chairman or not on his interpretation of this language.

Mr. ROGERS of Colorado. Yes. All you have done, you have been reading something out of context.

Mr. FLYNT. I did not read anything out of context. I read the whole thing.

Mr. ROGERS of Colorado. Where did you start reading?

Mr. FLYNT. I started reading the paragraph where it says "That is why we set up this idea of the general pattern or practice."

Mr. ROGERS of Colorado. Will you read the paragraph ahead of it?

Mr. FLYNT. I read it.

Mr. ROGERS of Colorado. Does that not say: "Let us assume, for example, this Negro goes to a voting place and wants to register. It is closed. After a day he goes again. The place is closed. You know and I know it has been deliberately closed because they do not want this Negro to vote."

Now, on that basis alone it would be very difficult for him to prove that he was proscribed because of race, color, or national origin.

Mr. FLYNT. I do not want to get into a battle of words here on this thing. I want to ask the gentleman if he agrees with the statement of his chairman on it.

Mr. ROGERS of Colorado. With the statement that is made here?

Mr. FLYNT. Yes.

Mr. ROGERS of Colorado. Yes.

Mr. FLYNT. I just wanted to get that straight.

Mr. FORRESTER. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Georgia.

Mr. FORRESTER. I would like to ask the gentleman if there is any comparison whatsoever between an absentee ballot and one of these ballots by these referees.

Mr. FLYNT. None whatsoever.

Mr. FORRESTER. When you cast your absentee ballot, you prepare that in the presence of the postmaster of the United States; is that not correct?

Mr. FLYNT. That is correct.

Mr. FORRESTER. And he seals that envelope and sends that ballot in; is that not correct?

Mr. FLYNT. That is correct.

Mr. FORRESTER. There is all the difference in the world, and I think the gentleman from Colorado knows it.

Mr. FLYNT. Once the outside envelope is stripped off there is no method on earth by which that ballot can be identified.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on this amendment conclude at 10 minutes to 4.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. I would like to make the unanimous-consent request that we vote on that amendment at that particular time.

The CHAIRMAN. Well, all debate will be closed, of course, and then the vote will be taken.

Mr. COLMER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COLMER. That is on the Willis amendment?

The CHAIRMAN. That is on the Willis amendment, exactly.

Mr. COLMER. I thank the chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. JENNINGS].

Mr. JENNINGS. Mr. Chairman, I ask unanimous consent that I may be permitted to yield my time to the gentleman from Georgia [Mr. DAVIS].

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. ABBITT. Mr. Chairman, I ask unanimous consent that I may be permitted to yield my time to the gentleman from Georgia [Mr. DAVIS].

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia [Mr. DAVIS].

Mr. DAVIS of Georgia. Mr. Chairman, the gentleman from New York [Mr. CELLER] and the gentleman from Ohio [Mr. MCCULLOCH] have both stated that the amendment now under consideration would strike at the heart of this bill. These two gentlemen know the contents of this amendment as provided in H.R. 11160. Many of the Members who have not read this amendment, known as H.R. 11160, are not acquainted with what it provides or what this amendment now offered by the gentleman from Louisiana

[Mr. WILLIS] would do. I want to call your attention specifically to what it would do. On line 15, page 2, of H.R. 11160 it would add these words:

Such proof shall be prima facie evidence that such person has been denied the right to vote on account of his race or color.

This provision would come into effect not when the applicant is before the judge of the Federal court who is passing upon the question whether there is a pattern or practice. This provision would come into effect when that part of H.R. 11160 which is set out on page 3, beginning with line 10, comes into operation; and that deals with the acceptance of the application by the voting referee and his action thereon.

This provision of the gentleman from Louisiana [Mr. WILLIS] would come into operation when the referee is passing upon the ex parte application. The language of the amendment says this: That he receives the application, that he takes evidence, and reports to the court findings as to whether—

(1) any such applicant is qualified under State law to vote, and (2) he has, since the finding by the court heretofore specified, been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law.

The sponsors of the bill say they do not want any prima facie provision in here. They say it would create delays which would go to the heart of the entire operation and nullify the effect of the law. The prima facie presumption is already here in the McCulloch amendment, on page 3 line 22. As to what? As to his residence, as to his age, as to his prior efforts to register or otherwise qualify to vote.

Why give the registrar the right to disprove the age, the residence and the prior efforts to register or otherwise qualify to vote and deny him the right to disprove that there was discrimination on account of race or color?

They say that this is explained in the statement of the Attorney General set out on page 31 of the hearings of February 9 and 16, as follows:

We thought that all over, and we came to this one hurdle: Should he be required to prove in each individual case he personally was discriminated against? And we concluded that burden of proof was too difficult under all these circumstances; and indeed the answer to that link and proof was so obvious from the previous pattern of discrimination that we could ask Congress to enact this conclusive presumption at the benefit of the applicant.

They say this is why the conclusive presumption is provided for. The Willis amendment would not eliminate the presumption of discrimination. It would not place any burden whatever on the applicant to prove that he was discriminated against. It would place the burden on the registrar himself to prove that there was no discrimination. Consequently, the statement that this goes to the heart of the bill and that this would eliminate the protection that it is sought to provide is not a correct statement of fact. The burden would not be on the applicant to prove discrimination. The burden under the Willis amendment would be upon the registrar to show that there was not discrimination. You already have in the amendment known as H.R. 11160 language creating the prima facie presumption set out in line 22 on page 3. What is the objection to adding this one more item to the prima facie presumption already provided in the bill?

Mr. ABBITT. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. ABBITT. Mr. Chairman, we have before us the so-called Civil Rights Committee bill and a number of proposed amendments to that bill. The committee bill itselfs deals with five different titles.

Many of us thought that the bill as reported out by the Judiciary Committee was bad enough. It was far reaching in taking over the rights and prerogatives of our States localities and people. Now we find that a new subject has been brought in and an amendment has been offered setting up the so-called voting referee plan of the administration. If adopted, this is the beginning of the end of free elections in America. It is a bobtailed, totalitarian effort to let the Federal Judiciary take over the electorate of the Nation.

It permits the Federal district judges to set up a little gestapo to take over the registration, the voting and the counting of the ballots in all elections—Federal, State, and local—from a justice of the peace of a locality to the President of the United States.

If this iniquitous, destructive, suppressive proposal is adopted, it will be the first time in the history of this Republic that the Federal Government has stretched its long arm into the election of local officials. It permits the District Court to send armed marshals to the local precincts to oversee and supervise the registration of voters, the casting of the ballots, and the counting thereof.

I am shocked that this administration and many leaders on both sides of the aisle, Democrats and Republicans, would advocate, endorse, and support such un-American, undemocratic, and liberty-destroying legislation.

This proposal also provides that, if the district court finds that there has been discrimination against one member of a minority group and finds that a pattern is in existence to discriminate, then an entire community is conclusively presumed to be guilty and every member of the minority group will be permitted to come under the supervision, protection, and domination of the so-called voting referee and/or his agents, hirelings, and hatchetmen.

The proposal strikes at the very foundation stone of our Nation, free elections by a free people. If this proposal is enacted into law it will be a long step toward the abolition of our Republic and the beginning of the establishment of a totalitarian government presided over by a judicial oligarchy.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey [Mr. RODINO].

(By unanimous consent, the time allotted to Mr. ROGERS of Colorado was transferred to Mr. RODINO.)

Mr. RODINO. Mr. Chairman, much has been said here today about conclusive presumptions. As the gentleman from New York [Mr. LINDSAY] said initially, the conclusive presumption eliminates an item of proof. That item of proof is a showing of racial discrimination. As a general rule, and I want to be fair about this, I am opposed to the insinuation into the law of presumptions. But, in determining whether or not to adopt a presumption, we have to look at two considerations in this matter. I think we have to find out first of all: Is the presumption consistent with human experience?

We know in this kind of situation when the court has already found that there is a pattern or a practice of racial discrimination against certain members of a particular race, it is exceedingly unlikely that other members of that race are not being treated the same way. For instance, when the window of the registrar has been shown to have been closed by the registrar to 50 or 100 members of the Negro race who have appeared to register and not closed to any white man who has appeared we must assume, and I think we cannot be naive about it—we must assume that this sort of situation will apply to all Negroes appearing before that registrar. Therefore, it is not difficult to understand why this presumption is brought into play in this kind of situation.

With reference to all the talk we have heard here about the poor registrar, and the stigma that may be attached to an entire area or community because a certain discrimination has been actually found only in the initial proceeding, that argument, in my opinion, is not a valid argument. I ask the question: What harm is actually done? We do not make the registrar guilty of any criminal act. All we do in this case is to actually make it possible for the individual who is qualified to vote under State law to exercise his right to vote.

Furthermore the registrar has his day in court. The registrar has the opportunity in the initial proceeding, to raise every possible question, and is there given the opportunity to cross-examine. He is given the same opportunity that he might be given in any kind of litigation, including the right to appeal. As a result, I feel the registrar is not being excluded in any way from any and all opportunities to bring out the facts.

Do we harm anyone? No. Do we stigmatize anyone? No. All we do is give the individual, who under the law is qualified to vote, an opportunity to vote.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield.

Mr. HOLTZMAN. The gentleman from New Jersey has asked the question academically: Do we harm anyone? And, he has answered, "No." I think there is one qualification that should be attached to that answer of "No." That qualification is—no; no one is hurt who has complied with the law and no one who is complying with the law can be harmed by this procedure.

Mr. RODINO. That is absolutely right.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Chairman, the statement of the gentleman from New Jersey [Mr. RODINO] correctly describes this bill. The jurisdiction of the voting referees extends only to the "affected area." Let us remember that the affected area is defined as "any subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have violated subsection (a)." Subsection (a) is the statute, which has been on the books since 1870, and which declares that all citizens who are otherwise qualified to vote at any election shall be allowed to vote at all such elections without distinction as to race or color. Further, subsection (a) is not found to have been violated until after the Attorney General has brought a successful proceeding under the 1957 act. Such a proceeding is a judicial proceeding, from which any party has a right of appeal to the court of appeals and to the Supreme Court of the United States. Bear in mind also that this is a civil proceeding. So all the conversation we have heard in which it has been stated that this proposal will result in the indictment of an entire community is simply not correct.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, I yield my time to the gentleman from Michigan [Mr. O'HARA].

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. O'HARA].

Mr. O'HARA of Michigan. Mr. Chairman, we have heard a great deal today about the "conclusive presumption," said to be a new judicial device which has not often found approval in Congress. I had begun to think that a "conclusive presumption" was something like a "bill of attainder" or an "ex post facto law."

I checked into the matter and found to my great surprise that many, many times in the past, Congress has used this exact device when it was appropriate to do so. It is for instance used in Federal statutes dealing with conflicts of interest, corporate officers, and fiduciaries. It is found in literally hundreds of State statutes, both criminal and civil. Section 2 of the 15th amendment specifically grants Congress "power to enforce this article by appropriate legislation" to assure that no citizen shall be denied the right to vote because of race. It is the duty of Congress therefore to enact legislation that is appropriate, that is effective, and will accomplish the objectives of the 15th amendment.

What are the circumstances under which the conclusive presumption involved here is invoked?

First, there must be a determination of a pattern or practice of racial discrimination in voting. This determination follows a complete judicial hearing, of which all affected local officials are given notice. They are afforded an opportunity to present evidence, call witnesses, and cross-examine opposition witnesses. If they disagree with the decision of the court, they may appeal, first to the circuit court of appeals and then to the Supreme Court of the United States. They receive all of the protections of due process. Once it has been established, after a fair and thorough hearing, that a pattern of racial discrimination in voting exists, is it not a reasonable assumption to say that if they have discriminated against, say, a hundred citizens they are going to discriminate against the next hundred, and the next hundred? Must we require proof of that fact in each and every individual case? To do so would render the law totally ineffective and would be a violation of our clear duty under the 15th amendment to enforce the 15th amendment by "appropriate legislation."

But what if, in spite of the careful procedure I have outlined, a mistaken determination of racial discrimination in voting results? Who is harmed by it? We have used such presumptions in criminal statutes. But under this legislation there is no civil or criminal penalty attaching to the registrar who is found to have practiced racial discrimination.

Whether the determination of a pattern or practice of denial of the right to vote because of race is correct or incorrect, the local voting officials have the right anytime after the expiration of 1 year from the determination to completely relitigate the matter by applying for a vacation of the court's order.

The worst that can happen when a conclusive presumption that an applicant has been denied the right to vote because of his race or color, following a mistaken determination of the courts of a pattern or practice of discrimination in voting is that some citizens of the United States, qualified to vote under the law of the State, receives an opportunity to do so. Remember, all this proposal does is to provide for the registration and voting of American citizens qualified under their State law. Use of the "conclusive presumption" might then result in the registration of a qualified voter discriminated against by the local election official not because of his race but because of the way he combs his hair or some personal mannerism which the local official may have found offensive. Is this such a terrible thing? Is this deserving of the entire attention for a period of hours of every Member of the United States House of Representatives?

Mr. Chairman, I think it is not. I urge the Members of the House to reject the amendment of the gentleman from Louisiana.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. QUIGLEY] is recognized.

Mr. QUIGLEY. Mr. Chairman, we have heard so much in the last 2 days about presumptions, conclusive and otherwise, but the fact of the matter is that anybody who has spent longer than 3 weeks in a law school knows beyond peradventure of doubt that a presumption is a standard traditional device resorted to by the courts since back in the days of ancient England and constantly used by the Parliament of England and the Congress of this country. It is a device that is used to prevent the law in its operation from bogging down completely. The presumption, rebuttable or otherwise, goes to the very foundation of our whole system of jurisprudence.

There are many unrebuttable presumptions in the law. One that comes to mind is that everyone is presumed to know the law. This presumption goes to the very foundation of our legal system, for if every time one came into court we had to argue as to whether or not the parties involved and their counsel did or did not know the law at the time the crime or the events occurred, we never would get around to trying the case and resolving it on its merits. This is just one example of a conclusive presumption that has been used for centuries under our system of law, and, in fact, without which our laws and our courts could not even begin to operate.

We should clearly recognize that the purpose of the Willis amendment is to bog this whole judicial proceeding down into the valley of utter confusion after the court has already found a practice of discrimination against Negro votes does in fact exist.

The purpose of the Celler-McCulloch amendment is to give the Negroes of this country, wherever they are, the right to vote, when, as, and if they are qualified, and to give them court help when that right is denied to them. By voting for the Willis amendment you are gutting the whole thing. All you are doing is creating an impossible legal maze through which the Negro will never be able to make his way to the voting booth where he is entitled to be just the same as you or I or any other American citizen.

The Willis amendment and all the confounding confusion about presumptive conclusion which has been spread about throughout this debate is a deliberate effort to strike at the very heart of the Celler-McCulloch amendment.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. QUIGLEY. I yield to the gentleman from North Carolina.

Mr. COOLEY. How many conclusive presumptions can the gentleman mention within the criminal jurisprudence of the country?

Mr. QUIGLEY. How many conclusive presumptions can I mention?

Mr. COOLEY. Mention just one.

Mr. QUIGLEY. The first one that comes to my mind is that the child born of a man and wife in wedlock is conclusively presumed to be legitimate.

Mr. COOLEY. That is under the civil jurisprudence. Name one in the criminal jurisprudence.

Mr. ZELENKO. Innocent until proven guilty.

Mr. QUIGLEY. The gentleman from New York suggests that one is presumed

to be innocent until proven guilty. That, in my judgment, is not a conclusive presumption but a rebuttable one.

Mr. COOLEY. I am talking about conclusive presumption.

Mr. QUIGLEY. Any presumption applicable to a civil case could likewise be applicable in a criminal case.

I would point out to the gentleman from North Carolina that in the matter now before us we are not concerned with a criminal case. We are dealing in this bill with a civil proceeding.

Mr. COOLEY. This involves conclusive presumption. Why is it that the gentleman is unwilling to make it a simple presumption other than a conclusive presumption?

Mr. QUIGLEY. If this is not a conclusive presumption the whole proceeding will bog down. Testimony will be taken and retaken on the very fact of why the person was discriminated against.

Mr. COOLEY. The gentleman wants to deprive a citizen of the right to rebut the presumption.

Mr. QUIGLEY. No; I do not. I want the citizen to have the right to vote, and I would point out if the worst happens under this conclusive presumption, all that would happen is that an unqualified voter would be given, not the right to vote but merely the right to go to the polls and offer his vote, which could be challenged and no harm would be done.

Mr. CURTIS of Massachusetts. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, in answer to the question that was just raised, I can cite a conclusive presumption in criminal law. The statute books make it a crime for any person who is an agent of the United States to do business with a company in which he has an interest. You lawyers know that we cannot have a crime unless there is willful intent to do wrong; therefore, sir, that statute creates a presumption that if a person engages in such a transaction he is guilty of a willful intent to do wrong.

Mr. QUIGLEY. Mr. Chairman, will the gentleman yield?

Mr. CURTIS of Massachusetts. I yield to the gentleman from Pennsylvania.

Mr. QUIGLEY. This is a little belatedly, perhaps, but there are two other conclusive presumptions which exist in American criminal law. A girl under the age of consent is conclusively presumed not to be able to give her consent to carnal knowledge; and, second, in American criminal law, a male under the age of 14 is conclusively presumed to be incapable of committing rape. I do not know whether that is a fact or not, but it is a conclusive presumption.

Mr. CURTIS of Massachusetts. Mr. Chairman, I do think it is important to clear up one other point; namely, why the pending motion is so destructive. The difficulty was referred to by the able gentleman from New York [Mr. LINDSAY] when he pointed out that the legislation before us without the Willis amendment eliminates one item of proof, proof that the applicant was refused because of race or color. It does that in the manner which has been explained here this afternoon. The amendment before the Committee last night offered by the gentleman from Louisiana put that item of proof back into the picture. The present amendment offered by the same gentleman puts that same item of proof back into the picture.

It sounds very nice to say instead of having a conclusive presumption, let us make it a prima facie presumption, but making it a prima facie presumption opens up that issue, Mr. Chairman, which under the proposed legislation is not opened up, for the reasons which have been explained. So this amendment is just as killing as the one that was offered last night. It destroys the whole scheme of the legislation.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. CURTIS of Massachusetts. I yield to the gentleman from North Carolina.

Mr. COOLEY. I want to say to my friend, after the statement of the gentleman from Pennsylvania about the two instances of conclusive presumption which he referred to a moment ago, I wonder if he is right about this.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. CURTIS of Massachusetts. I yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Chairman, I would like to make an observation for those who are not lawyers. There has been so much talk this week about presumptions and conclusive presumptions that maybe our patience has been worn a little bit thin. It reminds me of the story about the three Trappist monks who had taken the vow, which included the proviso of not being able to speak. The head of the monastery decided that they should have some opportunity to talk, and he agreed that every 5 years one of them could talk. So after 5 years one of the monks got up on his feet and said: "I am sick and tired of the oatmeal every day."

After another 5 years, another monk got up and said, "I do not mind the oatmeal every day." And after another 5 years the third monk got up on his feet and said: "I think I am about to leave this place. I am getting weary and tired of this bickering over oatmeal."

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CURTIS of Massachusetts. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman used the expression "the scheme of this legislation." What is the scheme of this legislation that makes the prima facie amendment unacceptable to the gentleman?

Mr. CURTIS of Massachusetts. I will try to answer that question, Mr. Chairman. The scheme of this legislation is to avoid an item of proof which is, in fact, impossible to furnish. It provides that it shall be deemed sufficient proof that the applicant was denied registration on account of race or color if three things are proved: one, that there is a pattern of such denial in that district or area; two, that since the finding of such pattern of discrimination the applicant has sought to be registered; and, three, that he is, in fact, qualified to be registered. In other words, what this legislation does is to say if you find those three things, that is deemed sufficient evidence to show that the applicant was refused on account of race or color.

Mr. MORRIS of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. CURTIS of Massachusetts. If I have any more time.

Mr. MORRIS of Oklahoma. Mr. Chairman, I ask unanimous consent that the gentleman have 1 additional minute to answer a question.

Mr. DAVIS of Georgia. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DAVIS of Georgia. Was not the time fixed for this debate, and was not the time limited to those who were standing on their feet seeking recognition?

The CHAIRMAN. The time was fixed at 3:50. The Chair made a list of the names of those Members who indicated they desired to speak. However, the thing that governs is the time that was fixed in the unanimous consent request made by the gentleman from New York, but because the time has not arrived when debate will end, the Chair will recognize those Members who seek recognition.

Mr. DAVIS of Georgia. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DAVIS of Georgia. Does that limitation then of 2 minutes apply to me, or could I have some of this additional time?

The CHAIRMAN. Yes, the gentleman could be recognized again if he sought recognition.

Mr. CURTIS of Massachusetts. I now yield to the gentleman from Iowa.

Mr. GROSS. I was trying to get some time. Mr. Chairman, I move to strike out the requisite number of words.

The CHAIRMAN. The gentleman from Massachusetts has been recognized, and he still has half a minute.

Mr. MORRIS of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. CURTIS of Massachusetts. I yield to the gentleman from Oklahoma.

Mr. MORRIS of Oklahoma. I respect the gentleman greatly and I respect his views, and I agree with what has been said, that there are such things as conclusive presumptions in regard to certain situations. But, can the gentleman or anyone name any instance where there is a conclusive presumption against a third party that is not involved? That is the question raised here. You cannot conclusively presume against a third party. You can conclusively presume in certain situations against the parties involved.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

The Chair recognizes the gentleman from Georgia [Mr. DAVIS].

Mr. DAVIS of Georgia. Mr. Chairman, I would like to ask the gentleman from Massachusetts, who just left the well, if it is not true that under the Willis amendment there is no burden of proof which rests upon the holder of this voting certificate.

Mr. CURTIS of Massachusetts. I agree with the gentleman. There is no burden of proof, but this item of proof is injected into the bill where it is now out of it completely.

Mr. DAVIS of Georgia. Would not the Willis amendment create a prima facie presumption that the applicant for the voting certificate had been discriminated against and eliminate any necessity on his part for proving that discrimination?

Mr. CURTIS of Massachusetts. I do not think so, sir. Because there is a prima facie presumption, that means in the law that it is rebuttable, and therefore that item of proof is opened up in the case where it is now not there.

Mr. DAVIS of Georgia. Well, I would like to call the gentleman's attention to the Willis amendment that "such proof shall be prima facie evidence that such person has been denied the right to vote on account of his race or color."

Mr. CURTIS of Massachusetts. Well, I say again that that opens up the issue, and that is an item of proof which cannot be furnished.

Mr. DAVIS of Georgia. He does not have to furnish it if there is a prima facie presumption that it is true.

Mr. CURTIS of Massachusetts. Yes. The burden of proof then shifts.

Mr. DAVIS of Georgia. The burden then shifts to the registrar who would have to prove himself that there has been no discrimination.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. DAVIS] has expired.

The question is on the Willis amendment to the Celler substitute for the McCulloch amendment.

The question was taken; and there were—ayes 121, noes 192.

So the amendment was rejected.

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WALTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, had come to no resolution thereon.

PREMIUMS ON GOVERNMENT LIFE INSURANCE

Mr. LANE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, the purpose of H.R. 170 is to relieve the veterans of World War I, from the payment of premiums on Government life insurance for which they are qualified by their military service as soon as they reach the age of 65.

Such insurance, under the provisions of this bill, shall be considered as fully paid when the veteran of World War I becomes 65 years of age, or on or after the date of enactment of this law, whichever date last occurs.

The insurance shall remain in force without the payment of any further premiums.

The average age of these veterans is approximately 65¾ years. A few have retired and are dependent upon the small benefits provided by old age and survivors' insurance, or other pension plans. Others are unable to secure employment. Most of them are employed, but as their earning power gradually declines, they will find it increasingly difficult to pay the premiums on their Government insurance.

The prospect that their insurance will lapse, through inability to maintain it, is a source of nagging worry. To lose the protection they have paid for through many years increases the insecurity of their old age.

This points up a serious defect in our insurance programs as they affect the older veterans.

This problem, with complicating factors which could not have been anticipated 42 years ago, cannot be solved by prevailing methods. We propose that the extra cost involved by suspending premium payments after the World War I veteran becomes 65, shall be paid for through congressional appropriations.

To help defray this cost, all dividend payments would be suspended after the paid-up age, and these savings would be applied to the payment of insurance benefits at death.

Two years ago there were only 18,000 policyholders with United States Government 5-year level premium term insurance. The number in effect today is considerably less. Furthermore, only a few thousand of these would qualify for the benefits of H.R. 170 at the present time. The remainder would become eligible when they reach the age of 65.

H.R. 170 will provide relief for these veterans who have faithfully paid premiums on their insurance for many, many years.

Veterans of World War I are the victims of a "benefit-deficit." They have never enjoyed the comprehensive programs provided for the veterans of World War II and the Korean war.

Through H.R. 170, and other bills pertaining to these older veterans of 1917–18, we have the opportunity to make up for the discrimination that has operated against them in fact and as a result of legislative neglect. It is part of the GI bill of rights for World War I veterans, so long delayed that it will be of benefit to them only in their old age.

THE TRAGEDY AT HOLDEN

Mr. SLACK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. SLACK. Mr. Speaker, I arise before the House to bring to your attention a story of courage and self-sacrifice which deserves a place among the epics which describe the historical brotherhood of man. During the past 8 days the press and the radio and television newscasts have reported from hour to hour the tremendous effort being made to free 18 trapped coal miners in a Logan County mine. It has been a story of drama and suspense, triumph and disappointment, hope and tragedy.

This mine is in my district, and I know the men of the Logan area, I am proud to serve them in Congress, and I hope that in the time of my service I will be able to muster a tiny fraction of the fortitude they have shown during the past week. These men are literally without fear. They have worked around the clock, 7 days and nights, 500 feet below the surface of the earth, exposed to blinding smoke, 130° heat, and the deadly fumes of carbon monoxide gas. They have crawled for miles on their hands and knees through abandoned tunnels to seal off passages and construct a new ventilation system, without which there can be no hope of rescue.

As we meet here today, their superhuman efforts have met only disappointment. The bodies of 13 of the trapped men have been found, and hopes are very small for the remaining 5. This is a grievous blow to those who have given every ounce of their skill and energy in the rescue effort. Nothing we can say or do here can bring back those who died, or give adequate comfort to their loved ones who remain behind. Yet, I would note for the RECORD that no human or material resource has been withheld from the battle. Every ounce of knowledge, energy, and skill—every iota of know-how about the mining profession—has been put to use, and it cannot be said that these men shall have died in vain.

In recent months our ears have been assaulted by waves of shouting about enemies who have temporarily surpassed us in some respects, and who boast they will one day be our superiors. I say to you that today is not that day. There are no human beings superior to the men of Logan. They have taken to heart the age-old injunction to all of us: that he is the greatest among us who will lay down his life for a friend. We must learn from them, and remember their deeds when we are told that Americans are soft and have lost the will to survive, that the grim courage of the pioneer is gone from our people.

In this tremendous effort to surmount an inferno of fire, smoke, and gas every divisive force among our people has been swept aside to create a unity of purpose and determination seen all too rarely. There has been no time to think of people in terms of race, color, or creed. No attitudes were taken to differentiate labor from management. The keenest knowledge and sharpest skills of employer and employee, union and public

official, were joined together in an unrelenting drive to save human lives. There can be no higher dedication of purpose.

During the term of this Congress there has been frequent discussion of the economic conditions prevailing in the mining regions, of the long-term unemployment resulting from displacement of men by machines. The area redevelopment bill designed to lend corrective assistance to this matter has lain dormant for almost a year. During that time I have noted attempts to justify this delay by means of statements to the effect that unemployed miners are looking for a Federal handout—that they are shiftless and should migrate from their homes to seek work elsewhere, rather than wait for economic redevelopment.

The men of Logan have this very week branded the untruth of such comments in the steaming fire of the Holden mine. There is no more demanding and dangerous way of life than mining, and the miner loves the mountains in which he was born. When next you hear talk of depressed areas, and of the miners who are unemployed, remember these men for what they have proven themselves to be, not for what the greedy special-pleaders tell you about them. Ask yourself whether you would go 2 miles underground to crawl on your hands and knees toward a sheet of flame in a gas-filled tunnel so that a friend might have a bare chance to survive. Ask yourself, and by your answer, measure the justice of the bill proposed to give them a chance for dignity again when our economy has destroyed their livelihood and has cast them aside.

HIGH PRICES OF DRUGS: DRAWING CONCLUSIONS BEFORE EVIDENCE IS IN

Mr. CURTIS of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, I am placing in the RECORD an editorial appearing in the Washington Post of February 26, 1960, entitled "The High Price of Drugs." Because of the rules of the House I have had to make deletions from the editorial which I have marked with asterisks.

My following remarks must relate to House committee hearings but by logic they apply to other committees.

If a committee has been guilty of improper procedures to the extent that this editorial alleges, why does the writer argue for extending further power to it until there have been assurances against further abuse?

Then too why does the editorial in its lead paragraph make this statement, "An alarming—and certainly disgusting—picture of some industry practices is emerging" only to say in the fourth paragraph, "obviously, the companies' answers to these latest charges must be awaited before any conclusions are reached"?

However, I particularly want to call attention to the second paragraph of the editorial:

The early • • • disclosures of fantastic markups in individual drug items made more headlines than they did sense; many essential steps in the development, manufacturing and marketing process were simply not taken into account in the calculations. The committee acknowledged this, but the resulting publicity was nonetheless unfair.

I was unaware that there has been any attempt by any committee or the press except in the editorial I am placing in the RECORD to either correct the original unfairness or to start being fair.

Surely, this kind of congressional committee investigation-press relationship does a very poor job in assisting either the Congress or the people to understand the real problems that exist in the field of health costs so that the problems can be solved.

The minority members of the Joint Economic Committee in their separate views on the President's 1960 Economic Report have this to say about this subject:

COSTS OF GROWTH

Furthermore, we point out that rapid technological advancement (real economic growth) brings in its wake increased frictional unemployment. It also brings in its wake increased real costs resulting from obsolescence of human skills and machinery and from the recoupment of the funds invested in the research and development which has enabled the growth to come about. • • • Do we want to increase the already rapid rate of technological growth rate in the field of drugs and hospitalization until we have been able to cope with the cost problems which already confront our citizens because of the rapid growth?

The important fact about the high cost of our wonder drugs and hospitalization is not that there is a scapegoat to blame, but rather a lucky star to be thanked that these drugs, these new instruments, these new skills are available in our society. Instead of looking for scapegoats let us look for methods of taking care of the costs that progress brings in its wake—and as we work for more progress be prepared to shoulder the new costs it will bring.

[From the Washington Post, Feb. 26, 1960]

THE HIGH PRICE OF DRUGS

The • • • investigation of the prescription drug industry is getting onto distinctly firmer ground. An alarming—and certainly disgusting—picture of some industry practices is emerging, and • • • would do the • • • and the public a favor by dropping his ill-considered objections to the orderly continuation of the hearings at normal hours, even though they may conflict with • • • sessions.

The early • • • disclosures of fantastic markups in individual drug items made more headlines than they did sense; many essential steps in the development, manufacturing and marketing process were simply not taken into account in the calculations. The committee acknowledged this, but the resulting publicity was nonetheless unfair. As the broader picture has emerged, however, it has become apparent that profits of many larger pharmaceutical houses are outrageously high—twice the average for all industry. The way in which this stunning financial success has been achieved makes the really dismal reading, however.

As the hearings have shown, the enormous growth of the drug business in the past decade has been brought about in part by the development of an infinite variety of similar drugs which have been patented, labeled with brand names and peddled with massive promotion and advertising campaigns among doctors. The cost of all this has added considerably to prices, but it now appears that this may be the least of the evils of widespread hucksterism.

At yesterday's hearings, Dr. Haskell J. Weinstein, a former research director for Charles Pfizer & Co., charged that incompletely evaluated drugs have been brought on the market "which not infrequently are hazardous." Doctors, he said, are virtually "brainwashed" into prescribing new medicines, under their costly brand names, even without adequate information about their efficacy. Dr. Weinstein's predecessor at the Pfizer Co., Dr. Martin A. Seidell, said he had quit because of such "perverted marketing attitudes" which he found "incompatible with both the ethics of my profession and my sense of morality." If drug promotion, in addition to burdening patients with inordinate costs, is also resulting in the distribution of dangerous (or even merely useless) pharmaceuticals, the • • • committee has at last struck legislative "pay dirt."

Obviously, the companies' answers to these latest charges must be awaited before any conclusions are reached, and it would be wrong to indict all drug manufacturers for the practice of some. But if there is doubt about what the Government could or should do to end profiteering, there is no doubt whatever about its powers—and its obligation—to protect the public from the premature dissemination of drugs that may be of dubious value or even dangerous.

It is also beginning to appear that physicians themselves must bear a considerable part of the blame for their patients' increasingly burdensome drug bills. By relying so heavily upon brand-name promotions, they may be denying their patients considerable savings possible through the prescription of medicines by their generic names. Indeed, if the • • • hearings do no more than educate the public to demand more economical drugs whenever possible, they will have performed a genuine service.

MONETARY SAVINGS AND RECOVERIES ATTRIBUTABLE TO ACTIVITIES OF THE COMMITTEE ON GOVERNMENT OPERATIONS (1959)

Mr. DAWSON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAWSON. Mr. Speaker, I include for the RECORD a breakdown of the savings of the Government Operations Committee previously filed with the House Administration Committee:

MONETARY SAVINGS AND RECOVERIES ATTRIBUTABLE TO ACTIVITIES OF THE COMMITTEE ON GOVERNMENT OPERATIONS (1959)

The following table is designed to give an idea of the significance in dollars and cents for a 1-year period of the committee's activities. With one or two noted exceptions, the following figures reflect the savings or recoveries during a single year. Many items are of a recurring nature and the saving listed will be repeated annually; for example, the savings on telephone and telegraph rates will continue for many years, as well as the savings resulting from an improved commercial airlift program.

In many cases precise dollar estimates cannot be computed since the greater part of the identifiable savings are those which flow from the elimination of wasteful practices, the initiation of prudent ones, and the knowledge that the committee is ever watchful over the efficiency and economy of Government operations. A glance at item 3 below will show that if these items were included, the annual savings would exceed $100 million.

Grand total (computable savings and recoveries for 1 year)	$68,886,550
1. Resulting from activities of the committee during 1st sess., 86th Cong. (actual and prospective):	
(a) Discontinuance of YC-121-F aircraft	1,526,250
(Military Operations Subcommittee) discontinuance by the Air Force of use of high cost unnecessary experimental YC-121-F aircraft after subcommittee staff inquiries. Maintenance and operating costs of these aircraft if not withdrawn—$1,526,250.	
(b) Increased competition in military procurement of aircraft hardware and fresh milk	200,000
(Military Operations Subcommittee) more competitive bid offers to military procuring agencies in fields of aircraft hardware and fresh milk procurement following subcommittee staff inquiries into alleged price fixing and other collusive practices. Recent awards showed reduction in price to the Government of $200,000.	
(c) Committee action on negotiated sales	472,000
(Government Activities Subcommittee) proposed negotiated sale by the GSA of a portion of the Camp Adair Military Reservation in Benton County, Oreg. (123 acres and several frame buildings) to Plywood Products Corp. for $35,000 was reviewed thoroughly, the investigation indicating that a higher price was in order. Acting on the subcommittee recommendation that the sale not be consummated for less than $50,000 the GSA Administrator consummated the sale on Nov. 12, 1959, for $50,000, a net savings to the Government of $15,000.	
Proposed negotiated sale by GSA of the Naval Supply Depot, Spokane (Velox), Wash., to the D-J Co., of Seattle, Wash., for $2,100,000 was extensively reviewed by the subcommittee and information developed relating to the possibility of a higher offer than the one accepted by GSA. The subcommittee recommended to GSA on Sept. 21, 1959, that consummation of the sale be rejected and a new, higher offer considered. As a direct result of the subcommittee's action, sale of the property subsequently was consummated on Nov. 10, 1959, for $2,557,000, an increase of $457,000 over the originally proposed price and a corresponding saving to the Government.	
(d) Grain storage (potential)	$25,000,000
(Intergovernmental Relations Subcommittee) the Department of Agriculture now spends nearly $2,000,000 per day for commodity storage, an increase of more than 400 percent in the past few years. The subcommittee's investigation has disclosed that rates paid private warehousemen for storage of Government commodities are three or more times as high as the cost of storage in Government facilities; despite this, grain has been moved from Government facilities to private warehouses for storage, leaving hundreds of millions of bushels of Government space empty. Commercial warehousemen are storing Government grain in buildings rented from the Government; payment by the Department of Agriculture have been as much as 100 times greater than the rent received by the Government.	
New contracts for storage of grain in private warehouses are now being negotiated and will become effective on July 1, 1960. Since a reduction of only 1 cent per bushel per year in the contract storage rate will mean a saving of more than $25 million annually, it is expected that the subcommittee's investigation will contribute to substantial savings.	
(e) Foreign currency commodity transactions	100,000
(Intergovernmental Relations Subcommittee) $5,000,000,000 has been spent during the past 5 years to finance exports of agricultural commodities for foreign currencies. Although the commodities financed have often come from Government surplus stocks, little apparent concern has been shown for the size of the markup. As a result of the subcommittee's investigation, the Justice Department is now considering legal action to recover about $100,000 in overpricing on a single rice transaction. If filed, this will be the first legal action of its kind and will probably serve as a precedent for additional claims in other situations of the same type now being studied by the subcommittee.	
Some improvements have been made in price review procedures on foreign currency transactions which should result in future savings.	
(f) Sale of CCC commodities to Armed Forces	50,000
(Intergovernmental Relations Subcommittee) as a result of disclosures at subcommittee hearings, the Army obtained new contracts for furnishing of recombined milk for troops in Japan, Okinawa, and Guam which are expected to save about a million dollars annually. Approximately $50,000 was refunded to the Department of Agriculture by a dairy firm which had purchased a substantial quantity of nonfat dry milk from CCC for less than 10 cents per pound and resold it to the U.S. Armed Forces for more than 30 cents per pound. The armed services and the Department of Agriculture have taken steps to coordinate their activities with a view to preventing windfall profits through resale to the Armed Forces of agricultural commodities sold or subsidized by the Commodity Credit Corporation.	
(g) Minimization of cash grants	$3,000,000
(Foreign Operations and Monetary Affairs Subcommittee) because of the magnitude of foreign aid funds and the nature of of their use, even small improvements in procedure and practice may result in very large money savings indeed. The minimization of cash grants recommended by the committee, which now appears to be the trend in ICA, could, in Laos alone, mean at least 10-percent improvement in the effectiveness of U.S. aid funds. On the basis of the level of cash grants in 1957, this would represent more than $3,000,000 worth of aid.	
(h) Unlawful gains of ICA employees (Laos)	10,000
(Foreign Operations and Monetary Affairs Subcommittee) exposure by the subcommittee investigation in Laos of unlawful or unreported gain on the part of certain persons employed by ICA will probably result in tax recoveries, with penalties, aggregating several thousand dollars.	
(i) Substandard housing construction (Laos)	4,300
(Foreign Operations and Monetary Affairs Subcommittee) the Department of State has advised that the U.S. attorneys office now has under review the possibility of prosecuting legal violations by the Universal Construction Co. The U.S. operations mission to Laos has been instructed to file a claim of $4,311.39 as the result of the substandard construction of 14 houses. The General Counsel of the International Cooperation Administration is reviewing the legal steps possible to secure additional recoveries.	
(j) Yellowstone Park power contract (potential)	30,000
(Special Subcommittee on Assigned Power and Land Problems) as a result of the investigation and hearings held by the subcommittee on the contract for electric power for Yellowstone National Park the Department of the Interior has ordered a restudy of the contract and of the figures used in determining that the Montana Power Co. would provide the lowest cost source of electric power. The Department of the Interior has indicated that a mistake amounting from $15,000 to $32,000 a year may have been made in its original computations. The subcommittee figures indicate that this may run as high as $70,000 a year. As yet, no decision has been made to cancel or renegotiate the contract.	

2. Savings and recoveries occurring in calendar year 1959, resulting from the committee's activities in the 85th Cong:

(a) Offshore procurement; recovery of taxes (total)-- $825,000

(Executive and Legislative Reorganization Subcommittee) the 17th report of the committee to the 85th Cong. (H. Rept. No. 1281, 85th Cong.) contained a recommendation the matter of taxes improperly paid to foreign governments in offshore procurements be given immediate attention by the Department of Defense in order to clarify policy and procedure at the operating level, and to provide uniform guidance to the procurement agencies. This recommendation flowed from a study of the Comptroller General's efforts to secure the recoupment of such taxes. The committee found that there had been a culpable failure by the Federal agencies to consider and implement the Comptroller General's recommendations. Subsequently on Jan. 29, 1960, the Comptroller General reported, "erroneous tax payments of about $825,000 have been received and claims have been made against contractors for an additional $1,013,000."

(b) Stabilized, longer term procurement of commercial airlift by Armed Forces-- 13, 600, 000

(Military Operations Subcommittee) subcommittee investigations and reports ("Military Air Transportation," H. Rept. No. 2011, 85th Cong, 2d sess., and "Military Air Transportation" (Executive action in response to committee recommendations, H. Rept. No. 1112, 86th Cong., 1st sess.), have led the President to direct a complete reexamination of this whole problem. Among other things, the Air Force specifically has accepted the subcommittee's recommendation for more stabilized, longer term procurement of commercial airlift services. As a result of Air Force action under this recommendation, approximately $13,600,000 were saved in contracts for 1 year's services.

(c) Adjustment of nickel procurement at Nicaro, Cuba---------- 2, 000, 000

(Government Activities Subcommittee) appended to the subcommittee's report, ninth report of the Committee on Government Operations, titled "Disposal Problems of Government-owned Nickel plant at Nicaro, Cuba" (H. Rept. No. 694, 86th Cong., 1st sess., July 17, 1959), is a letter dated Mar. 20, 1959, from the GSA Administrator pointing out that, as a direct result of testimony in the subcommittee hearings on the matter in 1958, GSA made a money-saving downward adjustment in the amount of privately owned ore taken for the Nicaro plant. The GSA Administrator said the result was a saving for the first 7 months of the 1958–59 fiscal year of $749,540. He added that the savings to the operation and the Government over the remaining 9 years of the ore contract will be over $2,000,000 a year if the royalty ore requirements are held to this adjusted level and normal operating conditions ensue. Potential savings in the long run then can be estimated at more than $18,000,000 if the cited conditions prevail.

(d) Sale of Naval Shipyard, Newport News, Va------ $2, 000, 000

(Government Activities Subcommittee) the subcommittee, during the 85th Cong., blocked the proposed negotiated sale of the Naval Industrial Shipyard at Newport News, Va., because the price of $3,510,000 appeared grossly out of proportion to the true fair market value of the $20,391,000 facility. GSA, at subcommittee request, withdrew its delegation of authority to the Secretary of Defense and made a new appraisal. Negotiations are proceeding and, as a result of the subcommittee's insistence on the true fair market value, it is now estimated that the shipyard will be sold for a price at least $2 million more than the one originally proposed and may exceed that estimation by a considerable amount.

(e) Substitution of purchase for lease-purchase of Rock Island, Ill., post office--- 1, 800, 000

(Government Activities Subcommittee) study was initiated during the 85th Cong. of a GAO review of the financing and construction of a post office and courthouse public building project at Rock Island, Ill., under the lease-purchase program. After study and conferences with GSA officials upon recommendation of the subcommittee and with the cooperative action of the Appropriations Committee, authorization was made in the 1st sess., 86th Cong., for GSA to use funds from savings on new construction projects to pay off the Government's lease-purchase obligation on this project. This action eliminates the necessity of paying interest and real estate taxes over the cancelled period, resulting in a direct saving to the Government of approximately $1,800,000.

(f) Sale of portion of VA lands in St. Cloud, Minn------ 13, 000

(Government Activities Subcommittee) review began Aug. 18, 1958, on proposed negotiated sale by GSA of a surplus 209-acre portion of the VA hospital reservation in St. Cloud, Minn., to the city of St. Cloud for $24,000. The city planned to retain a portion of the tract for park purposes and turn the balance over to St. Cloud Opportunities, Inc., a quasi-public organization, for industrial purposes. Acting on subcommittee recommendations, the GSA transferred 27.4 acres to the city for park purposes for $932.50 which represented the allowable 50 percent of its value. The remaining 182.31 acres were offered at public auction on Aug. 27, 1959, and GSA accepted the high bid by St. Cloud Opportunities, Inc., of $36,462 a cash return of more than $13,000 above the terms proposed in the negotiated sale.

(g) Cash recoveries on illegal cheese transactions (total)---------- $2, 371, 000

(Intergovernmental Relations Subcommittee) on Nov. 18, 1959, the subcommittee received a letter from the Department of Justice advising that total recoveries in cheese transactions investigated by the subcommittee had reached $2,159,792.24 and that additional recovery of $216,933.91 was expected from 26 outstanding cases. The Justice Department letter expressed appreciation for the subcommittee's assistance.

(h) Telephone and telegraph rates ---------- 15, 385, 000

(Special Subcommittee on Donable Property.) This work of the subcommittee is responsible for the passage of the basic statute, Public Law 968, 84th Congress, and for following through to insure that GSA represented the Government before the Federal Communications Commission in obtaining equitable rates. The GSA did an excellent job in following through on this matter, and it has been estimated that the annual savings to the Government in telephone and telegraph rates will be about $15,385,000 per year. It was estimated that a 15-percent savings on the rates applied to SAGE alone, or $10 million annually, and for other agencies other than SAGE $4,600,000 annually, making a total of $14,600,000 reduction on telephone rates and, in addition, a reduction for certain services, of $785,000 per year. The total annual savings for all classes is estimated at $15,385,000.

(i) Handling of certain classified documents---------- 500, 000

(Special Subcommittee on Government Information.) During 1959, monetary savings directly attributable to the work of the House Government Information Subcommittee totaled about $500,000. Comparable savings will continue during 1960. These savings result from improvements in the handling of "historical" classified Defense Department documents which save an estimated $400,000 a year in storage costs alone, and from abolition of the Office of Strategic Information in the Department of Commerce, which was costing about $100,000 a year.

3. Savings and recoveries where only general dollar estimates can be made:

(a) Improvements in organization and management of the missile program----- (1)

(Military Operations Subcommittee.) The subcommittee's investigation and report on "Organization and Management of Missile Programs" (H. Rept. No. 1121, 86th Cong., 1st sess.) already have resulted in Executive actions which should save many millions of dollars each year. Precise figures cannot now be given.

(b) Improvements in military supply management----- (1)

(Military Operations Subcommittee) the same comment applies to the subcommittee's investigation and report on single manager agencies ("Military Supply Management (Single Manager Agencies)," H. Rept. No. 674, 86th Cong. 1st sess.). Executive action following the committee report has brought about further improvements in military supply management programs which should produce savings of several million dollars annually.

(c) New supply concepts and improved organization of military aid program for Western Europe--------- (1)

(Military Operations Subcommittee) new supply concepts and improved organizations in U.S. military aid programs to Western Europe were recommended in the Subcommittee's report entitled "United States Military Aid and Supply Programs in Western Europe," (H. Rept. No. 1371, 85th Cong., 2d sess.). This report has received careful consideration by the special committee appointed by the President (Draper Committee) to study military aid. If the recommendations are carried out, many millions of dollars will be saved each year.

(d) Exposure of deficient public land appraisals and resulting anti-speculation rules---------- (2)

(Special Subcommittee on Assigned Power and Land Problems) hearings held by the special subcommittee during the month of January 1960 in Phoenix, Ariz., indicate that Government appraisals of land being disposed of by the Bureau of Land Management, Department of the Interior, have been shockingly low. In one instance it appears that an appraisal of a tract of 58,000 acres was somewhere between $2½ to $5 million below the true fair market price. Other cases studied by the subcommittee showed losses running into several thousands of dollars and appraisals running into one-tenth to one-quarter of the true fair market value of the land. On Feb. 5, 1960, the Secretary of the Interior announced that he was making five major changes in the Bureau of Land Management exchange procedures to eliminate speculation and to prevent further losses to the Government. Each of the changes is directly traceable to the subcommittee's hearings.

[1] Many million dollars annually.

[2] Several million dollars annually.

HONOR THE GREAT PADEREWSKI

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, it is with a deep sense of honor that I am privileged to join with my colleagues in the House in urging the issuance by the Post Office Department of the special stamp to commemorate the historic contributions of Ignace J. Paderewski.

I can presently conceive of no more fitting addition to the Department's series of stamps recognizing champions of liberty than this illustrious Polish statesman and artist who unselfishly dedicated most of his life to the cause of human freedom.

I understand that the Post Office Department is carefully considering the proposal for a special stamp for the great Paderewski and ardently hope that this fitting tribute may be paid to one who in life was such a gallant fighter for freedom and who in memory is so richly deserving of the plaudits of sincere liberty lovers of the world.

It would be even a more fortuitous circumstance if such a stamp could be issued this year since the 100th anniversary of Paderewski's birth will fall on November 6, 1960. It would be equally fitting and agreeable if the Postmaster General, in his wisdom and discretion, would authorize this special stamp at an early date so that appropriate commemorative ceremonies can be arranged by interested Polish organizations as well as American admirers of this great and celebrated world figure.

Whatever I might say concerning the contributions of Ignace Paderewski I fear might well be all too inadequate.

As a mark of the esteem and admiration and affection with which he is held by Americans, the mortal remains of this great patriot lie in the hallowed soil of Arlington National Cemetery where heroes and great statesmen rest and where the Unknown Soldier, known but to God, sleeps in eternal honor and peace.

Paderewski unselfishly devoted the greater part of his life to his beloved country and to the perpetuation of freedom. In World War I, he was largely instrumental in organizing an independent Polish Army to serve and to fight in France with the fighting sons of America and our allies on the western front.

At the end of the war, as chairman of the Polish delegation to Versailles, Paderewski strove for a just treaty of peace and, in the name of his great nation of Poland, signed the historic document by which his noble country regained her independence.

In World War II, while advanced in years, Paderewski again labored and fought for the Polish cause and helped to shape the Polish Government in exile which became the symbol and spearhead of indomitable Polish allegiance to the cause of the free world.

As Chairman of the National Council of the Republic of Poland which functioned in France and later in England, he rendered noteworthy service in keeping his country in the vanguard of the loyal, the true and the dedicated.

Even in the year 1940, when he was 80 years of age, still undimmed in spirit, still resolved to labor and fight for the great principles in which he believed, Paderewski came to the United States to continue his advocacy and his great work in behalf of Polish independence and freedom.

It was here on American soil, in our very city of New York, on June 29, 1941, that he passed to his heavenly reward, leaving behind him saddened hearts the world over and a legacy of devotion and loyalty to democratic principles that brought deepest inspiration to those of his own blood and to all who loved liberty.

The contributions of the great Paderewski were, by no means, confined to the political field. Illustrious as he was as a statesman, he was perhaps even better known for his outstanding artistry as a renowned pianist recognized generally as one of the greatest the world has ever known. Gifted beyond expression, trained in the great continental music salons of Warsaw, Berlin, and Vienna, endowed with veritable genious, he commenced his public career as a concert pianist in 1887, and was immediately acclaimed for his brilliant and remarkable talents and impressive histrionic performances. He swept the music-loving people of Europe in triumph after triumph in the great capitals where good music is so deeply appreciated, and in 1891, when he came to this country, literally took America by storm.

In the years that followed, as he achieved even greater success as a concert pianist, his name virtually became a household word among the American people and indeed throughout the civilized world. Time and time again, he was acclaimed for the brilliance of his artistry, the perfection of his technique and the inspiring quality of his showmanship and performance.

It was, perhaps, this quality so implicit in his makeup, his bounding enthusiasm and his ability to arouse commendation and admiration that helped him in his political endeavors and made him one of the most colorful and appealing statesmen in world history.

A magnificent personality, impressive in appearance, articulate and eloquent of tongue, Paderewski with his flair for showmanship easily captivated his political audiences and won the confidence and acclaim of his people as well as democratically minded people throughout the world.

In fact, his reputation, grandeur, and appeal was not confined to democratic nations alone. Paderewski spoke the language of music and that is a language understood and appreciated by all peoples whatever their station or political status.

He had the faculty and ability of attracting the attention literally of a world

audience that not only looked upon him as a great musician but also listened to him with respect and appreciation whenever he spoke on political questions. It was this unusual and unique duality of personality and duality of appeal that gave Paderewski a position in the world that few, if any, statesmen have ever known, and his concept of a free Poland standing proudly with other nations of the world became just as much of a byword as his immortal "Minuet" which had found such a lasting place in the hearts of all peoples.

But it was to Poland, his beloved country, and its noble cause that he devoted most of his life and all of his dreams. It was to Poland that he gave of himself so unselfishly. It was to his lovely native land that he gave "his last measure of devotion."

Ringing down through the unbroken channels of history with a greater clarity and impressiveness than ever before resounds his inspiring message so meaningful for his fellow countrymen, for America, and all free peoples:

The vision of a strong and independent Poland has always been the lodestar of my existence. Its realization is still the great aim of my life.

I make a strong, vigorous, and heartfelt appeal to our distinguished Postmaster General, Arthur E. Summerfield, and his advisers to give immediate consideration to this just and timely proposal to issue a commemorative stamp for the immortal Paderewski.

Champion of liberty, sponsor of self-determination, prophet of human rights, encourager and uplifter of the human spirit, certainly Ignace J. Paderewski richly deserves this honor. From my heart I urge that it may soon be accorded him.

CIVIL RIGHTS

Mr. ALFORD. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include a letter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ALFORD. Mr. Speaker, germane to the issue before the House today is a letter I have sent to the Attorney General of the United States within the last 24 hours. I include a copy of that letter:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 16, 1960.

The Honorable WILLIAM P. ROGERS,
Attorney General of the United States,
Washington, D.C.

DEAR MR. ROGERS: I have grown completely weary of your continuous and unbecoming references to Little Rock in your efforts to rally support for harsh, unrealistic, political, and totally unnecessary civil rights legislation.

I know from firsthand observation, which opportunity you did not have, the seriousness of the events that transpired in Little Rock in September 1957. And I know, furthermore, that almost daily events of far greater seriousness have occurred in all parts of this Nation, especially in the East and North.

I cannot understand, then, why you do not refer to Levittown, Deerfield, New York City, even Washington, D.C., as you cite conflicts between the races. You also could point out the continual boiling up of racial unrest in Chicago, Detroit, Los Angeles, and many other places.

The only reason I can see for your repeated references to Little Rock is that the administration still is attempting to cover up for its unwarranted and illegal use of U.S. troops against the people of the sovereign State of Arkansas.

If this is your objective, I feel that you owe a very definite and emphatic apology to the people of my city, district, and State for making them the whipping boy of an obviously political propaganda move.

I also cannot in all seriousness believe that you feel that one man—the Attorney General of the United States—should have the power of injunction to wield over the people of the Nation without due process in the courts. By all the standards of our traditional constitutional form of government, I think you must agree, deep down within your heart, that this is far too great a power to place in the hands of one individual.

Furthermore, the legislation which you are advocating has been given the dubious designation of voting rights. There is absolutely no evidence of anyone in the city of Little Rock ever having been denied the right to vote because of race, creed, or color.

Therefore, in the name of all morality, decency, and fair play, I request that the name of the fair city of Little Rock be eliminated from your future political propaganda statements in behalf of so-called civil rights. Surely, all educated and intelligent individuals will agree that such references should be beneath the dignity of the high office of the Attorney General of the United States of America.

Sincerely,

DALE ALFORD,
Member of Congress.

POSTAL SUBSIDIES

Mr. RHODES of Pennsylvania. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RHODES of Pennsylvania. Mr. Speaker, last Friday the President sent to Congress his message urging that postal rates be increased to produce $554 million to eliminate the postal deficit.

A letter we received from Postmaster General Summerfield set forth in detail the administration's postal rate increase proposals.

This administration proposal is another effort to place an unfair and unjust burden on the users of first-class mail and to protect the beneficiaries of unwarranted subsidies to big magazine publishers.

It is interesting to note that of the $554 million to be raised by the administration bill, $409 million would come from the proposed increase in first-class rates from 4 to 5 cents, while only $47 million would come from second-class mail. Yet Mr. Summerfield's letter states that the second-class mail loss—largely newspapers and magazines—was nearly $300 million last year and that first-class mail is paying 111 percent of its fully allocated cost to the Department.

Mr. Speaker, I cannot see how Congress can, in good conscience, require first-class mail users to pay three-fourths of the rate increases, while they are already paying more than the cost of handling this type of mail. The big publishers, who account for over half the deficit, would be charged less than 9 percent of the proposed rate increases under the administration proposal.

In effect, the administration is saying to the average mail user, "You must pay for the multi-million-dollar subsidy that goes to Life, Reader's Digest, Saturday Evening Post, and other large profit-making publications so that the postal deficit can be reduced." During last year's hearings before the House Appropriations Subcommittee on Treasury-Post Office Departments, Mr. Hyde Gillette, Assistant Postmaster General, Bureau of Finance, put it another way when he said:

Mr. Chairman, it is true that magazines probably pay more than a hundred million less than the cost of handling them, but part of that is offset by the extra amount that the first-class mail pays over and above its fully allocated cost, so that the net effect is not carried through directly to the deficit.

Mr. Speaker, I introduced legislation last year—H.R. 8433—to produce additional revenue from the sources now incurring the largest postal deficit by instituting a 5-year program to gradually reduce publishers' second-class postal subsidies. My bill is also sponsored by the gentleman from Wisconsin [Mr. REUSS] and in the Senate by the senior Senator from Pennsylvania [Mr. CLARK] and the junior Senator from Wisconsin [Mr. PROXMIRE]. It would place an annual limitation on the amount of subsidy going to any individual publication, ranging from $5 million during the first year of the act to $100,000 in the fifth year.

Enforcement of the act would be based on data developed under section 105 of the Postal Policy Act of 1958 which requires the Postmaster General to submit to Congress by April 15 of each alternate fiscal year information on postal rate expenses and revenues.

In view of the President's concern over the postal deficit, which he puts at $2 million every working day, it is surprising that the Post Office Department and the Presidents' own Bureau of the Budget have submitted adverse reports on H.R. 8433.

Two recent polls conducted by the National Federation of Independent Business may be of interest to my colleagues in this connection. For many years this organization has circulated "the Mandate" among its membership in conducting survey polls on legislation before the Congress. The results of these polls are sent to each Member of Congress by his own district chairman of the federation.

Bulletin 252 asked the following question:

Are you for or against Congress requiring all large national magazines to pay their full share of post-office mailing costs, the same as users of first-class mail are required to do?

The membership of the National Federation of Independent Business voted 84 percent for reducing second-class postal subsidies, only 13 percent against. In my own district, 94 percent of the members voted for reducing such subsidies.

This year in bulletin 254 the federation conducted a poll of its members on the President's proposal to increase first-class postal rates, based on his budget message to Congress. The nationwide results were 26 percent in favor of the President's request, 72 percent against.

Mr Speaker, if the administration were genuinely interested in reducing the huge postal deficit it would support my bill to get at the heart of the subsidy problem—second-class publishers' mail, which accounts for the major portion of the deficit. I trust that the House Post Office and Civil Service Committee will take a good look at the exorbitant multi-million dollar annual subsidies going to profit-making publications and act to curb these subsidies before considering any increase in first-class mail rates.

THE LATE RAMON MAGSAYSAY

Mr. JUDD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. JUDD. Mr. Speaker, it is appropriate that in connection with the debate on civil rights we pay tribute to the memory of a man of another race, Ramon Magsaysay, who had as deep an understanding of dedication to the fundamental principles on which this country was founded and grew great as any man I have ever known anywhere.

Three years ago today, and 10,000 miles from this Chamber, the free world and particularly the Filipino people suffered a tragic loss. On March 17, 1957, Ramon Magsaysay's life was snuffed out against a mountainside in the Province of Cebu. The world had lost a champion of liberty. The loss, as Secretary Dulles later said, was one that was felt everywhere by those who, having liberty, would preserve it; by those who, never having had liberty, would gain it; and by those who, having lost liberty, would regain it.

Ramon Magsaysay was a great man, and the source of his greatness was precisely those qualities we most admire in the Filipino people. He was a man of humility and quiet pride, of great sensitivity and greater courage. Above all else we remember his burning dedication to the ideals of democratic self-government and his conviction that the state exists not to enhance the interests of a few but to serve the welfare of all its citizens, and particularly the welfare of those who could not otherwise help themselves. Democracy has had a proud history in the Philippines, and its finest chapter was written under the leadership of Ramon Magsaysay. José Rizal had pointed the way to Philippine independence from Spain. Ramon Magsaysay opened the path to Philippine world prestige on the basis of genuine achievement.

Preeminently a man of the people, Magsaysay taught his people that the good things in life were worth fighting for. He was a brilliant guerilla fighter during World War II. As Secretary of Defense he waged an equally effective campaign against the armed insurrection of the Huks, principally because he understood that the Huk insurrection sprang as much from hunger, poverty and social injustice as it did from Communist conspiracy and subversion. As President he did his vigorous best to insure a better life for each Filipino. Resettlement programs, land reform, agricultural credit facilities, community development, education, social security, public health improvement: all these he undertook in the knowledge that the democratic way of life comprehends more than the right to vote. Not least, Magsaysay understood that corruption in public life leads swiftly to the collapse of public confidence and perhaps even of democracy. Throughout his career in public office he waged a relentless campaign against those who enriched themselves in public office at the expense of national progress.

Perhaps Magsaysay's greatest achievement was the establishment of the Republic of the Philippines as a respected and influential member of the community of nations. It was my privilege to have something to do with the first mutual defense treaty entered into by the United States with any Pacific nation. Quite properly it was with the Republic of the Philippines. The Pacific Charter and the instrument establishing the Southeast Asia Treaty Organization were both signed in Manila and under Magsaysay's administration. I would like to read to you an excerpt from the speech Ramon Magsaysay made on July 4, 1956, the 10th anniversary of Philippine independence. He said:

On several occasions in recent months I have urged our people toward greater expression of what I have called positive nationalism. Just what do I mean by positive nationalism? Actually, I could just as accurately say true nationalism. For example, I see no real patriotic or constructive contribution for those who resurrect buried enemies or revive dead issues, from those who sneer at the worth or validity of our national institutions or culture, from those who try to imprison us behind a wall of suspicion, distrust and hatred of the outside world, from those who would have us follow a policy of cynical expediency. Honest and fearless criticism should be welcomed as a healthy manifestation of democracy, but we should insist that it be presented soberly, based upon evidence, and accompanied by a constructive alternative.

Positive or true nationalism is that which places the national good above personal interest, bias or prejudice. It seeks, discloses, and cultivates what is good in the community and the nation, knowing that the stronger growth of what is good will choke out the weeds of what is bad. The true nationalist does not ignore or conceal national shortcomings, but works hard to correct them; he does not advertise them to feed his own vanity.

Mr. Speaker, I would like also to read to you his definition of national interest from the same speech:

What comprises the national interest? Security, first of all. Without security, sovereignty is controlled by, and at the mercy of, the nearest aggressor, making it no sovereignty at all. Next comes the material well-being of our people and our progress in maintaining and expanding that well-being. Those are the tangible, the physical elements of national interest. But no less important, certainly, are those aspects of the national interest which cannot be measured in pesos or in firepower, such elements as our racial and national code of ethics, morality, and justice; our principles and ideals; our reputation and prestige as a member of the free world community. Determined, for instance, to honor our commitments and conduct ourselves nationally in a manner that does credit to our national dignity.

These are the words of a great champion of liberty, a great national leader, a very great man. Ramon Magsaysay was each of these—and to me he was also a warm and cherished personal friend. The world is a better one for his example, and his example is one that we shall not soon forget.

THE LATE JOHN B. HUSSEY, OF SHREVEPORT, LA.

Mr. BROOKS of Louisiana. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BROOKS of Louisiana. Mr. Speaker, I have just been informed of the untimely and tragic passing of my old and good friend, John B. Hussey, of Shreveport, La.

Many Members of this body also knew Mr. Hussey as a Commissioner of the Federal Power Commission. He had been serving in that position since taking the oath of office in June 1958.

John Hussey's life came to an end in San Antonio, Tex., where he had gone on official business.

Mr. Hussey was born in Jefferson, Tex., in 1907, and was graduated from St. John's High School in Shreveport, La., in June 1927, as valedictorian of his class. Later he was awarded an L.L.B. degree from Georgetown University in 1929. From 1952 to 1958 he was Commissioner of Conservation for the State of Louisiana. He was married to the former Inez Daniels, and had five lovely children, all of whom survive him.

Mr. Hussey was an able authority on oil and gas and was a tireless fighter against foreign import.

Truly, the Federal Government has lost a great public servant, and the State of Louisiana and the city of Shreveport, one of its favorite sons.

PROTECTING THE AMERICAN FAMILY FARM AND FARMWORKER

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that the gentleman from South Dakota [Mr. MCGOVERN] may extend his remarks at this point in the body of the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, yesterday I introduced H.R. 11211, to amend

title V of the Agricultural Act of 1949—more commonly known as Public Law 78. This statute governs the importation of farmworkers from Mexico into the United States.

H.R. 11211 would place certain safeguards on this importation and would gradually eliminate the importation program.

The bill has two direct beneficiaries, the American family farmer and the American farmworker. And it has an indirect beneficiary, the conscience of our Nation.

Economic distress stalks much of rural America. In recent years there has been a sharp decline of income for those who operate our family farms. And there is destitution and underemployment for many of our farm laborers.

H.R. 11211 seeks to improve the conditions of both of these groups. It would do so by striking at the same source of unfair competition which endangers the livelihood of both. This common source is the cheap labor imported each year.

Some half million foreign farmworkers were brought into the United States last year. Some 450,000 of them were Mexican nationals imported under the provisions of Public Law 78.

These workers did not go to family farms. The overwhelming majority of them were, and are, employed by either large corporate farms or by large food processing and distributing corporations.

Consider the following statistics on farm employment for proof of this statement.

Fifty-three percent of the farms in the United States do not hire any labor at all.

Farm families provide most of the labor on 9 out of 10 American farms.

Only 5 percent of the total number of farms have a cash expenditure for hired labor of more than $2,000 a year—or an average of $40 a week. And it is these farms which employ the vast majority of farmworkers.

And what is the effect of the importation of Mexican farmworkers?

On the family farm, it results in a further weakening of the ability to compete with the corporate agricultural enterprises. It is an important factor in the failure of many family farms.

The corporate farm is able to exploit its cheap hired labor. The lower it can drive wages, the more it can undersell the family farm and still make a profit.

The family farm, which hires no, or virtually no, labor, has no such opportunity to lower its cost. Furthermore, the close personal relationship which exists between the family farmer and his hired man normally results in better working conditions than those which exist where foreign labor is employed on corporate farms.

One family farmer from South Dakota put the matter very succinctly in a letter to me:

> The cost of labor on large farms helps determine the price of farm products I have to sell. A 70-hour plus week at 50 cents an hour is pretty rough competition to beat.

Were all farm workers to get a decent wage and have decent working conditions, then the unit labor costs of the corporation farms would be increased. The family farm would be little, if at all, affected because it uses little, or no, hired labor.

The small farmer must have a fighting chance to compete with the corporations. The cards must not be stacked against him.

But by perpetuating a farm labor system which is based on poverty and destitution, we are very much stacking the cards.

And that brings us to our second beneficiary of H.R. 11211, the domestic farm laborer.

No American worker is so poverty-stricken and has such abysmally low living standards as do farmworkers in large sections of the Nation.

His wages average $892 a year. He has an average of 125 days of work a year at farm jobs.

A wage of $1 an hour is high among farm workers. Earnings of many of the agricultural workers go as low as 40 cents an hour.

Child labor is prevalent. With wages so low and work so scarce, children of 7, 8, and 9 must work in the fields with their parents if the family is to survive.

The mass importation of foreign farmworkers—and especially Mexicans—plays a major role in maintaining these incredibly bad conditions.

The importation provides a continuous source of cheap labor to compete against domestic farmworkers. As a result, more workers are available than are jobs. A continuous competition exists to keep wages low or drive them lower.

In addition, the Mexican laborers actually displace American farmworkers. In some areas 100 percent of the seasonal work on crops is performed by the foreign workers.

Those domestic farm workers who try to compete suffer from great underemployment. The average farmworker can expect only 125 days of agricultural work. But if foreign laborers are available, his days of employment will be even fewer.

In short, the importation of the nearly half million Mexican farmworkers contributes to the unfortunate condition of American farmworkers, just as it does to the loss of livelihood of the farm family.

It is time for Congress to act on this problem.

That was also the conclusion of four distinguished men who acted as consultants to the Secretary of Labor in a study of Public Law 78. These men were Edward J. Thye, former U.S. Senator from Minnesota; the Very Reverend Msgr. George G. Higgins, director of the social action department, National Catholic Welfare Conference; Glenn E. Garrett, chairman of the Texas Council on Migrant Labor; and Dr. Rufus B. von Kleinsmid, chancellor of the University of Southern California.

They came to the unanimous conclusion that the law has failed in its stated objective of protecting the domestic labor force from the adverse effects of the importation of workers.

The consultants recommended a series of steps to provide greater protection. My bill incorporates all of these recommendations. In fact, I have attempted to use the language of the consultants' report as much as possible in the bill.

But these distinguished students of Public Law 78 are not the only ones to urge corrective action. Many important organizations and individuals have called for such a course.

For example, the general board of the National Council of Churches of Christ in the U.S.A. recently stated in a resolution that:

> The present practice of our Government in authorizing the importation of Mexican nationals for agricultural labor in the United States involves human and ethical issues of grave concern to the conscience of Christian people.

The National Council of Churches went on to recommend specific changes in the law and urged that the extension of Public Law 78 be for "a temporary period with a specific date of final termination and with definite provisions for annual reductions in volume written into the act."

H.R. 11211 does exactly that. It contains the changes found necessary by the National Council of Churches. And it provides for the reduction of the number of Mexican workers by 20 percent each year until Public Law 78 expires on June 30, 1966.

Catholic and Jewish clergymen and laymen also have cried out against the injustices of Public Law 78. For example, Monsignor Higgins, wrote recently,

> It is morally indefensible to deny our own American migrants even the admittedly substandard guarantees which are provided for the braceros (imported Mexican farmworkers).

And eight organizations representing religious groups, small farmers, and consumers recently said in a joint statement:

> This program (of Public Law 78) has become a means for providing a surplus of cheap labor, so that wages and working conditions can be kept at worse than a substandard level on corporation farms • • • (They recommended) improving the lot of American farm workers and family farmers by stemming or stopping this stream of cheap, competitive foreign labor.

I could go on and on quoting organizations and individuals, Mr. Speaker, but their remarks all agree in the moral shock and shame expressed. They are distressed by the exploitation permitted and the poverty and hardship caused by the importation program.

They are demanding action.

H.R. 11211 provides that action for the benefit of the family farm, farmworkers, and the conscience of America.

Mr. Speaker, under unanimous consent, I include at this point in the RECORD an analysis of H.R. 11211:

ANALYSIS OF H.R. 11211—A BILL TO AMEND TITLE V OF THE AGRICULTURAL ACT OF 1949, AS AMENDED, TO PROVIDE, IN CONNECTION WITH THE EMPLOYMENT OF WORKERS FROM MEXICO, PROTECTION AGAINST UNFAIR COMPETITION FROM CORPORATE AGRICULTURE TO THE AMERICAN FAMILY FARM AND PROTECTION FOR THE EMPLOYMENT OPPORTUNITIES OF DOMESTIC AGRICULTURAL WORKERS IN THE UNITED STATES, AND FOR OTHER PURPOSES

Section 1(a) of the proposed bill would delete the first paragraph of section 501 of title V of the Agricultural Act of 1949, as amended, which authorized the Secretary of Agriculture to determine which agricultural commodities and products were necessary so as to permit the Secretary of Labor to authorize the admission of workers from the Republic of Mexico to augment the domestic agricultural work force. It would substitute a new paragraph thereto authorizing the Secretary of Labor to determine whether or to what extent it is necessary to augment the domestic labor force by the admission of agricultural workers from Mexico.

Under the proposed amendment Mexican workers will be admitted for employment only if the Secretary of Labor certifies (A) that there are not available, at the time and place that Mexican agricultural workers are needed, sufficient able, willing and qualified domestic agricultural workers, (B) that the wages and working conditions of similarly employed domestic agricultural workers will not be adversely affected by the employment of such Mexican workers, and (C) that reasonable efforts were made to obtain domestic agricultural workers at terms and conditions comparable to what is being offered to Mexican workers and that employers requesting domestic workers have engaged in direct and independent recruitment for domestic agricultural workers. The substitute paragraph further provides that no workers will be admitted pursuant to the act for other than unskilled or seasonal employment.

Section 1(b) of the proposed bill further amends section 501 by renumbering paragraphs (2), (3), (5), and (6) as paragraphs (4), (5), (6), (7) and (8), inserting after paragraph (1) new paragraphs (2) and (3). New paragraph (2) would authorize the Secretary of Labor to establish the ratio of Mexican agricultural workers to domestic agricultural workers to be employed by any employer when in the Secretary's judgment such action is necessary to assure active competition for the available supply of domestic agricultural workers.

New paragraph (3) authorizes the Secretary of Labor to establish specific standards for determining whether the employment of Mexican agricultural workers is adversely affecting or will adversely affect wages, working conditions and employment opportunities of similar employed domestic workers. Under new paragraph (3) such standards would include but would not be limited to (1) the relationship between wages and earnings in activities and areas where Mexican workers are employed and wage increases generally; (2) comparisons of wage trends in areas using Mexican workers and Mexican workers' employment trends, and (3) comparisons between wage and earning levels of domestic workers employed on farms using Mexican agricultural workers and on farms where such workers are not employed.

New paragraphs (2) and (3) are added to carry out the recommendations of the consultants appointed by the Secretary of Labor to investigate and make recommendations concerning the Mexican labor program.

Section 1(c) and section 2 of the bill include technical and editorial amendments necessitated by the addition, in section 1(b) of the bill, of new paragraphs (2) and (3) to section 501 of the act.

In section 3 of the bill, section 503 of the act is deleted at this point since the substance of this provision has been included in new section 501. A substitute paragraph is added which would prohibit making Mexican workers available to an employer unless he paid domestic agricultural workers in his employ wage rates not less favorable than he is required to offer to Mexican workers. This is designed to assure that no employer who employs Mexican nationals pays his domestic agricultural workers a lesser wage rate than he pays to the Mexicans employed by him.

Section 506 of the act is amended by adding a new paragraph number (4) which would authorize the Secretary of Labor to issue rules and regulations he deems necessary to carry out the provisions of title V.

Section 5 of the proposed bill amends section 509 of the act by providing that, effective with the fiscal year beginning July 1, 1961, the number of workers to be made available under the act will be reduced by 20 percent of the total number of workers made available in the preceding fiscal year and further provides that in no event will any Mexican workers be made available under the act for employment after June 30, 1966. The purpose of this provision is to provide for a gradual discontinuance of the Mexican labor program.

NATIONAL DEFENSE NEEDS

The SPEAKER. Under previous order of the House, the gentleman from Maine [Mr. OLIVER] is recognized for 30 minutes.

Mr. OLIVER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include certain relevant material.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. OLIVER. Mr. Speaker, on February 11, an extension of my remarks on pages 2398–2399 in the RECORD contained a copy of my January 30 letter to Secretary of the Army Brucker. This letter called attention to several areas of current vulnerability, as I evaluate them, in our defense posture, resulting from inadequate consideration by this administration of the vitally pressing needs of the Army.

The areas of vulnerability to which I called attention, and concerning which I requested the observations of Secretary Brucker, can be summarized as follows:

First. The apparent lack of any attitude of urgency on the part of this administration to fund adequate modernization of the Army in the areas of tanks, guns, rifles, and planes.

Second. The failure of the Commander in Chief to order the Defense Department to allocate or provide specific units of emergency airlift for our STRAC forces.

Third. The impounding of appropriated funds by the Director of the Bureau of the Budget, who, apparently, is the alter ego of the Commander in Chief, thereby causing the Department of the Army to get along as best it can with antiquated, wornout mobile equipment which is eating up hard-to-get Army dollars through repeated repairs, far beyond good business practice, especially for such a widely advertised businessman's administration as this one.

Fourth. The dilution of Army personnel, trained for Strac combat duty, together with too much of the combat equipment which is ready to go, for the purpose of summer training of Reserve and National Guard components, resulting in reduced readiness levels of such Strac forces, when, as, and if emergencies, such as Lebanon, might once again arise.

These and other points of weakness were referred to in my letter to the Secretary because of my personal alarm, aroused by the weaknesses of our Army, as I consider them to exist.

Frankly, Mr. Speaker, I had expected the reply of Secretary Brucker, when written, to be in the nature of a brush-off. I should have known, however, that the Secretary feels as keenly disturbed because of these deficiencies as many of us, Mr. Speaker.

His reply, which follows, manifests his concern. It also indicates that "higher authority" and the Bureau of the Budget are not willing to face the facts of life. It almost appears as though the Director of the Budget has taken over the duties and the responsibilities of the Commander in Chief in the making of these defense decisions:

> DEPARTMENT OF THE ARMY,
> *Washington, D.C., February 25, 1960.*
> Hon. JAMES C. OLIVER,
> *House of Representatives.*
>
> DEAR MR. OLIVER: In reply to your inquiry of January 30, 1960, let me assure you that I greatly appreciate your concern over the personnel strength, rate of modernization, and combat posture of the Army. Before addressing myself to the very significant individual questions you have raised, I should like to make clear my position, and that of the Army, in two general areas:
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> First, concerning the readiness posture of the Army, when we say that high priority elements of the Army such as Strac, for example, are "equipped, trained, and ready to go," we mean that such a posture exists to the extent that the Army is able to make it so. The state of training and morale in these units is the highest it has been in our peacetime history. They are fully equipped with the best weapons and equipment currently available to the Army. The provision of additional airlift or of additional funds for greater quantities of modern equipment would, of course, further increase the combat potential and readiness status of these forces. Final decisions in such matters are beyond the control of the Army, although we would welcome the allocation of additional resources in these fields. On the other hand, we must not lose sight of the fact that Strac units, and other high priority Army units such as those in Germany, are very potent military forces even as currently equipped and supported. In keeping with its high traditions of the past, the Army today is ready and willing to undertake any assigned mission, utilizing all resources available to it at the time.
>
> Secondly, as regards budgetary limitations, it is not within my area of responsibility or competence to determine how the many competing demands on our national resources are to be resolved. Such resolution, by appropriate authority, results first in budgetary guidelines for the services which establish a general order of magnitude for each, and finally, after comment, discussion, and decision, in specific budgets for each. At every stage, the Army expresses its views and states its requirements. I believe that my own position on the budget has been made clear in my recent testimony before various committees of the Congress. As Secretary of the Army, I feel that the Army requires more funds than are currently being allocated to do the kind of job we would like to do in defense of the country. However, the Army will continue to execute its assigned missions in the most effective manner possible with the resources made available. To feel otherwise would not be in consonance with the traditions of the Army.
>
> With respect to your more specific questions:
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> I consider the 870,000 strength of the Active Army marginal in view of the many commitments we have which can be met only through the assignment of fixed numbers of

high-quality personnel. Any lesser strength would seriously jeopardize our ability to execute the complex and widespread tasks which the Army performs for the Nation. As you probably know, the Army has stated, in response to congressional inquiries, that it considers an active strength of 925,000 appropriate for full execution of its present missions.

As you have noted, a large part of our equipment inventory is aging and requires costly repair. Lacking the necessary replacement equipment, however, we have no alternative but to undertake this repair, as economically as we know how. This situation is complicated, as I have pointed out to the Congress, by the austere levels of operations and maintenance funding authorized. Although the Army has made an intensive effort to reduce its maintenance costs by reducing where possible the amount of maintenance required, by improving procedures, and by more efficient use of facilities, we still have a large backlog of equipment maintenance, deferred for lack of funds. Modernization of our inventory would obviously solve many of these problems.

The question of equipment modernization, particularly as it pertains to when such modernization will be achieved, is a difficult one. First, it cannot be predicted when or at what rate the necessary funds will become available. Second, modernization is a dynamic thing—we must measure our status against that of the potential enemy who is always pushing ahead—the large and in many cases very modern ground forces of the Sino-Soviet bloc. This is the criterion for modernization that we in the Army consider proper. We have in development, or ready for production, appropriate models of the many weapons and other items of equipment needed at this time. Our funds for research and development, while not at optimum level, are generally adequate for highest priority needs. But procurement funds available, while providing some new equipment, are not sufficient to modernize the Army at the rate we would deem required. As you may know, we have provided for Mr. VINSON's committee, at his request, a list of priority equipment which we would procure if a modest amount of additional procurement funds were available.

In regard to your expressed concern about the additional funds appropriated by the Congress for modernization of the Army in fiscal year 1960, I would like to explain briefly the exact status of these funds. In acting upon the fiscal year 1960 appropriation bill, the Congress appropriated $382.6 million more for Army procurement than had been recommended in the budget submitted. Of this total, $43.4 million has been made available for procurement in fiscal year 1960; $164.2 million was required to cover a deficiency in the Army's procurement appropriation which resulted from fiscal procedures prescribed by higher authority and beyond control of the Army. These procedures have recently been rescinded.

One hundred and seventy-five million dollars has been held in reserve by higher authority to be used to help finance Army procurement in fiscal year 1961. As you know, the Army has requested release of all fiscal year 1960 funds added on by Congress, including the $137 million for Nike-Zeus preproduction. However, it was directed by higher authority that $175 million of these funds would not be used during fiscal year 1960. This included the $137 million for the Nike-Zeus preproduction and $38 million for other modernization.

We would, of course, like to feel that sufficient strategic airlift is available for emergency deployment of Strac units, and that tactical airlift is adequate to meet our probable requirements in combat theaters. We fully realize that Army interests are not the only consideration involved here. As you know, Mr. RIVERS is preparing to examine this problem with a subcommittee established for the purpose. There are two aspects which concern the Army: The allocation of sufficient numbers of aircraft to meet its requirements in general or limited war, and modernization of the airlift fleet to insure that the aircraft made available can carry the loads and get into the areas necessary to proper execution of the Army mission.

I believe that we can allay your concern over the impact which support of summer Reserve component training has on Strac's readiness posture. We would, of course, be pleased to have enough active strength and enough active units so that this function could be performed completely by those elements of the Army which have a lesser readiness priority. This would allow Strac units to devote their full energies at all times to their own training and readiness. On the other hand, the summer training load which Strac units do carry does not seriously impede their day-to-day ability to assemble personnel and equipment and move out in an emergency. Those units on highest priority alert do not support such training during the period of their alert. Other units carry only that load which is necessary to get the training job done. In all cases, the personnel and equipment involved can be reassembled immediately in any emergency, and the units can move without appreciable delay.

I have attempted to avoid unnecessary detail in this reply to your letter. I feel, however, that it is important to outline the situation as clearly and completely as I can to one who has demonstrated such understanding and commendable interest in the Army's problems. If I may be of further assistance, please feel free to call upon me.

With best wishes.

Sincerely,

WILBER M. BRUCKER,
Secretary of the Army.

Far from being a military expert or strategist, Mr. Speaker, it could be considered as brash and presumptuous of me to criticize the judgment of so-called experts. But I have found, Mr. Speaker, that recognized experts in many subjects have been known to make mistakes and errors of judgment. If it should happen, God forbid, that mistakes are being made in these decisions to treat our Army as an unwanted stepchild in this defense picture; then, we Americans, could very well find ourselves on our knees before a foreign tyrant.

For example, what action shall we take in Korea, Mr. Speaker, if the North Koreans supported by the Red Armies of China and Russia start marching again down the peninsula? Would this be a limited war action? Would horror of the thought of nuclear devastation forestall the holocaust of general warfare, which can be envisioned from our debate over missiles, rockets and such? If so, then, our attention is necessarily directed toward and must become focused upon weaknesses now so obvious in our conventional forces, especially the Army.

To point up our exposure, Mr. Speaker, even more graphically there is need only to read the article by J. Robert Moskin, Look staff writer, in a recent issue of that magazine, entitled "An Army Poised for Disaster," which follows:

AN ARMY POISED FOR DISASTER

(By J. Robert Moskin)

It is cold in the Korean hills now. And tense. Up front, the infantry patrols in bulky parkas and boots hug old tank trails to avoid the mine fields. Rifles and radios weigh heavily on their backs. The wind from Siberia burns their faces. Sentries shout "Halt," in English and Korean and, if unanswered, shoot to kill.

Almost 6 years after the Korean war armistice, there is still no peace. A single strand of barbed wire separates North and South Korea; beyond it waits an alert, bitter enemy. Americans back home, listening to the debates over missiles, space shots, and taxes, have forgotten that we still have more than 40,000 soldiers in Korea.

These soldiers, most of them youngsters in their teens and twenties, are helping guard a nervous frontier of the free world. Their military mission is to block the key invasion routes to Seoul. If the Communists attack, they are supposed to help the Republic of Korea's army defend South Korea, held at such a bloody price 10 years ago, and to throw back the invaders if they can.

The shocking fact about our Army in Korea is that it faces disaster. Gen. Carter B. Magruder, commander of United Nations forces and the American Eighth Army in Korea, admits, "If there was fighting that used up equipment rapidly, we could not support sustained operations." The thousands of Americans soldiers there are in danger of being wiped out if war should begin again.

Our Army in Korea is armed chiefly with World War II-style weapons. General Magruder says, "The Army has many items of proved hardware that it has not been able to afford to buy in adequate quantities to equip the whole U.S. Army—including the people out here." The Eighth Army has no M-14 rifles—the equal of modern Russian rifles—no M-60 machine guns, no M-48 tanks, no M-59 personnel carriers, no surface-to-air missiles for air defense.

"We could do a better job with less casualties if we had new weapons," says Gen. Isaac D. White, commanding all U.S. Army units in the Pacific. "Our equipment is in good operating condition, but it is old and isn't as modern as we'd like to have. We've been passed by the Russians in the modern quality of equipment they have given their troops since World War II."

DOWN TO ROCK BOTTOM

Much of our old-style equipment in Korea is in short supply. "We are right down to rock bottom in logistic support," says Gen. George H. Decker, U.S. Army Vice Chief of Staff. Vehicles the Army needs for modern mobility—2½-ton trucks, for example—are rebuilt as many as six times to keep them running.

General Magruder adds, "We need funds for operation and maintenance to have the reserve we are authorized to have to support combat opertions. We do not have that reserve now."

A major at the supply depot near Seoul sums up the resupply problem thus: "We are at the end of the longest supply line in the world. There is nothing behind us."

If ordered to fight with nuclear weapons, the Eighth Army would be no better off. It would have to depend on a few primitive types like the obsolescent Honest John rocket, the 8-inch howitzer, and the dinosaurian 280-millimeter gun. The Army has developed better nuclear weapons, but they are not available in Korea. And even the newer types would not insure us battlefield superiority. An officer in charge of Army special-weapons development warns, "We would be utterly naive to think Russia didn't have missiles as good as ours."

Equipment is only one of the critical problems that endangers our frontline Army in Korea. Another is manpower. Even at peak moments, our two divisions there have only two-thirds of the Americans they are supposed to have. They are filled out with native Korean troops. Veteran officers know of no precedent for using members of a foreign army to man American units. For the most part, these Korean soldiers, called Katusas, are unskilled conscripts who speak no English. Because they are useless in technical or skilled jobs, they are used as infantrymen. In some of our rifle squads, more than half the soldiers are Koreans. Says one U.S. general, "Fifty percent of our fighting soldiers are missing."

The tour of duty for American soldiers in Korea is now 13 months. This means that a sizable portion of the 8th Army leaves every month. After 13 months, everyone has been rotated—from battle-group commanders to infantry privates. The Katusas, who serve in our units from 18 to 24 months, provide the continuity.

Our troops in Korea are supposed to be able to fight until more men and equipment could be rushed in to support them. The trouble is that no one in the U.S. Army knows how long they would have to hang on. Officers in charge of the Army's war plans have been unable to win commitments from the Air Force, which is responsible for airlifting troops. Army planners don't know the numbers or types of planes that would be ready to meet specific emergencies. "We have no planning figures available to us," protests one war-plans colonel. The defense of Korea, he says, has to be planned in a vacuum.

REASONS FOR THE ARMY'S PREDICAMENT

Why does the U.S. Army lack the weapons and manpower it needs if lives are not to be wasted and a war in Korea lost almost before it begins?

National policy put ceilings on the $41 billion defense budget and on the Army's 23-percent share of it. Stretched over the jobs the Army has to do around the world, this money is regarded by the men responsible as inadequate to put more men and material into Korea.

According to national policy, the threat of massive nuclear retaliation will prevent the Communists from starting another war. Army officers point out that this deterrent did not prevent Red aggression in Korea, Indochina, Laos, or India. And the recent Rockefeller report on foreign policy and defense asserts that the "frightfulness" of nuclear weapons "makes the retaliatory threat less credible" against local aggression. An enemy like the Chinese Reds might gamble that we would not throw the first hydrogen bomb.

The Army itself is torn between preparing for a ground war and obtaining a role in the missile and space revolution. It is also eager to "go for broke" to develop an antimissile missile for the defense of the continental United States. The Army's leaders argue that they cannot separate ground and space. Even a future nonnuclear war, they say, may require reconnaissance from space or communication via space satellites. Fifty percent of the Army's research and development money, for example, goes into speeding up missile and space work. New rifles and tanks have to move more slowly. But General Decker says, "We have to be ready to fight either way."

An investigation of what could be done to make our troops in Korea ready to fight points to these conclusions:

1. Our national policy must include adequate preparation for ground warfare to hold the borders of the free world and to protect the safety of American troops overseas. Last spring, Gen. Maxwell Taylor, then Army Chief of Staff, bluntly told Congress, "We do not have the necessary forces to cope with the threat of limited war."

2. Modernization of the Army must be speeded up. The Russians have completely reequipped their army since the end of World War II and are already in a second round of modernization. As in missiles and satellites, we have been passed by the Russians in the quality of the soldier's arms and equipment. President Eisenhower, in his state of the Union address in January, said Army modernization is going forward "at a rate which will steadily add to our strength." But it will be years, for example, before our soldiers in Korea have the M-14 rifle. They still use a World War II rifle and a 1918 machinegun. This weapons gap is not being closed. General Decker warns, "At the present rate, we are going to lag behind."

3. Money must be spent to maintain our current World War II-type equipment. General Magruder estimates that it would cost $5 million to give our troops in Korea enough spare parts for combat—a relatively small sum in an age when a bomber costs $6.7 million.

4. The 8th Army—nose to nose with an armed enemy—must be relieved of depending on foreign conscripts to fill out its ranks. Until recently, Army brass refused to criticize the Katusas arrangement. But now General Magruder, while praising the Korean soldier as a fighter, admits, "A unit that is partially Korean and partially American is not as satisfactory as one that is all American." He estimates he would need 6,000 more men to fill his ranks properly with Americans. Whether they can be obtained by freeing backline troops for combat duty or by raising the Army's ceiling of 870,000 men needs to be determined.

5. Plans for airlifting troops must be made in advance. The Air Force is reluctant to do this because it would cut into its missile and Strategic Air Command bomber funds. But until the airlift problem is faced up to, all military planning for a ground war is meaningless. The Army's leaders do not want planes sitting idle awaiting an emergency, but they do plead that new long-range, fast troop carriers be developed and built, that aviation fuel and parts be stockpiled at strategic points and that crews and aircraft be earmarked so they can move out at a moment's notice. Even with such planning, it would require weeks to move a division into Korea.

6. Our soldiers in Korea must be provided with adequate air defense. "There is a very great need here for surface-to-air missiles," says General White. Nike-Hercules missile batteries have already been sent to Formosa and Okinawa, but they are not now being used to protect our own soldiers in Korea. Only within the past few weeks has the Army admitted the need there. Some will be sent in the future.

7. The Army's generals must be encouraged to fight for their ground-war needs. Representative DANIEL J. FLOOD, Democrat, Pennsylvania, told the generals at the defense budget hearings last spring: "The Army does not fight for itself any more. You quit in the last several years." The generals are afraid to speak out and tell the public what they need. Recently, they were warned again that if they opposed the official Washington reliance on a nuclear deterrent too vigorously, they would be "fired." An Army running scared before the fighting begins will cost American lives if war does come.

"IF JOE CAME ACROSS WE'D BE ANNIHILATED"

The American soldier north of the Imjin River lives with danger. Occasional shooting still erupts. Secret agents sneak across the line. Everyone stays armed and alert. Says Lt. Col. Myron T. Johnston, commanding the most forward squadron of the 1st Cavalry Division, "We are the people who are up in front. These kids grow up in a hurry out here." The men realize the spot they are in, and keep combat ready. Young Pfc. James Graham, Jr., of the all-volunteer Demilitarized Zone (DMZ) Police Company, says, "If Joe came across, we'd be annihilated. It would be impossible to get back across the river."

For a soldier who has known them, the danger and tension of Korea are not easy to forget. When Sergeant Enfinger and Private Graham returned recently from a brief furlough to Japan, the enemy was there to remind them. For Americans at home, it is harder to remember that thousands of GI's like these are facing the Communists in Korea today. Enfinger and Graham are typical of them. Enfinger comes from Charleston, S.C. At 30, he is a professional soldier who won the Bronze Star and six battles stars in the Korean War. In his wallet, he carries a picture of a Red Chinese soldier he bayoneted.

Graham, 20, is from Altha, Fla. He volunteered for the Army because his family has fought in every war since his great-grandfather helped defend Vicksburg. An uncle died at Bastogne; several cousins, in Korea.

Enfinger and Graham help guard the valley down which Russian-made tanks moved to start the Korean war 10 years ago next June 25. The lesson of that war is clear to them. Although belittled today as a limited war, it cost 33,629 American lives (54,402 Americans died in the battle in World War I). Colonel Johnston, who would lead these men if the Communists attacked today, says thoughtfully, "I'll get most of the men out. Our hope is to choke the enemy off, delay them, skip out, blow the bridges and laugh in their faces. That's the ideal situation. It won't always happen." To survive, an army has to be ready to win. Our forgotten Army in Korea is not ready.

I submit, Mr. Speaker, that this most alarming story of our exposure of 40,000 military personnel to possible annihilation in Korea should shake all of America out of its complacency.

I recognize, of course, that my remarks and the Look article to which I have referred focus on the deficiencies which exist. Fortunately, there is a brighter side to the picture. We do have an Army which is well trained and experienced, and which possesses a "can-do" attitude. As Secretary Brucker has indicated:

In keeping with its high traditions of the past, the Army today is ready and willing to undertake any assigned mission, utilizing all resources available to it at the time.

A very significant aspect of the situation in Korea is that, despite all of the difficulties noted, the soldiers of our Army are doing their job and are determined to continue to do their job if and when the full weight of a Communist attack should fall upon them. It is our duty to give the Army every possible assistance in the execution of such essential and difficult tasks.

This issue is far from being a politically partisan problem, Mr. Speaker. The responsibility rests heavily upon the shoulders of every one of us. The testimony, recently, of such representative citizens as Robert A. Lovett, Dr. James P. Baxter 3d, and Robert C. Sprague, as well as Thomas Watson, all of whom have had wide experience, in business and governmental affairs cannot be shrugged off.

Any objective analysis, first, of their viewpoints as expressed before the Jackson subcommittee of the U.S. Senate; second, of the article on Korea in Look magazine; and third, of Secretary Brucker's reply to me can only result, in my opinion, in these conclusions:

First. That America is faced with a deadly implacable challenge, threatening our survival as a free people.

Second. That we are not doing enough to meet this challenge to our existence.

Third. That time is running against us while we continue to act on a business-as-usual basis and while we refuse to remove the rose-hued glasses of smug optimism.

Fourth. That the Director of the Budget who acts with authority while having no responsibility for adequate defenses should be told, rather than telling us what must be done to make certain that we win in this contest for survival.

In conclusion, Mr. Speaker, let me observe, that dollar budgets mean nothing to the communistic systems. They are concerned only with the budgeting of their total human and natural resources to the end that they may "bury us." We can die the richest and best-balancing budgeteers in the cemetery if America, Mr. Speaker, does not wake up and soon.

Mr. KEITH. Mr. Speaker, will the gentleman yield?

Mr. OLIVER. I yield to the gentleman from Massachusetts.

Mr. KEITH. May I say to the distinguished gentleman from Maine that it has been my good fortune as a Reserve officer on active duty and to go in that capacity to Korea to inspect these troops about whom he has been speaking. My old chief of section, Major General Beauchamp, commanded the 1st Cavalry Division in that theater. The morale of these troops is superb. They are proud of the fact that they are ready for action. I have been up to O.P. Maizie and looked down on the Communist forces. I believe that this is the third largest army in the free world. It is on the alert on the border of South Korea and is able to give a good account of itself in the event that it is called upon to do so. I feel that in view of my particular knowledge of this sector it is my duty and a privilege to bring to the attention of this House the fine morale and the splendid efficiency of those units. A man who was a sergeant in my old outfit commands the outstanding company on the firing line in South Korea. These men, I know from experience, are able to defend the free world in that theater.

Mr. OLIVER. I thank the gentleman from Massachusetts for the remarks which he has made. It helps to renew my confidence, may I say, when he speaks of the morale that is now current among our armed forces in Korea. However, I still feel from the statements that have been made in this article which, it is true, does not have official status so far as that is concerned, nevertheless do have to be considered. I would like to ask the gentleman from Massachusetts this: When you speak about the morale of the military personnel that we have there, do you also speak about equipment and the condition of the equipment, as to whether it is modern equipment or whether it is World War II equipment?

Mr. KEITH. I saw a very substantial task force of tanks out there. Admittedly it is not as modern as those which were coming off the production line in the year 1959. But, these tanks were manned entirely by Korean forces, and they certainly were capable in comparison with the equipment that faces these boys on the other side of the line.

Mr. OLIVER. Do you know what the equipment is on the other side of the line? Did you see any of it?

Mr. KEITH. I did not get over there, personally, across the line, but we have a good intelligence force there that has acquainted our forces with the capabilities of the enemy. Our morale would not be as high as it is if they did not feel that they were able to give a very good account of themselves if called upon to do so.

Mr. OLIVER. I thank the gentleman for his additional comments. I would like to ask him this further question. Then the gentleman would not agree that this article—by the way, has the gentleman had an opportunity to read this article in Look magazine?

Mr. KEITH. No, I do not see Look magazine.

Mr. OLIVER. I did not happen to see it because of being a regular reader. It was sent to Members of the House and it came to my home. That is when I had the opportunity to read it. Having had one of my family in Korea during the conflict for 14 months, in the frontline, I had a rather lively appreciation of what the problems are over there. We may be doing all we should be doing. I question this. But I cannot say from firsthand knowledge that this is not true; I do not know. All I know is that Gen. Isaac D. White, commanding the U.S. Army units in the Pacific is quoted as saying:

> Our equipment is in good operating condition, but it is old and it is not as modern as we would like to have it. We have been passed by the Russians in the modern quality of equipment they have given their troops since World War II.

I say that this must be the guide for us, not having had the opportunity to make a personal inspection.

Mr. KEITH. I should like to say to the gentleman, referring to his son or his relative who was in Korea——

Mr. OLIVER. It was my son; that is right.

Mr. KEITH. One reason the gentleman's son was in Korea, perhaps, is because in 1948 the Truman administration requested this Congress for funds in the amount of $10 billion and this year we have asked for $44 billion for that same purpose.

Mr. OLIVER. May I say to my friend that I did not intend to stand here and try to assess blame, per se, because of conditions which I think are deficient. I do not know where the blame rests. It may rest upon the shoulders of all of us to a certain extent. However, in the light of this article and the quotations which have been made here it seems to me that we do not seem to have a lively appreciation of what is described as being a very desperate situation. We have 40,000 military personnel in Korea with such South Koreans as there are to fill out those units, and it has been described as "an army poised for disaster." That, to me, is no basis for complacency, and I am sure the gentleman from Massachusetts agrees with me on that.

Mr. KEITH. There is no reason to be complacent, but we must look at the source of our intelligence. That is a basic concept of the military science. I do not know who the gentleman is who wrote this article, but it has a catching headline. However, I do not believe he is as qualified as those who are really responsible for our defenses. I know that he quoted from context a particular comment of General Magruder.

Mr. OLIVER. General White, too, I might add.

Mr. KEITH. General Magruder seemed to be very confident that his forces could do the job, when I was there, only 3 or 4 months ago.

Mr. OLIVER. I hope the gentleman is right.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. OLIVER. I yield to my friend from Iowa.

Mr. GROSS. I am surprised to hear that there is any question about the defenses in Korea because of the fact that, as I understand, this is a United Nations operation. Outside of the South Koreans, can the gentleman tell me how many of these wonderful free world friends of ours in the United Nations have troops over in Korea? And if there are none, why not?

Mr. OLIVER. May I say to the gentleman that I have not been there personally and I do not know. The particular information here does not throw any enlightenment on that point. It would be my judgment, knowing what has been going on in other areas of the world, of the commitments that we have and of the responsibilities which we have undertaken, which I suspect are not being backed up by our allies so-called, that such a situation probably exists in Korea as well.

Mr. GROSS. In other words, we are holding the bag over there again, and as usual?

Mr. OLIVER. It would seem to me that such could very well be the case, with our own manpower exposed and without the modern equipment that they need to protect themselves.

Mr. GROSS. So the United Nations is just another glorified debating society.

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. OLIVER. I yield to the gentleman from New York, a member of the Committee on Armed Services. Maybe he can enlighten us on this matter.

Mr. STRATTON. May I say to my friend from Maine that I think he is performing a most useful service in taking this time to discuss the situation as regards the U.S. Army. I think it is unfortunate that more Members are not here to hear his presentation.

I should like to join with him particularly in what he has to say about the distinguished Secretary of the Army, who answered quite frankly the questions the gentleman from Maine put to him. As a member of the Committee on Armed Services it was my privilege to sit in on several of the hearings at which Secretary Brucker and General Lemnitzer appeared. No one could have presented more eloquently or more effectively the need of the Army in today's situation for modernization than the Secretary himself, with complete frankness and at the same time without any carping or criticism of the team of which he of course is a loyal member.

As the gentleman has pointed out, at the request of the distinguished chairman of our committee the Secretary presented to the committee a list of the items which he felt the Army sorely needed if it was to be modernized properly so as to meet the threat the Army is expected to meet. I think the gentleman is performing a most useful service, because while many of us have focused attention in recent weeks on the so-called "missile gap" and the threat of long-range nuclear warfare, I think it is only fair to remark that it may well be that the most serious threat of all we face will not be a threat of all-out nuclear war at all but a threat of limited conventional war. Therefore, unless the Army is prepared and is modernized to meet the threat of a Soviet army which is certainly very well modernized we may find ourselves in a difficult situation no matter what happens to the closing of the missile gap.

I might add that while I have no personal knowledge of the situation in Korea it was my privilege last year to go to West Germany and see our Army forces deployed there. They too are deployed on one of the frontlines and certainly would have a very heavy responsibility to bear in the event of hostilities or in the event the Berlin situation were to get hotter in the months ahead.

I noted, for example, that some of the tanks in operation there and that would be called on to meet the full thrust of the Soviet army if it ever came across the line there, had 30,000 miles on their speedometers, which I was advised is about comparable to 100,000 miles on an automobile.

I would feel a lot more secure if Secretary Brucker could be given some of the modern equipment he has urgently requested. I am sure that if the Members of the House had the opportunity to hear the presentation of the gentleman from Maine today, we might well vote those funds when the time comes.

Mr. OLIVER. I thank the gentleman from New York for the comment he has made. Knowing the distinguished service he has given on the Committee on Armed Services in the short time he has been here. I am sure he has a very broad understanding and a complete comprehension of the problems that confront us.

One question I should like to put to the gentleman, if I may. Could I be entirely wrong in my thinking that maybe the Army is more or less considered as a stepchild of this Defense Department of ours, and is being maybe limited more than should be the case in the face of the danger of limited warfare in any part of the world to which we are committed?

Mr. STRATTON. I might say to the gentleman I think there is, perhaps, that danger. It is my recollection that in the 1961 defense budget the Army comes off, percentagewise in respect to its original request, if my recollection is correct, the poorest of the three services. I think it is true that much of the glamour relates to these long range missiles, but we would, in my judgment, be making a serious mistake to assume that we do not also face a very real threat of limited war and a need for a modern and effective army.

Mr. OLIVER. I thank the gentleman for his contribution.

Mr. COLLIER. Mr. Speaker, will the gentleman yield?

Mr. OLIVER. I yield.

Mr. COLLIER. I have listened with interest and with concern to the remarks of the gentleman from Maine, and it only leads me to ask this question: Does the gentleman feel that the approximately $43 billion budgeted for national defense this year is insufficient?

Mr. OLIVER. I would say to the gentleman, I have no intimate or expert knowledge of how many dollars are needed. I have listened to the various debates during this past session of the Congress and I have read as many statements as I could find during the time I have had, but I am convinced in my own mind that we are not spending as much money as we should in the overall defense budget, and I think very definitely we are not allocating a sufficient amount of money to the Army for its desperately needed modernization and to give us the number of personnel we need to meet these worldwide commitments that we have.

Mr. COLLIER. Did the gentleman attempt to determine from the Secretary of the Army, in order to take care of these so-called inadequacies, what additional amount would be needed by the Department of the Army to bring this up to the standards which the gentleman feels are necessary in order to have adequacy?

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. OLIVER. I am happy to yield to my distinguished leader, the gentleman from Massachusetts.

Mr. McCORMACK. We appropriated several hundred additional millions of dollars last year for the Army for this fiscal year, and the greater part of those funds has been frozen.

Mr. OLIVER. That is what Secretary Brucker said, I might say to the distinguished gentleman from Massachusetts, in his reply to me which will be in the RECORD in its complete text tomorrow, and I am sure the gentleman will have the opportunity then to get answers that I am not able to give him offhand.

Mr. COLLIER. Mr. Speaker, will the gentleman yield further?

Mr. OLIVER. I yield.

Mr. COLLIER. Why was it then that the House Appropriations Committee cut the appropriations, if my memory serves me correctly, in the last session of the Congress?

Mr. McCORMACK. Might I further state that that is only a starting point. The year before we appropriated enough money to keep the strength of the Army at 900,000 and, of course, the money was frozen. We appropriated money in the preceding fiscal year to keep the strength of the Marine Corps at 200,000. These are facts and you cannot argue to the contrary. The evidence is very clear from the Department of the Army that they are very much concerned both on the civilian level and the military level over the fact that most of their equipment is still World War II equipment. I am not making that statement for any partisan purpose, and I would suggest to my friends that they should not become sensitive when somebody talks about facts. We are concerned with the preservation of our country—and you are just as much as I am—I know that. Any Member here is concerned for the preservation of our country regardless of what party they belong to. There can be honest disagreement and differences of opinion on this score so let these matters be discussed on that level and not by impugning the motives of people because they are a member of this or that party. And they should stop this argument that when a Democrat talks about our national defense, he is doing it for political reasons. As a matter of fact, it would be mighty poor politics for us to do that because we advocate more expenditures, and I am one of those who advocates more taxes so that we can have greater national defense. So you see, from a political angle, personally, that would not be good politics on my part. But, Mr. Speaker, my judgment and my conscience tell me that we must speak of these things and advocate these things for the perservation of our country. Somebody else might feel differently. So on both sides we can discuss the facts, and we can keep the debate on the level of a discussion of the facts.

Mr. OLIVER. May I say to our distinguished majority leader to supplement and confirm what he said that I find in this letter, this reply from Secretary Brucker, speaking about the fiscal year 1960 appropriation bill:

> The Congress appropriated $386,600,000 more for Army procurement than had been recommended in the budget submitted.
>
> Forty-three million four hundred thousand dollars has been made available for procurement in fiscal year 1960.
>
> One hundred sixty-four million two hundred thousand dollars was required to cover a deficiency in the Army's procurement appropriation which resulted from fiscal procedures prescribed by higher authority and beyond control of the Army. These procedures have recently been rescinded.

This indicates that the impounding action of the Bureau of the Budget must have been an error in the first place, it seems to me. That is, at least, a partial answer to the gentleman's observation.

Mr. McCORMACK. If the gentleman will yield for a further observation, we allowed $137 million for Nike-Zeus, but that was frozen too.

Mr. COLLIER. Let me say to the distinguished majority leader that the series of three questions which I directed to the gentleman from Maine could not possibly be taken to presume that I was taking a partisan point of view in this; I was simply seeking information and I directed three specific questions to the

gentleman from Maine for the purpose of getting some information.

Mr. McCORMACK. The gentleman's statement is absolutely correct and I thoroughly agree with the gentleman, and my remarks about the question of politics when a Democrat attempts to suggest changes was not directed to the gentleman.

Mr. COLLIER. I understand that and I appreciate it.

SPECIAL STAMP HONORING PADEREWSKI SUGGESTED

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Massachusetts [Mr. CONTE] is recognized for 5 minutes.

Mr. CONTE. Mr. Speaker, the excellent special series of stamps being issued by the Post Office Department, titled "Champions of Liberty," should, I believe, include the great Polish patriot, Ignace Jan Paderewski. Although respected internationally as a musical composer and virtuoso of the piano, he was first and foremost a man whose entire life was dedicated to the independence of his beloved Poland. His unstinting efforts before, during, and after World War I for his country's liberation and foundation clearly ranks him as an outstanding champion of freedom. Prime Minister in 1919 he played an important role in establishing government stability in the new nation.

Retired from political life in 1921, he nonetheless continued to be an international symbol of Polish independence.

During the dark hours of 1939 when his country was crushed by the Nazi terror he, once again, used his musical talent to keep alive the spirit of freedom and patriotism of the brave Polish people. His music became the symbol of hope for a free Poland. Until his death in 1941, he dedicated himself to the cause of liberty which had been a motivating force of his life. As Paderewski declared:

> This vision of a strong and independent Poland has always been the lodestar of my existence.

Because of these facts of history, I urge my distinguished colleagues in the House, to join me in requesting that the Postmaster General favorably consider Ignace Jan Paderewski for the "Champions of Liberty" issue of stamps, on the 100th anniversary of his birth, November 6, 1960.

HON. WILLIAM C. HULL

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, like many Members of the Congress, the Government service, and so many people in Washington and throughout the Nation, I was deeply saddened by the passing of the Honorable William C. Hull, for so many years executive assistant to the U.S. Civil Service Commission.

Mr. Hull was a most extraordinary public servant. In my many contacts with the Federal Government, I have never known a greater or more devoted one.

He was everything that a real servant of the people should be—honest, efficient, capable, and unfaltering in his devotion to duty. He was a man of great ability, untiring industry, and a most unusual and impressive spirit of cooperation.

Kindly, generous, magnanimous in his personal relationships he carried into the performance of his important tasks that rare understanding of the problems of others and that ever-ready willingness to help, which are not so often found in such marked degree.

William Hull served the executive department of the Government, the Congress, and the American people with a zeal, loyalty, and devotion that has never been excelled.

He was a true and loyal man dedicated to his work and devoted to his family and friends. We shall not soon look upon his like again.

I join with his family in mourning his passing and trust and pray that they will find in his exemplary public service and many achievements for our country and faith in the Almighty that consolation which may lighten their heavy burden of grief and sorrow. May he find peace and repose in his heavenly home.

ST. PATRICK'S DAY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, St. Patrick is one of the greatest saints of the Catholic Church, and of the entire history of Christianity. St. Patrick's Day is a day of honor and celebrated as such by millions of Irish and persons of Irish descent throughout the world. It is also a day of jubilation. And in America, where St. Patrick's disciples have grown in such numbers and prospered to such an astonishing extent, St. Patrick's birthday has taken on the air of an unofficial national holiday. For men and women, without regard to race, color, and creed, in America and elsewhere throughout the world, honor and respect the great patron saint of Ireland, St. Patrick.

The arrival of those of Irish blood goes back to the earliest of the colonial days and has continued uninterruptedly through the days of colonialism and the days of constitutional government until the present time. Those of Irish blood played a very important part in the building and development of our country for over 300 years. They have served with distinction in every field of national endeavor. In the roll of heroes in our country's wars, those of Irish blood have always evidenced their fighting spirit and their love of America and of our institutions.

Sensitive to the point of creative brilliance, they have contributed widely to every field of the arts. Verbally and intellectually gifted, they have long played a most important part on the political scene.

Being devout in their religious ways, they have provided a strong impetus to the increasing development of Christianity in the land. Indeed, their contributions to our blessed American way of life takes second place to those of no other ethnic group, for obviously, to those of Irish blood, America has been and is truly a land of opportunity.

At the time of the drafting of the Constitution, one of the great Americans of those days, the renowned educator and founder of Georgetown University, John Carroll, was one of the signers.

And carrying on the military tradition of their ancestors—who so valiantly fought for the freedom of the Emerald Isle—the Americans of Irish blood have consistently stood as the stanch defenders of the Constitution.

I might say that in an investigation by the House of Commons after the British lost the Revolutionary War one of the foremost disclosures made by the committee that made the investigation was that over half of Washington's army were of Irish blood.

We find those of Irish blood brightening American literature and there are many numbered in this field who made outstanding contributions. We find them among the sculptors of the world, and in the field of music. We find them in the field of sports, making America foremost among the nations of the world in all aspects of the field of sports.

We find those of Irish blood playing an outstanding part in the field of Government and of our Nation's great political history. It has well been said by one who is not of Irish blood in referring to the Americans of Irish blood, "This is the land where the Irish have flourished" and no wonder, for the principles of America are naturally attuned to the Irish spirit.

In the world of today with the danger of atheistic communism, constituting an international conspiracy, confronting us, we need a revival and dynamic expression and action of the spirit of St. Patrick. We need the great deep faith of St. Patrick permeating the minds of all Americans without regard to race, color or creed, actuating their words and thoughts and actions. For the spirit of St. Patrick is the spirit of deep faith of love of God and neighbor, of love of country and the willingness to make every sacrifice to preserve the great gifts that mankind have received from God.

In recognition of this day, all America joins in honoring St. Patrick, the patron saint of Ireland, and in wishing well the case of the Irish people of this and all succeeding generations.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, I wish to again congratulate the distinguished majority leader of the House, the gentleman from Massachusetts [Mr. McCORMACK] for bringing to our attention the great holiday that we are observing today. Certainly, no one can question the tremendously magnificent contribution that the people of Ireland have made to the growth of this country. I am disturbed only to the extent that as we pause in this country to pay tribute to these various ethnic groups, there are the pseudo-intellectuals who look upon this practice with disfavor and would want us to forget that this is a heterogeneous Nation made up of people from many lands. I am indeed grateful and proud to associate myself with the remarks of the gentleman and only so long as we Americans recall and remember the great contributions that these people from Ireland and all the other countries who came to this country have made to America will we be able to make this a land rich in culture and tradition and make it the kind of country we like to live in. I congratulate the gentleman for his remarks.

Mr. McCORMACK. I appreciate what the gentleman has said, and the gentleman did well to refresh our memories, and I know he had it in mind that America is not a race but America is a people.

GENERAL LEAVE TO EXTEND

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of St. Patrick's Day and St. Patrick's birthday, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. WOLF. Mr. Speaker, today, St. Patrick's Day, should remind us of the great works and contributions of St. Patrick. He was a man with a mission—a mission for the spiritual enrichment of all mankind. St. Patrick pulled the Irish people up from darkness and infused in them the love of God and love of mankind. He was a great believer of freedom of mankind. St. Patrick's selfless devotion to his fellow men is reflected in the Irish people the world over.

The Irish people have contributed a great deal to America's growth and freedom, which should properly and thankfully be recognized. Among other things, the Irish have brought to us qualities of humor and musical talents. They have brought to us love of God, love of political freedom, love of learning, and love of things spiritual.

Let us rejoice in the spirit of St. Patrick on this day, and show the world that we have a place in our hearts for memories of his noble deeds.

Mr. PHILBIN. Mr. Speaker, today the whole world pauses in its daily routine to pay fitting tribute to the birthday of the great patron saint of Ireland, St. Patrick.

Today the heart of every Irishman and every person of Irish blood is stirred and quickened by the crowding memories of Erin's glories, the piety of its sainted scholars, the lyrical beauty of its poets, and its minstrels and the indomitable courage of its courageous sons and daughters.

The history of Ireland has often been colored with the dark clouds of sorrow and tragedy. Cruel oppression and tyranny has been its lot. Stark hunger and privation has often afflicted its loyal people to the point where everything was lost but hope itself.

Whatever the depth of sorrow, and want, the Irish never gave in; they were inconquerable; they were unbeatable; they were adamant in their fierce resolve to carry on the fight for liberty and independence. They would not be conquered; they could not be put down; they prayed and fought to the death in defense of their God-given rights and for the achievement of their self-determination.

No power on earth could ever beat them down or suppress them. Where in darkest hours, they were stripped of everything but the breath of life, they resolutely fought on; they always fought one more round until at last in a burst of glorious fury they threw off the masters who had tyrannized them for over 700 years and set up their own free government.

It is impossible to estimate the magnitude and the greatness of the Irish contributions to our own beloved country. In every war from the Revolution on, they were in the front ranks of the gallant and the brave, living and dead, and in civilian life in every walk from the Congress of the United States to every other calling and activity in the political, professional, and economic system they have rendered in war and in peace such contributions to the national and general weal that rank with the brightest pages in American history. Who could excel the Irish in loyalty to God and country and in dedicated patriotism to the Nation?

Both the Nation and the world can greatly benefit today by paying more attention to the example of the Irish. If on this great St. Patrick's Day we could all be refreshed, encouraged, and inspired and refortified by the tenacity and loyalty of the Irish in adhering to the cause of God and country, and freedom, this Nation could greatly simplify the grave problems of the so-called nuclear age.

Because Irish realism, Irish fearlessness, Irish undaunted courage could give us all the spirit of fortitude, the high purpose, the vigor and resolution to face up to these problems without fear or favor, without cringing or appeasement, yet with Christian charity, without malice, but with unyielding determination to preserve liberty and freedom against every challenge and to undergo any sacrifice, even death, to keep our country great, prosperous, and free—secure alike from communism and selfish materialism—secure and free to strive to bring the blessings of freedom, peace, and plenty to this Nation and all those worthy of enjoying them.

Mr. HALPERN. Mr. Speaker, today, March 17, the Nation is celebrating St. Patrick's Day. It is a day when people break out with green ties, green socks, green hats, and green kerchiefs. Shamrocks blossom on every lapel.

But St. Patrick's Day means more than this. The Irish have never been selfish about these things—they have always been willing to share their beloved saint with one and all on March 17.

People everywhere have an affection for St. Patrick and for that Emerald Isle with which he is inseparably linked. The glories of Ireland, its people and traditions, are proclaimed in the far reaches of the world. Their magnificent contributions to our civilization are beyond counting.

The spirit of St. Patrick, with his strength, his dedication to justice, and his love for humankind, his goodness and cheer, is the aspect that lends to his day its special quality. It is a time when everybody is, or ought to be, good natured and in a kindly mood toward everybody else.

St. Patrick's Day is the harbinger of spring. There is a certain spring thought in it, with its accent on green, a welcome touch after a dreary winter.

We are happy that the Irish so willingly share their great saint's day with everyone. May we enjoy it in the spirit of friendliness but also of respect for its deeper spiritual meaning.

Mr. CONTE. Mr. Speaker, on this day, the feast of St. Patrick, wherever men of good will gather, a special spirit is manifest. Although St. Patrick belongs to the sons of Erin, his feast has assumed the unique characteristic of universality. Somehow it has come to exemplify the transcendental qualities of good will among men no matter their nationalities or creeds.

While we think of St. Patrick in respect to Ireland, we, of the Western World are indebted to his influence. History shows that after the establishment of religion in Ireland by St. Patrick, the subsequent growth of monasticism became, during the Dark Ages, a respository of knowledge and culture for the Western World. Indeed, the influence of Celtic culture spread over the West European Continent even as far as Germany. Therefore, we are indeed indebted to St. Patrick for his influence on a culture to which we are heirs.

We join with those citizens of Irish descent in celebrating this feast and share their joy. Yet, in the true spirit which prevails on this day, let us join with men everywhere to reaffirm our faith in the brotherhood of man for which good St. Patrick stands.

Mr. ADDONIZIO. Mr. Speaker, the passage of time is a mighty and wondrous force. It alters, beclouds, and erases with astonishing effect, transforming days of quiet resolution into days of festivity in a figurative twinkling of an eye.

So it has been in the case of our Fourth of July, changed overnight from an occasion of solemn remembrance to one of high frivolity. So also has it been for many national and cultural holidays, including St. Patrick's Day, celebrated all over the world today by the Irish and those of Irish descent.

Dedicated to a saintly man, in honor of his work among the oppressed, St. Patrick's Day has nonetheless become a gay and spirited occasion. The fact, I think, is significant, for it represents the innate hopefulness and optimism of the

Irish people and reflects their capacity for overcoming the greatest of obstacles.

The story of Ireland has been, until recently, one of trouble and travail. Never a wealthy land, she lay for centuries beneath the heel of an oppressor, unable to develop even the few resources at her command. But the Irish people never surrendered and in time of persecution turned to St. Patrick, a former slave and the national symbol of unity, faith, and freedom.

It was this oppression, this poverty, which gave the traditional mournful tone to the songs and stories of old Ireland. And it was this determination never to yield that made the wearing of the green a symbol of unity and purpose and the will to be free.

That Eire is today a free nation is a tribute to the symbols of St. Patrick and the wearing of the green. And that her people now treat St. Patrick's Day as an occasion of high celebration is a tribute to their optimistic spirit.

The land is not yet triumphant economically and the road toward this goal will no doubt be difficult to travel. But the spirit of the Irish, as exemplified by their joyful celebrations throughout the world today, suggests that when at length this battle is over, victory shall once again be theirs.

How could it be otherwise? For, indeed, the optimism of the Irish people is fully justified by history and the symbol of St. Patrick is strong enough to encourage the weakest heart.

His qualities are not limited to any one country or to any single faith. They are the qualities of God as they manifest themselves in man.

Perhaps as never before these qualities have taken on great importance today, for it is upon them that the free world balances precariously in its struggle with the enemies of freedom.

Undoubtedly with this in mind, the peoples of the free world join with the Irish on this occasion in their pride of land, tradition, and accomplishment. Theirs is a record that has strengthened the cause of freedom at this critical hour and deserves the praise of every God-fearing man and woman on the face of the earth.

Mr. RODINO. Mr. Speaker, all eyes are turned today toward Ireland, the land of the green-visaged leprechaun, the shamrock, and the shillelagh. For this is the day set aside for the wearing of the green, in honor of Patrick, the patron saint of Ireland.

It is both a day of joyous celebration and a day of reverence. And I think it symbolic of the Hibernian race that they should have managed, over the years, to combine such divergent sentiments into one hallowed event.

Their happiness springs from accomplishment, in wresting liberty from beneath the heel of foreign oppression, and in achieving the right to develop the land of their forefathers, free from foreign interference.

So also does it spring from the carefree spirit of a people to whom song and verse have ever played a major part in life.

And yet the object of their festivity—Saint Patrick of blessed memory—pervades the gay spirit of the day and dominates the occasion in a most significant fashion. For the story of Ireland is one of struggle and the story of Saint Patrick is one of triumph. And the memory of St. Patrick cannot but remind the Irish of the difficulties of the past, the hardships of the future, the faith that has borne them thus far and upon which they still rely to bear them further.

No one more appropriately symbolizes the will of Ireland than Patrick, a former slave who rose to champion the cause of Christ in a heathen land and, through force of will and righteousness, banished the curse of paganism from the Emerald Isle.

His zeal in the cause of the Almighty transformed a spiritual wilderness to a Christian nation which in turn came to fulfillment as a champion of the faith, and, concomitantly, as a champion of democratic principles.

In a world still strife ridden over the collapse of 19th century colonialism, the Irish stand as a beacon for all nations emerging from colonial status. Though compelled to fight for independence, they remained firmly aloof from Marxist propaganda, and they stand today as the leading former colonial in the Western World, side by side with their former British foe.

With high regard for the principles, Christian spirit, industry and great cordiality of the Irish, the free world salutes their accomplishments, today, and wishes them well for the future.

May they continue their constant march toward the goals set forth by Patrick, their beloved patron.

Mr. Speaker, I cannot close without a reference to our great St. Patrick's Day parade, which we in Newark held last Sunday. Twenty-four thousand of us marched down McGovern's Boulevard before unprecedented crowds, led by my good friend Frank McGovern, the grand marshal of the grand parade.

Here is the way the press described it:

A PERFECT DAY—24,000 IN PARADE FOR ST. PATRICK

Twenty-four thousand Irish men and women paraded in Newark and thousands more lined the way on a sunny day yesterday, a perfect day for wearing of the green.

The 25th annual St. Patrick's Day parade in Broad Street from Lincoln Park to Washington Park, drew a huge throng estimated by Deputy Police Chief Paul G. Caffrey as "way over 100,000—the biggest we've ever had."

The parade was dedicated to Archbishop Thomas A. Boland, of Newark, who reviewed the marchers from a stand in front of St. Patrick's Pro-Cathedral. A large crowd gathered there, and also near the city hall reviewing stand for city and parade officials.

The turnout was especially heavy, however, along the line of march in New Street, between Broad and Washington Streets, where Frank McGovern's Tavern is located. That stretch had been temporarily renamed McGovern Boulevard, in honor of the grand marshal of the parade, the first man to be so designated by unanimous vote of the parade committee.

A huge green banner, spanning the street, greeted paraders with the welcoming words, "The world's finest now marching along McGovern Boulevard."

An exhibition of Irish dances by some 75 youngsters from the Peggy Smith Schools in front of city hall preceded the parade, which got under way at 2:30 p.m.

More than 80 marching units from Irish-American, religious and fraternal organizations from all parts of New Jersey followed some 35 bands and bugle corps along the bright green stripe painted down the center of Broad Street.

To paint the centerline took 20 gallons, appropriately enough obtained from the O'Brien Paint Co. of South Bend, Ind.

MUSIC FROM DUBLIN

Among the marching bands was one flown in for the parade from Ireland—the St. Lawrence O'Toole Pipe Band of Dublin—and among the viewers were three stewardesses for the Irish International Airlines, who had been on the plane carrying the band here.

Mayor Leo P. Carlin headed the city officials at the city hall reviewing stand before he joined the marchers.

Joseph A. Dougherty was general chairman of the parade committee. Mrs. Margaret Quinn was deputy grand marshal.

Mr. DONOHUE. Mr. Speaker, no true Irishman could let this great day pass without being modestly mindful of his glorious heritage and recalling the inspiration, for all peoples, that resides within the life of the revered St. Patrick.

Seldom have the circumstances of our deliberations in this Chamber been more propitious for observance of the traditional pause in our activities to pay tribute to this renowned patron saint of Ireland and the example he left behind for us all to follow.

St. Patrick was born about 385 in Roman Britain; he was captured by Irish raiders at the age of 16 and taken as a slave, to Ireland, where for 6 years he tended the flocks of a pagan master. It was during this period of servitude that he discovered the secret of divine love. So imbedded in him was this experience that, after escaping to his homeland, he returned to Ireland as a priest, and a bishop, to dedicate the remainder of his life to the elimination of paganism and the conversion of the Irish. In the comparatively short period of 30 years he converted practically an entire nation to the Christian faith.

We can only account for this almost miraculous performance by the character of the man, guided by the divine hand.

The best description of the standards of character that I have had the pleasure of reading was made, in 1954, by the Reverend David Knowles, regius professor of modern history in the University of Cambridge.

Speaking of the manner in which the historian observes the course of events and the actions of men in an effort to record them as best he may, Professor Knowles said:

As he watches, he looks to see whether a man, by and large during his life, shows any evidence of acting according to a devine or moral law outside himself; whether he ever sacrifices his own profit or pleasure for the sake of a person or a principle; whether he shows evidence of loving other men, where by love we understand the classical definition of wishing them well and doing well to them; whether he puts justice before expediency; whether he is sincere and truthful.

His writings, and a study of his deeds, show how splendidly St. Patrick met these tests of true greatness. In the face of the fiercest opposition from the pagan druids, St. Patrick declared:

Regardless of danger I must spread everywhere the name of God so that after my decease I may leave a bequest to my brethren and sons whom I have baptized in the Lord.

Not only did St. Patrick thus act according to a law outside himself, but from the moment of his youthful conversion among his flocks in Slemish, his entire energies were devoted to the fulfillment in his own life of the law of Christ and to its incessant promulgation in the lives of others.

In fact, one might say that for St. Patrick there was no other law than the divine law that he had learned through prolonged prayer and penance. As a consequence the Irish who listened to him preach knew at once that here, indeed, was a man of God.

Every quality that endears a man to his fellow men St. Patrick had in abundance: a supernatural faith held aloft as an exalted ideal for which he would gladly die; a love of others so great that he would sacrifice all that he possessed for their well-being; a touching humility; an earnestness of purpose generating the clearest sincerity and truthfulness; and, finally, an utter reliance on God for whatever strength he had and for whatever good he had been able to accomplish. These are, in brief, the qualities that changed a whole nation and by which one man made his everlasting mark on the pages of history.

Mr. Speaker, it is, indeed, an honor for me to join with my colleagues of all nationalities in recalling the life and deeds of this wonderful man. The vision of Christian welfare that St. Patrick held for and imparted to the people of Ireland is the same substantial vision that we desire for ourselves and all the other peoples of the free world. Let us then, in the spirit of St. Patrick, dedicate our actions here to the preservation of liberty and freedom throughout the world. Let us resolutely unite in recognition of and persevering opposition to the deadly evil of atheistic communism to insure that the inspiration left to us by St. Patrick, and all the other noble men and women of civilized history, shall not be denied to the lives of those who come after us, God willing.

Mr. FEIGHAN. Fifteen hundred years ago a civilization was dying. The great Empire of Rome still wore the insignia of power and glory, but its heart was gone. From the north and east the barbarian tribes were battering at the walls of the Empire, and the walls were crumbling.

In those years a young slave escaped from Ireland to France. Historians disagree about where the young slave, Patrick, was born and where he was captured. But beyond that, Patrick has left historians little to disagree about. He found Ireland pagan and he left it Christian. He made it the isle of saints and scholars, so that when the Roman Empire finally went down, and Europe was sunk in spiritual darkness, it was from Ireland that the light came to illumine it again. St. Patrick taught fidelity to God, devotion to the cause of liberty, and recognition of human rights. What he taught, the Irish remembered and from his life and teachings took inspiration. The teachings of St. Patrick became firmly inculcated in the hearts and minds of the Irish people.

These are the reasons why the feast day of St. Patrick means a great deal more than the wearing of the green and festive activities. These can be nothing more than symbols of our dedication to the great spiritual ideals and values, which St. Patrick bestowed upon the people of Ireland, and which remain his everlasting contribution to our civilization.

It is fitting on this occasion that we turn our thoughts to the life and times of our patron saint. As we do, we are immediately impressed with how different everything seems today from the days of that holy man. It is breathtaking to review how mankind has progressed—the shape of things in the world has changed so much we may feel comparison is impossible. We live in the jet age. Comparatively the world has been reduced in size from a huge and mysterious globe to the size of a melon. We are now reaching for the stars as we rush into the age of outer space.

How different things are from the days of St. Patrick—or are they? Has the nature of man changed? Has the purpose of man in the divine order of things changed? Have the physical changes of the centuries altered man's obligations to God and his fellow men? The answer to all these questions is an unequivocal "No."

To be sure, we in our times face problems which are peculiar to this age. But this has been the case with each generation—facing and resolving new problems. Changes in the physical order of things, which we usually call progress, have always created new problems. The one constant and unchanging factor in all generations, is man; that is, the nature of man. Neither time nor manmade changes in the physical order can alter this truism. That is why the teachings and admonitions of St. Patrick are as meaningful today as they were 15 centuries ago. Let us then look briefly at some of our present-day problems in light of the teachings of the good St. Patrick.

It has been said and said well that materialism has taken a dangerous grip on our civilization. We see on all sides the insidious quest for physical comforts and luxuries to the exclusion of spiritual values and ideals. We see a spirit of selfishness in which too many people think only of themselves and care nothing about the welfare of their neighbor. With this, the companion attitude of "please don't disturb me" has taken on an all too popular vogue. How different this is from the life and times of St. Patrick, who, as we know, gave up all worldly comforts and prospects of ease, who placed himself in physical jeopardy, and who gave completely of himself, without expecting to receive any worldly returns for his efforts. St. Patrick, to be sure, was disturbed about the spiritual welfare of his fellow man, and the only attitude he knew was "Please let me help you."

How disturbing it is to hear the claim made that dollars are more important than the human values of our American way of life. We hear it said all too often that there is a limit to the amount of dollars that can be made available for the preservation of our American way of life. Since when, I ask, has the dollar sign replaced those great spiritual ideals which are the foundation of our free way of life and in support of which generations of Americans have fought and died. Dollars did not make our country great and dollars harvested up for pagan worship will not preserve us. When worship of the dollar replaces dedication to spiritual and human values, our civilization will fall, just as Rome fell. This is the sure lesson of history—a fate which will befall us unless our people are awakened to the full meaning of this trend in our national life.

With the paralyzing comforts of materialism, we are rapidly becoming a nation of spectators. We seem contented with merely watching events taking place in the world—even watching the world pass us by. St. Patrick was a doer of the word which hardly qualified him as a spectator. As a doer of the word he was a maker of history, not just an observer of history in the making. And here lies a distinction. St. Patrick believed that man made history, and he was determined that the wave of the future would carry on its crest, the Sermon on the Mount and the Ten Commandments as the foundation stones of all future history. Please God that our country be blessed with more doers of the word.

As a nation, we are having all sorts of fears impressed upon us. The greatest fear of all seems to be that of being disturbed, of having to sacrifice for the common good, for the higher purposes of our fleeting years here on earth. There is a growing fear in some quarters that we will soon be required to do something drastic if we are to preserve the civilization of which we are a part.

This is a strange fear for a free people, because our freedom was won by disturbing evil and tyranny, and our freedom has been preserved only by the willingness of past generations to sacrifice for it. Freedom of the spirit will never tolerate fear based upon material values.

St. Patrick was one of the makers of our civilization and its greatness results in large measure from his complete disdain of fear in all its forms. He was constantly concerned with doing something drastic in order to civilize the pagan. He considered no sacrifice too great, including his life, in this work. As the inheritors of his great work, we must accept the responsibility of doing whatever is required of us to preserve Christian civilization.

Intolerance has raised its ugly head in our public life. Racial and religious intolerance has become the nest for a wide assortment of fledgling dictators and autocrats. They seek to spread hatred and suspicion in our public life through petty untruths, distortion of the truth, and the big lie. In times of great national and international stress these

shameless opportunists spring up like dandelions in the springtime. What a contrast this is to the teachings of St. Patrick, whose entire life was dedicated to the divine precept of love thy neighbor as thyself for the love of God. The only intolerance St. Patrick knew was intolerance of evil and in this he excelled. The world of our times would be much better if the teachings of St. Patrick on man's responsibilities to his fellow men were practiced by all in their daily lives.

Grave uncertainties now grip the entire Western World. Our civilization faces the greatest challenge to its existence since the Dark Ages. A new paganism has arisen in the East which worships material power and rejects all the spiritual values of Chrjstian life. The more timid among us are asking whether our civilization has lost its driving force, whether we will be able to withstand the assault now being made on every phase of Christian life and finally what the world holds for future generations. Those of strong heart among us are calling out for enlightened leadership, for bold action. Panaceas are offered, some simple and some complex, but all carrying the promise of victory.

These are the signs of a restless age, these are the earmarks of a civilization which has strayed from the paths of its founders.

The basic tenets of our civilization have not lost their value. They are simply buried under a heap of impotent, materialistic values. The powerful human appeal of these tenets has thus been shackled. Spiritual values are stored up for once-a-week use or for emergency use in times of a great and present crisis. We are attempting to fight against the forces of organized atheistic materialism, that is communism by the use of material means alone.

If we continue along this misguided course, we have little or no chance of withstanding the assault being made against our free way of life. For to do so will remake our country into the image of the alien philosophy which now threatens us. We will have lost all that is precious as life itself, we will have forsaken the teachings of St. Patrick, and future generations of mankind will wonder at our stupidity as they struggle upward to regain those great spiritual values which spell the difference between the good life and a life of pagan misery.

The great challenge of our times is how can we clear away the debris of materialism which rests so heavy upon us and unshackle those great spiritual values which stir the souls and minds of all mankind. This is not an easy task but then we who make claims to being Irish know that our important tasks have never been easy ones. In darker days than these, Irish missionaries carried the message of St. Patrick to multitudes in Europe who had long suffered under the pagans. These multitudes were enlightened and uplifted to the higher purposes of mankind. Our mission is to give life and meaning to the teachings of St. Patrick to a world that anxiously awaits a spiritual rebirth. There will be those who will question our high purposes. How shall we answer them?

There are no more loyal citizens in this land of ours than those who trace their ancestry to the little Isle of Erin. None among us holds a divided allegiance to any power, foreign or domestic, temporal or ecclesiastical. Loyal sons and daughters of Erin fought and died to establish our national independence. Others from our ranks toiled and sacrificed to make the great American dream a reality. In times of crisis our people have risen up as one to defend her against any and all who would threaten our free institutions. So shall they serve our country in the future, faithful to her institutions, proud of her history, cherishing her ideals, and with abiding faith in her noble destiny.

As we approach the tomorrow in the affairs of men and nations we who carry the light of St. Patrick do so in the full knowledge of our heritage. As Americans we are ever mindful that the bedrock foundations of our country are the spiritual ideals and values of Christian civilization. This is the wellspring of our national strength. In these spiritual ideals and values we will find the answer to the perplexing problems of our times. These are the tried and true guideposts to domestic tranquillity and a world peace worthy of the name.

Mr. BOLAND. Mr. Speaker, in the present age, darkened by a lingering threat of universal war, the inspiration of the Christian saints takes on an added emphasis. For were not the vast majority of those blessed men the advocates of peace? And did they not, through peaceful means, alleviate the suffering of their followers and astonish the world in the performance of wondrous deeds?

The hope of mankind is tied inseparably to the stories of the saints, pointing the way to successful life and the establishment of peace on earth. And when, some happy day, the people of the world awaken to the fact, human hope will, at last, achieve fulfillment.

Today, throughout the world, millions are visiting honor upon St. Patrick, the patron saint of Ireland. And, amidst the brandishing of shamrocks and shillelaghs, one may perceive in this the worship of the saintly principle of peace and good will. True, the Irish are not famed as a peaceful people, for, indeed, they have earned too much honor in battle to hold such an opposite distinction. Yet their patron is St. Patrick, and to any Irishman worthy of the name, St. Patrick's principles are a living force—and, do not forget, St. Patrick was a man of peace.

Does this seem to present a contradiction? Surely, it should not.

Raised in England, carried in slavery into Ireland and escaped to France, Patrick returned to England and thence to Ireland as an apostle of Christianity. His return came at a time when the Irish were divided into warring pagan tribes, and Patrick was obliged not only to spread the faith but calm the passions of war. Largely successful in both respects, he rose to a position of great influence, founding many churches, ordaining many priests, and baptising with his own hand more than 12,000 people. Though, at the conclusion of his work, Ireland was still more pagan than Catholic, yet Patrick had dealt a death blow to paganism—and done so through the power of peace.

In later times the Irish people, as a whole, fell victim to the weight of foreign oppression and, being men, rather than saints, were compelled to fight for liberty and justice. Yet, what men do and what they strive for are often different things; and, as followers of St. Patrick, the Irish are of necessity the advocates of peace.

As all the Western peoples have fought for liberty in the past, so have the Irish. Yet the fighting was but prolog—a prolog to the peaceful goals of St. Patrick, the beloved saint of a beloved and respected people.

Mr. BECKER. Mr. Speaker, today being known as St. Patrick's Day, a day dear in the hearts of the Irish, and yet all people are Irish-American on St. Patrick's Day, I want to express my word of tribute and appreciation to the Irish and all Irish-Americans for the great contribution they have made to our country from the time of the Revolutionary War to this present day.

Very few people realize the great part of the Revolutionary Army under General George Washington comprised of hundreds of Kellys, Murphys, Connors, Ryans, O'Connors, Reillys, Sullivans, et cetera. Americans of Irish descent have been decorated with the greatest of all honors, the Congressional Medal of Honor, for high service in our wars. Some of greatest boxing champions were of Irish descent. Great musical contributions have been made by the Irish, and whoever can resist the lilt of "When Irish Eyes Are Smiling?" In the sports field, amongst our Irish-Americans was immortal John L. Sullivan, Parry O'Brien, and many others in our baseball and football stadiums.

So, today it is only right and proper that we join in celebration with all Americans in the day set aside to honor the great St. Patrick, the patron saint of the Irish.

Mr. TOLL. Mr. Speaker, this is a day of great rejoicing on the part of the Irish and their descendants throughout the world. It is the day on which high honor is paid to Patrick, the patron saint of Ireland. And due to the nature of this holy man, his goals, his accomplishments, and his shining splendor, Christians everywhere have come to lend a sympathetic ear to those who praise his name. In this respect, the day now represents far more than a simple ethnic custom, taking on a universal meaning and extending its influence far and wide.

To some, no doubt, it remains a mere excuse for gaiety; for breaking out the green necktie and brandishing the shamrock. And certainly there is no harm in that. But to the vast majority, it has come to mean decidedly more. For St. Patrick was, first and last, a dedicated Christian, whose spirit drove the pagans from Ireland and brought Christianity to the land. His was a holy calling, carried out in a spirit of devotion and unrelenting zeal, and under his authority some 360 churches were established on Irish soil, and, it is said, over 12,000 persons were baptized at his hand.

Carried into slavery in his youth, Patrick escaped to freedom and soon determined to return to Ireland, the place of his captivity, to preach the principles of eternal liberty.

How fitting that such a person should hold the place of honor in Irish hearts, for in later times the land, itself, would undergo a merciless captivity, from which it, too, arose—much in the nature of St. Patrick.

And in these times of trouble, the Irish came to see in Patrick, their patron saint, the principles of freedom which underlay their fight for freedom and, ultimately, guided them to their blessed goal.

Perhaps as never before, this quality, this urge to be free—which marked the character and molded the spirit of St. Patrick—has come to hold unparalleled significance in the eyes of the Christian world. And the lesson taught by Patrick, that faith in God and perseverance in His work is the prime step toward eternal freedom, now dominates the Western mind.

So, Mr. Speaker, let the celebrants sing out; let the wearing of the green proceed. The free world joins today in honoring the people of Ireland for their pride in land and tradition, mindful of the truths espoused by Patrick, the spiritual symbol of a courageous people, dedicated to the purposes of Christ and liberty.

Mr. GALLAGHER. Mr. Speaker, St. Patrick, the patron saint and the apostle of Ireland, is one of the most celebrated and revered church fathers in Christendom, and his birthday, St. Patrick's Day, is the Irish national holiday. His exact birthplace in Britain—called Bannauenta—has not been definitely identified, and even the year of his birth is not certain, but it is said to fall between 385 and 389. He was brought up as a shepherd, and when he was 16 years old, he was set upon by a band of Irish bandits who had been making a raid on King Niall. They took him and his sheep to Connaught and kept him there in captivity for 6 years. Then he made his escape on a ship used for exporting fierce Irish wolfhounds. He landed on the coast of Gaul—France—and eventually made his way to the monastery of Lerins, where for several years he studied the principles of Christianity.

While there he saw in a dream a man named Victorious, bearing many epistles in his hands. On one of these St. Patrick read the words, "The Voice of the Irish," and imagined he heard his people say: "We pray thee, holy youth, come and walk among us as before." This vision inspired him to return to Ireland as a missionary. After preparing for his mission he returned to Ireland to teach his people the new religion.

At first the Irish were ready to stone him for attempting an innovation in the religion of their ancestors. He obtained a hearing, however, and to explain his point he picked up a shamrock from the roadside, using the three leaves on one stem to illustrate the principle of the trinity. This simple comparison so greatly impressed his hearers that they allowed themselves to be baptized there and then. That was the glorious beginning of Christianity in Ireland.

During his long ministry he founded many churches, among them the church and monastery of Armagh, where he spent the latter part of his life and where he died at the age of 72. The Irish, being at heart a deeply religious people, always remember St. Patrick and celebrate St. Patrick's Day with particular enthusiasm and joy.

It is also a day to recollect that the Irish has always fought the fight for freedom. Self-expression has long been one of the aims of Irish patriots and leaders. Let us hope that in the days to come freedom will be a reality to people everywhere.

Mr. MULTER. Mr. Speaker, the sons of Aaron once again salute the sons of Erin and wish to one another and to all the world liberty and peace.

Each year St. Patrick's Day, March 17, is celebrated as a national holiday in Ireland.

We Americans, of whatever national descent, join the Irish in doing honor to that great apostle, bishop, and patron saint of Ireland. Saint Patrick, like his Ireland, stands before the world as the symbol of indomitable resistance to tyranny and oppression.

According to his own account, Saint Patrick was born in Britain, at a place called Bannavem Taberniae. There is no general agreement as to the location of that place, but scholars now favor the Severn valley as the most probable region. His father, Calpurnius, seems to have been a man of some influence in the community, a member of the municipal council and apparently a friend of the Romans.

Somewhere around the year 400 Irish invaders came in several score of ships and landed in the rich west country. The Twentieth Legion, which for 350 years had been stationed at Chester, had been recalled to defend the home provinces of Rome against the barbarians. The Britons, weakened by prosperity and comfort, fell easy prey to the raiders. Patrick, along with other captives, was carried off to the land that was called Antrim, where he became the slave of a lord who owned land on the slopes of Slemish.

After 6 years of slavery he made his escape to western France and finally found refuge in the Monastery of Lérins, on an island off the west coast of Provence. After some years he returned to his own folk in Britain. They pleaded with him to remain with them, but he felt a call to go as an apostle of Christianity to the Irish. The love of Ireland and the nostalgic memory of the hills of Antrim were in his heart.

To prepare for his mission he returned to Auxarre in Gaul where, after a period of study, he was ordained a priest. In 432 he was consecrated a bishop and then sailed for Ireland.

The task of the new bishop was not only to minister to the Christian communities in the southern and western parts of Ireland, but also to gain the good will of the various local kings and to convert them and their subjects. His knowledge of the Irish language and his insight into the character of the people, gained during his 6 years in the country as a slave, served him well. His enthusiasm, his tireless energy, his ability as an organizer, and his success in dealing with kings and princes, all contributed to his achievements for Christianity. It is said that he founded 360 churches, baptized with his own hand 12,000 converts, and ordained many priests. At the conclusion of his work he had dealt a death blow to druidism in Ireland.

Surely it is appropriate that the memory of such a man should remain forever green among us. A symbol of peace, courage, and freedom, brought to America by the Irish, St. Patrick now belongs to all of us.

Mr. RABAUT. Mr. Speaker, of all the many various ethnic and national groups there are very many which have as their standard bearer a patron saint. In most cases this patron saint is a person who brought to the people concerned the living word of the Lord and a vivid awareness of and love for their God and His doctrine. In all the history of the world, Mr. Speaker, no such patron saint is so widely renowned or so widely loved and remembered as good St. Patrick, patron saint of the Irish people. And indeed, also, Mr. Speaker, no group, no people in all the world is so dedicated to their patron saint as are the Irish people to St. Patrick. In fact a most prominent characteristic of the Irish people has always been their intense and unswerving devotion to their God and their faith. This lasting dedication may be traced to St. Patrick and his untiring efforts in bringing to the people of Ireland the word of the Lord and in so inspiring those people with the faith that they have never swerved from their devotion nor ceased their efforts to promote the growth of that faith throughout the world. On this St. Patrick's Day, Mr. Speaker, may I salute the Irish people and nation and may I also take this opportunity to deliver a brief testimonial to the great Irish patron saint.

ST. PATRICK'S DAY

More than 14 centuries ago an old bearded man, about whom we know so little, departed from this earth; yet each year his memory is venerated on the 17th day of March. This is his day, St. Patrick's Day. He was born in western England about A.D. 389. At the age of 16, he was seized by Irish raiders, and the Christian youth was enslaved in a pagan Ireland. Here he was, a boy, a slave from Britain, guarding swine on the snowy sides of Slemish, dreaming that he would one day bring Rome and Christianity to the ends of the earth. Patrick's dreams were realized. He escaped to the Continent, entered the Holy Orders, and about 432 returned to Ireland as a missionary. There he labored with notable zeal until his death. He earned and fully deserves his title of "Apostle of Ireland."

The spirit of St. Patrick was an early immigrant to the New World. Like many other notable Irish, the "Apostle of Ireland" became a part of our culture in the first half of the 18th century. He was brought to these shores along with his people who were seeking freedom and a new way of life. The earliest American celebration of St. Patrick's Day, of which a written record has been found, took place in 1737. On March 17, of that year, the Charitable Irish Society was organized in Boston, Mass., by a number of leading Irish citizens. The preamble adopted by the founders reads, in part, as follows:

Whereas several gentlemen, merchants, and others, of the Irish nation residing in Boston in New England, from an affectionate and compassionate concern for their countrymen in these parts, who may be reduced by sickness, shipwreck, old age, and other infirmities and unforeseen accidents, have thought fit to form themselves into a charitable society, for the relief of such of their poor and indigent countrymen, without any design of not contributing toward the provision of the town poor in general as usual.

Even though the Charitable Irish Society was comprised of a single nationality and faith, and their foremost purpose was to help their Irish brethren, the "in general" phrase in the preamble was all inclusive and enveloping. Thus it was, St. Patrick had arrived in America.

There are many early records of St. Patrick's Day celebration in the early history of our Nation. St. Patrick traveled with the Irish immigrant but was readily adopted by all settlers. On March 17, 1757, a celebration of the day was held at Fort William Henry, at that time the most northerly outpost of Great Britain in America. The fort was built by Sir William Johnson, an Irishman by birth. On the evening of March 16, 1757, it was recorded that an extra ration of grog was distributed to the Irish troops in the fort, in which to "drown the shamrock." In 1763, St. Patrick's Day was celebrated at Fort Pitt. Captain Ecuyer, in command at the fort, wrote to Colonel Bouquet, and in the course of his communication said:

We had St. Patrick fetes in every manner.

St. Patrick's Day was enthusiastically observed in the ranks of the American Army during the Revolution. The British evacuated Boston on St. Patrick's Day, 1776, and the Americans marched victoriously into the city to take possession. General Washington, in the camp at Cambridge, authorized the password of the day to be "Boston" and the countersign to be "St. Patrick." Again, in 1778, March 17 was recognized by George Washington and his men at Valley Forge. It was on this occasion that Washington is alleged to have said, "I, too, am a lover of St. Patrick's Day." An extra issue of grog was poured out to the troops "and thus all made merrie and were good friends."

From the earliest period of our country's history until the present time, St. Patrick's Day has become an integral part of our way of life. Brought to America's shore by the Irish, St. Patrick is shared by all. From few celebrations in the mid-18th century, the observation of St. Patrick's Day has become a fixed institution in most American cities and towns. Every community gives welcome and honor to the Irish patron saint's anniversary. From north, south, east and west, bits of green are worn on March 17 by all races, religions, and creeds. To America, the green, the shamrocks, the harps, these are the symbols of Ireland's patron saint. A saint who, from slavery, became a symbol of peace, Christianity, and freedom to all of Ireland and all of America.

Mr. DEROUNIAN. Mr. Speaker, this is the day of Patrick, the patron saint of Ireland. And if from such a grand event some seem to draw forth merely gaiety and mirth, let us recall that this in no way precludes reverence; for, indeed, the Irish are a deeply reverent clan.

Admittedly the day is one of great rejoicing, devoted to the wearing of the green, the singing of songs, and general celebration. But all too often the real meaning of St. Patrick appears to the observer lost beneath such artificial trappings. And yet, in fact, it is not lost but burns eternally in the Irish heart.

For nothing is more clear to the Irish than the serious nature of St. Patrick. In centuries past when foreign sentries stalked the land and the people lay crushed beneath the hand of foreign rule, what but Patrick's steadfast influence carried them through to victory and freedom. Nor is it likely that the Irish today will soon forget the fact, which plays so vital a part in their everyday lives.

True to the optimistic traditions of democracy, the Irish are a happy clan and true to the devout nature of Western civilization they stand by Christian principles.

No wonder that the rest of the free world responds today to the sound of their rejoicing. For in these sounds one senses the hope—indeed, the faith—of God and the future, so typical of the Irish nature; so admirable in the eyes of all.

The free world joins today in paying respect to St. Patrick, the patron of a noble race and sponsor of a mighty dream. Long may his influence prevail.

NEWS OF OPPOSITION TO INCREASING INTEREST RATES HAS BECOME UNFIT TO PRINT, PARTICULARLY IN NEW YORK TIMES

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, some things about the New York Times are greatly disturbing to me. It has the reputation of being a great newspaper. And the truth is, it is a great newspaper in most respects—or at least I have always thought so. I have read and depended upon it for the news during most of my life. I have no way of being sure, but I believe that it does carry most of the important news in many realms of human interest.

But on matters that affect the interests of the bankers—and I have in mind particularly monetary policies and legislative issues over raising or lowering interest rates—it is impossible to avoid the conclusion that the New York Times propagandizes on only one side of the issue. It is always on the side of the bankers.

I am not speaking, of course, about what position the paper takes in its editorial columns. It is recognized and expected that editors will take sides in their editorial columns. That is the place where the editors are supposed to express their views.

No, I have reference to the news pages.

For example, on this question whether Congress should pass a bill to remove in one way or another the interest-rate ceiling on Government bonds, the New York Times is always playing up as an important news story every event, every incident, and every expression of opinion that happens to be on the side of raising interest rates. But I almost never find anything in the New York Times which reports on the facts, events, or expressions of opinion on the other side of the issue.

To illustrate, I notice that the Times this morning gives prominent space to an Associated Press dispatch which is headed "Bond Rise Backed by Home Builders." This dispatch has to do with the fact that the executive committee of the home builders association has come out in support of increasing interest rates on Government bonds, and has sent each Member of Congress a letter to this effect.

Several other private organizations which are just as important as the home builders association have taken just the opposite stand—not just by their executive committees, but by their whole memberships in convention—and sent letters to all Members of Congress also. But I have failed to see anything in the New York Times about these.

And of all the speeches which have been made in Congress against this legislation, advancing persuasive reasons why the legislation would be bad for the country, none of these, I think, has ever received mention in the New York Times. You would think from the way the opposition to this legislation has been treated that the New York Times has no correspondent in Washington, and receives no news dispatches through the Associated Press.

But just let Secretary Anderson make a speech, or send up a letter in answer to some question raised by a Member of Congress, which argues for raising interest rates, and the New York Times displays the argument in a very prominent way. Let Chairman Martin of the Board of Governors of the Federal Reserve System make some inane utterance on behalf of raising the interest rates, and the New York Times practically headlines the event.

Perhaps I have been reading more significance into this one-sided treatment of the news than I should, but I really do not think so. It is an extremely important matter for the very reason that the New York Times enjoys the reputation it does enjoy and has the leadership in the newspaper field that it does have. So many of the other newspapers around the country look to the New York Times for leadership on questions of what news is fit to print. The result is when the Times carries on a one-sided stream of news and maintains a sort of blackout on the other side, the other newspapers of the country do the same thing. People all over the country are then informed of the news and the arguments on only one side of the issue.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BENNETT of Michigan, for 5 days, to attend the funeral of a relative.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. ZABLOCKI (at the request of Mr. REUSS), for 1 hour, on Monday next.

Mr. CONTE, for 5 minutes, on today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. FERNÓS-ISERN and include two letters recently published in the New York Times.

Mr. ROOSEVELT and to include a press release and a copy of a bill.

(At the request of Mr. COLLIER, and to include extraneous matter, the following:)

Mr. BARRY.
Mr. BROOKS of Louisiana.
Mr. FEIGHAN.
Mr. GILBERT.

(At the request of Mr. DULSKI, the following Members were granted permission to revise and extend their remarks in the CONGRESSIONAL RECORD and to include extraneous matter:)

Mr. PORTER.
Mr. ANFUSO in three instances.
Mr. HOLTZMAN.
Mr. BOLAND.
Mr. BARING.
Mr. FLYNN.

ADJOURNMENT

Mr. DULSKI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 47 minutes p.m.) the House adjourned until tomorrow, Friday, March 18, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications, were taken from the Speaker's table and referred as follows:

1954. A letter from the Director, Office of Civil and Defense Mobilization, Executive Office of the President, transmitting copy No. 2 of the Statistical Supplement Stockpile Report for the period ending December 31, 1959, pursuant to section 4 of the Strategic and Critical Materials Stockpiling Act, Public Law 520, 79th Congress; to the Committee on Armed Services.

1955. A letter from the Assistant Secretary of Agriculture, transmitting a report relating to the cooperative program of the United States with Mexico for the control and eradication of the foot-and-mouth disease for the month of February, pursuant to Public Law 8, 80th Congress; to the Committee on Agriculture.

1956. A letter from the Secretary of the Army, transmitting reports of the number of officers on duty with Headquarters, Department of the Army and the Army General Staff as of December 31, 1959; pursuant to Public Law 581, 81st Congress; to the Committee on Armed Services.

1957. A letter from the Assistant Secretary of Defense (Supply and Logistics), transmitting reports of contractual actions taken in calendar year 1959 to facilitate the national defense, pursuant to section 4(a) of Public Law 85-804; to the Committee on the Judiciary.

1958. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of the order suspending deportation in the case of Toh Jung Lin, A9653774, pursuant to Public Law 863, 80th Congress; to the Committee on the Judiciary.

1959. A letter from the Attorney General, transmitting a draft of proposed legislation entitled "A bill to amend the Immigration and Nationality Act so as to modernize and liberalize the quota system and provide for the admission of persecuted peoples, and for other purposes;" to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LANE: Committee of conference. S. 607. An act for the relief of the estate of Sinclair G. Stanley (Rept. No. 1405). Ordered to be printed.

Mr. KILDAY: Committee on Armed Services. S. 1795. An act to amend title 10, United States Code, to revise certain provisions relating to the promotion and involuntary retirement of officers of the Regular components of the Armed Forces; with amendment (Rept. No. 1406). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. PFOST: Committee on Interior and Insular Affairs. H.R. 3122. A bill directing the Secretary of the Interior to issue a homestead patent to the heirs of Frank L. Wilhelm; with amendment (Rept. No. 1407). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR:

H.R. 11224. A bill to amend title II of the Social Security Act to increase from $1,200 to $3,000 the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. ANFUSO:

H.R. 11225. A bill to amend title V of the Agricultural Act of 1949, as amended, to provide, in connection with the employment of workers from Mexico, protection against unfair competition from corporate agriculture to the American family farm, and protection for the employment opportunities of domestic agricultural workers in the United States, and for other purposes; to the Committee on Agriculture.

By Mr. ASHLEY:

H.R. 11226. A bill to amend the Sugar Act of 1948, as amended, to authorize the President to reduce quotas of certain foreign countries; to the Committee on Agriculture.

By Mr. BARING:

H.R. 11227. A bill to direct the Secretary of the Interior to convey certain public lands in the State of Nevada to the county of Mineral, State of Nevada; to the Committee on Interior and Insular Affairs.

By Mr. BREWSTER:

H.R. 11228. A bill to amend the District of Columbia Business Corporation Act; to the Committee on the District of Columbia.

By Mr. BUCKLEY:

H.R. 11229. A bill to amend the Fair Labor Standards Act of 1938 so as to increase from $1 to $1.25 the minimum hourly wage prescribed by section 6(a)(1) of that act; to the Committee on Education and Labor.

By Mr. CLARK:

H.R. 11230. A bill to establish a body corporate within the Department of Commerce to extend financial assistance to State or local governments or public authorities operating or providing transit and commuter service in our major metropolitan areas; to the Committee on Banking and Currency.

By Mr. COOK:

H.R. 11231. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DANIELS:

H.R. 11232. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. JOHNSON of Colorado:

H.R. 11233. A bill to provide for the use of television broadcasting stations by candidates for the Office of President of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER of New York:

H.R. 11234. A bill to amend the Immigration and Nationality Act so as to modernize and liberalize the quota system and provide for the admission of persecuted peoples, and for other purposes; to the Committee on the Judiciary.

By Mr. LINDSAY:

H.R. 11235. A bill to amend the Immigration and Nationality Act so as to modernize and liberalize the quota system and provide for the admission of persecuted peoples, and for other purposes; to the Committee on the Judiciary.

By Mr. SAUND:

H.R. 11236. A bill to change the method of payment of Federal aid to State or territorial homes for the support of disabled soldiers, sailors, airmen, and marines of the United States; to the Committee on Veterans' Affairs.

By Mr. McGOVERN:

H.R. 11237. A bill to provide for the payment for individual Indian and tribal lands of the Crow Creek Sioux Reservation in South Dakota, required by the United States for the Big Bend Dam and Reservoir project on the Missouri River, and for the rehabilitation, social and economic development of the members of the Crow Creek Sioux Tribe,

and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MONAGAN:

H.R. 11238. A bill to provide for adjusting conditions of competition between certain domestic industries and foreign industries with respect to the level of wages and the working conditions in the production of articles imported into the United States; to the Committee on Ways and Means.

By Mr. O'HARA of Michigan:

H.R. 11239. A bill to amend title V of the Agricultural Act of 1949, as amended, to provide, in connection with the employment of workers from Mexico, protection against unfair competition from corporate agriculture to the American family farm, and protection for the employment opportunities of domestic agricultural workers in the United States, and for other purposes; to the Committee on Agriculture.

By Mr. RIVERS of Alaska:

H.R. 11240. A bill to amend title 23, United States Code, to provide for participation of Federal-aid highway funds in the construction of approach roads to ferry facilities on the Federal-aid systems; to the Committee on Public Works.

By Mr. YATES:

H.R. 11241. A bill to provide for issuance of a special postage stamp in commemoration of the centennial anniversary of the birth of Jane Addams; to the Committee on Post Office and Civil Service.

By Mr. HOLTZMAN:

H.J. Res. 652. Joint resolution declaring the first Tuesday after the first Monday of November in each even-numbered year to be a legal public holiday; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By Mr. FORAND: Memorial of the Rhode Island General Assembly memorializing Congress to enact legislation amending the Social Security Act so that all four federally aided categories of public assistance (old-age assistance, aid to the blind, aid to dependent children, and aid to the permanently and totally disabled) shall be governed by a uniform 1-year ceiling of residence requirements; to the Committee on Ways and Means.

By the SPEAKER: Memorial of the Legislature of Kentucky, memorializing the President and the Congress of the United States to make possible the construction of Cave Run Reservoir on Licking River; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DOOLEY:

H.R. 11242. A bill for the relief of Mrs. Fortune Kurkjian; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 11243. A bill for the relief of Indalecio Contreras Ramos; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 11244. A bill for the relief of Lt. Col. Albert R. Morris; to the Committee on the Judiciary.

By Mr. MULTER:

H.R. 11245. A bill for the relief of Atomic Energy of Canada, Ltd.; to the Committee on the Judiciary.

By Mr. SANTANGELO:

H.R. 11246. A bill for the relief of Paolo Lazzaro; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

377. By Mr. GROSS: Petition of 635 residents of Waterloo, Iowa, and vicinity in support of H.R. 4488, a bill to raise the minimum wage to $1.25 per hour and extend minimum wage coverage to include retail and service employees; to the Committee on Education and Labor.

378. By Mr. PATMAN: Petition of J. I. (Buck) Mathews and eight other veterans of World War I, favoring the passage of H.R. 9336, referred to as "World War I Pension Act of 1960"; to the Committee on Veterans' Affairs.

379. Also, petition of J. E. Manning and 62 other members of MCM Barracks No. 1612, favoring the passage of H.R. 9336, referred to as "World War I Pension Act of 1960"; to the Committee on Veterans' Affairs.

380. Also, petition of G. R. Jefferson and 48 other members of veteran organizations favoring the passage of H.R. 9336, referred to as "World War I Pension Act of 1960"; to the Committee on Veterans' Affairs.

381. Also, petition of T. L. Simmons and 29 other veterans of World War I, favoring the passage of H.R. 9336, referred to as "World War I Pension Act of 1960"; to the Committee on Veterans' Affairs.

382. Also, petition of H. F. Russell and 125 other citizens of Bowie County, Tex., favoring the passage of H.R. 9336, referred to as "World War I Pension Act of 1960"; to the Committee on Veterans' Affairs.

383. Also, petition of Mabern D. Humphrey and 56 other citizens of Cass County, Tex., favoring the passage of H.R. 9336, referred to as "World War I Pension Act of 1960"; to the Committee on Veterans' Affairs.

384. By Mr. REUSS: Petition of Barracks 580, Veterans of World War I of the United States, of Milwaukee, Wis., in favor of the World War I Pension Act of 1960 (H.R. 9336), as submitted by Comdr. Robert Bauman; to the Committee on Veterans' Affairs.

385. By the SPEAKER: Petition of the chief clerk, the Council of the City of New York, New York, N.Y., petitioning consideration of their resolution with reference to urging the enactment of a minimum wage law of $1.25 per hour; to the Committee on Education and Labor.

386. Also, petition of the president, American Bar Association, Chicago, Ill., petitioning consideration of their resolution with reference to recommending the enactment of legislation with respect to the control of travel abroad by U.S. citizens; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

Sir Oliver Franks, the Treasury, and Our Gold Reserve Position

EXTENSION OF REMARKS
OF
HON. CHARLES O. PORTER
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 1960

Mr. PORTER. Mr. Speaker, under unanimous consent previously granted, I am including hereunder my letter of February 23, 1960, to the Secretary of the Treasury and the reply on his behalf from Alfred H. von Klemperer, Assistant to the Secretary.

FEBRUARY 23, 1960.

Hon. ROBERT B. ANDERSON,
Secretary of the Treasury,
Washington, D.C.

DEAR MR. SECRETARY: Enclosed is an insertion I made in the RECORD recently of certain portions of a report written by Sir Oliver Franks for Lloyds of London. I call your attention to his remarks as set forth on page A1247 with particular reference to his suggestion that the $12 billion of gold which is at present "locked up as backing for Federal Reserve notes and deposits" be set free for effective use. I'd very much appreciate having your comments on his suggestion and on his reasons for our going ahead along these lines.

It does seem to me incongruous to have gold backing our Federal Reserve notes in any proportion at all since the holder of such note is not at all entitled to gold under any circumstances, whereas we have no gold reserve in connection with our foreign obligations but we do have to pay them in gold. I should be interested in your comments on this situation and upon any plans you might have for changing it.

With every good wish.

Sincerely,

CHARLES O. PORTER,
Member of Congress.

OFFICE OF THE SECRETARY
OF THE TREASURY,
Washington, March 10, 1960.

Hon. CHARLES O. PORTER,
House of Representatives,
House Office Building,
Washington, D.C.

DEAR MR. PORTER: The U.S. gold reserve position and our balance of international payments situation, discussed by Sir Oliver Franks in his annual report of Lloyds Bank, Ltd., which you forwarded for our examination on February 23, 1960, are of continuing interest to this Department, and we are glad to have an opportunity to present our views to you.

Sir Oliver proposes that the $12 billion gold at present serving as backing for Federal Reserve note and deposit liabilities should be set free for "effective use." What he seems to be suggesting is that the United States does not have gold stocks, in excess of statutory gold reserve requirements, adequate for international settlements. As we have indicated in previous correspondence, foreign holders do not undertake to exchange all of their dollar balances into gold since a large portion is essential for ordinary working balances and other purposes. Moreover, as Secretary Anderson indicated on January 20, 1960, to the House Committee on Appropriations, no run on our gold stocks need be feared so long as the rest of the world retains confidence in the United States. We have such confidence and we can maintain that confidence, he pointed out, if the U.S. economy, both Government and private, pursues budgetary, fiscal and cost-wage policies that are reasonable, policies which will demonstrate that we are going to maintain the purchasing power of our currency. The Secretary also expressed the hope that we will always remain on the international gold standard, the present world system of payments and reserves, and no change is contemplated.

It is also important that our balance of payments position show a satisfactory trend in order to justify confidence. Among the measures which the United States has taken in connection with our present balance-of-payments position and its impact on gold movements are the following: It is urging other governments to eliminate quotas which discriminate against U.S. exports. With regard to direct loan funds appropriated for foreign economic development projects, it is placing primary emphasis on the financing of goods and services of U.S. origin. It is also encouraging other industrialized countries to improve and increase their financing of development in the less developed areas of the world. In this connection, you may be interested in the enclosed copy of my recent address, "The U.S. Balance of Payments in a Changing World Economy."

Let me point out that at the January 20, 1960, hearings before the House Committee on Appropriations, the Secretary also discussed in some detail the subject of gold and our balance-of-payments position. References appear on page 11 of the index, following page 135.

The increased resources of the International Monetary Fund will undoubtedly provide the additional equity to finance international trade, which Sir Oliver intimates should be provided by the United States through the mechanism of eliminating our monetary gold reserve requirement. You will recall that last June the Congress amended the Bretton Woods Agreements Act so as to permit an increase in the U.S. quota in the International Monetary Fund, and, under the terms of the resolutions of the Board of Governors of the Fund, this increase in our quota, as well as the quotas of other countries, became effective in September. In the Treasury's view, the increase in the Fund's resources provided for expanding world trade in the foreseeable future, and will enable the Fund to deal with the problems of temporary imbalance in international accounts which are likely to arise. Moreover, the exchange reserves of other industrial countries have increased considerably, and the adoption of nonresident convertibility by these countries will make the Fund's holdings of their currencies more available for use of operations.

It is always a pleasure to have an opportunity to be of assistance to you. Please do not hesitate to call on me should you wish to explore other aspects of these important subjects.

Sincerely yours,

ALFRED H. VON KLEMPERER,
Assistant to the Secretary.

Greek Independence Day

EXTENSION OF REMARKS
OF
HON. EDWARD P. BOLAND
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 1960

Mr. BOLAND. Mr. Speaker, 139 years ago, on March 25, 1821, Greeks rose in arms against the Ottoman Empire which had oppressed them for four centuries. In a long and difficult struggle the Greeks regained their freedom. They have maintained it intact through many difficult challenges to this day.

It is hardly necessary to say that the Greeks are a freedom-loving people. Much of the heritage of Western civilization, including much of our concepts of personal and individual freedom, are in their genesis Greek ideas. Indeed, it is hardly possible to point out an aspect of what we Americans hold to be good and worthwhile in which there is not some important historic root in Greek experience, Greek culture and above all, Greek thought, passed down to us through the ages. It was the ancient Greeks who conceived of the "good life" as the high expression of man's existence and who elaborated the conditions and reasons for the "good life," which have been so pervasively influential in Western civilization.

Greek ideas are by no means confined to Western civilization; their influence has been truly universal. The thought of the ancient Greeks civilized and informed the early Arab empires and traveled through the Arabs to the West; Greek ideas and Greeks informed the Persians, the Indians and traveled through Russia and into China. That a people capable of such brilliance and such contribution to civilization should have fallen under the domination of an alien power was to be deplored. Equally, their reemergence to freedom, the anniversary of which is celebrated on March 25, is a cause of celebration not only for the Greeks.

"Believing"

EXTENSION OF REMARKS
OF
HON. VICTOR L. ANFUSO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 1960

Mr. ANFUSO. Mr. Speaker, in these trying days when the struggle for the minds of men reaches new heights and greater fury, let us also remember that we have a most encouraging weapon which can help bring ultimate victory to the peoples of the free world in their efforts to live in freedom, democracy, and human dignity.

I refer to faith in God and the belief in the existence of the Supreme Being. Communism is a godless ideology, without a soul, without a heart, without any resemblance to a decent way of living. Its leaders are heartless and ruthless. Its whole way of life is devoid of any understanding or appreciation of the individual human being, his moral concepts, and his belief in the Supreme Ruler of the World.

It matters not what one's creed may be, whether Protestant, Catholic, or Jew, whether Mohammedan, Buddhist, or other faith. What matters is the fact that one has faith in his heart and prays in his own way to his God. A person with faith is a better and more moral human being. A person who believes cannot lose faith in the future of mankind or in the hope for a better world.

Mr. Speaker, these thoughts came to my mind as I was reading the words of a new song, called "Believing," which has just been recorded and released to the public. The words and music were composed by Ethel Phillips, Kenneth Roberts, and Anne Lavere. It is recorded on Genie Records with the noted singer, Jeannie Thomas, as vocalist. I want to congratulate all these people for a magnificent job.

The words of this brief song are as follows:

Believing is like a prayer,
Believing is everywhere;
Believing can be the start,
And happiness will soon be in your heart.

A little faith in all you do,
And miracles will soon come true;
The magic a wish can weave,
Is yours and yours alone—if you just believe.

Air Force Flag

EXTENSION OF REMARKS
OF
HON. OVERTON BROOKS
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 1960

Mr. BROOKS of Louisiana. Mr. Speaker, this morning the U.S. Air Force honored the Committee on Science and Astronautics by presenting it with the official Air Force flag. The presentation was made by Gen. Thomas D. White, Chief of Staff of the Air Force, in the presence of committee members and Air Force Under Secretary Joseph V. Charyk. I should like at this point to include my remarks, made in acceptance of the flag on behalf of the committee:

Mr. Secretary, General White, distinguished guests, and members of the Committee on Science and Astronautics, on behalf of the Committee on Science and Astronautics I want to thank you, and each of you, and the Air Force generally, for this beautiful official flag of the U.S. Air Force. It is a gift to the committee and will stand in its proper place in a proud position here in this committee room throughout the long, and I believe glorious, career of this new standing committee of the Congress of the United States.

The Air Force is the youngest department of the Department of Defense. In a few short years, however, it has built for itself an enviable position in the minds of the people of the United States and a glorious history because of its fine accomplishments and outstanding achievements.

I can recall when the Air Force was a part of the Signal Corps. Later on, it expanded the bonds which held the Air Force tightly within the confines of the Signal Corps and it became the Air Corps, with its own organization and with its own command. The day came when those with imagination conceived the idea that the Air Force should be a coequal part of the armed services along with the Army and the Navy—brothers in arms in joint defense of the United States. This seemed a simple matter to most of us but others in Congress did not agree. A bitter fight ensued, but out of the smoke of battle and out of the travail of our efforts came this great patriotic and defense organization known as the Air Force.

This fact alone did not make the Air Force a coequal branch in the Defense Department. On the contrary, the Army and the Navy both had academies to teach their young officers all the routine and the knowledge of their own branches. The Air Force

had none. I am proud to say, Mr. Secretary and Members, that I was one of those who introduced a bill to establish an Air Force Academy. True, Mr. Secretary, I had in mind that the Academy would be located in Louisiana—that is really the best place for it—but instead it went to Colorado and it is now performing its appointed task of turning out graduates for commissions in the Air Force. At this time, there are other jobs to be done—not major ones, but minor fringe-types to round out the Air Force into a well-ordered, well-organized, coequal branch of the Department of Defense. I am not going to go into that matter here. It is not the proper place, it is not the proper time for a presentation of such a discussion. In the final analysis, the Air Force can continue to function in a manner which is the pride of the people of the United States.

Since World War I almost on every field of battle, members of the Air Force have actively participated and by their gallantry brought glory to this banner. They have been rugged, vigorous, brave, and patriotic persons who have been willing to die—and many have died—in the defense of this banner.

Of course, therefore, Mr. Secretary and General White, we are proud of this flag—proud that it will belong to this committee and will have a proper place in this committee room where all who come to help us in the work of legislating within our jurisdiction may see it and glory in the fact that men like you and others have given unstintedly of their time and talent in their efforts to help this committee chart a direct course in this new field, so that that banner may be held aloft with pride and conviction.

Let me again thank you, Mr. Secretary and General White, that your kindness has brought you here this morning and for your interest in our committee and for your patriotism and devotion to our membership.

Civil Liberties and National Security

EXTENSION OF REMARKS
OF
HON. JAMES ROOSEVELT
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 1960

Mr. ROOSEVELT. Mr. Speaker, under leave to extend my remarks, I wish to insert in the RECORD a copy of a joint press release issued by my able colleague of New Jersey [Mr. THOMPSON] and myself regarding a measure which we recently introduced. In addition, I place in the RECORD a copy of the proposal, introduced on March 14.

The release, issued on the following day, explains that the legislation would amend the "Administrative Procedure Act to guarantee protection of certain basic civil liberties for the employees and agents of contractors with the United States, as well as for Federal employees."

I might add that as this body engages in historic debate in the area of civil rights we should always keep in mind that a closely allied matter—that of civil liberties—should also be a constant concern of Congress.

My colleague and I sincerely hope and trust that the Members of this body will give all due consideration to our proposal. We would be pleased, of course, to have others join us in sponsorship of the bill.

The press release and text of the measure follow:

JOINT RELEASE BY REPRESENTATIVE JAMES ROOSEVELT, DEMOCRAT, OF CALIFORNIA, AND REPRESENTATIVE FRANK THOMPSON, JR., DEMOCRAT, OF NEW JERSEY, MARCH 15, 1960

Legislation to amend the Administrative Procedure Act to guarantee protection of certain basic civil liberties for the employees and agents of contractors with the United States, as well as for Federal employees, was introduced jointly yesterday, March 14, 1960 by Representative JAMES ROOSEVELT, Democrat of California, and Representative FRANK THOMPSON, JR., Democrat, of New Jersey.

The new Roosevelt-Thompson civil liberties bill, only one paragraph long, amends section 12 of the Administrative Procedure Act by adding at the end thereof a new subsection which reads as follows:

"Notwithstanding any other provision of law, the decision or adjudication by any agency as to its officers, employees, and agents in the course of the administration of any Federal employee loyalty or security program or law and as to officers, employees and agents of any contractor with the United States in the course of the administration of any industrial security review program or law shall be made on the record as contemplated by this act and shall be subject to all other provisions of this act."

President Eisenhower issued, on February 20, 1960, a new Executive order revising industrial security procedures despite insistent AFL–CIO requests for an opportunity to discuss the new program before it was instituted. The AFL–CIO News, commenting on the President's Executive order, said on March 12, 1960 that—

"The Executive order sets forth as a principle the right of persons accused of being security risks to face and cross-examine their accusers, but leaves areas of exception. These areas appear capable of administrative contraction or expansion to the point where the principle might become meaningless."

AFL–CIO President George Meany called revision of the confrontations element, as laid down in President Eisenhower's new Executive order, a "welcome liberalization." "However," Mr. Meany wrote Deputy Assistant Secretary of Defense Stephen S. Jackson, "the Executive order likewise contains broad authorizations for the denial of these safeguards in particular cases, so that whether the new program will in actual operation utilize fairer procedures than the old will depend on how the order is effectuated through regulation and in actual operation."

President Meany noted that the AFL–CIO in the past has voiced three major objections to the way the industrial security program operated. These objections were:

1. The fact that the testimony of absent witnesses was allowed to stand without the accused being given the chance to break it down by questioning.

2. The fact that clearance board members did not face the accusers or know their identities, but usually were forced to rely on the summary report of an investigator without even examining the investigator.

3. The practice of permitting employers to clear workers for access to confidential (as distinguished from secret or top secret) data, a power AFL–CIO President Meany said "is obviously susceptible of anti-union or other abuse" by persons with scant qualifications for such a function.

President Eisenhower's new Executive order revising industrial security procedures has run into a barrage of criticism from other quarters.

The New York Times said editorially (Feb. 23) regarding President Eisenhower's order—

"We can't yet say that an accurately just balance has been reached between private and public security. However, some progress has been made, and if necessary the Supreme Court can still pass on the basic constitutional issue of a confrontation. Sooner or later we must ask ourselves what security is—that is, whether it consists in the liberties of the citizen or in the smooth functioning of the agencies of government."

The Washington (D.C.) Post, commenting on President Eisenhower's new Executive order, said (Feb. 22) editorially—"the second category of exception seems to us much more serious—and especially because it embraces the bulk of the sources of information in security cases. In special circumstances, statements of so-called casual informants—neighbors, coworkers, servants, and other such acquaintences of an accused employee—could be used without requiring the informant to appear in person and submit to cross-examination, if the head of the department handling the security case excused him on account of death, severe illness or some other good and sufficient cause. That phrase, good and sufficient cause has an orotund, catchall quality that is disquieting. Casual informers ought not to be used at all unless their allegations can be tested by cross-examination. Cross-examination protects the Government no less than an accused individual. For it safeguards justice. It ought to be given full application in the Federal employee security program as well as in the industrial security program."

TEXT OF ROOSEVELT-THOMPSON BILLS—H.R. 11151 AND H.R. 11155

A bill to amend the Administrative Procedure Act to guarantee protection of certain basic civil liberties for the employees and agents of contractors with the United States and other United States citizens.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 12 of the Administrative Procedure Act (5 U.S.C. 1011) is amended by inserting "(a)" after "SEC. 12." and by adding at the end thereof the following new subsection:

"(b) Notwithstanding any other provision of law, the decision or adjudication by any agency as to its officers, employees and agents in the course of the administration of any Federal employee loyalty or security program or law and as to officers, employees, and agents of any contractor with the United States in the course of the administration of any industrial security review program or law shall be made on the record as contemplated by this Act and shall be subject to all other provisions of this Act."

Representative Gilbert Elected To Serve on House Committee on Post Office and Civil Service

EXTENSION OF REMARKS
OF
HON. JACOB H. GILBERT
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 1960

Mr. GILBERT. Mr. Speaker, I am gratified to be elected to serve on the House Committee on Post Office and Civil Service.

I am very happy to have the honor to serve on this important committee, whose work directly affects the lives of all of us. It will give me an opportunity to be of special service to our post office and classified Federal employees, as well as to work for the best interests of all the people of our Nation in all matters under the jurisdiction of our Post Office Department.

Johnson Is Strongest Possible Candidate, Congress Democrats Believe

EXTENSION OF REMARKS
OF
HON. VICTOR L. ANFUSO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 1960

Mr. ANFUSO. Mr. Speaker, Congressional Quarterly, which is regarded as one of the most authoritative references on Congress and politics, recently conducted a special poll of Members of both Houses of Congress as to their judgment of the strongest possible ticket the two major political parties could present to the voters in November.

The results were subsequently released to the press for publication last January 31. According to the results, the Democrats were of the belief that the strongest ticket their party could nominate this year would consist of Senator LYNDON B. JOHNSON as candidate for President and Senator JOHN F. KENNEDY for Vice President.

Mr. Speaker, under leave to extend my remarks, I wish to insert into the RECORD the full text of the story as released by Congressional Quarterly and I urge all my colleagues to read it and to analyze it as to its full meaning:

[From Congressional Quarterly]

CONGRESSMEN RATE JOHNSON, NIXON STRONGEST CANDIDATES

Congressional Democrats think Senator LYNDON B. JOHNSON, Democrat, of Texas, is the strongest presidential candidate their party can field in November, according to a Congressional Quarterly poll released today.

Republican Members of Congress overwhelmingly chose RICHARD M. NIXON as their presidential candidate. But they gave the vice presidential slot to New York Gov. Nelson A. Rockefeller with less unanimity.

More than half the voting Democrats, from all regions of the country, said Senator JOHN F. KENNEDY, Democrat, of Massachusetts, would be the strongest vice presidential nominee their party could select.

The poll, distributed January 12, asked every Member to give "your judgment on your party's strongest possible ticket." Replies came from 53 percent of the Representatives and Senators. (While delegations to the national conventions are often controlled by State Governors or others active primarily in local politics, many of the Members who answered the Congressional Quarterly poll will have large influence on the way their delegations vote in the conventions.)

JOHNSON, KENNEDY, and NIXON all gained in percentage support in comparison with a similar Congressional Quarterly poll taken last July. Rockefeller, leading a 24-man vice presidential field, lost 15 percentage points as compared with the July poll.

In the interval between the two polls, Rockefeller took himself out of the Republican presidential race, leaving Nixon the sole apparent contender; and both Kennedy and Senator Hubert H. Humphrey, Democrat, of Minnesota, openly declared themselves candidates for the Democratic presidential nomination. All three men said they would not accept vice presidential nominations.

DEMOCRATIC RESULTS

JOHNSON had placed third in a January 1959 Congressional Quarterly poll with 14 percent of the vote and then took first place in July with 32 percent. Leading the field behind Johnson in the present polling was Senator Stuart Symington, Democrat, of Missouri, who had finished first in January 1959 but dropped to a second-place tie with Adlai E. Stevenson in July. Behind Symington in the current poll came Kennedy, Stevenson, and Humphrey.

Democratic President

[Percent]

	January 1960	July 1959	January 1959
Johnson	37	32	14
Symington	21	18	33
Kennedy	16	17	17
Stevenson	10	18	12
Humphrey	8	6	13
Others	6	7	8
No choice	2	2	3

JOHNSON'S strength rested primarily on his southern support. Almost three-quarters of his votes came from southern Members. JOHNSON also had more western votes than any other candidate, while KENNEDY led in presidential votes from eastern Members. SYMINGTON led in the Midwest and was second in strength in both the South and the East.

Other Democrats who received votes for President were Representative Chester Bowles, Democrat, of Connecticut, five; Michigan Gov. G. Mennen Williams, Democrat, two; Kansas Gov. George Docking, Democrat, Senator John L. McClellan, Democrat, of Arkansas, and Representative James Roosevelt, Democrat, of California, one each.

These results were based on replies from 170 Democratic Members of Congress, constituting 49 percent of the total Democratic membership of House and Senate.

REPUBLICAN RESULTS

NIXON received virtually all the votes for the presidential nomination, gaining the support of all the southern and western Members who returned ballots. Rockefeller received five votes, all from eastern Members, and one midwesterner voted for Secretary of the Treasury Robert B. Anderson.

Republican President

[Percent]

	January 1960	July 1959	January 1959
Nixon	95	84	78
Rockefeller	4	14	17
Anderson	1		

These results were based on replies from 112 Republican Members of Congress, constituting 60 percent of all GOP membership.

VICE-PRESIDENTIAL RESULTS

KENNEDY received the Democratic Vice-Presidential designation on more than half the ballots. He was strong in all regions of the country, particularly in the South where he received 42 of his 91 votes. Most of those who supported Johnson, Symington and Stevenson for the Presidency named Kennedy at or near the top for the second place on the ticket. Leading the 24-man field after Kennedy were California Gov. Edmund G. "Pat" Brown, Democrat, Symington, Johnson, and Humphrey.

Democratic Vice President

[Percent]

	January 1960	July 1959	January 1959
Kennedy	53	49	41
Brown	7	12	5
Symington	5	6	12
Johnson	5	4	6
Humphrey	3	4	5
Others	16	14	22
No choice	11	11	9

While Rockefeller's strength dropped from 53 percent of those voting for the Republican vice-presidential candidate to 38 percent, House Minority Leader Charles A. Halleck, Republican, of Indiana, took 12 percent of the votes compared with 4 percent in July 1959. Those with some strength behind Halleck were Secretary of Labor James P. Mitchell and Senators Kenneth B. Keating, Republican, of New York, and Thruston B. Morton, Republican, of Kentucky. Nineteen others each got some support.

Republican Vice President

[Percent]

	January 1960	July 1959	January 1959
Rockefeller	38	53	21
Halleck	12	4	8
Mitchell	6	3	5
Keating	5		3
Morton	4	1	
Others	30	25	37
No choice	4	14	26

Baring Calls on Secretary of Commerce To Cause Resignation of Those Who Are Responsible for Issuance of False Technical Data by the Bureau of Public Roads

EXTENSION OF REMARKS
OF
HON. WALTER S. BARING
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 17, 1960

Mr. BARING. Mr. Speaker, under leave to extend my remarks, I wish to place in the RECORD an extract of a certain document dated October 16, 1959, and certain relevant letters of a subsequent exchange between Frederick H. Mueller, Secretary of Commerce, and me. These letters previously have not been released. These items studied in context reveal more clearly the gravity of the highway program scandal, the fact that parties ranking the Bureau of Public Roads know about the unrefuted charge of issuance of false technical data by the Bureau of Public Roads in the Reno matter and have not acted to cause resignation from office of those officials and engineers who are responsible for the falsification, the magnitude of the task which must be accomplished by the John A. Blatnik Special Subcommittee on the Federal-Aid Highway Program, and the degree to which the interstate highway program administration has eroded the moral fiber of the American people. I now wish to insert in the RECORD the relevant extract of a document signed by WALTER S. BARING, Congressman for Nevada, dated October 16,

1959, and sent on October 22, 1959, to Frederick H. Mueller, Secretary of Commerce, and acknowledged by the Secretary, and the letter of November 4, 1959, from Frederick H. Mueller which dates the acknowledgement. Continuing the letter exchange, on January 27, 1960, I addressed a letter to the Secretary of Commerce now appearing in the CONGRESSIONAL RECORD of February 4, 1960, pages 2133–2134. In that letter to Mr. Mueller I showed conclusively that the Bureau of Public Roads did falsify pertinent technical information in presenting its side of the picture to the John A. Blatnik special subcommittee investigating the selection of the routing of the interstate freeway system from the California State line through Reno and Sparks to Vista, Nev. I now wish to insert in the RECORD the unresponsive answer Mr. Mueller sent me on February 18, 1960, and the letter I addressed to Mr. Mueller on March 9, 1960, in which I set forth that it appears incumbent on the Secretary of Commerce to cause the resignation from office of those officials and engineers who are responsible for the falsification of technical and economic fact. The extract of document and letters follow:

RELEVANT EXTRACT OF A DOCUMENT SIGNED BY WALTER S. BARING, CONGRESSMAN FOR NEVADA, DATED OCTOBER 16, 1959, AND SENT ON OCTOBER 22, 1959, TO FREDERICK H. MUELLER, SECRETARY OF COMMERCE, AND ACKNOWLEDGED BY THE SECRETARY

NEVADA

The President, the Members of Congress, my constituents, and the American public at large know that for more than 2 years I have been opposing efforts by the Bureau of Public Roads and the methods employed by it to bisect downtown Reno with a Third Street interstate route which would cause irreparable damage to Reno's industrial growth.

The people of Reno sense that the planning and geometric design standards demanded by the Bureau of Public Roads for the Third Street route will permanently injure Reno, yet these people and the Congress of the United States have been confronted with the presentation of false data by the Bureau of Public Roads.

Public resentment against the Third Street route caused the House Subcommittee on the Reno Interstate Highway to hold hearings in Reno on February 24, 25, and 26, 1959, as reported in "House Report No. 292," April 23, 1959.

As shown on page 10 of that report, the Bureau of Public Roads submitted a 4.6 benefit-cost ratio for the Third Street route and only a 1.1 benefit-cost ratio for the North Rim route.

The North Rim route is important because the people of Reno believe it would spare their city and they have asked its adoption as opposed to the Third Street route.

Analysis of the data on page 10 of the report, on the map in the report, and in "Road User Benefit Analyses for Highway Improvements," American Association of State Highway Officials, reprinted April 1957, reveals that the 4.6 benefit-cost ratio for the Third Street route is false, as it derives from a necessarily implied assumption that operating costs on the present streets and Highway Route 40 exceed 18.8 cents per mile, which is false.

The Bureau of Public Roads, by its presentation of this false information before the House subcommittee in favor of the Third Street route which the Bureau had approved, has influenced the judgment of the Congress of the United States in a manner to deprive the people of Reno of the effectiveness of their constitutional right for a redress of grievances.

Elsewhere than in Nevada I learn the citizens have found the Bureau of Public Roads at work with State highway departments and their consultants to force unwarranted highway construction upon the public.

THE SECRETARY OF COMMERCE,
Washington, D.C., November 4, 1959.

Hon. WALTER S. BARING,
House of Representatives,
Washington, D.C.

DEAR MR. BARING: I have received your note of October 22, 1959, and the accompanying papers. We have discussed the materials with the Federal Highway Administrator and will consider them in our future administration of the Federal-Aid Highway Act.

With respect to the situation in Reno, we have approved the Third Street route as requested by State officials. It is our belief that the initiative for any change lies with the State government.

I appreciate very much your courtesy in sending me the materials on the administration of the highway program.

Sincerely yours,

F. H. MUELLER,
Secretary of Commerce.

THE SECRETARY OF COMMERCE,
Washington, D.C., February 18, 1960.

Hon. WALTER S. BARING,
House of Representatives,
Washington, D.C.

DEAR MR. BARING: This is in reply to your two communications dated January 27 and February 3 concerning the location of the interstate route in the Reno-Sparks area in Nevada.

The Bureau of Public Roads has authorized the State of Nevada to acquire the right-of-way on the section of this interstate route extending from the California State line eastward to Lawton, Nev. One parcel was authorized on November 7, 1958, and the remainder on October 30, 1959.

In your letter of January 27 you discuss the calculation of the benefit-cost ratio used in justifying the Third Street route. This ratio was computed on the basis of standard procedures which have been developed by the Bureau of Public Roads in cooperation with the States, and which are published and available to any interested person. The factors developed in the Reno case are not substantially different from those in many other urban route studies in all parts of the country.

The benefit-cost ratio is used as an objective guide to engineering judgment, but was not the sole basis for the decision on the Third Street route. There was in addition a considerable volume of engineering and traffic studies which took into account local conditions. All of this material was available to the State highway department, and the county and city governing bodies in their decision to recommend this route to the Bureau of Public Roads, after consultation in detail with the Bureau on the same basis as is done on other projects throughout the country.

All of the pertinent materials and records were made available to the Blatnik subcommittee and evaluated by that group. In all our highway work we deal with objective data which are developed and presented to us by State officials, who in turn deal with local governing bodies. In the Reno case all the responsible governing bodies have been informed and have participated in the interstate route location, and the decision that was made has not been changed by them.

We have been requested by the House Public Works Committee to express our views on your bill, H.R. 9802, which would prohibit the expenditure of Federal funds on the Third Street routing. We shall present our views to the committee in the near future. Generally, this Department does not favor legislation dealing with specific routes, believing that such matters should be handled through the authorities of the States acting in cooperation with the Federal Government as provided in the present law.

We realize that in matters of individual route location there is room for disagreement. We feel that our policy of using objective criteria and continued cooperation with the duly constituted State and local authorities will provide the best means of appraising the issues involved in route location.

Sincerely yours,

F. H. MUELLER,
Secretary of Commerce.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 9, 1960.

Re issuance of false technical data by the Bureau of Public Roads.

Mr. FREDERICK H. MUELLER,
Secretary of Commerce,
Commerce Building,
Washington, D.C.

DEAR MR. SECRETARY: This will acknowledge your letter of February 18, 1960.

Thank you for the information that the Bureau of Public Roads—a bureau of your Department—"has authorized the State of Nevada to acquire (the remainder on October 30, 1959 of) the right-of-way on the section of this interstate route extending from the California State line eastward to Lawton, Nev."

The Bureau of Public Roads made this authorization after I sent to you on October 22, 1959, in a document dated October 16, 1959, a charge that the Bureau of Public Roads did falsify pertinent technical information in presenting its side of the picture to the John A. Blatnik subcommittee investigating the selection of the routing of the Interstate Freeway System from the California State line through Reno and Sparks to Vista, Nev.

This matter is recorded in the CONGRESSIONAL RECORD, February 4, 1960, pages 2133–2134.

To date, my charge has been accepted without objection.

I am not discussing whether the 4.6 benefit-cost ratio assigned by the Bureau of Public Roads to the Third Street route in Reno "was computed on the basis of standard procedures which have been developed by the Bureau of Public Roads in cooperation with the States, and which are published and available to any interested person."

I am not now discussing the issue of route location.

I am discussing the issuance of false technical data by the Bureau of Public Roads.

If my charge remains unrefuted, it appears incumbent upon you to cause the resignation from office of those officials and engineers who are responsible for the falsification of technical and economic fact.

On February 4, 1960, I wrote a letter to Congressman JOHN A. BLATNIK, Chairman, Special Subcommittee on the Federal-aid highway program, which contained the following paragraphs:

"Misstatement of technical or economic fact is almost invariably a necessary first step to collusion and fraud.

"Do you believe payment of Federal appropriation or aid funds should be withheld from any agency at any level of Federal, State, county, or local administration as long as any revealed falsifier continues to hold office in the agency or continues to advise the agency as a consultant?"

The continuing viability of the United States of America depends on the furnishing of accurate technical and economic fact to public bodies by constituted authorities and their consultants.

Sincerely,

WALTER S. BARING,
Congressman for Nevada.

Adenauer Visit

EXTENSION OF REMARKS
OF
HON. ROBERT R. BARRY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1960

Mr. BARRY. Mr. Speaker, on the occasion of this visit of Chancellor Adenauer to President Eisenhower, it would seem appropriate to express the great satisfaction that we all feel on the continuing close cooperation between the people of West Germany and the people of the United States. It is a source of satisfaction to realize that both countries have been able to change from former enmity of a few years ago to the firm friendship which now exists. Today West Germany is the keystone of the North Atlantic Alliance on the Continent of Europe. During the NATO Parliamentarians' Conference held in Washington last fall, to which I was a delegate representing the United States, it was a heartwarming and satisfying experience to participate with the West German delegates in our deliberations. West Germany is a pillar of strength to the allies in their uncompromising stand against communism. On the freedom of West Berlin, Chancellor Adenauer sets the tone for the whole free world. We honor him for his leadership and his heroic stand.

West Germany has taken a prominent lead in the new European economic groupings which are resulting in freer trade and greater economic prosperity to Western Europe.

To a country which had just suffered the greatest devastation in her history, the achievement of such a prosperity as she has never before known is largely due to the inspired leadership of this great Chancellor.

America has many historical ties with Germany. The first large unit of German settlers, who arrived in America in 1683, under the leadership of Franz Pastorius founded Germantown, Pa. To this body belongs the honor of having published the first formal protest in this country against slavery.

Among the recent great of our Nation of German ancestry, Generals Wedemeyer, Stratemeyer, Kreuger, Spaatz, and Admiral Nimitz come to mind. One of the founders of our country was General Von Steuben who offered his services to General Washington as a volunteer during the War of Independence. He served as Inspector-General of the Continental Army and trained the colonial troops at Valley Forge. Of all the foreign officers who served in the Continental Army, he alone remained to become an American citizen. In his honor a great society exists today which bears his name. The members of the Steuben Society of America are American Citizens of Germanic origin dedicated to the principles of duty, justice, charity, and tolerance. It endeavors to instruct its members in their rights, duties, and obligations as citizens so that they may exercise their right to vote with intelligence, and symbolizes the bond that exists between the people of the United States and the people of West Germany.

A Program for Senior Citizens

EXTENSION OF REMARKS
OF
HON. HUBERT H. HUMPHREY
OF MINNESOTA
IN THE SENATE OF THE UNITED STATES

Thursday, March 17, 1960

Mr. HUMPHREY. Mr. President, with all the talk about prosperity, with all the self-congratulations going on about the state of the economy, I hope that we shall none of us forget that for literally millions of Americans, prosperity is only a phrase in a newspaper headline. For farm families in general, for the families who live in areas of chronic unemployment, and for the elderly who are trying to get along in their years of retirement on small incomes, there is no real prosperity.

Recently, Mr. President, I set forth my thoughts on what we must do in the Federal Government to see to it that this last group—our senior citizens—can spend their years in dignity and comfort. I did so in a radio address to my Minnesota constituents during the week of March 7 this year, and I ask unanimous consent that the text of this address be printed in the CONGRESSIONAL RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A PROGRAM FOR SENIOR CITIZENS

(By Senator HUBERT H. HUMPHREY,
Democrat, of Minnesota)

We often hear the word "crisis" thrown about these days. It is a word which is used all too often to describe problems of all types.

Today I want to talk with you about a problem which is truly critical. It is a problem which cannot wait for more talk and more study. It is the crisis faced by our Nation's senior citizens.

Let me first give you an idea of the immensity and growth of this crisis. In the year 1900 there were only 3 million Americans over the age of 65. Today there are nearly 16 million. In 10 years there will be more than 20 million.

But these are just figures. They do not tell the pathetic story of the needs of our senior citizens in terms which all of us can understand.

They do not tell the story of the elderly widow whose income is so low her day begins and ends with a sense of hunger.

They do not tell the story of the elderly man who needs, but cannot afford, hospital or nursing-home care for illness or disease.

They do not tell the story of the elderly couple who live each day in fear of losing the roof over their heads.

We hear noble talk about "the golden years." But more and more people are finding that these are years of despair and anxiety. This is a disgrace for a nation with our wealth and luxury.

I'm not just talking about a few isolated cases. Millions of Americans, through no fault of their own, are existing without adequate incomes, health care, or housing, and without a recognized role in the community.

The Department of Health, Education, and Welfare tells us that it costs at least $2,300 a year for a couple to live by themselves in modest fashion.

But the average retired couple on social security receives only about $1,440 a year.

And 60 percent of the individuals retired on social security have less than $1,000 a year in money income.

Even more desperate is the crisis facing the 1,300,000 aging widows who now receive an annual social security benefit of $56 a month.

I ask you: Is this what our mothers and fathers deserve? Do these fine citizens deserve a shabby rented room and a diet of bread and soup in their final years?

There are selfish and narrow-thinking persons who say the problem is not theirs. They say: "It's every individual for himself." They say every individual has total responsibility to plan for retirement.

I agree that we should all plan on an individual basis to provide for our future needs. But the best plans and preparations of all men can be crushed by forces beyond their control. Disease, economic fluctuations, and just plain bad luck can make a mockery of even the wisest investments and preparations.

What we need is a new dedication to end the crisis facing our senior citizens. What we need is a government with heart and understanding. And what we need right now is action on a program to allow our senior citizens to live with dignity, security, and a sense of usefulness.

Let me specify six steps which are vital to such a program:

1. Increase social security benefits to keep pace with living costs.

2. Increase from $1,200 to $1,800 the amount which individuals may earn without losing social security benefits.

3. Extend the social security system to cover costs of hospital and nursing-home care for senior citizens.

4. Establish minimum Federal standards which States must meet for old-age-assistance programs.

5. Provide effective Federal assistance for specialized housing programs for the aged.

6. Allow a tax-credit incentive to encourage hiring of older workers.

I have sponsored legislation for these purposes in the Senate and will continue to fight hard for favorable action. This is no sudden effort on my part. I have never forgotten—and I will never forget—the crisis facing our senior citizens. We must let them know they are not alone.

Byelorussia's 42d Anniversary of Independence

EXTENSION OF REMARKS
OF
HON. VICTOR L. ANFUSO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1960

Mr. ANFUSO. Mr. Speaker, the 42d anniversary of the proclamation of independence of the Byelorussian Democratic Republic is being observed on

March 25. It was on March 25, 1918, in the city of Minsk, when Byelorussia was proclaimed an independent country and its people a free nation.

Three years later the Communist rulers of Russia extended their domination over Byelorussia and subjugated its people. They have remained subjugated ever since, but the date of the proclamation of their independence is traditionally observed by freedom-loving Byelorussians wherever they live, with the exception of their ancestral homeland where freedom is forbidden.

Today, the people of Byelorussia are a captive nation facing the threat of physical and cultural extinction together with the other captive nations of eastern and central Europe. It is therefore most urgent for us, in the United States and throughout the free world, to encourage these peoples, to give moral and where possible all other support, so that they can survive this dark hour in their history. We must keep alive their yearning for freedom, their hopes for a better day to come, their desire to shake off the bonds of enslavement and tyranny.

In the month of May the "Big Four" are scheduled to meet in Paris at an East-West summit meeting. This would seem to me to be a logical time, place and occasion to bring up the question of the captive nations so that they may again enjoy the fundamental freedoms and the human rights to which they are entitled, to live under governments of their own choice, and to continue to develop their culture and to worship their God without fear of reprisal. We cannot permit the Soviet Union to ignore this problem any longer.

In the meantime, in the face of all adversities, I feel it is of utmost importance for the American people to join the Byelorussian people in prayer and hope that Byelorussia will once again rise in our lifetime as a free, democratic and independent nation.

The Right To Vote

EXTENSION OF REMARKS
OF
HON. LESTER HOLTZMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1960

Mr. HOLTZMAN. Mr. Speaker, the right to vote has been described as the very heart of our democratic way of life, and I know of no one in or out of public service who would take issue with this proposition. Given that right, men and women immediately acquire dignity and status. Take it away and you open the door to the totalitarian philosophy.

At this very moment we are engaged in a consuming debate on a bill designed to put teeth into the guarantee against the deprivation of our right to vote, contained in our Constitution, and it is my impression that we will enact into law in this session some form of this bill.

Mr. Speaker, responsible leaders of Government, however, need to do more than just to make certain that qualified persons are not denied this constitutional right. We must perforce, as such leaders, do everything within our power to enlighten and inform our citizenry that this fundamental right carries with it the crucial responsibility that it must be exercised if we are to enjoy the fruits of a full and free society. Too often have we read statistics that reflect an abundance of apathy on the part of our citizens in the exercise of this great right. Too often have I, as a Member of Congress, been approached by postal workers and civil service employees who advise me that they have been given little or insufficient time to get to the election polls on the basis of economy and efficiency.

In a democratic government, I submit that this kind of thinking is narrowminded and shortsighted. Economy does not just mean saving money; it means spending it wisely and in the public interest. On election day we cannot afford to save this kind of money. Our postal workers, our civil service employees, yes, Mr. Speaker, all our citizens, are entitled to dedicate their thinking and to cast their votes on election day without the pressure of knowing that they must return quickly to work. With this in mind, I am today introducing a joint resolution declaring the first Tuesday after the first Monday of November in each even-numbered year to be a legal public holiday.

This resolution if enacted will give national recognition to the great importance of the exercise by our citizens of their right to vote, and will result in sparking even greater interest in Government participation by all.

In 37 of our States the importance of this day has already been recognized and election day is a full holiday. So it would appear that about three-quarters of the States have already attested to the need for this resolution on a national basis.

I do hope that my colleagues will support me in this effort.

The Status of Puerto Rico

EXTENSION OF REMARKS
OF
HON. A. FERNÓS-ISERN
RESIDENT COMMISSIONER FROM PUERTO RICO
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1960

Mr. FERNÓS-ISERN. Mr. Speaker, the uniqueness of the present relationships of the Commonwealth of Puerto Rico with the United States gives rise at times to misunderstandings, as illustrated by a letter which I include at the end of these remarks, together with a letter in reply, both recently published in the New York Times.

In this connection, it may be enlightening to recall certain aspects of the historical development of the Federal system of the United States. In the growth of the United States from the Thirteen Original States to the present 50, new States were formed in areas which were ceded to the United States by the original States, and admitted into the Union. Although the formation of those States and their admission have been simultaneous, the formation of a State by the people of a territory is a political act separate and distinct from the act of admission by Congress. In fact, the Ordinance of 1784 of the Continental Congress, drafted and reported by a committee presided over by Thomas Jefferson, provided for the formation of the State to precede its later admission.

The Ordinance of 1784 provided that—

> The settlers of the territory • • • either on their own petition or on the order of Congress receive authority from them with appointment of time and place for the free males of full age to meet together for the purpose of establishing a temporary government to adopt the constitution and laws of any one of these States.
>
> That such temporary government shall only continue in force in any State until it shall have acquired 20,000 free inhabitants when, given the proof thereof to Congress, they shall receive from them authority with appointment of time and place to call a convention of representatives to establish a permanent constitution and government for themselves; provided that both the temporary and permanent governments be established on these principles as their basis: (1) That they shall ever remain a part of the United States; (2) that in their persons, property, and territory they shall be subject to the Government of the United States in Congress assembled and to the Articles of Confederation, in all those cases in which the original States shall be so subject.
>
> That whensoever any of the said States shall have of free inhabitants as many as shall then be in any one of the least numerous of the Thirteen Original States, such State shall be admitted by its delegates into the Congress of the United States on an equal footing with the said original States. • • • Until such admission by their delegates into Congress, any of the said States, after the establishment of their temporary government, shall have authority to keep a sitting Member in oCngress with the right of debating but not of voting.
>
> That all the preceding articles shall be formed into a charter of compact; shall be duly executed by the President of the United States in Congress assembled under his hand and the seal of the United States; shall be promulgated and shall stand as fundamental conditions between the Thirteen Original States and these newly described, unalterable but by joint consent of the United States, in Congress assembled, and of the particular State within which such alteration is proposed to be made.

The similarity between the provisions and the philosophy of the 1784 Ordinance and Public Law 600 of the 81st Congress, under which the Commonwealth of Puerto Rico was created, is striking.

As provided in the Ordinance of 1784 for States to be formed in the western territory, the people of Puerto Rico received, under Public Law 600, 81st Congress, authority from the Congress to adopt a constitution and to form their own government. They did so and they organized the Commonwealth of Puerto Rico. As provided under the Ordinance of 1784 for the States formed under it, Public Law 600 (sec. 9 of the Puerto Rican Federal Relations Act) provides that the laws of the United States, with some exceptions, have the same force and effect in Puerto Rico as in the United States. The ordinance provided that States to be formed in the western territory would have, until admitted, a nonvoting Delegate in Congress; the Puerto Rican Federal Relations Act provides that Puerto Rico be represented in the United States by a Resident Commissioner who has been accorded the privileges of a nonvoting Member of the House of Representatives. The ordinance provided that the articles thereof be formed into a charter of compact; Public Law 600 was enacted "in the nature of a compact," to become effective upon its acceptance by the people of Puerto Rico.

The conclusion is inescapable that, under the terms of Public Law 600, 81st Congress, the Commonwealth of Puerto Rico occupies a position parallel to that envisioned for such States as might have been formed under the Ordinance of 1784, except for the absence of an explicit or implied promise or commitment for admission. Puerto Rico was not an incorporated territory.

It was not until the Ordinance of 1784 was repealed, with the adoption of the 1787 Ordinance of the Northwest, that the territorial form of government was originated.

That the thinking of the men of 1950 may have so closely paralleled the thinking of the men of the glorious founding years is clear proof that time may pass, circumstances may change, but the fundamental principles upon which this Nation was founded are never obsolete and never change; they are always current and, indeed, eternal.

The letters follow:

[From the New York Times, Nov. 10, 1959]

LETTERS TO THE TIMES—PUERTO RICO'S STATUS—ISLAND DECLARED AN AUTONOMOUS TERRITORY, NOT A COMMONWEALTH

(The writer of the following letter is Bishop of the Roman Catholic Diocese of Ponce.)

To the EDITOR OF THE NEW YORK TIMES:

Your lead editorial of February 28 on the status of Puerto Rico is misleading and far from the reality.

Puerto Rico was a possession of the United States from the signing of the Treaty of Paris to 1952 and during most of that time was governed by an act of Congress known as the Organic Act.

About 1948 Congress consented to a modification of the Organic Act of 1917, permitting it to be modified by a constitution drawn up and voted upon by the people of Puerto Rico. However, a necessary condition for the acceptance of the new constitution by Congress was the retention of the "Federal relationship" established by the old Organic Act of 1917. This is clear from the CONGRESSIONAL RECORD for June 30, 1950, wherein Congressman JAVITS expressed his opposition to the bill for the reason that it did not give Puerto Rico the opportunity to vote for independence or statehood, but only the opportunity to vote for a new constitution within the structure of the old Organic Act.

It was this new constitution (which modified but did not abolish the Organic Act and therefore did not abolish or change the territorial status of Puerto Rico) which was approved by Congress in 1952.

GOVERNOR'S STATEMENT

In 1953 Mason Sears, an official of the U.S. Government, declared before the United Nations Commission for Nonautonomous Territories that the United States would no longer report to this Commission in regard to Puerto Rico, which by law 600 of 1952 had ceased to be a nonautonomous territory. Presuming that a change from nonautonomous to autonomous was the same as a change from a territorial status to one of independence, Governor Muñoz-Marín began to proclaim publicly that the law 600 of 1952 had somehow given independence to Puerto Rico, which then, in its turn and by the same law, freely united itself to the United States in a bond of "permanent association."

This is not what the law 600 did. It maintained the Organic Act as the basic law for Puerto Rico and by the Organic Act Puerto Rico is and remains a possession of the United States. In fact one of the necessary conditions for acceptance of the new constitution of Puerto Rico by the Congress was the retention of the Federal relations established by the Organic Act of 1917.

The result of the confusion being spread by Governor Muñoz-Marín is that the New York Times and even the President of the United States are speaking as though Puerto Rico has been given its independence and is now independent but voluntarily associated with the United States. It is for the sake of continuing this thinking that Governor Muñoz-Marín is now requesting the Congress of the United States (Fernós-Murray bill) to change the terminology of Law 600 of 1952 so that the words "Federal relations" will no longer appear and that they be substituted by the words "articles of permanent association."

CONGRESSIONAL ACTION

This may continue the confusion. But it will not change the reality, which is that only Congress can give independence to Puerto Rico. There is no evidence that that has been the intention of Congress, and the recent congressional investigation regarding the Fernós-Murray bill made that quite clear.

When the Times states that "Puerto Rico does not belong to the United States" and "Puerto Ricans themselves have chosen the commonwealth status and are equally free to choose independence or ask for statehood," and when Governor Muñoz-Marín states, "We are happy to say that Puerto Rico is a proud, free, self-governing commonwealth, joined to the United States by her own choice"—these are all statements which do not square with the legal realities, and which usurp the powers of Congress over territories or possessions of the United States.

Puerto Rico up to 1952 had been a nonautonomous territory or posession of the United States. In 1952 Congress made it an autonomous territory.

If we are ashamed to have colonies, and we should be, then let us get rid of them in a legal way and in a way in which there will be no room for doubt by anyone. The people of our colonies should be given a fair opportunity to choose between independence or statehood. If independence is not wanted and statehood is not practical at the time, there is still the possibility of legislation by Congress that will make our territories that do not want independence a definite and integral part of the United States with the assurance of statehood if the conditions warrant it.

But let this be done by act of Congress after consulting with those concerned.

The present condition in Puerto Rico is that Governor Muñoz-Marín is, by his own will, imposing upon the people of Puerto Rico and on the Congress of the United States, an independence which was never granted and a voluntary association which is absurd unless independence has been granted.

JAMES MCMANUS.

PONCE, P.R., *February 24, 1960.*

[From the New York Times, Mar. 14, 1960]

LETTER TO THE TIMES—PUERTO RICO'S STATUS—BOTH FEDERAL AND COMMONWEALTH GOVERNMENTS SAID TO EXIST

(The writer of the following letter is Resident Commissioner, Commonwealth of Puerto Rico.)

To the EDITOR OF THE NEW YORK TIMES:

The letter published on March 10 and signed by the Bishop of Ponce, P.R., interprets Public Law 600, 81st Congress (in accordance with which the Commonwealth of Puerto Rico was created), as a mere grant by the Congress of its consent to a modification of the Organic Act of Puerto Rico. With all due respect to Bishop McManus' point of view, I must disagree as to the interpretation of the facts involved.

Public Law 600, entitled "an act to provide for the organization of a constitutional government by the people of Puerto Rico" states: "That fully recognizing the principle of government by consent, this act is now adopted in the nature of a compact so that the people of Puerto Rico may organize a government pursuant to a constitution of their own adoption."

It also states: "This act shall be submitted to the qualified voters of Puerto Rico for acceptance or rejection through an island-wide referendum to be held in accordance with the laws of Puerto Rico. Upon the approval of this act by a majority of the voters participating in such referendum, the legislature of Puerto Rico is authorized to call a constitutional convention to draft a constitution for the said island of Puerto Rico. • • •

"Upon adoption of the constitution by the people of Puerto Rico, the President of the United States is authorized to transmit such constitution to the Congress of the United States if he finds that such constitution conforms with the applicable provisions of this act and of the Constitution of the United States.

"Upon approval by the Congress, the constitution shall become effective in accordance with its terms."

OTHER PROVISIONS

Certainly this goes far beyond mere consent to a modification of an organic act. Moreover, sections 4 and 5 of Public Law 600 provided that when the Constitution of Puerto Rico became effective all but 21 of the 58 sections of the Organic Act would be repealed. The continued sections were to be cited thereafter as the Puerto Rican Federal Relations Act.

The Senate Committee on Interior and Insular Affairs, reporting on what is now Public Law 447, to approve the Constitution of Puerto Rico (enacted July 3, 1952), stated: "The provisions of the present Organic Act which will remain in force and effect as the Puerto Rican Federal Relations Act, however, relate to matters affecting not the internal affairs of Puerto Rico but the relationship of Puerto Rico to the United States • • •. Applicable provisions of the U.S. Constitution and the Federal Relations Act will have the same effect as the Constitution of the United States has with respect to State constitutions or State laws."

Furthermore, the Constitution of Puerto Rico provides: "Article I, section 1: The Commonwealth of Puerto Rico is hereby constituted. Its political power emanates from the people and shall be exercised in accordance with their will within the terms of the compact agreed upon between the people of Puerto Rico and the United States of America.

"Section 2. The Government of the Commonwealth of Puerto Rico shall be republican in form and its legislative, judicial, and executive branches as established by this

constitution shall be equally subordinate to the sovereignty of the people of Puerto Rico."

POWERS OF PEOPLE

Territorial status has always been interpreted to mean the status of an area which is subject to the plenary authority of Congress. Whatever political authority is exercised by the people of the area is delegated to them by Congress. The political powers now exercised by the people of Puerto Rico emanate from themselves. Therefore, since the proclamation of the Commonwealth, two governments operate and coexist in Puerto Rico similarly as in the States of the Union—namely, the Federal and the Commonwealth Governments, each within its respective sphere. To hold that the status of Puerto Rico continues to be territorial is to ignore the true meaning of territorial status and give the term a new meaning.

Neither Governor Muñoz-Marín nor anyone who has had any significant part in the advent of the Commonwealth of Puerto Rico has ever claimed that commonwealth is independence, for it is not separation but rather it is freedom in association.

It is unfortunate that because commonwealth status, as created for Puerto Rico, has no precedent in the United States political system, it is not always properly comprehended. For this reason the recognition given to the Commonwealth by the President in his recent address in San Juan was not only enlightening but extremely valuable, while editorials such as yours of February 23 are most helpful and commendable.

A. FERNÓS-ISERN.

WASHINGTON, *March 10, 1960.*

The 112th Anniversary of Hungarian War of Independence of 1848

EXTENSION OF REMARKS
OF
HON. MICHAEL A. FEIGHAN
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1960

Mr. FEIGHAN. Mr. Speaker, by leave previously obtained, I insert in the RECORD my address delivered to the United Hungaries Societies of Cleveland, on Sunday, March 13, on the 112th anniversary of the Hungarian War of Independence of 1848:

Hungary has a proud record of more than 1,000 years of history. In my judgment, the outstanding chapters in this long history point up the unbroken record of dedication by the Hungarian people to human values and the dignity of man. These same values are the foundation of all our liberties and freedom and the high road to national independence.

King Stephen, who reigned in the 10th century, set these goals for the Hungarian people. Down through the ages the Hungarian people have remained stanch defenders of these ideals and basic spiritual values. The long history of Hungary in world affairs is replete with heroic chapters of sacrifice in support of these ideals. This record of deeds by the Hungarian people has earned for their nation the merited accolade of "defender of the West."

It is little wonder then that King Stephen is the patron saint of Hungary and a great saint known and revered by all the Christian world.

The war of independence of 1848 led by Louis Kossuth was based on the historic ideals of the Hungarian people. But Louis Kossuth also received much stimulation from the events which had taken place here, beginning with the American Revolutionary War. Kossuth knew well the ideals and methods of the new American experiment in representative government.

Kossuth was aware that we were pledged to constitutional government and that our Constitution was a guarantee for government of, by, and for the people.

Kossuth also knew that our form of government under law, which took its authority from the consent of the governed, was in sharp contrast with government by the whims and fancy of the few—whether that few be a hereditary aristocracy or an imposed autocracy.

Kossuth felt the powerful stimulation of the meaning of national independence of all Americans, and saw in it the answer to the strivings of his people for complete self-government.

In our times we have seen the Hungarian nation realize the full flower of its national independence. We have also seen that national independence snuffed out by the new colonialism, the new imperialism of the Russian despots. Hungary was a victim of World War II—a victim of profound ignorance on the part of the leaders of the Western World concerning the true nature and intent of imperial Russian communism. This profound ignorance led our leaders to believe that the Russian Communists were our allies and that they would support the pledges of the Atlantic Charter. What a price we paid to dispel that ignorance. Hungary, along with Poland, Czechia, Slovakia, Rumania, and Bulgaria, were subjected to the nightmare of Russian occupation which today plagues all those once independent nations. It is tragic that the leaders of the Western World failed to realize that the Soviet Union was nothing more than a prison of nations, that is, non-Russian nations. It is equally tragic that they failed to understand that these captive non-Russian nations of the Soviet Union desire their national independence just as much as any subjugated nation of the world. Had the leaders of the Western World understood these basic facts, the world of our times would be quite different than we find it today.

All the world knows that Hungary, true to her long and rich traditions, rose up in total political revolution against Russian occupation in October 1956. The people, from small children to aged grandmothers, rose up spontaneously against the organized tyranny of the Russians. That is why I call the Hungarian freedom revolution a total political revolution. In 5 days the Red Army, which had been publicized as an unbeatable force, was completely defeated and driven from Hungarian soil; and I repeat, this was done by the Hungarian people without any assistance from the outside world. Then, for 5 historic days, the Hungarian people were free of alien rule and on the road to reconstructing their national independence and restoring freedom to all the people.

The events which followed are known equally well to all the people of the world. In the absence of any support from the free world—even words of encouragement from the heads of any Western nation—the Russian despots reinvaded Hungary to crush the provisional government and to smother all liberty and freedom. Here again the leaders of the Western World, particularly the United States, as leaders of the free world coalition, maintained a strange silence. The many pleas for assistance from the Hungarian patriots in their hour of greatest need went unanswered.

In these circumstances, I telegraphed President Eisenhower requesting that he take the lead in supporting the cause of the freedom fighters. Allow me to read to you from my telegram to the President—which I sent to him before the revolution was 3 days old, and 9 days before the Russians reinvaded Hungary:

"I urge you instruct our Ambassador to the United Nations to take necessary steps to bring about emergency session of the United Nations Security Council in order to take positive measures to support the brave people of Poland and Hungary in their great struggle to throw off Russian occupation of their homelands. The cruel acts of aggression committed by the Russian armies against these brave people stand as a serious and imminent threat to the peace of the world. We cannot help but aid the cause of human freedom and dignity throughout the world by taking this step. Our many millions of allies behind the Iron Curtain look to the United States to take the lead at this critical hour in history."

I received no answer from President Eisenhower to my appeal for the Hungarian patriots. The State Department, however, provided an answer to my appeal and the appeal of millions of other Americans to act in support of freedoms cause. Forty-eight hours before the Russians reinvaded Hungary the State Department sent a cable message to the Dictator Tito informing him that "the Government of the United States did not favor governments unfriendly to the Soviet Union on the borders of the Soviet Union." This message was sent in the certain knowledge that Tito would relay this good news for communism to his cronies in the Russian Kremlin. This message stands as clear and precise notice to the Russian tyrants that our Government would not intervene in any action taken by them to crush the freedom revolution then taking place in Hungary. Within 48 hours after the message was sent by our State Department to Tito, the Russians reinvaded Hungary—in the certain knowledge that they could do so without fear of provoking a counteraction by the United States.

I am confident that if this message had not been sent to Tito the Russians would not have dared to reinvade and today Hungary would be free.

Long after the Russians had reinvaded Hungary and when they were in the process of carrying out mass terror and reprisals against the people, then and only then did the United Nations General Assembly take up the cause of human freedom in Hungary. The wave of public indignation which swept the world forced this action.

You and I know that the General Assembly of the United Nations, after a long and bitter debate, adopted a resolution which condemned the Russians for their aggression against Hungary and called for the immediate and complete removal of all Red army elements on Hungarian soil. The only votes against the resolution in the General Assembly came from the Russian delegation and their trained seals who have been put up as alleged representatives of seven of their captive nations. The record is clear that the Russian imperialists have since not only ignored this resolution, but have exposed it to contemptuous attack.

As of this late date, almost 4 years after the action taken by the United Nations, nothing whatever has been accomplished to support the purposes of the resolution. Recognizing the danger of this situation, the dangers to the cause of peace when one member of the United Nations completely disregards a resolution to prevent war, I have carried on a campaign, the objective of which is to cause the Russians to adhere to the United Nations Resolution on Hungary or be ejected from membership in the United Nations.

The most powerful sanction the United Nations has against aggression is the denial of membership in that body to an aggressor nation. Nothing would harm the cause of the Russian Communists more than to be ejected from membership in the United Nations for nonconformance with the resolution on Hungary. This would be not only a severe blow to Russian prestige, but it would also serve notice to the hundreds of millions of captive peoples and the many submerged nations under Russian control that the nations of the free world were determined to make the United Nations an effective organ of peace with justice. I shall continue my efforts to bring about Russian conformity with the United Nations Resolution on Hungary and I invite you to join with me in this effort.

One of the major considerations which caused me to be one of the original sponsors of the Captive Nations Week resolution was my concern for the growing ignorance of the nature of Russian Communist imperialism in the Eisenhower administration. The present trend toward appeasement of the Russians, which I am sure is well known to all of you here, is the certain course to war. Two world wars in my lifetime were started because of appeasement of the dictators. No thinking person can deny that the more the dictator is appeased, the greater becomes his appetite for more conquest. The only way we can prevent war is to stand up against the dictator and to be firm in our support of the right of all people and all nations to self-government and free political institutions.

The people of the world were uplifted by the action taken in Congress to memorialize the third week of July as Captive Nations Week. The stirring words of this resolution brought a message of hope not only to the hundreds of millions of people who yearn for freedom behind the Iron Curtain, but also to the people in the some 20-odd countries of the free world which have won their national independence since the end of World War II, and those now struggling for this goal on the African continent. This was the clarion call of freedom's cause, and it was received as such by the multitudes of the world who had been awaiting positive political leadership from the Government of the United States. To the common man the world over, the Captive Nations Week resolution stands as a denouncement of any efforts to appease the Russian dictators.

The people of the United States were shocked when, a few days after Congress enacted the Captive Nations Week resolution and it became the law of the land as Public Law 86–90, President Eisenhower announced that he had invited the bloody handed Russian leader Khrushchev to make a state visit to the United States. This shock resulted from the inability of the common man the world over to reconcile our Government issuing a universal declaration of national independence, and a few days later witnessing our President embracing the leader of the most brutal tyranny known in the long history of mankind. It is little wonder that people the world over are losing faith in our word when the actions of our President belie that word.

I do not know what caused President Eisenhower to invite the new Russian Czar Khrushchev to the United States, although several reasons have been advanced for this strange behavior. Some people hold that the Khrushchev tour of the United States, accompanied as it was with complete access by him to all our mass media of communication, particularly television, was part of the "mirage of peace" concocted by the Madison Avenue soap salesmen. This was intended to be a 1960 political special in which the "mirage of peace" would be used to justify the Republican campaign slogans of peace, prosperity, and progress. Fortunately for the cause of peace with justice, the "mirage of peace" has now been exposed as a fraud and a massive deception of the American people.

For those who innocently believe that by allowing Khrushchev to see first hand the great industrial power of the United States, he would be dissuaded from his evil ways and would, practically overnight, give up the Communist objective of world conquest, the evidence is overriding to the contrary. Khrushchev has interpreted his visit to the United States as a sure sign of the triumph of communism in the world, as an indication of weakness on the part of the United States, as reason to believe that the policy of appeasement guides our foreign policy. Our allies in NATO and SEATO have begun to wonder whether the United States has wearied in its task of leading the cause of human freedom. The uncommitted peoples of the world are showing dangerous signs of looking toward Moscow and its claims to represent the wave of the future. The people of the captive nations behind the Iron Curtain are surely wondering whether the United States is being led down the road to associating the destiny of our Nation with the Russian despots in a common effort to hold the slave empire of communism together. This, my friends, is the Pandora's box in the field of world affairs which President Eisenhower's invitation to Khrushchev has opened up.

But there is a brighter side to life than that which results from the Khrushchev visit to the United States. There are evergrowing signs that the people of the United States are becoming restless and dissatisfied with the failure of leadership by the Eisenhower administration. The American people will not long suffer at being second best, too little, too late, and a national posture of passivity in circumstances of opportunity calling for dynamic action. Here is what I mean by circumstances of opportunity calling for dynamic political action:

1. The second summit meeting: President Eisenhower must challenge the Russians on the Captive Nations Week resolution. He should make certain that the Russians understand that we mean business by the terms of this resolution. He can seize the initiative by challenging the Russians to permit free and unfettered elections in all of the captive nations listed in Public Law 86–90, now the Captive Nations Week resolution, such elections to be under United Nations supervision.

2. President Eisenhower should challenge the Russians to either live up to the terms of the United Nations Resolution on Hungary or face action by the United States to strip them of their membership in the United Nations.

3. President Eisenhower should demand that the Russians live up to their 1955 summit conference pledges for a free and united Germany. A free and united Germany, attained by unfettered elections under United Nations supervision, would automatically eliminate the Berlin crisis.

If the President fails to take action on these three points it will be fair and proper for the American people to say that the second summit conference was nothing more than a part of the Republican "mirage of peace" and a further step along the road of appeasement.

I share with you the glorious memory of the ages long struggle of the Hungarians to win and maintain their national independence. Like you, I am convinced that the cause of justice among and between nations must be made the foundation stone of our foreign policy. The Captive Nations Week resolution, now Public Law 86–90, proclaims that the aspirations of the people of the captive non-Russian nations for their national independence and freedom, is a powerful deterrent to war and one of the best hopes for a just and lasting peace.

I am completely convinced of the truth of this statement and shall continue to support this cause with all the strength and vigor at my command.

St. Catherine's High School Plays in the Knights of Columbus Invitational National Basketball Tournament at Georgetown University, Washington, D.C.

EXTENSION OF REMARKS
OF
HON. GERALD T. FLYNN
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1960

Mr. FLYNN. Mr. Speaker, St. Catherine's High School of Racine, Wis., a former girls' academy became a coeducational Catholic high school in 1924. It serves the city of Racine, Wis., and has an enrollment of approximately 1,350 boys and girls. Its enrollment continues to increase and is limited only by the physical capacity of the school to accept more students. The school is under the management of the Sisters of St. Dominic, who maintain a convent at Racine. The president of the school is Rt. Rev. Msgr. S. B. Witkowiak who has done an admirable job in inaugurating a program designed to secure the greatest effort from every individual student. His plan is being studied carefully.

The school has always had an excellent record scholastically. Its athletic teams have enjoyed recognition for their ability and for winning many championships on both a city, district, and State level. The athletic director for the school is Rev. Anthony Zukaitis and the basketball team has been coached for the last several years by John McGuire. His talents and fame, as a coach in Wisconsin, are legend. He has the ability to get the most from a boy and has a record of wins that would do credit to the most famous coach of our day. His teams have won the last two Wisconsin State Catholic basketball championships and, for the second time, have been invited to play in the Knights of Columbus Invitational National Basketball Tournament at Georgetown University. Last year, St. Catherine's won the consolation championship.

The students of St. Catherine's High School staged a fundraising drive and raised the money necessary to send their team to Washington. Over 100 students will accompany the team by train and there will be, at least, that many adults coming to Washington from Racine for the basketball tournament this weekend.

The 1959–60 team averaged 61 points per game. Their opponents averaged 34 points per game. They have long been known by the nickname of Angels. Their colors are black and white. The players on this year's team are: James Hesse, Joseph Gamell, Charles Wood,

Tom Schilke, Jim Poulson, Bob Letsch, Rocke Calvelli, Todd Pettit, Tom Cramer, David Koenings, Tom Donavan, Donald Hartig, Roger DeMark, Edward Evenson, Brian Verhayen. The managers of the team are: Robert Olley, David Dudor, and Jef Miller.

The players who will participate in the national tournament play are: Joseph Gamell, Charles Wood, Tom Schilke, Jim Poulson, Bob Letsch, James Hesse, Rocke Calvelli, Todd Pettit, David Koenings, Tom Cramer and Donald Hartig.

The tallest man on the team is Tom Schilke; he is 6 feet 8 inches tall. The high-point man for the year has been the so-called eagle-eyed Chuck Wood. Three of his teammates were picked on the all-city team for Racine, Wis., to wit: Tom Schilke, Chuck Wood and Jim Poulson. Jim Poulson and Chuck Wood were picked for the all-Catholic conference team for the State of Wisconsin.

The team will arrive in Washington, D.C., at Union Station on Thursday, March 17, at 8:40 a.m. and will stay at the Roger Smith Hotel while in Washington.

It is with great pride that I am able to report the arrival of St. Catherine's High School basketball team to Washington, D.C. St. Catherine's is the alma mater of both my wife and myself and it is indeed a true and real pleasure to see this group of splendid young men, whom I have watched play on several occasions, come to Washington with the enthusiastic backing of their schoolmates and the adult population of the entire city of Racine. The spirit of teamplay has permeated their actions during the entire year and I predict that they will leave Washington Sunday evening as the winners of the tournament and with the 1960 trophy tucked away in their luggage.

I believe that St. Catherine's High School should be congratulated for its consistent ability to develop such fine athletic teams and for its dedication to the development of manhood in those participating in its athletic programs.

SENATE

FRIDAY, MARCH 18, 1960

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O God of men and of nations, we come to Thee with deep gratitude for our surpassing heritage.

Our charter of freedom tells us that our worth and our dignity as individuals lie not in our role as citizens of any state, but because Thou hast created us in Thy image.

Thou hast given us the vision of a righteous nation with freedom and justice and opportunity for all. Grant us the grace to be loyal to that mission.

Beneath our diversities may we keep sacred the fundamental unity which is the true glory of this dear land of freemen. May our concern for impoverished, exploited, and enslaved people everywhere be equal to that for our own welfare.

In a vision that may startle us, and open our eyes to the solemn facts of these crucial days, make clear to us that the massed difficulties besetting us are not so much political and economic, as they are moral and spiritual; and that in all our baffled search for solutions, only by fresh awareness of Thee can the present social decay which threatens the inner life and the outer strength of the Nation be redeemed to decency and righteousness.

We lift our prayer in the Saviour's name. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 17, 1960, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

REPORT OF NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 361)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Aeronautical and Space Sciences:

To the Congress of the United States:

Pursuant to the provisions of the National Aeronautics and Space Act of 1958, I transmit herewith for the information of the Congress the Second Semiannual Report of the National Aeronautics and Space Administration, covering the period of April 1, 1959, through September 30, 1959.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *March 18, 1960.*

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour. I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar, beginning with the new reports.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

The PRESIDENT pro tempore. If there be no reports of committees, the nominations on the calendar, beginning with the new reports, will be stated.

UNITED NATIONS

The Chief Clerk read the nomination of Thomas C. Mann, of Texas, to be the representative of the United States of America to the 16th session of the Economic Commission for Asia and the Far East of the Economic and Social Council of the United Nations.

Mr. JOHNSON of Texas. Mr. President, I know Mr. Mann very well. He comes from my State, and we take great pride in his distinguished service. So I am very much pleased that he has been nominated to this very important assignment.

The PRESIDENT pro tempore. The question is, Will the Senate advise and consent to this nomination?

The nomination was confirmed.

DEPARTMENT OF STATE

COUNSELOR OF THE DEPARTMENT OF STATE

The Chief Clerk read the nomination of Theodore C. Achilles, of the District of Columbia, to be Counselor of the Department of State.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

U.S. ADVISORY COMMISSION ON INFORMATION

The Chief Clerk read the nomination of Siguard S. Larmon, of New York, to be a member of the U.S. Advisory Commission on Information for a term of 3 years expiring Jan. 27, 1963, and until his successor has been appointed and qualified.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY TO PERU

The Chief Clerk read the nomination of Selden Chapin, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Peru.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

ATOMIC ENERGY COMMISSION

The Chief Clerk read the nomination of Robert E. Wilson, of Illinois, to be a member of the Atomic Energy Commission for the remainder of the term expiring June 30, 1960.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Robert E. Wilson, of Illinois, to be a member of the Atomic Energy Commission for a term of 5 years expiring June 30, 1965.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

ROUTINE DIPLOMATIC AND FOREIGN SERVICE NOMINATIONS

The Chief Clerk proceeded to read sundry routine nominations in the Diplomatic and Foreign Service.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

That completes the new reports on the Executive Calendar.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

The PRESIDENT pro tempore. Morning business is in order.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON COOPERATION WITH MEXICO IN CONTROL AND ERADICATION OF FOOT-AND-MOUTH DISEASE

A letter from the Assistant Secretary of Agriculture, reporting, pursuant to law, that there have been no significant developments to report for the month of February 1960 relating to the cooperative program of the United States with Mexico for the control and eradication of foot-and-mouth disease; to the Committee on Agriculture and Forestry.

REPORT ON STOCKPILE OF STRATEGIC AND CRITICAL MATERIALS

A letter from the Director, Office of Civil and Defense Mobilization, Executive Office of the President, transmitting, pursuant to law, a secret report on the stockpile of strategic and critical materials, for the period ended December 31, 1959 (with an accompanying report); to the Committee on Armed Services.

REPORTS ON REAL PROPERTY EXEMPT FROM TAXATION IN THE DISTRICT OF COLUMBIA

A letter from the President, Board of Commissioners, District of Columbia, transmitting, pursuant to law, a report on real property exempt from taxation in the District of Columbia, for the calendar year 1956 (with an accompanying report); to the Committee on the District of Columbia.

A letter from the President, Board of Commissioners, District of Columbia, transmitting, pursuant to law, a report on real property exempt from taxation in the District of Columbia, prior to December 24, 1942 (with an accompanying report); to the Committee on the District of Columbia.

LIBERALIZATION OF IMMIGRATION AND NATIONALITY ACT

A letter from the Attorney General, transmitting a draft of proposed legislation to amend the Immigration and Nationality Act so as to modernize and liberalize the quota system and provide for the admission of persecuted peoples, and for other purposes (with accompanying papers); to the Committee on the Judiciary.

REPORT ON TORT CLAIMS PAID BY DEPARTMENT OF LABOR

A letter from the Under Secretary of Labor, transmitting, pursuant to law, a report on tort claims paid by the Department of Labor during the year ended December 31, 1959 (with an accompanying report); to the Committee on the Judiciary.

SUSPENSION OF DEPORTATION OF AN ALIEN

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a copy of the order suspending deportation in the case of Toh Jung Lin, together with a statement of the facts and pertinent provisions of law pertaining to the case, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the Commonwealth of Kentucky; to the Committee on Appropriations:

"CONCURRENT RESOLUTION MEMORIALIZING CONGRESS TO MAKE POSSIBLE THE CONSTRUCTION OF CAVE RUN RESERVOIR ON LICKING RIVER

"Whereas it has been long recognized that the Licking River has many advantages as a potential reservoir site; and

"Whereas a dam in the Cave Run area close to the source of the river would prevent the floods that periodically sweep the length of the river; and

"Whereas the opportunities presented by the power source and the recreational facilities that would attend the construction of the dam and reservoir would attract industries and visitors, to the benefit of the entire State: Now, therefore, be it

"Resolved by the House of Representatives of the Commonwealth of Kentucky (the Senate concurring therein):

"SECTION 1. That the U.S. Congress is hereby petitioned and memorialized to appropriate funds to construct the Cave Run Reservoir, on the Licking River.

"SEC. 2. That the clerk of the senate cause copies of this resolution to be sent to the President of the U.S. Senate, the Speaker of the U.S. House of Representatives and to each of the Senators and Representatives of the Commonwealth of Kentucky now serving in the Congress.

"JOHN T. TILLIS."

RESOLUTIONS OF ORGANIZATIONS OF STATE OF NEW YORK

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD several resolutions adopted by organizations of the State of New York.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION ADOPTED BY THE BOARD OF EDUCATION, CITY SCHOOL DISTRICT, SCHENECTADY, N.Y., URGING THE ENACTMENT INTO LAW OF SENATE BILL 105 FOR THE GRANTING OF SCHOLARSHIPS TO CHILDREN OF VETERANS UNDER CERTAIN CIRCUMSTANCES

Resolved by the Board of Education of the City School District of the City of Schenectady, N.Y.:

SECTION 1. This board urges Congress and the President of the United States to enact into law Senate bill 105 for the granting of scholarships for certain persons from income resulting from the investment of certain alien property seized during World War II by the U.S. Government.

SEC. 2. The clerk of the board of education is hereby directed to send copies of this resolution to our Representatives in the U.S. Congress, namely, Senator KENNETH B. KEATING, Senator JACOB K. JAVITS, and Congressman SAMUEL S. STRATTON.

SEC. 3. This resolution shall take effect immediately.

RESOLUTION ADOPTED BY THE SCHENECTADY COUNTY BOARD OF SUPERVISORS, SCHENECTADY, N.Y., AT THE MARCH 8 MEETING URGING SCHOLARSHIPS FOR VETERANS

Whereas legislation has been introduced in Congress that would set aside and invest $100 million in World War II enemy war assets seized from Germany and Japan—with the interest thereon—to be used for the establishment of 2,000 educational scholarships in the field of science and engineering; and

Whereas, although priority and preference in the awarding of the aforementioned scholarships will be given to children of veterans of World Wars I and II and the Korean conflict, nonveterans will also be eligible for the awards; Now, therefore, be it

Resolved, That the Schenectady County Board of Supervisors urge the passage and enactment into law of U.S. Senate bill No. 105 as a positive step in strengthening and broadening educational programs in science and engineering; and be it further

Resolved, That copies of this resolution be transmitted to U.S. Senators KENNETH B. KEATING and JACOB K. JAVITS, and Congressman SAMUEL S. STRATTON.

RESOLUTION ADOPTED BY THE NEW YORK CITY COUNCIL ON MINIMUM WAGE MEMORIALIZING CONGRESS AND THE STATE LEGISLATURE TO SUPPORT THE $1.25 MINIMUM WAGE BILL

Whereas the Council of the City of New York, through its special committee to investigate the causes of low wages in the city of New York and the feasibility of establishing an adequate minimum wage, undertook a study which had amongst its purposes the ascertainment of the causes of low wages in the city of New York, the extent to which low wages have increased the cost of services provided by the city of New York to those workers who receive low wages, and ways and means of remedying this serious basic problem; and

Whereas the study included analysis of available statistics and other pertinent material, as well as public hearings to which representatives of the city government, trade unions, industry and business, and privately supported social service, civic, and welfare groups were invited and were heard; and

Whereas it was found that many thousands of families in the city of New York are subsisting under substandard living conditions primarily because of the low wages paid to the wage earners of the families, that this constitutes a social and economic danger to the welfare of our city, the State, and the Nation, that this condition with living costs mounting, has resulted in great demands for, and the expenditure of many millions of dollars annually by the city of New York and by private voluntary social services, hospitals, and charitable organizations in an effort to alleviate these conditions; and

Whereas, under present conditions, unless remedied, such needs and expenditures will mount to a point where they cannot be met; and

Whereas this problem is not unique to the city of New York, but exists to a greater or lesser degree in every community throughout the State of New York and the United States; and

Whereas these vast expenditures constitute subsidies by the taxpayers and contributions to business and industry, which are neither morally nor economically justifiable; and

Whereas the immediate means of affording some relief to the low-paid workers and to the local governments and charitable organizations, already too heavily burdened, is by the establishment of a minimum wage which comes closer to meeting actual needs: Now, therefore, be it

Resolved, That the Council of the City of New York most urgently petitions the Legislature of the State of New York to enact a law, without delay, which will establish at the earliest possible date a minimum wage of $1.25 per hour for a 40-hour work week, with appropriate premium overtime thereafter, the same to apply to employees in all businesses and industries and to regular nonprofessional employees of voluntary nonprofit organizations, such as hospitals.

Practices existing in industries of computing tips, board and lodging or other considerations of actual value as part of wages may be committed to continue, but the real value of such allowances must be such as assures receipt by the employee of at least the minimum wages prescribed. Exceptions in the law should be narrowly limited in carefully defined areas, as similarly should be the discretion of the industrial commissioner to grant exceptions; and be it further

Resolved, That the Legislature of the State of New York enact such a law without waiting for action which may be taken by the Congress of the United States; and be it further

Resolved, That the clerk of the council is hereby directed to transmit a copy of this resolution to the Governor of the State of New York, the Lieutenant Governor of the State of New York, the majority leader of the senate, the minority leader of the senate, the speaker of the assembly, the majority leader of the assembly, the minority leader of the assembly, to each member of the senate and assembly whose district is in the city of New York and to the industrial commissioner of the State.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DOUGLAS:

S. 3224. A bill for the relief of Min-sun Chen; to the Committee on the Judiciary.

By Mr. DIRKSEN (for himself, Mr. SALTONSTALL, Mr. KEATING, Mr. JAVITS, Mr. CASE of New Jersey, Mr. SCOTT, Mr. BEALL, Mr. PROUTY, Mr. MAGNUSON, and Mr. PASTORE):

S. 3225. A bill to amend the Immigration and Nationality Act so as to modernize and liberalize the quota system and provide for the admission of persecuted peoples, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. DIRKSEN when he introduced the above bill, which appear under a separate heading.)

By Mr. SPARKMAN:

S. 3226. A bill to amend section 809 of the National Housing Act; to the Committee on Banking and Currency.

(See the remarks of Mr. SPARKMAN when he introduced the above bill, which appear under a separate heading.)

By Mr. BEALL:

S. 3227. A bill to amend the District of Columbia Business Corporation Act; to the Committee on the District of Columbia.

By Mr. SMATHERS:

S. 3228. A bill to amend the provisions of part II of the Interstate Commerce Act which authorize certain operations within a State as a common carrier by motor vehicle engaged in interstate or foreign commerce if State authorized; to the Committee on Interstate and Foreign Commerce.

By Mr. DOUGLAS:

S. 3229. A bill to amend the Public Buildings Act of 1959 to provide for the preservation and maintenance of the Dolly Madison House, the Benjamin Taylor House, and the old Belasco Theater for historical, cultural, and civic purposes; to the Committee on Interior and Insular Affairs.

By Mr. BUTLER:

S. 3230. A bill to amend section 35 of title 18 of the United States Code so as to increase the punishment for knowingly giving false information concerning destruction of aircraft and motor vehicles; to the Committee on the Judiciary.

(See the remarks of Mr. BUTLER when he introduced the above bill, which appear under a separate heading.)

CONCURRENT RESOLUTION

ADDITIONAL COPIES OF COMMITTEE PRINT CONTAINING STATE REPORTS ON WATER RESOURCES AND PROBLEMS

Mr. KERR submitted the following concurrent resolution (S. Con. Res. 94); which was referred to the Committee on Rules and Administration:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Select Committee on National Water Resources four thousand additional copies of the committee print, prepared by that committee, containing the reports of the States to the committee on their water resources and problems.

LIBERALIZATION OF QUOTA SYSTEM OF IMMIGRATION AND NATIONALITY ACT

Mr. DIRKSEN. Mr. President, certainly one of the most difficult problems before Congress—and this statement is true with regard to nearly every session—relates to the broad question of immigration. When all is said and done, I believe the nub of the problem is how to protect the country against a great stream of immigrants who could have a dislocating effect on the economy, yet at the same time to ease the explosive effect of overpopulation in other countries and do our fair share in the refugee field, not closing the door so tight as to destroy all hope for all people that there will be a haven and a life in America.

I think that is the basis for the message the President sent to the Congress with regard to a new immigration bill. I shall not try to belabor the matter, but I think, in order to round out the full case, I should ask unanimous consent to have printed in the RECORD at this point, in connection with my remarks, some pertinent data.

First, I ask unanimous consent to have printed in the RECORD the President's message, which was sent to the Congress on yesterday.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

To the Congress of the United States:

I again urge the liberalization of some of our existing restrictions upon immigration.

The strength of this Nation may be measured in many ways—military might, industrial productivity, scientific contributions, its system of justice, its freedom from autocracy, the fertility of its land, and the prowess of its people. Yet no analytical study can so dramatically demonstrate its position in the world as the simple truth that here, more than any other place, hundreds of thousands of people each year seek to enter and establish their homes and raise their children.

To the extent possible, without dislocating the lives of those already living here, this flow of immigration to this country must be encouraged. These persons who seek entry to this country seek more than a share in our material prosperity. The contributions of successive waves of immigrants show that they do not bring their families to a strange land and learn a new language and a new way of life simply to indulge themselves with comforts. Their real concern is with their children, and as a result those who have struggled for the right of American citizenship have, in countless ways, shown a deep appreciation of its responsibilities. The names of those who make important contributions in the fields of science, law, and almost every other field of endeavor indicate that there has been no period in which the immigrants to this country have not richly rewarded it for its liberality in receiving them.

In the world of today our immigration law badly needs revision. Ideally, I believe that this could perhaps be accomplished best by leaving immigration policy subject to flexible standards. While I realize that such a departure from the past is unlikely now, a number of bills have already been introduced which contain the elements of such an idea. The time is ripe for their serious consideration so that the framework of a new pattern may begin to evolve.

For immediate action in this session I urge two major acts:

First, we should double the 154,000 quota immigrants that we are presently taking into our country.

Second, we should make special provision for the absorption of many thousands of persons who are refugees without a country as a result of political upheavals and their flight from persecution.

The first proposal would liberalize the quotas for every country and, to an important extent, moderate the features of existing law which operate unfairly in certain areas of the world. In this regard, I recommend the following steps:

1. The removal of the ceiling of 2,000 on quotas within the Asiatic-Pacific triangle;

2. The basing of the overall limitation on immigration on the 1960 census as soon as it is available in place of that of 1920, which is the present base;

3. The annual acceptance of one-sixth of 1 percent of our total population;

4. Abandonment of the concept of race and ethnic classifications within our population, at least for the purposes of the increases in quotas I have recommended, by substituting as the base for computation the number of immigrants actually accepted from each area between 1924 and 1959. In other words, the increase in the quota for Italy, for example, would not be based upon a percentage of a so-called Italian ethnic group within our country, but upon a percentage of actual immigration from Italy between 1924 and 1959; and

5. The unused quotas of undersubscribed countries should be distributed among oversubscribed countries. This distribution should be in proportion to the quotas of the oversubscribed countries.

My second major proposal is for authorization for the parole into this country of refugees from oppression. They are persons who have been forced to flee from their homes because of persecution or fear of persecution based upon race, religion, or political opinions, or they are victims of world political upheaval or national calamity which makes it impossible for them to return to their former homes.

This year has been designated World Refugee Year. The United States and 68 other nations have joined together in an attempt to seek permanent solutions for the problems of these peoples. Nations who in the past have granted entry to the victims of political or religious persecutions have never had cause to regret extending such asylum. These persons with their intellectual idealism and toughness will become worthwhile citizens and will keep this Nation strong and respected as a contributor of thought and ideals.

I have asked the Attorney General to submit a draft of legislation to implement the recommendations I have made. The administration stands ready to supply whatever information is necessary to permit appropriate action by the Congress during its present session. If, notwithstanding my specific recommendations, the Congress should enact other or different liberalizations of our immigration law that are constructive, I will be glad to approve them.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *March 17, 1960*.

Mr. DIRKSEN. Mr. President, secondly, I ask unanimous consent to have printed in the RECORD an outline of the administration's immigration bill; which deals with revision of quota system, including quota computation, quota basis, quota figures, quota allocation, unused quota numbers, Asia-Pacific triangle, new political entities; refugee provisions, including definition, admission, and status; Asian spouses; and visa applications.

There being no objection, the outline was ordered to be printed in the RECORD, as follows:

OUTLINE OF ADMINISTRATION'S IMMIGRATION BILL

I. REVISION OF QUOTA SYSTEM

A. Quota computation

1. Present quotas computed on basis of white U.S. population.

2. Proposed quotas to be computed on total U.S. population.

B. Quota basis

1. Present quota based on 1920 census.

2. Proposed quota to be based on—

(a) The 1950 census.

(b) The 1960 census, when available.

C. Quota figures

1. Presently, based on 1920 white United States population, 154,657.

2. Proposed, based on 1950 total United States population, 256,000.

3. Proposed, based on 1960 total United States population, 300,000 (estimated).

D. Quota allocation

1. Present quota of 154,657 continued to be allocated as at present.

2. Quota of each minimum quota area raised from 100 to 200.

3. Remainder of quota increase to be distributed among the several quota areas in proportion to total immigration to United States from each area between July 1, 1924, and July 1, 1959.

E. Unused quota numbers

1. At present, unused quota numbers are forever lost.

2. As proposed, unused quota numbers are to be placed in a pool.

(a) Each oversubscribed quota area shares in pool in proportion to relationship between its proclaimed quota and the aggregate quota of all other oversubscribed areas.

F. Asia-Pacific triangle (20 nations)

1. Presently, has quota ceiling of 2,000 (100 to each existing nation).

2. As proposed, ceiling is eliminated although each affected nation continues to have quota of 100.

G. New political entities

1. Guaranteed quotas of not less than the total of subquotas or minimum quotas previously applicable to areas involved.

II. REFUGEE PROVISIONS

A. Definition

1. "Refugee" is an alien—

(a) Who has fled Communist area or country in Middle East to escape persecution based on race, religion, or political opinion; or

(b) Who is away from and unable to return to his usual place of abode because of natural calamity, military operations, or political upheaval; and

(c) Is in a non-Communist area; and

(d) In need of resettlement help.

B. Admission

1. President, by proclamation may direct the Attorney General to parole into United States refugees selected by Secretary of State, upon finding—

(a) Existence of refugees;

(b) It is in the interests of the United States to permit them entry.

2. Without Presidential proclamation Attorney General has authority to parole into United States—

(a) Ten thousand refugees;

(b) Refugees to be selected by Secretary of State.

C. Status

1. Attorney General may adjust status of admitted refugee to that of alien lawfully admitted for permanent residence if alien—

(a) In United States for 2 years;

(b) Person of good moral character;

(c) Adjustment of status not contrary to national welfare, safety, or security.

2. Attorney General reports to Congress each adjustment of status case—

(a) Adverse resolution of either House before close of congressional session next following the report requires Attorney General to call for departure of alien from United States.

III. ASIAN SPOUSE

1. Asian spouse to be chargeable to the quota of accompanying spouse.

2. Asian spouse of native of Western Hemisphere country to be classified as nonquota immigrant if accompanying or following to join such spouse.

IV. VISA APPLICATIONS

1. Applications for visas no longer to require information as to applicant's race or ethnic classification.

Mr. DIRKSEN. Mr. President, in connection therewith I ask unanimous consent to have the bill in its entirety printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 of the Immigration and Nationality Act (66 Stat. 175; 8 U.S.C. 1151) be amended to read as follows:

"Sec. 201. (a)(1) The annual quota shall be a number equal to one-sixth of 1 per centum of the number of inhabitants in the United States in 1950, as determined by the United States census of 1950: *Provided*, That when the 1960 census is completed, the annual quota shall be a number equal to one-sixth of 1 per centum of the number of inhabitants in the United States in 1960, as determined by the United States census of 1960.

"(2) The annual quota shall be distributed in the following manner:

"(A) Each quota area shall first be allotted the same quota as it received under the law in existence prior to the enactment of this Act;

"(B) The minimum quota for each minimum quota area as heretofore determined under the law in existence prior to the enactment of this Act shall be increased by one hundred numbers, and the total of such increases shall be deducted from the remainder of the annual quota;

"(C) The remainder of the annual quota shall then be distributed among the several quota areas in proportion to the actual immigration into the United States of immigrants chargeable to each such quota area between July 1, 1924, and July 1, 1959.

"(b) The determination of the annual quota of any quota area shall be made by the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly. Such officials shall, jointly, report to the President the quota of each quota area, and the Secretary of State shall proclaim and make known the quotas so reported. Such determination and report shall be made and such proclamation shall be issued as soon as practicable after the date of enactment of this Act. Quotas proclaimed therein shall take effect on the first day of the fiscal year, or the next fiscal half year, next following the expiration of six months after the date of the proclamation, and until such date the existing quotas proclaimed under the Immigration and Nationality Act shall remain in effect. After the making of a proclamation under this subsection the quotas proclaimed therein shall continue with the same effect as if specifically stated herein and shall be final and conclusive for every purpose, except (1) insofar as it is made to appear to the satisfaction of such officials and proclaimed by the Secretary of State, that an error of fact has occurred in such determination or in such proclamation, or (2) in the case provided for in section 202(e).

"(c) Except as otherwise provided in subsection (f), there shall be issued to quota immigrants chargeable to any quota (1) no more immigrant visas in any fiscal year than the quota for such year, and (2) in any calendar month of any fiscal year, no more immigrant visas than 10 per centum of the quota for such year; except that during the

last two months of any fiscal year immigrant visas may be issued without regard to the 10 per centum limitation contained herein.

"(d) Nothing in this Act shall prevent the issuance (without increasing the total number of quota immigrant visas which may be issued) of an immigrant visa to an immigrant as a quota immigrant even though he is a nonquota immigrant.

"(e) The quota numbers available under the annual quotas of each quota area proclaimed under this Act shall be reduced by the number of quota numbers which have been ordered to be deducted from the annual quotas authorized prior to the effective date of the annual quotas proclaimed under this Act under—

"(1) section 19(c) of the Immigration Act of 1917, as amended;

"(2) any other Act of Congress enacted prior to the effective date of the quotas proclaimed under this Act: *Provided*, That the quota deductions required under the provisions of the Displaced Persons Act of 1948, as amended, the Act of June 30, 1950 (64 Stat. 306), and the Act of April 9, 1952 (66 Stat. 50), are hereby terminated effective July 1, 1957.

"(f)(1) Quota numbers of all quota areas authorized under the provisions of subsection (a), which have not been issued or otherwise used at the termination of a fiscal year, shall be assigned to a quota pool.

"(2) The Secretary of State shall, at the end of each fiscal year, determine the amount of quota numbers in the quota pool. He shall proclaim the number thereof on or before October 1 following the end of each fiscal year. The quota numbers so determined and proclaimed by the Secretary of State shall be available for use in the following manner, during the ensuing twelve-month period, beginning October 1 and ending September 30 of the following year:

"(A) The quota numbers in the quota pool shall be available for visa issuance to qualified quota immigrants chargeable to the quotas of the quota areas whose quotas have been oversubscribed during the previous fiscal year in the following manner: Each quota of such quota area shall receive a percentage of the number of visas in the quota pool equal to the percentage that its quota proclaimed by the President bears to the aggregate of the quotas of all those quota areas whose quotas were oversubscribed during such previous fiscal year.

"(B) The exceptions to the determination of quota to which an immigrant is chargeable, specified in section 202(a) in respect to quota areas, shall apply in determining the quota area to which an immigrant is chargeable under this subsection;

"(C) Immigrant visas shall be issued to qualified quota immigrants under this subsection in the manner and to the preference classes specified in paragraphs (1), (2), (3), and (4) of section 203(a). An eligible immigrant shall be entitled to receive such a visa only if there is not immediately available to him an immigrant visa under the quota specified in subsection (a);

"(D) Quota immigrant visas issued to aliens under this subsection shall be issued in the order specified in section 203 (b) and (c) of this Act;

"(E) There shall be issued to quota immigrants under this subsection in any calendar month of the twelve-month period specified in this paragraph no more immigrant visas than 10 per centum of the respective percentage of the quota pool to which the particular quota area may be entitled, except that during the last two months of such period immigrant visas may be issued without regard to the 10 per centum limitation contained herein;

"(F) Quota numbers not issued or otherwise used under this subsection during the twelve-month period specified in this paragraph shall not be available for issuance or other use at any other time."

SEC. 2. Section 202(c) of the Immigration and Nationality Act (66 Stat. 177; 8 U.S.C. 1152(c)) is amended to read as follows:

"(c) Any immigrant born in a colony or other component or dependent area of a governing country for which no separate or specific quota has been established, unless a nonquota immigrant as provided in section 101(a)(27) of this Act, shall be chargeable to the quota of the governing country, except that (1) not more than two hundred persons born in any one such colony or other component or dependent area overseas from the governing country shall be chargeable to the quota of its governing country in any one year, and (2) any such immigrant, if attributable by as much as one-half of his ancestry to a people or peoples indigenous to the Asia-Pacific triangle, shall be chargeable to a quota as provided in subsection (b) of this section. Immigrant visas authorized under the provisions of subsection (f) of section 201, as amended, shall not be available to persons born in any colony or other component or dependent area described in this subsection."

SEC. 3. Section 202(e) of the Immigration and Nationality Act (66 Stat. 178; 8 U.S.C. 1152(e)) is amended to read as follows:

"(e) After the determination of quotas has been made as provided in section 201, revision of the quotas shall be made by the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, whenever necessary, to provide for any change of boundaries resulting in transfer of territory from one sovereignty to another, a change of administrative arrangements of a colony or other dependent area, or any other political change, requiring a change in the list of quota areas or of the territorial limits thereof. In the case of any change in the territorial limits of quota areas, not requiring a change in the quotas for such areas, the Secretary of State shall, upon recognition of such change, issue appropriate instructions to all consular offices concerning the change in the territorial limits of the quota areas involved. Whenever one or more colonies or other component or dependent areas overseas from the governing country, or one or more quota areas have been subject to a change of administrative arrangements, a change of boundaries, or any other political change, the annual quota of the newly established quota area or the number of visas authorized to be issued under section 202(c)(1), notwithstanding any other provision of this Act, shall not be less than the sum total of quotas in effect or number of visas authorized for the area immediately preceding the change of administrative arrangements, change of boundaries, or other political change."

SEC. 4. Paragraph (5) of subsection (d) of section 212 of the Immigration and Nationality Act (66 Stat. 188; 8 U.S.C. 1182(d)(5)), is amended (1) by inserting "(A)" after "(5)" at the beginning of such paragraph and (2) by adding the following additional subparagraph:

"(B) (i) As used in this paragraph, the term 'refugee' means any alien (A) who because of persecution or fear of persecution on account of race, religion, or political opinion has fled or shall flee from any Communist, Communist-dominated, or Communist-occupied area, or from any country within the general area of the Middle East, and who cannot return to such area or country on account of race, religion, or political opinion, or (B) who is out of his usual place of abode because of a natural calamity, military operations, or political upheaval, and who is unable or unwilling to return to his usual place of abode, and (C) who is in a country or area which is neither Communist nor Communist dominated, and (D) who has not been firmly resettled and is in urgent need of assistance for the essentials of life.

"(ii) Whenever the President shall find that a situation has arisen causing the creation of a class or classes of aliens who fall within the meaning of the term 'refugee' as defined in this paragraph and that it would be in the interests of the United States to permit the prompt entry into the United States of refugees, he may by proclamation direct the Attorney General to parole into the United States refugees selected by the Secretary of State: *Provided*, That the Attorney General is authorized, in the absence of any such proclamation by the President, to parole into the United States refugees selected by the Secretary of State, and their accompanying spouses and unmarried sons or daughters under twenty-one years of age, including stepsons and stepdaughters and adopted sons and adopted daughters, except that the total number of aliens paroled into the United States under this proviso in any fiscal year shall not exceed 10,000."

SEC. 5. Subsection (d) of section 212 of the Immigration and Nationality Act (66 Stat. 188; 8 U.S.C. 1182(d)) is hereby amended by adding a new additional paragraph (9) reading as follows:

"(9) (A) Notwithstanding any other provisions of this Act or any other law, any alien who is or has been paroled into the United States by the Attorney General under the authority of paragraph (5) of this subsection and has not otherwise acquired permanent residence status in the United States may apply to the Attorney General for adjustment of his status to that of an alien lawfully admitted for permanent residence.

"(B) If it shall appear to the satisfaction of the Attorney General that the alien has remained in the United States for at least two years, is a person of good moral character, and that such action would not be contrary to the national welfare, safety, or security, the Attorney General, in his discretion, may record the alien's lawful admission for permanent residence as of the date of the alien's last arrival in the United States. A complete and detailed statement of the facts and pertinent provisions of law in the case shall be reported to the Congress with the reasons for such adjustment of status. Such reports shall be submitted on the first and fifteenth day of each calendar month in which Congress is in session. If during the session of the Congress at which a case is reported, or prior to the close of the session of Congress next following the session at which a case is reported, either the Senate or the House of Representatives passes a resolution stating in substance that it does not favor the adjustment of status of such alien, the Attorney General shall thereupon require the departure of such alien in the manner provided by law. If neither the Senate nor the House of Representatives passes such a resolution within the time above specified, the alien shall be regarded as lawfully admitted to the United States for permanent residence as of the date of the alien's last arrival in the United States."

SEC. 6. Section 202(a)(5) of the Immigration and Nationality Act (66 Stat. 177; 8 U.S.C. 1152(a)(5)) is amended to read as follows:

"(5) Notwithstanding the provisions of paragraphs (3) and (4) of this subsection, any alien who is attributable by as much as one-half of his ancestry to a people or peoples indigenous to the Asia-Pacific triangle defined in subsection (b) of this section, unless such alien is entitled to a nonquota immigrant status under paragraph (27)(A), (27)(B), (27)(D), (27)(E), (27)(F), or (27)(G) of section 101(a), shall be chargeable to a quota as specified in subsection (b) of this section: *Provided*, That the spouse or child of an alien defined in

section 101(a)(27)(C), if accompanying or following to join him, shall be classified under section 101(a)(27)(C), notwithstanding the provisions of subsection (b) of this section."

SEC. 7. Section 222 of the Immigration and Nationality Act (66 Stat. 193; 38 U.S.C. 1202), is amended by deleting from subsection (a) the language "race and ethnic classification;", and by deleting from subsection (c) the language "his race and ethnic classification:".

Mr. DIRKSEN. Mr. President, finally, because this is pertinent information, I ask unanimous consent to have printed in the RECORD an estimated quota increase based on immigration between July 1, 1924, and July 1, 1959, and probable 1960 census figures.

Those are the new suggested years as a basis for the additional quota numbers.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Estimated quota increase based on immigration between July 1, 1924, and July 1, 1959, and probable 1960 census figures

Quota area	Immigrants admitted from quota areas[1] (1)	Percent from quota areas (2)	Annual quota in 1959 (3)	Increase in minimum quota (4)	Quota increase (5)	Total quota (6)
All quota areas	3,772,388	100.000	154,887	5,900	139,213	300,000
Europe	3,565,848	94.525	149,597	900	131,591	282,088
Albania	6,171	.164	100	100	228	428
Andorra	48	.001	100	100	1	201
Austria	51,226	1.360	1,405	------	1,893	3,298
Belgium	29,850	.792	1,297	------	1,103	2,400
Bulgaria	4,293	.114	100	100	159	359
Czechoslovakia	89,163	2.363	2,859	------	3,290	6,149
Danzig, Free City of	3,651	.097	100	100	135	335
Denmark	14,609	.387	115	------	539	654
Estonia	15,645	.415	566	------	578	1,144
Finland	95,162	2.522	3,069	------	3,511	6,580
France	823,446	21.828	25,814	------	30,387	56,201
Germany	639,082	16.941	65,361	------	23,584	88,945
Great Britain and Northern Ireland	70,571	1.871	308	------	2,605	2,913
Greece	83,226	2.206	865	------	3,071	3,936
Hungary	2,525	.067	100	100	93	293
Iceland	251,140	6.657	17,756	------	9,267	27,023
Ireland	385,929	10.257	5,666	------	14,279	19,945
Italy	44,315	1.175	235	------	1,636	1,871
Latvia	275	.007	100	100	10	210
Liechtenstein	39,365	1.044	284	------	1,453	1,837
Lithuania	2,368	.063	100	100	88	288
Luxembourg	203	.008	100	100	11	211
Monaco	76,358	2.024	3,136	------	2,818	5,954
Netherlands	72,696	1.927	2,364	------	2,683	5,047
Norway	319,175	8.461	6,488	------	11,779	18,267
Poland	27,448	.728	438	------	1,013	1,451
Portugal	34,203	1.013	289	------	1,410	1,699
Rumania	1,693	.045	100	100	63	263
San Marino	19,370	.513	250	------	714	964
Spain	78,081	2.070	3,295	------	2,882	6,177
Sweden	38,449	1.019	1,698	------	1,419	3,117
Switzerland	19,849	.526	225	------	732	957
Turkey						
Union of Soviet Socialist Republics	99,297	2.632	2,997	------	3,664	6,361
Yugoslavia	85,861	2.276	942	------	3,168	4,110
Asia	160,529	4.255	3,090	2,800	5,924	11,814
Afghanistan	154	.004	100	100	6	206
Arabian Peninsula	234	.006	100	100	8	208
Asia-Pacific			100	100	------	200
Bhutan	24	.001	100	100	1	201
Burma	520	.014	100	100	20	220
Cambodia	5	------	100	100	------	200
Ceylon	225	.006	100	100	8	208
China and Chinese persons	47,720	1.265	205	100	1,762	2,067
Quota area	Immigrants admitted from quota areas[1] (1)	Percent from quota areas (2)	Annual quota in 1959 (3)	Increase in minimum quota (4)	Quota increase (5)	Total quota (6)
Asia—Continued						
Guinea			100	100	------	200
India	5,944	.158	100	100	220	420
Indonesia	5,579	.148	100	100	206	406
Iran	4,579	.121	100	100	100	300
Iraq	2,813	.074	100	100	103	303
Israel	7,875	.209	100	100	291	491
Japan	45,335	1.202	185	------	1,674	1,859
Jordan	2,548	.068	100	100	95	295
Korea	5,614	.149	100	100	208	408
Laos	1	------	100	100	------	200
Lebanon	3,084	.082	100	100	114	314
Malaya, Federation of	232	.006	100	100	8	208
Muscat (Oman)	5	------	100	100	------	200
Nepal	11	------	100	100	------	200
Pakistan	795	.021	100	100	29	229
Palestine, Arab	6,548	.174	100	100	242	442
Philippines	19,483	.516	100	100	718	918
Saudi Arabia	49	.001	100	100	1	201
Thailand	319	.008	100	100	11	211
Vietnam	219	.006	100	100	8	208
Yemen	614	.016	100	100	22	222
Africa	22,538	.598	1,600	1,600	832	4,032
Cameroons (British)	29	.001	100	100	1	201
Cameroun (French)	18	.001	100	100	1	201
Ethiopia	343	.009	100	100	13	213
Ghana	106	.003	100	100	4	204
Liberia	317	.009	100	100	13	213
Libya	642	.017	100	100	24	224
Morocco	2,911	.077	100	100	107	307
Ruanda-Urundi	10	------	100	100	------	200
Somaliland	13	------	100	100	------	200
South-West Africa	128	.003	100	100	4	204
Sudan	163	.004	100	100	6	206
Tanganyika	116	.003	100	100	4	204
Togo	8	------	100	100	------	200
Tunisia	860	.023	100	100	32	232
Union of South Africa	4,172	.111	100	100	154	354
United Arab Republic	12,702	.337	100	100	469	669
Oceania	23,473	.622	600	600	866	2,066
Australia	17,257	.457	100	100	636	836
Nauru	7	------	100	100	------	200
New Guinea	30	.001	100	100	1	201
New Zealand	5,355	.142	100	100	198	398
Pacific Islands (Trust Territories)	464	.012	100	100	17	217
Samoa, Western	360	.010	100	100	14	214

[1] In addition, 1,803,773 immigrants were admitted from nonquota countries.

Mr. DIRKSEN. Mr. President, the bill does preserve the so-called national origins concept and modifies it in some particulars, so that instead of 154,000 immigrants a year the number is estimated at roughly 300,000 or a little more. I believe the breakdown of the figures will be extremely helpful to the Members in a discussion of this whole matter, and that the whole body of material should be at one place in the RECORD.

Mr. President, I introduce the bill and ask that it be appropriately referred.

The PRESIDING OFFICER (Mr. PROUTY in the chair). The bill will be received and appropriately referred.

The bill (S. 3225) to amend the Immigration and Nationality Act so as to modernize and liberalize the quota system and provide for the admission of persecuted peoples, and for other purposes, introduced by Mr. DIRKSEN (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the bill lie on the table for the rest of the day, in case other Members would like to join in sponsorship.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. JAVITS. Mr. President, I am very honored to be a cosponsor of the administration bill.

Mr. President, we seem to have almost a tacit acceptance of the fact that there is a roadblock in regard to immigration and that we shall not get anywhere—that the only thing we will be allowed to do are some peripheral things concerning orphans and concerning some refugees and escapees.

Mr. President, again I say, this is a time when the majority of the Senate has a chance to assert itself. I hope very much the majority will be fully informed that the administration backs a modern and intelligent approach to reform of the immigration law, which is unjust as it stands and defies our role as a world leader.

I hope very much, Mr. President, since we talk constantly about the fact that the majority will assert its will, that the majority will assert its will in respect to seeing that this measure is not roadblocked by whatever those in seats of control may feel about it.

Mr. KEATING subsequently said: I was very happy, Mr. President, to join with the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN]

as a cosponsor of the immigration bill which has been recommended by President Eisenhower. I hope to obtain recognition later in the day to say something more on this subject. I do not want to infringe upon the 3-minute rule.

Mr. President, allegations have been made on the floors of both bodies of Congress and elsewhere that this is purely a political move. That statement, in effect, was made yesterday on this floor. I challenged it at the time, and I pointed out repeated instances in which the President of the United States and the Attorney General have recommended specific action in this field, to modernize and to bring up to date our immigration laws, as well as to remove discriminatory features from our immigration laws.

I shall later in the day document this, because I have now received more information as to the specific times from 1952 to date when the attention of Congress has been called to this problem and action requested.

AMENDMENT OF SECTION 809 OF THE NATIONAL HOUSING ACT

Mr. SPARKMAN. Mr. President, I introduce, for appropriate reference, a bill to amend section 809 of the National Housing Act. This bill changes existing law to permit essential employees engaged in work of the National Aeronautics and Space Administration to obtain needed housing with the assistance of mortgage insurance by the Federal Housing Administration.

Section 809 was added to the National Housing Act in 1956 to help solve the housing problems of essential civilian employees of research and development installations of the military departments.

This program has been very helpful in areas surrounding Cocoa and Eglin Air Force Bases, Fla.; China Lake, Calif.; and Redstone Arsenal at Huntsville, Ala.

The program functions in this manner: First, the Secretary of Defense designates a base as a research and development installation; second, the Secretary then determines the housing requirements of the essential civilian employees of that installation, and on the basis of this determination issues certificates to essential employees needing housing; third, when the employee finds a home commensurate with his need, the certificate is presented to the FHA and the employee is eligible to obtain an FHA-insured loan; and fourth, the Secretary guarantees the FHA against loss on the transaction.

Thus far this program has worked very successfully. As of December 31, 1959, the Secretary had certified the need for 6,275 dwelling units at research and development installations, and had guaranteed the FHA against loss on loans made by approximately 3,355 essential civilian employees.

Administrative jurisdiction over certain research and development installations has been transferred from the Department of Defense to the National Aeronautics and Space Administration. While these transfers do not alter the intent of section 809 of the National Housing Act, it has been concluded by the housing agency and the Space Agency that this program as presently constituted would not be available to essential employees of the Space Agency at the installations so transferred. The reason for this conclusion is that the Administrator of NASA cannot certify eligible employees and cannot guarantee the FHA against loss; and the Secretary of Defense no longer has jurisdiction.

My amendment is designed to overcome this technical difficulty, so that essential civilian employees at installations transferred from the Defense Department to the National Aeronautics and Space Administration may use this program to obtain needed housing.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3226) to amend section 809 of the National Housing Act, introduced by Mr. SPARKMAN, was received, read twice by its title, and referred to the Committee on Banking and Currency.

INCREASED PENALTY FOR GIVING FALSE INFORMATION CONCERNING DESTRUCTION OF AIRCRAFT AND MOTOR VEHICLES

Mr. BUTLER. Mr. President, I have had my attention recalled to a problem which has been a thorn in the side of the aircraft industry for some number of years—that of the bomb hoax.

During the 1st session of the 85th Congress, I introduced a bill, S. 1963, which would raise the penalty from a $1,000 fine or 1 year in jail, or both, to a $5,000 fine or 5 years in jail, or both, for persons convicted of knowingly giving false information concerning the destruction of aircraft or motor vehicles. That bill was passed by the Senate on May 21, 1958, but died in the House Judiciary Committee.

S. 1963 was prompted by the increasing number of instances in which individuals—pranksters primarily—had given false or misleading information relating to the presence of bombs on airplanes with a resultant disruption of the orderly operation of the aircraft carrier. Such reports cause a serious inconvenience to the air carrier and those utilizing the service—not to mention the added expense involved.

I have been informed by the members of the industry that the bomb-hoax problem is as prevalent today as it ever was, if not more so. The problem was apparently unheard of prior to about 5 years ago. When the incidents began, there was no penalty for the action, but Congress soon filled that void when on July 14, 1956, it passed Public Law 709. That law provided for the present penalty of 1 year in jail or a $1,000 fine, or both. While the imposition of the penalty served as a deterrent, it was apparently inadequate since the hoaxes did continue. From September 1957, through December 1959, there were 142 hoax incidents, an average of 5 per month. In January of this year, however, there were 16 instances. This presents an intolerable situation as the inconvenience of a hoax every other day can readily be seen.

The problem of how to combat the situation, however, is, to say the least, most difficult. Both the airlines and the national news media have made efforts, as has the Congress of the United States.

The airlines have educated their employees on the problem so that they will remain constantly alert for possible infractions. They have even given awards to certain employees who have, as a result of their alertness, caused the arrest and conviction of violators.

There is little doubt that the hoaxer thrives in the bright glare of publicity. The FBI, police officials, and psychiatrists all agree that for a hoaxer to be satisfied, he must read of his dirty work, or hear it described over radio or TV.

Most news media understand this and have cooperated wholeheartedly by either not carrying stories of a hoax, or if they did carry the story, they were careful to include the fact that there is a penalty attached. And when the hoaxer has been apprehended, the media have often given good coverage to the proceedings, operating on the theory that this will serve as an example that hoaxes just do not pay.

In fact, in the long run, the news media of the Nation are the single most critical factor in the diminution of the hoax problem.

There is general agreement that if every newspaper, every radio station, and every TV station, agreed with one single accord not to carry a line about a hoax—and this includes not only hoaxes about commercial airlines, but also about schools, churches, and so forth—the hoaxer would curtail severely his activity.

There have been encouraging signs that the news media are becoming increasingly aware of the problem and are taking definite steps to erase the hoaxer by the simple means of ignoring him.

Certainly the news media are to be commended for their interest in the problem, and it reaffirms the belief that we all have in the integrity of the Nation's newspapers, wire services, broadcasting stations, and networks.

While it is desirable to eliminate or minimize publicity on bomb hoaxes themselves, at the same time it is necessary that potential hoaxers be made aware of the seriousness of this crime which is already a violation of Federal law. Moreover, it seems clear in view of the severity of the problem that there must be a correspondingly severe penalty.

Only yesterday, within 2 hours of the tragic explosion of a plan over Indiana, a bomb hoax was reported at Chicago's Midway Airport, causing passengers needless worry, police needless work, and airlines needless delay and expense.

These bomb hoaxers must be made to understand that they are not playing a game but committing a serious crime.

I am, therefore, at this time reintroducing my bill to raise the penalties to $5,000 or 5 years in jail, or both, and urging speedy action by the Judiciary Committee with the hope that the increased penalty, and publication thereof, will act as a deterrent to those who engage in this type of vicious activity.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3230) to amend section 35 of title 18 of the United States Code so as to increase the punishment for knowingly giving false information concerning destruction of aircraft and motor vehicles, introduced by Mr. BUTLER, was received, read twice by its title, and referred to the Committee on the Judiciary.

DEPARTMENT OF COMMERCE APPROPRIATION BILL, 1961—AMENDMENT

Mr. SPARKMAN. Mr. President, on behalf of myself, the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Montana [Mr. MURRAY], the Senator from Utah [Mr. Moss], and the Senator from Kentucky [Mr. COOPER], I submit an amendment, intended to be proposed by us, jointly, to H.R. 10234, the bill making appropriations for the Department of Commerce and related agencies for the fiscal year 1961.

The purpose of the amendment is to include an appropriation of $2,080,000 for the program of grants for studies, research and counseling under section 7(d) of the Small Business Act.

Section 7(d) of the Small Business Act, as amended by the Small Business Investment Act of 1958, provides for a program of grants to any State government, or any agency thereof, State-chartered development credit or finance corporations, land-grant colleges and universities, and colleges and schools of business, engineering, commerce, or agriculture for studies, research, and counseling concerning the managing, financing, and operation of small business enterprises. The act provides that no grant shall exceed $40,000 annually and that only one grant shall be made in any State.

The Small Business Administration included in its 1961 submission to the Bureau of the Budget a request for an appropriation of $2,080,000 for this program, which was denied. According to a letter dated February 10, 1960, addressed to the Senator from Arkansas [Mr. FULBRIGHT] by the Administrator of SBA, "the administration's decision on this matter reflected doubts as to the intrinsic value of the program relative to other demands on the budget and the view that further funding of the program should be deferred until the results of the 1959 program were available and could be evaluated."

Curiously enough, however, the President's Economic Report, chapter 4, "A Legislative Program for 1960," under the subchapter entitled "Small Business," lists this program as one of several small business programs which also contribute to the competitive quality of our enterprise economy. In other words, the President's Economic Report gives no indication that the program is to be allowed to expire and, on the contrary, cites it as one of the beneficial administration programs contributing to the economy.

As I have indicated above, this program had its inception in the bill which became the Small Business Investment Act of 1958. Senators will recall that this bill, in various forms, had been pending before the Congress for about a decade. The Senate Committee on Banking and Currency finally approved the bill on the basis of a thorough study by the Federal Reserve Board and after extensive hearings. In the course of these studies and hearings, information was developed that two of the most important needs of the small business segment of the economy were first, access to long-term aid equity capital and second, improved management. The bill which was then reported was designed to approach both of these needs, first by chartering and assistance in the financing of small business investment companies and State and local development companies, and second by providing for a program which would assist small business concerns in improving management.

In the long run it is quite possible that the contributions which this program can make toward improved management of small business concerns may well be more important than the assistance which the bill gives to access to long-term and equity capital.

Often a small business enterprise is created by a person or a group of persons who may be quite capable in one line of business endeavor, but who have not the time nor the resources to develop all the talents and to acquire all the knowledge necessary to a growing enterprise in a competitive economy. Often financial difficulties of these companies have resulted from a management or technical deficiency which additional funds alone could not solve. While large businesses may overcome these difficulties by hiring executives or obtaining professional advice, small businesses are often not able to do so, and even when able, may not be informed as to the type and accessibility of the assistance which they need. While there are many Federal Government programs such as those of the Department of Commerce and the Small Business Administration itself, and there is a vast body of information available locally, there is great difficulty in bringing this information to bear on a particular business problem at the proper time. Conceivably, this program of research and counseling in small business problems could be as fruitful to this segment of our economy as the program of agricultural research and extension has been to the farm economy. At any rate, I know it is a very promising step forward.

In the bill which became the Small Business Investment Act of 1958, this program of grants for studies, research, and counseling was to have been financed from funds which had been held by Federal Reserve banks under section 13(b) of the Federal Reserve Act. This amount of approximately $27.5 million had been provided many years ago, not from appropriated funds but, through a rather complicated process, which I shall not attempt to describe here, through the repayment to Federal Reserve banks of their subscription to the capital stock of the FDIC. The fund was held under section 13(b) of the Federal Reserve Act as a program for small business lending by the Federal Reserve banks. As it had never been an appropriated fund, and had been devoted largely to the benefit of small business, the committee thought it proper to transfer the fund to this program. It was believed that the program required continuity. However, in the Commerce Department appropriation bill for 1960 the Committees on Appropriations rescinded the fund and provided that the remaining sum, after fiscal year 1960, be covered into the Treasury—Public Law 86-88. This action, while probably not intended, had the effect of leaving SBA without authority for appropriations to finance the grants after fiscal 1960.

The Subcommittee on Small Business, under the chairmanship of the Senator from Wisconsin [Mr. PROXMIRE], reopened the question of reauthorizing the program in hearings held in June and July of 1959. As a result, S. 2612—Public Law 86-367—was enacted authorizing the continuation of the program on an appropriated basis.

I mention this history to indicate there is authority for this appropriation and to emphasize the fact that the Committee on Banking and Currency has twice gone into the matter very carefully, and has twice authorized the program. There is now pending before the Committee on Banking and Currency a bill in the form of a committee print, which has been reported by the Small Business Subcommittee to the full committee, making other changes in the program. For example, it permits matching of funds provided in the program by grantees and, under certain circumstances, requires matching. It also permits two or more eligible grantees to form a corporation to receive grants and to enable the coordination desired in some States by two or more of the eligible grantees.

Of the approximately 4½ million small business firms in the United States, hundreds go out of business every year. Not all of them are bankrupt, but many go out of business due to the retirement of owners, inability to obtain adequate management to carry on the business profitably, and for many other reasons. For those business concerns that are on a going basis, however, the need for facts to assist the managers to make wise and correct decisions is very great. Big, established organizations usually have adequate financial resources upon which they can draw for research, technical assistance, and counseling. Small concerns in most cases do not have such resources, yet they must compete with larger firms.

Dun & Bradstreet lists poor management as the leading cause of business failures. In a study of 9,162 business failures during 1950, Dun & Bradstreet found that over 85 percent of the underlying causes were those ascribed to poor management. Many of these cases could have been avoided if the managers had possessed more accurate facts upon

which to rely in the management of their organizations. A program of grants of up to $40,000 in each State, of course, will not cure all the management deficiencies of our small business economy. However, there is a great deal of evidence in hearings before the Committee on Banking and Currency that this fund, under the administration of the SBA, can serve as a catalytic agent in devising plans and programs within States which can themselves give a great deal of impetus to better management. For example, the fund, if matched by the recipient agency, can provide a framework under which colleges, universities, State development agencies or departments of commerce, State chambers of commerce, banks, and local development corporations can each make intelligent and practical contributions to better management of small businesses within the State.

A framework for a Federal-State relationship for research and counseling with business can be created whereby much information at both the Federal and State levels may be channeled into effective use by local groups.

It would be a great mistake to terminate this program after only 2 years' operation; that is, in fiscal years 1959 and 1960. Most of the grants which have been made so far have been for the purpose of research.

I ask unanimous consent that there may be printed in the RECORD at this point a list showing the grants made in fiscal 1959. This list indicates the recipient, the amount, and the title of the research projects.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LIST OF GRANTS IN FISCAL 1959

GRANTEES, 1959—SMALL BUSINESS RESEARCH GRANT PROGRAM

1. Alabama, $40,000.
Grantee: University of Alabama, University, Ala.
Project director: Paul W. Paustian.
Title of research project: "A Proposal To Investigate the Prevalence of Small Business in the Alabama Economy and To Study the Problems of Small Business in Selected Fields of Operation."

2. Alaska, $28,573.
Grantee: University of Alaska, College, Alaska.
Project director: Vernen R. Kiely.
Title of research project: "Wholesale-Retail Functions and Warehouse Facilities in Fairbanks and Anchorage, Alaska: The Development and Possibilities for Expansion."

3. Arizona, $36,860.
Grantee: Arizona State University, Tempe, Ariz.
Project director: William A. Nielander.
Title of research project: "Basic Patterns of Operation of Selected Small Business in Arizona."

4. Arkansas, $40,000.
Grantee: University of Arkansas, Little Rock, Ark.
Project director: John M. Peterson.
Title of research project: "Studies of Small Business Problems in Major Arkansas Industries: (1) Marketing Prospects in Major Arkansas Industries; (2) Economic Problems of Arkansas Sawmills; (3) Management Staffing Needs in Sawmills; (4) Business Budgeting for Independent Department Stores."

5. California, $40,000
Grantee: San Diego State College, San Diego, Calif.
Project director: Charles W. Lamden.
Title of research project: "A Study of the Problems of Small Electronics Manufacturing Companies in Southern California."

6. Colorado, $40,000
Grantee: University of Colorado, Boulder, Colo.
Project director: L. J. Crampon.
Title of research project: "(1) Informational Needs and Problems of Small Businesses in the Mountain States; (2) Management Case Studies of Small Business Operation in the Mountain States; (3) The Generation and Selection of New Product Ideas for Small Manufacturers in the Mountain States."

7. Connecticut, $40,000.
Grantee: University of Connecticut, Storrs, Conn.
Project director: L. J. Ackerman.
Title of research project: "Problems of Manufacturers in Connecticut and Effects of Shopping Centers on Small Retailers: (1) Mortality Experiences in Connecticut Manufacturing Establishments; (2) Personnel Factors in Manufacturing Plant Location in Metropolitan Hartford, Conn.; (3) Highways as a Factor in the Location of Small Manufacturing Business in the Hartford Area.
(4) Relocation of Business and Industry from Renewal Areas in Connecticut.
(5) Behavior Patterns and Attitudes in the use of External Assistance by Small Manufacturers in the Hartford Area.
(6) Some Effects of the Growth of Planned and Controlled Shopping Centers on Small Retailers."

8. Delaware, $40,000.
Grantee: University of Delaware, Newark, Del.
Project director: Robert L. Bull.
Title of research project: "Success Factors in the Management of Small Food Wholesaling and Retailing Businesses."

9. District of Columbia, $39,905.
Grantee: George Washington University, Washington, D.C.
Project director: A. M. Woodruff.
Title of research project: "Management Advisory Requirements for Small Business Firms: (1) The Need for Management Assistance as Seen Through Analysis of the Experience of 500 New Proprietors; (2) The Need for an Availability of Counseling as Seen Through the Experience of a Structured Sample of 300 Service Agencies."

10. Florida, $40,000.
Grantee: Florida Development Commission, Tallahassee.
Project director: William C. Shelton.
Title of research project: (1) Popularization of Small Business Research; (2) Case Studies in the South Florida Construction Industry.

11. Georgia, $30,705.
Grantee: Georgia Institute of Technology, Atlanta.
Project director: Ernest W. Swanson.
Title of research project: "Identification and Evaluation of Problems and Needs of Small Manufacturing Management."

12. Hawaii, $39,215.
Grantee: University of Hawaii, Honolulu.
Project director: Harold S. Roberts.
Title of research project: "A Study of Business Needs in Hawaii as Compared With Business Failures During the Last 10 Years."

13. Idaho, $7,465.
Grantee: Idaho State College, Pocatello.
Project director: Frank D. Seelye.
Title of research project: "Revenue Quality Control for Motor Common Carriers."

14. Illinois, $38,211.91.
Grantee: University of Chicago, Chicago.
Project director: Michael Gort.
Title of research project: "The Characteristics of Industries and the Economics of Firm Size."

15. Indiana, $40,000.
Grantee: Indiana University, Bloomington.
Project director: S. F. Otteson.
Title of research project: "Adaptation and Development of Management and Financial Controls for Small Business Operations."

16. Iowa, $39,900.
Grantee: State University of Iowa, Iowa City.
Project director: C. Woody Thompson.
Title of research project: "An Interindustry Analysis and Management Audit of the Small Manufacturing Industry in Iowa."

17. Kansas, $39,905.
Grantee: University of Kansas, Lawrence.
Project director: H. K. L'Ecuyer.
Title of research project "Management Strategy in Establishment Sizes Operated by Both Independent and Centrally Controlled Companies."

18. Kentucky, $40,000.
Grantee: University of Kentucky, Lexington.
Project director: James W. Martin.
Title of research project: "An Evaluation of Key Decisions of Small Businesses, With an Emphasis on the Quantitative and Economic Concepts Used in Reaching Those Decisions."

19. Louisiana, $32,329.
Grantee: Louisiana Department of Commerce and Industry, Baton Rouge.
Project director: P. F. Boyer.
Title of research project: "(1) A Guide to Proper Management Planning for Small Business; (2) Determination of the Educational Needs for Small Business Management; (3) Selecting, Developing, and Utilizing Competent Executives into Small Businesses; (4) Adaptive Behavior by Small Businessmen."

20. Maine, $40,000.
Grantee: Maine State Department of Economic Development, Augusta.
Project director: Sulo J. Tani.
Title of research project: "A Survey of Maine's Potentials for Economic Growth: (1) A Study To Review the Current Economic Status of the State of Maine and To Project Areas of Opportunities That Exist for Small Business Enterprises; (2) A Study of the Vacation Industry in Maine; (3) Sources and Availability of Funds to Small Manufacturing Firms in Maine."

21. Maryland, $35,525.
Grantee: Washington College, Chestertown, Md.
Project director: George Soule.
Title of research project: "Small Business in Food Processing, Distribution, and Retailing on the Eastern Shore of Maryland: A Study of Competition With Large Concerns and the Impact of Vertical Integration."

22. Massachusetts, $39,933.75.
Grantee: Babson Institute, Babson Park, Mass.
Project director: Edward Handler.
Title of research project: "Small Business and Large Unions."

23. Michigan, $39,986.
Grantee: University of Michigan, Ann Arbor.
Project director: William M. Hoad.
Title of research project: "A Continuing Analysis of the Management Factors Contributing to the Success or Failure of New Small Businesses (Manufacturing)."

24. Minnesota, $40,000.
Grantee: University of Minnesota, Minneapolis.
Project director: D. C. Basil.
Title of research project: "Basic Planning for Small Business: (1) Management Development as Part of Basic Planning; (2) Transportation Function of Management; (3) Forecasting in Basic Planning; (4) Market Research in Basic Planning; (5) 'Pattern' Collective Bargaining—Emphasis on Iron Ore Mining and Steel Fabrication; (6) Basic Financial Planning; (7) Planning Organization Structure During Periods of Growth."

25. Mississippi, $40,000.
Grantee: Mississippi Industrial Research Center, Jackson.
Project director: W. Paul Brann.
Title of research project: "Industrial Opportunities for Small Business To Utilize Mississippi's Forest Resources: (1) The Availability, Ownership, Volume, and Characteristics of Forest Resources in Mississippi for New and Expanded Small Manufacturing Industries; (2) Marketing Charcoal Produced in Mississippi; (3) The Potential for Furniture Manufacturing in Mississippi."

26. Missouri, $40,000.
Grantee: Missouri Division of Resources and Development, Jefferson City.
Project director: Richard E. O'Brien.
Title of research project: "The Communication and Information-Gathering Techniques and Behavior of the Small Businessman."

27. Montana, $40,000.
Grantee: Montana State Planning Board, Helena.
Project director: P. F. Roys.
Title of research project:
1. "Research on Operating and Marketing Problems of Small Business Enterprises Engaged in Lead and Zinc Mining."
2. "Analysis of Expansion and Diversification Possibilities for Existing Small Manufacturing Concerns in the State of Montana."
3. "An Investigation of the Training Requirements of Small Business With Regard to the Educational Needs of Prospective Employees."
4. "Research on Small Business Success and Failure in a Natural Resource Economy."

28. New Hampshire, $40,000.
Grantee: New Hampshire State Planning and Development Commission, Concord.
Project director: Charles L. Grangle.
Title of research project: "A Study of the Small Business Sector of the Economy of New Hampshire To Determine the Necessary Economic Climate To Encourage Further Small Business Development."

29. New Jersey, $40,000.
Grantee: New Jersey Department of Conservation and Economic Development, Trenton.
Project director: Joel H. Sterns.
Title of research project: "Defining Problems of Small Business in New Jersey: (1) An Analysis of the Financial Problems of New Jersey's Small Manufacturers; (2) An Analysis of the Financial Problems of the Small Independent Distributors in New Jersey; (3) Direct Investigation Into the Problem of Small Business; (4) An Analysis of the Changing Patterns in New Jersey Retail Businesses."

30. New Mexico, $30,864.
Grantee: University of New Mexico, Albuquerque.
Project director: Ralph L. Edgel.
Title of research project: "Expansion of Food Manufacturing in New Mexico."

31. New York, $40,000.
Grantee: Syracuse University, Syracuse.
Project director: Donald H. Davenport.
Title of research project: "An Evaluation of the Interrelationships Between Large Manufacturers and Small Suppliers."

32. North Carolina, $39,805.
Grantee: Duke University, Durham.
Project director: F. Hodge O'Neal.
Title of research project: "Research in the Legal and Economic-Legal Aspects of Small Business Planning."

33. North Dakota, $40,000.
Grantee: University of North Dakota, Grand Forks.
Project director: R. D. Koppenhaver.
Title of research project: "(1) Industrial Market Potentials for Selected North Dakota Agricultural Commodities; (2) The Development of Accounting and Statistical Data for Small Business Management."

34. Ohio, $40,000.
Grantee: The Ohio State University Research Foundation, Columbus.
Project director: James C. Yocum.
Title of research project: "Adaptation of Manualized Business Procedures to Small Business Needs."

35. Oklahoma, $40,000.
Grantee: Oklahoma Department of Commerce and Industry, Oklahoma City.
Project director: Raymond D. Thomas.
Title of research project: "(1) Factors Which Determine the Economic Survival of Small Business Firms in Several Important Industries and Trades in Oklahoma; (2) Factors Which Should Determine the Location of Small Retail Firms; (3) Factors Which Determine the Managerial Efficiency and Profitableness of Small Business Organizations in the Motor Freight Industry; (4) Factors Which Determine the Opportunities for Small Business in Areas Experiencing Development of Inland Water Resources."

36. Oregon, $34,480.
Grantee: The University of Oregon, Eugene.
Project director: Wesley C. Ballaine.
Title of research project: "An Appraisal of Risk Management in Small Retailing Establishment."

37. Pennsylvania, $40,000.
Grantee: Temple University, Philadelphia, Pa.
Project director: Nathaniel Jackendoff.
Title of research project: "An Exploratory Survey of Financial Ratios and Other Business Services With Special Attention to Their Application to Problems of Small Business."

38. Rhode Island, $40,000.
Grantee: Brown University, Providence, R.I.
Project director: Kurt B. Mayer.
Title of research project: "Some Economic and Sociological Factors Influencing the Distribution of Business Firms by Size: I. The Effect of Suburbanization on the Size and Growth of Small Business Establishments; and II. Critical Internal and External Aspects of the Financial Management of Business Firms Affecting Size and Growth."

39. South Carolina, $30,010.
Grantee: University of South Carolina, Columbia.
Project director: Olin S. Pugh.
Title of research project: "Financial Management Problems of Single Unit Firms in South Carolina."

40. South Dakota, $35,420.
Grantee: State University of South Dakota, Vermillion.
Project director: R. F. Patterson.
Title of research project: "Some Basic Problems of Small Business in South Dakota: An Appraisal and Possible Solutions (1) Financing Small Business in South Dakota: Retailing, Service, Wholesaling, and Small Manufacturing; (2) Small Business in South Dakota To Be Affected by Proposed Superhighways in South Dakota."

41. Texas, $40,000.
Grantee: University of Houston, Houston.
Project director: Paul H. Rigby.
Title of research project: "A Study of Decisionmaking Processes in the Small Business Firm."

42. Utah, $40,000.
Grantee: University of Utah, Salt Lake City.
Project director: Osmond L. Harline.
Title of research project: "Evaluation of the Use and Impact of (1) Informational Aids, and (2) Government-Sponsored Financial Assistance Programs Available to Small Business."

43. Vermont, $25,000.
Grantee: Vermont Development Commission, Montpelier.
Project director: John M. Thompson.
Title of Research project: "Sample Survey of Small Business Operations in Vermont."

44. Virginia, $40,000.
Grantee: University of Virginia, Charlottesville.
Project director: Lorin A. Thompson.
Title of research project: "A Proposal on Small Business Training and Development: (1) Study—Administrative and Management Problems of Small Business; (2) Analysis of Trends in Sales Volume for Major Classes of Retail Business."

45. Washington, $40,000.
Grantee: University of Washington, Seattle.
Project director: Warren W. Etcheson.
Title of research project: "Problems of Small Business in Washington: (1) Financing Small Business: Survey of Credit and Capital Sources in Washington State; (2) Regulation of Retail Competition in Washington; (3) Factors Affecting the Growth of Small Manufacturing Enterprises; (4) An Analysis of Business Terminations; (5) Pricing Policies and Practices of Small Manufacturers in Washington."

46. West Virginia, $13,800.
Grantee: West Virginia University, Morgantown.
Project director: James H. Thompson.
Title of research project: "Methods of Plant Site Selection Available to Small Manufacturing Firms."

47. Wisconsin, $40,000.
Grantee: Division of Industrial and Port Development, State of Wisconsin, Madison.
Project director: James S. Earley.
Title of research project: "Problems of Financing Growth of Wisconsin Small Business" (a research project to determine sources of funds for small- and medium-size Wisconsin companies and whether there is significant variation in the rates of growth of companies of various sizes and industry classification, including a study of demised, merged, and relocated companies).

48. Wyoming, $34,950.
Grantee: University of Wyoming, Laramie.
Project director: Floyd K. Harmston.
Title of research project: "An Investigation Into Problems Peculiar to Small Businesses in Wyoming and the Rocky Mountain Area: (1) An Investigation To Determine the Management and Administrative Problems Encountered by the Owners and Managers of Small Business Units; (2) A Time and Duty Study of Retail Sales Personnel; (3) A Study of ICC 1 percent Waybill Data To Determine Existing Markets for Various Commodities."

49. Puerto Rico, $40,000.
Grantee: Economic Development Administration, San Juan.
Project director: Morris Moses.
Title of research project: "The Removal of Obstacles to the Growth of Small Locally Owned Manufacturing Firms in a Newly Developing Industrial Area."

50. Nebraska, $15,392.
Grantee: University of Nebraska, Lincoln.
Project directors: Clifford M. Hicks and Harold E. Wise, associate dean, graduate college, and deputy research administrator.
Title of research project: "Problems in the Sale of an Interest in a Small Business Proprietorship As Influenced by the Federal Income Tax Laws and Retail Store Hour Survey in all of the Nebraska Towns of 10,000 to 25,000 Population."

51. Nevada, $32,213.30.
Grantee: University of Nevada, Reno.
Project director: Robert C. Weems, Jr.
Title of research project: "The Extent of Retail Advertising as a Management Tool—Its Scope and Importance in Small Business."

52. Tennessee, $40,000.
Grantee: Tennessee Polytechnic Institute, Cookeville.
Project director: Louis Johnson, Jr.

Title of research project: "Investigation of the Marketing and Management Practices of Selected Small Businesses":
(1) "Newly Developed Industry."
(2) "Long-Established Industry."

Mr. SPARKMAN. Mr. President, the great hope of the program, as I have indicated, is that as it continues to operate, it may serve as a catalyst for the development of a permanent Federal-State relationship which will devise greater means for not only research, but also for the use of that research, and the technical assistance and know-how which is already available, in a form and at a time when the individual small businessman can and will make greatest use of it. The program, in other words, will not be confined simply to research, but the development of organizations and techniques for getting the research used. This cannot be done if the program is allowed to expire after only 2 years which have been largely confined to research programs.

I also ask unanimous consent that there be printed at this point in the RECORD an excerpt from Senate Report No. 834 dealing with this subject.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPT FROM SENATE REPORT NO. 834

2. GRANTS FOR STUDIES, RESEARCH, AND COUNSELING

Section 7(d) of the Small Business Act, as amended by the Small Business Investment Act of 1958, provides for a program of "grants to any State government, or any agency thereof, State-chartered development credit or finance corporations, land-grant colleges and universities, and colleges, and schools of business, engineering, commerce, or agriculture for studies, research, and counseling concerning the managing, financing, and operation of small-business enterprises."

The last sentence of the subsection reads: "Such grants shall be made from the funds established in the Treasury by section 602(b) of the Small Business Investment Act of 1958."

This fund was derived from moneys which had been held by Federal Reserve banks under section 13(b) of the Federal Reserve Act.

Public Law 86-88, appropriations for the Department of Commerce (which includes appropriations for SBA), rescinded the unobligated balance of this fund as of June 30, 1959, except that $2,080,000 was made to remain available for grants in fiscal 1960. Thus, this action had the effect of leaving the SBA without authority for appropriations to finance the grants after fiscal 1960. This bill, by deleting the last sentence of section 7(d) of the Small Business Act, provides authority for appropriations under section 20 of the Small Business Act which contains general authority for appropriations to carry out the purposes of the act.

Administration of the program of grants for studies, research, and counseling

As indicated above, section 7(d) of the Small Business Act provides for a program of "grants to any State government, or any agency thereof, State-chartered development credit or finance corporations, land-grant colleges and universities, and colleges and schools of business, engineering, commerce, or agriculture for studies, research, and counseling concerning the managing, financing, and operation of small-business enterprises."

In recommending the enactment of this program in an amendment to the Small Business Act in 1958, the committee was impressed by testimony describing a program for assisting small businesses in a direct and timely manner by providing case studies and on-the-spot counseling concerning particular and sometimes local problems of a business or group of businesses. The language of the law is sufficiently broad to cover this type of activity. However, the Small Business Administration in its regulations under the section has interpreted the word "counseling" so as virtually to exclude direct contact between the grantee and small-business concerns.

The Small Business Administration's interpretation generally confines the program to one of grants for research into the problems of small business. While the committee does not deprecate the importance of research, it was favorably impressed at the hearings on this matter, held on July 28, 1959, with description of a variety of programs which could be developed by State and local agencies and institutions for utilizing the grant funds. The committee believes that the program can be most useful if it encompasses different types of programs developed locally to meet different needs in the various States.

Some of these programs may involve one or more of the concepts of research, case studies, and counseling. Some of them may involve associations of two or more eligible grantees, in order that combinations of studies, research, and counseling may be undertaken. They may be developed in such a way that opportunities for study and counseling may arise when small businessmen seek financial assistance from private lenders, the Small Business Administration, small-business investment companies, and State and local development credit or finance companies.

The committee understands that this approach may create administrative difficulties for the Small Business Administration in allocating the grants and in supervising the programs. Nevertheless, the committee feels that the State programs should be allowed to develop with a maximum of flexibility and local ingenuity and control. The committee also believes that in the development of programs for counseling, particularly, continuity of a program is desirable so long as it is consistent with proper safeguards to protect the interests of the Federal Government.

The committee also considers that the SBA should use its discretionary authority to require matching funds to the extent that the State programs provide for counseling, in order that the funds for this type of program may be increased.

As indicated in its testimony, SBA believes undue emphasis on counseling may tend to replace research and, in general, it believes research projects at this time are more desirable than counseling projects. However, it has stated a willingness to make grants to finance counseling on a limited basis as an experimental program to determine what types of counseling are most productive and valuable to small business, how counseling best can be fostered without destroying the research aspects of the program, and how it can be done efficiently and economically.

This program is not inconsistent with the views of the committee as stated above. The committee agrees with this approach to the problem; that is, in the initial stages, pending further evaluation, the programs of counseling grants are to be considered experimental, and confined to a relatively few States, to determine what types of counseling are most helpful to small business. When these programs have been evaluated by SBA and the Congress, further legislative changes may be considered.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table.

PRINTING OF REVIEW OF REPORTS ON WILMINGTON HARBOR (CHRISTINA RIVER), DEL. (S. DOC. NO. 88)

Mr. CHAVEZ. Mr. President, I present a letter from the Secretary of the Army, transmitting a report dated February 9, 1960, from the Chief of Engineers, Department of the Army, together with accompanying papers and an illustration, on a review of reports on Wilmington Harbor (Christina River), Del., requested by resolutions of the Committee on Public Works, adopted March 18, 1953, and February 14, 1955. I ask unanimous consent that the report be printed as a Senate document, with an illustration, and referred to the Committee on Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF TARIFF ACT OF 1950, RELATING TO QUOTAS FOR, AND IMPOSITION OF DUTY ON, IMPORTATION OF SHRIMP—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of March 15, 1960, the names of Senators TALMADGE, HOLLAND, MAGNUSON, KERR, GRUENING, and BARTLETT, were added as additional cosponsors of the bill (S. 3204) to amend the Tariff Act of 1930 to provide for the establishment of country-by-country quotas for the importation of shrimps and shrimp products, to impose a duty on all unprocessed shrimp imported in excess of the applicable quota, and to impose a duty on processed shrimp and prohibit its importation in excess of the applicable quota, introduced by Mr. ELLENDER (for himself, Mr. LONG of Louisiana, Mr. EASTLAND, Mr. STENNIS, and Mr. YARBOROUGH) on March 15, 1960.

SUPPLEMENTAL APPROPRIATION BILL, 1960—ADDITIONAL COSPONSORS OF AMENDMENT

Under authority of the order of the Senate of March 17, 1960, the names of Senators GRUENING and BARTLETT were added as additional cosponsors of the amendment submitted on March 17, 1960, by Mr. KUCHEL (for himself and Mr. ENGLE) to the bill (H.R. 10743) making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. LONG of Hawaii:

Article entitled "Hawaiians Have Enjoyed Billboard Ban 33 Years, and Profited by It," written by Milton Britten and published in the Memphis Press-Scimitar of February 6, 1960.

By Mr. Young of North Dakota:

Letter to Mr. G. R. Milburn, president of the American National Cattlemen's Association; article entitled "Intensive Study of Food Urged," published in the New York Times of today, March 18, 1960; and testimony of J. C. Wetzler and A. P. Davies before House Appropriations Subcommittee on Agriculture.

THE FILIBUSTER HAS YIELDED SOME GOOD—ARTICLE ON ADDRESS BY SENATOR ROBERTSON

Mr. RUSSELL. Mr. President, during the course of the 5-week fight we have waged here to preserve constitutional government in this country, many excellent speeches have been made, and a few great speeches have been made in this body. Some of them have been equal to any that have ever resounded in this Chamber and have been in the very best traditions of the Senate.

Unfortunately, many of these speeches have not been widely publicized, and they have been enjoyed only by the exceedingly small group of people who regularly read the CONGRESSIONAL RECORD.

Among the outstanding speeches was one which the Senator from Virginia [Mr. ROBERTSON] made on the 8th of March.

Mr. Holmes Alexander, a careful student of history and of the proceedings in this body, and, I may say, one of the fairest members of the fourth estate, has written an article about Senator ROBERTSON and his great oratorical effort dealing with one of the most important of all civil rights, namely the right of a man to face a jury of his peers before he is punished.

The article appeared in the Richmond News Leader of Thursday, March 17, 1960. I heartily concur in the sentiments which Mr. Alexander expresses in respect to the address by the Senator from Virginia; and I ask unanimous consent that the article by Mr. Alexander be printed in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Richmond News Leader, Mar. 17, 1960]

FILIBUSTER HAS YIELDED SOME GOOD

(By Holmes Alexander)

"There is another advantage annexed to the trial by jury; the jurors may indeed return a mistaken or ill-founded verdict, but their errors cannot be systematical"—James Wilson, of Pennsylvania (1742-98).

In the darkest-before-dawn hours of March 8 Senator WILLIS ROBERTSON, Democrat, of Virginia, nearly a half-century man in our courts and legislatures, was delivering "the best address I ever made."

Tall, rugged, learned, forthright, courteous, ROBERTSON could have been one of his own early American heroes—Jefferson, Marshall, Mason, Henry, Washington—and he was pleading their favorite cause: Justice under law.

But the Old Dominion's junior Senator was also enacting two immutables in human history. Irony, it seems, never fails in man's affairs. Here was ROBERTSON, aged 72, a candidate for reelection to the Senate, and he had to make what he considered his best speech to empty seats on the floor and in the galleries.

But the other big unchangeable here involved—personal and institutional integrity—was in his favor. It would have been far easier for him to filibuster with a claptrap, jerrybuilt speech, piously reading from the Bible or the Federalist papers. "Conscience," H. L. Mencken used to say, "is the fear somebody is looking." But hardly anybody was looking, and almost nobody was listening to ROBERTSON. The Senator could have gotton away with hogwash, instead of doing himself and the Senate this unsung credit.

His speech was prepared, annotated, and delivered like a brief for delivery before the U.S. Supreme Court. It was a scholar's advocacy for the principle of the right of jury trial, as against injunctive procedures by seated authority. The speech is printed in the CONGRESSIONAL RECORD and this is no place to digest it. But the main points of his argument seem to be these: that speed and efficiency, though we often gnash our teeth at their opposites, are not the main purposes of government; and that the surest way to civil disaster is to permit the sovereign of any nation, rather than a jury of his peers, to inflict criminal punishment upon an individual citizen.

Not many Americans, scanning the headlines or catching the evening TV summaries, have a chance to know the constructive side of the monthlong filibuster. The occasion has brought out the best on both sides, or more correctly, on all sides, because there are many shades of opinion in the Senate. Far from needing to feel apologetic before the world, we have seldom deserved the decent opinion of mankind for better reasons than the highminded debate of this hair trigger subject.

This opinion, I am convinced, will be the general one as we look back upon the 1960 civil rights Senate battle, but there seems some value in offering it while the guns have not yet cooled. By all existing signs the centrists of the upper Chamber are going to write a mild civil rights bill which will neither lacerate the South nor constitute a triumph of the radical left.

If this happens, it may also happen that an omen has been given for the Democratic convention and the November election. The rollcall on the first key vote divided the Democratic presidential candidates into two camps: Majority Leader JOHNSON pitched tent with the successful majority. Candidates KENNEDY, SYMINGTON, and HUMPHREY made their home with the foiled, frustrated radicals. This was how it went:

Vice President: "The question is, is it the sense of the Senate that debate (on Mar. 10) shall be brought to a close. The clerk will call the roll."

Candidate JOHNSON, among 53, voted not to foreclose debate. Candidates KENNEDY, HUMPHREY, SYMINGTON, among 42, voted for cloture or gag.

The meaning seems to be that the Senate, the Democratic Party, the country are closer to JOHNSON'S views than to those of his rivals for the Democratic nomination.

INVITATION TO "CHEESE BREAK"

Mr. WILEY. Mr. President, as we know, the Senate, in recent weeks, has had a rough schedule of grueling hours.

After around-the-clock sessions—as well as the regular heavy schedule of the Senators—I believe my colleagues not only deserve—but also need—rejuvenation.

This afternoon, I have planned to provide just such a "work break."

As my colleagues know, Wisconsin has long been famous for its fine, healthgiving cheese. From 2 to 3:30 today, a cheese treat will be served in the Vandenberg Room. I invite all of you to enjoy this "cheese break."

The break, I believe, will provide a double treat. This includes not only the privilege of enjoying delicious cheese snacks, but also that of having these delectables served by Wisconsin's lovely, talented "Alice in Dairyland"—the official public relations "Voice of Agriculture" for Wisconsin.

Although I know you are extremely busy, I hope you will have a chance to drop in for a real, refreshing cheese treat.

BERLIN AND THE EAST-WEST SUMMIT MEETINGS

Mr. JAVITS. Mr. President, Chancellor Adenauer who has just visited us has left us with a challenging proposal in preparation for the East-West summit meeting scheduled to begin May 16 which ought to have the prompt and urgent attention of our State Department. He suggested a "free plebiscite" in the three zones of the Western Powers in Berlin carried through before the East-West summit meeting asking Berliners to vote whether they want the present status of Berlin to remain or whether they want that status to be changed. It is properly pointed out that to govern with the consent of the governed this plebiscite is most advisable. Also, to be sure that the people of West Berlin are determined to resist pressures which the East German regime and its Soviet sponsors can put upon them if Chairman Khrushchev determines that this is the next step. Though Berlin's voters it is true in the 1958 municipal elections gave less than 2 percent of their vote to the Communists this was before the definitive Soviet proposals on making Berlin a "free city" came out in detailed negotiations together with United States, British, and French counterproposals of the Geneva Foreign Ministers Conference in May 1959. It is these proposals and in the ensuing international pressures and negotiations upon which the people of West Berlin should have their say. I support this proposal of Chancellor Adenauer.

It is widely recognized in the United States, perhaps more widely recognized and understood than any other foreign policy question, that the fate of Berlin is intimately linked with the continuance of Germany as a dynamic part of an integrated Western Europe with bright prospects for a continuing development of this integration most helpful to the free world's cause. Also that Berlin is the symbol to the Communist enslaved nations of eastern and southern Europe of the determination of the free world that they too shall one day have their opportunity to be free again. Finally it is the most advanced showcase of the free world facing toward the Communist bloc and makes possible the constant comparison between the drab grimness of Communist living and the security, dynamism and interest of free

world living. Because of its critical importance to the free world, Chancellor Adenauer's suggestion deserves high consideration and I urge that our Government enter into the necessary negotiations with the other two powers concerned, the United Kingdom and France, and with the West Berlin government to bring about this plebiscite in time for the May summit meeting.

DECLINE AND FALL OF THE LIBERALS

Mr. PROXMIRE. Mr. President, in Shakespeare's Julius Caesar, Cassius foresees the difficulty with Democratic liberal Senators in this 86th Congress when he says, "The fault, dear Brutus, is not in our stars, but in ourselves."

Mr. President, one of the great disappointments for many Americans must be the dismal performance of liberals as a group in the Congress and particularly in the Senate, since the election of 1958. If ever an election was viewed as a popular mandate for legislative progress to meet our great national problems, it was the 1958 election. It was a smashing victory for the northern liberal wing of the Democratic Party—the wing that believes that in our domestic economy, as well as in our relations with the rest of the world, it is time to stop treading water, and to move ahead.

We have failed. Why? The fault, Mr. President, "is not in our stars, but in ourselves."

Of course we have excuses. The veto is a mighty weapon. It has defeated us directly. More frequently it has defeated us because we knew it was available and we knew the Congress is far from two-thirds in favor of progressive legislation.

Our majority leader has been properly recognized as an immensely skilled parliamentarian and a prime realist. He is nowhere considered as one of the small bloc of so-called liberals in the Senate. And the majority leader controls fully and completely all of the organization of the Democratic Party in the Senate, as I have been at pains to point out. Then, Mr. President, there is the overwhelming opposition of the American press to a liberal, progressive program. This opposition has become more expert and competent as it has become more omniscient with the vast reach of modern communication media.

But, Mr. President, all these are excuses. Liberals have always suffered obstacles. They have always had to battle the entrenched inertia of established institutions. But rarely have they been such spectacular failures when they have had such great opportunity and public mandate as we have today.

In the words of Cassius, "Our fault, dear Brutus, is not in our stars, but in ourselves." It is time for some painful introspection. Our first step should be carefully to consider thoughtful criticism. This is why, Mr. President, I ask unanimous consent to have printed in the RECORD at this point a blunt, hard-hitting, article highly critical of U.S. Senate liberals, by the well-known columnist, Joseph Alsop, which appeared in this morning's papers. It is an intelligent and perceptive analysis. It is a call to responsibility and a call to some hard homework.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DECLINE OF THE LIBERAL

(By Joseph Alsop)

Barring unforeseen mishaps, Senate Majority Leader LYNDON B. JOHNSON will get almost exactly what he set out to get from the civil rights fight. The Senate may first be driven to vote cloture twice over—an extraordinary event. Nowadays, however, the Senate seems to have a new rule: "JOHNSON'S will be done."

If JOHNSON succeeds, the country will have reason to rejoice. A civil rights bill insuring progress on the most vital single front, the voting rights of the southern Negroes, will be successfully passed without undue bitterness. Such a bill, if seriously enforced, will go straight to the heart of the matter.

If he succeeds, moreover, JOHNSON will also have reason to rejoice. He will have gone within a micromillimeter as far as he could possibly go, toward making himself an available presidential candidate in the North without leaving his large herds of southern convention delegates. If Senator JOHN F. KENNEDY, of Massachusetts, then stumbles along the road to Los Angeles, LYNDON JOHNSON will be the true frontrunning Democratic contender.

The Johnson phenomenon is not only remarkable in itself. It also offers the best text for a badly needed sermon on the plight of American liberals. Our political liberalism is semiofficially represented at present by the Senate's 18 liberal Democrats. Numerically, they exactly balance the Senate's 18 southerners.

And if JOHNSON wins his predicted victory in the civil rights fight, one may be sure there will be more angry liberals than angry southerners.

This capacity for outraged indignation when they are given half a loaf is only one of the more peculiar liberal traits. In the present instance, the civil rights half-loaf might have been improved in every way, if the liberals had chosen to fight for this objective. Instead, they made their customary choice. They fought for the whole loaf, which was the legislatively unattained title III of the old civil rights bill. Thus, in reality, they aided their enemies.

The choice was made; early in the struggle, at a meeting convened by Senators PAUL DOUGLAS of Illinois, and JOSEPH CLARK, of Pennsylvania. The vote in the meeting was symptomatic—nine for fighting for title III "on principle"; seven for fighting for the best bill that was practically feasible; and two abstentions.

The vote meant, in effect, that a narrow majority of the Senate's liberal Democrats were less interested in the dusty legislative process than in striking noble, popular postures. This preference for posture over process is, in fact, the main cause of the Senate liberals' decline.

The great figures of the liberal-progressive past—George Norris, the two La Follettes, Fiorello La Guardia, Robert Wagner, bitter witty old Couzens of Michigan, and the rest—were almost all men who took a passionate, practical, detailed interest in the business of lawmaking. Norris, for instance, looked like a saint, and sounded like a particularly high-minded saint when he took the floor for a speech. But no lone wolf Senator has shown more legislative craft than the saintly seeming Norris.

Craft was needed in order to topple Speaker Cannon with a perfectly timed resolution changing the iron-clad rules of the House of Representatives. Craft was needed, in order to stave off, all through the 1920's, successive Republican President's attempts to sell Muscle Shoals, the heart of TVA, to private power interests. Good, hard, detailed homework and craft were both needed, in order to be ready with the TVA bill when the election of Franklin Roosevelt gave George Norris his long-awaited chance.

Nowadays, despite the high average ability and high average purpose of the Senate liberals, there is not a man among them who has made a single problem peculiarly his own. None of them has a new TVA, for which he has been fighting doggedly, through bad times and good. In truth, none of them is the Senate's acknowledged master of any particular subject, as the late Robert A. Taft was master of half a dozen subjects, or even as JOHN F. KENNEDY was master of his subject when he was fighting for his labor bill.

This concentration is just as necessary as craft, for any lawmaker who wants to get things done in the teeth of a passive, or indifferent, or hostile majority. The great figures of the liberal-progressive past were not great because they made fine speeches or stood forward in fine attitudes. They were great because, from time to time, after infinite hard work, they got things done. The good statutes enacted, the mediocre statutes amended, the bad statutes blocked, were their monuments. They deserve modern study.

AMERICAN MORAL DECLINE DEMANDS PASSAGE OF CODE OF ETHICS

Mr. PROXMIRE. Mr. President, I ask unanimous consent that a statement I made to the House Interstate and Foreign Commerce Committee on the need for a code of ethics for our regulatory agencies and Congress be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR WILLIAM PROXMIRE, MARCH 18, 1960, BEFORE THE HOUSE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, REGARDING A CODE OF ETHICS FOR THE REGULATORY AGENCIES

Mr. Chairman, I very much appreciate this opportunity to appear before you and your committee which has already done such an outstanding job of alerting the Nation to the serious problems of ethical conduct in this country.

I particularly commend you, Mr. Chairman, for your authorship of the pending bill. I feel very strongly that this kind of legislation can help immensely not only in insuring more ethical and honest conduct in government, but in setting a national tone of morality which I think is probably more urgently needed in America today than anything else.

It is unnecessary to call to the attention of this committee the scandals so ably revealed by you in the television industry. Unfortunately, this is not an isolated example of moral weakness in America.

Religious leaders of all faiths have deplored the lowering of our moral standards as a nation. One of the leading New York clergymen indicted our ethical looseness recently when he said: "Integrity is our deepest lack today."

FBI Director J. Edgar Hoover, probably the outstanding expert on criminal behavior in our country, said recently: "Our present society has substituted indulgence for discipline, pleasure for duty, and money for morals."

An Army report on Korea has disclosed a different picture than the gallant American tradition of high morale and bravery among our prisoners of war that had gone back to the Revolution. In the past, American captives refused to collaborate and they refused to die.

In Korea nearly one of three collaborated with the enemy. For the first time in American history not one American prisoner escaped. Thirty-eight percent of our men died in captivity, the highest rate in all history. Communist cruelties killed some, but an enfeebled will to resist and even a weakened will to live killed others.

During the same period 221 Turkish soldiers were taken prisoner in Korea by the same Communist foe. Half were injured when captured. Not one died. Not one collaborated.

There have been many eloquent speeches in and out of Congress lately about the need for American strength and the need for American economic, educational, and military power. The basic need I believe is for American moral strength. The strength of our Armed Forces, our economy, our educational system depend fundamentally on the strength of character of the American people in meeting the Russian challenge. Professor Toynbee, in his outstanding historical study, showed very clearly how the vast majority of great civilizations have been destroyed, not as a result of external aggression, but as a consequence of domestic corruption.

Over 100 years ago, one of the most perceptive observers this Nation has ever had, the celebrated young Frenchman Alexis de Toqueville, wrote: "America is great because she is good and, if American ever ceases to be good, America will cease to be great."

Your bill, Mr. Chairman, is one of the very few attempts to do something about this situation, and it is a proposal of the first importance because it recognizes that, as Aristotle wrote: "Virtue and goodness in the state are not a matter of chance but the result of knowledge and purpose. A state can be virtuous only when the citizens who have a share in the government are virtuous."

So I enthusiastically support this bill, Mr. Chairman. I have asked to testify, however, because I have recent and vivid experience with the application of your bill in two ways. Just last week the head of the Portland office of the Commodity Stabilization Office of the Department of Agriculture testified before a Senate Agriculture Subcommittee of which I am a member. He conceded that he had a profit of many thousands of dollars through an interest-free investment he had made—but concealed—in a warehouse company which had business with the office which he headed. Representatives of the personnel office of the Department of Agriculture testified that this man had had available to him various pamphlets and regulations forbidding this conduct. The Commodity Stabilization Office chief conceded this but said that he had in many years with the Department never—until he disposed of his holdings—had a direct verbal or written communication from the Department informing him that in view of his position with the Department, his investment was illegal.

I cite this example, Mr. Chairman, because if this excellent bill is to have the kind of deterrent force it should have, it should provide that the head of every agency affected shall have the duty to establish systematic procedures to insure that all members or employees of the agency are fully cognizant of the provisions of this law and exactly what it means in terms of their own behavior. I am positive that ignorance of what the rules and regulations are is at least as responsible for the misconduct of employees as moral failure. And, of course, the real tragedy is the destruction that comes to persons whose carelessness or ignorance has innocently led them into illegal behavior and perhaps destroyed them and their careers.

My second concern, Mr. Chairman, is with the implications of the provisions in the bill dealing with the acceptance of unusual hospitality. These provisions apply to each of the six regulatory agencies.

In title II–A, which pertains to the Civil Aeronautics Board, section 223(b)(2) specifies that the Congress recognizes that it is improper for any employee of the Board to, and I quote:

"Accept or solicit any money, gift, favor, unusual hospitality, loan, service, employment, or thing of value from any person, or representative of any person, who has a pecuniary interest in any proceeding or matter before the Board and in connection with which the member or employee has any duty to perform."

This is very similar to a section of the judicial code of ethics that has been in force for some years for the Civil Aeronautics Board. Experience under the CAB code suggests to me how the provisions in this bill might be improved. Here's the way the parallel section of the CAB code reads:

"Unusual hospitality: It is particularly improper that persons interested in the business of the Board should provide unusual hospitality to the Board or its staff; nor should such hospitality be accepted."

Now, Mr. Chairman, the weakness of the CAB code is that "unusual hospitality" has been interpreted by the CAB to exempt, for example, a trip by the Chairman of the CAB and another member of the Board to Pinehurst, N.C., in a chartered pullman car for two and a half days at the expense of two airlines which had business pending before the CAB at the time. The host airline executive called the group the golfing, drinking, and inside-straight society. At the Pinehurst meeting, the business of the Board was discussed in great detail. The two airlines, Overseas National and Flying Tigers, were interested in working out a more profitable arrangement with the Military Air Transport Service, and wanted to use the good offices of the CAB Chairman to accomplish this. As the then vice president of Flying Tigers, Mr. L. C. Burwell, later wrote me:

"We got far more accomplished in 2½ days than we had in the past 2½ years."

The only public report on this meeting appeared in Sports Illustrated in a picture of the participants entitled "High-Flying Golfers."

Was this a violation of the unusual hospitality provisions of the CAB code? Mr. Chairman, it seems perfectly obvious to me that it is almost a classic violation of the code. It would be hard to hypothesize a more perfect violation. A chartered pullman trip to Pinehurst for a weekend of this kind would certainly be regarded as unusual hospitality by this Senator. Public business was discussed. The recent Senate testimony of the head of the CAB who took part in the trip confesses this as follows:

"As to the trip to Pinehurst, this was a weekend golfing trip as a guest of L. C. Burwell, vice president of Flying Tigers, who resided in Pinehurst, and one of its principal competitors, Overseas National Airways. Also present was Mr. Juan Trippe, president of Pan American, another principal competitor, particularly in the business of transporting passengers and cargo by contract with the Military Air Transport Service and other defense establishments. When the invitation was tendered by Mr. Burwell, I was advised that representatives of these competitive airlines would be present, and also representatives of the Military Air Transport Service, including General Wilson, deputy commander. One of the reasons the trip was organized, as explained to me, was to afford an opportunity for a congenial get together with representatives of the defense establishments concerned and some of the airlines principally concerned with the MATS civil airlines problem. The carriers and the Board were trying to get a larger allocation of military airlift for all eligible commercial air carriers. This is an objective which, while it lies completely outside the quasi-judicial responsibilities of the Board, does rest well within our responsibility under the Federal Aviation Act to foster and encourage civil and commercial aviation. I have participated in at least 10 or 15 conferences with defense officials and others over the past 4 years for this same purpose (one just last week) and I have testified before committees of Congress as to our efforts in this direction. Congressional committees have repeatedly endorsed the Board's objectives and successful efforts to get more commercial airlift business from the Department of Defense and the Military Air Transport Service."

The letter from Mr. Burwell, who was vice president of Flying Tigers at the time of this trip and is now an official of Overseas National, also confirms this. He wrote:

"The Flying Tiger Line, at that time, operated a business amounting to about $6 million a season in transatlantic commercial charters. The two largest competitors in this business were Pan American and, potentially Overseas National. However, there was one thing on which the management of these three companies could agree, and that was a plan to curtail the competition of MATS in moving routine line haul traffic that rightly should go by commercial air carrier.

"I conceived the idea of a golfing weekend and of inviting not only airline officials, but persons in the Government who represented both sides of the argument, plus the Chairman of the CAB and the Federal Communications Commission, whom we wished to persuade to our point of view; but only with advocates for both sides on hand.

"We invited in addition to those that did attend, Lieutenant General Smith, Commander of MATS (who sent his alternate, General Wilson); General Twining, Chief of Air Staff; and Senator SYMINGTON. Neither of these could come. However, we did have Mr. Frank Pace, formerly Secretary of the Army; Mr. Juan Trippe, president of Pan American, and one of its directors, Mr. Mark McKee; Col. Harmar Denny, member of the CAB; Mr. Eugene Zuckert, formerly Assistant Secretary of the Air Force; and several others who are not important at this time. Mr. Prescott, president of the Flying Tiger Line, and I were there, as well as Mr. George Tompkins, president of Overseas National. • • •

"I would like to add that in addition to the golf and good fellowship, we had serious and, I believe, fruitful discussions as to possible ways and means of allocating logically and fairly certain airlift missions of MATS to the civil industry. When I invited Mr. Durfee, I pointed out that under the act Congress had charged him with the responsibility of fostering the growth of civil aviation and here was a good chance for him to 'strike a blow for freedom.'"

The meeting was productive of profit for the airlines, as Mr. Burwell wrote:

"We got far more accomplished in 2½ days than we had in the past 2½ years, or would have gotten in the next 2½ years through uncoordinated random efforts. The CAB, MATS, and the airlines, I believe, saw each other's positions clearly and without prejudice. I think much good has come out of the meeting."

Mr. Durfee was there in his official capacity and useful to the airlines in his official capacity.

As Mr. Burwell said:

"The Flying Tiger Line at that time operated a business amounting to about $6 million a season in transatlantic commercial

charters. The two largest competitors in this business were Pan American and, potentially, Overseas National. However, there was one thing on which the management of these three companies could agree, and that was a plan to curtail the competition of MATS in moving routine line-haul traffic that rightly should go by commercial air carrier.

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"I would like to add that in addition to the golf and good fellowship, we had serious and, I believe, fruitful discussions as to possible ways and means of allocating logically and fairly certain airlift missions of MATS to the civil industry. When I invited Mr. Durfee, I pointed out that under the act Congress had charged him with the responsibility of fostering the growth of civil aviation and here was a good chance for him to 'strike a blow for freedom.'"

Mr. Durfee admitted that:

"One of the reasons the trip was organized, as explained to me, was to afford an opportunity for a congenial get-together with representatives of the defense establishments concerned and some of the airlines principally concerned with the MATS civil airlines problem. The carriers and the Board were trying to get a larger allocation of military airlift for all eligible commercial air carriers. This is an objective which, while it lies completely outside the quasi-judicial responsibilities of the Board, does rest well within our responsibility under the Federal Aviation Act to foster and encourage civil and commercial aviation."

The airlines paid the bill in full, provided the hospitality for the Chairman of the Civil Aeronautics Board.

I quote from Mr. Burwell's letter:

"In order to avoid any appearance of impropriety, I asked Mr. Tomkins [George Tompkins, president of Overseas National] if he wished to share the cost and be cohost, which he agreed to do.

"As many of the guests as I could accommodate stayed at my house. All of the guests were from time to time entertained at my house. This was entirely at my personal expense. Those who were accommodated at the Carolina Hotel had their bills paid by the two airlines. The transportation was by rail, and this was paid by the two airlines, using a chartered pullman car. The costs were borne jointly on a 50–50 basis.

"Now answering your questions specifically:

"1. Mr. Durfee was present.

"2. The two airlines bore the costs jointly and the approximate figure per person was $85."

I would like to ask any member of this committee what possible ingredient is missing to make this a prima facie violation of the code of ethics.

And yet, Mr. Chairman, the CAB Chairman denied that it was.

And the Judiciary Committee of the U.S. Senate has just confirmed his view in a committee report that approves the Chairman of the CAB—who took part in this outing—for promotion to a lifetime job at $25,500 as a Court of Claims judge.

Let me say, Mr. Chairman that the Comptroller General told me verbally only yesterday that in his opinion this trip was a violation of the criminal code, a section that calls for a fine of $1,000 or 6 months in jail. But the Attorney General has opined that this kind of trip does not violate the law

Now, if the Congress is going to mean business in an ethical code, the code should be specifically worded so as to prevent a recurrence of the kind of misconduct indulged in by not only Durfee, but by John Doerfer, who was forced recently to resign as FCC Chairman.

The bill as now drafted would prevent neither. Under the bill—which prohibits the acceptance of "unusual hospitality" and I quote: "from any person, or representative of any person, who has a pecuniary interest in any proceeding or matter before the Board"—Mr. Doerfer would have been perfectly within the code of ethics to accept the 6-days-on-a-yacht hospitality of George Storer, wealthy owner of a chain of TV and radio stations. He could have done so because at the time Storer had no cases pending before the FCC. This loophole can be closed—and I feel very strongly that it should be closed—by proscribing entertainment by persons who recently had or might be expected in the future to have cases pending before the agency.

Similarly, the conduct of Mr. Durfee in accepting a 2½-day junket to Pinehurst, N.C., plus two lavish inaugural flights, one a 4-day flight to Mexico City, the other a junket to Rome, Italy (the latter, with his wife enjoying the hospitality along with him), all paid for by airlines with many cases pending before the Durfee-headed CAB—escapes the restriction of this code because the Senate Judiciary Committee has already said in a report on Durfee's nomination to the Court of Claims that this hospitality is not regarded as unusual.

This loophole can—and again I feel very strongly that it should—be closed by eliminating the word "unusual" from the language of the pending bill.

Our sagging American moral tone urgently needs a rigorous we-mean-business ethics law like we have in Wisconsin. The Wisconsin statute makes it a crime for a lobbyist to give a legislator so much as a martini or a cigar. This law may seem drastic to some, but the fact is that in Wisconsin it works. It has been on the statutes for more than 2 years and newspapermen, legislators, and lobbyists alike agree that the law has been thoroughly enforced and there is no such thing as entertainment or favors of any kind being extended to members of our State legislature.

I believe sincerely that we in Congress have a special responsibility to set the highest example of ethical conduct for the Nation. To this end, I feel that Congress should be similarly guided by a code of ethics and I hope that during this session we will pass a bill which spells out a definite and explicit code of ethical conduct for Members of the Congress.

The ancient Chinese sage Confucius was asked by one of his disciples: "Master, who is the higher man?" Confucius answered: "The higher man is he who first carries out himself what he demands of others, and then demands of others only what he does himself." This, to me, is the heart of ethics.

Mr. Chairman, I would like to conclude my remarks by saying that I vigorously support your excellent bill. At the same time, I believe that it should be strengthened in certain areas to prevent the kind of misconduct of which Mr. Durfee and Mr. Doerfer are guilty. Without a prohibition against this notorious misconduct, any ethical code might be regarded by the cynical as a namby-pamby, fool-the-public-in-an-election-year waste of time.

REVISIONS OF IMMIGRATION ACT OF 1952

Mr. PROXMIRE. Mr. President, yesterday the President sent to Congress a message urging liberalization of U.S. immigration policy through revisions of the Immigration Act of 1952. I believe the President's proposals deserve high praise as well as our most serious consideration.

The President indicated that what he hopes eventually will be achieved is a complete abandonment of the quota system of discrimination against some nationalities is indefensible under any principle of American history or democracy. What is more, I believe it is very bad foreign policy in a day when the attitudes and actions of peoples other than northern and western Europeans are increasingly important to our future.

I must say, however, that the President's fears that such a sharp shift in our policy is unlikely at the present time are probably justified. The specific reforms which he has proposed in yesterday's message attempt to deal with some of the most flagrantly discriminatory features of the present law and to soften some of its worst features. These proposals would, first of all, double the number of immigrants coming in under the quota—raising it to approximately 300,000—and provide for admission of some 10,000 refugees from oppression and persecution each year.

One of the best features of the President's recommendations, and one which has been advocated by others for some time, is to permit the unused quotas of undersubscribed countries to be distributed among oversubscribed countries. Thus, in years when Germany, for example, fails to fill its very large quota, the number of Italians, Greeks, and other groups could be correspondingly increased.

I am also strongly in favor of removing the ceiling of 2,000 on quotas within the Asiatic-Pacific triangle. Whatever good feelings may have been engendered toward the United States in Asia by the admission of Hawaii as a State are annually undermined by the realization on the part of our friends in that part of the world that we discriminate against them in the matter of immigration.

The steps which the President has advocated are a definite move in the right direction. I strongly urge that action be taken on them in this session so that we can go on in future Congresses to a complete overhauling of our outdated immigration system.

JOHNNY KEMP, OF BISMARCK, N. DAK., SELECTED AS 1960 NATIONAL EASTER SEAL CHILD

Mr. YOUNG of North Dakota. Mr. President, we of North Dakota are very proud that a citizen of North Dakota has been selected as the 1960 National Easter Seal Child. Johnny Kemp, of Bismarck, has been selected for this honor.

Johnny Kemp was born with incomplete arms and legs. In spite of his handicap, he is an active 10-year-old boy participating in all of the activities of youth. He is an active Cub Scout, and is very eagerly looking forward to the day when he can participate in all scouting activities.

As the 1960 Easter Seal Child for the National Society of Crippled Children and Adults, Johnny Kemp typifies America's crippled children who are striving for useful lives with the help of private and public health agencies.

Baseball is a favorite sport with Johnny. In fact, he plays shortstop on one of the Peewee League baseball teams sponsored by the Bismarck Recreation Department. Although Johnny is very interested in athletics, he hopes, in spite of his handicap, to become a doctor when he grows up. He is a B-plus student at St. Anne's School in Bismarck. Johnny is intensely interested in all phases of school life, but he still finds time for a Sunday newspaper route.

Mr. President, North Dakota is extremely proud of Johnny Kemp. Few, if any, have accomplished as much as Johnny. Throughout it all, he has remained a very pleasant, likable boy, with a tremendous personality. His life and accomplishments should lend great encouragement, not only to handicapped children, but to us all.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. YOUNG of North Dakota. I yield.

Mr. MANSFIELD. I wish to join in what the distinguished Senator from North Dakota has just said about Johnny Kemp. His father happened to be a student of mine at the University of Montana. I have known the family for years, and Johnny Kemp's grandfather and grandmother, who live in Wolf Point, Mont., are old and longtime friends.

Johnny Kemp has furnished an example to all of us, so that when we think we have it really tough, we can look at what this youngster is doing. Our admiration for him is unbounded.

It is my understanding that Johnny Kemp is coming to Washington next week. I should like at that time to join with the distinguished Senator from North Dakota to do everything we possibly can to make Johnny's stay in the Nation's Capital as pleasant as possible. He is a great youngster, and a wonderful inspiration.

Mr. YOUNG of North Dakota. I thank the distinguished Senator from Montana. I know Johnny Kemp will be very happy to have these compliments.

SUPPORT OF AMENDMENT TO H.R. 10743 RELATING TO INCREASED APPROPRIATIONS FOR FEDERAL AID TO SCHOOLS IN IMPACTED AREAS

Mr. GRUENING. Mr. President, earlier in this month I testified before the Senate Appropriations Committee which was then considering the bill, H.R. 10743, the Second Supplemental Appropriation Act for the current fiscal year, on matters which are of special concern to the State of Alaska and for which funds would be provided by this bill.

One of the items for which I requested approval of the committee, and which was included in the bill as reported, was the amendment adopted by the House of Representatives which would add an amount of $8,330,000 to funds available to the States for maintenance and operation of schools under provisions of Public Law 874 of the 81st Congress. The money that is allocated under Public Law 874 is a firm obligation of the U.S. Government to the eligible school districts, and these districts are dependent upon it for the operation of their schools.

It is unthinkable that the Federal Government should default on its obligations to the children of the United States by failing to supply funds for the education to which they are entitled.

At the time I testified before the Senate Appropriations Committee, on March 3, it was my understanding, based on the action of the House of Representatives on this matter, that the extent of the failure of the Federal Government to meet its obligations under Public Law 874 would amount to some $8,330,000, or approximately 5 percent of the amount committed. However, as was made clear to the Senate yesterday by the distinguished senior Senator from California [Mr. KUCHEL] it appears that on the basis of most recent calculations, there is a deficiency of some $23,340,000 in the amounts required for the impacted areas, rather than the sum of $8,330,000 which the Senate Appropriations Committee and the House of Representatives have approved.

I am glad to be a cosponsor of the amendment to the Supplemental Appropriation Act which has been introduced by the two able Senators from California [Mr. KUCHEL and Mr. ENGLE]. I wish to urge support of the amendment, and in doing so I call the attention of the Senate that these funds are needed throughout the United States.

As for my State of Alaska, this increase in funds is needed. The new 49th State has faced many difficulties in providing financing for the many responsibilities which devolved upon the State administration with the advent of long desired statehood. In connection with our need for Federal funds for impacted areas there is a peculiarly acute problem in my State. As a result of statehood and the passage, at the last session of Congress, of the Alaska Omnibus Act, there have been transferred to the State activities formerly under control of the Federal Government. As a result of this transfer of responsibility, our State has been faced with an unanticipated decrease in eligibility for funds under the Federal program of aid to schools in federally impacted areas. For this reason, it is of the greatest urgency that Alaska receive all the funds to which it is entitled.

Aside from this particular problem with which Alaska is faced, my State, to a greater extent than is the case with some others, is especially in need of Federal assistance to schools in impacted areas. The activities of the Department of Defense have a very heavy impact on the State of Alaska. Alaska is a bulwark of defense for North America. The Federal Government owns nearly 99 percent of its land, a state of affairs which results, even since the advent of statehood, in a situation in which the activities of the Federal Government are a major factor in the economy and the daily lives of the citizens of the State. In some instances this is beneficial, in others, not.

Alaska needs the additional $811,000 which would be provided by the Kuchel-Engle amendment to the Supplemental Appropriation Act. I urge support of the amendment, and I am grateful to my colleagues from California for introducing it.

LETTER FROM CHARLES J. BLOCH ON SUPREME COURT RULING IN SCHOOL CASES

Mr. ERVIN. Mr. President, one of America's greatest lawyers, Charles J. Bloch, of Macon, Ga., is making a gallant and intelligent fight to preserve constitutional government in America.

On March 16, 1960, Mr. Bloch wrote a letter to the editor of the New York Times which has direct relevancy to some of the matters under discussion in the civil rights debate.

For that reason, I ask unanimous consent that Mr. Bloch's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BLOCH, HALL, GROOVER & HAWKINS,
Macon, Ga., March 16, 1960.

EDITOR, THE NEW YORK TIMES,
New York, N.Y.

DEAR SIR: I have just read in the Times of Saturday, March 12, 1960, a letter to the editor signed by Professor Westin, of Columbia University, in which he refers to the so-called campaign of slander against the Supreme court, allegedly being conducted by the southern Senators.

When I read it, I immediately thought of one of your editorials which appeared during the week of February 29. It was an editorial severely criticizing the opinion of the Supreme Court announced February 29, 1960, in the case of *Nelson* v. *County of Los Angeles*.

I wonder why people think that newspaper editors have a perfect right to criticize decisions of the Supreme Court, but when southern Senators in the course of their duties do the very same thing, their acts are characterized as "slanderous."

The validity of the position of the southern Senators with respect to utterances of certain Justices of the Supreme Court of the United States is demonstrated by utterances of Mr. Justice Black in the case of *Federal Power Commission* v. *Tuscarora Indian Nation*, in a dissenting opinion delivered on March 7, 1960 (28 Law Week pp. 4185, 4186).

Justice Black said: "These Indians have a way of life which this Government has seen fit to protect, if not actually to encourage. Cogent arguments can be made that it would be better for all concerned if Indians were to abandon their old customs and habits and become incorporated in the communities where they reside. The fact remains, however, that they have not done this and that they have continued their tribal life with trust in a promise of security from this Government."

I cannot help but wonder where the sentiment expressed by those words was on May 17, 1954.

Prior to that time, we southerners had a way of life which the Government had seen fit to protect, if not actually to encourage, by inaction of Congress on the subject and by repeated decisions of the Supreme Court and other courts on the subject.

Further, Justice Black said: "It may be hard for us to understand why these Indians

cling so tenaciously to their lands and traditional tribal way of life. The record does not leave the impression that the lands of their reservation are the most fertile, the landscape the most beautiful, or their homes the most splendid specimens of architecture, but this is their home and ancestral home. There they, their children and their forebears were born. They, too, have their memories and their loves. Some things are worth more than money and the cost of a new enterprise."

We cannot help but wonder why Mr. Justice Black and the Chief Justice and Justice Douglas, who concurred with him, can so well understand and express the feelings of the Indians and at the same time not understand why we southerners wish to cling tenaciously to our customs and traditions, which have had the blessing of the law for 90 years.

The dissenting opinion concludes: "Great nations, like great men, should keep their word."

This is the self-same sentiment which our southern Senators and most southern lawyers have been sturdily and strenuously advocating since May 17, 1954.

Prior to May 17, 1954, the word of this great Nation as pronounced by the Supreme Court of the United States with respect to the segregation of the races in the public schools was this: "The decision is within the discretion of the State in regulating its public schools, and does not conflict with the 14th amendment." These were the words of Chief Justice William Howard Taft in the case of *Gong Lum et al. v. Rice, et al.* (275 U.S., at p. 87). That language, which we southerners considered to be the word of our great Nation, was concurred in by Justice Oliver Wendell Holmes, Willis Van Devanter, James C. McReynolds, Louis D. Brandeis, George Sutherland, Pierce Butler, Edward T. Sanford, Harlan Fiske Stone.

Very truly yours,

CHARLES J. BLOCH.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. ERVIN. I am delighted to yield to the Senator from Georgia.

Mr. RUSSELL. I wish to express my appreciation to the distinguished Senator from North Carolina for offering the letter for the RECORD. I think that letter presents one of the strongest arguments I have ever seen in behalf of the position that has been taken by those of us on the floor who are making this fight for the Constitution of our fathers.

I hope, Mr. President, that the great periodical to which it was addressed, the New York Times, will see fit to print Mr. Bloch's letter in full. The New York Times certainly has carried a number of communications which were much less deserving.

POSTAL RATES

Mr. DIRKSEN. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial which appeared in the Washington Evening Star concerning postal rates. I believe it to be important to this body to know that in the 13 years from 1947 to 1959 alone, our postal deficits aggregated $6.8 billion and accounted for approximately one-half of the $15.3 billion increase in our Federal debt.

I feel that this is an excellent article on the subject, and I commend it to my colleagues.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PAY FOR THE MAIL

Congress should forget its election-year coyness and authorize the postal rate increases recommended by President Eisenhower.

Failure to do so, in the face of an estimated $554 million postal service deficit in fiscal 1961 under existing rates, would be completely irresponsible and an affront to budgetary good sense. Furthermore, it would amount to a violation of policy which Congress itself spelled out in 1958 to the effect that "rates should be adjusted whenever necessary to recover postal expenses."

The longtime failure, and it is primarily the fault of Congress, to put the Nation's postal service on something approaching a self-supporting basis has been a costly one to the taxpayers. As the President pointed out in his budget message, and again in his special message to the Congress last week, the cumulative postal deficit for 13 postwar years totaled $6.8 billion—almost half the increase in the Federal debt during that same period. Interest charges alone on this $6.8 billion fragment of the debt amount to $200 million yearly.

Economies and improved efficiency in postal operations during the postwar years have been more than offset by two factors. One has been the vast increase in volume of mail. The other has been the steady rise in cost of virtually everything the Post Office Department uses or buys. Revenue-producing rates have not kept pace. Increases recommended at this time would apply to virtually every category of mail, but would raise by only 1 cent the basic charges on first class and airmail. The Department estimates that this increase on first-class letters, for example, would cost the average family only about $1.80 yearly. In the long run, perpetuation of the deficit habit is apt to cost more—either in money or in deterioration of the service.

THE CUBAN SITUATION

Mr. SMATHERS. Mr. President, in this morning's Washington Post there appeared a story written by Warren Unna, under the title "Three More Cuban Aides Quit Castro's Regime." The article names them:

Three Cuban officials—a Cabinet minister and two members of the Cuban delegation to Washington—have severed relations with Premier Fidel Castro's government.

In Havana, Finance Minister Rufo Lopez Fresquet, the last member of the Castro cabinet who could be linked with the term "moderate," yesterday resigned because of what was described as "poor health."

At a closed-door meeting of the Inter-American Defense Board in Washington yesterday, Miguel P. Pons announced he had had enough of Castro. Board members quoted Pons as having denounced Castro as a "stooge of international communism" and as the "new dictator of Cuba."

The Embassy's military and air attaché, Capt. Angel L. Saavedra, disclosed he had quietly resigned his posts Wednesday.

Both Pons and Saavedra, United Press International reported, are expected to seek and be granted political asylum in the United States.

As we read the article, we see that it states that the gentleman who quit the Inter-American Defense Board, on which he had been serving while he was a naval attaché at the Cuban Embassy, received a standing ovation from the Inter-American Defense Board when he announced that he was stepping out of the Communist government of Castro. He made this statement:

There are no individual guarantees in the Cuba of today. There is no respect for property and, even in its social and collective functions, there is no liberty of enterprise. Individual initiative is prohibited. People who would not dare work openly for communism before are doing it now under the guise of aiding Fidelismo.

I thought that was rather significant, because, as the article points out, there are left only 5 of the original members of the 26th of July movement, which at one time had in the neighborhood of 130.

What disturbs me is that on another page of the same newspaper there is an article by Marquis Childs entitled "A Greek Tragedy Unfolds in Cuba." Mr. Childs states:

In the works are important new moves to try to retrieve something out of the rapidly deteriorating situation in Cuba. First and foremost is the return of Ambassador Philip W. Bonsal to his post in Havana.

Mr. Bonsal was our Ambassador, whom we had withdrawn from Cuba. In my judgment this article has been inspired by the State Department. I am almost certain that it is planned to send Mr. Bonsal back to Cuba.

I ask, What are these men who just resigned from the government of Fidel Castro, and who stated that it was a Communist government, going to do if our State Department, if the Secretary of State and this administration, allow our Ambassador to go back and, in effect, hold out the hand of friendship to the government which is accused by the three Cubans who resigned yesterday of being Communist? What happens to our friends in Latin America who think that we are opposed to communism, when they see this Ambassador come marching back down there, holding out once again the hand of friendship? What side are we on?

When we think of Major Diaz Lanz commander of the air force in Cuba; when we think of Major Matos, commander of a Cuban military province, and when we think of all the others who have quit, every one of whom has said that this is a Communist-controlled government, even though Fidel Castro himself may not be a Communist; and when we consider that we have withdrawn our Ambassador from that country, and are now thinking about sending him back do we not give aid and comfort to those whom we all admit are our greatest enemies in the world? Do we not make it appear that we are supporting this man who follows a line which has every hallmark of communism, even though he himself, as an individual, may not be a Communist?

Where is the sense in such a course? I think the time has come for the U.S. Congress to undertake some resolution which might permit us to stop an act which would live to haunt us, however long we may live, whether 50 or 100 years into the future? By such an unwise, indiscreet act as this, we would

uphold and give support to the very group of people who we say are out to destroy us. Not only do we say it, but they say it, too.

I think this would be the worst capitulation we have ever seen the United States make in the Western Hemisphere. I, for one, protest an act on the part of the State Department which I have reason to believe is coming; namely, the return of Ambassador Bonsal to Cuba. It would mean a greater loss of prestige and friendship for us in Latin America than anything else we have ever done. It would negate the trip by President Eisenhower. It would wipe out the efforts of the Senator from Vermont [Mr. AIKEN], the Senator from Oregon [Mr. MORSE], and myself to help people who believe in democracy. This would be the catastrophic result of any decision to return our representative to a government which is obviously a dictatorship in every respect, which engages in the suppression of elections, the defication of one man, the expropriation of property, and the destruction of civil rights.

The present government of Cuba is the same type as that of the Soviet Union. When we send back to Cuba our own representative and say, in effect, "We want to do business with you because we are afraid of you," I say that we have lost a great deal of our own pride and dignity; but, worse than that, we have lost most of the friends we have heretofore made in Latin America.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. SMATHERS. I am glad to yield.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the distinguished Senator from Florida may have 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN. Does the Senator suggest that we completely sever diplomatic relations?

Mr. SMATHERS. While I am not at this moment recommending that we sever diplomatic relations, I suggest that we stop capitulating and bowing down to the browbeating we are getting from the little dictator, Fidel Castro. To send our Ambassador back would be a terrible mistake.

Mr. DIRKSEN. Is it the judgment of the Senator that we should not return a diplomatic representative to Cuba?

Mr. SMATHERS. The Senator is absolutely correct. I think we should not send Mr. Bonsal back. We now have down there a chargé d'affaires and a vast embassy staff. What has transpired since Mr. Bonsal left? The government of Fidel Castro has continued to abuse us. It has entered into a trade agreement with Mikoyan of the Soviet Union. It expects to receive arms and munitions from the Soviet Union.

Recently Che Guevara, the head of the National Bank of Cuba, stood before University of Havana students and said, in effect, "The American imperialists are trying to force us to our knees, because they demand that we sell them all this sugar for 5 or 6 cents a pound, whereas the Soviet Union has endeavored to help us, and has agreed to buy the same sugar from us for 2 cents a pound."

Since that time, how many original members of the 26th of July movement have had all they could stand and have gotten out, and called the Government of Cuba a Communist government? Three resignations are announced in this morning's Washington Post. Does the minority leader maintain that because that has transpired we should now send the Ambassador back? Is that an act of friendliness toward us?

The PRESIDING OFFICER. The time of the Senator has again expired.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the time be extended for another 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN. I commend the Senator from Florida for a long trip and for an earnest effort to find answers in the Latin American areas of this hemisphere, for the report he made, and for the very succinct and penetrating questions he asked in the Foreign Relations Committee when it was my privilege to attend the hearing.

It is easy, of course, to indulge in generalities. The only reason for any questions I may ask is not to offer advice on the subject at the moment, because I pretend to no expert knowledge in this field. However, I do like to seek specific answers to specific questions when I can.

Mr. SMATHERS. I shall endeavor to give specific answers.

Mr. DIRKSEN. That raises a third question. Does the distinguished Senator from Florida wish to recommend a course with respect to sugar which could be regarded as a reprisal at this particular time? By that I mean either cut the quotas or, in the temper and intent of a bill already pending in the House of Representatives, prohibit any sales of Cuban sugar in this country except at the world price, all of which would be regarded as punitive and in the nature of a reprisal.

Mr. SMATHERS. I may say to the Senator from Illinois that the only people who would consider an act on our part reducing the sugar quota as a reprisal would be the present Communist-dominated Government of Cuba. My own observation from traveling through 10 countries this year is this. Our friends have said to us, "Are you going to give to that country which abuses you and condemns you and fights with you preferential treatment, when you will not even give countries like Brazil or Peru or San Salvador or Haiti or even Mexico an adequate sugar quota, when these countries vote with you and are on your side?"

We have helped the Cuban Government of Fidel Castro by letting it sell to us 3,200,000 tons of sugar at 3 cents above the world price. The only one who would regard that to be a reprisal would be Fidel Castro's government. In business, is it considered an act of reprisal to say that we will deal with everyone on the same level? Why must we continue to do this when that Government is abusing us, and when in each morning's paper we read of more officials resigning from that Government? This morning the newspapers carry the story of three more men of responsibility and stature who have resigned. Do we have to continue to do this for fear that what we do will be considered a reprisal? I do not believe so. It would be considered a sane and sensible action.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DIRKSEN. I ask unanimous consent that the Senator may be yielded 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN. Let us take one step further. As I understand, the Senator does not want us to send our Ambassador back to Cuba. Is that correct?

Mr. SMATHERS. That is correct.

Mr. DIRKSEN. Does the Senator have any other specific suggestion with respect to our course after that?

Mr. SMATHERS. I would say at this time, as long as the government of Fidel Castro is following its present course, it would be a terrible mistake for us even to indicate that we approve the course of that government by sending our Ambassador back. Only one conclusion could be reached if we were to send him back; namely, that we approve of the course which that government is following and that we accept the abuse which it is pouring on us openly. Furthermore, it can be interpreted only as an act of appeasement. I have heard my good friend from Illinois make many speeches against appeasement. We should not appease this little dictator by sending our Ambassador back to that country.

Mr. DIRKSEN. I have one other question. The mere withholding of the Ambassador would not be an affirmative act in seeking a solution of this vexing problem. What would be the next step suggested by the distinguished Senator from Florida?

Mr. SMATHERS. I cannot help feeling that we should turn this matter over to the Organization of American States, under the Caracas resolution, and turn over to that Organization all the information available to us from CIA and military intelligence agencies. Under the Caracas resolution joint action can be taken against any government which is considered to be a Communist-controlled government. If we were to work through that Organization, we could probably get rid of this fellow, and we would not be acting unilaterally.

When the President of the United States rode into Chile and Uruguay, whose picture was brought out and paraded on the streets? It was the picture of Fidel Castro. If we were to send our Ambassador back to Cuba, we would be saying, in effect, "I guess we approve of him." That would be a terrible mistake.

We must be firm. We must encourage those people who have the courage to defect from the government of Fidel Castro. What happens to all those

thousands of people who have fought for Cuba, and those who in recent weeks and months have been able to get away from Fidel Castro and his Communist-type government? What happens to them, when they see that we send our Ambassador back to Fidel Castro's government? Do we encourage them to continue their fight for freedom?

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. CHAVEZ. The Senator from Florida is contributing a great deal of information to the Senate. However, if we do not recognize Castro's government because of its purported Communist tendencies and do not send our Ambassador back to Cuba, why should we not also recall our Ambassador from Moscow, where the men live who are behind the throne in Cuba, according to some people who are familiar with the situation?

Mr. SMATHERS. We have withdrawn Ambassador Bonsal from Cuba. Why? He was withdrawn because the Communist government of Fidel Castro was hurling insults at the United States. Since our withdrawal of the Ambassador, there has been no change in the attitude of the Castro government. In fact, it has even been getting worse than it was before, as the Senator from New Mexico knows.

Mr. CHAVEZ. If I had my way, I would give him a shave first.

Mr. SMATHERS. At least 13 former agents of the Castro government have quit Castro and have said, "This is a Communist government." In the face of all that, and the continuing abuse by that government of the United States, is there any justification for sending back our Ambassador?

Mr. CHAVEZ. I am poud of the fact that the Senator from Florida has been able to take a trip to Latin America. I only wish more Members of the Senate would take such trips, whether they are members of the Committee on Foreign Relations or whether they go as individual Members of the Senate. I wish more Senators could take such trips to Latin America. The difficulty is that we do not know Latin America. I should like to ask the Senator this question. When he went to Latin America, did he talk to the local officials who might have been only in temporary control or power, or did he have an opportunity to talk with the rank-and-file people who actually represent Latin American countries and who are actually the ones who do business with Uncle Sam?

Mr. SMATHERS. I have had an opportunity to talk with the rank-and-file people.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that 5 additional minutes may be yielded to the Senator from Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMATHERS. I talked with the rank-and-file people and also with government officials. I talked with a considerable number of rank-and-file people. Obviously when a person is in a country for only 4 days, he cannot go into a subject as widely as when he is in that country for 4 months or so. I did make an effort to talk to a great number of rank-and-file citizens.

Mr. CHAVEZ. I am glad to hear that. Generally when a Senator visits a country he is met by three or four generals and officials of the government and someone from the American Embassy. They keep the visitor so busy, entertaining him, that he does not have an opportunity to get across the railroad tracks to see how the people are living. I think I know Latin America. I read and speak their language. I read their newspapers. I talk to their people when they come here. Whenever the State Department brings a group of schoolchildren to the Capitol, they bring them to my office.

When they come from Colombia or Chile, it is my office to which they are sent. So I think I understand the situation. But I am so glad the Senator from Florida has had an opportunity to talk to the rank and file, because while dictators come and dictators go, we hope that Latin America will continue forever.

Mr. SMATHERS. I thank the Senator from New Mexico. I share his sentiment.

Mr. DIRKSEN. Mr. President, will the Senator yield for another question?

Mr. SMATHERS. I yield.

Mr. DIRKSEN. I am drawing strictly on memory, but it seems to me there are two provisions or two sections in the Caracas convention which are rather inhibiting so far as the United States is concerned, and which could offer some difficulty and certainly add to the delicacy of the whole situation. I have never heard them discussed except once, and that was privately; but it is public information. Therefore, in connection with this whole discussion, I should like to have those two sections of the Caracas convention incorporated in this rather running colloquy on this all-important subject, if the Senator from Florida has no objection.

Mr. SMATHERS. That is a constructive request.

Mr. President, I ask unanimous consent to have printed at some point in the RECORD, at the request of the able Senator from Illinois, the pertinent sections of the Caracas resolution.

There being no objection, the material was ordered to be printed in the RECORD.

Mr. BUSH. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. I yield.

Mr. BUSH. As the Senator from Florida probably knows better than any of the rest of us, we are discussing a very sensitive subject today. I wish to raise a point with the Senator, and ask him to comment on it.

If we should refuse to let Ambassador Bonsal return to Cuba now, we would be doing so on the eve of negotiations on the sugar quota, the debate on which will come before the Senate shortly. The Senator from Utah [Mr. BENNETT] introduced a bill on that subject the other day. It gives the President some permissive powers.

I wonder if the Senator from Florida does not believe it might make the negotiations concerning this very important matter more difficult for us if we, in a sense, severed diplomatic relations at this stage of the proceedings.

Mr. SMATHERS. We are already in the position of having had our Ambassador to Cuba in the United States for the better part of 3 months.

Mr. BUSH. But was not his return to Washington simply for consultation? His return was not in the nature of a recall.

Mr. SMATHERS. It was interpreted in Cuba as being in the nature of a recall. It was believed he had been brought back here because of intemperate remarks which were made about the United States and the President of the United States by the government of Fidel Castro and Castro himself, they being one and the same.

With respect to negotiations with Cuba, the Senator has been a businessman, and he knows that when he holds all the cards, or all the stock, he does not have to do much negotiating. Every country wants to sell sugar to the United States. That is one commodity which can be grown all over Latin America; as a matter of fact, it can be grown all over the United States. It is grown in the beet area of the Senator from Utah [Mr. BENNETT], and in the cane area of Florida, and also out in the State of Washington, and everywhere else where sugar can be produced. Everyone wants to grow more and more sugar.

I state as a fact that the junior Senator from Florida was one of the chief architects of the plan by which Cuba got its very favorable quota when the sugar act was last before the Senate. The junior Senator from New Mexico [Mr. ANDERSON] and I, on the floor of the Senate, had the quotas for the Dominican Republic and Peru reduced.

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

Mr. BUSH. Mr. President, I ask unanimous consent that the Senator from Florida may have 5 additional minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SMATHERS. The Senator from New Mexico and I had the sugar quotas for the Dominican Republic and Peru reduced in order to make liberal provision for Cuba, because while Cuba at that time had a dictatorship, the argument was—and I thought it a worthy one—that at least Cuba was cooperating with the United States. Some persons believe it is very bad if the person who is cooperating is not able to pass a sanitary test. In any event, there is no problem concerning negotiations. There are all the other Latin American countries to be considered.

For example, Brazil has no quota whatever, but would love to have a quota. Brazil needs a quota.

El Salvador has no quota whatsoever. Mexico, which is our best customer, cannot get a sufficient amount of sugar as its quota to sell in the United States, in

order to get the dollars with which to buy the equipment needed to modernize Mexico's refineries.

So all those countries would like to have their quotas increased. That is all they ask.

Therefore, I say to the Senator from Connecticut that we do not have to worry about whether the government of Cuba will like us. They want to sell all the sugar they can sell to the United States. They are not out looking for markets. They are threatening us and are saying, in effect, "If you do not let us have the quota we have previously had, we are likely to go out and do more business with the Soviet Union." That argument, unfortunately, seems to be getting some support, even in the United States.

Mr. President, I do not believe the United States should knuckle under to that kind of threat, which is that if we reduce Cuba's sugar quota, Cuba is likely to go off and do business with some other country.

Mr. BUSH. It is not a question of knuckling under; it is a question of facing the renegotiation of this quota once every 4 years, and we are now coming to that point. It is a question also of a supply of sugar for the people of the United States. It is not simply a one-way street. We are somewhat dependent, as I believe the Senator from Florida will agree.

Mr. SMATHERS. No. At the moment, according to the latest figures, there is something like a 10-million-ton sugar surplus.

Mr. BUSH. In the world.

Mr. SMATHERS. Certainly. We can buy that sugar at the world price. We would pay 3 cents more a pound to get it from Cuba. Does it make sense for us to pay 3 cents more a pound to get sugar from Cuba, when we can get surplus sugar on the world market, or even grow more sugar ourselves? If we cannot grow it, we can buy it at much less cost on the world market than the price for which we can get it from Cuba.

Mr. BUSH. I do not know whether, if we purchased sugar on the world market, we could buy it at the price the Senator has suggested.

Mr. SMATHERS. The price might go up a little, but not to the price at which we would contract to buy it from Cuba. I am certain the Senator from Connecticut is no apologist for Castro.

Mr. BUSH. The Senator from Florida must know that I submitted a resolution in January, which I am certain has come to the Senator's attention, in which, in effect, I asked for a revival of the Montroe Doctrine right now. The only reason why I have not pressed for hearings on the resolution in the Committee on Foreign Relations is that the chairman of the committee, after a discussion of the resolution with me, thought it would be better to delay action on it for a while. I think perhaps he is right.

Mr. SMATHERS. The man who was with Castro from the days of Oriente Province, a Navy commander who has been serving in the triple capacity of head of the Cuban delegation on the Inter-American Defense Board, Cuban delegate to the Organization of American States, and naval attaché at the Cuban Embassy, said when he quit yesterday:

> There are no individual guarantees in the Cuba of today. There is no respect for property and, even in its social and collective functions, there is no liberty of enterprise. Individual initiative is prohibited. People who would not dare work openly for communism before are doing it now under the guise of aiding Fidelismo—

A stooge of international communism. Does the Senator from Connecticut believe that that man knows what he is talking about?

Mr. BUSH. I believe that what we do in this instance should be done after the most careful consultation with other members of the Organization of American States. I am certain the Senator from Florida realizes better than any of us how sensitive that Organization is and how important it is for us to work in the closest proximity and harmony with them.

Mr. SMATHERS. There is no question about that.

Mr. BUSH. It would be undesirable for the United States to take unilateral action all of a sudden and announce that we were going to withdraw our Ambassador. To sever, in effect, our diplomatic relations with Cuba would be a very serious step.

Mr. SMATHERS. Certainly the Senator does not maintain that we cannot send or withdraw an Ambassador only with the approval of the Organization of American States.

Mr. BUSH. No; we have a perfect right to act as we please. But what we do will be of such interest to the whole Organization of American States, including ourselves; and at this stage of the game with Castro, I would want to be very much in consultation with the other Latin American States in reaching a decision of such major importance.

Mr. SMATHERS. Would not the able Senator agree that we would be wise not to embrace a Communist government or a government which looks as though it has embraced communism?

Mr. BUSH. I do not believe there is any doubt in anyone's mind that we are not forced to embrace a government dominated by Communists. That has nothing to do with the situation.

Mr. SMATHERS. I completely disagree with the Senator from Connecticut that we must do business with Cuba. That is the whole point. Do we intend to give leadership to the people of the Western Hemisphere in our opposition to a growing Communist movement or do we intend to endorse the Communist movement and recognize it by returning our Ambassador to Cuba directly in the face of the statements by three more Cubans that they are getting out of Cuba because its government is Communist dominated? That is the whole issue.

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

Mr. SMATHERS. Mr. President, I ask unanimous consent that I may have an additional 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BUSH. I shall take but one moment. I was pointing out to the Senator from Florida that to take the leadership does not necessarily mean taking unilateral action in a sensitive situation like this, and doing so at this time.

Mr. SMATHERS. Let me ask the Senator a question: If I had a contract with the Senator, and if I suddenly began to back out and violate the contract—as the Cubans have backed out on their bilateral agreement with the United States—and if then I began to abuse the Senator, would it be construed to be unilateral and unfair on the Senator's part if, after I abused him, he said, "I do not want to do business with you any more"?

Mr. BUSH. But the Senator from Florida forgets that we have sugar contracts with 12 or 15 other countries.

Mr. SMATHERS. But they do not relate to our sugar contract with Cuba.

Reference has been made to international organizations. In that connection let me ask whether the Organization of American States helps us pay Cuba under our sugar contract with Cuba? No; all those payments are made solely with the funds of the American taxpayers, and the contract is directly between Cuba and the United States.

Mr. BUSH. I understand that; but the question involved here is one of our total relationships with Latin America; and in these circumstances we must provide the proper leadership.

Mr. SMATHERS. I agree with the Senator as to that; we must provide leadership. When these people are teetering between communism and democracy and free enterprise, how much does it confuse them to see us suddenly embrace a government which has been abusing us, and which, according to its own people, has now gone completely Communist? Does that confuse the people in the other countries in this hemisphere? Of course it does. They were already rather thoroughly confused by our soft position toward Castro, and many of them asked, "Why is it that you treat your enemies better than your friends?"

Mr. President, what sort of operation is it when we continue to give preferential treatment to the one who abuses us, and when we turn our back on those who stand with us?

Mr. BENNETT. Mr. President, will the Senator from Florida yield?

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). Does the Senator from Florida yield to the Senator from Utah?

Mr. SMATHERS. I am happy to yield.

Mr. BENNETT. The Senator from Florida has properly referred to his trip to Latin America and to the impressions he received during it. I am sure he realizes that we have Ambassadors to all those countries, and that the sugar-quota question and the question of our relations with Cuba have been very much within the responsibilities of those Ambassadors. Furthermore, the President of the United States himself has only

recently returned from a trip which included Brazil and some of the other Latin American countries; and, upon his return, the President decided—and I am sure he did so on the basis of the information supplied by our State Department, plus his own consultations with these people—that it would be wisest, under the circumstances, to continue our present sugar-quota relationships.

So I do not believe that these people are teetering with regard to our leadership. I am sure the President has returned with a clear understanding of the point of view which the people there would like us to take.

Mr. SMATHERS. The Senator is absolutely correct when he speaks about our Ambassadors. In the countries to which I went, I conferred with the President of each one; and we talked generally about this matter. Exactly what we said is not to be revealed; but in each case I asked the Ambassador to accompany me to the meeting, and I can say without fear of contradiction that the general impression was that the United States is losing stature and is losing dignity and is losing respect in the eyes of all the people in the Latin American world by this continuing, soft, vacillating, timorous policy of hope—a policy of hoping that, somehow, the cancer is going to vanish. But the policy of hope is getting us nowhere. The Ambassadors accompanied me to those meetings. I do not say that all of them will approve exactly of what I am saying; but they were present when I heard those comments made.

And, Mr. President, I remember that one President put the matter this way—and I thought he was exactly correct: He said: "I want to tell you one thing: If you deal firmly and toughly, you are going to be respected."

I replied, "But isn't it true that in that event we would be widely criticized in Latin America?"

He replied, "Yes." He said: "You have been in politics, and I have been in politics, and both of us have learned that it is impossible to have everyone in favor of you. What is happening to you is that if you act soft, you are going to lose the friends you now have. If you act firm, you may not create any new friends; but remember that those who then would be against you have been against the United States from the start, and they are going to be Communists right down to the end."

Mr. LONG of Louisiana. Mr. President, will the Senator from Florida yield to me?

Mr. SMATHERS. I am glad to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. I realize that the time in the morning hour is limited. Therefore, if necessary, I shall later obtain the floor in my own right, and then shall be glad to yield, in turn, to the Senator from Florida.

I should like to commend the Senator from Florida for the position he has taken. I, for one, cannot for the life of me understand why our Nation must appease Castro.

About 4 years ago we had a sugar measure before us; and the members of the Finance Committee had the courage to do what they thought should be done with the sugar quotas. The Sugar Act is our domestic law; it does not involve any reciprocity. In dealing with that Sugar Act, we made reductions in the quota which Cuba otherwise would have had; and we increased slightly the quota for Mexico; and we took the advice of the State Department in certain other respects. We allowed a little more to our own producers, as the Senator from Florida will recall. But in dealing with quotas at that time, we were dealing with friendly governments.

On the other hand, now we are confronted by a fellow who would drink our blood, if he could. Yet some say, "Oh, my goodness, don't offend him. All he wants to do is destroy you." And people tell us day in and day out, "O, we must not offend Castro. He might get mad." And in the House of Representatives some say, "My goodness, if you don't give Castro everything he wants, you might offend the Cuban people."

Well, Mr. President, some of us did not want to fight the Germans, because we felt that the German people did not approve of what Hitler was doing. But, on the other hand, we could not stop Hitler without fighting the German people. Does the Senator from Florida agree with that point of view?

Mr. SMATHERS. I completely agree.

I do not agree at all with this Chamberlain-umbrella appeasement policy. As a matter of fact, I am amazed at some of my good friends, who for years have criticized other administrations for a policy of appeasement; but now, somehow, they want to embrace a policy of appeasement. I do not understand it.

Mr. LONG of Louisiana. Mr. President, will the Senator from Florida yield further to me?

Mr. SMATHERS. I am glad to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. The State Department, at least, wanted the President to have some flexibility of authority, so that at least he could have the power to reduce the sugar quotas in order to protect American interests, so they would not be 100 percent dependent on the mercy of Castro. Yet when the State Department said it expected to urge the President to do this, and when the State Department said it believed the President would ask for it, lo and behold, to my surprise, instead of finding that the committee urged and demanded that the State Department take a firmer stand and advocate a firmer course, the committee itself appeared to be timorous about maintaining a firm policy with Castro. That is difficult for some of us to understand, because for years there has been criticism of the State Department for being fearful and timid. Yet, Mr. President, now we find that some of the committee members are being even more fearful of dealing firm with Castro himself.

Mr. SMATHERS. I agree with the Senator from Louisiana. Certainly we are making a tragic mistake here; and we have caused very great confusion among, for instance, the people who have had the courage to leave the Communist-dominated government of Castro, for thereafter they have found that we are dealing softly with Castro.

The PRESIDING OFFICER. The time available in the morning hour to the Senator from Florida has expired.

Mr. HICKENLOOPER. Mr. President, I should like to discuss this matter for a few minutes with the Senator from Florida. So far as the Caracas Declaration is concerned, I have some little knowledge of it, because I was a member of our delegation to that conference, and I went through those discussions.

With reference to the Senator's suggestion that this matter be turned over to the Organization of American States, under the Caracas Declaration, I call his attention to the terms of the Caracas Declaration which presents some difficulties. The pertinent section of the declaration, which I now hold in my hand, is as follows:

The agreeing states—

And I believe that all of them except two agreed—

declare that the domination or control of the political institutions of any American state by the international Communist movement, extending to this hemisphere the political system of an extracontinental power, would constitute a threat to the sovereignty and political independence of the American States, endangering the peace of America, and would call for a meeting of consultation to consider the adoption of appropriate action in accordance with existing treaties.

I may suggest to the Senator from Florida that I agree with many of the things he has said about Latin America. I also have had an opportunity to be in South America a number of times. But I point out definitely that one of the prerequisites in the Caracas Declaration is the establishment of the fact that a foreign power is imposing its Communist system upon a nation in this hemisphere.

Whether or not that can be established at this time, I do not know. Without a doubt, Castro and his minions in Cuba are operating under the Communist philosophy. Whether the government is being run by the Communist Kremlin or not may be subject to argument, but certainly they are operating under the Communist doctrine.

Secondly, the Caracas Declaration contemplates unity of action by the American Republics. Anyone who attended the Caracas Conference, the Rio Conference, and some of the other conferences in Latin Amercica knows that one of the most touchy situations that can arise in Latin America is the subject of intervention. The cry of intervention, when it is raised, goes like wildfire through the whole Latin American complex. The charge of "colossus of the north" is fair game for any political harangue, discussion, or campaign in Latin America. All a demagog has to do is talk about "dollar diplomacy," "the colossus of the north," and "nonintervention," and we have a hornet in our nest.

There are many Latin-American leaders who will privately tell the Senator, or me, or any other official who talks to them privately, that we should take a stronger stand. The difficulty is that when we take a stronger stand, in reliance on those statements, we then excite all the emotions of the rank and file of the people in those countries, and we set ourselves back in our relations be-

cause we have taken a stronger stand, in reliance on what some of the leaders have told us privately, but which they do not advocate or say publicly.

One of the difficulties we have—and we may as well be realistic about it—is that this is a very proper field in which the Latin American States or the American Republics can take a direct hand, but up to date they have not done so. The United States has stood ready to cooperate with them. We have offered to give, and have given, them information on the Cuban situation, but we have seen what in my judgment are dilatory tactics on the part of the Latin American States, who do not want to come to grips with this problem as I think they should.

I think a great responsibilty rests on the Latin American States to come forward, in cooperative action, to help us arrive at some solution of the problem.

We have the power to send our forces there and invade Cuba. We can overrun Cuba. But that is not what we should do. The Latin American States have a responsibilty in this problem, and I, for one, am not willing to say that the United States has all the responsibilty on its hands.

Mr. MAGNUSON. Mr. President, will the Senator yield at that point?

Mr. SMATHERS. Yes.

Mr. MAGNUSON. I do not think the Senator from Florida disagrees basically with what the Senator from Iowa has said.

Mr. SMATHERS. No. I am in agreement with him.

Mr. MAGNUSON. The Senator from Florida made a very fine report, which has been made a Senate document. I recommend its reading. I think it is a good background for this whole problem. But we do have the problem of sugar quotas, on which we must act unilaterally and make a decision. The Latin American countries surely will not criticize us if we ask for an equitable rearrangement of the sugar quotas—which should be done regardless of Castro.

Mr. HICKENLOOPER. A lot of them would be pleased if we entirely cut off the sugar quota to Cuba.

Mr. MAGNUSON. Here is what is happening: Some of our farmers on reclamation lands are not allowed to raise sugar beets, and they cannot make payments on the land. We are haggling with the Department of the Interior not to raise payments. They are shocked over the fact that Castro is going to be benefited at their expense. This is a business proposition. We should take care of our own people first. They say, "Here is a fellow kicking us around like this, and we cannot make enough money off the land to pay the water costs."

What kind of a basis is that? We have to start on the basis that first we will first take care of those at home, put our own house in order, and then add to that house, and look at the overall picture. I do not know how anyone in Latin America could complain if we wanted to do the right and fair thing on the question of sugar quotas.

Mr. HICKENLOOPER. There is more than that involved. The fact is that we have had a great interest in Cuba ever since its establishment as a sovereign Republic. It is the Cuban people we must have some consideration for, in addition to the fact that we do not want to be a party to getting kicked around by an immature, irresponsible leader in Cuba, who happens to be temporarily in power at the moment.

Mr. MAGNUSON. What about our own people?

Mr. HICKENLOOPER. Our own people have their interests, of course, but I say the problem is a little broader than that of Castro himself. The problem goes as much to our relationships not only in the past, but our hope for friendly relationships in the future with the people of Cuba. I do not think we should let ourselves be led too emotionally by this bogey of a man with a beard down there, and lose sight of the fact that the Cuban people are involved.

Mr. MAGNUSON. If we give in to things of this kind, the people of Cuba are going to say, "Castro must be a great man."

Mr. SMATHERS. Mr. President, I agree with every point the Senator from Iowa has made except the last. The Cuban people who do not like dictatorships, who resisted Batista, and who were delighted when he was thrown out by Castro, are now appalled by and want to get rid of Castro. What happens to them when they are thinking of plotting a revolution to overthrow him? What happens to them when they see the United States suddenly send back to Cuba an Ambassador? That somehow the United States approves of this fellow? Such action strengthens Castro. It holds him up. When one is trying to defeat somebody, even for election in a State, we do not bring a "big guy" down from New York or from Washington and have a picture taken of that person with his arm around the shoulder of the man we want to see defeated.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SMATHERS. Mr. President, I ask unanimous consent that we may continue this discussion for 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SMATHERS. What happens when we want to get rid of a dictator, or even a politician in our own State? We do not give him stature. We do not do it by sending our Ambassador back to that country. By so doing we are giving the dictator stature which he does not deserve, and which certainly confuses the people of Cuba who want their liberty. It certainly is not in keeping with our policy. The very able Senator from Iowa has said he thinks the Cuban Government is Communist operated. He does not know whether it is operated in concert with the Soviet Union. I do not know, either. I am sure he does not care. But it is a government he does not like. If we have withdrawn our Ambassador, what earthly good can be done by sending him back to the kind of government which the Senator has described as he has?

Mr. HICKENLOOPER. May I correct an apparent misapprehension? I evidently did not make myself clear. I realize that under certain circumstances we might create either a sense of futility on the part of the Cuban people or make a hero of Castro in the eyes of the Cuban people.

I did not mean that at all. What I meant to say was that if we center our activities so much on Castro that we in effect do irreparable damage to the Cuban people at some time in the future, it would be a mistake. I think we should temper our action, with full realization and full vigor, against the unacceptable activities and irresponsible activities of this fellow Castro and his henchmen. I think we should center on that problem but we should keep our perspective, so that, in effect, in order to cure a cold we do not cut off our heads. We should not, in going after Mr. Castro, do unwarranted damage to the Cuban people themselves.

Mr. SMATHERS. I agree with the Senator on that point. I think we have conducted ourselves with restraint so far. We have taken no action. We have not even defended ourselves. We have listened to the abuse night after night and day after day. We have tried to stop any aid going to those who would defect from Castro. We have even taken the citizenship rights away from American citizens because they indicated some willingness to overthrow Castro. I shall talk about that at a later date.

Mr. President, we have done everything with restraint. I will say to the Senator from Iowa, I had printed in the RECORD last week an article from the Wall Street Journal. I think it was a very thorough article. It discussed how the people of Cuba themselves, in their efforts to get rid of this new dictator, are willing to encounter a little trouble. The people of Cuba know they will have to go "through the wringer" sometime or other.

What will happen if we continue this kind of a sugar quota and let this fellow get $400 million? What will he do with that money? He announced the other day that he had 25,000 new Belgian rifles. That is more than the NATO organization has. What does he do with these things, Mr. President? He uses them for control of the people over whom he rules.

Are we going to continue to give Castro money so that he can continue to use it for arms and munitions? That does not make sense.

Apparently most of us agree that this fellow is bad and that he "ought to go." Why should we support him with money, with cash, or with the intangible support of sending an Ambassador to Cuba, so that Castro can prate and brag to the world, "I brought the United States to its knees by abusing it. I had them send that man back even though I kicked them in the face. They are afraid of me."

Mr. President, every person in Latin America who does not like dictators and who wants to get rid of dictators is discouraged by this kind of action. We are,

in fact, giving aid and comfort to a dictator, and are doing it in a fashion which will set us back for generations in our efforts in Latin America.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). The time of the Senator has expired.

Mr. BENNETT subsequently said: Mr. President, earlier today there was a long, sustained colloquy, during the morning hour, about our proper relations with the Government of Cuba. In the course of that colloquy the Senator from Illinois [Mr. DIRKSEN] tried to remember certain passages from a certain treaty. I have been able to get a copy of the treaty, and I ask unanimous consent that before the end of that colloquy this reference be included in the RECORD. I refer to the Charter of the Organization of American States, particularly chapter III, article 15 and 16. Article 15 reads:

ARTICLE 15

No state or group of states has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other state. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the state or against its political, economic, and cultural elements.

Article 16 provides:

ARTICLE 16

No state may use or encourage the use of coercive measures of an economic or political character in order to force the sovereign will of another state and obtain from it advantages of any kind.

Mr. COOPER subsequently said: Mr. President, I have been very much interested in the comments made on Cuba. They were made by Members of the Senate who have intimate knowledge of our involved relations with Cuba.

I believe, considering the delicate negotiations which have been taking place between the United States and the countries of Latin America and the attempted negotiations with Cuba, that as long as these negotiations are going forward, and until we are called upon to vote upon the sugar issue, it might be best that comments upon Mr. Castro's fulminations be limited as much as possible. I know that the people of the United States have been surprised, disappointed, and have felt deep sorrow about the occurrences in Cuba. This is particularly saddening because of historical association and our friendly relations with the people of Cuba.

I agree with the distinguished Senator from Iowa [Mr. HICKENLOOPER] that while we are concerned with Mr. Castro's actions, larger issues are involved—our ultimate relations with the Cuban people, as distinguished from Mr. Castro, and our relations with the peoples of the Latin American countries, for they are our oldest and best friends.

Our country is a great country. We can afford to be a great country in dealing with Mr. Castro's government. I believe the President of the United States will set forth clearly our policy toward Cuba. When he does so, I have no doubt that it will be a policy tempered with reason and forbearance. I have confidence that in a choice between the statements of Mr. Castro and the reasonable policy of forbearance and dignity expressed by President Eisenhower, the people of Latin America and the people of the world will believe President Eisenhower.

It is my own belief that for at least a year there should be no change in our sugar policy toward Cuba, even though there is provocation for making a change. If we should make a change now, the people of Cuba and the people of Latin America, whatever their views toward Castro, may be led to believe that it is an act of economic pressure on the part of the United States, made for political reasons. In a year's time, we will know more clearly Mr. Castro's position.

I agree with the position taken by the distinguished Senator from Iowa [Mr. HICKENLOOPER].

Mr. DIRKSEN. Mr. President, I asked unanimous consent to have printed as a part of the discussion the pertinent sections of the Charter of the Organization of American States, in the course of the rather long colloquy which was initiated by the distinguished Senator from Florida [Mr. SMATHERS], which sections were alluded to and which might have some bearing on the discussion.

The pertinent sections are sections 15 and 16 of part 1, chapter I; but in order to make certain that no one will feel that anything has been lifted out of context, I think that in the public interest, and because the matter will be discussed further both in the Senate and the House, the entire charter, including the signatures, should be made a part of the RECORD at this point. That would start on page 5 of the charter, as is set forth in the message to Congress from the President on January 13, 1949, down to and including the signatures on page 26.

I ask unanimous consent that the matter be included as a part of the colloquy.

There being no objection, the Charter of the Organization of American States was ordered to be printed in the RECORD, as follows:

CHARTER OF THE ORGANIZATION OF AMERICAN STATES

PART ONE

Chapter I

Nature and Purposes

Article 1

The American States establish by this Charter the international organization that they have developed to achieve an order of peace and justice, to promote their solidarity, to strengthen their collaboration, and to defend their sovereignty, their territorial integrity, and their independence. Within the United Nations, the Organization of American States is a regional agency.

Article 2

All American States that ratify the present Charter are Members of the Organization.

Article 3

Any new political entity that arises from the union of several Member States and that, as such, ratifies the present Charter, shall become a Member of the Organization. The entry of the new political entity into the Organization shall result in the loss of membership of each one of the States which constitute it.

Article 4

The Organization of American States, in order to put into practice the principles on which it is founded and to fulfill its regional obligations under the Charter of the United Nations, proclaims the following essential purposes:

(a) To strengthen the peace and security of the continent;

(b) To prevent possible causes of difficulties and to ensure the pacific settlement of disputes that may arise among the Member States;

(c) To provide for common action on the part of those States in the event of aggression;

(d) To seek the solution of political juridical and economic problems that may arise among them; and

(e) To promote, by cooperative action, their economic, social, and cultural development.

Chapter II

Principles

Article 5

The American States reaffirm the following principles:

(a) International law is the standard of conduct of States in their reciprocal relations;

(b) International order consists essentially of respect for the personality, sovereignty and independence of States, and the faithful fulfillment of obligations derived from treaties and other sources of international law;

(c) Good faith shall govern the relations between States;

(d) The solidarity of the American States and the high aims which are sought through it require the political organization of those States on the basis of the effective exercise of representative democracy;

(e) The American States condemn war of aggression: victory does not give rights;

(f) An act of aggression against one American State is an act of aggression against all the other American States;

(g) Controversies of an international character arising between two or more American States shall be settled by peaceful procedures;

(h) Social justice and social security are bases of lasting peace;

(i) Economic cooperation is essential to the common welfare and prosperity of the peoples of the continent;

(j) The American States proclaim the fundamental rights of the individual without distinction as to race, nationality, creed or sex;

(k) The spiritual unity of the continent is based on respect for the cultural values of the American countries and requires their close cooperation for the high purposes of civilization;

(l) The education of peoples should be directed toward justice, freedom, and peace.

Chapter III

Fundamental Rights and Duties of States

Article 6

States are juridically equal, enjoy equal rights and equal capacity to exercise these rights, and have equal duties. The rights of each State depend not upon its power to ensure the exercise thereof, but upon the mere fact of its existence as a person under international law.

Article 7

Every American State has the duty to respect the rights enjoyed by every other State in accordance with international law.

Article 8

The fundamental rights of States may not be impaired in any manner whatsoever.

Article 9

The political existence of the State is independent of recognition by other States.

Even before being recognized, the State has the right to defend its integrity and independence, to provide for its preservation and prosperity, and consequently to organize itself as it sees fit, to legislate concerning its interests, to administer its services, and to determine the jurisdiction and competence of its courts. The exercise of these rights is limited only by the exercise of the rights of other States in accordance with international law.

Article 10

Recognition implies that the State granting it accepts the personality of the new State, with all the rights and duties that international law prescribes for the two States.

Article 11

The right of each State to protect itself and to live its own life does not authorize it to commit unjust acts against another State.

Article 12

The jurisdiction of States within the limits of their national territory is exercised equally over all the inhabitants, whether nationals or aliens.

Article 13

Each State has the right to develop its cultural, political, and economic life freely and naturally. In this free development, the State shall respect the rights of the individual and the principles of universal morality.

Article 14

Respect for and the faithful observance of treaties constitute standards for the development of peaceful relations among States. International treaties and agreements should be public.

Article 15

No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic, and cultural elements.

Article 16

No State may use or encourage the use of coercive measures of an economic or political character in order to force the sovereign will of another State and obtain from it advantages of any kind.

Article 17

The territory of a State is inviolable; it may not be the object, even temporarily, of military occupation or of other measures of force taken by another State, directly or indirectly, on any grounds whatever. No territorial acquisitions or special advantages obtained either by force or by other means of coercion shall be recognized.

Article 18

The American States bind themselves in their international relations not to have recourse to the use of force, except in the case of self-defense in accordance with existing treaties or in fulfillment thereof.

Article 19

Measures adopted for the maintenance of peace and security in accordance with existing treaties do not constitute a violation of the principles set forth in Articles 15 and 17.

Chapter IV

Pacific Settlement of Disputes

Article 20

All international disputes that may arise between American States shall be submitted to the peaceful procedures set forth in this Charter, before being referred to the Security Council of the United Nations.

Article 21

The following are peaceful procedures: direct negotiation, good offices, mediation, investigation and conciliation, judicial settlement, arbitration, and those which the parties to the dispute may especially agree upon at any time.

Article 22

In the event that a dispute arises between two or more American States which, in the opinion of one of them, cannot be settled through the usual diplomatic channels, the Parties shall agree on some other peaceful procedure that will enable them to reach a solution.

Article 23

A special treaty will establish adequate procedures for the pacific settlement of disputes and will determine the appropriate means for their application, so that no dispute between American States shall fail of definitive settlement within a reasonable period.

Chapter V

Collective Security

Article 24

Every act of aggression by a State against the territorial integrity or the inviolability of the territory or against the sovereignty or political independence of an American State shall be considered an act of aggression against the other American States.

Article 25

If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an armed attack or by an act of aggression that is not an armed attack, or by an extra-continental conflict, or by a conflict between two or more American States, or by any other fact or situation that might endanger the peace of America, the American States, in furtherance of the principles of continental solidarity or collective self-defense, shall apply the measures and procedures established in the special treaties on the subject.

Chapter VI

Economic Standards

Article 26

The Member States agree to cooperate with one another, as far as their resources may permit and their laws may provide, in the broadest spirit of good neighborliness, in order to strengthen their economic structure, develop their agriculture and mining, promote their industry and increase their trade.

Article 27

If the economy of an American State is affected by serious conditions that cannot be satisfactorily remedied by its own unaided effort, such State may place its economic problems before the Inter-American Economic and Social Council to seek through consultation the most appropriate solution for such problems.

Chapter VII

Social Standards

Article 28

The Member States agree to cooperate with one another to achieve just and decent living conditions for their entire populations.

Article 29

The Member States agree upon the desirability of developing their social legislation on the following bases:

a) All human beings, without distinction as to race, nationality, sex, creed or social condition, have the right to attain material well-being and spiritual growth under circumstances of liberty, dignity, equality of opportunity, and economic security;

b) Work is a right and a social duty; it shall not be considered as an article of commerce; it demands respect for freedom of association and for the dignity of the worker; and it is to be performed under conditions that ensure life, health and a decent standard of living, both during the working years and during old age, or when any circumstance deprives the individual of the possibility of working.

Chapter VIII

Cultural Standards

Article 30

The Member States agree to promote, in accordance with their constitutional provisions and their material resources, the exercise of the right to education, on the following bases:

(a) Elementary education shall be compulsory and, when provided by the State, shall be without cost;

(b) Higher education shall be available to all, without distinction as to race, nationality, sex, language, creed or social condition.

Article 31

With due consideration for the national character of each State, the Member States undertake to facilitate free cultural interchange by every medium of expression.

PART TWO

Chapter IX

The Organs

Article 32

The Organization of American States accomplishes its purposes by means of:

(a) The Inter-American Conference;

(b) The Meeting of Consultation of Ministers of Foreign Affairs;

(c) The Council;

(d) The Pan American Union;

(e) The Specialized Conferences; and

(f) The Specialized Organizations.

Chapter X

The Inter-American Conference

Article 33

The Inter-American Conference is the supreme organ of the Organization of American States. It decides the general action and policy of the Organization and determines the structure and functions of its Organs, and has the authority to consider any matter relating to friendly relations among the American States. These functions shall be carried out in accordance with the provisions of this Charter and of other inter-American treaties.

Article 34

All Member States have the right to be represented at the Inter-American Conference. Each State has the right to one vote.

Article 35

The Conference shall convene every five years at the time fixed by the Council of the Organization, after consultation with the government of the country where the Conference is to be held.

Article 36

In special circumstances and with the approval of two-thirds of the American Governments, a special Inter-American Conference may be held, or the date of the next regular Conference may be changed.

Article 37

Each Inter-American Conference shall designate the place of meeting of the next Conference. If for any unforeseen reason the Conference cannot be held at the place designated, the Council of the Organization shall designate a new place.

Article 38

The program and regulations of the Inter-American Conference shall be prepared by the Council of the Organization and submitted to the Member States for consideration.

Chapter XI

The Meeting of Consultation of Ministers of Foreign Affairs

Article 39

The Meeting of Consultation of Ministers of Foreign Affairs shall be held in order to consider problems of an urgent nature and of common interest to the American States, and to serve as the Organ of Consultation.

Article 40

Any Member State may request that a Meeting of Consultation be called. The request shall be addressed to the Council of the Organization, which shall decide by an absolute majority whether a meeting should be held.

Article 41

The program and regulations of the Meeting of Consultation shall be prepared by the Council of the Organization and submitted to the Member States for consideration.

Article 42

If, for exceptional reasons, a Minister of Foreign Affairs is unable to attend the meeting, he shall be represented by a special delegate.

Article 43

In case of an armed attack within the territory of an American State or within the region of security delimited by treaties in force, a Meeting of Consultation shall be held without delay. Such Meeting shall be called immediately by the Chairman of the Council of the Organization, who shall at the same time call a meeting of the Council itself.

Article 44

An Advisory Defense Committee shall be established to advise the Organ of Consultation on problems of military cooperation that may arise in connection with the application of existing special treaties on collective security.

Article 45

The Advisory Defense Committee shall be composed of the highest military authorities of the American States participating in the Meeting of Consultation. Under exceptional circumstances the Governments may appoint substitutes. Each State shall be entitled to one vote.

Article 46

The Advisory Defense Committee shall be convoked under the same conditions as the Organ of Consultation, when the latter deals with matters relating to defense against aggression.

Article 47

The Committee shall also meet when the Conference or the Meeting of Consultation or the Governments, by a two-thirds majority of the Member States, assign to it technical studies or reports on specific subjects.

Chapter XII

The Council

Article 48

The Council of the Organization of American States is composed of one Representative of each Member State of the Organization, especially appointed by the respective Government, with the rank of Ambassador. The appointment may be given to the diplomatic representative accredited to the Government of the country in which the Council has its seat. During the absence of the titular Representative, the Government may appoint an interim Representative.

Article 49

The Council shall elect a Chairman and a Vice Chairman, who shall serve for one year and shall not be eligible for election to either of those positions for the term immediately following.

Article 50

The Council takes cognizance, within the limits of the present Charter and of inter-American treaties and agreements, of any matter referred to it by the Inter-American Conference or the Meeting of Consultation of Ministers of Foreign Affairs.

Article 51

The Council shall be responsible for the proper discharge by the Pan American Union of the duties assigned to it.

Article 52

The Council shall serve provisionally as the Organ of Consultation when the circumstances contemplated in Article 43 of this Charter arise.

Article 53

It is also the duty of the Council:

(a) To draft and submit to the Governments and to the Inter-American Conference proposals for the creation of new Specialized Organizations or for the combination, adaptation or elimination of existing ones, including matters relating to the financing and support thereof;

(b) To draft recommendations to the Governments, the Inter-American Conference, the Specialized Conferences or the Specialized Organizations, for the coordination of the activities and programs of such organizations, after consultation with them;

(c) To conclude agreements with the Inter-American Specialised Organizations to determine the relations that shall exist between the respective agency and the Organization;

(d) To conclude agreements or special arrangements for cooperation with other American organizations of recognized international standing;

(e) To promote and facilitate collaboration between the Organization of American States and the United Nations, as well as between Inter-American Specialized Organizations and similar international agencies;

(f) To adopt resolutions that will enable the Secretary General to perform the duties envisaged in Article 84;

(g) To perform the other duties assigned to it by the present Charter.

Article 54

The Council shall establish the bases for fixing the quota that each Government is to contribute to the maintenance of the Pan American Union, taking into account the ability to pay of the respective countries and their determination to contribute in an equitable manner. The budget, after approval by the Council, shall be transmitted to the Governments at least six months before the first day of the fiscal year, with a statement of the annual quota of each country. Decisions on budgetary matters require the approval of two-thirds of the members of the Council.

Article 55

The Council shall formulate its own regulations.

Article 56

The Council shall function at the seat of the Pan American Union.

Article 57

The following are organs of the Council of the Organization of American States:

(a) The Inter-American Economic and Social Council;

(b) The Inter-American Council of Jurists; and

(c) The Inter-American Cultural Council.

Article 58

The organs referred to in the preceding article shall have technical autonomy within the limits of this Charter; but their decisions shall not encroach upon the sphere of action of the Council of the Organization.

Article 59

The organs of the Council of the Organization are composed of representatives of all the Member States of the Organization.

Article 60

The organs of the Council of the Organization shall, as far as possible, render to the Governments such technical services as the latter may request; and they shall advise the Council of the Organization on matters within their jurisdiction.

Article 61

The organs of the Council of the Organization shall, in agreement with the Council, establish cooperative relations with the corresponding organs of the United Nations and with the national or international agencies that function within their respective spheres of action.

Article 62

The Council of the Organization, with the advice of the appropriate bodies and after consultation with the Governments, shall formulate the statutes of its organs in accordance with and in the execution of the provisions of this Charter. The organs shall formulate their own regulations.

(A) The Inter-American Economic and Social Council

Article 63

The Inter-American Economics and Social Council has for its principal purpose the promotion of the economic and social welfare of the American nations through effective cooperation for the better utilization of their natural resources, the development of their agriculture and industry and the raising of the standards of living of their peoples.

Article 64

To accomplish this purpose the Council shall:

(a) Propose the means by which the American nations may give each other technical assistance in making studies and formulating and executing plans to carry out the purposes referred to in Article 26 and to develop and improve their social services;

(b) Act as coordinating agency for all official inter-American activities of an economic and social nature;

(c) Undertake studies on its own initiative or at the request of any Member State;

(d) Assemble and prepare reports on economic and social matters for the use of the Member States;

(e) Suggest to the Council of the Organization the advisability of holding specialized conferences on economic and social matters;

(f) Carry on such other activities as may be assigned to it by the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, or the Council of the Organization.

Article 65

The Inter-American Economic and Social Council, composed of technical delegates appointed by each Member State, shall meet on its own initiative or on that of the Council of the Organization.

Article 66

The Inter-American Economic and Social Council shall function at the seat of the Pan American Union, but it may hold meetings in any American city by a majority decision of the Member States.

(B) The Inter-American Council of Jurists

Article 67

The purpose of the Inter-American Council of Jurists is to serve as an advisory body on juridical matters; to promote the development and codification of public and private international law; and to study the possibility of attaining uniformity in the

legislation of the various American countries, insofar as it may appear desirable.

Article 68

The Inter-American Juridical Committee of Rio de Janeiro shall be the permanent committee of the Inter-American Council of Jurists.

Article 69

The Juridical Committee shall be composed of jurists of the nine countries selected by the Inter-American Conference. The selection of the jurists shall be made by the Inter-American Council of Jurists from a panel submitted by each country chosen by the Conference. The Members of the Juridical Committee represent all Member States of the Organization. The Council of the Organization is empowered to fill any vacancies that occur during the intervals between Inter-American Conferences and between meetings of the Inter-American Council of Jurists.

Article 70

The Juridical Committee shall undertake such studies and preparatory work as are assigned to it by the Inter-American Council of Jurists, the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, or the Council of the Organization. It may also undertake those studies and projects which, on its own initiative, it considers advisable.

Article 71

The Inter-American Council of Jurists and the Juridical Committee should seek the cooperation of national committees for the codification of international law, of institutes of international and comparative law, and of other specialized agencies.

Article 72

The Inter-American Council of Jurists shall meet when convened by the Council of the Organization, at the place determined by the Council of Jurists at its previous meeting.

(C) The Inter-American Cultural Council

Article 73

The purpose of the Inter-American Cultural Council is to promote friendly relations and mutual understanding among the American peoples, in order to strengthen the peaceful sentiments that have characterized the evolution of America, through the promotion of educational, scientific and cultural exchange.

Article 74

To this end the principal functions of the Council shall be:

(a) To sponsor inter-American cultural activities;

(b) To collect and supply information on cultural activities carried on in and among the American States by private and official agencies both national and international in character;

(c) To promote the adoption of basic educational programs adapted to the need of all population groups in the American countries;

(d) To promote, in addition, the adoption of special programs of training, education and culture for the indigenous groups of the American countries;

(e) To cooperate in the protection, preservation and increase of the cultural heritage of the continent;

(f) To promote cooperation among the American nations in the fields of education, science and culture, by means of the exchange of materials for research and study, as well as the exchange of teachers, students, specialists and, in general, such other persons and materials as are useful for the realization of these ends;

(g) To encourage the education of the peoples for harmonious international relations;

(h) To carry on such other activities as may be assigned to it by the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, or the Council of the Organization.

Article 75

The Inter-American Cultural Council shall determine the place of its next meeting and shall be convened by the Council of the Organization on the date chosen by the latter in agreement with the Government of the country selected as the seat of the meeting.

Article 76

There shall be a Committee for Cultural Action of which five States, chosen at each Inter-American Conference, shall be members. The individuals composing the Committee for Cultural Action shall be selected by the Inter-American Cultural Council from a panel submitted by each country chosen by the Conference, and they shall be specialists in education or cultural matters. When the Inter-American Cultural Council and the Inter-American Conference are not in session, the Council of the Organization may fill vacancies that arise and replace those countries that find it necessary to discontinue their cooperation.

Article 77

The Committee for Cultural Action shall function as the permanent committee of the Inter-American Cultural Council, for the purpose of preparing any studies that the latter may assign to it. With respect to these studies the Council shall have the final decision.

Chapter XIII

The Pan American Union

Article 78

The Pan American Union is the central and permanent organ of the Organization of American States and the General Secretariat of the Organization. It shall perform the duties assigned to it in this Charter and such other duties as may be assigned to it in other inter-American treaties and agreements.

Article 79

There shall be a Secretary General of the Organization, who shall be elected by the Council for a ten-year term and who may not be reelected or be succeeded by a person of the same nationality. In the event of a vacancy in the office of Secretary General, the Council shall, within the next ninety days, elect a successor to fill the office for the remainder of the term, who may be reelected if the vacancy occurs during the second half of the term.

Article 80

The Secretary General shall direct the Pan American Union and be the legal representative thereof.

Article 81

The Secretary General shall participate with voice, but without vote, in the deliberations of the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, the Specialized Conferences, and the Council and its organs.

Article 82

The Pan American Union, through its technical and information offices, shall, under the direction of the Council, promote economic, social, juridical and cultural relations among all the Member States of the Organization.

Article 83

The Pan American Union shall also perform the following functions:

(a) Transmit ex officio to Member States the convocation to the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, and the Specialised Conferences;

(b) Advise the Council and its organs in the preparation of programs and regulations of the Inter-American Conference, the Meeting of Consultation of Ministers of Foreign Affairs, and the Specialized Conferences;

(c) Place, to the extent of its ability, at the disposal of the Government of the country where a conference is to be held, the technical aid and personnel which such Government may request;

(d) Serve as custodian of the documents and archives of the Inter-American Conference, of the Meeting of Consultation of Ministers of Foreign Affairs, and, insofar as possible, of the Specialized Conferences;

(e) Serve as depository of the instruments of ratification of inter-American agreements;

(f) Perform the functions entrusted to it by the Inter-American Conference, and the Meeting of Consultation of Ministers of Foreign Affairs;

(g) Submit to the Council an annual report on the activities of the Organization;

(h) Submit to the Inter-American Conference a report on the work accomplished by the Organs of the Organization since the previous Conference.

Article 84

It is the duty of the Secretary General:

(a) To establish, with the approval of the Council, such technical and administrative offices of the Pan American Union as are necessary to accomplish its purposes;

(b) To determine the number of department heads, officers and employees of the Pan American Union; to appoint them, regulate their powers and duties, and fix their compensation, in accordance with general standards established by the Council.

Article 85

There shall be an Assistant Secretary General, elected by the Council for a term of ten years and eligible for reelection. In the event of a vacancy in the office of Assistant Secretary General, the Council shall, within the next ninety days, elect a successor to fill such office for the remainder of the term.

Article 86

The Assistant Secretary General shall be the Secretary of the Council. He shall perform the duties of the Secretary General during the temporary absence or disability of the latter, or during the ninety-day vacancy referred to in Article 79. He shall also serve as advisory officer to the Secretary General, with the power to act as his delegate in all matters that the Secretary General may entrust to him.

Article 87

The Council, by a two-thirds vote of its members, may remove the Secretary General or the Assistant Secretary General whenever the proper functioning of the Organization so demands.

Article 88

The heads of the respective departments of the Pan American Union, appointed by the Secretary General, shall be the Executive Secretaries of the Inter-American Economic and Social Council, the Council of Jurists and the Cultural Council.

Article 89

In the performance of their duties the personnel shall not seek or receive instructions from any government or from any other authority outside the Pan American Union. They shall refrain from any action that might reflect upon their position as international officials responsible only to the Union.

Article 90

Every Member of the Organization of American States pledges itself to respect the exclusively international character of the responsibilities of the Secretary General and

the personnel, and not to seek to influence them in the discharge of their duties.

Article 91

In selecting its personnel the Pan American Union shall give first consideration to efficiency, competence and integrity; but at the same time importance shall be given to the necessity of recruiting personnel on as broad a geographical basis as possible.

Article 92

The seat of the Pan American Union is the city of Washington.

Chapter XIV

The Specialized Conferences

Article 93

The Specialized Conferences shall meet to deal with special technical matters or to develop specific aspects of inter-American cooperation, when it is so decided by the Inter-American Conference or the Meeting of Consultation of Ministers of Foreign Affairs; when inter-American agreements so provide; or when the Council of the Organization considers it necessary, either on its own initiative or at the request of one of its organs or of one of the Specialized Organizations.

Article 94

The program and regulations of the Specialized Conferences shall be prepared by the organs of the Council of the Organization or by the Specialized Organizations concerned; they shall be submitted to the Member Governments for consideration and transmitted to the Council for its information.

Chapter XV

The Specialized Organizations

Article 95

For the purposes of the present Charter, Inter-American Specialized Organizations are the intergovernmental organizations established by multilateral agreements and having specific functions with respect to technical matters of common interest to the American States.

Article 96

The Council shall, for the purposes stated in Article 53, maintain a register of the Organizations that fulfill the conditions set forth in the foregoing Article.

Article 97

The Specialized Organizations shall enjoy the fullest technical autonomy and shall take into account the recommendations of the Council, in conformity with the provisions of the present Charter.

Article 98

The Specialized Organizations shall submit to the Council periodic reports on the progress of their work and on their annual budgets and expenses.

Article 99

Agreements between the Council and the Specialized Organizations contemplated in paragraph c) of Article 53 may provide that such Organizations transmit their budgets to the Council for approval. Arrangements may also be made for the Pan American Union to receive the quotas of the contributing countries and distribute them in accordance with the said agreements.

Article 100

The Specialized Organizations shall establish cooperative relations with world agencies of the same character in order to coordinate their activities. In concluding agreements with international agencies of a world-wide character, the Inter-American Specialized Organizations shall preserve their identity and their status as integral parts of the Organization of American States, even when they perform regional functions of international agencies.

Article 101

In determining the geographic location of the Specialized Organizations the interests of all the American States shall be taken into account.

PART THREE

Chapter XVI

The United Nations

Article 102

None of the provisions of this Charter shall be construed as impairing the rights and obligations of the Member States under the Charter of the United Nations.

Chapter XVII

Miscellaneous Provisions

Article 103

The Organization of American States shall enjoy in the territory of each Member such legal capacity, privileges and immunities as are necessary for the exercise of its functions and the accomplishment of its purposes.

Article 104

The Representatives of the Governments on the Council of the Organization, the representatives on the organs of the Council, the personnel of their delegations, as well as the Secretary General and the Assistant Secretary General of the Organization, shall enjoy the privileges and immunities necessary for the independent performance of their duties.

Article 105

The juridical status of the Inter-American Specialized Organizations and the privileges and immunities that should be granted to them and to their personnel, as well as to the officials of the Pan American Union, shall be determined in each case through agreements between the respective organizations and the Governments concerned.

Article 106

Correspondence of the Organization of American States, including printed matter and parcels, bearing the frank thereof, shall be carried free of charge in the mails of the Member States.

Article 107

The Organization of American States does not recognize any restrictions on the eligibility of men and women to participate in th activities of the various Organs and to hold positions therein.

Chapter XVIII

Ratification and Entry Into Force

Article 108

The present Charter shall remain open for signature by the American States and shall be ratified in accordance with their respective constitutional procedures. The original instrument, the Spanish, English, Portuguese and French texts of which are equally authentic, shall be deposited with the Pan American Union, which shall transmit certified copies thereof to the Governments for purposes of ratification. The instruments of ratification shall be deposited with the Pan American Union, which shall notify the signatory States of such deposit.

Article 109

The present Charter shall enter into force among the ratifying States when two-thirds of the signatory States have deposited their ratifications. It shall enter into force with respect to the remaining States in the order in which they deposit their ratifications.

Article 110

The present Charter shall be registered with the Secretariat of the United Nations through the Pan American Union.

Article 111

Amendments to the present Charter may be adopted only at an Inter-American Conference convened for that purpose. Amendments shall enter into force in accordance with the terms and the procedure set forth in Article 109.

Article 112

The present Charter shall remain in force indefinitely, but may be denounced by any Member State upon written notification to the Pan American Union, which shall communicate to all the others each notice of denunciation received. After two years from the date on which the Pan American Union received a notice of denunciation, the present Charter shall cease to be in force with respect to the denouncing State, which shall cease to belong to the Organization after it has fulfilled the obligations arising from the present Charter.

In witness whereof the undersigned Plenipotentiaries, whose full powers have been presented and found to be in good and due form, sign the present Charter at the city of Bogotá, Colombia, on the dates that appear opposite their respective signatures.

For Honduras:
M. A. Batres
Ramón E. Cruz
Virgilio R. Gálvez
30 de abril de 1948

For Guatemala:
L. Cardoza y Aragón
J. L. Mendoza
Virgilio Rodríguez Beteta
M. Noriega M.
José M. Saravia
30 de abril de 1948

For Chile:
J. Hernández
E. Barros Jarpa
W. Muller
Julio Barrenechea
D. Bassi
J. Ramón Gutiérrez
Rodrigo González
Gaspar Mora Sotomayor
30 de abril de 1948

For Uruguay:
Dardo Regules
Pedro Chouhy Terra
Juan F. Guichón
Héctor A. Grauert
Gen. Pedro Sicco
R. Pírez Coelho
Nilo Berchesi
Ariosto D. González
Blanca Mieres de Botto
Carlos Manini Ríos
30 de abril de 1948

For Cuba:
O. Gans y M.
Ernesto Dihigo
Carlos Tabernilla
Ricardo Sarabasa
Guy Pérez Cisneros
E. Pando
30 de abril de 1948

For the United States of America:
Norman Armour
Willard L. Beaulac
William D. Pawley
Walter J. Donnelly
Paul C. Daniels
30 de abril de 1948

For the Dominican Republic:
Arturo Despradel
Minerva Bernardino
Temístocles Messina
Joaquín Balaguer
E. Rodríguez Demorizi
Héctor Incháustegui
30 de abril de 1948

For Bolivia:
J. Paz Campero
E. Montes y M.
Humberto Linares
H. Palza
A. Alexander
30 de abril de 1948

For Peru:
A. Revoredo L.
V. A. Belaúnde
Luis Fernán Cisneros
Juan Bautista de Lavalle
G. N. de Aramburu
Luis Echecopar García
E. Rebagliati
30 de abril de 1948

For Nicaragua:
Luis Manuel Debayle
Guillermo Sevilla Sacasa
Modesto Valle
Jesús Sánchez
Diego M. Chamorro
30 de abril de 1948

For Mexico:
J. Torres Bodet
R. Córdova
Luis Quintanilla
José M. Ortiz Tirado
J. Campos Ortiz
J. Gorostiza
E. Villaseñor
G. Ramos Millán
J. López B.
M. Sánchez Cuén
E. Enríquez
Mario de la Cueva
F. A. Ursúa
30 de abril de 1948

For Panama:
Mario de Diego
Roberto Jiménez
R. J. Alfaro
Eduardo A. Chiari
30 de abril de 1948

For El Salvador:
Héctor David Castro
H. Escobar Serrano
Joaquín Guillén Rivas
Roberto E. Canessa
30 de abril de 1948

For Paraguay:
César A. Vasconsellos
Augusto Saldívar
30 de abril de 1948

For Costa Rica:
Emilio Valverde
Rolando Blanco
José Miranda
30 de abril de 1948

For Ecuador:
A. Parra V.
Homero Viteri L.
P. Jaramillo A.
Gen. L. Larrea A.
Alberto Puig Arosemena
H. García Ortiz
B. Peralta P.
30 de abril de 1948

For Brasil:
João Neves da Fontoura
Arthur Ferreira dos Santos
Gabriel de Rezende Passos
Elmano Gomes Cardim
João Henrique Sampaio Viera da Silva
A Camillo de Oliveira
Jorge Felippe Kafuri
Ernesto de Araújo
30 de abril de 1948

For Haiti:
Gustave Laraque
J. L. Dejean
30 de abril de 1948

For Venezuela:
Rómulo Betancourt
Luis Lander
José Rafael Pocaterra
Mariano Picón Salas
30 de abril de 1948

For the Argentine Republic:
Enrique Corominas
Pascual La Rosa
Pedro Juan Vignale
Saverio S. Valenti
R. A. Ares
30 de abril de 1948

For Colombia:
Eduardo Zuleta Angel
Carlos Lozano y Lozano
Domingo Esguerra
Silvio Villegas
Luis López de Mesa
Jorge Soto del Corral
Carlos Arango Vélez
Miguel Jiménez López
Augusto Ramírez Moreno
Cipriano Restrepo Jaramillo
Antonio Rocha

I hereby certify that the foregoing document is a true and faithful copy of the authentic texts in English, French, Portuguese and Spanish, of the Charter of the Organization of American States, signed at the Ninth International Conference of American States, held at Bogotá, Colombia, from March 30 to May 2, 1948, and that these texts have been duly examined for purposes of coordination by the Special Commission appointed to that end by the Council of the Organization of American States.

Washington, D.C., September 30, 1948.

William Manger,
Secretary of the Council of the Organization of American States.

Mr. KEATING. Mr. President, I want to speak only briefly on this matter. The subcommittee on Internal Security of the Committee on the Judiciary, of which I am a member, has been holding extensive hearings, in regard to the situation in Cuba. If a hostile—and especially a Communist—regime establishes a beachhead 90 miles from our own shores, that certainly is a matter affecting the internal security of this country. I commend the Senator from Florida for bringing this matter before the Senate.

No one has been more critical of Mr. Castro in public and in private than I. However, I think it is very easy to oversimplify the problem. I have been interested in, looked into, and studied, this subject as much as anyone, I believe. I confess that at this moment my own thinking on it has not completely jelled. I am not in complete agreement that all the other Latin American countries would commend us if we "cracked down" on Cuba.

Castro is clearly a dictator. But we must think of our relations with the Cuban people, not with this one dictator.

Our hearings have been held, for the most part, in executive session. However, it can be said that there has been a difference of opinion among those who have testified, most of whom are escapees from this tyranny which is going on in Cuba, as to whether this is a Communist regime, a Communist-tainted regime, a Communist-infiltrated regime, or exactly what it is. One fact is clear, however, and that is that elements of the Communist movement have taken high position in Cuba.

It seems to me that it is not necessarily any further recognition of the regime to have our Ambassador, who has been to the United States for consultation, return to Cuba again.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. KEATING. Mr. President, I ask unanimous consent that I may proceed for 1 minute more on this subject.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? The Chair hears none, and it is so ordered.

Mr. KEATING. Mr. President, I am not convinced this would have a detrimental effect on us and our relations with other Latin American countries, as the Senator from Florida has indicated. At the present moment the other Latin nations are extremely cool to Cuba, and they believe that Castro and the fanatical men around him have embarked on a wild, senseless adventure. We do not want to take any action which would lead these other nations to regard Castro as a martyr. I would counsel great caution in dealing with the problem. I think it is a time for very cool heads and calm thinking in the face of the very definite provocation which this tyrant is visiting upon us.

Mr. President, I desire to address myself to another subject.

The PRESIDING OFFICER. The Senator from New York has the floor.

CATHOLIC UNIVERSITY STUDENTS SPEAK OUT FOR EQUALITY

Mr. KEATING. Mr. President, I was pleased yesterday to receive from student representatives from Catholic University an eloquent and strong resolution supporting the American principle of equality. In reaffirming their belief that "discrimination based on the accidental fact of race or color cannot be reconciled with the truth that God has created all men with equal rights and equal dignity," the students of this fine institution buttressed the firm statement on discrimination adopted in 1958 by members of the administrative board of the National Catholic Welfare Conference, in the name of the bishops of the United States. A copy of this message was also delivered to me yesterday by the student representatives.

Mr. President, the vigorous manner in which the undergraduates at Catholic University have backed the idea of equality before the law is most reassuring. It is an emphatic testimonial to the dedication of our young people to this cardinal principle of the American way of life. I was particularly impressed by the fact, as outlined by the student emissaries, that this statement was adopted by the undergraduate student council with but one dissenting vote.

This near-unanimity of opinion would be a good lesson for their elders to emulate. Emotionalism and deep-rooted prejudices must never blind Americans to the fact that, as this statement says, "The time must come when all men, regardless of race, will stand equal before their fellow men and before the law, as they now stand before their God."

By means of the proposed civil rights legislation now before Congress, by means of the activities of church leaders, by means of firm application of existing statutes, and by untiring efforts to cleanse the minds of men of bigotry and promote mutual understanding, we

can continue to move toward the goal of equality for all Americans. In this great crusade, the firm stand of our young people, as exemplified by the fine position outlined by the undergraduates at Catholic University, will be essential.

SCARCITY OF FUNDS AND HIGH INTEREST COSTS IN THE HOUSING INDUSTRY

Mr. BENNETT. Mr. President, over the recent months some Democratic Senators and other members of the Democratic Party, have tried to blame the administration for a scarcity of funds and high interest costs in the housing industry. The argument is that the administration's so-called 'tight-money policy is drying up the availability of funds for homebuilding, and is at the same time discouraging many prospective buyers because of high interest rates. In the same breath these individuals argue that the administration proposal to remove the interest ceiling on long-term Government bonds will drive rates even higher.

As reported in Wednesday's CONGRESSIONAL RECORD, the Senator from Pennsylvania [Mr. CLARK], urged the administration to "go out and talk to the homebuilders of the country and to lending institutions" concerning the scarcity of money. I suggest that the Senator from Pennsylvania and others seeking to block the removal of the interest ceiling talk to these same groups. If they do, they will find, much to their surprise, that these men feel that it is the ceiling on Government bonds that is at the root of their troubles. Just last Friday the National Association of Home Builders in its weekly Washington letter came out strongly in favor of the removal of that ceiling on the grounds that the current squeeze for housing is worse with the ceiling than without it. It recommended strong support for H.R. 10590, the compromise bill which would remove the ceiling. The homebuilders letter stated:

If partisan politics is permitted to defeat H.R. 10590, the supply of funds for the homebuilding industry is bound to be affected adversely and severely.

This is exactly the opposite picture to that which members of the opposition party have been painting.

I ask unanimous consent to have printed in the RECORD the full text of the letter of the National Association of Home Builders, signed by the association president, Martin L. Bartling, Jr.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON LETTER FROM THE PRESIDENT OF THE NATIONAL ASSOCIATION OF HOME BUILDERS OF THE UNITED STATES, WASHINGTON, D.C., MARCH 11, 1960

We must support H.R. 10590. It will permit the Treasury to refinance the Government debt without unduly invading mortgage funds. Passage will make possible a more stabilized debt management to the benefit of home buyers, builders, and the general public. Defeat could well mean tighter mortgage money and higher interest rates. Your help is needed at once.

Your national officers, executive committee, regional vice presidents and several NAHB past presidents attending meetings just concluded in Washington agreed unanimously that NAHB and the homebuilding industry have no choice but to endorse the bipartisan effort in the bill (H.R. 10590) recommended February 29 by the House Ways and Means Committee to aid the Government in its financing without repealing the statutory 4¼-percent ceiling on Government bonds having a maturity in excess of 5 years. We urge your strong support for passage by Congress of H.R. 10590 at the earliest possible date.

This bill has been urged by leaders in both parties as the most effective means of aiding the Treasury in its debt management under the existing statutory ceiling. Previously, President Eisenhower had called for removal of the ceiling as "imperative" and "fully consistent with the public interest." If partisan politics is permitted to defeat H.R. 10590, the supply of funds for the homebuilding industry is bound to be affected adversely and severely. The purpose of this letter is to tell you briefly what H.R. 10590 would do and why it is so very important to us.

PROVISIONS OF H.R. 10590

First, the bill provides a series of limited adjustments to the 4¼-percent ceiling which will permit the Treasury to issue bonds in excess of 5 years and thus avoid future high-interest, short-term issues such as the "magic 5's" issue of last December which effectively took away large sums of mortgage money from savings banks, savings and loans and other mortgage lenders.

Secondly, without removing the 4¼-percent ceiling, the bill is designed to give the Secretary of the Treasury more flexibility in managing the public debt. It should enable him to economize in interest charges to the Government; to lessen the competition of Government financing with certain areas of private credit, and to cut down the inflationary effects of public borrowing. Needless to say, if he succeeds in all of these purposes it will greatly benefit mortgage financing and homebuilding.

Specifically, H.R. 10590 will provide the following:

1. Permit the Treasury to refund outstanding bonds in advance of their maturity by exchanging them for new bonds with longer terms. This is called "advance refunding" and is especially important in refinancing currently outstanding long-term Government bonds which will mature in the next few years. Under H.R. 10590, any discount at which the new bonds might be issued will not be counted in applying the 4¼-percent limit.

2. Upon a finding by the President of the United States that the national interest requires financing above the 4¼-percent limit, the bill also would permit the Treasury in any fiscal year to issue new bonds up to a total of 2 percent of the public debt. This, in effect, is an "escape valve" for the whole Government financing structure. To the extent the authority is not used during fiscal 1961, it would be carried forward for use during the next 2 fiscal years.

3. Also upon a finding by the President that the national interest requires the action, the bill would authorize the Treasury to provide special issues of U.S. securities to Government trust funds and also savings bonds at rates in excess of the 4¼-percent limit. This provision is expected to be noncontroversial.

THE BILL HAS BIPARTISAN SUPPORT

Influential Democratic leaders in the House of Representatives urge passage of this bill as an effective way of meeting the urgent request of President Eisenhower and the Secretary of the Treasury. The bill was reported favorably in a bipartisan 18-to-7 vote from the House Ways and Means Committee. It should be on the House floor for debate and voting within the next 2 weeks. This is the crucial time therefore to advise your Congressmen.

Although the Treasury and the President have asked for complete removal of the bond interest-rate ceiling, the Secretary of the Treasury has testified that the financing permitted by this bill "is adequate" to provide for the Treasury's needs in the foreseeable future.

The Ways and Means Committee report emphasized that "retaining the interest-rate ceiling without modification would not reduce the level of interest rates either for the Government or for private borrowers. However, not to modify the interest-rate ceiling would raise the cost of financing the public debt and, at the same time, would make the management of the debt more difficult."

Despite these well-considered conclusions, it is clear that the proposed legislation faces rough sledding in the House and perhaps later in the Senate. It will be attacked on a partisan basis and by many who strongly protest, as do we, the tight-money and high-interest-rate policies of the Federal Reserve and other monetary authorities. We are convinced such an attack will be ill-founded; yet the vote is bound to be close and the bill will need our complete support if it is to pass the Congress.

WHY THE BILL IS IMPORTANT TO NAHB

Certainly in our own interests as homebuilders, we should realize fully the significance of this legislation to our industry. Expressed very simply, the tight-money policy and the resulting high level of interest rates have put the Treasury in a position where it must do virtually all of its financing in the short-term market. The rates it has been paying (and unless H.R. 10590 is passed, the rates it will probably have to pay in the future) are so high that the Treasury's unavoidable financing activities are draining money out of the very institutions on which we must rely for mortgage credit.

When short-term Treasury bonds are issued at an interest rate of 5 percent it is not difficult to understand why thousands of depositors in savings banks, savings and loans and banks line up to withdraw their deposits in order to buy short-term Government bonds which will net them more than the interest they have been getting on their deposits. If this trend continues it is bound to create serious problems for all builders, and particularly for a great number of our membership who rely on conventional loans for their mortgage commitments. Passage of H.R. 10590 will prevent this.

The bill's provisions will permit the Treasury to negotiate with these same financial institutions and exchange new long-term issues for bonds which will be maturing shortly. Further, the President's budget for the next fiscal year contemplates a surplus. This means the Treasury will not be in the market for new funds. In fact, for the first time in a long while the Treasury may be able to pay off some of the public debt. It is in the interest of the homebuilding industry that the Treasury be able to manage the public debt in a way which will not disrupt the long-term investment market in which we have so great a stake. Only passage of H.R. 10590 can make this possible.

The Treasury will be forced to go into the market this year to refinance some $80 billion worth of securities. If it can only go into the short-term market, we are bound to suffer severely. For this reason alone, all of us who have studied this admittedly complicated matter are convinced that we have no choice except to support the bipartisan effort in Congress to pass the Ways and Means Committee bill, H.R. 10590.

I should like to emphasize as strongly as I can that this conclusion in no way changes the basic policy position of this association in opposition to tight-money and high-interest rates. We deplore the disproportionate reliance of monetary authorities upon tight money and higher interest rates as primary means of combating inflation. It has been carried to the point where even the U.S. Treasury cannot manage the public debt on a sound and businesslike basis because of a statutory interest rate ceiling.

We shall do everything we can to convince the monetary and fiscal authorities in Government that the policies they have been pursuing for a number of years are responsible not only for our financing problems but for those of the Treasury as well. At the very least we hope to bring about a change in basic attitudes on this matter. In the meantime, the current crisis facing the Treasury must be relieved soon by passage of H.R. 10590. Otherwise, the Treasury's problems will make even more difficult the efforts of homebuilders to obtain the funds they need, at prices buyers and builders can afford, to finance the volume of homebuilding needed in this country.

CONGRESS MUST KNOW YOUR VIEWS

Every one of your elected Representatives and Senators finds himself in a difficult position on this legislation. Your views will be of vital importance to him in arriving at his decision to support or oppose this bill, H.R. 10590. Therefore, I urge you to communicate at once with your Representatives and Senators upon your receipt of this letter.

Your Congressmen should know that you and your industry support the passage of H.R. 10590 at the earliest possible date. Our reasons are simple. They are:

The Treasury's hands must be untied if we are to prevent an excessive drain of small depositors' funds out of the pool of mortgage money which supports our industry and into Treasury short-term obligations. Passage of H.R. 10590 will accomplish this.

Mortgage lenders must be able to plan their future commitments to builders with greater certainty of having funds available and without fear of being raided by Treasury financing. Passage of H.R. 10590 will contribute substantially to this.

Stability in the mortgage market requires stability in the general long-term investment market, which will be aided substantially if the Treasury is permitted to refund outstanding debt with new and longer term securities. Passage of H.R. 10590 will authorize this.

Congressional and administration leaders are convinced the public interest now demands that the Treasury be given greater flexibility in management of the public debt without removal of the statutory ceiling and Congressional control over maximum Government bond rates. We concur in this view.

The bill, H.R. 10590, is a sincere, well considered bipartisan effort to accomplish this objective in the national interest. It should be supported with the full vigor of the homebuilding industry. I urge that you advise your Congressmen at once of your views.

Sincerely,

MARTIN L. BARTLING, Jr.,
President.

Mr. BENNETT. If Senators will read this letter carefully, they will understand very clearly why those individuals who claim to be helping homebuilders by keeping a ceiling on long-term Government bond rates are in reality doing great harm to the homebuilding industry. The Treasury's financing activities under such a policy must unavoidably drain money out of the very institutions on which homebuilders must rely for mortgage credit. I urge every Member of Congress to read the NAHB letter.

In this connection, I ask to have printed in the RECORD a resolution passed by the National Association of Real Estate Boards last fall, in which they adopt this same position.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

STATEMENT OF POLICY, 1960, NATIONAL ASSOCIATION OF REAL ESTATE BOARDS, ADOPTED NOVEMBER 12, 1959, TORONTO, CANADA

1. Remove the statutory interest rate ceiling on long-term Government bonds in order to reduce inflationary pressures and the impact of rising interest rates resulting from the Treasury's necessity for refunding the public debt through issuance of short-term obligations.

2. Require allocation of a portion of each year's Federal revenue to the reduction of the public debt to insure its systematic retirement.

3. Amend the 1946 Employment Act to give equal stress to price stability as well as maximum employment as primary objectives of national economic policy.

4. Require that loans and contractual obligations which ultimately become charges on the public debt be approved by the Appropriations Committees as well as legislative committees of both Houses of Congress.

Federal Reserve System: We deplore the widespread current misunderstanding and criticism to the effect that the Federal Reserve System has created the present tight-money condition. On the contrary, the Federal Reserve System has pursued a policy directed against inflation to the long-term benefits of not only the real estate industry but all segments of the American economy. We applaud these actions of the Federal Reserve System and urge its continued zealous regard for preserving the soundness of our monetary system.

FEDERAL HOUSING ADMINISTRATION

We congratulate the Federal Housing Administration on its 25th anniversary, and share with millions of American people a heartfelt appreciation for the great contribution which this agency has made to the principles of home ownership.

We urge the 86th Congress upon its reconvening in January 1960, to provide the FHA with insurance authorization on a continuing basis thereby avoiding any threatened reduction in its insuring activities.

We commend the Federal Housing Administration for its extension of the certified agency program to small communities on a national basis. We urge its early extension to the sale of existing housing in larger communities and metropolitan areas.

We strongly recommend that the Congress authorize the Federal Housing Administration to use up to 35 percent of its earnings from fees, charges, and insurance premiums for administrative expenses.

INDEPENDENT FEE APPRAISERS

The use of fee appraisers in connection with the processing of FHA mortgage insurance applications on existing homes and the certified agency program, with its use of fee appraisers, are making a material contribution to the existing house market and reflect a heartening recognition by FHA of private enterprise in the appraising of homes.

We recommend the support and cooperation of the American Institute of Real Estate Appraisers and the Society of Residential Appraisers in the development of an educational program which would be directed at: (1) Providing a source of qualified fee appraisers to meet the needs of an expanding certified agency program, and (2) maintaining a desirable degree of proficiency on the part of FHA fee appraisers and fee appraisers approved for the CAP program.

VETERANS' ADMINISTRATION

The expansion of the FHA certified agency program, coupled with the lowering of minimum downpayments and extension of maturities during the past years, make unnecessary the extension of the veterans' home loan program for World War II veterans beyond its present July 25, 1960, termination date.

We urge the Congress, pending the complete termination of the VA program, to authorize the Administrator of Veterans' Affairs to adjust the interest rate on such loans to the same extent as the FHA Commissioner may adjust such rates.

FEDERAL NATIONAL MORTGAGE ASSOCIATION

We call upon FNMA in its secondary market operations to activate without further delay the two changes in its charter approved by the Congress in the 1959 Housing Act, to (1) increase the maximum mortgage eligible for purchase to $20,000 and (2) make advance standby commitments for the purchase of mortgages on existing housing.

Like the Federal Reserve Board, the Federal National Mortgage Association's secondary market operations should be within the executive branch but not under it. Its secondary market operations cannot function effectively unless it is divorced from the Housing and Home Finance Agency and freed from Treasury control in its public borrowings. Only then can FNMA serve the mortgage needs of the American people in the same manner and with the same degree of effectiveness that the Federal Reserve Board serves the commercial banking system. We urge the Congress to enact such legislation.

EXCESSIVE DISCOUNTS

We view the present state of the residential mortgage market as posing a great threat to the home-buying public and the national economy. We deplore the lack of restraint by those mortgage lenders whose insistence on unreasonably high discounts on residential mortgages reflects their anticipation of future tightening of the market rather than current conditions. The resulting spiral of rates and discounts is most apparent.

We call upon the lenders to exercise restraint in charging discounts and to impose only those discounts which actually reflect the current price of mortgage money in the area.

HOUSING FOR LOW INCOME FAMILIES

We commend the increasing efforts in private industry to provide good quality new and rehabilitated housing for families of low income, particularly in use of the FHA Section 221 program for families displaced from their residences by governmental action. We urge an increasing use of this program for expanding the extent of home ownership among families of low income.

For adequate housing of dependent families, we support direct assistance through local welfare agencies and existing State and Federal public assistance agencies. However, such direct assistance should be provided only with respect to shelter which meets the standards of an adequate modern housing code.

HOUSING FOR ELDERLY PERSONS

The growth of our population has directed increased attention to the housing needs of elderly persons. We urge member participation in section 231, added to the Federal Housing Administration programs by the Housing Act of 1959, which provides the means for financing the construction and acquisition of housing for elderly persons, without subsidy, and within the framework of private enterprise.

PUBLIC HOUSING

We commend the Administrator of the Housing and Home Finance Agency for his decision to launch a searching analysis and review of the public housing program and its failure to meet its much vaunted objectives of housing families of lowest income.

We commend to both the Administrator and the Congress consideration of the clear and unmistakable evidence that the social evils generated by public housing have aggravated rather than alleviated the economic and social problems which spawned the public housing program.

We call upon the Administration to exercise its constitutional executive discretion by declining to implement the recent action of the Congress authorizing an expansion of this program.

OMNIBUS HOUSING LEGISLATION

Annual omnibus housing bills distort the will of Congress by bringing about the enactment of controversial subsidy housing programs whose enactment would be unlikely were they to be considered separately. Such omnibus housing bills which generated the bitter legislative controversies in 1958 and 1959 constituted a disservice to the American people, who thereby suffered the enactment of costly, unpopular programs in order to keep alive programs essential to the national economy.

We urge the Congress to consider legislation affecting the statutory functions of each constituent agency of the Housing and Home Finance Agency as separate bills.

FEDERAL TAXATION

Retirement deductions for self-employed: We urge the U.S. Senate to take favorable action on the Smathers-Keogh-Simpson bill (H.R. 10) which was approved by an overwhelming majority of the House of Representatives. This legislation would permit self-employed persons to take certain tax deductions for investment in retirement funds.

Subchapter S: We recommend that subchapter S of the Internal Revenue Code be amended to repeal the restriction that a real estate corporation, more than 20 percent of whose income is attributable to rents, may not make an election not to be taxed as a corporation.

We also recommend that the holding of preferred stock by the FHA in project mortgagor corporations not be a bar to election not to be taxed as a corporation under subchapter S.

We oppose the legislative recommendations of the Treasury that stockholder-employees of electing corporations under subchapter S not be permitted to participate in tax deductible pension and profit-sharing plans if they own more than 5 percent of the stock of the electing corporation.

Capital gains for real estate dealers: Real estate dealers often fail to obtain capital gains tax treatment on property held for investment because of the difficulty in overcoming the presumption that all real estate held, and sold by dealers is primarily for sale in the ordinary course of business. The Federal Tax Code should be amended by establishing definite criteria, the fulfillment of which would make it certain that capital gains tax treatment would be permitted upon the disposition of real estate held by a dealer for his investment account.

Real estate investment trusts: Increased equity investment in real estate is vital to the growth of our economy. Real estate investment trusts enable small investors to put savings in real estate but Federal laws subject such trusts to corporate tax rates, thereby imposing a disproportionate burden on investments in real estate as distinguished from other forms of investment.

We urge Congress to enact the necessary legislation so that the passive income from real estate investment trusts may be accorded tax treatment comparable to that now applicable to income from security investment trusts.

Residential capital losses: Since the gain on the sale of a taxpayer's residence is taxable to the home owner, the Federal tax law should be amended so as to recognize losses as well.

Depreciation: The depreciation of income-producing real estate should be considered by the Treasury Department as a return of invested capital rather than as a means of replacing property upon the expiration of its useful life. The depreciation rate or period should be determined by the taxpayer.

If annual deductions for depreciation continue to be determined by the remaining useful life of the property, we recommend that such depreciation allowance be adjusted annually by the application of a cost index to reflect the current replacement cost of the improvements.

THE PUBLIC DOMAIN

Disposition of public lands: We urge a basic policy of retaining in the public domain lands that are clearly charged with a public interest, including parks, national monuments, and forests necessary for watershed protection and erosion control. With respect to public lands that now lie in the path of urban business, industrial, and residential development, and which are suitable for sound development to those purposes, we urge disposal to private ownership with reversionary rights to the Federal Government in the absence of private developments within a reasonable time.

Shoreline areas: We view with concern the pendency of Federal legislation providing for the condemnation of privately owned farms, business, residential, and resort properties for transfer to the national park system. Approval of these bills will establish a precedent which will threaten the concept of private ownership of shore properties. Federal condemnation authority for this purpose should be exercised with great restraint, and with due regard for the public interest already being served by private ownership.

URBAN RENEWAL AND NEIGHBORHOOD CONSERVATION

The work of overcoming blight, squalor, and deterioration in older city areas is of paramount importance to the stability of urban centers and the health of local government.

Equitable public policy requires that federally assisted urban renewal programs seek the greatest possible extent of improvement to housing and neighborhood environment. This can be attained through a conservation emphasis in urban renewal giving the greatest feasible scope to the curative power of rehabilitation and modernization, and resorting to the more costly and slow moving process of total clearance with complete redevelopment only in those exceptional areas of extreme deterioration that will respond to no other treatment. We support the urban renewal program urging its administration under such a policy.

Specifically, we urge that conservation be given its full scope in urban renewal by formal policies that will require:

(1) Actual performance in the enforcement of a modern municipal ordinance containing health, safety, and sanitary standards for housing as a firm prerequisite to any measure of Federal cooperation in urban renewal.

(2) A system of processing applications for Federal assistance in proposed urban renewal projects that will give priority to those programs based predominantly on rehabilitation or conservation procedures.

Looking to the future, in order that cities may depend less upon Federal assistance in urban renewal, we urge that Congress gradually reduce the Federal portion of financing urban renewal costs.

BUILD AMERICA BETTER

We commend the Association's Build America Better Committee for the work it is doing to build a more adequate understanding of the importance of conservation and economic foresight in urban renewal programs; for its encouragement and tangible assistance to municipalities in establishing local neighborhood conservation programs to eliminate slums and blight; and for the special advisory service it provides to our member boards.

DISPOSITION OF GOVERNMENT SURPLUS PROPERTY

We applaud the action of the General Services Administration in its use of private real estate brokers in the disposition of Government-owned surplus industrial properties. We urge expansion of this program in the disposition of all surplus real estate.

ADVANCE FEE RACKET

We commend the Federal Trade Commission for its past and current efforts to suppress the so-called advance fee racket involving fraudulent representations in connection with the sale of real estate in interstate commerce, and we also commend the Senate Permanent Investigating Committee for its painstaking probe of this racket. We strongly urge the Department of Justice to assist these efforts to suppress this racket by diligent prosecution of its perpetrators under existing provisions of the United States Criminal Code.

POLITICAL PARTICIPATION

We urge upon individual members the acceptance of the citizenship responsibility of active participation in political activity of the member's choice. In no other way can we be assured of good government in the United States.

HOMEOWNERSHIP

Widespread homeownership is a distinguishing attribute of the American way of life, contributing to a high level of citizen responsibility, and providing the individual family with an aid to stability and saving.

The real estate profession will continue its efforts to put homeownership within reach of a wider range of family incomes. One force toward a greater extent of homeownership is the growing public esteem for it, and we urge all member boards to participate actively in the Association's annual buy a home—first program.

LICENSE LAWS

We urge that licensing of persons to engage in the practice of real estate be based upon uniformly high standards of business conduct and incorporate provisions that will justify States entering into agreements for reciprocal licensing of brokers and salesmen without the necessity of additional examinations.

We urge upon our State legislatures and license law officials the establishment of educational prerequisites for qualifications prior to examination.

We offer to State associations every cooperation in securing the adoption of real estate license law provisions consistent with the recommendations contained in the "pattern license law" as developed by this Association.

EDUCATION

To elevate the standards of our profession and our service to the public, we again urge real estate boards in States which have no educational requirements for licensing, to establish appropriate educational requirements for board membership.

Realtors should accept responsibility for encouraging full-time employment and "on the job" training of employees and salesmen.

We will continue to cooperate with universities, colleges, and other institutions of learning to improve the knowledge and capacity of our present and future members, and we encourage such institutions to continue to include the best qualified members of our profession as consultants or lecturers in order to provide the most effective program.

MEMBERSHIP DEVELOPMENT

Membership as a Realtor is a valued privilege and responsibility, to be jealously guarded by members and member boards alike. Membership should be open to all persons qualifying by character, training, and ability in accordance with standards determined by the individual board having jurisdiction.

PROFESSIONAL STANDARDS

Consistent adherence to high standards of professional conduct must be the practice of every Realtor. We recommend that every member board maintain ethics and arbitration committees charged with the duty of enforcing the Code of Ethics.

REAL ESTATE RESEARCH

The competence of Realtors is furthered by the development of information through technical studies in the field of real estate. Our own valuable work in current market studies should be expanded, and we urge continued cooperation between this Association, its institutes, and the Urban Land Institute in the development and financing of special research studies.

REALTOR PROMOTION

It is important that the public fully understand the meaning of the term Realtor as a designation applying only to active members of boards of our National Association who are committed to our Code of Ethics. We urge Realtors and member boards to promote the term Realtor, and to use the many aids for this purpose provided by the National Association of Real Estate Boards.

RESOLUTION OF THANKS

At the close of a memorable annual convention in Toronto, we express our thankful appreciation to James M. Udall, president of our Association, for his untiring efforts on behalf of the real estate profession, to our convention cochairman, Clifford W. Rogers, of Toronto, and Leonard P. Reaume, of Detroit, to the Toronto Real Estate Board and its convention committees, to the Ontario Provincial Association and the Canadian Association of Real Estate Boards, to the speakers and participants in our sessions, and to our competent staff for the careful planning and thoughtfulness that have contributed so largely to the success of our meeting.

We also express our appreciation of the fair and able manner in which press, radio, and television have reported our proceedings to the public.

Respectfully submitted.

NAREB Resolutions Committee: Fred C. Tucker, Jr., Indianapolis, Ind., Chairman; Benjamin F. Bermel, Minneapolis, Minn., Vice Chairman; Warren M. Atkinson, Indianapolis, Ind.; Arthur F. Bassett, Royal Oak, Mich.; William R. Blake, Flushing, Long Island, N.Y.; J. Beverly Brignac, Lafayette, La.; Alan L. Emlen, Philadelphia, Pa.; Arnold Goldsborough, Wilmington, Del.; A. A. Horsfeldt, Portland, Oreg.; D. W. Martin, Prescott, Ariz.; Sylvan M. Maxwell, North Miami, Fla.; Hugh Potter, Houston, Tex.; Percy E. Wagner, Oak Park, Ill.; Floyd Willey, Manchester, N.H.; Charles W. Williams, Albuquerque, N. Mex.

AMERICA'S DETERIORATING POSITION IN WORLD TRADE

Mr. MAGNUSON. Mr. President, last week I introduced a bill which sets forth a problem involved in the field of foreign commerce.

During the last session of Congress, our Committee on Interstate and Foreign Commerce began an intensive study of America's deteriorating position in world trade. I am sure that Senators are all well aware of the magnitude of this problem. During the past 2 years, the United States has lost many of its markets to foreign competition, while our imports have risen to their highest level ever.

In 1959 our country experienced one of the smallest surpluses in commodity trade in its history, which means another year of deficit financing to realize the millions of dollars which we are spending abroad in the form of military and economic aid, and to compensate for the millions more which flow overseas through private investment, shipping charges, personal remittances and the like. As a result of our failure to pay our way in the world by earnings from the export of American products abroad, the United States has suffered an unprecedented balance of payments deficit in the order of $3½ to $4 billion for the second consecutive year—a turn of events which can only lead to a further depletion of gold reserves and loss of international confidence in the dollar.

Realizing that the strength of our export trade is the foundation upon which America's economic leadership in the free world must be based, our committee has concentrated its study on discovering the specific areas where our sales abroad have faltered and why. We have been concerned to find what action this Government can most effectively take to stimulate foreign demand for American goods and services in order to bring foreign earnings back into balance with our expenditures abroad.

We proceeded down the line, commodity by commodity, and found that a part of the reason for our current trade deficit is that the United States is now buying more foreign iron and steel abroad than it sells, buying more passenger cars than it sells, buying more textile products than it sells, and so forth. Yet our net loss of dollars through the exchange of these products turned out to account for only a small fraction of the dramatically adverse tilt in our balance of payments. Then we made the discovery that the largest single factor in that imbalance does not arise from the exchange of goods at all, but from the exchange of people.

I have recently seen a document issued by the Department of Commerce entitled "U.S. Participation in International Travel." I heartily commend it to the attention of every Member of the Senate. You need only read the first page to know one of the main reasons why we have a balance of payments problem and to identify the one export market most deserving of our attention. One need not be an expert in international trade to know that a dollar spent for the purchase of foreign goods and services represents an import whether it is spent in the United States or outside of the country. By the same token, an export occurs whenever and wherever a foreigner purchases American goods and services. In 1958—the last year for which statistics are available—this pamphlet shows that American tourists spent almost $1,800 million abroad, making foreign tourism by far our largest single import. In 1958, Americans spent $150 million more on foreign tourism than on foreign oil, our largest commodity import, $600 million more than on coffee. In 1958, Americans spent more on foreign tourism than on foreign automobiles, foreign textiles, and foreign newsprint put together. In contrast to this, the combined expenditures of foreigners who visited the United States in 1958 were slightly more than one-half as much, making tourism stand a poor fourth among America's exports. As a result, the imbalance between America's international tourist expenditures and tourist receipts was a staggering $866 million—an amount equal to 25 percent of our Nation's balance of payments' deficit.

This net outflow of tourist dollars—the travel dollar gap—is nothing new, of course. Americans have always traveled abroad in larger numbers than foreigners who visit the United States. The important thing is that the gap has never been so large nor increased so fast. Since World War II, the volume of America's foreign trade, both imports and exports, has fluctuated up and down; our balance of payments position has varied from year to year. But the remarkable thing about this travel dollar gap is that, unlike the other elements in our total trade picture, it becomes consistently worse every year. In 1949 it amounted to only $360 million. By 1953 it had jumped to $477 million. In 1954 it reached $540 million, in 1955 it was $640 million, 1956, $751 million, 1957, $770 million, and in 1958 it had climbed to $866 million. At the present rate of increase, last year's loss of foreign exchange due to travel abroad will be perilously close to $1 billion, and it will be double that within the next decade.

Why are we slipping further and further behind in the field of international travel? I believe that much of the answer to that question lies in the fact that we are almost the only country in the world which does not promote foreign tourism as a matter of national policy. Each year, foreign governments through their national tourist officers or through government-owned carriers, spend lavish amounts to lure tourists to their countries. Here are the figures: In 1958 Great Britain spent $2.8 million for the British Travel and Holidays Association; France spent $2.6 million on its Office of Tourism; India spent $1.5 million; New Zealand, $1.6 million; Russia, $500,000; even little Haiti spent $200,000 on tourist promotion. These are worldwide expenditures. The amount spent in the United States alone by all foreign government tourist offices was over $5 million in 1958. Add to this the huge

sums of money spent in advertising and promotion by such foreign government-owned carriers as Air France, BOAC, KLM, and so forth, and the total amount devoted directly and indirectly by foreign governments to luring Americans abroad every year would probably total well over $20 million. But Senators need not take my word for it. They need only to pick up the morning newspaper and count the number of foreign advertisements which proclaim the excitement of touring Europe in the know, the pleasure of an air-conditioned cruise to the West Indies and South America, and the fun of relaxing at a Nassau beach where the temperature is 80 degrees. One has only to scan the latest copy of one's favorite magazine to see why gourmets go to Europe in the spring. Let him turn on his local radio station and hear Charles Boyer invite him to enjoy the Paris theater with him. If laid end to end the amount of foreign government-subsidized travel literature appearing in the American press every day would probably stretch from here to the French Riviera and back. Considering the number and variety of such foreign travel inducements—reaching every home in America—it is easy to understand why the promotion of foreign travel is big business in most other countries. In many of these countries the national director of tourist promotion is a cabinet level position.

Foreign tourism is sometimes referred to as an "invisible export." I always wondered about that description until I examined what the United States is doing to encourage visitors from abroad. So far as its relation to our total world trade picture is concerned, the importance of tourism seems to have been completely invisible to our own Government. In contrast with the efforts of other nations it is fair to say that the United States does virtually nothing to encourage foreigners to travel here. Incredible as it seems, our national tourist promotion budget is only one-third what is spent by Haiti, for example. It is even less than what is spent by the Government of Singapore and only slightly more than what is spent by the island of Cyprus. The closest approach we make to a ministry of tourism is a small office buried far down in the lower echelons of the Department of Commerce, and even this group has only recently come into existence. At present, virtually the entire burden of promoting the United States internationally as a tourist goal must be shouldered by a handful of privately operated international carriers such as Pan American, TWA, and the United States Lines. Yet even these carriers must understandably direct their efforts toward selling their own services rather than promoting the United States as a travel destination.

I should say at this point that one small attempt was made by our Government to encourage foreign travel when President Eisenhower announced his visit-U.S.A.-1960 program. A high sounding proclamation was issued, committees were formed, letters were written—but not one nickel of money was appropriated to finance the promotional effort required if this program is to be a success. As a matter of fact, the President's announcement was accompanied by a 40 percent cut in the Department of Commerce's funds for the Office of International Travel, the office responsible for coordinating this program.

One would have to be deaf, dumb, and blind not to see some correlation between the massive efforts at tourist promotion made by foreign governments as compared with ours, and the ever-increasing flight of tourist dollars from the United States. If our Government is serious about righting its balance of payments, if we are really in earnest about stimulating American exports, then it is high time we did something to correct the greatest single gap in our balance of payments and shore up our most important export market. If the Government can afford to spend millions on promoting the sale of American commodities abroad through international trade fairs, commercial attaché services and other trade development work, then surely we can afford something more than pious words for the promotion of tourism.

Unlike the sale of an American automobile, a tractor, or a shipload of wheat abroad, which benefits only one American exporter, the foreign tourist provides a market which benefits scores of businesses in this country—the carriers, the hotel and restaurants, the dry cleaners, the bootblacks, and every one else with whom he comes into contact. But more important than this, the foreign tourist takes with him not only American goods and services, but a vivid and lasting impression of American life, American friendliness, and American good will. And these are the commodities we should most of all be concerned to export.

The type of program urgently required if we are to broadcast America's welcome to potential travelers throughout the world cannot be obtained without purposeful direction backed by adequate funds. This is something our foreign friends have known for years; but we need not look that far away. Our own 50 States are now spending a total of over $17 million per year in tourist promotion activities, and in many cases it is the most profitable investment a State can make. Based on their experience, it has been shown that the amount spent in bringing visitors into an area is returned many times over in the form of additional tax revenue resulting from tourist expenditures. On the national level, it has been estimated that $1 out of every $10 spent in the United States by foreign visitors flows into the Federal Treasury through various forms of taxation. Thus, in 1958 foreign visitors accounted for over $85 million in Federal revenue. An adequate national program for travel promotion could easily be conducted for a small percentage of this amount, and therefore would be completely self-supporting.

This type of program is called for in the legislation which I now introduce. The bill provides for the creation of a high-level Office of International Travel and Tourism which, for administrative purpose only, would be within the Department of Commerce. It would be headed by a Presidentially appointed Director and would have authority to establish branch offices overseas. The primary function of the Office as set forth in section 3 of the bill would be to develop, plan and carry out a comprehensive program, utilizing all appropriate media of public information and communication, designed to stimulate and encourage travel to the United States by the residents of foreign countries for the purpose of study, culture, recreation, business and other activities conducive to better international understanding of the people and institutions of the United States. In addition, the Office would inherit the various statistical and representational duties of the present Office of International Travel and would be the Government agency responsible for facilitating international travel generally.

I should stress here that it would be the chief purpose of the new Office to publicize the benefits and attractions of the United States generally as a travel destination, and not to support, supplement, or subsidize the self-interest advertising done by any component of the private U.S. travel industry. On the other hand, the Office would be prohibited from engaging in any activity in competition with private industry; it would not, for example, sell tickets, arrange tours, or provide other normally commercial services.

The Office would be assisted by a Travel Advisory Board composed of 12 members appointed from private life by the President, with the duty of recommending policies and programs to be followed by the Office in carrying out the purposes of the act.

In support of their functions the Office and Board would have an authorized budget equal to one-half of 1 percent of the amount spent in the United States by foreign visitors during the preceding calendar year, as determined by the Secretary of the Treasury—an amount equal to a mere one-twentieth of what these visitors contribute to the U.S. Treasury, as I have already explained.

In asking for support of this measure, I shall conclude by reminding Senators of these facts:

The travel dollar gap now accounts for a full 25 percent of the U.S. balance-of-payments deficit, yet foreign travel is the one "export" which we are doing nothing tangible to promote.

Foreign travel is the one export which offers a direct market benefit to the greatest number of Americans—down to the smallest businessman.

Foreign travel is the one export which provides a psychological as well as a monetary dividend to the United States.

Foreign travel is the one export which can be promoted on a self-supporting basis.

I think these are compelling reasons for making the real effort toward expanding our foreign travel market that is called for in this bill.

MUTUAL SECURITY PROPOSALS OF THE DEPARTMENT OF STATE—INDUS WATERS PROJECT

Mr. MAGNUSON. Mr. President, the mutual security proposals of the Department of State currently before our Congress contain an item of great interest; namely, the Indus waters project. This project is significant both from its humanitarian intent, involving the future welfare of 40 million people who live in the Indus Basin, and because it promises the possibility of an early settlement of a major dispute which since 1947 has embittered the relations between India and Pakistan. This project is also significant for a third reason. It is a proposal which departs from our normal bilateral approach to foreign assistance and contemplates a cooperative multilateral effort to be taken with other friendly governments for the financing of this huge program.

The program itself has been conceived by the International Bank for Reconstruction and Development and would be administered by that agency. The cost of the project is estimated to be in the order of the equivalent of a billion dollars. The dollar value of the proposed U.S. contribution is $515 million, exclusive of our contribution as a member of the World Bank itself. This U.S. contribution would consist of $177 million in dollar grants, $103 million in dollar loans, and $235 million in local currencies. Other contributing nations are Australia, Canada, Germany, New Zealand, and the United Kingdom.

Implementation of the financial plan and the participation of the governments concerned is contingent upon ratification of a water treaty now under negotiation between India and Pakistan. Participation is also subject to such legislative action as may be required in each contributing country. Thus, the proposed mutual security legislation, in addition to seeking authority for the use of funds for this project, contains other provisions specified as necessary to facilitate participation on the part of the United States. It is one of these special provisions to which I would refer.

Section 404 of the bill contains a provision that such funds as may be appropriated "may be used in accordance with requirements, standards, or procedures established by the Bank, rather than with requirements, standards, or procedures concerning such matters set forth in this or other acts." Among the U.S. requirements which would be set aside are the provisions of the Cargo Preference Act. This would be accomplished by providing that funds appropriated for this Indus Basin project may "be used without regard to the provisions of section 901(b) of the Merchant Marine Act of 1936, as amended, whenever the President determines that such provisions cannot be fully satisfied without seriously impeding or preventing accomplishment of such purposes." In this connection it has been reported to me that Hon. Douglas Dillon, testifying on this subject before the House Committee on Foreign Affairs, urged the waiver of this shipping clause in such terms as to imply that determination of the necessity for a waiver from the Cargo Preference Act has already been made.

This comes without Mr. Dillon appearing before any committee. It comes without any hearings on the subject, and would seem to me to imply that, despite the fact that our contribution in this particular case will run well over $515 million of a $1 billion project, exclusive of our contribution as a member of the Bank, there is not much intention of obtaining most of the supplies in the United States in cases in which that would be consistent with the project itself.

I can assure Senators that no one is more interested than I in the success of a project of this nature. At the same time I can assure you that no one is more concerned than I that such action might be taken on an arbitrary basis which would be detrimental to our workers and our industry. So far as I am aware, this proposed waiver of our shipping statutes has been put forward without any consultation with the agency of our Government most directly concerned with the state of our merchant marine, nor, so far as I am aware, have there been consultations concerning the necessity for such waiver as an incident to the success of the program.

A proposal of this nature creates a serious problem for the Congress. It has been our policy to require that whenever U.S. funds are contributed to programs for the assistance of foreign nations at least half of the material or commodities procured with such funds shall be transported on privately owned U.S.-flag commercial vessels.

It is appreciated that Mr. Dillon is concerned over the problems which may befall the International Bank in administering such a provision. This concern appears to center around the fact that U.S. funds would be comingled with the contributions of other nations and may be spent for procurement anywhere in the world. Is this not then the heart of the problem? Waiver from a requirement to transport a portion of the materials to be procured for this project must be sought because there is no assurance that any portion of such procurement will be made from the United States. We all know that our mutual security programs have provided jobs for U.S. workers as well as foreign assistance. It is a fact, however, that in recent years more and more of these funds have been used for procurement from foreign sources, and less and less spent in the United States. Was it not only a few months ago we awoke to find a deficit in our balance of foreign payments, and caution was urged by our fiscal guardians on this very subject?

It is now proposed under the terms of this legislation to waive any and all of such protective requirements as the Congress may have established as safeguards in the administration of its foreign assistance programs. Over one-half billion dollars of U.S. funds would be involved in this project. Are we to understand that as a contributor of more than half of all the funds to be used it would be improper, or detrimental to the project, to retain or apply any of the measures which have been found necessary in our own administration of foreign assistance? Is it necessary to this project to relinquish all control to the International Bank?

It is my hope that the Department of State will make a careful analysis of this situation to ascertain whether such assistance cannot, in fact, be accomplished without the necessity of such drastic waiver of our laws.

PERSECUTION OF BISHOP JAMES E. WALSH IN RED CHINA

Mr. BEALL. Mr. President, I rise to call the attention of the U.S. Senate to an atrocity of great magnitude. I have just learned through the Department of State that a so-called court in Red China has sentenced Bishop James E. Walsh to a term of 20 years in prison on trumped-up charges.

Bishop Walsh is a brother of the distinguished Judge William C. Walsh, of Cumberland, Md., and Father John Walsh, of the Maryknoll order. The bishop grew up in western Maryland.

This dedicated official of the Roman Catholic Church and a representative of the Catholic Foreign Mission Society is a victim of Communist terrorism. Some months ago, the news leaked through that Bishop Walsh had been arrested on charges that he was part of a revolutionary scheme against the Red regime. Bishop Walsh was in China as a missionary, concerned with the souls of the Chinese, not with politics.

Claims that Bishop Walsh was a tool of any government are fantastic. There is positive evidence that Bishop Walsh never had any connection with the American Government. When our consulates were there, he never once contacted them. He stayed away from national and international politics. His interest was solely in the religious life of the Chinese people.

His arrest was a shock to all of us who know him and to all right-thinking people everywhere. It had been hoped that the Red Chinese could be persuaded to release him. And now comes the dreadful news that they have condemned him to imprisonment for what likely amounts to a life term.

Bishop Walsh has given the best years of his life to the Chinese people. He could have left when the Reds came in, but he felt that his flock needed his moral support more than ever. Bishop Walsh chose to remain with the Chinese people whom he loved and for whom he had worked so diligently. It is sad that his self-sacrificing work for the Chinese people should be so miserably "rewarded."

The persecution of Catholic priests and nuns in Red China has been going on for years. Eighteen foreign Catholic priests have died of malnutrition while in the hands of their Red Chinese prison guards.

Here we have a horrible illustration of the methods of the Reds. They hate the church. They hate Christianity. And so, they strike out at a man who to them personifies the church.

I am not a Roman Catholic, I am a Protestant, but I want to say here and now that I for one have admired the firm stand the Roman Catholic church has taken against communism. It has never compromised with right. It has never wavered.

Mr. President, I hope that those people in this country who have been soft on communism and those who, while professing Christianity, have supported the deadly philosophy of godless communism will be unable to force from their minds the picture of this man of God suffering the torture of his dungeon.

If I felt that there was even an ounce of justice in the Red Chinese warlords, I would appeal to them to release this man who has never done anything worse to the Chinese than to comfort and console and counsel their people.

The atrocity of the Reds is here brought close to home.

ANNIVERSARY OF FOUNDING OF NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION — ADDRESS BY SENATOR OLIN D. JOHNSTON

Mr. SYMINGTON. Mr. President, the distinguished senior Senator from South Carolina [Mr. JOHNSTON] recently addressed the annual meeting of the National Rural Electric Cooperative Association in St. Louis, Mo. This meeting commemorated the 25th anniversary of the founding of the association. In his address Senator JOHNSTON pointed up the contrasts in his State and in our Nation between pre-REA days and the present. He spoke of what the REA program has meant to all our people, as well as to the farmers.

The Senator's speech also contained an illuminating discussion of the subject of interest rates and their effect on the American consumer.

I commend this address to the attention of all my colleagues.

Mr. President, I ask unanimous consent that the address by Senator JOHNSTON at the 18th annual meeting of the Rural Electric Cooperative Association on February 23, 1960, at St. Louis, Mo., be inserted at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

DON'T LET THEM PUT YOUR LIGHTS OUT

(Address of Senator OLIN D. JOHNSTON, Democrat of South Carolina, at the 18th annual meeting of the National Rural Electric Cooperative Association on Feb. 23, 1960, St. Louis, Mo., commemorating the 25th anniversary of the founding of the National Rural Electric Cooperative Association)

Distinguished ladies and gentlemen, I am deeply honored by the invitation to speak to you today. I know of no public occasion which would give greater pleasure than to be with the men and women who have sustained and who are maintaining the rural electrification program of our Nation.

My director from South Carolina, Bill Hunter, who is a native of Newberry, S.C., reminds me of the long haul we have had during the past 25 years, and more, to bring light to the farmers of America in an era of electricity.

I remember, when Hoover was President and I was campaigning for Governor of my State, how dark the times were and how dark the rural areas of my State were. I was traveling through Newberry County during this particular campaign and I stopped on the roadside. We had heard a lot about Mr. Hoover's promise that prosperity was just around the corner.

Bill Hunter was born in a town called Prosperity, and it just so happened that I stopped on the road right alongside a sign which said, "Prosperity." Politics will be politics. I stood up in the sunlight on that hill and, shading my eyes, I looked down the road to see if I could see the town of Prosperity around the corner. I knew if there was any "prosperity" in South Carolina under Hoover, it was only Bill Hunter's home town.

Some photographer took my picture and they spread it all over the countryside in the papers. As things turned out, the only prosperity South Carolinians had while Hoover was in office was Prosperity, S.C. The people must have remembered me and my picture along the roadside because it wasn't long after that they elected me Governor. That was in 1934. I know Mr. Hunter remembers those days.

One of the promises I made during the campaign was to do something to help our farmers obtain electricity. There had been all kinds of statements to the effect that it was not feasible to bring city electricity in any way to the farmers of our country. Of course, in most cases the only word that we had on the economics of the situation was the word of the big power companies. High financing was just something the average farmer could not delve into too deeply because he had no facilities or organization to help him.

As Governor of South Carolina I thought I could help, and so I went to Washington as governor-elect even before I took office. I had an idea President Roosevelt could help us bring electricity to the rural people of our Nation. Of course, I had South Carolina primarily in mind at the time. When I outlined to President Roosevelt South Carolina's case, he called in Harry Hopkins, his right-hand man at the time, and told him immediately to take the necessary steps to grant South Carolina $100,000. Roosevelt said if we would set up a State rural electrification agency, he would give South Carolina the money with which to conduct a survey and determine the feasibility and requirements of a rural electrification program. Simultaneously he said he thought it would be a good program for the Nation.

I went back to South Carolina and, with the help of the General Assembly, established a State Rural Electrification Administration. We received the $100,000 and made our study. Later in the year the Congress of the United States created the National Rural Electrification Administration. This was the beginning, and you know the rest of the story. Farmers mustered their strength and in the vacuum of need created rural electric cooperatives all over our Nation. Now, when I fly over the countryside it is no longer dark at night, for the farmers of my State and every other State in this Nation have electricity. The Nation's bright cities are linked with shimmering chains of lighted farms. What was once declared impossible by the powerful private power trusts today is an economic success story, second to none. The entire rural electrification program has been the greatest investment the Federal Government ever made in rural America. It is truly a cooperative program. The farmers, through these cooperatives, have created an electrical distribution system that is not only paying its way but is paying back the Government loans with interest.

There are about a thousand rural electric cooperatives that have paid back well over a billion dollars in principal and interest on loans made through the years. This is more than one-fourth of all the money loaned to all cooperatives in the entire history of the co-ops.

No program ever undertaken like this between the people and the Government has ever been so successful.

I only wish we had as little to grumble about concerning loans made to foreign nations during and after World Wars I and II as we do regarding the loans made to Rural Electric Cooperatives. We certainly would not have the national debt that we have today. There is not one politician in all of America, Republican or Democrat, who can blame 1 cent of the national debt on the rural electrification program in America.

With this thought in mind, I ask, in all sincerity, of all people in and out of politics who criticize the rural electrification program: Why do you want to turn the clock back and put the lights out in rural America with high interest rates?

When I made that trip to Washington in 1934, 97 percent of the farms in my State had no electricity. Today, in 1960, the 25th silver anniversary of the founding of the rural electric cooperatives of this Nation, I am proud to report that the picture is the reverse. More than 97 percent of South Carolina farms are receiving central station electric service.

I want to emphasize that in all the loans made to all the rural electric cooperatives throughout this Nation, there has never been the first ounce of scandal. No, not one Dixon-Yates deal in the 25 years of the rural electric programs. You know the kind of people who were mixed up in the Dixon-Yates deal and who are now running ads in national magazines pointing an accusing finger at the rural electric cooperative programs as being some sort of subsidy to the farmers? The same kind of people today have launched their latest attack against the rural electrification program in the form of an attempt to hike interest rates.

Completely overlooked in this attempt to raise the interest rates on loans to co-ops is the fact that in this era of inflation, the farmers' income has been deflated. Farmers' incomes have dropped almost a billion dollars a year ever since the present administration took office. The cost of living to the farmers in the form of goods and services they must buy and their production costs for running their farms has increased every year since Mr. Eisenhower took office. The administration on every hand has increased interest rates in practically every field where they thought they could get away with it. The most heinous statement yet to come from the Eisenhower administration was uttered by the President himself earlier this year when he said if there were to be any tax cuts that he would recommend they come to the high bracket boys, the industrialists, the manufacturers, the money lenders, and those who need a tax cut the least.

Can you imagine the President of the United States, on the one hand advocating tax cuts for the highest income group people in the world; and, on the other hand, advocating higher interest rates against the people who have suffered the most in an inflation-deflation squeeze economy?

I could have imagined such ridiculous economic figuring 30 years ago, but I never thought I would see the same situation arising again in one lifetime. To me, there is little difference between Hoover's predictions of prosperity just around the corner, and Eisenhower's promises of a halt to inflation just around the corner.

There is not one person in the whole crowd of criers for higher interest rates for rural electrification programs who has ever said one word about the high interest rates that the rural electric co-ops paid when the program was first started. The co-ops when first started, were paying practically the highest interest rates charged anyone for that day. Is there not to be some consideration of this fact?

Another thing: Every time some foreign country gets in a financial squeeze and can't make some loan repayment to the World Bank, or the United States, or some other branch of internationalism, we look down sorrowfully at our friends and say, "That is all right; we will put the loan off another year and lend you a few billion to help you along, and we'll also forget about the interest." I don't know how many times that has been done for some foreign country. But here we have our own people, the American farmers, in the worst economic squeeze in 30 years, and what does our Government want to do? Does it want to help them? Does it want to forget any of its loans? No, this Republican administration wants to make it even tougher for them by increasing the interest rates on their loans.

Knowing the farmers of this country as I do, I know they don't want their Government to forget these loans. They don't mind paying the interest rates they are paying. They are happy to do it, and proud to do it because they know that they are paying a fair return of an investment that all of America has made in the farming people of this Nation. If the truth were known, there is only a handful of people who seek to crucify the rural electric programs of America with high interest rates. The general public of America realizes what a great thing the Rural Electrification Administration has done for our economy and for the farmers of our country, and they don't want to scuttle this program.

The farmers are in a squeeze and those attempts to make the squeeze tight through high interest rates are unfair.

To the farmer it makes no difference whether a depression is cutting off his income, or monstrous inflation is eating up his income. He is in a squeeze either way, and any attempt to raise interest rates on co-op loans would surely result in a higher cost of living for the farmer. You just can't stop using electricity any more than you can stop eating. The good faith of the Federal Government is behind the rural electrification program, and it is time that big business woke up to the fact that in the long run, it is benefiting more from this program than are the farmers.

The people who lead the attack against co-ops are cutting off their nose to spite their face. There have been billions of dollars spent creating the electric lines, the utility poles, the switching stations, the generating plants, and the hundreds of thousands of other things needed to build and maintain co-op lines and central power-plants. All these things have been built by big business, and the co-ops have paid for them with hard-earned money. The Government didn't buy this material; the co-ops bought it.

Another thing overlooked by the uninformed enemies of the co-ops in this struggle for survival is the billions of dollars that have been spent by the individual farmers on electric irons, electric stoves, electric hot water heaters, electric toasters, electric hair dryers, air conditioners, and hundreds of other household appliances. Not one of these appliances would have been bought if it were not for the rural electric cooperatives which brought electricity to those farmers' homes.

I would hardly even attempt to expound on the billions of dollars spent by farmers in this Nation during the past 25 years for electrically operated machinery and equipment used in running our farms. The tremendous market that was exploded open by the creation of the rural electric cooperatives in America was a big help in the rejuvenation of industry after the depression.

Now I know I have been talking a great deal about the co-ops and their financial problems, or, I might say, threats against their financial stability. But then we are primarily concerned with the co-op program here today. We must look around us to see what to expect if the administration's drive for tight money and high interest rates succeeds.

Farmers, who represent most co-op members, always need credit to carry on their operations in every direction. Let's look at the record for a minute.

Nine days after Eisenhower took office, the Secretary of the Treasury sold Government securities at 2¼ percent or 2½ percent to replace the previous rate of 1⅞ percent. The increased rate might have sounded infinitesimal to the average citizen, but it added more than $30 million to the taxpayers' bill for repaying the public debt.

In 1952 it cost taxpayers $5.8 billion every year just to pay interest on the national debt. In 1960 it will cost us $8.6 billion. Approximately a 50-percent increase. What has caused this increase? Nothing but inflationary financing promoted by the present administration. Between now and 1961, the Treasury intends to borrow roughly $100 billion with which to pay off maturing bonds which were issued at the older lower rates of interest. Now each boost of one-fourth of 1 percent will add $250 million to the cost of carrying the debt each year. In 20 years it will add up to about $5 billion.

Last October the Treasury offered a 5-percent interest rate on a short-term issue. Compare this with the rate of approximately 2 percent that was in existence before Eisenhower's tight-money policy took hold. The difference, my friends, is the equivalent of $3 billion a year in interest on the books of the taxpayers of this Nation. Where is this money going? Why, it is going to the moneylenders, the people who are fighting to hike Rural Electrification Administration loan rates.

This type of financing has its effects on other debts. It helps to increase interest rates on the debts of not only the Federal Government but States, local, business, and consumer debts. If it were not for the fact that rural electric co-op loans are still fixed by law at 2 percent, the administration would probably be getting 4 to 6 percent from you today. They knew that the rural electrification program would be the hardest nut to crack in the drive to help the moneylenders increase their income on loans. So what did the administration do?

First it started pushing up the interest rates they would pay for money borrowed by the Government. It was not absolutely necessary to do this. They made plenty of excuses to hike interest rates, but I believe there were sufficient moneylenders in the country who were loyal enough to invest their money in the Nation's welfare at the then prevailing rates. There was never any subpena or concerted pressure on Eisenhower by the public to raise these interest rates. His requests for increasing these rates were voluntarily made. After the administration started hiking the rate of interest we would pay for money borrowed, then it started crying we would have to hike the rate of interest on money loaned by the Government in order to pay the higher interest rate the Government was paying on the original loans. Boosts were made in interest on loans for veterans' housing, and for Federal Housing Authority programs. Loans made through the Department of Agriculture in certain areas were increased and, in general, money has become scarce for farmers. The housing industry is in a bad way for lack of money resulting from high interest rates.

A homebuilder, before tight money, could have gotten a $10,000 Federal Housing Administration loan at 4 percent for 25 years. The same loan today requires 5¼-percent interest, which will amount to over $2,000 more in the cost of the home for which the homebuilder will get nothing. In some instances discounts are required which hike the tribute to the moneylenders by several hundred more dollars.

Before tight money, Farmers Home Administration loans were 3 percent. The administration hiked them to 5 percent. I fought this bitterly, and in one instance we achieved victory. By departmental order, the Agriculture Department raised the interest rate on emergency loans to farmers who had been wiped out by catastrophe from 3 to 5 percent. As a member of the Agriculture Committee in the Senate I introduced and successfully passed through Congress legislation requiring those loans to be set back to 3 percent. That, to my knowledge, is the only place where high interest rates were turned back.

I might add here that this interest rate hike was made without public notice and slapped on the farmers of the country during a time when farmers were suffering from drought and floods, and the peach farmers of my State from a terrible freeze. The Farm Credit Administration not long ago tried to get Congress to remove a 6-percent ceiling on loans made to farmers, but, as you may know, the effort failed.

The rural electric cooperatives today stand like an island in an ocean of inflationary financing. The floodwaters have been let in upon the lands of other programs to destroy the people's ability to build homes and finance crops and farm machinery. These financial floodwaters have similarly washed away savings accounts of millions of consumers, both city and rural in nature, and have now created the beginning of what amounts to a buyers' strike in many areas.

As we look around, we wonder who, if anyone, benefits at all from the vicious squeeze. No one benefits except the moneylenders. They, too, will lose if they continue on their insane drive for higher interest rates. When millions of people cannot buy homes, then millions of factories stop producing the requirements for constructing homes. It is in an evil cycle that eventually can put people out of work and can place the American economy in a depression posture.

It is predicted that in 1960 the volume of construction of homes in America will drop 12 percent simply because of tight money and high-interest rates. What does this mean? It simply means that 12 percent of the American population is going to be unable to buy a home because either the interest rate is too high or they just couldn't find the money to borrow. That is how high-interest rates and tight-money policies are affecting all Americans in just one field. If people are building less homes because of high interest rates and tight money, they will be buying less cars, less refrigerators, and less everything. When people buy less, the country must produce less; when we produce less, it means people work less; when people work less, they make less. When people make less, they pay less taxes; and when they pay less taxes, the Government must borrow more to keep going. Now we begin to see the picture of why the moneylenders don't seem to worry because tight money is taking a hold on the economy. The cycle means more borrowing at higher interest rates by the Government.

What is really behind the drive to increase rates against the rural electrification program?

Because the co-op loan program was written into law and cannot be changed by administrative action, it has become a symbol of resistance against high interest rates in the money world. The Rural Electrification Administration loan program is a thorn in the side of those who have promoted tight money and high-interest rates. It is a source of antagonism to Agriculture Department officials who have hiked hardship interest

rates on farmers; it is a point of departure from the smooth-operating high-interest rates imposed on housing loans by the present administration. It represents contrariness by a certain group of people to the moneylenders who have succeeded in raising their rate of income from every other group of Americans. The co-op program in truth has become the last remaining symbol of reasonable rates of interest on loans of any sort in this Nation.

This is one of the foremost reasons why the co-ops have now become the challenge to an amalgamation of enemies comprised of the tight-money policymakers in this administration, the moneylenders, and the utility monopolies who were enemies of the rural electrification program even before tight money and high interest.

The utility monopolies slipped into the fight for higher interest rates because it is the best current vantage from which they can attack the co-ops with effectiveness. They know that interest rates boosted high enough can ring the death knell of the rural electric cooperatives. The monopolists know that higher interest rates will make it tougher for cooperatives to be successful. They know that if interest rates go high enough, the cooperatives will have to raise their utility rates to members or go out of business.

Farmers, who are now caught in this economic squeeze, cannot pay higher rates. The co-ops, faced with delinquent members and dwindling income, would have to renege on note payments to the Government because of unbalanced budgets. It is then that high-interest rates would begin to put out your lights.

At the right moment, if the situation becomes grave enough, the monopolists, with help from the high-interest boys, would move in. With a burst of patriotic propaganda they would probably offer to buy up the bankrupt cooperatives "to help our Government."

Since cooperatives are thriving businesses, they would make a rich plum for anyone to gobble up in such a squeeze play under the present conditions. Of course, no one wants to pay the true value of the co-ops. The monopolists would probably offer to take up the cooperatives for whatever was owed the Government, raking in all equity as gravy.

With fee simple title in one pocket and unlimited utility rates in the other, the monopolists would walk off with 25 years of sweat, blood, and tears of millions of farmers as a net profit.

This is what could happen to you. This is how your lights could be turned off. Fantastic? No more fantastic than the situation you were in 25 years ago when you didn't have electricity. The attempts to drown the co-ops along with all the other programs that have been engulfed by high interest rates and tight money policies are becoming more numerous and come in ever-varying ways. Not long ago the President asked for blanket authority with which to change interest rates in any direction he wants. The administration is out to take away all authority Congress has over the financial policies of this country.

The Federal Government, by the stroke of the pen of the President or by his word passed on to the various executive branches, can change the market situation on any commodity. The Federal Government buys more of everything than anybody else in America. It uses more food, more steel, more automobiles, and more money than anybody else.

We cannot afford to give any administration blanket monopolistic powers to change the price of money. You are buying money when your Government borrows it, and the price it pays takes on the form of interest rates which you have to pay for in taxes.

To me, the loan program to the rural electric co-ops represents the last thing for us to hang onto if we are to turn back the tide of inflationary high-interest-rate policies. It may be a thorn in the side of those who want to monopolize their control over our economy, but to me, it is a crusade banner for all to follow who oppose high interest rates. You can mark me up as your first enlisted soldier in this fight, and I, for one, will carry your banner in the U.S. Senate. Each one of you here is a soldier enlisted in the cause of preserving our rural electric co-ops, and it is your duty to go home and talk and vote the way you feel about high-priced money. It is up to you, because there is no one in the White House who will fight your battles this day.

As you know, I am a partisan politician. I am a solid Democrat, and I could not talk to you sensibly about your cause without injecting some politics, because politics runs the country. If you are unhappy with the present policies toward the rural electric co-ops, then it is your duty to see to it that a different kind of administration is put in the White House in November. Whatever administration is elected to succeed Eisenhower, it will continue to be the tool of the high-interest-rate and tight-money policies if it is the same kind as the present. The faces of White House occupants may change, but their financial policies will not change so long as they are of the same breed which is now running things.

Don't let them put your lights out.

VISIT TO THE SENATE BY BRAZILIAN CONGRESSIONAL GROUP

Mr. SPARKMAN. Mr. President, it is my pleasure to present to the Senate some distinguished visitors who are now present in the Chamber. The group consists of seven members of the Parliament of the great Republic south of us, Brazil.

These seven gentlemen are in the United States for about a month to study public works, particularly river valley improvements, to see if they can find something of value to apply in their own country, in the great Sao Francisco Valley there.

It is my pleasure to introduce the following members of the delegation:

The Reverend Luiz Medeiros Neto, member of the Chamber of Deputies from Alagoas, and vice chairman, Sao Francisco Valley Committee, Social Democratic Party.

The Reverend Paulo Freire de Araujo, member of the Chamber of Deputies from Minas Gerais, Republican Party.

The Honorable Jose Passos Porto, member of the Chamber of Deputies from Sergipe, National Democratic Union.

The Honorable Edgard Agnello Pereira, member of the Chamber of Deputies from Bahia, Social Democratic Party.

The Honorable Manoel Jose de Almeida, member of the Chamber of Deputies from Minas Gerais, Social Democratic Party.

The Honorable Oswaldo Ribeiro de Oliveira, member of the Chamber of Deputies from Bahia, Social Democratic Party.

The Honorable Antonio Sylvia Cunha Bueno, member of the Chamber of Deputies from Sao Paulo, Social Democratic Party.

[Applause, Senators rising.]

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). The Chair would like to express to our distinguished visitors and colleagues from the great Republic of Brazil our honor and pleasure in having them visit us on this occasion. We know that this is their first visit, and that there will be many others to come. We wish to congratulate these honored guests wholeheartedly because we recognize them as great friends, and because we are fully aware of the outstanding friendship which has existed between our two great republics over many, many decades.

Mr. DIRKSEN. Mr. President, I wish to associate myself with the expressions of esteem and affection by the Chair for our colleagues from Brazil, a great country indeed and of amazing potentialities. It is in the interest, of course, not only of good fellowship but also of public relations that they should come here so soon after the visit of our distinguished President to Brazil. I join with the occupant of the chair in extending to these honored visitors the hand of fellowship and friendship from all of us.

LINCOLN BOYS' CHOIR OF LINCOLN, NEBR.

Mr. CURTIS. Mr. President, it is my happy pleasure to announce that we have visiting in Washington, D.C., today one of the outstanding musical organizations of the country, the Lincoln Boys' Choir of Lincoln, Nebr. They are directed by Mr. Hugh T. Rangder. I am sure the many music lovers in the Senate, as well as the other readers of the RECORD, will welcome their visit to Washington, D.C., today.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

Mr. JOHNSON of Texas. Mr. President, has the morning hour been concluded?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools, R–I, Missouri.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the senior Senator from Illinois [Mr. DOUGLAS] and the Senator from New York [Mr. JAVITS] to strike out section 3 of the amendment proposed by the junior Senator from Illinois [Mr. DIRKSEN].

Mr. JOHNSON of Texas. Mr. President, I am informed that the Senator from Illinois [Mr. DOUGLAS] is en route to the Chamber, and that he expects to speak for about an hour on his amendment. Other Senators may desire to speak on that amendment. If so, I should like to have the aides of the Senate notify interested Senators that the amendment is about to be discussed.

The only other Senator who I understand desires to speak on the amendment is the minority leader, the distinguished junior Senator from Illinois [Mr. DIRKSEN], who will speak very briefly. Then a motion to table will be made. It is hoped that we may reach that point as early as possible; and after the vote has been taken, it is planned to have the Senate go over until Monday, if it has been possible to obtain a vote this afternoon.

How long does the distinguished minority leader expect to speak on the Douglas amendment?

Mr. DIRKSEN. Probably not more than 10 minutes at the most.

Mr. JOHNSON of Texas. Mr. President, if any other Senators desire to speak on the Douglas-Javits amendment, I should like to have them notified.

I shall suggest the absence of a quorum to enable the senior Senator from Illinois to come to the Chamber and offer his amendment. When the distinguished majority leader has had an opportunity to reply, it is hoped that it will be possible to make a motion to table the amendment at an early time this afternoon.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, what is the pending question?

The PRESIDING OFFICER. The question is on agreeing to the Douglas-Javits amendment to section 3 of the Dirksen substitute.

Mr. DOUGLAS. Mr. President——

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DOUGLAS. Mr. President, let me thank the Chair for recognizing me.

In view of the statements which the Senator from Georgia made the other day, in implying that I had improperly taken the floor from him, let me now say that if any Senator from south of the Mason-Dixon line wishes to address the Chair at this time, I shall be very glad, indeed, to sit down and allow such Senator to proceed.

With the permission of the Chair, I should like to pause for a few seconds, to permit any Senator who wishes to claim the floor to do so.

I wonder whether someone will inform the cloakroom attendants that if there is in the cloakroom any Senator who wishes to speak, I shall be glad to yield to him.

Mr. HOLLAND. The Senator does not mind if, in going to the cloakroom, I stay there, does he? [Laughter.]

Mr. DOUGLAS. Not at all.

Mr. President, my good friend, the Senator from Florida, implied when he left, that he might remain in the cloakroom. Since he has had a chance to return and since he has not brought with him any Senator who wishes to claim the floor, I hope I shall not be regarded as being forward if I acknowledge the recognition the Presiding Officer has given to me and proceed to try to develop the argument.

Mr. President, I rise to explain the amendment which the Senator from New York [Mr. JAVITS] and I submitted last night as an amendment in the form or nature of a substitute for section 3 of the so-called Dirksen bill. Our amendment is the pending question.

AMENDMENT EMBODIES COMMISSION'S REGISTRAR PROPOSAL

In brief, the amendment adopts the main outlines of the recommendations of the President's Commission on Civil Rights—that there be administratively appointed Federal registrars who will serve as voting registrars or enrollment officers when it has been proved, through proper processes, that discrimination exists against a particular race or class in a given territorial division. But the amendment goes beyond the Commission's recommendation by applying this procedure to State as well as Federal elections.

Of course, the amendment is designed to deal with the disenfranchisement of Negroes in large sections of the South and the possible disenfranchisement of Mexican-Americans—or "Latinos," as they are sometimes called—in the Southwest, and any other cases of disenfranchisement because of race or color which may exist, wherever they may occur—whether in the North, the South, the East, or the West.

SUMMARY OF REGISTRAR AMENDMENT

First, I should like to explain what the amendment provides; and then I should like to comment on the superiority of this amendment to the so-called referee proposal. Thereafter, I wish to deal with certain of the impalpable objections which are urged against the amendment.

This amendment includes first an initial finding of fact by Congress itself—based upon the report of the Civil Rights Commission—that substantial numbers of citizens of the United States who are qualified to vote under State registration and election laws are being deprived of that right on account of their race or color; and one of the means of disqualification is set forth as being inadequate methods of registration and abuses in the registration process.

The amendment then provides that upon the petition of 50 citizens, from the same county, that they have been discriminated against, the President, either himself or acting through agents, may initiate an investigation to determine whether the complaints are well founded.

Mr. President, I think I should pause here, to say that this requirement is more severe than that imposed by the recommendation of the President's Commission on Civil Rights, which would require the petition of only nine citizens. This amendment requires a petition by 50 citizens from the same county.

The President or his agent is to investigate as to whether this race or class has been discriminated against; and if it is found that it has been discriminated against, the President is then authorized—although not necessarily directed—to appoint a registrar from among the Federal employees or officials who live in or near the county itself. Such registrars must in any case come from the same State.

It should be noted, therefore, that this proposal does not provide for the appointment of outside officials from territories other than the county in question or nearby counties, or from regions of the country other than the region involved.

The President, however, even after such petitions and a finding of discrimination, may hold back on the appointment of such a registrar if the State and local authorities give convincing proof that they intend to change the policies of discrimination which they have followed in the past. So that an opportunity is offered to the localities to purge themselves of the fact of discrimination if the President and his agency have found that such a practice exists.

If, however, such a change in policy is not followed, the President can appoint the administrative registrar, and he is to accept applications from all persons in the disenfranchised class. In practice, to get away from legal terms, this class would, in the south, be Negroes; in some cases in the southwest, Mexican-Americans; and if Puerto Ricans were discriminated against in New York, it would apply then to Puerto Ricans as well.

The registrar is merely to apply the qualifications required under State law. He is not to impose separate qualifications of his own; he is not to make the test easier for the applicants than for others—for the whites, for example; he is not to make the test more severe, but approximately equal.

Again, I want to emphasize that the qualification standards to be applied are those which prevail inside the State.

If the Negro applicant is found by the Federal registrar to be qualified, he is entitled to vote; and he shall be issued a certificate, and his name and others so registered shall be certified to the State officials.

I should emphasize here that the qualification of these voters applies under this amendment to State elections as well as to Federal elections. That is a second difference from the proposal of the President's Commission on Civil Rights, which in its recommendations limited the power of a Federal registrar to certify an applicant merely in Federal elections.

We believe that this proposal is thoroughly constitutional, because, as I have pointed out on the floor of the Senate repeatedly, the 15th amendment, as we all should know, provides that no State shall discriminate in the matter of voting against any person because of race, color, or previous condition of servitude; and the Congress has the power, by appropriate legislation, to enforce that provision.

The 15th amendment does not draw any distinction between State elections and Federal elections, and therefore the way is open, in my judgment, and in the judgment of competent lawyers, for the

protection to be extended to State elections under the 15th amendment.

But it should be noticed that there is in the amendment a basic finding of discrimination by Congress and there will have previously been a finding—in each case of appointing a registrar—by the President, as Chief Executive of the United States, on the basis of an investigation by an agency such as the Civil Rights Commission or a section in the Department of Justice to whom he has delegated such authority, that the 50 petitions have been in the main well founded, and that discrimination, on the basis of race or color, exists.

So that this essential constitutional test is met, though met by other bodies than a judicial body.

Of course, in any such proceeding as this, we should provide for the right of judicial review and the right of appeal from the decisions of the registrar. And so in the later sections of this amendment, notably on pages 5 and 6, there is a provision for appeal from the decisions of the registrar to the district court.

But it is provided that the hearing upon this matter shall be as expeditious as possible and give due consideration to the time of the next election. It is thus clearly implied that the hearing shall not be prolonged, if it is at all possible, beyond the election date, and that if it is prolonged beyond the election date, then the person who has been registered shall have the right to cast his vote, with the understanding, of course, that if a challenge is continued, the ballot, if the local election officials so desire, can be sequestered and handled later.

The ordinary procedure, though it is not precisely spelled out in this amendment, would be for the ballots which are thus challenged to be put inside individual envelopes; and if a given person were later disqualified by the court, that envelope could be destroyed, and it would not be known how the person in question had voted. If the right to vote were affirmed, then the envelope could be opened and the ballots could be mingled and counted, without individual identification.

And if voting machines were used, of course, the very simple procedure would be for the challenged voter to be given a paper ballot which he could use, so that it would be treated in the same manner as when the paper ballots were the sole means of voting.

In other words, although the right of judicial review is retained, and correctly so, the delays of the law cannot be used to prevent the challenged voter from voting and having his vote counted if he is later found qualified.

A final section of the amendment retains the present third section of the so-called Dirksen bill; namely, the preservation of the voting records.

I am very frank to say I think that section could be improved, because while it requires the retention of voting records, I am not certain it requires the original making of a voting record. It thus leaves an apparent loophole for States that may want to evade this requirement.

Mr. President, this may serve as a brief explanation of what the registrar provision actually encompasses.

WHY THE REGISTRAR PROPOSAL IS SUPERIOR TO THAT OF REFEREES

I think we should ask ourselves why this is appreciably better than the referee proposal of the Attorney General and the administration, which apparently is favored by both the leader of the Democratic Party and the leader of the Republican Party in this body.

We should bear in mind that what we are dealing with is a matter of systematic disfranchisement. There are probably some three and a half million Negroes in the South who would ordinarily be able to meet the specific tests of qualifications, who at present are barred in one form or another from registration and voting. While it is probably true that indifference and inertia, which are characteristics of all people, and perhaps especially so of people who have felt there was not much use in trying, anyway, would prevent a considerable number from trying to utilize the election machinery even under the most favorable circumstances, still I think it is conservative to say at least between 1 and 2 million people could be enfranchised if we could devise a proper system of registration.

Mr. President, I think the choice we have, if we agree that people do have the right to vote, is as to whether we shall have an effective system or an ineffective system. That is really the choice.

While I am discussing this subject I will say I do not intend to refight the old battle as to whether we should have a part III guaranteeing civil rights under the 14th amendment. I think this bill should have such a provision, but we proposed that, and although we received a sizable vote in support of the proposition it was defeated. I do not intend to raise that question any further, because the vote was quite decisive. There were our friends from the South voting solidly against it. The administration forces, with the exception of 10, voted solidly against it. The group known more or less as the majority leader's group voted against it. These three forces were sufficient to defeat the proposal. I think they would defeat any other proposal of a similar nature which might be advanced.

I think the responsibility for the defeat of the protection of civil rights under the 14th amendment is now clearly known—or at least it would be clearly known if the press were to do its job—and I shall not refight old battles.

We now have before us a voting rights provision, and the administration says it is anxious to have an effective voting rights provision. The minority leader says he is anxious to have an effective voting rights provision. The majority leader says he wants an effective voting rights provision. We Democratic liberals on this side of the aisle certainly want an effective voting rights provision. We would all seem to be in unanimity on this point. I have sometimes felt, from the overtures of our good friends from the South, they would not heatedly oppose a voting rights provision, provided it were ineffective.

Mr. President, I think the question is, What is the most effective measure we can get? The two main alternatives were mentioned by the Senator from New York last night in his able summary. First, there is the registrar method, which I have previously described. Second, there is the referee method of the Attorney General, now supported by the administration and by the majority leader of the Democratic Party in this body—at least, I imagine it is supported by the majority leader of the Democratic Party in this body.

On Tuesday I tried to indicate at some length and in some detail the vital weaknesses which are necessarily contained within the referee provision.

Yesterday in the colloquy with the Senator from Pennsylvania [Mr. CLARK] this was developed again by means of a series of questions, as was shown from pages 5880 to 5888 of the RECORD.

I hope that my colleagues who are too busy to come to the floor and listen to the discussion may at least have sufficient leisure over the weekend to read these pages in the CONGRESSIONAL RECORD, because I think they indicate pretty clearly what the vital weaknesses are in the referee plan.

In general, the judicial proceeding the Attorney General and the majority leader and minority leader are advocating involves great delays—great delays—which will make it extremely difficult to have cases decided before the election takes place, delays which will tire out and weary a very large proportion of the applicants themselves.

Second, the method permits a great deal of discouragement and intimidation to operate against the Negroes who are trying to establish their right to vote, with a minimum of judicial protection being accorded to them.

The effect of all this, Mr. President, would inevitably be that only a small and minute fraction of the some millions who are now disfranchised would, in my judgment, be enabled to be registered under the plan. Therefore, it is an ineffective proposal.

While the steps involved in the referee plan have been outlined in the previous discussion, I think it is appropriate to remember that Dr. Samuel Johnson once said, "Men need not so much to be informed as to be reminded."

I hope, therefore, this assemblage of Senators will excuse me if I inform them once again as to what are the specific features of delay and discouragement which the referee system necessarily entails.

INEVITABLE DELAY UNDER REFEREE PLAN

In the first place, there must be an initial judicial finding that a pattern or a practice of discrimination actually exists. This would involve not merely complaints from individuals, but it would also require a judicial process itself. This would, of course, permit full legal opportunities for those who do not wish Negroes to be registered and vote, or who do not wish Mexican Americans to

be registered and vote, to be present, to contest the ruling in every way, and to resort to such dilatory or evasive tactics as they might choose.

The applicant or applicants for the court injunction and finding would initially be required to prove that a pattern or practice of discrimination actually existed. Discrimination inevitably involves a comparison. Are Negroes, for example, more discriminated against than white applicants? They would have to establish a benchmark to show how white applicants were treated before they could establish that Negro applicants were treated more severely.

They would have to prove that there was a disparity between the requirements imposed upon Negroes as a class and those imposed upon whites as a class, and that this disparity was so great and so adverse to the Negroes that discrimination actually existed.

This may seem very easy to do. But if we have white witnesses—both registrars and applicants for registration—who do not wish to testify, who avoid testimony; and if we have such tactics as have been used in Tuskegee, for example, a judicial determination is not at all easy to establish; quite the contrary, it is very difficult.

In many cases there are no records of registrants for application who have been rejected. The records of the applicants who were accepted frequently do not indicate what procedure was followed or what literacy test was administered. The few records that are available can often be obtained only after a critical delay, occasioned by legal action to obtain the records. I cite the case of United States against Wallace. Generally, white persons in the South are in such cases hostile witnesses, unwilling to discuss their experiences with representatives from the Justice Department. They are amenable only to judicially applied coercion, and often evasive in their stories.

So this initial determination would not only be time consuming, but involve a very difficult burden of proof. But even once it has been established, the Negro applicant is not permitted to go to the Federal registrar immediately. Even though the pattern of discrimination has been found, before the Negro applicant can go to the judicial referee, he is first required to go to the same local groups of registrars who, according to the finding, have previously discriminated against him.

I emphasize that this is a feature of the administration's plan which the administration stubbornly refuses to change. Time after time they have been asked to waive this requirement. Each time they have refused; and in the final draft of the McCulloch bill, which, it is understood, will probably be passed by the House, through the cooperation of the Democratic majority, led by the Speaker, and the Republican minority, led by Mr. HALLECK, this point is made absolutely clear.

Whatever doubt or ambiguity existed on this point was cleared away last night when the Senator from Colorado [Mr. CARROLL] read the latest draft of the McCulloch proposal, which specifically requires that prior application must be made to the local registrars. I read from page 5882 of the CONGRESSIONAL RECORD for yesterday:

Mr. CARROLL. I wish to read into the RECORD, so there will be no doubt about it, from the Celler bill, which probably is under consideration at this very moment by the House of Representatives. I read now from page 5659 of the CONGRESSIONAL RECORD for March 15; and I believe this will clarify their position—not the position of the Senator from Pennsylvania:

"The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote."

And here is the clincher: "and (2) he has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law."

I invite attention to the insertion of the words "since the finding by the court heretofore specified." Those words were not in the previous draft of the McCulloch amendment. I thought they were implied. It was sometimes said, "Oh, no; they are not in it." But to make the situation perfectly clear, they were inserted in the draft which is now before the House, and which in all probability will be adopted by the House.

In other words, the thumbscrew has been very definitely turned on this clause, to make it explicitly clear that, even after the judicial finding of discrimination has been made, the individual applicant must go back to the same registrars who discriminated against him and seek once again to be registered. This is a crucial and, to my mind, vital defect.

REQUIREMENT OF FURTHER APPLICATION TO STATE REGISTRAR IS MAJOR DEFECT IN REFEREE PROPOSAL

I cannot emphasize too strongly the significance of this requirement. Here Negroes have been discriminated against by local registrars, according to a judicial finding. They have met with hostility and, in many cases, pressure, and then they are asked to go back to the very same people who have humiliated them, and subject themselves to the same process the second time, before they are entitled to go ahead and seek to surmount the rest of the hurdles in the long obstacle course that the referee plan would set up.

A person would have to be an exceptional hero to do that, and, in addition, he would have to be well supplied with the world's goods, to withstand the pressures which would inevitably be put upon him. Since by definition the number of heroes in the world is limited, and since Negroes are socially and economically at the bottom of the totem pole in the South, it means in practice that only a small fraction of Negroes could be expected to go back and try to reregister.

Mr. PROXMIRE. Mr. President, will the Senator yield for a question?

Mr. DOUGLAS. I am glad to yield for a question.

Mr. PROXMIRE. I ask the Senator if it is not true that the section which he has read from page 5882 of the CONGRESSIONAL RECORD of yesterday is the crux of any right-to-vote legislation which is going to be effective. That section reads:

(2) He has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law.

Mr. DOUGLAS. I think it is the most vital defect, although it is not the only defect. I think the referee plan involving a lengthy, judicial process is not only inadequate in itself, but I think it is also the worst feature of it.

Mr. PROXMIRE. Is it not true that in order to understand what is at issue and is one of the most important issues of the right-to-vote controversy, particularly by anyone who is interested in discerning the differences between those who really believe in accomplishing registration as expeditiously and justly and fairly as possible, and those who do not believe in expeditious action, it must be understood that this is the crux of the whole issue?

Mr. DOUGLAS. I agree. I think that the impending vote on this amendment is going to be one of the most important votes on this bill.

Mr. PROXMIRE. Can the Senator see any reason why, in terms of justice and fairness and recognition of the rights of all parties, there is anything wrong with a proposal which provides that once there has been a finding that there is a pattern of discrimination against a class, they should not be enrolled or registered by a referee appointed by the court, provided they are qualified voters and provided they fall into this class?

Mr. DOUGLAS. I do not. That is why many of us—and I believe this includes the Senator from Wisconsin—favor the administrative registrar system rather than the judicial referee system.

Mr. PROXMIRE. Would the Senator from Illinois indicate at this point why this is critical to the registrar system rather than the referee system, and why this could not apply to the referee system?

Mr. DOUGLAS. Because under the registrar system, after a finding has been made by the President that there is discrimination and a Federal registrar is appointed, the Negro applicant can go directly to the Federal registrar and then register. He is not compelled to go back to the local registrar.

Mr. PROXMIRE. In order to get the most comprehensive understanding possible of this point, would it be possible to set up the law in such a way that a Federal judge could determine that this pattern existed?

Mr. DOUGLAS. I suppose so.

Mr. PROXMIRE. And thus permit this disfranchised class to be enrolled by the referees appointed by the Federal court.

Mr. DOUGLAS. I suppose that could be done. I believe the Senator from Pennsylvania [Mr. CLARK] has an amendment which does that. There are various combinations and permutations of the referee-registrar provision which can be worked out.

Mr. PROXMIRE. Is it not true that this is the crucial point, because if the law is passed in such a way that qualified persons who are discriminated against, in a class, are permitted to register with a referee, or with a registrar, who has been appointed, that then the pattern cannot be continued by those who previously, on the basis of the finding, have been successfully following the policy of excluding persons who fall in that class?

Mr. DOUGLAS. I believe it is possible to devise a referee plan which would take out the requirement of going to the State or local registrar. But the significant thing is that the administration has always refused to grant this right, and has insisted that a prior application is required, and in fact, it has tightened the requirement.

The Democratic leadership of the House and, apparently, the Democratic leadership of the Senate have decided to make common cause with the administration on this matter. So that we are faced, in a sense, with a united front for an ineffective bill.

Mr. PROXMIRE. In the 57 counties in which, I understand, the Civil Rights Commission has reported there has been not simply a pattern of discrimination against Negroes registering and voting but also an absence of actual legal registration. Under the proposal that is made in this particular section to which the Senator from Illinois has called our attention, is it not true that unless this proposal is included, which permits the enrollment officer, or registrar, to register the disfranchised class, any law would likely be, if not a sham, exceedingly ineffectual and ineffective, and that exactly the same kind of discrimination that has been practiced in the past could be practiced in the future?

Mr. DOUGLAS. The Senator from Wisconsin is completely correct.

Mr. PROXMIRE. Does it not mean that what the disfranchised Negro would have to do would be to prove that as of a certain day at a certain time he went to the proper registering authority in his local district, and that he went to the right window, to the right person, that he asked for the right person; and are there not all kinds of details which could be asserted and under which he could be prevented from proving that he had been actually and legally denied?

Mr. DOUGLAS. The Senator from Wisconsin is completely correct.

Now he has also touched on still another difficulty which is thrown into the path of the disfranchised Negro or possibly the Mexican-American, namely, that he must not only go to the local or State registration officers and expose himself to pressure, delay, humiliation, and so forth; but if he is turned down, he must then go to the referee and prove not merely that he is qualified but that he has again been discriminated against.

In other words, although the court may have found initially that there is a practice or a pattern of discrimination, the individual must prove that he, John Jones, has been discriminated against, and he must therefore show that more severe standards have been applied to him than have been applied to the white applicants at the same time and place.

As I said in discussing the initial finding, in order to show discrimination, an applicant such as our John Jones must not only show that he has had a rough time, but that he has had a much rougher time than the white applicants. Therefore, it will be necessary to have a benchmark of the treatment of white applicants against which can be measured the treatment of Negroes, before it can be said that John Jones has been discriminated against.

In view of the hostility of white witnesses, and in view of the delays which can be practiced, the treatment of Negroes as compared with the treatment of whites will be very hard to establish; in fact, it will have to be proved twice: initially, as a general practice or pattern; secondly, in individual instances. Therefore, in practice, I believe such a procedure would be almost completely ineffective.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. PROXMIRE. Is it not true that in every individual case it will have to be proved again, again, and again? There will be a pattern of going to court and establishing a practice in the case of the first applicant, the second applicant, the third applicant, and so on, hundreds and hundreds of times; and it would still be necessary to go through an expensive legal process, which could be so easily obstructed every single time.

Mr. DOUGLAS. I think that is substantially true, as I have said on many occasions, although it is possible that these cases might be grouped somewhat, together. It is possible, but it is not at all certain.

I thank the Senator from Wisconsin. His questions have been most helpful.

In other words, this process will have to be gone through twice: First, to establish the general practice; second, to establish individual discrimination.

FURTHER DELAYS CAN FOLLOW REFEREE'S REPORT

Then, of course, there are always the appeals which can be taken from the decisions of the voting referees. In the first case, there will be appeals to the district judge. The referee really serves as the judge's special master in chancery. While the district judge, in some drafts of the McCulloch bill would be given the authority to accept the decisions on fact of the referee as correct unless contradicted under oath or by a public record, nevertheless, arguments can always be made on the law. The McCulloch draft specifically provides that memorandums may be submitted on the law. If memorandums can be submitted, then they certainly can be argued about. This will be time consuming.

So the election may well have passed completely before the final decision of the district judge has been handed down. Next election, if there is a new registration period, the Negro will have to go through the whole process again.

Then there is always the possibility of appeals to the higher courts—to the circuit courts of appeals, and possibly ultimately to the Supreme Court of the United States. I know that in some of the McCulloch drafts, steps have been taken to curtail these delays in the later phases of this process; but they will still largely exist.

I think that any sensible person who will take the trouble—and it is not difficult to do—to compare the two methods, will conclude that the President's Commission on Civil Rights was correct in wanting an administrative process; and that the Attorney General has been wrong in insisting upon the judicial process. It is a source of deep regret to me that the congressional leaders of my party have apparently chosen to agree with the Attorney General rather than with the President's Commission on Civil Rights.

COURTS WOULD BE SWAMPED

I think a further point should be made: Suppose the courts under the referee plan treat not the minute number of voting rights cases which I believe they will treat, but that they treat a significant number. If that is the case, then the courts will be swamped with work, because the judicial process, with its insistence upon full argument and full representation—and it is one of the glories of Anglo-Saxon jurisprudence that it does—can necessarily handle only a limited number of cases and indeed the dockets of the Federal courts are already clogged with an excessive volume of work.

So in all probability, it can be said that very few persons will be added to the voting lists if this measure becomes law—very few.

But if we should chance to be wrong, and a considerable number were registered, the courts would be so swamped with work that they could not handle it. So whatever happens—and I believe it will be the first method which will happen—the judicial method which the Attorney General has chosen is a blind alley. If Senators want to find the most ineffective method for dealing with this problem, let them choose the route of the Attorney General; let them choose the route which the leadership on my side of the aisle, in both the Senate and the House, has adopted.

Registering to vote is essentially a simple administrative procedure. It is not a judicial process and we should not try to make it such. I cannot emphasize that fact too strongly.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield.

Mr. PROXMIRE. One of the outstanding experts on constitutional law in the State of Wisconsin—and I believe in the Nation itself—is Prof. David Fellman, of the University of Wisconsin. Professor Fellman has written to me exactly on this point. He feels that the price the Attorney General would have Congress pay for achieving a system in which more Negroes could vote may, in his judgment—and he has gone very deeply into the question of civil rights—be too high. He thinks this is an exceedingly bad precedent.

He has said in his letter that if the courts should ever become administrative agencies in this sense, they would become extremely overburdened, exactly as the Senator from Illinois has said they would; that many persons who understand our constitutional system and our judicial system would oppose this method although they fervently believe we should do all in our power to achieve the opportunity for Negroes to vote.

The difficulty in this respect is that two very deep-set values which persons have are set against one another. They believe the 15th amendment to the Constitution should be thoroughly enforced. They also, however, believe very deeply in an orderly judicial system, a judicial system which functions as such.

For this reason, I think the argument which the Senator from Illinois is making now is most pertinent and important. I earnestly hope that the amendment he proposes, providing for the Federal registrar system in the administrative branch of the Government, providing administration, as it should, will be adopted.

Mr. DOUGLAS. I thank the Senator from Wisconsin.

THE OBJECTIONS OF THE POWER ELITE AMONG THE OPEN PERSUADERS

I well know what those of us who are advocating a Federal registrar system are facing. It is not the logic of the situation. If logic and workability were the tests, I believe there is no doubt that the registrar system would be chosen in preference to the referee system.

But we are facing the unseen opinion makers: the columnists, the newspapermen, the shapers of public opinion—the group otherwise, and somewhat irreverently, known as pundits, who tell Congress and the country what they should think and what they should do.

I find that there are three very facile charges which are made against those of us who are working for effective registrar proposals, and these aside from the controlling fact of brute power are the obstacles which we really have to face. The first charge is that we are extremists. That is an unlovely characterization in these times.

The second is that we are trying to go too fast.

The third is that since this measure is opposed by the great power blocs in the Congress, in all probability it will be defeated, and therefore it should not be opposed.

Those are the real arguments we have to answer. It is very difficult to answer them, because they are not put in terms of logic. Instead, they are put in terms of social acceptability.

Mr. PROXMIRE. Mr. President, at this point will the Senator from Illinois yield?

The PRESIDING OFFICER (Mr. HART in the chair). Does the Senator from Illinois yield to the Senator from Wisconsin?

Mr. DOUGLAS. I yield.

Mr. PROXMIRE. Is it not true that at the time when the Attorney General made his first plea for the judicial referee system, it was a most convincing performance—at least in the eyes of editorial writers throughout the country—because he used what he called "Jim Crow" ballots, and at the time he argued that the registrar proposal would exclude persons from voting in State and National elections, and that the ballots in those States—as well as in my own State, for example—mixed the State and the Federal elections, and that on that basis the registrar proposal will be unworkable and impracticable?

It seems to me that much of the acceptance of the argument of the Attorney General was based on this fact. I recall an editorial in the New York Times which pointed out that the Attorney General had brought in ballot after ballot, from State after State, and had pointed out that the registrar system simply would not work—that when people went to vote, they would be denied the ballot.

Is it not true that that argument not only has been met by those of us who advocate the registrar proposal, but that, on the other hand, we find many of our good friends in the Republican Party urging that the referee proposal apply only to national elections?

Mr. DOUGLAS. I think that is true. Of course, the Senator from Wisconsin implicitly calls attention to the fact that the pending amendment, which provides for administrative registrars, applies to both State elections and Federal elections, and, therefore, it does not involve in the slightest degree the problem of "Jim Crow" ballots. The Senator is completely correct in stating that that reason for accepting the proposal of the Attorney General no longer exists, and that the question now is simply as to the workability of the two plans both covering State as well as Federal elections.

In other words, if we wish to allow qualified Negroes to be enfranchised, the question of "Jim Crow" ballots is not involved; the only question is as to the relative workability of the two plans.

On that basis, I submit that the Federal registrar plan is infinitely superior to the referee plan. In fact, I will say that if one sought to devise the most ineffective system for dealing with this problem, if one tried to find a method which would enfranchise the smallest number, I do not believe it would be possible to hit on a device more effective in that respect than that which the Attorney General, the Republican leadership of the House of Representatives, the Republican leadership of the Senate, and the Democratic leadership of the Senate are now supporting.

Mr. President, as I have said, what we are contending against is not logic; we are confronted with the impalpable developments in public opinion which have been created by the charges that we are extremists, that we are trying to move too fast, and that we are not organization men.

We remember that when Socrates came to trial he said that those who really were accusing him were not the ones who actually were making charges against him, such an Anytus, but were the popular opinions and the public sentiment in Athens, where certain ideas about him had already been formed.

Although we certainly do not wish to compare ourselves to Socrates, nevertheless, it is true that the impalpable charges against us come from the framers of public opinion, who say we are extremists, that we are going too fast, and that since these measures cannot pass they should not be proposed.

Mr. President, may there be order in the Chamber?

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). The Senator from Illinois will suspend.

All other Senators will take their seats. The Senator from Illinois is making a very important speech, and he is entitled to be heard by the membership.

Now the Senator from Illinois may proceed.

Mr. DOUGLAS. Mr. President, is there now order in the Chamber?

The PRESIDING OFFICER. All Senators except the Senator from Illinois, who has been recognized, will take their seats. All conversations by attachés of the Senate will cease. The only person who will be heard will be the Senator from Illinois.

The Senator from Illinois may now proceed.

Mr. DOUGLAS. I thank the Chair.

REGISTRAR PROPOSAL IS NOT EXTREME

Mr. President, of course, no one likes to be called an extremist. We do not think we are extremists. In recent days we have been somewhat pained by being compared to the White Citizens' Councils in the South. It has been said that we are as much extremists, on the one hand, as Governor Faubus and the White Citizens' Councils and certain other gentlemen are, on the other side.

I believe it appropriate to point out that we want to carry out the American tradition of making the 15th amendment actually applicable, and that we seek to do so under the reign of law, whereas what many groups in the White Citizens' Councils want to do is to reverse the American tradition, throw into the wastepaper basket the 15th amendment to the Constitution, and do so with the threat or the actuality of violence.

Yet, Mr. President, I wish to point out again that, in essence, our proposal originated in a group of five men, two of them Southerners: Mr. Robert G. Storey, formerly president of the American Bar Association; and Mr. Doyle E. Carlton, formerly Governor of Florida—and three very eminent Northerners, all of them conservatives. Two of the Northerners are conservative Republicans: Mr. John A. Hannah, and Mr. George M. Johnson. The fifth member, the very distinguished President of Notre Dame University, is Rev. Theodore M. Hesburgh, one of the noblest men of our times.

These gentlemen are not extremists, Mr. President. They are patriotic Americans. It is extraordinary that the

proposal which they advanced is now being treated as an extreme proposal and is being condemned by the pundits of the Metropolitan Club.

Mr. President, I should like to say that America has grown great, not merely because of its growth in population or its growth in material resources, but because America brought new principles of human equality into the world, and gave them tangible expression, and because in large part our political history has been one of the progressive application of those ideals.

The Declaration of Independence is not merely a document to be read on the Fourth of July, and then to be forgotten for the rest of the year.

Certainly Thomas Jefferson meant it when he wrote:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.

Jefferson said, "all men." He did not say "all white men." He did not say "all rich men." He did not say "all landowners." No, Mr. President, he said, "all men"; and he meant precisely that—Negroes as well as whites, poor as well as rich, artisans and farm laborers as well as landowners. It is true slavery existed at that time. There were many features in American life in which the practice did not conform to the principle. But the history of America has been a progressive movement toward those principles.

I dislike to refer to the Civil War, which broke out 99 years ago, and in which there was great heroism and devotion on both sides, but I think it is worth remembering that a very large proportion of those who wore the uniform of blue, who were wounded and who died, did so not merely to establish a continuing political union, but also to abolish chattel slavery and to bring about a greater degree of equality for the Negro race.

Yes, and a considerable percentage of those in the South had the same desire, because one of the most extraordinary statements by a Supreme Court judge was handed down by a great southerner, John Marshall Harlan. This was in 1896, in the famous case of Plessy against Ferguson, where Harlan was the one dissenting judge. And this judge, who had been a slave owner himself, dissented from the opinion and said that the Constitution was color blind and drew no distinction on the basis of race or class.

To me it is a source of satisfaction that the grandson of the great judge who bears his name now sits upon the Supreme Court, and thus the great name of John Marshall Harlan is perpetuated.

I may say that the son of John Marshall Harlan, and the father of the present Justice Harlan, John Maynard Harlan, was a personal friend of mine. We were joined together in Chicago in fighting Sam Insull in the late 1920's. At times I have thought that battle was far more severe and dangerous than any formal battle where physical bullets fly.

As a result of the Civil War, we not only passed the 13th amendment, freeing the Negroes, but we passed the 14th and 15th amendments to the Constitution. The 14th amendment, passed in 1867, which declared that all persons born within the United States or naturalized therein were citizens not only of the State where they reside, but of the United States as well, citizens on equal terms. There were to be no first class citizens, no second class citizens, but all citizens on an equality. The amendment included the provision that no State shall deprive any person of the equal protection of the laws.

Some of us think the Supreme Court was right in its 1954 decision in the Topeka case, when it held that segregation in the schools on the basis of race was a violation of the equal protection of the laws.

REGISTRAR PROPOSAL CARRIES OUT PROMISE OF 15TH AMENDMENT

I am not going to fight that battle now. It is not involved. I appeal rather to the 15th amendment, which provides that no State shall deprive any person of the right to vote because of his race, color, or previous condition of servitude, and that Congress has the power, by appropriate legislation, to enforce that provision.

Mr. President, those provisions are parts of the Constitution. I have heard again and again the 10th amendment to the Constitution quoted, the last amendment of the original Bill of Rights, which provided that any powers not specifically granted to the Federal Government inhered in the States and the people; and, therefore, the conclusion is sometimes drawn that since the original text of the Constitution did not provide for the equal protection of the laws, therefore the 15th amendment should be disregarded, and hence the Supreme Court has no power to act in such matters.

Mr. President, the Bill of Rights was ratified in 1790 or shortly thereafter. The 15th amendment of the Constitution was ratified in 1870. The 15th amendment, therefore, supersedes the 10th amendment to the Constitution.

Now the question is whether we mean to give the Negroes and Mexican-Americans the effective right to vote. Do we really mean it, or do we intend to give only lip service to it but apply it in such a way that only a few can qualify? Are we trying to get a system in which, in practice, the 15th amendment will be denied, even though we may give verbal adherence to it? Are we trying to put into effect some kind of a face-saving device, possibly intended to fool the other peoples of the world, or do we really mean it? That is really the question.

Mr. President, I have great respect for the frank and open opponents of this measure who state, very frankly, they do not believe in allowing the Negroes to vote; they fear that there would be real difficulties created by this proposal. They are very frank and open in their opposition. I respect these men. I think they are mistaken, but I respect them. Indeed, I have more respect for them than for those who give verbal adherence to the principle, but who deny it in practice.

COLORED PEOPLES OF WORLD WATCH OUR ACTIONS

Mr. President, there are 17 million Negroes in this country, and about 3 million Mexican-Americans. To take the population of the world as a whole, two-thirds of it would be described by those who are sensitive to color as colored—the yellow, the brown, the black peoples of the world. These are people who, under colonial rule, have been discriminated against—not so much economically, though that has been true—not so much politically, although that has also been true—but discriminated against socially by the white colonial officers and traders who have relegated them to an inferior position.

I can remember that a sign used to be put up in the park in the foreign section of Hong Kong, which friends of mine told me they had seen, reading, "Chinese and dogs not permitted here." This was a frank statement of the practice which tended to be carried out in the East under British, Dutch, and German colonialism, and partially under French colonialism.

We were probably not as guilty as any of those people, but we drew the color line, too.

This fact has aroused resentment in the world of color. And what the world of color, which probably comprises two-thirds of the population of the world, is asking us is, "How can you reconcile your practice with your principles?" and those peoples are demanding that we put our practice into conformity with our principles.

Having a certain sense of falling behind in the economic world, not being as powerful as we, they naturally have a tendency, as those who are militarily weak do, of trying to find flaws in the armor of strength and to point out all the weaknesses we have. I think I can say, with complete truthfulness, the greatest difficulty we have in winning the wholehearted cooperation of the uncommitted peoples of the world is the treatment which we accord to the Negroes in our country.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield.

Mr. PROXMIRE. Mr. President, I asked the Senator to yield to ask him this question: Is it not true that the Commission on Civil Rights, appointed by the President, consisted of six members.

Mr. DOUGLAS. There were six members, five of whom made this recommendation.

Mr. PROXMIRE. Five of the six made this recommendation. Is it not true that of the six members one was Robert Gerald Storey?

Mr. DOUGLAS. That is true. He is a former dean of the law school at Southern Methodist University, a former president of the American Bar Association. He was southern born and bred. He is one of the leading lawyers of the United States.

Mr. PROXMIRE. With the Senator's indulgence, I ask unanimous consent that I may read in the RECORD at this point, because I think it is extremely important, a brief biography of Mr. Storey. This shows not only the fact that this gentleman is a southerner and understands the southern traditions but also the very high quality of this man.

Mr. DOUGLAS. I shall be glad to yield for that purpose, Mr. President, if I am granted unanimous consent to do so without losing my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois? The Chair hears none, and the Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, before I read this I should like to emphasize that, as the Senator from Illinois has pointed out, this is a suggestion or a proposal which originated with the Civil Rights Commission. Those of us who are trying to advance the proposal are being labeled as extremists or as people who are impetuous or as people who are not sufficiently grounded in the background and theory of the social structure of the South.

The first man on the Civil Rights Commission whose biography I shall briefly mention is Robert Gerald Storey.

> Education: University of Texas and Southern Methodist University, B.A.; honorary degrees, LL.D., Texas Christian University, 1947; Laval University, 1953; Drake University, 1954.
>
> Professional: Partner, Storey, Armstrong & Steger, Dallas, Tex.; dean, Southern Methodist University Law School; president, Southwestern Legal Foundation.
>
> Public service: Assistant attorney general of Texas for criminal appeals, 1921–23; member, national executive committee, American Legion, 1921–22; regent, University of Texas, 1924–30; governor, Kiwanis Club, Texas-Oklahoma district, 1931; president of Park Board, city of Dallas, 1938–41; executive trial counsel for United States, Nuremberg, trial of major Axis war criminals, 1945–46; member, Commission To Reorganize Executive Executive Branch of U.S. Government (Hoover Commission), 1953–55; adviser to Korean Government on judicial system and legal profession, 1954; State Department representative in the Far East and Middle East to assist legal profession of friendly free nations—summer 1954–55; member, Board of Foreign Scholarships (International Educational Exchange), 1956.
>
> Bar association activities: President, Dallas Bar Association, 1934; president, State Bar of Texas, 1948–49; president, American Bar Association, 1952–53; president, Inter-American Bar Association, 1954–56; member of council, International Bar Association, 1952.
>
> Business: Director, Southwestern Bell Telephone Co.; chairman of board, Lakewood State Bank; director and general counsel, United Fidelity and Universal Life Insurance Companies, and Sabine Royalty Corp.

Mr. President, I also wish to mention briefly the biography of John S. Battle, Commissioner.

Mr. DOUGLAS. Mr. President, I think I should interject to point out that while Governor Battle found there was discrimination in the South, he did not recommend the creation of Federal registrars. He was the one member on the Commission who did not.

Mr. PROXMIRE. Yes. I desire to give the biography, because John S. Battle was a member of the Civil Rights Commission. It was a well-balanced Commission, on which there was no overbalance on the side of the North. There were three southern members and three northern members.

I am sure all of the members were influenced by the quality of Governor Battle, which is extremely high, and by his eloquence and persuasiveness. Governor Battle served on the Commission. I am sure his viewpoint was thoroughly expressed on the Commission and fully understood by the other outstanding members of the Commission.

Mr. ERVIN. Mr. President, will the Senator yield so that I can keep the RECORD straight as to this matter?

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). Does the Senator yield; and, if so, to whom?

Mr. DOUGLAS. I shall be happy to yield, with the understanding that I shall not lose my right to the floor.

Mr. ERVIN. I simply want to bring attention to the fact, to keep the RECORD straight, that Governor Battle said he thought there ought to be no legislation passed by Congress interfering with the rights of States in voting matters. Furthermore, he said, in effect, that he did not believe there was any new legislation needed in this field.

Mr. DOUGLAS. Yes. We made that clear earlier in the statement.

Mr. PROXMIRE. Mr. President, the reason why I mentioned Governor Battle is I think Governor Battle possesses very high qualities. It is extremely important to know that this man, who does take the position the distinguished Senator from North Carolina properly emphasizes and refers to, was on the Commission. His viewpoint was thoroughly heard. He has a background which would give him a peculiar and particular understanding of the situation in the South. That is the reason why I desire to go into a little bit of the details as to his record. This will require only a minute or two.

> JOHN S. BATTLE, COMMISSIONER
>
> Born: New Bern, N.C., July 11, 1890.
>
> Home and office: Charlottesville, Va.
>
> Married.
>
> Education: Wake Forest College; University of Virginia, LL.B.
>
> Honorary degrees: LL.D., Hampden-Sydney College, University of Richmond, Wake Forest College, William and Mary College.
>
> Member, House of Delegates, Virginia General Assembly, 1929.
>
> State senator, 1926–49.
>
> Governor of the State of Virginia, 1950–54.
>
> Member, law firm of Perkins, Battle & Minor.

The one other member of the Commission whose background I desire to mention is Commissioner Doyle Elam Carlton.

> Born: Wauchula, Fla., July 6, 1887.
>
> Married; three children.
>
> Education: University of Chicago, A.B., 1910; Columbia University, LL.B., 1912; admitted to Florida Bar, 1912.
>
> Member, Florida State Senate, 1917–19.
>
> Governor of the State of Florida, 1929–33.
>
> Practicing attorney, Tampa, Fla., 1933 to present.

He is a man who has lived in the State of Florida and obviously has had extensive experience, as Governor, in regard to the problems of a Southern State.

Mr. DOUGLAS. And Commissioner Carlton also recommended the establishment of Federal registrars.

Mr. PROXMIRE. Along with Mr. Storey.

I simply make this point to emphasize what the distinguished Senator from Illinois has said. This is not a proposal by extremists or a group of northern Senators. This is a proposal which originated with a group which included some of the most eminent legal scholars and eminent lawyers of the Nation, men who were selected by the President of the United States to serve on the Civil Rights Commission. These men have a fine background, which would give to them the kind of understanding of southern problems very few people in the country have.

Mr. DOUGLAS. I thank the Senator.

Mr. President, I think the statement of the Senator from Wisconsin is valuable in many respects, one of which is that it indicates the source of this proposal is in no sense derived from extremists.

We sometimes have a picture of an extremist as a thin and emaciated gentleman, not too well shaven, carrying an umbrella, his eyes agleam with hate, looking like the caricature of the prohibitionist which various newspapers used in the 1920's.

I admit that I am not very well dressed myself, but I had never thought of myself in that capacity as an extremist. I am quite certain my eyes do not reflect any hatred, because my heart does not feel any.

I have said again and again that this is largely a matter of history and geography; that because of climate and because of accident the South had the terrible institution of slavery fastened upon it, whereas the North, because of a cold climate and more rocky soil, was relatively protected from slavery. We of the North are not innately superior in moral qualities to those of the South. We simply were extremely fortunate in not having this institution historically fastened upon us. Slavery is evil, both for the master and for the slave. Its consequences endure after the institution itself has passed away.

I do not want to seem patronizing, but let me say that I not only have no hatred, but I have a real feeling of understanding, I believe, of the difficulties.

The South consists, however, not merely of the whites in the South as is sometimes assumed, but also of the 12 million Negroes in the South. They are human beings, too, and they should be considered, both for their own sake and for the sake of the international position of this country.

COMMON HUMANITY, DESPITE DIFFERENCES IN RACE

There are certain very obvious matters—at least obvious to me—which I think need to be stated. I know that there was a school of purported anthropology which existed in the South prior to the Civil War, which denied that Negroes were men and which asserted that the Negro race and the white race had a different origin, that Negroes were, in essence, animals, and that it was no

more wrong to enslave Negroes than it was to own and work donkeys, mules, and horses.

I think that argument or claim of different origins was, even at the moment, demonstrably false from a biological standpoint, which I shall not go into here, except to say that by the ordinary tests, it is obvious that the two different races are not vitally dissimilar groups.

I hope I am not old fashioned when I say that I think Negroes are men, men substantially of the same nature as ourselves. Because of climate and the rays of the sun, those with dark visages had greater survival value in Africa than those of white skin. So, variants in that degree of pigmentation had survival value, and those with darker skin perpetuated themselves, whereas those with lighter skin had survival value in the regions toward the north, where the sun's rays were less intense.

So I start with the assumption, which I hope is not old fashioned and does not mark me as an extremist, that the Negro is a man. If he is a man, and if we believe in the divine origin of man, if we believe that there is a divine spark within man, as I believe, then it follows that there is something of the divine in the Negro, as well as in the white man.

If we reject that thesis, if we say that the Negro is not a man, if we say that there is not something of the divine in him, I suppose his disfranchisement can be justified. But if he has something of the divine in him, he should not be humiliated. He should not be discriminated against. He should be treated as a person who has at least the capacity for immortal greatness. He should be treated as a son of God. Hence, since we hope we are also sons of God, he should be treated as one who is a human brother to ourselves.

If we do not believe in the divinely implanted quality in man, but believe that the evolutionary process itself favors respect for life, and that the workings of survival perpetuate and increase the same qualities of mercy and kindness and tenderness which Christianity, and all the other great religions, with the possible exception of Mohammedanism, inculcate, then we come to precisely the same conclusion. The Negro has an ethical sense which is capable of development, just as we have an ethical sense which is capable of development. He should not be humiliated. He has the right to be treated as we would like to be treated.

I sometimes ask myself this question: How would I like to be treated as the ordinary Negro is treated? How would I feel? That is a good question for us all to ask ourselves, for the white race, as a race, to ask itself. How would we like it if we were treated as the Negro race is treated?

Because of the accident of birth, because of the accident of color, because of historical conditions, the Negro knows that, however hard he tries to acquire skill, however hard he tries to acquire virtue, he is marked and set aside as inferior and excluded from participation in the main stream of life.

How would we like to have our children go through that process, with the more sensitive ones never quite knowing how they would be treated from person to person, never quite knowing what to expect, but always knowing that sometime during the course of the day they would meet with humiliation.

The average Negro in the South knows that others can vote, but that he cannot vote; that others can take part in the political stream of life, but that in the Southern States, at least, he cannot take part in the political stream of life. Therefore he knows that, since government largely reflects the interests and desires of those who have the vote, this means that government, in the States where Negroes are excluded, even though they exist in large numbers, will largely be shaped in the interest of the white group, but not in the interest of the Negro group. They are excluded, so to speak, from the stream of life.

I believe that many of us in these last days have asked ourselves this question: Suppose we had been among that group of 400 Negro students in South Carolina who peacefully assembled to protest because, in other positions of the South, Negroes who tried to sit down at a lunch counter and eat a hamburger had been prevented from doing so. Those 400 students who were peacefully assembling according to the news reports, had a fire hose turned on them, in a 40-degree temperature. Then they were arrested and put into a stockade, still dripping wet. Then as fast as sentence was passed upon them, they were put in a bus and taken away to jail or to the State penitentiary. Then the 400, still dripping wet after this experience, got together and sang "God Bless America."

How many of us, if we had gone through that experience, would have had the patience to sing "God bless America, land that I love"?

How many of our children who might have gone through such an experience would have been able to respond in such a fashion? Not many, I think.

One of the things which frightens me is the question of how long we can expect them to sing "God Bless America."

How long can we expect the black, brown, and yellow peoples of the world to line up on the side of freedom, as symbolized by America, if present conditions continue? We are paying a high price for our prejudices, a price which, as one looks ahead through the years, is very heavy.

Are we extremists, we who simply say that the Declaration of Independence means something and that it is not mere words; that the Gettysburg Address means something; that the sacrifices of the men who wore the uniform of blue at Gettysburg, at Antietam, at Cold Harbor, at Petersburg, and at Vicksburg meant something and that the 15th amendment really means what it says?

It is said all this is extremism, which sensible men of the world who live in the northwest section of Washington, and who have lunch at the Metropolitan Club, can have the privilege of disregarding themselves and of ridiculing those who take the American dream seriously.

ARE WE GOING TOO FAST?

Then the charge is made that we are going too fast. It is said, "Don't hurry. Take your time. Don't try to get any considerable numbers of Negroes registered and voting. Just get a little token number."

Are we going too fast, 100 years after the Civil War, and 90 years after the 15th amendment? It this were 1870 or 1890 or even 1900, perhaps that argument might be valid. We have largely lost, although not entirely, almost a century.

With the world as it is now, we cannot afford to go at the slow pace at which these gentlemen would have us go. We must make up for the past neglect. We must accelerate our pace, because we have been lagged for so long. The color consciousness over the world will not permit us to operate in any piece-meal or fragmentary fashion. The very security of the United States does not permit it.

One of the extraordinary things is that many of the columnists who write about the alarming tendencies in Africa and Asia, and the great difficulties that we are in, never seem to associate this fact in the slightest with color conditions here at home. While they advocate vigorous action—and properly so—to rehabilitate our position abroad and to strengthen it, they also urge that nothing be done, nothing really effective be done, here at home. I have tended to agree with these gentlemen in their views on foreign policy in the past. However, now that I see how wrong they are in their domestic judgment, perhaps I should reconsider those views, because they could be just as wrong on foreign issues as they are wrong domestically. They may not be such pundits after all.

How long can we expect to hold the allegiance or confidence of the rest of the world if we continue to behave as we are doing? How long can we expect the black race, in particular, to be patient elsewhere and in the United States? We do not have as much time as many people think.

IS VICTORY THE ONLY TEST OF A RIGHT OR REASONABLE POLICY?

The final argument is: "You know you cannot get this measure passed. If so, why do you propose it? You were beaten 42 to 53 on the proposal for cloture. You were beaten 38 to 55 on voting to include in the bill the protection of rights under the 14th amendment. You will not win this time. So why propose it? Why not go along with the administration, and go along with the parliamentary leadership of the Democratic Party?"

That may be the position of parliamentary leadership of the Democratic Party, Mr. President, but I believe that it is not the position of the whole Democratic Party, as evidenced in the statement of its advisory committee and in the soundings which I have taken among the people.

It is urged that we should go along with the pundits; that we join the organization, and have pinned on our lapel the medal of moderation in politics and thus be recognized as members of the inner club of the Senate.

I am certainly aware of the difficulties which we face. I am aware that our friends from the South are opposed to us. I wish to say that I honor the frankness with which they state their point of view. It has been my pleasure since I have been in the Senate to have had very friendly personal relations with most of the Senators from the South. They are charming gentlemen. Frankly, I think they would be better companions on a fishing trip than I would be myself.

However, we do not have only those men against us. We also have against us the main group of the administration followers, with the exception of the Republican liberals. I wish to take my hat off to the Republican liberals and to say to them that in my judgment if it were not for them this country would be in a very sad state indeed. They not only defend great principles, but I think they are keeping the Republican Party alive.

I do not know whether they appreciate this certificate of good character coming from me. However, let me say that I deeply appreciate the way in which this small group of Republican liberals have helped us in the planning and in the efforts we have been making to secure an effective civil rights bill.

We know that on this issue we also have against us the majority leader in the Senate and the Speaker of the House of Representatives. We know that they wield great power, and that it is pretty hard to buck them. I have had my troubles with the Speaker of the House of Representatives twice in the national conventions, when he was serving as permanent chairman. He had quite an efficient steamroller.

The truth is that, despite the press' concentration on Democratic differences, there is a split in both parties, between Republican liberals and Republican conservatives, and between Democratic liberals and Democratic conservatives. In the main the race issue separates them, although not entirely, because there are some of our friends in the South who, on economic matters, certainly cannot be classed as conservatives. But I suppose that so far as the parliamentary strength is concerned, the liberal elements of the Democratic Party and the liberal elements of the Republican Party are a relative minority in Congress. But I believe they are not a minority in the country, and I hope at the national conventions of the Democratic Party.

What should one do in that circumstance, if he believes in something in which the holders of political power do not believe? Should he give up and not advocate what he believes in? Or should he make an effort to present his case in as good temper as possible, and then abide by the results, but with the understanding which always exists in a democracy that one's case can be carried to the people, to the people who, in a democracy, are the ultimate possessors of political power, and who determine who are to represent them, not merely in Congress, but also in the Presidency?

I know this is the period of the organization man. I have read Mr. David Riesman's book, "The Lonely Crowd." I have read Mr. William H. Whyte's book, "The Organization Man." I have read Mr. Vance Packard's books "The Status Seekers," and "The Hidden Persuaders." They describe a large portion of reality. There is a tendency to "go along." We are told, "Don't stick your neck out; advocate only those things which you know will be put into effect immediately." I suppose that is the way to get ahead.

But it is also the way to lose one's soul. It does not advance humanity.

These last nights I have been reading, when I could not sleep, a number of American biographies: of Theodore Parker, the great reformer of New England, who was driven out of the churches, but who became a great spiritual force in New England. I know something of the experiences which the early advocates of woman suffrage and of the rights of labor and of abolition experienced. I know something of the way in which William Lloyd Garrison was dragged through the streets of Boston with a rope around his neck, threatened with death because he had declared in favor of the abolition of slavery.

Someone later came from England and asked a citizen of Boston, "What was that mob doing? Trying to lynch Garrison?" The reply was, "That was not a mob; that consisted of the best citizens of Boston."

The grandchildren and great-grandchildren of those who stoned Garrison and Wendell Philips and Theodore Parker now imagine that their ancestors were the defenders of these men.

I believe it was Anatole France who said:

> The dead lend themselves very readily to reconciliation.

Possibly it is true that after this battle has passed, history may be rewritten in such fashion that those who are now opposing an effective voting rights bill may be treated in the light of history as the great protagonists of voting rights and of civil rights.

Such are the amusing features of history, particularly if one has a good press agent, and more so if one has connections with a strong group of newspaper columnists and commentators.

Appeals are now being made to the sacred name of George Norris, who for 40 years fought on the floor, first of the House, and then of the Senate, for progressive legislation, in particular for public power. Now it is being said that Norris knew how to get things done; that he always worked with the leadership. He worked with the leadership, it is said, and they helped put those things through for him.

Mr. President, those who say that simply do not know history. Norris was a pariah in this body for many years, shunned by his colleagues, shunned by the leaders of his party, shunned by the leaders of my party. It was only when there was a great popular change in 1932 that he came into his own. But he would not have been able to get the Tennessee Valley Authority and the REA through Congress if in the previous decades, standing almost alone against the massed power of the Senate, he had not fought for what he believed to be right, and had not been willing to be voted down time after time.

The committee which was designated to choose the five great Senators rejected Norris, for reasons which I have never quite been able to understand. But they did choose, as one of the five great Senators, Bob La Follette, of Wisconsin, whose portrait will be found in the anteroom of the Senate Chamber. Bob La Follette never consulted the leadership to find out what it wanted or what had a chance of passage. He did what he thought was right.

When he first came to the U.S. Senate and rose to speak on monopolies and the railways, every Senator got up and walked out. La Follette spoke to a completely empty Chamber, much as I have been speaking to an empty Chamber this afternoon, although I am not trying to compare myself with La Follette. La Follette then made a statement which was very prophetic when he said:

> I predict that many of those who have temporarily absented themselves from this Chamber will be permanently absented from this Chamber.

That is precisely what happened, because he went out over the country, to chautauquas and other public meetings, and called the roll. He gave the results of the rollcalls on significant votes. In the space of 8 years, we had the popular election of Senators. While the Senate may have continued as a club, it ceased to be a millionaire's club—although we are glad to have a few of them with us.

What I am trying to say is that there is a case for dissent. If one believes a cause to be right, even if every other Member of the Senate is opposed to him, it is proper to advance it—yet not to take too much time in advancing it; not to do it with complete disregard for the feelings of others; not to condemn those who think differently from one's self; but to argue the logic, as I have tried to do this afternoon; not to be taken in by the statement, "Well, you will never get it by."

If we considered only those things which could be immediately passed, society would always be on dead center, and would never advance whatsoever.

Please do not think I am trying to include myself with Wendell Philips of William Lloyd Garrison or Julia Ward Howe or Robert La Follette or George Norris.

I simply say that there are great wrongs in the treatment which we mete out to the Negroes, wrongs which deserve to be remedied.

One of the things on which we should concentrate is the right to vote. It is not the sole reform, but is a very important reform. If we believe in it, we should get an effective measure. I believe that an effective measure consists far more in the registrar proposal than in the referee proposal, which, in my judgment, is illusory and will result in only an insignificant fraction of the Negroes being given the right of suffrage.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. DOUGLAS. I yield.

Mr. JAVITS. Is the Senator from Illinois not cognizant of the fact that even assuming that his amendment to section 3 of the bill carries, it would still leave section 7 of the bill intact? Is the Senator from Illinois not aware of that?

Mr. DOUGLAS. Yes, I am. This is an amendment to section 3; that is correct.

Mr. JAVITS. Is the Senator from Illinois not also aware that, whatever may be the views of himself and other Senators who desire to see the registrar plan adopted as the plan for voting, it is a fact that if this amendment were adopted, the Senate would have an opportunity, in due course, to work its will and to say whether it wanted only the Senator's amendment or whether it wanted both the Senator's amendment and the voting referee provision. Is that correct?

Mr. DOUGLAS. Yes.

Mr. JAVITS. Thus the Senate could take its choice, let me say, even though I, as one of the proponents of this amendment, have firm views on the subject, in that I want the registrar proposal, only, adopted.

Mr. DOUGLAS. That is correct.

Mr. JAVITS. Is it not also correct to say that in giving the Senate these alternatives—which by now are standard—the Senate has a full opportunity to work its will; and that the three alternatives are as follows:

First, the pending proposal, submitted by the Senator from Illinois, on behalf of himself and myself—to wit, the registrar proposal, which may be joined with—if the Senate so chooses—the voting referee proposal.

Second, the proposal for Federal enrollment officers—it is the so-called Clark proposal, and is cosponsored by me—which turns upon the fulcrum of a decided Supreme Court case, and also retains the voting referee proposal.

Third, the voting referee proposal.

In view of those alternatives, it is not the view of the Senator from Illinois that, at the very least, the Senate should have an opportunity—in view of the fact that, for reasons which are known to all of us, there has been no committee procedure in connection with this bill—under these circumstances to consider these classic alternatives, and to either adopt or reject them?

And does the Senator from Illinois not also agree that that is particularly true in view of the fact that the chief of these alternatives is not the product of the ingenuity of some one Senator, but is the product of the very deliberate and considered thinking and judgment on this entire subject—and now I refer to the Federal registrar proposal—by the Civil Rights Commission, and that two of the members of the Commission who concurred in that proposal are very distinguished men from the South; and that the proposal for Federal enrollment officers is not strictly a product of the brain of the Senator from Pennsylvania [Mr. CLARK] or of my brain, but represents the consensus of opinion of six Members of this body, three Democrats and three Republicans—and also represents the thinking of the Senator from Missouri [Mr. HENNINGS].

Is that not the situation which faces the Senate; and do not such auspices give these alternatives such standing and such quality that the Senate almost has a duty to consider them and to permit the majority of the Senate to work its will in deciding which one of them will best carry out its purposes?

Mr. DOUGLAS. The Senator from New York is correct, and I am very glad he has so well illustrated the variety of choices before the Senate.

He has joined me in sponsoring the pending amendment which calls for the appointment of Federal registrars; and, as he has said, the pending amendment really has been endorsed by five of the six members of the Civil Rights Commission. The Senator from New York has also pointed out that there are other possibilities or alternatives.

As the Senator from Pennsylvania [Mr. CLARK] pointed out yesterday evening, the reason why we brought up the registrar proposal as an amendment in the form of a susbtitute for section 3 of the Dirksen measure, instead of waiting for the Senate to reach the consideration of section 7, is that if we were to wait for section 7 to be considered, by that time the House bill might well have come to the Senate, and then we might be faced with a move to substitute the House bill for the Dirksen measure, with cloture then imposed; and if that happened, then a registrar proposal, as a substitute for the referee proposal, would in all probability be ruled not germane.

Therefore, we felt that time did not permit us to have any further delay, and that we should move as rapidly as possible to a consideration of the question of voting rights, and that we should begin with the proposal for the plan suggested by the Civil Rights Commission.

Mr. JAVITS. In view of the fact that this matter has been discussed, now, for weeks on end, and that at long last—whatever may be the reason for it; and I think both the Senator and I have a right to feel that we had something to do with bringing on the sudden spurt of voting amendments either up or down by means of the much maligned but, I believe, extremely useful cloture petition—voting has been had, does the Senator from Illinois not believe that when propositions have been so deliberately and so elaborately designed by authorities as important as the members of the Federal Civil Rights Commission, they deserve a deliberation and a discussion which bear some remote facsimile to the weeks of discussion which the Senate has had upon generalities, which resulted in no voting at all?

Mr. DOUGLAS. I agree.

Mr. President, I hope the Senator from Michigan [Mr. HART] will take part in this debate. I also hope that the Senator from Missouri [Mr. HENNINGS], who hitherto has not discussed this subject at any length, will take the floor and will discuss this matter.

However, personally, I have no desire to prolong the proceedings to any great length. I have now said about all I wish to say.

Mr. President, I shall close by saying that I think the press, the public, and we ourselves have all too often succumbed to the temptation merely to ask ourselves, "What will win?" Then we adopt only the course of action which we believe will win. However, Mr. President, to succumb to that view is, in my judgment, to give in to the sickness of our society—to the worship of power, to the worship of success—and not to adhere to fidelity to ideals.

Mr. President, to me, the Declaration of Independence still has validity. To me, the Gettysburg Address is still true Americanism. To me, the 14th amendment and the 15th amendment still are valid. To me, the Negro is a man. To me, every human being, whatever his race, color, or religion, should be treated as a son of God, and we should not knowingly humiliate anyone.

I believe that we should try to develop the best that is in people; that the democratic process of participation forces people to make moral choices, and that by making those moral choices, the character of people is necessarily improved; that in the long run, public discussion tends to winnow out the false and to retain the true, or to obtain a blending of different proposals which perhaps is better than any original proposition.

That is why I believe we should have a broader participation in public life; that groups should not be excluded because of extrinsic qualities of color or race; and that if we really mean what we say, we should try to do this in a fair fashion, not in the least effective fashion possible. That fair and effective method is the basis of the present amendment.

Mr. CASE of South Dakota. Mr. President, will the Senator from Illinois yield?

The PRESIDING OFFICER (Mr. Moss in the chair). Does the Senator from Illinois yield to the Senator from South Dakota?

Mr. DOUGLAS. I yield.

Mr. CASE of South Dakota. I should like to ask the Senator from Illinois several questions.

Mr. DOUGLAS. Certainly.

Mr. CASE of South Dakota. First of all, let me say that, personally, I regard the ballot box as the ultimate guardian of liberty in a government by the people; and, personally, I feel that the 15th amendment warrants appropriate legislation to secure the safety of the vote for all citizens, regardless of race or color.

Mr. DOUGLAS. And that is what I have been contending for this afternoon.

Mr. CASE of South Dakota. And I have failed to find in the 15th amendment any distinction between State elections or Federal elections. The 15th amendment clearly states that the right to vote shall not be abridged by reason of race or color.

Mr. DOUGLAS. I quite agree, and earlier in the afternoon I argued that point.

Mr. CASE of South Dakota. I respect the Senator's sincerity on that point. With me, however, the problem is, How can we best get it done? I have some reservation with respect to the so-called referee provision as it is proposed in the Dirksen substitute. I feel it would possibly make the courts too much of an

administrative agency, and perhaps overburdened the courts which have a clogged calendar.

Mr. DOUGLAS. That is one objection.

Mr. CASE of South Dakota. On the other hand, I feel that to burden the President with making all the findings necessary to set up a registrar might be overburdening the Presidency. I had thought that possibly the proposal advanced by the Senator from New York [Mr. JAVITS], the Senator from Pennsylvania [Mr. CLARK], and other Senators, offered a way to implement the 15th amendment without overburdening the court on the one hand, or the President on the other.

Under the parliamentary situation, how can I best express my conviction by a vote? What shall I do?

Mr. DOUGLAS. I do not want to give the Senator advice on how to vote. Let me say that if the registrar proposal is turned down, we can then proceed to the Clark-Javits proposal.

But in the meantime, before the Senator makes up his mind, I ask him to look at page 4, subsection (D) of our amendment, as regards the question of overburdening the President. That provision reads:

> In conducting any investigation under the provisions of this section, the President may designate the Commission on Civil Rights, the Department of Justice, or such other department or agency as he may deem appropriate to make available to him such facts as he finds necessary for his determination.

Mr. CASE of South Dakota. I thank the Senator for his yielding and for his answer to my question.

Mr. DOUGLAS. Mr. President, I am ready to yield the floor, unless there are questions.

Mr. JOHNSON of Texas, Mr. JAVITS, and Mr. CHURCH addressed the Chair.

Mr. DOUGLAS. I yield to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Illinois yields to the Senator from Idaho for a question.

Mr. DOUGLAS. Or statement, with the understanding that I do not lose my right to the floor.

Mr. CHURCH. Mr. President, first of all, I want to commend the Senator from Illinois for the excellent address he has given this afternoon. I honor him for the leadership he has shown in the civil rights field, and for his efforts to convey the importance of this matter to the entire country.

I should like to ask the Senator this question. Is it not true that under the Constitution it is left to the States to determine the qualifications of voters, with the limitation that no State may deny the vote on account of race, color, or previous condition of servitude, as provided in the 15th amendment?

Mr. DOUGLAS. I think that is substantially true, although as the Senator knows, there are two provisions on this point, the 4th section of the first article of the Constitution; namely, that Congress may prescribe the time, place, and manner of electing—initially—Representatives, and then later the meaning was broadened to include Senators, and the word "manner" may have a somewhat elastic definition; and, secondly, the 15th amendment, to which the Senator has referred.

Of course, as the Senator knows, in the particular amendments which are before us, none of them proposes to set up different qualifications. They provide that the State qualifications shall be carried out or applied by the federally appointed registrars, or enrolling officers, or referees. But where there is proof that the administration of the qualifications is carried out in a discriminatory fashion, then a Federal officer, either judicial or administrative, may be appointed, who will apply the State's standards—not new standards, but the State's standards.

Mr. CHURCH. I understand that is so, but, apart from the restriction imposed upon the States by the 15th amendment, the States, under the Constitution, have the authority to establish the qualifications for voters. That is true, is it not?

Mr. DOUGLAS. Yes, but they cannot be applied in a discriminatory fashion.

Mr. CHURCH. I agree, because the 15th amendment specifies that no State shall deny the right to vote to any person on account of race, color, or previous condition of servitude.

Mr. DOUGLAS. Not only shall not deny, but also shall not abridge.

Mr. CHURCH. That is true. Now, since under the Constitution it is left to the States to establish the general qualifications for voting, which they must establish in a nondiscriminatory fashion, has it not always been customary for the States to handle the registration of voters within their own jurisdictions?

Mr. DOUGLAS. Yes. That is correct, of course.

Mr. CHURCH. And the purpose of the legislation that we are now considering is to provide a remedy to citizens who are disenfranchised improperly, by virtue of the failure of a State, in any given case, to register those voters in accordance with their rights under the Constitution?

Mr. DOUGLAS. That is correct.

Mr. CHURCH. That brings me to the principal question I should like to ask the Senator from Illinois. Since normally the States provide the registrars to register the voters, and since it is our purpose to furnish a remedy to citizens who may be improperly denied the right to vote by a given State, in an unconstitutional manner, and since, to do so, whether we proceed by way of a registrar or a referee, it is first necessary for a finding to be made that the State in question has in fact improperly denied citizens of their right to register and vote, then is it not a matter of central importance to determine by what method that finding is made? And, in this connection, I will ask the Senator whether, under his proposal, that finding would have to be made in an adversarial proceeding in a Federal court, where competent evidence must be presented to establish that discriminatory practice is in fact taking place, or whether it could be made administratively without such a procedure, or in what manner it could be made?

Mr. DOUGLAS. On pages 3 and 4 of the amendment we provide that the findings shall be made administratively, and the President may designate the Commission on Civil Rights, if it is continued, as I hope it will be continued, or the Department of Justice, or such other agency as he may deem appropriate to conduct the investigation and make available to him all the facts necessary for his determination.

This is not something new in American Government. In many acts we have quasi-judicial bodies which are given this power; and the Commission on Civil Rights, though not the Department of Justice, could be held to be a quasi-judicial body.

Mr. CHURCH. Are there any other precedents in Federal law which permit Federal officers to supplant State officers on the basis of a purely administrative determination? This is the problem which troubles me, and it troubles me very deeply.

Mr. DOUGLAS. As the Senator from Idaho knows, I am not a lawyer.

I remember, however, the first Child Labor Act, which I think was passed in 1914. At that time standards were laid down. It was provided that where State administrative officials came up to a given standard of efficiency they could serve as Federal officials for the purpose of the act, but where they did not come up to those standards the Federal inspectors would substitute for them. While the first child labor law was declared unconstitutional, I do not think it was declared unconstitutional on that ground. I think that provision of the act was not reversed.

Mr. CHURCH. I do not raise, in connection with the amendment presented by the Senator, a constitutional question.

Mr. DOUGLAS. I understand.

Mr. CHURCH. I raise instead a question of policy. It seems to me that where the objective is to replace local registrars—who have customarily been State officers and who, under the Constitution, are intended to be State officers—with Federal registrars, who would supplant the State officers, it is very important that the initial determination that a pattern of discrimination does in fact exist, of a kind to justify the use of Federal officers in the place of the State officers, ought to be carefully and properly made. I fail to find, in the language of the amendment, sufficiently specific provisions to satisfy me that an administrative determination by the Civil Rights Commission—or, indeed, by the Attorney General, who is, after all, an appointee of the President—would be sufficient to assure me that due process of law would be followed in the making of this finding. So the fault I see in the Senator's proposal is with respect to the initial finding. It is my feeling that since such a finding could only safely be made upon competent evidence, and since the rules of evidence and judicial procedure which have grown up over the centuries ought properly to apply in a case of this kind, this initial finding should be made in a Federal court.

Mr. DOUGLAS. I appreciate the Senator's feelings.

Mr. CHURCH. For this reason I find I cannot support the amendment offered by the Senator, but I again commend the Senator from Illinois for the splendid address he has made and for the leadership he has shown in advancing the cause of civil rights. I want the Senator to understand why I differ with him in regard to this amendment.

Mr. DOUGLAS. Yes. I appreciate the position of the Senator from Idaho very much.

Perhaps my use of the language was inexact. I wish to point out that the Federal registrar appointed by the President would not replace the local or State registrar. Those local registrars would indeed continue to function. The Federal registrar would merely serve to register groups which Congress and the Commission have found in general to be discriminated against, and whom we know as men have been discriminated against, in localities where the President or the agent of the President specifically found this discrimination to exist. I do not see any reason—and eminent law professors agree—why the action cannot be based on such findings by Congress and the President, as well as on court findings.

We are not going to put in a new wholesale system of registration which supplants the old one. The present system would continue, in those cases where the Federal registrar was appointed, for the white voters. The Federal registrar would merely serve as a registration officer for the disbarred Negro voters.

I know there are many facets to this problem, and it is hard to get an answer which satisfies all queries on every fastidious point, so to speak.

The evil against which we are moving, is, to my mind, however, so great that we have to have a fairly effective means of dealing with it.

I think the chief fault with the referee system is not so much in the original judicial finding—although that is not simple and fast—that a general practice or pattern of discrimination operates, but is in the fact that after the finding has been established each individual Negro has to go through the process once again with the State or local registrar. Each individual must submit himself to the humiliation and to the delays and pressures of being forced to register at the same place. He must again go to the referee, and then once more to the judge, to prove not only that he is qualified to vote but that he has been discriminated against. I think that is the chief fault with regard to the proposal.

There are all kinds of combinations and permutations which one can include in regard to the registrar and referee system. We chose one that seemed to us most simple, direct and effective. Perhaps later along the way the Senator from Idaho will want to join us on some variant.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. Moss in the chair). The Senator from Texas is recognized.

Mr. JOHNSON of Texas. Mr. President, I ask that the yeas and nays be ordered on the Senator's amendment.

The yeas and nays were ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIRKSEN. Mr. President, I intend to move to table the amendment, but I shall withhold that motion temporarily, with the understanding that I shall not lose my right to the floor. I shall be glad to yield for reasonable amounts of time to other Senators, with the full understanding that I reserve my right to the floor and my right to offer the motion to table the amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Illinois yield; and, if so, to whom?

Mr. DIRKSEN. I yield to my colleague from Illinois.

Mr. DOUGLAS. I thank my colleague for yielding.

I will say I ascertained earlier today that a number of Senators, or their offices had inferred that there would probably be no votes today. Those Senators are therefore absent on various forms of official business. I am personally ready to vote at any time, of course.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. DOUGLAS. May I finish, please?

Mr. JOHNSON of Texas. I should like to correct the impression that anyone in authority in the leadership informed any Senator there would be no votes today. I think I have talked to most Senators, and to everyone who asked me I said we expected votes, even during the evening, if necessary.

Mr. DOUGLAS. It is hard to get testimony from absent Senators as to what they believed or inferred.

I will merely say that the offices of these Senators have in general told us they inferred that probably there would not be a vote today.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. DOUGLAS. It so happens that most of these Senators who are away are men who, if present, would probably vote with us. I do not think it would be wholly fair to a number of the absent Senators to push the amendment to a vote today.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. TALMADGE. Mr. President, will the distinguished minority leader yield to me for 1 minute, so that I may make an insertion in the RECORD?

Mr. DIRKSEN. Mr. President, I will yield to the Senator from Georgia with the understanding that I shall not lose my right to the floor.

The PRESIDING OFFICER. The Senator from Illinois yields to the Senator from Georgia.

TRIBUTE TO SENATOR RUSSELL

Mr. TALMADGE. Mr. President, an impressive example of the profound respect and unqualified esteem which all Americans hold for Georgia's illustrious senior Senator [Mr. RUSSELL] is the excellent column by Bill Henry which appeared in a recent issue of the Los Angeles Times and was reprinted in the March 17, 1960, issue of the Atlanta Journal.

Mr. Henry pays deserved tribute to the senior Senator from Georgia [Mr. RUSSELL] as an outstanding lawyer, a great Governor and a U.S. Senator of unparalleled stature. He expresses the opinion that were the U.S. Senate called upon to name the Nation's most talented and successful diplomat of modern times it would unanimously choose the Senator from Georgia [Mr. RUSSELL].

As the Member of this body who has the honor to serve as the Senator's junior colleague, I wish to endorse Mr. Henry's conclusions about the greatness of this incomparable statesman and I wish to observe that it is my personal conclusion that historians of the future will record that the greatest mistake our Nation has made during the past half century was in not calling him to the higher service of President of these United States.

I ask unanimous consent, Mr. President, that the text of Mr. Henry's column, as reprinted in the Atlanta Journal, be printed herewith in the body of the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

SENATOR RICHARD RUSSELL: NATION'S BEST DIPLOMAT

(By Bill Henry)

If it were ever left to the membership of the Senate of the United States to name the most talented and successful diplomat of modern times, it would not be John Foster Dulles or Dean Acheson or any of the other professional practitioners of the art of accomplishing-something-without-ruffling-too-many-feathers.

Instead of thumbing through the State Department personnel files for the greatest diplomat of them all, the Senate would turn to its own membership and offer the name of the distinguished gentleman from Georgia, RICHARD BREVARD RUSSELL. The balding bachelor from the tiny town of Winder has demonstrated the exact mixture of determination, tact and procedural skill required for success on so many occasions that even those who disagree completely with some of the things he stands for will swear that no man in modern times has so perfectly combined the judicial qualities with tact and skill.

LOOKING BACK

Just look back at his most recent accomplishment of keeping the whole Senate without sleep for more than a week and preventing a majority from having its way, without having any of the Members mad at him. The actual fact is that those who most furiously resent what they feel is his obstructionism not only grudgingly admire his skill and tact but find it impossible to stir up any personal antagonism over the situation. It's a pretty good trick to keep people up without much sleep for a week, deny them what they feel are their rights, and still lose neither their respect nor their friendship.

Senator RUSSELL has, as a matter of fact, made a career of defending what he regards as the right of the individual States to settle their own problems. He's been at it, successfully, for more than a quarter of a century in the Senate.

But he has not limited his activities to this matter. His judicial tact, demonstrated in many different fields and on many differ-

ent matters, is such that when the touchy matter of investigating the dismissal of Gen. Douglas MacArthur came up, RUSSELL was the unanimous choice of his fellow Senators to preside over the hearings. The conduct of those sessions has been hailed as an example of perfect handling of an almost impossible problem. A major secret of his success is the fact that he doesn't lose his temper or his poise. He has planned his present campaign to prevent what he regards as an injustice to the South in a manner that would do credit to a military genius like Robert E. Lee. One error could easily bring the wrath of an infuriated majority down on his head—but he doesn't make that sort of mistake.

REMARKABLE CAREER

RICHARD BREVARD RUSSELL is a smalltown gentleman attorney who comes by his political skills rightly. His father was a struggling smalltown lawyer who eventually became chief justice of Georgia. RUSSELL spent a decade in the general assembly, becoming speaker and then being elected Governor at the ripe old age of 33. He at once cut his own salary, eliminated 85 of 102 bureaus and agencies in his State, and when his term expired was elected to the Senate. As a symbol of the South he received 263 votes for the presidential nomination in 1948 and 292 votes in 1952. It is quite a tribute that he is highly regarded by his colleagues despite the bitterness of their disagreement with him on the touchy subject of civil and States rights.

Mr. President, I thank the distinguished minority leader for yielding to me.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools, R–I, Missouri.

Mr. JAVITS. Mr. President, will the minority leader yield to me?

Mr. DIRKSEN. Mr. President, with the understanding that I do not lose the floor, I shall be glad to yield. I think the distinguished senior Senator from New York would like 20 minutes.

Mr. JAVITS. That is correct.

Mr. DIRKSEN. I believe the distinguished junior Senator from New York [Mr. KEATING] would like 10 minutes.

Mr. KEATING. The Senator is correct.

Mr. DIRKSEN. May I have the attention of the Senator from Michigan [Mr. HART], who is on his feet? I thought perhaps he wanted a little time.

Mr. HART. I apologize for distracting the Senator.

Mr. DIRKSEN. I merely wished to ascertain how many Senators desired time before I press the motion to table.

Mr. HART. I would welcome the opportunity briefly to state my views.

Mr. DIRKSEN. Could that be done within the compass of 10 minutes?

Mr. HART. Yes.

Mr. MANSFIELD. Mr. President, in order to keep the record straight, there have been allegations that assurances had been given to Senators that there were to be no votes today. I understand, indirectly, through the grapevine, that I am said to be one of those who gave such assurance. I deny absolutely that I gave any such assurance. I stated that I did not think there would be any votes today, but that I could not assure Senators there would be no votes. I told Senators that if they would leave their names with me, if there were to be votes I would see that they were notified as soon as possible.

I wish to have that statement on the record, because no assurance has been given to anyone, so far as I am concerned, that there would not be any votes today.

Mr. DIRKSEN. Mr. President, obviously assurances are unpredictable things. I know of no assurance that I gave on that point. Besides, I believe, in fairness to Senators who have remained in the Chamber, we are entitled to make some progress in this matter, so no apologies are necessary from any side.

Mr. President, I ask unanimous consent that, with the understanding that I shall not lose the floor, I may yield 10 minutes to the junior Senator from New York [Mr. KEATING], 10 minutes to the Senator from Michigan [Mr. HART], and 20 minutes to the senior Senator from New York [Mr. JAVITS], or a total of 40 minutes, following which I shall take 5 minutes for myself, and if no Senator wishes additional time, I shall press the motion to table.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois?

Mr. MANSFIELD. Mr. President, reserving the right to object, does the Senator intend to make a motion to table the pending amendment?

Mr. DIRKSEN. I do.

Mr. MANSFIELD. I assume that, so far as the Democratic side is concerned, we can notify all absent Senators, even to the extent of telephoning them long distance or sending telegrams. I wish the attachés on the Democratic side would attend to that matter immediately.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield provided I do not lose the floor.

Mr. ERVIN. A moment ago the majority leader, the Senator from Texas [Mr. JOHNSON] asked for the yeas and nays on the pending amendment, which were ordered. I wonder if there is to be a yea-and-nay vote on the motion to table.

Mr. DIRKSEN. I expect to ask for the yeas and nays.

The PRESIDING OFFICER. There is a unanimous-consent request now pending. Is there objection to the request of the minority leader that he be permitted to yield to various Senators the times indicated, without losing the floor? The Chair hears none, and it is so ordered.

Mr. DIRKSEN. Mr. President, after 45 minutes I shall make the motion to table, and ask for the yeas and nays.

I now yield to the junior Senator from New York [Mr. KEATING].

Mr. KEATING. Mr. President, I thank the Senator from Illinois. I wish to speak on another subject very briefly, but before doing so I shall speak for a moment or two on the pending amendment.

In my judgment the voting referee proposal is by all odds the soundest single method of protecting the right to vote against discrimination. I strongly support section 7 of the Dirksen amendment, which embodies the referee proposal. However, I feel that the registrar proposal has been greatly strengthened over the one originally proposed, in that the present version applies to both Federal and State elections, and there is no doubt in my mind whatever that under the 15th amendment Congress has the power to legislate in this field as regards both Federal and State elections.

Furthermore, it is entirely impracticable to legislate only as to Federal elections, because in many States the ballots cover both Federal and State officers, on the same ballot.

Those of us who favor further strengthening the rights of our citizens to vote do not wish to be whipsawed, as almost happened in the other body, by having one group, who favor a particular method, line up with those who do not want any method, against the other side; and, in turn, when some other plan is presented, have another group form the same kind of coalition to defeat the second measure. Therefore, I think it is very desirable, since this amendment does not supplant section 7, to have an alternative plan before us for consideration at this stage.

As I understand, if the motion to table is agreed to, it is the intention of the Senator from Pennsylvania [Mr. CLARK], the senior Senator from New York [Mr. JAVITS], and other Senators to offer another proposal.

I think it is very important that we should have this opportunity to test the sentiment of the Senate on these alternatives without jeopardizing the referee section.

Mr. President, I now desire to discuss another subject.

The PRESIDING OFFICER. The junior Senator from New York has the floor.

RECOMMENDATIONS OF THE PRESIDENT FOR REVISION OF IMMIGRATION LAWS

Mr. KEATING. Mr. President, earlier today I was happy to cosponsor a bill to carry out the recommendations of the President for revision of the immigration laws. I hope that the Subcommittee on Immigration and Naturalization, of which I am a member, will give this legislation prompt and favorable attention. The problems in this field have been too long neglected. Our present immigration laws are very fine in many respects. Nevertheless, they are riddled with discriminatory, inequitable, and unjustifiably stringent provisions; and the sooner we come to grips with this problem the better.

Charges were made yesterday, both here and in the other body, that the President's message was motivated by election year politics. At the time I said this charge was completely baseless. I repeat that statement now and I wish to document my position.

The charge is made by those who wish to cover up for the failure on the part of the Congress to do anything substantial to reform our immigration laws.

Let me briefly review the actions which the President has taken in this field since 1953.

On February 2, 1953, within 1 month after taking office, the President, in his state of the Union message, requested the Congress to review existing legislation in this field and to "enact a statute which would at one and the same time guard our legitimate national interests and be faithful to our basic ideas of freedom and fairness to all."

This message reminded us that "we are—one and all—immigrants or the sons and daughters of immigrants." It pointed out that existing legislation contained "injustices" and did in fact "discriminate."

Later that same year, on April 22, 1953, the President sent a letter to the Vice President of the United States and the President of the Senate, and the Speaker of the House of Representatives, wherein he recommended the enactment of emergency immigration legislation for the special admission of a total of 240,000 immigrants.

On February 17, 1954, the President requested supplemental appropriations to continue the refugee relief program.

On January 6, 1955, in his state of the Union address, the President again urged the correction of certain inequitable, and discriminatory provisions in our immigration laws.

On April 20, 1955, the President transmitted a message to the Congress on the mutual security program which contained his request for funds for the United Nations and the Intergovernmental Committee for European Migration for the purpose of carrying on their humanitarian assistance to uprooted and oppressed refugees throughout the world.

On May 27, 1955, the President, in a most comprehensive message, suggested approximately 10 changes to the Refugee Relief Act.

On January 5, 1956, in his state of the Union message, the President again demanded immediate attention to our immigration problem and requested a revision of our immigration and nationality laws which would deal realistically with present-day conditions.

On February 8, 1956, the President delivered a special message to the Congress which again was a comprehensive statement on the need for a major overhauling of our immigration laws.

This message took up four separate and distinct subject matters respecting our immigration policies: First, the quota system and the use of national origins; second, the private relief bill system of handling hardship cases; third, unnecessary restrictions and administrative provisions of our immigration laws; and fourth, judicial review in deportation.

In this message the President said:

Experience in the postwar world demonstrates that the present national origins method of admitting aliens needs to be reexamined and a new system adopted which will admit aliens within allowable numbers according to new guidelines and standards.

On September 26, 1956, the President addressed a letter to me as the ranking minority member of the Judiciary Committee, wherein he expressed great disappointment over Congress failure to meet his repeated requests for legislation which would provide asylum for a substantial number of refugees and escapees in Europe. He expressed hope, however, that this much-needed legislation would be forthcoming in the next session of Congress and stated that he would again urge its enactment.

In the President's budget message of 1957, the President again requested amounts for escapee program and for contributions to Governmental Committee for European Immigration and the United Nations Refugee Fund, which aid in the relief and settlement of refugees from behind the Iron Curtain and in immigration from Europe.

On May 23, 1957, the President, in a message to the Congress, once again urged corrective legislation to alleviate the tremendous refugee problem existing throughout the world. And, in this same message, the President again urged that the quota be based on the 1950 population in place of the 1920 census. He called for the equitable distribution of the additional quota numbers and recommended that they be distributed among the various countries in proportion to the actual immigration into the United States since the establishment of the quota system in 1924 and up to July 1, 1955. He further recommended that quota numbers unused one year should be available for use in the following year. He called for a pool of the unused quota numbers for Europe, Africa, Asia, and the Pacific oceanic areas. He also made recommendations that would eliminate the so-called mortgage on quotas arrangement existing under the Displaced Persons Act. In addition, he noted the need for proper alien orphan adoption legislation, together with several other liberalizing features on our immigration policy.

On May 21, 1957, in a message to the Congress, the President further urged contributions to the United Nations and other international programs in the field of technical operation, assistance to refugees, migrants, children's welfare and assistance to escapees from Communist despotism.

On March 13, 1959, the President again called for funds to continue the just-mentioned programs.

On May 21, 1959, the President held a conference at the White House on refugee problems and cited this country's role in the World Refugee Year.

On January 18, 1960, in his budget message for 1961, the President again requested funds to continue his mutual security program.

The Chief Executive can urge laws but he cannot enact them. No one can fairly shift responsibility to the President for Congress' inaction these past 8 years.

On the contrary, it is plain from the record that the President has done everything which could reasonably be expected to center attention on the flaws in our present immigration policy. His efforts deserve recognition from all those interested in these objectives. If we had more action in Congress and less partisan backbiting, there would be no need for the President's constant reminders to us of our legislative responsibilities.

I for one intend to follow the President's lead and to continue my unceasing efforts for constructive results. I will not be drawn into any partisan debate on a subject so important to the poor souls throughout the world who look to America for welcome and haven. Let us devote our energy and time to a discussion of the merits of these issues and not waste them on questioning anyone's motivation.

This is a field which cries out for action. Let us respond to that cry sympathetically and constructively—rather than by bitter carping and wrangling. Let us not play politics with the problems of broken families, displaced refugees, orphaned children, and all the other people throughout the world who love and respect our great country and who expect from America a warm and generous response to their needs.

I am grateful to my friend from Illinois for permitting me to make these brief remarks on this subject. I ask unanimous consent that an analysis of S. 3225 be printed in the RECORD at this point as a part of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANALYSIS OF S. 3225

(Outline of proposal "to amend the Immigration and Nationality Act so as to modernize and liberalize the quota system and provide for the admission of persecuted peoples, and for other purposes.")

QUOTA PROVISIONS

Under existing law the annual quota of 154,657 is computed by taking one-sixth of 1 percent of the white population in 1920.

1. The proposal (section 1) would provide for increasing the annual quota.

(a) The quota would be increased by applying the same percentage to the 1950 total population rather than to the 1920 white population. This would provide an increase of 101,343 or a total annual quota of 256,000.

(b) It would provide a further increase in the annual quota when the 1960 census is completed by applying the same percentage to the 1960 total population. This would provide an increase of about double the present quota or a total annual quota of 300,000.

Existing law provides for the distribution of the quota as determined under the provisions of the Immigration Act of 1924 based upon "national origin." It also provides that the minimum quota for any quota area shall be 100.

2. The proposal (sections 1 and 2) would provide for an equitable distribution of the additional quota numbers authorized.

(a) Each quota area would receive the same quota provided by existing law.

(b) The proposal would increase the quota of each minimum quota area from 100 to 200.

(c) Under the proposal the concept of "national origin" would be discarded insofar as distribution of the remainder of the increase in the quota is concerned. The remainder of the increase in the quota would be distributed among the several quota areas in proportion to the total immigration to the United States from each area between July 1, 1924 and July 1, 1959.

Existing law makes no provision for the use of unused quotas.

3. The proposal (section 1) would provide for the use of unused quotas by pooling such quotas and providing for their redistribution.

(a) Quota numbers in the pool would be made available to natives of quota areas whose quotas were oversubscribed during the previous fiscal year.

(b) Each oversubscribed area would receive a percentage of the number of visas in the pool equal to the percentage that its allotted quotas bears to the aggregate of all quota areas whose quotas were oversubscribed.

Existing law provides that "any increase in the number of minimum quota areas above 20 within the Asia-Pacific triangle shall result in a proportionate decrease in each minimum quota of such area in order that the sum total of all minimum quotas within the Asia-Pacific triangle shall not exceed 2,000." There are 20 minimum quota areas each with a quota of 100 or a total of 2,000.

4. The proposal (section 3) would delete entirely the present ceiling of 2,000 on the minimum quotas within the Asia-Pacific triangle.

Existing law does not adequately provide new political entities with an immigration quota of not less than the total of subquotas or minimum quotas previously comprising the area in which such political change occurs.

5. Under the proposal (section 3) provision would be made to assure new political entities a quota of not less than the total of subquotas or minimum quotas previously comprising the area.

REFUGEES

1. The proposal (section 4) defines "refugees" as including persons forced to flee from Communist territory or from a country in the Middle East because of persecution or fear of persecution. It also includes persons who are victims of war, political upheaval, or natural calamity who are unable to return to their former homes.

2. Under the proposal the President would be given the power to authorize by proclamation the parole by the Attorney General into the United States of "refugees" whenever he finds:

(a) That a situation has arisen which justifies it, and

(b) That it would be in the interests of the United States to do so.

3. Specific authority would be given the Attorney General to parole into the United States 10,000 "refugees" annually in the absence of any proclamation by the President.

4. The proposal (sec. 5) sets up a procedure for the adjustment of the immigration status of parolees to that of lawful permanent residents.

(a) The Attorney General would be authorized to adjust the status of refugees after 2 years residence if not contrary to the national interests;

(b) A report of the Attorney General's action would be submitted for congressional approval and unless disapproved refugee's immigration status would be adjusted.

OTHER CHANGES

Existing law makes no provision under which an Asian spouse may be given the benefit of the quota of an accompanying spouse or if the accompanying spouse is a nonquota immigrant (a native of a Western Hemisphere country) classification as a nonquota immigrant.

1. The proposal (sec. 6) would remove this inequity in existing law by granting to an Asian spouse the benefit of the quota of an accompanying spouse or permit the Asian spouse of a native of a Western Hemisphere country to be classified as a nonquota immigrant if accompanying or following to join such spouse.

Existing law requires information concerning "race and ethnic classification" to be furnished in applications for both immigrant and nonimmigrant visas.

2. The proposal (sec. 7) would eliminate this requirement of existing law by deleting the language requiring that information concerning "race and ethnic classification" be furnished. This language is not susceptible of definition and serves no useful purpose.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. DIRKSEN. Mr. President, I yield 10 minutes to the distinguished Senator from Michigan.

Mr. HART. Mr. President, I appreciate the fact that the Senator from Illinois has yielded to me at this time. Possibly I shall not take all the time he has allotted to me. Mr. President, I realize that one is now speaking under the notice that a motion to table the amendment offered by the distinguished Senator from Illinois [Mr. DOUGLAS] is just around the corner.

A week ago, and at some length, I attempted to outline the reasons which persuaded me that an enrollment officer, or registrar, was the most effective device available to us to meet the serious facts which have been reported to us as of last September by the President's Commission on Civil Rights.

Nothing which has been stated in the ensuing week has persuaded me that the enrollment officer approach, or the registrar approach, is not the best instrument. I would hope that reference would be made to my remarks of a week ago, beginning at page 5187 of the RECORD, for the specifics in support of this position.

Today I shall content myself to make two additional points. One of them is to make more specific the statement I made initially that the referee approach is guaranteed to delay and to discourage.

This is true whether it is a referee appointed to handle an emotionally charged question like enrolling a minority group, or a referee appointed to handle one of the more traditional functions of a Federal district court, to review a patent matter or an accounting proceeding.

Let me refer to a man who has stature in American jurisprudence. All would acknowledge Chief Justice Vanderbilt. Every member of the American bar has great respect for him. At pages 1240 and 1241 of his work, "Cases and Materials on Modern Procedure and Judicial Administration," published in 1952, Chief Justice Vanderbilt made this comment, which is most appropriate:

There is one special cause of delay in getting cases on for trial that must be singled out for particular condemnation, the all-too-prevalent habit of sending matters to reference—

A synonym for "referee."

There is no more effective way of putting a case to sleep for an indefinite period than to permit it to go to a reference with a busy lawyer as referee. Only a drastic administrative rule, rigidly enforced, strictly limiting the matters in which a reference may be had and requiring weekly reports as to the progress of each reference will be put to rout the inveterate enemy of dispatch in the trial of cases.

Justice Vanderbilt there was describing the experience most lawyers have had with referees or masters. He was not discussing, as we are in Congress these days, a proposal to turn over the problem of enrolling thousands of a minority group who for 90 years have sought to be placed on the voting books. He was referring to the assignment of cases to referees as an inveterate enemy of dispatch, as it is engaged in, used, and experienced in the traditional function of a district court.

The proposal which is offered in the McCulloch amendment in its several forms is to respond to the President's Civil Rights Commission's report of thousands of persons not on the voting rolls by saying "Federal court referees will be appointed to handle the matter." This in the face of a hue and cry of several years' standing that the Federal courts are overcrowded, overloaded, and discouragingly congested. This in the face of the most recent statement of the Judicial Conference that additional judgeships over and above those already recommended are required in the Federal courts.

Let me cite areas where district court congestion is the greatest. One finds the "Field Study of the Operations of the U.S. Courts," a report to the Senate Committee on Appropriations of April 1959, as an answer to the question of where the delays are now. On pages 11 and 12 of this report is a table which shows the civil docket status in the various districts of the several Federal circuits. On page 12, one notes that whereas the average caseload per judge in the U.S. district courts is 259, the average load in the following districts is away above the national average:

The eastern district of North Carolina, the eastern district of South Carolina, the eastern district of Virginia, the northern district of Georgia, the eastern district of Louisiana, the western district of Louisiana, the southern district of Mississippi, and the eastern and western districts of Tennessee. In these districts the caseload per judge right now is much larger, much heavier, than the national average.

Certainly these are the districts in which referees could be expected to function, and in which the district courts could be expected to function in voting rights cases. The McCulloch approach proposes loading an already overburdened Federal district court with a job of enormous size.

On March 10, the Judicial Conference of the United States proposed additional judges as needed and as essential.

Where? Among other places, an additional judge is requested in the Court of Appeals for the Fourth Circuit, which includes North Carolina, South Carolina, and Virginia; an additional judgeship in the fifth circuit, which includes Alabama, Florida, Georgia, Mississippi, and Louisiana; additional district judges in the southern district of Florida and the middle district of Tennessee.

What is the pending recommendation of the Judicial Conference with respect to the need for additional Federal judges? Here it is, in part:

In the circuit courts of appeals, the Judicial Conference recommends two additional judgeships in the fourth circuit; two additional judgeships in the fifth circuit; additional judgeships in the middle, eastern, and western districts of North Carolina; an additional judgeship for the eastern district of South Carolina; two Federal judges for the southern district of Florida; two additional judges for the eastern district of Louisiana; one additional judge for the southern district of Mississippi; one additional judge for the eastern district of Tennessee; one additional judge for the middle district of Tennessee.

They recommend, further, that the existing temporary judge in the middle district of Georgia be made permanent.

This is the present state of the Federal court docket. The McCulloch referee approach would load into that already overburdened court system perhaps the most difficult assignment which has ever been proposed to be given to the Federal district courts, an assignment which, by all American tradition, is administrative and executive, not judicial. Referees would do this work. As one Federal district court has described it, a referee is a device which, it is common knowledge, greatly increases the cost of litigation, and delays and postpones the end of litigation.

It is for this practical reason that some Senators feel so strongly that an enrollment or a registrar approach is infinitely preferable to the referee approach. I know this is a matter of relatively small significance in the face of the enormous constitutional questions which have been injected into this debate; but it is a very practical and real problem. It is a reason which should not be overlooked when one is offered the proposition: Do you or do you not agree with the President's Civil Rights Commission that the answer to this enormous problem, a problem which has cried for solution for generations, is to be handled by an enrollment officer? Surely those of us who advance the proposal of an enrollment officer do so with knowledge of an enormously overburdened Federal court system, as it is now, and we ask that others recognize this condition, too.

Mr. DIRKSEN. Mr. President, I previously agreed to yield next to the Senator from New York [Mr. JAVITS]; and I now yield 20 minutes to him.

The PRESIDING OFFICER (Mr. MCCARTHY in the chair). The Senator from New York is recognized for 20 minutes.

Mr. JAVITS. First, Mr. President, I should like to pay tribute to my gallant friend, the Senator from Illinois [Mr. DOUGLAS], who has put forward this proposal, in which I have been privileged to join.

Regardless of what may be the vote on the motion to lay on the table, and no matter what may be the problem involved, and aside from the fact that a number of Members of the Senate are not present today, I believe it would have been shocking to both the country and to the Senate if we had not given careful consideration to the registrar alternative, which has been put forward under such splendid auspices, and is based on so much careful study, research, and findings of fact.

Mr. President, if I say nothing else this afternoon, I wish at least to state that I think my colleague, the Senator from Illinois, has continued to play his great role in this Chamber, for the cause here involved has, in the Senator from Illinois, a most eloquent friend who will fight for it almost to his last breath.

Mr. President, we are now dealing with a very key point in respect to the entire bill.

We have constantly been told that the moderate position dictates that the bill shall be a voting rights bill. But we already know that the bill will also include antibombing provisions; and I certainly expect that it will also include provisions which will deal with the children of military personnel; and I also hope the bill will include provisions in regard to school desegregation and provisions in regard to employment by those who have Government contracts. So, Mr. President, certainly the bill will not be confined to provisions dealing with voting rights.

However, if the main consideration is voting rights, then it seems to me that this afternoon we are discussing the very heart and core of the bill.

For myself, I believe we should retain the voting-referee provision; and I am able to join in supporting the pending registrar provision because it will not disturb the voting referee provision which is dealt with in another section of the bill.

All of us know that the voting referee provision is directed at a particular target—namely, a community which represents hard-core resistance to widespread voting, a community in which there needs to be present, right on the ground, an individual with authority, under the jurisdiction of the judge of a Federal court who has the power to punish for contempt if a judicial order is violated.

We also know the complexities and the difficulties involved in litigation.

My eloquent and distinguished friend, the Senator from Michigan [Mr. HART], has recently pointed out the problems involved because of the number of judges available and the complexity of litigation—all of which would make this approach slower, and certainly would make it difficult of application to the large numbers of persons who have been denied the right to vote.

So the registrar approach, which has been carefully thought through by the Civil Rights Commission, seems to me to be the optimum approach. As I have already stated, for the hard-core areas where great resistance is encountered, the voting referee provisions will also be needed as an alternative plan available to the Attorney General; but in order to assure the right to vote to the large numbers of persons who are being denied the right to vote, the registrar plan is, I believe, the proper one.

Mr. President, this remedy is designed to correct a very obvious wrong.

In the report of the Civil Rights Commission, we find, on page 134, that—

> Our investigations have revealed further that many Negro American citizens find it difficult, and often impossible, to vote.

And then the Commission says:

> The Commission finds that the lack of an affirmative duty to constitute boards of registrars, or failure to discharge or enforce such duty under State law, and the failure of such boards to function on particular occasion or for long periods of time, or to restrict periods of function to such limited periods of time as to make it impossible for most citizens to register, are devices by which the right to vote is denied to citizens of the United States by reason of their race or color.

And, finally, in recommending the appointment of registrars, the Commission recommends this remedy as being a means by which the large numbers of persons involved may be given the most expeditious opportunity and the fairest opportunity to register and to vote.

Mr. President, one of the most impressive aspects of the recommendation for the appointment of registrars is that, among all six of the members of the Commission, there was only one dissent, and it was by Commissioner Battle, formerly the Governor of Virginia. Not only did all three of the members who, roughly speaking, come from the North concur in the recommendation for the appointment of registrars, but so did Dean Robert G. Storey, of the Southern Methodist University Law School, and so also did Doyle E. Carlton, formerly the Governor of Florida.

When the report of the Civil Rights Commission was issued, its recommendation which was widely heralded and widely discussed throughout the country was the Commission's recommendation for the appointment of Federal voting registrars.

There was some dispute as to whether such a provision would be a proper and legal one and as to whether it would be constitutional. So the Senator from Illinois [Mr. DOUGLAS] and I caused that recommendation to be submitted to a group of law school professors at Yale University Law School and at the University of Pennsylvania Law School. Among those law-school professors are some of the most distinguished authorities on constitutional law. For example, we had the benefit of the views of Professor Pollak, of Yale University Law School, who is a very widely celebrated authority on constitutional law; and at the University of Pennsylvania Law School we had the benefit of the views and the judgment of Dean Jefferson B. Fordham, who also is a very well known authority on this subject. This group of law-school professors arrived at an opinion which has been widely circulated; and many Senators have stated

that, in their view, the double-barreled approach by means of the appointment of voting registrars as well as the appointment of Federal voting referees was, in their opinion, entirely legal, entirely constitutional, and constituted the optimum approach in dealing with this problem.

Here is their opinion as to why this is the most effective approach; and I shall read now from the objective, considered judgment of a group of highly respected law school professors at two of the outstanding law schools in the Nation:

> It would seem clear that there are great advantages in an accommodation of the two plans which would empower the President and his assistants to use either or both approaches, as occasion demands. Legislation combining the proposals would permit the President to try, in the first instance, to ameliorate local discrimination in elections through the use of the swifter but more moderate registrar device. The referee plan could be brought into play if the registrar plan's criminal sanctions did not prove fully effective or if, as the Attorney General fears, the enrollment by the registrar of voters eligible only for Federal elections stimulates "Jim Crow" balloting.

I point out that in the pending amendment, State elections as well as Federal elections are covered; so in this instance we do not have the "Jim Crow" balloting problem.

Now I read the conclusion which was reached by these law school professors:

> Thus, where the registrar plan worked smoothly and generated acceptance of Negro participation not merely in Federal elections but in the total political process, it would then be unnecessary to invoke the more drastic referee machinery. A two-phased approach of this kind seems an appropriate way of insuring that in our zeal to protect vital constitutional rights we do not too precipitately unsettle the Federal-State equilibrium.

Mr. President, I call that point particularly to the attention of the Senate, in order to show the solicitude which was exercised by those who reached that judgment upon this question, and to point out their belief that there should not be undue disturbance to the equilibrium between Federal and State relationships in this field.

Mr. President, the pending amendment, as proposed by the Senator from Illinois [Mr. DOUGLAS], not only carries out the recommendations of the Federal Civil Rights Commission—which, as I have said, were concurred in by two of three Southern members of the Commission—but also would make it more difficult to have Federal registrars appointed, because whereas the Federal Civil Rights Commission recommended that such action be taken upon application by nine persons who would execute sworn affidavits regarding the denial to them of the right to register or to vote on grounds of race or color, the pending amendment calls for not less than 50 persons from the same county to make such a request of the President. I respectfully submit that when we are dealing with the paucity of voting which exists in the counties to which this provision would apply, the provision for a petition signed by 50 persons from the county concerned will require a very large and representative sample of voters from that particular community.

Therefore, it seems to me that the Federal Civil Rights Commission has give us an optimum way by means of which thousands upon thousands of persons who now are denied the right to vote may be given the right to vote in the most convenient way and—as the Senator from Illinois has also pointed out—without interfering with the functioning of State registrars, wherever they are appointed and are functioning.

It is very clear that the Federal registrar appointed by the President will certainly have a right to act where the State registrars have either defaulted in their duty or have sought to frustrate the electoral process.

As to the question of constitutionality, Mr. President, it seems to me, insofar as the registrar proposal deals with Federal elections, that the question of constitutionality is completely set aside by the provision of the Constitution which vests in the Congress the right to establish the time, place, and manner of holding elections for Federal officials.

Let me direct attention to what has been pointed out time and again, but which constantly needs reiteration, that this has nothing to do with the qualification of individuals. Those qualifications remain to be established by the State law. But this has to do with the time, manner, and place of electing a Federal official. So the Congress could, under the Constitution, without any excuse, without needing the establishment of the fact that people have been discriminated against, or that there has been a pattern or practice of discrimination on account of race or color, take over, itself, the manner of holding elections for Federal officials. So that is one great part of the amendment.

The other part, as it relates to State elections, depends on the 15th amendment. The cases have held very clearly that the 15th amendment requires equal opportunity for voting, and therefore for registration, and it has also been applied to primary elections which relate directly to State elections. There is no question about it. Accordingly, to constantly define that power, Congress may determine who is to make the determination of fact which gives it the power to invoke the provisions of the 15th amendment.

If the President, therefore, finds, and there is a basis in fact for finding, that there is a pattern of discrimination, Congress may, as a matter of law, give the President the power to make that determination, and then to institute action, according to the law that Congress has passed, to see that the wrong is redressed in such a way as Congress prescribes.

Mr. President, there is nothing unusual about this. The books are full of cases in which the President may make a determination in matters of law and, having made such a determination, put into effect a remedy which has been provided for according to the laws passed by Congress.

If there was any question left about the fact that this is a perfectly constitutional grant of power on the part of Congress to the President, it was certainly settled by the case of the United States against Raines. In that case the court very clearly held that it is not necessary, in order to invoke congressional power, for every possible remedy provided by State law to be availed of, but if there were a denial or a frustration of the right which is guaranteed by the Constitution, under color of State law, at the lowest echelon in the State government, by the lowest ranking registrar, there could immediately be invoked the power and authority which the Congress may give to the Federal establishment by law. In that connection, I refer to the case of United States against Raines at page 7, which reads as follows:

> And as to the application of the statute called for by the complaint—

Which in this case is the Civil Rights Act of 1957—

> whatever precisely may be the reach of the 15th amendment, it is enough to say that the conduct charged—discrimination by State officials, within the course of their official duties, against the voting rights of U.S. citizens, on grounds of race or color—is certainly, as State action and the clearest form of it, subject to the ban of that amendment, and that legislation designed to deal with such discrimination is "appropriate legislation" under it. It makes no difference that the discrimination in question, if State action, is also violative of State law.

Then the Court goes on and says:

> The argument is that the ultimate voice of the State has not spoken, since higher echelons of authority in the State might revise the appellees' action. It is, however, established as a fundamental proposition that every State official, high and low, is bound by the 14th and 15th amendments.

Then the Court cites a case and concludes as follows:

> We think this Court has already made it clear that it follows from this that Congress has the power to provide for the correction of the constitutional violations of every such official without regard to the presence of oner authority in the State that might possibly revise their actions.

In short, by way of summary, this is a perfectly constitutional devolution of power to the President, to be applied to both Federal and State elections. We have the opinion of outstanding law-school professors on that point. We have the findings of the Civil Rights Commission. And we have the latest case on the subject, United States against Raines. They all favor that view.

Second, for the thousands upon thousands of people who are not registered, the voting referee approach, although very good for the hard-core cases, is not adequate for the proper protection of the large numbers of those who need registrars. In short, they probably need the double-barreled plan of both registrars and referees; and therefore their problem may be more directly and more properly approached by means of both Federal registrars and referees.

Finally, it seems to me that if this is to be a voting rights bill, it should be one which has teeth in it and meat to it, and will get done the job that needs to be done in view of the very proper complaints which have been made. According to the findings of the Federal Civil

Rights Commission, there is an estimated number of 1,800,000 persons, largely Negroes, in the South, who could have an opportunity to vote and who could be added to the voting rolls, and who, in one way or another, have been frustrated, by situations in that area of the country, from exercising this elementary franchise.

Finally, there is the point that if the motion to table is defeated—and I shall certainly vote against the motion, and I hope the Senate will turn it down—then the Senate will have before it, not a single-barreled proposition of the referee plan, but the registrar proposal and the proposal for a Federal enrollment officer. The Senate will act, in that case, on both of those propositions, one of them applying to the great number of people who need registrars, and the other applying to the hard core cases, where there is tough resistance against the right of some to vote.

This is an effort to adopt the plan to which we wish to give effect. I think this proposal follows the plan. I hope the Senate will be given an opportunity, through failure of the motion to table, to vote on it.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. KEATING. I should like to ask my distinguished colleague a question. Suppose the motion to table were defeated and we had this proposal before us. Let us assume it later was carried. Would it then be the intention of my distinguished colleague from New York to offer the alternative proposal with the two-way street in it, which I much prefer to this one?

Mr. JAVITS. The steps are as follows, I think: If the Senate does not want the Federal registrar proposal, we shall then offer the proposal to which the Senator has referred. On the other hand, if the Senate wants the Federal registrar proposal, it would stand in the place of the enrollment officer proposal. I emphasize that the registrar proposal would be the double-barreled proposal, so far as I am concerned, to wit, the provision for the registrar and voting referee, and not merely the registrar.

Mr. KEATING. I agree with that. The provision for voting referees is in section 7 now. Is that correct?

Mr. JAVITS. That is correct.

Mr. KEATING. And this proposal does not affect that provision at all, does it?

Mr. JAVITS. Not at all.

Mr. KEATING. As between the plan for registrars alone and the double plan which is sponsored by my colleague from New York, I prefer that the Senate affirm the double plan. I think it is a preferable method of approaching this problem. I think anyone who feels that way is in somewhat of a quandary as to how he should vote on the motion to table at this time.

Mr. JAVITS. Since I feel as I do, that registrars and voting referees together represent the optimum plan, I hope very much those in a quandary may vote against the motion to table.

I thank my colleague.

Mr. KEATING. I thank my colleague.

Mr. DIRKSEN. Mr. President, in further pursuance of our understanding I should like to yield for a half minute to my distinguished friend from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I thank the able and distinguished minority leader.

Mr. President, on Wednesday, March 16, 1960, the distinguished Governor of South Carolina, the Honorable E. F. Hollings, issued a statement in respect to President Eisenhower's statement regarding demonstrations by Negroes in the South. This is a very important statement and I think it would be helpful to the Members of the Senate if they would take the time to read this statement in full.

Mr. President, I ask unanimous consent that this statement be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF GOV. E. F. HOLLINGS, OF SOUTH CAROLINA, IN REPLY TO PRESIDENT EISENHOWER

COLUMBIA.—The full text of Governor Hollings' statement, in which he took issue with President Eisenhower's recommendation that biracial committees be appointed in southern communities, follows:

"I have the greatest respect for our President and know that he intended to be helpful by advocating biracial committees. However, this recommendation and some of his other comments are most harmful. To begin with the President is confused both as to the facts and the law.

"We indulged peaceful demonstrations as long as they remained peaceful and could be maintained peacefully. However, after 3 weeks of such incidents in numerous cities of South Carolina, it became perfectly obvious to everyone on the scene in South Carolina that things were getting out of hand. Demonstrators, even though they carried Bibles, were intent on being jailed and promoting violence, and observers were intent on their communities not being taken over by national antagonistic groups even under the guise of the Bible and the national anthem.

"As Governor, with positive and overwhelming proof of these conclusions, I could no longer concern myself only with constitutional guarantees of freedom of assembly and redress of grievances. I had to take cognizance of the explosive nature of these circumstances and assume my primary responsibility for maintaining the public peace.

GOVERNOR OF ALL

"These are facts. I realize fully that I am Governor of all the people of South Carolina, both white and Negro. I welcome suggestions from both. I know the value of maintaining friendly communications with both, and, again I commend the far majority of both white and colored for helping us maintain public peace in South Carolina. However, the issue is one of maintaining the public peace and not of establishing rights. One does not need a biracial committee or conference to determine the responsibility and authority of the Governor and peace officers of South Carolina to maintain the public peace, and we will have no such confusion over law and order in South Carolina.

"As to the law, under the Federal court decision of *Charles E. Williams* v. *Howard Johnson's Restaurant*, a store owner or restaurant operator has the constitutional right to serve whomever he pleases. According to the President's statement, then, he is mistaken as to the law. In accordance with the law, we have not dictated or suggested to any store owner whom he should serve or whom he should not serve. Rather we have sought his cooperation in affording him and his property police protection.

"Necessarily, when the President infers that—if such assemblies and demonstrations are orderly, he thought they fell within the area of constitutional rights, he did great damage to peace and good order in South Carolina. Up until now we have prevented violence in South Carolina and our warnings have been both to colored and white and demonstrators and spectators alike. The President and everyone should understand that the measures we have taken are to primarily protect the safety of the colored people and he ought not to enter into what he himself has termed 'a local matter for local authority.'

"We have tremendous respect between the colored and white people of South Carolina. Up until now we have maintained good communications. During the last few days I have conferred, and will continue to confer, with responsible white and Negro citizens to receive their counsel and cooperation. However, there is no trust in South Carolina for a biracial committee or conference. The white people don't trust such a committee, and the colored people don't trust such a committee. If I were to place together such citizens for a conference as the President suggests, the only sure result would be a complete repudiation of both white and colored citizens involved in such a conference. I would be taking good colored leaders who are helping us in South Carolina and ruining them. This I do not intend to do.

TROUBLE BREWED

"These recent incidents in the South point up our original concern that progress would be destroyed by force. Back in 1952, we told the Supreme Court that such forced commingling was explosive in nature and tended to provoke violence. Gunnar Myrdahl, a psychologist from Sweden, said he knew better and that all would be peace and harmony. Unfortunately, incidents over the South in the past few weeks prove conclusively that he was wrong. These incidents are explosive. If you can understand and appreciate this fact of life, you will realize these situations have moved from a consideration of rights to a consideration of maintaining peace and good order. No one should be mistaken about this. South Carolina will not tolerate public violence."

Mr. DIRKSEN. Mr. President, I hope I can complete my remarks in about 4 minutes. Then I shall offer a motion to lay on the table the so-called Douglas-Javits amendment which would amend section 3 of the so-called package.

In the package substitute section 3 relates to the preservation of voting records. The amendment would strike out and offer an amendment which deals with protection of the right to vote.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. DOUGLAS. If the Senator will look at the concluding section of our amendment, beginning on page 8, he will find that it retains the existing language which the Senator has in his proposal.

Mr. DIRKSEN. Yes.

Mr. DOUGLAS. So the amendment does not strike out the proposal of the Senator from Illinois, but adds to it.

Mr. DIRKSEN. I am sorry if I conveyed the impression that that was not taken care of later.

Mr. President, in rough compass this is what the amendment would do: First, it would make a general finding with respect to the denial of the right to vote. Second, it would provide for the employment of temporary registrars in any county under certain conditions, if there are enough people who would sign a petition with respect to the general denial of the right to register and to vote.

Mr. President, after such a petition has been filed the President would be empowered by Executive order to appoint the registrars, and in regard to the appointment he could appoint any employee or any Federal official, not necessarily in the county in which the petition with respect to the denial of the right to vote may have been filed.

One other thing is important. The voting registrars, as I read the amendment, would hold the authority for an indeterminate period of time. There is no cutoff provided. It might be an authority which would last for a long or a short time.

That is the essence of the proposal which is before us. My judgment is that there are two very obvious and sound defects, which are the reasons why I shall move to table the amendment.

First, the amendment applies to Federal, State, and local elections. The only authorities under which we operate, of course, are the 14th and 15th amendments to the Constitution. It seems to me that the amendment, at the State and local level, would actually displace the State machinery on a bare finding by the President of the United States.

I found further that, after the President makes such a finding on the basis of a petition signed by 50 aggrieved people, there is nothing in the amendment to provide a single opportunity for a State official to protest, to go into court, or to go into an administrative hearing.

Mr. President, I am willing to go pretty far in the field of civil rights, but I am not going to go quite that far, I can assure the Senate. I regard that as a major defect.

Second, I think the amendment has a tremendous enforcement weakness. The registrar, under given circumstances, can issue a certificate. The voter will then go to the polls, and perhaps the election official will say, "We will not recognize your certificate." So the person would be refused the right to vote. What would the man do?

We could resort to a criminal penalty, if we could get it, but it certainly would not cure the problem of obtaining for that man the right to vote.

Also, the amendment provides for appropriate court proceedings. The man can go to the precinct station, and can shake the certificate in the face of the judge and say, "Look; I have a certificate. Now you let me vote." For some reason or other he may not be permitted to vote. Then what can he do? The amendment says there shall be appropriate court proceedings by the Attorney General, and injunctive relief and otherwise will be provided. It is sought to help this poor fellow with a certificate.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DIRKSEN. Mr. President, I yield myself 2 additional minutes.

By that time, of course, we will have these men trotting back and forth between the court and the precinct, if the polling place stays open long enough. That approach, in my judgment, is an impractical one, to the point where it becomes a little absurd. I think this is a major enforcement weakness, for one thing.

It seems to me that there is another defect of going across the board, with no opportunity for a State official to have either a court or an administrative appeal if he so desires. Willing as I am to commit great powers to the President of the United States, even in regard to the issuance of an executive order, when that happens under these circumstances I still believe there has to be some review authority by way of protection.

In those circumstances, Mr. President, I for one could not accept this amendment, and I think the best way to deal with it at this time is to table it.

Mr. President, I move that the amendment be tabled.

Mr. JAVITS. Mr. President, before the Senator makes his motion to table, though I have a pretty good idea as to what will happen, I think the RECORD ought to be clear in regard to one point. It is not a fact that there will be no review. It is my considered judgment that the court will review the findings of the President in accordance with established law, and such a review could be obtained.

Mr. DIRKSEN. I could find nothing on page 1, and I could find nothing on page 2 or on page 3, to state that after the petition is lodged with the President and the order is issued a State official can get a court or administrative review, if a State official files a protest. I have not found such a provision.

Mr. President, I move that the pending amendment be tabled.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

Mr. DIRKSEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Illinois will state his inquiry.

Mr. JOHNSON of Texas. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. Yes.

Mr. DOUGLAS. Mr. President, is it in order to suggest the absence of a quorum at this time?

The PRESIDING OFFICER. Will the Senator repeat his question?

Mr. DOUGLAS. Is it in order to suggest the absence of a quorum?

The PRESIDING OFFICER. It is in order.

Mr. JOHNSON of Texas. I will say to the Senator that every office has been called.

Mr. DOUGLAS. Mr. President, I understand one or two of our colleagues have pressing engagements, so I shall not suggest the absence of a quorum.

Mr. DIRKSEN. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. DOUGLAS. Mr. President, may we have the question stated so that late comers may know precisely what is the question?

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the Douglas-Javits amendment to section 3 of the Dirksen amendment in the nature of a substitute.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. YOUNG of Ohio (when his name was called). On this vote I have a pair with the junior Senator from Louisiana [Mr. LONG], who is temporarily absent. If he were present, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

Mr. CANNON. I have a pair with the Senator from West Virginia [Mr. RANDOLPH]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I therefore withhold my vote.

Mr. CHURCH. On this vote I have a pair with the distinguished senior Senator from Pennsylvania [Mr. CLARK]. If he were present, he would vote "nay." If I were at liberty to vote, I would vote "yea." I therefore withhold my vote.

Mr. MANSFIELD. I announce that the Senator from Pennsylvania [Mr. CLARK], the Senators from Tennessee [Mr. GORE and Mr. KEFAUVER], the Senator from Indiana [Mr. HARTKE], the Senator from Louisiana [Mr. LONG], the Senator from Michigan [Mr. MCNAMARA], and the Senator from New Jersey [Mr. WILLIAMS] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD] and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

I further announce that the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oregon [Mr. MORSE], and the Senator from West Virginia [Mr. RANDOLPH] are necessarily absent.

On this vote, the Senator from Tennessee [Mr. GORE] is paired with the Senator from Oregon [Mr. MORSE]. If present and voting, the Senator from Tennessee would vote "yea," and the Senator from Oregon would vote "nay."

On this vote, the Senator from Connecticut [Mr. DODD] is paired with the Senator from Arizona [Mr. GOLDWATER]. If present and voting, the Senator from Connecticut would vote "nay," and the Senator from Arizona would vote "yea."

I further announce that, if present and voting, the Senator from Indiana [Mr. HARTKE], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Michigan [Mr. MCNAMARA], and the Senator from New Jersey [Mr. WILLIAMS] would each vote "nay."

I also announce that if present and voting the Senator from Tennessee [Mr. KEFAUVER] would vote "yea."

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The Senator from Colorado [Mr. ALLOTT], the Senator from Arizona [Mr. GOLDWATER], the Senator from Kentucky [Mr. MORTON], the Senator from Massachusetts [Mr. SALTONSTALL] and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

If present and voting, the Senator from Massachusetts [Mr. SALTONSTALL] would vote "yea."

On this vote, the Senator from Colorado [Mr. ALLOTT] is paired with the Senator from Pennsylvania [Mr. SCOTT]. If present and voting, the Senator from Colorado would vote "yea," and the Senator from Pennsylvania would vote "nay."

On this vote the Senator from Arizona [Mr. GOLDWATER] and the Senator from Connecticut [Mr. DODD] are paired. If present and voting the Senator from Arizona would vote "yea," and the Senator from Connecticut would vote "nay."

The result was announced—yeas 53, nays 24, as follows:

[No. 125]

YEAS—53

Aiken	Ellender	Monroney
Beall	Ervin	Mundt
Bennett	Fong	Murray
Bible	Frear	Prouty
Bridges	Fulbright	Robertson
Brunsdale	Green	Russell
Bush	Hayden	Schoeppel
Butler	Hickenlooper	Smathers
Byrd, Va.	Hill	Smith
Byrd, W. Va.	Holland	Sparkman
Carlson	Hruska	Stennis
Case, S. Dak.	Johnson, Tex.	Talmadge
Chavez	Johnston, S.C.	Thurmond
Cotton	Jordan	Wiley
Curtis	Kerr	Williams, Del.
Dirksen	McClellan	Yarborough
Dworshak	Mansfield	Young, N. Dak.
Eastland	Martin	

NAYS—24

Anderson	Hart	McCarthy
Bartlett	Hennings	McGee
Carroll	Jackson	Magnuson
Case, N.J.	Javits	Moss
Cooper	Keating	Muskie
Douglas	Kuchel	Pastore
Engle	Lausche	Proxmire
Gruening	Long, Hawaii	Symington

NOT VOTING—22

Allott	Hartke	O'Mahoney
Cannon	Humphrey	Randolph
Capehart	Kefauver	Saltonstall
Church	Kennedy	Scott
Clark	Long, La.	Williams, N.J.
Dodd	McNamara	Young, Ohio
Goldwater	Morse	
Gore	Morton	

So Mr. DIRKSEN's motion to lay on the table the amendment offered by Mr. DOUGLAS for himself and Mr. JAVITS was agreed to.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the Senate agreed to the motion.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion of the Senator from Texas to table was agreed to.

ORDER FOR ADJOURNMENT UNTIL MONDAY

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today, it stand in adjournment until 12 o'clock on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools, R–I, Missouri.

Mr. JAVITS. Mr. President, I send to the desk an amendment to section 3 of the pending bill.

The PRESIDING OFFICER. The clerk will state the amendment.

Mr. JOHNSON of Texas. Mr. President, I should like to announce that so far as the leadership is concerned, there will be no more rollcall votes this evening.

Mr. JAVITS. Mr. President, I ask unanimous consent that the reading of the amendment may be dispensed with because the amendment was read only yesterday. It is the amendment which was submitted by the Senator from Pennsylvania [Mr. CLARK]. It is the amendment identified as "3–11–60—B."

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

Beginning on page 19, line 23, strike out section 7 and insert in lieu thereof the following:

"SEC. 7. (a) The Congress has heretofore expressed, by the creation of the Commission on Civil Rights, its concern at the continuing disenfranchisement of qualified voters because of their race or color. The Commission has found that under color of law or by State action substantial numbers of qualified voters are being denied the right to register and vote in elections because of their race or color. The Congress hereby determines that the continuing denial of rights secured by the fourteenth and fifteenth amendments to the Constitution of the United States requires the exercise of the congressional authority provided under this section.

"APPOINTMENT OF VOTING REFEREES BY THE DISTRICT COURTS OF THE UNITED STATES

"(b)(1) In any proceeding instituted in any district court of the United States pursuant to section 2004(c) of the Revised Statutes, as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637; 42 U.S.C. 1971(c)); pursuant to subsection (c) of this section; or pursuant to any other law of the United States, in the event that the court finds that under color of law or by State action any person or persons have been deprived on account of race or color of the right to register or to vote at any election, the court shall upon request of the Attorney General or any plaintiff make a finding whether such deprivation is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color residing within the affected area shall, for one year and thereafter until the court subsequently finds that such a pattern or practice has ceased, be entitled, upon his application therefor, and subject to the provisions of this subsection, to an order declaring him qualified to vote, upon proof that he is qualified under State law to vote. Any such application shall be heard within ten days of its filing.

"(2) An order issued pursuant to paragraph (1) of this subsection shall become effective twenty days after the issuance of such order and notice thereof to the Governor of the State, unless any person named therein shall have been registered by appropriate State officials in the intervening period, in which case the order may be vacated on application duly made as to the registration of such person. When such order shall become effective, it shall apply to any election which is held within the longest period for which such applicant could have been registered or otherwise qualified under State law and at which the applicant's qualifications would under State law entitle him to vote. Except as provided in this paragraph, the execution of any order disposing of such applications shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

"(3) Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with knowledge of such order to permit any person so declared qualified to vote, to vote at an appropriate election shall constitute contempt of court.

"(4) The court may appoint one or more persons, to be known as voting referees, to serve for such period as the courts shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not any such applicant is qualified under State law to register and/vote at any election or elections.

"(5) In a proceeding before a voting referee, the applicant shall be heard ex parte. His statement under oath shall be prima facie evidence as to his age and residence. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

"(6) Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceedings together with an order to show cause within ten days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered unless prior to that time there has been filed with the court and served upon all parties a statement of exceptions to such report or the applicants have been registered and will be entitled to vote pursuant to State law. Exceptions as to matters of fact shall be considered only if supported by duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts; those relating to matters of law shall be supported by an appropriate memorandum of law. The issues of fact and law raised by such exceptions shall be determined by the court, or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court. A hearing as to an issue of fact shall be held only in the event that the public record or affidavit in support of the exception discloses the existence of a genuine issue of material fact. The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

"(7) The court, or at its direction the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

"(8) The court may authorize such referee or such other person or persons as it may designate (1) to attend at any time and place for holding any election and to report whether any person declared qualified to vote has been denied the right to vote, and (2) to attend at any time and place for other action, including the counting and tabulation of votes, relating to such election necessary to make effective the vote of such a person and to report to the court any action or failure to act which would make such vote ineffective.

"(9) Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(C) of the Federal Rules of Civil Procedure. The compensation to be allowed to any persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

"(10) The court shall have authority to make an order entitling an applicant to vote provisionally pending final determination of any exception and to take any other action appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees, and this subsection shall in no way be construed as a limitation upon the existing powers of the court.

"APPOINTMENT OF FEDERAL ENROLLMENT OFFICERS BY THE PRESIDENT OF THE UNITED STATES

"(c)(1) Whenever the Attorney General shall notify the President of the United States of any affirmative finding of deprivation on account of race or color of registration or voting rights pursuant to a pattern or practice rendered by a District Court of the United States pursuant to subsection (b) the President may thereupon issue an Executive order designating one or more temporary Federal Enrollment Officers from among officers or employees of the United States who are qualified voters within such district, or if there be no such qualified officer or employee, from among officers or employees of the United States living in or near such registration district, but within the same State. A copy of such Executive order shall be delivered to the Governor of the State concerned, and shall become effective twenty days after such delivery unless the President shall determine that appropriate remedial action has been taken in the intervening period. Any such temporary Federal Enrollment Officer shall serve until such time as the President determines that there is no further need for such Enrollment Officer. An individual who is appointed a Federal Enrollment Officer shall perform the duties required by this section until such time as he is relieved of such duties by the President.

"(2) The Federal Enrollment Officer for any registration district shall accept enrollment applications from any persons living in such registration district who are of the race or color as to which a finding has been rendered as described in subsection (b). Any such applicants whom he finds to meet the qualifications for voters under the law of the State wherein such registration district is situated shall be enrolled by him as qualified to vote in all elections held in such district in like manner and for like periods as prescribed for persons registered under State law, and shall receive from him certificates of enrollment. The Federal Enrollment Officer shall, from time to time, transmit to the proper State and local officials all information necessary to identify the persons who have been enrolled by him.

"(3) Each qualified voter who is enrolled pursuant to this subsection shall have the right to vote, and to have such vote counted, in any election held in his registration district subject to the provisions of paragraph (4) of this subsection.

"(4) Nothing contained in this subsection shall be construed to deny to appropriate State officials or other persons having standing under State law the right to challenge the determination of State registration or election officials that another person is qualified to vote or the right at the time of elections, to challenge the eligibility to vote of persons enrolled hereunder. Whenever such a challenge is made, however, the enrollee shall be permitted to cast his vote and have it counted, but it shall be preserved subject to a determination of the validity of the challenge in any appropriate action brought in the United States district court having jurisdiction over the registration district in which the challenge is made. In the event the challenge is sustained the vote shall be disregarded in determining the result of the election. Any person denied registration by a Federal Enrollment Officer may challenge such determination by filing suit in the United States district court for the district in which the registration district is located, against such Federal Enrollment Officer. In any suit under the provisions of this paragraph, the determination of the Federal Enrollment Officer with respect to such registration shall not be stayed pending the final decision of the district court, and any such decision, and appropriate appeals therefrom, shall be determined by the courts in the most expeditious manner, giving due consideration to the time of the next ensuing election. The procedure set forth in this paragraph shall be the exclusive method for challenging the qualifications of a person to whom a certificate has been issued by a Federal Enrollment Officer.

"(5) Any individual who is enrolled under this subsection by a Federal Enrollment Officer shall have the right to cast his vote and have such vote counted in any election, and any election official or other person who willfully denies him such right or who willfully interferes by threats or force, or otherwise willfully prevents, obstructs, impedes or who willfully endeavors to prevent, obstruct, impede, or interefere with such right, shall be fined not more than $1,000, or imprisoned not longer than six months, or both.

"(6) Federal Enrollment Officers shall determine whether persons enrolled under this subsection are afforded the right to vote and to have their votes fairly counted. For this purpose each such officer shall be authorized to attend at any election held within his registration district to inspect the taking of the vote and the counting thereof. Should any person enrolled under this subsection be denied the right to cast his vote or to have his vote counted the Federal Enrollment Officer shall forthwith notify the Attorney General.

"(7) The provisions of this subsection shall be enforcible by appropriate civil and equitable proceedings instituted in the district court of the United States within the jurisdiction of which such registration district is located, by the Attorney General of the United States for and in the name of the United States, or by any individual whose rights under this subsection shall have been denied or interfered with, and the court may grant such permanent or temporary injunction, restraining order or other order as it may deem appropriate. Any proceeding brought under the provisions of this section shall be subject to the provisions of part V of the Civil Rights Act of 1957.

"(d) In any action, suit or proceeding in a court of the United States to which the United States is not a party, wherein any person alleges on oath or affirmation that he has been deprived on account of race or color of the right to register or to vote at any election, the court shall certify such fact to the Attorney General, and shall permit the United States to intervene as a party for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of whether any person or persons have been deprived on account of race or color of the right to register or vote at any election, and to recommend to the court the relief to be granted. The United States shall, subject to the applicable provisions of law, have all the rights of a party, including those provided for in subsection (b) of this section, and be subject to all the liabilities of a party as to court costs to the extent necessary for proper presentation of the facts and determination of the issues.

"(e) In any case where a voting referee has been appointed by a district court under the provisions of subsection (b) of this section for an area which is a registration district or a part thereof for which a Federal Enrollment Officer has been designated by the President of the United States under the provisions of subsection (c) of this section, the decision of such referee as to whether an applicant possesses the voting qualifications requisite under State law shall, when accepted by the district court, supersede any inconsistent determination by the Federal Enrollment Officer. Subject to this provision, neither subsection (b) nor subsection (c) of this section shall supersede or affect the other. The President of the United States shall, to the extent necessary, direct any Federal Enrollment Officer appointed for any registration district to coordinate his operations with those of any voting referee appointed for the same area or any part thereof.

"'(f) Section 2004(c) of the Revised Statutes, as amended, is amended by adding at the end thereof the following new sentence: "Whenever, in a proceeding instituted under this subsection, any official of a State or subdivision thereof is alleged to have committed any act or practice constituting a deprivation of any right or privilege secured by subsection (a), the act or practice shall also be deemed that of the State and the State may be joined as a party defendant and, if, prior to the institution of such proceeding, such official has resigned or has been relieved of his office and no successor has assumed such office, the proceeding may be instituted against the State.'

"(g) For the purposes of this section—

"(1) The term 'election' means any general or special election held in any State for the purpose of electing any candidate to any elective office and any primary election held in any State for the purpose of selecting any candidate for any elective office.

"(2) The term 'registration district' means an area in a State coterminus with a district established by State law for which a Member of the House of Representatives of the United States is elected.

"(3) The term 'vote' includes all action necessary to make a vote effective including, but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election.

"(4) The term 'affected area' means any subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have under color of law or by State action deprived any person or persons on account of race or color of the right to register or vote at any election.

"(5) The term 'qualified under State law' means qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have under color of law or by State action deprived any person or persons on account of race or color of the right to register or vote at any election in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist."

(h) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this section.

(i) No injunctive or other civil relief under the provisions of this section shall be denied on the grounds that the acts complained of are a crime, nor shall the provisions of this section be deemed to repeal or amend any other provisions of law providing for alternative relief or penalties under such circumstances.

(j) If any provision of this section or the application of such provision to any person or circumstance is held invalid, the remainder of this section or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

Mr. CASE of South Dakota. Mr. President, I ask unanimous consent that I may be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I do not intend to detain the Senate this evening at all. I understand that the desire is to adjourn promptly.

I can explain the situation in 1 minute, if the Senators will permit me to do so and remain to hear me.

The amendment which I have sent to the desk I have sent up in fairness to the position of those of us who have worked this matter out as a compromise basis between the proregistrar people and the provoting referee people. It was worked out by three Senators who are lawyers, on each side. The Senator from Pennsylvania [Mr. CLARK] submitted it yesterday, and then decided to allow the Senator from Illinois [Mr. DOUGLAS] to press the registrar proposal, and withdrew it.

I am submitting it today in the absence of the Senator from Pennsylvania, because he and I are cosponsors of the amendment. When he arrives here on Monday, we will have a reasonable chance to consider the amendment, and at that time he will take up the burden of the argument itself, as will I also, as a cosponsor of the amendment.

I wished to make the point clear that I am acting today only out of courtesy and convenience to the Senator from Pennsylvania [Mr. CLARK].

I should also like to have Senators note that this amendment has a rather considerable list of sponsors. Aside from the Senator from Pennsylvania [Mr. CLARK] and myself, and the Senator from South Dakota [Mr. CASE], who has just added his name, the cosponsors are Senators HUMPHREY, AIKEN, BARTLETT, CASE of New Jersey, MORSE, KUCHEL, PROXMIRE, MCNAMARA, WILLIAMS of New Jersey, and SCOTT.

In short, this is an honorable and studied effort to deal with a problem which faces us in the Senate and is a solution which we believe should commend itself to a majority of the Members of the Senate. We shall press it with great seriousness, and shall do our utmost to explain in detail why we believe it is an effective way in which to accomplish the voting result which I believe so many Senators seek.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. RUSSELL. I would certainly not wish to impugn the honor or intent of the sponsors of the amendment, but I am interested in knowing just which amendment we are now discussing. Will the Senator identify it, so that I may pick it out of this mass of amendments I have on my desk?

Mr. JAVITS. I shall be glad to. It is identified as "3–11–60—B."

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. JAVITS. I am trying to answer the question of the Senator from Georgia. It is "3–11–60—B." It shows the Senator from Pennsylvania [Mr. CLARK] as the principal sponsor. To the amendment there has been added the text of what is now section 3 of the Dirksen substitute.

Mr. RUSSELL. In other words, the Senator is adding this language to the Dirksen substitute. I thought the Senator was offering it to section 3 of the bill.

Mr. JAVITS. I am. In view of the fact that it is offered as a substitute amendment, it is added to the present text of section 3, so that the idea of a dual Federal enrollment officer and voting referee bill is added to the text.

Mr. RUSSELL. The enrollment officer and referee would be one and the same person.

Mr. JAVITS. Not necessarily. I will explain that in detail. The only reason why I have asked that the amendment be not read at this time was that it was read in detail yesterday and was printed in yesterday's RECORD. Therefore, I took the liberty of asking that we not take the time of the Senate to read the amendment this evening.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. HOLLAND. Is this not the same amendment which was offered by the distinguished Senator from Pennsylvania [Mr. CLARK] yesterday and debated at length and then withdrawn?

Mr. JAVITS. It is exactly the same amendment. I would not say it was debated at length. The Senator from Pennsylvania spoke to it and then decided to yield an opportunity for the consideration of the registrar proposal of the Senator from Illinois [Mr. DOUGLAS].

I should like to inquire of the leadership because I do not believe it would be fruitful to discuss this amendment tonight, how late the leadership desires to keep us in session this evening.

Mr. DIRKSEN. I hope we can adjourn right now, speaking for myself.

Mr. MANSFIELD. I second that idea.

Mr. JAVITS. I yield the floor.

ADJOURNMENT TO MONDAY

Mr. DIRKSEN. Mr. President, I move that, under the order previously entered, the Senate now adjourn until noon on Monday.

The motion was agreed to; and (at 5 o'clock and 50 minutes p.m.) the Senate adjourned, under the order previously entered, until Monday, March 21, 1960, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 18, 1960:

The following-named officers for temporary appointment in the Army of the United States to the grades indicated under the provisions of title 10, United States Code, sections 3442 and 3447:

To be major generals

Brig. Gen. John Charles Hayden, O18174, U.S. Army.
Brig. Gen. Stephen Read Hanmer, O18348, U.S. Army.
Brig. Gen. Tom Robert Stoughton, O18156, U.S. Army.
Brig. Gen. John Archibald Barclay, O18420, U.S. Army.
Brig. Gen. Creighton Williams Abrams, Jr., O20296, Army of the United States (lieutenant colonel, U.S. Army).
Brig. Gen. Jean Evans Engler, O19198, Army of the United States (colonel, U.S. Army).
Brig. Gen. Daniel Aloysius O'Connor, O29454, U.S. Army.
Brig. Gen. Hiram Dudley Ives, O29509, U.S. Army.
Brig. Gen. Richard Collins, O29375, Army of the United States (colonel, U.S. Army).

To be brigadier generals

Col. Vernon Price Mock, O19906, Army of the United States (lieutenant colonel, U.S. Army).
Col. Walter Brown Richardson, O30597, Army of the United States (lieutenant colonel, U.S. Army).
Col. Merrill LeRoy Tribe, O42374, U.S. Army.
Col. John DuVal Stevens, O19414, U.S. Army.
Col. Harry Jacob Lemley, Jr., O19756, Army of the United States (lieutenant colonel, U.S. Army).
Col. Charles Frederick Leonard, Jr., O19829, Army of the United States (lieutenant colonel, U.S. Army).
Col. William Carl Garrison, O30144, Army of the United States (lieutenant colonel, U.S. Army).
Col. Claire Elwood Hutchin, Jr., O21092, Army of the United States (lieutenant colonel, U.S. Army).
Col. Duncan Hallock, O18960, U.S. Army.
Col. Joseph Rieber Russ, O19880, Army of the United States (lieutenant colonel, U.S. Army).
Col. Harry Herndon Critz, O19786, Army of the United States (lieutenant colonel, U.S. Army).
Col. Lester Lewes Wheeler, O19951, Army of the United States (lieutenant colonel, U.S. Army).
Col. Durward Ellsworth Breakefield, O19781, Army of the United States (lieutenant colonel, U.S. Army).
Col. Robert Benton Neely, O19114, U.S. Army.
Col. Melvin Delos Losey, O42235, U.S. Army.
Col. Julian Alexander Wilson, O30359, U.S. Army.
Col. Richard Martin Hurst, O30191, U.S. Army.
Col. Hamilton Austin Twitchell, O19648, Army of the United States (lieutenant colonel, U.S. Army).
Col. George Stafford Eckhardt, O19766, Army of the United States (lieutenant colonel, U.S. Army).
Col. Hugh McClellan Exton, O19780, Army of the United States (lieutenant colonel, U.S. Army).
Col. Ralph Edward Haines, Jr., O19849, Army of the United States (lieutenant colonel, U.S. Army).
Col. Francis Mark McGoldrick, O19857, Army of the United States (lieutenant colonel, U.S. Army).
Col. George Ruhlen, O19733, Army of the United States (lieutenant colonel, U.S. Army).
Col. Frank Thomas Mildren, O21992, Army of the United States (lieutenant colonel, U.S. Army).
Col. Frederick Carlton Weyand, O33736, Army of the United States (major, U.S. Army).
Col. James Bowdoin Stapleton, O19656, Medical Corps, U.S. Army.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 18, 1960:

UNITED NATIONS

Thomas C. Mann, of Texas, to be the representative of the United States of America to the 16th session of the Economic Commission for Asia and the Far East of the Economic and Social Council of the United Nations.

ATOMIC ENERGY COMMISSION

Robert E. Wilson, of Illinois, to be a member of the Atomic Energy Commission for the remainder of the term expiring June 30, 1960.

Robert E. Wilson, of Illinois, to be a member of the Atomic Energy Commission for a term of 5 years expiring June 30, 1965.

DEPARTMENT OF STATE

COUNSELOR OF THE DEPARTMENT OF STATE

Theodore C. Achilles, of the District of Columbia, to be Counselor of the Department of State

U.S. ADVISORY COMMISSION ON INFORMATION

Sigurd S. Larmon, of New York, to be a member of the U.S. Advisory Commission on Information for a term of 3 years expiring January 27, 1963, and until his successor has been appointed and qualified.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY

Selden Chapin, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Peru.

DIPLOMATIC AND FOREIGN SERVICE

The following-named person for appointment as indicated:

Lyndall G. Beamer, of Illinois, to be a Foreign Service officer of class 8, vice consul of career, and secretary in the diplomatic service of the United States of America.

The following-named Foreign Service officers for promotion from class 2 to class 1:

Ralph J. Blake, of Oregon.
James E. Brown, Jr., of Pennsylvania.
Joseph B. Costanzo, of New Jersey.
H. Francis Cunningham, Jr., of Nebraska.
Olcott H. Deming, of Connecticut.
Andrew G. Lynch, of New York.
Lionel M. Summers, of the District of Columbia.
Gerald Warner, of Massachusetts.
Barr V. Washburn, of Utah.

To be class 1 and to be also consul general of the United States of America

Patten D. Allen, of New York.
Norbert L. Anschuetz, of Maryland.
Miss Ruth Bacon, of Massachusetts.
Milton Barall, of New York.

J. Paul Barringer, of Pennsylvania.
Wymberley DeR. Coerr, of Connecticut.
Earl T. Crain, of Virginia.
Robert H. S. Eakens, of Texas.
John W. Evans, of the District of Columbia.
William A. Fowler, of Washington.
Eugene A. Gilmore, Jr., of Nebraska.
Sam P. Gilstrap, of Oklahoma.
John Goodyear, of New York.
Marshall Green, of Massachusetts.
Wesley C. Haraldson, of Virginia.
Ralph Hilton, of Texas.
Robert G. Hooker, Jr., of California.
Raymond G. Leddy, of New York.
Roy M. Melbourne, of Virginia.
Frederick T. Merrill, of the District of Columbia.
Armin H. Meyer, of Illinois.
John Ordway, of the District of Columbia.
Walter A. Radius, of Virginia.
Milton C. Rewinkel, of Minnesota.
Rufus Burr Smith, of Montana.
Charles Nelson Spinks, of California.
C. Allan Stewart, of Arizona.
William W. Walker, of North Carolina.
George Lybrook West, Jr., of California.
William A. Wieland, of New York.

The following-named Foreign Service officers for promotion from class 3 to class 2:

Kenneth B. Atkinson, of Virginia.
Taylor O. Belcher, of New York.
Donald C. Bergus, of Maryland.
Lee B. Blanchard, of Oklahoma.
Louis C. Boochever, of Maryland.
Howard Brandon, of Georgia.
John L. Brown, of Massachusetts.
Stanley S. Carpenter, of Massachusetts.
Albert E. Carter, of Tennessee.
Clyde L. Clark, of Iowa.
Otho T. Colclough, of North Carolina.
William B. Connett, Jr., of the District of Columbia.
Roy T. Davis, Jr., of Maryland.
Donald A. Dumont, of New York.
William B. Dunham, of Virginia.
Robert A. Fearey, of the District of Columbia.
Seymour M. Finger, of New York.
Richard B. Finn, of New York.
Edmund E. Getzin, of New York.
Joseph Godson, of New York.
Leo M. Goodman, of New York.
Windsor G. Hackler, of Nebraska.
Theo E. Hall, of Virginia.
Paul W. Hallman, of Virginia.
Norman B. Hannah, of Illinois.
John Hay, of Virginia.
Alton W. Hemba, of Mississippi.
David H. Henry 2d, of New York.
Jack A. Herfurt, of California.
William K. Hitchcock, of Virginia.
A. Guy Hope, of Virginia.
Albert E. Irving, of Maryland.
Frederick Irving, of Rhode Island.
William G. Jones, of Maryland.
John Keppel, of the District of Columbia.
Alexander F. Kiefer, of New York.
Clinton E. Knox, of Maryland.
Max V. Krebs, of California.
John A. Lacey, of Ohio.
Edward T. Lampson, of Connecticut.
Guy A. Lee, of Maryland.
Jack W. Lydman, of New York.
Eugene V. McAuliffe, of Massachusetts.
James A. McDevitt, of Illinois.
Adrian T. Middleton, of Texas.
George T. Moody, of Maryland.
George S. Newman, of New York.
Dana Orwick, of Ohio.
Albert Post, of the District of Columbia.
Donald L. Ranard, of Vermont.
Alfred Reifman, of Maryland.
Idar Rimestad, of North Dakota.
Edward F. Rivinus, Jr., of Pennsylvania.
Robert Rossow, Jr., of Indiana.
M. Robert Rutherford, of Montana.
Edward L. Smith, of Arkansas.
John L. Stegmaier, of Massachusetts.
John H. Stutesman, Jr., of New Jersey.
Charles Wilson Thomas, of Utah.
Miss Margaret Joy Tibbetts, of Maine.
Richard W. Tims, of Maryland.
S. Roger Tyler, Jr., of West Virginia.
Sheldon B. Vance, of Minnesota.
William L. Wight, Jr., of Virginia.
Joseph O. Zurhellen, Jr., of New York.

The following-named Foreign Service officers for promotion from class 4 to class 3:

Rodger C. Abraham, of Connecticut.
William C. Anderson, of Indiana.
John A. Armitage, of Tennessee.
Laurin B. Askew, of Tennessee.
John R. Barrow, of California.
Chester R. Beaman, of Indiana.
Frederic H. Behr, of New Jersey.
Miss Elizabeth Ann Brown, of Oregon.
Emerson M. Brown, of Michigan.
Stephen J. Campbell, of California.
Allan Chase, of Virginia.
Dennis A. Collins, of Ohio.
Stephen A. Comiskey, of Colorado.
Douglas W. Coster, of New York.
Leonard R. Cowles, of Florida.
Oliver S. Crosby, of Washington.
David C. Cuthell, of Connecticut.
Robert W. Dean, of Illinois.
Thomas J. Duffield, of Massachusetts.
William R. Duggan, of Colorado.
Lester E. Edmond, of Maryland.
David H. Ernst, of Massachusetts.
Charles C. Finch, of Kansas.
Miss Edelen Fogarty, of New York.
David L. Gamon, of California.
Edwin J. Garrity, of Virginia.
Scott George, of Kentucky.
Charles Gilbert, of New York.
William Giloane, of Maryland.
John K. Hagemann, of Maryland.
Philip E. Haring, of Pennsylvania.
Thomas R. Hodet, of Connecticut.
Adolf B. Horn, Jr., of the District of Columbia.
Alan G. James, of the District of Columbia.
Walter E. Jenkins, Jr., of Texas.
Jack R. Johnstone, of Washington.
Harold G. Josif, of Ohio.
Morris Kaufman, of New York.
William M. Kerrigan, of Ohio.
Thomas D. Kingsley, of Maryland.
Northrop H. Kirk, of California.
David Klein, of Kansas.
Francis X. Lambert, of Massachusetts.
Jerome B. Lavallee, of Massachusetts.
Frederick D. Leatherman, of Ohio.
Armistead M. Lee, of Vermont.
W. J. Lehmann, of the District of Columbia.
James F. Leonard, Jr., of Pennsylvania.
Guy O. Long, of Pennsylvania.
Albert K. Ludy, Jr., of Arizona.
Frederic K. Lundy, Jr., of Pennsylvania.
Dayton S. Mak, of New Mexico.
David J. S. Manbey, of California.
James H. McFarland, Jr., of Michigan.
Clarence J. McIntosh, of Florida.
Everett K. Melby, of Illinois.
John E. Mellor, of Connecticut.
Bruce H. Millen, of Louisiana.
George Moffit, Jr., of Connecticut.
Neil H. Muhonen, of Virginia.
George F. Muller, of Maryland.
James F. O'Connor, Jr., of New York.
John G. Oliver, of Texas.
Miss Mary S. Olmsted, of New York.
Melville S. Osborne, of Florida.
James P. Parker, of Connecticut.
Robert Person, of Virginia.
Robert M. Phillips, of California.
David Post, of Pennsylvania.
Sandy MacGregor Pringle, of New York.
Vladimir P. Prokofieff, of Virginia.
Normand W. Redden, of New York.
Robert J. Redington, of Connecticut.
Jordan T. Rogers, of South Carolina.
Morris Rothenberg, of Maryland.
J. Phillip Rourk, of California.
William T. Sandalls, of Connecticut.
Dwight E. Scarbrough, of Minnesota.
Robert R. Schott, of Oregon.
George W. Skora, of Arizona.
Walter W. Sohl, of Illinois.

Albert W. Stoffel, of New York.
William N. Stokes, of North Carolina.
William H. Sullivan, of Rhode Island.
Harrison M. Symmes, of North Carolina.
M. Gordan Tiger, of Virginia.
Francis T. Underhill, Jr., of New Jersey.
Christopher Van Hollen, of the District of Columbia.
Hendrik van Oss, of New Jersey.
Bertus H. Wabeke, of Massachusetts.
Milton C. Walstrom, of Hawaii.
Wayland S. Waters, of Michigan.
Harry J. Wetzork, of Pennsylvania.
Louis A. Wiesner, of New Hampshire.
Miss Jean M. Wilkowski, of Florida.
William H. Witt, of South Carolina.
Chalmers B. Wood, of Virginia.
Parker D. Wyman, of Illinois.

The following-named Foreign Service officers for promotion from class 5 to class 4:

Miss Hilda M. Anderson, of Maryland.
Daniel N. Arzac, Jr., of California.
Robert J. Ballantyne, of New Jersey.
John H. Barber, of California.
George M. Barbis, of California.
Robert E. Barbour, of Tennessee.
St. John Bargas, of Louisiana.
Robert S. Barrett IV, of Virginia.
William R. Beckett, of Michigan.
Norman J. Bentley, of California.
David B. Bolen, of Colorado.
Lewis W. Bowden, of the District of Columbia.
Mrs. Mildred L. Brockdorff, of Maryland.
John A. Brogan III, of New York.
Jack B. Button, of Kansas.
William C. Canup, of Michigan.
Charles C. Carson, of the District of Columbia.
Peter R. Chase, of Massachusetts.
Willis B. Collins, Jr., of Alabama.
William F. Courtney, of Michigan.
Miss Virginia I. Cullen, of Pennsylvania.
Joseph H. Cunningham, of Nebraska.
Frank A. Davis, of Ohio.
David Dean, of Florida.
Francois M. Dickman, of Wyoming.
Arthur R. Dornheim, of Maryland.
Stephen Duncan-Peters, of New York.
William L. Eagleton, Jr., of Illinois.
Virgil M. Elliott, of Florida.
George A. Ellsworth, of Georgia.
Lawrence B. Elsbernd, of North Dakota.
Elden B. Erickson, of Kansas.
Guy Ferri, of Pennsylvania.
Thomas M. Gaffney, of Massachusetts.
Miss Elizabeth G. Gallagher, of Pennsylvania.
Millard L. Gallop, of Virginia.
Samuel R. Gammon III, of Texas.
John L. Gawf, of Colorado.
Richard D. Geppert, of New Jersey.
Loren L. Goldman, of Maryland.
H. Kent Goodspeed, of California.
Malcolm P. Hallam, of South Dakota.
Miss Betty R. Hanes, of Ohio.
William N. Harben, of New York.
William C. Harrop, of New Jersey.
Arthur A. Hartman, of New Jersey.
Robert C. Hayes, of Maryland.
Harry W. Heikenen, of Minnesota.
Mrs. Hallye A. Helland, of California.
Herschel Hancock Heim, of Kentucky.
William A. Helseth, of Florida.
Gregory Henderson, of Massachusetts.
Richard V. Hennes, of Illinois.
Gerrit J. W. Heyneker, of the District of Columbia.
Max E. Hodge, of New York.
Paul R. Hughes, of California.
Thomas J. Hunt, of New York.
Johannes V. Imhof, of California.
Joseph R. Jacyno, of Massachusetts.
Gordon D. Johnson, of California.
Gerald G. Jones, of California.
Howard D. Jones, of Oklahoma.
Walter T. Kamprad, of California.
George R. Kaplan, of Massachusetts.
William G. Keen, of Tennessee.
George R. Kenney, of Illinois.
Miss Virginia L. King, of Nebraska.
Richard F. Kitterman, of Maryland.
William S. Krason, of New York.
John Krizay, of Pennsylvania.
Lyle F. Lane, of Washington.
Miss Lillie Levine, of Iowa.
Miss Eleanor V. Levy, of the District of Columbia.
Samuel W. Lewis, of Texas.
Philip M. Lindsay, of California.
John L. Loughran, of Pennsylvania.
Miss Doris Meltana Luellen, of California.
Mrs. Andrée P. Maddox, of the District of Columbia.
LeRoy Makepeace, of Connecticut.
Donald C. Mansfield, of Virginia.
Robert J. Martens, of California.
Miss Roberta McKay, of Michigan.
Delano McKelvey, of the District of Columbia.
Warren M. McMurray, of Georgia.
John A. McVickar, of New York.
Jack C. Miklos, of Idaho.
Paul M. Miller, of Maryland.
Robert H. Miller, of Washington.
William B. Miller, of Ohio.
George C. Mitchell, of Nebraska.
George C. Moore, of California.
Laurent E. Morin, of New Hampshire.
Albert D. Moscotti, of New Jersey.
Charles Willis Naas, of Massachusetts.
Michael H. Newlin, of North Carolina.
Edward P. Noziglia, of New York.
Frank V. Ortiz, Jr., of New Mexico.
John B. Penfold, of Missouri.
Peter J. Peterson, of California.
Lyle R. Piepenburg, of Wisconsin.
Onesime L. Piette, of New Hampshire.
Clifford J. Quinlan, of Minnesota.
James A. Ramsey, of Massachusetts.
Miss Catherine A. Rock, of Pennsylvania.
Woodward Romine, of Indiana.
Miss Helen W. Rose, of Minnesota.
Robert W. Ross, of California.
Frederick H. Sacksteder, Jr., of New York.
Edwin E. Segall, of Nebraska.
Robert G. Shackleton, of Ohio.
Lawrence W. Sharpe, of Ohio.
Max L. Shimp, of Ohio.
Emery Peter Smith, of the District of Columbia.
Paul A. Smith, Jr., of Virginia.
Eldridge A. Snight, of Virginia.
Herbert Spielman, of Maryland.
Christopher A. Squire, of the District of Columbia.
William A. Stoltzfus, Jr., of New Jersey.
Miss Cherry C. Stubbs, of Minnesota.
Michael H. Styles, of Delaware.
Sidney V. Suhler, of Texas.
Ralph C. Talcott, of Tennessee.
Robert J. Tepper, of New York.
Erwin C. Thompson, of California.
Arthur T. Tienken, of New York.
William D. Toomey, of North Dakota.
Richard D. Vine, of New York.
Robert H. Wenzel, of Massachusetts.
Miss Josephine D. Wharton, of Florida.
Frank S. Wile, of Michigan.
Robert B. Williams, of Kentucky.
Daniel L. Williamson, Jr., of North Carolina.
J. Robert Wilson, of Pennsylvania.
William D. Wolle, of Iowa.
Samuel H. Young, of Florida.

The following-named Foreign Service officers for promotion from class 6 to class indicated:

Class 5

Paul S. Dwyer, of Ohio.
Chris C. Pappas, Jr., of New Hampshire.

To be class 5 and to be also consul of the United States of America

Miss Jane S. Abell, of New Hampshire.
Dwight R. Ambach, of Rhode Island.
Miss Leona M. Anderson, of Iowa.
Robert F. Andrew, of California.
George R. Andrews, of Tennessee.
Richard B. Andrews, of Illinois.
Sam G. Armstrong, of Texas.
James H. Bahti, of Michigan.
Richard W. Barham, of Texas.
Kyle D. Barnes, of Alabama.
Charles White Bass, of Tennessee.
Frederick O. Beattie, of Virginia.
Joel W. Biller, of Florida.
Martin S. Bowe, Jr., of New Hampshire.
Merritt C. Bragdon, Jr., of Maryland.
Michael Buzan, Jr., of Florida.
Byron E. Byron, of California.
Norman L. Cansler, of the District of Columbia.
Frank C. Carlucci, of Pennsylvania.
Robert W. Chase, of Massachusetts.
Ward Lee Christensen, of Oregon.
Joseph A. Cicala, of Connecticut.
Miss John M. Clark, of New York.
Charles B. Cook, 3d, of Pennsylvania.
Dwight M. Cramer, of Nebraska.
Miss Maurine Crane, of Utah.
Miss Jane A. Culpepper, of Louisiana.
Martin A. Dale, of New Jersey.
Allen C. Davis, of Tennessee.
Thomas W. Davis, Jr., of California.
John L. De Ornellas, of Alabama.
Willard A. De Pree, of Michigan.
Morris Draper, Jr., of California.
Frank D. Durfey, of Minnesota.
Richard W. Dye, of New York.
Harland H. Eastman, of Maine.
Raymond W. Eiselt, of California.
Michael E. Ely, of New York.
Edward B. Fenstermacher, of Pennsylvania.
Richard W. Finch, of Ohio.
Eric W. Fleisher, of Maryland.
Francis L. Foley, of Colorado.
Richard Forschner, of New Jersey.
Theodore T. Franzen, of Massachusetts.
C. Jefferson Frederick, of Washington.
Gerald A. Friedman, of Florida.
Jack Friedman, of the District of Columbia.
Miss Ellen Cavrisheff, of Texas.
Robert K. German, of Texas.
Miss Eleanor Van Trump Glenn, of Georgia.
Dirk Gleysteen, of Pennsylvania.
Roderick W. Grant, of California.
William B. Grant, of Massachusetts.
James M. Hall, of Washington.
Nea C. Hallett, Jr., of Texas.
C. Norman Hanley, of Washington.
Tobias Hartwick, of Montana.
Miss Edele P. Hauber, of Minnesota.
Frank J. Haughey, of California.
Mrs. Hertha Wegener Heiss, of New York.
Clarence J. Heissel, of California.
Brewster R. Hezenway, of New York.
Charles W. Henebry, of California.
Miss Frances D. Howell, of North Carolina.
James A. Howell, of Texas.
George O. Huey, of Illinois.
Mrs. Ellen G. Johnson, of Missouri.
Richard C. Johnson, of Massachusetts.
Miss Bernice T. Jones, of California.
Miss Betty-Jane Jones, of Wisconsin.
Robert V. Keeley, of Virginia.
Miss Alice E. Kinnare, of Illinois.
Roger Kirk, of Michigan.
Henry G. Krausse, Jr., of Texas.
P. Wesley Kriebel, of Pennsylvania.
Archibald Lappin, Jr., of California.
Burton Levin, of New York.
Orville M. Lewis, of Virginia.
Robert A. Lewis, of New York.
David E. L'Heureux, of New Hampshire.
Jack Liebof, of New York.
Miss Marcia N. Lindgren, of California.
Stephen Low, of Ohio.
Miss Helen K. Lyons, of California.
John W. MacDonald, Jr., of New York.
Julian F. MacDonald, Jr., of Ohio.
Byron P. Manfull, of Utah.
Ernest J. Mansmann, Jr., of Massachusetts.
Hugh J. McCall, of New York.
Franklin O. McCord, of Iowa.
John M. McIntyre, of Illinois.
Frazier Meade, of Virginia.
Calvin E. Mehlert, of California.
Miss Ruth G. Michaelson, of Michigan.
Curtis L. Mills, of West Virginia.
John L. Mills, of Georgia.

Leo J. Moser, of California.
Harry J. Mullin, Jr., of Kentucky.
Frederick E. Myers, of Ohio.
Philip M. Nagao, of California.
Ernest A. Nagy, of Ohio.
Leonardo Neher, of Illinois.
Miss Jeanne C. Nelson II, of Arizona.
Joseph B. Norbury, Jr., of New York.
Miss Geraldine M. Oliva, of Oregon.
Miss Nancy Ostrander, of Indiana.
John G. Panos, of Illinois.
Gabriel J. Paolozzi, of Nevada.
Grenfell L. Penhollow, of Nebraska.
Frederick P. Picard III, of Nebraska.
Arthur L. Price, of Illinois.
Leon Pukach, of Maryland.
Harry A. Quinn, of California.
Miss Nancy V. Rawls, of Georgia.
Owen W. Roberts, of New Jersey.
J. Leopoldo Romero, of California.
Miss Brynhild C. Rowberg, of Virginia.
Paul Sadler, of Tennessee.
Edward W. Schaefer, of Connecticut.
Alfred Schelp, of Missouri.
Miss Ruth Schneider, of New York.
Gerald Schwab, of New Jersey.
Mrs. Ree C. Shannon, of North Carolina.
Harry W. Shlaudeman, of California.
George W. Small, of West Virginia.
Miss Violet Smith, of New York.
Michael Smolik, of Oregon.
Raymond J. Swanson, of California.
Joseph Terranova, Jr., of Maryland.
Rose P. Titus, of Illinois.
Terence A. Todman, of the Virgin Islands.
Donald R. Toussaint, of California.
Miss Frances A. Usenik, of Minnesota.
Nicholas A. Veliotes, of California.
Leland W. Warner, Jr., of Kansas.
Mrs. Margaret P. A. Welsh, of Louisiana.
John P. Wentworth, of Washington.
John Quincy White, of Minnesota.
Frontis B. Wiggins, Jr., of Georgia.
Miss Suzanne S. Williams, of Ohio.
Victor Wolf, Jr., of New York.
Arthur H. Woodruff, of the District of Columbia.
Miss Olga M. Zhivkovitch, of Illinois.

The following-named Foreign Service officers for promotion from class 7 to class 6:

Anthony C. Albrecht, of Virginia.
J. Bruce Amstutz, of Massachusetts.
Andrew Andranovich, of Connecticut.
Oler A. Bartley, Jr., of Delaware.
Frank L. Berry, of Kentucky.
David A. Bette, of New York.
H. Eugene Bovis, of Florida.
Everett E. Briggs, of Maine.
Bazil W. Brown, Jr., of Pennsylvania.
Thomas R. Buchanan, of Illinois.
Charles R. Carlisle, of Florida.
Gordon Chase, of Massachusetts.
Richard S. Dawson, Jr., of California.
Miss Stella M. Deinzer, of New York.
Robert W. Drexler, of Wisconsin.
Thaddeus J. Figura, of Illinois.
Robert L. Flanegin, of Illinois.
Robert L. Funseth, of New York.
Paul F. Gardner, of Texas.
Miss Kathryn M. Geoghegan, of Colorado.
Ralph H. Graner, of New York.
Carl J. Grip, of California.
Walter V. Hall, of Virginia.
Charles R. Hartley, of the District of Columbia.
Roger P. Hipskind, of Illinois.
Thomas J. Hirschfeld, of New York.
Robert M. Immerman, of New York.
George W. Jaeger, of Missouri.
James T. Johnson, of Montana.
Donald A. Johnston, of New York.
Robert M. Kline, of Connecticut.
Tadao Kobayashi, of Hawaii.
Larry E. Lane, of Texas.
Robert Gerald Livingston, of Connecticut.
Alan Logan, of California.
Peter P. Lord, of Massachusetts.
James Gordon Lowenstein, of Connecticut.
Paul B. McCarty, of Massachusetts.
Robert Marden Miller, of California.
Jay P. Moffat, of New Hampshire.
Beauveau B. Nalle, of Virginia.
Edward R. O'Connor, of New York.
John L. Offner, of Pennsylvania.
Charles R. O'Hara, of Maryland.
Mark S. Pratt, of Rhode Island.
John D. Scanlan, of Minnesota.
David E. Simcox, of Kentucky.
Edward H. Springer, of Oregon.
Roger W. Sullivan, of Massachusetts.
Miss Thelma R. Thurtell, of California.
D. Dean Tyler, of California.
William Watts, of New York.
William B. Young, of New Hampshire.
Albert L. Zucca, of New York.

The following-named Foreign Service officers for promotion from class 8 to class 7:

Dan Alexander, of Washington.
George Aneiro, of Ohio.
Terrell E. Arnold, of California.
Thomas H. Baldridge, of Iowa.
David P. Banowetz, of Louisiana.
Thomas J. Barnes, of Minnesota.
John M. Barta, of California.
Eugene J. Bashe, of California.
Frank C. Bennett, Jr., of California.
Harry E. Bergold, Jr., of New York.
Miss Emma Bernardon, of New York.
Richard C. Bialock, of Oklahoma.
Nichele C. Bozzelli, of Ohio.
Carroll Brown, of Alabama.
Eugene B. Bruns, of Maryland.
Alanson G. Burt, of California.
Robert S. Cameron, of California.
William Clark, Jr., of California.
John R. Clingerman, of Michigan.
Richard T. Conroy, of Tennessee.
Goodwin Cooke, of New York.
Emmett M. Coxson, of Illinois.
John E. Crump, of Kansas.
Robert R. Dennis, of Pennsylvania.
Robert B. Dollison, of New York.
Miss Suzanne E. Dress, of Pennsylvania.
Robert W. Duemling, of California.
Ernest A. Duff, of Virginia.
William L. Dutton, Jr., of Iowa.
Richard A. Dwyer, of Indiana.
William J. Dyess, of Alabama.
Raymond C. Ewing, of California.
Miss Mary L. Eysenbach, of Connecticut.
Charles E. Finan, of Washington.
Miss Alta F. Fowler, of Virginia.
Howard V. Funk, Jr., of New York.
George A. Furness, Jr., of Massachusetts.
Herbert Donald Gelber, of New York.
Richard J. Gibson, of Michigan.
James L. Gorman, of Oregon.
John M. Gregory, Jr., of New York.
Philip J. Griffin, of the District of Columbia.
John C. Griffith, of Connecticut.
William H. Hallman, of Texas.
Miss Jo Ann Halliquist, of Wisconsin.
Clifford H. Harpe, of Tennessee.
Miss Ange Belle Hassinger, of Louisiana.
Ashley C. Hewitt, Jr., of California.
John W. Holmes, of Massachusetts.
James R. Holway, of Illinois.
Michael P. B. Hoyt, of Illinois.
Martin Jacobs, of New York.
Alton L. Jenkins, of Massachusetts.
Warren Mark Johnson, of California.
Peter E. Juge, of Louisiana.
Frederick T. Kelley, of Massachusetts.
Edson W. Kempe, of California.
James E. Kerr, Jr., of the District of Columbia.
Walter F. Keville II, of Ohio.
John W. Kimball, of California.
Robert Kurlander, of New York.
David C. Lacey, Jr., of Ohio.
Miss Morelle Lasky, of California.
Alan F. Lee, of Illinois.
Sam K. Lesher, of Colorado.
Melvin H. Levine, of Massachusetts.
Wingate Lloyd, of Pennsylvania.
Robert S. Lowen, of New York.
George Q. Lumsden, Jr., of New Jersey.
Edward J. Maguire, Jr., of California.
Edward J. Malonis, of Massachusetts.
Wade H. B. Matthews, of North Carolina.
Henry Ellis Mattox, of Mississippi.
James A. Mattson, of Minnesota.
W. Douglas McLain, Jr., of Illinois.
Noble M. Melencamp, of Kansas.
Stanley R. Miller, Jr., of Florida.
Herbert T. Mitchell, Jr., of North Carolina.
John C. Monjo, of Connecticut.
John T. Morgan, of Illinois.
Gottfried W. Moser, of New York.
Robert B. Oakley, of Louisiana.
Oscar J. Olson, Jr., of Texas.
Ronald D. Palmer, of Michigan.
Thomas J. Pape, of Texas.
Sydney E. Paulson, of Michigan.
George A. Pavlik, of Iowa.
John A. Perkins, of California.
Miss Emily Perreault, of Illinois.
Lawrence Pezzullo, of New York.
Homer R. Phelps, Jr., of New York.
Martin Polstein, of New York.
Dale M. Povenmire, of Ohio.
Frederick D. Purdy, of Pennsylvania.
Walter G. Ramsay, of Virginia.
William E. Rau, of Missouri.
Miss Rozanne L. Ridgway, of Minnesota.
George B. Roberts, Jr., of Pennsylvania.
John T. Rogerson, Jr., of Florida.
George M. Scanlan, of New York.
Orville H. Schmidt, of Minnesota.
Roger C. Schrader, of Missouri.
Glenn E. Schweitzer, of California.
Leslie Andrew Scott, of New York.
Arthur P. Shankle, Jr., of Texas.
David D. Shobe, of Illinois.
Robert Lee Shuler, of Virginia.
John P. Shumate, Jr., of California.
William L. Simmons, of Mississippi.
Clint E. Smith, of New Mexico.
Joseph L. Smith, of Indiana.
Walter Burges Smith II, of New York.
Wayne S. Smith, of California.
C. Richard Spurgin, of Illinois.
Linwood R. Starbird, of Maine.
Andrew L. Steigman, of New York.
Gerald M. Sutton, of California.
John J. Taylor, of Tennessee.
James M. Thomson, of Minnesota.
Thomas A. Thoreson, of Illinois.
Donald C. Tice, of Kansas.
Blaine C. Tueller, of Utah.
John T. Vanderveen, of California.
Leonard A. Warren, of California.
Ronald A. Webb, of California.
Benjamin Weiner, of New York.
Alfred J. White, of the District of Columbia.
Alfred W. Whiting, of Kansas.
James P. Willis, Jr., of California.
Dawson S. Wilson, of Florida.
Herbert Gilman Wing, of Pennsylvania.
Edward C. Woltman, Jr., of Indiana.
Brooks Wrampelmeier, of Ohio.
Edward E. Wright, of Louisiana.

The following-named persons for appointment as Foreign Service officers to the grade indicated:

Class 2, consul, and secretary in the diplomatic service of the United States of America

George Dolgin, of Maryland.

To class 3, consul, and secretary in the diplomatic service of the United States of America

Merrill M. Blevins, of Kentucky.
Horace P. Byrne, of New York.
Edward A. Dow, Jr., of New York.
Thomas H. Englesby, of the District of Columbia.
Elmer M. Falk, of Virginia.
Jorma L. Kaukonen, of California.
James F. Magdanz, of Virginia.
William J. Tonesk, of Alabama.
Paul A. Toussaint, of New Hampshire.
Mrs. Virginia C. Westfall, of Virginia.
Mrs. Doris S. Whitnack, of Virginia.

To class 4, consul, and secretary in the diplomatic service of the United States of America

John Royle Baxter, of Maryland.
George M. Bennaky, of Virginia.
Irving G. Cheslaw, of Maryland.

David S. Ennis, of Florida.
Edzard S. Hermberg, of California.
Murray E. Jackson, of Illinois.
John Church Renner, of Ohio.
W. John Wilson, of California.

To class 5, consul, and secretary in the diplomatic service of the United States of America

Lawrence H. Harris, of California.
Harry V. Rydee, Jr., of Pennsylvania.
Miss Elizabeth B. Tolman, of Massachusetts.

To class 6, vice consul of career, and secretary in the diplomatic service of the United States of America

Miss Bernice M. Kelly, of Texas.
Elwood J. McGuire, of Connecticut.
William G. Murphy, of Massachusetts.

To class 7, vice consul of career, and secretary in the diplomatic service of the United States of America

Burton M. Chadbourne, of the District of Columbia.
Miss Rose M. Dickson, of New York.
Lyman W. Priest, of Arkansas.
Miss Marjorie A. Sutton, of Colorado.
James A. Verreos, of Missouri.

To class 8, vice consul of career, and secretary in the diplomatic service of the United States of America

Morton I. Abramowitz, of Massachusetts.
Francesco J. Alberti, Jr., of California.
Scott I. Amour, of California.
Carl A. Bastiani, of Pennsylvania.
Calvin C. Berlin, of Ohio.
David E. Blitchik, of New York.
John A. Bushnell, of California.
David W. Carr, of Massachusetts.
Anthony S. Dalsimer, of New York.
V. Raymond Dickey, of South Dakota.
Richard A. Dugstad, of Virginia.
Jay P. Freres, of Illinois.
Miss Marlene W. Futterman, of New York.
George G. B. Griffin, of South Carolina.
Miss Lois Haase, of Missouri.
Gabriel C. Hanson, of Illinois.
Pierre N. Hartman, of Colorado.
Martin G. Heflin, of Florida.
David C. Holton, of Virginia.
Richard F. King, of Louisiana.
Anthony S. Kochanek, Jr., of New Jersey.
William E. Landfair, of Ohio.

To class 9, vice counsel of career, and secretary in the diplomatic service of the United States of America

Paul A. London, of New York.
David W. McClintock, of California.
Harry Macy, Jr., of Florida.
Miss Priscilla E. Mitchell, of Indiana.
Miss Sandra A. Nelson, of New Jersey.
Donathon C. Olliff, of Alabama.
Gerald G. Oplinger, of Pennsylvania.
Miss Allison Palmer, of New York.
Frederick J. Plotrow, of New York.
Allen Van Potts, of Utah.
Anthony C. E. Quainton, of Washington.
Thomas J. Roesch, of Ohio.
David Rowe, of Maryland.
Thomas J. Scanlon, of California.
Miss Marilyn M. Shepherd, of North Carolina.
Richard W. Smith, of New York.
Roger A. Sorenson, of Utah.
Frederic N. Spotts, of Massachusetts.
Dirck Teller, of Maryland.
Richard S. Thompson, of Washington.
George R. Tolles, of Ohio.
Gary L. Vyne, of Arizona.
Raymond J. Wach, of Ohio.
John D. Whiting, of Wisconsin.
William B. Whitman, Jr., of Illinois.
Roderick M. Wright, of California.

The following-named Foreign Service officer to class 8, vice consul of career, and secretary in the diplomatic service of the United States of America. (This nomination is submitted for the purpose of correcting an error in the nomination as submitted to the Senate on Aug. 4, 1959, and confirmed by the Senate on Aug. 12, 1959.)

Arthur J. Laemmerzahl, of New Jersey.

The following-named Foreign Service Reserve officers to the office indicated:

To be consul of the United States of America

Martin H. Armstrong, of Washington.
Willard B. Devlin, of Pennsylvania.
John A. Noon, of Maryland.
Edward Stansbury, of Connecticut.

To be consul and secretary in the diplomatic service of the United States of America

Richard P. Mitchell, of Pennsylvania.

To be vice consul of the United States of America

Maurice J. Gremillion, of Texas.
Russell S. Hibbs, of Missouri.
F. Raymond Senden, of California.

To be secretary in the diplomatic service of the United States of America

Richard T. Akins, of California.
Edwin U. C. Bohlen, of Maine.
G. Stanley Brown, of Oklahoma.
James P. Burke, of Maryland.
William A. Campbell, of California.
Harold C. Champeau, of Maryland.
Thomas J. Flores, Jr., of New York.
Joseph E. Lazarsky, of Virginia.
Robert D. Murphy, of Maryland.
Oliver M. Silsby, of Maryland.

The following-named Foreign Service staff officers to be consul of the United States of America:

Roger K. Ackley, of Maryland.
Arthur C. Bartlett, of Connecticut.
William L. Green, Jr., of North Carolina.
Preston Vallen, of Tennessee.

HOUSE OF REPRESENTATIVES

FRIDAY, MARCH 18, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

I Corinthians 3: 9: *We are labourers together with God.*

Our Father God, we rejoice that in every age there have been those who lift up hands in prayer and find in Thee a refuge. Put into our hearts that restlessness that calls to Thee in the voice of love, of intercession, of thanksgiving.

Let not our hands be withered by the selfish apathy of indifference in this time of international tension, of misunderstanding, of fear. Rather, may they be stretched forth in loving service at Thy command.

Amid surrounding temptations, grant us, hour by hour, the strength to be Thy disciples. Open our hearts and minds to the needs of those in whose midst Thou hast placed us, that we may live among them as the salt of the earth.

Forgive our many failures to live worthily as Thy children. Grant each of us grace enabling us in thought, word, and deed, so to live that Thy kingdom may come and Thy will be done on earth as it is in heaven, through Jesus Christ, our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Ratchford, one of his secretaries.

DISPENSING WITH CALENDAR WEDNESDAY NEXT WEEK

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that Calendar Wednesday of next week be dispensed with.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SPECIAL ORDERS GRANTED FOR MAY 11

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that immediately preceding the special order granted me for May 11, the following Members may be permitted to address the House in this order: Mr. COOLEY, of North Carolina, for 30 minutes; Mr. POAGE, of Texas, for 30 minutes; and Mr. WHITTEN, of Mississippi, for 30 minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PRESERVE THE NATIONAL FORESTS

Mr. DOWDY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DOWDY. Mr. Speaker, the national forests have become highly important to the economy of the areas in which they are situated. This is particularly true of the Seventh Congressional District of Texas, which I am honored to represent. Our national forests are highly developed and well managed. They provide large supplies of raw material for industry, and create employment for many people living in the area. A generous portion of the proceeds from timber sales is paid to the counties and school districts in lieu of taxes. In addition, the national forests provide recreation facilities, range, water conservation and wildlife preserves.

Periodically, and particularly in election years, these national forests in East Texas become a political football, as special interests seek to obtain ownership and control. This should not be.

The forests have been brought to the stage of near maximum production at the expense of the taxpayer. They are now paying a profit—one of few Government ventures that do show profit. For many reasons, these forests should be preserved for posterity. Need for them will increase, and their value will be greater with passing years. So long as I am a Member of Congress, I will continue to oppose any proposal to sell, give away or otherwise dispose of the national forests in our area. I am sure most of you feel the same way.

There is a pending House bill, H.R. 10465, to confirm management of our national forests by the National Forest Service under the Department of Agriculture. This bill should be enacted, and when it comes up for vote, I ask your consideration and support of an amendment to assure that ownership of the national forests remains with the people and does not pass into the hands of vested interests.

WORLD DAY OF PRAYER

Mrs. ST. GEORGE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. ST. GEORGE. Mr. Speaker, today has been set aside by many Christians in our country and all over the world as "World Day of Prayer."

No matter what church we belong to, we who live and work in these troubled times, both at home and abroad, know the necessity of prayer. We are happy that this day is another reminder that we have the power to turn to Him who has all power and glory, to ask His blessing upon us, upon our work here and upon our country.

Our Chaplain has just used one of the prayers suggested for today by the National Council of the Churches of Christ in their "Call to Prayer." He has read the text for today:

For we are laborers together with God, ye are God's husbandry, ye are God's building.

This we believe and so, believing, we are well assured that under all things are the Everlasting Arms.

ADJOURNMENT UNTIL MONDAY NEXT

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PROGRAM FOR NEXT WEEK

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HALLECK. Mr. Speaker, I ask for this time in order to inquire of the majority leader concerning the program for next week.

Mr. McCORMACK. Mr. Speaker, Monday we will take up the Consent Calendar.

There are several suspensions.

First. H.R. 7279, to authorize Hubbell—Arizona—Trading Post National Historical Site.

Second. H.R. 7579, land acquisition, Pan American Health Organization.

That is, if these bills are not passed on the Consent Calendar, or some of them.

Third. S. 601, construct Bardwell Reservoir.

Fourth. H.R. 5055, relating to real estate in St. Augustine, Fla.

Fifth. H.R. 9084, relating to retirement promotion, Coast and Geodetic Survey.

Sixth. H.R. 9599, authorizing service to Canadian vessels in Alaska ports.

Seventh. H.R. 10840, to amend the Shipping Act regarding rate contracts.

Eighth. S. 1712, to extend the Motor Boat Act to possessions of the United States.

Ninth. S. 2185, recognition of SS *Meredith Victory*.

Tenth. S. 2482, relating to geographical limitations, Coast and Geodetic Survey.

Eleventh. S. 2483, relating to the Coast and Geodetic Survey and Weather Bureau functions.

Then there will be the continuation of the consideration of the bill H.R. 8601, the civil rights bill of 1959, and that will proceed until it is disposed of. After that will be the bill H.R. 5, the foreign investment incentive bill of 1959. I understand about 30 minutes remain in general debate on that bill.

I make the usual reservation that any further program will be announced later, and that conference reports may be brought up at any time.

Further, I understand there are two or three reports out of the Committee on House Administration in relation to funds for a number of different committees of the House. I do not have those resolutions before me, at this time, but of course they will have preferential status and will be listed for the information of the House.

In all probability the following bills will be brought up next week:

House Resolution 437, to provide an additional $15,000 for the Committee on Interior and Insular Affairs;

House Resolution 441, to provide an additional $168,000 for the Committee on Education and Labor—technically amended;

House Resolution 460, to provide an additional $400,000 for the Committee on Government Operations;

House Resolution 472, authorizing the printing as a House document a publication entitled "Sports-Fishing Industry in California and the Pacific Northwest";

House Concurrent Resolution 607, authorizing the printing as a House document of the pamphlet entitled "Our American Government. What Is It? How Does It Function?" and an additional 1,074,000 to be printed for congressional distribution—2,000 copies to each House Member and Senator;

Senate Concurrent Resolution 80, authorizing the printing of 1,000 additional copies of part I of the hearings on an inquiry into the satellite and missile programs;

H.R. 7923, to eliminate the fixed limit of authorization for expenditures of the Commission of Fine Arts;

House Joint Resolution 502, authorizing the erection in the District of Columbia of a memorial to Mary McLeod Bethune;

House Joint Resolution 546, authorizing the Architect of the Capitol to present to the Senators and the Representative from Hawaii the first official flag of the United States bearing 50 stars which is flown over the west front of the Capitol;

Senate Joint Resolution 128, to establish a commission to formulate plans for a memorial to James Madison; and

A resolution declaring that Representative WINT SMITH was duly elected to the 86th Congress from the Sixth Congressional District of Kansas.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 361)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Science and Astronautics and ordered to be printed with illustrations:

To the Congress of the United States:

Pursuant to the provisions of the National Aeronautics and Space Act of 1958, I transmit herewith for the information of the Congress the second semiannual report of the National Aeronautics and Space Administration, covering the period April 1, 1959 through September 30, 1959.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *March 18, 1960.*

CALL OF THE HOUSE

Mr. SMITH of Virginia. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 27]

Anderson, Mont.	Derwinski	Montoya
Ayres	Diggs	Moore
Barry	Edmondson	O'Brien, N.Y.
Baumhart	Gray	Powell
Becker	Green, Pa.	Quie
Bennett, Mich.	Hess	Rogers, Tex.
Bentley	Jackson	Scherer
Blitch	Johnson, Colo.	Shelley
Brewster	Judd	Sheppard
Broomfield	Kasem	Taylor
Burdick	Landrum	Ullman
Carnahan	Miller, N.Y.	Van Pelt
Cederberg	Minshall	Willis
	Mitchell	

The SPEAKER. On this rollcall 391 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CIVIL RIGHTS

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the

Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 8601, with Mr. WALTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday there was pending the amendment of the gentleman from Ohio [Mr. MCCULLOCH], and the substitute amendment of the gentleman from New York [Mr. CELLER] to the McCulloch amendment.

Mr. MEADER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MEADER to the amendment offered by Mr. CELLER as a substitute for the amendment offered by Mr. MCCULLOCH: On page 3, line 21, strike out the word "shall" and insert "may".

Mr. MEADER. Mr. Chairman, the effect of this amendment is to permit the court, appointing a referee, to specify whether or not the proceedings before the referee will be ex parte or adversary. I think this amendment should be accepted.

Mr. Chairman, I voted for the Civil Rights Act of 1957. In the Antitrust Subcommittee of the Committee on the Judiciary, I voted for the civil rights bill introduced by the gentleman from Ohio [Mr. MCCULLOCH], to report it to the full committee. Actually the subcommittee reported the bill of the gentleman from New York [Mr. CELLER].

I attended the lengthy executive sessions of the Committee on the Judiciary and voted to report out the bill which is before us, H.R. 8601, and I intend to vote for the bill.

We did not have before us the so-called voting referee proposal when we considered and reported H.R. 8601. I attended both of the hearings that were held on that proposal last month and participated actively in the discussion.

I must say, Mr. Chairman, on an issue of this kind, on a national policy so important as guaranteeing the right to vote to all citizens, we may have a tendency to be impatient and perhaps to take shortcuts. And I may say that in the discussion of the amendments which have been acted upon before, many of us who have been doubtful about the provisions of the original voting referee bill I believe have made a contribution to the improvement of that measure because the bill H.R. 11160 we now have before us is far superior to the original bill H.R. 10035, primarily in guaranteeing due process to the persons affected thereby.

Mr. Chairman, this amendment is important, and I want to quote from the hearings because, when Judge Walsh appeared before us he did not insist on the ex parte type of referee proceeding. I want to quote from page 5, starting with the question asked by the chairman of the committee, the gentleman from New York [Mr. CELLER]. His question was:

In other words, you do not spell out the nature of the proceeding before the referee at all?

Mr. WALSH. No, sir.

I realize that there has been some comment that that would be desirable. We have no rigid views on that. We felt that this should be left in the hands of the local Federal judge. He knows his community, he knows his problem, he knows his people, and he knows his referee that he is going to appoint. He can control all that in his own discretion. But, I have submitted this morning, not as a recommendation of the Department, but as language to show how these incidental procedures could be spelled in greater detail than the Attorney General's proposal and Congressman MCCULLOCH's bill now spell them out.

Mr. MEADER. Are you referring to page 7, where you say the court will provide in its order for notice to the other parties, and so on?

Mr. WALSH. Page 7 of my statement; yes, sir.

Mr. MEADER. You think that is what the court will do, but you do not think it should be written into the law, that the procedure that you outline on page 7 should be incorporated in the bill as a requirement?

Mr. WALSH. That is right. I did not think it was necessary. I think any judge would do it that way, Congressman MEADER. That is the way he would do it.

The only thing we needed this bill for was to make clear what the applicant would have to show in order to qualify to vote before the referee. That was the important part of the bill.

The incidental procedures of how the referee shall report to the court and when, and exactly how notice will be given to the other parties of the action, we intend to leave to the judge. He would follow the usual practices you do where you have a referee to report to you.

Mr. MEADER. Well, it is conceivable that the judge in his order appointing the referee might provide, not for an ex parte proceeding, but an adversary proceeding before the referee.

Mr. WALSH. He could. He could do that.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Louisiana.

Mr. WILLIS. I want to ask this question as a matter of legislative history. Do I correctly understand that what the gentleman has in mind, the import of his amendment, is to the effect that a proceeding before the voting referee shall be conducted under such rules as a Federal judge may himself promulgate from time to time?

Mr. MEADER. That is precisely the effect of my amendment, to do precisely what Judge Walsh said he thought would happen if no language to that effect were in the bill at all.

Mr. WILLIS. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan [Mr. MEADER] may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WILLIS. Specifically these rules would be left to the Federal judge. It is definitely understood, I take it, that it will not be left up to the referee to determine whether or not the proceedings will be ex parte. That will have to be under the direction of the judge.

Mr. MEADER. In the order appointing the referee the judge would specify whether the referee would proceed upon an ex parte or an adversary basis. As I understood the testimony of Judge Walsh, that was all right with him when he appeared before our committee on February 9.

I read another passage from the proceedings of the same day, at the bottom of page 9:

Mr. MEADER. This question of procedure again comes up. The referee proceeds, as I believe you said, on an ex parte basis.

Mr. WALSH. No. That is the way I would assume the judge would have him proceed. That is the way it is anticipated he would proceed.

Mr. MEADER. I think in most referee and master proceedings, all parties to the controversy are given an opportunity to be present, to present evidence, to cross-examine witnesses and be heard before a referee, and some kind of a record is maintained of the evidence. There is nothing in here that provides for notice to the parties against whom a decree is going to run; there is no provision for their appearance, presentation of evidence, cross-examination of witnesses, or the preservation of a record of the evidence.

Mr. WALSH. That is all left to the judge. The anticipated procedure is that he would have the referee report to him as to the qualifications of individual applicants, and when he had enough to conduct a worthwhile hearing on it, he would give notice to the State registrar and to the other parties of the original, underlying proceeding, so that they could come in and except to the referee's report and be heard to whatever extent they are entitled to be heard before the court itself.

I know the gentlemen opposing this amendment will say, Yes, the referee proceeds in a star chamber proceeding hearing only the applicant, and the people who are charged with having denied the right to vote are not entitled to be present, they are excluded. Then after the report is served on the defendants by the attorney general with an order to show cause, they may come in and file exceptions to the report of the referee. Then if there is an issue of fact the court may hear that issue of fact himself or refer it back to the referee.

I believe that the court, if it feels that it should, should have the discretion to provide that those against whom the contempt order of the court is going to run should be able to participate in the making of the factual record upon which they will be held in contempt of court, right from the very beginning.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield.

Mr. SMITH of Virginia. Would the gentleman indicate in which line on page 3 the word "shall" will be changed to "may"?

Mr. MEADER. Line 20, page 3. The sentence would then read as follows:

In a proceeding before a voting referee, the applicant may be heard ex parte.

Not "shall be heard ex parte."

Mr. Chairman, I think we have an obligation to make this bill, if it becomes law, one that will be upheld by the courts.

If there is a denial of due process, that will be one ground upon which this bill would not become operative. If there is anything we can do, in addition to what we have done, to make certain this law will work, I think we have an obligation to do it. I believe when we vest discretion in the court to specify whether the referee proceed on an ex parte or adversary basis, we strengthen the law and avoid one ground on which its constitutionality could be challenged.

It seems to me that it is only proper and that it will insure that persons who will be charged with contempt on the record made by the referee will not have been denied their day in court. That is something, which to me, is rather against our whole system of justice, to have important findings that may affect the liberty of an individual made in an ex parte star chamber proceeding. What is wrong with an adversary proceeding?

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield.

Mr. HOLTZMAN. The gentleman speaks of important findings. Naturally, the only findings the voting referee can make is as to the applicant's age or residence and his or her prior efforts to register and vote; is that not so?

Mr. MEADER. The findings of the referee would be as to whether the person was qualified to vote under the State law, and, second, that he had been deprived of the right to register.

Mr. HOLTZMAN. What is wrong with having a referee administratively determine those things ex parte? What is so important about those particular findings that we must open the door to another contest each and every time?

Mr. MEADER. I say it is important for the referee to get the truth, and the best way to get the truth is to have both parties to the controversy present there before him.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, anticipating the amendment offered by the gentleman from Michigan, I communicated with the Department of Justice to get their views on this very matter. I now read a communication I received from Deputy Attorney General Lawrence E. Walsh:

I understand that Mr. MEADER has proposed an amendment to the voting provisions of the administration's civil rights bill—

As a matter of fact, I should say it is not necessarily the administration's civil rights bill—the bill bears my name—but, however, continuing—

which would make it discretionary for the judge who appointed the referee to provide that the proceedings before the referee be adversary proceedings rather than ex parte.

As you will remember, the bill which was first submitted on this subject did not prescribe the procedure to be followed before the referee, and it was originally—

And I emphasize the word "originally"—

it was originally the view of the Department of Justice that this could be left to the discretion of the judge. This was my view at the time I testified before the Judiciary Committee on February 9, as I also testified—

And the distinguished gentleman who offered the amendment does not point that out—

I also testified, however, it was always the assumption of the Attorney General and me that the proceedings before the referee should be ex parte.

Mr. Chairman, I should now like to read what the Deputy Attorney General, Judge Walsh, said in that regard. The distinguished gentleman from Michigan read only part of his testimony. What I am about to read from now is to be found on page 10 of the committee hearings.

Mr. MEADER. Mr. Chairman, will the gentleman yield since he has referred to me?

Mr. CELLER. I yield.

Mr. MEADER. I am sure the gentleman from New York did not hear me read that, but I did read that part of his testimony.

Mr. CELLER. The gentleman says he read the testimony on page 10?

Mr. MEADER. I read it, and he said, "Certainly, he anticipated that." It is on pages 5 and 6 and pages 9 and 10.

Mr. CELLER. Yes; but I want to continue and I should like to read this and I should like the members of the committee to harken faithfully unto what Judge Walsh said, and you will find this on page 10:

Mr. MEADER. My attention has been called to a mimeographed draft with no number and no indication who the author is. On page 2 of this draft, it expressly directs that the application shall be heard ex parte.

Mr. WALSH. I can explain who the author is of this draft, because it is the Department and I. The purpose of the draft was this:

There had been considerable comment exactly along the lines on which you have been proceeding: that the procedures before the referee are not spelled out, and there is not a clear understanding of how this would proceed before the referee, and how it would come to the court, and where there would be opportunity to be heard, and so forth.

We thought that this was all a matter which should be left in the hands of the Federal district judge. He will provide for all that in his order. He issues an order of injunction, and he appoints a referee, and then he is going to tell the referee exactly how he wants him to proceed, whether ex parte or how, and when he is to give notice to the other parties, and so forth. That would all be laid out in the district judge's order in the basic case in which the court found a pattern of discrimination.

But if it were felt by Congressman MCCULLOCH or any member of this committee that this would be better clarified, this language has been prepared which I have just submitted, and which I should like to make a part of the record, if the chairman will permit it——

And the language is as we have it in H.R. 10625.

Now, going further and reading from the letter just received from the Deputy Attorney General, I find the following:

When it was so clearly indicated by the members of the committee that the procedure to be followed should be spelled out in greater detail, we undertook to do this, prescribing the procedures not only before the referee but before the court as well. The result was the bill which was introduced as H.R. 10625.

This bill, in addition to requiring that the proceedings before the referee shall be ex parte, also provided the exact manner in which exceptions to the referee's report should be determined. Whereas the original bill would have required the court to accept the findings of the referee unless clearly erroneous, H.R. 10625 and the later draft of the bill do not contain that provision.

I think the gentleman from Michigan will remember there was a change where the bill was modified, and the word "erroneous" was stricken.

As now drawn it requires an adversary proceeding at that point after the report of the referee is submitted to the court. To permit the proceedings before the referee also to be adversary proceedings would cause unnecessary duplication. It would result in the matter being tried out in adversary fashion before the referee and then again on exceptions before the judge. This would be altogether too cumbersome.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. CELLER was granted 5 additional minutes.)

Mr. CELLER (reading):

There can be no justification for such duplication which will only throw new difficulties in the path of the applicant.

Having now spelled out in detail the procedure to be followed from beginning to end, there is no place or need for adversary proceedings before the referee. The rights of all parties can be adequately protected by exceptions raised to his report.

When the matter comes before the referee, all he determines is whether an individual is qualified under State statute. To make that an adversary proceeding, with all that it implies, with examinations, cross-examinations, the subpenaing of all records, cross-examinations, redirect examinations and recross-examinations, the matter will be drawn out until kingdom come. Therefore you will have the same situation that we would have if we had adopted the amendment offered by the gentleman from Louisiana [Mr. WILLIS], which we turned down.

For that reason, I hope that the amendment offered by the gentleman from Michigan [Mr. MEADER] will be rejected.

The CHAIRMAN. The time of the gentleman from New York [Mr. CELLER] has again expired.

Mr. BUDGE. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, at an appropriate time it will be my purpose to seek recognition to introduce an amendment to this bill and which I think should be adopted.

When one goes back to the enforcement acts, to implement the Reconstruction Act, back in 1870, and again in the recommendations of the Civil Rights Commission and again in the original registrar proposal of the gentleman from New York, the distinguished chairman of the Judiciary Committee, and when we read the expressed sentiments of the distinguished gentleman from Ohio, the ranking Republican member of the committee, we find that throughout there has been always a limitation that the Federal procedures shall be limited to elections of Federal officials.

What has happened in this last draft which was introduced on March 14? Instead of containing any limitation as to Federal officials or any Federal connection, in any event, this bill now covers every election which is held in the United States. It covers all municipal elections; it covers all school trustee elections, highway trustee elections, it covers all bond elections, all local option elections; as a matter of fact, in my State of Idaho we have had very vigorous campaigning recently in our municipalities on what is called the dog-leash law. It has attracted real attention. The sole issue is whether or not a dog off the owner's premises should be required to be constrained with a leash.

The bill we are now considering would permit the invoking of Federal procedures in such an election as it would with every municipal officer, every county officer, and all of the other subdivisions of the individual States.

My proposal is simply this: I do not restrict it to Federal officials only, or Federal offices, but I propose to offer language which will not take anything from the bill but will simply provide that these Federal procedures shall be invoked only when there is a Federal official on the ballot. In other words, if there is a candidate for the U.S. Congress, if there are presidential electors, or if there is any other possible Federal connection, then the Federal procedures can be invoked, and the individual shall be entitled to vote for every proposition on the ballot and every public official being voted on in that election.

I note that our great President in his news conference day before yesterday said he thought far too much Federal interference had been injected into this question and he hoped the States would be permitted to resolve some of these things locally.

There is absolutely no justification for requiring Federal intervention in purely local matters, and I sincerely hope I may have the support of the committee.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. BUDGE. I yield to the gentleman from New York.

Mr. CELLER. I asked the gentleman to yield merely for the purpose of correcting the RECORD, and I am sure the gentleman does not mind being corrected. The gentleman made reference to the old Reconstruction statute and stated it applied only to Federal elections. I have the old Reconstruction statute right before me. It reads as follows:

> All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote in all such elections without distinction of race, color, or previous condition of servitude, any constitution, law, custom, usage, or regulation of any State or Territory or by or under its authority to the contrary notwithstanding.

I am referring to the United States Code Annotated, title 42, page 62. We have the citations of the Supreme Court which held that the original statute was constitutional and when we had the 1957 act before us we used this exact wording. In the 1957 act where there has been proscription under color of law, where there has been a denial under color of law, by a State authority or State official, that act applies to all elections, Federal, State, municipal, parish or county—all elections. I can assure the gentleman that he may not be correct in his citation in view of the old language.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

(By unanimous consent, Mr. BUDGE was allowed to proceed for 5 additional minutes.)

Mr. BUDGE. I may say to the distinguished chairman of the Committee on the Judiciary, and I hope he is noting what I am about to say, the act which he read is the basic act. The enforcement provisions, as I have previously said, of the Reconstruction days were limited to Federal officers. We are here considering an enforcement statute. I have heard it said if this amendment were adopted, that in the South they would change the dates of their elections so they would not coincide. If there is a boobytrap in this law that would be it. Actually you are restricting all of the rest of the country. In the Southern States, as we all know, nomination on the Democratic ticket is tantamount to election. All they have to do in the Southern States is to abolish their primaries and nominate in convention and they have gotten over any objection which can be made to this amendment. It is the remainder of the country which will be left with this Federal projection into purely local affairs.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. BUDGE. I yield to the gentleman from Mississippi.

Mr. COLMER. I am wondering whether the gentleman from New York [Mr. CELLER], under his interpretation of the law, is now advocating—and I would like to have his attention—that we return to the dark days following the Civil War and enact the type of legislation that would make the South again in servitude and under the domination of the black man?

Mr. BUDGE. I would say to the gentleman I think we might proceed with this observation too, that the Celler bill requiring registrars to supervise elections is limited to Federal officials, a much more restrictive provision than I intend to offer later on.

Mr. COLMER. Again I would like to have the attention of the distinguished gentleman from New York [Mr. CELLER]. I am going to present another question to him.

When he started this matter of referees he started it by introducing the so-called registrar bill. Now, that registrar bill which he introduced after the committee reported out the bill under consideration here, provided only that the provision would be effective for the election of Federal officials.

Mr. BUDGE. That is right.

Mr. COLMER. That is in his bill. The gentleman had in mind, evidently, he wanted to stay within the recommendations of the Civil Rights Commission which recommended on pages 141 and 142, and I cannot take the gentleman's time to read it, that only elections involving Federal officials would come under that plan that they recommended should be applied. But the gentleman goes beyond that, as does the gentleman from New York, and wants to make it apply to all elections.

May I ask the gentleman from New York again, is he advocating return to the Reconstruction days in this matter?

Mr. BUDGE. Of course, I think this is very pertinent, that the legislation introduced by the gentleman from New York in restricting it to Federal officials was far more restrictive than the proposal which I intend to offer and which I think is very reasonable and certainly more within the framework of the Constitution.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. BUDGE. I yield to the gentleman from Virginia.

Mr. POFF. The gentleman a moment ago, I believe, made reference to what he called the Reconstruction Act and said that the Reconstruction Act applied only to election of Federal officers. I wonder if the gentleman did not have reference to the Enforcement Act of 1870 and 1871 which did apply only to Federal elections, as I am advised.

Mr. BUDGE. I am quite sure that is what I said.

Mr. POFF. And if the gentleman will yield further, I believe that it should be made plain that the difference lies in the fact that the Enforcement Act to which the gentleman intended to refer had to do with Federal supervisors of elections in the South following the War Between the States.

Mr. BUDGE. I thank the gentleman.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

Mr. BUDGE. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. BUDGE. I yield, but I wish the gentleman would direct his remarks as to why he has changed this proposal now to make it include all elections instead of just applying to Federal offices, which was the original proposal in the Celler bill.

Mr. CELLER. I first want to indicate that the recital of the situation by the gentleman from Virginia is correct. I think it coincides with what I said, because there are two distinct old statutes, one, the Reconstruction statute and then the one with reference to Federal registrars, or whatever it was called in those days. Now, as to why I want this bill to apply to both Federal and State elections, it strikes me that if you wanted it to apply only to Federal elections, then you must admit that there is something wrong, and if there is a wrong, that is, a denial of the ballot in

Federal elections, why do you not go all the way and remedy the entire wrong? There must be a wrong also in the denial of the State ballot, and for that reason——

Mr. BUDGE. Mr. Chairman, I decline to yield further, because my time is about up and I want to reply to the gentleman. I would say that the question of right or wrong need not be considered here. It is simply a question whether or not there is a Federal interest in an election in a municipality in Idaho to elect a constable, and I do not think there is any such Federal interest. I also object to setting up this elaborate and expensive procedure where there is no Federal connection. I also think that the gentleman may jeopardize the constitutionality of this legislation by making it as broad as he has done in this most recent proposal. It certainly was not the original proposal that he was talking about when he blamed the Republicans for keeping this bill in the Committee on Rules.

Mr. CELLER. Mr. Chairman, will the gentleman yield further?

Mr. BUDGE. I yield.

Mr. CELLER. The basis for making this proposed statute apply to all elections is found in the 15th amendment, which is very simple, and it says:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.
>
> Congress shall have the power to enforce this article by appropriate legislation.

The amendment does not say only Federal elections. The amendment says the right to vote. And it has been construed quite frequently that when the Constitution says the right to vote it means in all elections, not only in Federal elections.

Mr. BUDGE. Mr. Chairman, I would say in answer to the gentleman that the 15th amendment says this: It guarantees the right to vote; period. We can say that that means for Federal officials. We can read into it what the gentleman is trying to read into it, that it applies to State and local officials. Or we can take it one step further and make it apply to officers of the Elks Club. Maybe we can even make it apply to the office of Idaho State princess in the cherry blossom festival.

Mr. MORRIS of Oklahoma. Mr. Chairman, I rise in support of the Meader amendment.

Mr. Chairman, if the Meader amendment is adopted I think it will improve the bill considerably. I am still very doubtful about the constitutionality of the bill and about the general idea of these referees, and so on.

Mr. Chairman, I went over to the Congressional Library this morning, because I was interested in some legal phases that are involved here that I think are extremely important. I would like to call them to your attention.

It was argued that there is no such thing as a conclusive presumption and at the end of the debate yesterday that statement was challenged. Now I have here the law, very briefly stated, in regard to that matter. I might say that the distinguished gentleman from Georgia [Mr. FORRESTER] asked me to yield and he raised that question and I agreed with him, that I knew of no such thing as a conclusive presumption. I meant by it and my judgment is that he meant by it and all of us meant, who argued that way, that you cannot conclusively presume against somebody who is not in court. You just cannot do that; it is utterly impossible as I see it. There are certain technical conclusive presumptions and concerning that, I should like to read this brief statement. This is from the Cyclopedia of Law and Procedure, volume 16, under the subtitle of "Evidence," at page 1080, under title C. I especially direct this to the attention of those Members who are lawyer Members of the House:

> C. PSEUDO-PRESUMPTIONS OF LAW
>
> 1. In general: Certain so-called presumptions of law deal with no inference of fact; they are usually paraphrases for a rule of substantive law or administration. This is universally true of those termed "conclusive" presumptions—a term which is a misnomer, since ex vi termini a presumption is rebuttable.

So there is no question, as I view it, but that there is no such thing as a conclusive presumption in law in reality even though it is sometimes called that. Now I would like to read something else, and I would like particularly the gentleman's attention in regard to this, because it seems to me this goes to the very vitals of this situation. As I said, I went over to the Congressional Library to look this up and I found that the following statement is made in "Words and Phrases"—permanent edition, volume 33—at page 492:

> A "presumption" can arise only from facts actually proven by direct evidence. A presumption is not a legitimate foundation for a presumption. If this were not true, there would be no limit to conjecture (*Thayer v. Smoky Hollow Coal Co.* (90 N.W. 718, 721, 121 Iowa, 121)).

So you cannot base a presumption upon a presumption.

This bill provides, referring to the person who complains:

> His statement under path shall be prima facie evidence as to his age, residence, and his prior efforts to register or otherwise qualify to vote.

On that there is a presumption. Now you are going to base upon that presumption that some other registrar has failed to do his duty and has discriminated, so you are basing a presumption on a presumption. Not only are you bringing about a conclusion that has been called a conclusive presumption against people that are not in court, you are also basing a presumption upon a presumption. I doubt seriously if you can do that.

The reason I support the amendment offered by the gentleman from Michigan [Mr. MEADER] is that when he strikes the word "shall" and uses the word "may" it is possible, at least, that a judge controlling the matter might be able to operate lawfully and constitutionally under this proposed law. That is a possibility. But as it is now, I doubt seriously if it would be possible to operate under the law constitutionally.

As I have said before, I do not like to use the word "extreme" because I cannot look into the minds of other people. I truly respect all of my colleagues here on both sides. It may be that there are some distinguished ladies and gentlemen in the House who would like to see no bill at all written. There may be some who are willing to write almost any kind of a bill. I do not mean that disparagingly and do not say it is positively true but they apparently feel so deeply about it that they may feel that most any kind of a bill should be written or that none at all should be. I do not belong to either school if such they be. I should like to see a bill that will do definitely all the law can do to do away with discrimination. I want to see every qualified citizen given the right to vote, and I want to help all I can along that line. But when we pass a law, I want it to be good law, that will not be an unconstitutional law or one that will be disruptive of the general welfare of the country and that may do more harm than good. That is why I am so deeply interested in this matter.

Mr. McCULLOCH. Mr. Chairman, I move to strike out the last three words.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from New York.

Mr. HOLTZMAN. The gentleman from Oklahoma spoke of a presumption based upon a presumption. I am sure the gentleman from Ohio will agree with me that that is not the situation in this bill. The fact is that the pattern or practice will have been established, and the law of the case would be that there has been a deprivation. Is not that right?

Mr. McCULLOCH. I agree with the distinguished gentleman from New York. He has correctly stated the effect of the provisions of this bill.

Mr. Chairman, I regret the necessity of opposing the amendment of my able friend from Michigan. He has worked so diligently, so ably, so carefully, and so effectively on this bill in almost every other field that I am unhappy to oppose his amendment. But I want to say this. The amendment offered by the gentleman from Michigan would make it possible to substitute for the ex parte procedures of my voting referee bill a full-scale hearing before the voting referee at which State officials would have an opportunity on notice to appear and be heard.

The mechanics of this whole thing are as follows: First of all, the Attorney General of the United States brings a suit in the Federal court and therein establishes the fact that some people have been denied their right to vote by reason of discrimination solely on grounds of race and color. Therefore, the Attorney General in the same case makes an application to the court to find that that pattern exists. Thereafter and as a part of the same proceeding, the court appoints a referee to receive applications from people who are otherwise qualified to vote under State law and who have been denied the right to vote by reason of race and color.

This amendment of the gentleman from Michigan would set up another

adversary proceeding or hearing where witnesses, both pro and con, would be heard on such application. The type of hearing under this amendment or the authority under this amendment would of necessity be declared at the time the pattern or practice was found by the court because thereafter, without it, the referee would proceed ex parte, anyway. For that reason, Mr. Chairman, I think the amendment ought to be defeated.

Mr. MEADER. Mr. Chairman, will the gentleman yield for a correction?

Mr. McCULLOCH. I am glad to yield for a correction, always.

Mr. MEADER. I want simply to state that the record should show it is permissive with the court. The court could still order the referee to proceed ex parte, if my amendment were in the law.

Mr. McCULLOCH. I agree with the statement of the gentleman from Michigan, but the significant part of the amendment is this, when the pattern is determined and when the referees are authorized and appointed, then the court would of necessity exercise the discretion under the Meader amendment. If no adversary proceedings were ordered, then there would be an ex parte proceedings ordered. But, if adversary proceedings were ordered and the hearings were had, it would apply to every application before the referee even if there were 5,000 separate and distinct applications. You can see that the amendment is unworkable and for that reason the amendment ought to be defeated.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield.

Mr. HOLTZMAN. If this amendment, which has been offered by the gentleman from Michigan [Mr. MEADER] were adopted would it not actually defeat the whole purpose and intention of this civil rights legislation?

Mr. McCULLOCH. It certainly would. Finally, Mr. Chairman, this amendment would give voting officials who have already been found twice guilty of discriminating against people, by reason of race or color who are qualified to vote a third day in court. Such procedure is not in accordance with the expeditious disposition of contested rights in America.

The amendment should be defeated.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. MEADER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. MEADER. The gentleman from New York [Mr. HOLTZMAN] made the statement that this amendment would defeat the whole purpose of the bill. That is an extravagant remark, and I think the RECORD should show that the Department of Justice witness, Judge Walsh, testified that that was their intention originally, to leave it to the discretion of the local judge. That is all that my amendment would do. It would do precisely what the Department of Justice witness suggested at our hearings on February 9.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield to me to respond to the gentleman's statement?

Mr. GROSS. I will yield in just 1 minute. That is just about as extravagant as the remarks we heard here in 1957, when another civil rights bill was before the House and we were told that unless trial by jury in contempt cases was outlawed it would wreck the purpose of that bill. Yet the other body took the bill passed by the House and reestablished the right to trial by jury in contempt cases. Is that not correct? Yes, I will say to the gentleman from Michigan, just as extravagant as some of the claptrap we heard in 1957.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New York.

Mr. HOLTZMAN. In response to the gentleman from Michigan, I should like to refer to the fact that the Attorney General, after mature consideration, changed the statement about what he said at the committee hearing.

Mr. GROSS. I would like to have the attention of the gentleman from New York [Mr. CELLER] to get the answers to a question or two. I am disturbed about this referee proposition. Do I understand correctly that a referee can conduct hearings in the climate of a star-chamber session, if he so elects?

Mr. CELLER. At that particular stage to which the gentleman refers, he does exactly what a State registrar does. When an applicant comes before a State registrar, he will say, "What are your qualifications?" He will say, "I have resided in this community a certain length of time. I am of a certain age. I pay my poll tax. I want to register so I can vote."

Then the registrar, acting in a proper official way, registers the man. If he says, "I do not think you have been here long enough; I do not think you are a citizen," the applicant may have to come back and bring a birth certificate. Under the State law, he may have to bring two or three witnesses who were present at the time of his birth.

Those are administrative functions. That is all the referee would do at that point—act in the same administrative fashion as a registrar does under the State law.

Mr. GROSS. I am not an attorney, and in all seriousness I want to know if that is all the authority that the referee has.

Mr. CELLER. To all intents and purposes, that is all the authority he has. He determines whether a man is qualified; whether he has been denied the right to register or the right to vote on the basis of the principle of practice or pattern of discrimination. If the principle or pattern of discrimination has been established by a judge, then the voting referee, when he confers with the individual who happens to be a Negro, assumes that he has been discriminated aginst on the basis of the pattern or practice established. Then he asks about his qualifications. If he determines he is qualified, if he determines he has been discriminated against on account of that pattern, then he insists that he be permitted to register and to vote. The State official denying that right may be guilty of contempt of court.

Mr. GROSS. But there is nothing in the bill defining the authority of the referee, is there?

Mr. CELLER. I have just indicated what his authority was.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent (at the request of Mr. ANDREWS), Mr. GROSS was granted 5 additional minutes.)

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I thank the gentleman from Alabama, and yield to the gentleman from Louisiana.

Mr. WILLIS. What the gentleman fails to state in his description of the proceeding about the referee is this: He stated that a man states his age and his residence in his effort to register. Then he slipped. He said he withdrew the statement, and it will not appear in the RECORD tomorrow, but it really read like this: He said he was to state his age and where he lived, and then he said to show that for some reason he had been denied the right to vote on account of his race. Then he said he would withdraw that. That will not be in the RECORD tomorrow. That is the whole idea. Under the changed situation prohibiting his right to vote on account of color, the gimmick is that the referee is not prohibited from inquiring into the race or color, which is all this fuss is about.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. ANDREWS. I would like to ask the gentleman from Louisiana a question.

Mr. GROSS. I yield for that purpose.

Mr. ANDREWS. On the other hand, suppose the applicant who applies has a criminal record; he can nowhere be questioned about this criminal record. Most States deny the right to vote to persons who have been convicted of a crime involving a felony or a crime involving moral turpitude.

Mr. WILLIS. The gentleman is right.

Mr. ANDREWS. What would be the situation where a man who had a criminal record applied to the referee for permission to vote after the pattern had been established?

Mr. WILLIS. Here is what the situation would be, and that is one of the pitfalls of the bill. The bill specifically provides that the statement of the applicant before the referee shall be prima facie evidence as to his age, responsibility, and his prior efforts to register and being otherwise qualified to vote. Whatever the applicant says is taken for true and there is no inquiry into that. I doubt very much that an applicant for a voting certificate would against his interests say "I am a criminal," and all that sort of thing.

I do not imply any evil to any person, but the pitfall is that the local registrar back home is right back there in the precinct and he knows pretty well the matter of the criminal record of any person, white or colored. So to that extent that is one of the pitfalls, not only in establishing a conclusive presumption

as to race or color but that whatever statement he makes is true. There is no option on the part of the referee. Prima facie, the statement shall be taken as the truth.

Mr. GROSS. And will not the referee make a recommendation to the Federal judge?

Mr. WILLIS. That is right.

Mr. GROSS. And the Federal judge will not have time to review the evidence in connection with the applications.

Mr. WILLIS. Let me address myself to that point. After a voting referee hears the individual ex parte, then he makes a report to the Federal judge. He says: "Judge, I find this person to be qualified; I have given him a certificate to vote."

At that point only in the bill the attorney general of the State has the right to file an exception to the report. But, Mr. Chairman, that invitation to file an exception is legally meaningless, for this reason: It is conclusively presumed that he has been discriminated against, so the attorney general cannot go into that. The applicant's statement before the referee is taken for true. It is one sided; it is self-serving. Now, you try to attack that report of a referee in this situation. It is meaningless.

Mr. GROSS. The point of my asking these questions is that I am deeply concerned about how much authority is being given the referees who will be created in this legislation.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I gladly yield.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. McCULLOCH. Mr. Chairman, I ask unanimous consent that the gentleman from Iowa [Mr. GROSS] may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield for a statement?

Mr. GROSS. Yes; I yield to my friend from Ohio and thank him for the extension of time.

Mr. McCULLOCH. Mr. Chairman, it should be recognized that the referee is an official of the court and when the Negro comes in there asking for his certificate or finding by the referee concerning his right to vote, the Negro is under oath just the same as the gentleman from Iowa is under oath when he makes an application to register in his State. If the Negro says that he is 21 when he is only 19, or that he is a resident of the State, or more particularly of the voting precinct, when he is not, then he is subject to indictment and prosecution and penalty for perjury.

Furthermore, after the referee makes the finding that the gentleman is entitled to vote, there is a report made thereon. It is served on the Attorney General and there are 10 days in which he may file exceptions to it. It becomes then an adversary proceeding and all the facts that can be brought to bear on the case are considered by the court.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Louisiana.

Mr. WILLIS. I would like to ask the gentleman from Ohio, will he say whether or not the so-called adversary proceeding on the exception of the Attorney General is such that the Attorney General or the referee may offer proof that the denial of the right to vote was not on account of race or color?

Mr. McCULLOCH. I would answer the question by saying "that which is material." Anything can be shown in the exceptions, in the hearing on the exceptions, which shows that he was not qualified to vote, or that he was qualified to vote.

Mr. Chairman, when we get to that point it makes no difference about a man's race or color. The question is, Is he qualified to vote under State law?

Mr. WILLIS. The answer to the question is that the Attorney General is not given an opportunity to show matters involving race or color?

Mr. McCULLOCH. Because it is no longer an important question. The only important question is, Is he qualified to vote under State law?

Mr. WILLIS. It is no longer an important question because the whole proceeding has been locked up by virtue of the conclusive presumption principle.

Mr. GROSS. Can the chairman of the Judiciary Committee give us any idea at all of how much this referee system is going to cost the taxpayers of the United States?

Mr. CELLER. I would answer in this way, if there is very little discrimination on account of race or color there will be very little cost; if there is a great deal of discrimination there might be a great deal of cost.

Mr. GROSS. I looked up the figures on appropriations for this so-called Civil Rights Commission that was supposed to end all of this business when the bill was passed a couple of years ago. In 1959 we spent $770,000 on the Civil Rights Commission; in 1960 another $780,000; and the Commission is presently before the Appropriations Committee asking for $995,000.

Now, I am quite sure this bill is going to pass, and if I should offer an amendment to the bill providing for termination of the Civil Rights Commission, I wonder if the gentleman would support it so we could save some money to pay for the army of referees that you apparently are going to set up with no qualifications other than that they be qualified voters. Incidentally, are these referees going to be attorneys?

Mr. CELLER. Does the gentleman want me to answer the question? I would like to answer one of the inquiries. There is one I can answer without much question. There is a termination date set by Congress on the life of the Civil Rights Commission. Its life expires 2 years after the bill that we passed a few months ago, so that there will be no more appropriations after its life has expired.

Mr. GROSS. I want the Commission to expire when this bill becomes law, and save that money, since this is designed to take care of all the evils and it will undoubtedly be costly to administer.

Mr. CELLER. The gentleman has just extended the life of the Commission by 2 years.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent (at the request of Mr. HALEY), Mr. GROSS was allowed to proceed for 5 additional minutes.)

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New York.

Mr. CELLER. How can we place any value on the right to cast a vote?

Mr. GROSS. Well, now, the gentleman knows that is not an answer to the question of selecting referees with the only qualification in the bill being that of a voter in the judicial district, and with not the slightest indication of how much they are to be paid.

Will the gentleman tell me what the qualifications for a referee will be?

Mr. CELLER. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. Certainly.

Mr. CELLER. Of course, if there is a persistency of the denial to vote in certain sections of the country, what must we do? Will that denial persist, or shall we come forward and see to it that it is proscribed and they be given the right to vote, and if it costs something, must we not defray the expenses? What other choice have we got?

Mr. GROSS. How are you going to pay these referees, on a per diem basis, on a yearly basis, on a monthly basis, or how?

Mr. CELLER. On a per diem basis. The court determines the situation just the way the court passes on or determines the cost of a special master that the court appoints or a referee in bankruptcy or any other adjunctive officer that the court chooses from time to time to select.

Mr. GROSS. And the gentleman expects this bill to become a lawyer's bonanza, does he not?

Mr. CELLER. Oh, no; I do not think that is a fair statement.

Mr. GROSS. Why not?

Mr. CELLER. Because I do not think it would become a lawyer's bonanza at all.

Mr. GROSS. Do you not expect that most of the referees will be attorneys?

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. The gentleman from New York well knows that there is not money enough to pay the lawyers to carry out the provisions of this bill. You have the NAACP and all these other organizations to contend with.

Mr. CELLER. He will be a qualified voter in the judicial district.

Mr. GROSS. That is right; but one of the weaknesses in this bill is that you have set up no other qualifications.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. In reference to the gentleman's inquiry about the cost of this Commission, a Commission which was created under a bill offered by the gentleman from New York, I call the attention of the gentleman to the fact that that Commission, with all its expense and all its study and all its work, in its report made two and only two important recommendations. One was for registrars, official registrars; the other one was that it should be confined to Federal elections. Now the gentleman from New York has repudiated both of those recommendations. What is the use of keeping this Commission on if those who proposed it are not going to follow any recommendation that they make?

Mr. GROSS. And if you want further evidence of what a boondoggle this Commission has been, turn to page 5459 of the March 14, 1960, CONGRESSIONAL RECORD, and you will get a pretty good idea of how little it has accomplished for the more than $2 million which will have been spent if the Appropriations Committee hands out the money now being sought.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. I yield.

Mr. HOFFMAN of Michigan. I thank the gentleman and call the attention of the gentleman from Virginia to a former discussion—CONGRESSIONAL RECORD, volume 91, part 3, page 3959—when the House had under consideration an FEPC bill, H.R. 2232.

The President had appointed a Fair Employment Practices Committee on June 25, 1941. The committee was appointed to promote the fullest utilization of all available manpower and to eliminate discriminatory employment practices.

The Member from the Fourth District of Michigan said, referring to the committee:

> The Committee, whose principal duty it was to eliminate discriminatory employment practices, has, if its acts are any proof of its purpose, itself been guilty of the most flagrant discrimination in favor of a minority group.
>
> It has considered complaints, held hearings and issued orders against others, but it has not itself, in its own activities, frowned upon discrimination.
>
> In fact, this particular agency, like so many minority groups when once they get power, has used its power to advance the interests of its own followers, to discriminate against all others, even though the group to which they belong be in the minority.

From a statement furnished by the FEPC itself on March 8, 1945, we get the following figures:

The total number of employees of the FEPC is 110. They are divided as follows:

	Number of employees	Percentage of total number	Salaries	Percentage of salaries
White	43	39.1	$150,180	43.13
Colored	65	59.0	194,580	55.88
Japanese-American	2	1.9	3,420	.99
Total	110	100.0	348,180	100.00

From the foregoing, it appears that, although, of the total population of the United States, 89.78 percent are whites and but 9.77 percent Negroes, when this agency, created to prevent discrimination, transacts its own business, it discriminates against the whites of all races, of all faiths, and gives to the Negroes 59 percent of the jobs, and 56.88 percent of the money paid in salaries, although, on the basis of population, they constitute but 9.77 percent of the population.

Here you have one example of the manner in which one minority group handled what it had been pleased to term was a discriminatory denial of jobs because of race.

Mr. SMITH of Virginia. Well, to show how we progress, they are going to get 100 percent of whatever comes out of this legislation.

Mr. FORRESTER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Georgia.

Mr. FORRESTER. The gentleman said he was not a lawyer, but he is a mighty close observer. I would like to ask the gentleman if he is familiar with the provisions in this bill that this pattern or practice, that conclusive presumption, is going to exist for 1 year thereafter and ask the gentleman if he has ever heard of any provision like that to apply against a defendant, whether it be for 1 year? Even the judge will be helpless to change it.

Mr. GROSS. And it will go down to the election of a dog catcher, as the gentleman from New York said the other day.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. CELLER. Mr. Chairman, we have debated everything but the amendment, apparently.

Mr. Chairman, I ask unanimous consent that all debate on the Meader amendment close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. MEADER].

Mr. MEADER. Mr. Chairman, as the gentleman from New York [Mr. CELLER] said, we have talked about everything except the pending amendment.

My amendment would do only one thing. It would leave the discretion in the judge in appointing a referee to tell that referee how to proceed. That is what the Justice Department testified they wanted when they came before our committee. Now, as the gentleman from New York [Mr. HOLTZMAN] says, they have changed their minds and they want the referee to proceed ex parte and to prevent the judge from exercising discretion over the manner in which the referee proceeds.

I think it is wrong to proceed by a star chamber method when the truth of the qualifications of the voter is the subject matter of the proceedings. The voter is qualified or he is not qualified. Why should we not be interested in the truth by having both parties before the referee and when the report is made to the judge, the exceptions can be heard, if the parties do not agree, and the judge can pass on it finally.

The bill now provides that the judge may, if the exceptions raise an issue of fact, refer the matter back to the referee. But if they have already been before the referee and have had an adversary proceeding and the truth of the statements made were attested by the referee in the first place, the court could make a final disposition of the matter when the exceptions are filed with him.

Mr. Chairman, I think this is a good amendment. I think it will remove one possible constitutional objection that might be raised, that the parties affected have not had their day in court. I do not think the bill as drawn now gives them their full day in court. I think we ought to leave it up to the judge to prescribe the proceeding by which the referee will act under his appointment by the judge.

Mr. Chairman, I urge that the amendment be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. MCCULLOCH].

Mr. MCCULLOCH. Mr. Chairman, I am of the opinion that the amendment serves no useful purpose in this bill and would slow the proceedings immeasurably, make it difficult if not impossible for people who are otherwise qualified to vote and who have been denied the right to vote by reason of race or color upon their application to do so.

I should like to remind the Members of the House or those who need the reminder that the local registrar of voters in their respective districts does not carry on an adversary proceeding. If a citizen desires to be registered, he goes before the registrar, says that he is 21, that he has been a resident of the State in accordance with the law and is otherwise qualified under the laws of the State. Then the registrar either registers him or he does not register him. There is no adversary proceeding there. There is no necessity for one here.

The amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. MEADER].

The question was taken; and on a division, demanded by Mr. WILLIAMS, there were—ayes 62, noes 90.

Mr. MURRAY. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. MEADER and Mr. CELLER.

The Committee again divided, and the tellers reported that there were—ayes 91, noes 119.

So the amendment was rejected.

Mr. BUDGE. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

> Amendment offered by Mr. BUDGE to the amendment offered by Mr. CELLER as a substitute for the amendment offered by Mr. MCCULLOCH: On page 6, line 9, after the word "office", insert "in any election in which any candidate for the office of President, Vice President, presidential elector, Member of the Senate or Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico is voted upon".
>
> On page 6, line 10, after "in", insert the word "such".
>
> On page 2, starting on line 22, strike out "in any such election".

Mr. COLMER. Mr. Chairman, I ask unanimous consent that the gentleman from Idaho may proceed for 5 additional minutes to speak on his amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. BUDGE. Mr. Chairman, most of the amendments which have been offered to this bill have been amendments on which there seems to be a great deal of disagreement among the Members of the House who are attorneys as to interpretation. The proposal I offer here is clear and simple. I doubt that there can be any difference of opinion as to its meaning. I should like to start with just a little bit of history.

In 1870, after the Civil War when we went into the Reconstruction period and when the Congress of the United States passed some rather severe legislation on this subject, even at that time the Congress never went as far as it intended to go in this particular proposal. In the Enforcement Act of the Reconstruction days, the enforcement was always limited to a Federal office. When we got into this subject this year, the bill introduced by the gentleman from New York [Mr. CELLER] was also limited to Federal offices. The gentleman from Ohio, the distinguished ranking member of the Judiciary Committee, has been extensively quoted to the effect that, in his opinion, any such legislation should be limited to Federal offices. The recommendations made by the Civil Rights Commission were to the effect that this civil rights legislation should be applied only to Federal offices.

Until this new proposal came along the entire intent was to keep this within the framework of Federal activities. Now, however, this proposal that is currently before the House provides that the Federal machinery may be invoked in any election held in the United States. That refers to all municipal elections, to all county elections, elections for school districts, for highway district trustees. It applies to bond elections, to local option elections; and, as I pointed out a few minutes ago, in my own State of Idaho, had it been invoked there during the past year, it could have been invoked in a number of municipal elections where the sole proposition on the ballot was whether or not a dog which was away from its owner's premises should be required to be restrained on a leash.

I submit that the language of this bill goes much further than the recommendation of the Civil Rights Commission or any other official recommendation of which I am aware. The proposal which I make to limit the invoking of this Federal procedure to any election wherein a Federal official is being voted upon, and to cover all public officials covered in that election, is much, much broader than the recommendation of the Civil Rights Commission. It is a much, much broader proposal than that of the gentleman from New York [Mr. CELLER] in his registrar bill. It is much broader than the quoted expressions of the gentleman from Ohio [Mr. MCCULLOCH]. It is much broader than the enforcement act of Reconstruction days.

Actually, what we are doing here, if this bill is not amended, and if these Federal procedures which may be invoked for every election in the United States, is to just place Uncle Sam just another big step closer to handling the local affairs of the people of this country.

I noted with satisfaction the expression of President Eisenhower in his news conference the other day, that he felt that on this subject the Federal Government had injected itself a little too far, and that he hoped we could work out some things on a local basis. This bill would certainly not follow the pattern recommended by the President of the United States. In fact, it places Uncle Sam in every local election held in the country.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. BUDGE. I yield to the gentleman from New York.

Mr. HOLTZMAN. If we follow the gentleman's argument, and we assume that in his State there is a pattern of discrimination because of race or color, under color of authority do I take it that the gentleman's position is that we want to deprive those people of the right to vote, even on a dog leash case?

Mr. BUDGE. My response would be this: I do not want to deprive anyone of the right to vote on any proposition, but I think the Federal Government should have very definite limitations as to just how far it is going to inject itself into the affairs of local people. I say to the gentleman that when the Federal Government takes it upon itself to police an election to be held on whether or not a dog should be on a leash, the Federal Government is going much farther than the Constitution of the United States ever intended.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield at that point?

Mr. BUDGE. I yield to the gentleman from New York.

Mr. HOLTZMAN. I suggest that the gentleman read very carefully the 15th amendment to the Constitution. The gentleman will find it applies to all elections, not just Federal elections.

Mr. BUDGE. Had the gentleman been on the floor a few minutes ago, he would know that the same suggestion was made by the gentleman from New York [Mr. CELLER], to which my reply was that the 15th amendment guarantees the right to vote, period; it does not say for what offices.

It is my position, and I think other sections of the Constitution adequately bear it out, that the intention was for Federal officials, and that has been the history of all proposals here including the proposal of the gentleman from New York [Mr. CELLER] that it be confined to Federal officials.

But let us take it one step further. If we are to accept the gentleman's argument and say it applies to a dog-leash election, then would it apply to an election in an Elks' Club? Would it apply to an election for the Idaho princess at the Cherry Blossom Festival?

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. BUDGE. I yield.

Mr. ROGERS of Colorado. The gentleman, as a lawyer, well knows that the rules and regulations governing elections in a fraternal club are based on the constitution and bylaws of the club and have nothing to do with the question of citizenship and civil rights of a citizen.

Mr. BUDGE. In reply to the gentleman from Colorado on the matter of rules and regulations, let me call his attention to the fact that the rules and regulations setting up voting in municipal elections are controlled by the municipality.

I see no justification for the Federal Government's injecting itself into purely local matters.

Mr. FORRESTER. Mr. Chairman, will the gentleman yield?

Mr. BUDGE. I yield.

Mr. FORRESTER. Does the gentleman mean to say, and I think he does, that he would like to see the Federal Government do less meddling in everything, that it might leave a little something for the local communities to decide?

Mr. BUDGE. I will say to my colleague something in which I very sincerely believe, that the people themselves should be in a position to know and see what is going on; and I submit that in handling their own affairs in their own communities and having them handled by their own neighbors they can tell much better what is going on when they handle it themselves than when they transfer it to this tremendous bureaucracy which we have built up in this Nation.

I think this issue goes to the very core of whether or not we are going to retain some semblance of local government and preserve it from the bureaucracy of Washington which presently has 2½ million civilian employees.

I again want to emphasize that the Enforcement Act in Reconstruction days was limited to Federal officials. I want to emphasize that the bill introduced by the gentleman from New York [Mr. CELLER], applied to Federal officials.

I want again to emphasize that the recommendation of the Civil Rights Commission related only to Federal officials. The proposal which I have made that every proposition and every officer on the ballot in an election wherein a Federal official is voted on is far broader than the proposal which was made by the Civil Rights Commission or the Reconstruction Enforcement Act or by the gentleman from New York [Mr. CELLER].

I sincerely hope the amendment will be agreed to.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. HARRIS. Mr. Chairman, I ask unanimous consent that the gentleman

from Idaho [Mr. BUDGE] may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. BUDGE. I yield.

Mr. HARRIS. Is it not a fact that the original bill introduced by the distinguished chairman of the Committee on the Judiciary was limited to Federal elections?

Mr. BUDGE. It was far more restrictive than that, I will say to the gentleman. The original bill introduced by the gentleman from New York [Mr. CELLER] and the proposal of the Civil Rights Commission said that these procedures shall be confined to Federal officials. In the proposal which I make I am permitting the invocation of the Federal procedure to every proposition and every individual being voted upon in an election in which a Federal official is a candidate. That is done to meet a practical objection that you cannot qualify a man to vote for one individual on a ballot and not qualify him to vote for other individuals on the ballot.

Mr. HARRIS. Does not the gentleman's amendment bring this so-called voting referee plan into compliance with the proposition that was offered by the distinguished chairman of the Judiciary Committee at the outset?

Mr. BUDGE. It is much more liberal, I may say to the gentleman, than the proposal of the gentleman from New York [Mr. CELLER] or the proposal of the Civil Rights Commission.

Mr. HARRIS. Is it not true this is the first time legislation has been seriously considered on the floor of the House extending such authority to any and all elections regardless of what they might be?

Mr. BUDGE. I may say to the gentleman this is the first enforcement statute which does what the gentleman says. In Reconstruction days the basic law extended to local affairs, but the enforcement provisions, and this is an enforcement bill, have never before in the history of this country attempted to invade local communities on matters of local nature.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. KASEM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it would seem, perhaps, at first blush that the amendment proposed by the gentleman from Idaho might have some merit. But on due reflection, when we consider that we are here to protect the equal rights under the law of all citizens everywhere, we find that we have in fact more, or certainly as much, of an interest in the democratic character of local elections as we do in Federal elections. It would be idle for us to try to attempt to guarantee the equal protection of the laws to our citizens on such a refined basis as the amendment requires. Certainly the guarantee of the 15th amendment goes to the protection of the right to vote in a local election as much as it does in a Federal election.

It goes far beyond elections into areas of participation in public facilities and so on, as the Supreme Court has held, much to the chagrin of some of our Members; nevertheless, we have found that there is always this attitude whenever the Supreme Court rules in a manner which does not please us. Abraham Lincoln indulged in a tirade against the Supreme Court, F. D. R. did, and now some of our Southern and Republican Members are doing it.

I would like further to make the observation that I as a citizen of California am very much interested in the democratic character of the State of Vermont or Illinois or Mississippi, and I am duty bound to insure the democratic character of those States. Even if I were to adopt the theory of those who believe in a Confederated States rather than in that of a Union and a Nation, I would have a right to be concerned about the democratic character of the States with which my State is federated. If we are going to do the job here in any way at all, let us not do it in such a way that we can evade it by setting up separate elections, Federal elections, and State elections, and have separate Federal registrations and separate State registrations. Experience has proven that many States will go into a legislative flurry immediately after some action is taken by the Court or Congress to protect the right of certain citizens.

Now, that legislative flurry would surely result in an attempt to limit the operation of this law as much as possible, and I foresee that that is exactly what would happen. Whatever test would be set up for State elections and Federal elections and whatever registrars provisions there might be we would be able to use the machinery to be prescribed to fully protect the rights of our citizens to equal participation in government.

Mr. WHITENER. The gentleman mentioned the rights that he seeks to protect, and I ask him if those rights are constitutional rights.

Mr. KASEM. Those are precisely the rights to which I refer and to none other; constitutional rights.

Mr. WHITENER. What constitutional right does the gentleman say exists for the Federal Government regulating and determining the election of township and county officials. What section of the Constitution does that come under?

Mr. KASEM. It seems to me that a duty is set out for us in the 15th amendment to the Constitution which imposes upon us the duty to preserve the right of equal protection of the law in all governmental activities. I would remind the gentleman that the 15th amendment was adopted after the action of the States of the Union and not pursuant to action of the Federal Government, and it was adopted to correct inadequacies and discriminations that existed within the States and not on the Federal level.

Mr. WHITENER. I will ask the gentleman if he, by his pronouncements, would seek to disregard the 10th amendment to the Constitution which reserves to the States and the people the powers not specifically delegated to the United States.

Mr. KASEM. The gentleman refers to the 10th amendment?

Mr. WHITENER. That is exactly what I refer to.

Mr. KASEM. I thought you said the fifth amendment. The 10th amendment is fine, but specific power is delegated and specifically imposed upon the Congress of the United States in the 15th amendment.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. KASEM. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. In response to the question propounded by the gentleman from North Carolina, his quotation of the 10th amendment was absolutely correct. But, he understands and we know that that was adopted in 1789. Now, the 13th, 14th and 15th amendments were adopted after the War Between the States. If there is any question in the mind of the gentleman from North Carolina as to the right and duty and responsibility of the Congress of the United States, I direct his attention to the 15th amendment, which reads as follows:

Mr. WHITENER. I have it in my hand.

Mr. ROGERS of Colorado. All right. Let me see if you have read it. It says:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.
>
> SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. WHITENER. Mr. Chairman, I ask unanimous consent that the gentleman from California [Mr. KASEM] may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. KASEM. In view of the fact that the request for extension of time was made by the gentleman from North Carolina, and wishing to thank the gentleman from Colorado for his excellent assistance in pinpointing the duty of the Congress, I now yield to the gentleman from North Carolina.

Mr. WHITENER. I will not detain the gentleman much longer, except to ask him this question. Does the gentleman from California subscribe to the apparent philosophy and theory of the gentleman from Colorado?

Mr. KASEM. I certainly do.

Mr. WHITENER. That the 15th amendment has the effect of expressly or by implication repealing article I, section 2, and article I, section 4 of the Constitution of the United States?

Mr. KASEM. If the gentleman will enlighten me further, because my familiarity with the Constitution does not adequately serve me when you mention article and section numbers.

Mr. WHITENER. Article I, section 2, says:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States * * * and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Article I, section 4 reads as follows:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

With the reading of that I am sure the gentleman, without any coaching from the gentleman from Michigan [Mr. DINGELL] may have some degree of familiarity with those important provisions of the Constitution.

Mr. KASEM. Yes and the gentleman's question is, Do I contend that the 15th amendment vitiates those? I do not so contend. And at this time I yield to the gentleman from Colorado [Mr. ROGERS], who is on his feet.

Mr. ROGERS of Colorado. Mr. Chairman, may I point out that prior to the adoption of the 15th amendment the right of the Congress of the United States to see that its own elections were purified was set out. After the War Between the States, when the question arose about discrimination, so to speak, in the equal application of the 14th amendment, in 1870 we adopted the 15th amendment for the purpose of seeing that no citizen be deprived of his right to vote or deprived of the exercise of his citizenship both by the United States and by the State. And to make sure that there was not any question about it, section 2 gave the Congress the appropriate authority to carry it out.

The 13th amendment abolished slavery and we adopted statutes under which the Federal Government could prohibit such slavery. Why can you not with equal application of the 15th amendment prescribe methods of seeing to it that a citizen is not deprived of his right to vote? That is all there is to it.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. KASEM. I yield to the gentleman from North Carolina.

Mr. WHITENER. Mr. Chairman, I would like to try to divert the gentleman's mind from the War Between the States. My friend from Colorado seems to be quite concerned about that. Getting down to 1912, the 17th amendment was adopted—I am sure the gentleman is familiar with it—and it reads as follows:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

That was quite a time after the unfortunate and "uncivil war" to which my friend has referred. And the gentleman says now that these amendments recognizing that the States have absolute authority in the field of State elections as well as in Federal elections is just a myth which some of us have conjured up for the purpose of argument.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. MEADER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the bill pending before us, the voting referee bill, amends subsection (e) of 42 U.S.C. 1971; (a) gives the right to citizens to vote in all elections.

The gentleman from New York [Mr. CELLER] has read that subsection to you.

In 1957 we added some other subsections: (b) related only to Federal elections, but (c), the enforcement provision, relates to all the rights secured by subsection (a). This bill is made applicable to the rights secured by subsection (a), which is the right to vote in all elections.

Really, the effect of the amendment offered by the gentleman from Idaho would be the same as if we added to the 15th amendment, "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State with respect to some elections but as to other elections it is all right to deny the right to vote."

Not only do I think it is a question of attempting to amend the Constitution of the United States by statute, I think this would be wrong in policy, because if it is right for a citizen to vote regardless of race or color in a Federal election it is just as right in a local election. He has just as much interest in the election of a school board or in the election of his mayor. If you disfranchise him on his local election, that may be the most important election to him.

In addition, I think this provision would be unworkable. Once a person has been registered on the rolls, how are you going to tell one person from another as to whether he is entitled to vote in a local election unless you keep separate registration?

In other words, if the defendants in one of these suits brought by the Attorney General should comply with the direction of the court that they include the names of specific individuals on their regular registration rolls, how would you be able to separate those people with respect to local elections and refuse to recognize a certification of eligibility to vote for a local election, yet permit them to vote in a Federal election?

Mr. Chairman, I have in my efforts so far on this bill both in committee and on the floor tried to make certain that this legislation when we adopt it will be constitutional so that we will not find that we have committed an idle act in passing this law.

I believe the amendment offered by the gentleman from Idaho goes in exactly the opposite direction of the policy of the 15th amendment, the policy that Congress has adopted not only in the first clause of the 15th amendment but in carrying out that amendment in the Civil Rights Act of 1957. I believe the gentleman's amendment would be very harmful, and I think it ought to be defeated.

Mr. BUDGE. Mr. Chairman, will the gentleman yield since he has mentioned my name?

Mr. MEADER. I yield to the gentleman from Idaho.

Mr. BUDGE. Can the gentleman tell the House of any previous statute ever enacted by the U.S. Congress, any previous enforcement statute, which injects itself into the local affairs as does this bill? Just cite me one example.

Mr. MEADER. The Civil Rights Act of 1957 in paragraph (c) reads as follows:

> Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b), the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order.

Mr. BUDGE. If the gentleman's interpretation of that statute is correct, then you already have law on the books to enforce this law in local elections, and you do not need it here.

Mr. MEADER. What the voting referee provision does is simply add another sanction. It permits the court in a proceeding instituted by the Attorney General under subsection (c) to appoint voting referees under certain circumstances.

Mr. FORRESTER. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 5 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. SMITH of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield.

Mr. SMITH of Mississippi. In the event that this section becomes law; how would the gentleman reconcile the operation of the enforcement of the provision in relation to the primaries with that provision of the amendment, which has been tentatively adopted, which provides for provisional ballots? Purely from a practical standpoint, without regard to the other questions about the various amendments to the Constitution, how would it be possible where there are provisional ballots which are challenged to decide, between the first and second primary, the type of primaries that are held in some 10 or 12 States of the Union, before the time comes that is fixed by law for the second primary? That is a practical question which, it seems to me, raises grave doubts about the practicability of making this amendment applicable to primaries as distinguished from general elections. Has the gentleman any suggestions as to how these provisional ballots, which are contested and taken into court, can be counted before the second primary takes place?

Mr. MEADER. If the gentleman will permit me, I would suggest that that question should be addressed to somebody else because it does not relate to the amendment offered by the gentleman from Idaho. It relates to the provisional voting section which we passed; namely, the amendment offered by the gentleman from Michigan [Mr. O'HARA].

Mr. SMITH of Mississippi. It relates very closely to the amendment offered by the gentleman from Idaho because, if the gentleman's amendment is adopted, any conflict will be eliminated because the primaries will have taken place and under the terms of the gentleman's amendment, it would oar the application of the amendment to the primaries.

Mr. MEADER. I suggested yesterday that the provisional voting provision raised some practical difficulties, but I assume that the provisional votes would be handled on the same basis as any challenged vote.

Mr. SMITH of Mississippi. It is hard to see how any practical application can be made of this provisional voting provision in the law insofar as it would affect the first and second primaries, and it is going to bring about the wholesale reshuffling or elimination of primaries within the States involved, if it is allowed to become the law, as its provisions are now written in the amendment. I suggest the only way of avoiding that complete interference with the elections of the various States that have the first and second primaries would be to adopt the amendment offered by the gentleman from Idaho.

Mr. KITCHIN. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield.

Mr. KITCHIN. Mention has been made here in this particular colloquy concerning the application of the 15th amendment, giving us the constitutional authority to pass the legislation that is proposed in this referee section of the bill. I will ask the gentleman and, of course, he is familiar with section 4, article IV, of the Constitution of the United States which says that the United States shall guarantee to every State in the Union a republican form of government. I ask the gentleman if he has any knowledge of any amendment to the Constitution of the United States that has repealed that section of our Constitution.

Mr. MEADER. Of course not.

Mr. KITCHIN. Then, does it not sound logical and reasonable as a constitutional question that we should guarantee to every State in the Union this republican form of government, and in conformity with the decisions of the Supreme Court, which by the way has occurred since the passing of the 15th amendment. It has been decided by the Supreme Court of the United States that this section of article IV still is valid and that the laws of the States shall not be attacked for their constitutionality by the Federal Government.

Mr. MEADER. That is as to laws that are not unconstitutional, because of provisions of the Federal Constitution.

Mr. KITCHIN. I will ask the gentleman if the Supreme Court has not held some 16 to 18 years after the passage of the 15th amendment to the Constitution that a republican form of government is guaranteed to every State in the Union, and that the distinguishing feature of that form of government is the right of the people to choose their own officers and their own governmental administration and pass their own laws. That same opinion by the Supreme Court says "whether certain statutes have or have not binding force is for a State to determine; and that determination itself involves no infraction of the Constitution of the United States and raises no Federal question giving the courts of the United States jurisdiction."

That opinion was handed down by Chief Justice Fuller in *State in re Davion* (139 U.S. 449), and was handed down at the October term in the year 1890, some 18 years after the passage of the 15th amendment.

Mr. MEADER. In my judgment, section 4, article IV guarantees a republican form of government and does not prevent the Congress from passing this kind of legislation. In fact, we did it in the Civil Rights Act of 1957. That act has been held constitutional within the last few days.

Mr. ROGERS of Colorado. Will you state again to the House any State that has not been granted a republican form of government?

Mr. KITCHIN. I will answer that in particular.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. MEADER] has again expired.

Mr. FORRESTER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Georgia [Mr. FORRESTER] is recognized.

Mr. FORRESTER. I yield to the gentleman from North Carolina [Mr. KITCHIN].

Mr. KITCHIN. In answer to the gentleman from Colorado [Mr. ROGERS] who posed the question as to whether or not there had been any incident to my knowledge where States have not been guaranteed a constitutional form of government——

Mr. ROGERS of Colorado. You said a republican form of government.

Mr. KITCHIN. A republican form of government. Is that the question of the gentleman?

Mr. ROGERS of Colorado. I want to know if you know of any State that has been denied the right of a republican form of government under the Constitution.

Mr. KITCHIN. Up until 1957 I could say I do not know of any particular instance, but the passage of this act of 1957 was the first time it had been so infringed. Now we are getting ready to do it again on the basis of not requiring the validity of State laws and the right of the States to appoint qualified registrars to hold our own elections under the laws of the State of North Carolina, or any other State. That is infringing section 4 of article IV of the Constitution.

Mr. ROGERS of Colorado. Will the gentleman yield to me further?

Mr. FORRESTER. I will yield to the gentleman if he will get me some more time.

Mr. ROGERS of Colorado. I will be glad to do that.

Will the gentleman point out where in any manner whatsoever in this legislation the State of North Carolina or any other State is denied the right to proceed with its own election?

Mr. KITCHIN. In this instance I will say, "Yes."

Mr. ROGERS of Colorado. Will you name an instance?

Mr. KITCHIN. I will. Either the gentleman did not understand it or did not want to understand it on yesterday. This particular legislation, in my opinion and the opinion of other lawyers, is creating a presumption which is conclusive against the officer of any State of the Union where he does not have any right guaranteed to his own State, under his State constitution under the laws passed by his own State.

Mr. ROGERS of Colorado. Will the gentleman yield further?

Mr. FORRESTER. I yield.

Mr. ROGERS of Colorado. Do you not know that under this bill the question of the appointment of a referee never arises unless there is a pattern or practice to deprive individuals of their rights, because of race or color, and only after that pattern has been established does the referee come into force. Prior to the time of the establishment of that pattern, or practice, the State can proceed in its own manner, but if it is proposed to violate the 14th and 15th amendments of the United States, you do not deny the right of the Federal Government to enforce those two amendments, do you?

Mr. KITCHIN. Not as it pertains to the parties who have had their day in court, but when you come to the conclusive presumption that everybody has practiced discrimination against the Negro I think I am right.

Mr. ROGERS of Colorado. Does the gentleman not realize that this bill itself provided that proceedings pursuant to subsection (c) must be had, and then it is presented to the court, and then each party has been given notice and an opportunity to be heard and make its finding whether pursuant to pattern or practice?

If an election official in the State of North Carolina is summoned into the Federal court and it is proved that he has a pattern or practice of discrimination because of race or color, he has had his day in court. That has to be proved first before you have a referee. The gentleman agrees with that construction, does he not?

Mr. KITCHIN. To answer the gentleman would take 20 or 30 minutes. We have already exhausted the time of the gentleman from Georgia.

Mr. Chairman, I ask unanimous consent that the gentleman from Georgia [Mr. FORRESTER] may continue for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. FORRESTER. Mr. Chairman, after all this debate I cannot help but think of an old piece of poetry to the effect:

The centipede was quite happy, until
One day the toad through fun, said, pray
Which leg comes after which?
And that wrought him up to such a pitch
He lay distracted in the ditch,
Forgetting how to run.

Mr. Chairman, I cannot help but be a little confused when my good friend the gentleman from California [Mr. KASEM] seeks to instruct the people of my State on democracy and on the Constitution. The truth of it is our people made his State, instead of his State making ours. Georgia was a century old when California came into being. My State of Georgia was one of the Thirteen Colonies, and it left its impress upon the Constitution. We not only feel that we know something about democracy, which Mr. KASEM would instruct us upon, we also believe we might know a little something about a republican form of government.

I want to tell you something that is a little strange to me. I have a great admiration for my chairman, the gentleman from New York [Mr. CELLER]. I have an admiration for the gentleman from Colorado [Mr. ROGERS], even if he did take up quite a bit of my time; but I am just wondering if it would not be all right if those gentlemen would decide that they were not going to meddle with us all the time, and just let us sometimes decide something for ourselves.

My mind goes back to the history of the War Between the States, and I know a little something about it. All of my people knew something about it. There has not been a war in the United States that Forresters were not at the forefront for some reason or other, and some fell in the midst of battle. Listen to me. My people know something about this Government, and know what that freedom cost and knows that it will not stay with cowards, it simply will not consort with a coward. One who would have freedom has got to stand for freedom and stand for it in an honest sort of way.

A few years ago the Queen of Holland stood right over there in front of the Speaker's desk and I heard her make a great speech. I was hoping that this Congress was going to get a lesson from the statement that wonderful woman made.

She was thousands of miles from home, she was representing just a small kingdom, but she leaned over, she smiled, and she said:

After all, my friends, my little country is older than yours.

Do you not believe it would be all right if you would let us decide something for ourselves sometimes? I do not know whether you caught what she was saying or not. I will tell you what I think she was saying. I think that elegant lady was telling us she would appreciate it if we would not meddle with their business in season and out of season and stick our mouths into everything. That seems to be somewhat chronic with some of our leaders.

You know, my people cannot understand it. Ninety-five years ago was the last civil rights legislation passed until 1957. You know this maybe as a matter of history, and if you do not know it, I want to tell you about it. William Tecumseh Sherman, the man who was so careless with fire and who invaded Georgia, protested vigorously against such legislation as you are talking about passing now, and he refused and repudiated the nomination for President of the United States because of that and other reasons. That is history. He said: "I say you do not know what you are talking about. Let those people govern themselves. The South knows their problems and will solve them if you who sat on the sidelines and never heard a gun shoot will leave the South alone."

You know U. S. Grant said that too. If you will read history you will find out all of those boys who were really in the battles said that. The trouble is we had too many boys who stood on the sidelines and who were never in the battles, and who never knew what war meant, who were determined to wreck our constitutional concepts.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

(By unanimous consent, Mr. FORRESTER was allowed to proceed for 5 additional minutes.)

Mr. FORRESTER. Mr. Chairman, I just do not believe this Congress, if they think about it a little bit, would be willing to say that they must be the keeper of our consciences down South. I believe honestly and I believe humbly, let me say to you that we know as much about Christianity as you do. I believe we are as sympathetic as you are. The truth is that down where I live sometimes you people make fun of us and call us the Bible Belt. But every time we get into a war you hop into bed with us. Of course, when the war is over you boys get right out. We are still the Bible Belt down there, and we are proud of it.

We can deal with these matters just as honestly and just as sensibly as you can, getting down to brass tacks.

I never will forget in 1940 in my home town down in Georgia a man by the name of Cohen addressed a Lion's Club meeting down there. Do you know what he said? He was saying that Hitler was trying to destroy civilization and he said: "I am talking to you people, a Christian people, who if we do not get your help the light of civilization is going out."

He said: "Hitler is going to conquer this world unless you good people from the South save the day."

You know, there was some semblance of truth in what he was saying. We did help save the day. But since that time we have gotten to be mighty bad boys according to some of you, and I do not understand it. Take a little fellow like me; I could not be too bad. I have to stand for the courthouse, the forum where the vicious and the meek can come together on equal terms. I am for that.

Now, listen to me, and I do not mean any harm, but I was not born yesterday. If we could have a secret ballot on this proposition it would be shocking to you how few votes this bill would get.

Now, do you want me to tell you something else? There is nobody in America that is particularly interested in this legislation except a few minority groups that ought to be down on their knees thanking God for the South; that is right—thanking God for the South. They are against the South and, you know, they are against anything else, except civil rights. Most of them are against the Committee on Un-American Activities; most are against all of these American ideals that you are trying to accomplish. There is nothing uncommon about that. Now, do you think the people back home are for this legislation? You have not been getting any mountain of mail about this; no, you have not. You just think about that now. The people back home are not concerned about this. I tell you what they wish you would do. They wish that you would, after the 17th or 18th day of March, address yourself to the serious questions that are confronting this whole world. If you do that, they will appreciate it, and when you got back home, they would say that you were statesmen.

Now, listen to me, my friends. You talk about discrimination. You do not know anything about discrimination. You know, we have a man over in the Senate by the name of Senator RUSSELL. Everybody tells me he is the greatest lawmaker in the United States. That is, they tell me that for 5 solid years, and then in the sixth year they shut their mouths. Why? He has to run for reelection then. Up here you brag on him 3 years out of 4, but you are silent the fourth because that is the year to elect a President. You forget about him then. But, just as soon as the election is over and you are in trouble, you depend upon Senator DICK RUSSELL to pull you out of the fire, and he always does.

It would be highly appreciated by the great people of the South if you would accept the pending amendment taking the Federal Government out of our State and local elections.

Mr. ROGERS of Colorado. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in order that we not be confused about so many things that have developed about the application of the Constitution and our right to enact legislation, I think we should bring our attention first to the argument that has been made concerning it. The 10th amendment to the Constitution of the United States reads:

The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively, or to the people.

Now, the interpretation of this amendment has been that everything that has not been given by the Constitution, and prior to the 10th amendment, still remains with the States. Now, if that is true, why did they adopt the 13th amendment? Why did they adopt the 14th amendment? And why did they adopt the 15th amendment? It is plain and simple that they placed a limitation upon the States. The 13th amendment

certainly prohibited slavery. We have enacted statutes, and we can enforce them today. Now the 14th amendment is the equal protection amendment, and the 15th amendment prohibits not only the Federal Government and also the State government from taking away from citizens their rights to vote. The second section gives to the Congress the right to enact this legislation.

Mr. BUDGE. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield.

Mr. BUDGE. Did the gentleman favor the proposal of the gentleman from New York [Mr. CELLER], in regard to registrars, which was limited to Federal officials?

Mr. ROGERS of Colorado. Well, I do not think that that is a question that we are now discussing. I think that the Attorney General of the United States properly disposed of that when he made a separate recommendation, because we all know that eventually this matter is going to wind up in the courts. So why not start it there in the first place?

Mr. KING of Utah. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman.

Mr. KING of Utah. Is it not true that it is a fundamental canon of statutory interpretation that the specific always takes precedence over the general where there is a conflict, so that in interpreting the 10th and 15th amendments to the Constitution, if there is a conflict, since the 15th amendment deals very specifically with the specific subject matter, namely the matter of voting, that would take precedence over the 10th amendment?

Mr. ROGERS of Colorado. I agree with the gentleman that that is a proper statutory construction.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Ohio.

Mr. VANIK. I would like to take this time to ask the gentleman from Idaho [Mr. BUDGE] whether he has received any expression from the Attorney General with regard to his amendment.

Mr. BUDGE. I think it is the province of the Congress of the United States to do the legislating, not the province of the Attorney General.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman.

Mr. COLMER. First I should like to endorse what the gentleman from Idaho [Mr. BUDGE] has just said. He is one of the Members of the House who does not take orders from the Attorney General or anybody else. He feels it is his responsibility to legislate here.

I want to ask the gentleman from Colorado this question. Was this question of referees and registrars, as introduced here by the gentleman from New York [Mr. CELLER] and the gentleman from Ohio [Mr. MCCULLOCH], considered in the gentleman's committee before this bill was originally reported out?

Mr. ROGERS of Colorado. In response to the question asked by the gentleman from Mississippi I may point out that, as he well knows, in the Civil Rights Act of 1957, which was reported by our committee, full authority was given in section 3 to the Attorney General to take certain action to protect the rights of citizens to vote under the 15th amendment. When that legislation was presented to the floor of the House and as it finally passed, section 3 was completely taken out.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. ROGERS of Colorado. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ROGERS of Colorado. When our chairman introduced H.R. 3147, it included giving to the Attorney General broad authority to come in and represent these people to vote. When that was reported by our subcommittee to the full committee that was deleted. That was last August. A rule was asked at that time and the gentleman from Mississippi did not see fit at that time to vote in favor of reporting the rule.

Mr. COLMER. No, sir.

Mr. ROGERS of Colorado. But thereafter the Civil Rights Commission did file its report. The report recommended these Federal registrars. Then only in the month of January did the Attorney General of the United States send somebody before the committee to testify and the chairman of our committee, with a full understanding of the situation, permitted the Attorney General of the United States to send up his deputy who testified at great length and under close cross-examination of the gentleman from Georgia [Mr. FORRESTER] and the gentleman from Louisiana [Mr. WILLIS] and others on our committee. And our chairman was fair and permitted Mr. Bloch, of Georgia, to come forward and offer his explanation of these bills. So it was considered by the full committee, in that respect.

Mr. COLMER. The question I originally asked the gentleman was whether this proposal, either the registrar proposal of the gentleman from New York [Mr. CELLER] or the referee proposal of the gentleman from Ohio [Mr. MCCULLOCH], was considered by his committee in reporting this bill.

Mr. Chairman, I move to strike out the last word.

Mr. Chairman, may I ask the gentleman from Colorado whether either one of these proposals was voted upon by his distinguished Committee on the Judiciary?

Mr. ROGERS of Colorado. The gentleman means the full committee?

Mr. COLMER. Any committee.

Mr. ROGERS of Colorado. As far as I know, it was not.

Mr. COLMER. It was not voted on by the gentleman's committee?

Mr. ROGERS of Colorado. I am sure the minutes of the House Committee on the Judiciary will not reflect that H.R. 11160, which is a substitute for the McCulloch amendment on this floor, was ever voted on by the full committee.

Mr. COLMER. It was not voted on, neither was the registrar provision?

Mr. ROGERS of Colorado. No.

Mr. COLMER. Then why was it not voted on?

Mr. ROGERS of Colorado. This is why it was not voted on. When the chairman's bill, H.R. 8147, was reported by Subcommittee No. 5 an unfortunate situation developed in the Committee on the Judiciary, where the gentlemen down South joined with the gentlemen on that side and they really tore it apart until the only thing you have is this bill H.R. 8601. Even when a rule was asked during the month of August for H.R. 8601, we did not get any.

Mr. COLMER. The gentleman is very vocal in getting around these questions. The fact still remains that although this original bill was introduced back at the beginning of the session last year and extensive hearings were held you are trying now to write in here on the floor something that was not considered by your Committee on the Judiciary, but you are trying to bring it in here now and ram it down the throats of these people, many of whom do not understand what it is.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. COLMER. I yield to the gentleman from North Carolina.

Mr. WHITENER. May I say to the gentleman from Mississippi that I will not follow the pattern or practice of my friend from Colorado in answering the question whether the Judiciary Committee had an opportunity to vote on this question. The answer is a plain, simple "no."

Mr. DINGELL. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, when I first got up I had the intention of speaking on the amendment. Having gotten a certificate from two States to practice law, I wanted to pay appropriate tribute to the members of the Judiciary Committee, to say they obviously are qualified to be Philadelphia lawyers. I have sat here now for 2 days and listened to the House confuse and be confused by various members of the Judiciary Committee. When I first got up today I was determined I was going to say that apparently the members of the Judiciary Committee were confused. I do not think that would be an appropriate thing for me to say. I think it would be more appropriate to say, perhaps, the Members of this House had been confused by them. I think the members of the Committee on the Judiciary who have spoken in opposition to this amendment should take the trouble to read the United States Statutes Annotated, and I refer specifically to the provisions of the 15th amendment and look at the annotations in the United States Code Annotated, and I think they would find the points they have been raising have very little to do with the bill itself. I would certainly point out that many of the points about guaranteeing the republican form of government and so on have absolutely nothing to do with the bill which is presently before this House and before this committee.

Now I would like to ask a question of the distinguished gentleman from Ohio [Mr. MCCULLOCH] but I see he has left the floor. I notice that the minority leader, the gentleman from Indiana [Mr. HALLECK], has also left the floor. I am wondering if anybody over on the Republican side can tell us whether they have gotten any mandate or ukase from either the President or the Attorney General, who, I assume, is calling the strategy on this bill, as to whether the proposal or amendment offered by the gentleman from Idaho should be adopted. I am wondering if, perhaps, the gentleman from New York [Mr. LINDSAY] would like to speak on this. Have we heard anything from the administration that they want to have no Federal interference in local elections?

Mr. LINDSAY. I am glad the gentleman from Michigan is undertaking to try to shed some light on the confusion that seems to be reigning in the committee and, as he says, he thinks the Committee on the Judiciary has badly botched it up. I am further enlightened by the remarks that the gentleman has made as to what is going on; and everything is now entirely clear. The reason, and obviously one reason, why the Attorney General of the United States has been pressing for a referee voting procedure is because he feels it is the most effective procedure that could be enacted in order to cover the problem. The problem involves not just Federal elections but State elections as well. The Attorney General testified to that effect before the Committee on Rules and the other body and made out a very powerful and very comprehensive and very clear case. I assume the gentleman, in all his exhaustive research he has done, has taken the trouble to read the Attorney General's testimony before the Committee on Rules and the other body on that subject.

Mr. DINGELL. I have, but I wanted to know—there was some inference raised during the debate that, perhaps, the administration has subsequently changed its position. I know the administration does do that on occasion, but I was just wondering whether somebody on that particular side of the aisle could tell us whether the administration has made an end run and turned around and is now going in a different direction than we previously had reason to believe it was going.

Mr. LINDSAY. Of course not, of course not. The administration has been consistent and persistent in its efforts to try to get the Congress to do what the 15th amendment requires.

Mr. DINGELL. I am glad to see the gentleman from Ohio [Mr. MCCULLOCH] is present, and maybe he wants to tell us about this.

Mr. LINDSAY. The gentleman asked the question, and now I would like to ask the gentleman whether he will give me the time to complete my answer to his question.

Mr. DINGELL. I am delighted to do so. I thought the gentleman had finished his answer and I was wondering whether the gentleman from Ohio [Mr. MCCULLOCH] wanted to add anything to what the gentleman from New York said.

Mr. LINDSAY. What I am trying to tell the gentleman then, if he will just give me a moment without interruption, is that the Attorney General has pointed out so often, which apparently the gentleman from Michigan has not taken the trouble to find out about it, the 15th amendment says the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude, and that the Congress shall have the power to enforce this amendment by appropriate legislation.

Mr. DINGELL. I would say to the gentleman that I took the trouble to read the remarks of the Attorney General, and I also took the trouble to read the 15th amendment, and I thank him very much.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. DINGELL] has expired.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 3 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. DINGELL. Mr. Chairman I need 5 minutes because I have a number of Members to yield to. I would like to yield first to the gentleman from Ohio and ask whether he knows what the administration wants on this.

Mr. MCCULLOCH. Mr. Chairman, the gentleman from Ohio will speak when he is recognized by the Chair and will speak when he determines it is in his best interest to speak. Therefore, Mr. Chairman, I decline to answer the question of the gentleman from Michigan at this time.

Mr. DINGELL. I yield to the distinguished chairman of the Judiciary Committee to ask whether there is any communication he has received from the Attorney General or the administration as to the position of the administration on this particular bill.

Mr. CELLER. I have received a communication, and I think the gentleman from Ohio [Mr. MCCULLOCH] has likewise received a communication.

Mr. DINGELL. I would very much appreciate hearing it.

Mr. CELLER (reading):

DEAR MR. CHAIRMAN: You have asked for our comments on an amendment to the administration's voting referee proposal which would limit its application to elections at which Federal officers are involved. The administration is strongly opposed to such an amendment or any similar amendment.

The 15th amendment of the Constitution guaranteeing all American citizens the equal right to vote without discrimination on account of race or color applies to all elections for public office—both State and Federal. If such an amendment, as has been suggested, were adopted it would be an open invitation for the establishment of segregated elections for State officials, thus denying Negroes their clear constitutional right to vote without discrimination in such elections.

If Congress should decide that the constitutional guarantees provided in the 15th amendment of the Constitution should apply only to Federal elections—and not to State elections—then the Constitution should be so amended.

It would be sheer sanctimony for the United States, on one hand, to continue to guarantee in its Constitution as it has since March 30, 1870, the right of Negroes to vote without discrimination in all elections, both Federal and State, and, on the other hand, 90 years later, in March 1960, to enact legislation which, by failing to enforce the right, clearly implies that Negro voting need not be a reality in State elections.

It is my view that if the United States does not support the right to vote as guaranteed by the 15th amendment, we should admit it and amend the Constitution. If it means what it says, the United States should seek to enforce the Constitution within established legal framework, and thus make the right a reality for the Negro.

With best regards.

Sincerely,

WILLIAM P. ROGERS,
Attorney General.

Mr. DINGELL. I thank the gentleman from New York.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Ohio.

Mr. VANIK. I want to point out to the gentleman that the text of this letter was succinctly stated in this morning's Daily News. It points out the Attorney General's opinion, that he feels this amendment should be defeated.

Mr. DINGELL. I wonder if we should give a subscription to the Washington News to the gentleman from Idaho [Mr. BUDGE] so that he could know the position of the administration.

Mr. VANIK. I have learned more about this debate from reading the newspapers than I have from listening to it on this floor.

Mr. DINGELL. Mr. Chairman, may I make a parliamentary inquiry? How do we get back on the track so that we might have a vote on this amendment?

The CHAIRMAN. That is not a parliamentary inquiry. The Chair is just as anxious to have a vote as anybody.

Mr. DINGELL. Would it be proper to move the previous question?

The CHAIRMAN. The previous question is not in order in Committee of the Whole.

Mr. MCCULLOCH. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, if I appear to be a little irked, I think you may know or will know the reason why after I have made a statement.

I am advised that while I was off the floor of the House for about 7 minutes, some remark was made about the senior member of the House Judiciary Committee being tired and unable to attend to his duties.

I would like to say, Mr. Chairman, that I was in conference with the Speaker of the House, along with the chairman of the Judiciary Committee on matters pertaining solely and alone to this bill; and I would be glad to call upon the chairman of the Judiciary Committee, my good friend from New York, to tell the committee where the gentleman from Ohio was during the last 10 or 15 minutes.

Mr. CELLER. I certainly attest to what the gentleman from Ohio said. We were in the Speaker's office discussing with the Speaker certain procedure here. So I think it would be perfectly unfair to say that the gentleman from Ohio was not attending to his duties. He certainly has been very assiduously attending upon his duties.

Mr. McCULLOCH. I thank the gentleman from New York.

Mr. Chairman, I, too, have a duplicate of the original letter which was read by the gentleman from New York, and it is identical. I rise to oppose the amendment offered by my good friend from Idaho.

Mr. DINGELL. Mr. Chairman, will the gentleman yield at this point?

Mr. McCULLOCH. I decline to yield to the gentleman from Michigan at this time.

Mr. Chairman, I object to and oppose the amendment offered by my good friend from Idaho, and I think it is sufficient to say that my opposition comes from the 15th amendment which has been read several times, but which is worth reading again, and I read it:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

One of my very good friends said he felt there was no reason why the Federal Government, the Congress of the United States, should be interested in insuring the citizen of a municipality in Idaho the right to decide whether or not dogs should be kept on a leash. I am not at all interested in the result of that election, but under the 15th amendment to the Constitution of the United States, it seems to me there is a bounden duty on me and every other Member of the Congress of the United States to implement it and to see that the people in that municipality in Idaho have the right to participate in an election which will determine the issue, whatever it may be.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I am very happy to yield to the gentleman from New York.

Mr. HOLTZMAN. First, let me testify to the gentleman's constant attendance and effort in connection with this bill. I would like to ask the gentleman if his feeling would be identical even if the result would constitute only a vote on a dog leash?

Mr. McCULLOCH. My reaction would be exactly the same.

Mr. HOLTZMAN. Actually it does not matter what the matter involved is.

Mr. McCULLOCH. That is my view.

Mr. HOLTZMAN. It is the right to that vote that we are trying to safeguard in this legislation.

Mr. McCULLOCH. That is right.

Mr. BUDGE. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH I will be glad to yield to my good friend from Idaho.

Mr. BUDGE. I have the very, very highest regard for the gentleman from Ohio, but I think we are reaching a rather strained interpretation of my proposal. I am not questioning the right of any individual to vote in any election; I am questioning the propriety of the Congress of the United States setting up enforcement machinery to enter into every local election in the United States, and when there is no Federal official to be voted upon. It is not a question of an attempt to deprive anyone of the right to vote; I think we all believe in that, but there has not been before this Attorney General's proposal came along, there has never before been any enforcement statute enacted by the Congress to do the type of thing which is now sought to be done in this latest draft.

I will ask the gentleman, in the overall consideration of this legislation, whether or not it has not been his expressed opinion that such machinery of enforcement should be limited to Federal officers.

Mr. McCULLOCH. Mr. Chairman, it now is my opinion that the right to vote should be implemented for every qualified person who desires to vote at any public election.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. MEADER. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio [Mr. McCULLOCH] may proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MEADER. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Michigan.

Mr. MEADER. The gentleman from Idaho just said the Congress has never passed an enforcement act relating to a State or local election. May I ask the gentleman if the Civil Rights Act of 1957, which authorized the Attorney General to institute injunction proceedings, would apply to local elections?

Mr. McCULLOCH. It was an enforcement act of considerable force and effect, and was upheld by a recent decision of the Supreme Court in a case that went up from the State of Louisiana.

Mr. CELLER. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Chairman, I have listened carefully and with great interest to the many arguments advanced to support an amendment which would limit the operation of the voting referee proposal to Federal elections alone.

Let us analyze what those arguments are. It is said that the application of the voting referee proposal to State elections is an unconstitutional invasion of States rights. It is a usurpation by the United States of powers reserved under the Constitution to the States, and so on and so on.

I enjoyed listening to these theories. It made me feel very young again. As the gentleman from New York [Mr. LINDSAY], pointed out a few days ago, I have argued the case for civil rights for a very long time and about 100 years ago, when I must have been still a boy, the argument that the Federal Government could not protect a citizen's right in a State election was very much in vogue and it was a sound argument, but today the argument is about 90 years too late. For it overlooks one little item of law. I say a "little item of law" because surely my colleagues who are bombarding us with cries of unconstitutionality have completely overlooked it and if it were an important rule of law, good lawyers that they are, they would certainly not all have overlooked it. It is simply a little thing called the 15th amendment which has been the law of this land since 1870. This is not a particularly esoteric amendment. It is not at all complex. It simply says:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.
>
> Congress shall have power to enforce this article by appropriate legislation.

Now, what does the voting referee proposal do? The voting referee proposal does no more than provide that where it has been proven in a court of law that a State is depriving a citizen of his right to vote on account of race or color, the State will be prevented from doing so. Unconstitutional? I cannot conceive of a more direct response to the spirit, the words and the purpose of the 15th amendment. The 15th amendment unequivocally demands that American citizens are not to be denied their right to vote because of their race or color. The 15th amendment specifically, without qualification without equivocation, without limitation, grants to the Congress the power to enact appropriate legislation to protect those rights. That is what we are doing here today.

Is it not ludicrous to allow a Federal ballot and not a State ballot with referee operator?

Mr. WILLIAMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from New York.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment close at 10 minutes to 4.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Chairman, will the gentleman yield further?

Mr. WILLIAMS. I yield to the gentleman from New York.

Mr. CELLER. Mr. Chairman, I may say that immediately after the vote on the Budge amendment the Committee will rise.

Mr. WILLIAMS. Mr. Chairman, I had hoped that when I finally succeeded in getting recognition that my affable, self-effacing, gracious, generous, liberal, erudite friend, the gentleman from Pennsylvania [Mr. FULTON] might be on the floor. Unfortunately, however, at the particular time I am given the opportunity to speak I fail to see him on the floor. I regret this particularly because I have some very good news for him. So I hope that he will read the RECORD tomorrow because this is primarily for his information, as well as for the edification of the House. I would imagine that he is probably in his office at the moment scanning applications for employment.

On March 14, in a colloquy with the distinguished gentleman from Pennsylvania [Mr. FULTON], he said this:

> I will say this seriously: You send me a young colored couple and I will hire them right now. You send me a young colored man who can drive and I will hire him. Send me two more and I will hire them on my newspaper.

Well, somehow that statement happened to find its way to the newspapers down in Mississippi—who are always glad to lend a helping hand to our northern friends—and on yesterday I am very happy to say this memorandum from my office was delivered to me on the floor of the House:

> We just received a phone call from Mississippi and they called to say they have a driver for Mr. FULTON. His name is Isiah "Smoky" Davis. He has many years of driving as a delivery man for a drugstore in Brookhaven. His expenses will be paid to Washington, Pittsburgh, or any place in the United States Mr. FULTON wants him. His salary is immaterial. "Smoky" is ready to go. He is sending a telegram to FULTON today. He can be addressed at General Delivery, Brookhaven, Miss. He has no criminal record, and there are no charges pending against him.

Now, I received a copy of the wire that was sent to the gentleman from Pennsylvania [Mr. FULTON] yesterday afternoon by Isiah "Smoky" Davis, in which he made application for the position and said that a letter will follow. Well, gratuitously Smoky has sent me a copy of his letter of application to the Honorable JAMES G. FULTON, Congressman, State of Pennsylvania, 246 House Office Building, Washington, D.C., which reads as follows:

> I, Isiah Davis, a bona fide Negro male, 34 years of age, living and residing in Brookhaven, Miss., do hereby apply for the position you have for a young colored man who can drive.
>
> I hold a good and valid driver's license in the State of Mississippi and have had several years experience driving, having been formerly employed by Walley-Field Drug Co. as driver of their delivery vehicle in the city of Brookhaven, Miss.
>
> I beg to advise that I can report for duty within 48 hours and insofar as salary is concerned, I feel certain that your generosity will be sufficient. I will consider it an honor and a pleasure to be employed by you and I hope that I am the first applicant for this job because I do sincerely want to work for you.
>
> You will note that I am sending copy of this letter to Hon. JOHN BELL WILLIAMS but I beg to advise that I have never seen Mr. WILLIAMS and that I have had absolutely no contact with him but I saw in the Jackson Daily News edition of yesterday where you and he were arguing and that you said you would accept any bona fide applicants for jobs.
>
> Sincerely,
>
> ISIAH DAVIS.
>
> (Copies to Hon. JOHN BELL WILLIAMS, House Office Building, Washington, D.C.)

Mr. Chairman, "Smoky" Davis appears to me to be an ideal candidate for integration into the top level social strata of Brentwood and the other areas of Pennsylvania represented by Mr. FULTON.

I am sure that every Member of this body will be glad to join me in wishing "Smoky" and Mr. FULTON a long, happy, congenial, and profitable association together.

I am quite sure, also, that we will have little difficulty in assisting the gentleman further by furnishing applicants for the other positions which he has available.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, I ask unanimous consent that the time allotted to me be yielded to the gentleman from Virginia [Mr. SMITH].

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Chairman, the presiding officer this morning said that we have been writing this bill for 5 days. Now, he lost a little count of time. We have been writing this bill on the floor of the House for 7 consecutive days. This bill should have been written in the Judiciary Committee, and I have been anxious to find out why it was not. The Committee on the Judiciary has had before it this same legislation ever since the 28th of January. They have had ample time to consider the bill. They have had partial hearings on the bill. They have had the registrar bill before them for a month before that time.

Now, I am wondering just what is back of all this that we should be thrown into this state of confusion of having to write this bill on the floor when the committee to which it was referred has had ample time to make a report. Is it so that they just did not have the votes in the Committee on the Judiciary to get it out? I rather suspect that that is what happened in the matter.

Now, a question was asked awhile ago that I have been anxious to get an answer to on this amendment where we are seeking, for the first time, to invade the area of State and local elections. It has never been tried before. No committee has ever acted on it or reported it favorably. But, the effort is being made here to railroad it through the House on a measure for which there appears to be a great deal of popular support. We have a Civil Rights Commission. Those who favor civil rights legislation have had this Commission appointed. The life of that Commission has been renewed for a period of 2 years. That Commission made an important report last year which probably helped them to get a renewal of their life. They made two important recommendations. One was that Federal registrars should be appointed; and the other was that this legislation should be confined to Federal elections and not invade the area of local State elections. And yet the very people who favored that Commission have repudiated the only two important recommendations that the Commission has made.

Now why? Gentlemen here on the floor this afternoon, on this amendment to confine this to Federal elections, have asked the members of that committee who are supporting this legislation time and time and time again why they are including local elections, why they are repudiating the Commission which they had had appointed and which recommended that the voting provisions be limited to Federal elections. Why should we go to the expense of maintaining this Commission when, after they bring in their final, considered judgment, after consideration and investigation and hearings, their most important recommendations are ignored and repudiated by the very people who were responsible for their creation?

I hope this amendment will be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama [Mr. ELLIOTT].

Mr. ELLIOTT. Mr. Chairman, I renew my objections to this voting plan on grounds that, first, it will allow the Federal Government to count ballots as it were, and, secondly, it will allow the Federal Government to carry persons right into the polls. No one can justify doing this in purely State and local elections.

In fact, no one can justify the application of this plan to State and local elections in view of the traditional separation of powers. Where will the long arm of Federal interference end? Is it the intention of Congress to take control of elections for State and local officials away from the States?

This Congress up to March 1960 has never enacted a law establishing a conclusive presumption. You did that in this bill. The antitrust law went pretty far. It established a prima facie presumption. A prima facie presumption can be rebutted with proper proof. A conclusive presumption in theory cannot be rebutted. It is conclusive. It is final. I think this is one of the weak points in the bill. I think it jeopardizes the constitutionality of the bill. Having said that I would like to say that I will not shed any tears if it is declared unconstitutional.

The Attorney General of the United States, testifying before the Senate Rules Committee in January, said on page 347 of the printed hearings:

> We do not want to take the election away from the States. We want them to conduct the elections the way they always have.

With all due respect in view of that statement, I do not think the Attorney General has really thought through what the result of this proposal would be. The voting plan would place in the hands of Federal officials the responsibility of administering State law; it would place in the hands of Federal officials a power to spy upon and to oversee the whole running of the State election as well as the Federal election.

I urge that the amendment be adopted, and that later the bill be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, there are two points I wish to make. No. 1, I am interested in H.R. 9452, introduced by the distinguished chairman of the committee, which was a registrar bill and which specifically provided for the very limitation which the gentleman from Idaho is attempting to write into the bill at this time. It is specifically limited to elections involving Federal officials, as appears on page 2 of that bill. I can understand the distinguished chairman's concern about broadening this election procedure and the Federal administerial function concerning it through appointive Federal referees beyond Federal elections.

The statement was made by the gentleman from Idaho that there had not been since the Civil War Acts were repealed by Congress itself back in 1894 an enforcement act enacted. I think what the gentleman meant was an enforcement act in the sense of a Federal administrative official taking over the function of a State administrative official. That is exactly what this bill does. A referee takes over the administrative function of registering people that presently is in the hands of the State registrar. In that sense I challenge anyone to point to any act that has been enacted by Congress since the repeal of the Reconstruction Act in 1894 where the Federal Government has superseded and taken over the acts of a local administrative official within a State by substituting a Federal administrative official to do his job. There is no such precedent, and I submit that is exactly what the gentleman from Idaho was talking about. Are we to return to the oppressive Federal substitution of federally appointed officials to do the job of elected State officials that led to such suppression and domination as occurred in the Reconstruction days—in 1960? Are we, for the first time since 1870, to again usurp the functions of elected State election officials with Federal referees?

I submit the following excerpt from the committee hearings on voting rights on page 62, quoting Judge Bloch on this point:

Doubtless the drafters of the bill H.R. 10035 proposed on January 27, 1960, by Attorney General Rogers conceived its basic idea from the acts of 1870 and 1871 set out rather full in *Ex parte Siebold*, 100 U.S. 371, 379–380. Those laws "relate to elections of Members of the House of Representatives, and were an assertion on the part of Congress, of a power to pass laws for regulating and superintending said elections."

Those laws were "a part of the comprehensive 'Reconstruction legislation' passed after the Civil War. They were repealed by the act of February 8, 1894, 28 Stat. 36, an act which was designed to restore control of election frauds to the States." Justice Douglas, in *United States v. Saylor* (322 U.S. at pp. 390–391).

After that quotation, Justice Douglas alluded to and quoted from the committee report, House Report No. 18, 53d Congress, 1st session, page 7, which sponsored the repeal and stated:

"Let every trace of the 'Reconstruction measures be wiped from the statute books; let the States of this great Union understand that the elections are in their own hands, and if there be fraud, coercion, or force used they will be the first to feel it. Responding to a universal sentiment throughout the country for greater purity in elections many of our States have enacted laws to protect the voter and to purify the ballot. These, under the guidance of State officers have worked efficiently, satisfactorily, and beneficently; and if these Federal statutes are repealed that sentiment will receive an impetus which, if the cause still exists, will carry such enactments in every State of the Union."

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. MORRIS].

Mr. MORRIS of Oklahoma. Mr. Chairman, I believe I can put my finger on the crux of the situation, after having done some research and heard this debate. Here it is simply, in a nutshell, as I see it.

In regard to electing a Member of Congress—it would not apply to presidential electors and the Resident Commissioner of Puerto Rico, it would apparently not apply to those, and that is in the Budge amendment, but we have a specific constitutional provision stating that Congress can, if it wants to, determine the manner of holding elections for Members of Congress. That is section 4, article I. Whether it would be wise to do it is another question.

In regard to the 15th amendment, there is no such provision, so here is the thing that causes me to have great doubt about the constitutionality of this bill, that under this referee system that they use they are taking over at least partly the functions of the State election machinery determining the manner of holding State elections. That is the thing that is disturbing me.

Without expressing the wisdom of it at this time, I would say to these gentlemen that you can legally go perhaps even much further than this bill goes in preventing discrimination by a constitutional law. I think you could provide many things. I think you could provide in substance that if any registrar in a State or a State official charged with election duties were to discriminate against any person regardless of race or color and deny or abridge his right to vote, he would be guilty of a Federal offense. You could provide to bring such offending person into Federal court, you could send him to prison, you might even provide for damages, although damages can ordinarily only be allowed where there is some pecuniary loss and of course injunctive relief could be provided. I think you can go that far. I think you can break up any practice of discrimination, and I think it should be broken up by good laws when and if it exists, but I do not believe you can go in and take over the election machinery of a State government. That is exactly where the situation is, as I view it. I do not know for sure yet how I am going to vote on this Budge amendment because I think it is probably unconstitutional itself for the reasons I have mentioned.

Mr. JONES of Missouri. Mr. Chairman, I offer a privileged motion.

The Clerk read as follows:

Mr. JONES of Missouri moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

Mr. JONES of Missouri. Mr. Chairman, this motion is made in all sincerity. I am, of course, not a lawyer, as you know; much less a constitutional lawyer, but I have heard so many admissions made here on the floor of the House by members of the Committee on the Judiciary that the amendments we are now discussing have not been discussed in the Committee on the Judiciary, hence there seems to be much confusion and disagreement among members of that committee of distinguished lawyers. I am also somewhat confused that it has taken the administration so long to determine what their recommendation is as to the kind of legislation we need to have. You really need a program of the races to follow everything that has taken place here during the last 7 days. I first thought I understood something about the rule under which this legislation was brought to the floor. The rule provided for the consideration of the bill H.R. 8601 and made in order the consideration of H.R. 10035 as an amendment. The gentleman from New York [Mr. LINDSAY] offered the bill H.R. 10035 as an amendment. Then we started offering other substitutes here. The gentleman from Ohio [Mr. MCCULLOCH] offered the bill H.R. 10625 as a substitute. As I understand it, the bill H.R. 10035, introduced on January 28, by the gentleman from Ohio, was supposed to represent the desires of the administration. Then by February 23 the administration had changed its mind and the gentleman from Ohio then introduced H.R. 10625. Well, we know after 2 days of going up the hill and down the hill that we were finally back where we started from with the original bill H.R. 8601. Then the gentleman from Ohio offered the bill H.R. 11160 as an amendment. But, it seems that in all the confusion—and there was some confusion, I believe, and I do not believe I was the only one who was confused—we read a bill which purported to be H.R. 11160 with an amendment. But, it seems when it was sent to the Clerk's desk in a hurry, the amendment was not in it. So then on the other side, the gentleman from New York picked up the same bill with an amendment in it and offered it. Since that time we have been debating two bills that have never been debated or considered in the House Committee on the Judiciary.

Mr. Chairman, if there is any orderly procedure at all, and if there is any reason or any excuse for having committees in this House of Representatives, I submit to you I think that the committee would be the proper place to decide and to at least come to some agreement or disagreement on what this bill purports to do instead of trying to write the bill on the floor of the House. We bring in closed rules here on other bills although I would not advocate a closed rule on a bill of this kind. Before I close, Mr. Chairman, I want to say we keep hearing that we are talking about voting rights. I submit to you the proponents of this legislation have indicated time and time again that it is not just the voting rights that they are concerned with. They want to cover the whole waterfront. They have offered other bills here to take in everything under this title, and one of the bills was ruled out of order because of that. One of the gentlemen here today said that the only thing he knew about this was what he could get from reading the newspapers. I want to tell the gentleman that if you are relying on the newspapers to get the facts about this civil rights legislation, you have a very poor source of information. I read here in the newspapers in Washington this morning, and I think that this is the kind of story that goes out all over the United States, that it was the southerners who are prolonging this debate and that they were the ones who were causing the delay on this.

Mr. Chairman, I ask this question: Who offered these amendments? Who offered H.R. 11160? Who offered the amendment H.R. 10035? Who offered the amendment, H.R. 10625? Everyone of those amendments were offered by the proponents of this bill. I submit that they are the ones who have been causing the delay and not the people from the South. If you bring out a bill from the committee guaranteeing the right of qualified persons to vote, I am sure you would get it passed in this House.

Again, let me impress upon you this fact. I am serious and sincere in my belief that this bill should be sent back to the Committee on the Judiciary, in order that we can proceed in an orderly, and I would say an intelligent manner. No one—even those who claim to be constitutional lawyers—can give us any assurance that the action they are taking here, in considering amendments to pending amendments, is based on either the Constitution or sound legal grounds. If the rules of this House required that only those who understood the legal interpretation of the issues upon which they are voting, could vote, then every vote could be challenged on the grounds of an absence of a quorum. I think the record should show that on the question of adjourning early, and on practically every other delay that has taken place during the past 7 days, it has been the proponents who have requested the delay, just as they have been the ones who have offered the basic and drastic amendments which have kept us here, during what promises to be an unprecedented number of days for the consideration of any piece of legislation in the House. If the leadership of the Committee on the Judiciary had done its job, it would have been unnecessary to have taken all of this time, unless of course they were more interested in reprisals against the South than in securing voting rights for those whom they allege have been disenfranchised.

Mr. COLMER. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, of course I am not in opposition, but I wanted to point out to the gentleman from Missouri [Mr. JONES] who has made a very clear and concise statement about the confusion that we find ourselves in that in these 7 days of debate we have not reached consideration of the bill that the Committee on the Judiciary reported out. We have been laboring over amendments that have been offered, which were never considered or voted upon by the Committee on the Judiciary.

The gentleman from New York [Mr. CELLER] started out with an amendment—really this is what started all this confusion—the gentleman from New York [Mr. CELLER] started out at the beginning with an amendment that would set up a system of carpetbag registrars; but then our friends of the opposition party were not going to be outdone by that, so they came up with the referee plan. Again demonstrating the party politics involved.

Now the gentleman from New York [Mr. CELLER] in his original proposition introduced a bill for registrars that would do what? That would only affect elections where Members of Congress and Federal electors were voted upon. But now the gentleman has abandoned that and he has joined unholy hands with the Attorney General and wants to go further, as the gentleman from Idaho [Mr. BUDGE] points out, and have the election machinery even on dog elections controlled by the Federal Government.

Mr. Chairman, the gentleman from New York would go even further than that, because as I pointed out previously in the debate he wants to go back to the Reconstruction days; and if we adopt that type of legislation, is that doing anything for this great country of ours?

I want to ask the gentleman from New York in all seriousness, and those who share his views, are you really doing anything for the people that you profess you are so interested in? What are you doing? You are stirring up racial strife all over this Nation, and I hate to think about what the next news from the North or the South is going to bring in the way of racial strife. It is a reenactment of the old Reconstruction conditions. What is that going to do for the people that they profess to be interested in? I think the gentleman from Missouri [Mr. JONES] has put his finger on it; you should not attempt to write such controversial legislation on the floor of the House.

The motion of the gentleman from Missouri should prevail.

The CHAIRMAN. The time of the gentleman from Mississippi [Mr. COLMER] has expired.

Mr. HOFFMAN of Michigan. Mr. Chairman, a point of order. I seek recognition in opposition to the amendment on the ground that the gentleman from Mississippi did not talk against the motion.

The CHAIRMAN. The 5 minutes for the preferential motion and the 5 minutes against the motion have expired.

The question is on the motion offered by the gentleman from Missouri [Mr. JONES].

The question was taken, and on a division (demanded by Mr. JONES of Missouri) there were—ayes 101, noes 159.

Mr. RIVERS of South Carolina. Mr. Chairman, I demand tellers.

Tellers were refused.

So the motion was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Idaho [Mr. BUDGE].

The question was taken; and on a division (demanded by Mr. BUDGE) there were—ayes 129, noes 148.

Mr. BUDGE. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. CELLER and Mr. BUDGE.

The Committee again divided, and the tellers reported that there were—ayes 134, noes 137.

So the amendment was rejected.

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. WALTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, had come to no resolution thereon.

UNITED STATES v. BERNARD SILBER

Mr. DOYLE. Mr. Speaker, I rise to a question of the privilege of the House.

The SPEAKER. The gentleman will state it.

Mr. DOYLE. Mr. Speaker, I have been subpenaed to appear before the U.S. District Court for the District of Columbia to testify on the 21st day of March 1960 at 9:30 a.m., in the case of the United States of America against Bernard Silber. Under the precedents of the House, I am unable to comply with this subpena without the consent of the House, the privileges of the House being involved. I, therefore, submit the matter for the consideration of this body.

Mr. Speaker, I send to the desk the subpena.

The SPEAKER. The Clerk will read the subpena.

The Clerk read as follows:

U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA—UNITED STATES OF AMERICA v. BERNARD SILBER—CRIMINAL No. 753–58

To Representative CLYDE DOYLE,
House Office Building:

You are hereby commanded to appear in the U.S. District Court for the District of Columbia at Third and Constitution Avenue NW., fourth floor, courtroom 8, in the city of Washington on the 21st day of March 1960 at 9:30 o'clock a.m. to testify in the above-entitled case.

This subpena is issued on application of the defendant.

HARRY M. HULL, *Clerk.*
By JOHN A. O'BRIEN, *Deputy Clerk.*

March 15, 1960.

David Bein, attorney for defendant, Washington, D.C.

Mr. McCORMACK. Mr. Speaker, I offer a resolution (H. Res. 479) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Whereas Representative CLYDE DOYLE, a Member of this House, has been served with

a subpena to appear as a witness before the U.S. District Court for the District of Columbia, to testify at Washington, D.C., on the 21st day of March 1960, in the case of the United States of America against Bernard Silber, criminal case numbered 758–58; and

Whereas by the privileges of the House no Member is authorized to appear and testify, but by order of the House: Therefore be it

Resolved, That Representative CLYDE DOYLE is authorized to appear in response to the subpena of the U.S. District Court for the District of Columbia in the case of the United States of America against Bernard Silber; and be it further

Resolved, That as a respectful answer to the subpena a copy of these resolutions be submitted to the said court.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THERE IS TRAGEDY AND TRIUMPH IN THE HISTORY OF IRELAND

Mr. LANE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, other nations are known for their political institutions, their commercial zeal, their military prowess, or their artistic and scientific achievements.

But Ireland, above all others, is identified by its religious faith. Wherever you go in this world, the name of St. Patrick is immediately associated with Ireland and the Irish.

On the yearly celebration of his birthday, in which other races and creeds join with us out of admiration for the qualities of the Irish people, it is customary to recall the example and the inspiration of our patron saint.

Through famine and persecution and the long struggle to win freedom, it was the faith of St. Patrick that sustained and strengthened the Irish when all else seemed hopeless.

When you compare the relatively small population of Eire today with the "world population" of Irishmen, you cannot help but conclude that this is the greatest missionary people that ever was, or will be.

For they are animated by love of God, of freedom, and the dignity of the individual.

St. Patrick was blessed with this spirit and this courage.

This is the quality of our race that we prize above all else.

In honoring the memory of St. Patrick, we not only reach back through the centuries and to the gift of Christianity that he brought to our people, but we are proud of its growth that finds fulfillment in the Ireland of today.

There are many of us who have dreamed many times about it, but have never had the opportunity to visit the land of our forefathers.

We are familiar with the sufferings and the glories of the past through the memories of the early immigrants—memories that have been carried forward through the generations.

And we wonder how things are with Ireland today.

The Republic of Ireland is about the size of the State of Maine. Its population is a bit more than 3 million. Eire embraces 26 of the 32 counties that comprise the Emerald Isle.

Bear in mind that Eire is the Irish term for Ireland—all Ireland—which anticipates the day when all the 32 counties will be reunited.

Some people wonder why "the wearin' of the green" means so much to the Irish. And why not when it is the symbol of spring and summer and all the creative forces of life itself?

We expect to see it in the forests and gardens and lush meadows.

But in Eire the fences are green, and so are the letterboxes, the trash cans, the lampposts, the buses, the front of the corner post office, and the face of the local pub.

Eire has become well known for its hams, bacons, tweeds, poplin, laces, linens, whiskies, flower bulbs, frozen beef, clothes, shoes, raincoats, waterford glass and crystal wares, fine bloodstock horses, and thoroughbred dogs and cattle.

The Irish people are the best fed in the world.

This is quite an improvement from a hundred years ago, in terms of physical health and well-being.

At the time of the terrible famine in 1846–47, Ireland had 8 million people, of whom nearly 1 million starved to death and 3 million emigrated.

The crime and suicide rate in Ireland today is the lowest in Europe.

But here we come to one disturbing note. One-sixth of the population never marries, which is a far higher proportion than elsewhere in the world. When the Irish do marry they produce more babies per couple than anybody. Why then, with their devotion to family life, do so many fail to marry?

Successive governments in Eire have had to contend with two of the evils which independence had been designed to cure; a high level of unemployment and a high rate of emigration.

It came as an unpleasant surprise to the Cosgrave government that the emigration flood did not immediately dry up when Ireland won her independence. It was even more disheartening for De Valera's government to find that its self-sufficiency remedy was also useless. In the year 1950 over 40,000 men, women, and children emigrated, nearly 1.5 percent of the population; and Ireland became the only country in the world whose population declined in the first half of the 20th century.

It was easy for the Irish statistical office to prove that, by 1950, the population had actually risen slightly again, in spite of emigration. But this did not conceal the fact that Ireland had the lowest marriage rate of any country in the civilized world. The average age at which men married was 35—considerably higher in the rural areas—a curious situation for a country which venerated the family as an institution. Various guesses were made as to the cause of this decline.

It was generally agreed that the low marriage rate was due to social and economic factors. The scarcity of land made it hard for a young man to marry until the death of his parents passed the possession of the farm into his hands. By that time, he would be twice-cautious in his choice of a wife.

Meanwhile, there was the flight from the land of younger sons—and daughters who did not intend to wait until some boy—as landless men were called until well into old age—came into a farm and felt that he had sufficient security to propose to her.

Agricultural reforms and increased industrialization are necessary to create more economic opportunities for young people.

The Government provides a wide variety of social services, including many on an insured basis as in the United States. However, I notice a few extra provisions designed to cope with the marriage deficit.

The marriage benefit consists of a lump sum of not more than 10 pounds and not less than 3 pounds, payable on marriage and then only to an insured woman.

Maternity benefits consist of, first, a lump sum maternity grant; and second, a maternity allowance covering 6 weeks before and 6 weeks after confinement.

There is also a program of children's allowances to help in raising a family. A person is eligible for a children's allowance if he has two or more qualified children living with him. Such a person need not be an Irish citizen.

'Nurtured by a moist and mild climate favorable to grass, two-thirds of Ireland's agricultural land is pastureland. In turn, this fact gives rise to the great livestock industry, which is the mainstay of the country's economy. Although agriculture has become more diversified in recent years with the growing of grain, root crops, and fruit, livestock and livestock products continue to be of primary importance and account for over three-fourths of the gross value of farm output.

The Irish Government, convinced that the years immediately ahead are decisive ones for Ireland's economic future, laid before its Parliament in late 1958 a white paper which outlines a comprehensive 5-year economic expansion program. It is designed to increase the present national income by 2 percent annually, a rate which is twice that achieved in recent years. This would double real national income in 35 years.

More and more foreign firms are starting new businesses in Ireland where they are warmly welcomed by both Government and people.

The industrial development authority offers special advantages to attract new industries. The Government provides outright nonrepayable grants for new industries up to the full cost of factory buildings.

The Government is also prepared to pay up to 50 percent of the cost of plant and machinery. Additional grants are available to cover the cost of training workers.

Profits earned by new firms from exports are exempt from income tax, and corporation profits tax.

Ireland is the only north European country with a manpower surplus. There is more than sufficient manpower readily available to double the scale of Irish industry within a decade.

Irish workers are adaptable and efficient, and they readily acquire new skills.

The pool of skilled labor can at any time be added to from among the very large number of Irish skilled workers in Britain, many of whom welcome the opportunity to return home.

Because of its geographical position as the outpost of Europe, and closest to the United States, Ireland has become important to the world of air-transport.

She has two international airports, located at Dublin and Shannon. Each is Government owned and operated. Shannon is a free port. The Government is building new facilities at Cork in order to increase tourist traffic to southern Ireland.

Shannon Airport is used for aircraft on transatlantic flights. A new terminal, able to accommodate 10,000 travelers has been completed. According to statistics, the year 1958 was a record one for Aer Lingus. More than a half million passengers and over 9,000 tons of cargo were carried, an increase of 60,000 passengers and 1,000 tons of cargo over 1957.

There was a record harvest in Ireland during 1959, with excellent wheat and barley crops, a boom in the tourist business, and a rise in the cattle exports to Britain.

Of greater importance, however, is the initiative shown by industrialists. Instead of limiting themselves to the home market behind the protection of tariff walls, they are becoming export minded.

According to the New York Times of January 12, 1960:

> In recent months they have been exporting television sets to Singapore, glassware to Hong Kong, railway carriages to Lebanon, picture postcards to Thailand and Peru, nylon stockings to British Guiana, concrete mixers to the Middle East.

In the field of education and cultural development, it is noteworthy that some of the most beautiful prose in the English language has been written by the Irish.

The world-famous Abbey Theatre was destroyed by fire in 1951. In spite of its limited resources, the Irish Government immediately allocated $700,000 for its reconstruction.

'Through the centuries they have been masters of the spoken word.

Every school child learns about the Fianna who served the high kings over 2,000 years ago. Each had to jump over a stick his own height, to stand in a hole up to his chin and defend himself against 9 men, to run through a wood without breaking a twig under his feet or a leaf over his head, to take a thorn from his foot while running, and, in addition, to know 12 books of poetry and to make a poem himself.

For the Gaels have imagination, a sense of wonder, and a love of beauty.

With their respect for the craft of letters, they brought a creative wealth to English literature through such writers as Swift, Sheridan, Wilde, Shaw, Moore, Synge, Yeats, Joyce, O'Casey, and many others.

St. Patrick died in the year 461, at Saul, near Downpatrick, where he had built his first church.

He would be proud of his people and their indomitable faith in the year 1960. They have economic and social problems, 'tis true, but nothing like the terrible troubles of the past.

Two centuries after St. Patrick's death, all Ireland was dotted with monasteries, and she was known throughout most of Western Europe as Insula Sanctorum.

With her reverence for God and her love of humanity she kept the light of civilization glowing through the Dark Ages when the barbarians overran Europe.

Perhaps the world is passing through a similar period today, as the tremendous power of science dwarfs the spirit of man.

This is a time for us to follow the example of St. Patrick, as never before.

The Irish may be small in numbers among the more than 2 billion people on this globe. But they are blessed with a faith that is eternal.

On this day that is devoted to the memory of our patron saint, we rejoice in the traditions and customs of the Irish, and honor the country where our ancestors were born.

Confident that the mission of St. Patrick goes on through us to help bring the world to an understanding of peace, with freedom and justice, under God.

DRINKING AND SERVING ALCOHOLIC BEVERAGES ON AIRLINES

Mr. LANE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, I insert in the RECORD the following communications on the subject of the drinking and serving of alcoholic beverages aboard air carrier aircraft:

FEDERAL AVIATION AGENCY,
OFFICE OF THE ADMINISTRATOR,
Washington, D.C., March 17, 1960.

Hon. THOMAS J. LANE,
House of Representatives,
Washington, D.C.

DEAR MR. LANE: We regret the delay in replying to your letter of February 4, 1960, concerning the progress that this Agency is making toward carrying out the proposed intent of the amendment to the civil air regulations governing the drinking and serving of alcoholic beverages aboard air carrier aircraft. You specifically request to be advised if all airlines have been informed and whether or not the aircraft industry has been advised as to instructions to pilots and stewardesses, and what standards will be used by these personnel to effectively carry out this amendment.

Our advice to the airlines was dispatched only recently as you will see from the enclosed copy of a letter which has been mailed to the presidents of all the airlines. The letter sets forth the views of this agency as to what is expected of the airlines in connection with the regulation and the manner in which the Agency plans to conduct enforcement action resulting from failure to comply with its requirements. I believe the letter to all airline presidents contains the information you desire.

As the enclosed letter indicates, the airlines must, of course, abide by the requirement not to serve any alcoholic beverage to any person aboard an air carrier aircraft if such person "appears to be intoxicated." In the administration of this standard the cooperation of the airlines is requested in providing their passengers with information, in a readily understandable form, regarding the existence of this rule and its prohibitions. In this connection it is suggested that the airlines provide appropriate instructions to the cabin attendants and other crew members. The airlines are further advised that they should not hesitate to contact us regarding any questions they may have concerning this matter.

Your interest in this matter is appreciated. Do not hesitate to call upon us at any time that you think we may be of service.

Sincerely,

E. R. QUESADA,
Administrator.

FEDERAL AVIATION AGENCY,
Washington, D.C., March 2, 1960.

The Federal Aviation Agency, after due consideration of all factors involved, has adopted a regulation with regard to the drinking and serving of alcoholic beverages aboard air carrier aircraft. This regulation has an effective date of March 10, 1960, and specifies that:

(a) No person shall drink any alcoholic beverage aboard an air carrier unless such beverage has been served to him by the air carrier operating the aircraft.

(b) No air carrier shall serve any alcoholic beverage to any person aboard an air carrier aircraft if such person appears to be intoxicated.

It has recently come to my attention that there is some concern among the airlines as to what is expected of them in connection with this regulation, and how this Agency plans to conduct any enforcement action resulting from failure to comply with its requirements. The purpose of this letter is to give you the views of this Agency concerning these two points.

As to what is expected of the airlines, I believe you must, of course, abide by the requirement not to serve any alcoholic beverage to any person aboard an air carrier aircraft if such person appears to be intoxicated. Going beyond this basic legal requirement, we request your cooperation in providing information to your passengers, in a readily understandable form, regarding the existence of this rule and its prohibitions. One logical means of fulfilling this responsibility would be to include a brief, printed explanation in the public relations folders which are normally provided all passengers and are usually found in the pocket in back of each passenger seat. We further request that you report any violations of this rule, which your personnel observe, by passengers drinking alcoholic beverages from personal sources. These reports should be supported by statements from other passengers, crew members, or any other individual witnessing the violation. In this connection, we suggest that appropriate instructions to your cabin attendants and other crew members be included in the handbooks or manuals provided these personnel.

We would like to encourage another step on the part of the airlines which would materially help to control drinking aloft. We hope you will speedily resolve any differences you may have and unanimously adopt an industry code covering this practice. We are aware of at least one proposed code of this nature in which the airlines

would agree to limit the size and number of drinks which may be served to any individual during a flight. This proposal also contains a stipulation that the availability of alcoholic beverages on certain flights would not be advertised or otherwise promoted or emphasized. This type of cooperation, as a further means of insuring moderation, is heartily endorsed.

With regard to the policies of this Agency from an enforcement standpoint, we expect to pursue vigorously any report of a violation submitted to us by any airline, by any airline passenger or other individual, or by any of our inspectors who, in the course of their normal inspection duties in conjunction with airline operations, observe such violations.

Speedy enforcement action will be initiated in any case where the facts support the charges. It should be emphasized that any airline which serves alcoholic beverages to a passenger who appears to be intoxicated will be subject to enforcement action, as will any individual who consumes an alcoholic beverage not served to him by the air carrier.

I am confident that I can expect the same cooperation from you in this matter that you have shown on many other occasions in the past. Your personal endorsement of this program, and your assistance in seeing to it that it is understood by all personnel within your organization, will do much toward gaining the necessary acceptance and cooperation on the part of the general public.

If you have any questions on this matter, please do not hesitate to ask them. We shall be glad to assist in any way we can.

Sincerely,

E. R. QUESADA,
Administrator.

THE REPUBLICAN-SOUTHERN DEMOCRATIC COALITION, 1937–59

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, a curious article entitled "Good News for Businessmen, Whoever Wins Congress" appears in the March 14, 1960, issue of U.S. News & World Report, pages 64–67.

It purports to be based on a study of the Republican-southern Democratic coalition in the House released February 29 and conducted under my direction. After considerable searching in my files, I have concluded that the U.S. News article must refer to a research paper which I inserted in the CONGRESSIONAL RECORD for January 27, 1960, on page 1441. However, aside from the few direct quotations out of context it bears little resemblance to the original study, which was entitled "The Republican-Southern Democratic Coalition, 1937–59."

Woven among the quotations from this research paper are a hodgepodge of editorial remarks which the casual reader might conclude also came from the coalition study. Most of us have become accustomed to David Lawrence's techniques of editorializing and fact-twisting in so-called news items in his magazine. But in this case I think it is necessary to point out that the distorted statements contained in this article did not, in fact, come from the paper I placed in the RECORD.

For example, in the second column on page 64 and elsewhere in the article references are made to the "liberal outlook" or "the outlook as liberals see it." The conclusions following these references must have been dreamed up by Mr. Lawrence or one of his writers because they do not appear anywhere in the research paper.

The U.S. News article presumes to state these conclusions as part of the "liberal outlook":

The Thompson study offers a new basis for sizing up the political climate as it will affect business. The outlook, as liberals see it:

A check on the trend toward higher Federal spending.

Resistance to any new "soak the rich" tax proposals, but no sharp cuts in present rates.

Only a moderate increase, if any at all, in the minimum-wage rate, now $1 an hour.

Protection of the labor reform law, passed by Congress last year, against any efforts to repeal or greatly modify it.

No major tightening of the antitrust laws that would put severe new restrictions on business.

Mr. Speaker, these statements are not included in, nor can they be construed by any reasonable man, as having come from any statement or conclusion in the study previously referred to.

The entire tone of the article proclaiming "Good News for Businessmen" raises the interesting question as to what kind of businessmen Mr. Lawrence has in mind.

Is it possible that most businessmen feel that "no major tightening of the antitrust laws" is "good news"? I think not. I have recently introduced a bill, H.R. 9839, to tighten up the antitrust laws by increasing penalties for violations. It has the full support of the National Federation of Independent Business and many other small businessmen who have been squeezed by giant monopolistic corporations.

Is it "good news" to businessmen that tax cuts are unlikely or "good news" that they may be forced to pay even higher interest rates on money they borrow if the bill to eliminate the 4¼-percent ceiling on Government bonds is passed? I think not.

It would appear that "businessmen," as pictured by the U.S. News, means big businessmen, desperately in need of political tranquilizers, not the thousands of small businessmen who have been shut out of lucrative defense contracts; not those who have been the victims of discriminatory pricing practices, nor those small businessmen who have been forced into bankruptcy by the administration's "boom and bust" economic policies.

The U.S. News article, when it departs from its editorial jousts with imaginary statements, does make it clear that the responsibility for any major shortcomings in the performance record of the 86th Congress rests with the Republican-southern Democratic coalition majority, backed by the President's ever-present veto.

Any failure of this Congress to enact a meaningful farm program, an adequate increase in the minimum wage, needed improvements in the Social Security Act, an effective civil rights bill, an adequate education bill, distressed area legislation, or the pending housing measure can and will be attributed to the domination of the House of Representatives by the coalition of Republicans and southern Democrats.

The coalition is also playing an important role in Vice President NIXON'S campaign strategy. Knowing their political astuteness, I have been somewhat puzzled as to why our Southern friends in the House permit themselves to be used in this fashion by the Republican presidential candidate.

His strategy was outlined by columnist Doris Fleeson in her January 21, 1960, column in the Washington Evening Star:

The broad strategic aid of Vice President NIXON'S preconvention campaign is now clear. It is to make the House of Representatives the graveyard of Democratic efforts to build a record of real legislative accomplishment this year.

Democrats need that record desperately to support a campaign based on the issues. They will have to wage such a campaign because they lack a star of sufficient political magnitude to meet Mr. NIXON with all his present advantages on anything like equal terms. They probably will not even know who their candidate will be until the convention decides. • • •

His (NIXON) troops are the old conservative coalition of Republicans and southern Democrats which Republican House Leader HALLECK began to put together last year. Mr. NIXON has extended their supply lines into the White House and the Republican National Committee. Held in reserve is the President's veto power.

Mr. Speaker, while I realize that it is asking a great deal, I hope that in the future Mr. Lawrence and his U.S. News writers will be a little more careful in specifying what they are quoting or attributing to a news source and indicate clearly to their readers what portions of news articles are editorial meanderings.

HON. LEO W. O'BRIEN

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DULSKI. Mr. Speaker, LEO W. O'BRIEN, Democrat, of Albany, N.Y.; born in Buffalo, N.Y., September 21, 1900, graduate of St. Joseph's Collegiate Institute, class of 1918, graduate of Niagara University with a B.A. degree in 1922; newspaperman from 1922 to present; member of Albany Port District Commission, 1935–52; profession: reporter and radio television commentator.

Congressman LEO W. O'BRIEN has had three separate careers, all of them relating to public affairs.

He was a newspaperman for 30 years, entering that field immediately after his graduation from Niagara University in 1922. For many years, he was Albany bureau manager for International News Service, as well as political writer for the New York Times, the Albany-Times-Union, the Syracuse Herald-Journal, and the New York Sun.

During his years as a legislative correspondent in Albany, he covered the presidential campaigns of Alfred E. Smith, Franklin D. Roosevelt, and Thomas E. Dewey, and attended most of the national conventions of both major parties during the last 24 years. He is a former president of the Albany Legislative Correspondents' Association and winner of the alumni award for best reporting at the State capitol.

Congressman O'BRIEN also has had extensive experience in the fields of radio and television commentary. In 1950 and 1951 he won the Ohio State award for the best commentary—radio—in the Nation, competing against many top network personalities. In 1951 he also won the Sigma Delta Chi—the national professional journalistic society—award for top national commentary in both radio and television.

Early in 1952, Congressman O'BRIEN ran for Congress in a special election to succeed the late Representative William T. Byrne. He was reelected in November 1952, 1954, 1956, and 1958, representing the 30th District in New York State. He is a member of the Interior and Insular Affairs Committee, chairman of the Subcommittee on Territorial and Insular Affairs, which handles such problems as statehood for Alaska and Hawaii, and also a member of the Committee on Interstate and Foreign Commerce. Mr. O'BRIEN is a member of the Alaska International Rail and Highway Commission, having been appointed by the President in 1957. He served as a member of the newly created House Select Committee on Astronautics and Space Exploration.

Mr. O'Brien was married in 1925 to the former Mabel Jean, of Cambridge, Mass. They have one son, Robert Olden O'Brien, who followed in his father's journalistic footsteps, working for 6 years as a writer for the United Press.

Congressman O'BRIEN has been urging in Congress a sweeping overhaul of recruiting methods for the Foreign Service, with emphasis upon "Operation Main Street." Nine other Congressmen have joined him in his bipartisan move.

The newspaper profession of Albany recently selected Mr. O'BRIEN as the recipient of their first Man of the Year Award.

The University of Alaska honored Congressman O'BRIEN by giving him an honorary doctorate of laws.

EXCERPTS FROM SPEECH DELIVERED AT THE FRIENDLY SONS OF ST. PATRICK DINNER, BUFFALO, N.Y., BY REPRESENTATIVE LEO W. O'BRIEN, ON MARCH 17, 1960

I am deeply honored by the opportunity to address this large and distinguished group on a day dear to Irishmen everywhere.

I am grateful, too, because this is the city where I was born and some in the audience tonight were friends of my boyhood. It is nice to come home.

What are we celebrating tonight? We are, of course, honoring a great saint. We are, of course, paying tribute to the people of Irish descent in this great land who have contributed so much to every facet of our national life.

But, above and beyond all these things, we are honoring what might be called the Irish spirit. In this assemblage tonight are many who are not of Irish descent. They are doing more than breaking bread with those of that racial ancestry. They are claiming kinship with traits which the Irish possess in abundance, such as the gift of imagination and poetry, the quickness to both laughter and tears; the softness of heart and the spirit of adventure.

Some of us, whether we have Irish or other blood in our veins, need go back but a single generation to find an ancestor who came to this country seeking a freedom and an opportunity, spiritual and economic, which was lacking in the old country. And we have found that freedom and opportunity in overrunning measure, freedom of religion and speech and opportunity to carve out any career within our respective capacities.

At this head table and everywhere throughout this room are men and women whose very lives and careers demonstrate that this is the place of opportunity, whether the seekers came here on the *Mayflower* or in the steerage of a 19th century sailing ship. I see great judges here and noted clergymen; I see Congressmen and mayors, and businessmen and professional men. Name the occupation and I will name a guest here to fill it.

This, then, you may say is Utopia. This, then, is the land where all men truly are equal in the field of opportunity.

But there are gaps in the ladder of opportunity. Not yet can we say that all fields are open to the competent. We still have a silken curtain in our land. It stands in the way of the enormous talents "Main Street" has poured into our Government, our professions, and our businesses. It lies between most of us and the vital Foreign Service of the United States.

Nearly 3 years ago, I asked a bipartisan group of Congressmen, representing districts from New England to California, to join me in urging that this silken curtain be torn down. We called it "Operation Main Street". This was not an idea conceived during a sleepless night. It began when I was a political writer.

When my son was in college, I discovered that the average young American does not include our vitally important Foreign Service among prospective careers. As I listened to my son and his friends discuss what they planned to do, I learned that their interests strayed through many fields, including law, politics, medicine, science, business, and so forth. It struck me as very significant, in a time when our survival depended upon an adequate Foreign Service, that none of these young people was even toying with the thought of a career therein.

I came to the conclusion that these and other young people of our country subconsciously believe there is a silken curtain between them and the Foreign Service. Rightly or wrongly, they have the vague impression that the Foreign Service is for a special group in our society.

This has done more than divert brilliant talents away from our Foreign Service. It has made it almost as difficult to sell our foreign policy at home as it is abroad.

When we lose a battle in a war, our people, however regretfully, say that "we" lost it, because they know it was fought by their sons or youngsters like them. If we lose a diplomatic battle, most of us say "they" lost it, meaning those who represented us at the conference table or in foreign places. A sizable injection of "Main Street" in our foreign service would eliminate this dangerous "different teams" attitude in our country.

I do not criticize the present or past State Departments, as I think they are trying desperately to remedy a situation which they recognize. I think they know a transfusion is needed to move our diplomatic system from mid-Victorian drawing rooms to the jet age and business suit era. But the tools are lacking, tools which only Congress and the President can supply.

If the commission proposed in our resolution is created, it should consider the idea of a crash program to enlarge our Foreign Service and, at the same time, proclaim to the Nation that the talents of Main Street, of your son and mine, are desired.

Under such a program, which might involve extensive on-the-job training, I think there would be a great rush of applications. In response to which most of our colleges would provide special courses, as they now provide courses leading to other careers.

We appropriate huge sums each year for national defense, including the latest in atomic weapons. Why not consider the enlargement and vitalization of our Foreign Service as a potent weapon in the cold war which, in the final analysis, will be won or lost in that field?

I can assure you, from my own observation, that what I contemplate will be accepted by the American people. During the last 8 years, I have spoken of it before many thousands, at universities and at business gatherings, to experienced Foreign Service people and just plain folks. They want Main Street in our Foreign Service.

You may ask what we would do about the specific training of these young people after they are chosen.

I have one pertinent suggestion. In our newest State—Hawaii—and in our only commonwealth—Puerto Rico—we have large and very wonderful universities. The students at the University of Hawaii are from both East and West. On the campus you will hear the drawl of Indiana and the soft accents of Asia. On the campus of the University of Puerto Rico you will hear voices from Brooklyn and Brazil.

Our young men—some of them—could be sent for special postgraduate training in especially created graduate schools at the Universities of Hawaii and Puerto Rico, soaking up not only the languages but the cultures of the places in Asia or Latin America where they might represent us.

I would also establish similar graduate schools at several mainland colleges. The cost of all this would be but a fraction of the cost of a proposed "West Point for Diplomacy."

Forgive me from straying from the strictly Irish theme tonight, but I chose to outline my ideas—my dream if you will—to a group which knows and cherishes the full meaning of opportunity. And opportunity to win the services of the best in our land is all I seek for the Foreign Service.

GOOD EDUCATION COSTS MONEY

Mr. PORTER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. PORTER. Mr. Speaker, since the earliest days on the American frontier education has been dear to the hearts of the American people. Believing that religion and education were the twin foundations of good government, they were willing to make whatever sacrifices were necessary to build good schools and churches.

As early as 1785 the American Government provided for the ceding of the 16th section of every township in the

public domain for educational purposes. Two years later, the Northwest Ordinance stated:

Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

FOUNDING FATHERS AGREE

The Founding Fathers agreed on the need for national support of the schools. In his first message to Congress, Washington said:

There is nothing more deserving your patronage than the promotion of science and literature.

Alexander Hamilton, the Secretary of the Treasury, declared that:

Whatever concerns the general interest of learning * * * are within the sphere of the national councils, so far as regards an application of money.

Said Thomas Jefferson:

I think by far the most important bill in our whole code is that for the diffusion of knowledge among the people.

Jefferson and his colleagues knew democracy could not succeed unless the people were educated. Today, the complex demands of our globe have placed new responsibilities on the teachers, students, and classrooms of America.

OVERCROWDING AFFECTS EVERY STUDENT

School buildings are not being built at a fast enough rate to keep up with the rising school enrollment, not to mention reducing the backlog or improving school standards. Overcrowded classrooms affect every child involved. Statistics can tend to be misleading by stressing excess pupils. But in a class of 40, while only 10 children are labeled excess, the remaining 30 are equally affected.

The shortage of qualified teachers is as pressing as the shortage of classroom space. The Nation has been reluctant to offer sufficient financial remuneration or status to draw enough qualified persons into the teaching profession. In the fall of 1958 the Office of Education estimated the total teacher shortage to be 132,000, or about 10 percent of the total. There were also 92,000 persons teaching on an emergency basis with substandard certificates. The number of persons preparing each year for a teaching career is insufficient to meet the quantitative need for teachers, let alone to upgrade standards.

A NATIONAL ISSUE

With our school population expanding at an unbelievable rate, at the same time that the cost of operation is mounting steadily, school districts in all parts of the Nation are discovering that the traditional property tax base is simply not adequate to cover the cost of education. Seventy percent—in rounded figures—of Oregon's estimated local and State school revenue was derived from property taxes in 1957–58; the national average was 54 percent.

The quality of education in the United States is a national issue rather than a merely local one. And yet it is the only national problem that we have not attempted to solve on a national basis. Looking at statistics we find that from 1870 to 1955 our population grew from 40 million to 165 million.

During this same period, while our general population increased 4 times, our public school population increased approximately 80 times. Under our present rate of population development, the bulge of the future will press down even more heavily on our already burdened facilities. In my own State of Oregon an increase of 20 percent is the projected percent of change in population 5–17 years of age from 1957 to 1963.

Oregon is proud of the effort her citizens have expended in the field of education. Of their total personal income, 12.3 percent is taxed for State and local general revenue, ranking her seventh among the States of the Union. Oregon derives 67.5 percent of her revenue for public elementary and secondary schools from her local government; 29.3 percent from the State government; and only 3.2 percent from the Federal Government.

School costs in Oregon are going to increase from the present $185 million to at least $370 million in the next 10 years. The important question is whether we can raise through State and local sources alone, another $185 million for education? Can the people of Oregon double their present personal taxes spent on education? I do not think so.

LET US FACE FACTS

Our national debt is large, a matter of concern always, but in relation to national assets or gross national product, the national debt has actually decreased over the last decade. In 1949, the Federal debt was 93 percent of our gross national product, but in 1959, it was only 62 percent. In 1949, the national debt was equal to 115 percent of our national income; in 1959, it was only 71 percent.

We spend more on a soldier's 6 months basic training than the public schools spent on all of his previous training. We are wealthy enough to educate our children. Our only real important resource both from the standpoint of individual and national welfare, and certainly essential to national defense, are our children.

All legislation proposing Federal participation in school financing in recent years has specifically excluded the possibility of controls from the bills. In all cases the money is to be given to the States for distribution on the State formula for the purpose for which the money is allocated. And may I stress that Congress is just as determined to exclude Federal control as is the general public.

The frequently heard argument that the cost of collection and administration of the Federal dollar is too high—"send a buck to Washington and 50 cents stays for cost for administration," and so forth—does not seem to bear much basis in fact. Actually the cost of collecting Federal taxes is approximately 44 cents per $100. The cost of collecting State taxes range from 95 cents to $2.34 per $100 collected. The cost of collecting and administering local revenue has run as high as $5 to $10 per $100. No figures are available on the costs of administration at the State level, but the cost of administering 10 grant programs of the Federal Government averaged 1.2 percent of the amounts distributed. This means the cost of collecting the Federal tax dollar and the administration of Federal grant programs totals about 1.6 percent. That is quite a distance from 50 percent.

A NATION ON THE MOVE

A basic factor to be considered in the financing of public education is the fact that there is little or no relationship between the location of wealth in our country and the location of the children to be educated. We are a people continually on the move; 35 million of us change our addresses every year. There are long-term currents of migration especially to the north and west. Thus, the effects of education offered in a given school may be registered in a State far removed from where the education was acquired.

The 1950 U.S. census figures show that some 57 percent of Oregon's population are not native born, while some 245,000 native-born Oregonians are now living in other States. As a consequence of this interstate movement of population it is only logical that wealth must be taxed where it exists and the revenue applied where the need exists.

Most Americans believe that schools are a good investment. We must frankly recognize that the cost of good schools and good teaching, while expensive, yields substantial dividends. As the Rockefeller reports put it:

The Nation's need for good education is immediate and good education is expensive. That is the fact which too many Americans have never been quite prepared to face. At stake is our national greatness and our aspirations for the dignity of the individual.

It is well to remind ourselves that no school can be better than its teachers.

As we move into a new decade and face the problems of the space age, we also must face the question raised by the New York Times on November 15, 1959:

The debate over the national support of education will turn around this central question: Is the job one of emergency troubleshooting or of reshaping the stewardship of American education?

REFEREES VERSUS REGISTRARS

Mr. COLLIER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. LINDSAY] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LINDSAY. Mr. Speaker, I was pleased to note in this morning's Washington Post an editorial endorsing the voting referee proposal as part of the civil rights bill currently being debated in the House. It is gratifying to receive this support for a program which many of us have argued is both sensible and workable, and therefore probably the most effective approach that has yet been suggested.

I note the editorial suggests the importance of leaving referees free to enroll applicants without the rigmarole of individual findings when a pattern of discrimination has been found. This suggestion has been met and the bill as it stands avoids the requirement of individual findings except to the extent, of course, that an applicant must meet the requirements of residence, age and any other proper requirement to be qualified for voting under State law.

The text of the editorial follows:

[From the Washington Post, Mar. 18, 1960]

REFEREES VERSUS REGISTRARS

After the near defeat in the House on Tuesday, supporters of civil rights legislation have stuck pretty close to the administration plan for court-appointed referees in voting cases. This is the plan whereby Federal courts could appoint voting referees when a pattern of racial discrimination had been found to exist on the basis of the records. These referees would be empowered to examine qualifications, certify qualified persons for registration in State and National elections and follow through to see to it that each certified applicant actually was given a chance to vote. To this the House has added a clause permitting applicants to vote provisionally before their individual cases are settled.

In our view this approach is preferable to either the registrar plan suggested originally by the Civil Rights Commission or the enrollment plan sponsored by Senator HENNINGS (and by Representative KASTENMEIER in the House). We say this even though we have great respect for the meticulous fairness with which Senator HENNINGS approaches such matters. Undeniably there would be certain benefits, from the standpoint of tidiness, in a one-package procedure whereby Presidentially appointed enrollment officers would actually enroll qualified applicants under State law and assure them the vote.

But the particular advantage to the referee plan, it seems to us, is that it would remove some of the psychological objection in the South to "intervention" from Washington. The referees would be appointed by, and responsible to, Federal judges who command respect as local citizens. Presumably they would be members of the local bar in accordance with a well-established court procedure. There would not be the same ground for complaint, however flimsy, about a new administrative procedure imposed from the outside.

At the same time there is a good deal of point to Senator HENNINGS' criticisms of possible obstacles and complications in the referee plan. For each individual applicant to be required to show that he had been turned down, and then to seek out a referee, would be far from simple. Could not the two proposals be combined so as to continue the referee concept, but to instruct referees to enroll applicants without the rigmarole of individual findings when a pattern of discrimination had been found? Some such procedure would make the plan a lot more palatable to those whose concern is the extension of voting rights to all qualified citizens with the least litigation or delay.

The entire problem is extremely complex, and no believer in full voting rights can afford to be dogmatic about method. The diehard opponents are not going to like any plan. It is noteworthy also that while "patience" has been pleaded on behalf of States where discrimination exists, American Negroes have been as patient as any group in world history—and their patience, judging from the recent sitdown protests, is wearing thin.

The objective still ought to be a bill that will accomplish the purpose in the easiest, most straightforward manner compatible with the Constitution. Nevertheless, it is important to consider also the degree to which the bill comports with established procedures, facilitates withdrawal upon good faith compliance, and seeks to minimize resentments in the area. Inasmuch as there are many economic and other pressures upon potential Negro voters other than outright intimidation, the degree to which resentment is allayed can be a material factor in the success of any voting rights measure.

CONSUMERS' STAKE IN THE AGRICULTURAL PROGRAM

Mr. COLLIER. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, any time this country adopts a program of scarcity, you can be certain the consumer will be the loser.

Some Members of Congress have sponsored a group of virtually identical bills called the Family Farm Income Act of 1960. These bills set up an involved program for agriculture that would seek to do away with plenty and replace it with scarcity when it comes to food and fiber products for the market.

The price objective in the bills averages about 30 percent more than prices presently being received by our farmers. However inviting this sounds, the truth is that to obtain such prices, productivity would be sharply cut back.

This would be at the expense of the farmer because it would be like offering an industrial worker a high per hourly rate of pay times no hours of work.

This would also be at the expense of the consumer.

At a time when this country is doing its utmost to whip the problem of inflation, this bill proposes that legislation be enacted which would permit an upsurge in the price of food.

This upsurge would be put into operation by the votes of two-thirds of our farm producers. Since our farm people constitute about 10 percent of the population, this means that a price increase of this magnitude could be voted by 6 or 7 percent of our population, over the protests of 93 or 94 percent.

Furthermore, this act, in effect, denies to the consumers the fruits of our scientific advances in agriculture during the past 50 years. It would reestablish price relationships as they existed before 75 percent of the present population was born. All the money that we have spent on improving the techniques of agricultural production, lowering the cost of producing farm products—the effect of all this effort would be denied.

Most damaging would be the adverse impact this bill would have upon the low-income people of the United States for whom food is often the largest single outlay in the family budget.

PROGRESS WITHOUT FEDERAL MONEY

Mr. COLLIER. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, I am placing in the RECORD a press release dated March 5, 1960, headlined "Northrop Describes Philadelphia's $100 Million Food Distribution Center at Appraisal Conference."

The significance of this announcement is that private enterprise and local government in Philadelphia have moved ahead to provide adequate healthy marketing facilities for the city of Philadelphia.

As far back as 1949 there were attempts to have the Federal Government move into the area of helping finance marketing facilities because it was alleged they were unhealthy and inadequate. Like clockwork every 2 years or so this bill would reach the floor of the House under the sponsorship of the gentleman from North Carolina [Mr. COOLEY]. Fortunately the arguments of my colleagues and myself that private enterprise and the local communities not only could but should take care of these problems prevailed. This legislation was not enacted.

On March 5, 1953, I had occasion to call to the attention of the House the new commission row in St. Louis, Mo., which was developed with private funds. Throughout the country, private and local funds are meeting this need. Now at long last Philadelphia, which provided the main argument advanced by those who wanted the Federal Government in the field, has met its civic duty. Mr. Speaker, I am convinced that unless we hold the line against the people who would have the Federal Government provide local community facilities for our local communities, instead of insisting that the local communities take care of them themselves, we are going to destroy private and local initiative and in effect destroy the very virtues that have made our country great.

The philosophy of the neo-federalists that we can lift ourselves by our bootstraps and that we can make no progress without Federal funds is as dangerous as it is fallacious. I am inserting some remarks I made on March 5, 1953, acclaiming the citizens of St. Louis for doing their civic duty in this area. The attempt to move the Federal Government into this field did not cease. The debate in 1956 will be found in the CONGRESSIONAL RECORD, volume 102, part 9, pages 12746–12750, on H.R. 4054, "Marketing Facilities for Perishable Agricultural Commodities." On July 24, 1958, the debate will be found in the CONGRESSIONAL RECORD, volume 104, part 11, pages 15003–15012, on H.R. 4504, "Wholesale Terminal Market Facilities." Fortunately, as I have said, the House voted down the proposals. Now, we have Philadelphia announcing with pride its success. I hope this will put an end to the efforts of those who tried to get the Federal Government into this area of endeavor and I also hope that it will serve as an object lesson to those who are

trying to get the Federal Government to move into other areas where private and local initiative can and should do the job.

[From the CONGRESSIONAL RECORD, Mar. 5, 1963]

Mr. CURTIS of Missouri. Mr. Speaker, I believe that all too often debates that have occurred in the past are buried and forgotten, particularly if the debate revolved around a bill which was defeated. Sometimes a review of the past is helpful in guiding our future course.

About a year and a half ago we had before the House H.R. 39, a bill to encourage the improvement and development of marketing facilities for handling perishable agricultural commodities—see CONGRESSIONAL RECORD, volume 97, part 9, pages 12078–12092, 12172–12185. The proponents of the bill urged that it was necessary for the Federal Government to move into this field financially because the marketing facilities in many of our cities were unhealthy and inadequate and that private enterprise presumably could not do the job.

The bill was defeated by those who felt that though marketing facilities might be badly needed, this was not a field for the Federal Government to enter. It was suggested that here specifically was an example of creeping socialism.

I am placing in the RECORD the following statement appearing in the St. Louis Post-Dispatch, Sunday morning, February 22, 1953, hailing the opening of the new $3 million St. Louis produce market:

"PRODUCE MARKETING IN ST. LOUIS

"(By Virgil G. Baker)

"The saga of produce marketing in St. Louis is as colorful as Old Man River.

"The story begins with the pioneering days of the Great Gateway to the West, the rugged era of river shipping, the opening of vast frontiers of new land beyond the Mississippi.

"The frontiers of new land have long since disappeared. It seems at times there are no new frontiers to conquer and that the spirit of the pioneers lives only in history. But perhaps that spirit only sleeps, awaiting the proper hour of resurgence.

"For today, in St. Louis, the spirit of pioneering has arisen again, to write a new chapter in the saga of produce marketing in St. Louis.

"The building of the new commission row, now being formally opened after more than 4 years of struggle and strain, is an exemplification of pioneering in new fields for promotion of the general welfare.

"Here is a story of men—idealistic, courageous, doggedly determined, pioneering in the field of organization, in financial venturing, in construction planning and practices, in wholesale produce-marketing operations; most of all, in striking at basic determinants in the field of public health.

"Except for preliminary surveys of the needs of this area in produce marketing by the U.S. Department of Agriculture, the entire project of the new St. Louis market has been carried out by local men, without subsidy from the Federal Government or any other taxing body. It represents a spirit of cooperative effort probably unparalleled, bringing together many ruggedly individualistic interests for the common good.

"Produce marketing in St. Louis and, indeed, probably all over the Nation has been a lot like Topsy. It 'just growed.' Never before had there been much planning, certainly no concerted, scientific approach to the industry's many problems, no conception of the basic underlying role which the manner of operation so certainly plays in the health of the people of St. Louis and the surrounding trading area which the market serves.

"Where there are no great metropolitan concentrations of population, such terminal facilities as the new St. Louis market still are unnecessary. But in the bigger cities there are few instances in which anything approaching the action that has been taken here has been accomplished.

"St. Louis produce-marketing men have blazed and are following a new trail. It bids fair to lead to new ways of life for the men in the business and, it seems, must go far to make St. Louis and the area the market serves a better place in which to live and to do business."

Now, the point I want to emphasize is this: Suppose H.R. 39 had become law in 1951? How futile would have seemed the efforts of these new pioneers, with men in other areas holding back waiting for Federal funds, getting their lazy wish? How much additional burden would have been placed upon the backs of the Nation's taxpayers to fulfill these lazy men's dreams?

I hope the day of creeping socialism is over. I hope it has been successfully beaten. But let me warn my colleagues, as I did earlier in this session, of the danger of its successor—military socialism. In one sense, it is even more dangerous than its predecessor. It turns over, not to civilian government, vast fields of endeavor, but to military government—government outside the safeguards of the Bill of Rights. Here is real occasion for alarm.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. CURTIS of Missouri. I yield to the gentleman from Iowa.

Mr. GROSS. I recall very well the excellent contribution made by the gentleman from Missouri to the defeat of the bill, H.R. 39, which provided $25 million to help build markets in various cities of the country, with the Government putting up, as I recall, 85 percent of the money. I again compliment the gentleman for his excellent assistance in joining with others of us to defeat this bill and I also want to congratulate the city of St. Louis for going ahead with the project on its own in the true spirit of initiative and free enterprise.

Mr. CURTIS of Missouri. I thank the gentleman from Iowa.

Mr. BROWNSON. Mr. Speaker, will the gentleman yield?

Mr. CURTIS of Missouri. I yield to the gentleman from Indiana.

Mr. BROWNSON. I think the gentleman from Missouri has done a very wise thing in bringing back to our attention some of these matters which seem dead and buried in the past. The city of St. Louis doing the job is certainly an example of free enterprise. I think the city of St. Louis is to be congratulated, and I think it is interesting to note that this vindicates the judgment of those who believe in free enterprise on the floor of the House and fight against unnecessary burdens on the taxpayers. I hope other cities will follow suit, because marketing facilities do need improving, but the means of improving them lies within the existing framework of our own local government and our own free society.

Mr. CURTIS of Missouri. I thank the gentleman from Indiana. So often we have the oratory down here in the well of the House pointing out the conditions that exist, and they are bad, frequently, like lack of marketing facilities, the fact that they are unhealthy, and so on, but all on the assumption that the only way you can solve the problem is through the Federal Government moving into the picture when, indeed, that is not the function of the Government. The real way to proceed in this country is to do it through private enterprise, and instead of Government competing with them, let Government encourage private enterprise. I think we have have a great future ahead of us following such a program.

The release follows:

[News release, National Association of Real Estate Boards, Washington, D.C., Mar. 5, 1960]

NORTHROP DESCRIBES PHILADELPHIA'S $100 MILLION FOOD DISTRIBUTION CENTER AT APPRAISAL CONFERENCE

PHILADELPHIA.—This city's dramatic, 308-acre, $100 million answer to the problem of deteriorating, outmoded, traffic-choked wholesale food marketing facilities was described here yesterday afternoon by Vernon D. Northrop, president of the Food Distribution Center.

Mr. Northrop addressed the Central Atlantic Regional Conference of the American Institute of Real Estate Appraisers. AIREA is affiliated with the National Association of Real Estate Boards.

The Food Distribution Center is being developed as part of Philadelphia's urban renewal program on land provided by the city's redevelopment authority. The center itself is a nonprofit, public corporation set up to provide modern, central marketing facilities for the food industry.

"Modernization of terminal food marketing facilities in American cities is a major challenge," Mr. Northrop declared. He said Philadelphia met the challenge by planning a food center which would incorporate all the latest developments in design, sanitation, layout, traffic access, and convenience to major forms of transportation.

The food center—which when completed will be valued at $100 million—"will make possible the centralization at a strategic location of much of the processing, storage, and wholesale activities which are basic to the distribution of food," Mr. Northrop explained.

"The concentration will produce a merchandise mart for the food industry. In this new mart companies can build the kind of plants and warehouses at a centralized location which can reduce the cost and improve the quality of foodstuffs," the Food Center president explained. He said the center is at the terminus of major rail, highway, air, and water transportation routes with a regional marketing area of more than 22 million people within a 90-mile radius.

Mr. Northrop said the Food Center tract "provides 308 acres for development purposes, exclusive of the acres devoted to city streets. At least 110 acres of this area will be covered by buildings, almost exclusively of the one-story type of construction. When fully developed, this acreage will provide approximately 6 million square feet of floor-space for food processing, storage, and wholesale operations."

The center's produce and seafood markets opened in June 1959. The markets contain nearly 100 wholesale stores and 30,000 square feet of modern, air-conditioned office space. The markets have been leased to private corporations composed of the merchants who occupy the individual stores. Permanent financing has been pledged by Philadelphia banks and insurance companies, according to Mr. Northrop.

He predicted that Philadelphia's "Food City of Tomorrow" will be fully developed by 1963. "Under this program, Philadelphia should have one of the finest terminal food marketing centers in the world to serve better its urban population with more and better food at more economical costs," Mr. Northrop said. He indicated the center will provide an example for many other cities faced with the problem of replacing inefficient wholesale food terminals.

ONE HUNDREDTH ANNIVERSARY OF THE BIRTH OF WILLIAM JENNINGS BRYAN

Mr. DOWNING. Mr. Speaker, I ask unanimous consent that the gentleman from Nebraska [Mr. MCGINLEY] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. MCGINLEY. Mr. Speaker, I am sure that each of the Members of the House of Representatives stops from time time to wonder if the spirits of our predecessors take leave from their celestial abodes and return on occasion to this hallowed Chamber.

And if they do, I am sure that today we have with us the spirit of William Jennings Bryan—the silver-tongued orator whose dynamic personality and magnificent voice held spellbound the Members of this body many times during his two terms of office as a Representative from Nebraska.

Why should the spirit of Bryan be with us at this time? Well, tomorrow—Saturday, March 19—marks the 100th anniversary of his birth.

On this observation of the birth of this man, we to whom he is a page in the history of the United States can only turn to others who have studied his unique career to learn what it was about him that held such sway upon the masses.

Few men in the history of this Nation, which has known many great men, had the unquestioned loyalty of so many people—and yet he failed three times in his candidacy for the Presidency. He was accused of base demagoguery by those who claim he pitted the poor against the rich for his own political gain. And yet no one successfully challenged the personal integrity of this deeply religious man.

He was a crusader. And Bryan, probably best described in his famous cross of gold speech the precept that sustained his honesty, militance, and firmness of purpose when he said:

> The humblest citizen in all the land, when clad in the armor of a righteous cause, is stronger than all the hosts of evil.

I have wondered if the speaking abilities of Bryan were as great as the years that have passed might make them seem to be. As I, a freshman Member of this great body, sit and listen to the eloquence of many of my colleagues today I wonder what manner of speaker it would be who could stand out alone above this oratory and could shine above the quality of other obviously great speakers of his day.

The answer came to me as I read the eulogy to Bryan by the Honorable Charles R. Crisp, of Georgia, following the death of Bryan in 1925. Mr. Crisp related an incident that happened when Mr. Crisp's father was Speaker of the House and he was a clerk at the Speaker's table. It was Mr. Bryan's first year as a Member and one day during consideration of a tariff bill Mr. Bryan stood and was recognized.

Mr. Crisp related the incident as follows:

> He [Mr. Bryan] started to address the House on the tariff. At first he was given very little attention, but after a few moments he had won the House and had its undivided attention. When he was called down at the expiration of his 1 hour, dozens of Members on both sides of the House rose and asked unanimous consent that he be given unlimited time, which was done. He continued to enthrall and enlighten the House for 2 hours and 45 minutes, and that was the speech that brought Mr. Bryan first into national prominence.

What greater testimony to a man's oratory could be paid than this?

As I dwelled upon the life of this man Bryan, I wondered just how deep was the devotion of his followers. And again the answer came to me from a eulogy to Bryan at the time of his death by the Honorable Edgar Howard. Mr. Howard was at this time a Member of the House of Representatives from Nebraska and was himself a colorful and independent-minded man of strong convictions.

Mr. Howard said:

> The civilized world was hushed to tears when the news came that the greatest earthly champion of human rights in any age had fallen asleep in Dayton, Tenn.
>
> I knew him as chum knows chum, as lover knows sweetheart, as soldier knows loved captain and commander. He was magnificently human. He was so clean and so pure that the very presence of him lifted men to better thoughts and higher aims. Myriads of men believed in Bryan unfalteringly, and perhaps he had a larger personal following than any other mortal. On many occasions this faithful army of believers witnessed the personal defeat of its loved leader, but as often later witnessed the triumph of his ideals.
>
> If it be true, Mr. Speaker, as the greatest among men are now proclaiming, that the crown of greatness rests upon the head of him who performs the largest service to his fellow man, then have we the sweet assurance that forever upon the brow of the memory statue of our Bryan will rest a tiara in which the most effulgent gem will be the Kohinoor of service.
>
> If it be true, as the priests of God are now proclaiming, that a pure personality, next to the precepts of the gospel of the Christ, is the most potent appeal for the uplift of the human family, then it must be that the example of the pure life of our Bryan will through all the years influence men to greater endeavor in that exalted service.
>
> Feeble and few must be my words of tribute here. So recently upon my cheeks were tears, and I must not invite new flowing of them in the garish light of this public occasion.

Bryan's life was not one of personal triumph. As is the case of many pathfinders, the victory is often realized in later years when the masses finally appreciate the purposes of these men of vision.

It is somewhat ironic that the greatest accomplishment of his life was not directly for a cause he espoused, nor personal achievement, but rather for the benefit of another man.

It was in the Democratic Convention of 1912 in which Woodrow Wilson, with the leadership of Bryan, obtained the nomination on the 46th ballot. In courage and honesty, in the wise mastery of a political convention, Bryan has not been surpassed in our political history.

Reports of that convention show that Bryan fought better when fighting for another than when fighting for himself. During the severest hours of the crisis his friends came to him to urge that he would allow them to put his own name into nomination. It was a time when many a man's judgment was distorted by excitement, but Bryan's judgment remained true, though in the realm of ideas it had so often gone astray. Had he yielded, the glory of his fight would have faded.

His devotion to peace was a personal thing, so much so that it precipitated his leaving the Cabinet of President Wilson where he had served as Secretary of State. His pacifist beliefs would not be heeded by the people excited by the approach of war. The attachment of the pro-Germans to Bryan's utterances only added to his unpopularity.

Bryan was again a loser in the famous Scopes "monkey trial" in which he lost to the brilliant Clarence Darrow. Bryan was equipped only with his traditional religious faith and was no match for the philosophies of biological science.

Five days after this trial he was found dead in his bed, having passed away quietly in his sleep.

Thus ended the career of the Great Commoner—a devoted champion of the oppressed in every land, a prophet of progressive government and an uncompromising humanitarian.

OFFICIALS WHO HAVE RENDERED GREAT SERVICE TO THE PANAMA CANAL

The SPEAKER. Under previous order of the House, the gentleman from Texas [Mr. THOMPSON] is recognized for 30 minutes.

Mr. THOMPSON of Texas. Mr. Speaker, from time to time over the years, Congress, by suitable memorial in the CONGRESSIONAL RECORD, has recognized most of the officials and leaders who served on the Canal Zone during the construction of the Panama Canal.

During the past 13 years, I have given myself the pleasure of making numerous speeches and of placing documents of general interest in the RECORD.

Mr. W. R. McCann, a consulting engineer of international recognition and well known for his contributions to the Panama Canal, brought to my attention a Panama Canal engineer who passed away last year in my State of Texas at the age of 85. The name of this unique character was Tollef Bache Monniche. In four-score years, he lived two lives—one that of an outstanding engineer, and a second that of a horticulturist of merit—but in both these lives he was always a pioneer. Mr. McCann knew him intimately as an engineer, and was well acquainted with his Panama Canal accomplishments for which he had great admiration.

Mr. McCann prepared a most interesting and informative biography which

certainly has a place in the permanent CONGRESSIONAL RECORD and to which I now invite your attention:

TOLLEF BACHE MONNICHE, 1874–1958: A TALENTED ENGINEER AND A PIONEER IN TROPICAL HORTICULTURE

(By William R. McCann)

Within the year in Austin, Tex., and far from his birthplace in a foreign land, a talented engineer departed this life, a half-century of which was lived in Panama. Many persons have given loyal and devoted service to the Panama Canal. Tollef Bache Monniche, a fascinating and unique Norwegian, ranks high among them. None could have given more in one decade. In the traditions of his bold, hardy, and venturesome Norsemen ancestors, Monniche in his midtwenties regretfully forsook his native soil and emigrated to America, to live and to grow and develop in the machinery age of the present century. And a pioneer he was—a pioneer in the unknown of engineering structures and materials, and a pioneer in horticulture, converting a tropical jungle in the mountains of Panama into a renowned coffee plantation—Finca Lerida.

From letters and writings of those who knew him well for many years, the following abstracts will characterize and portray a beloved and accomplished man:

"Tollef Monniche, Norwegian, is a great inter-American. And that Virginia girl whom he married is the perfect chatelaine, as well as the best cook, best neighbor, and most gracious hostess in the entire Boquete Valley." (Gringa, Panama Star and Herald, 1947.)

"Monniche was in fact a great humanitarian, as well as a great engineer and a great horticulturist." (John A. Claybourne, Ann Arbor, Mich., Mar. 23, 1959.)

"I have never lost my admiration of T. B. Monniche's high character, fine talents, and unique personality." (Maj. Gen. Glen E. Edgerton, U.S. Army, retired, Washington, D.C., Apr. 16, 1959.)

"From a conversation at which I was present between General Goethals and General Hodges, both regarded Mr. Monniche as one of the ablest designing engineers with the canal." (Col. George R. Goethals, U.S. Army, retired, Las Cruces, N. Mex., Mar. 9 (1959).

"He was so loyal to his allegiance as an officer of the Norwegian Army that he failed to take timely advantage of his U.S. residency to qualify for American citizenship." (Frederick G. Swanson, Tyler, Tex., Mar. 15, 1959.)

"About 1912, on one of those crocodile hunts up the Bayano, Tollef brought down a snipe from speedy flight with a single shot from his high-powered rifle—truly a miracle. The bird fell more than 500 feet away on treacherous muddy flats; but Monniche, elated with the successful shot, risked his life to retrieve the bird." (Edward J. Vogel, Chicago, Ill., Apr. 13, 1959.)

"Tollef successfully designed the emergency dams, with no precedent to draw upon. During World War II, Mrs. Monniche served as mother to many of our lonesome soldier boys who were stationed near their home in Boquete, Republic of Panama." (Frank S. Wichman, Highland Park, Ill., Mar. 10, 1959.)

"Monniche had an inquiring mind and the broad interests of a scientist. He showed keen interest in our particular fields of meteorology, seismology, and hydrography." (Homer G. Cornthwaite, Terre Haute, Ind., Mar. 10, 1959.)

"When I was in Panama last fall, I was talking with Mosher, one of the big businessmen of Panama, and he told me that Monniche used great ingenuity in developing his coffee plantation in a way that put Panama in the world coffee market. Coffee from his estate could not be surpassed any place in the world. Also he said that Monniche deserved a lot of credit for helping others to help themselves." (Col. Daniel E. Wright, U.S. Army, retired, Winchester, Va., Mar. 10, 1959.)

"The Monniches were enthusiastic about horseback riding and being out in the jungle. When we opened the bridge across Culebra Cut at Empire, the Schildhauers and Monniche, on beautiful horses, led the procession." (Walter G. Ross, Washington, D.C., Mar. 16, 1959.)

"I have a vivid recollection of the handsome, distinguished-looking and graceful couple that the Monniches were at public and social gatherings. Also I remember how kind they were to us young sprats who were not yet dry behind the ears. Tollef's name as a designing engineer stood out like a bright star for the young engineers to emulate. He personified the best in our profession." (Maj. Gen. Thomas F. Farrell, U.S. Army, retired, Tullahoma, Tenn., Mar. 9, 1959.)

"I recall quite vividly how friendly Mr. Monniche was to us young fellows in minor positions—the finest thing that a man in high position could do." (James A. Sullivan, Seattle, Wash., Mar. 31, 1959.)

"Monniche was very sincere and hard-working, happy only when intensely concentrating on a difficult problem, and never satisfied until his solution was flawless." (Herbert D. Hinman, Hampton, Va., Apr. 2, 1959.)

"I first met Mr. and Mrs. Monniche in 1910 at Taboga Island, off Panama City, when I was recuperating after a bout with malaria fever. I was fascinated by this charming couple." (E. Sydney Randolph, Baton Rouge, La., March 1959.)

"If anyone whose life and activities have been identified with the isthmus deserves to have his achievements chronicled in a book, Monniche does; and in personal characteristics necessary to dress a story, he bristles with them. David Harum himself could not surpass T. B. Monniche in human interest, nor outdo him in emotional demonstration of the unusual in human makeup. And to think that this man, convivial to the last degree, a bundle of tingling nerves, bubbling with spontaneous humor and love of companionship, would select an inaccessible spot in the mountainous jungle to create the most hospitable home and one of the finest industries that I have ever seen. T. B. Monniche is a human dynamo, and Mrs. Monniche is the balance wheel and electric current which has kept that dynamo running so successfully all these years." (Nelson Rounsevell, Panama American, Jan. 30, 1934.)

"After all, engineering and pioneering have much in common. In both, one has first to plan and visualize, and to weigh difficulties with an open mind; and then, with interest in the work and with energy and courage, to tackle and remove all obstacles, to push back the frontiers into the unknown. Yes, engineering is a wonderful profession, and pioneering is a wonderful occupation." (Panama American, Jan. 27, 1941, quoting a speech by T. B. Monniche.)

Monniche was born August 27, 1874, in Surnadalen, Norway (parents Carl Alexander Michael Monniche m. Sophia Gudrun Bache); he died December 14, 1958, in Austin, Tex., and is interred in Oakwood Cemetery there. On August 3, 1909, in Roanoke, Va., he was married to Julia Trible Huger (parents Col. Frank Huger m. Julia Trible); there are no children. Adorable Julia Huger, a gracious daughter of the courtly South and a granddaughter of the esteemed Confederate Gen. Benjamin Huger, was marvelously devoted to her husband whose adventures in engineering and coffee production she shared through thick and thin for 50 years until a death did them part.

At Molde (town of roses) on Romsdalsfjord of Norway's rugged Atlantic coast, latitude 63° north and almost in sight of the Arctic Circle, Monniche spent his early life and attended Molde Latin Skole, 1883–88. When he was 14, the family moved to Christiana (now Oslo), and there he attended Otto Anderson's Real Skole, 1888–93. In 1894, he graduated from the Royal Norwegian School of War at Oslo; and at intervals thereafter he served as lieutenant in the Royal Norwegian Army while studying engineering in Germany, where in 1901 he graduated with honors as civil engineer at the University of Dresden.

Upon graduation, Monniche came to America, and for 7 years he trained and developed in broad phases of engineering and construction, and was first employed as "student on trial" at the Pencoyd Iron Works of the American Bridge Co. in Philadelphia—salary, $12.50 weekly. He progressed rapidly there, and within a year advanced from draftsman to squad boss in the bridge department. Among other assignments, he checked the drawings for the Manhattan Valley viaduct and the New York subway's crossing over Riverside Drive.

From May 1902 to May 1903, the year was a busy one for the young engineer. He was instrument man for the Pennsylvania Railroad at Pittsburgh, engaged in the construction of its stockyards there; and he supervised all fieldwork, which embraced excavation, trestles, fills, bridge foundations, and buildings and structures with their intricate sewerage, water, gas piping, and electrical conduit systems, in all representing an outlay of $3 million.

From May 1903 to September 1904 Monniche executed notable work in Philadelphia for the Rapid Transit Co. in its subway and elevated railway department, engaged in the principal designs of a three-track elevated railway system, and of plain and reinforced concrete for the subway. It was in 1904 that Albert Wells Buel, American, 1862–1959, published the first treatise in English on "Reinforced Concrete," but a year previous Monniche had been called upon by his chief engineer to design reinforced concrete retaining walls for the Philadelphia subway where it emerges from underground to meet the elevated structure. Monniche had told the chief engineer that, while studying at the University of Dresden (then considered a foremost civil engineering college) he had attended just one lecture of 4-hour duration on reinforced concrete. The professor closed the lecture expressing the thought that reinforced concrete construction might have a future. Ignorant of fundamental theory and lacking knowledge of any source of information, Monniche protested the assignment; nevertheless he was told to proceed with a drawing, which he did, and the design subsequently was accepted. Years later, in relating the episode, Monniche said, "Well, I knew that I had to use vertical reinforcing rods bent horizontally at the base to take the tension stress. What worried me was that the steel might cut into the concrete at the bends; therefore I fastened short pieces of pipe at the bends to prevent this. I used heavy reinforcing rods, but I would not like to have that drawing for those walls reviewed now."

From September 1904 to August 1905 Monniche was assistant engineer in the designing department of the American Bridge Co. at its head office in New York City. During this time he was squad boss for portions of the Pennsylvania Railroad's station in Washington and its then new bridge crossing the Susquehanna at Havre de Grace.

In August 1905 Monniche was appointed assistant bridge engineer of Virginian Railway Co., and was stationed at Norfolk, Va., where for 1 year he had immediate charge of the bridge department and produced drawings for 50,000 tons of steel bridges. Upon completion of designs, he was transferred to Glen Lyn in Giles County, Va., near the West Virginia boundary. As resident engineer, he had charge of construction of

the two largest bridges on the line—the New River Bridge, 2,200 feet long and 100 feet high, and the East River Bridge, 1,000 feet long and 140 feet high. The concrete piers, at that time, were the highest in the world.

The stirring days of the Panama revolution of 1903, the acquisition of the Canal Zone in 1904, the "Battle of the Levels" in 1905–06, and the starting of large-scale construction of a lock-type Panama Canal were all contemporaneous with Monniche's development period. He was approaching his prime when in October 1907 he hearkened to a call from Washington that connected him with a great undertaking for the ensuing 10 years. His first assignment was that of assistant engineer in the Division of Locks and Dams, Isthmian Canal Commission's Washington office, where he worked a year on the design of miter gates for lock chambers of 100-foot width. Upon abolishment in October 1908 of the Washington office of the Division of Locks and Dams, Monniche was transferred to the isthmus, stationed at Culebra Administration Headquarters, and was appointed designing engineer in charge of six emergency dams for the three twin-locks. He served in that capacity until 1914, his duties including the preparation of specifications, letting of contracts, inspection of materials in the States and of fabrication and erection on the isthmus, and supervision over final testing and acceptance of the structures and operating machinery. The emergency dams were a unique feature of the Panama Canal for which Monniche's unusual characteristics, his powers of concentration, and his broad engineering training were admirably suitable to solving the innumerable challenging problems that were to be encountered in the next 6 years of dedicated service.

Why were the emergency dams such an important feature of the Panama Canal? They never have been used for the intended purpose, and it is to be hoped that such occasion may never arise. The water supply for a navigable channel at the upper levels and for lockage operations of the canal is Gatun Lake, an artificial reservoir 175 square miles in area with its surface 85 feet above sea level, fed by the Chagres River which is a flooding torrent in the rainy season, but of inconsequential runoff during a 4-month dry season. Should an extensive break occur in the perimeter of Gatun Lake, which initially required 4 years to fill, there would develop a catastrophic loss of water for channel and lock operations. Most vulnerable to a breakthrough are the locks. Were the upper gates rammed by a ship in transit, either accidentally or maliciously by saboteurs, a Niagara-like torrent would roar unrestrained through a lock chamber.

In building the locks of the Panama Canal, extraordinary precautions were taken to minimize possible accidents while a ship was within lock limits. First, no ship is permitted to transit the locks under its own power; a canal pilot is in complete charge of the ship. Towing locomotives (electric "mules") fore and aft, hold the ship rigidly in position (or in motion), from berthing to departure. Second, the upper-level miter-gates are in duplicate; a ship, headed either downstream or upstream, could ram one of the gates without impairment of the water levels. Third, ahead of the duplicated gates, a strong guard chain, operated by retarding hydraulic cylinders in the lock walls, is hung across the lock entrance to bar every ship until it berths in the forebay and is in tow of the mules, whereupon the chain is lowered to pass the ship. With all these safeguards, plus many supplemental operating precautions, it is almost inconceivable that the levels of Gatun and Miraflores Lakes are ever endangered. Utmost laxity or deliberate sabotage perhaps could open a mill race through the locks. Then, and then only, would an emergency dam be called upon to function. Such a situation has never developed; it might in another war.

Briefly, the Monniche emergency dam was a huge structural-steel device to place and to support a barrier of wickets (steel gates) across the raging millrace which, upon destruction of the upper lock gate, would quickly be established in the chamber, 110 feet wide by 75 deep. Essentially the device is a 3,400-ton nonsymmetrical cantilever swing bridge, rotating through a quadrant from rest on the outside walls to operating position spanning the entrances to the lock chambers. In operation, power machinery housed on the bridge would lower into position six sets of near-vertical girders which were hinged to the bridge at the top; and at the bottom the girders would slip into slots in the lock floor. Then the wicket gates, which were about 9 feet by 18 feet in area, would be dropped one by one on the upstream side of the inclined girders, to harness in half an hour the torrent once the flow be established.

For no feature of the unique structure was there a precedent. At that time there were neither practice nor standard for such an intricate design. The heaviest drawbridges then weighed 1,100 tons for the center-pin type and 2,800 tons for the rim-bearing type, both symmetrical about the vertical axis. The estimated weight of the Monniche design was 3,400 tons; and other conditions made the center-pin type mandatory. "Fortunately for me," said Mr. Monniche in 1941, "Mr. C. C. Schneider published in the 1908 'Proceedings of the American Society of Civil Engineers,' a paper 'Movable Bridges,' for which he was later awarded the Norman Medal." Mr. Schneider subsequently was elected president of the ASCE in which Monniche was associate member in 1906, member in 1912, and life member in 1941.

With the emergency dams completed, tested, and in service in 1914, when the SS *Ancon* in September made the first ocean-to-ocean transit, Monniche continued to serve the Panama Canal until 1917 as engineer of docks in charge of the design and construction of the Panama Railroad's Atlantic Terminal Piers at Cristobal. He resigned from isthmian service, and, with his devoted wife, spent a year vacationing, and recuperating in mountainous Boquete land, near the Costa Rica boundary. Here they were destined to pioneer at Finca Lerida and to develop a wondrous plantation that sparked the growth of Panama as a producer and exporter of unexcelled coffee beans. As a horticulturist in this strange land, his accomplishments were many; they surpassed his achievements in engineering. We now turn to Mrs. Monniche who charmingly describes life at Finca Lerida:

"The word 'finca' means 'plantation.' A man who owned squatter's rights to a part of our land had given it this name, which we liked and retained. Lerida is a city and province founded by the Moors in easternmost Spain, 75 miles west of Barcelona.

"Seeking rest and climatic change in 1911, we had vacationed for 2 months in Boquete land whose mountainous terrain we happily, yet zealously, explored, and hunted. Tollef bought a parcel of land there, a mile above sea level, on the slope of El Volcan, Chiriqui's extinct, ancient volcano. Our idea then was to use the place for hunting on future vacations; and Tollef, with aid of a mandador (overseer) and a few mozos (laborers), built a hunting lodge there, and also planted some coffee because he wanted to drink his own brand. The trip then took 5 days by boat from Panama City to David, and 2 days more on horseback to Boquete from where a mere trail led to Lerida; and this trail through virgin forest was often blocked by fallen trees. Now one can leave the plantation after a leisurely breakfast, motor to David, 30 miles away, and then fly from there to Panama City in ample time for lunch at the Tivoli. In 1917 Tollef was so run down after 10 years of hard work on the canal that he resigned, and we went to Lerida for a year to get in good shape. At that time he built a house of lumber sawed on the place, and we began to consider starting a coffee plantation. In 1918 we went to the States; and as soon as it was possible to travel abroad after the war, he went in 1919 to Norway where he was called by the last illness of his mother, who had survived his father after giving birth to 12 children, 9 being daughters.

"After 3 years abroad we returned to Finca Lerida in 1922, and settled down to the business of raising high-quality coffee. We have lived there ever since (1956), nigh 40 years. When we first went to live on the finca we used kerosene lamps and toted our water from a spring; and I cooked on a small wood-burning stove. Now the lights of the house and plantation buildings are electric, and the utilities include a 12-cubic-foot General Electric refrigerator with freezer compartment, a 40-gallon hot-water heater, and a Norge electric range. How simple modern living can become, even in jungle land. In spite of the handicap of no roads and little water, Tollef has developed a flourishing and beautiful coffee plantation which has done much to put Boquete on the map. In 1929 he had a phenominal crop of 930 quintals (204,600 pounds) on 12,000 coffee trees. Most of this crop was exported to Germany where this first export of Panama coffee was well received, selling for 3 times the then-current price of Boquete coffee.

"Finca Lerida has grown to 365 hectares (about 912 acres) of which 40 hectares are planted with 40,000 coffee trees producing in a normal year a half a million pounds of coffee, the excellence of which is recognized in the States and Germany, as well as in Panama. Tollef never developed more coffee than he could handle efficiently with his available plant and equipment. In the Boquete mountains there is little surface water during the dry season, toward the end of which the coffee must be processed. On the rugged slope of El Volcan, a deep covering of humus overlays volcanic ash and pumice. Tollef has preserved 100 hectares of virgin forest as his primary reservoir. To obtain enough water for processing the coffee, he built a 40-foot-square concrete reservoir, 7 feet deep. He had to carry 2-inch pipes by horseback and man, over the mountain trail to Lerida and 2 miles further up the mountain and into virgin forest to tap the water supply. Tollef himself made a great portion of his coffee machinery. Several of his inventions are now in general use in Boquete.

"Trying out what fruits could best be grown here has been one of Tollef's hobbies. He has raised strawberries, boysenberries, peaches, pears, plums, grapes, Japanese persimmons, and tomatoes, thus showing what can be done in this country. From Guatemala he introduced several varieties of avocados which are now being grown throughout Boquete.

"Preserving the natural beauties of the land has been more than a hobby. A hundred hectares (250 acres) is still virgin forest, through which over 17 miles of trail wind around and up to an elevation of 9,000 feet. All this has made the place very interesting to scientists desirous of studying the flora and fauna of the region. Some naturalists have returned several times to pursue their studies. Tollef has always given them a camping site, horses, and mozos (laborers) to pack their gear and to help their explorations. Through contact with them he became interested in ornithology, and he shot and preserved a large collection of birds, whose habitat is above 5,000 feet. He sold the collection to the Chicago Museum of Natural History. It is reputed to be one of the finest collections of Chiriqui

birds in the world. A duplicate collection was presented to the Republic of Panama. From many lands numerous people, attracted by the finca's reputation, visited us and added to the enjoyment of plantation life."

In 1955, age and its infirmities were enfeebling Monniche, and Finca Lerida became a worrisome burden too great to overcome in failing health. The long-cherished plantation was sold, and the Monniches returned to the States. After a few months at Roanoke, Va., where they had married, they settled in Austin, Tex. He died in December 1958 in the 85th year of his life. May his memory be blessed and honored.

AMERICA'S RELIABLE FRIEND

The SPEAKER. Under previous order of the House, the gentleman from Alabama [Mr. ANDREWS] is recognized for 15 minutes.

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include therein extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. ANDREWS. Mr. Speaker, because of the close ties of friendship and the many years of political and economic relationship that have linked us with the people of the Philippines, it is important that the Congress of the United States should be kept constantly informed of current developments in that island Republic. We do not always get the correct information and it is essential for the maintenance of the friendly relations between our two countries that we do.

The New York Times of yesterday, March 17, published an interview with President Carlos P. Garcia that deserves our careful attention. It gives us the views of the head of state of that nation in a manner that cannot but command our respect and admiration. It is a refutation of biased reports that we have read from time to time in a sector of the American press.

President Garcia is a steady and reliable friend of the United States. He has shown it during the Second World War when he refused to collaborate with the Japanese army of occupation and preferred to be with the guerrillas in the hills to continue fighting for the ideals of democracy and freedom. He showed it again in Geneva, Switzerland, when, as Vice President and Secretary of Foreign Affairs, he represented the Philippines in the conference on Indochina. His forthright reply to the Communist representatives in which he defended the United States against charges of imperialism was praised by Assistant Secretary of State Walter S. Robertson who heard him as "the best speech made during the entire conference."

We can still remember his speech here on this floor when he was the official guest of our Government and he spoke of his stand against neutralism and placed his country foursquare on the side of the United States. I do not recall a speech by a head of state who appeared before us, except Winston Churchill, applauded as many times as his was that day.

The New York Times interview I refer to underscores his friendship for the United States, and it also reveals him as a patriot and a nationalist. To be patriotic and to be nationalistic certainly does not mean that he is anti-American. In fact, as Gen. Carlos P. Romulo, Philippine Ambassador to the United States, very well said in two recent speeches delivered in Washington and New York, and which under unanimous consent I am also making as part of my remarks, we should not allow ourselves to be taken in by Communist propaganda which advisedly brands as anti-American anything that smacks of nationalism to distort America's image and present us as an imperialist nation.

The New York Times interview follows:

GARCIA ASSURES ALIEN INVESTORS—DENIES FILIPINO FIRST POLICY WILL RESULT IN SEIZURE OF FOREIGN PROPERTY

(By Jacques Nevard)

MANILA, March 16.—President Carlos P. Garcia of the Philippines gave assurances today that the controversial Filipino First policy of his administration would not lead to the expropriation of foreign investments.

The President denied that the policy was antialien and that it threatened foreigners' property rights.

In an interview at his residence in suburban Quezon City, President Garcia took issue with reports that United States-Philippines relations were deteriorating as a result of anti-Americanism inherent in the Filipino First policy.

He said he felt that relations were better now than they were a year ago during a dispute over U.S. bases.

CULTURAL TIES CITED

"Our close political ideologies and the affinity of our cultures," the President declared, "are quite big barriers to anti-Americanism in trade or in any other area."

President Garcia said that by Filipino First he meant "the effort of the Filipino people to acquire major participation in their own economy."

Explaining the origin of the policy, he said:

"We have a background of centuries of foreign domination, during which period all policies favored the interests of the rulers. Since 1946, when we became independent and started charting our own policies, we discovered that the major part of our economy belonged to aliens."

The Filipino First policy calls for citizens of the Philippines to control at least 60 percent of all new capital investments in the Philippines.

"I want to make it clear that Filipino First is not anti-American and could not be anti-American even if I, as President, so decided," he continued. "Under the so-called parity amendment of our Constitution, Americans have exactly the same rights as Filipinos in developing natural resources and establishing public utilities."

He said that he favored a relaxation of the Central Bank regulations that make it difficult for foreign investors to send profits abroad.

President Garcia also denied that his administration was harassing the Chinese minority here on national or racial grounds.

"The Chinese have been here since before Magellan discovered these islands," he said. Many Filipinos have Chinese blood and Chinese names, and it is no detriment politically, socially or in business.

He said, however, that the conflict between the 24 million Filipinos and the 300,000 Chinese who live in the Philippines stemmed from the refusal of many Chinese who arrived in the last 25 years to give up their ties with their homeland. Many have refused to become citizens, he said, and many who assumed citizenship "did not shift their loyalties."

Asked about the possibility that these Chinese, if pushed too hard, might turn to Communist China for succor, President Garcia said that while such a possibility could not be ignored, it was not likely. The Chinese aliens in the Philippines, he said, look to the Republic of China, on Taiwan, as their support.

The President spoke also of his campaign against the graft and corruption that has plagued his administration. He contended that it had been fairly successful thus far.

Since January 1, he said, "I have dismissed the collector of customs at Manila, which handles 80 percent of the nation's dutiable imports, the entire board of the Agricultural Credit Cooperative and Financing Administration and the whole board of the National Marketing Corporation."

President Garcia said he was not grooming any young member of his Nationalist Party to run as vice presidential candidate on the Garcia ticket in the November elections of 1961.

In the Philippines, the President and Vice President are voted upon separately. The present Vice President, Diosdado Macapagal, a member of the Liberal Party, defeated José Laurel, Jr., President Garcia's running mate, in 1957.

General Romulo delivered the following speech before the Military Order of the Carabao at a banquet at the Willard Hotel on February 6, 1960, at which among those present were Speaker RAYBURN, members of the Cabinet, and Members of Congress:

I have just returned from the Philippines and passed through some Asian countries. I would like to say that in that section of the world we are beginning to learn, as a result of recent events, that communism is not the wave of the future that it has been presented to be, that it is now well known there that communism has been stopped in Europe, that in Asia my fellow Asians are now seeing its naked face unmasked in Tibet and the borders of India. The neutral nations have remained neutral, they have not fallen for the wiles and blandishments of communism, and I wish to underscore that there was something more than mere Asian hospitality in the outburst of good will shown by the Asian masses when President Eisenhower was received by them not as a traveling salesman but a traveling symbol of family, friendship, freedom and the dignities inherent in the democratic way of life.

You created NATO and SEATO and thus checked communism's advance. You led the way to a steady improvement of standards of living within a context of economic and social stability. You maintained your freedoms and helped others maintain theirs, thus showing that democracy is the progressive way of life. As an American historian recently said, in all these things you led, inspired and assisted, and because other nations, Britain, France, West Germany, Japan, Italy, Greece, the Philippines learned these lessons well, you are now destined to be only a peer among peers.

This is important for the Americans to remember because it is not anti-Americanism for your friends to insist that they be treated as your peers. You have helped to raise them to a new level, the level of free partners and sovereign equals. Do not fall into the trap being laid by communism everywhere to whisper and insinuate that it is anti-American whenever other nations friendly to you insist that they be treated as your peers. That is not anti-Americanism but, in fact, the essence of Americanism at its best.

You have created a great force for peace in helping build other nations to be your sovereign equals. You have assisted them to share responsibility with you and therefore you will no longer be alone, aloof, isolated, looked upon with envy, jealousy, and suspicion. I was in the Philippines only a week ago and I saw developing among my people a growing sense of national responsibility, a maturing consciousness of national sovereignty, a deepening realization of their role as your free and equal partner in a democratic world. Communism in its insidious and subtle way would want to present that as anti-Americanism and I warn you to beware that you do not unwarily fall into the Communist trap.

The following address was delivered in New York by General Romulo on February 27, 1960, when he received the annual brotherhood award of the Sutton Place Jewish Center, an award that was given to Ambassador Henry Cabot Lodge the year before:

The peace that we have, uncertain though it be, has made possible in the 20th century a political revolution of the greatest magnitude. The cold war has served to freeze colonial aspirations and has at the same time fostered nationalism. If America is to play its role at this juncture of world history, it must not only recognize the revolutionary forces in ferment in Asia and Africa but accept them as such, because only by their acceptance can they be directed and guided in the democratic pattern. America must not be an alien in a world of revolutionary change.

A few weeks ago I was in the Philippines. The fact that according to the provisions of the Philippine Trade Act full duties will be imposed on all Philippine products entering the United States in 1974 is accepted by my people as inevitable, and in preparation for such economic independence from the United States, our leaders are now formulating our economic program to cushion the effects of this impending new development in our national life. Some of these policies naturally depart from old accepted formulas and because they are designed to protect the Filipinos, some vested interests are sometimes adversely affected. Communist propoganda, always on the alert to undermine American prestige, brands these policies as anti-American, aimed only to hurt America. The idea, of course, is to present an image of America that is hated even by its best friends.

The American people should be aware of the changes that are taking place in newly emergent nations, changes that are part and parcel of the revolution that is influencing their policies. They are fundamentally nationalistic and it is the tactic of communism to make them appear as anti-American to plant the seed in the Asian mind that everything that fosters nationalism is opposed by the United States. This, as we know, is false but it serves the purpose of the Kremlin to distort it and the people of the United States should think twice before believing charges of anti-Americanism made every now and then in your papers against a people as is unfortunately made sometimes against the Philippines.

As I have said I have just visited the Philippines and I can assure my American friends that the harmony, the friendship, the blood brotherhood of Bataan between the Philippines and the United States continues to be the rock on which the relations between our two countries are founded. This friendship, and the common cause from which it stems, are more important than any difference of opinion which can ever arise between us: the differences are temporary because the friendship is lasting. But it is not enough to recognize that problems do arise between friends. We must go forward to a solution of the problems, precisely because that is what friendship means.

LIBERALS SUPPORT MODERN COMMUNITY DEVELOPERS, INC., WHICH SEEKS TO VIOLATE THE 5TH AND 14TH AMENDMENTS TO THE CONSTITUTION

The SPEAKER. Under previous order of the House, the gentleman from Mississippi [Mr. WILLIAMS] is recognized for 10 minutes.

Mr. WILLIAMS. Mr. Speaker, on March 4, 1960, a Federal judge in Chicago wrote an opinion which should be of interest to the advocates of the present civil rights bill.

The court opinion dealt with the controversy recently engendered by Modern Community Developers, Inc., in Deerfield, Ill. It is rather significant that on the advisory committee are such well-known persons as Mrs. Eleanor Roosevelt, Jacob K. Javits, and Joseph S. Clark. The board of directors include W. William Wirtz, Adlai Stevenson's law partner, and Jackie Robinson.

The Federal district court charged that MCD had filed false and misleading information with the Securities and Exchange Commission.

It further found that MCD's "controlled occupancy" plan constituted racial discrimination and violates the 5th and 14th amendments to the Constitution.

The subsidiary of MCD in the Deerfield case is Progress Development Corp. MCD owns 100 percent of the stock of Progress. A vice president of Progress is John W. Hunt, member of Adlai Stevenson's law firm.

Apparently this law firm is more interested in agitation and forced mixing of the races than in law; otherwise, it would have known of the application of the rule of Shelley against Kraemer.

The court's opinion listed 48 conclusions of law in dismissing the complaint of plaintiffs Progress Development Corp. and Modern Community Developers, Inc.

I wish to emphasize five of these conclusions. They are:

21. Modern Community Developers, Inc., is an unregistered investment company within the meaning of the Investment Company Act of 1940; as such, it cannot engage in interstate commerce; and its contracts are void and unenforceable.

22. Modern Community Developers, Inc., had made as of the date of commencement of this action several false and misleading statements and had failed to disclose material facts in registration statements and prospectuses filed with the Securities and Exchange Commission and under which it seeks to sell shares of stock in interstate commerce. It cannot find a cause of action upon any believed right to sell stock under an illegal prospectus.

26. The "controlled occupancy pattern" which the plaintiffs propose is a racial discrimination and in violation of the 5th and 14th amendments to the Constitution of the United States and is unenforceable in any court of law or equity in the United States.

27. The "controlled occupancy pattern" which the plaintiffs propose is a racial discrimination and is in violation of sections 1981, 1982, and 1985, title 42, United States Code, and is unenforceable in any court in the United States.

28. The "controlled occupancy pattern" which the plaintiffs propose is illegal and the plaintiffs do not come into a court of equity with clean hands.

Mr. Speaker, this case points up what those of us opposing civil rights legislation have said all along: "It is thought by many people that this legislation will affect only the South; but, if enacted, it will come back to haunt the other side, in other ways, in later days."

Mr. Speaker, the entire opinion in this case follows:

U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION—PROGRESS DEVELOPMENT CORP., A CORPORATION, AND MODERN COMMUNITY DEVELOPERS, INC., A CORPORATION, PLAINTIFFS v. JAMES C. MITCHELL ET AL., DEFENDANTS—No. 59 C 2050

MEMORANDUM

In this proceeding, plaintiffs complain that the defendant officials of the village of Deerfield and of the Deerfield Park District, acting under color of law and using their offices as a cloak, have conspired with the other named defendants and have violated the civil rights of the plaintiffs contrary to the provisions of the 14th amendment to the Constitution of the United States and contrary to the provisions of title 42, sections 1981, 1982, 1983, 1985, and 1988 of the United States Code. They bring their action pursuant to title 28, United State Code, section 1331.

The section of the 14th amendment relied upon provides as follows:

"Section 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without the due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

The statutes relied upon provide as follows:

"§ 1981. Equal rights under the law

"All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other. (R.S., sec. 1977.)

"§ 1982. Property rights of citizens

"All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property. (R.S., sec. 1978.)

"§1983. Civil action for deprivation of rights

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. (R.S., sec. 1979.)

* * * * *

"§ 1985. Conspiracy to interfere with civil rights—Preventing officer from performing duties

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"(3) If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators (R.S., sec. 1980).

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"§ 1988. Proceedings in vindication of civil rights

"The jurisdiction in civil and criminal matters conferred on the district courts by the provisions of this chapter and title 18, for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the Constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of punishment on the party found guilty."

The verified complaint, as amended, is divided into three counts. Count I names as defendants the Deerfield Park District and the individuals constituting the board of the Deerfield Park District, namely, James C. Mitchell, president, and Dudley L. Dewey, Edward J. Walchli, Donald W. Keller, and Aksel Petersen, members thereof, and seeks a temporary injunction pendente lite with the prayer that such injunction be made permanent upon final hearing. (See par. 39 of summarization of allegations of complaint, post.)

Count II names as defendants the village of Deerfield and the individuals constituting the board of trustees of said village, namely, Joseph Koss, president, and Winston Porter, Harold L. Peterson, John Aberson, Maurice Petesch, and Arno Wehle, members thereof, and seeks a temporary injunction pendente lite with the prayer that such injunction be made permanent upon final hearing. (See par. 40 of summarization of allegations of complaint, post.)

Count III, a conspiracy count, names all of the foregoing as defendants (except the Deerfield Park District and the village of Deerfield) and, in addition thereto, 10 other individual defendants, namely, Joseph G. Powell, Andrew G. Bradt, Harold C. Lewis, Herbert H. Garbrecht, Hal A. Petit, Robert D. Rierson, Robert G. Mullen, Leonard Bronstein, David J. Maundrell, and Frank M. Blake. Plaintiffs seek damages in the sum of $750,000.

The plaintiffs having served notice upon counsel for the individual defendants named in counts I and II, moved the court for a restraining order against the defendants named in each of those counts and for a hearing date upon a motion for a preliminary injunction in each instance. Deerfield Park District and the village of Deerfield were not then parties defendant and so were not served. Counsel for the individual defendants appeared but no testimony was heard. The court heard oral argument, considered the verified complaint and thereupon denied the motion for a restraining order against the individual defendants, who are described as president and members of the Deerfield Park District, upon the allegations of count I.

The court, however, granted plaintiffs' motion for a restraining order against the president and members of the board of trustees of the village, in their individual capacities, upon the allegations of count II. The court fixed bond for $1,000 which the plaintiffs made and which was approved. Thereupon the court entered a restraining order upon the allegations of count II, enjoining said individual defendants from enforcing the building code of the village of Deerfield in any discriminatory, arbitrary, or capricious manner against plaintiffs until further order of court, specifically providing, however, that the defendants were in no way restrained from lawfully enforcing said building code, all of which is more fully set forth in the order of this court entered on December 22, 1959.

The court fixed December 29, 1959, as the date for hearings. They were not completed on that date and the restraining order was continued in force until January 6, 1960, on which date said order expired by its own limitation. The court was without jurisdiction to extend such order again. Without further order of court, the parties proceeded to present evidence until hearings were completed on January 28, 1960, although final arguments were not completed until February 4, 1960.

On January 28, 1960, the court orally announced that no motion for a preliminary injunction would be granted upon the allegations set forth in count II and the proof that had been adduced before the court at that time. The cause was taken and has been retained under advisement.

Immediately thereafter, the court began taking evidence upon the allegations of count I, and on January 28, 1960, concluded evidence thereon although final argument was not concluded until February 4, 1960, upon which date the court took its decision thereon under advisement and has so retained it until this time.

The defendants named in count II filed a motion to dissolve the restraining order originally entered. The court heard argument thereon and orally announced an intention to deny the motion but retained it under advisement. Since that time, the court, still retaining the matter under advisement, has heard evidence thereon which has caused it to reconsider its orally announced intention to deny the motion. Among other things, it was brought out that plaintiff was in volation of the Deerfield building code when this suit was filed and therefore did not come into court with clean hands.

The defendants named in count II also filed a motion for a summary judgment and that motion was taken with the case.

All defendants joined in various motions to dismiss the whole complaint, including count III. The motions were supported by affidavits under oath. Plaintiffs' counsel stated in open court that one of the motions and affidavits did not completely speak the truth. The court thereupon gave leave to plaintiffs to answer the motions and to file counteraffidavits but the plaintiffs failed to file any answer to said motions or any counteraffidavits or response thereto whatsoever.

At the conclusion of evidence upon counts I and II, the court heard testimony from plaintiffs and defendants upon the said motions to dismiss count III and the complaint as a whole. Those motions were taken under advisement.

It became apparent to the court at the outset of these proceedings that while the three counts of the complaint, in effect, set forth three suits, much time and effort would be saved if all the parties named in each of the counts were present at all hearings—with full right of cross-examination of all the parties—and if the evidence taken on the hearing of each motion was included in the consideration of every other motion.

It was so ordered and accordingly the hearings proceeded without objections from any of the parties at any time during or since the hearings were concluded.

For purposes of brevity, plaintiff Progress Development Corp. will hereinafter be referred to as "Progress"; plaintiff Modern Community Developers, Inc., as "Modern"; defendant Deerfield Park District as "Park District"; defendant Village of Deerfield as "Village"; Board of Deerfield Park District as "Park Board"; Board of Trustees of the Village of Deerfield as "Village Board."

Inasmuch as it was solely on the verified complaint herein, and without the taking of evidence, that the court granted plaintiffs' motion for a restraining order (on the allegations of count II) and denied plaintiffs' similar motion (on the allegations of count I), a summarization of the allegations of that complaint appears appropriate at this point:

1. Progress is an Illinois corporation duly organized to purchase and subdivide land, construct residences thereon and to sell the same in the ordinary course of business.

2. In April 1959, and at subsequent dates, Progress entered into purchase agreements for two tracts of vacant land, suitable for subdivision and located in Deerfield, Lake County, Ill.

3. Thereafter it surveyed, platted, and subdivided said vacant tracts of land into two subdivisions—one known as Floral Park subdivision (containing about 15 acres) and the other known as Weinrib's Pear Tree subdivision (containing about 7 acres).

4. On July 8, 1959, the plat of the Floral Park subdivision was approved by the village board, which is the governing authority of Deerfield, and on July 31, 1959, it was recorded with the recorder of deeds for Lake County, Ill. The plat provides for 39 lots for residences.

5. On September 16, 1959, the plat for Weinrib's Pear Tree subdivision was approved by the village board and on September 18, 1959, it was recorded with the recorder of deeds for Lake County, Ill. That plat provides for 12 lots for residences.

6. Progress, relying upon the village board's approval of the plat for the Floral Park subdivision, employed a licensed engineer to prepare plans and specifications for underground water and sewer improvements and street improvements in that subdivision. These plans having been presented to and approved by the village board, Progress spent $30,000 in making the improvements and further obligated itself on an $80,000 surety improvement bond, likewise approved by the village board.

7. Progress has likewise obligated itself upon a $26,000 surety improvement bond for improvements in Weinrib's Pear Tree subdivision, which bond was also approved by the village board.

8. On September 21 and 22, 1959, Progress presented to Deerfield's building commissioner plans and specifications for the construction of two model homes to be constructed and located at 911 and 921 Wilmot Road in Deerfield. Both sets of plans were approved by Deerfield officials, building permits were issued and Progress had the foundations laid, outside framework and roofs constructed, and other work in progress prior to November 11, 1959. The value of the two houses will be $30,000 for each one when completed.

9. Progress has contractually obligated itself for additional large sums of money for engineers, architects, contractors, material men, legal and other expenses.

10. The present fair market value of the Floral Park and Pear Tree land is in excess of $250,000.

11. Modern is a corporation organized and doing business in the State of New Jersey and its principal purpose is investments by purchase of shares of stock in such corporations as Progress which are engaged in the acquisition and development of residential subdivisions and in the construction and sale of residential housing therein. Modern owns shares in such corporations in the States of Connecticut, Delaware, Illinois, New Jersey, New York, and Pennsylvania.

12. Modern owns 100 percent of the stock of Progress.

13. Both Modern and Progress have adopted and are following a policy of building homes that are available for purchase by Negroes and members of other minority groups as well as by persons who are members of the Caucasian race. Until November 11, 1959, this policy was not known to anyone in Deerfield.

14. There are no Negroes residing in Deerfield.

15. At all times prior to November 11, 1959, Progress had conformed to all of Deerfield's building code requirements and had likewise conformed to all of such building code requirements to the date of the filing of this complaint. It has acted in good faith and was not then and has not since then been in violation of any of Deerfield's building code requirements.

16. Immediately after November 11, 1959, when it became known to the defendants that Progress had a policy of and planned to sell to Negroes some of the houses it proposed to build, the defendant village and the defendants described as the president and members of the village board began a course of harassment of Progress. Even though immediately prior to November 11, 1959, Deerfield officials had inspected and approved its construction work, those defendants caused their agents and employees to post "stop orders" upon both buildings under construction. It was impossible to comply with those "stop orders." The employees and agents of Progress were ordered off the job and all work was stopped, not only upon the buildings but also on the street and other improvements about which there had been no complaint. There were in fact no building code violations by the plaintiffs and they were given no opportunity to correct violations alleged to exist by the "stop orders." It was several days before the officers and agents of Progress could talk with any of the defendants about correcting the alleged violations.

17. All of the aforesaid conduct was but a part of a scheme between the above-named defendants and certain other defendants to impede, delay, harass, and stop plaintiffs from constructing and selling houses to Negroes.

18. All of the aforesaid defendants and all of the other defendants named in the complaint had numerous conferences between themselves and others and held numerous meetings at which they conspired to devise a plan to injure the plaintiffs and to deprive them of their rights.

19. During the period between November 11, 1959, and November 17, 1959, the above-named defendants and the members of the park board and certain other defendants conspired and confederated together for a plan to be presented to the park board on November 17, 1959, which plan had as its purpose injury to plaintiffs as set forth in the complaint. The park district covers an area approximately coterminous with that of the village.

20. There was in existence in Deerfield an organization known as the Deerfield citizens committee of which defendant Joseph G. Powell is president. A subcommittee of that committee is known as the village caucus advisory committee and its chairman is defendant Andrew G. Bradt.

21. Sometime during this period there was formed an organization known as the North Shore Residents' Association. The exact time of its organization is unknown but its officers became known on November 24, 1959, and the same individuals, together with many others whose names are unknown to the plaintiffs, were active in the unlawful conspiracy against the plaintiffs at all times after November 11, 1959. Defendant Harold C. Lewis is a member of and chairman of the North Shore Residents' Association; defendant Herbert H. Garbrecht is a member of and vice chairman of said group, and defendants Hal A. Petit, Robert D. Rierson, Robert G. Mullen, Leonard Bronstein, David J. Maundrell, and Frank M. Blake are members and directors of the residents' association. At a meeting held on November 18, 1959, and at all other public meetings thereafter, defendant Harold C. Lewis and various other persons announced that a plan would be devised to prevent Progress Development Corp. from completing its project of constructing and selling houses to Negroes.

22. At a meeting of the park board held on November 17, 1959, certain of these defendants requested the board to take steps to acquire, for park purposes, the two subdivisions owned by Progress. During the course of the meeting, defendant Joseph G. Powell announced that he would contact certain civic groups to make a study of the needs of the park district. Prior to this park board meeting, defendant Harold C. Lewis and others had already planned to conduct a poll in Deerfield to determine the public sentiment in Deerfield for or against plaintiffs' plan to build and sell houses without restricting sales to persons of the Caucasion race. All of the defendants were fully aware that the poll was to be taken on December 6, 1959. The defendants who are president and members of the park board then adjourned the meeting of November 17, 1959, to December 7, 1959, for the purported purpose of studying the reports that would then be made by civic groups upon park needs, but actually for the purpose of aiding the conspiracy by giving time for the defendants to take the aforesaid poll and to further arouse opposition to the plaintiffs in Deerfield.

23. Immediately thereafter the defendants who are the president and trustees of the village met, namely, on November 18, 1959, and again on November 23 and 24, 1959. The public was invited. The meetings were noisy and disorderly and the lawful plan of plaintiffs to sell some of its houses to Negroes was denounced as totalitarian, and a forcing of Negroes and other non-Caucasians upon the village. Many inflammatory statements were made at the meetings. Other public meetings were held at the American Legion hall at which the same speeches were made by defendant Harold C. Lewis and other defendants and by other persons whose names are unknown to plaintiffs.

24. Numerous secret meetings were held in private homes by the defendants and a purported report and recommendation of park needs was prepared which was solely for the purpose of giving an air of legitimacy and color of law to any action the park board might take to acquire the property of Progress by condemnation proceedings. The said purported report was a 6-page document labeled a "comprehensive study," and covered such broad subjects as "relationships between governmental bodies," "village objectives," "traffic and parking," "zoning," "water and sewers," "expansion of village boundaries," "school objectives," "school consolidation," "school facilities," "park objectives," "park-school site program," "major park sites," "park district boundaries," and "recommendations." There was in fact no such study made. The so-called report included other sites strategically situated throughout Deerfield and recommended the acquisition of these sites, as well as the property owned by Progress. A further purpose of said purported report and recommendation was for the purpose of influencing public support of any program that the park board might undertake.

25. At their meeting of November 17, 1959, the defendant members of the park board were informed that defendant Harold C. Lewis and others intended to conduct a poll of the village on or about December 6, 1959. The meeting was adjourned to December 7, 1959. The true purpose of that adjournment was to await the outcome of such poll. When the president and members of the park board met on December 7, 1959, they adopted resolutions designating Floral Park and Weinrib's Pear Tree subdivisions as park sites and ordered that those subdivisions be acquired by condemnation proceedings for park purposes. (An exhibit attached to the complaint mentions an offer made to the plaintiffs, on direction of the park board, of $166,199.91.) Resolutions adopted by the park board at that meeting also provided for a referendum to be held for the purpose of submitting to the voters a $550,000 bond issue, $175,000 of which the resolution earmarked for the purchase of the two subdivisions belonging to Progress. The referendum date was set for December 21, 1959, the earliest possible date that would be within the statutory requirement of the State of Illinois.

26. Offers to purchase, totaling $166,999.91, were contained in three letters dated December 7, 1959, signed by the secretary of the park board and addressed to Progress and to the Chicago National Bank, trustee under trust No. 16,063, legal title holder of certain of the property on which the purchase price had not been fully paid by Progress. These offers were delivered personally by certain of the defendants other than the members of the park board. These offers were not made in good faith but were made for the purpose of acquiring the subdivisions in order to prevent Progress from building residential housing thereon and to prevent sales of homes thereon to Negroes and other non-Caucasians.

27. In a letter dated December 10, 1959, Progress, through its attorney, rejected the $166,999.91 offer of defendant park district and its board members on the ground that the sum offered was so inadequate that Progress considered the offer not to have been made in good faith.

28. There is no bona fide public need or necessity for the acquisition of either of the two subdivisions for park purposes or for any other public use or purpose.

29. The acquisition of Floral Park and Pear Tree subdivisions was never considered by the park board until after the meeting of November 17, 1959.

30. The acts of the president and members of the park board in seeking to condemn the

two subdivisions belonging to Progress were abuses of its powers of eminent domain conferred upon it by the laws of the State of Illinois, to wit, Ill. Rev. Stats., c. 105, section 8–1, and Ill. Rev. Stats., c. 47, sections 1 to 17.

31. Plaintiffs allege that each and every defendant has considered together and that each is bound by the act of every other defendant. They charge that each and every defendant, because of the alleged conspiracy they have entered into, is guilty of each and every overt act alleged in the complaint. Plaintiffs charge that there have been innumerable other overt acts committed by the named defendants and other defendants and that each and every one of the defendants named in the complaint is guilty of said additional overt act as coconspirator.

32. Plaintiffs charge that defendants park board, its president, James C. Mitchell, and board members and their employees and agents, did not make available to them the books and records of the park board when demanded and that the delay in producing them was part of the conspiracy charged.

33. Plaintiffs charge that all of the acts of conspiracy alleged have required each of them to divert their officers from their duties, and to expend large sums of money in attempting to meet the demands of the various defendants with the result that they have incurred additional expenses, costs, and damages in and about their property and business.

34. Progress alleges it has been damaged by disparagement of its business reputation and has incurred additional construction costs as a result of the unlawful conspiracy and acts of the defendants.

35. Modern alleges it has been damaged in the conduct of its business in the State of Illinois and elsewhere in the United States by disparagement of its business reputation, by impairment of the value of its stock and sales thereof to the public, by delays and difficulties in the construction of residential developments and the sales of houses therein, all caused by the unlawful conspiracy alleged and the acts of the defendants in furtherance of such conspiracy.

36. Plaintiffs charge that they will be irreparably damaged if a preliminary and ultimately a permanent injunction is not granted against the village of Deerfield and its president, Joseph Koss, and the other members of the board of trustees enjoining them from enforcing the building code of the village against progress for alleged building code violations that do not exist and from enforcing said building code against plaintiffs in an arbitrary and capricious manner and in a different manner than which it is enforced against other builders.

37. Plaintiffs charge that defendants Deerfield Park District and its president, James C. Mitchell, and the other members of the park board have threatened to file a condemnation proceeding in the Lake County circuit court and that they are in the process of preparing such complaint. Unless restrained they will attempt to acquire plaintiffs' property in Deerfield by condemnation, and that plaintiffs will be irreparably damaged.

38. Plaintiffs charge that the sole and only reason for and the cause of the conspiracy and all of the overt acts and other acts in perpetrating the same is to discriminate against the plaintiffs and is founded upon bias and prejudice against the plaintiffs because of their willingness to sell houses to Negroes on an integrated basis.

39. Plaintiffs seek a temporary injunction pendente lite, which injunction they pray will, upon a hearing be made permanent, forever restraining and enjoining the defendants James C. Mitchell, park board president, and Dudley L. Dewey, Edward J. Walchi, Donald W. Keller, and Aksel Petersen, park board members, their agents, servants, employees, attorneys and each of them, and all persons in active concert and participation with them and each of them from:

A. Attempting to acquire by condemnation or otherwise all or any property now owned by plaintiffs in the village of Deerfield, Ill.

B. Interfering, impeding, or otherwise attempting to prevent, hinder, or delay the lawful construction and sale of houses by plaintiffs in the village of Deerfield, Ill.

C. Interfering, impeding, or otherwise attempting to prevent, hinder, or delay the lawful conduct of business by plaintiff in the village of Deerfield, Ill.

40. Plaintiffs seek a temporary injunction pendente lite, which injunction they pray will, upon a hearing be made permanent, forever restraining and enjoining defendants Joseph Koss, village board president, and Winston Porter, Harold L. Peterson, John Aberson, Maurice Petesch, and Arno Wehle, village board members, their agents, servants, employees, attorneys, and each of them, and all persons in active concert and participation with them and each of them, from:

A. Discriminating against plaintiffs in the conduct of plaintiffs' lawful business in the village of Deerfield, Ill., by unreasonable, arbitrary, and capricious enforcement of the statutes, ordinances, regulations, usages, and customs of the State of Illinois and said village of Deerfield.

B. Interfering, impeding, or otherwise attempting to prevent, hinder, or delay the lawful construction and sale of houses by plaintiffs in the village of Deerfield, Ill.

C. Interfering, impeding, or otherwise attempting to prevent, hinder, or delay the lawful conduct of business by plaintiffs in the village of Deerfield, Ill.

41. Count III charges all of the defendants with conspiring to discriminate against the plaintiffs and with violating the civil rights of plaintiffs by taking their property to keep them from selling some houses to Negroes. Plaintiffs allege damages in the sum of $750,000. It is a general allegation without specifying the nature and extent of the damages to Modern.

42. Progress alleges the present value of its property to be $250,000. No facts are alleged in support of such valuation, although there is an allegation that Progress has expended $30,000 for improvements. There is an averment that the value of the two houses now under construction will be $60,000 when completed, but no allegation as to how much has been expended in the construction thereof.

No damages are sought from either the village of Deerfield or the Deerfield Park District.

The complaint states a good cause of action. Certainly the plaintiff, Progress, had a right to sell to Negroes the houses that it proposed to build and had no obligation to shout from the housetops the fact that it planned to do so. Progress had an absolute right to keep that secret within its corporate breast. As a corporation, Progress had no more obligation to divulge its plans than an individual person would have had in a similar situation. Rights guaranteed to "persons" under the Constitution are guaranteed to corporations since the Supreme Court has repeatedly held that corporations come within that classification.

If, as alleged in the complaint, the activities of Progress are limited to unrestricted sales of homes to persons of all races, then Progress could in no wise be guilty of deceit or bad faith in its dealings with the village and its citizen when it failed to mention its plans to sell some of the houses to Negroes. As a matter of fact and law, Progress has the absolute right to select its own purchasers. It can select whites only, or Negroes only, or whites and Negroes in any ratio it chooses. It can limit its sales exclusively to Jews, Catholics, Protestants, orientals, Polynesians, Republicans, Democrats, Socialists, midgets, giants, brown-eyed or blue-eyed people, curlyheaded or baldheaded people. It could select only those who are members of the Mafia, K.K.K., N.A.A.C.P., those who are listed in Who's Who or those who are listed in the social register. In short, the law protects Progress in its right to sell to those persons it may choose—and without prior notice thereof to the village of Deerfield—but the law will not protect, by enforcement, any rights which Progress or anyone else may claim by virtue of recorded or unrecorded covenants which restrict the use or conveyance of real estate in any discriminatory manner whatsoever against any race, color, or creed.

It would be lawful for Progress, if it so desired, to require each purchaser of its homes to accept a deed containing a restrictive covenant running with the land and providing that the grantee would never convey the premises to any person not a member of the particular group or classification of persons to which the grantee belonged. Such a deed might also provide for a forfeiture in the event of a breach of the restrictive covenant, and might contain a further provision that any person affected might sue to restrain any conveyance contrary to such covenant and to obtain damages from the offending party. When it came to the acid test, however, such a restrictive covenant would be of no avail to Progress or to anyone else since no court in the United States would or could enforce it. (*Shelley* v. *Kraemer* (334 U.S. 1).)

Having first ascertained that it has jurisdiction of the subject matter and of the parties to this action brought under the civil rights statutes, and having in mind the limitations imposed upon it by 28 U.S.C. 2283 that—

"A court of the United States may not grant an injunction to stay proceedings in a State court except as expressly authorized by act of Congress, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments,"

and further having considered the verified complaint herein and heard argument of counsel, this court determined that since a good cause of action for a claim for damages was stated under the civil rights statutes, it likewise had equitable jurisdiction for the purpose of protecting and enforcing its jurisdiction at law.

Concerning plaintiff's motion (based on count I) for a restraining order enjoining the park board officials, individually, from instituting condemnation proceedings to take plaintiff's property, the court determined that the allegations of count I did not state a cause that warranted the court's use of its injunctive power without first hearing evidence and argument of counsel on the matter. The court thereupon denied the motion for a restraining order and fixed a subsequent date for hearing evidence and argument upon the prayer for preliminary injunction contained in count I of the complaint.

The court then turned to a consideration of plaintiff's motion (based on count II) for a restraining order enjoining the officials of the village, individually, from enforcing the building code of Deerfield against plaintiffs in a discriminatory, arbitrary, and capricious manner. It appearing to the court that work on the two buildings under construction had been discontinued, that a great deal of emotion and ill feeling existed between the parties, and that a dispute existed between the parties as to whether the agents and employees of Progress had or had not been given the right to correct alleged building code violations, the court—without finding that the defendants had attempted to or had enforced the village building code in a discriminatory, arbitrary, or capricious manner—granted the

motion for a restraining order and fixed a date for a hearing on the prayer for preliminary injunction contained in count II of the complaint.

There can be no question but what great public concern and interest have been aroused by this litigation and the events leading up to it. Initially, the proceeding seemed to present some perplexing and complex problems but now that all of the evidence is in the matter has resolved itself into a comparatively simple matter both as to facts and as to law. It takes no Sherlock Holmes to unravel and determine the facts and it takes no Oliver Wendell Holmes to comprehend and apply the applicable law.

Plaintiff Progress is an Illinois corporation with its principal place of business in Chicago, Ill. It has as its principal purposes the acquisition and development of residential subdivisions and the construction and sale of residential housing therein.

Plaintiff Modern is a New Jersey corporation with its principal place of business in Princeton, N.J. Its alleged principal purposes are the investment, by purchases of shares of stock and otherwise, in Progress and in other similar corporations which are engaged in the development of residential subdivisions and construction of housing therein. Modern owns all of the issued and outstanding shares of Progress and the facade of local directors is nothing more than a transparent veil, worn solely for adornment. Modern completely dominates Progress.

Defendant village of Deerfield is a modern, residential, suburban municipality. Its governing body is the Village Board of Trustees, pursuant to the statutes of the State of Illinois. There is also a village manager, pursuant to ordinances adopted by said board. The village is a rapidly growing community. Its population has increased from 3,288 in 1950 to 4,188 in 1952, to 7,809 in 1957 and in December 1959, when this suit was instituted, its population was approximately 11,000. As a result, vacant land available for parks has rapidly disappeared. Roughly calculated, the village is a 2-mile-square area. According to accepted municipal planning, such a community should have at least 250 acres of park. At the present time Deerfield has only about 47 acres and it is obviously in need of a diversified park system with parks scattered throughout the community. There is practically no vacant land left which is available for parks except that which is owned by the plaintiffs and the other parcels which were included in the referendum held under the direction of the park board for the purpose of acquiring plaintiffs' land and the other parcels for the school-park program.

The need for more land for parks has been well known to the park board and on two separate occasions in 1959 referendums were held in an attempt to obtain additional land. On each occasion they were unsuccessful. Opposition came from a fear of increased taxes and because of a disagreement as to where the parks should be located. Some citizens wanted one large park at the southeast part of the village and others wanted smaller parks distributed throughout the community.

The defendant Joseph Koss is now and at all times mentioned in the complaint has been the acting president of the board of trustees of the said village, having been appointed to said office by the other members of the board of trustees to fill a temporary vacancy in said office. The defendants Winston Porter, Harold L. Peterson, John Aberson, Maurice Petesch and Arno Wehle are now and at all times mentioned in said complaint have been members of the board of trustees of said village.

Deerfield Park District of Lake County, Ill., is a body corporate and politic under the provisions of section 8–1 of chapter 105 of Illinois Revised Statutes, and is governed by a board of five elected commissioners—defendants James C. Mitchell, president, and Dudley L. Dewey, Edward J. Walchi, Donald W. Keller, and Aksel Peterson, members, who serve without compensation. They constitute the corporate authority of such district as provided by section 4–1 of said chapter 105. Said commissioners act as legislators and are given legislative powers in said chapter 105 to enact all necessary rules, resolutions and ordinances and to exercise the power of eminent domain to acquire real estate for park purposes.

The Deerfield Park District covers an area approximately coterminous with that of said village, and the land owned by Progress, known as Floral Park and Pear Tree subdivisions, is situated within said village and within said park district.

The other defendants are divided into two groups: (1) Defendants Harold C. Lewis, Herbert H. Carbrecht, Hal A. Petit, Robert D. Rierson, Robert G. Mullen, Leonard Bronstein, David J. Maundrell and Frank M. Blake are members of the North Shore Residents' Association; (2) Defendants Joseph G. Powell and Andrew G. Bradt are members of the Deerfield citizens committee.

The North Shore Residents' Association was organized shortly after November 23, 1959, and was opposed to the project being sponsored by Progress and to the actions of the representatives of that company. There is no evidence that the members of the residents' association did anything which was illegal. All actions taken by the residents' association were separate and distinct from the actions taken by the park commissioners. All evidence in the record shows that the park commissioners refused to become associated in any way with the residents' association and maintained the constant position—which they had adopted many months prior to any knowledge of the proposed activities of Progress—that they were not interested in single properties but only in an overall land acquisition program for all of the village.

The Deerfield Citizens Commission is a not-for-profit Illinois corporation which was organized in 1950 with the purpose of "Full cooperation with all village governing bodies for a better Deerfield," and it has been the main organization in Deerfield working on all civic problems. On many occasions in the past, this committee advised the park board and actively campaigned in park district, school district, and other civic elections in Deerfield. These activities have been continuous from 1950 to December 21, 1959. This committee is composed of civic-minded persons interested only in the welfare of the children and other residents and taxpayers of Deerfield.

There is no credible proof of any combination or conspiracy whatsoever between the defendants, members of the board of trustees and park commissioners during the period from November 11, 1959, to December 1, 1959. There was no concerted plan or conspiracy between any of the defendants, and in fact, except that certain defendants were acquainted as local citizens, there was no relation between the park commissioners and the other defendants during the period from November 11, 1959, to December 21, 1959. The evidence clearly revealed that several of the individual defendants had never personally met or seen a number of the other individual defendants and defendants who were village officials and the evidence also revealed that the village officials did not know all of the individual defendants until they appeared in court. As a matter of fact, several of the defendants were introduced to each other in court.

The record discloses that the park commissioners have served faithfully and industriously for the benefit of the taxpayers of Deerfield and have carried on a commendable park-school cooperation plan which has benefited the children and all residents and taxpayers of Deerfield. It is the duty of these park commissioners to acquire land suitably located for parks and to expand the usable acres of park land. Both Pear Tree and Floral Park are suitably located for proper park purposes. It is also the duty of the park board to acquire land before loss by subdividing or other use makes the land too expensive to acquire.

Deerfield Park district and school districts 109 and 110 have cooperated for a number of years in a program whereby the park district purchases land adjacent to the schools and the park land is used both as recreation areas for parks and as recreation and physical education areas for the schools with the result that there has been a saving of taxes and the school districts are able to use their limited funds for buildings. This program has permitted school district No. 110 to build schools which it could not otherwise have built.

Wilmot School of school district No. 110 is located on the southeast corner of Wilmot Road and Deerfield Road and has no vacant land adjacent thereto on the south or east sides. It has approximately 4½ acres of vacant land available for playground which is presently owned by the Deerfield Park district and will have an enrollment of over 1,000 students, many being junior high students. The only vacant land within the Deerfield Park district adjacent to this school is Floral Park, which is immediately to the north across Deerfield Road and comprises approximately 15 acres.

The history of the park commissioners' interest in acquiring Floral Park and Pear Tree is of long standing. A qualified park planner was hired by the park board in May 1959. He made a study and viewed the properties now known as Floral Park subdivision and Pear Tree subdivision. He prepared a map for the park board which shows Floral Park as a proposed park site. At the meeting of the park board on May 19, 1959, he recommended the acquisition of the property. He filed with the board a written report which recommended a swimming pool site be located "in the vicinity of or west of Wilmot Road. Any future pool would relieve the presently proposed pool and draw from the population west of the tracks." At that time the board determined not to include the Floral Park site in the August 1959 referendum and decided to hold it for a future referendum because the Floral Park site is in school district No. 110, with only about one-third of the park district voters, and there are fewer park sites in school district No. 109 which has about two-thirds of the voters in the park district.

In May or June of 1959, Defendant Mitchell of the park board appeared at the school board meeting of school district No. 110 and the president of the school board requested the park district to purchase Floral Park as an additional park site. Mitchell agreed that it should be included in a later park board referendum when it appeared that voter approval might be favorable thereto. The referendum of December 21, 1959, carried into effect the plan for park acquisition made in May 1959—6 months before Progress had disclosed its intended operation. The referendum of December 21, 1959, was a furtherance of the commendable park-school cooperation which had been carried on for years in an attempt to provide proper park and school ground facilities for Deerfield.

In December 1959 only two vacant pieces of property within the park district—that is, Floral Park and Pear Tree—met the recommendations of the park planner's May 1959 report that the western pool site be located "in the vicinity of Wilmot Road." The expert advised the park board against locating a swimming pool on a park being used in

conjunction with a school. Floral Park was, therefore, not suitable for a swimming pool site and Pear Tree was the only vacant property suitably located in the park district for a western swimming pool site.

At its adjourned meeting of December 7, 1959, the park board in open meeting duly passed a resolution calling an election on December 21, 1959, to submit to the voters the proposition to issue $550,000 of park bonds to secure funds to purchase and improve additional park sites. In addition, the board duly adopted plans and estimates whereby six sites, comprising approximately 80 acres would be purchased, including Floral Park and Pear Tree. The park board authorized the sending of offers to the title holders of Floral Park and Pear Tree and the institution of condemnation proceedings in the event the offers were refused. The cost of acquiring the land would increase by a continuance of the construction.

The park commissioners exercised proper judgment in carrying out their duties when they selected these six sites in connection with the referendum of December 21, 1959. The park district has no funds with which to purchase land except by issuing bonds pursuant to voter approval. The motive and the purpose of the park commissioners in passing the referendum resolution on December 7, 1959, was to carry into effect a long established plan of acquiring proper park lands for Deerfield and the six properties included in the December 21, 1959 election were all proper lands for park purposes. Three of the six sites had been included in elections held in April and August 1959.

In order to give Progress prompt notice of the offers, Defendant Mitchell arranged for personal delivery by certain defendants as well as by registered mail. The voters approved the bond issue on December 21, 1959, and on December 24, 1959, condemnation proceedings were instituted by the Deerfield Park District to secure Floral Park and Pear Tree as park sites, the offers of purchase having been rejected by Progress. The park commissioners acted in good faith in exercising their legislative discretion on December 7, 1959, by adopting the resolution calling the election of December 21, 1959.

There is little doubt that had it not been for aroused public opposition to plaintiffs' plan to initiate and maintain a controlled integration plan by selling to Negroes 20 to 22 percent of the houses it proposed to build, the outcome of the referendum of December 21, 1959, would have been much the same as that of previous referendums held by the park board in its attempts to acquire property for park sites. However, although opposition to Progress' plan undoubtedly furnished a major part of the basis for the action of the voters, it was not, as charged, the sole basis.

The undisputed evidence conclusively shows that there is a bona fide public need for the acquisition of both Floral Park and Pear Tree for park purposes. That was clearly brought out by the testimony of the park board officials, by plaintiffs' own witness Whitney, and by the park-planning expert, Witness Roy Layman.

The motives of the park commissioners in adopting the resolution on December 7, 1959, calling the election to secure funds to acquire six park sites, including Pear Tree and Floral Park, were solely and only to provide adequate and necessary parks for Deerfield and were not to interfere in any way with plans of Progress to build homes in Deerfield. There was no motive or purpose on the part of the defendant park commissioner-legislators to interfere with intended use by any owner of his property.

There is no evidence that defendants Joseph G. Powell and Andrew G. Bradt held meetings with other members of the Deerfield citizens committee from which there was evolved a plan to demand that the park district, or other local government agency with the power of eminent domain, acquire Floral Park and Pear Tree by condemnation for the purpose of preventing Progress from putting its sales intention into effect.

There is no evidence that defendant park board members combined and conspired with other defendants herein or with any other persons to prevent Progress from constructing and selling homes to Negroes.

There is no evidence that out of any meeting between November 13, 1959, and December 7, 1959, a plan was evolved to demand that the park district or other local governmental agency with the power of eminent domain under Illinois law, acquire Floral Park and Pear Tree by condemnation, for the sole purpose of preventing Progress from putting into effect its said sales intention or for the purpose of preventing Progress from exercising its lawful rights.

The park board and its representatives cooperated reasonably with the representatives of Progress in making available to the latter the minutes and records of the park district in conformity with the provisions of the laws of Illinois.

There is no evidence that the offer (described in par. 51 of the complaint) which the park board made to Progress was not made in good faith.

No member of the park board has shown or indicated any hostility or opposition to Negroes as a race or to Negroes owning property in or living in Deerfield.

Plaintiffs have the intention of developing Floral Park and Pear Tree subdivisions (the premises described in par. 11 of the complaint) by building approximately 51 houses thereon. It is their claimed intention to sell 10 or 12 of these houses to Negroes. They will not sell all or even 50 percent of them to Negroes or all or even 50 percent of them to Caucasians. This plan the plaintiffs call their "controlled occupancy pattern." On order of this court, plaintiffs produced two forms of restrictive sale agreement by means of which they plan to control future sales for more than 10 years, and to preserve the ratio of Negroes and Caucasians they establish. On the trial, plaintiffs were unconvincing in their attempts to avoid the stigma of forcing purchasers to execute such agreements by stating that execution of such agreements would be urged but would not be required. It is clear, and I find, from the admission of plaintiffs' officers and attorney, and from available literature, that plaintiffs intend to control the ratio of Negroes and Caucasians living on the premises in question for 10 years and plans to do it by reserving to Progress or its nominee the right to determine the purchaser of the property when an owner desires to resell.

The plaintiffs were given wide latitude in the production of all proofs possible. All sources of possible conspiracy were minutely examined into by plaintiff's counsel. No conspiracy, or any semblance of conspiracy by the park board commissioners was proved, and the court finds that no good purpose will be served by requiring defendants Mitchell, Dewey, Walchi, Keller, or Peterson to defend further herein and that the park board and the individual park commissioners, James C. Mitchell, Dudley L. Dewey, Edward J. Walchi, Donald W. Keller, and Aksel Petersen should be dismissed from this cause with their costs.

In April 1959 and at subsequent dates, Progress acquired the two separate tracts of real property (called Floral Park and Pear Tree), which it now owns in said village. Upon request of Progress, the board of trustees of the village approved plats of subdivision of said property—Floral Park on July 8, 1959, and Pear Tree on September 16, 1959. The plat for Floral Park provides for 39 homesites and the one for Pear Tree provides for 12 homesites.

Prior to the approval of said plats of subdivisions, the board of trustees imposed certain conditions upon the plaintiff, Progress, requiring it to reach satisfactory financial arrangements with school district No. 110 which enveloped or bordered upon said property, and the St. Gregory Church which was adjacent to said property. Questions also were raised by the village relative to the form of subdivision bond which the plaintiff Progress desired to use. The bond form first offered by the builder was not the standard bond form acceptable to the village and the bond as offered contained clauses and other provisions which did not meet with the approval of Building Commissioner Robert E. Bowen. Apparently these problems were resolved, and a subdivision bond was finally approved by the village authorities. Other than these conditions and other technical requirements relative to said plats, the said defendants raised no other objections and there was no mention that the said sites should be or might be set aside for park, school or other public purposes.

The plaintiff builder, having filed the requisite plans and specifications, secured building permits on September 21 and 22, 1959, from Building Commissioner Bowen for the construction of two model homes at the Floral Park subdivision. These homes are now partially completed and are located at 911 and 921 Wilmot Road, respectively. The foundation work on 911 Wilmot Road was completed toward the end of October and the framing or carpentry work was commenced at that site at or about said time. The framing or carpentry work was commenced at 921 Wilmot Road about a week subsequent thereto.

Progress represented to the court that there were in fact no building violations at the time of the filing of the complaint. The overwhelming evidence is to the contrary.

Building Inspector Richard Chilton spent approximately 10 full 8-hour days on the building site during the installation of underground improvements, starting approximately in August of 1959. Building Commissioner Bowen and Building Inspector Kilgore also visited the site during said period. When Building Commissioner Bowen inspected the underground improvements, he found certain violations from time to time but Max Weinrib, executive vice president of Progress, corrected them promptly upon receiving notice thereof. At one point during the installation of the underground improvements, Bowen considered the issuance of a stop order because the specifications called for 2 inches of sand in the sanitary sewer and plantiff builder was not complying with that requirement. Building Commissioner Bowen did not issue a stop order because he was able to make contact with the contractor and, in Mr. Bowen's words, "We got that straightened out real fast."

Two of the village inspectors, Mr. Kilgore and Mr. Chilton inspected the carpentry work at 911 Wilmot Road during the first week in November. They found that the bracing was improperly installed and was not in accordance with the requirements of the village building code. They called this to the attention of the carpentry foreman who was present on the job. It also appeared that the carpentry foreman did not have a set of approved plans on the job. They tried to explain to the foreman that he would have to correct the bracing and when it appeared that the foreman had difficulty in understanding the matter, they suggested to him that he obtain a copy of the Deerfield building code. The foreman said that he would get a copy and that if the bracing was incorrect, he would correct it.

The acting president of the village, Joseph Koss, first learned on November 10, 1959, of Progress' plans to establish a so-called integrated housing project in the Floral Park and Pear Tree subdivisions. On the following evening, November 11, 1959, at a regular board meeting of the village trustees, President Koss received further information relative to plaintiff Progress' plans. No discussion of those plans took place during the course of the meeting but after the meeting had adjourned the trustees met in a conference room at the village hall with their village manager and the village attorney, Thomas E. Matthews. The board asked the village attorney for advice and guidance and he advised the board to continue to act as they had in the past and no differently. Defendant Joseph Koss testified that prior to talking with the village attorney he really had not known what the board should or should not do in its official capacity but that on directing the question to Attorney Matthews the latter had replied, "You have taken an oath of office. Village Manager Stilphen heard a discussion of some building violation connected with the Floral Park subdivision, but recalled nothing specific. The board agreed that the village attorney should discuss the entire matter with Commissioner Bowen so that any directions as to the manner of enforcement of the building code against the builder would be clear.

Pursuant to the direction of the board of trustees of the village, through its Village Manager Stilphen, Bowen went to the office of the village attorney on November 12 at which time the village attorney informed Bowen that the plaintiffs had plans to establish an integrated housing project but that the board wanted Bowen to enforce the village ordinances as to plaintiff builder in the same manner as he would against anyone else in the village, regardless of plaintiff's plans. It does not appear that (other than these instructions from the village attorney) Bowen received any instructions from the villages officials relative to the manner of enforcing the village ordinances against the plaintiff builder.

On November 13, 1959, Bowen and Kilgore inspected the premises at 911 Wilmot Road and found that the diagonal cross-bracing was nailed over the exterior sheathing, that there was improper nailing and that some of the boards were split and were hanging loose. Bowen also found that the carpenters had completely cut through the header for the ceiling joists. All of these items were in violation of the requirements of the Deerfield building code. At that point, Bowen asked Kilgore if the latter permitted that type of construction and Kilgore informed Bowen that he had inspected the premises on a prior date and had told the foreman to correct the bracing. It also appeared at said time that the foreman was unable to produce an approved set of plans for the building. In view of these circumstances, Bowen instructed Kilgore to shut down the job at 911 Wilmot Road. A notice to that effect was posted on the premises by Kilgore and the carpentry foreman was requested to contact Weinrib, agent of Progress, and to have the latter get in touch with Building Commissioner Bowen relative to the situation.

Bowen and Kilgore then inspected the building at 921 Wilmot Road and they also observed violations of the Deerfield building code and found that there was no approved set of plans present at the site. Although Weinrib was present at the premises later in the day, he made no attempt to contact Bowen until the following Monday, November 16, 1959.

Plaintiffs complained that it was impossible to comply with the violation notice or stop order posted on the premises at 911 Wilmot Road because it required that the violation be corrected the very same day and at the same time the men were not permitted to work. Bowen and Kilgore explained in their testimony that this was their normal practice and that the effect of having the contractor lose a few days' work generally got effective results. This testimony was not contradicted or impeached in any manner. This practice was substantiated by evidence of other and similar actions taken by the village building department prior to and subsequent to November 13 with other builders.

Testimony shows that on the same date on which a stop order was posted at 911 Wilmot Road, to wit November 13, Bowen and Kilgore inspected other residential housing in the village. Upon finding a violation of the building code at 1111 Montgomery Street in the village, they posted a stop order at those premises and that notice also required the contractor to correct the violation the same day.

Testimony further shows that on said November 13 Bowen and Kilgore inspected a residential building in the Scatterwood subdivision in the village. There they found that a cross bracing was missing on one of the walls and that there was improper bearing under one of the steel columns in the garage area. Bowen at said time observed to Kilgore that this was similar to the violation they had found on plaintiffs' premises and he ordered Kilgore to post a violation notice on this job also.

When Bowen posted the stop order at 911 Wilmot Road on November 13, he was acting properly on the basis of the instructions and statement of policy as given to him by the village attorney on the previous day. The evidence shows that although the defect in the cross bracing at 911 Wilmot Road could have been corrected in 40 man-hours of work, it was not until several weeks subsequent to the date of the stop order that the corrections were actually made so that the work would be in accord with the requirements of the building code.

It further appears that from the time that Bowen was employed as building commissioner in the village of Deerfield, to wit, October 1958, and through the year 1959, he had issued approximately 14 stop orders on other buildings in the village for divers violations of the building and zoning ordinances of the village, and that his action in issuing the stop order at 911 Wilmot Road on November 13, was not in variance with his general practice or intended to be discriminatory as to the plaintiffs herein.

Bowen issued two other stop orders against the buildings of the plaintiffs herein: One for failure to furnish spot surveys after several requests had been made therefor, and one for a zoning violation which was discovered after said spot surveys were furnished and it appeared that the eaves on the front of the buildings extended over the front building line in violation of the zoning ordinance of Deerfield. It further appears that there were numerous other violations of the village building code at both of the buildings of plaintiffs, as more clearly appears from village exhibits 8 through 21, and that a number of violations still exist. No stop orders or violation notices were ever issued to the plaintiff builder for these additional violations. Bowen testified that because he had heard rumors that he was picking on the plaintiffs and also because of what the village attorney had told him on November 13, he was more lenient with the plaintiff builder than he would otherwise have been.

Progress was entitled to appeal from the orders of the building commissioner but never pursued that remedy.

The court finds that the actions of the building commissioner in issuing the stop orders against the plaintiff builder were authorized by law; that they were not arbitrary or discriminatory, and that said actions were in conformity with the custom and practice in Deerfield and with the Deerfield ordinances relative thereto.

The court further finds that beginning with the time that information came to the village officials relative to plaintiff's plans to establish an integrated housing project, said village officials went to a great deal of care to conduct themselves in a proper manner, and that despite a great deal of public clamor and excitement which existed in the village at an subsequent to said time, the village officials made it clear to the village residents on several occasions that as village officials they were obligated to observe not only the laws of the village but also the State and Federal laws as well. The action of the village officials in turning to the village attorney for advice and the course followed by said village officials was a sound and commendable approach to the problem and appears to have been carefully designed to be neither arbitrary nor discriminatory against the plaintiffs.

Building Inspector Kilgore testified that he was biased against Negroes and did not want any in Deerfield. He stated that he had moved to Deerfield to get away from Negroes who had moved into the community where he had previously resided. He was the inspector who posted the stop orders and had the conversation with the agents and employees of Progress. The court has no doubt that under the circumstances Building Inspector Kilgore displayed ill temper, was arbitrary in manner and exceeded his authority in his conversations with the agents and employees on the job locations when he posted the stop orders and at other times. In his dealings with building code violators, a building inspector, of course, is not likely at best to be ceremonious in his approach and his manners and speech are more apt to be blunt than Chesterfieldian. Where discourteous conduct, such as is attributed to Inspector Kilgore, is connected with the performance of official duties, it is no violation of civil rights. If the statements made and conduct are merely rude, they are not actionable in any manner. If the conduct amounts to assault, or the statements amount to slander, they are actionable in the State courts but not as a violation of civil rights. The proof in this case does not even suggest that Kilgore was guilty of any more than rude behavior. This one incident is the only evidence shown by plaintiffs to substantiate its general allegations against defendants in count II. All else is conjecture, suspicion and statements ascribed to other persons for which the defendants in count II are not in the slightest way shown to be responsible.

There was then and there is now available to Progress an administrative appeal provided by the ordinances of the village of Deerfield pursuant to the power vested in that village by the laws of the State of Illinois. Progress does not even allege in its complaint that it made any attempt to use such remedy at law. In fact, the complaint fails to even mention the existence of such relief and, by general context, implies that no such remedy existed at the time of the filing of the complaint and the amendment thereto. The existence of a remedy at law, coupled with the failure of the plaintiffs to use it, is sufficient for the court to deny the relief sought in count II.

The plaintiffs failed to introduce any evidence whatsoever of the nonexistence of violations of the Deerfield building code. All of the evidence presented by the parties established that there were violations for which no correction orders or stop orders had been issued. Plaintiffs offered no facts, law, or custom to show that forbearance relative to building code violations in one or

more instances deprives a municipality of a right thereafter to enforce its code, or makes it liable under the civil-rights statutes in the event it thereafter chooses to enforce its building code. The plaintiffs did not show any facts, law, or custom that enables a person to violate a civil or criminal statute or ordinance and then successfully plead that others are guilty of the same violation, or that the law is being enforced against him in a discriminatory manner. It is the equal protection of the laws that is guaranteed to each person and not equality of punishment or penalty for the violation. In addition, the defendants also established, by numerous photographs and other undisputed testimony, the existence of numerous glaring code violations at the time the stop orders were posted.

The evidence adduced at the hearing on count II of plaintiffs' complaint completely fails to support plaintiffs' charge that the individual defendants, Winston Porter, Harold L. Peterson, John Aberson, Maurice Petesch, Arno Wehle, and Joseph Koss, and their agents, servants, employees, and attorneys, conspired either among themselves or with the park board or other defendants herein or with any other person to discriminate against plaintiffs or to cause discriminatory treatment against plaintiffs, or in any way to deprive plaintiffs of any rights guaranteed to plaintiffs under the Constitution and laws of the United States.

The court further finds from the evidence herein that the actions of the defendants and of the building commissioner of Deerfield in the manner of enforcing the building code and other ordinances against the plaintiff builder did not materially differ subsequent to the date upon which said defendants learned of plaintiffs' plans to establish integrated housing from the manner of such enforcement prior to the said date. The bulk of the violations appear to have occurred in November and subsequent thereto, but this is explained by the fact that these violations appeared in the framing or carpentry work on plaintiffs' buildings and that said framing and carpentry work was not commenced until the last week in October at the building at 911 Wilmot Road and until about a week subsequent thereto at the building at 921 Wilmot Road.

The court further finds that the plaintiff builder was dilatory in correcting violations which were brought to its attention, and that the carpentry foreman did not have with him or take the time to consult the building code of Deerfield. In fact, Max Weinrib, who was in charge of the entire building program for the plaintiff builder, did not obtain a copy of the Deerfield building code until November 16, 1959, which was several days later than the posting of the first stop order.

The only overt acts which are charged to the village defendants hereby by said complaint and which are well pleaded have to do with the manner of the enforcement of the building code and other ordinances of the village of Deerfield against the said plaintiffs. Other than sweeping and general conclusions of the pleaders, no other specific overt acts are charged against said defendants in said complaint.

A full and complete hearing was had herein on count II of the complaint, with ample opportunity to plaintiffs to examine and cross-examine the village officials and employees of the village, and the plaintiffs have completed failed to establish that any conspiracy existed on the part of said village officials, either among themselves or with others, to deprive the plaintiffs of rights guaranteed them under the Constitution of the United States.

Although the complaint contains general allegations that the village officials attended certain public meetings, there is no specific allegation that as a result thereof the said defendants committed any acts which had the effect of or were specifically designed to deprive the plaintiffs of their lawful rights.

The complaint contains no allegations that the village defendants have exercised any right of condemnation or that they were materially effective in persuading the Deerfield park district to exercise that right.

Upon the basis of the entire record herein, including the evidence taken under count I of the complaint, it does not appear that the said village officials engaged in a conspiracy with each other or with others to deprive plaintiffs of rights contrary to the provisions of the civil rights statutes or of rights guaranteed them under the Constitution of the United States.

After reviewing the entire record and the evidence taken herein on said counts I and II, there does not appear to remain any issues of fact which require determination by the court or a jury.

The further charge made in the complaint that the village defendants did not exert reasonable efforts to make clear to Deerfield residents their official obligation and responsibility to enforce local law equally and without fear or favor has been entirely rebutted by the evidence adduced herein. The charge is not supported by any evidence.

The evidence revealed that some 4 or 5 years ago a Negro family moved into Deerfield and lived there for 2 or 3 years without incident and that when the family moved from the village it was of its own volition and not because of hostility or discrimination shown it but because the head of the family was prosecuted and heavily fined as the owner of certain Chicago slum property and could no longer afford to live in Deerfield.

It appears from the evidence and the record herein that plaintiffs' plan to establish an integrated housing project in Deerfield, Ill., carries with it an element whereby plaintiffs seek to effect a system of controlled land tenure on racial and discriminatory bases.

The whole community was thrown into an uproar after November 11, 1959, when it became known to the officials and citizens of Deerfield that some of the houses that plaintiffs proposed to build would be sold to Negroes and other non-Caucasians. The court finds, however, that the ensuing turmoil was not caused solely by the fact that the public had been informed of the proposed sale of houses to Negroes. The court finds that immediately after the revelation of that news, the residents of Deerfield were bombarded with telephoned offers to purchase their homes at prices ranging from 50 to 75 percent of their actual cost or fair market value. There is no credible evidence of the identity of the persons responsible for those calls. The only finding the court can and does make relative thereto is that it was a quickly organized campaign carried on by persons, highly skilled in the procedure, who practice it in various areas in and around Chicago where white and colored communities adjoin each other. The suggestion that the plaintiffs were in some way connected with those calls is without any basis of fact so far as the evidence is concerned. Similarly, the suggestion that some of the defendants were responsible for the calls is not supported by the evidence. In fact, it seems that the charges made against both plaintiffs and defendants in that regard are founded entirely upon mutual suspicion of the parties.

The results of the telephoned offers, coupled with certain other facts, were disastrous. Rumors spread like a prairie fire and panic seized the village residents. Mass meetings were held, protests were lodged, and committees were formed to resist the sales program of Progress.

Viewed from any angle, the attitude of some of the village residents was deplorable—based as it was on animosity and resentment at the prospect of having Negro neighbors. It must be observed, however, that many of the villagers who were the most aroused and who raised the most commotion were animated by the telephoned offers to purchase their homes at reduced prices. Most of these people have all of their life savings invested in their homes and the prospect of losing that security was a greater factor than the thought of Negro neighbors. Fear gripped the community and fear is the very base and foundation of hate and intolerance.

Meanwhile, the true plan of the plaintiffs was revealed. They announced that they had made a social survey and that the normal population ratio for whites and non-Caucasians in the Chicago area was approximately 78 to 80 percent white and approximately 22 to 20 percent non-Caucasian; that since that was the Chicago-area norm, they proposed to sell to Negroes or other non-Caucasians from 10 to 12 of the houses they proposed to build and that the ratio between the races once being established would thereafter be controlled by the plaintiffs. They were not clear about the method of control but stated that such a plan was necessary in order to maintain a stable integrated community and to prevent the subdivision from becoming a ghetto, either all white or all Negro. Needless to say, the disclosure of the plan by Morris Milgram, president of Modern, added new fuel to the flames.

Plaintiffs stated in open court that they would not sell 100 percent or 50 percent of the proposed houses to Negroes, as that would be contrary to their plan. They insisted that they would sell only upon their formula of approximately 80–20. Plaintiffs claim, and their counsel argues, that the plan is voluntary, yet in the same breath they say that this plan must and will be controlled. The two terms are absolutely inconsistent. The fact appears to be that since this controversy has arisen, and plaintiffs see the horns of the dilemma with which they are faced, they have delayed the adoption of formal minutes in their corporate meetings to make the signing of such an agreement compulsory.

The court finds that Progress is under the domination of Modern, which, in turn, is dominated by Morris Milgram, and that under such domination Progress devised a plan of controlled integration for the village of Deerfield which required that each purchaser, as a condition precedent to his purchase, execute a separate resale agreement which is not to be recorded. This agreement with Progress gives the latter the exclusive right to select a purchaser for the property in the event of a resale of said premises. Progress would resell to another person of the same race as the original purchaser and the initial integration ratio would be continued.

Progress' plan is clearly a device to restrict the conveyance of real property to persons of a certain race. In an evident effort to circumvent the law as laid down in *Shelley* v. *Kraemer* (334 U.S. 1) and *Buchanan* v. *Warley* (245 U.S. 60), Progress attempts to accomplish its purpose by requiring the execution of separate, unrecorded resale agreement(s) incorporating appropriate restrictive language—all of which is fortified and implemented by certain minutes and corporate resolutions separately entered or adopted by Progress and Modern.

A controlled integration plan with discriminatory restrictions, albeit they are not recorded and are not in the form of covenants contained in a deed, cannot be enforced in

any court in the United States. It would amount to a quota system of housing and that is just as illegal as the quota system of employment that a group of Negroes sought to enforce on a department store in Los Angeles, Calif., in *Hughes* v. *Superior Court* (339 U.S. 460). In that case, the Supreme Court, in a unanimous decision, outlawed a compulsory employment system. Mr. Justice Frankfurter delivered the opinion of the Court and, quoting from the language of the Supreme Court of California (32 Cal. 2d 850, 856), said, at page 464:

"If petitioners were upheld in their demand then other races, white, yellow, brown, and red, would have equal rights to demand discriminatory hiring on a racial basis. Yet that is precisely the type of discrimination to which petitioners avowedly object."

If a population quota of 80 to 20, founded upon unrecorded restrictive agreements is constitutional, then a quota of 50 to 50 or 99 to 1 or even 100 to 0 would be constitutional and *Shelly* v. *Kraemer supra*, would be circumvented.

True, plaintiffs' plan may appear attractive to Negroes at the particular moment in a particular place, but it would constitute a straitjacket. It is but a mess of pottage offered in exchange for a birthright of equality.

At various public meetings defendant Harold C. Lewis and other village residents called upon some of the many lawyers who reside in Deerfield and asked that they advise whether a legal and constitutional way could be found out of the Deerfield dilemma as some of the residents called it. Numerous meetings were held, some boisterous and noisy. Many charges were made against the plaintiffs by defendant Harold C. Lewis and by unknown persons, and words such as "totalitarian" were used in describing plaintiffs' plans. On the other hand, some of plaintiffs' supporters referred to defendants and others as "bigots".

The officials of Deerfield called public meetings and heard both sides of the dispute. The president of the village, Joseph Koss, conducted those meetings in a manifestly fair and orderly manner. Deerfield can be proud of the sane and sober manner in which its village and park district officials have acted during this turbulent period.

While all of this was happening, defendant James C. Mitchell and other members of the Deerfield Park District board took stock and concluded that it was an ill wind which blew no one any good. In the words of defendant James C. Mitchell, they believed it was an opportune time to call another referendum in an attempt to get for the school-park program the land which the park board and defendant Mitchell and his wife (a member of one of the school boards) had long looked forward to obtaining. The park board struck while the iron was hot and called the referendum of December 21, 1959. The idea was that of the park board and was no part of any conspiracy involving the village officials or any other defendants or any other persons. In fact, defendant Harold C. Lewis and other persons were planning some action to seek an injunction halting plaintiffs' program.

The right of Modern to be a plaintiff in this cause can be disposed of with dispatch. Although Modern owns all of the outstanding and issued shares of stock in Progress, it nevertheless stands in the same position as would a holder of fewer shares. It must act through Progress for any injury it claims to have been done to Progress.

Modern's claim of indirect damage to its sale of stock and to its reputation outside Illinois, resulting from acts done in Illinois to a corporation in which it owns stock, and while Modern was not qualified to do business in Illinois, is too absurd to warrant serious discussion or notice by this court even though such claim of action is cloaked under the civil rights statutes.

Through prospectuses and registration statements filed with the Securities and Exchange Commission as of August 5, 1958, and October 9, 1959, and otherwise, Modern holds itself out as being engaged primarily, or proposing to engage primarily, in the business of investing and reinvesting in the securities of housing and real estate enterprises in various States. Since August 5, 1958, Modern has been endeavoring to sell to the public in numerous States $1,500,000 of its stock by direct offer without intervention of an underwriter. As of December 31, 1959, it had sold 5,876 shares for a total subscription price of $587,600 of which about $489,300 had actually been paid in.

Modern is engaged and proposes to engage in the business of investing, reinvesting, owning or holding securities. It presently owns investment securities having a value exceeding 40 percent of the value of its total assets exclusive of Government securities and cash items on an unconsolidated basis.

Modern has not registered as an investment company with the Securities and Exchange Commission pursuant to the Investment Company Act of 1940.

Without registering as an investment company, Modern has offered for sale, sold and delivered, and proposes to continue so to do, securities and interests in securities and otherwise to conduct interstate commerce.

Through prospectuses issued in connection with the sale of its shares pursuant to the Securities Act of 1933, Modern made statements and representations which do not disclose extensive contingent liabilities for the purchase of stock in companies organized by it or that it proposes to organize, that are speculative in nature. Such prospectuses failed to disclose material facts as follows:

(a) Modern has made commitments or pledges of $501,000 to certain subscribers for its shares which are not reflected in its latest prospectus. This is a large and material liability.

(b) Its prospectus entitled "Facts About Investing in Open Occupancy Housing" states that its purpose is to develop housing open to all persons regardless of color or race. (The admitted fact, on the other hand, is that the Deerfield subdivisions will not be open without regard to color or race to the first 51 purchasers who may appear and be able to buy. Modern's true purpose is to control occupancy in the subdivisions by means of a racial quota system. Thereafter Modern will seek to control, so far as it is able, the resale of the lots through so-called resale agreements in order to perpetuate and further control the quota. This quota system is a negation of open occupancy.) The prospectus fails to contain facts necessary not to make it misleading as to Modern's true purposes.

(c) In its prospectus, Modern represents that its president, Morris Milgram, was engaged in labor relations work for 10 years prior to 1947 when, in fact, he was not so engaged in any usual or ordinary use of the term "labor relations work," but was engaged with an organization known as the War Resistors' League during the years from 1941 through 1945 which could in no way be construed as labor relations work. Accurate and nonmisleading biographical material is of special importance to potential investors who must rely in substantial part upon the past history and performance of the principal officers of a new company in endeavoring to form an opinion as to the possibilities of the success of such a company.

(d) Modern fails to state in its latest prospectus that it has made special offers, inducements, and representations to prospective purchasers of its shares in the States of New Jersey, Iowa, and Connecticut that if they subscribe or assist in securing subscriptions for substantial amounts of its shares, Modern will make large investments in those States. The persons to whom such offers were made responded thereto by purchasing shares, and Modern considers itself obligated to them to make investments in said States which will total approximately $325,000.

(e) In Modern's current (1959) prospectus it is stated that one of its wholly owned subsidiaries had taken over the business and assumed the liabilities of a partnership. It omitted to state that the partnership was one in which several of Modern's officers bore partnership liability—including a two-fifteenths interest by Morris Milgram who at the same time was and is drawing a substantial salary from Modern. The prospectus fails to reveal the further material facts in this respect that this subsidiary is Concord Associates, Inc., a corporation created by Modern in January, 1959; that Concord was not expected by Modern to show a profit; and that to the knowledge of the directorate of Modern, it has, in fact, operated at a substantial loss ever since its creation.

Plaintiffs Modern and Progress have instituted a program of integration which they claim will be an immediate answer to the racial problem in this country. On November 16, 1959, at a meeting of 15 to 20 Deerfield residents at the Deerfield home of Adrien Ringnette, Morris Milgram, the guiding spirit of the enterprise, told those present that the integration plan was not voluntary. During the hearings in this matter, however, plaintiffs claimed that the plan was to be on a voluntary basis. When that plan is examined as it has been applied in other communities and is proposed to be applied in Deerfield, it becomes clear that its effect will be integration which is forced and controlled. Moreover, it will not be by proper authorities but by a private corporation.

If there is to be controlled or forced integration it is most certainly a matter for action by the people through their government and not by a private corporation which, when all is said, has as its object the motive of profit not only for its stockholders but also for its promoters.

It is significant that no Negro has purchased or offered to purchase any of plaintiffs' houses in Deerfield.

Had a plan, similar to the one sponsored by plaintiffs, been adopted in Chicago 20 years ago—when the Negro population was nearer to 10 than 20 percent of the whole—today's Negro population of that city would be hard put to find homes there.

Had Progress merely announced that it planned to sell houses to Negroes and to whites alike, and had it honestly sought to interest Negroes in purchasing its houses, it is entirely likely that some of those houses would have been sold to and occupied by Negroes who would have lived there in peace just as they have been doing in many other Chicago suburbs such as Evanston, Glen Ellyn, Wheaton, and Maywood, just to name a few. Apparently both races resented the strictures of the plan as well as the paternalistic attitude of plaintiffs that went with it.

Property owned by Progress in Deerfield is subject to the sovereign right of eminent domain, just as is the property of every other person in that village.

The court takes judicial notice and finds that Progress has an adequate remedy at law in the circuit court of Lake County, Ill., where it may by jury trial be justly compensated for the loss of its property and may also obtain any special damages which it may be able to prove. Furthermore, it may

again raise in that court and have heard on its merits its claim that the park district has no need for the premises belonging to Progress, and that the Park District is acting in an arbitrary, capricious, and discriminatory manner.

A mere claim of violation of constitutional rights is not sufficient to give this court jurisdiction in a condemnation proceeding. (*Combs* v. *Illinois State Toll Highway Commission* (128 F. Supp. 305, affirmed 349 U.S. 942).)

As hereinabove stated, under 28 U.S.C. 2283, this court has no authority to restrain judicial proceedings in State courts except where it is necessary in aid of or to protect its jurisdiction. No such showing has been made in this case. Moreover, this court has no jurisdiction in this cause for the reason that no civil right is involved.

Progress has made no allegation in its complaint that it has been denied the right to buy other property in Deerfield or to conduct and carry on its business otherwise in the village of Deerfield.

This is not a case of a municipality selecting property for park use where none is needed, or selecting property which is not suitable for park purposes, or taking only property that belongs to Negroes and leaving untouched that which belongs to Caucasians, or taking only property which is to be sold to Negroes while not taking that which is to be sold to Caucasians.

Plaintiffs allege they have been damaged in the sum of $750,000 but nowhere in their complaint praying injunctive relief do they allege or offer to prove that the defendants could not respond and meet the amount of damages claimed.

The court finds that the general allegations of damages set forth in the complaint are highly speculative and are not in any way supported by the proof. The proof shows that plaintiff Modern had received $489,300 from the sale of stock, and the balance sheet showed a net worth of $394,959.04 as of December 31, 1959. For the period January 1, 1959, to December 1, 1959, the balance sheet showed a net operating loss of $59,089.44.

Progress paid a total of $113,000 for the Floral Park and Pear Tree tracts and has expended $30,000 for improvements. The amount expended upon the two houses appears to be not in excess of $30,000, making a grand total of $173,000 that the property has cost Progress.

The obligations upon improvement bonds would be assumed by the park district if it takes the property for park purposes.

The value of $250,000 placed upon the property in the complaint is arrived at by allowing approximately $5,000 as the price for each building lot after houses have been constructed thereon, which is not the fair cash market value of such lots in their present state.

In arriving at its conclusions and decisions in this matter, the court has considered the affidavits filed in support of defendants' motions to dismiss count III and the whole complaint as well as the failure of the plaintiffs to respond or to file counter or replying affidavits thereto; all evidence adduced and all exhibits introduced, including resolutions adopted by Progress, tentative forms of agreements for submission to purchasers, forms which were actually used by Modern in controlling the racial proportions in another development; statements and argument of counsel; testimony of all witnesses, including that of Morris Milgram, president of Modern, and of Max Weinrib, executive vice president of Progress.

The court is of the opinion that both motions made by plaintiffs for preliminary injunction should be denied, not only upon the grounds set forth herein but also upon the merits.

Because the evidence introduced at the hearings was contrary to the allegations of the complaint which induced this court to issue its order restraining the defendant officials of Deerfield from enforcing the Deerfield building code in a discriminatory manner, it is the duty of this court to grant the motion of the defendants named in count II to disolve said restraining order which by its terms expired on January 6, 1960. Since by the terms of that restraining order the defendants were not enjoined from doing any specific act, and their lawful duties were specifically exempted from the provisions of the order, they were, in effect, enjoined only from doing any unlawful act. Therefore, no damages can be shown under the bond given at the time said order was made.

The court is of the opinion that motions made by defendants to dismiss counts I, II, and III should each be granted and that the complaint herein should be dismissed for the reason that the rights claimed to be violated are not rights which are protected by the 14th amendment to the Constitution of the United States nor are the acts complained of in violation of the civil rights statutes.

Based on the foregoing, the court states the following additional, specific conclusions of law:

1. This court has jurisdiction of the parties to this suit and of the subject matter thereof.

2. The Federal civil rights statutes created rights which may be protected by Federal courts in the exercise of their normal equity jurisdiction. These statutes, however, have not broadened the controlling equitable doctrine, and relief may be denied on well established principles. Existing standards are to be used to determine the propriety of equitable relief.

3. In a motion for a preliminary injunction, the burden of proof is upon the complaining party.

4. The burden is on the plaintiffs to prove that this court should issue a temporary injunction restraining the prosecution of the condemnation proceedings in the circuit court of Lake County, Ill.

5. The award of a preliminary injunction is a matter within the sound discretion of the court. It is not a matter of right, even where irreparable injury may result to the plaintiff. Injunctive relief is a drastic remedy and courts should proceed with caution in granting such relief.

6. In order to be entitled to a preliminary injunction, plaintiff must show that there is a likelihood that he will finally prevail on the merits.

7. Only a case of manifest oppression will justify entry of an injunction by a Federal court against a State official acting under the color of his office in his conscientious endeavor to discharge his official obligations and duties.

8. The proofs taken with all intendments in favor of the plaintiffs fail to show any grounds for a temporary injunction under count I of the complaint.

9. The burden is on the plaintiffs to prove that the commissioners of the Deerfield Park District conspired to deprive the plaintiffs of their rights under the Constitution of the United States and the Federal Civil Rights Acts.

10. The proofs taken with all intendments in favor of the plaintiffs fail to show any conspiracy on the part of the commissioners of the Deerfield Park District.

11. The plaintiffs have failed to establish by a preponderance of the evidence that they are entitled to the entry of a preliminary injunction herein as prayed against the defendants named in count II of the complaint and that plaintiff's request for such preliminary injunction should be denied.

12. In view of the evidence and extensive hearing had on count II there is no further reason for said count II to remain pending herein and that said count II should be dismissed.

13. The court concludes after hearing all the evidence that it was without jurisdiction to grant the temporary restraining order entered herein on December 22, 1959 and that the order should be dissolved.

14. The court further concludes that inasmuch as the defendants were not restrained from doing any specific act, were not restrained from performing their lawful duties, and were only restrained from doing illegal acts, that no damages could or have accrued under the bond herein.

15. The proofs taken with all intendments in favor of the plaintiffs show no illegal motive of the commissioners of the Deerfield Park District in instituting condemnation proceedings against the premises described in paragraph 11 of the complaint.

16. The acts of the commissioners of the Deerfield Park District do not constitute an unlawful conspiracy.

17. The commissioners of the Deerfield Park District in instituting condemnation proceedings against the premises described in paragraph 11 of the complaint were acting in their legislative capacity and are immune to the claim for damages alleged in count III.

18. This court cannot consider the motives of the commissioners of the Deerfield Park District in instituting condemnation proceedings against the premises described in paragraph 11 of the complaint.

19. Motives cannot be inquired into when the sovereign speaks directly—that is, when the people vote as they did in this case; nor can motives be inquired into when the sovereign speaks indirectly—that is, through a legislative body, as it did through the members of the board of the Deerfield Park District in this case. The court specifically finds that the officials of the Deerfield Park District Board had no motive of bias or discrimination against the plaintiffs when those officials acted as they did.

20. The purest of motives and the best of purposes by the sovereign in State government, acting either directly or through its legislators, cannot save a statute, ordinance or resolution that is contrary to the Constitution of the United States. And, of course, the same holds true of administrative or executive acts that are done under color of law.

21. Modern Community Developers, Inc., is an unregistered investment company within the meaning of the Investment Company Act of 1940; as such, it cannot engage in interstate commerce; and its contracts are void and unenforceable.

22. Modern Community Developers, Inc., had made as of the date of commencement of this action several false and misleading statements and had failed to disclose material facts in registration statements and prospectuses filed with the Securities and Exchange Commission and under which it seeks to sell shares of stock in interstate commerce. It cannot found a cause of action upon any believed right to sell stock under an illegal prospectus.

23. The power and authority of the State of New Jersey were used to create Modern Community Developers, Inc.

24. The power and authority of the State of Illinois and its subdivisions were used to charter Progress Development Corp. and to subdivide the tracts of land acquired by it for development.

25. The plaintiff, Modern Community Developers, Inc., is not a proper party plaintiff and should be dismissed.

26. The "controlled occupancy pattern" which the plaintiffs propose is a racial discrimination and in violation of the 5th and 14th amendments to the Constitution of the United States and is unenforcible in any court of law or equity in the United States.

27. The "controlled occupancy pattern" which the plaintiffs propose is a racial discrimination and is in violation of sections 1981, 1982 and 1985, title 42, United States Code, and is unenforceable in any court in the United States.

28. The "controlled occupancy pattern" which the plaintiffs propose is illegal and the plaintiffs do not come into a court of equity with clean hands.

29. The "controlled occupancy pattern" which the plaintiffs propose is illegal and the plaintiffs cannot predicate the cause of action claimed in count III thereon and count III should be dismissed.

30. The controlled-occupancy pattern and resale quota system which Modern Community Developers, Inc., proposes to use in Deerfield through Progress Development Corp. is illegal both as to initial sales and resales. The power of a Federal court cannot be used consistently with the fifth amendment and the civil rights statutes to impose any percentage quota of Negro or Caucasians. Similarly, State power and authority cannot be constitutionally employed within the restrictions of the 14th amendment to control either the original or subsequent devolution of realty on a quota basis.

31. A party who plans to put into effect a system of land tenure whereby ownership or occupation of land will be controlled on racial or other disciminatory bases cannot seek damages in a Federal court for any interference which prevents such party from putting such plan into effect.

32. An action against public officials as individuals for damages arising from alleged tortious acts pursuant to a claimed conspiracy should not allegate mere conclusions of the pleader but must state facts from which the conclusion is inevitably drawn that the officials did in fact use their office for the sole object of depriving plaintiffs of their constitutional rights.

33. In an action for conspiracy under the Federal Civil Rights Acts, it must be alleged that the conspirators have committed an act or acts in furtherance of the conspiracy whereby the plaintiff is injured in his person or property, irrespective of whether the conspirators proceed under color of authority of State power or otherwise.

34. The mere attendance at meetings of public officials in their individual private capacity is not such an overt act as is required to satisfy the allegation of an actionable conspiracy under section 1985 of title 42 of the United States Code.

35. Where the court has conducted extensive hearings on motions for preliminary injunction, and where it appears that the plaintiffs have had ample opportunity to examine and cross-examine witnesses on all issues well pleaded, and it further appears that the issues are all in favor of the defendants and no further issues of fact remain to be determined, it is proper to entertain a motion for summary judgment in favor of the defendants.

36. None of the provisions of sections 1981, 1982, or 1983 of title 42 of the United States Code are violated by the actions of the park district or park commissioners herein. Progress Development Corp. is subject to the same exactions as are other citizens—the exaction of having its property taken by the eminent domain power granted to governmental, legislative bodies. No right is given to Progress superior to that granted all other citizens and they likewise hold their property subject to the superior right of eminent domain exercised by governmental agencies.

37. No civil rights of the plaintiffs have been impaired or jeopardized.

38. No right that is unenforceable in a court of law or equity, in any court in the United States, can be classified as a civil right.

39. The mere intention to take some action at some time in the future, which might or might not occur, and which if it does occur might present a situation coming under the Civil Rights Act, does not present any justiciable question under the Civil Rights Act at this time.

40. A party who has admittedly violated the law cannot complain that a penalty was invoked against him where it appears that the enforcement was in accordance with the statute and that it was properly exercised.

41. Although the court will protect a proper party insofar as equal protection of the laws may be involved, it cannot determine relative degrees of punishment where the punishment is within the law and the element of its degree is a matter of sound permissible discretion of the enforcing officer.

42. Because of the provisions of 28 U.S.C.A. 2283, this court has no jurisdiction to restrain the condemnation proceedings pending in the circuit court of Lake County, Ill., unless the plaintiffs prove that there is need for equitable jurisdiction in aid of the court's jurisdiction under the civil rights statutes and this the plaintiffs have failed to prove in this cause.

43. The plaintiff, Progress Development Corp., has an adequate remedy at law in the condemnation proceedings pending in the circuit court of Lake County, Ill.

44. Count I of the complaint should be dismissed because the relief claimed therein is barred by 28 U.S.C.A. 2283 unless the plaintiffs prove such is necessary in aid of the equitable jurisdiction of the court, and this they have failed to prove in the case at bar.

45. Count I should be dismissed because no conspiracy, or any semblance of a conspiracy, on the part of the park board commissioners was proved.

46. Count I of the complaint should be dismissed because the plaintiffs do not come into this court of equity with clean hands.

47. Count I of the complaint should be dismissed because the plaintiffs have an adequate remedy at law.

48. The complaint as explained by plaintiffs falls to state a claim upon which relief can be granted and should be dismissed with prejudice and at plaintiffs' costs.

The decision upon the facts in this case can be of no comfort to any group of individuals or to any community which might violate the civil rights of Negroes or other minority group members. This case is decided upon the facts as established by competent evidence in this particular case—facts that completely overcome the unsupported allegations of the complaint herein.

This memorandum opinion contains a full statement of the essential facts as well as of the conclusions of law applicable thereto in conformity with rule 52 of the Federal Rules of Civil Procedure.

Appropriate orders are being entered simultaneously herewith.

———, *Judge.*

Dated Chicago, Ill., March 4, 1960.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MOORE (at the request of Mr. HALLECK) on March 18, 1960, on account of official business in Wheeling, W. Va., attending an atomic waste conference.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. THOMPSON of Texas (at the request of Mr. MCCORMACK), for 30 minutes, today, to revise and extend his remarks and to include extraneous matter.

Mr. ANDREWS (at the request of Mr. MCCORMACK), for 15 minutes, today, to revise and extend his remarks and to include extraneous matter.

Mr. METCALF, for 60 minutes, on Thursday, March 24.

Mr. UDALL (at the request of Mr. METCALF), for 60 minutes, on Thursday, March 24.

Mr. MACHROWICZ (at the request of Mr. METCALF), for 60 minutes, on Thursday, March 24.

Mr. WILLIAMS, for 10 minutes, today, to revise and extend his remarks and to include extraneous matter.

Mr. HOFFMAN of Michigan, for 30 minutes, on Tuesday next.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mrs. KEE in two instances and to include extraneous matter.

Mr. STRATTON and to include extraneous matter.

(At the request of Mr. COLLIER, and to include extraneous matter, the following:)

Mr. BOW.

Mr. LINDSAY.

Mr. LAFORE.

ADJOURNMENT

Mr. DOWNING. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 11 minutes p.m.), under its previous order, the House adjourned until Monday, March 21, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1960. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting plans for works of improvement relating to the following watersheds: Chiwapa Creek, and Mulberry Creek, Miss., Wilson Creek, Nebr., Conewango Creek,

N.Y., North Branch Forest River, N. Dak., Bear Creek, and Cypress Creek, Tenn., Porters Creek, Tenn., and Miss., and Buffalo Creek, Va., pursuant to section 5 of the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005), and Executive Order No. 10654 of January 20, 1956; to the Committee on Agriculture.

1961. A letter from the Assistant Secretary of Defense, relative to a request by the Department of the Air Force for approval to proceed with projects for aircraft maintenance facilities at Grenier Air Force Base, Manchester, N.H., and Schenectady County Municipal Airport, Schenectady, N.Y., for the Air National Guard, pursuant to Public Law 86–149; to the Committee on Armed Services.

1962. A letter from the Assistant Secretary of Defense, transmitting a report relating to the expenditure of funds through grants for support of scientific research for the calendar year 1959, pursuant to Public Law 85–934; to the Committee on Science and Astronautics.

1963. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation entitled "A bill to include certain officers and employees of the Department of Health, Education, and Welfare within the provisions of sections 111 and 1114 of title 18 of the United States Code relating to assaults and homicides"; to the Committee on the Judiciary.

1964. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting plans for works of improvement relating to the following watersheds: Terrapin Creek, Ala. and Ga., East Fork Point Remove Creek, and West Fork Point Remove Creek, Ark., Upper Verdigris, Kans., and Beaver Creek, Ky., pursuant to section 5 of the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005), and Executive Order No. 10654 of January 20, 1956; to the Committee on Public Works.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSEN of Minnesota:

H.R. 11247. A bill to bring employees of the agricultural stabilization and conservation county committees within the purview of the Civil Service Retirement Act, the Federal Employees' Group Life Insurance Act of 1954, and the Federal Employees Health Benefits Act of 1959; to the Committee on Post Office and Civil Service.

By Mr. BECKWORTH:

H.R. 11248. A bill to amend section 610 of title 38, United States Code, to provide that certain veterans shall be furnished hospital care without regard to administrative limitations; to the Committee on Veterans' Affairs.

By Mr. BROCK:

H.R. 11249. A bill to amend the Internal Revenue Code of 1954 to repeal the tax presently imposed on the transportation of persons; to the Committee on Ways and Means.

By Mr. ELLIOTT:

H.R. 11250. A bill to authorize Federal loans to colleges and universities for the construction, rehabilitation, alteration, conversion, or improvement of classroom buildings and other academic facilities; to the Committee on Education and Labor.

By Mr. HALPERN:

H.R. 11251. A bill to establish a body corporate within the Department of Commerce to extend financial assistance to State or local governments or public authorities operating or providing transit and commuter service in our major metropolitan areas; to the Committee on Banking and Currency.

By Mr. LATTA:

H.R. 11252. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for certain amounts paid by a teacher for his further education; to the Committee on Ways and Means.

By Mr. CLEM MILLER:

H.R. 11253. A bill to authorize and direct those principles under which the national forests shall be managed; and to provide sustained yield development for our timber and rangelands; and for other purposes; to the Committee on Agriculture.

By Mr. MORGAN:

H.R. 11254. A bill to establish a body corporate within the Department of Commerce to extend financial assistance to State or local governments or public authorities operating or providing transit and commuter service in our major metropolitan areas; to the Committee on Banking and Currency.

By Mr. MOULDER:

H.R. 11255. A bill to reduce the cost to the U.S. Treasury of farm price and income stabilization programs, to provide means by which producers may balance supply with demand at a fair price, to reduce the volume and costs of maintaining Commodity Credit Corporation stocks, to provide for distribution to needy people and public institutions of additional needed high protein foods, to preserve and improve the status of the family farm through greater bargaining power, and for other purposes; to the Committee on Agriculture.

By Mr. MULTER:

H.R. 11256. A bill to amend the Civil Service Retirement Act to authorize the retirement of employees after 30 years of service without reduction in annuity; to the Committee on Post Office and Civil Service.

H.R. 11257. A bill to amend the Bank Holding Company Act to prohibit the approval by the Federal Reserve Board of bank holding company operations unauthorized by State law or disapproved by State authorities; to the Committee on Banking and Currency.

By Mr. PILLION:

H.R. 11258. A bill to make permanent the temporary increases in rates of basic salary provided for employees in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SMITH of Kansas:

H.R. 11259. A bill to provide for adjustments in the lands or interests therein acquired for the Kanopolis Dam and Reservoir, Kans., by the reconveyance of certain lands or interests therein to the former owners thereof; to the Committee on Public Works.

By Mr. UDALL:

H.R. 11260. A bill to provide for the use of television broadcasting stations by candidates for the Office of President of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. BARRETT:

H.R. 11261. A bill to provide for adjusting conditions of competition between certain domestic industries and foreign industries with respect to the level of wages and the working conditions in the production of articles imported into the United States; to the Committee on Ways and Means.

By Mr. McFALL:

H.R. 11262. A bill to prevent the use of stopwatches or other measuring devices in the postal services; to the Committee on Post Office and Civil Service.

By Mr. McMILLAN (by request):

H.R. 11263. A bill to amend section 801 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901; to the Committee on the District of Columbia.

By Mr. RIEHLMAN:

H.R. 11264. A bill to amend the Tariff Act of 1930 to impose a duty upon the importation of bread; to the Committee on Ways and Means.

By Mr. SHORT:

H.R. 11265. A bill to authorize the Secretary of the Interior to provide water and sewage disposal facilities to the Medora area adjoining the Theodore Roosevelt National Memorial Park, N. Dak., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BYRNES of Wisconsin:

H.R. 11266. A bill to amend the Internal Revenue Code of 1954 to permit the prepaid dues income of certain membership organizations to be included in gross income for the taxable years to which the dues relate; to the Committee on Ways and Means.

By Mr. DURHAM:

H.R. 11267. A bill to amend the Longshoremen's and Harborworkers' Compensation Act to insure that employers will be immune from suit for injuries for which compensation has been paid; to the Committee on Education and Labor.

By Mr. INOUYE:

H.R. 11268. A bill to provide for promotion of economic and social development in the Ryukyu Islands; to the Committee on Armed Services.

By Mr. WITHROW:

H.R. 11269. A bill to stabilize the mining of lead and zinc by small domestic producers on public, Indian and other lands, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mrs. GRANAHAN:

H.J. Res. 653. Joint resolution declaring Inauguration Day to be a legal holiday; to the Committee on the Judiciary.

By Mr. WALTER:

H. Res. 480. Resolution providing for the printing of additional copies of House Report No. 1251, current session; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MOULDER:

H.R. 11270. A bill to authorize the National Society Daughters of the American Colonists to use certain real property in the District of Columbia as the national headquarters of that society; to the Committee on the District of Columbia.

By Mr. WAINWRIGHT:

H.R. 11271. A bill for the relief of Angelo and Gina Bonaguidi; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

387. By Mr. WESTLAND: Petition of Bert H. Maffett and 51 other members of Barracks 142, Veterans of World War 1, Marysville, Wash., favoring the passage of H.R. 9948, referred to as the "World War I Pension Act of 1960"; to the Committee on Veterans' Affairs.

388. Also, petition of H. A. Paulson and 29 other residents of the Second Congressional District, Washington, favoring the passage of H.R. 9336, referred to as the "World War I Pension Act of 1960"; to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

New York State Assembly Shows the Way—Let's Put All Our Major National Nonreligious Holidays on Mondays

EXTENSION OF REMARKS
OF
HON. SAMUEL S. STRATTON
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, March 18, 1960

Mr. STRATTON. Mr. Speaker, last year I introduced legislation, H.R. 8073, to fix four of our major, nonreligious national holidays—Washington's Birthday, Memorial Day, Independence Day, and Veterans Day—on Mondays rather than on fixed calendar dates. This, of course, is precisely what we now do in the case of another major, nonreligious national holiday—Labor Day, established uniformly on the first Monday in September. My proposal has the support of both employee and management groups since it would provide not only that observance of these holidays would involve a long weekend suitable for family travel and recreation, but would also greatly reduce absenteeism which inevitably results when holidays fall within the middle of the week.

Mr. Speaker, I was greatly heartened last week to learn that on Monday, March 14, the assembly of the legislature of my great State of New York passed and sent to the State senate a bill designed to accomplish the purposes outlined in my bill with respect to Memorial Day, making it fall, in New York State, on the last Monday of May rather than on May 30.

I hope, Mr. Speaker, that the State senate and the Governor of New York will join with the assembly in supporting this sound and beneficial State legislation. If it does become law in New York then it will surely follow—if the observances of our great national holidays are to be in harmony throughout the several States, as, of course, they should be—that corresponding action, along the lines of the Stratton bill, H.R. 8073, must be taken by this Congress. For this reason the recent action at the State capitol at Albany, N.Y., represents the first major breakthrough for this legislation of mine and I am hopeful that Members of the House will now soon give their attention and support to this important matter.

Under leave to extend my remarks, I include the text of a news release on this subject which I have issued today:

Congressman SAMUEL S. STRATTON, Democrat, of New York, yesterday hailed the action of the New York State Assembly, which last Monday adopted a bill to establish Memorial Day as the last Monday in May rather than on May 30, as "the first major breakthrough for my bill, H.R. 8073, which would provide for the observance of all nonreligious national holidays on Mondays."

The New York State legislation passed the assembly by a vote of 114 and was sent to the Senate where it reportedly "has a good chance of passage." The legislation is sponsored jointly by Assemblyman Richard J. Bartlett, Republican, of Glens Falls, and Senator Gilbert T. Seelye, Republican, of Burnt Hills. Actually, May 30 falls on the last Monday in May this year.

Congressman STRATTON, in similar communications to Assemblyman Bartlett and Senator Seelye, praised them for their action and told them, "adoption of this provision by New York State will undoubtedly lead quickly to recognizing the wisdom of designating such other holidays as Washington's Birthday, Independence Day, and Veterans Day also on Mondays." The Congressman urged the State legislators to "persuade their colleagues to memorialize Congress to support H.R. 8073 and thus bring the rest of the country into line with New York State." He expressed agreement with the views attributed to Assemblyman Bartlett that the bill would not only provide a long weekend for travel and recreation, but would also reduce absenteeism in industries.

National Teacher of the Year

EXTENSION OF REMARKS
OF
HON. ELIZABETH KEE
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Friday, March 18, 1960

Mrs. KEE. Mr. Speaker, all West Virginians can be proud of the selection of the beautiful and talented Mrs. Hazel Davenport, of Beckly, as national teacher of the year.

It is particularly gratifying to me that this honor should be bestowed upon a West Virginia teacher at a time when our State has been the recipient of so much unfair publicity. The selection of Mrs. Davenport as the teacher of the year will serve to remind the rest of the Nation that West Virginia has many outstanding assets, one of the most important of which is our young people who are now being trained as future leaders.

I am delighted that the National Education Association is honoring a classroom teacher each year.

Mrs. Davenport, and the previous winners, are typical of the thousands of men and women throughout the Nation who have dedicated their lives to teaching.

The teacher is one of the most important persons in our democratic society. Unfortunately, all of us have a tendency to take them for granted. It usually takes a crisis of some sort to force the public to earnestly concern itself with public education and with the men and women who operate our schools and teach our children.

It takes a tremendous amount of money to operate our schools. Many local areas are making real financial sacrifices to provide their children with the best possible education. Other areas find they simply do not have sufficient financial resources to build and maintain the type of school system which they need.

Because education is so important to a democratic society, I have long supported efforts in Congress to make financial assistance available to local school systems. At the same time I have insisted that any Federal assistance leave the sole responsibility of operating schools to local communities.

Federal control of the educational system would be abhorrent to our concepts of government. I firmly believe that our system of government is flexible enough to permit the Federal Government to help the States and localities with their educational problems without assuming control of education.

One other thing appears clear to me. No amount of Federal funds can insure a good educational program in every community. The primary responsibility rests with the local people. They have to determine what the schools should teach and how it is taught. They have to attract and hold good teachers.

Added revenue in the form of Federal assistance will enable many school districts to improve their school facilities, but unless the local people demonstrate a deep and continuing interest in local school problems, they will never have the type of system to which the community is entitled.

In the final analysis, the Nation's school problems extend down to the local level where they must be solved.

Local people, working with dedicated teachers such as Mrs. Davenport, will, I am sure, provide the Nation with a school system that is capable of meeting any challenge.

April Is USO Month

EXTENSION OF REMARKS
OF
HON. JOHN V. LINDSAY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, March 18, 1960

Mr. LINDSAY. Mr. Speaker, next month has been designated as "USO Month." Most people have associated USO with parties and shows for our men in uniform. But to us who have had the privilege of serving in our Armed Forces it means more than that. It means a deep and abiding concern by our people on the homefront for those whom they have sent to the four corners of the world in our defense.

This organization, made up of voluntary groups, has immeasurably assisted in the religious, spiritual, social, recreational, and educational needs of our men and women in the Armed Forces. It has provided much needed services; community and travel information, counseling on personal and family problems,

housing bureaus, discussion groups, craft classes, games, snack bars—to mention only a few.

Truly, it has provided our men and women in uniform "a home away from home."

Its services have tremendously boosted the morale of our men and women in uniform which, in turn, has placed them in combat readiness which is essential in moments of tension.

USO activities are not confined alone to our Armed Forces personnel here at home; it extends to such places overseas as Anchorage, Fairbanks, Kodiak, Balboa, Cristobal, Nice, Paris, Casablanca, Athens, Salonika, Rhodes, Istanbul, Naples, Rome, Seoul, Guam, Manila, Tokyo, and Honolulu.

Needless to say, the USO has, since its inception in 1941, done and is continuing to do immeasurable service to the Nation, particularly to Armed Forces personnel.

It is fitting, therefore, that on this occasion of USO Month all Americans give their unstinting support to a worthy cause being performed by these unsung heroes.

I earnestly hope for the USO more power and continued success.

Billboard Control Helps Hawaiian Economy

EXTENSION OF REMARKS
OF
HON. OREN E. LONG
OF HAWAII
IN THE SENATE OF THE UNITED STATES
Friday, March 18, 1960

Mr. LONG of Hawaii. Mr. President, my State of Hawaii has found that regulating billboards is good business.

Outside Honolulu, there are no roadside billboards in Hawaii. Tourists like the idea. Our scenic splendor is not marred by signs. The people of Hawaii are proud of their foresight in preventing the blighting of a lovely landscape by billboards. Businessmen find no reason to complain about the absence of such roadside advertising. Many believe highway posters would probably hurt more business than they would attract.

My departed friend, Senator Richard Neuberger, who championed the cause of billboard control, often noted that States where the tourist trade is important have a vital stake in regulation of signboards along their highways. In his own State of Oregon the tourist trade ranks third among all industries, bringing in an income of over $175 million each year. He would point to Department of Commerce figures showing that if a community can attract a couple of dozen tourists a day throughout the year, it would be economically comparable to acquiring a new manufacturing industry with an annual payroll of $100,000.

Recently, there appeared in the Memphis Press-Scimitar an article by Milton Britten headed "Hawaiians Have Enjoyed Billboard Ban 33 Years and Profited By It," and quoting the comments of my colleague [Mr. FONG] and myself on billboard control.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HAWAIIANS HAVE ENJOYED BILLBOARD BAN 33 YEARS, AND PROFITED BY IT

(By Milton Britten)

WASHINGTON.—It has been nearly 2 years since the Federal billboard control law was passed.

Yet not a single State has come forward to accept the bonus offered for agreeing to abide by national standards for regulating signboards along the 41,000-mile interstate highway network.

This is a matter of bipartisan bafflement to Senators from our newest State, Hawaii, where strict controls have been on the books for 33 years and have proved both pleasant and profitable.

Says Democrat OREN LONG, former Governor of Hawaii: "If you drove from Honolulu all around the island of Oahu and back again, you wouldn't see a single billboard. This is widely discussed by tourists and a matter of pride among our people.

"Our territorial legislature back in 1927 passed a law restricting billboards to a closely defined area within the business district of Honolulu. Outside of this small area there just aren't any billboards to mar the beauties of our landscape.

"This not only pleases our own people, who enjoy their scenery, but is good for our tourist business. There have been a few feeble efforts to relax controls. But so far as I know our great business organization, the chamber of commerce, has never even slightly intimated they favored such efforts.

"The likelihood is that just as many products of any given make are sold in Hawaii as there would be if we had our roads cluttered with billboards."

GOOD BUSINESS

Republican HIRAM FONG, attorney and big businessman, agrees: "It's good business for Hawaii to control signboards. Their absence lends a lot of enchantment to our scenery, which tourists enjoy.

"Last year about a quarter million tourists came to Hawaii and spent $90 million. By 1965 it is estimated we'll attract a million tourists, and by 1975 2½ million. By 1970, we estimate that our income from tourism will exceed the aggregate of our income from our sugar and pineapple industries.

"It would be a very good thing if billboards could be eliminated from highways all over our Nation. They distract motorists. How much better off America would be if every billboard could be taken down and a tree planted in its stead."

Both described as jarring to Hawaiians the contrast between billboard-cluttered mainland highways and their own unmarred scenic roadways.

Senator LONG says he thinks "the time will come when more careful consideration will be given" to applying on a national scale the strict controls Hawaii has enjoyed. He says he doubts this should be tried, however, until the present law has had a trial.

Latest Bureau of Public Roads survey indicates only three States—Connecticut, Wisconsin, and North Dakota—have already passed laws that would enable them to participate in the Federal program. Adequacy of a recent Maryland law is in dispute.

DEADLINE JUNE 30, 1961

A number of other States have tried or are trying to write enabling legislation. Deadline for signing up for the Federal bonus offer is June 30, 1961.

One reason for delay thus far has been the activity of the billboard lobby, which pressured Congress into watering down the Federal law and has since been working against it within the State legislatures.

The law provides that the Federal Government will contribute one-half of 1 percent more than its 90 percent share of interstate highway costs to States that agree to abide by minimum national standards of billboard control.

Buy American Act

EXTENSION OF REMARKS
OF
HON. FRANK T. BOW
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Friday, March 18, 1960

Mr. BOW. Mr. Speaker, the failure of the Buy American Act to assist American firms seeking to do business with our Government has given me great concern. Last week I referred to the award of a contract for the Panama Canal Bridge, using West German steel, because the contractor using German steel underbid an American contractor by $22,000. Yesterday I made reference to a new problem regarding locomotives for use in Panama Canal operations.

The locomotives required by the canal, and usually referred to as "mules," furnish the power to pull ships through the locks. They have a useful life of about 40 years.

At present the Secretary of the Army is considering a bid by a Japanese firm to supply new locomotives for a total of $3,800,000. The lowest American bidder is the Plymouth Co., of Plymouth, Ohio, at $4,700,000. To the Japanese bid, under various laws and regulations, may be added $115,000 for special inspections that would be required, $380,000 under the Buy American Act—10 percent instead of the 25 percent formerly allowed—$228,000 because the Plymouth Co. is a small business, and certain other percentages so that the actual difference between the two bids is less than $100,000.

However, as I pointed out with regard to the bridge contract, these figures tell only a part of the story. If Plymouth is awarded the bid, plate steel and stainless steel manufactured in my district will go into the machinery, and steelworkers in Canton and Massillon will realize direct benefits. Other subcontractors located in Chicago, Pittsburgh, Buffalo, and Detroit will receive orders, and some of these are areas of critical labor surplus. At least 1 million man-hours of employment for American labor will flow from the award of the contract to an American firm.

This does not take into account the transportation of the components and and of the machines itself, which means additional business for Americans; nor does it take into account the direct returns to Federal, State, and local government that will come from this contract if it is awarded to Plymouth.

Finally, let me say that the Plymouth Co. is a recognized producer for the Defense Department with an excellent reputation. It can be depended upon to produce a quality product that will do the job that needs to be done. We cannot place the same faith and confidence in the Japanese producer. Further, during the 40 years these engines will serve, the Plymouth Co. in peace or war will be readily available to supply renewal and repair parts, an assurance we cannot have from a producer in Japan.

Plymouth is the only remaining American company devoted to the design, engineering, and production of industrial locomotives of the size and type required in this procurement. If it is denied Government contracts, the Plymouth Co. may not be in production when some dire emergency befalls us.

For all of these reasons, it seems to me that award of the locomotive contract to Plymouth is clearly in the national interest and the Army should so decide.

Diplomatic Conferences

EXTENSION OF REMARKS
OF
HON. ELIZABETH KEE
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Friday, March 18, 1960

Mrs. KEE. Mr. Speaker, during the next 8 or 10 weeks several important diplomatic conferences will be held. The world is entering a fateful period, and what happens at these high-level talks between world leaders could well determine the course of history during our lifetime.

Recently Premier Khrushchev, of Russia, ended a visit to France. Prime Minister Macmillan, of England, made a hurried trip to Washington to confer with President Eisenhower. President De Gaulle, of France, is scheduled to visit the United States soon. And in May, the summit conference, bringing together the heads of state from the world's major powers, will be held.

There is a feeling of cautious optimism in Washington. Perhaps, after almost 15 years of intense cold war during which the world has lived on the brink of atomic war, a break is in sight and a tentative beginning can be made toward reaching a new understanding.

No one here expects all of the many serious world problems to be solved overnight. Nor can we look forward to the Russians discarding their expansionist policies for one of sweet reasonableness.

But at least there are indications that Russia wants to reach an accommodation and to ease some of the tension. They have made the overtures. The United States and its allies must explore the possibilities.

Certainly it does no harm to talk with the Russians provided we are not taken in by the Russians and allow our defensive strength to deteriorate. It is possible the Russians are aware of the fact that the hydrogen bomb and fantastic new delivery systems built around long-range missiles have made it entirely too dangerous to substitute bluster and bluff for serious diplomatic negotiations. The consequences of touching off a war through a miscalculation of American intentions are too horrible to contemplate.

At present, the United States and its allies are talking with the Russians about a suspension of nuclear weapons testing. Both sides have made concessions and according to the President there is a fair chance of reaching an agreement backed up by a sound, self-enforcing inspection system.

Such an agreement would be a long first step toward disarmament. Negotiations are also under way looking toward a disarmament agreement but the progress here has been slight to say the least.

I am sure everyone would like to see a workable plan agreed upon to enable the nations of the world to put an end to the arms race. The world is spending hundreds of billions each year on arms. As long as the Russians remain a serious threat to world peace, we have no other choice.

We would rather devote the money we are forced to spend on arms to more useful purposes. And I am sure the people would solidly support disarmament if we could be assured it would be accepted universally and that it would be enforced.

Until such a plan can be agreed upon and put into effect, we will have to continue our defense program, regardless of cost. We cannot let up. If we relax for 1 minute the Russians could well take advantage of the opportunity and launch a surprise attack.

We can remain strong and yet let Russia and the rest of the world know that we are ready at all times to reach an understanding through diplomatic channels.

That is why I am glad to see President Eisenhower agree to talk with Mr. Khrushchev at the summit and to visit Russia later on. We have to persist in our efforts to find a peaceful solution to the world's problems. We can talk with the Russians without appeasing them or permitting our strength to wither away.

Labor Reform Legislation of 1959 and Its Implications

EXTENSION OF REMARKS
OF
HON. JOHN A. LAFORE, JR.
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Friday, March 18, 1960

Mr. LAFORE. Mr. Speaker, under leave to extend by remarks in the CONGRESSIONAL RECORD, I include a speech delivered by my distinguished colleague from Pennsylvania, the Honorable CARROLL D. KEARNS, before the Delaware Valley Industrial Editors Association, March 16, 1960, at which time Representative KEARNS received the Delaware Valley Industrial Editors annual communications award for distinguished service in establishing more effective communications in the areas of his public interest. The 1958 recipient of this award was Gen. Alfred Gruenther and the 1959 recipient—Mayor Richardson Dilworth.

The speech follows:

LABOR REFORM LEGISLATION OF 1959 AND ITS IMPLICATIONS

Last year I had the opportunity to address the national convention of the American Association of Industrial Editors in Syracuse, N.Y. Your invitation this evening prompted me to review the remarks prepared at that time. It does not seem possible that so much has happened in the labor-management field in the 11 months since your Syracuse meeting.

My trip to Syracuse was a hurried one because the House Committee on Education and Labor, of which I am ranking minority member, was holding hearings on labor reform legislation. Similar hearings had been completed in the Senate but that body had not yet acted on any bill. It was generally accepted that only the weakest kind of a labor reform bill would pass—something which was completely acceptable to the union leaders.

The principle of a bill of rights for union members had been included in several measures introduced in the Congress but the likelihood of its being enacted into law seemed remote. The curtain had barely risen on the drama of the battle for the bill of rights and the swell of public opinion which gave rise to House approval of the Landrum-Griffin bill. The conference between the House and the Senate, the climactic scene, where the compromise which is the Labor Reform Act was hammered out, seemed too far in the future to be of any interest.

When I look back on the Syracuse meeting and think of the questions which you raised, I must admit to some sense of gratification for the events during the following months. At Syracuse we talked about the necessity for better performance by unions, by mangement, and by the government in carrying out their duties and responsibilities in the labor-management area. We talked about the importance of protecting individual workmen in their fundamental rights and I suggested that the law must cover the following points if a definite goal was to be accomplished:

1. True democracy within unions must be assured.

2. Honesty in union affairs must be guaranteed.

3. "Sweetheart" arrangements between dishonest employees and union officials must be eliminated.

4. Criminal elements must be eradicated from the union movement.

5. Innocent workmen and small employers must be protected against coercive picketing and secondary boycotts.

I am proud to say that the new Labor Reform Act is a tremendous stride forward in accomplishing every one of these goals. Its bill of rights and election provisions go a long way toward assuring democracy within unions and returning control of labor organizations to their members. Its reporting, disclosure, bonding, and fiduciary relationship provisions, together with the restrictions on trusteeships, should be of substantial help in meeting the problem of dishonesty within unions. Sound provisions for the elimination of "sweetheart" contracts and for the ousting of criminal elements from the union movement are included. And finally, important limitations

on organizational and recognition picketing, on secondary boycotts, and on hot cargo contracts, provide immeasurable protection to employees, and small employers.

The Labor Reform Act is not perfect. It is impossible to write perfect legislation in a field as controversial as labor-management relations. Particularly when a legislative body is "loaded" in favor of unions, as is our present Congress, and a substantial part of its membership was doing its best to kill all needed reform legislation. But, regardless of its faults, we can be proud of the act which was finally passed and be grateful that the working men and women of our country will benefit from its added protection.

Because a major battle was won last fall, we cannot rest on our laurels. Already a serious attempt is being made to weaken these protections by authorizing secondary boycotts in the construction industry. I have said on many occasions that I believe the peculiar problems in that industry necessitate some special legislation. In fact, one such provision was included in the Labor Reform Act. But the bill which is presently before the committee, H.R. 9070, confuses rather than resolves the problem.

After listening to testimony on H.R. 9070, it is clear to me that there is sharp disagreement as to its meaning. The Labor Reform Act is a technical, complicated law.

Passage of another amendment at this time, before the NLRB and the courts have had a chance to interpret what has already been done, will accomplish nothing. Not even its strongest supporters are sure what it means, and Congress would be derelict in its duty if it should foist such an ambiguous statute on the public.

A more fundamental battle than any attempt to pass weakening amendments is shaping up outside the Halls of Congress, however. It presents, in my opinion, one of the most serious threats to our fundamental rights as free citizens that I have witnessed in many years. I refer to the brazen attempt of Jimmy Hoffa to dictate to the American people whom we are going to send to Congress.

Shortly after the labor reform law was enacted, Hoffa announced a list of 56 Members of Congress whom he has decreed must be purged. My name, with that of Congressman WILLIAM AYRES, of Ohio, was placed at the top of the list. Hoffa has said openly that the full weight of the Teamsters Union, with its millions of dollars in financial backing, will be used to make certain we do not return to Congress.

You may well ask, "Is not Jimmy Hoffa entitled to take sides in political contests and support the men of his choice?" If that were the issue, the answer must, of course, be "Yes." He, too, is an American with freedom of choice as to his elected officials and if the members of the Teamsters Union want him as their president that is their affair. Under the new law I firmly believe they can get rid of him if they want to.

But the issue is not Hoffa's freedom of choice. He has carefully picked 56 Congressmen who come from evenly divided districts where the voting is always close. His plan is to use the teamster organization to concentrate on defeating the incumbents, whether they are Republican or Democrats. A readymade organization with virtually unlimited funds is a tremendous factor in any political campaign.

Hoffa will take personal credit for defeating any of the 56 who fail to be reelected. Their opponents will obviously be handpicked by Hoffa but the key point if his plan is successful will be his claim to have the power to defeat any Congressman of whom he disapproves.

Think for a moment what this means. Because of Hoffa, the Teamsters Union has been expelled from the AFL–CIO. If anything, expulsion has strengthened rather than weakened the Teamsters. Hoffa is slowly making behind-the-scenes deals or working arrangements with other unions. The one thing which stands in the way of Hoffa's ambition to take over the labor movement in this country is the 1959 Labor Reform Act. If Hoffa can take personal credit for defeating any Congressmen who oppose him, this act will have a short and discouraging life.

I am positive the American people do not want any special interest group to take over their Congress, particularly if the group is controlled by a man like Hoffa. But we cannot afford to sit back and hope it will not happen. Hoffa has the organization and he has the funds to carry out his threats. Men and women like yourselves, regardless of whether you have been active in politics, must share the burden of defeating Hoffa. We cannot afford to sit back and hope someone else will do the job for us.

To offset the Teamsters organization, a Committee To Reelect Hoffa-Threatened Congressmen has been formed. I asked Mr. Kenneth C. McGuiness, the national chairman of the committee, to accompany me this evening and tell you something about its activities.

I cannot emphasize too strongly the threat with which we are faced. I implore you to give it your serious consideration and to do your best to see that the voters rather than any union official select our Representatives.

Intensive Study of Food Urged

EXTENSION OF REMARKS
OF
HON. MILTON R. YOUNG
OF NORTH DAKOTA
IN THE SENATE OF THE UNITED STATES
Friday, March 18, 1960

Mr. YOUNG of North Dakota. Mr. President, one of the very necessary factors in this country's production of both the quantity and quality of food is the growing importance of good, effective, and safe-to-use chemicals, pesticides, additives, and other productive mechanisms.

Senators will recall that last year at my suggestion the Senate included an item in the agriculture appropriations bill providing $500,000 for research into alternate methods of pesticide and disease control which would not retain in the finished product any harmful residue.

Unfortunately, this item was not retained in the conference and was not in the final agricultural appropriations bill.

In view of subsequent developments, I some time ago indicated my concern on this subject to both the Department of Agriculture and the leaders of the livestock industry, and I would, at this time, like to have printed in the CONGRESSIONAL RECORD a letter to Mr. G. R. Milburn, president of the American National Cattlemen's Association.

I would also like to have printed in the CONGRESSIONAL RECORD a clipping from today's New York Times on this subject entitled "Intensive Study of Food Urged" and testimony offered yesterday before a committee of the other body by Aled P. Davies, vice president of the American Meat Institute, and J. C. Wetzler, a cattle feeder from Phoenix, Ariz., representing the American National Cattlemen's Association.

These documents clearly show that the responsibility which rests on the Federal Government to proceed to face up to this problem which is a problem of agriculture and consumers is of major national importance.

There being no objection, the letter, article, and statements were ordered to be printed in the RECORD, as follows:

DECEMBER 9, 1959.

Mr. G. R. MILBURN,
President, American National Cattlemen's Association, Grass Range, Mont.

DEAR MR. MILBURN: Earlier this year when the Senate Appropriations Committee, of which I am a member, was considering various appropriations I had a visit with Dr. M. R. Clarkson, Deputy Administrator of the Agricultural Research Service in the Department of Agriculture, concerning certain problems involved in the use of pesticides and insecticides. As a result of our conversation Dr. Clarkson appeared before the Senate Appropriations Committee supporting proposals sponsored by me and others for greatly increased research funds to find substitutes for the present pesticides which would be completely free of any side effects as are now sometimes obtained with pesticides and the like which are not properly used. We were able to obtain $500,000 in additional research funds to further this program. Even this was lost, however, in conference with the House.

The cranberry situation, I think, has emphasized the need for far greater research to develop nonchemical methods such as biological control agents or other pesticides which would leave absolutely no residue whatever regardless of how they are used. It seems to me that we will need a crash research program involving from $5 to $7 million to accomplish the necessary research. This must be done before we who are interested in the meat business find ourselves in the same trouble that the cranberry people did just a short time ago.

Should the Secretary of the Department of Health, Education, and Welfare make similar charges against the contamination of meat as he did cranberries, as the result of certain pesticide uses, meat prices with the present heavy supplies would undoubtedly drop drastically. Such price declines could cost producers hundreds of millions of dollars. Whether or not the accusations were well-founded would make little difference. The slightest suspicion on the part of consumers would be enough to materially affect consumer purchases.

I know of no industry that has done more to make sure that they have a pure, wholesome product than the meat producers, particularly the cattle industry. Millions of pounds of meat are destroyed each year through our inspection service in order to meet the high standards that have been set. This has received little publicity. I am sure you will agree with me that it would be highly desirable to develop the kind of chemical or biological control agent the use of which could never be questioned.

Already proposals have been made to greatly increase funds for the Food and Drug Administration to carry on substantially this type of research work. My own feeling, and I am sure you will concur, is that this is work that should continue to be done by the Department of Agriculture. Our agriculture research people have done superb work with the very limited funds

they have had in the past. I would greatly appreciate having your views as to the plan of action set forth in this letter.

With warmest personal regards.

Sincerely yours,

MILTON R. YOUNG.

[From the New York Times, Mar. 18, 1960]

INTENSIVE STUDY OF FOOD IS URGED—PACKERS CALL FOR RISE IN FUND TO DEVELOP NEW MEANS TO PREVENT CONTAMINATION

WASHINGTON, March 27.—The American Meat Institute called on Congress today to create a program of intensive research to develop new chemicals and biological measures to eliminate the dangers of food contamination.

In a surprise action, the packers' group urged Congress to increase by 8 to 10 times the $1,500,000 requested by the administration in the new budget for such research.

The national trade organization of the meat packing industry laid its proposal before the House Subcommittee on Agricultural Appropriations in executive session.

The administration has been studying the problem. Its request for a $1,500,000 program in the budget for the fiscal year starting July 1 compares with $500,000 proposed last year. The $500,000 request was denied by the House subcommittee.

The meat industry's concern stems from the widespread use of chemicals and synthetic hormones in cattle production and meat processing.

Aled P. Davies, vice president of the meat institute, told the House subcommittee that one-third of whatever amount of Federal funds was appropriated for the chemical research program should be set aside in the first year for a modern laboratory and equipment.

In this laboratory, he said, teams of the best scientists can be brought to work on the problem of getting new tools to avoid the "hazards of residues."

"The problem calls for effort on the part of Government producers of agriculture products and processors of agricultural products, in the national welfare," he asserted.

The Department of Agriculture is "doing far too little on chemicals in agriculture because of lack of funds," he said. Its scientists, he went on, have "many leads for new developments, but they have not been able to follow through" on possibilities of combating pests and diseases without leaving harmful residues.

"This is not to say the chemical industry has not done a good job," he added. "However, in areas where residues in food and feed are critical consideration, the Department must take the lead in new developments which will maintain consumer confidence in the products of agriculture."

Mr. Davies presented the institute's proposal after testifying in support of a slight increase in funds for the Department's meat inspection service, which approves all meat and poultry in packing plants to assure its purity.

STATEMENT BY J. C. WETZLER BEFORE HOUSE APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE

My name is J. C. Wetzler, a cattle feeder from Phoenix, Ariz. I am speaking as a member of the legislative committee of the American National Cattlemen's Association. This association has a membership which includes 138 State, local, and regional cattlemen's and cattle feeder associations and thousands of individual cattlemen and cattle feeder members from throughout the United States.

We greatly appreciate the opportunity of appearing before this committee in overall support of the 1961 budget request for the Agricultural Research Service. Singling out two items from the overall request, it is our desire to emphasize the importance of the request as related to Federal meat inspection in the amount of $21,324,900 and the increase asked for to carry on intensive research to develop chemicals and biological measures for use in agriculture for the purpose of eliminating or avoiding pesticide residues amounting to $1,502,800.

The American National Cattlemen's Association has long stood for an adequate appropriation of funds in order to carry on the very efficient and effective function of Federal meat inspection. It is felt that the high degree of confidence on the part of the general public in their daily beef supply, largely can be attributed to the activities carried on over the years by the Meat Inspection Division. This, coupled with the desire on the part of cattle producers and feeders to make available to the public a wholesome beef product, has instilled a confidence that must be maintained.

The recent publicity on the subject of agricultural chemicals emphasizes the importance of the function and services provided by the Meat Inspection Division and the need for appropriating adequate funds for its continuance.

Mention of agricultural chemicals leads into the next portion of this statement. It has become quite evident that we probably will be confronted in the future with more problems from the standpoint of chemical residues in our food supply. This affects us as producers and feeders of the beef supply of the Nation, because it is the sincere desire of the beef industry to continue to produce the most wholesome beef supply for the consuming public. It is mandatory to develop through experimentation and research, chemicals and biological measures for use in agriculture which will eliminate any chance for harmful residues in the food products eaten by the consuming public. The research funds requested this year are, in our opinion, a bare requirement of those which will be needed in the future for this purpose.

Agricultural producers are reliant on certain chemicals to produce the food supply of the Nation. As more refined methods for detacting these chemical residues are developed, the problem becomes more acute, so it further necessitates new approaches for the control of certain diseases and pests as well as find new methods for the more economical production and feeding of beef cattle. As a consequence, private research money of those firms presently developing and manufacturing certain agricultural pesticides and feed additives may be withdrawn. This would put more pressure against the Government, in this case the Agricultural Research Service, to absorb this function previously carried by private money.

For these reasons, we urge this committee to approve the funds requested for 1961.

TESTIMONY BY ALED P. DAVIES BEFORE THE SUBCOMMITTEE ON AGRICULTURAL APPROPRIATIONS OF THE HOUSE OF REPRESENTATIVES

My name is Aled P. Davies. I am vice president of the American Meat Institute, national trade association of the meat packing industry. I greatly appreciate the opportunity of appearing before this committee in support of the 1961 budget request for Federal meat inspection. This request is in the amount of $21,562,700. While it represents a slight increase over the amount appropriated for the current fiscal year—$21,324,900—it is our understanding that because of in-grade promotions and Government health program expense the amount actually available for meat inspection will be less than during the current year. It has been estimated that even with the amount of the budget request the Meat Inspection Division will find it necessary to reduce its inspection force by 80.

The American Meat Institute believes that as a very minimum the amount of the budget request should be provided for Federal meat inspection. Actually it isn't quite enough, and while we feel that additional funds ought to be provided, we recognize the necessity for cutting the Federal budget in all departments of the Government to the absolute minimum.

Witnesses from the Department of Agriculture already have given you figures to show the way in which Federal meat inspection is growing. Its increasing significance is not only an outgrowth of population increase and changing patterns of meat distribution, but it is also a tribute to the Government agency—the Meat Inspection Division—which is responsible for the administration of this program. Over the period of 53 years during which compulsory Federal meat inspection has been in effect, the MID, as it is popularly known, has developed and maintained a reputation for absolute integrity, a reputation which is equaled by few other Government agencies and surpassed by none. There have been times when the meat packing industry and individual companies in it have not agreed with the MID, but no one questions its integrity and its dedication to the public interest.

There is no other food which gets the kind of scrutiny which is routine for meat and meat food products under Federal meat inspection. For many years, it was the only continuous food inspection conducted by the Federal Government. Now poultry is under the same type of inspection. One of the responsibilities of the MID under the Meat Inspection Act is to examine the products of the meat industry for the presence of harmful chemicals. Actually the MID over the past half century has been exercising the same type of control over additives used in meat which is being employed for the first time by the Food and Drug Administration with respect to other foods. However, it is being enforced in a more effective sort of way since the MID inspects every animal and every carcass which goes through a federally inspected plant, and does not have to rely simply on spot checks. Every ingredient going into a meat product must first pass the scrutiny of MID, whether or not it might be technically classified as a "food additive," and every label which is employed on such products must have the prior approval of the Division. Without such prior approval, the product cannot bear the mark of Federal inspection. I must confess that this requirement of prior approval at times has caused the industry some problems, for believe me, the MID takes its responsibility to the public very seriously, and at times we have thought its restrictions were too severe.

I mention this simply to emphasize the high degree of protection which Federal meat inspection provides to consumers and to underline the obvious fact that the cost of inspection is a small price to pay for a public service of this character. Interest in chemicals employed in foods is running high these days, and while we feel the Food and Drug Administration does an admirable job considering the broad field it has to cover and the limited tools with which it works, we are convinced that Federal meat inspection fills a need which cannot be supplied in any other way. It is not general knowledge, but it is a fact that the MID through its continuous inspection system condemns 1 million pounds of meat and meat food products every working day, thereby preventing unfit products from ever reaching the market.

If the emphasis placed on the MID's important function in the field of chemical additives tends to give the impression that this is its only or even its principal responsibility, that point should be cleared up. Quoting from the Division's most recent annual report, following is an enumeration of its activities during the past year:

"(1) Examination of food animals, including cattle, calves, sheep, swine, goats, and horses prior to slaughter to eliminate those animals found to be affected with diseases or other unwholesome conditions; (2) a thorough postmortem examination of each carcass at time of slaughter to detect and eliminate diseased and otherwise unfit meat; (3) destruction for food purposes of all diseased, unsound or otherwise unwholesome meat and meat food products; (4) supervision of the preparation of meat and meat food products to assure their cleanliness and wholesomeness during their preparation into articles of food; (5) guarding against the use of harmful preservatives and other deleterious ingredients; (6) supervision of the application of marks to meat and meat food products to show that they are 'U.S. Inspected and Passed'; (7) supervision of the application of informative labeling and prevention of the use of false and deceptive labeling on meat and meat food products; (8) certification of meat and meat food products for export; (9) inspection of meat and meat food products offered for importation into this country; (10) examination of meat and meat food products for compliance with specification requirements of governmental purchasing agents; (11) such investigations as are necessary to insure the accuracy and effectiveness of the inspection procedures; (12) supervision of the manufacture and labeling of process or renovated butter; (13) guarding against residues in meat resulting from ingestion, treatment with or exposure to such substances as pesticides, growth-promoting substances, drugs or biologicals; and (14) developing and determining acceptable methods for humane slaughter of meat animals."

Another function of the MID, although a byproduct of its major activities, is the statistical reporting which it does. The figures which are generated in this Division measuring the volume of slaughtering and processing of federally inspected plants are the most accurate we have on the livestock and meat industry. I mention this as a 15th point because of the dependence which we all have on these MID figures; therefore, we need to recognize this function of the Division in any consideration of its appropriations.

It is remarkable actually that a service of this scope and thoroughness can be conducted with the modest appropriation which is provided. Just one incident of the cranberry-type occurring in the meat industry could cost the public more than the whole year's meat inspection appropriation, and the public can consider itself fortunate that this inspection program is in the hands of such a dedicated group of professionals as Dr. A. R. Miller and his associates.

Mr. Chairman, I have long been convinced that the money spent by the Government on Federal meat inspection was money wisely invested. Sometimes I have felt frustrated because I was not sure that others appreciated the significance of this service. If the public furore over chemicals has done nothing else, it has given new emphasis to the essential work being done by the Meat Inspection Division and to the importance of providing adequate funds for its support. The American Meat Institute most earnestly urges that you approve the amount of the budget request to cover Federal meat inspection for the 1961 fiscal year.

Now I would like to discuss a less publicized but extremely important activity of the Department of Agriculture, i.e., its Crop and Livestock Reporting Service.

As you are well aware, U.S. agriculture is going through a virtual revolution both in the technology of production and in its economic organization. The hog industry is no exception in this respect. Fewer farmers are raising hogs and there is an increase in the number of hogs raised per farm. Along with this trend in greater production per farm has been a shift to the practice of multiple farrowings and a change in the seasonal production of pork. For example, in the early 1930's, 14 percent of the spring farrowings were in the months of December, January, and February. For the 1959 crop, it was 38 percent. In addition, the Southeastern States have expanded greatly in hog and other livestock production. Hogs reach marketable age earlier today than in the past.

These changes multiply greatly the problems of estimating crop and livestock production. Specific procedures for continually evaluating these revolutionary changes would seem to be a necessary part of the Department of Agriculture estimates program.

If my memory is correct, I believe, Mr. Chairman, that several years ago you requested the USDA's recommendation for an immediate and long-range program for the development and improvement of the agricultural estimating work of the Department. This report was made to your committee in 1957. However, to my knowledge, there has been limited progress in the modernizing of the procedures or techniques developed for improving the accuracy of the pig crop estimates as we have moved through this revolutionary period in hog raising.

Basically, the pig crop reports are and have been good, but the present reporting program is not adequately filling present-day requirements.

For example, hog prices have advanced markedly since the first of the year, and currently there is a very lively discussion going on in the swine industry as to whether or not producers have changed their breeding intentions for 1960. A partial answer to this important question will be provided by the quarterly survey released today.

However, a full-fledged estimate of the 1960 spring crop will not be released until June 21. By that time some pigs from this crop already will be on their way to market. The absence of specific knowledge as to what is happening to hog production in the meantime will make it difficult for any part of the swine industry to adjust to these changes. Our livestock economy does a better job for both producers and consumers when it can avoid radical changes that occur when actual production trends are not known.

We understand that the Department has a plan which seems very feasible. This would expand the quarterly pig crop from the present 10 States to 16 States: including 12 North Central States, North Carolina, Georgia, Kentucky, and Tennessee. These 16 States accounted for 85 percent of the U.S. pig crop in 1959. These figures would show the number of hogs on farms, the number of sows farrowed and pigs saved during the preceding quarter, the number of sows farrowed by months, the farrowing intentions for the following 6-month period by quarters, and revisions as needed in inventory and farrowing estimates for previous quarters. These details are the same as now published in the 10 States quarterly report except that the present reports do not include estimates of pigs saved, they do not include estimates of sows farrowed by months, and they do not include revisions for prior quarters.

The institute isn't trying to unnecessarily enlarge the agricultural budget but it feels that of the large quantity requested for research, some of this sum could be wisely earmarked for improvement of the livestock estimating procedures and reports.

An improvement in the pig crop data would be beneficial to all segments of the industry, including producers, transportation agencies, processors, retailers, and consumers.

The Department of Agriculture is doing far too little research on chemicals for agriculture. Chemicals are an essential part of the production of good food. They always have been. The complexity of consumer demands for variety and quality in the food supply make the use of safe chemicals even more important today.

Everyone is concerned, and rightly so, that only safe chemicals be used. We in the meatpacking industry have adhered closely to this philosophy for more than half a century under the careful control of the Department's Meat Inspection Service.

The producer, especially the producer of livestock and dairy products, needs improved methods for dealing with the multitude of diseases and pests that threaten every day to destroy and contaminate his products. The Department should take the lead in developing new chemicals and biological methods for dealing with these diseases and pests without leaving any questionable residues.

The Department's scientists have many leads for developments of this kind, but have not been able to follow through on them. Such things as the use of powerful lures that will attract insects for long distances to commit suicide in specially designed traps and the use of special chemicals which affect the reproductive capacity of the insects in such a way as to bring about insect rate suicide should be vigorously developed. These things can be done without any harmful effect to man or other warmblooded animals if we just put a real effort into it.

This is not to say the chemical industry have not done a good job. They have and they can be expected to continue to do so. However, in areas where residues in food or feed are a critical consideration, the Department must take the lead in new developments which will maintain consumer confidence in the products of agriculture.

Mr. Chairman, the American Meat Institute is especially glad to see that the Department has requested one and a half million dollars for intensive research to develop new chemicals and biological measures for use in agriculture to avoid hazards from residues. Our only quarrel with this request is that it is in our opinion not nearly enough when we consider that private industry requires a million to a million and a half dollars to develop just one chemical for the market. We think this amount should be increased to at least 8 or 10 times, with one-third of whatever the amount in the first year set aside for a modern laboratory and equipment where teams of the best scientists can be brought to work on this problem.

It is the considered judgment of the American Meat Institute, which has been actively concerned with this problem for several years, that expenditures of Federal funds in this area are essential, wise and in the public interest. It is an area in which the meatpacking industry and the American Meat Institute have and are spending considerable amount of research funds. This problem calls for effort on the part of Government, producers of agricultural products and the processors of food, in the national welfare.

Thank you.

SENATE

MONDAY, MARCH 21, 1960

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O God, in whose providence we are come to the gateway opening to another springtime, we are grateful for the calming confidence that if winter comes, a resurrected earth cannot be far behind.

We are girded by the faith invincible that the calendar of Thy eternal design brings surely the hour when out of winter's tomb there emerge blossoming trees and the time for the singing of birds; and that when man sees but withered leaves, Thou dost see sweet blossoms growing.

In the certainty of the divine schedule of Thy kingdom's coming, in these sacred weeks of the Lenten period, we would fix our gaze upon the Master of life who set His face steadfastly against the forces of hypocrisy and expediency, against selfish nationalism, and a religion of mere form, as He declared—the spirit of the Lord is upon me—because He hath anointed me to preach good news to the poor—He has sent me to proclaim release to the captive, and to set at liberty those who are oppressed.

Taking His purpose as our own, give us the strength in these days to follow in His train.

In His name we ask it. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Friday, March 18, 1960, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on March 18, 1960, the President had approved and signed the following acts:

S. 2033. An act to amend the mining laws of the United States to provide for the inclusion of certain nonmineral lands in patents to placer claims;

S. 2061. An act to authorize the issuance of prospecting permits for phosphate in lands belonging to the United States;

S. 2268. An act to declare that the United States holds title to certain land in trust for the White Mountain Apache Tribe, Arizona;

S. 2431. An act to provide for the striking of medals in commemoration of the 100th anniversary of statehood of the State of Kansas; and

S. 2454. An act to provide for the striking of medals in commemoration of the 100th anniversary of the founding of the pony express.

REPORT ON PROGRAM FOR DISCOVERY OF MINERAL RESERVES—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was referred to the Committee on Interior and Insular Affairs:

To the Congress of the United States:

I transmit herewith the Third Semiannual Report of the Secretary of the Interior prescribed by section 5 of the act of August 21, 1958, entitled "To provide a program for the discovery of the mineral reserves of the United States, its territories and possessions by encouraging exploration for minerals, and for other purposes."

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *March 21, 1960.*

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 607) for the relief of the estate of Sinclair G. Stanley.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour; and I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, I should like to give all Members notice of the possibility of a Saturday session, so they can arrange their plans accordingly. We did not have a session last Saturday; but I am hopeful that we can make sufficient progress this week, that the civil rights bill from the House will reach us, that we shall remain in session during the latter part of the week, and that we can have a Saturday session. So I should like to have all Members on notice that they may anticipate that.

ORDER DISPENSING WITH THE CALL OF THE CALENDAR

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the call of the calendar be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PLANS FOR WORKS OF IMPROVEMENT IN MISSISSIPPI, NEBRASKA, NEW YORK, NORTH DAKOTA, TENNESSEE, AND VIRGINIA

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on Chiwapa Creek and Mulberry Creek, Miss.; Wilson Creek, Nebr.; Conewango Creek, N.Y.; North Branch Forest River, N. Dak.; Bear Creek and Cypress Creek, Tenn.; Porters Creek, Tenn. and Miss.; and Buffalo Creek, Va. (with accompanying papers); to the Committee on Agriculture and Forestry.

REPORT ON NUMBER OF OFFICERS ON DUTY WITH DEPARTMENT OF ARMY AND ARMY GENERAL STAFF

A letter from the Secretary of the Army, transmitting, pursuant to law, a report of the number of officers on duty with the Department of the Army and the Army General Staff on December 31, 1959 (with accompanying papers); to the Committee on Armed Services.

AIRCRAFT MAINTENANCE FACILITIES AT GRENIER AIR FORCE BASE, MANCHESTER, N.H., AND SCHENECTADY COUNTY AIRPORT, SCHENECTADY, N.Y.

A letter from the Assistant Secretary of Defense, Properties, and Installations, reporting, pursuant to law, that approval has been granted to proceed with projects for aircraft maintenance facilities at Grenier Air Force Base, Manchester, N.H., and Schenectady County Municipal Airport, Schenectady, N.Y., for the Air National Guard, at an estimated cost of $150,000 at each location; to the Committee on Armed Services.

REPORT OF SMALL BUSINESS ADMINISTRATION

A letter from the Administrator, Small Business Administration, Washington, D.C., transmitting, pursuant to law, a report of that administration, covering operations between July 1, 1959, and December 31, 1959 (with an accompanying report); to the Committee on Banking and Currency.

REPORT OF U.S. INFORMATION AGENCY

A letter from the Acting Director, U.S. Information Agency, Washington, D.C., transmitting, pursuant to law, a report of that Agency, covering the period July 1 to December 31, 1959 (with an accompanying report); to the Committee on Foreign Relations.

REPORT ON GRANTS FOR SUPPORT OF SCIENTIFIC RESEARCH

A letter from the Assistant Secretary of Defense, reporting, pursuant to law, that during the period August 25, 1959, to December 31, 1959, one grant of $20,400 had been approved for Georgetown University, Washington, D.C., for support of scientific research; to the Committee on Government Operations.

REPORT OF BLINDED VETERANS ASSOCIATION

A letter from the executive director, Blinded Veterans Association, Washington, D.C., transmitting, pursuant to law, an auditor's report on that association, for the 6 months ended December 31, 1959 (with an accompanying report); to the Committee on the Judiciary.

PLANS FOR WORKS OF IMPROVEMENT IN ALABAMA, GEORGIA, KANSAS, AND KENTUCKY

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on Terrapin Creek, Ala. and Ga., East and West Fork Point Remove Creek, Ark., Upper Verdigris, Kans.,

and Beaver Creek, Ky. (with accompanying papers); to the Committee on Public Works.

REPORT OF NATIONAL ACADEMY OF SCIENCES

A letter from the president, National Academy of Sciences, Washington, D.C., transmitting, pursuant to law, a report of that academy, for the fiscal year ended June 30, 1959 (with an accompanying report); to the Committee on Rules and Administration.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Nevada; to the Committee on Banking and Currency:

"SENATE JOINT RESOLUTION 5

"Resolution memorializing the Congress of the United States to permit the Director of the Mint to furnish blueprints or parts to put Carson City Mint press in operable condition to strike silver medallions

"Whereas the Carson City Mint, established in 1870, at one time led all mints in coining domestically produced gold and silver; and

"Whereas Carson City minted double eagles, eagles, half-eagles, dollars, trade dollars, halves, quarters, 20-cent pieces called 'short bits,' dimes and pennies, including the last trade dollar and the last silver 'Morgan' dollar ever minted; and

"Whereas after coinage was discontinued at the mint in 1893, the building became a Federal assay office and, after purchase by the people of the State of Nevada, is now the Nevada State Museum, wherein the Carson City Mint press is prominently displayed; and

"Whereas the people of the State of Nevada desire to operate the Carson City Mint press in the State Museum to strike silver medallions commemorating the Silver State, to dramatize the prestige of the precious metal, to perpetuate the prized and historic 'CC' mint mark and to strike medals for other Western States seeking to stimulate their mining industries; and

"Whereas heretofore the Federal Government has refused to release the blueprints or the several parts necessary again to put the mint press into operation: Now, therefore, be it

"Resolved by the Senate and Assembly of the State of Nevada, jointly, That the Congress of the United States is hereby memorialized to permit the Director of the Mint or other appropriate officer to furnish the board of directors of the Nevada State Museum with blueprints or the parts with which to put the Carson City Mint press in operating condition; and be it further

"Resolved, That certified copies of this resolution be prepared and transmitted forthwith by the Legislative Counsel to the Vice President of the United States, the Speaker of the House of Representatives, and to each Member of Nevada's congressional delegation.

"Adopted by the senate February 15, 1960.

"REX BELL,
"President of the Senate.
"LEOLA H. WOHLFEIL,
"Secretary of the Senate.

"Adopted by the assembly February 19, 1960.

"RENDA POOLE,
"Speaker of the Assembly.
"NATHAN HURST,
"Chief Clerk of the Assembly."

A joint resolution of the Legislature of the State of Nevada; to the Committee on Interior and Insular Affairs:

"ASSEMBLY JOINT RESOLUTION 1

"Resolution memorializing the Congress of the United States, Nevada's congressional delegation and the Bureau of Indian Affairs of the U.S. Department of the Interior to continue aid to American Indians

"Whereas the welfare of many American Indians is being sadly neglected; and

"Whereas the American Indians' centuries old manner of living was greatly changed without their consent; and

"Whereas American Indians as an ethnic group have not advanced sufficiently to allow them to compete for jobs in the modern world; and

"Whereas any sudden termination of the functions of the Bureau of Indian Affairs would throw too great a burden on the States and their political subdivisions; and

"Whereas the care of American Indians has traditionally been a Federal function: Now, therefore, be it

"Resolved by the Assembly and Senate of the State of Nevada (jointly), That the Congress of the United States and the Bureau of Indian Affairs of the U.S. Department of the Interior are hereby memorialized to continue the present policy of educating and preparing American Indians by means of an increased program of vocational education, better housing and better health care: And be it further

"Resolved, That the Congress of the United States and the Bureau of Indian Affairs of the U.S. Department of the Interior are hereby memorialized to assist American Indians by leasing Indian lands, with approval of the tribal council or a vote of the Indian people whom it would affect, to outside capital which will lead to the development of such lands, foster the employment of American Indians and increase the income of American Indians through rental moneys: And be it further

"Resolved, That the congressional delegation of the State of Nevada is hereby memorialized to take such positive action as is proper and necessary to carry out the intent and purpose of this resolution; And be it further

"Resolved, That certified copies of this resolution be prepared by the legislative counsel and transmitted forthwith to the Vice President of the United States, Speaker of the House of Representatives, each member of Nevada's congressional delegation and the Commissioner of the Bureau of Indian Affairs of the U.S. Department of the Interior

"Adopted by the senate, February 15, 1960.

"REX BELL,
"President of the Senate.
"LEOLA H. WOHLFEIL,
"Secretary of the Senate.

"Adopted by the assembly, February 3, 1960.

"BRUCE PARKS,
"Speaker of the Assembly.
"NATHAN T. HURST,
"Chief Clerk of the Assembly."

A resolution adopted by the Board of County Commissioners, Lee County, Fla., favoring the enactment of legislation to provide funds for the construction of the Intracoastal Waterway in the State of Florida; to the Committee on Appropriations.

The petition of William Harvey Dittman, of San Francisco, Calif., praying for the early confirmation of his nomination as an ensign in the Navy; to the Committee on Armed Services.

Memorials signed by Millie Kluss, and sundry other citizens of the State of Wisconsin, remonstrating against the adoption of the resolution (S. Res. 94) relating to the recognition of the jurisdiction of the International Court of Justice in certain disputes hereafter arising; to the Committee on Foreign Relations.

A resolution adopted by the board of governors of the American Bar Association, Chicago, Ill., favoring the enactment of legislation with respect to the control of travel abroad by U.S. citizens; to the Committee on Foreign Relations.

A resolution adopted by the council of the city of New York, favoring the enactment of legislation to provide a minimum wage law of $1.25 per hour; to the Committee on Labor and Public Welfare.

A letter in the nature of a petition from the Postal Union of Manhattan-Bronx Clerks, New York, N.Y., paying tribute to the late Senator Richard L. Neuberger; ordered to lie on the table.

By Mr. SALTONSTALL (for himself and Mr. KENNEDY):

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Labor and Public Welfare:

"RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION OUTLAWING DISCRIMINATION IN EMPLOYMENT BECAUSE OF AGE

"Whereas many older people can work as effectively as younger people but find difficulty in obtaining employment: Therefore be it

"Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to give early and favorable consideration to the enactment of legislation outlawing discrimination in employment because of age; and be it further

"Resolved, That copies of these resolutions be sent forthwith by the secretary of the Commonwealth to the Senators and Representatives in Congress from this Commonwealth.

"Adopted by the house of representatives February 29, 1960.

"LAWRENCE R. GROVE,
"Clerk.

"Adopted by the senate in concurrence March 2, 1960.

"IRVING N. HAYDEN,
"Clerk."

By Mr. COOPER:

A concurrent resolution of the Legislature of the Commonwealth of Kentucky; to the Committee on Interior and Insular Affairs:

"CONCURRENT RESOLUTION MEMORIALIZING THE CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO CREATE A NATIONAL COAL RESEARCH AND DEVELOPMENT COMMISSION AS AN INDEPENDENT AGENCY

"Whereas a strong, healthy, coal mining industry is essential to the economic welfare and security of the United States and the Commonwealth of Kentucky; and

"Whereas the coal industry at large and particularly within the Commonwealth of Kentucky has long been economically ill and highly vulnerable to economic recessions, and the inroads of competitive fuels; and

"Whereas short-range research and development activities would aid in promptly improving and strengthening the industry; and

"Whereas the Bureau of Mines of the Interior Department as a matter of policy concentrates on long-range studies and has indicated a reluctance or incapacity to engage in short-run investigations; and

"Whereas the research efforts of the Bureau of Mines and industry in general are inadequate in relations to current problems and research opportunities and clearly need to be supplemented by an expanded Government program; and

"Whereas a short-range, federally supported coal research and development program if it is to be conducted expeditiously and effectively and achieve the maximum end results should be administered by an independent Federal agency unshackled and uninhibited by traditional approaches and restricted policies: Now, therefore, be it

"Resolved by the House of Representatives of the Commonwealth of Kentucky (the Senate concurring therein):

"SECTION 1. That the Congress of the United States and the President be memorialized to create a National Coal Research and Development Commission as an independent agency of the Federal Government.

"SEC. 2. That the clerk of the house forward copies of this resolution to the President of the United States and to the Members of Congress from Kentucky."

Two concurrent resolutions of the Legislature of the Commonwealth of Kentucky; to the Committee on Public Works:

"CONCURRENT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES OF AMERICA TO CONSIDER APPROPRIATE LEGISLATION TO PROHIBIT THE CONSTRUCTION OF BRIDGES ACROSS THE OHIO RIVER WHICH DO NOT HAVE ADEQUATE CLEARANCE FOR RIVER TRAFFIC

"Whereas 73,476,894 tons of domestic freight was moved over the Ohio River in 1958 and preliminary calculations indicate an even greater amount in 1959; and

"Whereas the utility of this artery of transportation is threatened by the erection of more bridges across the Ohio River, which, because of inadequate clearance, impede the river traffic; and

"Whereas the development of this Nation's natural resources, the prosperity and economic development of the Ohio River Valley, and interests of national defense depend upon the full utilization of this waterway: Now, therefore, be it

"Resolved by the Senate of the Commonwealth of Kentucky (the House of Representatives concurring therein):

"SECTION 1. That the Congress of the United States of America be, and it hereby is, memorialized to consider appropriate legislation to prohibit the construction of bridges which do not have adequate clearance for river traffic across the Ohio River.

"SEC. 2. That the clerk of the senate be directed to forward copies of this resolution to the U.S. Senators and Representatives elected from Kentucky, and to the Speaker of the House of Representatives and the President of the Senate of the Congress of the United States."

"HOUSE RESOLUTION 70

"Concurrent resolution memorializing Congress to make possible the construction of Cave Run Reservoir on Licking River

"Whereas it has been long recognized that the Licking River has many advantages as a potential reservoir site; and

"Whereas a dam in the Cave Run area close to the source of the river would prevent the floods that periodically sweep the length of the river; and

"Whereas the opportunities presented by the power source and the recreational facilities that would attend the construction of the dam and reservoir would attract industries and visitors, to the benefit of the entire State: Now, therefore, be it

"Resolved by the House of Representatives of the Commonwealth of Kentucky (the Senate concurring therein):

"SECTION 1. That the U.S. Congress is hereby petitioned and memorialized to appropriate funds to construct the Cave Run Reservoir, on the Licking River.

"SEC. 2. That the clerk of the senate cause copies of this resolution to be sent to the President of the U.S. Senate, the Speaker of the U.S. House of Representatives and to each of the Senators and Representatives of the Commonwealth of Kentucky now serving in the Congress."

FEDERAL SPENDING — FEDERAL SCHOOL AID—RESOLUTIONS

Mr. WILEY. Mr. President, I present, for appropriate reference, two resolutions adopted at a conference of a 16 independent southeastern Wisconsin taxpayer organizations, relating to Federal spending and Federal school aid. I ask unanimous consent that the resolutions may be printed in the RECORD.

There being no objection, the resolutions were received, appropriately referred, and ordered to be printed in the RECORD, as follows:

To the Committee on Finance:

"RESOLUTION ON FEDERAL SPENDING

"Whereas the proposed Federal budget for fiscal year 1961 shows a commendable surplus of $4.2 billion; and

"Whereas this surplus is extremely vulnerable to expenditure increases or revenue losses; and

"Whereas this or an even larger surplus is essential in prosperous times to make possible reductions in our national debt and taxes; and

"Whereas high Government debt and high taxes contribute substantially to the inflation that remains the most serious problem of our time; and

"Whereas a strong factor in high debt, high spending, and high taxes is the Federal aid system which is becoming primarily a political device for transferring power from the States to the Federal Government while increasing Federal costs; and

"Whereas another potent factor in the high debt, high spending and high taxes is lack of complete congressional control of spending: Now, therefore, be it

"Resolved by this area conference of southeastern Wisconsin taxpayer organizations, That the Wisconsin congressional delegation support all measures for improving expenditure controls and oppose any measures designed to lessen the amount of surplus money available for orderly debt retirement and tax reduction."

To the Committee on Labor and Public Welfare:

"RESOLUTION ON FEDERAL SCHOOL AID

"Whereas education traditionally and successfully has been the responsibility of State and local government; and

"Whereas Wisconsin with per capita personal income below the national average is doing the best job nationally in terms of supplying classrooms for its children as needed; and

"Whereas the average teaching load in the public schools of Wisconsin is considerably lighter than the maximum recommended by the state department of public instruction; and

"Whereas Wisconsin over the past 9 years has spent more than $400 million to construct school facilities in quantity sufficient to house half the public school enrollment of the State; and

"Whereas Wisconsin accordingly, without Federal aid, is providing all the school facilities it needs and has been able to acquire teachers at a rate equal to that of the growth of school enrollments: Now, therefore, be it

"Resolved by the area conference of taxpayer organizations assembled in Kenosha this 7th day of March 1960, That the Congress of the United States of America be urged to reject any and all proposals for the Federal Government to enter the education field through aid for school construction, operation, or teacher salaries."

GRASSLAND NATIONAL PARK, KANS.—RESOLUTION

Mr. CARLSON. Mr. President, there is much interest in the establishment of a Grassland National Park in Pottawatomie County, Kans., near the Tuttle Creek Reservoir.

The Board of County Commissioners of Pottawatomie County adopted a resolution approving and supporting the location of this park, but officially protested the extension of the park area to where it will join the Tuttle Creek Reservoir.

I ask unanimous consent that the resolution be printed in the RECORD, and referred to the Committee on Interior and Insular Affairs.

There being no objection, the resolution was referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

RESOLUTION ON GRASSLAND NATIONAL PARK

Whereas the proposed location of the Grassland National Park is in the western portion of Pottawatomie County, Kans.; and

Whereas there is a further proposal to extend the park area, westward, to where it will join the eastern rim of the Tuttle Creek Reservoir; and

Whereas if the area of said proposed park is extended westward, to where it joins the Tuttle Creek Reservoir, it will utilize and take much valuable land that is ideal for commercial, residential, and recreational purposes, and it will deprive the present landowners of the opportunity of exploring and developing the same, all of which will materially affect the tax structure of said county; and

Whereas the proposed Grassland National Park, if located in Pottawatomie County, Kans., will affect roads, bridges, school districts, zoning, tax structure, etc.; and

Whereas the Board of County Commissioners of Pottawatomie County, Kans., in performing its administrative duties in said county, should be apprised of all proposed and important changes in and to said county: It is therefore

Resolved by the Board of County Commissioners of Pottawatomie County, Kans., That said board approve and support the location of the proposed Grassland National Park in the western portion of Pottawatomie County, Kans.; but said board hereby officially protests the extension of the said park area, westward, to where it will join the Tuttle Creek Reservoir, or interfere with the development of said strip of land; it is further

Resolved by said board, That the Government be asked to address all of its official correspondence, pertaining to said Grassland National Park, to the "Board of County Commissioners, Westmoreland, Kans."

RESOLUTION OF ALLEGANY COUNTY, N.Y., POMONA GRANGE

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution adopted by the Allegany County, N.Y., Pomona Grange, relating to the issuance of passports to certain persons.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas there have been citizens of the United States granted passports; and

Whereas some of these people have used these passports to go to foreign countries and broadcast propaganda about the United States; and

Whereas these people have used the fifth amendment to protect themselves from actions upon return to the United States; and

Whereas the President of the United States has asked for more control in this regard; and

Whereas the Federal Bureau of Investigation is limited in its efforts: Therefore be it

Resolved, That Allegany County Pomona Grange petition the New York State Grange to use its influence to have the laws amended to make such persons subject to more stringent laws in regard to subversive activities and statements in regard to the United States: Therefore be it

Resolved, That a copy of this resolution be sent to our U.S. Senators from New York State, Jacob Javits and Kenneth Keating; Representative Charles Goodell; the New York State Grange master, Leland D. Smith; and grange representative, Kenneth Fake.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JACKSON (by request):

S. 3231. A bill to provide for the termination of Federal supervision over the Georgetown or the Shoalwater Bay Indian Reservation in the State of Washington, and for other purposes; and

S. 3232. A bill to provide for the termination of Federal supervision over the property of the lower Elwha Band of the Clallam Tribe of Indians of western Washington, and the individual members thereof, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. JACKSON (for himself and Mr. MAGNUSON) (by request):

S. 3233. A bill to authorize the issuance of marketing orders with respect to certain fruits for canning or freezing, and the products thereof; to the Committee on Agriculture and Forestry.

By Mr. JACKSON (for himself and Mr. MAGNUSON):

S. 3234. A bill to authorize the Secretary of the Interior to convey to the Sunnyside Valley Irrigation District, Washington, and to the Tieton Irrigation District, Washington, all right, title, and interest of the United States in certain lands, together with the improvements thereon; to the Committee on Interior and Insular Affairs.

By Mr. FONG:

S. 3235. A bill for the relief of Cecilia Rubio; to the Committee on the Judiciary.

By Mr. MARTIN:

S. 3236. A bill to amend title 38, United States Code, to provide for the payment of pensions to veterans of World War I; to the Committee on Finance.

By Mr. SALTONSTALL (by request):

S. 3237. A bill for the relief of Anastasia Stassinopoulos; to the Committee on the Judiciary.

By Mr. FULBRIGHT (by request):

S. 3238. A bill to authorize payment to the Government of the Philippines; to the Committee on Foreign Relations.

(See the remarks of Mr. FULBRIGHT when he introduced the above bill, which appear under a separate heading.)

By Mr. McCARTHY:

S. 3239. A bill to amend the Postal Field Service Compensation Act of 1955, as amended, with respect to position descriptions, salary, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DIRKSEN:

S. 3240. A bill relating to the credit against the estate tax for the amount of gift tax paid on a gift of property which is included in the gross estate of a decedent; to the Committee on Finance.

By Mr. WILLIAMS of Delaware:

S. 3241. A bill to abolish the Federal Farm Mortgage Corporation, and for other purposes; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. WILLIAMS of Delaware when he introduced the above bill, which appear under a separate heading.)

By Mr. ANDERSON:

S. 3242. A bill to amend title II of the Social Security Act to increase to $2,000 the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; to the Committee on Finance.

(See the remarks of Mr. ANDERSON when he introduced the above bill, which appear under a separate heading.)

By Mr. HARTKE:

S. 3243. A bill to permit certain taxpayers who use the cash receipts and disbursements method of accounting to make an election with respect to prepaid subscription income under section 455 of the Internal Revenue Code of 1954; and

S. 3244. A bill relating to the taxable status of sales prior to September 1, 1955, of tubes for use in the production of certain component parts of television receiving sets; to the Committee on Finance.

(See the remarks of Mr. HARTKE when he introduced the above bills, which appear under separate headings.)

By Mr. MARTIN:

S. 3245. A bill to prohibit the imposition by any State of migratory waterfowl hunting restrictions which discriminate unduly against citizens of other States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WILEY (by request):

S. 3246. A bill to exempt the manager-custodian of the Japan Locker Fund from certain dual-compensation restrictions; to the Committee on Armed Services.

By Mr. HICKENLOOPER:

S. 3247. A bill to amend the act of September 9, 1959 (73 Stat. 473), to provide that payment for the lands covered by such act may be made on a deferred basis; to the Committee on Agriculture and Forestry.

By Mr. SYMINGTON:

S. 3248. A bill for the relief of certain sisters of the Missionary of Our Lady of Mercy; to the Committee on the Judiciary.

By Mr. EASTLAND:

S. 3249. A bill for the relief of Salwa Salameh; to the Committee on the Judiciary.

RESTORATION OF FREEDOM TO CAPTIVE NATIONS

Mr. DOUGLAS submitted the following concurrent resolution (S. Con. Res. 95), which was referred to the Committee on Foreign Relations:

Whereas the rulers of the Soviet Union have repeatedly declared their determination to pursue relentlessly their political, economic, and ideological drive for a worldwide victory for communism; and

Whereas in their efforts to attain that objective, the leaders of Russian communism, through force of arms, subversion, infiltration and other unlawful means, have imposed puppet Communist regimes upon the people of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Viet-Nam, and others; and

Whereas the leaders of Russian communism have employed organized tryanny, terror, mas killings and deportations, and other inhuman means to crush the spirit of the people of these captive nations and to transform their countries into political, social, economic, and cultural replicas of the Russian Soviet State; and

Whereas in direct violation of the commitments set forth in the Atlantic Charter and the provisions of the Yalta Agreement, the peoples of the captive nations are still being denied the right of self-government by democratic means and the opportunity to choose, through free and unfettered elections, national governments of their own free choice; and

Whereas in contravention of duly ratified treaties of peace, of the Charter of the United Nations of the universal declaration of human rights, and of expressions of the United Nations General Assembly, the people of the captive nations are being systematically deprived of the exercise of fundamental freedoms and basic human rights; and

Whereas the Eighty-sixth Congress did unanimously enact the captive Nations week resolution as a testament of support for the legitimate aspirations of the people of all the captive nations, thus recognizing the common plight of all the submerged nations forcibly incorporated into the Russian Communist empire during the past 42 years; and

Whereas the President of the United States has concurred in this action by Congress by signing the resolution into law and declaring by public proclamation that the third week of July shall henceforth be observed officially as "Captive Nations Week"; and

Whereas the United States of America has stood firmly on the principle of self-determination, welcoming the enlargement of the area of freedom and self-government and insisting on the inalienable right of the people of the captive nations to live under governments of their own choice; and

Whereas the United States of America has consistently refused to sanction, either directly or by implication, the political status quo of the captive nations, which the leaders of Russian communism have persistently attempted to impose upon the countries of the free world, particularly the United States; and

Whereas the attainment of a just and lasting peace is inconceivable without the restoration of freedom, independence, and national sovereignty to the captive nations forcibly incorporated into the Russian Communist empire, the United States of America is determined to pursue by all peaceful means the emancipation of these nations: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) The Congress of the United States reaffirms its intention to stand firmly by the people of the captive nations in their aspirations for freedom, liberty, and national independence.

(2) The Congress of the United States invites the active cooperation of all nations and men of good will in a crusade for peace with justice and freedom for all mankind; and

(3) The Congress of the United States urges the President to pursue energetically and as a matter of first priority at the forthcoming summit conference the inalienable right of all people to self-government, individual liberty, and the basic human freedoms, and, in particular, the restoration of these God-given rights to the people of the captive nations.

RESOLUTION

EXTENSION OF TIME FOR FILING REPORT BY, AND CONTINUATION OF AUTHORITY OF, THE SELECT COMMITTEE ON IMPROPER ACTIVITIES IN LABOR OR MANAGEMENT FIELD

Mr. McCLELLAN (for himself, Mr. MUNDT, Mr. ERVIN, Mr. GOLDWATER, and Mr. CURTIS) submitted a resolution (S. Res. 294) extending the time for filing the final report of the Select Committee on Improper Activities in the Labor or Management Field and continuing its authority, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. McCLELLAN, which appears under a separate heading.)

PAYMENT TO THE GOVERNMENT OF THE PHILIPPINES

Mr. FULBRIGHT. Mr. President, by request, I introduce, for appropriate reference, a bill to authorize payment to the Government of the Philippines.

The proposed legislation has been requested today by the Acting Secretary of State in a letter to the Vice President of March 3, 1960, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Acting Secretary of State to the Vice President with regard to it.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 3238) to authorize payment to the Government of the Philippines, introduced by Mr. FULBRIGHT, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

SECTION 1. There is hereby authorized to be paid by the Government of the United States to the Government of the Republic of the Philippines a sum not to exceed $73 million in full satisfaction and final settlement of all awards for war damage compensation made by the Philippine War Damage Commission under the terms of title I of the Philippine Rehabilitation Act of 1946 (60 Stat. 128).

SEC. 2. There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated the amount of $73,000,000 less the amount determined by the Secretary of the Treasury in consultation with the Secretary of State to be owing to the Government of the United States by the Government of the Philippines under the terms of the agreement relating to the repayment of funds advanced to the national defense forces, Republic of the Philippines by the United States Philippines-Ryukyus Command signed at Washington November 6, 1950, and entered into force on that date.

SEC. 3. There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated a sum not to exceed $10,000 which shall be available to the Secretary of the Treasury for administrative expenses which may be incurred in supplying records appropriate and needed by the Philippine Government consistent with the purposes of this Act, and the transfer to the Philippine Government of such records is hereby authorized.

The letter presented by Mr. FULBRIGHT is as follows:

MARCH 3, 1960.

The Honorable RICHARD M. NIXON,
President of the Senate.

DEAR MR. VICE PRESIDENT: There is enclosed for the consideration of the 86th Congress the draft of a proposed bill entitled "An act to authorize payment to the Government of the Philippines." The proposed measure is the culmination of long study by appropriate agencies of the executive branch of the Government of an important problem: final settlement of all awards for war damage compensation made by the Philippine War Damage Commission under the terms of title I of the Philippine Rehabilitation Act of 1946 (60 Stat. 128).

The draft bill authorizes the Government of the United States to pay to the Republic of the Philippines a sum not to exceed $73 million, which amount reflects the statutory maximum of unpaid private claims according to the reports of the War Damage Commission. It also provides that the appropriations for this purpose be reduced by any amount owed by the Government of the Philippines to the Government of the United States under the terms of an agreement (generally referred to as the Romulo-Snyder Agreement) signed by the two countries on November 6, 1950.

The records of the War Damage Commission are now largely in the custody of the Department of the Treasury. The draft bill provides for the appropriation of a sum not to exceed $10,000 for administrative expenses which may be incurred in supplying appropriate records to the Philippine Government and authorizes the transfer of such records to that Government.

The Philippine Rehabilitation Act of 1946 (Public Law 370, 79th Cong.), as a manifestation of U.S. good will toward the Philippine people, provided for the payment of $120 million for restoration and improvement of public property and essential public services. The sum has been paid in full. The act also provided for payments, on account of war damage to private property in the Philippines, for rebuilding, replacement, or repair of such damaged property. These payments could, by the act, amount to a maximum of 75 percent of the approved amount of each claim after an initial $500 had been paid on each claim. The $400 million appropriated under that act for this purpose was sufficient to pay the initial $500 on each claim and approximately 52.5 percent of the amount of each claim in excess of $500 and such payments were made.

While the United States is under no legal obligation to make further war damage payments in the Philippines, it is the view of the Department of State that a payment in settlement of this matter would be of substantial assistance to the United States in attaining its foreign policy objectives. The Philippine people feel that the program provided for by the Philippine Rehabilitation Act of 1946 was not carried out as fully as the law permitted. While all claims of $500 or less were paid in full and approximately 52.5 percent of the excess over $500 was paid, the act had provided that up to 75 percent could be paid on these larger claims. Additional war damage payments are therefore looked on by the Filipinos as the fulfillment of a moral obligation, already recognized by our Congress, to provide assistance because of war damage sustained in the defense of the interests of the United States and the Philippines. The Philippine Government and people sincerely feel that the failure of the United States to appropriate additional war damage compensation has defeated a legitimate expectation of assistance from the United States to a firm ally which was severely damaged in the mutual war effort. The Department of State considers that settlement of this claim would remove any basis for the Philippine belief that the United States has not fulfilled its promises to the Philippines.

The executive branch believes that rebuilding, replacement, or repair of war damaged private property in the Philippines is no longer practicable. Moreover, in view of the time which has elapsed since the original claims were approved, and since the United States-Philippine War Damage Commission went out of existence on March 31, 1951, it is not considered practicable for the U.S. Government to assume any responsibility for the payment of the balance of approved individual private property claims. It is proposed, therefore, that settlement be made directly with the Philippine Government, whereupon the U.S. Government would consider itself divested of any responsibility for payment to private claimants.

Under the Romulo-Snyder Agreement of 1950, the United States converted into a loan to the Philippine Government the residual balance of certain funds advanced to the Philippines but not returned as previously agreed. The agreement provided that the exact amount of the loan should be determined by the results of an audit by the Philippine-Ryukyus command of the U.S. Army and that repayment of principal and interest should be made in 10 annual installments, the last of which would be due on May 31, 1960. An audit of April 1951 and a reconciliation of audit of December 1952 set the figure due the United States at approximately $37.5 million, which figure the Philippine Government, pointing to alleged inaccuracies and discrepancies in the figures of the audits, has been unwilling to accept. After making the first four annual payments, the Philippines defaulted and has made no further payments, there remaining some $24 million to be paid by May 31 of this year. Consultations between representatives of the two governments concerning the exact amount due and payable as of that date are now in progress. It is the final figure resulting from these discussions which, according to the presently proposed legislation, would be deducted from the amount to be paid to the Government of the Philippines.

The draft legislation was prepared by the Department of State in consultation with the Department of the Treasury. It is based on a full and careful consideration of the problems involved. Prompt and favorable action resulting in the payment of the compensation would strengthen the ties of friendship between the United States and the Philippines.

The Bureau of the Budget advises that enactment of the proposed legislation would be in accord with the program of the President.

I respectfully request that early consideration be given to the proposed legislation which is transmitted herewith. A similar communication is being sent to the Speaker of the House of Representatives.

Sincerely yours,

DOUGLAS DILLON,
Acting Secretary.

Enclosure: A draft bill to authorize a payment to the Government of the Philippines.

ABOLITION OF FEDERAL FARM MORTGAGE CORPORATION

Mr. WILLIAMS of Delaware. Mr. President, one of the hardest things to accomplish in Washington is the abolishment of a Federal agency once it gets started. That is true even though the agency may well have outlived its useful purpose.

Today I am sending to the desk a bill the purpose of which is to abolish a depression-born agency and one whose services have not been used during the past 15 years. This agency, however, still retains all of its previously conferred powers, including the powers to borrow up to $2 billion and to pledge the credit of the U.S. Government for payment.

The agency to which I refer is the Federal Farm Mortgage Corporation, which was established by an act of Congress on January 31, 1934, primarily for the purpose of enabling the Land Bank Commissioner to make, on behalf of the Corporation, second mortgage loans as well as first mortgage loans on properties on which the lending authority of the Federal land banks was restricted.

This Corporation, in which the Government held all the capital stock, was authorized, subject to the approval of the Secretary of the Treasury, to issue and have outstanding at any one time $2 billion in federally guaranteed bonds, and it could make collateral loans to the Federal land banks as well as purchase the bonds of those banks.

I am not questioning that this Corporation served a necessary function during the depression years; but, with the outbreak of World War II and its accompanying appreciation in Federal income and property values, the services of this agency no longer are necessary, and since the end of World War II it has no longer functioned as a lending agency.

In fact, the authority of the Commissioner to make mortgage loans expired on July 1, 1947, except for refinancing existing loans.

On June 30, 1955, all loans and certain other assets of the Corporation were sold by the Corporation to the Federal land banks.

On September 7, 1957, all their mineral reservations remaining unsold were transferred to the Secretary of the Interior in accordance with provisions of legislation enacted in September 1950.

In September 1957 the Government's investment in the capital stock of the Corporation was fully retired.

The Corporation, however, was not abolished; it still retained its authority, subject to the approval of the Secretary of the Treasury, to issue and have outstanding at any one time federally guaranteed bonds in an aggregate amount not exceeding $2 billion. They still have authority to make collateral loans in the Federal land banks and to purchase their bonds. This authority is not being used, but it is still there.

As of June 30, 1959, the only assets of the Corporation were certain notes receivable from Federal land banks in the amount of $5,602,214. These notes represent the balance due from the sale of the loans and other assets of the Corporation, and they are payable by the representative banks in annual installments.

Collecting these annual payments on notes from the Federal land banks and then transferring the proceeds to the Federal Treasury are the only duties left for this Corporation to perform, but these payments could just as easily be made direct to the Treasury.

I repeat, the Federal Farm Mortgage Corporation during the depression served a useful function. It was started at a time when the Federal land banks were not in a strong financial position, and its purpose was to support these banks by providing additional capital for loans to the farmers during the depression of the 1930's. The Federal land banks are now, however, all in a strong financial position, and everyone agrees that there is no need for any funds or any support from this Corporation.

Although this agency has not made any loans since the depression years and even though the authority of the Commissioner to make mortgage loans expired on July 1, 1947, except for refinancing existing loans, we find that since 1950 the following sums were appropriated to cover their administration expenses:

1951	$1,128,836
1952	989,810
1953	834,731
1954	691,945
1955	572,539

Appropriations were suspended in 1955, during which year all loans and other assets of the Corporation were sold to the Federal land banks; however, during each of the ensuing years authority has been extended in the annual appropriation bills for the corporation to make such expenditures from collected funds as were necessary to continue the liquidation of its assets. These expenditures, however, have been substantially lower, and last year they were reduced to about $5,000. But why this expenditure? Why keep a useless agency alive when it is not needed?

No agency of the Government having the power to borrow and pledge the credit of the U.S. Government in the amount of $2 billion should be allowed to lie around waiting until some bureaucrat with a fanciful imagination decides to revive it.

Congress should not allow this dormant Corporation with its $2 billion borrowing authority—and power to pledge the credit of the United States for repayment—to continue in existence, and it is for this reason that I am today introducing this bill calling for its immediate abolishment.

In conclusion, I ask unanimous consent to have printed at this point in the RECORD a comment in support of the bill made by the Comptroller General in his annual report to the Congress under date of January 15, 1960. I may say this is only one of two of his annual recommendations to the Congress in that connection.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The Federal Farm Mortgage Corporation has been inactive, except for the liquidation of its loans and the program of the sale of its mineral reservations, since July 1, 1947, when its authority to make mortgage loans expired. Effective September 7, 1957, mineral reservations remaining unsold were transferred to the Secretary of the Interior in accordance with the provisions of legislation enacted in September 1950 (7 U.S.C. 1035). The Government's investment in the capital stock of the Corporation was retired during September 1957. The Corporation has authority, subject to the approval of the Secretary of the Treasury and limitations in appropriation acts, to issue and have outstanding at any one time federally guaranteed bonds in an aggregate amount not exceeding $2 billion, to make collateral loans to the Federal land banks and to purchase their bonds. In our audit reports of previous years, we recommended that the Congress take legislative action to terminate the corporate existence of Federal Farm Mortgage Corporation and to transfer its remaining assets, consisting of cash and notes receivable from the Federal land banks, to the Treasury Department. We again are making the same recommendation.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3241) to abolish the Federal Farm Mortgage Corporation, and for other purposes, introduced by Mr. WILLIAMS of Delaware, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

AMENDMENT OF TITLE 2 OF SOCIAL SECURITY ACT

Mr. ANDERSON. Mr. President, I introduce, for appropriate reference, a bill to amend title II of the Social Security Act to increase to $2,000 the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under that title.

Under existing law a person between the ages of 65 and 72 has to meet a retirement test. If he earns more than $1,200 a year he is penalized by receiving an amount of retirement benefits reduced proportionately according to his earnings. After the age of 72 there is no limitation on earnings. I have received a great deal of correspondence from citizens between the ages of 65 and 72 who cannot possibly maintain an adequate standard of living on $1,200 plus their social security benefits. Everyone is familiar with the inflationary pressures which have especially forced hardships on people with fixed incomes or pensions. Rising costs for food, rent, and medical care have been particularly harsh on our elderly citizens.

Many social security recipients are able and willing to work, and employment is available for them. Most of these folks are not crowding others off of the labor market. They are performing services which are needed in the economy, and they certainly need the additional income.

The limitation of $1,200 was enacted in 1954, 6 years ago. I have raised that figure to $2,000 based on the premise that a worker will work at least 50 weeks a year, 40 hours a week at $1 an hour which is the minimum wage in interstate commerce. Mr. President, who will deny our citizens the right to at least earn the minimum wage in their golden years before penalizing them for earning more?

Mr. President, our social security system has worked remarkably well since its creation over 20 years ago. It has paid its own way and in addition has accumulated over $20 billion in the trust fund. Our people have been willing to recognize the facts of life; that is, if we are to get benefits, these benefits must be paid for by premiums in the form of taxes. Therefore, I propose to have this additional benefit pay its own way by increasing taxes the necessary amount. I have been advised by the actuaries in the Social Security Administration that in order to pay for this new benefit it will be necessary to raise the taxes only one-quarter of 1 percent. This, of course, will be shared equally by the employer and the employee. Provision is made for an appropriate increase in the tax of a self-employed person who has coverage. If my bill is enacted, the social security program will be improved and also continued on a sound financial basis.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3242) to amend title II of the Social Security Act to increase to $2,000 the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title, introduced by Mr. ANDERSON was received, read twice by its title, and referred to the Committee on Finance.

ELECTION BY CERTAIN TAXPAYERS WITH RESPECT TO PREPAID SUBSCRIPTION INCOME

Mr. HARTKE. Mr. President, I introduce, for appropriate reference, a bill to permit certain taxpayers who use the cash receipts and disbursements method of accounting to make an election with respect to prepaid subscription income under section 455 of the Internal Revenue Code of 1954. I ask unanimous consent that a short explanation of the bill be printed as a part of my remarks.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the explanation will be printed in the RECORD.

The bill (S. 3243) to permit certain taxpayers who use the cash receipts and disbursements method of accounting to make an election with respect to prepaid subscription income under section 455 of the Internal Revenue Code of 1954, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Finance.

The explanation presented by Mr. HARTKE is as follows:

EXPLANATION BY SENATOR HARTKE

This bill will permit certain taxpayers who use the cash basis method of accounting to treat income from subscriptions to newspapers, magazines, and other periodicals in the manner presently provided by section 455 of the Internal Revenue Code of 1954.

Section 455 was added to the 1954 code by the Technical Amendments Act of 1958 to permit prepaid subscription income to be taken into account for tax purposes ratably over the period of the subscriptions. Prepaid subscription income is the income from a subscription to a newspaper, magazine, or other periodical where the period of the subscription extends beyond the close of the taxable year in which the income is received. The provisions of section 455 are elective with the taxpayer. However, as the section now stands an election may be made only by a taxpayer who uses an accrual method of accounting in the trade or business in which he receives prepaid subscription income.

The proposed bill will permit a taxpayer who uses the cash receipts and disbursements method of accounting in the trade or business in which he receives prepaid subscription income to make the same election, if the taxpayer is under a binding contractual obligation to refund to subscribers the pro rata portion of the amount paid for a subscription if the subscriber decides for any reason to cancel his subscription.

The proposed addition to section 455 of the 1954 code would not be retroactive but would apply only to the current and future taxable years.

TAXABLE STATUS OF SALES OF CERTAIN ELECTRONIC TUBES

Mr. HARTKE. Mr. President, I introduce, for appropriate reference, a bill relating to the taxable status of sales prior to September 1, 1955, of tubes for use in the production of certain component parts of television receiving sets. I ask unanimous consent that a short explanation of the bill, prepared by me, be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the explanation will be printed in the RECORD.

The bill (S. 3244) relating to the taxable status of sales prior to September 1, 1955, of tubes for use in the production of certain component parts of television receiving sets, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Finance.

The explanatory statement presented by Mr. HARTKE is as follows:

EXPLANATION OF S. 3244 BY SENATOR HARTKE

This bill is intended to validate certain procedures which were used by some manufacturers of component parts of the television receiving sets in applying the provisions of the Internal Revenue Codes of 1954 and 1939 which permit tax-free sales of taxable articles from one manufacturer to another manufacturer. Situations have arisen in which, unless this bill is enacted, tax will be paid twice upon the same taxable component part which ultimately was incorporated into another taxable article.

Some manufacturers of television tuners assumed that a tuner for a television receiving set, like a tuner for a radio receiving set, was an article taxable under the Internal Revenue Codes of 1954 and 1939. It was not until 1958 that the Internal Revenue Service published a ruling holding that television tuners did not come within the definition of a radio and television component and therefore were not taxable.

Under the procedure in effect from September 1, 1950 (when television receiving sets first were made subject to Federal excise tax), until September 1, 1955, a manufacturer of a television set, or a manufacturer of a taxable component part of a television set, could purchase tax free other taxable component parts which were to be used in the manufacture of the television set or of the other taxable component part. This procedure, in substance, is still followed today except that in 1955 the Internal Revenue Code of 1954 was amended so as to permit tax-free sales of taxable radio and television components for use in the manufacture of another article whether or not that other article is subject to Federal excise tax.

These manufacturers of television tuners followed the same procedure that they had with respect to radio tuners and purchased tubes (which are taxable items) tax-free for use in the manufacture of their television tuners and in turn sold the tuners tax-free to television set manufacturers, based upon their assumption that the tuners were themselves taxable articles. As a result of the Internal Revenue Service's ruling that television tuners are not, and were not, subject to tax, the manufacturers who used this procedure now find that they should have paid the tax and then recovered it from the television set manufacturers to whom they sold their tuners. The Internal Revenue Service has permitted the manufacturers of television receiving sets to deduct from the tax payable on sales of their sets the tax which had been paid on the tubes.

The Internal Revenue Service is now attempting to collect the tax which under the technically correct procedure should have been paid by the television tuner manufacturers when they purchased tubes and recovered by them from the television set manufacturers to whom they sold their tuners, even though the tax has in effect already been paid by the television set manufacturers when they sold the completed television sets into which they incorporated the tuners containing the tubes.

The proposed bill is not intended to overrule the position of the Internal Revenue Service that television tuners are not radio and television components subject to tax as such, but rather it is intended to validate the procedure used by these manufacturers of television tuners by treating these television tuners as having been subject to tax, in the case of those manufacturers who so treated them, during the period before September 1, 1955.

The provisions of the bill would also be applicable to manufacturers of any other article made to be incorporated into television receiving sets, where the manufacturer assumed that it was subject to tax in purchasing taxable component parts to be used in the article manufactured by him during the period before September 1, 1955.

EXTENSION OF TIME FOR FILING REPORT BY, AND CONTINUATION OF AUTHORITY OF, THE SELECT COMMITTEE ON IMPROPER ACTIVITIES IN LABOR OR MANAGEMENT FIELD

Mr. McCLELLAN. Mr. President, on behalf of myself and Senators MUNDT, ERVIN, GOLDWATER, and CURTIS, I submit a resolution for appropriate reference.

Mr. President, I will state that the purpose of the resolution is to extend the life of the Senate Select Committee on Improper Activities in the Labor or Management Field until January 1962.

Mr. President, I previously stated that we were trying to wind up the affairs of this select committee, and that we would ask for the functions of the committee to be transferred to another committee, which we did. That seems to be objectionable to some, so I thought it best to submit the resolution. Then the Senate can determine which course will be the better course and to make the decision on the matter.

I therefore submit the resolution at this time.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am glad to yield.

Mr. CASE of South Dakota. Would the resolution change the character of the committee in any respect?

Mr. McCLELLAN. None whatsoever.

Mr. CASE of South Dakota. Or the manner of appointment?

Mr. McCLELLAN. No.

Mr. CASE of South Dakota. It is purely a continuing resolution?

Mr. McCLELLAN. That is correct.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. McCLELLAN. I am happy to yield.

Mr. JAVITS. I noticed the Senator said the Senate could make its choice as to the procedure it desired to follow. I assume the Senator would include in his statement the fact that the Committee on Government Operations will be meeting this week, and perhaps the committee will have a choice to make, since a motion is pending before the committee.

Mr. McCLELLAN. Indeed so. I am sure the Senator knows very well my position, and the problem.

Mr. JAVITS. I do.

Mr. McCLELLAN. We are reaching a deadline, Mr. President. That is the only reason for my taking this action today.

Mr. JAVITS. I thank the Senator.

Mr. McCLELLAN. I thank the Senators for their discussion.

The PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 294) was referred to the Committee on Rules and Administration, as follows:

Resolved, That the time for filing a final report by the Select Committee on Improper Activities in the Labor or Management Field, established by S. Res. 74, Eighty-fifth Congress, agreed to January 29, 1957, as amended and supplemented, is hereby extended to January 31, 1961.

SEC. 2. For the purpose of enabling the select committee to complete its work and prepare such final report, it is hereby authorized to exercise, until such date, all of the duties, functions, and powers conferred upon it by S. Res. 74, Eighty-fifth Congress, as amended and supplemented.

SEC. 3. The expenses of the committee under this resolution, which shall not exceed $150,000 from April 1, 1960, through January 31, 1961, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

AMENDMENT OF MUTUAL SECURITY ACT OF 1954, AS AMENDED—AMENDMENTS

Mr. FULBRIGHT. Mr. President, the other day the Department of Defense released figures showing the value of military assistance furnished to each foreign country over the last 9 years. These country-by-country delivery figures had long been held secret. Controversy over them immediately arose.

The question was whether deliveries of military items to Latin America in the fiscal year 1960 would exceed the ceiling on such assistance which was put into the Mutual Security Act last year. The last sentence of section 105(b)(4) of the Mutual Security Act of 1954, as amended, provides as follows:

> The aggregate amount of funds which may be obligated or reserved during the fiscal year 1960 for furnishing military assistance to American Republics shall not exceed the aggregate amount of funds obligated or reserved for such purpose during the fiscal year 1959.

The delivery figures as released by the Pentagon seemed to indicate a breach of this ceiling. It turned out however that the ceiling as presently written does not include sales of military equipment for cash or on credit terms.

The aim of the Committee on Foreign Relations in drafting this ceiling was stated in the committee report as follows:

> The committee feels that military assistance to Latin America frequently stimulates arms races and encourages the diversion to military purposes of resources which are badly needed for economic development.

The administration had proposed to increase military aid to Latin America. The committee felt that the program for 1960 should not go above the program for 1959. In pursuit of this objective it does not matter whether military equipment is furnished by grant, sale, or loan. It is the delivery of the weapons which causes the trouble. The ceiling on military aid to Latin America ought to include the furnishing of equipment and materials no matter what the financial basis may be.

Mr. President, I therefore introduce an amendment to the pending mutual security bill which will include sales and credit transactions in the ceilings on military aid to Latin America and will extend the ceiling indefinitely. If this amendment is adopted the result will be that the value of military equipment and materials furnished thereafter will not exceed the value furnished in the fiscal year 1959.

Mr. President, I ask unanimous consent that this amendment be printed at this point in the RECORD.

The PRESIDENT pro tempore. The amendment will be received, printed and referred to the Committee on Foreign Relations; and, without objection, the amendment will be printed in the RECORD.

The amendment was referred to the Committee on Foreign Relations, as follows:

On page 1, strike out lines 7 through 10 and insert:

"SEC. 101. Section 105 (b) (4) of the Mutual Security Act of 1954, as amended, which relates to conditions applicable to military assistance to Latin America, is amended by striking out the last sentence and substituting the following: 'The value of equipment and materials delivered to American Republics, pursuant to any authority contained in this chapter, in any fiscal year beginning with the fiscal year 1961, shall not exceed the value so delivered in the fiscal year 1959.'"

Mr. FULBRIGHT. Mr. President, I share the widespread concern that the multiplicity of U.S. agencies engaged in foreign aid and sales of U.S. agricultural commodities abroad tends to be self-defeating. Foreign countries have so many agencies to deal with that they are frequently confused. The achievement of U.S. objectives is interfered with.

I realize that there is nothing which can be done about the fact that there are international agencies, private agencies and U.S. Government agencies in the field. These three categories are bound to exist.

We can do something, however, about the U.S. Government agencies in the economic field. The principal ones are the Department of Agriculture, concerned with sales and barter arrangements for surplus agricultural commodities; the International Cooperation Administration, administering the point 4 program, defense support, and other grant economic assistance; and the Development Loan Fund, engaged in making loans for economic development in the less developed countries. Obviously there must be coordination among these agencies if they are all to do their job without getting in each other's way. I think it is too bad myself that in the field of economic development technicians are handled by one agency and capital requirements are handled by another agency.

Mr. President, this is a complex problem. I have no detailed reorganization plan to present. In the last year of office of a President who cannot succeed himself I doubt that anything would happen even if I had a detailed plan to present.

I am sure however that the next President of the United States ought to review the sprawling organizations which have been created in the foreign economic policy field. To this end it would be useful if the groundwork could be laid by starting a study of the problem now. The results might then be available to lay before the new President.

Mr. President, I introduce an amendment which is designed to get such a study underway now so that the next President will be able to move on this matter soon after he takes office. My amendment calls for recommendations by the President to the Congress when he sends to the Congress the fiscal year 1962 program.

Mr. President, I ask unanimous consent that this amendment be printed at this point in the RECORD.

The PRESIDENT pro tempore. The amendment will be received, printed, and referred to the Committee on Foreign Relations; and, without objection, the amendment will be printed in the RECORD.

The amendment was referred to the Committee on Foreign Relations, as follows:

On page 11, after line 9, insert the following:

"SEC. 605. The President shall have a study made of the functions of, and the degree of coordination among, agencies engaged in foreign economic activities, including the Department of State, the International Cooperation Administration, the Development Loan Fund, the Export-Import Bank, and the Department of Agriculture, with a view to simplifying and rationalizing the formulation and implementation of United States foreign economic policies. The President shall include in his presentation to the Congress of the fiscal year 1962 mutual security program his findings and recommendations resulting from such study."

Mr. FULBRIGHT. Mr. President, as my colleagues well know, I am pleased by the fact that pursuant to the several international educational exchange programs now authorized by law, there are presently studying in the United States several thousand foreign students.

Many of us tend to overlook the fact that there are an additional 20,000 foreign students studying here who came entirely on their own. They pay their own way and make their own arrangements. They do not necessitate an attention by the Government.

It is obviously in the interest of United States foreign policy that these students should return to their own countries having had a satisfactory experience. They should, of course, have learned the academic subjects which they came to learn but it is also important that they return home having had a chance to know American life intimately. These students will become leaders when they return to their native land and their knowledge of and attitude toward American conditions will have important bearing on their attitude toward our country.

I feel, Mr. President, that we are missing some opportunities in this regard. In some cases I think we are actually neglecting a responsibility. The foreign students of which I speak are scattered all over the United States in colleges and universities. Some of these schools have made arrangements to guide and help the foreign students adjust to their new environment and make the most of their period of study here. Others, due to the difficult financial problems of many institutions of higher learning today, have not been able to devote the necessary resources to this kind of extracurricular counseling. Assistance is needed in many instances both in the category of students who come here under Government sponsorship and in the category of students who are here on their own. Many students need help in finding suitable places to live, in supplementing quickly their knowledge of English, and in participating in activities which will enlarge their horizons. To do this counseling job, however, takes a lot of time and some money.

My thought is that it is in the national interest to authorize a small program of Federal assistance to colleges and universities in the United States on a matching basis to enlarge existing programs of counseling and orientation, and to start such programs where there are none.

It is my suggestion that there be added to the responsibilities of the Secretary of State under the Smith-Mundt Act, that is, the United States Information and Educational Exchange Act of 1948, the responsibility for cooperation with colleges and universities in setting up orientation courses and counseling services.

I do not know how much such a program would cost. I should think it would be in the neighborhood of $1 million annually but this question would be left to the Appropriations Committee which would review the specific programs presented to it and finance the program at is deems best.

I think the colleges and universities should contribute an equal amount toward any program established so that we could be sure that they were fully exerting themselves. The Secretary of State should not make a grant except on the basis of detailed programs submitted to him. I also think there should be a limit on grants of not more than $100 per foreign student enrolled in the institution so that the assistance remains in reasonable bounds.

I have in mind that the participating colleges would carry out their programs partly by using their own faculties and partly by making subcontracts with community organizations. I think it essential that the foreign students be benefited always through the colleges and universities rather than directly by handing the student a check.

Mr. President, I remind the Senate that an amendment to the Smith-Mundt Act, somewhat along the lines I have been describing, was sponsored by the Department of State in the 84th Congress and that this provision was included in S. 3638 when it passed the Senate.

Mr. President, in order to move toward the objectives which I have been describing, I introduce an amendment to the Smith-Mundt Act which would authorize the Secretary of State to carry out, with matching contributions from colleges and universities, a program of orientation and counseling of students from other countries who are in the United States.

Mr. President, I ask unanimous consent that this amendment be printed at this point in the RECORD.

The PRESIDENT pro tempore. The amendment will be received, printed, and referred to the Committee on Foreign Relations; and, without objection, the amendment will be printed in the RECORD.

The amendment was referred to the Committee on Foreign Relations, as follows:

On page 11, after line 9, insert the following:

"SEC. 605. Title II of the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431), which relates to interchange of persons, knowledge, and skills, is amended by adding the following:

"'ASSISTANCE TO STUDENTS FROM OTHER COUNTRIES

"'SEC. 204. (a) With respect to students from other countries attending colleges or universities in the United States, under the provisions of this Act or under any other Government, institution, or individual program which furthers the purposes of this Act, the Secretary is authorized to provide for counseling, orientation, supplementary English language training, and such other assistance as will help them to have a fruitful experience here consistent with the objectives of section 2.

"'(b) Grants which are made to colleges and universities under this section shall be made in the discretion of the Secretary on the basis of specific programs submitted to him.

"'(c) Institutions receiving such grants shall be obliged to contribute an equal amount to such program. No grant to an institution shall exceed $100 per foreign student enrolled in the institution during the period of the grant. No part of such grant shall be payable to a foreign student.'"

SECOND SUPPLEMENTAL APPROPRIATION BILL, 1960—AMENDMENT TO MEET DEFICIENCY IN PUBLIC LAW 874 SCHOOL FUNDS

Mr. COOPER. Mr. President, I send to the desk an amendment to the second supplemental appropriation bill for fiscal year 1960, H.R. 10743, which I ask to have printed.

Mr. President, I wish to join with my colleague the Senator from California [Mr. KUCHEL] in urging an amendment to the second supplemental appropriations bill, H.R. 10743, which is pending on the Senate Calendar, and which contains funds vitally needed to carry on a variety of Federal activities.

One item in this bill is of signal importance to every State. That is the amount for the Office of Education, Department of Health, Education, and Welfare, to discharge our commitment under the provisions of Public Law 874, which provides aid to federally affected school districts. The Senate Committee on Appropriations accepted the figure of $8,330,000 which had been added by the House, and which was thought to be the additional amount required to pay the full Public Law 874 entitlements.

However, since that time it has been discovered from a review of assistance applications that the shortage for school year 1960 will actually amount to $22,343,000. In other words, if the Federal Government is to keep its promises to these school districts, an additional $14 million will be needed to provide full payment of all entitlements under existing Federal law.

In the 85th Congress, the Congress extended the law providing this assistance.

Our legal responsibility to assure facilities to educate the children of federally connected personnel in "impacted" school districts is undeniable.

Even a small decrease in payments will affect the education of these children. I have long been a supporter of Federal aid to education, and I am fearful that failure to meet our full obligations under Public Law 874 will critically impair, if not jeopardize, the entire program. We must assure that the children of Kentucky and the Nation whose education is dependent in any part upon payment of these funds are not deprived of the educational facilities to which we have agreed they are entitled. At a time when scientific and technological advances demand greater educational efforts for the future of our country, there should be no question about the funding of a program designed to meet the needs of school districts adversely affected by Federal activities.

I offer an amendment to H.R. 10743 which will meet the anticipated deficiency in Public Law 874 funds for fiscal year 1960. I urge the support of my colleagues in approving the $22,343,000 needed to meet in full the entitlements under this program.

Mr. President, I wish to say that I called the distinguished senior Senator from Alabama [Mr. HILL] before submitting this amendment. Because he is the chairman of the appropriations subcommittee which has jurisdiction over this matter, I thought it would be proper for him to submit the amendment.

I was not able to reach Senator HILL, and so I present it. But when the Senator from Alabama returns I will, of course, defer to him—because it is in the field of his subcommittee, and I know of his deep interest in the field of education, and of his friendship and support for legislation relating to federally affected areas.

The PRESIDENT pro tempore. The amendment will be received, printed, and lie on the table.

Mr. COOPER. Mr. President, I ask also that I be given unanimous consent to have printed in the RECORD a list of school districts in the State of Kentucky which would be affected by this legislation.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Entitlements under Public Law 874, as amended, State of Kentucky, fiscal year 1959 and estimated fiscal year 1960

Project No.	Applicant	Entitlements	
		Fiscal year 1959 [1]	Fiscal year 1960
1	West Point Independent School District	$10,147.15	[2] $13,221.00
2	Berea Independent School District	6,436.62	[2] 6,900.00
3	Richmond City School District	12,343.18	[2] 13,200.00
4	LaRue County School District, Hodgenville	23,323.50	[2] 24,900.00
5	Hardin County School District, Elizabethtown	150,169.77	[2] 151,803.00
6	Christian County School District, Hopkinsville		[2] 42,700.00

See footnotes at end of table.

Entitlements under Public Law 874, as amended, State of Kentucky, fiscal year 1959 and estimated fiscal year 1960—Con.

Project No.	Applicant	Entitlements	
		Fiscal year 1959 [1]	Fiscal year 1960
7	Madison County Board of Education, Richmond	$24,837.80	[2] $26,600.00
8	Meade County School District, Brandenburg	59,428.11	[2] 63,600.00
9	Bullitt County Board of Education, Shepherdsville	7,799.68	[2] 8,380.00
10	Fayette County Board of Education, Lexington	85,301.79	[2] 93,000.00
12	Clark County Board of Education, Winchester	13,479.05	[2] 16,731.00
13	Elizabethtown Independent School District	51,568.73	[2] 52,300.00
15	Rockcastle County School District, Mount Vernon	6,966.70	[2] 7,450.00
16	Hopkinsville Independent School District	33,518.27	[2] 42,132.00
18	Wayne County School District, Monticello	894.81	[2] 950.00
19	Russell County School District, Jamestown	8,475.22	[2] 9,075.00
21	Pembroke Independent School District	8,831.38	[2] 9,450.00
24	Lexington Independent School District	51,851.25	[2] 55,500.00
25	Mount Vernon Independent Board of Education	3,493.35	[2] 3,725.00
26	Murray Independent School District	2,513.27	[2] 2,700.00
28	Paducah Independent School District	53,562.45	[2] 57,350.00
29	McCraken County Board of Education, Paducah		
30	Mayfield Independent School District	4,019.79	[2] 4,300.00
31	Marshall County School District, Benton		
33	Benton Independent School District	4,533.21	[2] 5,538.77
34	Ballard County School District, Wickliffe	14,763.40	[2] 15,783.00
35	Lyon County School District, Eddyville	7,408.27	[2] 7,900.00
36	Graves County Board of Education, Mayfield	6,983.04	[2] 7,475.00
38	Dawson Springs Independent School District	7,572.50	[2] 7,182.12
40	Winchester Independent School District	8,178.20	[2] 9,630.00
201	Carlisle County Board of Education, Bardwell	3,585.47	[2] 4,114.54
204	Livingston County Board of Education, Smithland		
207	Ravenna Independent School District	1,211.60	[2] 1,357.46
208	Estill County School District, Irvine	6,285.18	[2] 7,508.58
210	Bourbon County School District, Paris	7,760.50	[2] 8,300.00
211	Georgetown Independent School District	5,073.58	[2] 5,430.00
404	Paris Independent School District	6,285.18	[2] 7,153.52
405	Breckinridge County School District, Hardinsburg	18,385.60	[2] 20,760.00
801	Mount Sterling Independent School District	2,736.10	[2] 2,936.00
802	Edmonson County School District, Brownsville	13,954.67	[2] 14,936.00
803	Trimble County School District, Bedford	1,060.18	[2] 1,130.00
804	Grayson County School District, Leitchfield	11,813.10	[2] 12,650.00
	Leitchfield Independent School District	4,366.51	[2] 4,860.00
901	Jefferson County Board of Education, Louisville	236,236.72	[2] 255,147.00
902	Carrollton Independent School District	2,674.68	[2] 2,760.00
	Greenup County Board of Education, Greenup	7,042.29	[2] 4,121.00
	Greenup Independent School District	1,808.13	[2] 2,265.00
	Hart County School District, Munfordville	7,807.80	[2] 8,835.00

Entitlements under Public Law 874, as amended, State of Kentucky, fiscal year 1959 and estimated fiscal year 1960—Con.

Project No.	Applicant	Entitlements	
		Fiscal year 1959 [1]	Fiscal year 1960
803	Montgomery County School District, Mount Sterling	$4,694.95	[2] $5,000.00
804	Gallatin County School District, Warsaw	3,256.18	[2] 3,500.00
901	Carlisle City School District	1,741.68	[2] 2,754.00
902	Todd County Board of Education, Elkton	2,000.05	[2] 2,137.01
	Total	1,021,652.73	1,139,000.00

[1] Payments prorated at 95 percent of amounts shown.
[2] Entitlement initial processing.
[3] Estimated entitlement.

EXTENSION OF SUGAR ACT OF 1948—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of March 16, 1960, the names of Senators ALLOTT, CHURCH, FONG, YOUNG of North Dakota, and DWORSHAK were added as additional cosponsors of the bill (S. 3210) to amend and extend the provisions of the Sugar Act of 1948, as amended, introduced by Mr. BENNETT on March 16, 1960.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. WILEY:

Address on national defense, delivered by him over Wisconsin radio stations.

COMMITTEE RESOLUTIONS—PAY OF COMMITTEE STAFFS

Mr. MAGNUSON. Mr. President, while the majority leader and the minority leader are on the floor, let me say that the Senator from Michigan has just now reminded me of a matter about which I was going to ask them: Apparently this week we shall have some time in which to handle some pressing matters other than the unfinished business. I wonder whether it will be possible to take up, by unanimous consent—and perhaps we could discuss this matter with the Senator from Georgia and with other Senators—three or four resolutions which are on the calendar, and which involve the pay of three or four large committee staffs which have not been paid since the first of March. That situation creates real problems for the staffs. None of the staff members is overpaid; certainly that is true of all of those on my committee staff. They receive their pay on a monthly basis; and, under these circumstances, they find themselves in a difficult position. I do not want any of them to have to go to loan sharks and borrow money, in order to tide themselves over.

So it seems to me that we should be able to make some reasonable arrangement by means of which the Senate could adopt those three or four resolutions. I do not believe there will be any opposition to them.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield.

Mr. JOHNSON of Texas. I have discussed this matter with the minority leader and with other Senators who are vitally interested in the pending civil rights bill. I hope that during the latter part of the week we may be able to work out a schedule which will permit us to deal with the measures in which the Senator from Washington is interested. As recently as the last 30 minutes I have discussed that subject with various Senators. I am not able to give any commitment at this time, but we are definitely working on that subject.

Mr. MAGNUSON. I thank the Senator from Texas. I shall greatly appreciate his doing the best he can in that respect.

Mr. JOHNSON of Texas. I will do so; and I am glad to note that the Senator from Washington is, as usual, continuing to work in the interest of those who need assistance.

REVIEW BY THE LATE SENATOR NEUBERGER OF THE BOOK "THE SPLENDID MISERY"

Mr. MANSFIELD. Mr. President, one of the last writings of the beloved junior Senator from Oregon, Mr. Richard L. Neuberger, before he died recently was a review of a penetrating, significant, and fascinating book on the Presidency, "The Splendid Misery," written by Mr. Jack Bell, the chief political writer for the Associated Press.

As one who has read the book and has enjoyed it, I wish to say it is based on fact and on close personal observation. I am sure that already it has been read by most, if not all, the Members of the Senate.

Mr. President, because I believe every American ought to read this book, I ask unanimous consent that there be printed in the body of the RECORD Mr. Neuberger's review of "The Splendid Misery" as it appeared in the March 20 edition of the New York Times.

There being no objection, the review was ordered to be printed in the RECORD, as follows:

THE ADDRESS IS 1600 PENNSYLVANIA AVENUE

(Review of "The Splendid Misery," the story of the Presidency and power politics at close range, by Jack Bell)

(By Richard L. Neuberger)

The most successful book about Washington, D.C., in recent years has been Allen Drury's novel, "Advise and Consent," the theme of which is that ours is predominantly a Government of men rather than laws. Mr. Drury showed that men—with all their foibles, scandals, ambitions, hates and also their occasional capacity for greatness—shape the destiny of the U.S. Senate in particular and our national political life in general.

What Mr. Drury did with fiction for the Senate, a veteran correspondent of the Associated Press in Washington has now accomplished with facts and shrewd personal observations for the White House. Like Mr. Drury, Jack Bell has spent many hours in the press galleries which peer down on the Senate and House. Unlike the author of "Advise and Consent," Mr. Bell is captivated far less by Congress than he is by 1600 Pennsylvania Avenue and by the personal characteristics of its recent occupants, especially Dwight D. Eisenhower. Mr. Bell has seen the President's performance at close range, and this book is both a measured and fascinating appraisal of the kind of Chief Executive we have had during these past 7 years.

Mr. Bell believes that the destiny of America is forged at the White House and not on Capitol Hill. He tells us that there has been "no epoch of true national advancement that did not have as its commanding figure a strong Chief Executive. Where the President was timid or ineffective, the people suffered. Where Congress was able to command, there was reaction, stultification, and often near disaster." Mr. Bell discerns only the President as speaking for all the Nation. Congress, by contrast, is a babble of many tongues, most of them anchored to local special interests. This book is a mirror of the amazing Eisenhower years, during which an essentially weak and inarticulate President has retained a vast popularity with the public.

Those prominent Democrats who berate Mr. Eisenhower for not stopping the Russian rocket tests in the Pacific or for his meetings with Premier Nikita Khrushchev might do well to read "The Splendid Misery." Despite his obvious feeling that President Eisenhower often abdicates to others many responsibilities which should be his alone, Jack Bell believes that the hero-general has an enormous appeal to Americans "as a man of peace." It is this shining image that has survived such domestic political disasters as the Sherman Adams fiasco and the continuing loss of congressional seats to the Democrats.

Despite this, the author is convinced that Americans sense the need for a strong President. He writes that "fundamentally the people want a President with the integrity of Washington, the guts of Jackson, the unwavering purpose of Lincoln, the energy of Theodore Roosevelt and the flexibility of Franklin Roosevelt." He makes no secret of his conviction that President Eisenhower has fallen considerably short of these qualities. Mr. Bell, who has been an intimate observer of most of the major political events of our era and is now chief political writer for the Associated Press, gives us a ringside seat at General Eisenhower's so-called "surrender" to Senator Robert A. Taft and the conservatives on fiscal matters during the campaign of 1952. The national hero here appears as a political babe-in-the-woods who "was surrendering at the outset some of the vital weapons the President would need in his arsenal in the conflict between the Executive and Congress."

The warp and woof of Washington is controversy—political controversy. The author is plainly disenchanted with a President who eschews the normal combat of politics. He refers to Mr. Eisenhower's "Buchanan position" in the flaming Little Rock school-integration situation, when he kept hands off until conditions practically disintegrated. He shows the President as detaching himself completely from the historic Supreme Court verdicts in the school cases, and he is candidly amazed by a President who told one press conference that his own "personal convictions, no matter how strong," should not be the decisive factor in reorganizing the Defense Department. Obviously, the author wonders what would have been our national fate if Jefferson or Lincoln or F.D.R., for example, had thus isolated themselves midway between heaven and earth, like Mohammed's coffin.

Although most of Mr. Bell's book is devoted to the presidency as a contemporary institution, he does provide some vivid background chapters which show that the great and historic Presidents have all been powerful Presidents, who made Congress knuckle under to their views. The story of the Lincoln administration is particularly pertinent in this respect. The author demonstrates that the patron saint of the Republican Party was a President who did not hesitate to flout the Constitution itself when he thought dictatorial action was essential to the survival of the American Union.

A captious reader may challenge one of Mr. Bell's basic themes. Do Americans really yearn for a strong and decisive President? As "The Splendid Misery" reaches bookseller's shelves, every survey shows the President to be at the crest of his popularity. I have just been home to my native State of Oregon. If the Constitution and his wishes allowed it, I am certain that Dwight D. Eisenhower could carry Oregon for a third consecutive time by an overwhelming majority. Are the other 49 States so different?

INTERVIEW WITH THE GOVERNOR OF PUERTO RICO—ARTICLE FROM U.S. NEWS & WORLD REPORT

Mr. MANSFIELD. Mr. President, in reading the U.S. News & World Report, I came across an interview which a staff member of that magazine had with the Governor of Puerto Rico, the Honorable Luis Muñoz-Marín.

Governor Marín, who is 62 years of age, became Puerto Rico's first popularly elected Governor in 1948, and he has twice been reelected to that office. At his birth in 1898, Puerto Rico was Spanish-held, and his father was Prime Minister. Governor Marín was educated in the United States, and was a youthful advocate of independence for the island of Puerto Rico. But later he developed the idea of commonwealth status, as an associated free state, which was achieved by Puerto Rico in 1952. Today, Governor Marín is widely recognized as a leading statesman, and has much influence among officials in the United States and in Latin American countries. In view of recent developments in the Caribbean and the status of our relations with Latin America, I urge my colleagues, to read this most interesting and worthwhile interview. It is a primer which will not only benefit us but enhance our knowledge of an area of vital importance.

Mr. President, I ask unanimous consent that the interview be printed at this point in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"WE'VE COME A LONG WAY" IN A PEACEFUL REVOLUTION

(Interview With Puerto Rico's Gov. Luis Muñoz-Marín)

Question. Governor Muñoz, would you say that a revolution is taking place here in Puerto Rico?

Answer. Yes—a peaceful revolution.

Question. What kind of results are you getting?

Answer. To begin with, our net income in the last 4 or 5 years has increased at the average rate of 6 percent a year. That's about twice the U.S. average.

Question. Are people getting the benefit of that expansion?

Answer. More and more of them are, though we still have a big problem in unemployment. Our income per capita has gone up more than four times and is now second in Latin America, I believe, only to Venezuela.

Question. Were you able to do this with natural resources—oil or metals, for instance?

Answer. No, no. We have no resources except land and people. We have no oil, no iron, no metals of any kind, that we know of.

Question. Where does your investment money come from, then? From the States or locally?

Answer. About half and half. Much of our local investment is government disbursements for public works. From the States, we have been getting new venture capital in industry and business of all kinds—

Question. From private investors?

Answer. Yes.

Question. Are you encouraging this inflow of United States capital?

Answer. By every means: information and advice to businessmen coming here, tax exemptions. We help them locate skilled workers and train unskilled ones.

Question. Is this program paying off, do you feel?

Answer. All you have to do is look at our industrial growth, at the jobs people are getting in factories and commerce. Of course, we're a long way from U.S. averages, but we've come a long way, too.

Question. What about the average person here? Is he getting a better way of life?

Answer. Too many people are still poor, though less so than a few years back. But we also have a growing middle class. It's bigger than in most Latin-American countries.

Question. Don't some people say that Fidel Castro is waging a "real" revolution in Cuba— that yours isn't a "real" revolution?

Answer. Castro has done two good things and one bad one: He overthrew an armed dictatorship, and in that he did a great job. The other good thing is that he is trying to carry out a social revolution that had been long overdue in Cuba. The bad one is his completely gratuitous attacks against the United States. These attacks have no rational justification. The United States is not trying to prevent the social revolution in Cuba.

Question. Do you feel yourself hampered by the United States in your peaceful revolution here?

Answer. No, of course not.

Question. Yet it is sometimes said that Puerto Rico is a victim of U.S. "dollar imperialism"—

Answer. That's just Communist propaganda, or the talk of anti-Americans. You'll always hear from those quarters that the United States should give Puerto Rico its independence, or that it's "tyrannizing" us, and so forth.

Question. Do you feel you are accomplishing as much as if you had resorted to harsh measures?

Answer. Oh, much more, I think—the violent kind of revolution couldn't have lasted very long here. It's not in the nature of our people.

Question. And has outside capital from the States helped your revolution?

Answer. It has. A developing country must have outside capital unless it's just going to tighten its belt to the point where it's always on the verge of violent revolution.

Question. Would you describe the changes here in Puerto Rico as deep-seated?

Answer. Yes. There was a tremendous hopelessness here before 1940—terrible poverty. Part of our revolution was to put hope in people, give them the feeling that they could achieve a better way of life through hard work.

Question. Do they feel hopeful now?

Answer. They have that feeling now, and they have the feeling that something of importance is happening here.

Question. In what ways do you see that?

Answer. For one thing, the spirit of feudalism has been abolished completely. It used to be prevalent. You had big, corporate landownership spilling over into political power. Much more than half of the Puerto Rican workers 20 years ago were agregados—"squatters" living on somebody else's land subject to the landowner's will. When the landowner had a day's work for them, they worked. If not, they didn't work.

Question. What did you do about that?

Answer. One of the first measures the Popular Democratic Party took after winning the elections in 1940 was to draft a law providing a piece of land for agregados. Then we started creating rural communities where it's easy to get kids to the school, easy to bring good water from the aqueduct, easy for the doctors to visit, easy for the newspapers to reach, and so on.

Question. Was this a land-reform program?

Answer. It was part of our land program. We also limited the holdings of corporate landowners to 500 acres, as well as making land available to the agregados.

Question. Anything over 500 acres was taken away?

Answer. Not "taken away." We bought this land with money at market prices—not the way Mr. Castro is "buying" land, without money. We had to do it gradually.

Question. Has your land reform been successful?

Answer. When the land law was approved, there were about 100,000 families of agregados. We have distributed land to about 50,000 of them. There are 15,000 still living as agregados—those who probably don't care to make a change, who may be satisfied with the landowner they live with.

Question. What about the remaining 35,000 or so families—what has happened to them?

Answer. Our growing economy, the new jobs opening up, take care of many of them. They find jobs in their community, or they come to the city. They become garage owners, factory workers, and so on. Three of them have become legislators.

I'd like to mention that in the rural communities we have what we call "mutual-aid housing" where the Government provides the materials and supervision, and the families cooperate in building very modest but good homes, instead of the shacks they lived in before. They pay back the cost of the materials over a period of years. A house like this costs something like $350.

Question. You don't give it to them outright?

Answer. No. They appreciate it more if they have to make some contribution besides their labor. Also, the Government gets the money back—slowly, but it gets it back—and with that money it does the same things for others.

Question. What about your education problem? Is that being solved?

Answer. Yes, from the standpoint of reducing illiteracy—it's now down to about 16 percent. Practically every child of grammar-school age is going to school, and we have a special program for adult education in night schools.

Question. Do you have political stability here?

Answer. Puerto Rico is as democratic as any place in the Western Hemisphere, not excluding the United States.

You know, people—not all, but many—used to sell their votes for $2 or $3—they didn't know it was wrong. At the very start, the Popular Democratic Party carried out an educational campaign to tell them why they shouldn't sell their votes, and they caught the idea very quickly. People don't sell their votes any more, and I think I can say that we have a completely honest Government.

Question. How long has your revolution been going on?

Answer. Since 1940, when we had our first election success. Actually, though, it was only after the Second World War that we were able to push ahead fast.

Question. Has it been entirely peaceful?

Answer. Absolutely.

Question. Why do you suppose that is?

Answer. One thing we've gotten from the States over our long period of association is the habit of orderly government and of law. That doesn't mean that Puerto Ricans were lawless before. But Hispanic political habits are unstable as far as living and working together is concerned. Peoples of Hispanic origin have a great love for individual freedom, but usually are not adept enough at organizing it politically.

Question. Have you picked up other American ways of doing things?

Answer. Our people, for some reason, are more energetic than in most other tropical countries around this part of the world. This may be another of the good contagions from the States.

Question. Just what is your feeling about free enterprise? Is it a good thing for other countries as well as the United States?

Answer. We're entirely undoctrinaire about that. When we began to industrialize, the government started five factories and we ran them. We had no other way of doing it at the time—very few persons would risk it at that time. Afterward, we sold the five factories—to a prominent political opponent, by the way—and used the money for stimulating private investment.

Now we still invest government funds in enterprises to help them get started, but we don't operate them directly. We leave that part of it to private companies.

Question. In some cases, then, you prefer public ownership?

Answer. We feel that the social interest of the community should be the motivation in each instance. We don't believe that private enterprise is a sacred cow. But we do believe that it is a highly efficient cow.

Question. Do you find opposition to this from the United States?

Answer. I think that is one of the lessons to be learned in other countries about the spirit of the United States. No one has ever interfered with us. The late Senator Robert A. Taft went so far as to help us get a priority for some scarce materials for one of our government factories during World War II. He wrote a letter to a Government agency saying that he wouldn't approve of such a factory in Ohio, but he saw the need for it here—and you couldn't suspect him of being socialistic.

Question. Do you feel, then, that Latin American countries can carry out big social changes with the help of the United States?

Answer. Surely.

Question. What about Castro's charge that America is trying to undermine his revolution in Cuba?

Answer. I think it is completely unfounded. The United States, as a people, are not opposed to social changes that other peoples feel they need. There would not be such strong feeling in Congress toward Castro if he were carrying on his revolution without needlessly attacking the United States.

Question. Would you say he has any grounds for his charges of interference by the U.S. Government?

Answer. Of course not. They're exercising great forbearance in Washington. I approve completely of President Eisenhower's position stated last January.

Question. What causes Castro's outbursts, then?

Answer. Why Castro does this, I don't know. He doesn't need the United States as a "whipping boy." After he overthrew Batista, he had the support of 90 percent of the Cubans, so he didn't have to undertake those tactics to develop support.

CUBA: RIPE FOR REDS

Question. Is there something else he gains by it?

Answer. It doesn't do him any good, and he's going to have a difficult time preventing the Communists from taking propaganda advantage of it.

Question. Do you think the Communists might seize power there?

Answer. No. And there is no alternative to Castro in Cuba today that we know of, except the old-line politicians, and they are thoroughly repudiated by the Cuban people. The Communists are not strong in numbers, but certainly they are engaged in their well-known tactics of using the situation for all it's worth.

Question. What if the Communists did take over? What would happen then?

Answer. If a real Communist government were established in a Latin-American country, I am certain that practically all the other countries would cooperate in some effective form to isolate it.

Question. Do you think Castro has the support he had a year ago?

Answer. No; but he's got a great majority of Cubans still with him.

Question. Are you worried by developments in the Dominican Republic, right next door to you? There seems to be unrest against Trujillo——

Answer. The whole situation in Cuba and the Dominican Republic is explosive. There do not seem to be any mutual invasion plans at the moment, however.

Question. Would either man resort to an adventure in order to take people's minds off troubles at home?

Answer. It's possible.

Question. Looking ahead, do you feel that Castro really typifies people coming to the top all across Latin America?

Answer. I wouldn't say that. I believe there are men of more mature statesmanship coming up in Latin America. People like José Figueres, ex-President of Costa Rica, and Rómulo Betancourt, President of Venezuela. If Fidel Castro had attained to the wisdom, experience, and maturity of Betancourt when he overthrew Batista, a much better job could have been done in agrarian reform and other changes—and in a spirit of understanding and friendship with the United States.

Question. Are there many men such as Betancourt?

Answer. There are such men in every country. There are some very good men in the Cuban Government, but they do not wield the influence in the present situation.

Question. Just why is it that the United States seems to be so unpopular in parts of Latin America at this time?

Answer. The Latin-American countries are growing. They want to grow very fast. This is the revolution of growing expectations that you hear about all over the world.

Latin Americans have felt that the United States aids other parts of the world and doesn't aid them in their own development sufficiently. However, the recent Eisenhower trip seems to show that the United States is not nearly as unpopular in Latin America as represented.

A GUIDE FOR U.S. POLICY

Question. What is needed to counteract dislike of the United States?

Answer. First, I would say, be as helpful as possible in economic and technical assistance.

In giving economic aid, make a big effort to give it—as much as is practical—on terms that the individual countries and their public opinion prefer. This isn't always possible, but you can make a genuine try at helping them to do it the way they think best.

Question. What else is needed?

Answer. Then, I would say, maintain an attitude of aloofness toward dictators and friendliness toward democratic forces. For instance, give signs that Betancourt, or Figueres, is your kind of man—and Trujillo is not.

Question. Hasn't that been done in the past?

Answer. Not clearly enough until recently.

Question. Do Latin Americans coming here see Puerto Rico as an example of a peaceful revolution—of what can be done with U.S. cooperation?

Answer. As you know, the International Cooperation Administration is bringing people here from all the developing areas of the world to see what Puerto Rico is doing. There have been 10,000 of them so far, and half of them are from Latin American countries.

Question. What seems to be their opinion of it?

Answer. They seem to like what they see. Occasionally, of course, you get an indoctrinated anti-American, but I would say this is probably one of the best ways of replying to anti-American propaganda—bring them here, and let them see for themselves.

Question. Do you think your kind of revolution here in Puerto Rico can be carried out in other countries, too?

Answer. Generally, yes—though each country has its own problems to meet.

Question. What about Puerto Rico itself—is there a strong body of anti-American feeling here?

Answer. No. There's an Independence Party. It is peaceful and is getting smaller and smaller. I think our elections next autumn will show that at least 92 or 94 percent of the people are for permanent union with the United States.

Question. Does that mean they favor statehood?

Answer. No, no. I'm firmly convinced that most of them want to continue our Commonwealth status as an "associated free state." Federated statehood would be economically impossible. Of course, there's a political faction here that favors statehood, but their leaders either don't know economics or choose to pretend they don't.

Question. Do you think Puerto Rico, some day, will become a State?

Answer. My position is that Puerto Rico has to catch up in its standard of living with the poorest State before we can consider the question of statehood. We're a long way from that. Our economists figure it won't be until 1992 or 1995. But I believe in Commonwealth as a good status in itself, a creative contribution by Puerto Rico to the U.S. Federal system.

WITH GROWTH, PROBLEMS

Question. Are new problems arising as Puerto Rico develops?

Answer. Of course, our progress from agriculture to industry is bringing many benefits—higher wages, a better living standard, better health. But it also brings the difficulties inherent in such growth. More wives have jobs, more children are alone at home, or in the streets. We haven't a gang situation here as you have in big cities of the United States, but we're beginning to have some problems of that kind as our own cities grow.

Question. What do you see as the biggest job ahead for your government?

Answer. The first thing, as I see it, is to improve the quality of our education to the utmost—comparable in every way with levels in the States and in democratic European countries.

Also, we want Puerto Ricans to be as well rounded as possible. We don't want only a good economy; we want a good civilization—in fact, a good economy is only a means to a good civilization. And by "civilization," I mean the moral, spiritual, and esthetic values that allow people to live with full satisfaction.

Question. Is there any worry here that Puerto Rico will become completely Americanized?

Answer. No; I don't think that will ever happen to anybody—Puerto Rico or any other country.

This is an old country, four centuries. It gets a lot of things from the United States, including many good ones and some not so good. This is part of what happens in an interdependent world, in any case.

Question. Generally, are you satisfied with what Puerto Rico's revolution has accomplished?

Answer. I'm never satisfied. But I'm very proud of what Puerto Rico has been able to do.

RETIREMENT OF REPRESENTATIVE REES OF KANSAS

Mr. DOUGLAS. Mr. President——

Mr. CARLSON. Mr. President——

Mr. COOPER. Mr. President——

The PRESIDENT pro tempore. The Senator from Illinois.

Mr. DOUGLAS. Mr. President, I appreciate the courtesy of the Chair in recognizing me; but I entered the Chamber after the Senator from Kentucky [Mr. COOPER] and the Senator from Kansas [Mr. CARLSON], who already have addressed the Chair. So I shall be glad to waive the Chair's recognition of me until they have completed the statements they wish to make.

Mr. CARLSON. Mr. President, the distinguished Senator from Illinois is most courteous and gentlemanly, as he always is. I wish he had spoken when he was recognized.

At this time my remarks will be brief.

Mr President, one of the outstanding Members of the House of Representatives will be missing in the next session of Congress. Congressman ED REES is voluntarily retiring after 24 years of outstanding service in that body. During these 24 years, Mr. REES has represented a district containing about one-fourth of the population of our State. He has been an able and dedicated public servant; and both the State of Kansas and the Nation as a whole will feel the loss of his services.

During these many years he has kept in close contact with his district, as is evidenced by the fact that the people, year after year, returned him to this post. No one ever questioned ED REES' sincerity, his honesty and integrity.

Thousands upon thousands of people in his district have been helped by his personal attention to their problems. His outstanding service as a member and chairman of the House Post Office and Civil Service Committee during his entire congressional service will be missed by millions of Federal workers. Under his leadership many programs for the benefit of our Federal workers were enacted into law.

A very excellent editorial entitled "End of an Era; ED REES Retires" was published on March 9 in the Wichita Beacon. I ask unanimous consent that the editorial be printed in the RECORD, in connection with these remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

END OF AN ERA; ED REES RETIRES

There is a time to quit. Rare indeed is the politician who knows when that time has arrived.

Representative ED REES wisely chose that time with precision. He has served the Fourth District conscientiously and well as Congressman for almost a quarter of a century. He recognized that he had a tough battle ahead, with reelection far from certain. At 73, a man doesn't enjoy fights as much as he used to.

The Fourth District is not nearly so Republican as it once was. The Democrats won a smashing victory in Sedgwick County. REES himself won by a narrow margin over an extraordinarily weak and inadequate Democratic nominee.

Whoever the Republicans choose to succeed REES will have to work fantastically hard if he is to win the election.

REES as a Congressman has often been undervalued by his constituents. This is because he is not the dramatic kind of legislator. He doesn't go in for fancy oratory, and he has a tendency to avoid controversial positions.

In most respects he has been a good, even outstanding Congressman. ED REES is a man who can be depended upon to help the folks back home. His door is never closed to his friends—and practically everybody who knows him is his friend. He is prompt in correspondence. And uncounted thousands of Kansans have been helped in big ways and small by REES.

He will, we feel sure, continue to play his quiet, influential role after his retirement. But an era ends when he becomes a former Congressman.

SIGNIFICANCE IN CURRENT FALL IN INTEREST RATE ON GOVERNMENT BONDS

Mr. DOUGLAS. Mr. President, the price of Government bonds continues to rise and the yields, or true interest rates, continue to fall.

Ever since late spring, the administration, Secretary Anderson, the Federal Reserve, and the big New York bankers have been demanding that the 4¼ percent ceiling on bonds of over 5 years duration be removed. The relatively high interest rates then prevailing were said to be permanent and that unless the ceiling was eliminated, the Treasury would be forced to refinance the maturing long-term bonds with short-term obligations at interest rates as high as 4.70 or 5 percent.

There was, however, a group of Democrats in both House and Senate who objected to this. We said first, that the policies of the Federal Reserve, the Treasury, and the administration were themselves contributing powerfully toward creating the high interest rates, and if reversed, interest rates would go down, whereas if the ceiling were removed, the interest rates would be artificially boosted and tremendous added costs would be saddled upon the American people; second, that it was probable, if the politically inspired scare talk of inflation coming from the administration ceased, that the rise in the interest rate would cease and might well decline.

We therefore opposed raising or lifting the ceiling. We warned that to do this and for the Treasury, as it announced, then to refund 20 billions of noncallable bonds at interest rates which would probably be 5 percent, would be to saddle the taxpayers for a generation with excessive interest charges of over $100 million a year and a total of billions as well as driving up all other interest rates and hence crippling homebuilding, small business, and public investment in schools, roads, water and sewer systems, and so forth.

Yet the administration and Treasury persisted. Last October, they issued a 4-year-and-10-months note at a 5 percent rate, despite our warnings that this rate was too high, and only last week they again demanded a removal of the 4¼ percent ceiling. Due to the determined stand of the liberal wing of the Democratic Party in both the House and Senate, it now appears that congressional approval to raise the interest ceiling will not be granted.

It is interesting, therefore, that in the last few weeks, the prices of Government bonds and obligations have been rising, while the yields and true interest rates have been correspondingly falling.

I ask unanimous consent that tables from the financial section of the New York Times for Saturday, March 19, be printed in the RECORD at this point in my remarks.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

[From the New York Times, Saturday, Mar. 19, 1960]

U.S. Government and agency bonds, Friday, Mar. 18, 1950

TREASURY BONDS

Maturities	Outstanding millions	Rate	3:30 p.m. Bid	3:30 p.m. Asked	Change in bid	Yield
1960, November	3,806	2¼	99.6	99.8	+0.3	3.30
1955–60, December	1,485	[1] 2½	98.4	98.12	+.4	3.06
1961, September	2,239	2¾	98.14	98.18	+.12	3.77
1961, November	11,177	2½	97.22	97.26	+.12	3.88
1962–59, June	5,267	2¾	96.8	96.12	+.10	3.97
1967–62, June	2,112	2½	89.28	90.4	+.12	4.10
1962–59, December	3,456	2¾	95.14	95.18	+.10	3.98
1963, August	6,755	2½	95.0	95.4	+.10	4.09
1958–63, December	2,820	2½	87.24	88.0	+.12	4.16
1964, February	3,834	3	96.10	96.14	+.12	4.00
1969–64, June	3,745	2½	87.0	87.8	+.12	4.05
1969–64, December	3,819	2½	86.14	86.22	+.12	4.18
1965, February	6,896	2¾	93.14	93.18	+.10	4.09
1970–65, March	4,700	2½	86.2	86.10	+.14	4.20
1971–66, March	2,948	2½	85.26	86.2	+.12	4.10
1966, August	1,484	3	94.16	94.20	+.10	3.97
1972–67, June	1,840	2½	85.22	85.30	+.12	3.97
1972–67, September	2,716	2½	85.10	85.18	+.12	3.99
1972–67, December	3,715	2½	85.22	85.30	+.12	3.92
1969, October	1,276	4	99.14	99.22	+.20	4.05
1974, November	654	3½	97.14	97.22	+.18	4.09
1983–78, June	1,604	3¼	87.26	88.2	+.08	4.04
1980, February	884	4	98.28	99.4	+.14	4.06
1985, May	1,135	3¼	87.6	87.14	+.10	4.05
1990, February	1,727	3½	90.6	90.14	+.08	4.05
1995, February	2,741	3	85.24	86.0	+.18	3.71

[1] Exempt from normal income tax.

TREASURY NOTES

Maturity	Outstanding millions	Rate	Bid	Asked	Yield
April 1960	57	1½	99.29		
May 1960	2,405	3½	100.1	100.3	2.84
Do	2,738	3¼	100.0	100.2	2.80
August 1960	9,561	4¾	100.15	100.17	3.40
October 1960	278	1½	99.0	99.4	3.25
April 1961	144	1½	98.0	98.8	3.25
May 1961	4,078	3⅝	99.28	100.0	3.62
August 1961	2,136	4	100.2	100.6	3.60
October 1961	322	1½	96.16	96.24	3.71
February 1962	647	3½	99.16	99.20	3.82
Do	1,434	3	100.10	100.14	3.79
April 1962	551	1½	95.8	95.16	3.83
August 1962	160	4	99.28	100.8	3.89
October 1962	590	1½	94.0	94.8	3.92
November 1962	1,143	3⅝	99.4	99.8	4.05
February 1963	3,971	2½	96.2	96.6	4.08
April 1963	533	1½	93.4	93.12	3.84
May 1963	1,743	4	100.2	100.6	3.98
October 1963	606	1½	92.4	92.12	3.82
November 1963	3,012	4¼	102.24	102.28	4.02
April 1964	302	1½	90.22	90.30	3.97
May 1964	4,928	4¼	102.16	102.20	4.05
August 1964	2,307	5	103.20	103.24	4.05
October 1964	285	1½	89.22	89.30	3.94
November 1964	4,188	4¼	102.24	102.28	4.17

CERTIFICATES OF INDEBTEDNESS

May 1960	1,289	4	100.4	100.6	2.72
November 1960	7,037	4¼	100.25	100.27	3.40
February 1961	6,935	4½	101.1	101.3	3.62

Mr. DOUGLAS. Mr. President, certain facts in connection with these tables should be noted:

First. On no bond issue of over 5 years' duration was the yield or true interest rate above 4.20 percent, and on only two above 4.10 percent.

Second. On 11 bond issues, the true interest rate was less than 4 percent; on 1 as low as 3.06 percent and on another 3.30 percent.

Third. The average yield or true interest rate for the 26 outstanding bond issues was 3.96 percent, or a full quarter of a percent under the 4.25 percent ceiling which the administration is still demanding that we raise.

Fourth. So far as the short-time Treasury bills are concerned, no yield was above 3.56 percent, while the general average was markedly below this.

Fifth. Some Treasury bills have a yield as low as 2.74 percent.

Sixth. The certificates had yields of from 2.72 percent to 3.62 percent.

Seventh. The $2.3 billion of the so-called "fabulous 5s" which the administration insisted upon issuing are selling at a premium of 3¼ percent, with a true interest rate of only 4.05 percent. The other issues totaling $9 billion, which the Treasury issued at 4¾ and 4⅞ percent are selling at premiums of 2.16 percent and 2.24 percent, respectively, with yields of only 4.05 and 4.17 percent. The wealthy investors who were able to get hold of these high interest rate issues have thus made a killing to date of hundreds of millions of dollars. The experience lends strength to our demand upon the Treasury that they put up their bonds for auction, and hence get a competitive price and a competitive interest rate instead of their present method of a fixed price of par and an excessive and noncompetitive interest rate.

Of course, present bond levels may not be final and a conclusive verdict should not be handed down. The evidence as of today indicates, however, that we were right and the administration and Treasury, the Federal Reserve and the big New York bankers were wrong.

It is quite possible that future generations may rise up and call the Democratic liberals blessed for having saved them from billions of dollars of excessive interest charges.

If the Treasury and the Reserve would only adopt the further recommendations which we have made to them, we believe the interest rates would be still further lowered.

It will be interesting to see what the administration, the Reserve, the financial community, and the financial writers will say in the light of these developments and facts.

I can think of no other act where so few have saved so much for so many in so short a time.

FIRST ANNIVERSARY OF HAWAII—STATEHOOD BILL'S PASSAGE

Mr. FONG. Mr. President, a little over a year ago, the Hawaii statehood bill passed both Houses of Congress. At this time, I recall, there was great jubilation among the citizens of Hawaii.

I ask unanimous consent that an editorial appearing in the Honolulu Star-Bulletin on March 12 attesting to Hawaii's performance as a State be printed in the body of the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HAPPY DAY IN THE STATEHOOD STORY

One year ago, March 12, 1959, the Hawaii statehood bill cleared the last hurdle in Congress, the House of Representatives, on final vote.

On March 11, the U.S. Senate had passed the Hawaii statehood bill by 76 to 15.

Its success in the House was already assured. But the action of the Senate made it doubly certain and added to its speed.

So a year ago today, the statehood bill passed the House by a vote of 323 to 89.

Hawaii did not immediately achieve statehood. The congressional bill provided for a referendum through the voters of the then Territory.

The vote was taken at the primary election prior to setting up the statehood organization. For Hawaii, and really for the Nation, that referendum was a triumph for the principles of American democracy. Statehood carried by a vote of proportionately 17.6 to 1. More than 139,000 Hawaii voters happily cast their ballots for it.

The next step was the formal proclamation by President Eisenhower announcing Hawaii as a State. This was done at a historic ceremony at the White House on August 21, 1959.

Although 5 months elapsed between the conclusive action by Congress and the actual entry of Hawaii as a State, we have generally reckoned here that Hawaii achieved statehood when the legislation passed Congress. Thus, today is the anniversary of that passage.

The process of transition from a long established territory to a State government has been and still is complex.

It has extremely complicated problems of organization of departments and subdepartments of appointments to fill more than 500 State posts, including those on many commissions; and the readjustment of thousands of office holders to new relationships if not to individual duties.

All this is going forward. True, there have been plenty of hitches—and these have been accentuated by the inevitable rivalry between Democrats and Republicans for political advantage.

Immediately, much of this rivalry seems petty, childish—not only immature but costly. And much of it can be so characterized.

But in a larger sense it is this very rivalry between two great political parties, and the process of orderly agreement on the results of these rivalaries, that gives to the American democracy its inherent stability.

Hawaii is now a full partner in these national processes of government; and, indeed, in the experiences of trial and error.

No fairminded and careful observer, we believe, would feel now that the long fight—more than 40 years, to get statehood for Hawaii was a fundamental error.

As these complicated processes of transition are worked out, our full partnership in the Union of States will become more and more obvious and valuable.

TARIFF COMMISSION REJECTS GLOVE INDUSTRY PETITION

Mr. KEATING. Mr. President, the economy of the Gloversville-Johnstown area in my State has been seriously depressed for quite some time. Economic activity is down. Employment is down. Workers and their families have been badly hurt as jobs become increasingly more scarce and as their incomes decrease.

The source of these difficulties is the decline in the manufacture of gloves, which has for generations been the basic industry in this area. Seventy percent of the people in the Gloversville-Johnstown area make gloves—leather dress gloves. Seventy percent.

Imports of leather dress gloves have increased rapidly in recent years and have, in my opinion, been the chief cause of the economic ills faced by this community. Imported leather dress gloves now represent 63.8 percent of the domestic market. Eight years ago, imports represented 29 percent—less than half of the present figure.

Mr. President, the representatives and member firms of the leather glove industry did what they are supposed to do. They petitioned to the Tariff Commission for relief under the escape-clause provisions of the Trade Agreements Act. This is an expensive process for so small an industry.

Today the Tariff Commission handed down its ruling. I quote:

The Commission found that such (women's and children's leather) gloves are not being imported into the United States in such increased quantities, either actual or relative (to domestic production), as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

The Commission therefore made no recommendation to the President for the modification or withdrawal of the concessions applicable to such gloves.

Mr. President, I testified at the hearings on behalf of the glove industry. I have never before presented testimony before the Tariff Commission; but I felt that this situation was critical. I said at that time that—

In my mind the evidence is very impressive. An analysis of the depressed conditions in the Gloversville area and of the concentrated and highly competitive nature of the leather dress glove industry demonstrates clearly that there is a real and apparent injury to American manufacturers and that there is a definite need for relief for the firms and workers affected.

I have been in Gloversville. I have seen the empty plants. I have talked to bankrupt glove makers. I have met with the workers whom they displaced. When do we grant relief to such industries, Mr. President? Are we supposed to wait until people faint in bread lines?

I think the Tariff Commission is completely and terribly wrong. When does injury occur, if not in the case of the glove industry, when imported gloves have increased from 29 percent to 63.8 percent of the market in 8 years?

Mr. President, on behalf of the people of Gloversville, I must express my sincere regret that the Tariff Commission did not see fit to help the American glove industry. I can well appreciate the exasperation and despair of the glovemakers and their workers as they watch the market for American made

gloves dwindle to the point where now well over half of the leather gloves sold in this country are made overseas.

Mr. President, there is a real need for action on the part of this Government to strike a better and fairer balance between our domestic and international economic policies.

The United States can and should assist its free world allies in every way possible. At the same time, we have an obligation to see to it that the entire burden of increased American foreign trade is not borne by a limited number of American industries—who, like the glove makers, suffer very greatly as a result.

I have always supported America's reciprocal trade program. I do not say that we should reverse this policy altogether. We must, however, be willing to revise and update this policy so that it will be in accord with the changed international economic conditions of the 1960's.

Mr. President——

The PRESIDENT pro tempore. The Senator from New York.

NEW YORK CALLS FOR FEDERAL EAVESDROPPING LEGISLATION

Mr. KEATING. Mr. President, in recent weeks attention has been centered on a serious problem confronting law enforcement in New York State.

New York has one of the most carefully conceived, up-to-date laws in the country regulating wiretapping and all other forms of electronic eavesdropping. This law is designed both to protect the private citizen from unauthorized snooping and to enable legitimate law enforcement authorities to utilize scientific methods of crime detection. Unfortunately, the operation of this law has been disrupted by the Federal Government's failure to enact necessary enabling legislation.

Prompt consideration should be given to this problem by Congress. What is needed primarily is a Federal law making it clear that the States can enact reasonable eavesdropping provisions without violating the Federal Communications Act. I believe that we also need a comprehensive Federal statute similar to that enacted in New York to fully regulate this complex and very important subject. Both of these objectives are contained in a bill, S. 1292, which I introduced in the last session of Congress, which is now pending before the Committee on the Judiciary.

Only 1 week ago the New York State Joint Legislative Committee on Privacy of Communications issued another in its series of landmark reports on eavesdropping and wiretapping. In a statement accompanying this report, the distinguished chairman of the joint committee, Assemblyman Anthony P. Savarese, Jr., made a strong plea for congressional action, pointing out that—

> Unless Congress acts, New York seems almost certain to be stripped of its court-regulated system of wiretapping, a major weapon against organized crime which has had full public approval.

In addition to the Savarese committee report, I have received within recent weeks letters from a number of New York citizens joining in the request for Federal legislation. I have also received a resolution from the board of directors of the Grand Jury Association of New York County and a letter from Edward G. Dillon, Esq., the counsel and executive director of the New York State Sheriff's Association, with the same request.

The Washington Evening Star, in an editorial on March 19, 1960, taking cognizance of this growing interest in obtaining Federal action, has also concluded that—

> It would be a very good thing if this matter could be settled once and for all.

Reviewing the situation confronting New York law enforcement, the editorial calls upon Congress "to clarify its intent in the 1934 statute without waiting until a major breakdown in law enforcement compels it to act."

The dean of the New York Law School, Daniel Gutman, Esq., in a letter to the editor published in this morning's New York Times, also points out the necessity for prompt congressional clarification of the present law. Dean Gutman's letter says:

> The people should be made acquainted with the problem involved, its significance in terms of public safety and law enforcement, and the ready solution that can be provided by Congress.

Mr. President, I hope that these statements will be heeded by Congress and that we will not adjourn before relieving this critical law enforcement problem in New York.

Mr. President, I request that the statement by Chairman Savarese, the resolution of the grand jury association, the letter from Mr. Dillon, the editorial in the Washington Evening Star, and Dean Gutman's letter to the editor of the New York Times be printed in the RECORD at this point.

There being no objection, the statement, resolution, letter, editorial, and letter to the editor were ordered to be printed in the RECORD, as follows:

STATEMENT OF NEW YORK STATE JOINT LEGISLATIVE COMMITTEE ON PRIVACY OF COMMUNICATIONS AND LICENSURE OF PRIVATE INVESTIGATORS

"Recent court events have multiplied what was already a serious Federal threat and challenge to the police power of New York and other States in the area of law enforcement wiretapping," Assemblyman Anthony P. Savarese, Jr., said today, in issuing a report of the joint legislative committee on privacy of communications and licensure of private investigators.

"Unless Congress acts, New York seems almost certain to be stripped of its court-regulated system of wiretapping, a major weapon against organized crime which has had full public approval," said Chairman Savarese. "This report urges both the Governor and the attorney to do their utmost in the support of our district attorneys to defend this important part of our State's sovereignty. That warning is far more urgent today than it was when the report was sent to the printer months ago."

Recently the Federal court of appeals, in an opinion by Judge Harold R. Medina, temporarily enjoined the Bronx district attorney from introducing wiretap evidence, on the ground that such disclosure is a Federal crime. The question of a permanent stay was argued this week before the full court of appeals, under presiding Justice J. Edward Lumbard. But whatever it decides, the decision is headed for the Supreme Court, which has already stated that such disclosure is a crime and that Congress "did not mean to allow" the law enforcement wiretapping authorized by the New York State constitution 21 years ago.

The crux of the matter lies not in any court decision, but in the intent of Congress, which has never adequately expressed itself on wiretapping. The Supreme Court has erected a vast superstructure of opinion law on a "sleeper" of 31 obscure words in the Federal Communications Act of 1934, which were obviously never intended as definite legislation on wiretapping.

"What this adds up to," commented Assemblyman Savarese in releasing the report, "is that for a quarter century the Congress has abdicated its duty and made the Supreme Court take over its legislative powers in this area.

"Congress never debated or even mentioned wiretapping when it passed the act of 1934—20,000 words regulating the telegraph, telephone, and radio industries. Yet a brief, obscure, and undebated clause in that act—truly a needle in a legislative haystack—has become the sole basis for a vast amount of law as declared in Supreme Court opinions. The clause, merely forbidding the interception and divulgence of messages, is a cryptic, Delphic utterance; and the Supreme Court has labored industriously to define its meaning. Doubtless the learned Justices felt they were on the side of the angels when they declared on this basis years ago that law enforcement wiretapping was unethical and immoral. But how many angels does the Congress expect to stand on the point of a needle?

"If Congress really intended to deal with the complex subject of wiretapping in the 1934 act, it did so in an inadequate, slipshod, half-baked way. I do not believe for a minute that Congress intends now to supersede the police power of our 50 States. This would break down our entire structure of criminal law. But Congress should clarify its intent, in its own words, instead of putting this legislative burden on the Supreme Court."

The pertinent 31-word clause, in section 605 of the Federal Communications Act, is as follows:

"No person not being authorized by the sender shall intercept any communication and divulge or publish the existence, contents, substance, purport, effect, or meaning of such intercepted communication to any person."

Assemblyman Savarese discusses the legal aspect of the Federal Communications Act and the Court opinions in an article in the March 1960 issue of the American Bar Association Journal.

NOTE.—After this release had been prepared, news was published that Attorney General Louis J. Lefkowitch had filed a brief in support of New York's wiretapping law, with the U.S. circuit court of appeals in the case referred to above.

RESOLUTION OF BOARD OF DIRECTORS OF GRAND JURY ASSOCIATION OF NEW YORK COUNTY, INC., MARCH 10, 1960, RELATING TO THE NEED FOR FEDERAL LEGISLATION PERMITTING WIRETAPPING BY STATE LAW ENFORCEMENT OFFICIALS UNDER COURT ORDER

Whereas Grand Jury Association of New York County, Inc., for 46 years has devoted its efforts toward effective means to combat crime; and

Whereas official New York State and Federal crime records show a spiraling rate of racketeering and public corruption in New York and elsewhere endangering the health, safety, and welfare of the community; and

Whereas this association believes that one of the most effective instrumen.ts to combat organized crime and corruption is the use under court order of telephone wiretapping by official law enforcement officers; and

Whereas for many years New York State has had a model wiretapping statute permitting telephone interception by law enforcement officers under court order; and

Whereas recent Supreme Court and other Federal court decisions deny the right of State law enforcement officials to combat crime by wiretapping and have suggested that such officials should themselves be prosecuted for violating the Federal Communications Act; and

Whereas on March 7, 1960, General Sessions Judge Irwin D. Davidson announced that he no longer would grant permission to the district attorney or the police to tap telephone wires for any purpose terming such approval on his part "an illegal act at the present time" and prior thereto, Mr. Justice Samuel Hofstadter, of the New York Supreme Court, refused to sanction wiretapping by police officials; and

Whereas this association agrees wholeheartedly with District Attorney Frank S. Hogan that such decisions deal a crippling blow to law enforcement; and

Whereas for the past 2 years, in anticipation of this stalemate, the association has strongly favored clear and effective Federal legislation protecting State rights in this regard: Now, therefore, be it

Resolved, That Grand Jury Association of New York County strongly urges the public and all concerned to take notice that a law enforcement crisis exists which necessitates immediate enactment of Federal legislation restoring to New York State its original powers to sanction the legal interception by law enforcement officials, under court order, of telephone communications involving organized crime.

NEW YORK STATE SHERIFFS' ASSOCIATION,
Albany, N.Y., March 16, 1960.

Hon. KENNETH B. KEATING,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Section 605 of the Federal Communications Act, as presently constituted, makes it a Federal offense to offer, in the trial of an action in this State, evidence here legally obtained by wiretapping. This is a condition which should not be permitted to continue. It strikes at effective law enforcement and nullifies, in many cases, the efforts of prosecutors to keep crime within reasonable bounds.

This association, which includes within its membership every sheriff in this State, urges you to do all within your power to cause said section 605 to be amended so that evidence, legally obtained by wiretapping in any State, may be used without violating a Federal statute.

Very truly yours,

EDWARD G. DILLON.

[From the Washington Star, Mar. 19, 1960]

WIRETAP SHOWDOWN?

It looks as though the prolonged and often highly emotional debate over the controlled use of wiretaps in certain criminal investigations may be headed for a showdown. And it would be a very good thing if this matter could be settled once and for all.

The controversy grows out of language in the Federal Communications Act of 1934 which makes it a misdemeanor to "intercept and divulge" wire communications without the consent of the sender. Did Congress intend this to apply to wiretaps by properly authorized and supervised law-enforcement agencies? We doubt it very much. Nevertheless, the Supreme Court has interpreted this statute to forbid use of wiretap evidence or evidence developed from wiretap leads in Federal courts. And there is a mounting tendency in New York State to follow this reasoning.

New York law permits wiretaps under court supervision. More and more, however, State judges have been refusing to issue wiretap permits, holding that Federal law forbids them. New York District Attorney Frank S. Hogan, certainly a responsible man, says this will cripple his efforts to investigate organized crime, racketeering and corruption in office. The Grand Jury Association of New York calls it "a crisis in law enforcement." And a New York legislative committee, warning of a "breakdown in our entire structure of criminal law enforcement," has urgently called upon Congress to clarify the meaning of its 1934 wiretap statute.

The choice, it seems to us, comes down to this: Wiretaps and wiretap evidence, obtained in serious criminal cases under strict court supervision, should be expressly authorized. Or the use of this investigative technique should be specifically forbidden, thereby setting aside the telephone system as a kind of privileged sanctuary for criminal operations. We do not think the latter will come about, for public opinion will not stand for it. But Congress should move to clarify its intent in the 1934 statute without waiting until a major breakdown in law enforcement compels it to act.

[From the New York Times, Mar. 21, 1960]

TAPPING WIRES FOR EVIDENCE

To the EDITOR OF THE NEW YORK TIMES:

The controversy regarding evidence obtained by wiretapping pursuant to court order has a real basis in law.

The decision of the U.S. Supreme Court in the Benanti case lends itself to the interpretation that wiretapping may not be legalized under any circumstances by State laws.

It is difficult to reconcile the numerous opinions on this subject with any degree of consistency. The Court of Appeals of the State of New York, constituting the highest legal authority in the State, has held that such evidence is admissible. This is fortunate for the people of the State.

Were it otherwise, we would be faced with two alternatives: law enforcement agencies would be crippled in their fight against organized crime, or obliged to resort to devious methods of circumventing the law in order to run down and detect evidence of organized crime.

The controversy, however, will continue to the delight, among others, of all criminal elements of our society. Section 605 of the Federal Communications Act is the statute upon which those lawyers and jurists rely who contend that under no circumstances can evidence obtained by wiretapping be admitted and that any order permitting wiretapping is invalid in the State courts as it is in the Federal courts.

A simple amendment providing for an exception in States which have authorized the issuance of permissive orders would resolve this question properly, while leaving other related areas open for further consideration.

The people should be made acquainted with the problem involved, its significance in terms of public safety and law enforcement and the ready solution that can be provided by Congress.

DANIEL GUTMAN,
Dean, New York Law School.

NEW YORK, *March 11, 1960.*

ANNIVERSARY OF FOUNDING OF BOYS' TOWN IN ITALY

Mr. KEATING. Mr. President, March 19 marked the anniversary of the founding of the Boys' Town movement in Italy by Msgr. John Patrick Carroll-Abbing. Moved by the tragic plight of the war-orphaned and war-ravaged young children of Naples, Italy, in 1944, this fine man created an organization patterned on the famous Boys' Town of the United States. This splendid work of Christian charity and human salvage has now developed into national representation, and includes 9 Boys' Towns, a Girls' Town, and some 30 other institutions providing total care for more than 2,500 youngsters, and day care for an additional 5,000. The entire organization has been financed not only by Catholics, but also by people of all creeds throughout the world, and notably by the citizens of the United States.

Monsignor Carroll-Abbing, who has lived in Italy for 30 years, and has a distinguished record in the Vatican service, has aimed not only to provide food, shelter, and medical care for these thousands of homeless children, but also to train them in a trade, and, above all, in the principles of Christian living and democracy. The young citizens of Italy's Boys' Towns are encouraged to assume direct responsibility in every sector of their daily lives. A mayor is elected by secret ballot after a campaign in which each candidate must illustrate his program. The mayor and his four assistants or commissioners preside over the daily meetings of the popular assembly and are responsible to their fellow citizens.

The trust shown in the boys, the understanding guidance by teachers and counselors and the practical training in democratic living have turned thousands of problem children into good members of the outside community. Monsignor Carroll-Abbing is especially proud that the boys who have emigrated to the United States have shown outstanding ability to fit into the American way of life.

In a world where the dignity of the individual is so often consciously debased, and where opportunity remains a gift denied as a result of political, social, and economic circumstances, the work of Monsignor Carroll-Abbing and his associates stands as a magnificent example of the spirit of man's noble role as his brother's keeper.

LAW OF THE SEAS

Mr. MAGNUSON. Mr. President, last week I discussed on the floor of the Senate the vital importance of the meeting now in progress in Geneva on the law of the seas. I pointed out to the Senate at that time the security importance to the United States of the decisions made there; and second, the direct effect upon the fishing industry of the United States of adopting a 3-mile, 6-mile, or 12-mile limitation for territorial waters. This effect would be reflected in both the fish and shellfish industries.

I stated at that time that I would submit some figures relative to the effect of a 6-mile limitation and a 12-mile limitation upon the fisheries industry in our area. Since that time the State fisheries commissioner, Milo Moore, who at one time was an adviser to the Senate Committee on Interstate and Foreign Commerce in connection with fisheries matters, because of the great importance

of this meeting to the State of Washington, was sent to Geneva to be an official observer. The Senate Committee on Interstate and Foreign Commerce made him its observer also, because of his background, at no cost to us, which made the situation much better for us, because it would have required a considerable expenditure to send an observer over there in connection with this important matter.

In Geneva the representatives of 89 nations are now assembled. They are attempting to discard the longtime 3-mile limitation, and adopt a uniform global limitation somewhere between 6 and 12 miles. Last week I pointed out to the Senate the importance of such action to our security.

A 12-mile fishery zone would seal off from American fishermen important grounds on the west coast of Vancouver Island. Together with Canadian fishermen, they have fished that area for many years. The same situation applies to many other areas, in the gulf, and in many fishery banks all over the United States.

Not only would fishermen be hurt, but distributors, jobbers, wholesalers, processors, retailers, and many others who depend upon fisheries for a living would be affected.

I have figures showing the effect in this area alone should the State Department capitulate to Soviet demands for a 12-mile territorial limit, which would not only be disastrous to our security, but would also have a great economic effect on us.

Figures on bottom fish for our area alone show that American trawlers took 50,237,493 pounds of bottom fish off British Columbia last year, of which more than 12 percent were netted between 3 and 6 miles offshore. More than 15 percent were taken between 3 and 12 miles.

With respect to chinook salmon, about one-fifth of all Washington State chinook landings were made last year within 12 miles of the Canadian shore.

With respect to silver salmon, 14 percent of the State's silver landings were made within 12 miles of Canada.

With respect to pink salmon, 28 percent of Washington's pink catch was made in the 12-mile zone off Canada.

American fishermen harvested 1,600,000 pounds of chinooks, 1,500,000 pounds of silvers, and 750,000 pounds of pinks in all waters off Canada last year.

The fishermen received about 50 cents a pound for chinooks, 35 cents a pound for silvers, and 25 cents for pinks. Bottom fish brought the fishermen only an average of 8 cents a pound. There is quite a difference between what the producer and the catcher of fish receives, and what one must pay for fillets in grocery stores in the District of Columbia.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that I may have 2 additional minutes.

The PRESIDENT pro tempore. Without objection, the Senator may proceed.

Mr. MAGNUSON. More than half of Washington's trawlers work the disputed area steadily. There is no season. They are there all the time. At times three-fourths of the trawler fleet is in the waters which would be affected by the decision in Geneva.

The State of Washington alone—I do not have the figures for Oregon—has some 1,400 major salmon-trolling vessels. A large percentage of these ships fish the waters off Vancouver Island most of the time.

Milo Moore, the State fisheries director, values the State's commercial salmon-trolling industry at $3 million annually for the small group of fishermen who are there steadily.

Canada has a problem relating to Canadian fishermen in the exclusive 12-mile Canadian zone. Salmon from both nations intermix in the area. Those which may be coming to spawn in Puget Sound and in the beautiful inland rivers along the coast are intermixed with Canadian salmon. We do not have very much scientific data, but we know that they intermix.

That poses the same problem we have with the Japanese, when the Asian and the North American salmon intermix somewhere in the northern Pacific. We have a particular area staked out, and we are doing some research, but we do not know a great deal about the problem. The Japanese catch a great many immature North American salmon which are on their way back to American streams and American waters. The salmon also intermix off the Vancouver Island coast, and off Queen Charlotte Island.

So the importance of the Geneva conference is just as great as I mentioned last week. I hope our fine relations with Canada, which have existed since the beginnings of the two nations, and even before, will not be damaged in any way by the raging controversy in Geneva, and that the Canadians will not willingly give in to the proposal of Russia and her satellite nations, whose representatives comprise more than a third of the 89 representatives. A two-thirds vote is required. Each nation has a vote. A small nation like San Marino has the same vote as the United States, Norway, or Canada. I hope the free nations will not give in to the Russian proposal, because it would not only affect our security, but make territorial waters out of 114 strategic straits in the world, including the strait of Gibraltar and the English Channel. It would have the effect which I have indicated in our area, not only on our fishing industry, but on our security.

I hope the Canadians will stay with us on the 3-mile limit, for good reasons of their own, as well as for the security of the free world. I am sure we shall be able to get together on a treaty with Canada so that Canadian and American fishermen may fish these historic waters as they have done for many years in the past.

MUTUAL SECURITY AID TO CUBA

Mr. BRIDGES. Mr. President, although I have consistently supported foreign aid since its inception as the Marshall plan, I have equally consistently called for objectivity in approach and selectivity in administration. Never was it more necessary to apply the sanity of that concept. What possible iota of mutual security could there be at this time in aid to the Castro regime in Cuba, yet the International Cooperation Administration asserts that it has not only programed for fiscal 1961, but intends to carry out that program of aid to the tune of $350,000.

Mr. President, is this another example of bureaucracy gone astray, or one hand not knowing what the other is doing? The Department of State is supposed to set the policy for ICA, yet we find ICA proposing further aid to a regime from which, Secretary of State Herter has just said, we may have to break off relations. Regardless of diplomatic policy, is it good judgment to continue aid to a regime which has branded every kindly and helpful act of ours as an attempt at capitalistic enslavement?

Mr. President, never has my patience been so sorely tried, nor my support of a program been subject to more soul searching. The complete unrealism of the proposal cannot be better stated than in the editorial appearing in the Washington Daily News of Thursday, March 17, 1960. I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, Mar. 17, 1960]

NOW WE'RE AIDING CASTRO

We remarked, a few days back, that International Cooperation Administration (ICA) showed signs it was paying some attention to criticism and trying to tighten up its operation of foreign aid.

We hereby take it all back.

For its operations next year, ICA is asking Congress for $4 billion, which is $900 million more than this year.

And included in this amount is—of all things—$350,000 to continue foreign aid to Cuba. A big chunk of this would be used in the development of a modern civil service and personnel system for Cuba.

All this blandly ignores violent events of the last year or so, including Fidel Castro's sweeping replacement of civil servants with bearded amateurs who have been yammering about U.S. subsidies as a part of a devious, capitalist plot.

Aside from that unwanted radio equipment, left to decay on the Vietnam wharves, we can think of few more careless ways to waste money.

Foreign aid, as we have affirmed over and over, is essential to free world defense and progress. But its aims can't be accomplished merely by throwing money around, and this Cuban proposal indicates a confirmed habit.

Two study missions, one from the Senate and one from the House, recently have reported on extensive investigations prompted by articles on Vietnam, written by our reporter, A. N. Colegrove. These should be used by Congress in an effort to carve some of the fat off of foreign aid.

The lavish squandering of money, even if we had it to spare, does not advance the foreign aid cause. On the other hand it does harm by making us look foolish—as, we suspect, to the Cubans in this instance.

THE LOYALTY OATH IN NATIONAL DEFENSE EDUCATION ACT

Mr. BRIDGES. Mr. President, I am very much interested in the matter of loyalty oaths because, while they are obviously not foolproof, they do nevertheless serve a useful purpose. While they may not prevent a person from committing a subversive act, they do furnish a basis for perjury, and let us not forget that it was on perjury alone that Alger Hiss was meted out his just deserts.

It seems to me that the objection to the loyalty oath of the National Defense Education Act has been waged with more fanaticism than reason. If those professors who have been so vigorously opposing the loyalty oath in that act had spent the same time in an increased teaching output, they would have performed a greater service to their country.

The opposition becomes even more curious when one reflects that the loyalty oath of the National Defense Education Act was lifted verbatim from the earlier National Science Foundation Act. To that act there has not been, nor is there now, any great opposition; in fact, none to my knowledge. Wherein lies the difference? It lies, to my mind, simply in the fact that in the National Science Foundation Act the advances of funds are made directly to the students themselves. Under the National Defense Education Act, the funds are allotted to the colleges which, in turn, make loans to the students.

The difference which I have outlined bears out, I believe, what has been my contention all along, that the colleges which have objected to the oath as an abridgment of academic freedom have not considered an even greater freedom, that of the freedom of choice of the individual student, and indeed those colleges, few in number, 12 out of 1,368, have actually denied to their students a freedom of choice by refusing funds under the National Defense Education Act.

Furthermore, the latest evidence is that it is not so much a college policy matter as the matter of an organization which apparently is supersensitive. I refer to the American Association of University Professors. This was brought out in just the last few days when the chapter of that organization at the State university in my neighboring State of Vermont went on record as opposed to the oath, while the able and illustrious president of that university, Hon. John T. Fey, the former Clerk of the U.S. Supreme Court, said that he saw no objection to the oath whatsoever.

Since education and the quality of education are unquestionably of the utmost importance in the struggle for survival of this country and the whole free world, I can only wish that the educators address themselves as completely as possible to the matter of education and let the legislators address themselves to matters of legislation. The mere mention of the word "education" in a piece of legislation should not give rise to the cry of "Man the ramparts and fire in all directions."

THE "DOLE" SYSTEM IN THE SHIPMENT OF HOUSEHOLD GOODS OF MILITARY PERSONNEL

Mr. BRIDGES. Mr. President, many of my colleagues are aware that I have been concerned for some time over the method being used by the Department of Defense in the shipping of household goods of military personnel. For a number of years now a system of rotation and equitable distribution has been in effect. Under this system any carrier, regardless of qualifications, can request that his name be placed on a rotation list by the transportation officer of a military establishment. When his name comes to the top of the list the transportation officer awards him the next shipment of household goods. The transportation officer also is required to keep an accurate record of all shipments and periodically he must balance out the tonnage to insure that one carrier does not get more than the others on the rotation list.

Mr. President, I think it is obvious that such a "dole" system is contrary to the free enterprise system that has made our country what it is today. I think it is also obvious that the Government is not getting the quality of service it is paying for. What incentive is there for a carrier to perform high quality service when his efforts cannot result in receiving any more business than he will get automatically by providing a barely satisfactory service? And where else in Government procurement is there a system that guarantees an equal share of Government business just for the asking?

But apart from the fact that this system of rotation is contrary to our free enterprise system and the principles of good business, the matter that disturbs me most is that under such a method the serviceman and his wife have absolutely nothing to say about what mover is to handle their household goods, which in many cases may represent most, if not all, of their earthly possessions. Every civilian employee of the Federal Government—including the Department of Defense—has the right to select the carrier he wants to move his household goods when the Government transfers him. Only the man in uniform is denied this right.

Believing that it was extremely unfair to military personnel to deny them the same opportunity as all other Government employees, last April I met with Secretary McElroy and a group of household goods movers who felt that the method being used could be improved and that the individual being moved should have something to say about who moves him. As a result of the meeting, Secretary McElroy issued instructions that a determination be made as to the best way of shipping household goods of military personnel. Consequently, last June a committee, consisting of representatives from the Army, Navy, Marine Corps, Air Force, and the Department of Defense, was formed and spent 4 months full time studying the matter.

Mr. President, I would like to point out some of the findings of that committee:

First. The system of rotation has condoned barely satisfactory service.

Second. Maintaining the records required by rotation involved approximately a half man-year per installation.

Third. Of the military personnel interviewed, 59 percent wanted the opportunity to veto or select the carrier.

Fourth. Thirty-three percent of the military personnel interviewed rated the most recent movements of their household goods as unsatisfactory.

Is it any wonder that on December 8, 1959, Secretary Gates signed a new directive emphasizing quality of service and giving consideration to the wishes of the military personnel in the selection of the carrier? I think it is obvious to all that such action was in the best interest of the Government and of our men in uniform.

However, apparently it was not in the best interest of one segment of the household goods moving industry. No sooner had the Defense Department issued the new directive than the movers who prefer a "dole" system to going out and competing for military traffic the way they have to compete for other Government and commercial traffic started complaining bitterly that the new policy would put them out of business.

Mr. President, I have been amazed at the argument these movers have presented to certain Members of Congress and the staffs of congressional committees. They insist that they are "entitled" to an equal share of shipments of household goods from military installations without respect to the wishes of the individuals being moved: I would like to quote from the official transcript of a meeting called by the Department of Defense to discuss the new directive with the moving van industry. One of the group's spokesmen stated:

If this provision, the provision for indication of owner's preference and the solicitation of owner's preference were removed, I think we could possibly live with it.

At the same meeting a spokesman for another segment of the moving industry stated:

We feel simply that the member of the military should be allowed the prerogative of choosing the person with whom he is going to entrust his worldly possessions.

I must say that I am in agreement with this view.

I was disturbed, Mr. President, on January 13 when I received from the Department of Defense an announcement that the new policy directive was being suspended until July 1, 1960. The result, as I understand it, is that the Department of Defense is again studying the whole matter together with congressional committees, other Government agencies, and the moving van industry. What will come out of this latest go-round is anybody's guess, but I sincerely hope the Department of Defense will put into proper perspective the highly important necessity of guarding the legitimate interests of our uniformed personnel.

For the benefit of those of my colleagues who may not be aware, yet, of how our military personnel feel concerning who moves them, I ask unanimous consent that a series of news stories and editorials dealing with this subject be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Army Times, Jan. 16, 1960]

DELAY GRANTED—GOODS MOVE ORDER GIVEN JULY DATE—GERMANE CITES MANY COMPLAINTS FROM SERVICEMEN

(By Jack Vincent)

WASHINGTON.—The top Department of Defense (DOD) transportation official said this week that he would recommend that the effective date for a new policy on movement of uncrated household goods of military families be delayed from March 8 to July 1.

Dr. Gayton Germane, Director of Transportation Policy for DOD, made the statement at a noisy open meeting at the Pentagon on the new directive which would give the military a modified free choice of movers on PCS's.

Under the new plan, servicemen could veto use of a moving firm assigned by a transportation officer if that moving company had given him unsatisfactory service in the past.

Dr. Germane's recommendation, it was believed, is almost certain to be approved by Secretary of Defense Thomas S. Gates, Jr.

So delay in start of the program was almost certain.

In making the recommendation for delay, DOD officials were bowing, at least temporarily, to the unusually vocal protests of small or independent movers who expressed fears of being driven out of business.

Dr. Germane apparently hoped the delay would give time to pacify the small movers.

He earlier had reported at the Pentagon meeting that nearly one-third of military families surveyed reported that they had received flat-out unsatisfactory service from transfer firms in moving their household goods.

However, a spokesman for Senator SAM ERVIN, Democrat, of North Carolina, who is threatening a congressional investigation of DOD policies on household goods moves, said that the legislator's office has yet to receive a single complaint about poor service from a soldier at Fort Bragg or a marine at Camp Lejeune, both in North Carolina.

The Pentagon meeting immediately became a sounding board for congressional demands that the new plan be held up or rescinded. If not, it was threatened, either the Small Business Committees or the Armed Services Committees of the Congress would hold probes to call DOD to account.

Thus, the DOD action taken December 8 in an announced drive to provide better quality of service in moving household goods of the military may become an election-year political football.

At stake is some $200 million a year the military spends to move the household effects of its servicemen.

At issue was whether to—

Adopt the new system which would allow a serviceman to veto shipments of his goods by a mover which had given him poor or unsatisfactory service in the past.

Keep the present system of rotating shipments of goods among movers who register with the transportation officer regardless of the wishes of servicemen.

At odds were segments of the transportation industry which now are split up into two groups as follows:

The movers committee for equitable distribution of Government traffic, which claims to represent between 2,000 and 3,000 small moving companies.

A group the small movers call the Big 4 composed of Allied Van Lines, North American Van Lines, Aero-Mayflower Transit Co., and United Van Lines and some 4,000 of their independent local agents scattered across the country.

It was brought out that the Small Business Administration (SBA) had opposed the new moving policy, although the SBA official in DOD had gone along. Spokesmen for the Big 4 denied they were big business and said they had fewer than 500 direct employees—the dividing line between big and little business.

DOD officials called the meeting in an attempt to work out and explain its new policy. But they remained to hear hoots of derision from the small movers. The small movers also gave an ovation to Representative JAMES ROOSEVELT, Democrat, of California, a member of the House Small Business Committee, when he demanded that the new system be either postponed or completely dropped.

The new policy would continue the present rotation system, allowing transportation officers to assign movers. However, it would be mandatory for a TO to select another firm for the servicemen if the latter said he had received bad service from the original selection in the past.

More than a score of Congressmen and Senators or their representatives attended the meeting, which was held in the 275-seat capacity theater-auditorium at the Pentagon.

Flanked by many aids, Dr. Germane presented the Defense Department's position. The hearing room was crowded but not overflowing. It was apparent that there were more small movers than big companies present.

Dr. Germane explained that the main intent of the new directive was to provide better quality of service for members of the military. He said a DOD team had made a survey in the field and it had found that 33 percent of the military and 28 percent of the civilians working for the military had rated movement of household goods as unsatisfactory.

"That is nearly one-third," he continued. "That's a pretty harsh proportion. You can all see that changes were required."

Dr. Germane said that complaints revolved around excessive damage to furniture, delay in pickup, failure to unpack, and failure to reassemble furniture which had been taken apart for shipment.

"It adds up to a serious problem for us," he declared. "It's our responsibility to see that members of the military receive satisfactory and quality service."

He maintained the new plan was fair to all, and that small operators would get more business if they furnished quality service. He said he did not think that the role of advertising would influence traffic.

At that, the small movers hooted in derision. The small movers have charged that the big four through newspaper advertising could attract most of the business and drive the small operators to the wall.

Dr. Germane stated:

"Any carrier with top quality service will get more traffic. Those who provide poor service will get less. You might call this the stick."

A small operator in the meeting room protested in sotto voce which many could hear that:

"It's a club."

Dr. Germane said the new policy gives people a positive incentive to furnish top quality moving service to military families.

Later Dr. Germane told Army Times exclusively that his office had received communications from a total of 764 persons about the proposed change. He said that 646 were in favor of it, 115 against, that 2 had mixed reactions, and that 1 was neutral.

Small movers had protested that DOD made the change without keeping a promise that they would first be consulted on the proposal. Dr. Germane said he had to apologize to them because a DOD statement to them had said just that. But the DOD, he said, had meant to say that the small movers would be consulted on regulations implementing the change, once policy had been decided.

Representative ROOSEVELT indicated that the new policy would go into effect over his dead body. He declared that because of the misunderstanding over the promise of prior consultation the only fair and decent thing to do is to cancel the order and start over from scratch.

The Congressman pointed out that the small movers had support from the Democrats and Republicans alike. He pointed out that there had been a conference with the Big 4 before issuance of the policy and asked if there was any attempt to get further views, such as those of small movers.

"No," answered Dr. Germane. "They knew we were here."

Again there were shouts of derision from the small movers.

It was John Spain, executive assistant to Senator ERVIN, of North Carolina, who made the statement for the lawmaker that there was not one single complaint about moving service from servicemen at Fort Bragg and Camp Lejeune.

Spain charged that DOD put Congressmen behind the 8 ball by saying small movers would be consulted before issuance of the directive.

Senator ERVIN, he reported, demanded that action be deferred 6 months from the proposed March 8 starting date.

"If not," Spain said, "he's going to investigate how and why you reached your decision. There are rumors that the Big 4 are back of this. Of course I don't believe it. I haven't had a single soldier or marine to criticize the quality of service."

Spain said that the fact that one-third of the military surveyed had complained of unsatisfactory service was "not alarming to me"

Main presentation for the small movers committee was made by Russell E. Garrett, its chairman. He charged that the Big 4 control more than 50 percent of all military moving.

Earlier, Dr. Germane reported that under the rotation system the Big 4 got only 29 percent of all military moving.

Garrett insisted it was 50 percent. He also alleged that the big movers were trying the trick of smear by innuendo by charging the small ones were fly-by-nights. He said the so-called fly-by-nights would be found among the agents of the Big 4.

He asserted that the new policy would drive many into bankruptcy and leave the country without adequate transportation in events of emergencies. He added:

"Most of these carriers have heavy debt commitments incurred in order to meet their obligations under your previous policy. You are abandoning them. You are throwing them to the wolves."

[From Army Times, Feb. 13, 1960]

CHANGE THE RULES

Response to our invitation to readers to voice an opinion on how movers of their household goods should be selected has been gratifying—and the mass opinion expressed has been practically unanimous. In the 4 weeks since the survey was opened, hundreds of service people have written in. All but one was emphatically in favor of a change in the present rules, which give the service family practically no choice in what firm moves them on a PCS transfer.

In other words, all but one would favor changes in the rules such as were proposed by the Defense Department some weeks ago, only to be deferred to July 1 by protests from small movers and some Congressmen. (The inference was clear in many letters received by this paper that the Defense Department did itself little good in service people's eyes by backing down on the issue.)

Much resentment also centered on the fact that while many moving firms apparently think they have a right to the money resulting from handling a service family's personal possessions, the serviceman himself cannot refuse their services, even though he may have firsthand knowledge of their unacceptability.

In a nutshell: Why should any serviceman have any less right than any other citizen to deny to any ill-equipped carrier with a poor reputation the privilege of moving his personal property?

This attitude makes complete sense to us. An unsatisfactory movement of a soldier's possessions by a carrier should not be tolerated by the military any more than it would be in the case of a civilian being moved by his employer or with his own funds.

A failure to show continued ability to move household goods in a proper manner should be cause for disbarring a carrier from consideration for such work until he can meet the standards.

The claim is made that the present system is democratic and nondiscriminative. It is said that large-scale advertising by the Big 4 van associations will grab all the military business.

We doubt that. Word-of-mouth is still the best kind of advertising and it can't be bought. The old Army grapevine still functions and the word of a good move would be worth large sums in advertising dollars.

On the other hand, why should a soldier undergo financial hardship in the loss of possessions and nonpayment of just claims, merely in order to keep noncompetitive carriers in business? By that we mean the many—though not all—firms which spring up around an Army post, are added to the list in the transportation office, but have neither the equipment nor experience to handle the jobs they get. If these people are unable to survive business competition, perhaps they should find another calling.

Perhaps this excerpt from a reader's letter will sum up the attitude of the majority: "It has happened that the same company has moved us each time and without so much as a glass being broken. I would, of course, if the choice were mine, choose this company again. My choice would be based on past service, not advertising."

In coming weeks, the Department of Defense and others concerned in the matter will be holding meetings looking toward a final decision on goods moves. Army Times hopes to have a representative at these sessions, prepared to put on the record news stories, editorials, and letters dealing with this subject. Of course, no correspondent's name will be used if he does not want it made public.

[From Air Force Times, Feb. 6, 1960]

GOODS HAULERS

ILLINOIS.—After having read the article in AF Times about moving household goods I must say I agree with the people who said they received poor service. I've made eight PCS moves in the past 8 years and on my last two moves there was more damage than on the other six combined.

It seems to me a plan could be devised whereby the transportation officer at the point of origin could be given a copy of the manifest to certify that the household effects were loaded on such and such a date, weighed so much, how much it would cost to move them, destination, etc. This copy could then be given to the serviceman who was moving and when the goods were delivered to his address he could get the money to pay the movers in the same manner he obtains travel pay and dislocation allowances for his dependents.

The smaller companies claim the larger ones will get all the business if the individual is to get a choice. That may be true to a certain extent, but I believe that if good service is rendered the word will get around as it does now about the bad service.

MASTER.

MIDWEST.—I am writing in response to an article and a more recent editorial both in regard to the shipment of household goods of military personnel; and suggested remedies to what Dr. Gayton Germane, Defense Transportation Policy Director terms "flat out unsatisfactory service from transfer firms."

First, let's take a look at the proposed system, which would allow a member to veto a shipment of his goods by a mover which had given him poor or unsatisfactory service in the past. The glaring unjustice to this system is that the member must have been stung before exercising this veto. No provision is made for the member making his first move, nor, for the person who through experiences of friends has knowledge of unsatisfactory moves. It has long been my belief that the person making his first move, one with the bare basic entitlement to such move, is entitled to every bit of consideration and fine service as one accorded the maximum weight allowance applicable under law.

Now for a look at the present system, commonly known as the rotation system. Under this system, carriers and their agents file a service tender with the military installation, and if accepted become eligible for traffic on a rotational basis. This service tender outlines in explicit language the conditions under which the carrier accepts such traffic, including the type and condition of equipment to be used, packing requirements, pick up, dispatch and delivery deadlines, the type and condition of warehouses used for intransit storage, and delivery into residence and unpacking requirements. Forms have been devised for use with each shipment, on which to record all aspects of that shipment. It will be noted, nothing in the proposed "new" system changes this, it only adds the conditional veto prerogative of the member.

Basically, then, this is a sound system and should work, but when fully one-third of the members as reported, report "flat out poor service," something drastic must be wrong which needs correcting. This entails frequent and rigid inspections of carriers' facilities and equipment as well as close observation of pickups and deliveries of goods. This obviously is not being done.

NONCOM.

[From Army Times, Jan. 30, 1960]

READER OPINION ON MOVING SYSTEM

RACINE, WIS.—By all means, use the new system. In conjunction with the new policy, let's have a centrally located sounding board where we can write in about good or raw deals so that another won't get stuck by the same outfit, in case we should.

M. Sgt. HENRY E. O'NEIL, Jr.

FORT STEWART, GA.—It seems a pity to me that a group of fly-by-night moving companies can dictate to the U.S. Government on how and who will ship the household goods of military personnel. In some cases, up to four companies are represented in one building.

All that is required to move military household goods is to submit a service tender to the transportation officer, get it approved and then wait for the business to roll in. At the present time, the transportation officer distributes the weight equally to all carriers that have service tenders on file, and the individual being moved has no say as to who will move him.

Military personnel should be entitled to choose the carrier that will transport their goods. It's a shame that they are forced to accept the same unsatisfactory service from the same unsatisfactory carrier that moved their goods on the last PCS move.

Sfc. JOHN A. CARTWRIGHT,
Transportation Office.

FORT CAMPBELL.—I wonder if these independent movers ever considered giving superior service to offset the great advertising power of the Big 4. Can it be that they say to themselves: "What difference does it make if our service is below par? We have a contract with the Government."

(Name withheld.)

[From Navy Times, Feb. 6, 1960]

TIMES' POLL SHOWS READERS WANT TO PICK MOVING FIRM

WASHINGTON.—A serviceman should be able to choose the firm he wants to move his household goods.

That's the overwhelming opinion of our readers who responded to our "It's My Move" ballot printed 2 weeks ago.

For those who may have missed it, we're reprinting the coupon ballot with this story. We'd like your vote and comments if you have any.

Defense was going to issue a directive giving military families more say as to which transfer company will move their goods. It was originally going to take effect March 8. But it was postponed until July 1 after a heated Pentagon meeting among Defense officials, a group of "independent" small movers and Congressmen.

The postponement is supposed to give those concerned some time to hold conferences and, perhaps, draw up an entirely new directive.

No one, however, had asked service families how they felt about the matter. So Navy Times suggested to its readers that they let themselves be heard via our ballot. Our sister publication, Army Times, is also surveying its readers and a sampling of opinion among its readers show they're also overwhelmingly in favor of a change.

Dr. Gayton E. Germane, Defense Department Director of Transportation Policy, who acted as chairman at the Pentagon meeting, said that although the battle is raging over the so-called free choice clause in the directive, the most significant change is the emphasis on the quality of service rendered by the carrier.

Germane said he does not believe that small movers, who have provided top quality service at competitive rates in the past, will lose any business.

The small "independent" movers, who have formed the movers committee for equitable distribution of Government traffic, charge that the change from the rotation system, under which movers are assigned as their names come to the top of the list, would drive them out of business. They say the Big 4, as they have labeled Allied Van Lines, United Van Lines, North American Van Lines, and the Aero-Mayflower Transit Co., could wield so much advertising power that their small businesses would not be able to compete.

Navy Times has received almost as many letters telling of unsatisfactory service given by large moving companies as by the small ones. It is not a matter of eliminating the small mover. What service families want is the right to pick their mover.

One reader writes: "It has so happened that the same company moved us each time and without so much as a glass broken. I would choose this company again if the choice were mine. My choice would be based on past service, not advertising."

"I feel the independent companies will not lose a nickel under the new system because I have found them to be more reliable than the larger companies," writes another reader,

"but I should like the new system to be approved in order that I might have the opportunity to select the company to move me if the van company chosen by the transportation officer is one which gave me poor service in the past."

Another writes: "Under the new system the only movers who will suffer are those who have already demonstrated their incompetence, and I fail to see anything unjust in this. If the new system is going to force any mover 'to the wall' through loss of business from the services, then he is no more than a parasite who deserves the fate."

Still other comments:

"The small companies have no kick. All they have to do is put quality into their work and stop trying to pocket money for doing as little as possible on the present rotative system."

"As a matter of fact, they could go a little further and give the serviceman his choice completely."

"It's our dollars as well as other U.S. citizens, so why shouldn't we have the privilege of choosing our mover? Our choice of a reputable moving firm is our best insurance."

"The expense of repairing and replacing household goods could be avoided if companies cared enough for their business through the Defense Department to offer better service and more efficient employees."

"For the consolation of the small movers, my best moves were by them."

"This new system should have been put in practice years ago."

"In one overseas move and three stateside moves, we have had excellent packing and satisfactory transport of our household goods. I have no complaints with the old system."

A study made by the Defense Department which led to the writing of the new directive, showed that nearly one third of the service families questioned had received "unsatisfactory" service in the past.

Under the proposed system, qualified carriers would have records on file at each shipping installation, showing the quality of service they give. Servicemen would then be able to check those records before making arrangements for moving. Traffic would still be distributed among the lowest-cost originating carriers, but primary consideration would be given to quality service.

It is impossible to forecast what changes, if any, will be made in the directive by July 1 when it is scheduled to go into effect. Whether the conferences between Defense officials and the movers will include representatives of both groups at the same time, has not been announced.

Ella Roller, press representative for the movers committee, told Navy Times that the "independents" have asked for at least a couple weeks' time before coming back to Washington to attend conferences.

"They are ready, willing and able to cooperate with the Department of Defense in any way," Miss Roller said, "and are most hopeful of a mutually beneficial arrangement."

A spokesman for the Big 4 said no conference has been called but that, "we will be ready to sit down and discuss the situation with the Defense Department, either in a separate session or together with representatives of the small movers." He added that the original directive was not as strongly worded in reference to owner selection as the group had hoped it would be.

Readers who wish to express their opinions on the subject may do so by writing to: "Move," Navy Times, 2020 M St. NW., Washington 6, D.C.

Your name will be withheld upon request.

IT'S MY MOVE

Circle No. 1 or 2 below. (Send comments on separate sheet, if you wish.)

1. I prefer that the old system of moving household goods be kept in force.

2. I think the new system proposed by the Defense Department would be preferable.

Check here — if you wish your name withheld.

Name .....

Address .....

[From Army Times, Jan. 30, 1960]

SURVEY RESULTS: MOVE PICK FAVORED

(By Carol Arndt)

WASHINGTON.—A sampling of opinion among Army Times readers last week indicated that an overwhelming demand exists for changes in the method of selecting commercial movers of service household goods.

Asked a direct question by Army Times—"Do you prefer the 'old' way of selecting haulers of your goods on PCS moves, or the new method proposed by the Defense Department?"—those who answered almost unanimously favored the latter.

Of the nearly 200 who replied via a clip-out coupon printed in Army Times, only one person favored the "old" method.

The "old" way, of course, is still in force. Defense's directive giving military families more to say as to which transfer company will move their goods was originally scheduled to take effect on March 8. It was later postponed to July 1 following a heated Pentagon meeting among Defense officials, a group of "independent" small movers, and Congressmen.

The postponement is intended to give all concerned time to hold conferences and, perhaps, to draw up an entirely new directive.

No one, however, had asked service families how they felt about the matter. Army Times suggested to its readers last week that they write in, stating their feelings on the subject.

Dr. Gayton E. Germane, Defense Department Director of Transportation Policy, who acted as chairman at the Pentagon meeting, said that although the battle is raging over the so-called free choice clause in the directive, the most significant change is the emphasis on the quality of service rendered by the carrier.

Germane said he does not believe that small movers who have provided top quality service at competitive rates in the past will lose any business.

The small "independent" movers who have formed the "movers committee for equitable distribution of Government traffic," charge that the change from the rotation system, under which movers are assigned as their names come to the top of the list, would drive them out of business.

They say the Big 4, as they have labeled Allied Van Lines, United Van Lines, North American Van Lines, and the Aero-Mayflower Transit Co., could wield so much advertising power that their small businesses would not be able to compete.

Army Times has received almost as many letters telling of unsatisfactory service given by large moving companies as by the small ones. It is not a matter of eliminating the small mover. What service families want is the right to pick their mover.

A reader stationed in Europe writes: "It has so happened that the same company moved us each time and without so much as a glass broken. I would choose this company again if the choice were mine. My choice would be based on past service, not advertising."

"I feel the independent companies will not lose a nickel under the new system because I have found them to be more reliable than the larger companies," writes a reader stationed at the U.S. Army Ordnance Depot, Pueblo, Colo., "but I should like the new system to be approved in order that I might have the opportunity to select the company to move me if the van company chosen by the transportation officer is one which gave me poor service in the past."

Another writes: "Under the new system, the only movers who will suffer are those who have already demonstrated their incompetence, and I fail to see anything unjust in this. If the new system is going to force any mover 'to the wall' through loss of business from the services, then he is no more than a parasite who deserves the fate."

Still other comments:

"The small companies have no kick • • • all they have to do is put quality into their work and stop trying to pocket money for doing as little as possible on the present rotative system."

"As a matter of fact, they could go a little further and give the serviceman his choice completely."

"It's our dollars as well as other U.S. citizens', so why shouldn't we have the privilege of choosing our mover? Our choice of a reputable moving firm is our best insurance."

"The expense of repairing and replacing household goods could be avoided if companies cared enough for their business through the Defense Department to offer better service and more efficient employees."

"For the consolation of the small movers, my best moves were by them."

"This new system should have been put in practice years ago."

"In one overseas move and three stateside moves, we have had excellent packing and satisfactory transport of our household goods. I have no complaints with the old system."

The study made by the DOD, which led to the writing of the new directive, showed that nearly one-third of the service families questioned had received unsatisfactory service in the past.

Under the new system qualified carriers would have records on file at each shipping installation, showing the quality of service they give. Servicemen would then be able to check those records before making arrangements for moving. Traffic would still be distributed among the lowest-cost originating carriers, but primary consideration would be given to quality service.

It is impossible to forecast what changes, if any, will be made in the directive by July 1, when it is scheduled to go into effect. Whether the conferences between DOD officials and the movers will include representatives of both groups at the same time, has not been announced.

Readers who wish to express their opinions on the subject may do so by writing to: "MOVE," Army Times, 2020 M Street NW., Washington 6, D.C.

Your name will be withheld upon request.

[From Army Times, Jan. 16, 1960]

DATELINE: WASHINGTON

(By Carol Arndt)

(After this column was written, Gayton E. Germane, Defense Department Director of Transportation Policy, announced he will recommend that the effective date of the directive on transportation be delayed from March 8 to July 1—Editor.)

The "household goods hauling hassle" took on the shape of a hot battle this week when the movers, who annually transport about 644,100 shipments of uncrated household goods for military and civilian families, met with top members of the Department of Defense to talk about the Department's new directive on the subject of transportation.

The directive was designed to give servicemen more say-so about who will haul their household goods on a PCS move. It goes into effect on March 8, and will do away with the rotation system under which the transportation officers simply assign the next mover on the roster to handle a serviceman's move. Under this new directive, a family that has found a certain moving company gives unsatisfactory service (based on previous experience with that company) may ask that another company be assigned to handle the job.

Although this sounds fair to most, a number of "independent" movers are objecting violently and shouting "foul." About 2,000 of them have joined forces to form "The Movers Committee for Equitable Distribution of Government Traffic." They are afraid the Big 4—Allied Van Lines, United Van Lines, North American Van Lines and Mayflower Transit Co.—will wield so much advertising power that their small businesses will not be able to compete.

At the meeting, for which the 275-seat theater conference room in the Pentagon was packed, Defense Department Director of Transportation Policy Gayton E. Germane explained that "the directive's emphasis is on raising the standard of service" and that this will be used as "the stick" to fulfill the obligation to military families.

Gen. I. Sewell Morris, director of the Military Traffic Management Agency, said, "What we want is to get a buck's worth of service for every buck spent."

Under the new system, qualified carriers will have records showing the quality of the service they give on file at each shipping installation. These records will be made available to owners when they want to see them before arranging for a move. It is the belief of the Department of Defense that, with this emphasis on service, small and medium-sized carriers who provide top quality service at competitive rates may receive even more business than in the past.

Members of the Movers Committee for Equitable Distribution of Government Traffic say this is not so. And, as a result of the battling that has been going on between the DOD and the independent movers for a couple of weeks, Senator GEORGE SMATHERS, Democrat, of Florida, said his Subcommittee on Surface Transportation of the Senate Interstate and Foreign Commerce Committee was looking into the directive. He said there might be public hearings. Other Congressmen, including Senator RICHARD RUSSELL, Democrat, of Georgia, chairman of the Senate Armed Service Committee, have gotten into the act, too.

And that's not all. Now service wives, who have definite ideas about how their household goods should be handled, are beginning to voice their opinions. The following letter is reprinted in the hope that other wives will express their feelings in this matter:

"Dear Mrs. Arndt: Read with interest and mounting dismay of the interest of Senators SMATHERS and RUSSELL in the recent Department of Defense directive re option for families on choice of packer.

"Realizing that the various trucking interests are hoping to downshout the Department on this matter, I wonder if through your column a write-in campaign might be organized to inform the Senators of the trials and tribulations of those most vitally concerned in this argument—the service families.

"Couldn't you suggest to post women's clubs through your column that the individual members be encouraged to take pen in hand and inform these men by virtue of personal experience of the reasonableness of this directive?

"Each woman could relate disagreeable or favorable experiences, delays in shipment, improper handling, etc., that make dealing with the fly-by-night operators that prey on moving contracts, so onerous.

"I, for one, am writing these gentlemen today. I hope others will join me. This is the only lobby we have. Let's make use of the mails.

"Sincerely,

"JUDITH BARNETT,
"(Mrs. Walter L.)."

[From Army Times, Jan 16, 1960]

IT'S YOUR MOVE

The Defense Department's announced intention to change the rules of governing movement of service household goods came under sharp attack this week. And no wonder: at stake is a payroll variously estimated to be $70 million to nearly $200 million a year. Additionally, scores of small trucking firms are certain they will go under with the loss of Government contracts.

That's why an open meeting called by Defense officials at the Pentagon this week was jammed with members of "The Movers Committee" (for equitable distribution of Government traffic), all protesting any change in policy. The committee was formed by the independent small movers, who have also enlisted the aid of a number of Congressmen. Some of the latter have demanded that the Defense Department rescind the directive which started the controversy and was scheduled to go into effect on March 8. Gayton E. Germane, Defense's Director of Transportation Policy, say's he'll recommend the effective date of the directive on transportation be delayed until July 1. Others have threatened full-scale investigations. On hand, too, to uphold the Defense people in their stand were spokesmen for four organizations representing other movers who believe that the new system would provide economies and better service.

How it all came out is detailed in our front page story this week.

In previous weeks, Army Times has reported the events leading up to the argument. Briefly, the nub of the controversy is this:

Small movers wish to keep the system of allotting contracts for the shipment of service members' household goods which has been in effect for years. It is based on a rotation system by which each eligible mover regularly comes to the head of the list and is entitled to the next moving job without regard to the member's wishes

Large movers favor the new Defense plan, which would allow service members to veto the use of the company asigned them by a transportation officer, if they had had bad service from that company in the past.

What concerns Army Times in all this is the fact, that, while nearly every brother and his sister in business or politics is taking sides in the argument, an odd silence has prevailed within the military ranks.

Yet the whole matter revolves around the service family's property and, ultimately, its pocketbook.

It occurs to us that readers have not gone deeply enough into the subject to realize its full potential for them. If so, we urge them to read the stories in Army Times and elsewhere. It may also be that no effective way has been provided readers wishing to record their sentiments. In that case, the coupon below may be a convenience.

If you wish your opinion recorded—and reported—fill out the coupon, paste it on a postcard, and mail to:

"Move," Army Times, 2020 M Street NW., Washington 6, D.C. Your name will be withheld upon request.

IT'S MY MOVE

Circle No. 1 or 2 below. (Send comments on separate sheet, if you wish.)

1. I prefer that the old system of moving household goods be kept in force.

2. I think the new system proposed by the Defense Department would be preferable.

Check here — if you wish your name withheld.

Name .....

Address .....

[From Army Times, Feb. 13, 1960]

BY DEFENSE: MOVING STUDY GROUP FORMED

WASHINGTON.—As controversy continues on the new Defense policy on movement of uncrated household goods of military families, DOD has set up an industry advisory committee designed to inform and advise Department policymakers on the problems involved in the method of selecting commercial movers for PCS moves.

The committee, which was chartered this week, will hold its first meeting Monday at the Pentagon. Five industry representatives have been invited to serve as members with one member representing the following divisions of the moving industry: Independent small carriers, the so-called Big 4, regulated freight forwarders, unregulated freight forwarders and the Movers Conference of America (the movers' trade association).

Each representative has also been invited to designate a minimum of two and a maximum of three members to serve on subcommittees which may be needed.

In an exclusive interview with Army Times, a principal spokesman of DOD gave assurances that the committee will be used solely to secure information necessary to working out the best policy and that DOD will work out the policy on the basis of two primary issues—"to provide top quality service to military families and secure the best price for the Government in doing the job."

The DOD spokesman emphasized that all policy decisions will be made by the Government. The committee chairman will be a Government official (probably Dr. Gayton Germane, Director of Transportation Policy for DOD) and an attorney from the Office of General Counsel will be present at the meeting.

He also explained that the committee is only one of several groups concerned who are being consulted on settlement of the policy. Representatives of all of the services met with Dr. Germane this week and advice will be sought continuously from these service representatives, as well as Members of Congress who have become involved in the problem.

Monday's meeting should prove to be quieter than the crowded, noisy meeting held several weeks ago at the Pentagon, at which Dr. Germane bowed to congressional and small mover pressure by postponing the effective date of the new policy which would give service families more choice of movers on PCS's.

[From Navy Times, Feb. 20, 1960]

HOUSEHOLD GOODS BATTLE STILL RAGES

WASHINGTON.—The battle over who should move a service family's household goods is still in a deadlock.

Not even a series of secret meetings this week in the Pentagon could break loose an agreement between large moving companies referred to as the "Big Four" and small independent movers who have formed the Movers' Committee for the Equitable Distribution of Military Traffic.

The Big 4 proposed at the closed-door hearing that military families be given free choice and that the Defense Department set up the standards to assure quality service.

The so-called small movers again insisted that the present mandatory rotation system be kept intact.

And through it all service families continued to flood Navy Times with mail expressing their views on the matter. And they're still overwhelmingly in favor of a change in the present system.

At last count, we had received 237 of our ballots, printed a few issues ago, asking for comments. Of these, 228 were in favor of the proposed new system; 9 favored the present no-choice system.

The whole thing started when the Defense Department was about to issue a directive giving a military man a chance to turn down a mover on the rotation list if that company had given him bad service before. But small movers protested and got some Congressmen to back them up. So the directive has been indefinitely pigeonholed.

Of the ballots received this week, 88 were received from 1 activity alone, NAS, Cecil Field, Fla., where someone had mimeographed our ballot and passed them out. Of these, eight favored the present system, and until they came in we had received only one other vote for the present system.

The current series of behind-closed-doors meetings in the Pentagon may be opened up to the public so service families will be given a chance to testify.

Conducting the meetings was a Defense Industry Advisory Committee composed of one representative of the small movers, one from the "Big Four," one from regulated freight forwarders, one from the unregulated forwarders, and one from the Movers' Conference of America.

The first meeting went rather smoothly and, according to a spokesman, "an atmosphere of cooperation and good intentions prevailed."

However, that was because only the question of quality of service was brought up and everybody had to agree that servicemen should be given the best quality of moving.

On the second day the question of free choice came up, and then the fat was in the fire. There were no noisy debates, because the "Big Four" merely stated their desire for free choice and then sat back and listened and refused to argue.

The independents also stood on their desire for no change, charging that free choice would hurt their business and alleging that the "Big Four" would use an advertising campaign to get all military business.

[From Army Times, February 20, 1960]

CARE IN MOVING

The fact that one carrier offers straight-goods while another does not is good reason through service to a shipper of household for a service family on transfer orders to prefer using it. And this is probably one of the central reasons independent moving firms are so vociferously not in favor of the Defense Department proposal to give the service shipper a choice in who is to handle his goods: They're not equipped to do a complete job.

Many of the abuses causing great concern among service families probably stem from that. Under the present system of rotating carriers on a list, many irresponsible agents are content to do just a passable job. Since they are not connected with other carriers, and knowing that they will probably never see the same customer again, they give no thought that the goods may be interlined and interchanged any number of times before the shipment is completed. Of course, the less handling there is, the less is the possibility of damage or loss.

In addition, consider the inconvenience of such interlining.

When goods have to be put into permanent storage, one agency does the packing. But when it is moved out, the rotation system takes over and another carrier loads the goods for transit shipment. The original agent is relieved of all responsibility once the goods leave his warehouse. The shipping carrier does not carry liability on the packed items because they were packed by another agent. And he does not have to unpack them at their destination for the same reason. A claim submitted on this type of shipment is a waste of time.

We trust all of this is taken under consideration by those in Defense now studying the practicality of putting the new HHG directive into effect on July 1. Meanwhile, it is possible for service people on notice of transfer to do something in their own behalf to mitigate future loss or damage to their possessions. This was indicated to us recently by a former Army officer who now works for a moving agent in Florida and so is familiar with both sides of the street.

Pointing out that service families normally are authorized 90 days of storage in transit, he suggested that visits to the various agents in town would be illuminating. A person having any regard for his furniture has a natural interest in where it is going to be stored, how it will be packed and crated. If the workmen themselves are unkempt and discourteous that will probably reflect the corporate policy. Anything in this area which appears to be below standard should be reported to the post transportation officer, who can do something about it.

Again, the matter of insurance is important to the shipper. The Government releases HHG to the carrier at its lowest valuation of 30 cents per pound per article. Should the shipment be destroyed, the service family can claim only for that amount—and that does not mean 30 cents a pound for the whole load, but 30 cents per pound per article. The conscientious householder ought to look around his home and think about that—and then not make a move without added insurance.

A fair and realistic evaluation of household goods should run to a dollar or $1.25 per pound. Twenty-five or thirty dollars will insure five rooms of furniture for a full year. This will not seem too much should one ever have occasion to replace his goods.

[From the Air Force Times, Feb. 20, 1960]

CHANGE THE RULES

Servicemen—of all services, ranks, and grades—have spoken their mind, in letters to the Times newspapers, on the issue of who shall move their household goods: (1) A mover of his choice, or (2) the carrier whose name pops up at the top of the transportation officer's list when the individual's move comes up.

The second system, now in operation, gives service families practically no choice of movers. Defense had recently proposed modifying these rules to give individuals considerable choice. But when protests from "small" moving companies and some Congressmen poured in, action to launch the change was postponed.

USAF men writing Air Force Times stand foursquare for free choice. So do readers of Army Times and Navy Times; both of those newspapers have been flooded with protests over the present system.

The reasons? Poor service.

The servicemen's urgent plea for a change makes sense to us.

We were impressed particularly with a letter from a noncom who works in a career field tied with the moving business. A "passenger and household goods specialist," his letter pretty well sums up the case of service people generally for a "free choice."

"Having worked in this career field for the past 10 years," he says, "I have many times cussed and many times been cussed because of policies currently existing whereby a member on PCS move has to take pot-luck on who will move his household goods.

"I have seen rational men become irrational and women sit down amongst their busted furniture and cry, and wonder why they cannot have their personal and sometimes priceless furniture entrusted to a mover of their choice whom they know will give quality service.

"I think the proposed policy, whereby a member will have some choice of carrier, considering carrier's record of performance, transportation equipment, reliability, should be implemented.

"For the carriers who are complaining that the proposed policy would bankrupt them, I think the only thing sought in the new directive is quality service. * * * Carriers willing to compete and provide quality service, will have a chance to better themselves rather than go bankrupt."

In the coming weeks, the Defense Department and others concerned in the matter will be holding meetings looking toward a final decision on goods moved.

The fact that Defense has already delayed any change suggests that opponents of free choice are making headway. We hope that is not the case.

MOVING SERVICE

TARHEEL STATE.—I think a book could be written of the instances of mishandling of our furniture and household furnishings by both large and small transfer companies.

I can only say cheers for our leaders who want to let each family select its own moving company when a PCS move comes around. I am sure the quality of our moves and the individual's satisfaction would improve 1,000 percent.

W.F.P.

WASHINGTON, D.C.—No doubt about it; let us choose who will move our household goods.

K.S.S.

TEXAS.—Emphatically yes. Give the military family a choice of movers and you'll see some real service. I've moved 32 times in 17 years. Under the present system there is no advantage to the mover to handle your property carefully. AF families should not have to do business with lines that stack furniture on tables, fail to wrap mattresses, squash mother's best hat in a carton, and fail to meet agreed delivery dates.

CAPTAIN.

[From Navy Times, Feb. 27, 1960]

BATTLE OVER MOVING GOODS STILL IN BIND

WASHINGTON.—The Navy has a poster that it distributes to its activities.

"Moving Can Be a Pleasure," it proclaims boldly. "No Work, No Muss. Follow These Simple Directions and Leave the Work to Us."

It probably brings a humorless smile to a good many Navy men.

Because if our reader opinion survey on household goods moving is any indication of service thinking, there haven't been many who'd be willing to give their testimonial to the poster.

But it's not the fault of the Navy.

The Navy does try to make every move as pleasurable as a move can be.

But it's hamstrung by the Defense Department's policy of having to give the moving jobs to the lowest cost carriers on a rotation system, with the owners of the goods having little, if any, say in the matter.

The result in too many cases is the service family suffers.

Defense was about to change the system. A proposed directive would have given a serviceman a chance to turn down a mover on the rotation list if that company had given him bad service before.

But the small moving companies protested and got some Congressmen to back them up. The result: The proposed directive was canceled, and a series of secret Pentagon meetings was started between large moving companies, commonly called the Big Four, and small independent movers.

At last report, the meetings were still deadlocked, with the Big 4 saying, in effect: "Change the system, give a man his choice of movers," and the small companies insisting that the present system be kept, or the Big 4 would use an advertising campaign to get all the military business.

And meanwhile service families have to continue taking the moving company given them when they change duty stations, whether they like it or not.

And a whopping majority don't like it.

A few issues ago, we ran a ballot for the use of our readers to indicate a choice between the present and the proposed systems. It's been a one-sided response. To date we've received 264 replies, of which only 10 believed that the present system should be kept in force.

Our sister publication, Army Times, also ran the ballot. And the response from Army men has been the same. A total of 350 replies has been received by that office, of which only 1 favored the present system.

[From Air Force Times, Feb. 27, 1960]

WANTS FREE CHOICE

OVERSEAS.—I'm in favor of allowing the serviceman some choice in who will move his household goods. In recent years I had two companies give me excellent service, but another company (I was unlucky enough to have it move me twice in a row) cost me over $300 in repairs and an unwarranted overweight charge of $99.24. They packed my goods in 31 barrels and charged me and Uncle Sam by the cubic foot. I should have had around 15 barrels.

STAFF.

[From Army, Navy, Air Force Journal, Jan. 16, 1960]

FAMILY GOODS FIGHT HEADS FOR CAPITOL

The fight over how much say military families will have about who transports their household goods will move from the Pentagon to Capitol Hill.

At issue is $200 million of military moving business per year.

The Defense Department, seeking to improve the quality of moving services provided military families and eager to stimulate competition among moving van companies, issued a new policy statement on December 8.

That policy called for elimination of the automatic rotation system previously employed in the hiring of carriers and provided greater opportunity for individual service families to choose the company they wanted to carry their household goods.

A storm of protest resulted from owners of moving van companies who contended that the new policy would give too great an advantage to larger carriers.

A 2-day hearing was held at the Pentagon this week. It resulted in a decision by Defense officials to suspend implementation of the new policy until July 1. During the interim, new policies will be worked out, which, hopefully, will be less controversial.

The moving van companies which favor the "free choice" provision, and also those who oppose it, have powerful support on Capitol Hill, and there is no question that the issue will be debated in forthcoming congressional hearings.

Opposition to the December "free choice" policy statement culminated at special Pentagon meetings January 11 and 12 between Defense Department officials and industry representatives.

During the sessions, Representative JAMES ROOSEVELT, Democrat, of California, championed the cause of the dissatisfied movers. He called for withdrawal or postponement of the effective date of the December 8, directive.

Congressman ROOSEVELT's demand was followed by similar requests, conveyed in messages to the meeting, by Senators E. L. (BOB) BARTLETT, Democrat, Alaska, and SAM J. ERVIN, JR., Democrat, North Carolina.

Senator ERVIN, a member of the Senate Armed Services Committee, threatened to request a special congressional investigation if the Defense Department policy were not rescinded or suspended.

A powerful congressional supporter of the changes, who did not appear at the meeting, is Senator STYLES BRIDGES, Republican, New Hampshire. The ranking Republican member of the Appropriations Committee, he advocated complete free choice of movers for all service families.

Under the Defense Department proposal, service families would be given a choice of movers, provided the one they pick is among the lowest cost, high quality firms available, and provided also that the Government could maintain a suitable number of carriers for peak traffic periods.

Defense Department officials stressed at the Pentagon briefings this week that this did not mean complete free choice of movers on the part of military families. The final choice of a carrier would be left with local transportation officers, whose primary duty would be to distribute household goods shipments with regard to the quality of service rendered by local movers.

Some movers expressed fears that the new policy would drive them out of business.

It was claimed by some at the meeting that four big moving concerns receive 50 percent of all Government moving business. Defense Department statistics show that these four received approximately 29 percent of all Government business during the first 6 months of 1959.

Yielding to pressure from the local opponents of "free choice" for service families, Defense Department Director of Transportation Policy, Dr. Gayton B. Germane, announced at the close of meetings January 12 that the December 8 moving directive would be suspended until July 1.

Before new regulations are implemented, Dr. Germane said, Defense Department officials and moving-industry leaders will get together to discuss what the new directive should contain and what the implementing regulations should be.

[From Army, Navy, Air Force Journal, Jan. 16, 1960]

MEMO—EXCLUSIVE G–2 REPORTS TO READERS OF THE JOURNAL, THE NATION'S ONLY WEEKLY PUBLICATION COVERING THE TOTAL DEFENSE ESTABLISHMENT

The Pentagon has had its squabbles, but few have been as boisterous as the 2-day sessions this week at which Defense Department officials discussed with industry representatives new rules—subsequently delayed—providing for "free choice" by service families in the designation of movers to handle their household goods. The Pentagon sessions frequently seemed more like a high school ruckus than a serious attempt to formulate rules for the shipment of household goods that would be beneficial to service families, the Government, and the movers themselves. Opponents of "free choice" were under no restraint to stop the laughing—and many times jeering—which they carried on during Defense Department explanations of what it needs in the field of movement of household goods.

A fact which opponents of free choice unsuccessfully tried to bury during the meeting was that 33 percent of military families who recently were transferred complained of unsatisfactory moving service. The point received added emphasis from Col. Earl C. Hedlund, Air Force Director of Transportation Policy. He stressed that under the regulations calling for automatic rotation of contracts, the services could not obtain quality service in the moving field.

[From Army, Navy, Air Force Journal, Feb. 20, 1960]

DEFENSE OFFICIALS—MOVING VAN LEADERS PLAN SERIES OF PENTAGON MEETINGS

Defense and industry leaders will meet again February 29 to plan better moving service for military families.

At their first meetings, February 15–17, the industry advisory committee reached agreement that military families deserve "top quality" service in the moving field. They will meet an average of once every 2 weeks until they complete their studies on the problem.

Deadline for submitting a new DOD policy on the shipment of family household goods is July 1.

Defense Department officials had proposed a new "free choice" household goods policy late last year, but were forced to suspend it until July following strong protests at a meeting with industry representatives at the Pentagon in January.

The suspended policy would have given military families a greater say in determining the firm to move their household goods, and would have required local transportation officers to give preference to those moving companies which provided the highest quality of service at reasonable cost.

The policy evoked strong protests from congressional sources, small movers, and industry associations.

Defense Department officials report "substantial progress" at their meetings with industry representatives this week, but say that they do not know at this stage whether the results of their work will result in a policy similar to that announced last year or whether it will be entirely new.

The Pentagon officials say they are certain they can work out a policy which will satisfy "the fundamental requirement of giving military families the best quality service possible while representing the natural interests of the industry itself."

Need for better service in the shipment of household goods for military families was pointed up in a recent Defense Department study which showed that one-third of all military families were dissatisfied with the way their household goods shipments were handled.

Chairman of the defense-industry committee is Dr. Gayton Germane, Director of Defense Department Transportation Policy.

Members are: Ernest Wheaton, president of the Movers Conference of America; Russell Garrett, Movers Committee for the Equitable Distribution of Government Traffic; Griswold Holman, president of the George G. Holman Co., Rutherford, N.J., representing the so-called Big 4 (Allied, North American, Mayflower, and United Van Lines); F. N. Mellus, Freight Forwarders Institute; and Ralph W. Johnson, Vanpac Carriers, Richmond, Calif.

THE GREAT SALT LAKE NATIONAL PARK

Mr. MOSS. Mr. President, one of the most needed bills before the Congress is the "save our shorelines" bill, or the "SOS" bill, as it is commonly called.

It has been my happy opportunity to conduct hearings for the Interior and Insular Affairs Committee on two scenic seacoast areas which, in my estimation, should be preserved—Cape Cod in Massachusetts and Padre Island in Texas. Next month I am scheduled to go to Kentfield, Calif., to conduct a hearing on the Point Reyes National Seashore Park. Support for safeguarding our scenic shorelines is growing at a gallop throughout the country.

Recently I introduced a bill to establish in my own State of Utah a Great Salt Lake National Park to save a part of its shoreline for the wonder and enjoyment of our people. I have asked Chairman MURRAY to authorize hearings in Salt Lake City on my bill after the adjournment of Congress so that local problems in relation to the lake can be aired, and the way cleared to preserve,

before it is too late, a stretch of this barren and characteristic shoreline of America's unique inland sea.

I ask unanimous consent to have printed in the RECORD an editorial on the Great Salt Lake National Park which appeared on March 18 in the Salt Lake Tribune.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Salt Lake Tribune, Mar. 18, 1960]

INCLUDE SALT LAKE SHORE IN PARK SYSTEM

"Our Fourth Shore" is the title of a National Park Service report dealing with park and recreational potentialities on the U.S. side of the Great Lakes.

This and two previous reports on remaining shoreline on the Atlantic, gulf, and Pacific coasts are the result of extensive studies made by the Park Service but financed privately.

They all emphasize how America's recreational shorelines are being taken over at an alarming rate by commercial, industrial, and speculative enterprises. As a result, support is gaining for several "save our shorelines" bills in Congress.

The report lists 66 individual waterfront areas in 8 Great Lakes States which, although now privately owned, the Park Service considers important for recreation and other public benefits. Five areas were singled out for national park status and the other 61 for more local emphasis.

"Our Fourth Shore" should give the shoreline park movement a needed filip.

We hope that neither the National Park Service nor Congress will overlook the potentialities of the Great Salt Lake when they get down to the business of setting up a new system of seashore national parks. This world-famous inland dead sea has significant values worthy of preservation and interpretation, as the National Park Service has said.

Senator Moss, of Utah, is sponsoring a bill for the creation of a Great Salt Lake National Park. Out of congressional hearings on the bill he hopes a plan will emerge for developing part of the lake and shoreline for public use. Senator Moss has explained that it was never contemplated that more than a section of shoreline would be set aside for national park purposes. Hence, a national park or national monument on a stretch of shoreline—that of Antelope Island, for example—would not interfere with commercial exploitation of the lake elsewhere.

The Senator made a special point when he emphasized that he sought to improve the economic value of the lake, rather than impair it, but that he was "unalterably opposed to the present program of using it principally as a sewage dumping ground."

This growing country needs the national shoreline park system, and prompt action will be needed to keep remaining suitable shorelines from being despoiled by the bulldozer. We heartily endorse the theme of "The Fourth Shore" and hope, meanwhile, that a fifth shore, that of part of the Great Salt Lake, will be added.

APPROPRIATIONS FOR THE COUNSELING AND RESEARCH GRANTS PROGRAM OF THE SMALL BUSINESS ADMINISTRATION

Mr. MOSS. Mr. President, I rise in support of the amendment to H.R. 10234 which I have cosponsored with the distinguished Senator from Alabama and others of my colleagues.

The amendment to H.R. 10234, the Commerce appropriations bill, would provide funds for continuation of the Small Business Administration counseling and research grants program that was initiated under the Small Business Investment Act of 1958. The fiscal year 1961 SBA budget, as approved by the Bureau of the Budget and submitted by the President, would bring the research program to a halt before any of its fruits are available for analysis by the Congress or the executive branch. I believe that it is not only unfair but also penny wise and pound foolish to judge against this program before its contributions to small businesses can be measured.

Because the program was new, SBA was unable to make the first grants, those for fiscal year 1959, until June 1959. It is expected, however, that the grants for fiscal year 1960 will be made in April. In the fall of this year the results of the first projects completed will be turned over to SBA.

Until some of the completed studies are available for analysis by SBA and the Congress, it is not possible to judge accurately their usefulness and the value of the program under which they are being made.

If the small business research in other States is progressing as it is in the State of Utah, I can assure Senators that the results of these grants will be highly beneficial to small business.

The research grant in my State was made to the bureau of economic and business research of the University of Utah. It has been my privilege to know something of the scope of the project planned by the bureau and to know some of the able people who will work on it with Dean Clyde Randall of the college of business and Dr. Osmond L. Harline, the project director. Dr. Harline is also the director of the bureau of economic and business research and is editor of the Utah Economic and Business Review.

A preliminary report from Dr. Harline to SBA indicates that the project is on schedule and is being conducted efficiently and enthusiastically by the faculty and student personnel engaged in the work.

The Utah project is divided into two parts. In part I, the bureau will study the use of informational aids by small business.

The Dun & Bradstreet reports on business failures ascribe a large proportion of the failures to bad management. If the reports are correct, then it is vitally necessary that every possible technique be employed for increasing managerial ability. The results of the study of small business informational aids should provide an expert evaluation of the available aids, the extent to which they are now used, and methods by which their effective use may be expanded.

The second part of the project under way at the University of Utah concerns the use of Government-sponsored financial assistance programs for small business.

All Senators have probably received complaints from small businessmen who were denied loans by SBA. On the other hand, we have all observed the beneficial results of SBA loans to small firms. Therefore, our impressions of SBA may be based on the experiences of only a few applicants for loans. In my opinion it will be very beneficial to have the results of an independent, impartial SBA loan program analysis based on large numbers of loans throughout an area of the Nation.

Mr. President, our country has in recent decades become increasingly conscious of the problems of small business. Within the past few years, there has also been an increasing flow of literature on small business. However, there has been very little basic research on the myriad of small business problems that we have begun to acknowledge as existing in our society.

The research grants program will, if continued as I am convinced that it should be, provide much of the needed fundamental research into these problems.

I hope that the Senate will adopt the amendment to provide funds for the continuation of these grants. It would be tragically shortsighted, in my opinion, to cut short a program that was conceived and originally funded as a needed long-term project to last 10 years or longer.

THE COST OF STORING AGRICULTURAL COMMODITIES

Mr. CASE of South Dakota. Mr. President, the cost of storing our agricultural commodities has been placed at $1.7 million a day—that is more than $1,000 a minute. In the welter of the farm surplus debate has come an investigation of profiteering and chiseling by elevators and warehouses.

I have no sympathy for the crooks and chiselers who have abused the Government storage programs. There are bad kernels in the bin—but I want to say a word for storage on the farm and in the country elevator. Farm storage or nearby is best. The grain is there if needed and it has not added shipping charges. So, I believe in storage as near to the place of production as feasible.

I have received many letters from country elevator operators—most of them family businesses in our South Dakota communities. These are people who have erected storage facilities at the urging of the Commodity Credit Corporation to relieve storage problems caused by bumper-to-bumper crops.

Many of them borrowed to build storage facilities, on which they pay local property taxes. They have assumed the risk of shrinkage and spoilage on grain placed in their elevators.

The last Uniform Grain Storage Agreement was negotiated in 1956. Costs have risen since that time. One operator writes that these costs are up 25 percent since the last agreement was promulgated. A nationwide survey by CCC shows storage costs have varied from 5 to 21 cents per bushel, but, as we understand it, all types of facilities have been receiving the same flat bushel rates.

Storage payments are not gifts—either to the farmer who seals grain in a bin built for that purpose or to a local elevator. The man who stores is responsible for the grain—if it is lost or destroyed he must in effect replace the grain, not just repay the loan value. To

condition grain properly requires regular checking, moving, fumigating, and aerating.

Investigations have revealed unreasonably large profits by some of the large terminal warehouses, but this is not a true picture for the average small elevator man or farmer. Many of them have found they were losing money on storage when shrinkage and spoilage were accounted for.

We are increasingly concerned about the severe economic problems of our small family-operated farms. We ought to be concerned about the problems of businessmen in our rural communities.

Statistics on a nationwide basis inundate the economic problems of the small elevators and the farmer who rents storage space to the Commodity Credit Corporation. It is like the fellow who drowned in a river that averaged only 3 feet deep. He is knocked down and swamped before he gets his head up to speak.

The South Dakota skyline would be a lonesome sight without the country elevator.

So, let us remember that generalizations as to huge profits in the terminal grain storage industry do not necessarily mean that the man who stores grain in the country or in local elevators is sharing them.

I ask unanimous consent to have printed in the RECORD at this point a list of the grain stored under price support on farms in South Dakota, and CCC-owned grain stored in elevators in South Dakota; also letters dealing with this subject.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CCC-owned grain stored in elevators in South Dakota

Wheat	bushels	23,000,000
Corn	do	20,800,000
Oats	do	1,800,000
Barley	do	1,700,000
Rye	do	780,000
Other	do	500,000

Quantity of grain under price support in South Dakota—Sealed and stored on farms

Corn	bushels	17,400,000
Wheat	do	14,800,000
Oats	do	15,000,000
Barley	do	2,800,000
Grain sorghums	cwt	250,000
Rye	bushels	1,100,000
Flax	do	600,000
Soybeans	do	250,000

CCC binsite stocks

Corn		40,763,722
Wheat		7,919,092
Oats		321,199
Rye		107,675
Barley		779,040
Soybeans		2,434
Grain sorghums	cwt	73,220

PETERSON ELEVATOR,
Fedora, S. Dak., March 5, 1960.

Senator FRANCIS CASE,
Washington, D.C.

DEAR SIR: Seems as if some of the politicians have gone overboard on the so-called high profits made by elevator operators. (The farmer gets the same rate on the farm.) I would like to acquaint you with my situation.

I have a capacity of 105,000 bushels here. And have only 48,000 bushels of stored grain on hand now which is less than half full.

Last May I put up a metal storage bin of 60,000-bushel capacity and this building has in it now a little over 28,000 bushels. I was led to believe that the storage was needed and that I would get it filled which never happened.

By the time I pay taxes, insurance, and other expenses on my operation it is hardly a break-even deal, now.

I will still have the same expenses if there is nothing in my storage buildings. Will that make the headlines? No they will say the damn fool should have known better.

We are held responsible for the condition of this grain and that is quite a responsibility and requires constant attention to avoid loss.

I was led to believe that there was a local need for this storage and now I am being let down. I was hoping that I would get my investment back over a period of years and now that does not seem possible.

This is my situation and would like you to know that this Government storage is not all roses.

Yours truly,

ABE PETERSON,
Owner and Operator.

ROBERTS ELEVATOR CO.,
Cresbard, S. Dak., March 5, 1960.

Senator FRANCIS CASE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CASE: Knowing you are a Senator from west river and knowing you are also a good Senator, I write in asking that you help an east river constituent in your work on Capitol Hill.

Senator SYMINGTON said in a speech at Peoria, Ill., that "warehousemen make unusually high profits from the grain-storage program." His statement would have been correct if he would have said some warehousemen and not inferred that the whole grain trade was in the throes of seeing which bank would accept more of their money for deposit. Some of us do not have trouble with a large bank account, but just the opposite—we have trouble meeting our bills.

I am a small operator as far as the grain storage business is concerned, having two frame houses and two flat houses for a total capacity of 175,000 bushels. I have yet to have a 50 percent fill of CCC inventory and I wouldn't have that if I had not been forced into the grain storage business. Forced may be a little strong but if it is, it is only because it meant that I either went into the storage business or get out of the grain business entirely.

When you see editorials such as appeared in the Daily Plainsman, January 28, 1960, and news items (?) such as appeared in the Aberdeen American News, February 27, 1960, you wonder why the grain trade even fights to stay alive. Admitted that some of it is political, even that should make the best men of the trade throw in the sponge. We do not, however. Most of this adverse publicity concerning the storage end of the grain trade is being used as a political football, and it is up to Senators like you to help out and put the issue in front of the people squarely and as it should be. If there is any doubt as to what the score is, read Cliff Andersen's last bulletin (which I am sure you receive), and go on from there.

Very truly yours,

ROYCE ROBERTS,
Manager.

YALE, S. DAK., *March 9, 1960.*

U.S. Senator FRANCIS CASE,
Washington, D.C.

DEAR SENATOR CASE: Much talk is going around about the warehouse storage that is not good or true. Some say that we, the warehousemen, are making huge profits on it and many other charges. When in truth, we erected storage facilities only when urged by the Commodity Credit Corporation and the demand called for it to relieve the storage problem caused by bumper crops and the unwillingness of CCC to shoulder additional storage responsibilities.

Now after we have erected large storage facilities at tremendous cost, have high handling costs, pay income tax on storage income, plus shrinkage and large capital investments, we want to continue this service to our grain farmers. Since the last uniform grain storage agreement was negotiated in 1956, the cost of operation of these facilities has increased rapidly but the CCC payments have remained the same.

Now as these attacks on the storage agreement with CCC are being made, we are asking you to defend our problems in this field as a large share of this storage is handled by farmers themselves through their cooperative country elevators.

In these days of soil bank land retirement and CCC on-the-farm storage and takeover, the country elevators are having a rough time making ends meet. We believe our Congressman needs to know how we feel on this issue. We want this storage service to continue as it is at present. Thanking you for the fine service you have rendered agriculture in the past, we hope you can see our side of this matter and fight for us. Thanking you again.

Very truly yours,

ADAM F. REINSCHMIDT,
President of Farmers Cooperative Elevator Co., Yale, S. Dak.

FARMERS ELEVATOR CO.,
Draper, S. Dak., March 7, 1960.

Senator FRANCIS CASE,
Washington, D.C.

DEAR SENATOR CASE: We feel that this adverse publicity regarding the storing of Government grain has been overly and unfairly played up in our news sources.

Nearly all elevators are having a hard time making expenses. Any drastic cut in our storing rates is going to put many country elevators in the red, as many are already working hard just to keep even.

All operating costs are working higher and higher and it is tougher every month to keep up with these ever-mounting costs.

We find many farmers unwilling to reseal their grain at these present rates, to earn storage on the farms. A rate reduction is going to force more farm deliveries and put additional space problems on the elevators. Reduced rates will discourage any additional storage space being built by farmers or elevator operators, and continued large crops will put the storage problem back in the hands of the Government and increased binsite building to take care of more surplus crops.

It seems like a 15- to 25-percent acreage cut is more likely to cure the storage costs, than a rate cut with additional production.

Yours truly,

M. F. PEIRCE,
Manager.

THE FARMERS COOPERATIVE CO.,
Brookings, S. Dak., March 8, 1960.

Senator FRANCIS CASE,
Senate Building,
Washington, D.C.

DEAR SENATOR CASE: Much has been said and written lately about revenues from storing commodity credit grain. I would very much like to be given the courtesy of expressing my views to you in this letter.

We are thankful for our storage revenues, but they are not a gift, nor are they too high for local elevators of our area. Approximately 7 cents a bushel per year net does not seem high when an elevator is responsible for $1 per bushel for corn, $2 for

wheat, and $2.80 for flax. The elevator, you see, is responsible for the cost of replacement of the grain, not the loan value.

At first we placed the grain in storage and settled back to collect the revenues: However, we found it necessary to put in a $4,000 temperature indicating system as our corn was heating and was being lowered in grade from No. 2 to sample grade. The difference between the two grades eliminated any possibility of making any profit on that particular grain.

We learn from experience, however, now the heat indicating system is in the bins, we fumigate regularly, we aerate the grain and run a good portion of our total stored grain over a mill to remove "fines." This experience helps us show a profit (approximately 7 cents per bushel) but the risk of potential loss is always with us. The shrinkage in storing grain, and particularly in conditioning grain, is always a balance factor between showing a profit or a loss. If one is fortunate in containing the shrinkage to a minimum then a profit will be attained. If shrinkage cannot be held to the minimum, then you discover you have no profit because you do not have the same number of bushels you took in for the account of commodity credit.

To briefly summarize: I do not believe there is any more efficient way of storing grain than in the local elevators. (I would like to know total cost of storage at CCC binsites including shrinkage and loss of grade.) (A 3-percent shrink on $3 per bushel of flax is a loss of 9 cents per bushel.)

Storing grain for commodity credit is compatible with cash grain merchandising in such a manner that both services are done for less because of the other.

Cash grain could not be merchandised for our farmers at an approximate (4 percent), yes, 4 percent, gross margin without CCC storage. Nor could a reasonable profit be shown on the storing service without the help from cash grain merchandising by reducing total fixed cost and distribution of manpower.

I urge you to use your influence to maintain the present storage rates so that local elevators will not have to greatly increase the grain merchandising service cost to our already cost-laden farmers.

Yours truly,

ARTHUR B. SOGN,
General Manager.

I have written a masters thesis on how grain elevators can exist while working on a 3- to 5-percent gross margin. If you are interested, I would be glad to send you one.

MIDLAND GRAIN & LUMBER CO.,
Midland, S. Dak., March 8, 1960.

Senator FRANCIS CASE,
Senate Office Building,
Washington, D.C.

DEAR SIR: We have a few thoughts on the grain storage controversy that we would like to call to your attention. Until a few years ago this company did not have a storage agreement and all CCC grain was on a handling only basis, grain was shipped to a designated terminal upon receipt and we operated with a small elevator on a cash grain basis.

CCC was continually short of storage room and requested this firm to enter into a storage contract. We did this and built storage facilities of modern style and furnished our community with the needed place to go and also delivery could be made at a time when the producer could conveniently deliver the grain due CCC. Prior to this it nearly always conflicted with the new harvest so that it was a matter that the farmer was hard put to remove last season's crop due CCC in time to clean his bins for the new crop.

The facilities that we have built are the things that have enabled us to stay in business as you well know that CCC has captured the main part of the grain production. In fact they are our biggest competitor. Also by the item that had we no storage we would now be completely out of business, the way it has turned out we handle this grain in South Dakota, pay the increased property taxes in South Dakota, hoping to make a profit which we then share with the Internal Revenue Department.

Storage rates have not been increased, all costs connected with the proper warehousing and storage of grain have increased, labor costs alone are up 25 percent since the time that we entered into a storage contract. To properly check and condition grain as a public warehouse calls for continuous checking, moving and at times several fumigations in a very short period of time. The charge per bushel per year is not high compared to the risks and responsibility the warehouseman has.

We have tried to keep up with our responsibilities to our local producers and the Government farm program and think that we have done a good enough job that the grain trade should not be castigated in the public press. In the light of any fair unbiased examination am sure that it would be found that a rate increase would be due.

Yours truly,

GUST A. LARSON.

MURDO ELEVATOR CO.,
Murdo, S. Dak., March 9, 1960.

Senator FRANCIS CASE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CASE: The grain storage industry has received a lot of adverse publicity from the Senate investigation of grain storage rates. The cost to the people has not become great because of excessive rates but because of the vast amount of grain that has to be taken care of. Overproduction cannot be laid at the door of the warehouseman.

Pressure to build storage facilities far in excess of normal needs has forced warehousemen to risk construction of costly buildings that can only serve the demands of a Government program that has been labeled as a temporary measure. In most cases, no guarantee has been given that these facilities would be filled and if filled that they would remain so. At this station in 1958 and 1959 an additional 160,000 bushels of capacity was erected that would be of no use to our normal grain buying operation when the program ends.

The Commodity Credit Corporation under its uniform grain storage agreement, has placed additional demands upon the warehouseman over and above those required by State law. In spite of this, grain storage rates have held remarkably steady.

Newspaper headlines have made much of the word "profit." The USDA grain storage survey covered direct operational costs and did not pretend to include costs of shrinkage, loss in quality, income taxes and return on investment. When all factors are included it will be shown that the grain industry has a relatively low rate of profit and that grain storage rates are not excessive in light of the responsibility taken and the service rendered.

Sincerely yours,

HAROLD PECK.

THE FARMERS CO-OPERATIVE ELEVATOR CO.,
Revillo, S. Dak., March 9, 1960.

Senator FRANCIS CASE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I am writing to you in regard to this storage, and our liability that we incur when we sign a uniform storage agreement with the CCC.

In 1953 we had 77,000 bushels of capacity here, in 1960 we have 300,000 bushels capacity here, in 1960 we have 100,000 empty.

In 1953 we were debt free and operated on our own capital, in 1960 we have a debt on new construction of nearly $70,000.

Why did we go from a sane operation to a very high-risk operation? The answer is pressure; first, from CCC to handle and receive grain on the takeover from farmers; second, from farmers who want to take out CCC loans in the warehouse. These are usually short-term and storage earnings are small, from August to January; third, from the Department of Health, Education, and Welfare.

Protecting grain from weather is not our only responsibility, it has to be protected from birds, vermin, and insects.

The CCC now allows farmers to keep grain on the farm for 3 years, paying them storage at the same rate we earn. Not 1 in 20 farmers takes care of the grain as it should be—turning and fumigating.

In the fall of 1957 the corn was delivered here with moisture of 15½ to 16 percent. Too high for safe storage. We dried it all at no expense to the producers; this was not done to induce farmers to deliver here, but for our own protection as we have to maintain the original grades at all times. This would be impossible if we did not replace about 5 percent of the corn with new corn each year. This is an added expense not taken into account in the storage rate.

In South Dakota we have a very good warehouse law. It requires every licensed warehouse to carry a bond payable to the State covering 100 percent of our outstanding storage liability.

The CCC does not give South Dakota warehouses any additional credits for this protection, yet it costs us $278 a year extra, taxes and insurance run $525 per month that are not taken into account by CCC in figuring their binsite costs. Storage rates have not been raised, they are the same as in 1956—all costs of plant operation have gone up each year.

In 1958 elevator supplies and repairs were $4,463.80; in 1959 elevator supplies and repairs were $5,105.06; so far in 1960 fiscal year they have passed $6,000.

We hope no drastic action will be taken to make it more difficult than it is at present to remain in compliance with the CCC and HEW.

Yours very truly,

ELMER BEHLINGS,
President.
ROBERT BORK,
Vice President.
RALPH STREET,
Secretary.

Mr. CASE of South Dakota. Mr. Floyd E. Lewis, vice president of the Tri-State Milling Co., of Rapid City, S. Dak., also wrote me at some length on this subject—and some other matters. Pertinent parts of Mr. Lewis' letter follow:

We had three of our country elevators in the cost survey conducted by CCC. The results were as follows on the cost of storing a bushel of wheat: 68-million-bushel elevator, 13.2 cents per bushel; 28-million-bushel elevator, 17.2 cents per bushel; 20-million-bushel elevator, 22.7 cents per bushel.

These cost figures do not include indirect costs such as quality, deterioration, shrinkage, and return on capital investment.

Many of our farmer customers are becoming quiet uneasy because of the figures this committee released. As you know they receive the same storage rate as the grain elevator operator. They feel like we do. They are not being paid too much for the risk and expense connected with storing grain.

In South Dakota there are 43,500,000 bushels of grain in farm storage, with 51 million bushels in commercial storage. The farmers in our State are about as big in the storage business as the commercial warehouses. They made investments in bins on the advice of the county committee, hoping the earnings would justify the investment.

We were amazed at the profit one individual claimed. He must have been one that rented air base property from the War Department for practically nothing then stored grain for CCC. This we could understand. He is not a recognized commercial warehouseman.

None of us mind an investigation but we do think you should gather all the facts and figures before arriving at conclusions.

Yours truly,

TRI-STATE MILLING CO.,
FLOYD E. LEWIS,
Vice President.

THE SITUATION IN CUBA

Mr. SMATHERS. Mr. President, last week it was my privilege and great opportunity to talk with the Secretary of State, Mr. Christian Herter, and the Assistant Secretary of State for Inter-American Affairs, Mr. Roy R. Rubottom, with respect to affairs in Latin America. At that time they advised me that they were seriously considering sending Ambassador Bonsal back to Cuba. I pleaded with them with every bit of persuasiveness I was able to muster not to make what I thought would be a tragic mistake in sending our Ambassador back to Cuba.

I endeavored to point out to them that it would be considered the rankest type of appeasement by people all over Latin America who oppose communism, and that it would be considered the rankest type of appeasement not only by the Latin American governments which oppose communism, but also by Latin American groups and Latin American individuals, particularly those people who had seen fit to defect from Castro's government.

I further went on to say that it would have at the same time the effect of giving strength and support to the Castro government, which is so strongly anti-American, because it would make it appear that at a time when Castro needs help—and he needs help today, and is obviously getting it from the Soviet Union—the Government of the United States was endorsing the actions of Castro, and would also have the effect of making it appear that we were supporting him and holding him up.

Furthermore, I pointed out that it would appear that we were once again doing business with dictators—because undeniably and unquestionably Fidel Castro is a dictator—and that once again, while we were ranting against dictatorships, we were, for all practical purposes, appearing to be, in fact, supporting a dictatorship.

I also tried to point out to them that it would accomplish no good, even though they might be in some instances so naive as to believe that the government of Castro is not beyond redemption and that there is still some opportunity to rescue it from the Communist movement.

Of course, they did not agree with me. I pointed out to them that these actions will result in a loss of prestige by the United States and in confusion among our Latin American friends as to where the United States really stands. They will result in discouragement for those who fight against communism and dictatorship. However, my views obviously did not have any effect upon the Secretary of State or upon the Assistant Secretary of State.

This morning, confirming my prophecy to some extent, the Miami Herald published an article entitled "Top Cuban Red Vows Economic War Upon United States." At the time Ambassador Bonsal was arriving in Havana, Cuba, Ernesto Guevara, who is the head of the economic warfare program in Cuba, attacked the United States, saying:

Cuba's great friend is Soviet Russia.

The Miami Herald article states that Guevara repeated the statement several times.

Further, the article states:

He vowed that all U.S. "monopolies" would be ousted from Cuba. He blasted the U.S. Export-Import Bank and other American credit institutions as "loan sharks."

So it went. He is quoted as saying:

Cuba's economic war will be against the great North American power.

I could not help being reminded of the statement made by Mr. Khrushchev several months ago: "We will bury the United States."

Later, when he was asked to explain that statement, Khrushchev said he was talking about economic warfare. Now we find the puppet Cuban Government ready to declare—in fact, it has declared—economic warfare against the United States. Is it not ridiculous for the United States now to appease the present Cuban Government in the light of all that we have done in the past for the benefit of the Republic of Cuba?

Earlier today I returned to Washington and read a UPI article dated Havana only 8 hours after Ambassador Bonsal returned to Havana. The article, which is published in today's Washington Daily News, reads, in part:

President Osvaldo Dorticos flatly accused the United States last night of "undeniable sabotage" and "criminal aerial attacks" against Cuba.

Dorticos was thunderously applauded by some 15,000 people, it is said, as he attacked the United States and said that never again did Cuba want to have any economic consort with the people of the United States.

Mr. President, I ask unanimous consent to have both articles printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Miami Herald]

TOP CUBAN RED VOWS ECONOMIC WAR UPON UNITED STATES

HAVANA, CUBA.—Leftwing extremist Ernesto (Che) Guevara, Cuba's economic czar, Sunday vowed to wage economic war against the United States and throw out all American monopolies in the country.

Guevara, Argentine-born lieutenant of Premier Fidel Castro and head of the Cuban National Bank, denounced the United States and defended a recent Cuban-Russian trade pact on a TV broadcast as U.S. Ambassador Philip W. Bonsal flew back to resume the Havana post he quit 2 months ago in protest against anti-American accusations by Castro and his government.

"Cuba's great friend is Soviet Russia," Guevara said. He repeated the statement several times.

Bonsal was bringing hope of improvement in United States-Cuban relations, now at their lowest ebb.

As Bonsal left New York for Havana he said his return to the capital he left January 23 was not appeasement of Castro's regime, but rather "evidence of our desire to continue discussions."

Guevara, an avowed Marxist who became head of the Cuban National Bank although he had no previous banking experience, called the trade treaty signed with Soviet First Deputy Premier Anastas Mikoyan in January "the best ever negotiated by Cuba." The treaty called for Russian purchase of Cuban sugar and exchange of other commodities.

Taking note of criticism of the pact in the United States, Guevara said, "It is none of the United States business what treaties we sign; but this treaty does not have the political implications the United States thinks it has."

He vowed that all U.S. monopolies would be ousted from Cuba. He blasted the U.S. Export-Import Bank and other American credit institutions as "loan sharks."

American sugar, mining and cattle companies are the major investors in Cuba.

The revolutionary government will free Cuba of a single-industry economy, Guevara said, referring to the main national sugar product.

"It is counterrevolutionary to say that without sugar there is no country," he said.

He heaped praise on the Soviet trade pact by which Russia promised to buy a million tons of sugar a year for 5 years at world market prices, and give Cuba a $100 million credit at 2½ percent interest.

Then he blasted American oil concessions granted by ousted dictator Fulgencio Batista as "so crooked" that the total area of concessions granted actually amounted to three times the size of Cuba itself.

"Cuba's economic war will be against the great North American power," he declared. Cuba does not need American dollars, he said, because "we can buy with our sugar in barter transactions."

He charged that American banks and financial institutions charged Cuba such exorbitant interest that on some loans the rate of interest was 61 cents on the dollar.

But nowhere did he specify just how Cuba planned to carry out "economic war" against the United States.

He spoke after Ambassador Bonsal had said in an airport statement at New York that he would work hard to try to better relations with Cuba.

[From the Washington Daily News, Mar. 21, 1960]

BONSAL MISSION IS UNDER A PALL—DORTICOS CONVICTS UNITED STATES OF UNDENIABLE SABOTAGE

HAVANA, March 21.—President Osvaldo Dortícos flatly accused the United States last night of "undeniable sabotage" and "criminal aerial attacks" against Cuba.

It marked the first time a high Cuban Government official had lodged such charges directly against the United States in public.

The bitter onslaught, aired over television and radio, came less than 7 hours after U.S. Ambassador Philip Bonsal returned from Washington to try to salvage steadily worsening relations between the United States and Cuba.

OUSTED

Earlier yesterday leftwing extremist Ernesto (Che) Guevara, head of Cuba's National Bank, lashed out at U.S. economic policies and vowed that all American business monopolies soon would be ousted from Cuban soil.

Premier Fidel Castro also was scheduled to speak at the 15,000 person-strong rally at Havana's huge Sports Palace, but he failed to show up, without explanation.

Senor Dorticos accused the United States of being responsible for:

"The undeniable sabotage of the *La Coubre*," a French munitions ship which exploded at a Havana dock March 4.

"Criminal aerial incursions" by light planes which "burn our canefields, try to destroy factories, and fill our people with terror."

Attempts to keep the Cuban Government from buying arms.

A campaign "to destroy the Cuban economy."

"Before dying of hunger, Cubans would decide to die in the trenches of the revolution," the President declared.

GREAT FRIEND

Guevara, one of Castro's closest advisers, stanchly defended Cuba's recent trade pact with the Soviet Union. "Cuba's great friend is Russia," he said.

(In Washington, U.S. Secretary of State Christian A. Herter, asked yesterday about Cuban economic policies, said it looked as if some of them "were following a Communist pattern."

(Mr. Herter said "there are certainly Communist sympathizers" holding high office in Cuba, but added it was not possible "to say affirmatively that Cuba is Communist at the present time.")

The new denunciations darkened hopes that Mr. Bonsal, who left Cuba January 23 at the start of Castro's anti-U.S. campaign, could achieve his mission of preventing an outright diplomatic break between the two governments. In New York, just before his departure, Mr. Bonsal made it clear the U.S. State Department had no idea of appeasement toward the Castro regime.

No member of the Cuban Foreign Office was on hand to greet the Ambassador, but a crowd of about 400 persons welcomed the emissary warmly.

Mr. SMATHERS. Mr. President, to me this is a sort of sickening appeasement. It is a kind of Churchill umbrella retreat, in the face of oratorical blasting. If we follow such a course, it will get us into great trouble. I should say that we are showing an attitude of softness and appeasement to the countries of Latin America. I believe the simple question which the State Department and the Government of the United States must ask themselves is, Are we, by reason of sending Ambassador Bonsal back to Cuba, and by endeavoring to give the present Cuban Government preferential treatment, aiding a Cuban Government which has indicted the United States? Shall we continue to support an obviously Communist-type government? Shall we continue to give that Government our money, our time, and our consideration to help it spread its communistic doctrines farther into the Caribbean area?

I thought it was a tragic mistake to have Mr. Bonsal return to Havana. I believe the developing events are substantiating the fact that it was a tragic mistake.

The PRESIDING OFFICER (Mr. Moss in the chair). The Senator from Florida said "Churchill" when he may have meant "Chamberlain."

Mr. SMATHERS. I thank the able Senator from Utah, who is now presiding over the Senate. I certainly did not mean Churchill, because Churchill has never been an appeaser, and would not be. But all of us remember the tragedy of Chamberlain and his umbrella-pursuing course of appeasement against the Nazis at a time when a firm position probably could have headed off the great World War II.

KAMEHAMEHA I: SYMBOL OF HAWAII

Mr. LONG of Hawaii. Mr. President, under established law and in accordance with practice, the new State of Hawaii is entitled to select two of its great leaders for its representatives in Statuary Hall here in the U.S. Capitol.

The law was passed in 1864. Since Hawaii and Alaska have only recently been admitted to the Union, neither has determined which of its great men and women will be selected for the place of honor. It is not necessary to make selections immediately. Indeed, there are grounds for exercising great care rather than speed in making the selections.

The record shows that States generally have been most deliberate in arriving at decisions. For instance, 4 of the 48 old established States have not yet placed a statue in the Capitol; 6 others have placed only one; most, if not all, of the other 34 States took their time in making their selections. For instance, Oregon did not make its two choices until 1952. Colorado and Montana each made its first selection only last year.

Now that Hawaii is entitled to make selections, considerable interest has developed. A number of names have been considered. Because Kamehameha I played such an important part in the early history of Hawaii, and also because his name has been so frequently mentioned in connection with Statuary Hall, it seems fitting to review his life in relation to the history of Hawaii.

There is general agreement that Kamehameha I stands for the best in the indigenous culture of Hawaii. That culture was organized around a feudal system, and as in all such systems, land, power and patronage went to the chief who conquered his rivals. Many chiefs before the time of Kamehameha I aspired to extend their power throughout the Islands, and engaged in war to do so, but all failed.

Kamehameha I, however, was successful. With his success, the bloody wars of earlier days came to an end. With peace came unity, and a more beneficent rule with the promulgation of the first law safeguarding all the people, high and low, old and young.

Kamehameha I lived at a crucial period. He was already a powerful chief on the island of Hawaii when the islands were discovered by the outside world. He rapidly extended and consolidated his power, so that within a few years, Hawaii was unified.

Thus the possibility that marauding newcomers might take over the islands, piece by piece, dealing with one high chief after another, never entered the Hawaiian picture. This fact was extremely important for Hawaii's future.

Kamehameha I was an extraordinary man. Born and bred in the indigenous culture, he felt that the old gods, the old order in which he had been nurtured, had been kind to him. Thus he steadfastly held to the old law, the old religion, the old social system.

Impressive in physique, dignified in manner, he commanded and received respect from the explorers and sicentists who, following Captain Cook, visited the islands and came to know this great Hawaiian.

Kamehameha I was highly intelligent. He immediately perceived that the outside world had useful utensils, skills, and materials that were unknown in Hawaii. These things he accepted willingly. He invited skilled artisans to live in the islands and work for him. The newcomers were expected to obey the old law, and they did. They were not given land—only the permission to use land allotted them by the King. No uninvited foreigner was permitted to live in the islands. A few Russians tried to do this, but they soon left. Outside the social order, outside the King's patronage, no stranger could make his way, under the firm, strong control exercised by Kamehameha I.

Living at this unique and crucial period in Hawaii's history, Kamehameha I was himself unique. He stood as a bulwark against drastic change, and thus cushioned the impact of the outside world on Hawaii. But he was too intelligent to turn his back on things hitherto unknown in Hawaii. He took into his service not only artisans, but English-speaking men who served as interpreters and counselors. He welcomed foreign visitors, and issued the necessary orders for visiting ships to secure water and fresh food supplies. From them he learned much of the ways of the Western World and how to deal with other nations in peace and with dignity.

It may be truly said that the unification of Hawaii under so intelligent and powerful a man as Kamehameha I, at the crucial moment when Hawaii first met the impact of the outside world, was of the utmost importance to the future of the islands.

It may also be truly said that Kamehameha I exemplified and still symbolizes, the best in the indigenous culture. The old law, the old religion, were cast aside shortly after his death in 1819. A period of chaos and lawlessness followed, but in 1820 the first American teachers and missionaries arrived. Within a few years the language had been reduced to writing and the people became literate. Following this, the absolute rule of the king was transformed into a constitutional monarchy. The feudal system of landholding was transformed into private landholdings.

All these drastic changes took place rapidly. The organization of the islands into a kingdom and the orderliness established by the great king made possible the survival of Hawaii as an independent nation with its own culture.

Kamehameha I was a great Hawaiian whose rule unified the islands, and enabled them to withstand the first impact of the outside world. If he had never lived, the course of Hawaiian history and developments would doubtless have been different indeed. But he did live—and Hawaii will always remember its debt to Kamehameha I, well termed Kamehameha the Great.

On way of discharging this debt, and the debt of the State of Hawaii to the indigenous people of the land, is to place a statue of Kamehameha I in Statuary Hall. There it might also serve as an incentive for visitors to learn something of the man, his people, and his islands.

THE TIES WHICH BIND THE UNITED STATES AND GREECE

Mr. SALTONSTALL. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a very eloquent address delivered last night by Secretary of State Christian Herter before the 14th Ahepa national banquet. The speech is worthy of the attention of the Senate because it expresses so succinctly and so well the ties which bind the United States and Greece—two of the world's great democracies. His remarks also emphasize the strength of NATO to which both the United States and Greece have contributed so much.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE HONORABLE CHRISTIAN A. HERTER, SECRETARY OF STATE, AT THE 14TH AHEPA NATIONAL BANQUET IN HONOR OF THE U.S. CONGRESS, WASHINGTON, D.C.

Distinguished guests, fellow members of Ahepa, it is most gratifying to see around me the faces of so many of my friends and former colleagues in the Congress. On an occasion like this it is a little hard to believe that I have been away from the Hill at all.

It is indeed a pleasure to attend the national banquet of Ahepa, membership in whose Boston chapter I am proud to claim. Because I think of myself as one of you I take this occasion to announce that I plan to make a visit to Athens within a few weeks. I expect to stop there on the 5th of May, following the NATO meeting in Istanbul.

Greece is a land of many beauties, created both by nature and by men. The genius of the Greek people is expressed not only in the monuments of their culture but also in their friendliness and charm. Not least in these endowments are their gracious and devoted king and queen. I look forward to a pleasant and relaxing opportunity to renew my acquaintance with a beautiful country and with many good friends.

I am here tonight to acknowledge a debt. Not to pay it, because that is beyond my power, but to acknowledge it and thereby give an indication of its nature and magnitude.

The debt is the debt America owes to Greece. It is a debt of many aspects, intellectual, artistic, political, human. It is a debt not alone for knowledge and ideas, but above all for inspiration, for examples of excellence, beauty and courage.

The United States has been very much aware of its debt to Greece from its beginnings as a republic, for the Greek tradition is the well-spring of our own freedom. Thus we have sought where we could to offer repayment. Since I happen to be a graduate of Harvard I think particularly of the efforts of Edward Everett, a Harvard man who like myself was an editor, a Congressman, a governor of Massachusetts, and U.S. Secretary of State. Edward Everett was for a time professor of Greek literature at Harvard, hence he enjoyed a full awareness of the glories of that legacy. It was he who led the widespread movement for American popular support of Greece during her war of independence. From 1821 to 1830 there were contributed from all over this country clothing, medicine and financial support to relieve the suffering of the rebirth of freedom in the ancient nation where freedom was born.

It would be an error, however, to think of Greek sacrifices in the cause of freedom only in terms of events a century or more past. The fierce and courageous dedication to freedom displayed by the Greek people during the Second World War and after it was both inspiring in itself and important to the broader effort. Here again we sought to help in what ways we could, in gratitude for the contribution in blood and gallantry being made by the Greek people to our own security and freedom.

Moreover in the time since then Greece has played and continues to play an essential role in the strength of NATO as the shield of Europe. Just as the size of a nation in area, population or resources does not necessarily determine the magnitude of its contribution to ideas and culture, so the size of a member of an alliance does not in itself give a measure of its value to the alliance. Interdependence creates an equality among partners which our Nation gladly and, may I say, humbly acknowledges.

The contribution to the life and achievements of this country by Americans of Greek descent is, like the contributions to freedom of Greece herself, not only a matter of the past but of the present and future. Two symbols of this are the presence with us tonight of a young Member of Congress of Greek descent, and the recent announcement of plans to found a Hellenic University of America.

And the ideas of the ancient Greeks, like the descendants of the ancient Greeks, have their contribution to make to events today. The Greek orator Isocrates, addressing the Olympiad of 380 B.C., said "The name of the Greeks is a symbol not of who we are but of what we are. He who shares our culture is a Greek." Since the very essence of the culture to which Isocrates referred was political and intellectual freedom, his words apply today. He who shares the love of freedom, with all that freedom entails culturally and politically, is today not alone a Greek, nor an American, but a citizen in full standing of the community of the free.

That is the animating spirit of NATO and of other associations for the defense of freedom. That must be the governing spirit of this country's relations with any nation which has freedom or hopes to gain it.

It is clear that this same spirit is reflected in the ideals and service of AHEPA. It seeks at once to promote the better understanding of true Hellenism and to encourage loyalty to the United States. It was founded by and for Americans of Greek descent, but its ranks include leaders in American life from many backgrounds. The causes served by AHEPA over the years have ranged from relief to victims of flood and hurricane in Florida, Mississippi, and Kansas to war and disaster relief, and health and educational support in Greece and other areas of the Middle East.

The annual AHEPA excursion, which sails for Greece tomorrow night, is a useful means of strengthening the bonds that exist between the citizens of the community of the free. As President Eisenhower said last year, "Today the country needs more individual diplomats from Main Street traveling abroad as part-time ambassadors to help build understanding as a foundation for lasting peace." I particularly congratulate AHEPA for the 25,000 volumes of American books, collected by its chapters, which the excursion will take with it to give to the people of Greece. Even this impressive contribution is, of course, only a token repayment of the debt of culture the world owes to Greece. But it is an important token, not only of gratitude but of bonds that remain strong.

So I offer all good wishes to the members of AHEPA at their 14th national banquet. I congratulate you on the usefulness and success of your program, and I urge you to continue, in the future as in the past, your contributions to Hellenism, to Americanism, and to the cause of freedom.

THE GOLDEN ANNIVERSARY WHITE HOUSE CONFERENCE ON CHILDREN AND YOUTH

Mr. CARLSON. Mr. President, next Sunday 7,000 people will assemble in Washington for a conference. It will be an event of great significance for the future of the Nation, because these 7,000 people from all over the country, and some from abroad, are coming here to talk about our children. They will be taking part in the 1960 White House Conference on Children and Youth.

The State of Kansas will be represented by a delegation of 70 outstanding citizens. The Kansas Council for Children and Youth, under the direction of Don M. Pilcher, of Lawrence, Kans., executive director, has been active in this field for many years.

The President of the United States will address the conference Sunday evening; and all next week the delegates will discuss the problems and needs of American youngsters and make proposals for meeting their needs.

The White House Conference on Children and Youth is a citizens' conference. It is organized and run by the people of the United States, acting through local, State, and national organizations, under the direction of a committee of 92 representative citizens who were appointed by President Eisenhower. Congress provided some funds for basic organization in the budget of the Children's Bureau, but most of the cost of the Conference has been met by foundations, organizations, industry and individuals.

It has become a good American tradition to take stock every 10 years of conditions for our children. This 1960 White House Conference is the sixth such national gathering. The first White House Conference on Children brought 200 child welfare leaders together in Washington early in 1909, on the invitation of President Theodore Roosevelt. Each one of the White House Conferences has stressed a different aspect of child welfare. Each Conference has had an important influence on legislation and services for children.

The 1909 Conference dealt with just one subject—dependent children. Its chief aim was to stimulate nationwide

interest in getting homeless and neglected children out of old-fashioned orphan asylums and into good adoptive or foster homes. That first Conference produced a historic statement on the value of home life for children, which laid the foundation for the widows' pension movement and the aid to dependent children program. Other recommendations led to the establishment of the Children's Bureau and the organization of the Child Welfare League of America, and encouraged the growth of adoption agencies.

The second White House Conference on Children, in 1919, drafted minimum standards for child employment, child protection, and maternal and child health. These standards formed the basis for many State child labor laws, for the Sheppard-Towner Act, and for the maternal and child health program under the Social Security Act. The recommendations of the 1930 Conference were summarized in a Children's Charter which proclaimed the right of every American child, "regardless of race, or color, or situation," to health, education, decent housing, an adequate standard of living, and a home. These recommendations, too, are reflected in provisions of the Social Security Act.

Ten years later, the 1940 Conference outlined a program for State and local action to improve conditions and services for children in all sections of the country, in the cities, and on the farms. World War II interfered with carrying out most of this program. But it was a program for the decades. The 1960 White House Conference could well come up with many of the same recommendations, and we would be working on them for years to come.

Fortunately, one of the achievements of the 1950 Conference was the creation of machinery for citizen action. Lay and professional groups interested in children banded together in a Council of National Organizations on Children and Youth. Committees formed in many States to plan for the welfare of young people coordinated their activities through a National Council of State Committees. These bodies, which functioned through the 1950's, have been preparing for the 1960 Conference. After the Conference is over, they will go to work to carry out its recommendations. In the executive branch of the Federal Government, an Interdepartmental Committee on Children and Youth has been cooperating with these citizen organizations.

People all over the country have been working for more than a year to get ready for next week's conference. In every State and territory, there is a White House Conference committee, appointed by the Governor. County committees have been organized in more than half the counties of the United States. Doctors, social workers, clergymen, teachers, lawyers, college professors, businessmen, labor leaders, farmers, and housewives worked on these committees. Public opinion polls, fact-finding surveys and studies, town meetings and local, regional, and State conferences are some of the ways the local and State committees used to collect information for the reports they prepared for the White House Conference. Some of these reports are quite voluminous, and they are likely to form the most detailed body of information yet compiled on State and local services for young people.

It is estimated that nearly 5 million people had some part in this tremendous preliminary activity. Many of them were teenagers, high school and college students. These youngsters worked actively with local and State committees; they participated in conferences with their elders. They held youth conferences of their own, and came up with very good and serious recommendations. Nearly 1,000 young people will be at the White House Conference, next week, as full-fledged delegates. This Conference will not just talk about youth; it will also listen to what youth has to say.

Fifty years after the first White House Conference on Children, this Golden Anniversary Conference is meeting at the end of a decade which has witnessed breathtaking changes in our country and in the world. The next decade is likely to bring even more sweeping changes. The Conference will be considering the impact of these changes on the lives of our children today and tomorrow. It will be concerned with the strain which our exploding population has placed on all services for children. It will consider such problems as broken families, working mothers, children with mental or emotional handicaps, children with physical handicaps, delinquent youngsters, and young people without the skills needed in order to get jobs in this age of automation.

The delegates will have to try to anticipate the problems of the 1960's. They will propose ways of meeting the shortages of schoolteachers and classrooms, of qualified social workers, health workers, and vocational counselors. As President Eisenhower wrote in his letter calling the 1960 White House Conference:

> The rapidly changing times in which we live • • • make it incumbent upon us to do everything we can to plan ahead and to see that we prepare today's children well for life in tomorrow's world.

The huge Conference next week represents not the end of a stocktaking process, but a beginning. The delegates will learn much from each other; and what they learn they will take home to their States, their communities, their churches, schools, and civic organizations. They have already learned much from their factfinding and their local and State conferences about services that are lacking. They have made inventories of their unmet needs. With the impetus of the 1960 White House Conference, they will be able to go ahead with the most important part of their work, for the most important part of the 1960 White House Conference will be the action taken after it by American citizens, to carry out the programs which they themselves propose. It will be up to them to see to it that all American children have an equal opportunity to "grow in freedom" in the world of today and tomorrow.

Mr. President, I urge all Senators to keep in mind, and to attend whenever it is possible for them to do so, this outstanding Conference on Children and Youth.

VOICE OF AMERICA BROADCASTS TO LATIN AMERICA

Mr. ALLOTT. Mr. President, last week I addressed this body regarding the dire menace which is growing just 90 miles from our Florida shores. At that time, I asked for specific action on the part of the United States to offset the irresponsible anti-American mouthings of Fidel Castro; I asked that we place before the Cuban people, who still are our friends, the truth about American policies and intentions.

In outlining current Voice of America programing last week, I asked for correction of two critical shortcomings:

First, broadcasts in Spanish and Portuguese; and

Second, broadcasts on medium or standard bands, rather than the presently used short wave.

Mr. President, I am happy, indeed, to report that the Voice of America will begin nightly hour-long broadcasts to Latin America tonight. The programs, which will commence at 8 p.m., eastern standard time, will be in Spanish. Present plans call for an opening 15-minute newscast, followed by a 5-minute commentary, a 10-minute feature, and then a quarter-hour music program. This will be followed by another 10-minute feature, and, finally, a 5-minute news capsule.

We should commend the Voice of America and the U.S. Information Agency for the swiftness with which they are responding to the need. I am further informed that, even now, investigations are being made of the possibility of the use of commercial American broadcasting stations to beam Spanish-language broadcasts to Latin America on standard bands. As we all know, few people own radios which can receive short wave programs. In fact, they number less than 3 percent in Cuba, even judging by the most generous estimates.

This is a positive approach to the problem, and is a highly encouraging sign to those of us who have watched in dismay while Fidel Castro took over, as propaganda tools, the free press and radio of Cuba.

The use of standard bands will insure that the people of Cuba, now being denied factual information, will have the facts, so they can decide for themselves whether or not Castro himself is now betraying the announced goals of democracy of his 26th of July movement and is turning Cuba into a Communist police state.

I hope that we in Congress will resolve to encourage and help the U.S. Information Agency in the next step of this vital program—the acquisition of the means or facilities to beam these programs southward on standard broadcast bands.

Mr. President, during these days when guns are cocked, but silent, the real struggle is for men's minds and opinions. We must recognize the fight for what it is, and what it means, not alone to this generation, but to those that will follow. We must pursue the means we have at hand, such as the route I have just described, with all haste and with all energy.

SENATOR WILLIAM J. BULOW, OF SOUTH DAKOTA

Mr. CASE of South Dakota. Mr. President, on the day when the sad news came to us that former Senator William J. Bulow, of South Dakota, had died, I made some impromptu remarks on the floor of the Senate. At that time, I recalled two events in his life. One was his veto, during his first term as Governor of South Dakota, of a general appropriation bill which had been passed in disregard of the importance of a balanced budget, and which called for expenditures regardless of income. A veto of an appropriation bill was an unprecedented act at that time.

The other was the position he took, while a Member of the U.S. Senate, on the well known court-packing bill. The vote he cast at that time lost him certain favor at the White House.

Mr. President, I now find that in 1955, Mr. Bulow, who then was in retirement, wrote an article for the Sioux Falls (S. Dak.) Argus-Leader, in which he reviewed the record he had made. At one point in the article he referred to the veto of the appropriation bill which I have mentioned, and stated:

> I was not able to accomplish very much for the people of South Dakota during my term as Governor to which I can point with particular pride.
>
> But I do feel that the results achieved from my veto of that general appropriation bill is honor enough.
>
> It changed the economic philosophy of the State from spending money without regard for where the money was coming from, from an unbalanced budget, which had been the rule, to that of a balanced budget, which has been the rule ever since.
>
> It saved the State from going bankrupt, and paved the way to pay off the State debt which is now about wiped out.

At another point in the article he wrote as follows:

> During the first years of his administration—
>
> Referring to the administration of Franklin Delano Roosevelt—
>
> I had been invited to the White House many times, sometimes alone, but more often in groups.
>
> After the court-packing bill was defeated, I was never invited again. I never had a visit with Mr. Roosevelt after that, nor did I ever again have a chance to go to the Executive Office.
>
> What I had thought was a good personal friendship was at an end.
>
> My action against the court-packing bill was the straw that broke the camel's back.
>
> It prevented me from getting the nomination for reelection (1942 Democratic primary) and caused me to bite the dust of defeat.
>
> Defeat is the end of every political career if one plays the game and does not die when he ought to die.

Later in the article he wrote as follows:

> To preserve the independence of the Supreme Court and prevent it from being taken over by the Executive was worth every sacrifice.
>
> I would not change the record that I made in my effort to help defeat the court-packing bill for a life seat in the U.S. Senate.

Mr. President, from what I have read of this remarkable review, by Mr. Bulow, written in his later years, it should be evident that it is a document which is well worthy of being published in the body of the CONGRESSIONAL RECORD.

Therefore, Mr. President, I ask that, following these remarks, the entire text of the article by the late William J. Bulow be printed in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WILLIAM J. BULOW SAID: "I WOULDN'T CHANGE THE RECORD FOR A LIFE SEAT IN THE SENATE"

(By William J. Bulow)

To my great surprise, I was elected Governor (1926).

I had never figured on winning and had been given a job which I did not know how to run and had no idea what to do with it.

I went to Pierre, was a stranger in a strange land.

The Democrats in Pierre could be counted upon one hand. I didn't know any of them.

All the State offices were filled with Republicans, none of whom I knew.

I was completely surrounded by Republicans. I did not know if any of them would speak to me.

In fact, I was not quite sure that Democrats and Republicans talked the same language and could make each other understood.

I soon found out that these Republicans were human. I could talk to any of them and we could understand one another.

I got the surprise of my life when the Republicans of Pierre and the Republicans in the statehouse treated me with kindness.

In fact, I could not have been better treated if all of them had been Democrats.

I found the people of Pierre and the officeholders to be real people. None better ever lived anywhere.

The 4 years (1927–31) that I lived in Pierre were the best years of my life and are my fondest recollection.

I went to Pierre with many misgivings. I left there with many regrets.

LEGISLATURE COULDN'T BREAK AN OLD HABIT

The one thing that stands out in my memory as the accomplishment of my administration was my veto of the general appropriation bill during my first term.

For many years the State administrations had disregarded the importance of a balanced budget and had voted the expenditure of money regardless of income.

The result was that the State had passed from the lowest per capita debt to about the highest in the Nation.

I had made my campaign advocating a balanced budget, that the business of the State must be conducted within its income and not on borrowed money and that I would not tolerate the State going further into debt.

I had stressed the same economy in my message to the legislature. But when they passed the general appropriation bill, I found that they had appropriated more than a million dollars in excess of possible revenue income.

I vetoed the bill and submitted two alternatives: (1) That they must either cut down the expenses or (2) provide for additional revenue income.

The legislature, over the years, had formed a habit of expending money without any regard for income. They could not break the habit. They refused to pass a new appropriation bill, adjourned and went home.

Then they brought an action in the Supreme Court against me to test my right to veto a general appropriation bill.

At a special hearing the Supreme Court reached a unanimous decision sustaining my position.

This left matters so that when the 1st of July came, the State would have no funds for carrying on any of its activities.

I was forced to call a special session of the legislature to provide the necessary funds.

In the meantime the members of the legislature had had a chance to talk matters over back home with the people whom they represented and had found out what their desires were.

At the special session we had no difficulty at all in getting together on a general appropriation bill.

That veto was one of the main things that elected me (in 1928) Governor for a second term. But all the other State offices were again filled with Republicans.

The 1929 legislature was overwhelmingly Republican in both branches.

But we had learned to understand each other a little better. We got along fine together and had no difficulty at all.

I was not able to accomplish very much for the people of South Dakota during my term as Governor to which I can point with particular pride.

But I do feel that the results achieved from my veto of that general appropriation bill is honor enough.

It changed the economic philosophy of the State from spending money without regard for where the money was coming from . . . from an unbalanced budget, which had been the rule, to that of a balanced budget which has been the rule ever since.

It saved the State from going bankrupt and paved the way to pay off the State debt which is now about wiped out.

A BATTLE THAT ENDED A FRIENDSHIP AND CAREER

Neither did I accomplish very much for the people of South Dakota during my tenure as U.S. Senator.

No doubt the peak of what I accomplished during the 12 years I had the honor to represent them in the Senate was the work I did in helping to defeat the passage of the so-called court-packing bill (to increase the Supreme Court from 9 to 15 members).

This was the most vicious proposal that any President ever requested Congress to pass. It brought about the most bitter debate that was ever staged on the floor of the Senate.

The debate had been going on for many days. It looked like a vote might soon be had. The forces were about evenly divided. It might go either way—no one could tell.

Mr. Roosevelt had brought to bear every trick that he could think of to bring about its passage.

I was scared almost to death that it would pass. I still think that might have happened if a vote had been reached.

There were six Senators who had made no speeches on the floor, nor had they made any public commitment. I was one of the six.

We called a meeting and got together to determine what we had better do. After discussing the matter at length, we decided that we ought to take a hand to try to end the bitter debate.

That debate was destroying friendships, making enemies out of lifelong friends. It was wrecking the Democratic Party, was not in the public interest and was not good for the Nation.

We six Senators believed that the bill ought not to pass and, for the good of everyone, that the debate should be brought to an end.

We formulated a statement which we asked the Vice President (John Nance Garner) to convey to Mr. Roosevelt. We stated our position and our plan to support a motion to recommit the bill to committee. This would end the debate and kill the bill.

The next day a motion to recommit was made. It carried by an extremely close margin. The court-packing bill came to a sudden and abrupt end.

Mr. Roosevelt was not a good loser. This made him awfully mad.

He could not tolerate anyone who disagreed with him. One had to agree with him 100 percent, or become an outcast.

During the first years of his administration I had been invited to the White House many times, sometimes alone, but more often in groups.

After the court-packing bill was defeated, I was never invited again. I never had a visit with Mr. Roosevelt after that, nor did I ever again have a chance to go to the Executive Office.

What I had thought was a good personal friendship was at an end.

My action against the court-packing bill was the straw that broke the camel's back.

It prevented me from getting the nomination for reelection (1942 Democratic primary) and caused me to bite the dust of defeat.

Defeat is the end of every political career if one plays the game and does not die when he ought to die.

My defeat was of no particular interest to me. I was old enough to quit, anyway. It was of no interest at all to the people of South Dakota.

But what is of vital interest to them is the fact that they have an independent Supreme Court, to which the humblest citizen of this land may go and seek justice with the assurance that he will get justice—that he can stand before a court that does not take its orders from an ambitious, power-crazy dictator.

I am thankful, very thankful, that we still have the Supreme Court just as the Founding Fathers intended it: Free and independent, free to pass judgment against the President of the United States whenever that President seeks to avoid his constitutional limitations and attempts to infringe upon the liberties of the people.

It is a court that is not the mouthpiece of or controlled by the Executive. Let us thank God for the Supreme Court and hope that it will never be destroyed.

The fact that I lost a good friendship and lost the chance of being reelected to the U.S. Senate does not bother me at all.

To preserve the independance of the Supreme Court and prevent it from being taken over by the Executive was worth every sacrifice.

I would not change the record that I made in my effort to help defeat the court-packing bill for a life seat in the U.S. Senate.

EXPENDITURES BY INTERNATIONAL COOPERATION ADMINISTRATION FOR FOREIGN TEACHERS' SALARIES UNDER FOREIGN AID PROGRAM

Mr. DIRKSEN. Mr. President, in connection with the Senate discussion of the Federal aid to education measure, considerable point was made, with respect to the inclusion of aid for teachers' salaries, that the International Cooperation Administration was aiding teachers abroad and it seemed strangely inconsistent that a comparable policy could not be followed with respect to teachers in the United States.

I have asked the International Cooperation Administration for a statement on this point, and I ask unanimous consent to include that statement as a part of my remarks at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT ON ICA EXPENDITURES FOR FOREIGN TEACHERS' SALARIES UNDER FOREIGN AID PROGRAM

The CONGRESSIONAL RECORD of February 4, 1960, lists the educational projects on a worldwide basis with a statement of cumulative funding from fiscal year 1955 through 1959, in the amount of $128,334,501.

Trained manpower is essential to the development of a viable economy and education plays an important role in providing the required trained manpower. Requests from cooperating countries to ICA for technical assistance in education range through all levels and substantive fields of education. The International Cooperation Administration's educational technical assistance programs are carried out at the ministry of education or leadership level of educational operation. It is believed that with this group our technical assistance program would have the greatest multiplier effect. Thus, we find that U.S. education advisers have as host-country counterparts, ministers of education, deputies, university and college presidents and staff members, district and regional education officers. These people make up the leader core of educational systems and, through upgrading them, our U.S. advisers are helping to develop and strengthen national systems of education.

When related to manpower needs and economic development, this translates itself into programs of teacher education through which, in some instances, our technicians have helped countries build such a program from the beginning or have helped in the development of inservice teacher education programs to upgrade teachers in the field, many of whom have had only an elementary education; development and upgrading of programs in vocational as well as higher education; or the production of educational materials for all levels of education; adult education and development of good practices in the management of educational systems; or in all of these areas. Educational technical assistance related to the above programs is primarily carried out through demonstration and training activities, for the purpose of developing a corps of trained nationals who will ultimately assume full responsibility for their own system of education. The form in which this is done varies with the country in which the United States is furnishing the technical assistance.

All educational activities in countries where ICA is at work are vested in the national government; thus, ICA education programs operate within the framework of the national ministry of education. The local control or management of public education, as we know it in the United States, is practically nonexistent in the developing nations which request our assistance. While we believe in the principle of decentralization as practiced in the United States, it cannot function as such in many developing nations until such time as a greater degree of progress has been made through elimination of illiteracy, the development of civic awareness and the producing of trained manpower capable of earning a living and managing their own affairs.

In some instances, our technical assistance programs operate through a Servicio of which Colombia, South America, is an example or through a Cooperative Service as it is called in Ethiopia. Both the host country and the United States deposit funds in these joint fund operations. It is ICA policy to reduce its proportionate contributions until the project is completely financed by the host government. Thus, in some instances, the U.S. dollars, which go into education projects abroad and to which host-countries make substantial contributions, lose their identity. In these countries or in others where a project has been classed as essential to the development of trained manpower which in turn would assist in economic development, and where in the beginning a demonstration was essential, then and only then have some salaries of foreign teachers been paid. In these exceptional cases a demonstration has been made possible by this means which sold an idea, a method of doing, or produced trained individuals who could perform in the developing economy. Such necessary demonstrations have provided the oft-needed motivation which helped a government decide on a course of action for its educational system. These are exceptions to the general policy that our ICA technical cooperation is basically demonstration and training. Here again the connection of teachers and salary payments with a national government is simply because, in most countries where we operate, education is a function of the national government.

In one particular case the United States finances, under special assistance, the employment of Arab-speaking third country teachers for Libyan schools as a means of accelerating the educational process while indigenous teacher training facilities are being developed.

The education program budget is about 20 percent of the total annual ICA technical cooperation budget. These funds are expended under six categories listed in the attached table. Of these categories only the latter two "Cooperative Service" and "Other Costs" would provide the means for payment of foreign teachers' salaries. The attached table shows the total ICA technical cooperation budget ($400.6 million) for the fiscal years 1958, 1959, and 1960. If we use 20 percent as that part of the funds allotted to education under "Cooperative Service" and "Other Costs," it means that in the 3 years cited, about $12 million would be in project elements for education from which salaries of foreign teachers could possibly be paid. Since these categories are not specifically for that purpose then it, indeed, would be only a small fraction of this remaining amount which would be used for this type of expense. To obtain more exact figures would involve querying each of the ICA missions abroad where the detailed records are maintained.

Such expenditures are and always have been exceptions to the general practice and as countries develop their economies these expenses are being absorbed by them.

ICA technical cooperation funds, fiscal years 1958–60

[Dollar amounts in millions]

Elements	Fiscal year 1958		Fiscal year 1959		Fiscal year 1960	
	Amount	Percent	Amount	Percent	Amount	Percent
U.S. technicians	$40.5	35	$46.4	36.3	$53.2	34
Contract services	23.8	20	27.7	21.7	40.1	26
Participant training	21.4	19	24.5	19.1	29.5	19
Supplies	12.7	11	9.1	7.1	11.6	7
Cooperative services	7.3	6	7.9	6.2	9.0	6
Other costs	10.9	9	12.3	9.6	12.7	8
Total	116.6	100	127.9	100.0	156.2	100

NOTE.—The above table shows the technical cooperation project elements under which all ICA technical cooperation funds were budgeted for the fiscal years 1958, 1959, and 1960. Twenty percent of the 3-year total ($60.1 million) for the elements of "Cooperative services" and "Other costs" amounts to $12 million, approximately the amount used in educational technical assistance for these 2 elements and which would be the sources of payment for some foreign teachers' salaries under exceptional circumstances.

LOYALTY OATH UNDER NATIONAL DEFENSE EDUCATION ACT

Mr. CLARK. Mr. President, a few moments ago the senior Senator from New Hampshire [Mr. BRIDGES], spoke again in opposition to the repeal of the Communist disclaimer affidavit provision, which was inadvertently inserted—in my judgment, foolishly inserted—into the National Defense Education Act a year or two ago.

As Senators are aware, a bill is pending on the calendar to repeal the provision for this disclaimer affidavit, which requires at present that every student who gets a loan under the National Defense Education Act make an affidavit that he is not a Communist.

I hope this foolish provision will be repealed. But I think it is important to distinguish between the oath of allegiance which is in the bill, and to which nobody presently objects, and the disclaimer affidavit provision, which I hope will be repealed.

Neither can properly be described as a loyalty oath. The first is the kind of oath we all take when we are sworn in as U.S. Senators or take any Government office. The second is required—I think foolishly required—of the small number of persons who get Federal assistance under the Education Act, but not of anybody else.

Mr. President, a few days ago I inserted in the RECORD a long list of colleges and universities which had come out in favor of the bill sponsored by the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. JAVITS], and myself, to repeal the disclaimer affidavit provision of the National Defense Education Act. There is wide student sentiment in favor of the bill. I ask unanimous consent that there be printed at this place in the RECORD seven more editorials from college or university publications urging the repeal of the disclaimer affidavit.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington State University Newspaper: Daily Evergreen, Feb. 19, 1960]

LOAN AFFIDAVIT POSES THREAT TO FREEDOM

(By Terry Brady)

The National Defense Education Act of 1958 has been a point of controversy since it came into being. Many parts of the act have come up for criticism, but none have been as bitterly opposed as the section requiring participants to sign a disclaimer affidavit to be eligible for moneys.

Section 1001(f), is the part of the act in question. This section requires a student receiving aid to file an affidavit stating "That he does not believe in, and is not a member of and does not support any organization that believes in or teaches, the overthrow of the U.S. Government by force or violence or by any unconstitutional means."

The opposition to this section of the bill has mostly come from the "richer" schools of the east coast, that can afford to run their student loan funds without the aid of the Government.

Many of these schools have gone so far as to refuse or return money granted by the act.

The chief argument used by these schools is that it is morally wrong and dangerous to individual freedom to require an oath of this sort. They say this is just a case of the Government helping an individual and then dictating terms of the help.

Schools that have been most prominent in this action have been Yale, Harvard, Oberlin of Ohio, Amherst, and Reed.

However, these schools have not been without their backers and friends in principle.

The controversy has even been felt here at Washington State.

Last Spring the WSU chapter of the American Association of University Professors passed a resolution, supporting the National Council of American University Professors, on their stand against the affidavit.

That body stated that "The affidavit was vague, probably unconstitutional and invidious."

Also, the students have acted through the board of control. At a recent meeting the board authorized ASWSU President Len Hudson to write letters encouraging Congressmen to support abolishment of the disclaimer stipulation.

On the national level, the delegates of the 12th National Student Congress, which met at the University of Illinois last summer, passed a resolution voicing their disapproval.

Other support against the affidavit has come from Senator John F. Kennedy, Representative Edith Green, and Arthur S. Flemming, Secretary of the Department of Health, Education, and Welfare.

Many students at WSU and other colleges and universities throughout the country are in need of the money provided by the bill. The bill, in itself, is a good one.

It is only hoped that students will not have to sacrifice any of their freedoms, in fact or principle, to partake of it.

[From the newspeper Colorado State Mirror, Jan 29, 1960]

THE FUTILITY OF A LOYALTY OATH

A loyalty oath and a disclaimer affidavit, parts of the National Defense Education Act that a student recipient of the NDEA loan must sign, has touched off a ruckus on campuses across the country.

"I do solemnly swear (or affirm) that I will bear truth faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States against all its enemies, foreign and domestic."

Thus reads the loyalty oath that is continuously receiving emphatic opposition from educators and students throughout the country. Should college students, seeking Federal funds to finance their education, be required to take this loyalty oath as called for by the National Defense Act of 1958? The neediest students are the members of our society that are picked to receive this educational loan and yet they are singled out for special distrust. Why shouldn't all students upon entering college take such an oath, if a few of the unfortunate members are compelled to do so?

Many colleges are bowing out and are refusing to accept the help from the National Government because they say the loyalty oath and the attached affidavits interfere with freedom of belief. The disclaimer affidavit reads that "he does not believe in, and is not a member of and does not support any organization that believes in or teaches the overthrow of the U.S. Government by force or violence or by any illegal or unconstitutional methods." A student has to swear under oath that he is not a member of a subversive organization.

Those who are opposed to the signing of this loyalty oath and the affidavit have attacked the loan requirement on the grounds that such oaths aren't required of farmers when they receive crop loans or from other recipients of Federal aid. "The signing of an oath is not an effective way to catch Communists. Needy students, who cannot take such oaths because of religious convictions, are denied benefits of the loan. The American Association of University Professors and the American Council on Education have attacked the affidavits; the American Association of Universities has registered protests and the AAU denounced the provision last spring.

Supporters of the oath and affidavit say that academic freedom should not include questionable characters who will not sign. Members of the ROTC, recipients of National Science Foundation scholarships and faculty members employed on classified Government research all sign similar oaths and affidavits. A sworn statement such as the affidavit can be a basis for a perjury charge, which is one of the most effective weapons against subversive individuals. Supporters also say that experience has shown that colleges are targets for Communist infiltration.

Democratic Senator JOHN F. KENNEDY of Massachusetts tried to have the loyalty clause repealed last summer but it was beaten by a small margin. Those opposing KENNEDY came forth with a clause that would have made it a felony, for a student who signed, to at any time participate in the activities of a subversive organization.

One hundred seventy-eight CSC students are being supported by the NDEA loan program with the total sum of $169,000. CSC is but one of the 1,370 institutions with an enrollment of 2,217,000 students who are participating in the program, for which $31,000,000 was appropriated by Congress for this year. A student can borrow up to $1,000 a year and $5,000 within his college career. No payment on the principal is due until 1 year after the student leaves college. At this time the interest begins at a 3 percent rate. If a teacher works for a total of 5 years, 50 percent of his debt to the Government is canceled.

The loan is actually a step in the right direction, for education does need monetary support. If colleges continue to drop out

from this Government support, it may lead to the destruction of a magnificent program. It is a problem to be considered with intelligence and not with haste and hot arguments. Let us consider carefully our stand in the situation. Should we pay no attention to the loyalty oath and the affidavit and with not too clear a conscience still benefit from the NDEA loan or shall we fight it with a possibility of losing the entire program? We are of the opinion that carefully planned legislation will produce the only satisfactory answer to this problem.

[From the University of Chicago Newspaper, Maroon, Jan. 27, 1960]

CLARIFY NDEA POSITION

Last week, the council of trustees voted to withdraw from the student loan provision of the National Defense Education Act (NDEA) unless the disclaimer affidavit clause is repealed by Congress within the next year. At that time, the Maroon noted, with reservations, its approval of the council's action.

The action by the trustees involved only the provision of the act that concerns loans to undergraduates. Titles four and six of the act were completely ignored. Title four of NDEA involves fellowships for graduate study in anthropology, Russian language, Far Eastern civilization, or south Asia civilization. Title six involves grants for study in UC institutes in Hindi, Bengali, Chinese, Arabic, and Japanese languages.

Also left unmentioned was the National Science Foundation (NSF) graduate fellowship program, which grants money to students in the sciences on a graduate level.

Titles four and six of NDEA contain the same affidavit and loyalty oath as does the loan program. The NSF grants contain an oath and affidavit which are very similar to that of the NDEA, although the wording is slightly different.

The reason given by the council of trustees for the tacit approval of the loyalty oath as contained in titles four and six of NDEA is that these are contracts negotiated directly between the student and the Government, whereas the loan program is contributed to and administered by the university. No reason has been given for the neglection of the National Science Foundation program.

We cannot agree with the position taken by the council on either titles four and six of NDEA or on NSF. The disclaimer affidavit is insulting to students, by singling them out from among all the people of the United States as having possibly been disloyal. By its vague wording, the affidavit can trap a student, who does not know whether an organization to which he has belonged is considered subversive by the Government, into a perjury indictment.

The university, by allowing its students to accept NDEA and NSF fellowships, is giving its approval to the affidavit. UC has the fourth largest endowment of any university in the United States. Surely funds can be found to replace those that are now being supplied by the Government. And surely the elimination of this blight is worth the extra expense to which the university would have to go.

We strongly urge the council of trustees to take action soon, stating that the university will withdraw from titles four and six of NDEA, and from the graduate fellowship program of NSF unless the disclaimer affidavit is repealed.

[From the University of Chicago Maroon, Jan. 21, 1960]

INCANTATION

The University of Chicago has now joined the long and honorable list of American institutions of learning opposed to the affidavit of disbelief which must be signed by students seeking loans under the National Defense Education Act of 1958. In directing the university to withdraw from the student loan program at the end of this academic year if the affidavit requirement is not removed by Congress, the board of trustees emphasized its distinction between the affirmative oath of allegiance which the act requires and to which no Americans have made any objection, and the negative disclaimer of disloyalty which seems to impute to students disloyal intentions of which there is no reason to suspect them.

Nearly every American is happy to take the oath traditionally taken by his fellow citizens:

"I do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States of America against all its enemies, foreign and domestic."

But loyal and self-respecting Americans cannot be happy about being asked, in addition, to say:

"I do solemnly swear (or affirm) that I do not believe in, and am not a member of and do not support any organization that believes in or teaches, the overthrow of the U.S. Government by force or violence or by any illegal or unconstitutional methods."

This second disclaimer is, as the University of Chicago trustees declare, superfluous, offensive, and so vague in language as to open the way for malicious perjury prosecutions. It is also, as the trustees point out, undemocratic, because it must be signed only by students among Americans generally and only by the financially poorest students who need financial aid to go to college. And finally, the disclaimer is degrading. It degrades the student who is compelled to take it and it degrades the affirmative oath of allegiance which he has previously taken. President Eisenhower has recognized as much in recommending repeal.

It seems to us that the disclaimer resembles a requirement that an ardent bridegroom who has come joyfully to the altar with his bride and has promised to love, honor, and cherish her must in addition swear that he will not beat her or belittle her or forsake her. Does anyone, including Senator MUNDT, seriously suppose that desertion and divorce would be much diminished if such an incantation should be added to the marriage vow?

[From the Moline (Ill.) Dispatch, Feb. 12, 1960]

THE OATH SHOULD GO

The temper of the times is such that Congress now is expected to repeal the loyalty affidavit requirement for college students in the Federal student-loan program. Only 10 years ago civil liberties watchdogs considered it a victory of a sort to have Congress accept an identically worded disclaimer as a requirement for graduate science students seeking aid.

The old oath requirement was written into the act setting up the National Science Foundation in 1950. It looked at that time like a reasonable compromise to the original language of the bill calling for FBI approval of fellowship applicants.

A repealer bill sponsored by Senator JOHN F. KENNEDY, Democrat of Massachusetts, would eliminate the latest disclaimer embodied in the National Defense Education Act of 1958. A student seeking a loan must swear he does not believe in or belong to any organization that teaches illegal overthrow of the Government.

KENNEDY's bill was shelved by a 49–42 vote last summer after brief Senate debate. He hopes to find more support this year because his new measure retains an affirmative oath of allegiance while eliminating the more objectionable negative affidavit. More than a score of colleges and universities have refused to accept Education Act funds because of this requirement.

The National Science Foundation, meanwhile, reports receiving few objections to its affidavit demands, signed to date by 12,000 students, although there is no way to judge how many students simply refuse to file applications for fellowships because of the requirement. On the other hand, it could be argued that loyalty oaths are more offensive to educators than to those being educated.

But however you slice it, the loyalty oath is offensive to good reason. It has never, to our knowledge, caught a Red or even set one up for a perjury conviction.

But it has abused a great many good people, without cause, by rendering the implication that until they sign a sheet of paper they are less than honorable citizens.

[From the Austin (Tex.) Texan, Feb. 5, 1960]

NO AFFIDAVIT, PLEASE

Sometime this month Senator JOHN KENNEDY is scheduled to bring up a bill which will call for repeal of the National Defense Education Act loyalty affidavit.

As it now stands, a student is not eligible for a loan under the national program unless he:

1. Signs an affidavit that "he does not believe in, and is not a member of and does not support any organization that believes in or teaches, the overthrow of the U.S. Government by force or violence or by any illegal or unconstitutional methods."

2. Has taken and subscribed to an oath as follows: "I do solemnly swear that I will bear true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States against all its enemies, foreign and domestic."

If an applicant makes any "false, fictitious or fraudulent statements or representations" on the required affidavit, he is subject to a fine of not more than $10,000, or imprisonment of not more than five years, or both.

The Texan agrees that all students should be loyal and patriotic; however, the disclaimer affidavit—in particular—neither provides nor instills those attributes.

We agree with the American Association of University Professors which has said:

"Gaging an individual's conduct by such vague criteria is a denial of due process of law.

"The amendment violates constitutional rights of freedom of belief and association.

"Educators rightly object to having students singled out to testify that they are not disloyal."

University of Texas students should organize and sign a petition asking repeal of the NDEA disclaimer affidavit.

[From the Lewiston-Auburn (Maine) Sun, Mar. 2, 1960]

NIXON OPPOSES THE DISCLAIMER

Vice President RICHARD NIXON is entitled to wide bipartisan praise for flatly opposing, in correspondence just made public by the University of Chicago, the so-called "disclaimer affidavit" required of students accepting Federal loans under the National Defense Education Act of 1958.

The disclaimer, sometimes called the "negative affidavit," requires the student to swear that he does not believe in, and is not a member of, any organization advocating the overthrow of the U.S. Government by illegal means. But the student is also required to swear to a loyalty oath, and Mr. NIXON says this requirement "covers the situation."

The Vice President, in his letter to Chancellor Lawrence Kimpton of Chicago University, noted also that since the disclaimer affidavit is not required of all recipients of Federal benefits, it is "unnecessary" and "unwarranted." He might have added, too, that the mere taking of an oath, or a dozen of them, does nothing to inspire loyalty, at the same time the ceremony is meaningless to the basically disloyal person.

Thus Mr. NIXON joins the man who may become his rival for the presidency, Senator JOHN KENNEDY, who wrote last year in a preface to a pamphlet on the issue, published by the Harvard Crimson:

"The • • • loyalty provision has no place in a program designed to encourage education. It is at variance with the declared purpose of the act in which it appears; it acts as a barrier to prospective students; it is distasteful, humiliating, and unworkable to those who must administer it. This is not a quarrel over the principle that Americans should be lawful; it concerns a doctrine which singles out students as a group which must sign a rather vague affidavit as to their beliefs, as well as to their actions."

With Mr. NIXON and Senator KENNEDY thus on record as hostile to the disclaimer, let us hope Congress will find the courage to enact the oath repealer now before it. And if Congress refuses, many more colleges should join those refusing to use funds available under the law.

Mr. SCOTT. Mr. President, will the Senator yield to me on that subject?

Mr. CLARK. I am happy to yield to my colleague.

Mr. President, I ask unanimous consent that we may proceed for an additional minute on this subject.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and it is so ordered.

Mr. SCOTT. I should like to say I agree with what my colleague the senior Senator from Pennsylvania has said. The elimination of the so-called Communist disclaimer, as I am sure the Senator will agree, will leave in the oath or in the entire proceedings necessary to qualify for certain Federal considerations the so-called loyalty oath which, as the Senator said, is no more than the oath of allegiance. Certainly no loyal American could quarrel with the oath of allegiance which we all take. Members of our military forces take that oath, and it is an essential part of our qualification as citizens in accordance with the law's reasonable and proper requirements.

I should like to add that I have twice taken the Communist disclaimer oath myself. I have no personal objection to it. I do not think it does anything like the harm which the colleges and universities alleged it does. However, I agree it is discriminatory. I agree that it ought to apply to everyone or it ought not to apply to anyone. For that reason I think it is better we get rid of it and thereby relieve the colleges and universities from their scruples and their hesitation as to compliance with proceedings under the Federal Defense Education Act.

I shall therefore support the bill when it is taken from the calendar for consideration.

I thank the Senator for yielding.

Mr. CLARK. I thank my colleague for this renewed evidence of his support of our measure.

I desire to address myself to another subject, Mr. President.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

CLASSROOM SHORTAGES

Mr. CLARK. Mr. President, during the Senate debate on the education bill, on February 3, the distinguished minority leader, the Senator from Illinois, and the equally able and distinguished Senator from Arizona [Mr. GOLDWATER], presented figures, which they had obtained from the U.S. Office of Education, showing that there are only 237 districts in the entire Nation which have classroom shortages and have reached their legal or constitutional borrowing limits. These districts, according to that report, have a need of only 3,086 additional classrooms.

The minority leader and his colleague referred to these figures in deprecating the extent of the need for Federal aid to education.

Mr. President, it seemed clear to me at the time that there must be some misunderstanding, because the figures could not possibly be true. I am sure many of my colleagues had the same reaction. I have, therefore, gone to some effort to obtain clarification of the figures, and I am able to present today some additional information.

Because of the impending debate in the House of Representatives on Federal aid to education, I believe that clarification is badly needed and is particularly timely now.

The explanation of the figure of 237 is that the State Departments of Education were asked a very precise question to which they made literal replies. Our own Department of Public Instruction in Pennsylvania sent an accompanying explanation in which they pointed out that the question asked did not go to the root of the problem of identifying how many districts had, as a practical matter, reached the limit of their borrowing capacity. In Pennsylvania alone, our officials said, 504 school districts were in that predicament. Yet the wording of the questionnaire compelled them to give an answer of zero—which was Pennsylvania's entry in the column of figures which added up to 237.

Since the figure shown for Pennsylvania was so much at variance with the facts, it occurred to me that other State situations might have been similarly distorted, and I accordingly suggested to Secretary Flemming that a supplementary survey be conducted to "obtain the figures which have practical pertinence to the debate that is now going on." I am happy to report that Secretary Flemming, in a letter to me dated March 16, states that the Office of Education is making a supplementary survey to obtain complete information on the practical limitations which confront the Nation's school districts.

I ask unanimous consent that I may have printed in the RECORD at this point the original questionnaire sent to the chief State school officers; the reply from Carl D. Morneweck, on behalf of the Pennsylvania Department of Public Instruction; my letter to Secretary Flemming; and his reply to me.

There being no objection, the questionnaire and letters were ordered to be printed in the RECORD, as follows:

TEXT OF QUESTIONNAIRE SENT TO CHIEF STATE SCHOOL OFFICERS BY U.S. OFFICE OF EDUCATION

The Office of Education urgently needs information on classroom shortages and on borrowed-up school districts—that is, school districts or school systems which are unable to borrow because of legal debt limits which cannot be waived or changed except by State legislation or constitutional amendment, and are unable to obtain financing for school construction through other arrangements. Please reply by collect telegram by Wednesday, January 13. If actual data are unavailable, please estimate and so indicate. If answer is zero, please reply.

Do not count as a borrowed-up district any district which can obtain funds for school construction (1) through State or local authority arrangements, or by means which can be made available by State agencies without further State legislation, (2) through borrowing by municipalities, counties, or similar units, or (3) through administrative approval of maximum emergency debt limits by State or local officials. Also exclude districts which could borrow or exceed debt limits by local vote of approval, or which did not choose to borrow.

In responding, please utilize definitions of classroom shortage and enrollment given in our form RSS–052 (59), "Fall 1959 Survey of Enrollment, Teachers, and Schoolhousing."

Question 1. How many such borrowed-up districts are there in your State?

2. How many of these districts had a classroom shortage in the fall of 1959?

3. By how many classrooms were the districts in question 2 short?

4. What was the total enrollment in the districts in question 2 in the fall of 1959?

5. How many districts in question 2 had an enrollment of less than 600 each?

If you have questions, call Dr. Louis Conger, Executive 3–6300, extension 4944 or 5454, at Office of Education expense.

LAWRENCE G. DERTHICK,
Commissioner of Education.

PENNSYLVANIA DEPARTMENT
OF PUBLIC INSTRUCTION,
Harrisburg, Pa., January 15, 1960.

Dr. LAWRENCE G. DERTHICK,
U.S. Office of Education, Department of Health, Education, and Welfare, Washington, D.C.

DEAR DR. DERTHICK: This is in reply to your telegram of January 7, 1959, to Dr. Charles H. Boehm, superintendent of public instruction, relative to borrowed-up school districts.

The enactment on June 18, 1959, of Act 101 (see attached copy) removes the tax limitations for school purposes from school districts of the fourth class and places them on the same basis as previously existed for the other three classes of school districts.

In Pennsylvania there are at least 20 school districts which are now beyond their legal borrowing capacity. This is due to a reduction in assessed valuation brought about by court cases and the depletion of mineral resources.

In regard to building authority financing, from a practical point of view, bonding houses will not underwrite bond issues for school districts which cannot meet their financial obligations. There is an additional restriction in Pennsylvania in that the

limits for general obligation bonds are placed on the assessed valuation of property. This means that many school districts could never borrow the amount of money needed for school buildings. On the basis of a sampling, we would estimate that Pennsylvania, under the conditions just cited, would need at least 5,000 classrooms in about 300 administrative units with a total enrollment of about 560,000. In Pennsylvania, many of our administrative units are comprised of a number of school districts operating their schools jointly. Considering administrative units in this respect, about one-fourth would have enrollments below 600. However, if you wish to consider individual school districts instead of administrative units, the number is 504 out of 868 school districts.

We are enclosing a copy of "The Need for Classrooms in Pennsylvania" which was submitted January 6, 1959, to Senator JOSEPH CLARK.

Although there is now no legal limit upon property taxes for school purposes, there certainly is a reasonable limit beyond which taxpayer's efforts will decline. In Pennsylvania very few school districts are supporting public schools solely by property tax. They have resorted to nonproperty taxes which are levied under Act 481. This is commonly called the tax anything law. The most common taxes levied under this law are: per capita, occupation, amusement and admission, wage, property transfer, trailer, personal property, mercantile, and general business. See attached table.

We sincerely hope that, even though Pennsylvania's method of operation is rather unusual, the review of classroom needs which we are supplying herewith, will provide you with concrete information concerning our needs.

Sincerely yours,

CARL B. MORNEVECK,
Director of Research.

FEBRUARY 8, 1960.

The Honorable ARTHUR S. FLEMMING,
Secretary of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: During the Senate debate on the education bill, on February 3, Senator DIRKSEN referred to a study by the U.S. Office of Education, which he described as "the most recent survey on classroom shortage." The study shows, according to Senator DIRKSEN, that only 15 States have "borrowed-up" districts with classroom shortages, and that the total number of such districts is 237. (This discussion appears on p. 1917 of the CONGRESSIONAL RECORD.)

Later in the same debate (p. 1921), Senator GOLDWATER said he had obtained the same figure from you at the White House when he asked how many school districts "were actually up against the wall." From this, he concluded that only one-half of 1 percent of all school districts in the country "is the number with which we are concerned."

Since the results of this "most recent survey," and indeed the fact that a survey had been undertaken, apparently were made known only to the minority members of the Labor and Public Welfare Committee, it was not possible for those of us in the majority to question them at the time they were quoted on the Senate floor.

Through the cooperation of the Office of Education, however, I learned that none of the 237 districts listed are located in Pennsylvania. The implication from this is that every district in Pennsylvania is able to meet its school building needs through its own borrowing, assisted by the State School Building Authority.

Since this does not conform to my understanding of the situation in Pennsylvania, I inquired of our Department of Public Instruction as to what figures they had provided in response to your survey. In response, they furnished me a copy of the letter sent to Commissioner Derthick in answer to this telegraphic questionnaire. That letter remarks that "there are at least 20 school districts which are now beyond their legal borrowing capacity," that "many school districts could never borrow the amount of money needed for school buildings," that "from a practical point of view, bonding houses will not underwrite bond issues for school districts which cannot meet their financial obligations," and that 504 school districts in the Commonwealth are thus, in effect, "borrowed-up."

Nevertheless, despite this letter, the entry opposite Pennsylvania in the tabulation provided to the minority is zero.

In order that these figures may be clarified as promptly as possible, I would appreciate your advising me whether the school officers of other States qualified their answers, as did Pennsylvania, with information showing that many school districts which may still have legal borrowing or taxing power are not, as a practical matter, in a position to borrow for school construction. If so, I would appreciate receiving from you a revised tabulation showing the number of school districts in the country which have reached the practical limit of their ability to finance school building projects.

If you do not have such information, I wonder whether it would be possible to send out an additional question as a supplement to the original questionnaire. If this is not feasible, please advise me, so that those of us who question the figures obtained from you by Senators DIRKSEN and GOLDWATER may make our own telegraphic survey of the States and obtain the figures which have practical pertinence to the debate that is now going on.

I am sure that you are as anxious as I to correct the impression that has been left by your survey that only 237 school districts in the country are unable to finance their school building needs at the present time; and I am sure that in view of the imminence of consideration of this problem by the House of Representatives you will recognize the need for prompt action to develop a clearer picture.

Sincerely yours,

JOSEPH S. CLARK,
U.S. Senator.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, March 16, 1960.

HON. JOSEPH S. CLARK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CLARK: I am glad to respond to your letter of February 8 regarding classroom shortages in "borrowed-up" school districts.

The telegraphic survey to which you refer was made with the limited purpose in mind of ascertaining the number of school districts which are unable to borrow because of constitutional or legal limitations which they themselves cannot waive or change. Attached for your information is a copy of the survey, the text of which explains its purpose and limited scope.

We believe that we have been careful to indicate the distinction between the legal inability of a school district to borrow and its fiscal incapacity to borrow, or the unwillingness of its citizens to incur debt for the construction of classrooms. Attention has been drawn to these factors in paragraph 2, page 1, of the report of the telegraphic survey. This paragraph, entitled "Limitation," states as follows: "Only a small part of the problem of financing school construction is measured by this survey, because there are many problems other than those caused by the ultimate legal limits of borrowing. This point was strongly emphasized by the respondents, as may be seen by reference to the table annotations for Kentucky, New Jersey, Pennsylvania, and Tennessee." The text of the telegram addressed by Commissioner Derthick to chief State school officers appears on page 3 of the copy of the survey attached.

As you state, our survey recorded Pennsylvania as having no "borrowed-up" school districts. This correctly reflects the State's response to the instructions in Commissioner Derthick's telegram, which asked that no district be counted if it could obtain funds for school construction through State or local authority arrangements. Therefore, while the State response noted that "there are at least 20 school districts which are now beyond their legal borrowing capacity," these districts were not counted for the purposes of the survey because Pennsylvania has a State authority to which school districts have access for relief.

Some other States also volunteered additional information as to the practical limitations on their ability to finance school building projects. This information is indicated in the footnotes of our survey. However, since as you suggest it would be valuable to obtain a more accurate picture of the practical limitations on school financing confronting all the States, Commissioner Derthick and I have discussed the matter and he is arranging for the Office of Education to make a supplementary survey to obtain complete information on this point.

Attached for your further information is a copy of the Office of Education's annual fall survey of classroom needs entitled "Enrollment, Teachers, and Schoolhousing." We believe that you will find that the annual fall survey fully depicts the classroom needs of the several States as they have reported them to use. For example, the State of Pennsylvania reports a need for 8,135 classrooms in the fall of 1959. I have repeatedly drawn attention in speeches and releases to the needs of the States for additional classrooms.

I regret that the results of the telegraphic survey which we have made were not fully available to you. It is hoped that the supplemental survey which we plan to make will be of assistance to you and and to your colleagues.

Sincerely yours,

ARTHUR S. FLEMMING,
Secretary.

BOND INTEREST RATES

Mr. CLARK. Mr. President, every day brings additional evidence of the needlessness of a repeal of the 4¼-percent interest ceiling. As the bond market improves, it becomes more and more obvious that the Treasury today could, if it so desired, market long-term bonds under the ceiling of which it complains. Indeed, in my judgment, if the Treasury and the Federal Reserve Board together had not been engaged in active efforts to keep interest rates high and thereby to impose an additional heavy burden on American taxpayers, the bond interest rates would be showing even greater improvement, and it would have been possible some time ago to have floated long-term bonds under the interest ceiling.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an article from the Wall Street Journal for the 21st of March entitled "Most Debt Issues Rise as Lending Capacity of Banks Is Boosted," and also the daily listing of quotations for Government securities, from which it will appear that the bond market is improving each day and that at least one important issue, the 3-percent bonds due in August of 1966, has now dropped below a 4-percent yield.

There being no objection, the article and table were ordered to be printed in the RECORD, as follows:

BOND MARKETS—MOST DEBT ISSUES RISE AS LENDING CAPACITY OF BANKS IS BOOSTED

NEW YORK.—U.S. Government securities led the bond markets to still higher ground last week. After faltering late Wednesday and Thursday, prices resumed their upward trend in the final session.

Dealers attributed Friday's upturn to banking statistics, released late Thursday, indicating the Federal Reserve System in recent weeks had trended toward an easier credit policy. It was unclear whether this trend would be continued—now that March tax borrowings are out of the way.

There has been speculation of late that the Federal Reserve might ease up on the tight rein it has been holding on the lending capacity of banks, since business activity generally has not expanded as rapidly as had been expected.

Markups for long U.S. Treasury bonds ran to more than half a point in the final session. These brought the week's gains to well over a point for most issues. Smaller fractional gains for investment quality corporate bonds Friday left most of these bonds about a point higher for the week.

Gains in municipals carried the indicated average price for tax-exempt bonds of 20-year maturity back to about the best level since early November.

Much of the interest in investment quality corporate bonds centered on four new issues that come over the bidding block. Central Illinois Light Co.'s $14 million of first 4⅞s, awarded Monday, sold out quickly.

Tuesday's $25 million block of Chesapeake & Potomac Telephone Co. of West Virginia's debenture 5s was approximately all "cleaned up" by late Friday. Less than 25 percent was estimated to remain of Northern Indiana Public Service Co.'s $15 million of first 4⅞s, also awarded Tuesday.

Mississippi Power Co.'s $4 million of first 5s, awarded Thursday, were said to be about 80 percent spoken for by retail buyers when the week ended.

This means underwriters again are only lightly supplied with unsold corporate debt securities. No new public utility bond issues are listed for award this week.

Republic of Cuba 4½s lost more ground to end at 60, a new low. Belgian Congo 5½s also were lower.

Last week's upturn for U.S. Government bonds carried to six points or more the recoveries shown by some long issues from their record lows, reached after the turn of the year. As prices advanced, yields have declined.

At Friday's close, not a single issue in a list of 26 Treasury bonds of all maturities was offering the buyer a yield of 4¼ percent. On January 7, when the market was near its recent low, 24 of these 26 issues were yielding 4¼ percent or more.

The 3s of 1995—the Treasury's longest issue of marketable bonds—ended last week at a 3.71 percent yield, compared with the 4.11 percent return they were offering the buyer early in January.

New high ground was penetrated by the Treasury's high-coupon notes. The new 4⅞s of November 15, 1964, ended the week 30–32 higher at 102 24–32 bid, where the yield was 4.17 percent.

Government securities—Over-the-counter quotations—Friday, Mar. 18, 1960

TREASURY BONDS

Maturity	Rate	Bid	Asked	Previous bid	Yield
1959–62, June	2¼	96.8	96.12	95.30	3.97
1959–62, December	2¼	95.14	95.18	95.4	3.98
1960, November	2½	99.6	99.8	99.3	3.30
1960–65, December [1]	2½	98.4	98.12	98.0	3.06
1961, September	2¾	98.14	98.18	98.2	3.77
1961, November	2½	97.20	97.24	97.10	3.92
1962–67, June	2½	89.26	90.2	89.16	4.11
1963, August	2½	95.0	95.4	94.22	4.09
1963–68, December	2½	87.22	87.30	87.12	4.17
1964, February	3	96.10	96.14	95.20	4.00
1964–69, June	2½	86.30	87.6	86.20	4.07
1964–69, December	2½	86.12	86.20	86.2	4.10
1965, February	2¾	93.14	93.18	93.4	4.09
1965–70, March	2½	86.0	86.8	85.20	4.20
1966–71, March	2½	85.24	86.0	85.14	4.10
1966, August	3	94.16	94.20	94.6	3.97
1967–72, June	2½	85.20	85.28	85.10	3.97
1967–72, September	2½	85.8	85.16	84.30	3.99
1967–72, December	2½	85.20	85.28	85.10	3.92
1969, October	4	99.12	99.20	98.28	4.05
1974, November	3¾	97.14	97.22	96.28	4.09
1978–83, June	3½	87.26	88.2	87.18	4.04
1980, February	4	98.28	99.4	98.14	4.06
1985, May	3½	87.6	87.14	86.28	4.05
1990, February	3½	90.6	90.14	89.30	4.05
1995, February	3	85.24	86.0	85.6	3.71

[1] Partially tax exempt.

NOTE.—Fractions represent thirty-seconds; 101.1 means 101 1/32.

Mr. ANDERSON. Mr. President, the able Senator from Tennessee and the able Senator from Pennsylvania have spoken many times about the yields on Government bonds. I should like to put into the RECORD at this point the latest issue I have been able to find of a large publication dealing with Government bonds. This is a publication of Aubrey G. Lanston & Co., Inc., dated March 21, 1960.

Mr. President, I ask unanimous consent that the first five columns—type, coupon, maturity, offering price, and yield before taxes—be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Callable bonds figured to call date if price is at 100 or above and to maturity if price is below 100

Type	Issue: Coupon	Issue: Maturity	Offering price	Yield before taxes
Bl	----------	Mar. 24, 1960	3 percent	3.00
Bi	----------	Mar. 31, 1960	2.75 percent	2.75
N	1½	Apr. 1, 1960	100	1.49
Bi	----------	Apr. 7, 1960	2.65 percent	2.65
Bi	----------	Apr. 14, 1960	2.75 percent	2.75
Bi	----------	Apr. 15, 1960	do	2.75
Bi	----------	Apr. 21, 1960	2.80 percent	2.80
Bi	----------	Apr. 28, 1960	do	2.80
Bi	----------	May 5, 1960	3.10 percent	3.10
Bi	----------	May 12, 1960	3.15 percent	3.15
N	3¼	May 15, 1960	100-2	2.80
N	3½	do	100-3	2.83
C	4	do	100-5+	2.80
Bi	----------	May 19, 1960	3.18 percent	3.18
Bi	----------	May 26, 1960	3.20 percent	3.20
Bi	----------	June 2, 1960	3.22 percent	3.22
Bi	----------	June 9, 1960	3.24 percent	3.24
Bi	----------	June 16, 1960	3.28 percent	3.28
Bi	----------	June 22, 1960	3.29 percent	3.29
Bi	----------	June 23, 1960	3.30 percent	3.30
Bi	----------	June 30, 1960	do	3.30
Bi	----------	July 7, 1960	do	3.30
Bi	----------	July 14, 1960	do	3.30
Bi	----------	July 15, 1960	3.35 percent	3.35
Bi	----------	July 21, 1960	do	3.35
Bi	----------	July 28, 1960	do	3.35
Bi	----------	Aug. 4, 1960	3.40 percent	3.40
Bi	----------	Aug. 11, 1960	do	3.40
N	4¾	Aug. 15, 1960	100-16	3.47
Bi	----------	Aug. 18, 1960	3.40 percent	3.40
Bi	----------	Aug. 25, 1960	do	3.40
Bi	----------	Sept. 1, 1960	do	3.40
Bi	----------	Sept. 8, 1960	3.47 percent	3.47
Bi	----------	Sept. 15, 1960	3.42 percent	3.42
N	1½	Oct. 1, 1960	99-6	3.07
Bi	----------	Oct. 17, 1960	3.45 percent	3.45
B	2½	Nov. 15, 1960	99-8	3.30
C	4¾	do	100-26	3.46
Bi	----------	Jan. 15, 1961	3.42 percent	3.42
C	4⅞	Feb. 15, 1961	101-3	3.62
N	1½	Apr. 1, 1961	98-6	3.32
N	3⅝	May 15, 1961	100-2	3.37
N	4	Aug. 1, 1961	100-7	3.38
B	2½	Sept. 15, 1961	96-20	3.69
N	1½	Oct. 1, 1961	96-18	3.85
B	2½	Nov. 15, 1961	97-27	3.86
N	3⅝	Feb. 15, 1962	99-24	3.76
N	4	do	100-16	3.72
N	1½	Apr. 1, 1962	95-16	3.83
B	2½	June 15, 1962–60	96-16	3.90
N	4	Aug. 15, 1962	100-8	3.89
N	1½	Oct. 1, 1962	94-10	3.88
N	3⅝	Nov. 15, 1962	99-8	4.05
B	2½	Dec. 15, 1962–60	95-21	3.95
N	2½	Feb. 15, 1963	96-4	4.06
N	1½	Apr. 1, 1963	93-12	3.84
N	4	May 15, 1963	100-6	4.04
B	2½	Aug. 15, 1963	95-4	4.05
N	1½	Oct. 1, 1963	92-16	3.79
N	4⅛	Nov. 15, 1963	102-27	4.03
B	3	Feb. 15, 1964	96-15	3.99
N	1½	Apr. 1, 1964	91-2	3.92
N	4¼	May 15, 1964	102-24	4.02
N	5	Aug. 15, 1964	103-22	4.08
N	1½	Oct. 1, 1964	90	3.93
N	4⅞	Nov. 15, 1964	102-28	4.19
B	2½	Feb. 15, 1965	93-19	4.08
P	2½	Dec. 15, 1965–60	98-16	4.04
B	3	Aug. 15, 1966	94-24	3.94
B	2½	June 15, 1967–62	90-10	4.06
B	2½	Dec. 15, 1968–63	87-30	4.16
B	2½	June 15, 1969–64	87-10	4.17
B	4	Oct. 1, 1969	99-26	4.02
B	2½	Dec. 15, 1969–64	86-22	4.18
B	2½	Mar. 15, 1970–65	86-18	4.16
B	2½	Mar. 15, 1971–66	85-30	4.11
B	2½	June 15, 1972–67	85-26	3.97
B	2½	Sept. 15, 1972–67	85-16	3.99
B	2½	Dec. 15, 1972–67	85-26	3.93
B	3½	Nov. 15, 1974	97-22	4.09
B	4	Feb. 15, 1980	98-30	4.08
B	3½	June 15, 1983–78	88	4.05
B	3¼	May 15, 1985	87-24	4.03
B	3½	Feb. 15, 1990	90-14	4.06
B	3	Feb. 15, 1995	86-4	3.71

Mr. ANDERSON. Mr. President, the publication would indicate that no single issue is close to the 4½ percent limitation. One issue is at 4.18, but the longest term bond of all, the type B 3 percent bond for February 15, 1995, has a

point an article from the Wall Street Journal for the 21st of March entitled "Most Debt Issues Rise as Lending Capacity of Banks Is Boosted," and also the daily listing of quotations for Government securities, from which it will appear that the bond market is improving each day and that at least one important issue, the 3-percent bonds due in August of 1966, has now dropped below a 4-percent yield.

There being no objection, the article and table were ordered to be printed in the RECORD, as follows:

BOND MARKETS—MOST DEBT ISSUES RISE AS LENDING CAPACITY OF BANKS IS BOOSTED

NEW YORK.—U.S. Government securities led the bond markets to still higher ground last week. After faltering late Wednesday and Thursday, prices resumed their upward trend in the final session.

Dealers attributed Friday's upturn to

year maturity back to about the best level since early November.

Much of the interest in investment quality corporate bonds centered on four new issues that come over the bidding block. Central Illinois Light Co.'s $14 million of first 4⅞s, awarded Monday, sold out quickly.

Tuesday's $25 million block of Chesapeake & Potomac Telephone Co. of West Virginia's debenture 5s was approximately all "cleaned up" by late Friday. Less than 25 percent was estimated to remain of Northern Indiana Public Service Co.'s $15 million of first 4⅞s, also awarded Tuesday.

Mississippi Power Co.'s $4 million of first 5s, awarded Thursday, were said to be about 80 percent spoken for by retail buyers when the week ended.

This means underwriters again are only lightly supplied with unsold corporate debt securities. No new public utility bond issues are listed for award this week.

Republic of Cuba 4½s lost more ground to end at 60, a new low. Belgian Congo 5¼s also were lower.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Callable bonds figured to call date if price is at 100 or above and to maturity if price is below 100

Type	Issue		Offering price	Yield before taxes
	Coupon	Maturity		
Bi	----------	Mar. 24, 1960	3 percent	3.00
Bi	----------	Mar. 31, 1960	2.75 percent	2.75
N	1½	Apr. 1, 1960	100	1.49
Bi	----------	Apr. 7, 1960	2.65 percent	2.65
Bi	----------	Apr. 14, 1960	2.75 percent	2.75
Bi	----------	Apr. 15, 1960	do	2.75
Bi	----------	Apr. 21, 1960	2.80 percent	2.80
Bi	----------	Apr. 28, 1960	do	2.80
Bi	----------	May 5, 1960	3.10 percent	3.10
Bi	----------	May 12, 1960	3.15 percent	3.15
N	3¼	May 15, 1960	100–2	2.80
N	3½	do	100–3	2.83
C	4	do	100–5+	2.80
Bi	----------	May 19, 1960	3.18 percent	3.18
Bi	----------	May 26, 1960	3.20 percent	3.20

yield of only 3.71. All the short maturity bonds are down. The question naturally arises, why did the Treasury Department ask to have the 4¼ percent limitation on E bonds taken off when the Treasury is issuing the bonds at 3¾ percent and they themselves recognize that is sufficient to meet the present market?

Yet they have come to the House Ways and Means Committee, and have sent word to the Senate Committee on Finance, that they would like to have this limitation removed in order that they can sell them, whereas there would not be any bond selling at anything like that price under the present circumstances. Every yield is down again.

I think this shows the wisdom of being very careful in removing limitations which have stood for a long time, and which have been very useful in financial policy.

I believe that a record to show the situation item by item is desired. I could have inserted in the RECORD the shorter issue carried by the news services at the end of last week, which showed exactly the same situation to exist as does this report. But the present report deals with each individual type of bond and shows the type, the coupon rate, the maturity, the offering price, and the yield before taxes. The report shows that the yields are down again, at a very low figure.

I think it is interesting that the House Ways and Means Committee reported a bill to the House, and it was ready for action on the floor of the House, but the decision was reached not to press for action on the floor. Possibly the reason was that a good deal would have been said about the existing rates and the necessity to try to break those rates by some new device.

Mr. SCOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 126]

Aiken	Fong	Mansfield
Allott	Frear	Martin
Anderson	Fulbright	Monroney
Bartlett	Gore	Morse
Beall	Green	Morton
Bennett	Gruening	Moss
Bible	Hart	Mundt
Bridges	Hartke	Murray
Brunsdale	Hayden	Muskie
Bush	Hennings	Pastore
Butler	Hickenlooper	Prouty
Byrd, Va.	Hill	Proxmire
Byrd, W. Va.	Holland	Randolph
Cannon	Hruska	Robertson
Carlson	Jackson	Russell
Carroll	Javits	Saltonstall
Case, N.J.	Johnson, Tex.	Schoeppel
Case, S. Dak.	Johnston, S.C.	Scott
Chavez	Jordan	Smathers
Church	Keating	Smith
Clark	Kefauver	Sparkman
Cooper	Kerr	Stennis
Cotton	Kuchel	Symington
Curtis	Lausche	Talmadge
Dirksen	Long, Hawaii	Thurmond
Douglas	Long, La.	Wiley
Dworshak	McCarthy	Williams, Del.
Eastland	McClellan	Williams, N.J.
Ellender	McGee	Yarborough
Engle	McNamara	Young, N. Dak.
Ervin	Magnuson	Young, Ohio

Mr. MANSFIELD. I announce that the Senator from Minnesota [Mr. HUMPHREY] and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

The Senator from Connecticut [Mr. DODD] and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

THE YEAR'S AT THE SPRING

Mr. BYRD of West Virginia. Mr. President, yesterday morning, spring came to Washington and with it came the memory of Robert Browning who said:

> The year's at the spring
> And day's at the morn;
> Morning's at seven:
> The hillside's dew-pearled;
> The lark's on the wing;
> The snail's on the thorn;
> God's in His heaven—
> All's right with the world!

The seasons come and go, Mr. President, and the return of spring fills the world about us with renewed life. Awakened by the birds singing just outside my window this morning, I marveled at the renewed vigor with which all of nature expresses itself at the first new touch of spring. I thought how wonderful it would be if the eternal spring of God's infinite love might always be manifested in the lives of men as it is manifested in this season by every voice in all of creation. Just as the soft touch of spring awakens the sleeping blossoms of earth, making them burst forth in all of their glorious colors, decking the stage of the world again in fresh and resplendent beauty, so can the spring of our omnipotent Creator's love nurture and bring to full growth an everblooming flower within the bosom of all humankind, the flower of friendship and brotherly love, to shed its fragrance throughout all eternity.

Tennyson said: "I am a part of all that I have met." Then, let us all carry with us each and every day the song of spring and the love of our Father who is in His heaven. Then, all will be right with the world, indeed.

THE CONTRIBUTION OF HUNGRY HORSE DAM

Mr. MURRAY. Mr. President, I rise to make a progress report on the contribution of Hungry Horse Dam to the economy of Montana and the Nation, and the potential contribution of another even greater development in my State.

Hungry Horse Dam is the one former President Truman wisely told his Montana audience to take a good look at, because it would be a long time until they saw another one rise if the Republicans gained power.

Hungry Horse Dam was bitterly opposed by the private power companies and other short-sighted interests. But nowadays Hungry Horse Dam is quite respectable.

The Spokane Spokesman-Review which Harry Truman called the second-worst paper in the country—as to its editorials I would classify it as the worst—recently printed a fair news story detailing the tremendous progress of Columbia Falls since construction of Hungry Horse Dam nearby. The Great Northern Railway, in its recent brochure entitled "Great Resources," points out how this "single development"—Hungry Horse Dam—helped open new industrial horizons in the Flathead Valley. As one example, the brochure points out that the Anaconda company invested $60 million for a new aluminum reduction plant at Columbia Falls.

I might mention that the positive attitude of the Great Northern Railway, whose management realizes the immense benefit to business created by Federal multipurpose dams along its line, is in marked contrast to the shortsighted, poor business attitude of the Northern Pacific Railroad, which is violent in its opposition to the proposed new dam in the Clark Fork-Flathead Basin of western Montana. Let me say for the record now, in case anyone chances to turn to it some 10 or 20 years from now, that I predict the Northern Pacific Railroad—if it is still running—will eventually brag about Paradise or Knowles Dam, whichever is built in the Clark Fork-Flathead Basin. For the dam which would be authorized by S. 1226 will bring even greater benefits to the people and businesses of Montana than the remarkably successful Hungry Horse Dam.

One of the baleful predictions made by opponents of Hungry Horse Dam—now being made by opponents of Paradise Dam—was that it would create a sea of mud. The Hungry Horse News, published at Columbia Falls by Mr. Mel Ruder, reports what happened to that prediction in a recent issue. Let me quote from the article entitled "Hungry Horse Dam Creates Flathead Jobs":

> Prediction that Hungry Horse Dam would create a 34-mile long lake with mudflats fell flat. The lake filled to capacity July 9, 1954, and each summer since that time has been full.

The Hungry Horse News goes on to point out that—

> in 1954, Hungry Horse prevented a repetition of the damaging 1948 flood.

Further, the News reported that the dam—

> has returned $16,730,000 in earnings from power sales, and it is expected that the entire cost of the project will be paid before the anticipated 50-year payoff period ends.

Mr. President, I ask unanimous consent to have printed in the RECORD, immediately following these remarks, the full text of the articles to which I have referred, which appeared in the January 31 issue of the Spokane Spokesman-Review, Great Resources Brochure No. 14, published by the Great Northern Railway, and the February 26 issue of the Hungry Horse News.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Spokane Spokesman-Review, Jan. 31, 1960]

TOWN LOOKS FOR MORE PROSPERITY

COLUMBIA FALLS, MONT., January 30.—Columbia Falls, a Montana city that doubled its population in the past decade, expects continued growth in the 1960's.

This is a town with industrial jobs, 5 minutes from trout streams and 17 miles west of Glacier National Park.

The 1950 census showed Columbia Falls as having 1,232 residents. Postmaster Dudley W. Green estimates population now at 2,500, and the number of Pacific Power & Light residential customers has likewise doubled since 1950.

NEW PLANT OPENED

Important date for Columbia Falls was August 15, 1955, when the Anaconda Aluminum Co. plant was dedicated. The plant is the only aluminum producer in the Treasure State and employs 580 men. More than half the employees live in or near Columbia Falls with the balance in other Flathead area communities.

Bringing the industrial job total in Columbia Falls to more than 1,000 are the 400 men who work at the four local lumber mills, Stoltze Land & Lumber Co., Superior Buildings Co., and Rocky Mountain Lumber Co. Plum Creek, employing 200 men, located here in 1945; Rocky Mountain in 1948.

Columbia Falls, hub of the Flathead's lumber industry, shipped a record 3,946 carloads of lumber over the Great Northern railway in 1959. This compares with 3,342 carloads in 1957 and a record for the time of 779 carloads in 1947.

FOREST IS SOURCE

Most of the timber milled here comes from Flathead national forest which is cutting at the sustained yield figure that can be maintained.

Columbia Falls is proud of its school and church growth.

There is a new 18-room grade school erected in 1953–54 through Federal grants totaling $600,000 that came as a result of Hungry Horse dam.

Montana's largest concrete dam was started in 1948. The 564-foot high structure was considered complete January 1, 1953.

NEW HIGH SCHOOL

Slated for dedication next March is the new 600-student, $1,660,000 Columbia Falls district high school. The structure covers 113,000 square feet.

Columbia Falls is a city that in 1946 had just one resident pastor. Now there are 10 churches. First mass was held in the new $200,000 St. Richard's Catholic church Thanksgiving week. Local Methodists dedicated their new Sunday school and fellowship wing November 22. The Assembly of God dedicated its new Columbia Falls church January 1, and last spring local Baptists moved into their new church.

[From the Great Northern Railway Co. Brochure, No. 14]

FLATHEAD VALLEY INDUSTRIAL AND AGRICULTURAL MIGHT AMID SCENIC GRANDEUR

Nestled below the western slopes of the Rocky Mountains in northwestern Montana is the picturesque valley of the Flathead River. Farmers from Idaho and California, who recognized the richness of the 300,000 acres of soil on the valley floor, settled here and broke the first sod in the late 1880's. A lack of transportation restricted their markets until Great Northern Railway crossed the valley with its mainline in 1891, opening the valley to national markets, and spurring logging operations which had developed soon after the settlers arrived.

Industrial development is more recent. Just as the availability of transportation helped the valley blossom into a full-fledged economic community, so has a single development helped open new industrial horizons in the valley.

The new project was harnessing the thundering Flathead River to produce power at reasonable rates. Hungry Horse Dam tames the mighty river's south fork long enough to churn out 285,000 kilowatts of power. This factor, plus the abundance of water which flows from nearby mountains, is bringing new industry to the Flathead Valley. One example: Anaconda invested $60 million for a new aluminum reduction plant at Columbia Falls, a few miles downstream from Hungry Horse Dam. The operation, Anaconda's first venture into the aluminum field employs 600 persons and produces 60,000 tons of aluminum annually.

The Pacific Power & Light Co., a private utility, and Flathead Electric Cooperative, Inc., a public utility, distribute abundant supplies of power through the valley for farm, home, and industry.

But new industry is not diminishing the importance of agriculture to the valley. The rich soil and nurturing climate, typical of sheltered mountain valleys, combined with new farming and irrigation techniques contribute an important share of the valley's income through agriculture. The valley is known for its seed potatoes and seed peas; for its sweet cherries which are cultivated on the eastern shores of Flathead Lake. But it also produces a significant volume of field crops such as wheat, barley, hay, oats; and small fruits such as apples. Much of the grain and hay is consumed by dairy cattle, still another important agricultural factor in the valley.

Great forests of the valley and nearby mountain slopes put logging and forest products high on the list of valley industry. Among the important activities: manufacture and treating of railroad ties; production of plywood; lumber milling; growing and marketing a substantial share of the Nations' Christmas trees. The Flathead National Forest, which nearly surrounds the valley and is managed on a sustained yield basis, provides much of the raw material for the lumber industry.

Mountains, an abundance of waterways, winter snow, and mild climate make the Flathead Valley a natural recreational area. Within a few minutes drive is Glacier National Park, Flathead and Whitefish Lakes—two of the continent's most beautiful freshwater lakes. Boating, fishing, swimming, hunting both big game and waterfowl, golfing, skiing—the recreational opportunities are unlimited.

The Great Northern transcontinental mainline opens the Flathead Valley to national markets by rail; Federal highways 2 and 93 provide north-south and east-west access for residents and visitors.

About one-third of the valley residents live in the county seat of Kalispell (population 11,000), which also serves as a distribution center for forest and farm products. Whitefish (population 5,000) provides important impetus for the valley's lumber industry, besides being a gateway to much of its vacation delights.

Columbia Falls (population 2,000), home of Anaconda's aluminum reduction plant, also serves the North Fork River country where some of Montana's largest lumber mills and logging operations are located.

Somers, one of the valley's smaller communities, boasts thriving plywood and tie-treating plants. The town is on the northern shore of Flathead Lake.

[From the Hungry Horse News, Feb. 26, 1960]

HUNGRY HORSE DAM CREATES FLATHEAD JOBS

Fateful decade in the Flathead was the 1950's that saw first power produced at Hungry Horse Dam October 1, 1952, and then August 15, 1955, dedication of the Anaconda Aluminum Co. plant 2 miles northeast of Columbia Falls.

The Flathead was fortunate to have an aluminum plant under construction even as the big dam was being completed. Burning in the night as President Truman's special train pulled into Columbia Falls were brush clearing piles at the future site of the Anaconda Aluminum Co. plant. Plant construction years were 1953, 1954, and 1955. Peak employment was 1,600.

Plant construction eased the transition from dam building to these years. Anaconda Aluminum Co. employment averages near 600 jobs. Many other jobs in the Flathead were created in professions, services, and trades as a result of the new plant with its 600 employes.

Prime contract to build Hungry Horse Dam was awarded General-Shea-Morrison, combination of 12 firms, April 21, 1948. Total prime contract was given as $48,061,070. After 1 million cubic yards of rock and surface material was excavated, first concrete placing took place September 7, 1949.

The Hungry Horse News presented a week-to-week progress story of Hungry Horse Dam construction. First picture of the project appeared in our volume 1, No. 1, issue published October 8, 1948, and showed the drilling rig at the future site of Hungry Horse Dam.

October 4, 1952, saw last concrete placed in mass of dam itself. November 2, 1952, was visitors' day with 814 cars carrying 3,500 persons driving across the massive dam.

Top concrete placing month was July 1951, with the tally 235,649 cubic yards.

Total cost of the project was $101,500,000 compared to $108,800,000 stated as anticipated cost when the project started in 1948.

Building Hungry Horse resulted in more than 17 million man-hours being worked in Montana. Manufacture of cement, electrical equipment, reinforcement steel and other products for the dam was considered to have created equally as many man-hours of employment in a score of different States.

Howard S. Latham, Bureau of Reclamation safety and labor relations officer, gave the man-hours worked per year as follows: 2,723,862 in 1949; 3,288,079 (not including 500,000 man-hours logging the reservoir area) in 1950; 4,991,305 in 1951, and 3,600,000 man-hours worked in 1952.

The project was built without a single regular strike, and completed ahead of schedule.

Peak employment building Hungry Horse Dam was 2,500 and the construction payrolls brought growth and prosperity to the Flathead. Annual construction payrolls were considered $8,500,000.

Wage pattern in the area in 1948 saw common laborers' pay at $1.25 an hour. The first General-Shea-Morrison contract in 1948 established $1.37½ an hour construction base for common labor. This was increased to $1.50 in 1950, $1.67½ in 1951, and $1.79 in 1952. Many men worked 7 days a week as construction started in spring, continuing into the fall, and then winter layoff for many.

The year 1953 saw construction windup. Clyde H. Spencer, project construction engineer for the Bureau of Reclamation, left July 19 to become Bureau chief for California. David Culver succeeded him. C. W. "Smokey" Wood, project manager for General-Shea-Morrison; E. W. Simpson, General-Shea-Morrison general superintendent, and D. H. Henderson, General-Shea-Morrison office manager, left that year.

The PRESIDING OFFICER (Mr. Moss in the chair). Is there further morning business? If not, morning business is closed.

LEASING OF A PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools, R–I, Missouri.

RESOLUTION OF TEXAS SOIL CONSERVATION DISTRICTS SUPPORTING PROPOSED SENATE SOIL AND WATER CONSERVATION RESEARCH PROBLEMS

Mr. YARBOROUGH. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution adopted by the Association of Texas Soil Conservation Districts in recent annual convention in Galveston, Tex.

This resolution is on the subject of soil and water conservation research—a matter of vital importance to the growth and development of Texas and the entire Southwest.

The research program now in effect is inadequate to meet the national need and I will give full support to the Association in its efforts to increase and expand soil and water conservation research.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF SOIL AND WATER CONSERVATION RESEARCH AS ADOPTED BY ASSOCIATION OF TEXAS SOIL CONSERVATION DISTRICTS IN ANNUAL CONVENTION AT GALVESTON, TEX., JANUARY 13, 14, AND 15, 1960

Whereas the conservation of soil and water resources for future generations and the efficient use and management of these resources for present needs is a major objective of the Texas Association of Soil Conservation Districts; and

Whereas the Secretary of Agriculture's Study Committee for the U.S. Senate recognizes an urgent need for a greatly intensified research program on the soil and water conservation problems: Therefore, be it

Resolved, That the Association of Texas Soil Conservation Districts go on record in support of the soil and water conservation research program as proposed in Senate Document No. 59 of the 86th Congress, 1st session; and be it further

Resolved, That a copy of this resolution be given to each member of the Texas delegation in the U.S. Congress, to members of the Subcommittee on Agricultural Appropriations in both the House and Senate of the Congress, and to the officers and directors of the National Association of Soil Conservation Districts.

RESOLUTION ADOPTED BY THE TEXAS VETERANS AFFAIRS COMMISSION ON THE ESTABLISHMENT OF A VETERANS' ADMINISTRATION HOSPITAL IN SOUTH TEXAS

Mr. YARBOROUGH. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution recently adopted by the Texas Veterans Affairs Commission in conference at Austin, Tex.

This resolution favors the construction of a U.S. Veterans' Administration Hospital in south Texas to give improved medical service to veterans residing in the 78,072 square mile area of this portion of my State.

My bill, S. 457, providing for the construction and operation of such a hospital facility, is pending before the Committee on Labor and Public Welfare. If that facility were constructed under that bill, it would meet the urgent need.

Such a hospital is important also because for more than 10 years the veterans of south Texas have sought to have a hospital located there, and they have formed the South Texas Veterans Alliance, composed of members of the American Legion, Veterans of Foreign Wars, the DAV, and other veterans' organizations. All of these south Texas veterans' organizations have urged the construction of this hospital because veterans at the present time must travel hundreds of miles from their homes to the north.

The resolution which I am asking to have printed in the RECORD is a resolution adopted by the Veterans Affairs Commission of Texas, composed of veterans throughout the State of Texas. This is the first resolution endorsing the construction of a hospital in south Texas which has been adopted by this statewide Veterans Affairs Commission of Texas. I ask that it may be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas south Texas, encompassing 78,072 square miles, does not have a Veterans' Administration hospital to serve the veteran population in that area; and

Whereas the necessity for some veterans in the south Texas area to travel as many as 450 miles to receive hospital care, is depriving them of hospital benefits, and causing them to use private hospitals at their own expense where adequate facilities and doctors are not available; and

Whereas the veterans in that area, of Latin American descent, hesitate to leave their family and environment for any cause, are suffering undue hardships due to the lack of a Veterans' Administration hospital in that area; and

Whereas the South Texas Veterans' Alliance, composed of members and officials of all veterans organizations, is aware of the deplorable conditions that exist in this area due to the lack of hospital facilities, and is doing everything possible to secure a Veterans' Administration hospital in south Texas: Therefore be it

Resolved, That the Veterans' Affairs Commission of Texas in regular quarterly meeting assembled in Austin, Tex., February 28, 1960, do hereby go on record to recommend and urge the construction of a suitable Veterans' Administration hospital in the south Texas area.

RESOLUTIONS DEALING WITH THE UNCONTROLLED IMPORTATION OF SHRIMP PRODUCTS INTO THE UNITED STATES

Mr. YARBOROUGH. Mr. President, I ask unanimous consent to have printed in the RECORD a series of resolutions adopted by the City Council of Aransas Pass, Tex., the Aransas Pass Chamber of Commerce, and by Shrimp Fiesta, Inc., of Port Isabel, Tex.

These resolutions are on the subject of the uncontrolled importation of shrimp and shrimp products into the United States. The shrimp industry makes a very substantial contribution to the economic strength and growth of cities along the entire Texas gulf coast. In the great Brownsville-Port Isabel area alone, shrimp industry investments exceed $75 million and annual payrolls exceed $12 million.

Recently I joined the distinguished and very able senior Senator from Louisiana, Senator ELLENDER, in cosponsoring a bill to help protect American shrimp fishermen from a glutting of the market by foreign imports. An idea of the need for such action can be seen in figures showing that in 1939 foreign importers supplied only 4 percent of our national market, while today they are supplying 50 percent. At that time—1939—only 10 foreign countries supplied us with shrimp—today some 50 nations supply shrimp here to our domestic market in competition with American fishermen.

The Ellender bill provides for the establishment of country-by-country import quotas on shrimp and shrimp products. It will, in the long run, improve our relations with Mexico and other importing nations because it will let foreign fishermen know what portion of our expanding market they may reasonably expect to serve. Our own shrimpers will be protected from excessive imports which would be harmful to this vital American industry, the largest single item of catch in our domestic fisheries.

As head of a special committee of the Senate Interstate and Foreign Commerce Committee, I conducted hearings at Brownsville in 1957 on problems of the shrimp fishermen, and I feel that this bill will help them and tend to alleviate strained relations between American and Mexican shrimpers. It also will stabilize opportunities for American fishermen as well as foreign shrimpers.

The bill I am cosponsoring, S. 3204, would correct the problem discussed in the resolutions which I ask unanimous consent to have printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Whereas the shrimp industry is an important element of the city of Aransas Pass, and represents an investment on the part of our citizens in excess of several million dollars in shrimp vessels and shore installations; and

Whereas the shrimp industry directly employs many persons in the city of Aransas Pass, most of whom are heads of families, and it further provides the chief source of income and support of many related industries and their employees, in shipyards, ice plants, processing plants, truck lines, and boats; and

Whereas the shrimp industry in the city of Aransas Pass is in dire financial straits caused by low prices paid for this product, the credit of vessels has been impaired, and local suppliers have unusual and heavy accounts receivable against these vessels; and

Whereas the unrestricted flow of foreign shrimp imports has caused a glut in the domestic market which has overdepressed prices and threatens immediate ruin to the shrimp fishing fleet and related industries; and

Whereas the plight of the domestic shrimp industry is caused primarily by excessive foreign imports, and the effects are so widespread that the ruin of the industry is imminent; and

Whereas one of the causes for the imperiled status of the shrimp industry is the tremendous increase in inventory caused by expanding imports from more than 50 countries; and

Whereas the shrimp industry, through its national organization, the National Shrimp Congress, is engaged in a strenuous effort to bring the dire plight of this industry to the attention of the U.S. Congress, and is supporting the passage of H.R. 8769, a bill now before the Ways and Means Committee; and

Whereas the shrimp industry, including producers and processors, has united behind H.R. 8769, a bill now before the Ways and Means Committee, as a measure which promises to give some relief to the industry, and urges its passage: Now, therefore, be it

Resolved by the Aransas Pass Chamber of Commerce, at a special meeting held on March 10, 1960, That this body goes on record as recognizing the dire plight of the shrimp industry; its great importance as the No. 1 seafood industry of the United States; its great importance to our local economy, and urges the U.S. Congress (and those Government agencies charged with protecting U.S. fisheries) to take immediate and purposeful action to restore the industry to a more healthful level by holding hearings at which industry may be heard on the merits of H.R. 8769, a bill now before the House Ways and Means Committee; and be it further

Resolved, That copies of this resolution be mailed immediately to the Honorable WILBUR MILLS, chairman of the House Ways and Means Committee, Hon. A. S. HERLONG, author of H.R. 8769, Hon. LYNDON B. JOHNSON, Hon. RALPH W. YARBOROUGH, and Hon. JOHN YOUNG.

GENE L. DUBBIN,
President.

RESOLUTION 920

Resolution whereby the City Council of the City of Aransas Pass goes on record as recognizing the dire plight of the shrimp industry; its great importance to our local economy; its national importance as the No. 1 seafoods industry of the United States, and urges the U.S. Congress (and those Government agencies charged with protecting U.S. fisheries) to take immediate and purposeful action to restore the industry to a more healthful level by holding hearings at which industry may be heard on the merits of H.R. 8769, a bill now before the House Ways and Means Committee

Whereas the shrimp industry is an important element of the city of Aransas Pass and represents an investment on the part of our citizens in excess of several million dollars in shrimp vessels and shore installations; and

Whereas the shrimp industry directly employs many persons in the city of Aransas Pass, most of whom are heads of families, and it further provides the chief source of income and support of many related industries and their employees, in shipyards, ice-plants, processing plants, trucklines, and boats; and

Whereas the shrimp industry in the city of Aransas Pass is in dire financial straits caused by low prices paid for this product, the credit of vessels has been impaired, and local suppliers have unusual and heavy accounts receivable against these vessels; and

Whereas the unrestricted flow of foreign shrimp imports has caused a glut in the domestic market which has overdepressed prices and threatens immediate ruin to the shrimp fishing fleet and related industries; and

Whereas the plight of domestic shrimp industry is caused primarily by excessive foreign imports, and the effects are so widespread that the ruin of the industry is imminent; and

Whereas one of the causes for the imperiled status of the shrimp industry is the tremendous increase in inventory caused by expanding imports from more than 50 countries; and

Whereas many shrimp vessels have had to be refinanced, and are unable to meet even reduced mortgage and insurance payments; and

Whereas many local merchants and suppliers are facing impaired credit due to the serious difficulties besetting the shrimp industry; and

Whereas the credit structure of the shrimp industry is such that the suppliers have strained their resources to keep the fleet operating, but are no longer able to do so, and large-scale foreclosures of vessels are surely bound to occur unless relief is given; and

Whereas the domestic shrimp industry is overwhelmingly in favor of the passage of protective legislation represented by H.R. 8769, now before the Ways and Means Committee of the House of Representatives; and

Whereas the shrimp industry, through its national organization, the National Shrimp Congress, is engaged in strenuous effort to bring the dire plight of this industry to the attention of the U.S. Congress, and is supporting the passage of H.R. 8769, a bill now before the Ways and Means Committee, as a measure which promises to give some relief to the industry, and urges its passage: Now, therefore, be it

Resolved by the City Council of the City of Aransas Pass sitting in special session on this 4th day of March 1960, in the city hall, That this body goes on record as recognizing the dire plight of the shrimp industry; its great importance to our local economy; its national importance as the No. 1 seafood industry of the United States, and urges the U.S. Congress (and those Government agencies charged with protecting U.S. fisheries) to take immediate and purposeful action to restore the industry to a more healthful level by holding hearings at which industry may be heard on the merits of H.R. 8769, a bill now before the House Ways and Means Committee; and be it further

Resolved, That the copies of this resolution be mailed immediately to the Honorable WILBUR MILLS, chairman of the House Ways and Means Committee; Hon. A. S. HERLONG, author of H.R. 8769; Congressman JOHN YOUNG; and Senators LYNDON B. JOHNSON and RALPH YARBOROUGH.

Passed and approved on this the 4th day of March 1960.

CONN BROWN,
Mayor.

Attest:

R. A. PATTY,
City Secretary.

RESOLUTION BY SHRIMP FIESTA, INC.

Whereas the shrimp industry is one of the leading industries in the Port Isabel-Brownsville area and an important part of our local economy, representing an investment on the part of the citizens in this area in excess of $75 million, with an annual payroll of over $12 million, and is the chief source of income to many related industries such as ice plants, fuel companies, etc., representing more investment and employing many more people in this area; and

Whereas the unrestricted flow of foreign shrimp into this country has caused a glut in the market for domestic shrimp, which has overdepressed prices, threatening ruin to the shrimping fleet and these other related industries in this area; and

Whereas Shrimp Fiesta, Inc., is an organization in this area composed of persons directly connected with the shrimp industry and all of these correlated industries who are in a position to know how serious the threat to the domestic product is this unrestricted flow of foreign shrimp and that the credit structure of the shrimping industry as well as many local merchants and suppliers is strained to the breaking point; and

Whereas the shrimp industry has united behind H.R. 8769, a bill now before the Ways and Means Committee of the House of Representatives of the United States, as a measure which promises to give some relief to the industry: Now, therefore, be it

Resolved by the board of directors of the Brownsville-Port Isabel Shrimp Fiesta, at its first regular meeting for 1960, held on the 10th day of February 1960, at Brownsville, Tex., That this body goes on record as recognizing the serious plight of the shrimp industry and its great importance to our local economy as well as its national importance as the No. 1 seafood industry of the United States; and urges that the U.S. Congress take immediate and purposeful action to restore the industry to a more healthful level by holding hearings at which the industry may be heard on the merits of H.R. 8769, a bill before the House Ways and Means Committee, the industry shrimp bill, which proposes to protect the American fisherman and processors by permitting a gradual increase in shrimp imports rather than an unrestricted flood by stabilizing the U.S. market after a 5-year temporary import quota allocation with a global quota computed as follows: Estimated U.S. consumption, minus estimated U.S. production, leaving permitted quota for foreign imports.

JAMES RICE,
President.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield to the distinguished Senator from Alaska.

Mr. GRUENING. Is the distinguished Senator from Texas aware of the fact that our foreign aid program is assisting the shrimp industry in foreign countries to compete with our industry? In other words, we are sending American dollars overseas to help foreign countries destroy our own domestic industry.

Mr. YARBOROUGH. The situation could not be more cogently stated than the Senator from Alaska has stated it.

We are not advocating a return to Smoot-Hawley, or to cut shrimp imports out entirely. All we are asking is that our import policy, as amended by this bill, give a measure of protection to our industry, so as to provide our domestic producers a fair portion of the domestic market, because the American shrimp catch, is one of the most valuable catch of fish our fisheries industry takes from the sea.

Mr. GRUENING. Mr. President, will the Senator yield for a question?

Mr. YARBOROUGH. I yield.

Mr. GRUENING. While I am a cosponsor of the bill, and highly approve of it, does it not strike the Senator from Texas that we are placed in a strange and contradictory position, for, on the one hand, we are sending our dollars abroad and are taxing our citizens to do so in order to encourage foreign industry to compete with our own industry?

Mr. YARBOROUGH. The Senator from Alaska has stated exactly the anomalous and contradictory action of the American Government. We tax Americans and send their dollars abroad to foreign countries which we ask to produce or catch shrimp and to send it into American markets.

More than 50 percent of the shrimp consumed in this country last year came from foreign countries. This kind of activity is driving the domestic shrimp producers out of the market, at a time when there are some 1,600 shrimp boats operating from the Texas gulf ports alone.

The senior Senator from Florida is on the floor. I think he will say that more shrimp boats operate from Florida than operate from Texas.

Shrimp boats are manufactured along the Atlantic seaboard. Some of their equipment is manufactured in Ohio, some in Pennsylvania, some in other States. The competition from shrimp caught abroad is putting the American workmen who build these boats and make the gear for such boats out of work. All of the fathom meters, which enable the boat operators to tell the depth of the water without taking soundings at the bottom of the ocean, are manufactured in this country, as is all other electronic equipment on those American shrimp boats.

When we consider the thousands and thousands of American shrimp boats which operate off our coast, and which supply thousands of jobs for American workingmen, it is time that we consider the effect of the excessive imports of foreign shrimp to this country. More and more American shrimp boats are being driven out of business. American shrimp fishermen are losing their jobs. Our domestic policy is driving our shrimp boat manufacturers and the manufacturers of gear for the boats out of business. The manufacturers of the nets which are used by the shrimp boat fishermen are seriously affected.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield to the Senator from Florida.

Mr. HOLLAND. I am very happy to know that the distinguished junior Senator from Texas is bringing up this point. As he has said, the State of Florida, which I represent in part, is probably more concerned so far as the number of ships used and the number of people who work in the shrimp fishing industry are concerned than is true of any other State. We have found our shrimp fishing industry declining. We have found difficulties arising from foreign importations. We have heard objections from some of our neighboring nations concerning our fishing operations off their shores.

It has not been so long since the captain of a little shrimp boat in the Gulf of Campeche called me by some sort of long range telephone connection, which was picked up somewhere along the Gulf coast, perhaps in Texas, and then carried here, to say that a gun boat from Mexico had intercepted them, whereas they were barely in sight of the Mexican shore, and were charged with fishing in Mexican waters, when he said that could not possibly have been.

I am certainly in favor of the legislation of which the Senator speaks. I am one of its co-sponsors. I think we should pass the bill at an early date. I hope that we may finish with the proposed civil rights legislation in order that we may pass shrimp boat legislation at an early date.

Mr. YARBOROUGH. I thank the Senator from Florida for his statement. His knowledge of this subject is well known in the Senate and throughout the country. He is one of the leaders in promoting better conditions for the shrimp fishing industry of America.

My State of Texas is pretty close behind the State of Florida in number of shrimp boats. I point out that we have not objected to our good neighbor to the south, Mexico, building up a great shrimp-fishing fleet. But the U.S. Government is now spending its tax dollars to encourage shrimp fishing not only by our good neighbor to the south, but by countries across the oceans. Our Government is seeking to have countries across the ocean in Asia and other continents increase their shrimp catch and to ship it into the United States in competition with our domestic catch, and the catch of our good American neighbor countries to the south.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. GRUENING. I, likewise, am a cosponsor of the bill. I should like to ask the Senator from Florida whether he does not think it is a strange paradox that at the same time we are trying to limit the importation of shrimp in order to protect by legislation our own shrimp-fishing industry, our Government is sending its dollars to numerous foreign countries to help them build up their shrimp-fishing industry.

Mr. HOLLAND. Of course it is a paradox. I should say, since I mentioned Mexico, that Mexico has been one of our good neighbors. It has not been assiduously asking for foreign aid. Mexico built a large part of the Inter-American Highway—about 1,587 miles—with her own funds. She has been in many ways a very fine neighbor in spite of the fact that she insists on measuring very long miles off her coast when she decides that American shrimp boats are poaching.

But the Senator from Alaska is correct in his insistence that we should bring an end to this matter, and not cut off importations which have become traditional, but should cut off the large increases in importations as well as cut off the participation in this market by many countries which are drawing heavily upon our own resources in connection with foreign aid.

Mr. GRUENING. Countries which are now our competitors through being financed by American dollars.

Mr. HOLLAND. That is correct.

Mr. GRUENING. To me, that is positively shocking.

Mr. HOLLAND. The Senator from Alaska has had a similar experience in connection with some of the other denizens of the deep, with which he is very familiar, I am sure, as to which we have had trouble with some of our neighbors of the North Pacific. But in the shrimp matter, we have something which is so clearly different. The shrimp cannot tell when he leaves gulf waters and enters Florida or Louisiana waters. Likewise, he cannot tell when he goes into Mexican waters. The shrimp boats follow the shrimp. It is an international industry and a very important one.

If we safeguard the shrimp fishing industry at this time, we will safeguard not only our own interests, but also the interests of Mexico will be preserved, for Mexico has an interest in protecting our market, which is the best market Mexico has.

I believe the Senate is moving in the right direction. Not only the Gulf States, but every other State along the Atlantic seaboard is interested in protecting the shrimp-fishing industry, as I am certain the States on the Pacific side are, as well. I hope we will continue to get in these "good licks" for the passage of the bill.

Mr. YARBOROUGH. I thank the distinguished Senator from Florida and the distinguished Senator from Alaska for their incisive reasoning and clear logic which have made a great contribution to this discussion. This is not an isolationist measure. It is simply good, international, sound, common sense. We are not trying to cut off our neighbor to the south, even though she seizes our shrimp boats on what we say is a long measurement offshore. The action in lending money to 50 countries and encouraging them to ante up shrimp fleets to ship shrimp into the United States is based on governmental folly, as the Senator from Alaska has pointed out. Financing 50 or more countries to catch shrimp off their shores, and to bring it across the ocean, financed with American dollars, which put the American shrimp fishermen out of business is bad for the fisherman, and bad for the whole country.

This is not merely a matter of liquidating shrimp fishermen. More than that, it causes the liquidation of jobs with the manufacturers of shrimp boats on the Atlantic seaboard, and the makers of nets in the interior. It causes losses to the manufacturers of the machinery which is used on shrimp boats. These are not sailboats; they are diesel engine boats. The electronic equipment which is used on the boats is manufactured, to mention one State, in the State of Washington. Certain other types of electronic equipment are manufactured in California. But these manufacturers supply the equipment for thousands of shrimp boats which ply the gulf from Florida, Texas, Mississippi, and Louisiana. Some of them even fish as far south as the banks of Campache.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator from Texas yield?

Mr. YARBOROUGH. I am glad to yield.

Mr. JOHNSTON of South Carolina. I join in what has been said by the distinguished Senator from Texas and also the distinguished Senator from Florida and the distinguished Senator from

Alaska. I, too, have been calling the attention of the Senate not only to this particular instance, but to other instances in which our foreign aid is being used to compete with American industry and work against us. It has certainly worked against us in the entire field of agriculture. It has worked against us in the textile industry. We are feeling it very much at this time in South Carolina, where almost 30 percent of the cotton textiles of America are produced.

So far as the shrimp industry is concerned, we must rouse ourselves immediately, for what is now taking place is something which can wreck the industry in a very short time. South Carolina, too, is engaged in the shrimp fishing business. I have received several telegrams and letters, and even telephone calls, concerning this very bill.

I want the Senator from Texas to know that anything I can do to help its passage, I intend to do.

Mr. YARBOROUGH. I thank the distinguished Senator from South Carolina. I know that shrimp boats operate from both the Carolinas. I believe one of the big industries for the manufacturing of shrimp boats is located in the Carolinas.

Mr. GRUENING. Mr. President, will the Senator from Texas yield further for another comment?

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). Does the Senator from Texas yield to the Senator from Alaska?

Mr. YARBOROUGH. I yield.

Mr. GRUENING. Mr. President, I particularly wish to commend the Senator from South Carolina [Mr. JOHNSTON] for his remarks, in the course of which he pointed out that the peculiar paradox to which he has referred applies not only to the shrimp industry but also to the textile industry and to the production of wheat and the production of cotton.

A little later I wish to join in sponsoring the amendment of the Senator from Alabama to appropriate some $2 million for research for small business, an item which has been eliminated by the administration; and I shall point out that while the administration squelches small business at home, it is spending many times that $2 million item abroad, to aid small business in other countries. When I obtain the floor, I shall show the contrast between the administration's denial of aid to small business in the United States and the administration's spending of $17 million to aid small business in other countries.

Mr. HOLLAND. Mr. President, will the Senator from Texas yield to me?

Mr. YARBOROUGH. I yield to the Senator from Florida.

Mr. HOLLAND. I should like to comment on the Senator's remarks about the shrimp boats. They are some of the last all-wood craft now being manufactured in the United States. Not long ago I had the pleasure of being present at the launching of the 700th shrimp boat to be built at St. Augustine, in my State. At that time I met many of the workmen. Many of them have been building wooden ships ever since they were boys, and a number of them are now 60 or 70 years of age. Several hundred of them, who are highly skilled in this very specialized craft, are employed at that one yard. If legislation of this type were enacted, the business at that yard would be adversely affected in a most profound way, and a similar adverse effect would be felt at other yards along the North Atlantic seaboard and along the gulf seaboard, where a dozen or more of these shipyards are to be found. In these yards, wooden ships, which are taken to sea for the catching of shrimp, are very sturdily built to the point of perfection.

I am glad the Senator from Texas has pointed out in the way he has that such legislation, which would have a most adverse effect on the builders of shrimp boats, would likewise have a most adverse effect on the manufacturers of electronic equipment, the manufacturers of jet airplanes, the manufacturers of diesel engines, the producers of the oil used in diesel engines, and many other groups, almost too numerous to mention. All of them would be most adversely affected by the enactment of legislation which would result in the destruction of a large and important industry, such as the shrimp industry of the United States.

Mr. YARBOROUGH. Mr. President, I wish to thank the distinguished Senator from Alaska and the distinguished Senator from Florida for their very valuable contributions in regard to this phase of our economy, and also in reference to the broader phases of this governmental policy, as it affects the people of the United States.

Mr. MURRAY. Mr. President, will the Senator from Texas yield to me?

Mr. YARBOROUGH. I yield.

Mr. MURRAY. Mr. President, last Friday the distinguished chairman of the Select Committee on Small Business, the Senator from Alabama [Mr. SPARKMAN], submitted an amendment—of which I am proud to be a cosponsor—to House bill 10234, making appropriations for the Department of Commerce and related agencies for the fiscal year 1961.

As the chairman mentioned in his remarks, the purpose of the amendment is to include an appropriation of $2,080,000 for the program of grants for research and counseling under section 7(d) of the Small Business Act.

The restoration of the Small Business Administration research and counseling grant program is of considerable importance to Montana and similar States, where neither the State planning agency nor the State university has the necessary funds to conduct this type of research.

The acuteness of the situation is made evident when one reflects on the irony involved in the Budget Bureau's decision to limit this important program. The annual $40,000 grant to the States for economic and industrial research is mandatory in the interests of sound economic development. Second, sound economic development is a condition upon which a State's ability to help itself depends. Yet the Budget Bureau of the Federal Government, in shortsighted idolatry of the mighty dollar, has recommended crippling the program to the point where, if this amendment is not adopted, there will remain only enough money to print reports for the last 2 years, leaving practically nothing to carry on the program itself.

I wish to commend the distinguished Senator from Alabama for having submitted this necessary and farsighted amendment.

Mr. YARBOROUGH. Mr. President, in response to the comments made by the distinguished senior Senator from Florida, when he addressed himself to this matter, and when he spoke about the manufacture of wooden shrimp boats in his State, I wish to point out that those who operate the shrimp boats are some of the most energetic, bold, and daring of the American venturers now living. We cherish the American dream; we like to think of our pioneer ancestors who crossed the continent in their wagons or on their horses, without the benefit of a compass, and with no directional aids other than the sun, the moon, and the stars.

Let me point out that these shrimp boats are equipped with very expensive electrical gear which costs several thousand dollars for each boat. But they are not equipped with navigational aids. Their crews navigate them by means of observations of the stars—as Columbus did, when he crossed the Atlantic. These shrimp boats travel hundreds of miles, across the Gulf of Mexico. Some of the shrimp fishing is done off the Banks of Campeche. The shrimp boats of other nations have large crews, and generally carry a navigation specialist. But the crews of the same-sized American shrimp boats are small—only two men, as a rule. They are among the ablest Americans in business today. The 2-man crew of an American shrimp boat will take their boat to sea, and will navigate by means of observations of the sun, the moon, and the stars, until they come close to the coast; then they make use of charts and fathometers, so as to avoid the shoals and the reefs. In the waters in which they fish, the United States advocates a 3-mile limit, but the Mexican Government claims a 9-mile limit. So our shrimpers actually remain more than 9 miles off the coast, in order to avoid any conflict, although our Government does not concede that the 9-mile limit is the correct one.

The enactment of legislation harmful to the thousands of Americans who are engaged in the shrimping industry, and also harmful to the many additional thousands of American workers who manufacture the gear the shrimp boats use—and those affected range all the way from the artisans who build the handmade, wooden boats to those who build the very expensive electronic equipment and gear which is used aboard the shrimp boats—would be a very unwise governmental act.

The distinguished Senator from South Carolina [Mr. JOHNSTON] has commented on other unwise governmental acts in connection with the operations of our Government around the world.

Furthermore, Mr. President, we learn that in country after country our Government has encouraged the breaking up of vast estates, so that democracy can be strengthened by the building up of a group of small yeoman farmers. To the direct contrary, in this country our Department of Agriculture pursues policies which are calculated to eliminate many of the small farmers. It claims that many of them are "submarginal," and that our country needs to have a million or more small farmers leave the farming business. What folly it is to maintain such conflicting policies, Mr. President—to say that in foreign countries it is necessary to break up the large estates and the vast holdings, and to encourage many little farmers to conduct agricultural operations in order to strengthen democracy; but at the same time to say that little farmers in our own country must be done away with. Such conflicting policies are but another example of the folly of our Government's policies in connection with domestic matters, as contrasted with our Government's policies in regard to foreign matters.

Mr. President, I wish to thank all the Senators who have contributed so much to the discussion of this important measure. Our discussion has ranged far beyond the original subject under consideration, and has touched upon our Government's ill-advised policies in many other fields. In addition to discussing the unwise, ill-advised policy our Government is pursuing in respect to the shrimp industry, we have pointed out that in many other important fields the Government of the United States is pursuing policies which are most ill-advised, insofar as domestic industries are concerned, and especially when the treatment of those domestic industries is contrasted with the treatment given by our Government to similar industries in foreign countries.

PUBLIC RECOGNITION OF THE GALLANT ACTION OF THE STEAMSHIP "MEREDITH VICTORY"

Mr. JAVITS. Mr. President, following the favorable action taken today by the other body on Senate bill 2185, to give appropriate public recognition to the gallant action of the steamship *Meredith Victory* in December of 1950 in connection with the evacuation of Hungnam, Korea, the bill now will go to the President for his signature. And, Mr. President, when the President signs the bill, at long last official recognition will be given one of the outstanding displays of heroism and courage by U.S. merchant mariners during the Korean war.

I originally introduced the bill—which was sponsored in the House of Representatives by Representative PAUL FINO, of New York—at the request of J. Robert Lunney, of New York City, who served as a staff officer aboard the *Meredith Victory* during the evacuation. At that time, this vessel, which had accommodations for only 12 passengers, took aboard 14,000 Koreans who were fleeing from the Communist invaders who were some 3,000 yards away and were being kept at bay by the guns of the battleship *Missouri*. The ship had, as I have said, accommodations for only 12 passengers. But Captain La Rue loaded it to the gunwhales with the Korean refugees and then ordered his vessel—the last to leave the Hungnam Harbor—to sail for Pusan. Three days later, after sailing through 30 miles of minefields, she arrived without the loss of one life—but, in fact, with more passengers than she had when she left, for nine babies were delivered and were safely disembarked, with the rest of the passengers, on Christmas Eve.

In 1955 Captain La Rue was honored by the South Korean Government. As the years have passed, the crew has scattered. The steamship *Meredith Victory* now rests at anchor, retired from service, in Puget Sound, near the town of Olympia, Wash. This past Christmas, nearly 10 years after the day when his ship arrived in Pusan Harbor, Captain La Rue took his final vows, and is now Brother Marinus in the Benedictine Order in Newton, N.J.

By act of Congress, Brother Marinus and the 35 crew members who served under him during that amazing voyage will receive a citation ribbon bar, and a citation and plaque will be awarded the steamship. Some may think that such acts of heroism in wartime are not unusual. We recall that thousands in the British Army were evacuated from Dunkirk during World War II in privately owned and operated boats of British civilians. Nevertheless, the crew of the *Meredith Victory* went to the assistance of thousands of refugees with whom they did not even share a common language; only one of the 14,000 aboard could speak even halting English. Her captain and her men responded to the anguished pleas for help from human beings whom they probably would never see again. Theirs was an unselfish display of courage in the very finest tradition of American seamanship, and one in which our country can take tremendous pride. I hope that the President of the United States will sign this bill. It is another significant historic achievement which should be marked up to the credit of the American merchant marine.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools, R–I, Missouri.

Mr. JAVITS. Mr. President, on another matter, coming back to the pending business, I modify the amendment which is now pending at the desk, on behalf of myself and the Senator from Pennsylvania [Mr. CLARK], together with other Senators, in the following respects. I ask the attention of the reading clerk.

On page 4, line 7, after the word "persons" and before the comma, insert the words "who are qualified voters in the judicial district."

On page 6, strike lines 16 through 22 and insert the following:

(10) Applications pursuant to this subsection shall be determined expeditiously. In the case of any application filed 20 or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally. In the case of an application filed within 20 days prior to an election, the court, in its discretion, may make such an order. In either case, the order shall make appropriate provision for the impounding of the applicant's ballot pending determination of the application. The court may take any other action, and may authorize such referee or such other person as it may designate to carry out the provisions of this subsection and to enforce its decrees. This subsection shall in no way be construed as a limitation upon the existing powers of the court.

On page 15, in lines 20 and 23, strike out the reference to "(a)" and insert "(k)."

With such modifications to the amendment as submitted to the Senate—it will be recalled that my colleague from Pennsylvania presented it before it was withdrawn—the Senator from Pennsylvania will make the first speech on it today.

Mr. President, the modifications I have made in the amendment are designed to make the amendment conform to the action taken by the House of Representatives in connection with the general plan for voting officials, in order, therefore, to present the matter to the Senate in its most up-to-date form.

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from New York.

The LEGISLATIVE CLERK. It is proposed, on page 4, line 7, after the word "persons" and before the comma, to insert the words "who are qualified voters in the judicial district."

On page 6, to strike lines 16 through 22 and insert certain language.

On page 15, in lines 20 and 23, to strike out the "(a)" and insert in lieu therefor "(k)."

RECENT AIR CRASH NEAR CANNELTON, IND.

Mr. HARTKE. Mr. President, this is the second time in a few months that I rise to discuss for the Senate the results of a disastrous and heart-rending airplane crash. The first was, of course, when the son and daughter-in-law of the distinguished senior Senator from Indiana [Mr. CAPEHART] were killed in the Caribbean.

Today I rise to make a report to the Senate on an inspection trip I made last weekend to my home State. As all Senators know, a Northwest Airlines Lockheed Electra crashed last Thursday near Cannelton, Ind., carrying 63 passengers and crewmen to their deaths. On Friday, within 24 hours of the crash, I flew to the scene aboard a Federal Aviation Agency plane which had been dispatched for a routine evaluation flight.

As a member of the Interstate and Foreign Commerce Committee, who had several times before expressed interest in greater air safety, I felt it almost a necessity that I visit the scene of the crash in my State. The following day, on Saturday, my senior colleague joined us.

I was deeply impressed with the ability and efficiency of the top experts assigned to the crash scene. Philip Goldstein, chief inspector for the Civil Aeronautics Board, and Capt. Carl Wilbur, of the U.S. Navy, Medical Corps, assigned to the Air Surgeon General's staff, were most impressive. Both of these men also had investigated the still-unsolved crash of another Electra last September near Buffalo, Tex. In both crashes they had the full cooperation of investigators from Lockheed Co.

During my inspection trip, I suggested that the FAA consider grounding of all Electras. This would have been a radical departure for a civilian Government agency. Of course, we have a new agency charged with responsibility for airplanes, airlines, and air safety—the FAA. In any case, there is ample precedent for grounding airplanes when structural deficiencies are suspected. It has been done by individual airlines and by the armed services.

Both the Buffalo, Tex., crash scene and the southern Indiana scene indicated strongly that something occurred structurally to the Electras. Some parts of the plane was torn loose in each crash, the wings and turbines then tore off or were dropped and the fuselage continued to glide until it buried itself in the ground.

Following my suggestion of grounding, the FAA took an unusual step. It ordered a slowdown in the air speed of all Electras flying in commercial aviation in this country. This may be all that is necessary. At least it indicates that the Agency is now taking some action. And some action is certainly necessary.

In 11 weeks, we have seen more than 400 persons lose lives in air crashes—almost half of them in the United States.

When lives are at stake, speed, convenience, comfort, profits must take secondary places. Travel by air has become today a virtual necessity for millions of Americans. Millions fly and arrive safely. The safety record is, on the whole impressive. But the fact that millions do now fly almost of necessity and that hundreds lose their lives because of factors over which they themselves have absolutely no control, makes it all the more important that we do things to insure air safety.

We have seen the Department of Health, Education, and Welfare, virtually ruin the cranberry industry when it felt that the Nation's health demanded protection from a chemical which might, in sufficient quantities, cause cancer in some people. I said then, and I say again, that I believe the Department did not lay sufficient groundwork with education for its drastic action, but I never questioned the motives of the Secretary and the desirability of the move to err on the side of caution in a matter of cancer prevention.

Representatives of this Department acted with equal dispatch, if no more prudence, in seeking to protect consumers from chickens which might have been treated with a hormone that could cause cancer. The Food and Drug Administration also has under consideration an order to restrict the use of lipsticks made with coal tars.

Similarly, there were cries of anguish over children losing their lives by locking themselves in abandoned refrigerators. Finally, action was taken from many quarters, and refrigerators are now made that prevent locking this way; many States make it an offense to abandon a refrigerator in which a youngster can lock himself.

We have also seen the many lives lost uselessly from plastic bags used extensively by cleaning establishments.

It matters little to grieving loved ones whether a life is snuffed out by a bag over the head, by an abandoned refrigerator, or from infected cranberries, chickens or lipsticks. There is one essential difference. The girl who wishes to err on the side of caution can avoid coal tar lipsticks—or all lipsticks. Those who want to sacrifice cranberries or fried chicken can do so.

But most of us who fly airplanes do so because we have to—or at least we think we do.

And the general public depends upon the Government—the Federal Government, if we please—to look out for its interest in this field. It is we who are responsible for airports, radio beams, lights, safety regulations, airline restrictions and hundreds of other programs in the field of air transportation.

Why did I go to Indiana to view the wreckage and interview eyewitnesses? Certainly not from idle curiosity. Certainly not because I enjoy the sight and smell of death. Certainly not because I wanted to see smoke come from a crater into which hours before a huge airplane body had plunged, and which still emitted smoke today, incidentally.

I went because I felt it a duty. All of us in Congress have a duty to act, or to see that others in the Federal Government act, to stop death from the skies. Where else do air travelers have to look for assistance?

This is why we must ask questions here. We must ask such questions as:

Is our weather service providing the best and fastest data and is it being passed on to airline authorities and crews?

Are our airports as safe as they can be?

Are the airlanes as safe as they can be?

Are the airplanes being manufactured with all the safety devices which can be attached?

Are air traffic control centers doing their part to prevent collisions in the air?

On this last point, I note that only the other day a military jet almost collided with a commercial ship, and only fast action by the commercial pilot prevented this head-on crash. This raises of air traffic control such questions as "What were these ships doing in the same airspace?" It also may provide some justification for Administrator Quesada's action grounding older pilots.

I commend General Quesada for acting exactly as I today commend the FAA for slowing down Electras. As a frequent airline passenger, I value speed, convenience, and comfort. But I value lives more.

As a U.S. Senator, I must be concerned with this matter of air safety because it is so vital to so many Hoosiers and all Americans.

I do not pretend to be an expert on air safety or aeronautics. I do not know whether legislation is necessary to establish new rules and regulations. I do not know that it is not necessary. I do not know if we in Congress should open wider the purse to provide more help for the FAA and the CAB, to provide better lighting, better approach systems, better radio gear.

I do know that our Aviation Subcommittee is headed by an expert in this field who is hampered only by the weight of the work he carries. I also know that it will take the dedicated concern of all Senators to back the Senator from Oklahoma [Mr. MONRONEY] in his efforts.

I realize the Senator probably understands better than I do what I have been trying to say here today. I hope that in some way my report on the terrible tragedy of last week will help the Senator from Oklahoma [Mr. MONRONEY] and, above all, will help the American traveling public by making our airlanes safer.

Mr. MCNAMARA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 127]

Aiken	Fong	Mansfield
Allott	Frear	Martin
Anderson	Fulbright	Monroney
Bartlett	Gore	Morse
Beall	Green	Morton
Bennett	Gruening	Moss
Bible	Hart	Mundt
Bridges	Hartke	Murray
Brunsdale	Hayden	Muskie
Bush	Hennings	Pastore
Butler	Hickenlooper	Prouty
Byrd, Va.	Hill	Proxmire
Byrd, W. Va.	Holland	Randolph
Cannon	Hruska	Robertson
Carlson	Jackson	Russell
Carroll	Javits	Saltonstall
Case, N.J.	Johnson, Tex.	Schoeppel
Case, S. Dak.	Johnston, S.C.	Scott
Chavez	Jordan	Smathers
Church	Keating	Smith
Clark	Kefauver	Sparkman
Cooper	Kerr	Stennis
Cotton	Kuchel	Symington
Curtis	Lausche	Talmadge
Dirksen	Long, Hawaii	Thurmond
Douglas	Long, La.	Wiley
Dworshak	McCarthy	Williams, Del.
Eastland	McClellan	Williams, N. J.
Ellender	McGee	Yarborough
Engle	McNamara	Young, N. Dak.
Ervin	Magnuson	Young, Ohio

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). A quorum is present. The Senate will be in order.

THE ADMINISTRATION SQUELCHES SMALL BUSINESS AT HOME BUT SPENDS AMERICAN DOLLARS LIBERALLY TO SUPPORT SMALL BUSINESS IN FOREIGN COUNTRIES

Mr. GRUENING. Mr. President, the encouragement and development of small business in the United States is, in my view, one of the most important factors in the maintenance of a strong and

healthy domestic economy. The importance to the United States of the small entrepreneur and the benefits to be gained by Government assistance to these businessmen has been recognized time and again by the Congress.

Federal assistance for research programs to assist small businessmen in the management, financing and operation of their enterprises represents one of the best ways of giving needed help.

Therefore, I commend the distinguished junior Senator from Alabama [Mr. SPARKMAN] for submitting an amendment which if agreed to would result in the appropriation of funds needed for the small business research program. I ask unanimous consent that I may cosponsor it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRUENING. Mr. President, I also commend the distinguished Senator from Montana [Mr. MURRAY] and the distinguished Senator from Utah [Mr. Moss] for their remarks on this subject. Our colleagues are concerned about small business, even if the administration is not.

My attention was drawn to the importance of the small business research program by a letter I received from Mr. Vernon R. Kiely, chairman of the Division of Business Administration of the University of Alaska. The University of Alaska received a grant of $28,873 from the Small Business Administration for a research study of wholesale-retail functions and warehouse facilities in Fairbanks and Anchorage, Alaska.

I ask unanimous consent that Mr. Kiely's letter be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRUENING. Mr. President, the contribution to the Alaska economy of this study was so valuable that the university applied for another research grant for a study of the tourist industry in Alaska. This industry is one of the most important fields of business activity now, and, with proper encouragement, will make ever greater contributions to the development of the State and to the pleasure of citizens from the other States and abroad who come to enjoy our unique attractions. Of course the tourist industry is of national importance. We are exporting large sums in tourist dollars abroad, and should take every possible step to secure a corresponding import of tourists from other countries. I believe the President has proclaimed 1960 to be a "Visit America Year."

I am glad that the administration has talked about how vital this matter is, but it has not done anything substantial to implement this fine pronouncement. In the case of Alaska it has, as I shall show, withdrawn support.

The assistance which would be provided by the grant of funds for a study of means of improving the tourist industry would be of incalculable benefit. However, the assistance will not be forthcoming unless the amendment submitted by the Senator from Alabama is adopted. These funds represent one of the best investments the United States can make in the future of the country. I find it difficult to understand how the administration could refuse to request that funds be appropriated for this important program for the 1961 fiscal year.

Its refusal to ask the Congress for the $2,080,000 which would finance the small business research program is another example of the strange attitude of this administration which, while denying funds for worthwhile domestic programs, or cutting them to the bone, insists on the appropriation of funds for the same type of programs administered abroad by the International Cooperation Administration.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. GRUENING. I yield with pleasure to the distinguished junior Senator from Alabama.

Mr. SPARKMAN. First I wish to commend the Senator from Alaska for his statement regarding this subject, along with the statements which have been made by other Senators. I believe the Senator from Alaska referred to the Senator from Utah [Mr. Moss] and the senior Senator from Montana [Mr. MURRAY]. The Senator from Montana, incidentally, was a very active and effective chairman of the Small Business Committee. I do not refer to the present committee, but the one which was in existence prior to about 1950, and back during the war and after the war.

I should like to ask the Senator a question. He has mentioned the grant to Alaska in the amount of $28,873. I assume the Senator is aware of the fact that there is a limitation in the basic law, as well as in the amendment I have submitted, of $40,000 so far as any one State is concerned. Is the Senator aware of that fact?

Mr. GRUENING. I am aware of that fact. In reply I should like to say that this is a very modest amount that is a maximum that can be allotted to any one of our 50 States which may decide to seek such assistance. That is in striking contrast to the many times that amount which we are giving to foreign countries in our several foreign aid programs.

Mr. SPARKMAN. I simply mentioned the limitation of $40,000 in order to bring out that very point, that it is a modest program, but one which is capable of doing a great deal of good. I am afraid a great many Senators may not be aware of this fact; namely, that when we passed the act providing for this program—the Small Business Investment Act of 1958—we set up this modest grant research program, and we likewise found sources of funds which would not require a new appropriation, whereby Congress made available to the Federal Reserve Board funds with which loans might be made to small business—that is covered in section 13(b)—but that section of the act was never used to any great extent, and for many years there was simply languishing $27 million of unused funds.

In the act of 1958, the Small Business Investment Act, we transferred that $27 million to the Treasury, and provided that these modest grants should be made year by year out of these funds. Is the Senator aware of that fact?

Mr. GRUENING. Yes. I thank the Senator for bringing up that point. He is making a very valuable contribution to the discussion.

Mr. SPARKMAN. Last Friday I had placed in the RECORD a list of the various States which had received grants, and the amount of each one, as well as the nature of it. If Senators have not seen that list, it might be interesting for them to look at. It begins at page 5954 of the RECORD of last Friday. I also inserted, at page 5956 of the RECORD, an excerpt from the report relating to this fund and to the transfer of these section 13(b) funds. It seems to me that the administration has disregarded completely the intent of Congress in now trying to cut off this program and to take the $27 million and not use it as Congress directed that it be used. Would the Senator agree with me in that statement?

Mr. GRUENING. I would agree thoroughly and wholeheartedly. When we look over the list, we see how obviously useful this program was, and how it was sought and used intelligently by the various States. Now it has been eliminated, while at the same time we have been asked to authorize over $17 million to help small business abroad and have done so—and that is only the beginning; it represents what has already been enacted. I find it difficult to comprehend the strange course of this administration, which seeks to provide nothing for the folks at home, but insists we must give generous aid for people abroad. We are told we must spend for the foreign-aid programs, but that to spend at home is inflationary, extravagant, that it will unbalance the budget and that it cannot be permitted.

Mr. SPARKMAN. Is the Senator from Alaska aware of the fact that 95 percent of the businesses in this country are small businesses?

Mr. GRUENING. Is it true that there are still that many left, or was that the number before the Eisenhower administration came into office?

Mr. SPARKMAN. Fortunately, American hardiness still prevails, and new businesses are being created, seeing the new day ahead. Small business has maintained its record until, roughly speaking, 95 percent of American business today is small business.

I wonder if the Senator from Alaska is aware of the fact, too, that other studies have been made by some of the best authorities in the United States, and particularly by Dun & Bradstreet? I point out, at page 5953 of the RECORD of March 18, the following:

> Dun & Bradstreet lists poor management as the leading cause of business failures.

We talk every year about the great number of small businesses which fail to succeed. Dun & Bradstreet says that the principal factor causing failures—

and particularly is this true in small business—is poor management.

Mr. GRUENING. Management which would be improved by funds for research.

Mr. SPARKMAN. Many of the grants have been used for that purpose. I relate something which was done with a grant which was made to the University of Alabama, a $40,000 grant. The University of Alabama, the State of Alabama through its Development Association, and the Small Business Administration joined in offering in Birmingham, a course which small businessmen from all parts of the State were invited to attend for a period of time. "Going to school" was what it amounted to. It was a course designed to enable small business to study the factors for better management in small business.

Suppose a program of that kind were established in all 50 States of the Union. Does not the Senator from Alaska believe that it would give a tremendous boost to the backbone of economic power in America—small business?

Mr. GRUENING. I think it may be said conservatively that its cost would be repaid tenfold. This is an investment in information and in knowledge. It is education for business—for small business. I am confident that if these research programs were continued to be made available, as they have been in the past, they would return many, many times the small amount which is requested of the Federal Treasury.

I think it rather striking, by alluding to the University of Alabama as the distinguished Senator from that State has done, that it points to the fact that in practically all these programs it is a university or other institution of higher education which is conducting the research. That implies, certainly, that the work is being done intelligently by persons of training and capacity.

In the list which the Senator from Alabama placed in the RECORD last Friday, the first State is Alabama, where the grantee is the University of Alabama.

In Alaska, the grantee is the University of Alaska. In Arizona, it is the Arizona State University. In Arkansas, it is the University of Arkansas.

In California, the grantee is the San Diego State College. In Colorado, the grantee is the University of Colorado. In Connecticut, it is the University of Connecticut.

In Delaware, the grantee is the University of Delaware. In the District of Columbia it is George Washington University. In Florida, it is the Florida Development Commission.

In Georgia, the grantee is the Georgia Institute of Technology. In Hawaii, it is the University of Hawaii. In Idaho, it is the Idaho State College, at Pocatello.

In Illinois, the grantee is the University of Chicago. In Indiana, it is Indiana University. In Iowa, it is the State University of Iowa.

In Kansas, the grantee is the University of Kansas. In Kentucky, it is the University of Kentucky. In Louisiana, it is the Louisiana Department of Commerce in Industry, at Baton Rouge.

In Maine, the grantee is the Maine State Department of Economic Development. In Maryland, it is Washington College, at Chestertown. In Massachusetts, it is Babson Institute, at Babson Park.

In Michigan, the grantee is the University of Michigan. In Minnesota, it is the University of Minnesota. And so on throughout the list.

In other words, we can be confident that these funds were well spent; and would be again if made available. They have not been and would not be wasted. These funds are not misused as so many of the funds about which we read, which are sent abroad, which we do not learn about until years later, when Congress investigates, that the money was often misspent and was wasted. We know that these grants to the State universities and State development agencies represent money well spent.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. GRUENING. I yield.

Mr. SPARKMAN. I call attention to an excerpt from Senate Report No. 834:

> Section 7(d) of the Small Business Act, as amended by the Small Business Investment Act of 1958, provides for a program of "grants to any State government, or any agency thereof, State-chartered development credit or finance corporations, land-grant colleges and universities, and colleges, and schools of business, engineering, commerce, or agriculture for studies, research, and counseling concerning the managing, financing, and operation of small business enterprises.

I remember very well when that section was written into the law. We worked over it at considerable length, and we made it tight. We made certain that the money would go to the right kind of institutions. I believe the Senator from Alaska will agree with me that the provision which we wrote into the law was a wise one.

Mr. GRUENING. I believe it was an adequate program before, was well planned, was well conceived, was useful, and was in every respect efficient.

Mr. SPARKMAN. The last sentence of that subsection reads:

> Such grants shall be made from the funds established in the Treasury by section 602(b) of the Small Business Investment Act of 1958.

This fund, as I said a while ago, was derived from moneys which had been held by Federal Reserve Banks under section 13(b) of the Federal Reserve Act. In other words, we thought we were setting up in the Treasury of the United States a fund of $27 million which would be available for the making of grants year after year in the modest amount of not more than $40,000 for each State.

Mr. GRUENING. I note that the University of Houston, at Houston, Tex., received a $40,000 grant. I feel confident that it was well expended. The title of its research project was: "A study of Decision-Making Processes in the Small Business Firm." I have no doubt that those funds were well utilized, as were the funds for the University of Alabama and the funds granted to the other universities and colleges.

I observe on the floor the distinguished junior Senator from Maryland [Mr. BEALL]. I call his attention to the fact that Washington College, at Chestertown, Md., was the recipient of $35,425, an amount which they cannot have now if they intend to apply for funds again, unless this amendment is adopted.

I observe the distinguished junior Senator from New Jersey [Mr. WILLIAMS] in the chair of the Presiding Officer. New Jersey received a grant of $40,000, the grantee of which was the New Jersey Department of Conservation and Economic Development.

The project director is Joel H. Sterns. Such a grant will be eliminated if the program is not continued.

In Mississippi, the grantee is the Mississippi Industrial Research Center at Jackson, and it is particularly pertinent, in view of that State's interest in our timber resources, in connection with which the distinguished junior Senator from Mississippi [Mr. STENNIS] too strongly urged, a few days ago, for the restoration of the budget's slash in the forestry program, that the research projects in Mississippi all had to do with timber and timber products.

In Missouri, the grantee was the Missouri Division of Resources and Development, of Jefferson City.

In Montana, the grantee was the Montana State Planning Board.

In Nebraska, the grantee was the University of Nebraska.

In Nevada, it was the University of Nevada.

In New Hampshire, it was the New Hampshire State Planning and Developing Commission.

In New Jersey, it was the New Jersey Department of Conservation and Economic Development.

In New Mexico, it was the University of New Mexico, at Albuquerque.

In New York, it was Syracuse University.

In North Carolina, it was Duke University.

In North Dakota, it was the University of North Dakota.

In Ohio, it was the Ohio State University.

In Oklahoma, it was the Oklahoma Department of Commerce and Industry.

In Oregon, it was the University of Oregon.

In Pennsylvania, it was Temple University.

In Rhode Island, it was Brown University.

In South Carolina, it was the University of South Carolina.

In South Dakota, it was the State University of South Dakota at Vermillion.

In Tennessee, it was the Tennessee Polytechnic Institute at Cookeville.

In Texas, it was the University of Houston.

In Utah, it was University of Utah.

In Vermont, it was the Vermont Development Commission.

In Virginia, it was the University of Virginia.

In Washington it was the University of Washington.

In West Virginia, it was West Virginia University, at Morgantown.

In Wisconsin, it was the Division of Industrial and Port Development, at Madison.

In Wyoming, it was the University of Wyoming.

The administration's refusal to ask for the $2,080,000 which would finance the small business research program is another example of the strange attitude of this administration which, while denying funds for these demonstrably worthwhile domestic programs; or cutting them to the bone, insists on the appropriation of funds for the same type of programs administered abroad by the International Cooperation Administration and various other agencies.

In my view, it is at least as great a benefit to the United States to spend $2,080,000 for small business research programs in the United States as it is to spend American dollars on similar projects in such places as Korea, where we spent $14,948,000 on technical aid to small and medium business enterprises in 1957 alone.

There is at least as great a benefit to the U.S. security and economy in this investment of funds for small business research in the United States as there is in the expenditure of $571,000 in American dollars for this purpose in Jordan in 1958.

Moreover, I should like to know why the United States should make a contribution of $8,840 to those master traders—the German businessmen—for market research and sales promotion in middle-sized metalworking companies when funds are not available for assistance to American businessmen.

I think that this double standard which exists in this administration, for the first time in our history, by which we are told again and again that projects in practically every field of American need are extravagant, wasteful, inflationary, and tend to unbalance the budget, needs to be called repeatedly to the attention of the Congress and of the American people.

We have seen this double standard in the field of coal development, which was presented on the floor of the Senate with great effectiveness by the junior Senator from West Virginia [Mr. BYRD] on February 1. And I myself discussed this matter on February 3 in connection with the field of education, when it became apparent that the administration was opposed to aid for schoolteachers in this country, but included such aid in its foreign educational program.

This double standard needs to be repeatedly called to the attention of the American people and to the attention of the Congress.

The same applies to States such as Alabama, Kentucky, and Illinois, in which there are also large coalfields, and in which the coal-mining industry is in very poor shape. Yet the President vetoed the small research bill which would have enabled the coal industry to find new markets and find employment for the coal miners who now are unemployed. Although the President vetoed the bill, at the same time the administration engaged in coal research projects and in coal development projects in other countries—at the same time that our own coal mining and our own coal industry are in very bad shape.

Mr. SPARKMAN. Mr. President, will the Senator from Alaska yield?

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). Does the Senator from Alaska yield to the Senator from Alabama?

Mr. GRUENING. I yield.

Mr. SPARKMAN. Of course, coal mining is one of the important industries in Alabama. The coal industry has been sick for many years. In the last year or two there have been some signs of recovery, but the coal industry still does not enjoy the strong, vigorous economy it had a few years ago.

So I completely endorse what the Senator from Alaska is saying in regard to the miserable attitude of this administration toward projects of that kind. Although I have joined in supporting projects to help the underdeveloped countries, I do not believe it is fair to ask us to vote for such projects and then be confronted with statements that we cannot afford to have similar programs here at home.

Mr. GRUENING. Mr. President, the Senator from Alabama is absolutely correct. I think all of us who have grave doubts about the foreign-aid programs might have a different attitude toward some of those programs if there were not this strange double standard by which we are repeatedly told, and without qualification by the administration, that not 1 cent can be eliminated from any of the foreign-aid expenditures, but at the same time we are told by it that expenditure for almost every domestic program—aid to education, airport construction, housing, forestry conservation, pollution control, resource development, and many more—is too large.

Time and time again we find that the administration has vetoed such domestic programs, on the ground that they are extravagant, inflationary, and that it is necessary to eliminate them to balance the budget. Seldom, if ever, does the administration do anything to favor such vital programs at home; all its recommendations have to do with programs of the same sort in foreign countries. Furthermore, according to the President's message, foreign aid is now a permanent part of our program, and as new countries are created, must be expanded. And as new countries are born, our administration rushes in to "pick up the tab"—even before the governments of those new countries are established, and are still colonies of other nations.

It is obvious that under such a policy we shall be spending more and more to aid the people of other countries, and shall be spending less and less for the benefit of the American people. Certainly that is a policy I cannot support.

Mr. YARBOROUGH. Mr. President, will the Senator from Alaska yield?

Mr. GRUENING. I yield.

Mr. YARBOROUGH. I desire to commend the Senator from Alaska for the very informative presentation he is giving the Senate in regard to the misinformed policies the administration is pursuing. At the same time, the Senator has been outlining some sound policies which our Government should pursue.

I believe the Government of the United States realizes that in order to have political democracy, we must have an economic democracy—that is to say, our Government recognizes that is the case in other countries; and the administration sponsors aid to small businesses and small, family sized farms in other countries. However, at home the administration pursues policies which call for the elimination of small businessmen and small farmers. The administration seems to fail to realize that programs which are needed in other countries are also needed in the United States, if democracy is to be maintained in America. Certainly such an attitude will be most harmful in the long run to the kind of economic freedom upon which must be based the political freedom on which our Government was founded.

In commending the Senator from Alaska for his statement, I also wish to commend the Senator from Alabama [Mr. SPARKMAN], who has joined in the colloquy, for his sponsorship in the Senate, on March 18, of an amendment to restore an item of $2,080,000 to the Department of Commerce appropriation bill. That item was eliminated, even though it was for the purpose of research in regard to methods of aiding small business.

It may be pointed out here—although I assume it has previously been pointed out—that in view of the 4½ million small businesses in the country, this appropriation will amount to less than 50 cents for each one of them. However, such a research program is most necessary if small business in the United States is to have ways and means of learning how to succeed.

Mr. President, I receive much mail from the small businessmen who say it is now harder for them to make ends meet than it has ever before been in all their experience. These men are not marginal operators who began on a shoestring; they are not young men without experience. Instead, they are men who have been in business for decades. They are not horseshoers who are about to go out of business because of a change in the economy. Instead, they are modern businessmen who should be prosperous. But they say that the economic squeeze on them today is harder than it has ever before been—either during the war or in the postwar period. Certainly they are subjected to a most severe squeeze as a result of the tight money policy and the other restrictive policies of this administration.

Mr. GRUENING. Will the Senator agree that if such a policy continues, our small businesses will have to resort to the use of horseshoes?

Mr. YARBOROUGH. Yes, I think the Senator has made a good point, namely, that if the present trend continues, our small businesses will have to leave their present mobile economy, and will be back in the old horseshoe days.

So I commend the Senator from Alaska for the presentation he is making. It adds to the quantum of knowledge which

the public must have if our Government is to give to American business, particularly American small business, the aid and the opportunities it must have and the research programs it must have, and if the administration is to put an end to policies which really are wrecking the free enterprise system of America which this administration professes to support.

Mr. GRUENING. I thank the Senator for his contribution.

Let me point out that not long ago, when we were considering the school-aid bill the administration made very clear that it was unalterably opposed to Federal aid in connection with the payment of the salaries of schoolteachers. In fact, our distinguished Vice President, who at that time was occupying the chair, cast the deciding vote against the Clark amendment, which provided for the aid which is so much needed by schoolteachers throughout the country.

Mr. CLARK. Mr. President, will the Senator from Alaska yield?

Mr. GRUENING. I yield with pleasure to the Senator from Pennsylvania.

Mr. CLARK. I am happy to have the Senator from Alaska refer to my amendment in connection with the issue of Federal aid for the payment of teachers' salaries, and the action taken by the Vice President in connection with the defeat of that amendment.

I am sure the Senator recalls—and will be happy to have me state now, for the RECORD—that the next day, with the assistance of the Senator from Oklahoma [Mr. MONRONEY], we re-formed our ranks and came back, and then had so many votes in favor of Federal aid in connection with the payment of teachers' salaries—although at a somewhat lower figure—that even the Vice President was not then able to beat us. Is not that correct?

Mr. GRUENING. That is correct, and I am glad to say that that recovery was made, following the previous action by the administration in preventing the adoption of the Clark amendment. I believe that even more aid than that called for by the Clark amendment was desirable. But, obviously, the Senator knew that an amendment which called for a larger amount of Federal aid would have been certain to incur a veto, and therefore he limited to the very minimum the amount he then proposed.

Mr. CLARK. Does not the Senator from Alaska agree that when we reduced the period during which such assistance could be given in conection with the payments of teachers' salaries—and, as he has indicated, we did so in order to obtain the votes necessary to be had if the bill was to be passed by the Senate—we did a thoroughly unrealistic thing, but did it for a thoroughly practical reason, because I think the Senator from Alaska will agree that in the foreseeable future we shall have to make more funds available, in order that the teachers of the young people of the Nation will be "the top apples in the barrel", rather than "the bottom apples in the barrel." Certainly those who engage in the teaching profession must receive a living wage, and as they become more experienced and more proficient, they must be able to receive increases in salary. Otherwise it will be impossible for the teaching profession to be rehabilitated in the ways in which it must be if the educational challenge of our times is to be met.

Mr. GRUENING. I could not agree more with the Senator.

I have often said—and I am sure my colleague from Pennsylvania will agree with me—that education and democracy are one and inseparable, and that the whole basis of our achievement, our national life, our democracy, rests on an informed people. If we do not have an adequate educational system, if we do not have an adequate number of trained teachers, we cannot have an informed electorate, and our democracy will falter and fall short, to the extent we neglect that important part of our system.

I pointed out that while the administration has shown by its action that it was opposed to aid for teachers in this country, it was sponsoring programs of education abroad which included payments to schoolteachers in foreign countries.

I pointed out that in the field of forestry conservation, a measure which the administration itself had sponsored, and which was very eloquently advocated by the distinguished junior Senator from Mississippi [Mr. STENNIS], the appropriation of $6 million for the current year, which would have provided research and development of timber resources in all parts of the country, was cut 70 percent by the administration. So we got from the budget, instead of $6 million, $1,700,000. But at the same time the administration was engaging in far-flung programs of afforestation, reforestation, logging operations, timber and wood research of all kinds in numerous foreign countries.

We saw the same thing when the President vetoed the antipollution bill. Apparently the President did not think it was a matter of Federal concern that the sewage that flows down our rivers which cross State boundaries makes the problem clearly interstate, and not local. The vetoed legislation provided that it was a matter of Federal responsibility though only in part—the smaller part—for the bill provided a relatively modest Federal contribution in proportion to the State and local contributions. I call again to the attention of my colleagues that an antipollution program is being carried on very generously in other parts of the world with American dollars. That is another instance where we see the double standard; namely, hold back at home, full speed ahead in foreign countries.

Therefore, I think it is proper for me to read at this point a list of corresponding measures in aid of small business abroad, the countries affected, and what the administration is doing for them.

For the fiscal year 1956, in Afghanistan, $51,000 was spent for village industries development.

In Israel, $1,800 was spent for home and cottage industry.

In Germany—that prosperous and advancing country—we gave $8,840 for market research and sales promotion.

In fiscal year 1957 we spent in Korea $48,000 for technical aid for small and medium industries, $1,500,000 for small-industry development, and $13,400,000 for medium-industry development.

In Afghanistan, we spent $32,000 for village industries development.

In Berlin, where we are inculcating American business practices, which we are not allowed to have research for in this country, we spent $17,000 to teach American small business management practices and methods.

In Chile we spent $1,618,000 for technological development.

For the fiscal year 1958, in Greece we spent $3,000 for international course on small-scale industries.

In Jordan we spent $500,000 for development of small industries and $71,000 for technical advice and assistance to selected industries.

In Liberia we gave $21,000 for industry and small business.

For the fiscal year 1959, in Cambodia, we gave $15,000 for small industry loan fund.

In Vietnam we gave $269,000 for development of small industry.

The total ICA expenditures for small business programs in foreign countries from 1956 through 1959 totaled $17,582,640 to date.

This is by no means a complete record. This is only what we have from the ICA. I do not have at this time the figures as to aid that has been given through the various loan funds, some of which are repayable in soft currencies, and are to a considerable extent, therefore, grants. But this program alone, through the ICA, for the aid of small business in foreign countries, totals $17,582,640, or over seven times the amount which the administration seeks to deny the people of the United States.

The small business research program can make an extremely valuable contribution to strengthening American small business. I therefore urge support of the amendment to the Commerce Department appropriation which will make it possible for this program to be continued.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. GRUENING. I yield.

Mr. SPARKMAN. I am sorry to note that our colleague the senior Senator from Florida [Mr. HOLLAND] is not on the floor. The Senator from Florida is chairman of the subcommittee of the Appropriations Committee which reported this bill. I do not want it to appear, and nothing has been said here to make it appear, that what I am about to mention happened through the failure of the subcommittee. The result is due to the complete absence of any request, any desire, or any showing on the part of the administration. I make that statement for the reason that the Senator from Florida and his subcommittee were especially good in making available funds that were requested by the Small Business Administration and by the administration generally. This is not in any sense due to an oversight on the part of his committee or subcommittee, but it is one of the programs which the

administration simply wanted to refuse to support, even though, when we passed the Small Business Investment Act of 1958, we established a fund to cover assistance.

The Senator from Pennsylvania [Mr. CLARK] will recall that we transferred section 13(b) funds of the Federal Reserve Board to the Treasury, and specifically provided that money should be used for the purpose of making these grants year in and year out. This is a case in which the administration has apparently decided it was more important to use the $27 million—it is $25 million now, $2 million to be added the first year—to get a balanced budget before it goes out of office, or to put the money into some of the projects in foreign countries about which the Senator has spoken, stating that we could do without them in this country.

Mr. GRUENING. The Senator from Alabama has shown great solicitude for and interest in small business. He has done so for many years as chairman of the Senate Small Business Committee. I think I can say, without fear of contradiction, that no man in the Senate has shown more concern for the problems of American small business, and has done more to help it.

The Senator was in the Senate before this administration came into office, during previous administrations, and I should like to ask him whether he does not feel that this administration shows a lack of interest and a lack of concern for the little fellow, whether he be a small businessman, a worker, or a small farmer. Earlier in the day the distinguished junior Senator from Texas [Mr. YARBOROUGH] pointed out the strange fact that we are urging those abroad to break up great estates in foreign countries and put little farmers to work, whereas in this country the administration is putting the little farmer out of business. Although American small business is resilient, I think its resiliency and survival are not due to the help it has had from the administration.

I should like to have the views of the distinguished Senator from Alabama on that subject.

Mr. SPARKMAN. If the Senator will yield, I think the lack of interest on the part of this administration in so many worthwhile programs here at home, some of which the able Senator has mentioned in his discourse, is so apparent that the question answers itself. As the Senator pointed out, the President vetoed the antipollution bill. He vetoed the coal research bill. He vetoed various little programs that were included in the omnibus housing bill last year. The unwillingness to go along and to continue the veterans' home loan bill, the desire—something Congress has never agreed with—to cut out title 5 farm home loans, which was the only program a person in a rural area had available, were shown in the housing program action.

Every year since President Eisenhower has been in office—at least, every time the matter has come to us—the President has recommended the program be discontinued. The same is true with regard to the direct loans to veterans who live in rural or semirural areas where credit is not available. We make that a condition precedent in our law every time it is passed. Every time the law is about to expire, the President recommends that it be allowed to terminate. That is a recommendation standing now. The Congress is going to have to take action this year, and the President has recommended that we not do it. He has recommended that we let the GI home loan program expire, and that we let the direct loans to veterans in rural and semirural areas expire.

The title V program on farm loans is not before the Congress this year. Fortunately, the last time we passed the law we wrote in a provision for 5 years, which is not yet gone. I guess the President will not get to make a recommendation on that.

We could stand on the floor of the Senate all afternoon and name the programs, in effect during the time President Eisenhower has been in office, in which he has manifested exactly that lack of interest.

Mr. CLARK. Mr. President, would the Senator be willing to add the area redevelopment bill, which was vetoed?

Mr. SPARKMAN. Yes. We could name these programs all afternoon. We could start a contest.

Mr. GRUENING. Mr. President, perhaps the Senator would agree that it would be appropriate to have a comparison of housing programs at home and abroad under the administration foreign aid programs. I think it might be appropriate for me to do that tomorrow, or the next day, if I can get the floor.

Mr. SPARKMAN. I make these statements as one who has supported a foreign aid program. I believe a foreign aid program is a good thing, when handled wisely. I am on the committee which considers such proposed legislation.

The Senator might be interested in knowing that until 1953 we had a program everyone knew as the point 4 program.

The point 4 program got its name from the fourth point in President Truman's speech, in which he recommended a bold new approach. What was that bold new approach? It was to share techniques and skills. It involved very little money. It was the least expensive program we have ever had.

However, the administration simply could not afford to have something which would suggest itself as being connected with the Truman administration, or a Democratic administration, so they stopped calling it a point 4 program and called it technical cooperation. We do not find the point 4 program mentioned now. Instead, it is called technical cooperation.

However, when we visit one of these underdeveloped countries we find the people calling it the point 4, or the 4-point program. It was a program which did not require much money. That did not suit this administration, which had to have—and devised the term for it—impact programs, programs which were big and made a show.

I could name some of those programs, which have come under fire in recent months and in the last year or two. I refer to some of the impact programs in countries where we should have been engaged in point 4 programs, a little technical sharing of techniques and skills, where the county agent would get right down in the earth with the farmer and show how to grow a better crop.

Mr. GRUENING. Which would get to the people.

Mr. SPARKMAN. Yes.

Mr. GRUENING. Which is a build-up from below.

Mr. SPARKMAN. The man who goes to the village and shows the villagers how to drain ponds and pools, and how to get rid of mosquitos, is the man who does good work. That man shows the people how to dig wells to get good fresh water out of the earth. There are doctors and nurses who go to the villages to show the people how to innoculate against typhoid, against malaria, and against all the diseases, sicknesses and illnesses which ravage mankind.

That is the kind of foreign aid program I believe in. Does this administration believe in that? No. There is not enough impact.

I think that is the trouble with respect to a lot of the little problems in this country. They do not make a big show. There is nothing glamorous about the small family farmer. Glamor comes in when one can show a picture of a great farm, with hundreds or thousands of acres and millions of bushels of crops and things like that. There is no glamor in respect to the little man who is plowing with a team of mules.

Mr. YARBOROUGH. Mr. President, will the Senator yield to me so that I may make an inquiry of the distinguished Senator from Alabama.

Mr. GRUENING. I yield.

Mr. YARBOROUGH. Mr. President, I commend the distinguished junior Senator from Alabama for the magnificent contribution he is making, as well as the Senator from Alaska. I should like to propound an inquiry to the distinguished junior Senator from Alabama.

Considering the action of the administration in shunting aside the millions of little families and in its affinity for glittering things and big things with shiny and showy fronts, does the Senator not think an apt name for this administration would be the chrome-plated administration?

Mr. SPARKMAN. That might be appropriate, something like high fins, or something of that kind. Showy. Showy. Impact.

Mr. GRUENING. Of course, an administration which believes in the trickle-down policy at home would naturally pursue the trickle-down policy abroad, even though more generously.

Mr. SPARKMAN. Naturally.

Mr. GRUENING. Although small programs to help the little fellow are neglected, we are told we must have aboard the big showy programs.

Mr. SPARKMAN. Those programs make an impact. They can be pointed to. It can be said, "Look at that tremendous highway which runs from here to there," or "look at this great dam."

I am not condemning those things. Some of the most useful works have been works of that kind. However, I like to see the proper work done in these native villages. I have been to them. I have visited in them. I should like to see work done in a little room, where vaccinations are given against diseases.

Mr. GRUENING. I invite the attention of the distinguished junior Senator from Alabama, who is a member of the Committee on Foreign Relations, to a very informative speech which our colleague the Senator from Texas gave earlier this afternoon, at a time when I think the Senator from Alabama was not in the Chamber.

The Senator from Texas pointed out the distress of the shrimp industry. I think one of the things which the Committee on Foreign Relations should concentrate on is the question of whether we should extend aid to industries which are destroying our own domestic industries. That is one of the strangest paradoxes in which we are now engaged. Proposed legislation is being sponsored to establish a quota to prevent shrimp from coming to the United States because our own domestic shrimp industry has been badly damaged. It is on the way to being ruined, not by competition which existed before the foreign-aid program, which was logical competition, but instead by competition which has been generated by American dollars moving into the foreign countries and creating new shrimp industries, which then ship shrimp into our country, with the use of low-cost labor, subsidized by our own dollars, ending in the destruction of our own industry.

I hope Senators may well take notice of what is happening not only in the shrimp industry but also in many other fields where the foreign-aid program is becoming increasingly destructive of our own industries. This is a paradox, for our own money is creating that destruction.

Mr. SPARKMAN. Certainly we must be careful to maintain a proper balance.

Mr. YARBOROUGH. Mr. President, will the distinguished Senator yield?

Mr. GRUENING. I yield.

Mr. YARBOROUGH. Mr. President, since distinguished Senators have mentioned administration opposition to aid to schoolteachers' pay, I should like to point out the leadership of the distinguished Senator from Alabama in the last session in regard to the bill to provide appropriations for loans for college classroom construction. The fact is that the administration has fought the aid to college classroom construction in this country, as provided in the National Defense Education Act of 1958. Administration sponsors and spokesmen on the floor of the Senate had the scholarship program changed into a loan program. They have opposed the cold war GI bill, which passed the Senate by a vote of 57 to 31 last July and is now pending before the House committee. They have consistently opposed the college classroom construction, though we had 3¼ million college students in this country in 1958, and in 1959 there were 3¾ million college students. By 1970, if there be no increase, Mr. President, in the percentage of young people who go to college, there will be more than 6 million college students in this country, without adequate classrooms available today.

At the present rates of construction, and with the present known sources of financing, by 1970 the shortage will be appalling. The administration seems not to plan for the future, seems not to realize the necessity for developing our greatest potential resource, the brainpower of this country. It fails worse there than in any other field.

I point out that the 6 million estimate which the experts give for the projected number of college students in 1970 will not, in my opinion, encompass the total number. I believe we are about to have an educational explosion. We talk about population explosions. There are tens of millions of families in this country who have never had a member of their family attend college, but they have learned, through the television and the radio, that education is the key that unlocks the door to intellectual progress, economic progress, social progress, spiritual progress, and progress in every other field. Families are dreaming, hoping, and praying, and sacrificing to get a boy or girl into college. They are knocking at the door.

In the past 8 years the average tuition rate for all colleges in the country, State supported, church supported, and privately supported, has increased by 72 percent. This administration is not planning for the future greatness of America when it fails to plan for the education of the youth of America.

That is another failure. Distinguished Senators who have been speaking have been leaders in an effort to take even a timid step forward. They were not timid, but the appropriations were cut down. The administration twice vetoed a housing bill, and stated, as the main reason for the veto, that there was a $50 million authorization in a previous bill, to authorize the lending of that much money to the 1,400 colleges and universities in America to begin building the classrooms necessary to educate the youth of America for the world of tomorrow.

Mr. GRUENING. Does the Senator not realize that at the time the administration was adamant against lending money for college classrooms, it was giving away money for college classrooms in foreign countries?

Mr. YARBOROUGH. I am glad the Senator has mentioned that point.

Mr. SPARKMAN. Mr. President, will the Senator further yield?

Mr. GRUENING. I yield.

Mr. SPARKMAN. The Senator from Texas has mentioned another instance of failure of the administration, in connection with college classrooms, which the President adamantly refused to accept. As has been pointed out, when finally we agreed to drop that item from the bill, he approved the housing bill.

Another program has been in connection with college housing—dormitories, houses, and apartments for married students, for students generally, and for members of the faculty. It included all necessary housing for colleges. We have had such a program in effect since 1950. I was one of the original sponsors of the program. It has been a most successful program. It is relatively small. It has been the salvation of many of our smaller colleges, which do not have ready access to needed capital.

What has been the President's attitude? Ever since he came into office, every time the question has arisen, every time the program has come up for renewal, he has recommended that it be dropped. That is his present recommendation. The program is up for renewal this year, and he recommends that it be dropped. I predict that the Congress will not drop the program, but that it will renew it and provide additional funds, in order to help particularly the smaller colleges, to which it has meant so much.

Mr. GRUENING. I thank the distinguished junior Senator from Alabama, the junior Senator from Texas [Mr. YARBOROUGH], and the senior Senator from Pennsylvania [Mr. CLARK] for their very valuable contributions.

Mr. CLARK. Mr. President, will the Senator yield once more?

Mr. GRUENING. With pleasure.

Mr. CLARK. I have listened with interest to this colloquy. I find myself in complete agreement with what my friends from Texas, Alaska, and Alabama have said.

I wonder if my friends who are still in the Chamber would think I was overstating if I said that in my judgment this issue between the Congress, between those of us who are interested in the future well being of small business, on the one hand, and the President of the United States and our Republican friends on the other, who do not seem to want to help us along in these various efforts, really boils down to the question whether we are for plutocracy or for democracy.

This administration is interested in every bit of legislation which the wealthy forces and interests in this country desire. They are sincere. I hold no animus against them. They think, with Alexander Hamilton, that the rich are the wise—it used to be "well born," but surely they have dropped that description these days. But the theory is that the rich are wise, and what the rich want will make the country better.

In my judgment—and I wonder if my friends agree—unless we can shore up the small businessman, the individual who works for himself, and the father of the family who is working for wages or a salary, and unless we can make their lot secure, we shall have the greatest plutocracy that civilization has ever created. In many ways this is the issue which will face us for the rest of the year.

Mr. GRUENING. I will say to my distinguished friend, the senior Senator from Pennsylvania, that I agree with him completely; but I should say that the particular charge which he levels against this administration could be as justly leveled at all Republican administrations after the time of Abraham

Lincoln. They have always had the policy of making the rich richer, and not worrying about the poor. But what distinguishes this administration from all preceding administrations is that it is the first administration which has shown a preference for foreign interests over domestic interests.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. GRUENING. I yield.

Mr. CLARK. I do not wish to enter into the foreign aid argument with my good friend, because perhaps we do not see entirely eye to eye in that field. But whenever we make this comment on the floor about plutocracy versus democracy, we are accused of being demagogues by nearly every newspaper in the country, and by all the commentators who follow the Republican line. Yet I believe we have a responsibility, no matter what harsh things we are called, to bring the facts concerning our social and economic condition to the attention of the American people. Our opponents can call me a demagog from now on until the first Tuesday after the first Monday in November, but I propose to tell the people of America the truth. This is an administration which would like to foster a high-interest, tight-money plutocracy in America; and if we can keep it from doing so, I want to do my part.

Mr. GORE. The Senator says the administration would like to foster such a policy. Is it not doing so?

Mr. CLARK. The Senator from Alaska has the floor.

Mr. GRUENING. I am happy to yield to the Senator from Tennessee.

Mr. CLARK. They are well on their way to doing it, but I have great confidence in the Senator from Alabama, the Senator from Oklahoma, the Senator from Alaska, and the Senator from Texas. With some help—but not too much—from those east of the Mississippi and north of the Mason and Dixon line, I hope we can keep this plutocracy from taking over America.

Mr. GRUENING. Mr. President, I should like to refer to one point which my good friend from Pennsylvania has raised. He said he did not wish to enter into a discussion of the foreign-aid program. This is not a discussion of the foreign-aid program. I ask the Senator whether he does not think it is a striking paradox that this administration insists on a vast number of projects overseas, telling us that we must not reduce them by one cent, or our Nation will be imperiled and our security jeopardized, whereas those same projects, when for the benefit of the American people, it slashes ruthlessly. They are vetoed or threatened with a veto and reduced for fear of a veto. We have been forced to economize in almost every field, and to reduce our domestic needs. That is the contrast which to me is shocking. It has nothing to do with the merits of the foreign-aid programs.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. GRUENING. I yield.

Mr. CLARK. As my friend has restated the question, I thoroughly agree with him. I am a supporter of foreign aid. I believe that our national security and well-being require us, as the richest country in the world, to make a contribution to those less fortunate. I do not believe that for long we could continue to be an oasis of prosperity in a desert of misery. I believe that when two out of every three people in the world go hungry tonight, as a Christian nation we have an obligation to do something about it. But I agree thoroughly that we ought to take care of our own people first.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. GRUENING. I yield.

Mr. SPARKMAN. I agree with the statement the Senator has made, referring to the remarks made by the Senator from Pennsylvania, about the issue as between plutocracy and democracy. Whether we call the issue one between the Republican Party and the Democratic Party does not make a great deal of difference.

I agree with the Senator from Alaska, that those have been the distinguishing characteristics between the two parties through the years. I often receive inquiries, given to me personally or through letters, as to what the difference is between the Republican Party and the Democratic Party. Sometimes people will say to me, "I do not see any real difference today, since the tariff question is not the principal question."

I always try to define it just this way, because I think basically that is the difference—the very characteristics that we have been discussing here this afternoon. I think it is noticeable in legislation. I think it is noticeable in the attitude of our friends—many of them very dear friends and very able people—across the aisle. It is the attitude that they so often take, as contrasted to the attitude of those who sit on this side of the aisle. I think that has been true over the years and down through the years, ever since the Republican Party came into being.

Mr. GRUENING. Mr. President, I could not agree more with the Senator. I think the facts show that week after week we get the statement from the leadership on the other side, "We cannot afford it." I would say to my friend from Pennsylvania that I agree with him, as he has said, that, as the richest country in the world we ought to be able to afford to pay our school teachers an adequate salary, that we should be able to afford to provide adequate housing for our people, that we should be able to afford to get rid of sewage in our rivers, that we should be able to afford to aid in rehabilitation of some of our decrepit industries, such as the mining industry, and that we should be able to afford the conservation of our forests and other natural resources, and their development, which the administration also tells us we cannot afford to do.

Mr. CLARK. And to do something also for our surplus labor areas.

Mr. GRUENING. In short, to be able to do for America what needs to be done. If we will do that, I will begin to take a greater interest in foreign aid, because I believe that not merely "charity begins at home" but that solicitude for our own people should come first.

I yield the floor.

EXHIBIT 1

UNIVERSITY OF ALASKA,
College, Alaska, January 8, 1960.

Senator ERNEST GRUENING,
State Senate Office Building,
Washington, D.C.

DEAR SENATOR GRUENING: I am taking the liberty of writing you in regard to the research grant program carried on by the Small Business Administration.

This program was instituted last year and the University of Alaska was one of the fortunate recipients of a research grant. We have before the SBA at the present time, an application for another research grant for the study of the tourist industry in Alaska. These grants for research study are of great value and assistance, not only to the University of Alaska, but also the State of Alaska. Should we receive our grant for the study of tourism, it will be a wonderful opportunity for the division of business administration and the department of tourism and economic development of the State to cooperate and form a working nucleus for the future development of business research for the State of Alaska.

The sincerity of purpose and integrity of procedure on the part of the SBA is truly commendable. Because of the extreme value of this research program, I am humbly asking you, upon your own judgment, to give the SBA research program your support and consideration.

It is my understanding that this research program is being given a temporary trial. It is difficult to evaluate the results of such research in such a short period of time; therefore, those of us that are interested in such research hope that Congress will look favorably upon this worthy endeavor.

Most sincerely yours,

VERNON R. KIELY,
Chairman, Division of
Business Administration.

Mr. CLARK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 128]

Aiken	Fong	Mansfield
Allott	Frear	Martin
Anderson	Fulbright	Monroney
Bartlett	Gore	Morse
Beall	Green	Morton
Bennett	Gruening	Moss
Bible	Hart	Mundt
Bridges	Hartke	Murray
Brunsdale	Hayden	Muskie
Bush	Hennings	Pastore
Butler	Hickenlooper	Prouty
Byrd, Va.	Hill	Proxmire
Byrd, W. Va.	Holland	Randolph
Cannon	Hruska	Robertson
Carlson	Jackson	Russell
Carroll	Javits	Saltonstall
Case, N.J.	Johnson, Tex.	Schoeppel
Case, S. Dak.	Johnston, S.C.	Scott
Chavez	Jordan	Smathers
Church	Keating	Smith
Clark	Kefauver	Sparkman
Cooper	Kerr	Stennis
Cotton	Kuchel	Symington
Curtis	Lausche	Talmadge
Dirksen	Long, Hawaii	Thurmond
Douglas	Long, La.	Wiley
Dworshak	McCarthy	Williams, Del.
Eastland	McClellan	Williams, N.J.
Ellender	McGee	Yarborough
Engle	McNamara	Young, N. Dak.
Ervin	Magnuson	Young, Ohio

The PRESIDING OFFICER. A quorum is present.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools, R–I, Missouri.

Mr. CLARK. Mr. President, the amendment now pending is an important amendment, and I hope it will receive the careful attention which some of us think it deserves.

Mr. HOLLAND. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I am happy to yield to the distinguished Senator from Florida.

Mr. HOLLAND. Is this not the same amendment which the Senator from Pennsylvania later withdrew, but which he spoke on at some length, and which I heard him speak on at some length, on Thursday?

Mr. CLARK. Two fairly important modifications in the amendment have been made since last Thursday. Over the weekend we secured what we regard as some significant additional support. When I spoke on Thursday on the amendment, it may have seemed to my good friend, the Senator from Florida, that I spoke at considerable length, and my treatment of the amendment may have seemed exhausting to him. Certainly it seemed something less than exhaustive to me. I did not even get into a description of the details of the amendment last week.

Mr. GORE. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I am happy to yield to the Senator from Tennessee.

Mr. GORE. Does the Senator from Pennsylvania not recognize that the distinguished senior Senator from Florida is somewhat of an authority in regard to the proper duration of speeches? [Laughter.]

Mr. CLARK. That had been my view. I may say that although the distinguished senior Senator from Michigan and I undertook to have two live quorum calls this afternoon, and although they may have interrupted the after-luncheon naps of some of our colleagues, we have not yet called for a quorum after midnight. But who knows what will happen while this debate goes along to its as yet unidentified conclusion?

Mr. HOLLAND. Mr. President, will the Senator from Pennsylvania yield again to me?

Mr. CLARK. I am glad to yield to the Senator from Florida.

Mr. HOLLAND. I listened to the speech the able Senator made on Thursday. But the fact that thereafter he withdrew his amendment; and the fact that, following that, the Senator from Illinois offered a supplemental amendment; and the fact that thereafter the Senator from New York [Mr. JAVITS] offered another amendment, although in a little different wording; and the fact that those amendments were debated throughout Thursday and Friday, about led me to reach the conclusion, that, despite the fact that it is well known that the Senator from Pennsylvania and the Senator from Illinois and the Senator from New York do not look very kindly upon unlimited debate, they are making an exception in this case, and perhaps they do not want to have the amendment of the distinguished Senator from Kentucky [Mr. COOPER] voted on by the Senate. That may be an unfair conclusion, but it seemed that it was a reasonable one under the circumstances.

I hope that now the distinguished Senator from Pennsylvania will permit us to vote on his amendment sometime today. But if he does not, I shall not complain; and I shall not complain if he keeps us here 2 or 3 days, to consider his amendment. But I am simply forced to observe that it seems to me that those who generally are very strongly opposed to unlimited debate are proving to be about the most adept users of unlimited debate in the Senate at this time.

Mr. CLARK. Mr. President, my friend, the Senator from Florida, is never unfair or impatient. I believe he did participate in a successful effort to cut off debate, last Friday, when some of us were not in the Senate. On Friday afternoon when some of us called from out of town—and we did so as late as 2 p.m.—to inquire whether there would be a vote on that day, we were advised that in the best judgment of the aides of the Senate to whom we talked there would be no vote. When, thereafter, some of us when we found that a quick vote was "pulled" on us while we were out of town, we received the news with somewhat less than our usual calm. The Senator participated in that termination of the debate, and I have no doubt that he will participate in another one if a motion is made to lay this amendment on the table, rather than permit a vote to be taken on the amendment on its merits.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. CLARK. In just a moment.

If my friend thinks that under the circumstances he can pose before the country as an advocate of unlimited debate, perhaps he will explain why during the last few weeks he has voted in favor of several motions laying amendments on the table—which, as I understand, is a method of terminating debate.

Mr. HOLLAND. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I am happy to yield.

Mr. HOLLAND. I appreciate the courtesy of the Senator. It seems to me he is not making the proper differentiation. I did not make any of the motions to lay amendments on the table. I was perfectly willing to debate the amendments and to have my friends on both sides of this question debate the amendments at any length they might see fit to debate them.

But I have never regarded it as inappropriate to vote on a motion that is made on the floor of the Senate. On the contrary, I believe that I was sent here by my constituents to participate in voting on all motions made in the Senate Chamber.

I regret that the Senator from Pennsylvania was not in the Chamber for that vote, and was advised that he did not need to be here.

I have no objection at all to the length of the debate. But I am inclined to believe that those who, on occasion, claim they are opposed to unlimited debate, may be letting themselves get onto dangerous ground in connection with the maneuverings and manipulations which have occurred on the floor since last Thursday; and I am simply calling this situation rather gently and courteously to their attention.

Mr. CLARK. I am delighted to have the benefit of the advice of the able senior Senator from Florida, whose advice I always cherish and listen to with great respect.

I would point out that the RECORD now contains statistics in regard to which Senators have spoken, and the length of time they have spoken, since the Senator from Georgia began this debate in January. So I am quite content to let the RECORD speak for itself regarding a determination of whether I have indulged in what might be called an abuse of the right of extensive debate, for which I am as stanch a supporter as is the Senator from Florida.

The question is, where is the line to be drawn? When has a question been properly explored, and when does the time to act come? On this question, judgments must necessarily differ; and apparently the Senator from Florida and I have differing views on this point. In my view, my pending amendment has not yet been adequately debated. I regret that my friend, the Senator from Florida, thinks it has been adequately debated. Perhaps he will change his mind as the debate proceeds.

Mr. HOLLAND. Mr. President, will the Senator from Pennsylvania yield again?

Mr. CLARK. I am happy to yield again.

Mr. HOLLAND. I wish to say that I believe the Senator from Pennsylvania is completely right in one of his remarks, namely, when he said, if I may epitomize it, that the question is whose ox is being gored.

Mr. CLARK. Mr. President, perhaps that is a good place to stop our colloquy.

Mr. TALMADGE. Mr. President, will the Senator from Pennsylvania yield to me?

Mr. CLARK. I yield.

Mr. TALMADGE. Let me say to the Senator from Pennsylvania that I am an ardent advocate of freedom of debate, and I shall ever support the Senator's right to speak at any length he sees fit, on the floor of the Senate; and I shall never sign a cloture petition to make him cease speaking.

Mr. CLARK. I thank the Senator from Georgia.

Mr. SCOTT. Mr. President, will my colleague yield?

Mr. CLARK. I yield to my friend.

Mr. SCOTT. I should like to ask my distinguished senior colleague whether, as the seasons roll on and on and as we have passed from "the winter of our discontent," and now that spring is here, he sees any possibility of a thaw in the cold war and a warming of the attitude

of Senators which may permit, in a more equable clime, the achievement of the cherished hope of some of us that we may come to some conclusion of this extended debate, so that the state of the Union and the welfare of the Republic and the passage of the appropriation bills may be brought under consideration?

Mr. CLARK. I wish I could give a more responsive answer to my able colleague from Pennsylvania than I am giving him. I am not in the confidence of the majority leader or the minority leader as to when they will decide to impose cloture. Perhaps my friend is in the confidence of the minority leader. I am sure when those two able and distinguished leaders of our two parties in the Senate decide they have had enough talk and they are going to have action taken on this measure, probably there will be two-thirds of the Senators present who will vote to go along with them.

I say to my colleague that if he will ascertain when the minority leader will be ready, willing, and able to agree on that action I shall do my best, through intermediaries, to find out when the majority leader is ready to act.

Mr. SCOTT. I may say that I am closely in the confidence of both leaders only in certain matters. Earlier today we were discussing, with considerable unanimity, the state of the weather.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. HOLLAND. I wanted the RECORD to imperishably incorporate the statement I am about to make, because it is a history of the debate, or a very small part of it. The so-called unlimited debate which was wished onto Senators from the part of the country which I represent in part lasted 7 days—one week of 6 days, and they were fairly long days, and then 1 additional day.

Today is the end of the second week since that debate terminated, and during those 2 weeks the friends of civil rights legislation have been occupying the floor almost exclusively. I was just wondering if the country realized that was the fact. We are having 7 days measured against 2 weeks, and the end is not here. It is not even in sight. I am sure of my facts; therefore, I am stating them as a matter of the history of this debate, so that it may be clearly apparent that those who have been charged as engaging in unlimited debate, which we did for 7 days, have not had much chance to say anything for the last 2 weeks because those who are friends of and supporters of so-called civil rights legislation have been occupying the time and the floor during that time, very largely.

Mr. CLARK. The RECORD will speak for itself in that regard.

Mr. SCOTT. Mr. President, will the Senator from Pennsylvania yield to permit me, through him, to address an inquiry, in somewhat friendly tones, to the distinguished Senator from Florida?

Mr. CLARK. Mr. President, I ask unanimous consent that I may do so without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SCOTT. I still have a cot in my office. My question is whether or not the Senator from Florida can advise me now, or would he care to advise me at some time in the future, whether I would be warranted in turning my cot back to the Army.

Mr. HOLLAND. The Senator from Florida, if he may be allowed to answer, has no advice to give the Senator along that line, because he has found that his distinguished friend from Pennsylvania does not follow the advice of the Senator from Florida. The Senator from Florida advised the Senator from Pennsylvania and other Senators to get rid of the legislation, and lay it aside as something that could not accomplish good results. The Senator from Florida found his advice was not heeded, respected, or acted upon. So the Senator from Florida, much as he respects the inquiry of his distinguished friend, will have to suggest that until it is more apparent that his advice will be followed, he will sit here and listen to the able discussion of the friends of civil rights legislation, who have been talking for 2 weeks now, in the hope that some time their indulging in unlimited debate will come to an end so we may vote on the pending measure.

Mr. SCOTT. The Senator from Pennsylvania simply concludes with his expression of the hope that the Army will not charge him rent for use of the cot.

Mr. CLARK. Mr. President, before turning to the pending amendment, I should like the RECORD to show clearly what happens in the Senate when we have what is called a live quorum. Under a live quorum call, the roll is called, not only once, but twice, if it is necessary, to bring 51 Senators to the floor to answer to their names. Having answered to their names, they can immediately leave, so that a calling a live quorum does not accomplish the purposes which the rules intended.

My recollection is that within 2 or 3 minutes of the time when the Senator from Michigan called for a live quorum, there were no more than half a dozen Senators on the floor. As I rise now to speak on the pending amendment, there are, I believe, 15 Senators on the floor; and I am flattered indeed that there are that many, because this is an unusually large audience to hear the Senator from Pennsylvania.

I have no doubt that the country does not understand how this live quorum procedure works, and I think it is of some importance that the people should, because, in my humble opinion, which I hope will one day in the foreseeable future be shared by a majority of my colleagues, we need a drastic overhauling of the Rules of the Senate in order to make it possible for us to conduct the pressing business which is before the country with some intelligence.

I hasten to add, before I yield to my friend from Louisiana [Mr. LONG], I am well aware of the old adage that one can lead a horse to water, but cannot make him drink, and that if my colleagues do not wish to listen to the oratory of the Senator from Pennsylvania, it is certainly their privilege not to do so. The fact that they stay away in droves is perhaps some indication that the Senator from Pennsylvania ought to improve his oratorical style a little, though even if he did so, I doubt if he could "pack the House."

I yield now to the Senator from Louisiana.

Mr. LONG of Louisiana. There are at the moment 18 Senators on the floor, if we count the Senator from Pennsylvania, and I regard him as a very highly useful Member of the Senate.

Mr. CLARK. Sometimes I wonder.

Mr. LONG of Louisiana. As the Senator is aware, I am sure, that is more than the average number usually present. That is far more than the average number of Senators present for this time of the afternoon.

Mr. CLARK. The Senator is right, but it is not yet half past 5.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. CASE of South Dakota. There have been times, in the history of the Senate, when, if a Senator took occasion to count the number of Senators on the floor, under the precedents then prevailing, it was equivalent, if the number of Senators present was less than half, to suggesting the absence of a quorum.

Mr. CLARK. The Senator can make that suggestion. I do not care to do so.

Mr. CASE of South Dakota. The Senator from South Dakota was not making that suggestion.

Mr. CLARK. If the Senator from South Dakota thinks it is timely, I will yield for that purpose. I do not think it is. If the Senator wants to do so, let him go ahead.

Mr. CASE of South Dakota. The Senator from Pennsylvania misunderstands the purpose of my statement. I did not make the observation because I thought that should be done. I think the debate should be proceeded with. It seems to me a colloquy as to who is present and who is not present merely delays debate on the question at issue.

Mr. CLARK. The Senator from Pennsylvania does not intend to take any longer than he needs to discuss this amendment, in the light of the courtesy he has been shown. I will yield to the Senator from Louisiana, and then I will not yield further, because I should like to carry on with my statement.

Mr. LONG of Louisiana. With respect to the point which was raised, I should like to suggest that the rules of the Senate provide that a quorum call is not in order unless business has transpired since the last quorum call. A simple matter like an insertion in the RECORD can be regarded as business, or a unanimous-consent request can be so regarded; but if no business has transpired, a quorum call cannot be had.

Mr. CLARK. I think the Senator is correct.

I should like to turn to the pending amendment. This amendment attempts to deal with the problem of assisting disfranchised citizens to obtain their constitutional rights to be registered and to be permitted to vote without discrimination by reason of race or color.

This amendment is an earnest effort to make some meaningful progress in that regard while assuring the essential rules of fair play and invoking the judicial process, which are the essence of our American system of justice. We must, on the one hand, be sure that all those who legitimately oppose the registration and the voting of citizens who think they are entitled to vote but may not be have their day in court. On the other hand, we must be equally careful not to so encumber the administrative and judicial processes which we utilize to achieve that end with delays which will destroy the right we seek to protect.

That is the basic philosophy of this amendment. I invite the attention of my colleagues again to the fact that it is sponsored by 13 Senators. I want to express publicly, on behalf of myself and the other cosponsors, our delight at the accession to our ranks of the distinguished Senator from South Dakota. He is a worthy companion in this fight, and we are happy to have him with us.

Seven of the cosponsoring Senators are Democrats and six are Republicans. I think it is not without significance to state that both Senators from Pennsylvania and both Senators from New Jersey, although they come from opposite political parties, have cosponsored the amendment. We are very hopeful indeed, although we cannot be sure until the roll is called, that we shall have the support of both Senators from a number of our other populous States, including New York and California. I hope if that should turn out to be the case it will not be without its impact in the other body, where, it is my understanding, a similar amendment in due course will be offered.

Before discussing in detail the provisions of this amendment I should like to summarize very briefly indeed the record as to the need for congressional action—the need to help those millions of American citizens who have been denied the right to vote because of their race or color assert and enforce their constitutional rights, which have been violated.

The record of this long debate is replete with evidence as to the need. I shall do no more than to make an insertion in the RECORD in that regard. I ask unanimous consent that I may have printed in the RECORD at this point a series of tables furnished my office in August of 1959 by the Commission on Civil Rights, which show, for 10 States, the white population of voting age, the registration of the whites, the percentage of whites of voting age who are registered, the Negro population of voting age, the Negro registration, and the percentage of Negroes of voting age who are registered, and other comparisons.

There being no objection, the tables showing statewide estimates were ordered to be printed in the RECORD.

TABLE I

State	White population voting age, 1960	White registration, 1956–58 [1]	Percent of voting age whites registered	Negro population voting age, 1960	Negro registration, 1956–58 [1]	Percent of voting age Negroes registered
Alabama [2]	1,231,514	828,646	67.3	516,245	73,272	14.2
Arkansas [2]	863,415	499,955	57.9	232,182	64,023	27.6
Florida	1,456,716	1,445,643	99.4	366,797	144,810	39.5
Georgia [2]	1,554,784	1,130,515	72.7	623,458	161,082	25.8
Louisiana	1,105,861	828,686	74.9	481,301	132,506	27.5
Mississippi	710,709	(3)		497,354	19,367	3.89
South Carolina [2]	760,728	474,711	63.1	390,026	57,978	14.9
Texas [2]	4,154,281	1,486,847	43.5	582,944	226,450	38.8
Virginia [2]	1,614,719	864,692	53.6	431,393	93,629	21.7
North Carolina	1,761,330	1,389,831	78.9	549,751	156,597	28.4

[1] Some county data unavailable; therefore, State totals not entirely complete.
[2] Registration figures are for 1958 except: Kentucky 1956 and Louisiana 1959. For Texas, white registration is 1956, Negro registration is 1958.
[3] Not available.

Sources:
Alabama: Birmingham News, Feb. 17, 1959.
Arkansas: Record of poll-tax payments reported by State auditor.
Georgia: Figures reported by secretary of state and published in Atlanta Constitution, Sept. 29, 1958.
Mississippi: Figures introduced into Congressional Record (daily) for June 10, 1957, pp. 7676–7677. Also James Barnes, "Negro Voting in Mississippi," master's thesis, University of Miss., 1958.
South Carolina: Secretary of state report, reproduced in a report for the Southern Regional Council.
Texas: Record of poll-tax payments and estimates made for Southern Regional Council by Long News Service.
Virginia: Virginia State Advisory Committee from secretary of state's office.
Kentucky: Kentucky State Advisory Committee.
Florida and Louisiana: Official reports of secretary of state.

TABLE II

State	Percent voting age white to total voting age population, 1960	Percent whites registered to total registered, 1956–58	Percent voting age Negroes to total voting age population, 1960	Percent Negroes registered to total registered, 1956–58
Alabama	70.5	91.9	29.5	8.1
Arkansas	78.8	88.6	21.2	11.4
Florida	80.0	90.9	20.0	9.1
Georgia	71.4	87.5	28.6	12.5
Louisiana	69.7	86.2	30.3	13.8
Mississippi				
South Carolina	66.1	89.2	33.9	10.8
Texas	87.7	96.8	12.3	13.2
Virginia	78.9	90.2	21.1	9.8

TABLE III

State	Total number of counties	Number of counties more than 50 percent voting age Negroes registered	Number of counties more than 25 percent voting age Negroes registered	Number of counties less than 5 percent voting age Negroes registered	Number of counties no Negroes registered	Number of counties no Negroes registered, Negroes majority population
Alabama	67	10	9	12	0	0
Arkansas	75	4	28	1	0	0
Florida	67	19	31	3	0	0
Georgia	159	28	50	22	4	1
Louisiana	64	19	14	9	4	4
Mississippi	82	0	2	49	15	6
South Carolina	47	1	0	6	0	0
Texas	254	50	134	2	0	0
Virginia [1]	98	5	40	3	4	0

[1] Data include counties and independent cities.

Mr. CLARK. Mr. President, I shall not undertake to read the tables. I shall say with respect to them only that I believe all fair-minded people who read the tables will inevitably conclude there can be no question whatever that hundreds of thousands of American citizens are denied the right to vote to which they are entitled under the 15th amendment, a right to vote which is denied to them solely and alone because of their race or color.

Mr. President, we have known this not only in the Senate but also across the country for many years. Three years ago, in 1957, we took the first small step to do something to help these unfortunate people. We passed, and the President signed, the Civil Rights Act of 1957. We created a procedure in our Federal courts whereby the Attorney General of the United States is authorized to bring an action to assist those whose voting rights were being denied because of race or color by State action to get their names on the voting rolls and to vote on election day.

I do not know whether that legislation could be made more effective than the record shows it has been. The Attorney General, for reasons which appear adequate to him, has brought only four suits under the provisions of that act, and two of them are pending. The number of disfranchised citizens who have been given their voting rights under the terms of that act is small indeed.

I suspect that a majority of this body and a majority of the other body have by now concluded that the present provisions of law are inadequate and must be implemented.

That brings us to the questions we face. What can we do which is effective to implement and to protect the constitutional voting rights of all free Americans? What can we do within the limits of fair play? What can we do to provide a remedy which is meaningful and which cannot be distorted by delay so as to provide no remedy at all?

After some pretty careful thought on that subject, and after having listened to or read the comments of our colleagues in debate and in the newspapers, we 13 Senators have come up with the pending amendment. We ask for the serious and thoughtful consideration of our colleagues.

What would the amendment do? I shall now attempt to discuss it in detail and so far as possible, in lay language, with the hope that what I say will make the amendment clear to my colleagues.

Fundamentally, this amendment combines the court voting referee procedure with an administrative Federal enrollment officer procedure. This amendment, in the interest of fair play, in the interest of moving slowly, in the interest of having an objective and impartial Federal court pass first on the question of whether there has been disfranchisement by reason of race or color, calls for triggering of either the referee or the enrollment officer procedure by a precedent court decree.

The amendment would do this by adding a new subsection to section 3 of the Dirksen amendment. Section 3, my colleagues will recall, provides for the preservation of voting records by State and local authorities. This amendment would add new provisions to section 3, provisions which would incorporate the proposal I am about to describe, and would continue with those provisions dealing with the preservation of voting records, which already appear in the Dirksen proposal.

The preamble of our amendment contains a factual recital. It is a recital that under color of law, substantial numbers of qualified voters are being denied the right to register and to vote because of their race or color, in violation of the 14th and 15th amendments. The factual recital continues to state that this denial requires congressional action to help those citizens assert their denied constitutional rights.

The evidence to support that finding was referred to by me briefly a moment or two ago. I think this debate has proved that it is overwhelming, and that it cannot be rebutted. I believe that is clear to any fair-minded man or woman.

Whatever may be the final result of the proposed legislation, I am confident that it cannot be consistently and fairly denied that the record shows, beyond peradventure of doubt, widespread denial of voting rights protected by the Constitution and the 15th amendment thereto, voting rights which are denied because of race or color, and denied on that ground alone. So I submit that the factual finding in the preamble of our proposed amendment has been established beyond peradventure of doubt.

The amendment then moves into the area of voting referees, and it calls for the appointment of such referees by the district courts of the United States. The provisions are to some extent similar to those contained in section 7 of the Dirksen substitute, but the language is more precise, and an effort has been made to utilize the language of some of the House amendments of the administration bill which have seemed to the sponsors of this amendment to be wise and sound. I think the Senator from Illinois [Mr. DIRKSEN] would be the first to agree that his present section 7 has not kept up with the approved changes in the administration proposal.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. JAVITS. First, I wish to express my pleasure in joining with the Senator as a cosponsor of this amendment.

Second, I think it is a considerable tribute to the bipartisan activity which brought it about that three lawyer-Senators from each side of the aisle collaborated in the development of the draft, which is now receiving additional accretions of strength by reason of other Senators joining in sponsorship.

Third, I point out that our effort has not been so much to keep up with the day-to-day mutations of a bill in the other body as to bring to bear in perfecting this instrument all the thought which the debate produced.

I hope that as the Senator discusses this question that point may be made clear. For example, two of the salient provisions which have been changed in the referee proposal, I have little doubt, will survive even if, very unhappily, our amendment should go down. First is the provision that the individual applicant need not, after the decree has been entered, go again and seek an opportunity to register from a hostile registrar. If a pattern and practice of discrimination is found, it will be unnecessary for the individual applicant to again go through the mumbo-jumbo of trying to register, so long as that decree remains in effect.

Mr. CLARK. If the Senator will permit me to interrupt him briefly, am I not correct in stating that the provision he has just outlined does remain in the administration proposal in the House?

Mr. JAVITS. Exactly. That is why I point out that we are not trying to keep up with everything that is done over there. What we are trying to do is to get the benefit of the attrition of minds as they bring out changes in the bill which are necessary in order that it may do the job.

Mr. CLARK. The Senator is correct. I accept his correction.

Mr. JAVITS. The second point is to write in what was adopted in the other body, which makes sense, and that is a provision for provisional voting, to give the court an opportunity to decide whether an applicant is qualified or not, while at the same time not enabling registrars who might be so minded to deprive the individual of his right to vote in a particular election because of its contiguity to the legal proceeding.

I think it is very important to point that out, because I express the hope—nay, I express the determination—that we shall not merely rubber stamp a House bill. There is a prevailing idea that those of us who are for civil rights, when we are defeated on a particular proposal, as we have been—and others have been defeated in battle but have won the war—will take the House bill when it comes over here and send it to the President. I can think of nothing which would be a greater abdication of our reputation for being a body with its own mind and its own talents. I respectfully submit that the work now being done will not be wasted in any such way. I know how my colleague feels. I think it is time for Senators to begin to make very clear—we hope it will not require more than a few days—the position we intend to take. I am not mortified by the suggestion of our dear friend from Florida [Mr. HOLLAND] that we are engaging in extended debate. But if it requires a few days—which is all it ought to require—the Senate should nevertheless make it clear that it intends to exercise its own will and determination as to what should go into the bill.

So I hope that as my colleague continues with a scholarly, deliberate analysis of the amendment which we put forward purposefully and seriously, it may be made clear that the Senate majority, in accordance with its traditions, if it will listen to what my friend and I and other Senators who have joined in this amendment have to say, will endeavor to make its contribution to what should be a measure which will guarantee for people the right to vote—not with reference to what is being done in the other House, but without the blind idea that we cannot get a civil rights bill unless we take what comes over from the House and send it to the President.

Mr. CLARK. I thank my friend for his comments. I am in complete accord with what he has said. I point out that the philosophy of despair which he has just outlined, which seems to be in the minds of many of our colleagues—that we cannot do anything but take the House bill—springs from an archaic, obsolete procedure in the other body, which like our own archaic and obsolete procedures over here, tends to make it impossible for the Congress to work its will by majority vote. I say that with all due deference to our friends in the other body, whom I do not intend for one moment to criticize.

Mr. JAVITS. Mr. President, will the Senator yield for another question?

Mr. CLARK. I am happy to yield to the Senator from New York.

Mr. JAVITS. It is my profound conviction that, if there is a determined majority, it can find a way—perhaps frustrated for a time—to work its will. What we are working up to here—and it may be that we have before us now an amendment which will do it—is pointing out that the majority will begin to articulate its position, as it did in connection with taking up the bill in the first instance. Let us not forget that that was done by an overwhelming vote, and that the Senate was determined to keep the commitment made for February 15. That was the last time, incidentally, that we received that kind of

support, except with respect to the nearly unanimous support on amendments to a section of the bill in connection with which there was not great controversy.

It seems to me that we must work to a point where we will get a majority of the Senate to get together behind what it wants to write in this bill. When we have reached that point we will then begin to see more clearly perhaps than we do now whether these archaic rules can frustrate a majority of the Senate. I thank the Senator for yielding.

Mr. CLARK. I thank my colleague from New York. I return to the pending amendment, to point out that while this amendment covers the same general field covered by section 7 of the Dirksen amendment, its language is precise. As my friend from New York has said, it takes advantage of the helpful and useful developments in the other body, which have sprung from the debate over there and of which the distinguished junior Senator from Illinois [Mr. DIRKSEN] did not have knowledge when he submitted his amendment, section 7 of which is the pertinent one here.

So this amendment is precise on the subject of voting referees, and it incorporates some changes, two of which have been mentioned by my friend from New York.

The principal provisions of the referee proposal in the pending amendment are, first, that in proceedings instituted to obtain voting rights, whether those proceedings are instituted by the Attorney General of the United States or by an individual or group, if the court finds that there has been discrimination and a failure by State officials to permit the exercise of voting rights, then upon the request of the Attorney General or any plaintiff the court shall determine whether or not a pattern or practice of discrimination exists in the voting district which was the subject of the litigation.

This is important because it provides that a Federal district judge, an inhabitant of the district where the suit is brought—usually a distinguished lawyer, appointed for life and confirmed by the Senate of the United States—must find as an objective fact that a pattern or practice of discrimination exists before the court referee procedure—or the administrative procedure—can be triggered into action.

Truly this is a compromise amendment. Under this amendment before referees or enrollment officers can be appointed the local officials who are accused of discriminating against citizens of the United States are given their day in court in adversary proceedings with all traditional legal safeguards.

If the district judge finds that there is no pattern or practice of discrimination, that is the end of the matter, and neither of the procedures called for by the amendment, whether judicial or administrative, will spring into action.

If the district judge finds that there is a pattern or practice of discrimination, then the procedure called for by the amendment is triggered into action. In that event any disfranchised citizen, whether he be Negro, Mexican, or Puerto Rican, or of whatever nationality or color, or background he may be, or wherever he may come from, is entitled, under our amendment, for at least a year or until the pattern or practice of discrimination has been found by the judge to have ceased, to an order declaring him qualified to vote.

At that point we invoke one other compromise under the amendment. Ordinarily where the jurisdiction of a Federal court is in effect, and where the court has found grounds for moving to support rights secured by the Constitution, there would be immediate judicial action which would carry on until the rights were secured. But under our amendment a period of grace is given to the State authorities. The amendment provides that the order finding the pattern of discrimination and directing the disfranchised citizens to be registered and entitled to vote shall not go into effect for 20 days after the Governor of the State has been notified that the court has made the finding of the existence of a pattern or practice of discrimination.

During that grace period if the State takes action to register the disfranchised citizens the court order will be vacated and never go into effect.

Except for the grace period provisions, the execution of any court order shall not be stayed, and no stay is permitted under the amendment—to take an appeal or for other purposes or reasons—if the effect of such a stay would be to delay the effectiveness of the order until after the date of the election.

So, to recapitulate at this point, we have another safeguard, another compromise, another concession to fair play, in that the State is given an opportunity to purge itself and to permit qualified voters to register by State action; and the Federal hand is stayed if that is done.

I would like to reemphasize that before a decree is signed by the district judge, there will have been a full adversary proceeding in the initial lawsuit. In the adversary proceeding which has been instituted to determine whether one or more citizens have been deprived of their right to vote, State or local authorities will of necessity have been made parties and will have had their day in court to resist the finding of discrimination with respect to individual citizens, and the finding of a pattern or practice of discrimination with respect to large groups of citizens. So at every point in the process, the rudiments of fair play are provided for in the amendment.

Once the court has issued its decree, a violation of its order by a State official, or by a local official acting under color of State law, is made contempt of court, and the normal and usual Federal proceedings pertaining to contempt become effective.

I should point out again one important difference between the pending amendment and the Dirksen amendment. In the pending amendment there is no requirement, once a pattern of discrimination has been found, for the disfranchised citizen to go back to the local registrar to try to register all over again. This seems to the sponsors of the pending amendment to be a vital and important distinction of principle between the Dirksen amendment and the pending amendment. On this rock I believe we would stand. Surely for myself I would be loathe, indeed, to vote for any referee plan which required a disfranchised citizen to go back for a second strike. The reasons for that position have been stated so fully by my colleagues and myself at earlier stages of this debate that I shall not reiterate them.

Thus we find that a court has issued its decree, finding a pattern or practice of discrimination. At that point the court is authorized to appoint voting referees to enroll disfranchised citizens and to assure them the right to vote.

Here we have devised another safeguard in the interest of orderly procedure and fair play.

These referees, appointed by the Federal judge who lives in the district, who has been appointed for life, and whose nomination has been confirmed by the Senate, must be residents and qualified voters in the district in which the court proceedings are brought. It is true that the district over which a Federal court operates is substantially larger than any particular voting precinct. But all fair-minded persons will admit, I believe, that in many voting precincts, as the record shows, it will not be possible to find a qualified resident voter who will be willing to act as a referee. It is conceivable—indeed, it is possible—that such a person might not be found in the whole Federal district who was willing so to act. Yet it seemed to us that we should include that requirement for the third time, in the interest of fairplay, and to prevent any legitimate criticism that we were not providing for noninflammatory and normal procedure to assist the citizens to maintain their civil rights.

This is a modification of the earlier amendment. The sponsors, after some thought, concluded that this additional safeguard should be inserted in the amendment. It is one of the modifications of our amendment which the senior Senator from New York made earlier today.

The referees will serve for only such period as the court which appointed them may determine. They may be dismissed at any time if the Federal judge, who is a local resident, believes that they have served their purpose. They will continue to serve for such time as the court thinks desirable. They will receive applications from voters who claim that they have been illegally and unconstitutionally disfranchised by reason of their race or color. The referees, after taking evidence, will report to the court whether, in their opinion, the applicants are qualified.

We come now to an important procedural question. Under the pending amendment, the proceedings are ex parte. But they are under oath, and they follow State law. It may be objected that the proceedings should be adversary; that there should be a right of cross-examination; that contrary testimony should be permitted to be

offered. Yet at this point in the proceedings we will already have been all through one full and fair court proceeding, and there will have been a court decree, not, to be sure, with respect to the individual applicants, but with respect to the pattern or practice of discrimination in the voting district. This, it has seemed to us, particularly since there will be later a right of appeal, provides due process and adequate fair play. It should be noted that while the proceedings are ex parte, they are under oath; and prosecutions for perjury will lie if the oath is falsely taken.

It should also be noted that the Federal referee must follow applicable State law concerning qualifications. Once the referee has made his finding that certain individuals of the race which has been discriminated against who appeared before him under oath have presented prima facie evidence that they are qualified under State law to register and vote, the referee will prepare a report to the court, stating the names and addresses of the disfranchised citizens who he finds should be permitted to register and to vote.

When that report has been filed with the court, we provide one more opportunity for the State to object to the proceedings. The State attorney general must be notified that the report has been filed, and given 10 days to show why the referee's report should not be approved by the court. The State and local officials, represented by the State attorney general, may file exceptions to the referee's finding of fact and the conclusions of law stated in the referee's report. So there is, again, another opportunity for adversary proceedings at which the fairness of the report of the referee prior to the decree of the court, may be tested in adversary proceedings.

Thereafter, if no exceptions are filed or the exceptions are found insufficient, the referee is authorized, by the pending amendment, to issue certificates of qualification to register and to vote to the individuals who are members of the race which the court has already found to have been illegally disfranchised by State officials.

The amendment further provides that the court may authorize persons—either the referee or somebody else—to attend at the polling place, and further to attend when the votes are counted, and then to report to the court whether the decree of the court has been obeyed, or whether contempt proceedings should be instituted.

The referees called for by the amendment are given all the powers of a master under rule 53–C of the Federal Rules of Civil Procedure. I shall not unduly prolong my remarks to outline what those powers are. They are pretty well known by now to most Senators, particularly those who are attorneys.

The compensation of the referees is to be fixed by the court and paid by the United States. This seems to us to be a fair and appropriate procedure.

Finally, the referee provisions in the amendment call for provisional voting by those who are found by the referee to be eligible to be registered and to vote, pending a later determination—as a result of the adversary proceeding to which I have referred—as to whether, in fact, they are qualified. This provision is an important modification of the initial amendment, offered earlier today by the Senator from New York. It is so important that I should like to read it into the RECORD at this point. The amendment would be made on page 6; at that point, lines 16 through 22 would be stricken out, and the following would be inserted:

(10) Applications pursuant to this subsection shall be determined expeditiously. In the case of any application filed twenty or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally. In the case of an application filed within twenty days prior to an election, the court, in its discretion, may make such an order. In either case, the order shall make appropriate provision for the impounding of the applicant's ballot pending determination of the application.

The court may take any other action, and may authorize such referee or such other person as it may designate to take any other action, appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees. This subsection shall in no way be construed as a limitation upon the existing powers of the court.

Thus we seek to prevent at least some of the unfortunate delays, lasting long beyond the date of the election, which in our judgment would have plagued the procedures called for by the original Dirksen amendment.

Mr. President, so much for the provisions of our amendment which deal with the voting referee procedure. I believe we have strengthened that procedure. I believe we have made it workable in certain areas, although probably not in others. I still think that, as between the court referee procedure and the Federal enrollment officer procedure, the latter is infinitely to be preferred. However, I know that many Senators disagree with that view. The vote taken last Friday showed that rather clearly.

Therefore, in this amendment we have attempted to provide a carefully drawn court voting referee proposal which in our judgment will do the most to help disfranchised citizens attain their constitutional rights, and still will be within the limits of the fair play which must be a part of all proper legislation.

Mr. President, I turn now to subsection (c) of the amendment which deals with the appointment of Federal enrollment officers by the President of the United States.

In the first instance, let me again emphasize that a Federal enrollment officer cannot be appointed by the President of the United States unless and until there has been a finding by a Federal district judge of a pattern or practice of discrimination.

This provision constitutes an important difference between our amendment and that of the Senator from Illinois and the Senator from New York, which was rejected by the Senate last Friday. In their amendment, the registrar proposal—which, in effect, was another name for the Federal enrollment officer proposal—could have been triggered into action without any court finding at all. Under that amendment if 50 citizens in one county filed a petition with the President averring that they had been illegally and unconstitutionally denied the right to vote, and if the President believed, after such investigation as he deemed appropriate, that citizens in that county were being denied their voting rights on account of their race or color, he could have appointed Federal registrars.

But in this amendment we call for a prior court decree, obtained after adversary proceedings before a Federal judge who lives in the district, as a condition precedent to the triggering into action of the Federal enrollment officer procedure—just as we called for the same condition precedent to the triggering into action of the referee procedure.

Once that court finding has been made, then, under our amendment, the President can, by Executive order, appoint Federal enrollment officers from among the Federal employees who are qualified voters in the registration district in question.

Again let me emphasize that under our amendment carpetbaggers would not be imported from outside the registration district in which the claim of a pattern or practice of discrimination has been made, and has been sustained by the court with jurisdiction over the district. Again, we have attempted to be fair, by requiring that any such Federal enrollment officer must not only be a Federal employee resident in the district, but must also be a qualified and registered voter, seeking to protect for others the rights he has been accorded as a matter of course.

As was the case with the referee procedure, so with respect to the Federal enrollment officer procedure: The Governor of the State must be notified. He will have 20 days after notification to cause the State authorities and the local authorities to purge themselves; and if that is done, the President may not put the Federal enrollment officer procedure in effect. In any case, he would not invoke the enrollment officer procedure at all until the 20-day period had expired.

Just as the referee would serve at the pleasure of the court, the Federal enrollment officer would serve at the pleasure of the President. If the President found that the pattern or practice of discrimination no longer existed, he would revoke the appointment. Until he was convinced that that had happened, the appointment would remain valid and outstanding.

Mr. President, it has been said that the Federal enrollment officer procedure calls for judgment decisions to be made by the President of the United States, who, of necessity, could not know local conditions. In my judgment, Mr. President, that criticism is specious. All of us who are lawyers, and many who are not, understand the procedures under which our Federal courts operate.

The recommendation to the President that he should appoint a Federal enrollment officer would come to him from the Attorney General of the United States, a gentleman sworn to uphold, defend, and enforce the laws of our country. He in turn would get the best advice possible as to whether an enrollment officer should be appointed, and, if so, which persons should be appointed, from the local Federal U.S. attorney living in the district where the suit had first been brought, and himself, almost unquestionably, a qualified and registered voter in the district.

So that this procedure, in my judgment, does call for local initiative, local option, to trigger the Presidential action into effect. And I do not believe it can be successfully contended that a man in Washington, far removed from the scene of action, would be in a position to send an enrollment officer into a district where there had been no established local aid. Once the enrollment officer is appointed, he enrolls and registers, and issues certificates to citizens who have proved to his satisfaction that they are qualified to register and to vote and who are members of the race which has been found by the court to have been discriminated against in violation of the 15th amendment to the Constitution.

Upon enrolling these individuals, he must notify State and local officials of what he has done, just as the court or referee is required to do in the earlier part of our amendment. Once enrolled, a citizen has the right to vote and have his voted counted. State and local officials can challenge his right to vote and bring him into court and seek to have his vote set aside, but only after the vote has been counted, subject to being later discarded.

There can be no stay of the determination of the Federal enrollment officer that a particular citizen is entitled to vote, but there can be a subsequent finding that the Federal enrollment officer was wrong. The election will not be final if the challenged vote would be determinative until that court proceeding is decided.

The proposed amendment makes it a crime, punishable by a $1,000 fine, and/or 6 months' imprisonment, to interfere with the proper activities of the Federal enrollment officers. The amendment provides that an enrollment officer can go to a polling place, just as a referee can, and that he can watch the votes being counted, and report to the U.S. attorney whether or not the local officials have violated the law.

The Attorney General or any aggrieved individual is given the right, under the amendment, to enforce, by appropriate civil and equitable remedies, the voting rights protected by the amendment.

The Attorney General, in a miscellaneous section of the amendment, is given the right to intervene in an action brought by a private citizen to protect his voting rights under the 15th amendment, and having intervened, to proceed thereafter as though the United States had been a party from the first instance.

Under this amendment, it is possible, although not likely, that there might be appointed both voting referees and Federal enrollment officers for part of one area, probably at different times, probably in response to different local conditions. If that were the case the enrollment officer would be directed to coordinate his duties with those of the referee, and where a conflict with respect to voting qualifications should arise, the finding of the referee, being the officer of the court, would prevail, instead of the enrollment officer.

There is a provision in the amendment that when any local board resigns and no successors are appointed, the State may be substituted as a party and held responsible to enforce the provisions of the law. The action of the State board is said in the amendment to be the action of the State, for which the State is held responsible.

The amendment contains certain definitions——

Mr. CASE of South Dakota. Mr. President, will the Senator yield for a question?

Mr. CLARK. In just a minute. The amendment contains certain definitions, certain technical provisions, which are relatively unimportant, and which I shall not attempt to outline on the floor of the Senate at this time.

I now yield to the Senator from South Dakota.

Mr. CASE of South Dakota. The question I wish to ask relates to the possibility of making a State the defendant. As I have read the language in the amendment, I have assumed it was for the purpose of making it impossible, for the purpose of the statute in this respect, for the duty to be avoided or evaded by the resignation of one official and the absence of any party against whom the action might be directed in case of a vacancy.

Mr. CLARK. The Senator is correct.

Mr. CASE of South Dakota. As I understand the provision, it makes it possible to insure the continuity of action whether there is a resignation or a vacancy, and that is why a State could be made the defendant. Is that correct?

Mr. CLARK. The Senator is quite correct.

Mr. HART. Mr. President, will the Senator yield for a question?

Mr. CLARK. I yield.

Mr. HART. The Senator from Pennsylvania was discussing the charge or the complaint that was made against this now modified enrolling plan, that it was an administrative procedure imposed from the outside. Is that a fair summary of the argument that was made against this approach?

Mr. CLARK. That was the argument as I understood it. I thought it had no validity.

Mr. HART. Nor do I think it had. I desire to ask a question to see if I understand, and to assure that all of us understand, the modified proposal that is presented in the amendment offered by the Senator from Pennsylvania and the senior Senator from New York. Can the President of the United States, acting on his own, appoint or designate an enrolling officer?

Mr. CLARK. No. He has to await a finding by a Federal district court of a pattern or practice of discrimination, determined in an adversary proceeding.

Mr. HART. It is correct to state, then, is it not, that the President of the United States cannot, on his own, nor can the Attorney General of the United States on his own, designate anyone, locally or outside, to act as an enrollment officer?

Mr. CLARK. The Senator is correct.

Mr. CASE of South Dakota. Mr. President, will the Senator permit me to ask a question on that point?

Mr. CLARK. Mr. President, will the Senator from Michigan permit me to yield to the Senator from South Dakota?

Mr. HART. Yes.

Mr. CLARK. I do so without losing my right to the floor.

Mr. CASE of South Dakota. Is it not true that the essential difference between this amendment and the amendment which was presented by the Senator from Illinois [Mr. DOUGLAS] last week is that under the amendment presented by the Senator from Illinois the President could have made the finding and could have acted upon his own, but in this amendment the finding of the court has to be a preliminary to any such action by the President?

Mr. CLARK. My friend from South Dakota is substantially correct. He is completely correct with respect to the court finding. Even under the provisions advocated by the Senator from Illinois the President could not act alone unless he had received a petition from 50 individuals in the voting district claiming they had been disfranchised in violation of the 15th amendment, and he had determined by executive investigation that persons were being disfranchised on account of their race or color.

Mr. CASE of South Dakota. The responsibility for making the finding would rest on the President?

Mr. CLARK. That is correct.

Mr. CASE of South Dakota. The President could make a finding provided he had received a petition?

Mr. CLARK. The President could make such a finding, upon receipt of 50 petitions, if he determined, after such investigation as he deemed appropriate and necessary, that voting rights were being denied in violation of the 15th amendment.

Mr. CASE of South Dakota. In that respect this proposal seems to be a distinct improvement. I do not think the President ought to be put in the position of having to make a finding which might be more or less judicial in character, and might call for consideration of various factors for which a court is much better designed than the Executive Office of the Presidency.

Mr. HART. Mr. President, will the Senator yield?

Mr. CLARK. I yield to my friend from Michigan.

Mr. HART. To assure, by this last question, that there will be no misunderstanding of the amendment as it is now before the Senate, additionally, the appointment of the enrolling officer could not be made by the President upon the basis of a recommendation by the Civil Rights Commission, could it?

Mr. CLARK. The Senator is correct.

Mr. HART. The amendment in its enrolling section, its registrar section, represents, as the exchange between the

Senator from Pennsylvania and the Senator from South Dakota I think has indicated, a modification from the proposal advanced and suggested by the President's own Civil Rights Commission last September. Is that correct?

Mr. CLARK. The Senator is correct.

Mr. HART. Is it not correct to say that any further dilution in the enrollment approach from that provided in the amendment now pending would scarcely be said to be responsive to a need, which a member of the President's Civil Rights Commission described as involving "literally millions of people qualified to vote, who were not able to vote"? He said, "We all knew that something must be done about this situation and done as simply and as quickly and as cleanly as possible." Father Hesburgh said, "That is how we came up with the idea of Federal registrars."

Is it not the judgment of the Senator from Pennsylvania that if there were any further dilution of the enrollment section of the amendment he has presented, we would scarcely be able to say we were trying to put on the books something which is simple and quick and as clean as possible?

Mr. CLARK. That is my judgment. We have gone about as far as we can go. Were we to go further, I would be fearful indeed that we had so destroyed that speedy and expeditious action for which Father Hesburgh plead that we would have a procedure which was little, if anything, better than the court referee procedure by itself, and which would be unlikely to result in the enfranchising of substantial numbers of disfranchised citizens.

Mr. HART. I commend the Senator from New York and the Senator from Pennsylvania for advancing this proposal which I, also, regard as the last line beyond which, if we fall back, we will have virtually surrendered.

Mr. CLARK. I thank my friend for his most helpful comments.

Mr. President, I ask unanimous consent that I may yield to my friend from New Jersey [Mr. WILLIAMS] without losing my right to the floor.

The PRESIDING OFFICER (Mr. HART in the chair.) Is there objection to the request of the Senator from Pennsylvania. The Chair hears none, and it is so ordered.

Mr. WILLIAMS of New Jersey. Mr. President, I did want to make inquiry of the Senator from Pennsylvania about the nature of the compromise which the amendment represents. I believe it is true that the Senator suggested this was quite a major compromise from the earlier position taken by the Senator from Pennsylvania. I got the impression from the colloquy the Senator had with the Senator from Michigan that this represents the last feasible compromise.

Mr. CLARK. That is what my friend from Michigan said. I expressed my own grave fear that he might be correct.

Mr. WILLIAMS of New Jersey. At any rate, it is a real probability that that might be the situation.

There was one compromise which was not made. There is nothing included in the Senator's amendment about the requirement for a member of the class disfranchised to go back for further humiliation and the possibility of intimidation, in the requirement that he individually apply before the State registrar?

Mr. CLARK. I am sure my friend will pardon me. Would the Senator be willing to repeat his question?

Mr. WILLIAMS of New Jersey. The amendment clearly would not require a member of the class found to be disfranchised to go back again to the possible humiliation and intimidation before State or local authorities and there seek qualification again?

Mr. CLARK. The Senator is quite correct. I think this is a most important change in both the Dirksen amendment and what I understand to be the present draft of the McCulloch amendment pending in the House of Representatives. I regard this as a position from which there can be no retreat if we are to have a meaningful bill.

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an article containing a report from Baker County, Ga., written by Claude Sitton, and published in the New York Times. Mr. Sitton found that the voters, if given the opportunity for registration under the referee program, following the record of humiliation and intimidation, probably would not avail themselves of this bulky method in the administration's referee program.

Mr. CLARK. I have read the article to which my friend makes reference. I join in his unanimous-consent request that it be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEGROES IN BLACK BELT SAY VOTE LAW WON'T AID THEM

(By Claude Sitton)

NEWTON, GA., March 7.—Voting-rights proposals before Congress promise the Negro little help when viewed in the framework of this Black Belt community. Elections in Baker County are considered "white folk's business."

Leaders of both races said this week that they foresaw no change in the situation, no matter what Congress did.

Although the county's Negroes outnumber whites by about 1,000, not 1 Negro is registered. Moreover, those Negroes questioned said that, while they wanted to vote, they had no intention of asserting their right to do so.

The reason given is a fear of the economic and physical reprisals that might be the lot of any Negro who sought to register. Past incidents provide an ample basis for these misgivings.

LIKE ROBBING A BANK

"I don't want my throat cut," one man commented in explaining why he would make no effort to register even if a Federal voting law was passed.

Another Negro compared registration to an attempt to rob a bank.

"You might get in but you might not get out," he said.

"It doesn't make any difference what Congress and the Supreme Court say the law is," declared a white overseer. "It won't make a damn in Baker County, not during this generation."

Many students of race relations have cited this atmosphere of intimidation in criticizing the voter-referee plans being debated in Washington. They contend that Negroes would be reluctant to seek relief under the provisions of these measures in most counties of the Black Belt.

This narrow band of dark soil and Negro majorities, which curves across the region from the Virginia tidewater to the east Texas pine barrens, is the chief target of the proposed legislation. Elsewhere in the South, most persons concede, apathy is the major barrier to increased Negro—and white—registration.

Twenty-nine Black Belt counties have no Negroes on the voting rolls, according to the Southern Regional Council. Negroes register with difficulty in others. It is questionable whether they vote in substantial numbers in any but a few counties of the area.

The council's executive director, Harold C. Fleming, once said that the "typical county in which Negroes are disfranchised is a rural county in the Old Plantation Belt where large landholdings and farming are the major way of life, where there is little or no industry, farm tenancy is high, years of educational achievement low, and per capita income low. The percentage of Negroes in the population is high, 50 percent or more."

THREE MAJOR PLANTATIONS

Baker County fits that description well. The stretch of gently rolling flatland, checkered by stands of pine, pasture, and fields of peanuts, lies in Georgia's southwest corner.

Three plantations cover much of its area. Two are owned by northerners—Richard K. Mellon, of New York, and Hill Blackett, a retired Chicago advertising executive. The third and largest, Ichauway, is the property of R. W. Woodruff, of Atlanta, board chairman of the Coca-Cola Co.

The county is famous for its quail hunting. President Eisenhower has visited Ichauway on several occasions and recently sampled the shooting at Blue Springs Plantation, which dips into Baker from adjoining Dougherty County.

A few small farmers are prosperous. But life is hard for the others, who subsist on the meager income from small crops of peanuts, cotton, and corn grown in the sandy clay. A number of Negroes own and operate their own farms. Most of them, however, work as farmhands at $3 to $7.50 a day.

LOSING POPULATION

The county has an estimated total of 5,500 residents. But it has been losing population for more than a decade. "Those who get an education soon leave," said one Negro leader.

This county seat on the banks of the muddy, sluggish Flint River has all the aspects of a dying town. Buildings sag in disrepair. However, its five whisky stores do a lively trade, testimony to Newton's status as an oasis in a desert of "dry" counties.

White officials said race relations were good. "You won't find a group of people anywhere in the world that think more of a good Negro than the people of Baker County," asserted Kenneth E. Jones, chief of the board of voter registrars.

Negroes disagree. "We have some fine white people," said one, "but they're outnumbered."

SOME CRITICIZE SHERIFF

Some Negroes and a few whites accused Sheriff Warren Johnson of harassing and mistreating Negroes. "One of our chief problems here is law enforcement at the local level," said Mr. Blackett, owner of Wallington Plantation. Other whites, some of whom said they were the sheriff's friends, also criticized him.

Mr. Johnson attributed the criticism to politics. He said there was no difficulty for those among the minority race "that want

to be niggers, and that's all we want 'em to be." But he indicated it might be unwise for any to attempt to vote.

"Why, you take two of the best-natured dogs in the world and throw sand on 'em and they'll get to fighting," the sheriff explained. "And I hope they (Congress) don't throw any sand on us down here in Baker County."

Negroes accuse the sheriff of having killed a youth with little or no justification. Mr. Johnson said the victim, a Negro, had resisted arrest and that ended the case.

FOUR SOUGHT TO REGISTER

Following the enactment of the Civil Rights Act of 1957, four Negroes made a number of attempts to register. They persisted despite efforts by white officials to postpone the matter.

On the night of December 12 of that year, dynamite explosions wrecked the front porch of one and automobiles owned by two of the others. The fourth was in jail at the time on an illicit whisky charge, but he was later released.

Agents of the Federal Bureau of Investigation made an unsuccessful effort to find the culprits. J. A. Williams, whose house was dynamited, said this week that after the incident "I did promise my wife I wouldn't attempt to register anymore."

Concerning the proposals now before Congress, Mr. Williams said:

"I don't believe you could get those people (Baker County Negroes) interested in trying to register if the Federal Government couldn't protect them any further than just registering."

WANTS RIGHT TO VOTE

But the 83-year-old man, who is virtually blind, declared, "I believe somebody is going to have to die to get any rights. We're not going to get anywhere by being afraid. These white folks wouldn't treat us like they do if we had the right to vote."

Julius L. King, 60, who operates his family's 500-acre farm, took part with Mr. Williams in the registration attempt. His car was dynamited.

"The new law wouldn't be worth anything to us but death," he said. "We would be just like we are right now."

ADVISES NEGRO FRIENDS

The chief registrar, Mr. Jones, said he had told "my Negro friends" who had asked for advice, not to register. However, he contended that he and the two other registrars would put them on the books if they applied and were found qualified.

The registrar, a soft-spoken, hospitable man, invited Paul Phipps, a Negro carpenter, to the Jones home to discuss the problem with a visitor. Mr. Phipps' wife is a schoolteacher in Newton.

"I would be an ingrate," said the registrar, turning to the Negro, "if I didn't tell him what the implications would be if his wife attempted to register. To put it bluntly, she would lose her job."

The carpenter said he and his wife were qualified, and Mr. Jones agreed that this was probably true. Mr. Phipps then asserted that they should be permitted to vote, "but we can't register."

"I'VE GOT TO LIVE"

Why?

"Well, I've got to live," he replied. "I don't want my job cut off and my wife's job cut off."

Mr. Phipps said other Negroes would take the same view of Federal voting legislation.

"I know the law may be passed," he explained, "but we've got to live here in Baker County."

Mr. Jones suggested that Negro teachers be asked for their opinions.

The teachers questioned declined to be quoted or to have their names used. In view of this, they would be unlikely to appear at the ballot box with a certificate from a Federal voting referee.

The tax collector, R. I. Hudson, noted that a number of white undesirables, some of them illiterate, now voted in the county. He explained that officials had been forced to carry them over from the old rolls under the provisions of the State registration act of 1958. They can be dropped only if they fail to vote over a 2-year period.

"We've got a lot of white folks on the rolls who've got no more right to vote than the sorriest Negro in Baker County," he said.

Mr. CLARK. I make one comment on what my good friend from New Jersey has said. I am under no illusions that, whether this amendment or any other amendment is agreed to and becomes law, we are going to find disfranchised voters of America surging to the polling places overnight.

It may be years before a climate will prevail in Baker County and elsewhere in which Negro American citizens can vote without intimidation, and free from fear, but we must start somewhere. There are wide areas in the South and in other parts of the Union where disfranchisement is the rule rather than the exception, where this amendment could bring great relief. I believe we should press forward with it, even though we may feel that it will not accomplish the millennium overnight.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator further yield?

Mr. CLARK. I yield.

Mr. WILLIAMS of New Jersey. I think this is particularly true in connection with the other provision, for the registrar or voting enrollment officer, because then there would be a clear opportunity for the President to make an unequivocal expression of moral judgment in the area with which we are so concerned.

Mr. CLARK. I thank my friend for his helpful comments. I find myself in accord with him.

Mr. President, I have completed my detailed explanation of the pending amendment. Briefly, I should like to summarize the major reasons why I urge its adoption.

In the first place, it is a compromise, a compromise which makes substantial concessions. My friend from South Dakota [Mr. CASE], whom I see in the Chamber, pointed out earlier the view that the original referee proposal did not give adequate fair play to those local and State officials and individuals who live within the voting district where there is complaint that citizens have been disfranchised.

This amendment provides two roads for those charged with enforcement to travel, and, to a substantial extent—although not entirely—it would give the Attorney General of the United States the primary option to determine whether, in the particular district where the alleged discrimination existed, he should travel the referee road or the enrollment officer road.

Regardless of which road he travels, it must be based on and subsequent to a court finding in an adversary proceeding that a pattern of discrimination exists in violation of the 15th amendment.

In the judgment of the sponsors of the amendment, the alternative enrollment officer procedure gives a speedy and ready remedy for widespread wrong, a speedy remedy enforced by administrative procedures patterned after laws of the 50 States of the Union. So far as I know, every one of those laws treats registration and voting as an administrative, and not a judicial function. The laws of each of the States lay down the mechanics by which the executive arm of the government, either through appointment or by arranging for the election of administrative officers in local districts, springs into action to register and to permit to vote the citizens qualified therefor.

In my judgment this administrative action is the right way to proceed, provided it is surrounded with judicial safeguards, safeguards similar to those in the laws of the 50 States, and similar to those called for by the pending amendment.

In my judgment this dual procedure has much merit. The enrollment officer procedure provides a fair, workable, and speedy process, which would be effective in nearly all the districts where widespread disenfranchisement is charged. And yet the referee procedure would be available for use in the hard core areas of resistance where it might be unwise to invoke the administrative procedure, because of the local climate, and where it would be wise to proceed more slowly.

Moreover, under this amendment any Attorney General would have a choice. The present Attorney General does not like the enrollment officer procedure. Very well. He does not have to follow it. He can take the referee road. His successor, whether he be a Republican or a Democrat, may prefer that orderly administrative procedure which has historically been the method of handling registration and voting since the foundation of the Republic. If he does, he has the Federal enrollment officer procedure to follow.

Those of us who support this amendment want to do something effective to see that the 15th amendment to the Constitution of the United States is utilized for the purposes for which it was enacted. Those purposes were to see to it that no citizen of the United States should be denied the right to vote because of race or color.

We are willing to make substantial compromises. We are willing to give ground to meet, to some extent, the objections of some of those who oppose any meaningful civil rights bill; but at some point we must stop. We must stop at a point where we have conceived and put into law a fair, speedy, workable, and meaningful procedure to give millions of citizens rights which have so long been denied them. Yet we have provided an alternative procedure, which meets the requirements of those who unfortunately disagree with us.

Before we voted last Friday on the Douglas amendment, the distinguished minority leader [Mr. DIRKSEN] spoke briefly in opposition thereto. Those of us who framed that amendment have read his speech. We have done our very

best to conform our amendment to those of his objections which seemed to us to be pertinent and meaningful. I hope the distinguished minority leader will read our amendment before he votes. I hope that our colleagues who are in doubt in this regard will consider whether or not we have met, to the extent deemed wise and feasible, the objections which the minority leader raised to the amendment of his colleague from Illinois [Mr. DOUGLAS].

The distinguished minority leader said on Friday that he was willing to go quite a long way to protect and preserve civil rights. I hope that on reconsidering the matter he will find that he can go at least this far, which is not very far, but which is far enough to make the effort worthwhile. It is far enough to give some assurance that this legislation, if enacted, will inure to the benefit of thousands of American citizens and help to give them the rights secured to them by the Constitution, which have been denied them for so long.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the following bills and joint resolution of the Senate:

S. 601. An act to authorize and provide for the construction of the Bardwell Reservoir;

S. 1712. An act to extend the application of the Motorboat Act of 1940 to certain possessions of the United States;

S. 2188. An act to provide appropriate public recognition of the gallant action of the steamship *Meredith Victory* in the December 1950 evacuation of Hungnam, Korea;

S. 2468. An act to provide flexibility in the performance of certain functions of the Coast and Geodetic Survey and of the Weather Bureau; and

S.J. Res. 115. Joint resolution authorizing the purchase of certain property in the District of Columbia and its conveyance to the Pan American Health Organization for use as a headquarters site.

ORDER FOR RECESS UNTIL TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today it take a recess until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

INCREASE IN POSTAL SALARIES

Mr. KENNEDY. Mr. President, a few days ago the Senator from South Carolina [Mr. JOHNSTON] introduced a bill to make permanent the temporary increase in salary granted postal workers 2 years ago. He also announced at that time that hearings would be held to determine what inequities there were in the pay scale.

I am convinced that the general pay scale needs considerable revision. If there is any group that has been left behind in the parade toward higher income to meet higher costs of living it is our classified and postal workers. I have seen the actual budgets of 50 Wisconsin letter carriers, taken at random. Of the 50, only 2 found it possible to live within their income. In order to finance their basic expenses, 20 out of 50 had part-time jobs. In 19 cases the wife had to work in order to make ends meet.

This record is not one of which we can be proud.

The U.S. Post Office is the biggest business in the world. It employs 550,000 people in 42,000 offices. Over 60 billion pieces of mail a year are handled by this organization, and it has a cash turnover of over $23 billion a year. Yet three-quarters of the employees must exist on salaries of less than $5,000 a year. It is not until after 18 years of continuous service that a letter carrier can receive $5,000 a year—and his maximum compensation, after 25 years of service, is $5,175 a year.

Mr. President, I know I need not remind the members of this body of the skills and the qualities that are needed if the mail of the Nation is to be handled efficiently. Those who are entrusted with this responsibility should not need odd jobs after a regular 8-hour day to enable them to pay their bills. Their wives should not be required to obtain employment to meet their living expenses. It is our obligation to see that they are adequately compensated.

It should be noted, in this connection, that at least one agency of the Government, by its own action, has established that letter carrier pay is substandard. The Federal Housing Administration could not approve the letter carrier as the purchaser of a $15,000 house, on the basis of his salary alone. The buyer of a $15,000 house needs a downpayment of $650 and can get a mortgage of $14,350. On a 30-year basis, this means a monthly payment for principal, interest, and FHA mortgage insurance of $80.75 per month. Since mortgage lenders adopt the policy of limiting housing payments to one-fifth of the borrower's monthly income, the purchaser of a $15,000 house needs a monthly income of $448.70—or an annual income of $5,384. The top pay for letter carriers, with 25 years of service, is only $5,175 a year.

There are those who would withhold necessary salary increases until a postage rate increase is passed. This is grossly unfair. The welfare of the postal workers should not be dependent upon the outcome of competing theories of post office operation. Whether the post office should be considered a profit-making business or a service we should not use insufficient income as an excuse to pay less than a decent wage.

When the hourly wage of letter carriers and post office clerks is compared with that of any other occupation we find the letter carrier is at the bottom of the wage scale. He earns between 25 and 75 cents an hour less than the garbage collector. A common laborer on a construction project gets more pay than a letter carrier with 25 years' service.

Over the years the position of the letter carrier and clerk has grown steadily worse. Ten years ago he earned 28 cents an hour more than an ironworker. Today he earns 31 cents an hour less. Ten years ago he earned 15½ cents more than a united parcel deliveryman. Today he earns 14½ cents less.

Illustrations of these inequities could be multiplied indefinitely. They demonstrate, beyond any doubt, that the letter carrier has been largely ignored by the trend toward higher profits and higher wages—although he still suffers from the higher costs of living. I am convinced this Congress must correct this inequity. It is up to the Government to treat its employees justly.

RESOLUTION OF LEGISLATURE OF STATE OF HAWAII UPON THE DEATH OF SENATOR RICHARD L. NEUBERGER, OF OREGON

Mr. MORSE. Mr. President, I have received a letter from Mr. Herman T. F. Lum, clerk of the House of Representatives of the First Legislature of the State of Hawaii, transmitting a resolution expressing heartfelt sympathy to Mrs. Richard L. Neuberger and the people of the State of Oregon upon the untimely death of my colleague, Senator Richard L. Neuberger.

I ask unanimous consent that the letter and resolution be printed in the body of the RECORD.

There being no objection, the letter and resolution were ordered to be printed in the RECORD, as follows:

THE FIRST LEGISLATURE,
STATE OF HAWAII,
HOUSE OF REPRESENTATIVES,
Honolulu, Hawaii, March 10, 1960.

Hon. WAYNE MORSE,
Senator, U.S. Senate,
Washington, D.C.

DEAR SIR: I transmit herewith certified copy of house resolution 60, which was adopted by the First Legislature of the State of Hawaii in budget session, 1960.

Very respectfully,
HERMAN T. F. LUM,
Clerk, House of Representatives.

H. Res. 60

Whereas the passing of the Honorable Richard L. Neuberger, U.S. Senator from the sister State of Oregon, is an immeasurable loss to the welfare of all mankind in these days of tension, misunderstanding, and selfish opportunism; and

Whereas Senator Neuberger was a ray of hope to those who would not accept the cynical view that man's inhumanity to man was the destiny of man, but who have faith that poverty, bigotry, hypocrisy, and other forms of human shortcomings can be eliminated; and

Whereas the dedicated spirit of Senator Neuberger to the perpetuation of truth and better social, economic, and political conditions for all mankind in a free world can well be emulated by public servants throughout the world; and

Whereas the passing of Senator Richard L. Neuberger is an extremely great loss to the people of Hawaii who lost a friend who championed the cause of statehood which made first-class citizens of the people of Hawaii; and

Whereas there are no words which can lessen the grief to the Nation and his family: Now, therefore, be it

Resolved by the House of Representatives of the First Legislature of the State of Hawaii, budget session of 1960, That it expresses its heartfelt sympathy to Mrs. Richard L. Neuberger and the people of Oregon; and be it further

Resolved, That copies of this resolution be transmitted to Mrs. Richard L. Neuberger, U.S. Senator WAYNE MORSE, the Governor of the State of Oregon, the president of the State Senate of Oregon, and the speaker of the House of Representatives of the State of Oregon, forthwith.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. MORSE. Mr. President, it is my pleasure to be listed as a cosponsor of the Clark-Javits amendment to the pending civil rights measure.

Mr. CASE of South Dakota. Mr. President, I wonder if the Senator from Oregon will yield to me for a very brief statement of not to exceed 5 minutes, with the understanding that he shall not lose his right to the floor.

Mr. MORSE. I am always happy to cooperate with the Senator from South Dakota, with the understanding that I do not lose my right to the floor.

Mr. CASE of South Dakota. I wish to state briefly why my name is found as one of the sponsors of the pending amendment. Before I do so I wish to state that I regret that in the debate references should be made to the presence or nonpresence of Members of the Senate, whether individually or generally. Every Senator knows that he has certain responsibilities to meet and things to do which at times prevent him from being present on the floor. It has not been possible, apparently, for either the majority leader or the minority leader to be on the floor during a great deal of the debate this afternoon.

With respect to the pending amendment, my position will be found to be consistent if anyone takes the trouble to look up the position I took when the civil rights bill was before us in 1957.

At that time I voted against the so-called part III of the bill because I felt that the bill should be confined to a voting rights bill. In the consideration of the pending bill, what I am most concerned with is providing an adequate means in law which will protect the voting right.

The 15th amendment, in my judgment, should be complied with, and Congress should avail itself of the provision in the 15th amendment which gives it the power to enact appropriate legislation to carry out the purpose of the 15th amendment.

The other day I voted to table the amendment then presented because I felt, as I indicated by some of my questioning at the time, that it would be placing an undue burden upon the President to make him responsible for making certain findings of fact and then having him carry out the detailed steps necessary to protect the voting rights of persons who had been deprived of them through a pattern or practice of discrimination.

The pending amendment, on the other hand, leaves with the court the proper judicial duty of making a finding of fact, and does not necessarily require the courts to become administrative agencies.

Though it is true that a provision in the pending amendment would make it possible for the courts to administer the steps following a finding, it does not limit the remedy to that action, but makes it possible for the President, as the head of the executive branch of the Government, to carry out the steps necessary to protect the right to vote.

The ultimate guardian of freedom in a government by the people must be the ballot box. If Congress can pass effective legislation which gives to each citizen the opportunity to vote, as is contemplated under the 15th amendment, without prejudice by reason of race, color, or previous condition of servitude, and if that provision can be made a reality, we will have passed constructive legislation.

The other reforms or other steps in the field of civil rights, which some Senators feel are important to establish by statute, will in time be accomplished if every citizen who is qualified to vote under the laws of the State in which he resides is given an opportunity to vote, then the other matters will be taken care of and the purpose of the Republic will be served.

I thank the distinguished Senator from Oregon for his courtesy in yielding to me.

Mr. MORSE. Mr. President, it is my pleasure to be listed as a cosponsor of the Clark-Javits amendment to the pending civil rights measure.

I have cosponsored it because it is my opinion that the amendment takes a step in the right direction toward giving Negroes the voting rights to which they are entitled under the Constitution of the United States.

The amendment first provides for a Federal court determination of a "pattern or practice" of discrimination—of deprivation of the right to register or to vote at any election, State or Federal, general or primary.

This Federal court determination may be instituted by the Attorney General of the United States, but the amendment, wisely, does not stop there. The court proceeding may be initiated also by the request of any plaintiff. Thus, one who has been deprived of his rights to register or vote is assured of his "day in court."

The aggrieved person, upon proof that he is qualified under State law to vote, may obtain a court order to that effect, and the State Governor is so notified.

The complainant is not required, as he is required under the administration's bill, to go through the useless act of obtaining a refusal from the State voting registrar.

The State, under the Clark-Javits amendment, has a 20-day period of grace to comply.

Once an applicant has been declared qualified to vote, he shall be permitted to vote, and any State official knowing of the order, who refuses permission to vote, is automatically in contempt of court.

To facilitate voting rights the amendment calls for court-appointed referees to pass upon applicants' qualifications.

The Clark-Javits amendment does not stop with the foregoing procedures. It also provides administrative remedies.

Upon issuance of a Federal court finding of a pattern or practice of voting-right deprivation, the President would be authorized to issue an Executive order designating Federal enrollment officers.

The enrollment officers would issue certificates of enrollment to vote, upon proof of the applicant's qualification under State law.

State challenges of the enrollee's right to vote would be permitted, but pending approval of the challenge in court the enrollee would be entitled to vote and have his voted counted.

This procedure would place the burden where it should be—on the States instead of the individual.

Willful denial or interference with enrollment rights would be punishable by fine and imprisonment.

Mr. President, if the voting rights guaranteed by the Constitution are to be realized in fact, we need implementing legislation of the type contained in the Clark-Javits amendment.

The need in this respect was amply demonstrated in a fine brief I received in February 1960 from an outstanding member of the legal teaching profession—Assistant Dean William W. van Alstyne, of the Ohio State University College of Law, Columbus, Ohio.

Professor van Alstyne's comments deserve consideration by my colleagues; and, therefore, I shall quote at some length from this very fine brief.

Mr. President, this is a specific example of what I had in mind when I took the position on February 15 that this whole matter should go to the Committee on the Judiciary for consideration for at least a week, so that there could be brought back to us a completed record in regard to the merits and demerits of proposed legislation under consideration by the Senate. The CONGRESSIONAL RECORD will show that I said in the debate at that time that we cannot, in effect, bring to the floor of the Senate expert witnesses, constitutional law authorities, deans of law schools, or professors of law, to testify on the very complicated legal questions which are involved in a legislative problem as complex as the one we are considering.

So we have observed the Senate for many days going through a process which I think is not to the credit of the Senate of the United States. We have been following a procedure which does not redound to our reputation as a good legislative body. Thus it becomes necessary for individual Senators from time to time to present what would have been testimony before the Committee on the Judiciary, if the position taken by the senior Senator from Oregon was correct, not only this year, but also in 1957, when he objected to a similar attempt on the part of the Senate to circumvent the customary Senate proceedings. In a sense Dean

Van Alstyne will be a witness through me, this afternoon, on the floor of the Senate, as I place in the RECORD the position which the dean would have taken had he been a witness before our committee and had he been allowed to make the kind of report which, in my opinion, ought to have been made on the civil rights legislation before we even started the debate on it. I hope there does not happen to be any Senator among us who believes that the procedure adopted has saved any time, because in my discussion on February 15 I pointed out that by following the procedure we were about to follow we would waste a tremendous amount of time—and we have. What a farce so much of it has been. Consider the cost of the debate—which could have been avoided had we followed an orderly procedure in the Senate on February 15 instead of adopting the circumventing procedure of having a civil rights amendment submitted to a little bill involving the transfer of a lease on some Army property in Missouri.

But I lost on that vote. The Senate decided on the course of action it has followed. It has only itself to blame for the confusion confounded ever since February 15. Now we have before us what I believe is a clear outline of what will happen on civil rights legislation at this session of Congress, if anything worth while happens at all. I still have my reservations as to whether any bill worth while will be passed.

However, it appears that the only bill of any value which will be passed, will be a voting rights bill, provided the House sends over to the Senate one which has any merit in it. We have the opportunity in the Senate to strengthen the House bill in case it is a weak bill. That issue is before us this afternoon.

What is the move? The move, obviously, is to weaken this proposal further. Heavy pressures are being exerted to prevent adoption of an effective procedure to enforce voting rights for the Negroes of America.

We have before us the so-called Clark-Javits amendment, of which I am a cosponsor, and which is referred to by some persons as at least a compromise of the Douglas amendment, which was rejected last Friday. I do not see how we can accept less than the Clark-Javits amendment and make any pretense to the Negroes of America that we are providing them with an effective procedural enforcement of voting rights. If we simply pass the administration bill as it stands, I am of the opinion that we will practice a fraud upon the Negroes of America, because I do not believe that bill contains any effective guarantee to them that they will have the right to vote.

As is well known in the Senate, I voted against the civil rights bill in 1957 because I felt it was a fraud, in effect; that it was a sham, in essence; that it contained no effective enforcement of the nice-sounding phrases included in the bill. I forewarned that they would prove to be empty phrases. For the reasons I shall set forth in the course of my remarks this afternoon, they have been naught but empty phrases.

So I turn to the brief prepared by Dean Van Alstyne, associate myself with it, and shall add it from time to time as I quote extensively from it. In my judgment, it must be made a part of the record of this debate, not merely as an insertion in the RECORD; it must be made a part of the record of this debate by way of commenting upon it, as at least one Senator considers and discusses the main features of this brief.

Dean Van Alstyne says:

It may be that my experience regarding litigious problems which have arisen under the 1957 Civil Rights Act (especially 42 U.S.C. sec. 1971) will be of some value to you in assessing the comparative merits of the Civil Rights Commission's proposal for Federal registrars and Attorney General Rogers' proposal for Federal referees.

Mr. President, I ask unanimous consent that the citations and footnotes may be printed in the RECORD at the various points in the context to which I refer.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MORSE. Mr. President, Dean Van Alstyne continues:

As you are doubtlessly aware, only four cases have arisen under the enforcement provisions of section 1971 (a) and (c): *United States* v. *Alabama*, 171 F. Supp. 720 (M.D. Ala. 1959), affirmed, *United States* v. *Alabama*, 267 F. 2d 808 (5th Cir. 1959), cert. granted, 80 S. Ct. 196 (1959); *United States* v. *McElveen and Thomas*, 177 Supp. 355 (E.D. La. 1959), Civ. Action No. 9146 (E.D. La. 1960), stay of order granted, 5th Cir. (Jan. 1960) (stay vacated Feb. 1960, by U.S. Supreme Court); *United States* v. *Raines*, 172 F. Supp. 552 (M.D. Ga. 1959), docketed, 79 S. Ct. 1448 (1959); *United States* v. *Fayette County Democratic Committee* (filed in W.D. Tenn. about 2 months ago, as yet unreported). The effect of these cases has been as follows:

(1) The right to vote has not as yet been secured to anyone as a consequence of any action commenced under the 1957 Civil Rights Act.

Mr. President, I do not see why that statement should surprise anyone. One of the burdens of my argument in 1957 was that the so-called civil rights bill of 1957 would not add any voters to the voting books in the South where Negroes are denied the right to vote.

When the Senate of the United States—and I say this most respectfully—walked out on the procedural provisions of the 1957 bill as first introduced and first considered, and particularly when it added the jury trial to the bill, it guaranteed, as I said at the time, that it was not going to have an effective legislative instrumentality for voting privileges among the Negroes of the country.

Yet the sad thing is that Congress, by passing that bill, raised false hopes among millions of colored people that it had passed something substantial and effective in the field of voting rights. I am glad I did not participate in that performance, but that I voted against the bill, because now we are confronted with the results of its passage.

So Dean Van Alstyne is quite right when he makes his first point:

The right to vote has not as yet been secured to anyone as a consequence of any action commenced under the 1957 Civil Rights Act.

He continues:

(2) Sections 1971 (a) and (c) were held to be unconstitutional by one court and constitutional by another (both cases are in various stages of appeal).

(3) Sections 1971 (a) and (c) have been construed so as not to authorize preventive relief against registration boards or States, but only against individual persons.

(4) Section 1971(a), which was formerly section 1971 and available through related statutes to provide relief in a civil action for damages brought by a citizen deprived of his right to vote on account of race, has been construed as limiting relief to an action brought by the Attorney General under section 1971(c) and therefore cannot be invoked in a private suit. (See dictum, *Darby* v. *Daniel*, 168 F. Supp. 170 [5th Cir. 1958].)

(5) Since the Attorney General filed suit in Terrell County, Ga., and Macon County, Ala., voting registration in those communities has ceased altogether.

These facts are probably known to you, and certainly they argue against complacency among legislators. Indeed, the report of the Civil Rights Commission indicates that approximately 3½ million Negroes possessing qualifications equal to those of registered white voters are presently disfranchised in the South. (See the report, pp. 19–133, and especially Commissioner Johnson's remarks at p. 132: "[O]ur findings also show that in 16 counties where Negroes constitute a majority of the voting-age population there are no Negroes registered to vote. In 49 other counties where Negroes constitute a majority of the voting-age population, some, but fewer than 5 percent of the voting-age Negroes are registered." Elsewhere, it appears that: less than 2 percent of Negroes of voting age in Mississippi were registered to vote in 1956; less than 8 percent are registered in Alabama; in several Louisiana parishes with 60,000 Negroes of voting age, none are registered.)

Mr. President, I am well aware of the fact that for many days during the course of the debate since February 15, there have been denials and arguments to the effect that the Civil Rights Commission's report is inaccurate. I have listened to much of the argument, and I have read all of it, and I have reread the Civil Rights Commission's report, and I have read other material on this matter. All I wish to say for the record is that I am convinced that the Civil Rights Commission is correct—that the use of one device after another, including some interesting subterfuges, in many parts of the South result in denying to the colored people the right, in fact, to vote. Therefore, I do not see what harm will be done by the enactment of legislation which will provide procedures which, when carried out, will guarantee the right to vote. The right to vote is the right we want to assure and in this particular amendment, in my judgment, we provide that right and the enforcement machinery for executing it; and in my judgment, no injustice will be done to any group, any official, or any State, either in the South or elsewhere in America, by guaranteeing in fact as well as in law, the precious right to use a free ballot in the United States.

Mr. President, I read further from the brief by Dean Van Alstyne:

The crucial question is, of course, what are the significant defects of the 1957 Civil Rights Act which account for its regrettable failure, and how may they best be remedied? The defects, it seems to me, are not at all apparent, but in fact they all inhere in Congress' choice of basic remedies, namely, the device of litigation. Several illustrations of the Justice Department's attempts to enforce the act should make this reasonably clear.

1. Difficulty in securing evidence: Note, first, that notwithstanding statistics which indicate widespread discrimination, only four cases have been commenced. One reason for this is, assuredly, the timidity with which President Eisenhower approaches civil rights, necessarily reflected in rather hesitant policies of the Department of Justice. It is my firm conviction, however, that this is not the sole reason, nor even a substantial part of the reason for the act's infrequent use. Rather, the problem is essentially one of securing evidence acceptable to a court of law, according to the severe burden of proof required by the act. (See hearings before the Subcommittee on Constitutional Rights of the Senate Judiciary Committee (191, 86th Cong., 1st sess. [pt. I, 1959]).

You will note that the act does not provide relief merely upon a showing that Negroes are required to meet arduous registration requirements, stringent literacy tests, or other severe qualifications; the act demands proof of a difference in treatment of Negroes than of white persons—the fact of discrimination must be alleged and proved. While the testimony of Negroes as to their treatment can usually be obtained by the Justice Department, evidence of the treatment of white persons—necessary to establish comparisons—is extremely scarce, because—

Mr. President, it seems to me that procedural technique must not be overlooked as we consider remedial legislation, because the Civil Rights Act, as written, requires much more than a showing of the treatment a Negro has received from a southern registrar. It is also necessary to show the treatment received by the white persons, and then to show that, as a result, the Negro was discriminated against.

I think Dean Van Alstyne makes a worthwhile contribution to this subject by pointing out the burden of proof which confronts the Department of Justice in prosecuting a case to show discrimination under the 1957 act, which, I think, was so poorly worded that it became practically a meaningless document, insofar as guaranteeing any enforceable rights is concerned.

I read further from Dean Van Alstyne's brief:

(a) Many southern registrars keep no records of applicants for registration who were rejected.

(b) Records of accepted applicants fail to indicate what procedure was followed, what literacy test administered, and so forth.

(c) What few records are available can only be obtained after critical delay occasioned by legal action to secure the records. (See, e.g., *United States* v. *Wallace*, 169 F. Supp. 63 (M.D. Ala., 1959)).

(d) White persons are generally hostile witnesses, unwilling to discuss their experiences with representatives from the Justice Department, amenable only to judicially applied coercion, and often evasive in their stories.

(With respect to the difficulty of securing records, you may recall that in reaction to the Attorney General filing suit in Alabama last year, the Alabama Legislature enacted a statute authorizing registrars to destroy their records after 30 days of their accomplishment. I am aware, of course, that the Attorney General has proposed a bill to require the maintenance of records and to permit their inspection, but unfortunately it has a fatal defect; since this bill would not require registrars to make records in the first place, the States are free to repeal State laws presently requiring the making of registration records, thus escaping the effect of the Federal law.)

The necessary consequence of having to secure evidence of the different treatment of white persons has customarily involved additional application to the courts for orders directed against registrars, time-consuming subpena of white witnesses, etc., all of which postpone the case. During such a postponement, the Justice Department may find its Negro witnesses withdrawing due to coercion applied through their white employers, local white citizen councils, white creditors and tradespeople, and the local press.

2. Difficulty of locating defendants: Registrars are generally forewarned that a suit is about to commence, in that the Civil Rights Commission, or the FBI, will have entered the community to determine whether there is sufficient evidence to sustain an action. They can easily avoid such a suit by the simple expedient of resigning their office, and being replaced by new registrars against whom no evidence of discriminatory activities can possibly exist. Thus, in *United States* v. *Alabama*, supra, the two registrars resigned a few days before suit was filed. Since the court held that the Civil Rights Act did not authorize suits against impersonal entities, such as the registration board or the State, the case was dismissed as moot. Now, in 1960, when new registrars have finally been appointed, the Department of Justice must wait again until new evidence can be supplied to determine what discriminatory practices, if any, these registrars may pursue.

3. Abuse of the judicial process: (a) By enlisting the support of partisan courts, canny defense counselors may postpone ultimate disposition of a case for years. Thus, the court in *United States* v. *Raines* held the Civil Rights Act unconstitutional, and though there is little doubt that this decision will be reversed (cf. *United States* v. *McElveen*, supra), the delay may be fatal. No decision on the merits may be expected until late this year, 2 years after the case was commenced. Whether the Government will still be in control of its Negro witnesses who are meantime subject to local harassment is doubtful. In any case, it is unrealistic to rely on law enforcement by judges appointed from communities which are hostile to the law being invoked.

(b) Sympathy by the courts is not necessary to occasion judicial delay, however, for the judicial process itself is vulnerable. For example, in *United States* v. *Alabama*, defense counsel filed a motion to dismiss on 54 separate grounds; while scarcely any of these required serious consideration by the court, still the Department must brief each of them conscientiously to be secure, again at the cost of time. Motions to dismiss were filed, briefed, and argued in *United States* v. *Raines* and *United States* v. *McElveen*; procrastination in all these cases has been acute.

4. Remedial limitations: Even if we can assume that cases will ultimately be decided in the Government's favor, they guarantee only that the few Negroes actually named in the complaint will be registered, with some slight added assurance that other Negroes in that very county may also be protected. In view of the enormous disparity between the Negro and white vote, however, one can readily see that proceeding on this piecemeal, case-by-case, county-by-county basis can never succeed in securing the franchise to the great majority of Negroes in the South.

Mr. President, that fact was obvious in 1957, when we voted on the bill. It was perfectly clear to the few of us who voted against it, but who wanted an effective civil rights bill. Two groups voted against the 1957 bill; those who wanted an effective civil rights bill, which we argued the bill was not, and those who did not want any bill at all. So those of us who found ourselves voting with those who did not want any bill at all were at first misunderstood. We are not misunderstood any longer, because time has proved how right we were. Dean Van Alstyne, in this very brief, gives support to the position a few of us took in 1957, when he points out that the remedial limitations of the 1957 bill, by their very design, were bound to be ineffective. So he says:

We cannot realistically expect registrars in one county to desist from discriminating merely because three registrars in an adjoining county were placed under a court order, and thus we must anticipate that separate legal actions would be required in several hundred communities throughout the South.

The other remedial limitation derives from the civil rights act's provision that a jury must pass on any holding of a defendant in contempt where the penalty would involve more than 45 days incarceration. Since no case has been concluded under 1971(c), the contempt provision of the statute has not yet been applied. Even so, one case does illustrate its inherent difficulties. In *United States* v. *Wallace*, 169 F. Supp. 63 (1959), a local Alabama judge impounded county registration records sought by the Civil Rights Commission and refused to release them pursuant to a Federal court order. The Justice Department was informally advised by Judge Johnson, the presiding Federal judge, that he was unwilling to hold local Judge Wallace for contempt if 45 days was the maximum penalty he could impose, since it was his feeling that this would enhance Judge Wallace' political position in Alabama without visiting any effective punishment upon him. Under the circumstances, Judge Johnson therefore found that Wallace was not in contempt of court, though it is clear from the opinion that Wallace failed to respond to the Federal court order permitting inspection of records by the Commission in an expeditious manner.

There are, of course, a few legislative proposals which have been offered to meet the particular weaknesses of the act as they have thus far developed. You should realize, however, that the frailty of the act runs deeper than the particular symptoms which manifested themselves in these last 2 years; just so long as legislation is directed to the litigation of each incident of voting discrimination, wholesale, disfranchisement will continue. What is required is not the mere enjoining of a few registrars, but the removal of power from these State officers who, as a class and according to our considerable experience, demonstrate a regrettable enthusiasm for abusing that power. Only the replacement of partisan registrars by neutral personalities, or a basic alteration in the Constitution itself, can succeed in the equal application of reasonable registration laws to Negro and white citizens alike.

What I wish to stress, Mr. President, is this argument in Dean Van Alstyne's brief that if we are going to have effective enforcement we have to come to a consideration of the power of southern registrars. We did not do that in 1957. The movement was on to get a civil rights label through the Congress. The

movement was on to be able to tell the people of the country, "For the first time in 70 years we passed a civil rights bill."

There was little interest in the Senate in 1957 in a civil rights bill which came to grips with the kind of power the dean is talking about in this brief. It was politics which rode the crest, rather than an analysis of what was in the bill. The yolk and the white had been taken out of the shell and there was handed to the Negroes of America, as though it were an edible egg, a civil rights shell—a label with no nutrition in it.

Mr. President, as the dean points out in this brief, we have to come to grips with the power of southern registrars, and the Senate never even came near that in 1957.

The dean goes on to say:

In this posture, certain remarks may now be in order on current proposals for Federal referees or registrars.

1. As I understand Mr. Rogers' proposal, additional subsections would be added to section 1971, empowering a Federal court to appoint provisional referees to certify the voting qualifications of local citizens, whether or not they were immediately involved in the action which resulted in the appointment of referees; that this certification would apply to their right to vote in local, as well as Federal, elections; and that the referees' authority would include certain supervisory control over the election procedure itself. The proposal is ostensibly broad, forceful, and commendable in its purpose. It does, however, require a prior judicial determination before referees can be appointed, subjecting the Justice Department to the same process of litigious procrastination, slippery defendants, and unrealistic burden of proof which have plagued enforcement of section 1971 thus far. In short, use of the referees first requires the successful prosecution of a suit under extant section 1971, and therefore does not offer a practical improvement on existing law.

I cannot stress that too much. I do not know what good it will do, but we will make the record once more, Mr. President, as we made it in 1957.

The referee proposal of the administration cannot be effective in enforcement and will never be effective in enforcement, for the very cogent reasons the dean presents in this brief and those that some others of us have argued for for some years. This is true because the judicial procrastination which is guaranteed by this litigious procedure recommended by the Attorney General of the United States, speaking for the President of the United States, makes it impossible to have effective enforcement of voting rights. It does not come to grips with what the dean calls the power of the registrars.

Mr. President, this simply gives the politicians another excuse for not taking effective action, another rationalization. Even now I can hear the arguments they will use on the political rostrums of America next fall. There will be the same kind of reasoning there has been ever since the colossal mistake of 1957, when the politicians were forewarned there was no effective procedure in the 1957 act. The politicians were forewarned that the act would lead to the same kind of judicial procrastination which Dean Van Alstyne points out in the brief I am using as the basis of my argument this afternoon.

I warn the Senate again, if we adopt the administration program for referees we are not going to see very many Negroes added to the voting books of this country for years to come, because that proposal does not come to grips with the power, as the dean says, of the registrars, who are following their devious methods for denying the precious right to vote to the colored people in those areas of the South which now do not allow colored people to vote in any substantial number.

We have the problem before us. Are we going to vote for effective enforcement procedures, or are we going to vote for another label? The Clark-Javits amendment, which I am proud to cosponsor, comes to grips with this issue. It has in it a procedure to deal with the power of the southern registrars.

The dean is an expert witness on this phase of the matter, which is a highly complicated segment of constitutional law. He performs a great service to the Senate by making available to us this brief from which I am quoting.

He goes on to say:

I appreciate the Attorney General's dilemma; offhand, Congress does not appear to have the constitutional authority to regulate the manner in which purely local elections are held, without tying it to an implementation of the 15th amendment which may require a prior determination that a State has racially discriminated. Nevertheless, tying the use of Federal referees to the success of an action under section 1971 will, in my opinion, fatally restrict the practical application of this additional remedy, due to opportunities for maneuver and delay inherent in the judicial process.

Another critical objection to the proposal is that the Federal referees would not completely supplant local registrars, but would merely be empowered to register citizens who met State voting qualifications and who applied to them for certification, instead of applying to the local registrars. In effect, this would mean that only Negroes able to comply with State voting qualifications of a stringent and unreasonable nature could register with the Federal registrars, but that white citizens, applying to sympathetic local registrars, would not in fact be held to those qualifications, and thus could register with greater ease and in greater numbers. Consider, for example, the effect of this system as it accommodates a double standard for registration in Georgia, where a Negro applying for registration with a Federal referee must be able to answer the following questions, among others, as required by State law:

"What is a republican form of government?

"Who is the solicitor general of the State judicial circuit in which you live and who is the judge of such circuit? (If such circuit has more than one judge, name them all.)

"How does the constitution of Georgia provide that a county site may be changed?

"What are the names of the persons who occupy the following State offices in Georgia?

* * * * *

"Comptroller general; commissioner of agriculture; commissioner of labor; State school superintendent.

"What is treason against the State of Georgia?"

Those are the questions thrown at the colored applicant. That is what Dean Van Alstyne is talking about when he says we must face up to the question of the power of southern registrars, or registrars anywhere in the United States where it can be shown that they adopt discriminatory policies based upon race, color, or creed.

Mr. President, the administration's bill does not come to grips with the problem, but the Clark-Javits amendment before us does. I say most respectfully that I shall watch with great interest the rollcall on the Clark-Javits amendment. So far as the Senator from Oregon is concerned, that rollcall will mean to him just this: We shall separate those in the Senate who really believe we should enact legislation with effective enforcement of the right to vote in it from those who really do not believe in it. We are drawing that issue in this debate. That is the basis on which I intend to discuss that rollcall on the platforms of America in the great campaign ahead.

The American people must have brought to them the facts about what goes on in the Senate with regard to the matter of civil rights legislation. I intend to tell them what I think has been going on in the Senate, starting in 1957, when we passed a civil rights bill with no effective enforcement procedures in it, just as Dean Van Alstyne says in the brief from which I am quoting.

At this hour in the Senate we are given notice that there is a move on foot to lay on the table the Clark-Javits amendment, which is an amendment which seeks to come to grips with the power of southern registrars. As Dean Van Alstyne says, until we come to grips with that power and adopt a procedure that will check the misuse and abuse of that power, we cannot guarantee to the Negro citizens of America in the Southern States, where they are now being discriminated against, the right to vote. It is just that simple.

In support of the statement that Dean Van Alstyne makes concerning the type of questions that are asked colored people in some sections of the country when they apply for registration to vote, he suggests that we consult the committee hearings, at pages 169 and 170.

The dean continues:

According to our experience, we know that white applicants are not required to answer such questions before local registrars and that this could not change under the Rogers' bill; indeed, we may anticipate that this system of "alternative registrars" will encourage the States to add even more difficult registration qualifications, so that few Negroes could meet the standards as administered by impartial referees, while leaving local registrars free to ignore these requirements in registering white citizens who otherwise could not qualify. For these several reasons I am convinced the Attorney General's proposal is basically unsound, and that its passage would result merely in removing the existing demand for more efficacious legislation.

The Civil Rights Commission's proposal differs in several aspects:

(a) Registrars would be appointed by the President upon a finding of discrimination by the Civil Rights Commission.

(b) The registrars would be appointed from the area in which discrimination is established.

(c) Their authority would be limited to the certification of voters qualified to vote in Federal elections.

The defects here are (1) in limiting appointment of registrars to those who are resident to the geographic area in which discrimination is found, it is less likely that the Federal registrars would be neutral and unbiased than otherwise; (2) in limiting their authority to Federal elections, there is no assurance that hostile States might not establish separate registration and election procedures for local elections, and thus leave the ability of Negroes to influence local government and local police harassment unimproved; (3) in limiting the registrars' authority to registration procedures, it leaves local election officials as able to manipulate the voting procedure and election returns as before; (4) in requiring preliminary findings of discrimination by the Commission, this proposal assumes (a) the Commission will continue as a permanent body, and (b) that its determinations will not be subject to the same litigious weaknesses as are the courts; (5) States are left free to register white citizens who do not in fact meet registration requirements. These detractions, I submit, rob the Commission's proposal of its efficacy.

I think this is a very sound and scholarly analysis of the defects and weaknesses of both the registrar and referee proposals. I believe that the Clark-Javits amendment, of which I am proud to be one of the cosponsors, comes to grips with the problem of working out the best compromise we can now work out, in view of the unfortunate action taken by the Senate last Friday on the Douglas amendment. At least the Clark-Javits amendment would provide for some enforcement procedure, which I think would be effective, whereas, in my judgment, the referee proposal of the administration would not provide it.

Dean Van Alstyne did not limit himself to criticisms of the Rogers proposal. He went on to make some suggestions of his own for possible legislative remedies. Because we cannot tell yet what the final action may be taken by this body, I propose to take a few minutes now to place in the RECORD, with a few brief comments of my own, some of the suggestions of Dean Van Alstyne. He put it this way in his communication to me:

With considerable reservation, I should like to invite your attention to two alternative proposals which may presently not be within the contemplation of Congress, but which may hold out considerably more promise than legislation now before you.

The first of these is a proposed constitutional amendment, establishing voting qualifications for all elections, affirmatively stating the right to vote as constitutionally granted, and vastly increasing congressional power to assure the franchise:

"SECTION 1. Every citizen of the United States of the age of 21 years or older who has resided in any State or territory 6 months and in the voting precinct 3 months, immediately before offering to vote, shall be entitled to vote at any primary election or other election therein, in which candidates for any public office are nominated or elected, except that the privilege of voting shall not extend to persons in confinement for crime nor to persons adjudicated unsound of mind.

"SEC. 2. Congress shall have power to enforce this article by appropriate legislation."

This amendment differs in many respects from that which the Civil Rights Commission has proposed (see Report, p. 144), and it appears at page 181 of McGovney, "The American Suffrage Medley" (1949). It clearly represents a substantial departure from the existing scheme of legislation, manifestly deserving more attention and explanation than can be developed in this letter. Without trying your patience with a prolix exegesis on the merits and consequences of this amendment, I should say that according to my own research, experience, and judgment, its adoption could secure more complete electoral participation with a minimum of stress on our Federal system. (Should you be interested in this proposal, its background and reason can be better understood through reading "The American Suffrage Medley," and "The Report of the U.S. Commission on Civil Rights," in connection with parts of this letter reviewing our difficulties under existing legislation.)

If, in your judgment, this amendment should appear to be either rationally imprudent or politically incapable of adoption, I would recommend that a bill be introduced in Congress based on a modification of the present Attorney General's bill. It should provide that the President be empowered to appoint Federal referees in his discretion, wherever he has reason to believe it necessary to assure access to the ballot. The referees would have the authority to supplant local registrars in every respect, to certify all qualified voters and to supervise elections, primary and general, in which candidates for Congress are involved.

I understand that this legislative proposal is being given serious consideration by some of my colleagues. I have made clear that I shall be happy to join in it if it is offered. The present strategy—and that is a proper use and a proper application of the word "strategy"—the present strategy in the Senate seems to be to try the Clark-Javits amendment first.

The Clark-Javits amendment, in my judgment, is preferable to this proposal of Dean Van Alstyne. If we lose out on the Clark-Javits amendment—and I hope we will not—then it seems to me that this is the next line of retreat in this battle that some of us are putting up in trying to bring to the Negro people of America the precious right of first-class citizenship, basic to which is, of course, the right to vote.

I think it is important that this possible alternative, as proposed by Dean Van Alstyne, be made a part of the RECORD before we come to a vote on the Clark-Javits amendment.

Dean Van Alstyne goes on to write:

A statute of this character would avoid the pitfalls of litigation presently a prerequisite to securing any kind of relief, in that no judicial determination that discrimination exists would be required. Thus, Executive discretion could be exercised to appoint referees on the basis of statistical disparities of the kind elsewhere reviewed in this letter (e.g., in the 16 counties possessing a majority of Negroes of voting age but where none are now registered). Moreover, it does not confine the selection of registrars to residents of the immediate area concerned, it would affect the registration of both white and Negro citizens, and it would reach the conduct of elections themselves, as well as the registration process. It would appear to be a legitimate exercise of congressional power under article I, section 4 of the Constitution, without violating traditional notions of separation of powers which somewhat limit the ability of Congress to delegate authority to the Executive. (Certainly, however, additional research is required before we could be confident in the complete constitutionality of such a bill.)

Its one obvious weakness inheres in the fact that the Federal referees would control the mechanics only of Federal elections, leaving the States free to establish separate procedures for local elections. Unhappily, until the Supreme Court broadens the scope of the 15th amendment so as to authorize Federal action against private discrimination in local elections, it is not easy to see how a law reaching local elections can be promulgated, unless the statute also requires that a court first determine that those acting under color of law have discriminated, so as to bring in relief in local elections as part of the judicial remedy in a proper 15th-amendment case. But the hopelessness of relying on judicial processes inherent in the pending bills impresses me as more serious and objectionable than the weakness of this statute.

In any event, without wishing to appear rhetorical or sentimental, I hope that you may find this letter helpful in your deliberations on civil rights. Racial discrimination with respect to the right to vote is galling to a democracy, stifling the very processes and philosophy which endow national power with national wisdom, and which protect those from whom power is derived from abuse by those to whom it has been entrusted.

Should you entertain any reactions to my letter, I would be pleased to hear from you at your convenience.

Sincerely,

WILLIAM W. VAN ALSTYNE.

Mr. President, I wish to say for the RECORD this afternoon that I not only thank Dean van Alstyne for the research and scholarly work he did in the preparation of this brief and for making it available to me for my study and my comments here this afteroon, but I want the RECORD to show, also, that I believe Dean van Alstyne performed a great public service which will be to his everlasting credit. This brief is a very fitting proof of his ability in carrying out the legal scholarship which he has demonstrated, not only in this instance, but on many other occasions.

I thank him very much. I say to the Senate, "You had better ponder what the dean says." I say to the Senate, "You had better watch out and see that you do not participate in the same empty civil rights gesture made in 1957 when you pased a civil rights bill which has proved to be so impotent so far as voting and effective enforcement procedures are concerned."

I hope that I may have the opportunity of voting for a civil rights bill which deserves a vote for it.

I had hoped that we could have had a broad civil rights bill which would cover many subjects that would have been covered if part III had been adopted this year. However, once again, as in 1957, it was defeated. I say the vote on the bill will prove to be a very interesting vote in this session of Congress. That rollcall vote will be one the politicians are going to hear about time and time again in the historic campaign that will take place in this country between now and next November. That will be a rollcall the American people must come to understand, because it will be one which will show the extent to which the elected representatives of a free people in the Senate in the year 1960 are willing to vote for meaningful enforcement procedures in the field of civil rights.

That will be the basis of a political debate across this country.

So far as the senior Senator from Oregon is concerned, it does not make any difference whether the individual concerned with that rollcall is a Republican or a Democrat, because the rights of minorities in this country are so much greater than any partisan interest. I divorce myself from any partisan interest in connection with that rollcall or similar rollcalls here in the Senate on civil rights matters. I wish to say to the voters of America that if a Democrat does not vote for effective enforcement procedures, then it is important that they call him to account for his vote, as it is important that they call a Republican to account for his vote.

As one who thinks it is very much in the interest of this Republic that we have a Democratic victory in 1960, I wish to say it is my hope that in the rollcall vote on the Clark-Javits amendment my Democratic colleagues will recognize the importance of standing firm and voting for an amendment which provides for effective enforcement along the very lines of the argument advanced by Dean van Alstyne in his brief.

Oh, gentlemen say to me, "Senator, don't make a political issue out of civil rights."

My reply is, "Civil rights is the greatest domestic political issue facing the American people. We cannot escape its political significance. It is a political issue. We must measure up to this political issue in the great campaign ahead."

Mr. President, I do not want to close this speech on civil rights, which may be one of my last major efforts on this subject matter during the course of this particular debate, without referring once more, this time speaking as a member of the Committee on Foreign Relations, to the civil rights issue. In my judgment, not only is it the most important domestic issue confronting the American people, but it is also one of the two most important foreign policy issues confronting the American people. Until we put into practice in the United States the true meaning of the 14th and 15th amendments, which guarantee to the colored people of the United States equal protection of the laws and the right to vote, the two basic guarantees of those two great amendments, we shall continue more and more to lose prestige in southeast Asia, Latin America, and Africa, where the color of the skin of millions of people, far in excess of the total population of the United States, does not happen to be white. They understand the civil rights issue in the United States, and they understand the hypocrisy that stalks rampant across the United States in regard to the race issue. They are not interested in our pratings about freedom until we put those freedoms into practice in the United States.

Mr. President, today in the field of foreign policy we had better face up to the civil rights issue. We had better recognize that after more than 90 long years of waiting, the time has come for the politicians to stand up and face the issue, stop their ducking, stop their rationalizing and making excuses, stop their end runs around the issue, and come to grips with it and pass some legislation in the year 1960 which they did not pass in 1957, legislation which will really have some enforcement power in it. As Dean van Alstyne says, Congress should come to grips with the power of the southern registrars and adopt procedures which will either put those southern registrars in the position where they will keep faith with the constitutional rights of the colored people, or will supplant them under the administrative procedure provided for in the Clark-Javits amendment, so as to give effective meaning to the constitutional rights of the Negroes of America.

Mr. President, I have been heard to say on many occasions, and I repeat once more, that the primary obligation of every Member of the Senate is to translate into legislation great moral values. This is a moral issue, Mr. President. No amount of political patter can ever change the fact that we are dealing not with civil rights in the narrow sense, but that we are dealing with human rights. When we deal with human rights, we deal with great moral values.

I challenge the Senate to put into practice the professings which politicians are so frequently heard to enunciate, about how we always seek to protect human values. So long as we permit a voting situation to continue in the United States where millions of colored people are in practice denied the right to vote, we cannot say that we are protecting human values.

So I hope, from the standpoint of the domestic problem that it creates and from the standpoint of the foreign relations problem it has raised as a challenge to America's good faith, that the Senate will vote against any motion to lay the Clark-Javits amendment on the table, and will come to grips with the problem of enforcement. I hope we will adopt the amendment and will serve notice that at long last the Senate of the United States is ready to support effective enforcement procedure in the field of voting rights.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. KUCHEL. The Senator from Oregon has made an effective speech. I can testify to the moving force in the world affairs today, of the manner in which all of us—in the Government and out of it—deal with the problems of race in America.

I think the Senator has highlighted one of the urgent reasons for passing at this session of Congress meaningful civil rights legislation. I have the honor to cosponsor with the Senator from Oregon, as he well knows, the pending amendment. Three years ago I stood with the Senator from Oregon and other Senators and voted in favor of part III. I did so again this year. I think it is a tragedy that on both occasions part III went down to defeat.

Well, the roll will be called tomorrow, and I venture to suggest that the argument which the Senator from Oregon has made so ably tonight may be one more reason to hope for a few more votes against tabling, and for the amendment, when the time comes to vote on those questions.

Mr. MORSE. I thank the Senator from California very much. I think the Senator knows that I always feel it is a great personal compliment to me when the senior Senator from California shares a common view with me. I always prefer to have him with me. I want him to know that I thank him very much for the gracious remarks he has just made. I am pleased to be standing shoulder to shoulder with him in support of what he and I recognize to be a responsibility of the Senate to protect human rights.

STRIKE INSURANCE

Mr. MORSE. Mr. President, the magazine the Nation, published in its issue of March 19, 1960, an article entitled "Strike Insurance," written by Mr. H. Howard Ostrin, a New York attorney.

The subject dealt with in this article is also the subject dealt with in Senate Resolution 271, submitted by me, which calls for an investigation by the Senate Committee on Labor and Public Welfare of the use of strike insurance in the newspaper industry.

In this article, Mr. Ostrin points out why strike insurance has been challenged in one State, New York, as being contrary to sound public policy. He also points out why the type of strike insurance provided in the airline carriers mutual assistance pact of 1958 amounts to a secondary boycott in reverse, one practiced by the airlines against the unions.

I also call attention to Mr. Ostrin's discussion of the strike which led to the demise of the Brooklyn Eagle, and its marked similarity to that occuring now in Portland, Oreg., against the Oregonian and the Oregon Journal.

So that the matter may receive the attention of Congress which I think it deserves, I ask unanimous consent to have this article printed in the body of the RECORD.

Mr. President, I have received a number of inquiries from persons who understandably do not understand the delay in the U.S. Senate in considering emergency matters in respect to Senate Resolution 271, submitted by me, and which calls for an investigation by the Committee on Labor and Public Welfare of certain union-busting practices allegedly engaged in by some newspaper publishers in the United States. I have written to them, but I state again, for the record, that the long civil rights debate, the filibuster which has characterized it, and the hours during which the Senate has been in session, have resulted in very few committee meetings being held during the past month. Of course, other proposed legislation is pending before the Committee on Labor and Public Welfare which I assume some persons might consider has priority, such as the minimum wage bill, of which I happen to be one of the authors, and other measures which the committee has been considering for some time past.

Mr. President, this newspaper strike story and the antiunion activities of some American employers deserve the early consideration of the Senate.

I see the Senator from Michigan [Mr. MCNAMARA] on the floor, and I know he is concerned, and has been concerned, with the status of my resolution, and made inquiry of me sometime ago about it. I want him to know that just as soon as the Senate committee gets back to holding regular sessions, I shall continue to press for the earliest possible consideration, including public hearings, of my resolution, Senate Resolution 271, which calls for an investigation of the labor practices of newspaper publishers in the United States.

Mr. President, I ask unanimous consent that the article to which I have referred be printed in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STRIKE INSURANCE

(By H. Howard Ostrin)

In a free society the right of employees to withhold their labor is inviolate and unassailable—no less basic, indeed, than the fundamental rights of "life, liberty, and the pursuit of happiness." One must recognize, however, that under our complex economy, a prolonged work stoppage, particularly in a key industry, may trespass upon the rights of the general public. Sound public policy, therefore, requires that every bona fide effort, short of compulsion, be made to accelerate the termination of all strikes.

Free collective bargaining first received the imprimatur of our Government in 1926, when Congress passed the Railway Labor Act. In addition to providing machinery for the settlement of railway and airline labor disputes through mediation, factfinding and voluntary arbitration, the act requires employers in these industries to bargain collectively with representatives of their employees. In 1935, the Wagner Act extended this concept to all other industries engaged in interstate commerce. Twelve years later, the Taft-Hartley Act extended the requirement of good-faith bargaining upon unions in their dealings with employers.

Mindful of the public's stake in industrial controversies, the Taft-Hartley Act is introduced by a succinct observation that strikes can be prevented or minimized if management and labor recognize that neither party, in its relations with the other, has the right "to engage in acts or practices which jeopardize the public health, safety, or interest."

Any device which prolongs a dispute or otherwise impinges upon the public interest should therefore be discouraged, if not rejected. By the same token, any tactics employed in the course of a labor-management impasse which contribute to, or result in, a combination to restrain or stifle free competition should be enjoined through the application of our antitrust laws.

It is within this frame of reference that the subject of strike insurance and its effect on the collective-bargaining process is here considered.

Subtly referred to as suspension insurance by the members of the American Newspaper Publishers' Association (ANPA), as a mutual assistance pact by our major airline companies, and as a service interruption agreement in the railroad industry (where its sponsors are presently seeking adherents), these industrywide strike-insurance arrangements manifestly are intended to provide self-help in the event of work stoppages.

As an economic counterweapon, doubtless beyond contemplation of Congress when it gave statutory approval to the collective-bargaining process, this stratagem may conceivably impede negotiated settlements, prolong strikes, and stifle competition—all to the detriment of the general public. In its relatively short lifetime, strike insurance may already have contributed to the demise of one company which perhaps relied too much upon its potential as a strikebreaking maneuver.

On June 30, 1955, the American Newspaper Guild, one of the first unions to be confronted with strike insurance, called upon the attorney general of the State of New York to investigate the subject of publishers' strike insurance "as a possible conspiracy in violation of the insurance and other laws of the State of New York." On August 2, 1956, the attorney general (the post was then occupied by JACOB K. JAVITS, now U.S. Senator) responded:

"Upon investigation, this office learned that insurance against business losses due to strikes did exist and was being made available to members of the American Newspaper Publishers' Association.

"The material which this department has acquired in the course of its investigation, including copies of the insurance policies then in use, was referred to the State department of insurance. On July 26, 1956, I was advised by that department that the filings of each insurance company involved were rejected on the ground that approval of such coverage would be contrary to public policy."

Referring to this rejection of a strike-insurance rate schedule by the New York State Insurance Department, Editor and Publisher, an organ of the ANPA, in its August 18, 1956, issue, noted that the ruling applied only to carriers licensed to do business in New York State. Said Editor and Publisher: "The strike insurance group merely transferred its insurance to other companies. • • •"

Available evidence supports the conclusion that strike insurance can be procured only from foreign firms.

Suspension insurance, though not generally publicized, has been available to members of the ANPA for many years. The details of the plan currently in effect are particularized in a 7-page memorandum issued by the Newspaper Publishing Premium Fund on May 29, 1958. The sponsoring committee anticipates "that the aggregate coverage issued by the underwriters will not be less than $17,500,000." Premium checks are payable in U.S. dollars to the order of the Montreal Trust Co.

In the event of total suspension of publication, the full daily indemnity will be paid beginning with the eighth publishing day after the strike starts and will continue thereafter for a period of 25, 50, or 100 days, depending upon the premium paid; or upon termination of the strike, whichever occurs first. Benefits are also payable in the event of a partial suspension of publication. These consist of reimbursement for actual losses such as fixed charges, expenses and loss of profits; provided that the total benefits paid do not exceed the amount that would have been paid in the event of total suspension.

The maximum daily benefit is fixed at $10,000 per publishing day and $500,000 in the aggregate, payable in U.S. dollars. (The underwriters are located in Canada.)

The cost of insurance is determined on the following basis: $123, $163.50 or $303 per $100 of premium indemnity, depending upon whether the insured desires 25, 50 or 100 days of coverage. Sunday insurance may be purchased by the payment of an additional premium.

Indemnity payments will be made only if the insured publisher offers to arbitrate his dispute with the striking union. He need not, however, offer to arbitrate where the strike issue involves news and editorial policy, assignments of editors, reporters or writers, pension or welfare plans, union shop or other forms of union security unless such provisions are already included in the collective bargaining agreement.

Whether strike insurance contributed to the demise in 1956 of the century-old Brooklyn Eagle and the consequent loss of more than 600 jobs is a debatable matter as to which reasonable men may differ. That it affected the course of negotiations and paradoxically led to an avoidable strike is much less subject to speculation.

After nearly 5 months of fruitless negotiations with the Eagle, the Newspaper Guild of New York offered to have an arbitrator determine whether its members were entitled to receive the wage increase they were then demanding. Had the publisher accepted, a strike would have been averted. Instead, the Eagle invited the guild to arbitrate the entire agreement. Since money was the only real dispute between them, the guild rejected the publisher's proposal and the strike ensued.

Were it not for a subsequent arbitration proceeding involving the guild's demand to recover severance pay and other fringe items on behalf of its members whose employment terminated with the suspension of the paper's publication, the publisher's offer to arbitrate the entire contract might well have been shrouded in mystery to this very day.

During the severance pay arbitration, where the writer appeared as counsel for the guild, the following admissions were elicited from the publisher:

The Eagle, as a member of the American Newspaper Publishers Association, had been carrying strike insurance for approximately 20 years at an annual premium cost of close to $10,000.

Receipt of the daily indemnity benefits under the insurance policy (in this case $5,000) was conditioned upon a firm offer by the publisher to submit its dispute with the guild "to a fair and impartial arbitration by a disinterested party. That is, any agency which can be shown to be fully disinterested, fair and impartial in the ordinary sense in which these words are commonly employed, and to abide by such arbitration." (The quoted words are taken verbatim from the insurance policy.)

Acceptance of the guild's offer to arbitrate would clearly have satisfied that condition. But this was not what the publisher wanted. In the first place, acceptance would have averted a strike and there obviously could not have been any recovery under the strike-insurance policy. Secondly, and this was admitted, the guild would have been successful in so limited an arbitration.

So the publisher, mindful of the language of its insurance policy, made the following proposal:

Management is willing to submit the settlement of this contract in its entirety, clause by clause, to a fair and impartial arbitration by a disinterested party. That is, by an agency which can be shown to be fully disinterested, fair and impartial in the ordinary sense in which those words are commonly employed, and to abide by such arbitration.

A strike occurred; the Eagle collected $250,000 in strike-insurance indemnities and, on March 6, 1955, went out of business. Commenting on the Eagle strike, Fortune, in its April 1957, issue, wrote:

"One reason why the Brooklyn Eagle, a large community newspaper, could afford to hold out during a month-and-a-half-long Newspaper Guild strike is strike insurance carried by the paper. (It is true that the Eagle has strike insurance,' admits Publisher Frank B. Schroth. 'I also have burglary and fire insurance.') • • • Almost every major daily in New York as well as many in other cities carries strike insurance. The risk is spread among the American Newspaper

Publishers Association, Lloyds of London, and a U.S. insurance company."

The Airline Carriers Mutual Assistance Pact of October 1958, is simply another form of strike insurance with a slightly different twist. Sponsored by American, Capital, Eastern, Pan American, United, and Trans World Airlines, the agreement provides for mutual assistance in the event any participating company's flight operations are shut down by reason of:

"1. A strike called to enforce demands in excess of or opposed to the recommendations of the Board established by the President of the United States under the Railway Labor Act; or

"2. A strike called before the employees on strike shall have exhausted the procedures of the Railway Labor Act; or

"3. A strike which is otherwise unlawful."

Should any of these events occur, the parties not affected agree to pay over to the struck operator an amount equal to their increased revenues attributable to the strike, less expenses. Such payments are to be monthly or more frequently, if the parties so agree, for the duration.

The agreement obligates the struck company to make every reasonable effort to encourage the public to patronize the nonaffected operators during the strike period. This simply means that if a strike should be called against Capital Airlines, Capital will undertake to urge its customers to patronize its airline competitors to the exclusion of rail or bus facilities.

The Federal Aviation Act of 1958 mandates the Civil Aeronautics Board to reject an agreement between or among airline carriers which offends the Railway Labor Act or the public interest. Accordingly, and at the Board's invitation, the carriers and affected labor organizations participated in oral argument on the question as to whether the mutual assistance pact should be approved.

In its decision made public on May 20, 1959, the Board unanimously rejected that portion of the agreement which dealt with the diversion of traffic by a struck company to other subscribing carriers, saying that the "concerted effort to shuttle traffic among a restricted group of carriers is repugnant to antitrust principles." The remainder of the agreement, however, was qualifiedly approved by a vote of 4 to 1.

Rejecting the unions' contention that the agreement repudiates good-faith collective bargaining as required by the Railway Labor Act which has jurisdiction over labor relations in the airline industry, the majority observed:

"Nothing by the parties shows that the operation of the agreement will, in fact, induce the carriers to disregard the obligations imposed by law. * * * The record is devoid of any showing that the duration of any dispute was prolonged as a result of the agreement."

In this connection it is noteworthy that the majority was sharply criticized by the dissenting Board member. Minetti, for its failure to require an evidentiary hearing in order to explore the critical issues raised by the agreement.

The Board's majority also turned down the unions' argument that the pact, if allowed to stand, would bring carriers who were not parties to a particular controversy into a strike situation.

To fully appreciate the unions' position in this regard, one must understand that the Railway Labor Act prohibits multiemployer bargaining without employee consent. A collective labor agreement in the airline and railroad industries can be made only with a single company. Assume, therefore, that Airline Pilots Association strikes Capital Airlines to enforce its contract demands. Under the airlines mutual assistance pact, the nonstruck subscribing carriers are required to marshal their economic strength on behalf of Capital against the striking union. In these circumstances, the pilots association will necessarily be contending against a formidable group of carriers instead of the one with whom it has a dispute.

A striking union which enlists the support of unions having collective bargaining agreements with neutral employers is chargeable with unlawful secondary boycott activity. Apparently, so far as the CAB is concerned, a group of carriers having no immediate dispute with a union engaged in a strike against another company, may nevertheless lend economic force to the striking company. For the time being, at least, the secondary boycott in reverse has gained the imprimatur of one governmental agency.

The union also unsuccessfully attacked that portion of the agreement which provides for mutual assistance in the event a union calls a strike without accepting the recommendations of the Federal Emergency Board. Emphasizing that Congress intended such recommendations to be free from compulsion, the unions argue that the mere existence of the pact not only violated the concept of free collective bargaining, but also could so reduce or neutralize its economic potential as to compel acceptance to the alternative of striking against the combined economic strength of all parties to the agreement even though the dispute might be with one company.

Obviously impressed with this argument, Mr. Minetti wrote:

"The purpose of the agreement is to provide the combined economic power to enforce settlement of labor disputes on whatever terms an Emergency Board may recommend. The agreement thus aims at perpetuation of the tendency to defer bargaining until the issuance of an Emergency Board report, since its only effect on present bargaining practices is to make them more attractive.

"This increased use of Emergency Board recommendations as a carrier's first counteroffer is an unequivocal violation of the bargaining mandate of the Railway Labor Act, since the statute requires good-faith bargaining before the creation of an Emergency Board. No carrier can know, during the negotiating period which precedes the establishment of an Emergency Board, what recommendations an Emergency Board will make or even if the creation of an Emergency Board will be recommended. As a practical matter then, the carrier cannot freely bargain in good faith if it intends to rely on Emergency Board recommendations, since it would thereby risk offering its employees more than the Emergency Board will ultimately recommend. The absence of good-faith bargaining during this period, however, is in flat violation of the Railway Labor Act."

Strike insurance appears to have attracted the interest of the railroad industry as its most recent adherent. The Wall Street Journal of July 13, 1959, reported the fact under the following headline: "Railroads Devise Plan To Hedge Their Risks if Unions Walk Out; Secret Policy Would Pay Fixed Costs."

Referred to as a "service interruption agreement," the proposed policy of insurance is scheduled to become effective when railroad companies accounting for 65 percent of the industry's gross operating revenues agree to subscribe.

According to the Wall Street Journal, envelopes containing the proposed policies have been addressed to some 300 members of the Association of American Railroads—marked "Confidential." A memorandum preceding the mailing advises officials how to brush off the press in the event it learns of the plan.

The insurance provides for the pooling of funds with benefits as high as $600,000 per day payable to a struck carrier. Rejected by U.S. insurance companies, the policies are being underwritten by a newly formed Bahaman company known as the Imperial Insurance Co., Ltd., of Nassau, which in turn is associated with Lloyds of London.

This is how the plan is expected to function:

1. Each subscribing carrier, at the very outset, will be required to deposit with a Nassau bank the equivalent of its own fixed charges for 1 day. These are defined to include property taxes, pension and interest charges, sinking fund payments, equipment trust obligations, and all costs of supervisory forces necessary to preserve the railroad's properties in a standby position.

2. Premium costs will be determined by the frequency and duration of strikes in each year.

3. Annual administrative costs, presently estimated at $150,000, will be assumed by the participating companies.

4. In the event of a strike, the insured carrier will be fully protected against all of its fixed charges for the duration of the stoppage.

These are the limitations:

1. The plan will not become operative unless at least 65 percent of the industry's gross 1958 revenues sign up.

2. Benefits will not be paid if 50 percent of the industry participating in the plan is struck.

Other conditions are as follows: The strike must not be in conflict with the Railway Labor Act, and it must not be the result of the carrier's attempt to enforce demands contrary to the recommendations of a Presidential emergency board.

Guy L. Brown, president of the Engineers Union, is quoted as having said: "I think you would see quite a few of our lawyers in court if the companies try anything like strike insurance."

If current negotiations in the railroad industry should break down and a strike result, it is not inconceivable that railroad strike insurance may well affect its scope and duration. Insulated against fixed charge losses for the duration, the struck carriers will be less exposed to the normal economic pressures which produce early settlements. This, of course, will militate against the public interest.

Demonstrably, the propriety and legality of strike insurance is open to serious question. It has officially been declared to be against public policy in New York State. The Civil Aeronautics Board, after rejecting a key provision in the Airline Carriers' Mutual Assistance Pact, qualifiedly approved the remainder of the agreement.

There is little doubt but that the railroad unions will challenge the legality of the "service interruption agreement" in their industry by invoking the Railway Labor Act and possibly the antitrust laws.

Following a strike against the Ridder newspaper in St. Paul, Minn., the American Newspaper Guild requested a congressional investigation of strike insurance, and the matter was referred to the McClellan committee. So far as the writer is able to determine, the committee never got around to this question. Certainly no public hearings were held. Evidently the committee was so preoccupied with its concern to expose union abuses that it never could find the time to inquire into the subject of employer strike insurance.

It remains for the courts, or perhaps another congressional committee, to consider the effect of strike insurance upon the collective bargaining process and the public at large.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools, R–I, Missouri.

During the delivery of Mr. MORSE's remarks,

Mr. JOHNSON of Texas. Mr. President, will the Senator from Oregon yield, in order to permit me to make an inquiry, if it is understood that in yielding for that purpose, he will not lose the floor?

Mr. MORSE. Yes, Mr. President; I yield.

Mr. JOHNSON of Texas. I wonder whether I may inquire of the Senators now present whether they think we can reach a vote at a reasonable hour this evening.

First, let me inquire how long the Senator from Oregon anticipates he may occupy the floor.

Mr. MORSE. In my judgment, approximately 30 minutes longer.

Mr. JOHNSON of Texas. I understand that the Senator from Connecticut [Mr. BUSH] and the Senator from New York [Mr. JAVITS] will also wish to address the Senate. Let me inquire of them how long tney anticipate they will speak.

Mr. JAVITS. I had planned to speak for three-quarters of an hour, but I could reduce that to 30 minutes or 20 minutes, if that were desired.

Mr. JOHNSON of Texas. Let me also inquire of the Senator from Illinois.

Mr. DIRKSEN. I would need sufficient time to make the case in chief in opposition to this amendment; and I think that would require an hour.

Mr. JOHNSON of Texas. How much time will the junior Senator from New York require?

Mr. KEATING. I would say 3 minutes would be sufficient.

Mr. JOHNSON of Texas. How much time does the Senator from Mississippi need?

Mr. STENNIS. The Senator from Mississippi does not expect to speak, but the Senator from Virginia [Mr. ROBERTSON] has prepared a statement on the merits of this matter, and he will speak 40 to 50 minutes.

Mr. JOHNSON of Texas. How much time does the Senator from Michigan need?

Mr. McNAMARA. About 15 to 20 minutes.

Mr. JOHNSON of Texas. In view of the indications, we shall be here until a rather late hour. I will keep the Senate in session for as long as Senators desire to stay, but I will not ask for a record vote this evening, so all Senators may be informed.

I thank the Senator from Oregon for yielding to me.

Mr. McNAMARA. Mr. President, if the debate in recent weeks on civil rights and voting rights has proved one thing, it is this:

Members of the Senate who are interested in guaranteeing these rights do not lack imagination in drawing up proposed solutions to the problem.

We now have before us the latest suggestion for insuring voting rights. This one has been submitted by the senior Senator from Pennsylvania [Mr. CLARK], and I have joined in sponsoring it.

Previously, other plans have been presented to the Senate. If this one fails of adoption, I am sure there are others that will follow.

While personally I would prefer that we concentrate all our efforts on a single voting-rights section, the fact that so many variations have been proposed is a healthy sign.

First, I believe it demonstrates a firm desire on the part of many Members of the Senate to include a voting rights section in any civil rights legislation.

The question is not whether there will be such a section. The question is which one, and how effective will it be?

It is vitally important, of course, that we do not permit a voting-rights label to be attached to a watered-down, ineffective provision that will give only lipservice to the enforcement of this constitutional right.

Second, the fact that so many voting-rights proposals have been submitted indicates that Senators are eager to take the right course, and not to force upon anyone something unfair or unworkable.

It seems to me that at least four basic requirements of a voting-rights section must be present if Congress is going to do the job of implementing the 15th amendment. The four criteria, as I view the matter, are these:

There must be a fair method for determining that there is a pattern or practice of depriving persons of their right to register and to vote because of their race or color, or that a substantial number have been denied this right.

Next, once this pattern or practice is found to exist, applicants must be allowed to register directly with the governmental officials designated by the law, without first going through the degrading practice of being turned down by a local or State registrar.

It is essential that the registration and the right to vote provided for under any new Federal law shall apply both to State elections and Federal elections, and not to Federal elections alone.

Finally, I feel that it definitely is necessary that one who registers and votes under such a law shall be permitted to cast his vote and have it counted, prior to the determination of any challenge.

I think all those who are seriously interested in protecting the right to vote of all eligible American citizens will agree with me that these criteria are essential in a voting-rights section.

The framework of such a bill—regardless of whether there are to be enrollment officers, registrars, and referees, and regardless of how they are appointed—is open to question and debate.

But I firmly believe that if any one of the criteria I have listed is missing from the final bill, the effectiveness of the legislation will have been seriously weakened.

Under these criteria, the pattern or practice of voting discrimination will have been proved in a case brought before a Federal district court.

If we have any confidence in our judicial system—and we must have, if we are to believe in the Constitution—we can expect that the court will do justice. If no such pattern or practice exists, the court will so find. But if there is discrimination in significant proportions because of race or color, the court will determine that, too.

We should not expect American citizens for whom the court has determined there has been an illegal deprivation of the constitutional rights, to be forced to go, one by one, to the local registrar, and be turned down, before they can retrieve their rights. The finding of a pattern or practice should be enough to permit these citizens to go directly to the Federal official.

Neither should there be any argument over the application of these voting rights to local elections, as well as Federal elections. To restrict the right to vote to a Federal election would be to make a mockery of citizenship responsibilities, as well as of the meaning of the 15th amendment.

Neither should there be controversy over the necessity of having a challenged vote counted in such cases, and then having the vote impounded until the validity of the challenge is determined. To do otherwise would be to offer many avenues for delay and interference, which could, at the last moment, nullify the intent of the voting-rights law.

The Clark amendment now pending before the Senate contains the criteria which I have listed; and for that reason I will support it.

In addition, the Clark amendment offers a choice between the referee proposal and the enrollment officer plan, either one of which could be put into effect as the circumstances warrant.

As I have said, Mr. President, the framework of the bill can be discussed and altered so as to make it the most effective. But the principle is plain and was endorsed by the Civil Rights Commission by a 5 to 1 vote.

However, it seems to me we are faced with one fundamental proposition: If there is no wholesale deprivation of the right to vote, then—no matter which voting-rights plan we enact—the plan will not have to be applied. But if there is such discrimination—and we have ample evidence that there is—then we must have at hand the tools with which to take fast and effective action.

RECESS

The PRESIDING OFFICER (Mr. BARTLETT in the chair). What is the will of the Senate?

Mr. KUCHEL. Mr. President, in accordance with the order previously entered, I move that the Senate now stand in recess until tomorrow at 12 o'clock meridian.

The motion was agreed to; and (at 7 o'clock and 6 minutes p.m.) the Senate took a recess, under the order previously entered, until tomorrow, Tuesday, March 22, 1960, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 21, 1960:

PUBLIC HOUSING COMMISSIONER

Bruce Savage, of Indiana, to be Public Housing Commissioner, vice Charles E. Slusser, resigned.

U.S. DISTRICT JUDGE

Oren R. Lewis of Virginia to be U.S. district judge for the eastern district of Virginia, vice Sterling Hutcheson, retired.

U.S. MARSHALS

Oliver H. Metcalf, of Pennsylvania, to be U.S. marshal for the middle district of Pennsylvania for the term of 4 years. He is now serving in this office under an appointment which expires March 1, 1960.

James Crawford, Jr., of Texas, to be U.S. marshal for the eastern district of Texas for a term of 4 years. He is now serving in this office under an appointment which expires April 24, 1960.

BOARD OF PAROLE

Richard A. Chappell, of Georgia, to be a member of the Board of Parole for the term expiring September 30, 1966. He is now serving in this post under an appointment which expires September 30, 1960.

William F. Howland, Jr., of Virginia, to be a member of the Board of Parole for the term expiring September 30, 1966. He is now serving in this post under an appointment which expires September 30, 1960.

POSTMASTERS

CALIFORNIA

Joseph T. Collins, Fair Oaks, Calif., in place of L. L. Webb, retired.

John R. Riley, Orange Cove, Calif., in place of A. L. Schoepf, deceased.

Hazel L. Gill, Seven Oaks, Calif., in place of W. W. Glass, retired.

CONNECTICUT

Edward E. Moseley, Rowayton, Conn., in place of H. L. vonDwingelo, deceased.

GEORGIA

Alexander P. Dempster, Milledgeville, Ga., in place of B. E. Harrison, deceased.

Ann S. Cole, Montezuma, Ga., in place of G. S. Gardner, retired.

IDAHO

Levin H. Benson, Cobalt, Idaho, in place of V. M. McPherson, resigned.

Jesse L. Dobbs, Kuna, Idaho, in place of H. N. Hinckley, removed.

ILLINOIS

J. Howard Meade, Enfield, Ill., in place of C. M. Jordan, deceased.

Robert L. Delap, Piper City, Ill., in place of S. W. Lane, deceased.

INDIANA

Virgil R. Myers, Francesville, Ind., in place of O. O. Welden, retired.

IOWA

Jonas Christianson, Slater, Iowa, in place of M. B. Chader, deceased.

Lyle E. Rafferty, Mankato, Kans., in place of E. L. Brinkworth, deceased.

Howard L. Robinson, Sabetha, Kans., in place of G. I. Althouse, retired.

Clyde F. Christenson, Tescott, Kans., in place of C. C. Chambers, retired.

Carl L. Synder, Jr., Wilmore, Kans., in place of C. O. Masterson, retired.

KENTUCKY

Joseph R. Powers, Cloverport, Ky., in place of R. H. Miller, deceased.

Pauline A. Clift, Fredonia, Ky., in place of L. B. Young, retired.

MARYLAND

Bernard L. Seger, Muirkirk, Md., in place of Alvin Parsons, retired.

MICHIGAN

James A. Mitchell, Hadley, Mich., in place of E. A. Hadley, retired.

MINNESOTA

Henry S. Blexrud, Caledonia, Minn., in place of E. J. Crotty, retired.

Leonard W. Stanton, Graceville, Minn., in place of V. P. Fermoyle, deceased.

Marvin L. Lorentz, Hastings, Minn., in place of A. L. Erickson, deceased.

MONTANA

Pearl M. Murr, Flaxville, Mont., in place of R. E. Hewett, retired.

NEBRASKA

Leslie F. DeLashmutt, Burwell, Nebr., in place of N. G. Fackler, resigned.

John W. Putman, Tecumseh, Nebr., in place of L. C. Kuster, retired.

NEW JERSEY

Arthur Boertmann, Cranford, N.J., in place of A. F. Metz, retired.

Elwood B. Croll, Milford, N.J., in place of Wilmer Lawrence, retired.

Arlton W. Pilling, Woodbury, N.J., in place of L. A. Pirne, retired.

NEW YORK

Anna M. Phillips, Ellington, N.Y., in place of R. M. Seekins, retired.

Mary L. Galpin, Kanona, N.Y., in place of D. K. Griesa, resigned.

Shirley C. Egler, Mountainville, N. Y., in place of B. S. Ketcham, retired.

William H. Dunn, Schenectady, N.Y., in place of J. F. Connelly, deceased.

NORTH CAROLINA

Hugh C. Greenwood, Roaring River, N.C., in place of Bessie Caudill, retired.

NORTH DAKOTA

Robert G. Follis, New Town, N. Dak., in place of H. L. Olsen, retired.

OHIO

Frank P. Jackson, Jr., Ashley, Ohio, in place of R. A. Whipple, deceased.

Ronald R. Rose, Hudson, Ohio, in place of W. A. Ellsworth, retired.

Jacque E. Mintchell, Jackson Center, Ohio, in place of P. L. Sailor, resigned.

OKLAHOMA

Hugh D. Cockrell, Eagletown, Okla., in place of Mattie Graham, retired.

Jimmie L. White, Langston, Okla., in place of P. P. Edgar, removed.

E. Blake Grennell, Okeene, Okla., in place of A. M. Farhar, deceased.

Louis L. Henson, Spavinaw, Okla., in place of L. V. Walker, retired.

PENNSYLVANIA

Arnold J. Polidori, Archbald, Pa., in place of R. A. McHale, retired.

PUERTO RICO

Ramon Alvarez, Fajardo, P.R., in place of Adela Delpin, retired.

SOUTH CAROLINA

Thomas P. Edwards, Gresham, S.C., in place of V. W. Edwards, retired.

TEXAS

Fearnon L. Miller, Shelbyville, Tex., in place of S. A. Cannon, resigned.

Grady E. Martin, Silverton, Tex., in place of E. C. Fowler, deceased.

UTAH

Fred W. Cooper, Provo, Utah, in place of W. R. Green, retired.

WEST VIRGINIA

Ison T. White, Jr., Hopemont, W. Va., in place of Herman Taylor, retired.

WISCONSIN

James M. Rumpf, Cambridge, Wis., in place of L. C. Porter, retired.

Roger W. Novy, Hillsboro, Wis., in place of E. C. Hammer, transferred.

Stanley E. Trachte, Marshall, Wis., in place of M. E. Lazers, retired.

Emil W. Matter, Pittsville, Wis., in place of J. P. Pabst, retired.

HOUSE OF REPRESENTATIVES

MONDAY, MARCH 21, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

John 6: 38: *I came not to do mine own will, but the will of Him that sent me.*

Our Heavenly Father, as we again come unto Thee in prayer, may we not seek Thy strength and guidance to achieve our own personal wishes and desires but that we may know how to bring to fulfillment Thy beneficent plans and purposes for mankind.

Grant that it may be the goal of all our hopes and the deepest longing of our hearts to be worthy and faithful coworkers with Thee in doing Thy will.

Inspire us with the wisdom and the will to hasten the dawning of that blessed day when there shall be peace on earth.

We penitently confess that to establish peace appears at times so visionary that we have not the faith and courage to try it.

Open our minds and hearts that we may understand that love and peace are the divine and natural order of things in human society and that hatred and ill-will are a delusion and a snare of the devil.

Hear us in our Saviour's name. Amen.

THE JOURNAL

The Journal of the proceedings of Friday, March 18, 1960, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Ratchford, one of his secretaries.

ESTATE OF SINCLAIR G. STANLEY

Mr. LANE. Mr. Speaker, I call up the conference report on the bill (S. 607) for the relief of Sinclair G. Stanley, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1405)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 607) for the relief of the estate of Sinclair G. Stanley, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same.

THOMAS J. LANE,
HAROLD D. DONOHUE,
JOHN E. HENDERSON,
Managers on the Part of the House.

JOHN A. CARROLL,
PHILIP A. HART,
EVERETT M. DIRKSEN,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 607) for the relief of the estate of Sinclair G. Stanley, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

When this proposed measure passed the House it was amended by striking all of the language in the first sentence following the figure "$33,333" in page 1, line 6 of the bill down through and including "1946" in line 8. This amendment eliminated the provision for the payment of simple interest at the rate of 3 percent per annum from November 1, 1946. In the committee of conference it was agreed that the Senate recede from its disagreement to the amendment of the House.

THOMAS J. LANE,
HAROLD D. DONOHUE,
JOHN E. HENDERSON,
Managers on the Part of the House.

Mr. LANE. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PRIVILEGES OF THE HOUSE—CASE OF UNITED STATES OF AMERICA AGAINST BERNARD SILBER

Mr. WALTER. Mr. Speaker, I rise to a question of the privilege of the House.

The SPEAKER. The gentleman from Pennsylvania will state the question.

Mr. WALTER. Mr. Speaker, I have been subpenaed to appear before the U.S. District Court for the District of Columbia to testify on the 21st day of March 1960, at 10 a.m., in the case of the United States of America against Bernard Silber. Under the precedents of the House, I am unable to comply with this subpena without the consent of the House, the privileges of the House being involved. I, therefore, submit the matter for the consideration of this body.

Mr. Speaker, I send to the desk the subpena.

The SPEAKER. The Clerk will report the subpena.

The Clerk read as follows:

U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA—UNITED STATES OF AMERICA v. BERNARD SILBER—CRIMINAL No. 753-58

To Representative FRANCIS E. WALTER,
House Office Building:

You are hereby commanded to appear in the U.S. District Court for the District of Columbia at Third and Constitution Avenue NW., fourth floor, courtroom 8 in the city of Washington on the 21st day of March 1960 at 10 o'clock a.m. to testify in the above-entitled case.

This subpena is issued on application of the defendant.

HARRY M. HULL, *Clerk.*
By JOHN A. O'BRIEN,
Deputy Clerk.

MARCH 4, 1960.

David Rein, attorney for defendant, Washington, D.C.

REREFERENCE OF BILL

Mr. MURRAY of Tennessee. Mr. Speaker, I ask unanimous consent that the bill (H.R. 10432) for the relief of Arthur B. Tindell, which was referred to the Post Office and Civil Service Committee, be rereferred to the Committee on the Judiciary.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

THIRD SEMIANNUAL REPORT FROM SECRETARY OF THE INTERIOR—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States, which was read and referred to the Committee on Interior and Insular Affairs:

To the Congress of the United States:

I transmit herewith the Third Semiannual Report of the Secretary of the Interior prescribed by section 5 of the act of August 21, 1958, entitled "To provide a program for the discovery of the mineral reserves of the United States, its Territories, and possessions by encouraging exploration for minerals, and for other purposes."

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *March 21, 1960.*

CONSENT CALENDAR

The SPEAKER. This is the day for the call of the Consent Calendar. The Clerk will call the first bill on the Consent Calendar.

PROMOTING EFFECTUAL PLANNING, DEVELOPMENT, MAINTENANCE, AND COORDINATION OF WILDLIFE, FISH, AND GAME CONSERVATION AND REHABILITATION IN MILITARY RESERVATIONS

The Clerk called the bill (H.R. 2565) to promote effectual planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation in military reservations.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGELL. Mr. Speaker, reserving the right to object, I note that the author of the bill is on the floor. I may say to the House that I ask these questions not out of objection to the bill or the position of the distinguished gentleman from Florida, but for the information of the House. I understand there have been some objections to one part of this bill. I would greatly appreciate it if the gentleman would tell us whether he has an amendment which will correct those objections.

Mr. SIKES. If my distinguished colleague will yield, may I state that is exactly the situation. The bill (H.R. 2565) is designed to expand and develop the program of wildlife, fish, and game conservation on military reservations, and to improve wildlife management practices. There has been some apprehension that this legislation would invade the jurisdiction of the States in the matter of licensing and in the field of game and fish laws. I am glad to state that these problems have, we believe, been cleared up to everyone's satisfaction, through an amendment which I have at the Clerk's desk. The amendment has been approved by the Committee on Merchant Marine and Fisheries and I plan to offer it at the proper time.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Defense is hereby authorized and directed to carry out a program of planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation in military reservations in cooperation with the Secretary of the Interior through the Fish and Wildlife Service. The Secretary of Defense is hereby authorized and directed to adopt suitable regulations for such conservation and rehabilitation in accordance with a general plan agreed upon between the Secretary of Defense and the Secretary of the Interior, including provisions for the restocking, propagation, and conservation of game and fish in said reservations. Such regulations shall provide for the issuance of hunting and fishing permits to individuals and shall require the payment of a nominal fee therefor, which fees shall be utilized for restocking, propagation, and other related wildlife activities in said reservations. Such regulations shall not be inconsistent with, insofar as possible, the law and regulations of the respective States relating to hunting and fishing.

SEC. 2. That the Secretary of Defense is hereby authorized and directed to expand a sum equal to all sums hereafter accumulated from money collected through the sale of game and fishing permits in military reservations after the adoption of the program authorized by this Act for the purpose of said program. Proper accounting of funds thus expended shall be made at the direction of the Secretary.

SEC. 3. That the Department of Defense is held free from any liability to pay into the Treasury of the United States upon the operation of said program authorized by this Act any funds which may have been or may hereafter be expended to carry out the purposes of said program, and which expenditure has been properly accounted for to the Comptroller General of the United States.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That the Secretary of Defense is hereby authorized and directed to carry out a program of planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation

in military reservations located in a State, territory, or possession of the United States. Such a program shall be carried out, with respect to each such military reservation, in cooperation with the Secretary of the Interior through the Fish and Wildlife Service and with an appropriate State agency designated by the State in which the reservation is located. The Secretary of Defense is hereby authorized and directed to adopt suitable regulations for such conservation and rehabilitation in accordance with a general plan agreed upon between the Secretary of Defense and the Secretary of the Interior, including provisions for the restocking, propagation, and conservation of game and fish in said reservations. Such regulations shall provide for the issuance of hunting and fishing permits to individuals and shall require the payment of a nominal fee therefor, which fees shall be utilized for restocking, propagation, and other related wildlife activities in said reservations. Such regulations shall require that all hunting, fishing, and trapping at any reservation shall be in accordance with the fish and game laws of the State, territory, or possession in which it is located; except that the Secretary of Defense, after consultation with the Secretary of the Interior through the Fish and Wildlife Service and with the appropriate State agency may make exceptions thereto if necessary in carrying out the program prescribed by this Act.

"SEC. 2. That the Secretary of Defense is hereby authorized and directed to expend all sums heretofore unexpended or hereafter accumulated from money collected though the sale of game and fishing permits in military reservations after the adoption of the program authorized by this Act for the purpose of said program. Proper accounting of funds thus expended shall be made at the direction of the Secretary, and the Secretary shall report annually to the Congress concerning operations and expenditures under this Act.

"SEC. 3. That the Department of Defense is held free from any liability to pay into the Treasury of the United States upon the operation of said program authorized by this Act any funds which may have been or may hereafter be expended to carry out the purposes of said program, and which expenditure has been properly accounted for to the Comptroller General of the United States.

"SEC. 4. Nothing herein contained shall modify, amend or repeal any authority heretofore granted under the provisions of Public Law 85–337."

Mr. SIKES. Mr. Speaker, I offer a substitute for the comr ttee amendment.

The Clerk read as follows:

Amendment offered by Mr. SIKES as a substitute for the Committee amendment:

"Section 1. The Secretary of Defense is hereby authorized to carry out a program of planning, development, maintenance, and coordination of wildlife, fish and game conservation and rehabilitation in military reservations in accordance with a cooperative plan mutually agreed upon by the Secretary of Defense, the Secretary of Interior and the appropriate State agency designated by the State in which the reservation is located. Such cooperative plan may stipulate the issuance of special State hunting and fishing permits to individuals and require this payment of a nominal fee therefor, which fees shall be utilized for the protection, conservation and management of fish and wildlife, including habitat improvement and related activities in accordance with the cooperative plan: *Provided*, The commanding officer of the reservation or persons designated by him are authorized to enforce such special hunting and fishing permits and to collect the fees therefor, acting as agent or agents for the State if the cooperative plan so provides.

"SEC. 2. The Secretary of Defense in cooperation with the Secretary of Interior and the appropriate State agency is authorized to carry out a program for the conservation, restoration and management of migratory game birds on military reservations, including the issuance of special hunting permits and the collection of fees therefor, in accordance with a cooperative plan mutually agreed upon by the Secretary of Defense, the Secretary of the Interior and the appropriate State agency: *Provided*, That possession of a special permit for hunting migratory game birds issued pursuant to this act shall not relieve the permittee of the requirements of the Migratory Bird Hunting Stamp Act as amended nor of the requirements pertaining to State law set forth in Public Law 85–337.

"SEC. 3. The Secretary of Defense is directed to expend such funds as may be collected or transferred in accordance with the cooperative plans agreed to pursuant to this act, such expenditures to be made in furtherance of the purposes of this act and for no other purpose.

"SEC. 4. The Department of Defense is held free from any liability to pay into the Treasury of the United States upon the operation of the program or programs authorized by this act any funds which may have been or may hereafter be collected, received or expended pursuant to, and for the purposes of, this act, and which collections, receipts and expenditures have been properly accounted for to the Comptroller General of the United States.

"SEC. 5. Nothing herein contained shall be construed to modify, amend or repeal any provision of Public Law 85–337."

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GREAT LAKES PILOTAGE

The Clerk called the bill (H.R. 57) to require pilots on certain vessels navigating U.S. waters of the Great Lakes, and for other purposes.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

INCLUDING FLOATING DRYDOCKS UNDER THE TERM "VESSEL"

The Clerk called the bill (S. 107) to amend title XI of the Merchant Marine Act, 1936, relating to Federal ship mortgage insurance, in order to include floating drydocks under the definition of the term "vessel" in such title.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AGRICULTURAL ATTACHÉ ROTATION

The Clerk called the bill (H.R. 8074) to amend section 602 of the Agricultural Act of 1954.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

PROMOTING PEACE THROUGH REDUCTION OF ARMAMENTS

The Clerk called the resolution (H. Con. Res. 393) to promote peace through the reduction of armaments.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that the joint resolution be stricken from the Consent Calendar.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

HUBBELL TRADING POST NATIONAL HISTORIC SITE, ARIZ.

The Clerk called the bill (H.R. 7279) to authorize the establishment of the Hubbell Trading Post National Historic Site, in the State of Arizona, and for other purposes.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

LAND FOR PAN AMERICAN HEALTH ORGANIZATION HEADQUARTERS

The Clerk called the bill (H.R. 7579) to authorize the acquisition of land for donation to the Pan American Health Organization as a headquarters site.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

OPTOMETRISTS IN VA OUTPATIENT PROGRAM

The Clerk called the bill (H.R. 7966) to amend section 601 of title 38, United States Code, to provide for the furnishing of needed services of optometrists to veterans having service-connected eye conditions.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 601(6) of title 38, United States Code, is amended by inserting immediately after "medical examination and treatment," the following: "optometrists' services,".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMEND SOLDIERS AND SAILORS CIVIL RELIEF ACT

The Clerk called the bill (H.R. 3313) to amend section 200 of the Soldiers and Sailors Civil Relief Act of 1940 to permit the establishment of certain facts by a declaration under penalty of perjury in lieu of an affidavit,

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subdivision (1) of section 200 of the Soldiers and Sailors Civil Relief Act of 1940 (50 U.S.C. App. 520) is amended by adding at the end thereof the following new sentence: "Whenever, under the laws applicable with respect to any court, facts may be evidenced, established, or proved by an unsworn statement, declaration, verification, or certificate, in writing, subscribed and certified or declared to be true under penalty of perjury, the filing of such an unsworn statement, declaration, verification, or certificate shall satisfy the requirement of this subdivision that facts be established by affidavit."

SEC. 2. Subdivision (2) of such section 200 is amended by inserting immediately after "affidavit required under this section," the following: "or a statement, declaration, verification, or certificate certified or declared to be true under penalty of perjury permitted under subdivision (1),".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REMISSION OF INDEBTEDNESS OF MEMBERS OF THE NAVY

The Clerk called the bill (H.R. 471) to amend chapter 561 of title 10, United States Code, to provide that the Secretary of the Navy shall have the same authority to remit indebtedness of enlisted members upon discharge as the Secretaries of the Army and the Air Force have.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 561 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 6161. Remission of indebtedness of enlisted members upon discharge

"If he considers it in the best interest of the United States, the Secretary may have remitted or canceled any part of an enlisted member's indebtedness to the United States or any of its instrumentalities remaining unpaid before, or at the time of, that member's honorable discharge."

(b) The analysis of such chapter 561 is amended by adding at the foot thereof the following:

"6161. Remission of indebtedness of enlisted members upon discharge."

With the following committee amendments:

Page 1, line 7, insert a period after the word "discharge."

Page 2, line 1, insert the words "of the Navy" after the word "Secretary".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HOOD COUNTY, TEX.

The Clerk called the bill (H.R. 5726) for the relief of Hood County, Tex.

Mr. TEAGUE of California. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

Mr. SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

FORD CITY, PA.

The Clerk called the bill (H.R. 5850) for the relief of the borough of Ford City, Pa.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ALBERTSON WATER DISTRICT, NEW YORK

The Clerk called the bill (H.R. 8868) for the relief of the Albertson Water District, Nassau County, N.Y.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Albertson Water District, Nassau County, New York, the sum of $765.97. The payment of such sum shall be in full settlement of all claims of the Albertson Water District against the United States for reimbursement, in accordance with the provisions of the Federal Civil Defense Act of 1950, of one-half the cost to such district of leasing communications equipment, maintained for civil defense purposes in event of an emergency, for the period beginning July 1, 1956, and ending June 30, 1957, both dates inclusive: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 4, strike out "in excess of 10 per centum thereof."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PAYMENTS OF ADDITIONAL PAY FOR SEA DUTY—MEMBERS OF THE U.S. COAST GUARD

The Clerk called the bill (H.R. 9921) to validate certain payments of additional pay for sea duty made to members and former members of the U.S. Coast Guard.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all payments of additional pay for sea duty made prior to June 30, 1956, to enlisted members of the United States Coast Guard who served on Coast Guard vessels less than one hundred and twenty-five feet in length are hereby validated. Any such member or former member who has made repayment to the United States of any amount so paid to him as additional pay for sea duty is entitled to have refunded to him the amount paid.

SEC. 2. The Comptroller General of the United States, or his designee, shall relieve authorized certifying officers of the United States Coast Guard from accountability or responsibility for any payments described in section 1 of this Act, and shall allow credits in the settlement of the accounts of those officers for payments which are found to be free from fraud and collusion.

SEC. 3. Appropriations available to the United States Coast Guard for the pay and allowances of enlisted personnel are available for payments under this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL TRANSPORTATION WEEK

The Clerk called the bill (H.J. Res. 602) authorizing the President to proclaim henceforth the week in May of each year which falls the third Friday of that month as National Transportation Week.

The SPEAKER. Is there objection to the present consideration of the House joint resolution?

Mr. GROSS. Mr. Speaker, reserving the right to object, I notice from a perusal of the House records that there are bills to provide for the observance of 82 days, weeks, and years pending before the House of Representatives.

I notice that there is a Captive Nations Day bill and Captive Nations Week bill. I do not find any Captive Taxpayers Week, Year, or Day bill, nor do I find a bill to commemorate the vanishing specie known as "Real Americans."

There is a Cleaner Air Week bill, there is a Fathers' Day bill, a Friendship Day bill, a Good Neighbor Day bill, a Grandmothers' Day bill, and a Great Seal Day bill. There is a bill to provide a National Allergy Month, there is a National Dress Right Week bill, there is a National Welded Products Month bill, there is a United Nations Week bill, there is a bill

to provide for a National Fraternal Day and a National Zoo Week, and a Pony Express Year.

I wonder if the sponsors of this bill can tell me when the 82 other bills of this nature will come up?

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New York.

Mr. CELLER. I may say to the gentleman all of those bills or practically all of the bills that he read off have been tabled by the Committee on the Judiciary. We realize, as the gentleman does, the difficulty concerning these bills. I agree with the gentleman we would not have enough days on the calendar to set apart for the celebration of all of these days. That does not mean, however, that we must shut our eyes to some of the bills that have been offered which we feel are of importance, like, for example, the one now being considered on the Consent Calendar concerning National Transportation Week.

Almost all of the larger and even the smaller railroads appeared or, rather, importuned us in various ways to set apart some day to focus the Nation's attention upon the plight of the railroads. They thought we should do something for the railroads and we have set aside that week, and I suggest that the House adopt the resolution.

Mr. FORRESTER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Georgia.

Mr. FORRESTER. I was going to say to the gentleman that of the 69 bills, 67 of them have been tabled.

Mr. GROSS. Eighty-two, I will say to the gentleman.

Mr. FORRESTER. At the last count I had, the committee had 69, and 67 of those bills have been tabled. I think that of itself is a recommendation for the bill which we have before us now. It was one of two that survived.

Mr. JONES of Missouri. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Missouri.

Mr. JONES of Missouri. In connection with this matter, I want to say that the committee here, I think, has reached a conclusive presumption. I happened to have been the victim, so to speak. I had a bill that was similar that I introduced in the last session which would have set up and authorized a National Poison Prevention Week which would, I think, have helped save the lives of children. I got that cleared by the subcommittee. I write to the distinguished chairman of the full committee and I have received verbal assurances I would be given an opportunity to appear before the full committee. I have had considerable correspondence with the chairman of the committee in which, among other things, he told me that my letter would be read to the full committee. It was not.

I want to say, Mr. Speaker, the chairman has reached a conclusive presumption that all of these bills ought to be put in one pile regardless of the merit of the bill. I resent the action that the gentleman has taken. I have told him this personally. I have written to him. And, I am goin to continue to "raise Cain" until I have an opportunity to tell about this particular resolution which has the support of many worthwhile organizations throughout this country. It is not for the purpose of helping any particular corporation or any group to sell something. It does not have that kind of an intent. This bill was approved one time by the subcommittee headed by the gentleman from Georgia [Mr. FORRESTER], but I have not been given the courtesy by the chairman to appear before the full committee. And, I want to say that publicly right now, Mr. Speaker.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. JONES of Missouri. Yes; I yield.

Mr. CELLER. I think the gentleman has been wholly in error in what he said.

Mr. JONES of Missouri. In what way? Point out one place I have been in error.

Mr. CELLER. In the first place, the gentleman did have a hearing before the subcommittee.

Mr. JONES of Missouri. And it was approved by the subcommittee.

Mr. CELLER. The gentleman made the statement he did not have a hearing. Now, he did have a hearing on his own admission now. When the report came before the full committee, the full committee reversed the subcommittee, as was its right. Beyond that, the gentleman deliberately failed to state this to the Members of the House. After he had complained to me, I said to him, as a matter of courtesy to him—as a matter of grace, not as a matter of law—I would give him an opportunity to appear before the full committee, and I told him he could have the right to appear before my committee tomorrow morning. And, he is supposed to appear tomorrow morning. Now, the gentleman prejudices his case beyond the peradventure of a doubt when he makes these statements which have no foundation whatsoever.

Mr. JONES of Missouri. I want to say to the gentleman that that letter has never been received by me. I have a letter from you telling me that you had read a letter before the full committee. I have checked many members of the committee, and they have not heard that letter read.

Mr. CELLER. Did the gentleman get a statement from me to the effect that he would be permitted to appear before the full committee tomorrow morning?

Mr. JONES of Missouri. I did not.

The SPEAKER. The Chair asks for the regular order. Is there objection to the present consideration of the bill?

Mr. HOFFMAN of Michigan. I object, Mr. Speaker.

WEST VIRGINIA CENTENNIAL CELEBRATION

The Clerk called the joint resolution (H.J. Res. 208) providing for participation by the United States in the West Virginia centennial celebration to be held in 1963 at various locations in the State of West Virginia, and for other purposes.

Mr. FORD. Mr. Speaker, I ask unanimous consent that the joint resolution may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ONE HUNDRED AND SEVENTY-FIFTH ANNIVERSARY OF U.S. CONSTITUTION

The Clerk called the joint resolution (H.J. Res. 605) providing for the preparation and completion of plans for a comprehensive observance of the 175th anniversary of the formation of the Constitution of the United States.

There being no objection, the clerk read the joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a commission, to be known as the "United States Constitution One Hundred and Seventy-fifth Anniversary Commission" (hereinafter referred to as the "Commission") for the celebration of the one hundred and seventy-fifth anniversary of the existence of the Constitution, and to be composed of twelve Commissioners, as follows: The President of the United States; the President of the Senate and the Speaker of the House of Representatives, ex officio; three persons to be appointed by the President of the United States; three Senators to be appointed by the President of the Senate; and three Representatives by the Speaker of the House of Representatives.

SEC. 2. The Commissioners shall receive no compensation for their services but shall be paid their actual and necessary traveling, hotel, and other expenses incurred in the discharge of their duties.

SEC. 3. The Commission shall select a Chairman and appoint a Director, who shall appoint, with the approval of the Commission, such assistants and subordinates as he deems necessary.

SEC. 4. That it shall be the duty of the Commissioners, after promulgating to the American people an address relative to the reason of its creation and of its purpose, to prepare a plan or plans, and a program for the adequate celebration of the one hundred and seventy-fifth anniversary, and to give due and proper consideration to any plan or plans which may be submitted to them; and to take such steps as may be necessary in the coordination and correlation of plans prepared by State commissions, or by bodies created under appointment by the Governors of the respective States, and by representative civic bodies.

SEC. 5. That the Commission shall, on or before the adjournment of the present session of the Eighty-sixth Congress, make a report to the Congress, in order that enabling legislation may be enacted.

SEC. 6. That the Commission hereby created shall expire upon the appointment of a permanent Commission to execute the complete arrangements for this celebration.

SEC. 7. That the Commission may receive from any source contributions to aid in carrying out the general purpose of this resolution, but the same shall be expended and accounted for in the same manner as any appropriation which may be made under authority of this Act.

SEC. 8. There is hereby authorized to be appropriated the sum of $10,000 to defray expenses.

Mr. BYRNE of Pennsylvania. Mr. Speaker, during the 1st session of the present 86th Congress, it was my great privilege to introduce a resolution in the House to provide for the preparation and completion of plans for the celebration of the 175th anniversary of the Constitution of the United States.

The resolution was reported by the House Judiciary Committee and, under a suspension of the rules, is being considered in the floor of the House today, Monday, March 21, 1960.

This resolution is of utmost importance, particularly in these trying times which, in very truth, are such as "to try men's souls."

It is of the utmost urgency that the American people come once again to know, and, in knowing, love this immortal document which has made the United States, despite much travail, in spite of the many pains, all-too-many frustrations, baseless jealousies and venomous hatreds in our growing years, a nation great and strong.

The United States, Mr. Speaker, is the finest land in all the world; its people are the freest to be found anywhere upon the earth. And we cannot revere too highly the ageless document which has made all this possible.

In these uncertain hours of economic turmoil at home and abroad, in these trying days beset with unknown fears—days fraught with a constant threat of a seeming unending cold war, it is mandatory that our people be brought back to serious contemplation of our Constitution and a renewed dedication to those priceless principles for which it stands.

During this very century the United States has withstood two World Wars, a real blood-soaked military action in Korea and the current cold war.

We have emerged from the so-called industrial revolution into an age of scientific wonders that finds us literally "reaching for the stars"; our population, in but little more than half a century, has increased by nearly 50 million persons—and who can gage the unbelievable growth of our wealth.

Yes, Mr. Speaker, our American inheritance—in every facet of human life—in both the spiritual and mundane aspects of existence—in business and in commerce, in industry and in the money mart, in education and in science—surpasses even the most fantastic dreams of yesteryear. We are rich in everything but peace.

There has risen to challenge our leadership in world affairs a godless conspiracy, a power-hungry community of dictatorships that hold in thrall many millions of human beings living in many subjugated countries. This conspiratorial group constitutes atheistic communism and are a real threat to our bright hopes of a world of peace and justice under the brotherhood of man and the fatherhood of God.

Now, more than ever before, we need to renew at the well springs of faith and patriotism that spirit which moved our Founding Fathers to establish the blessings of liberty to ourselves and our posterity.

Congressman WILLIAM J. GREEN, JR., representing the Fifth Pennsylvania District, in this House, as well as the other four Congressmen—WILLIAM A. BARRETT, KATHRYN E. GRANAHAN, ROBERT N. C. NIX, and HERMAN TOLL—of Philadelphia, have endorsed this resolution, which each believes proposes an appropriate celebration of that greatest of American documents, which was drawn up and adopted in Philadelphia, the cradle of American liberties.

Congressman GREEN, recognizing that this country is, indeed, passing through dolorous days, said only a year ago that the proposal for celebrating the 175th anniversary of the Constitution "comes at a time when the Nation, in the midst of its greatest prosperity, is nonetheless passing through tragic days for a large segment of the population."

How true: Here we are in a period when big business enterprises are enjoying more success, greater profits, juicier dividends, than ever before, while, at the same time a large part of the population is either unemployed or engaged in part-time work, or in shamefully simulated temporary work which but marks an unhappy phase of our manipulated economy—false economy, that is—indifferent to the needs of our older citizens.

Mr. Speaker, it is indeed time that we got back to the Constitution and that each and every one of us learns well its meaning; absorbs thoroughly the high ideals it would inculcate into the electorate.

Let us not be blinded to the fact that in these perilous hours, we are besieged on all fronts by vicious, diabolical threats to our independence as a Nation. It is time to take stock of our treasures and refresh our thinking at the fount of enlightenment, so that we shall once more scintillate with such patriotic fervor as only a study of the Constitution will give us. That document is our greatest bulwark against enforced slavery—and the many other national evils that may and do beset the Nation.

It is my sincere hope—and I trust it is yours, likewise, that this proposed celebration will become a reality and that it will reach into every nook and corner of this vast country of ours—into our homes, our factories, our schools, and churches; into every business, civic, social, religious, and political group in the land; into the heart and the mind of every citizen, of every man, woman, and child; into every governmental agency—local, State, and National—that all may be induced to pay fitting homage to this charter of freedom.

Let every resident of the 50 States renew acquaintance with this great guardian of our liberties and come to a conscious realization that this Nation—and their own individual safety and welfare—stands or falls on the Constitution.

No more fitting vehicle could be made available to the people, to awaken them from their apparent lethargy, their studied indifference to the momentous happenings of our day, for the Constitution is our Magna Carta, our guarantee of national security and human rights.

Congressman GREEN has said that the gravest danger to our entity as a Nation, is the indifference of our people, that great segment of voters, as an instance, who year after year, fail for one reason or another to exercise the priceless franchise of a free ballot. The Congressman, who I am proud to hail as a colleague, has often warned that our people must be alerted to the very real dangers that will confront the Nation during the next quarter of a century—and beyond.

"Citizens," he has warned, "must be made to realize that we cannot afford to be smug, satisfied, indifferent to or contented with things as they are. If we are to continue as a progressive Nation we must be active, alive, pushing ever onward and upward and never content to follow in the wake of false leaders."

That is true. And if we are to adhere to the truth, we must be true to ourselves, to our principles, to our ideals. We must feel in every fiber of our being, the true meaning of the Constitution. We must, literally, love it, as it deserves to be loved; respect it, as it must be respected; cling to it as though it were the one safe and sure lifeline to national salvation and to personal security; the one remaining hope for the perpetuation of those policies and ideals which have brought us through 175 years of virtually unending world turbulence, to become the world's first, great humanitarian power.

Mr. Speaker, I urge the Congress to adopt this resolution and I further ask that the celebration, centering in Philadelphia, be nationwide.

Philadelphia has inherent priority in any celebration commemorating the formulation and adoption of the Constitution. This great document is the priceless heritage of the first city of the Keystone State. Here you will find many of the Nation's most cherished patriotic shrines—Congress Hall, Independence Hall, Carpenters' Hall, the Betsy Ross House, and many other hallowed spots which played such a great part in the Revolutionary period of the country's history.

As the Representative in this Congress of the Third Pennsylvania District which includes virtually all of the traditional shrines of American independence, I naturally am much interested in focusing the attention of the Nation upon this historic area and I feel that every citizen who possibly can do so, should spend some time in visiting these halls so often trod by the Founding Fathers. The Government already has taken the initiative in beautifying the entire neighborhood, constructing parks, restoring old buildings in cooperation with Philadelphia and Pennsylvania. This improvement, being carried on as the National Historic Parks program will be completed just before the anniversary date of the signing of the Constitution. What could be more fitting than to have completion ceremonies of the parks program coincide with the celebration proposed in this resolution now before the House?

Mr. Speaker, it is fitting at this time for the Congress to place special stress on the greatness of our Nation and rejoice in that "pearl of great price" that is our proud possession: the Constitution.

Further, it would be appropriate, too, to conduct a nationwide contest in our schools, awarding scholarships or other awards to the authors of winning essays on the general subject of "What the Constitution Means to Me."

Every day we live here in America; every breath we draw in freedom; every tranquil moment we have to enjoy;

every success we achieve, is due, Mr. Speaker, primarily to that hallowed charter of freedom for which our forefathers fought and died and for which succeeding generations have suffered, not hesitating even to make the supreme sacrifice, to preserve.

Mr. Speaker, I ask unanimous consent for the adoption of this resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ONE HUNDREDTH ANNIVERSARY OF THE BIRTH OF GENERAL OF THE ARMIES JOHN J. PERSHING

The Clerk called the joint resolution (H.J. Res. 640) to authorize and request the President to issue a proclamation in connection with the centennial of the birth of General of the Armies John J. Pershing.

There being no objection, the Clerk read the joint resolution, as follows:

Whereas September 13, 1960, will mark the one hundredth anniversary of the birth of General of the Armies John J. Pershing; and

Whereas the achievements of General Pershing in the creation of the American Expeditionary Force in France in 1917–1918 and its effective deployment in battle have been universally considered the decisive factor in the Allied victory of 1918; and

Whereas General Pershing above any other person symbolizes America's part in World War I; and

Whereas the ranks of those who served under him in France in 1917–1918 grow thinner with each passing year; and

Whereas the one hundredth anniversary of the birth of General Pershing will furnish a most appropriate occasion for the American public to show honor to General Pershing and to the men and officers who served under him: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to proclaim September 13, 1960, as a day upon which all Americans should pay honor and respect to General of the Armies John J. Pershing and the men who served under him.

SEC. 2. All departments and agencies of the Government are hereby authorized to cooperate with any civic and patriotic organizations which may be conducting ceremonies in commemoration of the birth of General Pershing. The Secretary of the Army is hereby authorized and directed to act as the coordinating officer between such civic and patriotic organizations and the departments and agencies of the Government.

With the following committee amendment:

Strike out all the whereas clauses.

The committee amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. WHITENER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Speaker, House Joint Resolution 640 is now before us for consideration. It is my considered opinion that it fills an unpardonable void in the area of paying appropriate tribute to our great leaders of past years.

Certainly, none can question that the late Gen. John J. Pershing is entitled to the continuing and perpetual appreciation, honor and respect of every liberty loving citizen of the United States. His mark is indelibly carved upon the pages of our history.

The resolution which we are now considering is accompanied by Report No. 1384, which was submitted by me for the Committee on the Judiciary. That report succinctly states the case for this resolution when it, in part, says:

September 13, 1960, is the 100th anniversary of the birth of General of the Armies John J. Pershing. The contribution of General Pershing in organizing the American Expeditionary Forces in 1917 and its subsequent participation in the battles in France are too well known to require comment.

In view of the significant contribution which General Pershing made to the American victory in World War I and in view of the fact that he symbolizes the men of the AEF who fought under him, this resolution would authorize and request the President to proclaim September 13, 1960, as a day upon which all Americans should pay honor and respect to General Pershing and the men who served under him.

The bill also authorizes departments and agencies of the Government to cooperate with civic and patriotic organizations in ceremonies commemorating General Pershing's birth. In addition, it specifically authorizes and directs the Secretary of the Army to act as the coordinating officer between civic and patriotic organizations and the departments and agencies of the Government.

Mr. Speaker, it is my earnest hope that Americans everywhere will on September 13, 1960, take due note of the 100th anniversary of the birth of the late beloved Gen. John J. Pershing.

The gentleman from Missouri [Mr. HULL] has brought forward a splendid suggestion in the form of this resolution. I commend him for the leadership that he is taking in doing proper honor to a great American and the men who served under him.

Mr. WHITENER. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. HULL] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. HULL. Mr. Speaker, I wish to call attention to the forthcoming centennial celebration of the birth of a great American patriot, General of the Armies John J. Pershing.

General Pershing was born September 13, 1860, near the small community of Laclede, Linn County, Mo., in my congressional district.

A centennial observance worthy of this great American will be held next September 13 in this town of his birth and boyhood years. Plans for the celebration are going ahead rapidly under the able leadership of Mr. L. F. Moore of Laclede working in cooperation with veterans organizations and interested individuals.

A bill I recently introduced, House Joint Resolution 640, provides a vehicle by which all Americans may join with his friends and neighbors in Missouri in celebrating General Pershing's birth centennial.

The bill recognizes the significant contributions which General Pershing made to the Allied victory in World War I in organizing and leading the American Expeditionary Forces.

It recognizes the fact that his memory symbolizes the proud achievements and great sacrifices of the gallant men who served under him.

By authorizing and requesting the President of the United States to proclaim September 13 as a day upon which Americans should pay tribute to General Pershing and the men whom he led, it enables Americans everywhere to take proper note of their heroic contributions to the peace of the world and freedom of man.

I am deeply gratified that House Joint Resolution 640 passed the House of Representatives on March 21 and look forward to its approval by the Senate and the Executive.

Mr. Speaker, as long as men cherish the ideals of democracy, the memory of Gen. John J. Pershing will be revered. Although his reputation was forged in the furnace of war, he was a man of peace, a humanitarian.

General Pershing and his men destroyed the military power of his foes, but when the way lay clear to annihilate them and lay waste their lands, he and his comrades stayed their hands.

He gained victory without malice and justice without vindictiveness. There can be no greater achievement.

MEMBERSHIP ROLL OF INDIANS OF THE YAKIMA RESERVATION

The Clerk called the bill (H.R. 1176) to amend the act of August 9, 1946 (60 Stat. 968), providing for the preparation of a membership roll of the Indians of the Yakima Reservation.

Mr. FORD. Mr. Speaker, at the request of another Member, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

HEADQUARTERS FOR MOUNT RAINIER NATIONAL PARK

The Clerk called the bill (S. 1358) to authorize the Secretary of the Interior to provide a headquarters site for Mount Rainier National Park in the general vicinity of Ashford, Wash., and for other purposes.

Mr. FORD. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

STONES RIVER NATIONAL MILITARY PARK, TENN.

The Clerk called the bill (H.R. 9543) to revise the boundaries and change the name of the Stones River National Military Park, Tenn., and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in furtherance of the purposes of the Act of March 3, 1927 (44 Stat. 1399), authorizing establishment of the Stones River National Military Park, the Secretary of the Interior is authorized to acquire by such means as he may deem to be in the public interest, for inclusion in the Stones River National Military Park, such additional lands and interests in lands, not to exceed seven acres, as in the discretion of the Secretary are necessary for the preservation and interpretation of the battlefield of Stones River, Tennessee.

SEC. 2. Stones River National Military Park is hereby redesignated as the Stones River National Battlefield, and any remaining balance of funds appropriated for the purpose of the Stones River National Military Park shall be available for the purpose of Stones River National Battlefield.

SEC. 3. The administration, protection, and development of the Stones River National Battlefield shall be exercised by the Secretary of the Interior in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535), entitled "An Act to establish a National Park Service, and for other purposes", as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. EVINS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. EVINS. Mr. Speaker, this bill, H.R. 9543, which I am sponsoring and which has been unanimously approved by the House Committee on Interior and Insular Affairs, would add to the beauty and usefulness of one of our great national parks—the Stones River National Military Park—located near Murfreesboro in the Fourth District of Tennessee which I have the honor to represent in the Congress.

This bill would change the name of Stones River National Military Park near Murfreesboro, Tenn., to Stones River National Battlefield, and would add approximately 6 acres to the present park in order to enhance greatly the beauty and preserve the historical significance of the park.

The Stones River National Military Park was established pursuant to the act of Congress of March 3, 1927 (44 Stat. 1399) with a view to preserving the battlefield for historical and professional study and, generally, to commemorate the important events that took place on this field of battle. Stones River was the scene of a hard-fought encounter between General Bragg's Confederate Army of Tennessee and General Rosecran's Union Army of the Cumberland, from December 31, 1862, to January 2, 1863. It was the first big conflict in the 2-year campaign in the West that cut the Confederacy in two and reached its climax in Sherman's march to the sea—and considered one of the decisive battles of the War Between the States.

The change in name to Stones River National Battlefield would better reflect and describe the type of area which is included in the park and has been recommended by the Department of Interior as being in line with their policy of naming parks so they will better reflect the types of areas involved.

A tract of land of approximately 6 acres on which was located a detached Union artillery site is necessary to preserve the historic scene and increase the usefulness, for interpretive purposes, of this section of the park. As the report indicates, the bill has the approval of the Department concerned, the Budget Bureau, and the full approval of the committee.

The estimated cost of the approximately 6 acres which would be added to the park under this bill would be $1,500, a very small and insignificant sum—commensurate with the historical importance.

I trust the bill may be approved.

RESERVATION OF HISTORICAL AND ARCHEOLOGICAL DATA

The Clerk called the bill (S. 1185) to provide for the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

NATIONAL HISTORIC SITE AT BENT'S OLD FORT, COLO.

The Clerk called the bill (H.R. 6851) authorizing the establishing of a national historic site at Bent's Old Fort near La Junta, Colo.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

EXTENDING APPLICATION OF THE MOTORBOAT ACT OF 1940

The Clerk called the bill (S. 1712) to extend the application of the Motorboat Act of 1940 to certain possessions of the United States.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 6 of the Federal Boating Act of 1958, approved September 2, 1958 (72 Stat. 1754), is amended to read as follows:

"(c) Such Act of April 25, 1940 (46 U.S.C. 526–526t), is further amended by adding at the end thereof the following new section:

"'SEC. 22. (a) This Act shall apply to every motorboat or vessel on the navigable waters of the United States, Guam, the Virgin Islands, the Commonwealth of Puerto Rico, and the District of Columbia, and every motorboat or vessel owned in a State and using the high seas.

"'(b) As used in this Act—

"'The term "State" means a State of the United States, Guam, the Virgin Islands, the Commonwealth of Puerto Rico, and the District of Columbia.'"

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

RECOGNITION OF THE GALLANT ACTION OF SS "MEREDITH VICTORY"

The Clerk called the bill (S. 2185) to provide appropriate public recognition of the gallant action of the steamship *Meredith Victory* in the December 1950 evacuation of Hungnam, Korea.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, I should like to ask the chairman of the committee a question about this legislation. I think it has a fine purpose, but I understand it would cost $175,000. I do not understand how this could cost that much.

Mr. BONNER. The cost is $175. This is one of the outstanding events of the Korean war. This merchant ship went in to shore and brought out 14,000 Korean civilians. Nobody can understand how they got them on the ship. During the movement there were four or five children born. The purpose here is to recognize this marvelous feat executed by American seamen on a private merchant marine ship. This was not a naval ship.

Mr. FORD. Mr. Speaker, as I indicated previously, I have no objection to the merits of the legislation. It was a wonderful illustration of daring and heroism. Based on the information given to me here on the floor, I certainly withdraw my reservation of objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the gallant action of the Steamship Meredith Victory in saving the lives of over fourteen thousand Korean civilians by transporting them in a single voyage from Hungnam to Pusan in December of 1950, the Secretary of Commerce shall issue a citation and award a plaque to the Steamship Meredith Victory, and shall award an appropriate citation ribbon bar to each person serving on board her at that time, and shall award a Merchant Marine Meritorious Service Medal to the master of the vessel at the time of the action, under the authority of sections 1a and 3 of the Act entitled "An Act to authorize medals and decorations for outstanding and meritorious conduct and service in the United States merchant marine, and for other purposes", approved July 24, 1956 (46 U.S.C. 249b), notwithstanding that such Act was not then in effect.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEOGRAPHICAL LIMITATIONS ON COAST AND GEODETIC SURVEY

The Clerk called the bill (S. 2462) to remove geographical limitations on activities of the Coast and Geodetic Survey, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of August 6, 1947 (ch. 504, 61 Stat. 787; 33 U.S.C. 883a–883i), is amended by adding at the end thereof a new section reading as follows:

"SEC. 11. The Secretary of Commerce may conduct activities authorized by this Act without regard to the geographical limitations set forth herein in connection with projects designated as essential to the national interest by the head of an executive department or agency."

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That the first section of the Act entitled 'An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes', approved August 6, 1947 (33 U.S.C., sec. 883a), is amended—

"(1) by striking out 'in the United States, its Territories, and possessions';

"(2) by striking out 'of coastal water and land areas (including survey of off-lying islands, banks, shoals, and other offshore areas)'; and

"(3) by striking out all of paragraph (2), and by renumbering paragraphs (3), (4), (5), and (6) as (2), (3), (4), and (5) respectively."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RESTRICTION OF REAL PROPERTY IN ST. AUGUSTINE, FLA.

The Clerk called the bill (H.R. 5055) to remove a restriction on the use of certain real property heretofore conveyed to the city of St. Augustine, Fla., by the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. THOMSON of Wyoming. Mr. Speaker, reserving the right to object, I wonder if the chairman of the committee can answer a few questions for me with reference to this legislation. I notice the committee report on page 2 says:

> By the terms of Public Law 615 of the 84th Congress, land constituting a portion of the Anastasia Island Lighthouse property, which had become surplus to the needs of the Coast Guard, was conveyed to the city of St. Augustine for park purposes.

Do I correctly understand that the purpose of this legislation is to remove that restriction so it can be used for a school?

Mr. BONNER. Not entirely to remove the full restriction but only to permit that it be used for educational purposes.

Mr. THOMSON of Wyoming. For educational purposes?

Mr. BONNER. Only for educational purposes, not to remove the full restriction.

Mr. THOMSON of Wyoming. Did the bill that was passed in the 84th Congress convey this property to the city of St. Augustine?

Mr. BONNER. For recreational purposes. We feel that the testimony that was offered indicates that with the great expansion in the area certainly education goes hand in hand with recreation. Around a school you have to have recreation.

Mr. THOMSON of Wyoming. Was the bill in the 84th Congress referred to the gentleman's committee and reported by it?

Mr. BONNER. Yes.

Mr. THOMSON of Wyoming. Was any consideration paid for that conveyance?

Mr. BONNER. There is the reservation in all of these types of transfer that if the time comes that the U.S. Government needs it for defense or for other purposes, then the Government would have the privilege of repossessing it.

Mr. THOMSON of Wyoming. Was any consideration paid to the U.S. Government?

Mr. BONNER. I do not think there was. It was surplus property. There are many instances where this same thing has been done before.

Mr. THOMSON of Wyoming. That is the thing that concerns me. In this particular case the property had been declared surplus. The bill was referred to the gentleman's committee. That committee reported the bill out. I thought it had merit. I agreed with the principle involved. I did not object then. I am constrained to object now, but I do not think I will.

On the other hand, in the city of Cheyenne, which is within the district I represent, land was found to be surplus to the Veterans' Hospital there. The land was originally donated to the Federal Government by the city of Cheyenne as a site for the hospital. I introduced legislation to convey it to the city of Cheyenne for identical purposes to that for which this property was conveyed to St. Augustine, that is for park purposes. It was referred to the Committee on Government Operations and to the Brooks Subcommittee of that committee. The department report, as usual, is unfavorable. The bill has been held up there and the position of the subcommittee as expressed by its chairman is unfavorable. I do not know why it did not go to the Committee on Veterans' Affairs as this bill went to the Committee on Merchant Marine and Fisheries. But what we are running into here, which I do not think is right, and I intend to look into it and am going to have to start to object to some of these bills, is that if it happens to go to one committee it can be done but if it goes to another committee it cannot be done. I think the whole Nation is entitled to be treated fairly and the same. The land in the city of Cheyenne was donated to the Government in the first instance. Is that true in this case?

Mr. BONNER. That was true in this case. There was a favorable report. The reason it happened to come to this committee is that the Coast Guard is under the Treasury and is under the jurisdiction of the Committee on Merchant Marine and Fisheries.

Mr. THOMSON of Wyoming. I appreciate that. This other bill was not referred to the Committee on Veterans' Affairs. I realize that is not within the prerogatives of the committee. But every district and each Member are entitled to be treated alike and the law and the policy of Congress should be uniform in principle and practice.

Mr. BONNER. I can understand the gentleman's attitude.

Mr. THOMSON of Wyoming. I am not going to object, but if this situation continues to develop I am going to object to all similar bills in the future because of the principle involved.

The SPEAKER. Is there objection to the consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce is authorized and directed to convey to the city of Saint Augustine, Florida, without consideration therefor, all right, title, and interest of the United States in and to the real property heretofore conveyed to such city for public park purposes and described in section 2 of this Act, reserving to the United States a perpetual easement for beams of light across any part of such real property that may be between the lighthouse located on the Anastasia Island Lighthouse Reservation, Florida, and the sea.

SEC. 2. The real property referred to in the first section of this Act is situated in Anastasia Island, in the county of Saint Johns, in the State of Florida, and is more particularly described as follows: Commencing at General Land Office monument center of section 21, township 7 south, range 30 east, and being the southeast corner of Government lot numbered 2, thence north 1 degree 00 minutes west along the east line of said lot 2, 321.43 feet to the point of beginning, thence south 89 degrees 00 minutes west across lot 2, 416.33 feet to the west line of said lot 2, thence north 7 degrees 54 minutes west along the west line of said lot 2, 825.0 feet, thence north 89 degrees 00 minutes east across lot 2 and parallel to the south line 514.24 feet to the east line of said lot 2, thence south 1 degree 00 minutes west, 819.03 feet along east line of said lot 2 to the point of beginning.

With the following committee amendments:

On page 1, line 3, after the word "That" insert the following: "subject to the provisions of section 3 hereof".

On page 1, line 3, delete the word "Commerce" and insert in lieu thereof the word "Treasury".

On page 1, line 10, after the word "lighthouse" insert the following: "or any replacement thereof or any other aid to navigation".

On page 2, after section 2, add a new section as follows:

"SEC. 3. Any conveyance made under authority of the first section of this Act shall contain a covenant that the property described in such conveyance shall be used solely for educational purposes."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time, and passed.

The title was amended so as to read: "A bill to change a certain restriction on the use of certain real property conveyed to the city of Saint Augustine, Fla., by the United States."

A motion to reconsider was laid on the table.

COAST AND GEODETIC SURVEY

The Clerk called the bill (H.R. 9084) to repeal certain retirement promotion authority of the Coast and Geodetic Survey.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 6, 1942 (ch. 383, 56 Stat. 336, as amended (33 U.S.C. 864e)) is hereby repealed.

SEC. 2. This Act becomes effective on November 1, 1959.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING SERVICE FOR CANADIAN VESSELS FOR CERTAIN ALASKA PORTS

The Clerk called the bill (H.R. 9599) to provide transportation on Canadian vessels between ports in southeastern Alaska, and between Hyder, Alaska, and other points in southeastern Alaska, and between Hyder, Alaska, and other points in the United States outside Alaska, either directly or via a foreign port, or for any part of the transportation.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, until June 30, 1961, notwithstanding the provisions of law of the United States restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from any port in the United States to another port of the United States, passengers may be transported on Canadian vessels between ports in southeastern Alaska, and passengers and merchandise may be transported on Canadian vessels between Hyder, Alaska, and other points in southeastern Alaska, and between Hyder, Alaska, and other points in the United States outside Alaska, either directly or via a foreign port, or for any part of the transportation, unless the Secretary of Commerce determines that United States-flag service is available to provide such transportation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING THE MINERAL LEASING ACT OF FEBRUARY 25, 1920

The Clerk called the bill (H.R. 10455) to amend the Mineral Leasing Act of February 25, 1920.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mineral Leasing Act Revision of 1960".

SEC. 2. Section 17 of the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920, as amended (30 U.S.C. 226), is further amended to read as follows:

"SEC. 17. (a) All lands subject to disposition under this Act which are known or believed to contain oil or gas deposits may be leased by the Secretary.

"(b) If the lands to be leased are within any known geological structure of a producing oil or gas field, they shall be leased to the highest responsible qualified bidder by competitive bidding under general regulations in units of not more than six hundred and forty acres, which shall be as nearly compact in form as possible, upon the payment by the lessee of such bonus as may be accepted by the Secretary and of such royalty as may be fixed in the lease, which shall be not less than 12½ per centum in amount or value of the production removed or sold from the lease.

"(c) If the lands to be leased are not within any known geological structure of a producing oil or gas field, the person first making application for the lease who is qualified to hold a lease under this Act shall be entitled to a lease of such lands without competitive bidding. Such leases shall be conditioned upon the payment by the lessee of a royalty of 12½ per centum in amount or value of the production removed or sold from the lease.

"(d) All leases issued under this section shall be conditioned upon payment by the lessee of a rental of not less than 50 cents per acre for each year of the lease. Each year's lease rental shall be paid in advance. A minimum royalty of $1 per acre in lieu of rental shall be payable at the expiration of each lease year beginning on or after a discovery of oil or gas in paying quantities on the lands leased.

"(e) Competitive leases issued under this section shall be for a primary term of five years and noncompetitive leases for a primary term of ten years. Each such lease shall continue so long after its primary term as oil or gas is produced in paying quantities. Any lease issued under this section for land on which actual drilling operations were commenced prior to the end of its primary term and are being diligently prosecuted at that time shall be extended for two years and so long thereafter as oil or gas is produced in paying quantities.

"(f) No lease issued under this section which is subject to termination because of cessation of production shall be terminated for this cause so long as reworking or drilling operations which were commenced on the land prior to or within sixty days after cessation of production are conducted thereon with reasonable diligence, or so long as oil and gas is produced in paying quantities as a result of such operations. No lease issued under this section shall expire because operations or production is suspended under any order, or with the consent, of the Secretary. No lease issued under this section covering lands on which there is a well capable of producing oil or gas in paying quantities shall expire because the lessee fails to produce the same unless the lessee is allowed a reasonable time, which shall be not less than sixty days after notice by registered or certified mail, within which to place such well in producing status or unless, after such status is established, production is discontinued on the leased premises without permission granted by the Secretary under the provisions of this Act.

"(g) Whenever it appears to the Secretary that lands owned by the United States are being drained of oil or gas by wells drilled on adjacent lands, he may negotiate agreements whereby the United States, or the United States and its lessees, shall be compensated for such drainage. Such agreements shall be made with the consent of the lessees, if any, affected thereby. If such agreement is entered into, the primary term of any lease for which compensatory royalty is being paid, or any extension of such primary term, shall be extended for the period during which such compensatory royalty is paid and for a period of one year from discontinuance of such payment and so long thereafter as oil or gas is produced in paying quantities. The Secretary shall report to Congress at the beginning of each regular session all such agreements entered into during the previous year which involve unleased Government lands."

SEC. 3. Section 27 of said Act, as amended (30 U.S.C. 184), is further amended to read as follows:

"SEC. 27. (a)(1) No person, association, or corporation, except as otherwise provided in this subsection, shall take, hold, own, or control at one time, whether acquired directly from the Secretary under this Act or otherwise, coal leases or permits on an aggregate of more than ten thousand two hundred and forty acres in any one State.

"(2) A person, association, or corporation may apply for coal leases or permits for acreage in addition to that which is permissible under paragraph (1) of this subsection, but the additional acreage shall not exceed five thousand one hundred and twenty acres in any one State. Each application shall be for forty acres or a multiple thereof and shall contain a statement that the granting of a lease or permit for the additional lands is necessary to enable the applicant to carry on business economically and that it is believed to be in the public interest. On the filing of such an application, the coal deposits in the lands covered by it shall be temporarily set aside and withdrawn from all forms of disposal under this Act. The Secretary shall, after posting notice of the pending application in the local land office, conduct public hearings on it. After such hearings the Secretary may, under such regulations as he may prescribe and to such extent as he finds to be in the public interest and necessary to enable the applicant to carry on business economically, permit the applicant to take and hold coal leases or permits for additional acreage as hereinbefore provided. The Secretary may, in his own discretion or whenever sufficient public interest is manifested, reevaluate a lessee's or permittee's need for all or any part of the additional acreage and may cancel any lease or permit covering all or any part of such acreage if he finds that cancellation is in the public interest or that the coal deposits in said acreage are no longer necessary for the lessee or permittee to carry on business economically or that the lessee or permittee has divested himself of all or any part of his first ten thousand two hundred and forty acres or no longer has facilities which, in the Secretary's opinion, enable him to exploit the deposits under lease or permit. No assignment, transfer, or sale of any part of the additional acreage may be made without the approval of the Secretary.

"(b)(1) No person, association, or corporation, except as otherwise provided in this subsection, shall take, hold, own, or control at one time, whether acquired directly from the Secretary under this Act or otherwise, sodium leases or permits on an aggregate of more than five thousand one hundred and twenty acres in any one State.

"(2) The Secretary may, in his discretion, where the same is necessary in order to secure the economic mining of sodium compounds leasable under this Act, permit a person, association, or corporation to take or hold sodium leases or permits on up to fifteen thousand three hundred and sixty acres in any one State.

"(c) No person, association, or corporation shall take, hold, own, or control at one time, whether acquired directly from the Secretary under this Act or otherwise; phosphate leases

or permits on an aggregate of more than ten thousand two hundred and forty acres in the United States.

"(d) (1) No person, association, or corporation, except as otherwise provided in this Act, shall take, hold, own, or control at one time, whether acquired directly from the Secretary under this Act or otherwise, oil or gas leases issued under the provisions of this Act, or options to acquire such leases or any interest therein, on an aggregate of more than two hundred forty-six thousand and eighty acres in any one State other than Alaska. In the case of the State of Alaska, the limit shall be three hundred thousand acres in the northern leasing district and three hundred thousand acres in the southern leasing district, and the boundary between said two districts, shall be the Tanana River from the border between the United States and Canada to the confluence of the Tanana and Yukon Rivers, and the Yukon River from said confluence to its principal southern mouth.

"(2) No person, association, or corporation shall take, hold, own, or control at one time options to acquire interests in oil or gas leases under the provisions of this Act which involve, in the aggregate, more than two hundred thousand acres of land in any one State other than Alaska or, in the case of Alaska, more than two hundred thousand acres in each of its two leasing districts, as hereinbefore described. No option to acquire any interest in such an oil or gas lease shall be valid or enforcible if entered into for a period of more than three years (which three years shall be inclusive of any renewal period if a right to renew is reserved by any party to the option) without the prior approval of the Secretary. In any case in which an option to acquire the optionor's entire interest in the whole or a part of the acreage under a lease is entered into, the acreage to which the option is applicable shall be charged both to the optionor and to the optionee, but the charge to the optionor shall cease when the option is exercised. In any case in which an option to acquire a part of the optionor's interest in the whole or a part of the acreage under a lease is entered into, the acreage to which the option is applicable shall be charged both to the optionor and to the optionee, but after the option is exercised, said acreage shall be charged to the parties pro rata as their interests may appear. No option or renewal thereof shall be valid or enforcible until notice thereof has been filed with the Secretary or an officer or employee of the Department of the Interior designated by him to receive the same. Each such notice shall include, in addition to any other matters prescribed by the Secretary, the names and addresses of the parties thereto, the serial number of the lease or application for a lease to which the option is applicable, and a statement of the number of acres covered thereby and of the interests and obligations of the parties thereto and shall be subscribed by all parties to the option or their duly authorized agents. In addition, each grantor and holder of any such option shall file with the Secretary or an officer or employee of the Department of the Interior as aforesaid within ninety days after the 30th day of June and the 31st day of December in each year a statement showing, in addition to any other matters prescribed by the Secretary, (i) in the case of a grantor of an option, his name and the serial number of every lease or application for a lease to which an option granted by him is applicable, the name, address, and interest of each holder of any such option, the original date and the expiration date thereof, his obligations thereunder, and the number of acres covered thereby, and (ii) in the case of the holder of an option, his name, the name and address of each grantor of an option held by him, the serial number of every lease or application for a lease to which such an option is applicable, the number of acres covered by each such option, the total acreage in each State to which such options are applicable, and his interest and obligation under each such option. The failure of the grantor to make a timely filing as aforesaid shall render the option unenforceable by him, and the failure of the holder of an option so to file shall render the option unenforceable by him. The invalidity or unenforcibility of any option under the provisions of this paragraph shall not diminish the number of acres deemed to be held under option by any person, association, or corporation in computing the amount chargeable under the first sentence of this paragraph and shall not relieve any party thereto of any liability to cancellation, forfeiture, forced disposition, or other sanction provided by law. The Secretary may prescribe forms on which the notice and statements required by this paragraph shall be made.

"(e) (1) No person, association, or corporation shall take, hold, own or control at one time any interest as a member of an association or as a stockholder in a corporation holding a lease, option, or permit under the provisions of this Act which, together with the area embraced in any direct holding, ownership or control by him of such a lease, option, or permit or any other interest which he may have as a member of other associations or as a stockholder in other corporations holding, owning or controlling such leases, options, or permits for any kind of minerals, exceeds in the aggregate an amount equivalent to the maximum number of acres of the respective kind of minerals allowed to any one lessee; optionee, or permittee under this Act.

"(2) No contract for development and operation of any lands leased under this Act, whether or not coupled with an interest in such lease, and no lease held, owned, or controlled in common by two or more persons, associations, or corporations shall be deemed to create a separate association under the preceding paragraph of this subsection between or among the contracting parties or those who hold, own or control the lease in common, but the proportionate interest of each such party shall be charged against the total acreage permitted to be held, owned or controlled by such party under this Act. The total acreage so held, owned, or controlled in common by two or more parties shall not exceed, in the aggregate, an amount equivalent to the maximum number of acres of the respective kinds of minerals allowed to any one lessee, optionee, or permittee under this Act.

"(f) Nothing contained in subsection (e) of this section shall be construed (i) to limit sections 18, 19, and 22 of this Act or (ii), subject to the approval of the Secretary, to prevent any number of lessees under this Act from combining their several interests so far as may be necessary for the purpose of constructing and carrying on the business of a refinery or of establishing and constructing, as a common carrier, a pipeline or railroad to be operated and used by them jointly in the transportation of oil from their several wells or from the wells of other lessees under this Act or in the transportation of coal or (iii) to increase the acreage which may be taken, held, owned, or controlled under section 27 of this Act.

"(g) Any ownership or interest otherwise forbidden in this Act which may be acquired by descent, will, judgment, decree may be held for two years after its acquisition and no longer.

"(h) (1) If any lease, option, permit, or other interest in or pertaining to land which is subject to the provisions of this Act is acquired, owned, or controlled, directly or indirectly, by means of stock, or otherwise, in violation of any of the provisions of this Act, the same may be canceled or forfeited, or the person, association or corporation owning or controlling the same may be compelled to dispose of it, by the Secretary in an administrative proceeding.

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, no lease, option, or other interest in or pertaining to lands producing oil or gas or known to contain valuable deposits of oil or gas and no lease, option or interest which respect to the acquisition or holding of which the Secretary alleges or charges the commission of fraud against the United States shall be canceled, forfeited, or ordered to be disposed of except in an appropriate proceeding instituted by the Attorney General in the United States district court for the district in which the land, or some part of it, is located or in which the defendant may be found. The court, in any proceeding in which fraud is found, may (in addition to imposing any other penalties provided by law) direct that the defendant shall thereafter be ineligible, either permanently or for a shorter period, to acquire or hold any lease, option, permit or other interest in or pertaining to land to which the provisions of this Act are applicable. Administrative proceedings to cancel, forfeit, or compel disposition under paragraph (1) of this subsection shall not be a bar to subsequent or simultaneous judicial proceedings under paragraph (2) of this subsection.

"(3) The right to cancel or forfeit for violation of any of the provisions of this Act shall not apply so as to affect adversely the title or interest of a bona fide purchaser of any lease, interest in a lease, option to acquire a lease or an interest therein, or permit which lease, interest, option, or permit was acquired and is held by a qualified person, association, or corporation in conformity with those provisions, even though the holdings of the person, association, or corporation from which the lease, interest, option, or permit was acquired, or of his predecessor in title (including the original lessee of the United States) may have been canceled or forfeited or may be or may have been subject to cancellation or forfeiture for any such violation. If, in any such proceeding, an underlying lease, interest, option, or permit is canceled or forfeited to the Government and there are valid interests therein or valid options to acquire the lease or an interest therein which are not subject to cancellation, forfeiture, or compulsory disposition, the underlying lease, interest, option, or permit shall be sold by the Secretary to the highest responsible qualified bidder by competitive bidding under general regulations subject to all outstanding valid interests therein and valid options pertaining thereto. Likewise if, in any such proceeding, less than the whole interest in a lease, interest, option, or permit is canceled or forfeited to the Government, the partial interests so canceled or forfeited shall be sold by the Secretary to the highest responsible qualified bidder by competitive bidding under general regulations.

"(4) The commencement and conclusion of every proceeding under this subsection shall be promptly noted on the appropriate public records of the Bureau of Land Management.

"(i) Effective September 21, 1959, any person, association, or corporation who is a party to any proceeding with respect to a violation of any provision of this Act, whether initiated prior to said date or thereafter, shall have the right to be dismissed as such a party upon showing that he holds and acquired as a bona fide purchaser the interest involving him as such a party without violating any provisions of this Act. If during any such proceeding, a party thereto files with the Secretary a waiver of his rights under his lease (including particularly, where applicable, rights to drill and to assign) or if such rights are suspended by the Secretary pending a decision in the proceeding, he shall, if he is found in such proceeding not to be in violation of such provisions, have the right to have his interest extended for a period of time equal to the period between the filing of the waiver or the order of suspension and the final decision, without payment of rental.

"(j) Except as otherwise provided in this Act, if any lands or deposits subject to the provisions of this Act shall be subleased, trusteed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form a part of or are in anywise controlled by any combination in the form of an unlawful trust, with the consent of the lessee, optionee or permittee, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, phosphate, oil, oil shale, gas, or sodium entered into by the lessee, optionee, or permittee or any agreement or understanding, written, verbal, or otherwise, to which such lessee, optionee, or permittee shall be a party, of which his or its output is to be or become the subject, to control the price or prices thereof or of any holding of such lands by any individual, partnership, association, corporation, or control in excess of the amounts of lands provided in this Act, the lease, option, or permit shall be forfeited by appropriate court proceedings."

SEC. 4. (a) Upon the expiration of the initial five-year term of any noncompetitive lease which was issued prior to enactment of this Act and which has been maintained in accordance with applicable statutory requirements and regulations, the record titleholder thereof shall be entitled to a single extension of the lease, unless then otherwise provided by law, for such lands covered by it as are not, on the expiration date of the lease, withdrawn from leasing. A withdrawal, however, shall not affect the right to an extension if actual drilling operations on such lands were commenced prior to the effective date of the withdrawal and were being diligently prosecuted on the expiration date of the lease. No withdrawal shall be effective within the meaning of this section until ninety days after notice thereof has been sent by registered or certified mail to each lessee to be affected by such withdrawal.

(b) As to lands not within the known geologic structure of a producing oil or gas field, a noncompetitive lease to which this section is applicable shall be extended for a period of five years and so long thereafter as oil or gas is produced in paying quantities. As to lands within the known geologic structure of a producing oil or gas field, a noncompetitive lease to which this section is applicable shall be extended for a period of two years and so long thereafter as oil or gas is produced in paying quantities.

(c) Any noncompetitive lease extended under this section shall be subject to the rules and regulations in force at the expiration of the initial five-year term of the lease. No extension shall be granted, however, unless within a period of ninety days prior to the expiration date of the lease, an application therefor is filed by the record titleholder or an assignee whose assignment has been filed for approval or an operator whose operating agreement has been filed for approval.

SEC. 5. Section 27, subsections (h) (1) and (h) (2), of the Act of February 25, 1920, as amended by section 3 of this Act, shall not be applicable to any proceeding, administrative or judicial, which was commenced prior to the enactment of this Act, but every such proceeding shall be governed by the law in force at the time it was commenced.

With the following committee amendments:

Page 3, line 19, strike out the word "and" and insert "or".

Page 6, line 2, after the word "applicant" insert "to".

Page 7, line 22, after the words "shall be the" insert "left limit of the".

Page 7, line 24, after the words "and the" insert "left limit of the".

Page 8, strike out lines 21 and 22 and insert in lieu thereof: "acreage to which the option is applicable shall be fully charged to the optionor and a share thereof shall also be charged to the optionee as his interest may appear, but after the option".

Page 8, line 24, after the word "appear.", add a new sentence to read as follows: "In any case in which an assignment is made of a part of a lessee's interest in the whole or part of the acreage under a lease or an application for a lease, the acreage shall be charged to the parties pro rata, as their interests may appear."

Page, 10, line 7, after the word "him." insert a new sentence to read as follows: "Such notices or statements of options filed in accordance with this section during the period from January 1 through June 30 of each year shall not be made available by the Government for public use until October 1 of such year and such notices or statements filed during the period from July 1 through December 31 of each year shall not be made available by the Government for public use until April 1 of the following year."

Page 12, line 11, strike out all of paragraphs (h) (1) and (2) and insert in lieu thereof the following:

"(h) (1) If any interest in any lease is owned or controlled, directly or indirectly, by means of stock or otherwise, in violation of any of the provisions of this Act, the lease may be canceled, or the interest so owned may be forfeited, or the person so owning or controlling the interest may be compelled to dispose of the interest, in any appropriate proceeding instituted by the Attorney General. Such a proceeding shall be instituted in the United States district court for the district in which the leased property or some part thereof is located or in which the defendant may be found."

Page 13, line 15, strike out the paragraph designation "(3)" and insert in lieu thereof "(2)".

Page 14, line 17, add a new sentence to read as follows: "If competitive bidding fails to produce a satisfactory offer the Secretary may, in either of these cases, sell the interest in question by such other method as he deems appropriate on terms not less favorable to the Government than those of the best competitive bid received."

Page 14, line 18, strike out the paragraph designation "(4)" and insert in lieu thereof "(3)".

Page 16, line 8, after the word "noncompetitive" insert "oil or gas".

Page 16, line 24, after the word "noncompetitive" insert "oil or gas".

Page 17, line 7, after the word "noncompetitive" insert "oil or gas".

Page 17, following line 15, add a new subsection, as follows:

"(d) Any lease issued prior to the enactment of this Act which has been maintained in accordance with applicable statutory requirements and regulations and which pertains to land on which actual drilling operations were commenced prior to the end of its term and are being diligently prosecuted at that time shall be extended for two years and so long thereafter as oil or gas is produced in paying quantities."

Page 17, line 16, strike out all of section 5 and insert in lieu thereof the following:

"SEC. 5. Sections 17(a) and 17(b) which were added to the Act of February 25, 1920 by sections 4 and 5 of the Act of August 8, 1946 (60 Stat. 952, 30 U.S.C. 226d, 226e) are hereby redesignated sections 17A and 17B, respectively."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point on the legislation just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ASPINALL. Mr. Speaker, the pending legislation—H.R. 10455—will add to the series of Mineral Leasing Act amendments that have been enacted over the years to perfect the original 1920 act and carry out its original purpose. That purpose is to promote the mining on Federal lands of coal, oil, gas, oil shale, phosphate, potash, and sodium by private capital, under sound principles of conservation and to prevent waste of such natural resource values.

The latest important amendment to the act was accomplished by the act of August 13, 1954 (68 Stat. 708), providing for multiple development of tracts of land under the Leasing Act and under the provisions of the general mining laws at the same time.

Interest and activity under the Mineral Leasing Act is increasing constantly. As my colleagues know, mineral leasing, in addition to developing a natural resource, is a revenue-producing activity. Receipts in the year ended in June 1959, were nearly $96 million. The major portion of this was from oil and gas rentals and royalties.

In approaching this legislation—H.R. 10455—it is well to bear in mind that mineral leasing is a highly technical operation. The laws, regulations, and procedures are very complex and the activity touches many States and many individuals. As of June 30, 1959, there were in effect over 141,000 mineral leases, permits, and licenses affecting nearly 117 million acres of Federal lands. Nearly 98 percent of these cases and over 95 percent of the acreage involve oil and gas.

The major revisions accomplished by the bill reflect substantial agreement by those concerned with the legislation. The acreage limitations for oil and gas leasing are simplified, allowing easier and more positive enforcement. The added acreage in Alaska will operate to encourage the development of oil and gas resources in northern Alaska.

The 10-year lease term provided under the legislation will be simpler and better for all concerned.

The added 2-year term where actual drilling is under way is a bonus to further encourage actual exploration and development, as opposed to merely speculation.

The committee received some opposition to increasing the minimum rental for oil and gas leases, but concluded that an upward adjustment is overdue. The rental adjustment will add incentive to actual exploration, tend to discourage excessive speculation, tend to better reimburse the Federal Government for its necessary services, and cause an increase in revenues to the States and to the reclamation fund. The same types of benefits will follow from eliminating the nonpayment of rentals in the second and third years of a lease.

The provisions regarding oil and gas options should simplify enforcement of limits without being unduly burdensome to those who grant or hold the options.

The committee gave careful attention to jurisdictional problems concerned with proceedings brought by the Department of the Interior for violations of the act. The committee determined, in view of pending ligitation, that the present language of the act on the point involved should be carried forward at this time. The resolution of the pending suits may point the way or clarify the path for future legislation.

This is not the last, by any means, of needed amendments to the Mineral Leasing Act or the public land laws. There are those who would like a complete overhaul of these laws. While that is being studied or talked about, bills like the present, although piecemeal in nature, deserve prompt attention

It would be inappropriate for me to close without a word of recognition.

Special credit should go to the author of H.R. 10455, my colleague in the Committee on Interior and Insular Affairs, Representative MORRIS of New Mexico, for his continuing efforts to improve the public land laws affecting New Mexico and other States. Representative RIVERS of Alaska and Representative THOMSON of Wyoming, authors of predecessor or companion bills, worked diligently with the committee as the legislation was developed.

Industry representatives have been most helpful, as have the staff of the Department of the Interior, on the many technical points that were under consideration.

Mr. Speaker, the bill H.R. 10455 deserves the support of all of the Members of the House.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the gentleman from New Mexico [Mr. MORRIS] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. MORRIS of New Mexico. Mr. Speaker, H.R. 10455, which it has been my privilege to sponsor, reflects a great deal of thought and effort on the part of many people, both inside Government and on the outside, and I want to express my gratitude to all of them for their assistance to me in bringing these bills to their present constructive and forward-looking stage.

H.R. 10455 revises and simplifies two important sections of the Mineral Leasing Act of 1920. These two sections are sections 17 and 27.

Mr. Speaker, under unanimous consent I insert at this point in my statement the tabulation showing the major substantive amendments to the mineral leasing system for oil and gas that is accomplished through this legislation:

Provision	Existing law	H.R. 10455
Maximum acreage under oil and gas leases and options permitted to be held by any 1 person (excluding leased acreage committed to cooperative or unit plans of development).	In all States except Alaska: 46,080 acres under lease and 200,000 acres under option. In Alaska: 100,000 acres under lease and 200,000 acres under option.	In all States except Alaska: 246,080 acres under lease and option, but not more than 200,000 acres under option. In Alaska: 300,000 acres under lease and option but not more than 200,000 acres under option, in each of 2 leasing districts.
Annual rental, oil and gas leases	Minimum of 25 cents per acre, with no payment for the 2d and 3d years.	Minimum of 50 cents per acre each year.
Primary term of noncompetitive oil and gas leases.	5 years plus a right to a 5-year extension, with minor exceptions.	10 years.
Extension of lease term if actual drilling is underway at expiration thereof.	(None provided)	2-year extension.
Notice of oil and gas options	(None required)	Notice must be given to Department of the Interior to render option valid.
Periodic statement of oil and gas options.	Required to be filed semiannually by holder.	Required to be filed semiannually by both holder and grantor.

Under the measure, the minimum annual rental on oil and gas leases is raised from 25 cents to 50 cents and the present provision waiving rental payments for the second and third years of leases is repealed. These revisions, of course, will apply only to leases issued after enactment. These are provisions that were requested by the Department of the Interior in an executive communication and their primary purpose, aside from increasing revenues to the States and to the reclamation fund, is to squeeze out some of the speculative interests in oil and gas leasing. I do not feel that this increase in the minimum rental will have an adverse affect on bona fide oil and gas exploration on public lands.

Another major provision is to raise from 5 to 10 years the primary term of noncompetitive oil and gas leases. This overcomes the administrative difficulties as well as the extra burden on the industry of having to renew leases after 5 years under the present law. Also, an added term of 2 years at the end of an oil and gas lease will be allowed under the measure if drilling has been commenced before the end of the period and is being diligently prosecuted. This added 2-year period, it is believed, will provide impetus toward exploration for oil and gas, and reward those who do so diligently. This latter provision, that is, the 2-year extension, is to be granted not only to new leases that would be issued after the bill is enacted, but also to any holder of an existing lease who would wish to come under its provisions.

Another major accomplishment in the measure is a partial consolidation of acreage limitation provisions so that the present overall limit in the States other than Alaska of 246,080 acres may be held either under direct leasing or indirectly by holding options. The present limit of 200,000 acres on option holding, however, is retained. For Alaska, the present 300,000-acre limit likewise is consolidated but with a limit of 200,000 acres on options. However, Alaska, for this purpose, is split into a north and a south leasing district with a full 300,000 acres allowed in each district.

Last, among the important adjustments, is a tightening of the requirements concerning the notice of options to the Government. This will permit the Department of the Interior to know of the status of options at all times and will help to avoid the type of difficulty that is currently involved in litigation in one of the Western States.

Mr. Speaker, the measure involves no additional cost of Government operation and no additional appropriation is required. On the contrary, its operation should cause reduced Government costs and bring about increased Government receipts. More than that, it will tend to reduce speculation under the Mineral Leasing Act and encourage the conservation and wise use of the mineral resources of the Federal lands.

My own State of New Mexico is vitally interested in legislation to improve the administration of public lands. Out of some 78 million acres of land surface in my State, over 27 million acres are owned by the United States, excluding Indian and other trust properties. This Federal ownership amounts to more than 35 percent of the land surface in the State. In the 11 Western States, 48 percent of the land surface is owned by the Federal Government, excluding trust properties, and in Alaska, it owns 99 percent. Under this situation, it is imperative that the Congress provide for and supervise the proper administration of the Federal lands. H.R. 10455 is another step in this direction.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the gentleman from Wyoming [Mr. THOMSON] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. THOMSON of Wyoming. Mr. Speaker, the bill before the House provides for important and very much needed amendments to the Mineral Leasing Act of 1920. The legislation is in the public interest. It deserves, and I am sure will receive, the support of every Member of the House.

As one who is not now a member of the Committee on Interior and Insular Affairs, may I say at the outset that the committee and its staff deserve particular commendation for the consideration given this legislation and the exemplary manner in which they have discharged their duties. Full hearings were held, allowing everyone, both in and out of Government, an opportunity to express their views. Thereafter, in formulating the legislation, careful, deliberative and analytical consideration was given, with full opportunity again being given to all concerned to comment on any action under consideration. The result is legislation which I am confident will accomplish the goals intended.

Careful staff work has resulted in a much-needed revision of sections 17 and 27 of the Mineral Leasing Act, which will make it much more workable, as far as both the Department and the public are concerned. It will also greatly simplify and reduce the cost of any subsequent amendments. This is a byproduct, and a very valuable one, of the needed substantive changes in the law. It is an example of staff work at its best.

I have stated that this legislation is in the public interest, and I know that that is the test which each Member of the House will want to apply in determining the action to be taken with regard to it. That is the test that I myself, the coauthors, and the members of the committee have applied in offering and considering the legislation.

Let us look to what is the public interest. I will first paraphrase it from the U.S. Government Organization Manual of 1959–60. According to the manual, the Bureau of Land Management in the Department of Interior is involved with the mineral resources and particularly oil and gas of some 475 million acres still in Federal ownership, as well as the publicly owned mineral resources on about 58 million acres of privately owned lands, or a total area of 533 million acres.

The objective is stated in the manual as follows:

> In formulating and administering programs for the management, conservation, and development of natural resources, the Department pursues the following objectives: the encouragement of efficient use; the assurance of adequately developed resources in order to meet the requirements of national security and an expanding national economy; the maintenance of production capacity for future generations; the promotion of an equitable distribution of benefits from nationally owned resources; the discouragement of wasteful exploitation.

The Mineral Leasing Act of 1920 itself very adequately expresses its purpose as "An act to promote the development of coal, phosphate, oil, oil shale, gas, and sodium on the public domain." Under the act, this has been accomplished to a remarkable degree, to the benefit of the Nation's economy and security.

Hundreds of millions of dollars of rentals and royalties have accrued to the U.S. Government from oil and gas leasing. Mineral leasing revenues in fiscal year 1959 amounted to almost $92.5 million.

Even more important than this, the development has produced an industry which has been in a major way responsible for our higher standard of living, has furnished Federal and State revenues through taxation, and has provided jobs to a large segment of our population.

It is self-apparent that any disruption of exploration and development would have a sad effect upon the economy and well-being of the Nation in general, and would be particularly disastrous to the economy of the areas involved, and most of all, to those who rely upon the industry for their livelihood.

Just such a challenge was presented a little more than a year ago. On January 8, 1959, the Department of the Interior announced that it was preparing to move to cancel leases and interest in leases for alleged violations of the acreage limitation provisions of the act. On January 26, 1959, the first contest was initiated in the State of Wyoming. Thereafter, on February 9 and June 2, 1959, additional proceedings were initiated in Montana and in Wyoming. These three proceedings involved 491 Federal oil and gas leases embracing over 284,000 acres. Their impact, though, threatened to go far beyond that.

What was the basis for these suits?

Under the Mineral Leasing Act, acreage limitations are imposed on the number of acres that can be held by any person, association, or corporation. The limit was 46,080 acres under lease and an additional 200,000 acres by option.

One of the principal things that caused extreme concern in the industry and threatened to seriously retard, if not completely halt, exploration and development on the public lands was the contention of the Department that a lease, or interest in a lease, could be canceled and forfeited in the hands of a party who was in all respects in compliance with the law, if the lease or the interest had been acquired from a person who was in violation, and even though the acquiring party had no knowledge, either actual or constructive, of the violation by his predecessor in title.

It costs upward of $90,000 to drill a well. Only one in every nine is a producer. A reasonable profit can be made only from a pool of at least a million barrels, and only 1 well in 44 hits such a pool. It costs about $1,200 a day to keep a seismograph crew running.

I could go on, but that is sufficient to show that no one is going to invest that kind of money if his already great risks are complicated by threat that his property will be taken away from him, through no fault of his own and with no opportunity to protect himself. It was agreed by all concerned, in hearings held last year, that there was no way that a party could determine in advance whether or not the predecessors in title had or had not been in violation.

This brought into focus a problem that had been bothering the industry for some time. There are separate limitations for acreage held by lease and acreage held under option, as mentioned above. Yet it was impossible to determine whether the acreage, under given circumstances, would be chargeable to the holder as lease acreage or option acreage. It got down to the question of whether a broker or other party, under a given set of circumstances, acted as an agent or an independent contractor. As a result, good citizens who wanted to be law abiding found it impossible to act with certainly because of the confusion in the law.

It was generally agreed that there was no public interest served in making the distinction between leases and options in determining acreage limitations. This situation demanded attention. To take care of the situation, on June 17, 1959, I introduced H.R. 7787, which was cosponsored by the gentleman from Alaska, Mr. RIVERS, as H.R. 8036. This legislation, just as the legislation now before the House, was designed to punish the violator, to protect the innocent, and to provide for the orderly development of our oil and gas resources on the public lands, in the public interest.

It removed the distinction between acreage held under lease and acreage held under option, thereby removing the cause of confusion.

It further provided protection for the bona fide purchaser.

In addition to that, instead of a 5-year term with a 5-year extension, it provided for a single 10-year term on noncompetitive leases as per recommendation of the Department of the Interior. The purpose of this was to remove administrative burden and excessive cost in processing the application for the preferential second 5-year term.

A further disagreement had arisen in the proceedings as to whether the Secretary could move to cancel or forfeit a lease in administrative proceedings, or if he was required to do so in a court proceeding. An attempt was made to resolve this conflict. There were other minor changes proposed.

Extensive hearings were held on this, both before the House committee and the committee of the other body. The Department agreed that the distinction between leases and options should be removed. It further agreed as to the equity and necessity of protecting bona fide purchases. It, of course, had proposed the 10-year lease term.

However, the Department had also requested an increase in the minimum rentals provided by section 17, from 25 cents per acre per year to 50 cents per acre per year, and a removal of that provision in the act which waived the second and third-year rentals. The Department took the position that this had to be accomplished as a part of the same legislation.

By this time, it was late in the session, and it was therefore determined that the bona fide purchaser amendment would proceed by itself, as stopgap legislation. This course of action was followed, and the amendment to accomplish that passed the House on September 2, 1959. It became Public Law 294 of the 86th Congress.

In speaking on that amendment, I pointed out that this was only stopgap legislation and that further attention would have to be given in this session.

To facilitate that, I requested that my bill, H.R. 7787, be left in the committee to obviate the necessity for repeating the hearings held to date.

In appearing before, both the House committee and the Senate committee, I indicated that I could not, without investigation, state with any degree of certainty what the proper lease figure might be. I did, though, say that I would undertake during the recess to consult with people in the industry and in the Executive, in an effort to determine what would be the best figure in the public interest. I did this. Although there will never be complete agreement, I was convinced that in the public interest, a lease rental of approximately 50 cents per acre straight across the board, with the removal of the second and third year waivers, was in the public interest. The public interest is, of course, to obtain a proper rental for the Government, but at the same time one which will encourage exploration and development. Almost three-fourths of the income comes from royalties. The real benefit to society is performed, as far as our economy and our security, when the oil or gas is brought to the surface. That is why the purpose of this act, to promote development, is wisely stated.

After Congress reconvened last January for the second session of the 86th Congress, additional hearings were held before the Mines and Mining Subcommittee of the House Interior Committee. Additional comments were obtained from the Department on proposals made, all as shown in the committee report.

As an outgrowth of this, H.R. 10455, by the gentleman from New Mexico [Mr. MORRIS], now before the House for consideration, and two identical bills, H.R. 10433, by the gentleman from Colorado [Mr. ASPINALL], chairman of the full committee, and H.R. 10467, by myself, were introduced on February 16, 1960. Certain amendments were proposed and adopted to these bills in the subcommittee and in the full committee, all as appears in the committee report and the bill as reported by the committee, which is now before you.

The bill as reported, I believe, fairly meets the problems that I have mentioned in a manner that is best in the public interest. All of the recommendations of the Department have been carefully considered, and the major objections to the legislation as originally introduced have been corrected by clarification, and the bill has further been amended to meet the objectives of the Department as to other changes in the act.

Let us take a brief look at what the bill actually does.

First. It removes the distinction between the limitation on acreage that may be held under direct lease and under option. Instead of permitting 46,080 acres under lease and 200,000 acres under option to be held by any person, association or corporation in any one State, except Alaska, it removes the distinction and allows a total of 246,080 acres to be held in any State except Alaska, under any form of holding.

As previously indicated, this has the support of the Department, all segments of the industry, and all others who have considered the situation.

It is a congressional responsibility to remove the uncertainty in the law which makes it impossible for a person to know whether or not he is violating the law. It is essential to the continued success of the act in accomplishing its stated purpose, to promote the development of coal, phosphate, oil, oil shale, gas and sodium on the public domain.

Second. It meets the special problems posed in the State of Alaska. Alaska is approximately five times the size of the average western public land State. Oil and gas activity and interest in Alaska is of recent origin. Obviously, by reason of its size, different acreage limitations are indicated if we are to promote full development. Less obviously, the higher costs of exploration and development indicate greater acreage allowance. Members of the House will recall the legislation which passed last year and was vetoed. The principal objection of the Executive, which I believe was a valid one, was that the law as passed provided for an increase in acreage, but did not meet the principal justification for that increase, in that there was no provision to force a party to spread out in acquiring the acreage and explore the greater area. In other words, it would have simply permitted the acquiring of additional acreage in the near vicinity of the already-proven area.

The gentleman from Alaska [Mr. RIVERS] recognizing the importance to the growth and development of the State of Alaska which he represents, worked diligently upon this. The provision for Alaskan acreage was in the same sentence of the law as that for the acreage limitation in other States, so it was considered to be better if the two amendments could be worked out together.

Myself and others were pleased to cooperate with the gentleman from Alaska. The result, I believe, is one which fairly meets the Alaskan problem and at the same time, meets the objections of the President. It is provided that Alaska shall be formed into two leasing districts and that in each district, there shall be allowed a total of 300,000 acres to any person, association or corporation. Under existing law, 100,000 acres is permitted under lease and 200,000 acres under option, so the net effect is to again remove the distinction between lease acreage and option acreage, so as to remove the confusion and further, to allow Alaska to be divided into two areas, with a total of 300,000 acres allowed in each area comparing favorably with the allowance in other States. The total acreage in Alaska allowed is 600,000 acres. With Alaska being 5 times the size of the average public land State allowing the holding of approximately 2½ times the amount of acreage applicable to other States is certainly reasonable.

The only difference between the bill and the Department recommendation with respect to Alaska is a slight difference in boundary between the two areas. The Department recommended the Yukon River as the boundary, and the committee recommends the Yukon from its southern mouth to its confluence with the Tanana River, and thence the Tanana River to the border between the United States and Canada. The difference in area is small, and the principle soundly advanced by the Executive is recognized and followed.

Although the distinction between the chargeability for acreage held under lease and under option is removed, the restriction of 200,000 acres that can be held under option in any one State is retained. It was expressed by the Department and considered by many others that there was no basis for this. However, some felt that because this was a type of holding that was hard to follow to determine violations, restrictions on the acreage held under option and the time limit of options should be retained. Such has been done.

In addition, the law has been further strengthened in this regard, to require a timely filing of a notice of the option and pertinent information with respect thereto, with the Department, providing that the option shall not be valid or enforceable until such is done. Proper provision is made to prevent the release of this so as to interfere with the putting together of the optionee's block of acreage. Semiannual reports by both the optionor and the optionee, on the 30th day of June and the 31st day of December, with respect to options, as required in the present law, are further provided, with a further strengthening of this provision, particularly in making the option unenforceable by the party who fails to file. These provisions should operate to make it easier for the Department to determine the amount of acreage held at any given time and to control the acreage limitations.

The bona fide purchaser amendment which I have previously discussed, as adopted last year, has been carried forward, clarified and strengthened, as subsections (h) (2) and (3) and subsection (i) of the proposed revised section 27 of the Mineral Leasing Act. Particularly significant is the provision made for the disposition of any canceled or forfeited interest by competitive bidding to the highest responsible qualified bidder, under general regulations, with the further proviso for the use of other methods by the Secretary if this method of disposition fails to produce a satisfactory offer. Notation of the commencement and conclusion of every proceeding to cancel or forfeit on the appropriate records of the Bureau of Land Management is also provided.

These provisions will go a long way toward removing the confusion and permitting the continued orderly development of the oil and gas resources on the public domain, in the national interest. They will substantially accomplish the objectives of H.R. 7787, previously discussed.

Under the proposed revision of section 17, as appears at subsection (d), the minimum lease rental is raised from 25 cents per acre to 50 cents per acre for each year of the lease, and the waiver of the second and third year lease rental payments, as provided in existing law, is repealed. In view of all the circumstances, particularly the amount paid on private and State lands in the Western States, and the distinctions between private leases and Federal leases, I believe that the 50 cents per acre rental straight across the board represents a reasonable rental charge under today's circumstances, which is both fair to the developer and will encourage further development in the public interest, and at the same time will provide a fair return to the Government for the lease privilege. It will probably remain so for some time in the future. I would, though, emphasize that this is a minimum rental and that if it is to be continued as such, the Congress should not be expected to have to change it as economic or other circumstances may change further down the line. The determination has been made that the committee and the Congress should not be required to spend time in the conduct of lengthy investigations required to fix a fair rental. In this particular instance, since we were going into the subject anyway, it is proper that Congress should do so. However, in the future, if the authority of the Secretary to exceed the minimum is not to be exercised and this responsibility is to be left with the Congress, then the power of the Executive should be withdrawn by removing the minimum and the fixing of the actual acreage charge. This, I believe, is in line with the thought expressed in the committee report.

One other particular change in section 17 is worthy of special mention. In addition to providing for a single 10-year term for noncompetitive leases, rather than what has amounted to two 5-year terms under existing law, while at the same time carrying forward the 5-year term for a competitive lease, another important provision has been added. This is to provide that if actual drilling operations have been commenced prior to the end of the primary term of either type of lease, and are being diligently prosecuted at that time, the lease term shall be extended for 2 years, and so long thereafter as oil or gas is produced in paying quantities. This has merit in the accomplishment of the principal objectives of the act, to promote actual development. It will also take care in the future of those cases in which a person may stand to lose a lease on which he has spent a great deal of money, because of drilling problems or other complications arise, through circumstances beyond his control. If the person actually spends the amount required to drill a well, even though it may not result in commercial production, the granting of the balance of the additional 2 years after the completion of the well is certainly a reasonable provision.

Sometimes on a wildcat well, because of drilling procedures or some other cause, a nonproducer may appear to justify further drilling. In addition to that, the developer may care to shift his location. For these and other reasons, this additional term is indicated, after the individual has spent of his resources in an effort to actually accomplish the development. Furthermore, it may have an additional, very good effect by stimulating faster development. If the well is a dry hole, the chances would be very good that another 10-year lease would be issued if it was a nonproducing area or not on a known geological structure. If this were done, it would tend to retard early development, rather than to promote it, as compared to the 2-year extension.

By section 4(d) of the bill, the same 2-year extension is provided for leases granted under existing law. Section 4 also preserves the rights of parties as per existing law under leases granted prior to the effective date of the act.

Finally, I would like to endorse the committee amendment as it pertains to the form in which disputes shall be decided as to whether or not there has been a violation of the act. At the time that H.R. 7787 was originally introduced last June, there was a great confusion in this regard. The Department contended that under the provisions of the existing law, it had the authority to cancel all leases in administrative proceedings. On the other hand, people outside of Government generally contended that such leases, once granted, could be canceled only through a court proceeding brought by the Attorney General in the U.S. district court for the district in which the lease property or some part thereof is located, or in which the defendant may be found, with the single exception of cancellation of a lease for violation of its lease terms, as provided in section 31 of the Mineral Leasing Act, as amended by section 9 of the act of August 8, 1946 (30 U.S.C. 188). In speaking to this subject on September 2, 1959, volume 105, part 14, page 17761 of the CONGRESSIONAL RECORD for that date, I stated:

> I personally believe that the Secretary does not have the authority under the present act to cancel or forfeit a lease under these circumstances by administrative proceedings.

Nevertheless, in order to resolve the controversy, H.R. 7787 as originally introduced made certain provisions with respect thereto. These were substantially carried forward into H.R. 10455, and companion bills introduced on February 16, 1960.

Developments since that time have changed this situation. On March 4, 1960, in the proceedings pending in the U.S. District Court for the District of Wyoming, Judge Kerr, of that district, issued an order and a memorandum in conjunction therewith, which substantially resolves this question, at least as far as that court is concerned, and, I believe, on a very sound basis. I quote from pertinent portions of the judge's memorandum so issued:

JUDGE'S MEMORANDUM—KERR, JUDGE—DECIDED MARCH 4, 1960

The subject of this controversy involved oil and gas leases heretofore issued on public lands. Some of the leases in question are on producing lands, others on nonproducing lands, while others are on lands known to contain valuable deposits of oil and gas.

The matter is before the court on the Government's motion to dismiss.

A summary of the pleadings, statutes, and regulations is essential to an understanding of the issues involved.

On January 27, 1959, the State Supervisor for the State of Wyoming, Bureau of Land Management, filed a complaint in the Cheyenne Land Office of the Bureau of Land Management on behalf of the United States as contestant and named the Pan American Petroleum Corp., together with 85 other persons, companies and corporations, as contestees. Omitting the caption the complaint is as follows:

"Comes now the United States of America, acting by and through the State Supervisor for the State of Wyoming, Bureau of Land Management, Department of the Interior, pursuant to the provisions of title 43, Code of Federal Regulations, 1954 revision, supplement, part 221, and as grounds for contest states and alleges:

"I. That Walter G. Davis and other parties by plan, scheme, and device willfully, falsely, and fraudulently:

"(a) Procured the issuance and assignment of Federal oil and gas leases for the purpose of enabling Walter G. Davis or other parties to fraudulently obtain oil and gas leases for the use, benefit, and on behalf of Walter G. Davis or other parties in excess of 15,360 acres contrary to and in violation of the statutes of the United States and the regulations of the Department of the Interior.

"(b) Procured the issuance and assignment of Federal oil and gas leases for the use, benefit, and on behalf of Walter G. Davis or other parties without disclosing that an agent or attorney in fact was involved and without the interest and qualifications of said Walter G. Davis or other parties being disclosed contrary to and in violation of the statutes of the United States and the regulations of the Department of the Interior.

"(c) Procured the issuance and assignment of Federal oil and gas leases for the use, benefit and on behalf of Walter G. Davis at a time when the said Walter G. Davis was not qualified to hold such leases or interests therein contrary to and in violation of the statutes of the United States and the regulations of the Department of the Interior.

"II. That the serial numbers, the legal description of the land included therein and the parties and their addresses presently having an interest as shown by the records of the Bureau of Land Management in all leases obtained by issuance and assignment contrary to and in violation of the statutes of the United States and the regulations of the Department of the Interior as alleged in paragraph I above are shown on exhibit A attached hereto and incorporated herein by reference.

"III. The name and address of each party interested as shown by the records of the Bureau of Land Management and the legal description of the lands involved are shown on exhibit A attached hereto and incorporated herein by reference.

"IV. That there are no proceedings pending for the acquisition of title to or an interest in such lands as shown by the records of the Bureau of Land Management other than as noted on said exhibit A.

"Wherefore, the United States of America requests that it be allowed to prove the allegations contained herein and that all of said leases shown on exhibit A be invalidated, canceled and declared null and void and for such other and further action as may be deemed proper in the circumstances.

"NOTICE

"This complaint is filed in the State of Wyoming Land Office, Bureau of Land Management, room 409, Federal Office Building, Cheyenne, Wyo., and any papers pertaining thereto shall be sent to such office for service on the contestant.

"Unless contestees file an answer to the complaint in such office within 30 days after service of this notice and complaint, the allegations of the complaint will be taken as admitted and the case will be decided without a hearing. Any answer should be filed in accordance with title 43, Code of Federal Regulations, 1954 revision, supplement, part 221."

On February 24, 1959, plaintiff filed this action to enjoin the defendants from taking any action against the plaintiff in said departmental proceedings and praying that the proceedings be declared null and void. The complaint alleges inter alia that the only remedy available to the Secretary of the Interior is by proceeding through the Attorney General of the United States in an action instituted in the U.S. district court for the district in which he leased property is located or in which the lease owner may be found; that no power or authority exists in the Secretary of the Interior or any of his subordinate officers or agents to proceed administratively to cancel or forfeit any of such leases held by the plaintiff; the complaint further alleges that the administrative proceedings were wholly unauthorized by applicable statutes of the United States and directly violate the plain provisions of the statute.

The defendants interpose a motion to dismiss the complaint on the grounds (a) that no claim for relief has been stated, (b) the Secretary of the Interior is an indispensable party, and (c) that plaintiff has failed to exhaust its administrative remedies.

STATUTES AND REGULATIONS INVOLVED

Section 27 of the Mineral Leasing Act as amended by section 6 of the act of August 8, 1946 (30 U.S.C. 184) in pertinent parts provides as follows:

"No person, association, or corporation, except as herein provided, shall take or hold at one time oil or gas leases exceeding in the aggregate 15,360 acres granted hereunder in one State. * * * If any interest in any lease is owned, controlled, directly or indirectly, by means of stock or otherwise, in violation of any of the provisions of this act, the lease may be canceled, or the interest so owned may be forfeited, or the person so owning or controlling the interest may be compelled to dispose of the interest in any appropriate proceeding by the Attorney General. Such a proceeding shall be instituted in the U.S. district court for the district in which the leased property or some part thereof is located or in which the lease owner may be found."

By the act of August 2, 1954 (68 Stat. 648), the limitation of acreage so provided was increased to 46,080 acres in any one State.

Section 31 of the Mineral Leasing Act, as amended by section 9 of the act of August 8, 1946 (30 U.S.C. 188), provides in pertinent parts as follows:

"Except as otherwise herein provided, any lease issued under the provisions of this act may be forfeited and canceled by an appropriate proceeding in the U.S. court for the district in which the property or some part thereof is located whenever the lessee fails to comply with any provisions of this act, of the lease, or of the general regulations promulgated under this act and in force at the date of the lease. * * *

"Any lease issued after August 21, 1935, under the provisions of section 17 of this act shall be subject to cancellation by the Secretary of the Interior after 30 days' notice upon the failure of the lessee to comply with any of the provisions of the lease, unless or until the land covered by any such lease is known to contain valuable deposits of oil or gas."

The proceedings instituted by the supervisor were brought under the provisions of title 43, Code of Federal Regulations, 1954 revision, supplement, part 221, which provides in part:

"221.67 Government contests. The Government may initiate contests for any cause affecting the legality of any entry or settlement or mining claim."

Subsequent to the institution of this action and on September 21, 1959 (73 Stat. 571), Congress again amended the Mineral Leasing Act of February 25, 1920, and I quote from this amendment:

"If any interest in any lease is owned or controlled, directly or indirectly, by means of stock or otherwise, in violation of any provisions of this act, the lease may be canceled, or the interest so owned may be forfeited, or the person so owning or controlling the interest may be compelled to dispose of the interest, in any appropriate proceeding instituted by the Attorney General. Such a proceeding shall be instituted in the U.S. district court for the district in which the leased property or some part thereof is located or in which the lease owner may be found, except that any ownership or interest forbidden by this act which may be acquired by descent, will, judgment or decree may be held for 2 years and not longer after its acquisition."

The congressional intent respecting the 1920 Mineral Leasing Act is clearly manifested in 58 CONGRESSIONAL RECORD, page 7604, 66th Congress, 1st session, from which I quote:

"Mr. ANDERSON. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee a question. The provision beginning on line 6, page 6, provides:

"'Any interests held in violation of this act shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General.'

"And so forth. I take it that under that language the holding is valid and any operations conducted under it would be valid until after action brought by the United States. Am I correct in my construction of that language?

"Mr. SINNOTT. That would relate to a lease, but not to a permit. The Secretary has certain rights under a permit, but after the permit is merged into a lease, then it will take court action.

"Mr. ANDERSON. Well, Mr. Chairman, I want to ask what was the reason for that sort of a provision? Ordinarily a lease would be void ab initio, but here you put the entire burden on the Government to proceed to forfeit the lease before anything can be done in the way of showing fraud.

"Mr. SINNOTT. It is in recognition of that legal, or equitable, principle that the law abhors a forfeiture, and there must be a showing made in court before the forfeiture can be secured.

"Mr. ANDERSON. I assume a man could scarcely hold a larger amount of land under this act than the act permits, without knowing it. Therefore, it seems to me that it ought to provide that the holding of an amount in excess of the amount permitted by the law should be void from the beginning.

"Mr. SINNOTT. Well, a man might inadvertently secure more stock than he is entitled to; and it is in line with all court proceedings in relation to forfeiture.

"Mr. ANDERSON. Mr. Chairman, I move to insert in line 7, page 66, after the word 'be' the words 'void and shall be.' So that it will read:

"'Any interests held in violation of this act shall be void and shall be forfeited to the United States.'"

The CONGRESSIONAL RECORD discloses that the Anderson motion was defeated and the bill was enacted into law requiring court proceedings to be instituted where fraud was found to exist.

I have taken occasion to examine the standard oil and gas lease issued by the Secretary of the Interior, form No. 4–1158, sixth edition, April 1957, and I quote section 7 of the terms of the lease:

"SEC. 7. Proceedings in case of default.—If the lessee shall not comply with any of the provisions of the act or the regulations thereunder or of the lease or make default in the performance or observance of any of the terms hereof except payment of rental, and such default shall continue for a period of 30 days after service of written notice thereof by the lessor, this lease may be canceled by the Secretary of the Interior in accordance with section 31 of the act, except that if this lease covers lands known to contain valuable deposits of oil or gas, the lease may be canceled only by judicial proceedings in the manner provided in section 31 of the act; but this provision shall not be construed to prevent the exercise by the lessor of any legal or equitable remedy which the lessor might otherwise have. Upon cancellation of this lease, any casing, material, or equipment determined by the lessor to be necessary for use in plugging or preserving any well drilled on the leased land shall become the property of the lessor. A waiver of any particular cause of forfeiture shall not prevent the cancellation and forfeiture of this lease for any other cause of forfeiture, or for the same cause occurring at any other time."

Title 43, Code of Federal Regulations, section 192.161(c), provides:

"(c) Leases known to contain valuable deposits of oil or gas may be canceled only by judicial proceedings in the manner provided in sections 27 and 31 of the act."

Looking at the statute in the light of all that bears upon its purpose and meaning, I think it clearly and unmistakably lays upon the Secretary of the Interior or his subordinates the plain duty to bring an action in the U.S. district court where the leased lands are situated if he seeks to cancel leases on the ground of fraud if the lands contain valuable deposits of oil or gas. In the case at bar there is no dispute that the lands contain such deposits.

True, there is a wide latitude available to the Secretary of the Interior in many situations, but he is bound by the statute (*Lane v. Hoglund* (244 U.S. 174)).

Counsel have filed voluminous briefs citing scores of cases, yet none of these cases parallel the facts in the case at bar. I have found no case where the Secretary or his subordinates have attempted to cancel leases administratively where valuable deposits of oil or gas are known. The cases are many where the Government has brought suit in the U.S. district court to cancel leases and patents and no good reason is shown by the Department in this case why deviation should be made from the well beaten path of the previous procedure.

In the case of *Bell Oil & Gas Co. v. Wilbur, Secretary of Interior* (50 F. 2d 1070), the Court of Appeals for the District of Columbia, in discussing the power of the Secretary of the Interior under the Oil and Gas Leasing Act of 1920, stated, at page 1071:

"It is unnecessary for us to enter into any discussion as to the action of the Secretary, since we are compelled to dispose of the case upon another ground, namely, that the plaintiff has an adequate remedy at law. The Secretary, under the terms of the act, has no power by his own fiat to cancel these leases. He is required to go into a district court of the United States to accomplish that result by a proceeding in equity. In that proceeding, plaintiff can set up as a defense the action of the Secretary in attempting to exact the 15 cents per barrel over and above the market price, and the legality of the Secretary's action would then be for the determination of the court.

"But it is urged that, should the court decide in favor of the Secretary, the only order which it could enter would be to decree the cancellation of the leases, and that plaintiff should not be compelled to thus place his properties in jeopardy. We are not impressed with this contention. Plaintiff cannot be deprived of its property in the leases except by due process of law, and a court of equity, having jurisdiction of the proceeding, has jurisdiction to enter a decree which will protect the rights of all parties involved; therefore, should the court decide that the Secretary was right in imposing the 15 cents per barrel over and above the market price, it could still protect the plaintiff by a decree to the effect that, upon the failure of the plaintiff to pay the accumulated amount found to be due the Government by a specified date, a decree would be entered canceling the lease."

From what I have said I hold the supervisor is proceeding in contravention of the clear mandate of the statute, his own regulation, and in violation of the terms of the lease when he proceeds administratively to cancel leases on lands known to contain valuable oil and gas deposits. This prerogative Congress has reserved for the courts.

This tends to remove the necessity of Congress saying over again what it has already said several times.

The exception provided in the second paragraph of section 31 of the Mineral Leasing Act (30 U.S.C. 188) is obviously limited to nonproducing, noncompetitive leases and to failure to comply with the terms of the lease, such as payment of rentals, and so forth, rather than to questions concerned with the acquisition or holding of the lease.

On further investigation and consideration, I wholeheartedly concur in the conclusion of the committee that the distinction between nonproducing, noncompetitive leases and producing or competitive leases, as originally proposed to be written into the law by H.R. 7787, is not one which should be followed. I have previously mentioned some of the costs involved in obtaining and performing the exploration on a lease to determine whether or not it should be drilled. The cost of a seismograph crew, as I mentioned, is probably $1,200 per day. Before that stage, extensive work must be done on surface geology, and so forth.

Furthermore, the holder of the lease may have proceeded with the drilling of a well and have almost carried it to completion, but it is still a nonproducing lease. The distinction should not be drawn because he lacks a few feet of reaching the sand. A nonproducing lease may very well represent a greater investment and have a greater value than a producing lease. Furthermore, why should a person who is taking the risk to develop, which is one of, if not the primary purpose to be accomplished as to the the public interest, be treated differently than a person who may have by purchase acquired an already-producing property or have chosen to invest and have had the money to do it, through competitive bidding, on a lease within an already-known geological structure. If anything, the wildcatter is the one who probably performs the greatest service in the public interest, by bringing to the surface for the benefit of the Nation previously unknown and undeveloped resources, and as such should be afforded at least equal protection of the law.

I think that the committee has taken the proper action by refusing to write the distinction into the law and by substituting for subsections (h)(1) and (2) of the revision of section 27 as originally proposed in the bill, the committee amendment which writes into the act the same two sentences contained in the existing law. These provide for cancellation or forfeiture in any appropriate proceeding instituted by the Attorney General in the district court for the district in which the lease property or some part thereof is located or in which the defendant may be found.

I think there is very good reason for requiring cancellation or forfeiture by court action and for our continuing to make this the law. There can be no argument about the importance of leasehold titles. Once the lease has been entered into, one party should not be permitted to cancel by unilateral action, unless there is good and sufficient grounds for cancellation. The Secretary of the Interior, as the representative of the Government, enters into the lease as a party. Once a citizen enters into the lease with the Government acting through the Secretary and in reliance thereon may have and probably has expended large sums, under our American sense of justice he should be entitled to have his rights fully protected in the courts.

Administrative proceedings in proper instances perform a valuable function. This, however, is not one. Anyone who has participated in such proceedings is familiar with the general looseness thereof, or complete failure to follow the ordinary rules of evidence, and so forth. This statement is not a condemnation of administrative procedures for proper purposes, as that very fact may contribute to their effectiveness. It does, however, have the effect of allowing suspicion to be substituted for proof.

The substantial amounts involved and the delicate questions of law and fact in a proceeding to cancel or forfeit a lease, however, should be tried in the courts.

To hold otherwise would mean that the Secretary who had originally entered into the lease, after having found the person qualified, would be placed in the position of accuser, prosecutor, judge, and jury. This could very well interfere with the substantial rights of the private citizen on an appeal to the courts under the Administrative Procedure Act, for the contention would certainly be made and might very well be upheld that if there was any substantial evidence to uphold the Secretary's finding of fact, then his decision would have to be affirmed. This would deprive the defendant of his right to prove his case by a preponderance of the evidence or, in some cases, would remove from the Secretary the burden of proving his case by clear and convincing evidence, or something more than just a preponderance.

We are not out to in any way protect the guilty, but we are out to protect the innocent. A person who is accused of a violation is innocent until proved guilty and is entitled to his day in court, with all of his rights under our American system of jurisprudence fully protected.

It has been suggested that this will result in a multiplicity of action. The language of the present act has been in effect for many years, and this has not happened nor will it happen in the future. The cases going to the courts over the past 30 years have been very limited. By this legislation, we are removing the confusion in the present law which has resulted in the complicated litigation now pending.

Numbers of violations which have been corrected without resort to the courts have been cited, but that is meaningless as far as indicating any future burdens upon the courts, if authority to cancel or forfeit by administrative proceedings is not given to the Secretary.

With few exceptions, the people in the industry, just as in any other cross section of America, are honest and law-abiding citizens. Nevertheless, mistakes are bound to occur. There is nothing in this legislation or in the law which would prevent the correction of these mistakes in the same manner in which they have been corrected in the past. The Secretary can, and I am sure will, continue to serve a notice of violation or intention to cancel or forfeit upon any party who appears to be over in his acreage limitation or otherwise in violation. Just as in the past, in most instances where this is the case it is because of a mistake, and the party will immediately surrender the excess holdings. Only in cases where there is a real dispute as to the law or the facts will there be any litigation. Experience over a period of 30 years has shown that those are very rare and that it does not place an undue burden upon the court. As a matter of fact, it is only placing the responsibility upon the courts which, under our American system of government, properly belongs there, rather than to transfer a judicial function to the executive.

May I further state that in one of the cases filed in Wyoming, the so-called Featherstone case, the defendants are apparently submitting themselves to administrative proceedings. I have followed this case reasonably close. It is apparent to me as a result thereof, that the courts and the procedure set up therein based on long experience will actually provide the best and most expeditious form for the disposing of the cases. This is certainly no criticism of the hearing examiner, Mr. Dalby, for he is apparently doing a conscientious and good job. The fact is, though, that the courts, with pretrial and other procedures developed over a long period of time, which are thoroughly understood and workable, are in a much better position to handle such cases involving complicated questions of law, fact, and procedure.

I still believe, and know that the overwhelming majority of those in the industry agree with me, that a person who fraudulently violates the provisions of the act should be punished, and even more important, should be removed from activity in the industry, where he may complicate the affairs of what is almost 100 percent of the industry that are good, law-abiding citizens and those of the general public who may become involved as investors or otherwise. For that reason, in the bill as originally introduced, a further penalty was provided as to any person found guilty of fraud in a court proceeding, which would have made the party ineligible, either permanently or for a shorter period, to acquire or hold any lease, option, permit

or other interest in or pertaining to land to which the provisions of the act are applicable.

I must, however, agree with the committee in striking out this provision in the civil legislation. There are general criminal penalties for fraud which would be applicable. If they are not adequate, they should be strengthened. Furthermore, this closely approximates, if it does not amount to, an outright criminal penalty and as such, the defendant would be entitled to the additional protection, particularly with regard to the degree of proof required by criminal law. Furthermore, there is a question of how far the suggested penalty might go, inasmuch as it might require a defendant to divest himself of most, if not all, of his holdings of corporate stock, and so forth. Eager as I am, and as are people in the industry, to stop intentional and willful violations, I must agree with the committee in their conclusion that this is not the way to do it. Rather, if anything is required, it should be by providing further or more severe criminal penalties in a criminal statute.

As a practical matter, I think a person convicted of fraud will be removed from the industry by the ethics and practices of the industry itself and may otherwise be prohibited from acquiring further lease acreage under existing law.

If, as the committee report suggests, any clarification or change of the forum for determining violations and remedies is indicated as a result of the contests and cases now pending, the proper action to be taken can best be determined after we have the experience of that litigation and proceedings.

I am advised that hearings have been scheduled in the other body on similar legislation. I sincerely hope that there will be action with reasonable dispatch so that this much needed legislation can be fully realized.

I again congratulate the committee for a difficult job well done and urge the support of their action in the public interest.

AMENDING PUBLIC LAW 85—626 RELATING TO DUAL CONTRACT AGREEMENTS

The Clerk called the bill (H.R. 10840) to amend Public Law 85—626 relating to dual rate contract agreements.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "To amend the Shipping Act, 1916", approved August 12, 1958 (72 Stat. 574), is amended by striking out "1960" and inserting in lieu thereof "1961".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. TOLLEFSON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. TOLLEFSON. Mr. Speaker, the report which accompanies H.R. 10840 recites the purpose of the bill, which is to extend for an additional year the standby legislation enacted during the 1st session of the 85th Congress. The report, however, does not go into the background of the standby legislation.

That legislation was the result of a Supreme Court decision which held illegal a practice that had been followed by shipping lines for over 40 years. American and foreign ship operators have for years been members of shipping conferences organized for the purpose, amongst others, of agreeing upon rates. Normally, such agreements would be in violation of antitrust laws except for an act of Congress which legalized them.

However, a practice developed under which a lower rate was quoted to a shipper who contracted to ship all of his cargo by a given line for a stated period of time than was quoted to shippers who did not so contract. This was called a dual rate system. Our Supreme Court held the practice illegal with respect to one conference. Other conferences were not involved except insofar as the same ruling might be rendered in subsequent actions brought against them.

Our Committee on Merchant Marine and Fisheries presented to the House a measure which permitted the dual rate system to be continued for a period of 2 years to enable the committee to study the problem and seek to find some solution to it. As the report indicates, extensive hearings have been held. Additional time is required, however, for the committee to finalize its study and prepare legislation. Furthermore, the House Committee on Judiciary has been investigating certain anti-trust aspects of shipping practices, but has not completed its consideration of the matters pending before it. Additional time is needed by both committees to complete their work, and H.R. 10840 is designed to provide it while at the same time permitting the dual rate system to continue for another year.

The hearings before our committee have convinced me beyond any doubt that some form of dual rate or contract system is necessary if the American merchant marine is to continue in existence. All other foreign maritime nations authorize contract systems which go beyond the dual rate system. If our own merchant marine is to survive, it must be able to compete with foreign lines for cargoes, and this it cannot do if some kind of "tying" or contract arrangement with shippers is not permitted.

I have stated the problem in its most simple terms. Actually, the subject is quite involved, as the Members of the House will see when legislation proposing a solution is submitted. I certainly cannot speak for the Committee but I do want to emphasize most strongly the necessity for eventually legalizing the dual rate or some similar system.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, I rise in support of H.R. 10840, extending the moratorium on operation of dual rate contract arrangements for 1 year.

These dual rate contract arrangements can exist, of course, only through legislative exemption from our antitrust laws. For more than 18 months the Antitrust Subcommittee of the Committee on the Judiciary, of which I am chairman, has been intensively studying antitrust problems in the ocean freight industry. Our subcommittee has discovered during that time the existence of numerous practices raising serious questions under the antitrust laws and under the Shipping Act of 1916.

We learned that in more than 40 years of administering the Shipping Act, the Federal Maritime Board and its predecessor agencies, through Democratic and Republican administrations alike, have been remiss in their enforcement of the shipping laws. Not once, in nearly half a century, has the regulatory agency charged with responsibility brought a single prosecution for violation of the limitations placed upon the industry's antitrust law exemption. Yet, our study revealed that in those intervening years, ocean carriers in the foreign commerce of the United States have continually followed practices outlawed by our shipping laws and by the antitrust exemptive provisions. Indeed, many carriers have engaged in the very anticompetitive practices that the Shipping Act of 1916 was intended to prohibit.

As a result of this study by our Antitrust Subcommittee, the Federal Maritime Board has precipitately begun numerous investigations and cases against various steamship carriers for violations of the Shipping Act. The Department of Justice has empanelled grand juries on our two coasts to gather evidence of violations of the antitrust laws. One of these grand juries has already issued nearly 100 subpenas for documents, and is studying scores of thousands of papers in connection with its duties.

The Committee on Merchant Marine and Fisheries, chaired by the able and distinguished gentleman from North Carolina [Mr. BONNER], has likewise been engaged in an extensive study of conferences and the dual rate system. Neither committee has completed its labors.

However, our preliminary studies indicate that much work needs to be done to remedy existing violations. The steamship industry is badly in need of housecleaning. I, therefore, concur wholeheartedly in the hope expressed by the Committee on Merchant Marine and Fisheries in House Report No. 1403, accompanying this bill, that the Department of Justice, the Federal Maritime Board and the steamship conferences themselves "will take heed of the many matters uncovered by the committees and take all steps necessary to correct conditions now existing."

But the work of these two committees must continue. The Antitrust Subcommittee will soon hold additional hearings. It then must study all of the evidence and testimony before it and make whatever recommendations it concludes are advisable. The Committee on Merchant Marine and Fisheries must likewise study its record and report to the House.

This clearly cannot be done before June 30, 1960, the expiration date of Public Law 85-626. Accordingly, I endorse the bill introduced by my friend, the gentleman from North Carolina, and urge its passage, so that the two committees concerned may bring to a conclusion their studies in this most important field.

PROVIDING FLEXIBILITY IN THE PERFORMANCE OF CERTAIN COAST AND GEODETIC SURVEY AND WEATHER BUREAU FUNCTIONS

The Clerk called the bill (S. 2483) to provide flexibility in the performance of certain functions of the Coast and Geodetic Survey and of the Weather Bureau.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of July 22, 1947, (61 Stat. 400; 33 U.S.C. 873), is amended to read as follows:

"The Secretary of Commerce is hereby authorized to pay extra compensation to members of crews of vessels when assigned duties as instrument observer or recorder, and to employees of other Federal agencies while observing tides or currents, or tending seismographs or magnetographs, at such rates as may be specified from time to time by him."

SEC. 2. Section 3 of the Act of June 2, 1948 (62 Stat. 286, as amended; 15 U.S.C. 327), is hereby revised to read as follows:

"The Secretary of Commerce is hereby authorized to (a) appoint employees for the conduct of meteorological investigations in the Arctic region without regard to the civil service laws and fix their compensation without regard to the Classification Act of 1949, as amended (5 U.S.C. 1071 and the following) and titles II and III of the Federal Employees Pay Act of 1945, as amended (5 U.S.C. 911 and the following), at base rates not to exceed the maximum scheduled rate for GS-12, and (b) grant extra compensation to employees of other Government agencies for taking and transmitting meteorological observations."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING ESTABLISHMENT OF HUBBELL TRADING POST NATIONAL HISTORIC SITE, ARIZ.

Mr. ASPINALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7279) to authorize the establishment of the Hubbell Trading Post National Historic Site, in the State of Arizona, and for other purposes, with amendments.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of establishing the Hubbell Trading Post National Historic Site, the Secretary of the Interior is authorized to purchase with donated funds or funds appropriated for the purpose, at a price to be agreed upon between the Secretary and the owner or owners, not to exceed the fair market value, the site and remaining structures of the Hubbell Trading Post at Ganado, Arizona, including the contents of cultural and historical value, together with such additional land and interests in land as in his discretion are needed to preserve and protect the post and its environs for the benefit and enjoyment of the public: *Provided,* That the total area so acquired shall not exceed one hundred and sixty acres: *Provided further,* That the amount of land retained for the purpose hereinbefore stated shall not be in excess of that amount of land reasonably required to carry out the purposes of this Act.

SEC. 2. Upon a determination by the Secretary of the Interior that sufficient land, structures, and other property have been acquired by the United States for the national historic site, as provided in section 1 of this Act, such property shall be established as the Hubbell Trading Post National Historic Site, and thereafter shall be administered by the Secretary of the Interior in accordance with the provisions of the Act of August 25, 1916 (35 Stat. 535), as amended. An order of the Secretary, constituting notice of such establishment, shall be published in the Federal Register.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The SPEAKER. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. GROSS. Mr. Speaker, is the gentleman from Pennsylvania opposed to the bill?

Mr. SAYLOR. I am not, Mr. Speaker.

Mr. GROSS. Then, Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Iowa demands a second.

Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Colorado [Mr. ASPINALL].

Mr. ASPINALL. Mr. Speaker, H.R. 7279 by our colleague, the gentleman from Arizona [Mr. UDALL] deals with a small area of land that was originally homesteaded in 1874 and became the earliest trading post in what is now the State of Arizona. The present buildings, still in use as a trading post, were erected in 1900. Even in its present condition of private ownership, the site is popular to visitors because of its historic aspect.

The current program is to prepare the site for an expected increase in visitors and to protect the site and its contents of historically valuable relics and art objects from dispersion. Included in the art collection proposed to be acquired are works by many prominent western artists.

The committee has been advised that about $300,000 is required to purchase the real and personal property needed for this purpose. Some of this amount would be returned later through the sale of surplus land after the exact boundaries of the historic site are actually determined. The cost of restoration and development is estimated at $294,000 in the first 5 years of the site.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently no quorum is present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 28]

Alger	Colmer	Miller, Clem
Anderson, Mont.	Collier	Miller, N.Y.
Anfuso	Curtis, Mass.	Minshall
Arends	Derwinski	Mitchell
Ashley	Devine	Montoya
Ayres	Fallon	O'Brien, N.Y.
Baker	Gallagher	Osmers
Bass, N.H.	Granahan	Powell
Bennett, Mich.	Gubser	Quie
Blitch	Hess	Rains
Bogge	Kasem	Reuss
Bowles	Keith	Rostenkowski
Broomfield	Landrum	Steed
Budge	McGinley	Taylor
Canfield	Macdonald	Zelenko
Clark	Machrowicz	
	Michel	

The SPEAKER. On this rollcall 384 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AUTHORIZING THE ESTABLISHMENT OF THE HUBBELL TRADING POST NATIONAL HISTORIC SITE, ARIZ.

Mr. ASPINALL. Mr. Speaker, at the time of the quorum call I was trying to explain to the House the committee's recommendation on H.R. 7279, a rather limited bill, for authorizing the establishment of the Hubbell Trading Post National Historic Site, Ariz.

Through enactment of H.R. 7279 the visitor in future years will find the Hubbell Trading Post site properly protected and exhibited. He may safely and easily obtain inspiration from the relics and objects of art exhibited at the site and this heritage will be conserved for future generations.

I join with my colleague from Arizona in recommending that this important objective be accomplished through enactment of the measure.

Mr. Speaker, this project has been thoroughly investigated by the Advisory Board on National Parks, Historic Sites, Buildings and Monuments, an agency established by act of Congress to advise on such matters. The Board has classified the site as having exceptional value in commemorating and illustrating the

history of the United States. The committee knows of no opposition to the project. The owners of the privately owned property are willing to sell. Delay would be unfortunate since under the existing situation, the property may pass into other hands or be dispersed in a manner that would make acquisition more expensive or more difficult. I urge the support of all of my colleagues for this important measure.

Mr. GROSS. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, in the first place I am becoming seriously concerned about this business of suspension of the rules. I wonder if the House still has a Rules Committee. I wonder why this long list of bills under suspension today; why the Rules Committee is being by-passed. It seems to me we are starting awfully early in this session to dispose of legislation under suspension of the rules, a procedure whereby debate is drastically limited and no amendments can be offered.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield to me?

Mr. GROSS. I am happy to yield to the gentleman.

Mr. ASPINALL. This bill happens to be not one of those bills that is in the category to which my colleague makes reference. This is not a very important bill. This does not establish any new policy. This bill comes under the amount of $1 million which usually passes on the Consent Calendar. There is nothing about this particular bill that I know of that would need a rule to bring it before the House.

Mr. GROSS. Mr. Speaker, I would like to remind my good friend that his closing words, when he spoke only 2 or 3 minutes ago, were that this is an important bill.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. Yes; I am glad to yield.

Mr. ASPINALL. It is important as far as the overall national park program is concerned. But it establishes no new policy whatsoever.

Mr. GROSS. Mr. Speaker, to get this proposition in proper focus, the Hubbell Trading Post, if you look at a road map, is located in the wilds of northeast Arizona on the Navajo Indian Reservation. It appears, according to the road map, to be near Ganado, Ariz. There appears to be one rather narrow, surfaced road to Ganado, Ariz. So far as I can determine, it is not near any well-traveled highway.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield to me at that point?

Mr. GROSS. I yield to the gentleman.

Mr. ASPINALL. Some time ago we authorized a rather large appropriation to build a road through the Navajo Reservation in order to permit those people to be able to make the peculiar kind of handcraft and art work that they have, and to sell it. This proposed project will be on that road and I think will be in harmony with the program that we authorized.

Mr. GROSS. You do not have that ready today?

Mr. ASPINALL. It is substantially completed at the present time.

Mr. GROSS. Let us get down to the bill itself. As I understand it, and I hope the gentleman from Colorado will correct me if I am wrong, the 156 acres constituting this Hubbell estate in the wilds of northeast Arizona has an assessed valuation, or did have in 1957, of $9,957. It is here proposed under this legislation, as I understand it, to pay the Hubbell estate $300,000, which includes certain paintings and a certain ethnological collection. Am I approximately correct?

Mr. UDALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Arizona.

Mr. UDALL. Real property in my State is assessed at about 10 percent of the real value. The $9,000 is really $100,000. The specialized value of the artifacts, the ethnological collection, the Indian relics, has an additional value. But this is to be negotiated at the fair market price. They are to submit it back to the committee before final contracts are agreed to.

Mr. GROSS. How much is land around this trading post worth per acre?

Mr. UDALL. I do not know about that, but the real property, the buildings, is assessed at $9,000. As I say, however, property is assessed at 10 percent.

Mr. GROSS. With a few paintings and an ethnological collection, the price has gone up to $300,000. On top of that the bill calls for $294,000 for redevelopment purposes, and on top of that approximately $23,000 for Federal management of this thing in the first year, and that will probably be pretty close to the figure in perpetuity. So this is approximately the situation: 156 acres of land that will cost $300,000, including a few paintings, and a certain Indian collection. In addition, there is $294,000 for development, plus $23,000 a year for management, or a total of more than $600,000.

The distinguished gentleman from Ohio [Mr. KIRWAN] took the floor 2 or 3 weeks ago. He is the chairman of the subcommittee handling Interior Department appropriations and he delivered some words of wisdom and truth. He said to the Members of the House, in effect: "If you do not want to pay the bills, do not pass legislation that sets up the bill and then expect us to do anything but appropriate the money."

The gentleman from Ohio [Mr. KIRWAN] has provided some very good advice. I say to you again that if you vote for this proposition you are approving an expenditure of more than half a million dollars to bail out an estate in the wilds of northeast Arizona. I want no part of it.

Mr. ASPINALL. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona [Mr. UDALL].

Mr. UDALL. Mr. Speaker, I am sorry the gentleman feels that the wilds of northeastern Arizona somehow are outside the country and do not deserve the consideration of this body. I have more national parks and national monuments in my district than any other Member of this body and many of them are in northeastern Arizona. One of them happens to be the Grand Canyon, which is probably the greatest of our national wonders.

As the Department said in reporting on this bill, this particular proposed historic site expresses a period in American history better than any other in the Southwest. This bill has gone through the mill. It is sponsored in the other body by my colleague and senior Senator from Arizona [CARL HAYDEN]. The administration has approved it.

I might remind my colleague who is apparently disturbed about the expenditures that there is no department or bureau in this Government that comes nearer to paying its own way than the national park system because there are admission charges and all of this does not come out of the taxpayer's pocket, but comes in part from the people who go there to visit these natural wonders and objects of historic interest. Therefore, I simply say to my colleagues that this is a sound investment. It has borne the test of the committee process, and I think it will be a welcome and valuable addition to the national park system. I urge that the bill be approved by my colleagues.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield.

Mr. ASPINALL. What is the plan as to the total amount of 160 acres?

Mr. UDALL. The committee in its deliberation felt that only that part of the real property actually needed for this purpose should be kept and the balance should be sold. Of course, the proceeds would go into the Treasury and that instruction is in the report and in the bill.

Mr. BALDWIN. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield.

Mr. BALDWIN. Mr. Speaker, I have had the privilege of traveling through that section of Arizona almost every year when coming back to Washington when the Congress convenes. I think the preservation of this site is most important for the opportunity that will be afforded future generations to see it as it exists today.

Mr. UDALL. I thank my colleague very much, and I only wish that many others of my colleagues would come to the wilds of northern Arizona and see some of our natural wonders.

Mr. GROSS. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN of Michigan. Mr. Speaker, in the report on page 3, down near the bottom it says:

> The post includes in its present makeup many intangible elements of feeling and association with important parts of the American heritage.

Now, this may be all right, but I wonder how many of us remember that only 15 percent of the land in Arizona is owned by private individuals or corporations. The rest of it is State or Federal land, so I was told. We had hearings out there recently on a matter having to do with the sale of public lands, to which the committee appointed objected strenuously. Down here in the Southwest on the waterfront, certainly there are historic sites. The Members who have been in the habit of going out that way know of these blocks of building in the southwest, and just within the last week Herzogs and a dozen of those places down there have all been leveled off to put through this new highway or for a real estate development. I wonder if pretty soon they will be going down to Mount Vernon and put in a parking lot. Apparently, someone would if it were near enough to Arlington. When you talk about preserving historic spots and thinking of the beginnings of our country, I just cannot understand why it is that all of these blocks of old buildings in the southwest section of the city have been torn down. Then, I understand, there are 13½ acres over in the Northeast that some real estate speculators are after, and later they are going to clean up from the Capitol clear over to the Anacostia River, and then make that all land covered by Federal buildings. Some of our people go abroad, they tell me—I do not know why they go—but, they go abroad so it is said to see what has been left by other civilizations. To profit and learn from the past. They say they learn something from what they see has happened to nations which have preceded our own. They get an experience that you cannot get anywhere else. But, here some folks will never be satisfied until they get this land—well, maybe all of Virginia—I do not know whether these fellows in Virginia are going to consent or not—and in Maryland—probably covered with Federal buildings. Somebody, my very able friend and colleague, the gentleman from Virginia [Mr. BROYHILL] may succeed and I noticed the other day dropped in a bill that would take from the States their proportion of the Federal patronage employees that we have always had and give all Federal jobs here in the District—I suppose to Virginia.

If we do not watch our step, the first thing we know there will be nothing left here in this country that has any connection with the past. While I do not believe in living in the past, I have been advised that we could learn something from what happened to other people in other lands. It occurs to me at this time that we take care of some of our own people, homes, and land here in the Capital, try to preserve this a little, and perhaps it would be better than going away off into Arizona to create another park. If they must have it, all right, but in the meantime can we not preserve a little of Washington? We know about sending all this money abroad, some $80 billion have gone over there, and apparently no relief yet. Even my good friend from Minnesota, who is to leave us, as I understand it, wrote a report the other day, and he admits that we wasted at least a few dollars and have not accomplished all that we expected or any appreciable part of it.

Mr. JUDD. I do not know why the gentleman said "the gentleman who is leaving us."

Mr. HOFFMAN of Michigan. I just saw you going out.

Mr. JUDD. I thought I might hear some pearls of wisdom, so I came back.

Mr. HOFFMAN of Michigan. The compliment is wholly undeserved. I am a great admirer of the gentleman, but I cannot go along when we get to the point where we are impoverishing some of our own people.

Mr. JUDD. The RECORD should show clearly that the report, to which the gentleman referred, is not the first time that I have pointed out things in the administration of the foreign aid program that I could not approve. I have been working about 12 months a year to try to make it more effective.

Mr. HOFFMAN of Michigan. No one has any doubt about that. You have always tried to protect our own people. I cannot yield any more. That is all true, however. But the amount of money advocated spending is more than the wealth of the next generations. I am happy to know you are now calling for efficiency and less waste, but I hope we do not get all the clothes from our American people and put them on the backs of the Chinese or any other group we have all felt so sorry for.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. GROSS. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. O'HARA].

Mr. O'HARA of Illinois. Mr. Speaker, I must answer to my constituents. I find here in Report No. 1250 that the assessed valuation of the real property in 1957 was $9,957, and that the owner graciously has expressed a willingness to sell the property for $300,000.

There may be an answer, but it will have to be a pretty good answer or I cannot look my constituents in the face if I vote for this.

Mr. UDALL. Mr. Speaker, will the gentleman yield?

Mr. O'HARA of Illinois. I yield.

Mr. UDALL. We discussed this matter a few moments ago. I made two points: The first is that real property valuations for tax purposes in my State are about 10 percent. The $9,000 represents a real property value of about $100,000. But the real value of this trading post lies in the collection of Indian artifacts, art work, Indian blankets, and so forth.

This is a place, Mr. Speaker, where President Teddy Roosevelt visited on several occasions. He was a great lover of the West and he used to visit this trading post. It is the value of the art collection, the artifacts, that constitute the real value in this instance.

Mr. O'HARA of Illinois. Nobody loves the past more than do I, and I consistently have supported legislation for national parks and shrines preserving historic spots for the inspiration of oncoming generations. But I do have to face my constituents, and I do not know how they could understand my vote for something, no matter how laudable its purpose, that on the surface was grossly overpriced. Allowing, as the gentleman states, the appraised value is one-tenth of the real value there still is a discrepancy of over $200,000, which has been explained very casually and with nothing on which we can hang our hats.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. O'HARA of Illinois. I yield.

Mr. ASPINALL. These are the figures that were given to us in the presentation of this matter before the committee. The price will be fixed after proper appraisal. There will not be any money paid without fair appraisal, and I can assure the gentleman he will have nothing to answer to his constituents for.

Mr. O'HARA of Illinois. I thank the gentleman.

Mr. GROSS. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. JONAS].

Mr. JONAS. Mr. Speaker, may I ask the gentleman from Arizona a question? Why is it necessary to acquire the entire 157 acres? The trading post, as I understand, is susceptible of being cut off from the rest of the property. Why should we have to acquire the entire 157 acres?

Mr. ASPINALL. The area is presently in a single tract and must be purchased as a unit. In the report, however, we contemplate the problem the gentleman anticipates. We have indicated that we want to cut off of the property that which is not needed for the facility, the balance to be sold at the fair market price. So the ultimate outcome will be just what the gentleman wants.

Mr. GROSS. Mr. Speaker, I yield myself 1 minute to ask the gentleman from Arizona why does the State of Arizona not take over this trading post?

Mr. UDALL. This trading post falls in a different category than State parks. The Park Service people and we in Arizona feel that it belongs in the national system rather than in the State park system. The State has been interested in other types of historic sites than this particular one.

Mr. GROSS. Has an appraisal been made of the Indian collection involved?

Mr. UDALL. None has been made. There is to be an appraisal before purchase.

Mr. GROSS. Yes, but you want to spend, under the terms of this bill, $300,000 for the property without an appraisal of the collection.

Mr. UDALL. No; my colleague does not understand. The $300,000 is a limit. It will be appraised at firm market value, and that will be the price.

Mr. GROSS. I understand the limit, and I have no intention of trying to justify the spending of a total of $600,000 on this project, plus an indefinite amount in perpetuity for upkeep. I cannot justify this to my taxpayers and I do not intend to try.

Mr. Speaker, I yield back the balance of any time I may have remaining.

Mr. DOWDY. Mr. Speaker, I must enter my protest against this proposal to pay $300,000 of the taxpayers money for 157 acres of desert which the owners, in rendering the same for taxation, acknowledge has a value of only $9,000.

In addition the bill would authorize the expenditure of another $300,000 for remodeling some old buildings, then, in perpetuity, at least $25,000 per year for upkeep.

This is obviously an attempt to bail out the owners of worthless property at the expense of the American taxpayer. It is no wonder that our national budget cannot be balanced. Surely the Members of this House will not adopt this proposal.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill, H.R. 7279, as amended.

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 67, noes 36.

Mr. UDALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 171, nays 208, not voting 52, as follows:

[Roll No. 29]

YEAS—171

Albert	Green, Pa.	Oliver
Aspinall	Haley	Patman
Avery	Harris	Perkins
Bailey	Healey	Pfost
Baldwin	Herlong	Poage
Baring	Holifield	Porter
Barrett	Horan	Price
Barry	Hosmer	Prokop
Bass, Tenn.	Hull	Quigley
Beckworth	Ikard	Randall
Bennett, Fla.	Inouye	Rhodes, Ariz.
Bentley	Irwin	Rhodes, Pa.
Berry	Jarman	Riley
Blatnik	Jennings	Rivers, Alaska
Boland	Johnson, Calif.	Rivers, S.C.
Bolling	Johnson, Colo.	Roberts
Bowles	Johnson, Wis.	Rogers, Colo.
Boykin	Jones, Ala.	Rogers, Fla.
Brademas	Judd	Rogers, Mass.
Breeding	Karsten	Roosevelt
Brewster	Kasem	Rutherford
Brooks, La.	Kee	Saund
Brooks, Tex.	Kelly	Saylor
Brown, Mo.	Keogh	Selden
Buckley	Kilday	Sheppard
Burdick	Kilgore	Shipley
Burke, Ky.	King, Calif.	Short
Byrne, Pa.	King, Utah	Sikes
Carnahan	Kluczynski	Sisk
Celler	Kowalski	Smith, Iowa
Chenoweth	Kyl	Smith, Miss.
Cohelan	Laird	Staggers
Cooley	Lane	Steed
Daddario	Langen	Stubblefield
Daniels	Lankford	Sullivan
Dawson	Libonati	Teague, Calif.
Denton	McCormack	Teague, Tex.
Dixon	McDowell	Thomas
Dooley	McFall	Thompson, N.J.
Doyle	McGovern	Thompson, Tex.
Dulski	McIntire	Thornberry
Edmondson	McMillan	Toll
Elliott	McSween	Tollefson
Evins	Mahon	Trimble
Fascell	Merrow	Udall
Fisher	Metcalf	Ullman
Flood	Miller,	Wainwright
Fogarty	George P.	Walter
Foley	Mills	Westland
Forand	Moorhead	Wier
Friedel	Morgan	Willis
Garmatz	Morris, N. Mex.	Wilson
Gathings	Morris, Okla.	Withrow
George	Multer	Wright
Giaimo	Murphy	Young
Gilbert	Nix	Zablocki
Gray	Norrell	
Green, Oreg.	O'Hara, Mich.	

NAYS—208

Abbitt	Addonizio	Allen
Abernethy	Alexander	Andersen,
Adair	Alford	Minn.
Andrews	Gavin	Mumma
Ashmore	Glenn	Murray
Auchincloss	Goodell	Natcher
Baker	Grant	Nelsen
Barr	Griffin	Norblad
Bates	Griffiths	O'Brien, Ill.
Belcher	Gross	O'Hara, Ill.
Betts	Hagen	O'Konski
Bolton	Halleck	O'Neill
Bonner	Halpern	Osmers
Boggs	Hardy	Ostertag
Bow	Harmon	Passman
Bray	Harrison	Pelly
Brock	Hays	Philbin
Brown, Ga.	Hébert	Pilcher
Brown, Ohio	Hechler	Pillion
Broyhill	Hemphill	Pirnie
Burke, Mass.	Henderson	Poff
Burleson	Hiestand	Preston
Byrnes, Wis.	Hoeven	Pucinski
Cahill	Hoffman, Ill.	Rabaut
Cannon	Hoffman, Mich.	Rains
Casey	Hogan	Ray
Cederberg	Holland	Reece, Tenn.
Chamberlain	Holt	Rees, Kans.
Chelf	Holtzman	Richlman
Church	Huddleston	Robison
Coad	Jackson	Rodino
Colmer	Jensen	Rogers, Tex.
Conte	Johansen	Rooney
Cook	Johnson, Md.	Roush
Corbett	Jonas	St. George
Cramer	Jones, Mo.	Santangelo
Cunningham	Karth	Schenck
Curtin	Kastenmeier	Schwengel
Curtis, Mass.	Kilburn	Scott
Curtis, Mo.	Kirwan	Siler
Dague	Kitchin	Simpson
Davis, Ga.	Knox	Smith, Calif.
Davis, Tenn.	Lafore	Smith, Kans.
Delaney	Latta	Smith, Va.
Dent	Lennon	Springer
Derounian	Lesinski	Stratton
Devine	Levering	Taber
Diggs	Lindsay	Teller
Dingell	Lipscomb	Thomson, Wyo.
Donohue	Loser	Tuck
Dorn, N. Y.	McCulloch	Utt
Dorn, S. C.	McDonough	Vanik
Dowdy	Mack, Ill.	Van Pelt
Downing	Mack, Wash.	Van Zandt
Dwyer	Madden	Vinson
Everett	Mailliard	Wallhauser
Farbstein	Marshall	Wampler
Feighan	Martin	Watts
Fenton	Mason	Weaver
Fino	Matthews	Weis
Flynn	May	Wharton
Flynt	Meader	Whitener
Ford	Meyer	Whitten
Forrester	Milliken	Widnall
Fountain	Moeller	Williams
Frazier	Monagan	Winstead
Frelinghuysen	Moore	Wolf
Fulton	Morrison	Yates
Gallagher	Moss	Younger
Gary	Moulder	

NOT VOTING—52

Alger	Clark	Miller, Clem
Anderson, Mont.	Coffin	Miller, N. Y.
	Collier	Minshall
Anfuso	Derwinski	Mitchell
Arends	Durham	Montoya
Ashley	Fallon	O'Brien, N.Y.
Ayres	Granahan	Powell
Barden	Gubser	Quie
Bass, N.H.	Hargis	Reuss
Baumhart	Hess	Rostenkowski
Becker	Kearns	Scherer
Bennett, Mich.	Keith	Shelley
Blitch	Landrum	Slack
Boggs	McGinley	Spence
Broomfield	Macdonald	Taylor
Budge	Machrowicz	Thompson, La.
Canfield	Magnuson	Zelenko
Chiperfield	Michel	

So, two-thirds not having voted in favor thereof, the motion to suspend the rules and pass the bill was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Boggs and Mr. Anfuso for, with Mr. Arends against.

Mr. Fallon and Mr. Montoya for, with Mr. McGinley against.

Mrs. Shelley and Mrs. Granahan for, with Mr. Becker against.

Mr. Clark and Mr. Anderson of Montana for, with Mr. Taylor against.

Mr. O'Brien of New York and Mr. Bass of New Hampshire for, with Mr. Zelenko against.

Mr. Kearns and Mr. Reuss for, with Mr. Miller of New York against.

Until further notice:

Mr. Rostenkowski with Mr. Gubser.
Mr. Slack with Mr. Michel.
Mr. Landrum with Mr. Alger.
Mrs. Blitch with Mr. Scherer.
Mr. Coffin with Mr. Canfield.
Mr. Clem Miller with Mr. Bennett of Michigan.
Mr. Mitchell with Mr. Quie.
Mr. Macdonald with Mr. Minshall.
Mr. Machrowicz with Mr. Keith.
Mr. Powell with Mr. Ayres.
Mr. Durham with Mr. Baumhart.
Mr. Barden with Mr. Hess.
Mr. Ashley with Mr. Broomfield.
Mr. Spence with Mr. Collier.
Mr. Thompson of Louisiana with Mr. Chiperfield.
Mr. Hargis with Mr. Budge.

Mr. LOSER changed his vote from "yea" to "nay."

Mr. FARBSTEIN changed his vote from "yea" to "nay."

Mr. HOLTZMAN changed his vote from "yea" to "nay."

Mr. TELLER changed his vote from "yea" to "nay."

Mr. LAIRD changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

AUTHORIZING ACQUISITION OF LAND FOR DONATION TO THE PAN AMERICAN HEALTH ORGANIZATION AS A HEADQUARTERS SITE

Mr. WRIGHT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7579) to authorize the acquisition of land for donation to the Pan American Health Organization as a headquarters site.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the Administrator of General Services to acquire by purchase, condemnation, or otherwise, including any expenses of such acquisition, the land in the northwest section of the District of Columbia, known as square 59, bounded on the north and south by Virginia Avenue and E Street, and on the east and west by Twenty-second and Twenty-third Streets, together with any building and improvements thereon.

SEC. 2. The Administrator of General Services is hereby authorized to convey without consideration the property acquired under section 1 of this Act to the Pan American Health Organization, formerly known as the Pan American Sanitary Bureau and the Pan American Sanitary Organization, for use as a headquarters site, subject to the condition that the site development plan be coordinated with the National Capital Planning Commission.

The SPEAKER. Is a second demanded?

Mr. MACK of Washington. Mr. Speaker, I demand a second.

Mr. GROSS. Mr. Speaker, a parliamentary inquiry. Is the gentleman opposed to the bill?

Mr. MACK of Washington. I am not.

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman from Iowa opposed to the bill?

Mr. GROSS. I am, Mr. Speaker.

The SPEAKER. Without objection, a second is considered as ordered.

There was no objection.

Mr. WRIGHT. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this bill provides the first opportunity since the trip of President Eisenhower to South America, for this Congress to validate a U.S. commitment and to demonstrate tangibly our interest in inter-American relations and hemispheric solidarity. The bill provides for the acquisition of a site at an estimated cost of $875,000 to be presented to the Pan American Health Organization for the construction by that organization of a permanent headquarters building here in Washington.

The Pan American Health Organization, created in 1902, is the oldest regional health organization in the world. It is the largest specialized agency of the Organization of American States. It conducts programs of vital significance throughout the hemisphere in the eradication of such dread diseases as malaria, smallpox, typhoid, tuberculosis and yellow fever. It conducts programs of the action type, such as spraying, quarantining, providing inoculations for epidemic disease eradication. The organization's activities have actually eradicated malaria in many parts of Latin America. In addition to these action type programs, it conducts valuable consultation and research programs for the benefit of member governments. Every government in Central and South America is a member of this organization.

Its present temporary headquarters is totally inadequate for the conduct of this energetic and vitally important program which employs 800 people and operates on a total budget of some $10,700,000. The headquarters are scattered among four separate buildings. The organization owns two former residences; rents a third, and occupies the top floor of an office building.

In 1950 the organization voted to erect a permanent headquarters. Our Government at that time invited this organization to construct this building in Washington, and offered to provide a suitable site for the building.

Similar offers were made by Mexico, Panama, and Peru; but the delegates voted overwhelmingly to accept our invitation and to erect their permanent headquarters here in Washington. Enactment of this bill will make that possible. It will redeem and validate our pledge and invitation.

It is estimated that a building costing approximately $4 million will be erected, toward which the Pan American Health Organization already possesses assets of some $1 million.

This bill has been urgently requested by the State Department. It has been approved by the Bureau of the Budget; it has been approved by the National Capital Planning Commission; it has been approved by the General Services Administration.

A similar bill pased the Senate last August. This bill has been approved unanimously by the Public Works Committee of the House.

Our Government has issued an invitation to the other governments of our hemisphere; they have accepted the invitation. Passage of this bill is necessary to validate and redeem the invitation and the commitment our State Department has made. I therefore urge favorable consideration of this bill.

Mr. WAINWRIGHT. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield.

Mr. WAINWRIGHT. I would like to ask the gentleman from Texas—and I am not opposed to the concept or the philosophy under which he suggests that we must spend up to $3 million; I think it is worth while—but why, for example, should we buy this property close to the State Department when the CIA building is about to become available for such an operation and it would not be necessary for the Federal Government to go out and purchase new land? There are other areas I would like to mention for the gentleman's consideration.

Mr. WRIGHT. Is the gentleman asking a question or making a statement?

Mr. WAINWRIGHT. Put in the form of a question, let me suggest that there are five available properties now owned by the Federal Government, including the Congers Laundry, which the State Department owns, directly across from it. Why could it not be used rather than purchasing this new property?

Mr. WRIGHT. That was one of the questions we raised in our committee. The spokesman for the General Services Administration has said that none of these sites is suitable for this purpose, and in this the State Department has concurred. I yield to the agency in the administrative branch of the Government which has been charged with the responsibility for making such appraisals. It is the judgment of the State Department and of the General Services Administration that none of the other properties would be suitable for this purpose, and they have unanimously recommended instead that we purchase this particular property which they have found off Virginia Avenue between 22d and 23d Streets, which they say is ideal for this purpose.

Mr. WAINWRIGHT. I wonder if the gentleman from Texas would consider the fact that this property was not under consideration at the time the request in H.R. 7579 was made this year; that property had not been settled on. If the CIA is going to move out, would it not be well to consider the use of the site rather than purchase additional property?

Mr. WRIGHT. Indeed, it would; and as a matter of fact I would like to say to the gentleman that since that time I have inquired of the State Department about that very thing, and their conclusion is still identical with what it was earlier, that this building would not be suitable nor nearly so desirable as the property they have under consideration.

Mr. JUDD. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield.

Mr. JUDD. The suggestion seems to be that when the CIA moves out of its present building, it will stand empty. Of course, there are several other agencies of the Government that need and want that property and would be eager to move in right away.

Mr. WAINWRIGHT. If I may with the permission of the gentleman from Texas, I will say that I am not opposing this concept but I am just raising the question as to the best use of sites presently available.

Mr. WRIGHT. Let me say to the gentleman from New York that it would not be appropriate for us to maintain title to the land on which the Pan American Health Organization should build its building. If we are going to make a gift we must do so in good faith.

Mr. CRAMER. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Florida.

Mr. CRAMER. Is it not true also, since the commitment was made in 1950, the United States would provide a site and the General Services Administration, the State Department, and the Organization of American States then try to find a suitable site and finally resolved on this one, which indicates it is not something that was decided hastily but something that has been under consideration for years and years. If we in the United States and in Washington do not accept this responsibility and this commitment then this organization is going to Mexico, Panama, or Peru and we will lose the employment of 250 people, also we will lose the opportunity to construct a building which obviously would go to other countries if they were successful in their bid.

Mr. WRIGHT. The gentleman is completely correct.

Mr. GROSS. Mr. Speaker, I yield 3 minutes to the gentleman from Washington [Mr. MACK].

Mr. MACK of Washington. Mr. Speaker, the U.S. Government has been a member of the Pan American Health Organization since 1902, or for a period of almost 58 years. All of the countries of South, North, and Central America, except Canada, are members of it.

The purpose of the Pan American Health Organization is to combat disease, both physical and mental, wherever found in the Western Hemisphere. It does so by research, by the exchange of medical scientific information and by encouraging advance studies by medical men in our universities and colleges.

I am informed by those in position to know that the Organization has accomplished much good in combating malaria, in overcoming that dread disease known as the yaws in Haiti, by the exchange of information on methods of fighting tuberculosis, and by making dried smallpox vaccine available in the tropical countries.

I am convinced that it is a worthwhile organization and has done good work. When we fight disease in neighboring

nations, we not only help them but help ourselves by gaining added protection for our own people. Also, it should, and no doubt does, make the United States additional good will among our neighbors.

The Pan American Health Organization working to benefit the people of more than 20 countries operates on a budget of only about $10 million a year.

Of this money, $3,500,000 comes in direct contributions from the member nations with the United States supplying 66 percent of it. The remaining $7 million is obtained from the World Health Organization to which the United States supplies one-third its cost. Of the $10 million expended annually by the Pan American Health Organization, the United States supplies in fact about 45 percent.

The headquarters of this Pan American Health Organization since its inception has always been here in Washington, D.C. The question involved in this legislation is whether we want to keep that headquarters here or let it go to some other nation.

At the 1950 Convention of the Pan American Health Organization, Mexico, Peru, and Panama, each invited the Pan American Health Organization to move its permanent headquarters to one of these countries. American delegates to that convention told the convention the United States was willing to provide a site in Washington, D.C., for a permanent headquarters building.

This bill would fulfill that commitment. A site is being proposed on Virginia Avenue between 22d and 23d Streets. It consists of about 2 acres. The estimated cost is $874,000.

If Congress provides this site, it will be assured that the headquarters of this worthwhile humanitarian organization always will remain in our National Capital where it should be. If we do not provide the site, the headquarters of the organization may be moved to Mexico, Peru, or Panama, all of which countries have manifest an interest in having it.

Te U.S. cost will not be lessened if the headquarters are moved to some other country. Congress therefore should pass this bill.

Mr. FLYNT. Mr. Speaker, will the gentleman yield?

Mr. MACK of Washington. I yield to the gentleman from Georgia.

Mr. FLYNT. What amount did the gentleman say this land was estimated to cost?

Mr. MACK of Washington. Eight hundred and seventy-four thousand dollars.

Mr. GROSS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I am very much interested in the remarks of the gentleman from Texas in opening the argument on behalf of this bill. If we must continue to spend money in order to curry the favor of the South Americans, why, Mr. Speaker, I would point out that only last year Congress passed a bill creating an Inter-American Bank to provide them with loans with a capitalization of $1 billion of which the United States agreed to put up nearly $500 million. How much does the gentleman want the American taxpayers to spend to demonstrate their interest in the Central and South American countries?

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. WRIGHT. In answer to that, I will say I want us to approve the purchase of this site that is estimated to cost $875,000 today.

Mr. GROSS. The site will cost a minimum of $875,000 and it may cost more.

Mr. WRIGHT. My statement was not that it was a minimum.

Mr. GROSS. I said a minimum. I did not say the gentleman said a minimum. On top of that we are committed, as I read the report, to provide the big end of the cost of the building. The bill is silent on the exact amount. The bill reads this way: "There is hereby authorized to be appropriated out of any money in the Treasury not otherwise provided such sum" and so on and so forth. That is the good old open door to the U.S. Treasury.

Mr. CRAMER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Florida.

Mr. CRAMER. This is just an authorization bill. It requires further action by the Committee on Appropriations.

Mr. GROSS. Sure, this is a blank check. Send this bill to the Committee on Appropriations and then wonder why they come back and say, "You voted for this. What do you expect us to do with it except appropriate the money?"

Mr. CRAMER. Mr. Speaker, if the gentleman will yield further, the question, it seems to me, is a basic question of the relationship between this Nation and Central and South America. Of course, after the President's visit and his demonstration of good will and the demonstration of good will toward this country, it seems to me that this certainly is not the time to be repudiating an agreement which our representatives entered into with the members of the Organization of American States.

Mr. GROSS. Yes; the State Department, with its long nose that it sticks into the affairs of all nations of the world, got us committed to this thing, and that without any reference to the Congress.

Mr. ROONEY. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New York.

Mr. ROONEY. As I understand it, after turning over about $900,000 worth of American taxpayers' real estate to this international Organization, a building would be constructed thereon.

Mr. GROSS. Right.

Mr. ROONEY. Does the distinguished gentleman from Iowa know the amount of the American share of the cost of the erection of that building in the event it were erected?

Mr. GROSS. According to the report, it would be $2 million; a minimum of $2 million.

Mr. ROONEY. The full American share of the cost of the construction of the building, after the property is turned over?

Mr. GROSS. A minimum of $2 million.

Mr. ROONEY. The U.S. share would be 66 percent of the total cost of the building, would it not?

Mr. GROSS. It would be somewhere in that neighborhood. Of course, with the building site it would be more than that.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. WRIGHT. To answer the question of the gentleman from New York [Mr. ROONEY], it is my understanding from reading the report and talking about it, that the entire cost is borne by the United States as part and parcel of this gift.

Mr. MACK of Washington. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Washington.

Mr. MACK of Washington. The U.S. Federal Government would purchase the property and turn it over free to the Pan-American Health Organization. The building would be financed by funds of the Pan-American Health Organization. These funds are paid in this way: $3.5 million is raised by the participating nations, of which the U.S. Government supplies 66 percent. About $7 million comes from the World Health Organization to which the American Government supplies about one-third.

Mr. CRAMER. Mr. Speaker, if the gentleman will yield further, I would like to point out simply this. The World Health Organization is going to build a building. We are going to put up 66 percent of it. The question is, Is it to be built in America, with American labor, in Washington, D.C., or in Mexico, with Mexican labor? That is the only issue involved in the bill.

Mr. GROSS. But the 66 percent does not take into consideration the $900,000 for the site, does it?

Mr. CRAMER. If the gentleman will permit me to answer, I will say to the gentleman that 215 people who are employed in Washington, D.C.——

Mr. GROSS. That is not my question. The figure the gentleman gave does not include the $900,000.

Mr. CRAMER. Obviously, but I say to the gentleman that 215 Americans employed in Washington, D.C., if the building were not in Washington, D.C., would be Mexicans employed in Mexico or Panamanians employed in Panama, and I think it is good business.

Mr. GROSS. So we have another of those beautiful deals that the State Department has engineered, and we are called upon today to authorize the money. I wonder if some of the experts here on the Committee on Public Works could tell me how much the member nations of this Organization owe to the funds that they are supposed to have paid in up to this time. Can anybody tell us? Can the gentleman from Texas tell us the amount of the uncollected assessments?

Mr. WRIGHT. I know of no uncollected assessments.

Mr. GROSS. Of course, the gentleman knows that there are uncollected assessments.

Mr. WRIGHT. No; I do not know that there are uncollected assessments.

Mr. GROSS. The gentleman from New York [Mr. ROONEY], I am sure, held hearings last year, and in those hearings there was a table showing the uncollected assessments.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield at that point since he has raised the question of the cost of the building.

Mr. GROSS. I yield.

Mr. WRIGHT. Does the gentleman realize that the Organization has already committed itself to the construction of a building? It is going to be built. We are going to participate unless we were to withdraw from this Organization; and I do not know of anybody who is suggesting that. We are going to participate to the same extent, wherever it is built. The only purpose of this bill is to permit it to be built as they had accepted the invitation to do so here in Washington.

Mr. GROSS. In the first place, I do not know that a building is going to be constructed. If they want to build it in Washington, I think there is a cheaper site available. If the building is built somewhere else—and perhaps that would be a good thing—we will at least save almost $1 million by not purchasing the private property that the gentleman suggests we do buy at a cost of $20 per square foot in order to put a building on it.

Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. WAINWRIGHT].

Mr. WAINWRIGHT. Mr. Speaker, I should like to present to the House certain facts and figures which have not been presented heretofore.

In the first place, I wondered whether the capable and hard working gentleman from Alabama [Mr. SELDEN], the chairman of a very distinguished subcommittee of the Committee on Foreign Affairs, is present. It would seem to me important to learn whether his committee has considered the international implications of this question. It is painful to hear an argument of international policy made only by a committee charged with building authority. This is properly the business of Foreign Affairs.

The gentleman from Florida [Mr. CRAMER] has presented the argument that a repudiation of this building would be a slap at South America. I think that is rather a unique way of getting the Congress to appropriate $2 million. I would like to submit for the record that there are at the present time at least five adequate potential quarters for this building instead of spending $2 million as now proposed. The first, as I have stated, is the soon to be vacated CIA building. There is property on the location of the National Health Institutes. There is adequate ground in the area of the Naval Hospital. The former Conger's Laundry directly across the street from the State Department was recently acquired by the State Department and is now owned by the United States. Finally, what about some of the Naval Observatory property?

It seems to me that the price of $20 a foot is going to be disputed. It is ridiculously low for this valuable land. The price mentioned in the report will probably be doubled or at least go up two-thirds again as much as has been reported. But that does not seem to me to be the issue. The issue with which we are faced is, Does the Federal Government have adequate property that it can use, instead of our voting this afternoon to go out and buy new property?

Mr. WRIGHT. Mr. Speaker, I yield 5 minutes to the gentleman from Florida [Mr. CRAMER].

Mr. CRAMER. Mr. Speaker, I think we should focus attention on exactly what the issue is here. The issue, No. 1, is the question of authorizing $874,000 period. Now as to the question of constructing the building; the building is going to be constructed whether in Washington or Mexico City, Panama City, or Peru, and the United States, under its past procedures and agreements, is going to pay 66 percent of the cost of the construction of that building wherever it is constructed. The only issue involved here is the question of $874,000 for the location of the site. I say it is a good investment. I say it is an essential investment. And why is it?

As the committee report itself states on page 5:

> There are several advantages in maintaining the headquarters of this outstanding inter-American Organization in Washington. The Pan American Health Organization—

I interpolate that it has been in existence since 1902 and has been located in Washington, D.C., since 1902, doing some of the finest work of any agency in the Government in international relationships—

> The Pan American Health Organization, as the largest specialized agency of the Organization of American States, must coordinate its activities with the Council of the Organization of American States, the Pan American Union, and other specialized agencies of the Organization of American States having their headquarters in Washington, and the embassies of member states.

It is logical that Washington, D.C., should be the location because the Pan American Health Organization has daily contacts with the U.S. Public Health Service and the International Cooperation Administration in planning and carrying out its hemispherewide programs. Among the most important of these programs are malaria eradication, international quarantine services, and training of health personnel.

Mr. EVINS. Mr. Speaker, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Tennessee.

Mr. EVINS. Did we correctly understand the gentleman to say that following the President's trip to South America he committed us to the building?

Mr. CRAMER. No; I did not say that. This is the first opportunity since President Eisenhower's trip to Latin America for Congress to tangibly demonstrate our interest in inter-American relations and hemispheric solidarity.

Mr. EVINS. The Congress was committed to the building of a dam in Mexico following a trip by the President to Mexico. Each trip brings more and more commitments without consulting the Congress on appropriations.

Mr. CRAMER. This has no direct relationship to the President's trip, but does involve our relations with those nations as was involved in the President's trip. I am saying that this is the first opportunity this Congress has had since his visit to Latin America to tangibly demonstrate our interest in inter-American relations and hemispheric solidarity and in continuing to provide much-needed assistance in the most vital area of health, as well as to validate the U.S. moral commitment.

Mr. Speaker, what are some of the jobs being done by this Health Organization? Listen to this. This is what it means to America. It not only means to America, as I previously pointed out, that it means constructing a building with American workers in Washington, D.C., as compared to constructing it in Mexico with Mexican workers. It also means the employment of 250 people in Washington, D.C., as compared to a large portion of them being employed as Mexicans in Mexico.

What else does it do? This is a good example of what this Organization does, and this is why it is important to America.

The border region between the United States and Mexico has a population of 1,884,500, of which 1,242,500 are in the United States. Public health problems common to both sides of the border include rabies, venereal diseases, tuberculosis, water supplies, waste disposal, and tourist center sanitation. To provide a coordinated attack on these common problems, the Pan American Health Organization established a field office in El Paso, Tex., in 1942. As a result of the work of this office, and the interest of the health authorities, local, State, and national in both countries, the United States-Mexico Border Public Health Association was established in 1943.

This is one of the functions to coordinate on the border the health problem between the United States and Mexico. I think that is extremely essential so far as the health of the citizens of the United States of America is concerned.

Mr. WAINWRIGHT. Mr. Speaker, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from New York.

Mr. WAINWRIGHT. The gentleman has made a very excellent foreign policy argument as the principal reason for purchasing this property. As a matter of parliamentary curiosity, does the gentleman know whether this question was before the Committee on Foreign Affairs, or more specifically, the Latin-American Subcommittee of that Committee?

Mr. CRAMER. The gentleman full knows——

Mr. WAINWRIGHT. No; I do not know.

Mr. CRAMER. If the gentleman will study the bill and the handling of it in the House, he will see that it was reported unanimously out of the Committee on Public Works of the House, and likewise on the Senate side.

Mr. WAINWRIGHT. The question was whether it went to the Committee on Foreign Affairs.

Mr. CRAMER. I think the gentleman has heard the expressions of some of the members of the Committee on Foreign Affairs on the floor this afternoon concerning their favorable attitude concerning this legislation.

Mr. WAINWRIGHT. My question is that the principal reason, I would imagine, that your committee would be involved would be the cost of the property and the price.

Mr. CRAMER. That is exactly right, our Building and Grounds Subcommittee has jurisdiction of buildings and sites.

Mr. WAINWRIGHT. So the question is not as to the foreign affairs implication, but the question is whether there are other properties available that could be given for the performance of this function.

Mr. CRAMER. I will say to the gentleman, I introduced this bill because I have an equal interest in our international relationships with Central and South America between this country and those nations as I do and have in acquiring the site, and I do not see how we can separate the two. Frankly, our friendly hemispheric relations is the main reason I introduced the bill.

Mr. Speaker, the Pan American Health Organization, created in 1902, is the oldest international health organization in the world. It is the largest specialized agency of the Organization of American States. It conducts programs of vital significance throughout Latin America in the eradication of such dread diseases as malaria, tuberculosis, and yellow fever. It conducts an indispensable action program in the mountains, swamps, cities, and villages of the hemisphere as well as a valuable research and consultation program for member governments. Every government of Central and South America is a member.

Its present temporary quarters are wholly and totally inadequate to the conduct of this energetic and vitally important program which employs 800 people and operates on a budget of $10,700,000 a year. The headquarters offices are presently scattered among four buildings under extremely crowded conditions. It owns two former residences, rents a third, and occupies part of the top floor of an office building.

In 1950, the Organization voted to erect a permanent headquarters building. Our Government invited the Organization to make its permanent headquarters here and offered to provide a suitable site for the building. Similar offers were made by Mexico, Panama, and Peru. The delegates voted overwhelmingly to erect the permanent headquarters building in Washington.

Particularly Mexico City is making a strong bid for the location of this facility and I believe it is imperative that the United States keep its commitment and make a site available immediately. Otherwise, one of the other bidding countries will acquire the headquarters site and thus separate the Pan American Health Organization from the Organization of American States headquarters. This could be a very definite loss of prestige for the United States and would go a long way toward undermining the good will that the President was able to build during his recent trip, particularly in view of our failure to keep our commitment.

Enactment of this bill will make that possible. It will redeem and validate our pledge and invitation. It is estimated that approximately a $4 million building will be constructed, toward which the Organization already possesses assets of some $1 million.

The bill has been urgently requested by our State Department. It has been approved by the Bureau of the Budget, the General Services Administration, and the National Capital Planning Commission. A similar bill passed the Senate last August, and it is the plan to substitute the Senate bill after the House bill has been taken up. It was approved unanimously by the Public Works Committee of the House.

The SPEAKER. The time of the gentleman from Florida has expired.

Mr. WRIGHT. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. BOW].

Mr. BOW. Mr. Speaker, I find myself in a rather unusual position in supporting this legislation. On the Subcommittee on Appropriations handling the State Department, the Organization of American States, and other agencies, I am generally in favor of reductions. But, I believe this bill is a good bill. I was in South America last year. The people in South America asked me why we had not gone ahead with this legislation as of last year. We were committed to do so. It seems to me we are now in a position where our relationships with Central and South America are better than they have been for many years.

This involves the purchase of land on which the Organization of American States will build a building. I would be inclined to believe that this is a good investment for us. It is the type of thing we can do when we talk about health, which is one of the most important things we can do in our relationship with other countries whether it be South America, Europe, or Asia. The Organization of American States through this particular group have made a great contribution. We have the Gorgas Hospital in Panama, which is well known in the health field throughout all of Latin America. It has made great contributions. If we build this building and go through with our promise, and the important thing to me, I will say to the gentleman from Iowa, is that this is a commitment which is recognized as such by the people of Latin America, and I believe we should keep our commitments.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield.

Mr. HALLECK. I commend the gentleman for the statement he has made. I think he has put his finger on the whole proposition involved here, and I want to associate myself with the gentleman and express the hope that this bill will pass.

Mr. BOW. I thank my colleague, the gentleman from Indiana.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield.

Mr. GROSS. The gentleman from Ohio is a member of the Appropriations Subcommittee. Can the gentleman tell the House what the South American countries in this Organization owe by way of uncollected assessments?

Mr. BOW. I cannot do so, but I think the gentleman is referring to unpaid assessments that were shown in the hearings last year.

Mr. GROSS. That is right.

Mr. BOW. But, I believe, that referred to unpaid assessments by the nations in the United Nations.

Mr. GROSS. No; I am not referring to the United Nations.

Mr. BOW. I do not recall that we had any in this Organization of American States, but the gentleman may be right. We may have had such a list, but I do not recall.

Mr. GROSS. In other words, the question is whether the other countries prepared to go through with their part of the bargain.

Mr. BOW. I would be inclined to say to the gentleman I feel quite sure that the Organization of American States will comply with the agreement. It is an organization in which I have a great deal of confidence.

Mr. CHELF. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield.

Mr. CHELF. Is it true that we are committed to pay 66 percent of this? Are we committed financially to that extent? If we are, then we might as well go ahead with it.

Mr. BOW. We will contribute to the Organization of American States. This building will be built someplace. If we do not go through with our commitment now and furnish this land, then the American taxpayers' dollars are going to be used in some other country to build this building. I agree with the gentleman from Florida that it makes good sense that we do it here in this country.

Mr. CHELF. When was the commitment made on behalf of the United States that we would cooperate with them and who made it?

Mr. BOW. I would have to ask the gentleman from Florida [Mr. CRAMER] to answer that question.

Mr. CRAMER. Mr. Speaker, if the gentleman will yield, it was first made in 1950 and reiterated and reaffirmed in 1958 by the 15th Panama Sanitary Conference, at which time the United States in conference with other Central and South American nations agreed that they would provide a site if this Organization would agree to locate in Washington. They agreed to locate it in Washington, and we have not yet carried out our part of the agreement.

Mr. BOW. I hope in the future that the State Department, before they make commitments of this kind, will see that it has cleared Congress, and not come in with commitments, because it is not good practice for them to make commitments and then come in and say, "Pick up the check."

Mr. CHELF. The gentleman is absolutely correct. Financial commitments of all kinds must be cleared with Congress before any promises are made. The State Department would do better if they remembered that.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. GROSS. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN of Michigan. Mr. Speaker, page 2 of the report reads:

> The legislation was requested by the Department of State.

It is just an extension of our foreign aid program; just getting a little in on the side; a way to get a little more money for foreign aid.

The gentleman from Florida [Mr. CRAMER], as does the gentleman from Ohio [Mr. BOW], says that we had to do it. We were committed. I just wondered who determined that we had to do this. I do not recall any such legislation.

Another thing, he says we will have to go along, that there are 250 jobs involved for people right here in Washington. Is that not a terrible thing? How many people in your district will be out of a job? Do we have to provide jobs all the time for foreign people?

Then look at the next page:

> The committee further realizes the value of retaining the headquarters of the Organization in the Washington area, and believes that the conveyance of title of the site for a headquarters building to the Organization would facilitate contributions from the member governments for building costs.
>
> The committee believes that enactment of H.R. 7579 is desirable to strengthen the friendly relations now existing between the United States and the other governments of the Americas.

So our leader over here says we endorse it. We must go along with the administration. The Lord only knows where they will take us if we keep on with foreign aid. Ike was in South America and some fellow on that trip in substance told him to go home and mind his own business. There now seems to be some uncertainty about what was said. Others will be telling us the same. Here in Washington, I do not know how many acres or how many blocks or homes will be taken but they will put the local people off. Why do they not think about the local people? They intend to kick them out of their homes. Sure. Why? Because it will promote foreign relations and good feelings down there in South America. We had an exhibition of that when NIXON was there, and we had another one when the President was there. They love us? They fly their flag over land that we lease from them in the Panama Canal Zone. Some fellow in Cuba tells us to get out of there and stay out. How many billions are we to pour into foreign aid? I remember when the majority here just shoveled it out abroad, and now have probably learned it does not accomplish the purpose it was thought it would. Every time they wanted something to protect themselves we gave it. They took it. Now we are to the end of the rope, the bottom of the barrel. Why put in any more?

The SPEAKER. The time of the gentleman from Michigan [Mr. HOFFMAN] has expired.

Mr. GROSS. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. FLYNT].

Mr. FLYNT. Mr. Speaker, I am concerned about bringing up what appears to be controversial legislation under the method of suspension of the rules, particularly at this time.

The gentleman from Florida [Mr. CRAMER] in his remarks a minute ago more or less confirmed my belief in this concern by saying that it is the responsibility of the Members to become familiar with the subject of the legislation. I agree with this, because the limited time allowed under this procedure is not adequate for a meaningful discussion. With that in mind, I would like to ask a few questions about the necessity for this much land; the necessity for the location in a rather expensive part, as far as cost of real estate is concerned. How many people are employed by the Pan American Health and Education Headquarters?

Mr. CRAMER. Eight hundred are employed. As I understand it, 250 in Washington.

Mr. FLYNT. Where are the remainder employed?

Mr. CRAMER. They are employed in such places as I suggested, at border stations between the United States and Mexico and other places outside Washington and I assume many others outside the United States.

Mr. FLYNT. Assuming there are only 250 people employed in the Washington headquarters, does the gentleman realize this calls for 438,000 square feet, which is nearly 10 acres?

Mr. CRAMER. It is nearly 2 acres; it is about two-thirds of a block.

Mr. FLYNT. About two-thirds of a block?

Mr. CRAMER. That is correct.

Mr. FLYNT. How tall will this building be?

Mr. CRAMER. I do not know personally.

Mr. FLYNT. I am thinking of the proper use of expensive property centrally located like this. I am concerned whether this tract is suited for this purpose.

Mr. CRAMER. I could not tell the gentleman what will be the size and nature of the building because that is a decision to be made by the Organization of American States, and properly so, although Congress can take a look at the building when it is up for appropriations at a later date.

Mr. FLYNT. I yield to the gentleman from New York.

Mr. ROONEY. Does the gentleman know any reason why this Pan American Health Building should not be built, say, out in Bethesda, where the U.S. National Institutes of Health are located? Or in some outlying area of the District rather than on the valuable property at 22d Street and Virginia Avenue adjacent to the brandnew $55 million State Department Building?

Mr. FLYNT. I thank the gentleman from New York for asking that question. I would like to say that I think he is correct and I thoroughly agree with him. I think it would be infinitely better from the standpoint of the purpose of the building for it to be located near the National Institutes of Health. The Government already owns this land and it should be available. I am convinced further, in fact, I know, it would be much better for the pocketbook of the American taxpayer if some other less expensive land already owned by the U.S. Government could be used for the purpose.

Mr. DAVIS of Georgia. Mr. Speaker, will the gentleman yield?

Mr. FLYNT. I yield.

Mr. DAVIS of Georgia. I wish to compliment my colleague from Georgia on the splendid statement he is making. Does the gentleman believe it is possible for the U.S. delegation to the 13th Pan American Sanitary Conference to bind the Congress because of some decision they make or agree to?

Mr. FLYNT. In reply to the question of my colleague from Georgia, I say emphatically "No"; not only is it impossible for the Inter-American group to which my colleague from Georgia referred, to bind the Congress, but it is well known as a matter of basic legislative principle that not even the executive branch on matters of this kind can bind the Congress. This Congress cannot bind the 87th Congress so far as I know. The U.S. Congress is one of the few things that cannot be bound by itself or anyone else.

Mr. WAINWRIGHT. Mr. Speaker, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from New York.

Mr. WAINWRIGHT. I would like to ask the gentleman if there is any difference between this Organization and the World Health Organization; and, if so, what is the difference?

Mr. FLYNT. There is a difference between the two. I will let the gentleman from Florida answer that question if he cares to.

Mr. CRAMER. Mr. Speaker, with regard to the question of a compact on the part of the State Department with the effect of committing Congress; obviously, that is not correct; it could not be the case. No one has the right to bind Congress but Congress itself. What I said was that we were morally obligated to carry out the agreement made by the executive branch in good faith in 1950 and again in 1958.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia [Mr. FASCELL] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. FASCELL. Mr. Speaker, it is with the greatest pleasure that I cosponsor the bill before us today to authorize the purchase of certain land in the District of Columbia for donation to the Pan American Health Organization as a headquarters site.

This bill is the climax of a long series of discussions and of serious planning aimed at an arrangement under which the United States will continue as the headquarters for this great institution.

This bill's reaffirmation of the sincere desire of the United States to maintain solidly friendly relations with our neighbors in the Americas could not come at a better time.

Passage of this bill will demonstrate to all the world the importance we attach to inter-American relations generally and to inter-American health programs specifically. In addition, of course, there are distinct advantages to having the headquarters located here, where the Pan American Health Organization can carry on an exchange of ideas in a close working relationship with the U.S. Public Health Service and private research organizations.

As a member of the Subcommitee on Inter-American Affairs of the Foreign Affairs Committee, I heartily endorse this bill and commend it to my colleagues.

Mr. WRIGHT. Mr, Speaker, I ask unanimous consent that all Members may have the privilege of extending their remarks at this point in the RECORD on this subject, and that all Members who have already spoken may revise and extend their remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WRIGHT. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. EDMONDSON].

Mr. EDMONDSON. Mr. Speaker, may I suggest that on foreign aid and elsewhere I have considerable sympathy with my good friend from Iowa when he presents arguments for cutting some of that expenditure. I have supported his amendments on numerous occasions on the floor for that purpose. I am generally sympathetic with the idea of cutting back on foreign aid expenditures, wherever possible without danger to our own security and foreign policy.

But I respectfully submit to you that this is not a typical foreign aid expenditure question, that much more is involved here than the simple question of cost. Every American citizen is deeply concerned about two places in the Western Hemisphere: One is Cuba where we have a vast naval establishment, and where we are very keenly interested in seeing that the Republic of Cuba keep its commitments to the United States.

The other place is Panama, where all of us are vitally interested in seeing that the Republic of Panama keeps its commitments to the United States. The best place that we can look today for friends to help to see that those commitments are honored is the Organization of American States of which this Pan American Health Organization is a vital part.

If we do not keep our commitments to the other inter-American states, if we do not honor the invitation of a properly constituted group of Americans for this Health Organization to come to our Capital and erect here a building as a site for their important headquarters, if we do not keep our obligations and our commitments to the Organization of American States or its associated organizations, how can we expect our neighbors to the south in this hemisphere to keep their commitments to us? It is as simple as that. I say this is a commitment of both the Truman administration and the Eisenhower administration which we are morally bound to honor.

Mr. WRIGHT. Mr. Speaker, I yield myself the remaining time on this side.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Arkansas.

Mr. HARRIS. Am I correct in fact that this question simply is whether or not the building for this purpose is going to be established here in Washington and that this provides for such establishment, or whether it will be established in one of two other Latin American countries?

Mr. WRIGHT. Let me say to the gentleman that the Organization has already voted to establish the building. Our representatives at that conference invited the Organization to establish it here. Three other governments made similar offers and agreed to provide suitable sites, but the delegates overwhelmingly voted to come to the United States. We have officially issued the invitation, and the invitation has been officially accepted.

Let me implore the Members to weigh this thing in the light of its importance. It is far too important to be judged on the basis of whether you individually agree with where the General Services Administration has decided to put the building. It is far too important a matter to be judged on whether you individually like the name of the man on the bill. It is too important to be considered either as a Democratic bill or as a Republican bill. It is far too important for that. This involves a most vital relation with our Latin American neighbors. If we should refuse to validate this commitment and should repudiate this invitation today we would be repudiating our own State Department, and we would be repudiating our Latin American neighbors. They would so consider it, and there would be no other construction they would put on it.

I have one more thing to say. That is, we have only one President and one State Department at a time. I am a Democrat, yes, but let me say that he is my President and it is my State Department. If I were flying on a perilous aircraft journey over an ocean and I did not happen to like the pilot, I most certainly would not pour water in the gasoline tank just to embarrass the pilot. I do not think the great record of the Democratic Party has been made on that kind of basis. I do not think anyone in this House wants to repudiate an obligation or rudely cancel an invitation extended in good faith to our Latin American neighbors. It would be horribly humiliating to the State Department and to our U.S. Government for us to say: "I am sorry, we invited you, you accepted, but we cannot have you because the Congress refuses to let us spend $875,000."

I want no part in any such repudiation and I am sure the membership of this House wants no part in any such repudiation. On the contrary, we welcome our friends from the other countries in this hemisphere. We are honored to have the permanent headquarters building of the Pan American Health Organization erected and established here.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken, and the Speaker announced that two-thirds had voted in favor of suspending the rules and passing the bill.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and thirty-four Members are present, a quorum.

Mr. WAINWRIGHT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WAINWRIGHT. Am I too late to request a division?

The SPEAKER. The Chair assumes that the gentleman is not too late.

Mr. WAINWRIGHT. Then, I ask for a division, Mr. Speaker.

The question was taken; and on a division (demanded by Mr. WAINWRIGHT) there were—ayes 206, noes 40.

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent to substitute Senate Joint Resolution 115 for the House bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. I object, Mr. Speaker.

BARDWELL RESERVOIR

Mr. DAVIS of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill (S. 601) to authorize and provide for the construction of the Bardwell Reservoir.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the project for modification of the comprehensive plan for improvement of the Trinity River and tributaries, Texas, to provide for construction of the Bardwell Reservoir on Waxahachie Creek, is hereby authorized in accordance with the recommendations of the Chief of Engineers as contained in House Document Numbered 424, Eighty-fifth Congress, at an estimated total cost of $6,922,000.

SEC. 2. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The SPEAKER. Is a second demanded?

Mr. MACK of Washington. I demand a second, Mr. Speaker.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DAVIS of Tennessee. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the Members of the House will recall that we passed the omnibus public works bill last year by a voice vote.

The Senate has not yet reached consideration of that bill. However, one of the projects in the omnibus bill as passed by the House was this authorization to construct the Bardwell Reservoir. On April 30 last year the other body passed this bill.

It has become increasingly important that this matter should be disposed of as quickly as possible.

Mr. Speaker, if I may take just a minute—and I am now referring to the report of last year for convenience—the construction of the Bardwell multipurpose reservoir for flood control and water conservation about 6 miles above the mouth of Waxahachie Creek is the recommended plan of improvement. The Waxahachie Creek, in the central part of the Trinity River Basin in northeast Texas, is a tributary of Chambers Creek which flows into Richland Creek, an important tributary of the Trinity River.

This project will cost $6,992,000, of which the local interest will supply $1,888,000.

They have very frequent cloudbursts out there. They never know what time of the year they will have trouble.

I am glad to advise the House that the Bureau of the Budget approved this project; the Department of the Interior had no objection; the Department of Agriculture is favorable; the Federal Power Commission had no objection. And, of course, the Corps of Engineers made the recommendation on which I base these remarks.

The proposed reservoir project would reduce flood damages on over 43,000 acres of agricultural land along Richland, Chambers, and Waxahachie Creek from floods originating on Waxahachie Creek. In addition, it would provide a valuable source of water supply for the area.

That, Mr. Speaker, is a brief explanation of the authorization as I see it.

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, the purpose of the bill which has just been called from the Calendar is to authorize the construction of the Bardwell Reservoir on the Waxahachie Creek in Texas. This is a portion of the Trinity River watershed, and the Corps of Engineers have investigated the area and recommended the construction as is recorded in House Document No. 424 of the 85th Congress.

Mr. Speaker, for almost 200 years we in the United States did not worry much about the problem of water. This is rapidly changing today and we have found that water is a tremendous problem all over the country. The coming of our industrial era, the raising of our living standards, and the increased application of water to land has caused grave water problems across our Nation.

Water is much more than one of our natural resources. It is a necessity of life. There is nothing on earth that will take the place of water. If you have no water, you have no living thing.

The Census Bureau has estimated that in the next 15 years, Texas' population will increase by 3 million people. It will not increase unless there is adequate water. The citizens of the Sixth District of Texas are well aware of this; and in particular the citizens of the three cities who will directly benefit from this project.

The community which will stand to benefit the most from this project is the city of Ennis with a 1950 population count of 8,453, which by this time has expanded. At the present time, the water supply of Ennis is secured from three woodbine wells at a depth of 1,800 feet. At one point during last summer, the water level in two of these wells dropped to 50 feet, making it necessary for the city to drop the pumps in the wells in order to secure water. The capacity of the pumps is 500 gallons per minute and during the aforementioned period, the pumps worked only at 150 gallons per minute. This operation is costly, and the dropping of the pumps at best could afford only temporary relief.

The city of Ennis has already gone on record as to their willingness to bear the local costs on this recommended construction, but time has been an element. Your approval of this bill today will remove one of the greatest obstacles.

Mr. MACK of Washington. Mr. Speaker, every agency of the Federal Government which is interested in this legislation and which has studied it approves of this bill.

The U.S. Army Engineers and the Secretary of the Army approve of it. The Bureau of the Budget approves it. So does the Agriculture Department, the Department of the Interior, the Fish and Wildlife Service, and the Federal Power Commission.

The House Subcommittee on Flood Control approved of this bill unanimously and so did the House Committee on Public Works.

The House itself approved this bill by including it in the river and harbor flood control bill passed last fall, a bill which has not as yet been passed by the Senate.

Prior to the House passage of the omnibus river and harbor bill, the Senate already had passed an identical bill to the one now before it. Failure of the Senate to act on the river and harbor flood control bill up to this time causes the introduction of this bill now.

Construction of the Bardwell Reservoir on Waxahachie Creek at a total cost of $6,922,000 is authorized by this bill. This is to be the total cost and includes $5,104,000 to be paid by the Federal Government and $1,814,000 to be supplied by the local interests.

This is a flood control-domestic water supply dam. The dam will have storage for 117,800 acre feet of water. Of this storage, 79,600 acre-feet will be used for flood-control purposes and 29,200 acre-feet for domestic water supply.

The dam is to be built in a county of 47,000 people which includes 12,000 who live in one city and 7,000 in another town. Flooding due to cloudbursts have occurred repeatedly in the area causing damage estimated at more than $465,000 a year on the average, according to the Engineers.

The project, in the unanimous opinion of the committee, is a worthy one and this bill should be approved.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CIVIL RIGHTS

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 8601, with Mr. WALTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Friday, March 18, there was pending the amendment of the gentleman from Ohio [Mr. MCCULLOCH], with the substitute amendment of the gentleman from New York [Mr. CELLER] for the McCulloch amendment.

Mr. JOHANSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHANSEN to the substitute amendment offered by Mr. CELLER: On page 6, line 10, after the word "election" insert "for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate."

Mr. CELLER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. CELLER. Mr. Chairman, I make the point of order that this amendment in substance has been voted on by this

Committee and voted down last week; therefore, it is not in order. It is like an amendment we have voted on and voted down.

The CHAIRMAN. The Chair has had an opportunity to examine the amendment offered by the gentleman from Idaho [Mr. BUDGE], which was to page 6, line 9. This is on page 6, line 10. It is couched in entirely different language. The point of order is overruled.

Mr. JOHANSEN. Mr. Chairman, there is a line in Holy Writ which says that "to me all things are possible, but not all things are expedient."

I suppose that in legislation of the type we are dealing with here today in terms of merciless and unrelenting application of cold logic all things are possible. I submit, however, that in the area in which you are dealing with the problems that we are confronted with in terms of human relations we will be well advised to think of things in terms of human expediency in the sense of recognizing that before we run we walk and before we walk we crawl.

This amendment that I have sent to the desk, and I am not a member of the bar and I am not going to discuss it in legal terms, is as the committee, I am sure, well understands an amendment that limits the operations of the amendment that we are now considering to those elections in which candidates for Federal office are running. It, obviously, does not limit the application to those who are Federal candidates, but it limits it to the elections in which Federal candidates are running. This amendment is a stop, look, and listen amendment. I respectfully point out that without this amendment, the legislation we now have before us goes further than any in the history of any country. It goes further than any proposal that has been before us. The question that confronts us, and I think we need to weigh very seriously, and this is a trend which I have consistently opposed in every facet and every area of government, is whether or not we are, because cold logic of law may permit it, determined to intrude the Federal Government down to the last area of voting rights and down to the smallest area of election and election responsibilities. It has been said there is a conflict between the provisions of 10th amendment and the 15th amendment, and that in this area the 15th amendment supersedes the 10th. I submit again, speaking in terms of broad understanding of basic principles and issues, that there are values represented by both the 10th and the 15th amendments, neither of which must be sacrificed or eliminated for the benefit of the other.

Surely, there are still in our Federal system important values involved in the retention of powers and responsibilities by the States and by the local communities and by the humblest unit of government. Surely, there are values in our Federal system that need to be preserved even in areas where admittedly there is less than absolute perfection with respect to the guarantee of the rights of all qualified persons to vote without regard to race or color. But, to suggest that we have come in this country to a pass where either the principles of one or the other of these amendments must completely give way, is to suggest a ruthless application of logic which denies and violates the very soundest principles of our form of government.

Mr. Chairman, I would like to observe that there was adopted an amendment to the Constitution some 40 years ago this year, which proposed and undertook to eliminate discrimination as to the right of voting based on sex. It is a strange commentary that that amendment and its adoption has never carried with it the aftermath of controversy and bitterness and strife that has followed an amendment adopted, curiously enough, 50 years before the women's suffrage amendment. I suspect the real key to that difference is that when women's suffrage was adopted, it had the support and the overwhelming support of a universal public sentiment. I suspect, on the other hand, and I think candor requires the acknowledgment, that there are areas even today in which that support of public sentiment, that universal acceptance by public sentiment, has not yet been achieved in behalf of the 15th amendment. I think we do a great disservice in the consideration of the legal technicalities of this issue, if we fail to bear in mind the fact that, as Lincoln so aptly observed, without the support of public sentiment nothing can be accomplished and with it everything may be accomplished. I appeal to a recognition of the importance of public sentiment expressed through the exercise of the local responsibilities and power of government. I recall back in the days of the civil rights discussions of the seventies, I think it was Senator Sumner who advocated a virtual total centralization of government in Washington.

I recall that after hearing an address advocating such centralization a colleague of Senator Sumner's from the State of Massachusetts, as he left the hall, remarked to a friend, "States are something still."

I offer this amendment not on any terms of legal technicality but on terms of basic recognition that the States are something still. As written, without this amendment, this legislation will bring into every election in every hamlet and every community the overseeing authority, supervision and control of Federal agencies. If the time has come in this country that the only assurance of civil rights, the only assurance of progress in the granting of civil rights, the only promise of true and effective self-government of freedom is on the condition that the heavy hand of the Federal Government be felt in every election for every office, then I suggest that what the spirit of freedom cannot preserve, no law can ever restore.

Mr. ROGERS of Colorado. Mr. Chairman, I rise in opposition to the amendment.

I would like to ask the proponent of the amendment, would it be limited only to those cases where the Federal election was to be had? Is that correct?

Mr. JOHANSEN. That is correct.

Mr. ROGERS of Colorado. What would you do in the event there is a Federal election and a State election? Would your amendment require that there be separate registrars, one Federal and one for State election?

Mr. JOHANSEN. No. I said that this did not involve separation of types of ballot or elections occurring concurrently; that this restriction was limited to those elections in which there also occurred Federal elections.

Mr. ROGERS of Colorado. Let us assume that we have an instance of where there is a Federal election and a State election at the same time. Would your amendment say that the referee appointed by the court would have no authority whatsoever in any connection with an election where the State election was involved?

Mr. JOHANSEN. If simultaneously with a Federal election?

Mr. ROGERS of Colorado. Yes.

Mr. JOHANSEN. No. They would all be subject to the application.

Mr. ROGERS of Colorado. Then if a pattern was shown, a pattern or practice of discrimination because of race or color had been shown to a Federal court and the judge being satisfied that a pattern had been set up, and he had appointed a referee, and that referee makes a determination and the registrar issues a certificate, would your amendment permit him to take the certificate to the election polls and vote for all officers on the ballot for election at that time?

Mr. JOHANSEN. That is correct.

Mr. ROGERS of Colorado. Then how can you say it would only apply to Federal elections?

Mr. JOHANSEN. My desire is to limit the application to all candidates and issues involved in that election in which a Federal candidate is running.

Mr. ROGERS of Colorado. I am sure the gentleman knows, and we have read time and time again, that the 15th amendment applies both to the States and the United States in any election. That being true, if a man has a certificate from the referee appointed by a Federal court, does the gentleman envision that once he is qualified and registered he can then be denied the right to vote at any election?

Mr. JOHANSEN. In the first place, I am positive this amendment does not in any way say or imply that once qualified he is thereafter subject to disqualification.

I state again that I am not willing to presume to debate as a lawyer with the gentleman. I revert again to the proposition that we are trying to get at this as a matter of wise psychology and progress on a basis of a step at a time.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from New York.

Mr. HOLTZMAN. I should like to call to the attention of the gentleman from Michigan the statement of the Deputy Attorney General on page 41 of the hearings wherein, among other things, the Attorney General said under notation 2 that the relief contemplated to merely extend to Federal elections, even if effective, the invaluable right to vote

for State officials would be lost. Does the gentleman disagree with the opinion of the Deputy Attorney General?

Mr. JOHANSEN. The gentleman from Michigan has said he did not. I am not going to get into a legal argument with the Deputy Attorney General.

Mr. HOLTZMAN. This is not a legal argument. It is a very simple question the gentleman from New York is asking: Is the gentleman in conflict with his own Deputy Attorney General?

The CHAIRMAN. The time of the gentleman from Colorado has expired.

(By unanimous consent, Mr. ROGERS of Colorado was allowed to proceed for 5 additional minutes.)

Mr. ROGERS of Colorado. Mr. Chairman, I am sure the answers given by the gentleman from Michigan as to the intent of his amendment amply demonstrate that it is impracticable and cannot be worked in the usual manner.

As I have pointed out and read from time to time, the 15th amendment places an inhibition against the United States and against the respective States of depriving an individual of the right to vote. That was the reason I asked the gentleman from Michigan how it would apply.

The pending amendment, which is known as the Celler amendment, offered as a substitute for the McCulloch amendment, provides that where a pattern or practice has been set up in a certain area the Federal judge, upon application by the Attorney General pursuant to the Civil Rights Act of 1957, can make an order after he finds that a pattern or practice exists to prohibit an individual from voting because of race or color. That is the only way that referees can be appointed. The judge must first find that a pattern or practice exists; and unless he finds it, you have no referee.

What happens when he does find it? He issues the order and he appoints the referee, or he himself, without the necessity of appointing a referee, issues a certificate to the individual showing that he is qualified to vote. Once he receives the certificate, the gentleman from Michigan would say that he could not use it unless there was an election dealing with Federal officials. If that were the effect of his amendment, it would violate the 15th amendment, as the 15th amendment applies to the States, because its inhibition is against the Federal Government and against the State depriving a citizen of the privilege of voting.

It would be practically impossible to separate the two and at the same time protect his constitutional rights. It is just that simple. You cannot have those two when there is an inhibition against both the State and the Federal Government in depriving the individual of the right to vote. He would not have to go to get the certificate in the first place if a pattern or practice had not been set up to deprive him of the right to vote. But the gentleman from Michigan would say that that does not apply to the States and that the State itself can deprive him of some privileges given him.

May I say to the gentleman from Michigan and those who want to support his amendment, you read the last sentence of the first section of the 14th amendment which says "There shall be equal application of laws to all citizens."

How are you going to get that in with the amendment offered by the gentleman from Michigan? It is not constitutional, it cannot work, it would result in two separate sets of books being set up in every State where this practice or pattern existed. I am sure that no one would want to provide two separate sets of voting books and if they do so provide, one would be according to the State law and another according to the Federal law.

Mrs. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentlewoman from Illinois.

Mrs. CHURCH. Would not the gentleman be inclined to feel that the acceptance of such amendment might bring into question the constitutionality of the whole bill itself?

Mr. ROGERS of Colorado. If we were to accept the amendment?

I will put it this way: I cannot conceive of any Supreme Court that would permit a citizen to vote in a Federal election and then by the same token turn around and deny him the right to vote in a State election; the 15th amendment applies equally to both State and Federal.

Mr. MEADER. Mr. Chairman, I rise in opposition to the pending amendment.

Mr. Chairman, I dislike to oppose my colleague and neighbor from Michigan, but I might say to the Committee that his amendment is, in my judgment, worse than the Budge amendment which the Committee voted down last Friday. Notice what the pending amendment would do as compared with the so-called Budge amendment.

The Budge amendment would permit everyone to vote at any election where there was a Federal office on the ballot and at that election the voter could vote for all offices, Federal, State, local and what-not. But this amendment would restrict the voter not only to those elections in which a Federal office was on the ballot but would permit the voter only to vote for the Federal office.

Mr. Chairman, that is much more unworkable than the Budge amendment. I pointed out on page 6019 of the CONGRESSIONAL RECORD of last Friday, March 18, the reasons I thought the Budge amendment was wrong.

I pointed out, first, that the 15th amendment applies to the right to vote without any limitation as to the elections in which that vote could be cast and that to restrict it by Federal legislation here would, in effect, limit the generality of an amendment to the Constitution of the United States. I doubted the constitutionality of such provision on that ground.

I pointed out, in addition, that when a voter is registered to vote and is on the certificate of the registrar and on the rolls of registered voters, it would be difficult to set up a system which would deny such a person the right to vote in local elections and permit him to vote in an election where there is a Federal office involved.

But here the unworkability of this amendment, if I understand its effect, becomes even more apparent when you are going to have a ballot with the names of Federal, State, and local officers on it and you are only going to permit the voter to vote for the Federal officers. How can you possibly do that without disrupting the whole machinery of the election, the voting machines and the ballot? You would have to separate the ballot itself and give the secondary citizen a bobtailed ballot and not let him vote in all elections for all offices, State and local as well as Federal.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Louisiana.

Mr. WILLIS. I will say to the gentleman in all fairness that the amendment does no such thing. For instance, I am to be elected this summer, I hope, and on that ballot there will be local officials at the same election. Under the specific terms of this amendment, they will be able to vote for all of those people. There is no question about that. I wish the gentleman, who is a splendid lawyer, would read the amendment again.

Mr. MEADER. It says "for the office of President, Vice President, presidential electors, Members of the Senate, Members of the House of Representatives, Delegates or Commissioners"——

Mr. WILLIS. That is not the end of it.

Mr. MEADER. "At any special or general election." But, the election is only for the election of a Federal officer.

Mr. WILLIS. Please finish reading.

Mr. MEADER. I will read the whole amendment and the gentleman can construe it to suit himself. I presume it follows before the semicolon, after the word "election" on line 10, page 6, and this is the inserted material. The words that follow are "election: for the office of President, Vice President, presidential electors, Members of the Senate, Members of the House of Representatives, Delegates or Commissioners from the territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate."

But it is only the election of Federal officers that is covered by the terms of this amendment.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Florida.

Mr. CRAMER. As I read the amendment, it specifically provides that in any election where one of those enumerated Federal officials is being voted on, then the person will be entitled to vote in that election both for the Federal and the State officials, but if you get into a strictly State election, with no Federal official being involved, the position of the proponent of the amendment is that the

Federal Government should not get into that, anyway, and therefore the amendment would not apply. But it does apply in elections in which a Federal official is involved, and it permits you to vote in both Federal and local elections.

Mr. MEADER. I do not know whether the gentleman is prepared to speak for the intent of the author.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. MEADER. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MEADER. I submit that there is an election for electors for President, election for Members of the House of Representatives, election for Senators, and so on. There are also elections for local officers, and it is only to those elections which relate to Federal offices, even though they may be contained on the same ballot as elections for local offices, that this amendment would apply.

Mr. CRAMER. Would the author of the amendment answer the question as to whether my position is correct?

Mr. JOHANSEN. The position of the gentleman from Florida is completely correct. The purpose of this amendment is to restrict the operation of the bill we are now considering and the amendment we are now considering to those elections and to all offices involved in those elections in which there are candidates for any or all of these Federal officers.

Mr. MEADER. In other words, it is the gentleman's intent to cover the same elections as covered by the Budge amendment?

Mr. JOHANSEN. Exactly.

Mr. LINDSAY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I thought we had debated at length last Friday the principle involved in this amendment. We spent several hours on the subject. I think no one in the Committee denies that the 15th amendment applies to State and Federal elections equally. Why we should attempt to reach a result here which should establish a distinction between a constitutional right in respect of one election and another right in respect of another election is beyond me. I submit that this amendment would result in separate but unequal voting.

The whole reason for the so-called referee proposal, I would remind the Committee, is founded on two principles: First, that it would apply with full force and effect and strength to both Federal and State elections; and second, that because it had within it the means of enforcement. We will get to the problem of enforcement a little later, but, for the time being, suffice it to say that as the Attorney General of the United States testified on Friday, February 5, before the Senate Rules and Administration Committee:

> Discrimination is constitutionally objectionable whether it applies to a State election or a Federal election. Actually the right to vote in a State or local election is often of greater practical significance to the voter. The need for the elimination of racial discrimination in the conduct of both types of elections is apparent. Legislation dealing with the matter should therefore extend to both.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I wish to emphasize to the gentleman from Michigan whose amendment we are considering that when he tries to make this voting referee proposal apply only to the election of Federal officers and not State officers, he runs counter to what we did when we passed the Civil Rights Act of 1957, because in that act, section A, we put all elections within the statute. We did not say then that some elections would be considered and others would not be considered. We said the provisions of section A would be applicable to all elections. We used the word "all." And when we used the verbiage of the 1957 act we went all the way back to the 1870 act, the Reconstruction Act. That act was made applicable likewise to all elections, not merely Federal elections. Very significantly, the Attorney General in his letter to me under date of March 17 stated:

> It would be sheer sanctimony for the United States on the one hand to continue to guarantee in its Constitution as it has since March 30, 1870, the right of Negroes to vote without discrimination in all elections, both Federal and State, and on the other hand, 90 years later, in March 1960, to enact legislation which by failing to enforce the right clearly implies that Negro voting need not be a reality in State elections.

The Attorney General went on further to say:

> The 15th amendment of the Constitution guaranteeing all American citizens the equal right to vote without discriminatoin on account of race or color applies to all elections for public office, both State and Federal.
>
> If such an amendment—

He was then referring to the so-called Budge amendment, but his words are just as applicable to the Johansen amendment.

> If such an amendment as has been suggested were adopted, it would be an open invitation to the establishment of segregated elections for State officials, thus denying Negroes their clear constitutional right to vote without discrimination in such election.

If more were needed, we have the testimony of the Deputy Attorney General, Judge Walsh, before our committee. He significantly made this statement:

> State elections must be included in the relief given by Congress for many reasons; we cannot tolerate Jim Crow at the ballot box.

I repeat, we dare not tolerate Jim Crow at the ballot box. We cannot have Jim Crow at the State ballot box.

> It would be ironic indeed if while Federal courts assert the illegality of segregation in public schools, in railroad waiting rooms, in parks, and on public golf courses, it is by Federal legislation expressly condoned in the voting place. State elections may be less dramatic but they can in reality be more important than Federal elections. They decide who will run the schools and who will enforce the laws, who will select the juries, and who will be the local judge. It is only in the right to vote in these elections that there lies the kernel of hope for the ultimate eradication of racial segregation and the long-awaited fulfillment of a basic promise that the protection of the law shall be equal to all.

This amendment reared its ugly head last week and we knocked it off. It raises its head again.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CELLER. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

Mr. HOFFMAN of Michigan. I object, Mr. Chairman.

Mr. YATES. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I yield to the gentleman from New York [Mr. CELLER].

Mr. CELLER. I thank the gentleman.

Mr. HOFFMAN of Michigan. Just a minute. I make a point of order on this.

Mr. CELLER. Mr. Chairman, deprivation of the State's ballot is wrong.

Mr. YATES. Mr. Chairman, I am entitled to yield to the gentleman from New York.

The CHAIRMAN. The gentleman from Illinois was recognized, and he yielded to the gentleman from New York. The gentleman from New York is continuing in order.

Mr. CELLER. Deprivation of the State's ballot is wrong. A wrong cannot be right. It is the right to vote that is at stake by virtue of the 15th amendment. The 15th amendment is not bobtailed. It does not say some votes may be abridged but others not. What kind of sophistry is this? Denial of the vote through racial bias is 100 percent wrong and it cannot be corrected 50 percent. It should not be corrected 50 percent. That is a most anomalous situation.

Suppose a man is qualified under State law by a voting referee. The man thus qualified could vote for Federal officials. But this same qualified voter would be denied the right to vote for State officials. It is confusion worse confounded. We would make ourselves ridiculous if we would adopt a proposal of this character.

Is there not admission then that the evil, the denial by discrimination, is divisible? Is there not then an inducement to continue segregation on the basis of race?

That approach, to my mind, is immoral. It seems that when one was asked for a definition of the word "justice," the answer was—"Every man loves justice at another man's house. Nobody cares for it at his own." Well, Mr. Speaker, I want to care for justice to the Negro who is thus denied and, thus, deprived of his right to vote. I care for him at not only Federal elections, but State elections. There has been ample proof, proof beyond the peradventure of doubt, of a denial of the right to vote. Witness the report of the Civil Rights Commission. It is as clear as the nose on one's face that in certain sections, there is an environment that is hostile to those very persons who have been thus denied the right to vote. They appeal to us for a modicum of relief. We cannot turn a deaf ear to their plea as far as State elections are concerned, and just give them relief only as far as

Federal elections are concerned. I say that the election of a State official might be far more important to some people than the election of a Representative to the Congress. The election of a sheriff—a sheriff who might keep hermetically sealed the jail doors against mob violence such as occurred at Poplarville—might be far more important than the election of a U.S. Senator. In turn, the election of an election official, for example, who might guarantee to the individual the vote may be far more important than the right to vote for a presidential elector. You cannot divide this right. This inherent right to vote is guaranteed by the 15th amendment. You cannot chip it off as you would a block of wood. You cannot alienate it. This is an inalienable right. You cannot part with it as you would part with a bauble. Like your own conscience, that right to vote must remain intact. The vote is a shield and a sword. A sword with which to conquer bigotry and a shield to protect life, liberty, and property.

This amendment would result in two separate elections. Thereby by an act of a State legislature voting for Federal office would take place on one day and for State officials on another day.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CELLER. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

Mr. HOFFMAN of Michigan. Mr. Chairman, I object.

Mr. SMITH of Virginia. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, of the 436 Members of this House of Representatives, the last man to make the argument you just heard is the gentleman from New York, and I expect to prove it out of his own mouth. This is the first time in all this civil rights procedure that the Congress has ever been asked to include local State elections. That is what this is. This amendment covers all elections that have Federal officers named on the ballot, but excludes those local elections which have no national effect. The gentleman from New York "fit, bled, and conquered" on the Civil Rights Act of 1957. Let me read to you the language of that act. I want to say, Mr. Chairman, that the Johansen amendment is copied word for word, verbatim, from the Civil Rights Act of 1957, and was written by the gentleman from New York. Mr. Chairman, the gentleman from New York "fit, bled, and conquered" to establish a Civil Rights Commission, and the Civil Rights Commission made a recommendation. There the recommendation is the same as the Johansen amendment.

Then again, when the subject came up this year, the distinguished, learned gentleman from New York [Mr. CELLER], who has taken more interest in the protection of the voters than anybody else, and has offered all of these bills and supported them and carried them through his committee; has produced a bill for voting privileges. On January 7—not 2 years ago, but 2 months ago, on January 7 of this year—he offered a bill for voting privileges. The language of that bill is "to vote for any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, or Resident Commissioner of the Commouwealth of Puerto Rico in the House of Representatives, at any general, special or primary election held solely or in part," and so forth.

The identical language of the Johansen amendment. How can the gentleman blow hot and cold so quickly? I am tired of this hypocrisy—how can the gentleman blow hot and cold so quickly, when on three different occasions, one within the last 2 months during this session of the House, he has proposed and offered legislation in the identical language of the amendment offered by the gentleman from Michigan [Mr. JOHANSEN]? How ridiculous can we get? Here is the same man—you would think he was arguing a law case in which he was employed on one side, then on the opposite side in the identical case in the next term of court. In his basic bill, the bill that we are now considering, H.R. 8601, it has another provision in it about voting rights.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. Excuse me just a moment. I want to nail the gentleman from New York [Mr. CELLER] down so tight that he will not be able to wiggle any more. He has been on both sides of this question in the last few months. He has argued them both ably, and he is able to argue ably. He has argued them intelligently. If there was a third side to this question, he would be on that side before this is settled. How ridiculous can we get?

The CHAIRMAN. The time of the gentleman from Virginia [Mr. SMITH] has expired.

(By unanimous consent, Mr. SMITH of Virginia was granted 1 additional minute.)

Mr. SMITH of Virginia. Here is a bill that was reported by his committee. He "fit, bled, and conquered" on that. In that bill, on the second page, H.R. 8601, you have that bill before you.

Federal election registrar.

That is where you are going to maintain any election records—it says:

> Every officer of election shall retain and preserve for a period of 2 years from the date of any general, special, or primary election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession—

And so forth. He did not say anything in any of those bills about including elections for State offices. Again I ask how ridiculous can we get and hypocritical will we become, before we conclude consideration of this monstrous proposal?

Mr. QUIGLEY. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. QUIGLEY. I yield.

Mr. CELLER. I want to say to the gentleman from Pennsylvania, and I hope the gentleman from Virginia is listening, that many of us are interested in progress, and when a better bill comes along we embrace it. Beyond that, as far as consistency or inconsistency is concerned, I repeat what I said before the Rules Committee not so long ago. General Lee said to General Beauregard: "Patriotism sometimes requires of me to act exactly contrary at one period to that which it does at another."

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. QUIGLEY. I yield to the gentleman from New York.

Mr. LINDSAY. I thank the gentleman for yielding and I asked him to yield only for one purpose, and that was to reply to the gentleman from Virginia who said that the Congress had never before enacted legislation which embraced local elections. I think it is worth pointing out that the act of 1870, which is still on the books, says in so many words:

> All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, territory, district, county, city, parish, township, school district, municipality or other territorial subdivision, shall be entitled and allowed to vote at all such elections without distinction of race, color, or previous condition of servitude, any constitution, law, custom, usage, or regulation of any State or territory, or by or under its authority, to the contrary notwithstanding.

Mr. QUIGLEY. May I say to the gentleman from New York that he heard the gentleman from Virginia in exactly the same manner I heard, and that is why I asked for this time to say that the Congress of the United States did in the past enact laws affecting all elections. I agree with the gentleman from New York that the statute he read, of 1870, was passed and it did provide for all elections.

I would like to point out that the gentleman from Virginia very cleverly did all his reading from the Civil Rights Act of 1957 from section (b) and carefully avoided reading section (a) which covers every election for every office at the State, local, and national levels; and section (a) reads as it does because that was the intention and the purpose of Congress.

And as for the section which the gentleman from Virginia read, Congress used that language simply because it was the only way we could do it constitutionally.

The particular language the gentleman from Virginia was referring to has to do with individuals. If he would read section (a), which I am sure he has done many times, he would know very well that in that section we attempt to control, not individuals but, State officials acting under color of law. In this instance, in the act of 1957, just 3 years ago, Congress passed a law directed at every election from the President on down to dog catcher, and I submit that is the only effective way that we can pass a civil rights bill here in 1960.

If you want to wreck the bill and get one not worth voting for, load it up with amendments such as the one now pending but if you are sincerely interested in

doing a job of protecting the voting rights of all American citizens, then vote down the amendment.

Mr. Chairman, I urge that the amendment be defeated. The argument of the gentleman from Virginia is completely at variance with the facts. The language in section (a) of the 1957 act as well as the language of the act of 1870 read by the gentleman from New York contradict him completely.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. QUIGLEY. I yield to the gentleman from North Carolina.

Mr. WHITENER. This is not connected with what the gentleman is talking about; but since the gentleman is so interested in correcting other folks, I thought this might be interesting.

Mr. QUIGLEY. I am not interested in correcting other folks. I am interested in keeping the record straight.

Mr. WHITENER. I want to straighten out the record, too, on what the gentleman said a few days ago, that is, that there was an instance of conclusive presumption in the case of the paternity of a child. I would like to call the gentleman's attention to Bouvier's Law Dictionary, in which it is stated:

> The husband is prima facie presumed to be the father of his wife's children born during coverture or within a competent time thereafter.

I am sure when the gentleman seeks to correct the gentleman from Virginia that he is not ascribing to him the same degree of infallibility of the law as he is on civil rights.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. QUIGLEY. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. QUIGLEY. I would merely say to the gentleman from North Carolina that the response I gave in reference to the legitimacy of a child born in lawful wedlock was in response to a question. I have not researched the point, but I am still willing to stand on what I said about conclusive presumption.

Now, 3 or 4 days later, the gentleman does not care to comment on the other examples of conclusive presumption which have existed in the law.

Mr. WHITENER. I will say that every statement the gentleman has made on conclusive presumption is completely erroneous.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. GRANT. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. GRANT. Mr. Chairman, here we are at it again. Several years ago when the so-called Civil Rights Commission was established on a temporary basis to run only 2 years, I made the statement that it was too good a political train to ride to let it expire and that attempts would be made not only to extend it further but to make it permanent and to include FEPC and other measures just as obnoxious.

Today, we are faced with the spectacle of both bodies debating this issue. When the House bill is adopted, it is predicted that debate in the Senate will be stopped and the House bill accepted. Those who have planned it this way may be in for a shock. The southern Senators have made no such trade.

Let me warn you that this catch-all piece of punitive legislation aimed at the South will, in the end, react more strongly against those it is alleged to benefit.

Oh, that some modern Moses would lead us out of the wilderness. There is a plaque on the Exchange Hotel in the city of Montgomery, Ala., the Cradle of the Confederacy, which city I have the honor to represent. This plaque marks the spot where, in introducing the President of the Confederate States of America to Alabamians, the silver-tongued orator, William Yancey, stated, "The man and the hour have met." Oh, but today that could be true. Is there no one who can lead us into an era of understanding and racial peace? The great majority of both races in the South want just this.

There exists in Montgomery a fine Negro college, established and dedicated by the State, for the training of Negro teachers and is comparable to any in the Nation. This school has a large enrollment of students not only from our State but from many far away. The citizens of Alabama met the challenge of the education of Negroes in the State of Alabama by establishing this college. The teachers in the Negro schools receive the same rate of pay as those in white schools. I have told this to Members of Congress who have been brainwashed by all this propaganda, and they have been amazed because stories of this nature are not sensational.

Led in the main by out-of-State students, a group marched down to the courthouse in Montgomery, entered the privately operated lunchroom, took their seats, and demanded to be served. They had no business at the courthouse; they were not jurors, witnesses, or in any way concerned with any business at the courthouse. Their place was at school which the people are being taxed to support. In order to keep down any disturbance, the operation of the lunchroom was closed.

Recently, students of this Montgomery college began to gather upon the campus, and when ordered to disperse by Negro school authorities, they declined to do so with the result that local authorities had to be called in to disperse them. The trouble you proponents of this legislation are creating is only leading to school trouble between members of the same race. It could not be carried out any better than if you had planned it.

On beautiful Dexter Avenue in the city of Montgomery, just off the capitol grounds, stands a Negro Baptist Church. For many, many years, to my own knowledge, over 50, Negroes have worshiped day and night and without any thought of molestation by anyone. Down the street a block or so stands a white Methodist Church, which I have been privileged to attend. Sunday after Sunday, day after day, congregations of these respective churches, have worshiped as their conscience dictated—never a thought of malice or ill will toward their neighbor.

Sunday before last, a meeting was held in the Negro church, with the announcement that they would march out and have prayer upon the capitol grounds. The photographers, newspapermen, and television cameramen were told to be there. But to the everlasting credit of the sheriff of Montgomery County and the commissioner of public safety for the city of Montgomery, there might have been an ugly picture carried to the Nation. It is not for me to question anyone's religion; however, one is prone to wonder why it was necessary to leave a house of prayer and to go out to make a public demonstration. Yes, this leads many who know the situation to wonder if some of the so-called leaders did not want trouble. Speak of the spirit of Gandhi—peaceful resistance. The sheriff and police commissioner were ready to move in on anyone who gave trouble, be they white or colored.

You people who proudly boast that you want to help the Negro race are blind to conditions. Yesterday in the South where there existed trust and good will, today there is suspicion and distrust. Yes, the Negro race in the South needs help. They ask for food, and you attempt to give them social equality. I am interested in the economic condition of the Negro of my section. There are those who would divide us. The right-thinking people of the South want to see the white and colored races live in harmony. Our economic welfare is indelibly linked, and one race cannot prosper without the other. Let us see that the Negro race is not led astray by those who would use them for their own selfish purpose.

I yield to no man in my help to the Negro race. As solicitor for many years, I helped scores of them who were poor and friendless. I believe that I could prove to even any biased person by my stories of actual help over a period of years that I have been a friend of hundreds of Negro people. I have voted here to help Negro farmers and veterans, just as I have for the whites.

Certainly, Negro parents have hopes and ambitions for their children. I have never advocated status quo for the Negro race. They can and will make great progress without going to integrated schools. Yes, many of you are interested in the Negro as long as he remains in the South; the nearer he gets to you the less your interest appears. What have you done to encourage his development?

Here in the city of Washington, integration has not worked in the schools; it has not been a success. Some of the daily papers, and the Superintendent of Education to the contrary. This Superintendent, who has taken time out to go to Atlanta and other southern cities to preach the glory of integration, should have remained here and made firsthand investigations of the rotten conditions in some of the schools; I can give names of schools.

We all realize that it makes good political fodder in some parts of the North to harp on conditions in the South; however, people are fast learning the facts. In the New York Times under date of November 5, 1958, on page 1, in telling of Congressman KEATING's victory over Hogan for New York Senator, the story goes on to say:

> In keeping with a campaign promise, Senator-elect KEATING will leave tomorrow with Senator JACOB K. JAVITS to visit Atlanta, Jacksonville, and Birmingham to investigate recent bombings.

While the integrationist twins were making their journey through the South the New York papers were covered with crime reports.

On November 8, page 44, the New York Times carried a full story on the great visit to the South, and this was followed by a report from Rochester, N.Y., by the way of AP:

> Police today are seeking vandals who toppled 28 tombstones in the cemetery in suburban Greece.

Rochester is the hometown of one of the Senators who was in the South at the time investigating bombings.

I am not going to enumerate the many stories of murder, rape, robbery, and other heinous crimes, as carried in the press.

What does the Book of Books say?

> And why beholdest thou the mote that is in thy brother's eye, but considerest not the beam that is in thine own eye?

The mail recently brought a letter from Mr. Paul Butler, and I quote:

> I think you will be interested in the enclosed policy statement issued by the Democratic Advisory Council concerning civil rights. The statement includes the council's views with respect to congressional action.

I am not at all interested in this council's views upon this or any other issue. I am fully capable of discharging my duties without the advice of this advisory council.

Most of the Democratic Congressmen that I have talked with are getting tired of this self-appointed outfit telling us how to vote on every issue that comes up. In the past, we have been proud of our national committee. Like any other committee, there may have been petty, inside quarrels but now since the committee has seen fit to abrogate its duties to an outside organization and let the "tail wag the dog," so to speak, the Members who voted to set up this advisory council should notify the Democrats of their respective States that, as committeemen or committeewomen, they voted to turn the affairs of the committee over to someone else. Their opinion has not been requested by the Democrats of the House and Senate; and as a duly-elected Democrat, I resent their attempting to instruct me how to vote. If their advice is needed, it will be requested. I might add that the Alabama Representatives on the committee do not favor the chairman's tactics.

This council does not want only support of this legislation now before Congress but states that it advocates more far-reaching measures. They want nothing but pure, simple, punitive, hate legislation against the South.

Think of this coming from the Democratic Party, the party of our fathers, and aimed at a section of the country that has nurtured and held the Democratic Party together in many a lean 4-year period. Think of this self-appointed and self-annointed advisory council telling us that the hate legislation now before the House and Senate is not strong enough.

While you Republicans are not blessed with an advisory council, the President, in his recent press conference, stated that this question of civil rights should be worked out at the local level; that interracial committees should be organized. I would like to call to the President's attention that good progress was being made by such groups; however, since the Civil Rights Commission and Congress have stirred up the matter, it is growing harder and harder for interracial committees to function—in fact, they are not going to function under present conditions.

The President also declared his opposition to the idea of trying to solve every local problem from Washington. If he is serious about this last statement, he should know that these so-called civil rights laws tend to solve everything at the Washington level. This problem is not going to be solved at Washington, but Washington can make it more difficult for there to ever be a solution. I am sure the President knows that when he was in the Army integrated troops were not conducive to good morale. In other words, it did not work in the Army, and in the South it will not work in the schoolroom.

Just what is this stir about civil rights? Every right is now protected by law. Additional laws and statutes will not in any way improve the situation.

Who is going to rise here and ask what about the civil rights of the law-abiding citizen who walks the streets of New York and Washington? I wonder, in all their zeal for civil rights, why no mention is ever made of civil responsibility? Perhaps, if more were said about the citizen's responsibility, more good would be achieved in the end. However, it is hard to arouse emotions when speaking of civil responsibility.

While there is no authorization in the Constitution for any of these civil rights bills, this makes little or no difference to their proponents. All that you need in a bill of this type is some meritorious and good statement that a right exists, and then proceed to set out the penalties for violating this right. In the words of Lincoln—who, by the way, was not an integrationist—"With malice toward none," the white people of the South and a majority of the Negroes will work out their destiny, each proud of his own race. Mark my words—you are not going to, by this or any other legislation, control hate and racial prejudice. This can be worked out only by men of good will. Let me reiterate that the South was making great progress in this field until you who are removed from the scene began to stir it up. The trouble in the South is directly at your doorstep. Let me beseech you to study very carefully the effect of what you are doing.

Mr. McCULLOCH. Mr. Chairman, I move to strike the requisite number of words.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Indiana.

Mr. HALLECK. Ever since the debate started on this matter I wanted to say what I am about to say now, and that is words of commendation for the gentlemen from Ohio for the very diligent and effective effort he has made in connection with this legislation. He has been fair, he has been reasonable, and I am sure he will continue that way. I want the record to show at this point what my feelings are about him.

I might add just a further word: I have not entered into the debate when we were considering the Budge amendment. Apparently this is about the same thing. I rather suspect the result will be about the same at this time.

Mr. McCULLOCH. I thank the gentleman from Indiana.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from New York.

Mr. HOLTZMAN. I should like to ask the distinguished gentleman from Indiana, the minority leader, just what his impression is with respect to this pending amendment. I think it would be very helpful to all of us on both sides of the aisle to have a clear understanding of the position that he takes on this amendment.

Mr. HALLECK. A lot of people over there have asked me what I think about this legislation. After all, we are just in the minority. But for the gentleman's information, I propose to vote against the amendment.

Mr. HOLTZMAN. I should like to say to the gentleman from Indiana in response that it was not my impression that because he is the leader of the minority that he is precluded from having an opinion on the pending amendment or any other amendment.

Mr. McCULLOCH. Mr. Chairman, on Friday last I referred to the 15th amendment to the Constitution of the United States. It is worth while to read it again with one interpolation that I intend to make. I read:

> The right of citizens of the United States to vote—

Now, I interpolate this "for Federal office"—

> shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

That amendment to the Constitution of the United States has no limitation written into it, and there is no dependable present decision of a court which reads a limitation into it. I hope that this committee will not today read a limitation into it.

Mr. Chairman, the amendment offered by my good friend the gentleman from Michigan [Mr. JOHANSEN] should be defeated, as was the amendment of my good friend the gentleman from Idaho [Mr. BUDGE]. There were four words used in debate this afternoon which should determine this question for everyone who is unbiased and unprejudiced. They came from the gentleman from New York [JOHN LINDSAY]. He said:

If you want separate but unequal voting, vote for this amendment.

Mr. Chairman, I hope that the amendment is defeated.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the Johansen amendment end in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. O'HARA].

Mr. O'HARA of Michigan. Mr. Chairman, the statement was made here today that if Congress adopts the Celler substitute to the McCulloch amendment, it will, for the first time, intrude Federal legislation into non-Federal elections. The authority under which Congress purports to act in protecting the right to vote is derived from the 15th amendment to the Constitution of the United States. The 15th amendment clearly states the scope of the right to vote. The right to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. Its language is not limited to Federal elections. The right to vote is a right of United States citizenship, and that means the right to vote for any office from dogcatcher to President.

This right is the most basic element of a democratic society.

Mr. Chairman, we in the Congress represent the people of America in a democratic form of Government. We are here because Americans throughout the history of our Nation have believed that government should be based upon the consent of the governed. We must remain faithful to this principle. We will be able to do so only if the right of the franchise is scrupulously guarded.

Yet most of the people of my congressional district consider their local officers just as important or more important than any officer elected at the Federal level. And they are just as important. The actions of local officials have much more direct effect upon the daily lives of our citizens than do the actions of Members of Congress or the actions of any other Federal official.

Mr. Chairman, the eyes of the world are upon the U.S. Congress. We have tried hard to sell American democracy to the world. We have made a great issue of the superiority of our democratic form of government. Our point is lost unless we demonstrate by our actions the principles that we have been talking about.

Mr. Chairman, if we were to adopt the amendment of my good friend, the gentleman from Michigan [Mr. JOHANSEN], we would, in the eyes of the world, be denying that we ourselves believe in democratic government.

Mr. Chairman, I urge the Members of the House to reject this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I would like the attention of the gentleman from New York [Mr. CELLER]. I recall that not too many years ago there was an election held in Kansas City, Mo., involving a Member of Congress; a Federal election, in other words. As a result of that election fraud indictments were returned and less than 24 hours after the Federal grand jury returned the indictments, the safe in the courthouse was dynamited and the ballots from 32 precincts in Kansas City, allegedly containing a lot of ghost votes, were stolen and never found. This was when the Pendergast machine was operating in Kansas City. The question I ask the gentleman is what would be the civil rights of the citizens who in good faith voted in an election if this bill were enacted, and the same set of circumstances obtained? What would be the civil rights of those whose legitimate votes were invalidated by virtue of such circumstances?

Mr. CELLER. I do not know how this bill would affect that very unusual and unique situation where a safe deposit box or some receptacle of that sort was dynamited. I presume the State law would prevail and the culprits would be brought to book under the State statute. I cannot conceive how this particular statute would be applicable to that situation.

Mr. GROSS. This bill involves voting rights and the validity of votes, does it not?

Mr. CELLER. That is correct. It involves the registration, and the casting of the vote. It refers to the qualifications of the voter and the casting of a ballot of a qualified voter. If I remember correctly we have Federal statutes now that would cover that situation with reference to the destruction of ballots.

Mr. GROSS. They certainly had such laws then, but to this day the ballots have not been found and no one has been prosecuted.

Mr. CELLER. That is up to the law-enforcement agencies.

Mr. GROSS. As I understand it, there are laws on the statute books today to take care of voting rights. The reason why you have this legislation here presumably is because the laws are not being enforced, is that not correct?

Mr. WILLIS. Mr. Chairman, will the gentleman yield to me?

Mr. GROSS. I yield to the gentleman from Louisiana.

Mr. WILLIS. I would say to the gentleman that my chairman has referred to the scope of the bill as having to do with qualifying people to vote, and so on. Let us go back to the Constitution. Article I, section 2, says:

The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

There the Constitution speaks of who has the duty and the obligation and the jurisdiction with reference to the qualification of the voters. On the other hand, the regulation of elections, which is what this bill would do, is covered by the Constitution in this way. In one place it says that a Member of the House or a Senator, his qualifications are left up to the States.

This would regulate qualifications of each of the voters. Here is what it says about the regulations:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations.

Regulations for what? Regulations as to times, places, and manner of holding elections for Senators and Representatives. Nowhere in this Constitution does Congress have jurisdiction to pass upon the qualifications of voters for a State election and authorize them to go to a Federal referee to get a certificate of voting for a sheriff or anyone else.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. JOHANSEN].

Mr. WILLIS. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the chairman appointed as tellers Mr. JOHANSEN and Mr. CELLER.

The Committee divided, and the tellers reported that there were—ayes 137, noes 157.

So the amendment to the substitute amendment was rejected.

Mr. BONNER. Mr. Chairman, I move to strike out the last word.

Mr. BONNER. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BONNER. Mr. Chairman, as this body is fully aware, I am not a lawyer. I have no legal training or background in law. The legality of what we are doing has been expounded at great length by Members on both sides of this controversy. There have been learned orations by the proponents of the measure before us and equally learned orations by the opponents of this measure. As a layman, and as one who has for 20 years had the privilege of serving in this body, I am unalterably opposed to the proposal before us.

Our Constitution and the reservations retained by the States have given certain basic rights to all people under the American flag. I sincerely feel that our Constitution should be upheld in its entirety.

It seems to me that the Federal Government, in this proposal before us, is reaching mighty far afield in trying to grant a certain right that has already been given.

I do not believe that this Congress has the right to step in and disturb the rights

of States in the election of their State and local officials. Nowhere can I find this right granted to Congress and I believe our Constitution has been emphatic on that point.

It seems to me that the bone of contention throughout this matter has been whether or not a certain segment of our citizens has been and is now being discriminated against by being deprived of their voting rights. This discrimination, I might add, exists not alone in the South, but in many of our other States wherein so-called minority groups are merely counted as second-class citizens or worse. I cannot in good conscience believe that any Member of this body would feel that our democracy is existing or can exist with first- and second-class citizens.

We are people under one flag, and as such, are entitled to the rights and privilegs granted us thereunder.

If our several States have been lax in their discriminatory practices, or if certain elected or appointive officials of those States have been lax, or are guilty of misfeasance or malfeasance in office, is it not a problem of the people who elected or appointed these officials to clean house through the use of their own State courts?

I cannot in all honesty think that the systems of justice set up within our States would fail to grant to any person with a legitimate claim before their duly constituted courts refusal of equal justice under the law. Are we not here now attempting to invade a territory and to take on a responsibility which does not lie within the ambit of our responsibility or our legal right? Shall not these persons with a valid complaint utilize a now existing recourse open to them?

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. BONNER. I yield to the gentleman from Louisiana.

Mr. WILLIS. I want to compliment the gentleman for the statement he is making now, and also to acknowledge, as a member of the House Committee on the Judiciary, the invaluable support, encouragement, and advice we have received from him over the years. He is chairman of a very active and very important committee, but he has always found time to appear before our committee and give us the benefit of his good judgment, and I do want to publicly express appreciation for the great contribution the gentleman has made to this great cause in which we believe so strongly.

Mr. BONNER. I thank the gentleman from Louisiana for his kind words.

Mr. Chairman, may I say to the Members of this House seldom do I take the floor on matters coming out of other committees, but I believe today that the subject before us is one that is going to bring trouble to this country in years to come.

Mr. Chairman, shall not these persons with a valid complaint utilize now an existing recourse open to them, or are we here in the Congress in our so-called wisdom, deeming and declaring despicable every State system of courts in the 50 States of this Union? Have we this right? Or does the Congress want to declare a conclusion that no citizen of any State in this Union can receive full justice before the courts of his own State and, therefore, a Federal appointed referee must act in order to see that justice is done? It seems to me, Mr. Chairman, that those are the crucial questions we must answer to ourselves.

I want to remind you again that I am only a layman, but in my lifetime I have read widely, I have studied carefully and have been privileged to observe the rise and the fall of nations and leaders during this century. Therefore, I feel that I can say with firm conviction that when a nation first loses its freedom of education and then its freedom of the vote, we are only a short step from dictatorship. Dictatorships have arisen and nations have fallen when free elections were denied its citizens. Certainly I will not go so far as to say that any child regardless of race, color, or creed, is not entitled to education up to the fullest capability that child may show; but our court decisions, as we all know, have resulted in the greatest chaotic mess in the educational field that this country has ever known. There are literally thousands of children, both colored and white, without any adequate facilities due simply to the fact that our Supreme Court in its so-called wisdom has thrown into turmoil what had heretofore been systematic school programs within the several States affected by that decision.

Mr. Chairman, in the Southern States there are more Negro schoolteachers employed than in all the other States of the Union put together, and their salaries are just as high, and in most cases higher.

I do not in fairness believe that within these States now in this position that one race has been held above the other in being assured of adequate facilities for its children. The matter now before us seems to reach toward Federal control of elections. Under the proposed legislation what is to act as a stopper to prevent the Federal Government from usurping the inalienable rights given the States by the Founding Fathers in their wisdom so guaranteed by the Constitution?

If we are not careful we will find ourselves one step further along the road toward depriving our States and their peoples of their precious constitutional rights and, gradually, perhaps rapidly, transforming the great governmental system we have, with its checks and balances, into one of Federal dictatorship or tyranny.

I call on certain races to remember what happened in Germany when a great race of people were almost exterminated. Mr. Chairman, the progress was along the line that this House of Representatives and this Congress are for doing today. It grew up, Mr. Chairman, in just such a procedure, in just such forward steps and, as I say, a great race of people, a great people, who contributed much to our country, were almost exterminated. Beware, it can happen in America. Do not think it cannot. It is for those who are thinking for the future to look to their conscience.

Mr. Chairman, I am opposed to this legislation because I believe it will destroy rights for all people, even the rights of those it is alleged to help.

Mr. CELLER. Mr. Chairman, may I make the unanimous consent request that all debate on the Celler substitute and all amendments thereto close in 15 minutes?

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. McCULLOCH. Mr. Chairman, I object.

Mr. CELLER. What would the gentleman suggest?

Mr. McCULLOCH. If I might reserve the right to object, I should like to ask the gentleman from New York a question concerning amendments. How many amendments are pending, and how many may be offered in the meantime?

The CHAIRMAN. The Chair has no way of telling how many amendments are going to be offered, but there is pending, as the gentleman knows, his amendment and the Celler substitute. They are pending now.

Mr. CELLER. In other words, Mr. Chairman, there are no amendments pending except the Celler substitute?

The CHAIRMAN. Which includes the McCulloch amendment.

Mr. CELLER. Mr. Chairman, the gentleman from Virginia [Mr. SMITH] suggests that I wait 5 minutes.

Mr. EVINS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, what we have been witnessing here for the last few days is a coalition between our friends on the extreme right and the Republicans. It is a little reverse to what we sometimes are being accustomed to seeing.

Mr. EVINS. Mr. Chairman, as we continue this debate into the third week in the House, I feel that a few observations may be in order.

This debate has been, at time, an interesting one and I trust, in the main, a wholesome debate.

One of the real services which we in the Congress can perform is that of focusing attention on all aspects of important issues so that we may be better informed and also that the Nation may be better informed and have a better understanding of what is involved in the issues we debate.

We have thus been witnessing—both in the House and in the other body—a program of education.

We started this debate on a very high plane—I regret to say that at times there have been some bitter remarks and some evidence of bitterness on all sides.

We have heard some threats—or implied threats—of secession from the Union.

One of our colleagues, at least has let it be known, that, during the next session of the Congress, the South would make an attempt to reorganize the House and perhaps form some holy—or unholy—alliances, according to one's point of view, with our Republican colleagues.

I want to say that many of our Republican colleagues are pushing this legislation just as hard and just as strong as are some of our Democratic colleagues.

The civil rights bill, which we have been considering, is known as the Eisenhower bill or the administration bill, and the tougher provisions are being pushed by the Attorney General—Gen. William P. Rogers of the President's cabinet. So, I would remind my Democratic colleagues from the South that our Democratic brethren from north of the Mason-Dixion line are not the only ones pushing this legislation. Our Republican colleagues are also guilty—just as guilty.

Mr. Chairman, during that tragic period in the history of our country called by our friends in the North the Civil War, but referred to by our citizens in the South as the War Between the States, that Tennessee was the last State to leave the Union and the first to come back.

Tennessee wants to stay in the Union.

Our great State and National heroes, Andrew Jackson and Andrew Johnson, both devoted their lives to preserving the Union. I hope that what we do here will contribute to preserving the Union.

Certainly I can understand the desire by all Members to want to be reelected, but let us not at the expense of being elected again destroy the Union and tear asunder our Nation.

I feel sure that some of our Democratic friends from the North feel that they must take extreme positions on this matter in order to assure their reelection.

Our Republican friends, who are supporting this legislation, I fear, are also motivated by their strong desire to be reelected—to a very great extent. Many, I am sure, must agree that much that has been said on this issue has been said because it will win votes and only because their positions will win votes.

Since our friends from the North have not lived with the problem as intimately as have the members from the South, I feel that they lack the intimate and first-hand knowledge of the difficulties that are involved in solving this delicate problem.

Threats of reprisals, I do not think, are in order. Bitter comments have no place in this debate—such attitudes and actions do not promote mutual understanding that we all need to solve this problem.

My own position on this legislation, I am sure, is well known but I repeat it—it is that this legislation is neither necessary nor desirable.

It is traditional and also in line with the Constitution that the Federal Government not interfere in local elections.

The voting standards of all our States differ to some degree.

In my State of Tennessee, for example, voting qualifications require that a person must be 21 years of age and a resident of the State for 1 year—and a resident of the county for 3 months, to be eligible to vote.

In Georgia and Kentucky, the minimum voting age is set at age 18.

Some States require a citizen to be a resident of the State for 2 years, while in others only 6 months' residence is required.

In New York, Washington, and some other States, a literacy test—proof of ability to read and write—is required.

In Virginia, Texas, and for some elections in Vermont, payment of a poll tax is required by the State laws.

So, the laws of each State vary with respect to voting standards and qualifications.

We, in Tennessee, believe in the right to vote by every citizen—and we urge upon our citizens the importance of the exercise of suffrage as a mark of good citizenship.

Concerning title V of the bill, dealing with our educational system, I may say that I had intended to offer an amendment to this section of the bill but after conferring with Chairman BARDEN, of the House Education Committee, and also Congressman BAILEY, of West Virginia, a member of the House Education Committee, I have learned that several amendments to this section of the bill are to be offered, and I shall not offer an amendment but defer to our colleagues, Congressmen BARDEN and BAILEY, on the committee.

Title V of this bill grants wide powers to the Federal Government to take over the educational facilities of our local school subdivisions under specified conditions.

Section 502 gives the Commissioner of Education the power to set certain conditions which local school systems would have to meet to qualify for receiving Federal aid funds.

Amendment to this section will be offered to prevent any abuse of this power proposed to be granted in this legislation.

I certainly hope that one of the amendments offered to guarantee to our local school authorities the right to continue to supervise and operate their own local school systems will be adopted.

The proponents of this legislation tell us that they do not want to interfere with the rights of the States and local governments to control their school—to control their school systems. I am glad to hear this—and if this assertion is true, I can certainly see no reason why anyone would object to the adoption of such an amendment.

When we voted statehood for Alaska and Hawaii, it will be recalled, we specifically provided that the Federal Government would not interfere with the school systems of these two new States. In doing this we recognized a principle which has been in effect since the very founding of our Nation.

If we are to preserve our traditional diversity of education, we must give to our local school authorities the assurance that control of education will not be impaired by Federal actions.

We must guarantee the right to operate and control our local school systems and that this power will not be impaired.

We know from experience that the imposition of standards and conditions written in Federal legislation can impair the control of our States in various areas of activity. For example, the participation by the Federal Government in the highway program has very largely placed the control of our highway systems in the Federal Government. This may be desirable in the case of highways but I am sure that nobody would like a similar situation to arise in the case of our schools.

This is important—not just for one area or region of our country but it is important for all sections of our country.

I repeat, Mr. Chairman, that this legislation is neither necessary nor desirable. If it is to be passed, let me express the hope that proper amendments and safeguards will be adopted not only to the voting rights section but also the education section of this legislation.

Let us continue to contribute to preserving the Union—certainly I hope that we all can be reelected but not at the expense of again tearing asunder our Nation.

Mr. WINSTEAD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, for 8 days now we have discussed the pros and cons of civil rights and various amendments to this proposed legislation. Even though it appears to be a foregone conclusion as to the ultimate outcome, I rise to express my deep concern and dismay in regard to the measure that is now before this House. I shall continue to oppose the enactment of H.R. 8601 or any substitute thereto with all the force at my command. Mere opposition, however, is not enough. I want to sound a warning, Mr. Chairman, a very serious warning: We are about to reach the point of no return in our heedless, reckless drive to junk the Constitution and to strip our Nation of its main defenses against decay and disaster.

The Constitution has never been in greater danger. On the one hand, political opportunists are pawning it piecemeal to gain temporary political advantages. On the other hand, the appointed guardians of our basic charter have abandoned their posts to follow the sociology fad. The Supreme Court, which could once be counted upon to uphold the Constitution, now leads the onslaught against constitutional government.

After some 170 years, during which this country has grown from a sparsely settled, weak, infant nation into the greatest, mightiest nation that the world has ever seen, we are on the verge of abandoning the system of government that has made this phenomenal growth possible.

This course might make some sense if the recent trend in world events had made our Federal system obsolete. Mr. Chairman, I submit that the opposite is the case. There is an almost irresistible trend in our century toward centralized government. More and more power is concentrated in the hands of large, impersonal bureaucracies, which tend to become a power unto themselves. As these centralized bureaucracies grow, their insidious influence spreads like an evil virus, paralyzing democracy, deadening initiative, and killing liberty. As the center of government moves further and further away from the people—both bodily and in spirit—democracy withers on

the vine. After that comes dictatorship, and then it will be 1984 before you know it.

I said, Mr. Chairman, that this ominous trend is almost irresistible. There is one defense, one sure way of avoiding the blight that I have described. I am referring to a system of government in which power is decentralized, a system that reserves a large part of the awesome powers of modern government to units that are less unwieldy than the central juggernaut, as well as closer to the home of the average citizen. In other words, Mr. Chairman, the only system of government that offers hope for the survival of democracy is the system that was so wisely devised by our forefathers in the 18th century. Now, more than ever, we have to cling to our Constitution for our very lives.

It should not be necessary to recall basic constitutional principles to Members of the Congress. Yet, in these days of high pressure and flimsy political razzle-dazzle, basic principles are often obscured. Allow me to remind the Members of this body, Mr. Chairman, that the Founding Fathers bequeathed us a dual system of government, carefully balanced to avoid both anarchy and centralized oppression. It is a system of government originally based on the voluntary association of 13 independent States, each of which agreed to surrender certain powers in order to form a more perfect union. By clear implication, the powers that were not surrendered to the Federal Government were retained by the constituent States. This implication, however, was not enough for the American people of the 1790's. They had just fought and won a war against tyranny, and they wanted to be absolutely certain that oppression would never again rear its ugly head in this country. To make this intention clear, they added a Bill of Rights to the Constitution. As you are well aware, Mr. Chairman, this Bill of Rights consists of 10 amendments, the last of which states clearly and unequivocally that—

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

It has become fashionable to employ subtle and fallacious reasoning in interpreting the Constitution of the United States. Yet, no degree of indistinct reasoning can cast doubt on the meaning of the 10th amendment.

Nevertheless, this important constitutional amendment is simply ignored by the political forces that thrive on strife and dissension. They know all about those constitutional amendments that can be conveniently misinterpreted to lend a false semblance of justification to the grossest Federal usurpation, but they close their eyes when they come to the 10th amendment.

Who are these people who would edit the Constitution to suit their purposes? They are a motley crew, Mr. Chairman. There are shortsighted do-gooders who would burn down houses to make sure that the tenants whose rooms are drafty do not catch a cold; there are down-to-earth politicians who have discovered that they can easily and comfortably assure continuous reelection by exclaiming against situations that are outside their jurisdictions and beyond their comprehension; finally, there are those who are single mindedly engaged in fomenting strife because they thrive in an atmosphere of chaos, confusion, and crisis.

Leading this latter group in its drive for ever-increasing hysteria is the misnamed National Association for the Advancement of Colored People. Even though this association has assumed to itself the right to speak for our Nation's colored population, it does, in fact, represent only a small, misguided, and extremist group with a narrowly regional outlook. Certainly the Negroes of Mississippi resent the rash, patronizing actions of their self-appointed protectors from the North.

Having established that the association in question is not national, I should like to inquire to whose advancement it is really dedicated. Can anyone maintain that an organization that stirs up racial hatreds, an organization that conducts a constant campaign to wreck the Constitution for the imagined benefit of a few, is advancing the cause of any Americans of whatever race, creed, or color?

It is the height of cynicism to preach that the rights of any minority can be secured only by undermining the rights of the majority. If our constitutional system is subverted to the point of collapse, we shall all suffer the consequences, including the minorities. Without our constitutional system there can be no liberty and no civil rights. The advancement advocated by the NAACP is, in fact, advancement toward slavery for all Americans, black and white alike. Perhaps that is the aim of the association, or at least some of its noisiest supporters.

It should be unnecessary to elaborate on the evils of H.R. 8601. Anyone who will look at this bill dispassionately, without allowing his senses to be drowned by torrents of campaign oratory, must come to the conclusion that the proposed legislation is badly drawn, dangerously vague, flagrantly unconstitutional, and absolutely pointless.

Title I, which deals with obstruction of court orders, proposes to enforce constitutional rights by placing freedom of speech in grave jeopardy. It would make interference with court orders regarding desegregation a Federal crime. The punishable interference might be—and I quote—"by threats or force, or by any threatening letter or communication."

Mr. Chairman, I direct your attention to the fact that not only acts, but utterances would be brought under the purview of this legislation. We are dealing with a controversial and widely discussed isue. The vast majority of the people of my State, and of many other States, is opposed to enforced integration. Being Americans, they are not afraid to give vent to their opposition. Once this bill is passed, they would have to weigh every word for fear of being thrown into a Federal jail. Once that comes to pass, our Constitution will be no more than an interesting historical relic. It is simply not conceivable that this section can be reconciled with either the spirit or the letter of the first amendment.

Title II deals with flight to avoid prosecution for damaging or destroying any building or other property. In other words, Mr. Chairman, it does not deal with the subject matter of the bill. It has nothing to do with constitutional or civil rights. I suggest, Mr. Chairman, that title II is simply a device to make it appear that the advocates of this destructive legislation are playing an important role in combating the much publicized bombings of recent months. The appearance is, of course, deceptive. The bombings have, in fact, been brought under control by State action.

Title III deals with election records. It strikes at the very roots of our Federal system and of democracy itself. We tend to forget, Mr. Chairman, that the administration of elections is a State function. The Constitution states that the electors for Members of both Houses of Congress "shall have the qualifications requisite for electors of the most numerous branch of the State legislatures." The Constitution leaves no doubt, therefore, that its authors intended to leave the electoral process to the States. Article I, section 4, of the Constitution, as well as the 15th and 19th amendments, limits the State power over elections in certain specific aspects. None of these constitutional provisions, however, transfers elections into the Federal domain, and none of them can be used to justify the outrageous proposal that is now before us.

Mr. Chairman, I should like to quote a very pertinent Supreme Court opinion, written by the late Chief Justice White in the case of *Gwinn and Beal* v. *U.S.* (238 U.S. 347) in 1915:

> Beyond doubt, the [15th] amendment does not take away from the State governments in a general sense the power over suffrage which had belonged to those governments from the beginning, and without the possession of which power the whole fabric upon which the division of State and National authority under the Constitution and the organization of both governments rests would be without support, and both the authority of the Nation and the State would fall to the ground. In fact, the very command of the amendment recognizes the possession of the general power by the State, since the amendment seeks to regulate its exercise as to the particular subject with which it deals.

Where, then, do the advocates of H.R. 8601 find justification for Federal tampering with the election records? Since title III deals only with Federal elections, the authors are apparently not relying on the 15th amendment, which applies to all elections. It almost seems as if the Constitution was simply not considered when this bill was written.

The electoral process is a vital nerve of democracy. No freedom-loving people can afford to be lax in guarding the sanctity and secrecy of the ballot. Let us reflect carefully, Mr. Chairman, what evils may befall our democracy if we

compromise that sanctity and that secrecy by permitting Federal inspection of our voting records.

Finally, we come to title 5, which deals with the education of children of members of the Armed Forces. Here again, Mr. Chairman, we are asked to permit the Federal Government to use all the devious means at its command in the drive to reduce the States to lifeless relics of the past. Professed concern for the education of our soldiers' children offers a convenient guise under which Federal power can insinuate itself further into the educational process. Furthermore, the Commissioner of Education would be authorized to demand that school facilities that have been constructed with Federal aid be made available to him under the proposed act. Money, Mr. Chairman, the taxpayers' money, is brought into play as another string to the Federal bow. The aim is to bring education under Federal control. Once this is achieved, we may expect Washington to lay down precise, bureaucratic specifications covering the robotlike youngsters that schools from Seattle to Miami and from Kennebunkport to San Diego will be ordered to turn out. The thing that could not happen in America will then have happened—we will have a centralized, single dictatorship.

Mr. Chairman, I strongly urge, indeed implore, every Member of this House to give painstaking consideration to the implications of H.R. 8601. If an airplane pilot has to reduce ballast in order to increase speed, it would not occur to him in his wildest dreams that he could achieve his purpose by dropping his engines. I suggest, Mr. Chairman, that the civil rights situation is analogous. We cannot insure the civil rights of some Americans by undermining the rights of all Americans. We must reject this proposed legislation, especially since the adoption of the vicious referee amendment.

Mr. HEMPHILL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment to Celler substitute offered by Mr. HEMPHILL of South Carolina: Page 3, line 11, after the word district and the comma thereafter add "who shall have knowledge of and shall satisfy the court as to their familiarity with the election laws involved, the qualifications of electors, and the election laws of the particular State or governmental subdivision involved, and the Statutes of the United States applicable to said elections."

Mr. HEMPHILL. Mr. Chairman, the first time I was privileged to speak on this particular legislation was on Friday a week ago. At that particular time I pointed out that the McCulloch substitute provided for voting referees, but provided for no qualifications for those referees, and therefore we were in the danger of putting authority in the hands of people who had no background and had no particular knowledge of the voting laws of this country.

I suppose as a result of that objection made on Friday, March 11, the administration changed its wording and the McCulloch substitute was later changed so that on page 3, at lines 10 and 11, instead of saying, "The court may appoint one or more persons to be known as voting referees," there was put into the language of the McCulloch substitute and accepted in the proposed Celler substitute to the McCulloch amendment the words "who are qualified voters in the judicial district."

The purpose of the amendment which I am offering today is to provide that if you are going to have voting referees—and I have the unhappy thought that perhaps this House is going to vote that—if you are going to have voting referees, let us have people who know what the laws are. That is what this amendment says. It says, "voting referees who shall have knowledge of and shall satisfy the court as to their familiarity with the election laws involved, the qualifications of electors, and the election laws of the particular State or governmental subdivision involved, and the statutes of the United States applicable to said elections." I would like anybody in this House to tell me what is wrong, if you are going to have a Federal judiciary substitute for the registrars and other officials in the various elections, and that is apparently what you want, a voting referee, apparently that is what is going to be voted for, politically speaking, if you are going to have that sort of authority why not have people who know something about the law?

They should certainly know something about who should be electors, because after all those are the people whom you are trying to qualify to vote.

They should know something about the State law, because the State law, as I understand the Constitution, sets up the qualifications of the people who are entitled to vote or determine those who cannot vote.

They should certainly know something about the Federal election laws because after all if they do not know the laws under which they are operating how in the world can they give competent administration of those laws?

This particular amendment improves, I think, with all due deference to whatever may have been its intent, the McCullough amendment. This states that if you are going to have voting referees you are going to put this authority in the hands of some person who is either unqualified by virtue of ignorance or unqualified by virtue of bias or some other reason.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. HEMPHILL. I yield to the gentleman from New York.

Mr. CELLER. Does the amendment provide that one of the qualifications shall be that the voting referee shall have knowledge of the State election laws? Is that all that is required of him?

Mr. HEMPHILL. No; that is not all.

Mr. CELLER. What qualifications must he have?

Mr. HEMPHILL. He must have knowledge of the election laws involved, if you are going to carry it to a State level, which you are trying to do. Should he not have knowledge of the election laws involved, whether State, Federal, or whatever kind of election it is? Then he must know not only the local laws but the State laws and the laws of the United States applicable to that election. That is all the amendment requires. I think it is a good amendment. It is something to do if you are going to put a man in charge of the vote, that he be qualified, not necessarily that he be a lawyer, but he should know what he is talking about, or acting upon.

Mr. ASHMORE. Mr. Chairman, will the gentleman yield?

Mr. HEMPHILL. I yield to the gentleman from South Carolina.

Mr. ASHMORE. Would not the gentleman's amendment also to a certain extent guarantee the removal of politics from certain referees, whether Democratic or Republican? He would not be some personal friend of the judge or a political friend; he would have to meet some certain kind of qualifications.

Mr. HEMPHILL. In answer to the gentleman from South Carolina, it has been my experience here that nothing can remove politics from civil rights, not even an amendment, such as this is, that would go a long way toward keeping one political party or some political party from using this particular vehicle to get control of elections in a wide area or in cities, which apparently my city friends are not afraid of.

Mr. CELLER. If the gentleman will yield further, I am curious to know if the gentleman's own State has laws to the effect that the voting registrars in that State must have the same qualifications the gentleman has in his amendment.

Mr. HEMPHILL. I believe the voting registrars must be people who are qualified. It is not as specific as this amendment, but it is the same as this amendment.

Mr. CELLER. This voting referee does not conduct an election; all he does is discover whether the individual before him is qualified. It is the same as your registrars.

Mr. HEMPHILL. I would go a little bit further than that. Our distinguished chairman, after hearing the debate here, knows that the powers and duties you are conferring on the voting referee go further than in the case of the registrar.

Mr. CELLER. If the vote is denied the individual, then the voter goes to the court and seeks sanctions against the State official who either refuses to register the man or allow him to vote.

But, the court does that, not the voting referee.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. HEMPHILL. I yield.

Mr. WHITENER. I will ask the gentleman if his State in appointing registrars endows registrars with the judicial authority which this proposal would give to referees, the power to conduct hearing and to make findings of facts and conclusions of law and other things of that sort.

Mr. HEMPHILL. I would say to the gentleman from North Carolina, my State has not departed that part from the sacredness of the ballot box as this legislation seeks to do nor has my State

taken any position that would deprive people from voting despite all the accusations that have been made. Our registrars register the people and that is the end of it. Under this particular voting referee plan, you give him powers—and you have not limited his powers here—you can pretend that you have, but you have not limited his powers here and you are almost giving him the power to go back to the voting booth itself.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. RODINO. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for another 5 minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. HEMPHILL. I yield.

Mr. LINDSAY. Mr. Chairman, I just want to ask the gentleman how the court or the judge would go about testing the qualifications. Would he give a written test or would he ask questions or would he just ask the person whether or not he was familiar with the State laws?

Mr. HEMPHILL. I might answer the gentleman from New York by saying that he probably knows just as much about the Federal courts or a lot more than I do, but it has been my experience that the Federal judiciary in this land has a great deal of discretion. We certainly must put this in the hands of someone, and you have to put it in the hands of someone who is responsible. A Federal judge certainly under the authority he presently possesses under the rules as to appointing masters has a certain amount of discretion. You provide in this bill that the referee shall have the same power as a master, as I understand it, and therefore the judge certainly would have the right to inquire, as he does if he were to appoint you as a special master or if he were to appoint some other person. I think that answers the gentleman's question.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. HEMPHILL. I yield.

Mr. RODINO. I want merely to call to the attention of the gentleman the fact that the Deputy Attorney General in testifying before our committee with relation to the responsibilities of the referee in this type of case said that the referees' hearings would be ex parte and limited to very simple questions such as the voter's residence, his age and then if there were literacy requirements, he would test the voter as to those, and if there were other requirements under the State law, he would test them as to such requirements, and then he would report to the judge. I am sure that the referee would be knowledgeable as to the State law and such requirements. I cannot see why we should go as far as the gentleman would expect us to go under his amendment, if all the referee has to do is to ask these simple questions.

Mr. HEMPHILL. If the gentleman from New Jersey is scared of the fact that we are putting a requirement here in the bill that a referee should know what he is doing, I can understand his objection. But, what is the objection of having the voting referee know the law that he is dealing with and the law that he is supposed to be administering because you are saying to the voting referee that you are giving him some ex parte powers and if we give him ex parte powers, it means that the accused are not in the first instance going to have a hearing. Since he is not going to have a hearing, we want somebody there who knows what he is doing. As the gentleman has pointed out, he will ask the applicant for a registration certificate about some literacy test or something about the election laws. I think the referee should certainly know what the requisites are and what the qualifications are for a man to vote in that particular State unless you intend to abolish the provisions of the Constitution.

Mr. RODINO. What the gentleman is stating is that he shall know the provisions of the election laws, as I take it.

Mr. HEMPHILL. I think, if the gentleman will listen for just a moment, I said familiarity with the election laws involved. The gentleman cannot quarrel with that. If he is going to be a voting referee, he should know the election laws involved and the qualifications of electors. Is it wrong that he should know the election laws of a particular State or governmental subdivision? If he is voting in a municipal election, he should know what he is talking about. When a man is trying to apply for a registration certificate, then he has to come under the Federal statute. After all, if that is the law, and I would like him to know something about the law that he is going to administer. It stands to reason, if you are sincere and believe that this voting referee plan has any merit to it, then certainly you would accept this amendment because this amendment does nothing more than to say that we will have qualified people.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. HEMPHILL. I yield.

Mr. VANIK. In connection with the gentleman's amendment, does not the gentleman presume by his amendment that the Federal judges who are eminent jurists in their particular communities would be inclined to appoint people as referees who are not conversant with the election laws of the State?

Mr. HEMPHILL. I may say I do not presume anything.

Mr. VANIK. Is that not the presumption of the amendment?

Mr. HEMPHILL. No; it is not. I thank the gentleman for his question, because I am presuming that since civil rights legislation in the 4 years I have been here has always been for political expediency; in 1957 when the gentleman voted for the bill which he said he voted for, we were told this was going to do so much for the people, and now we find they were not satisfied, because it is another political year, and now we have got another bill. It has been political in its inception. I am presuming that politics again have something to do with it on the referee voting level.

Mr. VANIK. Would the gentleman's amendment in fact create another hearing that would have to take place? An additional hearing to determine the fitness of the referee?

Mr. HEMPHILL. It does not require any hearing. The gentleman from New York asked a similar question. We empower the voting referee under this legislation with the same authority that a master has.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to; accordingly the Committee rose, and the Speaker having resumed the chair, Mr. WALTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, had directed him to report it had come to no resolution thereon.

THE LATE JUDGE JOHN A. SBARBARO

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LIBONATI. Mr. Speaker, I appear before you at this moment with a heart filled with sadness because of a great loss which my city of Chicago and State of Illinois has sustained in the death of the distinguished Judge John A. Sbarbaro of the superior court of Cook County.

It was a black Friday of mourning for judges, court aids, and attorneys throughout the State of Illinois.

He was a victim of the midair explosion of a Northwest Airlines turbopropelectra jet plane near Tell City., Ind., in the Ohio River Valley, while en route to Miami to spend a weekend with his darling wife, Mabel, which he had done many times since her recuperation from a back injury last summer.

His death cast a pall of sorrow over the entire Italo-American colony. The loss of this devoted, energetic, and learned judge will be felt most amongst the ranks of his compatriots, who looked to him for advice and guidance in their community affairs and problems. The Italo-American citizens have lost a great leader and protector.

Judge Sbarbaro was widely known for his fine work in charities and philanthropic endeavors. He was in the center of activities in youth programs and religious enterprises of Mother Church. His many friends of all races and creeds joined him in supporting these worthwhile charities. His devotion to the financial problems of the Assumption Church, 313 West Illinois Street—his boyhood parish—gained for him the gratitude of the Holy See. He was recently appointed by His Eminence Pope John to the Papal Order of St. Gregory,

a signal holy honor of the highest tradition of religious acceptance to a member of the laity.

Upon his investment with the Papal Order of St. Gregory, I sent him the following telegram:

JANUARY 16, 1960.

Hon. JOHN SBARBARO,
Assumption Church, Chicago, Ill.:

You have been the recipient of many high honors in your life. Mother Church, through this holy appointment of His Holiness Pope John, adds to the luster of your distinguished career.

God bless you.

ROLAND V. LIBONATI,
Congressman, Seventh District, Illinois.

Judge Sbarbaro, a lifetime Republican, served as first assistant State's attorney under the late Robert E. Crowe, State's attorney of Cook County. He also was a municipal court judge for one term—6 years—before becoming a superior court judge. His long tenure on that bench was punctuated by his brilliant judicial decisions, both in the fields of criminal and civil law. He had a complete grasp of the essentials and fundamental principles of trial jurisprudence.

He had great courage and refused to be intimidated by pressured opinion. He was honest and positive in his decisions.

His vast storehouse of knowledge included a thorough study of medical subjects—these scholarly accomplishments contributed much to his practical understanding of medico legal questions that presented complex interpretations in many trials.

His sudden death has taken from the helpless and downtrodden of all races and nationalities a true friend. He was truly a man, who through his intellect as a human, had the capacity to honor God. His heart was filled with sympathy and charity toward suffering humanity. He was a fighter for the rights of mankind regardless of creed or color.

He was a true and generous friend, whose happy nature and cultured mind, manifested the artistic attainments of a true gentleman. He was a student of opera and a strong supporter of all the arts.

And so the Almighty in his omnipotent judgment removed this able, alert master of law from our midst. His attractive personality and effective judicial rulings are lost to a grateful public. I personally have lost an intimate friend, whose profound philosophy and practical advice I shall sorely miss.

Judge Sbarbaro was indeed a brilliant man, but most of all he was a kindly and religious man—one who had time and patience for everyone, including the most humble. All members of the Illinois delegation in Congress knew him, both in his public and private life. He has answered the call of his Maker, his soul is at rest and with reverence we pay humble tribute to the memory of a great judge, a gentleman, a loyal and noble son of the State of Illinois.

We extend to his dear wife, Mabel, his brother, Anthony, and his sister, Anhelina Caviale, our sincere condolences.

McGOVERN BILL: ANOTHER NEEDED STEP TO IMPROVE THE LOT OF THE FARMWORKER, "AMERICA'S FORGOTTEN PEOPLE"

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, I am happy to join in the worthy effort of my able colleague of South Dakota [Mr. McGOVERN] by introducing today a measure identical to his recent proposal to improve the lot of our domestic farmworkers and to protect our family farms.

As my colleague explained on March 17, this proposal would amend title V of the Agricultural Act of 1949, popularly known as Public Law 78. This law, as the Members know, deals with the importation and use of Mexican farmworkers.

The program as it has operated over the years has brought with it a dual hardship—one, it has worked against the family farmer through unfair labor competition, and two, against the domestic farm worker who is the victim of depressed wages and poor working conditions.

The pending legislation calls for a 5-year "phasing out" of the program established by Public Law 78. During this interim period, the bill calls for a yearly reduction of the number of Mexican workers by 20 percent of the total made available in the preceding fiscal year.

Additionally, and of great import, the domestic farmworker would be given, during this phasing out period, greater work and wage protection by providing for improved requirements for the hiring of domestic farmworkers vis-a-vis Mexican nationals. These provisions are in line with the recommendations of a distinguished group of men who served as consultants to the Secretary of Labor in a study of the present law.

Mr. Speaker, last session I sponsored legislation to give minimum wage protection to the underprivileged domestic farm employee. It is my belief that the McGovern bill is a logical and necessary addition to an overall legislative program and effort to better the wages and working conditions of our farmworkers, aptly identified as America's forgotten people.

Also, it is in keeping with the concept of pending legislation to protect and maintain the family farm, the Family Farm Act of 1960, of which I am also proud to be a cosponsor.

I trust and hope that all of these matters will come in for affirmative congressional action at this session.

PAN AMERICAN HEALTH ORGANIZATION

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate Joint Resolution 115, authorizing the purchase of certain property in the District of Columbia and its conveyance to the Pan American Health Organization for use as a headquarters site, which is similar to a House bill earlier passed under suspension of the rules today.

The Clerk read the title of the Senate resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

There being no objection, the Clerk read the resolution, as follows:

Whereas the Government of the United States has a vital interest in the health of the peoples of the Americas; and

Whereas the Pan American Health Organization is the oldest continuing international health organization in the world; and

Whereas the Government of the United States has taken a leading role in the work of the Pan American Health Organization, which also serves as the regional organization of the World Health Organization; and

Whereas the Government of the United States, at the XIII Pan American Sanitary Conference in 1950, invited the Pan American Health Organization to make its permanent headquarters in the United States and offered a site for this purpose; and

Whereas there are many advantages for locating the Organization headquarters in Washington, where it can continue to enjoy close and mutually profitable working relations with the United States Public Health Service and other governmental, acadamic, and research organizations: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the Administrator of General Services to acquire by purchase, condemnation, or otherwise, including any expenses of such acquisitions, the land in the northwest section of the District of Columbia, known as square 59, bounded on the north and south by Virginia Avenue and E Street, and on the east and west by Twenty-second and Twenty-third Streets, together with any building and improvements thereon.

SEC. 2. The Administrator of General Services is hereby authorized to convey, without consideration, the property acquired under section 1 of this Act to the Pan American Health Organization, formerly known as the Pan American Sanitary Bureau and the Pan American Sanitary Organization, for use as a headquarters site, subject to the condition that the site development plan be coordinated with the National Capital Planning Commission.

The resolution was ordered to be read a third time, was read the third time, and passed.

The proceedings whereby the bill H.R. 7579 was passed were vacated, and that bill and a motion to reconsider were laid on the table.

GENERAL LEAVE TO EXTEND

Mr. GROSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill H.R. 7579.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

SOVIET NUCLEAR TEST BAN PROPOSALS

Mr. ROBISON. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. HOSMER] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HOSMER. Mr. Speaker, late Saturday afternoon in Geneva the U.S.S.R. made a proposal at the Nuclear Test Ban Conference which has been written up and commented upon as a "concession," as a "softening of the Communist position," as indicating "a sincere desire to achieve agreement," and so on.

On Saturday, on Sunday, and so far today, Tsarapkin's carefully timed weekend announcement has been given news media display to world public opinion almost entirely in terms of the U.S.S.R.'s own self-serving declarations. This has been augmented in emphasis by the 3-day public hash and rehash of the Soviet viewpoint as expressed in the Soviet statement.

We must remember that the U.S.S.R. went to Geneva demanding an all-out test ban with no means to detect violations and no means to enforce compliance.

We must remember President Eisenhower's words in his 1959 state of the Union message that—

> We can have no confidence in any treaty to which the Communists are a party except where such a treaty provides within itself for self-enforcing mechanisms.

Although the proposal made by Tsarapkin Saturday appears to edge back from the Soviet's original extreme position, it also appears from available reports that it carefully preserves every single advantage hoped for in their initial demands.

There is only a shifting of position from a treaty status to a moratorium status for underground tests below 4.75 kilotons in intensity. There still appears to be no offer by the Soviets to include within a treaty self-enforcing mechanisms insisted upon at Geneva by our negotiators to insure that whatever may be agreed upon is, in fact, as binding on the Soviets as it would be upon the West.

We must remember that the big escape hole fought for consistently throughout the 15 months of these negotiations by Kremlin negotiators is either no violation detection machinery at all or machinery so inadequate it would be useless.

A great step forward for world peace will be taken if a treaty can be negotiated which, in fact, places equal nuclear testing limitations on both sides. It would be a step backward for world peace if a treaty is negotiated which, in fact, places limitations on the Western powers while providing the Kremlin unlimited opportunity to carry on nuclear weapons development behind the secrecy of the Iron Curtain.

The unfortunate and brutal fact of today's international life is that you cannot, as the President says, put any confidence in a treaty which the Communists sign which does not provide within itself for self-enforcing mechanisms.

In its 41-year history the Soviet Union has signed over 2,000 treaties with non-Communist countries. Every single one of which it has been expedient to break, they have broken. It is high time we pinned down for world public opinion this basic perfidy on which Communist dealings with the rest of the world is based.

A test ban with the Soviets would not be worth the paper it is written on without the adequate inspection-detection machinery backed by the means of enforcement demanded by our Geneva negotiators. If a treaty is, in fact, to substitute honest agreement for unrestricted Communist threats of force and blackmail in international relations, it will be accomplished only by dogged insistence that it contain such self-enforcing mechanisms.

Unless the Soviet's Saturday pitch accedes to this insistence on our part, it amounts to no more than the tired old illusory concession trick repeatedly used by Kremlin negotiators to euchre outrageous concessions from Western diplomats while pressing their own advantage.

Nor would it amount to any more than that if it does not fully accede to our insistence that the self-enforcing mechanism be written into the treaty before it is signed, not agreed upon later.

"Agreement to agree later" is another shopworn device used by Communist negotiators. Applied to this particular case it would simply mean that when it came time to agree on what are adequate inspection and detection systems to insure compliance with a test ban, the Soviets simply would never agree. This is exactly what happened with the Korean armistice's "agreement to agree later" provisions.

It also happens to concur precisely with the late Josef Stalin's observation from the Communist viewpoint that "sincere diplomacy is no more possible than dry water or wooden iron."

In short, the Tsarapkin honor system, sign-now-and-pay-later proposal, must be approached with the same scrutiny as a $3 bill.

If we fail to do so, if we surrender the self-enforcement principle for which we have fought so long and hard at Geneva, it would be a step away from peace, not toward it. It would abandon the first real opportunity we have had to achieve rules for peaceful international conduct, the observance of which does not depend upon Communist caprice.

Dashing the cold water of realism on hopes for agreement which may have been raised by Tsarapkin's cleverly deceptive announcement may be unpopular with some. But we must remember: the path of modern history is strewn with human death and misery consequent from naive acceptance of Soviet words and promises.

This we can ignore only at great peril.

H.R. 11235

Mr. ROBISON. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. LINDSAY] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LINDSAY. Mr. Speaker, on Thursday, March 17, I introduced a bill, H.R. 11235, which would carry out the President's recommendation for the overhaul and modernization of the U.S. immigration laws. The President's message pointed out the need not only for improvement in the basic quota system, but also the necessity for creating a permanent system to be added to our basic laws whereby there could be admitted into the United States a reasonable number of refugees and escapees who have been driven from their homes by persecution, political upheaval, or natural calamity.

This is World Refugee Year. The United States, by Presidential proclamation, is one of 69 nations which has fixed upon this year as the time when at long last we must find some permanent solutions for the refugee problem. Although the President's proclamation and his specific recommendations in this field were transmitted to the Congress, no action has been taken by the Congress. This country is therefore left in the unfortunate position of having taken no action by way of relaxing our own immigration laws, in order to give meaning to World Refugee Year.

The time has come, Mr. Speaker, for action and not for mere words. This bill would authorize the Attorney General to parole into the United States upwards of 10,000 refugees each year. Further, the President is empowered, in emergency situations, to issue a proclamation to that effect and to admit greater numbers.

After such refugees have been in the United States for 2 years the bill authorizes the Attorney General to adopt a specified procedure, subject to congressional revision, whereby such persons may acquire permanent residence status.

With the safeguards in this bill, there can be no serious objections to the proposal for offering relief to worthy refugees and escapees who have fled from persecution and who seek asylum and a home. The United States has much to gain from this. As the President said in his message to the Congress:

> Nations who in the past have granted entry to the victims of political or religious persecutions have never had cause to regret extending such asylum. These persons with their intellectual idealism and toughness will become worthwhile citizens and will keep this Nation strong and respected as a contributor of thought and ideals.

The quota provisions of this bill are self-explanatory and simple of understanding. They represent a giant step forward by the United States in the abandonment of the national origins system. This is accomplished by predicating the distribution of the increase in the quota that would be provided to the various quota areas upon the basis of the actual immigration into the United States from each quota area between 1924 and 1959, and not upon the ethnic

composition of the United States as it existed in 1920.

Mr. Speaker, under unanimous consent I include at this point in the RECORD, as part of my remarks, an explanation and analysis of the bill:

EXPLANATION AND ANALYSIS OF THE PROVISIONS OF THE BILL TO AMEND THE IMMIGRATION AND NATIONALTY ACT SO AS TO MODERNIZE AND LIBERALIZE THE QUOTA SYSTEM AND PROVIDE FOR THE ADMISSION OF PERSECUTED PEOPLES, AND FOR OTHER PURPOSES

Sections 1, 2, and 3: These sections of the bill would provide moderate revisions in the quota system. The system would be brought up to date. Equitable distribution of additional quotas would be provided. A quota pool would be established to which unused quota numbers would be assigned. Mortgages on quotas would be eliminated. New political entities would be protected against decreases in quota. The ceiling of 2,000 on the quotas within the Asia-Pacific triangle would be removed.

Under the existing law the annual quota of 154,657 is computed by taking one-sixth of 1 percent of the white population in 1920, less Western Hemisphere immigrants and their descendants. The bill applies the same percentage to the 1950 total population of the United States as defined in the act. The result is an annual quota of 256,000, or an increase of 101,343. The bill further provides that when the 1960 census is completed, the annual quota will be recomputed upon the basis of one-sixth of 1 percent of the number of inhabitants in the United States in 1960.

Under the bill the existing quota of 154,657 would continue to be allocated as at present, but the present maximum subquota allocation of 100 to each colony would be raised to 200. With respect to the allocation of the quota over and above 154,657 the legislation would provide for an increase in the quota for each minimum quota area. This increase would be from the present 100 to 200. With respect to the allocation of the remainder of the increase in the quota authorization the bill would provide an important new feature designed to recognize actual immigration since the quota act of 1924. This would be accomplished by providing for the distribution of the remainder of the increase in the total quota to the several quota areas, so that there will be assigned to each quota area that proportion which the immigration to the United States since July 1, 1924, and up to July 1, 1959, from that area bears to the total immigration from all quota areas.

Another significant change proposed is to provide for utilization of unused quota numbers. Under existing law failure to use in the year all of the quota allocated to a particular area results in its being wiped out. It is not carried forward into the next year. The bill establishes a quota pool to which all unused quota numbers would be assigned for redistribution. Quota numbers thus assigned would be available for use only during the period of 1 year following their assignment. The quota numbers in the pool will be available for allocation only to natives of quota areas whose quotas have been oversubscribed during the previous fiscal year. Each such oversubscribed area will receive a percentage of the number of visas in the quota pool equal to the percentage that its prescribed allotted quota bears to the aggregate of the quota of all those quota areas whose quotas were oversubscribed during such previous fiscal year. The quota numbers in the pool will be issued only to qualified immigrants eligible for a preference status under paragraphs (1), (2), (3), and (4) of section 203(a) of the Immigration and Nationality Act.

The bill further proposes to delete entirely the ceiling of 2,000 imposed on the minimum quotas within the Asia-Pacific triangle. The law now provides that any increases in the number of minimum quota areas above 20 shall result in a proportionate decrease in each minimum quota so that the sum total of all minimum quotas within the Asia-Pacific triangle shall not exceed 2,000. As 20 minimum quotas of 100 each have already been established within the Asia-Pacific triangle, the creation of any additional minimum quotas within the triangle would require a proportionate reduction in the quota of each of these 20 countries. The proposed amendment, by removing the ceiling, would prevent such erosion of the minimum quotas within the triangle.

Looking ahead to probable political changes in the administrative arrangements of several areas, including the West Indies Federation, the bill would also assure to such a new political entity an immigration quota of not less than the total of subquotas or minimum quotas now comprising the area. Upon the recent merger of Syria and Egypt, each of which countries had a minimum quota of 100, the new quota for the larger quota area was reduced to 100 per year. The proposed amendment would prevent such a result.

The bill also would incorporate into the basic statute the provisions of Public Law 85-316 which removed the "mortgages" imposed on the annual quotas.

Sections 4 and 5: These provisions of the bill would revise and clarify existing parole authority covering the emergency admission of aliens into the United States. Also, procedures would be provided under which an alien who has been paroled into the United States might adjust his immigration status to that of a lawful permanent resident. Aliens paroled into the United States and who are presently here in an indefinite status include aliens admitted for emergency reasons or for reasons of public interest.

Section 4 grants the President power to authorize the parole by the Attorney General into the United States of refugees selected by the Secretary of State. Refugees are defined in the bill to include (1) persons who have been forced to flee from Communist territory or from a country in the Middle East because of persecution or fear of persecution based on race, religion, or political opinion, or (2) victims of war, political upheaval, or natural calamity who are unable to return to their former homes. The Attorney General would be authorized, in the absence of such proclamation, to parole annually not more than 10,000 such refugees.

Section 5 sets up a procedure whereby the immigration status of parolees may be adjusted to that of a lawful permanent resident. The Attorney General could grant such adjustment of status in his discretion after the alien has been in the United States for 2 years and if the applicant is of good character and if the adjustment would not be contrary to the national interest. A report of the Attorney General's action if favorable would be submitted to the Congress. Unless the Congress disapproved, the alien's entry would be recorded as of the date of the alien's last arrival in the United States. If the Congress did not approve the administrative action, the Attorney General is to require the departure of the alien from the United States.

Section 6: Section 202 of the act deals with the determination of quotas to which immigrants shall be chargeable. This section would revise section 202 so as to grant an Asian spouse the benefit of the quota of an accompanying spouse, and permit the Asian spouse of a native of a Western Hemisphere country to be classified as a nonquota immigrant if accompanying, or following to join, such spouse.

Section 7: Section 222 of the act prescribes the contents of a visa application. Subsection (a) deals with applications for immigrant visas and subsection (c) deals with nonimmigrant visas. Both require information as to "race and ethnic classification." This section would eliminate this requirement since the terms are not susceptible of definition and have served no useful purpose in the administration of the Immigration and Nationality Act.

RESTORATION OF FREEDOM TO THE CAPTIVE NATIONS OF CENTRAL AND EASTERN EUROPE

The SPEAKER. Under previous order of the House, the gentleman from Wisconsin [Mr. ZABLOCKI] is recognized for 1 hour.

Mr. ZABLOCKI. Mr. Speaker, I ask permission to revise and extend my remarks and also ask unanimous consent that all Members who desire to do so may have the permission to extend their remarks in the RECORD on the subject I will discuss.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ZABLOCKI. Mr. Speaker, with a view to the forthcoming summit meeting in Paris, I have today introduced a House concurrent resolution relating to the restoration of freedom to the captive nations of central and eastern Europe.

This resolution is being cosponsored by a number of distinguished Members from all sections of our country. The list of the cosponsors includes the following: Hon. ALVIN BENTLEY, of Michigan; Hon. WAYNE N. ASPINALL, of Colorado; Hon. EMILIO Q. DADDARIO, of Connecticut; Hon. HAROLD D. DONOHUE, of Massachusetts; Hon. THADDEUS J. DULSKI, of New York; Hon. LEONARD FARBSTEIN, of New York; Hon. DANIEL J. FLOOD, of Pennsylvania; Hon. AIME J. FORAND, of Rhode Island; Hon. LESTER JOHNSON, of Wisconsin; Hon. EDNA KELLY, of New York; Hon. EUGENE J. KEOGH, of New York; Hon. JOHN C. KLUCZYNSKI, of Illinois; Hon. MELVIN R. LAIRD, of Wisconsin; Hon. THOMAS J. LANE, of Massachusetts; Hon. ALVIN E. O'KONSKI, of Wisconsin; Hon. MELVIN PRICE, of Illinois; Hon. HENRY REUSS, of Wisconsin; Hon. ALFRED E. SANTANGELO, of New York; Hon. EDWARD J. DERWINSKI, of Illinois; Hon. JOHN D. DINGELL, of Michigan; Hon. JOHN LESINSKI, of Michigan; Hon. THADDEUS M. MACHROWICZ, of Michigan; Hon. ABRAHAM J. MULTER, of New York; and Hon. HERBERT ZELENKO, of New York.

In addition, similar concurrent resolutions are being introduced today by a number of other Members, including Hon. HUGH J. ADDONIZIO, of New Jersey; Hon. VICTOR L. ANFUSO, of New York; Hon. EMANUEL CELLER, of New York; Hon. WALTER JUDD, of Minnesota; Hon. MARGUERITE STITT CHURCH, of Illinois; Hon. STEVEN B. DEROUNIAN, of New York; Hon. HARRIS B. MCDOWELL, JR., of Delaware; Hon. ROMAN C. PUCINSKI, of Illinois; and Hon. PETER W. RODINO, JR., of New Jersey.

Mr. Speaker, the text of my resolution reads as follows:

CONCURRENT RESOLUTION RELATING TO RESTORATION OF FREEDOM TO CAPTIVE NATIONS

Whereas the rulers of the Soviet Union have repeatedly declared their determination to pursue relentlessly their political, economic, and ideological drive for a worldwide victory for communism; and

Whereas, in its efforts to attain that objective, the Soviet Union, through force of arms, subversion, infiltration, and other methods, has imposed puppet Communist regimes upon the people of the captive nations of Eastern and Central Europe and exerted tireless effort to crush their spirit and to transform their countries into replicas—on political, economic, social, cultural, and administrative levels—of the Soviet Union; and

Whereas in direct violation of the provisions of the Yalta agreement, the people of the captive nations are still being denied the opportunity to solve their problems by democratic means and to choose, through free and unfettered elections, national governments of their own free choice; and

Whereas in contravention of duly ratified treaties of peace, of the Charter of the United Nations, of the Universal Declaration of Human Rights, and of expressions of the United Nations General Assembly, the people of the captive nations are being systematically deprived of the exercise of fundamental freedoms and basic human rights; and

Whereas the United States of America has consistently refused to sanction, either directly or by implication, the political status quo of the captive nations; and

Whereas the United States of America has stood firmly on the principle of self-determination, welcoming the enlargement of the area of freedom and self-government and insisting on the inalienable right of the people of the captive nations to live under governments of their own choice; and

Whereas the establishment of just and lasting peace is inconceivable without the restoration of freedom, independence, and national sovereignty to the captive people of Eastern and Central Europe, which objective the United States of America is determined to pursue by all feasible means: Now therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) The Congress of the United States calls for the respect of the fundamental freedoms and human rights of the people of the captive nations;

(2) The Congress of the United States reaffirms its belief in the inalienable right of the people of the captive nations to live under governments of their own choice; and

(3) The Congress of the United States urges the President to pursue energetically at the forthcoming summit conference the restoration of the fundamental freedoms and basic human rights of the people of the captive nations.

The reasons for introducing the above resolution may be summarized very briefly.

As we all know, less than 2 months from today—on May 16 to be exact—the heads of state of the great powers will hold a summit meeting in Paris.

There is every indication that the issue of disarmament, and the question of Berlin and West Germany, will probably dominate the discussions at the summit. Nevertheless, the agenda for the meeting is open, and has not been restricted to any specific item or items. I firmly believe, therefore, that the restoration of the fundamental freedoms and basic human rights to the people of the captive nations of eastern and central Europe should be one of the first subjects taken up at the summit meeting.

There are at least three separate reasons for my convictions on this subject, embodied in the concurrent resolution.

First, justice demands that these rights be restored to the people of captive nations;

Second, progress on the issue of disarmament—which is uppermost in the minds of many people throughout the world—cannot be achieved in a vacuum. It must be related at all times to the reality of the political situation in the world; and

Third, any agreement on disarmament which may come out of the summit meeting will not be worth the paper on which it will be written until we have some concrete evidence that the Soviets will abide by such an agreement.

The first two considerations do not require much elaboration. I am certain all of us will agree that justice demands the restoration of the fundamental freedoms and basic human rights to the people of the captive nations. There ought not be, anywhere within the free world, any disagreement on this point.

Further, I am certain we all realize that disarmament cannot be achieved in a vacuum. Effective disarmament can only be attained within the framework of a broader agreement providing for the solution of unresolved political issues. These issues are in evidence in all of the explosive situations existing along the entire circumference of the Communist empire: from Korea and the Formosa Strait in the Far East through southeast Asia and the Middle East to eastern and central Europe in the west.

It is unrealistic to expect to reach an agreement on disarmament—to see the world disarm—before those issues are settled. I believe, therefore, that the United States must be prepared to discuss at the summit each of the explosive situations I have mentioned.

This brings me to my third point, which has special bearing on the concurrent resolution I introduced: the point dealing with evidence of good faith on the part of the Soviets.

I firmly believe that, before we place our faith in any disarmament agreement, we must first insist that the Soviets live up to their past agreements—especially those which dealt with the fundamental freedoms and basic rights of the people of the captive nations.

Mr. Speaker, I would like to cite some of those earlier Soviet pledges—with particular reference to the ones embodied in the agreements reached at the Yalta Conference.

The Soviets solemnly promised to assist the liberated nations of eastern and central Europe—and I quote—"to solve by democratic means their pressing political and economic problems and to create democratic institutions of their own choice."

The Soviets affirmed—and I again quote—"the right of all peoples to choose the form of government under which they will live."

The Soviets pledged to facilitate—and I am still quoting—"the earliest possible establishment through free elections of governments responsive to the will of the people."

With respect to Poland, the Soviets were even more specific. They pledged themselves—and I quote—to "the holding of free and unfettered elections as soon as possible on the basis of universal suffrage and secret ballot. In these elections," the agreement continued, "all democratic and anti-Nazi parties shall have the right to take part and to put forward candidates."

As we all know, none of these pledges have been fulfilled. The captive nations of eastern and central Europe were forcibly deprived of their sovereign rights, of their fundamental freedoms, and of their basic human rights by the Soviets. Soviet domination over the lives and affairs of the people of the captive nations continues to this very day.

Mr. Speaker, as sensible and realistic people, we cannot in good conscience put any faith in new Soviet pledges until they show some semblance of good faith by living up to the old ones.

This is precisely what the concurrent resolution which I introduced is intended to achieve. It reaffirms the right of the people of the captive nations to live under governments of their own free choice, and to enjoy basic human rights; and it urges the President of the United States to pursue energetically the attainment of those goals at the forthcoming summit meeting in Paris.

Mr. Speaker, I sincerely hope that this resolution will be overwhelmingly approved by this House at the earliest possible time.

Mr. BENTLEY. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Michigan.

Mr. BENTLEY. Mr. Speaker, I am certain that the gentleman in naming the Members who have introduced similar resolutions today inadvertently omitted my name. I am sure that was an unintentional omission on his part, because he and I have discussed this matter at some length.

Mr. ZABLOCKI. It certainly was inadvertent, and at this time I want to say that the gentleman from Michigan has been most helpful in preparing the resolution. I welcome the gentleman's contribution and I am very happy that he has joined in the cosponsorship.

Mr. BENTLEY. I thank the gentleman from Wisconsin. I would like, Mr. Speaker, to pay tribute to him for his diligent and untiring work in preparing and putting forth this very important concurrent resolution which I hope and trust will be passed by the Congress prior to the forthcoming summit conference. Since I share the gentleman's viewpoint, the question of the freedom of the people of the captive nations, their right to live under their own chosen governments, and the restoration of their fundamental freedoms and basic human rights is of such importance that it should, under any circumstance, be a subject for discussion at the summit conference.

In this connection, Mr. Speaker, I would like to call attention to a resolution which I introduced on August 5, 1959, House Resolution 337.

The purpose of my resolution which is now pending before a subcommittee of the Committee on Foreign Affairs and on which hearings have been held would

have been, if adopted, the expression of the sense of the House that no summit conference be held until the Soviet Union and the leaders of the Communist governments of central and eastern Europe had taken some visible steps toward the holding of free elections.

I felt it very necessary, Mr. Speaker, in view of a great many documentary sources of the past regarding the expression of free elections in this part of Europe to endeavor to hold the Soviet Union and the Communist leaders to their promises in this connection.

I think, Mr. Speaker, we first of all must go back to August 14, 1941, the date of the Atlantic Charter, under which both President Roosevelt and Prime Minister Churchill signed an agreement which was endorsed 6 months later by Premier Stalin of the Soviet Union that those peoples and their countries—that is, the United States, the United Kingdom and the Soviet Union "respect the right of all peoples to choose the form of government under which they will live; and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them."

Next, Mr. Speaker, I think we should refer to the declaration of these three heads of state when they signed a declaration at Teheran on December 1, 1943, saying:

> We look with confidence to the day when all peoples of the world may live free lives, untouched by tyranny, and according to their varying desires and their own consciences.

Next, of course—and the gentleman from Wisconsin has already referred to this—there was the declaration by the same three heads of state at the Yalta Conference, February 11, 1945, when they pledged themselves, that their "three governments will jointly assist the people in any European liberated state or former Axis satellite state in Europe (c) to form interim governmental authorities broadly representative of all democratic elements in the population and pledged to the earliest possible establishment through free elections of governments responsive to the will of the people; and (d) to facilitate where necessary the holding of such elections."

Then on December 10, 1948, the General Assembly of the United Nations adopted the following universal declaration of human rights which included the statement:

> The will of the people shall be the basis of the authority of government. This will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held in secret vote or by equivalent free voting procedures.

I also think, Mr. Speaker, reference should be made to the declaration forthcoming from the Yalta Conference with respect to free and unfettered elections on the part of the Polish provisional government.

Mr. Speaker, I think reference should be made to the three treaties of peace, signed on February 10, 1947, between the United States, Great Britain, and the Soviet Union on the one hand, and, respectively, Hungary, Bulgaria, and Rumania on the other hand, with reference to freedom and the implementing of human rights and fundamental freedoms on the part of the peoples of those three countries.

But I think it evident, Mr. Speaker, that the leaders of the Soviet Union and their Communist satellites in central and eastern Europe have cynically betrayed these and other wartime and postwartime pledges by brutally restricting the natural, unalienable rights of these people.

Mr. Speaker, I think reference should be made at this time to the fact that both the Republican and the Democratic Parties in their prior political platforms have made clear their own belief that the independence and the liberty of the captive nations forms a nonpartisan, or a bipartisan pledge on the part of both of our leading political parties.

For these and many other reasons, Mr. Speaker, I felt it incumbent to introduce House Resolution 337 last August, which has been pending, as I say, before the Committee on Foreign Affairs.

Of course, since the summit meeting has already been agreed to, with no promise on the part of the Soviet Union regarding the question of free elections, possibly the passage of House Resolution 337 at this time would be somewhat academic. But in view of its importance, Mr. Speaker, I ask unanimous consent to include its entire text in the RECORD at this particular point.

The SPEAKER pro tempore (Mr. WRIGHT). Without objection, it is so ordered.

There was no objection.

(The matter referred to is as follows:)

[86th Cong., 1st sess.]

HOUSE RESOLUTION 337

Whereas it was the declared principle of the Atlantic Charter, signed by the President of the United States and the Prime Minister of Great Britain on August 14, 1941, and publicly agreed to six months later by the Premier of the Soviet Union, that these persons and their countries do "respect the right of all peoples to choose the form of government under which they will live; and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them"; and

Whereas it was the declaration of these three heads of state, Roosevelt, Churchill, and Stalin, signed at the Teheran Conference of December 1, 1943, that "we look with confidence to the day when all peoples of the world may live free lives, untouched by tyranny, and according to their varying desires and their own consciences."; and

Whereas it was the conclusion of Roosevelt, Churchill, and Stalin, reached at the Yalta Conference on February 11, 1945, that their "three governments will jointly assist the people in any European liberated state or former Axis satellite state in Europe * * * (c) to form interim governmental authorities broadly representative of all democratic elements in the population and pledged to the earliest possible establishment through free elections of governments responsive to the will of the people; and (d) to facilitate where necessary the holding of such elections."; and

Whereas it was the resolution of the General Assembly of the United Nations concerning the universal declaration of human rights, adopted December 10, 1948, that "The will of the people shall be the basis of the authority of government. This will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held in secret vote or by equivalent free voting procedures."; and

Whereas it was also declared at the Yalta Conference that "The Polish provisional government of national unity shall be pledged to the holding of free and unfettered elections as soon as possible, on the basis of universal suffrage and secret ballot."; and

Whereas it was the declaration of the three treaties of peace, signed on February 10, 1947, between the United States, Great Britain, and the Soviet Union on the one hand, and respectively, Hungary, Bulgaria, and Rumania on the other hand, the "Hungary (Bulgaria and Rumania) shall take all measures necessary to secure to all persons under Hungarian (Bulgarian and Rumanian) jurisdiction, without distinction as to race, sex, language, or religion, the enjoyment of human rights and of the fundamental freedoms, including freedom of expression, of press and publication, of religious worship, of political opinion, and of public meeting."; and

Whereas the leaders of the Soviet Union, together with their subordinates in the satellite areas of Central and Eastern Europe, have cynically betrayed these and other wartime and post-wartime pledges by brutally restricting the natural, unalienable rights of these people; and

Whereas it was the declaration of the platform of the Republican Party in 1952 that, "It will be made clear, on the highest authority of the President and the Congress, that United States policy, as one of its peaceful purposes, looks happily forward to the genuine independence of those captive peoples."; and

Whereas in 1953 President Eisenhower stated that "It seems clear that the safety and future of the people of Eastern Germany can only be assured when that region is unified with Western Germany on the basis of free elections * * * it is still our conviction that this represents the only realistic road to German unity, and I assure you that my Government will continue to strive for this goal."; and

Whereas it was the declaration of the platform of the Democratic Party in 1956 that, "We look forward to the day when the liberties of all captive nations will be restored to them and they can again take their rightful place in the community of free nations. We shall press before the United Nations the principle that Soviet Russia withdraw its troops from the captive nations, so as to permit free, fair, and unfettered elections in the subjugated areas, in compliance with the Atlantic Charter and other binding commitments."; and

Whereas in 1958 President Eisenhower, in replying to Premier Bulganin's request for a summit conference, wrote, "You then (at Geneva in 1955) took the position that there were no grounds for discussing this question (of captive nations) and that it would involve interference in the internal affairs of the eastern European states. But have not subsequent developments shown that I was justified in my appeal to you for consideration of these matters? Surely the Hungarian developments and the virtually unanimous action of the United Nations General Assembly in relation thereto show that conditions in Eastern Europe are regarded throughout the world as much more than a matter purely of domestic scope. I propose that we should now discuss this matter. There is an intrinsic need of this, in the interest of peace and justice, which seems to me compelling."; and

Whereas the unanimous passage of the resolution concerning Captive Nations Week, July 17 through July 24, and the subsequent angry reaction of Premier Khrushchev, point up both the continued high level of unrest on the part of the people of the United States in the fate of the captive nations and the feelings of guilt and the vulnerability of Premier Khrushchev on this account; and

Whereas the American people feel, with their governmental leaders, that the desire for freedom among the captive people of central and eastern Europe, from whom much of the American culture has been derived, has been and should continue to be kept sharply alive for reasons both of our own and their security; and

Whereas the American people, like many others, hold to the belief which our Founders expressed in the Declaration of Independence that governments derive their just powers from the consent of the governed; and

Whereas the American people also believe, as Abraham Lincoln put it, that there is "something in that Declaration giving liberty, not alone to the people of this country, but hope to the world for all future time."; and

Whereas the American people, never acquiescent in the enslavement of any peoples, believe, with their governmental leaders, that the pledges of the Soviet Union concerning the captive European countries must be honored if the world is to begin to find a true and lasting peace: Therefore be it

Resolved, That it is the sense of the House of Representatives that, before the President of the United States agrees to any future summit meeting with the head of government of the Soviet Union, the leaders of the Soviet Union should promise to hold free elections in the Communist-controlled countries of Central and Eastern Europe; furthermore, that before a summit conference takes place, some concrete and visible steps must be taken toward the holding of such elections.

Mr. BENTLEY. Mr. Speaker, I also ask unanimous consent to include a letter from the Department of State dated August 27, 1959, the text of this letter being a report from the Department on House Resolution 337, at this point.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

(The matter referred to is as follows:)

DEPARTMENT OF STATE,
Washington, August 27, 1959.

The Honorable THOMAS E. MORGAN,
Chairman, Committee on Foreign Affairs,
House of Representatives.

DEAR MR. CHAIRMAN: The Department of State appreciates the opportunity afforded by your letter of August 11, 1959, to comment on House Resolution 337, a resolution providing for the holding, before any future summit conference, of free elections in the Communist-controlled countries of central and eastern Europe, which has been introduced and referred to the Committee on Foreign Affairs of the House of Representatives.

The Department of State does not favor the adoption of House Resolution 337 because it believes that the principal effect of this resolution would be to circumscribe unduly the freedom of action of the President and the executive branch of the U.S. Government in those matters of foreign policy planning and diplomatic negotiation that are directed not only toward the improvement of the present situation in Soviet-dominated central and eastern Europe but also toward the settlement of other complex issues in United States-Soviet relations.

In the Department's view, there is no evidence that Soviet leaders would promise to hold free elections in the Soviet-dominated countries of central and eastern Europe as a precondition for a summit meeting. In existing circumstances, therefore, the putting forward of such a condition could only tend to perpetuate the stalemate of interests which has prevailed for many years and to handicap this Government and its allies in working out gradually and progressively, as such matters will inevitably require, the conditions and foundations of a just and stable peace.

Finally, the Department believes that it is clear that the formula of free elections for the Soviet-dominated countries of central and eastern Europe, while desirable in proper perspective as an appropriately timed step in the process of the restoration of freedom and national independence to the captive peoples, can only reflect, as applied in House Resolution 337, an unrealistic and oversimplified conception of the highly complicated and interrelated problems which now confront the world. Such a narrow and restrictive approach to these problems cannot contribute effectively to their solution and can only seriously encumber the executive authorities of the U.S. Government in their efforts to achieve the fundamental objections of U.S. policy in central and eastern Europe as well as in other areas of the world that are threatened by Soviet Communist imperialism.

In the light of the foregoing considerations, the Department of State must conclude and respectfully submits that the adoption of House Resolution 337 would not serve the foreign policy interests of the United States.

The Department has been informed by the Bureau of the Budget that there is no objection to the submission of this report.

Sincerely yours,

WILLIAM B. MACOMBER, JR.,
Assistant Secretary
(For the Acting Secretary of State).

Mr. BENTLEY. I regret to say that for various reasons the Department did not support the resolution and is in opposition to the adoption of House Resolution 337, but I feel to keep the record straight that the Department's reasons for opposing it should be set forth, although, of course, I cannot agree with them.

I think this matter is of overwhelming and consummate importance, to judge from the support it has received. I may say that the folders in front of me represent only a small part of the correspondence I have received in support of House Resolution 337 from many organizations, of which I have a list here, from many American patriotic organizations, from many organizations who are vitally interested in extending freedom and self-determination to the peoples of central and eastern Europe who have been deprived ever since the end of World War II through the Communist enslavement. I believe the question of the freedom of the captive peoples in the nations of central Europe should under any and all circumstances be a part of the agenda in the forthcoming conference. I trust my friend from Wisconsin and all of the cosponsors who support him in this resolution of his, and I commend them, will get this resolution passed by the Congress, that we will once again put the Congress on strong record as believing in the independence of the captive peoples and believing that it is a question that should be taken up and continually discussed with the Soviet Union at any and every opportunity, including the forthcoming summit conference.

Once again I thank the gentleman for yielding to me. I certainly extend to him my heartiest congratulations and the promise of my full support in the passage of this resolution, which I assume will go to the Committee on Foreign Affairs, of which both he and I are members.

Mr. ZABLOCKI. I thank the gentleman. I congratulate him on his fight for the basic freedom and human rights of the people of the captive nations.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I wish to join in commending the gentleman from Wisconsin [Mr. ZABLOCKI], a distinguished member of the Committee on Foreign Affairs, for initiating this discussion today. I am very proud to introduce a companion resolution which urges President Eisenhower to demand free elections for the captive nations when he meets with Soviet leaders at the summit conference in May. In view of the fact that the gentleman, as a member of the Foreign Affairs Committee, has played such an important part in the introduction of this resolution, we have high hopes of getting formal action on it before the President leaves for the conference. Fears have been expressed that the forthcoming summit conference will not produce any results. Already it appears that the stage is being set to somewhat deflate the conference.

I believe if the President will adopt the spirit of the resolution we are today introducing and carry this mandate from the American people with him when he sits down at the summit conference table, he can make a demand, a forthright, decisive demand, that before we can look to lasting peace in this world, before we can look to genuine disarmament, these people who are now being held captive by the Soviet Union must have a right to free elections, a right to select their own forms of government. The President can give real meaning to this conference by making such a demand on the Soviet rulers.

I have always believed there is a great deal more vigor in defending a right than opposing a wrong. We can certainly defend here with a clear conscience the right of these people to choose their own form of government. There is no question but that the people in Latvia, Lithuania, Estonia, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, East Germany, the Ukraine, and all the others being held captive by the Soviet Union today may very well constitute the balance of power between a lasting peace and ultimate war.

We must keep alive the hope of ultimate freedom for these people. The Soviet Union is most concerned because the Soviet Union knows it cannot rely on these people in the event that it touches off a third world war. I have said repeatedly that the gallant people in these captive nations, who traditionally have maintained their ties with the democratic West, want to restore their traditional relations with us as free people. If the Soviet Union ever succeeds in crushing the spirit of these captive nations through brute force and extended

brainwashing, she will then not hesitate to attack us. The spirit of these captive people is today the greatest deterrent to war and the best guarantee for peace. We must keep this spirit alive.

I think this resolution is important for another reason. This great trend of cultural exchanges and economic exchanges, while I am very happy about it and endorse the purpose of it, could very well create the impression that the United States has accepted as the status quo the position of these captive nations under their Communist rulers. Should this feeling really take hold behind the Iron Curtain, it would demoralize whatever spirit still remains among these people and whatever hope still remains that some day they are going to see the spark of freedom in their own country as we, in America, enjoy it today. I believe by adopting this resolution and by the President taking a positive and forthright position at the summit, he would, indeed, be documenting the fact that this Nation has not given up its traditional belief that all people in the world should be free because that is what we are fighting for now and that is what we fought the last war for.

Finally, I would like to point out, Mr. Speaker, it is important that this resolution be adopted because nothing ruffled the Soviet Union as thoroughly as the captive nations resolution last year when we observed Captive Nations Week in this country. This is an indicator that the Soviet Union is very, very mindful of the fact that the people behind the Iron Curtain in the captive nations are yearning for a tie with the West. I believe, therefore, that it is very important that this resolution be adopted. I join in commending the gentleman who obtained this time today under special order of the House, and urge that we all work very hard to get this resolution passed. I also strongly recommend that the gentleman who obtained this special order for today write to President Eisenhower and advise the President of the action that we are taking here today and advise him of the proposal that has been submitted on a bipartisan basis. I hope we are able to get the support of the President on this resolution.

Mr. Speaker, I would like to call the attention of the gentleman to the fact that in the last session of this Congress, I introduced a resolution, House Resolution 491, calling for the placing of the subject of the captive nations on the summit agenda. The report from the Department of State was a negative one. Again, I introduced the resolution, House Resolution 520, urging that the President discuss liberation of the captive nations at his Camp David meeting with Premier Khrushchev. We did not get any answer from the Department of State on my second proposal until Congress adjourned 2 days before Khrushchev's arrival in Washington. I sincerely hope that the Department of State is not going to use this same type of delaying technique in giving us a reply on the resolution we are introducing today until after the summit meeting. I hope the Department of State will move forthrightly because if it does not, if it opposes this resolution, then we will move to conclude that the State Department and the President have in fact accepted the "status quo" of the captive nations. The Communists keep referring to the "Spirit of Camp David." This is an excellent opportunity for us Americans to show that the spirit of Camp David means freedom for all people. I think if the President were apprised personally of what we are doing here today, perhaps the President will lend his own weight to this resolution to help create the spirit that we are trying to generate. Certainly, there is no question but what we can put the United States and the entire free West in the forefront, if we would today demand the liberation of these captive nations. We have been on the defensive too long. We should make it crystal clear to Khrushchev that the free world will not pull its forces out of Berlin until the Soviet Union withdraws its forces from the captive nations and permits all of these great people to choose their own forms of government.

Mr. ZABLOCKI. Mr. Speaker, I thank the gentleman from Illinois [Mr. PUCINSKI] for the fine statement he has made, and I commend him for the work he has done in his activity in introducing the resolutions in the first session. I hope the gentleman will include that in his remarks in the body of the RECORD at this point.

(The matter referred to is as follows:)

HOUSE JOINT RESOLUTION 491

Joint resolution relating to restoration of freedom to captive nations

Whereas the unprecedented reception given the Vice President of the United States by the people of Poland on his recent trip to that country has demonstrated the strong bonds of friendship between these people and the United States; and

Whereas by this spontaneous greeting for an American official the people of Poland have spoken loud and clear their sincere desire for the same freedom enjoyed by western democracies; and

Whereas this demonstration was in fact the first real opportunity for the free world to see the sincere regard which the people behind the Iron Curtain have for the free world; and

Whereas the same feeling would be expressed by the peoples of all other captive nations if they had a similar opportunity: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That—

(1) It is the intent of Congress that the formulators of American foreign policy should hereafter insist that all future summit conferences include on the agenda a discussion of restoration of full freedom to the captive nations now being held in the Soviet bloc;

(2) The Congress of the United States urges the President that he press for such peaceful restoration of full freedom for the people of the captive nations when he meets here in the United States with Russian Premier Nikita S. Khrushchev; and

(3) The Congress of the United States is resolute in its belief that the people of the captive nations should have an opportunity to freely express their will in choosing their own philosophy of government and they should also have the freedom to elect those who will govern their respective countries.

HOUSE JOINT RESOLUTION 520

Joint resolution relating to restoration of freedom to captive nations

Whereas the unprecedented reception given the Vice President of the United States by the people of Poland on his recent trip to that country has demonstrated the strong bonds of friendship between these people and the United States; and

Whereas by this spontaneous greeting for an American official the people of Poland have spoken loud and clear their sincere desire for the same freedom enjoyed by western democracies; and

Whereas this demonstration was in fact the first real opportunity for the free world to see the sincere regard which the people behind the Iron Curtain have for the free world; and

Whereas the same feeling would be expressed by the peoples of all other captive nations if they had a similar opportunity: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) The Congress of the United States urges the President that he press for such peaceful restoration of full freedom for the people of the captive nations when he meets here in the United States with Russian Premier Nikita S. Khrushchev; and

(2) The Congress of the United States is resolute in its belief that the people of the captive nations should have an opportunity to freely express their will in choosing their own philosophy of government and they should also have the freedom to elect those who will govern their respective countries.

Mr. ZABLOCKI. Mr. Speaker, I assure the gentleman that the Soviet Union is very sensitive—very, very sensitive when it comes to its indefensible position as to the status of the dominated nations—the nations that are captive nations. I want to assure the gentleman from Illinois [Mr. PUCINSKI] that the gentleman from Wisconsin who is now addressing the House will certainly advise and directly advise the President of the proceedings this afternoon.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield.

Mr. GROSS. Has the gentleman been referring to the resolution that was on the Consent Calendar today or is this another resolution?

Mr. ZABLOCKI. This is not the resolution that was on the Consent Calendar today. This is another resolution.

Mr. GROSS. Of course, if the gentleman will yield further, my only opposition to that resolution was, as I believe the gentleman knows, the fact that it provides any funds that are saved to the taxpayers of this country would be spent for additional technical assistance in foreign countries. That was my objection and my only objection to that resolution.

Mr. ZABLOCKI. I fully understand the gentleman's objection, and I hope the gentleman from Iowa will have an opportunity to vote in the very near future on the resolution.

Mr. GROSS. But, without that language in it, if I may ask the gentleman?

Mr. ZABLOCKI. It is not my intention to amend the resolution stricken from the Consent Calendar today.

Mr. FEIGHAN. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Ohio.

Mr. FEIGHAN. Mr. Speaker, the 86th Congress inspired the common man the world over, brought new hope to the millions of captive people behind the Iron Curtain, and struck genuine fear into the minds of the leaders of the international Communist conspiracy during the last session by enactment of the Captive Nations Week resolution, which has now become Public Law 86–90. I know of no single action by our Government during all the years I have been privileged to serve the people of the 20th District of Ohio, which has done more to advance the cause of peace with justice, or to make our Nation more respected and admired by men in all walks of life the world over. Many who had lost hope that we would come to understand the true nature of the Communist conspiracy in time to take effective action against it have been renewed in their faith that freedom's cause is the wave of the future. Others who have spent many years of devoted service to their country have brought new strength and courage to their official tasks in the knowledge that at long last we had returned to the battlefield of moral and political ideals.

The Captive Nations Week resolution not only serves notice on the leaders of Russian communism that the United States intended to lead the crusade for peace with justice, by standing firmly by those great ideals which have made us the hope of the world, but it provided evidence we had no intention of limiting the application of those inspiring ideals. Committees of the Congress have worked long and diligently to uncover the truth about the methods and scope of Communist aggression, to identify all the nations of the world which have fallen victim to this new imperialism, and to uncover the truth about the hidden nature of imperial communism. From these studies we have learned much. In my judgment these basic lessons stand out:

First. The U.S.S.R. is nothing more than a prison of nations, that is, non-Russian nations all of whom have won and held their national independence at some time during the past 40 years. These once free and independent nations were the first to fall victims to the new imperialism of the Russian Communists.

Second. The Russian Nation alone, among all the nations of the U.S.S.R., is the only one which has failed to produce a national independence movement at a time in history when this powerful human appeal is reshaping the order of the world. The evidence is clear that the Russians prefer the concept of a Soviet state and to this view they have every right because we believe in the right of all nations to freely choose their form of government. But we do not agree the Russians have the right to impose their peculiar concepts of government upon other nations.

Third. During the past 40 odd years the Russians have imposed by force their peculiar concepts of government upon a score of nations, thus establishing an empire which far exceeds the dreams of Tzar Peter who was the first Russian to propose a world empire as the goal of the Muscovites. It is the existence of this empire of captive nations which has caused the dangerous tensions which grip the world and threaten the outbreak of another war. We must accept the fact that these dangerous tensions will continue to exist as long as this empire of captive, non-Russian nations exists.

Fourth. All the captive nations suffer a common plight, that is, they are all subjected to the same tyranny, terror and police state control. In this common plight there is common cause. And this common cause is strengthened because the vast majority of the people of the captive non-Russian nations are struggling for their liberties, their freedoms and for their national independance. It is essential, therefore, that the Governent of the United States continue to view this problem in its broadest aspects, to regard the independence of each captive nation as important as the independence of any other nation.

Fifth. It is in the nature of things that we should join the common cause of all the captive nations because the political goals they seek are the key to a just and lasting peace.

I have studied the resolution introduced by my good friend, the Congressman from Wisconsin [Mr. ZABLOCKI] and congratulate him for the initiative he has taken to strengthen the hand of President Eisenhower for the forthcoming summit conference. I call to the attention of my friend the need to broaden his proposal to include all the captive nations. As I read his resolution I sense that its intent is limited to the captive nations of central and east Europe. I am certain that he did not intend to do so as he was one of the leaders in causing the enactment of the Public Law 86–90, which carries no geographical limitations. I am equally certain that he regards the captivity of the Baltic Nations, the nations of the Caucasus and the Far East to be equally worthy of our support and recognition.

I ask, therefore, that the wording of the resolution introduced by Mr. ZABLOCKI be changed so that it conforms to the existing law with respect to the captive nations. I am suggesting that we spell out all the captive nations listed in Public Law 86–90 so that no one will misunderstand the seriousness of our purposes in enacting that law. There are those who, liking the old order of things, would like to degrade and belittle the Captive Nations Week resolution. Not the least among these is the Russian leader Khrushchev, who has been busy attacking the good faith of Congress in enacting the law which has officially established the third week of July as Captive Nations Week.

In the spirit of helpfulness, I am proposing some additions to the resolution introduced by Mr. ZABLOCKI which I feel are in keeping with prior action by the Congress.

The urgent need exists for Congress to provide unstinting support for President Eisenhower in his role as leader of the free world nations at the summit conference this May. Extensive plans are now being made for that meeting. Everyone recognizes that the basic issue at the summit conference is human rights, the rights of nations and people, and no other consideration can take priority over that fact. Recently President Eisenhower gave voice to his determination to support the principle of self-determination for the people of free Berlin. This conforms with our role as defender of human rights and President Eisenhower knows that he has the complete support of the American people in standing firm on this issue. But the future of free Berlin is only one of the issues, important though it may be, which will come up at the Paris meeting.

There now remains little doubt that the main objective the Russian Communists will seek at the Paris meeting is an acceptance by the leaders of the free world of a status quo with respect to their empire. They seek and desperately need what they call recognition for the permanency of their empire of captive nations. There are signs that they will be willing to pay a price for such recognition; that is, a price involving nonessentials. At no point, however, can we expect them to make concessions which conform to the requirements of a just and lasting peace. Their concepts of justice are completely alien to those of free men and the only peace they will recognize is the imposed peace of communism which now rests heavy upon almost one-third of the human family. That is why the underlying issue, the priority issue and the only issue of substance to be taken up at the Paris summit meeting, is peace with justice for all nations and all people.

This setting provides an unusual opportunity for President Eisenhower to climax his two terms as President by emerging from the Paris summit meeting as undisputed champion and leader of the cause of peace and justice. He can do this by casting aside the straightjacket of nonessentials which the Russians have imposed upon the agenda for the meeting, by refusing to get bogged down with secondary issues and by insisting that since the purpose of the meeting is to remove the causes which have created dangerous tensions between nations, the first item to be taken up and to be resolved is the question of the future status of the captive nations. Such a position is completely consistent with the policy statements made by the President during his recent good-will tours of Europe and Latin America. The common man in those areas of the world will be looking for the President to undertake such action, to follow through at the summit where the real test of our serious intentions will take place. Hundreds of millions of people behind the Russian iron curtain are anxiously awaiting the Paris summit meeting, awaiting clear and unequivocal actions which will assure them that our Government thinks no less of them and their aspirations for human freedom. President Eisenhower and President Eisenhower alone carries this heavy responsibility to the Paris summit meeting. Congress can and should take every means to assure the President of its complete support for his expected

followthrough on the high promises made during his free world tour, but it remains for the President to emerge from the Paris summit meeting as the undisputed champion and leader of the cause of peace with justice for all nations.

In order to meet any doubts that may exist, particularly in the minds of the Russian leaders, that a Democratic majority in the Congress may create a difference of opinion with the President on the question of peace with justice, I urge that the resolution offered by my good friend from Wisconsin [Mr. ZABLOCKI] carry a direct appeal on this score from the Congress to all nations and peoples of the world. Such an appeal would be in strict conformity with what the President has been urging upon all the nations and peoples of the world and its acceptance would remove any doubts that may exist as to the unbreakable unity all Americans have on this all-important issue.

I have, therefore, introduced a concurrent resolution which seeks the same purposes as that proposed by my colleague from Wisconsin [Mr. ZABLOCKI], and which conforms to the language and intent of the captive nations resolution passed during the first session of Congress.

My resolution reads as follows:

CONCURRENT RESOLUTION RELATING TO RESTORATION OF FREEDOM TO CAPTIVE NATIONS

Whereas the rulers of the Soviet Union have repeatedly declared their determination to pursue relentlessly their political, economic, and ideological drive for a worldwide victory for communism; and

Whereas, in their efforts to attain that objective, the leaders of Russian communism, through force of arms, subversion, infiltration, and other unlawful means, have imposed puppet Communist regimes upon the people of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Vietnam, and others; and

Whereas the leaders of Russian communism have employed organized tyranny, terror, mass killings and deportation, and other inhuman means to crush the spirit of the people of these captive nations and to transform their countries into political, social, economic, and cultural replicas of the Russian Soviet State; and

Whereas, in direct violation of the commitments set forth in the Atlantic Charter and the provisions of the Yalta Agreement, the people of the captive nations are still being denied the right of self-government by democratic means and the opportunity to choose, through free and unfettered elections, national governments of their own free choice; and

Whereas in contravention of duly ratified treaties of peace, of the Charter of the United Nations, of the Universal Declaration of Human Rights, and of expressions of the United Nations General Assembly, the people of the captive nations are being systematically deprived of the exercise of fundamental freedoms and basic human rights; and

Whereas the 86th Congress did unanimously enact the Captive Nations Week resolution as a testament of support for the legitimate aspirations of the people of all the captive nations, thus recognizing the common plight of all the submerged nations forcibly incorporated into the Russian Communist Empire during the past 42 years; and

Whereas, the President of the United States has concurred in this action by Congress by signing the resolution into law and declaring by public proclamation that the third week of July shall henceforth be observed officially as Captive Nations Week; and

Whereas the United States of America has stood firmly on the principle of self-determination, welcoming the enlargement of the area of freedom and self-government and insisting on the inalienable right of the people of the captive nations to live under governments of their own choice; and

Whereas the United States of America has consistently refused to sanction, either directly or by implication, the political status quo of the captive nations, which the leaders of Russian communism have persistently attempted to impose upon the countries of the free world, particularly the United States;

Whereas the attainment of a just and lasting peace is inconceivable without the restoration of freedom, independence, and national sovereignty to the captive nations forcibly incorporated into the Russian Communist Empire, the United States of America is determined to pursue by all peaceful means, the emancipation of these nations: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) The Congress of the United States reaffirms its intention to stand firmly by the people of the captive nations in their aspirations for freedom, liberty, and national independence;

(2) The Congress of the United States invites the active cooperation of all nations and men of good will in a crusade for peace with justice and freedom for all mankind; and

(3) The Congress of the United States urges the President to pursue energetically and as a matter of first priority at the forthcoming Summit Conference the inalienable right of all people to self-government, individual liberty, and the basic human freedoms, and, in particular, the restoration of these God-given rights to the people of the captive nations.

Mr. ZABLOCKI. I thank the gentleman for his excellent statement. His recommendations will receive my utmost consideration when this matter will be acted upon by the Foreign Affairs Committee.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Is it the opinion of the gentleman from Ohio that this legislation is a logical followup to the resolution adopted by the Congress and signed by the President last year proclaiming Captive Nations Week?

Mr. FEIGHAN. Absolutely; with complete certainty. The resolution that has been introduced by our distinguished and able Member from Wisconsin should be broadened to include all nations. His resolution embodies only central and eastern Europe. I feel that it should embody all nations of the world, including Asia, all of Europe, and any other nation that is not free. Any nation that is not free is captive. I am in thorough accord with the objective of my colleague's resolution. I certainly appreciate the gentleman's undertaking and feel that he is deserving of the highest praise.

The Zablocki resolution includes only Poland, Czechoslovakia, Hungary, Rumania, and Bulgaria. That is what I think eastern and central Europe means. Some may say it means more than that, but the fact it is open to dispute plays right into the hands of the Russians and their efforts to discredit Public Law 86–90, which reads as follows:

S.J. RES. 111

Joint resolution providing for the designation of the third week of July as Captive Nations Week

Whereas the greatness of the United States is in large part attributable to its having been able, through the democratic process, to achieve a harmonious national unity of its people, even though they stem from the most diverse of racial, religious, and ethnic backgrounds; and

Whereas this harmonious unification of the diverse elements of our free society has led the people of the United States to possess a warm understanding and sympathy for the aspirations of peoples everywhere and to recognize the natural interdependency of the peoples and nations of the world; and

Whereas the enslavement of a substantial part of the world's population by Communist imperialism makes a mockery of the idea of peaceful coexistence between nations and constitutes a detriment to the natural bonds of understanding between the people of the United States and other peoples; and

Whereas since 1918 the imperialistic and aggressive policies of Russian communism have resulted in the creation of a vast empire which poses a dire threat to the security of the United States and of all the free peoples of the world; and

Whereas the imperialistic policies of Communist Russia have led, through direct and indirect aggression, to the subjugation of the national independence of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Viet-Nam, and others; and

Whereas these submerged nations look to the United States, as the citadel of human freedom, for leadership in bringing about their liberation and independence and in restoring to them the enjoyment of their Christian, Jewish, Moslem, Buddhist, or other religious freedoms, and of their individual liberties; and

Whereas it is vital to the national security of the United States that the desire for liberty and independence on the part of the peoples of these conquered nations should be steadfastly kept alive; and

Whereas the desire for liberty and independence by the overwhelming majority of the people of these submerged nations constitutes a powerful deterrent to war and one of the best hopes for a just and lasting peace; and

Whereas it is fitting that we clearly manifest to such peoples through an appropriate and official means the historic fact that the people of the United States share with them their aspirations for the recovery of their freedom and independence: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation designating the third week in July 1959 as "Captive Nations Week" and inviting the people of the United States to observe such week with appropriate ceremonies and activities. The President is further authorized and requested to issue a similar proclamation each year until such time as freedom and independence shall have been achieved for all the captive nations of the world.

Approved July 17, 1959.

Mr. PUCINSKI. Mr. Speaker, if the gentleman will yield further, it is my feeling that the gentleman from Ohio has made a very significant contribution in suggesting expanding and defining the term "captive nation" and to take in all of the captive peoples of the world. May I ask one more question? Perhaps the gentleman from Ohio or the gentleman from Wisconsin would like to comment on this frequent argument that we hear from Communist rulers. Whenever the suggestion is made that the question of freedom of these captive people be discussed at the summit conference, the Soviet Union always holds out the argument that these are internal matters of the respective captive nations and therefore do not belong on the agenda of the summit conference. I wonder if either the gentleman from Ohio or the gentleman from Wisconsin would like to comment on this totally fallacious argument that is always presented by the Soviet Union?

Mr. FEIGHAN. It is a specious argument. Every agreement among the cobelligerent victorious nations during and subsequent to World War II, such as the Atlantic Charter, the Yalta Agreement, every peace treaty entered into by the victorious powers after the war, and all other agreements, emphasized and agreed that every nation should have the opportunity to determine its own destiny by free and unfettered elections, unharassed by alien occupation forces. Only after a free and unfettered election has taken place in any nation, can the United States and other nations who were parties to agreements insisting upon the right of self-determination of any nation, agree that any subsequent elections are internal matters.

Mr. ZABLOCKI. I would like to say to the gentleman from Illinois that certainly if the Communist forces were not in Hungary, we could then say that any difference of opinion in that country would be an internal matter. However, when by sheer force a power dominates the policies in a country it is not an internal matter. In my opinion it is not only within the scope of discussion of the summit meeting, but we have an obligation to the free world to demand that atrocities and Communist violations be placed on the agenda of the conference. The argument of the Soviets is absolutely erroneous; it is very specious. Of course, they will try to sweep under the rug the conditions that exist today in captive nations.

In answer to the gentleman from Ohio I wish to reiterate that we cannot possibly hope to have disarmament unless and until the explosive situations and problems are resolved. It is very necessary that the political problems throughout the world, from the Communist-dominated Chinese mainland, North Korea, North Vietnam, Tibet, central and eastern Europe must be solved before we can ever hope to move toward disarmament. I believe that the United States must insist on the inclusion of the restoration of freedom to all captive nations at the summit conference.

Mr. BENTLEY. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Michigan.

Mr. BENTLEY. With respect to the argument on the part of the Soviet Union that the question of free elections is an internal matter and not subject for discussion at the summit conference, I refer again, as I did in my own remarks, to the fact that the Soviet Union, the United Kingdom, and the United States signed a treaty of peace with Hungary, Rumania, and Bulgaria which guaranteed the responsibilities of the three signatory powers to the holding of free and unfettered elections in the three countries which, of course, were the wartime allies of the Axis.

To the extent that the treaties of peace have been violated in these particular provisions it does directly become a subject for consultation and cooperation, if possible, between the three powers—ourselves, the British, and the Russians, and under no circumstances can be termed merely a question of internal politics with respect to those three countries, because it directly refers to the terms of the peace treaties arising out of World War II under which we and the British and the Russians adopted certain mutual guarantees with respect to the question of free elections. If free elections have not been held, according to the terms of the treaties themselves, we have the right to take those matters up with our wartime partners.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Is it the position of the gentleman from Michigan [Mr. BENTLEY] that since these people in the captive nations are forced to accept governments that they did not elect freely, that it is now as much our responsibility as anyone else's to make sure that the wartime agreements are carried out, that the provisions of the agreements are carried out which would, in fact, guarantee them free elections?

Mr. BENTLEY. If the gentleman will yield to me for the purpose of permitting me to answer the gentleman from Illinois, I will say that it is our responsibility more than anyone else's.

I would like to call the gentleman's attention to the fact that in Hungary, one of the three powers with whom we have a peace treaty, there were free elections in November of 1945 at which the Communist Party got approximately 25 percent of the total votes. There were semifree elections in August of 1947 at which time the Communist vote shrunk to 20 percent. That was the last free election, so far as I know, anywhere in eastern or central Europe. But I think it is a very good criterion of what would happen, if there were free elections, to the Communist Parties in those countries. I venture to say that their vote would be less than half of what they got even in those elections.

I say that it is our responsibility according to the terms of the treaty of peace, and on that basis, if no other, we would be perfectly entitled to take this matter up with the British and the Soviets at the summit conference.

Mr. PUCINSKI. I thank the gentleman for his forthright answer.

Mrs. CHURCH. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentlelady from Illinois.

Mrs. CHURCH. Mr. Speaker, I want to particularly thank the gentleman for his courage, resolution, and good judgment in introducing this resolution today. I was very proud to tell the gentleman that I wished to be listed as a cosponsor, and I hope to forward this great movement with him.

Mr. Speaker, I would like to say to the gentleman that it has been my pleasure and greatly to my benefit to serve on his subcommittee during the last 8 years in the Congress. I know of no one who has given more conscientious effort or closer dedication to the cause of freedom than the gentleman from Wisconsin. I think I have been fortunate to be under his leadership for so long, and I can assure him that in this and other matters where he leads so soundly I shall always follow.

I hope the gentleman has listed me as a cosponsor, because I so indicated to his office.

Mr. ZABLOCKI. I have so listed the gentlelady as a cosponsor. I am deeply grateful for the very kind words she has spoken about me. I want to commend the gentlelady for her efforts in the past and the cooperation that I have received from her in the Committee on Foreign Affairs.

Mrs. CHURCH. I am sure the gentleman will agree with me that where freedom is denied our own freedom is threatened.

Mr. ZABLOCKI. I do agree.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield for a final question?

Mr. ZABLOCKI. I yield.

Mr. PUCINSKI. Does the gentleman from Wisconsin have any indication that he is at liberty to discuss as to what is the position of the State Department regarding this effort to strengthen the President's hand at the summit meeting?

Mr. ZABLOCKI. May I advise the gentleman that last week at an executive session of the Foreign Affairs Committee—I shall, therefore, not identify the representative of the State Department—I inquired of the representative whether such a resolution as was today introduced would be helpful in the summit conference discussion and whether such a resolution would reiterate the strength and posture of our will. I am pleased to advise the gentleman from Illinois that this high-ranking State Department official stated, and I quote: "As an offhand reaction, I would be inclined to think it would be useful." Naturally I advised him that I hoped the executive branch would promptly send a favorable report on the concurrent resolution.

Mr. PUCINSKI. I thank the gentleman.

Mr. RODINO. Mr. Speaker, I am very pleased to join with Congressman

ZABLOCKI today in introducing a resolution which deals with the restoration of freedom to the captive nations of Europe.

This resolution reaffirms what has been basic to American policy from the beginning: that these peoples have an inalienable right to choose the government under which they shall live. The United States has never recognized the legality of the puppet regimes imposed upon them by a foreign aggressor against their will and without their consent.

The peoples of the captive nations have continually resisted their oppressors, always in the secrecy of their hearts and sometimes in bloody martyrdom. Despite years of police-state tyranny, they continue to hope for the liberty and freedom which is rightfully theirs.

In addition to reaffirming their right to self-determination, this resolution urges the President to press for a restoration of freedom at the forthcoming summit conference. I urge every Member of the House to keep faith with the captive nations by supporting this resolution.

Mr. DERWINSKI. Mr. Speaker, I wish to join with numerous Members of Congress by introducing the concurrent resolution relating to restoration of freedom to captive nations. My action, like those of my colleagues, is intended to show the peoples of the world our constant desire for freedom for all mankind by holding out the firm and unshakable hope in the eventual triumph of freedom over tyranny.

Certainly, it is fitting and proper for Congress to remind the President, as he approaches the forthcoming summit conference, of our constant interest in the restoration of freedom of the nations now held against their wills behind the Iron Curtain. I especially remind the President of the tragic consequences—not only for the United States but for millions of free people—of the diplomatic failures of our Presidents at Teheran, Yalta, and Potsdam. Certainly, the policy of firmness that President Eisenhower will display at the coming summit meeting with Soviet Dictator Khrushchev is necessary so that worthwhile progress might be achieved. Appeasement is always a failure. President Theodore Roosevelt, in his policy of "speak softly but carry a big stick," set sound fundamental precepts for our conduct of foreign affairs that, when followed, always have been successful.

The people of the world must not be misled by any Soviet propaganda statements before, during, or after the coming conference. The Communists' plans for worldwide conquest are so apparent to all of us that we must not mistake their pious gestures of peace to mean a change in their fundamental philosophy.

WILLIAM JENNINGS BRYAN: THE GREAT COMMONER

The SPEAKER pro tempore. Under previous order of the House, the gentleman from West Virginia [Mr. HECHLER] is recognized for 5 minutes.

Mr. HECHLER. Mr. Speaker, on March 19, 1860—a century ago last Saturday—occurred the birthday of a great American and a great Democrat, William Jennings Bryan.

Elected to the House of Representatives at the age of 30, he served two terms in this body and went on to become the youngest man ever to run for the Presidency after he swept the convention with his Cross of Gold speech in 1896.

William Jennings Bryan gave a text to the country when he proclaimed:

> I fear the plutocracy of wealth, I respect the aristocracy of learning, but thank God for the democracy of the heart.

Mr. DORN of South Carolina. Mr. Speaker, will the gentleman yield?

Mr. HECHLER. It is a great honor to yield to my good friend and colleague from South Carolina, the Honorable WILLIAM JENNINGS BRYAN DORN.

Mr. DORN of South Carolina. I thank my colleague from West Virginia.

May I say that it is fitting and proper that this House pause during its great deliberations here to pay tribute and homage to William Jennings Bryan, who was born 100 years ago last Saturday, March 19.

William Jennings Bryan came along at a time when the Democratic Party's fortunes were at a very low ebb, and by his principles and ideals, his dynamic personality and his oratorical ability, he rejuvenated the Democratic Party. Many of the great measures he advocated have since become the law of the land during subsequent Democratic administrations.

When William Jennings Bryan made his famous campaign in 1896 he was only 36 years old. During this great election year when we are considering various candidates in both political parties it might be well to remember that some of the greatest leaders in all the history of the world have been young men. William Jennings Bryan was one of them. William Pitt of England was 24 when he was Prime Minister, and the greatest Prime Minister England ever had. I do not think how old or how young a candidate for President is should enter the question, but rather his character and ability to lead this country.

I want to thank my great friend from West Virginia for yielding. Since my distinguished friend from West Virginia [Mr. HECHLER] has been a Member of this body he has impressed those of us on both sides of the aisle. It is an indication of the continuing interest of the people of America in our political welfare when they send men to this Congress like my friend from West Virginia. I commend the gentleman from West Virginia for the great record he has made here in so short a time.

I commend the gentleman again for bringing to the attention of this House a great American's birthday; a man who was not a conformist but who believed in standing up for those principles and ideals in which he believed.

I was named WILLIAM JENNINGS BRYAN because my father disagreed with our great President Woodrow Wilson on the question of our entrance into World War I. He sided with William Jennings Bryan. Of course, Mr. Speaker, once we were forced into that war, Bryan, like all Americans, backed our gallant soldiers in their unsurpassed achievements on the battlefields of Europe.

Mr. HECHLER. I thank my friend, the gentleman from South Carolina, for his generous personal remarks about me and for his illuminating comments on the man for whom he was named, William Jennings Bryan.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman from West Virginia yield?

Mr. HECHLER. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. At the time that William Jennings Bryan was giving us the benefit of his services, it was my privilege to be attending Northwestern University Law School at the Masonic Temple on the northeast intersection of State and Randolph Streets. We admired William Jennings Bryan very, very much. He was all that my good friend, the gentleman from South Carolina said—an orator, a statesman—we can't—at least some of us and, certainly, I cannot go along with his political philosophy, but one thing I do want to say for the record is that his namesake is possessed of all the ability as an orator—and is there such a word as "convincer"?—and only last week our colleague from South Carolina gave us an example of how he could work his charm, to charm the birds off the perch or off the limb. But of his ability, and one thing that I would say to him that I regret is that always when he speaks the office force that I am privileged to have in my office, when they know of it, insist upon coming over and listening to him. I cannot go along with the political views of my friend, the gentleman from South Carolina, but I certainly can be persuaded by what he has to say on the floor of the House.

Mr. HECHLER. I appreciate the contribution of my friend, the gentleman from Michigan.

William Jennings Bryan served 2 terms in this body. He was elected in 1890 from the State of Nebraska and served from 1890 to 1894. He was the youngest man ever to run for the Presidency when he ran in 1896.

I believe that the Republican Party produced two great Presidents—Abraham Lincoln and Theodore Roosevelt. Theodore Roosevelt inherited and took many of his ideas from those first propounded by William Jennings Bryan.

The poet Vachel Lindsay immortalized Bryan's great election battle in 1896 when he wrote:

> There were truths eternal in the gab and tittle-tattle,
> There were real heads broken in the fustian and the rattle.
> There were real lines drawn:
> Not the silver and the gold,
> But Nebraska's cry went eastward against the dour and the old
> The mean and the cold.
> In a coat like a deacon, in a black Stetson hat
> He scourged the elephant plutocrats
> With barbed wire from the Platte
> Gigantic troubadour, speaking like a siege-gun
> Smashing Plymouth Rock with his boulders from the West—
>
> July, August, suspense
> Wall Street lost to sense
> August, September, October,
> More suspense
> And the whole East down like a wind-smashed fence.
>
> Then Hanna to the rescue
> Hanna of Ohio
> Rallying the rollertops
> The bucketshops
> Threatening drouth and death
> Promising manna.
>
> Rallying the trusts against the bawling flannelmouth
> Invading misers' cellars
> Tin cans, socks
> Melting down the rocks
> Pouring out the long green to a million workers
> Spondulix by the mountainload, to stop each tornado
> And beat the cheapskate, blatherskite,
> Populistic, anarchistic,
> Deacon-desperado.
>
> Election night at midnight
> Boy Bryan's defeat
> Defeat of western silver
> Defeat of the wheat
> Victory of letter files
> And plutocrats in miles
> With dollar signs upon their coats
> Diamond watch chains on their vests
> And spats on their feet.
>
> Victory of custodians
> Plymouth Rock.
> And all that inbred landlord stock
> Victory of the neat.
>
> Defeat of the aspen groves of Colorado's valleys
> The blue bells of the Rockies
> The blue bonnets of old Texas
> By the Pittsburgh alleys.
>
> Defeat of alfalfa
> And the mariposa lilly
> Defeat of the young
> By the old and silly.
>
> Prairie avenger,
> Mountain Lion,
> Bryan, Bryan, Bryan, Bryan.

IMPRISONMENT OF BISHOP JAMES EDWARD WALSH IN RED CHINA

The SPEAKER pro tempore (Mr. WRIGHT). Under previous order of the House, the gentleman from Connecticut [Mr. DADDARIO] is recognized for 5 minutes.

Mr. DADDARIO. Mr. Speaker, I was distressed this weekend to learn of the steps taken by Red China to sentence Bishop James Edward Walsh to prison for 20 years on charges of espionage.

Earlier this year I commented on the action taken against United Press International Reporter Bill Yim, who had been permitted to enter Red China with the full understanding that he would be allowed to cover a story. Once inside, he was arrested.

Bishop Walsh was in China as a missionary, concerned with the well-being of humans, not with politics. He had been under surveillance since the Red takeover in 1949, and under arrest since the fall of 1959.

Throughout the years, efforts have been made by our Government to persuade the Communist Chinese to liberate Americans held in Red prisons. These include an outstanding young American from my district, John T. Downey, of New Britain. Continuing talks have not resulted in any concession by the Chinese. Despite word given by Chinese negotiators long ago that prisoners of the Korean conflict would be released, these men have been held in jails.

It has been obvious for some time that this contributed nothing to the solution of world tensions. So long as Red China claims its right to hold these men whom it imprisoned after unconvincing trials, there is full reason to hold the Communist regime beyond the pale of civilized nations.

Now Red China has compounded her sins by the action taken against Bishop Walsh. The bishop was a man of religion. He had declined, despite permission offered by his superiors, to leave his post. In 1956 he wrote:

> Here in Shanghai I share the lot of Chinese clergy who cannot leave, who must share all the pressure and annoyance. They are the key factor in the church situation in China these days. There is some good, I think, giving them a little help or encouragement, if only as a moral gesture. I don't wish to do anything to separate myself from them of my own volition.

He also expressed his feelings in these words:

> I don't feel inclined to get off the earth just because some people dislike my religion. Internment and death are simply the normal risks that are inherent in our state of life, a small price to pay for carrying out our duty, in our particular case a privilege because it would associate us a little more intimately in the cross of Christ.

Those of us who have watched the pattern of behavior established by the Chinese Communists since the Civil War that brought them to power over the mainland have known for many years of the cruel indifference to human feeling that it represents. A handful of men who can watch millions die as they seek to consolidate their power, who can tear apart families by the thousands to increase their labor supply, who retreat only for tactical advantage and press forward in areas heedless of the world conflagrations they might touch off, are not likely to be moved by the spirit of compassion and humanity that motivates Bishop Walsh.

This latest action of the Chinese Reds has caused new revulsion on the part of the American people. It may well be argued that nothing better could be expected from a Godless regime which feels itself threatened by any appeal to the soul of mankind. The moral should be clear. We cannot lessen our attention to a regime which is so inimical to the hope of peace. Nor can we reduce our efforts to seek the freedom of those held in Chinese jails despite the nature of the tyranny that sends them there.

I think it well, too, that all members of the House meditate on the feelings expressed in this editorial from the New York Times which comments on the fate of Bishop Walsh:

> BISHOP WALSH'S CRIME
>
> Bishop James Edward Walsh, of Cumberland, Md., may spend the rest of his life in a Chinese prison for offending the Red China government. At 69, he has been a servant of the Chinese people and of his church for almost half a century. All of us, of whatever religion, can share in an admiration for Bishop Walsh and indignation for the cruel 20-year sentence inflicted upon him.
>
> An associate, the Very Rev. John F. Donovan, vicar-general of the Maryknoll Fathers, said of him: "If love is a crime, then he is guilty; if opposition to a brutal and tyrannical regime is a crime, he is guilty; if allegiance to his church is a crime, then he is guilty." In the raw, bitter communism of mainland China most of the civilized virtues are crimes and the Sermon on the Mount is full of treason.
>
> Secretary Herter's protest will carry little weight with a government which charges our own Government with an "imperialistic scheme to subvert the Chinese people's democratic regime." But outrages such as this may well be remembered when somebody inquires why we do not want Red China in the United Nations or a Red Chinese Ambassador in Washington.

INFLATION IN ITS WORST AND LEAST UNDERSTOOD FORM—STRANGLING INTEREST RATES

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California [Mr. HOLIFIELD] is recognized for 30 minutes.

Mr. HOLIFIELD. Mr. Speaker, in his state of the Union message, President Eisenhower reported a budget for the current fiscal year of $79.8 billion, and proudly announced a surplus of $4.2 billion, the interest alone on which would amount to $200 million. He also declared himself stoutly opposed to inflation in any form. He said:

> We must fight inflation as we would fight a fire that imperils our home. Here is an opponent of so many guises that it is sometimes difficult to recognize.

And he reported a national debt of $290 billion on which the interest charges alone are to cost the taxpayers $9.6 billion, or 12 percent of all Government expenditures.

The press hailed his message as a shift in fiscal strategy—a shift to greater reliance on a tighter fiscal policy and away from the almost total reliance on tight money policy.

It is important to define these terms. The tight money policy is well known to every worker, businessman, and farmer in the United States. Credit has been tight and money scarce for more than a year. This tight money policy is now and has been for years the policy of the executive branch of the Government, administered with devastating effectiveness through two media: First, the Federal Reserve Board, and secondly, the Treasury Department itself in offering both short- and long-term bonds, bills, notes, and certificates. The Federal Reserve has repeatedly raised rediscount rates—the rates which Federal Reserve banks charge member banks for loans it makes to them—with the inevitable result that the interest rate paid by the public on the money it borrows has

marched upward and upward. On numerous occasions the Treasury has put a higher interest coupon on a new issue than the market required. The total effect of these two administration actions is prohibitive rates for the use of money, interest rates which have now reached the level of 1928.

Fiscal policy is simply a combination of the taxing and the expenditure policy of the Government. This is the area in which the Congress has exercised the predominant functions in recent years. However, the Congress must now assert its constitutional power over the tight-money policy, in addition to its traditional function in fiscal policy, for the compelling reason that the administration's tight-money policy has drastically disrupted fiscal policy as laid down by the Congress. The Constitution gives to the Congress the power to "coin money and determine the value thereof." Yet the value of money has continuously eroded under the present administration to the point that the fiscal function of Congress has been defeated.

In this, of course, reference is made to the inexcusably high interest rates which have been foisted upon the people of the country by the administration.

Wall Street notwithstanding, there is no such thing as a "free money market" or a "natural" interest rate. Credit, that is, the use of money, is a commodity like anything else. Money is issued only by the Government, and the cost of the use of money, or interest, likewise is the direct product of Government action.

Today, we are saddled with a national debt of $290 billion. In 1946 the Federal debt was $269 billion. The interest on the national debt in 1946 was $4.8 billion, and the interest on it for fiscal 1961 will be $9.6 billion. The Federal debt has risen less than 8 percent since 1946, but the interest on the debt has risen 100 percent. The national debt has risen under the present administration from $266 billion in 1953 to a staggering $290 billion.

Today, $1 out of every $9 the wage earner takes home is paid by him in interest charges, and $1 out of very $9 collected in taxes by the Federal Government is paid in interest on the national debt.

These figures impel closer scrutiny. The wage earner sees only 80 percent of his wages, since 20 percent is withheld at the source by his employer for Federal income tax. Out of his take-home pay, the average wage earner in the United States pays $1 out of every $9, or 11 percent in interest on his family obligations—his mortgage, the notes on his car, and TV, and so forth. The employer pays over the 20 percent withheld to Internal Revenue. Out of this 20 percent, the Federal Government pays $1 out of every $9—11 percent, actually closer to 12 percent—to the money lenders in the form of interest on the national debt.

The fiscal policy of the Government—taxes and expenditures—has been disrupted by the administration's tight-money policy because Congress has lost control of the cost of money, and the cost of money in the form of interest on the national debt has been inflated beyond all reason. Here is inflation in its most insidious guise.

The irony of the administration policy is that the very weapon which it has employed to fight inflation has blown up in the face of the American people. The form of inflation which has concerned the administration has been the inflation of wages and prices. To combat this form of inflation, the administration has inflated the cost of money—interest—to the point that the cost of money is the greatest single drag on the economy today. In the budget the cost of money, $9.6 billion, equals 12 percent of the total budget, and is far in excess of the amount budgeted for any other function, with the exception of national defense. Yet the cost of money has been treated as sacrosanct, something not to be questioned, just paid.

The Washington Post in its lead editorial of January 11, 1960, said:

> The tragedy is that only the needs of the Treasury seem to be sacrosanct in administration fiscal planning. Here the realities are faced, and there is much candid talk about the debt, interest cost, and the perils of inflation.

But the budget, itself, is not sacrosanct. The President said so in his press conference of Wednesday, January 13, 1960. He explained that—

> A budget, after all, is not a paper that you go to jail on if you happen to be a little bit wrong. A budget is an estimate, a plan for expenditures and revenues, and you get your balances on that basis.

We find, therefore, that the cost of money, interest rates, is sacrosanct from the very nature of the administration's position for the past 7 years, but that the budget which is the embodiment of fiscal policy is not sacrosanct. The difference is readily explained—the cost of money is wholly controlled by the executive branch of the Government under the present veto form of government, whereas Congress has something to say about the budget.

The Congress will be hard-pressed to find ways of reducing the budget as presented. It will mean the sacrificing, or deferring, of many functions of Government indispensable to national growth. As done in prior years, the Congress will scrutinize every item in the budget, and save where possible. But to what avail? There is a mountainous item in this budget that Congress can do precious little about, and that is the interest on the national debt which has been increased to its present strangling figure of $9.6 billion by the money policy of this administration.

During 1947–52, with a policy of adequate money, but fiscal tightness, resulting in a budget surplus of $12.4 billion, our growth was at the healthy rate of 4½ percent a year. During 1953–58, a period of tight money, but loose fiscal policies, resulting in a deficit of $8.5 billion, our growth rate declined to around 2 percent a year. The tight money policy of this administration is the epitome of inflation, and the direct beneficiaries are the moneylenders. Bank profits have increased a whopping 135 percent in the past 10 years.

The chairman of the House Ways and Means Committee stated on the floor last September that Congress might be disposed to raise the statutory ceiling of 4¼ percent on long-term Government bonds if the budget for fiscal 1961 showed a surplus. It is therefore not surprising to find that the new budget indicates a surplus of $4.2 billion. Is Congress now to disrupt the possibility of this surplus, or of any surplus, by permitting the further unbridled inflation of the cost of money which would, in turn, dissipate whatever surplus might eventuate?

In the next year, the Government is going to have to borrow about $100 billion, most of it refinancing. Each boost of one-quarter of 1 percent in interest would add $250 million to the cost of carrying the national debt; in 20 years it would add up to $5 billion. An increase of 1 percent on the $100 billion borrowed would add $20 billion in interest costs on the debt in the next 20 years.

Interest rates on Government securities have reached their highest levels since the 1930 depression years. Three-month Treasury bills bearing 1.766 percent interest in 1952 now are being marketed for 5 percent and more. Bonds marketed for 2.68 percent interest in 1952 now are bearing the maximum legal rate of 4.25 percent. The average length of the national debt has declined from 5 years, 8 months in 1952, to less than 4 years, 7 months today.

We were able to finance World War II at an average interest rate of 2.38 percent—approximately half the interest rates which the present administration has promoted and accepted. And we incurred an annual average deficit of $52 billion during the war, the debt increasing $209 billion from $49 billion in 1941 to $258.7 billion in 1945. For 2 decades before the present policies were put into effect, U.S. bonds were held at or close to par with an interest rate approximately half what we are paying today.

Who is responsible for the economic morass engulfing the country? The administration is. The administration, through the Treasury Department, has repeatedly issued Government bonds and notes at interest rates higher than necessary. The administration has inexorably marched the cost of short-term Government financing to the 4.25 percent ceiling on long-term Government bonds, and beyond, until today the cost of short-term financing to the Government is between 5 percent and 5.36 percent. The administration, through the Federal Reserve Board, controls the amount of money and credit in the banking system, and controls the level of interest rates in the whole economic system, mainly by buying or selling Government securities, controlling the ratio of bank reserves to loans, and increasing the interest rates paid by member banks. The Federal Reserve, by refusing to buy long-term Government bonds, has defaulted miserably in its duty to help maintain an orderly market for Government securities, instead driving higher and higher the interest rates on short-term Treasury offerings which

it buys in competition with the public; this with the knowledge and active acquiescence of the Treasury Department, whose Secretary is ex-officio Chairman of the Federal Reserve Board.

Equally significant is the fact that the discount rate—the interest charged by Federal Reserve to its member banks—is 4 percent, the highest since the early 1930's.

The administration caused the Federal National Mortgage Association—Fannie Mae—to offer on January 26, 1960, 12-year debentures totaling $100 million at 5⅛ percent—5.17 percent. Fannie Mae's 10-year issue of April 1959 carried 4⅜ percent interest, and its 10-year issue of March 1958—3⅝ percent interest. But in January 1960, the Congress had to be taught a lesson so that Congress would come to its senses and repeal the 4¼ percent ceiling on long-term—more than 5 years—Government financing. Therefore, the moneylenders are to receive 5⅛ percent on $100 billion, and Congress is to be coerced into repealing the 4¼ percent ceiling.

The result is rampant inflation—inflation of the profits of the bankers and of the wealthy; and this under the guise of controlling inflation.

The traditional position of the Democratic Party has been one of supporting low interest rates on money. The Republican Party has traditionally supported high interest rates and tight money. High interest rates cause the rich to get richer, and the poor to get poorer.

The tight-money, high-interest policy of the administration is costing the American public $10 billion a year more than in 1952, in higher payments on home mortgages, business loans, time purchases, State and local taxes, and interest on the national debt.

A family buying a low-priced car in 1960 on time, will pay nearly $200 more in interest than they would have paid in 1952. In 1952 a $10,000 FHA mortgage at 4 percent interest could be paid off over 25 years at a total cost of $15,840—of which interest was $5,840. In 1959, the same mortgage—now at 5¼ percent would cost $18,000 to pay off—of which interest is $8,000. The extra $2,160 would have bought another bedroom and bath.

The farmer in particular suffers from the high-interest squeeze. Through the wisdom of our great President Franklin D. Roosevelt, the small farmer was given 4½-percent money to buy seeds, feed, fertilizer, machinery, and equipment. The banks would not lend him any money. But he could borrow it at 4½ percent from the Farm Credit Production Association. This 4½-percent money was the salvation of the small farmers. Then last October, came the "magic 5s." The Treasury Department offered $2 billion in 4-year 10-month notes at 5 percent. There was a run on the banks by depositors in New York and other large cities to withdraw their savings so they could join in the bonanza. The Government offering was oversubscribed 5½ times to 1, $11 billion in money offered for a $2 billion issue.

This response in itself is convincing evidence that the interest rate was unjustifiably high. Out of context, this high interest is difficult to comprehend; in context, understanding becomes easy—the administration was determined to force Congress to raise the statutory ceiling of 4¼ percent on long-term Government bonds—maturity of which is more than 5 years—so the administration could have issued up to $100 billion in long-term Government bonds at 5 percent or higher. The compromise bill reported by the Ways and Means Committee permits up to $17.1 billion refunding on a base national debt of $285 billion.

This, of course, would put such amounts in the hands of the moneylenders for 20 to 30 years, as far as this or succeeding long-term issues are concerned.

Two great Presidents of this country, Andrew Jackson and Woodrow Wilson, were swept into office by the people because they revolted against the Money Trust. The American people will have the opportunity to sweep yet another great Democratic President into the White House next November to save their children from economic servitude.

President Eisenhower, in his state of the Union message, expressed solicitude over "our children's inherited mortgage," in the form of the national debt. The national debt cannot be reduced now, or in the future, with the high interest rates which his administration has aggressively sponsored. The inflation of the cost of money to the Government rose 89.2 percent on 3- to 5-year Government issues, and 102.2 percent on 9- to 12-month Government issues in the 7 years from 1952 to the spring of 1959. But the interest rates of the spring of 1959 cannot hold a candle to the interest rates being paid by the Government in January 1960.

On Tuesday, January 12, 1960, the Government sold $1.5 billion of 1-year Treasury bills at 5.067 percent—actual yield, 5.36 percent. This is an unbelievable jump in interest rates from the 3.835 percent paid by the Treasury on its issue of $2 billion of 340-day Treasury bills dated May 11, 1959.

Now to get back to the small farmer who barely managed to get by on the 4½-percent money. With this manipulated jump in interest rates on Government notes, his 4½ percent suddenly increased to 7 percent, a rate the small farmer cannot afford to pay. The administration has sold him down the river.

The plight of the city dweller is much worse. The banks with characteristic ingenuity have devised for him an interest rate of 18 to 23 percent. This is a new bank service, both to him and to the merchant who sells him furniture, a TV set, or a suit of clothes. Here is how it works. The depositor goes to his bank and declares his assets. The bank checks his credit standing and repayment ability, and then tells him that he and his family can buy up to $500 at any time, and repay the bank a fixed monthly amount. This is what is known as a line of credit, and the service is frequently identified as the revolving credit plan. The bank issues a credit card to the depositor, and he and his family proceed to spend their $500, paying to the bank 1½ percent a month, or 18 percent a year. In this process the man of the family buys a suit of clothes for $60, presenting to the merchant the credit card issued to him by the bank. The merchant sells him the suit of clothes for $60 and sends the bill to the bank the same day. The bank, rendering another new service, this time to the merchant, sends him by return mail a check, not for the $60, but for $57. The bank has collected an additional 5-percent interest by discounting the merchant's bill of sale, and this 5 percent is interest for 1 day only. So we find the cost of the use of the money involved in the modest purchase of a $60 suit of clothes to be more than 23 percent per annum, the bank exacting a tribute that even exceeds the 20 percent paid by the family to the Federal Government for income taxes.

Just as bad is the fact that the merchant has been saddled with a hidden partner who does not pay the salaries of the merchant's business, the cost of his inventory, his rent and utilities, and other business expenses. The merchant's net profit on the $60 suit of clothes would hopefully be 10 percent and the bank has cut itself in for half of this profit. This is a country run for the benefit of the moneylenders. This is economic servitude. The merchant is faced with the choice of surrender to the banks' credit card system or refusal to honor the customers' desire to use it. If the merchant refuses to honor the banks' credit card scheme, the customers—who do not understand the premium they pay—walks over to the merchant's nearest competitor who will honor the system.

In case anyone missed the point, this demonstrates the dollar moving at high velocity. The Treasury and the Federal Reserve Board have repeatedly insisted that the turnover or velocity of money in times of high business activity makes the amount of money in circulation less significant. They use this argument as an excuse for making money scarce and tight and, therefore, dear. Dear money demands high interest rates. Plentiful money earns low interest.

The family paying 18 percent interest on the suit of clothes, and the merchant giving the bank half his profit should both take notice that they have helped retard inflation by making the dollar move fast, that is, at high velocity. It matters not that the bank is waxing fat off this same velocity, or that the family cannot buy a dress for the wife instead of paying the 18 percent interest to the bank. This is the most insidious form of inflation. It is suffocating most of the families of our country, just as surely as carbon monoxide.

But it is, at the self-same time, suffocating the buying ability, or purchasing power, of the family after the $500 line of credit is spent by the family on an inevitable 2- or 3-month buying spree. The family cannot buy again until it has reduced the $500 line of credit figure below that figure, and then only in the amount of the reduction. What it really

means is the pledging of the family's future income for some durable, but just as frequently, nondurable commodities.

The prosperity enjoyed by the merchants on the basis of the family's buying spree is short lived—then what? And who pays the piper if the family's income meets reverses, even though temporary? The bank's line of credit has the best security in the world, although ostensibly unsecured. The bank has the signatures of both husband and wife on the note and can foreclose on every asset they own, even the equity in their home and their car. This new bank service is a form of family fiscal insanity, with suicidal tendencies. The family has been delivered into bondage.

The plight of the businessman is almost as bad as that of the farmer and the city dweller when it comes down to his working capital. The cost and scarcity of money for working capital have become exorbitant to the point that the money lenders are reaping a harvest. Last year more than $12 billion was lent to businessmen on prime security at interest rates of 10 to 14 percent by factors and commercial finance companies, whose risk was minimal. How long can a business stand this? No wonder so many businesses have had to close the doors, creating unemployment and hardship.

Then there is the home buyer who needs an FHA or a GI mortgage. The present ceiling of 5¼ percent on GI mortgages attracts few lenders. The legal ceiling on FHA mortgages is 6 percent, but the FHA has set the current limit at 5¾ percent. Both figures are farces when current lending practices are examined.

The home buyer must pay up to 12 points, or 12 percent, by way of commission to the lender in order to procure an FHA loan at 5¾ percent. In other words, the buyer applies for a loan of $10,000; he actually receives 12 percent less, or $8,800; but he must repay the $10,000 plus interest of 5¾ percent. Then there is a proposal pending before the Congress which is designed to remedy the present unavailability of GI mortgage money. It will help the GI to pay more interest than the law presently allows. He will be able to borrow at 5¼ percent—if he also pays 1 percent of the loan, or 1 point, at closing, and an additional 2 percent, or 2 points, to the homebuilder.

These high interest rates are strangling the families of America. This administration has long forgotten that the function of money is to serve the people, not enslave them.

Today, for the first time in the history of the country, we have, or think we have, inflation at the selfsame time that there is no scarcity of goods. The inflation we are suffering is Government created, promoted, and continued—it is the inflation of interest rates.

This conviction on the part of many responsible, informed Americans is crystallizing in a groundswell that Congress cannot ignore. One of the ultraconservative newspapers of the Nation, the Washington Star, reported on Thursday, January 21, 1960, as follows:

CHICAGO, January 21.—The high-interest rate policy being pursued by the Eisenhower administration stood condemned here today by the National Association of Home Builders in the severest and most sweeping criticism by this 40,000-member group of a major Government economic policy since New Deal days.

Convention delegates assailed the policy for having "obviously failed," for boosting rates beyond the "legal limits of usury," for having forced a return to financing methods "proved unsound 30 years ago," and for bearing down most unfairly on small businessmen and moderate-income families.

It was the consensus of observers at the homebuilders' sessions that if the Messrs. Stevenson, Humphrey, Symington, Kennedy, and other Democratic hopefuls fail to study the protest, they will be missing a bet. For it reflects a deep disenchantment on the part of the industry with a basic administration policy now being pushed vigorously in Congress with a request for an unlimited interest rate ceiling on long-term Government bonds, an effort widely interpreted as heralding a new round of rate increases.

HELD INEFFECTIVE

In its protest adopted yesterday, the association pointed out that home buyers are the Nation's largest private users of long-term credit. For the Government to rely on pushing interest rates still higher as its chief anti-inflationary activity is both ineffective and unfair the organization said.

"The attempt to control excessive total demand for credit and to stimulate savings through ever-rising interest rates has obviously failed," the builders' statement said.

"Interest rates approach—and in some cases exceed—the legal limits of usury. One major group of Americans has been successfully controlled—the tens of thousands of modest-income home buyers who only a short time ago could have bought homes well within their means, but are now disqualified by the high cost of credit."

NEW RECESSION?

Warning that a new business recession could be the result, the statement said:

"In 1957, the same combination of restraints now imposed on our industry caused a severe drop in construction that triggered a general business recession. Unless immediate effective action is taken to distribute more fairly the impact of tight money, this pattern will inevitably be repeated."

The United States is closer to 1928 than at any time since. The Republicans brought us the crash of 1929 and the depression that followed. They are setting us up for the same national disaster today.

The chief economist of one of the leading banks of the country in December 1959 exulted over the fact that interest rates have now returned to the neighborhood of levels prevailing in 1928, a year of good business. He pointed out that for the first time in 30 years, in other words for the first time since 1928, the money supply is below 50 percent of our gross national product.

The money supply in 1928 was 28 percent of the gross national product, and in mid-1959 the money supply was 29 percent of the gross national product. This, of course, is not just good, it is excellent for him and his bank—which last December declared a 100 percent stock dividend on an 11-cent increase in its quarterly share dividend.

Who has reduced the money supply to this ominous ratio? The present administration has done it. Now the Federal Reserve which has already hiked the discount rate five times in less than 2 years threatens to turn the screw once more. The history of the past 40 years conclusively demonstrates that a recession or depression is the likely result.

The very latest figures, covering calendar year 1959, provide conclusive proof of the administration's fallacious policy on money supply. During the year there was a rise in business of 10 percent, as shown in the industrial production index rise from 150 in late 1958 to 165 by the close of 1959. During the same 1-year period the supply of money increased less than 1 percent, from $139 billion to $140 billion. The $140 billion is made up of $28 billion in currency and $112 billion in demand deposits in commercial banks.

These prohibitively high, deliberately inflated, interest rates are about to choke the stock market, just as the stock market was choked in 1929. The inflated interest rates have driven up the yield on Government securities to the point that stocks must pay an increase of 67 percent dividends during 1960 to compete. This is an impossibility for the obvious reason that the unavailability of money, and the inflated cost of money at present interest rates, are suppressing the ability of business to expand. The stock market is acutely responsive to the economic health, or sickness, of the country. It is an exceedingly sensitive barometer. The country's investment brokers have been preaching that investment in common stocks is a hedge against inflation, in that the common stocks will appreciate in direct relation to the cheapening of the dollar through inflation, thereby providing the investor, particularly those on fixed incomes, with this same appreciation in his savings. But this philosophy has been oversold, with the result that millions of uninformed Americans have bought into the stock market. Today the answer is at hand, and it is most sobering. The price-earnings ratio of stocks have now exceeded the 1929 ratio of 19.1 to 1; in 1959 the ratio was 19.5 to 1, a drop from the 1958 ratio of 20.9 to 1. The price-earnings ratio is simply explained—it is the ratio of the cost of a stock against the earnings of the corporation, a comparison of dollars. Thus, if the earnings of a corporation are $1, the stock of the corporation is costing $19.5 at a price-earnings ratio of 19.5 to 1. This ratio is extravagantly on the high side. It has exceeded safety. The safe maximum ratio is no more than 15 to 1. What does this mean? It means that the stock market today consists of 25 percent water, and the public stands to lose at least 25 percent of its investment.

Between the first day of the "golden sixties" and January 22, 1960, a period of 3 weeks, values in the stock market eroded $15.2 billion. The President's roseate declarations of optimism and prosperity are a poor match for reality.

Is the businessman optimistic, or is he worried, about the "soaring sixties"? An answer was provided to this question by the Washington Post of Sunday, January 10, 1960, in the lead story on its financial page, as follows:

The stock market started this week as if the 1960's were golden and ended as if they were lead.

Amid considerable debate in Wall Street as to what the new year and the next decade would bring, prices rose to still another record high in the Dow Jones industrial average on Tuesday only to sink below the New Year's Eve high in the Dow by the Thursday close.

Trading for 1960 started with the immense stimulus of an agreement to end the 8-month steel strike, thus settling the major uncertainty overhanging the American economy. By Wednesday, however, Wall Street had to reckon with interest boosts on brokers' loans and the worry that hikes in other interest rates would follow.

By Thursday, rates were higher for commercial credit and bankers' acceptance and the street began to wonder whether the Federal Reserve Board, which meets on Thursdays, would boost the discount rate after the market close. The Fed took no action this week, but one thing was sure, brokers said—from now on it will be one "nervous Thursday" after another until the discount rate is either raised or there is some conclusive evidence that it will not be boosted in the immediate future.

And the New York Times of Friday, January 15, 1960, amplified, as follows:

With the steel dispute cleared away from the economic horizon, businessmen confidently are planning to step up borrowing to increase inventories, build plants and buy new equipment.

• • • The growing demand from borrowed money promises to push interest rates still higher in the months immediately ahead—for the Government and consumers, as well as businessmen. With banks, insurance companies, and other lenders already hard pressed for loanable funds, many would-be borrowers will find it increasingly difficult to line up loans—at any interest rate.

• • • • • •

Worried about inflation, the Federal Reserve System for months has been keeping a tight rein on the funds banks have available for lending.

Our President stated his great concern in his state of the Union message for mortgaged debt which our children are to inherit, a debt in the staggering amount of $290 billion. Yet it is the same President who made a gift of $20 billion to the private utilities of this country in the form of accelerated tax amortization. And what happened to the $20 billion? A good part of it was distributed by the utilities to their stockholders, in the form of dividends, many tax free. Eight of these utilities gave their stockholders more than $72 million in tax-free dividends in 1958 alone. This same $20 billion applied to the national debt would have meant that the national debt would have risen under President Eisenhower from $266 billion to $270 billion, not from $266 billion to $290 billion. And the interest rates which he now wants raised to fund the national debt would not have spiraled upward to their present ridiculous level.

The administration has not only slowed our rate of growth, it has reduced the management of the national debt to a shambles through tight money and loose fiscal policies. Unless Congress, meaning this session of this Congress, asserts its constitutional powers and brings under control the cost of money, it will go through an exercise of futility in appropriating money for a President's budget which is riddled with meaninglessness since the cost of money is maintained for the benefit of Wall Street and the Money Trust.

The Republicans arranged things in the years from 1920 to 1929 so that nearly 40 percent of our national income was going to 5 percent of the people of this country. With the banks exacting 4 percent to 23 percent tribute on every turn of the dollar, at greater and greater velocity, this same situation is repeating itself. Unless the process is reversed, inexorably 40 percent of our national income will once more go to 5 percent of our people, namely, the moneylenders, and economic chaos will follow. The Government, through the White House and the executive department can avert this national disaster, but undoubtedly will not. That leaves it squarely up to the Democratic Congress.

What can the Democratic Congress do? And how shall it go about doing it?

Some of the Democrats have studied the economic analyses of Leon H. Keyserling, former economic adviser to President Truman. Mr. Keyserling has just published his latest analysis of the national economy, entitled "The Federal Budget and the General Welfare." It is replete with sound statistics and judgment in economics. But the Republican propagandists had a field day, as usual, with it. In substance, Mr. Keyserling was derided as a wild-eyed liberal, an advocate of extravagant spending and inflation. This is the same tack which the Republican propagandists used so effectively in the last session of Congress. In January 1959 they tagged the Democratic majority in Congress as the party of "spenders," and the Democrats suffered themselves to think, act, and legislate defensively for the following 8 months. The tag was like a plague that the Democrats fought to live down, even though the charge of the plague was entirely without foundation.

If the Democrats are to save the country from an inevitable recession, or worse still, depression generated by the administration's policy of suffocating interest rates, the Democrats will have to master the fundamentals of fiscal and monetary policy, and then carry the message to the people in terms they will understand. The Democrats will have to spoon feed the truth. They will have to use terms that the milkman, the factory worker, the plumber, and the farmer can take to the family table for discussion and explanation.

Our two most recent great Democratic Presidents, Harry Truman and Franklin D. Roosevelt, had this facility. And the moneylenders hated them. Of far greater importance, these two Presidents knew how to handle Wall Street and the Federal Reserve System. They told the moneylenders in no mistaken terms that they would buy Government securities at interest rates below 3 percent, or the Treasury would print its own money. This is how the average cost of money to finance a $209 billion deficit in the four World War II years averaged only 2.38 percent.

The Federal Reserve System was created by Woodrow Wilson to save the country from "robber raids" on money by Wall Street cliques. Congress gave the Federal Reserve banks broad governing powers over the supply of money on the theory that Federal Reserve would be the guardian of the people. Under this administration Federal Reserve has employed these same powers to enslave the people it was created to protect. Most people do not know that much of the money in circulation is Federal Reserve notes, issued by the Federal Reserve banks against the Government securities which they buy. These Government securities in their vaults take the place of gold or silver as the foundation for the issuance of money. But what has happened in the past 7 years? The Federal Reserve banks have refused to buy long-term Government bonds because they would make a greater profit on short-term Government securities. Then they have issued paper money against these profitable securities, and picked up still another profit in the interest rates they charge borrowers on the new money. These banks have deliberately inflated the interest profits and thereby provided themselves with a handsome double profit. The Treasury can issue this same money directly and apply on the national debt the Federal Reserve banks' profit in this unholy process.

Again, the Federal Reserve banks have refused to buy Government long-term securities on the open market. The people of the country would directly benefit from this type of purchase because, first, the supply of money would be expanded, and, second, the interest on these purchases is returned to the Federal Treasury. But the Federal Reserve banks would lose some of their mounting profits. The Federal Reserve banks have subverted the interest of the people of this country to obsession for profits and strangling control of the economy. This is a flagrant violation of the trust reposed in the Federal Reserve System by the Congress of the United States.

Not content with strangulation of the economy in this country, the game of the moneylenders has crossed the Atlantic. On Thursday, January 21, 1960, the Bank of England, without notice, raised the discount rate from 4 percent to 5 percent, notwithstanding the fact that there is little or no inflationary pressure in England. Prices have been stable there nearly 2 years. In this country the Federal Reserve has raised the discount rate five times in the past 2 years on the pretext that it was controlling inflation. What excuse has the Bank of England? The answer is simple—manipulation of the supply and cost of money by the international financiers. With interest rates in the United States deliberately inflated beyond all reason by this administration, the English bankers have acted on the pretext that they needed to stop the flow of English investment pounds to this country. Now that the Bank of England has taken this drastic step, with the concomitant restriction in money supply in England and inevitably higher profits for the English bankers

and likely recession in the English economy, the drums are beginning to roll in Wall Street to pressure another increase by our Federal Reserve in the discount rates. Today at 4 percent the Federal Reserve discount rate is higher than it has been at any time since the early 1930's. How much nicer will it be for the moneylenders to push it up to 5 percent.

Somewhere, somehow, America has lost its way. America is slowly bleeding, and the Democrats must stop the hemorrhaging before it is too late.

The critical nature of the problem can be explained in simple terms. The American economy is like a man running uphill. As he progresses, his heart must beat faster and faster to pump the blood through the body. The blood is the supply of money. The man keeps running, unaware that he is bleeding. The blood he is losing is the cost of money, interest. The more blood he loses, the faster the heart works, until it finally fails. The moneylenders are draining off the blood as fast as they can. The moneylenders have sold the American people a cruel, phony theory. They have convinced the American people that the more work each dollar does, that is, the faster it turns over, the less money is needed for the economy to pump. Each time the dollar works harder, by turning over and over at an increasingly higher velocity, the moneylenders take their cut in the form of inflated interest, 4 to 23 percent. The Democrats must staunch the flow of blood, the diminution of the money supply, and force down the cost of money to the Truman level in 1953 of 3 percent or less.

Otherwise the economy, which is now faltering, will collapse. What will the average American then have to protect himself against family disaster? The only real protection he will have is the insurance of his deposits, up to $10,000 in the banks under the Federal Deposit Insurance Corporation, and in savings and loan associations under the Federal Savings and Loan Corporation. But what average American family has $10,000 on deposit today? Most American families are in hock up to their ears.

The other so-called built-in controls are without meaning unless the administration would choose to utilize them. This is the same administration that has encouraged the Federal Reserve System to exploit the American people, in brazen derogation of the trust and fiduciary powers in it reposed.

The Russian leaders may have little knowledge on some subjects, but Mr. Khrushchev probably has sized up the folly of America and knows that the United States is apt to commit economic suicide. It may well be a simple matter for the Russians to ease the tensions throughout the coming summit conferences and thereby feed the American desire for peaceful optimism, which is coupled with a false sense of economic well-being. Mr. Khrushchev may well be advising his colleagues to let the American people enjoy their stupor of peace and prosperity, at least until they vote into office a new administration pledged to carry out the disastrous policies of the past 7 years. America may not survive another 1933.

The American voters in the November 1958 elections told Congress what they expected. In January 1959 the Republican propagandists told the Democratic majority what they were—spenders—and this untrue nomenclature erased the voice of the electorate. The Democratic Congress has only the few months of this session to justify the confidence of the overwhelming average Americans, and to extricate our economy from collapse. Congress must.

RIGHT OF EQUAL AND FREE SUFFRAGE UNDER THE CONSTITUTION OF THE UNITED STATES

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Michigan [Mr. BENTLEY] is recognized for 5 minutes.

Mr. BENTLEY. Mr. Speaker, in connection with the pending legislation intended to uphold the rights of all American citizens to exercise their free choice of suffrage at the polls, I feel it pertinent to call to the attention of the House the fact that the U.S. Constitution contains a specific provision intended to provide a manner for enforcement of the right of free and equal suffrage. Simply, this constitutional provision, which can be found in section 2 of the 14th amendment, states that wherever the right to vote is denied to any American citizen, except for certain serious and specific crimes, either for Federal or State office, the congressional representation in the House of Representatives from the State where disenfranchisement may have occurred shall be reduced proportionately for the number of people who are thus denied the right of suffrage.

I have requested the Library of Congress to prepare a study of the legislative history of this particular section of the Constitution which I have just received and which I will include as a part of my remarks at this point. I should point out that it is obviously too late for the consideration of legislation which would implement this particular section at this time, but I do commend it to the attention of Members for future study and possible action in future sessions. It seems to me that, since we are dealing with a matter of constitutional rights, the simplest solution would be to seek a remedy within the Constitution itself, which cannot be challenged in the courts on the grounds of its constitutionality. Regardless of the outcome of the pending legislation before the House, I sincerely trust that it will be possible to keep this matter alive and, if I am fortunate to be a Member of the 87th Congress, I intend to do all in my power to press for congressional action in this direction.

The study referred to above is as follows:

"Amendment XIV, section 2: Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State."

This never used, all but forgotten provision was considered by many of its framers to be the heart of the 14th amendment. (See, e.g., Globe, 39th Cong., 1st sess. (1866), 2459, where Representative Thaddeus Stevens, of Pennsylvania, states: "The second section I consider the most important in the article. It fixes the basis of representation in the Congress. If any State shall exclude any of her adult male citizens from the elective franchise, or abridge that right, she shall forfeit her right to representation in the same proportion. The effect of this provision will be either to compel the States to grant universal suffrage or so shear them of their power as to keep them forever in a hopeless minority in the National Government.")

By a rather curious quirk of history, the first section of the amendment, requiring the States to give "equal protection of the laws," which was, relatively speaking, an afterthought, has far outshadowed the second section in the extent of its effects on the rights on the former slave race and indeed on the rights of all citizens. There are some, however, who would attribute the demise of the second section not to any curious quirk, but rather to deliberate design. James G. Blaine, in volume II of "Twenty Years of Congress," at page 416, said:

"The adoption of the 15th amendment seriously modified the effect and potency of the second section of the 14th. • • • The prime object [of the 14th amendment] was to correct the wrongs that might be enacted in the South, and the correction proposed was direct and unmistakable; viz, that the Nation would exclude the Negro from the basis of apportionment wherever the State should exclude him from the right of suffrage.

"When, therefore, the Nation by subsequent change in its Constitution declared that the State shall not exclude the Negro from the right of suffrage, it neutralized and surrendered the contingent right, before held, to exclude him from the basis of apportionment. Congress is thus plainly deprived by the 15th amendment of certain powers over representation in the South, which it previously possessed under the provisions of the 14th."

Another who suggests that the section was abrogated by the 15th amendment is R. A. Maurer in his article entitled "Congressional and State Control of Elections Under the Constitution," 16 Georgetown Law Journal 314, 338—April 1928. The plain fact, however, is that the 15th amendment does not expressly repeal the second section of the 14th. Moreover, the prohibitions of the 15th amendment are expressly limited to denials or abridgments of the right to vote by reason of race, color, or previous condition of servitude while the 2d section of the 14th is not so limited at all. As a matter of fact, the section contains no prohibitions.

PAST EFFORTS AT ENFORCEMENT

It is not quite true to say that Congress has never attempted to enforce this section. After the Ninth Census, when Congress was considering the bills for reapportionment of Representatives, it entertained and adopted an amendment to one of them which restated the second sentence of section 2, (act of Feb. 2, 1872, ch. 11, sec. 6, 17 Stat. 29; 2 U.S.C., sec. 6.) Although this amendment was proposed by the Senate Committee on the Judiciary, the House, by resolution, had earlier instructed the Secretary of Interior to determine "the number of male inhabitants in each State being 21 years of age, and citizens of the United States, whose right to vote in such State • • • is denied, or in any way abridged, except for participation in rebellion, or other crime." Although the Secretary reported that there were 43,329 such persons, with the largest number, 9,265 being in the State of Missouri, he indicated that he placed very little reliance on his statistics. There is no indication in the congressional debate on what the statistics were based or how they were acquired but we do know that the application of the figures to a House of Representatives composed of either 243 or 283 Members made no difference in the number which would be apportioned to each State. (Globe, 42d Cong., 2d sess., 1872, p. 617. See also pp. 609–610, 612, 617, 618, 674–675, and 678 for other references to the amendment.)

Although we have found no indication that any effort has been made since the ninth census to compile any statistics which would furnish the Congress with a reasonable basis for enforcing the provisions of section 2 of the 14th amendment, from time to time there have been advocates of congressional action in this area. When the Selected Committee on the 12th Census reported an apportionment bill which did not take into account any denial or abridgment of voting rights, Representative Crumpacker, of Indiana, wrote a 25-page dissent to the report—House Report No. 2130, 56th Congress, 2d session, 1900. Mr. Crumpacker emphasized the extent to which literacy requirements tended to disenfranchise Negroes and concluded that the representation of the States of Louisiana, Mississippi, North Carolina, and South Carolina should be reduced by three each. Although Mr. Crumpacker's effort was unsuccessful, the Republican platform of 1904 contained a plank calling for the introduction of a bill to effect enforcement of the amendment. No evidence has been found, however, to indicate that any real effort was made to enact such a law.

Around 1920, the NAACP became active in pressing for legislation to require reduction in apportionment for denial of voting rights. It was contended that representation in some of the Southern States would be reduced by as much as 40 percent if the amendment were enforced. Ten thousand votes in Mississippi were as powerful as 97,000 votes in Indiana because of restrictions against Negroes. It was about this time that George H. Tinkham, a Representative from Massachusetts, became the perennial advocate of enforcement of section 2, the champion of equal representation. In December of 1920 he introduced a resolution asking that the Committee on the Census be authorized to inquire into the denial of voting rights and requiring that representation be reduced in those States where disenfranchisement was found. At a hearing before the committee on January 4, 1921, Mr. Tinkham made an 18-page statement, replete with charts, in which he argued that the principal laws under which Negroes were disenfranchised were those requiring the ability to read and write and the payment of poll taxes as a prerequisite for voting. His contention was that the very existence of the laws gave Congress the right to act and that no evidence was needed to show that the laws were being administered in a discriminatory manner. (Hearings before the Committee on the Census on Apportionment of Representatives, Dec. 28 and 29, 1920, and Jan. 4, 5, and 6, 1921, 63d Cong., 3d sess., pp. 97–115. See also pp. 28, 35, 66, for other statements advocating enforcement of amendment XIV, sec. 2.) The bill as reported by the committee did not take into account the provisions of the 14th amendment and the managers on both sides of the bill refused Mr. Tinkham floor time in which to speak. He offered an amendment which after lengthy debate was finally ruled out of order as not germane to the matter before the House (60 CONGRESSIONAL RECORD, 1434, 1648, 1682–1688).

Throughout the rest of his years in Congress, Mr. Tinkham continued to press for enforcement of this section. Though he was concerned for the Negro, his principal interest seems to have been to secure equal representation for all under the provisions of the Constitution. His last effort to enforce the section, so that "fraudulent majorities in Southern States could not elect the President and control the Congress" seems to have been made in 1927–28. On December 25, 1927, he introduced another resolution which would require the Committee on the Census to make diligent inquiry into the question of denial or abridgment of voting rights. On February 28, 1928, he spoke before the House for an hour and a half urging that some action be taken, but the 70th Congress took no action.

Although no exhaustive search has been made in the RECORD to identify all measures which have been introduced to give effect to the 2d section of the 14th amendment the only ones which have readily come to light since the days of Mr. Tinkham are those introduced by Senator MCNAMARA, of Michigan, in the 85th and 86th Congresses.

The McNamara proposal would establish a joint committee on congressional representation which would determine after each biennial election whether the representation of any State should be reduced in accordance with the provisions of amendment XIV, section 2. The Senator first introduced this proposal as an amendment to the Civil Rights Act of 1957 when H.R. 6127 was being debated in the Senate. Senator JAVITS, of New York, associated himself with the Senator from Michigan in advocating this amendment. By voice vote, however, the Senate rejected the proposal (CONGRESSIONAL RECORD, vol. 103, pt. 10, pp. 13461–13465). The bill was reintroduced as S. 2709 but the 85th Congress took no further action on it. Senator MCNAMARA introduced the proposal again as S. 1084 on February 17, 1959. The bill was referred to the Committee on the Judiciary but as yet the 86th Congress has taken no further action on the proposal.

THE MEANING OF SECTION 2

Before considering any questions about the possibility or desirability of enforcing this section, it seems appropriate to consider some of the questions which arise in trying to determine what it means. We know that all of the States in the exercise of their power to establish qualifications for voting have disenfranchised many groups of people for reasons other than participation in rebellion or other crime. Tables summarizing some of these qualifications and describing the groups disqualified are included as appendixes to this report. R. A. Maurer (op. cit.) asks:

"Did Congress and the States, when they approved this section, mean to deprive the States of their well established and fully recognized power to fix reasonable restrictions upon the right to vote, such as residence, intelligence, property, tax payment, idiocy or lunacy, guardianship, pauperism?" (16 Geo. L. J. 314, 338).

How similar this question is to one asked by Senator Clark, of New Hampshire, during the Senate debate on section 2:

"If the Senator will pardon me for a moment, I wish to inquire whether the committee's attention was called to the fact that if any State excluded any person, say as Massachusetts does, for want of intelligence, this provision cuts down the representation of that State." (Globe, 39th Cong., 1st sess., p. 2767.)

The answer given him by Senator Howard, of Michigan, speaking for the Committee of Fifteen which did the major work in framing the reconstruction measures including this one, was as follows:

"Certainly it does, no matter what may be the occasion of the restriction. It follows out the logical theory on which the Government was founded, that numbers shall be the basis of representation in Congress, the only true, practical and safe Republican principle. If, then, Massachusetts should so far forget herself as to exclude from the right of suffrage all persons who do not believe with my honorable friend who sits near me [Mr. Sumner] on the subject of Negro Suffrage, she would lose her representation in proportion to that exclusion. No matter what may be the ground of exclusion, whether a want of education, a want of property, a want of color, or a want of anything else, it is sufficient that the person is excluded from the category of voters, and the State loses representation in proportion" (ibid.).

The general principle seems clear but it becomes less so when we try to apply it to particular situations. If a State denies the right to vote to anyone who has not paid a poll tax, does the section contemplate the exclusion from the population count all those males over 21 who did not pay the tax or only those who could not pay the tax? If a State establishes a literacy test as a voting qualification, is it necessary that a man take the test and fail it before he is discounted? The theory on which Mr. Crumpacker and Mr. Tinkham based their recommendations for reduction in apportionment would have discounted those who did not pay the tax and those who were considered illiterate whether they attempted to pass the test or not. Although the debate in 1866 gives no conclusive answer to these questions, those who did speak on them probably leaned to the meaning given the section by Mr. Crumpacker and Mr. Tinkham. If this be the true meaning, it would have to be applied to every restriction, however reasonable it might be. If one State denied the right to vote to all who had resided in the State less than 6 months, then all who fell in that class would be discounted whether they made any attempt to vote or not. If another State denied the right to all who resided in the State less than 10 years, all who fell in that class would be discounted. Presumably an equitable result would be reached because the less reasonable restriction would ordinarily embrace a much larger number of persons.

There is yet another difficulty in discovering the meaning of section 2. It refers to rights which have been abridged as well as denied. In ordinary usage the terms are not necessarily synonymous, though they are sometimes used interchangeably. More significant, however, is the fact two such words would not ordinarily be used in a statute unless they were intended to have different meanings. It seems safe to say, however, that if "abridge" means anything less than "cut off" or "refuse to grant" the section cannot be enforced. If, for instance, a right is to be considered abridged when a condition is put upon it, then no State would be entitled to any Representatives at all, because every State has placed some condition on the right to vote other than those mentioned in section 2. Another of Mr. Howard's replies sheds a little light on this question. When Senator Stewart of Nevada asked how the word "abridged" would operate, Senator Howard said:

"The word 'abridged' I regard as a mere intensitive, applicable to the preceding sentence.

"I suppose it would admit of the following application: A State in the exercise of its sovereign power over the question of suffrage

might permit one person to vote for a member of the State legislature, but prohibit the same person from voting for a Representative in Congress. That would be an abridgement of the right of suffrage; and that person would be included in the exclusion, so that the representation from the State would be reduced in proportion to the exclusion of persons whose rights were thus abridged" (ibid.).

Senator Stewart pressed for further clarification, asking:

"Take a case of this kind: suppose that in the South they should allow the Negroes to vote who had been in the Army, or who had educational qualifications; would those who did vote be included in the basis of representation, or would that be an abridgement of that class of persons so that they would be excluded?" (ibid.).

Though Senator Howard's answer could have been clearer, it seems safe to say that it was his understanding that no one who voted would be excluded regardless of the conditions he had to meet in order to be qualified to vote.

There is one additional problem of interpretation for us which did not exist for those who were considering the meaning of the section at the time of its adoption. What effect has the 19th amendment had on it? Since the States have been prohibited from denying the right to vote on account of sex, must Congress exclude the females over 21 years of age whose right to vote has been denied or abridged? Logically, section 2 of the 14th amendment should be construed as having been modified by the 19th amendment. If a State were to set up voting qualifications which discriminated against females, it would be only equitable to reduce its representation in the proportion which the number of such female citizens shall bear to the whole number of males and females 21 years of age in the State. As a practical matter, the result would be relatively the same whether women were taken into account or not, because there are no States which discriminate against females and because the number of males and females of voting age is relatively equal.

There is one final comment which should be made about the meaning of section 2. It provides that the "representation * * * shall be reduced." This language is materially different from that which is used in the last sections of the 13th, 14th, and 15th amendments which provide that "the Congress shall have the power to enforce" them "by appropriate legislation." The language of section 2 is mandatory, seeming to impose a duty of enforcing it, while the languages of the other sections simply gives Congress the power to enact legislation or not as it sees fit.

In summarizing the meaning of section 2 we can say that although the congressional debate at the time of its adoption makes it quite clear that its primary purpose was to encourage the Southern States to enfranchise the Negro without requiring that they do so by providing for a reduction of their political power in proportion to the number of denied the right to vote, it is also quite clear that the section was consciously framed in language broad enough to require reduction in the representation of any State which denied the right to vote to any citizen, black or white, 21 years of age for any reason other than participation in rebellion or other crime. To enforce the amendment as its plain meaning together with the congressional debate at the time of its adoption seem to indicate if it was intended to be enforced, Congress would have to take into account denials of the right to vote based on literacy, idiocy, insanity, pauperism, length of residence, payment of taxes, or subscription to a loyalty oath and whatever other restrictions a State may impose on the right of franchise.

THE MEANS OF ENFORCEMENT

Once the meaning of section 2 has been established, the next question to be answered is, "How can the Congress enforce it?" The answer to this question is not difficult to find, but the numbers on which a reapportionment would be based certainly are. The most obvious way for Congress to enforce the section would be to direct the Bureau of the Census to ascertain for each State the number of citizens over 21 who were denied the right to vote for any reason except participation in rebellion or other crime.

In order to gather such statistics, each census taker would have to be familiar with the State election qualification laws and the questions he asked would have to be framed very carefully in order to determine whether an individual who made no attempt to vote would have been ineligible under the law even if he had tried. In some States this would be relatively easy to determine. Under Michigan law, for instance, the only reason a citizen 21 or over may be denied the right to vote is that he has lived in the State for less than 6 months and in a city or township for less than 30 days. There are several other States in which the determination would be almost as simple as it would be in Michigan. Among them are Idaho, Indiana, Illinois, Iowa, Kansas, Kentucky, and Tennessee.

In many other States the determination would be exceedingly difficult. In Alabama, for instance, in addition to longer residence requirements, the law requires that the person be of good character and embrace the duties and obligations of citizenship under the Constitution of the United States and Alabama, that he be able to read and write in English any article of the Constitution of the United States which may be submitted to him by the board of registrars, and that he must have paid all poll taxes due for the 2 preceding years. He would also be disqualified if he were an idiot or insane person. There are at least 19 States which have some sort of literacy requirement; 5 which require a poll-tax payment; 44 which exclude idiots, insane persons, or persons under guardianship; and 9 which exclude paupers. The most difficult determinations for the census taker to make would be those in connection with character and literacy. Little need be said about character determinations. Literacy determinations need more attention.

Although the Bureau of the Census publishes estimates of illiteracy, statistics by age for States were last available from the 1930 census. By Bureau definition, illiteracy is "the inability to read and write either in English or any other language." The following paragraph was included in a recent Bureau report containing a table of estimates of illiteracy by States as of 1950:

"Statistics collected in the current population survey show that about three-fourths of the population with no schooling and somewhat more than one-half of those with only 1 year of school are illiterate, and progressively smaller proportions of persons with 3, 4, and 5 years of school report that they cannot read and write. All persons with 6 or more years of school completed are assumed to be literate. Since educational attainment tends to be low among older persons, rural residents, and nonwhites, the presence of a large proportion of these persons in the population of a State tends to be associated with a lower level of education of the population and, hence, a higher proportion of illiterates." (Current Population Reports, series P–23, No. 6.)

The estimated number of illiterates 15 years old and over runs from a low of 3,000 in Nevada to a high of 407,000 in New York; and in percentages, from a low of 0.9 in Iowa to a high of 9.8 in Louisiana. In addition to the fact that these statistics include people under 21 they are not useful for 14th amendment purposes for another reason. They would be inadequate for States, like New York, which disfranchise a significant number of citizens who are literate in languages other than English, or for those States in which, by discriminatory administration of literacy tests, people who can read and write English are disqualified from voting.

There is an additional problem which will be considered here, though it may properly belong in the earlier discussion on the meaning of section 2. In States which require previous registration as a condition for voting, how should the man be counted who is turned away from the polls because he has not registered? And what of the man who has not registered but does not bother to appear at the polls because he knows he would be turned away. In each of these cases we presume a man who is otherwise qualified to vote. If such persons are to be excluded in apportioning representatives their number might be much larger than those excluded for all other reasons put together. If such persons are not excluded, would the constitutional mandate be truly carried out? Probably not. And this answer leads us to our next question.

If Congress should decide to enforce section 2, must it base its reduction in apportionment upon an actual count of all kinds of denials of the right to vote or may it base the reduction upon something less? May it, for example, single out denials because of failure to meet literacy requirements and ignore denials for any other reason? And may it base the reduction upon estimates rather than upon an actual count? Representatives Crumpacker and Tinkham would agree that Congress may base the reduction upon estimates and may ignore denials for reasons about which it has no adequate information on which to base a reduction. Not all would agree with these gentlemen, however. As a matter of fact, Mr. Tinkham, in a statement before a subcommittee of the Committee on the Census, calls attention to a committee resolution of June 2, 1951, which read:

"It is the opinion of the committee that these provisions (of section 2) clearly require as proper procedure the introduction of a bill or resolution providing for an investigation with reference to a particular election in a specific State or States, as to whether in such election in such State or States the right to vote was denied, within the meaning of the Constitution, to citizens entitled to the right to vote." (Hearings before a subcommittee of the Committee on the Census on Apportionment of Representatives, House of Representatives, 67th Cong., 1st sess., June 27, 28, 29, 1921, p. 7.)

Whatever may be the correct answer in terms of the intention of those who adopted the amendment, or of its true meaning, or in terms of reaching a just and equitable result, the answer in terms of the sheer power of Congress seems quite clear. Congress can do whatever it chooses to do without much likelihood of any court review of its action, or of its refusal to act. In an action brought on the theory that Virginia would be entitled to four rather than nine Representatives if section 2 were enforced, avis—district court upheld a motion to dismiss based on the ground that "questions relating to the apportionment of Representatives among the several States are political in their nature and reside exclusively within the determination of Congress." In affirming the judgment of the lower court, the court of appeals stated:

"We think that this contention presents a question political in its nature which must be determined by the legislative branch of the Government and is not justiciable. It is well known that the elective franchise has been limited or denied to citizens in various States of the Union in past years, but no

serious attempt has been made by Congress to enforce the mandate of the second section of the 14th amendment, and it is noteworthy that there are no instances in which the courts have attempted to revise the apportionment of Representatives by Congress." (*Saunders* v. *Wilkins*, 152 F. 2d 235, 237–38 (4th Cir. 1945); cert. denied, 328 U.S. 870 (1946); rehearing denied, 329 U.S. 825 (1946).)

If the Congress did not to enforce the second section of the amendment, any complaint that the apportionment was wrong would presumably be based upon the alleged failure of the United States to guarantee to the States a republican form of government as required by article IV, section 4 of the Constitution. But the Supreme Court has indicated that questions arising under this section rest with the Congress to decide—*Luther* v. *Borden* (7 How. 1, 42 (1849)).

In summary, it may be said that, however difficult it might be to acquire the information on which to base a reduction in apportionment, such information can be obtained and the 2d section of the 14th amendment can be enforced. The most logical source for information on which to base a reduction in apportionment is the same source on which the Congress relies for statistics on which to base apportionment, the Bureau of the Census. The Congress, however, must give the Bureau more than a restatement of section 2 like the one which appears in section 6 of title 2 of the United States Code. It must tell the Bureau in specific terms what information it wants.

SHOULD THE 14TH AMENDMENT, SECTION 2, BE ENFORCED

Once it is admitted that section 2 of the 14th amendment was not repealed by the 15th amendment and that it is not so wholly unintelligible as to be unenforceable there is little valid ground on which to base any argument that it should not be enforced. So long as it remains a part of the Constitution and is deliberately ignored, it becomes like a gangrenous limb and endangers the life of the body of the Constitution. If, indeed it is already like a gangrenous limb, incapable of performing its ordained function, then like any other incurably diseased organ it should be amputated, repealed by another amendment just as the 18th amendment was repealed. Despite the theoretical unassailability of the preceding proposition there are many practical considerations which militate against either enforcement or repeal. And the arguments which can be made against any attempt at enforcement which falls short of embracing all denials of the franchise in all States of the Union are quite valid and convincing.

ARGUMENTS AGAINST ENFORCEMENT

1. Section 2 of the 14th amendment has been repealed by the 15th amendment. The purpose of section 2 was to encourage the Southern States to enfranchise the Negro. It did not prohibit the States from denying the Negro the right to vote but required reduction in representation to the extent of such denial. There were many who advocated an outright grant of the franchise to the Negro and others who thought it too soon for the Negro to exercise that right intelligently. Section 2 was a compromise between these opposing positions and with the adoption of the 15th amendment it became obsolete and was in effect repealed.

2. The Constitution, from its adoption, gave the States the right to establish qualifications for its voters. It is inconceivable that this section contemplated the imposition of a penalty on the States for making the right to vote depend upon reasonable conditions like residence, literacy, or even sanity. Democracy derives its strength from the sound judgment of the electorate in casting its vote. How can a stranger in town vote wisely in the selection of a mayor or how can one vote intelligently for State or Federal officers if one is not reasonably familiar with the institutions of government?

3. The section is so unintelligible that it cannot be enforced. Or if its meaning be clear it would be impossible to make the determinations and assemble the statistics which are necessary in order to make a thoroughly equitable reapportionment based on denials of the right to vote in each of the States.

4. Whatever attempt is made to reduce apportionment because of denials of the right to vote the Congress cannot and should not confine itself to the consideration of denials on account of race or color. At the time the 14th amendment was adopted it was proposed that such denials be the only ones considered and the proposal was rejected. If representation is unequal now, to ignore denials for other reasons while weighing denials because of race would cause an imbalance in representation in the other direction. Such result was not intended by the amendment.

ARGUMENTS FOR ENFORCEMENT

1. The section has not been expressly repealed by the 15th amendment. Nor can any repeal by implication be read into it. The 15th amendment deals only with denials or abridgements of the right to vote because of race, color, or previous condition of servitude. It prohibits the States from making such denials. Insofar as the 14th amendment impliedly permitted such denials, it may have been repealed But it cannot be understood that if a State would make such denials its apportionment can no longer be reduced. Moreover, section 2 of the 14th amendment is not limited to denials because of race or color. It embraces all denials for any reason except participation in rebellion or other crime. Whatever effect the 15th amendment could have on denials because of race or color it could have no effect on denials for any other reason.

2. Section 2 does not prohibit the States from establishing reasonable voter qualifications or for that matter from establishing unreasonable voter qualifications. It simply sets up an entirely new system of apportioning representatives. The primary basis for representation is to be the whole number of persons in a State. But that number is to be reduced in the proportion which the number of citizens 21 years of age or over who are denied the right to vote save for participation in rebellion or other crime bears to the total number of citizens 21 or over. If a State establishes property qualifications, which under the Constitution it is permitted to do, its representation is to be reduced in proportion to the number of people of voting age who do not meet the qualification. This is true for any other condition on the right to vote. It is quite clear from the legislative history of the section that this was intended to be its effect.

3. The section is not unintelligible. The reluctance to enforce it may be due to an unwillingness to accept the plain meaning of the section rather than to any innate obscurity in the section itself.

4. So long as the section remains unenforced the House of Representatives does not have the balance the Constitution intended that it have. Because the statistics necessary to enforce it would be difficult to obtain is no reason to neglect to obtain them. It is difficult to ascertain the total number of persons in a State. Yet this must be done. And when it is done there are sometimes disagreements about the results which are obtained. After the census in 1920, some States, including Kansas and Mississippi, objected to the results which were obtained. Yet the apportionment was made. Unquestionably whatever statistics were obtained to furnish a basis for reduction in apportionment would also give rise to some objections. But no one can complain if a reasonable effort is made to obtain valid statistics and then apply them in a manner which is reasonably calculated to result in the kind of equitable apportionment of Representatives contemplated by section 2.

TABLE I.—*Residence requirements*

State	Years in State	Time in county	Time in precinct or ward
Alabama	2	1 year	3 months.
Alaska	1		30 days.
Arizona	1	30 days	Do.
Arkansas	1	6 months	1 month.
California	1	90 days	54 days.
Colorado	1	90 days (30 days in city or town).	15 days.
Connecticut	1	6 months	
Delaware	1	3 months	30 days.
Florida	1	6 months	
Georgia	1	do	
Idaho	½	30 days	
Illinois	1	90 days	30 days.
Indiana	½	60 days in township	Do.
Iowa	½	60 days	
Kansas	½		Do.
Kentucky	1	6 months	60 days.
Louisiana	1	1 year in parish	3 months.
Maine	½	3 months in city, town, etc.	
Maryland	1	6 months	6 months.
Massachusetts	1	6 months in city or town	
Michigan	½	30 days in city or township	
Minnesota	½		30 days.
Mississippi	2	1 year in city or town	1 year.
Missouri	1	60 days	
Montana	1	30 days	
Nebraska	½	40 days	10 days.
Nevada	½	30 days	Do.
New Hampshire	½	6 months in town	
New Jersey	½	60 days	15 days (in city of 4th class).
New Mexico	1	90 days	30 days.
New York	1	4 months	Do.
North Carolina	1		Do.
North Dakota	1	90 days	Do.
Ohio	1	40 days	40 days.
Oklahoma	1	6 months	30 days.
Oregon	½		
Pennsylvania	1		2 months.
Rhode Island	1	6 months in town or city	
South Carolina	2	1 year	4 months.
South Dakota	1	90 days	30 days.
Tennessee	1	3 months	
Texas	1	6 months	
Utah	1	4 months	60 days.
Vermont	1	3 months in town (to vote for representatives to general assembly or justices).	
Virginia	1	6 months	
Washington	1	90 days	30 days.
West Virginia	1	60 days	
Wisconsin	1		10 days.
Wyoming	1	60 days	Do

TABLE II.—*Other requirements*

State	U.S. citizenship required	Age	Literacy required	Poll tax prerequisite for voting	Loyalty oath	State	U.S. citizenship required	Age	Literacy required	Poll tax prerequisite for voting	Loyalty oath
Alabama	X	21	X	X	X	Nebraska	X	21			
Alaska	X	19	X			Nevada	X	21			
Arizona	X	21	X			New Hampshire	X	21	X		
Arkansas	X	21		X		New Jersey	X	21			
California	X [1]	21	X			New Mexico	X	21			
Colorado	X	21				New York	X [1]	21	X		
Connecticut	X	21	X		X	North Carolina	X	21			X
Delaware	X	21	X			North Dakota	X	21			
Florida	X	21			X	Ohio	X	21			
Georgia	X	18	X			Oklahoma	X	21			
Idaho	X	21			X	Oregon	X	21	X		
Illinois	X	21				Pennsylvania	X [6]	21			
Indiana	X	21				Rhode Island	X	21			
Iowa	X	21				South Carolina	X	21	X		
Kansas	X	21				South Dakota	X [1]	21			
Kentucky	X	18				Tennessee	X	21			
Louisiana	X	21	X			Texas	X	21		X	
Maine	X	21	X			Utah	X [6]	21			
Maryland	X	21				Vermont	X	21			X
Massachusetts	X	21	X			Virginia	X	21		X	
Michigan	X	21				Washington	X	21	X		
Minnesota	X [2]	21				West Virginia	X	21			
Mississippi	X	21	X	X	X	Wisconsin	X	21			
Missouri	X	21				Wyoming	X	21	X		
Montana	X [3]	21									

[1] At least 90 days before election.
[2] At least 3 months before election.
[3] By election.
[4] At least 1 month.
[5] Must have resided in the United States 5 years.
[6] For 90 days.

TABLE III.—*Persons disqualified from voting*

State	Idiots, insane, under guardianship	Commission of felony or infamous crime	Paupers	Others	State	Idiots, insane, under guardianship	Commission of felony or infamous crime	Paupers	Others
Alabama	X	X		Vagrants and others.	Montana	X	X [1]		
Alaska	X	X [1]			Nebraska	X	X [1]		
Arizona	X	X [1]			Nevada	X	X [1]		Duel.
Arkansas	X	X			New Hampshire		X [1]	X [1]	Violation of election law. [1]
California	X	X		Aliens ineligible to citizenship.	New Jersey	X	X		Do. [1]
Colorado	X			While in prison.	New Mexico	X	X [1]		
Connecticut	X	X [1]			New York	X	X [1]		Election offenses; shall not vote at such election.
Delaware	X	X	X	Convicted of election offenses; disfranchised 10 years.	North Carolina	X	X [1]		
Florida	X	X [1]		Interested in election wager.	North Dakota	X	X [1]		
Georgia	X	X [1]			Ohio	X	X [1]		2d offense under election laws.
Idaho	X	X [1]		Chinese or Mongolian descendants not born in United States.	Oklahoma	X	X [1]		While in poorhouse or prison.
Illinois	X	X [1]			Oregon	X	X [1]		
Indiana	X	X [1]		While imprisoned.	Pennsylvania				Election offense; disfranchised 4 years. Bribery at election; for such election.
Iowa	X	X			Rhode Island	X	X [1]	X	Residing on lands ceded by Rhode Island to United States.
Kansas	X	X [1]		Dishonorably discharged soldier, bribery.	South Carolina	X	X [1]	X	While in prison.
Kentucky	X	X [1]		In prison for penal offense.	South Dakota	X	X [1]		
Louisiana	X	X [1]		Inmates of prison or charitable institution, deserters and those dishonorably discharged from armed services unless reinstated.	Tennessee		X [1]		
					Texas	X	X [1]	X	
					Utah	X	X [2]		
Maine	X		X		Vermont				Bribery for vote, disfranchised for such election.
Maryland	X	X [1]			Virginia	X	X	X	Duel.
Massachusetts	X		X	Corrupt election practices; disfranchise for 3 years.	Washington	X	X [1]		Indians not taxed; subversive activities.
Michigan					West Virginia	X	X [1]	X	Bribery in election (while under conviction).
Minnesota	X	X [1]		See body of report under "Qualifications for Voting" regarding Indians.	Wisconsin	X	X [1]		Bribery; [1] duel; election wager, disfranchised for such election.
Mississippi	X	X		Indians not taxed.	Wyoming	X	X [1]		
Missouri	X	X [1]		While in prison or poorhouse.					

[1] Unless civil rights have been restored.
[2] Connected with election.
[3] Treason or election offense.
[4] While under conviction.

MISUSE OF UNION FUNDS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Michigan [Mr. HOFFMAN] is recognized for 5 minutes.

Mr. HOFFMAN of Michigan. Mr. Speaker, while a Member is not permitted under the rules to talk to people in the galleries, there is nothing in the rules insofar as I have ever been able to discover, which prohibits discussion while stenographers, employees of the House, the Parliamentarian, and the Speaker on occasion are present and I will now take advantage of that privilege even though the gentleman from Texas is not in the chair. Some years ago Walter Reuther, president of the UAW–CIO created a public review board to pass upon the actions of the union as to whether they were proper and ethical, honest, moral and upright. All very distinguished and impartial men were placed on that board. More recently, when the Republican on the Senate McClellan committee filed a report questioning some of the things which the union had been doing, Reuther referred that report, that part of the report written by the Republicans to this board, and asked that they pass upon the actions of the union in connection with the Kohler strike. That the board determine whether they were proper or illegal. He wanted a clean bill of health. If you look at Business Week of March 12, you will find a statement there giving the names of the members of the board and paying tribute to their intellectual integrity.

But perhaps the better way is to read from Business Week of March 12 last.

I read:

And because they are enemies, Reuther has been goaded into an impetuosity that could damage one of his own creations, for which he has reaped perhaps his greatest public acclaim. That is the impartial Public Review Board.

WHAT IT IS

The review board—seven representatives of religion, law, and education—was established 3 years ago to insure "high moral and ethical standards in the administrative and other practice • • • and to further strengthen the democratic processes • • • within the union." It has decided 42 cases, half or more against the UAW's officers and the International Executive Board.

This week, the review board had to make what its chairman, Rabbi Morris Adler, called the most difficult decision. It had to decide whether or not to grant Reuther's request to review charges made by GOLDWATER and three fellow Republicans on the Senate Labor-Management Investigating Committee. Whichever way it decides either the review board or the union will lose stature.

CAN'T WIN

Leaving aside initial reaction to the decision, the long-term results could lay the board open to a charge of being a rubber stamp for the union, or the UAW open to a charge of being tolerant of violence and other unsavoriness.

It is a decision that the review board should never have had to make, and that its members faced unwillingly. The union's International Executive Board mousetrapped itself and the review board in a manner scarcely credible except that the name of GOLDWATER has the same effect on Reuther as a kick in the shins on anyone else. Then, too, Reuther and the Public Review Board have never had quite the same view of the board's function.

1. WHEN HONESTY HURTS

This is the background of the dilemma:

Early last month, news stories began coming from Washington indicating that the four Republicans on the McClellan committee—GOLDWATER, MUNDT, CURTIS, and CAPEHART—were dissatisfied with the report being drafted by the committee's staff. Soon it became apparent that what was biting the four Republicans was the lack of harsh words about Reuther and the UAW.

So in mid-February, GOLDWATER put into the hands of reporters what was termed "separate views" of the Republicans on the committee. This document mentioned the "clear pattern of crime and violence which has characterized and has generally been associated with UAW strikes," implying that UAW is just as prone as the Teamsters to corruption and underworld alliances.

A few days later, UAW's international excutive board, at Reuther's urging, voted to refer the charges contained in the separate views to the public review board "for a thorough and impartial review so that an impartial report could be made by the public review board to the membership of the UAW and to the public."

Strange action

This action is a real stunner for these reasons:

There is not yet an official minority report of the McClellan committee, although a long, detailed report is in preparation, which may or may not contain statements made in the separate views.

The separate views are no more than the kind of blast from GOLDWATER and the Republicans that Reuther and the UAW should expect in an election year.

The international executive board did not set forth a bill of particulars. So, in essence, it was asking the review board to review the opinions, and the reasons for them, of four Members of the U.S. Senate.

UAW officers have a reputation for being meticulously honest with their members' money and labor, so the document that GOLDWATER distributed hurt the pride of Reuther and his colleagues. Their instinctive reaction was to get the public review board—with its unchallenged integrity—to attest the union's rectitude.

What to do?

The review board's members are widely scattered. Rabbi Adler, Circuit Judge Wade H. McCree, and the Canadian, Magistrate J. A. Hanrahan, are in the Detroit area. Catholic Monsignor George G. Higgins and Methodist Bishop G. Bromley Oxnam, are in Washington, D.C. Dr. Jean T. McKelvey is a Cornell University professor and Dr. Edwin F. Witte, teaches at the University of Wisconsin. They meet only a few times a year. One meeting was scheduled for this past Wednesday.

What the board could review to fulfill Reuther's request was uncertain to its members, who were well aware of the political nature of the Republicans' document. But Rabbi Adler felt, early this week, that the board members know enough about the general nature of the charges not to want to duck the matter simply because an official minority report has not been issued. Whether the GOLDWATER charges are official or merely personal opinion has now become irrelevant to the central concern. The review board is being tested by the UAW and in the eyes of the public. It knows it is being tested, and up to now, it has been independent of the UAW almost to the point of truculence.

II. WATCHDOG OR HIGH COURT

The test involves a variety of factors not too closely related to the actual ground rules for making the decision. From the start, the board has insisted that everyone connected in any way with the union must act in strict, letter-of-the-law observance of the UAW constitution. So it has always had to answer only one question in deciding whether to consider any case: Does the board have jurisdiction under the union's constitution? There is no appeal from the board's decisions; when it decides it does not have jurisdiction, that ends the matter.

But this time the board members have to be aware of other factors.

Public watchdog

In first proposing the Public Review Board to the union's convention in 1957, Reuther talked in terms of a "public watchdog"—a body that could investigate, hold hearings, and report on the ethics of any practices and activities of UAW officers and members. Implicit in everything Reuther said about the Public Review Board was the view that the board could and should initiate action on its own.

But the board has not launched investigations on its own initiative. The constitutional provision establishing the board and defining its role is shadowy on this point. The board has become, in the minds of its members and in its actions, strictly an appeal body—a supreme court, rather than a suspicious observer. And, says a member, "The board is not anxious to extend its jurisdiction."

A UAW member can appeal any decision affecting him, first to the local, then to the international executive board. An appeal from the decisions of the IEB can be taken either to the biennial convention or to the Public Review Board, but not to both. Most appeals relate to such things as procedures and the outcomes in local elections. Only a few have pertained to ethical practices, which is mainly what the charges in the "separate views" involve.

Narrow ground

The board has been exceedingly careful to render decisions on narrow constitutional grounds. It set this pattern right at the start, when—in the only instance at all comparable to the present one—the UAW executive board asked the review board to review decisions made by the international and local executive boards in cases of union officials who admitted past membership in the Communist Party.

These men had been given hearings, and the UAW units concerned and decided they were not barred under any ethical practice codes from holding office in the union.

Some of the men had refused before a Senate committee to answer some questions pertaining to their associates in past Communist activity, and this gave GOLDWATER a chance to ask what the UAW was doing about officials who took the fifth amendment when questioned about communism.

The Public Review Board ignored the entire matter of the propriety of the conduct of the UAW people before the Senate committee and of the particulars of the ethical practices codes. It examined only one factor: Did the UAW conduct a proper review of the cases? It concluded that it had done so, and "we are unable to say that the actions of the International Union with regard to these individuals has not been consistent in spirit as well as in letter with the AFL–CIO Ethical Practice Code."

Going outside

In those cases, the UAW's executive board obviously was asking the Public Review Board to give a critique, so to speak, for the public on how conscientiously the union observes ethical codes of conduct. Now, in the case of the "separate views," it has asked again for a public testimonial—but it has neglected to give the Public Review Board a hook. It is not asking the review board to review any action of the international union. And that is perhaps the biggest test presented by Reuther.

He and the other officers suggested in a press release that the Public Review Board go over all official records and testimony before the National Labor Relations Board pertaining to the Kohler strike, because a considerable part of the "separate views" commented on UAW's conduct in that strike. The International Executive Board expressed confidence that "such an impartial and objective review of the facts will expose the report of the Republican minority."

The difficulty with that approach is that the Public Review Board has no jurisdiction over a Senate committee, and merely to review the records that the UAW officers cite is bound to leave the review board subject to a charge of "whitewash" by UAW opponents. If it dug deeper where it has jurisdiction, and looked at the conduct of UAW during the Kohler strike, it could not avoid the finding that two UAW members went to jail for assault on the picket line. It's not likely that UAW officers are anxious for that kind of a review of the Kohler affair.

It is far more likely that the UAW executive board wants the Public Review Board, in addition to being the high court of appeals in union administrative decisions, to be a "watchdog" as it defines the term—a defender that will extol the union's probity anytime anyone throws rocks. And the air should be filled with rocks in this election year.

Unique status

The UAW is the largest union with any such organization as the Public Review Board; it is the only one with such a board that has been active.

The review board has repeatedly rapped the knuckles of union chieftains for not adhering strictly to methods prescribed by the UAW constitution; it has even inspired some change in the constitution to clarify procedures and rights of members. Board members are proud of the nature of their decisions and are lavish in praise of UAW for permitting them to function without the slightest murmur or gesture of pressure to influence decisions.

Board members also feel that their actions have been under scrutiny by other unions, by management, and by government—that

they are making history and possibly erecting a model for others. That's why they feel that what they do about the case of the "separate views" is so important.

Will they continue to be a supreme court only to break a path for other unions—who knows, some day perhaps for even the Teamsters—or will they repeatedly be asked to make a public display—like a body-builder's ad in the pulp-paper magazines—of UAW's moral and ethical posture?

That's the real test and decision.

More recently Walter has conceived the idea that perhaps he might not be able to deceive the board members and would not get a clean bill of health from them; that the facts were against him, that he has been guilty of all sorts of reprehensible things, that his union has misused the funds of the union in employing professional thugs, and that he has misused the funds of the union in sending goons to Wisconsin—Sheboygan—to violate the law deliberately and repeatedly.

If I get the feeling correctly, the purpose—well, he wants to get out of that invitation to these gentlemen to look over his records, and there is only one way out they can find. I do not know that they want to, but if they did, that is to claim lack of jurisdiction.

So here we have the case of the union and the president of the union, Reuther, asking that the certificate of honesty that was issued by Bob Kennedy be declared to be an accurate one while Reuther challenges the accuracy of the statement of the Republicans on the McClellan committee. I am suggesting that Reuther may be just a little uncertain, let us call it, because he knows the facts; a good reason why he is uncertain about what the board may do, what its decision may be. He seems to want to get out of the unusual situation in some way.

I hope the board brings the facts to light. Walter Reuther is worse than Jimmy Hoffa. Jimmy Hoffa extorted money—you know what that is, money—and hires criminals to do his dirty work, but Reuther hires criminals to violate the law, steals away civil rights guaranteed by the 5th and 14th amendments.

CIVIL RIGHTS

Mr. DOWDY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DOWDY. Mr. Speaker, since my remarks of March 11, the proceedings on these so-called civil rights proposals have emphasized the validity of what I said at that time by revealing other ill-advised objectives that could only yield tragic results to our Nation and our people.

Not only are you setting the precedent of conclusive presumption of guilt, which is wholly foreign to our Anglo-Saxon jurisprudence, but the free and secret elections, which we were many years in obtaining, would be destroyed.

Other proposals being advanced here are particularly oppressive. One of them is the dangerous part III that we struck from the 1957 bill. Part III is the thought control section, which gives the Attorney General the authority to bring a citizen into court and convict him without due process, by depriving him of his legal rights.

Thinking citizens easily see the danger in this. In November 1958 the headlines in the Worker, the official newspaper of the Communist Party in New York, told of their plan to bring pressure on this Congress to enact part III, and their pressure is having effect on some.

Another part of the pending bill is intentionally worded to destroy the right of trial by jury in criminal contempt cases. Its effect is that a citizen could be placed in jail for 2 years and fined $10,000 for writing a letter, or making some chance remarks which some Federal authority might think would interfere with a school. This is destruction of the right of free speech guaranteed by the Constitution. It would ban the constitutional right to freely assemble, because you might attend a meeting where a remark made by a speaker would make the whole group subject to arrest, and conviction for criminal contempt—again without benefit of a jury trial.

The attempt is also made to revive the old FEPC proposal, which was defeated some years ago and should be defeated again.

The following are the constitutional guarantees which are under attack right now, in both Houses of Congress: Freedom of speech, press, assembly, jury trials, appeals, open hearings, and even freedom of religious belief. You must agree with me that they are all worth fighting to preserve, and to my utmost strength, I am fighting to preserve them. I will again be criticized for refusing to vote with the radical northern Democrats, but I will not vote with anybody who is wrong. I will put principle above party any day. I plead with you to help defeat these alien proposals.

I ask you to consider again my remarks of March 11. The freedom of the American people is at stake.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FALLON (at the request of Mr. GARMATZ), for Monday, March 21, 1960, on account of official business.

Mr. MCGINLEY, for March 21, 1960, on account of necessary business trip to congressional district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HECHLER, for 5 minutes, today.

Mr. DADDARIO, for 5 minutes, today.

Mr. HOLIFIELD, for 30 minutes, today.

Mr. PORTER, for 60 minutes, on Thursday next.

Mr. BENTLEY, for 5 minutes, today, to revise and extend his remarks and include extraneous material.

Mr. HOFFMAN of Michigan, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. KING of Utah and include extraneous material.

Mr. ALGER.

Mr. BELCHER and include extraneous matter.

Mr. HOLTZMAN.

(At the request of Mr. ROBISON and to include extraneous matter, the following:)

Mr. WESTLAND.

Mr. DEVINE.

(At the request of Mr. DORN of South Carolina and to include extraneous matter, the following:)

Mr. MULTER.

Mr. SHIPLEY.

Mr. BARR.

Mr. LIBONATI.

ADJOURNMENT

Mr. DORN of South Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 54 minutes p.m.) the House adjourned until tomorrow, Tuesday, March 22, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1965. A letter from the Administrator, Small Business Administration, transmitting the 13th Semiannual Report of the Small Business Administration covering operations between July 1 and December 31, 1959, pursuant to Public Law 85-536; to the Committee on Banking and Currency.

1966. A letter from the Acting Director, U.S. Information Agency, transmitting the 13th Semiannual Report of the U.S. Information Agency for the period July 1 to December 31, 1959, pursuant to Public Law 402, 80th Congress; to the Committee on Foreign Affairs.

1967. A letter from the Chairman, Federal Power Commission, transmitting a copy of the recently issued map entitled "Major Natural Gas Pipelines, December 31, 1959"; to the Committee on Interstate and Foreign Commerce.

1968. A letter from the Secretary of Agriculture transmitting a draft of proposed legislation entitled "A bill to amend the act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton, as amended, by defining certain offenses in connection with the sampling of cotton for classification and providing a penalty provision, and for other purposes"; to the Committee on Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HÉBERT: Committee on Armed Services. H.R. 10959. A bill relating to the employment of retired commissioned officers by contractors of the Department of Defense and the Armed Forces and for other purposes; with amendment (Rept. No. 1408). Referred to the Committee of the Whole House on the State of the Union.

Mr. ASHMORE: Committee on House Administration. House Resolution 482. Resolution relative to the contested election case of Mahoney against Smith, Sixth Congressional District of Kansas; without amendment (Rept. No. 1409). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPINALL:

H.R. 11272. A bill to authorize the Secretary of the Interior to permit the occupancy and use by the Congressional Club of certain lands in the District of Columbia which are under the jurisdiction of the National Park Service; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR:

H.R. 11273. A bill to authorize the Secretary of the Interior to permit the occupancy and use by the Congressional Club of certain lands in the District of Columbia which are under the jurisdiction of the National Park Service; to the Committee on Interior and Insular Affairs.

By Mr. ASPINALL:

H.R. 11274. A bill to provide that the unincorporated territories of the Virgin Islands and Guam shall each be represented in Congress by a Territorial Deputy to the House of Representatives; to the Committee on Interior and Insular Affairs.

By Mr. O'BRIEN of New York:

H.R. 11275. A bill to provide that the unincorporated territories of the Virgin Islands and Guam shall each be represented in Congress by a Territorial Deputy to the House of Representatives; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR:

H.R. 11276. A bill to provide that the unincorporated territories of the Virgin Islands and Guam shall each be represented in Congress by a Territorial Deputy to the House of Representatives; to the Committee on Interior and Insular Affairs.

By Mr. WESTLAND:

H.R. 11277. A bill to provide that the unincorporated territories of the Virgin Islands and Guam shall each be represented in Congress by a Territorial Deputy to the House of Representatives; to the Committee on Interior and Insular Affairs.

By Mr. ADDONIZIO:

H.R. 11278. A bill to prevent the use of stopwatches, work measurement programs or other performance standards operations as measuring devices in the postal service; to the Committee on Post Office and Civil Service.

By Mr. FASCELL:

H.R. 11279. A bill to authorize the acquisition of land for donation to the Pan American Health Organization as a headquarters site; to the Committee on Public Works.

By Mr. FLYNN:

H.R. 11280. A bill to amend section 1461 of title 18 of the United States Code with respect to the mailing of obscene matter, and for other purposes; to the Committee on the Judiciary.

By Mr. GEORGE:

H.R. 11281. A bill to amend title 38 of the United States Code in order to provide a 1-year period during which certain veterans may be granted national service life insurance; to the Committee on Veterans' Affairs.

By Mr. GREEN of Pennsylvania:

H.R. 11282. A bill to amend the Internal Revenue Code of 1954 to permit a deduction from gross income for campaign expenses of candidates for public office; to the Committee on Ways and Means.

H.R. 11283. A bill to amend the Internal Revenue Code of 1939 and 1954 with respect to the apportionment of the depletion allowance between parties to contracts for the extraction of minerals or the severance of timber; to the Committee on Ways and Means.

By Mr. HALPERN:

H.R. 11284. A bill to provide for the establishment of a Veterans' Administration hospital in Queens, Suffolk, or Nassau Counties, N.Y.; to the Committee on Veterans' Affairs.

By Mr. HARMON:

H.R. 11285. A bill to amend the Internal Revenue Code of 1954 to provide that the child-care expense deduction shall be allowed a woman without regard to her marital status or income; to the Committee on Ways and Means.

By Mr. MACDONALD:

H.R. 11286. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11287. A bill to amend the Immigration and Nationality Act so as to modernize and liberalize the quota system and provide for the admission of persecuted peoples, and for other purposes; to the Committee on the Judiciary.

By Mr. MOULDER:

H.R. 11288. A bill to create and prescribe the functions of a National Peace Agency; to the Committee on Foreign Affairs.

By Mr. PUCINSKI:

H.R. 11289. A bill to amend the Internal Revenue Code of 1954 to allow a taxpayer a deduction from gross income for tuition and other expenses paid by him for his education or the education of his spouse or any of his dependents; to the Committee on Ways and Means.

H.R. 11290. A bill to amend section 21 of the Second Liberty Bond Act to provide for the retirement of the public debt; to the Committee on Ways and Means.

By Mr. ROOSEVELT:

H.R. 11291. A bill to amend title V of the Agricultural Act of 1949, as amended, to provide, in connection with the employment of workers from Mexico, protection against unfair competition from corporate agriculture to the American family farm, and protection for the employment opportunities of domestic agricultural workers in the United States, and for other purposes; to the Committee on Agriculture.

By Mr. SPENCE:

H.R. 11292. A bill to amend title II of the Social Security Act to include Kentucky among the States which may obtain social security coverage, under State agreement, for State and local policemen and firemen; to the Committee on Ways and Means.

By Mr. WATTS:

H.R. 11293. A bill to amend the provisions of title II of the Social Security Act relating to disability freeze and disability insurance benefits so as to eliminate the age 50 requirement for such benefits, to eliminate the waiting period for such benefits in certain cases, to provide a period of trial work for certain individuals receiving such benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. WOLF:

H.R. 11294. A bill to amend title 38, United States Code, to provide for the payment of pensions to veterans of World War I; to the Committee on Veterans' Affairs.

H.R. 11295. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. COHELAN:

H.R. 11296. A bill to amend title V of the Agricultural Act of 1949, as amended, to provide, in connection with the employment of workers from Mexico, protection against unfair competition from corporate agriculture to the American family farm, and protection for the employment opportunities of domestic agricultural workers in the United States, and for other purposes; to the Committee on Agriculture.

By Mr. GEORGE:

H.R. 11297. A bill to reduce the cost to the U.S. Treasury of farm price and income stabilization programs, to provide means by which producers may balance supply with demand at a fair price, to reduce the volume and costs of maintaining Commodity Credit Corporation stocks, to provide for distribution to needy people and public institutions of additional needed high protein foods, to preserve and improve the status of the family farm through greater bargaining power, to provide a marketing program for wheat, and for other purposes; to the Committee on Agriculture.

By Mr. JOHNSON of California:

H.R. 11298. A bill to direct the Secretary of the Interior to establish a research program in order to determine means of improving the conservation of game fish in dam reservoirs; to the Committee on Merchant Marine and Fisheries.

By Mr. SHIPLEY:

H.R. 11299. A bill to create and prescribe the functions of a National Peace Agency; to the Committee on Foreign Affairs.

By Mr. COAD:

H.R. 11300. A bill to amend the Natural Gas Act to prohibit a rate increase from becoming effective, subject to bond, before a pending rate increase proceeding has been finally determined; to the Committee on Interstate and Foreign Commerce.

By Mr. BOYKIN:

H.R. 11301. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. BRADEMAS:

H.R. 11302. A bill to amend section 601 of title 38, United States Code, to provide for the furnishing of needed services of optometrists to veterans having service-connected eye conditions; to the Committee on Veterans' Affairs.

By Mr. BENNETT of Florida:

H.J. Res. 654. Joint resolution proposing an amendment to the Constitution of the United States relating to Presidential inability; to the Committee on the Judiciary.

By Mr. GEORGE:

H.J. Res. 655. Joint resolution designating the red rose as the national flower of the United States; to the Committee on House Administration.

By Mr. PELLY:

H.J. Res. 656. Joint resolution proposing an amendment to the Constitution of the United States relative to the balancing of the budget; to the Committee on the Judiciary.

By Mr. ADDONIZIO:

H. Con. Res. 621. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. ANFUSO:

H. Con. Res. 622. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. BENTLEY:

H. Con. Res. 623. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. CELLER:

H. Con. Res. 624. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. DADDARIO:

H. Con. Res. 625. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. DEROUNIAN:

H. Con. Res. 626. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. FLOOD:

H. Con. Res. 627. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. JUDD:

H. Con. Res. 628. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. McDOWELL:

H. Con. Res. 629. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. PUCINSKI:

H. Con. Res. 630. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. RODINO:

H. Con. Res. 631. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. ROSTENKOWSKI:

H. Con. Res. 632. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. ZABLOCKI:

H. Con. Res. 633. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. ZELENKO:

H. Con. Res. 634. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. VANIK:

H. Con. Res. 635. Concurrent resolution expressing the sense of the Congress with respect to the distribution of nuclear weapons and nuclear weapons secrets to other nations; to the Joint Committee on Atomic Energy.

By Mr. FEIGHAN:

H. Con. Res. 636. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mrs. CHURCH:

H. Con. Res. 637. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. SANTANGELO:

H. Con. Res. 638. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. BARR:

H. Res. 481. Resolution to create a Committee on Fiscal Planning; to the Committee on Rules.

By Mr. ASHMORE:

H. Res. 482. Resolution relative to the contested election case of Mahoney against Smith, Sixth Congressional District of Kansas; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States to enact the Forand bill to provide health insurance coverage as part of social security benefits; to the Committee on Ways and Means.

Also, a memorial of the Legislature of the State of Nevada, memorializing the President and the Congress of the United States relative to requesting the continuance of aid to the American Indian; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COHELAN:

H.R. 11303. A bill for the relief of Chuan Mai Chang; to the Committee on the Judiciary.

By Mr. DONOHUE:

H.R. 11304. A bill for the relief of Mrs. Marguerite de Soepkez; to the Committee on the Judiciary.

By Mr. HAYS:

H.R. 11305. A bill for the relief of Stefanos Georgios Mattes; to the Committee on the Judiciary.

By Mr. OSTERTAG:

H.R. 11306. A bill for the relief of Maria Rosa Agostini; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 11307. A bill for the relief of Romuald Chmura; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

The Tragic Death of Attorney Harry Meyers of Chicago

EXTENSION OF REMARKS
OF
HON. ROLAND V. LIBONATI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Monday, March 21, 1960

Mr. LIBONATI. Mr. Speaker, it was well said by the sages through the ages that—

You who mourn the loss of loved ones, let there come the comfort that, though the dust returns to the earth as it was, the spirit returns to God who gave it. Death is not the end. Our dear loved ones have passed through the gateway of life into the peace of the hereafter that endureth always. We know that all of us must tread the same path, though we know not when the hour may strike. Let us so live that the coming of that hour shall find us unafraid. May our deeds do honor to the memory of our beloved whom Thou has taken unto Thyself. In unshaken trust in Thy wisdom and loving kindness, we give praise unto Thy name.

And so these reflections are so befitting to alleviate the great pain and sadness befalling the relatives of my distinguished friend and celebrated lawyer, Harry Meyers, who for many years practiced law in the city of Chicago.

It was his sad fate to meet death as a victim of the midair disaster in the explosion of the Northwest airliner turboprop Electra jetplane near Tell City, Ind., in the Ohio River Valley, while en route to Miami. He was a bosom friend of the distinguished jurist, the Honorable John A. Sbarbaro, and had accompanied him on that ill-fated journey.

They always traveled together. Their loss was mourned by the bench and bar of Illinois.

He was a calm, gentle person, whose depth of understanding in the law marked him as a leader at the bar. He was accepted as an authority in his chosen field—the criminal law. He was kindly to and considerate of his fellow humans. It was a natural thing that he and Judge Sbarbaro were attracted to one another in a close bond of friendship.

The completeness of this great tragedy in the consummation of the mortal remains of all the passengers—attests to the suddenness of the disaster.

As though in this life they were reduced suddenly into the fading shadows of another world—a world of everlasting grace, where the soul retains the identity of the individual in his corporeal existence upon the earth. In the world of men we cannot but accept the belief that everlasting life is the reward for these who have kept the faith. These two friends inseparable in life were inseparable in death—God knows.

With prayers and sincere condolences to the eminent physician Dr. Max Meyerovitz, of Chicago, who practiced for 50 years near my home at Taylor and Racine Avenue, and his good brother Ben. May God give them strength in this their saddest hour. We, their friends, pray with them for his soul—may he rest in peace.

Ohio State, Champions of Western Conference and NCAA

EXTENSION OF REMARKS
OF
HON. SAMUEL L. DEVINE
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Monday, March 21, 1960

Mr. DEVINE. Mr. Speaker, to its laurels as Big Ten champion, Coach Fred Taylor and his great Ohio State University basketball team added the National Collegiate Athletic Association title Saturday night, March 19, 1960, defeating California by the widest margin ever registered in a championship in the NCAA tournament history.

Coach Fred Taylor is to be congratulated for his outstanding leadership and guidance of the fine young men who made up this championship team. Much credit also must be given to Jack Graf and Frank Truitt for their excellent work in scouting and assisting in coaching.

The championship is the result of strictly team effort and although there are a number of outstanding individual stars on this ball team, their sportsmanship and team play were particularly impressive.

The State of Ohio and the Nation are justly proud not only of the starting five, Jerry Lucas, Larry Siegfried, John Havlicek, Joe Roberts, and Mel Nowell, but also the bench strength of fine players possessing nearly equal abilities Dick Furry, Richie Hoyt, Howie Nourse, Bob Knight, Gary Gearhart, John Cedargren, Jim Allen, J. T. Landis, Nelson Miller, Jerry Milliken, and Dave Barker are entitled to an equal share of the credit.

Greek Independence Day

EXTENSION OF REMARKS
OF
HON. ABRAHAM J. MULTER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, March 21, 1960

Mr. MULTER. Mr. Speaker, as the Fourth of July is our national holiday, so independence day under various names is the signal holiday for many nations of the world.

For the Greeks, independence day has special and perhaps unique significance. Celebrating the beginning of the revolt against Ottoman rule which began on March 21, 1821, Greek Independence Day marks the renewal of the traditions of freedom, independence and cultural excellence which have been the hallmarks of Greece since ancient times.

Indeed, if there were such a thing as a copyright on these ideas the Greeks would hold it. For it is to ancient Greece that we must look for the source of our ideas of individual freedom, of the relation between the free citizen and the state and of many other of the highest achievements of Western civilization. The Greeks conceived these ideas, developed them and put them into practice, and finally, through their writings, transmitted them across the dark ages of history so that they might be reborn in modern forms.

These ideas and traditions have never really been lost in Greece, although that country through the centuries suffered heavily from alien rule and oppression. Throughout the long Muslim rule, lasting more than 300 years from the 15th to the 19th centuries, these ideas and traditions kept Greek society alive and ready to reassert its rightful place in the world. The Greeks fought bitterly for their independence for over 6 years from 1821 to 1827 and in this fight and victory set an example for the nations of the modern world.

As Greeks celebrate the 139th anniversary of the beginning of their renewal of independence, the sentiments of all people committed to freedom and independence are with them.

Regulation of the Price of Gas at the Wellhead

EXTENSION OF REMARKS
OF
HON. PAGE BELCHER
OF OKLAHOMA
IN THE HOUSE OF REPRESENTATIVES
Monday, March 21, 1960

Mr. BELCHER. Mr. Speaker, under leave granted, I wish to insert in the RECORD the following letters.

Realizing the importance of the gas industry to our State and realizing the confusion that has existed in regard to the regulation of the price of gas at the wellhead by the Federal Power Commission, I wrote a letter to the President urging him to send a message to Congress concerning the gas situation. I herewith include as part of my remarks a copy of the letter which I wrote to the President and a copy of the letter the President sent to me.

FEBRUARY 5, 1960.

The Honorable DWIGHT D. EISENHOWER,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: You will recall that at the time you vetoed the gas bill that was passed by the Congress, I vigorously urged you to sign it, and it was a severe disappointment to a lot of my constituents when you vetoed it.

I have defended your veto on the ground that at the time that you were compelled to either sign or veto the bill, there were a lot of rumors floating around Washington as to bribes having been offered to other Members of the Senate. It developed that these rumors were unfounded. However, if you had signed the gas bill after the information that you had concerning Senator CASE and then a scandal had developed you would have been severely criticized. My people have accepted this defense. However, many of them keep saying, "if the President is for a gas bill, why hasn't he said something about it since the veto?"

Therefore, I sincerely hope that you will see fit to send some kind of a message to the Congress advocating the passage of a gas bill during this session. I am thoroughly convinced that justice demands a bill which removes the power from the Federal Power Commission to establish the price of gas at the wellhead. The only occasion for establishing the price of any commodity is that there is a monopoly granted to some industry, such as public utilities. There is no monopoly in the production of gas. There are over 8,000 producers competing with each other for the market. To say that these 8,000 have a monopoly at the same time that we say that 4 or 5 automobile companies that make all the automobiles don't have a monopoly is asinine.

There is not a commodity that doesn't deserve price fixing just as much as gas at the wellhead. Therefore until the time that we have complete price controls in this country, we shouldn't control the price of one commodity except on the basis of a monopoly.

I certainly hope that you will give this serious consideration.

With best wishes, I am,

Sincerely yours,

PAGE BELCHER,
Member of Congress.

THE WHITE HOUSE,
Washington, March 17, 1960.

Hon. PAGE BELCHER,
House of Representatives,
Washington, D.C.

DEAR PAGE: Your recent letter expressed the hope that I would send a message to Congress during this session advocating once again the passage of a gas bill. I feel sure that everyone clearly understands my position on this matter. I have strongly favored the elimination of public utility-type regulation of producers of natural gas. Both before and since the veto of the gas bill in 1956 I have advocated legislation to this end. I still favor such legislation.

In existing circumstances, however, a mere reiteration of my viewpoint on this matter would probably serve no useful purpose. I am ready and willing to support this legislation in this session with full vigor if those in control of Congress give some indication that they will join in this effort.

With warm regard.

Sincerely,

DWIGHT D. EISENHOWER.

Secretary of State Christian A. Herter Commended for His Protest to Red China for Their Sentencing of Bishop James Edward Walsh

EXTENSION OF REMARKS
OF
HON. LESTER HOLTZMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, March 21, 1960

Mr. HOLTZMAN. Mr. Speaker, under leave to extend my remarks in the CONGRESSIONAL RECORD I would like to include a letter I have today written to the Honorable Christian A. Herter, Secretary of State, congratulating him on the prompt and forthright protest to the Communist government of Red China against the harsh and unreasonable sentencing of Bishop James Edward Walsh.

We are certainly aware of the fact that the Communists are not amenable to any suggestions we might make. However, we must stay with this protest and continue our efforts to effect the release of Bishop Walsh and others who have been the innocent victims of totalitarian thinking.

I would also like to include an editorial which appeared in today's New York Times, entitled "Bishop Walsh's 'Crime'."

The letter to Secretary of State Herter, and the editorial follow:

MARCH 21, 1960.

Hon. CHRISTIAN A. HERTER,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: I am very pleased to learn of your prompt, vigorous and entirely justified protest against the patently unfair sentences meted by the Red Chinese

to Bishop James Edward Walsh, and many of his colleagues.

This new incident so vividly recalls many other instances relating to our fliers, Cardinal Mindszenty, Archbishop Stepniac, and numerous other political and religious persecutions perpetrated by the Communist countries.

We have learned from bitter experience that the Communists do not understand decency, and construe decency to be weakness. We have also learned from this experience that only by a continuing and firm stand can we ever accomplish anything with these totalitarian governments.

I accordingly urge that you continue your strong protests and bring every pressure possible to see to it that Bishop Walsh and his colleagues are promptly released.

I am sure you know that you have all the American people behind you in this effort.

With my best wishes, I am,

Sincerely yours,

LESTER HOLTZMAN,
Member of Congress.

[From the New York Times, Mar. 21, 1960]

BISHOP WALSH'S "CRIME"

Bishop James Edward Walsh, of Cumberland, Md., may spend the rest of his life in a Chinese prison for offending the Red China Government. At 69, he has been a servant of the Chinese people and of his church for almost half a century. All of us, of whatever religion, can share in an admiration for Bishop Walsh and indignation for the cruel 20-year sentence inflicted upon him.

An associate, the Very Reverend John F. Donovan, vicar-general of the Maryknoll Fathers, said of him: "If love is a crime, then he is guilty; if opposition to a brutal and tyrannical regime is a crime, he is guilty; if allegiance to his church is a crime, then he is guilty." In the raw, bitter communism of mainland China most of the civilized virtues are crimes and the Sermon on the Mount is full of treason.

Secretary Herter's protest will carry little weight with a government which charges our own Government with an "imperialistic scheme to subvert the Chinese people's democratic regime." But outrages such as this may well be remembered when somebody inquires why we do not want Red China in the United Nations or a Red Chinese Ambassador in Washington.

Pensions for Veterans of World War I

EXTENSION OF REMARKS
OF
HON. GEORGE E. SHIPLEY
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Monday, March 21, 1960

Mr. SHIPLEY. Mr. Speaker, early this year I introduced H.R. 9466 which provides payment of pensions to veterans of World War I. A number of other Members of Congress have introduced such proposals and interest is growing in providing such pensions. Recently the national junior vice commander of the Veterans of World War I of the U.S.A., Inc., outlined the legislative objectives of this organization to the House Committee on Veterans' Affairs which included monthly pensions. The question is shall these veterans of World War I receive an across-the-board monthly pension of $100.

The truth is that the veterans of World War I are indeed a special and unique group of veterans but only in the sense that as of now the discrimination has been against them and not for them. They have not been treated on a par, in terms of veterans' benefits, with the veterans of other wars. In other words there is a residual debt owing to the veterans of World War I based on the fact that the Congress and this Government has shown greater—and I may say—wiser largesse for the veterans of World War II and the Korean war. There was no GI bill of rights for the veterans of World War I as there was for the veterans of the other two recent wars. Those who complain that an across-the-board pension for veterans of World War I would create an unfortunate precedent that would mean a similar across-the-board pension for the other veterans, are thus in error. It would create no such precedent. The reason simply is that this proposed pension is not for the purpose of giving the World War I veterans what other veterans did not not receive, so that to be fair other veterans should also be entitled to it.

On the contrary this pension is intended to make up to the World War I veteran for the difference in benefits between what he received and what the World War II and the Korean veterans received. It does not bring the pension idea out of joint so that it will have later to be corrected in favor of veterans subsequent to World War I. Rather it brings into a relationship of justice the overall gratitude of the country toward the World War I veteran so that the benefits he receives will—at long last—be brought up as equal as may be to the immense and intelligently conceived benefits that have been accorded the veterans of our subsequent two wars.

The veteran who went soldiering in World War I lost a fixed value—so to speak—out of his life and his career. This he was never permitted to retrieve as the other and subsequent veterans were permitted to retrieve it through the GI bill of rights. They got some benefits to be sure but nothing in proportion to what the country gave the others. This proposed pension of $100 a month corrects that inequality. Since it corrects the inequality it does not create a precedent.

The very justice of the World War I veterans' case should make it publicly acceptable and I hold the people of the United States generally would approve it. Moreover the statistics from a fiduciary standpoint show that such a pension is sound arithmetically and far from a burden to the Federal budget in relation to the results it would produce. There are, as of December 1959, 2,724,000 World War I veterans. The cost of the program therefore in the first year would come to about $1.9 billion. This would be gradually but consistently reduced since the average age of World War I veterans is now 65.7 years. For example some 9,000 World War I veterans died in the month preceding December 1959. For the second year the program would come, according to estimates from the Veterans' Bureau, to something less than $1.780 billion. The third year it would be less even than $1.7, and so on. The sum is formidable to be sure. But it is not by any means an insurmountable problem in a Nation with a gross national product now rapidly climbing to $500 billion annually. The pension is acceptable to the American people not only because it is financially feasible but because it is morally right and corrects an injustice that cries to high heaven for judgment.

Wins Service Award

EXTENSION OF REMARKS
OF
HON. JACK WESTLAND
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Monday, March 21, 1960

Mr. WESTLAND. Mr. Speaker, in times of peace, even during a cold war, many of us are inclined to overlook the fine job our armed services are doing to protect our Nation.

One of the units defending us has its headquarters at Redmond, Wash., in my district, and I believe this unit typifies the hard work and devotion to duty of our soldiers, marines, sailors, and airmen. This unit is the 4th Missile Battalion, 60th Artillery.

Under leave to extend my remarks in the RECORD, I want to insert a news story which appeared on page 1 of the March 3 issue of the Sammamish Valley News, published in Redmond, Wash.

LOCAL NIKE UNIT NAMED THE BEST IN UNITED STATES

Redmond's military units were named the most outstanding in the entire U.S. Air Defense Command at a special ceremony held on the parade ground of D Battery's control area Monday morning.

Presentation of the trophy for the best Nike-Hercules firing record in the United States during 1959 was made by Maj. Gen. P. H. Draper, Jr., Chief of Staff of the Army Air Defense Command. The general, who is stationed at Colorado Springs, Colo., was on a 3-day orientation tour of the 31st Artillery Brigade units throughout Washington.

Acceptance of the trophy for the men was made by Lt. Col. Richard F. Cox, commander of the 4th Missile Battalion. Colonel Cox also accepted a similar trophy for outstanding performance presented by the 31st Brigade Headquarters at McChord Air Force Base.

Accompanying General Draper on his visit to Redmond were Brig. Gen. Daniel O'Connor, commanding general of the 31st Brigade; Lt. Col. P. A. Anson, secretary to the general staff, U.S. Air Defense Command; and Maj. Charles A. Duncan, training officer of the 26th group.

Mr. Speaker, the Department of the Army has informed me the trophy was awarded for the highest annual service practice score during calendar year 1959 for a battalion of three batteries or less. The 4th Missile Battalion scored 8,249 points out of a possible 9,000 points.

Since the battalion was first organized in December 1917 at Fort Monroe, as part of the 60th Artillery Regiment, it has served with distinction. During World War I, the battalion earned campaign streamers for its action at St. Mihiel and the Meuse-Argonne.

Its demobilization in February 1919 at Fort Washington, Md., was only for a brief period. The unit was reconstituted and reorganized 3 years later as the 60th Artillery Battalion, Antiaircraft, at Fort Crockett, Tex. It was expanded to regimental size later and sailed to the Philippine Islands, where it fought the Japanese forces until May 6, 1942.

Before it was forced to surrender, the unit earned three Distinguished Unit Streamers. These decorations were embroidered Manila and Subic Bays 1941–42, Manila and Subic Bays 1942, and Defense of the Philippines. It also won the Philippine Presidential Unit Citation, embroidered "7 December 1941 to 10 May 1942." Among its campaign streamers, of course, is the one which reads Philippine Islands.

Its officers and enlisted men have earned for the battalion the 1957 USARADCOM annual service practice championship in addition to its recent award.

Mr. Speaker, I congratulate these men and believe they represent the type of personnel in all forces. They are men who in preparing for war help maintain the peace.

National Defense

EXTENSION OF REMARKS
OF
HON. ALEXANDER WILEY
OF WISCONSIN
IN THE SENATE OF THE UNITED STATES
Monday, March 21, 1960

Mr. WILEY. Mr. President, recently I delivered over Wisconsin radio stations an address in which I stated that our country has adequate anti-Communist deterrent power. I also outlined the defense timetable for the future, and said that our country will need a space academy; and I announced that publication of an updated internal security manual. I ask unanimous consent that my remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR WILEY—UNITED STATES HAS ADEQUATE ANTI-COMMUNIST DETERRENT POWER; OUTLINES DEFENSE TIMETABLE FOR FUTURE; SAYS UNITED STATES WILL NEED SPACE ACADEMY; ANNOUNCES PUBLICATION OF UPDATED INTERNAL SECURITY MANUAL

Friends, I would like to discuss with you briefly a matter which is of deepest concern to all of us, namely, the challenge of providing adequate security—internal and external—for our country.

Today, the major threat to our security—communism—is real and formidable. Overall, the Communist strategy encompasses military, political, economic, psychological, and nearly all other fields of human endeavor.

To combat this multipronged effort by the Communists to extend their influence and control, we need to be constantly on the alert, ready and willing to dedicate the necessary manpower and resources to thwart their aims of world conquest.

WILEY SAYS: "PRESENT DEFENSE IS STRONG DETERRENT"

Question. Senator WILEY, in reviewing our defense posture, let me ask you point blank: Do you feel that our defense program is presently adequate to meet the challenge of communism?

Answer. Yes. Fortunately, the testimony before the joint hearings of the Space and Preparedness Committee found our experts in almost unanimous agreement that we have an adequate defense for the present.

According to Secretary of Defense Thomas Gates, for example, we have nuclear weapons that exceed those of the U.S.S.R. by several times in destructive power; and long-range means of delivering that exceed theirs by several times in total carrying capacity.

In combination, these are considered by our experts able to bring destruction to anyone who would be so foolish as to attack us.

Question. Are there any other deterrents?

Answer. Very definitely.

First, the nations allied with us in efforts of freedom to combat communism—economically, militarily, and morally—represent a tremendous force.

Second, we must not forget the nearly 1 billion people behind the Iron and Bamboo Curtains. As human beings, a vast majority of them, I believe, would like—as much as we do—to have freedom and a voice in their government. Actually, only about 2 percent of the people in China, and 6 percent in the Soviet Union are hard-core members of the Communist Party.

Third, the so-called neutral or uncommitted nations in the world represent a tremendous economic, psychological and moral force that will eventually—I am confident—aline themselves, for the most part, on the side of freedom.

NEEDED: "ON GUARD" INTERNAL SECURITY PROGRAM

Question. Now, Senator WILEY, what about the home front?

Answer. While we need to carry on effective programs to combat communism abroad, we must not "go to sleep" at home.

Instead, we need to be constantly "on guard" to strengthen our internal security programs. As a matter of fact, I believe that we need to take a "new look" at our laws to see if these can be further strengthened to prevent subversion, and if discovered, punish perpetrators of anti-U.S. activities.

PRESENT ARSENAL OF DEFENSE

Question. Now, to get down to specifics, Senator WILEY, let's take a look at our military deterrent. Would you outline what you feel is the adequacy of our defense program?

Answer. Yes. First of all, I want to stress that our military strength lies in a widely diversified striking power—that is, we have not put all our "eggs in one basket."

Overall, our military strength includes: long-range striking forces, deployed land, sea, and air forces, air defense forces, and our capability to support and maintain these forces as well as to mobilize quickly additional military power.

It also includes our technological and industrial capacity; the strength and resolution of our Allies; and by no means least, our moral and psychological capacity to resist and defeat any would-be aggressor. All of these capabilities collectively—and perhaps most important of all the knowledge on the part of the leaders of the Communist bloc that they do exist—constitute our defense strength.

Question. What are the major weapons in our deterrent arsenal, Senator?

Answer. Our present strategic retaliatory capability encompasses the following:

(1) Approximately 2,000 long-range strategic bombers. This force is highly trained, completely equipped and ready and maintained in varying stages of alert, down to a 15-minute ground alert. From its various bases in the continental United States and oversea areas, it is capable of delivering nuclear strikes into any part of the Communist bloc. Our long-range strategic bombers greatly outnumber Soviet bloc aircraft of comparable capability. This force is complemented by the Bomber Command of the British Royal Air Force, which also has extensive nuclear strike capability.

(2) Fourteen attack aircraft carriers. This force of floating airbases is also highly trained, fully equipped, and ready. From seas around the Communist periphery, the planes from our carriers can deliver nuclear strikes into almost any area of the Communist bloc. The aircraft in these carriers alone outnumber the heavy bombers in the Soviet Union and their weapons are many times more powerful than the atomic bombs used in World War II.

(3) We also have an operational ICBM squadron equipped with Atlas missiles—a tested, effective, and accurate weapon. This force is trained, equipped, and in position ready to launch its missiles. It is capable of delivering, from bases in the continental United States, nuclear strikes on targets within all but a small area of the Communist bloc.

(4) An operational missile squadron is equipped with Snark long-range guided missiles. The Snark is an operational 5,500-mile, air missile with a very large payload capacity. It is capable of delivering from bases in the continental United States nuclear strikes against targets within all but a very small area of the Communist bloc.

(5) Hound Dog, air-to-surface missiles, also are capable of carrying nuclear warheads. These missiles greatly expand the flexibility and striking power of our long-range strategic bombers.

(6) Regulus I, surface-to-surface, ship-based missiles capable of carrying nuclear warheads, are operational. At the present time, two cruisers and five submarines are equipped with this mobile missile firepower.

(7) Four operational missile squadrons are equipped with a mix of Matador and Mace missiles. The Matador is a surface-to-surface missile capable of carrying nuclear warheads. The Mace is a similar type weapon with greatly improved capabilities in range, accuracy, and reliability. The Mace is being phased-in to replace the Matador.

(8) Three IRBM squadrons equipped with Thor missiles are in the hands of allied forces in the United Kingdom. These forces are fully trained, equipped, and ready to launch their missiles. The Thor is a tested and effective weapon. From bases in the United Kingdom, it is capable of delivering nuclear strikes on targets within the Communist bloc.

TIMETABLE OF DEFENSE PLANS FOR FUTURE

Question. Senator WILEY, this is a most impressive picture of our defense forces. Now, you recall that there have been differing views on our future needs for defense. For example, what is the timetable of defense plans for meeting the growing missile-nuclear power of the Communist bloc?

Answer. As you know, the military threat to the security of the United States posed by the Communist bloc extends across the entire spectrum of warfare—including general war, limited war, and the cold war. Our military power must be capable of dealing with all aspects of this threat. Thus, our defense plans and programs are designed to provide for continual across-the-board improvements.

Now, with specific regard to the missile-nuclear developments, our timetable of future defense plans encompasses the following:

Introduction of forces equipped with the B–58 supersonic bomber in 1960 with a progressive buildup to three wings in the succeeding years.

A progressive expansion of forces equipped with Atlas ICBM's to a total of 13 squadrons by 1963.

Introduction of forces equipped with the Titan ICBM in 1961, with a progressive build-up to 14 squadrons after 1963.

Introduction of forces equipped with the Minuteman ICBM in 1963 and a progressive expansion of this force on into the foreseeable future.

Four additional IRBM squadrons equipped with Jupiter and Thor in the hands of allied forces in the United Kingdom, Italy and Turkey in the near future. The Jupiter, like the Thor, is a tested, effective missile. From these advanced locations these missiles are capable of delivering nuclear strikes on targets within the Communist bloc.

In addition to these new weapons systems for which we have an actual operational target date and progressive expansion program, a wide range of other weapons systems which will greatly enhance our strategic retaliatory capability are under research and development.

SPACE ACADEMY NEEDED FOR FUTURE

Question. In this rapidly advancing, scientific, technological age, we realize, of course, that there will be new discoveries that will affect not only our defense, but also our peaceful progress.

This is particularly true in the exploration of space. As a new frontier, we can expect the coming years to unveil more and more of the "mysteries and unknowns" of outer space. How can we best prepare for advances in this field, Senator?

Answer. In the light of this new challenge, we will need an ever-increasing number of engineers, scientists, and other technologists to man and carry forward our programs.

In addition, the United States will, I believe, ultimately need a space academy—similar to our present Army, Navy, Air Force, Coast Guard, and Merchant Marine Academies. Presently, there is, of course, only need for a very limited number of astronauts. We recall that Donald Slayton, of Sparta, Wis., is one of the seven young men being trained for space flight.

However, the promise of a wide variety of space activities—including travel—in the future will require a program for training individuals to cope with the unique problems in this field. Consequently, we will need an effective program to provide the large number of astronauts needed for the future.

STRONGER INTERNAL SECURITY PROGRAM

Question. Senator Wiley, you mentioned earlier, the need for a stronger internal security program. Would you elaborate on this?

Answer. Yes. We recognize, of course, that internal—as well as external—security continues to be a major challenge.

The oft-quoted adage "the price of liberty is eternal vigilance" is as meaningful—if not more so—in 1960 as in any other time in our history.

On the domestic front, communism—the deadly enemy of freedom—attempts to carry on clandestine activities behind many masks, including seemingly harmless and sometimes meritorious organizations, drives, and other movements. Not exclusively a military effort of kill off freedom, the anti-freedom activities include such fields as industry, agriculture, atomic energy, educational and cultural activities, and other areas to undermine our progress, spread the cancerous Communist ideology, and generally weaken our free way of life.

By designing a system of laws, regulations, and Federal orders, the United States attempted to prevent such actions, and, if discovered, punish the culprits.

You may recall that, in 1953, I sponsored the publication of an Internal Security Manual—an extremely valuable compendium of Federal statutes, executive orders, and congressional resolutions relating to the Internal Security of the United States. Over the years, it has been utilized by Government agencies, business firms, attorneys, teachers, writers, and many others concerned with the challenge of internal security.

Recognizing the need for an up-to-date book on laws and regulations of internal security, I requested the American Law Division of the Library of Congress to revise this handy, useful manual. The revision is now complete. Consequently, I plan to introduce a resolution in Congress authorizing the publication of 5,000 copies of the revised edition.

The availability of up-to-date manuals—for which there is a constant demand, even though the previous printings have long been exhausted—will, I believe, serve the overall public interest.

In conclusion, friends, I want to express my appreciation to you folks for the opportunity to discuss these internal and external security problems with you.

Thank you for listening.

Fiscal Planning Committee

EXTENSION OF REMARKS
OF
HON. JOSEPH W. BARR
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Monday, March 21, 1960

Mr. BARR. Mr. Speaker, today I introduced into the House a resolution establishing a Committee for Fiscal Planning. This committee would be made up of the ranking Democratic and Republican members of the Appropriations and Ways and Means Committees, plus one Member of Congress to be appointed by the Speaker.

This five-man committee would be directed to start a continuing study of the finances of the U.S. Government in order to coordinate our revenues and our expenses and to plan for the orderly reduction of the national debt. This committee is directed to report its recommendations regularly to the Congress and to the taxpayers.

Mr. Speaker, I cannot claim that this is a completely original idea. Frankly, it is a variation of an idea introduced by my predecessor, the Honorable Louis Ludlow, in 1940 and again in 1943. Mr. Ludlow served for many years as a distinguished member of the Appropriations Committee and was unquestionably an outstanding authority on the financial problems of the United States.

This is the second of a series of resolutions which I intend to introduce this year on Government finances. The first resolution which I introduced on February 25 asked simply for a rollcall vote on every appropriation bill. That resolution was designed to let the taxpayers know how each Member votes on every money bill.

This current resolution is intended to establish a formal cooperation between the congressional committee that spends our money and the committee that raises the money. As Mr. Ludlow put it, "It is an attempt to make the tongue and buckle meet."

At current levels the United States will spend $1 trillion in the next 10 to 12 years. During the administration of Franklin Roosevelt this Government spent $374 billion in 12 years; under Harry Truman we spent $395 billion in 8 years; and during the administration of President Eisenhower we spent $490 billion in 7 years. This 27-year span marked a certain loss of control by the Congress over spending. But the responsibility for providing this money rests squarely on the House of Representatives. The Constitution clearly imposes this responsibility on the House and reflects the determination of Madison, Hamilton, Washington, Franklin, and their colleagues in the Constitutional Convention to keep the power to spend and the power to tax close to the people. This was their reason for limiting the term of Representatives to 2 years. If we get reckless with the people's money, they could throw us out at the end of 2 years.

I came to the Congress with a background in finance. I have been deeply impressed with the debate on defense problems, on foreign affairs and civil rights. In all these instances the debate for and against the issue involved has been presented forcefully and intelligently. The opportunity to listen to the learned gentlemen, who have debated these issues, has been the equivalent of a great education.

I have not been impressed with the financial debates. When we get around to talking about money, the air seems to be filled with advertising slogans rather than hard common sense. "Unfeeling reactionary," "back door spending," "budget busting," "unsympathetic penny pinching," are wonderful expressions to use in a political campaign, but they are certainly not going to solve the financial problems of this Nation.

It seems to me that a basic reason for a lot of the confusion is the lack of coordination between the spending and taxing committees. When an appropriations bill is debated, I am interested in knowing not just "do we need it," but "how does this bill fit into our total financial picture?" If I vote for this bill because I think it is important, do I have to cut back on another bill?

When we debate a tax law, I want to know not only if it is just and reasonable, but I also want to know what effect the bill will have on our revenues. If I vote for a tax cut, will I have to cut an appropriation?

Is our tax structure adequate to cover our expenses and provide for an orderly reduction of our debt? Why does not some one of the financial committees come forward with a plan for debt reduction? All these are questions that bother me every time we have a money bill on the floor, and I never hear these questions debated with what I could call hard common sense.

Sometimes I feel that we are acting like a family where the wife spends what she likes without bothering to find out how much money her husband is making.

I know that we can turn to the Bureau of the Budget and to the Secretary of the Treasury for answers to the questions I outlined. But to go back to my family story, that is like the wife asking her next door neighbor for spending advice. The place for the wife to turn is to her husband. The place for us to ask questions is from a committee of the Congress. The Constitution gives the President the right to tell the Congress what he would like to have. The Budget Bureau and the Secretary of the Treasury help him prepare a financial plan called the budget. This is fine, but there is nothing sacred about the President's budget. That is just his idea on the subject. We cannot duck the absolute responsibility the Constitution lays on the House of Representatives to make the final spending and taxing decisions.

I believe that a Committee on Fiscal Planning would enable us to meet this clear-cut responsibility. I believe that it would establish a close cooperation between our spending and taxing committees. I believe it would give a Member of Congress a place to go for intelligent advice about the effect of every spending or taxing vote. I believe that it would give us a chance to take back from the President the control over spending which this body has practically surrendered.

The Legislative Reorganization Act of 1946 authorized the Appropriations and Ways and Means Committees of the House, and the Committee on Finance and the Committee on Appropriations of the Senate, to meet jointly at the beginning of every session to study and report on the President's budget. This part of the law has been a failure and has been abandoned. I earnestly suggest that a new try be made on the lines I have suggested.

Washington Report

EXTENSION OF REMARKS
OF
HON. BRUCE ALGER
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, March 21, 1960

Mr. ALGER. Mr. Speaker, I include the following newsletter of March 19, 1960:

WASHINGTON REPORT—MARCH 19, 1960
(By Congressman BRUCE ALGER)

The civil rights debate struggles on with progress not readily recognizable (see newsletters March 5 and 12). Contrary to expectation, debate time has not been curtailed. Patience and tolerance also exceed expectation. Since only the House bill (compared to the Senate's) went through normal committee hearings and deliberation, the House action becomes even more important in determining the final bill. Yet, even in the House, much of the legislation is being written and rewritten by floor amendment and debate, rather than acceptance of the committee's bills and amendments. While full membership participation is democratic, many Members suspect that such hasty drafting and offering of amendments may result in poor legislation.

House action included: (1) Two amendments were ruled out of order. (a) Federal aid for desegregation of schools, and (b) the creation of a Commission on Equal Job Opportunity; (2) furor over the "conclusive presumption of the denial of voting rights" when an area is ruled by Federal court as having such a pattern or practice; (3) conflict over Presidential appointed Federal enrolling officers (to police local elections) versus Federal court appointed referees to assure everyone a vote regardless of race or color—the referee plan won out; (4) Acceptance of amendment to permit the issuance of court provisional voting order if qualified applicant has filed a complaint 20 days prior to election; (5) a southern Member, spokesman for others, threatened to bolt party leadership and the Speaker when the House is organized in the next Congress. This brings up the question, is there a basic Democrat clash? While party differences are most evident in civil rights, southerners are not nearly so dedicated to States rights and conservatism in other legislation. Southerners, at Congress' outset are responsible for selection of their liberal leaders, whom they now battle and criticize.

For my part, I am most aware that the civil rights controversy is a political exercise for both parties. So much is this evident and true that I cannot share the viewpoint of many in either political party. This is a sectional dispute. The grave issues of constitutional freedoms will not be solved, only endangered or transgressed. True, we are safe to the extent that bad law may not take effect because it lacks popular acceptance (the prohibition law, another example). My earlier questions asked in debate remain unanswered. Not explained is why another law is needed now—allegedly to protect voting rights. The 15th constitutional amendment, the act of 1870, and the 1957 act provide protection. Why in 2 years has the tough 1957 act, protecting voting rights, been invoked only four times?

On the Senate side, noteworthy is the Goldwater list of the 800 separate acts of labor violence in the Kohler strike and the extension (for the first time) of bans on bombing and violence to include labor-motivated trouble. Another blessing as one Member saw it was that lengthy civil rights debate prevented other unnecessary liberal legislation from being considered. Still overlooked are these factors: (1) Discrimination according to many is greater in the North; (2) the crime rate and illegitimate birth rate in integrated areas are soaring.

The civil rights bill—whatever it may be by that time—should pass next week. Other controversial problems confronting us, awaiting attention, include: (1) Political postponement of interest rate ceiling removal; (2) socialized medicine; (3) Federal aid to education; (4) increased immigration quotas; (5) increased Federal aid to promote growth of export trade.

Some interesting defense capability figures came to my attention the other day. Before anyone takes to the hills, stampeded by an election year's military scare talk, he might ponder this for a moment: What if we could swap positions with the Russians? If you could trade places, and problems, with them tomorrow, both nations would still have operational missiles with lethal destructive capability, but you would also face a nuclear bomber force at least four times the size of yours, poised at innumerable nearby bases in every direction from you, and against which you have virtually no proven defenses. There would be aircraft carriers and strong naval forces cruising 100 miles off your coast, capable of launching nuclear bombers and missiles. Nuclear submarines would lie undetected within missile range of every one of your major cities. And there you would sit, with no comparable weaponry.

If we traded places with Russia we'd find ourselves producing only two-fifths as much steel, one-third the hydroelectric power, one-third as much oil, and one-half as much aluminum, 10 percent as much natural gas, one-third as much copper, and only 5 percent as many electric motors. To get in Russia's shape, we would have to abandon 14 out of every 15 miles of highway, destroy 19 out of every 20 autos and trucks, scrap 2 out of every 3 miles of railroad track and 60 percent of our freight cars, and sink 8 out of every 9 merchant ships. And we think we've got problems. If we traded places with Russia, our only gain would be a rocket on the moon. Oh, yes, it was free enterprise and individual freedom that produced our present armed might, and the economic strength to support it.

Progress in Space Promotes Peace and Economic Growth

EXTENSION OF REMARKS
OF
HON. DAVID S. KING
OF UTAH
IN THE HOUSE OF REPRESENTATIVES
Monday, March 21, 1960

Mr. KING of Utah. Mr. Speaker, it was my privilege last Thursday night to attend the reception and banquet given by the Baltimore Association of Commerce commemorating the second anniversary of the Vanguard I earth satellite, and to hear my distinguished colleague on the House Committee on Science and Astronautics, the Honorable EMILIO Q. DADDARIO. As the principal speaker on this historic occasion, Mr. DADDARIO made an excellent anlysis of the great challenge and the equally great opportunity which lie before us in space. He clearly pointed out why this Nation must recapture the leadership in space technology to maintain the security of the free world. I urge my colleagues to give careful study to his speech which follows:

TEXT OF REMARKS BY CONGRESSMAN EMILIO Q. DADDARIO DELIVERED AT SECOND ANNIVERSARY CELEBRATION OF VANGUARD I, AT BALTIMORE, MD., MARCH 17, 1960

From Portland, Maine, to Norfolk, Va., crowding against the eastern Atlantic seaboard, live approximately 40 million Americans. This is the greatest concentration of population in the United States. Within this area is a great amount of our national talent and ability.

This one gigantic community is alert to the future, and it has shown its awareness by meeting the problems of growth that have confronted the Nation. A tremendous road network, interwoven with bridges and tunnels, binds it together. Schools by the thousands, from the lowest to the highest levels of education, have been provided. In our midst are located some of the outstanding intellectual communities of the world.

I live and work in this community as many of you do, and know the great concern that exists about the state of our national effort in space. Our people respect achievement. They were proud when Vanguard I was fired into orbit 2 years ago today. They were proud of the technical accomplishments, in which the Martin Co. played such a large part. They had a natural expectation that the United States would be first in space. They saw the Vanguard accomplishment as a great step forward in the reestablishment of our world position. They expect that more will be done and demand that it shall.

Within the week, we have seen a 94.8-pound sphere hurled millions of miles into space. Pioneer V is on its way to a 527-million-mile trip around the sun. It carries five principal scientific experiments to teach us more about the universe. This, too, is a heartening accomplishment and deserves to be applauded.

To some, the exploration and uses of space are an illusion. It is not unusual to hit pockets of doubt in the course of our progress. You hear expressions of scorn about visionaries, and severe concern about the pocketbook. I am reminded of the words Columbus wrote in a letter after his first voyage:

"For although men have talked or written of these lands, all was conjecture without getting a look at it, but amounted only to this, that those who heard, for the most part listened and judged it more a fable than that there was anything in it, however small."

Consider that Columbus was beset by some of the same difficulties that our scientists and engineers face today. He was required to submit his proposal to the so-called Talavera commission of learned men for review and to justify his requirements. They held hearings in the year 1486, and issued their report in the year 1490, 4½ years later. They judged that the promises of Columbus "were impossible and vain and worthy of rejection." They reported to their royal majesties that it was "not a proper object for their royal authority to favor an affair that rests on such weak foundations and which appeared uncertain and impossible to any educated person, however little learning he might have."

Yet, curiously enough, it was the educated, then as now, who knew how well the foundations had been laid for such a trip. For centuries, men had been making discoveries that pieced together the maps from which Columbus's great design sprang.

The Renaissance was a great age of exploration, not unlike today. We have broken the bounds of many scientific fields, and we have discovered others that our scientists long to invade. Historians think that the welfare of a country and its will to explore may be closely related. The energy, the inquiring mind, the courage for endurance that find expression in exploration may well turn out in themselves to be the most important measures of a country's greatness. I hope the zeal and courage that have brought us in this half century to the top of Everest, to the North and South Poles, to the greatest depths of the oceans, and even into the heart of the atom, will not lessen.

Why do men seek these things? It is sometimes difficult to explain why it was necessary to get to Timbuktu or Lhasa, or even Everest or the Matterhorn. The common motives for exploration are given as conquest, military advantage, plunder or trade advantage, commercial gain or scientific advantage. Yet, I rather like a somewhat more irreverent analysis by the sage of Baltimore, the late H. L. Mencken. He said:

"The value the world sets upon motives is often unjust and inaccurate. Consider, for example, two of them: mere insatiable curiosity and the desire to do good. The latter is put high above the former, and yet it is the former that moves one of the most useful men the human race has yet produced—the scientific investigator. What actually urges him on is not some brummagem idea of service, but a boundless, almost pathological thirst to penetrate the unknown, to uncover the secret, to find out what has not been found out before. His prototype is not the liberator releasing slaves, the good Samaritan lifting up the fallen, but a dog sniffing tremulously at an infinite series of ratholes."

And today, of course, on the heels of the scientific investigator comes the congressional investigator.

Why should Congress, or the Government, display so much interest in scientific advance, the quest for knowledge? Why should men of industry or the university, or the laboratory spend so much time coming to tell of their plans to people on Capitol Hill?

I am privileged to be a Member of the House of Representatives, assigned to the Committee on Science and Astronautics, chaired by the Honorable OVERTON BROOKS, of Louisiana. A parallel space committee exists in the Senate. When these committees were established at the beginning of this 86th Congress, they were the first new parallel standing committees created in half a century.

These committees were created because Washington has recognized that science and innovation is the greatest single factor affecting our future economic growth and national security. Radical technological change has forced repeated attempts to adjust our policymaking processes so we can best use, or come to grips with, the challenge of research and development. An analysis of the 1961 budget shows that some $8,391 million is identified as Federal support of research and development. How we spend that money is very important to the American taxpayer. In a sense, we are diverting money from his pocket to what we believe is necessary for the common good and the national security. He expects that this money will not be spent lightly, and he is entitled to a close review of these efforts.

While we are reviewing these programs, it is also the responsibility of Congress to establish governmental policies in science and astronautics. We are confronted with issues of a highly technical nature in an era of exploding technology. The world is in the grip of a scientific revolution, which offers both promise and danger. It is of vital importance that we, the lawmakers, make every effort to understand the implications of the language the scientists speak, so that we may incorporate this knowledge into planning for national security and industrial well-being.

We must make every effort to know what is happening in scientific areas. We must analyze these issues and the needs they pose. We must bring together men from government and industry—in short—the best brains we can summon to our assistance in this task, listen to proposals for solution, investigate conditions, seek to choose wisely among courses of action set before us and act to propose laws that can help secure a more orderly progress.

Congress has set the policy that U.S. activities in outer space should be devoted to peaceful purposes for the benefit of all mankind. Project Vanguard satellites were launched on such peaceful missions, to gather data for analysis by scientists throughout the world. One small package of instruments in Vanguard I has provided a tremendous amount of information.

Since that launching, there have been a number of others, up to and including the successful Pioneer V. There have been other attempts which have failed. There have been efforts canceled because no back-ups were available, the funds not having been provided. And criticisms have continued of low priorities, piecemeal funding, and too many administrative channels—faults which plagued the first Vanguard, as well as its successors.

These continued criticisms caused disquiet across the country last fall and led to many reappraisals. When Congress reconvened in January, our committee undertook a broad look at the posture of our space effort, the nature of the so-called space gap, and the details of the criticisms.

We have heard considerable testimony from many witnesses—diplomats, defense experts, space experts, scientists, administrators, and businessmen. Some disputed others. Many acknowledged past errors in the space program. Others tied our space effort to national policy and the defense of the Nation, while still others cried out that defense has no part to play in space.

From these posture hearings, still to be concluded, I have personally drawn some tentative conclusions:

First, space exploration is one of the major keys to our survival. This has far-reaching significance in the cold war today and the possibility of global conflict in the future. Rightly or wrongly, world opinion has associated Russian achievement in space with general Communist technological superiority. This fact was substantiated by Under Secretary of State Livingston Merchant, when he acknowledged that the spectacular nature of the space effort in Russia has made the job of the State Department a tougher one. The following day, the Director of the U.S. Information Agency, George V. Allen, said bluntly that space achievements go far beyond their intrinsic importance when they are examined by the peoples of other countries.

The second conclusion I have drawn is that space holds advantages for both civilian and military users, and it can be dangerously unrealistic to hold to artificial compartments for civil and military research.

Going back to the posture hearings again, the committee has heard testimony from numerous civilian and military leaders in the Department of Defense. Each recognized the need for the military in the space race; some stated the case more strongly than others. General Trudeau, Admiral Hayward, and General Schriever did an excellent job of enlightening the public to the potential threat from space. The committee also heard the NASA 10-year program, calling for ever-increasing performance in space throughout the next decade.

My third conclusion is that there is a critical urgency associated with the space program. For years, members of the Department of Defense—then the only organization with a capability for space flight—could not even refer to satellites or space exploration. Our attitudes changed when the first sputnik temporarily shattered our national smugness and complacency. That Russian vehicle and subsequent Russian space accomplishments gave us the shot in the arm to press forward in search of a way for survival in the space age. As a result, we expanded our missile and space base. The foremost space question before the public today is: When will we catch up with the U.S.S.R.?

Our Nation has excelled over all other nations in this industrial age because we have been able, through our vast industrial energies and resources, to produce results faster and better than any other people. And I propose to you that the concentrated, vigorous application of our national talents and abilities cannot only overcome the Russian space lead, but can also surpass it. The full utilization of our resources would leave no doubt in the mind of the world regarding the effectiveness of the democratic system to meet any challenge and overcome any obstacle.

There are several other conclusions that I have reached during these past 2 months of hearings. But I believe the three just mentioned are the most important. To recapitulate: (1) Space exploration is one of the keys to survival. (2) There is a need for both the military and civilian approach to space. (3) There is urgency associated with the program.

Let us again refer to the NASA's 10-year program for space. To many, the program is realistic and acceptable. To me, the program lacks foresight and urgency. I would take exception to the timing of many projects, but will limit my remarks to only three major areas: The F–1 engine; Project Rover, the nuclear-powered rocket; and NASA's lack of a plan for manned lunar landing during this 10-year period.

The F–1 engine, being developed by North American's Rocketdyne Division for NASA, will produce 1½ million pounds of thrust. Four of these engines will be clustered to make the Nova launch vehicle of 6 million pounds of thrust, enough thrust to launch a manned interplanetary mission.

The NASA claims that this engine has been delayed 12 to 18 months, due to lack of funds in the 1960 budget. As a result, the first flight test is not scheduled until 1968, and no date has been set for the completion of the Nova space vehicle. It will be 8 years before we are ready to flight-test this vehicle. Is that urgency? Is it typical of the urgency associated with the space program? I assure you that I am vitally concerned, and I suspect you are, too.

When the Atomic Energy Commission witnesses appeared to discuss the nuclear propulsion powerplant, their testimony conflicted, in my opinion, with that of the NASA witnesses. Project Rover, the nuclear-powered rocket, is being developed jointly by AEC and NASA. The AEC is responsible for designing and operating an engine. NASA takes it from there, assembles it, flies it and fits it into the space program. The AEC witnesses stated that they can develop the Rover device and demonstrate its actual use, probably in a shorter time than set forth in the requirement.

The NASA witnesses, however, were much more conservative. They assured the committee that the program is being expedited to the fullest extent. So the debate is on—it will continue for years to come. How will it be resolved? Hopefully, there is a sense of urgency in the AEC, as indicated by the fact that on March 8, the AEC itself transferred funds within its budget to add $11 million to the Project Rover experiments. I see no comparable sense of urgency in the NASA program. And yet, knowing the importance of this project, I long to sympathize with the AEC witness who commented: "I would like to see this one have the stars and stripes on it, for a change."

The last point I wish to make regards NASA's lack of a plan for a manned lunar landing during the next 10 years. There are rumors already flying that the U.S.S.R. will celebrate the 50th anniversary of the Bolshevik revolution on the moon. Will we be there to greet them? Or is that the day we shall promise to accelerate our program for a manned lunar landing?

Mr. Khrushchev has already boasted that the mark of the Soviet Union has been stamped on the moon. It is well within the technical and industrial capacity of the Russians to land a man on the moon one day in the near future.

The future of the free world may well depend on whether or not a U.S. mission is already on the moon when that event occurs.

Consider the possibility of a Russian lunar base and the threat that could literally be hung over the heads of the free world. Gen. Homer Boushey, of the USAF, was the first to speak out in favor of a lunar base, its capabilities and potential. His remarks were scoffed at in some circles. I, for one, fear the results of being second on the moon. A manned lunar landing and return, in the 1970's, as NASA outlines its schedule, is much to late.

The first need, then, is the recognition that we must be first. I believe that we cannot fail, if we resolutely determine that we will not. Once that is accepted, some other lines of approach fall into place.

We must, for instance, make better use of the resources of industry and management available to us in this country. We know that the full scale of the skills and talents here have scarcely been tapped. Even in production, we are not making the defense effort today in terms of proportion of gross national product that we were in 1953—and we are making only one-fifth the effort we made in World War II, when we knew it had to be done.

We must do everything we can to streamline, and to make more effective the organization and management of our national programs. Few believe that we are squeezing every last ounce of effort out of our Defense Establishment. I can tell you candidly that I do not think we have enlisted all our managerial talent in this space field. We certainly do not see the single-mindedness of a Manhattan district in this space effort.

Even in such a field as communication of information regarding the state of the art, more must be done. Researchers are complaining about the proliferation of scientific papers and meetings. Industry is said to be committing some $21 million a year to these exchanges, which consume 258,000 man-days of technical time, and it has been difficult to weed out overlapping and duplication.

Is the way we disseminate technical information good enough to meet the challenge of modern technology? A recent Guggenheim Foundation study urged we go beyond our traditional ways to seek better methods that could produce important results.

We have made real gains in awakening to scientific research and findings elsewhere in the world. Government has intensified the translation of scientific documents. We are translating more papers on scientific work than ever before. The material is made available to industry through the Office of Technical Services of the Department of Commerce, and there has been a growing interest. I am told that OTS is selling more monographs every month, and that more libraries, industrial and public, have started following the material. The twice-monthly publication, Technical Translations, which started a year ago with 150 to 175 listings of new translations, now lists about 600 an issue. Government is thus pointing out some 12,000 to 13,000 translations a year which may be of use. Industry is also showing interest in a projected publication that would digest news releases and articles in Russian journals, so that a quicker break is possible in learning what the Russians are doing.

Today, the problems of space research, development, exploration and exploitation are still in their infancy. Vanguard I was a stepping-stone to a great future. What is still needed is a firm and clear decision by the United States and the free world to press ahead. The Communists are making capital of space exploration and the propaganda that goes with it. They found in their space achievements a chance to prove to themselves and to the world what they could do in a highly advanced technology. The United States must counter this propaganda by unleashing its technological know-how and industrial power to regain world leadership in the space race. Then our deeds will speak for themselves.

SENATE

TUESDAY, MARCH 22, 1960

(Legislative day of Monday, March 21, 1960)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, we come confessing that the world is so much with us that too often the far look hides the nearest mercies. With our minds so intent upon questions that affect the planet which is our home, help us not to lose the shining values of the common, yet precious, things we are tempted to take for granted.

Make us thankful that our friends are patient with us, and take time to understand us, and that there are those who love us and believe in us, when we give them so little in return.

Help us to see how much has come to us, and still comes with each new day, that we have done nothing to deserve; for what have we that we have not received?

Forbid that our pessimism and gloom should but add to the hopelessness that is in the world. Defying all the pressures of evil, may we be strengthened with might, and in the faith that we can be a part of Thy truth that is marching on, pushing back evil, and establishing the good.

As spokesmen for the Nation whose ideals are as a rainbow arching the world's dark sky, make Thy servants here in the ministry of public affairs sufficient for the tasks destiny is calling upon them to undertake.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Monday, March 21, 1960, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the bill (S. 2482) to remove geographical limitations on activities of the Coast and Geodetic Survey, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 3313. An act to amend section 200 of the Soldiers and Sailors Civil Relief Act of 1940 to permit the establishment of certain facts by a declaration under penalty of perjury in lieu of an affidavit;

H.R. 5055. An act to change a certain restriction on the use of certain real property heretofore conveyed to the city of St. Augustine, Fla., by the United States;

H.R. 7966. An act to amend section 601 of title 38, United States Code, to provide for the furnishing of needed services of optometrists to veterans having service-connected eye conditions;

H.R. 8868. An act for the relief of the Albertson Water District, Nassau County, N.Y.;

H.R. 9084. An act to repeal certain retirement promotion authority of the Coast and Geodetic Survey;

H.R. 9543. An act to revise the boundaries and change the name of the Stones River National Military Park, Tenn., and for other purposes;

H.R. 9921. An act to validate certain payments of additional pay for sea duty made to members and former members of the U.S. Coast Guard;

H.R. 10640. An act to amend Public Law 85–626 relating to dual rate contract agreements;

H.J. Res. 605. Joint resolution providing for the preparation and completion of plans for a comprehensive observance of the 175th anniversary of the formation of the Constitution of the United States; and

H.J. Res. 640. Joint resolution to authorize and request the President to issue a proclamation in connection with the centennial of the birth of General of the Armies John J. Pershing.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

S. 601. An act to authorize and provide for the construction of the Bardwell Reservoir;

S. 1712. An act to extend the application of the Motorboat Act of 1940 to certain possessions of the United States;

S. 2185. An act to provide appropriate public recognition of the gallant action of the Steamship *Meredith Victory* in the December 1950 evacuation of Hungnam, Korea;

S. 2483. An act to provide flexibility in the performance of certain functions of the Coast and Geodetic Survey and of the Weather Bureau; and

S.J. Res. 115. Joint resolution authorizing the purchase of certain property in the District of Columbia and its conveyance to the Pan American Health Organization for use as a headquarters site.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred, as indicated:

H.R. 3313. An act to amend section 200 of the Soldiers and Sailors Civil Relief Act of 1940 to permit the establishment of certain facts by a declaration under penalty of perjury in lieu of an affidavit; and

H.R. 7966. An act to amend section 601 of title 38, United States Code, to provide for the furnishing of needed services of optometrists to veterans having service-connected eye conditions; to the Committee on Labor and Public Welfare.

H.R. 5055. An act to change a certain restriction on the use of certain real property heretofore conveyed to the city of St. Augustine, Fla., by the United States;

H.R. 9084. An act to repeal certain retirement promotion authority of the Coast and Geodetic Survey; and

H.R. 10840. An act to amend Public Law 85–626 relating to dual rate contract agreements; to the Committee on Interstate and Foreign Commerce.

H.R. 8868. An act for the relief of the Albertson Water District, Nassau County, N.Y.;

H.R. 9921. An act to validate certain payments of additional pay for sea duty made to members and former members of the U.S. Coast Guard;

H.J. Res. 605. Joint resolution providing for the preparation and completion of plans for a comprehensive observance of the 175th anniversary of the formation of the Constitution of the United States; and

H.J. Res. 640. Joint resolution to authorize and request the President to issue a proclamation in connection with the centennial of the birth of General of the Armies John J. Pershing; to the Committee on the Judiciary.

H.R. 9543. An act to revise the boundaries and change the name of the Stones River National Military Park, Tenn., and for other purposes; to the Committee on Interior and Insular Affairs.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that there be the usual morning hour, subject to a 3-minute limitation on statements.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RESOLUTIONS OF GENERAL COURT OF COMMONWEALTH OF MASSACHUSETTS

Mr. SALTONSTALL. Mr. President, on behalf of myself, and my colleague, the junior Senator from Massachusetts [Mr. KENNEDY], I present, for appropriate reference, resolutions adopted by the General Court of the Commonwealth of Massachusetts, relating to the inclusion of health insurance coverage as part of social security benefits.

There being no objection, the resolutions were referred to the Committee on Finance, and, under the rule, ordered to be printed in the RECORD, as follows:

RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT THE FORAND BILL TO PROVIDE HEALTH INSURANCE COVERAGE AS PART OF SOCIAL SECURITY BENEFITS

Whereas the Forand bill now pending before the Congress of the United States provides health insurance coverage as part of social security benefits thereby providing 9 out of 10 people 65 years of age and over with health and hospitalization benefits as part of their social security benefits, said benefits to be paid for by the beneficiaries during their working years; and

Whereas said bill has the endorsement of many medical and hospital authorities and is considered essential to meet the growing need for more adequate medical care for elderly people: Therefore be it

Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to give early and favorable consideration to the enactment of the Forand bill providing health insurance coverage as part of social security benefits; and be it further

Resolved, That copies of these resolutions be sent forthwith by the secretary of the Commonwealth to the Senators and Representatives in Congress from this Commonwealth.

Adopted by the house of representatives February 29, 1960.

LAWRENCE R. GROVE,
Clerk.

Adopted in the senate in concurrence March 2, 1960.

IRVING N. HAYDEN,
Clerk.

Attest:

JOSEPH D. WARD,
Secretary of the Commonwealth.

RESOLUTIONS OF ORGANIZATIONS IN THE STATE OF NEW YORK

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD two resolutions, one adopted by the town board of the town of Rotterdam, N.Y., relating to additional scholarships in the field of science and engineering, and the second adopted by the Medical Society of Montgomery County, N.Y., relating to governmental control of the practice of medicine.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION BY TOWN BOARD OF ROTTERDAM, N.Y.

Whereas legislation has been introduced in Congress that would set aside and invest $100 million in World War II enemy war assets seized from Germany and Japan with the interest thereon to be used for the establishment of 2,000 additional scholarships in the field of science and engineering; and

Whereas although priority and preference in the awarding of the aforementioned scholarships will be given to children of veterans of World Wars I and II and the Korean conflict, nonveterans will also be eligible for the award: Now, therefore, be it

Resolved, That the Town Board of the Town of Rotterdam urge the passage and enactment into law of U.S. Senate bill No. 105 as a positive step in strengthening and broadening additional programs in science and engineering; and be it further

Resolved, That copies of this resolution be transmitted to U.S. Senators KENNETH B. KEATING and JACOB K. JAVITS and Congressman SAMUEL S. STRATTON.

RESOLUTION BY THE MEDICAL SOCIETY OF THE COUNTY OF MONTGOMERY, N.Y.

Whereas efforts to place the practice of medicine under governmental control are increasing each year; and

Whereas amendments to the social security law are the favorite instruments for those who favor governmental medicine; and

Whereas the Forand bill (H.R. 4700) is the 1960 version of the continuing efforts of the proponents of governmental medicine; and

Whereas the bill would set up a system whereby a Federal agency would set arbitrary standards for medical care and dictate fees and charges; and

Whereas the doctor-patient relationship would be seriously impaired, if not destroyed; and

Whereas it would put the Federal Government into an area of health care with which it is not equipped to cope; and

Whereas it would be most difficult if not impossible to provide the best medical care under a Government-dominated program, which the passage of the Forand bill, or any bill of a similar type would bring about: Now, therefore, be it

Resolved, That the members of the Montgomery County Medical Society marshal all their resources for the purpose of preventing the enactment of the Forand bill, or any bill of a similar type; and be it further

Resolved, That a copy of this resolution be sent to Congressman SAMUEL S. STRATTON, Senator JACOB K. JAVITS, Senator KENNETH B. KEATING, and Hon. WILBUR MILLS, chairman, Ways and Means Committee, House of Representatives.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. YOUNG of North Dakota:

S. 3250. A bill to authorize the Secretary of the Interior to provide water and sewage disposal facilities to the Medora area adjoining the Theodore Roosevelt National Memorial Park, N. Dak., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. JAVITS:

S. 3251. A bill to amend the Internal Revenue Code of 1954 to encourage private investment abroad in less developed areas and thereby promote American industry and reduce Government expenditures for foreign economic assistance in such areas; to the Committee on Finance.

S. 3252. A bill relating to the furnishing of assistance in financing economic development projects carried on by private enterprise in foreign countries; to the Committee on Foreign Relations.

(See the remarks of Mr. JAVITS when he introduced the above bills, which appear under a separate heading.)

By Mr. TALMADGE:

S. 3253. A bill to amend subchapter B of chapter 12 (relating to transfers for gift tax purposes) of the Internal Revenue Code of 1954; to the Committee on Finance.

By Mr. ANDERSON (for himself and Mr. DWORSHAK):

S. 3254. A bill to authorize the Secretary of the Interior to permit the occupancy and use by the Congressional Club of certain lands in the District of Columbia which are under the jurisdiction of the National Park Service; to the Committee on Interior and Insular Affairs.

By Mr. RANDOLPH (for himself and Mr. BYRD of West Virginia):

S. 3255. A bill to amend title II of the Social Security Act to increase to $1,800 the annual amount individuals are permitted to earn without deductions being made from the insurance benefits payable to them under such title; to the Committee on Finance.

By Mr. MORSE:

S. 3256. A bill to authorize the establishment of a National Showcase of the Arts and Sciences in the District of Columbia to encourage young American artists and scientists; to authorize the holding of an International Olympiad of the Arts and Sciences on a biennial basis in the District of Columbia and thus to enhance the prospects of a durable peace; and for other purposes; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. MORSE when he introduced the above bill, which appear under a separate heading.)

By Mr. BIBLE (by request):

S. 3257. A bill to amend the District of Columbia Traffic Act, 1925, as amended, to increase the fee charged for learners' permits; to the Committee on the District of Columbia.

By Mr. BIBLE (for himself and Mr. BEALL) (by request):

S. 3258. A bill to amend the District of Columbia Alcoholic Beverage Control Act; to the Committee on the District of Columbia.

FOREIGN BUSINESS CORPORATIONS

Mr. JAVITS. Mr. President, I am today introducing two bills to encourage U.S. investors to establish businesses in the less-developed areas of the free world now receiving aid under the mutual security program. These businesses would be called foreign business corporations—FBC's—and operate under a system of tax deferrals designed to stimulate U.S. private investment in less-developed nations. Many of the provisions in this proposed legislation are the counterpart to sections of H.R. 5, introduced by Representative HALE BOGGS, Democrat, of Louisiana, scheduled for consideration by the House of Representatives in the near future.

Though they seek the same objective, my bills carry out the recommendations of the so-called Straus report, made to the State Department as the result of an amendment I sponsored to the Mutual Security Act of 1958. The report was entitled "Expanding Private Investment for Free World Economic Growth."

I predict that in the next campaign foreign economic policy will be one of the major issues before our country, both as it concerns our imbalance in international payments and as it concerns our exports and imports.

There is no way in which we can buck up the amount of economic development of the less-developed areas of the free world unless we enlist American free enterprise in the process. This is one of the free world's greatest problems.

Let us remember that the Russians are rivaling us now with a program estimated at $700 million.

I am also introducing legislation which would allow the Development Loan Fund to purchase equity securities, thus increasing the number of private enterprises eligible for DLF financing. The entire legislative package represents direct implementation of almost all the major recommendations requiring legislative action contained in the special State Department report on "Expanding Private Investment for Free World Economic Growth"; prepared under the direction of Ralph Straus and issued in April 1959, this report was the result of an amendment to the Mutual Security Act offered by me in 1958.

Measures to expand direct U.S. private oversea investment should be classified as long-range insurance against any prolonged deficit in our balance-of-payments picture. From 1950 to 1958, $16 billion flowed back into the United States as earnings on private oversea investment—a net gain of $7 billion over the direct outflow during the same period. In 1958, when U.S. exports slumped by $3 billion, our earnings on private oversea investment held remarkably steady at $2.2 billion and alone kept our balance-of-payments deficit from dipping an additional $1.1 billion.

In the newly developing countries, private U.S. investors can advance U.S. foreign policy through stimulating the growth of the private sector of their economies which must be strengthened if free political and economic institutions are to survive. This legislation is designed to project the best elements in U.S. private enterprise into the less-developed areas introducing their peoples to the competitive energy, initiative, inventiveness, technology, managerial skill, and credit that we have to offer in such abundance, while these investments aid in the growth of new mass production and consumption in these areas eager for U.S. goods.

The entire package of proposals giving tax incentives to investors in the less developed areas would permit U.S. industry to meet foreign competitors on more even terms. There are 72 countries now give preferential tax treatment to income earned in foreign countries; 26 of them do not tax foreign-earned income at all, and 13 countries provide for tax deferment similar to this bill. For example, private investors in the United Kingdom, which has a system of oversea trade corporations similar to the proposed FBC's, were able to make new direct investments in less developed nations three times greater than U.S. investors, in proportion to the gross national product of the United Kingdom and the United States.

One of the key tax proposals would permit deferral on the earnings of a foreign business corporation until they are distributed among stockholders in the United States, and in the case of other U.S.-owned enterprises in developed countries, reinvestment of their earnings in FBC's operating in less developed areas will also make them eligible for the same tax deferral arrangement.

One of the free world's most pressing problems demanding the joint partnership efforts of all our industrialized countries is how to increase the financial resources available as development capital in Africa, Latin America, the Mideast, and parts of Asia. We estimate that about $4 billion a year represents the total net development assistance, public and private, by the West currently available in less developed nations—as compared with the average of $700 million annually in Soviet aid to non-Communist underdeveloped areas. We are spending about $3.20 for each person living in them, while the Russians are investing roughly 56 cents per capita. But the rate of progress is not acceptable to these peoples. Living standards are inching forward about 1 percent annually, and in actuality they are fighting a holding action trying to keep their standards from slipping backward in the face of predictions of population increases.

However, if maximum use were made of these proposed amendments on tax deferral of reinvested earnings in these underdeveloped areas, an amount equivalent to the entire Soviet economic aid program — $700 million — conceivably could be channeled into them. I would hope that double that amount in new investment would become available because of these amendments, including the one establishing foreign business corporations. Another corollary effect of creating the FBC's may well be to encourage U.S.-owned, foreign-based companies located in low-tax countries like Switzerland, Panama, Venezuela, Liberia, and the Bahamas to return to the United States as foreign business corporations, thus remitting millions of earnings to the United States and increasing Treasury revenues.

Another amendment in the package would permit capital losses by a foreign business corporation to be passed on to the stockholder who can list them as a tax deduction against ordinary income, similar to the provision already operating in the Small Business Investment Act. Also, there is a provision permitting tax deferral on payments in stock or proprietary interest for technical aid to business in less developed countries.

Regarding these two amendments, the first would do much to remove a major

fear of U.S. private investors that a political upheaval may hand them a total loss on investments in a less developed area. This amendment should encourage them to take that risk more often, knowing that it can be written off against earnings on successful investments, thereby encouraging dollar inflow into potentially valuable enterprises which will help in the development of these areas and actually contribute to political stability. The second amendment dealing with the investment of technical services has the psychological benefit of alining U.S. business in close partnership with local enterprise in a less developed foreign country and is an investment which involves no capital outflow from the United States, but nonetheless does yield a dollar return, again brightening our balance-of-payments picture.

The three amendments to the Mutual Security Act would give the Development Loan Fund the authority to, first, purchase equity securities in private enterprise in newly developing countries from its own funds; second, purchase equity securities in private enterprises in these same countries out of Public Law 480 funds; and, third, make loans from Public Law 480 funds to private enterprises owned by U.S. citizens living in foreign countries and to businesses in which U.S. citizens own at least 10 percent of the voting stock.

These amendments should allow us to get maximum mileage out of our public investment funds now under the direction of the Development Loan Fund, which present has $450 million in uncommitted funds and has pending a request for a $700-million authorization under this year's mutual security program. It would also make available several hundreds of millions in Public Law 480 funds to bolster that effort. All three amendments broaden the scope of private enterprise functions which would be eligible for DLF financing and should increase the overall effectiveness of our public program for promoting free world economic growth, especially in the less developed areas.

I hope very much that whatever is done in the other body, this body will give immediate and urgent attention to this problem.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a reply to me from the Department of Justice, dated June 17, 1959, but which I have updated by communicating with the Department, which tells me that its answer is just as good today as it was then.

The reply relates to the antitrust policy of the United States when it comes to private investments abroad by companies which are under some elements of legal or quasi-legal compulsion or business necessity in assessing the legality of a foreign arrangement under the antitrust laws, as to whether the acts they would be performing in their investments and operations abroad would conform to the antitrust laws of the United States.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
Washington, December 9, 1959.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR JAVITS: This is in response to your letter of December 2, 1959, concerning the State Department report on "expanding private investment for free world economic growth."

In my letter of June 17, 1959, to which you refer, I stated that the Department of Justice is generally in accord with the recommendations of that report on the subject of the antitrust laws and foreign investment. This Department continues to have the views expressed in that letter. Our liaison procedure with the Department of State, mentioned therein, with reference to proposed antitrust actions and suits which might affect foreign policy as well as international restrictive practices generally, is presently in effect with very satisfactory results.

Sincerely yours,

ROBERT A. BICKS,
Acting Assistant Attorney General,
Antitrust Division.

DEPARTMENT OF JUSTICE,
Washington, June 17, 1959.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR JAVITS: This is in reply to your letter of May 27, 1959, to the Attorney General, acknowledged on June 3, 1959, with respect to the antitrust recommendations contained in the report on "expanding private investment for free world economic growth." This report was prepared under the direction of Ralph I. Straus, as Special Consultant to the Under Secretary of State for Economic Affairs, pursuant to section 413(c) of the Mutual Security Act of 1954, under an amendment which you proposed to the Senate.

We have been much interested in this report and I, with Mr. Fugate of the Antitrust Division staff, participated in a discussion with Mr. Straus and his group on the particular subject of Antitrust and Foreign Investment. This consultation which Mr. Straus conducted with those in the Government particularly interested in antitrust matters and with experts in the antitrust field in private practice, was extremely helpful to all concerned.

We were pleased to note that Mr. Straus and his group endorsed continued U.S. opposition to international cartels and monopolies and affirmed the public interest in enforcing the antitrust laws with respect to U.S. foreign trade. The Straus group discussions emphasized the necessity of preserving our free enterprise system in American foreign investment as a matter of great importance in projecting the proper "image of the United States" in the conflict with the regimentation of Communist economic efforts. The report also stresses that "agreements that curtail developing countries' export or investment potentials are directly opposed to our objectives of economic growth," and that artificial barriers to trade would place at a disadvantage small or medium size private American businesses abroad, so that they could be easily foreclosed or excluded from the market by restrictive or monopolistic practices on the part of larger rivals.

We have given careful consideration to the recommendations on antitrust contained in the Straus report, all of which were discussed thoroughly in the consultations in which we participated. We have the following comments upon these recommendations.

RECOMMENDATION NO. 1

We recommend authoritative indication of the extent to which the Department of Justice will take into account elements of legal or quasi-legal compulsion or business necessity in assessing the legality of a foreign arrangement under the antitrust laws.

The Department of Justice, before instituting action under the antitrust laws with respect to activities in foreign trade, does take into consideration the entire factual situation including elements of compulsion in any foreign countries involved. Recommendation No. 1 apparently contemplates two separate situations: first, where participation in a restrictive arrangement is required of an American firm by foreign laws or regulations, and second, where an arrangement is inspired by local custom or by special circumstances in a foreign country that may amount to business advisability.

It is our view that, absent any larger conspiracy, a requirement of foreign law is usually a justification under our antitrust laws for restrictive arrangements abroad to the extent that such activities are carried on entirely within the bounds of a foreign country. There is, of course, a fundamental difference between public regulation by a foreign government and private regulation exerted by a group of companies in a foreign country. Also difficult is drawing the line between business "convenience" and "impossibility" of doing business otherwise. Many of these problems are treated, in part, via comments on Recommendation No. 3, both with respect to compulsion exerted directly or indirectly by a foreign government and compulsion exerted by a private group of companies in a foreign country. It should be borne in mind also, as the Report of the Attorney General's National Committee to Study the Antitrust Laws has pointed out that the Sherman Act "applies only to those arrangements between Americans alone, or in concert with foreign firms, which have such substantial anticompetitive effects on this country's 'trade or commerce * * * with foreign nations' as to constitute unreasonable restraints" (p. 76).

RECOMMENDATION NO. 2

We recommend clarification of and more information concerning the willingness of the U.S. Government to consider in advance the legality under antitrust laws of proposed investments abroad.

We note that the Straus group does not favor "advance clearance as a matter of routine procedure for foreign transactions," saying that this would not be a healthy thing either for the business community or for antitrust enforcement. We assume, from the comments on page 30 of the report, that this recommendation is more of a suggestion that the business community be informed of and take advantage of the limited clearance procedure now available in the Department of Justice with respect to foreign arrangements. The Department has taken every opportunity to publicize this procedure and we will continue to do so in the future. The availability of the procedure, the so-called "Railroad Release" letters, with respect to arrangements involving foreign trade may not be well known for it is true that while we have had several hundred requests for such letters, there have been very few relating to foreign trade. Of course, there are legal impediments to any real clearance program by the Department of Justice, since the Attorney General is not authorized to give legal opinions to private parties. These "Railroad Release" letters issued by the Department will only be given to a company which submits full information to the Department with respect to a proposed plan. The Department may then state as to the proposal submitted to it that, if it decides to test the validity of the proposed plan in actual operation, it will forego criminal action. This procedure was adopted many years ago to mitigate business uncertainties in those areas where antitrust questions are highly doubtful as a matter of law, and previously undecided by a court. In each letter the possibility of Government civil action is carefully preserved.

RECOMMENDATION NO. 3

We recommend that, barring unusual circumstances, time should be permitted for consultation with representatives of the foreign government affected if the basis for the proposed antitrust action might be removed by negotiation or if advance notice might soften the impact on foreign opinion.

We believe that this recommendation has in it excellent possibilities for resolving many of the difficult problems in the foreign trade-antitrust field and this course of action is one to which the Departments of Justice and State have devoted much attention. There is now in effect a regular liaison procedure whereby the Department of Justice consults the Department of State with reference to proposed actions and suits which might affect the foreign policy of the United States. Mr. Becker, legal adviser of the State Department, recently suggested, in an address before the New York State Bar Association, that the Department of State should play a more active role than it has in the past in attempting to resolve problems or potential problems in the foreign relations field arising in the administration of the antitrust laws. He mentioned that the Department of State could do more in the way of affirmative consultation with the foreign government concerned, with the view of obtaining agreement that specific practices or arrangements are, or are not, contrary to our mutual interests. The discussions conducted by the Straus group on antitrust problems brought out the fact that sometimes restrictive measures by private companies in a foreign country affecting U.S. imports or exports would be contrary to international agreements if done directly by the foreign government.

We agree that discussions with a foreign government concerning particular restrictive activities affecting its trade or its nationals as well as our own should be extremely helpful to both governments. This procedure has indeed been followed in several antitrust cases. The recommendation of the Straus group, as indicated in the report, includes coordinating the railroad release program of the Department of Justice and the liaison procedure between the Departments of Justice and State. This, we think, would serve a useful purpose. For example, if the Department of Justice had a request for a railroad release with reference to a proposed restrictive foreign arrangement involving our trade where pressure to join was exerted on an American company, this matter could be passed on to the State Department for consultation with the foreign government.

To summarize, we are generally in accord with the recommendations of the Straus Committee on the subject of antitrust and foreign investment. We believe that intergovernmental discussion may be very helpful in dealing with the problem of business compulsion upon an American company in a foreign country whether exerted directly or indirectly by a foreign government or by a cartelized industry.

Sincerely yours,

ROBERT A. BICKS,
Acting Assistant Attorney General,
Antitrust Division.

Mr. JAVITS. I also ask unanimous consent to have printed in the RECORD at this point as a part of my remarks an excerpt from the Straus report, which raises these challenging questions as one of the great elements which are interfering with American private investment abroad.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPANDING PRIVATE INVESTMENT FOR FREE WORLD ECONOMIC GROWTH

V. ANTITRUST AND FOREIGN INVESTMENT

We recommend authoritative indication of the extent to which the Department of Justice will take into account elements of legal or quasi-legal compulsion or business necessity in assessing the legality of a foreign arrangement under the antitrust laws.

We recommend clarification of and more public information concerning the willingness of the U.S. Government to consider in advance the legality under antitrust laws of proposed investments abroad.

We recommend that, barring unusual circumstances, time should be permitted for consultation with representatives of the foreign government affected if the basis for the proposed antitrust action might be removed by negotiation or if advance notice might soften the impact on foreign opinion.

Mr. JAVITS. The end result of the reply of the Department of Justice is that there is no such inflexible barrier in the antitrust laws as many businessmen would have us suppose. On the contrary, there is every desire and every effort to negotiate each individual situation, depending upon the national interests, so that no businessman needs, solely on the advice of his lawyer, to say, "I am not going to move into operations abroad." He should go to the Department of Justice and discuss the situation. There are perfectly lawful ways, within the policy of the Department, for working out his problems.

The PRESIDENT pro tempore. The bills will be received and appropriately referred.

The bills, introduced by Mr. JAVITS, were received, read twice by their titles, and referred, as follows:

To the Committee on Finance:

S. 3251. A bill to amend the Internal Revenue Code of 1954 to encourage private investment abroad in less developed areas and thereby promote American industry and reduce Government expenditures for foreign economic assistance in such areas.

To the Committee on Foreign Relations:

S. 3252. A bill relating to the furnishing of assistance in financing economic development projects carried on by private enterprise in foreign countries.

NATIONAL SHOWCASE OF ARTS AND SCIENCES IN THE DISTRICT OF COLUMBIA

Mr. MORSE. Mr. President, I rise to introduce a bill which will fill a needed gap in the picture which foreign visitors, as well as the many tourists from our own country, feel when they visit the Nation's Capital—the capital of the most powerful nation in the free world. The gap I am referring to is perhaps more apparent than real. There are many cultural activities in the Nation's Capital, but many of them are insufficiently encouraged. Moreover, there is a real need for the Government to furnish leadership in providing more of them.

I am introducing this bill, which will parallel similar bills introduced in the House of Representatives. The bill will authorize the establishment of what is to be called a "National Showcase of the Arts and Sciences in the District of Columbia." The purpose of this showcase is to encourage young American artists and scientists to aid them in the performance and exhibition of the products of their work. The bill will further authorize the holding of an International Olympiad of the Arts and Sciences on a biennial basis in the District of Columbia.

The center for this program will be the Commissioner of Education, who shall act as a clearinghouse for all the activities authorized by this bill. The Commissioner of Education will have the benefit of the assistance and advice of an advisory committee, whose members shall be drawn from government, the field of arts, and the field of sciences. Members of the advisory committee will serve without compensation, except for expenses.

In the 83d Congress, the House of Representatives passed a bill, H.R. 7494, similar to the one I am now introducing. The bill will authorize the use of various auditoriums which might now be used for the general purposes set forth in the bill, and it is my hope that when the National Cultural Center is completed, its magnificent facilities will be made available. The exhibitions and performances to be presented will be largely developed with the aid of educational institutions and professional associations located throughout the Nation. The Biennial Olympiad also authorized by this bill will invite participation by the nations of the whole world in the spirit of the Olympiad now conducted in the field of sports.

The program envisaged by this bill will be without cost to the Government. Financial dependence for the exhibitions, productions, programs, and so forth, will be borne by private institutions. Section 7(b) of the bill authorizes the Commissioner of Education to receive contributions from any source to assist in carrying out the programs and activities authorized by the bill. Such contributions shall be held by the Treasury in a special fund, and the transactions of the Commissioner of Education shall be audited by the Comptroller General. In brief, I am not proposing a subsidized program. I am proposing, instead, machinery to utilize the resources which are available now.

Mr. President, the scientists and artists of America have no reason for apology. Their accomplishments are hailed throughout the world, and are recognized by those citizens of other countries who have similar interests and aspirations. On the other hand, the public image of the United States, in many countries of the world, fails to include a true appreciation of our interest in the arts and pure sciences. We are recognized as a nation of material accomplishment and efficiency, not as a nation of the spirit. It seems to me that

this misleading impression should be dispelled. I, therefore, introduce this proposed legislation, for appropriate reference, with the hope that it will be acted upon quickly in the public interest. I ask unanimous consent that the bill be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3356) to authorize the establishment of a National Showcase of the Arts and Sciences in the District of Columbia to encourage young American artists and scientists; to authorize the holding of an International Olympiad of the Arts and Sciences on a biennial basis in the District of Columbia and thus to enhance the prospects of a durable peace, and for other purposes, introduced by Mr. MORSE, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to encourage the further development and growth of the arts and sciences in American educational institutions and to strengthen the bonds which unite our people with the people of all other nations to the end that the prospects of a durable peace may be enhanced, there is hereby authorized to be held in the District of Columbia conferences, exhibitions, production, festivals, competitions, and programs of educational institutions as provided in this Act. As used in this Act the term "American educational institution" means an educational institution located in a State, the District of Columbia, Puerto Rico, or a possession of the United States.

SEC. 2. Upon the request by the Commissioner of Education for such information, the head of each department and agency of the Federal Government, the Board of Commissioners of the District of Columbia, and the Recreation Board of the District of Columbia shall inform the Commissioner of Education of facilities under its jurisdiction in the District of Columbia which it will make available for conferences, exhibitions, productions, festivals, competitions, and programs presented pursuant to the provisions of this Act. Such facilities shall include, but not be limited to, the White House, the Carter Barron Amphitheater, the Watergate Amphitheater, and the auditoriums and exhibition areas of the National Gallery of Art, the National Cultural Center, the Smithsonian Institution, the Library of Congress, the Lafayette Square Opera House (which shall be transferred to the Recreation Department of the District of Columbia, renovated by it and used for such purposes and educational and recreational activities in the arts and sciences), the Interdepartmental Auditorium, the National Archives Building, the Departments of State, Interior, Agriculture, Commerce, and Health, Education, and Welfare, and the secondary schools of the District of Columbia.

SEC. 3. The Commissioner of Education shall select and arrange for the presentation of significant, high quality conferences, exhibitions, productions, festivals, competitions, and programs in the fields of the arts and sciences of American educational institutions in suitable facilities in the District of Columbia which are made available pursuant to section 2 of this Act, including the performance of services incidental thereto, and these programs and activities shall be referred to as the National Showcase of the Arts and Sciences.

SEC. 4. In carrying out the provisions of this Act the Commissioner of Education may make arrangements, including contracts, with suitable educational institutions, organizations, and individuals (1) to handle the business management and all technical work related to conferences, exhibitions, productions, festivals, competitions, and programs of educational institutions, and (2) to promote public attendance, when, in his judgment, this is necessary to carry out the purposes of this Act.

SEC. 5. (a) An International Olympiad of the Arts and Sciences shall be held biennially in the District of Columbia in the facilities made available pursuant to section 2 of this Act in conjunction with the activities carried out under section 3 of this Act. Each International Olympiad of the Arts and Sciences shall consist of exhibitions, productions, and programs of American educational institutions judged by the Commissioner of Education and a competent jury (which shall consist of distinguished judges invited by him to act in this capacity) to be outstanding; and exhibitions, productions, and programs, and so forth, of foreign nonprofit educational institutions and organizations subvened financially in whole or in part by the countries in which such educational institutions and organizations are located or political subdivisions thereof. Foreign students and teachers of such institutions who are in the United States and are assisted by any cultural or exchange of persons program administered by the Department of State shall be encouraged and invited to participate in the International Olympiad of the Arts and Sciences.

(b) The Secretary of State, after consultation with the Commissioner of Education, shall, at appropriate times, extend invitations to nonprofit educational institutions and organizations in foreign countries which are eligible to participate in International Olympiads of the Arts and Sciences held pursuant to subsection (a) of this section.

SEC. 6. There is hereby established an advisory committee to advise and assist in the development and administration of the programs and activities authorized by this Act. Such advisory committee shall consist of the Commissioner of Education, who shall be chairman; the Director, Bureau of International Cultural Relations, Department of State and the Director, United States Information Agency, who shall be vice chairmen; and sixty members appointed by the Commissioner of Education from among persons nominated by educational organizations, thirty of whom shall be drawn from the fields of the arts, and thirty of whom shall be drawn from the fields of the sciences. Each member of the advisory committee appointed by the Commissioner of Education shall hold office for a term of four years; except that (1) of the members first appointed thirty shall hold office for a term of two years, and thirty shall hold office for a term of four years, from the date of enactment of this Act; and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Members of the advisory committee shall serve without compensation, but each member of such committee shall be reimbursed for travel, subsistence, and other necessary expenses incurred by him in connection with the work of such committee.

SEC. 7. (a) The Commissioner of Education shall use the proceeds, if any, from the programs and activities authorized by this Act to (1) carry out the provisions of this Act, and (2) assist in providing appropriate prizes for original creative work presented pursuant to the provisions of this Act.

(b) The Commissioner of Education is authorized to receive contributions of money, materials, and other property from any source to assist in carrying out the programs and activities authorized by this Act. Any contributions of money so received, or funds realized from the sale of property or other gifts, shall be covered into the Treasury to the credit of a special fund which shall be available to the Commissioner of Education for carrying out the programs and activities authorized by this Act. The financial transactions of the Commissioner of Education under this Act shall be audited at least once a year by the Comptroller General of the United States in accordance with such rules and regulations as may be prescribed by the Comptroller General.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. HRUSKA:

Statement by him before U.S. Tariff Commission on lamb and mutton imports into the United States, March 22, 1960.

By Mr. WILEY:

Article entitled "Sound Economics Can Make Good Politics," written by him, published in the American Bar Association Journal of March 1960.

DECLINE IN THE INTEREST RATE ON GOVERNMENT BONDS

Mr. DOUGLAS. Mr. President, yesterday the interest rate on short-time Government securities fell again. In December 1959, it averaged 4.572 percent on 91-day bills. The rate on 6-month bills was as high, in early January, as 5.099. The administration was vehement in demanding that the 4¼-percent ceiling be removed; and those of us who opposed that demand were subjected to bitter denunciation.

Then the short-time rate began to fall slightly, to an average of 4.436 in January; but the administration became even more insistent. Then, on February 13, the 91-day rate slipped to 3.563 percent, although it rose subsequently. But still the administration demanded removal of the ceiling.

In the last 2 weeks the decline has been precipitous. On March 7, the interest rate was 3.64 percent for 91-day bills; and on March 14, the rate was 3.451 percent. Yesterday, the rate on the issue of $1,200 million of 91-day bills was only 3.033 percent. The decline in the rate on the 182-day bills was proportionately even greater; it went down from 5.099, as I have mentioned, during the first week in January, to 3.619 percent last week. Yesterday, the rate fell to 3.176 percent, or a decline of approximately three-eighths of the total rate from its December high.

During this period the yield on long-term Governments has also been declining, although not, of course, so sharply, because the rates on the long-term bonds are not as volatile as are those on the short-term bonds. Yesterday, I reported that the arithmetic average yield or true interest rate of the 26 outstanding long-term issues as of last Friday was 3.95 percent. More precisely, it was 3.966 percent. There was a further very slight decline yesterday, to 3.963 percent. But I believe we should realize that every one of the 26 issues has a yield below the 4.25 percent ceiling which the administration wants removed, while no less than 10 issues were below 4 percent.

Last week the Treasury was still demanding that the ceiling be removed. It will be interesting to see whether the Treasury still continues to make this demand. It will also be interesting to see by how much the interest rate will have to fall before the Treasury will abandon its plans to saddle a high-interest-rate issue upon the American taxpayers, and, instead, will reconcile itself to economic realities.

Mr. YARBOROUGH. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I am very glad to yield to the able junior Senator from Texas, who has been deeply interested in this whole matter.

Mr. YARBOROUGH. Mr. President, I desire to commend the Senator from Illinois and the other Members who have been helping him—the senior Senator from Pennsylvania [Mr. CLARK], the junior Senator from Tennessee [Mr. GORE], and the junior Senator from Oklahoma [Mr. MONRONEY]—for their continued, highly intelligent, and highly active fight against the spiraling high-interest-rate, hard-money policy, of the present administration. I think nothing better illustrates the value of the fight they have made than the recent persistent and steady decline in the interest rates on Government bonds. Many Members believe that without the fight which these distinguished Senators have made, the line would not have been held this long against the efforts of the administration to have the interest ceiling on Government securities removed. Without the determined fight which these very able Senators have made, doubtless the Secretary of the Treasury would already have received the authority the administration has requested to increase the interest rate on long-term Government bonds from 4¼ percent to 5 percent.

But these courageous Senators have held the line until the market reacted as they predicted it would; and now we see that the interest rate increase the administration has so persistently requested is not needed to make the bonds marketable.

Furthermore, if the Secretary of the Treasury would simply say that he would no longer ask that the ceiling on the interest rate on long-term Government securities be removed, undoubtedly the interest rate would fall still farther.

In my opinion, one factor that has held up the interest rates has been the thought of those who otherwise would have been purchasing Government bonds, that if they would simply postpone their purchases, if they would hold onto their funds a while longer, and "keep them in the sock," the need of the Government to sell its bonds would result in a rise in the interest rate. Accordingly, those who have funds to invest in bonds have postponed their purchases. However, despite that fact, in recent months the interest rate has steadily declined, until today, as the Senator from Illinois has pointed out, the rate is below 4 percent.

With the Federal public debt approaching $300 billion, we can easily calculate that a decline of three-fourths of 1 percent in the interest rate, if applied across the board, would result in a saving of $2,250 million in the interest bill the Federal Government must pay on its debt; and a 1 percent decline in the rate would mean that the saving to the Government on the interest charge on the Government debt would amount to $3 billion a year.

Mr. President, I do not believe that anyone doubts that if a break through on the interest rate ceiling were to occur and the rates go still higher, the result would be most harmful to both public debt and private debt; there would be another spiral in the interest rate and another round of interest-rate increases, and another inflationary spiral of price increases.

The PRESIDENT pro tempore. The time available to the Senator from Illinois, under the 3-minute limitation in the morning hour, has expired.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the further time I wish to use shall be charged to the time available to me during the morning hour.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, the determined action taken by our courageous colleagues is resulting in savings of billions of dollars a year in the interest charge on the public debt, and in the saving of even more billions of dollars a year on private indebtedness in the United States.

So I wish to express my profound appreciation to the distinguished Senator from Illinois [Mr. DOUGLAS] and to the other distinguished Members who have been associated with him in this courageous and persistent fight. The Senator from Illinois is a distinguished economist, and all of us are deeply grateful to him for the leadership he has been giving in the fight to hold down the interest rates.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that at this time I may speak for 1 minute, in order to have time in which to reply to the Senator from Texas.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. DOUGLAS. Mr. President, I wish to say that no one has been more valiant in this struggle than has the junior Senator from Texas [Mr. YARBOROUGH]. I believe that the results of our effort will vindicate it. Last fall, the Under Secretary of the Treasury announced that the Government intended to refund $20 billion of Government securities into long-term securities; and at the same time the Treasury floated a 4-year and 10-month issue at 5 percent—the "fabulous 5s," so-called—which now are selling at over a 3-percent premium.

So that in the long run, although not necessarily in each year, I think we have saved billions of dollars for the taxpayers. And I am very curious to see what the Federal Reserve, the administration, and the financial writers say about these developments.

Again I want to thank the Senator from Texas, and say no one deserves more credit in this effort than he does.

Mr. BUSH. Mr. President, the Senator from Illinois might be interested in what I expect to say, if I could attract his attention, because I intend to mention his name at least, and call attention to what he said yesterday, when he stated that the wealthy investors who are able to get hold of the high-interest rate issues have made a killing of hundreds of millions of dollars.

Mr. President, I submit that is a misleading statement. The investors who bought the so-called "magic 5s" were not wealthy investors, but were, principally, people with money in savings banks.

It happened that last October, when this issue was made, I was at a savings bank convention in Virginia. The savings bankers were very much concerned about the savings withdrawals by small savers who were putting their money into the 5 percent notes. There were more than 100,000 individuals who bought those notes, and that was a greater number of people—individuals, small savers—who bought bonds on the Government bond market than at any time since World War I.

So I submit it is not quite fair to the Treasury to say that it was wealthy investors who made a killing on these bonds. The savers of this country have discovered the Government bond market, and have withdrawn money from their savings accounts to buy Government obligations.

Mr. President, on this subject, since there have been several remarks made about it in the last few days, and the Senator from Illinois has commented on it again today, I wish to point out that practically every group that knows anything about this situation in the financial world has come to the conclusion that the ceiling on long-term bonds should be lifted. The most recent statement to that effect was made by the National Association of Homebuilders; we have also had such an opinion expressed from the National Retail Lumbermen's Association; and last fall we had such an expression from the National Association of Real Estate Boards. We have also had that advice from every leading financial institution in the country, the savings and loan associations, the savings bankers associations; and when the International Monetary Fund had its meeting here last September, the one thing the representatives of some 69 countries from all over the world could not understand was how the U.S. Congress could tie the hands of the Treasury, force it to go into the short-term money market, and prevent it from issuing long-term bonds. They thought that was the height of folly, and they could not understand it. They were given to hope, I think, when they were here, that the

Treasury would be accorded the privilege of issuing long-term bonds when this Congress came back into session.

Now it appears there is a determined move afoot to prevent that. I say to my friends across the aisle that they are gambling. There is a new set of gamblers in the security market. They are speculating with the national credit. Upon that national credit depends the security of this country and the security of the whole free world. I say it is a reckless thing to do.

I say it is reckless to speculate with this issue because they think they have a "hot" political issue. I say to my colleagues and to my friends in the other body that it is the most dangerous speculation I have seen since I have been in the United States Senate. I beg them to drop this issue, and to give the Treasury the opportunity to finance this Government's needs with free hands, and not have its hands tied behind its back.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. BUSH. Mr. President, I ask unanimous consent to continue for another 2 minutes on this point.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. BUSH. Mr. President, regarding the purchases of the 5 percent bonds, I ask unanimous consent that the list which I have in my hand of the subscribers to these bonds, which were issued last October, totaling $2,316 million, be placed in the RECORD at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BUSH. Mr. President, I ask unanimous consent that an editorial which appeared in the Wall Street Journal today be printed in the RECORD at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. BUSH. Finally, Mr. President, I ask unanimous consent that an editorial which appeared in the Journal of Commerce today, March 22, 1960, entitled "Out of the Blue," be also printed at the conclusion of my remarks, as having a bearing on this situation.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 3.)

Mr. BUSH. Mr. President, the reason why interest rates have come down and the situation exists as my able friend from Illinois has said in the last 2 or 3 days has been due to the very simple fact that there has been an easing off in business in many lines. There has been a slight recession in business. The records show it. Retail sales are off. Automobile sales are slow.

I see no reason for rejoicing that interest rates are down because business is off temporarily. I think that is an unhappy fact, and nothing to be rejoicing about.

I think also that if Congress does not do something about this question before it adjourns for the summer, it is going to place the United States in an exceedingly difficult position for taking care of the needs of the Government and for preserving the credit of the Government and for fighting inflation, particularly, in the future. It appears that we are going to enter another period of very active business, in which money is going to be very much in demand, and interest rates are very apt to firm up and reach a higher level than their present level.

So, Mr. President, I plead sincerely and earnestly with my friends across the aisle, both here and in the House of Representatives, to drop this silly issue, and give the Treasury of the United States the freedom that any other government, of any responsibility, gives to its treasury in connection with the financing of Government operations.

EXHIBIT 1

ALLOTMENTS BY INVESTOR CLASSES ON SUBSCRIPTIONS FOR 5-PERCENT TREASURY NOTES ISSUED OCTOBER 15, 1959

In the issue of 5-percent notes sold last October, more than 100,000 individual subscribers—mainly small investors—subscribed for and were allotted more than $750 million of the securities. Subscriptions by the large financial institutions were rigidly limited by the Treasury.

The amounts allotted to various classes of subscribers were as follows: [1]

Commercial banks	$587,000,000
Individuals	778,000,000
Insurance companies	148,000,000
Mutual savings banks	138,000,000
Corporations	91,000,000
Private pension and retirement:	
Funds	107,000,000
State and local governments	80,000,000
Dealers and brokers	58,000,000
U.S. Government investment accounts and Federal Reserve banks	100,000,000
All other	229,000,000

EXHIBIT 2

[From the Wall Street Journal, Mar. 22, 1960]

WHERE THE SHOE PINCHES

The National Association of Home Builders, we see by a letter to its members, has found out that it makes a lot of difference where the shoe pinches.

For many months now Secretary Anderson has been trying to persuade Congress to change the law which forbids the Treasury to pay more than 4¼ percent interest on long-term Government bonds. The chief opposition has come from those who say that, while this might make things easier for the Treasury Secretary, it would be a severe blow to ordinary folk who have to borrow money on long terms, such as on mortgages. Aren't mortgage rates already high enough without the Treasury pushing them higher?

So the Democrats in Congress, who profess a deep concern about home buyers and the building industry, have told Mr. Anderson "No." If he's pinched for funds, let him stick to the short-term market.

But now the homebuilders have had some second thoughts. The association has just called on all members to write their Congressmen at once giving "strong support" to a change in the interest-rate limitation "at the earliest possible date." If the change isn't made quickly, say the homebuilders, it "could well mean tighter mortgage money and higher interest rates."

Behind this about-face is an interesting lesson in the economics of interest. It's one that might even be instructive to the self-styled liberal Democrats in other ways, too.

The basic situation here can be described fairly simply. Because of the tremendous demand for the Nation's lendable funds, from both private and governmental borrowers, the price of money has been pushed up. Uncle Sam may offer to pay 4¼ percent interest, but no lenders come forward for the reason that they can already lend their money elsewhere at a higher rate.

So with long-term money already "tight," the first reaction of many people was that to permit the Government, with its huge borrowing needs, to raise its interest bid would simply make the long-term money supply even tighter. The Government, so the argument ran, would then be competing even more directly with would-be mortgage borrowers, interest rates would rise further, people wouldn't be able to buy homes, the building industry would fall into the doldrums and that would injure the whole economy.

Of course this train of thought, however persuasive to the unsophisticated, overlooked one little detail. The U.S. Treasury had to get the money from somewhere, billions of it. And if it couldn't spread its borrowing over the long-term market, it had to borrow all the billions on the short-term market where there was no interest limit fixed by law.

What happened then was unforeseeable only by the kind of "liberal" Congressman who thinks statutory law will repeal the actual laws that govern economic affairs.

When the Treasury was forced to borrow its billions on short-term notes alone, short-term interest rates went skyrocketing. Last fall the Treasury had to pay 5 percent for notes maturing in less than 5 years. So, not unnaturally, people who had money in savings banks and building associations at much less interest, drew out their money and bought the Treasury notes.

Hence the home builders discovered that "the Treasury's unavoidable financing activities are draining money out of the very institutions on which we must rely for mortgage credit." And they concluded that if the Treasury isn't permitted to meet the going interest rates in the long-term market, where it can spread its debt around, "we are all going to suffer severely."

So there you are. Those who refused to let the Treasury deal sensibly with the realities of the marketplace have brought about the very thing they professed they would avoid.

The political lesson should be plain when the Congressmen hear from the home builders. And the economic lesson might even remind some of them that when a shoe is badly made it's apt to pinch all over.

EXHIBIT 3

[From the Journal of Commerce, Mar. 22, 1960]

OUT OF THE BLUE

The Members of Congress who had thought that the recent easing in interest rates would give them a way out of their dilemma over the 4¼-percent ceiling on new Government obligations got a rude awakening last week.

The decline in money rates had looked like an answer out of the blue. There had been a growing recognition that something had to be done to eliminate the ceiling on rates the Treasury could pay on securities of over 5-year maturity. It was becoming obvious that the failure to lift the 4¼-percent ceiling was forcing the Treasury to rely far too much on short-term obligations. This led to a potentially dangerous situation of overliquidity in the economy.

There has also been a greater recognition that the forced reliance solely on short- and intermediate-term obligations could easily lead to conditions under which the Federal Reserve would be obliged to ease credit despite its wishes to enable the commerical banks to take up securities not wanted by others.

Yet Congress has been trying to develop a nice political issue out of the ceiling by generating the impression that the refusal to lift it is really keeping interest rates low and helping out the small borrower.

The attempt to get the best of both worlds by allowing a small volume of new long-term bonds to be offered at above 4¼ percent, either by a small exemption or by advance refunding has not gotten far as yet. Hence, as interest rates fell moderately in the first months of 1960, it was suggested that the ceiling would cease to have any meaning if the problem were just forgotten long enough for long-term market rates to come back under the 4¼-percent level.

Under Secretary of the Treasury Julian Baird took the opportunity of a phone query on the question from Representative IKARD, Democrat, of Texas, to explain just why this hoped-for elimination of the problem by doing nothing won't work. His arguments were few but potent.

To be sure, he explained, rates on some outstanding Treasury obligations of over 5-year maturity are now under 4¼ percent, but this is not a true picture of what yields on new offerings would have to be.

In the first place, the scarcity of new long Treasury issues caused by the ceiling has artificially pushed up their yields by itself. In addition, the yields themselves do not present the true picture of market sentiment because of the tax advantages inherent in the deep discounts at which outstanding long bonds are now selling.

This is due to the capital gains which each bond will develop as it returns to par and the fact that Treasury obligations, no matter the market price, may be turned in at par to pay estate taxes.

Finally, there is the simple fact that new bonds must have a higher yield than outstanding issues simply to attract funds from outstanding investments and to compensate for the fact that supplies of securities will be increased.

This is why the Treasury has not tried to sell long bonds at 4¼ percent recently and why it is unlikely that any attempted offering at such a yield could be successful.

An additional point is that while interest rates have gone down somewhat in the last 2½ months, there is no reason to believe that they will continue to drop at such a rate or perhaps even to drop further at all.

Certainly if the economy takes a serious turn for the worse, such credit easing will develop, but no signs of this are presently available.

In addition, there is evidently a current shortage of mortgage money that is limiting new home starts to levels below those of 1959. Since interest rates are determined by the availability of credit, it is hard to see how enough excess investment money over demand could become available in the next few months to bring about much lower interest rates when the homebuilders are waiting in the wings for just such funds to finance the homes they feel they can sell.

This should deal the final blow to the hopes of those who feel that a short wait without doing anything about the ceiling will make the problem disappear.

What is needed, of course, is a complete removal of this 4¼-percent ceiling. It does not keep interest rates low, as some of its proponents assert, but rather it works in just the opposite direction; for this veto on sound debt management policies robs investors of confidence in the dollar and thus cuts the supplies of funds they make available for lending.

Certainly the compromise plans now under consideration would help. They would take the pressure off the Treasury by allowing at least some new obligations of over 5 years maturity to be marketed.

But a complete removal of the ceiling would not only accomplish this goal for the Treasury but would also give the capital markets a psychological lift that would help immeasurably in increasing savings and thus making long-term capital available at a lower price.

[1] Source: Treasury Bulletin, February 1960.

Mr. DOUGLAS. Mr. President, in view of the fact that the Senator from Connecticut made certain personal references to me, I wonder if I might be permitted to reply to him. I shall try not to exceed 3 minutes, but if I have to, I may ask for more time.

Mr. BUSH. Mr. President, I ask unanimous consent that the Senator from Illinois may proceed——

Mr. DOUGLAS. Mr. President, I ask unanimous consent that I may have time to reply to the Senator from Connecticut.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Illinois? The Chair hears none, and it is so ordered.

Mr. DOUGLAS. Mr. President, I was interested in the statement of the Senator from Connecticut that we were in a business recession. I have never made that statement myself. As a matter of fact, I do not think we are. I think we are in an arrested period in a previous upward movement, although we are still very far from full employment.

I can be certain, Mr. President, that if the Senator from Illinois had said we were in a business recession the Senator from Connecticut and others would have immediately leaped to their feet and once more accused me of being a prophet of gloom and doom. I want the RECORD to show doubly that this comment was a comment of the Senator from Connecticut and not of the Senator from Illinois.

Mr. President, I should like to point out that the Treasury has not followed a policy in the past of refunding an adequate amount of its short time securities when interest rates were low, so that, as a matter of fact, during the first 6½ years of the Eisenhower administration when long-term rates were below the 4¼-percent ceiling the average length of the public debt had shortened from around 5 years and 3 months to 4 years and 7 months as of June 1, last spring. However, when the interest rates were high the administration did wish to refund, and Under Secretary Baird, I believe it was, last October said their intention was to refund about $20 billion. At the same time the administration issued the 4-year and 10-month notes at par, with 5 percent interest. These were oversubscribed five times, which was a pretty clear indication that the interest rate was too high. I criticized the issue at the time, but of course that had no effect.

I think there is every reason to believe that if last year we had given the permission requested, the $20 billion, or a considerable fraction thereof, would have been refinanced at rates close to 5 percent.

I would call attention to the fact—which apparently my good friend from Connecticut does not question—that as of last Friday the average interest rate on the 26 issues of long-term Government securities was 3.96.

I will say that is an unweighted arithmetical average. I figured out this morning the average rate for yesterday, and it came to 3.953, a little less than the rate for last Friday, but not much less.

What we are facing is a fall in interest rates. This seems to distress the Senator from Connecticut very much. I do not want to have the fall in interest rates purchased at the price of a recession. I do not think we are yet in a recession. I hope we will never get in one. However, this fall in the interest rates seems to strike the Senator from Connecticut in a very sensitive nerve. He regards it as a sign of calamity. I do not regard it as a sign of calamity. I think it reduces the fixed charges which the American taxpapers, the investors and borrowers of America, have to pay for the use of capital and money. I do not regard it as a catastrophe.

On this question of the "fabulous 5s," I think it is now clearly evident that the interest rate was higher than it should have been. The Senator from Connecticut says that all the poor people had a chance to get in on it, but I should like to ask the Senator, how much was the minimum subscription which an individual had to put down for one of those bonds? Am I correct in my understanding that it was $1,000 for an individual?

Mr. BUSH. Mr. President, the Senator makes that assertion. I am not going to dispute it.

Mr. DOUGLAS. I think it is correct. The Senator was a very able Wall Street investment financier and he knows about this issue, of course, much more than I do. I merely desired to ask whether that was a common impression in Wall Street.

Mr. BUSH. I will say to the Senator, if he will give me a moment to do so, I do not believe that is true, although I have not been active in Wall Street for many years. I think anybody could buy a $100 bond if he wanted to.

Mr. DOUGLAS. I think the record will show the situation, and we should verify it before the CONGRESSIONAL RECORD goes to print. I believe the minimum was $1,000.

May I further ask the Senator from Connecticut, who has wide knowledge of financial matters, whether it was true that the smallest amount a bank or a brokerage house could in practice subscribe for was $25,000?

Mr. BUSH. I am not prepared to answer the Senator's question.

Mr. DOUGLAS. I think that is correct. I think we should check that. If I am in error, I will correct the matter in the RECORD before it goes to the public. If I am not in error, we will allow the RECORD to stand.

Let me say that if I am correct it would mean the small saver, by the standards of the American public and by the standards of the Senator from Illinois, was excluded, although of course to the Senator from Connecticut and to the Republican Party a person with $1,000 or $25,000 to invest would be "small potatoes."

Mr. BUSH. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. GRUENING in the chair). The time of the Senator from Illinois has expired.

Mr. DOUGLAS. I yield to the Senator.

Mr. BUSH. The Senator made several references to me.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senators be given additional time for their colloquy.

Mr. BUSH. Mr. President, I ask unanimous consent that the Senator from Illinois be granted an additional 5 minutes, if needed.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut? The Chair hears none, and it is so ordered.

Mr. DOUGLAS. I am glad to yield that time to the Senator from Connecticut.

Mr. BUSH. I simply want to say to the Senator that I have put into the RECORD this morning the statement that over 100,000 individuals bought those 5 percent bonds. I know, from information supplied by savings bankers all over the country, that it was the small people who came in and who made those bonds such a great success. The Senator's definition of "small" may be one thing and mine may be another, but I claim anyone who takes money out of a savings bank and puts it into Government securities comes under the general heading of a small investor, and not what the Senator called such people yesterday. I have forgotten the language the Senator used yesterday, about the rich speculators he claims to be the ones who cashed in on those 5 percent bonds. The record will not support the Senator's statement at all.

Mr. DOUGLAS. We have sent out a representative to telephone for the actual facts, and I ask permission, Mr. President, that at a later time——

Mr. BUSH. The Senator will not dispute the facts I have stated, will he; that these individuals who made withdrawals from savings banks throughout the country are small investors and will tell the Senator that? I ask the Senator if it is not a good thing for the people to invest in Government bonds.

Mr. DOUGLAS. It is a fine thing.

Mr. BUSH. I want to see them invest in long-term Government bonds.

Mr. DOUGLAS. It is a fine thing. However, it is not fine for the Treasury to pay a higher rate of interest than the competitive rate. That is precisely what the Treasury did. They issued a 5 percent interest bond. The issue was oversubscribed five times, which was a clean indication that the rate was higher than it needed to be.

There was every indication that the Treasury, if it received the authorization which it sought from the Congress, intended to refinance from $5 billion to $20 billion of debt at interest rates of 4¾ percent to 5 percent.

Apparently the Senator from Connecticut finds it very hard to admit the fall in the interest rate which has occurred.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an article written by Miss Sylvia Porter which the Senator from Oklahoma [Mr. MONRONEY] has given to me, which discusses these so-called magic 5's.

I do not see the minimum amount stated in the article, but that can be made a matter of record in a few minutes.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"MAGIC 5s" A MEMORY

(By Sylvia Porter)

In October of 1959, the Treasury sold $2 billion of new notes carrying a magic 5 percent coupon—the highest rate on a U.S. obligation in over a generation. The due date is 1964.

In February of this year, the Treasury sold another $2 billion of new notes. On these obligations, also to come due in 1964, the Treasury placed a coupon of 4⅞ percent.

If the Treasury were to issue similar notes today, it could sell them with an interest coupon of 4½ percent.

This illustrates the extent to which interest rates have declined just in the last few months. It also underlines the extent to which investors have been buying U.S. bonds, thus permitting the Treasury to borrow at progressively lower interest rates.

Behind the change are five basic forces. Specifically:

1. A first reason for the reversal lies in the degree to which interest rates had soared at the end of 1959.

So unusual was the 5 percent coupon on a Government note that announcement of the sale made worldwide headlines and investors who never before had even considered buying a Treasury security entered orders for them. Since October, individuals have become buyers of high-coupon U.S. marketable obligations on a scale unknown since the twenties.

2. A second reason has been the dwindling of inflation fears and thus, the willingness of investors to buy bonds in quantity again.

In most of the post-World War II period buyers of U.S. bonds have taken a licking because while they've received $1-plus-interest back for every $1 invested, the interest hasn't been enough to offset the rising cost of living and taxes.

Now the fear of runaway inflation has subsided.

3. A third factor has been the disenchantment of large numbers of investors with high-priced stocks.

From the beginning, the decline in stock prices has been furthered by shifting of funds from stocks to bonds—particularly by institutional investors. The shifts have been pushing up bond prices, pushing down interest rates, and new borrowers have benefited.

4. A fourth factor has been the downgrading of exuberant forecasts for business and for the need for credit this year.

The angle here is that in a more moderate economic advance there won't be such fierce demands for loans, and therefore not such intense pressures on borrowing costs. So far, at least, the demand for credit hasn't been sufficient to send interest rates to new peaks.

5. And a fifth factor has been the realization that as the Federal budget is balanced, the Treasury won't have to tap the market constantly with new loans. There'll hardly be a scarcity of Treasury issues—but there won't be an ever-growing supply, either.

It's improbable that the Treasury will have to pay 5 percent to borrow money again soon.

If you buy Government securities now, expect a satisfactory, comfortably "fat" but not sensational income.

[From the Washington Star, Mar. 20, 1960]

CORPORATE LIST AND TREASURY'S GAIN IN WEEK

(By Warren Bennett)

NEW YORK, March 19.—Corporate and Government bonds advanced this week on light volume.

Short-term interest rates eased in line with the Treasury's lower borrowing costs on its 13-week bills. The current issue drew a rate of 3.451 percent.

Mr. DOUGLAS subsequently said: Mr. President, the distinguished Senator from Connecticut [Mr. BUSH] refused to admit the accuracy of certain statements which I made a few minutes ago. I think it would be appropriate if I placed in the RECORD the facts about the Government bond market, as I have been able to gather them from experts in the Government.

Treasury bonds closing over the counter Mar. 19

Maturity	Rate	Bid	Asked	Net change	Yield
1960	[1] 2⅛	99.7	99.9	+0.5	3.25
1965-60	[1] 2¾	98.12	98.20	+.8	3.01
1961	[1] 2¾	98.16	98.20	+.10	3.69
1961	[1] 2½	97.22	97.26	+.10	3.98
1962-59, June	[1] 2¾	96.10	96.14	+.12	3.93
1962-59, December	[1] 2¼	95.18	95.22	+.14	3.98
1963	[1] 2½	95.2	95.6	+.16	4.03
1964	[1] 3	96.8	96.12	+.6	4.01
1965	[1] 2½	93.16	93.20	+.12	4.07
1966	[1] 3	94.20	94.24	+.12	3.94
1967-62	[1] 2½	90	90.8	+.8	4.07
1968-63	[1] 2½	87.20	87.28	+.8	4.17
1969-64, June	[1] 2½	87	87.8	+.12	4.18
1969	[1] 4	99.20	99.28	+.24	4.01
1969-64, December	[1] 2½	86.16	86.24	+.12	4.17
1970-65	[1] 2½	86.8	86.16	+.16	4.17
1971-66	[1] 2½	85.24	86	+.12	4.10
1972-67, June	[1] 2½	85.16	85.24	+.8	3.98
1972-67, September	[1] 2½	85.4	85.12	+.8	3.96
1972-67, December	[1] 2½	85.16	85.24	+.8	3.93
1974	[1] 3⅞	97.12	97.20	+.12	4.09
1969	[1] 4	98.20	98.28	+.12	4.08
1963-78	[1] 3¼	87.24	88	+.8	4.05
1965	[1] 3¼	87.16	87.24	+.12	4.03
1960	[1] 3½	90.8	90.16	+.12	4.05
1965	[1] 3	86	86.8	+.24	3.70

[1] Prices quoted in dollars and thirty-seconds.
[2] Partially tax exempt.

First, the minimum amount of a marketable note which an institution or an individual can purchase is $1,000, as I said. The so-called fabulous 5s were notes of less than 5 years' duration. So I was correct on that point.

Second, as a practical matter, 17 New York brokers who deal in the bond market do not solicit bids as small as $1,000, because the cost would exceed the fees which they receive. Ordinarily, the New York brokers buy in lots of at least $100,000, although odd lots are bought from time to time.

The normal procedure would be for local banks to assemble customer bids and send them to their correspondent banks in New York, and a lot would be ordered. The local banks would wish normally to assemble a considerable volume of these bids, as I stated, before they purchased either from correspondent banks or from the 17 securities dealers, and the dealers would ordinarily buy only in large amounts in order that the fees would cover the costs of the purchase. Normally they would purchase in lots from $25,000 to $100,000. Or even more than those amounts.

There is another fact which I think needs to be noted: The Senator from Connecticut said there were 100,000 individual subscribers to the fabulous 5s. In the aggregate, that would seem to be a large number. But the total amount these subscribers purchased came to $778 million. I have done a little hasty division, and that would mean that the average subscription would be almost $8,000. That may seem to be a small investment to the Senator from Connecticut who, I suppose, is accustomed to deal with much larger figures than that. But, to me, it seems to indicate that only a relatively limited group of people in the United States were able to get hold of the so-called fabulous 5s, which, in my judgment, were issued at an appreciably higher interest rate than market conditions demanded; and that was evidenced by the fact that the volume of subscriptions was over five times the issue. When, at a given price, the demand is very, very much greater than the amount offered, that is an indication that if there were a competitive system, the price would increase.

This strengthens the case which has been presented by so many of us who have been demanding that the Treasury put up at auction its notes and bonds, as we have recommended, and as the Treasury now does in the case of its bills, instead of fixing an interest rate and then having the bonds sold at par, and having a rationing system to determine who, among the oversubscribers, will get the bonds, and on what terms. I have yet to hear a lucid defense of that practice.

Mr. President, I request that these remarks be printed following the colloquy I had earlier today with the Senator from Connecticut; and I also ask that the sheets be shown to the Senator from Connecticut, so he may have a chance to make a further reply if he so desires.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATUS OF THE TELEVISION INDUSTRY

Mr. McGEE. Mr. President, I should like to include in the RECORD today a number of recent articles on the question of the status of the television industry in this country. These are in addition to the items which I have been placing in the RECORD at more or less regular intervals.

First, I invite attention to an article entitled "Commissioner From Arts Field Needed," written by Roscoe Drummond, and published in the Washington Post of March 21, 1960. The author is an esteemed columnist. His recommendation is that in filling an existing vacancy on the Federal Communications Commission, someone from the field of arts be selected for that post. He says:

It is evident that what the Commission now needs most of all is at least one member who has experience in the arts and/or education, and who has a manifest concern over the content of television and radio—not just in the mechanics of the industry and the legalities of licensing.

He pleads for at least one Commissioner with a special fitness for the position and an interest in seeing that the stations and the networks live up to their public service obligations.

Mr. Drummond quotes from a report by Mr. John Crosby, a commentator on one of the New York newspapers. I quote a part:

The imbalance of the program structure is getting worse rather than better, and next fall there are going to be far fewer specials which gave some respite to the cowboys and the gangsters. It'll be a crying bloody shame if the great quiz and payola scandal is allowed simply to die down, leaving the general program schedule * * * where it is now.

In another report from Mr. John Crosby he suggests that the great TV reform wave announced by some people interested in the welfare of the TV industry and the public seems to have abated.

Mr. Crosby asks:

What ever happened to the great reform wave that was supposed to sweep the beach clean?

It's business as usual all over Madison Avenue. The clamor is dying down. The industry is firmly back in the hands of the advertising agencies and the breakfast food companies who are sturdily underestimating everyone's intelligence but their own. The schedule will be full of darling little husband and wife shows in which the children are adorable little monsters.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 21, 1960]

FCC VACANCY—COMMISSIONER FROM ARTS FIELD NEEDED

(By Roscoe Drummond)

Now that the Eisenhower administration has named such an able man as Frederick W. Ford to be chairman of the too long enfeebled Federal Communications Commission, the White House will certainly want to make a superior appointment to fill the place left vacant by the resignation of John C. Doerfer.

It is evident that what the Commission now needs most of all is at least one member who has experience in the arts and/or education and who has a manifest concern over the content of television and radio—not just in the mechanics of the industry and the legalities of licensing.

Let anyone tell you who wants to that this means Government censorship. But you don't have to believe him. Bear in mind that television-radio has to be a licensed industry because the airwaves are public property and are limited in number. The Government allows the stations to use these channels not just because they have the nicest buildings or announcers with good voices but because they agree to use the channels to perform substantial public service.

What the FCC needs is at least one Commissioner with special fitness and interest in seeing that the stations and the networks live up to their public-service commitments.

Put it this way: If for some reason there could be only four legitimate theaters and their use, therefore, had to be licensed in the public interest, you would not want the Commission made up entirely of real estate men. You would want at least one Commissioner who had theater experience.

It seems to me that the current vacancy in the FCC could usefully be filled by someone who has qualifications to consider what happens on television and radio after the licenses have been granted.

The appointee, I think, should be drawn from the arts or at least be sensitive to and interested in the arts and education. Such candidates as the following suggests themselves: Brooks Atkinson, the retiring drama critic of the New York Times; Clare Boothe Luce, author, playwright, and former Ambassador to Italy; William Benton, former Senator from Connecticut and advertising executive with a high sense of public responsibility; Mrs. Carroll Kearns, wife of the Pennsylvania Congressman and former president of the National Federation of Women, with experience in the theatrical arts; Frederick Coe, television's most distinguished producer; Hubbell Robinson, originator of "Playhouse 90" and "The Lively Arts" programs.

I am not urging the appointment to any of these people. I cite them to show the kind of Commissioner who would add the competence and balance the FCC so acutely needs.

How acutely needed is suggested by this report from John Crosby, the New York Herald Tribune's syndicated television critic:

"The imbalance of the program structure is getting worse rather than better and next fall there are going to be far fewer specials which gave some respite to the cowboys and the gangsters. It'll be a crying bloody shame if the great quiz and payola scandal is allowed simply to die down, leaving the general program schedule * * * where it is now."

If the FCC or the Harris committee doubt this report, they ought to lock themselves in a room and watch television 12 hours a day for a week. Then they would know what the phrase "long suffering public" means.

[From the Washington Post, Mar. 16, 1960]

GREAT TV REFORM WAVE SEEMS TO HAVE ABATED

(By John Crosby)

Already CBS is almost sold out for next year. Mostly, the program schedule is what might be described as quality junk. Well, perhaps "junk" is too strong a word. There will be an almost uninterrupted flow of bread and butter programs—situation comedy, shoot 'em-ups, quizzes. There will be almost no serious programing worth mentioning. What ever happened to the great

reform wave that was supposed to sweep the beach clean?

It's business as usual all over Madison Avenue. The clamor is dying down. The industry is firmly back in the hands of the advertising agencies and the breakfast food companies who are sturdily underestimating everyone's intelligence but their own. The schedule will be full of darling little husband and wife shows in which the children are adorable little monsters.

In an excellent article in the current McCall's magazine, Clare Boothe Luce, a murderously accurate phrasemaker, calls television "Everyman's Scheherazade" and titles her article part one—"A Thousand Nights of Terror and Violence." There'll be another one this month.

"Today there are 27 westerns and 20 whodunits on the weekly programs of the major networks," Mrs. Luce writes. "For a thousand and more nights, from sea to shining sea, their chilling hordes have passed before the eyes of 42.5 million American families. Among their evil numbers are safeblowers, brainblowers, convicts, extortioners, counterfeiters, blackmailers, thugs, gangsters, stool pigeons, hoodlums, savages, cattle rustlers, trigger-happy cowpokes, lynchers, jailbreakers, adventurers, drunks, drug addicts, pushers, pads, panderers, pimps, housebreakers, homebreakers, arsonists, sadists, psychopaths, prostitutes, rapists, maniacs, and murderers—all the lice and scum, damned and doomed dregs of humanity, giving an advanced course for young and old in all the techniques of crime and the modes of violence."

The Harris subcommittee recommends that fixing quiz programs be made a crime which is like outlawing cattle rustling. It's a good thought, but the time for such action is past. If the Harris subcommittee wants to know what is really wrong with television, it ought to stop interviewing witnesses and look at that monstrous box for a week.

CBS promised an hour-long program of public affairs—either culture or news documentary. This has been watered down to 26 weeks. NBC promised "World Wide 60," a program of very high cultural aspiration, and this program is on the air, though its achievements are not up to its aims. ABC went its usual cynical way—making money.

TAXES AND ECONOMIC GROWTH

Mr. McGEE. Mr. President, I should like to add to the RECORD a letter to the Washington Post, published in the March 21, 1960, issue of that paper, from Leon H. Keyserling, who once served as chairman of President Truman's Council of Economic Advisers. I include this article because it is in reply to and in addition to a column which I inserted in the RECORD earlier this month, by Mr. Walter Lippmann. The subject of both Mr. Lippmann's column and Mr. Keyserling's letter is that of the economic growth of our country, and the capacity, if we properly use our economic resources, to meet our tax needs, our program requirements, and our national requisites under the present economic structure.

For the benefit of all who care to read, I ask unanimous consent that this letter be printed in the RECORD at this point as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TAXES AND ECONOMIC GROWTH

Walter Lippmann's column of March 8 shows his unerring ability to arrive at a sound position on the most complex problems, when he has had time to sift competing views.

He points out that an annual overall economic growth rate of about 5 percent would enable us (a) to meet our domestic and international public needs in full, and (b) to maintain an average annual rise in per capita private consumption much higher than during recent years.

This should help to dispel the dangerous confusion, spawned even by some of our best-known economists, to the effect that adequate public programs depend upon measures to repress the affluence of private consumption.

In addition to its economic indefensibility, the idea that we should achieve more adequate public programs by less affluent private consumption is highly antisocial despite its moral fervor. If some of those who bemoan private affluence and public poverty visited the public schoolrooms in our 10 largest cities, and then visited the homes of the children in these schools, and of their grandparents on pensions, they would find a mass of private poverty quite as shocking, far more degrading, and just as great a social and economic liability to the Nation as the overcrowded classrooms and underpaid teachers. If they visited our rural areas, they would learn still more about private poverty.

To be sure, there is some glaring private luxury (not just affluence) among some of those whose children do not go to public schools. This calls for an improved distribution of private goods, through better private and public economic policies, including tax revision and closing of loopholes. But perish the proposal made very recently by a leading economist in the Saturday Evening Post, to the effect that States and localities should support expanded educational efforts through more sales taxes or payroll taxes of a regressive character.

In an underdeveloped economy, where 95 percent of the people are poor, consumption must be harshly repressed to obtain a rapid enough rate of capital formation. But the more affluent a society becomes, the less reason there is for such taxes. Viewing the technological outlook in the United States, requiring vast expansion of both private and public consumption, such taxes would be utterly perverse.

In fact, the projections used by Mr. Lippmann really show that current tax rates plus appropriate revisions would finance all the public programs he favors, if the overall rate of economic growth were held high enough to maintain reasonably full use of our production resources. In that event, lifting public spending from 20 to 22 percent of our total national product would permit balanced budgets without higher tax rates because, under our progressive tax systems, a high rate of economic growth automatically yields much higher tax receipts per dollar of private income taxed.

And if, even with an adequate level of public outlays, the overall rate of economic growth were still too low, because of inadequate private consumption and investment, higher tax rates would just make the whole situation worse. The budget should be balanced at reasonably full use of our resources; the attempt to balance it through any combination of spending and tax policies short of that full use has been proved self-defeating on all scores.

The tendency of some economists to try to solve one of our great problems by neglecting the others, instead of seeking a balanced and integrated approach to these problems as a whole, is doubly costly to us in view of the Soviet capacity to achieve this integration.

LEON H. KEYSERLING.

THE TRAGEDY AT SHARPEVILLE

Mr. JAVITS. Mr. President, I invite attention to a tragedy which has occurred, which should appall all Members of the Senate. I think the whole world must be sickened at heart and struck with horror at what took place yesterday at Sharpeville in the Union of South Africa, where many people—and they are human beings, whatever may be the color of their skins—were shot down, not only by police action, but by military action, because there was a very large scale riot.

Whatever may be the problems involved, certainly, as the New York Times says today, this is one of the evil fruits of the policy of apartheid. The Times asks this question—and I echo it; I think it echoes itself to the whole world:

But how often can this be done? Does it really settle anything? Do the South Africans think that the rest of the world will ignore such a massacre?

I do not believe the rest of the world will. Perhaps it requires a horror like the slaughter at Sharpeville to bring home to the white South Africans themselves the evil which the policy of apartheid represents.

We are debating a civil rights bill. Some of us occasionally become a little warm over the subject. We often should, and I think very properly. It has been mentioned much too infrequently, but there is a great world issue involved. The colored races of the world will not accept a second-place status. They are stirred, and if we do not give them an outlet, they may very well embrace the Communist doctrines.

Two-thirds of the population of the world consists of persons whose skins are black or yellow. We must realize what is at stake in asserting the morality and validity of our own Constitution in the United States.

I am not becoming emotional over the subject, but that does not mean that we should not be decisive about it, or that we should not understand, as statesmen and legislators, the important world issue which hangs in the balance as we discuss the civil rights issue, so horribly accentuated by what took place at Sharpeville.

It is significant that the New York Times has placed immediately above the editorial entitled "The Tragedy at Sharpeville," an editorial entitled "How Many Civil Rights?"

Let us all think about the problem, regardless of what part of the country we come from, and regardless of how deep our views may be on the issue of the difference between races.

I say to my colleagues from the South that we are Americans first, but all of us want peace and justice in the world. I ask unanimous consent that both editorials may be printed in the RECORD at this point as a part of my remarks.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 22, 1960]

HOW MANY CIVIL RIGHTS?

The House of Representatives is expected to proceed today with its consideration of a civil rights bill. The expression "civil rights" has a fairly precise meaning this year. It signifies the right of the Negro in several Southern States to be treated as the Constitution directs.

The Senate has been dealing with this matter on and off since February 15. The House got around to it later and, despite some sluggishness, will supposedly produce a kind of bill in a week or so. The House bill will not be a fanatically liberal measure. Last Friday a southern effort to restrict Negro voting guarantees to Federal elections was defeated by the appallingly close majority of 137 to 134. Yesterday a similar move was more emphatically rejected. It stands to reason that a voter who takes part only in Federal elections will not be an object of great political solicitude on the part of local officials.

It scarcely matters what it is that keeps men from voting. If, as has been reported in this newspaper, Negroes in some parts of the South are so intimidated that they dare not even try to register, the effect is the same as though the law said they could not register. Nevertheless, it would be a forward step if there were federally directed machinery which could assist qualified Negroes to register and vote if local machinery could not or would not do this.

The civil rights bill has been sufficiently diluted. Some of the hopes held for it are already destroyed. A minority of a minority has already frustrated to some extent the will of Congress and we may safely assume the desires of most of our population. The blame is not purely southern nor purely Democratic.

The tricks that have been played with this issue have been almost too clever. If the bill that is finally passed and sent to the White House, as some bill surely will be, is altogether too feeble and misleading, it will be important to determine the blame. There will be time to do this before November.

THE TRAGEDY AT SHARPEVILLE

The evil policy of apartheid—the separation of blacks from whites in South Africa—cannot help bearing evil fruits. There is a sense of tragedy hanging over that country. Yesterday saw the horror of dozens of Africans being mowed down and killed by rifles and machine guns as the result of a protest against one phase of apartheid—the requirement for nonwhites to possess and show a pass.

South Africans are wrong to think that nobody in the world understands the complexity and delicacy of their color problem. Along with the injustice of apartheid, there has gone a genuine effort to better the lot of the African, and this is realized. No one thinks that South Africans are wicked men in the sense that they would deliberately plan, or feel anything but distress over, an incident that brings such appalling results.

However, the fact remains that a policy which degrades the great majority of the people of a nation is certain to lead to tragedy. True enough, the South African authorities can suppress a mob such as the one that gathered in Sharpeville, 30 miles south of Johannesburg. The African men and women were armed—those who were armed—with stones. The police used tear gas and then rifles, machine guns, tanks, and jet fighters. It was easy to kill nearly 50 men and women and to wound scores more.

But how often can this be done? Does it really settle anything? Do the South Africans think that the rest of the world will ignore such a massacre? Perhaps it takes a horror like that slaughter at Sharpeville to bring home to the white South Africans themselves the evil that the policy of apartheid represents.

"WHICH PAGE OF THE WASHINGTON STAR DO YOU READ?"

Mr. MONRONEY. Mr. President, I was astounded to read two interesting items in the Evening Star of Saturday, March 19, dealing with the same subject. The editorial writer heads his editorial "An Industry Speaks Up." In the editorial he writes:

The National Association of Home Builders, representing a membership of approximately 43,000, has announced its vigorous support of legislation approved late last month by the House Ways and Means Committee.

He goes on to say:

The association, closing ranks with others that are dominant and representative in the related building and mortgage fields, describes the legislation as "a sincere, well considered bipartisan effort" and urges congressional enactment "at the earliest possible date."

Then I turned to the real estate page of the same paper on the same day and found an article written by the real-estate editor of the Washington Star, Mr. Robert J. Lewis. He headed his article "Tight Money Versus Homes." The subhead reads "Deflationary Impact Hits Housing."

The three points he makes are that the administration's tight money policy is, first, having a severely adverse effect on the rate of home production; second, imposing an implicit downward pressure on the value of existing homes; third, making it impossible for many thousands of families to buy homes which they need.

Further down in his column he says:

The report—

This refers to a report made by the House Banking Committee—

The report has some harsh words to say about the tight money policy, as it has affected home production, interest rates, and financing methods.

It charges that the shortage of mortgage credit "has caused a costly upward spiral of interest rates, unconscionable discounts on FHA and VA mortgages, increased use of unsound and costly financing devices in the conventional loan sector, and a serious decline in home building.

Mr. President, I ask unanimous consent to have both of these items printed in the RECORD at this point.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From the Washington Star, Mar. 19, 1960]

AN INDUSTRY SPEAKS UP

The Treasury Department has received a potentially powerful assist from the home-building industry in its fight to relax the 4.25 percent statutory interest rate ceiling on long-term Government financing. The National Association of Home Builders, representing a membership of approximately 43,000, has announced its vigorous support of legislation approved late last month by the House Ways and Means Committee. The association, closing ranks with others that are dominant and representative in the related building and mortgage fields, describes the legislation as "a sincere, well-considered bipartisan effort" and urges congressional enactment at the earliest possible date.

In brief, the bill as approved by the committee would help in two respects to free the Treasury from being confined to costly and inflationary short-term (less than 5-year) financing of the gigantic public debt. It would, for example, permit the yearly marketing of long-term securities, without any arbitrary interest ceiling, up to a total face value of 2 percent of the debt. Currently, this would make salable to long-term investors about $5.8 billion in Treasury bonds. It would also allow the Treasury to exchange on a face-value basis new bonds of longer maturities and higher interest rates, up to 4.25 percent, for outstanding securities bearing lower interest rates and currently selling below their face value.

In taking its present position, the association presents a sound and persuasive case both for the overall national interest and for the special interest of its own industry. It accepts, for example, the argument and the evidence that even "limited adjustments" in the 42-year-old ceiling would give the Treasury more flexibility in managing the public debt, would on the whole permit greater economy in interest charges to the Government, would lessen the competition of Government financing with certain areas of private credit, and would cut down the inflationary effects of public borrowing. For the related building and mortgage industries, it acknowledges that locking the Treasury into short-term financing actually forces interest rates higher (to 5 percent or above) with the net effect of "draining money" out of savings banks and other institutions which normally supply mortgage credit. Defeat of the pending legislation, the association concludes, "could well mean tighter mortgage money and higher money rates."

The association's reasoning is logical and accurate. It recognizes, too, that this is an issue that has been ambushed in partisan politics. The health and welfare of the homebuilding industry have broad impact on the national economy. It should be helpful that its trade association, its principal mouthpiece, is supporting the Treasury on a problem that should be resolved entirely outside of narrow partisan considerations.

[From the Washington Star, Mar. 19, 1960]

TIGHT MONEY VERSUS HOMES—DEFLATIONARY IMPACT HITS HOUSING

(By Robert J. Lewis)

Whatever merits the administration's tight-money policy may have, there is no denial that this policy is—

1. Having a severely adverse effect on the rate of home production.

2. Imposing an implicit downward pressure on the value of existing homes.

3. Making it impossible for many thousands of families to buy homes that they need.

FAR BELOW YEAR AGO

Ever since October, there has been a month-to-month decline below year-ago levels in the seasonally adjusted rate of homes put under construction for private ownership.

The 5-month record of decline from the corresponding months of the previous year appears to be serious. Each month's drop in the number of homes started is as follows:

October	123,000
November	217,000
December	122,000
January	154,000
February	288,000

If the rate of decline continues—and there is little to indicate, at the moment, that a reversal of the tight-money policy is contemplated—yearly production may soon dip to recession levels, observers believe.

PRESSURE EFFECTIVE

In any deflationary period, the value of things declines in relation to the dollar, and homes are no exception. While it would be difficult to measure the exact effect, so far, upon existing homes, there is no question that the downward pressure does exist and that it is effective, even though not upon all homes equally.

As for hampering sales of new and existing homes, there is ample evidence everywhere that the administration's tight-money policy

has completely removed from the market a sizable group of prospective buyers.

Application of restrictive credit policies by the Federal Reserve Board has pushed mortgage interest rates to their highest level since the 1920's. In this economic climate, lenders have become selective. The result is that many families needing homes have discovered that the income they have is now insufficient to qualify them for homes for which they easily would have been eligible before the latest episode transpired in the administration's long-term, tight-money program.

REPORT FAVORABLE

With this background of evidence of a rapidly declining home-production rate, of downward pressure on the value of existing homes, and of neutralization of a sizable part of the potential demand, the House Banking Committee's favorable report this week of the emergency homeownership bill came as a welcome event for homebuilders.

The bill would provide an additional $1 billion in mortgage purchase authorization for the Federal National Mortgage Association, and make other changes designed to support housing production.

Among changes are provisions that would—

1. Allow FHA to insure home loans made by individuals, as well as by institutional lenders.

2. Permit FHA to reduce its mortgage insurance premium from one-half of 1 percent to one-quarter of 1 percent.

3. Authorize FNMA to aid in stabilization of the mortgage market and thus exclude as a requirement that the agency lower the prices of the mortgages it sells to keep them within the range of market prices.

4. Require FNMA to buy any FHA or VA mortgage offered to it, with certain exceptions, and to desist from refusing to buy on the basis that certain mortgages would not be marketable.

NO MORE EXCHANGES

5. Require FNMA to sell mortgages only for cash and at prices not less than FNMA originally paid. This would, as one of its effects, prevent repetition of the agency's action in exchanging mortgages for outstanding Government bonds.

6. Require anyone selling a mortgage to FNMA to buy only 1 percent of the agency's stock, instead of 2 percent as at present.

7. Authorize FNMA to purchase $50 million in mortgages on new low-cost homes in outlying areas as a means of encouraging such construction.

8. Make changes designed to encourage construction of off-base defense housing, allow acquisition of housing at permanent military installations, and supply needed housing for certain employees of the National Aeronautics and Space Administration.

The report has some harsh words to say about the tight-money policy, as it has affected home production, interest rates, and financing methods.

POLICY HELD BALKED

It charges that the shortage of mortgage credit "has caused a costly upward spiral of interest rates, unconscionable discounts on FHA and VA mortgages, increased use of unsound and costly financing devices in the conventional loan sector, and a serious decline in homebuilding."

The report continues:

"This has frustrated our national policy of improving housing conditions and encouraging homeownership on a sound basis. Moreover, the drop in residential construction which has taken place over the past year has resulted in a loss of more than half a million jobs.

"The experience of the 1957–58 recession proved that a downtrend in home building activity, if allowed to continue unchecked, can undermine the entire economy."

The report, which was submitted by Chairman SPENCE, was based on hearings held by the Housing Subcommittee headed by Chairman RAINS, who introduced the bill.

The report made clear the committee was "convinced that the dropoff in new home construction, in the face of strong demand for housing, is the direct result of the restrictive monetary policies pursued by the monetary and fiscal authorities."

"The hearings held on this bill established conclusively that this tight-money policy has a particularly severe impact on residential construction," it said.

Referring to the present status of mortgage loan availability, the committee termed it "an artificially created credit shortage." The decline in homes put under construction, the report said, "could well" fall to a "dangerously low" level soon.

PROPOSED POSTAL LETTER RATE INCREASE—BLOW TO TAXPAYERS

Mr. YOUNG of Ohio. Mr. President, a careful examination of President Eisenhower's request for increased letter postal rates once again demonstrates the topsy-turvy economic philosophy of this administration.

The President proposes that first-class rates be raised from 4 to 5 cents for letters and from 3 to 4 cents for post cards, while airmail rates be increased from 7 to 8 cents for letters and from 5 to 6 cents for post cards.

The latest available figures furnished by the Post Office Department to the chairman of the Joint Economic Committee, the distinguished senior Senator from Illinois, show an annual surplus in fiscal year 1959 of more than $156 million for first-class mail and airmail. In spite of this fact, the administration's proposal would produce an additional $427 million a year in these classes which are already more than paying their way.

The entire net deficit of $569 million of the Post Office Department for fiscal 1959 was caused by the $726 million deficit in the remaining classes of mail, which for the most part are comprised of newspapers, magazines, and business materials.

The current administration request would result in only $127 million in increased revenue in these latter classes. There would still remain a deficit of approximately half a billion dollars in second, third, fourth, and other classes of mail.

For example, in fiscal 1959 the largest class deficit of $303 million was in second-class rates, which are for newspapers and magazines. The proposed rate increase would yield only $46 million in additional revenue from this class, still leaving a deficit of around a quarter of a billion dollars.

Mr. President, these figures show that the huge deficit in the Post Office Department is caused primarily by a virtual Government subsidy amounting to almost three-quarters of a billion dollars for newspapers, magazines, and business groups.

What the President's request boils down to is that Mr. and Mrs. Average American Taxpayer, who are presently paying their own way, be required to pay more for postal services in order that this subsidy for big business can be continued.

Mr. President, the postal service was never designed to be a moneymaking business. It is a vital service given to the taxpayers by their Government in return for their tax dollars along with highways, schools, defense, and a multitude of other services. No American resents a small amount for this service in addition to their tax dollars. They do not object to a reasonable annual deficit which is in reality a return on their tax investment. This is a proper service of Government.

However, taxpayers will resent, and those who are aware of it do now resent, paying more for postal services in order to make up the deficit caused by select groups in the economy.

If the annual loss in operating the postal service has become unreasonable, the burden of lowering it should be put on the shoulders of those who caused it. It should not be foisted onto the already tax-laden back of the American wage earner.

It is an odd fact that while the administration advocates increased postal rates from the average American to pay for the deficit caused by a few, it continually opposes any really adequate legislation designed to benefit all Americans—adequate housing, adequate school aid, adequate water pollution control, aid to depressed areas, new public works projects, and much other vitally needed legislation, which the administration has opposed right along.

At the same time administration officials urging higher postal rates for Mr. and Mrs. John Q. Public are imploring the Congress to raise the interest-rate ceiling on long-term Government bonds. While I do not question the motives of the administration in doing so, very few Americans other than bankers and wealthy investors will benefit from this latter proposal. Apart from making some wealthy Americans wealthier, it will saddle future generations of all Americans with a larger interest obligation on the national debt.

The Post Office Department has spent tremendous sums of money on electronic devices in many post offices throughout the country. Whether this is, to some degree, an extravagant and unwarranted expenditure, I am not able to say. However, information given me indicates that much of this electronic equipment is used only at peak mail periods—preceeding Christmas, for example—and that the equipment gathers dust most of the time.

Possibly, the Postmaster General should be questioned closely to determine whether or not he is, in reality, practicing rigid economy. This should certainly be done before we increase first-class mail rates.

Before the Congress should even consider laying the heavy burden of increased letter postage upon the backs of the citizens of this Nation, we must—through our investigative process—demand that the Postmaster General convince us the Post Office Department is practicing rigid economy and has cut unnecessary spending to the bone.

Mr. President, the proposed postal rate increase on first-class mail is entirely unwarranted at this time. If the deficit is to be reduced, the task of doing so must be placed on that segment of the economy which created it.

NEW YORK NEWSPAPER EDITORIALS OPPOSE HAMSTRINGING OF NEW YORK PORT AUTHORITY

Mr. KEATING. Mr. President, a recently introduced House resolution which would interpose the control and supervision of Congress between the two States of New York and New Jersey and the port authority has evoked considerable interest among New Yorkers. Although a few have responded with declared positions, pro and con, the great majority have written in to inquire into the need for and reason behind this resolution.

So far as I am concerned, this proposal is simply a revival of attacks on the port of New York Authority first made almost 10 years ago. During a previous investigation of this authority along the same line in 1952, Governor Dewey, of New York, and Governor Driscoll, of New Jersey, were joined by every then-living former Governor of the two States in opposition to the proposal that the Congress of the United States, rather than the two States themselves, should control the port authority's activities in developing their common port facilities.

The metropolitan press, in almost univocal accord, dismissed the 1952 committee hearings as an irresponsible waste of time. As a creature of the two States, subject to the veto power of the New York and New Jersey Governors and dependent upon the two legislatures for all its powers, the port authority is, of course, always liable to, and I am sure ready for, responsible investigation. I feel strongly, however, that a repetition of the 1952 performance for no apparent reason would be a frightful disservice to the people of New York and New Jersey.

The New York Times, the New York Herald Tribune, and the New York Daily News all carry editorials today condemning the House resolution as an attack upon the authority. I know that these editorials will be of interest to many Senators, and I ask unanimous consent that they be printed at this point in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD as follows:

[From the New York Times, Mar. 22, 1960]

PORT AUTHORITY HOME RULE

In 1921 the States of New York and New Jersey established by compact the Port of New York Authority, and this compact was consented to by Congress. It is not necessary here to recite the great benefits that have followed. Now the House Judiciary Committee is about to consider a resolution by Representative EMANUEL CELLER, of New York, that would replace the original broad grant of autonomy given to the authority, and especially to the two States, with a grant to Congress of dictation and veto. This resolution says: "All legislation hereafter enacted by the compacting States amending or supplementing this compact shall not become effective until approved by Congress."

What are the politicians out to punish the port authority for? Businesslike efficiency? Meeting the needs, as requested, of cities and the two States? Meeting, and preparing to meet, the challenge of their age? Can Representative CELLER, or any other Congressman, point to a single instance of major activity by the port authority in New York or New Jersey that should now be reversed or should not have been undertaken at the time? Should New York International Airport not have been developed, La Guardia and Newark fields not have been improved? Should the Lincoln Tunnel never have been built? Should other crossings of the Hudson have been vetoed?

Does Congress want to have the veto power over modernization of piers in Brooklyn, or Newark, or Hoboken, over every new undertaking, every bridge, every tunnel, every bus terminal to be built? Or does it feel that these matters of local interest, not infringing on the larger authority of Congress or the Federal Government, may safely remain within the jurisdiction of localities and the States?

Before the port authority can proceed with any major new project it must have the approval of the Legislatures of New York and New Jersey. The minutes of its board meetings must have the periodic approval of the Governors of the two States. If Congress wants to undo the good it gave its blessing to, and make the port authority and the States of New York and New Jersey run down to Washington and plead for permission and a new law every time a nail needs to be driven, the Celler resolution is the way to start moving in that direction. The bill should be thrown out.

[From the New York Herald Tribune, Mar. 22, 1960]

NOT THE BUSINESS OF CONGRESS

Congressman EMANUEL CELLER, of Brooklyn, would like to put the Port of New York Authority in short pants.

That's the plain purpose of his House Joint Resolution 615, which would require congressional approval every time that New York and New Jersey desired the bi-State authority to build a new bridge, tunnel, bus terminal or any other necessary facility for the development of port commerce and transportation under the 1921 compact.

Now Mr. CELLER is frequently given to charging that the port authority is a superstate, too big and beyond effective control. Well, certainly the agency has done a superb job in what it was organized to do. It is big because the necessities are big. But, as Mr. CELLER very well knows, the port authority is a creation of the two States and its activities are directly subject to the legislatures and Governors.

Congress, of course, assented to this regional compact in the beginning, and conceivably it could examine the authority's workings if any reasonable need developed. But this is first of all the States' business, and besides what is there to investigate?

When Mr. CELLER seeks congressional review of every port authority proposal, and for good measure threatens an investigation of the whole agency, he is simply wandering off into foolishness.

There is no need for Congress to interfere. New York and New Jersey have managed extremely well for themselves, and will continue to do so. The control of the port authority is properly a home-front affair.

[From the New York Daily News, Mar. 23, 1960]

HOW TO WASTE TIME

Ever since 1952, and for reasons best known to himself, Representative EMANUEL CELLER, Democrat, of Brooklyn, has been nursing an elephant-size peeve at the Port of New York Authority. This is the efficient, honest, and well-nigh indispensable outfit which runs New York's and New Jersey's great complex of piers, tunnels, bridges, airports, etc.

Back in 1952, CELLER and a few congressional cronies shrieked that PNYA was a wicked trust, which would be greatly improved, however, if Congress were given some kind of veto power over the New York-New Jersey trade treaty, signed in 1921.

Then Governor, Thomas E. Dewey, slapped that idea down as plain "mischievous."

Today, in the House Judiciary Committee which he heads, Manny proposes to try again. He has concocted a Joint Resolution 615, and wants to sell it to Congress. It, again, would give the lawmakers of our 50 States the right to meddle in highly important matters which concern only two States.

The inevitable result of such heckling, of course, would be that competing, one-State ports like those of Baltimore, New Orleans, Boston, Philadelphia, Houston, and San Francisco would remain free to make efficient decisions in their own interest. Only our New York-New Jersey facilities would be hogtied by inability to move without national lawmakers' OK.

What team is our alleged Representative CELLER playing on, anyway? And why, with hundreds of truly important issues to consider, should our harried lawmakers be forced to waste time on what seems to be a private, dreary feud?

Mr. JAVITS. Mr. President, will my colleague yield?

Mr. KEATING. I am very happy to yield.

Mr. JAVITS. I should like to join with my colleague in this matter. We had occasion to discuss it at a breakfast given by the port authority the other day. I think we shall undertake to marshal the achievements of the port authority as a very, very important aspect of this particular proceeding.

If I were to make a prediction, I say to my colleague, I think that at the end of the proceeding, if it is really gone through with, the port authority will come out stronger than when it went in.

Mr. KEATING. I am certain that that is so. I appreciate the remarks of my colleague from New York.

ABOLISHMENT OF MANDATORY DEATH PENALTY IN THE DISTRICT OF COLUMBIA

Mr. KEATING. Mr. President, I am delighted at reports that the Subcommittee on the Judiciary of the Committee on the District of Columbia is planning early action on a bill—S. 2083—which I introduced to abolish mandatory capital punishment in the District of Columbia. This is a reform in the local law which is long overdue and which should have the support of anyone interested in advancing our concepts of justice.

S. 2083 by its terms preserves the death penalty for first degree murder cases unless the jury recommends life imprisonment and the court concurs in the recommendation. This procedure for allowing the exercise of discretion is patterned after the New York homicide law. The Judicial Conference has recommended a somewhat different provision under which they prescribe the punishment for murder in the first degree as life imprisonment unless the jury, by a separate vote, recommended the death penalty and the court concurred.

I want to make it clear that I fully accept the alternative recommendations of the Judicial Conference and would have no objection whatever to an amendment to S. 2083 which would bring it into conformity with these recommendations.

The important thing is to do away with the barbaric practice in the District of Columbia which prevents any room for the exercise of discretion in predefined cases. The particular formula by which this reform is accomplished is of secondary consideration.

This point is made clear in a letter I have received from Aubrey Gasque, Esq., Assistant Director of the Administrative Office of the U.S. Courts. He points out in his letter to me:

The principal objective of this proposed legislation (the Judicial Conference bill), it must be emphasized, is identical with S. 2083 which you introduced, and aims to eliminate the mandatory feature of the death penalty now prescribed in all first degree murder cases in the District of Columbia, in favor of a discretion to impose either a death penalty or life imprisonment in such cases.

Mr. Gasque's letter further points out that the proposal approved by the Judicial Conference was believed to be more satisfactory in that "it would require a jury recommendation of the death penalty when that penalty is imposed in future cases."

I commend the chairman of the District of Columbia subcommittee, the distinguished Senator from Indiana [Mr. HARTKE] for the cooperation and leadership which he has demonstrated in dealing with this problem.

Mr. President, I ask unanimous consent that Mr. Gasque's letter, a report of the Circuit Judicial Conference Committee on the Abolition of Mandatory Capital Punishment in the District of Columbia, and a report of the Committee on Administration of Criminal Law in the U.S. Judicial Conference, which includes their draft bill, be printed at this point in the RECORD.

There being no objection, the letter and reports were ordered to be printed in the RECORD, as follows:

ADMINISTRATIVE OFFICE OF THE
U.S. COURTS,
Washington, D.C., March 21, 1960.

Hon. KENNETH B. KEATING,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KEATING: This is in response to your request for a copy of the draft bill recently approved by the Judicial Conference.

We are delivering for your use copies of that draft bill prepared by a committee of the local circuit judicial conference.

The principal objective of this proposed legislation, it must be emphasized, is identical with S. 2038, which you introduced, and aims to eliminate the mandatory feature of the death penalty now prescribed in all first degree murder cases in the District of Columbia, in favor of a discretion to impose either the death penalty or life imprisonment in such cases.

The proposal approved by the Judicial Conference is, for the most part, a more recent draft and embodies certain changes which, it was believed, would be more satisfactory in that it would require a jury recommendation of the death penalty when that penalty is imposed in future cases.

Your efforts in instituting a movement to eliminate the mandatory feature of the present District of Columbia death penalty will, it is widely believed, have a salutary effect on the future administration of justice in the District of Columbia. Your past and continuing leadership in this and other areas of judicial reform is greatly appreciated by all who must administer justice here and elsewhere.

Sincerely yours,

AUBREY GASQUE,
Assistant Director.

REPORT OF THE CIRCUIT JUDICIAL CONFERENCE COMMITTEE ON THE ABOLITION OF MANDATORY CAPITAL PUNISHMENT IN THE DISTRICT OF COLUMBIA

Since the recess of the Judicial Conference for the District of Columbia Circuit on May 22, 1959, the Committee on the Abolition of Mandatory Capital Punishment in the District of Columbia has met and given further study to questions recommended for further consideration, as follows:

(a) In whom to lodge the discretion to impose the penalty of death or of life imprisonment.

(b) The procedure for exercising such discretion.

By a vote of 20 to 3, the committee has concluded to recommend to the Conference at its reconvened session on November 24, 1959, the adoption of the attached resolution. The attention of the Conference is invited to the "Notes to Accompany Resolution," also attached.

Dated: November 16, 1959.

Harry T. Alexander, H. Clifford Allder, George Blow, David G. Bress, William B. Bryant, Edward L. Carey, E. Riley Casey, Harold D. Cohen, Paul R. Dean, F. Joseph Donohue, Abe Fortas, Oliver Gasch, June L. Green, George E. C. Hayes, Francis W. Hill, DeWitt S. Hyde, John L. Laskey, William P. MacCracken, Bernard Margolius, Louis Mayo, James P. McGranery, Hubert B. Pair, E. Barrett Prettyman, Jr., Una Rita Quenstedt, C. Frank Reifsnyder, Roger Robb, Leo A. Rover, Doris G. Wilkins, Charles B. Murray, Chairman.

RESOLUTION TO BE SUBMITTED TO THE JUDICIAL CONFERENCE OF THE DISTRICT OF COLUMBIA CIRCUIT, NOVEMBER 24, 1959

The Circuit Judicial Conference Committee on Abolition of Mandatory Capital Punishment in the District of Columbia recommends that the Conference adopt the following resolution:

"*Resolved by the Judicial Conference of the District of Columbia Circuit,* That the Congress be urged to amend and supplement existing legislation in regard to the punishment for murder in the first degree in the District of Columbia in the following respects:

"(a) That the present provision (22–2404 District of Columbia Code) that 'The punishment of murder in the first degree shall be death by electrocution' be repealed.

"(b) That the punishment for murder in the first degree shall be imprisonment for life unless the jury by unanimous agreement shall add to its verdict of guilty a recommendation in the words 'with the death penalty,' and that in the latter event:

"1. The court may sentence the defendant to death by electrocution; or the court in its discretion may sentence the defendant to imprisonment for life, the jury's recommendation notwithstanding.

"2. Before imposing sentence, the court shall conduct such proceedings as may be provided by rule of court for the ascertaining and considering of all facts and circumstances relevant to the question of punishment; and be it further

"*Resolved,* That copies of this resolution be transmitted to the Judicial Conference of the United States and to the appropriate committees of the Congress."

NOTES TO ACCOMPANY RESOLUTION

1. The proposed legislation is in form like title 18, United States Code, section 1111, which is the statute of general Federal application, but differs in substance as follows:

(a) The proposed legislation would authorize the death sentence only if the jury recommend it; the general Federal statute compels the death sentence unless the jury recommend against it.

(b) Even if the jury recommend death, the court may reduce the punishment to life imprisonment.

2. The committee considered and rejected the proposition that a separate presentence hearing be conducted by the court with or without a jury. As a result, the death penalty can be recommended only on the basis of the evidence received at the trial—as in the case of rape under existing procedure. However, in determining whether or not to impose life imprisonment notwithstanding the jury's recommendation that the penalty be death, the court would have before it all the facts and circumstances relevant to punishment, as in other cases.

3. Legislation which would give the court authority to override the jury's recommendation of death in murder cases would create an inequality in comparison with the present rape statute, where no such power is given. However, this committee's jurisdiction is limited to the murder statute, which is the only one providing mandatory capital punishment.

"RESOLUTION OF THE JUDICIAL CONFERENCE OF THE DISTRICT OF COLUMBIA CIRCUIT

"*Be it resolved by the Judicial Conference of the District of Columbia Circuit,* That mandatory capital punishment should be abolished in the District of Columbia."

Adopted: May 22, 1959.
A true copy.
Teste:

JOSEPH W. STEWART,
Secretary of the Judiciary Conference of the District of Columbia Circuit.

"RESOLUTION OF THE JUDICIAL CONFERENCE OF THE DISTRICT OF COLUMBIA CIRCUIT

"*Resolved by the Judicial Conference of the District of Columbia Circuit,* That the Congress be urged to amend and supplement existing legislation in regard to the punishment for murder in the first degree in the District of Columbia in the following respects:

"(a) That the present provision (§ 22–2404, District of Columbia Code) that 'The punishment of murder in the first degree shall be death by electrocution' be repealed.

"(b) That the punishment for murder in the first degree shall be imprisonment for life unless the jury by unanimous agreement shall add to its verdict of guilty a recommendation in the words 'with the death penalty,' and that in the latter event:

"1. The court may sentence the defendant to death by electrocution; or the court in its discretion may sentence the defendant to imprisonment for life, the jury's recommendation notwithstanding.

"2. Before imposing sentence, the court shall conduct such proceedings as may be provided by rule of court for the ascertaining and considering of all facts and circumstances relevant to the question of punishment; and be it further

"*Resolved,* That copies of this resolution be transmitted to the Judicial Conference of the United States and to the appropriate committees of the Congress."

Adopted: November 24, 1959.
A true copy.
Teste:

JOSEPH W. STEWART,
Secretary of the Judicial Conference of the District of Columbia Circuit.

REPORT OF THE COMMITTEE ON ADMINISTRATION OF CRIMINAL LAW, MARCH 1, 1960

To the Chief Justice of the United States, Chairman, and the Members of the Judicial Conference of the United States:

A meeting of the Committee on the Administration of Criminal Law was held on October 15, 1959, in the chambers of Judge Kaufman in New York City, attended by Judges Boldt, Clayton, and Kaufman, and the committee chairman, Judge Smith. A subsequent meeting of the full committee was held on January 14, 1960, in the Administrative Office of United States Courts, Washington, D.C., attended by Judges Bazelon, Boldt, Burke, Clayton, and Kaufman, and the committee chairman, Judge Smith. The committee secretary, Mr. Carl H. Imlay of the Administrative Office, attended both sessions.

The committee submits the following report:

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2. ABOLISHMENT OF MANDATORY CAPITAL PUNISHMENT UNDER THE DISTRICT OF COLUMBIA MURDER STATUTE

There was referred to the committee for consideration S. 2083, 86th Congress (a bill to abolish the mandatory capital punishment provision of the District of Columbia murder statute), and a draft bill submitted by U.S. Attorney Oliver Gasch. S. 2083 would amend the murder section of the District of Columbia Code to provide:

"SEC. 801. PUNISHMENT.—The punishment of murder in the first degree shall be death by electrocution unless the jury recommends life imprisonment. A jury finding a person guilty of murder in the first degree may, as a part of its verdict, recommend that the defendant be imprisoned for life. Upon the recommendation, the court may sentence the defendant to imprisonment for life. The punishment of murder in the second degree shall be imprisonment for life, or for not less than 20 years."

The draft bill submitted by U.S. Attorney Gasch would amend title 18, United States Code, section 1111, so as to make it applicable in the District of Columbia. This draft bill would also make the basic Federal murder penalty life imprisonment unless the jury recommends the death penalty, in which case the court may give either sentence.

These matters were considered at the October 1959 meeting of the committee, particularly in light of the "Report of the Circuit Judicial Conference Committee on the Abolition of Mandatory Capital Punishment in the District of Columbia." This report was accompanied by a resolution adopted by the Judicial Conference of the District of Columbia Circuit.

At the January 1960 meeting of your committee S. 2083 was disapproved. The draft bill submitted by U.S. Attorney Gasch was also disapproved primarily because it vests in the appellate court a power to commute the death sentence, despite a prior provision in the same subsection leaving the determination of sentence to the trial court on the recommendation of the jury. A study reveals that there is no comparable provision in the existing law, title 18, United States Code, section 1111.

The resolution of the District of Columbia Circuit Conference was, however, unanimously approved at the January 1960 meeting and a draft bill prepared by a committee of the circuit conference to give effect to that resolution has since been approved by your committee. A copy of this draft bill is attached to this report, and is recommended for approval by the judicial conference.

DRAFT BILL

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 801 of the Act entitled "An Act to establish a code of law for the District of Columbia," approved March 3, 1901 (31 Stat. 1189, 1321), is amended to read as follows:

SEC. 801. PUNISHMENT.—The punishment of murder in the first degree shall be life imprisonment unless the jury by separate unanimous vote recommends the death penalty. Upon such recommendation the court shall conduct such proceedings as may be provided by rule of court for considering and ascertaining facts relevant to the question of punishment. Following such hearing the court may sentence the defendant to death by electrocution or the court may in its discretion sentence the defendant to imprisonment for life notwithstanding the jury's recommendation. In the absence of a jury recommendation the court shall sentence the defendant to life imprisonment.

A person convicted of first degree murder and upon whom a sentence of life imprisonment is imposed shall not be eligible for parole until the expiration of 20 years from the date he commences to serve his sentence notwithstanding the provisions of section 4202 of title 18, United States Code, and section 203 of title 24, District of Columbia Code.

Whoever is guilty of murder in the second degree shall be imprisoned for life or not less than 20 years.

Any provision of existing law inconsistent with the foregoing is hereby repealed.

CUBAN PRESS FREEDOM ENDANGERED

Mr. KEATING. Mr. President, the committee on freedom of the press of the Inter-American Press Association recently filed a report concluding that, with only two exceptions, the Spanish language press of Cuba has "either directly or indirectly, physically passed into the hands of the Government there, or has become so intimidated that it cannot be considered free."

The report also points out that:

It has become increasingly dangerous for foreign correspondents to perform their legitimate journalistic missions in Cuba.

The two Spanish language newspapers in Cuba still considered free are "Diario de la Marina" and "Prensa Libre" of Havana. According to the committee's report, both these papers "are being constantly attacked and smeared by Cuban Government officials and their propaganda machinery as 'counterrevolutionary.'"

These developments in Cuba are very distressing. A free press is one of the bulwarks of any democratic system, and the attempt to subjugate freedom of the press, by the same token, is one of the hallmarks of every tyrant.

The committee's action emphasizes the awareness of the other nations of Latin America of the growing loss of freedom in Cuba. My heart goes out to the Cuban people, who have been our traditional friends and good neighbors, but who have not been permitted to enjoy the blessings of liberty.

Cuba's lack of a free press makes it virtually impossible for the Cuban people to get the facts about what is happening in their homeland. In view of these conditions, it is imperative that the United States embark on a truth campaign which will bring our side of the story to Cuba. The announcement that the Voice of America will beam 1-hour Spanish-language broadcasts to Cuba certainly is a good start in this direction, and I hope that it will be supplemented by more extensive efforts by our Government.

SUSPENSION OF NUCLEAR TESTING

Mr. ANDERSON. Mr. President, at the Geneva Conference on the Discontinuance of Nuclear Weapons Testing, the Soviets presented, on March 19, a proposition they hailed as a great concession which would break the long deadlock in negotiations. It is, they claim, a way to handle the fact that known detection schemes have limited capability to identify most underground shots. Yet a brief analysis shows that the new offer has the appearance of a phony. It is again an attempt to secure U.S. agreement binding the United States against all testing regardless of whether the agreement can be inspected.

It will be remembered that the U.S. representative at the Geneva Conference, presented, on February 11, a proposal to take account of the fact that smaller underground tests are not detectable. The United States proposed that there be agreement to end tests in the atmosphere, in the oceans, in space up to altitudes where effective controls can now be agreed, and underground for shots giving a signal above a threshold value. This approach was the last of a series of U.S. offers attempting to broaden the agreement to cover all testing which could be adequately monitored. As did earlier U.S. proposals, it recommended that there be a joint research program to improve to the extent possible detection methods, and that the treaty be broadened as detection capabilities are improved.

And how have the Soviets responded to this? They have made a great play of saying that they accept the threshold figure for the seismic signal. However, they insist that there must be an agreed moratorium on all shots less than the threshold and for a period of several years. Interesting, too, they still insist that the number of onsite inspections is a matter for political decision. It has been their longstanding approach that only a very few onsite inspections would be permitted, regardless of the number required for adequate control.

Again the United States is asked to buy a "pig in the poke." We are asked to forgo testing and to accept a totally inadequate inspection system. We are asked again to agree to a system based

largely on trust of the Soviets rather than real controls. If this latest proposal is representative of Soviet intent for the 10-power disarmament conference now starting, it augures poorly for the future of disarmament.

As will be remembered, the President announced on December 29 that further suspension by the United States on testing would be on a day-to-day basis. I commented publicly at the time that I believed that this was a wise approach. I pointed out also that it would be unwise to devote additional weeks to fruitless conferences. This is still my strong opinion. To continue discussions on such a basis merely allows them to have the moratorium they want, and with no inspection. They have through procrastination and maneuvering succeeded in dragging on negotiations and securing a moratorium for 16 critical months, with no controls. If the Soviets will not approach test negotiations realistically we should terminate the conference. We should not allow them to prolong this delay month after month by successive new proposals which differ only insignificantly one from the other.

Yesterday I prepared a brief statement with reference to this proposal, which I ask to have printed in the RECORD at this point as a part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR CLINTON P. ANDERSON, DEMOCRAT, OF NEW MEXICO, ON RUSSIAN TEST BAN PROPOSAL

I would be very much surprised if the United States were to agree immediately to this recent Soviet proposal. Our representatives may find that it is a tactical shift on their part merely to accomplish what they have been striving for all along. The Soviet Union over the years has attempted to get us to agree to an all-inclusive test ban, without any inspection provisions to go along with it.

In my opinion, we must be careful that we do not agree to something which (because it does not provide for adequate controls) will permit the Soviet Government to advance their own nuclear weapons through testing yet prevent the United States from testing its weapons. I am particularly concerned with the so-called "honor system" the Russians propose for small tests, which will continue while the scientific basis of detection is studied. The big question here is whether the Russians are making this proposal in good faith. As late as December 1959, at the conclusion of the Technical Working Group II, the Soviet scientific representatives attacked the integrity and competency of our scientific representatives. They accused Dr. Fisk and his associates of manipulating and making misrepresentations. Now all of a sudden they propose to further review this material, and engage in joint research and experimentation, meanwhile stopping us on testing via the "honor system."

I am also concerned that the Soviet proposal leaves no room for conduct of underground tests of explosives for peaceful purposes—our Plowshare project for instance. We should be permitted to make underground tests for power purposes, and for developing oil and mineral deposits. No contamination of the atmosphere would result. We should permit full international inspection and surveillance of such tests.

I believe, however, we should negotiate on the Russian proposal in good faith, to see how sincere they are. To the extent that the Russian statement recognizes the distinction between those tests that can be detected and those that cannot, I believe that some progress has been made. The U.S. delegation has for a long time been attempting to obtain recognition of this fact and its scientific basis. But to tie this to an "honor system" on ceasing all tests may be going too far. We should retain the right unilaterally to continue or discontinue a test ban on underground tests of small nuclear explosives.

Mr. ANDERSON. Mr. President, today I received a telegram which I think is significant and typical of a great many telegrams which are being received. The telegram reads:

NEW YORK, N.Y., *March 22, 1960.*

Hon. CLINTON P. ANDERSON,
Senate Office Building,
Washington, D.C.:

Cannot understand why press and State Department spokesmen describe new Soviet atomic test plan as going far to meet American view. On analysis it merely formulates basic Soviet position. Soviets have always wanted test ban without controls. It is now clear that only area where controls are needed is precisely in area of small underground tests where controls are now impossible. Therefore voluntary banning of the underground tests as now proposed involves absolutely no change in Soviet policy.

Key issue between Soviets and ourselves on disarmament as well as atomic testing is our refusal to accept agreements on faith with adequate inspection and control. Therefore to accept this Soviet test plan even temporarily would set dangerous precedents by abandoning our basic disarmament principle in key area.

Regret such a retreat all the more (a) because continuation of underground testing without fallout would strengthen America's military and moral position by producing smaller and cleaner defensive atomic weapons needed to counterbalance overwhelming Soviet ground force superiority; (b) we would be surrendering this military advantage in return for easily breakable Soviet promise; (c) by weakening our relative military position we would reduce our bargaining power to achieve really controlled disarmament; (d) announcement of such a test ban agreement would create illusion of progress where none exists, thus encouraging dangerous complacency. Warm congratulations on your statement expressing some of above considerations today.

I have received a great many messages which I should like to read in that connection. However, I do not intend to do so.

I point out that there have been many periods of recess in the Geneva Conference—from December 19, 1958, to January 5, 1959; from March 20, 1959, to April 13, 1959; from May 12, 1959, to June 8, 1959; and from August 27, 1959, to October 12, 1959.

I point out again that if the Soviet people were determined to negotiate with us, we could have had something better than we had during the first weeks of the conference.

When the conference met, 6 weeks were devoted to discussing the form of the charter which might subsequently be signed. Russia demanded two separate documents, first, a treaty calling for cessation of all tests; and second, a protocol setting forth the enforcement plan.

The United States and the United Kingdom insisted upon one document, because had we signed the first agreement, the Soviets could have negotiated for 10 years on the second agreement, and had exactly what they have desired from the beginning, namely, suspension of nuclear tests without any possibility of control and no possibility of inspection.

It required 6 solid weeks of discussion to reach an agreement that those two agreements might be incorporated into a single document.

When we consider the latest Russian proposal, we had better consider it in the light of what has thus far been taking place at Geneva. We had better consider it in view of the fact that the proposal the Russians have made to us is almost exactly the proposal which they have been making right along, namely, that tests be suspended for a period of 6 years without any controls and without any system of inspection, depending only upon some honor system to bring about compliance.

I believe that the Atomic Energy Commission, the State Department, and even the President of the United States would be well advised to take a very good look at this proposal before there is any early acceptance of it.

CITATION OF SENATOR SPARKMAN FOR DISTINGUISHED SERVICE BY AMERICAN VOCATIONAL ASSOCIATION

Mr. HILL. Mr. President, my able colleague, Senator JOHN SPARKMAN, was honored last week with a citation for distinguished service by the American Vocational Association. This is a fine honor from a great association, and I extend congratulations both to Senator SPARKMAN and the American Vocational Association.

For the occasion of the award, my distinguished colleague prepared for delivery an excellent speech. I ask unanimous consent that the speech be printed in the body of the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH PREPARED FOR DELIVERY BY SENATOR JOHN SPARKMAN AT ANNUAL MEETING OF ALABAMA VOCATIONAL ASSOCIATION, PHILLIPS HIGH SCHOOL AUDITORIUM, BIRMINGHAM, ALA., THURSDAY, MARCH 17, 1960

Madam Chairman, members of the Alabama Vocational Association, and friends, of course I feel honored to be awarded this citation. While I may not deserve it, nor the generous and flattering wording of it, I accept it with pride. You may be sure that I shall treasure this honor, and be grateful to your outstanding organization, the American Vocational Association, for its liberal acknowledgment of my efforts.

Especially do I want to express appreciation to the Alabama Vocational Association for its part in the awarding of this citation and also to your national executive secretary, Dr. M. D. Mobley, for his interest and friendship. Many of you, including your most capable State director, Bob Cammack, are my warm personal friends. All of us are comrades working for the same just cause.

And I am sure I do not need to tell you what an able and effective advocate your executive secretary is. He knows what to do, when to do it, and how to do it. It is always a pleasure to work with him.

It is a real pleasure to be in your midst and a privilege to have a part on your program.

Through the years I have watched with interest and justifiable pride the valuable contributions that members of this group have made to the economic well being of our State. You and your counterparts in other States of the Nation have for many years contributed immeasurably to our Nation's military defense and to our economic security.

Through high quality instruction, the vocational forces of our Nation have helped the masses acquire invaluable technical and scientific knowledge and skills. As a result the United States has become the most powerful and the most productive nation in the world today. This productive ability of our people has been a powerful contributing factor in the maintenance of peace.

We all are indebted to you. But you must have the tools and the determination to push forward at an increasing pace. Never in the history of our Nation has there been such a great need for high quality effective programs of education including vocational education as exists at this very moment.

Production techniques and technology are changing at an ever-increasing rate. This calls for expanded and improved vocational education for both youth and adults—especially in those rapidly changing occupational fields.

In the years ahead there will be fewer and fewer unskilled workers and more and more highly skilled workers. The hope of present workers, and youth preparing for jobs in the years ahead, is to acquire technical and scientific knowledge and production skills. This is essential if they are to hold jobs, obtain jobs or advance in their chosen field of work.

Another reason why an adequate program of vocational education is greatly needed in the United States is due to the Communist economic challenge to this country, particularly from the U.S.S.R. Russia's Khrushchev has made known in clear and certain terms that the Soviets have a plan to lick the United States in an economic war. Some people are prone to ignore Russia's boasted economic plans. Though I am confident we can keep ahead of Russia, if we plan and execute our plans intelligently, I do not think we can afford to ignore her challenge or to take it lightly.

It is now a well known fact that our leaders at the national level have dangerously underestimated the ability of the Soviets to develop and produce atomic weapons and intercontinental ballistic missiles and to develop and produce space satellites. According to some top past and present governmental officials—authorities in a position to know—Russia has moved ahead of us in some categories and threatens our entire leadership in these fields.

We must not as a nation be lulled into believing that Russia has no chance of overtaking or surpassing us in the economic field. We must not underestimate her ability and her potentiality in the production of goods for sale in the markets of the world. Not long ago Khrushchev said to an American newspaper publisher, and I quote:

"We declare war upon you—in the peaceful field of trade. We declare a war we will win over the United States. The threat to the United States is not the intercontinental ballistic missile, but in the field of peaceful production. We are relentless in this, and it will prove the superiority of our system."

In his speech to the Economic Club of New York during his visit to this country last September (1959) Khrushchev said, and I quote:

"All of you are well aware of the fact that we are offering you economic competition. Some describe this as our challenge to the United States of America. But, speaking about challenges, one might say, and that would be even more correct, perhaps, that it was the United States that first challenged all the world; it is the United States that developed its economy above that of all countries. For a long time no one dared to challenge your supremacy. But now the time has come when there is such a state which accepts your challenge, which takes into account the level of development of the United States of America and in turn is challenging you. Do not doubt that the Soviet Union will stand on its own in the economic competition, will overtake and outstrip you."

I do not claim Khrushchev's statements are true or that Russia will overtake and outstrip the United States in economic competition but his statements do reveal Soviet goals. To disregard them or to fail to meet the vigorous challenge would be dangerous and foolhardy.

The October 6, 1959, issue of the New York Times quotes Seymour Melman, associate professor of industrial management and engineering at Columbia University and a consultant on production techniques as saying that Russian plants are producing machine tools—the basic instruments of industrial production—with less than half the man-hours required in comparable Western operations.

Mr. Melman according to the New York Times spent part of September and August of 1959 in Russia studying industrial production methods.

The U.S. Bureau of Mines reported on November 12, 1959, that the Soviets are now the top producer of coal and iron ore. The United States had held the lead in coal production since 1699. These examples of Russian economic progress—and there are many more—are striking proof that we face a determined and able competitor.

As a part of Soviet economic plans, Russia is now in the process of reorganizing its entire system of education, which is scheduled to be completed by 1963. The new reorganization law, approved in late 1958, calls for a vastly expanded vocational education program.

Contrary to much recent publicity in this country, Russia's education program consists of more than just instruction in science, mathematics, and languages. Intense emphasis is being placed on vocational education—patterned somewhat after the vocational program we have been developing in the United States during the past 40 years. Over a period of some 20 years the Soviets have been enlarging their vocational education programs, but in the last year and a half they have made tremendous strides in this direction.

It would seem comical were it not such a serious matter—involving the security of our American way of life—that a few uninformed and misguided people are advocating that we adopt—at least in part—the Russian system of education of the immediate past. The truth is that this is a system that the Soviets themselves are now in the process of abandoning.

The Soviet leaders believe that their hope in winning an economic war is dependent in large measure on the skill and productivity of its people, and that these abilities must come through vocational training for the masses.

For some months Russia's Mikoyan and Khrushchev have been visiting many countries throughout the world in an effort to expand Soviet trade and to capture markets, some of which have been held for years by the United States. Mikoyan's recent trip to Mexico and Cuba are illustrations of this. Khrushchev only a few days ago was in several countries in the Orient.

Yet in spite of these developments which pose as serious threats to the survival of our Nation and to the economic security of our people, there are some in this country in high places of authority who would cripple and destroy our programs of vocational education. This is evidenced by the recent recommendation of President Eisenhower's Budget Bureau proposing a cut of $2 million in title I, George-Barden funds.

Congress, of course, will see to it that his recommendation is not carried out but his proposal to cut the funds is evidence of the fact that there is lack of understanding in the White House of the important role vocational education has played, is playing and will continue to play in the years ahead in making our Nation militarily and economically secure.

If we are to maintain our present economic superiority over Soviet dominated countries and at the same time maintain a high standard of living for the masses of our people—such as they enjoy today—we must constantly seek ways to improve the knowledge and skills of our people and to improve production methods so that the output man for man of our workers will continue to exceed theirs.

This situation cannot be maintained without a sound, effective, and ever expanding program of vocational education.

It was in realization of these facts that I took the lead in 1952 and again in 1956 to include a plank in the national Democratic platform pledging support of the Democratic Party to the further development and improvement of vocational education. I am told by some of your leaders at the national level, including your own M. D. Mobley, that had it not been for these planks in the party's national platform it would have been very difficult if not impossible to secure approval of the practical nurse training measure in 1956 and the area vocational education measure in 1958.

Without these planks, I have been told, it would have also been next to impossible to hold Federal funds for vocational education. At least some substance is given this claim by the fact that virtually every year during the last 7, President Eisenhower has recommended drastic cuts in the appropriation for vocational education or the repeal of all vocational education acts.

How anyone who has any reasonable knowledge of our Nation's military needs and economic problems could make recommendations that would cripple or destroy vocational education is more than I can understand.

I delight in telling you that in spite of his recommendations to cut vocational funds and to repeal vocational education laws, Congress has increased appropriations under the George-Barden Act by almost 120 percent and has increased authorizations for vocational education by approximately 70 percent.

Such action speaks louder than any words that can be uttered regarding support of your program by the Congress.

It is my considered opinion that so long as you maintain sound, effective, worthwhile programs, such as you have today, Congress will continue to deal fairly with you and will continue to appropriate Federal funds to promote and support your program.

Certainly this shall continue to be my policy. In this respect I want to assure you—not that you need such assurance—of my warm support of a measure introduced by my distinguished colleague and your strong friend Senator HILL. I refer to S. 3025 to extend the program for practical nurse training and to remove the restrictive language confining funds to "extension and improvement." I shall cooperate fully with LISTER in obtaining passage of this measure. I will continue to push for the passage of other legislation in behalf of vocational education.

Let me say again that I shall ever be grateful for the recognition that has come to me today from your great and dedicated national organization.

This citation will serve as a constant reminder of my interest in and support of your program in past years; moreover it will serve as a stimulant to me to do more and work harder in the future to help you maintain the support you need to carry on your work in the days and years ahead.

It has been good to be with you and I bid you God's speed in your work.

PRESENTATION OF STATUE OF SENATOR PAT McCARRAN

Mr. BIBLE. Mr. President, it is my privilege to extend to the Members of the U.S. Senate, their staffs, both office and committee, officers of the Senate and their staffs, Capitol employees, and all others who were friends of the late Senator Pat McCarran, of Nevada, a most cordial invitation to attend the presentation of the Statue of Senator Pat McCarran, by the State of Nevada, to the United States of America. The ceremony will be held tomorrow afternoon, Wednesday, March 23, at 2 p.m., in the rotunda of the Capitol. Cardinal Spellman will deliver the invocation; our good Chaplain, Dr. Frederick Brown Harris, will give the benediction. The Governor of my own State of Nevada, the Honorable Grant Sawyer, will present the statue, and our Lieutenant Governor, the Honorable Rex Bell, will participate in the ceremony, together with the majority and minority leaders, and the Nevada congressional delegation, my colleagues, Senator Howard Cannon and Representative Walter Baring, and myself.

Mrs. McCarran and members of her family will be present, and they join me in extending this invitation to those who would like to attend. No admission card is necessary. Following the ceremony, a short reception will be held in the Old Supreme Court Chamber, to which a cordial invitation is also extended.

Mr. MANSFIELD. Mr. President, is morning business concluded?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools, R–I, Missouri.

The PRESIDING OFFICER. The question is on agreeing to the Javits-Clark amendment to the Dirksen substitute.

Mr. KEFAUVER obtained the floor.

Mr. RUSSELL. Mr. President, will the Senator from Tennessee yield?

Mr. KEFAUVER. I yield.

Mr. RUSSELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADMINISTERED PRICES IN THE DRUG INDUSTRY

Mr. KEFAUVER. Mr. President, I ask unanimous consent that certain tables, brief memorandums, and a few editorials may be printed in the RECORD at the places to be indicated in my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEFAUVER. Mr. President, I want the RECORD to show that the office of the minority leader [Mr. DIRKSEN] was notified by the chairman of the Antitrust and Monopoly Subcommittee, as were also the offices of the Senator from Wisconsin [Mr. WILEY], the Senator from Nebraska [Mr. HRUSKA], and the Senator from Maryland [Mr. BUTLER], that I was to make this statement today, because, either on the floor or in committee, they have been critical of the work of the subcommittee. I had hoped they would be present to discuss any matters they desired to, or to ask any questions, and to follow my speech as I delivered it. I hope they will come to the Chamber before I conclude my remarks.

Certain statements were made by some of them on the floor of the Senate, and I had not received notice they would make such statements, or I would have been present to answer them.

On December 7, 1959, the Antitrust and Monopoly Subcommittee resumed its hearings on administered prices by beginning a study of pricing practices of the drug industry.

GENERAL ADMINISTERED PRICE HEARINGS

Since the middle of 1957 when this subcommittee began its inquiry into administered prices, detailed examinations of the pricing practices in steel, automobiles, bakery products as well as certain aspects of the problem in the petroleum industry have been inquired into. There have now been published eight volumes of hearings, together with two subcommittee reports on individual industries. In addition, the subcommittee has issued three volumes of hearings consisting of testimony on the general nature of the problem of administered prices and the alternative courses of public policy by leading economists who have specialized on this subject. The subcommittee has heard testimony from the heads of the antitrust agencies in an attempt to determine what those agencies can and cannot do to meet the problem. The subcommittee has also held hearings on important legislation designed to meet the problem of administered prices.

PRICE COMPETITION THE QUESTION

In view of the prior hearings it can be seen that the examination of manufacturers' pricing practices in the drug industry was nothing more than the same type of examination which the subcommittee has accorded to the steel, automobile, and bread industries; an examination made necessary by the obvious decline in the vigor of price competition. During the course of its other administered price hearings the subcommittee received hundreds of requests from the public generally that it inquire into the high prices charged for ethical drug products and the lack of price competition. In planning the subcommittee's program for 1959 there was included therein a request for funds to make studies in a number of industries, among which was the drug industry. This program was approved unanimously by the Subcommittee on Antitrust and Monopoly as well as by the Committee on the Judiciary. On February 2, 1959, Senate Resolution 57, together with a program and budget for the Antitrust and Monopoly Subcommittee, was agreed to and passed by the Senate. After engaging in preliminary staff work and finding a need to obtain the services of specially trained personnel for the subcommittee's investigation of the pricing practices of manufacturers of drug products, an additional $30,000 of funds were requested by the subcommittee and were finally agreed to by the Senate on August 7, 1959, by the passage of Senate Resolution 144. Although the manufacturers' pricing practices in the drug industry are extremely complex, the staff work had progressed to such a stage that on December 7, 1959, the subcommittee began its hearings.

WONDER DRUGS UNAVAILABLE TO MANY WHO NEED THEM

While this country has the best drugs in the world, it appeared from the great number of letters which the subcommittee had received that many of our citizens are experiencing difficulty in being able to purchase them. It was the purpose of the subcommittee to inquire into the question of whether the drug manufacturers are setting their prices at excessive levels, as the writers of these letters contend. It was also the purpose of the subcommittee—it being a legislative subcommittee—to determine whether the antitrust laws as applied to this industry are adequate and, if not, to devise specific remedial legislation.

The question might very well be asked: Why is it necessary to go into another industry in the administered-price series, and why particularly drugs? To the first part of the question, the answer is obvious. The problem is one of almost incredible difficulty and complexity. What in essence the subcommittee is seeking to determine is whether the public is adequately protected by competition, and, if not, to devise some legislative remedy.

The subcommittee has heard many experts who have spent their lives studying this very same problem. While in general agreement as to its nature, these experts were poles apart as to its solution.

REASON FOR EXAMINING THE DRUG INDUSTRY

As to why specifically the subcommittee is studying drugs: In the first place, most drugs would appear to fall clearly within the definition of administered prices. Their prices are set, not by the changing forces of supply and demand, but by administrative decision, and are held constant over periods of time—often extended periods of time. In embarking on the drug study it was the intention of the subcommittee to inquire how these prices are set and maintained. The question was presented of how a drug company can establish and then maintain for years price structures which result in the druggist paying approximately 30 cents for an antibiotic pill and 18 cents for a steroid hormone pill.

Certainly the drug industry is an important industry simply in terms of total size. Sales of ethical drugs which are sold by prescription are running at around $2¼ billion a year at the manufacturers' level. To this can, and should be, added more than a half billion dollars for proprietary drugs that are sold over the counter. At the retail level, of course, the figures are considerably greater. Drugs are peculiarly an essential of life. Confronted with financial reverses, the average family can and does put off buying automobiles, household appliances, clothes, and even food, but they cannot put off buying drugs. The consumer's ability to shop around for a lower price in the drug industry is severely restricted by the fact that prescriptions are usually written in terms of trade names rather than generic names. Although, as I shall later illustrate, there are lower priced brands of the drug prednisone available from reputable, often long-established drug manufacturers, the consumer given a prescription for Meticorten—Schering's name for prednisone—cannot be sold anything else. The fact is that if the druggist were to substitute a lower price brand of prednisone, he would find himself in violation of State law. There is thus in ethical drugs an intermediary between the producer and the buyer, namely, the physician who writes the prescription. As a consequence, the drug industry is unusual in that he who buys does not order, and he who orders, does not buy. The ethical drug industry is also unusual in another respect. The consumer is completely captive. If he is sick, he must buy what the doctor orders. Unlike the case of automobiles, he cannot shop around for a different model or a lower price. In instituting its drug price study the subcommittee was aware that the drug industry is honeycombed with patents and license agreements. It is not my purpose to criticize the American patent system as a general incentive to innovation and progress. However, it has been well settled by court decisions that the monopoly conveyed to a patent holder does not give him the right to fix his licensee's prices, or otherwise restrict trade in violation of the antitrust laws.

INVESTIGATION LIMITED TO MANUFACTURERS' LEVEL

On the opening day of the drug price hearings, as chairman, I stated very definitely that it was the intention of the subcommittee to confine its study to the manufacturers' pricing practices in the ethical drug field. As in the case of retailers in other administered price industries studied by the subcommittee, I made it perfectly plain that the subcommittee would make no attempt to appraise the reasonableness or unreasonableness of the margins of the retail druggists. Some critics of the retail drug trade have contended that the retailer's margin is excessive; a charge which is denied by spokesmen for the retail druggists, who point to rising costs including the inventory costs of stocking the same drug product under a variety of different trade names. Such a controversy is not directly related to the problem of administered prices. The retailer's margin in percentage terms is more or less constant, being applied on top of the manufacturer's price. What the subcommittee is interested in is the price to which this relatively stable margin is affixed, namely, the manufacturer's price to the druggist.

It was also made plain that it was not the purpose of the drug hearings to question in any way the American system of private medical practice. The subcommittee's interest is not with the issue of group versus private practice, or with the adequacy of reasonableness of the various forms of prepaid health or insurance plans. The subcommittee's interest is simply with the price of drugs, a price which must be paid by someone under any system of medical care. In this connection, I wish to point out that the subcommittee has received several hundred letters from doctors which are critical of the price of drugs and also critical of what they regard as excesses in the promotion and selling activities of the drug manufacturing companies.

DRUG HEARINGS: COMPLETED AND PLANNED

In order to arrive at an understanding of the practices of the drug manufacturing industry, the subcommittee sought information and material from the industry in several product fields. These fields included hormones, tranquilizers, diabetic drugs, antibiotics, sulfa, certain prescription vitamins, and so forth. These fields were selected because the total sales of these product classifications approximated two-thirds of all sales and because they represent the important areas of new products. In addition to these product hearings, it was also the announced intention of the subcommittee to hold a series of general hearings, at which time the industry's general views would be heard, as well as those of the representatives of the medical profession generally, and information would be sought on the activities of related Federal agencies.

Thus far the subcommittee has completed its hearings on steroid hormones and tranquilizers, and has held one series of general hearings. The first of the series of general hearings, due to an objection having been lodged by the minority leader, who is also the ranking minority member of the subcommittee, to the subcommittee's sitting while the Senate was in session, was recessed on Friday, February 26, at 10 a.m., subject to the call of the Chair.

In that connection, when objection was made to the subcommittee's sitting while the Senate was in session, even though there might not have been any votes imminent, we undertook to sit late at night from 10:30 p.m. to 2 a.m., resuming early in the morning at 9:30 a.m. That procedure was hardly satisfactory either to the subcommittee members or to the witnesses.

We expect to resume our hearings as soon as the situation in the Senate permits because of the great public importance of the question.

It is my purpose to review some of the information and material that has thus far been received by the subcommittee.

THE NATURE AND IMPORTANCE OF STEROID HORMONES

On December 7, 1959, the first product hearings concerned the steroid hormones—cortisone and its derivatives. The first of the steroid hormones was cortisone, which was followed by hydrocortisone, prednisone, prednisolone, and such new variations as triamcinolone and dexamethasone. According to Norman Applezweig, a recognized authority, the first large-scale commitment in cortical steroid research in this country was taken by the Merck Co. during World War II under a program of the Office of Scientific Research and Development, then headed by Dr. Vannevar Bush, now chairman of the board of Merck. This work was started on the erroneous belief that the Germans were successfully using an adrenal hormone product to protect their fliers from the effects of high altitude. The discovery of the anti-inflammatory action of cortisone in rheumatoid arthritis by Drs. Hench and Kendall at Mayo Institute, working on a grant from Merck, was a stunning result.

Dr. Hench, Dr. Kendall, and also a Swiss doctor, Dr. Reichstein, are Nobel laureates because of their work on cortisones. We are all proud of them and congratulate them.

Steroid hormones are used for many purposes, including the treatment of allergic disorders such as bronchial asthma and the reactions to other drugs; inflammatory diseases of the eye; skin diseases; blood diseases such as pernicious anemia; kidney diseases, and so forth; but their most widespread use is in the treatment of rheumatic diseases. It is estimated that roughly 10 million Americans are afflicted with rheumatic disorders—about 1 person in every 18 of our population. About 1 million are permanently disabled. Rheumatoid disease has become known as the No. 1 crippler. It strikes more people than cancer, heart disease, and tuberculosis combined.

While these drugs do not effect a cure, their importance should not be minimized. They relieve arthritic patients for periods of time and help control attacks. At the same time their use has been restricted by the medical profession because of injurious side effects. When cortisone first came on the market it appears that it was widely used for many purposes and with high expectations, but that continued experience brought much disillusionment and

far greater caution and restraint. Although the drugs introduced since cortisone have represented a marked improvement—particularly prednisone and prednisolone—side effects remain a serious problem.

The importance of the steroid hormones can be seen from the fact that in 1959 their sales are estimated to be $120 million at the manufacturers' level, divided as follows: cortisones, $33 million; prednisone and prednisolone, $43 million; and triamcinolone and dexamethasone, $44 million.

IDENTICAL PRICES

The principal producers of steroid hormones in the United States are the Schering Corp., Merck & Co., Inc., and the Upjohn Co. Representatives of these companies were invited to testify at the steroid hormone hearings. The prices charged by each of these firms for each of the steroid hormones are identical and have been identical since 1956. For example, since 1956, each of these three companies has offered for sale cortisone acetate at identical prices.

Similarly since 1956 prednisone and prednisolone have been sold by these three companies for the identical price of $17.90 for 5-milligram tablets in bottles of 100. Even though Upjohn introduced a more efficient microbiological process, it has never reduced its price below the quotations charged by the other companies.

In contrast to the $17.90 price of the four major producers, small manufacturers sold this same product, meeting USP standards, to druggists for as low as $2 in bottles of 100.

In the rear of the Chamber, Mr. President, is a chart which shows that for prednisone, the important arthritic drug the prices to druggists by Merck, Upjohn, and Schering are identical at $17.90 per hundred. It also shows prices by a number of smaller companies whose products meet the U.S. Pharmacopoeia standards, most of whom having been examined and authorized to bid on Government contracts by the Military Medical Supply Agency. The prices by some of these smaller companies were in the range of $4 to $7 per hundred tablets.

Moreover, after this chart had been prepared and introduced we found that suppliers of prednisone and prednisolone were actually selling to druggists for less than $2 a hundred in contrast to the price of Schering, Upjohn, and Merck of $17.90.

It should be pointed out that having good equipment and good control methods is not the exclusive monopoly of the big companies. Many small companies have just as good equipment and control methods as the large companies.

BID PRICE TO GOVERNMENT PURCHASING AGENCIES

It was brought out in recent hearings that the Military Medical Supply Agency, as well as the Veterans' Administration have asked for competitive bids in steroid hormones by generic rather than by trade name.

The Military Medical Supply Agency purchases the drugs that are used by the Government at Walter Reed Hospital, the Naval Medical Center at Bethesda, and other Government hospitals throughout the United States. I am sure that patients in those hospitals would not be given any drugs that were not safe and effective.

In this connection I wish to pay my very high respect to the officers of the Military Medical Supply Agency, particularly to Admiral Knickerbocker and Commander Weiss, as well as to those in charge of purchasing for the Veterans' Administration. These men are true public servants and deserve support and commendation. They have tried to get competition, and thus secure reasonable prices to the U.S. Government. In this way they have saved the taxpayers of the United States millions of dollars. It has been to these large Government buyers, as well as to those hospitals which have established formularies that most small manufacturers have had to turn for their sales.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. KEFAUVER. I am very happy to yield to the distinguished Senator from Ohio, who has taken a great interest in this entire problem, and has given me, as chairman of the subcommittee, useful information which has helped us in our work of trying to secure for the American people and the American druggists ethical drugs at reasonable prices.

Mr. LAUSCHE. Can the Senator from Tennessee tell me whether or not, in the testimony which was taken, it was shown that in the drug industry, sales made to governmental bodies such as the State of Ohio and the city of Cleveland, and probably to counties, under competitive bidding, are made at prices which are usually identical, to the fraction of a penny?

Mr. KEFAUVER. Where competition can be offered by smaller companies prices by the drug manufacturing companies in sales to the Government are sometimes one-fifth, one-sixth, or one-seventh of the price to druggists.

But where there is no competition from small companies, if the larger companies hold a patent monopoly, they generally bid at identical prices. On their bids their prices are high, even to the U.S. Government. An example is meprobamate, a tranquilizer sold by Carter Products under the name of Miltown. For sales in this country, Carter Products licenses only Wyeth, which is the pharmaceutical division of American Home Products Corp. Wyeth sells it as Equanil. Both companies are making enormous profits, largely from the sale of this product. On most of their sales to the Government the bid prices of Carter & Wyeth have been identical. It is remarkable to me that when their bids to the Government go up or down, the price of each is identical.

Incidentally, in the middle of our hearings the Department of Justice brought an indictment against Carter Products and American Home Products. It is my understanding that these identical prices were a factor leading to the indictment.

Mr. LAUSCHE. The indictment was predicated upon the fact that the prices at which they sold were identical.

Mr. KEFAUVER. That was a part of it. The allegation was that the prices were agreed upon.

Mr. LAUSCHE. During my tenure as mayor of Cleveland and as Governor of Ohio, one of the perplexing problems confronting me was the unbroken uniformity of the bids made on three things which the State and the city had to buy. Drugs were usually bid to the fraction of a penny, in identical amounts. Bids on salts to be applied to highways for melting snow and ice were all at identical amounts. The supply of electric light bulbs was also in that category. As I understand, the testimony disclosed that the practice was rather uniform.

Mr. KEFAUVER. Yes. We have held hearings on identical bidding in the case of electrical equipment companies. We found exactly what the Senator found; namely, that where bids are made to cities, to public power bodies such as the Tennessee Valley Authority, or to the Army and Navy, bids on electrical equipment have been remarkably uniform, usually down to the fraction of a penny. Here, too, our hearings were followed by the issuance of indictments for violation of the antitrust laws.

Let me cite one example, which is typical of other situations——

Mr. LAUSCHE. What explanation was given for the coincidence of prices, or for identical bids?

Mr. KEFAUVER. They said they were meeting competition. But it was beyond me how they knew what the other bidder's quotation was going to be, when the bidding was secret, and when the bids might be a little higher or a little lower than the previous price. Although the heads of American Home Products sought to create the contrary opinion, Government officials tell us absolutely that competitive bids are kept confidential, and that no bidder knows what another's bid price is.

Mr. LAUSCHE. I know that in bidding for electric light bulbs the State frequently had bids in which the prices were identical to the fraction of a penny. Based upon what the Senator from Tennessee has said, the explanation of such a bidder would be that it was by accident and by coincidence, without knowledge of what the other was doing that the bids happened to be identical.

Mr. KEFAUVER. That is correct. But the Department of Justice, quite properly, has not accepted this as an adequate explanation. The Senator says the bids on electrical equipment were identical down to the fraction of a penny. As a matter of fact, they were identical to ten-thousandths of a penny.

Mr. LAUSCHE. Yes.

Mr. KEFAUVER. Similarly the bids of the American Home Co., which sells Equanil, and of Carter, which sells Miltown, the bids to the Military Medical Supply Administration were $22.50 a thousand, or $20.50 a thousand. Yet whether the price went up a little or down a little, they were identical except in all but one case, where there was a difference of 10 percent.

Mr. LAUSCHE. I thank the Senator. I interrupted the Senator when he was discussing the Military Medical Supply Administration seeking bids on nonpatented products.

Mr. KEFAUVER. Yes. I appreciate the participation of the Senator from Ohio. He has had great experience in this field as Governor of his State in the purchasing of medical products and other products. I hope he will ask further questions.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. LAUSCHE. I should like to say to the Senator from Tennessee that while his investigation was being conducted my mail was heavy from citizens in Ohio commending the Senator from Tennessee and trying to solve the problem of the high cost of drugs, as the facts were revealed by his investigation, and as it was understood by the sick people who had to buy the drugs.

Mr. KEFAUVER. I thank the Senator. We have also received a great deal of mail from people to whom the price of drugs is a real hardship. Some write that they even have had to do without food in order to get the drugs. We have received hundreds of letters from physicians who are interested in the economic welfare of their patients, and from many druggists who feel that prices which they have to pay to the manufacturers are too high.

The ethical drug manufacturing industry has a powerful propaganda machine, a great lobby and numerous public relations organizations. They have even used druggists to carry the burden of their fight against the work of our subcommittee. Our interest is in merely trying to see to it that the American people get these drugs at reasonable prices. I say that the prices these big companies charge for the products which we have thus far investigated are unreasonable. The American people should have the benefit of competition, which would mean lower prices.

I wish to call to the attention of the distinguished Senator from Ohio the chart in the rear of the Chamber which shows the prices of the large and small companies for the drug called prednisone. Had Schering, Merck, and Upjohn gotten together and agreed to sell prednisone to the druggists for $17.90 a hundred, that would be a violation of the Sherman Act, if the agreement would be proved.

But if the agreement cannot be proved, there is no violation of the antitrust laws. Yet from the viewpoint of the customer, the effect may be exactly the same, whether it happens by accident, by leadership, by some mental telepathy, by an understanding which, however, does not represent a formal agreement, or indeed by a formal agreement which cannot be proved.

To return to the matter of bid prices, although the four major producers charged druggists $17.90 per bottle of 100 5-milligram tablets, the records of MMSA reveal that as a result of the competition of small producers, the larger manufacturers have offered to sell to this agency at a considerably lower price than the price at which they sell to druggists. For instances, in February 1959 MMSA paid $20.98 per bottle of 1,000 5-milligram tablets on a low bid of the Premo Pharmaceutical Co., a small company. On this bid Schering's price was $23.63 and for this same bottle of 1,000 5-milligram tablets Schering and Merck's price to druggists is $170.

That is approximately, as I calculate it, 7½ times their bid price to the Government. Thus it would appear that manufacturers in a competitive sale will greatly reduce their prices.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. LAUSCHE. It is my understanding that when the Military Medical Supply Agency bought on the basis of bids from the companies identified on this chart——

Mr. KEFAUVER. And quite a number of others, too.

Mr. LAUSCHE. And quite a number of others, and competition was offered by small drug producers, the Military Medical Supply Agency of the Government bought the drug for $20.98 a bottle. Is that correct?

Mr. KEFAUVER. That is correct. That is for 1,000 tablets.

Mr. LAUSCHE. The druggists at the same time paid how much?

Mr. KEFAUVER. One hundred seventy dollars.

Mr. LAUSCHE. So that the Military Medical Supply Agency who knew the problem and asked for bids in the generic name, received a bid of $20.98 while the druggists had to pay $170 for the same drug. Is that correct?

Mr. KEFAUVER. That is correct. I think it should be pointed out that the small companies generally obtain their supply of the finished product in bulk form from the large producers. This is possible because a patent has not been issued on prednisone as yet. In these cases the product of the small companies is the same as that of the large companies. The small companies test the product and put it in tablets and into bottles.

Mr. LAUSCHE. With respect to the transaction described in the Senator's discussion of the bid price to Government purchasing agencies, the small drug company's price was $20.98. Schering's price was $23.63.

Mr. KEFAUVER. That was the price at which they offered to sell.

Mr. LAUSCHE. At the same time, the price of Schering and Merck to the druggist was $170 a bottle, or practically seven times as much as it was to the Military Medical Supply Agency of the Federal Government.

Mr. KEFAUVER. That is what the testimony showed; and the testimony is undisputed. However, I think I should point out that in the case of many drugs, where one company has a patent monopoly, and perhaps licenses one or only a few other large companies as in the case of Smith Kline & French, on Thorazine, or Carter, on Meprobamate, there are no small companies to cut prices. Here, the price under the generic name and the price under the trade name would be the same. And prices are high to the Government, high to the druggists, and are in the main identical.

Why don't consumers buy the lower priced products? The reason is that the doctors write their prescriptions in terms of trade names. The large drug manufacturers are able to persuade the doctors to do so because they have large sales forces of detail men and do extensive advertising and promotion. For reasons which I shall set forth later, the little companies cannot afford these selling and advertising expenses. As a result the little companies are largely confined to selling to the Government and to the hospitals under formularies.

Mr. GORE. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield to my distinguished colleague from Tennessee.

Mr. GORE. Is it the practice of the medical profession to write prescriptions according to trade names or by medical content? I ask that question because from the experience I have had in paying for prescriptions, most prescriptions which I have observed heretofore have been written according to chemical detail as to the contents of a vial which the prescriptionist would, shall I say, mix or concoct or fill. Is it now the practice to prescribe by label or by patented name?

Mr. KEFAUVER. In general, the practice seems to be for the physician to write the trade name on his prescription blank.

The industry spends three-quarters of a billion dollars a year in advertising and selling expenses. A big item of selling expenses is the cost of sending out detail men to the physicians. Their function is to sell the doctors on the idea of prescribing by the brand-name of their particular company. And they appear to be quite successful, although there are some physicians who do prescribe by generic name.

Mr. GORE. If doctors should follow the practice of writing prescriptions according to chemical content, would the local druggist have an opportunity to fill such prescriptions with the pills or capsules supplied by the small drug companies and at a more reasonable price to the consumer?

Mr. KEFAUVER. In many cases, yes. In the case of prednisone, for instance, if the prescription were written in the generic name, the druggist would have the right to fill the prescription with a product of one of the smaller companies. Competition at the retail level would then result in lower prices to the consumer.

Prednisone is sold by Schering as Meticorten, by Merck as Deltra, and by Upjohn as Deltasone. These are the trade names usually specified in the doctor's prescription. As long as this remains the case, the customer will pay a relatively high price because the druggist cannot substitute a lower price brand.

Yet doctors who appeared before our subcommittee testified that they would have no hesitancy in prescribing by generic name, feeling that their patients would get just as good a product at a much lower price.

Nonetheless, the large companies, by their advertisements and their representations to the doctors, have convinced many physicians that there may be something superior in quality or efficacy in their products. This is a matter which the subcommittee is going to examine at greater length.

Many small companies have been inspected and examined by the Military Medical Supply Agency or by the Veterans' Administration with respect to the process or method of manufacture, sanitation facilities, and the efficacy and safety of their products.

If Senators and Cabinet members who are patients at Walter Reed or the Naval Medical Hospital can be administered drugs which the Government buys under the generic name, is that not a strong indication that the Government is convinced that the products are good? The drugs of all companies, large and small, have to meet the standards of the United States Pharmacopoeia—the U.S.P.

In the case of antibiotics under section 262 of title 42 of the United States Code, which concerns the regulation of biological products, the Public Health Service must make a full inspection of the facilities of pharmaceutical manufacturers before the manufacturers can make and sell antibiotics.

Physicians naturally want their patients to get drugs which are safe and effective. Perhaps this statutory requirement, if extended to other drugs, might go a long way toward relieving their apprehensions concerning the quality of the products of smaller companies.

Mr. GORE. Did the Senator's committee ascertain the existence of a program by the American Medical Association to inform individual doctors as to the exact chemical comparison of the highly advertised trade names, on the one hand, and the more reasonably priced products of smaller concerns, on the other?

Mr. KEFAUVER. No, I know of no such program on the part of the American Medical Association or anyone else.

Mr. LAUSCHE. Mr. President, at this point will the Senator from Tennessee permit an interruption?

The PRESIDING OFFICER (Mr. PROUTY in the chair). Does the Senator from Tennessee yield to the Senator from Ohio?

Mr. KEFAUVER. I yield.

Mr. LAUSCHE. I have received letters from doctors in Ohio who make the same complaint as the one the normal citizen has made about the high prices of drugs.

Mr. KEFAUVER. Yes, we have received letters from many doctors, complaining of the excessive advertising to which they are subjected and of the high prices which their patients have to pay.

Incidentally, the expenditures for drugs plus the expenditures for appliances, such as hearing aids, last year—for the first time in history—exceeded the expenditures for medical services which includes payments to doctors.

At an appropriate time we hope to have representatives of the American Medical Association appear before our subcommittee.

Mr. GORE. Mr. President, will the Senator from Tennessee yield again to me?

Mr. KEFAUVER. I yield.

Mr. GORE. Is it not true that many of the local druggists—like many of the doctors who were referred to by the distinguished senior Senator from Ohio, who spoke of the doctors in Ohio—are very much concerned, when they have on their shelves two similar products, but one costs five or six times as much as the other, or two identical products, but one costs five or six times as much as the other, when a customer presents a prescription which calls for the higher priced product, by name? Then the druggist has little choice other than to sell the highly advertised, higher priced product; is not that true?

Mr. KEFAUVER. That is entirely correct. The druggist would be in violation of State law if he were to substitute the product of any other company, even though it met the U.S.P. standards.

Mr. GORE. Is this not a problem in connection with which the doctors, the druggists, the drug manufacturing industry, and the Government should cooperate, to the end of making available to the patients, those who are sick, drugs at reasonable prices?

Mr. KEFAUVER. Certainly it is a problem which should receive the very best thought and cooperation of the medical profession and also of the pharmaceutical manufacturers.

But the problem is most far reaching, transcending perhaps what can be accomplished by voluntary efforts. As the life expectancy increases, so also does the number of elderly people who have to have so many of these drugs in order to live. Yet to a large proportion of these elderly people, many of whom live on small, fixed incomes, the price of drugs constitutes something of an economic crisis. For example, we heard testimony from representatives of the Retired Teachers Association and representatives of the Retired Government Employees Association also appeared before our committee. The facts they have presented are really alarming. The situation necessitates some solution.

Mr. GORE. I hope the Senator's committee made some progress toward the end he seeks in securing cooperation from the various groups involved in health services.

Mr. KEFAUVER. We have been receiving very good cooperation from some and not so good from others.

Mr. President, I wish to thank my colleague, the Senator from Tennessee—who, I know, has a very deep concern about this problem—for his interest and for his contribution to the presentation today. I hope he will ask other questions as we proceed.

Earlier I said that prescribing by trade names tends to result in higher prices. This is not the case, however, where the pharmaceutical manufacturer has a patent, and the drug is not generally licensed—such as Miltown and Thorazine and Compazine. In these cases prescribing by generic name would not result in a lower price.

PRICES IN FOREIGN COUNTRIES

Mr. President, at this time I wish to point out that prices to druggists for steroid hormones were frequently found to be considerably lower in foreign countries than in the United States. An example is Merck's prices for prednisone, which it sells in the United States as Deltra, in bottles of 100 5-mgm. tablets. In the United States, Merck's price to druggists is $17.90, whereas in Great Britain its price to druggists is $7.53. These prices are reflected in table I, which will be included in the RECORD at the end of my remarks.

Mr. LAUSCHE. Mr. President, will the Senator from Tennessee yield for a question?

Mr. KEFAUVER. I am very happy to yield.

Mr. LAUSCHE. Did Merck have a subsidiary in England, or did Merck have a separate company there?

Mr. KEFAUVER. Merck now has a manufacturing plant in England. But as of the time their price comparisons were made, the prednisone Merck sold in England was either produced in the United States or in Canada, where production costs are about as high as those in the United States. But even though Merck's drugs were then sent from Canada or from the United States to England—and I suppose those shipments involved the payment of some duty, as well as some transportation expense—Merck still sold Deltra, under those circumstances, in bottles of 100 5-mgm. tablets, for $7.53, as compared to $17.90 in the United States. Incidentally, the British have no price-control law.

Mr. LAUSCHE. Then, the fact is that the druggist in the United States had to pay for these Merck drugs $17.90, and in Great Britain the druggist paid $7.53, so the druggist in the United States had to pay approximately 150 percent more. Is that correct?

Mr. KEFAUVER. That is correct.

Mr. LAUSCHE. I thank the Senator very much.

Mr. KEFAUVER. Generally speaking, the United States, with the exception of Canada, is the highest priced drug country. In most cases the prices in Canada are a little higher than those in the United States, but next to Canada, the prices in the United States are usually highest.

Let us turn now to the question of manufacturing costs.

MANUFACTURING COSTS

In order to avoid the problem which would have arisen had the subcommittee requested the drug manufacturers to submit their production costs for individual products, the subcommittee subpenaed their bulk purchases and sales contracts.

Let me say, in that connection, companies usually object strenuously to supplying breakdowns of their manufacturing costs by their various products. In my opinion congressional committees are entitled to get such information by subpena. I think the courts would uphold the power of committees to do so.

But the drug companies, of course, do not want their competitors or the Congress to know what their costs are. We have tried to respect their wishes and have not requested them to supply detailed product-cost breakdowns. Again I wish to emphasize my belief that we could get that information if the matter were brought to a contest. To avoid the issue, however, we asked the companies to give us their bulk sales prices. These are the prices at which they buy and sell drugs from each other in bulk form. Among others, such information was obtained for the generic product, prednisolone. It is to be assumed that on such bulk sales a profit is made. I wish to emphasize that the bulk price was not for a raw material which then went into the production of prednisolone. It was not like flour, from which with yeast, sugar, and other ingredients bread is baked. It was for the finished product itself, ready to be tested, tableted, bottled, and sold. It was akin to bread, not flour. Unfortunately, in many articles about the hearings this key point was missed.

The subcommittee obtained from several independent companies quotations for costs of tableting and bottling, which also included a profit. The subcommittee used a quotation which was between the lowest and the highest cost submitted by companies that would tablet, bottle, and test this finished material for anybody.

Schering does not itself make prednisolone. Schering buys prednisolone from Upjohn. Schering obtained it for $2.37 a gram. That was the starting point. Then we added to that the cost of wastage, tableting, and bottling. We arrived at a computed manufacturing cost of $1.57 per 100 tablets, or 1.6 cents per tablet.

The fact that this figure merely reflects production costs, and does not include distribution and selling costs, was made clear at the time. We wanted the companies themselves to furnish the reasons for the difference between the production cost of $1.57 and their price to the druggist of $17.90. It was also pointed out that the figure did not include that part of research, expenditure, and profits not included in the bulk sales price. Officials of Schering and Upjohn were then asked to explain the difference between the production cost of $1.57 per hundred tablets and the charge of $17.90 per hundred tablets to druggists.

Mr. McNAMARA. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield very happily to my distinguished friend from Michigan.

Mr. McNAMARA. I should like the senior Senator from Tennessee to know that I have followed the hearings of the Antitrust and Monopoly Subcommittee, of which he is chairman, with a great deal of interest. I commend him highly for contributing so much to the welfare of the aged of this Nation, because, as the Senator knows, they are very much concerned with this problem.

Mr. KEFAUVER. I know that if any Member of the Senate has studied the problems of the aged and is concerned about them, it is the Senator from Michigan, because he is chairman of the subcommittee which has been holding hearings on the problems of the aged, which includes, among others, the cost of medical care and the cost of securing drugs.

Mr. McNAMARA. Does the Senator know that the group affected most intensely by the high cost of drugs are the 16 million men and women over 65, and that in just 10 years there will be 20 million of them? This is a tremendous problem for them. I am sure the Senator has given them some consideration, not only in the hearings, but also in the report.

Recent information developed by the Subcommittee on Problems of the Aged and Aging reveals that while all age groups spend $19 per person per year for drugs and medications, those 65 and over spend $42 per person, or about 2½ times as much.

I suppose that information has been called to the attention of the committee.

Mr. KEFAUVER. Yes. That information was given to the committee by a distinguished member of the subcommittee of which the Senator from Michigan is chairman. I refer to the Senator from West Virginia [Mr. RANDOLPH].

Mr. McNAMARA. Figures for 1958 indicate that one-fourth of the total cost of medical care for our aged citizens was accounted for by the cost of drugs and medicines. In other words, drugs and medicines account for 25 percent of their total medical costs.

Does the Senator know that three out of five people over 65—and this means 9.6 million people in this country—have a money income of less than $1,000 per year?

Mr. KEFAUVER. What is the figure?

Mr. McNAMARA. Does the Senator realize that three out of every five people over the age of 65 in this country have a money income of less than $1,000 per year?

Mr. KEFAUVER. I have heard that. I think that emphasizes the reason why the older people have a very hard time obtaining the high-priced drugs which they need so badly.

Mr. McNAMARA. That is correct. In our hearings over and over these people referred to the work of the Senator's committee and to the concern they have over the high cost of drugs. As people get older they need more sedatives and more drugs to fight arthritis and the other crippling diseases which are more prevalent among the older people.

Eighty percent of these Americans have contributed a lifetime of productive activity to the amazing growth of this Nation. Now, in their later years, most of them have less than $2,000 a year income. I am sure the Senator from Tennessee recognizes this is a real problem.

Mr. KEFAUVER. It certainly is a very real problem.

Mr. McNAMARA. Many of the aged people have been told to live off their savings, when their incomes are too low to sustain them. Does the Senator know that 45 percent of these people had less than $500 in liquid assets in 1958, according to governmental records, and 30 percent had no liquid assets at all? When it is said that those people should live off their savings and should pay high prices for drugs, that is simply no answer at all.

Mr. KEFAUVER. I certainly agree with the Senator. I commend the Senator for the work he is doing as chairman of the subcommittee.

Mr. LAUSCHE. Mr. President, will the Senator yield to me so that I might ask a question of the Senator from Michigan?

Mr. KEFAUVER. I yield for that purpose.

Mr. LAUSCHE. What did the hearings disclose about the ability of the aged people to pay these prices, and about whether they felt they were having to pay inordinate prices for the drugs they needed?

Mr. McNAMARA. We had much testimony which indicated the older people were making all sorts of efforts, by forming cooperative groups, to try to get lower or wholesale prices on the drugs. These people are doing all sorts of things to try to counteract the high cost of drugs and medicines needed for the aged people. They have been successful, in some instances, in setting up some sort of group cooperative.

However, some drug companies, retailers and others try to cut off the supplies from the wholesalers, when there are these successful ventures in buying drugs wholesale for these aged people. The Golden Age Clubs go into this sort of thing. All over the country there is great interest.

Mr. LAUSCHE. What is the technique of the operation, where the attempt is made to cut off buying on a cooperative basis?

Mr. McNAMARA. The attempt is made to cut off the source of supply. In one instance that I was told about the manufacturer was told by the retail distributor, "If you are going to sell direct to the consumers we are not going to buy from you." That was the technique used.

Mr. LAUSCHE. The net result was that the aged people had to buy in the open market?

Mr. McNAMARA. That is correct. They had to pay the high prices which the Senator from Tennessee has been pointing out.

Again, I thank the Senator from Tennessee for the fine work he has been doing, and I assure him that the people in these so-called senior citizen groups appreciate the efforts he has been making in their behalf.

Mr. KEFAUVER. Mr. President, the Senator has stated one of the big reasons why this situation has become more and more acute. These older people have little income and almost no savings, yet they need more and more drugs as they get along in years.

I thank the Senator for his contribution, and I commend him for his work on the committee.

Mr. McNAMARA. I thank the Senator from Tennessee.

Mr. KEFAUVER. Mr. President, the explanation of the manufacturers for the sizable markup over production costs was essentially that large sums had to be

paid for research, that their selling expenses were high, and that their profits were not unreasonable.

PROFITS

Let us turn then to the question of profits. There was introduced in the record a comparison of rates of return on net worth, after taxes, after everything, of selected industries for the year 1957, which was a normal year. 1958 was a depression year for certain industries, while 1957 was a typical year. The drug industry was shown to have a rate of return of 21.4 percent, which is the highest of any manufacturing industry and approximately double that of the average of all manufacturing, which is 11 percent.

I hope the chart, which is at the back of the Chamber, can be put up to a higher level, so that Senators can see it better.

Mr. President, it can be noted that the average rate of return for all manufacturing was about 11 percent, but in the year selected the rate of return of the drug industry, according to the report, which was figured by the Federal Trade Commission, was 21.4 percent, after taxes.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield to my good friend from Pennsylvania.

Mr. CLARK. I have followed with interest the exposition the Senator has been making. The Senator was kind enough to give me an advance copy of his speech.

Mr. KEFAUVER. We are trying to get copies for all Senators.

Mr. CLARK. I read the speech with great interest.

I should indicate my great sympathy with the fine work the Senator is performing. The profits of these drug companies seem very large indeed. I should disqualify myself on account of interest, since I own 150 shares of stock of Smith Kline & French.

Mr. KEFAUVER. I congratulate the Senator. He has done very well.

Mr. CLARK. I am happy indeed with both the capital enhancement and the return I have received. I do think the profits are very high.

I wonder whether the Senator has any specific remedy to suggest as to how we can make the drugs cheaper for those who need them so badly, even if I do not receive quite so much in dividends, within our free-enterprise system? How can we achieve the desired result without the imposition of Federal controls, which we may be reluctant to impose?

Mr. KEFAUVER. I was going to come a little bit later to the legislative recommendations, but since the Senator has brought up the subject I think I can point out certain recommendations now.

I do not think that any of us have a whole lot of sympathy for anyone who complains about profits of a person who makes an item which is purely a luxury and not a necessity of life or health.

Mr. CLARK. Such as lipstick?

Mr. KEFAUVER. I am not sure about lipstick. That might be something else.

The drug industry is different. The drug industry is an industry serving consumers who are sick people. Many of them, as the Senator from Michigan pointed out, are people with small incomes. The consumers of the ethical drug industry are captives. They have no opportunity to shop around whatsoever.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. KEFAUVER. I will yield further in just a moment.

I can think of no other place where there should be more awareness of their responsibility to the community than in the drug industry. In the interest of the public health, the pharmaceutical manufacturers must see to it that drugs are sold at prices that bring them within the ordinary standard of life. To this end there must be price competition in the drug industry. That is what I am talking about.

There are certain things which I think specifically should be done. I shall go into some detail on this matter.

The drug companies should, in their elaborate advertising program, make the generic name as prominent as the trade name, so that doctors may see it.

In order to relieve any doubt about the efficacy and safety of drugs produced by smaller firms, the Food and Drug Act must be strengthened so as to provide examination of the facilities and products of all pharmaceutical manufacturers—big and small.

Generally speaking, I am in favor of the exclusive patent grant for the purpose of encouraging incentive on the part of innovators. However, in the drug industry we have a peculiar situation in which the health of the Nation is involved. A patient receives a prescription for a particular drug; he cannot shop around for alternatives. If the company has a patent or is an exclusive licensee, there are no other producers and there is no check upon the price which the company may charge.

I believe that in the public interest, in order to have some competition and get prices down, we should consider a licensing provision, allowing qualified applicants to enter into production and sale upon payment of a reasonable royalty. That was the Government's patent policy when the Alien Property Custodian sold Schering. I have not thought the problem through in all its aspects, but that is one possibility.

Mr. CLARK. Mr. President, will the Senator further yield?

Mr. KEFAUVER. I am very happy to yield.

Mr. CLARK. Has it occurred to the Senator to explore the avenue that perhaps the drug industry, because of the factors which the Senator has just summarized, is affected with a public interest, and perhaps not too far removed, in philosophy, at least, from public utilities, which are given a monopoly of sorts, and have long been subject to public regulation.

Mr. KEFAUVER. The position the Senator has taken is recognized by some foreign countries, which do not grant product patents on drugs. Germany, for example, which has produced perhaps more new drugs than any other country, grants no product patents because it recognizes the importance of this industry to the public health.

I will say to my friend from Pennsylvania that the drug industry is charged with a public interest. Several witnesses before our committee have recommended that drugs be put into the category of public utilities and subjected to regulation in the public interest.

I am not willing to go along with the suggestion. I want to try other means, along the lines of some legislative recommendations which will be made. I believe those other means would do a great deal toward correcting the situation. I hope that the American economy does not have to go to the extent of outright price regulation, but many people are demanding it now.

Mr. CLARK. Mr. President, will the Senator yield for a final question?

Mr. KEFAUVER. I am happy to yield.

Mr. CLARK. Does not the Senator feel that the emphasis should be on the high price of drugs, and the large profits made by the drug manufacturers? I understand that there is a necessary correlation between the two, but does the Senator feel that the amount of profit made is relatively unimportant as compared with the high price of the product, which places it outside the capability of so many people who need the drug to buy it?

Mr. KEFAUVER. Yes. I am in favor of the companies making a good profit, but I do not know how we can get away from the excessive profit they are making, and the excessive prices they are charging for their drugs. I shall show some examples of profits, salaries, stock options, and so forth.

In connection with the matter of Government control of the prices of drugs, a recent poll which I saw in the Evening Star showed that between 65 and 70 percent of the people polled felt that there should be some Federal regulation. I hope we can find some other way.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. LAUSCHE. Am I correct in my understanding that after it was disclosed at the hearing that Schering and Upjohn were getting $17.90 for 100 tablets which cost them $1.57, they answered, "While that may be true, and while the disparity between the selling price and the production price is great, our ultimate profits are still only reasonable"?

Mr. KEFAUVER. Schering objected on the grounds that other costs, such as advertising expenditures, were not included. But this of course was recognized in the table itself. I shall point out later that in the case of Mr. Hoyt, of Carter Products, by using the same process used for Schering, the calculation was shown to be exactly what he stated his production cost was, down to the fraction of a penny. Of course, most of them argued that their profits were not unreasonable.

Mr. LAUSCHE. After the argument was made that the actual cost of producing added to the cost of advertising and distribution left them only with a reasonable profit, the subcommittee of the Senator from Tennessee then looked into the profits that were made according to the recorded statistics.

Mr. KEFAUVER. That is correct.

Mr. LAUSCHE. And when those statistics were examined, it was found that the drug industry led the entire manufacturing industry in profits made.

Mr. KEFAUVER. It led all manufacturing industries in the profits made on net worth. I believe in 1 year cement may have shown a little larger profit on sales than did the drug industry. But for the past several years, in terms of both sales and investment, the drug industry has been leading the Nation. In the case of Schering, Upjohn, and Merck, I have their exact profits after taxes. They are in the neighborhood of 20 percent on investment after taxes.

Mr. LAUSCHE. That is, according to the chart, the drug manufacturers are earning a profit of about 21.4 percent.

Mr. KEFAUVER. On net worth after taxes.

Mr. LAUSCHE. And all manufacturing shows an average profit of 11 percent; on the basis of the same formula.

Mr. KEFAUVER. That is correct.

Mr. LAUSCHE. I may say to the Senator from Tennessee that in one of the hearings conducted by the Surface Transportation Subcommittee of the Committee on Interstate and Foreign Commerce we likewise had a chart, which showed that the drug manufacturers were enjoying the highest profits, and that the lowest profit was around 2 or 3 percent. The average indicated there was 11 percent.

Mr. KEFAUVER. I thank the Senator for that information. It is my understanding that the Federal Power Commission and the various State regulatory agencies feel that a reasonable profit on worth, for the purpose of making rates, is about 6 percent. This is a great deal less than the drug industry has been making.

Mr. LAUSCHE. I ask the Senator whether, after these figures were disclosed, any explanation or justification was given for the high profit of 21.4 percent?

Mr. KEFAUVER. Yes. The witnesses said that the costs of research and the need for growth were factors; that the drug industry was a growth industry, which had to make high profits. They had a great deal to say about research, and I will come to that later. I am in favor of research. However, research expenditures by 20 of the largest drug companies is 6.4 percent of sales. Even the drug manufacturing officials admitted this factor could not account for their high prices.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. KEFAUVER. I am delighted to yield to the Senator.

Mr. LAUSCHE. I have before me the table about which I spoke a moment ago. It covers the corporate profits made in 1956. It was issued by the National City Bank of New York. It likewise shows that drugs and medicines were first, and in 1956 had a profit of 22.4 percent. That means that it was 1 percent higher in 1956 than it was in 1957. The lowest in profits made were the fire and casualty insurance companies, of 2.2 percent. Seventy-three different manufacturing enterprises are shown, and drugs and medicines are at the top of the 73.

Mr. KEFAUVER. That is very interesting. I thank the Senator from Ohio. The available evidence indicates that in terms of profits as a percent of sales, the drug industry is outranked among manufacturing industries only by cement, which has a considerably lower profit rate in terms of investment. From statistics of the Federal Trade Commission it was revealed that in 1958 Schering's profits, after taxes, were 23.2 as a percent of net worth; Merck 17.9 percent and Upjohn 18.9 percent.

Also, Schering Corp.'s cumulative profits after taxes in the 5½ years between 1952 and the first 6 months of 1957 were greater than the total price at which the corporation had been purchased from the Alien Property Custodian in 1952.

That is shown by chart No. 4 in the rear of the Chamber. In other words, in 5½ years, their cumulative profits were enough to recover the price paid the Government for the property. That is not anything like the case of Carter and of Smith, Kline & French, which in much less time earned enough to more than pay for the value of the company. In one case, in about 2 years they made enough to pay for the net worth of the company, if profits are calculated on the cumulative basis.

PATENTS

It was developed during the hearings that no company has as yet obtained a patent on the product, prednisone. However, between 1955 and 1958 cross-licensing agreements were entered into among Schering, Merck, Upjohn, Pfizer, Parke Davis, and Ciba. Because of the conflicting claims of priority for the discovery of prednisone, the Patent Office, following its usual custom, has placed such claims in what it characterizes as an interference proceeding. As of this day, this proceeding has not been decided. The license agreements entered into between Schering and these other companies provided, strangely enough, that the companies would pay Schering royalties for 3 years on the sales of prednisone even though no patent had issued. But of even greater importance, the license agreements provided that the parties would only sell prednisone in finished form, that is, in tablet form ready for use. The purport of this restriction is clear. By prohibiting bulk sales, small companies could not buy in bulk, do their own tableting and bottling, and market the product.

There was a small producer of prednisone, the Syntex Corp. in Mexico, which had filed a patent application for the product, but at the time was not a party to the license agreements. In 1957 Syntex started making bulk sales of prednisone to small drug manufacturers in the United States. The restrictive license agreements then broke down because when Syntex started making bulk sales, Pfizer and Merck felt compelled to follow suit. By virtue of these bulk sales, small companies today are able to manufacture and offer for sale prednisone at the low prices which I have mentioned. However, if the interference proceedings were to be settled tomorrow and a patent were to be issued to any one of the parties other than Syntex, the effect of the license agreements would be to cut off the bulk sources of supply to the small manufacturers. This would even apply to Syntex which now has an agreement with Schering under which it is to make no bulk sales if Schering gets the patent, and the same restriction would probably be imposed upon it if any of the other applicants were to get the patent.

I can only anticipate that if Schering, having its cross-licensing agreements with the big companies, gets a patent on prednisone, these little companies, which are selling to the druggists at lower prices, as well as to the Government, are not going to be able to sell at all. There will be no price competition to the Government or to anyone else, if that should happen.

SELLING EXPENSES AND ADVERTISING CLAIMS

Because of the importance of sales promotion both as a cost factor and as a means of obtaining a share of the market, selling costs and advertising claims were inquired into during the steroid hormone hearings. In 1958 Merck put dexamethasone on the market under the trade name, Decadron. Even its own medical director acknowledged before the subcommittee that some of the claims made by Merck for the product were overstated, and that some of the side effects were understated. This relates to the advertising that goes to the doctors, which has great influence upon them in prescribing for their patients.

Merck furnished the subcommittee with samples of some 60 to 70 direct mailings to physicians for this one product, Decadron, which it had sent out in just 1 year. With 150,000 practicing physicians in the country, this represents a total of around 10 million pieces of mail for 1 company for 1 product in 1 year. Upjohn has over 1,000 detail men out of a total employment of around 5,000. According to a survey of the 20 largest drug companies conducted by the subcommittee, selling expenses average 24 percent of the sales dollar. With an annual sales volume of over $2 billion, this means that around half a billion dollars is spent every year in vying for the doctor's attention. This is an annual selling expenditure of over $3,000 per doctor. Is it any wonder that many physicians have written to the subcommittee complaining that they are literally being inundated with advertising and promotional material, much of which, they say, is immediately thrown into the wastebasket without being read.

Now I turn to the second drug hearings which were held; namely, the hearings on tranquilizers. These were very important hearings.

The chart in the rear of the Chamber contains a breakdown of sales dollars of 20 major companies, showing how one dollar is broken down.

It will be seen that the cost of the goods ranges from 19.2 cents to 32.3 cents. The figure on the left is the average. Research is 6.4 cents. General

and administrative expense is 11.2 cents. Selling comprises 24 cents of the sales dollar. Taxes take 13 cents. The profit after taxes is 13.1 cents.

Some companies spend a little more on research. Some do not spend as much, such as American Home Products Corp., which spends a little more than 2 cents out of each dollar on research. But on the average the selling cost is approximately 4 times the amount spent for research. Those figures will be seen on the chart.

THE NATURE AND IMPORTANCE OF TRANQUILIZERS

On January 21, 1960, the subcommittee began its second product hearings dealing with tranquilizers. Tranquilizers are of very recent origin, having been first introduced commercially in this country in the early 1950's. Sales are estimated to be in the neighborhood of $175 to $200 million a year. There are three main classes of tranquilizers. First, there are the phenothiazine derivatives, principal among which are thorazine and compazine, which are sold in this country by Smith Kline & French. Second, there are the alkaloids of rauwolfia serpentina including principally reserpine sold in this country by Ciba Pharmaceutical Products under the trade name Serpasil.

I interpolate to say that rauwolfia has had a long and interesting career. The crude root was used 1,000 years ago because it was found to have tranquilizing effects. The Indians went far in isolating the important alkaloids in the crude material.

Then, in recent years, Ciba made some further refinement in the product and secured patents in many countries of the world on reserpine. It sells this product under the trade name of Serpasil. Ciba has an American subsidiary.

The third class of tranquilizers is a miscellaneous group, the principal among which is meprobamate, sold in the United States under the trade name of Miltown by Carter Products, and of Equanil by Wyeth, a subsidiary of American Home Products Corp.

All these drugs are sold under prescription. They are used not only in mental hospitals but also in the treatment of patients living ordinary lives but suffering from anxiety and tension, neurotic symptoms, emotional upsets, and the like. The phenothiazine derivatives and the derivatives of rauwolfia serpentina are frequently referred to as "potent" tranquilizers in that a large portion of their total use is for the treatment of hospitalized and other seriously ill mental patients. Meprobamate has been referred to as a "mild" tranquilizer in that its principal use is in the treatment of nonhospitalized patients for the relief of anxiety and nervous tension.

The potent tranquilizers have been of great value to mental institutions in the treatment of hospitalized patients. Not only have the problems of treatment within the hospitals been eased, but it has been possible to release a substantial number of patients who would still be hospitalized had it not been for the development of these new drugs. To prevent a recurrence of their ailment, however, it is frequently essential that these released patients continue treatment with the tranquilizing drugs. To such patients, their families, and indeed to society as a whole, the price which they have to pay for these drugs becomes a matter of gravest importance.

As a matter of fact, we received testimony that after a number of patients had been released from mental institutions or hospitals and were told to continue taking tranquilizers, it was necessary for them to return to the hospitals to get them, because the patients could not afford to buy tranquilizers themselves. Similarly, to taxpayers generally the price which must be paid for tranquilizers by tax-supported mental hospitals is a matter of no small moment.

The leading producers of tranquilizers are Smith Kline & French, Carter Products, Inc., American Home Products Corp., through its Wyeth division, and Ciba Pharmaceutical Products of the United States, Inc. Representatives of these companies were invited to appear and were heard during the course of the tranquilizer hearings.

THE PRINCIPAL TRANQUILIZERS

Foremost among the potent tranquilizers is the product Thorazine, which is manufactured and sold by Smith Kline & French Co. under an exclusive license arrangement with the French company Rhone-Poulenc, which developed the product and holds the U.S. patent.

Quite a number of these products were developed in France and in other countries, and they are sold in the United States under various types of licensing agreements.

The discovery of the tranquilizing property of this product was made by Dr. Fritz Lehmann, of Canada, working with material supplied by Rhone-Poulenc. Dr. Lehmann testified before our committee. He is a very eminent psychiatrist.

Introduced into the United States in 1954, Thorazine is the principal tranquilizer used in mental institutions. Smith Kline & French also markets and sells a related tranquilizer, Compazine, under an identical arrangement. Also originated by Rhone-Poulenc, of France, this drug was introduced in the United States in 1956.

In 1955 the Carter Products Co. brought onto the American market meprobamate, which it markets and sells as Miltown. Carter Products licensed one other American manufacturer to sell meprobamate in the United States, the American Home Products Co., which sells the product through its Wyeth division as Equanil.

There is a very unusual situation with reference to the Carter Products Co. and its sales of meprobamate. The only competition this company has in the United States is with Wyeth, its licensee, which sells the product as Equanil. Both companies sell their products at identical prices. Their bids to the Government have been identical on all occasions except one. The companies make a very small reduction to the Government in comparison with other companies, because they have an exclusive monopoly.

I do not know whether this table can be placed in the RECORD, but Wyeth and Carter, regardless of the amount of the purchases, have always ended, with the one exception, at the same price to the Military Medical Supply Agency. The price might vary a little—a few cents up or a few cents down—for 500 tablets. The tablets are sold to MMSA in bottles of 500. Yet the prices of both companies are identical.

It does not make any difference how large the bid is. One was for $882,000. Another was for $121,000. In both cases the prices were identical—$20.25 for 500. In early 1958 there were contracts on which each bid $22.50. How each company could know exactly how many cents they were going up and how many cents they were going down is quite difficult to understand. As a matter of fact, in the middle of our hearings the Government brought an indictment against them, under the antitrust laws.

Mr. ELLENDER. Mr. President, will the Senator from Tennessee yield?

Mr. KEFAUVER. I am very happy to yield.

Mr. ELLENDER. Is that product made abroad?

Mr. KEFAUVER. The only seller abroad, under the name Miltown, is American Cyanamid.

Mr. ELLENDER. The Senator from Tennessee referred to a product which is sold in two separate places at the identical price. Where is the base of that product obtained?

Mr. KEFAUVER. Here in the United States.

Mr. ELLENDER. And only two companies manufacture it?

Mr. KEFAUVER. Only two companies sell it in the United States.

As a matter of fact, Carter, which has the basic patent, does not manufacture the product at all. Carter has contracts with five or six small chemical companies which manufacture the finished bulk product for Carter, and then Carter sells the bulk product to its licensees. Carter sells the powder to Wyeth for its sales of Equanil in the United States; it has also sold to American Cyanamid, which is the foreign sales representative of Carter on sales of Miltown abroad.

Mr. ELLENDER. Is it not true that the company which furnishes the product requires that it be sold everywhere at the same price?

Mr. KEFAUVER. Such a requirement would be in violation of the antitrust law; that is clear. A company cannot use its patent to force the licensees to sell the product at the same price.

Mr. ELLENDER. So when the Senator says this is a monopoly, I suppose he is on good ground, is he not?

Mr. KEFAUVER. Yes; it is a complete monopoly. Carter has a complete monopoly, by patent protection. Carter licenses one company—American Home Products—for domestic sales in the United States and abroad, and Carter licenses another company—American Cyanamid—for sales of Miltown outside the United States.

I wish to point out an interesting thing: Many people have been asking why the foreign prices are so much lower than the American prices. This situation is a very interesting one in that respect. Carter Products, Inc., sells in bulk to Wyeth, which is part of American Home Products, here in the United States. In 1958 it sold $10 a pound.

Mr. ELLENDER. That is the price in the United States?

Mr. KEFAUVER. Yes, plus a royalty; and of course Wyeth sells under the name Equanil. But Carter's foreign sales are handled by American Cyanamid; and Carter sold the same product in 1958 to American Cyanamid for under $5 a pound—less than half the price paid by Wyeth.

Mr. ELLENDER. Is American Cyanamid a U.S. company?

Mr. KEFAUVER. Yes; and it has subsidiaries abroad.

Mr. ELLENDER. But it does not sell in this country?

Mr. KEFAUVER. No; Carter has not licensed it to sell in the United States. My point is that in the case of this product, so far as the bulk material is concerned, American Cyanamid gets the basic product at a much lower price for sales abroad than Wyeth does for sales in the United States.

Mr. ELLENDER. Are those products manufactured in this country or abroad?

Mr. KEFAUVER. All of them are manufactured in this country.

Mr. ELLENDER. How does the Senator account for the difference in price?

Mr. KEFAUVER. Does the Senator mean the difference between the price to Wyeth and the price to American Cyanamid?

Mr. ELLENDER. Yes.

Mr. KEFAUVER. The difference is due to a policy decision by Carter.

Mr. ELLENDER. A moment ago, when I was asking questions, I was particularly interested in the product which is manufactured abroad. Did the Senator find that various companies handle that product in the United States; or does only one company handle it in the United States? I refer to meprobamate.

Mr. KEFAUVER. Carter sells under the name of Miltown and it has licensed one company, American Home, to sell in the United States. American Home sells under the trade name Equanil.

Mr. ELLENDER. It is the same product?

Mr. KEFAUVER. Yes; they are identical.

Mr. ELLENDER. The product to which the Senator from Tennessee has referred is sold abroad; and in the United States it is sold by these two companies, is it? Does the Senator know whether the contracts are similar? In other words, do they pay the same price?

Mr. KEFAUVER. In foreign countries?

Mr. ELLENDER. No; I refer to the product which is sold in the United States, but is manufactured abroad.

Mr. KEFAUVER. None that is manufactured abroad is sold in the United States.

Mr. ELLENDER. A moment ago the Senator from Tennessee said a certain product which is manufactured abroad is handled by two companies in this country, and that, for some reason or other, the price charged for the product to both companies is the same.

Mr. KEFAUVER. We were talking about Smith Kline & French, which has Compazine and Thorazine, and which has a license from Rhone-Poulenc, of France.

Mr. ELLENDER. Are the prices to the two companies the same?

Mr. KEFAUVER. Only one company has an exclusive license.

Mr. ELLENDER. I thought there were two.

Mr. KEFAUVER. Two on meprobamate. Smith Kline & French is exclusively licensed for Thorazine and Compazine. Those are two products, not two companies.

On meprobamate I think the point which it is important to make is that Carter sells to an American company which is going to sell abroad at half the price that Carter sells to the American company—Wyeth—which will sell here in the United States.

Mr. ELLENDER. Of course, the Senator from Tennessee realizes that that situation is not confined to drugs—when a product made in the United States is sold cheaper abroad. For instance, the Singer sewing machine sells in the United States for $125 or $130, but abroad it can be purchased for $50; and the same is true of automobiles and various other commodities produced in the United States.

Mr. KEFAUVER. I was not aware of the situation in the case of Singer sewing machines.

Mr. ELLENDER. That may not be true today, but it used to be. I know there is a difference. American products can be bought abroad much cheaper than the prices at which they can be purchased in the United States; and that situation is not confined to drugs.

Mr. KEFAUVER. I understand that is true. Of course, in the case of sewing machines, competition may have something to do with the price, and may hold down the price.

But only in limited areas is there any price competition in the drug business. And even though the sales price in other countries may be much lower—as I shall show in the case of a great many of these products—than the price in the United States, I do not see why sick people in the United States cannot get something in the nature of a "break," in terms of the prices they have to pay, as compared to the prices charged in other countries.

Even when the drugs are made here in the United States, they frequently are sold at prices very much lower in other countries. I think the whole thing is topsy-turvy, and not fair or right.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. HOLLAND. I understand Carter sells to the one company which is licensed to sell to the American public at twice as much as to the one company it licenses to sell to the rest of the world.

Mr. KEFAUVER. That is correct.

Mr. HOLLAND. How does it justify or explain such a price difference since it holds a monopoly in this field?

Mr. KEFAUVER. That is the price Carter fixes. There is no price competition in the United States. Carter has a patent monopoly.

Mr. HOLLAND. Is there no antimonopoly law that would reach to that kind of operation?

Mr. KEFAUVER. As I have said, the two companies, Carter and Wyeth, have now been indicted for a violation of the Sherman Act. This difference in price may have been a factor leading to the indictment. But it is not a violation of the Robinson-Patman Act since the customers of Wyeth are not the customers of American Cyanamid.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. ELLENDER. If the company has an exclusive patent, it could not be reached through the antitrust laws.

Mr. KEFAUVER. That is correct. In the field of drugs which are absolutely necessary to life, the testimony shows that where companies are thoughtful enough to issue several licenses and get royalties, the little companies can get into the business and compete, and that practice results in saving the Government a tremendous amount of money. Prednisone, which was sold to druggists at $170 per thousand, was sold to the Government, on bid, at $20. The same company that sold it at $170 offered it, on bid, for $23 to the Government. If little companies cannot get into the business, price competition is absent, and the price to the Government remains high. I think, with respect to drugs that are a necessity of life, we ought to seriously consider whether it would be good public policy that companies be required to license a qualified applicant upon payment of a reasonable royalty.

Mr. ELLENDER. We might also look into the applicability of patent laws. That would be a way to reach them.

Mr. KEFAUVER. That is right.

Mr. ELLENDER. Particularly where the companies sell the same product at different prices to Americans than they do abroad. It strikes me we might be able to reach them in that manner.

Mr. KEFAUVER. I thank the Senator for his observations and suggestions. We certainly expect to go into them.

In 1954 Ciba, Ltd., of Basle, Switzerland, obtained patents in many countries, including the United States, covering reserpine, which it markets under the trade name Serpasil.

As I pointed out a little while ago, reserpine is a refinement of rauwolfia, which was used 1,000 years ago in India. It is the bark off a root.

When Ciba introduced this product on the American market, it freely granted licenses to manufacture and made no restrictions on sales in bulk. Reserpine is thus the only important tranquilizer available to, and sold in the United States, by small manufacturers. In other words, in the case of the other major tranquilizers, there is a patent monopoly. But Ciba, perhaps not being so sure about its patent, since it involves a product which had been used 1,000 years ago, has permitted small manufacturers to sell it.

PRICES IN FOREIGN COUNTRIES

Although Thorazine is sold to the American druggists in bottles of 50 tablets of 25-mgm. size for $3.03, the same product is sold in Paris, France, for 51 cents; in Rome, Italy, for $1.22; and in Sydney, Australia, for 94 cents.

Meprobamate, sold in the United States by both Carter and American Home Products to the druggists at $3.25 for 50 tablets of 400 mgm. size, was sold in Germany by American Cyanamid under a license arrangement with Carter for 69 cents, in Argentina for 74½ cents, and in Italy for $1.77.

Reserpine, sold by Ciba as Serpasil to druggists for $4.50 in bottles of 100 tablets of 0.25-mgm. size, is sold in Paris, France, for 83 cents; in Germany for $1.05; in Australia for $1.35; and in Holland for $1.09. A small company, the Panray Corp., sells reserpine to druggists for $2.65 in bottles of 1,000 tablets of 0.25-mgm. size—for which Ciba charges druggists $39.50. The president of the Panray Corp., stated that his product met the very rigid tests imposed upon his company in order to sell to MMSA and was identical with the product sold by Ciba as Serpasil.

Now I shall refer to something I am sure the Senator from Florida [Mr. HOLLAND] will be interested in hearing, and I hope the Senator from Louisiana [Mr. ELLENDER], who is always very careful about appropriations, will read.

BID PRICES TO GOVERNMENT PURCHASING AGENCIES

Since a number of suppliers of reserpine were available, the Military Medical Supply Agency—and the amount of drugs this Military Medical Supply Agency buys is stupendous, as is true of the Veterans' Administration—asked for and sought competitive bids on reserpine under the generic name rather than trade name. Based upon records of MMSA, the price of reserpine consistently tended downward under the impetus of competition from smaller manufacturers. In February 1959, Ciba Pharmaceutical Products, while charging druggists $39.50 for 1,000 tablets of 0.25-mgm. size, sold MMSA the same quantity for 60 cents. Because of competition, the Government was able to acquire for 60 cents the same product, in the same quantity, for which the American druggists had to pay $39.50. It was sold to the Government at only 1½ percent of the price at which it was and is being sold to the druggists.

MANUFACTURING COSTS

A rather unusual situation exists with regard to the production of meprobamate. It is not made by Carter itself. Rather, Carter has the bulk product manufactured for it, under agreement, by six producers. The average cost to Carter for meprobamate in December 1958 amounted to $4.35 per pound. Again using the bulk price as a base and adding to it the costs of tableting and bottling as quoted by an independent firm, the subcommittee staff arrived at a production cost to Carter per 400 mgm. tablet of 0.7 cent. It is to be remembered that on the bulk purchases to Carter a satisfactory profit had been made by the manufacturers of the bulk powder. It is also to be remembered that the independent bottling company's charge for testing, tableting, bottling, and labeling also included a profit. When the production cost of 0.7 cent per tablet was introduced in the record and the president of Carter Products was asked to comment, he produced a table of his own representing Miltown costs and profits per tablet. His manufacturing cost coincided exactly with the figure of 0.7 cent per tablet presented by the subcommittee staff. The incident which I have just recounted adequately confirms the soundness of the method adopted by the subcommittee's staff.

I shall digress at this time. The committee was criticized for reconstructing the production cost of prednisolone. It so happens that Schering, which makes no prednisolone, bought it from Upjohn. As I have stated, we have not asked the drug companies for their cost breakdowns, although I think we would have a right to do so. The staff figured what Schering had paid Upjohn for the finished bulk product in bulk form and secured the medium bid—not the lowest, not the highest—from a company to tablet, bottle, and label the product. As I have said, we came up with a production cost of 1.6 cents per tablet for prednisolone.

We then asked Schering to explain what made up the difference between 1.6 cents and their price to the druggist of 17.9 cents. They, of course, talked about research costs, taxes and other expenses, and advertising costs.

After the hearing we found that some small suppliers were selling prednisolone for less than 2 cents per tablet, which was a little bit more than the production cost figured by our staff.

If Senators will compare the two charts, the same method was followed as to Miltown and Equanil. The total cost to Carter Products, Inc., for producing 1,000 tablets was figured to be $7.32, based on the cost to Carter of $3.84 for the material. We added the estimated wastage, the costs of tableting and bottling. The cost per tablet to Carter was figured by the staff to be seven-tenths of 1 cent. To Wyeth it was figured to be 1.5 cents. It will be remembered that Carter charges considerably more for the materials going to Wyeth than it pays itself, and then Wyeth pays Carter a royalty on its sales.

Mr. Hoyt, the president of Carter, then offered a cost breakdown prepared by the company itself. His figures for manufacturing cost turned out to be exactly the same as the figure computed by the staff—seven-tenths of 1 cent. Carter's price to the wholesalers is 5.1 cents.

PROFITS

Except for reserpine, the American tranquilizer market is characterized by monopoly control effected through patents and license agreements. The highest profit companies in all American industry are found in this field. According to figures of the Federal Trade Commission, Carter Products, Inc., for the year 1958 enjoyed a rate of return after taxes on net worth of approximately 44 percent; Smith Kline & French of approximately 35 percent; and American Home Products Corp., of approximately 35 percent.

It will be seen from the chart Carter Products, Inc., first made full returns beginning in 1957, so that we have only the information for the years 1957, 1958, and 1959. It will be seen that profits on net worth after taxes, and after research, have been in the neighborhood of 45 to 50 percent. The chart also shows the figures for Smith Kline & French, averaging over 40 percent, and American Home Products Corp., averages 35 percent, or a little more, as shown for the last several years.

I should point out that the profits of Carter were included in the calculations in arriving at the 21.4-percent profit for the drug industry, but American Home Products Corp. manufactures a lot of other things in many other fields, and is not primarily a drug-manufacturing concern, so the figure for that company is not included.

According to Fortune magazine's ranking of the 500 major industrial corporations by net profits after taxes as a percent of invested capital, American Home Products ranked first and Smith, Kline & French second. Had Carter Products, Inc., been among the 500 largest firms, for which figures were gotten together by Fortune magazine, it would have outranked them all, with a net profit after taxes on invested capital of 38.2 percent.

For the RECORD, I think it is well to point out there is a slight difference in the way the Federal Trade Commission figures net worth after taxes, and the way Fortune magazine, whose staff did an excellent job in getting up this ranking, figured net worth, on what they called "investment."

The Federal Trade Commission takes the figures at the end of the year, when the accrued or kept profits are put into the company, and averages that with the situation at the beginning of the year in figuring net worth. Fortune magazine took the figures at the end of the year; that is, after the retained earnings had been put into the corporation. So Fortune magazine's percentages would be a little lower than the Federal Trade Commission figures, but not much.

STOCK APPRECIATION

Another way of appraising the extraordinary profitability of the drug companies is by examining the appreciation of their stock. How has the profitability of this industry reflected itself in stock prices and dividends? On January 3, 1949, 400 shares of American Home Products stock could have been purchased for $10,000. The stock was split 2 for 1 on November 14, 1957. The market value of 800 shares at the closing price on December 31, 1959, of 171½ amounted to $137,200. On an investment of $10,000 this is a net gain of $127,200 in an 11-year period. During this same 11-year period, total dividends on the original purchase would have returned a total of $16,480.

On December 31, 1948, 225 shares of Smith Kline & French stock could have been purchased for $9,900. This stock was split 2 for 1 on September 13, 1950, 3 for 1 in November 1954, and 3 for 1 on May 29, 1959, or a total of 18 for 1 over this period. The market value of 4,050 shares—225 times 18—at the closing price on December 31, 1959, of 60½ would have been $244,013. On a $10,000 investment this is a net gain during the 11-year period of over $230,000. During this same 11-year period total dividends on the original purchase would have amounted to $20,070, or twice the investment. In citing these figures I want to reemphasize my belief in the profit system, and in the desirability of reasonable profits. But an essential element of the profit system is the existence of price competition, which, it is assumed, is the force that protects the consuming public. But with profits such as I have cited here, can there be any doubt that there is little or no price competition among the major drug manufacturers?

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. KEFAUVER. I am happy to yield to the distinguished Senator from Washington.

Mr. JACKSON. I have not had an opportunity to follow in detail the work of the chairman of the subcommittee, the distinguished senior Senator from Tennessee. I do know, however, that as a good lawyer he has always pursued his investigations with a high sense of objectivity. I feel that this is indeed a vital area of public interest. I am sure the Chairman knows that any wrongdoing, as far as the effect on the public is concerned, does not justify a condemnation of all drug companies. But it is clear from the evidence presented here by the Senator from Tennessee that harmful practices are widespread. I wish to commend the Senator for bringing to the attention of the Senate today this very important problem affecting all Americans.

Mr. KEFAUVER. I thank the Senator from Washington very much for his interest and for his contribution.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. KEFAUVER. I am very happy to yield to the distinguished Senator from Florida, who has given this subject much consideration and study over a period of many years, and who was the first and very impressive witness before our subcommittee when we started this series of hearings.

Mr. SMATHERS. I wish to highly compliment the able Senator from Tennessee, first, on conducting this investigation, which is so vital to so many American citizens, particularly the elderly American citizens who, as they move down life's pathway, find themselves developing various types of diseases and needing various types of medical remedies to keep themselves going.

We have a large percentage of those people in our State. I know from my visits to the State that they are greatly impressed with the hearings which the Senator from Tennessee is conducting. They, like many of us, are considerably disturbed by what is becoming more and more clear, namely, that there are certain drug manufacturers—and I do not say all of them are, and I am sure the Senator from Tennessee does not include all of them or wishes to bring a blanket indictment against all of them—who are taking what amounts to an exorbitant profit with respect to what the cost to them is of manufacturing their product, as compared with what they are asking for it when they merchandise that product. It weighs very heavily on these elderly people, and they are applauding the fine job the Senator from Tennessee is doing.

They recognize just as well as I do that he is being criticized by certain groups. Of course that is the privilege in every democracy, that those who wish to make protest can easily and readily do so. However, the people in my State, generally speaking, highly approve of the hearings which the Senator from Tennessee is conducting in the objective and impartial manner that he is following. They cannot help believe from what they have learned firsthand in what he is developing that the pattern of too high prices for low-cost drugs should somehow be stopped.

I cannot help but believe that my friends in the drug manufacturing industry and also many of my doctor friends, if they wish to head off what will amount to socialized medicine, along with the socialization of other parts of our industry, must recognize that some relief must be given to the average citizen, particularly the elderly citizen who must use these drugs and who does need some medical attention. Certainly there must be some better way found than now exists with respect to the purchasing of these drugs, so that they may be within the reach of those people who need them the most.

My doctor friends, I believe, are beginning to realize that there must be a better way, as the facts are unfolded in connection with the drug investigation. I believe that most of my doctor friends recognize that in many instances these prices are out of line. Not only are these protests, from the people who must pay for the drugs, directed against the drug producers, but in many instances also against the doctors, who, in fact, do not deserve to have them directed against them. They seem to be the recipients of a great many protests of which they are not deserving.

I should think that they would be very happy to join with the able Senator from Tennessee in getting to the public all the information with respect to this investigation, so that the average person who must buy drugs will recognize that it is not so much the doctor bill which is so high, but that it is the general cost of medicines which has gone up, in some cases justifiably, but in many instances beyond the measure of reasonable justification.

So, Mr. President, I wish to congratulate the able Senator from Tennessee for the job he is doing. I know he will keep up the work, and follow it to its logical conclusion.

I am sure we do not want to regulate industry. However, I would think that certainly an industry in which it has been demonstrated that a few members of it have gotten themselves out of line with respect to what is a reasonable profit, ought to bring themselves back into line on a voluntary basis. Otherwise, in time, as certain as we stand here on the floor of the Senate, the protests of the American citizenry will be so persuasive and so uniform and so loud that if the industry does not correct this situation itself, then unfortunately the Government will be forced ultimately to move into this field. That is something none of us wants.

Therefore, I believe that the Senator from Tennessee is doing a service to the drug industry and to everyone else by laying on the record the facts, so that everyone might see them, in the hope that those people who have most to do with some of these rather unpleasant facts will themselves remedy the situation so that the Government will not have to move in and remedy it.

Mr. KEFAUVER. Mr. President, I am very grateful to my distinguished friend from Florida for the statements he has made. I certainly agree with him. If there is any man in the Senate who has dug into this problem over a period of many years and knows it at first hand, it is the Senator from Florida. He has been very encouraging to the members of the subcommittee and to our staff so that we might do the best job of which we are capable. We certainly appreciate his support. I feel as he does that we do not want to have price fixing and Government regulation. Much could be done to lessen the severity of the problem through cooperation among the pharmaceutical industry, the pharmacists, and the medical profession. Cooperative efforts of this type would be far more helpful to the public interest than the preparation and issuance of unfounded attacks upon the subcommittee.

What the Senator said about the cost of drugs and the influence it is having, and the pressures all this might bring for something other than a free enterprise system, is shown by a recent poll. It shows that most people think that prices ought to be regulated. We want to reverse the trend of that poll and that can be achieved only by the existence of price competition in the industry. Another point I think should be borne always in mind is that last year, for the first time, the expenditures on drugs and appliances amounted to more than for medical fees. That is a matter to which physicians, I am sure, are giving a great deal of consideration. I thank my colleague very much for his statement and contribution.

Mr. HILL. Mr. President, will the Senator yield?

Mr. KEFAUVER. I am very happy to yield to my good friend from Alabama, the chairman of the Committee on Labor and Public Welfare.

Mr. HILL. I have not had an opportunity to read the testimony before the Senator's subcommittee; but certainly no one could have been present today and heard the speech of the Senator from Tennessee and the very revealing statements he has made—and, I may

say, in many instances they were challenging statements—without being very much impressed, or without realizing the excellent work he has done. He has been devoted and hardworking, and has given leadership to a matter which is of the utmost importance, not only, particularly, to our senior citizens, as has been emphasized by the Senator from Florida [Mr. SMATHERS], but really to all the people. I commend the senior Senator from Tennessee upon the work he has done.

Has the Senator received adequate cooperation in his investigation from the various Government agencies concerned with this problem?

Mr. KEFAUVER. We have not as yet called the representatives of some of the Government agencies before us. We shall do so. But I must say that I regret that the cooperation from the National Institutes of Health has been rather limited. This has forced the staff of the subcommittee to go to a great deal of difficulty in getting from other sources technical information which we thought the NIH could have furnished us immediately.

Mr. HILL. Does the Senator know of any reason why the NIH has not been more cooperative?

Mr. KEFAUVER. I do not know; but Dr. Shannon has supplied only a limited part of the information which we have requested. What we have sought from NIH is technical information concerning the nature of properties of important drugs on which they have expert knowledge.

Mr. HILL. Has Dr. Shannon stated any reason for not doing so?

Mr. KEFAUVER. I know of no particular reason why he has not done so. We have received fair cooperation from the Food and Drug Administration. I hope we shall secure their full cooperation on legislative recommendations and in their testimony.

I have reason to believe that the Federal Trade Commission, which has some part in this work in connection with misleading and false advertising, will give us very good cooperation. But certainly we could use better cooperation from the NIH.

Mr. HILL. Has the Senator from Tennessee any particular thought or suggestion in mind with reference to such cooperation?

Mr. KEFAUVER. We need the technical knowledge and information of their scientists in the evaluation of these drugs. We also need their help in providing information concerning the side effects of drugs for purposes of comparison with the claims made in the advertisements of the pharmaceutical houses. Such information has been very late in getting to us, and very scanty when it has arrived. There can be no doubt that NIH possess far more information than it has seen fit to supply to the subcommittee.

Mr. HILL. As I have already said, the senior Senator from Tennessee certainly has done much hard work in this field. He has made a great contribution in bringing this most important matter to the attention of the Senate and of the country. He deserves the cooperation of every department and agency of the Government.

Mr. KEFAUVER. I do not wish to imply that the Government departments and agencies have not done anything; but the information submitted by the NIH has been extremely limited. It could be of much more value to us. In contrast, the State Department and the procurement agencies have rendered valuable cooperation.

I appreciate the presence of the Senator from Alabama during this discussion today because, as I have said on many occasions, I do not believe there has ever been a Member of Congress who has given such great attention to or who has been more interested in medical research and the plight of the people who need medication than the senior Senator from Alabama. It has been through his untiring efforts that great headway has been made by the medical profession, in some cases by pharmaceutical manufacturers, and by universities and others, in conducting research, much of which has led to remedies which have benefited many American people.

At the recent hearing we held on tranquilizers, Mr. Mike Gorman pointed out that some $5 million was available as the result of an appropriation for research in mental health made by the Appropriations Subcommittee headed by the Senator from Alabama, but that contracts for only $100,000 have actually been let.

Although the drug companies have entered into the cancer research program, they have not shown very much interest in research in the mental health program. I believe their chief objection has been to the patent policy, a policy which is quite lenient, as I see it.

Mr. HILL. As the Senator from Tennessee knows, more than half of all the hospital beds in the United States are occupied today by persons suffering from some form of mental illness. Surely there is a most compelling need for greater research and greater research programs in the field of mental illness.

Mr. KEFAUVER. The Senator is exactly correct. There is urgent need that this money be made available. In cancer research the pharmaceutical companies have taken contracts and are engaged in the research program. But in the field of mental health research, they have been very reluctant to act, as the Senator from Alabama so well knows.

The Government's patent policy is very lenient. It provides that the company may secure a patent; but the Government insists that if a company cannot furnish enough of a product to supply the national need, then the Government retains the right, as it should, to cause other companies to be licensed, at least until the demand has been met. I think that is a lenient position for the Government to take. I think the welfare of the general public certainly justifies as a minimum a policy of that kind.

Mr. HILL. The distinguished Senator from Tennessee was very generous in his remarks about the senior Senator from Alabama and the efforts of the Senator from Alabama in behalf of the programs for medical research and for better health for the American people.

There has been no stronger supporter, more interested, or devoted supporter of these programs than the senior Senator from Tennessee.

Mr. KEFAUVER. I thank the Senator from Alabama. I always look to him for guidance in these programs, because I know he feels deeply about them, and has a great fund of information upon which we can all rely.

STOCK OPTIONS

Another indication of the industry's extraordinary profitability is the stock option granted to the president of Carter Products, Inc., Mr. Hoyt. On July 16, 1957, he was granted options to purchase 57,500 shares of stock at $27.50 over a 5-year period. The president of this company exercised 34,500 of these options at $27.50 on July 28, 1959, at a total cost to him of $948,750. At the closing price of 75½ on Monday, January 25, 1960—the day before Mr. Hoyt appeared as a witness before the subcommittee—these shares had a total market value of $2,604,750. Had the price remained unchanged for a few more days, until the end of 6 months after the exercise of the options—in July 1959—the president of this company would have been able to realize a total gain, after taxes, on this transaction of $1,242,000, because under such plans he is subject only to a capital gains tax of 25 percent. Moreover, Mr. Hoyt still has 23,000 options unexercised. At the difference between the closing price on January 25, $75.50, and the option price of $27.50, his remaining options were worth a paper profit of $1,104,000 before taxes, and $828,000 after taxes. The combined gain at that price for all options, exercised and still pending, would have been $2,760,000 before taxes and $2,070,000 after taxes.

The stock market, however, has had something of a decline in the last 2 months, and Carter Products stock quotation has declined with it. It closed yesterday, according to the Wall Street Journal, at 62¾. Recalculating Mr. Hoyt's profit on his stock options yields the following figures: 34,500 shares worth $2,164,875; cost as before, $948,750; total gain, $1,216,125; net after taxes, $912,093. In other words, even after a big drop in the market, he could just about double his money in less than 8 months. On the 23,000 options not yet exercised, the calculations would be: market value, $1,443,250; cost, $632,500; total potential gain, $810,750; net after capital gains tax, $608,062. Thus, the whole transaction, if completed at yesterday's close, would net Mr. Hoyt $1,520,155. Of course, that is in addition to his very substantial salary.

It is interesting to note that the president of Carter Products, Inc., is the holder of 50.12 percent of the stock of Bahdelan Corp., a family-owned holding company. This holding company on May 15, 1959, held 50.92 percent of Carter's outstanding stock. Obviously, the president of Carter Products, Inc., merely voted himself this bonanza. I think it is high time for the Ways and Means Committee of the other body and the Finance Committee of this body to reexamine the whole question of stock options in the

light of this and similar examples which have been developed by our subcommittee.

I believe I should point out that that very tremendous takeout from the company—because a stock option amounts to withdrawing or taking money from the company—occurs in the case of a comparatively small company. Carter Products is not even one of the 500 largest corporations in the United States. Yet the salary and the stock options which Mr. Carter has enjoyed total more than the corresponding items in the case of most of the $500 million or $1 billion corporations. In fact, I do not personally know of any other corporation official in the industries which we have investigated who has received more money than the amount received in this case. Again, I say this is received by the head of a pharmaceutical company which holds an exclusive patent monopoly in the United States. His profits and his stock options are received from the sale of a drug which people have had prescribed for them by their physicians. This situation is very different from that of a company which produces luxury items, and which a prospective buyer may shop around for or even elect not to buy.

Incidentally, Mr. Hoyt said that if his company did not make at least 20 percent on investment after taxes, he would regard the operation as unsuccessful, and he would withdraw his funds from the business. It might be pointed out that the average profit on investment for all companies in the United States is 11 percent.

RESEARCH

The principal explanation offered by the drug companies for their high prices and profits is that they are necessary in order to support research. Like everyone else I am, of course, strongly in favor of research, in regard to drugs and all other products.

But this explanation is subject to criticism on several grounds. In the first place, the profit rates which I have been referring to are profits after taxes and after all expenses, among which of course is research.

In the second place, much of what the drug industry calls research is of very dubious and limited value to the public. In this connection I would like to refer to the testimony before our subcommittee of Dr. Haskell Weinstein, who recently served as medical director of the J. B. Roerig division of the Charles Pfizer Co. Excerpts from Dr. Weinstein's testimony are presented in attachment A.

In the third place, expenditures on research of the 20 largest drug companies represented only 6.4 percent of their sales dollar. This was only a little more than one-fourth of their selling expenses—24.0 percent—and less than one-fourth of their profits before taxes—26.1 percent. It is within the realm of probability that the amount spent on research is actually less than the amount spent on the portion of advertising material which is ignored or never even read by physicians. And the irony is that the selling and advertising expenditures do little, if anything, to expand the total consumer market for drug products. The market, in the form of sick and ailing people, is there to begin with.

Finally, as has been brought out in the hearings, many of the drugs sold in large quantities and at a substantial profit by American drug companies were actually developed in foreign lands—see table 10.

CONCLUSION

Mr. President, on January 26, a number of editorials which were inserted in the CONGRESSIONAL RECORD by the distinguished minority leader were critical of the work of the Antitrust and Monopoly Subcommittee in the current drug investigation. This country, fortunately, has a free press; and it is the prerogative of our editors to question Government officials in any of their activities. The subcommittee's drug investigation has also been the subject of many other editorials which welcome the inquiry and comment favorably on what it has thus far uncovered. I have selected a typical sample of these editorials, to be made a part of the RECORD at the end of my remarks.

Mr. President, I have long been dedicated to the belief that our Nation's existence to a large extent depends upon making effective our free, competitive enterprise system. Our constitutional fathers had a fierce devotion to the principles of freedom. An obligation of freedom is the acceptance of our responsibilities and the devising of new courses of action, where necessary, without fear, favor, or complacency. We should never lose the grace of critical evaluation. One of the truly noble ideas defined by our constitutional fathers was that this is a nation dedicated to the proposition that each and every person has a free man's right to work, thrive, and prosper according to his own capabilities.

In 1890, the Congress made explicit this dedication to freedom in the economy, by enacting the Sherman antitrust law, which was followed in 1914 by the Clayton and the Federal Trade Commission Acts. Despite all the good that has been accomplished under these laws, the fact remains that in many important areas of our economy, competition no longer seems to be sufficiently effective to protect the public interest. How to provide that protection without impairing our freedoms is the fundamental question confronting the subcommittee in its inquiry into administered prices. Those who criticize the subcommittee for having as yet failed to come up with a solution would do the Congress and the Nation a great service if they would present their answer to the problem.

The work and duties of the Antitrust and Monopoly Subcommittee are complex and difficult.

Here I wish to pay high tribute to the staff of the subcommittee. The staff members have worked day and night in trying to obtain the facts. I wish to say they have been careful in the factual presentations which have been made. If any error has crept in, they have immediately corrected it. However, I know of no errors which have actually gotten into our record. The staff members have been very painstaking. In my opinion they have done an outstanding job, and all of them deserve the gratitude of the public.

No corporation wants to be investigated. There are many in our Nation dedicated to the proposition of the status quo. There are many who interpret "free enterprise" as the right of corporate managers of great corporations to regulate prices, production, and employment free from competition, free from congressional or public scrutiny, and free from any concern with the public interest.

Under the Constitution, Congress has the responsibility to regulate interstate and foreign commerce. I am afraid that we have been lax in our responsibility. Instead of regulating interstate and foreign commerce, I am afraid that commerce has increasingly come to regulate us. To those who are content to let the economic decisions continue to be made by the managers of our giant corporations, free from competition or public accountability, I cite the drug industry, which, of all industries, should show the greatest manifestations of concern for the public interest, and yet appears to show the least.

Mr. President, I yield the floor.

The matter submitted by Mr. KEFAUVER, and previously ordered to be printed in the RECORD, are as follows:

TABLE 1.—*Prednisone: Merck's prices to druggists, comparative United States and foreign, 1959*

[5 mg. tablets, bottles of 100]

City and country:	Price to druggist
London, England	[1] $7.53
Rio de Janeiro, Brazil	[2] 14.15
Armsterdam, Holland	16.05
Vienna, Austria	[1] 17.16
United States	17.90
Toronto, Canada	[1] 20.80
Rome, Italy	[1] 22.16
Colon, Panama	[1] 22.99
Sydney, Australia	[1] 24.00
Tokyo, Japan	27.28

[1] Calculated from price for 30.
[2] Calculated from price for 20.

Source: U.S. price: American Druggist Blue Book, 1959–60. Foreign prices: Collected by the U.S. Department of State through the American Embassies in spring of 1959.

TABLE 2.—*Prednisolone, 5-milligram tablets, computed cost based on bulk price transaction and contract processing charges*

	Per 1,000
1. Bulk price at which Upjohn sold to Schering in 1958: [1] $2.37 per gram. Material for 1,000 tablets (5×$2.37)	$11.85
2. Allowance for wastage (5 percent)	.62
3. Tableting charge	2.00
4. Bottling charge (10 bottles of 100 tablets each)	1.20
Total	15.67

COMPARISON BETWEEN COMPUTED COST AND ACTUAL PRICES

	Per 100	Per tablet
Computed cost, excluding selling and distribution costs	$1.57	$0.016
Actual prices: [1]		
To druggists	17.90	.179
To consumer (list)	29.83	.298

[1] As reported to the subcommittee by Upjohn and by Schering.
[2] Upjohn (Delta-Cortef) from catalog; Merck (Hydeltra), Pfizer (Sterane), Schering (Meticortelone), Parke, Davis (Paracortol) from 1959–60 edition, "American Druggist Blue Book." (Parke, Davis consumer prices 1 cent higher per bottle than others.)

TABLE 3.—*Comparison of rates of return after taxes in selected industries, 1957*

Industry:	Percent of return
Drugs	21.4
Industrial chemicals	16.2
Office and store machines and devices	15.5
Motor vehicles	15.5
Flat glass, glassware (pressed or blown)	14.9
Electrical machinery, equipment and supplies	14.2
Engines and turbines	13.5
Abrasives, asbestos and miscellaneous nonmetallic mineral products	13.3

TABLE 3.—*Comparison of rates of return after taxes in selected industries, 1957*—Con.

Industry—Continued	Percent of return
Soap, cleaning, and polishing preparations	13.0
Petroleum refining	12.8
Tobacco products	12.6
Blast furnaces, steel works, rolling mills	12.4
Dairy products	11.9
Bakery products	11.4
Tires and inner tubes	11.3
All manufacturing	11.0

Source, industries: Federal Trade Commission; all manufacturing: FTC-SEC Quarterly Financial Report for Manufacturing Corporations.

TABLE 4.—*Schering Corp. purchase price, 1952, and profits after taxes, 1952 to June 1957*

[In thousands]

Year	Profits after taxes	
	Annual	Cumulated
1952	$1,729	$1,729
1953	1,729	3,458
1954	1,659	5,117
1955	8,529	13,646
1956	12,305	25,951
1957 (6 months)	6,008	31,959

Purchase price: $29,132,000 in March 1952.

Source: Schering proxy statement, September 1957.

TABLE 5.—*Comparative U.S. and foreign prices of tranquilizers, 1959*

City and country	Trade name	Company marketing	Price to—	
			Druggist	Consumer
	Chlorpromazine, 25 mg. tablet, 50's:			
United States	Thorazine	Smith, Kline & French.	$3.03	[1] $5.05
Toronto, Canada	Largactil	Rhone-Poulenc	3.75	7.05
Sydney, Australia	do	May & Baker (British).	.94	1.09
Paris, France	do	Specia (Poulenc subsidiary).	.51	.77
Dusseldorf, Germany	Mogaphen	Bayer	.97	1.90
Rome, Italy	Largactil	Farmitalia (owned 51 percent by Montecatini, 49 percent by Poulenc).	1.22	1.62
Tokyo, Japan	Wintermin	Shionogi & Co.	1.91	2.29
	Contomin	Yoshitomi Pharmaceutical.	1.88	2.28
	Sevamine	Banyu Pharmaceutical Co.	2.14	2.57
Rio de Janeiro, Brazil	Amplictil	Rhodia	$1.53	$2.00
Brussels, Belgium	Largactil	Specia	1.37	1.96
Amsterdam, Holland	do	do	1.31	1.93
London, England	do	May & Baker	.77	[2]
United States	Prochlorperazine, 10 mg. tablet, 50's: Compazine	Smith, Kline & French.	3.93	[1] 6.55
Toronto, Canada	Stemetil	do	3.60	6.75
Sydney, Australia	do [3]	May & Baker	2.84	5.00
Paris, France	Tementil	Specia	.80	1.20
Dusseldorf, Germany	Nipodal	Bayer	.80	1.58
Brussels, Belgium	Stemetil	Specia	1.61	2.30
London, England	do [4]	May & Baker	2.24	[2]

[1] Computed from price to druggist at standard markup.
[2] Not available.
[3] Price reported to subcommittee for 5 mg. tablet has been doubled.

Sources: U.S. price: American Druggist Blue Book, 1959–60. Foreign prices: Collected by the U.S. Department of State through the American Embassies in spring of 1959. (Pro rata conversion to 50 tablets per package by subcommittee staff where necessary.)

TABLE 6.—*Comparative U.S. and foreign prices of meprobamate, 1959*

[400-mg. tablet, 50's]

Country	Seller	Trade name	Price to—	
			Druggist	Consumer
United States	Carter	Miltown	$3.25	$5.42
	Wyeth (American Home).	Equanil	3.25	5.42
Argentina	Cyanamid	Miltown [1]	.745	.8475
Austria	do	Miltaun [1]	1.56	3.02
	Petrasch (many others)	Meprobamat [2]	.60	1.18
Australia	Cyanamid	Miltown [1]	3.47	5.86
	Wyeth	Equanil [1]	3.47	5.86
	Imperial Chemical	Mepavlon [1]	2.81	4.69
	Knoll Laboratories	Pimal [1]	2.24	3.92
Brazil (Rio)	Cyanamid	Miltown [1]	2.20	2.86
	Wyeth	Equanil [1]	2.20	2.86
Belgium	Cyanamid	Miltown [1]	3.25	4.64
	Imperial Chemical	Mepavlon [1]	1.75	2.50
	Roter, Holland (many others).	Artolon	.91	1.30
Canada	Wyeth	Equanil	3.60	6.75
	Ayerst (American Home).	Miltown	3.75	7.05
France	Byla	Equanil	2.65	3.98
Germany	Cyanamid	Miltaun	.69	1.33
	Asche (Wyeth)	Aneural [1]	1.36	2.78
	Tropen Werke	Cyrpon	.66	1.30
Great Britain	Cyanamid	Miltown	$1.48	
	Wyeth	Equanil [2]	1.41	
	ICI	Mepavlon [1]	1.45	
Holland	Cyanamid	Miltown [1]	3.56	$8.24
	Wyeth	Quanamet [4]	1.12	1.65
	ICI (many others)	Mepavlon [1]	1.12	1.64
India	Lederle	Miltown	4.79	5.99
	Wyeth	Equanil [2]	4.25	4.73
Iran	Cyanamid	Miltown [1]	4.68	5.20
	Wyeth	Equanil	3.55	3.95
	Le Petit	Per Tranquil	3.28	3.65
	Wallace	Millinorm	3.60	4.00
Italy	Cyanamid	Miltaun [3]	1.77	2.36
	Wyeth	Quanil [4]	1.94	2.58
	Pierrel (many others)	Paxin [1]	1.33	1.77
Japan	Lederle	Miltown [1]	2.50	3.33
	Banyu	Equanil	2.56	3.33
Mexico	Cyanamid	Miltown [1]	2.00	2.40
	Wyeth	Equanil	1.80	2.18
Venezuela	Cyanamid	Miltown [1]	5.44	7.06
	Wyeth	Equanil [1]	5.44	7.06

[1] Prices have been calculated for 50 from prices given for 25 tablets.
[2] Prices have been calculated for 50 from prices given for 20 tablets.
[3] Prices have been calculated for 50 from prices given for 30 tablets.
[4] Prices have been calculated for 50 from prices given for 24 tablets.
[5] Prices have been calculated for 50 from prices given for 36 tablets.
[6] Prices have been calculated for 50 from prices given for 40 tablets.
[7] Prices have been calculated for 50 from prices given for 100 tablets.

Source: U.S. price: American Druggist Blue Book, 1959–60. Foreign prices: Collected by U.S. Department of State through the American Embassies in spring of 1959. (Prices converted to dollars at official rate.)

TABLE 7.—*Comparative U.S. and foreign prices of serpasil, 1959*

[Bottles of 100]

City and country	0.25 mg. tablet price to druggist	1 mg. tablet price to—	
		Druggist	Consumer
United States	$4.50	$12.00	[1] $20.00
Sydney, Australia	1.35	4.41	6.92
Vienna, Austria	1.03	2.78	5.03
Toronto, Canada	2.70	9.87	16.45
Paris, France	.83	1.21	1.82
Dusseldorf, Germany	[2] 1.05	[2] 3.42	[2] 6.41
Amsterdam, Holland	1.09	(3)	
Bombay, India	(4)	5.29	(4)
Tokyo, Japan	1.75	5.56	6.94
Brussels, Belgium	[2] 1.89	[2] 4.24	[2] 6.06
Rio de Janeiro, Brazil	[2] 1.95	5.53	7.19
Tehran, Iran	(4)	[2] 4.87	[2] 5.39
Rome, Italy	[2] 1.83	[2] 4.90	[2] 6.48
Istanbul, Turkey	[2] 2.52	(4)	
London, England	1.06	3.94	
Caracas, Venezuela	[2] 3.05	7.85	10.20

[1] Retail fair trade minimum.
[2] Calculated from price for 40.
[3] Calculated from price for 50.
[4] Not available.
[5] Calculated from price for 30.
[6] Calculated from 20.

Source: U.S. price: American Druggist Blue Book, 1959–60. Foreign prices: collected by the U.S. Department of State through the American Embassies in spring of 1959.

TABLE 8.—*Meprobamate, 400 mgm. tablets*

COMPUTED PRODUCTION COST BASED ON BULK PRICE TRANSACTIONS AND CONTRACT PROCESSING CHARGES (EXCLUSIVE OF SELLING AND DISTRIBUTION COSTS)

[100,000 tablet order]

	Per 1,000 tablets	
	To Carter Miltown	To Wyeth Equanil
Material—400 grams:		
Average cost to Carter in December 1958 of $4.35 per pound [1]	$3.84	
Price Wyeth pays Carter of $10 per pound [1]		$8.82
Wastage, 2 percent	.08	.18
Tableting charge	2.00	2.00
Bottling charge (20 bottles of 50 tablets each)	1.40	1.40
Royalty to Carter, 5 percent of selling price		2.60
Total computed production cost per thousand	7.32	15.00

COMPARISON BETWEEN COMPUTED PRODUCTION COST AND ACTUAL PRICE

	Per 1,000	Per tablet
		Cents
Computed production cost, exclusive of selling and distribution costs:		
Carter	$7.32	0.7
Wyeth	15.00	1.5
Actual prices, both brands:		
To wholesaler, at $2.60 for 50	52.00	5.2
To druggist, at $3.25 for 50	65.00	6.5
To consumer, at $5.42 for 50	108.40	10.8

[1] As reported to subcommittee by Carter Products Inc.

Source of prices: 1950–60 American Druggist Blue Book.

TABLE 9–A.—*Fortune ranking of major industrial corporations by net profit after taxes as percent of invested capital, 1958*

Rank	Rate	Company
1	(38.2)	(Carter Products, Inc.) [1]
2	33.5	American Home Products Corp.
3	33.1	Smith Kline & French Laboratories.

[1] Not in Fortune List. Source: Moody's Industrials 1959; data for fiscal year ending Mar. 31, 1959.

TABLE 9–A.—*Fortune ranking of major industrial corporations by net profit after taxes as percent of invested capital, 1958*—Con.

Rank	Rate	Company
3	32.4	Gillette Safety Razor Cos.
4	29.3	Revlon, Inc.
5	28.9	Avon Products, Inc.
6	28.4	Chemstrand Corp.
7	26.6	Champion Spark Plug Co.
8	24.6	Botany Mills.
9	24.1	Brunswick-Balke-Collender Co.
	(23.7)	(Norwich Pharmacal Co.) [2]
10	23.6	Pepsi-Cola Co.
11	23.4	Texas Instruments, Inc.
	(23.2)	(G. D. Searle & Co.) [2]
12	22.8	Tecumseh Products Co.
13	22.7	Sterling Drug, Inc.
14	22.6	Rohr Aircraft Corp.
15	22.4	Kellogg Co.
16	22.2	Permanente Cement Co.
17	22.2	Maytag Co.
18	22.2	McDonnell Aircraft Corp.
19	21.8	Schering Corp.
20	21.8	American Chicle Co.
21	21.6	Parke, Davis & Co.
22	21.6	Cessna Aircraft Co.
23	21.4	P. Lorillard Co.
24	21.1	Miles Laboratories, Inc.
25	21.0	Polaroid Corp.
	(20.9)	(U.S. Vitamin & Pharmaceuticals Corp.) [2]
26	20.4	Chance Vough Aircraft, Inc.
27	20.3	McGraw-Hill Publishing Co., Inc.
28	20.2	Briggs & Stratton Corp.
29	20.1	Warner-Lambert Pharmaceutical Co.
30	19.8	Thomas J. Lipton, Inc.
31	19.4	Mesta Machine Co.
32	19.3	United Engineering & Foundry Co.
33	19.3	Northrop Aircraft, Inc.
34	19.1	Minnesota Mining & Manufacturing Co.
35	19.0	American Motors Corp.
36	18.5	General Electric Co.
37	18.3	Gerber Products Co.
38	18.1	Minute Maid Corp.
39	18.0	Campbell Taggart Associated Bakeries.
40	18.0	The Upjohn Co.
41	18.0	Temco Aircraft Corp.
42	17.9	Otis Elevator Co.
43	17.8	R. J. Reynolds Tobacco Co.
44	17.6	Ingersoll-Rand Co.
45	17.5	International Business Machines Corp.
46	17.4	Hershey Chocolate Corp.
47	17.3	Addressograph-Multigraph Corp.
48	17.3	Chas. Pfizer & Co., Inc.
49	17.2	Zenith Radio Corp.
50	17.1	Merck & Co., Inc.
55	16.3	Vick Chemical Co.
70/71	(14.8)	(Mead Johnson Co.) [2]
73	14.6	Abbott Laboratories.
83	14.2	Bristol-Myers Co.
101	13.2	Eli Lilly & Co.
167	11.0	American Cyanamid.
231/232	9.5	Average, the 500 largest industrials.
460	2.7	Olin Mathieson Chemical.

[2] Not in Fortune List. Source: Moody's Industrial Manual, 1959.

TABLE 9–B.—*Fortune ranking of major industrial corporations by net profit after taxes as percent of sales, 1958*

Rank	Rate	Company
1	21.9	Amerada Petroleum Corp.
	(21.3)	(G. D. Searle & Co.) [1]
2	18.9	Ideal Cement Co.
3	18.7	E. I. du Pont de Nemours & Co.
4	18.3	Smith Kline & French Laboratories.
5	16.6	Schering Corp.
6	16.5	Standard Oil of California.
7	16.5	Champion Spark Plug Co.
8	16.3	Parke, Davis & Co.
9	16.1	Lone Star Cement Corp.
10	15.5	Ingersoll Rand Co.
11	15.4	United States Gypsum Co.
12	15.2	Kennecott Copper Corp.

[1] Not in Fortune list. Source: Moody's Industrial Manual, 1959.

TABLE 9–B.—*Fortune ranking of major industrial corporations by net profit after taxes as percent of sales, 1958*—Con.

Rank	Rate	Company
13	15.1	Superior Oil Co.
	(14.4)	(Carter Products, Inc.) [2]
14	14.0	Permanente Cement Co.
15	13.7	The Upjohn Co.
16	13.7	Signal Oil & Gas Co.
17	13.5	Phelps Dodge Corp.
18	13.4	Merck & Co., Inc.
19	13.3	The Texas Co.
20	13.2	Gillette Safety Razor Cos.
21	13.1	Eli Lilly & Co.
22	13.1	American Chicle Co.
23	12.7	Cleveland-Cliffs Iron Co.
	(12.4)	(U.S. Vitamin & Pharmaceutical Corp.) [2]
24	12.2	R. J. Reynolds Tobacco Co.
25	12.1	Weyerhaeuser Timber Co.
26	11.9	Eastman Kodak Co.
27	11.9	Gulf Oil Corp.
28	11.8	Ohio Oil Co.
29	11.7	Minnesota Mining & Manufacturing Co.
	(11.7)	(Norwich Pharmacal Company) [1]
30	11.3	American Home Products Corp.
31	11.2	Wm. Wrigley Jr., Co.
32	11.2	United Shoe Machinery Corp.
33	11.1	Polaroid Corp.
34	11.0	Abbott Laboratories.
35	11.0	Harbison-Walker Refractories Co.
36	10.9	Sunray Mid-Continent Oil Co.
37	10.9	Skelly Oil Co.
38	10.8	Corning Glass Works.
39	10.8	International Business Machines Corp.
40	10.8	Chas. Pfizer & Co., Inc.
41	10.7	Champlin Oil & Refining Co.
42	10.6	Chemstrand Corp.
43	10.6	Peabody Coal Co.
44	10.4	Material Service Corp.
45	10.4	Hanna Ore Mining Co.
46	10.1	Chicago Pneumatic Tool Co.
47	10.0	P. Lorillard Co.
48	10.0	Union Bag-Camp Paper Corp.
49	10.0	Tennessee Corp.
50	9.9	Libbey-Owens-Ford Glass Co.
55	9.7	Sterling Drug Inc.
59	9.4	Vick Chemical Co.
69	8.9	Warner Lambert Pharmaceutical Co.
83	8.4	American Cyanamid Co.
84/85	(8.2)	(Mead Johnson Co.). [1]
138	6.4	Bristol-Myers Co.
187/188	5.4	Average, 500 largest industrials.
437	1.6	Olin Mathieson Chemical Corp.

[1] Not in Fortune list. Source: Moody's Industrial Manual, 1959; data for fiscal year ending Mar. 31, 1959.
[2] Not in Fortune list. Source: Moody's Industrial Manual, 1959; data for fiscal year ending Nov. 30, 1958.

TABLE 10.—*Examples of products developed in university and other noncommercial laboratories in the United States*

[Substance and location]

Antibiotics:
Nystatin, State of New York.
Streptomycin, Rutgers University.
Synnematin, State of Michigan.
Candicidin, Rutgers University.
Neomycin, Rutgers University.
Streptothricin, Rutgers University.
Tyrothricin (tyrocidine and gramicidien), Rockefeller Institute.
Totomycin, Jacques Loeb Foundation.
Chloromycetin, Yale University—by Dr. Paul Burkholder.
Fillipin, University of Illinois.
Fumagillin, N.Y. Botanical Garden.
Polymyxins A and D (U.S. Department of Agriculture), England.
Bacitracin, U.S. Army.
Salk vaccine, University of Pittsburgh.
Other drugs:
Dicumarol, University of Wisconsin.
Heparin, Johns Hopkins University.
Fibrinogen, Harvard University.
Fibrinolysin, Harvard University.
Vitamins: Vitamins will be considered in later hearings. They have not been included

in these lists since, in the majority of cases, the number of workers involved makes it difficult to assess credit to any single individual or country.

TABLE 11.—*Examples of foreign origin drugs in specific product areas studied by subcommittee*

Substance	Country of origin	Date
Antibiotics		
Penicillin	England	1929
Spiramycin	France	1953
Griseofulvin	England	1954
Kanamycin	Japan	1958
Aerosporin (Polymyxin B)	England	1947
Diabetic drugs		
Insulin	Canada	1922
Tolbutamide (Orinase)	Germany	1954
Hormones:		
Aldosterone	Switzerland and England.	1939
Androsterone	Switzerland	1931
Dehydroisoandrosterone	do	1934
Testosterone	do	1935
Pregnanediol (isolation)	England	1927
Progesterone	Switzerland	1934
Desoxycorticosterone	do	1939
Ovarian extract	do	1913
Estrogenic substances	Canada	1943
Dienestrol	England	1938
Sulfas:		
Sulfanilamide	Germany	1935
Sulfamethazine	England	1941
Sulfisomidine (Elkosin)	Switzerland	1944
Tranquilizers and central nervous system drugs:		
Meperidine (Demerol)	Germany	1939
Methadone (Analgesis)	do	1942
Mephenesin	Great Britain	1946
Xylocaine	Sweden	1946
Promethazine (Phenergan)	France	1947
Reserpine	Switzerland	1952
Hydroxyzine (Atarax)	Belgium	1952
Chlorpromazine (Thorazine)	France	1953
Promazine (Sparine)	do	1954
Mepazine (Pacatal)	Germany	1954
Benactyzine (Suavitil)	Denmark	1954
Ritalin	Switzerland	1958
Perchlorperazine (Compazine)	France	1954

ATTACHMENT A

EXCERPTS FROM TESTIMONY BY DR. HASKELL WEINSTEIN

At the present time I am the director of the Chest Hospital at the City of Hope Medical Center, Duarte, Calif. I assumed this position on January 1, 1960. For approximately 1 year preceding this appointment I was employed by a major pharmaceutical company, long enough to make certain observations and reach certain conclusions. My comments will relate to the problem under investigation, namely, the high, possibly excessive prices of drugs. However, I believe it appropriate to mention other important areas of possible abuse.

A major justification for the high prices of many prescription drugs has been the very well publicized vast expenditures of funds and energy by the pharmaceutical manufacturers for what has been labeled "research." This activity has been emphasized to the public and to the medical profession by rather grandiose, self-serving slogans such as "Science for the World's Well Being," and "Research in the Service of Medicine." No clear-cut definition has been given by the representatives of the pharmaceutical industry of just what is included in their definition of research. There can be no question that some very wonderful, exciting, extremely important and productive research has been and is being done within the pharmaceutical industry. However, I do not think that it would detract in any way from these fine and very worthwhile activities to point out that much that is called research in the pharmaceutical industry has little relationship to what most people engaged in academic and research activities would consider to be scientific research. It is difficult to escape the apparent fact that many of these research activities are directed toward promoting private gain, with public benefit and advancement of knowledge, if any, being strictly incidental.

An example of such questionable research has been the molecule manipulation intended to bypass patents and other priority rights, and which has resulted in the flood of "me too" products.

Many examples of such molecule manipulation are available. It must be granted of course that occasionally some slight improvement in a drug has been achieved, but most often the only improvement has been an increase in potency or horsepower. The actual added benefit to the patient has been negligible, if any.

Another type of fruitless research has been the development of a multiplicity of drug combinations. Rarely has good medical rationale been the basis of these combinations. Indeed, such combinations can be detrimental to the patient because they lack flexibility and can compound the problems of dosage and toxicity. Despite advertising to the contrary, it is rarely possible to achieve an ideal drug regimen with a fixed combination of drugs.

Another type of activity which has been called research but which is even more remote has been the "battle of the additives," particularly prevalent among the tetracycline manufacturers. Fantastic amounts of effort and money have been expended in attempting to prove that the addition of certain additives such as citric acid or glucosamine are of significant benefit to the patient. The proof has frequently been in the form of tortured statistics or vague clinical reports.

These expenditures and efforts are probably a legitimate business expense, however in all fairness to the public they should be considered not as research but as product development, process development, and promotion.

In reference to promotion, it should be mentioned that a great many clinical studies are carried out and extensively supported financially for the sole purpose of producing allegedly scientific articles at regular intervals. These articles are published and actively keep the name of the drug before the medical profession. Reprints of such articles are considered invaluable for detailing the product to physicians. I suspect that the sales manager and his detail men feel naked if they don't have reprints available to give the physician. It is considered essential to have, whenever possible, a steady stream of reprints appearing at regular intervals long after the drug has been originally studied and marketed. Unfortunately, few competent investigators will bother studying a drug which has been available for a long time, unless some unusual or unsuspected application is detected. There are too many new drugs clamoring for attention. Some investigators, however, are willing to provide case reports on an established drug, using the funds received from the manufacturers to support their studies in other, more fruitful, areas.

It may be of interest to the committee to know that a substantial number of the so-called medical scientific papers that are published on behalf of these drugs are written within the confines of the pharmaceutical houses concerned. Frequently the physician involved merely makes the observations and his data, which sometimes is sketchy and uncritical, is submitted to a medical writer employed by the company. The writer prepares the article which is returned to the physician who makes the overt effort to submit it for publication. The article is frequently sent to one of the journals which looks to the pharmaceutical company for advertising and rarely is publication refused. The particular journal is of little interest inasmuch as the primary concern is to have the article published any place in order to make reprints available. There is a rather remarkable attitude prevalent that if a paper is published then its contents become authoritative, even though before publication the same contents may have been considered nonsense.

I was involved in a situation which will, I believe, describe the relations between the pharmaceutical house and the publisher quite adequately. I was assigned the task of writing a paper on a new formulation of a broad spectrum antibiotic. I was informed that this paper had been accepted for publication and the 100,000-plus reprints were ordered before I finished the writing assignment. The paper, of course, was published exactly on schedule, which incidentally was within a few days of the introduction of the product on the market. In contrast, scientific papers I have written have waited many months for publication. Of further interest, may be the existence of a journal, recently founded, called Current Therapeutic Research, which appears to be devoted entirely to pharmaceutical promotion. It accepts no advertising as such. However, there is a fee per page for any article published and publication is very prompt. The publisher's major source of income presumably is the lucrative reprint market.

It is my contention that if the companies would carefully evaluate their various expenditures which are at present classified under research, the actual research expenditures would shrink very substantially and would more accurately reflect the pharmaceutical industry contribution to true research. This contribution, nonetheless, would be substantial. However, more careful cost accounting may suggest that a very much greater proportion of expenses should be attributed to promotion and advertising than at present is being assigned. This could modify drastically some of the justification for the frequently high price of certain drugs.

The consumer of drugs, the patient, has no free choice whatsoever as to whether or not he will purchase the drugs that have been prescribed for him by the physician. He can decide not to buy the prescribed drugs but then he is not following advice that he is paying for. The law usually requires that the specific prescribed drug be the one sold by the pharmacist. As a result we cannot apply the same logic nor rules of the marketplace when we talk of drugs as we can when we talk of refrigerators. It is impossible to conceive of anyone specifying the particular brand of refrigerator the buyer must purchase. The entire promotion and advertising program has been directed at the physician in recognition of his special role. He has been taught, one might almost say brainwashed, to think of the trademark name of the drug at all times. Even new disease states have been invented to encourage the use of some drugs. He has been exposed to remarkably little information concerning the efficacy of the drugs he is asked to prescribe. He is given practically no information as to the cost of the drugs to his patients. Instead, he is seduced with gimmicks of all sorts in an attempt to make him loyal to a particular company or a particular drug, with relatively little attention being paid to the specific merits of the drug in question. The patient, who not only must buy the drug, but is also expected to use it, is often exposed to drugs which have been incompletely evaluated, and which not infrequently are hazardous.

In addition to the constant stream of promotion applied directly to the physician, there is a rather intense effort made to reach him through the patient. It is an unfunny joke in the medical profession that the very latest information on new advances in medicine most often appears in the eminent medical journals such as Reader's Digest, Time, and the Wall Street Journal. Some of this is legitimate good reporting. However, much of what appears has in essence been placed by the public relations staffs of the pharmaceutical firms. A steady stream of magazine and newspaper articles are prepared for distribution to the lay press. These may take the form of so-called informative or background articles on conditions such as allergies or edema. Buried within the article, there is often a brief paragraph mentioning that a great new drug has been discovered and manufactured by Company X and the name of the drug is given. The article doesn't say that the reader should rush to his physician and demand the drug, but the implication is usually clear. And, of course, there is nothing to show where the article originated.

Along the same lines it is fascinating to consider how many drugs first become known through the good offices of the Wall Street Journal. The implication of such reports I do not feel entirely competent to discuss. I have wondered, however, what effect such announcements may have on stock market quotations.

It may reflect a personal naivete but it has been my opinion that really worthwhile drugs would need no such promotional efforts. There is unfortunately prevalent within certain medical circles an attitude that the implications of opinions such as mine are that many physicians are grossly remiss in their duties to their patients and that I am slurring my medical brethren. There is no reason to believe that physicians are any less susceptible to the delicate arts of the advertising and public relations specialists than the average intelligent citizen. To make matters worse, physicians are subjected to an almost unbelievable barrage from these sources. The physician's problem is further multiplied by the fantastic number of new drugs appearing constantly. Many of these are marketed before definitive information about them is available. The physician's problem is complex and it is not fair, even impossible, to demand that he bear almost the entire brunt of the defense of the patient from such an overwhelming onslaught. The pharmaceutical manufacturers must bear the burden of proof that their products are exactly what they say they are, and further that they will do what is claimed for them. The final responsibility will always be the physicians and cannot be shared. However, it is essential that he be given the best possible information in a reasonable, adult manner.

Efficacy of drugs is a very difficult area of study. There is a common misconception that under our present laws the Food and Drug Administration determines efficacy of drugs before they are put on the market. The Food and Drug Administration does not attempt to verify the claims made for any particular drug providing that the indications have been studied and that broad tolerance and safety limits have been established. The manufacturer is required to carry out the efficacy studies, and this he does through the services of medical centers and physicians throughout the country. Of course, frequently excellent investigators are involved, and careful objective studies are done. On the other hand, a number of drugs have been put on the market with efficacy claims based on extremely meager and unobjective observations by people not truly qualified to make such observations. Also, there is absolutely nothing in the law to prevent the manufacturer from completely ignoring unfavorable reports. One company in its advertising for one of its products blithely stated that there have been over 200 reports in the literature about this particular drug. They neglect to say that 60 percent are not entirely favorable or pertinent. The Food and Drug Administration does not determine the qualifications or objectivity of the individuals who provide the data on which new drug applications are based. Very meager and uncritical observations have been allowed to serve as justification for granting permission to advertise and market certain drugs for life-threatening conditions. Such uncritical action is potentially dangerous, especially if it encourages the use of an inadequately studied drug to supplant a proven and effective agent.

It is difficult to find in the medical literature comparative studies of many of the drugs presently on the market. The reason for this is quite simple. It is anathema to most of the drug manufacturers to consider comparative studies. The reasons usually given relate to unfair competition and poor sportsmanship, but fundamentally they boil down to the fear that many of our presently popular drugs would not fare very well if compared with established and respected items. Some such studies have been done, a few have even appeared in the literature, and the results have frequently confirmed the reality of such fear.

The drug efficacy problem is also reflected in promotion and advertising. It is my opinion that the intensity of promotion and advertising devoted to any drug varies inversely with the efficacy of that drug. The tranquilizers are an excellent example of such relationship.

SUMMARY OF TESTIMONY ON QUACKERY FROM TESTIMONY OF ARTHRITIS AND RHEUMATISM FOUNDATION TUESDAY, DECEMBER 8, 1959, VOLUME 2 OF TRANSCRIPT

Floyd B. Odlum, chairman of the board of the foundation, testified that at least 5 million of the 11 million people afflicted with arthritis spend about $250 million a year on some form of quack arthritis medicines or cures. He said many of these are sent to him in the mail and he described one of them as a gallon of tequila sent from Mexico with a dead rattlesnake in it. A wine glass of this liquid taken three times a day was supposed to cure arthritis. He said others sent to him were alfalfa tea, mushrooms, copper bands. He said one man owns a uranium mine and claims uranium is good for arthritis.

He said the Arthritis and Rheumatism Foundation has a widespread educational program to better inform the American people about quacks in the field of arthritis. He said the foundation is very seriously concerned with fraudulently advertised drugs and devices because many innocent victims waste money and time in using them.

Dr. Russell L. Cecil, consulting medical director of the foundation, described a new quack remedy as "immune milk" taken from immunized cows and sold to arthritic patients. Dr. Cecil was asked whether many people are driven to buy quack arthritis remedies because steroid hormones are selling at high prices. He replied that these quack remedies are not cheaper than reputable drugs and are apt to be more expensive, and he doesn't think that is the reason they buy quack remedies instead of the real thing.

The major testimony on quack remedies was presented by E. D. Bransome, New York State chairman of the foundation. He urged the subcommittee to look into these quack devices and medicines to see what can be done about them.

Mr. Dixon pointed out that the Federal Trade Commission is responsible for enforcing the laws on false and misleading advertising, and Mr. Bransome's testimony will be referred to them.

Mr. Bransome testified that the FTC laws in this field and the State laws are inadequate. Quacks simply go from State to State, stay out of business for a few years and then resume activity under another name.

He said besides the loss in money, arthritics who use quack remedies are harming their health. He expressed the foundation's finding that arthritis quackery is not being cut down but continues to flourish.

Pointing out that the Federal Trade Commission, the Food and Drug Administration, and the Post Office Department regulate different aspects of the misrepresentation of drug and health advertising, he presented a series of recommendations. First, these three agencies should be given the funds to enable them to get rid of quacks. Second, legislation is needed to place squarely within the jurisdiction of the three agencies the advertising of so-called treatment centers and of unqualified arthritis practitioners. Third, manufacturers of prescription drugs should be required to prove the effectiveness of their drugs on the basis of clinical tests before these drugs can be marketed.

In regard to the third recommendation he explained that nonprescription drugs are exempted from the "new drug" provisions of the Federal Food Drug and Cosmetic Act. In that way a phony patent medicine or quack device can be put on the market with no Government sanction whatever. He said it sometimes takes the Government years to prove a drug or device is phony while its producers reap a harvest.

Inasmuch as a charge proved by one of these agencies has to be proved all over again by the other two, his fourth recommendation was that the decision of any one of these agencies be binding on the other two.

His fifth recommendation was that the Federal agencies, particularly the Federal Trade Commission, make full use of its powers of injunction and its powers to inflict heavy monetary penalties as provided for under existing law.

His sixth and final recommendation was to suggest to all the States the enactment of model drug legislation which would fit into Federal statutes. It is this absence of uniform State legislation which makes it possible for operators to move from one State to another.

Dr. Ronald Lamont-Havers, medical director of the foundation, showed the subcommittee examples of quack arthritis drugs and devices and read into the record their advertising claims and the efforts, often unsuccessful, of the Federal agencies to prosecute.

Miss Ruth Walrad of the foundation gave an example of one such advertisement by a Mrs. Wier which ran in thousands of newspapers and magazines. She estimated Mrs. Wier made between $200,000 and $300,000 at least on her worthless product.

Dr. Lamont-Havers explained why certain examples of advertising were considered deceitful. He said many of these products gave no more relief than a nickel's worth of aspirin.

He showed a number of devices which have been seized by Federal agencies, including uranium pads, a magneto device, a verillium tube, and a glass tube with 10 cents worth of barium chloride that sold for $300. He also went into the activity of the Federal Trade Commission in the matter of books on arthritis. The Federal Trade Commission has secured a preliminary injunction against advertising and promotion in the case of "Arthritis and Common Sense" by Dan Dale Alexander.

[From the New Republic, Feb. 29, 1960]

THOSE PROFITABLE PRESCRIPTIONS

(By the editors)

Take a drug. Modify its chemical structure a little. Give it an unpronounceable chemical name. Apply for a patent. Locate

a disease the new drug will alleviate but not cure. Have it tested by reliable doctors who can be relied upon to find that side effects are minimal. Get it past the Food and Drug Administration. Give it a catchy trade name and promote it to the doctors in a blizzard of mail, journal ads, parties, and detail men.

What have you got? That amazing new wonder drug—bonanza.

What does it cost to make? Almost nothing. What does it sell for? Plenty. What does the company get. Profits. Aren't there any catches in all this? Yes—you have to get there first. This is the pattern that has been unfolding in Senator ESTES KEFAUVER's inquiry into the ethical drug industry over the past 2 months.

Let's go over it again. This is the prescription drug industry, that makes and sells drugs that can only be had on a doctor's prescription. "Ethical" drugs are not advertised to the customers, but only to the doctors who write the prescriptions, and to the pharmacists who fill them. No medicine-show operators here—only highly respectable pharmaceutical houses: Merck, Schering, Upjohn, Smith Kline & French, Wallace Laboratories, Wyeth, and CIBA. They are high among the most profitable corporations in the country.

No snake oil cure-alls here, either: Cortisone, prednisone ("Meticorten"), prednisolone ("Hydeltra") and dexamethasone ("Decadron"), for the relief (but not cure) of rheumatoid arthritis. Chlorpromazine ("Thorazine"), perchlorperazine ("Compazine") and promazine ("Sparine"), tranquilizers for treating institutionalized mental patients, and meprobamate ("Miltown," "Equanil") and reserpine ("Serpasil," etc.) for those who take tranquilizers at home and in the office. To repeat, these are much better than cure-alls—they are cure-nothings. They are more in the class with food and drink, since if you need them today, you need them tomorrow and next year—at a dime a pill, or perhaps 30 cents.

The subcommittee claimed that prednisone tablets could be made for 1.6 cents each, in the bottle, while the big drug houses charged the drugstore $17.90 per hundred, and the customer paid 30 cents apiece. After considerable hassle over selling costs, it developed that one small company was selling them to drugstores for $17 per thousand. The subcommittee figured that Miltown tablets could be made and bottled for seven-tenths of a cent; the president of Carter Products confirmed this exactly, and then said he sells them for 5.1 cents apiece. His net profit after taxes is 1.2 cents per tablet—not quite double the production cost. Once, in perhaps an excess of competitive zeal or patriotism, CIBA offered a thousand Serpasil tablets to the Government at 60 cents; its regular price to the druggist was (and is) $39.50 per thousand.

Why this tremendous spread between costs and prices? Steel, automobiles, and other manufactured products usually show production costs of a half, two-thirds, or three-quarters of manufacturers' selling prices.

The only really acceptable answer that has emerged is that profits are so high. Research sounded like a plausible part of the answer until the subcommittee showed research accounted for only 6½ cents per dollar of sales, and that some of the major developments in recent years came from Europe; and a generous Internal Revenue Service regulation is broad enough to permit inclusion of patent attorneys' fees in the research category, both for getting a patent and protecting it.

Selling and promotion expenses run high in this industry in spite of the fact that there is but a limited target—the medical profession. And it may run higher yet: RCA has just announced its plan for a new medical radio network which will reach right into the doctor's offices. Programs will be sponsored by the pharmaceutical advertisers, selling you-know-what. To almost anyone outside the drug industry and Madison Avenue, spending more (in some cases) on hucksterıng than on the production of goods (with all those 300 quality control tests per bottle of pills) would seem peculiar. You might wonder how it has been done (pre-RCA):

One doctor sent to Senator KEFAUVER a box, about half the size of an Army footlocker, full of pharmaceutical company mail—literature and samples. This was one month's accumulation. Merck furnished copies of 60 or 70 direct mailings to physicians for a single drug, Decadeon, in just 1 year.

Upjohn has over 1,000 detail men and only 160 senior researchers. A detail man, you must understand, is not a salesman. He doesn't talk prices. He educates the doctors he sees, five of them a day. At this rate, Dr. Upjohn's messengers can get around to every M.D. in the country half a dozen times a year, to talk about Upjohn's new products. With Merck's detail men, and Schering's, and Wyeth's, and Smith Kline & French's, and the others, the average M.D. may get more free education than he needs, though the education is certainly not without value to the busy physician who might not, left alone, familiarize himself with the varieties of new drugs on the market. Unfortunately for the record, no doctor has yet bundled up a month's supply of detail men and shipped them to Senator KEFAUVER.

What about competition? The patent, the snow job, and the detail men take care of that. If there is a good patent on a good product, the patent owner may be highly selective about who gets a license to manufacture or to sell the product. Price cutters don't get many licenses. In the case of prednisone, for which a patent application has been pending for some years, a small producer testified that he will be out of the prednisone business when the patent is issued. The small pill makers will also be out of the prednisone business, because the license holders have agreed not to make bulk sales.

First comer takes all. The first pharmaceutical house to get its new product on the market has a tremendous advantage. The product's trade name, drilled into the doctors' memory by the snowstorm of direct mail, medical journal advertisements, medical journal articles, detail men visits (radio programs?), wins out over the generic name. The doctor gives the patient a prescription for Meticorten ($17.90 per hundred to the druggist). By law the pharmacist is not permitted to supply that patient with prednisone (generic name for Meticorten and similar drugs—$1.75 per hundred). When a trade name is prescribed, he cannot substitute another brand of the identical drug, whatever the relative prices.

However, the system leaks a little. The small companies can deal with hospitals which encourage their doctors to prescribe by generic name or any reliable brand. They can sell some quantities to druggists who are willing to suggest to doctors or patients that prescriptions could be modified to reduce price without changing content. They can sell to the military services and the Veterans' Administration. But the testimony indicates that these markets are pretty thin.

Do you remember the concept of consumers' surplus from your elementary economics course? That is the difference between what you would pay (if necessary) and what you have to pay for something. In competitive markets, competition forces prices down toward cost of production, and the consumer gets the consumers' surplus. In monopolistic situations, the discriminating monopolist prices his products right up to what the traffic will bear, and thus converts consumers' surplus into producers' surplus. It is interesting to note that the drug manufacturers preferred to point out that their drug prices should be compared to the cost of a week in a hospital, rather than to the cost of production. They denied being monopolists, of course, but their language was right out of the monopoly chapter.

Thanks to Senator ESTES KEFAUVER's investigation, which has just resumed and may run into May, the ethical drug industry has been called upon for the first time to explain in public their costs, profits, selling methods, and research. The press has given the hearings wide and effective coverage. The doctors, perhaps on their own initiative, possibly after being nudged by their patients, may begin to take a more active interest in the prices at which prescription drugs can be had. At the moment the patients seem to be angry. A random sampling published in the Washington Star on January 24 quoted 65½ percent of those polled as favoring Federal control of prescription drug prices. Only 21½ percent were opposed, while 13 percent stated no opinion. If two-thirds of the whole population, and three-fourths of those who were willing to be quoted, want peacetime price control after two experiences with OPA and OPS, it looks as if the drug suppliers and the press agents have managed temporarily to price themselves out of favor if not out of an essential market.

[From the New Republic, Feb. 29, 1960]

ONE DRUG—TWO PRICES

The subcommittee found that foreigners afflicted with arthritis could buy the same [anti-arthritic] pills for less than Americans. Upjohn's price in England is $7.53 a bottle, or more than 50 percent less than its U.S. price. This same pattern of excessive pricing was revealed when we questioned the major manufacturers of tranquilizers.

Here, too, a Big Three emerged. They are Carter Products, makers of Miltown; American Home Products, which has a license agreement from Carter to produce the same chemical mixture under its own brand name of Equanil; and Smith Kline & French, which distributes Thorazine. These three corporations are the three most profitable corporations in the United States, not only in the drug field but in all manufacturing fields including steel, oil, machines, etc. Smith Kline & French, for example, made net profits, after taxes, of more than 40 percent in 1959. Carter's profit picture is even better.

Thorazine, distributed by Smith Kline & French, was developed by a French firm under the generic term of Chlorpromazine. Smith Kline & French acquired an exclusive license to market the drug in the United States. The French firm sells the drug at about one cent a tablet in its own country. Smith Kline & French charges six cents per tablet in the United States. Carter and American Home Products sell their Miltown, and Equanil at the same price of $3.25 for 50 tablets of the same strength to drugstores. These two brand name pills are exactly the same under a licensing agreement between the two companies.

In the tranquilizer field, foreigners again are favored with lower prices. Miltown, for example, is sold in Argentina for a fourth of the amount it is priced in this country. (Senator ESTES KEFAUVER, February 9, 1960.)

[From the New York Post, Jan. 22, 1960]

MR. DIRKSEN'S TRANQUILIZER

The drug industry, currently under investigation for profiteering, unveiled a new tranquilizer yesterday in the shape of a Senator—and tried it out on the Kefauver committee. It didn't work, but there are indications the dosage will be increased.

Senate Minority Leader DIRKSEN, Republican of Illinois, whose membership on the investigative panel has hitherto been mostly in absentia, is now showing a special interest in the proceedings. Indeed, his charge that the hearings are rigged has a special interest label so large and crude that it is almost a caricature of the GOP at its worst.

DIRKSEN's attempt to impugn the committee's motives was plainly designed to discredit the hearings and take the heat off the industry. All his formula lacks is evidence.

As Senator KEFAUVER patiently pointed out, some startling profit figures have been revealed for which the drug manufacturers have no convincing explanation.

Then KEFAUVER's first witness was called as an example of what DIRKSEN is trying to suppress. Walter Munns is president of SKF, which sells more than 25 percent of all tranquilizers in the United States. KEFAUVER's interest in this company is in its astonishing income. Its 1959 profits, after taxes, are estimated at 42 percent of its net worth, a proportion that is second highest of all major American corporations. (Another drug manufacturer is first.)

Mr. DIRKSEN's sedative is unlikely to dispel public interest in such disclosures.

[From the New York Times, Feb. 1, 1960]

THE HIGH COST OF MEDICINES

The price of medicines is high and getting higher, as almost everyone knows. So high is it, in fact, and so great is the demand for drugs that the people of the United States now pay more for them and medical appliances than they do for the services of doctors. No wonder the investigation of the drug industry by the subcommittee headed by Senator KEFAUVER has stirred up such wide interest.

The most impressive defense of high prices brought out in the hearings so far has been the high cost of the research necessary to produce the new medicines, increasingly in demand as medical science breaks ever more new ground. But less evidence has been given up to this week as to other costs, such as advertising, promotion, and sales. One of the recent hearings, however, threw sharp light on all these matters by spreading on the record the experience of one of the Nation's leading companies—especially in regard to a well-known tranquilizer.

This drug was originally produced by a French concern. The American company was given exclusive rights to its production and sale in this country. Comparative price figures given by the subcommittee staff were striking, especially in view of the fact that the American company did not finance the basic research. Fifty tablets cost the druggist in Paris 51 cents. In the United States the same tablets cost $3.03.

The company's record illuminates what the public wants to know: why drugs cost the consumer as much as they do, whether company costs could be reduced and whether prices couldn't be much lower than they are without depriving the drug firms of a reasonable profit. Then, too, there is the question of whether some sort of Government regulation may be necessary to assure all of us who buy medicines that we can get what we need at the lowest possible price. Certainly no industry more directly affects the public health and welfare than this. The task of the Kefauver group is correspondingly important.

[From the Memphis (Tenn.) Commercial Appeal, Dec. 10, 1959]

PROHIBITIVE DRUG COSTS

"Why do certain drugs cost so much?"

Millions of Americans have been asking that question without getting a satisfactory answer ever since the so-called miracle remedies came into common usage.

Those who want to know are the millions now obtaining relief through use of the steroids—the cortisone derivatives—and the even more millions in whom infectious disease has been combated through use of antibiotics.

They want to know why, for instance a steroid manufactured at an approximate cost of a fraction more than a cent per tablet should be retailed at a recommended (and generally asked) price of 30 cents each?

They want to know why, after all the years of antibiotic usage, a going retail price per capsule of 50 cents generally still prevails. The chronic patient who must rely on periodic courses of antibiotics to combat infection knows that he "has had it" after the first few rounds at that price.

And they certainly won't "buy" the contention of the head of one of the Nation's largest pharmaceutical houses that the problem of finding it difficult to pay for needed medication "is just plain inability to pay for the necessities of life where income has not kept in step with today's cost of living." So specious is that argument it should have been left unspoken.

Judged by revelations to the Senate Anti-Monopoly Subcommittee, the pharmaceutical and drug industries have made hefty contributions to today's highly inflationary cost of living.

The Senate subcommittee is trying to get the cost answers. Whether it does or not depends on how exhaustively, intelligently, and conscientiously it carries through on it present inquiry. If it is merely seeking sensation and headlines it is wasting time. If it fails to get into the field of antibiotic costs and retail price markups, its results will be entirely inconclusive.

The matter of cost and fair price are inseparable—or should be because equitable price must be based on production cost. Some of the cost factors seem to have been overlooked in a few of the astronomical figures so far brought out by the Senate subcommittee. Research and discovery are not least of those factors. These must be encouraged, not destroyed. The big, ethical pharmaceutical houses in the United States have made some tremendously important contributions to medicine and thus to humanity. They have underwritten, or made contributions of note to institutional scientific research. This, we hope, they will continue.

While seeking answers to the "why" of high drug costs, it is imperative that the Senate committee not only keep fairness as to price in mind but also fairness as it applies to its own methods. Its inquiry will be worthless if lacking sincere objectivity.

Drugs are costing the American people more than $3 billion a year. That averages $70 per family. It is time to find out if such a backbreaking expenditure is necessary. Last year druggists filled 58.6 million prescriptions costing $5 or more.

The price of some pharmaceuticals is prohibitive for millions even with reasonably decent incomes. An understandable explanation is overdue. The Senate subcommittee should continue its work until it is furnished by those who can give it.

[From the St. Louis Post-Dispatch, Dec. 20, 1959]

AGENDA IN THE DRUG PROBE

Senator KEFAUVER says his investigation of drug prices has shown in its first series of hearings that Congress should consider new legislation, and we agree. Within a single week the pharmaceuticals industry has drawn a public picture of itself so unattractive that it seems doubtful whether its prestige will ever be the same again.

When a bottle of arthritis pills can be bought by a drug house for $1.57, sold to druggists for $17.90, and resold to the public for $29.83, something is wrong somewhere. An even more flagrant example was the purchase of a drug at 14 cents a gram and its resale to druggists at $15 a gram, a markup of 10,000 percent.

The manufacturers sought to justify this high profit on the ground that it is necessary to finance research into new medicines. They have failed to make a case for it. In the examples just mentioned no research was involved at all. Research costs of 8½ percent or so have been mentioned in the hearings, but that is a long way from profits of up to 10,000 percent.

The largest single expense of the major drug houses, the hearings have brought out, is not research at all, but traveling salesmen. These are the so-called detail men who high-pressure doctors into accepting new drugs and specifying them by proprietary name in their prescriptions. One drug house alone employs 730 of these people.

We think the drug industry should question whether this is a proper method of merchandising drugs, and, if it does not, Congress should.

Congress should question whether, by use of the drummer system and other devices, the major drug houses are restraining trade to shut out their smaller competitors.

The Kefauver subcommittee itself should look further into the charge made by John T. Connor, president of Merck, that drug products differ widely in purity and quality, and determine to its own satisfaction whether the charge is true or false. The Merck president had testified in effect that his company can get six times the price at which the same drug in the hands of his smaller competitors goes begging—because pharmacists have to rely on the reputation of their supplier for quality.

If some drug concerns are violating the standards established by the U.S. Pharmacopoeia, they should be brought into line, with new legislation if necessary. If they are not at fault, the buying public—including druggists—should know that consumers need not pay multiple prices to get uniform quality.

Finally, we think both the Kefauver subcommittee and Congress should give their best thought to the question how they can require drugs to be labeled so that the doctor can prescribe by generic rather than trade name and the patient can pay the lowest rather than the highest price charged for the same product.

[From the Baltimore (Md.) Sun, Dec. 11, 1959]

LIGHT ON DRUGS

The president of the Pharmaceutical Manufacturers Association, speaking before a regional meeting of that body, suggests that the current criticism of the high cost of drugs is inspired by persons who are using the industry as a whipping boy in their efforts to enter the back door to socialized medicine. What nonsense.

The reason for the present congressional investigation is perfectly obvious and calls for no such devious explanation. It is hardly an exaggeration to say that the public is shocked by the excessive cost of most of the new drugs. Few households are so fortunate as not to be affected by it. Drugs are a major item in most illnesses. All too often the expense strikes hardest among those least prepared to bear it, which is to say old people suffering from chronic ailments and young people with large families. It is the most natural thing in the world for the public to ask why drugs cost so much. It is in response to that universal curiosity that the Senate's Antimonopoly Subcommittee has instituted its inquiry. Surely this is a legitimate enterprise for Senators especially interested in the antitrust laws.

If the costs are not justified, then the public has every right to know it and to demand reform. On the other hand responsible

manufacturers should welcome the inquiry. It will give them an excellent opportunity to put their case before the public. In that way they may dispel any misunderstandings and suspicions that are not warranted by the facts.

[From the Washington (D.C.) Star, Dec. 11, 1959]

EXCESSIVE DRUG PRICES?

It may be possible to argue, as the president of one major drug firm has done, that public concern over the high cost of drugs reflects "a matter of inadequate income rather than excessive prices." For the most part, however, we suspect that the public will take this remarkable statement with a large grain of salt, and feel considerable gratitude in the meantime that the practices of drug pricing have come under intensive scrutiny by the Congress.

Standing alone, of course, the substantial public dissatisfaction which has been voiced about the costs of medicines and drugs is not conclusive of anything. For buying drugs is something like going to the doctor—there is little choice in the matter, and the outcome too often is shrouded in frustrating mystery. Most drugs, for example, are ordered through prescriptions, which are made no more intelligible by the druggist. The buyer, in most cases, has little notion of what the drug is, where it came from, or whether the charge is fair. It is precisely this helplessness, however, which makes the sale of drugs so susceptible to profiteering, and which requires that every safeguard be established to lessen the burden on the sick and infirm to the greatest degree possible.

Prospects are that the Senate Antitrust and Monopoly Subcommittee hearings will extend into next spring—and possibly the summer—and may branch into the pricing policies affecting costs of medicine at all levels. We hope they do. In the meantime, too few facts have been developed at the initial hearings to make precise judgments on the sensational differences disclosed between production costs and sales prices of some of the newer miracle drugs. Markups of 7,000 percent seem fantastic indeed, and annual profits appear to be far above those of comparable industries. Drug officials, on the other hand, contend that the subcommittee has failed to give consideration to the losses on drug failures and the tremendous costs of research and development.

The manner in which these costs are passed along, no matter how great they are, however, is very much the business of the public, and Chairman KEFAUVER, in probing the competitive and contractual aspects of the drug industry, is right in placing foremost emphasis on whether the manufacturers are setting their prices at excessive levels.

[From the Syracuse (N.Y.) Herald-Journal, Dec. 9, 1959]

THE DRUG PROBE

(By Alexander F. Jones)

The Senate subcommittee starts its investigation of drug prices with a case where a company made a 7,000 percent profit on a French pill.

Other drugs were named where markups as high as 1,118 percent were noted.

The president of one drug company—Francis C. Brown of the Schering Corp.—strenuously defended drug prices with the contention costly research that often results in failure must be paid for by the consumer on new drugs that are proven successes.

Now it may be that I am completely naive, but it seems to me I remember many cases where new discoveries and inventions brought prices of commodities down in a hurry and the industries involved depended on added volume caused by lower prices for their profit.

The testimony of Mr. Brown left no doubt that the drug industry operates on a basis where outrageous prices are charged for any successful new drug so research can have funds in the search for others.

It may be that research costs are stirred in when other industries set prices. But I know several corporations that take research out of total income before measuring net profit.

They do not penalize the consumer by charging extortion prices to make up for failures.

The result of this policy is that millions of people, many of them old, sick, crippled, and ill-prepared for extortionate prices are forced to extreme measures to get money to pay for medicine.

For 14 months straight the cost of living index advanced without any recession and one of the items that was always greater was the cost of medical care.

The items involved in the advance of medical care costs are hospital and nursing charges, doctors fees, and drug costs.

Of the three the worst gouging of the public has come from drug costs.

It is true that amazing progress has been made in evolving new drugs that are successfully controlling many ailments of mankind.

The Senate subcommittee has been investigating for some time, convinced it can prove the big drug companies are taking advantage of the natural interest in advances in the struggle against disease.

It is armed with charts showing the big companies are acting as one in charging for certain drugs, while smaller independent companies furnish the same thing at a fraction of the price.

Whatever the truth about the existence of an undercover drug trust that is bilking the public by claiming research takes its extortionately high prices, the fact remains that uncounted thousands of American citizens cannot afford whatever healing qualities the remedies may have.

There is something present in this drug investigation that other probes do not have—here we are dealing with saving lives or losing them because of corporate greed.

No pill that costs a few cents to make is worth 50 cents over the drug counter.

And when you think that a man may die for lack of it because he cannot afford to purchase the drug regularly and is too proud to go on public welfare, it is not a pretty picture.

If there is one thing that the people of this country should be assured of it is reasonably priced health services.

Yet these services continue to skyrocket in cost.

And the medical profession, the hospital authorities, and the giant drug firms combined continue to register horror at the thought socialized medicine is a possibility in the United States.

Everything that is happening in the cost of being sick is leading us closer to it.

Low cost medical care under socialized medicine in Great Britain is such a success not even the most conservative government dares to oppose it.

And to top it off, the cold figures show profits in the drug industry are twice what they are in general industry.

It is to be hoped the Kefauver committee pulls no punches in getting the cost-of-drugs story before our people in every detail.

[From the Wheeling (W. Va.) News-Register, Dec. 8, 1959]

THE DRUG PROBE

Hearings have been opened in a congressional inquiry which could prove of inestimable value to the American people. It is the Senate Antitrust and Monopoly Subcommittee investigation of drug prices, a probe which has been in course of preparation for weeks.

In the capable hands of Senator ESTES KEFAUVER, Democrat, of Tennessee, who already has won national recognition for his ability as an investigator, this inquiry should succeed in presenting, for the information of the American people and the possible action of Congress, an accurate picture of the drug price structure—a definite answer to the question of whether or not the American people are being overcharged for drugs.

The fact that most drug prices are high, those of the so-called miracle drugs in particular, and the further fact that paying these prices imposes a severe financial burden on countless families, do not of themselves support the popular belief that the people are being gouged by the pharmaceutical industry. It is to be borne in mind that spectacular progress has been made in the conquest of disease through the efforts of private researchers in the field of medicine. The drug manufacturers have participated prominently in this enterprise, spending large sums of money to advance the work and develop the remedies. Their contribution to the preservation of life and the promotion of health has been very great. They are entitled to reasonable rewards of their enterprise. But the word "reasonable" controls. Do current prices for many of the preparations which the American people have come to use in large quantities justify the designation "reasonable," or are they excessive? That is the question the Kefauver committee will undertake to answer. Already there are some disturbing features of the drug price structure pressing for explanation—for example, the disparity between domestic and foreign prices of preparations produced by the same manufacturer. Senator GEORGE A. SMATHERS, Democrat, of Florida, a member of the Kefauver committee, cites these examples: Vitamin B–12 tablets that retail for $2.63 per hundred in Venezuela but cost $4.88 here, tranquilizer tablets which can be bought at the rate of 50 for 46 cents in Argentina but command from $3.85 to $4.25 for the same amount in the United States, or migrane headache tablets which sell for $14 a hundred in this country yet can be bought for half that price in England.

There may be valid explanations for these differentials. The prices paid by the American people for drugs may be reasonable. On the other hand, many may be far out of line. Whatever the facts, the Kefauver committee should be able to establish them, thus either paving the way for corrective action or settling the minds of the American people, most of whom now believe they are being taken advantage of. In fairness to all concerned, the investigation should be made a searching one.

[From the Sacramento (Calif.) Bee, Dec. 8, 1959]

WHAT AVAIL WONDER DRUGS IF PRICE IS TOO HIGH?

Perhaps no congressional probe of the last several years will win more public acclaim than the investigation undertaken in Washington, D.C., into the high price of drugs.

Great strides have been made in the last decade and a half in the development of drugs which will relieve human ailments ranging from the common cold to arthritis and pneumonia.

But in many instances the prices are so fantastically high as to be out of reach of most people, particularly in cases where the drugs must be taken over the course of years if not for a lifetime.

What the U.S. Senate Antitrust and Monopoly Subcommittee, headed by Senator ESTES KEFAUVER, of Tennessee, will try to find out by the hearings is whether the prices can be justified or if they are set artificially

to return huge profits to the drug manufacturing concerns.

If the latter proves to be the case, and the subcommittee has many complaints to that effect, it constitutes unconscionable trafficking upon human ills and miseries.

The committee has taken note of the fact that when competitive products are placed on the market the prices generally drop dramatically. In the case of penicillin, for instance, when the drug first was marketed the price was $20 for a given quantity. Four years later it was 30 cents.

Drugs manufactured in the United States can be bought for much less abroad than at home. Tranquilizer pills which cost from 7½ to 8½ cents each in this country can be purchased for 1 cent in Argentina.

Nor has it escaped the subcommittee's notice that the net profits of drug concerns are much higher than for industry in general.

Certainly the public should be able to get these new so-called wonder drugs at the lowest prices possible. Advances and discoveries in the medical sciences should be made available to the masses.

Profiteering, if it exists, simply gives impetus to the demand for some form of public medicine.

[From the St. Louis (Mo.) Globe-Democrat, Dec. 10, 1959]

HOW MUCH FOR DRUGS?

Washington's investigation of the prices that pharmaceutical firms charge for the medicines they sell hit the headlines with the first day's hearing. It looks as if this Senate subcommittee probe will stay in the news as long as the inquiry continues.

Nothing, not even the price of medical services and hospital care, is more important to Americans than the price they pay for a prescription at the drugstore. Unlike TV sets, autos, or other comforts, and conveniences the average American can take or leave alone, medicine is usually an essential item in his budget.

When the cost of drugs and prescription items goes up, the consumer can't simply forego them, or buy a cheaper model.

For that reason, what pharmaceutical firms charge for their product has a far greater impact than the price charged for a pair of pants or a pound of bananas.

Are the drugmakers charging too much?

The Senate subcommittee showed that one of the drug firms bought a drug called prednisolone from the manufacturer, bottled it and sold it under the name neticortelone.

The drug cost the company the equivalent of $1.60 for a bottle of 100 tablets, which the company sold for $17.90 a bottle, and urged the druggist to sell for $29.80 a bottle. Oddly enough, two other firms that marketed the same drug charged the druggist the same $17.90 a bottle, too.

The firm also bought medicine marketed as progynon for 11.7 cents a batch and resold it to druggists for $8.40.

Is this too much? And, it might be asked, is the identical price that three pharmaceutical firms charged for the same medicine just a coincidence? If it is the result of collusion, who's enforcing the antitrust act these days?

The head of the drug firm who was on the spot tried to squirm off it by saying that research costs are high. Also, he said, it takes money to test, "tabletize," and push these products.

Pharmaceutical firms do invest plenty in research. At least some of them do. They know that coming up with a new wonder drug is like hitting the jackpot. A top-notch, patentable antibiotic has been worth up to $60 million a year in sales to the firm that hit on it.

These new cures or pain killers are not only profitable for the discoverer, but also a boon to the public.

At the same time, research is costly. The firm that gave the world aureomycin spent $4 million before it had the drug down pat. And, of course, some money goes down the drain for projects that don't pay off.

Up to a few years ago, researchers had turned up about 300 antibiotics. Fewer than 20 of them made the grade as salable prescription items.

But granting all that, the question asked by Senator ALEXANDER WILEY, Wisconsin Republican, seemed very apropos. He said he wanted to know whether drug companies are conspiring, or getting together, and as a result, giving the public a rigging.

Senator WILEY charged the subcommittee exceeded its authority when it probed into a firm's profits.

However, he said, there is "something of a moral responsibility in the hands of an individual or a group, who claim they have a remedy, to see that the poor and needy are not taken for a ride."

The drug firm official on the witness stand argued that if some people can't afford drugs they need, the trouble is that their income is too low—not that drug prices are too high.

Anyway, he said, "unlike consumer marketing, (the firm) cannot expand its markets by lowering prices." The implication is that its market is limited—and it may as well charge all that the traffic can bear.

Any medicine maker who gets up in Washington will have to do better than that to convince the public that his prices are fair—and set by true competitive conditions.

[From the Richmond (Va.) Times-Dispatch, Nov. 29, 1959]

THE HIGH COST OF DRUGS

Wonder drugs don't get that name from the fact that many patients wonder how they can afford them. But the cost of today's prescription medicines is of great concern to persons of low or average incomes.

People who've had to pay what they consider big prices for drugs in recent years will be watching with more than passing interest the hearings to be held by a Senate group beginning December 7.

The Judiciary Committee's Antitrust and Monopoly Subcommittee will look into pricing practices of drug manufacturers. Are profit margins exorbitant? Is there collusion on price fixing between manufacturers? Does the industry spend too much for promotion? They're some of the questions the committee will be concerned with.

Wide interest in this whole subject may be taken for granted. Americans forked over money for 655 million prescriptions in 1958. American Druggist puts the current average cost of prescriptions at $3.10, but of course the figure is far higher for some of the so-called miracle drugs and for other medicines which are new on the market.

Twenty years ago the average prescription cost was $1.11. The drug industry says the 20-year increase is reasonable in view of (1) general inflation, and (2) the fact that many newer drugs shorten the duration of illness or cure illnesses which formerly were likely to be disabling or fatal.

There is no denying the fact that pharmaceutical production is a great gamble. Manufacturers spend huge sums in research to develop new drugs which may or may not prove effective. Or even if a manufacturer is developing a useful new drug, a competitor may hit the market with it first.

The new drugs pour out in a tremendous flood—500 of them in 1958. Some—like the first oral medicine for diabetes, Upjohn's Orinase, developed in 1957—may hit the jackpot. But, according to one estimate, 85 or 90 of every 100 new drug products introduced are economic failures.

Much of the industry's promotion is done through about 15,000 detail men. These representatives visit doctors and drug stores to promote their particular company's products. It is estimated that each visit to a doctor costs $9 or $10, and detailing a drug store for a year costs the industry as a whole about $4,000.

The Nation's 200,000 doctors are flooded with mailed circulars and samples. The New Jersey Medical Society's president believes drug prices could be cut if this circularizing were eliminated.

It is to be hoped that the Senate hearings will throw light on the question whether drug costs can be reduced, and, if so, how.

[From the St. Paul (Minn.) Pioneer Press, Dec. 24, 1959]

DRUG PROBE SHOULD REMAIN IN THE OPEN

One of the first things the Kefauver subcommittee studying drug industry pricing policies will have to do when it returns to work in January is to determine whether to conduct further hearings in public or behind closed doors.

Undoubtedly there will be some pressure for holding executive sessions. Several Washington columnists have suggested some attempts will be made along these lines, if not by subcommittee members, then by representatives of the industry.

Such attempts should be resisted in the public interest. Serious questions already have been raised in the sessions held to date regarding wholesale prices of drugs and medicines and what items should be included in determining the ultimate cost of specific products. Raised in the full view of the public, these questions should be answered in the same manner.

[From the San Bernardino (Calif.) Sun, Dec. 17, 1959]

COST OF DRUGS

Those who must pay for prescription drugs are reading with great concern the revelations made before a Senate investigating committee.

The Government's witnesses are charging that the markup on the prices of drugs fixed by the manufacturers is a bewildering percentage. No such charge is made against the retailers.

The drug companies deny the percentages and declare the high prices are necessary in order to finance research that produces the so-called miracle drugs.

With the testimony at hand it is difficult for most of the public to reach an opinion.

Senator ESTES KEFAUVER faces a great responsibility. However, the country has trusted him before and has a right to trust him to again point the way toward the proper answer. The public may have forgotten but it was Senator KEFAUVER who pointed the finger at corruption in Government. He aroused the Nation to the necessity for the people to be alert at every level of government.

Under the free enterprise system, competition is supposed to take care of unjustified prices in any line of business. It remains to be seen whether competition has been stifled in the wholesale drug field. The American people want the free American enterprise system to continue; they likewise want the drug manufacturers to continue their very important research. But they will insist upon a careful examination of the prices that have been charged and the high percentage markups.

The American people owe the drug industry a great debt of gratitude for its successful work in research. Nevertheless, that industry must now demonstrate it did not abuse this display of gratitude to gouge the very people who have been hailing the scientific discoveries.

We think we can safely rely upon Senator KEFAUVER, as one of the great leaders of the U.S. Senate, to see to it that the public is properly informed and correctly guided in its decision.

[From the Norfolk (Va.) Virginian-Pilot, Dec. 9, 1959]

THE WONDER DRUGS: PROFIT AND COSTS

The Senate Judiciary subcommittee investigating wholesale drug prices has begun by unearthing some troubling figures. Taken by themselves the figures tell us that our system of producing and marketing new drugs is expensive—in some cases prohibitively expensive. There is a danger that in the rush to blame someone for what is happening, overall perspective will suffer.

The committee is dealing presently with only one phase of the production and marketing of drugs—sales at the wholesale level. It is not studying retail prices. It is not studying, specifically, the cost of producing all drugs—which includes the cost of producing failures. It is not attacking, or has not attacked so far, the larger problem of whether the American public is getting its money's worth through a high-cost, high-production, high-competition research system.

Consequently, any judgments must be tempered by the realization that figures out of context can be misleading. This is what Francis C. BROWN, president of Schering Corp., has been telling the committee's chairman, Senator ESTES KEFAUVER.

But it is necessary to examine closely the committee's bill of particulars. In one spectacular instance, the committee has said that Schering realized profits from a markup of 7,079 percent on a drug. This drug, marketed as progynon, was purchased by Schering from a French company for 11.7 cents (60 tablets) and resold to druggists for $8.40. The suggested retail price was $14, an astronomical markup from the original purchase price. The subcommittee conceded that the figures did not include the cost of tableting, bottling, and selling the product.

In attempting to defend this and other similarly profitable transactions, Mr. Brown furnished a major clue to what has happened. His company was engaged in an overall operation, he said, and costs for individual products cannot be isolated. In other words, a successful product was paying for a good deal of unproductive work in other fields. It is an argument that returns the question to the central issue of whether the system itself is productive enough to justify the costs.

But it is not an argument that clears Schering of the need to answer further questions. Mr. Brown did not deny that Schering more than made up for a $29 million purchase price in its first 5 years of operating the business purchased from the Government in 1952.

To Senator KEFAUVER'S query about whether the company might not have recouped its purchase price more gradually as a "matter of public policy," Mr. Brown replied, rather lamely, that the company was "sitting on a development which we could not regulate." His defense of Schering's pricing system on the ground that the medical profession accepted it is hardly more convincing. Most doctors were hardly in a position to challenge the system, since they were not in possession of the company's profit and cost figure.

There are questions which remain to be answered by the industry at large. Why are tranquilizers manufactured in the United States and sold here for 8 cents available in Argentina for less than a penny? Is it proper that drugstores in some cities sell drugs at prices considerably below those in other cities?

The answers to these questions should keep the subcommittee busy for some time to come. Soon or late, they should lead to a full and frank discussion of the way the system works. Drugs may mean life or death. They ought not to raise the question of whether some people can afford them.

[From the Anniston (Ala.) Star, Dec. 22, 1959]

DRUG INDUSTRY PROBED

Public concern over drug prices is reflected in the Senate Antitrust and Monopoly Subcommittee's current inquiry into pricing policies of major firms in the industry.

Indeed, the Federal Trade Commission more than a year ago leveled formal charges of illegal price fixing against six large pharmaceutical houses.

Giving especial timeliness to the probe is the proliferation of so-called wonder drugs on which practicing physicians have come increasingly to rely as specific remedies for particular ailments.

More often than not, the remedy prescribed today is a patented, trade-name product which the pharmacist takes from a bottle on the shelf rather than compounds himself.

The patient has no choice but to pay the price charged or go without medication. And the price of the drug often is higher than the doctor's fee.

Whether the high price is justified, on the one hand by the costs of drug research and on the other by the supposedly superior curative powers of the medicine, or whether it is artificially maintained for profitmaking purposes, is the question.

It is true that certain unique features of the industry tend to keep prices up. Drug houses devote much of their time in developing and promoting new products, which take over the market for products whose development and promotion already have cost large sums.

Pharmaceutical production is a great gamble; individual manufacturers are in a continuing race to be the first to come upon and patent a new drug that will meet a pressing medical need.

The stakes in the race may run into millions of dollars—profits for the company that gets there first; losses or reduced profits for the company that gets there a little too late.

The boom in pharmaceuticals dates back to the perfecting of processes for producing commercial quantities of penicillin, first of the antibiotics, during World War II.

Since then, the medical world has received a succession of wonder drugs: the broad-spectrum antibiotics, antihistamines, steroids, tranquilizers, various painkillers, and countless others.

The drug industry has added between 300 and 400 new products each year for the last decade or longer: Upward of 500 new drugs were put out in 1958. It's strange, moreover, that certain of these medications have been revealed as selling across druggists' counters overseas for less than they're priced to domestic purchasers.

[From the Augusta (Ga.) Herald, Dec. 8, 1959]

IS COST OF CERTAIN DRUGS TOO STEEP? SENATE GROUP IS SEEKING TO FIND OUT

A vast majority of Americans doubtlessly frown on any idea that smacks of socialized medicine—and quite rightly so, we feel.

Still, as a research writer pointed out recently, one can hardly afford to get sick these days, particularly if the treatment involves certain high-priced drugs.

And that is why a U.S. Senate subcommittee, headed by Senator ESTES KEFAUVER who is armed with what Washington news analysts Robert S. Allen and Paul Scott call "some startling comparisons," is launching a drug price inquiry this week.

The comparisons have to do with the prices of drugs made and sold in the United States and the costs in other countries of the identical preparations manufactured by the same American firms.

For the fact, as shown in a survey made by a Government agency for KEFAUVER'S antitrust investigators, is that some of the drugs, such as antibiotics, tranquilizers, and antipolio serum are being sold abroad for considerably less than in this country, despite the extra cost of exporting them.

For example, 50 tablets of a certain tranquilizer which sell for $3.85 to $4.85 in the United States costs only 46 cents in Argentina; a bottle of 100 vitamin tablets that sells for $2.65 in Venezuela costs $4.88 here, and a certain antibiotic for which Americans pay $6 costs only $4 in France.

Other Government statistics show that the cost of medical care is the fastest-rising item in the national cost of living index. It is now 50 percent more expensive than it was in 1949.

Moreover, the figures disclose that profits of the drug industry, as a whole, have been more than twice the rate of earnings of industry in general.

It should be pointed out, however, that the development of wonder drugs is responsible, more or less for the steep increases in prices; and that, in addition to research, much money is spent for promotion.

Defenders of the present system, which is made possible by patenting of trade-name drugs, contend that the competitive phase obviously has contributed to the relief of suffering. And this, we think, is not to be denied. Still, as we see it, if the cost of medical care in general continues to rise, a strong demand for some sort of a socialized system is certain to ensue. There are the health insurance programs, to be sure. But the cost of adequate coverage also comes high.

We feel, therefore, that efforts to develop less expensive programs of this kind should be pushed.

A socialized medical system—such as Britain now has—is not the American way. Medical science undoubtedly would suffer, and the taxpayers would, of course, have to shoulder a much heavier load.

[From the New Orleans (La.) Times-Picayune, Dec. 13, 1959]

DRUG INQUIRY

The Senate antitrust subcommittee inquiry into the wholesale pricing practices on some commonly used drugs probably strikes a responsive chord in many places because, for one thing, the cost of medicine and medical care have been a persistent factor in the continuing advance of the consumers' cost-of-living index.

These rising costs, of course, are attributable to many causes, including the urge for more and better medical care, and the struggle of hospitals to provide facilities.

So far, the Senate committee has concerned itself mostly with testimony on the pricing policies and licensing arrangements for a few drugs, such as the antiarthritis remedies—the corticosteroids known as prednisone and prednisolone—which the committee investigators contend have been priced excessively to druggists and consumers.

A large pharmaceutical company developed the arthritis drugs 5 years ago. The committee contention, apparently not denied outright, is that prednisolone costs $1.57 a bottle of 100 to produce which, with research, selling, and distributing costs added, mounts up to $8.81 a bottle. The wholesale price to druggists, according to the testimony, is $17.90, and the suggested retail price to consumers $29.83.

The developing manufacturer licensed five other large companies to produce and market the drug with the restrictive provision that they refrain from bulk sales and market

only in tablet form. All of these manufacturers, investigators testified, maintain identical prices.

A spokesman for the developing company denied that the prices were excessive and said the products must bear the overall cost of research. He said his company has just dropped a project that cost it $1,500,000 to $2 million. The right of his company to limit those licenced to produce the drug, he indicated, would be a matter for the courts.

If the committee wishes to get the whole picture of drug pricing, we surmise, it will have to inquire over a wider field than that represented by the large manufacturers.

In some instances, State laws contribute to the condition the committee complains about. A Louisiana drug act can be cited. It happens that several small manufacturers produce the antiarthritis drugs and, perhaps because of the unsettled patent question, have been selling it at one-third to one-half of the wholesale price charged by the licensed group. Either by purchasing from the small producers or getting large discounts from others, some Louisiana druggists have been able to sell the arthritis remedies at approximately half the suggested retail price of $29.83.

But under the law passed in Louisiana 4 years back, a druggist cannot advertise or even post prices on prescription or compounded drugs. Thus large numbers of consumers have been prevented from knowing that a standard antiarthritis drug was available to them except at prices that many cannot afford.

It seems to us that in the struggle against socialization of everything, including medicine, laws and conditions that operate to impair or embarrass the free enterprise system should be kept under scrutiny.

[From the Mobile (Ala.) Register, Dec. 12, 1959]

NOTHING TO LAUGH OFF IN THIS TESTIMONY

The testimony of Dr. Louis Lasagna at a Senate subcommittee hearing on drugs is nothing to laugh off.

Dr. Lasagna is head of the division of clinical pharmacology at Johns Hopkins University.

What he said is so serious in its relation to the public health that the people have a right to ask the medical profession, and particularly the American Medical Association and the various regional, State, and local medical societies, to take appropriate recognition of it.

As the Associated Press summed up his testimony, Dr. Lasagna "told Senate investigators * * * many new drugs are of miserable quality and may harm the patients with serious side effects."

That is a genuinely serious statement.

Is the American Medical Association prepared to disprove it?

The people of this country have a right to know—and to know in no uncertain terms.

An expression from the American Medical Association that limited itself to broad generalities could not be regarded as satisfactory.

This is a matter that concerns the people directly and vitally. They deserve to know what's what, absolutely, unequivocally, and conclusively.

The U.S. Public Health Service, which, as its name denotes, is concerned with the public health in this country, ought not to stand aloof in the face of Dr. Lasagna's testimony on this question of drugs.

This Federal agency is operated with tax money to serve the people's interests where health is concerned. Aloofness in the face of the testimony of Dr. Lasagna of Johns Hopkins University would be disappointing.

One of the greatest domestic misfortunes that could happen to the American people is socialized medicine.

The Mobile Register has been the foremost newspaper in the United States in warning that socialized medicine would be disastrous. No other daily newspaper, large, small, or medium size, has equaled the Register, or even come close to it, in editorially emphasizing the necessity of avoiding that disaster.

The Register is exceedingly proud of this record, a record that is beyond refutation by any source.

Although they have kept somewhat under wraps lately, the would-be socializers of medicine have not vanished. Any situation that may disturb the public mind under the existing traditional system gives encouragement to the would-be socializers.

If anything connected with drugs calls for correction, the correction should be made at once and to the full extent needed.

[From the Beaver (Pa.) Beaver Valley Times, Dec. 11, 1959]

DRUG PRICES UNDER FIRE IN SENATE INQUIRY

Caught in the vicelike grip of the creeping inflation that increases the prices of everything they buy, a great many Americans are finding it difficult, if not wholly impossible, to buy the drugs they need to ease their aches and pains.

Most Beaver Countians have long complained that drug prices are too high. For the most part, they have generally placed the blame on druggists. But hearings being conducted in Washington by Senator ESTES KEFAUVER'S Antimonopoly Subcommittee indicate that it is not the druggists who are to blame, but the drug manufacturers.

Letters received from the committee, principally from elderly people and others who live on a small pension or other fixed income, have revealed that many Americans are depriving themselves of food and other necessities so that they can buy urgently needed drugs. Many others are not getting the drugs they need because, they say, they cannot afford to buy them. Even some druggists have complained to the committee that wholesale prices charged by certain pharmaceutical companies are unreasonable.

According to testimony before the committee, there is a wide disparity between the prices charged for the same drugs in the United States and in other countries, although the same manufacturer produces them. In other testimony, some pharmaceutical firms were charged with markups of as high as 7,000 percent. But the manufacturers have vehemently denied these charges.

Hardest hit by the high cost of drugs, whether fairly priced or not, are the aged, the infirm and the sick with average or low incomes. Many of them suffer from chronic illnesses which rcquire regular and heavy expenditures for drugs.

If, as they claim, they are paying outrageous prices for the drugs they so urgently need, they deserve relief.

DRUG PROFITEERING: TIME TO CRACK DOWN

American industry and business are based on the theory of the profit motive as a healthful force in developing our productive capacity and making us a strong and dynamic nation.

No one seriously challenges this theory except those who adhere to socialistic ideas of one degree or another, and they have never yet become a serious threat to the survival of profit economy in this country.

But there has always been a threat from those profit-takers who are immoderate in their demands, and who attain, from time to time, a degree of control in their fields which permits them to dictate what the public shall pay for their products, regardless of the so-called law of supply and demand. The threat, in such cases, takes the form of government action to break up monopolies, or to control prices of items essential to public health, safety or national welfare.

The revelations in the current sessions of the Kefauver Senate subcommittee point up a profiteering condition in the drug manufacturing and wholesaling industry which calls for remedial action.

Corporation arguments that research expenses require a substantial markup of prices over production costs are valid—up to a point.

They cannot possibly excuse the practice of selling to arthritis sufferers a pill which costs 1.6 cents to produce, for a wholesale price of 17.9 cents and a retail price of 29.8 cents.

They cannot excuse a 7,000 per cent profit on a "female disorder" remedy, bought from a French firm at 12 cents a bottle of 60 tablets, sold to druggists at $8.40 a bottle and to retail customers at $14.

They cannot excuse the price spread of another product, from a production cost of 28 cents for 100 tablets, to a wholesale price of $8 and a retail price of $13.35.

They cannot excuse the uniform pricing of the arthritis wonder drug at a high level by four major drug companies, while several smaller firms can offer it to retailers at about one-fourth of this price.

Charging as much as the traffic will bear for nonessential luxury items may be justified, but charging suffering humanity exorbitant prices for scientific discoveries that can ease their pain and perhaps restore them to productive life is socially and morally indefensible.

Americans willingly give millions of dollars to nonprofit organizations, foundations and institutes to carry on research projects which are expected to benefit the human race. Thousands of scientists dedicate their lives to such research, expecting in return only reasonable salaries and security for their families, and such satisfaction as comes from extending the boundaries of human knowledge.

It is incongruous to find, in the manufacturing and marketing of the products of medical research, an attitude of greed and callousness toward the ill and needy.

One witness' assertion that "the problem concerns inadequate income rather than excessive prices" would be laughable if it were not tragic. It suggests that the drug industry expects to serve only the well-to-do and wealthy, and has no intention of making its products available to the great majority of Americans.

The Kefauver committee will do a major service to the country if it brings the big companies sharply to a realization of their social responsibility—either by legislation, antitrust prosecution or moral suasion.

The price problem extends beyond the drug industry, of course. Last summer the publisher of the News-Press bought an electric razor in Germany for $11—a razor made in the United States and shipped overseas. In this country, the same razor retails for $34.

If anything is driving the United States toward socialism, it is the irresponsibility of a few businessmen under the free enterprise system.

PROFITEERING

Senate investigators appear to have brought to light exceedingly disturbing practices within the ethical drug industry. They present, already, a strong case indicating (1) profiteering pricing and (2) conspiracy to maintain those prices.

In one instance, drugs bought for 11.7 cents were sold to drugstores for $8.40. Another, in amounts costing 28 cents, was wholesaled to druggists at $8, retailed to the public at $14. An arthritis-asthma tablet derived from cortisone was made by the drug manufacturer for 1.6 cents, was wholesaled

at 17.9 cents and retailed at the suggested "fair trade" price of 29.8 cents. That is $29.80 per hundred.

Moreover, charts produced by Senator KEFAUVER and his committee showed that four of the great ethical drug companies sold the cortisone preparation, prednisolone, at the same prices to the penny, wholesale; $17.90 for a bottle of 100 tablets.

Pinned down, one drug company president pleaded the costs of research. He seemed to challenge the figures but when advised that they came from his own company, disdainfully and defiantly declared, "Then they speak for themselves." He gave the impression to at least one observer that he was challenging the committee on a "What are you going to do about it?" basis.

It is a good question. What is Congress going to do about it? Do too many influential people, including some Members of Congress, hold so much stock in ethical drugs that the companies are untouchable? Is that condition rather prevalent with respect to large industry in the United States?

Have the antitrust laws gone by the board thanks to cartels, trade associations and understanding, "fair trade" and other devices now not only familiar but threatening to become integral parts of the American economy; to the detriment of free enterprise and that whole economy?

[From the Atlanta (Ga.) Journal, Dec. 8, 1959]

THE DRUG MARKUPS

The current investigation before the Senate Antitrust and Monopoly Subcommittee is producing evidence of incredibly high markups in wonder drug prices. Consider the testimony admitted in the first day's hearing:

Schering Drug Co. produces an arthritic wonder drug at a cost of $1.57 a hundred. It sells the drug to the retailer for $17.90 a hundred. Its suggested list price to the customer is $29.83 a hundred.

Granted that the pharmaceutical firm does not enjoy a similar markup from all its products. Granted that the difference between cost and price must be great enough to pay for the staggering cost of drug research, a burden which the companies have assumed. Granted that the Nation's drug companies have produced an amazing list of discoveries that have advanced the frontiers of medicine at an incredible rate and reduced the suffering of millions. Granted that the successful discoveries must be priced to pay the cost of research that ends in blind alleys.

Markups of 1,000 percent and more still seem totally unjustified. The burden of proof is on the drug producers.

Then there are reports that certain producers are openly hostile to a retailer that reduces his own markup below that suggested by the company. One pharmaceutical house reportedly stopped deliveries to a retail firm that lowered its prices to customers below the manufacturer's suggestion.

There may be reasonable explanations for such practices. We are willing to listen to them. But meanwhile we must conclude that the Senate subcommittee is justified in investigating charges of monopolistic price fixing.

[From the Watertown (N.Y.) Times, Dec. 8, 1959]

DRUG MARKUPS

Senate investigators continue to seek fuller explanation from the major drug companies relative to their pricing policies and the huge markups on many of the new so-called wonder drugs. They want to know why price markups range from 1,118 percent to more than 7,000 percent on some medical products.

For example, three big drug companies which handle "miracle drugs" sell a product for 17.9 cents a tablet to druggists, who in turn charge their customers 29.8 cents. And the basic cost of the tablet is about 2 cents. One of these drugs is prednisone and the other prednisolone—both used in the treatment of arthritis.

In another instance it was shown that a company paid 11.7 cents for the drug used in 60 tablets of progynon and sold these to druggists for $8.40 with a suggested retail price of $14. It listed 28 cents as the price paid for another drug in 100 tablets with a wholesale price of $8 and a suggested price to the patient of $13.25.

The Senate subcommittee chairman, ESTES KEFAUVER, questions whether such prices are reasonable and fair to persons who need drugs.

So, also, does the public question these tremendous markups. And the public is aware of these costs in more ways than one. An individual who has to buy expensive drugs knows what it is costing him out of his own pocketbook—where he can see his money disappear. Then he wonders how much it is costing him, indirectly, as a taxpayer, realizing full well that his city or county welfare department must pass out similar sums to take care of those welfare clients who must receive medical treatment.

There are those, of course, who will shrug the matter off by saying the entire situation has been developed by politicians trying to make a name for themselves. They will say it has been blown up out of proportion. But patients who must pay these high prices for drugs do not think along those lines. They are fully aware of the price, and have been waiting for someone to launch an investigation.

Others approach the problem from an entirely different viewpoint. They will concede that higher prices may be necessary to help cover the costs of research programs and other expenses in the development of these new drugs.

However, they wind up by asking this question: Should the cost of research be tacked on to the price of one or two drugs for which it was spent; or should the cost be spread out over all drugs to take the load off one or two? In other words, should such drugs as aspirin, cold pills, throat tablets and others be increased in price to help pay for development of the "miracle drugs"? Those who take a lot of aspirin will say no—they do not feel they should help pay for something else. Those who must depend solely on the "wonder drugs" naturally would like others to help out on the cost of research.

We do not profess to know the answer or have a solution. Pharmaceutical research must continue. Without some of the newer drugs developed in recent years many of us would not be alive today. However, it appears the time has come for some agency to be authorized to make extensive surveys and studies into the costs of drug production and pricing policies. Production costs and cost to the patient should be brought closer together. Markups ranging from 1,000 to 7,000 percent seem more than a little out of reason.

[From the Hartford (Conn.) Courant, Dec. 10, 1959]

ARE DRUG PRICES UNFAIRLY HIGH?

The current investigation of drug prices by a Senate subcommittee has been foreshadowed for a long time. Senator ESTES KEFAUVER, who heads the Judiciary Committee's Antitrust and Monopoly Subcommittee, said some time ago that in the 2 years his group has been studying pricing practices it had received more complaints about the high price of drugs than about all other products put together.

It must be said that the subcommittee has already presented a strong prima facie case in its initial hearing, which produced evidence of price markups as high as 7,000 percent. In defense of these tremendous markups the head of one company told of the tremendous investments his and other companies make in medical research, for which there is no return whatever. He cited an antiarthritic project that had cost nearly $2 million for which there was no return whatever.

It is a fact that the drug manufacturers of this country have done a magnificent job of both research and production in everything from penicillin to estrogen-hormone drugs, for which there was a 7,000 percent markup. But other attempts to pin price fixing on the drug makers have failed. Only last month a Federal judge in New Jersey dismissed price-fixing charges against five manufacturers of Salk polio vaccine

In addition to the Kefauver investigation, which will lead into retail drug pricing, the manufacturers face another hazard. The Federal Trade Commission has also filed a complaint in New York on charges of illegal price fixing on broad-spectrum antibiotics. These drugs are effective against a wide range of micro-organisms causing infection and disease. After a 2-year study the FTC charges that six companies had tried to monopolize the market for Tetracycline and like antibiotics, whose sales amount to millions a year.

It probably will be possible to reconcile the charges of the Kefauver committee of high prices and those of the head of the Schering company alleging great expenditures for research. This latter company, purchased as alien property for $29 million, earned profits of $32 million after taxes in little better than 5 years. That profit margin may explain why your tranquilizer pills cost you nearly a dime apiece, while the same thing in Argentina—though made in America—costs a penny.

If the Kefauver committee can discover why drugs manufactured in the United States can be sold abroad more cheaply than we can buy them in this country, then it will have performed a public service.

[From the Shreveport (La.) Times, Dec. 3, 1959]

GOVERNMENT PROBES DRUG MANUFACTURING

The cost of severe illness from the angle of doctors' bills and hospital fees, including nursing, has been under widespread public discussion for a number of years. Now it is being approached from another angle, and this time by the Federal Government—the cost of drugs for those who are sick.

At present a Senate Antitrust and Monopoly Subcommittee under Democratic Senator ESTES KEFAUVER, of Tennessee, is preparing to open hearings Monday on pricing practices of drug manufacturers. The Federal Trade Commission is pushing charges of illegal price fixing against six large pharmaceutical firms. Producers of Salk vaccine actually are in court on charges of conspiring to set uniform prices for the polio preventive.

An indication of the increase in both the cost and use of drugs is found in the sales figures of the drug industry. Sales of pharmaceuticals totaled $354 million in 1937 and $941 million in 1947. This year Federal estimates are that the total will be around $2,500 million, nearly eight times as much as in 1937.

Part of the high cost of drugs is due to the rapid development of antibiotics. Virtually all of them are expensive, a typical price being $8 for 16 pills, or 50 cents a pill. This probably has helped increase the average cost of a prescription to $3.10 now against $1.11 only 20 years ago, all figures being from Federal sources.

The sick person may be inclined to cuss out the family drugstore when he sees the cost of his prescription. But the Federal agencies think that the blame, if there is blame, rests entirely with the pharmaceutical houses, the manufacturers of drugs. Usually the druggist is given a set price for most of the prescription products he sells today; and, where a prescription used to be mixed by the pharmacist under a doctor's orders, many prescriptions now are standardized and produced by the pharmaceutical manufacturers under patented trade names.

The patent system itself is looked on by the Kefauver committee, as a result of its preliminary inquiries, as one of the major causes of high prices of drugs. A certain patented treatment for physiological conditions which affect a tremendous number of people these days costs $5 for 100 units under its patented name. If bought simply under its generic name—the drug that forms the patented products—the cost would be about $1.45, according to Kefauver committee information.

On the other hand, the patenting of a drug product increases incentive of other pharmaceutical firms to laboratory research to find something better and get it on the market in competition with the patented product, according to representatives of the pharmaceutical industry. They contend that the seemingly endless run of new antibiotics, each presumably better than any previous one in its own field, is a result of this competition created by patents.

Once a patent is broken in any way—by production of a comparable or better product, or in some other manner—the price of the originally patented output usually descends quickly. Also, when a new drug comes out the price may be very high at the start but may decrease with increased facilities for production—providing both greater and more economical production.

The first of the present major antibiotics, penicillin, came out during War II and was not patented. At first, the cost was $20 for a 100,000-unit vial, and for a while this drug was available only to the Armed Forces. Between 1943 and the end of 1947 the price dropped from $20 for the 100,000-unit vial to 30 cents for the same amount. The new oral diabetic drugs cost only about half as much now as when first introduced.

The Kefauver committee investigators point not only to the tremendous increase in dollar volume in pharmaceutical sales in recent years but to what they claim to be high profits in the drug manufacturing industry. They say that the major drug manufacturers of the Nation received, as a whole, nearly 20 percent of all sales as profits before taxes in 1958, where the comparable rate for all types of manufacturing in the Nation was 7.4 percent. Pharmaceutical manufacturing profits after taxes, according to the committee's evidence, were 10 percent from January 1957 through January 1959 for drugs, and less than 4 percent for sales of all manufacturing.

[From the Little Rock (Ark.) Arkansas Gazette, Dec. 10, 1959]

A PROPER INQUIRY INTO DRUG PRICES

Senate investigators looking into prices report a finding which many people have suspected all along: There is more popular dissatisfaction with drug prices than with the prices of any other class of commodity.

This situation is to a degree inherent in the drug business. Medicines are absolutely essential and there is not ordinarily any satisfactory alternative to buying them. If a price appears high, then it follows that the patient will complain to high heaven that the drug industry is exploiting the sick. He is not likely to be concerned with the sometimes giant spending for research to develop a product, or with the overhead attendant to any business. This is the cross which the drug manufacturer and the corner druggist alike must bear.

But the investigators of the Senate antitrust subcommittee have turned up some startling figures that stretch the limits of any reasonable explanation. Consider these two items among the charges made so far:

A major national firm paid a French company something less than 12 cents for the drug used in 60 tablets of a medicine called progynon, used in female disorders. It was then sold to druggists for $8.40 and the suggested retail price was $14. These figures were not disputed by a company spokesman who appeared at the Senate hearing, although he contended this drug was a relatively insignificant item.

A tranquilizer sold in this country for about 8 cents costs less than a penny in Argentina.

The committee also brought out a charge that the same company had a 1,118 percent markup on a medicine derived from the wonder drug cortisone and prescribed for arthritis and asthma. This was vehemently challenged by the company, which contends its return on this drug was 12.3 percent after all costs had been considered.

It remains to be determined just how broad are price abuses in the drug business. And in the instance of the cortisone derivative the merits of the argument are not completely clear. Proper caution, too, is needed in determining just what Federal remedies may be in order.

But the public may recall that the drug industry has been in the vanguard of the so-called Fair Trade legislation, which works to keep prices high on many commodities. Immediately, the early evidence on drug prices shows the Senate subcommittee has at least found a proper field for inquiry. It is axiomatic that the achievements of medicine must be severely circumscribed if drugs are priced so that some people, if they can buy them at all, pay for them only at a heavy sacrifice in other essentials.

[From the Pensacola (Fla.) Journal, Dec. 10 1959]

ALL FACTS SHOULD BE BARED IN DRUG PRICING INQUIRY

While evidence so far presented is conflicting, Senator KEFAUVER and his committee investigators seem to have hit paydirt in their revelations of high markups of drugs by manufacturers.

Charts showing a markup as high as 70 times the cost of a drug and identical prices for 2 products by 3 manufacturing pharmaceutical houses indicates excessive profits and perhaps agreements on prices contrary to antitrust laws.

The figures produced by committee investigators have been attacked by drug firm executives as "distorted" and "grossly misconstrued" and the investigators have admitted that they do not take into account funds spent on research and promotion. Company officials also said that royalties, distribution costs, and taxes had been omitted which would bring the markup much lower.

No doubt these expenses, especially research, are costly, but it scarcely seems that they could run expenses up to the high amounts charged retailers and the prices suggested to retailers for sale to the consumers.

Moreover, the price of these new wonder drugs, eagerly sought by ailing persons, many of them of limited means, should drop after these original costs have been recaptured by the manufacturers, as one local druggist commented. The fact that some of the smaller drug houses can charge much less also should be taken into consideration.

The testimony lends substantiation to a statement made a few months ago by a Florida physician complaining of high markups on drugs purchased by the State for patients on public welfare.

The Senate committee should push its inquiry and lay all of the facts before the public and Congress so that necessary action can be taken to protect the public if there is profiteering or collusion.

[From the Harrisburg (Pa.) Patriot-News, Dec. 13, 1959]

A LOOK AT MIRACLE DRUGS AND MIRACULOUS PRICES

If this is an age of miracles, it also is an age of revelation.

From the wonders of television and electronically piped music, the public searchlight now is turning to the wonder drugs.

The revelations, so far, may be less noisy and dramatic but they're at least significant.

What the Senate Antitrust Subcommittee has found up to now—and the hearings are expected to go on for some months yet—boils down to this:

Some of the new miracle drugs sell for as much as 70 times their production cost by the time they reach the patient.

A striking case in point of excessive markup by the drug companies is that of the Veterans' Administration which was paying $13.60 for one antiarthritic drug. After a while, the VA shopped around and, wonder of wonders, found that it could get the very same drug from another firm for $3.85.

But the evidence before the committee shows that millions of private patients weren't as fortunate as the VA. They have trustingly followed their doctors' prescriptions for drugs of certain brands and have been paying high prices.

There are many Americans who can well afford to pay top drug prices without question. There are also many Americans who cannot afford to do so and who are either ineligible or too proud to use public assistance. Such persons have gone without the drugs—at the expense of their health and well-being.

The committee claims it has documentary proof that no new drug is offered the public unless the manufacturer is assured of a profit four times his investment.

The ugly inference is that the public might conceivably be deprived of essential drugs at the will and whim of profiteers.

So far, the drug industry has failed to come up with a convincing justification for the skyrocketing drug prices.

The president of one drug company, Francis Brown of the Schering Corp., has defended high drug prices, contending that costly research that often results in failure must be carried by the consumer on new drugs that have proved successful. But that doesn't justify extortionist prices beyond the reach of many sick, crippled and aged Americans.

There is a strong suggestion that the big companies are squeezing smaller firms out of business—and out of competition.

Seymour Blackman, an executive of two small New Jersey firms, has charged flatly that the large pharmaceutical houses are gouging the public for at least $750 million a year.

"The consumer buying drugs," he asserted, "has no choice. He must buy the medicine (prescribed) and he has no choice as to the brand."

Nobody begrudges the drug manufacturers a fair and reasonable profit. They perform a vital service to the health of America and they can't be expected to do it just for the love of it. But, like every other industry under a free enterprise system, they are not exempt from the obligation to permit the free flow of competition to operate in creating prices.

The wonder drugs are wonderful. But it shouldn't take a miracle to be able to afford them.

[From the Monroe (La.) World, Dec. 10, 1959]

DRUG PRICE INQUIRY

A congressional investigation into big profits allegedly made by major drug manufacturing firms has been launched by the Senate Antitrust Committee. This inquiry will be watched with extraordinary interest by the public, since the cost of medicine has become one of the leading costs of every day living. Almost every person in the United States will be directly affected.

In addition to the Senate investigation headed by Senator ESTES KEFAUVER of Tennessee, chairman of the committee, the Federal Trade Commission is pushing charges of illegal pricefixing against six large pharmaceutical firms. Producers of Salk vaccine already are in court on charges of conspiring to set uniform prices for the polio preventive. The inquiries and charges center around the big drug manufacturers.

Figures in the drug industry show that pharmaceutical sales totaled $354 million in 1937 and $941 million in 1947. This year, Federal estimates are that total sales will be around $2,500 million—nearly eight times as much as in 1937.

There has been no comparable rise in other costs of living, although there have been big advances along virtually all lines.

The patent system is looked upon by the Kefauver committee, as a result of preliminary inquiries, as one of the major causes of high prices for drugs. A certain patented treatment for physiological conditions which affect a tremendous number of people costs $5 for 100 units under its patented name. If bought under its generic name, the cost would be about $1.45, according to Kefauver committee information.

Still worse, the Senate investigators accused a leading drug manufacturer of hiking the cost of a "female disorder" remedy more than 7,000 percent above its basic cost.

The Senate Antitrust Subcommittee produced evidence that the Schering Corp. of Bloomfield, N.J., bought the medicine, Estradiol, from a French drug firm at about 12 cents for a bottle of 60 tablets. These, in turn, were sold to U.S. druggists for $8.40 a bottle and to consumers for $14, according to John M. Blair, subcommittee economist.

Francis C. Brown, Schering president, did not dispute the figures but did contend they were "misleading and valueless" and a "headline" item.

It is difficult to understand Mr. Brown's statement, if the charges against the firm are true, since neither his firm nor any other American firm apparently spent any money developing this drug and therefore seemingly had no excuse for selling it at an extremely exorbitant price. Sometimes high prices may be justified when a firm has gone to great expense to develop a certain drug, but this appeared to be a clear case of a 7,000 percent profit between the original seller and the consumer, with no compensating scientific achievement by the drug manufacturing firm.

In an opening statement, Senator KEFAUVER said:

"I am appalled if precious drugs are not obtainable by citizens who need them to sustain their very lives."

He said most drugs clearly would fall within the definition of "administered prices."

Another drug was said to have cost 28 cents for 100 tablets and to have sold for $8 wholesale and $13.35 retail.

A wholesale price of 17.9 cents per pill for an antiarthritic drug that cost less than 2 cents was charged.

"There are more than 10 million people in the United States suffering from rheumatic diseases, 1 million of them permanently disabled," Senator KEFAUVER said. Many of the older people say their income consists of social benefits and that, after paying for drugs, they do not have enough to live on.

Drug manufacturers admit large profits on their products but contend this is necessary in order to carry on research.

Drug development in the last 25 years has outdistanced all previous advancements in the history of medicine and the manufacturers say this rapid advance followed immediately when industry and the medical joined hands in research.

An investigation of the type now underway seems proper, especially in view of the disclosures that have been made. There may be justification for high prices for some drugs but the public is entitled to know when such prices are justified.

[From the Corpus Christi (Tex.) Caller, Dec. 16, 1959]

"ALL THE TRAFFIC WILL BEAR" IS A DUBIOUS PRICE POLICY

Implicit in the current Senate Antimonopoly Subcommittee inquiry into wholesale drug pricing is this most painful question: Is the theory of "all the traffic will bear" a responsible criterion for private business in the United States?

Evidence already submitted to the subcommittee indicates that one manufacturer sold an arthritis wonder drug for $7.35 for 100 tablets in Britain while charging $17.90 in the United States. This same company realized profits of $120 million in 10 years on a beginning net worth of $40 million, making as much as 10,000 percent profit on one transaction alone.

Senator ESTES KEFAUVER, subcommittee chairman, and his associates apparently hope to bring the weight of public opinion to bear on the high cost of drugs. There is no indication that the subcommittee anticipates recommending legislation to set prices either at the wholesale or retail level.

But the question of drug costs becomes increasingly a matter of public interest. Longevity has brought its problems as well as its rewards. Old age often supports itself on wonder drugs that pensioners may not be able to afford.

Here as in other fields of the American economy, industries are to some extent on trial. A responsibility to the public exists in every manufacturer-consumer relationship. Ideally every manufacturer should be willing to share with the public the fruits of lower unit cost through increased output.

[From the New Kensington (Pa.) Dispatch, Dec. 16, 1959]

DRUG PRICES TOO HIGH

We do not feel overly sympathetic to Dr. E. G. Upjohn, president of the Upjohn Pharmaceutical House in his protests against unfair accusations made by Senate subcommittee investigators.

The investigators pointed out last week that the Upjohn firm was paying only 14 cents for raw materials in a sex hormone which it was selling for $15. Dr. Upjohn was loudly self-righteous for his firms, stating that raw materials were only a small part of the cost in production.

We agree with Dr. Upjohn's statement, but not to the degree that he is cheating the public, not to the tune of 10,000 percent difference in raw material and final sale prices.

The Senate investigators also pointed at the tremendous profits made by Upjohn, noting that in 4 years the firm showed sufficient profits to equal its approximate value at the beginning of those 4 years.

We approve of prosperity, but in this case we think the public is being robbed.

[From the Sherman (Tex.) Democrat, December 1959]

COST OF WONDER DRUGS

A wonder drug to combat arthritis was sold at 1,118 percent above the cost of the materials. Another used in the treatment of female ailments was marked up 7,079 percent. These were the wholesale prices charged by a major drug manufacturer to drugstores. Why? a Senate antitrust investigation wanted to know, and so do the people who are paying such inordinate prices.

Francis C. Brown, president of Schering Corp. of Bloomfield, N.J., told the committee the mark-up is not excessive because of the high cost of medical research. That and the services his concern renders to physicians, to introduce these drugs to them and instruct them in prescribing them, were added to the actual cost of the materials.

Senator ESTES KEFAUVER, chairman of the subcommittee, brought out some serious refutations. First, he showed that a small concern sells the same drugs at a fraction of the Schering price. Second, that the service to physicians is in fact a scheme to persuade them to prescribe the firm's trademarked products. Also, that when it competed for Government business on bids, Schering cut its price as much as 85 percent. Finally, that Schering was an alien property sold by the Government for $29,132,000 and in 5½ years, it had more than recouped its purchase price in profits of $31,959,000.

KEFAUVER seems to have hit paydirt in another investigation. The results, we hope, will be a way to enable the ordinary buyer to get his wonder drugs at a fair price, not to have to pay for the research and sales that build the firm and insure its future profits and dividends.

[From the Greensboro (N.C.) Record, December 8, 1959]

DRUGS ON THE MAT

Senator KEFAUVER's investigation into the price of drugs will get a warm endorsement of the bill-paying public.

The Tennessee Senator's political ambitions may be compounded in the prescription, but any light on the subject, for whatever reason focused, will be welcome.

That joke that the minimum price for a bottle of medicine is $5 turns out not to be exactly correct, but the truth is hard enough to hurt. The average price of a medical prescription pushed above $3 this year, up from $2.93 in 1957, according to estimates by the drug industry.

Government statistics estimate prescription prices have climbed more than 33 percent in the past 10 years, compared with 25 percent increase in the consumer price index as a whole. Over a fourth of what Americans spent on medical care last year—$16,400 million—went to pay for drugs and medical appliances.

Everybody agrees that the United States has wonderful pharmaceuticals, but the question is: Can the American people afford them?

Congressional investigators are expected to charge that this country's drug-making business is controlled by a handful of large firms which, by unspoken agreement, keep prices high. They will probably claim that there is little or no competition among drug makers.

The investigation will start with a probe into the price of drugs used to treat arthritis; then it will go into prices of synthetic hormones, tranquilizers, antibiotics, and medicines used against diabetes.

At a series of public hearings, executives from drug companies will have their inning. They can be expected to contend that the price of drugs is actually held down by fierce competition. New drugs may be high at first, they answer, but prices drop fast on older products. Drug manufacturers also say that heavy packaging, advertising, and promotion costs and research keep prices of new medicine high.

Whatever the Senate subcommittee uncovers, the drug makers will find a new factor in the field of steroids, which bring relief to arthritics. Among scheduled witnesses Dr. Ethel Andrus, president of the American Association of Retired Persons, will tell about the association's own mail-order pharmacies to sell expensive cortisone derivatives.

This kind of evidence will be presented: A check with a purchasing agent of a retail drug chain shows their prices run about the same—five steroids are sold for $17.90 for 100 tablets, with a suggested retail list price of $29.83. This would be a month's supply.

Other targets for the Kefauver subcommittee will be the concentration of the drug industry—about 20 firms account for 80 percent of the market—and the industry's high profit margin.

Manufacturers feel that they can satisfactorily explain the high cost of drugs if they get a chance to tell their story.

They should have every opportunity. But they should realize that pill buyers will be hanging on their every word.

[From the Fairmont (W. Va.) West Virginian, Dec. 9, 1959]

EVIDENCE THAT IS TRULY HEADLINE MATERIAL

Certain of the evidence given at the drug hearings before a committee of the U.S. Senate is misleading and valueless, according to the president of one of the major drug companies.

Let's take a quick look at some of that evidence:

Here are some tablets whose basic cost is 2 cents. They are sold for 17.9 cents by the company to the retailer. He, in turn, sells them to the consumer for 29.8 cents.

That is a 1,500 percent markup.

Or here is a bottle of tablets purchased by a large drug company from a French firm for 12 cents. The bottle is sold to the druggists for $8.40 a bottle and then sold by the druggist for $14 a bottle.

That is a 7,000 percent markup.

The figures are admitted to be true, but called misleading and valueless and a headline item.

We say they are enlightening, valuable, and a headline item in the sense that the public should know about them.

We also say they are outrageous.

When medicines are so costly that the poor, the handicapped, the aged retired person, and the large family cannot afford to buy them—then we have reached a new low in this rich nation.

This is what has happened in many instances, as most persons knew before the current Washington hearings began.

But what could they do about it? It is a case of either pay—or do without. Just go away and die somewhere.

In the circumstances, the American people should encourage Senator KEFAUVER and his committee to persist and urge Members of the Congress to pass legislation which will correct the situation.

It should be emphasized that druggists and physicians generally are against drug prices that are too high. The hearings to date suggest that the blame lies with certain of the large companies.

Quite properly, these concerns point to increased costs for materials, equipment, and labor, and to the great cost of research. These are valid causes for an increase, but they do not explain the shocking markup on certain of the medicines.

As to research, many foundations and organizations are engaged in research having to do with cancer, heart diseases, tuberculosis, and the like. Millions of persons willingly contribute to such bodies each year.

But is it proper or ethical to expect the poor, the old and the handicapped to make the same contribution for company research as the man of wealth? This is done by certain of the companies through their enormous markups, according to the evidence. This is a secret tax which hits the poor the same as the rich.

There are, of course, inequities on every hand and it would be unfair to make a whipping boy of the drug companies or druggists.

But in all reason, those concerned should do some fast policing of themselves lest the Government find it necessary to interfere.

The public—and that means all of us—must be protected.

[From the Troy (N.Y.) Times-Record, Dec. 11, 1959]

ASSAYING DRUG PRICES

The drug industry has had its most articulate spokesmen on the stand to defend the current status of drug prices. The president of Merck & Co. reminds that the field is highly competitive and says the American public is getting a fair shake.

We can sympathize with the drug industry's argument that some prices must be high in order to pay for research and to subsidize the items that are failures. Yet the drug people should be reminded that other lines of endeavor are also highly competitive. The Ford Motor Co. took a severe licking this year when it was forced to pull the Edsel off the market.

Dr. Austin Smith, president of the Pharmaceutical Manufacturers Association, protests that his trade is being made a whipping boy for those who desire socialized medicine. This argument is silly and only beclouds the real issue. The present probe by the Senate Antitrust Subcommittee was not brought on by socialized medicine advocates. It was caused by the fact that Americans are demanding some relief from the burden of high drug prices.

Senator KEFAUVER said that in the 2 years his subcommittee has been studying pricing practices it "has received more complaints about the high prices of drugs than all other products put together."

We want to be fair with the drug industry. We appreciate the fact its expensive research is responsible for many people today being able to walk about in fairly good health. But there is more to be done. The industry should strive harder to bring prices down within the range of the pocketbook of the man with a limited income. It is the compassionate thing to do and the public will be grateful.

Mr. DIRKSEN. Mr. President, on February 8 the Senate agreed to Senate Resolution 238 which provides $425,000 for the Subcommittee on Antitrust and Monopoly. I supported this resolution in both the subcommittee and the full committee.

During the course of the debate, certain statements were inserted in the RECORD by the chairman. They are worthy of some comment.

Since I was absent on official business when these statements were made in the Senate, I ask unanimous consent that a statement I have prepared may be printed in the body of the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR DIRKSEN

The Antitrust and Monopoly Subcommittee was established during the 84th Congress, and I have supported its budget requests inasmuch as it has long been my firm conviction that the perfection of the antitrust laws is essential to maintain a free competitive enterprise economy. The alternative to competition is Government regulation, to which I am unalterably opposed.

The legislative purposes for which this subcommittee was established must be accomplished without destroying the faith of the American people in business firms which, in the vast majority of cases, have been serving the people well and have been operating in accordance with the laws established by the Congress.

In my individual views on the activities of the subcommittee during the 85th Congress, which appeared in Senate Report No. 1345, 85th Congress, 2d session, I said:

"The free-enterprise system goes much further than service to the business community. It does, in fact, serve the interest of all the people, and it is these interests as a national consideration which must be constantly kept in mind.

"Freedom of action for business enterprise is obviously imperative in order to develop those incentives which provide the greatest efficiency in the production and distribution of goods to the consumers of the Nation. When undue restraints are imposed on that freedom of action, it will, indeed, jeopardize the flexibility and the capacity of our free system to serve the interests of the whole Nation. It might be pointed out, as an example, that if the price of any particular product is held to artificially low levels, the incentive to supply it and to expand productive capacity is restrained and the people are thereby denied the kinds and quantities of the goods which they desire and which they are entitled to have. This objective of our free system must be kept constantly clear."[1]

Too often it is overlooked that under our Constitution there is a separation of powers. The enforcement of the antitrust laws as well as other statutes is the responsibility of the Executive. All Cabinet officers are responsible to the President. Article II, section 1, of the Constitution provides that "The Executive power shall be vested in a President of the United States of America."[2]

However, every individual or corporation is entitled to a day in court. The Constitution, in article III, section 1, provides that "The judicial power of the United States shall be vested in the one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish."[3]

The powers of the Congress stem from article I, section 1, of the Constitution, which provides that "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."[4]

Accordingly, it is essential that all inquiries conducted by any congressional committee have a legislative purpose. It is not the proper function of a committee to determine the guilt or innocence of individuals or firms.

The current drug investigation is making headlines, but it is certainly not contributing to the legislative process, nor has it, in my judgment, suggested any new avenues for perfecting the antitrust laws. Under the

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[1] Activities of the Subcommittee on Antitrust and Monopoly, 1957, report of the Subcommittee on Antitrust and Monopoly, Committee on the Judiciary, U.S. Senate, 85th Cong., 2d sess., S. Rept. No. 1345, Mar. 6, 1958, p. 11.

[2] "U.S. Government Organization Manual 1958–59," Federal Register Division, National Archives and Records Service, General Services Administration, p. 5.

[3] Ibid., p. 7.

[4] Ibid., p. 1.

terms of the resolutions which have authorized funds for this subcommittee, this is the only subject in its province.

During the course of the debate on February 8 the chairman stated:

"I think it should be pointed out also that sometimes the exploration of an issue, even though the result is that no bill is reported, may be of greater service to the public than would be the case if some legislation resulted" (CONGRESSIONAL RECORD, U.S. Senate, 86th Cong., 2d sess., Feb. 8, 1960, p. 2209).

If this were the primary function of this subcommittee, I could not in good conscience justify expenditures of public funds and the enormous demands upon private individuals who must prepare material for presentation to the subcommittee. It is to be hoped that American citizens will follow all congressional debates and hearings with interest and understanding, but every hearing must have a legislative purpose and cannot be justified on the basis that it is essential "to widen the knowledge of the American people on our economic system and its strength and weaknesses."

My concern with the possible misuse of the documents prepared by this subcommittee was expressed in my individual views of its activities during the 85th Congress. I said:

"I am aware, however, that sentences, paragraphs, and conclusions from such reports are so freely quoted in all parts of the land and used as authoritative statements, and these supplementary observations are made largely because I think the time has come for Members of the Senate to be extremely careful with respect to reports of this kind so that they do not become the vehicles for misimpressions and erroneous conclusions. This fact becomes more and more important as the work of the Senate and Senate committees increases in volume, and there is a growing reliance upon the work of committee staffs. The Members of the Senate in the last analysis must be held responsible for the observations which are set on paper and freely circulated as an official document."[5]

In the course of the debate on February 8, the distinguished junior Senator from Colorado [Mr. CARROLL], said:

"Can the Senator think of any other committee of the Senate which calls before it representatives of more giant corporations in the Nation than does the subcommittee of which the Senator is chairman?"[6]

Unless legislation results from the testimony of the representatives of giant corporations, then the subcommittee is not performing its proper function. Certainly the mere fact that it has been able to require the presence of industrial leaders who have been forced to spend countless hours in the preparation of testimony and in recent days testify long after midnight, is no criteria of the usefulness of its deliberations.

Reference was also made to the fact that the investigation of administered prices was largely stimulated by the testimony of economists who appeared before this subcommittee. During the opening phase of these hearings only five economists appeared to present their views. The social sciences, unlike the physical sciences, are subject to many interpretations. Without in any way disparaging the abilities of the five economists who appeared before this subcommittee in the summer of 1957, they represent a minute segment of the professional community in this field who are regarded with distinction in business, in our educational institutions, and in government. In fact, in July of 1957 when these initial hearings started, the membership of the American Economic Association, as published in a special edition of the American Economic Review that month, included 8,387 members.[7]

POINT 1. HAS THERE BEEN A WASTE OF THE TAXPAYERS' MONEY?

The statement inserted by Senator KEFAUVER in the CONGRESSIONAL RECORD of February 8, appearing on page 2213, includes the following:

"The record does not bear out the minority leader. The fact of the matter is that he is aware that, both as a member of the Senate Antitrust and Monopoly Subcommittee and as a member of the full Judiciary Committee, he voted to approve the program, budget, and resolution of the subcommittee. The subcommittee formulated and approved its program on January 21, 1959 which was submitted to the parent Judiciary Committee. This program which was approved by the minority leader, among other things, contained the following statements:

"'The subcommittee's plans for the next year are wide in scope so that it can continue to study and seek an answer to this fundamental problem in the antitrust field. The subcommittee envisages the consideration of legislation to supplement existing antitrust laws.'"[8]

All members of the subcommittee, including the chairman, know that its conferences, which relate to the program and budget, offer a very meager opportunity for the discussion of legislative objectives and investigations. The usual procedure provides for a motion that the subcommittee investigate a topic such as professional team sports, asphalt roofing, steel, or drugs. It is then seconded and approved without prior consideration of the scope of the hearings or the nature of the recommendations which it hopes to develop. In some instances when these matters have been discussed, it became necessary for me to leave the meeting. Every Senator must discharge the other responsibilities of his office.

An example of the difficulties which confront many Senators is presented by the subcommittee's proceedings during its executive session in January. At that time, it was agreed that because of the civil rights debate scheduled to begin on February 15, the hearings planned for the month of February would be held between February 3 and 9. It was obvious to every member of the subcommittee that the long protracted schedule of Senate debates would preclude my attendance, as well as that of other Senators, during hearings after February 15. At this same executive session, it was agreed that the witnesses scheduled to appear in February would include members of the American Pharmaceutical Association, the American Medical Association, the Food and Drug Administration, and possibly the Federal Trade Commission.

However, this entire schedule was altered, and hearings were held starting on February 23 through February 27, rather than on the dates originally agreed to. In view of the important matters before the Senate, I was forced to object to the continuation of hearings while the Senate was in session. Much to my surprise, the chairman adopted the unusual procedure of holding hearings far into the night after a long and arduous debate on the Senate floor. Furthermore, instead of adhering to the list of witnesses which had been agreed upon in executive session, two unscheduled doctors, who were ex-employees of a drug manufacturer, were invited by the chief economist, Mr. Blair, to testify, with respect to matters which had been covered previously by three physicians, as well as a representative of a mental health organization. By doing this, the chief economist overruled the decision of the subcommittee members as to who should testify.

It is my view that the proper procedure would have been for the chairman and the staff to maintain close contact with all the members of the subcommittee and advise them with respect to the scope of the hearings and the reasons for seeking testimony from particular witnesses.

On too many occasions the information I have received concerning the activities of the subcommittee was obtained from a press release, rather than from the chairman or the staff. Furthermore, I believe that this subcommittee should follow the procedures provided in the Legislative Reorganization Act of 1946, which states that so far as practicable all witnesses appearing file in advance written statements of their proposed testimony. This act also directs the staff of each committee to prepare digests of such statements for the use of all members. There is no reason why this procedure, which is prescribed for all standing committees, should not be applied to this important subcommittee.

With the adoption of Senate Resolution 238, the Senate has authorized spending $1,490,000 for the work of this subcommittee. It may spend $150,000 more in 1960 than its total appropriation of $275,000 in 1957. This was granted in Senate Resolution 57, authorizing $225,000, and Senate Resolution 166, approving an additional $50,000 during the 1st session of the 85th Congress.

It is significant that with only $275,000 provided for this subcommittee in 1957 it was able to conduct extensive hearings on the oil industry, accelerated amortization, as well as on amendments to the Packers and Stockyards Act. At the conclusion of each series of hearings, reports were submitted which included majority and minority views. The subcommittee also conducted extensive hearings on S. 11, a measure to reverse the Supreme Court action in the Standard Oil case. It started its continuing investigation of so-called administrated prices with testimony from economists, followed by an extensive series of hearings on the steel industry. These activities were time consuming and required the close attention of the subcommittee's members and staff.

Certainly, if any worthwhile accomplishment is possible, it should not be hindered by an arbitrary refusal to provide the funds which the chairman and the majority of subcommittee members in their judgment believe necessary. This is why I have always supported reasonable requests for the operation of this subcommittee. However, at the conclusion of this session the Senate will rightfully expect some legislative accomplishments to justify the moneys which have been authorized.

POINT 2. THE SUBCOMMITTEE'S LEGISLATIVE ACCOMPLISHMENTS

Many Senators have been immobilized and have found it difficult to discharge their many other responsibilities to their constituents and to the Senate as a whole by the necessity of participating actively in these extensive hearings. The legislative results in terms of laws adopted have indeed been meager. They include only two measures.

On September 2, 1958, a bill to amend the Packers and Stockyards Act of 1921 became Public Law 909, 85th Congress. Again, on July 23, 1959, a bill to amend section 11 of the Clayton Act, to provide for the more expeditious enforcement of cease-and-desist orders issued thereunder, became Public Law 107, 86th Congress. This measure was recommended by the administration, and

[5] Op. cit., Activities of the Subcommittee on Antitrust and Monopoly—1957, S. Rept. No. 1345, p. 15.

[6] Op. cit., CONGRESSIONAL RECORD, Feb. 8, 1960, p. 2210.

[7] American Economic Review, the 1956 handbook of the American Economic Association, vol. XLVII, No. 4, July 1957, Evanston, Ill., p. 476.

[8] Op. cit., CONGRESSIONAL RECORD, Feb. 8, 1960, p. 2213.

there was no opposition to its passage. The enactment of these laws does not constitute a record of outstanding legislative performance.

POINT 3. THE SUBCOMMITTEE'S PROCEDURES

It is my firm conviction that any subcommittee which expends large sums of the taxpayers' money, and also requires that private individuals in order to protect their good name must expend a great deal more of their own resources should seek the approval and guidance of the parent committee.

Based on 3 years of experience, I have no reservation in recommending that the entire Judiciary Committee should approve the initiation of any new hearings and define their scope. It is particularly essential that this procedure be followed in the case of the Antitrust and Monopoly Subcommittee because the chairman has delegated the direction and course of the investigation it pursues largely to the staff.

When a subcommittee is engaged in a complex and controversial investigation, the staff should have the benefit of all of the guidance and direction which the parent committee can offer so that its efforts will truly reflect the objectives which the Senators responsible to the electorate who serve on the entire Judiciary Committee believe may ultimately result in new and useful legislation in conformance with the resolution providing the funds.

POINT 4. THE PROCEDURES OF THE SUBCOMMITTEE'S STAFF

On many occasions in individual views and in a statement in the CONGRESSIONAL RECORD on January 22, I have expressed my concern with staff procedures which create headlines but do no credit to the objectivity and intellectual honesty of the Senate as a whole.

In my statement concerning the drug hearings on January 22, I said:

"The first witness was Mr. Francis C. Brown, president of Schering Corp., an ethical drug manufacturer. Shortly after Mr. Brown completed his testimony, the chief economist of the subcommittee introduced an exhibit into the record which seemed calculated to make headlines and front page stories. This was done by alleging that the Schering Corp. was marking up its products from 1,118 percent to 7,079 percent, when the fact was that Schering was operating on a 12- to 16-percent profit after taxes. Mr. President, the exhibit on its face was misleading, because it excluded the necessary expenditures of doing business under usual accounting practices accepted by the Internal Revenue Service by virtue of the income tax laws of our Nation. By excluding these expenditures, the chief economist used a computed cost figure of $1.57 in relation to the selling price of $17.90 for 100 tablets of prednisolone, when it was evident from the financial statement of Schering Corp. that proper allocated costs, namely, cost of production, research, selling, and distribution, administrative, and taxes, were $15.03 rather than the computed costs of $1.57. Had the proper costs been allocated, a profit of 16 percent after taxes, or a markup of 33 percent before taxes, would have resulted, which is the true picture. Mr. President, the result of all this was the glaring and misleading headlines and front page stories of 1,000 percent to 10,000 percent profit by drug manufacturers, when the facts show that there was 12 to 16 percent profit after taxes for these drug manufacturers."[9]

Other Senators also have voiced concern with these committee procedures. The distinguished senior Senator from Maryland in a statement in the CONGRESSIONAL RECORD of February 8 expressed his concern with the procedures followed by Dr. John M. Blair, chief economist of the subcommittee. He said:

"I have long been concerned that the preparation of hearings by any Senate committee dealing with the reputation of leading American firms should be entrusted to an individual who has been critical of the economic policies which have made our country great. I am not alone in making these characterizations."[10]

My position with respect to the staff was clearly outlined in my individual views on the investigation of administered prices in the automobile industry. I said:

"It is regrettable that the majority has permitted the long standing prejudices and biases of its staff to influence the preparation of its views. * * * Free-enterprise capitalism as it has developed in this country is the only economic system which at all times reflects the wishes of consumers through their purchases in free markets. It has provided incentives to producers. In fact, it has literally remade civilization. Attacks which reflect on its performance, while not attributing guilt to anyone and providing no suggestions for legislative remedies, are a great disservice to the American people."[11]

POINT 5. STATEMENTS CONCERNING COSTS AND PROFITS BASED ON THE STAFF'S COMPUTATIONS

Throughout the course of the drug hearings, there has been a persistent effort to impute the costs of products from computations prepared by the staff and submitted as tables during the course of the hearings. In most cases, the chief economist's exhibits are based on only a small portion of a company's costs, principally materials and productive labor. They completely neglect the costs of selling, distribution, general and administrative expenses, royalty payments on patents, as well as the most important item of taxes, Federal, State, and local.

Such a procedure does little credit to the Senate since it has no relation to the real world of competitive business. It is purely an academic exercise. In every instance, the published financial statement of the companies who have appeared before the subcommittee reveal a reasonable relationship of profits to sales. Certainly, there is no instance where any company which appeared before this subcommittee has informed its stockholders of data which would justify a front page headline that it was making a profit ranging from 1,000 to 10,000 percent.

It will take many years for the firms who have testified on administered prices in the drug industry to clarify their true positions with the American people. The absence of competition, if such is the case, would have been detected by the enforcement authorities with little difficulty long before profits rose to these fantastic heights if all of the costs had been included in the computations.

Senator KEFAUVER, in his statement appearing on page 2213 of the CONGRESSIONAL RECORD of February 8, 1960, said:

"In presenting this table at the hearings it was made plain, as it had been made indelibly clear in other similar examples, that what was reproduced was computed production costs as compared to actual price and that it did not purport to include, nor represent that it included, such other costs as research, selling and distribution costs, taxes, and profits."[12]

An examination of the transcript of the hearings would indicate that the exhibits prepared by the subcommittee staff were not, in fact, so "indelibly clear" as to what had been included as costs. Indeed, the following colloquy between Dr. Blair and Mr. Francis C. Brown, president of the Schering Corp., at the opening of the hearings on December 7, shows that the staff's analysis was not only superficial, but totally unrelated to the economic facts of life and completely misleading:

"Mr. BLAIR. This, of course, translates into a price, into a computed cost excluding selling distribution cost of $1.57 per 100 tablets.

"Schering's price for a bottle of 100 tablets of meticortelone to the druggist is $17.90.

"Mr. BROWN. Now, if we were simply doing the things that you have described on this piece of paper, it would seem to me that your question would be pertinent. But as I have described in my statement, we are doing a great many more things, and these include the informational work, the pioneering work which we did in the preparation of these compounds, and which we continue to do as the company which originated them, and moreover, the supporting of the distribution system which we have built up over the years at considerable expense, and the maintenance of the research which we are endeavoring to do to push back the medical horizons for the future.

"These are just as much a part of our costs as wastage in production and tableting and bottling."[13]

It is significant that taxes, royalties, research, distribution costs, general and administrative expenses, as well as profits, were not included in this so-called computed cost. These obviously constituted the difference between $1.57 and $17.907. In relating overall profits to the company's financial statement, the following colloquy between Mr. Brown and the chairman is noteworthy:

"Senator KEFAUVER. You mean that research, profit and distribution and everything would make up that difference between $1.57 and $17.90?

"Is that your testimony?

"Mr. BROWN. You have our financial statement, Senator, which discloses exactly what our performance was. And I have also pointed out, if I may interrupt you, that we do not operate on the basis of a single compound alone. We operate on the basis of averages."[14]

A further discussion ensued:

"Senator KEFAUVER. What is the percentage of markup from $1.57 to $17.90?

"Dr. BLAIR. Mr. Chairman, it is 1,118-percent markup, roughly 11 times.

"Mr. BROWN. If I may be permitted to do so, I would like to say that I consider this not to be the proper relationship, because this does not include the expenses of doing business which I have outlined. This only includes the bare factory production cost."[15]

At a later point in the hearings, the minority counsel, Mr. Chumbris, raised a pertinent point. The following colloquy is of interest:

"Mr. CHUMBRIS. Dr. Brown, on page 10 you list various items in which you consider your costs that go into your products. Now let's take this, $1.57 per hundred.

"Does that include your rent or your plant maintenance or your depreciation? Is that in it?

"Mr. BROWN. This, according to this computation as I understand it, this would simply cover the labor charge and I don't know what other items may have gone into it, but it certainly would not include any of the general business expenses.

[9] CONGRESSIONAL RECORD, U.S. Senate, 86th Cong., 2d sess., Jan. 22, 1960, p. 1090.

[10] Op. cit., CONGRESSIONAL RECORD, Feb. 8, 1960, p. 2147.

[11] Op. cit., Administered Prices, Automobiles, Report of the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary, p. 312.

[12] Op. cit., CONGRESSIONAL RECORD, Feb. 8, 1960, p. 2213.

[13] Administered Prices in the Drug Industry, Report of Proceedings, Hearing before the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary, U.S. Senate, vol. 1, Dec. 7, 1959, pp. 53–55.

[14] Ibid., pp. 58–59.

[15] Ibid., p. 60.

there was no opposition to its passage. The enactment of these laws does not constitute a record of outstanding legislative performance.

POINT 3. THE SUBCOMMITTEE'S PROCEDURES

It is my firm conviction that any subcommittee which expends large sums of the taxpayers' money, and also requires that private individuals in order to protect their good name must expend a great deal more of their own resources should seek the approval and guidance of the parent committee.

Based on 3 years of experience, I have no reservation in recommending that the entire Judiciary Committee should approve the initiation of any new hearings and define their scope. It is particularly essential that this procedure be followed in the case of the Antitrust and Monopoly Subcommittee because the chairman has delegated the direction and course of the investigation it pursues largely to the staff.

When a subcommittee is engaged in a complex and controversial investigation, the staff should have the benefit of all of the guidance and direction which the parent committee can offer so that its efforts will truly reflect the objectives which the Senators responsible to the electorate who serve on the entire Judiciary Committee believe may ultimately result in new and useful legislation in conformance with the resolution providing the funds.

POINT 4. THE PROCEDURES OF THE SUBCOMMITTEE'S STAFF

On many occasions in individual views and in a statement in the CONGRESSIONAL RECORD on January 22, I have expressed my concern with staff procedures which create headlines but do no credit to the objectivity and intellectual honesty of the Senate as a whole.

In my statement concerning the drug hearings on January 22, I said:

"I have long been concerned that the preparation of hearings by any Senate committee dealing with the reputation of leading American firms should be entrusted to an individual who has been critical of the economic policies which have made our country great. I am not alone in making these characterizations." [10]

My position with respect to the staff was clearly outlined in my individual views on the investigation of administered prices in the automobile industry. I said:

"It is regrettable that the majority has permitted the long standing prejudices and biases of its staff to influence the preparation of its views. * * * Free-enterprise capitalism as it has developed in this country is the only economic system which at all times reflects the wishes of consumers through their purchases in free markets. It has provided incentives to producers. In fact, it has literally remade civilization. Attacks which reflect on its performance, while not attributing guilt to anyone and providing no suggestions for legislative remedies, are a great disservice to the American people." [11]

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procedures followed by Dr. John M. Blair, chief economist of the subcommittee. He said:

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"Senator KEFAUVER. You mean that re-

"Mr. CHUMBRIS. Does it include your cost of taxes?

"Mr. BROWN. No.

"Mr. CHUMBRIS. You have already mentioned selling expenses, distribution, and your research.

"Senator KEFAUVER asked you a question. He said assuming that you add 23 percent and 8 percent, that doesn't take much away from your 1,000 whatever percent was used by Dr. Blair.

"Senator KEFAUVER. 1,118 percent.

"Mr. BROWN. It has to be taken away from 100 percent and not a thousand percent, Senator.

"Mr. CHUMBRIS. So therefore if you took into consideration 23 percent and 8 percent and 32 percent, you wouldn't reach a figure anywhere near 1,118 percent, would you?

"Mr. BROWN. In the one instance we are talking about, percentages in relation to 100 percent, and the figure that I gave on selling and distribution expenses being 32.7 percent is in relation to 100.

"Mr. CHUMBRIS. In order for the record to be clear, I would like to ask Dr. John Blair to take into consideration these different percentages, and add that to the cost of $1.57 and then compare the markup from that figure to the $17.90 that he mentioned per hundred.

"Dr. BLAIR. Mr. Chairman, I would like to answer that very briefly by stating that presumably most of the costs, excluding the selling and distribution costs to which Mr. Chumbris has made reference are included in the price from Upjohn to Schering.

"The plant costs of rent and depreciation, all of these various costs that are involved in the normal cost of doing business are reflected in a sale price made between one independent company and another independent company, and if they are not included then in effect what is happening is that Upjohn is selling below cost.

"Mr. BROWN. Dr. Blair is talking about the sale of bulk material by Upjohn, which has no relation to any of the expenses of operation of our company. How they arrive at this price is something I don't know.

"This is up to them. This is a price which was quoted to us, Senator, in an arm's length transaction." [16]

On the second day of the hearings, Mr. Brown presented a very lucid explanation of his firm's costs of doing business, which completely refutes the allegation of 1,118 percent markup as represented in the computation included in the exhibit submitted by Dr. Blair. Mr. Brown said:

"We at Schering do not allocate costs on a product-by-product basis, and I am sure that in this industry this is not the case, first, because this cannot be done, and second, because it would serve no useful purpose if it were attempted.

"Let me show you a typical cost pattern based on applying the relationship of the various costs in our financial statement from 1958, a copy of which I believe is in the hands of this committee, to the prednisolone 5-milligram tablet 100 bottle, 100 tablets per bottle, that we were discussing yesterday, and I will do this in the way which is customary and accepted both by accountants and economists in business and in Government as well.

"In the first place, it was indicated that the drug list price for this item was $17.90 a bottle of 100 tablets. For this, however, we would have received $14.03 after regular trade and cash discounts on sales to wholesalers, and only would have received the $17.90 on direct sales to retailers, which is a smaller part of our business than our sales through wholesalers.

"So in our case the production cost of sales, deducting now all income other than sales income, would be $3.05. The selling expenses would be $4.80. The research expenses would be $1.20. The administrative expenses would be $1.22. The royalties and other expenses would be 7 cents, and the income taxes which we pay to the Federal Government would be $1.86, or a total cost of $12.30.

"Now, the difference between these costs and what we would get for the product where we sold it through wholesalers, which is the bulk of our sales, would be $1.73, or 12.3 percent of what we received for the product.

"Now, this figure would be less than the 16 percent which we derive as overall profit on sales as it was discussed yesterday and as is reflected by our financial statements, because we have deducted income and interest, royalty income, and interest income from these calculations.

"I said yesterday, and I trust you will permit me to repeat, that a 12.3 percent return on sales is a reasonable return, considering the unusual risks involved in this business. These risks, I may say, having recently been recognized in a very important report issued by Her Majesty's Stationery Office for the Queen of England entitled, 'The Cost of Prescribing,' and known as the Hinchliffe Report, in which it lays emphasis upon the fact that in this industry a product can be here today and gone tomorrow, and that this is a factor which must be recognized." [17]

As I have already said, the staff and the chairman have elected certain expense items and neglected others. The use of 9 percent of the total expenses instead of the 84 percent which the company books revealed leaves some doubt in my mind as to the objectivity of the chairman and the staff. Such an approach is a grave injustice to the integrity and reputation of American business.

Exhibit No. 1 prepared by the staff and introduced during the hearings on Monday, December 7, was labeled, "Prednisone—5 mgm. Tablets, Computed Cost Based on Bulk Price Transaction and Contract Processing Charges." [18] However, after I challenged this misleading technique in a statement on January 22, the staff went to great pains to correct this obvious distortion of fact in the exhibits it presented during the hearings on Tuesday, January 26. Exhibit No. 156 introduced by Dr. Blair was a table entitled, "Meprobomate—400 mgm. Tablets, Computed Production Cost Based on Bulk Price Transactions and Contract Processing Charges (exclusive of selling and distribution costs)." [19]

It is significant that after my statement of January 22, for the first time these tables were labeled as Computed Production Cost "exclusive of selling and distribution costs." Even so, an examination of the exhibits fails to show any attempt to cover other normal business expenses, such as rent, electricity, heat, and taxes. These items are just as much a cost of doing business as selling and distribution costs, which Dr. Blair finally agreed to recognize.

In his statement of February 8, the chairman said:

"What is interesting, Mr. President, is this. When confronted with the computed production costs as devised by the staff of the subcommittee, the head of the Carter Products Co. then offered the company's own figures on Miltown costs and profits per tablet. The actual manufacturing costs, presented by the Carter Co., is 7 cents per tablet, which is identical with the computed costs of the staff of the subcommittee." [20]

The chairman comes to the conclusion that since the staff was correct in computing production costs of the Carter Products Co., the computation of costs of Schering, Merck & Co., and Upjohn should therefore be construed as accurate, although these were submitted before my objection to this procedure. It should be pointed out that exhibit No. 156 was introduced following my statement on Thursday, January 21, when I said:

"Mr. Chairman, as you know, I had no opportunity to be present at the hearings that were held earlier in December. I was unavoidably absent from Washington at the time. But I did get a chance to follow the work of the subcommittee in the press accounts that I saw not only in Chicago and elsewhere, but also the State of Tennessee when I went down to visit my grandchildren and family in Christmas recess.

"Frankly I was startled by some of the things that were disclosed, and I thought some of the things I noted in the press were absolutely fantastic and incredible with respect to the markups on prices by Merck, Schering, and others.

"I did call my staff man and said I wanted the records reviewed to ascertain just exactly what this was all about. Mr. Chairman, if I am correct, I think these amazing markups that were so freely bandied about in the press were nothing more than comparisons of raw material with the ultimate cost of the product by the manufacturer, but did not take into account all the other normal business expenditures such as distribution, research costs, overhead, taxation, and every other item that anybody who has ever been in business knows is a normal and appropriate charge for doing business.

"Now, Mr. Chairman, if that is the case, and if those alleged markups were nothing more than comparisons of raw material with the ultimate selling price of the manufacturer, then I must at this point in the record, I must at this moment make a protest on the ground that this is terribly unobjective and unfair and completely inequitable." [21]

As I stated previously, the Carter exhibit was labeled "computed production costs" whereas in the case of Schering, Merck, and Upjohn, the exhibit was labeled "computed costs" exclusive of selling and distribution. In my speech on January 22 I called attention to the fact that even though witnesses clearly illustrated a breakdown of allocated costs, the subcommittee ignored the explanations and continued to talk of "asinine" markups which reached the ridiculous figure of 10,000 percent on the sixth day of the hearings. In view of this record, it is difficult for me to accept the explanation offered in the chairman's statement to the Senate on February 8.

POINT 6. MISLEADING HEADLINES RESULTING FROM THE SUBCOMMITTEE'S HEARINGS

Without attempting to review once again all of the newspaper comments which were included in my statement of January 22, I want to emphasize that editors from all sections of the country have been critical of certain aspects of the current series of ethical drug hearings. A few outstanding examples of the reaction to the subcommittee's procedures are indicated in the following editorial comments.

The Newark (N.J.) News, of December 12, 1959, said:

"Senator KEFAUVER is on the wrong side of the street if he thinks the high cost of pharmaceutical research and promotion—or any other industrial research for that matter—should be financed out of capital and not out of earnings. At its best, research is a big risk and it would be unfair to expect a publicly owned corporation to gamble with new capital.

* * * * * *

"But politics and pursuit of headlines must be subordinated if discovery of new ways to cure disease and prolong health are not to be impeded or even discouraged. Too many owe too much—perhaps their lives—to pharmaceutical research." [22]

Excerpts from the Chicago Sun-Times of December 12 said:

"On the first day of his subcommittee's investigation of the wholesale price of prescription drugs, Senator ESTES KEFAUVER created headlines that read: '7,000 Percent Markup in Drugs.' This was in reference to one particular drug deal. It certainly is not typical of the entire pharmaceutical industry as evidence later in the week brought out.

"Prices go down in the drug field as competition intensifies, as mass production takes over, and as manufacturing techniques improve. This is true of most American manufactured goods. In measuring the cost of drugs, expensive research costs must be taken into consideration.

"A corollary of Senator KEFAUVER's investigation should be the good the industry has done as well as the prices it charges. The Senator should keep his investigation in perspective even though this might not give him as much limelight." [23]

The Detroit News of December 9 said:

"If there has ever been a congressional inquiry which started out on the premise that there's a lot we don't know and we want to find out, we can't recall it. The standard approach appears to be: 'We know the answers; all we need are facts to match.'

"Unfortunately for the drug industry and the public, the Senate investigation into drug prices appears to be cast in the classic mold. The probers seem already convinced that prices are unconscionably high; their predilections show in the glee with which they hop upon the spread between the material cost of a pill and its retail price—a comparison which, taken alone, ignores all kinds of pertinent factors." [24]

The San Jose (Calif.) News, of December 9, 1959, concluded an editorial with this statement:

"As is true of many congressional probes, there is a tendency to blow off to the press and to the public on facts that are slender and do not quite tell the complete story.

"We are not in any way disparaging the fact that drugs are expensive. All health measures are expensive especially during a period of inflation. But the Senate committee is wasting lots of money and time and energy that should be a Justice Department ballwick, if there are any grounds for an antitrust action." [25]

On many occasions, I have stressed the need for preventing those who abhor our free enterprise economy, which is motivated by profits, from deriving comfort through congressional investigations. The Salina (Kans.) Journal of December 15, 1959, developed this thesis. It said:

"This country was developed on the profit motive; profits which today it has become fashionable to term 'excessive' were essential to create the capital pools without which further development would have been impossible. Our system, even our Government, is based on profits. They are the source of indispensable income taxes. But the investigators ignore all that.

"Listening to these congressional committees, a visitor from abroad would gain the impression that American profits are not without honor save in their own country." [26]

Even newspapers published in the home State of the chairman take exception to the methods which have characterized the hearings on administered prices in the drug industry. The Kingsport (Tenn.) Times of December 14, 1959, said:

"It would appear that whether the price is out of line with cost can best be discovered by the books of the company rather than by comparison of figures that may be less than complete. The Government has access to the books of the companies for audit. This dramatic investigation is hardly necessary.

"In any case it is hard to see what the Government can do even if the prices are higher than we think is fair. No one is going to suggest that the Government fix prices, are they?

"In this connection it is noticed that recently the courts threw out the Government's case of price fixing against some of the drug companies. The judge decided that the Government did not have enough evidence to warrant giving the case to the jury." [27]

Certainly partial cost data as prepared by the staff would not be accepted by any Federal judge as evidence in an antitrust action.

Again, the Chattanooga News-Free Press, in an editorial of December 10, 1959, said:

"Senator ESTES KEFAUVER's subcommittee investigating drug practices has gotten off to a start with some pretty tricky business that has successfully captured national attention but seems to be highly and purposely misleading:

"A subcommittee staff economist came up with the contention that it cost one drug manufacturer $1.57 to make a bottle of arthritic pills called prednisolene that was sold at $17.90. This, the staff economist reported with a note of triumph, was a markup of 1,118 percent.

"This also was a phony claim.

"If the staff economist tried to get away with such a distorted picture in advertising, the Federal Trade Commission or somebody else would be on him posthaste. The Kefauver subcommittee headline seeker (and achiever) had neglected to put into his price comparison other vital cost factors such as production, marketing, administration, research, royalty, and taxes. The company figured these and other costs in and claimed the alleged 1,118 percent markup dissolved down to a 'reasonable' profit of 12.3 percent. That's quite a difference; somebody's badly wrong.

"Perhaps the prices of some drugs are too high, but the subcommittee won't find the answers and help solve the problem if it uses rigged figures. It is possible that some may consider such things, though not accurate, to be good politics." [28]

I cannot believe that it is even good politics to mislead the American people. Over the years, they have demonstrated an uncanny ability to detect truth from falsehood.

The medical journals also have become concerned with the attacks on the drug industry.

POINT 7. THE VALIDITY OF USING PROFITS RELATED TO NET WORTH AFTER TAXES RATHER THAN PROFITS RELATED TO SALES

In every industry, there are appropriate measures of its profitability. However, it is misleading to apply the same criteria to producers where cost based on the proportion of payments for wages and salaries in terms of total sales and the capital investment required differ widely.

In the ethical drug industry, the capital costs are relatively low as contrasted with the expense items for salaries of scientists, doctors, and laboratory workers who are developing the new products which have improved our health standards. Furthermore, because the use of these products must be explained to the medical profession, it is impossible to promote them through mass media. Their therapeutic properties must be disseminated in a professional manner to a very select group of highly educated individuals. This is an expensive process.

It is also necessary to insure that these products are on the shelves of all local retail druggists so that they are available when prescribed.

A comparison of net profits to sales after taxes in an industry where salaries constitute so large an item is more meaningful than one based on the return on net worth.

The economics involved were presented by Frederick L. Thomsen, Ph. D., a consulting economist for the Pharmaceutical Manufacturers Association. His testimony must be seriously considered by the subcommittee since there has been much confusion as to the degree of profitability in the drug industry. He also deals with the question of the proper correlation, if any, between profits and prices in this field. Dr. Thomsen's testimony, found on pages 5540–5544, March 15, 1960, CONGRESSIONAL RECORD, is particularly helpful in understanding the economics of the drug industry:

"In fact, if the entire profit of drug manufacturers were wiped out completely, buyers of consumer drugs on the average would hardly notice the difference in prices, which could easily be lost in the shuffle. Small changes in wholesale prices frequently are not reflected in retail prices. No; the concern that has been felt over drug prices has not been on the order of a few pennies per dollar, but of fancied profits running to many hundreds or thousands of percents, that do not exist in reality because the false measures of costs that have been used to adduce such figures have not taken properly into account all costs, position on the life cycle of the drug, and other conditions that have been dealt with in the foregoing analysis.

"A "company-by-company approach to the drug industry, and the singling out of the most profitable items in each company's line, coupled with inadequate measures of costs, can produce a totally erroneous impression of the across-the-board possibilities for price reductions through profit elimination. Only a very small reduction in the level of drug prices, and an even smaller percentage reduction in the total cost of a cure, would result if all profits of all the drug companies were wiped out." [29]

POINT 8. FOREIGN PRICES ARE NECESSARILY LOWER THAN U.S. PRICES

Throughout the course of these hearings, there have been frequent efforts to relate the quoted prices of specific products in other countries to the prices prevailing in the United States.

In almost every instance, the products in question were not manufactured here, but abroad. Labor costs, taxes, and distribution costs are, of course, far less than in this country. The cost to the individual patient in terms of the average income abroad is not appreciably different in other countries than in the United States.

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[16] Ibid., pp. 62–64.

[17] Op. cit., Administered Prices in the Drug Industry, report of proceedings, vol. 2, Dec. 8, 1959, pp. 306–308.

[18] Ibid., vol. 1, Dec. 7, 1959, p. 50–A.

[19] Ibid., vol. 9, Jan. 26, 1960, p. 2120.

[20] Op. cit., CONGRESSIONAL RECORD, Feb. 8, 1960, p. 2213.

[21] Op. cit., Administered Prices in the Drug Industry, report of proceedings, vol. 7, Jan. 21, 1960, pp. 1338–1349.

[22] Op. cit., CONGRESSIONAL RECORD, Jan. 22, 1960, p. 1091.

[23] Ibid, p. 968.

[24] Ibid.

[25] Ibid., p. 969.

[26] Ibid.

[27] Ibid., p. 970.

[28] Ibid., p. 971.

[29] Competition and Profits in the Ethical Drug Industry, statement by Frederick L. Thomsen, Ph. D., consulting economist, Pharmaceutical Manufacturers Association, before the Senate Subcommittee on Antitrust and Monopoly Legislation, Feb. 23, 1960, pp. 13, 17–18, 20, 22, 24–25.

It is difficult to understand the purpose of the subcommittee in making these comparisons. The obvious justification for the differences in cost were developed by several witnesses. Mr. Henry H. Hoyt, president of Carter Products, Inc., in his testimony before the subcommittee, said:

"However, I do think in trying to compare foreign prices with U.S. prices, you have to take into consideration all factors involved, such as per capita income, real wages, and so forth. For example, the per capita income in the United States is 13 times as much as in the Argentine, 8 times as great as in Mexico, 2½ times more than in Germany. As I said before, it is unrealistic and misleading to try to make direct comparisons on a conversion rate of exchange, because exchange is not based on living conditions. It is based on the flow of money between the countries or it is an artificial fixed rate, and I have been in the export business, and you must get your products down to the scale of living in the foreign countries." [20]

He also said:

"I have a list of the conversions here on a per capita income basis, and I think that if you take the Argentine price, you must multiply by 13, the Australian price by 2, and the Brazil price by 19, Canada by 1½, France by 2½, Germany by 2½, Italy by 5, Japan by 8, Mexico by 8½, the Philippines by 11, Switzerland by 1½, United Kingdom by 2, and I just think that anybody who converts on a rate of exchange basis is not getting the true picture. Just because things are cheaper abroad, that is why we have protective tariffs in this country, because our American industry cannot compete with the lower scale of living abroad." [21]

Another witness, Mr. Alvin G. Brush, chairman of the board of American Home Products Corp., also dealt with this same problem. In his testimony, he said:

"One reason we can sell so low in England, in the first place we don't sell in dollars in England. We sell in pounds, shillings, and pence. We don't employ Americans in England. We employ English men. These goods are entirely manufactured within the British economy, and the cost of those goods is materially lower than the costs in the United States. A bus driver in London gets 12 pounds a week, which is roughly $34. This same man in the United States on the Fifth Avenue bus gets $110 a week. Now that is an exaggerated part of the economy, but we can do business in Britain for about half of what we can do business for in the United States, and our goods in Britain are made in Britain and sold in Britain, and they are produced by British employees, and the whole economy is in pounds, shillings, and pence, and you can't compare that kind of an economy.

"We could ship the goods from the United States and let some of our employees out, if that is what would be preferred. But as I understand, we want to keep our people working in the United States and not have the goods pouring in from these foreign countries, who have a distinct advantage over making goods in the United States.

"You can buy transistors in Japan for one-quarter of what you can buy the same thing in the United States. You can buy shirts made in Japan for practically a third of what you can buy the same shirt for in the United States. You can buy barbed wire in Germany much cheaper than you can buy the same barbed wire in the United States. This isn't only true of the drug industry. This is true of all prices. The economies of these countries are much lower in prices than we are, and if we continue to push our prices up, we will price ourselves out of the world markets and we will force ourselves to do business in those local countries, by having local operations." [22]

American capital, unlike our workers, is in a position to move overseas and establish investments in other countries. With the advent of the European and Latin American common markets, there will be new incentives for American firms to manufacture their products abroad. However, American workers are not going to abandon their homes and bring up their children in other lands with not only lower living standards, but different cultures and traditions.

I am concerned that the approach which has been adopted by the subcommittee of comparing foreign and domestic prices, if it is carried to its logical conclusion, will result in the loss of employment for many of our workers, as many products besides pharmaceuticals can be produced abroad and shipped back into the United States. However, if such a trend were to develop, I doubt that there would be enough individuals here with sufficient purchasing power to provide an attractive market for them.

While the witnesses have discussed the relationship of foreign currency to the dollar as well as the lower prevailing wage rates, there are still other factors which are overriding in any comparison of foreign prices with those quoted here in the United States.

President Eisenhower in submitting the budget for the 1961 fiscal year proposed expenditures for major national security totaling almost $46 billion.[23] In addition, international affairs, which includes our mutual security program, will require another $2 billion.[24] These expenditures are the price Americans gladly pay to maintain freedom. They total almost 10 percent of the projected gross national product for the coming fiscal year.

These costs must be recovered in the price of all goods and services sold in the United States. Every product we buy, whether it is a pill, a ton of steel, or an automobile, includes a payment for the preservation of freedom. In addition to a heavy tax burden, American producers must observe the Fair Labor Standards Act which requires premium payments for time worked in excess of 40 hours per week. There are minimum wage provisions and many other elements adding to labor costs which are not present in most foreign countries.

Our good neighbor to the north, Canada, although it has a hard currency, still is able to pay lower wages than those which United States producers must meet. According to the National Industrial Conference Board, the average hourly earnings in all Canadian manufacturing in 1958 was 1.66 Canadian dollars.[25] In the United States the comparable figure was $2.08.[26] However, in spite of this difference in labor cost, the Canadians enjoy a far more realistic tax situation with respect to depreciation, an element of cost which many witnesses before this subcommittee have shown is not adequately met in the United States under existing interpretations of our tax laws.

During the course of the hearings on administered prices in steel on August 10, 1957, Mr. Robert C. Tyson, chairman of the finance committee of the United States Steel Corp., stated that:

"I start with the indisputable fact that, because of inflation, to construct or purchase new plant or equipment today costs a vastly greater number of dollars than the plant or equipment being replaced cost 20 or more years ago. Yet the depreciation on these old plants is required for tax purposes to be based on the relatively small number of dollars paid for them long ago. As a result the depreciation currently allowed is quite insufficient to equal what has to be paid out when the old facilities are modernized or replaced.

"In the case of United States Steel and for many other companies, the addition to regular depreciation on old facilities of 5-year amortization on that portion of new facilities certified as necessary for the national defense has approximated, temporarily, a truer total of wear and exhaustion on all facilities based on current dollars. The inclusion of 5-year amortization in United States Steel's costs has not resulted, as some of our critics have misleadingly contended in the past, in an overstatement of wear and exhaustion, realistically considered. It has served instead to prevent a more serious understatement of depreciation cost.

"Few people realize the extent of the deficiency in depreciation. United States Steel has calculated the number of dollars of wear and exhaustion that would have been needed in each year since 1939 to equal in each year's dollars the portion of the buying power originally expended which was used up in the year's production.

"In every year since 1939, as shown in exhibit VI, the wear and exhaustion recorded—including amounts not allowed for tax purposes shown on the chart as accelerated depreciation for the years 1947 to 1952—failed to equal that needed for recovery of buying power. The 17-year aggregate deficiency was $904 million. The Federal income tax paid, as a result of treating this deficiency and the accelerated depreciation as income for tax purposes, aggregated $608 million, or 22 percent of the taxes paid.

"The $608 million for United States Steel and analogous amounts for all other companies, big and little, may be regarded as the hidden taxation of capital as it turns over through depreciation or, alternatively, as a hidden increase in the tax rate on true income." [27]

This position has recently been ably corroborated in a report by the Senate Select Committee on Small Business, entitled "Tax Depreciation Allowances on Capital Equipment." It was prepared by the distinguished junior Senator from Florida, Mr. SMATHERS. It makes specific recommendations which are worthy of serious consideration, including:

"1. Current depreciation policies should be reviewed and all of the practical proposals for (a) shortening the period for depreciating property, (b) permitting greater depreciation in the years immediately after purchase of property, and (c) depreciating property on bases other than cost, to reflect the inflation factor, should be considered.

"2. As a specific solution for underdepreciation, the adoption of triple-declining-balance depreciation and a Canadian-type class system for determining tax-depreciation lives of property should be weighed. A class system would, however, have to be adjusted to reflect differences between the economies of Canada and the United States, and the items placed in various classes should, generally, have shorter economic lives than those items now have under bulletin F. S. 2695, introduced by the chairmen of the subcommittees which conducted the hearings for this study, would authorize the use of triple-declining-balance depreciation on items having a useful life of 5 years or more." [28]

It is indeed a pleasure to be able to express my commendation for the excellent and objective study prepared by the select committee under the leadership of the distinguished junior Senator from Florida. It deals with an important element of cost which must be included in the price of any product, whether it is produced in the United States, Canada, or any other foreign country.

The report by the Select Committee on Small Business is a distinct service in assisting the Senate to establish a more favorable relationship between American and foreign prices.

I also hope that the Senate Finance Committee will give careful consideration to the bill, S. 2695, which was introduced by the junior Senator from Florida, Mr. SMATHERS, and the distinguished senior Senator from Nevada, Mr. BIBLE.

POINT 9. WHOLESALE PRICES TO DRUGGISTS ARE NECESSARILY HIGHER THAN ON BULK SALES TO THE GOVERNMENT

In merchandising a specialized pharmaceutical product, two related but separate steps must be taken.

First, the medical profession must be apprised of the value of a new product so that they will prescribe it. Secondly, druggists must be willing to invest their capital in maintaining an inventory so that new products will be available to their customers when they are prescribed by physicians. Wholesale drug merchandising thus requires individual contact and promotional expense to a wide multitude of retail outlets. Unless a product is available on an almost universal basis, doctors cannot recommend it to their patients. Hence, it is to be expected that the selling and distribution costs on sales to druggists will be high.

To the contrary, when sales are made to the Federal Government on a sealed-bid basis, promotional expenses are at the very minimum. The efficacy of the product has been proven, or the Government would not be seeking bids for it. There is one customer who is purchasing in bulk. No problems of credit terms, advertising aids, or other sales assistance are involved. It would be most surprising if the prices quoted on sales to the Government were not materially lower than to retail druggists.

In his statement of February 8, 1960, appearing on page 2214 of the CONGRESSIONAL RECORD, the chairman said:

"Ciba sells its product, Serpasil, in 0.25 milligram quantities, in bottles of 1,000 to wholesalers at $32, who sell to druggists at $39.50, who, in turn, sell to consumers at $65.83. A small company, the Panray Corp., sells this same type of product, in the same quantity, to druggists for $6.25. In February 1959, Ciba was awarded a purchase by the Military Medical Supply Agency as a result of secret bids on this same product in bottles of 1,000, at the unit price of 60 cents. Think of this, gentlemen: Ciba sells the Government the same product for 60 cents for which the druggists of our great country must pay $39.50." [29]

From the above statement one would conclude that a small drug manufacturer could sell its product to the druggist at a much lower price than does the large drug manufacturer. Also, the question might be asked why Ciba sells to the Government at 60 cents where the wholesaler must pay $32 for the same 1,000 tablets.

An examination of the transcript reveals the true facts. The following colloquy, involving Mr. Myron Pantzer, president of the Panray Corp., removes the misunderstanding which has been generated.

"Mr. PANTZER. There are plausible differences from Ciba, we are different in this respect, that we did not seek the business of the product as priced in our own ratio of running the product for us, and the business originates to that which originates on an institutional level.

"If we were to enter a program of formal promotion and to gain recognition and credence and acceptability in prescription rating for our trademark for Panray on the medical professional level, we would have to charge a much higher price than $2.65.

* * * * *

"Mr. PANTZER. Well, briefly, Senator, we do not spend at this moment—and this is the situation for the last 2 years—a single penny to advertise this drug to the medical profession—our entire business on reserpine today has reduced itself where the business almost totally comes from competitive bidding. We do a very small business even at this level with the retail or wholesale drug field, because we are not doing a significant individual promotion or educational job, or a detailing job to the medical profession.

"Mr. CHUMBRIS. I think that you stated earlier that you do almost no business with the druggist on reserpine at $2.65. And therefore if you do very little business with the druggist, the consumer would not get it anyway.

"Mr. PANTZER. That is correct.

"Mr. CHUMBRIS. And I think you pointed out that when you did advertise, and when you did try to get acceptance from the druggists and the doctors, you charged $21 per thousand, is that correct?

"Mr. PANTZER. That is correct, sir.

"Well, if we were to promote this as pure specialty we would have to use the normal channels of promotion that are used by industry, we would have to first sell and familiarize our trademark to the medical profession, we would have to detail by personal contact the physicians to convince them of our reputation and reliability of production.

"This would of necessity lead us to have a much higher selling price to the druggist. And even at that level we did a very small amount of it, our price was not too much lower than Ciba's, the druggist did not beat a path to our door.

"We were out of our ballpark, and we were not capable of doing the tremendous promotional job to the medical profession on a product such as this." [40]

It is evident that if the small manufacturer, in this case Panray, were to compete for retail business with the large manufacturer the difference in price would not be as great as that implied by the chairman's statement.

With regard to Government bids, I would say that I think it very fortunate that the Government can obtain supplies from the drug manufacturers at such low prices. However, the statement by the chairman does not seem nearly as startling when testimony of the witnesses is examined. Mr. T. F. Davies Haines, president of Ciba Pharmaceutical Products, Inc., said:

"When we bid 60 cents for bottles of 1,000 here, we didn't anything like recover our out-of-pocket cost, we were poorer, then, when we got through with this than we were before we started. I am not talking about overhead, I am talking about the direct labor and material that went into those pills.

"In retrospect, it was perhaps a mistake that we did that. I only hope for the sake of my stockholders that we got some benefit out of it, that we got prestige in having our material used by the armed services that the doctors who used it in the military hospitals saw our name on it, and when they go out and practice in civilian life will remember it so that we get some institutional advertising out of it. I think in retrospect, perhaps, it is a mistake. It hasn't come forcefully to my attention until I prepared myself to come down here, I don't think I would do it any more." [41]

Again, Mr. Myron Pantzer, president of the Panray Corp., said:

"Yes. If we were to take any of those individual competitive bids to the Military Medical Supply or TVA, out of the total picture we would find that if this was the only type of business that we could do, we would have a very tough time to exist and grow. But the nature of the beast in this particular case is the following:

"We have a plant, sir, that is capable of turning out tremendous quantities of finished tablets, and we like to see our machines rolling at all times, because we like to see people again fully employed. And the only way to do it is to try to get production on which we can make a fair and reasonable profit, but make their situation in our picture part of the whole, not single them out as an individual entity. And this has been an area of reward for us in many instances.

"Mr. CHUMBRIS. If you had taken that one particular product and allocated all of the costs of doing business, you would not have made a profit, would you?

"Mr. PANTZER. As a single bid, no, but as a regular operation on a multi-mass-production level, yes, but a small profit." [42]

The above statements would indicate that on an isolated secret bid a company may entertain a loss or a small profit. Obviously, a firm that followed such a practice consistently would not be in business very long. In our free enterprise economy, profit is essential if business is to conduct research, expand facilities, or invest in new plants. A review of the transcript impresses the reader with the tremendous progress made by the drug industry in conquering disease. The importance of research has been demonstrated many times in the course of these hearings. As Mr. Pantzer pointed out in his testimony.

"I would like to say on that point that in this wonderful country that we live in, and with this wonderful medical profession that we have, there is no osmotic process that I know by which the physician can absorb the tremendous book of medical knowledge that is daily appearing in the medical journals, and I think the pharmaceutical industry renders an instructional job in keeping the physicians advised. I believe that the entire status of our public health would be thrown into jeopardy if we took the incentive out of new drug development, and we took the incentive out of trying to vie for the medical profession market.

"I think this is a factor of reward that we as citizens in part of the industry have the privilege to seek. And I think that we are a necessary part of the whole health process.

"I heard this morning, today, a little comment by Dave Garroway before I came here that I would like to mention. On trips to Russia, the public was advised to take your own prescriptions along, because you may have difficulty filling them there.

"We in this country don't have to worry about that, we can enter any hamlet in this country with a prescription and have it filled. This is a job that our field is rendering.

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[20] Administered Prices in the Drug Industry (Traquilizers), report of proceedings, Hearing Before the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary, U.S. Senate, vol. 10, Jan. 27, 1960, pp. 2326–2327.

[21] Ibid., pp. 2327–2328.

[22] Ibid., pp. 2408–2410.

[23] 1961 Federal Budget in Brief, Bureau of the Budget, Executive Office of the President, p. 18.

[24] Ibid., p. 23.

[25] The Economic Almanac 1960, National Industrial Conference Board, Business Fact Book, New York, p. 527.

[26] Ibid., p. 255.

[27] Administered Prices, hearings before the Subcommittee on Antitrust and Monopoly, Committee on the Judiciary, U.S. Senate, 85th Cong., 1st sess., Part 2: Steel, Aug. 10, 1957, p. 243.

[28] Tax Depreciation Allowances on Capital Equipment, report of the Select Committee on Small Business, U.S. Senate, 86th Cong., 2d sess., S. Rept. No. 1017, Jan. 7, 1960, p. 11.

[29] Op. cit., CONGRESSIONAL RECORD, Feb. 8, 1960, p. 2214.

[40] Op. cit., Administered Prices in the Drug Industry (Tranquilizers), report of proceedings, vol. 12, Jan. 29, 1960, pp. 2682, 2683, 2686, 2687–2688.

[41] Ibid., pp. 2833–2834.

[42] Ibid., pp. 2679–2680.

This is a job that I think is necessary. It may not be perfect, but I think it has done a wonderful job in lifting the health standards of this country to the highest in the world." [43]

POINT 10. GOVERNMENT PRICE CONTROLS ARE THE LOGICAL CONCLUSION OF THE SUBCOMMITTEE'S EFFORTS TO DATE

The long protracted study of so-called administered prices leads to the conclusion that the subcommittee's staff is concerned with the broad question of price controls in concentrated industries rather than the promotion of competition. In my additional views, to which I have already referred, in Senate Report No. 1345, 85th Congress, covering the activities of the subcommittee at that time, I said:

"I doubt whether anyone can absorb the full import of these questions without concluding that the hearing on administered prices might conceivably be directed to the whole broad question of price control in a so-called concentrated industry by means of Federal legislation. Insofar as I know there has not been the slightest hint that this investigation was concerned with questions of price control. That is a matter that falls within the jurisdiction of the Senate Committee on Banking and Currency.

"If it is the purpose of the subcommittee as such to investigate the price structure in certain industries with a view to recommending legislation dealing with the control or regulation of prices, that should have been made clear at the very outset of the hearing so that not only members of the subcommittee, but also of the full committee and all other Members of the Senate might be fully apprised of what certain members of the subcommittee might have had in mind. I recall raising the question from time to time whether there was any member of the subcommittee who contemplated introducing legislation for the control of prices, and I noticed on such occasions that there was a very timid and reluctant approach, indeed, to even so much as a discussion of the matter." [44]

I still maintain this position. It is gratifying that the distinguished senior Senator from Maryland, in his statement concerning the activities of this subcommittee which appeared in the CONGRESSIONAL RECORD of February 8, said:

"I am a strong believer in our antitrust laws and in their vigorous enforcement, but I decry attacks directed at bigness per se, since our country requires firms of every size and description to serve the needs of our people and to meet the challenge of the Communists. This is the only function with which this subcommittee should be concerned.

"It is my firm conviction that the problems of inflation and prices are not appropriate for consideration by the Antitrust and Monopoly Subcommittee. On the basis of jurisdiction, they are matters which are either in the province of the Senate Finance Committee or the Joint Economic Committee." [45]

Last year hearings were held on a bill, S. 215, to require prenotification before prices could be raised in so-called concentrated industries. This was an indirect attempt to institute price controls. No action has been taken on this measure. Dr. Raymond J. Saulnier, Chairman of the Council of Economic Advisers, in a statement submitted to the subcommittee on this measure, said:

"You have asked for the views of the Council of Economic Advisers on S. 215, an item of proposed legislation which would require corporations in industries in which there are but a few companies to 'file advance notice and make public justification before effectuating price increases.'

"In my view, the enactment of legislation of this type would be a long step toward a system of price controls that would ultimately, and I expect without too long a delay, extend over our whole economy; and surely no one of us believes that we could have price controls without having wage controls of equal scope and restrictiveness, and ultimately all the rest of the machinery of central economic direction.

"It would never be easy for me to persuade myself of the need for, or the desirability of, such a system of controls in peacetime." [46]

The Senate has provided the financial resources and the staff which the subcommittee requested. It is my hope and expectation that during the remainder of this session of the Congress, the subcommittee's activities will be directed at reviewing those areas which may suggest workable and reasonable legislative measures to increase the effectiveness of our competitive free enterprise system, rather than to impugn the motives of America's industrial leaders through newspaper headlines.

It is the responsibility of the Department of Justice, if it believes anyone is guilty of violating the antitrust laws, to institute either a criminal or civil action in the Federal courts. American traditions and the Constitution require a presumption of innocence until guilt has been proven. The insinuations of wrongdoing developed by statistical juggling on the part of the staff, as well as similar measures which could not be introduced as evidence into any court proceeding, are contrary to the objectives of the Judiciary Committee. Its membership consists of lawyers of distinction who understand the strength of our common law.

The parent committee has always shown great concern for the protection of the rights of every individual in drafting new statutes since the founding of our country. A similar concern should be expected of every subcommittee.

Mr. DIRKSEN. I ask unanimous consent also to have printed in the RECORD at this point as a part of my remarks an article entitled "Medical Unit Assails 'Bias' in Drug Inquiry," published in the Washington Post of March 20, 1960.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 20, 1960]

MEDICAL UNIT ASSAILS "BIAS" IN DRUG INQUIRY

PHILADELPHIA, March 19.—The executive director of the Nation's second largest medical association said today Senator ESTES KEFAUVER conducted a "biased and distorted inquisition" into the drug industry.

He said that KEFAUVER, as chairman of the Senate Subcommittee on Monopoly, used the recent hearings to present a great industry in an unfavorable light.

Charges were made that the drug industry is making excessive and unwarranted profits in the manufacture and sale of modern drugs.

"In my opinion, and in the opinion of the most respected legal minds, a congressional committee is not a court of law," said Mac F. Cahal, in a prepared speech. He asserted:

"It (the committee) is not established for the purpose of determining guilt or innocence. Nor is it supposed to mete out any form of punishment, even if only in the form of press stories reflecting the personal opinions of the chairman. Such an investigating committee is intended simply to determine if there is a need for legislation and this need, if it exists, should be objectively determined. Unfortunately, these goals are sometimes forgotten when a more subtle political motive is involved."

Cahal is executive director and general counsel of the American Academy of General Practice, an organization representing general practitioners throughout the country.

He spoke at a meeting of the academy's policymaking congress of delegates. The academy opens its 4-day 12th annual scientific assembly here on Monday.

Mr. DIRKSEN. On the question which was discussed today by my esteemed friend from Tennessee [Mr. KEFAUVER], in connection with the pharmaceutical industry, I shall have suitable comment to make at a subsequent time.

ETHICS IN CONGRESS AND THE REGULATORY AGENCIES

Mr. PROXMIRE. Mr. President, last Friday, when I appeared before the House Committee on Interstate and Foreign Commerce, the distinguished members of that committee engaged me in what I felt was an enlightening dialog on the problem of ethics in government. We discussed in some detail the problem of a code of ethics both for Members of Congress and for the regulatory commissions.

I ask unanimous consent that this discussion be printed in the body of the RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The CHAIRMAN. Thank you very much for your statement to the committee with reference to this all-important problem. I think the record of the committee and the work that we have tried to undertake in the last 2½ years has proven that there should be some approach to this problem in a way that would bring about the high standard of practice in connection with these administrative agencies and all who are interested in matters before them. I appreciate having your support for some program to be worked out.

We just started hearings this week. We expect them to go on for some time during which all interested parties will be given an opportunity, who desire to be heard. First we appeared not to have very many, but in the last few days it has run up to about a hundred. So we will probably be here some time.

Mr. MACK, do you have any questions?

Mr. MACK. I want to commend the Senator in taking time to come over and testify before this committee on this very important subject. Several of us have felt that anyone who can't determine between right and wrong has no business serving in these responsible areas of government. You have indicated that this is a trend which has taken place in the last few years. Do you think that the appointments in the various commissions have been responsible for, shall we say, what is interpreted to be improper conduct in some instances, or do you think it is because we do not have a well defined law concerning ethics in government?

Senator PROXMIRE. Mr. MACK, I think it may well be that the appointments may have

[43] Ibid., pp. 2693, 2694.

[44] Op. cit., Activities of the Subcommittee on Antitrust and Monopoly, 1957, S. Rept. No. 1345, p. 14.

[45] Op. cit., CONGRESSIONAL RECORD, Feb. 8, 1960, p. 2148.

[46] Administered Prices, hearings before the Subcommittee on Antitrust and Monopoly, Committee on the Judiciary, U.S. Senate, 86th Cong., 1st sess., part II: Administered Prices: Price Notification Legislation, app., p. 5851.

something to do with it. I would prefer, however, to concentrate on what we can do about it. I feel that there are several things we can do. I think this effort here would be extremely helpful in letting people know exactly what the code is, what they can do and what is conduct that is improper. The conscience may be with all of us, but it is a lot better if it is an educated and informed conscience. Providing this kind of understanding of what can be done, and what can't be done would be very helpful. I have great sympathy for these people who are given the support for promoting an industry and for regulating an industry. These two missions are frequently contradictory and conflicting. I think that if we can separate the functions so that different people have the promotion and the regulation responsibility that we can solve part of our problem. My own experience in Wisconsin is that you can have very vigorous promotion by people who under no circumstances accept any favor or any hospitality or any kind of social association. They can still fight hard for the industry that they want to promote, but do it without the kind of thing to which I have objected in my statement.

Mr. MACK. What I was trying to inquire about is this. You have pointed out only two instances. Do you think if the law had been very clear on this subject that we could have avoided these two instances that you have called to our attention?

Senator PROXMIRE. Let me just put it this way. Both of these gentlemen had come from Wisconsin. Both of these gentlemen had been on the Public Service Commission in Wisconsin. Both of these gentlemen had been chairmen of the Public Service Commission in Wisconsin. We have an alert press in Wisconsin, particularly in the State capital, and very aggressive and militant, and they do everything they can to expose any wrongdoing. We also have fine Milwaukee newspapers that cover the capital thoroughly.

The conduct of these men as far as I know was good in Wisconsin. There was no relationship with the public utilities they regulated. They did not accept cocktail party invitations. I am sure the opportunity might have been there. The utilities knew and the commissioners knew this was against the law, and improper, and if they did this, retribution would follow quickly and they behaved themselves. This is about as clear an example how the law can work disregarding the attitudes of all of us who are fallible as human beings to influence a higher level of ethical conduct.

Mr. MACK. That is the question I was really asking. I want to see if I understand you correctly. Then it was not a case of Washington being the downfall of your colleagues. It was a case of the change of circumstances in the law concerning the ethics in their positions of responsibility here as compared with Wisconsin. Is that a correct statement?

Senator PROXMIRE. I think that is correct; yes, sir.

Mr. MACK. Then I wanted to ask only one other question. You have recommended that we strike out unusual in "unusual hospitality." That would conform with the Wisconsin law so that it would eliminate any hospitality being extended.

Senator PROXMIRE. Yes, sir. That would be my understanding.

Mr. MACK. I have no further questions.

The CHAIRMAN. Mr. DEROUNIAN.

Mr. DEROUNIAN. Senator, I very much appreciate the result which you want to achieve as a result of your remarks this morning. I am glad that we have one simon-pure State where no legislature ever gets a free drink or cigar from any lobbyist. I am just wondering whether you think that should apply everywhere in the United States, whether Federal or State.

Senator PROXMIRE. I don't mean to say that we are simon-pure and we are all "pure as the driven snow." I suppose there are some violations but I think they are very, very few. When the violations occur, an alert press, as I say, and alert enforcement agencies call them to attention so they are very much restricted, and they are the rare, rare exception. I think it would be a very desirable thing in this country if this kind of law could be adopted by our States, cities, and our Federal Government.

Mr. DEROUNIAN. Do you smoke?

Senator PROXMIRE. I don't, but I don't disapprove of it.

Mr. DEROUNIAN. Do you take a drink?

Senator PROXMIRE. I have, yes, sir; occasionally.

Mr. DEROUNIAN. Have you ever had a free drink at one of the American Legion affairs here in Washington?

Senator PROXMIRE. No; I have not.

Mr. DEROUNIAN. You don't go to them?

Senator PROXMIRE. I don't go to the dinners. I don't accept hospitality to the dinners. I go to the meeting beforehand, and I visit with my friends from the American Legion.

Mr. DEROUNIAN. You have never yourself accepted even the slightest bit of hospitality from anyone who may have had an ax to grind in legislative matters?

Senator PROXMIRE. What I have done, and I have always insisted on it, when it is has been necessary for me to go, even though it has been embarrassing sometimes, I have paid my way.

If you will permit me, sir, I admit that this conduct on my part should not be an example. I don't think it is perhaps necessary. I just happen to prefer to operate this way. But I think that the conduct of a Congressman is quite different than the conduct of somebody in a regulatory agency who has a specific problem of regulation.

Mr. DEROUNIAN. We are looking for independence of these agencies, are we not?

Senator PROXMIRE. Yes, sir.

Mr. DEROUNIAN. What would be more consistent on independence than to say that nobody talks to these people at any time, Members of Congress, the Senate, political leaders, private industry? Why don't we just isolate them and make it a consistent rule?

Senator PROXMIRE. Because, No. 1, I don't think that is necessary. No. 2, I don't think it is desirable. We don't isolate our public service commission. We don't isolate our legislators and Governor in Wisconsin. They visit constantly with the people. A lobbyist can be of immense help in providing practical understanding of the impact of legislation on their industry. There should be this constant interchange and discussion. It would be very, very bad in my judgment if they were isolated and cloistered. I don't think the association has to be under circumstances which in any sense, psychologically, subconsciously, in any way obligated the regulators to the regulated industries who are entertaining them.

Mr. DEROUNIAN. Why don't you think that the word "unusual" should not apply to Members of Congress, too? Do you think Members of Congress should be able to accept hospitality?

Senator PROXMIRE. I would favor a change in the law that would prevent lobbyists entertaining or providing for Members of Congress. I would favor that.

Mr. DEROUNIAN. What do you think about having outside income for a Member of Congress? Do you think that is proper?

Senator PROXMIRE. I think it is improper if the outside income directly interferes with the particular responsibility of the Congressman.

Mr. DEROUNIAN. How about if it indirectly might interfere?

Senator PROXMIRE. I accept the implicit modification if it interferes.

Mr. DEROUNIAN. I am not pointing you out specifically but you are in the printing business. You are president of Artcraft. Your biography says that.

Senator PROXMIRE. That biography is wrong. I sold out my interest in it as soon as I was appointed to the Post Office and Civil Service Committee in the Senate.

Mr. DEROUNIAN. You ought to tell that to Senator HAYDEN because it is in the 1960 directory. Sometimes one of the assistants in an organization of that sort might take an order from your State of Wisconsin, a dairy cooperative or a lumberman's association for printing. They are all interested in legislation on which you vote. Certainly you are not going to vote against the dairy interests in the State. So you would vote for the dairy people. You got an order from the dairy people.

Senator PROXMIRE. This is exactly why I sold out my interest.

Mr. DEROUNIAN. In my mind that in itself would say you were bought on your vote. So this is a very tough thing to legislate. That is what I am trying to bring out. It is for no other reason than to say if you have a dishonest appointee or Member of Congress, no matter how much legislation you write, he will be dishonest. The basic thing is to have people who have integrity and whose judgment you trust. That is the basic thing. You are not going to change human nature. It is not as simple as to say pass a law they can't get a cigar or martini, and you will be on your way.

Senator PROXMIRE. I would like to say in annswer to that that I think our States can serve as examples. We have 50 States, all of which have different standards and different laws. I am not saying Wisconsin is best in all respects. But they have shown how this is workable practice and how it does not interfere with the promotion of industry or the interests of economic groups while it does prevent the kind of practice which we know in some States has been very bad, and perhaps in the Federal Government at times has been very bad.

Mr. DEROUNIAN. I think you might find out that these trips you spoke about of Mr. Durfee—I don't know whether the exact trips have been taken by others—several of these kinds of trips have been taken by Members of Congress and some of your colleagues in the Senate. I think the chairman of the Judiciary Committee, in front of whom you appeared, said he had taken a similar trip. Do you think he was dishonest or bought?

Senator PROXMIRE. Senator EASTLAND said explicitly he had not taken such a trip himself.

Mr. DEROUNIAN. If someone had taken it in the Senate, would you say that their judgment had been impaired materially?

Senator PROXMIRE. I think you have to judge these things in a particular instance. Here is a case where you have a commissioner whose explicit job is to regulate an industry or a commissioner whose explicit job is to regulate a television firm. If he goes with these people and accepts their hospitality, I think it is quite different than saying that a Congressman can't take any trips under any circumstances with anybody I think you just have to apply a rule of reason and a practical rule and operate on that basis. I think you can do this. I think you can draft a statute which will provide that a Congressman can accept hospitality from people who obviously have no interest in the kind of power and influence that the Congressman may have.

Mr. DEROUNIAN. Senator, about 3 weeks ago 10 members of this committee went to Kansas City, Mo., with TWA, to take a look

at their maintenance plant which is probably considered one of the outstanding ones in the world. We flew in a training jet. It costs TWA money, I am sure. They invited us to dinner. They gave us a cigar on the plane, as I recall it. Do you think that this committee's usefulness has been impaired insofar as the judgment goes on aviation because we went with an aviation company?

Senator PROXMIRE. I beg your pardon. This last part of your question disconcerted me a little bit. I thought you said TVA was the host.

Mr. DEROUNIAN. No; TWA. I am against TVA because it takes industry away from New York.

Senator PROXMIRE. TWA, Trans World Airlines.

Mr. DEROUNIAN. TWA was the company that took us. I am just asking you whether you think that the independent judgment of this committee on aviation matters has been impaired because we went there at TWA's expense in a training jet, a new jet, and that subject matter we have jurisdiction over regarding safety in the air, and we have a public interest to care for. I don't know how else you are going to get there unless you get there by plane.

My question is do you think in view of what you said should not be done, no martini, no cigar, here we got a ride on a jet and we got a free dinner and a few cigars.

Senator PROXMIRE. I would say two things. I would say, No. 1, I am sure no member of this committee was influenced by that. I would say, No. 2, that should be prohibited.

Mr. MACK. Will the gentleman yield to me?

The CHAIRMAN. Let us not let the record get completely out of line. I don't want to get our committee or the Civil Aeronautics Board or the airline into difficulty. The committee paid for our transportation out there in the regular commercial fare. I think the gentleman intended to make that clear.

Senator PROXMIRE. Then may I modify my remark by saying this is perfectly proper and very sensible and desirable. The Congress pays for this. The Congress makes this investigation. I think this is in the interest of airline safety. I don't know how you judge these things unless you look at them.

Mr. DEROUNIAN. We got a *free* dinner. What I am saying is that you cannot be that minute in this thing. You have to let the judgment of the situation dictate what is proper and what is not proper, and the purpose of the trip, et cetera. I am just saying you can't strike it down to a martini or a cigar being bad if you accept it in all cases.

Senator PROXMIRE. I would like to make one final statement on that, and that is this was the argument we were up against for years in Wisconsin. It would have been very little expense or inconvenience to anybody if the committee had also paid for the dinner. What difference would it have made? It seems to me it would have been more proper, although I am positive no member of this committee was influenced by the dinner.

Mr. DEROUNIAN. You are right. I have no further questions.

The CHAIRMAN. Mr. FRIEDEL.

Mr. FRIEDEL. No questions.

The CHAIRMAN. Mr. YOUNGER.

Mr. YOUNGER. Senator, I am glad that you came over. I certainly agree with you as to passing similar regulations on Congress that will apply to any of the regulatory commissions. From that I judge that you do feel it is possible for Members of Congress and the Senate to have conflicting interests.

Senator PROXMIRE. Yes, sir; I do.

Mr. YOUNGER. And that they should be avoided, and that they should be prohibited?

Senator PROXMIRE. Yes, sir; I think they should be.

Mr. YOUNGER. Now, as to honorariums that Congressmen and Senators get for making speeches, what is your feeling on that?

Senator PROXMIRE. I think whether they are Senators or Congressmen or other Federal employees or Cabinet members or anyone else that this should depend on whether or not it is an agency or interest group that may have business which can be benefited by the action of Congress or by an action, I should say, of the particular Congressman who is going.

Mr. YOUNGER. For instance, if a Senator made a speech before the National Manufacturers Association and was paid for that speech $500 or $1,000, would you say that was wrong or right?

Senator PROXMIRE. I think that the National Manufacturers Association, this is a very tough one to judge, I would say it is probably all right. On the other hand, if he were to appear before some kind of machine tool organization group that had legislation pending at the time before a committee of which he was a member, and received an honorarium for that, I would say it would not be. I agree this is a very difficult thing to determine. The National Manufacturers Association has general legislative objectives, but because they are general and because they are generalized, I think that the danger would be very small in this kind of case.

Mr. YOUNGER. Is there any organization that probably has more concern over legislation before the Congress than either the U.S. Chamber of Commerce or the National Manufacturers Association?

Senator PROXMIRE. They have great interest in legislation pending before the Congress.

Mr. YOUNGER. If your theory is carried out, they do have concern about legislation, and if a Member of Congress or a Senator appeared before their national meeting and was paid $500 or $1,000 or $1,500 or maybe $2,000 for a half hour speech, wouldn't that be wrong? Shouldn't we get legislation against that?

Senator PROXMIRE. I think that because of the generalized nature of the interest that the National Manufacturers Association has, and the chamber of commerce has, that it probably would not be wrong. I suggest any legislation on it should be a matter of disclosure. In other words, letting the public know and letting the voters judge.

Mr. YOUNGER. How about labor unions?

Senator PROXMIRE. I think the same kind of rule would apply, although I think labor unions' interest is more specific than the National Association of Manufacturers. I have not accepted fees from labor unions or NAM, and I won't.

Mr. YOUNGER. How about NEA?

Senator PROXMIRE. I think the same kind of rule would apply.

Mr. YOUNGER. Wouldn't it be possible for any of these organizations, if they wanted to make a good contribution to a Senator or Congressman's campaign to put him on their speaking list and give him $1,000 or $1,500 as an honorarium for making a talk. Isn't that one fine way of covering up the campaign expense?

Senator PROXMIRE. Yes; I presume that might be done.

Mr. YOUNGER. Don't you think that it is being done?

Senator PROXMIRE. I have no direct knowledge that it has been done. It has never been done for me.

Mr. YOUNGER. Oh, Senator.

Senator PROXMIRE. It has never been done for me.

Mr. YOUNGER. It has not been done with me, either, because I probably am not a good speaker. But that does not mean that I don't know that it is going on. Just because I am not one of them does not prohibit me from having knowledge that it goes on. I think you have knowledge of your colleagues drawing fees. As a matter of fact, they have openly admitted it. You are aware of that, are you not?

Senator PROXMIRE. I say I have no direct knowledge. I have not seen it. They have not told me. I know of nobody who has gotten a fee from NAM or the chamber of commerce. They may have gotten it. I don't know. I doubt very much if NAM would pay a fee to a Senator or a Congressman.

Mr. YOUNGER. Perhaps you don't associate with them?

Senator PROXMIRE. Yes.

Mr. YOUNGER. Senator GOLDWATER?

Senator PROXMIRE. Senator BENNETT is a good friend of mine. He is the former head of it. I would be surprised by NAM paying a fee.

Mr. YOUNGER. Have you ever heard of Senator MORSE getting a fee?

Senator PROXMIRE. Yes. I think WAYNE has gotten a fee from a labor union. I don't think he has gotten it from NAM.

Mr. YOUNGER. I think that is true. My point is this: Are you willing to go down the line and pass a law prohibiting Senators and Congressmen from getting honorariums for speeches before any organization that has in any way, shape, or form its purpose to foster legislation before Congress?

Senator PROXMIRE. I would do it in a different way. I would say, and I would agree with the people who proposed it in the past, that we should disclose all sources of income for Members of Congress outside of their congressional salaries. Everybody knows that anyway. If the public knows about this, then I think that any wrongdoing will be avoided.

The difference between the way a Senator and Congressman operates and the way a member of a regulatory body operates is that the Senator or Congressman has a self-regulating system. You have an opponent who is going, if he is alert at all—at least we have them in Wisconsin, and I am sure you have them in your State—who is going to discuss in great detail what you have done and accepted. I think if this information is made known to the public, it will be self-policing. A Senator and Congressman have to stand up and say, "You bet I have accepted a fee from this labor organization" and try to defend it. Then the public has an opportunity to pass on it.

There is no such opportunity with a man who has the power in a regulatory commission. He does not go before the voters. He is appointed for a longer period of time. I think it is quite different.

Mr. YOUNGER. Now you are arguing back on the other side of the picture. You are saying now that you don't want any regulations with regard to the elective officers.

Senator PROXMIRE. Yes, I am saying we need regulations. I am saying we ought to have disclosure regulations.

Mr. YOUNGER. You said a while ago if they should they should not have any outside income. Do you mean that?

Senator PROXMIRE. I say you should not have outside income that conflicts, where there is a conflict of interest. For example, a member of the Agriculture Committee probably should not have income from a grain elevator or investment in a grain elevator or speculate in the commodity market.

Mr. YOUNGER. If you carry that to its logical conclusion, you won't have anybody down here with any money because how can you invest in stocks?

Senator PROXMIRE. We will all be Democrats.

Mr. YOUNGER. You say what?

Senator PROXMIRE. If we follow that, we will all be Democrats in the Congress.

Mr. YOUNGER. May I answer that there are more millionnaires in your Democratic convention than ever attended a Republican convention, and that you know.

Senator PROXMIRE. We are proud of them.

Mr. YOUNGER. Yes, that is all right. But how is a Congressman or Senator going to have any money, which if he does have some money and makes him a little independent on his vote and not necessarily dependent on his salary and he invests it in stock or has income from Bethlehem or some sugar company or any kind of a company that might be affected by legislation, you say he should not own any stock.

Senator PROXMIRE. I say he should not own stock that conflicts with his committee work or with his own particular specialized area of responsibility, I say this is something that you might possibly legislate on. However, I feel that the main way to legislate on this kind of thing is by disclosure, because you have opponents, you have an electoral process by which this is going to be exposed and used against a man if he is influenced by it.

Mr. YOUNGER. I would just make this comment. You say his sphere of influence. I think a Congressman or Senator, just because he does not serve on the Banking and Currency Committee, has very definite responsibilities in the economic field, regardless of what committee he may serve on.

That is all, Mr. Chairman.

The CHAIRMAN. Mr. FLYNT.

Mr. FLYNT. No questions.

The CHAIRMAN. Mr. AVERY.

Mr. AVERY. Thank you, Mr. Chairman.

At this time, Mr. Chairman, I would like to renew my question of the other day. I asked the other day when we were considering this legislation for a list of witnesses to be available so we could put them in the record so we might know what to anticipate. Are there any further witnesses presently scheduled in connection with the hearings?

The CHAIRMAN. Yes. I wanted to have an opportunity to remind the committee that we have all members of the Federal Communications Commission back up here this morning to conclude with them. Then there are innumerable witnesses waiting beyond that. I hope I can have an opportunity to schedule a program if this and the business of the House will permit.

Mr. AVERY. Can the committee members be advised as to the witnesses we anticipate?

The CHAIRMAN. Just as soon as the clerk can get the witness list lined up. There is one witness here this morning from California that I hope we will be able to get to. It is Dr. Frank Newman.

Mr. AVERY. Thank you. On that note I have just one question to direct to the Senator. I am delighted to have you before our committee, Senator, because you may have observed the recommendation you made to our committee this morning was identical to the position I took in the committee last Monday, that if we are going to write a code of ethics on which I have a considerable amount of reservation, certainly we will have to delete that word "unusual" to make it mean anything at all.

Senator, by establishing a hypothetical situation here, could you not agree with me the way this bill is presently written, instead of invoking restraint upon members of the commission and their employees, actually we conceivably might be opening the gates almost wide open, having just the opposite effect that we might be striving to achieve? At the present time, it is a matter of conscience. It is a matter of what we describe as judicial ethics as to what a commission member might or might not do or accept. I am not a lawyer, but I am advised that the word "judicial" code of ethics has a very definite connotation to members of the bar. That is a continuing proposition under our present arrangement. I think it is fair to assume if we would pass this law as written, then the violations would be spelled out, would they not, Senator, as they are in this bill. From then on we would discard the code. We would be talking about just what is prohibited in the bill?

Senator PROXMIRE. I don't think that necessarily follows. I see your point, Mr. AVERY. I feel on the basis of our experience in Wisconsin you don't have to spell out everything. Your argument is that only the conduct which is explicitly proscribed will be prevented and any other unethical conduct which may not occur to the legislator and which therefore by omission seems to be permitted, can be freely indulged in. Our experience is that this is not what happens. Our experience is that this raises the ethical conduct all along the line.

Mr. AVERY. It is not so much a matter of conduct as it is timing. If you have a copy of the bill, on page 4 it limits this to when any proceeding is before the commission. We discussed proceeding the other day. It includes both adjudication and rulemaking. The chairman testified the other day the renewal of a license is considered to be an adjudication when the licensee files his application for renewal. So it seems to me that the day before, for instance, in a hypothetical case under this bill, that application was filed, a commissioner or an employee of the commission would be perfectly free to accept hospitality in any degree that he might have it offered to him.

Senator PROXMIRE. I think you raise an excellent point and I tried to meet the point in my statement by citing the experience of the FCC Chairman. In this case, the information in the newspaper was that Mr. Doerfer did not have anything pending before FCC. Therefore, he could be entertained all he wanted to. I think it should be modified so that he would be proscribed from accepting entertainment if there is any reasonable likelihood that he may have a case pending before the FCC within the near future.

Mr. AVERY. There again don't you get into a relative situation? He may have something pending or he might have in the near future. Isn't it reasonable that any licensee always has something pending before the Commission?

Senator PROXMIRE. I think so. I think you could modify it by deleting the word "pending."

Mr. AVERY. Then do you agree the way the bill is written we might have less restriction on the matter of hospitality than we have under our present arrangement?

Senator PROXMIRE. No; I would not. I think if this language is modified somewhat, it would have far more.

Mr. AVERY. I said as the bill is presently written.

Senator PROXMIRE. I think it can be improved. Even as written I would vote for this bill.

Mr. AVERY. Thank you, Senator.

The CHAIRMAN. Mr. HEMPHILL.

Mr. HEMPHILL. Thank you, Mr. Chairman. I would like to comment that I think carrying it to a dinner is carrying it to a ridiculous extreme. Down in my section of the country when the people get to Washington, it is a trip for them and they want you to come to dinners of the organization. There is nothing wrong in it. Nobody tries to bend your ear. They want their Congressman to come and show that he is a friend of a particular constituent back home. There is nothing wrong with that. If your philosophy be true, you are castigating people for trying to accept hospitality of a constituent back home. I have four invitations now to go to dinner, one of which I am going to at great inconvenience. I want to go see my wife and family. Would you carry it that far?

Senator PROXMIRE. No; my proposal would not do that all. You can entertain and be entertained by your constituents all you want. It is with registered lobbyists. The proposal is with lobbyists who are registered before the Congress to lobby for a bill, that entertainment on their part would be proscribed. If they do lobby without being registered, then they are in violation of the law.

Mr. HEMPHILL. These are organizations which have lobbyists on the Hill in each instance. They are interested in some legislation. They have the fellow back home interested in legislation. He thinks I ought to be interested in his view. I think I ought to, too. I am.

Senator PROXMIRE. I think so, too.

Mr. HEMPHILL. I represent my people. I am going to the dinner with him because that is part of my duty. Is that wrong?

Senator PROXMIRE. Not a bit. I think it may be a little awkward at first, but it works out fine if we just dutch treat and everybody picks up his own check.

Mr. HEMPHILL. We might go a little further than that. Would you go so far as to say that we should have a provision in the bill perhaps that if the wife of a Congressman or Senator, or even the President, received some fine trip or some fine gift that is unusual, is that to be reflected here?

Senator PROXMIRE. First, I would like to make it clear that I don't propose that this bill be amended to include Congressmen. I say we should have a separate bill for that. I think you can kill legislation very easily by amending it, and adding all kinds of things to it. I would not favor that at all. I think we should have a separate bill for Congress that should be pushed through and vigorously. I don't think this should be amended to do it. This is a proper bill with regard to the regulatory agencies, and I think that is what it should be. As far as the wife is concerned, she should not be included. There may be a little abuse, but I would not be concerned with that.

Mr. HEMPHILL. I might ask the Senator if he is called on to contact bureaus, agencies frequently by his constituents? I assume he is.

Senator PROXMIRE. Yes.

Mr. HEMPHILL. I assume if he represents his people that he makes the necessary contacts. Otherwise, they have no avenue of contact. Does the Senator do that?

Senator PROXMIRE. Yes. We try to be very, very careful in the phrasing of our letters. I am sure you do, Mr. HEMPHILL, and put it all on the record, and make it publicly available, and try to inform the agency that under no circumstances should it be considered confidential or private, and that it should be available to any interested party. So it is part of the formal record.

Mr. HEMPHILL. Then you would not go so far as to say that Congressmen and Senators representing their constituents should not make contacts downtown, show their interest, get information?

Senator PROXMIRE. No. I would agree with you we should make those contacts. It is an important part of our job. Bureaucracy is bound to be pretty impersonal and difficult for constituents, especially people in small business. I think a Congressman and Senator can perform a real service. The only thing is that it ought to be aboveboard and on the record.

Mr. HEMPHILL. Thank you.

The CHAIRMAN. Mr. COLLIER.

Mr. COLLIER. Senator, would you favor a provision in this bill which would provide, shall we say, for a monthly log or report to be made public, made available to every

Member of Congress, of any Senator or Congressman who calls the Commission or any agency of Government for that matter in regard to a private operation of some nature? In other words, if we are going to get into the area of disclosures let us go all the way.

Senator PROXMIRE. I would not see any objection to that kind of disclosure. I think very few Senators or Congressmen would object to it. I think we are proud when we fight for our constituents, and when we write an agency in a letter which we made public. Sometimes we issue releases on it. I see nothing at all wrong with making that public.

Mr. COLLIER. But to include in this law provision that would provide for such a procedure so that the folks down at the agencies whom we are trying to steer away from any undue influences would then be able to let the entire Congress, and perhaps the public know the calls of such nature as they feel might be designed to influence in the agencies from Members of Congress.

Senator PROXMIRE. Yes.

Mr. COLLIER. Thank you.

The CHAIRMAN. Mr. GREEN.

Mr. GREEN. No questions.

The CHAIRMAN. Mr. NELSEN.

Mr. NELSEN. I am happy to pay my respects to my neighbor, Senator PROXMIRE. I come from Minnesota. I am sorry that I didn't get in to hear the complete testimony, but I understand this deals with regulatory agencies. I was also interested in your conclusions relative to Members of Congress. I would like to ask the question, do you feel that a Member of Congress should deal with legislation from which he himself might derive some benefit? For example, voting on legislation and he himself be a recipient of the benefit from the legislation he votes for.

Senator PROXMIRE. It is my understanding, or at least I have seen it happen very often, that Senators will announce because they have an interest they won't cast a vote. I think that is proper conduct.

Mr. NELSEN. The question I was leading up to was this. I happen to operate a farm. I wondered about farm legislation. I have never negotiated a commodity loan of any kind on any products so I am not concerned. But here we deal with legislation where there are many farmers who participate in the program that are Members of Congress. It would seem to me that there is also a connection there. I do not think it is very material. But if we are going to draw a code of ethics certainly it would apply to a Member of Congress who votes for legislation that will provide commodity loans that he might be a recipient of on his farm. I would like to ask another question relative to Members of Congress. You feel that this code should not apply to Members of Congress?

Senator PROXMIRE. May I say at this point, Mr. NELSEN, that I feel that we should have a code of ethics for Members of Congress, but I think that you should no more amend such a bill by including the regulatory agencies than you should amend this bill to include Congress. I think they are separate problems and I think they would both have a far better chance of passing if they were separated than if they were combined. I think we should have a code of ethics for Congress.

Mr. NELSEN. I was the administrator of the rural electrification program and we dealt with loans that would run up to $10 million. I have had more pressure exerted on me by Members of Congress than anybody else. In this particular case, we were confined by restrictions in the law on which we base our judgment on loans. Yet I have had Members of Congress put pressure on me far exceeding anyone else for these loans. Do you feel that should be done by Members of Congress?

Senator PROXMIRE. I think that any action that is taken under these circumstances by a Congressman should be public and should be publicly acknowledged. I think that if they have no interest themselves, that is, if they are not benefiting from their own farm or farms in this kind of a situation, and it is publicly disclosed, the wrong is very small. I can't see any really great objection to it, provided as I say it is fully disclosed.

Mr. NELSEN. My point is this: It is very difficult for an administrator of any program to follow the law when you have the lawmaker putting pressure on the agency. I believe that if we are going to draw a code of ethics we ought to have one that applies to Members of Congress and their conduct, as well as any agency. It is very easy for us to pick on people downtown that are handling a program. Sometimes the spotlight needs to be turned on us. I think maybe we ought to give some consideration to that.

Senator PROXMIRE. I agree with you wholeheartedly. I think this is a very difficult and serious problem. I think it is so important, as I said to Mr. HEMPHILL, that Members of Congress do attempt to humanize the administration or the bureaucracy by representing their constituents. I think this very delicate area has to be handled with good judgment and the best way to do it properly I think is through disclosure.

Mr. NELSEN. Regarding honorariums, do you feel a Member of Congress should accept an honorarium of $500 to make a speech, and then the speech is written for him and handed to him before he goes, which fits the pattern that somebody wants delivered? Do you think that is right and proper for a Member of Congress to do?

Senator PROXMIRE. If a Member of Congress should go out and speak for a group of his constituents, the League of Women Voters, or some group, the Republican Party in his county, or something like that, I can see nothing wrong with that kind of situation; if he speaks to a special interest group that has particular legislation that they want passed, and he is obviously interested in it and going to be affected by it, then I think it is very questionable. I have not made up my mind finally, Mr. NELSEN, whether this ought to specifically be outlawed or whether the way to handle it is with full disclosure and let the opponent in the next election or the opposing party regulate it by our political process. I am inclined to favor disclosure.

Mr. NELSEN. I might make this observation relative to a Member of Congress calling an agency. I think it is perfectly proper for them to make contracts, to make inquiries, to encourage consideration, but I do not believe a department official should be subjected to abuse if he fails to go along with the recommendation that does come from Members of Congress.

Senator PROXMIRE. I would agree 100 percent. There should certainly be no abuse. There is no question about it. I think it is self-defeating. I don't think it is effective.

Mr. NELSEN. Thank you.

The CHAIRMAN. Mr. KEITH.

Mr. KEITH. No questions.

The CHAIRMAN. Mr. CURTIN.

Mr. CURTIN. No questions.

Mr. MACK. Mr. Chairman.

The CHAIRMAN. Mr. MACK.

Mr. MACK. I would like to correct the record in case we left the wrong impression. I am certain my good friend and colleague, Mr. DEROUNIAN, did not intend to infer that the conduct of this committee was improper in the TWA Kansas City case. I am very familiar with that, because I know that this committee has been trying to make such a trip for some 3 years, and that we have planned it on several occasions, and upon each occasion we found it necessary to cancel the trip. I wanted very much to make this trip this year. I was not able to go. But I did find out about the trip and all the particulars before the trip was made this year. First of all, the committee did buy tickets for every Member of Congress and the staff who accompanied them on the trip. For all of the members of this committee who made the trip, the tickets were purchased and TWA received the money.

In the case of the entertainment, it is my understanding that part of the entertainment was provided by the city of Kansas City, Mo., and the mayor entertained at least for lunch. I am sure that the gentleman did not intend to imply that there was anything in any way improper concerning the trip that this committee took to Kansas City.

I would also like to state that in my opinion it is a little different in the case of a Member of Congress than a member of a commission. However, I don't think under the same circumstances we could criticize the commission for making the trip. In the case of a Member of Congress, as the witness so ably stated this morning, he goes before the people every 2 years, and I think that the people should know what he has done, and what he has not done during this period. In the case of commissions, some Commissioners are appointed for a period of 7 years with no provision for removing them from office even if people feel that they have not conducted themselves properly. I want to correct the record in regard to this Kansas City matter.

I yield to my friend from New York.

Mr. DEROUNIAN. Perhaps he was engaged in conversation at the time when the Senator said he did not think our independent judgment was affected by this trip, and I said, "You are right." We agree that Members of the Congress should be given the same rule as the regulatory commissions because to me influence is influence, whether it is exercised by an elected representative or an appointed official.

Mr. MACK. I am glad to yield to the gentleman and he speaks for himself and does not speak for me.

Mr. DEROUNIAN. That is right.

Mr. MACK. I think there is a great deal of difference between Members of Congress and the members of these commissions.

Mr. DEROUNIAN. We can talk about that in private.

Mr. MACK. I want to clarify this point. I do feel personally that Members of Congress should abide by the same rule as the members of the commission. That happens to be my personal view.

The CHAIRMAN. Senator, thank you very much for your appearance here.

Senator PROXMIRE. Thank you very much, Mr. Chairman.

The CHAIRMAN. I hope that by all of this testimony and questions this morning that we don't lose sight of the objectives here, and forget the purposes we have here buried underneath all these other things that we could appropriately raise. What we are trying to do is to be practical and to establish something that would be workable and not put these agencies in ivory towers. No one wants to do that. Not deprive them from learning as they are required to do under the law. All they need to know is to find out the problems they regulate, not to prevent them from promoting a particular industry if it is their business, as in the aviation field, but to provide practical working standards, and some of them have pleaded the fact that what they need is guidance so that they will have something to go by. I hope that none of us loses sight of what we are trying to do here in a fair and objective way.

I want to thank you for your contribution.

Senator PROXMIRE. Thank you very much.

WHAT HUMPHREY AND KENNEDY ARE DOING FOR THE WISCONSIN VOTER

Mr. PROXMIRE. Mr. President, there has been much criticism, including some from this Senator, of the behavior of the contestants in the crucial presidential primary in my State.

What is likely to be forgotten, however, is the positive and constructive benefits of this kind of a debate on the great national issues for the people involved. In general, both Senators have been doing a marvelously constructive job of bringing the big facts on America's plight to the attention of our people.

This immense value of a presidential primary is so often overlooked that I call the attention of the Senate to two brilliantly written editorials from the Milwaukee Journal describing the campaigns of HUBERT HUMPHREY and JACK KENNEDY in Wisconsin.

The concluding paragraph of the second of these editorials summarizes the effect of this campaign in the eyes of this great newspaper:

With his opponent, Senator KENNEDY, of Massachusetts, he (HUMPHREY) is responsibly conducting the preliminaries of the great dialog that will challenge the American people until they go to the polls in November to choose their leadership for the next 4 years.

"The eyes of the Nation are upon you," these distinguished Senators are telling the people of Wisconsin.

The truth is in their words.

Mr. President, I ask unanimous consent that these two editorials be printed at this point in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Milwaukee Journal, Feb. 28, 1960]

WE TRAIL ALONG TO WATCH

These are dark winter days in central Wisconsin, the snow lies thick on the sleeping fields, the wind is raw and biting, and JOHN FITZGERALD KENNEDY, junior Senator from Massachusetts, is campaigning hard for the presidency of the United States. We trailed along to watch him.

In Columbus the pride of the Boston Kennedys ("he says some words kind of funny, doesn't he?") is dashing in and out of the bank, the barbershop and the Town Tap. In Portage, school is out and he is furiously giving autographs to excited children. In Antigo he is talking American government like a political science teacher to the high school assembly. At Merrill he is racing through factories and trying to shake hands at a plant gate.

Madison, Medford, Abbotsford, Wausau, Bloomer, Durand, Eau Claire, smiling, bareheaded, hand outstretched, there goes JOHN KENNEDY.

There are moments of deep satisfaction. Madison, Wausau, Merrill, and Eau Claire provide big, enthusiastic crowds. At Portage, Dr. C. W. Henney, onetime Democratic Congressman, introduces KENNEDY as "the next President." At Merrill, Leonard F. Schmitt, longtime progressive, primary opponent of the late Senator McCarthy in 1952, announced for KENNEDY. Walter B. Chilsen, influential Merrill editor, explains that he's Republican but hopes Democrats will vote for KENNEDY. At Abbotsford a husky farmer says "I'm with you all the way" and friends nod agreement. At Medford a woman whispers "God bless you, Senator."

But occasionally the Kennedy smile fades. The crowd at the Columbus city hall is small. Some workers flooding out of the Weinbrenner shoe plant at Merrill sidestep the waiting figure (are they anti-Kennedy or only anxious to get home to lunch?). At the Medford curling club, where the Badger State women's bonspiel is under way, the women show resentment at the political intrusion. As Kennedy moves westward toward Minnesota, Farmers Union country, the "Bible Belt" of Wisconsin, followers and newsmen hear more praise of his primary opponent, Senator HUBERT HUMPHREY, and much more talk about KENNEDY's Catholicism as a political issue.

There are light moments, too. A whiskered old man in Columbus is insisting he is too young to vote. A teenage girl in the Portage drugstore gravely tells KENNEDY, "We're the teenage delinquent crowd." An Abbotsford questioner expounds at length: "Senator KENNEDY must do something about the new water tower at Owen." A lady correspondent from Washington gets herself locked in the school kitchen at Abbotsford, and misses the convoy back to Wausau. Card players in a Columbus tavern tell the Senator: "We said we wun gonna go listen to yuh at the city hall when we got this game over, but I guess we're late, huh?"

What is KENNEDY saying, other than "I'm JACK KENNEDY, and I came here asking for your help"? He is commenting on current issues as reported in the news columns, talking about the significance of the April 5 primary urging young people to concern themselves with government and politics. He says over and over that the country desperately needs leadership in "the decisive sixties when all the unsolved problems of the fifties must finally be faced."

He speaks with concentration, without notes or manuscripts. Sometimes the words tumble out too rapidly. He quotes Lincoln, Jefferson, Churchill, and other historical figures, and he does it naturally. Rarely does he show emotion. Only at Abbotsford, questioned sharply about unemployment compensation "chiselers" and "rockingchair workers," does he indignantly insist that there are chiselers among farmers and professional men as well as among workers, that most Americans are not of such stripe, and that compensation, social security, and other welfare legislation are good and necessary.

He is a serious man on a serious mission. One joke in 2 days goes over big in Abbotsford: "Your greeting reminds me of what the Maine cow said to the farmers. 'Thanks for a warm hand on a cold morning.'"

Reporters ask voters how it looks: HUMPHREY or KENNEDY? And voters ask reporters. Certainly no one knows. There are indications that people are listening at last to the candidates. Republican leaders say their people will invade the Democratic primary. No one will know until the day after election, if then, who is helped or hurt by straying Republicans or by the religious issue.

There is current criticism of presidential primary elections and of the exhausting, grassroots campaigns they force upon busy, important men. The Journal has expressed doubts about this system. Nevertheless, it is an inspiring experience and a lesson in democracy to stand in the high school gym at Abbotsford (pop. 1,013) and hear the like of the Senator from far-off Massachusetts—candidate for President—say in all earnestness to some 50 voters and 200 students:

"This isn't an exercise or a game. This is the lifeblood of the American way. This is a most important part of the system by which the American people pick their President."

[From the Milwaukee Journal, Mar. 20, 1960]

WE TRAIL ALONG TO WATCH—II

The main building of the American Motors Corp. plant at Kenosha is 9 blocks long. HUBERT HORATIO HUMPHREY bounces every foot of it and then some. He is in and out of the two moving lines of Ramblers (1,185 this day). He's dodging accessories bobbing overhead and fork trucks darting by. He's reaching up to decks and down to pits to shake hands.

The Minnesota Senator hands out cards (with the Braves' 1960 schedule) urging a Humphrey vote at the April 5 presidential delegate election. Occasionally he is heard to mutter, "This is wonderful." Whether it's the many hands he finds to shake or the magic of the assembly line no one asks.

Now it is night and HUMPHREY (blue coat, gray fedora) is stationed under the bright Woolworth sign at 57th Street and 6th Avenue in downtown Kenosha. Shoppers crowd by and HUMPHREY's outstretched hand misses but few of them. ("You have to shift your grip every time; even so, my little finger is a wreck.") This time, for the women, the card carries his wife Muriel's recipe for beef soup. ("It's a dandy; your husband will like it.")

Early morning, the sun is edging out of the Lake Michigan vapors. The Greyhound bus pulls up at the main gate of the strikebound J. I. Case Co. at Racine. Out pops HUMPHREY. Out pops Joe Glazer, troubadour of the labor movement, and his guitar. Glazer sings: "We're Fighting for a Contract, We Shall Not Be Moved." HUMPHREY and 39 pickets mumble along. At a breakfast of labor leaders at the Racine Labor Center he mentions the Case strike and adds: "No candidate in either party has a better voting record in behalf of labor."

The bus stops in bright warm sunshine in Burlington. Humphrey is up and down the streets, in and out of the Echo Inn, the Coffee Cup, Tobin's and the Rexall drugstores. ("I never miss drugstores, I'm a druggist myself.") Then three blocks to the National Tea store. ("The butcher wants to meet me, butchers are important in politics, they talk to all the women.") In front of the soups, farmer Orville Ihrke on route 2 explains gravely that he came from South Dakota, knows "Andrine" and is all for Humphrey. "Andrine" is Humphrey's Aunt Andrine Grimes of Lily, S. Dak. ("It's amazing how many relatives and friends from South Dakota and Minnesota I meet in Wisconsin—last night an old friend of dad's was in the crowd.")

Now Delavan. As usual, the Humphrey campaign is running late. A brief stop is scheduled at the State school for the deaf. The children are at lunch. Humphrey insists on shaking hands with all 132. He quickly learns a few sign language symbols and uses them to his delight and that of the children. The Senator's eyes are misty as he departs and, out in the yard, he warmly hugs the small boys who cluster around him.

The driver has fixed a reclining seat in the bus. "The Senator won't spend 5 minutes there," chorties an aide. HUMPHREY doesn't. He's advising aides what to do at the next stop, or scolding about their wastefulness with literature and campaign buttons. He's announcing how next week's tour will be more efficient. ("There'll be an advance car and a trailing car.") He's talking with your wandering editorial writer about congressional progress, outlook for the Geneva disarmament conference and Nikita Khrushchev. ("We've got to get over the idea that he's just a vodka drinking fat boy.") He's musing out loud: "I love small towns; I'll bet I've campaigned in every small town in Minnesota." He's bantering or telling some anecdote.

Like the one about the pig sign in front of the Humphrey Brothers drugstore in Huron, S. Dak.: "We decided to remodel. The pig sign, advertising cholera serum, had been there since dad started the business. Brother and I said the pig was a disgrace and had to go. Dad said this would be a terrible mistake, the farmers wouldn't know how to find the store. We won out. The pig went. And so did some of our farm business. So the pig went back, big as life. Only now it's in neon lights."

Someone called HUMPHREY a human dynamo. It's a good description. He's first of the party up in the morning, last to bed at night, first out of the bus.

His speeches, chronically too long, have been trimmed for this campaign. He has eliminated (usually) the triple explanation, the multiple description, the "this suggests another subject." He hates prepared texts. His impromptu speeches have emotional and political bite. Still, he is at his best in smaller groups, where flamboyant oratory does not overwhelm the man's intensity and conviction.

His attack is the broadside variety. ("NIXON and company will give us a snow job that will make these Wisconsin blizzards look like tropical breezes.") His platform humor is strictly Midwest. ("Khrushchev treats us like Grandpa Buck used to treat his chilblains—first he put his foot in hot water, then cold water, then he did it over and over again.")

HUBERT HUMPHREY is fundamentally a grandchild of prairie populism, a son of the great depression, an apostle of the New Deal. ("I'm an idealist, a progressive, a liberal.") By nature, by background, he is aiming much of his current campaign at workers, farmers, and the many who consider themselves neglected or ill treated by society or Uncle Sam. (Said the old man in Jackett's bar at Delavan: "I've been here 42 years, never made enough to get out, wonder what HUMPHREY will do for me.") But the senior Senator from Minnesota is also talking seriously and knowingly about foreign policy, disarmament, the missile gap, national growth, and other major problems of our times.

With his opponent, Senator KENNEDY, of Massachusetts, he is responsibly conducting the preliminaries of the great dialog that will challenge the American people until they go to the polls in November to choose their leadership for the next 4 years.

"The eyes of the Nation are upon you," these distinguished Senators are telling the people of Wisconsin.

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LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools, R–I, Missouri.

Mr. JAVITS. Mr. President, I am a sponsor of the amendment which is before the Senate, with the Senator from Pennsylvania [Mr. CLARK] and 11 other Members. I think it is so important to the issue now before the Senate that I am pleased we have had the opportunity to discuss it in the Senate, and I am glad the purpose of the amendment has been explained so fully. I hope very much that those who are opposed may also find whatever holes they think are in it and give us an opportunity to answer their points.

I realize we shall probably be faced with a motion to table. I hope very much that motion will not succeed, but that the Senate, because I feel this is a proposition which should be voted upon on its merits, will support the amendment on its merits.

I make that statement for this reason, Mr. President. Let us remember that the referee plan came from the Attorney General. It was his plan. It is essentially the administration's thought on how we can more nearly assure the voting right to those anywhere in the country—and particularly those in that area where the Civil Rights Commission found, in a most authoritative way, by three of its members from the North and three of its members from the South—and let us never forget that fact—that the voting right was being denied to those entitled to it.

Mr. President, I think there ought to be written, in letters of fire, here on the floor of the Senate, one sentence from page 134 of the report of the U.S. Commission on Civil Rights, namely:

> Our investigations have revealed further that many Negro American citizens find it difficult, and often impossible, to vote.

And then the findings of fact on page 136, where the Commission stated:

> The Commission finds that the lack of an affirmative duty to constitute boards of registrars, or failure to discharge or enforce such duty under State law, and the failure of such boards to function on particular occasion or for long periods of time, or to restrict periods of function to such limited periods of time as to make it impossible for most citizens to register, are devices by which the right to vote is denied to citizens of the United States by reason of their race or color.

Mr. President, it seems to me the quality of indignation has died and has been lost if those words do not rouse the Senate and the House to passage of an effective bill to assure that this cannot and shall not happen in these United States.

And so, Mr. President, let us remember that the plan with which we were faced was the plan of the Attorney General. It was not God-given and omniscient. It was the best the Attorney General could devise.

I, together with others in the field, considered the Attorney General's plan perfectly constitutional, but we did feel, in view of the fact that it was tied in with judicial proceedings and was a part of judicial proceedings, that its particularized application and the possibilities of delay which ensue in court proceedings, of which the referee plan would be a part, demanded some other, more expeditious way of seeing that there could register and vote thousands and thousands of citizens who had been disenfranchised as the Civil Rights Commission found they had been.

Mr. President, this is a problem which the Senator from Pennsylvania [Mr. CLARK], I, and others interested in this field did not create. This is a problem of decades—not of years, but of decades—of discrimination against Negro citizens by virtue of their color.

So when we computed the percentage of whites that were registered in Southern States and the percentage of Negroes that were registered in Southern States, we came up with the astounding difference of 1,800,000 American citizens who were not registered in the Negro group, who would have been registered had they had the same percentage of registrations as the white group.

Mr. President, they may not choose to register, but at least they should have the opportunity to do so. The Civil Rights Commission found clearly that they were denied the right to do so under color of State law, and notwithstanding the oath that every official takes to obey the Constitution of the United States.

Under those circumstances, therefore, many of my colleagues on the other side of the aisle—and let us assume that we on this side of the aisle were loyal to the administration's proposal, the referee plan—a large and distinguished group of our colleagues on the other side of the aisle had other ideas, and they said, "Let us go back to the Civil Rights Commission's own prescription for this difficulty which it itself found, and that is the appointment of Federal registrars by the President of the United States as the way in which large-scale registration, and therefore large-scale voting, could be accomplished." That would be so not because there would be wholesale qualifications where qualifications were not deserved. The law is very clear that it is State qualifications which apply, and not Federal qualifications. The effort proceeded on the proposition that the wrong had been so widespread and long enduring that it took a remedy greater than that which was offered to us by the Attorney General.

Therefore, that group, and others on this side of the aisle with a like mind, presented a prescription to the Senate for that purpose, the plan of the Civil Rights Commission. The Senate in its wisdom determined to turn that down. Whether we could have had 8 or 10 or 15 more votes if other Members of the Senate who were absent had been present is an academic question. The fact is that a majority of the Senate turned the proposition down. Therefore, we came to the judgment that we should make this proposal before we came to the regrettable conclusion that there was no other alternative than the referee plan—which is a limited alternative. Indeed, I read the words of my colleague from Pennsylvania [Mr. CLARK] on that subject, wrung from his heart, because this is a subject on which we feel deeply. He said if he had to do it, if that was the only alternative, he would vote for the referee plan with a heavy heart.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CLARK. I thank my friend for his kind words. I think I said at the time that if I were faced with the alternative of voting for a reasonably good referee bill or no bill at all, I would feel compelled to vote for a referee bill; but I did not then say, and I do not now say, if we were faced with a weak and watered-down referee bill which required Negro citizens to go back and again face the registrars, I would vote for it. I have grave doubts whether I would vote for that kind of bill.

Mr. JAVITS. I concur with what my colleague has said. Those were his words, and I am looking at the record of what he said, at page 5745 of the RECORD for March 16, 1960.

We therefore felt it our duty to try to bring before the Senate, almost as a last resort, yet another proposal of the most moderate and conservative character, which would yet give this opportunity for the registration of the large numbers of citizens who are involved and at the same time not do away with the referee proposal.

For this purpose, Mr. President, there were delegated, from the Republican side of the aisle, three of our number who are lawyers by profession, and from the other side of the aisle also three Senators who are lawyers by profession. We got together and did our utmost to come up with some proposal for the Senate which would at least go some way. If it could not go the way of the registrar plan, which, I repeat, is the best plan, it could at least go some way toward dealing with the very grave problem of the very large number of people who have to be registered if justice is to be done.

We came up with the amendment which is sponsored by this group of Senators. I should like to read these names. It is not only sponsored by the Senator from Pennsylvania and myself, but also by the Senator from Vermont [Mr. AIKEN], the Senator from Alaska [Mr. BARTLETT], the Senator from New Jersey [Mr. CASE], the Senator from South Dakota [Mr. CASE], the Senator from Oregon [Mr. MORSE], the Senator from California [Mr. KUCHEL], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Michigan [Mr. MCNAMARA], the Senator from New Jersey [Mr. WILLIAMS], and the Senator from Pennsylvania [Mr. SCOTT].

Mr. President, I do not think there has been another amendment before the Senate as controverted as this one—we have had amendments which have had practically unanimous votes—which had as much sponsorship as this particular solution, which seemed even to very conservative Senators to be a reasonable effort to meet the exigency posed for us by the report of the Federal Civil Rights Commission.

Mr. President, I emphasize that to the Senate for the reason that this is the best we have been able to devise. Members of the Senate who favor getting this job done, when they read the RECORD tomorrow, should bear in mind that we have no other alternative to offer them. This is it. If they do not approve of this proposition we cannot offer them any other alternative except the straight voting referee plan, and that, in my view—and I think in the view of all of us on the civil rights side—is inadequate to the purpose. We may have to take it if even it has any vestige of effectiveness when we get through with the legislative process, as the Senator from Pennsylvania [Mr. CLARK] has said, but it is inadequate to the broad purpose of giving an opportunity for registration to the tens of thousands of people who for all practical purposes have been disfranchised.

Mr. President, why is this a conservative alternative? It is because it turns on the fulcrum of a decided case. Let me repeat: It turns upon the fulcrum of a decided case. It is completely on the other side of the road from the registrar proposal, because the registrar proposal would turn upon an executive decision by the President. Under the registrar proposal, if the President decided there was a pattern or practice of discrimination in a certain area then the President could appoint the registrar. Under the amendment offered by the Senator from Pennsylvania and myself, if in a case there was evident a pattern or practice of discrimination there would result a finding of fact and law contained in the decision in the court which would touch off the possibility of the appointing of a Federal enrollment officer.

Mr. President, such a case might be started by the Attorney General himself, or it might be started by an individual. The Attorney General might intervene in such a case. Such a case would be limited to the area in which the discrimination occurred. In our opinion, the most convenient area for the administration of a plan of this kind is a county or a congressional district.

Mr. President, let me emphasize that the touchstone of anything to be done under the amendment we have offered is a decided case—a decided case which finds a pattern or practice of the deprivation, on the grounds of race or color, of the right to register or to vote in any election for individuals in a certain community.

Mr. President, if there is such a decision, then we will have every element of a judicial finding of fact under which we will have a right to bring into action the 15th amendment and the idea of appropriate legislation under the 15th amendment for the purpose of making it effective.

This question of constitutionality of what we are about to do, Mr. President, it seems to me, is settled beyond peradventure of a doubt by the most recently decided case of United States against Raines, the decision having been handed down on February 29, 1960. Mr. President, it seems to me crystal clear that a quotation from that decision in the most explicit terms makes constitutional the amendment which we are proposing, when the decision says—and I quote from page 7 of the decision:

> And as to the application of the statute called for by the complaint—
>
> That is, the 1957 Civil Rights Act—
>
> whatever precisely may be the reach of the 15th amendment, it is enough to say that the conduct charged—discrimination by State officials, within the course of their official duties, against the voting rights of U.S. citizens, on grounds of race or color—is certainly, as "State action" and the clearest form of it, subject to the ban of that amendment, and that legislation designed to deal with such discrimination is "appropriate legislation" under it. It makes no difference that the discrimination in question, if State action, is also violative of State law.

Then the Court goes on to nail that down and copper rivet it, to say that one does not have to even exhaust within the State all of his administrative remedies. The Court says—and again I quote from the same page of the opinion:

> The argument is that the ultimate voice of the State has not spoken, since higher echelons of authority in the State might revise the appellees' action.

The appellees in this case are the registrars:

> It is, however, established as a fundamental proposition that every State official, high and low, is bound by the 14th and 15th amendments (see *Cooper* v. *Aaron*, 358 U.S. 1, 16–19). We think this Court has already made it clear that it follows from this that Congress has the power to provide for the correction of the constitutional violations of every such official without regard to the presence of other authority in the State that might possibly revise their actions.

Mr. President, it is rare that we get so clear a declaration from the Supreme Court of the United States, in the very essential facts, at the very time of the debate upon proposed legislation of this kind, that proposed legislation is constitutional.

I do not think, Mr. President, it can be seriously argued by anyone, in view of this decision, whatever may be the opinion of the Attorney General or others, that what we are seeking to do is anything but absolutely constitutional.

Mr. President, to buttress that proposition, if it needs buttressing—it already comes from the highest authority in the land—we have the testimony of the Attorney General of the United States before the Committee on Rules and Administration, February 5, 1960. The Attorney General said:

> The Constitution does not leave the Government established by it powerless to act effectively to eliminate racial discrimination in voting. Section 2 of the amendment expressly confers upon Congress power to enforce the prohibition against State-supported racial discrimination in elections of any kind, both State and Federal.

Mr. President, it seems to me that that again is exactly to the same effect as the Raines case decision.

Mr. President, because this, with all of us, has been a studious labor, a labor in which we have tried to get the finest thinking in the United States on this subject, a group of us went to the trouble of enlisting the aid of a whole group of law school professors at Yale Law School and the Law School of the University of Pennsylvania. The professors also came up with the absolute finding of constitutionality of proposed legislation combining, as we are combining in our amendment, the two ideas of an official appointed on the executive level and an official appointed by the court, an official referee, both of which are contained in the amendment.

Mr. President, we make it very clear that once the finding is made that there is a pattern or practice of discrimination on the grounds of race or color, invoking thereby the 15th amendment, there certainly can be no question about the propriety of that finding made in a case, and the Congress may adopt an appropriate remedy applicable to all elections, State and Federal.

Mr. President, all these law professors find very clearly that this is an entirely

appropriate remedy; that is, the provision which we have for the appointment of an official either by the executive department or by the court to deal with this question of registration, where, by color of law, there has been a default on the part of State officials.

Mr. DIRKSEN rose.

Mr. JAVITS. Mr. President, I yield to my colleague from Illinois, with the understanding that I shall not lose my right to the floor, and I ask unanimous consent that I may do so.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). Is there objection to the request of the Senator from New York? The Chair hears none, and it is so ordered.

Mr. DIRKSEN. Mr. President, will the Senator yield to me?

Mr. JAVITS. I yield.

Mr. DIRKSEN. I should like to read into the RECORD, in connection with the pending amendment, a letter which I have received by hand today from the Attorney General. The letter reads as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., March 22, 1960.

Hon. EVERETT M. DIRKSEN,
U.S. Senate, Washington, D.C.

DEAR SENATOR: You have asked for my comments upon the Clark-Javits amendment (3-11-60—B) to section 3 of your amendment (2-24-60—I) to H.R. 8315. Essentially, the Clark-Javits amendment would combine a voting referee proposal with the so-called enrollment officer procedures proposed by Senator HENNINGS (3-10-60—F).

Supporters of the Federal enrollment proposal contend that it is a stronger measure than the administration's referee proposal. This is not so. As a practical matter, it would be worthless. It is for that reason that the administration is strongly opposed to it.

The defects of the Federal enrollment proposal cannot be avoided simply by adding the proposal to the voting referee plan.

Stated very simply, the Federal enrollment proposal would be totally ineffective, except in cases of voluntary compliance by State officials, because it does not provide any practical method of enforcement. It would provide the Negro with an opportunity to have his name enrolled by a Federal enrollment officer, but it does not provide any effective way to insure that State officials will allow the Negro to vote.

It provides that when a State election official refuses to honor a Federal enrollment certificate and denies the Negro the right to vote, a suit for an injunction may thereafter be started by the Attorney General on behalf of those who have been deprived of the right to vote. Such equitable relief would be of no value, because by the time the lawsuit was concluded the election would be over.

The act by the State officials of refusing to honor a certificate of the enrollment officer would not subject them to actions for contempt of court, for they would not have disobeyed an outstanding injunction.

Nor does the fact that the officials would be subject to criminal penalties breathe life into the Federal enrollment proposal, because, as I have stated on many occasions, criminal remedies in this field are of little or no value.

By way of contrast, under the voting referee proposal, there would be an outstanding court order requiring State officials to permit Negroes named in the order to vote. Any failure to comply with this order would permit the court to proceed immediately to hold them in contempt and impose a sentence of 45 days in jail or $1,000 fine.

I should like to use this opportunity again to emphasize that it is not enough, as the authors of the Clark-Javits amendment apparently believe, to pass a bill that simply assures Negroes of the right to register.

In an apparent failure to appreciate this simple truth, the authors of the Clark-Javits amendment would also emasculate the voting referee proposal.

I would particularly call attention to subsection (b)(2), page 3, of the Clark-Javits amendment, which provides that an order declaring an applicant qualified to vote "shall become effective 20 days after the issuance of such order and notice thereof to the Governor of the State, unless any person named therein shall have been registered by appropriate State officials in the intervening period, in which case the order may be vacated on application duly made as to the registration of such person."

Such a provision emasculates the voting referee proposal and would make a farce of any bill which included it. In practice, it would mean that after a Negro has applied to the Federal court and has proven his qualifications before the judge or a referee and the court has issued an order certifying him as qualified to vote, a State official could completely wipe out the binding effect of that court order simply by placing the Negro's name in a registration book. Once this was done, and the court order was vacated, State election officials would be under absolutely no compulsion from Federal process to permit the Negro to vote. It is the right to vote, and not merely the right to register, that the 15th amendment of the Constitution guarantees to the Negro citizen.

To summarize, then, the Clark-Javits proposal suffers from a fatal illness—it cannot be enforced. It is simply an enrollment scheme providing no guarantees that the Negro will be permitted to vote not now contained in the Constitution and present laws. If added to the voting referee proposal of the administration, it would not only clutter it up with worthless provisions, but would seriously weaken it.

With kind regards,
Sincerely,

WILLIAM P. ROGERS,
Attorney General.

I think it can be taken from that that the Attorney General believes that the proposal now before us would not only be worthless in some respects, but would, in effect, weaken the so-called referee proposal with which we have been dealing, and which has been approved by the House of Representatives.

I thought, in fairness to my distinguished friend from New York and my very esteemed compatriot from Pennsylvania, that this letter should be read into the RECORD at an early time in the proceedings today, so that the letter may be available.

Having now deposited it on the desk for the purposes of the RECORD, I have made it subject to examination by any Senator who cares to look at it.

Mr. CLARK. Mr. President, will the Senator yield for a brief comment?

Mr. JAVITS. I yield.

Mr. CLARK. I promise not to tear it up after it reaches the desk. [Laughter.]

Mr. DIRKSEN. Mr. President, I think the Attorney General makes it abundantly clear that he has no high estimate of the amendment which is pending; so I earnestly hope, as I have stated heretofore, with my fondest respect for the authors, that when tomorrow we finally get around to disposing of this amendment by way of a vote on a motion to table which I shall make, the motion to table will be favorably considered by the Senate.

Mr. JAVITS. Mr. President, I am very grateful to my colleague from Illinois for giving us notice of the opposition of the Attorney General to this proposal, of which we were well aware.

I should like to state also that I think the words used by the Attorney General could be reversed. He calls this proposal worthless and ineffective. I say, with all respect, that I must reject the words "worthless" and "ineffective" used in the opinion, because it fails to take account of the language of our amendment, and it fails to take account of the fact that we have added a revision to our amendment which is contained in the House bill, and which provides exactly for the contingencies of delay in the event that an application is filed in respect of an election so that the applicant may vote in that election. This particular amendment occurs at page 6, line 16, of our amendment, and, as I say, carries over a provision which is now incorporated in the referee plan in the House bill. It reads as follows:

(10) Applications pursuant to this subsection shall be determined expeditiously. In the case of any application filed twenty or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally. In the case of an application filed within twenty days prior to an election, the court, in its discretion, may make such an order. In either case, the order shall make appropriate provision for the impounding of the applicant's ballot pending determination of the application. The court may take any other action, and may authorize such referee or such other person as it may designate to carry out the provisions of this subsection and to enforce its decrees. This subsection shall in no way be construed as a limitation upon the existing powers of the court.

So that we give the court full power to act. I believe that the Attorney General and the Senator from Pennsylvania and I, as lawyers, and all our other colleagues, feel that there is ground here for a legitimate difference of opinion. We also feel that does not necessarily invalidate what we are trying to do. It depends on what is contained in the amendment, and what the text of it may mean.

As to the first point which is made, and which I believe is very important, let us remember that what we are doing is merely carrying over the Attorney General's own previous amendment for the appointment of referees. All we have done is added to it a part which the Attorney General apparently finds objectionable. All we have done is given the State an opportunity to repair what the court finds to be in dereliction, and that provision seems to be a very attractive provision in the opinion of other Senators, in that it gives the State an opportunity to repair what is contained in the decree of the court. At the same time we give an opportunity, under the amendment which I have read, to make sure that no such action will frustrate the will of the court.

I am grateful to the Senator from Illinois for giving us an opportunity to

answer the Attorney General, and what we say is not said out of disrespect to him, because he is a lawyer and he is entitled to his opinion, as we are also; but as to the objection of the Attorney General, to our amendment under which we give the State an opportunity to purge itself of the power of the injunction.

We have made it possible for State officials to purge themselves by registering the persons applying. If the court has any reason to doubt the good faith of the efforts being made in this situation—and this is the same court which has issued the injunction in the first place—if the court has reason to doubt the good faith of these officials in registering the people, the court is not obliged to vacate the injunction.

We believe that every effort should be made to give these officials the opportunity to purge themselves. That is why we have drawn this provision regarding the good faith of the State, unless the court has reason to suspect that it will not act, and in that case the court has authority to refuse to vacate the injunction.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CLARK. Of course we will answer the Attorney General's letter at much greater length after we have had an opportunity to study it. Now we are really stating what amounts to a curbstone opinion on the letter, without having an opportunity to study it at length. We have only heard it read once. I should like to call the attention of my friend from New York to what appears to be the major point which the Attorney General has made in his letter. The Attorney General speaks abot t the turning back of the registered voter at the polling place after he has been registered by an enrollment officer, and he makes the point that this would not constitute contempt of court. I would like to point out that at this point there would have already been a court finding of a pattern of discrimination, issued after full adversary proceedings. The Attorney General says that contempt proceedings would not be applicable; that all that could be done would be to start an injunction suit, which would not be determined until after the election. I disagree with that point of the Attorney General.

I wonder if my friend does not agree with me that what would be done if this amendment were enacted is what is done now in every State under the election laws of the various States, which is that when a person is challenged at the polls, he has the right to go to the election court and get a temporary restraining order enforcing his right to vote, and that such an order would permit him to cast his ballot provisionally.

Mr. JAVITS. I thoroughly agree with my friend from Pennsylvania. In other words, we would be giving that person exactly the same opportunity and the same safeguard which the law allows now.

Mr. CLARK. I think that disposes of the main objection of the Attorney General, which I personally find groundless. I agree that the Attorney General is entitled to his opinion. In this instance, however, I do not believe it is a very good opinion. I wonder if my friend would not agree that since provisional voting would be permitted, the primary objection of the Attorney General to the enrollment officer procedure falls.

Mr. JAVITS. I think so. I would also point out to my colleague the point which he has already noted himself, that a person who is enrolled is permitted to cast his vote subject to challenge.

Mr. CLARK. A temporary restraining order could easily be issued.

Mr. JAVITS. Yes. I would also point out, with respect to the Federal enrollment provision, that a person in charge of the voting booth would risk running afoul of a criminal provision if he denied the opportunity afforded by this provision.

Mr. CLARK. I thank the Senator.

Mr. JAVITS. It seems to me that what we have before us is the fact that the Attorney General has stated his position, and that perhaps we should be afforded the opportunity to make more deliberate reply to it. I agree with my colleague from Pennsylvania that we should do more than just hear the letter read; that we should answer it. However, I must say that I was acquainted with the points the Attorney General makes in his argument, as they had been made to me before.

But I think it is very clear that the Attorney General believes that the best plan is the voting referee plan. What I fail to understand is why a greater opportunity than is afforded by the Attorney General's referee plan would not be equally satisfactory to those who favor providing the voting rights to which the people are entitled. In other words, what is wrong with having two strings to the bow, instead of one string, especially when we are dealing with such vast numbers as we are dealing with here? The essential argument for the Federal enrollment officer aspect of our amendment is that we are dealing in such large numbers. To keep abreast of that situation, once we open the gates to enrollment and voting by the thousands of people who have been denied, we must establish a more comprehensive approach. It will be necessary to have more of these officers than can be contemplated in the court proceeding through the appointment of a court referee.

One other argument appeals to me in this matter, which I believe is very important. If we all agree that what we are seeking is to provide the right to vote, and if there seems to be a very broad unanimity of feeling on that subject, why do we continue to lay this matter solely upon the courts? Why is the executive department, under a mandate of the legislative department, also not brought into this situation? In short, is it fair simply to say that the judiciary is to carry, as it has in the matter of school desegregation, the whole responsibility and the whole administration of the act? Many persons, indeed, argue that either limitations will be imposed in terms of very few cases and very few people affected by the enrollment, or the whole judicial system will break down, so large are the numbers involved.

As a sheer administrative matter, it is necessary to provide another way in which to act, so that the courts will not be absolutely loaded down with cases.

So we have come to the conclusion that the right plan is, for the generality of cases, to appoint a Federal enrollment officer where the hard-core resistance of a group of State officials is not involved. But where a brick wall is encountered, the referee procedure would be applied, a procedure which is related to the contempt power of the courts. In that way, the entire judicial machinery will be relieved of a tremendous burden, if the cases are really in the numbers they ought to be, considering the discrimination which has been practiced. On the other hand, we make it certain that for the hard-core cases there are voting referee provisions.

It seems to me that this is adapting a remedy to a difficulty and to the practicalities of a situation far better than the referee proposal standing by itself.

Rather than having weakened the Attorney General's referee plan, I think we have strengthened the whole proposal in terms of providing the maximum opportunity for voting to those who have been discriminated against in such large numbers—in the thousands. We have done so by providing an administrative procedure and an administrative official appointed by the President, operating in such a way as not to burden the courts. This will be of enormous help in disposing of the multiplicity of cases in which discrimination is involved. We have done so by providing for provisional voting, but giving the State an opportunity—and it may be vital in some cases—to purge itself of what the injunction provides, if the State shows the desire and the capability, in the eyes of the court, to do what the court requires by its injunction.

Finally, we have eliminated the redundant requirement for an individual applicant to go back again to the very registrar or registrars, who are not there, or who have discriminated against him, which is a feature of the referee plan of the Attorney General. That is completely unnecessary, once the court has found a pattern or practice of discrimination, because many persons will not go back, for fear of reprisals, whether economic or social.

Equity says that when an act is demonstrably futile, it need not be performed again; as, for example, where a demand is demonstrably futile, it need not be repeated. Certainly a finding of a pattern or practice of a denial of a right to register and to vote would demonstrate that a new individual demand for the right to vote would be futile.

For all these reasons, I believe the Senator from Pennsylvania [Mr. CLARK] and I and our colleagues have presented to the Senate a reasonable—indeed, a moderate—model of the right way in which to cope with the practical as well as the legal aspects of a very major problem of our time.

I would be less than true to my own conscience if I did not repeat what I said earlier: That the matter of discrimination in the field of voting, and in other fields, too—but certainly in the field of voting—beyond any question is absolutely intolerable in the face of our domestic situation and in the face of the world situation, as is evidenced by what is happening in the Union of South Africa, which is an evidence of the deep stirring which is taking place in the world.

It is up to us, not to find palliative remedies or the easiest remedies; it is up to us to find remedies appropriate to the situation. That is what I believe our amendment offers to the Senate.

Mr. ROBERTSON. Mr. President, the debate on several voting rights amendments fully illustrates the position many of us have taken upon the matter for the past month, namely, that the Senate should never undertake to write on the floor of the Senate a complicated and technical bill without the benefit of public hearings and without the benefit of a committee report. It has been difficult for Senators to know what was in a given amendment when it was called up for discussion.

For instance, last week the Clark amendment, to amend section 3 of the Dirksen bill, was called up. That amendment was debated for a day, and then it was withdrawn. The Douglas amendment was called up before any of us could even find out the difference between the Clark amendment and the Douglas amendment. After a day or more of debate, the Douglas amendment was laid on the table.

Last Friday, the distinguished senior Senator from New York [Mr. JAVITS] said he would call up, on yesterday, his amendment. It turned out that the Clark amendment, which was designated "3–11–60—B," and the Javits amendment, which is designated "3–18–60—B," were the same. But it took a good deal of study to find that out. Yet before we started debate on the Javits amendment, we found that it had again been changed, to include a section which the Senator from New York mentioned just before he concluded. So the amendment now contains a provision concerning provisional voting, a provision which has been so vigorously criticized on the House side.

It is in the same language as will be contained in the House bill.

The junior Senator from Virginia could find nowhere in his vocabulary language stronger than that used by the Attorney General of the United States in condemning the pending voting amendment—the Javits amendment. He said, as I understood the letter recently read by the distinguished minority leader [Mr. DIRKSEN], that the amendment was worthless; that it had a fatal illness; that instead of doing any good, it would undo any good that might be done by what was left of the Rogers voting-referee proposal.

The junior Senator from Virginia could not find any stronger language than that. In fact, he would hesitate to go quite so far in criticism of distinguished colleagues. Needless to say, he agrees very fully with the Attorney General that it is not a good amendment. But he also feels that the substitute proposed by the Attorney General is not a good amendment, either. Both amendments are unconstitutional.

This all illustrates, Mr. President, the difficulty we have been encountering ever since the debate started on February 15 to ascertain exactly what was before us for action, and the necessity for having the benefit of an analysis of the meaning of the language and the benefit of a well considered report by a committee of competent lawyers, such as those who serve on the Committee on the Judiciary, which is where these bills should properly be handled and reported in due time, after hearings, to the Senate.

But instead of that, we are confronted with bills and measures which are so voluminous that they have been referred to by their weight—as weighing between 5 pounds and 6 pounds—rather than by their titles; and as soon as we try to analyze one amendment or one bill, then—as has been shown in regard to the voting-procedure amendment—we are confronted with a new amendment.

The new Javits amendment, which is labeled "3–18–60–B," as amended on March 21, 1960—yesterday—would amend section 3 of the Dirksen substitute. Section 3 of the Dirksen substitute now requires the retention of voting records for 3 years. This provision would be retained in the Javits amendment; and to it would be added a court registration procedure, a voting referee procedure somewhat like the proposal of the Attorney General, and a voting registrar procedure based upon the proposal of the Civil Rights Commission, making use of what would be called Federal enrollment officers. In addition, the use of registrars would be required, although the Senator from Missouri [Mr. HENNINGS] says the use of registrars would be unconstitutional, and he says he could not accept such a provision; and the Attorney General said that the use of registrars would be unconstitutional, and said they would be worthless, and that such a provision would suffer from a fatal defect.

Mr. CLARK. Mr. President, will the Senator from Virginia yield for a brief question?

Mr. ROBERTSON. First, I should like to finish my sentence.

Mr. CLARK. Certainly; I thought the Senator had done so.

Mr. ROBERTSON. No. The sentence is a little long, but it leads up to the fact that the amendment—which we are now debating—the amendment of the senior Senator from Pennsylvania—embodies what the Attorney General said is no good and is unconstitutional. It embodies a part of the proposal of the Attorney General, but the Attorney General said it does so in a way that nullifies it; and, in addition, it still leaves in the Dirksen bill all of section 7, which is the proposal of the Attorney General.

Mr. CLARK. Mr. President, will the Senator from Virginia yield?

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). Does the Senator from Virginia yield to the Senator from Pennsylvania?

Mr. ROBERTSON. I yield now.

Mr. CLARK. I was interested in the sotto voce remark which my good friend, the Senator from Alabama, relayed to my equally good friend, the Senator from Virginia, namely, that the Attorney General had said the enrollment procedure here proposed was unconstitutional. I wonder where and when he said so, because I have before me his letter, and in reading it quickly I do not find in it any claim by him that this proposal is unconstitutional, nor do I recall that at any time prior to writing this letter the Attorney General said that any provision of the Clark-Javits amendment was unconstitutional. I wonder when the Attorney General said it was unconstitutional.

Mr. ROBERTSON. I was mentioning the various registrar provisions which were before the Committee on Rules and Administration. When the Attorney General testified on the last day—mind you—his bill had not even been introduced; it was not introduced until a week later. Think of that. Yet it is what is claimed to be the heart of this proposed legislation, as presented by the Attorney General. On the last day of the hearing he said that all those registrar bills or amendments were of doubtful constitutionality.

Does the Senator from Pennsylvania want me to take time to read the exact language which appears in the hearings, or does the Senator challenge my statement that the Attorney General said that?

Mr. CLARK. I do not challenge the Senator's statement that the Attorney General made a passing reference to the possible unconstitutionality of registrar proposals; but I do state that I do not believe the Attorney General ever expressed a definite opinion that they were unconstitutional. It seems to me to be clear, beyond peradventure of doubt, that they are not unconstitutional, and that, instead, they are perfectly constitutional.

If the Senator from Virginia, wishes to sustain the suggestion of the Attorney General, I shall be happy to hear him argue it. But I do not understand how any lawyer who has practiced in the courts or argued appeals could assert that there is anything unconstitutional about the registrar proposal.

Mr. ROBERTSON. The Attorney General said they were of doubtful constitutionality—which was diplomatic language on his part, because some of them had Republican sponsors. That statement by him means—to me—that if I were called on, as Attorney General, to enforce them, I would feel that I would lose out before I even got started. And the Attorney General asked that they be thrown aside, and that what he proposed be considered instead.

Mr. President, I had planned to read extensively from the testimony I gave before the Committee on Rules and Administration, before the time when the Attorney General testified there. But the hour is late, and I do not now expect to do so. However, I shall turn

that testimony over to my colleague, the Senator from Alabama [Mr. HILL]; and I have marked a section where the Attorney General condemned the registrar provisions or proposals. Evidently the Senator from Pennsylvania is not too familiar with that testimony. So, for his benefit, we shall read it to him, from the record. However, it is rather difficult in a minute's time to put one's finger on the exact point, page after page.

Mr. CLARK. Mr. President, will the Senator from Virginia yield further?

Mr. ROBERTSON. I yield.

Mr. CLARK. I am reasonably familiar with what the Attorney General said. I am in disagreement with his suggestion that any registrar proposal is unconstitutional; and nothing which could be found in the testimony, which I would be happy to listen to the Senator from Virginia read, would make me think any better than I now think of the opinion of the Attorney General.

Does the Senator from Virginia regard the Attorney General of the United States as a great constitutional lawyer whose opinions are entitled to be regarded by Senators as convincing?

Mr. ROBERTSON. If the Senator from Pennsylvania will do me the honor of remaining here and listening to the remainder of my speech and will listen to the criticism of the legality of the proposal of the Attorney General, the Senator will find his answer.

Mr. CLARK. It will be my privilege to do so, Mr. President.

Mr. ROBERTSON. Mr. President, inasmuch as I have had a brief interchange with one of the sponsors of the amendment, I wish to call his attention to the following in the amendment:

> The refusal——

Mr. CLARK. Will the Senator from Virginia identify the point in the amendment?

Mr. ROBERTSON. Yes; it is on page 4, in line 3:

> The refusal by any such officer with knowledge of such order to permit any person so declared qualified to vote, to vote at an appropriate election shall constitute contempt of court.

That will be criminal contempt, will it?

Mr. CLARK. I think it would also be civil contempt. That would depend upon the circumstances.

Mr. ROBERTSON. Well, it would be contempt of court.

Let me ask the Senator from Pennsylvania whether such a person would have a jury trial?

Mr. CLARK. As the Senator from Virginia well knows, such a person would have a jury trial to the extent that he would be entitled to have one under the Civil Rights Act of 1957, but not otherwise.

Mr. ROBERTSON. Where is that set forth in the bill?

Mr. CLARK. I think that is in existing law, and it needs no additional notation.

Mr. ROBERTSON. Mr. President, I wish to point out that such a person will not get a jury trial. This measure states that he will not get a jury trial. But the sponsor of this measure himself does not know that his own amendment provides that such a person will not get a jury trial. That situation is indicative of the kind of proposal we are asked to accept.

Let the Senator turn to page 9. He will not find there that such a person will get a jury trial, because that part of the amendment relates the contempt penalty back to the 1957 act, which denies such a person a jury trial if the fine is not over $300 or if the punishment is not more than 45 days in jail.

Mr. CLARK. Mr. President, will the Senator from Virginia yield?

Mr. ROBERTSON. I yield.

Mr. CLARK. The provision to which the Senator from Virginia has referred on page 9 occurs in the section of the amendment which deals with the appointment of Federal enrollment officers, and is entirely independent of, and has no reference to, the provision on page 4.

Mr. ROBERTSON. I am sorry; I had something else in mind at the moment. It is on page 11, in line 4.

Mr. CLARK. If the Senator refers to page 11, line 4, I am afraid I do not understand what his point is. I do not believe the matter there is pertinent to what we are discussing. Perhaps I am looking at the wrong place.

Mr. ROBERTSON. That is the trouble. If the patron of the proposal does not understand it, how does he expect the Senate to approve it? But I will point it out to the Senator. On page 11, line 4, we find this:

> Any proceeding brought under the provisions of this section shall be subject to the provisions of part V of the Civil Rights Act of 1957.

That is the part which denies the jury trial. That is where it is unconstitutional.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. ROBERTSON. Yes.

Mr. CLARK. The Senator was reading from page 11, lines 8 to 10, which was why I did not follow him. I am quite content to stand on the sentence he has read. I think it is quite appropriate and all right.

Mr. ROBERTSON. It is appropriate, but I am showing how difficult it is for anybody to understand what we are actually considering here.

Here on page 4, a certain action is, of itself, made subject to contempt. A person could have a civil action. But what we are contemplating here is criminal contempt and criminal punishment. That is not found until we get over to page 11. That is where a jury trial is denied. That is the reason why the Senator from Virginia spent 4½ hours on February 28 discussing why the Attorney General's proposal is unconstitutional in many respects. One of them is that a person is denied the right of trial by jury in criminal contempt proceedings.

Mr. CLARK. Mr. President, will the Senator yield further for one final observation? Then I shall not detain him further.

Mr. ROBERTSON. I yield.

Mr. CLARK. I point out again that the provisions on page 11, to which my good friend has referred, deal with the Federal enrollment officer section of the amendment and have no bearing on the provisions of page 4, which deal with an entirely different procedure, having to do with voting referees. Therefore, I suggest again to my friend that his reference is not pertinent. I thank him for yielding.

Mr. ROBERTSON. Mr. President, we do not get very far when we cannot agree what the facts in the bill are. The section in lines 4 to 6 on page 11 relates to the previous provisions, and it includes the provision on page 4. Therefore, I say it relates back to the act of 1957; and in the act of 1957 a jury trial is denied in criminal contempt cases if the fine is less than $300 or the penalty is less than a certain type.

Mr. President, since my interchange with the distinguished Senator from Pennsylvania, my attention has been called to the fact that I have been quoting from the Javits-Clark amendment of March 18 to H.R. 8315, Calendar No. 924; but, confusion worse confounded, they submitted another one on March 21, with which the Senator from Virginia has not caught up. When the Senator from Virginia quoted from the amendment of March 18, it was a different line and page number from the one from which the Senator from Pennsylvania was reading, and therefore we could not get together on what the effects in the amendment were, because the Senator from Virginia was quoting from the amendment of March 18.

The amendment of March 18 was the same as the amendment of the Senator from Pennsylvania of the 11th, subject to the change on the 21st, and in the meantime we had an amendment by the Senator from Illinois [Mr. DOUGLAS].

In the opinion of the Senator from Virginia, about all that most of the Senators will know about the pending amendment will be the letter written by the Attorney General, and put in the RECORD today, stating that the amendment is worthless, has a fatal illness, and will do more damage than good. That is the essence of what they will know about the amendment.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. CLARK. In a most friendly spirit, I should like to point out to my good friend from Virginia that, in relation to the language respecting the provision under consideration between him and me, the only changes made between the 18th of March and the 21st of March were in two matters which do not affect the discussion between us.

If the Senator will read the amendment going back to the 11th of March, he will find in this respect the language was identical in both the 18th and the 21st drafts.

Mr. ROBERTSON. The Senator from Virginia had a mimeographed copy of the changes made in the Javits amendment, which he thought included all the changes made. The Senator from Virginia did not know the amendment had been reprinted and renumbered. Hence, the Senator from Virginia quoted

from the copy which he thought was the only copy to identify the references.

Mr. President, the new Javits amendment, the Javits amendment labeled "3-18-60—B," as amended on March 21, 1960, would amend section 3 of the Dirksen substitute. Section 3 of the Dirksen substitute now requires retention of voting records for 3 years. This provision would be retained in the Javits amendment, and to it would be added a court registration procedure, a voting referee procedure somewhat like the Attorney General's proposal, and a voting registrar procedure based upon the proposal of the Civil Rights Commission, making use of what would be called Federal enrollment officers.

The registration procedures in the Javits amendment appear to be based primarily upon the 15th amendment.

AMENDMENT XV

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

In each of these procedures, the initial finding would be that "under color of law or by State action any person or persons have been deprived on account of race or color of the right to register or to vote at any election." The next step would be a finding that "such deprivation is pursuant to a pattern or practice."

The only further proof which need be made in any of the three procedures established by the Javits amendment is that the applicant is of the same race or color as that involved in such deprivation, and that he is qualified under State law to vote.

Under the Javits amendment, it is not necessary for each individual applicant to show, or for the court, voting referee, or Federal enrollment officer to find, in each case that the applicant himself was deprived of rights under the 15th amendment. In other words, there is no need of proof or finding that the applicant himself has been or might be deprived of his rights under the 15th amendment.

Under the Javits amendment, it would make no difference if evidence were presented to the court to show that the applicant himself was not deprived of any rights under the 15th amendment. If, for instance, he had never applied to register or to vote, or if he had applied and had been turned down only because he was too young to vote, this would be immaterial. Evidence to this effect or a finding to this effect would make no difference.

This is what is meant by an irrebuttable presumption. It changes a presumption of fact, a shifting of the burden of evidence, into a rule of law where the legislative finding that the world is flat makes irrelevant and immaterial testimony to the effect that the world is round.

The proceeding qualifying the individual applicant to register or to vote is based upon the 15th amendment only through the use of the irrebuttable or conclusive presumption that because one or more violations of the 15th amendment have occurred in an area with respect to persons of a particular color or race, and this was pursuant to a pattern or practice, then all persons of the same color or the same race have been or would be deprived of the right to vote in violation of the 15th amendment.

The need for proof of violations of the 15th amendment with respect to the individual voter, the need for individual findings with respect to the individual voter or, on the other hand, the use of a conclusive or an irrebuttable presumption to supply this proof of violation of the 15th amendment with respect to the individual voter, has been the subject of much discussion, and I should like to take it up first.

Mr. President, the Washington Post and Times Herald in its lead editorial last Friday on the subject of "Referees versus Registrars," makes the following statement:

Could not the two proposals—the referee and registrar proposals—be combined so as to continue the referee concept, but to instruct referees to enroll applicants without the rigmarole of individual findings when a pattern of discrimination has been found? Some such procedure would make the plan a lot more palatable to those whose concern is the extension of voting rights to all qualified citizens with the least litigation or delay.

The writer of this editorial either is not aware of the reason for "the rigmarole of individual findings," or he does not attribute any importance to the reason. I should like to try to spell out again for the benefit of Senators who might be misled by this editorial the reason for and the need for individual findings showing a violation of the 15th amendment with respect to each would-be voter whom the referee might be asked to register.

The reason is simple. Individual findings with respect to individual voters are needed in order to make the proceeding constitutional. They are needed first in order to satisfy the requirement of article III of the Constitution that Federal courts handle only judicial proceedings. Second, they are needed in order to satisfy the constitutional requirement that a proceeding based on the 15th amendment is, in fact, based on the 15th amendment and not on an irrebuttable presumption which may or may not bear any relation to the facts. Third, they are needed in order to satisfy the fundamental requirement of due process, that a State election official or other officer who is being charged with discrimination under the 15th amendment against a particular individual be given a chance to tell his side of the story.

One whose sole interest is the least litigation and delay, one whose sole interest is in speedy conviction of every accused, naturally finds the procedural requirements of the Bill of Rights a real handicap. The requirement of indictment by a grand jury delays proceedings, and sometimes grand juries will not indict. The requirement of trial by jury also delays proceedings, and sometimes petit juries will not convict. The requirement that a defendant be permitted to have counsel delays proceedings, because sometimes defendants' lawyers raise legal or constitutional questions on behalf of their clients. And again the requirement that a defendant be authorized to call witnesses may delay proceedings.

But these procedural rights are fundamental to the basic idea of judicial proceedings and due process. If the referees are to be placed in the judicial branch, which was created under the Constitution to exercise the Government's "judicial power" in "cases and controversies," then we must not abandon judicial procedures and due process in the sole interest of speed.

A particularly vicious aspect of the referee proposal, which I am surprised that the writer of the Post editorial has not appreciated, is the conclusive and irrebuttable presumption on which the administration proposal is based. The administration proposal as set out in the Dirksen substitute, starts with a deprivation of voting rights on account of race or color, in violation of the 15th amendment, with respect to one or more persons—and note that the proposal says a violation with respect to one person is sufficient—combined with a "pattern or practice."

On the basis of these findings, a conclusive or irrebuttable presumption is made that every person of the same race or of the same color in the area has been deprived of his rights under the 15th amendment. The revised administration proposal, the proposal of the Senator from New York [Mr. KEATING] marked "3-2-60—A" would require the applicant to show that he had been denied the opportunity to register or qualify to vote or had been found not qualified to vote, and the conclusive or irrebuttable presumption would supply proof of the fact that the reason for this deprivation or finding of lack of qualification was his race or color. The Javits proposal omits any finding of denial or refusal to register by a State official. The Javits amendment, "3-18-60—B," would use a conclusion or irrebuttable presumption, based upon one violation of the 15th amendment on account of race or color, and a finding of pattern or practice, to supply proof that there would have been a violation if an applicant of the same race or color had applied.

In *McFarland* v. *American Sugar Refining Company* (241 U.S. 79 (1916)), the Supreme Court considered a rebuttable presumption that a person systematically paying less for sugar in Louisiana than he pays in another State is a party to a monopoly or conspiracy in restraint of trade. The court held that this presumption violated the equal protection and due process provisions of the 14th amendment. In his opinion Mr. Justice Oliver Wendell Holmes made the following statement:

As to the presumptions, of course the legislature may go a good way in raising one or in changing the burden of proof, but there are limits. It is "essential that there shall be some rational connection between the fact proved and the ultimate fact presumed, and

that the inference of one fact from proof of another shall not be so unreasonable as to be a purely arbitrary mandate" (*Mobile, Jackson & Kansas City R.R.* v. *Turnipseed*, 219 U.S. 35, 43. The presumption created here has no relation in experience to general facts (241 U.S. 79 (1916)).

And again in *Manley* v. *Georgia* (279 U.S. 1 (1929)), the court considered a Georgia statute which provided that every insolvency of a bank shall be deemed fraudulent and the president and directors shall be punished unless they rebut the presumption of fraud by a showing of care and diligence. In its opinion the court made the following statement:

State legislation declaring that proof of one fact or a group of facts shall constitute prima facie evidence of the main or ultimate fact in issue is valid if there is a rational connection between what is proved and what is to be inferred. If the presumption is not unreasonable and is not made conclusive of the rights of the person against whom raised, it does not constitute a denial of due process of law—*Mobile, J. & K. C. R. R.* v. *Turnipseed*. (219 U.S. 35, 43). A prima facie presumption casts upon the person against whom it is applied the duty of going forward with his evidence on the particular point to which the presumption relates. A statute creating a presumption that is arbitrary or that operates to deny a fair opportunity to repeal it violates the due process clause of the 14th amendment. *Bailey* v. *Alabama* (219 U.S. 219, 238, et seq.). Mere legislative fiat may not take the place of fact in the determination of issues involving life, liberty, or property. "* * * it is not within the province of a legislature to declare an individual guilty or presumptively guilty of a crime"—*McFarland* v. *American Sugar Co.* (241 U.S. 79, 86).

In *Heiner* v. *Donnan* (285 U.S. 328 (1932)), where presumptions concerning gift taxes were under consideration, the court said:

A rebuttable presumption clearly is a rule of evidence which has the effect of shifting the burden of proof (*Mobile, J. & K. C. R. Co.* v. *Turnipseed*, 219 U.S. 35, 43); and it is hard to see how a statutory rebuttable presumption is turned from a rule of evidence into a rule of substantive law as the result of a later statute making it conclusive. In both cases it is a substitute for proof; in the one open to challenge and disproof, and in the other conclusive. However, whether the latter presumption be treated as a rule of evidence or of substantive law, it constitutes an attempt, by legislative fiat, to enact into existence a fact which here does not, and cannot be made to, exist in actuality, and the result is the same, unless we are ready to overrule the Schlesinger case, as we are not; for that case dealt with a conclusive presumption, and the court held it invalid without regard to the question of its technical characterization. This court has held more than once that a statute creating a presumption which operates to deny a fair opportunity to rebut it violates the due process clause of the 14th amendment. For example, *Bailey* v. *Alabama* (219 U.S. 219, 238, et seq.); *Manley* v. *Georgia* (279 U.S. 1, 5-6). "It is apparent," this court said in the Bailey case (p. 239) "that a constitutional prohibition cannot be transgressed indirectly by the creation of a statutory presumption any more than it can be violated by direct enactment. The power to create presumptions is not a means of escape from constitutional restrictions" (at p. 329).

All these decisions make it clear that, aside from all legal technicalities, the effect of the creation of a conclusive or irrebuttable presumption, is to provide by legislative fiat that a fact will be presumed to have occurred, whether it did occur or not. The introduction of evidence to the contrary will not be permitted, no matter how definite and clear the evidence may be.

Under the Javits proposal, no matter how clearly it may be proved that the applicant never applied for registration or to vote, and therefore was not and could not have been deprived of his right to vote by State action or under color of law on account of race or color, no matter how clearly it may be proved that the 15th amendment does not apply to him, no finding on this point need be made and no evidence on this subject would be taken. The legislative decree will have gone forth that because there was one instance of violation of the 15th amendment, pursuant to "a pattern or practice", all persons of that race or of that color have been deprived or will certainly be deprived of their rights under the 15th amendment.

I was interested to note that another Washington Post and Times Herald editorial recently criticized the Supreme Court for what they considered reversing itself in the case of Nelson against County of Los Angeles, where the Supreme Court sustained a dismissal of an employee on the ground that he had not testified before a congressional committee. The newspaper thought that this case was governed by an earlier case where a New York statute authorizing the city to discharge employees who invoke the fifth amendment was held unconstitutional.

Would it be proper for the city of New York or for the Federal Government to enact a statute creating an irrebuttable presumption that any employee or any person, for that matter, who invoked the privilege against self-incrimination under the fifth amendment was guilty of the offenses concerning which he was being asked, and might therefore be discharged or convicted of those offenses?

The voting referee proposal involves an irrebuttable presumption that, if there has been one violation of the 15th amendment with respect to a person of a particular race or color, together with a pattern or practice, then all persons of that same race or of that same color in the area have been deprived of their rights under the 15th amendment, or would be deprived of their rights if they sought to exercise them.

I do not think that there is any "rational connection between the fact proved and the ultimate fact presumed." I think that the inference of one fact from proof of another is "so unreasonable as to be a purely arbitrary mandate." I urge Senators who are concerned with civil rights to beware of purely arbitrary presumptions and purely arbitrary mandates.

I think that the burden of proving individual discrimination with respect to each individual voter in order to make the proceeding a proper judicial proceeding, in order to give the proceeding a solid footing under the 15th amendment, and in order to satisfy the fundamental requirements of due process—instead of using an irrebuttable presumption to jump over all of these constitutional provisions—is not just "the rigmarole of individual findings." The Bill of Rights and the Constitution are not scraps of paper.

Mr. President, I should now like to turn to the second major part of the Javits amendment, the proposal for Federal enrollment officers beginning on page 7.

These officers are very much the same as the voting registrars proposed by the Civil Rights Commission. I think most of the comments I made with respect to the voting registrars when I was testifying before the Rules and Administration Committee on February 4 of this year are equally applicable to the Federal enrollment officers, though, of course, there are many differences which I should like to comment on later. Accordingly, I should like to read to the Senate from the testimony before the committee:

Constitutional and legal problems * * * would arise under plans based upon a determination by a nonjudicial body that State officials have discriminated against citizens in violation of the Federal Constitution.

That was the basis of my statement that the Attorney General meant to say he did not think the registrar plan was constitutional. That was diplomatic language. Certainly in the letter today he made very plain and explicit his additional objections.

Now I shall turn specifically to the Javits amendment, and start with subsection (b), which is labeled "Appointment of voting referees by the district courts of the United States."

I think this heading is somewhat misleading, because as I read the subsection, it seems to me that paragraphs (b)(1), (b)(2), and (b)(3) set up a procedure for registration of voters directly by the court, without necessarily involving any use of voting referees. I think that paragraphs (b)(4), (b)(5), (b)(6), and (b)(9) establish a separate and different procedure for the appointment of voting referees and the registration of voters by them, ratified by the court.

Subsection (b)(1) starts with a finding, in any proceeding under any law of the United States, that under color of law or by State action a person or persons have been deprived on account of race or color of the right to register or vote at any election. In the case of such a finding, the court on request of the Attorney General or any plaintiff must make a further finding whether such deprivation is pursuant to a pattern or practice. If this pattern or practice is found, any person of such race or color residing within the affected area shall for 1 year or perhaps more be entitled to an order declaring him qualified to vote on proof he is qualified under State law to vote. His application must be heard within 10 days. Paragraph (b)(2) provides that an order issued under paragraph (1) shall become effective 20 days after its issuance and notice thereof to the Governor of the State, unless the person affected is registered. Paragraph (b)(3) provides that an applicant so declared

qualified to vote must be permitted to vote in any election, and the Attorney General must send copies of the order to the appropriate election officers. If an election officer knowing of the order refuses to permit the person to vote, he is guilty of contempt of court.

As I indicated earlier, these proceedings start with any proceeding pursuant to any law of the United States, regardless of the nature of the proceeding, regardless of the parties to the proceeding, regardless of the relief which might otherwise be granted under the original proceeding. There is no requirement that the original parties to the original proceeding should be notified of these new applications filed; there is no requirement that the appropriate election officials who are conclusively presumed to have testified him to the court of his rights to vote must be notified; and there is no requirement that the election officials who will be ordered to permit him to vote should be notified. The only requirement is that the applicant must be heard within 10 days of its filing. The order is to be served on the Governor and the appropriate election officers, but they are given no opportunity to give opposing evidence to the court or to appeal the order. They can only accept it and carry it out subject to contempt penalties.

Paragraph (b)(4) provides that the court may appoint voting referees to receive applications to take evidence and report findings as to whether the applicant is qualified under State law to register and vote at a State election. Note that the court "may appoint" voting referees to receive and take evidence on applications. The applicant, under paragraph (b)(1) shall be entitled to an order, and the applicant shall be heard within 10 days. Note also that the only thing the referee considers whether or not the applicant is qualified under State law to register or vote.

The proceedings before the voting referee are ex parte under paragraph (b)(5); presumably the election officials are not notified of the application or hearings. When the referee has prepared his report, a copy is sent to the State attorney general and "to each party to such proceedings." The bill does not specify who are the parties to the proceedings. There is no requirement that an election official who was not involved in the original proceedings must be made a party and given notice of the referee's report, even though he may be the person who was presumed to have deprived the applicant of the right to vote, or he may be the election official who will be ordered to let the applicant vote.

The notice given to the State attorney general and parties to the proceeding will consist of an order to show cause within 10 days or less why an order should not be entered. Ten days is not much notice; and if the court reduces it, the defendants will not get much of an opportunity to give their side of the case. The bill provides in great detail just what kind of a statement of exceptions the defendant must submit and serve in order to prevent the order to show cause from taking effect.

The court may refer the matter back to the voting referee or he may decide it himself, but hearings on an issue of fact can be held only if there is "a genuine issue of material fact." The bill does not state how the court is to determine whether an issue is "genuine."

The applicants "literacy or understanding of other subjects" must be determined solely on the basis of the report of the voting referee. Even if the judges is in doubt he cannot call the applicant in and ask him questions.

All of this is a far cry from the sound judicial proceedings prescribed in rule 53 of "Rules of Civil Procedures for Referees and Masters." Under the rules of civil procedure both parties know of the reference, both parties know of the hearings before the referee, both parties have an opportunity to present their evidence through their witnesses, both parties have an opportunity to comment on a draft of a referee's report, and to take exceptions to it when it is filed. And the judge receiving the referee's report is not limited to rubberstamping the referee's report.

Paragraph (e)(II) of rule 53 provides that "the court after hearing may adopt the report or may modify it or may reject it in whole or in part or may receive further evidence or may recommit it with instructions."

Rule 53 of the "Rules of Civil Procedure" gives the kind of notice and opportunity to be heard which constitutes due process of law and for sound judicial procedure. Rule 53 provides the kind of judicial procedures which are essential if a proceeding is to be called a case or controversy under the judicial power vested in the courts by article III of the Constitution. Too many short cuts, escaping the time-consuming restrictions of due process and sound judicial procedure, will I think lead the courts to invalidate this proposal.

On February 29, 1960, I discussed the subject of voting referee in the Senate, commenting at that time primarily on the original administration proposal contained in the Dirksen substitute amendment. I shall not attempt at this time to repeat all of the points I made then, though most of my earlier comments would apply to this new proposal.

In conclusion, I wish to comment briefly on some added features of the Javits amendment.

Both the court and voting referee provisions of the Javits amendment and the Federal enrollment officer provisions of the Javits amendment call for provisional voting by applicants. The first provision appeared on page 6 of the amendment at line 16 through 22, and these have now just been amended by the Senator from New York. The second place where provisional voting is provided for appears on page 9 of the Javits amendment on lines 2 through 10. In many States, voting machines are used, and voters are by law entitled to privacy within the voting booth. I do not believe it is possible for anyone to preserve the vote of a challenged voter cast on a voting machine, without violating the voter's right to privacy. In fact, regardless of privacy, it seems to me impossible to "preserve" the vote made by the physical gesture of pressing down levers on a voting machine.

It seems appropriate to point out that the Javits amendment provides for the issuance of court orders qualifying voters to vote, and it makes disobedience to those orders contempt of court. The actions of the Federal enrollment officers which would be created by the Javits amendment are also enforceable by civil and equitable proceedings. Injunctions may be granted in order to carry out their decisions, and it will be contempt of court to disobey these injunctions. All the objections I presented to the Senate on March 8 against depriving persons of the right to trial by jury in criminal contempt proceedings are applicable to the contempt proceedings which will be created by the Javits amendment.

In addition, the Javits amendment makes it a crime to refuse to accept a ballot from a person enrolled by a Federal enrollment officer or to interfere with or prevent him from voting.

The amendment specifically provides that injunctions shall not be denied on the ground that the acts complained of are a crime. It is not clear whether a person may be both punished by fine and imprisonment for the crime and also by fine and imprisonment for the contempt, since it would seem that the proponents of these measures take the position that criminal contempt is not a crime.

Paragraph (d) of the Javits amendment introduces a new feature on which there has been no testimony as far as I am aware.

In any suit where a person alleges that he has been deprived on account of race or color to register to vote at any election, the court must notify the Attorney General and must permit him to intervene as a party to present evidence, to argue, and to recommend relief. This would apply to apparently the civil actions where the plaintiff is seeking money damages for relief for deprivation of rights. It seems inconsistent with ordinary judicial processes to have such a suit virtually taken over by the Attorney General for such purposes as he may see fit. I know of no testimony which provides a factual basis for this new provision.

Section (f) of the Javits amendment, which is copied from section 7 of the Dirksen substitute, provides that in injunction proceedings under the 1957 act, the State may be joined as a party defendant if an official of the State is alleged to have committed the deprivation and, if the official has resigned, the proceeding may be started against the State.

I hope my distinguished colleague from Pennsylvania [Mr. CLARK] will take due note of the following:

In *U.S.* v. *Alabama* (No. 398, October term, 1959), which I understand will be argued in the Supreme Court next month, the Attorney General is contending that the 1957 act already permits a State to be made a party. The district court held that the 1957 act did not authorize suits against States as such, and the Court of Appeals for the Fifth Circuit unanimously affirmed this ruling.

Ordinarily, it is poor policy to amend a statute to accomplish what one is seeking to do by interpretation in pending litigation. However, I take it that the Attorney General is not confident of obtaining a reversal of the district court and the court of appeals, and therefore thinks it necessary to accomplish this change by statute. I trust the Supreme Court will take judicial notice of this, when it considers the Attorney General's position in United States against Alabama.

The Javits amendment we are now considering will expand the authority of the Federal Government over the field of elections, State as well as Federal. We should be careful how we seek to upset the balance between Federal and State powers and responsibilities. We should be careful how we seek to expand the power of the Federal Government over matters which have always in the past been matters of State concern. In this connection, I ask unanimous consent to have printed in the RECORD at this point an editorial from the Wall Street Journal of March 21, 1960.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE MOMENTUM OF POWER

While neither the advocates of the civil rights bill in the Senate nor the southerners who oppose it are satisfied with the way things are going, one clear conclusion is emerging from the voting.

Federal power is in danger of being broadened beyond the intention of many of the advocates of the administration's measure.

The out-and-out statists, who would have Federal power grow ever larger in every field, are not displeased. But even some of the liberal Senators are dismayed to find that the power they wish to apply in a limited area inevitably bursts the bounds they would set. And those who, like President Eisenhower, "would like to diminish (Federal power) rather than to increase it" would do well to take stock of its growth.

What has happened to the section of the administration's civil rights bill that would have made bombings of schools and churches a Federal crime is a case history showing that once a grant of Federal power is started on its way, its very momentum will carry it far beyond the intentions of its originators.

The moment Senator DIRKSEN introduced his bill making it a Federal crime for arsonists or bombers of only schools and churches to cross State lines, two factors became inexorably involved. One was the moral revulsion of most people at such violence, and their desire to prevent or punish such acts with more law. The other was the legal principle of equal application of the law.

The interplay of two of these powerful stresses shaped that particular section so that it is now not at all what the administration meant it to be at first. The Federal power was broadened to include not only acts against schools and churches, but bombings or arson wherever they occurred in any kind of situation whatsoever. In the end, Senator DIRKSEN voted against his own proposal, its scope had been so widened.

Just as inexorably, the shape the section took under these two powerful factors, one emotionally understandable, the other legally unassailable, called to account the question whether it was wise to broaden Federal police powers in this way.

There have been cases of bombings and arson, but were they beyond the police powers of the State? We think not; but even if one wishes to argue that southern peace officers will not seek out the guilty and that even if they do southern juries will not convict them, does granting jurisdiction to Federal authorities solve that problem? Jury panels, whether State or Federal, are drawn from the area in which a crime occurs. Are the people, though they are the same people, expected to act differently on Federal juries than on State juries?

The answer to that question ought to be obvious to the least student of human nature. A man who will free a proven school or church bomber or arsonist in one court is not likely to convict him in another.

So the proposal, even if it should become law, is no cure-all for the kind of crime it aims to prevent. And since those crimes, inhuman as they are, are relatively few in the category of national crime, the necessity for expanding Federal police powers can, in all fairness, be seriously questioned.

And if the necessity can be fairly questioned, so can the wisdom. It is not the part of wisdom to assume that the expansion of Federal power, once begun, can be stopped exactly where and when a Senator wishes.

PROPOSED BROADCAST OF CAMPAIGN OF TRUTH TO CUBA

Mr. MUNDT. Mr. President, I address myself to the Cuban situation. A year of patient and hopeful waiting to determine the direction and progress of the revolution has resulted only in an intense hate campaign directed in venom against the United States. One would have thought that the energies of the new regime in Cuba might well have concentrated upon the elimination of the excesses and travesties of the old order rather than upon hysterical and unreasoning vituperation against its best friend and largest customer. But that, of course, presumes that the new leaders were determined upon an ideology similar in purpose and method to the concept of democratic order in a Western World of private enterprise. Of course, the processes of revolution are uncharted, but it would seem that leadership which needs to indulge in conjuring up fancies of mythical enemies beating at its gates in order to maintain its prestige and contain its furies is, indeed, a fragile one. I, for one, question whether internal national progress is ever made by misleading misdirection. Certainly, international sympathies and cooperation cannot be attained by malicious falsehood. Truth has a very certain path of revelation.

As their close neighbor and dear friend, the peoples of the United States have sat by for a year earnestly hoping that the promise of better days in a cleaner political atmosphere might be the lot of their Cuban brothers. Respectful of the traditional right of all men to govern their own destiny in their own environment, we have neither interfered nor have we volunteered counsel. I believe that our other neighbors to the south, in fact the free world, have appreciated our forbearance and good will. Mayhap we, and maybe the peoples of Cuba, have misunderstood the purposes and ultimate goals of the bearded clique who have attained control of Cuba. Maybe by the beating of drums and the use of noble slogans and cliches their intention has been to misdirect the noble purpose of revolution into the mire of regimentation and dictatorship.

There have been other historic revolutions in Cuba. Each has surrounded itself with the trappings of pious phrases initially noble in purpose and goal. Most have floundered upon the rocks of selfishness and exploitation. Can this be another in sequence? Or, does this one embrace an even more potent change into the darkness of totalitarianism? Certainly the passing days rather than clarifying the direction cause us all deep concern. The outlook at the moment from all available facts seems dire indeed. Unless corrected or changed, the present direction of the Castro movement seems certain to lead to communism—to national bankruptcy or to new and perhaps even bloodier revolutions.

I will not here undertake to spell out the story of events within Cuba since the spellbinding parade of the bearded ones from the mountains into the capitol at Havana nor of the multitude of flats which have since upset civilized concepts of individual liberties, social order, and proprietary rights. The Congress has been apprised of these happenings and our people have been kept advised by all our news media. Were these executive mandates directed solely to the concern of Cuban citizens and Cuban property, our interest, concern, and protest might be questioned.

However, we need no additional waiting period for proof that the excesses which have been and are being committed in the name of "nationalism" and "agrarian reform" vitally affect the interests of millions of U.S. citizens whose savings are invested in the securities of American corporations which, with the encouragement of the U.S. Government, have placed all or part of their capital abroad. Even more important, they have a direct bearing upon the peace and security of the entire free world.

It would seem that the pattern heretofore set by all of us in the inter-American community of nations—a pattern of the freedoms and of democratic growth in mutual relationship—is in real jeopardy. Hence, the concern is not ours alone but of every member state and of every individual in the Western Hemisphere. It is indeed of real concern to freemen everywhere.

But we, the United States, have been selected for external sacrifice. We who in living memory rescued the island from medieval bondage. We who have given order, vitality, technical wisdom and wealth are now being eternally damned for our civilizing and cooperative virtues. This is nothing new in pattern. Our energies, our growth, our size, our dynamics, have ofttimes in the past subjected us to the false criticisms, the ambitions, and the prejudices of foreign tyrants and their gross purposes. It is not new that false smokescreens of hate have been thrown up to hide personal ineptitudes and unsound and ineffective leadership upon local scenes. We have taken it before in silence but with pity. Though hurt and chagrined, we have kept silence with restrained dignity. Perhaps it is the Christian lot and the price

we pay for achievement and size. Patience has sometimes paid with change.

But we are facing a markedly different world today when contending forces seek to determine mankind's future destiny. It is a contest between individual freedoms and spiritual attainment against regimented materialism and external darkness.

Victimized in such a contest, it behooves us to defend ourselves and our principles and assume a forthright leadership. The days of laissez faire are over.

What, Mr. President, have the Cuban bearded ones been doing to us in these past months? With malicious hate, they have maligned and excoriated us ad nauseum; they have insulted our President and our Ambassador; they have stolen our property and accused us of mass murder. Through their controlled press, radio, and television, by the repetitive lie technique, they have endeavored to turn their credulent adherents into hostile enemies of the United States. They have shut off all means and sources of rebuttal and thereby have suppressed truth. The Committee on Freedom of the Inter-American Press Association has just reported that the entire Cuban press had "either directly or indirectly physically passed into the hands of the Government there or has become so intimidated that it cannot be considered free."

To date, our sole reprisal has been silence, with pity for the poor deluded Cuban public, while the property and interests of our own citizens were being expropriated without compensation.

Mr. President, that is the sorry record of the vilification and provocation of our country by the ruling Cuban regime during the past year. The question we face is: How much longer do we exercise patience? How much longer do we forbear? What should we do about it?

If I thought that by guarding our silence we would be serving the long-run interests of the Cuban people, as well as our own, I would recommend continued patience and forbearance. I would tolerate the sting of the gnat a while longer, certain that the fair winds would soon rise and blow it into the sea.

I am convinced that unless the present regime in Cuba does change its ways that is precisely what will happen—in time. But will it happen soon enough? Will it happen before irreparable damage is done to the essential ties and interests of the people of Cuba and the United States?

That is the question which disturbs me. That is the question which has led me to make these remarks today.

I am persuaded that if we further acquiesce in the proliferation of lies about this Nation, we shall lend support to the effort of Communist sympathizers to drive a permanent wedge between Cuba and the United States. Unless that attempt is counteracted and counteracted now, the wedge will remain long after the unshaved and unshorn ones have disappeared into unhallowed graves.

Therefore, Mr. President, I believe we must take immediate affirmative action to keep open channels of truth to the Cuban people, channels of truth which will penetrate, through the din of distortion which the present government in Havana hammers incessantly into the ears of the Cuban people.

Mr. President, I was the initial author of Public Law 402, the Smith-Mundt Act, of 1948, which was "an act to promote the better understanding of the United States among the peoples of the world and to strengthen cooperative international relations," which established a permanent U.S. Information Service. After this bill passed the House in the 80th Congress, former Senator Alexander Smith, of New Jersey, who introduced a companion bill in the Senate, rendered trojan service to steering its passage through the Senate. As part of this information service, there was created the "Voice of America," a worldwide broadcasting medium.

As coauthor of this act, now known as the Smith-Mundt Act, I feel a special responsibility to bring to the attention of the Senate and the country the immediate necessity in some penetrating way to get the truth about the United States to the 6,500,000 Cuban people.

I recall to the Senate part of the report of the Mundt special subcommittee of the Committee on Foreign Affairs made in 1948. It reads, in paragraph 7:

> It is essential that the Voice of America adapt its programs to the political conditions and needs of a given country. For example, the people of a country in the throes of political upheaval are vastly more interested in American policy and reactions with regards to their problems than they are in the American adult education program, interesting though that would be under less critical circumstances.

And then in paragraph 8:

> The Voice of America should, with the aim of discomforting the local government and encouraging the resistance of the people in totalitarian and satellite countries, broadcast back to the country concerning news items and commentaries on events, the publicity of which the local authorities seek to suppress.

I sincerely believe that if the voice of truth is heard in Cuba in continuing stream, it will surely, in time, overwhelm with thunderous righteousness the carping, the cackling, the ranting, and raving against the United States and its people which now dominate that island.

Mr. President, just about 1 year ago I sat for nearly 4 hours in the Presidential Room of the Statler Hotel here in Washington listening to Fidel Castro speak to the annual convention of newspaper editors and reply to the questions asked him from the floor. I was there as the guest of Mr. Fred Christopherson, of South Dakota's Sioux Falls Daily Argus-Leader. Frankly, I was unimpressed and totally unconvinced by Castro's statements. However, his representations to that audience concerning his friendship for the United States, and his good will toward the American people, accompanied by his invitation for more American tourists to visit Cuba, have clearly been negated and refuted by his own subsequent actions and declarations. Increasingly since then, he has maligned and criticized the United States and its people without reason and devoid of truthfulness. This constant drumfire of anti-American criticisms, if left too long unanswered in the minds of those captive Cubans who hear it, can create misunderstandings and suspicions and ill will about the United States which will mar Cuban-American relationships long after Castro and his ilk have ceased to maintain tyrannical controls over this presently unhappy island.

In a very pointed way, the Cuban situation tests the very premises upon which the information program and the Voice of America were established and upon which they have operated during the past dozen years. Its premise has ever been that the telling of the truth about the United States and its policies to peoples held in the grip of tyranny would ultimately destroy that grip.

This, Mr. President, is the premise which has carried the Voice of America into distant lands in all parts of the world. Yet, here within the shadow of the Nation, in Cuba, scarcely 90 miles from our shores, we have failed to test this premise as we should. We have in no wise and by no means been getting the truth, and rebutting the lies, into Cuba, with the vigor and scope required to meet this challenge.

It seems such a travesty and indeed such a frightening tragedy that here, close to us, in this land of peoples for whom we have had such long and deep feelings of friendship—in an island paradise the peoples of which are linked in close livelihood to our own and whose security is so intimately geared to our own—in this land the trumpet of tyranny blows. Will we not drown out the blasts against the voice of truth and freedom with all the power we command?

There is one initial start we can make. The means are at hand in the information program—in the Voice of America. Let us utilize the resources of this existing agency so that the truth may carry clearly and sharply across the waters into the confused and brainwashed minds of the Cuban people.

Unfortunately, we have dealt in petty fashion with our broadcast facilities to Latin America since 1953. In that year, the Congress curtailed the budget of the U.S. Information Agency, and, to stay within its budget and to provide facilities presumably needed in other seemingly more provocative parts of the world during that and succeeeding crucial years, the USIA Spanish language broadcasts to Latin American countries were substantially limited.

We send few, if any, broadcasts to Latin America in English, Portuguese, or Spanish from the United States on medium wavelengths. We send limited shortwave transmissions to Cuba, principally in English, which are received by less than 150,000 of the owners of the 1½ million Cuban radio sets. As in this country, the listening habits of Cubans are geared to normal medium wavelength reception. Most Cuban receiving sets are limited to the medium wave broadcast band.

I propose that within the framework of the North American Broadcast Agreement we use the facilities of such commercial broadcasting stations as are proximate to Cuba and which have some regular Cuban audiences to beam continuing messages of truth toward that island. I well appreciate that we do not have enough existing, adequate clear channel stations to saturate Cuba or facilities using alternating wavelengths to offset Cuban radio interference. But at least this will be making a beginning.

I join with the Senator from Colorado [Mr. ALLOTT] in requesting the U.S. Information Service to make an immediate study and report to the Foreign Relations and the Foreign Affairs Committees and the Appropriations Committees of both Houses to determine other effective broadcast means. The task should not be too difficult. We certainly are the world leaders in this technical field. In their study, I am certain consideration would be given to the suggestion of using the floating transmitter of the Voice of America, as well as possible broadcasts by plane.

To make this beginning, additional funds will be required by the U.S. Information Agency to contract time from commercial stations. Appropriations for the Agency for this fiscal year, ending June 30, have already been determined and obligated.

Within the money presently available to our U.S. Information Agency, I wish to commend the Agency on the efforts which it has been making. For about a year and a half, the Voice of America has been broadcasting shortwave in English to Latin American countries including Cuba. We are still placing materials on certain Cuban radio stations for local broadcasting despite the fact that the Cuban Government has taken over many of the radio outlets and, of course, the necessity of utilizing a very "soft sell" in order to keep our material from being banned entirely from Cuban radio stations. The Agency has also been supporting daily shortwave broadcasts in Spanish to Latin America by station WRUL.

The most significant development in this area of existing activities, however, took place last night when the Voice of America initiated Spanish language broadcast by shortwave to Cuba. Unhappily, shortwave broadcasts are heard by such a small fraction of the Cuban listening public that this is like sending out a boy to do a man's work. But it is far better than doing nothing at all. We need, however, to reach the general listening public in Cuba, in its own language, and with a radio wave which is receivable by Cubans, who like Americans, have the habit of listening to the conventional radio wave lengths. But, with the funds available to it, the U.S. Information Agency is to be congratulated on the initiation of this new Spanish language broadcast to Cuba last night.

I should add, Mr. President, that the U.S. Information Agency has a staff of 9 Americans and 25 local national employees presently working for it in Cuba. We maintain a binational center at San Diego; a reading room was recently opened in Santa Clara which is designed to be converted to a binational center; and seven mobile film units are showing films to schools and other groups throughout the island. Recently, a sizable pamphlet program was conducted including the direct mailing to newspapers and other media of information and communication of releases on Cuban sugar prices, comparing prices paid by the Soviet Union with world prices and those much more attractive prices paid by the United States under the quota system.

However, Mr. President, we must meet the mighty challenge of the hour emanating from Cuba with something more effective and sustained and vigorous than all of the foregoing. We need to hit hard and often with the truth about America. We need to refute the slanderous attacks made against our country. We need to reassure those millions of Cubans who are our present or potential friends that the United States is their most important customer and their faithful, helpful ally and associate.

I have made a firsthand check on the cost involved in purchasing commercial time over the medium-wave stations in our country which have the capability of being heard consistently and widely in Cuba. It is both surprising and gratifying, Mr. President, to learn how much we can do with so little in this area of activity. I find that such stations as WGBS in Miami, which is a 50,000 watt station by day, reduced to 10,000 watts in the evening hours, might well be stepped up to a 50,000 watt nighttime station for purposes of beaming programs to Cuba. Even without such accelerated evening programs, WGBS has a great listening capability in Cuba.

In addition, there are other radio stations in Florida from which USIS could rent program time to beam Spanish language programs of truth to Cuba. From Atlanta, Ga., a clear-channel station, WSB, has a penetration far into the listening areas of Cuba.

I have checked programing costs with these stations and have had Deputy Director Abbott Washburn, of the U.S. Information Agency, supply me with an estimate as to how much money might be needed to step up adequately this campaign of truth to Cuba in the Spanish langauge, on medium-wave broadcasts, between now and the end of the fiscal year. Mr. Washburn reports that a supplemental appropriation of $100,000 for this purpose would enable the USIA to do an effective job in this connection from now until the 1st of July.

My own cost estimates confirm the recommendation of Mr. Washburn. I can think of no place in our entire field of international relations or in the maintenance of our preparedness and security setups that an extra $100,000 made available right now could be more wisely and effectively invested, Mr. President, than to project the type of information program I have been suggesting to the good people of Cuba, whose ties with the United States are strong but who presently find themselves cut off from the customary avenues of information. In fact, such an inexpensive, but thoroughly important, program now might indeed save us billions of dollars of later expense should Cuba pass completely into the arms of alien Communists, or should its Government become permanently anti-American.

Good defense, Mr. President, like good charity, begins at home. At a distance of only 90 miles from Florida there is trouble on the home front which the proper type of information program projected vigorously enough by the Voice of America can help to terminate.

I therefore propose that the sum of $100,000 be immediately appropriated to the USIA earmarked solely for the purposes of a broadcast campaign of truth beamed to Cuba. When the Information Agency gives its report of useful additional facilities to intensify this campaign of truth, Congress at that time can determine additional appropriations in our regular appropriations bill for the ensuing fiscal year.

Mr. President, I submit an amendment, and if unsuccessful in having a special meeting of the Appropriations Committee approve it—and such meeting has been called—I shall offer it as an amendment from the floor to the supplemental appropriations bill soon to come before the Senate.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table.

Mr. MUNDT. Mr. President, we of a certainty are in a battle for the freedom and the peace of this hemisphere. Let us indeed be prepared and equipped for the contest. One of the best steps in preparation, and one of the best weapons in our equipment, is to get the truth about America and the truth about American policies and programs into the minds and hearts of the people of Cuba.

ORDER FOR ADJOURNMENT UNTIL NOON TOMORROW

Mr. JOHNSON of Texas. Mr. President, has an order been entered for the convening of the Senate tomorrow?

The PRESIDING OFFICER. The Chair is advised that no such order has been entered.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today, it adjourn until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. JOHNSON of Texas. Mr. President, I do not know if any other Senators desire to address the Senate at the conclusion of the statement about to be made by the Senator from Pennsylvania. How long does the Senator expect to speak?

Mr. CLARK. From 5 to 10 minutes.

Mr. JOHNSON of Texas. Does the Senator know if any other Senators propose to transact any business or ask for any votes this evening?

Mr. CLARK. Not so far as I know.

Mr. MONRONEY. That would not preclude the offering of an amendment and a request that it lie on the table, would it?

Mr. JOHNSON of Texas. Not at all.

Mr. President, I give assurance to all Senators that no other business will be transacted today except the insertion of matters in the RECORD or the offering of amendments; that there will be no votes of any kind; and that when we conclude our business today, we will reconvene at noon tomorrow.

Mr. MUNDT. Mr. President, will the Senator from Texas speak a little louder, please?

Mr. JOHNSON of Texas. I had said that when the Senate concluded its business today, it would adjourn until noon tomorrow; that there would be no yea-and-nay votes this evening; but that the Senate would remain in session to enable Senators to offer amendments and make insertions in the RECORD. No voting is expected to take place, and no business will be transacted other than the insertion of matters in the RECORD and the offering of amendments.

Mr. MUNDT. That will be very satisfactory.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools, R–I, Missouri.

Mr. CLARK. Mr. President, first, I desire to comment on the able speech made by the distinguished junior Senator from Virginia [Mr. ROBERTSON] a few minutes ago with respect to the pending amendment; and second, on the letter from the Attorney General, which the minority leader read into the RECORD earlier this afternoon.

As a practicing lawyer, I should like to differ with the viewpoint expressed by my good friend, the very able lawyer from Virginia, that there is anything unconstitutional about the pending amendment. The Senator from Virginia bases his claim about the lack of constitutionality of the amendment on the theory that a presumption is created under the amendment which is not in accord with the basic facts. He goes further and cites certain Supreme Court cases, including an opinion by the late great Justice Oliver Wendell Holmes, to the effect that any presumption arising from a state of facts must be reasonable. He concludes that the presumption we create in the amendment from the basic facts is not reasonable, and that therefore the amendment is unconstitutional.

However, there is no presumption in the Clark-Javits amendment. We do not utilize the doctrine of presumption at all. Accordingly, in my judgment, and in the judgment of my cosponsors, the argument of the Senator from Virginia falls of its own weight.

It is not true, as the Senator from Virginia avers, that every person has been denied the right to vote if and when a presumption has been found. On the contrary, every person, after a pattern or practice of discrimination has been found, must come before the voting referee and testify under oath that he meets the qualifications set forth by State law. This is not a presumption. It is a judicial procedure to ascertain a fact in and of itself.

Mr. President, I turn now to the question of presumption. The doctrine of presumption has nothing to do with the Clark-Javits amendment. Our amendment will create new Federal procedure which will be called into effect if—and only if—a pattern of discrimination is found to exist by a Federal district court, in an adversary judicial proceeding. Accordingly, we conclude that no constitutional question is raised by this amendment; and I confirm what my friend, the Senator from Virginia, said—namely, that any off-the-cuff indication to the contrary which may have been voiced on the spur of the moment by the Attorney General, when he appeared before the Committee on Rules and Administration, is not entitled to any serious consideration whatever. I reiterate that no constitutional question is involved in the pending amendment.

Mr. President, it is the judgment of the sponsors of the pending amendment that the procedure it provides for is fair, affords due process to the interested parties, and is attuned, to the extent that it can well be, to the need for speed.

The provisions for provisional voting are fair and are precisely spelled out, and are equally applicable in districts where voting machines, rather than paper ballots, are used. When a vote is challenged, it can be cast by paper ballot, and thus can be identified separately from the votes cast on the voting machines. Today that is done in my State, and in many other States, in the case of military voters and absentee voters. In every instance where that occurs under State election procedures, the secrecy of the ballot has always been maintained, and I see no reason to doubt that that would be done in this case.

I turn briefly, Mr. President, to the rather extraordinary letter from the Attorney General to the Senator from Illinois [Mr. DIRKSEN], which was read into the RECORD earlier this afternoon. In order to afford my colleagues who may read the RECORD tomorrow an opportunity to consider my comments on the letter and at the same time have the letter before them, I ask unanimous consent that the letter be printed at this point in the RECORD, even though I know it has already been printed in the RECORD.

The PRESIDING OFFICER (Mr. HART in the chair). Without objection, it is so ordered.

The letter is as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., March 22, 1960.

Hon. EVERETT M. DIRKSEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: You have asked for my comments upon the Clark-Javits amendment (3–11–60—B) to section 3 of your amendment (2–24–60—I) to H.R. 8315. Essentially, the Clark-Javits amendment would combine a voting referee proposal with the so-called enrollment officer procedures proposed by Senator Hennings (3–10–60—F).

Supporters of the Federal enrollment proposal contend that it is a stronger measure than the administration's referee proposal. This is not so. As a practical matter it would be worthless. It is for that reason that the administration is strongly opposed to it.

The defects of the Federal enrollment proposal cannot be avoided simply by adding the proposal to the voting referee plan.

Stated very simply, the Federal enrollment proposal would be totally ineffective, except in cases of voluntary compliance by State officials, because it does not provide any practical method of enforcement. It would provide the Negro with an opportunity to have his name enrolled by a Federal enrollment officer, but it does not provide any effective way to insure that State officials will allow the Negro to vote.

It provides that when a State election official refuses to honor a Federal enrollment certificate and denies the Negro the right to vote a suit for an injunction may thereafter be started by the Attorney General on behalf of those who have been deprived of the right to vote. Such equitable relief would be of no value because by the time the lawsuit was concluded the election would be over.

The act by the State officials of refusing to honor a certificate of the enrollment officer would not subject them to actions for contempt of court for they would not have disobeyed an outstanding injunction.

Nor does the fact that the officials would be subject to criminal penalties breathe life into the Federal enrollment proposal because, as I have stated on many occasions, criminal remedies in this field are of little or no value.

By way of contrast, under the voting referee proposal, this would be an outstanding court order requiring State officials to permit Negroes named in the order to vote. Any failure to comply with this order would permit the court to proceed immediately to hold them in contempt and impose a sentence of 45 days in jail or $1,000 fine.

I should like to use this opportunity again to emphasize that it is not enough, as the authors of the Clark-Javits amendment apparently believe, to pass a bill that simply assures Negroes of the right to register.

In an apparent failure to appreciate this simple truth, the authors of the Clark-Javits amendment would also emasculate the voting referee proposal.

I would particularly call attention to subsection (b)(2), page 3, of the Clark-Javits amendment which provides that an order declaring an applicant qualified to vote: "shall become effective 20 days after the issuance of such order and notice thereof to the Governor of the State, unless any person named therein shall have been registered by appropriate State officials in the intervening period, in which case the order may be vacated on application duly made as to the registration of such person."

Such a provision emasculates the voting referee proposal and would make a farce of any bill which included it. In practice, it would mean that after a Negro has applied to the Federal court and has proven his qualifications before the judge or a referee and the court has issued an order certifying him as qualified to vote, a State official could completely wipe out the binding effect of that court order simply by placing the Negro's name in a registration book. Once this was done, and the court order was vacated, State election officials would be under absolutely no compulsion from Federal process to permit the Negro to vote. It is the right to vote, and not merely the right to register that the 15th amendment of the Constitution guarantees to the Negro citizen.

To summarize then, the Clark-Javits proposal suffers from a fatal illness—it cannot be enforced. It is simply an enrollment scheme providing no guarantees that the Negro will be permitted to vote not now contained in the Constitution and present laws. If added to the voting referee proposal of the administration it would not only clutter it up with worthless provisions but would seriously weaken it.

With kind regards.

Sincerely,

WILLIAM P. ROGERS,
Attorney General.

Mr. CLARK. Mr. President, I intend to disregard the intemperate language and the purple adjectives in which the Attorney General has stated his case. In my judgment, his phraseology would be more appropriate to a political speech than to a seriously reasoned legal document intended to call the legal views of the Attorney General of the United States to the attention of the Senate.

Therefore, I turn immediately to the Attorney General's substantive objections to the Clark-Javits amendment, which are two in number.

First, the Attorney General states, in paragraph 4 of his letter:

> The Federal enrollment proposal would be totally ineffective, except in cases of voluntary compliance by State officials, because it does not provide any practical method of enforcement.

And in the same paragraph we find this:

> It does not provide any effective way to insure that State officials will allow the Negro to vote.

Later in the letter the Attorney General states:

> The act by the State officials of refusing to honor a certificate of the enrollment officer would not subject them to actions for contempt of court for they would not have disobeyed an outstanding injunction.

I believe that argument to be unfounded in fact or in law, Mr. President. I shall now read the pertinent provisions of the amendment which I believe sustain my position; I quote from page 8, line 20, of the amendment, beginning with paragraph (3) of subsection (c):

> (3) Each qualified voter who is enrolled pursuant to this subsection shall have the right to vote, and to have such vote counted, in any election held in his registration district subject to the provisions of paragraph (4) of this subsection.
>
> (4) Nothing contained in this subsection shall be construed to deny to appropriate State officials or other persons having standing under State law the right to challenge the determination of State registration or election officials that another person is qualified to vote or the right at the time of elections to challenge the eligibility to vote of persons enrolled hereunder.

Now I call the careful attention of my colleagues to the language which follows, and which I quote, and desire to emphasize:

> Whenever such a challenge is made, however, the enrollee shall be permitted to cast his vote and have it counted, but it shall be preserved subject to a determination of the validity of the challenge in any appropriate action brought in the United States district court having jurisdiction over the registration district in which the challenge is made.

Later in the same paragraph, I quote further:

> In any suit under the provisions of this paragraph, the determination of the Federal enrollment officer with respect to such registration shall not be stayed pending the final decision of the district court.

Mr. President, these provisions make it abundantly clear that a violation by a State election officer of the enrolling of a citizen by a Federal enrollment officer and the giving to that citizen of an election certificate will be a violation of Federal law; and a violation of Federal law can be enforced by a Federal district court at any time; and, specifically, I read the provisions of paragraph (6), on page 10, beginning at line 13, in the pending amendment:

> (6) Federal enrollment officers shall determine whether persons enrolled under this subsection are afforded the right to vote and to have their votes fairly counted. For this purpose each such officer shall be authorized to attend at any election held within his registration district to inspect the taking of the vote and the counting thereof. Should any person enrolled under this subsection be denied the right to cast his vote or to have his vote counted, the Federal enrollment officer shall forthwith notify the Attorney General.

So, Mr. President, let us make the basic factual assumption which the Attorney General makes, which is that when they come to the polling place, the local officials will deny the enrolled, disfranchised citizen the right to vote, even though he has been registered. The Attorney General says there is no way by which that order can be enforced. Well, Mr. President, I do not know why the Attorney General did not see fit in his letter to refer to the provision of the amendment which immediately follows the portion I read a moment ago, which is paragraph (7), beginning in line 23, on page 10, and reading as follows:

> (7) The provisions of this subsection shall be enforcible by appropriate civil and equitable proceedings instituted in the district court of the United States within the jurisdiction of which such registration district is located, by the Attorney General of the United States for and in the name of the United States, or by any individual whose rights under this subsection shall have been denied or interfered with—

And mark this well, Mr. President—

> and the court may grant such permanent or temporary injunction, restraining order or other order as it may deem appropriate.

That means, to any layman, as well as it means to any lawyer, that the moment an election official refuses to permit a citizen to vote, after it has been found he is entitled to vote by a Federal enrollment officer, the Attorney General of the United States, acting through his duly authorized U.S. attorney or one of his deputies who operates out of a Federal district court to which jurisdiction is given over these proceedings, will immediately go into court and have a temporary restraining order issued directing the election officials to permit the individual, and all similarly situated individuals, to vote; and if they refuse to do so, that is clearly contempt of court.

Mr. President, the procedure which we have set up in the pending amendment is identical, in substance and in principle, with the procedures for permitting a challenge of a vote contained in the election laws of all 50 States, from Alaska all the way through to Wyoming.

Mr. President, for the Attorney General to attempt to tell the Senate of the United States that is not the law is, I think, an extraordinary action to take for an official who has risen to the height of his profession and is acting as the Attorney General of the United States.

Mr. President, I am most anxious to say nothing intemperate in the course of my remarks, but I ask my colleagues to consider carefully what the Attorney General said in his letter our amendment provides, and the further explanation which I have just made, as well as the very eloquent comments the senior Senator from New York [Mr. JAVITS] made earlier today, when the letter of the Attorney General was first read.

So much, Mr. President, for the Attorney General's first point. I turn now to his second point, which is, in effect, that our amendment is defective in subsection (b)(2), on page 3, where we give State authorities an opportunity to act and register an individual after a pattern or practice of discrimination has been found by a Federal court.

This provision was a compromise provision and was intended to give State officials an opportunity to purge themselves, an oportunity to save their face, an opportunity to do the right and just thing, by permitting their own citizens to register, under their own State laws, instead of requiring that a Federal procedure should be invoked to insure the citizen of his constitutional rights.

It is a little surprising that so temperate and moderate a provision should be found objectionable by the Attorney General, when he stated:

> Such a provision emasculates the voting referee proposal and would make a farce of any bill which included it. In practice, it would mean that after a Negro has applied to the Federal court and has proven his qualifications before the judge or a referee and the court has issued an order certifying him as qualified to vote, a State official could completely wipe out the binding effect of that court order simply by placing the Negro's name in a registration book.

Once this was done, and the court order was vacated, State election officials would be under absolutely no compulsion from Federal process to permit the Negro to vote. It is the right to vote, and not merely the right to register, that the 15th amendment of the Constitution guarantees to the Negro citizen.

Again I find myself regretfully compelled to differ completely from the legal judgment of the Attorney General. In fact, it is difficult indeed for me to understand how he could have come to a conclusion so contrary to what seems clearly set forth in the pending amendment.

And again, in order that Senators may have the pertinent provisions of the amendment before them, I shall again read them into the RECORD. I quote first from subsection (b)(1), beginning at line 22 of page 2 of the amendment:

> If the court finds such pattern or practice, any person of such race or color residing

within the affected area shall, for 1 year and thereafter until the court subsequently finds that such a pattern or practice has ceased, be entitled, upon his application therefor, and subject to the provisions of this subsection, to an order declaring him qualified to vote, upon proof that he is qualified under State law to vote.

So we find our disfranchised citizen entitled to an order declaring him qualified to vote.

I turn now to subsection (b)(2), which provides that an order qualifying the citizen to vote shall become effective, and I now quote again:

Twenty days after the issuance of such order and notice thereof to the Governor of the State, unless any person named therein shall have been registered by appropriate State officials in the intervening period, in which case the order may be vacated on application duly made as to the registration of such person. When such order shall become effective, it shall apply to any election which is held within the longest period for which such applicant could have been registered or otherwise qualified under State law and at which the applicant's qualifications would under State law entitle him to vote. Except as provided in this paragraph, the execution of any order disposing of such applications shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

I quote again from subsection (b)(3), which immediately follows what I have just read:

Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared to vote shall be permitted to vote in any such election.

Skipping a sentence, and quoting again:

The refusal by any such officer with knowledge of such order to permit any person so declared qualified to vote, to vote at an appropriate election shall constitute contempt of court.

Mr. President, let us see how this would work out. A pattern of discrimination would be found. The Attorney General would cause a Federal referee to be appointed by the court. The Federal referee would find that John Doe had illegally been deprived of his right to register and to vote. The Attorney General would prepare an order for the court's approval, which would say, "John Doe shall be permitted to be registered and to vote." I ask Senators not to forget the "and to vote."

Thereupon the Governor would have a chance to purge the State. The Governor could move in to register John Doe or to cause him to be registered. Thereupon, according to the provisions of the amendment, the order may be vacated—and I wish to emphasize that the amendment states that the order "may" be vacated—if the attorney general of the State came to the court to ask to have it vacated because the State had purged itself of its illegal action.

In the first place, Mr. President, can we imagine a State attorney general coming to court to say, "We do not need any Federal action any more because the State has enrolled this fellow and he is going to be allowed to vote." But let us assume an attorney general would be so contemptuous of a Federal court.

Let us assume also that when the man got to the polling place he was not allowed to vote. The vacated order, lying in the court under the court's judicial jurisdiction, vacated for the time being because the State had purged itself, could, under any ordinary principle of equity, be called immediately into effect by the court, which would be told by the individual that he had not been permitted to vote. Immediately the provisions which I read earlier, which authorize the invoking of civil and equitable remedies to enforce the vacated—but—reinstated court order, would be called into effect, as would be the case if the Federal enrollment officer reported to the court that an individual who had been enrolled was denied the right to vote.

A temporary restraining order would be slapped on the election officials, as it would be slapped on in the State of Michigan, the State represented in part by my friend who is presently occupying the Chair [Mr. HART]; or in the State of Oklahoma, the State of another distinguished Senator who is present in the Chamber; or in the State of Pennsylvania, from which I come; or in every other State of the Union.

When a man's right to vote is challenged and he defies the challenge, he can go to the election court. If the challenge were unfounded—as it would be in this case, because the man would have been previously determined to be entitled to vote by the decree of the Federal court, held in abeyance or temporarily vacated because of the action of the State—action would be taken. I think there is no shadow of doubt that in such an instance anybody who defied such an order by the Federal court would be held to be guilty of contempt.

Mr. President, with all due deference I say again that in my judgment—and I am sure I speak for the senior Senator from New York, who unfortunately had to leave the Chamber—there is no merit in the position taken by the Attorney General. I am confident that any Senators who read the debate of this afternoon will give that position scant heed.

Mr. President, I yield the floor.

Mr. MONRONEY. Mr. President, I offer an amendment for myself and Senators KERR, GORE, BIBLE, CASE of South Dakota, MAGNUSON, CHURCH, LONG of Hawaii, TALMADGE, and RANDOLPH. I ask that it be read for the information of the Senate, be printed, and lie on the table.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. On page 14, beginning with line 21, it is proposed to strike out all through line 9 on page 15.

On page 15, line 10, it is proposed to strike out "(2) Section 10 of such Act" and in lieu thereof to insert the following: "(b) Section 10 of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress)".

On page 16, beginning with line 1, it is proposed to strike out all through line 15 on page 17.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. MONRONEY. Mr. President, I ask that there may be printed at this point in the RECORD an explanation of the proposed impacted area school amendment to the civil rights bill.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

EXPLANATION OF PROPOSED IMPACTED AREA SCHOOL AMENDMENT TO THE CIVIL RIGHTS BILL

Under the amendment to be proposed by Senator MONRONEY and others to section 5 of the Dirksen civil rights substitute, section 10 of Public Law 85–620 would be amended to read as follows (new language italic):

"CHILDREN FOR WHOM LOCAL AGENCIES ARE UNABLE TO PROVIDE EDUCATION

"SEC. 10. In the case of children who it is estimated by the Commissioner in any fiscal year will reside on Federal property at the end of the next fiscal year—

"(1) if no tax revenues of the State or any political subdivision thereof may be expended for the free public education of such children; or

"(2) if it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children,

the Commissioner shall make arrangements for constructing or otherwise providing the minimum school facilities necessary for the education of such children. *Such arrangements may also be made to provide, on a temporary basis, minimum school facilities for children of members of the Armed Forces on active duty, if the schools in which free public education is usually provided for such children are made unavailable to them as a result of official action by State or local governmental authority and it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children.* To the maximum extent practicable school facilities provided under this section shall be comparable to minimum school facilities provided for children in comparable communities in the State. This section shall not apply (A) to children who reside on Federal property under the control of the Atomic Energy Commission, and (B) to Indian children attending federally operated Indian schools. Whenever it is necessary for the Commissioner to provide school facilities for children residing on Federal property under this section, the membership of such children may not be included in computing under section 5 the maximum on the total of the payments for any local educational agency."

The amendment would strike the following additional provisions proposed to be inserted in Public Law 85–620 by the Dirksen substitute in its present form.

"(b) Whenever the Commissioner determines that—

"(1) any school facilities with respect to which payments were made under section 7 of this Act, pursuant to an application approved under section 6 after the enactment of this subsection, are not being used by a local educational agency for the provision of free public education, and

"(2) such facilities are needed in the provision of minimum facilities under subsection (a),

he shall notify such agency of such determination and shall thereupon be entitled to possession of such facilities for purposes of subsection (a), on such terms and conditions as may be prescribed in regulations of the Commissioner. Such regulations shall include provision for payment of rental in an amount which bears the same relationship to what, in the judgment of the Commissioner, is a reasonable rental for such facilities as the non-Federal share of the cost of construction of such facilities bore to the total cost of construction thereof (including the cost of land offsite improvements), adjusted to take into consideration the depreciation in the value of the facilities and such other factors as the Commissioner deems relevant. Upon application by the local educational agency for the school district in which such facilities are situated and determination by the Commissioner that such agency is able and willing to provide suitable free public education for the children in the school district of such agency to whom section 10 is applicable, or upon determination by the Commissioner that such facilities are no longer needed for purposes of subsection (a), possession of the facilities shall be returned to such agency. Such return shall be effected at such time as, in the judgment of the Commissioner, will be in the best interest of the children who are receiving free public education in such facilities, and in the light of the objectives of this Act and the commitments made to personnel employed in connection with operation of such facilities pursuant to arrangements made by the Commissioner."

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, March 22, 1960, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 601. An act to authorize and provide for the construction of the Bardwell Reservoir;

S. 1712. An act to extend the application of the Motorboat Act of 1940 to certain possessions of the United States;

S. 2185. An act to provide appropriate public recognition of the gallant action of the steamship *Meredith Victory* in the December 1950 evacuation of Hungnam, Korea;

S. 2483. An act to provide flexibility in the performance of certain functions of the Coast and Geodetic Survey and of the Weather Bureau; and

S.J. Res. 115. Joint resolution authorizing the purchase of certain property in the District of Columbia and its conveyance to the Pan American Health Organization for use as a headquarters site.

ADJOURNMENT

Mr. MONRONEY. Mr. President, pursuant to the order previously entered I move that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 25 minutes p.m.) the Senate adjourned, pursuant to the order previously entered, until tomorrow, Wednesday, March 23, 1960, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

TUESDAY, MARCH 22, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

II Corinthians 4: 11: *That the life of Jesus might be made manifest in our mortal flesh.*

Almighty God, grateful for Thy divine providence, we are again gathering in the fellowship of prayer, bringing our many needs to Thy loving kindness; our weakness to Thy strength; our littleness to Thy greatness; and our sinful and wayward hearts to Thy grace and mercy to be pardoned and purified.

Grant that in the midst of the darkness and confusion of our times we may walk together in faith and in humility, seeking earnestly to know Thy holy will and doing it with courage and faithfulness.

May there be in us a new nativity of the spirit of sympathy and understanding, endowing us with insight to see more clearly the hidden splendor and the eternal worth of every human soul.

Inspire us with a nobler skill in the art of brotherly living and may the character and conduct of the lowly Man of Galilee be made manifest in all our contacts with our fellow men.

Hear us in His name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

FREDRIC MARCH AND FLORENCE ELDRIDGE

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MONAGAN. Mr. Speaker, many Americans were recently disturbed by news of the arrest and detention of noted actor Fredric March and his wife, Florence Eldridge, in Madras State, India.

This famous couple along with Dr. and Mrs. Burrill Crohn, of New Milford, Conn., were charged with illegal possession of alcohol and were required to put up $16,000 before they were released.

It has since been revealed that the party carried approximately 3 ounces of liquor and that the complaint against them was filed by a travel agent who was in competition with the agent who was handling their trip and who sought to embarrass his competitor.

I am happy to say that the incident has had a pleasant ending.

In India, Government Official Raj Bahadur, of the Indian Ministry of Transport, has extended the unqualified apologies of the Indian Government.

Mr. March, in a letter to me, states that his party now looks back on the whole affair as "an amusing incident."

Mr. March concludes his comments with a handsome bouquet for the Indian people generally. I quote from his letter:

This one incident could not in any way outweigh the kindness, courtesy, and hospitality we had on all sides during our 4 weeks in India.

Thus, a gentleman graciously terminates what might have been a serious source of international tension. Congratulations, Mr. March.

CALL OF THE HOUSE

Mr. ALFORD. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently no quorum is present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 30]

Anderson, Mont.	Chiperfield	Michel
Arends	Coffin	Miller, N.Y.
Baumhart	Durham	Minshall
Bennett, Mich.	Fallon	Montoya
Blitch	Healey	Powell
Brown, Mo.	Hess	Reuss
Budge	Holifield	Saylor
Canfield	Hosmer	Scherer
	McGinley	Taylor

The SPEAKER. On this rollcall 406 Members have answered to their names; a quorum is present.

By unanimous consent, further proceedings under the call were dispensed with.

CIVIL RIGHTS

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 8601, with Mr. WALTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose yesterday there was pending an amendment offered by the gentleman from Ohio [Mr. MCCULLOCH], a substitute amendment offered by the gentleman from New York [Mr. CELLER] for the McCulloch amendment, and an amendment by the gentleman from South Carolina [Mr. HEMPHILL] to the Celler substitute amendment.

Without objection, the Clerk will again report the Hemphill amendment to the substitute.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. HEMPHILL to the amendment of Mr. CELLER as a substitute for the amendment of Mr. MCCULLOCH: On page 3, line 11, after the word "district" and the comma add "who shall have knowledge of and shall satisfy the court as to their familiarity with the election laws involved, the qualifications of electors, and the election laws of the particular State or governmental subdivision involved, and the Statutes of the United States applicable to said elections."

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the so-called Hemphill amendment close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HEMPHILL. Mr. Chairman, I ask unanimous consent to proceed for 5 minutes.

The CHAIRMAN. The time has been fixed, but if there is no objection, the gentleman may proceed.

Is there objection?

There was no objection.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. HEMPHILL. I shall be glad to yield to the gentleman from Indiana.

Mr. HALLECK. I think it ought to be understood that when this measure was originally introduced there were two requirements that are presently in the McCulloch amendment that were put in there to allay certain fears that were expressed. The first was the requirement that the referee be a qualified voter, and, secondly, that he live in the judicial district.

I just wanted to say at this point that in my opinion that is a sufficient protection for what we are undertaking to do.

Mr. HEMPHILL. I am glad to have the views of the gentleman from Indiana, but am sorry that he does not subscribe to the view that if you are going to put someone in a position of a judge at the ballot box he should have some knowledge of the laws governing elections. The gentleman has been in politics for many years and I assume can appreciate that in politics anything can happen, and some political hack may be put in as a referee, and some political hack will be put in as a referee. Now, if you are going to put somebody at the ballot box of this Nation—and I want you to listen to me, those of you who have to go down the line and vote for this bill whether you like it or not—if you are going to put somebody at the ballot box of this Nation and say to the voters back home that you are voting to put a man there who has no other qualification than that he can vote and that he lives in the district, then you are saying to all the people who manage elections and who are chosen as judges of election in the present system, that you are not going to require of referees anything other than residence and voting qualification, but they can supervise the ballot box as they please.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. HEMPHILL. I yield.

Mr. JONAS. Is it not true that the referee will occupy a very, very important position if this bill passes and, therefore, it is necessary to see that the person chosen be qualified to discharge the important duties assigned to him if this bill is enacted?

Mr. HEMPHILL. The gentleman is correct. Those of you who are not lawyers, I want you to listen to this, considering rule 53, which is the rule providing for the appointment of special masters by the district courts of the United States, certain decisions have come forth which have interpreted that rule. They say: "Do not refer anything to a master except in unusual cases." It is the exception and not the rule in Federal courts; and since the courts have held it is the exception and not the rule, the courts of the Nation even up to the Supreme Court have recognized the fact that when you take power away from the courts and put it into the hands of the master you are taking an extraordinary proceeding.

Under the rule the master is appointed to help the court and his appointment and his activities are only for the purpose of assisting the court to get facts and arrive at the correct result—*Webster Isenlor, Inc.*, v. *Kalodner* (145 F. (2) 316).

Where issues are complicated and complex the district court has the power, in its discretion, to appoint a special master, but such power should only be exercised in exceptional circumstances. See *Fraver* v. *Studebaker* (11 F.R.D. 94).

If you vote for this referee proposal and fail to write in qualifications, this legislation will cause unending trouble and litigation. Your vote will rise to haunt you. Do not say you had no warning. Say by your vote you would not listen or did not care.

Mr. McCULLOCH. Mr. Chairman, I rise in opposition to the pending amendment.

Mr. Chairman, the bill that is before the Committee provides that the referee shall be a qualified elector of the judicial district in which the case arises. May I remind the members of the Committee that the requirements provided in the amendment offered by the gentleman from South Carolina are greater than the requirements to become the Chief Justice of the United States or of any Justice of that Court.

Mr. HEMPHILL. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from South Carolina.

Mr. HEMPHILL. I thank the gentleman. May I ask the gentleman, his amendment and the Celler substitute states they are dealing with what you have professedly proclaimed as the sacred right of the ballot box. You are taking it away from the ordinary judicial processes, with the exceptions that have been mentioned.

Now, do we not need every safeguard we can get that this is not a potential monstrosity and not to be used for political purposes?

Mr. McCULLOCH. May I say to the gentleman the provisions of the bill that is before us have adequate safeguards.

Mr. Chairman, referees or masters in cases of law and equity in the United States have no greater qualifications and probably not so great as those required in my bill. I see no reason for bringing into this legislation qualifications far above those required of a referee in bankruptcy or a receiver in a court of equity in a case that might be passing upon property worth millions if not billions of dollars—General Motors and Du Pont, for instance—or other human rights.

I trust that the Committee will reject the amendment offered by the gentleman from South Carolina [Mr. HEMPHILL].

Mr. RAINS. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. RAINS. Mr. Chairman, I do not think we should refer to the bill now under consideration as a civil rights bill. For it is, in purpose and intent, a Federal intervention bill—Federal intervention in State election machinery, Federal intervention in State owned and operated school systems, Federal intervention in the whole area of State jurisdiction.

The Justice Department clamors for referees or registrars to meddle with State voting machinery. The Justice Department says it is imperative that title 1 of this bill be enacted to make the use of force or threats of force in school integration cases a Federal crime. My distinguished colleague, the gentleman from Louisiana, who serves so ably on the Judiciary Committee, and who has closely followed this bill since it was offered, has already presented a detailed report on the very dangerous propositions included in this legislation.

I do not see how any Member of Congress can fail to understand the significance of all of these Justice Department demands. They represent not merely a wedge into ultimate usurpation of States rights but rather a revolving door.

Title I deals with the obstruction of court orders relating to school integration. As you gentlemen are doubtless aware, the language of this section is highly questionable insofar as the constitutionality is concerned and I believe that when we amend the criminal code, as this section would do, we must be very specific. In this instance, freedom of speech is obviously involved and I am opposed to any legislation which tampers with our most basic heritage in so broad and sweeping a manner.

Title III, relating to Federal election records, is in my opinion unconstitutional in theory and certainly would be in practice. I do not think Congress has the power under our existing Constitution to require the States to take this action and I do not believe our States would grant this power even if Congress offered such a proposal in the form of a constitutional amendment.

The same applies to the last-ditch attempt of the Attorney General to attach his voting referee proposal to this bill. He could not get this measure in committee so he arranged for it on the House floor. It is now presented to us after having circumvented public hearings and the conventional channels of parliamentary procedure.

The Constitution of the United States expressly reserves to the States the power and right to control elections. Yet today we are being asked by the administration to empower Federal judges to determine our poll lists. There is little difference between the referee plan and the registrar plan—they both lead to the same end and by now it should be apparent to everyone that this administration is fanatically dedicated to that end, whatever the means, whatever the cost.

Mr. Chairman, we in the South have had some historical experience with the sort of monster which this legislation could so easily create. I am referring to the iniquitous Freedmen's Bureau, one of the many abuses which my State suffered during Reconstruction. The bill which you are now considering is taken in large measure from Reconstruction laws and proposals.

If you doubt this, let me refer you to the Congressional Globe of the 1st session of the 39th Congress, 1865–66.

There you may read some of the same arguments which are today being offered for this civil rights bill. They were debating a similar proposition in this very Chamber back in 1866 when we in the South had no representatives in the Congress. During that shameful session, the virus of Federal intervention in State elections was first conceived as a punitive measure against the 11 Southern States which had constituted the Confederacy.

If you read the Congressional Globe of that day, you will find that there were a few legislators from the North and the East who resisted these measures with all their strength, and they warned that such legislation would destroy all States and wreck our constitutional government.

Let me remind you gentlemen, one and all, that while today you may send Federal registrars or referees or judges to tamper with Alabama's poll lists, tomorrow these same officials will be on your own doorsteps. They may be filling out the poll lists in Springfield, in Sacramento, in Schenectady, and the day may come when there will be no reason to have an election, for the Justice Department will determine the results.

If our sovereign States are not to retain the right to hold their own elections, what rights may a State possess? Any further judicial aggression against the respective States can lead only to their destruction as effective units of government, for all of their powers will have been usurped.

One of these days, Mr. Chairman, the American people will rise up in a collective outrage at the time and the expense which Congress devotes to so-called civil rights bills. I am certain that this year the Senate and the House will spend more time by far on this subject than we will spend in considering our national defense efforts against a confident and growing power which has no regard at all for any kind of human rights.

Let us put our efforts where they are most needed. Let us preserve our own freedoms which are based in our constitutional concept of the balance of powers between State and Federal Governments.

I urge that the pending bill be defeated. If we must have more Federal intervention, let us have it in the space above us where our achievements will determine whether or not we are to survive with any rights at all.

The CHAIRMAN. All time has expired. The question is on the amendment to the substitute offered by the gentleman from South Carolina [Mr. HEMPHILL].

The amendment was rejected.

Mr. JONAS. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONAS. Mr. Chairman, I cannot understand why the most ardent advocates of this legislation would oppose the pending amendment. It would not emasculate the bill, it would not impede its implementation, and it would not interfere with any of the objectives sought to be attained. It is a reasonable amendment and by refusing to accept it, and by refusing to accept a number of other clarifying amendments, those who are leading the fight for the bill are in effect saying that the House must accept it as written without the crossing of a "t" or the dotting of an "i." The proponents undoubtedly would have picked up considerable support on final passage if they had been willing to accept this amendment and several others of a similar nature that have been offered during the course of the debate.

This amendment would simply impose a few reasonable qualifications upon those who may be selected as voting referees. The only qualification in the bill so far is that the voting referee must be a qualified voter in the district in which the case arises. Yet he is given power under the bill to conduct hearings, to make findings of fact, to interpret statutes, and to formulate conclusions of law. In some respects his authority is equal to that of the presiding judge, yet it is argued here that the only required qualification should be that he himself be a voter in the district.

It has been argued in opposition to the amendment that similar qualifications are not prescribed even for judges. The difference, of course, is that the Senate of the United States passes upon the qualifications of the individual appointed as a Federal judge, and it is not only the prerogative but the obligation and responsibility of the Senate to investigate judicial nominees and determine their qualifications by investigation, hearing, and discussion.

But this bill would create a separate judicial officer called a voting referee without setting up any standards, laying down any guideline, or establishing any qualifications whatsoever for the position. I believe the amendment is a reasonable provision and again say that I am surprised that the proponents of the legislation are not willing to accept it. I shall vote for the Hemphill amendment and assert that its adoption will not to any degree whatsoever interfere with or militate against the right of any person to vote.

Mr. WILLIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WILLIS to the substitute of Mr. CELLER to the amendment of Mr. McCULLOCH: On line 4, page 2, after "a", insert the word "continuing".

Mr. WILLIS. Mr. Chairman, I have offered a number of amendments; but, outside of this one and probably another one I will offer after a while, I will have no more amendments to this referee proposal personally, and probably none by myself to the major bill under consideration, H.R. 8601. As a matter of fact, I shall not take much time on this amendment.

The amendment is to the very first sentence of the bill, which reads as follows:

In any proceeding instituted pursuant to subsection (c), in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall, upon request of the Attorney General, and after each party has been given notice and the opportunity to be heard, make a finding whether such deprivation was or is pursuant to a pattern or practice.

This speaks about the past, "was" or "is." In other words, under this language, if a Federal judge finds that 2 years ago, 3 years ago, 10 years ago there was a pattern or practice of discrimination, then he appoints the referee. The only thing in the world my amendment would do would be to require that this alleged pattern or practice of discrimination is pursuant to a continuing pattern. Let it be assumed, for the sake of argument, that 5 years ago there was a pattern or practice of discrimination. Do you not think that before going into the radical provisions of this bill, permitting the appointment of a referee, that they should bring the pattern up to date; that it is a continuing thing; that it exists at the time of the trial? That is exactly the reason for those words, that if he finds that the discrimination was or is pursuant to a pattern, then we are given the shot of this bill. We can scratch the word "was" and insert the words "pursuant to a continuing practice."

Now, I do not want to point the finger at anybody, but believe me, I have assumed, by virtue of discussions at high levels, that this amendment would be accepted. So, the only thing I am trying to do by this amendment before we get a referee in the picture and before the referees give voting certificates to everybody in the affected area, at least there be shown that the pattern of discrimination is something that is present, that exists, and that they cannot require the appointment of referees and permit the referees to issue voting certificates without showing that the alleged discrimination is going on currently or continuously.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from New York.

Mr. HOLTZMAN. Under this bill, on line 10, would it not be necessary for the person claiming to have been deprived or denied the right to register to vote to establish that he made application and that he was again denied the right, pursuant to this practice?

Mr. WILLIS. That is correct.

Mr. HOLTZMAN. Would not that mean that it is, in fact, a continuing situation that would have to be proved?

Mr. WILLIS. No; not at all. The language that the gentleman just referred to was one more of the refinements that at certain discussions was agreed to. We appreciate that. It goes a part of the way, but it does not meet

what I am talking about now, for this reason: True it is that after the referee makes a finding of discrimination, the registrar of voters may be permitted to purge himself, if that is the word, of the accusation, and that the people interested in voting must attempt to vote after the decree, but that person may never have gone before. That is incidental, and that is rather outside the establishment of the pattern or practice.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the use of the word "continuing" would, indeed, be fatal to this bill. You would add an element of intensive, repetitive litigation. A Negro, for example, would be compelled to prove that the pattern or practice originally found by the court in the first instance still continues. In every case that burden of proof to show the continued pattern or practice would rest upon the applicant Negro.

I say with emphasis, in each and every case—and there would be myriads of cases—the presumption, which is the very keystone of the bill, the presumption of pattern or practice would be destroyed. If you want this bill you cannot favor this amendment. If you do not want the bill then you must favor the amendment.

It was to prevent the constant and the continuing appeals to the court, it was to prevent the repetition of cases by the score, that this amendment was devised. The pattern may have existed last week but not this week; last month but not this month. The court would be compelled repeatedly to find in every single case that that pattern or practice continued. This would put us exactly where we were in 1957. And why did we bring forth this bill? Because in the 1957 act it was essential to bring a separate, individual case in every one of those matters where there had been discrimination. To obviate the bringing of so many, many individual cases was the reason for this bill that we now have and the setting up of this presumption of pattern or practice.

If you have to have each applicant who wants to register and to vote be compelled to assume the burden of a continuing pattern or practice, you vitiate the whole bill, because that would have to be done first before the referee in every instance. Then the referee would have to go back to the court and have the court make a finding or not make a finding. For that reason I do hope the Committee will vote down this amendment.

Mr. SMITH of Virginia. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, all this amendment does is to make it clear that there is a continuing practice before the judge can determine that there is a pattern. In other words, it is an effort to find a current practice, a continuing practice, that exists now.

The statement of the gentleman from New York [Mr. CELLER] just made that this would require every applicant to prove again the pattern illustrates the futility, I might say, of trying to write a complicated bill on the floor of the House under the dictates of the Attorney General. No amendment can be seriously considered here without the approval of the Attorney General. Everybody knows that.

The gentleman from New York is entirely mistaken in his argument because, in the very next sentence, his bill provides that this continuing practice once having been determined by the judge remains in effect for 1 year. Nobody has to prove anything about the current practice after it is found by the court to exist.

The gentleman from Louisiana [Mr. WILLIS] mentioned a conference that was held on this very subject and he said it was assumed that it was agreed. Well, the gentleman was very modest in using the word "assumed." I happened to be at the conference and I suggested that it ought to be designated as a "current practice." Those who are proposing the bill and were for the bill saw the reason of that and said, "Well, we don't like the word 'current,' let us use the word 'continuing.'" We thought that did the same thing to all intents and purposes and accepted it. In other words, what we are trying to avoid is having evidence presented that maybe 5 or 10 years ago there was a practice that no longer exists. That is all we wanted, a practice that is existing at this time. That is all the word "continuing" does. After that decision of the judge that a current or continuing practice exists, then it lasts for a year under the very language of the bill:

> If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for 1 year and thereafter—

Until the court finds that such practice no longer exists. What else do you want?

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman of North Carolina.

Mr. COOLEY. I wonder if the chairman of the committee would accept the word "exists," "the existing pattern," instead of "continuing"?

Mr. SMITH of Virginia. It would be the same thing. Our difficulty is that we cannot do this on the floor of the House, although we are supposed to be writing the bill. Before you can put a word in or put a comma in or a period, or before you can cross a "t" or dot an "i," you have to go down and consult with the Attorney General, because he is writing it, the House of Representatives has delegated its legislative duties to the Attorney General.

Mr. COOLEY. I am sure the chairman of the committee would be very glad to consult with the Attorney General.

Mr. SMITH of Virginia. I do not think you get anywhere by consulting with the Attorney General. That has been my experience.

This is such a simple amendment, such an obviously desirable amendment, that it is difficult to see why anybody should object to it. It is only the arbitrary decision of the Attorney General that he does not want any changes in his bill. If that is the way the House feels about it, we are going to have a few other little innocuous amendments here before this is over, but it is hardly worthwhile as long as the House is going to answer the dictates of the Attorney General. I had not thought that my friends on the right over here, the Democrats, were so fond of this Republican Attorney General, but they seem to be accepting his dictates on everything and without any reason for it. I think we at least ought to exercise a little bit of sensible discretion of our own. That is all we ask you to do. But if you have to ask the Attorney General about it before you do anything on this bill, you might as well fold up.

Mr. HOFFMAN of Michigan. Mr. Chairman, I move to strike out the last word.

It is with a great deal of regret that I hear the gentleman from Virginia criticize the Attorney General. I cannot see why he criticizes the Attorney General. I have been trying for weeks to get the Justice Department to prosecute some racketeers. I do not know who down in the Attorney General's office it is, but I am sure it is not the Attorney General, but someone tells me you cannot prove motive, that is to say, you cannot prove that this extortion is carried on for any benefit. Of course, if Hoffa does it that is bad. If Reuther gets it, and he must get it somewhere because the union had $1,000,000 to spend in the Kohler strike, that is all right, naturally there was no motive back of that, nothing to gain. That just comes about naturally. Now if I had any suggestion at all, and I would not venture to make one, even though we have been several days on the debate on this question, but I wanted to ask my—well, I will just say I am a great admirer of the gentleman from Virginia, and I do not want to go so far as to claim to be his friend; but I have been wondering why it is, and what became of that coalition that we had back in the time when we put through the Taft-Hartley bill when we overrode Mr. Truman's veto. Do you remember? There was a coalition of southerners with somebody on this side—I do not know what to call them, but I was one of them and that coalition was working pretty good. Last year, they had what they said was a coalition, which was later denied by the Republican leadership—after they had gotten what they wanted over there they said there was nothing to it. Now where is that coalition? They denied it but there must have been one for we did not have the votes. They have had one on this side—on my side—we have had one with somebody over here on this side where my friend, the gentleman from California [Mr. HOLIFIELD] and the gentleman from Illinois [Mr. DAWSON] sit, we had one with them as the opposition, and that one we had is not working out so good and we do not have one getting anywhere, but it has been all right when it comes to obstructing. How come that my friend, the gentleman from Virginia, does not see the gentleman from Indiana on our side and get that old coalition working or did something happen to somebody? Republicans would get more votes come November that way than we will by this new alliance with the extreme leftwing on the Democratic side.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield.

Mr. SMITH of Virginia. I will say to the gentleman that the coalition which you are speaking of is all in the past and that was before the Attorney General took over the functions and the dictatorship of the House of Representatives.

Mr. HOFFMAN of Michigan. He did?

Mr. SMITH of Virginia. Yes; he did.

Mr. HOFFMAN of Michigan. Well, how about that? What do you know?

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield further?

Mr. HOFFMAN of Michigan. Yes; I yield.

Mr. SMITH of Virginia. I do not know whether the gentleman has noticed and has seen just how far this is the Attorney General's bill because, in the very first sentence of it, it is provided that the judge cannot turn a wheel and he cannot give anybody anything because he must have the application upon the request of the Attorney General. In one of these proceedings do you provide for any voting here—this is not a bill for the relief of voters—this is a bill for the relief of the Attorney General. The Attorney General has to ask the judge to do these things before the judge can turn a wheel.

Mr. HOFFMAN of Michigan. The judge cannot do a thing?

Mr. SMITH of Virginia. No, indeed. A thousand Negroes can go to court and ask the court to give them relief and help to get their right to vote and he cannot do it—no—because he cannot move, without an application from the Attorney General.

Mr. HOFFMAN of Michigan. Can you not do something with the Republican leader to correct that very, very bad situation? You fellows, that is the so-called conservatives, have been buddies for so long. What has happened?

Mr. SMITH of Virginia. I just do not seem to be able to make my good friend—and I am his friend whether he is my friend or not—I cannot seem to be able to make my friend understand that the Attorney General has taken over the House of Representatives.

Mr. HOFFMAN of Michigan. Do you mean it was the Attorney General who has been doing what has been done to me on this labor thing? Do you mean he has been doing that?

Mr. SMITH of Virginia. I am just telling you what he is doing in this bill—and he wrote it. Under this bill, a thousand Negroes can apply to the court for relief and to get their right to vote, and not one of them can get it unless the Attorney General acts.

Mr. HOFFMAN of Michigan. If they all would vote the Republican ticket, and prove that they did, surely any Attorney General would be grateful.

Mr. SMITH of Virginia. Of course. I started to say this was a bill for the political relief of the Attorney General. But, the Attorney General can give or withhold the right to vote to any Negro or any number of Negroes in any city or town in the United States, and nobody—nobody, not even the judge, can give them relief under this bill. You fellows who think you are so smart in getting this bill through—I do not know whether you know what you are doing. I do not think you do, and I do not think you would be voting for this bill if you knew what you were doing.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman from Virginia yield to me?

Mr. SMITH of Virginia. This bill is putting this power in the hands of the Attorney General and he can give the right to vote to your people or withhold that right.

Now, Mr. Chairman, I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. I thank the gentleman. I was dreaming last night maybe there was an agreement on that—maybe we might get more votes over there and in the South by going along with you more than we will ever get from those whose views are so far to the left of what we think and believe.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SMITH of Virginia. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan may have 3 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. HOFFMAN of Michigan. I yield to the gentleman from Virginia.

Mr. Chairman, I yield back the time.

Mr. JOHANSEN. Mr. Chairman, I move to strike out the last word.

I can fully understand a feeling that by now just about everything has been said that there is to say on the issue before us.

Yet I cannot drive from my own mind a deeply disturbing impression that a number of the really important things remain unsaid.

Has anyone said what I gravely fear the facts all too obviously indicate—that even as we debate here and wrangle over legal terminology, relations between the races in this country are seriously deteriorating?

Has anyone ventured to predict with confidence whether what we do here will halt or even lessen that deterioration or whether, unhappily, it will produce only more of controversy, more litigation, new demands for still broader legislation, more mass demonstrations, further breakdown in human and understanding communication between the races?

The President's appeal last week for biracial conferences in the South has significance, in my judgment, both encouraging and unfortunate.

Insofar as it recognizes the need for a renewal of approaches through other media and methods than legislation, police power, the courtroom, and mass demonstrations, his statement is timely and ought to be welcomed by all concerned.

But has anyone—outside, at least of those from the South—raised the pertinent question as to why the President seemed to limit this proposal to the South?

Has anyone, outside of the South, risen to acknowledge in candor and humility that insofar as we must regard racial relations and the related grievances and demands—reasonable and unreasonable—as a problem it is a national and not a regional or sectional problem?

Even more to the point, has anyone given attention to the possibility that all of us—throughout the land, white and Negro, including we in the Congress—have become the captives of the legislative, the police power, litigation type of emphasis to a degree that it not only overshadows but dangerously handicaps the effort to seek and attain voluntary, free, informal, human-type approaches and solutions?

In the demands for Utopia—and in the methods being pursued to meet those demands—are we foreclosing the methods of human progress of the sure and lasting type?

Not enough earnest consideration has been given, in my judgment, to this crucial question.

There are other areas of silence in this long and interminable discussion which I feel it urgently important to mention—in all kindness and charity.

Less has been said than needs to be said by them, I must say to my beleaguered friends from the South, less has been said than needs to be said by them in this debate in line with the statement of the most frequently dissenting former member of the Civil Rights Commission, Governor Battle of Virginia:

> I concur in the proposition that all properly qualified American citizens should have the right to vote.

I can attribute this silence, in a manner of speaking, to a sort of regional invocation of the fifth amendment safeguards against involuntary mass, blanket self-incrimination.

Yet I believe that anything which our friends from the South could find it in their hearts and minds to say by way of reassurance on this score would immeasurably strengthen public support for their rightful desire for patient understanding and for a resumption of the methods of voluntary gradualism which have brought so much of gain and progress for both of the races in that region of our country.

There is another area of silence and of what sometimes seems to me to be deliberate unconcern from some important quarters.

The Civil Rights Commission report acknowledged that "the right to vote is established in most of the country, including many areas in the South."

Yet the matter seems to drop there—and the fact of substantial progress on this score in the South has been all but totally ignored by those whose acknowledgment of it would do most to end the recriminations and heal the breach.

Why has there not been, both from the North and from the Negro leadership, more generous acknowledgment of

that progress? But most important, why has there not been by the Commission and the Congress a painstaking pinpointing of the factors which have accounted for those gains in the South? Does no one think that the factors—many if not most nonlegislative and noncompulsory—which have accounted for these gains might not be the clue to substantial further gains? Or are we too impatient for Utopia?

I am profoundly disturbed because no one has risen in this House—from those areas and segments of our country to which we could reasonably look—to repudiate an incredible viewpoint inserted in the RECORD on February 29.

This viewpoint, contained in an article from a Negro publication, New York Age, seems to say that there is no place among Negro leaders for diversity of viewpoint or minority opinions on the subject of racial relations.

It seems further to imply—as I regret some Negro leadership has seemed to imply—that any leader of that race who ventures to offer views favoring compromise, cooperation, moderation, patience, and tolerance is a betrayer of his race and is playing into the hands of a supposed white man's strategy of "divide and conquer"—as though, between the races, there must be implacable hostility.

What a tragedy that this wicked doctrine has not been renounced by those who alone could give meaningful renunciation.

Is there no surviving wisdom, my friends, in the counsel offered in 1895 by Booker T. Washington, against the dangers and limitations of the methods of "artificial forcing" in this difficult and delicate area of human relations?

Is there no one—outside of the South where such views apparently are regarded as suspect—to plead the wisdom of this sober and solemn counsel?

There is Negro leadership which frankly acknowledges that the current demonstrations throughout our country—North and South—staged in alleged support of Negro rights are mass movement activities. There are those in both races and both parties who see great potential in political bloc activities of our Negro citizens. Is there no one who dares to say, or thinks it important to say, that this is segregation of the most dangerous type and that it can never be reconciled with true civil rights for any American, white or Negro?

I was once challenged by a Negro member of an audience in my district when I pleaded for greater reliance on "the law written on the fleshy tablets of the heart." Did I, he asked me, believe that laws against murder should all be repealed and total reliance placed on this law written on the fleshy tablets of the heart.

I gave him the only answer possible.

I replied that, of course, I would advocate no such thing. But, I added, I would very much deplore having to live in a community in which the only restraint and safeguard against murder was the fact that it was against the law.

Today, for all of our shortcomings, I cannot believe that we live in an America in which, for the promotion of justice and progress in racial or any human relations, we must rely solely upon the fact that certain violations, wrongs, or abuses "are against the law."

I pray that my fellow Americans and my colleagues in this House still share that confidence and faith in the inner law of the heart.

Mr. ROBISON. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROBISON. Mr. Chairman, the so-called voting referee amendment that has now been added to what will undoubtedly go on to become the Civil Rights Act of 1960 has been born in travail and, for some, pain. All of us regret any wounds that may have been caused or reopened, but we can join in hoping that such will not prove to be lasting and deep.

Though I have not taken an active part in the thorough, and, for the most part, objective debate that has preceded today's action, I have followed that debate diligently and with considerable concern. Most of my concern has been prompted by my awareness that we were deliberately intruding into areas of responsibility that I would normally consider as having been reserved, under our Federal Constitution, to the various States and their political subdivisions.

My record will show that I have voted many times in support of the principle of States rights. I fully expect, so long as I may be privileged to continue to be a Member of this legislative body, to do my best to prevent a further erosion of the intent and effect of the 10th amendment. However, Mr. Chairman, as has been pointed out so often in the past 9 days, we are attempting to deal here with the basic right of all our citizens to vote, regardless of their race, color, or creed. Such a right springs from the very heart of our unique system of self-government, and is the cornerstone of the very foundation upon which our Republic was erected.

The 14th amendment purports to guarantee such a right for all to vote. Unfortunately, that guarantee has had little meaning for the great majority of the Negroes of the South. In seeking to make that guarantee more meaningful, the action we have finally taken becomes not only necessary but proper.

Let us, however, all be fair enough to recognize that merely making it more difficult for any State to further continue a pattern or practice of discrimination against the voting rights of certain of its citizens will not end the problem of racial discrimination and prejudice. The most we can hope it will do is to give the southern Negro a tool which, if wisely used, may serve to help him improve his stature in our society as well as to protect the rights and privileges that have been purported to be his by virtue of the Constitution.

We must recognize that in some ways there is as much prejudice against the Negro in Harlem as there is in Biloxi, and that all such prejudice is bred in ignorance and in folklore and cannot be erased, anywhere, by legislative fiat or court edict, but only through the processes of enlightened education and good will.

In the life or death struggle with the forces of worldwide communism in which America now finds itself, it is my belief that our Nation will have need of the selfless services of each and every one of her citizens, no matter how high or low be their social status and regardless of their religious tenets or the color of their skin.

It is my conviction that we can only win in the struggle with communism if we, all of us, can somehow recapture a sense of partnership in response to the challenges we face, and that, perhaps, only if we can so find that sense of partnership are we worthy of winning.

Mr. PELLY. Mr. Chairman, the members of the Washington State congressional delegation were sent individual copies of a letter addressed to Vice President RICHARD M. NIXON by David Barnette, president of the Washington State Baptist Convention. It was written in line with our current debate on civil rights and proceeds from the churches' vital interest in this important issue.

The position taken last year at the annual meeting of the Washington Baptist Convention was as contained in a resolution adopted as follows:

> We recommend that our churches continue to share in efforts to solve problems of discrimination because of racial or national origin in church membership, residential housing, employment, cemeteries, and education, and in any other areas where this discrimination exists.

President Barnette wrote Vice President NIXON of the churches' deep concern to see steps taken by which all people in the United States may have equal opportunity in whatever direction they may choose to go and therefore the Baptist convention supported legislation to that effect.

Mr. Chairman, the civil rights bill before the House today is to protect voting rights, as guaranteed in the 15th amendment to the Constitution of the United States, and is directed to the very point supported by the Washington Baptist Convention. Once all citizens have the right to vote they can effectively and peacefully through their ballots decide the direction in which they may choose to go. The present legislation before us goes to the basic issue and will be supported, I am sure, by all Washington State Members of Congress.

As for Vice President NIXON, his record and position on civil rights and against discrimination is well known. There can be no doubt on this score. His views in favor of legislation similar to this bill are a matter of record.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate upon the pending Willis amendment close in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia [Mr. FLYNT].

Mr. CELLER. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from Georgia [Mr. FLYNT].

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FLYNT. Mr. Chairman, I listened very carefully a few minutes ago to the explanation of this amendment by the author of it, the gentleman from Louisiana. I listened equally attentively to the objections to it made by the chairman of the Committee on the Judiciary. I just cannot believe that the gentleman from New York understands the purpose of this amendment. I cannot believe that he or any member of the Committee on the Judiciary would be opposed to the inclusion of the word "continuing" in the place where the amendment, offered by the gentleman from Louisiana [Mr. WILLIS], seeks to include it if they understood it.

For this reason I want you to listen a minute to what it could do. The Celler amendment as written, without the inclusion of the amendment offered by the gentleman from Louisiana, would provide no time limit whatsoever. You could take the oldest citizen in any community—say he is 80, 90 or 100 years old—and under the provisions of the Celler substitute as written, if he had been deprived of a vote 60 years ago he would still have the right to the protection of the referee under the provisions of the Celler substitute. I certainly cannot believe that any member of the Committee on the Judiciary or any Member of the House would want to go back that far. The only purpose of this amendment, as I see it, and as so completely explained by the author of the amendment, the gentleman from Louisiana [Mr. WILLIS] is to put a reasonable time limit, to have a current interpretation of the facts as they exist at this time not as they might have been many years ago.

In all fairness, in all logic, in all reason this amendment should be approved. It will in no way detract from the efficacy of the legislation; however, it will provide a reasonable time limit within which a court action could be brought.

Mr. Chairman, in this legislation as written a man may come in and make a statement, a simple statement, not sworn to, not under oath or affirmation of any kind, and invoke the protection of the Department of Justice, the Attorney General and the Federal court in every Federal judicial district in the United States. I certainly cannot believe that anyone wants to write something into law here without listening and listening carefully to the words and language of the amendment such as the one proposed by the gentleman from Louisiana.

Mr. Chairman, I have reason to believe, and I think that the members of the Committee on the Judiciary who favor this legislation will agree, if they will be honest with the Members of this House, that if this amendment offered by the gentleman from Louisiana [Mr. WILLIS] had been proposed in committee, it would have received almost a unanimous vote of the members of the standing committee which has legislative jurisdiction over this very legislation. There is no reason why anybody should object to including this language, the effect of which is only to put a reasonable time limitation within which to bring proceedings under this act.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. WHITENER].

Mr. KITCHIN. Mr. Chairman, I ask unanimous consent that the gentleman from Alabama [Mr. ELLIOTT] and I may yield our time to the gentleman from North Carolina [Mr. WHITENER].

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Chairman, I rise in support of the amendment proposed by the gentleman from Louisiana [Mr. WILLIS] which, it seems to me, is one which should appeal to the reasoning of every Member of this body. I suppose that other language could have been used to convey the meaning which the gentleman from Louisiana sought to convey when he used the word "continuing" in his amendment. We might have said in this amendment "pursuant to a presently existing pattern" or words to that effect. So, I see no reason, as my good friend, the gentleman from Georgia [Mr. FLYNT] has said, why we should not be fairminded enough to insist that if we are going to adhere to this language "pattern or practice," it should be limited to a pattern or practice currently existing in the so-called area where this voting referee is to operate.

You know, in the law of property, in an action in ejectment, where the question of boundary is involved, one of the requirements before you can offer evidence as to the boundaries of a piece of land by reputation is that the reputation must have been established ante litem motam. Now, that is a wonderful rule of law or rule of evidence in a property case. But, to be sure, no one who is familiar with legal procedure would suggest that the doctrine of admission of evidence of reputation ante litem motam in this sort of situation should be attempted.

Now, if the gentleman from Colorado wants me to yield, I will be happy to do so.

Mr. ROGERS of Colorado. Would the gentleman say what "continuing" means? What is your understanding of the word "continuing"?

Mr. WHITENER. Well, I would say to the gentleman that in the context here it would mean, as I have just said, currently existing or presently existing. In other words, it is not speaking of what happened in the past or what might happen in the future. The use of the word "continuing" here, as I construe it, would mean that as of this date, now, a pattern or practice exists, and therefore that that would be a sufficient basis for the designation of a voting referee.

Mr. ROGERS of Colorado. Mr. Chairman, if the gentleman will yield further, if you represented a registrar who was hailed into court and this amendment was in there, would you then say to the judge, "Well, when he established a pattern or a practice of discrimination, that is sufficient for you to enter the order." Would you agree that that would be a proper interpretation if you represented the registrar?

Mr. WHITENER. My answer to the gentleman is one which I am sure he does not really need—but he just wants to hear me say—and that is that it seems to me that the gentleman from Louisiana [Mr. WILLIS] in the drafting of this amendment has used language which is perhaps preferable to that which I would have used, in that the language which he uses requires more than a presently existing or currently existing practice. His language would require that it must have been over a period of time and would not be limited to the date of the appointment of a voting referee.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield further?

Mr. WHITENER. I am happy to yield.

Mr. ROGERS of Colorado. Is that not exactly the point? It must be a pattern that has continued to exist for a long time, or some time at least prior to the date of the filing of the application by the Attorney General.

Mr. WHITENER. I take it, then, that the gentleman has some language which he could suggest to the membership of the House which would spell out specifically that you do not mean what existed in 1870 or some date in remote history.

Mr. ROGERS of Colorado. The point simply is this, that under the present bill it says that he shall make a finding pursuant to a pattern or practice.

Mr. WHITENER. Which existed when?

Mr. ROGERS of Colorado. At the time the court has the proceeding.

Mr. WHITENER. I can only speak for myself but I would say to the gentleman that if he will offer an amendment using the exact words that he has just used—a pattern or practice at the time that the court is requested to appoint a referee—I shall do everything I can, in my feeble way, to help the gentleman.

Mr. ROGERS of Colorado. It is already in the bill, so there is no use to draft an amendment.

Mr. WHITENER. The gentleman and I have not agreed on many things during this debate and I see that that pattern and practice still continues.

Mr. KITCHIN. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from North Carolina.

Mr. KITCHIN. In answer to the gentleman from Colorado [Mr. ROGERS], let me refer to the wording as it now is. It says, "after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice."

I think the chairman of the committee hit the nail on the head when he said that in his opinion this would vitiate the whole bill. Premeditatedly they want to leave it hanging in the air so that they can bring up these people who they contend may have been deprived of this right 20 or more years ago.

Mr. WHITENER. Of course, the gentleman from Colorado would like to elect

another Senator Revels from Mississippi, or something of that sort, I am sure.

Mr. FLYNT. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman.

Mr. FLYNT. Mr. Chairman, I would like to say with reference to the last comment by the gentleman from Colorado [Mr. ROGERS], a member of the Committee on the Judiciary, that the very purpose of the Willis amendment is to do what the gentleman from Colorado says is already in the bill H.R. 11160. But it simply is not there without the inclusion of the Willis amendment.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. WHITENER] has expired.

The Chair recognizes the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Chairman, I rise in opposition to the amendment. I agree with the gentleman from Colorado [Mr. ROGERS] that the language of the bill sufficiently covers any question whether or not we are reaching way back into history. The 1957 Civil Rights Act requires that there be a judicial proceeding in connection with any alleged voting deprivations. As a result of that proceeding the court is empowered to make a finding that such deprivations are or were pursuant to a pattern or practice. If this bill we are now debating has any merit at all it is all wrapped up in this package called the pattern or practice. I submit that in the last few days there has been a series of attempts, of which this is just another, designed to water down the impact of that procedure.

I would agree with the chairman of the committee, the gentleman from New York [Mr. CELLER], that if this amendment were adopted it would result in an additional weakening of the bill.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado [Mr. ROGERS].

Mr. ROGERS of Colorado. Mr. Chairman, addressing myself to the pending amendment, it is very obvious that the only objective and purpose of adding the word "continuing" is to require added proof to establish the pattern or practice. Hence it would result in the defendant, or the registrar, that may be called before the court, saying, "I do not have a continuing pattern or practice of discrimination."

Mr. FLYNT. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I cannot yield. I do not have the time.

Mr. FLYNT. Will the gentleman yield if I get him additional time?

Mr. ROGERS of Colorado. Get me the time and I will yield.

Mr. FLYNT. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Arkansas [Mr. ALFORD] be allotted to the gentleman from Colorado.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. FLYNT. Does the gentleman from Colorado believe that the applicant under these provisions should have the right to come in and say that 20 years ago he was denied the right to vote and therefore he is entitled to the protection of this bill?

Mr. ROGERS of Colorado. In the first place, the applicant himself does not make it, the Attorney General of the United States does it under this bill. If you will refer to page 1 of the Celler substitute to the McCulloch amendment, H.R. 11160, it says "in any proceeding instituted pursuant to subsection (c)."

That means we would have to go to the Attorney General, and whenever he files an action to enforce some civil right he must give notice to the other people, and then may come in and prove the pattern.

Let me make this further explanation: Then the Attorney General is the one who makes the application. I do not feel that any Attorney General, however bad he may be in the eyes of the gentleman, would go back 20 years or 6 years. I think we must have at least a little faith in the prosecuting officer that he will bring it current and up to date.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from New York.

Mr. LINDSAY. I think it should be pointed out in addition that on page 2, line 11 of the bill, if the gentleman from Georgia will note, after the pattern or practice has been established, if an individual then comes to the court there must be a finding, first, that he is qualified under State law to vote, and second, that he has since such finding of a pattern or practice been deprived of the right to register or otherwise qualified to vote. Note the word "since."

Mr. FLYNT. In reply to the gentleman from New York, I still say, and the Celler substitute itself says, that at any time if such a pattern existed the court could make a finding that the pattern existed, and he could find that the pattern existed 20 years ago under the provisions of this substitute amendment. The pending amendment is a conforming amendment, in an effort to get the language to speak that which its proponents say they want it to speak.

Mr. LINDSAY. I say once again a pattern or practice is not found until after there has been a judicial proceeding under the 1957 Civil Rights Act.

Mr. ROGERS of Colorado. As the gentleman from New York points out, hence it must be a current one, a pattern or practice that is going on now, before the Attorney General will institute application for the order which results in the appointment of a referee to take certain action.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from North Carolina.

Mr. WHITENER. I am sure my distinguished colleague from Colorado, a former attorney general of that State, is familiar with the language of Justice Peckham of the U.S. Supreme Court in the case of *Pope* v. *Williams* (193 U.S. 621 at 632).

Mr. ROGERS of Colorado. That is a violent assumption.

Mr. WHITENER. In that decision, Justice Peckham said the following:

> The privilege to vote in any State is not given by the Federal Constitution, or by any of its amendments. It is not a privilege springing from citizenship of the United States (*Minor* v. *Happersett* (21 Wall 162)). It may not be refused on account of race, color, or previous condition of servitude, but it does not follow from mere citizenship of the United States. In other words, the privilege to vote in a State is within the jurisdiction of the State itself, to be exercised as the State may direct, and upon such terms as to it may seem proper, provided, of course, no discrimination is made between individuals in violation of the Federal Constitution. The State might provide that persons of foreign birth could vote without being naturalized, and as stated by Mr. Chief Justice Waite in *Minor* v. *Happersett*, *supra*, such persons were allowed to vote in several of the States upon having declared their intentions to become citizens of the United States. Some States permit women to vote; others refuse them that privilege. A State, so far as the Federal Constitution is concerned, might provide by its own constitution and laws that none but native-born citizens should be permitted to vote, as the Federal Constitution does not confer the right of suffrage upon any one, and the conditions under which that right is to be exercised are matters for the States alone to prescribe, subject to the conditions of the Federal Constitution, already stated; although it may be observed that the right to vote for a Member of Congress is not derived exclusively from the State law. See Federal Constitution, article 1, section 2; *Wiley* v. *Sinkler* (179 U.S. 58). But the elector must be one entitled to vote under the State statute. (Id., Id.) See also *Swafford* v. *Templeton* (185 U.S. 487, 491). In this case no question arises as to the right to vote for electors of President and Vice President, and no decision is made thereon. The question whether the conditions prescribed by the State might be regarded by others as reasonable or unreasonable is not a Federal one. We do not wish to be understood, however, as intimating that the condition in this statute is unreasonable or in any way improper.
>
> We are unable to see any violation of the Federal Constitution in the provision of the State statute for the declaration of the intent of a person coming into the State before he can claim the right to be registered as a voter. The statute, so far as it provides conditions precedent to the exercise of the elective franchise within the State, by persons coming therein to reside (and that is as far as it is necessary to consider it in this case), is neither an unlawful discrimination against anyone in the situation of the plaintiff in error nor does it deny to him the equal protection of the laws, nor is it repugnant to any fundamental or inalienable rights of citizens of the United States, nor a violation of any implied guarantees of the Federal Constitution. The right of a State to legislate upon the subject of the elective franchise as to it may seem good, subject to the conditions already stated, being, as we believe, unassailable, we think it plain that the statute in question violates no right protected by the Federal Constitution.
>
> The reasons which may have impelled the State legislature to enact the statute in question were matters entirely for its consideration, and this court has no concern with them.
>
> It is unnecessary in this case to assert that under no conceivable state of facts could a State statute in regard to voting be regarded as an infringement upon or a discrimination against the individual rights of a citizen of the United States removing into the State and excluded from voting therein by State legislation. The question might arise if an exclusion from the privilege of voting were founded upon the particular State from which the person came, excluding from that privilege, for instance, a citizen of the United States coming from Georgia and allowing it to a citizen of the United States coming from New York or any other State. In such case an argument might be urged that, under the 14th amendment of the Federal Constitution, the citizen from Georgia was by the State statute deprived of the equal protection of the laws. Other extreme cases might be suggested. We neither assert nor deny that in the case supposed, the claim would be well founded that a Federal right of a citizen of the United States was violated by such legislation, for the question does not arise herein. We do, however, hold that there is nothing in the statute in question which violates the Federal rights of the plaintiff in error by virtue of the provision for making a declaration of his intention to become a citizen before he can have the right to be registered as a voter and to vote in the State.

Mr. ROGERS of Colorado. The gentleman's reading is indeed interesting.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. McCULLOCH].

Mr. McCULLOCH. Mr. Chairman, I rise in opposition to the amendment. The court is not going to pass on a moot question. The Federal courts would always require proof of a continuing trespass or wrong. If the wrong has passed, and no one is being denied the right to vote by reason of race or color, then the court would not entertain the complaint even if the Attorney General brought it, which he would not ordinarily do. Said in another way, our Federal courts usually refrain from doing an idle thing. This amendment, as was the case with several other amendments which we have considered, would require, if it were adopted, an adversary proceeding in hundreds if not thousands of cases, examples of which I can cite but which is not necessary at this time. Such cases have been maintained on three or four occasions heretofore in this debate. This amendment, as were such other amendments, should be defeated.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. McCULLOCH] has expired.

All time has expired.

The question is on the amendment offered by the gentleman from Louisiana [Mr. WILLIS] to the amendment offered by the gentleman from New York [Mr. CELLER] as a substitute for the amendment offered by the gentleman from Ohio [Mr. McCULLOCH]

The question was taken; and on a division (demanded by Mr. SMITH of Virginia) there were ayes 90, noes 120.

So the amendment to the substitute was rejected.

Mr. MEADER. Mr. Chairman, I offer an amendment which is at the Clerk's desk.

The Clerk read as follows:

> Amendment offered by Mr. MEADER to the amendment by Mr. CELLER as a substitute for the amendment by Mr. McCULLOCH: On page 3, line 21, strike out the words "the applicant shall be heard ex parte. His" and insert in lieu thereof "the applicant's."

Mr. MEADER. Mr. Chairman, I have listened to this debate for several days and heard fun poked at the lawyers.

I must say I feel frustrated in trying to write a little constitutionality into this voting referee proposal. I may say that the firm of McCULLOCH and CELLER has done an able job presenting the case of their client, the Attorney General of the United States, who has had more to do with the writing of this legislation than anybody else that I know of.

I may say also that I feel frustrated when I realize that the firm of CELLER and McCULLOCH have the votes to put over their point of view.

All this legislation does is amend the rules of civil procedure. Those rules have been built up during the life of our Republic by statute and by court rule and by decisions in cases, and they are aimed at the purpose of permitting the Government to carry out its policy without depriving individuals of their constitutional rights. My amendment will put a little constitutionality back into the voting referee proposal.

I want to cite a case in this matter of ex parte proceedings, wherein persons are excluded from a fact-finding process upon which punishment for civil contempt can be founded. This is a U.S. Supreme Court case, *Greene* v. *McElroy* (360 U.S. page 474). It is a case involving industrial secrecy. I want to read a passage from that decision. I quote from page 496 of the opinion of the Chief Justice of the United States, Chief Justice Warren:

> Certain principles have remained relatively immutable in our jurisprudence. One of these is that where governmental action seriously injures an individual, and the reasonableness of the action depends on fact findings, the evidence used to prove the Government's case must be disclosed to the individual so that he has an opportunity to show that it is untrue. While this is important in the case of documentary evidence, it is even more important where the evidence consists of the testimony of individuals whose memory might be faulty or who, in fact, might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice, or jealousy. We have formalized these protections in the requirements of confrontation and cross-examination. They have ancient roots. They find expression in the sixth amendment which provides that in all criminal cases the accused shall enjoy the right "to be confronted with the witnesses against him." This Court has been zealous to protect these rights from erosion. It has spoken out not only in criminal cases, e.g., *Mattox* v. *United States* (156 U.S. 237, 242–244); *Kirby* v. *United States* (174 U.S. 47); *Motes* v. *United States* (178 U.S. 458, 474); *In re Oliver* (333 U.S. 257, 273), but also in all types of cases where administrative and regulatory actions were under scrutiny. E.g., *Southern R. Co.* v. *Virginia* (290 U.S. 190); *Ohio Bell Telephone Co.* v. *Public Utilities Commission* (301 U.S. 292); *Morgan* v. *United States* (304 U.S. 1, 19); *Carter* v. *Kubler* (320 U.S. 243); *Reilly* v. *Pinkus* (338 U.S. 269). Nor as it has been pointed out, has Congress ignored these fundamental requirements in enacting regulatory legislation. *Joint Anti-Fascist Committee* v. *McGrath* (341 U.S. 168–169 (concurring opinion)).

Now, we are ignoring these basic constitutional rights of the individual when we provide expressly that the court must require the referee to proceed ex parte, in a star chamber proceeding, denying the person who may go to jail on the facts found by the referee, from an opportunity to be present, listen to the testimony against him, cross-examine witnesses against him, challenge the authenticity of documentary proof, and present evidence in his own behalf.

We give the defendant in the proceeding contemplated in this bill none of the rights which the Supreme Court has said a man accused of being pro-Communist is entitled to have. I hope we are not going to write one rule of law for the Communist or a person in sympathy with the Communist movement and a different rule of law for officers elected to State or local office.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman has offered a good amendment. I wonder if this, too, had to be cleared by the Attorney General.

Mr. MEADER. This amendment was really in the original Attorney General bill, H.R. 10035. There was no provision in there for a mandatory ex parte hearing. We have taken out a good many things that I object to in the various versions of this legislation, but this is one, which was not in the original version, which has been put in during the course of the debate. I think it should be taken out. I am concerned that we seem to be bent on passing an unconstitutional law. I have other amendments which I will propose, and I will say that I will not cast my vote for a law that I believe to be unconstitutional.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Michigan.

Mr. Chairman, we actually voted on this amendment on a prior occasion, and we voted it down. It now issues forth again, and its fate should be the same as it was before; it should be defeated.

I would say that it is the same old poison in the same old bottle with just a slightly different label, and it would make of every proceeding before the referee an adversary proceeding. That means, in essence, that the rules of civil procedure would prevail in all the proceedings before the referee. I am perfectly willing to have adversary proceedings obtain when it comes to the U.S. district judge in the court, but where you have this avalanche of applications of Negroes, lowly, some without funds, who have been badgered, who have been subject to economic boycotts, I think the story is different. You cannot expect those applicants and that kind of environment that has been spoken about by the Civil Rights Commission, you cannot expect that kind of applicant to be able to master the situation, to be able to get a chance for his white ally in adversary proceedings. Why, there would be a lot of witnesses brought forth by the State registrar; there would be cross-examination, recross-examination, the submission of documents. It would be easy for the registrar to get the documents, but very difficult for the applicant to get documents to disprove what the registrar maintains. So you give with the one hand by this amendment,

but you take away with the other; you would make the difficulties of the applicants almost insurmountable if you would adopt the amendment offered by my distinguished colleague from Michigan.

I reluctantly oppose my colleague because so frequently we agree in the Judiciary Committee. But there are overriding reasons for my disagreement with him at the present juncture, and for these reasons I hope that the Committee will vote down this amendment.

Mr. LINDSAY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the distinguished gentleman from Michigan attempted to make a comparable case out of the Supreme Court decision in Green against McElroy. I submit there is not anything comparable whatsoever in that case. The person the Court was referring to in that case as the accused was an employee in a defense plant who was fired summarily on security grounds. The Court maintained that he should have had an opportunity for a hearing and confrontation.

If the analogy is to be drawn, the accused—of course, when we are talking about the accused in a voting proceeding, he would be the local registrar who, of course, should not be referred to as the accused because this is entirely a civil proceeding; but, in any event, if you do refer to him as the accused he is given a full and fair hearing because he must be made a party to the proceeding and must be given notice and opportunity to be heard. I am quoting and reading from page 2, lines 2 and 3—"After an opportunity to be heard make a finding that such deprivation was or is pursuant to a pattern of practice." Therefore the person who is the accused, if that designation is to be used, is the registrar. He receives notice, he is given a full hearing upon which there may or may not be a finding of a pattern or practice, from which the accused has the right of appeal.

Let it be said further that there is an additional protection in the bill because such a finding may only be applicable to the "affected area," which is defined in the bill. If you will turn to page 6, line 11, the Committee will discover that the term "affected area" is carefully defined as a subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have violated subsection (a).

This brings us right back to the registrar who has been given a full opportunity to be heard before the court with right of appeal on the subject of whether or not there has been a pattern or practice. Therefore, I can only reiterate that it is a totally false assumption to argue that there is anything comparable between this situation and the situation which was before the Court in the case referred to, Greene against McElroy.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. MEADER].

The amendment was rejected.

Mr. SMITH of Virginia. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia: On page 2, lines 1 and 2, strike out the words "upon the request of the Attorney General."

Mr. SMITH of Virginia. Mr. Chairman, I reckon this is a pretty futile thing I am doing, but I want to emphasize what I said a while ago in colloquy with the gentleman from Michigan [Mr. HOFFMAN]. I pointed out that nobody gets any relief under this bill except by the grace of the Attorney General, and I want to read that to you because some folks may not have read it as carefully as some others have. The very first sentence in this Celler voting amendment reads: "In the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall, upon request of the Attorney General, make a finding," and so forth.

My amendment would strike out the words "upon request of the Attorney General." I do not know why my Democratic friends over here want to leave the matter of whether anybody gets relief under this bill to the Republican Attorney General who wrote the bill. Some may think lightning might strike next year, and that there might be a Democratic Attorney General, perhaps.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from New York.

Mr. HOLTZMAN. The gentleman has indicated that only the Attorney General's OK would open the door.

Mr. SMITH of Virginia. I did not say that. The bill says it.

Mr. HOLTZMAN. The fact is under section 1983 of the 1957 act an individual has a right to bring such an action.

Mr. SMITH of Virginia. He does not have the right to do the thing that is contained in this section.

We can make all sorts of excuses and bring in old bills and other things, but I am talking about this bill and the plain, specific language therein contained. The language is that nobody can get the right to relief under this bill unless the Attorney General makes the application. There may be a thousand people apply to the court in a city like Jackson, Miss., let us say, and they may say, "We have been deprived of our right to vote. We are entitled to relief under this Celler bill which we heard so much about." It does not make any difference how many people have been discriminated against. It does not make any difference if there is complete discrimination against every Negro in that city. Nobody gets any relief except at the grace of the Attorney General, because the court is prohibited, if you please, from putting this bill into operation and giving anybody any relief except upon the application of the Attorney General. And you are all going to stand for it. You are going to vote for it. You probably will have a teller vote on it. But I just want to see how foolish we can get, and I just wonder how anybody is going to oppose this amendment. I know the Attorney General wrote this bill. Everybody knows the Attorney General wrote this bill. Everybody knows that you cannot get any amendment on this bill until you call up the Attorney General and ask him if it is agreeable to him. Everybody knows that this House of Representatives has abdicated its legislative authority to the Republican Attorney General and the Democrats are helping him. Now, how foolish can we get about this thing?

I want to say to you, in all sincerity, that nobody on his own, no matter how many of them there are who have been discriminated against, under this act can get any relief except at the whim or the desire of the Attorney General of the United States. He has not only taken over the functions of the Congress to write legislation, but he has taken over the functions of the court to give relief under this bill. Now let somebody defend that.

Mr. McCULLOCH. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read as follows:

On page 2, line 2, strike out the words "upon the request of the Attorney General."

Mr. McCULLOCH. Mr. Chairman, I would be pleased if the gentleman from Virginia would answer a question with respect to the amendment. I wonder if the gentleman from Virginia would like to identify his amendment as beginning on line 1 and would be made to include the word "and" on page 2. I am of the opinion that the gentleman's amendment does not do exactly what he intends it to do, as I understood it read by the Clerk. I think the amendment, Mr. Chairman, offered by the gentleman from Virginia, should begin on line 1 after the word "shall" and should read "strike out the words 'upon the request of the Attorney General, and'" in lines 1 and 2. And, if the gentleman from Virginia agrees, I would ask that it be corrected accordingly.

Mr. SMITH of Virginia. That is what the amendment does. The amendment eliminates the words on line 1 after the word "shall." It eliminates the words "upon the request of the Attorney General and."

Mr. McCULLOCH. As I understand, the reading of the amendment by the Clerk did not do that. In any event, Mr. Chairman, I rise in opposition to this amendment.

The gentleman from Virginia [Mr. SMITH] has said that there is no relief under this bill for individual applicants, or they cannot bring an action under this bill. Of course, they cannot. The bill was not intended for that purpose. Individuals have the right now, under existing law, to protect their voting rights. This voting referee bill is to bring to mass groups of voters, without innumerable individual actions in the Federal court, the right to vote if qualified under State law.

That objection, I think, is not sound in view of that fact.

I suggest to the members of the Committee that the amendment be rejected.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I am glad to yield.

Mr. SMITH of Virginia. The gentleman does not question the accuracy of my statement, that nobody, no number of persons can get relief until the application is made, not by them, but by the Attorney General.

Mr. McCULLOCH. I agree with that statement. That was not the purpose of the bill. If individuals seek relief from discrimination against them by reason of race or color, in exercising voting rights they have had the right to go into court and they will still retain the right to go into court as individuals, after this bill is enacted.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I subscribe fully to what the gentleman from Ohio has stated in opposition to the amendment. It would be like going up the hill and going down again. It would bring us right back to where we were in 1957 where the Attorney General on behalf of an individual brings the action. It would destroy the very purpose and efficacy of the bill and I therefore hope that the amendment will be voted down.

Mr. KITCHIN. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. KITCHIN. I should like to ask the chairman of the committee if, under this present procedure, this finding by the court which shall be approved by the Attorney General is made after the court has a proceeding before it, after it has found other facts upon the suit being brought under the original 1957 act, if this particular language does not take away the prerogative of the trial court which has heard all of the proceeding and is the one to find such a pattern or practice, if the Attorney General so instructs him. In other words, the purpose is to take away from the Federal court, not the State court, the prerogative of the trial judge making a determination on his own without the advice of the Attorney General.

Mr. CELLER. I must respectfully differ with the gentleman. I do not think it does that.

Mr KITCHIN. Will the gentleman explain, please, why it does not?

Mr. CELLER. It says in any proceeding instituted pursuant to subsection (c). What does subsection (c) refer to? It goes back to the 1957 act; and I recommend that the gentleman read subsection (c). I think it should satisfy him.

Mr. KITCHIN. If the gentleman will yield further, at that particular point, when that action is brought under subsection (c), it is before a Federal court, not a State court.

Mr. CELLER. That is correct.

Mr. KITCHIN. When that action is pending there, then the language in this bill says that regardless of what the Federal judge may think, he has to await the decision of the Attorney General before he can go further in the same proceeding and find that there was a pattern or practice existing back yonder—when, we do not know.

Mr. CELLER. The Attorney General petitions the court and what is in the bill follows. All the Attorney General does is to petition the court for a finding of a pattern or practice. I must submit again that the amendment would destroy the very purpose of the bill.

Mr. KITCHIN. Mr. Chairman, if the gentleman will yield further, let me ask him this question. What would happen under this particular procedure, under the language of the bill before us, if the Attorney General refused or declined to instruct the court that he shall find a pattern or practice existing?

Mr. CELLER. It would depend on the nature and language of the order of the court.

Mr. KITCHIN. No, sir; not under the language of this bill, and the gentleman from Ohio [Mr. McCULLOCH] has admitted that, has conceded the fact that they could not go forward with this proceeding pending in the Federal court, without an instruction on the part of the Attorney General that the court shall find that a pattern or practice existed.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman.

Mr. HOLTZMAN. There is a basic difference. If this amendment were to carry, individuals would be bringing lawsuits to establish patterns and practices. This is something that is in the public interest and it is right that the Attorney General should initiate this kind of proceeding.

Mr. KITCHIN. Not the private individual. I will ask the gentleman if under the original provision, under section (c), the Attorney General, not the private individual, can bring this lawsuit. Once they are in court, it must be brought by the Attorney General.

Mr. CELLER. Under (c) the Attorney General is the only one that can bring the action, in the public interest. That makes a big difference in this matter.

Mr. KITCHIN. He brings that action in the public interest for certain individuals?

Mr. CELLER. For the United States or in the name of the United States.

Mr. KITCHIN. They are in court at the blessing of the Attorney General in the original case. Then the court pursues the matter after the parties are in, but he cannot under the language of this bill utilize his own prerogatives as the trial judge in the proceeding that is before him at that time to go any further, because he must then await the decision of the Attorney General before he can find that pattern or practice exists, under the language of this bill.

Mr. CELLER. The action is brought for the United States, and the individual applicants are the beneficiaries of the action.

Mr. YATES. Mr. Chairman, I rise in opposition to this amendment. The gentleman from Virginia supports his amendment by throwing before this side of the House the bogey of a Republican Attorney General and the necessity for obtaining his approval before any redress could be received. Any alternative, even the discretion of "a Republican Attorney General", to use the gentleman's phrase, is better to one unfairly denied his right to vote, than a situation in which he cannot vote under any circumstances, which would be the case if this bill were defeated or if the gentleman's amendment were to prevail. The gentleman is opposed to this purpose of this bill. His amendment is consistent with his efforts to defeat that purpose. It should be defeated.

Let those of us who want to help Americans now disenfranchised for no other reason than their race beware of the warnings advanced by its opponents. They have advanced solemn legal opinions that this bill is unconstitutional and have clothed themselves in deep mourning over what they have called the dismemberment of constitutional government. Mr. Chairman, deception walks in splendid raiment. The late Senator Huey Long was once asked whether fascism would ever come to the United States. He replied that if it did, it would be called antifascism. And so it is with the opponents of this legislation who attempt to wrap themselves in the mantle of constitutional dignity and authority to condone and to perpetuate anticonstitutional activities.

The legal technicalities which have been invoked cannot hide the constitutional truths that must be remembered, namely, that every citizen of the United States, regardless of race or color, is entitled to vote. This is the one essential qualification for voting—American citizenship. Of course, certain formal requirements like residence or understanding of the voting process may be required, but such requirements must be reasonable and they must be uniform among all races in their application. There must not be a double standard under which certain tests are required for members of one race and not for another. The fact is, however, that the double standard has been, and is being, employed today through many States to deprive Negro citizens of their voting birthright.

That fact has not been denied. That fact cannot be denied. And that fact has been ignored in the arguments presented by opponents of this legislation, with rare exceptions.

The manner in which opponents of this legislation mold the Constitution to fit their own particular purposes reminds me of the story of the three blind men who encountered an elephant for the first time. One, who felt the elephant's trunk, thought it was a snake. The second, who felt its tail, said it was a rope. The third, who felt the elephants leg, declared that it was a tree. Such conclusions are to be considered reasonable from blind men with no vision and little experience, but there is no reason why the learned and distinguished opponents of this legislation should limit their vision. The courts determine the manner in which the Constitution is to be interpreted, and their conclusion on the right to vote is unanimous. For example, in the case of *Rice* v. *Elmore* (165 F. 2d

387), on page 390, the court quoted from the case of *Smith* v. *Allbright* (321 U.S. 649), where the Court said:

> The United States is a constitutional democracy. Its organic law grants to all citizens a right to participate in the choice of elected officials without restriction by any State because of race. This grant to the people of the opportunity for choice is not to be nullified by a State through casting its electoral process in a form which permits a private organization to practice racial discrimination in the election. Constitutional rights would be of little value if they could be thus indirectly denied (*Lane* v. *Wilson* (307 U.S. 268, 275 59 S. Ct. 872, 876, 83 L. Ed. 1281)).

The Court continued further on page 392 and declared:

> An essential feature of our form of government is the right of the citizen to participate in the governmental process. The political philosophy of the Declaration of Independence is that governments derive their just powers from the consent of the governed; and the right to a voice in the selection of officers of government on the part of all citizens is important, not only as a means of insuring that government shall have the strength of popular support, but also as a means of securing to the individual citizen proper consideration of his rights by those in power. The disfranchised can never speak with the same force as those who are able to vote. The 14th and 15th amendments were written into the Constitution to insure to the Negro, who had recently been liberated from slavery, the equal protection of the laws and the right to full participation in the process of government. These amendments have had the effect of creating a Federal basis of citizenship and of protecting the rights of individuals and minorities from many abuses of governmental power which were not contemplated at the time. Their primary purpose must not be lost sight of, however; and no election machinery can be upheld if its purpose of effect is to deny to the Negro, on account of his race or color, any effective voice in the government of his country or the State or community wherein he lives.

I suggest, therefore, that the Constitution is entirely on the side of permitting Negro Americans, together with all other American citizens, to vote, and that the specious arguments which have been raised by the bill's opponents to granting that right are without foundation.

The important thing is to make sure that all Americans are assured the right to vote. Let us keep our eyes on that goal and not be deterred from it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. SMITH]

The question was taken; and on a division (demanded by Mr. SMITH of Virginia) there were—ayes 61, noes 132.

So the amendment was rejected.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the Celler substitute and all amendments thereto close in 15 minutes.

Mr. BOW and Mr. MEADER objected.

Mr. CELLER. Mr. Chairman, I move that all debate on the Celler substitute and all amendments thereto close in 15 minutes.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. POFF].

Mr. POFF. Mr. Chairman, I take this time in an effort to establish legislative intent. I should like to have the attention of the chairman of the committee, the gentleman from New York [Mr. CELLER], and the ranking minority member, the gentleman from Ohio [Mr. MCCULLOCH], to each of whom I should like to address one question.

By way of preface, let us assume that the Attorney General has brought a case under subsection (c) of section 1971; that in the course of that suit the Attorney General has requested the court to reach a determination as to whether or not the deprivation was pursuant to a pattern or practice; and that the court pursuant to that request took evidence on the issue, at the conclusion of which the court issued an order stating that there was a pattern or practice of discrimination on account of race.

My question is, Is that decree of the court a final decree which would permit an appeal in the regular order?

I will first ask the distinguished gentleman from New York to answer that question.

Mr. CELLER. I do not know what all the factors are that would be developed in the proceedings. I cannot answer that question categorically or even definitely. If the principal pattern or practice is established, and I take it it might endure for a year—it would endure for a year unless later on circumstances changed and the court might have to pass on it again, nobody can anticipate exactly what the court would rule on a matter of this sort or how it is necessary for the court to rule.

Mr. POFF. I am afraid possibly the gentleman may have misunderstood my question. I am simply asking, if the court has issued a decree finding that a pattern or practice existed, does that decree at that point constitute a final order to which an appeal would lie.

Mr. CELLER. I do not know whether it would be a final order upon which an appeal could be based. Again, it would have to depend on all the circumstances of that particular case and the particular application before the judge. It might, and it might not be, a finding or final decree upon which a decree could be predicated. It all depends on the circumstances.

Mr. POFF. Might I direct the same question to the gentleman from Ohio [Mr. MCCULLOCH].

Mr. MCCULLOCH. It is my opinion, if there be a finding of a pattern or practice which is followed by an order or decree with the court implementing that finding, that that is such a final order, or decree, that would be reviewable upon appeal or otherwise.

Mr. POFF. I thank the gentleman. I wonder if the gentleman from New York [Mr. LINDSAY] would care to respond to that question. I ask the gentleman if the court has, pursuant to the request of the Attorney General, issued a decree finding that the deprivation of the right grew out of a pattern or practice, would that decree at that point be a final order to which an appeal would lie?

Mr. LINDSAY. I would answer the gentleman's question this way. If in a proceeding brought under the 1957 Civil Rights Act the court should, under this amendment to the 1957 act, go on and make a finding that such deprivations were pursuant to a pattern or practice, such a finding would be part of the same proceeding and therefore would be appealable. Others may disagree with me on this, but this is the way I read it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MEADER. Mr. Chairman, I offer an amendment, which is at the Clerk's desk.

The Clerk read as follows:

> Amendment offered by Mr. MEADER to the amendment offered by Mr. CELLER as a substitute for the amendment offered by Mr. MCCULLOCH: On page 1 of the Celler substitute strike out "(a) Add the following as subsection (e)" and all that follows down through the last page of the McCulloch substitute, and insert in lieu thereof the following:
>
> "(a) Add the following as subsection (e) and designate the present subsection (e) subsection '(f)':
>
> "'(e) (1) In any proceeding instituted pursuant to subsection (c) of this section to relieve any deprivation of a right or privilege secured by subsection (a) of this section, final orders of the court providing affirmative relief may specify that named individuals are qualified to vote and may also specify that such individuals, upon proof of such order in such manner as the court may direct, shall be permitted to vote in the same manner as if duly registered and qualified therefor under State law.
>
> "'(2) In any proceeding instituted pursuant to subsection (c) of this section to relieve any deprivation of a right or privilege secured by subsection (a) of this section, the court may, pursuant to rule 53 of the Federal Rules of Civil Procedure, appoint special masters to assist the court in carrying out its responsibilities in such proceeding. The compensation to be allowed any such special master shall be fixed by the court and paid by the United States.'
>
> "(b) In subsection (c), insert 'or affirmative' after 'preventive', and add at the end thereof the following: 'Proceedings brought under this subsection to relieve any deprivation of a right or privilege secured by subsection (a) of this section shall supersede any proceedings covering the same subject matter brought before any State court, tribunal, agency, or official to the extent of any inconsistency. In proceedings brought under this subsection, court orders requiring or prohibiting action by officials of a State or subdivision thereof shall also require or prohibit such action by their successors in office.'"

Mr. CELLER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. CELLER. The amendment offered by the gentleman from Michigan is a substitute to the Celler amendment. So we have a substitute to a substitute to the McCulloch amendment. Therefore, I make the point of order that the amendment is not in order because it is a substitute.

The CHAIRMAN (Mr. WALTER). The Chair is ready to rule. The amendment offered by the gentleman from Michigan strikes only a part of the substitute offered by the gentleman from New York as a substitute to the amendment offered by the gentleman from Ohio [Mr. MCCULLOCH]. This is clearly in order.

The Chair overrules the point of order.

Mr. MEADER. Mr. Chairman, this proposal is an alternate to the voting referee proposal which we have been discussing, and in my judgment my proposal is a clearly constitutional one.

In my opinion, the voting referee proposal on the other hand, is clearly unconstitutional.

I took an oath when I became a Member of this body to uphold and defend the Constitution. If I believe that the voting referee proposal is unconstitutional, as I do, I am compelled to vote against it.

In the discussion of the other amendment I offered this afternoon I pointed out that the voting referee procedure as set up would violate the fifth amendment to the Constitution by depriving individuals of due process of law and fair play. In addition, this voting referee proposal vests in the judiciary nonjudicial functions, in violation of article III of the Constitution. Further, this voting referee proposal authorizes a Federal official to seize the authority of a State which is vested in the State by the Federal Constitution. I think that, alone, is unconstitutional and for that reason I cannot support it.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Florida.

Mr. CRAMER. Is it not true as appears on page 62 of the hearings, that since February 1894, when the Congress of the United States in repealing the Reconstruction Act had this to say, in the Committee Report No. 18, 53d Congress, 1st session, page 7, "that every trace of restriction should be wiped from the statute books," this is the first time since the Reconstruction period that Congress has considered legislation that would substitute a referee to do an administrative job which a duly elected State official is authorized to do?

Mr. MEADER. The gentleman is correct. This is the first time in almost 100 years that a Federal official has been authorized to clothe himself with State authority, and it is a dangerous device which can destroy the independence of a State.

Mr. Chairman, during discussion of the Celler substitute there were numerous complaints that its provisions and the discussion have been confusing.

It is not surprising there has been confusion since the proposal deals with a most technical and difficult field of legislation, namely, the rules of Federal civil procedure. The Celler proposal is purely and simply a matter of civil judicial procedure and a change in rules with respect to one class of civil cases only, namely, suits brought by the Attorney General under the Civil Rights Act of 1957, to enforce the provisions of the 15th amendment against discrimination in voting.

Mr. Chairman, this is peculiarly the type of legislation which ought to receive the most careful and complete consideration of the Judiciary Committee, its members, all of whom are able lawyers, its staff lawyers and witnesses who are lawyers, both inside and outside the Federal Government. In view of the fact that the Celler proposal did not receive such consideration, it surprises me that there is not more confusion as we attempt to write this difficult, technical and complicated provision relating to civil judicial procedure on the floor of the House.

Many lawyers are concerned with the constitutionality of the proposed voting referee method of enforcing voting rights. This may proceed partly from a natural skepticism of innovations in procedural rules which have been developed carefully and after extensive litigation as well as congressional enactment throughout the history of our Republic. Any careful lawyer must be inclined to be skeptical of rash and revolutionary changes in delicately balanced rules which have been developed to enable the Federal Government to carry out its policies on the one hand but to protect the rights of individuals and legitimate constitutional powers of the States on the other.

Mr. Chairman, the constitutional questions involved in the Celler proposal are primarily in three areas:

First, maintenance of the judicial character of courts by refraining from assigning them nonjudicial responsibilities, in violation of article III of the Constitution;

Second, preservation of the constitutional rights of the individual, particularly that no person shall "be deprived of life, liberty or property without due process of law," as guaranteed by the fifth amendment of the Constitution; and

Third, the legitimate powers of State to manage the affairs left to them by virtue of the 10th amendment in which powers are reserved to the States, the provisions of article I, section 2, the 17th amendment and the provisions of article IV, section 4, under which qualifications to vote and the election machinery for State and local offices, as one of the basic ingredients of a republican form of government, are vested in the States.

Mr. Chairman, it might be well to review briefly the origin of the so-called voting referee proposal.

When the Attorney General appeared before the House Judiciary Committee March 11, 1959, on the civil rights bill, no mention was made of anything resembling the voting referee proposal and in fact, the Attorney General testified that he doubted at that time that further authority in the Department of Justice to start litigation would contribute to the progress of civil rights. I include at this point excerpts of the testimony of the Attorney General.

> Attorney General ROGERS. Let me say this: I think as of now there is doubt, at least there is doubt in my mind, as to the wisdom of giving the Federal Government authority to start more litigation.
>
> I appreciate that you can make an argument for it and I think I am as anxious to make progress in this field as anybody, and I think that when people talk about just educating and understanding, and put all their emphasis on that, it is a mistake, because I do not think you can do it that way alone.
>
> Likewise, I think if you put all your emphasis on law enforcement, you make a mistake, because this field is a good deal different from the average law enforcement problem. It does involve both law enforcement and an understanding of the problems and what it means to our Nation.
>
> So it seems to me that we have to be pretty mature in our judgments about whether legislation which seems to favor civil rights would actually have that result, and I seriously have doubt about whether legislation requiring the Federal Government to institute more civil actions would have the result of making greater progress in this field.
>
> Now, the Congress has authorized the Civil Rights Commission to make a study of the need for further legislation. I certainly do not think we should say that the Federal Government does not permanently need more authority. I think we should hold that open to see how developments occur; I think we should particularly give the Civil Rights Commission the opportunity to make a more complete study in this field and to make recommendations about further power on the part of the Federal Government in this field.
>
> I think, Mr. HOLTZMAN, it is very difficult when you are sitting here in Washington to get a feel for the whole problem, and I think the Civil Rights Commission holding hearings, as they have, in the South and in getting testimony from a lot of people will be in a much better position to make mature, thoughtful recommendations about the extension of Federal authority to institute litigation than we could now.
>
> I certainly, while I have doubt about it, I am inclined to think it is better to wait, particularly in view of the encouraging developments in Virginia, where there was no Federal intervention of any kind.
>
> So I just want to complete this long answer by saying I am just as thoroughly convinced of the need of progress in this field as anybody.
>
> I have some doubt about whether additional authority for the Federal Government to start litigation would result in substantial progress at the moment.
>
> • • • • • •
>
> Attorney General ROGERS. Well, it could be. I want to say that certainly this is not a one-sided problem at all.
>
> I mean, I think you can make good arguments both ways, and I think that from where I sit, I am not sure that the authority to start more lawsuits, authority for the Federal Government to start more lawsuits, would be particularly helpful at this time.
>
> I readily admit you could make arguments the other way.
>
> • • • • • •
>
> Mr. ROGERS. Along that line, and since it deals with section 3 of your proposal, to what extent and how far you feel that the Federal Government can go in connection with voting records of a State?
>
> Attorney General ROGERS. I think we can go just as far as we have asked to go in this legislation.
>
> Mr. ROGERS. And no further?
>
> Attorney General ROGERS. Not at the moment.
>
> Mr. MILLER. In that connection, may I ask is the general impression which you are trying to convey here—and I think very well—that it is your position, and the position of the administration, that you are as anxious as any person to accomplish the most in the shortest period of time that you can do in the field of civil rights?
>
> Attorney General ROGERS. That is correct.
>
> Mr. MILLER. But it is your profound conviction, based upon your experience in the Attorney General's Office, that too much Federal legislation at this time, in the absence of a volume of complaints in other areas might create more resistance than would proceeding a little more slowly, as indicated by the administration?

Attorney General ROGERS. I agree with everything you say, with just one slight variation.

I do not think I have a profound conviction on it. I think a better way to put it is that I have doubt at the moment that further legislation permitting us to start lawsuits might do more harm than good at the moment.

I do not think we should close our minds to that possibility, if there are developments which indicate it would be helpful.

Mr. MILLER. In other words, if you received in the course of the next year numerous complaints of discriminations and violations of the basic statutes in the civil rights areas, in the fields of housing or the fields of employment, or any other fields, then you would be the first to come here and ask for additional legislation to remedy the situation.

But, as of the moment, you feel that the securing and the protection of the right to vote mainly can secure for any minority great progress in the acquisition of their total civil rights, and that as we go slowly forward you can accomplish more for those minorities than attempting to get too much government and too much power in the hands of the Federal Government at this time?

Attorney General ROGERS. Well, I do not like to rephrase the question.

I am not in favor of proceeding slowly. I am in favor of proceeding as fast as we can, but do it in an intelligent way and, I think, there is a tendency to say, "Well, here is a bill, and this is a strong civil rights bill, and if you are for the bill, you are for civil rights, and if you are against it, you are against civil rights."

I think that oversimplification just could be very misleading in this field.

Sometimes progress can be made a lot faster without litigation, and I have tried to say that I think that you have to gear your law enforcement pretty thoughtfully in with the development of public opinion, because if you have everybody in the State against you there is not much you can do in law enforcement that is not pretty disastrous.

Now, if you, as in Virginia, have the situation developing in such a way that responsible people realize what the alternatives are, and very simply the alternatives are you either have a public school system or you do not have a public school system, and they realize the problems that would be inherent in elimination of a public school system, and they come to that conclusion based on lawsuits that are started by their own people and, to some extent in their own courts, and they get involved in the thoughtful process rather than in the emotional process, then I think you are apt to have more progress.

Now, the minute you get the Federal Government coming down telling them how to do it, and you start lawsuits and you are litigating in court, and all the local people say, "Well, here are the Federal people down here again, and we are going to do so and so," that makes it much more difficult; you get a real strong emotional response from everybody, and it is apt to set the whole process back.

What I am saying is that in view of the fact we do have doubt now, and in view of the fact we have the Civil Rights Commission, I do not think at this time that we want to propose any additional authority.

Mr. ROGERS. I want to see if I heard you correctly.

Did I understand you to say that unless you have the sentiment of the people in the area back of the law that you are trying to enforce that it is useless to try to enforce it?

Attorney General ROGERS. No; I did not say that. I said if you have everybody in the State against it, it makes it a very difficult problem.

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Attorney General ROGERS. I will tell you this, the Federal Government insistently and particularly the FBI has resisted, and I think very wisely over the years, the extension of Federal power.

There is always a tendency to give the Federal Government more authority, particularly because of the outstanding success of the FBI over the years, and the confidence that the people have in the FBI.

People forget, I think, the size of the FBI. Actually, there are only about 6,000 special agents, which is about one-fourth of the size of the New York City police force, and about half the size of the Chicago police force, and the FBI does cooperate very closely with State and local authorities.

They have cooperated with the police academies, where they instruct them, and so forth. We have serious reservations about extending this jurisdiction so that you could have the concept of a national police force.

So, consequently, we would like to limit it to what we think is a proven need, and there is one here, and we would like to correct it, but we do not want to go beyond that.

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Mr. RODINO. Are there any other questions, Mr. MEADER?

Mr. MEADER. I would only like to say that I commend the Attorney General for the statement he has made to the committee this morning and the manner in which he has replied to the questions put.

What has pleased me most is his statement that the policy of the administration and the Department of Justice is not to seek to extend Federal power unnecessarily.

It is significant to note that in reply to Representative ROGERS the Attorney General asserted no additional legislation on voting rights was needed now beyond the provision relating to retention of election records, which is title III of H.R. 8601. That passage is worth repeating:

Mr. ROGERS. Along that line, and since it deals with section 3 of your proposal, to what extent and how far you feel that the Federal Government can go in connection with voting and voting records of a State?

Attorney General ROGERS. I think we can go just as far as we have asked to go in this legislation.

Mr. ROGERS. And no further?

Attorney General ROGERS. Not at the moment.

Aside from the report of the Civil Rights Commission nothing in the field of voting rights has happened, except the handing down of two Supreme Court decisions upholding the constitutionality of the Civil Rights Act of 1957.

Apparently, the birth of the voting referee idea was stimulated by the report of the Civil Rights Commission September 9, 1959. It recommended that the President be authorized to appoint Federal registrars for the purpose of registering Negroes in localities where the Civil Rights Commission or some other agency might find that Negroes were being denied registration.

Apparently, the Justice Department did not react favorably to this recommendation but was stimulated by it to develop and suggest an alternative. Our information is somewhat sketchy on this point but that conclusion is confirmed by the testimony of Deputy Attorney General Walsh before the House Judiciary Committee on February 9, 1960, on pages 30 and 31 as follows:

Mr. WILLIS. I understand, and I am not questioning your devotion to protecting the right to vote. And may I say parenthetically, you can go in my district. They vote, and have been voting, so I am not involved in this thing. But we are talking about a proposal.

This is one approach. The Civil Rights Commission suggested another approach, that you are critical of. As a matter of fact, your chief, the Attorney General, has ridiculed it by saying that their proposal was like buying a ticket to the Dempsey-Firpo contest many years ago. You are not only critical of it, but you ridiculed what the Commission does.

Mr. WALSH. I don't think it was ridiculed.

Mr. WILLIS. Now you come with this proposal. What I am wondering is, could you not perhaps find a better way to achieve what you are after, rather than asking Congress to establish presumptions in the fashion that you suggest?

In other words, have you people thought this thing out long enough? How long have you been working on this bill?

Mr. WALSH. I will tell you how long we have been working on it. It goes back probably to before the time I came to the Department. But since the civil rights report in 1959 we have given it a lot of thought, and we respect the Commission for its report and for its suggestion, which has opened up all this line of legislative possibility.

We started off with the Commission's report, which required appointment by the President. We thought it seemed wrong to draw the President into this. Here is a man who is trying to guard the national security, and he has to start worrying about county registrars? So we tried to find a better way. We thought, who is the officer most likely to be respected in the locality in which this problem exists? And we thought of the Federal judge. Then we said, "All right, have the Federal judge appoint the registrar." Then we said, "Well, that will be supplanting a State officer with a Federal officer. Why do that? We will have the Federal judge appoint a special master, or call him a referee, who wouldn't act unless the State registrar has had a chance to act and has refused to act." That is the next step we took.

Then, we said, "How will this proceeding go before the referee? What will the applicant have to do, and how can we make his right to vote effective?"

Well now, the registrar proposal does not deal with the right to vote. That talks about registration as though that were something of value in itself. So we developed the parts of this bill which authorize the Federal judge to send persons to the polling place and the place where the votes are counted, to see that any rights which he would have would be respected.

Then it came to the question, How does this applicant prove his right to vote? Does he have to prove all over again this pattern of discrimination which it took the U.S. attorney probably weeks of preparation to prove? Or will that make his right to vote effective?

Here the white people are. They are going into the State registrar's office. All they do is fill out a form and answer a few questions, and they vote. Are we doing anything for this Negro if we say, "You go before a voting referee, and you prove your case from beginning to end. You prove a pattern of discrimination. You prove that you personally are a victim of that pattern of discrimination." Is that going to get him a chance to vote? We don't make the white people do that. Why do we make the Negroes do it?

So we began to think: What can Congress do to be fair about this, to minimize the amount of intrusion into the State administration and yet make effective the 15th amendment in these sections?

And this was the very best we could do. We would require the Negro to prove every

step of his qualification to vote: his age, his residence; if the literacy is required, to prove his literacy; if he was to understand the Constitution, let him answer the question as to the Constitution, if it is a valid State provision. And if he has to have somebody identify him—some States, like Louisiana, require that two registered voters identify the new applicant—let him be identified by two registered voters. But here let me point out the referee will have the subpena power to help this man get his two witnesses if he needs them.

We thought that all over, and we came to this one hurdle: Should he be required to prove in each individual case he personally was discriminated against? And we concluded that burden of proof was too difficult under all these circumstances; and indeed the answer to that link and proof was so obvious from the previous pattern of discrimination that we could ask Congress to enact this conclusive presumption at the benefit of the applicant.

Mr. WILLIS. Judge, I appreciate your concern and your sincerity.

Mr. Chairman, there are several novel features of the voting referee proposal which give rise to the constitutional problems to which I referred earlier:

First. The first is that the court, upon the request of the Attorney General, is authorized to make a finding whether deprivation of voting rights on account of race or color "was or is pursuant to a pattern or practice."

Second. If the court finds such pattern or practice, then a variety of novel rights, remedies, and procedures come into being, (a) for a year and thereafter until the court finds that such pattern or practice has ceased, any person of such race or color may apply for an order declaring him qualified to vote and such order would be effective as to any election held within the period for which straight registration would have been effective; (b) an applicant is entitled to such an order upon proof, first, that he is qualified under State law to vote; and two, he has been denied the opportunity to register or found not qualified by a State registrar; (c) the court may appoint voting referees to, first, receive applications for voting orders; two, to take evidence ex parte and to report to the court whether the applicant is entitled to a voting order. The sufficiency of evidence before the referee is also prescribed; three, voting referees are given the powers of a master under rule 53C, the Federal Rules of Civil Procedure.

Mr. Chairman, the voting referee bill is unconstitutional.

The authority of Congress to pass any legislation in this field is derived from the 15th amendment, empowering Congress to pass laws to prevent the United States or any State from depriving a citizen of the right to vote because of his color.

If the 15th amendment did not exist we would not even be discussing this proposal. No power was given to Congress originally to regulate elections generally. Limited revisionary authority was given to Congress over the "time, places, and manner of holding elections for Senators and Representatives," and the "time of choosing the electors" for President and Vice President, "which day shall be the same throughout the United States."

But during the existence of our Republic, the election machinery and the laws which have regulated it have been in the exclusive realm of authority of the States. We have no Federal registration laws, no Federal registrars or clerks, no laws regarding the nomination of candidates for office or contesting elections, except that the House and the Senate are the judges "of the elections, returns, and qualifications" of their own Members. We do, of course, have the Hatch Act and Corrupt Practices Act prohibiting certain practices and activities of Federal officials and employees. The great body of the law of elections, even for Federal offices, is still, and has been for 170 years, in power of the States.

Both the 15th and the 19th amendments, the first related to color, the second to sex, are merely limitations to the basic State power over elections.

Since those amendments are only limitations, they may not be the means for nullifying other basic constitutional grants of power or destroying personal rights guaranteed by the Constitution, nor are they a new grant of power to Congress in derogation of other constitutional provisions.

The 15th and 19th amendments may not be employed to alter our basic constitutional system of dual sovereignty; nor may they be employed to destroy the Bill of Rights.

The "appropriate legislation" the Congress is authorized to adopt must not transgress the limits of personal and State guarantees of rights and powers any farther than the minimum necessary to accomplish the objective of nondiscrimination in voting because of color or sex.

The adoption of the 15th and 19th amendments did not dissolve our Federal system, did not authorize Congress to ignore the Constitution, or by statute, amend it. Those amendments merely authorized Congress to legislate in an area where, theretofore, the Congress had been wholly devoid of power. Those amendments contemplated that Congress would employ that power within limits, otherwise constitutional.

Mr. Chairman, the voting referee proposal bristles with constitutional problems.

Must we rashly throw away decades of precedent and statutes governing Federal judicial procedure? Let us rather build upon the past, intelligently and with caution. What we do to procedure in the voting rights field may next month, or next year or 10 years from now be applied to another field because we are dealing with the basic structure of our Federal legal system—and we are establishing precedents.

Let us not overhaul these technical and delicately balanced procedural rules in a rough and tumble, emotional political floor debate. Let us be more mature than that.

Let us grant power to the executive and the judiciary in addition to the power we gave them in the Civil Rights Act of 1957—but let them exercise that power under existing rules of due process and fair play and under the present status of equilibrium between the powers of the Federal Government and the States. Let us not by the precedent we establish here undermine both the personal rights of individuals and the sovereign powers of the States.

I. THE VOTING REFEREE PROPOSAL IS UNCONSTITUTIONAL BECAUSE IT PURPORTS TO VEST IN COURTS AND THEIR SUBORDINATE OFFICIALS NONJUDICIAL FUNCTIONS

First. Article III of the United States Constitution vests the judicial power in the Supreme Court and such inferior courts as Congress may create. Article I vests the legislative power in the Congress, and article II vests the Executive power in the President.

The courts have consistently held that an attempt on the part of Congress to vest executive or legislative authority in the courts or any other nonjudicial function is unconstitutional because the judicial power extends only to cases and controversies. Courts thus will not accept ministerial or administrative functions. In *Muskrat* v. *U.S.* (219 U.S. 346 (1911)) the Court refused to render advisory opinions where no case or controversy existed. Other cases in which the courts have refused to accept nonjudicial functions are as follows:

Trimble v. *Johnston* (173 F. Supp. 651, 653): "The nature of the judicial process and the function of the courts consist of deciding actual cases and controversies. The sole jurisdiction and duty of the courts is to pass on the individual legal rights that parties to litigation assert and seek to have vindicated."

Keller v. *Potomac Elec. Co.* (261 U.S. 428, 444 (1923)), Mr. Chief Justice Taft delivered the opinion of the Court: "Such legislative or administrative jurisdiction, it is well settled cannot be conferred on this Court either directly or by appeal. The latest and fullest authority upon this point is to be found in the opinion of Mr. Justice Day, speaking for the Court in *Muskrat* v. *United States* (219 U.S. 346). The principle there recognized and enforced on reason and authority is that the jurisdiction of this Court and of the inferior courts of the United States ordained and established by Congress under and by virtue of the third article of the Constitution is limited to cases and controversies in such form that the judicial power is capable of acting on them and does not extend to an issue of constitutional law framed by Congress for the purpose of invoking the advice of this Court without real parties or a real case, or to administrative or legislative issues or controversies." (*Hayburn's* Case (2 Dall. 410, note); *United States* v. *Ferreira* (13 How. 40, 52); *Ex parte Siebold* (100 U.S. 371, 398); *Gordon* v. *United States* (117 U.S. 697); *Baltimore & Ohio R.R. Co.* v. *Interstate Commerce Commission* (215 U.S. 216).)

U.S. v. *Ferreira* (13 Howard 39, 50 (1851)), Mr. Chief Justice Taney delivered the opinion of the Court: "A question might arise whether commissioners appointed to adjust these claims, are not officers of the United States within the meaning of the Constitution. The duties to be performed are entirely alien to the legitimate functions of a judge or court of justice, and have no analogy to the general or special powers ordinarily and legally conferred on judges or courts to secure the due administration of the laws. And, if they are to be regarded as officers, holding offices under the Government, the power of appointment is in the President, by and with the advice and consent of the Senate; and Congress could not by law, designate the persons to fill these offices. And if this be

the construction of the Constitution, then as the judge designated could not act in a judicial character as a court, nor as a commissioner, because he was not appointed by the President, everything that has been done under the acts of 1823, and 1834, and 1849, would be void, and the payments heretofore made might be recovered back by the United States. But this question has not been made; nor does it arise in the case. It could arise only in a suit by the United States to recover back the money. And as the case does not present it, and the parties interested are not before the court, and these laws have for so many years been acted on as valid and constitutional we do not think it proper to express an opinion upon it. In the case at bar, the power of the judge to decide in the first instances, is assumed on both sides, and the controversy has turned upon the power of the Secretary to revise it; and it is in this aspect of the case, that it has been considered by the court, in the foregoing opinion.

"The appeal must be dismissed for want of jurisdiction."

Note by the Chief Justice, inserted by order of the Court:

"The result of the opinions expressed by the Judges of the Supreme Court of that day in the note to Hayburn's case, and in the case of the *United States* v. *Todd*, is this:

"1. That the power proposed to be conferred on the circuit courts of the United States by the act of 1792 was not judicial power within the meaning of the Constitution, and was, therefore, unconstitutional, and could not lawfully be exercised by the courts.

"2. That as the act of Congress intended to confer the power on the courts as a judicial function, it could not be construed as an authority to the judges composing the court to exercise the power out of court in the character of commissioners.

"3. That money paid under a certificate from persons not authorized by law to give it, might be recovered back by the United States."

Radio Comm. v. *General Electric Co.* (281 U.S. Repts. 464, 469), opinion of the Court: "But this Court cannot be invested with jurisdiction of that character, whether for purposes of review or otherwise. It was brought into being by the judiciary article of the Constitution, is invested with judicial power only and can have no jurisdiction other than of cases and controversies falling within the classes enumerated in that article. It cannot give decisions which are merely advisory; nor can it exercise or participate in the exercise of functions which are essentially legislative or administrative. *Keller* v. *Potomac Electric Power Co.*, supra (p. 444), and cases cited: *Postum Cereal Co.* v. *California Fig Nut Company*, supra (pp. 700–701): *Liberty Warehouse Co.* v. *Grannis* (273 U.S. 70, 74); *Willing* v. *Chicago Auditorium Association* (277 U.S. 274, 289); *Ex Parte Bakelite Corporation* (279 U.S. 438, 449)."

Postum Cereal Co. v. *Calif. Fig Nut Co.* (272 U.S. Reports 693, 700), opinion of the Court: "The distinction between the jurisdiction of this Court, which is confined to the hearing and decision of cases in the constitutional sense, and that of administrative action and decision, power for which may be conferred upon courts of the district, is shown in the case of *Keller* v. *Potomac Electric Company* (261 U.S. 428, 440, 442, 443). There it is pointed out that, while Congress in its constitutional exercise of exclusive legislation over the district may clothe the courts of the district not only with the jurisdiction and powers of the Federal courts in the several States but also with such authority as a State might confer on her courts (*Prentis* v. *Atlantic Coast Line Company* (211 U.S. 210, 225, 226)) and so may vest courts of the district with administrative or legislative functions which are not properly judicial, it may not do so with this Court or any Federal court established under article III of the Constitution."

Second. It is clear that the registration of electors and the conduct of elections are ministerial and administrative, not judicial, functions.

The establishment of election precincts and voting places and the appointment of election commissioners by county officers were held to be merely administrative or ministerial acts, requiring no judicial or quasi-judicial inquiry or determination, and hence prohibition was held not to lie to prevent such action. (*Williamson* v. *County Ct.* ((1904) 56 W. Va. 38, 48 S.E. 835, 3 Ann. Cas. 355).)

And the duties of a board of election commissioners in connection with the filing of lists of qualified voters of a political party and in appointing officers of a primary election were held to be merely administrative and not to involve any judicial functions, and hence prohibition was held not to lie against the board. (*Kalbfell* v. *Wood* ((1906) 193 Mo. 675, 92 S.W. 230).)

According to what would seem to be the better view, the mere calling of an election is not such a judicial act as may be controlled by the writ of prohibition, in the absence of statute.

Thus, a board of election commissioners not being a judicial body, it was held that prohibition would not lie to prevent it from ordering an election. (*People ex rel. Taylor* v. *Election Comrs.* ((1880) 54 Cal. 404).)

And the duties of a public officer in connection with the calling of a stock law election upon the filing of a petition therefor by a certain number of residents were held to be administrative or ministerial in character, and hence not subject to control by prohibition. (*State ex rel. Turner* v. *Bradley* ((1901) 134 Ala. 549, 33 So. 339).)

The act also of a county court in calling an election to determine the question of relocation of the county seat was held to be purely ministerial, so that prohibition would not lie to prevent it. (*Baker* v. *O'Brien* ((1916) 79 W. Va. 101, 90 S.E. 543).)

Where the duties of the superintendent of schools in calling an election and proceeding for the formation of a consolidated school district were purely ministerial, and did not involve the exercise of any discretion, it was held that prohibition would not lie to restrain the performance of such duties. (*State ex rel. Isaacson* v. *Parker* ((1918) 40 S.D. 102 166 N.W. 309).)

In *State ex rel. Caldwell* v. *Vaughn* ((1912) 33 Okla. 384, 125, p. 899) it was held that a county election board, in receiving applications of candidates to have their names placed on ballots, and in placing names thereon, was engaged in a purely ministerial or executive duty, not involving the exercise of any judicial power, and hence that prohibition would not lie to restrain such act.

It was recognized by the court in *Oren* v. *Secretary of State* ((1912) 171 Mich. 590, 137 N.W. 227) that the writ of prohibition was not the proper remedy to prevent a secretary of state from receiving and filing nominating petitions for a public office.

It is perfectly proper for a court to review in a case or controversy the legality or correctness of a decision or action by an administrative official, but it is not proper for the court to assume and exercise the discretion vested in an administrative official. The courts have uniformly refused to do so.

It is clear from the wording of the voting referee proposal, and from the testimony of the Justice Department spokesman, Judge Walsh, in construing the proposal that it is contemplated that the so-called voting referee, an appointee of the court exercising the power of the court, will stand in the shoes of the State registrar or clerk and exercise the authority vested in that State official by the constitution and laws of the State. It is also clear that this constitutes the exercise of administrative or ministerial authority and discretion by a court.

It is argued that such assumption of State authority is not unconstitutional since it is merely effectuation of the broad decree of the court prohibiting discrimination against Negroes, and is thus ancillary to the judicial function of the court in the proceeding brought by the Attorney General under the Civil Rights Act of 1957. If that were true, a case for constitutionality of this device might be made; but the registration of Negroes and the prevention of discrimination against them is not an ancillary matter; it is the very purpose of the proceeding brought to effectuate the provisions of the 15th amendment.

II. THE VOTING REFEREE PROPOSAL IS UNCONSTITUTIONAL BECAUSE IN VIOLATION OF THE FIFTH AMENDMENT OF THE CONSTITUTION IT DEPRIVES DEFENDANTS OF LIFE, LIBERTY, OR PROPERTY WITHOUT DUE PROCESS OF LAW

The proceeding against State officials is one which for its enforcement depends on the incarceration of the individual for contempt of court. Rules of fair play and due process require that before such punishment can be inflicted, a person must have his day in court and an opportunity to defend himself. The voting referee proposal denies a defendant his day in court and thus denies due process.

First. It excludes him from the initial factfinding process by the referee. It is mandatory that the defendant, whose liberty will be affected by the factual record made by the referee, be excluded from the referee's ex parte proceeding. He is thus deprived of challenging the accuracy or validity of the evidence presented by the applicant to prove himself qualified and denied the opportunity to present contrary evidence. Thus, by the ex parte proceeding we encourage the development of a slanted, one-sided record and expressly forbid tested methods of developing the truth, and it is on the basis of this one-sided record that the defendant is to be punished for contempt.

Second. The voting referee proposal also provides for limitation on the character of proof to establish the applicant's eligibility for a voting order by providing that his statement under oath

should be prima facie evidence as to his age, residence, and prior efforts to register and that his written or stenographically reported answer to questions shall be included in the referee's report as evidence of the literacy requirements of the State law.

Third. The effect of the voting referee provision is to exclude from the case or controversy the central fact of the offense, namely, the abridgment of the right to vote on account of color. Where a pattern or practice is found to exist in the proceeding, discrimination is conclusively presumed not only against the original defendant but all who may follow him, regardless of the truth. This would be equivalent to passing a general statute saying that in all Federal criminal cases, criminal intent need not be proved by the prosecutor.

The limited rights to except to the report of the referee and the provision that the court in its discretion may try issues of fact and law raised by the exceptions either before the court or by referring such issues back to the voting referee, do not cure, in my opinion, the denial of due process.

The secrecy of star chamber proceedings where a factual record is made upon which a defendant may be sent to jail is repugnant to the American spirit of fair play and is violative of existing concepts of due process in Federal civil judicial procedure. If this were not so, and defendants' rights under existing civil procedure are to be preserved, it would not be necessary to legislate and change the rules of the game.

DUE PROCESS

Morgan v. *U.S.* (304 U.S. 1, 18, 22 (1938)), Mr. Chief Justice Hughes delivered the opinion of the Court:

"But a 'full hearing'—a fair and open hearing—requires more than that. The right to a hearing embraces not only the right to present evidence but also a reasonable opportunity to know the claims of the opposing party and to meet them. The right to submit argument implies that opportunity; otherwise the right may be but a barren one. Those who are brought into contest with the Government in a quasi-judicial proceeding aimed at the control of their activities are entitled to be fairly advised of what the Government proposes and to be heard upon its proposals before it issues its final command (p. 18).

"Again, the evidence being in, the Secretary might receive the proposed findings of both parties, each being notified of the proposals of the other, hear argument thereon, and make his own findings. But what would not be essential to the adequacy of the hearing if the Secretary himself makes the findings is not a criterion for a case in which the Secretary accepts and makes as, his own the findings which have been prepared by the active prosecutors for the Government, after an *ex parte* discussion with them and without according any reasonable opportunity to the respondents in the proceeding to know the claims thus presented and to contest them. That is more than an irregularity in practice; it is a vital defect.

"The maintenance of proper standards on the part of administrative agencies in the performance of their quasi-judicial functions is of the highest importance and in no way cripples or embarrasses the exercise of their appropriate authority. On the contrary, it is in their manifest interest. For, as we said at the outset, if these multiplying agencies deemed to be necessary in our complex society are to serve the purposes for which they are created and endowed with vast powers, they must accredit themselves by acting in accordance with the cherished judicial tradition embodying the basic concepts of fair play."

Gonzales v. *U.S.* (348 U.S. 407, 413, 414, 416, 417 (1955)), Mr. Justice Clark delivered the opinion of the Court:

"Furthermore, if the registrant is to present his case effectively to the Appeal Board, he must be cognizant of all the facts before the Board as well as the overall position of the Department of Justice * * * (p. 413).

"The Department of Justice based its rejection of his claim on the proximity of petitioner's conversion to his registration for the draft, a contention of which he had no knowledge and no opportunity to meet. The petitioner was entitled to know the thrust of the Department's recommendation so he could muster his facts and arguments to meet its contentions. See *Morgan* v. *United States* (304 U.S. 1, 18) (p. 414).

"And, in a case where it was not shown that the registrant had access to the panel's report, Judge Learned Hand said:

"'As the case comes to us, the board made use of evidence of which (the registrant) may have been unaware, and which he had no chance to answer: a prime requirement of any fair hearing.' (*United States* v. *Balogh* (157 F. 2d 939, 943, judgment vacated on other grounds, 329 U.S. 692)) (p. 416).

"We hold that the overall procedures set up in the statute and regulations, designed to be 'fair and just' in their operation, 62 Stat. 605, 50 U.S.C. App. sec. 451(c), require that the registrant receive a copy of the Justice Department's recommendation and be given a reasonable opportunity to file a reply thereto. Accordingly, the decision of the court of appeals, upholding petitioner's conviction for refusing to submit to induction, is reversed" (p. 417).

Greene v. *McElroy* (360 U.S. 474, 496–497 (1959)).

III. THE VOTING REFEREE PROPOSAL IS UNCONSTITUTIONAL BECAUSE IT INVOLVES SEIZURE BY AGENTS OF THE FEDERAL GOVERNMENT OF THE GOVERNMENTAL POWER OF THE STATES AND IN EFFECT APPOINTS A RECEIVER IN BANKRUPTCY TO TAKE POSSESSION OF, THE MOST PRECIOUS THING THE PEOPLE OF A STATE ENJOY, NAMELY, THE POWER TO GOVERN THEMSELVES

The voting referee proposal violates the 10th amendment and article IV, section 4, of the Constitution of the United States, which guarantees to each State a republican form of government. The United States, which is charged with the protection and assurance of a republican form of self-government for every State would itself be the offender by seizing, through a voting referee, control of the people's most precious right, the right of franchise; and vesting that control in a subordinate judicial official not chosen by, nor responsible to, the people whose authority he exercises.

The voting referee proposal likewise expressly makes the State itself guilty of the illegal acts of its officers, and as a party defendant subjects a sovereign State to the sanctions of a lower Federal district court.

ARTICLE IV

SEC. 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence (U.S. Constitution).

Corwin U.S. Constitution Anno. (1953) p. 704:

"It was established in the pioneer case of *Luther* v. *Borden* (7 How. 1 (1849)) that questions arising under this section are political, not judicial, in character, and that it 'rests with Congress to decide what government is the established one in a State * * * as well as its republican character' (ibid. 42). See also *Ohio ex rel. Bryant* v. *Akron Metropolitan Park District* (281 U.S. 74, 80 (1930)); *Mountain Timber Co.* v. *Washington* (243 U.S. 219, 234 (1917)). Upon Congress also rested the duty to restore republican governments to the States which seceded from the Union at the time of the Civil War. In *Texas* v. *White* (7 Wall. 700, 729 (1869)) the Supreme Court declared that the action of the President in setting up provisional governments at the end of the war was justified, if at all, only as an exercise of his powers as Commander in Chief and that such governments were to be regarded merely as provisional regimes to perform the functions of government pending action by Congress. On the ground that the questions were not justiciable in character, the Supreme Court has refused to consider whether the adoption of the initiative and referendum (*Pacific States Teleph. & Teleg. Co.* v. *Oregon* (223 U.S. 118 (1912)); *Kiernan* v. *Portland* (223 U.S. 151 (1912)); *Ohio ex rel. Davis* v. *Hildebrandt* (241 U.S. 565 (1916) or the delegation of legislative power to other departments of government (*Ohio ex rel. Bryant* v. *Akron Metropolitan Park District* (281 U.S. 74, 80 (1930)); *O'Neill* v. *Leamer* (239 U.S. 244 (1915)); *Highland Farms Dairy Inc.* v. *Agnew* (300 U.S. 608, 612 (1937)); *Forsyth* v. *Hammond* (166 U.S. 506, 519 (1897)) is compatible with a republican form of government. This guarantee does not give the Supreme Court jurisdiction to review a decision of a State court sustaining a determination of an election contest for the office of Governor made by a State legislature under the authority of a State constitution (*Taylor* v. *Beckham* (178 U.S. 548 (1900)). See also *Marshall* v. *Dye* (231 U.S. 250 (1914)). Inasmuch as women were denied the right to vote in most, if not all, of the Original Thirteen States, it was held, prior to the adoption of amendment XIX, that a State government could be challenged under this clause by reason of the fact that it did not permit women to vote" (*Minor* v. *Happersett* (21 Wall. 162, 175 (1875)).

"No particular government is designated by this clause as republican. Neither is the exact form to be guaranteed, in any manner especially designated. The guaranty necessarily implies a duty on the part of the States themselves to provide such a government. All the States had governments when the Constitution was adopted. In all the people participated to some extent, through their representatives elected in the manner especially provided. These governments the Constitution did not change. They were accepted precisely as they were, and it is therefore to be presumed that they were such as it was the duty of the States to provide. Thus we have unmistakable evidence of what was republican in form within the meaning of that term as employed in the Constitution. (*Minor* v. *Happersett* (Mo. 1875, 21 Wall. 175, 22 L. Ed. 627). See, also, *Appeal of Allyn* (1909, 71 A. 794, 81 Conn. 534, 129 Am. St. Rep. 22, 23 L.R.A.N.S., 630).

"Distribution of power by State among its governmental organs is commonly, if not always a question for State. (*Highland Farms Dairy* v. *Agnew* (Va. 1937, 57 S. Ct. 549, 300 U.S. 608, 81 L. Ed. 835, affirming 16 F. Supp. 575).)

"By the Constitution a republican form of government is guaranteed to every State in the Union, and the distinguishing feature of that form is the right of the people to choose their own officers for governmental administration, and pass their own laws in

virtue of the legislative power reposed in representative bodies, whose legitimate acts may be said to be those of the people themselves; but, while the people are thus the source of political power, their governments, National and State, have been limited by written constitutions, and they have themselves thereby set bounds to their own power, as against the sudden impulses of mere Majorities. (*In re Duncan* (Tex. 1891, 11 S. Ct. 573, 139 U.S. 449, 461, 35 L. Ed. 219).)

"That [clause] expresses the full limit of national control over the internal affairs of the State. (*South Carolina v. United States* (1905, 26 S. Ct. 110, 199 U.S. 437, 454, 50 L. Ed. 261, 4 Ann. Cas. 737).)

"An amendment to State constitution must not impair obligation of contract nor otherwise violate the obligation of contract under article 1, section 10, clause 1, or violate 14th amendment or any other provision of Federal Constitution, including this clause, and except as thus restricted, there is no limitation on the power to amend or rewrite State constitution. *Downs v. City of Birmingham* (1940, 198 So. 231, 240 Ala. 177).)

Mr. Chairman, frequently during the debate on the voting referee proposal I have pointed out that in the various versions or editions, starting with H.R. 10035 and ending with the Celler substitute to the McCulloch amendment, the terms of which are set forth in H.R. 11160, some progress was made in eliminating objectionable provisions or in substituting additional language, the total effect of which was to make the final version less objectionable and less unconstitutional than the first version.

Mr. Chairman, a member of the staff of the House Judiciary Committee has prepared a chart attempting to show in brief form the manner in which this transformation was accomplished from version to version. For the benefit of the membership and for its possible contribution to a proper understanding of the legislative history of this unusual voting referee proposal, I am incorporating that chart at this point in my remarks:

Major revisions of administration bill pertaining to voting rights

H.R. 10035 by Mr. McCULLOCH	H.R. 10625 by Mr. McCULLOCH	H.R. 11160 by Mr. McCULLOCH	Celler substitute with O'Hara amendment
Attorney General files an action under subsec. (c), § 131, Civil Rights Act of 1957 [42 U.S.C. 1971(c)] for a violation of subsec. (a) or (b).	Attorney General files an action under subsec. (c) Civil Rights Act of 1957 [42 U.S.C. 1971(c)] for a violation of subsec. (a).	Same as H.R. 10625	Same as H.R. 10625.
In the event the court finds a deprivation of the right to vote (because of State action) and that such deprivation was the result of a pattern or practice, the court may appoint voting referees to receive applications to vote from persons of the same race or color. No provision for the court to receive such applications.	In the event the court finds a deprivation of the right to vote, the Attorney General requests the court to find whether such deprivation was the result of a pattern or practice. Upon making an affirmative finding, the court may appoint voting referees and any individual of the same race or color may make application for an order of the court declaring his qualifications to vote. The court receives applications in the event no voting referee is appointed.	do	Do.
Not specified	Not specified	Voting referee must be a qualified voter in the judicial district.	Same as H.R. 11160.
After the finding of the pattern or practice and the appointment of a voting referee, the voting referee receives applications to vote and reports to the court which applicants are qualified to vote and have been deprived of the opportunity to register to vote or found not qualified to vote.	After the finding of the pattern or practice, any person of the same race or color, upon submitting proof of his voting qualifications, and that he was deprived of the opportunity to register to vote or was found not qualified to vote, has a right to an order of the court declaring him qualified to vote.	Same as H.R. 10625 except that, after the court makes an affirmative finding, the applicant must attempt to register and otherwise qualify to vote before making application to the court or to the voting referee.	Do.
Applicants do not have to prove that deprivation was because of their race or color. This is conclusively presumed after the court finding of the pattern or practice.	Same as H.R. 10035	Same as H.R. 10035	Same as H.R. 10035.
Not specified	Applications have to be heard within 10 days.	Same as H.R. 10625	Same as H.R. 10625.
Proceeding before voting referee left to discretion of the court.	Proceeding before the voting referee to be ex parte. Applicants' statement under oath is prima facie evidence of his age, residence, and prior efforts to register or otherwise qualify to vote. Applicant's answers to literacy test must be included in report to the court.	do	Do.
Not specified	After voting referee files report with the court, the Attorney General must transmit copies thereof to the State attorney general and to each party together with an order to show cause within 10 days why an order of the court should not be entered.	do	Do.
Nature of exceptions not specified	Exceptions as to facts must be supported by verified copy of a public record or by affidavit of person having knowledge of such facts. Exceptions as to law must be supported by a memorandum of law.	Exceptions as to facts must be supported by verified copy of a public record or by affidavit of person having knowledge of such facts, or by statement or matters contained in such report.	Same as H.R. 11160.
Court to accept findings in voting referee's report unless clearly erroneous.	Clearly erroneous standard dropped. Issues of law and fact raised by exceptions to be determined by the court or by the voting referee under procedures proscribed by the court. A hearing as to facts held only if affidavits disclose genuine issues of fact. Applicant's literacy determined solely from answers in voting referee's report.	Same as H.R. 10625 except a hearing as to facts will be held only if the proof (instead of affidavits) disclose genuine issues of fact.	Do.
Voting referees may attend the place for holding elections in order to determine whether qualified applicants were permitted to vote and whether their votes were counted.	Same as H.R. 10625	Voting referees may attend the place for holding elections in order to determine whether qualified applicants were permitted to vote.	Provision deleted, but restored by implication in O'Hara amendment, which provides that the court may authorize the referee or other persons to take appropriate action to enforce its decree.
Not specified	Notwithstanding inconsistent State law or court opinions qualified applicants are to be permitted to vote.	Same as H.R. 10625	Same as H.R. 10625.
Do	Court given authority to permit applicants to vote provisionally pending final determination of exceptions.	do	By O'Hara amendment, in cases of applications filed prior to 20 days before an election, which are undetermined at time of election, applicants shall be permitted to vote provisionally. In cases of applications filed within 20 days of an election, the court in its discretion may permit the applicant to vote provisionally. Court given authority to impound ballots and to take other action appropriate or necessary to enforce its decree.

Major revisions of administration bill pertaining to voting rights—Continued

H.R. 10035 by Mr. McCULLOCH	H.R. 10625 by Mr. McCULLOCH	H.R. 11160 by Mr. McCULLOCH	Celler substitute with O'Hara amendment
When a State official resigns and no successor is appointed, the action of the official is deemed that of the State and the proceeding may be continued against the State.	The action of the State official is deemed that of the State and the State may be joined as a party and, if prior to filing suit such official resigns and no successor is appointed, suit may be instituted against the State.	Same as H.R. 10625	Same as H.R. 10625.
Attorney General must furnish copies of original and supplementary decrees to appropriate State election officials, who are thereafter subject to contempt for refusing to permit qualified applicants therein named to vote.	Attorney General must furnish certified copies of the court order declaring applicants qualified to vote for appropriate State election officials, who are thereafter subject to contempt for refusing to permit qualified applicants therein named to vote.	do	Do.
The voting referee shall issue a certificate to each qualified applicant which identifies the holder as qualified to vote.	The court or the voting referee shall issue a certificate to each qualified voter which identifies the holder as qualified to vote.	do	Do.

Mr. BOW. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOW. Mr. Chairman, I had intended to offer what I consider a very important amendment to this bill.

Mr. MEADER. Mr. Chairman, a parliamentary inquiry.

Mr. BOW. I do not yield for a parliamentary inquiry.

Mr. MEADER. If my amendment were voted on, the gentleman then could offer his amendment.

The CHAIRMAN. The gentleman does not yield for a parliamentary inquiry.

Mr. BOW. I do not desire to offer my amendment. Mr. Chairman, I would have offered the amendment if there had been sufficient time for full debate, and careful consideration on a very important amendment to protect individual rights. I have sat here day in and day out listening to the committee argue the merits and demerits of this bill; I have heard them ask for extra time, time and time again, and did not object; but now when we come to the point where others than the members of the committee might have some rights we are limited so we cannot properly debate important amendments.

The amendment I would have offered is not endorsed by the NAACP, but by the American Legion, the Veterans of Foreign Wars, the DAR, the DAV, and many other patriotic organizations. It is an amendment that would give to the American soldier the right to vote. I am not talking today only about trials in courts in foreign lands where our servicemen are deprived of their constitutional rights; I am talking about the American soldiers in this country who because they are on bases outside of their State are not permitted to vote. I am talking about those who in some areas such as in Ohio until quite recently were deprived of the right to vote, even though their wives were permitted to vote; and it seems to me unfortunate, Mr. Chairman. After all, the rights we are talking about in this bill are serious constitutional rights. Paragraph 14 of section 8 of article I of the Constitution provides we shall "make rules for the government and regulation of the land and naval forces."

That is a constitutional right that this House of Representatives and the Congress of the United States should protect which we are not defending. It seems to me we are beginning to think in terms of invading States rights, we are doing things in this bill that may do violence to the Constitution; and I resent the action that will deprive—I will withdraw that, and say that I regret that the chairman of the committee has seen fit to limit this debate so that all the questions of constitutional rights which should be protected cannot be. All members of the committee have had ample time to debate pro and con. The important amendment I would have offered cannot and should not be debated in 2½ minutes, the time allotted to me by the motion of the distinguished chairman of the Judiciary Committee. The American serviceman should have at least equal treatment with the sharecropper in the South. Those who have joined in the limit of debate do a great disservice to our Armed Forces everywhere.

The amendment I had at the Speaker's desk to offer is as follows:

Insert a new title VI:

"CONSTITUTIONAL RIGHTS OF MEMBERS OF THE ARMED FORCES OF THE UNITED STATES

"That section 2172 of title 5 of the United States Code is amended (1) by inserting '(a)' immediately before 'To afford ample', and (2) by adding at the end thereof the following:

"'(b) Any member of the Armed Forces serving within the United States whose State of residence fails to comply with these recommendations shall be entitled to vote for the offices of President and Vice President in the State in which he is stationed.'

"2. That section 802 of title 10 of the United States Code (article 2 of the Uniform Code of Military Justice) is amended (1) by inserting '(a)' immediately before 'The following persons', and (2) by adding at the end thereof the following:

"'(b) (1) Notwithstanding the provision of any treaty, agreement or protocol, no person subject to this chapter pursuant to paragraph (1) of subsection (a) shall be subject to the criminal laws of any foreign nation for any alleged offense arising out of any act or omission taking place while he is on duty. The Department concerned shall not relinquish jurisdiction of, or surrender, any person so subject to this chapter to any foreign nation for the purpose of prosecution under the criminal laws of such nation for any alleged offense arising out of any act or omission taking place while such person is on duty.

"'(2) Notwithstanding the provision of any treaty, agreement, or protocol, the Department concerned shall not relinquish jurisdiction of, or surrender, any person so subject to this chapter to any foreign nation for the purpose of prosecution under the criminal laws of such nation for any alleged offense arising out of any act or omission taking place while such person is not on duty, unless such Department has determined that, if such person is prosecuted under the criminal laws of such nation, he will have available to him procedural safeguards in such prosecution which afford him substantially the same protection as he would have if he were being prosecuted for such offense in a general court-martial convened under this chapter, including, but not limited to, the following:

"'(A) The acused is to have the assistance of counsel for his defense;

"'(B) The accused is entitled to be present at his trial;

"'(C) The accused is entitled to be confronted with the witnesses against him;

"'(D) The accused is entitled to have compulsory process for obtaining witnesses in his favor;

"'(E) The burden of proof is on the Government;

"'(F) The accused is entitled to be tried by an impartial court;

"'(G) The accused is entitled to be protected from the use of a confession obtained by torture or other illegal or improper means;

"'(H) Cruel and unusual punishment shall not be inflicted;

"'(I) The accused is entitled to a prompt and speedy trial.'"

What honest, real, Member of the House would oppose the amendment above?

The CHAIRMAN. The gentleman from New York [Mr. WAINWRIGHT] is recognized.

Mr. WAINWRIGHT. Mr. Chairman, at this point I would like to yield to the gentleman from Massachusetts [Mr. CURTIS].

Mr. CURTIS of Massachusetts. The gentleman from Virginia [Mr. POFF] tried to make it appear as a part of this record that the intention of the House was that the finding referred to on page 2, line 3, of H.R. 11160, which is now a part of the Celler amendment, was a final and appealable order.

The bill at that point provides that the court, upon request of the Attorney General and after notice and hearing,

shall make a finding as to whether there was a pattern or practice of discrimination.

I doubt whether what we say here will have much influence on a court which must pass on this question after this bill becomes law. But for the sake of the record I want to have it appear that some of us believe that this legislation does not contemplate or intend that the above finding shall be a final and appealable order.

In the words of the bill, it is referred to not as an order or decree but as the finding. The bill then goes on to provide that after such finding and other proceedings the court is to make an order declaring that the applicant before the court—who claims that his voting rights have been improperly denied—is qualified to vote.

It is this order declaring the applicant qualified to vote which I believe is the final order, and I submit that the prior finding of a pattern or practice of discrimination is not a final and appealable order but is an interlocutory finding.

Mr. WAINWRIGHT. Mr. Chairman, the gentleman from Virginia [Mr. POFF] asked the gentleman from New York [Mr. LINDSAY] a question. I yield 1 minute to the gentleman from New York [Mr. LINDSAY] to answer the question.

Mr. LINDSAY. Mr. Chairman, in the event a proceeding is brought under the 1957 Civil Rights Act as it stands, I take it that a finding by the court stating that individuals have been denied the right to vote is a final order and, therefore, would be appealable. This is the law today.

Now if in such a proceeding the court should go on and find there was a pattern of practice of voting discrimination, such a finding would be part of the same proceeding and therefore would also be appealable.

Mr. WAINWRIGHT. I thank the gentleman from New York. I now yield to the gentleman from Michigan [Mr. CEDERBERG].

Mr. CEDERBERG. Mr. Chairman, I have been listening to this debate for a long time. It seems to me if you are as confused as I am the thing we ought to do is to take all the lawyers off the Committee on the Judiciary and put nonlawyers on that committee, then possibly we could write a bill that some of us would understand.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. MCCULLOCH].

Mr. MCCULLOCH. Mr. Chairman, the Committee, a day or two ago, had before it the amendment, in substance, which is now before the Committee. The decision on the prior amendment was a sound one, I submit, and I hope the decision of the Committee again will be to reject the pending amendment.

I want to say again, Mr. Chairman, that if there be a finding by the court that there is a pattern or practice of discrimination against one by reason of race or color that finding followed by an order or decree appointing a referee or for other purposes is a final order or decree which is subject to appellate review.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, in essence what the amendment of the gentleman from Michigan does is to do away with all idea of presumption and patterns or practices of discrimination, which is the very kernel of the bill, and would make of the proceeding strictly a master proceeding under a U.S. district judge. That, as far as according voting rights or registration rights to the Negro, would be just about as useless as trying to make a tiger eat grass or a cow eat meat. They just will not do it.

What the gentleman from Michigan is trying to do just will not work. For that reason the amendment must be voted down.

Beyond that, we have the same old dodge brought before us that every one of these proceedings, hundreds of them, shall be what is known as an adversary proceeding, no ex parte proceedings. That would make all of these proceedings interminably long and before you could get any kind of remedy the election or the elections would have passed. So that what the gentleman is really trying to do is to destroy the bill. It may be in good faith, but he is destroying the bill.

For that reason I hope the amendment will be decisively voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. MEADER].

The amendment was rejected.

Mr. WHITENER. Mr. Chairman, in a colloquy yesterday which I had with the gentleman from Pennsylvania [Mr. QUIGLEY] I question the accuracy of his legal conclusions stated on the floor last Thursday. As the RECORD for yesterday will show, I quoted from Bouvier's Law Dictionary the law with reference to the question as to whether a conclusive presumption of legitimacy of a child arises upon evidence that the child was born to a married woman. The law is clear that a conclusive presumption does not arise, but that evidence of the marriage of the mother merely makes a prima facie case of legitimacy which is subject to rebuttal.

The gentleman from Pennsylvania then insisted that his statements of last Thursday with reference to conclusive presumptions in other situations did exist in law. He said:

> A girl under the age of consent is conclusively presumed not to be able to give her consent to carnal knowledge; and, second, in American criminal law, a male under the age of 14 is conclusively presumed to be incapable of committing rape.

While I do not desire to further engage in contention with my valued and distinguished friend from Pennsylvania, I do feel that the record should be thoroughly clear for the laymen in the House of Representatives as to the existence of such conclusive presumptions. In order that my colleagues may have the benefit of the true picture as to the law, I have elected to quote from a well-known reference book on criminal law, to wit, "Miller on Criminal Law."

At page 119, section 34(a), Judge Miller states:

> At common law a child under the age of 7 years is conclusively presumed incapable of entertaining criminal intent, and cannot commit a crime. Between the ages of 7 and 14 a child is presumed to be incapable, but the presumption may be rebutted. After the age of 14, he is presumed to have sufficient capacity, and must affirmatively show the contrary.
>
> The ground of an infant's exemption from criminal responsibility for his acts is the want of sufficient mental capacity to entertain the criminal intent which is an essential element of every crime. If a child, when he commits a wrongful act, is under the age of 7 years, not even the clearest evidence, not even his own confession, indeed, will be received on the part of the State, to show that he was possessed of a responsible discretion. Under that age, he is absolutely irresponsible. If, however, he has reached the age of 7, the State is permitted to prove that he was of sufficient capacity to entertain a criminal intent. In the absence of such proof, he is not responsible, and the proof, to warrant conviction, must be clear and convincing. It has been held that a conviction cannot be had on his own mere naked confession, but there are cases holding the contrary, where the corpus delicti is otherwise proven. If his age is itself in doubt, the burden of proving that he is under 14 is on him, "as the reputed age of everyone is peculiarly within his own knowledge, and also the persons by whom it can be directly proved." When a child has reached the age of 14, he is presumed capable of committing crime; and, to escape responsibility, he must affirmatively show want of capacity. • • • There is also an exception in the case of rape, arising from a presumption as to the physical incapacity of an infant. This, however, will be mentioned in treating of the crime of rape.

And, speaking to the subject of consent of a child to the act of carnal knowledge, Judge Miller says on page 296, section 96(b), in part:

> At common law, a child under the age of 10 years is deemed incapable of consenting, as she cannot know the nature of the act, and her consent is therefore no defense. It has even been held that a girl of 12 is incapable of consenting at common law. In most of the States there are statutes which fix an age below which a girl cannot consent to sexual intercourse, by providing that carnal knowledge of a female under that age shall be rape, whether she consents or not. Here, of course, consent is no defense. In some States the age is fixed as high as 18 years.

Further writing on this subject on page 300, section 97(g), Judge Miller says:

> A boy under 14 is under the common law of England conclusively presumed incapable of committing the crime. Such is also the law with us in some of the States. Some courts, on the contrary, hold that the common-law rule is not applicable, and refuse to follow it, on the ground that, because of the difference in climate and other conditions, boys mature earlier in this country than in England. Other courts hold that the common-law rule applies so far as it raises a presumption of incapacity, but that the presumption is not conclusive, and may be rebutted. A boy under 14, if of sufficient mental capacity, may, however, be guilty as principal or accessory to the crime committed by another. We have already considered in another connection the question whether a boy who is too young to commit rape may be guilty of an attempt to commit it.

Mr. Chairman, as I have heretofore stated, it is not my intention to further prolong contention with my dear friend the gentleman from Pennsylvania [Mr. QUIGLEY] on this subject. My sole purpose in making these further remarks is merely to give to the membership of the House the benefit of the knowledge of one of our leading authorities on criminal law, Justin Miller. Perhaps this will serve to eliminate any misunderstanding as to the existence or nonexistence of conclusive presumptions in the fields of the law mentioned by the gentleman from Pennsylvania and me in previous colloquies.

Mr. MULTER. Mr. Chairman, the matter of civil rights has long been a national problem.

Only a small but very important part thereof has been a sectional problem.

The matter of discrimination in housing and in employment because of race, color, or creed needs just as much attention in the North as it does in the South.

Peculiarly enough, however, the denial of the right to vote has been a sectional one, limited almost entirely to certain parts of the South.

The right to vote is guaranteed to American citizens by our Constitution and it is the duty of the Congress to enact laws which will assure every qualified voter that the privilege may be exercised without fear or favor.

In that connection, I am pleased to call the attention of our colleagues to the following item, written by Dr. Rufus Clement, president of Atlanta University and an elected member of the Atlanta Board of Education:

TO A DEMOCRATIC BALLOT

(By Rufus Clement)

The fact that the Negro cannot vote as he is entitled to in the South is an uncomfortable proposition for all Americans. It is also undeniable.

One of the excuses advanced by southern politicians for their actions in attempting to limit or to nullify the Negro vote is that they fear that any policy of free and full registration of qualified Negro voters will result in the establishment of a bloc vote by which, in some political subdivisions where more Negro than white people reside, the Negroes would take over government. Many of these same politicians have shown by their actions and have demonstrated in their public speeches the type of racial prejudice which would not hesitate to deny to all Negroes the basic rights promised all citizens by the Constitution of the United States and the constitutions of the individual States. These politicians who seem to fear bloc voting on the part of Negroes are for the most part those individuals who feel that they have so conducted themselves that their candidacies would not be supported by Negro people.

When racial matters are not at issue the Negro vote tends to follow the national as well as local voting trend. If all qualified members of this group were registered and entitled to participate in local and national elections, it would be discovered that, having been victims of biased government, this group would be particularly interested in improving the quality of leadership which is placed in the public offices of Southern States. Previous experience with men who "talked out of both sides of their mouths" would indeed make the Negro wary of supporting such men for public office. The election of officials pledged to fair and equal treatment of all the people, without favoritism to any because of race, creed, economic and social standing, or color—provided of course they are otherwise qualified for the positions they seek—would sharply upgrade southern political leadership in many areas. This has already been demonstrated in Nashville, Atlanta, Louisville, Little Rock, and other southern cities.

In a chart which accompanied the article, Dr. Clement pointed out the following:

In Alabama, only 80,000 Negroes were registered to vote out of an eligible Negro population of 500,000, and the figures in each of the following States were:

Arkansas, 70,000 out of 200,000.
Florida, 140,000 out of 400,000.
Georgia, 170,000 out of 600,000.
Louisiana, 130,000 out of 500,000.
Mississippi, 20,000 out of 500,000.
North Carolina, 150,000 out of 500,000.
South Carolina, 50,000 out of 400,000.
Tennessee, 180,000 out of 300,000.
Texas, 220,000 out of 600,000.
Virginia, 100,000 out of 400,000.

This bill, if not watered down, will go a long way toward remedying this grievous situation and righting a wrong that must not be permitted to continue.

The CHAIRMAN. The question now recurs on the substitute offered by the gentleman from New York [Mr. CELLER] to the amendment offered by the gentleman from Ohio [Mr. MCCULLOCH].

The question was taken; and on a division (demanded by Mr. MURRAY) there were—ayes 199, noes 104.

So the substitute amendment was agreed to.

The CHAIRMAN. The question now recurs on the McCulloch amendment as amended by the Celler substitute.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 192, noes 112.

So the amendment as amended was agreed to.

Mr. CELLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER: at the end of title VI add the following new title:

"POLL TAXES

"SEC. . The requirement that a poll tax be paid as a prerequisite to voting or registering to vote at primaries or other elections for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, is not and shall not be deemed a qualification of voters or electors voting or registering to vote at primaries or other elections for said officers, within the meaning of the Constitution, but is and shall be deemed an interference with the manner of holding primaries and other elections for said national officers and a tax upon the right or privilege of voting for said national officers and an impairment of the republican form of government.

"SEC. . It shall be unlawful for any State, municipality, or other government or governmental subdivision to prevent any person from voting or registering to vote in any primary or other election for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, on the ground that such person has not paid a poll tax, and any such requirement shall be invalid and void insofar as it purports to disqualify any person otherwise qualified to vote in such primary or other election. No State, municipality or government or governmental subdivision shall levy a poll tax or any other tax on the right or privilege of voting in such primary or other election, and any such tax shall be invalid and void insofar as it purports to disqualify any person otherwise qualified from voting in such primary or other election.

"SEC. . It shall be unlawful for any State, municipality, or other government or governmental subdivision to interfere with the manner of selecting persons for national office by requiring the payment of a poll tax as a prerequisite for voting or registering to vote in any primary or other election for President, Vice President, electors for President or Vice President or for Senator or Member of the House of Representatives, and any such requirement shall be invalid and void.

"SEC. . It shall be unlawful for any person, whether or not acting under the cover of authority of the laws of any State, municipality, or other government or governmental subdivision, to require the payment of a poll tax as a prerequisite for voting or registering to vote in any primary or other election for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives.

"SEC. . For the purposes of this Act, the payment levying or requirement of a poll tax shall be construed to include any charge of any kind upon the right to vote or to register for voting, in any form or evidence of liability to a poll tax or to any other charge upon the right to vote or to register for voting."

Mr. SMITH of Virginia. Mr. Chairman, I make a point of order against the amendment on the ground that it is not germane to the bill under consideration. It has no earthly connection with anything in the bill and should not be considered.

The CHAIRMAN. Does the gentleman from New York care to be heard on the point of order?

Mr. CELLER. Yes, Mr. Chairman. It has a great deal of earthly connection with the bill. When this bill was first opened for amendment, the Chair ruled that the main purpose of the bill was voting rights. A poll tax is a charge upon the right to vote. It is a price tag, if I may use that term, placed upon the right to vote. It is not a qualification because it is universally applied. When you apply it universally it cannot be a qualification because it appertains to all. Since it is a burden upon the right to vote it is eminently within the four squares of the bill. It would avail naught for a person to be declared qualified and to have the right to vote and then be confronted with a poll tax.

So in that sense the removal of the poll tax is certainly within the purview of the purposes of the bill as a whole and I therefore urge upon the Chair the germaneness of the amendment.

Mr. POFF. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will hear the gentleman from Virginia.

Mr. POFF. Mr. Chairman, first of all it must be manifest that we are not here concerned with the merits or the demerits, the morality or the immorality, of the poll tax as a prerequisite to vote. We are here considering whether or not

the amendment offered by the gentleman from New York is germane. I submit that it is not germane.

The first question the Chair will want to consider, of course, is whether the imposition of the poll tax as a prerequisite for voting is a matter of qualification of a voter under article I, section 2, or whether it involves the manner of holding an election. Clearly, if it does involve the manner of holding an election, the Congress under article I, section 4, does have the jurisdiction to deal with the question on a statutory basis. If on the other hand it involves the question of the qualification of a voter, then indisputably the States and the States only have the right to deal with the situation. Article I, section 2, specifically provides that the States shall have that jurisdiction.

It has been repeatedly ruled by the Supreme Court of the United States, and I cite the Thompson case and the Breedlove case, that the poll tax enacted by the several States as a prerequisite to voting is a constitutional exercise of the State's power, the 15th amendment to the Constitution notwithstanding. What the courts have ruled to be a constitutional exercise of their power cannot be denied to them by a simple statutory enactment of this body but by a constitutional amendment only. Accordingly, and citing in summation a statement from the September 9, 1959, report of the Civil Rights Commission at page 118, I quote the following:

The debate on these bills would thus seem to indicate that the constitutionality of Federal anti-poll-tax legislation is at least doubtful.

Mr. Chairman, I urge that the Chair sustain the point of order.

Mr. KASEM. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will hear the gentleman from California.

Mr. KASEM. Mr. Chairman, the gentleman from Virginia argued the constitutionality of a provision and that is not in issue under consideration of the point of order. This amendment that is offered by the distinguished chairman of the Committee on the Judiciary must be construed in one of two lights. It is either an amendment that goes to voting rights or it is a bill that has to do with matters of revenue. It cannot be considered to be an amendment having to do with matters of revenue because it in no way affects the Federal revenue. It is an amendment that has to do with lifting a discriminatory burden from those of lesser means in connection with the right to cast a vote. If the Chair is to be consistent in its rulings, and if it is to be logical in its rulings, it must hold this to be germane.

The CHAIRMAN (Mr. WALTER). The Chair is ready to rule.

As desirable as it may be to eliminate the poll tax as a qualification for voting, nevertheless the legislation under consideration is not the proper vehicle to use to meet this question.

The Chair feels that the question is clearly one of qualifications under the Constitution and, therefore, can be dealt with only through a constitutional amendment. It is significant that bills on this subject, and there are a number of them, have been referred to a committee other than the committee having jurisdiction of the subject matter of the pending bill. Therefore, the Chair holds that the amendment is not germane and sustains the point of order of the gentleman from Virginia.

Mr. CELLER. Mr. Chairman, I ask unanimous consent to extend my remarks at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

SIMILAR LEGISLATION

Mr. CELLER. Mr. Chairman, This amendment is the same as H.R. 3199 which passed the House in the 81st Congress by 273 to 116. Similar bills passed the House in the 77th, 78th, 79th, and 80th Congresses, each time by more than a two-thirds majority.

DETERRENT EFFECT OF POLL TAX

Experience shows that the number of voters in poll-tax States is considerably fewer than in non-poll-tax States. For example, in 1944, a presidential election year in the eight States which then had poll taxes, only about 18 percent voted. In the 40 non-poll-tax States over 68 percent voted.

In 1958 in not one of the five States which still retained the poll tax did more than 50 percent of those of voting age become eligible to vote by paying their poll taxes. Contrast the registration in two Southern States, Florida, a non-poll-tax State, and Texas, a poll-tax State. In 1958 in Florida, registered voters constituted some 90 percent of the voting age population as determined by the most recent census. In Texas, on the other hand, a poll-tax State, the registered voters constituted only about 35 percent of the voting age population as determined in the most recent census.

RELEVANT CASES

The Supreme Court has, on numerous occasions, sustained the right of Congress to enact legislation to prevent interference with the election of Federal officials. Thus, in *Burrows & Cannon* v. *United States* (290 U.S. 534 (1934)) the Supreme Court upheld the Federal Corrupt Practices Act regulating the election of presidential electors. The Court said:

The President is vested with the executive power of the Nation. The importance of his election and the vital character of its relationship to and effect upon the welfare and safety of the whole people cannot be too strongly stated. To say that Congress is without power to pass appropriate legislation to safeguard such an election from the improper use of money to influence the result is to deny to the Nation in a vital particular the power of self-protection. Congress, undoubtedly, possesses that power, as it possesses every other power essential to preserve the departments and institutions of the General Government from impairment or destruction, whether threatened by force or by corruption.

In Ex parte Yarbrough, the Supreme Court sustained the validity of a statute which made it an offense to conspire to interfere with the right of a citizen to cast his vote in favor of an elector for President or Vice President or for a Member of Congress. The Court said:

That a government whose essential character is republican, whose executive head and legislative body are both elective, whose most numerous and powerful branch of the legislature is elected by the people directly, has no power by appropriate laws to secure this election from the influence of violence, of corruption, and of fraud, is a proposition so startling as to arrest attention and demand the gravest consideration.

Mr. BARDEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARDEN: On page 9, beginning with line 11, strike out everything down through line 23.

On page 9, line 24, strike out "(b)" and insert "Sec. 502.".

Beginning with line 14 on page 10, strike out everything down through line 7 on page 12.

Mr. BARDEN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BARDEN. Mr. Chairman, I offer this amendment to title V of this bill because I think it is necessary; and I think my amendment is the way to prevent irreparable damage to a very fine and beneficial program. Title V amends Public Law 874 and Public Law 815. It does not do anything else but amend these two public laws which were passed in 1950 and have been renewed several times since. Many Members of the House, including myself, consider these laws very valuable pieces of legislation. For the last several years, as a matter of fact, the committee has had under consideration an amendment to one of these acts. I do not know how on earth this ever got to the Committee on the Judiciary. The Department of Health, Education, and Welfare sent the message down to my committee. I never dreamed that the Committee on the Judiciary had it until I saw it in this bill the other day. Now I am not accustomed to this—probably, if I stay here 26 more years, I might get to be—but I doubt it. The amendment proposes to rework Public Laws 874 and 815. I think I know what they intended doing, and I am in perfect accord with it; but it has nothing more to do with civil rights than it has to do with the African revolutions.

The first thing they wanted to do, and I repeat I am in accord with it, was to amend Public Law 874 so that onbase military children could be considered just the same as offbase military children are considered and vice versa. That is to say the offbase children and the onbase children are to be considered the same with reference to the school proposition. Well, I am in favor of that. I know what they have in mind and it is good. It is provided here that the money shall come from Public Law 815 to take care of any emergency or any temporary school arrangements for these children should they be inconvenienced.

It is all right to do that. But then they come along, after recognizing the problem, after taking care of these children, after providing that the money should come from 815 to do it, then they add a provision that the Commissioner of Education can reach out and take a school building, built in some instances with 90 percent local money, take it over, commandeer it, manage it, and direct it.

In the first place, they are putting this amendment on a temporary bill that expires in June 1961. That will not work. The other thing is that when they take a school building, set up a school and operate it under title V, if enacted, then I doubt seriously if 815 will ever be extended again. There is a provision in this title that requires any local school setup applying for funds under 815 to put in a clause agreeing to the U.S. Commissioner's taking over the school building. That requirement will kill 815 right away. The next thing is, when you take up 874 next year, you will run into the same problem. Then pretty soon you will have a school construction bill pending. If title V becomes law it will be the kiss of death to a school construction bill. It may cause some of you to vote for it, but it will encourage more of you to vote against it. The psychological damage done to 874 and 815 is bad, because those two bills have done a tremendous amount of good in this country. I cannot conceive of anyone thinking it would be necessary to reach over and take these school buildings as a temporary measure. There are a tremendous number in this House, always making speeches, "We are for the bill without Federal interference." Well, you will have to amend your speeches, because this title will empower the U.S. Commissioner to take school buildings and operate them in accordance with his own whim, and that is the most direct form of Federal interference imaginable. It will not be accepted by the people of this country and should not be. I made a remark the other day that you are now touching the very nerve center of the American people when you begin to touch their schools. We have said, "All right. We will take care of the on-base children and the off-base children. We will provide the money and the facilities; on base, or wherever the Commissioner sees fit to have them, temporary off base facilities. That is all right if an emergency exists." Then why do we want to put in the objectionable horrible feature that allows the U.S. Commissioner of Education to reach out and take school buildings that were constructed primarily with local tax money?

This proposition simply has no bearing on civil rights. The Judiciary Committee has no business assuming jurisdiction, and the language should not remain in the bill. There is no point in injecting a civil rights issue into the military schools situation.

Mr. WIER. Mr. Chairman, will the gentleman yield?

Mr. BARDEN. I yield.

Mr. WIER. Mr. Chairman, I think perhaps I may enlighten the gentleman and I think it will turn out that we are in complete agreement with certain objectives of this amendment. I think the principal objection the gentleman raises in this amendment is that, wherever a school district becomes involved with the Supreme Court decision and that school district has military pupils or the students of military personnel in the school, the military feels they ought to have a right to have the school under some condition for the education of the children. I gain the impression from the presentation of the gentleman's amendment that it would eliminate the Department of Health, Education, and Welfare from going beyond military bases in opening schools that are now closed because of disagreement with the Supreme Court decision. The gentleman has pointed out instances in which they have gone into fields they have no business entering, and the gentleman would limit the HEW interest to schools that have military personnel or students that were closed because of desegregation or the desegregation argument. Is that correct?

Mr. BARDEN. Yes; I assume that was the object they had in mind when they put this language in the bill. But let me say I am perfectly in harmony with taking care of them, and that is why I want to treat off-base and on-base schools exactly the same. As a matter of fact, most of the bases have their education systems on base anyway, which they operate as they please, much the same as they do in my district.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. WILLIS. Mr. Chairman, I ask unanimous consent that the gentleman from North Carolina [Mr. BARDEN] may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. BARDEN. I thank the gentleman for getting me the extra time. I yield to the gentleman.

Mr. WILLIS. I appreciate the gentleman's statement; it is very clarifying and edifying to me personally. The gentleman pointed out, for instance, that either one or both of these public laws being amended by the Judiciary Committee might expire sometime. The gentleman in the well of the House knows as much, if not more, about public education as any Member of the House, but on the Judiciary Committee we seldom hear about matters involving public education because that is not under the jurisdiction of our committee.

Mr. BARDEN. I will say to the gentleman from Louisiana that I helped write the first one and I helped write the last one, but this is the first time I have ever had anything taken away from me. The House knows generally that I have advocated separation of the Committee on Education and Labor simply for functional purposes. It is a pretty difficult operation. But I never dreamed there would be a coup that would be so quietly pulled off.

But they did not do too much damage except in going further than was necessary.

I want to educate those children on and off the bases; I want the money available to make temporary arrangements or whatever arrangements are necessary. I want the Commissioner to have the authority to rent or provide facilities and all that. I think they did a fairly good job in the arrangement except they went much further than was necessary.

Mr. DIXON. Mr. Chairman, will the gentleman yield?

Mr. BARDEN. I yield.

Mr. DIXON. Public Law 815 and Public Law 874 have been extremely valuable in sections of the country where we have federally impacted areas and federally impacted schools.

If this bill will result in the killing of those two laws, I think it would be a calamity to the United States. I believe, as our honored chairman has just stated, if this bill is passed without his amendment it is pretty well going to be the ruination of Public Laws 815 and 874. I submit we had better consider very, very carefully this amendment and its effect upon some very, very important areas of the United States, especially where we are manufacturing missiles and military equipment.

Mr. BARDEN. I thank the gentleman. We took this up in committee, and I think all of the members were there. The gentleman from West Virginia [Mr. BAILEY] introduced these bills. I was very close to him all these years. I do not know whether he is here or not, but he told me he was going to have something to say about this because it would mix up a situation and do more damage than we might think.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. BARDEN. I yield to the gentleman from Florida.

Mr. CRAMER. This provision the gentleman's amendment applies to is 815, the section involving school construction; is that correct, so far as taking over schools is concerned?

Mr. BARDEN. That is about right.

Mr. CRAMER. May I ask this further question. I had a similar amendment which I intended to offer. Is it not the gentleman's opinion that the requirement of subsection 8, the assurance of the local community as a condition precedent to getting funds will result in a school subsequently being turned over to Federal authority? There is no school superintendent in the United States that has authority under the law to enter into any such agreement. The result will be that all federally impacted schools will be denied to every segment of our Nation.

Is that the gentleman's opinion, may I ask the gentleman?

Mr. BARDEN. Of course that is true. In the first place, the minute they put that requirement in there it becomes an encumbrance upon that building, it is an encumbrance upon the taxpayers' money that is spent for that building. It simply will not work, and they will not go

for it, that is all. You might as well repeal the law.

Mr. CRAMER. The amendment that I had intended to propose, although I am supporting the gentleman's amendment as an alternative and will not offer it unless the gentleman's amendment is not agreed to, contained a provision that would make it discretionary with the State to enter into agreements permitting the Federal Government to occupy buildings that might be closed, but does not make it mandatory as the committee bill provided.

Mr. BARDEN. It is discretionary now if the local school people or the State school people want to rent buildings. It is discretionary now.

To summarize, Mr. Chairman, title 5 of the bill H.R. 8601 proposes to amend Public Laws 815 and 874, laws not only clearly within the jurisdiction of the Committee on Education and Labor, but which were reported by the Committee on Education and Labor and passed by the House. Public Laws 815 and 874 provide for assistance to local school districts in federally impacted areas. Under Public Law 815, payments were made to help build schools in districts burdened with substantial increase in their school memberships due to Federal activities. Under Public Law 874, payments are made to local school districts to help meet their operating and maintenance expenses where such districts are providing education for federally connected children.

The Federal Government may not plan or operate any local school facility receiving funds under either Public Law 815 or 874.

The reason for the amendment proposed by title 5, as stated in the report of the House Judiciary Committee, is to provide for the education of children of members of the Armed Forces who live off the installation, when the school which they attend has been closed by State or local action. To solve this problem, the amendment proposes that the Commissioner of Education be empowered to, first, provide school facilities on a temporary basis to these children by acquiring, through rental or temporary construction, either on or off base, the facilities necessary for this purpose—the amendment would also provide teachers and operating expenses for such facilities; second, where a school which had been constructed with the aid of funds provided under Public Law 815 is closed by State or local action, the Commissioner would be authorized to take control of and operate such local educational facility in order to provide for the education of children of members of the Armed Forces.

Now, Mr. Chairman, my quarrel is with the second of the proposed solutions. This amendment would for the first time in our history authorize a Federal official to actually seize and operate local school facilities. Such action introduces into our traditional and time-honored philosophy of education, a totally new and alien concept. This amendment would establish the principal that where Federal funds are used to construct local educational facilities, they might at some future date be subject to Federal seizure and operation. To be sure, the amendment proposed here today does not include all Federal funds nor those funds used in the past, but it is only a short step to such a proposal. This amendment establishes the precedent, and once established, it is easily extended. If such legislation as that proposed by this bill is enacted it will most certainly be the "kiss of death" to any form of Federal aid to education in the future. Why is this so? Because the proponents of Federal aid to education have always maintained that Federal control does not follow Federal money; that it is possible for the Federal Government to allot funds to the States for educational purposes without the danger of Federal interference or control. If this title is enacted into law, Mr. Chairman, the seeds for destruction to our educational system have been sown, and I need not remind this House that our educational system lies at the very heart of our Nation.

Furthermore, this proposal would utterly destroy the effectiveness of Public Law 815 and 874. The amendment proposed by title 5 would require a State or local government to agree in advance before any funds were received, to turn over the facility to the Commissioner of Education upon his request providing only that the school was not then being used for educational purposes. Could conscientious local officials agree to such conditions even if their State and local laws allowed them to?

Let me emphasize that this amendment is not limited to schools involved in desegregation suits, but extends to any closing of a local educational facility by State or local action.

Finally, Mr. Chairman, that portion of title 5 that authorizes the Commissioner of Education to take over the local educational facilities is totally unnecessary. The problem as stated by the report of the Judiciary Committee would be completely eliminated by the other provisions of title 5. These provisions would authorize the Commissioner to provide school facilities, teachers, and operating expenses for the purpose of educating the children of the members of the Armed Forces who live off the base in the event their schools were closed by local or State action. The Commissioner could purchase, rent, or construct on a temporary basis the necessary facilities either on base or off. What more could be done?

The sole effect of the amendments to title I which I propose would be to strike from the title those sections authorizing the Commissioner of Education to take over and operate local educational facilities. Such authority has been shown to be totally unnecessary to a solution of the problem.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. CELLER. Mr. Chairman, I rise in opposition to the pending amendment.

Mr. Chairman, the amendment offered by the gentleman from North Carolina would be a weakening amendment. I am sure if he prevailed he would still vote against the bill. He naturally is jealous of the prerogatives of his own committee, the Committee on Education and Labor. I am jealous of the prerogatives of the Committee on the Judiciary. That is only natural and proper. But there are occasions where there is overlapping and it is difficult to avoid the overlapping. As chairman of the Committee on the Judiciary I did not seek, for example, the provisions of this title that is being sought to be amended. It was in an Executive communication that was received. It was a package bill, and it pertained to a number of subjects, including education. Therefore, it was appropriate and proper because the main ingredients of the bill were for the Judiciary Committee to consider.

I sympathize with the gentleman from North Carolina but I am nonetheless reminded of a story they tell about Lincoln. One day an aide rushed into Lincoln's office and he said, "Mr. Lincoln, Mr. Lincoln, Senator Sumner in the Senate today said he does not believe in the Bible." Lincoln said, "Of course, he does not. He did not write it."

The gentleman from North Carolina did not write this amendment, it did not eminate from his committee and, therefore, he is opposed to this bill or this title more or less in toto.

Mr. HOFFMAN of Michigan. Mr. Chairman, I demand that the words be taken down.

The CHAIRMAN. What are the words the gentleman refers to?

Mr. HOFFMAN of Michigan. The words, "He did not write it, therefore he is against it." I say it is a reflection on a Member of the House.

Mr. BARDEN. You let me take care of my reputation.

The CHAIRMAN. Does the gentleman from Michigan insist that the words be taken down?

Mr. HOFFMAN of Michigan. Yes. It is a reflection on a Member of the House in his representative capacity.

Mr. BARDEN. Mr. Chairman, would it be in order to straighten this out merely for me to say that by the wildest stretch of the imagination I cannot conceive that it is a reflection upon me? I do not so interpret it.

The CHAIRMAN. Does the gentleman from Michigan withdraw his request?

Mr. HOFFMAN of Michigan. If the gentleman from North Carolina considers it a compliment, it is all right with me.

Mr. CELLER. Mr. Chairman, I gave that story not with a view to disparaging the gentleman from North Carolina, I can assure the gentleman. It was just a story that has often been related; related about myself and related about many others.

Now, there has been the fear expressed that this particular title would involve improper interference by the Federal Government in local education. I should like to read two sections which clearly indicate that there is no intention to interfere in any sense of the word with any curriculum or any mode of instruction in the State. I am now reading from section 242, Public Law 874, title 20, which is still law, and we do not touch it:

> In the administration of this chapter no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the personnel, curriculum, or program of instruction of any school or school system of any local or State educational agency.

And again I read from Public Law 815, section 642, of title 20, involving those provisions setting forth moneys for school construction, which reads as follows:

> In the administration of this chapter no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the personnel, curriculum, or program of instruction of any school or school system of any local or State educational agency.

I repeat, we do not touch those sections of the statute.

Mr. BARDEN. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from North Carolina.

Mr. BARDEN. If you are going to tie that to it, of course, that is unnecessary under the title Construction of Buildings. But, what you are trying to do, my friend, is enable the commissioner to operate the schools. Now, if you make that applicable to your act, you are fixing to put the military children out of school, because someone connected with the Government must run them. What I have done is provide the money, provide the buildings, provide the temporary arrangements.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CELLER. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. BOW. Mr. Chairman, I object.

Mr. THOMPSON of New Jersey. Mr. Chairman, I rise in opposition to the amendment.

This is a particularly difficult problem in view of the wide acceptance of Public Laws 815 and 874. As a member of the subcommittee which deals with this legislation, and as the author of the last revision to it, I would hate to see anything dire in the way of cutbacks or elimination of these very worthwhile laws.

After considerable study and soul-searching on this subject I am convinced of several things, the first and most important of which is to say that in my estimation, adoption of the title as written will by no means cause the defeat of the these laws.

There are more than 3,000 school districts which benefit from Public Laws 815 and 874. Take, if you please, the number of them which could be affected by closing schools in those States which resist integrating their schools. If that few can act as the tail which will wag the dog then indeed their actions might be fatal. The fact is that some of us, including myself, in the recent committee consideration of H.R. 10128, the school construction bill recently reported out, voted against a segregation amendment on the ground that legislation is not necessary for self-enacting clauses of the U.S. Constitution. We felt, and I felt in particular, that the proper place, notwithstanding any jurisdictional arguments, for the protection of a particular class of schoolchildren, belongs in a civil rights bill rather than in an education bill.

Here is a case where there are the children of constituents of all of us likely to be going to school in any particular impacted area, the children of the service people from each and every congressional district. In the case of the city of Norfolk which in the recent past closed its schools in resistance to a court order, some 300 military children were attending a base school and were not affected. They attended a base school. Some 3,000, if you please, were not. They were transients, sons and daughters of military personnel who had no active part in the feelings engendered in that particular section of the country by the Supreme Court's integration decisions. I do not propose to discuss the merits of them; I believe in them. The children of military personnel were deprived for more than 3 months of the education to which they were entitled because their schools were closed.

The theory of the impacted areas laws is that the Federal Government has no equity; the moneys go to the school districts to replace tax ratables lost by the presence of the military establishment, or something of that nature. But in the case of category A children whose parents reside on the military establishment, there is a particular problem. The last revision of Public Laws 815 and 874 made permanent the assistance to them.

I rather think that there is as much danger of the elimination of Public Laws 815 and 874 by the adoption of this amendment and striking this title as there is in the opposite situation.

Mr. BALDWIN. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield.

Mr. BALDWIN. I should like to ask one question. On page 9 there is section 502(H) that would be stricken. As I understand it, every school district in the United States that makes application for construction funds under Public Law 815 would have to sign an agreement to turn over that school to the Federal Government in the event the school might be closed. This would apply to all States in which there are no segregated schools at the present time. But can the gentleman assure us that all 50 States today would have authority to sign these agreements? If they do not have authority, then they would be barred from receiving funds under Public Law 815 even if they do not have any segregated schools.

Mr. THOMPSON of New Jersey. Obviously the gentleman is not in a position to relate here off the top of his head, the law of 50 States. I believe title V to be sound and workable, and will not be destructive of the program. I am opposed to the amendment of the gentleman from North Carolina.

Mr. CRAMER. Mr. Chairman, I offer a substitute for the amendment offered by the gentleman from North Carolina [Mr. BARDEN].

The Clerk read as follows:

> Amendment offered by Mr. CRAMER as a substitute for the amendment offered by Mr. BARDEN: On page 9, line 11, strike out "5(1)(1)" and insert in lieu thereof "10".
>
> On page 9, line 13, strike out "relating to applications for school construction" and all that follows through "Act," in line 24, on page 9.
>
> On page 10, line 14, strike out "(c)" and insert in lieu thereof "(b)".
>
> On page 10, strike out line 23 and all that follows through line 7 on page 12 and insert the following: "education, and if it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide such free public education; and
>
> "(2) such facilities are needed in the provision of minimum facilities under subsection (a), he shall notify such agencies of such determination and shall thereupon have authority to secure possession and use such facilities for the purposes of subsection (a) pursuant to an agreement between such agencies and the Commissioner which includes such terms and conditions as the Commissioner may determine to be necessary to carry out the provisions of this section."

Mr. CRAMER. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

Mr. BOW. I object, Mr. Chairman.

Mr. CRAMER. Mr. Chairman, I will do my best to explain this substitute in the brief time allotted. It is with considerable trepidation that I offer it as a substitute to an amendment by the distinguished chairman of the Education and Labor Committee, but I suggest that when I offer the substitute to the amendment offered by the distinguished chairman of the Committee on Education and Labor I can only assure the distinguished gentleman it is done in a cooperative fashion and in hope the amendment as perfected by my substitute will be adopted.

The basic difference between the substitute I offer and the amendment offered by the gentleman from North Carolina is consistent with the question I asked when he had the floor. It permits the Commissioner to enter into agreements with the superintendent of public instruction in the local community as not a mandatory matter but a discretionary matter. It spells out clearly that the Commissioner has authority to negotiate with the superintendent of public instruction for the use of such schools as may be closed within the statutory authority of that superintendent of public instruction to permit such usage or his desire to permit such usage.

So what it does is in a discretionary fashion to permit the Commissioner of Education to negotiate with the local superintendent of public instruction, authorizing the Commissioner to enter into such negotiation to make use of these schools that in the future receive funds for their construction under Public Law 815.

The other thing it does, which is included in the amendment offered by the

gentleman from North Carolina and rightly so, if you will refer to page 23 of the committee report, you will see that it eliminates that subsection (H) to which the gentleman from California [Mr. BALDWIN] referred, about which the gentleman from North Carolina [Mr. BARDEN] rightly is most concerned, and about which I suggest respectfully, Mr. Chairman, every Member of this House of necessity must concern himself if he has a Public Law 815 school construction problem in his district, and that is simply this.

It is my opinion, and I have spent a considerable amount of time in the consideration of this particular substitute in consultation with the legislative drafting service in order to attempt to perfect it—it is my opinion if the subsection H requirement is not stricken out of this bill, which appears on page 9 requiring an assurance from the State or local superintendent of public instruction that in order to get Federal funds in the future as a condition of getting those funds prior to the construction of the building that under Public Law 815 he will turn that school over, which implies he has the authority to do it—turn that school over to the Commissioner who mandatorily has the duty to take such a school over that no such State authority could execute such an agreement and thus Public Law 815 would be destroyed. Under the provisions of the act, which I have stricken out and which the gentleman from North Carolina would also strike out, the return provisions on page 11—and I want to call your attention to these return provisions, the return of that school under the present bill is solely in the discretion of the Commissioner. If the local school superintendent wants a return of the schools and the law no longer requires him to close them or the Federal court decision if one has been rendered does not require him to continue to close them, he asks for the schools back. There is no requirement that the Commissioner return them except subject to numerous conditions. Let me show you how nebulous these conditions are. On page 11 I read, "if the commitment is made to the personnel employed in connection with the operation of such facilities pursuant to the arrangements of the Commissioner"—if those personnel agreements have not been fully carried out, that can be a condition for the Commissioner to refuse even a request of the superintendent of public instruction of the community involved to return the school, and when he has authority under the State law to regain the possession of those facilities and in carrying out his authority, he cannot regain them under the provisions of this section until there is a finding by the Commissioner that the personnel commitments made by the Commissioner have been carried out.

I suggest, Mr. Chairman, that the gentleman from North Carolina was probably going to ask, and I do not pretend to read his mind but based on the statement he made on the floor, as to whether or not the Commissioner today would have such discretionary authority. It is my opinion, Mr. Chairman, even if that were the case, this amendment certainly would do no harm but instead would spell out very clearly, because in this subsection we are dealing strictly with a situation where the superintendent of public instruction or the State closed the schools under the authority of State law, and it was spelled out clearly under those circumstances there would be discretion in the superintendent of public instruction then to lease those properties or to make them available to the Commissioner of Education. Spelling this out can only clarify present law as it applies to school closing situations and cannot possibly be objectionable to those who object to this provision in the proposed bill.

Let me stress again, Mr. Chairman, and I cannot stress it too strongly because I do not think anyone should have any reservation or any question about it, and if anybody disagrees with me, I wish they would say so—that under the provision required on page 9, as to the assurance the local superintendent must give as a condition precedent to getting Federal funds for school construction, there is not a superintendent in the United States of America that could enter into such an agreement. Thus, without this substitute, Public Law 815 would be destroyed and I urge the adoption of the substitute.

The substitute also requires the Commissioner to make a further finding before negotiating for the use of closed schools that other schools remaining open and providing free public education satisfactory to the Commissioner are not available for use by military children which is a condition I think should obviously come into play before closed schools should be made available.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the so-called Barden amendment and the Cramer substitute, and all amendments thereto, close in 30 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate on the pending amendment and the substitute end in 30 minutes.

Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Florida [Mr. MATTHEWS] is recognized.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the gentleman from Mississippi [Mr. WINSTEAD], the gentleman from North Carolina [Mr. WHITENER], the gentleman from Texas [Mr. DOWDY], the gentleman from Ohio [Mr. HAYS] and I may yield our time to the gentleman from Florida [Mr. MATTHEWS].

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. MATTHEWS. Mr. Chairman, I am very grateful to my colleagues for permitting me this extra time to debate this very important measure.

I realize, Mr. Chairman, that the members of the Committee on the Judiciary are much more able to discuss some of the legal aspects on this measure than I.

I also defer to the distinguished gentleman from North Carolina [Mr. BARDEN] in his superior knowledge about the contents of title V as it relates to education. But since my background in civilian life has been in the field of education, I feel it is vitally important for me to express, as many of you have, my tremendous concern in this title V concerning education in this so-called voting rights bill today.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield to the gentleman from Ohio.

Mr. HAYS. The gentleman says his background in civilian life has been education. Does he consider this the frontline?

Mr. MATTHEWS. I think I would be inclined to agree with the gentleman, if I understood exactly what he had in mind.

Mr. Chairman, those of us who come from the Deep South have had to resist so-called civil rights legislation because of our conviction and because of matters such as this title V. People of the United States think that this particular bill is a voting rights bill. Many of my colleagues from time to time have suggested to me that this voting rights bill is not a bad bill. I have heard eloquent pleas made on the floor about voting rights. I have said in my previously prepared statement about this bill that I felt every qualified American citizen should have the right to vote. But in this bill we have an entirely new section dealing with education. By the amendment that we passed concerning the so-called guarantee of voting rights, we have abdicated to the Attorney General the rights of judges, and now we want to abdicate to the Commissioner of Education the right to establish new Federal facilities of education, a right he has never had before. As the gentleman from North Carolina [Mr. BARDEN] explained to you, at the present time the Commissioner of Education has a right to provide for education for members of the Armed Forces residing on Federal property, and he cooperates with the local agencies in giving that education and in giving education to those who do not live on Federal property, but who live in the adjacent community. Cooperation has been the key word. There has been cooperation between the local agency and the Commissioner of Education, but now in title V you say nothing at all about cooperation under certain circumstances, but you say that the Commissioner of Education will be the sole arbiter, the sole judge. He will make the sole decision on when he will take over these school facilities. He will be the sole arbiter insofar as what is taught is concerned.

Can you imagine a local school agency that is not given an element of cooperation in the matter of giving up school facilities, being willing to cooperate insofar as text work is concerned, subject matter, the availability of teachers, such matters as accreditation? Mr. Chairman, you will have a Commissioner of Education building new buildings in our States solely for education. Who will be

the accrediting agency for these particular schools?

Mr. DIXON. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield to the distinguished gentleman from Utah who in his own right has had much experience in the field of education.

Mr. DIXON. I very much concur in what the gentleman from Florida has been saying. This bill would require a superintendent of schools to enter into a contract that he would deliver over that school to the Commissioner of Education in the event the school was closed In practically every instance that I know of it would violate the constitution of the State for a superintendent to enter into a contract or to make such a covenant. It that not correct?

Mr. MATTHEWS. The gentleman is absolutely correct; and I may say the gentleman has been president of a great university. I want to thank him for bringing to us his information about this particular measure.

Mr. DIXON. Mr. Chairman, will the gentleman yield further?

Mr. MATTHEWS. I yield.

Mr. DIXON. What I said in my previous question being the case, then this bill would preclude practically every State, in my opinion, from accepting Public Law 815 or Public Law 847 funds, because the superintendent would have no right to enter into such an agreement.

Mr. MATTHEWS. The gentleman is absolutely correct.

Mr. Chairman, let me point out to those of you who in other sections of the country are not worried at the moment, that if this title is included in the bill, wherever you are, your superintendent of public instruction or your local school agency has to yield to the Federal Government and let them come in any time they want to come in to operate schools. I think this would be one of the most terrible things that could happen in the field of education.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield to the gentleman from North Carolina.

Mr. WHITENER. I would like to ask the gentleman if it is not his opinion that the language on page 10, "(b) Whenever the Commissioner determines that (1) any school facilities with respect to which payments were made under section 7 of this act, pursuant to an application approved under section 6 after the enactment of this subsection, are not being used by a local educational agency for the provision of free public education" does not go far and beyond the question of racial problems in the schools and could it not be extended to say that the Commissioner of Education could override and practically veto consolidation movements in a particular community, or might even during the summer vacation period arbitrarily take over the buildings of the local community where a greater part of the expense has been borne by the local taxpayers?

Mr. MATTHEWS. The gentleman is absolutely right, in my opinion.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield to the gentleman from North Carolina.

Mr. JONAS. The gentleman is making a very able argument, and I should like the RECORD to show that I agree with his remarks and associate myself with them. May I ask the gentleman when he speaks of Federal interference in local educational systems, can he imagine a more complete control over educational systems than this title would give the Federal Government?

Mr. MATTHEWS. I can imagine no control that would be more dictatorial and supreme.

Mr. Chairman, how much time do I have left, please?

The CHAIRMAN. The gentleman has approximately 4 minutes remaining.

Mr. MATTHEWS. I am delighted to yield first to the gentleman from Texas, Mr. DOWDY, and then I will yield to my colleague from Florida, Mr. BENNETT.

Mr. DOWDY. The gentleman expresses a conviction along the line that the Commissioner could come in during school vacations and take over school buildings for use and then, under the provisions at the bottom of page 11 and the top of page 12 of the bill, he does not have to return such buildings to the local authority until he gets ready to, or in his judgment wants to.

Mr. MATTHEWS. The gentleman is absolutely correct. He can keep them for years and years if he wanted to.

Mr. DOWDY. Even taking them over during summer vacation.

Mr. MATTHEWS. Absolutely.

Mr. Chairman, I now yield to my distinguished colleague the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT of Florida. I congratulate my colleague for his stand in this matter, and should like to extend my remarks at the end of the gentleman's statement, and make that consent request, Mr. Chairman.

The CHAIRMAN. Without objection it is so ordered.

There was no objection.

Mr. ALFORD. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield.

Mr. ALFORD. In this matter the gentleman referred to we are dealing with something completely outside of and beyond civil rights, and are placing tremendous authority over schools in the hands of the Commissioner.

Mr. MATTHEWS. The gentleman is absolutely right. We are going far beyond the idea of voting rights that the American people think we are talking about. We are giving the Commissioner the right, if he wants to take it, to write textbooks.

Let me give you a problem we have with music literature. Down in my section of the country we believe in using musical literature as it was actually written by the author. The House will recall that a couple of years ago I told you that in a certain section of the country, or in certain sections of the country, they were changing the words of "Swanee River." That is the Florida State song. In the course of the song, "Swanee River," by Stephen Foster, it goes like this: "Oh, darkies, how my heart grows weary." But here in Washington they say "Oh, brothers, how my heart grows weary," or "Dear ones, how my heart grows weary."

Here in the public schools of the District of Columbia they are not permitted to sing the State song of Virginia, a great song which was composed by a Negro. Certain words in "My Old Kentucky Home" have been censored.

We may laugh about that, we say that is not important, but it is an example of censorship caused by minority group pressure. I fear that the Commissioner of Education will be influenced by the pressure. I do not want to give the Commissioner of Education the right to give us the textbooks that he might want to give, as well as the right to prescribe the text and the right to tell you who is going to teach. What kind of teachers will the Commissioner of Education give us? Just how will he prescribe the qualifications?

Mr. Chairman, this is a title that should not be in this bill. I know that some of you honestly disagree with me, but I plead with you, no matter what you think about the other portions of the bill, do not approve title V. I am going to vote for the amendments because they improve title V.

Time and again we have warned you on the floor of the House that whenever you have one overwhelming authority in charge of education in this country, tyranny is inevitable. I am worried about this trend toward Federal control.

Mr. WIER. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield to the gentleman from Minnesota.

Mr. WIER. Let me ask my beloved colleague something that ought to be made clear, and I do love the gentleman. He is one of the finest fellows I have ever met.

Mr. MATTHEWS. I want to reciprocate in that thought.

Mr. Chairman, this title ought to be eliminated.

Mr. BENNETT of Florida. Mr. Chairman, I wish to associate myself with the line of thinking of the able gentleman from Florida [Mr. MATTHEWS] on this amendment. Before I say a word or two on the legislation itself, I take this opportunity to pay tribute to the beloved gentleman from Florida [Mr. MATTHEWS]. I do not know of any Member of Congress who is more beloved by his colleagues than he. With love of his fellow man the dominant characteristic of his life, he inspires us with his high devotion to his God and country and stirs our spirits with a warm humor seldom found even among professional humorists. His achievements in legislation are impressive but above all else, we admire him for his extraordinary gift of friendship.

Now I would like to address myself to a few remarks on the schooling parts of this bill. The hard insistence of the extremists of this House to impose their wills on all sections of the country has never been more apparent than in the fight they are making by this bill to take

over the schools of our country. Those of you who have felt that education of our youth comes first in their thinking must have a rude awakening when you look at their position on this issue. I urge that the rest of us stand together and adopt these amendments offered by the gentleman from Florida [Mr. CRAMER], and the gentleman from North Carolina [Mr. BARDEN] and thus preserve to our local school authorities the necessary and proper control of our schools.

The CHAIRMAN. The time of the gentleman from Florida has expired.

The Chair recognizes the gentleman from South Carolina [Mr. RIVERS].

Mr. RIVERS of South Carolina. Mr. Chairman, I do not expect that anything I shall say will have the slightest effect on the membership of the committee or the House or on your sense of right or wrong.

This Celler proposal will destroy every school in the southern part of this country. That is what the author of the original amendment, the gentleman from New York [Mr. CELLER], has designed that it do. I am not going to swing my arms around here but I just want to say that you are going downhill today. Everything is going your way now—but what about tomorrow or November or next year—or ever?

Mr. WIER. Mr. Chairman, will the gentleman yield?

Mr. RIVERS of South Carolina. I yield to the gentleman from Minnesota.

Mr. WIER. I think the gentleman is a man who is well located at Charleston, S.C., to answer the question that I seek to ask because he is the Representative of a district that could be very deeply affected by this action.

Mr. RIVERS of South Carolina. Both of us.

Mr. WIER. I would not expect the gentleman to say this amendment would affect every district in the United States. This originated, I think, with the military. They, the armed services, have children of their personnel who are out of school; it might be in Charleston, it might be in Norfolk, or it might be in some other place, where military bases are new at hand. Now, you subscribe I hope to the idea that the school ought to be kept open where a number of schools are now closed. Should the Commissioner of Education step into the picture then and open a school for these children of the personnel on the base? Is that correct? And, would you not subscribe to the fact that the school ought to be open?

Mr. RIVERS of South Carolina. Let me say this. This thing is designed to destroy our school system. Let me tell you this: We are not going to forget this; we are not going to forget this today, and we are not going to forget this on election day, and we are not going to ever forget it. When the time comes that we can pay back in kind to those who are doing this to us, we plan to do just that. That is all I have to say. Every dog has his day—tomorrow will be mine.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. GOODELL].

Mr. GOODELL. Mr. Chairman, I rise in opposition to this entire title. I consider myself a civil rights advocate, and I have fought against every crippling amendment that has been offered here and every obfuscating amendment that has been offered in the last few days. But, this, it seems to me, is entirely wrong, to legislate in a field such as this, and we might place in jeopardy our entire Public Law 815 by doing so. If we have a Committee on Education and Labor, that is the place that should properly consider the provisions of this title V. I have asked over here and find that there is no testimony whatsoever in the RECORD with reference to the ability of the States to comply with the provisions that are set up in this title. This is not talking about just the Southern States; it is talking about the States in the entire country. And, I make reference to page 9, to the assurance that a State agency must make as to the school facilities. It is quite possible and, as a matter of fact, likely that many States will not, under their constitution and laws, be able to comply with this provision, and thus we will insidiously be undermining the entire Public Law 815. I would speak further against the provision of the Commissioner's determination which is provided in subsection (b) of section (C) that on the determination of the Commissioner that the school facilities are not available in the local agency, he shall notify the agency and he shall thereupon be entitled to take possession of such facilities. When we are talking about Federal aid to education—and some people are saying there is not going to be any Federal control—but when we talk about Federal aid to education, what is this right here if it is not an example of the kind of Federal control that is going to be used in every Federal aid program to education? And, you people are doing a very good demonstration of it in advance and doing it in a very improper sense, by sending it to a committee where these things cannot be ironed out.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. GOODELL. I yield to the gentleman from North Carolina.

Mr. WHITENER. Does the gentleman agree that this title by the very language is in no way confined to the question of civil rights and goes way out and beyond that and gives potential dictatorial power to the Commissioner of Education to take over the schools?

Mr. GOODELL. I think the ramifications of this title have not been explored properly.

The CHAIRMAN. The time of the gentleman from New York has expired.

The Chair recognizes the gentleman from Oklahoma [Mr. EDMONDSON].

Mr. EDMONDSON. Mr. Chairman, this is the first word I have had to say in this debate so far. Like the gentleman from New Jersey who spoke a little bit ago, I say these words only after a great deal of soul searching and a great deal of thinking, prayerfully, over the impact of this particular language. I cannot believe in my heart that the language which provides for seizure of school buildings, with the man doing the seizing the sole arbiter of what he pays for it, is really essential to the objectives of this bill. And, I do not know of another instance in the Federal law in which the official who is given the power to seize is the only one who determines what he is going to pay for it. But, that is what is in this language.

I cannot conceive that to be essential to the objectives of this legislation. I earnestly hope that we can have a good piece of civil rights legislation which we can live with and which will do the job it is intended to do, without endangering other worthwhile programs.

In Oklahoma we do not have the problem that some other States have with regard to integration. We are embarked peacefully upon integration. There is no danger that I know of that we in Oklahoma will face this particular situation, under which public schools are shut down, but there is a great danger in Oklahoma that a lot of people who are for Federal aid to education will revolt against the program of Federal aid to education if they think that we are writing into it provisions for seizure by the Federal Government of the school buildings themselves. That is what is at issue here.

My good friend from New Jersey, whom I respect highly, said that no one is talking about control of curriculum or control of teachers. Is any control more essential than control of the very facilities in which the schools are conducted? If you have the power to control and seize the facilities, what difference does it make whether you control on the question of curriculum and teachers?

I sincerely hope that either the Barden amendment or the Cramer substitute will be adopted and that this bill may pass without doing violence to a great cause. That is the cause of Federal aid to education.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona [Mr. UDALL].

Mr. UDALL. Mr. Chairman, I would like to put these amendments in perspective. I, too, am a member of the subcommittee that handles this particular legislation.

There is something interesting that has happened here today. I have favored, since I came to Congress, what I call constructive action by the Federal Government in working out desegregation problems of our communities. This bill adopts outright a plan to tackle one phase of this problem, and I commend my colleagues for recognizing the worth of this plan. Certainly where schools are closed there is a responsibility of the Federal Government to what I call the "Federal kids"—the children of Armed Forces personnel who are involuntarily assigned to a particular city. We have given the Commissioner the money and the authority to set up temporary schools for these children if their schools are closed. None of the amendments is directed toward this vital core of the program. I believe this is a positive, constructive step which we can all take a pride in.

The pending amendments only touch one feature of the program—the availability of local classrooms. One can talk about "seizure" but I do not think the adoption of this title will disturb the program or threaten its future. We simply say—and frankly, if I were to draw the language I would frame it somewhat differently—we simply say to a school district, "When Federal construction funds are given, will you give us assurance that you will rent the buildings if your community temporarily shuts down the schools?"

That is what is involved. It is a very simple and narrow question. There is no "seizure" involved. It is merely an agreement to rent, an agreement to lease. This is not spelled out as clearly as I would like to see it, but as a practical matter, if we give the Commissioner of Education the authority to set up temporary schools for the children of Armed Forces personnel, I see no reason why local school officials would not readily say: "If you want to conduct a temporary school go ahead and use our buildings."

I do not think there is anything onerous about such a condition. But if school buildings are not immediately available the Commissioner would have to rent a warehouse or a church and improvise desks and it would be difficult to expeditiously set up a school for the Federal kids. So let us keep our eye on the issue at stake here. I think both amendments are ill advised.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama [Mr. ELLIOTT].

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. ELLIOTT. I yield to my colleague.

Mr. ROBERTS. Mr. Chairman, I do not know of anyone in this House who has done more for education than the gentleman now in the well of this House. I hope the House will give him its attention.

Mr. ELLIOTT. I thank the gentleman for his kindness. He and I have worked together to build a better school system.

Mr. ROBERTS. Mr. Chairman, I ask unanimous consent to extend my remarks following the remarks of the gentleman from Alabama [Mr. ELLIOTT].

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. ELLIOTT. Mr. Chairman, this program of aid to schools that we are talking about this afternoon has, I think, been one of the most remarkable and outstanding programs in the field of education ever devised by the Congress.

The program has operated in all our 50 States with approximately 4,000 school districts each year receiving assistance under Public Law 874, and about 350 school districts annually receiving assistance under Public Law 815.

In my own State of Alabama, 54 school systems have received aid under these programs amounting to more than $32 million.

It was carefully written in the first place. Many of us know about that. It has been carefully reviewed every year or two by the House Committee on Education and Labor. It is a complicated program. The two laws themselves are technical and complicated. They are delicately balanced. Every Member of this House who is familiar in any way with this program knows that to be true.

Let me say to my friends that many of us have fought day in and day out around the Congress of the United States here for years to provide an educational system for America that will be constantly growing better as our Nation grows, but we have fought at the same time to keep Federal control out of this program. Mr. Chairman, this is the first direct example of an effort to bring in some Federal control we have seen that in these years in which we have been dealing with the question. I plead with my colleagues on the right and I plead with my colleagues on the left, let us not endanger a law under which we have spent over $1 billion building better schools and providing better maintenance and operation. Let us not destroy that law. Let us not take a provision written into this bill by a committee that is not charged with the legislative responsibility in this field. Let us adopt the Cramer and Barden amendments.

Mr. Chairman, this is not a sectional appeal. The school districts that receive aid under these laws are located in every State in America. This is not a political appeal, because I am one of those who feels that politics has no place in education.

Public Laws 815 and 874 were designed to benefit our Nation. They were not designed to promote economic or social theories. They were not designed to be used by a majority to chastise a minority.

Amendments to these laws should not be considered at that level of thought. They should be considered at the level of what is best for America and her school system.

Mr. ROBERTS. Mr. Chairman, in a statement earlier in the debate on H.R. 8601, the so-called civil rights bill, I pointed out some of the fallacies I believe this bill contains.

I attempted to show that this measure certainly is not just a voting rights bill, as some would have the American public believe, but is an ill-conceived force bill to invoke total racial integration while providing no citizen any new right or privilege.

One of the most misleading sections of the bill is title V, which would amend Public Laws 815 and 874 as amended, relating to the education of children of members of the Armed Forces.

Even without consideration of the manifold demerits of this title, it should be clear on simple jurisdictional grounds that this title is misplaced in this legislation. It is a Federal aid to education provision which clearly is the type of legislation which should have been considered by the Committee on Education and Labor. The provision is not relevant to the overall bill's purpose.

Beyond this consideration, there is urgent call to reject title V because of the alarming threat it poses to the educational process in this country.

Where under present law the Commissioner of Education has authority to provide free public education for children residing on Federal property if the State and its subdivisions do not provide such education, this bill would extend that authority to children of all active Armed Forces personnel, whether or not they are living on Federal property.

Where under present law, the Commissioner in such an event must make arrangements for educating the federally connected children only with a local educational agency or with the Federal agency having jurisdiction over the property where they live, this new bill would allow the Commissioner to make arrangements with the head of the Federal department having jurisdiction over the parents of the children involved.

These two provisions alone hold alarming forebodings of the great and shocking concentration of power which would be that of the Commissioner of Education under this title. But this is only a small part of it. The amendments to Public Law 815, the construction program, take even more distressing turns.

These amendments would make the Commissioner of Education a mighty commissar of Federal education, empowered to seize whole school systems, to grant or withhold funds, hire teachers, and, in many conceivable ways control young minds in accordance with the terms and conditions which the commissar himself prescribes.

Look at section 502. This authorizes the Commissioner to seize any school building constructed in the future with Federal aid when the building is not being used by the local authorities and when the Commissioner decides he needs the building to educate children of military personnel. It also will require that in the future any local or State agency which is entitled to Federal assistance must assure the Commissioner that he can have the building when he wants and needs it, under the terms of this provision.

This type of legislation can have no beneficial effect on the programs administered under Public Laws 815 and 874. It will completely wreck the program in several States, including some in the South.

I have personal knowledge of the great benefit these programs have on educational systems in this country. It would be an injustice to shackle these programs as this bill proposes, and to undo the time and efforts of the outstanding Committee on Education and Labor which has produced this workable and worthwhile program.

In Alabama, about half the school systems are affected by this program. I can truthfully state that it would have been impossible for the public schools in these areas where there are Federal installations to operate with the burdens which have been placed upon them by the addition of the federally connected students.

In the Fourth Congressional District, which I serve, more than $5 million in

Federal funds has gone to schools in federally affected areas during the past 8 years. These include schools in the county systems of Autauga, Elmore, Clay, Dallas, St. Clair, Talladega, and Calhoun; and the city systems of Anniston, Talladega, Sylacauga, Selma, Piedmont, and Jacksonville.

This program is worth while; the need is valid. I want to commend the members of the Committee on Education and Labor who have through the years worked so diligently to perfect this program. Particularly, of course, I would pay tribute to my fellow Alabamian on this committee, Mr. ELLIOTT, who has done as much or more for education than any Member of the House.

I urge the protection of this program. I urge the adoption of the Cramer and Barden amendments.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. WAINWRIGHT].

Mr. WAINWRIGHT. Mr. Chairman, it is a distinct pleasure to follow my chairman, the chairman of the Subcommittee on Special Education, the gentleman from Alabama [Mr. ELLIOTT]. Unfortunately, I take opposite tack. It seems to me that every spokesman, every distinguished southerner who has spoken against the bill or for this amendment, is opposed because schooling in any shape or form raises a dreadful red flag.

What is the issue? The issue in this amendment, and the civil rights bill is not going to rise or fall with this amendment, is, Are we, the Federal Government, going to live up to our obligations under Public Laws 815 and 874? Are we going to live up to our obligation to federally impacted schoolchildren? Just that: Are we going to live up to that obligation? If we support this amendment, in those States, for example the State of Virginia has been cited, enacting laws closing schools, the Federal children will not be given an education. It is just as simple as that.

Mr. ROOSEVELT. Mr. Chairman, will the gentleman yield?

Mr. WAINWRIGHT. I yield to the gentleman from California.

Mr. ROOSEVELT. I wonder if the gentleman would allow me to ask the gentleman from Florida what would happen to the children in those schools which are shut down? Where would they go to school? That is what bothers me.

Mr. CRAMER. Mr. Chairman, if the gentleman will yield, under the present provisions of the act, my substitute does not strike it out nor does the amendment offered by the gentleman from North Carolina. Probably, you should direct the question to him since he is chairman of the committee which lives under the provision.

The CHAIRMAN. The time of the gentleman from New York has expired.

The Chair recognizes the gentleman from New York [Mr. LINDSAY].

Mr. ROOSEVELT. Mr. Chairman, will the gentleman from New York yield to the gentleman from Florida to complete that sentence?

Mr. LINDSAY. I yield to the gentleman from Florida.

Mr. CRAMER. The provision retained by both amendments which appears on page 9 and page 10 of H.R. 8601 and is presently designated as subsection (b) provides new authority to make available such education to all service children.

Mr. ROOSEVELT. Where would it be provided?

Mr. LINDSAY. Mr. Chairman, I do not yield further.

Mr. Chairman, I rise in opposition to the amendment, and also in opposition to the proposed substitute. The provision in the bill is designed to provide means of educating upward of 70,000 children of military personnel as was testified by the Secretary of Health, Education, and Welfare, Dr. Flemming. Without this proposed bill, this would be impossible. As to the proposed substitute propounded by the gentleman from Florida [Mr. CRAMER] the key in this whole amendment is the word "assurance." Unless such assurances are required and unless such assurances are given, the bill would have no meaning whatsoever.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. MCCULLOCH].

Mr. MCCULLOCH. Mr. Chairman, I rise in opposition both to the substitute and to the amendment. I want to associate myself with the statements of the able gentleman from Arizona [Mr. UDALL] as well as the able gentleman from New York [Mr. LINDSAY]. I would like to read to the committee a paragraph from the message of the President of the United States to the Congress on February 5, 1959, on this subject. I quote the President:

> I recommend legislation to authorize on a temporary basis provision for the education of children of members of the Armed Forces when State-administered public schools have been closed because of segregation decisions or orders. The Federal Government has a particular responsibility for the children of military personnel in federally affected areas since armed service personnel are located there under military orders rather than of their own free choice. Under the present law, the Commissioner of Education may provide for the education of children of military personnel only in the case of those who live on military reservations or other Federal property. The legislation I am recommending would remove this limitation.

Mr. Chairman, I know of no State which has in its statutory law or constitution a provision which would prohibit the school authorities from giving the assurances required in this bill. If there be any State which has a provision in its constitution or a provision of statutory law to that effect, I would be very happy to have any Member rise and make known to the Committee such provision.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, let me again say I am wholeheartedly in sympathy with the fundamental objective of the admendment of the gentleman from North Carolina [Mr. BARDEN]. My amendment provides further, though, that the commissioner shall be given authority under this substitute, which I have proposed, to enter into an agreement with the local community school authorities if a school is closed to make use of such facilities if the local authority agrees to or has authority to agree to such usage. That is all it does. The "agreement" phrase of my substitute makes it discretionary rather than mandatory with the local authorities as to whether or not he can under State law or wishes under State authority to enter into such a proposal to use the closed schools for the education of these impacted military children. I do not think anybody could possibly object to that.

I would like the attention of the distinguished chairman of the Committee on Education and Labor, the gentleman from North Carolina [Mr. BARDEN], to respectfully point out the use of what I think is a fatal defect in his amendment which cannot be cured procedurally other than by the substitute.

The gentleman's amendment provides, on page 9—it strikes out all of line 11, and then it substitutes for "(b)" on line 74, "section 502," and I respectfully suggest to the gentleman that it would then read "section 502 of said act." But there is no reference to what act is being talked about or amended. There is no reference to Public Law 815. Therefore, my substitute corrects what I believe to be a vital defect in the gentleman's amendment that cannot be corrected at this time other than through this substitute. My substitute provides "section 502(a) section 10 of the act of September 23, 1950," relating to "Public Law 815" and so forth "is amended" and so forth. The gentleman's amendment does not contain a reference to Public Law 815. Unless the substitute is adopted, the situation procedurally cannot be corrected and even the objective of the gentleman's amendment with which I basically concur cannot be accomplished.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. MCSWEEN. Mr. Chairman, I rise in support of the Cramer substitute as well as in support of the Barden amendment to title V. I am particularly opposed to the provisions of title V, which would enable the U.S. commissioner to seize certain school buildings under certain conditions. The programs under Public Law 874–81 and Public Law 815–81 have proved to be successful, but certainly it should be clear that the enactment of title V would endanger and jeopardize this program, under which the Federal Government has financially assisted school districts that are federally impacted. It also points to the potential danger of the entire concept of Federal aid to education, because apparently there lurks in the minds of some persons the desire for the Federal Government to gain as much authority and power as possible over education in America, whenever the opportunity presents itself. I am violently opposed to any centralization of power in the hands of the Federal Government and most particularly do I oppose this centralization in the field of education.

The U.S. Commissioner of Education should not be given this unrestricted

authority to take over schools owned by local school districts, even though there has been Federal financial assistance. This would establish a most dangerous precedent and constitute a radical departure and pattern for the U.S. Commissioner of Education. I do not want him having a thing to do with the schools in my district. I do not want him to lay a finger on them, even in the event those schools may be closed in the wisdom of the school board, the principal, the school superintendent, the State superintendent of education or the State legislature.

I trust that the substitute and the amendment to title V will be adopted.

Mrs. GREEN of Oregon. Mr. Chairman, I speak in opposition to the amendment of the gentleman from North Carolina, my distinguished chairman of the Committee on Education and Labor [Mr. BARDEN]. I have heard it said that education has no place in this civil rights bill. And when we are on an education bill, we hear it argued that civil rights has no place in an education bill. And the children, being denied educational opportunities, have no voice.

Title V of this bill, Mr. Chairman is—tragically—necessary. This title takes cognizance of the fact that several States have chosen to enact legislation making possible the closing down entirely of their public school systems, as an alternative to compliance with the Constitution of the United States. It provides that the Federal Government may, following the pattern of Public Law 815 and 874, make arrangements for the education of children of members of the armed services when that education has been made impossible in the public schools of the districts where such children and their parents reside. Assuming that some schools are closed down, and assuming that the politically influential people of these States are willing to sacrifice their own children's education rather than comply with the Constitution, there still remain the children of members of the armed services. The parents of these children are not involved in the politics of these States; they are not able to bring pressure to bear upon the local segregationist diehards, as are those citizens of these States who are allowed to vote. The military personnel have volunteered, or, in a few cases, have been chosen through selective service, to serve in the defense of their country. They have little choice in where they shall be stationed. If they do not like the idea of their children losing every opportunity for education, simply because local leaders want to defend the principle of segregation, they cannot—as the employees of many private firms can and have done—pack up and move out. These parents are there, willing or not, for as long as the Army or the Navy or the Air Force or the Marine Corps may need them.

Some 70,000 pupils, according to the estimates of the Department of Health, Education, and Welfare, may be deprived of an oportunity for public schooling, because their parents have been assigned to the areas in these four or five States where the public schools may be closed in defiance of the Supreme Court and the Constitution. Some 70,000 young Americans may lose their educational opportunities because they have become helpless pawns in a controversy in which they have no immediate and direct voice.

Section 502, to which the amendment of the gentleman from North Carolina is addressed, would leave this wise and necessary policy still on the books, but it would deny to the Commissioner of Education the power, proposed to be given him under the pending bill, to open the schools built with Federal funds, to provide facilities for the education of these youngsters.

Section 502 does not provide for any confiscatory measure, Mr. Chairman. Any State and local school district which is willing to abide by the Constitution and the orders of the Federal courts may, of course, never even become aware of the existence of title V. Only where there is an insistence that the principle of segregation is more important than the Constitution would this title come into play—and there, only to the extent that the school facilities involved have been built with Federal funds. Furthermore, Mr. Chairman, the Commissioner of Education is authorized to pay rent to the school district, in an amount equal to its share of the cost of building the school of which he takes possession. Finally, Mr. Chairman, the Commissioner will return the facilities to the local districts as soon as those districts demonstrate that they are ready and willing to undertake their responsibilities—responsibilities which they assumed in the first place when they accepted Federal aid under Public Laws 815 and 874. These school facilities were built because the local communities and the Federal Government agreed that the education of these children of members of the armed services was a joint responsibility. If the local communities choose to default on this responsibility, then, under title V, the Federal Government is willing to assume the full job. But I can find no trace of confiscation in a legislative proposal to the effect that a schoolhouse may be rented back by the Federal Government, in order that it may be used for the purpose for which the Federal Government originally agreed to help finance it.

The amendment of the gentleman from North Carolina would simply deprive the Commissioner of his authority to possess these schools. The amendment of the gentleman from Florida would leave it up to the local school authorities as to whether or not they would engage in negotiations for this purpose. This substitute, in all frankness, improves the original amendment somewhat. But not, I believe, enough. The segregation question is a highly emotional one. In some areas, persons are charged with the basest of crimes—treason and disloyalty—for even suggesting that segregation is wrong. I am by no means sure that very many local school authorities will be either allowed to negotiate, or willing to negotiate for the use of their schools by the Federal Government, if they have decided to close down their schools for the children of local citizens. In many localities, of course, while the local authorities would be willing to negotiate, they may find State authorities pressuring them, even forcing them, not to do so.

I appreciate the objective of the gentleman from Florida in offering his amendment, but I fear that it will be least meaningful precisely in those areas in which it is the most necessary.

Mr. Chairman, I think the question here is whether or not we choose to mean it when we say the Federal Government has a basic and unavoidable responsibility to those children whom the gentleman from Arizona [Mr. UDALL] has called "Federal kids."

The CHAIRMAN. The gentleman from New York [Mr. CELLER] is recognized to close debate.

Mr. CELLER. Mr. Chairman, the provisions as originally written which are set up by amended sections to cover every contingency so that there would be absolute assurance that the children of military personnel could go to school. The situation arose in Norfolk where because of the closing of the public schols some 2,500 children were affected, and their parents were placed in a state of perturbation beyond question, because their children were without schools. Appeals were made to the Commissioner of Education, but he was powerless to cover all of those children who wanted to go to school. That is one of the reasons why we have this bill. It forfends against a repetition of that situation in Norfolk. Where there is an order of the court providing for desegregation, and the school is closed, the provisions of the title shall be applicable. It has been stated that even section 501, subsection 1, subdivision (d), title V, which is not covered by the amendment offered by the gentleman from North Carolina—it is said the Commissioner of Education would have the power to provide for schools. That is not quite accurate. He would not be able to go into areas where there are no public schools unless under very limited conditions. He has a right to rent facilities, but let us assume that the same acts that closed the schools would come into play and cause people not even to rent premises to the Commissioner of Education who wants to use those premises for providing educational facilities for the children of military personnel. What then? The children would have no schools and would have no education whatsoever.

The CHAIRMAN. The time of the gentleman from New York has expired.

The time of the gentleman from New York has expired; all time has expired.

The question is on the substitute offered by the gentleman from Florida to the amendment offered by the gentleman from North Carolina.

The question was taken, and on a division (demanded by Mr. CRAMER) there were—ayes 173, noes 86.

So the substitute amendment was agreed to.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from North Carolina as amended by the substitute offered by the gentleman from Florida.

The amendment as amended was agreed to.

Mr. CELLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER: After title 5 insert a new title as follows, and renumber the remaining titles and sections accordingly:

"TITLE ——

"Authorization to the Attorney General

"SEC. . (a) Whenever the Attorney General receives a signed complaint that any person or group of persons is being deprived of, or is being threatened with the loss of, the right to the equal protection of the laws by reason of race, color, religion, or national origin and whenever the Attorney General certifies that, in his judgment, such person or group of persons is unable for any reason to seek effective legal protection for the right to the equal protection of the laws, the Attorney General is authorized to institute for or in the name of the United States a civil action or other proceeding for preventive relief, including an application for an injunction or other order, against any individual or individuals who, under color of any statute, ordinance, regulation, custom, or usage, of any State or territory or subdivision or instrumentality thereof, deprives or threatens to deprive such person or group of persons of the right to equal protection of the laws by reason of race, color, religion, or national origin and against any individual or individuals acting in concert with them.

"(b) A person or group of persons shall be deemed unable to seek effective legal protection for the right to the equal protection of the laws within the meaning of subsection (a) when such person or group of persons is financially unable to bear the expenses of the litigation, or when there is reason to believe that the institution of such litigation would jeopardize the employment or other economic activity of, or might result in physical harm or economic damage to, such person or group of persons or their families.

"SEC. . The Attorney General is authorized to institute for or in the name of the United States a civil action or other proceeding for preventive relief, including an application for injunction or other order, (1) against any person or persons preventing or hindering, or threatening to prevent or hinder, or conspiring to prevent or hinder, any Federal, State, or local official from according any person or group of persons the right to the equal protection of the laws without regard to race, color, religion, or national origin, or (2) against any person or persons preventing or hindering, or threatening to prevent or hinder, or conspiring to prevent or hinder the execution of any court order protecting the right to the equal protection of the laws without regard to race, color, religion, or national origin.

"SEC. . The Attorney General is authorized, upon receipt of a signed complaint, to institute for or in the name of the United States a civil action or other proceeding for preventive relief, including an application for injunction or other order, against any individual or individuals who, under color of any statute, ordinance, regulation, custom, or usage, of any State or territory or subdivision or instrumentality thereof, deprives or threatens to deprive any person or group of persons or association of persons of any right guaranteed by the fourteenth amendment of the Constitution because such person or group of persons or association of persons has opposed or opposes the denial of the equal protection of the laws to others because of race, color, religion, or national origin.

"SEC. . The district courts of the United States shall have jurisdiction of proceedings instituted under sections ——, ——, and —— of this Act and shall exercise the same without regard to whether any administrative or other remedies that may be provided by law shall have been exhausted. In any proceeding hereunder, the United States shall be liable for costs the same as a private person.

"SEC. . Whenever a suit is brought in any district court of the United States seeking relief from the deprivation of the right of equal protection of the laws because of race, color, religion, or national origin, the Attorney General is authorized to intervene in such action with all the rights of a party thereto and to seek compliance with any lawful order issued by such district court.

"SEC. . Nothing in this Act shall be construed to impair any right guaranteed by the Constitution or laws of the United States or any remedies already existing for their protection or enforcement, nor to prevent any private individual or organization from acting to enforce or safeguard any constitutional right in any manner now permitted by law."

Mr. WILLIS (interrupting the reading of the amendment). Mr. Chairman, as we all know, this is old part III that we wrestled with and talked about so much earlier in the consideration of the bill. I ask unanimous consent that further reading of the amendment be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WILLIS. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state the point of order.

Mr. WILLIS. Mr. Chairman, we have been told time and time again that the basic bill, H.R. 8601, deals with voting rights. We have been told that the voting referee proposal adopted later as amended pivots around the 15th amendment. The amendment now tendered by the gentleman from New York deals with something other than civil rights; no civil rights are mentioned in it.

The bill talks about deprivation of equal protection of the law under the 14th amendment. The two proposals are entirely unrelated and this proposal is not germane to the bill under consideration.

Mr. Chairman, I ask therefore that the point of order be sustained.

The CHAIRMAN. Does the gentleman from New York care to be heard?

Mr. CELLER. Yes, Mr. Chairman.

The germaneness of this amendment is established by the fact that the fundamental purpose of the bill is to provide remedies for the enforcement of constitutionally guaranteed rights. Each title of the bill relates to the enforcement of a constitutional right. The very purpose of the amendment here is to provide the Attorney General with authority to enforce the constitutional rights of individuals when they are incapable of doing so themselves. This amendment would include all constitutionally-guaranteed rights and, therefore, is consistent with the fundamental purpose of the bill. We have in the bill a number of individual propositions relating to the enforcement of constitutionally guaranteed rights and here we are merely adding another proposal whereby a remedy is provided to enforce constitutional rights. Therefore, it is in accordance with the rule of germaneness since it merely adds an additional proposal to individual propositions of the same class. The class here is the enforcement of constitutional rights. The remedy provided by the amendment would include all the individual remedies provided in the bill and in addition would encompass all the other rights guaranteed under the Constitution.

The precedents in support of the germaneness of this amendment can be found in Cannon's Precedents, volume VIII, sections 3010, 3011, and 3013. These sections support the general proposition that where a bill has several propositions of the same class an amendment adding another proposition of that class is germane. The point is that the bill provides various remedies to enforce constitutional rights. The remedies are the propositions, the class is the enforcement of constitutional rights. By this amendment we add another proposition, that is, another remedy but of the same class, namely, the enforcement of constitutional rights. The whole purpose of the amendment is to authorize the Attorney General to institute civil action to enforce rights guaranteed by the Constitution of the United States.

The CHAIRMAN (Mr. WALTER). The Chair is ready to rule.

At this point the Chair thinks it might be well to remind the gentleman from New York that this bill relates to Federal election records. The Chair has ruled that that involves the preparation and correction of the records themselves. The only constitutional right involved in the gentleman's bill is the right to vote. Certainly, the amendment offered by the gentleman from New York goes away beyond that constitutional right. True it is that there are sections in the bill relating to other matters, but the mere fact that these sections are in the bill in nowise authorizes the extension of the basic authority.

For the reasons stated, the Chair therefore sustains the point of order.

Mr. CELLER. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Chairman, the first section authorizes civil preventive action for or in the name of the United States against those local or State officials and others acting under color of State law which deprives individuals or groups of persons of equal protection of the laws by reason of race, color, religion, or national origin. However, prior to initiating such a suit it would be necessary for the Attorney General to have received a signed complaint of such deprivation and then to have certified that in his judgment the aggrieved party or parties are unable to seek effective legal protection.

Under subsection (b), a person would be regarded as unable to seek protection when he is financially unable to bear the cost of such litigation or when he is threatened with reprisal if he institutes such a suit.

The second section authorizes the Attorney General to bring a civil action against any person or persons who attempt to prevent State or local officials from according any persons or group of persons the right to equal protection of the laws without regard to race, color, religion, or national origin or against any person or groups acting to hinder any court order protecting the right to the equal protection of the law regardless of race, color, religion, or national origin.

The third section authorizes the Attorney General upon a signed complaint to institute a civil action against any person or persons who, under color of any State or local law, deprives or threatens to deprive a person or persons or an association of persons of any right guaranteed by the 14th amendment because such person, group, or association opposed the denial of the equal protection of the laws to others because of race, color, religion or national origin.

The fourth section confers jurisdiction on the U.S. courts of proceedings instituted under sections 301, 302, and 303 without regard to the exhaustion of any administrative or other remedies. The United States is to be liable for costs in such actions the same as a private person.

The fifth section explicitly authorizes the Attorney General to intervene in cases brought by others for relief against the denial of equal protection of the law and for compliance with any lawful court order issued in such an action.

The sixth section is a preservation section to the effect that the act is not construed to impair any right guaranteed by the Constitution or laws of the United States nor to prevent any private person or group from acting to enforce any constitutional right in any manner now permitted by law.

Mr. LOSER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LOSER: Add a new section to title II on page 4 immediately following line 11, numbered section 203, as follows:

"TO PROHIBIT CERTAIN ACTS INVOLVING THE IMPORTATION, TRANSPORTATION, POSSESSION, OR USE OF EXPLOSIVES

"SEC. 203. That chapter 39 of title 18 of the United States Code is amended by adding at the end thereof the following new section:

"'§ 837. Explosives; illegal use or possession

"'(a) as used in this section—

"'"Commerce" means commerce between any State, territory, Commonwealth, District, or possession of the United States, and any place outside thereof; or between points within the same State, territory, or possession, or the District of Columbia, but through any place outside thereof; or within any territory, or possession of the United States, or the District of Columbia;

"'"Explosive" means gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuses (other than electric circuit breakers), detonators, and other detonating agents, smokeless powders, and any chemical compounds or mechanical mixture that contains any oxidising and combustible units or other ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound or mixture or any part thereof may cause an explosion.

"'(b) Whoever transports or aids and abets another in transporting in interstate or foreign commerce any explosive, with the knowledge or intent that it will be used to damage or destroy any building or other real or personal property for the purpose of interfering with its use for educational, religious, charitable, residential, business, or civic objectives or of intimidating any person pursuing such objectives, shall be subject to imprisonment for not more than one year, or a fine of not more than $1,000, or both; and if personal injury results shall be subject to imprisonment for not more than ten years, or a fine of not more than $10,000, or both; and if death results shall be subject to imprisonment for any term of years or for life, but the court may impose the death penalty if the jury so recommends.

"'(c) The possession of an explosive in such a manner as to evince an intent to use, or the use of, such explosive, to damage or destroy any building or other real or personal property used for educational, religious, charitable, residential, business, or civic objectives or to intimidate any person pursuing such objectives, creates rebuttable presumptions that the explosive was transported in interstate or foreign commerce or caused to be transported in interstate or foreign commerce by the person so possessing or using it, or by a person aiding or abetting the person so possessing or using it: *Provided, however,* That no person may be convicted under this section unless there is evidence independent of the presumptions that this section has been violated.

"'(d) Whoever, through the use of the mail, telephone, telegraph, or other instrument of commerce, willfully imparts or conveys, or causes to be imparted or conveyed, any threat, or false information knowing the same to be false, concerning an attempt or alleged attempt being made, or to be made, to damage or destroy any building or other real or personal property for the purpose of interfering with its use for educational, religious, charitable, residential, business, or civic objectives, or of intimidating any person pursuing such objectives, shall be subject to imprisonment for not more than one year or a fine of not more than $1,000, or both.

"'(e) The analysis of such chapter is amended by adding at the end thereof the following new item:

"'837. Explosives: illegal use or possession.

"'This section shall not be construed as indicating an intent on the part of Congress to occupy the field in which this section operates to the exclusion of a law of any State, territory, Commonwealth, or possession of the United States, and no law of any State, territory, Commonwealth, or possession of the United States, which would be valid in the absence of the section shall be declared invalid, and no local authorities shall be deprived of any jurisdiction over any offense over which they would have jurisdiction in the absence of this section.'"

Mr. LOSER (interrupting the reading of the amendment). Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with.

Mr. HALLECK. Mr. Chairman, reserving the right to object, has that amendment been printed at any place? Is it in printed form so that we can see it?

Mr. LOSER. I might say to the distinguished gentleman from Indiana that this is substantially the amendment that was adopted in the other body offered by the Senator from New York [Mr. KEATING] and it carries the technical amendments offered by the Senator from North Carolina [Mr. ERVIN] and that has been printed in the RECORD.

Mr. HALLECK. I withdraw my reservation of objection, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. LOSER. Mr. Chairman, this amendment is applicable to title II of the bill appearing on page 3 of H.R. 8601. I am sure you will recall that section 201 of title II refers to any person who moves in interstate commerce after having dynamited any building or structure or place used for religious or educational or business purposes, including residential purposes.

Now, the amendment goes one step further and provides that whoever transports or aids or abets in the transportation of explosives in interstate commerce with the knowledge or intent that it will be used to damage or destroy any of these buildings, it will become a Federal offense.

Now, we have in this amendment a rebuttable presumption and I would like to call attention to that so that the Members of the House, when they go to vote upon this amendment, will understand that the presumptions contained in the amendment are comparable to the presumptions found in the Lindbergh Act; that is, it provides that any person who transports or aids or abets in the transportation of dynamite interstate with the intent to damage or destroy any building, structure, or place shall be presumed to be the person who transported such explosive. And, I might say to the Members of the Committee that much of this activity on the part of irresponsible persons has been going on throughout the Nation.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. LOSER. I yield to the gentleman from New York.

Mr. CELLER. Do I understand, in the main, that in addition to removing and crossing State lines after a bombing, which under the bill as now written is a crime, your amendment also makes bombing itself a Federal crime?

Mr. LOSER. No, it does not, sir. It simply provides that a person transporting explosives interstate with the intent to damage or destroy any property, real or personal, shall be guilty of a Federal offense.

Mr. CELLER. I was just querying without expressing an opinion one way or the other. Do you think that authority rests in the Federal Government to establish such a crime?

Mr. LOSER. I have no doubt about it, Mr. Chairman. If there has been a dynamiting in one State of the Union and that person moves in interstate commerce, the commerce clause is the basis of the jurisdiction of the Congress in this field of legislation.

Mr. CELLER. Where would the culprit be tried under the gentleman's amendment?

Mr. LOSER. Under general law the jurisdiction would be in the judicial district in which the offense was committed.

Mr. CELLER. Would there be jurisdiction in the judicial district of the State to which the culprit has fled, likewise?

Mr. LOSER. There certainly would not be. There is a provision in the amendment that provides that the act shall not be construed as indicating an intent on the part of Congress to occupy the entire field. It negatives any idea of preemption.

Mr. CELLER. Then it would be more or less a purely Federal crime and the culprit could be tried either in the place where the dynamiting took place or in the place to which he fled?

Mr. LOSER. It does not provide for jurisdiction in a Federal court in the district to which he has fled. It provides for jurisdiction in the district where the offense was committed.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. LOSER. I yield to the distinguished gentleman from Florida.

Mr. CRAMER. Mr. Chairman, I congratulate the distinguished gentleman on his amendment and I rise in support of it. I introduced a similar bill and we had hearings on it before our subcommittee. The principal objection that was raised was that this creates a prima facie presumption that the explosives were carried in interstate commerce. I cannot understand the Attorney General objecting to a bill that calls for a prima facie presumption that it was transported in interstate commerce when he is willing to accept a conclusive presumption under the referee section.

I think the Committee should accept the amendment.

Mr. LOSER. I thank the distinguished gentleman from Florida.

Mr. EVINS. Mr. Chairman, will the gentleman yield?

Mr. LOSER. I yield to the distinguished gentleman from Tennessee.

Mr. EVINS. I, too, would like to congratulate the gentleman on offering this amendment. I think it is a salutary one. We have had bombings of Jewish synagogues in Atlanta, in Oak Ridge, schools in Nashville and other places throughout the country. I cannot see how anyone would oppose such an amendment and I hope that it will be adopted.

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. LOSER] has expired.

Mr. COLMER. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

Mr. BOW. Mr. Chairman, reluctantly I have to object.

Mr. COLMER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I must confess, in rising to oppose this amendment, I do so because I am not clear in my mind just what the gentleman had in mind. That is why I asked unanimous consent that he proceed for some additional time.

So far as I am personally concerned I am opposed to the whole section, not because I am in favor of dynamiting; I abhor it as much as anybody else. But I am constitutionally and philosophically opposed to further centralization of the power in the Federal Government at the expense of the States. There is not a State in the Union that does not have a law against unlawful dynamiting of a building or any other public or private property, whether it be a church, or what not.

Mr. LOSER. Mr. Chairman, will the gentleman yield?

Mr. COLMER. I gladly yield to my very good friend. That is exactly why I tried to get the gentleman some additional time.

Mr. LOSER. Mr. Chairman, I have great admiration and respect for the distinguished gentleman from Mississippi and I subscribe wholeheartedly to most of his political philosophy. I have joined with him during these days in this debate on this so-called civil rights bill. I am opposed to centralization of power in the Federal Government. But it is agreed, I believe, by almost everyone that these terrible crimes that have taken place all over the Nation during the last 2 or 3 years did not originate in the State where the offense occurred; but gunmen and gangsters, goons, and hoodlums move across the face of this country tossing dynamite into the homes of innocent people, destroying synagogues, businesses, churches, and schools. I think, when such a situation arises, that it is a proper field for the intervention of our Federal Government.

Mr. COLMER. Now will the gentleman permit me to ask what his amendment does that is not provided in the bill here that he proposes to amend?

Mr. LOSER. I would say to the gentleman that title II of the bill reported by the committee makes it a Federal offense for a person to dynamite or attempt to dynamite a building or a structure or a place and thereafter move in interstate commerce.

Mr. COLMER. Before he starts to move in interstate commerce, are there not State statutes now to make it a crime to dynamite these same buildings?

Mr. LOSER. There certainly are.

Mr. COLMER. But the gentleman would go further and have the Federal Government come in, as the bill does, but the gentleman would go a step further, if I understood his original statement correctly, and make it prima facie that if he were in flight from one State to another he dynamited it for that purpose? Is that correct?

Mr. LOSER. That is substantially correct?

Mr. COLMER. May I say to the gentleman, because he has been very complimentary about me, that I certainly feel the same way about the gentleman. I am sure he knows it, because I find him basically sound in 99 percent of the cases, at least. However, I must say to the gentleman, much as I admire him, I cannot go along with that political philosophy because I just do not believe in further centralizing power in the hands of the Federal Government. I hope the gentleman will forgive me for differing with him.

Mr. LOSER. I am exceedingly sorry that the distinguished gentleman from Mississippi cannot go with me in this one direction. I have gone along with him right along on most of the things he advocates.

Mr. COLMER. The gentleman will find me with him generally. In fact he has made a splendid contribution in opposition to all other portions of the pending "civil wrongs" bill.

Mr. LOSER. I am sure we are generally in accord, but I hope he does not lead his other comrades to go with him.

Mr. COLMER. I am sure that I have thoroughly demonstrated that I cannot lead anyone on this issue.

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. WALTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, had come to no resolution thereon.

URGENT NEED FOR HOUSING LEGISLATION

Mr. PORTER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. PORTER. Mr. Speaker, this morning's Wall Street Journal reports that "the scarcity and high cost of mortgage money continue to curb housing demand."

Housing starts in February were down 8 percent from January and down 20 percent from February 1959 on the seasonally adjusted annual rate. New orders at west coast lumber mills, according to the Wall Street Journal, "have trailed productions for 9 of the past 10 weeks, and mills' inventories stand 21 percent above a year ago."

These facts are large handwriting on the wall not only for the lumber industry but for the whole immense and important housing industry.

The Raines bill, H.R. 10213, is designed to remedy the "scarcity and high cost of mortgage money" by making a billion dollars available for the FNMA special assistance program. This legislation was approved recently by a vote of 18 to 7 in the Banking and Currency Committee.

The bill is now before the Rules Committee. It is my hope that action there will be prompt and favorable.

LIBRARY SERVICES ACT

Mr. WOLF. Mr. Speaker, I ask unanimous consent to extend my remarks in the body of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. WOLF. Mr. Speaker, yesterday I introduced H.R. 11295, a bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations.

The accomplishment of the first 3 years of this program is convincing proof of the need for its continuance. In spite of these accomplishments, Mr. Speaker, there are 900,000 people in Iowa who are without legal access to public libraries—some of them are as far as 30 to 50 miles from an adequate library. It is not difficult to understand what a traveling library means to these people.

The Iowa State Traveling Library has done a remarkable job in bringing library service to the local level in many areas of Iowa. It is continuing its efforts to: First, to secure sufficient funds to match in full the Federal funds available to Iowa; second, continue the intensive program to strengthen the quality of local library services by improving the book collections, extending the hours of opening, and so forth; and third, to improve the personnel serving local libraries by training workshops.

At this critical turning point in public library development in the State of Iowa, Mr. Speaker, it is incumbent that appropriate steps be taken to assure adequate financial support for the Iowa State Traveling Library to enable it to carry its full responsibilities to the needs of the citizens of the State. It is for this reason that I have introduced a bill to extend the authorization for appropriations under the Library Services Act for another 5 years.

This extension will permit the Iowa State Traveling Library to consolidate the gains which it has made and to develop similar cooperative programs in about one-half of the State still not reached.

In our efforts to develop leaders in the scientific race with the Communist world, who knows but that somewhere in the cornfields of Iowa there might be some young man stimulated by the services provided by the traveling library to become a great scientific leader in the tradition of Dr. Van Allen, of the State University of Iowa.

The text of my bill follows:

A BILL TO EXTEND THE LIBRARY SERVICES ACT FOR A PERIOD OF 5 YEARS

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Library Services Act (20 U.S.C. 352) is amended by striking out "four" and inserting in lieu thereof "nine."

NATIONAL CONSTITUTIONAL CRISIS—SECOND SEQUEL

Mr. ALFORD. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ALFORD. Mr. Speaker, in a statement to the House in the RECORD of March 14, I included an incisive legal analysis of the constitutional stand proposed for Virginia in the form of an editorial in the February 18, 1960, issue of the Pioche Record of Pioche, Nev., a well-known western weekly newspaper.

In a sequel in the RECORD of March 15, I quoted one of the Virginia measures, house joint resolution No. 44. Its purpose was restatement of the line of demarcation between the powers conferred upon the United States and those reserved to Virginia and her sister States.

A companion measure, house bill No. 407, aimed at stating the policy of Virginia with respect to autocratic assumption of authority on the part of members of the Supreme Court and their attempted application of usurped power to the law of Virginia.

In these two measures, introduced in the General Assembly of Virginia, we have the first technically and legally correct efforts to apply the law as provided in the Constitution to the menace that now threatens our liberty as a free and sovereign people. After hearings that were notable for the range of experience and stature of the authorities presented before the committee on Federal relations, both measures were reported out.

House joint resolution 44 passed the house of delegates and was referred to a committee in the State senate; house bill 407 was referred in the house.

In order that the provisions of house bill No. 407 may be available throughout the Nation and more widely understood, the text follows:

HOUSE BILL NO. 407

A bill to state the policy of the Commonwealth of Virginia with reference to the autocratic assumption of authority on the part of members of the Supreme Court and their attempted application of usurped power to the law of this State

Be it enacted by the General Assembly of Virginia:

That on April 15, 1783, under the terms of the treaty of peace at the end of the Revolutionary War it was acknowledged and confirmed that the Commonwealth of Virginia was a "free sovereign and independent" State. Thereafter, on June 26, 1788, the State of Virginia confirmed and ratified, together with other "free sovereign and independent" States, that certain compact and agreement known as the Constitution of the United States, under which there were constituted three separate and distinct agencies of government, each with clearly defined and strictly limited powers.

Each of the parties signatory to this agreement had its established form of government with executive and legislative branches, a full judicial system, as well as military and police power organizations together with the unlimited right of each to make and enforce its own laws.

Under article I of this agreement there were constituted the legislative, under article II the executive, and under article III the judicial, departments of government in which the limits of their authority were clearly defined.

All "legislative powers" therein "granted" were conferred upon the Congress. The power conferred upon the judicial department was limited to "judicial power" and all powers not delegated were expressly reserved to the States or to the people.

This limit to "judicial power" denied the United States Supreme Court any and all legislative power. It was given no power to alter any law, or to amend or enlarge any of the constitutional provisions, either by direct decree or indirectly by any other order or decision or device.

Therefore, the action taken by the Justices of the Supreme Court of the United States, in the case of Davis against the County School Board of Prince Edward County, is beyond any authority conferred upon the Court by the Constitution, in that the members of the Court acted beyond the prescribed limit of judicial authority. Accordingly, their proceedings are not an authorized act of the Supreme Court but merely the act of members of the Court, and are hereby declared to be unauthorized, and unconstitutional, invalid, and not the law within the jurisdiction of this State.

The General Assembly of Virginia further declares that what is purported to be a ruling of the United States Supreme Court in *Brown* v. *Board of Education et al.* is not a constitutionally authorized ruling of the Court, and hence is unconstitutional, invalid and not law within the jurisdiction of this State. The ruling is beyond the authority granted, in that the members of the Court have attempted to exceed their constitutional power which is limited under the provisions of article III to "judicial power." The ruling, if validated by this State, would be in denial of the established rule of law, that the intent of those who framed and adopted the Constitution or the amendments thereto must govern in its construction. Furthermore, such approval by the parties signatory would be an attempt to give a legal effect to the ruling as if it were in effect an amendment to the Constitution of the United States, which to be valid must have the approval of three-fourths of the States.

The General Assembly of Virginia declares that in issuing unauthorized decrees which interfere with the administration of the laws and the constitution of this Commonwealth, in relation to its public schools, and in seeking to enforce such decrees with court orders and injunctive writs, the Court's proceedings are in violation of section I of article I and section I of article II of the Constitution of the United States, are unconstitutional, invalid, and not law within the jurisdiction of this State.

The General Assembly of Virginia further declares that the Justices of the Supreme Court, in concert with members of the Federal district courts of the United States, have proceeded in violating section 2 of article III of the Constitution of the United States, in abdicating their constitutional responsibility and duty under said section, to try all cases in which a State shall be a party, and in procuring the usurpation of that power by members of the Federal district courts; and that therefore those acts are unconstitutional and are invalid and not law in this State.

It has heretofore been considered that due restraint would voluntarily be exercised by the agencies of the Government so created, and especially by the members of the Supreme Court, to the end that they would confine their areas of activity and procedure and their rulings, strictly within the limits fixed under the Constitution and within the authority defined therein so as to be in accord with its fixed requirement that they and each of them, "shall be bound by an oath to support this Constitution."

The necessity for this action now being taken by this State, is occasioned by such flagrant disregard of the fixed constitutional limitations binding upon the Supreme Court, that their lack of restraint has been made the subject of criticism, not only by outstanding jurists, but by a resolution of the association of the heads of the supreme courts of all the States of this Nation, by leading bar associations, and by outstanding members thereof.

These criticisms are not only leveled at the failure of the Court to exercise proper restraint in recognition of the limits of its authority but they also are directed at decisions which question the power of the Government of the United States to defend itself from enemies within the country, acting in alliance with enemies outside the country, which action thwarts the agencies concerned with the defense of the country from these enemies.

The government of this State has exhausted all possible means of arriving at a solution to this problem without the exercise by this State of the reserved powers to defend the State from the unlawful actions of the Supreme Court and we must now proceed in accordance with the actions herein taken, to the effect that unlawful unauthorized procedures of the members of the Court, which represent a usurpation of power which clearly is not accorded to them under the compact, binding and limiting their conduct, will not be recognized as law within the jurisdiction of this State.

This action of the State, is notice (1) to the other governments which are signatory parties, along with the government of this State, to the compact known as the Constitution of the United States; (2) to the agencies and the departments thereof generally known as departments of the Federal Government, and which have been constituted under this agreement; and (3) to those persons who have been selected to occupy and who now occupy the positions, and who have accepted the obligations to perform the duties, as defined and limited in said compact.

A BILL TO HELP SMALL BUSINESS

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, on January 25, 1960, and again on March 16, 1960, I addressed the House and discussed various legislative proposals which have been made to help small business. In the statement I made January 25, 1960, I referred to the fact that the Federal Trade Commission, in reporting on practices and conditions in the food industry, stated that there have developed tendencies to concentration of economic power, to collusive price action, and to unfair competitive methods. In that connection, Hon. John W. Gwynne, then Chairman of the Federal Trade Commission, in announcing that the Federal Trade Commission would study the situation said:

> We want to know why the industry is getting so tough for the smaller operator. • • • The trend seems to be to eliminate the small man entirely.

Subcommittee No. 5 of the House Small Business Committee directed its attention and study to this situation. We held extensive hearings and received a large amount of testimony and other evidence on the integration practices, financing of small business, and the economic significance of the concentration of economic power in food distribution.

We heard from all segments of the food industry, including processors, wholesalers, retailers, and farmers. From all of this information we developed a broad picture of the small business problems in food distribution. We heard almost 100 witnesses and built up a printed record of some 2,000 pages. Out of this mass of information emerged a showing of the need for legislation to help small business. We were shown that approximately 40 percent of food retailing has become concentrated under the control of a few chain food retailers. We were told that this tremendous hold of the retail food market was not helping the consumers, but was adversely affecting competing small business concerns and farmers. Producers of fruits, vegetables, and livestock are said to be suffering from this concentration of economic power. We were told that their markets are being closed to them except through the marketing facilities of the large chain food retail concerns which arbitrarily determine marketing practices and pricing. Our Denver, Colo., hearings showed that large chain food retailers are getting into the production, preparation, and distribution of meat food products. They are proceeding from that position backward through the integration of the processing, slaughtering, and even the feeding of cattle to a control of marketing, with the result that producers are being denied the benefits of competition in the marketing of livestock.

Representatives of small meat packers, feed lot operators, ranchers, and many other businesses testified that the practices of large food retailers in integrating the retailing with the feeding, slaughtering, and packing of meat food products are destroying small and independent business enterprises and competitive markets for those products. In that connection, it was pointed out that the strongest argument now being put forward by the large packers for relief from the provisions of the meatpacking decree of 1920 is the fact that the large food retailers are integrating backward into the meatpacking business. In that connection, I stated on the record during the course of our hearings in Denver that if the basic and fundamental principles which brought about that consent decree were sound, and we must believe they were sound—they remained in operation for many many years, and were, therefore, in the public interest—it would seem to me a poor excuse to upset them simply because someone else in the other direction was going forward to accomplish the same thing. And my question would be, Would it be unreasonable to think that should the 1920 consent decree be reversed, or be obliterated, that there would also be the great danger that that would be the opening door for an amalgamation of the chainstore and the large packer to accomplish exactly what was prohibited in 1920?

In view of these circumstances I have proceeded to introduce several bills designed to help small business. One of those bills introduced on January 25, 1960, was H.R. 9897. Section 1 of that bill would make it unlawful for large chain food retailers to engage in the meatpacking business, and, also, would keep the large packers from engaging in the retail food business. Section 2 of the bill provided for the marketing of livestock for slaughter on the basis of competitive bids made openly and publicly. That provision was designed to operate against large buyers taking advantage of livestock producers through pressure exerted at private negotiations. A number of our colleagues introduced identical bills because they felt these objectives were worthwhile.

In recent weeks, representatives of large ranches and feed lot operators have talked with me about the second provision of H.R. 9897. Some of them have told me that they have arrangements with large meatpackers which extend over a period of several months and pursuant to the terms of which the large meatpackers take the cattle from the feedlots as they are finished as fat cattle. They stated they believed section 2 of H.R. 9897 would interfere with these arrangements.

In view of these representations, I have had several discussions with colleagues who became interested in this matter, one of whom is the gentleman from South Dakota [Mr. McGOVERN]. Following these discussions and their suggestions, I am today introducing a bill which is a revision of H.R. 9897 in that the bill I am introducing today contains only one provision. It is the provision making it unlawful for large chain food retailers to engage in the meatpacking business, and making it unlawful for the large meatpackers to engage in the business of operating retail food stores.

The bill would accomplish this purpose through an amendment to the Packers and Stockyard Act of 1921 so as to make it unlawful for any packer or any other person engaged in the business of manufacturing or preparing livestock products or in the wholesale marketing of meats, meat food products, livestock products, and so forth—when such person, during the immediately preceding calendar year, enjoyed gross sales of more than $10 million—to engage in the business of selling at retail any such products.

VOICE OF AMERICA SPANISH LANGUAGE BROADCAST TO LATIN AMERICA

Mr. SELDEN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. SELDEN. Mr. Speaker, for some time now I have urged the use of radio broadcasts to beam the facts to Latin America. I was glad to learn that the Voice of America has resumed Spanish-language broadcasts to the area. As of yesterday, hour-long broadcasts, including newscasts, a 5-minute commentary, a 10-minute feature, and a music program will be broadcast by shortwave nightly.

With the high illiteracy that prevails in some areas of Latin America, it is important that facts be presented to people who rely on the spoken word for information. Where there is an intentional distortion in reporting events, such as is occurring presently in Cuba, it is especially urgent that unvarnished truths be made available.

It is generally recognized, however, that shortwave broadcasts can have only marginal value. In the Caribbean area, for instance, only about 10 percent of the radio sets are equipped to receive shortwave. Yet it is imperative that all those who have an interest in developments in that tense region be truthfully informed of U.S. policies.

In order to be effective, Voice of America broadcasts will have to be made on mediumwave bands. I am gratified that the executive department is making a thoroughgoing effort to get such broadcasts under way by means of commercial radio stations. I understand that a number of serious technical problems have been encountered, such as the paucity of stations with sufficient power capabilities and the necessity for a clear frequency.

Should the Voice of America be unable to find suitable commercial facilities for broadcasting to Latin America, I am confident that Congress will be prepared to assist in alternative proposals for getting the true facts over the airwaves to our neighbors to the south.

UNIQUE ETIQUETTE FORUM STAGED FOR AIRMEN'S WIVES

Mr. ROBISON. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. CONTE] may extend his remarks in the body of the RECORD and may include certain extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CONTE. Mr. Speaker, I rise to bring to the notice of my respected colleagues an event which offers evidence that good community citizenship is also good business.

In my own district in Massachusetts we are proud to have fostered some of the Nation's leading industries, both large and small, which take their stature and dignity from the strength of character of those who manage them and those who make them productive.

We are proud also that our area was chosen for a vital national purpose the creation of a huge bastion of our national defense, the Westover Air Force Base, a major establishment of our Strategic Air Command.

Here, many thousands of trained men have been assembled to keep the air above us inviolate from assault. Here they have brought their families from all parts of our Nation, people of diverse backgrounds and cultures to the extent that Americans happily conform to no rigid molds of uniformity in their tastes and interest. But they are agreed on one deeply felt precept—their love for their country and their determination that it shall remain free. There can be no better proof of that mutually held conviction than their presence in our community.

Their devotion is not to be measured alone by the dedication of the men who are in the air every hour of the day, never flagging in their watchfulness, committed to the unspoken perils that face every soldier.

It is to be measured also by the sacrifices of their families in accepting quietly the dislocations of family life as they move from the homes they have always known to other parts of the country—and, as often, to other parts of the globe even more strange.

It can therefore be said of the wives and children of our airmen, "They also serve."

A token of its obligation to them has been given evidence this week by one of the industries long established in the district I have the privilege to serve.

The organization is the White & Wyckoff Manufacturing Co. in Holyoke, Mass., which for 80 years has been providing the Nation with writing papers and allied products of traditionally high New England quality. The president, Mr. Edward P. White, is a man aware of his New England heritage and its long history of setting up standards and pace for the Nation to follow. This pertains not to products alone but also to human relations and values.

This week Mr. White sent a "buslift" to the Westover Air Force Base to gather up 100 wives of airmen as guests for the day of himself and his organization. They were brought first to the plant for an instructive tour of its facilities—an enlightening lesson in the miracles of the American manufacturing processes.

They were then similarly transported to the Roger Smith Hotel in Holyoke, where a function was arranged to reinforce them in the patterns of American family living, to which they strive to adhere as mothers, wives, and homemakers.

Prepared for them was an event bringing into focus these gracious attributes which they had never lost in the frequent packings and movings. They were brought into an "etiquette forum," unique in the respect that it reflected the changing patterns of manners and graces in the world of change they know so well. The forum was expertly conducted, for thoughtful provision had been made in that respect. The ladies also were guests of Mr. White and his company for tea and refreshments. They were given gift packets, and other evidences of New England hospitality were extended.

The hundred ladies did not represent an impressive portion of the market of their host, and they are unlikely to influence its prosperity. But Mr. White has not concealed the fact that they do bear some relationship to the nature of his company's production, for they are, as service wives, "the writingest women in the world."

The Etiquette Forum, its sponsor believes, will not by itself change the face of our national defense posture to the smallest degree. But if multiplied as a gesture by the hundreds of American communities which harbor defense establishments, it will improve greatly the hospitality extended to the families of servicemen.

Mr. White and his company have, to the extent that individual action is possible, raised the H.Q.—the happiness quotient—of one American community, making it a more healthy and attractive place for people and new industries to live.

Essentially, we do not live in a Nation so much as we do in one of its communities. If the needs and obligations of each community are met with an adequate sense of responsibility, assumed by a requisite number of citizens in each, the unity and security of our whole Nation are amply assured.

DOUBLE IMMIGRATION QUOTA

Mr. MACDONALD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MACDONALD. Mr. Speaker, I want to take this opportunity to commend President Eisenhower for his recent proposal to eliminate some restrictive and discriminatory features contained in the present immigration and nationality law.

In his special message to Congress on March 17 the President urged Congress to double the annual quota for immigration into this country and also authorize entrance of refugees above the quota limits. His proposals base the formula for limiting immigration on the 1950 census until the results of the 1960 census is available. Presently the outmoded census of 1920 is used. The President also urged that the total number of immigrants be put at one-sixth of 1 percent of the total U.S. population. This would increase the quota system from the present 154,657 to an estimated 300,000 when the 1960 census is completed.

Under the present law, immigration quotas for most foreign countries are based on a percentage of people of the same race and ethnic group making up the U.S. population. The President urged abandonment of this concept, and substituting as the base the number of immigrants actually accepted from each country between 1924 and 1959. The President also proposed that immigration quotas not fully used by some countries should be redistributed among countries in which the number of applicants for immigration exceeded the quota limit. In addition to liberalizing the regular immigration quotas, the President urged that Congress provide for the admission into the United States of refugees from oppression and persecution due to race, religion, political upheaval, or national calamity.

Mr. Speaker, I would like to point out that I have introduced an immigration bill designed to carry out the President's recommendations. We in the United States know that our population stems from many races, groups, and religions. It is also clear beyond dispute that our country has developed and prospered because we have made it a practice to offer a welcoming hand to substantial numbers of immigrants who were seeking freedom and equal opportunity. Our moral and material advancement has been due principally to the fact that we have had a liberal and progressive immigration policy. That liberal immigration policy, which allowed my ancestors to come to this country must be renewed if this country is not to lose an essential source of its great invigorating strength.

I would like to point out that the Eighth Congressional District of Massachusetts, which I have the privilege of representing, has a large number of naturalized American citizens, who find it impossible to bring into this country other members of their families from countries in southern Europe. This is unquestionably due to the discriminatory provisions of the McCarran-Walter Act of 1952.

The discriminatory nature of the McCarran-Walter Immigration Act, its injustices against naturalized American citizens and its restrictions upon immigration is generally recognized. But the McCarran-Walter Act is still on our statute books. I had hoped that during the 1st session of the 86th Congress some action would be taken to revise this act. As a matter of fact, in both the 84th and 85th Congresses I introduced legislation to revise and recodify our immigration and naturalization laws and replace the McCarran-Walter Act. These measures called for the abolition of the national origins quota system with its illogical, undemocratic, unrealistic, discriminatory racial inferiority provision. I felt that the way to improve this system was to abolish it and to adopt a fundamental immigration policy for our country which would select immigrants on the basis of their individual worth and not place primary importance on the geographical area of their birth.

Mr. Speaker, the McCarran-Walter Act permits immigration to this country by those who do not wish to do so while it denies that right to those who have both the need and desire to relocate in the United States. All one has to do is to look at the record and they will see that of the total McCarran-Walter Act quota, almost 42.2 percent goes to Great Britain and Northern Ireland, and this allotment goes largely unused. Germany has a quota of 16.7 percent; Eire—Ireland—11.5 percent. Italy has 3.6 percent of the total quota, less than Poland, with 6.2 percent. I would like to point out that between 1900 and 1910, 2,045,877 immigrants from Italy entered the United States, an average of over 200,000 per year. The act of 1921 decreased this amount to 42,000 per year and under the national origins formula of the McCarran-Walter Act this figure was further reduced to 5,645. During the 1900 to 1910 period over 167,000 Greeks migrated to this country, an average of over 16,000 a year; under the McCarran-Walter Act 308 Greeks are entitled to enter the United States each year.

It is apparent to every observer of the Italian and Greek situations that significant increases in the number of people who migrate from these countries—in the case of Italy as many as 200,000 per year for a 10-year period—are essential if they are to continue their economic recovery and to take their proper places with the countries of the free world. Therefore, it is imperative that the bill I have introduced be enacted into law at the earliest possible moment, in order that the unused quota allowances for countries such as Great Britain and Germany could be used by southern European countries, such as Italy and Greece.

It is my hope that when the 86th Congress adjourns we will be able to point with pride to the fact that our present nationality quota system has been corrected; that unused quotas are being reallocated; mortgaged quotas canceled; citizenship rights protected and other inequities of the McCarran-Walter Act alleviated.

To accomplish this we must have greater action than has been shown by the Congress. It seems very strange to me that with the President of the United States calling for revision of our immigration law and the leadership of both political parties pledging themselves to major revision of the McCarran-Walter Act, yet all we get to date are minor revisions of the act.

Mr. Speaker, I repeat again that the time has come for a fundamental change in our American immigration policy. We cannot afford to wait any longer; we cannot allow slipshod, racially conceived and arbitrarily executed legislation to thwart both our own need for skilled citizens and the qualified alien's desire to contribute. We must agree upon a measure, such as the bill which I have introduced, that again places our immigration policy upon a level compatible with our national heritage.

The golden door, which was once wide open to all the world, including our own forbears, must not be tightly closed now by an unrealistic approach dictated in the 1920's. We can no longer avoid, as we did in that decade, the responsibilities that have been placed upon us as a leader of free nations. We must take care that our immigration policy, like every other aspect of our behavior toward foreign persons and states, reflects the genuine and durable principles of our democracy. It must be effective, and at the same time equitable; it must be orderly and at the same time flexible; and it must, above all, be motivated by that great source of our own strength, an abiding respect for the individual.

It is with all these considerations in mind that I have introduced this bill, and that I respectfully urge you to support H.R. 11287.

FAIR TRADE BILL

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. DINGELL] may extend his remarks at this point in the body of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DINGELL. Mr. Speaker, many have claimed a fair trade law would result in a small businessman's utopia. Perhaps in the total effect of such legislation there might be some slight benefit conferred on the little businessman.

However, recently the Kefauver committee has come up with some revelations which are highly significant in showing that not only does the fair trade bill now pending offer danger to the consumer but it tends to restrict sales and actually encourages price cutting.

First, it becomes clear that the real purpose of fair trade is to give the large drug and pharmaceutical houses an opportunity to absolutely control marketing of pharmaceuticals at all levels, manufacturing, retail, and wholesale, and to protect the already excessive profit margins that customers must pay for drugs required to protect, conserve, and restore health.

The committee recently pointed out one drug, prednisone, could be made for 1.6 cents each, in the bottle, while the big drug houses charged the drugstore $17.90 per hundred, and the customer paid 30 cents apiece for the tablet. A small firm was selling the exact same drug to drugstores for $17 per thousand, or one-tenth what the big drug houses charged for the same drug.

The Kefauver committee computed the cost of Miltown tranquilizer tablets at seven-tenths of a cent, while the product was marketed for 5.1 cents apiece, or for a net profit after taxes of 1.2 cents per tablet, almost double the production cost.

Serpasil tablets were offered to the Government at 60 cents per thousand, while its regular price to the druggist is $39.50 per thousand.

An antiarthritic pill is sold in England for $7.53 a bottle, or about 50 percent less than its cost to Americans. American firms sell Miltown in Argentina for one-quarter of its cost in the United States.

If the fair trade bill becomes law and absolute price control is vested in the hands of pharmaceutical manufacturers these practices will be legitimatized and encouraged to the detriment of both the retail industry and the consumer.

PRESENTATION OF STATUE OF SENATOR PAT McCARRAN TO THE UNITED STATES OF AMERICA IN THE ROTUNDA OF THE CAPITOL

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that the gentleman from Nevada [Mr. BARING] may address the House for 1 minute and to revise and extend his remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BARING. Mr. Speaker, it is my privilege to extend to the Members of the U.S. House of Representatives, their staffs, both office and committee, officers of the House of Representatives and their staffs, Capitol employees, and all others who were friends of the late Senator Pat McCarran, of Nevada, a most cordial invitation to attend the presentation of the statue of Senator Pat McCarran, by the State of Nevada, to the United States of America. The ceremony will be held tomorrow afternoon, Wednesday, March 23, at 2 p.m. in the rotunda of the Capitol. Cardinal Spellman will deliver the invocation; the Chaplain of the Senate, Dr. Frederick Brown Harris, will give the benediction. The Governor of my own State of Nevada, the Honorable Grant Sawyer, will present the statue, and our Lieutenant Governor, the Honorable Rex Bell, will participate in the ceremony, together with the majority and minority leaders of the Senate, and the Nevada congressional delegation, my colleagues, Senator Alan Bible, Senator Howard Cannon, and myself.

Mrs. McCarran and members of her family will be present, and they join me in extending this invitation to those who would like to attend. No admission card is necessary. Following the ceremony, a short reception will be held in the Old Supreme Court Chamber, to which you are also cordially invited.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. MULTER, to extend his remarks in the body of the RECORD and to include extraneous matter immediately prior to the vote on the first Celler amendment in Committee of the Whole today.

Mrs. GREEN of Oregon to extend her remarks in the body of the RECORD at that point just prior to the vote on the Cramer amendment to the Celler amendment.

Mr. WOLF and to include extraneous matter.

Mr. McSWEEN, to revise and extend his remarks at that point in the RECORD before the vote on the Cramer substitute to the Barden amendment.

Mr. OLIVER.

Mr. BOW, to revise and extend remarks he made in Committee of the Whole today on the civil rights bill and to include extraneous matter in his colloquy.

Mr. PELLY, to include a resolution in his remarks made in Committee of the Whole during debate on H.R. 8601.

Mr. MEADER, to revise and extend remarks made by him in Committee of the Whole today and to include certain tables, quotations, and other extraneous matter.

Mr. BLATNIK.

(At the request of Mr. ROBISON, the following Members were given permission to revise and extend their remarks in the CONGRESSIONAL RECORD and to include extraneous matter:)

Mr. DAGUE.

Mr. ALGER.

Mr. CANFIELD.

Mr. CURTIS of Missouri.

(At the request of Mr. ULLMAN, the following:)

Mr. BURDICK.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 601. An act to authorize and provide for the construction of the Bardwell Reservoir;

S. 1712. An act to extend the application of the Motorboat Act of 1940 to certain possessions of the United States;

S. 2185. An act to provide appropriate public recognition of the gallant action of the steamship *Meredith Victory* in the December 1950 evacuation of Hungnam, Korea;

S. 2483. An act to provide flexibility in the performance of certain functions of the Coast and Geodetic Survey and of the Weather Bureau; and

S.J. Res. 115. Joint resolution authorizing the purchase of certain property in the District of Columbia and its conveyance to the Pan American Health Organization for use as a headquarters site.

ADJOURNMENT

Mr. ULLMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 31 minutes p.m.) the House adjourned until tomorrow, Wednesday, March 23, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1969. A letter from the Administrator, Foreign Agricultural Service, U.S. Department of Agriculture, transmitting a report concerning agreements concluded during February 1960 under Public Law 480, 83d Congress, pursuant to Public Law 85-128; to the Committee on Agriculture.

1970. A letter from the Comptroller General of the United States, transmitting a report on examination of the military assistance program administered by the Department of the Air Force; to the Committee on Government Operations.

1971. A letter from the Secretary of the Army, transmitting a draft of proposed legislation entitled "A bill for the relief of Dr. Henry H. Cohan," to the Committee on the Judiciary.

1972. A letter from the Secretary of the Army, transmitting a draft of proposed legislation entitled "A bill to amend section 2 of the River and Harbor Act of July 3, 1930"; to the Committee on Public Works.

1973. A letter from the Comptroller General of the United States, transmitting a report on the examination of the economic and technical assistance program for Guatemala as administered by the International Cooperation Administration (ICA) of the Department of State and its predecessor, the Foreign Operations Administration, under the mutual security program for fiscal years 1955 through 1959; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LANE: Committee on the Judiciary. House Resolution 470. Resolution providing for sending the bill H.R. 10919, with accompanying papers, to the Court of Claims; without amendment (Rept., No. 1410). Referred to the Committee of the Whole House on the State of the Union.

Mr. LANE: Committee on the Judiciary. H.R. 10978. A bill to provide for the settlement of claims against the United States by members of the uniformed services and civilian officers and employees of the United States for damage to, or loss of, personal property incident to their service, and for other purposes; with amendment (Rept. No. 1411). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LANE: Committee on the Judiciary. H.R. 4428. A bill for the relief of S. Sgt. John E. and Mrs. Caroline Almeida; with amendment (Rept. No. 1412). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 9442. A bill for the relief of Charles Bradford LaRue; without amendment (Rept. No. 1413). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DULSKI:

H.R. 11308. A bill to amend the Tariff Act of 1930 to impose a duty upon the importation of bread; to the Committee on Ways and Means.

By Mr. GREEN of Pennsylvania:

H.R. 11309. A bill to establish a Federal Recreation Service in the Department of Health, Education, and Welfare, and for other purposes; to the Committee on Education and Labor.

H.R. 11310. A bill to amend title X of the Social Security Act to provide that, without an increase in Federal participating funds, a State plan for aid to the blind may utilize a more liberal needs test than that presently specified in such title; to the Committee on Ways and Means.

By Mr. MONAGAN:

H.R. 11311. A bill to change the method of payment of Federal aid to State or territorial homes for the support of disabled soldiers, sailors, airmen, and marines of the United States; to the Committee on Veterans' Affairs.

By Mr. MOORHEAD:

H.R. 11312. A bill to amend title V of the Agricultural Act of 1949, as amended, to provide, in connection with the employment of workers from Mexico, protection against unfair competition from corporate agriculture to the American family farm, and protection for the employment opportunities of domestic agricultural workers in the United States, and for other purposes; to the Committee on Agriculture.

By Mr. PELLY:

H.R. 11313. A bill to amend title V of the Agricultural Act of 1949, as amended, to provide, in connection with the employment of workers from Mexico, protection against unfair competition from corporate agriculture to the American family farm, and protection for the employment opportunities of domestic agricultural workers in the United States, and for other purposes; to the Committee on Agriculture.

By Mr. ROOSEVELT:

H.R. 11314. A bill authorizing an appropriation for the construction of a nonsectarian chapel and shrine as a memorial to Dr. George Washington Carver, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 11315. A bill to amend the Packers and Stockyards Act, 1921, to strengthen independent competition by providing for competitive enterprise in the retail sales of meat, meat food products, livestock products, and other food items; to the Committee on Agriculture.

By Mr. McGOVERN:

H.R. 11316. A bill to amend the Packers and Stockyards Act, 1921, to strengthen independent competition by providing for competitive enterprise in the retail sales of meat, meat food products, livestock products, and other food items; to the Committee on Agriculture.

By Mr. CAHILL:

H.R. 11317. A bill to amend section 1461 of title 18 of the United States Code with respect to the mailing of obscene matter, and for other purposes; to the Committee on the Judiciary.

By Mr. KILDAY:

H.R. 11318. A bill to provide that those persons entitled to retired pay or retainer pay under the Career Compensation Act of 1949 who were prohibited from computing their retired pay or retainer pay under the rates provided by the act of May 20, 1958, shall be entitled to have their retired pay or retainer pay recomputed on the rates of basic pay provided by the act of May 20, 1958; to the Committee on Armed Services.

By Mr. PERKINS:

H.R. 11319. A bill to provide that in determining the amount of retired pay, retirement pay, or retainer pay payable to any enlisted man, all service shall be counted which would have been counted for the same purposes if he were a commissioned officer; to the Committee on Armed Services.

By Mrs. SULLIVAN:

H.R. 11320. A bill to amend section 491 of title 18, United States Code, prohibiting certain acts involving the use of tokens, slugs, disks, devices, papers, or other things which are similar in size and shape to the lawful coins or other currency of the United States; to the Committee on the Judiciary.

By Mr. WILSON:

H.R. 11321. A bill for the relief of certain defense-related company employees who performed services during 1953, 1954, and 1955 on a temporary duty basis in the area of Edwards Air Force Base, Calif., or Air Force Plant 42, Palmdale, Calif.; to the Committee on Ways and Means.

By Mr. PERKINS:

H.J. Res. 657. Joint resolution making technical corrections in certain provisions of title II of the Social Security Act, as amended by the Social Security Amendments of 1958; to the Committee on Ways and Means.

By Mr. FLYNN:

H. Con. Res. 639. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. O'HARA of Illinois:

H. Con. Res. 640. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. FORAND:

H. Res. 483. Resolution providing for the consideration of the bill H.R. 4700; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FORRESTER:

H.R. 11322. A bill for the relief of Col. Joseph A. Nichols; to the Committee on the Judiciary.

By Mr. JACKSON:

H.R. 11323. A bill for the relief of Ernest Lee (Lee Ming-Sing); to the Committee on the Judiciary.

By Mr. JOHNSON of California:

H.R. 11324. A bill for the relief of Mrs. Elaine R. Klassy; to the Committee on the Judiciary.

By Mrs. KEOGH:

H.R. 11325. A bill for the relief of Mrs. Mary Kaye; to the Committee on the Judiciary.

H.R. 11326. A bill for the relief of Fay Cisneros; to the Committee on the Judiciary.

By Mr. SCHENCK:

H.R. 11327. A bill for the relief of Chauncey A. Ahalt; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

389. Mr. GROSS presented a petition of 16 residents of Riceville, Lime Springs, and Cresco, Iowa, in favor of payment of a pension to World War I veterans as stipulated in H.R. 9336, which was referred to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

Imports of Lambs and Sheep

EXTENSION OF REMARKS
OF
HON. ROMAN L. HRUSKA
OF NEBRASKA
IN THE SENATE OF THE UNITED STATES
Tuesday, March 22, 1960

Mr. HRUSKA. Mr. President, in view of the import statistics in the last 2 or 3 years as compared with previous years, it is not difficult to realize that the sheep industry is justifiably alarmed and distressed at the serious threat to continued existence in the United States. My State of Nebraska is among those that are so concerned.

The sheep and wool industry is a vital one to the well-being of this country. Sound national policy would dictate that such measures as are available be taken to assure survival of the growing of sheep and the production of wool within the United States, and the avoidance of a situation of being totally dependent on imports for our supplies.

Steps in the direction of either tariff rates revision or of quotas on imports can be taken only through action before the Tariff Commission and a recommendation by it which will later be acted upon by the President.

Hearings before that Commission on this subject are currently in progress.

Among the witnesses who have been called to testify on the current and specific statistics, especially as they apply to Nebraska and Wyoming, are Charles Jones, of Huntley, Wyo., president of the North Platte Valley Lamb Feeders Association; J. F. (Pat) King, of Morrill, Nebr.; and Lowell Wilkes, of Scottsbluff, Nebr.; who are members of that association.

It is from witnesses as these that the real, brutal impact of imports on the domestic industry will be clearly and forcefully presented and portrayed.

As a preliminary to their more specific and authoritative presentation, the Senator from Nebraska personally appeared before the Tariff Commission earlier today to present a statement on this general subject.

Mr. President, I ask unanimous consent that there be printed in the RECORD the statement to which I refer.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR ROMAN L. HRUSKA BEFORE THE U.S. TARIFF COMMISSION ON LAMB AND MUTTON IMPORTS INTO THE UNITED STATES

I appreciate this opportunity to appear before the U.S. Tariff Commission on the subject of lamb and mutton imports into the United States.

The prompt scheduling of this hearing on your own motion following the application of the National Wool Growers Association and the National Lamb Feeders Association was gratifying to all who are concerned with and affected by the growing competition from lamb and mutton imports facing this industry.

Much attention has been justly devoted to this recent development by the press and trade journals. It is abundantly clear that the industry is genuinely alarmed and distressed by the growing competition from abroad. Its concern with the present and prospective situation must not be ignored if our domestic production is to survive the new developments.

Under such circumstances, this hearing and the reported findings by the Tariff Commission will accomplish many good purposes. In the first place, a record will be available against which we can substantiate or dispel the apprehensions of the lambgrowers.

The alarm, by the way, over the present import situation must not be underestimated. With the information presented at hand, it is reasonable to say that the picure has changed over night. Shipments of mutton into this country increased from 17.2 million pounds in 1958 to 47.3 million pounds in 1959. Imports of lamb climbed to 9.5 million pounds last year as contrasted with 6.8 million pounds in 1958.

The total imports of lamb and mutton were more than twice as high in 1959 as in 1958, and 15 times as high as the 8-year average from 1950 to 1957.

We are told that Australia and New Zealand have immense sheep populations. These countries are seeking new markets, especially since the termination of an agreement to supply the United Kingdom market with certain quantities of lamb and mutton. Indicative of this, in addition to increases in imports of dressed lamb and mutton, last fall two shipments of live lambs, and so far this year a third, each numbering about 25,000 head, were imported from Australia.

The long-range and total meaning of these figures I will leave to those present and intending to testify. They are better versed in the economics and familiar with the statistics which pertain to this situation. They are prepared to furnish the desired analysis and evaluation which might assist you in this investigation. I will make only one, possibly self-apparent, observation. As matters now stand, such foreign production spells competition under increasingly adverse conditions for American producers.

Furthermore, we do not need to speculate as to how soon such conditions will endanger the industry generally. The growers have already experienced a sharp drop in ewe prices. Also, last fall when imports of dressed lamb were heavy, growers received 15 percent less for their lambs than the year before, which was 7 percent lower than the average for the last 5 years.

The inescapable fact is that our Australian and New Zealand competitors can deliver lamb in this country considerably lower than our production costs. Furthermore, the marginal difference cannot easily be overcome. It is estimated that, to compete with the foreign price, our producers would have to be able to raise lamb for about one-half of what it costs today. Faced with steadily rising production costs, rather than declining, this means that the industry is virtually unable to match the foreign price.

Against this background of large and continually increasing imports, the need for the industry to turn to the Tariff Commission for protection of the domestic production is clear and urgent.

With me this morning are Mr. Pat King, of Morrill, Nebr., and Mr. Lowell Wilkes, Scottsbluff, Nebr., both representing the North Platte Valley Lamb Feeders Association. They join the many others present in urging this investigation under section 7 (the so-called escape clause) of the Reciprocal Trade Agreements Act. They have prepared a thoughtful statement with the knowledge that, only upon a finding that dressed lamb and mutton and live lambs are being imported into this country in such quantities as to cause or threaten to cause serious injury to the domestic industry, can the desired relief be recommended by the Tariff Commission.

I subscribe fully to the idea that an application be made to the Tariff Commission under this provision of the act. The action of the Commission, furthermore, in recognizing the urgency of their case by setting this hearing was indeed welcomed by all of us. Through your investigation will the industry obtain a full report regarding the current situation and the expected trends of the market.

Any action taken by the Tariff Commission must be geared to the established facts of immediate or threatened injury. In this respect, the reported findings will furnish the information and lay the foundation for recommendations balancing the needs of the industry and the public at large.

I commend to your attention the statements that will be made by the representatives of the industry present here this morning.

May I urge that careful consideration be given to establishment of action affording a proper and fair measure of protection to the domestic production of this vital industry.

St. Lawrence Seaway: Engineering Marvel; Economic Fizzle

EXTENSION OF REMARKS
OF
HON. PAUL B. DAGUE
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 22, 1960

Mr. DAGUE. Mr. Speaker, an editorial appearing in the Sunday edition of the Philadelphia Inquirer, entitled "Still Waiting for Spring on the Seaway," effectively points up the one feature; namely, the 4 months' freezeup, that persuaded many of us to vote against the project when it was originally before the Congress.

The Inquirer editorial is prefaced by this observation:

'This is the first day of spring, by the calendar, but the ice is still hard along the St. Lawrence Seaway, where not a ton of ocean cargo has been moved since last December 3.

And then, to emphasize the vast difference between the seaway and a truly year-round waterway, the Delaware River, the Inquirer zeroed on the obvious shortcomings of a transportation medium that is out of service for 4 months out of every year in these words:

The St. Lawrence Seaway rates high as a product of human ingenuity, but it simply is not in the same class with the Delaware River when it comes to moving cargoes—whatever the season.

Last year, before the seaway went into deep freeze in December, it handled 20 millions tons of cargo. That's about one-fifth the tonnage on the Delaware in 1959.

Finally the Inquirer concluded with these comments:

The St. Lawrence Seaway may be an effective avenue of maritime commerce within narrow limitations, but its value and efficiency have been vastly overrated. The American people should be told more about the superior facilities provided by the Delaware River and the port of Philadelphia. And no waiting for the ice to break up in April, either.

Mr. Speaker, there is little that I can add to emphsize the facts of a situation which the quoted editorial has scored on all essential points. I want to reaffirm, however, that these facts were before the House when many of the Members voted against a project that could never be reasonably efficient and which will always constitute a two-pronged attack on Pennsylvania; namely, by bypassing the port of Philadelphia and at the same time exacting so much from our taxpayers to pay for what has turned out to be an economic disillusionment.

Johnny Kemp: 1960 National Easter Seal Child

EXTENSION OF REMARKS
OF
HON. QUENTIN BURDICK
OF NORTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 22, 1960

Mr. BURDICK. Mr. Speaker, I am privileged and proud to pay tribute today to a young fellow North Dakotan who is an inspiration to all America and especially to all children and adults who live with crippling handicaps. He is, furthermore, outstanding proof of the fact that America cares what happens to its crippled.

This young man—10-year-old John Daniel Kemp, of Bismarck, N. Dak., is the son of John B. Kemp, civil engineer in charge of the Federal roadbuilding project in western North Dakota. He is also the 1960 national Easter seal child, chosen in recognition of his almost incredible conquest of a major handicap.

Johnny was born with only stumps of arms and legs. Today, because of the combined forces of many individuals, public and private health agencies brought to bear on his rehabilitation, and because of his own indomitable spirit, Johnny Kemp plays baseball, football, and marbles. He swims, draws, and writes. He attends regular school and gets better than average grades. He is an active member of a Cub Scout troop. He is a daily communicant at his church and he has a Sunday newspaper route. He is fully accepted as one of the boys in his neighborhood. All of this he accomplishes on two artificial legs and with two hook hands. It is his ambition to be a doctor.

Johnny is in Washington to further the annual Easter seal campaign of the National Society for Crippled Children and Adults and its affiliated units in all of our States. He is working so the diversified professional services of this organization may be extended to more crippled boys and girls in addition to the quarter of a million now being helped in Easter seal treatment centers throughout our Nation. He wants to see all crippled children have the same chance at rehabilitation he has had.

In view of the fact that nearly 5 percent of our population presently can profit from care such as that provided by the Easter seal societies and because some 60,000 babies are born in this country each year with major crippling problems, and because Johnny Kemp appears here today as the representative of these millions of Americans, I therefore commend and congratulate John Daniel Kemp for his remarkable achievement in personal rehabilitation. I wish him a long and useful and rewarding life and success to the Easter seal appeal for which he is working so unselfishly.

Federal Pay Increases

EXTENSION OF REMARKS
OF
HON. LEONARD G. WOLF
OF IOWA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 22, 1960

Mr. WOLF. Mr. Speaker, I have today presented the following statement to the Post Office Committee in regard to pay increases for postal workers.

STATEMENT BY CONGRESSMAN LEONARD G. WOLF, DEMOCRAT, OF IOWA, IN SUPPORT OF A PAY RAISE FOR POSTAL WORKERS AND OTHER FEDERAL EMPLOYEES, BEFORE THE HOUSE POST OFFICE AND CIVIL SERVICE COMMITTEE, MARCH 22, 1960

Mr. Chairman, I am wholeheartedly in favor of the enactment of legislation in this session of the Congress to provide a pay raise for our postal and other Federal employees. The wages of these employees should, without question, be brought up to the level of private industry for work requiring the same education, experience, training, skill, and intelligence.

The facts speak for themselves. In a recent issue of Labor Week, it was pointed

out that the average weekly "real" income of Federal workers (including post-office employees) was down 3.3 percent from last year. These figures are based on basic data of the U.S. Departments of Labor, Commerce, and Agriculture.

The most graphic single example of the need for a pay raise for our postal workers is in the fact that under the present pay scale, no mailman can qualify for a Federal Housing Authority loan on even a $15,000 home. To guarantee a $15,000 home, the FHA requires an annual salary of at least $5,384. No letter carrier in the entire United States is making such a salary. The average letter carrier's annual wage is $4,640.

To point up the problem which our postal employees are facing, I would like to set out the salaries being received by 14 postal employees in my district:

Employee	Gross pay each 2 weeks	Deducted for Federal taxes	Deducted for retirement	Deducted for insurance	Net pay each 2 weeks	Number of dependents
No. 1	$195.19	$21.10	$12.69	$1.50	$159.90	3
No. 2	195.19	16.40	12.69	1.50	164.60	3
No. 3	187.50	10.40	12.19	1.25	163.66	5
No. 4	191.72	11.10	12.19	1.25	167.18	4
No. 5	195.19	16.40	12.69	1.50	164.60	6
No. 6	195.19	7.10	12.69	1.50	173.90	5
No. 7	187.50	15.00	12.19	1.25	159.06	3
No. 8	187.50	19.70	12.19	1.25	154.36	3
No. 9	168.03	6.80	10.79	1.25	149.19	6
No. 10	187.50	19.70	12.19	1.25	154.36	2
No. 11	181.50	14.00	11.49	1.25	154.85	5
No. 12	188.88	15.30	11.49	1.25	160.84	3
No. 13	185.12	19.30	11.49	1.25	153.08	2
No. 14	191.35	15.70	12.44	1.25	161.96	3

It is not difficult to visualize the difficulty a parent faces in trying to feed and clothe and house as many as five children, most of them in school, and a wife, on a salary of $72 or $73 a week. The grocery bill alone for a family of this size cannot be less than $40 a week—at a bare minimum. That leaves $33 a week to pay for transportation, housing, clothing, utilities, and doctor bills.

Under the present pay scale, the postal employee receives less pay than the unskilled worker. Three Presidential vetoes have put this pay rate several years behind that of his fellow workers in private industry. If we expect to retain in the Federal service capable, efficient, and well-trained workers, we must pay them a livable wage.

I urge, Mr. Chairman, that this committee report out at the earliest opportunity legislation to bring the salaries of postal and other Federal workers into line with present-day realities.

Indignities to Humanity by Red China

EXTENSION OF REMARKS
OF
HON. GORDON CANFIELD
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 22, 1960

Mr. CANFIELD. Mr. Speaker, the Passaic (N.J.) Herald-News on Saturday, March 19, 1960, carried a page 1 story with the caption "Meyner Proposes U.N. Admit China." Speaking in Los Angeles, Calif., Governor Meyner was quoted as saying:

For if the United Nations can be transformed into an agency with effective powers, then the real question will be, not should Communist China be admitted to membership, but rather what can the world do to make sure that Communist China doesn't stay out.

I find myself in disagreement with this point of view. The country we are talking about is the same one that had the audacity to inflict an outrageous 20-year sentence upon Bishop James Edward Walsh. This was but the most recent of a series of indignities to humanity by Red China.

May we remember these acts and the unheeded protests of Secretary Herter when we consider whether or not such a government should be a part of the United Nations.

The People Are Fed Up With Our Present Farm Program

EXTENSION OF REMARKS
OF
HON. THOMAS M. PELLY
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 22, 1960

Mr. PELLY. Mr. Speaker, I desire to discuss once again my bill, H.R. 10350, proposed legislation to repeal all agricultural price-support subsidies and to provide for the disposition of the Commodity Credit Corporation inventory without disrupting normal marketings.

First, I should say frankly that the Department of Agriculture opposes enactment of my bill. According to the Department, the elimination of all price support, as contemplated in H.R. 10350, is not in the best interests either of farmers or the economy as a whole. The Department's report expressed concern for the magnitude of the Commodity Credit Corporation stocks and growing investment; but rather than advocate elimination of price-support activity, it viewed price support at realistic levels as valuable in helping facilitate orderly marketing and in stabilizing the economy.

As to the provision in my bill for use of proceeds of surplus sales for loans to help relocate small and inefficient farmers hurt by ending Federal farm subsidies, the Department preferred a program aimed at assisting such affected families stay in farming and as promoted now to widen off-farm job opportunities.

Mr. Speaker, the Department of Agriculture says that this year the United States will have another record or near-record production of crops. The Government survey shows that farmers will plant about as many acres of cropland this year as last. The prospect of this surplus-harassed industry is more overproduction, as was the case in 1959 and back in 1958. So, especially in grain, the surpluses accumulate year after year and go mostly into Government hands.

I asked for the best guess of the Department of Agriculture as to the price trend or level of wheat under conditions assuming removal of the present Government-held surplus from the domestic and foreign market as provided under my bill. All I could get in the way of an answer was that removal of the wheat surplus would have a stabilizing influence on market prices, but such a step was not believed to be in the interest of farmers or the economy.

Mr. Speaker, I have seen estimates of prices and trends furnished the House Committee on Agriculture based on proposed farm programs. I would have thought such projectures could have been arrived at under conditions believed probable if my bill were enacted. But I will say this, that there are those who favor a return to the law of supply and demand and the conditions which would result from my bill, and these same supporters are farmers. I think they know the situation. Many farmers have written saying they support my plan.

Almost 20 percent of the entire Federal budget, or more than $7 billion, is appropriated to help the farmers. That is too much. It is too much especially because the program is a failure. It is too much because it favors the big and rich as against the small and poor. It is too much because our farm program is socialistic and not in harmony with free enterprise. I am told a vast army of Federal career employees who hold their jobs through this federalized farm program opposed ending controls and subsidies. As one of my constituents wrote me a few days ago, we should back out of this farm giveaway before we are trapped and can never get out. I wonder if already it is not too late.

Speaking of constituents, I sent out a questionnaire with this question: "Do you favor reduction in agriculture price supports?" This went to a cross section of voters, and a tabulation of replies by an independent organization showed that 4,055 answered "Yes" in favor of reduction. Only 469 replied "No," that they were against a reduction.

Since I introduced H.R. 10350 I have received letters of support from all over the country. Here is a typical unsolicited letter which reached my office on Saturday. It is from Bridge City, Tex., and is a sample of the widespread opinion held by the American people in strong opposition to our acreage and price support farm program:

MARCH 15, 1960.

The Honorable THOMAS M. PELLY,
House Office Building,
Washington, D.C.

DEAR SIR: "Deo gratias" for you and your resolution H.R. 10350. It is my fervent hope that you will not waver in your fight to convince your colleagues of the saneness and merits of this all-important matter.

This is America—I believe. Then why must Congress be so discriminatory in its legislations? Are the Members that hungry for self-gain? Then if this be the case they will certainly change when the rest of the 180 million Americans who are not farmers wake up.

The present program's purpose expired when the Nation came out of the depression period 20 years ago. Yet it keeps coming back like a song. One of the most aggravating melodies I have ever heard.

The only consequence of the immediate enactment of your proposals would be just so many millions having to get off Uncle Sam's "gravytrain" and go to work. The biggest consequence would be a marked decrease in the Federal budget—a budget that would end up with a tremendous surplus to pay off the national debt which seems to be the farthest thing from most Senators' and Representatives' minds. This is, of course, probable if the many Socialist-minded people in Congress doesn't give the money away to Tito, Poland, Cuba, or TVA, REA, or—you name it.

The Government needs a lot of money to keep its 17,000 businesses going, especially since Uncle Sam doesn't care if they make a profit or not. The taxpayers will make up their deficits and keep them in business.

I am following your efforts on this matter very closely in the CONGRESSIONAL RECORD. Please continue your American program. Let us always be able to say that this is America, "The land of the free and the home of the brave—and not the home of the hypocrite."

Respectfully yours,

EARL J. ANGELLE.

Four Star Television Series of Films on the Foreign Service

EXTENSION OF REMARKS
OF
HON. JOHN A. BLATNIK
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 22, 1960

Mr. BLATNIK. Mr. Speaker, it is heartening to be able to report that there is some constructive work under way in two areas which are the frequent targets of destructive criticism.

I have learned that Four Star Television, one of the largest and most reputable producers of television films, is working with the Department of State toward the production of a series on the work of the men and women of the Foreign Service.

The public image of the State Department has been distorted by a number of recent publications, notably a book called "The Ugly American." We would be foolish to maintain that in an organization so large, there are not persons unsuited to represent this country abroad; but it is my view that such people are the exceptions, rather than the rule. And I believe that most of our Ambassadors, consuls, and other diplomatic and technical attachés, do an onerous and important job, daily turning in a creditable performance, and occasionally a heroic one.

The television industry, too, has come in for a great deal of adverse publicity. Here again, I am unprepared to believe the venal and fraudulent efforts of the few should be generalized to characterize the many. There are producers to whom public service means more than a slogan, and whose taste earns them a place on my screen.

Therefore, a combination of the Department of State and a sincere producer can result in a series which raises the standards of the television medium, and portrays to the public a more accurate picture of the Foreign Service. I am confident that this producer will bring forth a series replete with appropriate dignity and information, and still one which is entertaining.

I should particularly like to commend Dick Powell, the head of Four Star for his vision in seeing the value in such a series; our good friend Sylvan M. Marshall, an outstanding Washington attorney, for his role in bringing the Department together with Mr. Powell; to John Scali, the foreign correspondent for the Associated Press, who will head up the creative writers; and to Assistant Secretary of State Andrew Berding, and his top aide, Edwin M. J. Kretzmann, for their cooperation.

Battle for the Free Enterprise System

EXTENSION OF REMARKS
OF
HON. BRUCE ALGER
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 22, 1960

Mr. ALGER. Mr. Speaker, under leave to extend my remarks I would like to include an article written for the magazine, Purchasing, by our able colleague, the Honorable THOMAS CURTIS, of Missouri. In his very keen, analytical manner, Mr. CURTIS has pinpointed the one overwhelming issue of today—the battle for the free enterprise system. Unless we win that fight and stop the headlong rush toward socialism, then our efforts in other fields are futile. I commend Mr. CURTIS' article to every thoughtful American:

TOO MUCH RELIANCE ON FEDERAL GOVERNMENT TO SOLVE ECONOMIC PROBLEMS—CURRENT CONGRESS WILL PUSH TREND TOWARD SOCIALISTIC STATE

(By Representative THOMAS CURTIS, of Missouri)

There are many issues which face the 2d session of the 86th Congress which are delineated economic. Many of these issues stem from the expressed desire of professional economists, businessmen, and politicians to have continued healthy economic growth coupled with maximum employment and reasonable price stability.

The Joint Economic Committee has recently completed a concentrated 10-month study into various aspects of these three goals—not without regard to whether the goals themselves are mutually inconsistent and, if they are inconsistent, which goals should bear the sacrifice in resolving an inconsistency.

I will list a few of the subjects upon which the Joint Economic Committee will make comments throughout the year. The farm program, antitrust legislation with particular reference to a phenomena which many economic observers claim to have seen and others claim does not exist—administered prices, Federal debt ceiling and interest rate ceiling on Federal securities, Federal Reserve Board policies on monetary policies and their relation to debt management, standby controls on credit and prices, legislation relating to the problems of industrywide strikes, Government purchasing policies, Federal expenditures for depressed areas, education, community facilities, health and public works, and a balanced budget.

The longer I serve in Congress, concentrating as I do on economic matters, the more concerned I become about the inarticulateness of those who believe in the private enterprise system—particularly vis-a-vis those who profess to believe in it and yet are constantly undermining its basic structure.

STUDY PROBLEMS

The staff of the JEC's study of employment, growth, and price levels is a case in point. The purpose of the studies of the JEC is:

(1) To take an objective look at our political-economic structure to try to discover the problems that exist.

(2) To bring into the open the various proposals that had been made to solve the problems.

(3) To subject these proposals to criticism.

I find that though the hearings and the papers prepared by the panelists do just that, the staff's report sets out its own particular series of solutions instead of the alternative solutions advanced by the panelists and others. The staff's solutions, almost without exception, rely on increased Federal Government activity and disregard whatever additional activity there might be in the private sector of the economy. The staff's analysis, in my judgment, shows a lack of understanding of what the private enterprise system is about or a basic distrust of it.

The significance of the staff's report is that the members of the staff are outstanding, hard working, and honest scholars. The question that therefore disturbs me the most about America and its future is this: Has scholarship in America reached a point where scholars do not know how to approach a subject to study and write about it objectively?

I shall call attention to just a few points:

1. The staff avoids the use of the term "administered" prices, which is commendable because the term begs the question. But its report, instead of discussing the economic issue involved, supplied another term, "market power," which just as effectively begs the question.

The question at issue is this: In certain industries, is there such a concentration of market power that prices can be set without regard to the economic consequences? If so, is this a matter that should be within the scope of the antitrust laws?

During the hearings, when this issue became the subject of discussion, I asked why the industries accused of "administering" prices were frequently the very industries that spent more time and money on market analysis and customers' buying habits than other industries. If these industries were trying to get information so that they could pay attention to the laws of economics (not try to abuse them) then the so-called "market control" they possessed would appear to be healthy, commendable, and a matter for other businesses to emulate—not something to be held up as against the public interest.

2. The staff report consistently ignores real cost factors in discussing price increases. For example, what has been the economic cost in steel resulting from the depletion of the Mesabi Range, if any? What has been the cost in medical care arising from increased cost of doctor training, advanced type hospital equipment, increased research and development in drugs, etc?

It is almost axiomatic that rapid technological growth has increased costs through

making much equipment and many skills obsolete. The staff report advocates more money—and Federal money to boot—in the field of medical research and development, without commenting upon the basic fact that we are in an economic imbalance today resulting from the technological revolution we are still experiencing in health matters.

3. Although the price of living indices have advanced most rapidly in the area of services, the cost factors underlying services remain unexamined and receive little or no comment. In this conjunction also are the economic factors underlying "tight" money. Essentially there is a shortage of investment capital, resulting from increased demand. It seems axiomatic that demand for investment capital is bound to increase rapidly.

4. The staff pays little or no attention to the question of determining what is economic growth and what proves to be economic waste. Little attention is paid to the limitations we experience in the tools we use in measuring economic growth.

Economic growth may be unhealthy and misshapen growth. The gross national product includes economic mistakes as economic growth. The GNP fails to measure production capacity; it weighs only actual use of capacity in a given year. Rome was not built in a day, so it is true that no economy was built in 1 year. What we have from the past which is still usable is as important as what we might build in a given year. That becomes a part of the accumulated capital plant which the measurement of annual growth fails to compute.

Essentially, the staff report fails to recognize the keystone of the private enterprise system—which is the use of the marketplace as the tester of economic ideas, as opposed to the use of select groups of men to judge new economic ideas.

The private enterprise system is to the science of economics what the trial-and-error system, the laboratory system, has been to the physical sciences. The planned economy system is what the scholastic system was to the physical sciences in the Middle Ages, when chemistry was alchemy and astronomy, astrology.

Until those who believe in the private enterprise system really understand that which they believe in to the extent that they can become articulate about it, the battle for the private enterprise system being fought in the Halls of the Congress will continue to go against them. This second session of Congress will provide no change in this pattern. The logistics and strategy have already been set. Tactics at this time cannot win the battle, although they may delay things until the proper logistics and strategy are developed. I won't predict in which areas the marketplace will be replaced by political bureaucrat decision by the action of Congress, but when the session has ended we will have moved closer to the socialistic state.

Medical Care for the Aged

EXTENSION OF REMARKS
OF
HON. THOMAS B. CURTIS
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 22, 1960

Mr. CURTIS of Missouri. Mr. Speaker, on September 27, 1959, I gave a speech before the American Academy of General Practice—physicians—at Kansas City, Mo. Three weeks later I gave the same speech before the convention of Missouri insurance agents in St. Louis, Mo.

I had prepared this speech for delivery to these seemingly diverse groups intentionally. Both groups are concerned with the problem of medical care for our people. The doctors are primarily concerned with the problem of the adequacy and the quality of medical care. The insurance people are primarily concerned with the problems of cost of medical care to our people.

We, the people's representatives in the Federal Government, are concerned with how well we are meeting all the problems of medical care in our society and what part, if any, the Federal Government should or might play in moving ahead toward a solution of these problems.

This speech serves as background for a further and more detailed discussion of the problem of medical care for the aged which I shall undertake tomorrow under a special order to speak, which I have been granted.

The above-mentioned address follows:

ADDRESS BY HON. THOMAS B. CURTIS BEFORE AMERICAN ACADEMY OF GENERAL PRACTICE STATE OFFICERS CONFERENCE, KANSAS CITY, MO., SEPTEMBER 27, 1959

The American people seem to be genuinely concerned about inflation. The genuineness of their concern is borne out by the fact that they now relate inflation to Federal governmental expenditures and Federal taxes.

There was a time when a political philosophy of tax and tax and spend and spend did mean elect and elect. That was in the days when the wealth in the United States was distributed in sufficient disproportion that those on the short end of the stick looked upon the Federal Government as an efficient device for redistributing the wealth. And those on the short end of the stick were in sufficient number when, united by a common purpose, they became the majority at the elections.

However, today with the wealth more evenly distributed and certainly the Federal tax load being placed primarily on the overwhelming majority of the people instead of on the rich, it has become apparent that the Federal Government is no longer the efficient device for redistributing the wealth that it once was. At least the Federal Government in bringing about redistribution is no longer redistributing from richer to poorer, but in accordance with no recognizable formula, unless it is of one from those who have learned to use political power to those who have not learned to use political power. However, redistribution in accordance with such a formula is hardly one that will gain the support of the majority of the people at the polls. Quite the contrary—as it becomes more widely known that this is the effect of Federal Government redistribution of wealth, the majority of the people will oppose the political philosophy of Federal expenditures and Federal taxation, unrelated as it has been to what the expenditure is for and unrelated to the efficiency with which Federal expenditures achieve the purpose sought.

What I have said here, if true, and I believe it is true, should be a source of great comfort to the medical profession in its fight against what it has properly defined, in my judgment, as socialized medicine. If what I have said is true, then we can begin to discuss the question of Federal expenditures on the basis upon which they should be discussed and not upon the emotional and irrational basis of the past which springs from the cultivated belief that almost any Federal expenditures meant a redistribution of the wealth from those who have to those who have not.

I have not said that the medical profession has won its fight against the various projects to have the Federal Government spend federally collected taxes in the medical field; I have merely stated that now the medical profession can have a rational public debate on the merits and demerits of Federal expenditures in these areas. They will no longer be fighting against a hidden but powerful emotion in the breasts of the majority of the American people which looked upon Federal expenditure as being of some personal benefit inasmuch as they were not the ones who paid for it.

It will be noted that the old New Dealers, today's reactionaries who want to go back to the old days of spend and spend and tax and tax, still use indigency as the vehicle to get most of their programs enacted into law. Although some of the younger, in years, members of this reactionary crowd, realizing that indigency in the United States has not the meaning that it had in the 1930's, have latched onto another vehicle upon which to carry their program of spend and spend and tax and tax. The new vehicle they seek to employ is the fear of Russia.

It is important to realize that these middle 20th century reactionaries are not so lacking in intelligence or so full of wistful thinking as to construct their vehicle out of an impossible pumpkin. There still is such a thing as indigency and it is a real social problem. There is such a thing as the Russian threat. The important question is whether they will be able to use the problem or the threat in such a way that rationality again gives way to emotion so that Federal expenditures becomes synonymous with solving the problem or the threat.

Does anyone question that this is occurring? I am certain if they sat and listened through the congressional hearings and the floor debate on these issues over the past 10 years they would see this subtle switch on the part of many of the same people from indigency to Russia.

It is true that there is another emotion tied into Federal health programs—that is the emotion of all human beings to regard death and disease as a social and, even more important, a personal enemy. What must be done with this emotion is the same that must be done with these other human emotions. Channel it into the right direction and not let the neo-Federalists, the mid-20th century reactionaries I have previously referred to, make Federal expenditures synonymous with fighting the enemy. I am afraid they have already made considerable advancement toward achieving the synonymity. The enormous increases in the appropriations to the National Institutes of Health, in my judgment, rests primarily from their achieving this end.

But, in meeting this problem, it is important to realize that counteracting the emotion is only the first stage of action. Counteracting the emotion only puts us in a position of rationally debating the question of how does our society best meet the social enemy, disease and death? If not through Federal expenditures, how?

Indigency, Russia, and disease. The quacks say the patent medicine Federal tax money, if taken in sufficient quantity and often enough, will cure all three and a number of minor ailments as well. An analysis of this patent medicine reveals that it is heavily laden with opium and the well-being that seems to follow after immediate dosage stems from a deadening of the senses, not a deadening of that which alarmed and activated these warning senses. Opium is a valuable drug when used properly and under careful direction and, coming out of the metaphor, it is important that we don't condemn Federal spending per se simply because some of us see the damage it has caused and may cause. It is important only that we rationally consider when Federal spending can and should be used and when it should not be used.

I want to discuss another public emotion which the doctors must face in dealing with the problems involved in the relationship of their profession to the Government. Now that the people are alerted to the dangers of inflation, they have become concerned with the cost items of the goods and services they purchase which go to make up the cost-of-living increases which they assume are identical with inflation.

Indeed, the general public is not alone in considering cost-of-living increases as inflation per se. Many professional economists seem to view the two phenomena as interchangeable. I shall discuss the difference between the two with particular reference to medical costs. I am certain the medical profession is aware of the fact that the doctors, hospitals, pharmaceutical industry and other industries related to health have become, to some extent, the bête noire of those who are now shouting about the cost-of-living increases.

Indeed, the neo-Federalists perversely use this increased cost item as a further argument to concentrate more power in the Federal Government. Nothing that will serve to increase the power of the Federal Government seems to escape their hungry eyes. They are in the forefront crying that the Federal Government has to regulate in some way or other these costs to keep them down. At the slightest indication of an economic disturbance they urge price controls. So effective have they been in their propaganda that in a recent Gallup poll the majority of people who, when asked which political party they thought was most concerned about keeping prices down, stated the Democratic Party over the Republican Party. The neo-federalists, being almost completely within the Democratic Party, can claim credit for this image through their propaganda in advocating price controls.

Costs of hospitals, doctors, drugs, nursing service all have increased more rapidly since World War II than probably any other set of costs in the cost of living indexes. But costs are only one side of the coin. The other side of the coin is the quality of the product or the service one buys. In the cost of living index a day at a hospital is the same, whether the day was spent in 1920 or 1959. But does one get the same results for a day in the hospital in 1959 that one got in 1920? Hardly so. Improved equipment, medical knowledge, drugs, etc., mean that the average stay in a hospital is quite a bit less, and the number of those who come from the stay on their own feet instead of in a box is considerably higher. Furthermore, the vast majority of our people utilize hospitals today when formerly it was almost a luxury reserved for people with adequate means and people located near the urban areas.

Inflation in its economic sense means debasing the currency. In theory, the same thing costs more because the dollar has changed its purchasing power. Increased cost of an item might be inflation, but it also might be the result of the quality of the item having been improved. If the item has been improved it is axiomatic that there has been some cost for that improvement. This cost will be reflected in the price of the item, or absorbed in the saving resulting from increased productivity in the manufacture and distribution of the item, or absorbed in the saving resulting from a greater quantity production of the item (which is similar to increased productivity).

Undoubtedly there has been some saving in the human health industries resulting from increased productivity and from the efficiency gains of larger productions because more people buy health services these days. On the other hand, this is a field in which there has been a tremendous technological improvement. The rate of improvement has been so great that it can appropriately be called a revolution. Rapid economic growth of this sort (technological improvement) carries with it an increased amount of obsolescence. Not just obsolete equipment and tools, but also obsolete human skills. Furthermore, rapid growth such as this is based upon increased research, development, and education. All of this costs considerably. It costs a great deal more at the time it is going on than the savings resulting from increased productivity. This is the period in which we presently are.

The question the public should be asking themselves about medical costs is not the question of what the increased cost is but, is what they are getting worth the cost. In the field of health I doubt if anyone, upon analysis, regrets the $10 a bottle we pay for one of the new mycins. Certainly, he could still buy a patent medicine for a dollar a bottle which makes even greater claims to health than the wonder drugs. But he spends the dollar, or either the $10, out of choice.

So having discussed the factors which the advocates of socialized medicine have been using as arguments for their program, indigency, Russia, disease and cost, and having pointed out that these are emotional and unreal arguments, the question still remains how does our society move ahead in combating the real problems of indigency, Russia, disease and costs?

First of all, we must recognize that the path to attaining these goals are not in all instances the same path. Indeed, the path to decreased costs is definitely going in a different direction from that of combating disease and staying ahead of Russia. Combating disease and staying ahead of Russia requires more, not less, technological advancement. It requires more education, research and development and will bring in its wake more obsolescence, not less. All of these items are bound to increase costs and so aggravate the problems of indigency as well as the problems of cost.

In respect to the first two goals, our society through the private hospitals, privately operated medical profession, the private pharmaceutical industry, the private nursing profession, has done an amazing job over the past few decades. Never in the history of the world has there been such advancement in combating disease. I see no argument or reason whatsoever for stating that we are not "going fast enough" in advancement through our present setup. Therefore, the arguments for more Federal expenditures in this area seem without foundation.

Indeed, by going as fast as we have in this area we have aggravated the problems of cost and indigency. Our people now live 10 years longer due to the advancements in technology in the health field, but there has been little planning for financing the extra 10 years our citizens now have. Indeed, when our people over 65 today were starting out their productive lives they based their savings (consciously or unconsciously) upon the average life expectancy. Increased cost of living both from increased standard of living as well as unadulterated inflation has badly damaged what planning they could do entirely apart from the extra 10 years they unexpectedly have been called upon to finance.

The Federal Government by its own default in properly handling the fiscal affairs of the Nation has aggravated the problem almost as much as the technological advancement has. The Federal Government's basic contribution to economic affairs is to maintain the dollar as an accurate measuring stick of human labor, ideas, and savings. I think before we call upon the Federal Government to do anything more in the field of solving the problem of cost we need to call upon it to do its basic job to preserve the dollar as an accurate measuring stick. If the Federal Government does not do this, it is almost impossible to solve the problem of cost.

The advocates of the Federal Government entering the field of solving the problem of increased cost claim that this must be done to spread the costs among all of our citizens. I asked the AFL–CIO representative at the recent hearings on the Forand bill what difference there was between Federal Government insurance and private insurance. Although he had been spending a great deal of time testifying on the subject of the Forand bill, he suddenly discovered that he was taking time from other witnesses. He stated that he didn't think he had time to answer this question.

Well, this is a basic question. What is the difference between spreading the risk through Federal insurance and spreading the risk through private insurance companies? Well, first of all, the private insurance companies must deal with people who can afford to pay for the insurance and, therefore, cannot be solving the problem of indigency. Should the problem of indigency become involved in the problems of spreading risk among the bulk of our citizens who are not indigent?

I think not. In fact, by failing to separate the problem of indigency from the problems of insurance we damage our progress in meeting both the problems of indigency and the problems of cost.

There is a second difference between Federal insurance and private insurance. Whichever sector of the society is used, Government or private, an insurance program requires capital formation. There is only one way for the Government to acquire capital, that is through taxation. But anytime Government provides the capital formation, it withdraws both the capital and the insurance operation itself from the tax base. It leaves the problem of future taxation more difficult. Furthermore, and possibly even more important, in insurance capital formation, the capital must be invested. Government cannot, or let's say, has not up to date, invested in anything other than its own securities. Private enterprise, on the other hand, properly invests in the economic growth of the society. The Government investment is sterile as well as withdrawn from the tax base.

Furthermore, there is a great danger in Government capital formation. A realization of the sterility of Government investment in its own securities has stimulated the neofederalists, always looking as I have stated, for any argument to place more power in the hands of the Central Government, to suggest that they invest in Federal public works bonds. Up to date, I have always left this subject with the statement I leave it up to your imagination the complications and economic damage that would result from the Government going into the investment field. I still leave it up to your imagination, but I am afraid the time is not far off when somebody is going to have to spell out in detail just what this damage is. The neo-Federalists are pushing their theme.

I am satisfied that the private insurance companies have been doing a tremendous job in meeting the problem of spreading costs in the field of health. However, the job has not been sufficiently good to keep up with the needs resulting from the great technological revolution in the field of health. On the other hand, I believe we are reaching a plateau and future advancements will not be as great as those in the past. This will give us some chance for a breather. In all of the advancements in extending the length of life expectancy there has been no extension of the total life span of man. It still remains around 115 years. All of the advancement has been in the area of having more men and women approximate the goal of 115 years. Death rather than disease

is the social enemy. But now that death is being unmasked, the philosophers are again raising questions as to whether death is the social enemy we have all assumed it is. We have made these assumptions in direct conflict with the religion we profess which does not regard death as a social enemy. Sudden death through accident or disease, yes, but accident and disease are the enemies, not death.

Finally, I come to the question of indigency. I was greatly impressed with the testimony of the AMA representatives at the Forand hearing when they pointed out that inadequate health services were peculiar on a geographical basis, not on a basis of human chronology. In other words, where there were inadequate hospitals and doctors' care, all persons regardless of age felt the brunt of this inadequacy, not just the aged. Where the medical facilities were good in a community, all the community benefited from these good facilities, regardless of age.

This, to my mind, quite clearly points out that treating indigency on the basis of age is a wrong way to attack the problem. For this reason, the Forand bill which does seek to treat inability to pay for health facilities on the basis of age is basically in error. It will hurt rather than help in treating the problem of indigency. Furthermore, as I have previously suggested, because the Forand bill mixes indigency up with spreading the costs of those who are not indigent, it hurts the solution of indigency and it also hurts the solution of the cost problems which the 98 percent not indigent have.

Indigency should not be proliferated according to age or according to health, housing, education, food, or anything else that is a human necessity or human want. If a person is indigent, that person is in need of whatever housing, health, food, and love and affection, too, possibly. Indigency must be dealt with on an individual basis and it must not be confused with other social problems, else it will damage the solution of these other social problems and not be helped itself. What are the causes of indigency? It can be community indigency or it can be individual indigency. The two are separate problems and likewise should not be confused if we wish to solve them. Community indigency is largely a problem of economics and should be kept in the field of economics for solution. The Federal Government can be of real assistance in solving the problem of community indigency, but primarily by working on the economic climate not through direct intervention. Direct intervention can create more problems than it solves.

Individual indigency is a separate thing and we must ponder over it more than we have. Jesus said the poor shall be always with us. I believe I understand what he meant and it wasn't community poverty he was referring to. I believe he was referring to the poor of mind or those poor in talents. We do have and always will have many people with IQ's below 90. People who are capable of mingling in society appearing to be as normal as anyone else in the society and yet, due to their poverty in human talents, a prey to anyone who would take advantage of them. I believe the poor must be cared for on an individual rather than upon a political basis. Administering to the poor has always been a great weapon for politicians in controlling elections. Administering to the poor should be a matter of charity, not politics, and I use the word charity in its finest sense.

I believe the poor, or the problem of individual indigency should be left essentially to our community chest agencies, to our churches. Government can help the indigent through the medium of these private agencies.

Fortunately, the problem of community indigency is being solved in the United States. There is much still to be done, but I believe our society is getting on top of this problem. The problems of human indigency are by no means beyond the abilities of the 98 percent of our people who are not individually indigent to care for. To do this, we must keep our thinking straight and keep the problems of the poor from being confused with other problems.

Much needs to be done in the field of health, but much is being done. The goose which produces the golden eggs must be nourished and cherished. Impatience and greed which the neo-Federalists exhibit end only in death and no more golden eggs.

Our Monetary System: High Interest Rates Are the Same as a Sales Tax on the Great Majority of the American People, Except That the Revenue From This "Tax" Goes To Fatten the Profits of the Financial Institutions and the Incomes of a Few Wealthy Families

EXTENSION OF REMARKS
OF
HON. JAMES C. OLIVER
OF MAINE
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 22, 1960

Mr. OLIVER. Mr. Speaker, on March 21 I called attention to a most unusual and informative series of articles published by the Texas Observer, of Austin, Tex., dealing with our monetary system and many of the Federal Reserve's present policies and practices.

These are extremely important articles, it seems to me, because they deal with a subject which intimately affects the economic well-being of all of us, as well as perhaps our national posture in the contest with Russia and the other countries that are pursuing the Communist brand of economic organization. Consequently, when I mentioned these articles previously, I put the first of the series into the CONGRESSIONAL RECORD as an extension to my remarks. Today I invite the Members' attention to the second in this series of articles, which is titled "High Interest Is a U.S. Sales Tax."

The high interest policy is, indeed, equivalent to a tax on the American people. It is a tax from which about 98 percent of the people lose and about 2 percent of the people enjoy an unwarranted bonus. The second of this series of articles is unlike the others in that it was not written by the staff of the Texas Observer, but is a statement contributed by our colleague from Texas [Mr. PATMAN].

Those people who are under an illusion that the Republican Party has established a record of fighting inflation and that the Democratic Party is the party of inflation have a surprise in store. The gentleman from Texas has prepared a tabulation of all of the roll-call votes on the issue of inflation during the World War II and postwar years. The factual record as to how the members of the two parties have voted on the question of checking inflation has shown that the Republican Members of the House over the years have voted consistently and overwhelmingly for inflation and against measures to check inflation.

I will not give away the plot but will reserve for the reader an opportunity to learn the exact scores in the article below. This article appeared in the Texas Observer of January 15:

HIGH INTEREST IS A U.S. SALES TAX
(By WRIGHT PATMAN)

TEXARKANA.—If Congress passed a stiff sales tax—one which would take a big bite out of every dollar consumers spend for groceries and everything else—many people would be up in arms about it. It is no wonder, then, that many people resent the administration's high-interest policy.

For 98 percent of the people the high-interest policy amounts to the same thing as a sales tax, except there are two notable differences. First, the tax is somewhat hidden and the uninformed consumer does not recognize it as one of the things causing his dollar to shrink. Second, this hidden tax is not going to pay the cost of Government nor reduce the Federal debt, but does fatten the incomes of a few families of great wealth, plus, of course, the incomes of the big bankers and Wall Street money dealers.

Consider what high interest has done just to the cost of owning a home. The present rate on FHA guaranteed mortgages, compared to 1952, means that the typical home buyer today—one with a $13,500 mortgage—is paying out an extra $4,500 in interest charges. The chairman of the House Subcommittee on Housing recently computed the cost this way: This average family purchasing a home today could have an added bedroom and an added bathroom, and perhaps a garage also, for what it is paying in extra rates on most other things. The increase in FHA rates is relatively modest—a mere 35 percent since 1952. The total cost of high interest to the average family would come to a staggering amount if anyone could compute it. It takes a huge bite out of the budget of the family that buys an auto, a washing machine, or anything else on time.

More than that, it shows up in increased prices, because business firms—retailers, distributors, manufacturers, and so on—must all have credit. Increased interest rates have increased business costs. Today the average American family is paying $200 a year in interest charges just to carry the Federal debt, and this is being rapidly increased as old bonds issued at lower rates are being retired and replaced with new, high-interest bonds.

There is nothing new about the Republican high-interest policy, nor about the cry that high interest fights inflation. This is an issue between the two political parties as old as the Republic itself. Oldtimers will well remember that when the great depression was at its worst—when factories were closed down, 10 to 12 million were unemployed, the men were standing in breadlines all over America—the Republican policymakers were crusading against inflation just as much as today, if not more so. Actually, this crusade was continued even during World War II.

To illustrate, recently I found in my files a letter written to me in early 1942 by the late, great Senator Robert L. Owen of Oklahoma, in which he said this: "'Inflationary' has become an epithet of denunciation for any expansion of credit. It is used as a financial ghost to frighten the unintelligent." (Senator Owen, I might add, was longtime chairman of the Senate Committee on Banking and Currency; he helped draft the law setting up the Federal Reserve System and was one of the alltime great experts on our money and banking system.)

Despite all the talk about inflation when interest rates are at issue, Republican policy has been anything but good when real inflationary issues have been at stake. A few years ago I had tabulated all of the rollcall votes in the House between the beginning of World War II and the end of 1954 on measures where inflation was directly and plainly involved. There were 36 such rollcall votes in this period, having to do with such questions as whether we should have price controls during World War II, whether we should have more taxes to pay more of the cost of the war, and so on. There were 7,000 votes by Democratic House Members and 6,600 votes by Republican Members. These Republican votes were 76 percent for inflation and only 24 percent against inflation. The Democratic votes were 32 percent for inflation, and 68 percent were against inflation.

Incidentally, the letter from Senator Owen which I just mentioned was concerned with an issue which is with us again today. The issue was, and is, this: "When the Federal Reserve decides to increase the Nation's money supply, which method should it use?" The Federal Reserve has two methods. It may itself acquire more Government securities, in which case the interest payments on the securities are returned to the Treasury and the taxpayer is saved this cost. The other method is for the Federal Reserve to change its regulations so as to permit the private banks to create the money with which to acquire more Government securities. In this case there is no cost to the banks, but the interest payments go into bank profits.

Naturally, many bankers oppose the first method. It not only denies them an opportunity to pick up more Government securities free of charge, it also tends to reduce interest rates generally. When interest rates on Government bonds go down, all interest rates go down. The present Federal Reserve Board is siding with the private bankers; but during World War II and up until the present administration, the Board sided mostly with the public.

Perhaps I should point out that the Nation's money supply is not fixed, but is increased when and as the Federal Reserve decides it should be increased. Generally, the money supply should be increased along with increased production of goods and services, otherwise a money pinch will tend to prevent an increase in production from taking place.

During World War II the Democratic administrations managed the Federal debt without raising the interest rate on long-term Government bonds above 2½ percent. This was also true in the postwar years—up until mid-1951—even though there were shortages of materials and no price controls. Naturally, many bankers did not like the low-interest policy and set up cries of inflation, but not quite for the same reason they are crying inflation today. The present administration has raised interest rates on long-term Government bonds to 4¼ percent, and at this point it is stopped by a law passed during Woodrow Wilson's administration, in 1918, which sets a ceiling at this level.

During the past session of Congress the Wall Street bankers and administration brought all kinds of pressures to get this ceiling repealed, but Congress refused. The great crusade against inflation now being intensified, with the help of new recruits from the advertising council and many national organizations, is aimed at stirring up grassroots support for repealing this 40-year-old law. If this succeeds, all interest rates will continue upward and the average family will be even harder hit.

Plainly, the tight-money and high-interest policies have done none of the good things claimed for them. These policies brought on the great recession of 1957–58, yet even then, when industry was operating at low gear, the big unions obtained wage increases and the big corporations raised prices to cover the increased wage costs, and then some. High interest comes out of the economic hides of the unorganized and less powerful, namely, the consumer and small-business man and the farmer. To illustrate, farm income has gone down from $15 billion in 1952 to about $12 billion in 1959. But personal income from interest has gone up from $12 billion in 1952 to about $22 billion in 1959. Not more than 2 percent of the families profit, on balance, from high interest. For example, U.S. savings bonds are the most widely held kind of interest-bearing obligation. By law only individuals can own them, and they are aimed at small investors by being issued in small denominations and made available on payroll savings plans. Yet a recent Federal Reserve survey shows that only 5 percent of the American families own 87 percent of the $42 billion savings bonds outstanding, and 73 percent of the families own none.

KEY POINTS ARE LISTED

TEXARKANA.—In a statement of points which "should not be overlooked" in the Observer's report on the monetary situation, Representative WRIGHT PATMAN said:

"Over 40 years the Government interest rate on long-term bonds has been fixed at not exceeding 4¼ percent. During this time we have gone through depressions and inflations and the rate was maintained at approximately 2½, seldom over 3 percent, with no demand to increase the overall of 4¼ percent, until President Eisenhower demanded it recently.

"During 12 years, from 1939 to 1951, the Federal Reserve maintained the long-term rate at 2½ percent, and bonds did not go below par. During a part of this time the Federal Government was spending a quarter of a billion dollars a day in World War II. During a part of this time we had the greatest inflation threat caused by the holdup of purchasing power at a time when goods were not available and people holding this purchasing power all wanted to spend it at one time after the war was over. Notwithstanding this most trying time in history for our fiscal policies, the Government long-term rate was maintained at 2½ percent, and these bonds did not go below par.

"If such rates can be maintained as indicated, they can be maintained any time if the Federal Reserve Board and the Open Market Committee will cooperate. The truth is, the Open Market Committee is composed of five members who are selected by the banks, with the other seven, Federal Reserve Board members. Seven members of this Board are selected for 14-year terms by the President and the other five are selected by the commercial banks who profit from their operations. This is a weakness right here. The people who profit from high interest rates are fixing them.

"On the national debt we are paying $1 billion more in interest in 1959 than in 1958. We are paying $4 billion more in 1959 on roughly the same debt in 1952. Our President is forcing an extortionate interest rate policy by allowing Federal Reserve to be independent. It is robbery in broad daylight.

"One of these days the people will get the truth about how our money system is manipulated by a few, and a change will be made. It is difficult to get the facts over when only one side is carried in the press or included in news information by other means of communication."

Sound Economics Can Make Good Politics

EXTENSION OF REMARKS
OF
HON. ALEXANDER WILEY
OF WISCONSIN
IN THE SENATE OF THE UNITED STATES
Tuesday, March 22, 1960

Mr. WILEY. Mr. President, the 1960's promise new plateaus of economic achievement for the American people.

The bright outlook includes opportunity for more jobs, greater personal and national income, attainment of new goals in business and industrial programs, and better living for our people.

At the same time, the future will place ever-greater demands on our economic system.

Among other challenges, there will be the need for: Advancements to meet the needs of a fast-increasing population, now numbering about 180 million people, and a progressing country; supporting a strong, and costly, national defense program; and successfully meeting the ever-growing economic competition from the Communist bloc.

We recognize, of course, that there are differing theories—even among experts—on how best to further improve our economic system.

Unfortunately, also, realistic efforts to resolve problems are sometimes frustrated, regrettably, by attempts to make political footballs out of economic difficulties. Despite this tendency by would-be opportunists, however, I continue to believe sound economics make the best politics.

In the long run, adherence to fundamentally-sound economic principles can be the only reasonable basis for long-term solutions of our problems in this field.

Now, what are the practical steps necessary to combat inflation and promote progress? These include: First, realistic Federal spending policies; second, a balanced budget, and, if possible, a surplus to begin reduction of the national debt; third, carefully restricting Federal programs to proper limitation of Federal responsibility so as to prevent undue competition on the money market or create unnecessary competition with private enterprise; fourth, revision of the tax structure to plug loopholes, eliminate inequities, provide incentives for economic growth and expansion, and reduce the inflationary effect which taxes—apparent and hidden—have on prices; fifth, further educating our people to the realism that demands for more and more services by the Federal Government can only postpone the time for a lessening of the tax burden; and finally, sixth, assuring a competitive climate in which businesses, industries and other enterprises—both small and large—have an opportunity to prosper and make their contribution to our economic life.

Overall, the Government, as well as consumers, labor, industry and all others, have a proportionate responsibility not only for sharing in the efforts

to combat inflation, but also to promote economic health for the country.

How?

Through sound buying, borrowing, spending, and saving practices by consumers.

Labor: By making only realistic demands for pay and better working conditions based among other factors upon productivity.

Industry: By establishing realistic pricing-and-profit practices on commodities.

Recently, I was privileged to publish an article in the American Bar Association Journal entitled "Sound Economics Can Make Good Politics."

Reflecting further upon additional factors involved in promoting economic strength, I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOUND ECONOMICS CAN MAKE GOOD POLITICS

(By ALEXANDER WILEY, U.S. Senator from Wisconsin)

Not since the Greenback Party heyday in the 1880's has there been as much congressional debate of economic-fiscal policies as there has been in recent months. Listening to the new economic prophets of cheap money at any price, of Government pumping additional money into the economy and the inevitability of inflation—all in the name of full employment and growth, naturally—one may almost feel guilty to sound the old-fashioned notes of dollar stability and budgetary restraint.

Speaking recently to an American audience, the former president of the Central Bank of the Federal Republic of Germany had this to say:

"To a foreigner it seems almost absurd that there should be certain quarters in the United States where inflation is tolerated or even recommended. Surely any price to be paid for inflation must be excessive, considering not only the adverse economic and social effects, but the irretrievable losses in national prestige it may entail. Reports of inflation in the United States would not only mean the depreciation and ultimate devaluation of the dollar, but also an acute decline in the moral authority, power, and international stature of the United States."

And on the lessons of inflation, German economists are certainly entitled to speak authoritatively. The devastating German runaway inflation of post-World War I years still serves as the classic anti-inflation warning in economics textbooks, and it is this lesson that has produced the present German economic vigilance and restraint. That close links bind a nation's prestige to its financial posture is evidenced from the manner in which the emergence of the German mark as a sound and stable monetary unit has enhanced the stature of the new Western Germany in the family of nations.

Yet the full danger of inflation apparently has not yet been sufficiently realized by our "creeping inflation" advocates who continue to preach a theory as old as ancient Rome and the Greenback days, and already discredited that long ago. But this is one time when the man in the street is better advised than some of the economic experts representing him. For the hundreds of letters I receive each month from average Mr. and Mrs. America put the finger on a domestic enemy they fear most—inflation.

IS IT NOT SAFE TO BE THRIFTY ANYMORE?

A recent survey of the country's economic situation concluded: "The gloomiest finding is a weakening of the resistance to inflation." True, most people yearn for economic stability, and four out of five persons interviewed thought that prices, wages, and profits should be held from going higher for the next 2 years. But at the same time these people had little hope that this will happen and 7 of every 10 thought that prices would continue to rise.

To the well-known economic perils of inflation may thus be added the psychological impact of this acceptance of the inevitability of inflation: an erosion of individual and public confidence in the soundness of our currency and economy, with resultant injury to the long-acquired habits of thrift and economic prowess.

A middle-income businessman recently interviewed on the question of inflation responded thus:

It just isn't safe to save anymore. I decided inflation couldn't be stopped. So I cashed in all my insurance and bought stocks.

The lack of faith in the cures of inflation, slowly turning into mass uncertainty, tends to accentuate the already existing problem and may turn the slow march toward inflation into a stampede. The present heights of the stock market are certain evidence of the population's desire to have its savings sheltered from inflation, through a rush into equity investments. What would happen to our economic balance if the present uncertainty turns into a material-value psychosis, with more bondholders, insurance holders, and the like, all at once deciding to liquidate their assets?

The serious effects of the inflationary trend in recent years are easily ascertainable. The 1939 dollar todays buys 48 cents worth of goods. The standard indicators of the decline of the purchasing power of the dollar, the Wholesale Price Index and the Consumer Price Index, have risen more than 50 percent between 1946 and 1958. A survey of rising prices indicates that under Roosevelt, the cost of living rose 3.3 percent annually and under Truman, the cost of living sprinted 6.8 percent each year. (Of course, under Roosevelt we had war, and under Truman the postwar problems.) Since 1952, the rise in the cost of living has been held to an average gain of 1.4 percent. In the last 3 years the increases in the Consumer Price Index have still been only moderate; 1.5 percent in 1956, 3.4 percent in 1957, 2.7 percent in 1958, 0.9 percent in 1959.

This slower increase which is referred to as creeping inflation, may not seem to be very large to the uncritical observer. But an annual rise of 2 percent will wipe out half of the purchasing power of the dollar in 35 years, and a 3-percent rate will result in a similar reduction in less than 25 years.

The proponents of inflation say there is no need to worry about inflation, as long as it is of the "creeping type." Since many labor contracts already have escalator clauses, it is suggested that such clauses might be extended to pensioners, insurance beneficiaries, bondholders, and the like—thus permitting everybody to adjust their income with inflation. But it takes a little critical thinking to realize that not everybody can equally ride the escalator at the same time. And as one commentator has put it: "It is the height of folly to imagine that we can inflate without some groups paying the price."

A further weakness of the creeping inflation proposition is its assumption that we can police inflationary trends at will. But let us ask this of the proponents of creeping inflation: "How do you confine inflation and keep it down to a so-called 'delightful' and 'reasonable' 2 percent per year?" It is not too difficult to see that inflation cannot be kept automatically within prescribed limits. For if the public becomes aware of an official policy to permit a limited depreciation of the dollar, it will try to protect itself, and by so doing it will inevitably accelerate the pace of the price rise. As one commentator put it:

If the public knows there will be a creeping inflation of 2 percent per annum, then the 2 percent will be reached not at the end of the year, but at the beginning, and the pressure for inflation will mount.

It must be concluded, therefore, that unless remedial action is undertaken to curb inflation—a large and increasing section of the population will be exposed to its harmful and often devastating effects. Inflation, obviously, affects most adversely that part of the population that must depend on a nonvarying income, or an income that does not vary as fast as the price increases—Government workers, other public servants, school teachers, unskilled workers, bondholders, and the 20 million of senior citizens and others living on annuities, pensions, social security, and public aid. The list includes also the farmer who was traditionally thought to favor inflation because it acted to increase land values, but who currently finds himself unable to pass on his rising costs to the consumer. And due to recent population trends, produced by the growth in the population's life expectancy and the increase in the number of people in public service, an increasingly larger percentage of the people is placed on the inflation victim list.

THE FUTURE OF THE DOLLAR IS THE FUTURE OF AMERICAN ECONOMY

The adverse effects of inflation are felt not merely on the purse of the individual American. Its direct impact on economic growth, periodic recessions and the balance of trade must not be underestimated.

Inflation hinders long-term economic growth by discouraging the savings which produce the capital necessary for the country's economic expansion. American economy must continue to expand in order to meet the increasing and more varied needs of the American people, and in order to hold back the growing Soviet economic offensive. The major key to future economic growth in America is increased productivity, and the greatest contribution to such an increase is the investment in new machines and equipment—but the magnitude of such an investment depends upon the level of savings.

This is a time when we can ill afford to lag behind. At present the Soviet industrial output is still estimated to be only 45 percent of ours. But realizing that the rate of growth in Soviet production is about 9 percent annually, while our annual growth is less than 3 percent, it becomes apparent that with the situation remaining substantially the same the Russian economic handicap may disappear and they could catch up with us in as little as 12 to 14 years.

The table that follows shows how long it will take the Russians to catch up with us, if we do not watch out.

[In years]

U.S.S.R. rates of industrial growth	U.S. rates of industrial growth		
	2 percent	3 percent	4 percent
7 percent	17	21	28
8 percent	14	17	21
9 percent	12	14	17
10 percent	11	12	14

For those that still think about Russia as the backward industrial country of 1918 or 1928, this will come as a shock. But it is with this realization that we must look at the need of future economic developments in America—and such developments will not be possible in an economy crippled by inflation.

Inflation, furthermore, by interfering with the free operation of the economic forces

tends to make our recessions much worse and weakens our post-recession recuperative facilities. The accumulation of excessive and burdensome inventories during inflation periods—because of the prospect of higher prices as inflation continues—saturates the markets to the point that they are unable to absorb new products, thus slowing down post-recession recoveries. Inflation, similarly, will lead industry to temporary overexpansions, due to the fear of increasing costs, but such expansions must eventually be followed by cutbacks, thus accentuating the problems of cyclical unemployment.

Inflation, finally, has adverse effects on our foreign trade and may cause the United States to be priced out of world markets. The high prices of American products, to which inflation contributes, weaken our competitive position abroad—where 5 percent of what American factories produce is being sold, providing 5 million jobs for American breadwinners.

Unreasonably high production costs make us also much more vulnerable to foreign competition in our own domestic markets. While our 1958 export of manufactured goods still remained 2.4 times as large as our imports, the trend in the last 2 years has definitely been toward a more balanced foreign trade. It is now estimated that the 1959 exports of $15,900 million will exceed imports only by some $900 million, which appears like a disastrous drop in comparison with some of the recent exceptionally high excesses of exports over imports, running more than $6,500 million as late as 1957. But while remembering that the earlier unusual excesses were caused by World War II and postwar needs, and that no country has held such a lopsided trade balance for very long, we must not, at the same time, permit our economy to be inflated to a position of competitive disadvantage. Several pockets of unemployment, in my State and in others, can already be attributed to our disability in specific industries, to meet the prices of our oversea competitors.

That the stability of the dollar is essential to the stability and growth of the American economy is all too obvious. What needs to be determined, however, is what measures would most effectively act to curb inflation. And one big question will then still remain: Will we have the wisdom, the courage and the determination to pursue the necessary remedies?

INFLATION AND THE PROPHETS OF INEVITABILITY

Traditional economics explains inflation in terms of the supply and demand theory, saying that whenever an increasing amount of money is bidding for a limited quantity of goods, prices are driven up. Usually it is assumed that it is the Government money printing presses that produce this increasing supply of money, either directly or indirectly—through fiscal and monetary policies and the operations of the Federal Reserve System. But what must be remembered is that more money in the marketplace does not always mean that new money is being created. More money bidding for goods could also mean that money hitherto in the hands of the population, but unusued, is suddenly appearing from its hiding places to compete in the market. Thus while Government fiscal policies and Government spending have a tremendous impact on economic trends, fiscal and monetary manipulation alone will not halt inflation in a relatively free economic system. Certainly the Government cannot be expected to do the job of inflation policing alone. Since the reasons for inflation are manifold, only a comprehensive program which will take all factors into account will provide an effective remedy.

I am certain that there is no need to elaborate here on the factors customarily advanced as responsible for inflation. But it would be desirable to keep in mind the broad composite of the elements contributing to inflationary pressure:

(1) Governmental expenditures based on debt financing which by increasing the amount of money in circulation create inflationary pressures; (2) governmental overspending in areas where full employment already exists, thus creating excessive and price-raising demands for facilities and labor; (3) floors under commodities which raise prices higher than the level set by the free play of the forces of supply and demand; (4) excise and other taxes which penalize or hinder business growth; (5) excessive import quotas and tariffs, which permit the keeping of artifically high prices for some products; (6) inefficiency in management and inefficiency in production. (Listing the factors which are traditionally stated to be inflationary in terms of price levels is not necessarily an argument against the practices named. For it must be realized that in our complex and comprehensive society some of these practices are quite essential for the protection of our social and economic way of life.)

It is on top of these classical concepts of inflation that the new schools of economists have mounted their newer interpretation of modern inflation. And although the classic theories have not been totally discarded, the vogue these days is to give top listing to the two new theories of "cost-push" inflation and "administered price" inflation. The first, which is contrasted with the classical "demand-pull" inflation, is described as an upward moving wage-price spiral—a vicious circle in which higher wages cause higher prices, which in turn necessitate higher wages, ad infinitum. The second theory, again, explains inflation not as a product of free market play but as a result of the restrictive price-fixing schemes of big business.

In these new theories the prophets of the inevitability of inflation find the foundation for their dogma. Creeping inflation, say they, is the price that we must pay for the maximum growth of our economy. Growth, according to this school, has always been accompanied by inflation, and now too we have two alternatives: either economic growth inescapably accompanied by creeping inflation, or else, price stability accompanied by economic stagnancy and unemployment. And the choice, so they say, is ours to make.

These prophets of inevitability have been divided into two schools—those putting the blame on labor and those attributing it to industry. According to the first, the rise of strong trade unions makes it almost inevitable that economic expansion will be accompanied by rising labor costs. Thus when the rate of expansion is sufficiently high to produce virtually full employment, unions are in a strong position and are able to raise wages far faster than the increases in output per man-hour. Accordingly, the fact is cited that during the 11 years of 1947 to 1958, hourly earnings in all private industry rose about twice as fast as real product per man-hour—for while the rise in hourly earnings was 66.7 percent, the rise in real product per man-hour was 33.6 percent. It is to these extra wages, unmatched by additional products, that inflationary pressures are attributed. To prevent any further inflationary moves, claim the critics, it is industry's duty to stand fast on present wage contracts and not permit any new unjustified wage increases.

Labor, on the other hand, is proposing to find the main reason for inflation in industry. Postwar wage increases are therefore shown to be merely chasing prices up, and labor is pictured as attempting only to restore the real value of labor earnings. Even as middle of the road a reporter as Business Week, in commenting on the role wages played in postwar inflation, found that "unit labor costs seem to have followed prices uphill through most of the postwar years." If labor is not responsible for inflation, the real culprit must therefore be elsewhere. It is here that the theory of administered prices comes into being, a theory which charges business with eliminating the flexibility of the free market, and creating a new type of inflation by monopolistically and artificially maintained high industrial prices.

To determine the existence and extent of administered prices practices the Antitrust and Monopoly Subcommittee of the Senate, of which I am a member, has been conducting extensive hearings for the last 2 years. These hearings dealt with the problem of administered prices in the automobile, bread, roofing, and steel industries. One of the measures proposed as a cure to this problem is Senate bill 215, introduced by Senator O'MAHONEY, which seeks to keep the prices of key products down by exposing the big corporations, in a selected number of industries which seem to set the price pattern, to public opinion pressure through a requirement that no price increases be undertaken without prior public notice and a hearing to justify such increase. But although self-restraint on the part of industry in setting prices is to be much desired, I question the wisdom of this bill's interference with price and market flexibility. Still, if industry and labor do not develop a more responsible economic attitude, legislation of this type will become necessary.

But whether subscribing to one of these new theories or the other, several of the new economists allege that the new facts of American economic life will make ineffective the standard measures designed to fight inflation. An economy that is geared to growth and is favorable to high employment, say they, is also favorable to increased prices. Thus, so long as demand is near full employment levels, we must expect that in industries characterized by strong firms and strong unions, prices and wages will react on each other in a steady upward spiral.

The desirability, and indeed the necessity of American economic growth, we will most certainly accept. But that inflation is here to stay, and that more of it is still coming, is not, in my opinion, a necessary conclusion. Economic facts and developments are in a constant state of flux, and I believe that a reappraisal of many accepted economic assumptions may raise serious doubts as to the soundness of the predictions of the inflation prophets. Furthermore, inflation can be fought and must be fought, but like all other social maladies, the remedy is not simple or speedy.

A PROGRAM FOR AN ANTI-INFLATION OFFENSIVE

A recent study of the relationship between economic growth and inflationary trends has produced some interesting new comments on the relative independence of the two. "Despite popular opinion to the contrary," says Edwin L. Dale in the New York Times magazine: "inflation has not been the normal condition of the American economy. It has been neither usual nor unusual. Prices were lower in 1890 than they were at the end of the Civil War, and the period was one of fairly rapid economic growth and expansion. Prices were stable during most of the 1920's. A great deal of the price rise in the past 150 years has been associated with wars and their immediate aftermath."

Accepting the thesis of the war's responsibility for inflation, some economists forecast only very limited future rises in living costs, now that the postwar adjustment has finally set into effect. It is their view that the use of the classic weapons against inflation, in recent times, was still being blunted by the spending and lending powers generated by World War II. Since

the banks emerged from the war with $90 billion worth of Government securities and only $26 billion of loans to their borrowers, any Government attempts to tighten the money market were ineffective since the banks could simply sell some of the security reserves to get the funds to make more loans.

But now, some 14 years later, the country is finally growing out of the enormously inflated money supply with which the economy emerged from the war. In the more or less normal peacetime prosperity of the 1920's, the total money supply in the country was a little over one quarter of the gross national product. At the end of World War II the money supply soared to about one-half of the national product, thus making more money available to chase after the produced goods—but recently we have gotten back to a more normal ratio of less than one-third. This, according to some economists, should act to substantially relieve inflationary pressures in times to come. But stability will occur only if our economic policies take advantage of these natural developments, not if we go contrary to them.

In addition to this natural development in our economy, which may considerably lessen the factors driving for inflation, more effective protection against inflationary pressures must be provided by a planned and coordinated program, requiring both governmental and private cooperation.

There have been some crash programs—designed to knock out inflation—which have contained one or more of the following suggestions: (1) stop Government spending and deficit budgets; (2) abolish farm and other subsidies; (3) cut taxes; (4) tear down import barriers; and (5) break up large corporations and powerful unions. But in looking for means to stop inflation, we must make certain that we are not also knocking out our economic system and our way of life. For example: It is the national policy of this country to protect its citizens against unemployment. Unemployment carries a high price tag: in terms of broken homes, loss of self-respect, and loss of national product. We cannot, therefore, undertake to curb inflation at the price of increasing unemployment. Likewise, we cannot stop inflation at the cost of substituting centralized planning and a totalitarian economy for our long existing and generally successful economic freedom. It must be further remembered that there is no magic in a stable price level. Naturally, stable prices going hand in hand with an expanding economy is the most desired situation. But stability of prices during the 1920's did not prevent a most catastrophic depression—and price stability may often conceal inequalities in the economic structure which may eventually upset the effective working of the whole economy. Our aim therefore must be price stability coupled with economic growth; price stability under which employment is full and the individual is free; price stability under which the economy is not unduly restrained.

GOVERNMENT CONTRIBUTIONS TO STOP INFLATION

Government spending: The oft-repeated proposal for cutting Government expenditures does not offer a simple solution, since national security, increasing demands for Government services and the dangers of unemployment necessitate certain levels of spending. But Government enterprise should be more and more directed to those areas where additional Federal expenditures will act to relieve depressed conditions and to reactivate idle labor and facilities—rather than increase pressures in areas where labor and facilities are already fully utilized.

Balanced budget: A balanced budget does not offer a magic formula, since a balance could coexist with unemployment and a slow rate of economic growth. But deficit financing is inflationary in nature, and although a balanced budget is not always attainable, we should have it as often as we possibly can. Balancing the budget will also go a long way psychologically in convincing the people that the Government is determined on fighting inflation.

Fiscal-monetary policies: The Government can help stabilize prices by tightening credit policies, and this has been one of the most effective means for combating inflation in England, in recent years. But naturally, we do not want a tight money policy which subordinates economic growth to stable prices, and which creates substantial unemployment. It is most essential that we have flexible monetary policies—designed to meet changing needs and to aid market adjustments. But the flexibility of such policies greatly depends on the Government's own financial position: For Government deficit budgeting may produce pressure on the Federal Reserve System to follow an easy money policy, to assist in financing and refinancing Government deficits.

Farm subsidies: It has been said that supporting prices of basic farm commodities at parity is a potent source of inflationary pressure, while at the same time offering only temporary relief to farmers—since the basic farm problems remain unanswered. Because technological progress has tended to make the large commercial farm relatively efficient, 44 percent of our farms now produce 91 percent of the value of marketed farm produce. Quite often it is the affluent farmer that is being subsidized, while little help is going to the needy one. The rise in output per man-hour has in recent years been more rapid in agriculture than in the rest of our economy, but the farmer cannot be deserted because he has learned to be more efficient. Still, with Government payments continuing to comprise 40 percent of net farm income, and the Federal-held surplus and pledged loans totaling more than $9 billion by the end of 1959, we must search for more permanent, constructive, and lasting solutions for the farming sector of our economy. Developments to bring industry into the farm areas should be encouraged and relocation and retraining grants should be made available to assist the submarginal farmer desiring to enter more promising employment.

Cutting taxes: Cutting taxes, unless we also produce an equivalent reduction in Federal expenditures, will act to encourage inflation rather than to slow it down. But a reform of the tax system, with the main emphasis upon measures that will produce the means for financing research and modernization of our industrial machinery, is an important part of any effort to increase the efficiency of the economy and to keep costs and prices down.

Cutting personal and corporate income taxes and the modernization of depreciation laws are necessary developments, but as long as the people require more and more Government services, and as long as international security requires tremendous expenditures, only minor relief can be expected in the total tax picture.

Foreign trade: Foreign competition, it is said, can generally be expected to act as stimulus for the reappraisement of costs and prices, while high tariffs and import quotas help keep up domestic prices and shelter inefficiency and monopoly. It is quite probable that the United States can at times make its economy stronger by exposing its producers to fair competition from abroad. But modifications in a free trade policy are necessary in order to protect strategically essential industries, or to protect our economy against subsidized and unfair competition. Since cheap labor abroad coupled with effective new machinery and plants, to which we have contributed through our foreign assistance, may have adverse effects on our own economy—it may be necessary to study the further need for quotas. Still, if inflation in this country is harnessed there is no reason why we should not be able to compete favorably with other countries—both in our own and in foreign markets.

Curbing bigness: The efficiency, mobility and the power of our economy are directly related to its size. There is no crime in bigness, for a big country requires big business. Breaking up large corporations and powerful unions will not by themselves stop inflation. Breaking up unions in several parts, so there would be several unions in the same industry, would not have the intended results—for confusion, rivalry and union warfare would certainly not act to diminish the upward pressure on wages. Likewise, giving the job of big industry to a large number of uncoordinated and resources-poor entrepreneurs will not aid efficiency or lower prices.

But constant vigilance is necessary to make certain that competition becomes more vigorous and pervasive in American economy. The claims of "administered prices" in American industry, as well as the complaints of wage increases causing "cost-push" inflation, indicate that constant Government attention must be directed to the maintenance of a competitive order both in industry and in labor. With labor income comprising some 62 percent of the national income, it is evident that wages have a substantial impact on consumer prices, and thinking citizens will agree that antimonopoly controls must apply to all kinds of private economic activities—whether carried on by industry, commerce, labor, professional associations, cooperatives or any other combines. Such controls, however, must not be exercised in a haphazard, fragmentary and disjointed manner. Creating a just and proper balance in our economy requires the production of a comprehensive program, well-coordinated and positive in approach, in which the legislative, administrative and judicial branches of the Government must cooperate.

PUBLIC INITIATIVE IN COMBATING INFLATION

Our economic system—to which we have been fondly referring, in recent times, as "people's capitalism"—is dependent for its true success not on centralized direction and scrutiny of the Soviet type but on widespread creativeness, ingenuity, and cooperation. "people's capitalism" implies that the means of production are not merely in the hands of the few giants of industry, but are dispersed among large numbers of property holders, professional people, farmers, public servants, and laborers. "People's capitalism" does away with the discredited Marxist theories of capital-labor struggle, predicted to work the internal destruction of capitalism, and strives, instead, toward a closer working partnership between all the elements participating in the national production: capital, management, and labor.

It is with the belief in "people's capitalism" that I am calling for a rapprochement of management and labor—to plan together for the common and public good, and to work together against the destructive powers of inflation.

Management by enlisting the active cooperation of all employees, from top executives to the lowest of orderlies, can succeed in reducing the ratio of payroll expenses to sales revenues. "At the present time," we must agree with one expert commentator, "only a few enterprises really succeed in gaining the active cooperation of their workers. Today the most important capabilities of the American workers, their imagination, their ingenuity, their ability to invent and to discover shortcuts are rarely put to use because methods of management in most

plants are not designed to bring out these qualities. Indeed, most managers have little conception how much ability is going to waste through not being used."

Encouragement of productivity through a system of bonuses, providing workers with additional pay whenever the ratio of payroll costs to sales is reduced, has proved effective in the industries that have tried it. Stock options to labor as well as management increase the sense of partnership. Still, the use of these procedures is not widespread enough and their more general adoption will depend on an increasing degree of mutual confidence and a change in some of the adversary philosophies of management and labor. I believe that these and other new management methods, designed to enlist all units of production in improved teamwork, hold great promise for checking rising costs.

Labor, likewise, must exercise statesmanship and restraint in its constant drive for higher pay and better working conditions. It must be remembered that higher labor pay may be almost totally canceled out by the higher prices of the commodities that labor must buy. Some inflationary force has been previously provided by union-management bargaining in key industries, for although only less than one-fourth of our workers are unionized—the effect of increased wages was often felt throughout the labor market. But the situation is now changing, and the developments in the steel strike indicate that the settlement is likely to produce no substantial increase in the price of steel. If the changed attitude in steel and auto negotiations will be heeded by other labor contracts, the increases in the cost of labor and the resultant impact on prices will be much more moderate in the early 1960's than it has been since the end of the war.

Generally, public encouragement should be given to the nongovernmental sector of our economy in any of its endeavors to increase national productivity, to guide production into items with greater durability, less obsolescence and lower prices. For as the chief manager of the Union Bank of Switzerland put it recently:

"Higher productivity will be able to keep prices down and money sound, provided that management will finally feel the moral responsibility to pass technical progress on to the consumer in the form of lower prices."

I have, therefore, noted with full agreement the recent statement of Dr. Raymond J. Saulnier, Chairman of the President's Council of Economic Advisers, that in order to achieve general price stability, price reductions must be accomplished in the industries "where productivity gains are especially rapid." In fact, Dr. Saulnier urged both labor and management in those fields to forego part of the gains of productivity in the public interest; labor by accepting lesser wage increases than the productivity gains, and management by cutting prices instead of taking the productivity advances in higher profits. Thus, both labor and business should be urged to exercise better judgment and more responsibility in setting prices and wages consistent with general stability. And competition should be preserved in both products and in labor so as to limit the power of business and labor to set unreasonably high prices and wages. England and Germany are apparently finding solutions, cannot we—we reasonable Americans—exemplify our reasonableness by using good judgment?

GOOD ECONOMICS WILL MAKE SENSE

It has been said the term "inflation," like the term "rheumatism" at the turn of the century, covers a multitude of ailments. With the multiplicity of factors which contribute to inflation, it is obvious that no one all-purpose pill will cure it. We have listed the reforms that are needed in several fields, and it would be unrealistic if we forgot that there always are formidable obstacles to changes in public policy. Such comprehensive Government and private sector policy to curb inflation may appear to present some difficult problems, because at first glance it may seem to pit the general interest in a stable dollar against many organized and vocal special interests. But I believe that the program outlined by me demonstrates that anti-inflation action can be taken without serious or lasting damage to any of the constituent parts of American economy. Still, all these interests and groups must be educated to understand that their own welfare turns, in the long run, upon a strong and effective national economy, adaptable to change and capable of competing in the international market.

I believe that the essential first step in the campaign for a stable dollar is the restoration of the public confidence in the stability of our currency. A legislative statement proclaiming the goal of stabilizing the purchasing power of the dollar is one appropriate way of demonstrating Government's determination to act.

The second necessary step is the development of an economic plan which will combine our desire for stability with our need for growth. A strong statement urging creative thinking on the economic future appeared recently in the St. Louis Post-Dispatch:

"There is not much doubt that the economy can be expanded rapidly if the Federal budget is rapidly inflated. But to conclude * * * that we need only spend a lot more Federal money fast is to ignore the crucial parts of the problem. How can we get a satisfactory rate of growth without inflation and without relying on a vast military effort? * * * Perhaps the answer lies in some kind of economic plan based on a controlled increase in creative public expenditures, accompanied by taxes to pay for them. Devising such a plan is the task of economic statesmanship, and putting it into effect the task of political leadership. Cannot our society generate the political and economic resources necessary to meet such a plain challenge? This much is certain: Unless we do meet this supreme challenge of our times, we shall see more and more peoples drifting toward communism, fewer and fewer committed to the islands of freedom."

To help produce such a plan and to create better and high-level coordination of the several departments and units of government in pursuing both stability and growth, I have introduced legislation for the establishment of a National Economic Council for Security and Progress. I am convinced that the economic challenge posed to the free world by international communism is one of the most serious aspects of the cold war, and that this war may well be won or lost in the markets of the world and on the production line. The proposed Economic Council is patterned after the existing National Security Council, whose main functions are military, and is founded on the belief that planning economic security and progress is as important as planning military defense. Consisting of Cabinet secretaries and other top-level Government officers, it will be the Council's function to advise the President with respect to national and international economic development, and to enable the departments and agencies of the Government to cooperate more effectively, amongst themselves and with private business, in matters relating to national economic developments and the role of America in world economy.

I should like to say this in conclusion: Let us restore the faith of the people, and we would have taken the first step. But let us not fail to pursue a comprehensive and long-term program that will guarantee our citizens, young and old, working and retired, employed, self-employed, and employing others, the security and stability that are derived from knowing better what tomorrow will bring.

SENATE

WEDNESDAY, MARCH 23, 1960

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

Dr. Claud B. Bowen, pastor, First Baptist Church, Greensboro, N.C., offered the following prayer:

O God, our help in ages past, our hope for years to come, we are grateful to Thee for Thy blessings upon our Nation. We pray for wisdom and the guidance of Thy spirit through these days of decision. Grant, we beseech Thee, that we may always prove ourselves a people mindful of Thy goodness, and of a sincere desire to do Thy will.

May we take seriously the stewardship of our obligations, believing Thy purpose is for the good of all.

Give unto us strength, both physical and spiritual, to bear the burdens placed upon us. Especially do we pray for these Senators, our statesmen, as they serve our Nation and Thee.

We ask these things in the name of Christ. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, March 22, 1960, was dispensed with.

SENATOR FROM OREGON

Mr. JOHNSON of Texas. Mr. President, a colleague is about to join us in the Senate. There is on my desk the certificate of his appointment by the Governor of Oregon, to fill the vacancy caused by the death of the late, beloved Senator Richard L. Neuberger.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I send to the desk a certificate from the Governor of Oregon and ask that the clerk read it.

The PRESIDENT pro tempore. The clerk will read the certificate.

The certificate of appointment was read, and ordered to be placed on file, as follows:

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Oregon, I, Mark O. Hatfield, the Governor

of said State, have appointed this 16th day of March 1960, HALL S. LUSK, a Senator from said State to represent said State in the Senate of the United States until the vacancy therein, caused by the death of Richard L. Neuberger, is filled by election, as provided by law.

Witness: His Excellency, our Governor, Mark O. Hatfield, and our seal hereto affixed at the capitol, this 16th day of March, in the year of our Lord 1960.

MARK O. HATFIELD,
Governor.

By the Governor:
[SEAL] HOWELL APPLING, JR.,
Secretary of State.

Mr. JOHNSON of Texas. Mr. President, the Senator designate is present and ready to take his oath.

The PRESIDENT pro tempore. If the Senator designate will present himself at the desk, the oath will be administered.

Mr. HALL S. LUSK, escorted by Mr. MORSE, advanced to the Vice President's desk, and the oath of office prescribed by law was administered to him by the President pro tempore, and was subscribed by him.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 471. An act to amend chapter 561 of title 10, United States Code, to provide that the Secretary of the Navy shall have the same authority to remit indebtedness of enlisted members upon discharge as the Secretaries of the Army and the Air Force have;

H.R. 2565. An act to promote effectual planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation in military reservations;

H.R. 9599. An act to provide transportation on Canadian vessels between ports in southeastern Alaska, and between Hyder, Alaska, and other points in southeastern Alaska, and between Hyder, Alaska, and other points in the United States outside Alaska, either directly or via a foreign port, or for any part of the transportation; and

H.R. 10455. An act to amend the Mineral Leasing Act of February 25, 1920.

HOUSE BILLS REFERRED OR PLACED ON CALENDAR

The following bills were severally read twice by their titles and referred or placed on the calendar, as indicated:

H.R. 471. An act to amend chapter 561 of title 10, United States Code, to provide that the Secretary of the Navy shall have the same authority to remit indebtedness of enlisted members upon discharge as the Secretaries of the Army and the Air Force have; to the Committee on the Judiciary.

H.R. 2565. An act to promote effectual planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation in military reservations; to the Committee on Interstate and Foreign Commerce.

H.R. 9599. An act to provide transportation on Canadian vessels between ports in southeastern Alaska, and between Hyder, Alaska, and other points in southeastern Alaska, and between Hyder, Alaska, and other points in the United States outside Alaska, either directly or via a foreign port, or for any part of the transportation; placed on the calendar.

H.R. 10455. An act to amend the Mineral Leasing Act of February 25, 1920; to the Committee on Interior and Insular Affairs.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour, and I ask unanimous consent that statements made in connection therewith be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PROPOSED SUPPLEMENTAL APPROPRIATIONS, DEPARTMENTS OF JUSTICE AND STATE (S. DOC. NO. 90)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting, for the consideration of the Congress, proposed supplemental appropriations for the fiscal year 1960, in the amount of of $500,000 for the Department of Justice, and $220,000 for the Department of State, which, with an accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

Memorials signed by Mrs. Gregory Harris, and sundry other citizens of the State of Wisconsin, remonstrating against the adoption of the resolution (S. Res. 94) relating to the recognition of the jurisdiction of the International Court of Justice in certain disputes hereafter arising; to the Committee on Foreign Relations.

RESOLUTION OF BENTON COUNTY, WASH., DEMOCRATIC CENTRAL COMMITTEE

Mr. HUMPHREY. Mr. President, I have received the following resolution of the Benton County, Wash., Democratic Central Committee, urging passage of my proposal, Senate Resolution 94, to repeal the self-judging reservation to U.S. adherence to the statute of the World Court.

Mr. PRESIDENT, I ask unanimous consent that this strong endorsement of repeal of the U.S. reservation be printed in the RECORD, and appropriately referred.

There being no objection, the resolution was referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Whereas the U.S. adherence to the International Court of Justice is unnecessarily qualified by the so-called "self-judging" or "Connally reservation"; and

Whereas this reservation has seriously hampered the operation of the World Court and threatens to work against this country in its efforts to protect American interests abroad; and

Whereas Senate Resolution 94, which was introduced by Senator HUBERT H. HUMPHREY, to repeal this reservation is supported by both the administration and Democratic leadership; Now, therefore, be it

Resolved, That the Benton County Democratic Central Committee strongly endorses the repeal of the crippling Connally reservation to our adherence to the International Court of Justice, and to this end urges the passage of Senate Resolution 94.

HEALTH BENEFITS FOR THE AGED—RESOLUTIONS

Mr. HUMPHREY. Mr. President, the Board of County Commissioners of Hennepin County, Minn., and the Town Board of the Town of White in St. Louis County, Minn., have added their support to those who are concerned about the urgent health needs of our aged men and women and have endorsed programs to provide health and hospitalization benefits, such as that of Representative FORAND and my own proposal, S. 1151.

Mr. President, I ask unanimous consent that the resolutions of the Board of County Commissioners of Hennepin County and the Town Board of the Town of White be printed in the RECORD.

There being no objection, the resolutions were referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

RESOLUTION OF HENNEPIN COUNTY BOARD OF COMMISSIONERS

Whereas the Hennepin County Board of Commissioners knows, of its own experience, the urgent need of retired people for hospital and medical care, and a study of one union alone showed 25 percent of their pensions absorbed by hospital and surgical insurance; and

Whereas the Forand bill (H.R. 4700) now in Congress, would pay in full for 60 days of hospital care for all persons eligible for old age and survivor benefits, including dependent children of widows, meet the costs of combined nursing home and hospital care up to 120 days a year, and cover certain surgical expenses; and

Whereas social security records will be used to establish rights of applicants, and will include safeguards as to the quality of care, negotiation of rates, and freedom of cooperating institutions from Government interference: Now, therefore, be it

Resolved, That this Hennepin County Board of Commissioners hereby endorses the Forand bill and recommends its passage by Congress; and be it further

Resolved, That a copy of this resolution be sent to each Senator and Representative from the State of Minnesota.

RESOLUTION OF TOWN BOARD OF TOWN OF WHITE

Be it resolved, That the Town Board of the Town of White, St. Louis County, Minn., does hereby go on record in support of the Forand bill (H.R. 4700), an insurance plan to help retired people pay their hospital and surgical bills through our Social Security System; and be it further

Resolved, That copies of this resolution be mailed to Congressman WILBUR MILLS, chairman, Ways and Means Committee; Senator HUBERT H. HUMPHREY; Senator EUGENE MCCARTHY; and Congressman JOHN A. BLATNIK, all of Washington, D.C.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. COOPER:

S. 3259. A bill to authorize adjustment, in the public interest, of rentals under leases, entered into for the provision of commercial recreational facilities at Lake Cumberland, Ky.; and

S. 3260. A bill to authorize the Secretary of the Army to modify certain leases entered into for the provision of recreation facilities in reservoir areas; to the Committee on Public Works.

By Mr. HOLLAND:

S. 3261. A bill for the relief of Recep (Ali) Onur; to the Committee on the Judiciary.

By Mr. CHAVEZ (for himself and Mr. ANDERSON):

S. 3262. A bill to amend the act of October 31, 1949, with respect to payments to Bernalillo County, N. Mex., for furnishing hospital care for certain Indians; to the Committee on Interior and Insular Affairs.

By Mr. KERR:

S. 3263. A bill for the relief of Cesar S. Wycoco; to the Committee on the Judiciary.

By Mr. MURRAY (by request):

S. 3264. A bill to abolish the Arlington Memorial Amphitheater Commission;

S. 3265. A bill to amend the law relating to mining leases on tribal Indian lands and Federal lands within Indian reservations; and

S. 3266. A bill to amend the act of June 25, 1910 (36 Stat. 857, 25 U.S.C. 406, 407), with respect to the sale of Indian timber; to the Committee on Interior and Insular Affairs.

By Mr. MURRAY (for himself, Mr. BARTLETT, and Mr. GRUENING):

S. 3267. A bill to amend the act of October 17, 1940, relating to the disposition of certain public lands in Alaska; to the Committee on Interior and Insular Affairs.

By Mr. HARTKE:

S. 3268. A bill to promote the air-transportation system of the United States by requiring the use of air carriers authorized as such under the provisions of the Federal Aviation Act of 1958 for certain transportation of persons and freight; to the Committee on Interstate and Foreign Commerce.

(See the remarks of Mr. HARTKE when he introduced the above bill, which appear under a separate heading.)

By Mr. FONG:

S. 3269. A bill authorizing the Secretary of the Navy to convey certain property to the State of Hawaii; to the Committee on Armed Services.

(See the remarks of Mr. FONG when he introduced the above bill, which appear under a separate heading.).

By Mr. BUTLER:

S. 3270. A bill for the relief of Adamantios Demoglou Andrew; to the Committee on the Judiciary.

By Mr. WILEY:

S. 3271. A bill for the relief of Josef Enzinger; to the Committee on the Judiciary.

My Mr. WILEY (for himself and Mr. PROUTY):

S. 3272. A bill to provide for reimbursement of termination costs involved in termination of Menominee Tribe from Federal jurisdiction; and

S. 3273. A bill to provide that documentary stamp taxes shall not be applicable to transactions involved in termination of Menominee Tribe from Federal jurisdiction; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. WILEY when he introduced the above bills, which appear under separate headings.)

CONCURRENT RESOLUTION

AUTHORIZATION TO PRINT AS SENATE DOCUMENT REVISED EDITION OF INTERNAL SECURITY MANUAL

Mr. WILEY submitted a concurrent resolution (S. Con. Res. 96) authorizing the printing of a revised edition of the Internal Security Manual as a Senate document; and providing for additional copies, which was referred to the Committee on Rules and Administration.

(See the above concurrent resolution printed in full when submitted by Mr. WILEY, which appears under a separate heading.)

PROMOTION OF THE ECONOMIC GROWTH OF AIR TRANSPORTATION

Mr. HARTKE. Mr. President, I introduce, for appropriate reference, a bill to promote the air transportation system of the United States. The bill will require the Secretary of Defense in contracting for the use of civilian aircraft to transport persons or freight to contract only with an air carrier as defined in the Federal Aviation Act of 1958.

This act specified the national transportation policy to be "the encouragement and development of an air transportation system properly adapted to the present and future needs of the foreign and domestic commerce of the United States, of the Postal Service, and of the national defense."

The CAB has made ample and liberal regulations to carry out the will of Congress. At this time any person may go before the CAB and be granted a certificate of public convenience and necessity with a minimum of qualifications.

The airlines certificated by the CAB form a ready reserve to assist in the national defense should the need arise. This was amply demonstrated during the Berlin and Korean airlifts when the military had to depend on civilian aircraft

Since these air carriers must maintain this "reserve status" our Government should assist them whenever possible. Each year the Department of Defense contracts for the hire of civilian aircraft to transport persons and freight. In awarding these contracts the Defense Department should consider the necessity for helping certificated carriers as a part of the national defense. These contracts should be awarded on a competitive basis to the certificated air carrier with the lowest bid. If these carriers know that this incentive exists they will be able to develop and carry into effect long-range plans for upgrading and improving equipment and service.

This bill will in no way harm any legitimate airline operation in the country. As I said before, any person may receive a CAB certificate upon a showing of minimum qualifications.

If a balanced air transportation system is to be effected and encouraged for reliability in time of mobilization of war, it seems to me the military should accept the criteria which the CAB uses in certificating carriers of the general public by air. To do otherwise, would, I believe, be contrary to national transportation policy. The military by regulation will not accept the CAB criteria as they should. It is necessary therefore for Congress to act and insist upon this requirement.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD, together with a memorandum which I have prepared on this matter, and that the bill may lie on the table for 2 days in the event that there are others who wish to become sponsors.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and memorandum will be printed in the RECORD, and the bill will lie on the desk, as requested by the Senator from Indiana.

The bill (S. 3268) to promote the air transportation system of the United States by requiring the use of air carriers authorized as such under the provisions of the Federal Aviation Act of 1958 for certain transportation of persons and freight, introduced by Mr. HARTKE, was received, read twice by its title, referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed in the RECORD, as follows:

S. 3268

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds and declares that it is in the public convenience and necessity to foster and protect the continued development and growth of the air transportation system of the United States, comprised of air carriers, certificated or otherwise authorized as such by the Civil Aeronautics Board, which system is vital to a strong economy and the needs of national defense in time of peace and national emergency; that to attain the objective of securing an adequate and sound air transportation system properly to serve the national defense needs in time of peace and emergency, it is essential that the Secretary of Defense and any department or agency within the Department of Defense enter into any contract or other commercial arrangement for the transportation of persons or freight by air only with an "air carrier" under the jurisdiction of the Civil Aeronautics Board and authorized to engage in "air transportation" as defined by the Federal Aviation Act of 1958; that discharge of the duties and obligations imposed by Congress upon the Civil Aeronautics Board in the regulation and maintenance of a balanced air-transportation system in such a manner as to best fulfill the needs of national defense requires the assistance and cooperation of the Secretary of Defense and the departments and agencies within the Department of Defense through the utilization of "air carriers" as defined by the Federal Aviation Act of 1958 and authorized as such by the Civil Aeronautics Board.

SEC. 2. Notwithstanding any other provision of law, the Secretary of Defense or any department or agency within the Department of Defense shall enter into any contract or other commercial arrangement for the transportation of persons or freight by air only with an "air carrier" authorized as such under the provisions of the Federal Aviation Act of 1958.

The memorandum presented by Mr. HARTKE is as follows:

ROLE OF THE CIVIL AERONAUTICS BOARD IN ADAPTING A SOUND TRANSPORT SYSTEM TO THE NEEDS OF THE NATIONAL DEFENSE

In 1938 Congress passed the Civil Aeronautics Act for the regulation of air commerce and to foster, promote, and encourage the development of a sound air transport system comprising U.S. air carriers, regulated pursuant to the terms of the act and in accord with the policy expressed by Congress. The act was the result of a chaotic economic condition of the then unregulated air industry of the United States. Like the regulatory bodies of all utilities and quasi-utilities, the Civil Aeronautics Board was by the act created to foster the purposes as therein set forth as follows:

"(a) The encouragement and development of an air transportation system properly adapted to the present and future needs of the foreign and domestic commerce of the United States, of the postal service and of the national defense.

* * * * *

"(c) The promotion of adequate, economical and efficient service by air carriers at reasonable charges, without unjust discriminations, undue preferences or advantages, or unfair or destructive competitive practices.

"(d) Competition to the extent necessary to assure the sound development of the air transportation system properly adapted to the needs of the foreign and domestic commerce of the United States, of the postal service and of the national defense (sec. 102, 'Declaration of Policy,' Federal Aviation Act)."

In furtherance of the foregoing delegation of authority the Congress, by the act, gave the Board the power to control the entry of aspirants into the field of air transportation by section 401 of the act, which requires any person desiring to become an "air carrier" within the meaning of the act to apply for and prove its fitness, willingness, and ability to perform the air transportation sought by its application. After such application and full hearing, an applicant may be awarded a certificate of public convenience and necessity if the Board determines also that the issuance of such certificate is in the public interest (according to its policy directives set forth in sec. 102 of the act). If successful, then the new air carrier becomes a part of the air transportation system which is to be "properly adapted to the present and future needs of the national defense," and the Board is compelled to regulate "competition to the extent necessary to assure the sound development of an air transportation system properly adapted to the needs of the national defense."

The Board, under provisions of the act, has only one other means of licensing persons desiring to become carriers within the Air Transportation System. Under section 416 the Board:

"From time to time and to the extent necessary, may exempt from the requirements of this title * * * any air carrier or class of air carriers if it finds that the enforcement of this title * * * would be an undue burden on such air carrier * * * by reason of the limited extent of, or unusual circumstances affecting the operations of such carrier * * * and is not in the public interest."

Thus, the Board cannot allow a person to become a part of the balanced and regulated "Air Transportation System" unless such person has been awarded—

(a) A certificate of public convenience and necessity, or

(b) An exemption from the provisions of the act.

Both licenses are contingent fully upon a finding of "public need" as directed by section 102 of the act requiring the Board to encourage and develop such an "Air Transportation System" adapted to the needs of the national defense.

Since its creation in 1938, the Civil Aeronautics Board has, pursuant to its policy directives and in accord with the licensing provisions of the act, expanded soundly the Air Transportation System to include some 80-odd air carriers including such classifications as "Major trunk carriers," "Local service carriers," "Supplemental carriers," and "All-cargo carriers."

Throughout the history of air carriers, including all classes thereof, the Board has been unmistakably and instantaneously responsive to the air transportation needs of the military. Although air carriers may each have limited areas of performance in accord with their certificates or exemption and their particular roles in the system as a whole, the Board has, in accord with requests from the military, exempted all air carriers desiring such, to the extent that each may perform unlimited charter transportation in either domestic or international air transportation. In further recognition of the military's desire, all air carriers, of any class may be exempted, upon application, from tariff requirements in international charter service, thereby allowing the military to obtain the lowest competitive bid rate without regard to a given carrier's filed tariffs ordinarily controlling such rate.

The foregoing represents only a small part of the regulatory agency's efforts to continuously provide for the needs of the national defense. Not mentioned are numerous specific instances where the Civil Aeronautics Board, pursuant to its directive from Congress, has lessened the requirements of air carrier regulations where military augmented lift was required—all, however, directed to the end that the air transport system remain sound and undiluted economically by forces unduly competitive to air carriers regulated.

THE ROLE OF THE MILITARY IN UTILIZING THE NATION'S AIR TRANSPORTATION SYSTEM IN RECOGNITION OF THE NATIONAL TRANSPORTATION POLICY AS LAID DOWN BY CONGRESS

Generally, it may be said that the military augmentation airlift is required and utilized in two broad areas—domestic and international.

In the domestic use of commercial airlift, the Secretary of Defense has designated the Secretary of the Army as Single Manager for all traffic management within the United States. In accord with the authorities and responsibilities contained in the Secretary of Defense directive, the Military Traffic Management regulation was promulgated by the Single Manager. The regulation contains policy guidance and procedures which are applicable to the performance of traffic management functions including the direction, control, and supervision of all functions regarding the "effective and economical procurement and use of commercial freight and passenger transportation service by the military departments within the United States." The Single Management Agency thus created on October 1, 1956, was entitled the Military Traffic Management Agency (MTMA) and in its role as traffic manager represents the Departments of the Army, Navy, Air Force, and Marine Corps.

In the international phase of airlift augmentation for the military, all air movement of persons and cargo is procured by the Military Air Transport Service (MATS). MATS is operationally responsible to the Chief of Staff, U.S. Air Force, although the command does include personnel from both the Air Force and Navy. MATS operates on a worldwide basis, furnishing airlift for the three services, either with its own equipment or with equipment of commercial carriers under contract.

Both MTMA and MATS are required by either law or other directive to employ commercial transportation services according to the specific wording of the law or directive governing each. For example, the Military Traffic Management regulation of MTMA directs that—

"Commercial transportation service will be employed by the military departments for the movement of persons and things between points within the United States when such service is available or readily obtainable and satisfactorily capable of meeting military requirements."

MATS, by law, is required to utilize a substantial amount of its appropriated funds for the procurement of "commercial air transportation service."

(a) *MTMA, the national transportation policy and commercial airlift*

For purposes of clarity in discussing the military's role in supplementing the soundness of the Nation's air transportation system, MTMA and MATS shall be treated as distinct from one another although it should be borne in mind that Congress' policy statement as contained in the national transportation policy is entitled to the respect of all agencies of the Federal Government.

The policy directive of the Military Traffic Management Regulation, MTMA, is clear in the plain meaning of chapter 102, section 102003, "Selection of carriers or modes of transportation:

"In the employment of military-owned transportation and in the procurement of commercial transportation, the economic resources of the military departments will not be employed in such a manner as to affect adversely the economic well-being of the commercial transportation industry. In the selection of commercial carriers, the means of transportation selected will be that which produces the lowest overall cost consistent with military requirements, the objectives of governing procurement regulations and the transportation policies as expressed by Congress (appendix II), contingent upon carrier ability to provide safe, adequate and efficient transportation."

Significantly, and appropriately, appendix II as contained in the foregoing, is included in the regulation as the full text of the national transportation policy as prefacing both the Interstate Commerce Act and the Federal Aviation Act, or in short, section 102 of the act, i.e., "the encouragement and development of an air transportation system properly adapted to the present and future needs * * * of the national defense."

In further recognition of the necessity for maintaining a sound air transportation system, the MTMA regulation accords the military ways and means of securing such additional lift as may be required in the event of a deficiency. But the means provided is by and through a cooperative effort with the Civil Aeronautics Board—again recognized to be that agency primarily responsible for maintenance of a sound system. Thus, chapter 105, section 105002 of the Military Traffic Management Regulation, states as follows:

"In proceedings before transportation regulatory bodies involving matters of public interest or public convenience and necessity to new or additional operating authorities * * * participation by representatives of the military departments will be undertaken only when * * * (2) the Executive Director, MTMA, determines that there is no carrier authorized to perform the required service, or that the existing authorized service is inadequate to fulfill the needs of the military departments."

Section 105004, chapter 105, goes further and gives MTMA full opportunity to cooperate with the regulatory agency in the event of insufficient lift to meet MTMA's requirements:

"The Executive Director, MTMA, will support applications (before the Board) only when a definite need for new or additional service is evident and service by carriers with existing authority does not meet military traffic requirements."

Thus, it readily appears from the plain meaning of congressional directives (Interstate Commerce Act, Federal Aviation Act, and the national transportation policy) and from the single manager's recognition thereof as contained in the Military Traffic Management Regulation, MTMA, in procuring commercial airlift for the service departments, must cooperate with that agency designated to regulate air commerce—all to the interest of the development of a sound air transportation system. And, the air transportation system can, by law, be comprised only of carriers holding either one or both of the "air carrier licenses which, under the Federal Aviation Act, the Civil Aeronautics Board may grant" i.e., "certificate" or "exemption."

(b) *MATS, commercial airlift, and the law*

The national transportation policy would appear to be equally applicable to all branches of the Federal Government in requiring the development of a sound air transportation system. The Defense Appropriations Act, 1960, section 631, specifically requires MATS to utilize the services of "civil air carriers" in "commercial air transportation."

The far-reaching efforts of the Civil Aeronautics Board in providing MATS with an air transportation system have become manifest over the last several years. In fact, the Board emphasized with caution the vital necessity for maintaining, in the face of a serious economic condition of the industry, a balance which would continue to assure the excellent safety records of air carriers. Thus, in continuing air carrier exemptions from tariff requirements while performing MATS augmentation lift, the Board expressed an ominous warning: "Our concern, as we have heretofore noted, stems from our belief that contracts awarded on such a basis (uncontrolled competitive bids) do not contribute to the long-range economic strength of the industry" and "that a prolongation of such uneconomic operation may impair the fine safety record of those carriers which have historically provided the bulk of the military augmentation service" (p. 5, Board Order No. E–13040).

The Board thus indicated its extreme concern in the area of military use of the air transportation system, yet cautiously continued the carrier exemptions from controlled rates. This was about as far as the Board could possibly go in providing MATS with low cost transportation. In further consideration of the problem, however, it was made perfectly clear to MATS that cooperation with the Board must be increased if the long range objectives of Congress were to be met and the safety factors inherent in an economically sound air transport system preserved:

"It is evident, we believe, that the fundamental problem of distributing needed military augmentation airlift among the civil air carriers—with due regard for the national interest in economic transportation for military traffic and a sound air transportation system—can be solved administratively only through positive cooperative activity on the part of the Department of Defense and the Civil Aeronautics Board" (p. 5, Board Order No. 13040).

THE AIR TRANSPORTATION SYSTEM AND ITS EXTENT AS DEFINED IN THE NATIONAL TRANSPORTATION POLICY

To properly approach the vacuum in the various laws and directives giving rise to a need for further legislation, an understanding is necessary as to what does or may make up the Nation's air transportation system which, in turn, is subject to sound regulation in the interests of the needs of the national defense.

Without qualification, Congress has given the Civil Aeronautics Board power over only air carriers engaged in air transportation as defined respectively by the Federal Aviation Act. As such, Congress has construed the makeup of the Nation's air transportation system as adequate in extending the system to include only air carriers engaged in air transportation. Thus, the act contains the following definitions:

"Section 101(3) 'Air carrier' means any citizen of the United States who undertakes, whether directly or indirectly or by a lease or any other arrangement, to engage in air transportation."

"Section 101(10) 'Air transportation' means interstate, overseas, or foreign air transportation or the transportation of mail by aircraft."

"Section 101 (21) 'Interstate air transportation,' 'overseas air transportation,' and 'foreign air transportation,' respectively, means the carriage by aircraft of persons or property as a common carrier for compensation or hire or the carriage of mail by aircraft."

It is patent, then, that the Nation's air transportation system can only comprise common carriers under the Civil Aeronautics Board's jurisdiction and holding either/or certificates or exemptions. The Board has no jurisdiction whatsoever over carriers not so designated and the air transportation system cannot embrace carriers not so licensed. Thus, any person or company which undertakes to engage in air transportation as defined by section 101 (10) and 101 (21) of the act is subject to the Board's jurisdiction and must have applied for and have been awarded either a certificate or exemption as provided for in the act. Thus, the shelter of the system extends only to regulated air carriers.

If, however, a person desires to operate an aircraft, not as a common carrier, but in private carriage of persons or property, he may do so by simply obtaining an aircraft and an operating certificate from the Federal Aviation Agency. So long as he confines his activities to private carriage (not to the general public) he is not subject to jurisdiction of the Civil Aeronautics Board nor any of the Board's rules and regulations promulgated for the purpose of encouraging the development of a sound air transportation system. Indeed, he is no part of the air transport system, being neither an air carrier nor subject in any manner to the certificate or exemption requirements of the act or the tariff and other requirements of the Board's rules and regulations.

MATS AND MTMA UTILIZATION OF CARRIERS OUTSIDE THE CIVIL AERONAUTICS BOARD'S JURISDICTION—THE EXTENT AND EFFECT UPON THE NATION'S AIR TRANSPORTATION SYSTEM AND ITS REGULATED AIR CARRIER COUNTERPARTS

Despite the millions of dollars spent by Congress, beginning in 1938, in providing for the complex and sound regulation of the air carrier industry and despite the clear terms of the national transportation policy and the cooperative efforts on the part of the Civil Aeronautics Board, the military, through both MATS and MTMA, currently utilizes air operators other than air carriers to an extent that a sizable proportion of charter airlift, domestic and international, is provided by carriers unregulated in any respect by the Civil Aeronautics Board.

The military has stated that it considers such carriers or operators as air carriers and that "this class of air carriers would be considered equally with other carriers" by the Military Traffic Management Agency.

Of paramount significance is the fact that bona fide and authorized air carriers doing business with MTMA are subject to detailed regulation, such as are necessary to the development of a sound system and appropriate to utilities and quasi-utilities, and must adhere to all sections of the economic regulations of the Civil Aeronautics Act, including filing of approved tariffs, complicated monthly and quarterly filing procedures, and other and diverse commitments necessary to the Government regulation of the air transportation system. Thus, the operators which the military treats as air carriers perform passenger service for MTMA completely free from any of the Board's requirements and in fact are not subject to the Board's even cursory jurisdiction. The money savings to an operator not so confined is obvious from the nature of the business; however, the injury to carriers under CAB jurisdiction, or bona fide air carriers, is compounded to the greatest extent by the unregulated rates which may be and are offered to the military by operators not authorized or regulated by the Board. By having none of the burden and obligations imposed upon air carriers, components of the air transportation system, operators other than air carriers have so diluted the military passenger charter market that little or no incentive exists for certificated carriers to consider long-range plans for upgrading and improving equipment and service. This is so despite the fact that there exists adequate lift within the Board-regulated industry and despite the fact that any person may now obtain a certificate with a minimum showing of qualifications.

THE NON-AIR-CARRIER PARTICIPANTS IN MILITARY AUGMENTATION—THEIR RELUCTANCE TO SEEK CAB CERTIFICATION, EVEN UNDER THE LIBERALIZED BOARD PROCEDURE

With certification by the CAB readily available to any qualified applicant, there would appear to be no reason why any participant in military airlift augmentation should not apply for and obtain certification—where only the minimum qualifications need be proven. By the same token, there is no reason why the military should utilize carriers not so qualified. Indeed one of the prime reasons for the needed legislation would be to provide our Armed Forces and their dependents with transportation on carriers qualified to carry the general public.

THE NEEDED LEGISLATION AND THE EXTENT TO WHICH AIR CARRIERS SHOULD BE UTILIZED BY THE MILITARY

Inasmuch as the air transportation system is comprised only of air carriers holding Civil Aeronautics Board authority, little or no argument can be made supporting use by the military of carriers not so qualifying—especially in view of the stated ease with which certificates may now be awarded. Therefore legislation is warranted which will preclude any military augmentation airlift from being performed by other than air carriers as defined by the Federal Aviation Act of 1958 and having CAB authority to engage in air transportation.

CONVEYANCE OF CERTAIN PROPERTY TO STATE OF HAWAII

Mr. FONG. Mr. President, I introduce, for appropriate reference, a bill authorizing the Secretary of the Navy to convey certain property, known as Salt Lake Boulevard, to the State of Hawaii.

Although the street in question has been under the jurisdiction of the Navy for many years, it has been used extensively by the civilian population as well. The roadway has never been improved or maintained in proper condition. The transfer of title would eventually result in the road being improved and maintained in good condition at the expense of the State, which would therefore inure to the benefit of the Navy as

well as to the State. Furthermore, the property has been declared in excess of Department of Defense needs.

I therefore urge early consideration of this measure.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3269) authorizing the Secretary of the Navy to convey certain property to the State of Hawaii, introduced by Mr. FONG, was received, read twice by its title, and referred to the Committee on Armed Services.

REIMBURSEMENT OF COSTS INVOLVED IN TERMINATION OF FEDERAL CONTROL OVER MENOMINEE INDIAN TRIBE, WISCONSIN

Mr. WILEY. Mr. President, in further regard to the problems confronting the Menominee Tribe, we recall that Public Law 399—providing for termination of Federal control over the Menominee Indians—required the tribe to "formulate and submit to the Secretary of the Interior a plan for the future control of the tribal property and service functions now conducted by or under the supervision of the United States, and for all other matters involved in the withdrawal of Federal supervision."

As amended by Public Law 755 of the 84th Congress, authorization was also provided for reimbursement to the tribe for all expenditures involved in the costs of termination.

Following the enactment of the legislation, the Menominee Tribe has proceeded, since 1953, with good faith and diligence, to solve the numerous complex termination problems necessitating much time, study, planning, and expense.

Overall, I think the tribe has done a splendid job.

In 1958, the Congress—unwisely, I believe, and I so stated at that time—further amended the law providing only 50 percent reimbursement of costs incurred in carrying out termination of Federal control over the tribe.

If allowed to stand, this law would, regrettably, impose an additional expense burden on the tribe—despite the fact that they have made a realistic attempt to design practical plans for termination of Federal control over the tribe, for the most part, with the assurance under law of full reimbursement.

Consequently, in the light of these factors, I believe that Congress should now approve legislation to provide such full reimbursements for costs incurred in termination of Federal control over tribal affairs.

I introduce, on behalf of my colleague, the junior Senator of Wisconsin [Mr. PROXMIRE], and myself, a bill to provide full reimbursement for costs involved in termination of Federal control over the tribe.

I hope my colleagues on the Senate Interior and Insular Affairs Committee will give early and favorable consideration to this proposed legislation.

I request unanimous consent to have the text of a bill for 100-percent reimbursement of termination costs, and a memo in support of the bill prepared by representatives of the tribe, printed in the RECORD.

The PRESIDING OFFICER (Mr. ENGLE in the chair). The bill will be received and appropriately referred; and, without objection, the bill and memorandum will be printed in the RECORD.

The bill (S. 3272) to provide for reimbursement of termination costs involved in termination of Menominee Tribe from Federal jurisdiction, introduced by Mr. WILEY (for himself and Mr. PROXMIRE), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of section 6 of the Act entitled "An Act to provide for a per capita distribution of Menominee tribal funds and authorize the withdrawal of Menominee Tribe from Federal jurisdiction," approved June 17, 1954, as amended by the Act of July 2, 1958 (72 Stat. 290), is further amended as follows:

"In order to reimburse the tribe for expenditures of such tribal funds as the Secretary deems necessary for the purposes of carrying out the requirements of this Act and for such other expenditures incurred in preliminary planning commencing from June 20, 1953, there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, an amount equal to all of such expenditures."

The memorandum presented by Mr. WILEY is as follows:

MEMORANDUM IN SUPPORT OF AMENDMENT TO PROVIDE FULL REIMBURSEMENT OF TERMINATION COSTS

During the 84th Congress, two bills were enacted which amended Public Law 399, 83d Congress, the Menominee Termination Act. One of these, Public Law 755, 84th Congress, amended the original act to authorize the appropriation of sufficient funds to reimburse the tribe for all expenditures of tribal funds authorized by the Secretary of the Interior in carrying out the purposes of Public Law 399.

In the session of the 85th Congress, a further bill to amend the Termination Act by extending the dates for preparation of a plan and for final termination was introduced. This bill, H.R. 6322, was amended in the Senate committee to provide for only 50 percent of reimbursement of costs incurred subsequent to the date of the enactment of the amendment. In conference, the House managers accepted the Senate amendment.

The present bill was requested by the Menominee Indians since they proceeded with good faith and diligence toward solution of the numerous and complex termination problems that necessitated much time in study, planning and expense. The planning deadlines established by Congress have been met. Plans will be complete and termination of Federal responsibility can be accomplished, provided funds can be reimbursed on a 100-percent basis to enable the tribe to continue the last steps in termination.

The amount that will be incurred in termination costs will in no case exceed the authorized appropriation established by the Congress.

The Menominees have endeavored to model a plan of operation for their future through establishing a business corporation. In the recent session of the Wisconsin Legislature, an act creating a new Wisconsin County out of the Menominee Reservation was enacted. These various activities were necessary to integrate the people and their properties as citizens under the laws of the State of Wisconsin.

It is believed the legislation sought will reimburse the Menominee Tribe with the necessary funds for them to carry their responsibilities under committed contracts and other expenses incident to tribal government until the effective termination date.

EXEMPTION OF MENOMINEE INDIANS FROM DOCUMENTARY STAMP TAX INVOLVED IN TERMINATION OF FEDERAL CONTROL

Mr. WILEY. Mr. President, I introduce, on behalf of my colleague, the junior Senator from Wisconsin [Mr. PROXMIRE] and myself, a bill to provide that documentary stamp taxes not be applicable to transactions involved in termination of Wisconsin's Menominee Indians from Federal jurisdiction.

It will be recalled that Public Law 399 of the 83d Congress called for termination of Federal control over the assets and affairs of the Menominee Tribe.

It will be recalled in the intervening years, the tribe and its leaders have made a constructive, dedicated, realistic effort to meet the requirements.

Because of the complexity of termination of negotiations, a series of unforeseen problems have arisen. For example, it was not foreseen that the transfer of property from the Government to the tribe might be subject to a variety of taxes, such as the documentary stamp tax.

According to early determinations, this tax—on stocks and certificates of a corporation and real estate—could possibly result in an additional $30,000 to $80,000 cost to the tribe, depending on the form of the new corporation organized to handle tribal assets.

With the wide variety of complex problems developing out of Federal control, many of which are expensive, the members of the tribe are hard put to find money to meet all their expenses.

We recognize, of course, that the economic stability of the members of the tribe is essential to integration—without Federal control—into our economic structure. The imposition of such high costs as the documentary taxes could adversely offset their stability.

I believe, therefore, that exemption from this substantial amount of taxation would not only be in the best interests of the tribe itself, but of the State and of the country.

I ask unanimous consent to have a copy of the bill, as well as a supplementary statement prepared by the representatives of the tribe, printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and statement will be printed in the RECORD.

The bill (S. 3273) to provide that documentary stamp taxes shall not be applicable to transactions involved in termination of Menominee Tribe from Federal jurisdiction, introduced by Mr. WILEY (for himself and Mr. PROXMIRE), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9 of the Act entitled "An Act to provide for a per capita distribution of Menominee tribal funds and authorize the withdrawal of the Menominee Tribe from Federal jurisdiction," approved June 17, 1954, as amended by the Act of July 2, 1958 (72 Stat. 290), is further amended as follows:

"SEC. 9. No distribution, conveyance, issuance, or transfer of title to assets, land, or securities pursuant to the plan adopted by the tribe and approved by the Secretary under the provisions of this Act shall be subject to any Federal or State transfer, issuance, or income tax: *Provided*, That so much of any cash distribution made hereunder as consists of a share of any interest earned on funds deposited in the Treasury of the United States pursuant to the Supplemental Appropriation Act, 1952 (65 Stat. 736, 754), shall not by virtue of this Act be exempt from individual income tax in the hands of the recipients for the year in which paid. Following any distribution, conveyance, transfer, or issuance of assets made under the provisions of this Act, such assets and any income derived therefrom in the hands of any individual, or any corporation or organization as provided in section 8 of this Act, shall be subject to the same taxes, State and Federal, as in the case of non-Indians, except that any valuation for purposes of Federal income tax on gains or losses shall take as the basis of the particular taxpayer the value of the property on the date title is transferred by the United States pursuant to section 8 of this Act."

The statement presented by Mr. WILEY is as follows:

STATEMENT IN SUPPORT OF AMENDMENT TO PROVIDE STAMP TAX IMMUNITY

Under the termination plan submitted to the Secretary of the Interior by the Menominee Indian Tribe, a conveyance of the Menominee Forest lands will be made by the Secretary to a corporation formed by the tribe (Menominee Enterprises, Inc.) for the purpose of operating the tribal forest and mills for the benefit of the tribal members. The corporation will then issue 327,000 shares of $1 par value stock to the tribal coordinating and negotiating committee, which, in turn, will transfer the stock to certain voting trustees. The voting trustees will issue voting trust certificates to the individual members of the tribe. In addition, the termination plan contemplates issuance by Menominee Enterprises, Inc., of $9,810,000 face value, 4-percent income bonds directly to the tribal members. The securities mentioned will be delivered to tribal members as listed on the final roll of the tribe approved December 12, 1958, under section 3 of Public Law 399, 83d Congress.

The termination plan thus submitted was prepared by the tribe for approval of the Secretary pursuant to section 7 of the act of June 17, 1954 (68 Stat. 250), as amended by Public Law 718, 84th Congress (70 Stat. 549), and Public Law 85-488 (72 Stat. 290), which provides:

"The tribe shall • • • formulate and submit to the Secretary a plan for the future control of the tribal property and service functions now conducted by or under the supervision of the United States • • • and for all other matters involved in the withdrawal of Federal supervision."

With regard to taxes, the act specifically provides:

"SEC. 9. No distributions of the assets made under the provisions of this Act shall be subject to any Federal or State income tax; *Provided*, That so much of any cash distribution made hereunder as consists of a share in any interest earned on funds deposited in the Treasury of the United States pursuant to the Supplemental Appropriations Act, 1952 (65 Stat. 736, 754), shall not by virtue of this Act be exempt from individual income tax in the hands of the recipients for the year in which paid. Following any distribution of assets made under the provisions of this Act, such assets and any income derived therefrom in the hands of any individual, or any corporation or organization as provided in section 8 of this Act, shall be subject to the same taxes, State and Federal, as in the case of non-Indians, except that any valuation for purposes of Federal income tax on gains or losses shall take as a basis of the particular taxpayer the value of the property on the date title is transferred by the United States pursuant to section 8 of this Act."

Chapter 34 of the Internal Revenue Code of 1954, sections 4301 through 4384, imposes certain documentary stamp taxes on the issuance and transfer of capital stock and certificates of indebtedness by a corporation, sales or transfers of capital stock and certificates of indebtedness of a corporation, and conveyance of real estate.

These specific taxes involve from $30,000 to $80,000 of cost to the tribe, depending of course on the final form the new corporation is organized. This phase of taxation was overlooked in the original termination legislation. At the time termination was considered by the Congress, it was not known what form of organization was to be created, therefore, it appears the tribe in its infant stage may be amenable to such described taxes.

It is to the best interest of the Government and the Menominee Indians, as well as the State of Wisconsin, that tax relief contained in this bill will give the new tribal organization some assurance of success, since the immediate termination impact will greatly affect tribal and economic stability.

AUTHORIZATION TO PRINT UPDATED INTERNAL SECURITY MANUAL AS A SENATE DOCUMENT

Mr. WILEY. Mr. President, I submit, for appropriate reference, a concurrent resolution to authorize printing of an up-dated version of the Internal Security Manual.

As my colleagues will recall, I sponsored, in 1953, the publication of an original manual. Revised in 1955, it has proved an extremely valuable compendium of Federal statutes, Executive orders, and congressional resolutions relating to the internal security of the United States. Over the years, it has been utilized by Government agencies, business firms, attorneys, teachers, writers, and many others concerned with the problems of internal security.

We recognize, of course, that internal, as well as external, security continues to be a major challenge.

The oft-quoted adage "the price of liberty is eternal vigilance" is as meaningful, if not more so, in 1960 as it was at any other time in our history.

On the domestic front, communism, the deadly enemy of freedom, attempts to carry on clandestine activities behind many masks, including seemingly harmless and sometimes meritorious organizations, drives, and other movements. Not exclusively a military effort of "kill off" freedom, the antifreedom activities include such fields as industry, agriculture, atomic energy, educational and cultural activities, and other areas to undermine our progress, spread the cancerous Communist ideology, and generally weaken our free way of life.

To counter these activities, we have a system of laws, regulations, and Federal orders to prevent such actions, and, if discovered, punish the perpetrators.

The Internal Security Manual, a compendium of these statutes, has proved to be helpful to individuals and agencies working in this field.

Recognizing the value of the previous editions of the manual, I requested the American Law Division of the Library of Congress to revise this handy, useful booklet. Through the cooperative, constructive efforts of the Library, the revision is now complete.

At this time, I should like particularly to commend Mrs. Mollie Z. Margolin, attorney adviser of the American Law Division, for her splendid work in expeditiously carrying out the long, complex, and exacting task of updating the manual.

The availability of this fine publication, for which there is constant demand, even though previous printings have long been exhausted, for internal security purposes, would, I believe, serve the overall public interest.

Consequently, I am urging approval of the concurrent resolution authorizing the publication of 5,000 copies of the manual.

I request unanimous consent to have the concurrent resolution printed in the RECORD.

The PRESIDING OFFICER. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 96) was received and referred to the Committee on Rules and Administration; and, under the rule, the concurrent resolution was ordered to be printed in the RECORD, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed as a Senate document a revised edition of the Internal Security Manual; and that five thousand additional copies be printed for the use of the Committee on the Judiciary.

AMENDMENT OF MUTUAL SECURITY ACT OF 1954, AS AMENDED—AMENDMENT

Mr. FULBRIGHT. Mr. President, I have had correspondence with the Department of Defense regarding black market currency operations of U.S. military personnel stationed in Turkey. Members of the Committee on Foreign Relations have had an opportunity to discuss this matter informally with General Norstad, the Commander in Chief of U.S. forces in Europe.

I shall say no more about the Turkish matter now except to say that what I have learned so far points to a very important problem in our foreign representation. U.S. personnel, civilian and military, are serving all over the world. When they conduct improper currency

transactions or improperly sell personal property in such a way as to violate local law or U.S. Government regulations, our country is placed in disrepute.

The Committee on Foreign Relations will be going into this subject soon in connection with the mutual security legislation. For the convenience of the committee I submit an amendment to S. 3058, the administration's proposed Mutual Security Act of 1960, dealing with the subjects of disposal of personal property and of black market currency transactions abroad.

My amendment will provide a remedy, I think, for one cause of black market currency dealings. U.S. Government employees are supposed to exchange the dollars which they receive for salary and allowances at Government disbursing offices abroad. This procedure for acquiring local currency which they need to pay their local expenses is required so that their dollars will be exchanged at the legal rate of exchange instead of some black market rate inside or outside of the country. Experience has shown that in some countries the procedures which I have mentioned either are difficult to enforce or they have not been adequately enforced. One solution is to require some portion of salaries and allowances to be paid in local currency, thus reducing the potential for speculation.

My amendment would give the Ambassador authority, when he determines that the achievement of U.S. foreign policy objectives in a country requires it, to issue regulations of uniform applicability to all Government employees regarding their disposal of personal property and regarding the extent to which their pay and allowances received in that country must be paid in local currency.

Mr. President, I ask unanimous consent that this amendment may be printed in the RECORD, and appropriately referred.

The PRESIDING OFFICER. The amendment will be received and appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment was referred to the Committee on Foreign Relations, as follows:

On page 8, after line 2, insert the following:

"(d) Amend section 523, which relates to coordination with foreign policy, by adding the following new subsection:

"'(d) Whenever the Chief of the United States diplomatic mission in a country determines that the achievement of United States foreign policy objectives there requires it, he may issue regulations of uniform applicability to all officers and employees of the United States Government and of contractors with the United States Government governing the extent to which their pay and allowances received in that country shall be paid in local currency. Notwithstanding any other law, United States Government agencies are authorized and directed to comply with such regulations.'"

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS—AMENDMENT

Mr. ERVIN submitted an amendment, intended to be proposed by him, to the amendment proposed by Mr. JAVITS and Mr. CLARK to the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri, which was ordered to lie on the table and to be printed.

CIVIL ACTIONS FOR REVIEW OF ADMINISTRATIVE DETERMINATIONS AS TO USE OF CERTAIN LANDS FOR GRAZING PURPOSES—ADDITIONAL COSPONSORS OF BILL

Mr. CHURCH. Mr. President, I ask unanimous consent that the names of Senators BIBLE, CANNON, MOSS, BENNETT, MURRAY, MANSFIELD, ENGLE, and ALLOTT may be added as additional cosponsors of the bill (S. 3174) to authorize civil actions for the review of administrative determinations as to the use of lands of the United States for grazing purposes to be instituted in judicial districts in which such lands are situated, and for other purposes, introduced by me, on behalf of myself and my colleague, the senior Senator from Idaho [Mr. DWORSHAK], on March 10, 1960.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. RANDOLPH:

Invocation; article by Sol Padlibsky, published in the Charleston (W. Va.) Daily Mail of March 21, 1960; and address by Senator RANDOLPH, at the Israel 12th anniversary dinner, sponsored by the Charleston Committee for State of Israel Bonds, on March 20, 1960, in Charleston, W. Va.

SENATORS DESIGNATED TO SERVE ON COMMITTEE ON PEACEFUL USES OF OUTER SPACE

Mr. DIRKSEN. Mr. President, I was notified recently that there was contemplated the creation of a Committee on the Peaceful Uses of Outer Space. That committee is sponsored by the United Nations. Two Senators were to be designated, one from each side, to serve on that committee. It was my pleasure to suggest, for that purpose, Senator MARGARET CHASE SMITH, of Maine, and the majority leader suggested Senator THOMAS J. DODD, of Connecticut.

I wish to say, in connection with this proposal, which has been submitted to the State Department by the Vice President, that I am intensely proud of the fact that Senator SMITH, of Maine, was willing to assume this responsibility. She presently serves on the Aeronautical and Space Sciences Committee, and she has been for a long time a member of the Armed Services Committee of the Senate. She has indeed rendered yeoman service in this field, and has done it courageously.

In her capacity on this special committee, she will serve as a sort of adviser, and I am confident she will render excellent service. So I am proud indeed that she will accept this preferment, and I am glad I had the opportunity to suggest her name.

DEATH OF BISHOP CARROLL OF THE DIOCESE OF ALTOONA AND JOHNSTOWN, PA.

Mr. CLARK. Mr. President, Pennsylvania and, indeed, the Nation, have lost a distinguished spiritual leader with the death of Bishop Carroll of the diocese of Altoona and Johnstown. A member of a family which has given the church three extraordinary leaders, Bishop Carroll, like his brothers, brought to his work a combination of humanitarian warmth and dedicated vigor.

As assistant general secretary and then general secretary of the National Catholic Welfare Conference, he became the friend of many Members of Congress and executive branch leaders, and was an important contributor to national progress in fields like immigration, education, and family life. His remarkable record of accomplishment in Altoona—adding a dozen new parishes to the diocese and many new schools and directing the restoration of the cathedral, in only a little over a year—indicates the zeal with which he customarily worked.

Bishop Carroll's absence will be grievously felt, and he will be mourned both by churchmen and the laiety to whom he gave so much devotion throughout his career of service.

LENDING CAPACITY OF BANKS AND TREASURY BILL RATE

Mr. CLARK. Mr. President, I ask unanimous consent that there be printed at this point in the RECORD two articles, one from the Wall Street Journal of March 21, 1960, entitled "Lending Capacity of Banks Raised Sharply in Week," and, second, an article from the New York Times of March 22, 1960, entitled "Bill Rate Takes Third Hard Fall."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 21, 1960]

LENDING CAPACITY OF BANKS RAISED SHARPLY IN WEEK—RESERVE SYSTEM'S INCREASE OF $254.6 MILLION IN TREASURY BILL PURCHASES CITED—LOANS ROSE $345 MILLION

NEW YORK.—The Federal Reserve System sharply expanded the lending capacity of the Nation's banks in the week ended Wednesday, according to figures released by the New York Federal Reserve Bank.

A chief factor in boosting the banks' reserves—which govern their lending ability—was a big, $254.6 million increase Wednesday in the Federal Reserve System's holdings of U.S. Treasury bills.

Federal Reserve purchases of Government securities, usually Treasury bills, tend to pump up bank reserves because the System pays the sellers by check which they deposit in their bank accounts. As a result, the banks on Wednesday were under less pressure than at the end of any weekly reporting period in the past 13 months.

The New York Federal Reserve Bank also reported business loans at New York City banks in the week ended Wednesday rose $345 million—evidently spurred by borrowings to meet March 15 income tax payments.

The sharp improvement in the banks' reserve positions likely aided banks in meeting the increased loan demand during the week, observers noted.

The $345 million increase in business loans at the 15 largest New York City banks compared with a drop of $30 million the previous week and a rise of about $177 million in the comparable 1959 week.

The big increase in business loans in the statement week raised the total of such borrowings on the books of the New York banks to $10,714 million—a rise of $84 million so far this year. It was the first week so far this year that total business loans have topped the loan level at the start of the year. In the comparable 1959 period, business borrowings were still $175 million below the total at the begining of the year.

Stepped-up borrowings by metal and metal products companies, public utilities and transportation concerns and tobacco companies accounted largely for the business loan rise in the week ended Wednesday.

In the two statement weeks prior to the March 15 tax payment date, New York business loans showed a net rise of $315 million, slightly more than the $276 million increase in the comparable 2 weeks of last year.

Borrowings by nonbank financial institutions, such as commercial and sales finance companies, also rose sharply in the week ended Wednesday at New York City banks, climbing $182 million, compared with a drop of $156 million the previous week. Borrowings by these companies totaled $1,859 million on Wednesday, about $21 million under the level at the start of this year. Comparable 1959 figures are not available due to a change in Federal Reserve reporting methods last July 1.

The lending capacity of the Nation's commercial banks is governed by their reserves—a specified portion of deposits which they must keep in cash at Federal Reserve banks plus a part of the cash in their own vaults. On a given day, some banks may have reserves which exceed their legal requirements while others may have to borrow from Federal Reserve banks to meet requirements.

When total borrowings are greater than total excess reserves—as has been the case for more than a year—it means the banking system as a whole has gone into debt to the Federal Reserve to make some loans.

On Wednesday, net borrowed reserves—borrowings less excess reserves—plunged to only $11 million from $623 million the previous Wednesday, revised from the $612 million previously announced. It was the lowest level for net borrowed reserves since February 18, 1959, when the Nation's banking system had net free reserves of $3 million.

Accounting for the substantial easing on reserves Wednesday to Wednesday was the increase in Federal Reserve holdings of Treasury bills as well as a rise of $360 million in the "float"—checks delayed in collection for which member banks automatically receive Federal Reserve credit.

On an average day in the week ended Wednesday, net borrowed reserves rose slightly to $240 million from $230 million on an average day the previous week, revised from the $219 million previously reported. This was still well under the level of net borrowed reserves that has prevailed in recent months. During January and February, for example, average net borrowed reserves generally ranged from $300 million to more than $500 million.

A tightening factor on bank reserves on an average day during the week was a drop of $180 million in the "float" from the previous week. But this was largely offset by an increase of $174 million in Federal Reserve holdings of Government securities.

Uncle Sam's gold stock, which has declined $47 million so far this year through sales to foreign government buyers, held unchanged in the week ended Wednesday at $19,409 million, Federal Reserve figures showed.

[From the New York Times, Mar. 22, 1960]

BILL RATE TAKES THIRD HARD FALL—91-DAY AVERAGE IS 3.033 PERCENT—182-DAY LEVEL 3.176 PERCENT, THE LOWEST IN A YEAR—CEILING SEEN REMAINING—SENATOR PREDICTS REPEAL WILL NOT WIN, IN VIEW OF RECENT INTEREST DIPS

WASHINGTON, March 21.—The Treasury bill rate took another dive this week, the Treasury reported tonight.

It was the third straight week of large declines, and brought the 91-day bill rate to within a hair's breadth of 3 percent; 3 weeks ago it was about 4¼ percent.

The average discount rate on $1,200 million of 91-day bills auctioned today fell to 3.033 percent, compared with 3.451 percent last week. This week's rate was the lowest since last May 25, when it was 2.878 percent.

The average discount rate on $400 million of 182-day bills was 3.176 percent, compared with 3.619 percent last week. This week's rate was the lowest in almost exactly a year. The bills of March 24 last year sold at a discount rate of 3.093 percent.

CUT IN SUPPLY NOTED

Money market sources said one factor contributing to the sharp decline in bill rates may be the impending reduction in the supply of bills by $4 billion tomorrow, when that amount of tax anticipation bills matures. Some will be turned in for cash, which will in turn probably be invested in outstanding bills.

However, the decline in bill rates has been so great that purely technical factors such as this could not account for all of it. One possibility is that the decline reflects an increase in funds available for investing stemming from a switch of Federal Reserve policy toward less restraint.

Weekly banking figures for the last 2 weeks have shown a condition of less restraint. This could be temporary, but there is some reason to believe that the Federal Reserve has decided to ease the pressure for a while.

Today, in the Senate, Senator PAUL H. DOUGLAS, Democrat, of Illinois, said the recent reduction of interest rates, on long-term as well as short-term securities, meant that the request of the administration for repeal of the interest rate ceiling on long-term bonds will not be granted.

BIG SAVING CLAIMED

Senator DOUGLAS said the resistance of Democrats in Congress to the proposal had meant and would mean a saving of hundreds of millions of dollars in future interest payments by the Treasury.

The Senator said he took great pleasure in the decline in interest rates, but experienced great pain at the killing made by investors from the concurrent rise in bond prices.

Today's tenders for 9-day bills totaled $1,953,990,000, of which $1,200,163,000 was accepted, including $304,205,000 accepted on a noncompetitive basis. The high bid was 99.241 for a discount rate of 3.003 percent, the low was 99.220 for a discount rate of 3.086 percent and the average was 99.233 for a discount rate of 3.033 percent. The average discount rate was equivalent to a yield to investors of 3.10 percent on the basis of a 365-day year. Of the amount bid for at the low price, 65 percent was accepted. In the New York Federal Reserve district, tenders totaled $1,366,580,000, of which $712,637,000 was accepted.

Tenders for the 182-day bills totaled $719,089,000, of which $400,075,000 was accepted, including $63,553,000 accepted on a noncompetitive basis. The high bid was 98.418 for a discount rate of 3.129 percent, the low was 98.352 for a discount rate of 3.260 percent and the average was 98.395 for a discount rate of 3.176 percent. The average discount rate was the equivalent of a yield to investors of 3.27 percent on the basis of a 365-day year. Of the amount bid for at the low price, 7 percent was accepted. In the New York Federal Reserve district, tenders totaled $549,152,000, of which $259,688,000 was accepted.

Mr. CLARK. Mr. President, these two articles deal again with the problem of easing the money rate, and the appearance of an increasing lack of necessity to remove the 4¼-percent interest ceiling. One of the questions raised is whether the Federal Reserve Board has really changed its policy and is now prepared to promote an easing in the money market which would carry with it a decrease in interest rates.

While all of this has been going on, the yields on Government securities have been shrinking, and we are getting closer and closer to a situation where there can be really no sensible excuse for the Treasury Department's not attempting to float an issue of long-term Government bonds. In fact, I understand that on the 30th of this month an announcement will be made as to how $2 billion of the outstanding debt will be refinanced. I hope very much that the Treasury Department and the Federal Reserve Board will get together to decide to issue long-term bonds which, under current yields, could be done easily now under the terms and conditions outlined by the Under Secretary of the Treasury. In particular, I hope the Federal Reserve Board will come out of the smoke-filled room and let the American people know whether it intends to carry forward the tight-money, high-interest-rate policy, or, as the indications seem to be, it is going to ease it, which certainly should have happened a long time ago.

Mr. President, I desire to speak on another subject.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

RESEARCH IN MARINE SCIENCES—ADDRESS BY SENATOR MAGNUSON

Mr. CLARK. Mr. President, on February 17, at the invitation of the Franklin Institute, which maintains research laboratories and a remarkable museum of science and industry in Philadelphia, my distinguished colleague, the Senator from Washington [Mr. MAGNUSON], was honor guest at a reception and dinner and delivered the institute's annual Philip C. Staples lecture.

The Senator from Washington spoke on "Research in the Marine Sciences," a topic suggested by the institute, which has evinced marked interest in S. 2692, introduced by the Senator, which would establish a comprehensive 10-year program of oceanographic research and surveys.

I, my distinguished colleague from Pennsylvania [Mr. SCOTT], the New Jersey Senators, and nine other Members of the Senate are cosponsors of this proposed legislation, designed to meet a pressing scientific need which has been aggravated by the massive efforts which Soviet Russia and several other nations are undertaking in this field.

The Franklin Institute, I may add, was founded in 1824 as a memorial to the great statesman and scientist who, among his many other notable achievements, pioneered the science of oceanography in America. Benjamin Franklin directed the first detailed study of the Gulf Stream, advanced theories on the causes and movements of our violent coastal storms which have proven remarkably sound, and extended his marine studies even to the farming of oysters.

Mr. President, the Franklin Institute is to be commended for its interest in oceanography, and for selecting as its 1960 Philip C. Staples lecture my colleague from the State of Washington who has given so much of his time and thought to the expansion of our Government's activities in marine research and in support of the aquatic sciences.

I ask unanimous consent that the remarks of the Senator from Washington before the Franklin Institute of the State of Pennsylvania on February 17 be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

RESEARCH IN THE MARINE SCIENCES

(By Senator WARREN G. MAGNUSON before the Franklin Institute, Philadelphia, February 17, 1960)

President LePage, members of the Franklin Institute and their guests, ladies and gentlemen, it is an honor and a privilege to be with you tonight and to meet so many distinguished scientists, science students and patrons of the sciences.

I must confess that I accepted your kind invitation with some trepidation. Talks I have made from time to time during my public career have been called many things, but this is the first time they have been billed as a lecture. Tomorrow, when my colleagues in the Senate ask what I did tonight, and I tell them I was in Philadelphia delivering a science lecture, they will say: "Come again. Surely you can give us a more likely story than that."

It would indeed be presumptuous of me to discuss the scientific aspects of oceanography. I am sure that most of you in this audience know far more marine science than I do. So I shall talk about the role of the Federal Government in this field—what it is doing in marine research, what many of us in the U.S. Senate think it should be doing, why we think the way we do, and what we are proposing Congress do to assure expansion of the marine sciences.

First, let us consider what business the Government may have in the field of scientific research, particularly basic scientific research. All of us agree that maximum scientific achievement requires great scientific freedom and a minimum of Government direction and control.

I recall that the question of Government involvement in basic research was raised when, in 1937, I introduced the bill to establish a National Cancer Institute, the first legislation of this kind to be enacted by the Federal Government. Today we have seven National Institutes of Health, all doing splendid work in medical research. The question of Government participation in research designed to alleviate the afflictions that beset mankind appears to have been resolved.

The question again was raised when, in 1945, I introduced the first bill to create a National Science Foundation. This bill authorized and directed the Foundation to encourage and support basic research and education in the sciences. The Government had never entered the field of basic research before. Dr. Vannevar Bush worked with me on this legislation and assisted in its drafting. It required 5 years to convince Congress and the administration that we needed a National Science Foundation, but we finally succeeded.

Today, although the agency certainly has proved its value and is being continually expanded, there are some people who question the Government's support of basic research.

Research that has immediate and demonstrable application appears easier to advocate successfully than does research that promises general gains at some undetermined time in the future. Yet we know there must be a foundation of basic scientific knowledge before we can anticipate effective application.

Why must the Federal Government invest in science?

One reason is that we are living in a scientific age. Our security, health, welfare, economy—perhaps our very survival as a free nation—depends on keeping abreast in science with the other great powers.

A second reason is that national benefits accrue from expanded scientific research far outweighing the costs, and where there is a national benefit I feel there is a national duty to support such research.

A third reason is that scientific research in many fields is today too costly for most private or State institutions and laboratories to undertake to the extent the demands and tensions of these times require without the assistance of the Federal Government.

Government grants to these laboratories and institutions assure that the required research will be done where effective results can best be accomplished.

That is the theory behind the National Science Foundation Act of 1950, and it is the basic theory of the proposed Marine Sciences and Research Act.

For many years basic research in the marine sciences was conducted in the United States in institutions privately endowed or as an activity of State universities and colleges.

The scientists in these institutions did a magnificent job. They are still doing a magnificent job although their funds and facilities have become increasingly strained as the job has grown to an enormity undreamed a few years back.

Interest of the Federal Government in the oceans was limited almost exclusively to studies that would safeguard and improve surface navigation. To this end Congress in 1807 established a Coast and Geodetic Survey, restricting its marine jurisdiction to the edge of the Continental Shelf. That provision remains unchanged today. I have legislation pending to remove this archaic structure and permit the Coast and Geodetic Survey to probe the deep and open seas. We certainly should make maximum use of all the ships and skilled manpower we have.

From 1843 until his death in 1867, the Coast and Geodetic Survey was headed by Dr. Alexander Dallas Bache, a great grandson of Benjamin Franklin, for whom your institute is named. Dr. Bache, I am told, also for many years directed the research activities of this institute. He had a profound interest in the oceans as did his great grandfather.

The U.S. Navy, to meet its own particular needs, in 1930 set up a Hydrographic Office to conduct surveys desired by that Department. This Office has made valuable contributions to the Navy in the area in which it operates.

World War II demonstrated that surveys are not enough, that all marine sciences are important to naval operations, offensive or defensive, and that they are particularly vital to submarine operation, antisubmarine warfare, mine warfare, and amphibious warfare.

Modern naval warfare, so much of it conducted beneath the surface of the oceans, requires broad knowledge of bottom topography, sound velocities, subsurface temperatures and currents, biological activity, nuclear components, ambient noise, and ocean sediments.

Even now the Navy admits a significant lack of this knowledge in the North Pacific, the Northeast Atlantic, the Pacific Ocean, and many other areas.

The chemistry of the oceans must be known at varying depths and samples taken for nitrates, oxygen, salinities, and phosphates. We should learn much more than we know now about magnetism and gravities in the ocean, about wave motion, and about the mineral treasures of the sea.

Congress, recognizing the increasing role of science in national defense, in 1946 created an Office of Naval Research. ONR was given authority to conduct research and development work both in Government facilities and through contracts with individuals and educational and scientific institutions. The latter grant was based on the premise referred to earlier in my remarks that basic research, as distinguished from applied, could best be done in an academic environment.

ONR also was directed by Congress to promote and encourage initiation, planning, and coordination of naval research, and given authority to make ships available to oceanographic institutions, or to assist in financing operations of the research ships these institutions already had and would make use of in contract programs.

These research contracts were and are from year to year dependent on allocations from the annual naval budget. Demands for naval hardware and fleet operations are such that ONR almost invariably finds itself pushed to the foot of the lineup at the budget table.

Science suffers, all marine sciences suffer, under this procedure. A comprehensive, long-range program of oceanographic research and surveys, approved by Congress and directed by statute, is necessary to correct it.

Ocean research is done from ships. To quote from an official Navy publication only about $11,500,000 was spent in support of ships working on the Navy's research program in the 11 years immediately following ONR's creation, or an average of slightly over $1 million a year.

In fiscal 1959 the Navy increased this amount to approximately $2,500,000 and in fiscal 1960 to about $3,500,000, a total of $17,500,000 in 13 years. This does not buy much ocean research.

I do not have the figures for other agencies but none are doing more work in the marine sciences than the Navy.

Our research fleet consists of old, slow, relatively small vessels inadequate in laboratory space and in accommodations for scientists, operationally inefficient and uneconomic. Average age of the ships is 24 years and the youngest was built 11 years ago.

With the exception of the 298-ton *Atlantis*, built in 1931, all are reconversions—reconverted tugs, trawlers, draggers, and surplus auxiliary naval craft, a motley assortment of marine has-beens ill-suited for their present vital mission.

No replacement of these old ships has been made to date, although Congress last year appropriated funds for two new vessels. Nor has there been any replacement of survey ships in more than a decade although most of these ships have been found "obsolete, overage, inefficient, or a combination of these" by an interdepartmental inspection board. Nor has there been any replacement of fisheries research vessels, although the fleet has been reduced by the withdrawal of several ships from service because they were no longer safe or seaworthy.

Marine scientists tell me we have a 25-year replacement program to accomplish within the next 10 years.

Let us hope that we are given that much time.

Our marine laboratory facilities are, for the most part, equally inadequate, although facilities grants made last year by the National Science Foundation to several institutions for biological laboratories will ease the situation somewhat in those institutions.

Our museums, like the laboratories, lack funds for necessary taxonomic and classification work and are cramped for space. Provision for new ships and laboratories is made in S. 2692, the proposed Marine Sciences and Research Act, and I hope to include in the bill a provision to assist the Smithsonian Institution, and through it other repositories, in housing marine specimens and for taxonomy.

Marine research has lagged, and because it has lagged there has been little incentive for young students in our universities to study and train to become marine scientists. The result is a shortage of oceanographers.

This is bad news when we note what other countries are doing, among them Soviet Russia.

Congress first became fully aware of our lag in oceanographic research at about the same time we discovered we had been lagging in our space program.

The shock of the latter realization, however, perhaps was more dramatic. We can see the moon but we cannot see the bottom of the ocean. For a number of years we had been spending several hundreds of millions of dollars annually—leisurely and all over the lot, so to speak, in the blind assumption that no nation could seriously challenge us in any science field—on various space efforts, and then Russia launched her sputniks.

We have been following about the same pattern in oceanography.

When sputnik was launched many of us wondered why we had been lagging and why there was so little coordination of our space effort. A Special Committee on Space and Aeronautics was created in the Senate for the purpose of bringing about coordination of space activities through appropriate legislation. This committee, of which I was a member, drafted the National Aeronautics and Space Act and established the National Aeronautics and Space Administration.

The special committee has since been replaced in the Senate by a standing Committee on Aeronautical and Space Sciences. Many of us on the first committee serve on the present committee.

We are now appropriating a billion dollars a year for development and research in the space sciences, exclusive of military applications. But, because we were lagging in this field when sputnik was launched, we still lag. Those of us on appropriations committees in Congress are well aware that it is a great deal more expensive to try to catch up with a program than to be on top of the program from the beginning. It will cost billions to do now what could have been done with millions a few years back, but we must catch up.

In my opinion our lag in marine research can be as fatal to our welfare and security as failure to match Russia in space research and development.

When the Committee on Aeronautical and Space Sciences was set up I rather hoped that it would consider the scientific problems of inner space—represented by the oceans and the earth beneath them—as well as those of outer space, and I regret that it has not done so.

It has now become a cliche but the facts are that we know more today about the hind side of the moon than we do about most of the ocean bottom.

I have sometimes, in the absence of Chairman LYNDON JOHNSON, opened sessions of the committee by saying: "The committee on space and depth will please come to order." Mention of depth used to draw a chuckle. It doesn't any more. Our lag in the marine sciences is now a serious, a very serious matter.

We are investing more in space research in a week than we do in ocean research in an entire year.

The oceans cover 72 percent of the earth's surface, an area nine times greater than that of the moon.

They are where life on this planet originated.

They control, in a very large measure, our weather and climate.

They are the last open range for future protein foods.

They are the vast repository for wastes and sediments, organic and inorganic, of a billion years, and hold untold wealth in minerals and fossil fuels.

The major highways of international commerce, they hold the key to the free world alliance. They intervene between ourselves and 57 other nations of the free world.

Trade, commerce, and in large measure the economy of these nations is largely dependent on keeping the oceans open.

In contrast, no ocean separates Soviet Russia from any of her Communist satellites, nor is she dependent on ocean transportation for raw materials.

Despite this fact, Russia today has embarked on an unprecedented research program, the most extensive in world history.

The Soviet oceanographic research effort far surpasses that of the entire free world.

The Soviet oceanographic fleet, in numbers of ships, in tonnage, and in laboratories and accommodations for marine scientists, surpasses that of the free world.

The Russians have built and are building ships solely for marine research; floating scientific laboratories they have been called. One of them, the 5,960-ton *Mikhail Lomonosov*, visited New York City last September. Its mission this spring and summer is to study the Gulf Stream which sweeps along our Atlantic coast. A 5,546-ton research vessel, the *Vityaz*, previously visited San Francisco and Honolulu, after charting our Pacific coast. It is now working in the Indian Ocean where we have no research ships at all and never have had. Soviet ships equipped for aerological, meteorological, and oceanographic research combined have replaced the *Vityaz* in the Pacific.

The *Lomonosov* and the *Vityaz* have accommodations for more scientists than have all of the U.S. research ships, and they are younger than any U.S. research ship. The former is 2 years old. Russia claims three more like it are being built.

Soviet fishing fleets in both the Atlantic and Pacific, in addition to having scientists aboard, have been found to possess "capabilities for other than routine fishing operations," to quote a guarded report in a recent issue of U.S. Naval Institute proceedings.

"Soviet effort in oceanography is massive, of high caliber, and is designed to establish and demonstrate world leadership," Adm. John T. Hayward, Assistant Chief of Naval Operations, has told Congress.

Soviet Russia's top 10 research ships—and this is only a fraction of her oceanographic fleet—displace 52,106 tons. Ocean-going ships of the U.S. research fleet displace a total of 7,260 tons.

The Soviet Government employs 800 professional oceanographers, of whom a majority are on sea duty aboard Russia's floating laboratories. The United States has about 500 oceanographers, of whom only a minority are at sea at any given time. Our entire research fleet has accommodations for only 125 oceanographers and the ships of this fleet are engaged only in part-time ocean operations.

We lag in ships, ship operations, scientific manpower, and in the education and training of marine scientists. To meet Russia's challenge we should, within the next 10 years, double the number of marine biologists, physicists, chemists, and geologists. We can meet Russia's challenge by adopting a constructive, long-range program which would cost us about $60 million annually for the next 10 years, or approximately 6 percent of what we are currently spending for space research exclusive, as I have stated, of military applications.

This is what a number of Senators, of whom I am one, propose in S. 2692, the marine sciences and research bill, which would authorize a sustained, coordinated, 10-year program, a program that would ultimately reimburse the Government far more than its investment in this field of science.

It would not be a crash program such as Russia is undertaking but a consistent, expanding, balanced program in which many agencies of the Government would participate.

Why, one may ask, has Russia embarked on a gigantic crash program? Why should her scientific effort in the field of oceanography be excelled only by her effort to conquer space?

An answer is that Russia seeks to dominate the world and to achieve this goal she must control the oceans. Her entire naval construction program since World War II has been directed to this end. Her oceanographic research program has been directed to this end. Russia's fleet of 500 submarines is the largest any nation has ever possessed, either in peace or war, and 12 times larger than that of Hitler's Germany at the beginning of World War II.

Russia's submarine fleet, like her oceanographic research fleet, surpasses that of the entire free world. Today she is the world's greatest undersea power. In addition to building up her own subsurface fleet, she has supplied enough submarines to Communist China to place that country fourth in submarine strength and significantly she is also supplying Red China with ocean research ships.

Early in my remarks I pointed out that, to quote a U.S. Navy publication, "submarines cannot function properly in strategic areas without adequate knowledge of currents, bottom topography, sound velocities, ocean temperatures, and weather." It was further cited that our own Nation is presently ill-equipped to supply this knowledge because we lack the ships for more than a limited and sporadic program.

Russia has the research ships and marine scientists to provide the knowledge commanders of her submarine fleets seek, and the knowledge also which those who command her surface fleet wish to have, for many marine studies also affect surface operation.

It may not be generally known that Russia also has carried on an extensive construction program of surface warships in recent years. With the exception of aircraft carriers she has built more combatant ships than any nation in the world.

The Soviets since World War II have outbuilt us in submarine tonnage 6 to 1, in destroyer tonnage 9 to 1, and in cruiser tonnage 14 to 1, and I quote Navy figures. They are now slackening their cruiser construction program to build more submarines. We cannot extend the ratios to include research ships because during the postwar period the United States has built none at all.

It is obvious, I think, that the Soviet objective is not only military but political, and in the present political phase Soviet research ships are playing an important role.

Trim, white, 5,000- to 12,000-ton ships of the Russian oceanographic fleet are dropping in on ports, large or small, of the newly established African Republics and welcoming citizens by the thousands aboard. They

have done the same in the islands of the South Pacific, in India and Ceylon, and, shortly before Khrushchev's visit there, in the East Indies. Port cities in South America likewise have not been neglected, and with their advanced equipment the scientists on these research ships can chart the waters for future submarines.

What do we have at stake in this unprecedented activity of an unfriendly nation? What does the free world have at stake?

Russian dominion over the oceans would give her control of 95 percent of the earth's surface and imperil the remaining 5 percent with ballistic missiles fired from submarines hovering along the Continental Shelf.

Control of the oceans would enable the Communist bloc to fragmentize the free world alliance, cut the lifelines to the United States, and block the supply lines from the United States to our oversea allies.

Soviet Russia then would have the power to terminate our assistance, both military and economic, to other countries at the whim of the Kremlin, and to bully and blackmail the nations to which that aid has gone.

If Russia ruled the seas she could, with impunity, shut us off from oversea sources on which we are dependent in some measure for 66 of the 77 strategic raw materials necessary for defense. From such sources now come 95 percent of our tin and chrome, 90 percent of our antimony and cobalt, 80 percent of our asbestos, and 75 percent of the bauxite from which we produce aluminum.

Control of the seas would enable Russia to interdict our commerce and that of other nations trading with us, and it would give her preferential access to the markets of Asia, Africa, Oceania, and South America, where live five-sixths of the peoples of the world.

Someone may say that Soviet Russia could never hope to supply these markets. Perhaps not, but Sino-Soviet bloc trade has doubled in the last decade, and if Russia could enjoy the carrying trade alone she would reap profits from it, as does every other nation but the United States.

Commerce and navigation are closely allied and both are on the threshold of a new age which Russia, through her oceanographic research and construction capabilities, is in a favorable position to exploit.

The great carriers of the future will be nuclear powered and many of them will travel not on the surface, but under the surface of the sea. Many of us will live to see great undersea commercial carriers in addition to naval submarines.

Subsurface carriers will travel faster and more safely, and in many areas of the world will be able to take much shorter routes to their destinations than do surface ships. The sea mileage from Seattle to Oslo, for example, will be 3,000 miles less than it is now when commercial submarines follow the path of the *Nautilus* and *Skate* under the arctic ice.

Ships of the future will pass under storms, not through them. Like an airplane, submersibles will be operating in a continuous medium and absence of wide density variations will do away with gravity waves. Resistance will be much less for fast, deep-diving submarines than it is for surface ships. This will permit more efficient use and conservation of propulsion energy.

Sonar and related systems will enable submarine officers to hear better and in effect to see farther than their counterparts on surface vessels. Cavitation is reduced in undersea operation and some marine scientists dream of a day when it may be eliminated entirely, as nature has done with the dolphin.

Commercial undersea navigation will require all the scientific knowledge and aids that naval undersea craft need today. The Russians are making aggressive efforts to supply this knowledge to their own subsurface mariners. One of their objectives is, of course, year-round navigation of the Northern Sea route.

Russia has another important objective for ocean research, to increase her deep sea fisheries catch. Russians, with their cold climate, have an urgent need for high protein foods, and her meat supply is deficient and probably will remain so. To offset this deficiency Russia has turned to the sea.

Today Russia is operating the largest and most efficient fishing vessels afloat. Some of her huge floating combines, as they are called, will take as many fish in one trawl as our ships will catch in a month. Russia is operating fishing fleets off the Grand Banks of Newfoundland and along the coast of Alaska, and has fisheries also in the Central Pacific, the mid-Atlantic, and along the African coast.

Russia's fisheries research fleet is the finest and largest in history and includes at least one submarine. All of her major fishing vessels carry the latest scientific equipment for locating rich fisheries and scientists to operate this equipment, so these ships supplement her research fleets.

Our own fisheries are dwindling; our fisheries research is degressing, and our fisheries catch is dropping every year. Our research fleet, always small and always limited to coastal waters, has declined in quality and numbers, and the Bureau of Commercial Fisheries cannot even operate all the ships it has because of lack of funds.

What are we doing about the Russian challenge, or complex of challenges, for mastery of the oceans?

A year ago the Committee on Oceanography of the National Academy of Sciences issued a report and recommended a 10-year program of research and surveys, ship construction and engineering, and training and education, designed to approximately double our present oceanographic effort by 1970.

All members of this committee are scientists. All are connected with nongovernmental institutions, and none of them are on Federal payrolls.

All are persons of great scientific stature and eminent in their respective scientific fields.

Separately, but at about the same time, the Navy Department issued a report of the Office of Naval Research projecting a 10-year program for expanded basic research to be undertaken by oceanographic institutions and laboratories under contracts with the Navy. This report, known as the TENOC report, was warmly endorsed by the Chief of Naval Operations, Adm. Arleigh Burke.

Members of the Committee on Interstate and Foreign Commerce studied these reports and were intrigued with them. On June 23, I introduced a Senate resolution endorsing these reports and recommending that the basic recommendations be adopted. All members of the Senate Commerce Committee joined in cosponsoring this resolution, including the junior Senator from Pennsylvania. It was cosponsored also by my colleague, Senator JACKSON of Washington, a member of the Armed Services Committee and the Joint Committee on Atomic Energy. The resolution was reported unanimously to the Senate by the committee on July 13, and on July 15 the Senate adopted it without a single dissenting voice.

This resolution outlined what should be done, but did not provide legislative authorization or direction. For that reason it was necessary to draft a bill which was done with the advice and counsel of oceanography committee representatives.

This bill, cosponsored by myself and 13 other Senators, including both Senators from Pennsylvania, was introduced on the final day of the 1959 session in order to give scientists and educators throughout the Nation an opportunity to study it during the congressional recess and to present their views. As a result the committee has received many fine comments from many scientists.

The Federal agencies to which the bill was sent also for comment have not been equally responsive, and some Government officials, it is reported to me, have taken the view that no legislation is needed at all.

In this connection I will refer to a letter from the Chief of Naval Operations, written to me on June 16, 1959, in which he said in part, and I quote:

"The interest of the Congress in this vital area is timely since legislative assistance will be required if all the recommendations of the Harrison Brown committee are to be implemented for a sustained 10-year effort."

Dr. Brown is chairman of the Committee on Oceanography, previously referred to.

With reference to education and training of aquatic scientists and the Navy's participation in this program Admiral Burke said, and again I quote:

"The expansion of curriculum and enrollment at each of these institutions represents a major capital venture that can quickly become a serious fiscal loss to these research centers if Federal support vacillates from year to year."

S. 2692 would expand the education and training of scientists in these institutions, and would expand research in the oceans and Great Lakes, would provide ships and laboratories for this research and would do these things under a sustained 10-year program.

Even in the absence of a specific bill, I think the interest of Congress in the Committee on Oceanography's report and the Navy's report has been of benefit.

As a member of the Senate Appropriations Committee and chairman of the Subcommittee on Appropriations for Independent Offices, I took part during the last session of Congress in providing funds for the National Science Foundation with which to build the first U.S. ship specifically designed for ocean research in 29 years. It will displace 1,040 tons and have accommodations for 19 scientists.

Although contracts have not yet been let for construction of this vessel, I have proposed that it be named the *Benjamin Franklin* in honor of the scientist and statesman who very properly, in my opinion, has been called the Father of American Oceanography.

Two new small survey ships are proposed in the 1961 budget and two additional naval research vessels of about 1,200 tons displacement. This is hardly keeping pace with the Russian program.

This is a start toward facilitating our ocean research but, I think you will agree, it is a small start. The Committee on Oceanography had recommended construction of four new research ships in fiscal 1960, 11 in 1961, and a total of 70 during the next 10 years. The Navy had recommended that 18 research ships, including 4 large ones of 2,000 to 3,000 tons, be built within the next 10 years to supply universities and institutions engaged in marine research under Navy contracts.

The next 2 years, in my opinion, will tell the story of whether or not we are content to take second place to the Soviet Union in marine research. It is my hope to hold hearings on the pending bill and obtain Senate action on it this session.

The bill, in my opinion, is in the national interest, and the longer this program is delayed the more our national interest is bound to suffer.

BEEF IMPORTS

Mr. SCHOEPPEL. Mr. President, I am concerned with the increasing amount of meat being imported into this country and its consequent effect on the domestic production of meat.

I am told that the number of beef cattle on feed in the 26 big feeding States at the beginning of this year was up 9 percent over a year ago. The numbers on feed establish a new record.

The number of sheep and lambs on feed on January 1 of this year fell 7 percent from the previous year.

Beef imports, especially during the past 2 years, have become increasingly large; in fact, during 1959 all recent beef import records were broken. The increasing size of these imports poses a serious problem for cattlemen and presents an overall picture which could become serious to agriculture generally.

In the year ended December 31, 1958, the imports of live animals, fresh or frozen beef as well as canned beef and veal, was in excess of $300 million. During this same year we had exports of slightly less than $18 million. For the year ended December 31, 1959, these same imports had jumped to over $321 million while, at the same time, our exports of these same products amounted to slightly less than $29 million. These imports exceeded 1 billion pounds of meat, enough to provide 5½ pounds of meat per person in this country, this is roughly 9 percent of our total meat supply.

Livestock producers and feeders take market declines, caused by a surplus of meat, in their stride. These cycles in their business occur with reasonable regularity and usually soon correct themselves. On the other hand the livestock producers and feeders should not be required to operate in a market that is abnormally flooded by imports, and I say to Senators that 9 percent of our meat supply is an abnormal import. Most all producers as well as feeders operate on moderate or low economic levels.

Under conditions of normal meat supply in the United States the market can absorb some imports without causing serious economic consequences. However, when there is a surplus of meat, as there is today, even a small amount of imports can cause serious economic conditions for the livestock producers as well as the feeders.

The legislature of the State of Kansas in its last session recognized the danger to livestock producers and feeders from the increasing quantities of meat imports by passing House Concurrent Resolution No. 13, urging the Congress as well as the United States Tariff Commission and the Secretary of Agriculture to look into the meat import problem with a view to reducing the amount of the imports and imposing stricter controls on the importation of beef and other red meats from foreign countries, thus providing American producers and feeders with some needed protection and the encouragement necessary for the maintenance and welfare of their industry thereby insuring its future prosperity.

My attention has just been called to the fact that still larger quantities of beef, especially fresh or frozen, appear on the horizon for this calendar year and unless checked will exceed even the imports for last year.

Mr. President, something positive must be done soon to prevent serious damage to this great industry.

ACTION NEEDED AGAINST BUSINESS RACKETEERS

Mr. KEATING. Mr. President, one of the difficult problems of law enforcement is dealing with business racketeers who operate in a fly-by-night fashion, moving into different States whenever the heat is on.

The attorney general of the State of New York, the Honorable Louis J. Lefkowitz, who has done outstanding pioneer work in this field in my State, has proposed the establishment of a national clearinghouse which would serve as the center for an exchange of information concerning these shady and corrupt commercial parasites. Attorney General Lefkowitz has for some time been alerting the public to the dangers from such practices.

At the attorney general's request, I am preparing a bill which would implement his proposal for the establishment of a national clearinghouse. I believe such a measure is essential to a complete overall solution of this problem, as the attorney general of New York has suggested. It would actually, to a large extent, alleviate the criminal practices which are being followed in this field, and which the States now cannot reach. Sooner or later we must cope with this problem at the Federal level. I hope it will be sooner rather than later.

Mr. President, I desire to speak on another subject.

The PRESIDING OFFICER. The Senator from New York.

BIRTHDAY TRIBUTE TO THE INCOMPARABLE BILLY HILL

Mr. KEATING. Mr. President, today marks the 84th birthday of former Representative William H. Hill, of Binghamton, N.Y., revered and respected as "the grand old man" of New York State Republican politics. I take a warm personal pleasure in the opportunity this occasion affords to pay tribute to this splendid gentleman whom so many of us know affectionately as Billy Hill.

Public service has been a lifetime career of Billy Hill, and his dedication to the welfare of his community, his State, and his Nation, stands as an inspiring example for all public servants. When only 21, he embarked on his political career by becoming mayor of his home town of Johnson City, N.Y. Subsequently he served as a member of the New York State Senate, as a Member of Congress, and as a member of the New York State Parks Commission. He has been a delegate to numerous Republican national conventions, and for many years has stood in the forefront of political life in the southern tier of New York State.

In his role as publisher of the Binghamton Sun, Billy Hill has directed his immense energies to the welfare of his community and to the multitude of worthy causes that have commanded his interest.

Mr. President, I am proud to join with the legion of friends and admirers of Billy Hill on this 84th anniversary of his birth to honor this man of heart, of wisdom, and of integrity, and to wish him many more years of health and happiness in this life that he has so greatly enriched for others.

DISTRICT OF COLUMBIA VOTE AMENDMENT

Mr. KEATING. Mr. President, earlier this session the Senate approved a proposed amendment to the Constitution to enable the people of the District of Columbia to vote for national representation. This amendment would rectify one of the most incongruous limitations on the exercise of the right of a franchise in America, namely, the denial of the right to vote to all Americans who happen to reside within the borders of the Nation's Capital.

The plight of the District of Columbia's citizens has aroused considerable interest. In this morning's New York Herald-Tribune, Roscoe Drummond urges action on a District of Columbia vote amendment. In another recent article in the New York Herald-Tribune, Victor Wilson pointed out the irony of denying Americans in the Nation's Capital the right to vote.

This whole subject is discussed very ably in a draft of a proposed report on the District of Columbia vote amendment which was never formally approved because of Senate action on the amendment prior to action by the Committee on the Judiciary.

Mr. President, I ask unanimous consent that the columns by Mr. Drummond and Mr. Wilson, as well as the draft report on the District of Columbia vote amendment, be printed at this point in the RECORD.

There being no objection, the articles and draft report were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 3, 1960]

VOTE FOR DISTRICT OF COLUMBIA RESIDENTS URGED

(By Roscoe Drummond)

Every American has two cities close to his heart—his hometown and the Nation's Capital. If you share this affection, I want to tell you that Washington, D.C., urgently needs your active interest now.

You have a precious right denied to the residents of Washington, D.C.; that is, a constituent's voice which is listened to attentively by your Senators and Congressmen.

Most of the time Congress runs Washington absentmindedly, and in dealing with Congress, a Washingtonian without a vote feels like a man talking over a dead wire to somebody who isn't there.

That is why your voice and your interest in Washington as a city is so vital. Congress will listen to you.

I am not arguing and most Washingtonians do not argue that the right to govern the Capital should be lodged anywhere else than with Congress. This is a Federal city and the Federal Government should have final responsibility.

But the residents of Washington have no one to represent them in Congress. Surely this is taxation without representation. Washington, D.C., can hardly become a State but it ought not to be treated as a colony.

What Washingtonians—who are citizens without voting rights—need and deserve are:

The right to vote for nationally elected officials—President and Vice President of the United States.

The right to elect a Member of the House of Representatives from the District.

A more equitable payment by Congress to the District Government to cover the costly public service and housekeeping duties rendered to the vast nontaxable property. This imposes an unfair tax burden upon local residents. President Eisenhower has made specific recommendations to this session of Congress to correct these inequities.

The extension of voting rights to resident citizens of Washington was pledged by both parties in 1956 and Congress is almost entirely composed of Democrats and Republicans who supported these platforms.

Before these Members of Congress help write another national platform with the same pledges, we have the right to ask them to live up to the commitments already made to the nonvoting citizens of the District of Columbia.

More than half of the land and property in the District of Columbia is not taxable. Either the Federal Government or other tax-exempt institutions own it.

This is why Congress makes a payment to the District so as to bear part of the services for these tax-exempt holdings. But the payment is inadequate. In 1924 the United States paid 40 percent of the District's costs but in 1956 Congress authorized an annual payment of $32 million for 1960, or about 16 percent of the District budget. The House has now cut this figure to $25 million. Though the Senate Appropriations Committee voted to add a million, this still covers only 11 percent of the budget. And so it goes.

And so it will go unless people in all the States of the Union will tell their Senators and Congressmen that they want to make Washington, D.C., democracy's finest capital city.

Surely citizens who serve the Federal Government shouldn't be penalized by being deprived of their voting rights.

If you say so, these inequities will be corrected.

[From the New York Herald Tribune, Mar. 15, 1960]

WASHINGTON AND CIVIL RIGHTS

(By Victor Wilson)

WASHINGTON.—One of the great ironies of the filibuster in the Senate to prevent enactment of civil rights legislation, including voting, for Negroes in the South, is that it took place in voteless Washington.

Whether the civil rights issue wins or loses in the high-vaulted Senate Chamber at the Capitol, Washingtonians will remain without franchise in either local or national affairs.

The result is that the adults among the District of Columbia's 800,000-plus population are watching this contest between two schools of thought with an air of personal detachment.

Of the city's three newspapers, two of them have played the filibuster story as a rather minor local happening, while the third has given it a bit more front-page display. The editors seem to have gaged the interest of their readers rather accurately.

As one Washington resident put it: "We're something like the kid with his nose pasted against the window of the candy shop. All the stuff in the window sure looks good, but it's beyond our purchasing power."

The story of why Washington residents aren't permitted to vote, even in local affairs, is well known. The House's District of Columbia Committee, which, with its Senate counterpart, runs this Capital through a board of three Commissioners, is dominated by southerners. These House Members won't budge toward giving the large Negro population of this city the vote.

An intriguing question is whether Washingtonians would vote, if they were given the chance, in any greater percentage than more fortunate Americans. In the 1956 presidential election, only 60.4 percent of eligible American voters actually cast ballots.

The only clews available on this question came in the 1956 presidential preference primary held here. The right to vote in such primaries was granted to District residents late in 1955, the southerners not particularly objecting to this harmless pastime.

The election board setup had to start from scratch to get a brandnew voting system in working order before the May 1956, preference primary, including the registration of eligible voters.

Despite the rush job handicap, 58,408 Washingtonians took the trouble to visit firehouses and schools to register for voting their choice among presidential candidates.

There was no choice at all on the Republican side, since President Eisenhower was unopposed for renomination. Nevertheless, 26,636 District residents registered for the Republican primary. Another 31,772 enrolled for the Democratic primary.

The voting itself was a revelation.

On primary day that May, 21,670 of the 26,636 Republicans actually cast ballots. Of the 31,772 Democrats enrolled, 23,912 went to the polls.

This was a total of 45,582 votes cast out of a total registration of 58,408. It is doubtful if any other large community in the Nation turned out a higher percentage of registered voters at the polls than did the District of Columbia.

Admittedly the 58,408 registration turnout was a small one from the eligibles among some 800,000 persons. But it also should be recognized that Washingtonians might have gotten out of the habit of such routine, since they hadn't cast a ballot for anything between 1874 and that May day in 1956.

June 1874, was the month they lost their right to vote by congressional fiat. Previously they were ruled by a Presidential-appointed Governor and council, though they could vote for a lower house of 22 delegates, and a nonvoting delegate to Congress.

It should be noted, too, that Congressional parsimony in financing the 1956 presidential preference primary left a sour taste in Washington residents' mouths. Congress voted a meager $40,000 for the new board of elections to build a voting system from the ground up, including registering voters, providing ballots, erecting voting booths, staffing the voting precincts, and paying for ballot checkers and counters.

The upshot was that funds ran out before the ballot count could be completed. The harassed election board then sent out an emergency call for volunteer counters.

To quote the board, "The result was most gratifying." The volunteers, who worked without pay, were sworn in by notaries public, and began the count, working in 4-hour shifts.

Then—11 days after the voting booths closed—the results were finally announced. This delay certainly took some of the glow from the fine voter turnout.

There will be another presidential preference primary here this May, with three Democratic candidates already entered—Senators HUMPHREY, KENNEDY, and MORSE. The election board is quietly hoping that Congress will loosen up just a bit more this time on money.

[From the Washington (D.C.) Sunday Star, Feb. 7, 1960]

WHY THE PEOPLE OF THE DISTRICT SHOULD HAVE THE VOTE

BACKGROUND OF THE REPORT

The Star presents herewith the partial text of the draft of a proposed report from the Senate Judiciary Committee recommending Senate approval of a resolution for a constitutional amendment permitting residents of Washington to vote for President, Vice President, and delegates in the House.

This report was approved by a majority of a subcommittee of the Senate Judiciary Committee, but was not presented to or approved by the full committee. Had it been presented, it is possible that there would have been minority or individual views. In view of the Senate's action Wednesday approving the same resolution as an amendment to another resolution, it is unnecessary that the resolution be considered again at this session by the Judiciary Committee.

On condition that the above explanation be made, Senator KEFAUVER, chairman of the Judiciary Subcommittee which held hearings on the District vote amendment, has agreed to publication of this draft of the favorable report.

The Star presents it herewith as an excellent argument in support of worthwhile voting rights for the people of the District of Columbia. The proposal outlined in this report is now before the House Judiciary Committee.

"Joint resolution proposing an amendment to the Constitution of the United States granting representation in the House of Representatives and in the electoral college to the District of Columbia

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"'ARTICLE —

"'The people of the District constituting the seat of the Government of the United States shall elect, in such manner and under such regulations as the Congress shall provide by law:

"'A number of Delegates to the House of Representatives equal to the number of Representatives to which they would be entitled if the District were a State with such powers as the Congress, by law, shall determine; and

"'A number of electors of President and Vice President equal to the whole number of Senators and Representatives in the Congress to which the District would be entitled if it were a State; such electors shall possess the qualifications required by article II of this Constitution; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and cast their ballots as provided by the twelfth article of amendment.'"

NOT HOME RULE

The committee wishes to stress at the outset that this proposed constitutional amendment is not intended to have and does not have any bearing upon the question of home rule for the District of Columbia. That is a separate and distinct issue. However, it would insure that the citizens of the District would be represented in the Congress, which is the governing body for the District of Columbia.

Of course, it also provides the citizens of the District with a vote in presidential and vice presidential elections, of which they have been deprived since the election of 1800. It is a minor national disgrace that the citizens of the Capital City of the free world should continue to be disenfranchised in the election of their Chief Executive.

Sight is often lost of the fact that the District of Columbia has not always been completely disenfranchised. Citizens of the District voted in the national elections of 1792, 1796, and 1800. They also had a Delegate in Congress for several years during the 1870's.

VOTING RIGHTS HISTORY

Under article 1, section 8, of the Constitution of the United States, Congress was given the power "to exercise exclusive legislation in all cases whatsoever over such District * * * as may, by cession of particular States, and the acceptance of Congress, become the seat of government of the United States." In 1788 and 1789 Maryland and Virginia made cessions contemplated by the foregoing clause. The District of Columbia was established by acts of Congress approved July 16, 1790, and March 3, 1791, and was officially proclaimed the National Capital after the national elections of 1800.

Under the act of July 16, 1790, which provided that the laws of Maryland and Virginia would govern citizens in those sections of the District which the two States had ceded for the Capital site until formal establishment of the seat of National Government, District citizens were permitted to vote in the national elections of 1792, 1796, and 1800. However, in the absence of a constitutional provision specifically granting District of Columbia residents the privilege of voting in national elections, District residents have not participated in any national election since that of 1800.

By an 1871 act of Congress, which provided Washington with a territorial form of government, the District was given a delegate in the House of Representatives. Three years later a temporary commission form of government was installed, and in 1878 the present commission form of government was established. The 1871 act was superseded by these measures, and the District of Columbia lost the small measure of national representation which it had briefly enjoyed. The District has not subsequently been represented in Congress.

HISTORICAL ACCIDENT

In discussing constitutional provisions which would give the Federal Government, in the person of Congress, "the indispensable necessity of complete authority at the seat of the Government," James Madison stated in the Federalist No. 43 that the prospective inhabitants of the Federal City "will have their voice in the election of the Government which is to exercise authority over them." But at the time that the constitutional provision establishing the seat of government was written, it was not known where the seat of government would be, who would live there, or what would be the size of the area ceded to the Federal Government for that purpose. Under the circumstances, no provision for national representation for residents of the seat of government was included in the Constitution. As the remarks of James Madison suggest, the failure to do so was due to an oversight rather than to any intention on the part of the Founding Fathers to deny such residents the right to vote.

(Various constitutional amendments protect the right of American citizens to vote from abridgement or denial in other respects—on account of race, color, sex, or previous condition of servitude.)

Thus, for more than a century and a half those American citizens who reside in the District of Columbia have been denied the right to vote for their President and Vice President or to be represented in the national legislature simply because the necessary constitutional provisions for the exercise of these basic rights of self-government have not been enacted.

ATTEMPTS TO REMEDY

Some 65 resolutions providing for national representation have been introduced in Congress since the formal establishment of the District of Columbia as the seat of the Federal Government. The proposed constitutional amendments would variously have granted the District representation in one or both Houses of Congress and in the electoral college. There have also been proposals to retrocede the District of Columbia to Maryland and Virginia, the lack of voting representation being one source of such proposals. In 1846, Alexandria citizens passed a resolution complaining of being denied "the rights and privileges enjoyed by our fellow citizens" and requesting retrocession; in the same year and in part because of this dissatisfaction the Virginia portion of the District of Columbia was retroceded by presidential proclamation.

In 1954, a summary of past legislative attempts to provide the District of Columbia with national representation was prepared by the Legislative Reference Service of the Library of Congress, as follows:

"A survey of proposed amendments to the Constitution of the United States introduced in Congress from 1789 to 1954, inclusive, reveals that they have included 65 resolutions providing for national representation in some form for the District of Columbia. National representation in this context means representation for the District of Columbia in one or both Houses of Congress and in the electoral college.

"A constitutional amendment has been considered necessary for the purpose because the Constitution provides that the Members of Congress shall be chosen by the people of the several States, and the District of Columbia is not a State.

"Of these 65 resolutions, the first was introduced in the House of Representatives on November 27, 1877 (H.R. 57, 45th Cong., 1st sess.) by Mr. Corlett of Wyoming. It proposed to grant one Member each in the House of Representatives to the Territories and the District of Columbia. The most recent of these proposals was introduced in the Senate by Senator CASE of South Dakota on March 8, 1954 (S.J. Res. 136, 83d Cong., 2d sess.). It proposes an amendment to the Constitution empowering Congress to grant representation in the House of Representatives and in the electoral college to the District of Columbia.

"Of these 65 resolutions, 20 were introduced during the period 1888–1926, 29 were introduced during the period 1926–47 and 15 have been introduced during the 80th to 83d Congresses, inclusive; 37 of them were introduced in the Senate, and 28 in the House of Representatives. Such resolutions have been introduced in both Houses of every Congress since 1915.

"All of the 65 resolutions were referred to the appropriate committees of the respective Houses, usually to the Committees on the Judiciary which have jurisdiction over proposals to amend the Constitution. Beyond such committee reference, only 19 out of the 65 resolutions were acted upon in some manner. On 10 of the resolutions, committee hearings were held. Three of the resolutions were favorably reported by the full committee. Two of these favorable reports were made to the Senate, in 1922 and 1925 (S. Rept. 507, 67th Congress., 2d sess., and S. Rept. 1515, 69th Cong., 2d sess.). The third favorable report was that made by the Judiciary Committee to the House on the Summers resolution (H.J. Res. 257) on August 5, 1940 (H. Rept. 2828, 76th Cong., 3d sess.).

"Of the 19 resolutions acted upon, 3 were reported adversely by the full committee. Each of the adverse reports was made in the Senate. The two Blair resolutions of 1889 were reported jointly and adversely by the Committee on Privileges and Elections, debated and passed over without vote (CONGRESSIONAL RECORD, 51st Cong., 1st sess., pp. 297, 802). The Capper resolution of 1941 (S.J. Res. 35) was reported unfavorably by the Senate Judiciary Committee on August 4, 1941 (S. Rept. 646, 77th Cong., 1st sess.).

"Apparently only five full committee reports on the subject of national representation for the District of Columbia have been submitted during the last 65 years. Three favorable reports were made, in 1922, 1925, and 1940; two unfavorable reports were received, in 1899 and 1941.

"Apparently no committee report on this subject has been debated on the floor of Congress since the first report on the Blair resolutions of 1899. However, the question of extending national suffrage to the residents of the District of Columbia has been considered on the floor of Congress from time to time. In 1917, for example, the resolution of Mr. Austin of Tennessee (H.J. Res. 73) was debated."

PRESENT LEGISLATION

During the 1st session of the 86th Congress, separate resolutions to amend the Constitution so as to provide the District of Columbia with national representation were introduced by Senators BEALL, of Maryland, CASE, of South Dakota, and KEATING, of New York. The aforementioned Senators subsequently agreed on a single resolution which combined the three earlier versions. The new resolution, Senate Joint Resolution 138, was jointly sponsored by Senators KEATING, CASE, and BEALL.

Hearings on Senate Joint Resolution 138 were held on September 9, 1959, by the Subcommittee on Constitutional Amendments. Testimony delivered before the subcommittee, by Senators and witnesses representing various civic groups, overwhelmingly supported the measure. In addition, a letter from President Eisenhower strongly supporting the Keating-Case-Beall proposal was received by the subcommittee. The subcommittee approved the proposal, recommending that the original wording, which would have granted the District three delegates in the House of Representatives, be amended so as to give the District a number of delegates "equal to the number of Representatives to which they would be entitled if the District were a State."

CONCLUSIONS

In any democratic society, and particularly in one which was created in no small part to rectify the inequity of "taxation without representation," the denial to any group of citizens of a voice in the government which taxes them and can send them to their deaths in the country's defense is both an anomaly and an injustice. Federal cities, modeled after the American Capital, have been established in Argentina, Brazil, and Mexico. But the residents of the capital cities in each of these Latin American countries have full citizenship rights, including national representation, as do the residents of capital cities in every other major republic. In this respect, America lags behind the other democracies.

The Keating-Case-Beall proposal is designed to give citizens of the District of Columbia both a voice in the selection of the national executive and representation in the National Legislature. As has frequently been pointed out, the District of Columbia, with more than 850,000 residents, has a greater population than 12 States—New Hampshire, Vermont, North Dakota, South Dakota, Delaware, Montana, Idaho, Wyoming, Nevada, New Mexico, Alaska, and Hawaii. The District's population in fact exceeds the combined population of Alaska, Nevada, and Wyoming, three States which are represented by nine men in Congress

while the District remains unrepresented. In 1948, the last time District tax contributions were reported separately, the District paid $363,210,469 in Federal taxes, more than the contributions of 25 States. The number of District citizens who have served in the Armed Forces during World War II and after has likewise been greater than that of many States.

The Constitution provides that Congress shall have the exclusive legislative power for the seat of Government, while the President appoints judges and certain administrative officials. The right to vote for presidential electors and for delegates to Congress would provide residents of the District of Columbia with the fundamental right to a voice in their own government which they have for so long been denied.

The District of Columbia not being a State, it can only be provided with national representation through a constitutional amendment. The provision in the Keating-Case-Beall proposal relating to presidential electors was designed to give citizens of the District proportionately equal rights with other citizens in national elections, as is their just due. The District of Columbia being a unique entity and not a State, the problem of providing representation in a national legislature which recognizes the principle of State representation is not so easily resolved. The Keating-Case-Beall provision relating to representation in the national legislature, as amended, would preserve the principle of State representation in the Senate, but would give the District a number of delegates in the House of Representatives proportionate to its population. The wording of this latter provision would enable Congress, once the resolution has been adopted as a constitutional amendment, to confer on the District's delegates powers equivalent to those of other House Members, if it chooses to do so. The proposal under consideration would in no way lessen the control by Congress over the seat of the National Government. It merely insures that citizens of the District of Columbia have an equal voice with citizens of the States in matters relating to their vital interests.

Both the Democratic and Republican Parties, by their 1956 platforms, are committed to national representation for the District of Columbia. And, as previously noted, President Eisenhower has recently indicated his strong support for the Keating-Case-Beall proposal.

REFERENCES IN DEBATE TO ABSENCE OF SENATORS

Mr. DIRKSEN. Mr. President, the very distinguished Senator from Tennessee [Mr. KEFAUVER], in opening his remarks yesterday on the general subject of drugs and drug prices, stated that he had given notice to the Senator from Wisconsin [Mr. WILEY], the Senator from Nebraska [Mr. HRUSKA], the Senator from Maryland [Mr. BUTLER], and myself that he would speak at 1 o'clock on yesterday, and that he hoped we would be present in the Chamber to ask questions, inasmuch as all of us had been critical of the chairman and the subcommittee in the drug hearings, and had not given him notice of our remarks.

First, let me say that last Thursday, through the ticker tape, I learned that the distinguished Senator would issue a 25-page blast, but he chose Tuesday at 1 o'clock instead.

I think the Senator might have known from experience that on every Tuesday the minority leadership is first engaged at the White House Conference in the morning; that on every Tuesday, with few exceptions, there is a minority policy luncheon; and that after the minority leader makes a report to the Senators attending the luncheon there follows an "automatic" press conference, which usually takes care of all the time until 3 o'clock in the afternoon.

So my distinguished friend from Tennessee could not well expect that any minority Members would be present in the Chamber at that time; and certainly the minority leader could not be here.

On January 22 I made a speech on the floor of the Senate and placed in the RECORD a statement which I had prepared earlier in answer to what I regarded as misleading statements and exhibits made by the staff during the hearing in the week of December 7. I purposely withheld placing that statement in the RECORD for a week or so, so that I could make it at the resumption of the drug hearings on January 21, and so that the Senator from Tennessee would have an opportunity to hear it at first hand, and reply to it, which he did.

I made a rather lengthy statement, and in the course of the hearings I stated that substantially that statement, with some amplification, would be presented on the floor of the Senate. That I did. So I felt that everyone was on notice.

I think also I should point out that on February 8 I was not in the Chamber during the discussion of the appropriation for the Senate Antitrust and Monopoly Subcommittee, to which I raised no objection whatsoever at any time, either in the Judiciary Committee or in the Committee on Rules and Administration.

It was at that time that the distinguished chairman placed a written statement in the RECORD which answered my remarks of January 21 and 22. It was apparent that the chairman decided to answer the second time with his speech on March 22.

I point out, in connection with all this discussion, that I feel that Members of the Senate sometimes become a little careless—and I do not quarrel or scold on the point. Only yesterday or the day before my absence from the Chamber was remarked by another Senator, who thought I should have been here to hear his speech.

I can only say that the minority leader, like the majority leader, is beset with a great amount of detail, and it is simply impossible, in the nature of things, to fulfill my responsibilities and be here at the same time.

I believe Members of the Senate should be very careful about remarking on the absence of a Senator. If that is to be the settled practice here, I am afraid it could raise many difficulties. I certainly would not want to be impelled to that course of action, because I know how difficult it is to fulfill my responsibilities, with the callers who come to two different offices, one in the Capitol and one in the Senate Office Building; visitors who call me to the reception room or to the President's Room; and all the other chores that go with such a responsibility. So I am not here to apologize. I know what my duties are. I know what my responsibilities are. I shall never call attention to the fact that a Senator is absent from the Chamber, even though I might feel that he should be present to hear some worldshaking statement I am prepared to make.

I leave that admonition with the Senate, because I think the practice to which I have referred is indeed unfortunate.

Mr. MANSFIELD. Mr. President, I agree with the distinguished minority leader with respect to references being made to Senators who do not happen to be in their seats at a particular time. I think that is the responsibility of the individual Senator; and the fewer references made in that respect, the better off we shall all be.

ORDER FOR RECESS FOR 1 HOUR BEGINNING AT 2 O'CLOCK P.M.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that at the hour of 2 o'clock the Senate may stand in recess for 1 hour in order to attend the presentation and unveiling by the State of Nevada of a statue of the late distinguished Senator Patrick Anthony McCarran.

The PRESIDING OFFICER (Mr. ENGLE in the chair). Is there objection to the request of the Senator from Illinois? The Chair hears none, and it is so ordered. At 2 o'clock, the Senate will stand in recess for 1 hour.

THE SECOND GERMAN CRISIS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for 20 minutes in addition to the minutes allowed under the unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, in recent weeks two serious incidents have taken place in connection with Berlin. They reveal once again, with stark clarity, the potentiality of conflict which is inherent in that situation. The first incident was that of the allied military plan to fly planes above the 10,000-foot level on the airlanes to Berlin. The second involved an attempt of Communist border guards to switch the passes of allied personnel traveling the land routes to Berlin. Had the switch worked, allied personnel would have been compelled to acknowledge the authority of the East German regime in place of the Soviet Union over the approaches from the West. Hence, the Russians would have been in a position to absolve themselves from responsibility for subsequent interference with allied passage to Berlin. This second incident led to a prompt reprisal against the movement of Soviet personnel in Western Germany.

These incidents, each in its own way, represented the placing of the chip on the shoulder. They were the dares of children carried over into the deadly game of devastating military confrontation.

Fortunately, the interaction of reprisal—counterreprisal—came to a halt

before it had gone very far. Fortunately, the chips were removed from the shoulders by those who had placed them there instead of being sent flying at some point by one side or the other. That these incidents did not lead to serious consequences may well have been due solely to the intervention of the highest political authorities, President Eisenhower in one instance and Mr. Khrushchev in the other.

In this fashion is the way to the summit kept open, but—let us not delude ourselves—the way of almost haphazard descent into disaster is not closed. It is avoided for the moment but it is not closed. Nor will it be closed so long as the problems of a divided Berlin, encased as they are in the problems of a divided Germany and the still larger problems of a divided Europe are not faced, so long as they are not faced with policies which fit today's realities rather than with yesterday's generalities.

What are these antiquated generalities on Germany, Mr. President, to which all involved appear still to cling? On the Soviet side, the generalities are these: In some fashion, at some time, all of Germany will become a Communist state if only the Western presence can be removed from Berlin and the two parts of Germany kept sharply separated for the indefinite future.

And the generalities on the part of the Western allies? Our policies hold that at some time, in some fashion, all of Germany will be drawn into the Western camp if only the allied presence remains in Berlin and if we can will out of existence that half of Germany which is held by the Communists until such time as it can become a part of and subject to the political control of a united Germany.

There are certain similarities, Mr. President, in the two positions. In Communist policies, no less than in those of the Western allies, great significance is attached to control of Berlin. Further, both positions tacitly regard the present division of Germany as preferable to the alternative to unity which have so far been proffered. And, apparently, at least the highest political leadership on each side is fully cognizant of the catastrophic consequences of total military conflict in present circumstances and seeks, therefore, to avoid its use in the pursuit of political objectives in Germany.

If these are the generalities, what are the realities? The overriding reality is that there are two German authorities in one Germany and there is no indication whatsoever that either is going to go away in peace. The present division is maintained, on one side, by a German authority with a high degree of public support and popular participation, by the presence of allied forces in Berlin, by the symbol of NATO's protection. It is maintained, on the other side, by a very low degree of public support propped up with totalitarian controls, backed by Soviet armed forces and such guarantees as are contained in the Communist Warsaw pact. In short, the division of Germany into two political entities exists whether it is recognized or not.

In these circumstances, I see no likelihood that the generalities of Soviet policy on Germany lead anywhere but in circles endlessly traveled. Nor do I see—in present circumstances—that Western generalities lead anywhere but in circles endlessly traveled. That has certainly been the experience of the past decade and a half.

In short, Mr. President, as between the Western allies and the Soviet bloc there is stalemate in Germany. There will be no Western retreat in peace. Nor do I see the probability of a Soviet withdrawal in peace. We may be able to maintain the situation without total war—at Berlin no less than in Germany as a whole—if we are prepared to pay the price. The Communists can maintain it, too, and even challenge it at Berlin if they are prepared to pay the price.

The question for us, no less than for them, is not: Can the present situation be maintained? Rather, it is: Do we want to maintain it? Is this situation in the highest interests of the Western nations? Is it, in all truth, in the highest interests of the Soviet people? Is there an alternative which better serves these highest interests on both sides?

The need for an alternative is indicated, I believe, by historic experience. German unification will not wait forever. At some point the Germans themselves will tire of the present disunity which is imposed upon them largely by the ideological differences of the Western nations and the Soviet Union. If the mood of a plague on both your houses sweeps through that country it may well upset the delicate balance upon which the peace of Europe and perhaps of the world is now hinged. For that reason, alone, Mr. President, we must seek, even as the Russians must seek, in a mutual interest in the survival of a recognizable civilization, a way to end the present stalemate. It is too great a risk for mankind—for the Russians no less than the Western nations—to assume an indefinite German acquiescence in the present division.

We need, further, Mr. President, to devise a new situation at Berlin, not for West Berlin alone, as the Russians would have it, but for all Berlin. For, it is at that point that the intimate juxtaposition of opposing military forces creates the gravest danger of careless or accidental sparks which may go beyond the control of those who play with the fire. This point is underscored by the incidents to which I referred at the beginning of my remarks and by others of a similar nature going back to the time of the Berlin blockade. The point of no return has not yet been transgressed in these incidents but let no one assume that, with the hair-triggering of modern military establishments, that point will continue indefinitely to be avoided.

Finally, Mr. President, some way other than stalemate in Germany is essential, if the huge burden of armaments is not to grow beyond the capacities of all peoples to bear. Certainly it is essential if we no less than the Russians mean seriously to lighten this burden. We may well ask ourselves: How much of our annual military budget of $40 or more billions is occasioned by this stalemate? How much of the budgets of the Russians, the British, the French, indeed, the budgets of just about every nation in Europe?

We are correct when we stand firm in the face of a Soviet provocation at Berlin. But standing firm, alone, meets only the immediate provocation. It does not face these other factors in the German situation, the factors which strongly indicate that the present stalemate is not adequate. Standing firm, alone, does not meet the question of the essential need for peaceful progress on German unification. Standing firm, alone, does not meet the question of the danger of accidental war or war by childlike provocation at Berlin. Standing firm, alone, does not meet the question of the interrelationship between a dangerously divided Germany and a dangerously divided Europe—the delicate balance between peace and war. Hence, it does not meet the question—let alone of disarmament—but even of the capacity of the nations involved to bear the burden of armaments, along with all the other burdens of an increasingly complex civilization.

We may believe that we are countering the immediate provocation, but we do not face these essential questions by proposing to hold plebiscites in Western Berlin on the eve of a summit conference, especially plebiscites whose results are a foregone conclusion. In election after election—the most recent in December 1959—the people of Berlin have made clear beyond any doubt that when faced with a choice between freedom and Communist absorption, they will choose overwhelmingly, for freedom, even freedom on the razor's edge. I can see no virtue in a parade of West Berliners to the polls once again to prove what has been proved over and over again, even to the point of Soviet acknowledgment. I can see harm in it, particularly in a world that has had a surfeit of propaganda in recent years. A gesture of that kind may hammer home more firmly the existing stalemate. It does not face the questions which suggest that it is time to end the stalemate.

Nor are these questions faced by Mr. Khrushchev when he seeks to alter the status of West Berlin alone. To be sure the situation in West Berlin may be "abnormal," as the President and Mr. Khrushchev apparently have agreed. But one does not achieve normalcy by compounding the abnormality. If the situation in West Berlin is abnormal now, it would be even more abnormal to substitute for it the situation which Mr. Khrushchev has proposed. For, he would leave as the sole German authority in what will one day be again the capital of all Germany, a militant minority, the German Communist regime of East Germany. He would leave, in this fashion, the symbolic citadel of German unification in the hands of those with the least claim to it. As for the international enclave of freedom, which would remain in West Berlin, it would matter little

whether its safety were guaranteed or not. It would be to the German authority in Berlin, their capital, not to a sleepy international enclave, to which more and more Germans would look for leadership and inspiration.

Nor are the questions faced on our part by a continued advocacy of free all German elections. Communism will not write its death warrant in East Germany in this fashion, not when it is holding the gun. We may call for free elections and, indeed, we should; but let us not delude ourselves into believing that this will bring about unification or in any way act to end the present stalemate. We have called ourselves hoarse on this point for a decade and a half; and so far as anyone can see, the German totalitarian regime in the East has used this time to drive the stakes of possession more firmly into the ground.

Nor are the questions of the stalemate faced by the Russians, Mr. President, when they call for formal recognition of the division of Germany and certification of the division in peace treaties with two Germanys. How many wars need to be fought before it is perceived, at last, that a numerous and determined people once seized with the sense of national unity are not likely to be kept forever apart in peace? Countless forgotten agreements which have presumed to make permanent by paper such cleavages gather dust in the archives of history.

What I am suggesting, Mr. President, is that if there is to be reasonable hope for peace, there must be reasonable hope soon for the reunification of Germany. The absence of such hope may very well convert the rational urge to national unity into the irrational urge for conquest; and, in this connection, it is significant to note that a substantial body of Germans already identify East Germany as middle Germany and look to the lands beyond the Oder-Neisse as the true east. It is not farfetched to assume that the patterns of the past may repeat themselves, in modern garb, in circumstances provided by the continued German cleavage, by the deep divisions in Europe, by a world which hangs continually by fingertips from the sill of incipient disaster.

Mr. AIKEN. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. AIKEN. The Senator from Montana is performing a real service in again presenting a suggestion for the settling of the German situation, before we can be certain of the establishment of world peace.

I noticed a statement which the Senator just made to the effect that some Germans already regard East Germany as middle Germany, which gives an implication that the Polish situation is seriously involved. What is the Senator's opinion with regard to the Polish boundary? Would that matter have to be settled simultaneously with the unification of Germany, or how would the Senator deal with that situation?

Mr. MANSFIELD. I can only make assumptions. It appears to me that regardless of events, even if the present two Germanys are unified, there still would be people in the unified Germany who would be looking beyond the Oder-Neisse. However, I believe that so far as the great majority of the people of Germany are concerned, they would be content—to bring about the unification of the two Germanys into a complete whole. If we act in time, it might be possible to bring about a recognition of the situation as it exists, and perhaps the problems of the Oder-Neisse line could be brought to some sort of successful and reasonable conclusion.

Mr. AIKEN. I thank the Senator from Montana for his observation. I am certain that this mattter will be discussed more fully at a later date.

Mr. MANSFIELD. I hope so. I hope it will be discussed fully at the forthcoming meetings which the President of the United States will attend.

It is my understanding that all or most all of the former German inhabitants have been removed from the former German area now held by Poland to the east of the Oder-Neisse, and that that particular area has been settled almost entirely by the Poles. It is my belief, if I may repeat what I have said previously, that the big concern of the two Germanys would be to bring about the greatest possible degree of unification, so that one Germany could, as a result, be brought into being.

I anticipate that into the foreseeable future there will perhaps be Germans among the dispossessed, as well as among others, who will look longingly to the east of the Oder-Neisse. That will be one of the problems to be faced. But I think the first thing to do to reduce the dangers in that would be to face the problem of the two Germanys. When that has been dealt with, the Germans themselves and the Poles might see what they could do about the Oder-Neisse line.

Mr. AIKEN. It is entirely possible that a matter like that might come, some day, before the presently impotent World Court.

Mr. MANSFIELD. That is a possibility.

The pressures of the German situation are little different today from what they were when a year ago their prolonged neglect led to the first German crisis. That they did not erupt then was due to the round of goodwill tours, the visiting back and forth and hither and yon. How much longer these safety valves will operate, it is difficult to say. What can be said with certainty is that it is unsafe to rely indefinitely on safety valves.

Sooner or later the nations involved must come to grips with the realities of the German situation as it is today. It is probable that the longer the moment of reckoning is put off, the smaller will be the margin for peace, a durable peace.

If the pressures in the German situation are the same as they were a year ago, it seems to me that the means with which they may be dealt in peace are similar to those which were indicated then. At that time, as the Senate will recall, I advanced for discussion nine essentials upon which a firm Western policy for peace might conceivably be built. It is among these points, I believe, that we may still find the way to a solution.

As then, so now, the focal point of potential conflict is Berlin, where the military confrontation is most intimate and unstable. As then, so now, the answer to this problem does not lie in propaganda stances or gestures; nor does it lie in the incantation of the words of firmness while the first of the deferred payments of appeasing concession is made for the dubious privilege of maintaining the existing stalemate; nor does it lie in the astute proposal of Mr. Khrushchev to alter the status of West Berlin alone, even if the guarantees which he proffers for that altered status were absolute.

The answer, the answer for peace, it seems to me, lies in a change of status for all Berlin, for East Berlin no less than West Berlin. The answer, it seems to me, lies in agreement which permits this city—this entire city—and its routes of access to be held in trust by the United Nations or some other international body, with neutral forces responsible to its authority, until such time as it is once again the capital of all Germany. Let this new interim status for the entire city be guaranteed by the allied nations, by the Communist nations, by the United Nations. Let the cost of maintaining the city in trust be borne by the two principal German political authorities which have the greatest stake in it—by Bonn and Pankow—in proportions equal to the authority which they claim. Beneath an international authority, let the two German authorities begin the long and difficult task of merging the two parts of what is now one city.

In a setting of that kind, Mr. President, we might contemplate the beginning of the end of the present dangerous juxtaposition of Soviet and Allied forces. We might find as valid the withdrawal of both Soviet and Allied forces from Berlin.

In the microcosm of Berlin, moreover, could be cast the molds of reunification for all of Germany. I think it is clear that that reunification is not going to begin on the basis of free all-German elections in the foreseeable future; nor does the formula offered by the Russians offer any greater hope, for they would formalize the division of Germany into two German nations, with a vague provision for future negotiations between these two nations on the question of unification.

If there is to be a well-founded hope for German reunification in peace, it must be recognized by all that we are dealing with one German nation in which there are two German political entities. I say that, Mr. President, not to play with words, but in an effort to define more precisely the reality which confronts us, for it is only in terms of that reality that we can hope to act for peace in Germany.

To divide Germany into two nations, as the Russians suggest, will not change the fact that there is one Germany. It

may postpone the day when that unity will reassert itself, but it will also increase the violence of the pressure for unification, and may well thrust that pressure from rational into irrational channels.

Similarly to insist upon free all-German elections at this time, as the route to unification, is also to postpone the day of unification, in all probability, with the same consequences. This route, unfortunately, is closed by the inescapable fact that there are two political entities in the one Germany. While one entity might achieve supremacy by this route, the other is not likely to conduct its own burial in peace by this route.

If these are the facts, as I believe them to be, and if it is desirable to break the stalemate now in Germany, as I believe it to be, then it follows that there should be one peace treaty with Germany, with both German political entities sharing responsibility for it. It follows that both, with such assistance and persuasion as can be provided from without, must assume deep responsibilities in the task of unification, because that task will be most difficult; in the lapse of 15 years, there have grown up in the two parts of Germany institutions which will not readily be reconciled, one with the other. It follows, too, that if there cannot be free all-German elections at this time, there must be at least a guaranteed measure of equal political freedom and of equal political participation for all Germans living in each of the two political entities at this time.

Finally, to act for peace, not only in Germany, but in all Europe, and to give substance to the professed universal desire for a lightening of the burden of armaments, there must be recognition on all sides that present military arrangements in Germany, and, indeed, in all Europe, are not sacrosanct. If there is an end to the military confrontation at Berlin, if there is visible progress in peace toward German unification, then there can be, there ought to be, a general easement of the entire European military confrontation and the development of all-European agreements for safeguarding the peace. The Eden, the Rapacki, and similar proposals of the past warrant the most careful consideration in this connection.

Mr. President, what I suggested in February 1959, and what I say today, seems to me to encompass the essential elements of a new Western approach to the problems of Germany and Europe. If one holds that the present stalemate is greatly in our interest, then I suppose there is little point in considering these elements. If one holds, as I hold, that the present stalemate is not in our highest interest, and if we are to have a chance to avoid the pitfalls of both appeasement and conflict in the days, months, and years ahead, then these elements of a new policy, I believe, are worthy of the most careful and continuous consideration.

During the past year, I believe they have received such consideration in this country and elsewhere. It seems to me that Western policy, particularly as manifested at the Geneva Conference of Foreign Ministers, last spring, reflects a movement away from the generalities of yesterday, toward the realities of today. I hope that in the period ahead Western policy will reflect the views of all the allied nations, but the domination of no single nation, and, in so doing, will continue the process of transition to new tenets.

There is no assurance that this transition will bring about the settlement which Europe and the world needs. There is no assurance that a similar and an essential transition will take place in Soviet policies; and that without it, there will be no agreement. But whatever the Soviet reaction, this transition in our own policies needs to continue in the highest Western interests and in the interests of mankind.

We cannot ignore our own responsibilities on the assumption that others will ignore theirs. We cannot, for we shall suffer along with others, for our own neglect. There is no escape. There is no retreat. We must seek a change, and hope that others will do the same. But we must not avoid a change if it is in our interests, regardless of what others may do or may not do. We must seek, in new policies, an agreement which eases, rather than appeases, at Berlin, an agreement which paves a practical way to the peaceful unification of Germany, an agreement which begins to stitch the cleavage between Europe—East and West. Let others obstruct such an agreement if they will; but let us not ignore these needs in our policies, these needs which are the most compelling that confront the people of the Western World—the people of Russia and Eastern Europe no less than those of Western Europe and the United States.

Mr. GORE. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. TALMADGE in the chair.) Does the Senator from Montana yield to the Senator from Tennessee?

Mr. MANSFIELD. I yield.

Mr. GORE. I wish to congratulate the able junior Senator from Montana upon once again delivering on the floor of the U.S. Senate an able, thoughtful, and provocative address. This is characteristic of the periodic addresses of the distinguished Senator.

With respect to the unification of Germany, I understood it to be the view of Chancellor Adenauer that the unification of Germany could be achieved, perhaps, only after substantial progress in disarmament had been achieved. If the Chancellor's view in that regard be correct, then, would not the greatest contribution toward the unification of Germany, toward peace, toward disarmament, toward an easing of political tensions—which I think must precede the other three—arise from a renunciation by the Soviet Union and the leaders of international communism of the tactics of revolution, subversion, and economic penetration, and the threat of military conquest which many of Russia's neighbors fear?

Mr. MANSFIELD. I would say the Senator from Tennessee is correct in stating, as a postulate, that before any agreement could be reached, there would have to be understanding in kind from the other side. Certainly, if there is going to be a peaceful Germany, or a peaceful Europe, or, for that matter, a peaceful world, one of the concomitants must be a promise to be kept on the part of the Soviet Union that it will do away with such actions as trying to carry out various kinds of propaganda, subversion, and other means which have as their purpose the undermining of regularly constituted authority and the strengthening of world communism as a whole.

So I think the Senator is absolutely correct in the postulates which he has raised this afternoon.

Mr. GORE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I am delighted to yield.

Mr. GORE. It may be that the Soviets have a real fear of a unified Germany, particularly a unified and rearmed Germany, and more particularly a unified and rearmed Germany with nuclear armaments. That would be an understandable apprehension.

Does the Senator not think that satisfaction on this potentiality and possibility may be a necessary prerequisite to unification?

Mr. MANSFIELD. That is correct. The Senator may recall that in one of the nine essentials I advanced last year, the eighth to be exact, that the Soviet Union and the western allies would guarantee a unified Germany, emerging from the German discussions, being held at that time, against military pressures from outside surrounding countries, and, these countries from German military pressures as well.

So it occurred to me that one of the fears which the Soviet Union used to have, and may still have, of a rearmed and resurgent Germany, could have been stilled if both the allies of the West and the Soviet Union had guaranteed that Germany would not be allowed to carry on aggressive tactics against her neighbors, and, by the same token, Germany's neighbors would not be allowed to carry out aggressive tactics against her.

Mr. GORE. Mr. President, will the Senator yield?

Mr. MANSFIELD. Yes.

Mr. GORE. Just as the junior Senator from Montana and the junior Senator from Tennessee are willing to recognize this possible apprehension or fear on the part of the Soviet Union of a nuclear armed and powerful Germany, and are willing to recognize that satisfaction with respect to this point could and should properly be accorded as a basis of peaceful settlement, would the junior Senator from Montana think that Mr. Khrushchev might contemplate the other side of that coin—the possibility that such a strong and armed West Germany may be the result of intransigence and an unwillingness on his part to reach effective agreements on disarmament and peaceful settlements of the questions involving Europe, and other sensitive areas, into which aggressive Communist action is now being pushed or planned?

Mr. MANSFIELD. I would say to the Senator it is entirely possible.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. CASE of South Dakota. I commend the junior Senator from Montana for addressing himself to this problem. I noted with interest his proposals last year, and I note again with interest his proposals at the present time.

If I venture to ask the Senator a question or two or to make some comment on his remarks, it grows out of the fact that I have been in Germany six times, I think it is, since the conclusion of World War II. In 1947 I spent 5 weeks there as chairman of the Subcommittee on Germany and Austria on the so-called Herter committee, which was a special committee of the House of Representatives assigned to study economic postwar conditions in Europe. It was my privilege to write the section of the report of the Herter committee on the German situation.

Mr. MANSFIELD. I recall that very well because we were in the House together at that time.

Mr. CASE of South Dakota. It is because of that background that I feel very deeply the situation calls for a reappraisal, and I commend the Senator for his statement, not necessarily saying I endorse everything which is in it, but commending him for facing facts and proposing a course of action. There was one point in his statement in particular which I want to emphasize. I do it because I hope the country will take note of it. This was his observation that the present stalemate is not in our highest interest.

The Senator said, as appears on page 11 of his statement:

> If one holds that the present stalemate is greatly in our interest, then I suppose there is little point in considering these elements. If one holds, as I hold, that the present stalemate is not in our highest interest, and if we are to have a chance to avoid the pitfalls of both appeasement and conflict in the days, months, and years ahead, then these elements of a new policy, I believe, are worthy of the most careful and continuous consideration.

I could not agree more with any statement than I agree with what the Senator has said: that the present stalemate is not in our highest interest and that we ought to consider and develop steps to end the stalemate. The reactions of the Western Powers to the challenges, to the ultimatums, and to the statements of Mr. Khrushchev to date have inclined to be negative rather than positive, defensive rather than creative. I hope I am not presuming too much in intimating the Senator from Montana would agree with me on that point.

Mr. MANSFIELD. I think the Senator is correct. I will say also that Secretary of State Herter at the Geneva Conference last spring did try to get away from the old generalities and did try to get down to bedrock, to the realities, but did not achieve much in the way of success because of the obduracy of the Soviet representative who, of course, was receiving instructions day by day as to what he should or should not do.

Mr. CASE of South Dakota. Secretary Herter is entitled for credit in endeavoring to get the West off dead center in this matter. It is only natural that the Adenauer government should be well content to let the situation coast along, if the United States will continue to put up the dollars it is today putting up to provide a shield for West Germany.

When I was in Germany this past December I was struck by the fact that the boom in West Germany continues to go forward; that West Germany has a favorable balance of trade at the present time; that West Germany's military expenditures and dedication of personnel to armies is far less, in proportion, than in the United States. A much larger percentage of our gross national product goes into national defense than in West Germany. A much larger percentage of our manpower goes into the Armed Forces than in West Germany.

I was told there are 250,000 Americans in West Germany today, counting both civilian and military, and that they are contributing approximately $750 million to the West German economy. It is easy to understand why West Germany should have a favorable balance of trade. On the one hand, the country does not have, proportionately, the large military expenditures we have in the United States; and, on the other hand, the dollars are available, which come from the presence of many Americans in West Germany, to make it possible for them to show a favorable balance of trade at the very same time the United States finds itself with a deficit of between $3 billion and $4 billion in its trade balances for the last year.

I can understand why the Adenauer government is content to let things coast along, hoping that in some way, with a policy of not dealing with the situation, they may continue to profit from the largesse and benefactions provided by the United States.

I think that is a dangerous situation, both for West Germany and for the rest of the world. That is why I do not think a stalemate is in our interest or, in the long run, in the interest of West Germany itself. It may be that the possibilities of unification are at some time in the future, but they ought to be explored, and, in my judgment, we ought to present some positive alternatives to the suggestions by the Russians.

I should like to ask the Senator if he has contemplated what would happen if Mr. Khrushchev should say that all he really wants to do is to follow the example given by the West when the quadripartite authority over Germany was broken by the Western Allies; when the Allies, in respect to the three western zones of Germany, gave the West Germans a chance to set up the Bonn government. If Mr. Khrushchev should say, "You, after all, withdrew the supervision which you maintained under the quadripartite agreements over West Germany. All we are proposing is that we are going to remove ourselves from East Germany, as you did from West Germany," where then would that leave the West?

Mr. MANSFIELD. I would say that if at any time the Soviet Union wants to conclude a treaty of peace with East Germany there is not a thing we can do about it. I would point out that when we did reach a peace settlement with the Federal Republic of West Germany we did not put Berlin in the same status as the rest of the republic. There were connections, of course, but there were also some subsidiary commitments which are still being honored by the presence of allied troops in the western sector.

So far as the concluding of a treaty of peace with East Germany is concerned, it has been true for many years that at any time the Soviet Union wants to do so there is not one single thing the Western Powers can do to prevent it.

Mr. CASE of South Dakota. The Senator from Montana is suggesting it would be rather a futile thing if we were to say to Mr. Khrushchev, "You have to stay in East Germany, and we will go to war, if necessary, to compel you to stay there."

Mr. MANSFIELD. It would not only be a waste of words, but if we did so it would also be the only place in the world where we want the Russians to stay instead of to get out. In Berlin they said they were withdrawing the troops a year ago, and we were begging them to stay there so that the status quo, the present situation, could be sustained.

Mr. CASE of South Dakota. I recognize that if the Soviet Union wished to withdraw its troops from East Germany at any time they would still not be very far away and could be returned easily. That of course is true but it does not alter the comparison that would be made.

I agree with the Senator from Montana. I do not see that there is anything either in logic or in practical effect that we could do to require the Russian troops to stay in East Germany if Russia decides to withdraw them.

Mr. MANSFIELD. The Senator is absolutely correct. There is not a thing we could do. Any time the Russians want to withdraw their troops from East Berlin or from East Germany, they can do so, and nobody can do a thing about it.

Mr. CASE of South Dakota. The Russians could point to the fact that we had modified the original quadripartite agreement so far as the three Western Zones are concerned.

Mr. MANSFIELD. The Senator is correct. I think it ought to be kept in mind that even though the Russians have the power to conclude a treaty of peace with East Germany, and have had that power for years, they have not as yet done so, which seems to indicate there might be a small opening of the door, a slim chance, that it would be possible to work out a treaty of peace based on the two Germanys coming together.

Mr. CASE of South Dakota. Mr. President, I have always felt that the East Germans and the West Germans themselves would be the best parties to work out some method of agreement or some method of operation for the reunification of Germany, and that somehow the Germans themselves have to be brought into the picture, so that it will not be a reunification forced upon them, but instead will be one which grows out of the natural genius of the German people.

Mr. MANSFIELD. I agree with the Senator.

Mr. CASE of South Dakota. I was impressed by the fact, when I was in Berlin the last time——

The PRESIDING OFFICER. Will the Senator please suspend at that point?

The time for which the Senator from Montana obtained unanimous consent to speak has expired. The Chair has been lenient with the time, since apparently no other Senator has been waiting to address the Chair.

Mr. CASE of South Dakota. Mr. President, I ask unanimous consent that the time may be extended for 2 minutes, so that we may bring this colloquy to a normal conclusion.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota? The Chair hears none, and it is so ordered.

Mr. CASE of South Dakota. Mr. President, when I was in Berlin the last time I was impressed by the fact that the surface transportation authorities there had worked out a method of operation whereby the transportation would run between the two parts of Berlin without hindrance, and one could buy a ticket in either part of Berlin and travel to the other.

Mr. President, in view of the time situation I shall not extend this colloquy further, except to say I thank the Senator from Montana for having brought this matter up today and for having given the constructive thought he has to his presentation. I shall read and reread his remarks with interest. If I find the time and the opportunity, and the spirit moves me, some time within the next week I hope to make further and more detailed comment upon his suggestions.

Mr. MANSFIELD. I thank the Senator for his kind remarks.

DANGER IN THE NEAR EAST

Mr. JAVITS. Mr. President, I had hoped to address the Senate for about 15 minutes. May I ask whether that would be in order at this time?

The PRESIDING OFFICER (Mr. TALMADGE in the chair). Is there objection? The Chair hears none, and the Senator may proceed.

Mr. JAVITS. If I may say a word on what the Senator from Montana [Mr. MANSFIELD] has just addressed himself to, I, too, have always admired the understanding of the Senator from Montana of the critical importance of Berlin and the German problem to the peace of the world. I, too, shall read his remarks very carefully, and may take the liberty at a later date of addressing myself to his statement. As always, he is well informed, and his statement is well reasoned and is a real contribution, whatever may be my views in agreement or disagreement.

Mr. MANSFIELD. I shall be delighted to have the Senator do so.

Mr. JAVITS. Mr. President, I had in mind to speak briefly about another situation in the world which is also, I think, portentous to the issue of peace. I am addressing myself to it more in the spirit of an editor who must look ahead for a period of time in order to see what is on the horizon which is threatening us. In this spirit, and within this frame of reference. I address myself to the situation in the Near East.

The Near East could erupt into a major international crisis at any time. Tensions are high, shooting on the Arab-Israel borders is all too unusual an occurrence, and the leaders of the Soviet Union seem to be encouraging Arab leaders to whip up tensions and keep the area in ferment. The accelerating tempo of Egyptian propaganda beating the drums for a war of annihilation against Israel—this is almost a paraphrase of their words—of which echoes are heard on Moscow press and radio, underlines the threat. There are strong reports of Arab troop concentrations in the Sinai Desert. We should not wait to react to a Near East crisis until after it is upon us, but we should show the capability for anticipating crisis through our policy now.

I should like to state my thesis first, before proceeding to support it in terms of fact and policy.

Stability in the Near East area now requires that the following be done: First, a reaffirmation of the guarantee of the integrity of the borders of both Israel and Arab States made by the United States, the United Kingdom and France in the Tripartite Declaration of 1950; and second, decision by the three powers on their course of action if the declaration is invoked by aggression, or in the alternative—and I emphasize the word "alternative"—giving Israel the military equipment to maintain its own defenses.

The grave danger to this area now is that the Soviet Union will create such an imbalance in military capability by its supply of modern arms to President Nasser as to invalidate the Tripartite Declaration's guarantee. On the other hand, it is well known that Israel and its people are tough and ready to defend themselves given the means—thereby implementing the Tripartite Declaration themselves by the sheer fact of maintaining the balance of military capability in this area. There is reason to suppose that the policy of the Soviet Union calls for putting on the pressure in this area whenever the world situation makes this seem attractive to them. It ought to be made clear, therefore, that such moves will not be profitable.

I interject to point out that this is not a permanent solution for the Near East. The permanent solution is the resettlement of the Arab refugees, and the understanding that the Near East is an economic hegemony, requiring cooperation among all the nations for the purposes of developing their resources and working with one another for the development of the whole area. However, as in so many other situations, if a fire is burning, nothing much can be done.

I am addressing myself today to the rather urgent situation which seems to be emerging in that area of the world by reason of the continuing and very dangerous amount of arms supply which is going to one power, and moving from the Communist bloc.

About three-fourths of all Soviet bloc military assistance to non-Communist countries—$580 million out of a total of $780 million—went to three Arab countries, United Arab Republic, Iraq, and Yemen, from 1955 through 1959. The largest recipient of Soviet bloc arms is the United Arab Republic in the amount of $443 million; Iraq is next with $120 million; and Yemen received $17 million worth. It is reported that the huge Soviet buildup of the UAR armed forces is with new advanced planes, tanks, and other weapons. These alarming statistics are disclosed by our administration in its summary presentation of the mutual security program for fiscal 1961, published this month.

Moreover, we learn from the same source that Soviet economic aid to these Arab countries totaled $696 million of which $515 million went to the United Arab Republic. In addition, Moscow is providing the UAR with $387 million for construction of the Aswan Dam. The UAR is the largest single recipient of the Soviet Union's military and economic aid program. This massive arms supply by the Soviet bloc to the UAR could threaten Israel's security by creating a serious imbalance of power in the area and at the least creates a new arms race.

There is urgent reason to help Israel militarily to maintain a balance of power in the Near East. Israel is not now included in the U.S. military assistance program. We cannot expect this hard-pressed democracy to go it alone and pay for all the arms it must have in view of the staggering amounts of Soviet aid pouring into the UAR.

It is for that reason I suggest that now, rather than when we have a crisis, we consider what we intend to do if such a crisis should come about. Should we seek to implement the tripartite guarantee ourselves, or should we seek to redress the military imbalance rapidly being created in that area of the world by assigning a greater defense role to Israel itself? If we needed any proof of the fact that Israel, given of the means, can look after its own defense, we find it confirmed by the part Israel played in the successful outcome of the Lebanese crisis in 1958.

A new assessment of the military position in the Near East must be made before the situation undergoes further deterioration, and the military assistance essential for Israel to keep abreast of defense necessities should be made available to her. We may not ignore the vital role Israel played in the successful outcome of the Lebanese crisis of 1958—Israel helped to keep the flanks of our position secure and illustrated the

key position she holds for the free world in any defense against Communist action in the Near East.

I cannot view with any degree of complacency the mounting challenge of the Kremlin in the Near East and the way it has encouraged Arab leaders—virtually on the eve of the summit conference—to whip up tensions. The Moscow press and radio have been describing Israel as "bellicose and uncompromising," and a broadcast on March 6 charged that "in Israel the air is full of war hysteria; aggressive speeches are being made; provocative statements are being issued; and military daring has gone to the heads of the zealots." It is not difficult to imagine the effect such propaganda attacks must have when they are coupled with reliable news dispatches telling of increasing quantities of Soviet bloc arms flowing quietly into Egypt.

There has also been a significant increase in the Egyptian submarine fleet, which now includes 12 ships, the majority of which are oceangoing types. These are Soviet submarines, and intelligence reports indicate that their crews may be made up, in part, at least, by Soviet bloc sailors. Most of these submarines are based at Alexandria, where they command the Mediterranean coastline of Egypt.

There are fresh indications that the recent Aswan Dam agreement was only one of many agreements that President Nasser has made with the Sino-Soviet bloc. The Soviet Union has more development projects in the UAR than in any other Near East country. According to the Soviet publication, Vneshnaia Torgovlia—Foreign Trade—of September 1959, there were 93 Soviet-sponsored projects in the UAR, as compared with 25 in Iraq, the next highest number. At the end of February negotiations for trade and cultural pacts were also under way between the UAR and Rumania, and a week earlier, on February 24, Communist China announced a new "trade protocol" with the UAR. Moreover, President Nasser's personal anticommunism has not stopped him from selling three times as much cotton this year to the Sino-Soviet bloc, as he did 3 years ago to the same countries. This is an increase of 68 percent over 1955–56, the year of the first Soviet-Egyptian arms deal. To continue payment for his arms purchases, Nasser has mortgaged Egypt's cotton crop for some years ahead.

With Egypt and Iraq locked in a struggle for power and Arab leadership maintaining a drumfire of propaganda keeping the area in a state of tension while at the same time heavy concentrations of Egyptian armor and infantry are being advertised as massing in the Sinai peninsula threatening Israel, there is ample justification to call the Near East situation "deteriorating," as United Nations Secretary General Dag Hammarskjold did a few weeks ago.

"We are falling back to a position where we have been before and from which I thought and hoped that we had departed forward," he warned in an interview with the press. That process has not been halted.

The series of belligerent speeches delivered by President Nasser in Syria following the border clash at Tawafik in the demilitarized zone between Israel and Syria, recalls the critical events of 2 years ago when his armies threatened Lebanon and Jordan, and revolution-torn Iraq appeared ready to join the United Arab Republic. At Aleppo, Damascus, and other Syrian cities, the war drums were beaten and President Nasser called on the Arabs to rise "like a devastating flood" to wipe out Israel. On March 7, last, President Nasser broadened his attack by opening up on Jordan in a manner reminiscent of his 1958 barrage, accusing King Hussein of conspiring with the United States and Great Britain against him.

This is being used as a bludgeon on other Arab States, such as Jordan, to make sure that everyone reads these inflammatory remarks and threats as a test of whether he is a good loyal Arab, and really believes in the Arab cause.

President Nasser's inflammatory remarks are being repeated and expanded by the Cairo radio commentators and by the Cairo press, and the violence of their language borders on the hysterical. Also, a marked increase in the violence of the anti-American propaganda accompanied news reports that Israel's Prime Minister David Ben-Gurion had set out to visit the United States.

Those who have followed political developments in the Near East for many years have learned through painful experience that our diplomacy can only be as effective as our sense of anticipation. The signs of impending trouble are present on all sides.

When British Foreign Secretary Selwyn Lloyd in an attempt to ease Near East tensions reaffirmed in the House of Commons the Tripartite Declaration of 1950, to which I referred in opening, under which the United States, France and Great Britain had pledged themselves to take action within and outside the United Nations to prevent violation of any Near East frontier by force, President Nasser reacted by denouncing the statement. This declaration, said President Nasser, was "dead and buried in the soil and blood of Port Said."

Mr. President, as if what is happening in the Near East were not enough, we now see the development of some kind of relationship between Cuba in its foreign policy operations and the operations of the United Arab Republic. Cuba's Foreign Minister was Cairo's official guest in January; Cuba in turn is the first port of call for a Cairo mission headed by U.A.R. Deputy Foreign Minister Hussein Sabry which starts its tour of Latin American countries this month. President Nasser also concluded a deal on February 17 with the Castro Government for 10,000 tons of sugar, hard on the heels of Soviet Deputy Premier Mikoyan's visit. Cairo broadcasts beamed to Panama accusing the United States of treating Panama unfairly were reported by the New York Times as early as December 1959, and the U.S. News & World Report disclosed on December 14 that "agents of Egypt's Nasser have been in Panama advising the politicians of that country on the moves to make to get eventual control over the Panama Canal away from the United States. Nasser is able to pose as an expert, having taken the Suez Canal from its owners."

One of the gravest and most threatening problems in the situation is the Arab boycott and blockade of Israel. This boycott is illegal, a violation of the U.N. Charter and of international law; because it has not been stopped, it has grown into full-scale economic warfare—not only against Israel, but against the free world as well. Its corrupting influence has fouled up the channels of world trade and commerce, subjected American business firms and businessmen to discrimination on religious grounds, and involved the U.S. Government in the Suez Canal problem as well as in several embarrassing situations.

This Arab boycott tried to prevent businessmen from trading with Israel, and air and shipping lines from serving Israel, by threatening them with reprisals and blacklists. They are not only prohibited, according to the boycott, from trading in Arab countries, to use Arab ports, and to enjoy the other usual courtesies and rights, but also they may not be owned or operated by Jews.

While the Arab governments respect a decisive position, they exploit weaknesses; they did not retaliate when several European governments, among them Switzerland, West Germany, the Netherlands, brushed aside Arab boycott demands and vigorously rejected Arab threats of reprisal. On the other hand, the list of American firms and individuals affected by the Arab boycott continues to grow.

Arab pressures were so strong that some companies yielded to their demands. The major American and British oil companies have yielded to Arab boycott demands. Passengers on cruise ships and American airlines on Near East routes are advised that those of Jewish faith will be denied tourist privileges in certain Arab ports and stopping points. A number of American freighters have been put on the Arab blacklist because they had business dealings with Israel.

Yesterday the Lions International was reported placed on the Arab blacklist. This morning I learned that the Studebaker-Lark Corp. and the International Business Machines Corp. have also been placed on the Arab boycott list.

A number of our moving-picture actors, actresses, and singers are on the Arab blacklist, and the showing of their films or sale of their records is prohibited because they either are Jewish or appeared at a Jewish fund-raising function. The New York State law against employment discrimination was invoked against Aramco because the oil company refused to hire Jews in its New York offices out of deference to Saudi Arabia where its wells are located and which supports the Arab boycott. And there is also the economic problem created by counter boycott action against firms which have succumbed to Arab pressure.

The most serious and potentially explosive example of Egyptian intransigeance is the Suez Canal boycott issue. Among other things this is a renewed attempt by Egypt to cripple Israel's growing trade with the new nations of Africa. The fact that it is being made at a time when its involvement with the Soviet bloc is growing, poses very serious policy questions. We cannot permit international shipping in the Suez to be subject to the whims of Cairo's domestic policy needs.

The highly respected Economist of London, in its March 5 number, raises this point:

> Israel has known the unpleasing experience of seeing its interests put on one side while the larger powers plot their Near East policies. There is the question whether Israel's security will find room in any arrangement that Russia and the West may reach over the Near East.

On two occasions within recent weeks, I have taken the floor to protest actions by U.S. Government departments which in effect supported the Arab boycott. On January 21, I rose to call attention to the so-called Haifa clause in U.S. Navy contracts with American-owned oil tankers. This was subsequently withdrawn with a statement delivered by Vice Adm. Ray A. Gano, U.S. Navy commander, Military Sea Transportation Service, which said:

> The clause was adopted with no intention to give support to any political boycott. It was deemed advantageous to both the Government and shipowners. However, MSTS can accomplish its mission without using the clause. Inasmuch as it has been mistakenly construed as providing some solace to the Arab boycott imposed on persons trading with Israel, the Navy will discontinue its use.

The Navy, for its action was to be commended. But, on March 3, I rose again to deplore the use of a similar contract clause by the Department of Agriculture for ships carrying surplus agricultural products under Public Law 480. I urged that the practices of our Federal Government departments be coordinated with the policy decision taken by the Navy. I have written to Secretary of Agriculture Benson to protest this practice and have urged him to coordinate with the Navy's policy. In this way there will be no practice in the U.S. Government conducive to lending aid, comfort or sympathy to this boycott which has been branded as illegal in terms of international law.

Now, the use of these contract clauses cannot be dismissed simply as a matter of business protection because the United States is not a business firm. As the leader of the free world its every action is looked upon in the light of how it advances the cause of peace and justice in our own time. The Navy is not compelled to buy its oil from countries which support the Arab boycott. There are other oil producing nations in the Near East who will supply the Navy with all its requirements at no higher cost and without boycott demands. Nor should recipients of our surplus dictate who shall bring it to them. We have a firm traditional policy calling for freedom of the seas, and we cannot, therefore, condone this interference with American shipping by an illegal Arab boycott, which includes also freedom of transit through the Suez Canal.

On the problem of discrimination against American citizens by foreign governments which has accompanied the Arab boycott, the State Department has instructed U.S. Embassies and consular offices to report any incidents involving Americans on the basis of their race or creed. They have also been instructed to make recommendations for practical means to apply section 113 of the Mutual Security Appropriations Act of 1959. This is an amendment which I introduced with Senator WAYNE MORSE condemning such discriminatory practices as in Saudi Arabia and other countries.

Oversea posts were instructed by the State Department that the United States "has never condoned discriminatory practices by foreign governments against its citizens on grounds of race or religion." The instructions also state that it remains "a basic objective of U.S. policy to seek to eliminate, within the context of existing friendly relations with other members of the free world community, all such discriminatory practices."

All this is occurring at a time when we have been increasing our assistance to Egypt.

We have been bending our every effort to bring about more cordial cooperation from President Nasser. Our objective in Egypt as in other countries has been to help the people help themselves and to assist them in developing standards of living and economic systems which will enable them to make progress by utilizing all their own resources.

But Egypt has presented us with a disconcerting paradox in our own diplomacy. We have acted on the assumption that President Nasser wants better relations with the West, and the State Department has moved swiftly to encourage measures tending to improve those relations. We have stepped up our aid program to the U.A.R. to a marked degree, but at the same time we have not closed our eyes to the fact that President Nasser's policy often is serving Communist interests, whether or not he is consciously playing the Kremlin's game.

Near East stability will require large-scale development projects involving regional planning, international financing and mutual cooperation among the states in the region. Such projects will accelerate progress in industry, agriculture, use of natural resources, and sharp increases in the standards of health and education.

The kind of massive water project that Israel is presently engaged in by which the waters of the Jordan will be carried to the dry regions of the northern Negev, should have its counterparts in other Near East countries. In this way millions of acres of barren and deserted land can be reclaimed and resettled by impoverished and homeless people in the Arab countries.

Israel today is carrying out that part of the great regional water plan worked out by Eric Johnston which was intended for its own territory. It is most unlikely that Egyptian propaganda against this great water project will deter Israel from bringing water to the Negev.

Another step in a program for the Near East should be the broad expansion of person-to-person exchanges by the United States as well as the establishment of vocational training, college, university and other technical educational institutions. Our country should not be alone in any initiative in the Arab lands—West Germany, Italy, France and the United Kingdom have all indicated their interests in helping in the Near East and should be invited to join in as partners.

At the session of the United Nations General Assembly which was recently conducted, strong efforts were made but without success to break through the wall of Arab intransigeance and start negotiations toward a solution of the Arab refugee problem. These efforts should be continued in every possible area.

The argument is frequently made that the Arab states might not work with us because of Arab nationalist pressure. But in efforts for regional economic development we are not confined to the Arab states alone but should include the economic region, leaving the problem of an economic bridge to Israel to be solved for the present through the United Nations. The leaders of these countries in the region outside the Arab bloc like Libya, the Sudan, Tunis, and Morocco have also led their people out of colonial status, yet with acceptance of their responsibilities in the civilized world.

In an era of peace, there is no question about the enormous contribution that Israel can make toward helping to provide the people of the Near East with the benefits of modern civilization. The technical know-how which Israel is now giving to the underdeveloped countries of Asia and Africa south of the Sahara could also be made available to Jordan, Egypt, Syria, Lebanon, and Iraq for their mutual benefit. What Israel is doing on its side of the Jordan can also be done on the other side. Moreover, if the Negev can be made to flourish, so too can part of the Sinai peninsula be made livable for the rapidly expanding population of Egypt.

Mr. President, the important thing is to see to it that a fire does not break out in that area of the world which will jeopardize everything that everyone has in mind, and which will confront us with a new crisis of major magnitude. I have made these brief remarks in order to emphasize the need for making clear, first, that the Tripartite Declaration of 1950 shall continue in full force and effect, so far as the three powers are concerned; second, to concert ourselves on the implementation of the declaration, and, if need be, to at least give Israel the necessary equipment which it needs for self-defense in view of the inflow of arms into Egypt from the Soviet Union and the Soviet bloc.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

RECESS UNTIL 3 O'CLOCK

Mr. HOLLAND. Mr. President, at the suggestion of the majority whip, I ask unanimous consent that the order for the quorum call be rescinded and that the recess until 3 o'clock may start now.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). Does the Senator from Florida ask unanimous consent that the order for the quorum call be rescinded?

Mr. HOLLAND. I do.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the Senate will now take a recess until 3 o'clock, in order that Senators may be present at the ceremonies attending the presentation and unveiling of the statue of the late Senator McCarran, of Nevada.

At 1 o'clock and 54 minutes the Senate took a recess until 3 o'clock p.m.

At 3 o'clock p.m. the Senate reassembled, and was called to order by the Presiding Officer (Mr. MANSFIELD in the chair).

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools, R–I, Missouri.

Mr. JAVITS. Mr. President, I modify the pending Javits-Clark amendment to the amendment of the Senator from Illinois [Mr. DIRKSEN], as follows:

On page 3, line 9, strike the comma and insert in lieu thereof a period.

On page 3, lines 9–12, strike the words "unless any person named therein shall have been registered by appropriate State officials in the intervening period, in which case the order may be vacated on application duly made as to the registration of such person", and insert the following sentence: "The court may stay the effective date of an order with respect to any applicant named therein who, prior to the date of issuance of such order or within such twenty-day period, has been registered under State law, upon assurances satisfactory to the court that such applicant will be permitted to vote at any election at which he would be entitled to vote under the provisions of this subsection after such order becomes effective with respect to such applicant."

The PRESIDING OFFICER. The amendment will be modified accordingly.

Mr. JAVITS. Mr. President, I wish to explain that the modified amendment is designed to meet what we consider to be a major objection by the Attorney General to the Javits-Clark amendment. Indeed, it was contended that the period of time which we afforded in our amendment to allow a State by its own action to come into compliance with a decree of a court with respect to jurisdiction and voting might result in enabling the State to frustrate the court's order by registering the respective voters concerned, but, at the same time, when their time to vote came around, they would again be challenged.

Yesterday, I argued that that would be bad faith, and that the court had authority, but was not directed, to vacate a decree under those circumstances, and that, indeed, a court would require proof that the voting would ensue after the registration.

However, in view of the fact that we think that was incorporated in the amendment, in any event, due to the fundamental powers of a court of equity, and in view of the further fact that the Attorney General had made so much of this objection, we thought that in fairness to the large number of Senators who are very much interested in the amendment, we should spell out that point.

That is what we have done; we have actually spelled out the point which we thought was implicit in respect to the authority of the court, especially in view of the fact that it was not a direction to the court.

Mr. CLARK. Mr. President, I join in the modification submitted by the Senator from New York, although not because I have the slightest belief that it is necessary. Last evening, shortly before the adjournment, I spelled out the reason why I thought the position of the Attorney General was entirely unsound; and I still feel as I did then.

However, in order to make assurance doubly sure, and to remove any possibility that the Attorney General might have been right, and also to remove any possibility that the position he took might be used by some Senators as a ground for not supporting an amendment which otherwise they would be willing to support, I join the Senator from New York in spelling this out in great detail, so there can be no question about it. As a result, the only objection by the Attorney General which anyone could conceivably have thought had some merit has now been removed.

Mr. JAVITS. I thank the Senator from Pennsylvania.

PREPARATIONS FOR THE SUMMIT CONFERENCE

Mr. GORE. Mr. President, yesterday, the distinguished Secretary of State, the Honorable Christian Herter, appeared before the Senate Foreign Relations Committee, in open session. He appeared there for the purpose of discussing the administration's foreign aid bill, which I support, with certain modifications.

During the course of the interrogation of Secretary Herter, the junior Senator from Idaho [Mr. CHURCH] submitted to him certain questions concerning the summit conference, so-called, scheduled to be held in Paris, in May. As a result of the Secretary's reply to the Senator from Idaho, I felt impelled to submit certain questions.

Mr. President, throughout Secretary Herter's appearance, he gave frank, honest, sincere, forthright answers. That is typical of Secretary Herter's performance, not only as Secretary of State, but also when he served as a Member of the other body, along with me. His answers to the questions were disturbing, and revealed a disturbing set of circumstances and facts; but I do not believe that either his answers or the questions can fairly be termed "nonsense."

Yet, Mr. President, I read from an Associated Press dispatch the following:

WASHINGTON.—The White House today labeled as nonsense—

Mr. President, I digress to say that the White House itself is a building which does not possess a tongue or a voice. Of course, the White House has come to be recognized as an institution. The only person who can properly speak for the institution of the White House or the Presidency is the President of the United States, himself. Yet there has grown up a practice whereby some other person—some person of much lesser stature and responsibility—undertakes to speak for the institution of the Presidency.

I return to the reading:

The White House today labeled as "nonsense" any contention that President Eisenhower will go to the Paris summit conference without advance planning regarding talks with Soviet Premier Nikita S. Khrushchev.

At a news conference, Press Secretary James C. Hagerty was told that some Democratic Members of the Senate Foreign Relations Committee had said that the administration is approaching the May 16 summit meeting without any plans.

"That's a lot of nonsense," Hagerty commented.

A reporter told him that Secretary of State Christian A. Herter had in substance agreed with Senators who asserted there has been no advance planning for the summit conference.

Hagerty replied that was not what Herter had testified.

He said the Secretary had told the Senate committee that there is "an element of risk" as to whether the summit meeting will produce any constructive results, and that there should not be too much optimism as to prospects for a successful conference.

Hagerty met with newsmen shortly after Eisenhower and Herter conferred again regarding Russia's latest nuclear test ban proposal.

Reporting on that meeting, Hagerty said the President and Herter reached no definitive conclusions.

I will not proceed to the end of the article, because it makes no further reference to the Secretary's testimony yesterday.

Now I should like to read a UPI dispatch:

The White House rejected as nonsense today a charge by Senator ALBERT GORE, Democrat, of Tennessee, that the United States was going to the May 16 summit conference in Paris without plans.

GORE made the charge yesterday when Secretary of State Herter testified before the Senate Foreign Relations Committee.

President Eisenhower conferred with Herter early this morning. Among subjects they covered, was the recent Soviet proposal to ban nuclear weapons testing.

Yesterday, while Herter testified in behalf of the Eisenhower foreign aid program, GORE criticized the cabinet member's assertion that Eisenhower was going to Paris without a formal agenda.

GORE said he was disturbed because in his view the United States approached the summit "without purpose, without plan, without hope of success."

Asked for White House reaction to the Gore charge, Press Secretary James C. Hagerty said, "That is a lot of nonsense."

Mr. President, in reply to this statement by Mr. Hagerty, I wish to read the verbatim stenographic transcript of that portion of yesterday's hearing dealing with this particular subject. I read a question by the Senator from Idaho [Mr. CHURCH], as it appears on page 38 of the stenographic report:

Is there any plan which you have at present in the administration for inviting the participation of the Senate in the summit conference?

Secretary HERTER. There is none at this moment that I know of. The summit conference as of now has no agenda. We don't know what points are going to be discussed. We just assume that the German and Berlin question will come up. We assume that perhaps some of our disagreements, whether on nuclear testing or in disarmament, will have been so pinpointed that it will be possible for some decision to be arrived at at the summit. We have been working in different groups and analyzing possible other questions that might come up.

But how much will actually be negotiated there, I don't know. At best, the summit meeting can be only a short meeting. I can visualize this possibility, that at the summit certain agreements and rather vague principles may be come to and then the foreign ministers will be asked to see if they can work that out.

That happened in 1956 and the minute the foreign ministers got together they might just as well not have left at all. But there was complete general agreement with those at the top. So it is very difficult to visualize just how those conversations will go. Actually from the point of view of the talks themselves, you find on the part particularly of our allies the desire to talk with only four people present and interpreters, not even foreign ministers. If you have informal negotiations around the table with an agenda and knew what you were negotiating out, of course the larger participation would probably be very desirable, but as of now we can't possibly visualize the discussions going that way.

That is the end of the quotation from Secretary Herter.

Mr. President, after questions by other members of the committee on other subjects, it was again time for the junior Senator from Tennessee to have his turn.

I turn now to page 57 of the transcript:

Senator GORE. I was somewhat disturbed by your statement to Senator CHURCH that there is no agenda for the summit conference—

I digress, Mr. President, to say that this was not my statement. This was the statement of the Secretary of State.

I repeat:

I was somewhat disturbed by your statement to Senator CHURCH that there is no agenda for the summit conference, that you envisioned the result as possibly only a statement of a vague principle.

I did not bring up the subject of agreeing on a vague principle.

Continuing the question:

I was caused to wonder why there is to be a summit if it is without purpose or plan?

Secretary HERTER. The purpose of the summit was to discuss at the highest level whatever issues might be outstanding between us. I am very frank to admit that I am not too optimistic that the summit conference will produce very great results.

We have got in disagreement with the whole question of the handling of the Berlin and the German problem, East Germany. I would be amazed if that could be resolved in a few days at a summit conference.

On disarmament we do not yet know whether the issues will be so pinpointed from the discussions that are going on now that they would be capable of a resolution, although they may be in a position where they can be moved forward for further negotiation, but I doubt whether very important specific decisions can be taken at the summit.

If they can, we would be very pleasantly surprised.

From the point of view of other issues that may be raised, as I say, we have no agenda. The Russians have not indicated what they want to raise with us. We have made it very clear we are willing to discuss anything, that this is a discussion of outstanding problems.

Beyond that nothing has been specified. We just assume that these matters will come up. We have had working groups that are still in the process of working now. We have a Foreign Minister's meeting here in the middle of April. We have another one in Istanbul early in May. We will have still a third just before the summit conference in trying to resolve among ourselves, the Western Powers, what issues we feel it is desirable to raise at that conference.

So that we may have something more precise when we get to the meeting itself. But as of now many of these matters are in the study stage.

Senator GORE. Do you think it would have been more prudent to have had an understanding about the subjects to be considered at a summit conference before agreeing to have one, or do you think this is the proper way to keep the score?

Secretary HERTER. It is a gamble. I don't know.

Senator GORE. You are gambling with high stakes, and it seems to me in a reckless manner. I am disturbed to have the Secretary of State make the statements that you have made today about the summit conference, no plan, no purpose, no understanding as to what will be discussed, what we hope to attain there.

Secretary HERTER. Mr. Senator, I view this as essentially a matter of exploration. We have the situation where an individual, Mr. Khrushchev, is the man who makes the decisions as far as we know for the Russians. We have gone through a great many diplomatic conferences at a lower level, the Foreign Ministers' level.

Their resolution could not be achieved through complete lack of flexibility or authority on the part of someone at a lower level. This as I say is an exploratory thing. As you know, our British friends have wanted a summit conference. They have had a feeling that good could come out of it through the individuals concerned having a chance to talk over some of these principal problems which they undoubtedly will, without specifying the exact context in which they will discuss them, and we are, of course, hopeful that this is true.

The French have felt the same way. As you know, the President refused to go to any summit conference until the threat, the ultimatum in regard to Berlin was withdrawn. He has been willing to go now and sit and discuss. He has said and I think correctly said with the dangers that we are facing in the world he will go anywhere at any time and talk to anyone if it may help to relieve the tensions and to move matters forward so that the world will not be quite as explosive and dangerous in places as it is now.

That I think is a very constructive way of looking at this. I think that if we began on the diplomatic level to try to be precise as to everything that we were going to talk about, we would be quarreling over that problem probably for many, many months to come. These exchanges will probably be of an informal nature. They may produce something very valuable. If they do it is all to the plus. If they fail, it will be serious only if we overexaggerate our hopes as to what may come out of the conference.

There is always danger of a high level conference failing and dashing people's hopes, and I think we would be foolish to exaggerate the hopes that we may have as to the successful outcome of this meeting.

Senator GORE. Mr. Secretary, this is several times I have heard the argument used as a reason for the summit, that only Mr. Khrushchev can make decisions. When you and Mr. Gromyko meet, do you have any power of decision except that delegated to you by the President of the United States?

Secretary HERTER. No.

Senator GORE. Is there any reason why the Russian dictator could not delegate the same power to his foreign minister as President Eisenhower should or does delegate to you?

Secretary HERTER. None.

Senator GORE. Then isn't that a fallacious argument?

Secretary HERTER. Not necessarily, because you are dealing with an individual personality who himself wants to be the negotiator.

Senator GORE. And therefore we accede to his personality and his desire?

Secretary HERTER. To some extent.

Senator GORE. It seems to me what you have said is that we are vague about the purposes of the conference or its results and we did not want it, but we are somewhat being pushed into it. Is that——

Secretary HERTER. I wouldn't say pushed into it. I would say that the President acceded to the desire of the others to go to a summit conference because, as he said, he was willing to go anywhere and talk to anyone if it might bring beneficial results.

Senator GORE. Well, you have also said that it is a gamble, and that if beneficial results are not obtained, it could be dangerous.

Now you say we can minimize those dangers of failure by refusing to expect too much. Are not the dangers of a total lack of agreement between the heads of state of two powerful and contending nations more real and stark than that?

Secretary HERTER. Senator, I cannot answer that categorically. We just don't know. This is exploratory. In my opinion it is desirable. There are too many chances for miscalculation, misunderstanding with the weapons that we today possess to risk taking a rigid position that we will not sit down and talk with anybody about any of these problems.

Senator GORE. I am not undertaking to say, Mr. Secretary, that it is undesirable to talk with our friends either standing or sitting. What I am undertaking to say is that a matter of such grave importance as this should be with purpose, with plan and with hope of success, and this picture you give us is not either.

Secretary HERTER. I agree with you, but I cannot do other than hope that it will be successful. I would much rather be pleasantly surprised than unpleasantly surprised.

Senator GORE. Shall I join you in the hope as indefinite as it is?

Mr. President, that concludes the colloquy. I submit the actual record, in reply to Mr. Hagerty, who is described as speaking for the White House. I regret that Mr. Hagerty did not emulate the candor of Secretary Herter in his remarks.

IMPRISONMENT OF BISHOP JAMES E. WALSH BY CHINESE COMMUNIST GOVERNMENT

Mr. HUMPHREY. Mr. President, I was shocked by the Chinese Communist government's sentencing of Catholic Bishop James E. Walsh, an American citizen, to a 2-year prison term for what the Chinese Communist government called the crime of American imperialism.

Throughout the world, men and women are waiting anxiously for the People's Republic of China to prove by deeds that it believes in the fundamental human freedoms which are shared and respected by the family of nations.

The Chinese Communist government instead has brutally violated these basic human rights in imprisoning a respected religious leader and American citizen, who is 68 years old and in poor health.

This government did not even show ordinary compassion for an aged and ill man, nor respect for a minister of religion.

Bishop Walsh has served many years as a Maryknoll priest in China. He had been under house arrest for several years prior to the recent "trial" and sentencing. He chose, however, to remain in China because he believed it his duty to remain with the people among whom he had lived and worked so long.

The Government of the United States has officially and strongly protested the Chinese treatment of Bishop Walsh. It is a protest in which we all, as his fellow citizens, wholeheartedly share.

Mr. President, I have urged the Secretary of State that U.S. Ambassador to Poland, Jacob Beam, communicate and reiterate to representatives of the Chinese Communist government the shock and indignation felt by the people of the United States against the outrageous imprisonment of Bishop James Edward Walsh.

SENATE BILL 8, THE SCHOOL AID BILL

Mr. HUMPHREY. Mr. President, on February 4, during the Senate deliberations on S. 8, the school aid bill, I called up as an amendment my proposal to establish a Federal college scholarship program. I later withdrew this amendment with the clear understanding that legislation dealing with problems of higher education will be taken up by this body later in this session of Congress.

Under my proposal, which was similar to the bill I introduced last year, S. 1087, 46,000 new college scholarships based on merit and need are to be awarded each year to outstanding high school students without any discrimination based on religion, sex, creed, or race. Any qualified graduate from an accredited high school—public or private—would be eligible to win a scholarship.

Each student who wins a scholarship will automatically get a $500 merit award. The State education agencies which select the scholarship winners can award up to $1,500 to a needy student for 4 years.

Unfortunately, an erroneous report on my scholarship proposal appeared in a syndicated column by John O'Brien stating that my scholarship program would discriminate against students attending parochial schools.

Mr. O'Brien very considerately made a correction in his subsequent weekly column for which I am very grateful.

Mr. President, I ask unanimous consent that Mr. O'Brien's letter to me dated March 22, and his recent column written to correct the earlier erroneous report, be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the letter and column were ordered to be printed in the RECORD, as follows:

MARCH 22, 1960.

Senator HUBERT H. HUMPHREY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: In response to a request by a member of your staff, I am enclosing a copy of a column I wrote for NC Features to correct an erroneous impression of your scholarship program given in an earlier column.

I sincerely regret having portrayed your bill in an incorrect light.

Sincerely,

JOHN C. O'BRIEN.

MISCONSTRUED LAUSCHE OBJECTION

(By John C. O'Brien)

This column is written to correct an erroneous impression conveyed in an earlier column as to the purport of a bill by Senator HUBERT H. HUMPHREY, of Minnesota, to provide a program of Federal scholarship for needy high school graduates.

The earlier column reported objections by Senator FRANK J. LAUSCHE, of Ohio, raised immediately after a statement in the Senate by Senator HUMPHREY explaining his bill and seemingly addressed to the Humphrey bill.

REASON FOR CONFUSION

Senator LAUSCHE reminded the Senate that parochial schools felt that they had been denied fair consideration in proposed Federal aid-to-education programs. In view of that he objected to the counting of students in parochial and other private schools in the enumeration of a State's school population for the purpose of determining a State's share of the proposed Federal aid.

After reading the earlier column's report of Senator LAUSCHE's remarks in a diocesan newspaper, Senator HUMPHREY explained to the writer of this column that the Ohio Senator was not addressing himself to the proposed scholarship program.

The confusion arose from the fact that Senator HUMPHREY's bill was in the form of an amendment to another bill to authorize a 2-year program of Federal financial assistance to States for school construction.

This school-construction bill would exclude parochial and private schools from participation in the Federal funds for school construction. But, Senator HUMPHREY points out, no such discrimination in favor of public high schools is provided in his amendment to authorize a Federal scholarship program. He noted that the State commissions authorized by the amendment to select the recipients of the Federal scholarships would be free to confer scholarships upon any student holding a certificate from any secondary school in a State, parochial and private, as well as public.

It was not, Senator HUMPHREY assures, to the amendment but to the original bill to authorize Federal funds for school construction, which does exclude parochial and private schools, that Senator LAUSCHE objected. LAUSCHE's complaint was that the inclusion of parochial and private school students in the enumeration of a State's school population would increase its share of the proposed Federal aid and thus impose an additional tax burden upon parents of children attending parochial and private schools.

PURPOSE OF AMENDMENT

Senator HUMPHREY has explained to the writer that the purpose of his amendment was to enable thousands of qualified graduates of both public and parochial and other private high schools who cannot afford a higher education to get one.

His amendment would authorize Federal appropriations beginning with $46 million in the fiscal year 1961. The appropriations would be increased by $46 million each year until the fiscal year of 1964, when the appropriations would level off at $184 million a year.

The State commissions which would administer the scholarship program would be authorized to grant aid, in accordance with the needs of the student, up to $1,500 a year for a maximum of 4 years. The only students excluded would be these eligible for veterans' educational benefits and holders of scholarships under other Federal scholarship programs.

The scholarship program, as explained by Senator HUMPHREY, is, of course, one to which Catholics would not object on the ground that they would be discriminated against.

The writer regrets the confusion which gave the impression that the Humphrey scholarship aid amendment provided for the same discrimination against parochial and private schools that the proposed Federal aid for school construction program does.

FOOD STAMP PLAN

Mr. HUMPHREY. Mr. President, the Secretary of Agriculture has the authority to establish food stamp programs for the distribution of CCC-owned commodities. Congress passed such authorizing legislation last session. The Secretary of Agriculture has been requested by a number of States and communities to set up food stamp programs because of the many advantages of channeling commodity distribution through retail grocery stores.

Among the cities which have requested the establishment of a food stamp program is Detroit, Mich. For some time, surplus commodities have been distributed to eligible recipients through the grocery stores in Detroit because the stores cooperated as a matter of public service. Now because of financial difficulties, the welfare department of the city of Detroit is being forced to discontinue this method of distribution and turn to the use of only one distribution center. The situation in Detroit is graphically described in a letter I have received from W. E. Fitzgerald, executive secretary of the Food Industry Committee of Detroit. I ask unanimous consent that this letter be printed in the RECORD at this point in my remarks.

It is my hope that if more people realize the nature of this food distribution problem, Secretary of Agriculture may be sufficiently urged that he will use the authority given him by Congress to set up food stamp programs. Failing that—and I am not optimistic regarding such a change of heart on the part of the Secretary—it is my hope that Congress will approve mandatory food stamp program legislation such as is detailed in S. 3166, sponsored by myself and the junior Senator from Minnesota [Mr. MCCARTHY].

There being no objection, the letter was ordered to be printed in the RECORD as follows:

FOOD INDUSTRY COMMITTEE,
Detroit, Mich., March 7, 1960.

Hon. HUBERT HUMPHREY,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR HUMPHREY: The city of Detroit Welfare Department has been turned down as you no doubt know by Secretary Benson with regards to starting a food stamp program in this area. The financial situation as far as Detroit and Michigan is concerned is, of course, a precarious one. And the welfare department is up against it. The afterclap of this failure on the part of the Department of Agriculture to establish a program here is this: That the city of Detroit Welfare Department in an effort to save $70,000 is discontinuing the use of retail stores as distributing points for surplus foods. This has, of course, not caused too much turmoil on our part, because it has been done by the retailers more as a civic duty, rather than for any thought or desire of profit. However, with the look at the sociological side of it, I am afraid there is going to be a very serious reaction to what the city plans to do and that is confine the distribution to the one depot they now have at 8300 Woodward Avenue.

When we analyze the number of persons receiving surplus foods that fall into the category of old age, the thought on our mind is, what are they going to do if they have no means of picking up this food. In January the following number of families were taken care of through the retail stores, all of which are located rather close to their homes: Social security, 1,784; old age, 4,149; blind, 203; disabled, 295; aid to dependent children, 5,354; straight welfare, 4,218.

I don't seem to be able to comprehend how elderly people without means of transportation are going to travel at least 15 to 20 miles to pick up this free food. Nor how they can afford, if they can travel, to pay 60 cents bus fare. In discussing this with the welfare department, they advised me that those receiving old-age benefits are checked every 90 days, that in January they sent out notices, asking them to come in so that they could be checked, and that 300 of these cases called and stated they either lacked transportation or were infirm and were unable to come in. So, how, by any stretch of the imagination if they could not get in for a checkup, how could they get in for their groceries. I think you realize as well as I do that if Mr. Benson had the welfare of the people at heart, a program would be established and these unfortunates would not be placed in a position that they are going to be placed in by this move on the part of the welfare department.

Kindest personal regards.

W. E. FITZGERALD,
Executive Secretary.

VOCATIONAL EDUCATION FUNDS

Mr. HUMPHREY. Mr. President, in his budget message, President Eisenhower called for a cut of $2 million in funds available for vocational education under title I of the George-Barden Vocational Education Act of 1946.

I believe this cutback in a very successful program would be a serious mistake, even though there would be a corresponding increase in funds for technical education. Recently I received a very impressive memorandum on the growth and the extent of vocational education in Minnesota, where State and local funds make up 85 percent of total expenditures on vocational education.

The success of the vocational education programs and the strong support at the State and local levels raises serious doubt about the wisdom of the proposed cutback in title I funds. I urge this Congress to restore the $2 million to the budget estimate of $31,702,081 for promotion and development of vocational education in fiscal 1961.

Mr. President, I ask unanimous consent that a memorandum on this subject from Harold M. Ostrem, chairman of the legislative committee of the Minnesota Vocational Association, be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM FROM HAROLD M. OSTREM, CHAIRMAN, MINNESOTA VOCATIONAL ASSOCIATION LEGISLATIVE COMMITTEE, ON THE PROPOSED CUT IN THE FEDERAL GEORGE BARDEN TITLE I FUNDS

According to the President's budget message there is a diminishing need for Federal assistance in the vocational education programs in the fields of agriculture, home economics, trade and industrial and distribution and an increased need for technical education funds. The President recommends a cut of $2 million from George Barden title I funds and an increase of $2 million in the George Barden title III funds.

In Minnesota we have carefully reviewed the total program of vocational education as well as the technical education program and we believe that we have, on the basis of facts and figures, reached certain conclusions which would tend to indicate that to carry out the proposed cut in George Barden title I funds would be a serious mistake.

We acknowledge the fact that the technical education program is vital to Minnesota which is centered in the eight strategically located area vocational-technical schools. The program is firmly established, it is meeting an ever increasing need for technicians but we do not feel that we should in any way jeopardize the effectiveness of the vocational education programs which form the backbone of our skilled manpower training by arbitrarily diminishing the limited funds available.

We seriously question that because there is an increasing emphasis on technical education that there is a decreasing need for vocational education and vocational funds.

The vocational education program in Minnesota is serving approximately 100,000 citizens per year and each year this number increases. We recognize the fact that the technical education program is very vital to meet the increased demand for technicians and we believe that with the anticipated growth of this demand more money will be needed and can be effectively put to work in support of technical education in Minnesota.

The Minnesota program of vocational education is vital to the economy of our State. We believe that this program which is serving close to 100,000 citizens and which is being supported with 85 percent local and State moneys as opposed to 15 percent Federal moneys must continue to grow.

The following chart indicates the growth in the past 5 years:

Enrollments in Minnesota vocational education program

Year	Agriculture	Distributive	Home economics	Trade and industrial	Total
1955	28,200	2,976	33,355	12,689	77,220
1956	26,742	3,273	34,154	14,987	79,156
1957	26,583	3,583	34,780	17,030	81,996
1958	27,964	3,897	37,160	20,408	89,429
1959	27,152	3,704	38,145	21,667	90,668

The following chart shows the amount and the percent of funds provided by the local, State, and Federal Governments in support of vocational education programs in Minnesota.

Local-State-Federal funds for Minnesota vocational programs

Year	Local		State		Federal		Total
	Amount	Percent	Amount	Percent	Amount	Percent	
1955	$1,690,295.27	44.0	$1,453,476.04	37.9	$695,523.21	18.1	$3,839,294.52
1956	1,886,979.82	44.1	1,633,018.87	38.1	762,459.31	17.8	4,282,458.00
1957	2,111,204.15	43.6	1,885,495.03	38.9	846,377.50	17.5	4,843,076.68
1958	2,378,862.48	43.2	2,286,975.83	41.5	843,948.14	15.3	5,509,786.45
1959	2,293,311.54	42.3	2,281,070.72	42.1	841,479.45	15.6	5,415,861.71

To further indicate our deep conviction that vocational education moneys, appropriated under George Barden title I, must be maintained at least at the present level we herewith submit some factual and pertinent evidence.

VOCATIONAL AGRICULTURE

In the 10-year period from 1949 to 1959 the Federal share of educating Minnesota students in vocational agriculture has decreased from 42.7 to 18.6 percent. During this same period the State has increased its expenditures over 800 percent from $89,000 to $739,000, while the local districts have increased their expenditures over 300 percent from $275,000 to $939,000.

During this 10-year period the instructional cost per student has increased from $43 to $79.

The vocational agriculture program has shown a constant growth. Ten years ago the total number enrolled was 14,000—today it is 26,000.

The need for vocational agriculture training is more acute today than ever before. Farming has become highly specialized, highly competitive and involves large amounts of capital. The risk is tremendous. Agricultural education is a critical need in Minnesota and we cannot under any circumstances see the justification for a cut in Federal moneys.

TRADE AND INDUSTRIAL

The trade and industrial progress in Minnesota is very evident not only in the Twin-City area but over the entire State. The demand for increased skills has shown a steady growth. In 1950 the total enrollment in trade and industrial programs was 8,864. In 1959 the enrollment was over 17,500, an increase of 200 percent.

In 1950 the total Federal moneys for trade and industrial programs amounted to $146,801, or 14 percent of the total expended. This support increased to $179,000 in 1959. During this same period the State and local

support increased from $915,000 to $1,240,000, or approximately a $10 increase in State and local moneys to every dollar increase in Federal funds.

We need to increase the availability of skilled training in Minnesota. Industrial growth in the smaller cities and towns is placing increased demands upon our vocational schools. We have a fine labor market but we need to enlarge our vocational facilities and this costs more money.

Careful examination of our needs in the trade and industrial field shows conclusively that we need to add to our facilities, our equipment and our staff and this, it seems, would mean greater expenditures of State, local, as well as Federal moneys.

We must point out that many of the people enrolled in the technical programs are those who received their initial training and experience in the trade and industrial vocational field. This we believe will continue to be an important and contributing factor to the success of technical training.

VOCATIONAL HOMEMAKING

Minnesota vocational homemaking departments have increased from 204 to 266 during the past 5 years. Enrollments during this same period have increased from 33,335 to 38,155.

The opportunities for growth are limited only by the amount of money available. There are so many pertinent factors which bring about an ever increasing need for improved and expanded programs; among these are: Rapid social, economic, and technical changes affecting homes; early age of marriage; increasing number of mothers in the labor force; care of children while parents are at work; less differentiation in roles of man and woman in the home.

Greater challenges and greater needs demand expansion of the vocational homemaking program.

DISTRIBUTIVE EDUCATION

The growth in manufacturing in Minnesota has been accompanied by a corresponding growth in the retail, wholesale, and service industries. The demands for better trained people are being met in part through the growing service of the distributive education programs being carried on by the public schools.

Minnesota training programs for distributive personnel have shown a steady and consistent growth which is evidenced by the enrollment of 5,000 in 1955 and increased to 7,000 in 1959.

In 1959 the local and State funds in support of distributive education amounted to $189,000 or 81 percent of the total expenditure. The Federal funds provided $43,000 or 19 percent of the total expenditure.

The need for and the costs of distributive education increase each year. This means more money must be provided.

TECHNICAL EDUCATION

The technical education program in Minnesota is vital to meeting the growing demand for technical personnel. The area vocational-technical schools located in eight communities throughout the State have expanded their facilities, added to the staff and through a close working relationship with management and labor have established the standards for technical training in several critical areas essential to national defense.

In 1959 Minnesota received and spent $99,786.38 of Federal funds for technical education which was matched by local and State funds. For 1960 Minnesota was allotted $162,553.00 and has asked for and received an additional $45,857.84.

The area vocational-technical school working very closely with industry and with the State Department of Employment Security will continue to do the essential research and planning in order to insure the offering of the finest technical education to meet the needs for technical manpower.

Minnesota industry ranks fourth in the Nation in the manufacture of electronic equipment and the Minnesota Department of Employment Security predicts the need for 4,000 new electronic technicians in the next 5 years.

We want to emphasize the growing importance of technical education and we believe that Minnesota can make very good use of increased funds; however, we do not feel that any increase in technical funds, important as these funds may be, should be made available at the expense of the basic vocational program under George Barden title I.

THE WORLD COURT

Mr. HUMPHREY. Mr. President, that great lady, Mrs. Roosevelt, recently wrote an excellent column pointing up what our Nation has to gain by repealing our reservation to the World Court statute as I have proposed in Senate Resolution 94.

Two thoughtful letters urging repeal of the reservation also appeared recently in the Minneapolis Tribune, written by Mrs. A. O. Zoss, of St. Paul, Minn., and in the Toledo (Ohio) Blade, written by Lois Hittle, of that city.

Mr. President, I ask unanimous consent that Mrs. Roosevelt's fine column and these two letters be printed in the RECORD.

There being no objection, the column and letters were ordered to be printed in the RECORD, as follows:

IS THE UNITED STATES FAILING IN ITS ROLE IN JUSTICE?

(By Eleanor Roosevelt)

NEW YORK.—Senator HUBERT H. HUMPHREY has sponsored a resolution to delete the Connally reservation—a power that gives the United States the right to choose whether we will submit certain questions to the World Court at The Hague or not.

In adhering to this resolution we are putting ourselves on the side of the Soviet nations and preventing the International Court at The Hague from becoming a fully useful judicial body. Our action in repudiating the Connally reservation would give the world an example which we might well hope would be followed by other nations.

Why should we insist that disputes with regard to matters which are essentially within the jurisdiction of America as determined by the United States of America shall not come before the International Court of Justice? Does this mean that we are afraid?

In that case, we must be conscious of areas where we are falling short of meeting conscience of the world today, and we fear that we may be called to account. It will not help us to hide behind such a reservation.

We had better face ourselves and realize that if we want to see force removed in international relations, we must be willing to build a stronger legal system in all areas of international affairs.

[From the Minneapolis (Minn.) Tribune, Feb. 24, 1960]

REPEAL OF CONNALLY AMENDMENT IS URGED

To the EDITOR:

A huge nonpartisan majority of those Americans who can tell time, including President Eisenhower, Vice President Nixon, Adlai Stevenson, Hubert Humphrey, and the American Bar Association are pressing for the prompt passage of Senate Resolution 94 to repeal the Connally amendment and strengthen the World Court.

These people are aware that the year is 1960, the nuclear age, and that those handy salt-water moats surrounding our beautiful shores are just not the width they were.

They know that the United States is a country genuinely dedicated to furthering understanding between nations and working toward a just and lasting peace through rule of law.

We live, whether we like it or not, in today's world, a world which simultaneously shrinks and expands. The known earth grows smaller, the unexplored universe looms larger, closer.

Either our country shows the world it prefers the rule of law to the anarchy of force, or we can all make ourselves sit through two showings of "On the Beach," repeating, at 5-minute intervals: "It can happen here. Any day now."

Mrs. A. O. ZOSS.

[From the Toledo (Ohio) Blade, Mar. 4, 1960]

REPEAL RESERVATION

To the EDITOR OF THE BLADE:

The United States belongs to the World Court, but our membership is made ineffective by the Connally amendment, which specifies that in any dispute with another country the United States shall be the judge whether or not the case is under the jurisdiction of the World Court, making us the judge in our own case.

A resolution is now before the Senate to repeal the Connally amendment. The resolution is endorsed by the President, the Vice President, Secretary of State, and the Attorney General, and also by such leading Democrats as HUBERT HUMPHREY and JOHN KENNEDY.

The opponents of the resolution are very active. If you agree that the World Court should be strengthened by repeal of the Connally amendment, write your Senators and also to Senator FULBRIGHT, chairman of the Foreign Relations Committee.

LOIS HITTLE.

THE DISCLAIMER PROVISION OF THE NATIONAL DEFENSE EDUCATION ACT

Mr. HUMPHREY. Mr. President, I have in previous statements supported repeal of the disclaimer provision of the National Defense Education Act because it is both a violation of the traditional American principle of academic freedom, and a totally ineffective means to its supposed objective. Student governing bodies of Cornell University, Ithaca, N.Y.; University of Wichita, Wichita, Kans.; Smith College, Northampton, Mass.; and Augsburg College in Minneapolis, Minn., have adopted resolutions urging repeal of the disclaimer.

Mr. President, I ask unanimous consent that these forthright statements from the young people most directly affected by the disclaimer be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

DECISION AND RATIONALE OF THE EXECUTIVE BOARD OF STUDENT GOVERNMENT, CORNELL UNIVERSITY, ITHACA, N.Y., CONCERNING THE NATIONAL DEFENSE EDUCATION ACT

The executive board has considered the disclaimer affidavit of the National Defense Education Act. For several reasons we feel that this clause is injurious to basic civil liberties.

The oath states: "I do solemnly swear that I do not believe in, and am not a member of, and do not support any organization that believes in or teaches the overthrow of the U.S. Government by force or violence or by any illegal or unconstitutional means." This oath is a violation of the first amendment which specifically says that "Congress shall make no law abridging freedom of speech." This amendment has been modified only to the extent that advocacy to overthrow the Government when clearly an incitement to action has been declared illegal. Any abstract doctrine that advocates violent overthrow of the Government is protected by the first amendment (*Yates* v. *United States*). The disclaimer clause, because it fails to discriminate between the two different types of advocacy, infringes upon the constitutional rights of the individual.

Not only does the disclaimer affidavit infringe on constitutional rights, but also as the Supreme Court of the United States held in *Speiser* v. *Randall* and the *First Unitarian Church* v. *The County of Los Angeles* (vol. 357, U.S. Repts.), that by placing the burden of proof on the individual, it is in opposition to one of the basic tenets of Anglo-American law, which holds that a man is innocent until proven guilty.

The Government further obstructs freedom by proscribing not simple membership, but belief in an organization that teaches the violent overthrow of the Government. Since no criteria have been established as to what constitutes belief, the Government is allowed a dangerous latitude in its enforcement of the affidavit.

The disclaimer affidavit tends to create an atmosphere of fear in the community in which it is enforced. As Justice Black said:

"Loyalty oaths, as well as other contemporary security measures, tend to stifle all forms of unorthodox or unpopular thinking or expression—the kind of thought and expression which has played such a vital and beneficial role in the history of this Nation. The result is a stultifying conformity which, in the end, may well turn out to be more destructive to our free society than foreign agents could ever hope to be." (*Yates* v. *U.S.*, 354 U.S. 298, 344, dissenting opinion.) When "Robin Hood" is considered subversive literature (as has happened in some schools) that stultifying conformity is a reality.

The disclaimer affidavit cannot succeed in maintaining the national security since, in general, a subversive will have no compunctions about signing the oath.

This affidavit places a restriction on academic freedom. A university dedicated to the search for truth cannot function unless its faculty and students are allowed complete freedom of thought.

Since the disclaimer affidavit is an abridgment of freedom of speech, and appears to be unconstitutional, the Executive Board of Cornell Student Government feels that adherence to principle demands that the University must refuse any future funds from the National Defense Education Act unless the affidavit is repealed.

It is the feeling of the executive board that if indications are that this would be a temporary situation provided the American universities unite in a strong stand in opposition to the disclaimer affidavit, this affidavit will be repealed by Congress.

We feel that any action short of withdrawal would be ineffectual. Acceptance of the funds seriously weakens any protest against the disclaimer clause because it is an admission by the university of its dependence on Federal funds and would be a tacit recognition of the power of the Federal Government to regulate academic freedom.

It is the responsibility of the university to safeguard the rights of its individual students. The act of an individual student in refusing funds under this act is insignificant in affecting the status of the disclaimer clause. The decision of a great university, such as Cornell, however, substantially affects both our legislators and the other American universities.

In future years, universities will rely increasingly on Federal funds. It is important now to establish the principle of academic freedom in regard to Federal aid to education.

The executive board feels that much can be accomplished if Cornell strongly asserts its disapproval of the cause. The Kennedy-Clark motion to repeal the disclaimer proviso failed to pass the Senate and was referred back to committee by the narrow margin of 42 to 49 at the last session of Congress. Since then, Harvard, Yale, and Oberlin have returned funds joining Princeton, Swarthmore, Haverford, Bryn Mawr, Amherst, and many others who originally rejected the funds. President Eisenhower has publicly disavowed the clause and Secretary of Health, Education, and Welfare Flemming has spoken against the affidavit. Cornell cannot stand aside and allow other institutions and public figures to defend its own academic prerogatives. The executive board believes that now is the proper time to express the strongest possible protest against this disclaimer affidavit.

The executive board policy concerning the disclaimer affidavit of the NDEA is, as of December 17, 1959, the following:

1. The executive board will request the University to refuse any future funds under the act unless the disclaimer affidavit is repealed during the forthcoming session of Congress.

2. The executive board will send letters to Senators CLARK and KENNEDY, and to Senators KEATING and JAVITS, of New York, supporting their attempts to eradicate the disclaimer clause from the act.

3. The executive board will write to other schools, explaining its position in this matter, encouraging them to take similar stands.

4. The executive board will request that the university explore all possibilities of substituting funds for the Federal loans.

5. The executive board will make every effort to transform the above-stated policy into university policy.

RESOLUTION BY STUDENT CONGRESS OF UNIVERSITY OF WICHITA

Whereas the disclaimer affidavit provision of the National Defense Education Act of 1958 is an insult to the American college student, labeling him as being prone toward subversion; and

Whereas such affidavit sets penalties for previous beliefs and attempts to impose a restriction upon the future thought of the oath taker; and

Whereas such restrictions upon the conscience of free men is entirely outside the American idea of academic freedom and freedom of thought and expression; and

Whereas such an attempt to dictate the present, past, and future thoughts of students is completely ineffective in dealing with subversive elements due to the lack of conscience displayed by these elements: Therefore be it

Resolved by the student congress of the University of Wichita, acting in behalf of the student body of that institution, That the use of the so-called loyalty oath disclaimer affidavit as a condition of financial aid should be abolished.

STATEMENT BY SMITH COLLEGE, NORTHAMPTON, MASS., MARCH 3, 1960

We reaffirm our statement of April 9, 1959.

We oppose section 1001(f) of the National Defense Education Act both in principle and in practice. The principle of attaching loyalty oaths and disclaimer affidavits to Federal grants for education undercuts our expressed confidence in American ideals. It is a basic tenet of our educational philosophy that everyone have a right to free inquiry into and free choice among all points of view. This philosophy asserts that such free inquiry and choice will lead to a fuller understanding of all principles and to an affirmation of the American way of life. Free intellectual inquiry does not imply seditious belief.

Furthermore, we doubt the effectiveness of the loyalty oaths and disclaimer affidavits. Loyal citizens may be antagonized by being required to take such oaths because it conflicts with the principles stated above. Disloyal persons will not hesitate to take the oath and sign the affidavit nor will these actions prevent them from acting according to their beliefs. Requiring a loyalty oath and a disclaimer affidavit as a condition for Federal aid to students establishes a precedent of unwarranted Government interference with academic freedom.

We urge the immediate repeal of section 1001(f) on these grounds.

DISAPPROVAL OF LOYALTY OATH AND DISCLAIMER AFFIDAVIT OF THE NATIONAL DEFENSE EDUCATION ACT BY STUDENT COUNCIL, AUGSBURG COLLEGE, MINNEAPOLIS, MINN.

In recent years American college students have witnessed a proliferation of various types of loyalty oaths and disclaimer affidavits. At present, attention has centered upon section 1001(f) of the National Defense Education Act of 1958. At least 15 colleges have refused to participate in the NDEA program solely because of this section. Other colleges have participated in the program, but nevertheless have objected to this specific provision.

Therefore the Augsburg College student council states its belief in the following principles:

1. That loyalty is based upon ideas and cannot be legislated or created by slogans;

2. That, historically, loyalty oaths and disclaimer affidavits have been a source of much abuse (e.g., 17th century English test oaths);

3. That loyalty oaths are objects of disapproval for—

(a) They do not serve their purpose. No subversive bent upon destroying the Government would have any qualms about signing a loyalty oath. On the other hand, loyal Americans who refuse to sign because of principle are singled out by the oaths.

(b) They offer a subtle threat to academic freedom, for—

(1) There is danger that they will serve as a first step toward more restrictive legislation;

(2) There is danger that their meaning may be expanded through interpretation (e.g., the word "defend" in section 1001(f) of the NDEA);

(3) The requirement of signing a loyalty oath implies that a college student is disloyal until he makes a positive statement expressing his loyalty. This requirement does not indicate a belief in the basic loyalty of American college students;

(4) A student's refusal to sign because of principle unfortunately results in suspicion of disloyalty.

(c) They are discriminatory. Section 1001(f) of the NDEA singles out college students to sign loyalty oaths to receive Federal aid, whereas other recipients (e.g., farmers) do not have to sign such oaths.

4. That disclaimer affidavits are even more so objects of disapproval, for—

(a) They do not serve their purpose. Again, no subversive would have any qualms about signing an affidavit;

(b) They represent a serious threat to academic freedom, for—

(1) They may serve as a basis for more restrictive legislation;

(2) The requirement of signing a disclaimer affidavit implies that a college student is disloyal until he makes a positive statement expressing his loyalty.

This requirement does not indicate a belief in the basic loyalty of American college students;

(3) Refusing to sign because of principle results in suspicion of disloyalty;

(4) In the case of the NDEA, the affidavit's effect is to proscribe certain beliefs. But it is nearly impossible to ascertain accurately what an individual's beliefs are. Such a provision cannot be justly executed.

(5) In the case of the NDEA, the affadavit is terminologically unclear (e.g., the words "believe in," "supports," and "illegal methods"). This leaves a wide area for interpretation and the danger of a resultant expansion of the meaning of the act. It also leaves a student in the position of not knowing whether in believing in and in supporting a certain organization and in receiving money under the provisions of the NDEA, he is committing a crime under this act.

(c) They discriminate against college students. Section 1001(f) of the NDEA singles out college students to sign disclaimer affidavits to receive Federal aid, whereas other recipients (e.g., farmers) do not have to sign such disclaimer affidavits.

5. That no individual who is proved in the courts of the United States to be actively seeking to overthrow the Government of the United States by force or violence should be allowed to receive funds under the program of the NDEA. However, section 1001(f) does in no way expose and/or exclude such an individual.

The Augsburg College Student Council expresses its general opposition to laws requiring students in their position as students to sign loyalty oaths and disclaimer affidavits. Specifically, we urge amendment of the National Defense Education Act of 1958 by deletion of section 1001(f).

Furthermore, we direct the student society president to—

1. Communicate this bill to all Minnesota Members of the U.S. Congress.

2. Communicate this bill to all major Minneapolis and St. Paul newspapers.

3. Communicate this bill to all members of the Augsburg College faculty, urging them to consider seriously its contents.

4. Communicate this bill personally to the president of the college urging him to take necessary action to inform the Federal Government that Augsburg College accepts this money under protest.

5. Communicate this bill to all member schools in the National Student Association, Minnesota-Dakotas region.

6. Urge individual students of the college to write letters expressing their opinions concerning the loyalty oath and disclaimer affidavit of section 1001(f), National Defense Education Act of 1958, to their Representatives in the U.S. Congress.

SIGNIFICANT PROGRESS IN THE NUCLEAR TEST BAN NEGOTIATIONS

Mr. HUMPHREY. Mr. President, last fall I spoke often around the country on the Geneva negotiations for a treaty to ban further tests of nuclear weapons. I pointed out that the real hope for progress in controlling and reducing armaments is a treaty for the cessation of nuclear weapons tests under effective controls. The importance of a treaty is just as evident today as it was several months ago.

Among the places I spoke on this subject was Pontiac, Mich., where I outlined a four-point program to serve as a basis for an effective test ban treaty. Because these four points are now central to the conclusion of an effective and acceptable treaty I wish to review and discuss them in relation to the current proposals of the United States and the Soviet Union.

My four-point program was and is as follows:

First. A test ban treaty should cover a permanent ban on all tests in the atmosphere, underwater, in outer space, and underground down to a certain threshold. In these categories detection and control are fairly simple. Last fall figures issued by the Government indicated that between 25 and 50 on-site inspections would be needed to inspect all unidentified events equal to 5 kilotons and above. Below the threshold, no on-site inspection was to take place for a limited and specified period. It was in this category that the distinction between earthquakes and tests was so difficult that inspection of all unidentified events was either impractical or politically unacceptable.

Second. A moratorium on weapons tests below the threshold should be declared and agreed to by the nuclear powers for 2 years.

Third. During the period of the moratorium the United States, the Soviet Union, and the United Kingdom should conduct a high priority research program to improve the capabilities for detecting small yield underground tests and distinguishing them from small earthquakes.

Fourth. If the research program indicated positive results, then the permanent ban should be extended to cover, with on-site inspection, all tests.

If the research program showed that improvements were not forthcoming or that the Soviet Union was not cooperating in the installation of the control system, then the moratorium would end and weapons tests would be permitted beneath the threshold if military security required it.

If there was any indication during the moratorium period that the Soviet Union was not observing the moratorium and was testing below the threshold, the United States would be free to resume its tests.

Although on-site inspection would not be allowed during the moratorium period below the threshold, the United States would have at least three ways in which a small test conducted secretly might be discovered. First, the control posts being established in the Soviet Union would detect many signals even in the low range; second, the United States would still have available to it its highly sensitive national stations and stations in other countries which furnish data on earthquakes and possible nuclear explosions; and third, our regular intelligence sources would furnish information on whether suspicious activity was going on in certain areas.

On February 11, President Eisenhower authorized the United States to propose a threshold agreement to the Soviet Union which resembled in its key features my proposal. A threshold agreement was suggested. All tests above a seismic signal equal to about 19 kilotons would be permanently banned. About 20 on-site inspections a year would be needed under this system. That figure, I might add, is a very rough estimate. I would suggest that it might be that 20 or 30 so far as on-site inspections are concerned, in order to have a safety factor.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. HUMPHREY. I would appreciate it if the Senator would permit me to finish my statement first; then I shall be happy to yield.

In order to improve detection techniques, a joint research program would be conducted, with the United States, the United Kingdom, and the Soviet Union participating. As improvements were realized, the threshold would be lowered so that eventually all tests could be permanently banned.

The President thus included in his offer three of my points—namely, the concept of a threshold treaty, a joint research program, and provision for the extension of the permanent ban to cover tests below the threshold.

The President was silent on whether a moratorium on small tests below the threshold should be included. He did not deal with this question.

On March 19, 1960, only a few days ago, the Soviet Union announced its acceptance of a treaty which, first, would ban permanently tests above a threshold of 19 kilotons; second, would include a joint research program to improve detection of small tests; third, would extend the permanent ban with inspection to cover small underground tests as improvements were made; and, fourth, would have a moratorium on tests below the threshold for a specified period pending the outcome of the research program.

The Soviet proposal is similar to my proposal, with the principal exception that it fails to specify how many on-site inspections will be allowed. I might add that particular exception is an important key point, because it is the number of on-site inspections which will really lend validity to an inspection and control program.

I had suggested 25 to 50; the U.S. proposal had specified 20. Another difference between my proposal and that of the Soviet Union is that I suggested the time period be 2 years, and the Soviets have suggested 4 or 5 years. However, it is my understanding that this time period is subject to negotiation.

I repeat that the key point of difference is the failure of the Soviets to mention anything with respect to on-site inspections. It is the on-site inspection which is so vital to any form of control and inspection. This would be particularly true if there were any agreements entered into which are commonly called threshold agreements. It would only be through on-site inspections that it would be possible to have a reasonable degree of surveillance or observation or inspection to check on the possibility of cheating with lower yield explosions underground.

The Soviet proposal specified that only chemical explosions should be used in the research program whereas I have suggested that some nuclear explosions may be necessary. I do not see, however, that the Soviets can refuse to consider nuclear explosions since they have already agreed in principle that nuclear explosions for peaceful purposes may be permitted. Certainly research to improve detection techniques comes under the category of peaceful purposes.

Two other features of the Soviet proposal should be mentioned. One is that if the research program does not show that small tests can be effectively controlled the Governments involved "would have to work out new arrangements for the future."

Second, the Soviet Union would allow on-site inspections for suspicious events both above and below the threshold.

Both the February 11 proposal of the United States and the March 19 proposal of the Soviet Union move the test-ban talks closer to a successful conclusion. The Soviet proposal should be regarded, not as a major shift in position, but as a significant indication that the U.S.S.R. may be willing to accept the necessary number of inspections to monitor a test-ban treaty and to work for the improvement of the control system.

The big difference between the United States and Soviet proposals are two: First, the United States did not specify whether it would agree to a moratorium on tests below the threshold for a designated period whereas the Soviet Union has asked for such a moratorium; the second difference is that the United States indicated that 20 on-site inspections would be needed for a threshold of approximately 19 kilotons whereas the Soviet Union has not stated the number of on-site inspections to be allowed.

It must be made clear that these are not the only unresolved questions which impede the signing of a treaty. Other important differences remain: The number and nationality of the staff at the control posts and in the mobile inspections team; procedure for adoption of the budget; composition of the control commission; the control system for detection of high altitude tests; extension of the treaty to areas other than the territory of the three nuclear powers; procedure for conducting explosions for peaceful purposes; and a few other points. But sufficient negotiation on all these points has taken place to make it fairly clear that none of these matters need obstruct for long the signing of a treaty.

At least these points have been given thoughtful consideration, and some progress has been made toward the resolution of the differences. I would not wish to have my statement indicate that these matters will be easily resolved. They are, however, subject to further negotiation, and possible treatment at the summit conference.

From almost the very beginning of the negotiations the big stumbling blocks have been how many on-site inspections can be or must be allowed and how can all tests be banned when the small ones are so difficult to distinguish from earthquakes.

With the President's proposal of February 11 and the Soviet proposal of March 19 the way is paved for the resolution of these two stumbling blocks. The Soviet Union must be willing to accept at least 20 inspections a year. And the United States must be willing to accept a moratorium on small underground tests for a designated period pending the outcome of the research program. This, I say, is the manner in which the test-ban deadlock can be broken.

Some may object to this proposed solution. It may be argued that the Soviet Union might try to sneak a few tests beneath the threshold which would go unnoticed; that is, detected but unidentified and uninspected. Is this possibility too great a risk to take for a 2-year period? This is the question to answer.

My answer is that the acceptance of a moratorium is not too great a risk to run, considering that the United States still has the three means of detecting even small underground tests I mentioned earlier: the international control posts, the existing national control posts, and regular intelligence sources. Each of these can help to police the moratorium.

I wish to emphasize the fact, of course, that the international control posts would have to be established as a part of any type of agreement, including a moratorium.

But some of my colleagues may contend that even these three techniques are not sufficient to guard against cheating. However, there are other steps that can be taken to reduce further the element of risk. One of the most important of these is the installation of unmanned, robot, seismic stations to record signals even from very tiny earthquakes and tests—a few tons, for example. Studies are now under way, to be completed within a few weeks, to show how such automatic auxiliary seismic stations may be used as supplements to the manned control posts. The addition of robot stations could reduce the risk substantially. Enough of them might even eventually reduce the number of on-site inspections needed.

Whether this aid to detection can be included in the test ban control system depends on two factors, one scientific and one political. The scientific factor is whether the robot stations can be installed so that the Soviets could not tamper with them unnoticed. The evidence to date is that the Soviets will not be able to get away with tampering, but we must obtain further data from the study now being made by the Bell Telephone and the Sandia Laboratories. The political factor is whether the Soviet Union will accept the addition of unmanned stations. An official answer has never been given to this question because an official proposal from the United States has never been made. I think such a proposal should be made. There is reason to think, however, that the Soviets will come to look on this suggestion for automatic stations in a favorable light. All recommended improvements in instruments thus far have been accepted by the Soviets. And anything which might promise a reduction of the number of on-site inspections should be welcomed by them.

Furthermore, there is one more step which could be taken. If the manned or unmanned control posts, national seismic stations, or intelligence sources, give real indication that the Soviet Union is attempting to test secretly, then I believe we should ask for the right to inspect the suspected area. In other words, we may have to insist on the right to have the quota on inspections apply below as well as above the threshold, if necessary.

It is my view that this is a proposal which ought to be placed at the conference table and, indeed, urged upon the Soviets. As I noted previously, the Soviet Union has evidently agreed that this procedure should be followed.

My conclusion is that a comprehensive treaty is in sight. The remaining differences can be solved. We may still have to wait for the outcome, but the ingredients for the solution of the remaining problems are now before us.

Mr. President, I believe that some of these problems will not be solved until the so-called summit conference takes place this spring. It appears that the negotiations at Geneva will be the working level of negotiations, and that the consummation of agreements on some of these matters will be at the political conference table, rather than at the conference table of the specialized representatives who are dedicating their energies to this one particular subject.

Mr. President, I ask unanimous consent that a policy statement of the advisory committee on science and technology of the Democratic Advisory Council, dated Monday, March 14, 1960, and entitled "Nuclear Tests and National Security," may be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

NUCLEAR TESTS AND NATIONAL SECURITY

(A policy statement of the advisory committee on science and technology of the Democratic Advisory Council)

INTRODUCTION

The present and projected national security is based upon a policy of nuclear deterrence. According to this policy an aggressor will be deterred from launching an attack by the threat of counterattack. It is basic to this policy that the retaliatory capability survive the impact of the aggressor's first nuclear strike. A vulnerable retaliatory force would upset the equilibrium of this so-called nuclear stalemate and might even invite attack. Even a highly invulnerable striking force would not guarantee continuation of the stalemate. The balance of force is not static nor is it simple. The equation of this quasi-equilibrium is complex and includes factors which are incalculable. For example, nuclear war may break out as a result of accidents; i. e., mental aberrations, misintelligence, or as a result of action by a third power or of uncontrolled growth of a limited war.

Security in the long run requires that there be a universal reduction and control of the methods of wide-scale destruction. This involves a paradox since one must go in two directions: (a) Establishing a sufficiently invulnerable deterrent to create a semistable stalemate and (b) achieving the controlled reduction of arms. The testing of nuclear weapons influences both of these objectives. To reach a sound policy on nuclear testing,

the benefits of testing must be compared to the advantages of a test ban as a step toward arms control.

MILITARY VALUE OF NUCLEAR TESTS

Nuclear weapon design is such that it includes nuclear and nonnuclear components. The latter may be tested without resort to nuclear detonations. For example, one can test the electronic controls and the weapon ordnance and mechanical details of the bomb without including nuclear materials in the device. Many phases of new weapon design may also be worked out by experimental testing of the nonnuclear components of the weapon.

The world's first nuclear explosion, the Trinity shot at Alamogordo, N. Mex., was preceded by a very intensive testing of the nonnuclear components with chemical explosives. The theory of the uncontrolled chain reaction was studied carefully even though only relatively crude computers were available for use. The proof test at Alamogordo was successful and substantially exceeded the average estimates of yield made by the scientists at the Los Alamos Laboratory. The bomb exploded over Hiroshima was of a different design but it was fired without a nuclear proof test. Its yield compared with that of the Alamogordo bomb and was only slightly less than the power of the third bomb dropped on Nagasaki. All three bombs were in the range of 13 to 23 kilotons within an error of perhaps 3 kilotons. This constitutes a remarkable performance considering the fact that there was no prior test art.

Since 1945 the United States has greatly augmented its store of knowledge about the science and technology of nuclear weapons. Its nuclear test program includes the explosion of 145 successful shots and several "duds." The total yield of all U.S. tests through 1958 amounts to roughly 100 megatons; i.e., 100 million tons of TNT. This is 60 times the total weight of all high explosive bombs dropped on Germany throughout World War II.

The United States has also built up two major nuclear weapons research and development laboratories. It has devoted over $2 billion to weapons development and testing. Furthermore, huge electronic computers have been acquired to facilitate the theoretical evaluation of new weapon designs. The comparison of theoretical calculations with the nuclear test data permits scientists to have greater confidence in predicting the performance of new weapon types. Accordingly, a test ban does not mean stagnation in weapon design. In fact, an enforceable test ban could give some advantage to the United States because of its greater experience in the nuclear weapons field.

Nuclear weapons are sometimes tested to determine their physical effects under different environments. In general the effects of nuclear weapons at sea level are well known and no further testing is necessary. This applies both to surface bursts and to low altitude detonations. There is only limited experience with nuclear weapon explosions at extremely high altitudes and much remains to be learned about weapon phenomena, especially ionospheric effects and kill capabilities as related to ICBM's. Underground nuclear tests are required to determine the efficiency of seismic detection. Additional research is necessary to determine the extent to which underground cavities can be used to muffle or hide nuclear explosions. There is no experimental data obtained with nuclear explosives to substantiate the theory of nuclear muffling.

In the main, future tests would be aimed at testing new principles of weapon design and proving out weapon prototypes. Nuclear tests are quicker, easier and more convincing than calculations or studies of simulated explosions. Some radical innovations in weapon design might not prove calculable. A test ban can therefore be expected to reduce the rate of development in those weapons for which there is the least prior experience.

U.S. NEED FOR WEAPON DEVELOPMENT

Further experiments could produce minor improvements in weapons of medium power; i.e., in the range of 10 to 100 kilotons. There is an ample supply of nuclear material for such weapons so that improvements in nuclear efficiency are not vital. Nuclear tests would be more significant if they were needed to perfect special warheads for antiaircraft and antimissile applications. Antiaircraft missiles have already been fitted with nuclear warheads so that the adaptation of existing weapon designs seems possible without further testing of their nuclear components for antimissile warheads.

The range of weapons below 10 kilotons is generally considered to be the province of tactical or battlefield weapons. Such weapons extend down to fractional kilotonnages. The lowest yield tactical weapons can be packaged in containers weighing less than 100 pounds. The investment in nuclear material for these weapons is approximately the same as that required for medium-power weapons. Tactical nuclear weapons, it is claimed, are essential for the deterrence or the conduct of limited wars. In this line of argument it should not be forgotten that one of the greatest dangers of a limited war is the strong possibility that it will develop into a major war. Various authorities have attempted to rationalize the limitation of a nuclear war by postulating self-imposed restraints on the caliber and targeting of nuclear weapons. So far as weapon power is concerned it would appear that whereas small or medium power bombs might be employed initially there would be an inevitable tendency for higher power weapons to be employed. This tendency would be aggravated by a number of factors including precipitous action by a local commander, a rapidly degenerating military situation, inadequate intelligence, and counteraction against missile launchers or aircraft bases. In many areas such as Western Europe medium-power or inaccurately aimed low-power bombs could cause a spillover of nuclear destruction to civilian areas. This could lead to reprisal attacks upon conjugate targets by the enemy and to an expansion of the area of conflict.

Some analysts who advocate reliance upon tactical nuclear weapons have not adjusted their thinking from the days when the United States enjoyed a nuclear monopoly. Today we must consider that both sides engaging in war may have available all calibers of nuclear weapons. In the event that U.S. forces used nuclear weapons against Soviet satellite forces, it is most likely that Russia would supply our adversaries with equivalent or even superior weapons. Nuclear weapons used in equal measure by both sides would generally be to our disadvantage; in most geographical locations we would be required to supply the active ground forces through a long and highly vulnerable logistic system. For example, if the Korean war had been fought with nuclear weapons the U.S. supply problem would have been an impossible one.

By far the most important need for nuclear testing is the military requirement for developing higher yield warheads for the next generation of ballistic missiles such as the Minuteman. The latter is a solid-fueled, three-stage ICBM which has a much smaller warhead than the Atlas or Titan. Both the Atlas and the Titan are designed to be operated from fixed, continental bases. The demonstrated high accuracy of long-range, ballistic missiles severely compromises the integrity of Atlas and Titan bases. Hardening these bases by placing the missiles underground in blast-resistant configurations reduces but does not remove the vulnerability of the ICBM bases.

There is an urgent and surpassingly important national requirement for a deterrent in the form of retaliatory missile systems of high survivability. It would be highly desirable to base this deterrent force so that it would be highly mobile and not draw nuclear fire to the mass of the U.S. population. A number of weapons systems qualify for such a deterrent. These include the submarine based Polaris missile system, IRBM (intermediate range ballistic missiles) systems based off the U.S. continent either in mobile land form or on surface vessels.

Some of these smaller missiles can deliver a warhead which is only a small fraction of the megatonnage deliverable by B-52 bomber but this weapon is still very impressive. The military gain to be expected from increasing the yield of these ballistic missile warheads depends upon the type of targeting and the accuracy of the missile. For example, if we consider "soft" targets such as cities and industrial complexes the number of retaliatory weapons required would not decrease in proportion to all increase in the warhead yield. This follows because the power of a fractional megaton weapon is sufficient to destroy all the largest of such "soft" targets. Thus for such targets the military need for greatly increasing the warhead yield is not urgent. If retaliation features reliance upon radioactive fallout as a weapon, then the areas contaminable to a lethal level would be expected to increase roughly in proportion to the increase in yield of the nuclear explosives.

A more urgent need for more powerful warheads for these smaller missiles is involved if the United States depends upon them for a counterforce blow as, for example, a strike at enemy strategic bases. The number of missiles required to insure destruction of a target is large unless the warhead yield is increased or the accuracy of delivery is improved. Further testing of nuclear warheads could cause some reduction in the number of missiles needed. However, greater military gains can be obtained by improving the accuracy, reliability, and reaction time of the missiles. At the same time development of the missile to carry weightier warheads would allow for increased warhead yield without further nuclear testing.

In summary, the principal U.S. military need is to achieve a relatively invulnerable deterrent weapons system as well as to acquire adequate numbers of weapons. The present predicament of extreme U.S. vulnerability is not due to a lack of nuclear testing but to the vulnerability of the nuclear delivery systems and to inadequate numbers of weapons. This deficiency cannot be overcome by nuclear testing; priority must be assigned to the building up of such missile systems.

RUSSIAN NEED FOR NUCLEAR TESTS

Russian performance with long-range rockets provides convincing evidence that Russian ICBM's have truly intercontinental range, high accuracy, and heavy warheads. The power of the heavy warheads projectible by the Soviets must be assumed to be at least equal to and, probably greater than, the Atlas-Titan megatonnages. The heavier weight of the Soviet warheads compensates for their assumed inferior nuclear efficiency. These highly accurate ICBM's jeopardize the Atlas-Titan complexes now being built west of the Mississippi; but to some extent the Soviet planners must have some concern about their own strategic base vulnerability. Even though they know that the United States is committed to a policy of never striking the first blow, they must consider a counterforce strike designed to forestall continuing Soviet missile launchings. For this reason, Soviet planners must protect their missile launch capabilities. They have several electives—hardening their bases, relying upon mobility, concealment or sheer numbers of weapons.

The further development of small or tactical nuclear weapons would appear to be of less value to Russia in light of its large ground forces. No doubt the Soviet military leaders are compelled to stockpile tactical nuclear weapons in order to be able to match weapons with the United States but it is doubtful if they attach as much importance to these weapons as do many U.S. experts.

The two most obvious Russian needs for further testing are: on the defensive side—the development of more efficient weapons for antiaircraft and antimissile applications; and on the offensive side—the development of higher yield warheads for submarine based missiles.

ARMS CONTROL AND TESTING

The development and maintenance of a less vulnerable deterrent must be the keystone of any rational military defense policy. Gains to be expected from further nuclear tests must be measured against this national requirement. We have seen that the most urgent needs in this area are not met by nuclear development but rather by missile development. Even if the most urgent need were nuclear, the decision to resume testing must look beyond the immediacy of short-term benefits of weapon development and encompass a view of long-term national goals. In other words, there must be a balance struck between short-term rewards and long-term risks.

At best an arms race promises nothing more than a temporary respite. This is important to be sure, since a position of inferiority or enemy-estimated weakness might splinter the keystone of deterrence. But a superarms race takes humanity on a course beset with calamitous pitfalls, unsightly detours and genocidal cul de sacs. Arms development and production now compels nations to seek security via a different course. Real security requires control of armaments.

The view that political settlements must precede arms reductions has often been advanced. While this view may have had some validity in the past, it no longer seems to be applicable. At present and in the future, all-out war will be so devastating to victor and vanquished alike that no political gain justifies the waging of such a war. Accordingly, the only rational incentive to launch an all-out attack is fear of an imminent attack upon one's homeland and a consequent compulsion to ward off this anticipated attack by striking a preemptive blow. Even though an attack were not in the offing, a nation might seize upon a temporary advantage in the arms race (i.e., a point of imbalance brought about by technology or arms production).

Arms controls offer a path of freedom from an arms race. As nations more fully perceive the perilous security of "peace through mutual terror," they will increasingly seek a means of reducing and controlling modern arms. Arms controls thus offer the possibility of reducing the magnitude of a war and at the same time reducing the likelihood of war.

BENEFIT OF ARMS CONTROLS TO RUSSIA

Most of the advantages of arms controls apply equally to both sides. Neither side wants to see a war start as the result of a systems error, say, spurious signals on a radar screen. Neither nation wishes to see a war triggered by an act of irresponsibility on the part of a few individuals. Neither can view with complacency the prospect of a war instigated by the action of a third country. Russia could not tolerate spread of nuclear weapons to its own satellites. And it must be disturbed by the continuing drain which armaments make upon its growing civilian economy.

Russia is within range of an arc of U.S. airbases and a small number of intermediate range ballistic missiles bases. These bases are highly vulnerable but, even so, the Russians are anxious that they be removed.

INSPECTION: KEY TO ARMS CONTROL

In the days when arms consisted largely of battleships and mass armies, there was little need for inspection to verify arms reduction agreements. Aircraft in numbers sufficient to transport strategically significant quantities of conventional explosives are equally difficult to conceal. The development of the hydrogen bomb and the ICBM completely changed the dimension of the inspection problem. Both the necessity for, and the difficulty of, weapon inspection became critical.

A nuclear attack of 3,000 megatons, it is generally agreed, would be sufficient to devastate a country as large as the United States. A smaller attack could destroy our strategic bases. In a few years such an attack will be deliverable by ICBM's numbered in the hundreds or by a smaller number of submarines equipped with Polaris-type missiles. These numbers come within the realm of what it is possible to conceal from ordinary intelligence. However, such a force can be detected by developing thorough inspection techniques and implementing large-scale inspection programs.

Inspection for nuclear weapons or weapon material already produced is much more difficult than inspection for the weapons carriers. Even large quantities of nuclear explosives can most certainly be hidden and escape detection within the vastness of a country such as Russia. On the other hand, nuclear explosives are only one component of an integrated weapons system and are useless unless deliverable. The delivery systems lend themselves more readily to inspection. Complete inspection will require extensive development but it should not delay agreements on more limited inspection. We should be careful not to derive an unwarranted sense of security from a limited agreement.

NUCLEAR TEST CONTROLS

A first step in instituting arms controls is an agreement to cease nuclear testing subject to detection by a reliable inspection system. Such a system would consist of monitoring posts located throughout the world and equipped with instruments designed to respond to test signals.

A logical extension of inspection for nuclear tests would be the establishment of inspection posts for monitoring missile testing. One would not anticipate a total ban on missile tests since certain high-thrust missiles are required for space exploration. Such missiles would be policed by the inspection system and would serve to calibrate and determine the effectiveness of the monitoring. A natural extension of this missile system would be the development of safeguards against surprise attack and accidental war. Eventually, inspection for arms production and products might be developed.

Russian handling of the arms control issue reflects a traditional esteem for secrecy and great caution in permitting foreigners to penetrate freely into the sensitive areas of Soviet economy and geography. In the military domain the Soviet Union has a priceless advantage in the concealment of its missile bases. Any uncertainty in the exact location of missile bases adds a high degree of invulnerability to them. This is of immense value to the Soviets and must give them confidence that the United States will not strike the first blow. The Soviets may also be fearful of exposing their population to the free flow of ideas that might accompany the installation of many inspection posts within the boundaries of the U.S.S.R. The Soviets are apt to view an inspection system as tantamount to an instrument of political penetration and intelligence procurement. Accordingly, they may be expected to negotiate at length and to seek U.S. concessions in exchange for any compromise of its security through secrecy.

PREVIOUS NEGOTIATIONS

Early postwar proposals made by the United States were rejected by the Soviet Union. It became obvious that the Soviets did not wish to negotiate from a position of nuclear inferiority. Almost a decade elapsed before the Soviet leaders relaxed their rigid attitude on inspection. No doubt Soviet success in the thermonuclear field and in rocket development had much to do with their subsequent proposals on arms controls. Whatever the reason, on May 10, 1955, the Soviets made a dramatic proposal on arms controls including ground inspection at various critical points such as harbors and bases. President Eisenhower reacted to the sudden shift of Soviet policy with his "open skies" aerial inspection proposal.

In the summer of 1958 a conference of experts to study the possibility of detecting violations of a possible agreement on suspension of nuclear tests was held at Geneva. The experts found themselves in general agreement on the technology of nuclear test detection. They proposed an international grid of monitoring posts, spaced about 1,000 kilometers apart, to provide reasonable assurance that illicit tests would be detected.

In 1959–60 the United States requested a reexamination of the conclusions reached at Geneva in 1958. The United States took the position that the inspection network specified in 1958 was inadequate.

THE PRESENT SITUATION

At present the United States has proposed the cessation of all nuclear weapons tests in all the environments that can now be effectively controlled. This means that all atmospheric tests, all space tests out to a distance that is monitorable, all ocean tests and all underground tests are banned above the threshold of detection. The United States takes the position that the threshold for underground tests corresponds to a seismic magnitude value of 4.75 and that all tests below this value (corresponding to explosions of more than 19 kilotons by U.S. calculations) will be permitted. The Soviet response to the U.S. proposal is a reiteration of its plea for a ban on all tests regardless of size and a declaration of its willingness to allow limited inspection of sites where seismic data point to "suspicious events."

U.S. negotiations seem to be dominated by fear that the Soviets will cheat on a test ban. On the other hand, Russian negotiations are overlain with a fear of free inspection. Russia appears to have no worries about U.S. cheating, presumably because of the efficiency of its intelligence services and the obvious openness of the U.S. society. Accordingly, they register no concern about the adequacy of a control system and maintain that the 1958 Geneva system is still adequate.

WHAT CONTROL AGREEMENT WOULD BE ACCEPTABLE?

If the United States is to forgo the immediate military advantages of further nuclear testing, it should seek compensation in the form of a corresponding gain in its long-term security. This raises the question: What kind of a test control agreement would insure such a gain?

One aspect of the agreement is simple; it would necessarily include inspection of Russian territory. This inspection system

could provide a beginning for controlled, meaning inspected, arms reduction. Accordingly, the system should include the maximum number of technical features which would facilitate its extension toward other uses. A limited aerial inspection—such as would be useful for onsite survey—would be a valuable adjunct to a seismic network. Radar equipment would be useful for the detection of high altitude explosions. Both of these systems would be of the greatest value for extending the system to the monitoring of missile tests and the prevention of surprise attack.

Another aspect of the agreement is that the controls should provide reasonable safeguards against violations. It would be unwise to underwrite a control system in which one could place little confidence. Such an agreement would be the breeding ground for suspicion and recurrent anxiety. It is for this reason that any agreement should provide for improvement of the inspection system. On the other hand, it is not necessary for the United States to insist upon a 100 percent foolproof system designed to be certain of detecting any nuclear explosion, however small. It is important that any significant test series would be likely to be detected. In other words, it is necessary that there be no certain method of defeating the system.

There is a penalty attached to a test-ban violator in the form of world opinion which would turn against any nation found guilty of breaking the nuclear agreement. The latter will be no ordinary agreement. It will symbolize a veritable turning point in history—an attempt to make a small but firm step on the road to disarmament. A nation which violates such an agreement automatically sets into motion an arms race from which there may never be an end. The notion that a nation could gain some supreme momentary advantage in the arms race by a quick series of tests is fanciful. It takes years to convert test data on weapon innovations into the stockpiled weapons of war.

THE 1958 GENEVA SYSTEM

The inspection system agreed to at Geneva in 1958 provides adequate assurance for the detection of nuclear tests in the ocean, in the atmosphere, and in near-earth space. However, the spacing of the seismic grid is too great to give reasonable certainty of detecting underground explosions and locating them with accuracy. The Hardtack (1958) series of underground nuclear explosions did not reveal this inadequacy; they merely confirmed it. Moreover, the theoretical possibility of muffling explosions underground emphasizes the need for closer spacing of the grid.

These deficiencies in the 1958 proposals must be recognized and corrected. The present U.S. approach is to outlaw those tests which are clearly detectible. While this position has the merit of forcing Russian acceptance of improvements in the seismic system, it suffers from two major faults. First, it does not lead to a worldwide ban of all tests. Thus, it does not prevent the spread of tested weapons to other powers. Second, by stipulating a threshold of detection of 4.75 on the seismic magnitude scale without specification of the maximum allowable yield for weapons tested, the United States presents what is probably an unacceptable proposal to the Soviets. The United States could, through the use of muffling techniques, test weapons in the range of 100 kilotons without violating the threshold on the seismic scale.

THE MUFFLING ARGUMENT

The possibility of decoupling or muffling nuclear explosions was recognized in 1958. Preliminary calculations of a theoretical nature were first published early in 1959. This classified document was made available to the Soviet delegation at Geneva later that year. According to this theory, the seismic signal generated by an underground nuclear explosion may be reduced by detonating the device inside a deep cavity. If the underground chamber is large enough, the shock wave will produce only an elastic deformation of the chamber wall so that much less energy will be imparted to a seismic wave. It is estimated that under proper conditions muffling may reduce the seismic signal 300-fold. In effect, then, a 90-kiloton explosion could by the process of muffling produce a seismic signal characteristic of a 0.3 kiloton nonmuffled explosion.

Experiments have been conducted by the Atomic Energy Commission to test the validity of muffling theory as applied to conventional explosions up to a limit of 1 ton of TNT. Assuming that the theory is verified for conventional explosions and that a 1,000 to 100,000 scaleup of the data is valid, then the possibility of muffling will make seismic detection more difficult but by no means impossible.

With an adequate number of seismic stations, the problem is not to observe the seismic signal but to distinguish it from signals representing natural events. In most circumstances an explosion of 1 ton of TNT (0.001 kiloton or one-third kiloton with maximum decoupling) usually yields an ample seismic signal out to a distance of 400 kilometers. An explosion of 10 tons is detectable with high reliability within this distance.

It is interesting to note that one can define three types of seismology: earthquake seismology in which natural events are recorded at very great distances, explosion seismology in which manmade explosions are recorded out to a distance of several hundred miles, and oil well or geophysical seismology where small charges of explosives are studied within a few miles of the detonation. In the United States emphasis has been placed on earthquake and oil well seismology with very little research being devoted to explosion seismology. The Soviets have done intensive work in explosion seismology. There is a gap in U.S. experience and knowledge in this very important field of research.

Experiments are needed to determine whether muffled explosions do not generate peculiar signals which will render them more readily recognizable. For one thing, it is expected that repeated explosions in the same earth cavity would generate identical seismic records; i.e., a seismic signature. This point is important if a test violator wished to use a cavity for a series of nuclear tests.

While muffled explosions may minimize seismic signals and make seismic detection more difficult, one has to consider the practical aspects of muffling. Cavities large enough to decouple large explosions would involve very large-scale excavation and earth removal. It is estimated that the cavity required to muffle a 70-kiloton explosion would necessitate a 2- to 4-year excavation program costing $25 to $50 million. Approximately 20 million tons of material would have to be excavated, an amount greater than the annual anthracite production in the United States. Preparations for a muffled nuclear test would probably be verifiable long before the test took place. After the shot, the evidence would remain to be investigated over a long period of time. For example, if the suspicious event turned out to be a muffled test involving a large earth cavity, the survey team could look for a variety of clues. Seismic and gravity surveys could reveal the existence of a subterranean cavity. Any trace of escaping radioactive gas would be a telltale sign of a nuclear explosion.

In summary, the construction of huge cavities in the earth to hide nuclear explosions does not seem to be a practical method of evading test detection. The possibility of firing small nuclear weapons in natural earth cavities does make it necessary to consider even small seismic signals as suspicious events.

IMPROVEMENTS IN THE GENEVA SYSTEM

The principal change required in the Geneva system is a reduction of the grid spacing to 400 kilometers or less. This could be achieved either by adding more manned stations to the grid or by filling in the gaps with unmanned or robot monitors. This closer spacing of monitors would permit: (a) detection of the seismic signal of a 3-kiloton test even though this explosion was thoroughly decoupled, (b) more precise location of seismic signal origins, and (c) the possibility of discriminating against most earthquakes by unambiguous observation of the direction of first motion.

Precision in location of the suspicious event is of great importance since it would limit sharply the total area to be studied by the onsite inspection team. This fact alone should make the onsite inspection less objectionable to the Russians. Furthermore, the smallness of the area to be searched would expedite the survey and give confidence to conclusions reached by the onsite inspectors.

The onsite inspection problem has not been given sufficient attention to date. It would be highly desirable to have some independent groups, as as the National Peace Agency proposed by the Democratic Advisory Council undertake a thorough study of the means available for detecting the after effects of nuclear explosions in a small area subject to onsite inspection. If the area subject to onsite inspection is reduced to 9 square miles by the closer detection grid then air-portable instruments could be developed for making investigations of radioactive, geophysical, thermal, and gravity anomalies in the suspect areas in order to verify the existence of a test-ban violation. Highly sensitive devices can be developed for sensing the presence of infinitesimally small traces of bomb-produced radioelements. Any intelligence such as that provided by a defector a long time after the illicit test could be verified by onsite inspection since the radioactive residue of the explosion is quite indelible.

Given the closer grid spacing for the inspection system the number of onsite inspections required per year need not be large, perhaps 30 per year, particularly if a somewhat larger number of aerial inspections are permitted. The latter could rule out many events in inaccessible regions.

Improvements in the seismic detection system suggested in December 1959 were agreeable to the Russians and it seems quite possible that additional improvements, such as those outlined above, would also be acceptable. These improvements would go far to prove to a potential violator that there would be no safety in cheating.

CONCLUSIONS

The negotiations for a ban on nuclear testing have assumed greater importance than the testing warrants per se. This is because the test ban has been looked upon as a critical proof test-of-arms control. The nations of the world are waiting to see if a turning point in world affairs has been reached where international agreements can lead to mutual trust and to substantial reductions in arms.

If the nations of the world cannot agree to ban nuclear tests under a system of international inspection and control, then the future appears quite easy to predict. Most surely, both sides will resume limited nuclear testing, probably on an underground basis. Self-imposed limits on the power of weapons tested will be disregarded as the nuclear competition increases in tempo. Above-surface testing of megaton-class weapons is likely to follow and radioactive contamination of the atmosphere will be resumed. The arms race would intensify and within a relatively short time other nations would test nuclear weapons of their own design and the number of nuclear powers would multiply. The problems of turning back the clock and reattempting an arms control agreement will then be vastly more difficult. The prospects for humanity disentangling itself from this nuclear mess seem bleak, indeed. It is, in fact, the contemplation of the ultimate consequences of an uncontrolled arms race that motivates many people to attach great importance to a cessation of nuclear tests on a controlled basis.

If the nations of the world meet with success in their negotiations on nuclear testing, then the first step may have been taken on the road toward a new system of world security.

Members of the advisory committee on science and technology: Dr. Ernest C. Pollard, chairman, Biophysics Department, Yale University; Dr. Samuel K. Allison, professor of physics, the Enrico Fermi Institute for Nuclear Studies, University of Chicago; Dr. Harrison Brown, professor of geochemistry, California Institute of Technology; Dr. James F. Crow, professor of medical genetics, University of Wisconsin; Dr. Louis B. Flexner, chairman, Department of Anatomy, School of Medicine, University of Pennsylvania; Mr. Trevor Gardner, chairman and president, Hycon Manufacturing Co.; Dr. H. Bentley Glass, professor of biology, the Johns Hopkins University; Dr. Leslie C. Dunn, professor of zoology, Columbia University; Dr. David R. Goddard, director, Division of Biology, University of Pennsylvania; Dr. Frank Goddard, Jet Propulsion Laboratory, California Institute of Technology; Dr. David L. Hill, consulting physicist, New York City; Dr. Polykarp Kusch, professor of physics, Columbia Radiation Laboratory, Columbia University; Dr. F. T. McClure, chairman, Research Center Applied Physics Laboratory, the Johns Hopkins University, Silver Spring, Md.; Dr. Richard B. Roberts, vice chairman, Department of Terrestrial Magnetism, Carnegie Institution, Washington, D.C.; Dr. John S. Toll, chairman, Department of Physics, University of Maryland; Dr. Harold C. Urey, Institute of Technology and Engineering, University of California, LaJolla, Calif.; and Dr. Gilbert F. White,[1] chairman, Department of Geography, University of Chicago.

Mr. ANDERSON. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield to the distinguished Senator from New Mexico, the chairman of the Joint Committee on Atomic Energy. I read his statement of yesterday I believe the Senator will find that while on the surface there may appear to be substantial differences of opinion about our respective statements, the conditions which I have set forth eliminate some of what appears on the surface to be a controversy.

Mr. ANDERSON. I compliment the Senator from Minnesota upon his statement. I congratulate him for continuing to hold fast to the things which we believe are essential. I would not do otherwise than compliment him on his statement. If he does not mind, I should like to emphasize two or three points connected with his statement.

Has the Senator seen a translation of the Russian proposal?

Mr. HUMPHREY. No. I have seen the press commentary and an official summary of the proposal. I believe the Senator from New Mexico is making a very valid point. As always, his judicious and prudent temperament helps one in the Senate. My remarks, and I imagine also the Senator's remarks of yesterday, are based upon what one might call press reports from Geneva.

Mr. ANDERSON. I think it is strange that a proposal which was made many days ago in Geneva has not yet been received in Washington; or, if it has been received in Washington, has not been made available.

I would only show the Senator, because he is entitled to see it, a summary I got from the State Department today. It is marked "For Official Use Only," so I cannot discuss it. But it is all that the State Department has thus far released, so far as I know. I have just been to the office of the Joint Committee on Atomic Energy, and the committee has less. So I assume the text of the statement is not available to the Committee on Foreign Relations, where I think it ought to land first.

Mr. HUMPHREY. Yes.

Mr. ANDERSON. It is not available to the Joint Committee on Atomic Energy, where I hope it might land secondarily.

Mr. HUMPHREY. The point the Senator from New Mexico makes is realistic at this time, because here again is a situation where the public and the press receive information which, so far as we know, may be based upon a sketchy interpretation or a limited interpretation of the full document or the full presentation. I believe that in this instance we need to have a transcript of the translation even though we do have a summary of the informal conversation which took place at the time and a summary of the proposal as it was presented. Otherwise we shall have inadequate information.

Mr. ANDERSON. I agree with the Senator. The Senator referred in his statement to proposals which he made in Pontiac, Mich., on October 30, 1959. I observe the able Senator from Tennessee [Mr. GORE] on the floor. A long time ago he made what I thought was a very thorough, forthright, constructive suggestion at the conference and upon his return from the conference.

I can only say again that I believe this is a matter of great importance. I hate to see the mind of the American people being made up on it before they are in possession of any information on which they might base a judgment.

For instance, the Senator from Minnesota, in his statement, said that he believed that the Soviet Union must be willing to accept about 20 inspections a year.

Mr. HUMPHREY. I altered that statement to 20 or 30 inspections.

Mr. ANDERSON. I think that is an interesting figure to at least discuss. Has the Senator seen any indication on the part of the Russians, at any time, that they are willing to settle on any number of inspections whatever? I base that question on the fact that when the discussions were taking place in Geneva, the Russians were asked, time after time, the number of inspections they would permit in a year. The answer was that that was a political question, not a scientific question.

Mr. HUMPHREY. The statement of the Senator from New Mexico is correct, as I expected it would be. The Soviets have accepted "in principle" onsite inspection; but they have never specified the number of such inspections. It is, of course, the number of such inspections which is so vital, because while the Soviets may have accepted the matter "in principle," nevertheless, if too few onsite inspections are agreed upon, it might be just as well not to have any, for practical purposes. It is necessary to be on the safe side in asking for an adequate number, and perhaps an overadequate number, to be certain that there is no cheating.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. CASE of South Dakota. It was my privilege to sit in at the meeting in Geneva of the three-power committee—the 149th meeting—shortly before Christmas. At that meeting, the Russian delegate suggested that the Soviet Union would be willing to accept control teams to make some inspections. The specific number was not discussed, but the idea of accepting inspections in the other country's territory was proposed, after a great deal of beating of United Kingdom and U.S. delegates on the head for some past dilatoriness, from the standpoint of the Russians.

However, in discussing this matter with Ambassador Wadsworth and members of his staff afterward, I raised the question of the number; or, at least, we discussed the possibility of the number of inspections which would be required.

I am certain the Senator from New Mexico [Mr. ANDERSON] and the Senator from Minnesota [Mr. HUMPHREY] are much more conversant with the details of the whole matter than I. But I got the impression that an appropriate number would be a number somewhat in excess of the number of natural earth tremors which history has shown to be the accepted number in any given period of time. In various parts of the world, earth tremors of various degrees are a matter of record. Whatever the number of inspections should be, they would be somewhat in excess of the number of tremors which could be expected from natural causes.

Mr. ANDERSON. I may say to the Senator from Minnesota that I do not question that the Russians have said they would negotiate. I only remind the Senator that the device of saying, "We will negotiate the number of inspections," was a device which was developed in order, apparently, to pit the British against the United States. Prime Minister Macmillan made his proposal or

[1] Dr. Gilbert F. White does not subscribe to this policy statement. Dr. White writes: "I feel that the paper is a competent technical analysis but that it overvalues the soundness of nuclear deterrence as national policy directed toward the maintenance of peace. I would prefer that greater emphasis be placed on the urgency of establishing a National Peace Agency, as proposed by the committee, and carrying out the functions planned for that agency."

suggestion as to an agreed quota, and the Russians then jumped at it quickly and said, "We will use this proposal to negotiate with you." That threw the United Kingdom and the United States into the field of controversy.

The Soviet representatives wanted us to agree to a quota first before even discussing the number of inspections.

This point then came up: "Yes, having agreed to something, and having settled it, we could then proceed to negotiate for 10 years, if need be, and not reach a solution."

The figure which the Senator from Minnesota uses—20 or 30 inspections a year—is certainly a minimum.

Mr. HUMPHREY. That is correct.

Mr. ANDERSON. But when that proposal was discussed informally with representatives of the Soviet Government, it appeared that their idea might be two or three, although they were not willing to talk about it.

They said, "This is not a scientific question; it is a political question." They said, "We will sign the papers that we will establish a quota then, subsequently, we will sit down to negotiate the number of inspections in the quota."

Therefore, I say to the Senator from Minnesota that he gives me comfort, as I knew he would, when he says the Russians must agree to at least 20 or 30 on-site inspections a year. But I want to predict now, openly, to him that that will be the stumbling block.

Mr. HUMPHREY. I understand that the Senator is making the point that in the discussion of this matter in the media of public information, this point, which is the heart and core of any agreement which the Senate would ratify, was not discussed. Is that correct?

Mr. ANDERSON. I quite agree. The Senator has pointed out that the Russians have stated that only chemical explosions can be used in testing these devices. I say to the Senator that, as he well knows, that is like saying, "I will show you the effect of a cannon ball, by tapping you on the shoulder, and then you can tell what the impact of a cannon ball would be like." In other words, no chemical explosion could possibly approximate the effect of a 20-kiloton nuclear explosion.

Mr. HUMPHREY. The Senator is correct. Furthermore, as he knows, I insisted that the atomic explosion aspects be considered, as well.

Mr. ANDERSON. That is why I compliment the Senator from Minnesota. The Berkner report points out that in addition to chemical high explosives—such as we now are conducting in Louisiana under Project Cowboy—we must also have additional underground nuclear tests to prove out the proposed control system.

Mr. HUMPHREY. Exactly.

Mr. ANDERSON. But the Russians have said, "Yes, we will agree to test the effect of these small explosions, but only chemicals can be used"—with the result of completely destroying the value of the tests and completely destroying the possibility of testing the instruments that will be needed; and therefore the proposal amounts to proposing something which in my own heart I believe the Government of the United States will never accept.

Let me also point out that the type of media in which a nuclear device is detonated underground will make a very considerable difference; and this matter has to do with the figure of 4.75 earthquake magnitude. If the test is being conducted in solid rock, that is one thing. If the test is being conducted in a salt dome, that is something else. If the test is being conducted in ice, that is still something else. A 20-kiloton device, detonated underground will vary depending on the media as to what the equivalent earthquake magnitude will be. Decoupling also will effect this. We need to have something which will be applicable across the board. Therefore, we need to have extreme flexibility.

So I am happy that the Senator from Minnesota has always recognized that principle—not only at this time, but in our previous discussions.

Mr. HUMPHREY. Those are scientific points which really are not subject to political differences. There are certain scientific aspects of inspection and detection, and they must be evaluated on a scientific basis. On the other hand, if political judgments are placed ahead of the scientific judgments, no really effective result will be achieved; instead, there will be, in effect, a suspension of effective negotiation.

Mr. ANDERSON. But the Russians themselves made the point that the matter of the number of inspections to take place was a political question, not a scientific question. However, if the negotiations take place on the basis that that is a political question, then the negotiations in regard to the number which would take place could drag on and on for an indefinite period of time.

Yesterday, I tried to point out, in a very brief statement I made to the Senate, that the negotiators between these countries sat for 6 solid weeks trying to decide whether there would be two treaties or one treaty to cover the same thing. It struck me that they were not trying to agree very rapidly, if they would waste 6 weeks on discussions of that type.

I only wish to say at this time to the Senator from Minnesota—I desire to be brief, for I know that other Senators wish to speak—that I know it is his desire to see this matter concluded, just as I have a desire to see something accomplished in regard to the matter of tests. I am happy that he recognizes that on certain basic things we must not surrender if we hope eventually to work out a good solution. I hope he recognizes that the willingness to have inspections conducted is one of those things. The Senator from Minnesota may have read into our proposal of February 11 a proposal to include a requirement for inspection. I do not so read it, although I say frankly that it may be subject to that interpretation.

I was particularly anxious to find out whether the Russians had made any agreement as to any inspections at all. But I do not find in the text anything which would indicate any such agreement.

Mr. HUMPHREY. Does the Senator refer to the most recent proposal?

Mr. ANDERSON. As to the recent proposal, I cannot find in the State Department anyone who will say it represents an agreement in regard to when and how the inspections will take place. Some read into it a proposal for the establishment of 180 stations. But an agreement in regard to the establishment of 180 stations without adequate inspection might very well be like an agreement in regard to a slum-clearance project: If, after the slum is cleared, no one is allowed to live in the new houses, or travel freely to and from the houses very little will have been accomplished. Similarly, if the Russians agree to permit 180 stations to be established, but if then the Russians insist that two-thirds of the crews which will use the stations must be Russian, and one-third of the crews may represent the other nations of the world, we might just as well not have the 180 stations established in the first place.

Mr. HUMPHREY. The Senator from New Mexico is entirely correct; and I, too, have said that the composition of the crews which man the international stations, the number there will be, what will be the national background of the members of the crews, how many will represent the United States-United Kingdom area, and how many will represent the Soviet bloc areas, are problems which I believe require meticulous negotiation.

I believe that the debates on these matters which have occurred in the Senate—although some of those in the executive branch may feel that at times we take an overly critical view, or, at other times, an overenthusiastic view, depending on how the debates proceed—are vitally important, because, after all, any agreement which may be arrived at, either at Geneva or elsewhere, will eventually have to be placed in the form of a treaty; and unless there is in this body an understanding of what is agreed upon, the treaty will never be ratified.

I happen to want a test-ban agreement. But I want to caution all persons who also want such an agreement—and I want one very much—to remember that our desire for progress must not be allowed to prejudice the effectiveness of the system which needs to be developed in order to assure that real progress will be made. In other words, I do not want to gain a so-called political mile today, only to find, a year from now, that we have slipped over the precipice and have fallen into a very dangerous situation where cheating, avoidance of inspection, and so forth, could occur, and when we would find that the entire agreement which we had thought to be very worthwhile and very important would prove to be of little or no value, and perhaps would even prove to be harmful to us. Widespread fear of the possibility of such a development would have an extremely prejudicial effect on disarmament negotiations.

Therefore, Mr. President, I believe it most important that what is done now be done in so substantial a way that the people will be assured that there is hope for progress. After all, in the absence of that, people will become terribly disillusioned.

In fact, I had a chance to say this to Mr. Khrushchev, when we discussed the matter of test-ban negotiations. I said to him that I thought the people of the world want progress made, but do not want steps taken allegedly in the direction of making progress, only to find out, all too soon, perhaps, that they have been a hoax, because if such were to prove to be the case, there would be disillusionment; and then the only alternative would be to proceed willy-nilly in a reckless arms race, which could lead to catastrophic conditions and conclusions.

Mr. ANDERSON. Mr. President, again I compliment the Senator from Minnesota upon his presentation.

We may not agree as to what may happen in the future; and, of course, one of the tragic situations in connection with what is being promised and programed is that we cannot judge them in the light of what the future holds.

Mr. CASE of South Dakota. Mr. President, will the Senator from Minnesota yield to me?

The PRESIDING OFFICER (Mr. MONRONEY in the chair). Does the Senator from Minnesota yield to the Senator from South Dakota?

Mr. HUMPHREY. I yield.

Mr. CASE of South Dakota. Mr. President, I think it well that this matter has been brought to the attention of the Senate. As the Senators who have been discussing it have pointed out, anything which may be consummated at Geneva or elsewhere presumably will eventually come before this body in the form of a treaty which will require ratification. Therefore, I believe it important that the Senate discuss these matters and obtain as much information as it possibly can obtain, so as to be able to approach the subject as intelligently as possible.

The original agreement for the meeting contemplated discussion and negotiation in regard to the control teams to be established in the host country. But the discussion went beyond that point; and the Russian delegate, Mr. Tsarapkin, presented a proposal in regard to the composition of the teams. Although at that time no agreement on the proposal the Russians made was reached, it was evident that it was a step in the direction of the United Kingdom-United States position that the teams should represent three parties, rather than only the United Kingdom-United States and the United Nations.

I hope that the Senator, if he has not had an opportunity to see it, will attempt to get a résumé of the proposals made by Mr. Tsarapkin at the 149th meeting.

Mr. HUMPHREY. May I ask the Senator the date of that proposal? I believe I have seen it. I want to be sure of the date.

Mr. CASE of South Dakota. It was the last meeting before the recess over the holidays.

Mr. HUMPHREY. Very well.

Mr. CASE of South Dakota. The question I should like to ask the Senator from Minnesota is this: Does the Senator regard the 20-kiloton size blast as the proper dividing line between those explosions which might be completely banned and those upon which an agreed number of inspections would be required?

Mr. HUMPHREY. I believe that is about as close an estimate or evaluation as we have been able to get, with any degree of certainty, relating to inspection and control. There has been a difference of opinion on this matter. Some people have felt that we could lower the threshold. But I gather the 19-kiloton cutoff line is an explosion yield that gives a degree of certainty as to inspection and control procedures to be applied.

Mr. CASE of South Dakota. That is my understanding also, in spite of the story that appeared in the papers this morning relating to an explosion conducted in certain forms of mass or material. I assume it is true, as the Senator from New Mexico has pointed out, than an explosion in a rock cavity would be one thing, and an explosion in a sandy area or in a salt mine area would be another thing. The defect of the smothering would be different, depending on the composition of the surrounding material.

Mr. HUMPHREY. Yes; but it is my view, subject to alteration by scientific information being brought to my attention, that the seismic signal equal roughly to 19-kiloton cutoff takes into consideration the difference in the physical environment in which explosions might take place. In other words, the 19-kiloton yield still permits reasonably safe detection and inspection systems to operate without the possibility of sneak explosions, which could go on undetected.

Mr. CASE of South Dakota. To complete my observations, I think it is important that the Senate discuss these matters and that Senators do their homework on this subject as much as possible, because if a treaty is brought before the Senate, it should be debated with as much competence as possible. We do not want a hoax, but we do not want a prevention of disarmament if it can be obtained safely. The stakes are pretty high in this question.

Mr. HUMPHREY. I want to thank the Senator from South Dakota, who is an able, thoughtful, and diligent member of the Armed Services Committee, for his keen interest in and study of this subject. I am sure it is going to mean a great deal to the Senate, because those of us in this body respect the Senator from South Dakota and his knowledge of the armed services problems and the security problems of our Nation. The fact that he has applied himself so diligently to nuclear test cessation and disarmament problems is reassuring—reassuring in the sense that, if the Senate gets before it a treaty and we debate it, we are going to need consideration of it not only by Senators who are on the Foreign Relations Committee, but also members of the Armed Services Committee. These two committees are not in conflict, but they are complementary to each other. We shall want to engage in the consideration of such a problem and have a meeting of the minds not only of Senators who are familiar with the foreign policy needs of our country, but those who are familiar with the weaponry needs of our country.

I compliment the Senator from South Dakota for bringing to our attention the many areas in which we have made progress. I wish the record to be clear that while there are several unresolved questions between the United States, the United Kingdom, and the U.S.S.R., at the Geneva test-ban conference we have made substantial progress. I have forgotten the number, but I think there are 13 to 15 items on which we have reached tentative agreement. We have had preliminary discussions in which the Soviets have seemed to indicate some openness of mind as to the resolution of the problems involved.

Mr. President, I hope the State Department will do two things: First, make available to the Congress, as soon as possible, the full transcript and translation of the official Soviet proposal, with our Government's comments and commentary on that proposal; and, second, that it will give very careful consideration, in consultation with our allies, to those points in the Soviet proposal which seems to lend themselves to a change in the Soviet position. This will have to be done slowly, and will require very careful attention.

STATE DEPARTMENT INTERVENTION IN INTERNAL AFFAIRS OF SOUTH AFRICA

Mr. JOHNSTON of South Carolina. Mr. President, yesterday, for the first time in recent history, the U.S. State Department broke precedent of minding its own business and issued a statement criticizing the Government of South Africa for the way in which it has handled racial problems in that part of the world. I think that if the State Department knew just how high feeling is running at the present time in South Africa, it would have stayed out of the affairs of South Africa.

Mr. President, in so doing, the State Department has now invited every nation on earth to criticize the internal affairs of the United States. We can now expect to see other nations intervening in our internal affairs in the fields of labor, politics, race relations, and any other issue upon which they may wish to comment. The State Department has made a grave mistake; in fact, the State Department should not have made any comment whatsoever on the internal affairs of South Africa, and should not make comment on the internal affairs of any other country.

One would think the State Department had learned its lesson when it got

burned in its backing of the Castro revolution and its censuring of the Batista government of Cuba. The State Department, by its blunderings at that time, added official sanction of the U.S. Government to the Castro revolution and withheld any support the Batista regime may have been able to obtain from this country. The State Department apparently will not intervene in a Communist-inspired revolution at our own backdoor, but it does not hesitate to be outspoken regarding the internal affairs of a friendly nation on a domestic matter with which we have no legal concern.

Everyone abhors violence and death, but it is not the duty nor the purpose of the existence of the State Department to butt the nose of Uncle Sam into the business of other nations, except when U.S. citizens or their properties are involved.

The State Department should be concerning itself with the lives of Americans who are threatened in Communist-dominated Cuba, and it should be concerning itself with the millions of dollars' worth of American properties that are being seized in Communist-dominated Cuba, instead of firing hastily drawn up statements concerning matters about which the State Department knows very little, if anything.

The State Department's press spokesmen prepared the statement supposedly representing the American Government's feelings in this South African matter before the news reports from Africa were even complete as to what happened.

I hold in my hand an article which was printed in the Washington Post and Times Herald this morning entitled "United States Deplores Violence Used by South Africans."

I ask unanimous consent that the article may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED STATES DEPLORES VIOLENCE USED BY SOUTH AFRICANS

(By Murrey Marder)

The United States, in the bluntest comment of its kind, yesterday deplored the violence used by South African police against Negro antisegregation demonstrators.

In doing so a spokesman acknowledged that this country ordinarily does not comment on internal affairs of governments with which it has normal relations.

Officials said privately that the dimensions of the violence employed against thousands of Africans protesting white supremacy regulations made it impossible for the United States to remain silent.

At the time the State Department made its comment yesterday, more than 60 Negroes were reported slain by police using submachineguns, tear gas, armored cars, and other weapons. The toll continues to mount.

BRITISH REACTION STRONG

In Great Britain, the head of the Commonwealth to which South Africa belongs, the reaction was much stronger—but nonofficial. The British Labor Party tried unsuccessfully to adjourn the House of Commons as a symbol of national mourning, as hundreds of protestors picketed London's South Africa House chanting "murder, murder, murder."

State Department press spokesman, Lincoln White, said the U.S. comment was prepared in anticipation of questions.

It said:

"The United States deplores violence in all its forms and hopes that the African people of South Africa will be able to obtain redress for legitimate grievances by peaceful means.

"While the United States as a matter of practice does not ordinarily comment on the internal affairs of governments with which it enjoys normal relations, it cannot help but regret the tragic loss of life resulting from the measures taken against the demonstrators in South Africa."

NO AMPLIFICATION

White said he could not amplify on the statement when he was asked if it was criticizing South African racial policies, as well as the violence.

In fact its wording virtually did that by speaking of "redress for legitimate grievances." The United States is on record in the United Nations as opposing the apartheid (segregation) policy of South Africa. In 1958, the United States came off the fence on this issue, on which it had been hedging out of deference to its European allies with African problems, and because of the United States own vulnerability over segregation in the South.

With African nationalism roaring through that continent, thrusting up newly independent nations with a resulting shift of global influence, it has become increasingly difficult for any major world power even to seem to back the South African Government's policy. Stepping into the South African racial scene in any way, however, means incurring the charge of "meddling"—or worse—which the Cape Town government previously has used against the United States for much milder provocation.

Mr. JOHNSTON of South Carolina. Mr. President, I should like to read into the RECORD an account of some of the things which took place.

Resentful Africans hid in the bush around their villages. One police patrol near Langa was ambushed by a number of Negroes. A police sergeant opened fire and wounded one of the attackers.

During the night, the blacks in Langa set fire to at least eight buildings including churches, the library, a recreation hall, a reception center, an office building and Negro settlement workshops.

The battle between the police and the mobs was waged by the light of the fires and the beams of armored car searchlights.

That shows what was going on.

Mr. President, I think it is the duty of the Congress of the United States to censure the State Department for this revolutionary approach to international diplomacy, because if we do not stop the State Department, the United States will find itself the subject of criticism from every nation on earth on every subject imaginable.

The Government of South Africa has as much right to criticize the running our Federal Bureau of Investigation, or our Federal Communications Commission, or our Post Office Department, as we do to comment on some tragedy which occurred in South Africa. I doubt if anyone regrets the incident in South Africa any more than the South African Government, and our State Department has no right to chastise that Government for what it has done.

I hope the Senate Committee on Foreign Relations will look into this development and will determine from the State Department if it intends to branch out further in this unprecedented step.

It is my personal conviction that if the State Department does not keep its nose to the grindstone on American problems abroad, and keep its nose out of the problems of other nations, then the country might as well abolish the State Department, for it will have outlived its usefulness.

I heard a radio commentator this morning say that an unidentified spokesman for the State Department said it was necessary for the State Department to make this unprecedented comment on internal affairs of South Africa because the Russians forced us into making it. This is a ridiculous justification for the State Department's action and, to my thinking, it only confirms my opinion that our foreign relations on many fronts have been operated in a negative fashion, full of reaction. It seems we do more reacting than we do acting.

How can we justify our traditional Monroe Doctrine policy of "Hands off the Americas" to foreign countries if we are going to jump across the Atlantic Ocean and dive headon into the affairs of South Africa, or of any other nation? The very nature of the statement issued by the State Department would seem to encourage further violence in South Africa, and may lead to even more deaths because, when we place the official sanction of the most powerful nation on earth in opposition to the existing law and order in a land on behalf of rioting people, then we can expect them to be encouraged in more rioting.

Mr. President, I have not seen the latest reports, but as of this morning it appeared to me that the United States was the only nation on the globe which had issued such a blunt, undiplomatic-like comment regarding these internal affairs of South Africa.

Mr. President, the State Department's comments on the internal affairs of South Africa are unfortunate, unwarranted, and have opened the door for provoking a never-ending barrage of charges and countercharges between nations regarding internal affairs.

I urge that the Foreign Relations Committee of the Senate investigate this situation and put an end to the development of any policy within the State Department to continue meddling with the internal affairs of other nations. To do otherwise will certainly invite meddling in our internal affairs by other nations.

In my opinion, we have plenty to attend to much closer to home. I think we should give a close view to what is taking place in Cuba. I think we had better, at an early date, call a halt to some of the things going on in Cuba. If we sanction the taking of American property and not compensating the owners therefor, I think we will be on dangerous ground, not only in Cuba but also in all other countries where Americans have invested approximately $60 billion. All

that property will be endangered, and part of it will be confiscated. That will be only the beginning, if we do not call a halt to the confiscation of American property in Cuba. I warn the American Government and the American people, "You had better get your money out of other nations and bring it home."

Mr. President, I make the point that a quorum is not present.

The PRESIDING OFFICER (Mr. LUSK in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KEATING. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSTON of South Carolina. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue the calling of the roll.

The rollcall was resumed and concluded, and the following Senators answered to their names:

[No. 129]

Aiken	Fulbright	Martin
Allott	Gore	Monroney
Anderson	Green	Morse
Bartlett	Gruening	Morton
Beall	Hart	Moss
Bennett	Hartke	Mundt
Bible	Hayden	Murray
Bridges	Hennings	Muskie
Brunsdale	Hickenlooper	O'Mahoney
Bush	Hill	Pastore
Butler	Holland	Prouty
Byrd, Va.	Hruska	Proxmire
Byrd, W. Va.	Humphrey	Randolph
Cannon	Jackson	Robertson
Carlson	Javits	Russell
Carroll	Johnson, Tex.	Saltonstall
Case, N.J.	Johnston, S.C.	Schoeppel
Case, S. Dak.	Jordan	Scott
Chaves	Keating	Smathers
Church	Kefauver	Smith
Clark	Kennedy	Sparkman
Cooper	Kerr	Stennis
Cotton	Kuchel	Symington
Curtis	Lausche	Talmadge
Dirksen	Long, Hawaii	Thurmond
Douglas	Long, La.	Wiley
Dworshak	Lusk	Williams, Del.
Eastland	McCarthy	Williams, N.J.
Ellender	McClellan	Yarborough
Engle	McGee	Young, N. Dak.
Ervin	McNamara	Young, Ohio
Fong	Magnuson	
Frear	Mansfield	

Mr. MANSFIELD. I announce that the Senator from Connecticut [Mr. DODD] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The PRESIDING OFFICER. A quorum is present.

Mr. KEATING. Mr. President, I do not wish to be placed in a false light. I wish my colleagues to know that I did not ask for a live quorum.

Mr. RUSSELL. I must apologize to the Senator from New York. I did not know he was addressing a statement to me. I am afraid I was conversing with the Senator from Washington.

Mr. KEATING. No; I was merely explaining, for the benefit of my brethren, that I did not ask for a live quorum. However, I believe the Senator from Georgia is to follow me—and I shall be brief—so that those who are now present may remain to hear my friend from Georgia.

Mr. RUSSELL. I appreciate the generosity of the distinguished Senator from New York. I am certain that the other 99 Members of the Senate could listen to the distinguished Senator from New York with great profit, and in doing so, would improve their knowledge of the existing legislative situation generally and the state of the Union as a whole. I may say that the Senator from Georgia did not suggest the absence of a quorum either.

Mr. KEATING. That is quite true.

Mr. RUSSELL. Although I would have been glad to suggest the absence of a quorum for the benefit of the distinguished Senator from New York, if that had been necessary.

Mr. KEATING. I would do the same for the distinguished Senator from Georgia. I merely wished to set the record straight on that point.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools, R-I, Missouri.

Mr. KEATING. Mr. President, it has been my view that the plan proposed by the Attorney General for voting referees is the best single approach to the problem of implementing the constitutional guarantee of the right to vote without discrimination on the ground of race or color.

I would therefore be vigorously opposed to any effort to water down or dilute in any way the Attorney General's proposal. Indeed I believe that if any change is to be made in the voting referee plan it should be in the direction of adding more strength to its operation, and I believe that to add an alternative administrative remedy would add that strength.

I had hoped all along that the Committee on Rules and Administration would give such alternative proposals full study and would eventually approve the most effective plan for guaranteeing voting rights.

Mr. President, I would appreciate it if I did not have quite so much competition in being heard.

The PRESIDING OFFICER. The Senate will be in order.

Mr. KEATING. Despite the fact that more than a month has elapsed since the Committee on Rules and Administration concluded its hearings on this subject, there have been no meetings of the committee at which the different plans could be considered. The failure of the Committee on Rules and Administration to act on these measures and to resolve their different features is one of the reasons why it is now necessary to submit to the Senate a number of different plans. I regret as much as anyone else the necessity for this, but I believe those who are advancing the different proposals—and I am not one of the cosponsors of the particular amendment before the Senate—should be commended for making an effort to secure a test of the sentiment of the Senate without jeopardizing the basic provisions of section 7 of the Dirksen substitute, because we are dealing here with section 3 of that substitute.

I opposed the tabling of the amendment offered last week, which would have allowed the appointment by the President of temporary Federal registrars. I shall also support the pending amendment or shall vote against any effort to table it.

This amendment leaves virtually intact the chief provisions of the Attorney General's plan, but it adds thereto an important supplementary basis for action by the President in appropriate cases.

When this problem was being considered in the hearings before the Committee on Rules and Administration, I proposed an alternative administrative or executive remedy, as well as a judicial remedy, for voting deprivation cases. A question was raised about the constitutionality of such a dual approach. As a consequence of that question, I sought the advice of an old friend of mine, and a very distinguished lawyer, who is a professor of constitutional law at Harvard University—Prof. Arthur E. Sutherland. Professor Sutherland has submitted to me an opinion on this subject which has been very helpful in resolving these issues.

Mr. JAVITS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. KEATING. Mr. President, Professor Sutherland concluded in his memorandum that—

There is no constitutional obstacle preventing the provisions of both administrative and judicial remedies for one deprived by State functionaries or others acting under color of State laws, of either Federal or State voting rights.

Professor Sutherland's letter to me points out that the availability of alternative procedures could have, as he puts it, "practical advantages." The same view has been expressed by a number of other constitutional authorities. I believe there is now very little doubt that what is proposed is entirely permissible under the 15th amendment.

Mr. President, I believe we must do everything we can to assure every American the opportunity to participate in the political processes of his government. The right to vote is the chief hallmark of any democratic system. There is no doubt that today hundreds of thousands, if not millions, of our fellow Americans, many of whom have fought on the battlefields to protect our country, are being denied the right of franchise. This is an indefensible condition, warranting the fullest exercise of our remedial powers.

We should do everything we can to meet that situation. Sincere differences of opinion can develop over which is the best of the plans proposed. I intend to support the pending amendment, as I have said. But if this amendment

is rejected, I hope that all those who support a real advance in the field of civil rights will join in support of the voting referee plan alone.

I consider yesterday's action by the other body, approving the voting referee section of the administration bill, very gratifying. While I believe this plan would be strengthened by supplementing it with an alternative administrative or executive procedure, there is no doubt that the Attorney General's plan, as approved by the other body, would go a long way toward securing the right to vote as guaranteed by the 15th amendment.

Both the New York Times and the New York Herald Tribune in editorials published in today's editions commend the action of the House of Representatives as a victory for voting rights. I believe an effective civil rights measure should deal with other problems, and should not be limited to the curbing of voting deprivations. There is no doubt, however, that the guarantee of the right to vote must be one of the cornerstones of any progressive action in this field. The central importance of this subject is emphasized in the editorials published in the Times and Herald Tribune.

Mr. President, I ask unanimous consent that these editorials may be printed at this point in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 23, 1960]

A VOTING RIGHTS VICTORY

The House of Representatives took an important step forward when it approved the voting referee provision of the civil rights bill. The provision included yesterday had none of the crippling amendments that the southerners, with a persistence and ingenuity worthy of a better cause, have tried so hard—and last Friday with such near success—to attach to it.

We should note the historic importance of the House action. A large majority of the Members of one of the two Chambers of our National Legislature recognized that the existing voting procedures in our Southern States operate to deprive a substantial group of our people of their rights as citizens, and that machinery must be set up to end that deprivation. The willingness to recognize the facts and to do something to end that blot on our democratic system has been too long in coming But yesterday's events in the House promise to enter our history as a major milestone on the road to an America in which our reality will more nearly coincide with our basic ideals.

[From the New York Herald Tribune, Mar. 23, 1960]

THE CORE OF CIVIL RIGHTS

Now that the House has adopted the undiminished voting referee section of the civil rights bill, the passage of the whole measure is expected to follow in short order.

The enforcement of the right to vote is, of course, the key part of the bill. And it is of the greatest importance that this was not narrowed.

The proposal for the Federal court-appointed referees stands. They will supervise registration, voting and vote counting wherever it is determined that Negroes are kept from exercising their constitutional right. Furthermore, this enforcement is to apply to State and local as well as Federal elections.

That the right to vote was guaranteed 90 years ago under the 15th amendment and that Congress is only now hassling over a law to put the Constitution into effect may seem fantastic. Yet such is the fact.

The snail's-pace progress to freedom and full citizenship for all only goes to show how fundamental is the voting right. Because from the practice of this right, the untrammeled assertion of citizenship, come all the other rights of free men.

The Senate, plainly enough, awaits the House bill. The leaders of both parties, Senators JOHNSON and DIRKSEN, want it brought straight to the floor. They are confident that this is a common denominator of civil rights on which a majority can and will agree.

If the southerners choose to filibuster again, as is being threatened, the Senate surely has no option but to invoke cloture.

Mr. KEATING. Mr. President, in conclusion, I wish to reiterate that we must not fall prey to any opposition methods which seek to fatally divide those of us who have been working for a meaningful civil rights bill in the field of voting rights. Politics must be put aside if we are to succeed in retaining in this bill an adequate provision in regard to voting rights. We should not be whipsawed into defeat by failing to unite behind the best plan which can be adopted at any stage in these proceedings.

In the hearings before the Committee on Rules and Administration, I pointed out that there was danger that the opponents of any plan might side with one group, at one time and with another group at another time, and eventually might defeat all proposals. Certainly we do not want to find ourselves in that situation.

If the pending Javits-Clark amendment is rejected, Mr. President, and I hope it will not be, I am prepared to offer to section 7 of the Dirksen substitute amendment a revised amendment incorporating the changes which were made in the other body. I hope that if this revised amendment is called up it will receive the favorable consideration of all Senators on both sides of the aisle who favor the enactment of meaningful legislation in this field.

Mr. MORSE. Mr. President——

Mr. RUSSELL. Mr. President——

The PRESIDING OFFICER (Mr. HART in the chair). The Senator from Oregon is recognized.

Mr. MORSE. Mr. President, I wish to discuss for a few minutes——

Mr. RUSSELL. Mr. President, will the Senator from Oregon yield for a parliamentary inquiry with the understanding that in yielding for that purpose he will not prejudice his right to the floor?

Mr. MORSE. Yes, with the understanding that it will not result in causing me to lose my right to the floor; and I so request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. RUSSELL. Mr. President, I should like to ask the Chair whether any list is at the desk——

The PRESIDING OFFICER. As the Chair believes the Senator from Georgia knows, a list is at the desk; and the name of the Senator from Georgia is next on the list, after the name of the Senator from New Jersey [Mr. WILLIAMS], who is not present at this time.

Mr. RUSSELL. Mr. President, I did not know that it was possible for an absent Senator to direct the course of recognition by the Chair.

The PRESIDING OFFICER. The Senator from Georgia is, of course correct.

Mr. RUSSELL. Then the Chair simply decided that he would not follow the list——

Mr. MORSE. Mr. President, a parliamentary inquiry——

The PRESIDING OFFICER. The Chair was wholly conscious that this situation would develop, and determined—and advised those here—that he would adhere to rule XIX, namely, to recognize the Senator whom the Chair heard first address the Chair. In good conscience, the Senator who is now in the Chair adhered to that rule.

Mr. RUSSELL. Mr. President, I do not know who selects the Senators who are to preside over the Senate, or just what courtesy they think might be paid to those who have gone through the ordinary ritual of the Senate and have placed their names on the list.

I do not like to quibble about these matters; but it seems to me that it is highly extraordinary procedure to have a list, and to have the list followed until a certain stage of the proceedings is reached, and then get in the chair a Senator who decides that he will not follow the list, but will revert to the rule. The Chair has that right; but I also think I have a right to cry out against such practice.

The PRESIDING OFFICER. Let the Chair state that he only recently came into the chair, and is sure he was not called to the chair for the purpose of unfairly applying any rule.

Within a very few minutes after the present occupant of the chair arrived in the chair, he became conscious that this dilemma would present itself. The Chair thinks the only protection the Chair has in such circumstances—and let the Chair state that he has not sought this role—is, in his judgment, to recognize the Senator whom he first hears address the Chair, because the only rule, "when the heat is on," is rule XIX. The Chair did his very best.

Mr. RUSSELL. Mr. President, several pages were sitting directly to the right of the chair, and it occurs to me that the Chair might have called one of them, and might have directed the page to tell the Senator from Georgia that, although his name appeared next on the list, the Chair was abandoning the list, and intended to revert now to rule XIX. If the Chair had done so, the circumstances might not have been so extraordinary.

But as it is, I still feel that the procedure is highly irregular and improper.

The PRESIDING OFFICER. The Chair respectfully states that in such circumstances, in a situation just short of the intolerable, the only possible procedure is to adhere to the rule.

Mr. MORSE. Mr. President, in defense, and in commendation of the present occupant of the chair, I wish to

state that the procedure of recognizing Senators in accordance with the appearance of their names on a list is, of course, at all times, procedure by way of sufferance, and is in violation of the Senate rule. It has no legal, binding effect on the Senate. There happen to be some of us who previously have been heard, to protest the practice of keeping a list of Members at the desk.

In this particular situation, because of the parliamentary situation which developed in the Senate in connection with the consideration of a measure which some of us sincerely believe is of great concern to the welfare of the Nation, we protested against having any list followed. We insisted upon our right, as Senators, to have the rules of the Senate apply. So I believe that under those circumstances——

Mr. ERVIN. Mr. President, will the Senator from Oregon yield for a question?

Mr. MORSE. Not at this point, Mr. President.

So I believe that, under those circumstances, the Presiding Officer had really no ethical choice but to proceed to follow the rules of the Senate.

I wish to discuss the parliamentary situation which I believe confronts the Senate at the present time. Mr. President, the Senate has now been engaged for quite some time in debate on the Clark-Javits amendment, which in the civil-rights debate draws a great issue, I believe, for those of us who hold to the point of view that the Clark-Javits amendment is essential if any meaningful voting rights bill is to be passed at this session of Congress.

Now—at long last—things are beginning to move very rapidly in connection with the civil rights issue, Mr. President.

I believe it is fairly well understood that we have been waiting and waiting and waiting for a civil rights bill to come to the Senate from the House of Representatives. A civil rights bill was passed today by the House of Representatives, and a request to have an engrossed copy of the bill prepared has been made. Under the regular procedure, the engrossed copy of the bill will probably come to the Senate tomorrow.

Mr. President, some of us believe that bill is inadequate in many respects. We also believe that, as realistic legislators, we must face the fact that it looks as if the only legislation in the field of civil rights which can possibly be pasesd this year by the Congress will necessarily be limited to some form of a voting rights bill.

We believe that such a voting rights bill should provide for procedures along the lines of those called for by the Clark-Javits amendment, which would really make it possible to get the names of colored people or any other people, anywhere in the country, who may now be denied—by one device or another—the precious right to vote, enrolled on the registration books.

Once the names of persons now denied the right to vote but who are really qualified to vote are placed on the registration books they will be in a better position through administrative procedures as well as through judicial procedures—to have guaranteed to them the right to vote, and to assure that they may vote.

Mr. President, for a long time during the debate in the Senate on the Clark-Javits amendment there was no doubt about what was the parliamentary plan of some. It was to have that amendment laid on the table—in other words, to kill that amendment by means of a motion to lay the amendment on the table.

The debate has been very interesting. I believe a magnificent job has been done, during the debate, by the Senator from Pennsylvania [Mr. CLARK], the Senator from New York [Mr. JAVITS], and other Senators who are in support of the Clark-Javits amendment. I am proud to be one of the cosponsors of it.

Mr. President, I believe a rollcall record of where we now stand on the Clark-Javits amendment should be made. I think that such a record is of the utmost importance, not only as it applies to the proposed legislation, but it is of the utmost importance for future reference. We are not going to be through with civil rights legislation with this session of Congress. That fact is well known. We are not going to come anywhere near, in this session of Congress, of passing a broad, effective civil rights bill.

I think everybody in this body knows that I put my parliamentary cards on top of the table. I am putting them there now, because we are engaged in a vitally important procedural battle in the Senate. We have to work with the Senate procedures which are available to us. Those procedures have to be used in order to make the record in regard to a matter such as this. Precious human rights are involved in this great parliamentary battle for an effective civil rights bill. Many of us consider the Clark-Javits amendment essential to an effective voting rights bill.

I would vote against a motion to lay on the table this amendment but I think it is of the utmost importance that we make a record here in the Senate on the Clark-Javits amendment, and that we make it now.

In my judgment, Mr. President, if we do not make it now, the possibility is very great we will never have the chance to make it. I know something about the rule book of the Senate, too. I learned a long time ago I had better know something about it if I was going to protect my rights here in the Senate.

There is a whole multitude of procedural devices that can be used to deny us the chance to vote on the Clark-Javits amendment, if we do not take advantage of this opportunity to put the Senate on record on the Clark-Javits amendment by offering a motion to lay on the table the pending amendment known as the Clark-Javits amendment.

Therefore, I move that the Clark-Javits amendment, which is pending, be laid on the table.

Mr. JOHNSON of Texas. Mr. President, will the Senator withhold that motion, for an inquiry?

Mr. ERVIN. Mr. President——

Mr. MORSE. Give me time to protect my rights here.

Mr. President, I am going to withhold my motion only if I have unanimous consent that I will in no way lose my right to the floor, and with the understanding that I yield for no parliamentary action or proposal of any kind by any Senator who would seek in any way to take away from me my controlling position here on the floor of the Senate in respect to my proposed motion to lay on the table the Clark-Javits amendment. I shall yield only if it is to be understood that in yielding I will in no way be precluded from making my motion. If I have that unanimous consent, I will yield.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSON of Texas. Mr. President, I should like to ask unanimous consent that the Senator from Oregon may yield to me for the purpose of making an inquiry of him, without his losing the right to the floor.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSON of Texas. I may state that, following the Senator's motion, I plan to make a motion, but I want to be sure the Senator from Oregon understands, and that other Members of the Senate understand, that there are presently Members of the Senate who desire to offer amendments to the Clark-Javits amendment; that there are presently Members of the Senate who desire to address themselves to the Clark-Javits amendment; that there are Members of the Senate who have gone to their homes with the understanding that Senators would address themselves to that amendment; and if a motion to table should prevail, those Members of the Senate would not have the opportunity of offering amendments and they would be cut off their rights to even discuss their amendments.

I do not think any Senator would—and I hope no Senator would—want to do that at this stage of the proceedings, in light of the fact that many speeches were made today that were not on this subject, and since Senators have amendments to offer that are important, and have statements to make they consider are very important statements in connection with the amendment. I hope we would not seal their lips without giving them an opportunity at least to speak for 5 minutes as Members of the House are permitted to do under their rule.

I have made such a statement in order that all Senators will be on notice.

I yield the floor back to the Senator from Oregon in order to make his motion, at which time I am going to ask the Chair to recognize me to make a motion to recess until tomorrow.

Mr. MORSE. Mr. President, I think that is a happy solution——

Mr. ERVIN. Mr. President——

Mr. MORSE. I should like to answer the majority leader.

I think a motion to recess after I make my motion to lay on the table is a happy

solution if the majority leader is concerned about the time element, Mr. President. I desire to make clear that I am not acting alone in my proposal to obtain a record vote on the Clark-Javits amendment. Many of us are convinced that the only way to get it is by way of my proposed motion to lay on the table the amendment. However, I wish to assure the majority leader that I take full responsibility for this parliamentary move although I am not acting alone.

Mr. JOHNSON of Texas. That is obvious, from the Chair's ruling.

Mr. MORSE. I am not acting alone, but I take all the responsibility for this parliamentary situation. We have had days to debate the Clark-Javits amendment. We have debated it. I want to say, frankly, we fear we are going to be maneuvered into a position where we will never have a record vote on the Clark-Javits amendment, and my motion gives the best opportunity to get a record vote on the Clark-Javits amendment.

Mr. President, I should like to make an inquiry. I assume, if I make the motion to lay the Clark-Javits amendment on the table, and the majority leader moves to recess the Senate, as he has announced he will, my motion would be the pending business at the convening of the Senate tomorrow. Is that correct?

The PRESIDING OFFICER. If the Senate recessed, it would be the pending motion when the Senate reconvened, the Chair is advised.

Mr. MORSE. Mr. President, I make one further explanation here of the position of those of us who think it is an exceedingly important parliamentary situation that is before us. We think it is exceedingly important that we have a vote on the motion to lay on the table, keeping in mind, may I say to the majority leader, that if the motion is defeated—and I hope it will be defeated, and I shall vote against the motion—then all the Senators who have amendments to offer will have all the time they need to offer the amendments and make explanations. I am not in favor of cutting off debate of any Senator who really wants to continue on the Clark-Javits amendment. All they have to do is vote against the motion to lay on the table. We will welcome them in voting against the motion to lay on the table.

Therefore, I repeat my motion. I move that the pending amendment, the Clark-Javits amendment, be laid on the table.

RECESS

Mr. JOHNSON of Texas. Mr. President, I move that the Senate stand in recess until 12 o'clock tomorrow, and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas that the Senate recess until tomorrow at 12 o'clock. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senators from New Mexico [Mr. ANDERSON and Mr. CHAVEZ], the Senators from Alaska [Mr. BARTLETT and Mr. GRUENING], the Senator from Louisiana [Mr. ELLENDER], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Wyoming [Mr. MCGEE], the Senator from Montana [Mr. MURRAY], the Senator from Rhode Island [Mr. PASTORE], and the Senator from Missouri [Mr. SYMINGTON], are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD], and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

I further announce that, if present and voting, the Senators from New Mexico [Mr. ANDERSON and Mr. CHAVEZ], the Senators from Alaska [Mr. BARTLETT and Mr. GRUENING], the Senator from Connecticut [Mr. DODD], the Senator from Louisiana [Mr. ELLENDER], the Senator from Minnesota [Mr. MCCARTHY], the Senators from Wyoming [Mr. MCGEE and Mr. O'MAHONEY], the Senator from Montana [Mr. MURRAY], the Senator from Rhode Island [Mr. PASTORE], and the Senator from Missouri [Mr. SYMINGTON] would each vote "yes."

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The result was announced—yeas 85, nays, 1, as follows:

[No. 130]

YEAS—85

Aiken	Fulbright	Martin
Allott	Gore	Monroney
Beall	Green	Morse
Bennett	Hart	Morton
Bible	Hartke	Moss
Bridges	Hayden	Mundt
Brunsdale	Hennings	Muskie
Bush	Hickenlooper	Prouty
Butler	Hill	Proxmire
Byrd, Va.	Holland	Randolph
Byrd, W. Va.	Hruska	Robertson
Cannon	Humphrey	Russell
Carlson	Jackson	Saltonstall
Carroll	Javits	Schoeppel
Case, N.J.	Johnson, Tex.	Scott
Case, S. Dak.	Johnston, S.C.	Smathers
Church	Jordan	Smith
Clark	Keating	Sparkman
Cooper	Kefauver	Stennis
Cotton	Kennedy	Talmadge
Curtis	Kerr	Thurmond
Dirksen	Kuchel	Wiley
Douglas	Lausche	Williams, Del.
Dworshak	Long, Hawaii	Williams, N.J.
Eastland	Long, La.	Yarborough
Engle	Lusk	Young, N. Dak.
Ervin	McClellan	Young, Ohio
Fong	Magnuson	
Frear	Mansfield	

NAYS—1

McNamara

NOT VOTING—14

Anderson	Ellender	Murray
Bartlett	Goldwater	O'Mahoney
Capehart	Gruening	Pastore
Chavez	McCarthy	Symington
Dodd	McGee	

So the motion was agreed to; and (at 5 o'clock and 35 minutes p.m.) the Senate took a recess until tomorrow, Thursday, March 24, 1960, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MARCH 23, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Proverbs 14: 34: *Righteousness exalteth a nation.*

O Thou Supreme Ruler of the Universe and our Divine Creator, who hast endowed us with certain inalienable rights, may we be eager to safeguard those rights for all the members of the human family.

We earnestly beseech Thee that our President, our Speaker, and the Members of this legislative body, who have been entrusted with leadership in the affairs of state, may be blessed with the guidance of Thy holy spirit in their ultimate decisions.

Grant that during these tense and trying days the bonds of good will and peace may be made stronger among the people of our great Republic.

Inspire us with lofty aspirations and noble impulses and with a sense of our sacred responsibility to establish policies and enact laws which are just and righteous, bringing blessedness to our beloved country and glory to Thy great and holy name.

Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

VIEWS OF THE SPANISH AMBASSADOR TO WASHINGTON

Mr. PORTER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. PORTER. Mr. Speaker, at the risk of sounding a sour, even inhospitable note, permit me to list a few facts about Spain's Foreign Minister, now here in Washington on an official visit.

Senor Castiella and the present Spanish Ambassador in Washington wrote a book in 1941 praising Hitler and Mussolini extravagantly and mocking the democratic countries then engaged in the war. Here is a sample of what they wrote:

Nonbelligerent Spain does not conceal her fervent cordiality toward one of the two sides in the war which was unleashed on September 1, 1939, 5 months after we achieved our own victory, in an act of indescribable insanity by the British and French democracies against the Third Reich under the Fuehrer, Chancellor Adolf Hitler.

During World War II our distinguished visitor fought in the Spanish Blue Division with the Germans against the Soviet Union. He was awarded the Iron Cross.

After the war the British refused to accept him as Ambassador from Spain.

One of his jobs in Spain today is to blacklist Catholics who indicate a dislike for Franco.

Communication is necessary between all governments. However, it is to be hoped that the President realizes that, for this gentleman and his despotic Government, the formal handshake, not the warm embrace, is appropriate.

CALL OF THE HOUSE

Mr. QUIGLEY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 31]

Anderson, Mont.	Bonner	Montoya
Barden	Chiperfield	Powell
Blitch	Minshall	Reuss
	Mitchell	Sheppard

The SPEAKER. On this rollcall, 420 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CIVIL RIGHTS

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 8601, with Mr. WALTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday there was pending an amendment offered by the gentleman from Tennessee [Mr. LOSER].

Mr. HOFFMAN of Michigan. Mr. Chairman, I offer a preferential motion, which is at the Clerk's desk.

The Clerk read as follows:

Mr. HOFFMAN of Michigan moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. HOFFMAN of Michigan. Mr. Chairman, it is my desire to vote for this bill. Many of my folks want it. I doubt whether it will be of any real overall value. One of the reasons some have difficulty in describing how to vote is this: I have been unable to learn to date what is in it, what it does or what it does not do. There is a great deal of comment on both sides that there are altogether too many lawyers on this committee which reported the bill. Is there some way, Mr. Chairman, that this bill can be given to us complete before we are called upon to vote upon it?

The CHAIRMAN. That is not a parliamentary inquiry. The gentleman knows that queries of that sort should be directed to the members of the committee who are in a position to answer him.

Mr. HOFFMAN of Michigan. The Chairman overestimates my knowledge. I am sure the overwhelming majority on both sides would like to know exactly what now is after days of discussing the bill. I would like to ask the majority leader who is an expert on these matters.

The question I am asking the gentleman from Massachusetts [Mr. MCCORMACK] is how can I proceed to learn what is in the bill before being called upon to vote on it.

Mr. McCORMACK. Do I base it on the question of adviser or good friend?

Mr. HOFFMAN of Michigan. Both.

Mr. McCORMACK. I will accept the latter, but not the former, because I could not advise the gentleman. The gentleman would not take my advice anyway.

Mr. HOFFMAN of Michigan. Oh well, I might. I do not follow the Ten Commandments all the way down the line as I should, but you can give me some help.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentleman from New York.

Mr. CELLER. We can give you the answers but we cannot give you understanding.

Mr. HOFFMAN of Michigan. I thank the gentleman for his courtesy. I acknowledge his superior knowledge. If it is not worth any more than some previous suggestions he has made some might still be in doubt. What did you say, anyway?

Mr. CELLER. We can give you the answers but we cannot give you understanding.

Mr. HOFFMAN of Michigan. Oh well, that is right. If you could make your language plain enough so that the ordinary citizen could understand and follow it, we might get along better, but you have frogged around here so that nobody knows where or for what you stand, as the gentleman from Virginia [Mr. SMITH] so well pointed out yesterday.

Why should we pass a bill without knowing what is in it? I can make a motion and ask for the engrossed copy and have the vote go over until tomorrow, but we will not get a chance to read it before the vote is called. But give me credit for a little good faith. I would like to know what is in the bill.

Mr. Chairman, I ask unanimous consent to withdraw my motion in order to save time.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The amendment was rejected.

Mr. DEVINE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DEVINE: On page 1, beginning at line 10, strike out all down to and through line 23 on page 2, and insert:

"§ 1509. Obstruction of court orders.

"Whoever, by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes, or interferes with, or willfully attempts to prevent, obstruct, impede, or interferes with, the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

"No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime."

And on page 3, in the matter following line 2, strike out the word "certain".

Mr. CELLER. Mr. Chairman, I make a point of order against the amendment.

Mr. DEVINE. Mr. Chairman, will not the gentleman reserve the point of order that I may be heard on the amendment.

Mr. CELLER. My first impulse is to decline so we can get on with the bill, but inasmuch as the gentleman is a new Member I will be glad to reserve the point of order.

Mr. DEVINE. Mr. Chairman, I thank the gentleman from New York for his indulgence.

Mr. Chairman, this amendment can be explained in very simple terms. It was referred to in the other body as the Lausche amendment.

I do not think any of us can effectively argue against the proposition that Congress shall treat the citizenry on the basis of equality, without prejudice and without discrimination against anyone. The citizens of this great Nation anticipate that when Congress acts, it will do so impartially, justly, and fairly to all citizens.

As title I is now written, it is incomplete and in contravention to those basic principles I have just mentioned. It now says that only when a decree or judgment or order of the court deals with school desegregation shall this section apply. This, obviously, tends to divide the people of our country. The section as now written has the indefensible weakness of class legislation to one section of the Nation.

Is it logical to say that the protection provided in this section shall apply to no one except those who may be harmed by the disobedience of a desegregation order? How could this adversely affect anyone if it were operative as to all the citizens of this country and as to all Federal court orders, decrees, and judgments? Or should there be some orders, decrees, and judgments which can be legally thwarted by coercion, threats, or force? Certainly no one sincerely interested in civil rights in the broad and honest sense of the word can justify discriminatory legislation such as this.

This amendment takes nothing away from the proponents of this so-called civil rights bill in that it provides all they ask by way of protection under the

desegregation order. This amendment merely gives the same protection to all citizens—a protection to which they are equally entitled.

A person who by threat, force, violence, intimidation, or otherwise induces disobedience to an order of the court dealing with school desegregation would be subject to prosecution under this amendment. And in addition, the court would be empowered to prosecute and punish similarly in all other cases where a person, by threat or intimidation, induced violation of that court's order or decree.

If the Congress adopts the principle of equal protection of the laws, this amendment must be adopted. As the section now stands, it defeats the basic premise of so-called civil rights—it grants special consideration to a special class, to the exclusion of others.

If we are to guarantee the same rights and privileges to all, then we should grant equal protection to all.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from North Carolina.

Mr. JONAS. I congratulate the gentleman on offering this amendment. I hope it is not ruled out of order. May I ask the gentleman if it is not true that unless his amendment is adopted we will have two standards by which to judge the efficacy of court orders in the United States?

Mr. DEVINE. The gentleman is so correct, because as the bill now reads it is directed to just one class of the population. If we adopted a principle that we are to guarantee the same rights and privileges to all, then we should grant equal protection to all.

Mr. CELLER. Mr. Chairman, I renew my point of order that the amendment is not germane. The gentleman's amendment is a general proposal to be engrafted upon a specific proposition. The bill in title I concerns solely school desegregation orders. The gentleman's amendment applies to any and all court orders. It would apply to labor cases, pure food and drug cases, Federal Trade Commission cases, patents, copyrights and trademark cases, Securities and Exchange Commission cases, antitrust cases, packers and stockyards cases, admiralty, immigration—it would cover the waterfront.

There are plenty of precedents. I refer to volume 8 of Hines' Precedents where the following appears:

A specific proposition may not be amended by a general provision under the paragraph applying to one bureau in the Navy Department. An amendment applying to the Navy Department as a whole was held not to be germane.

Section 2998:

A general provision is not in order as an amendment to a specific proposition. To a bill relating to a specific class of canned goods, an amendment dealing with canned goods in general was not admitted.

Page 569 of the volume, section 3001:

To a bill designed to prohibit speculation in cotton, an amendment adding wheat and corn was held not to be germane.

There are many other precedents, Mr. Chairman, therefore I renew my point of order.

The CHAIRMAN. Does the gentleman from Ohio desire to be heard on a point of order?

Mr. DEVINE. I do, Mr. Chairman.

The raising of this point of order was not wholly unanticipated. The question of germaneness, of course, is pertinent to all amendments to a bill. "Germane" means closely allied, appropriate, or relevant, or one near akin.

It seems to me if title I itself is germane to the bill, certainly the amendment is germane, because it relates to the same subject matter.

Mr. Chairman, I would read from page 4 of the committee report under "A Sectional Analysis of the Legislation" relating to title I, "Obstruction of Court Orders":

The Federal Government must have authority to act effectively whenever the execution of the decrees of the Federal court are obstructed by force or threats of force.

It seems to me, as I say, if the title is germane to the bill, certainly the amendment is.

Of course, Mr. Chairman, I will be bound by the wisdom of the Chair.

The CHAIRMAN (Mr. WALTER). The Chair is ready to rule.

The amendment offered by the gentleman from Ohio has the effect of making the ruling applicable to all court orders. The bill under consideration applies to certain court orders. It is quite limited in scope of application. The occupant of the chair feels that under the precedents, which hold that where a proposed amendments broadens the scope of the text so as to include matters extraneous to the purport of the text, this amendment is not germane, and the Chair sustains the point of order.

Mr. WHITENER. Mr. Chairman, I offer an amendment.

The clerk read as follows:

Amendment offered by Mr. WHITENER: On page 1, line 11, and page 2, line 1, after the words "Whoever corruptly, or by threats or force," strike out the words "or by any threatening letter or communication".

Mr. WHITENER. Mr. Chairman, this amendment, it seems to me, is one which is of extreme importance and one to which I hope every Member of the House will give careful attention as we consider this legislation. I suppose I might call it the Washington Post amendment. You may be surprised that one of my views would be proposing a "Washington Post amendment," but nevertheless this amendment was suggested to me in an editorial of Tuesday, March 15, 1960, in that newspaper here in the Capital City.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from Florida.

Mr. HALEY. I agree with the gentleman that he has a very fine amendment here, but I hope he will not confuse the amendment by calling it "the Washington Post amendment," because I think that it is going to have a great deal of bearing on the gentleman's fine amendment if he so labels it.

Mr. WHITENER. I might say to my distinguished friend from Florida that in this point of the debate I am willing to have the assistance of any place I can find it.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from Indiana.

Mr. HALLECK. I just thought that I ought to say at this moment that I think the Washington Post editorial was completely erroneous in respect to its consideration of these words.

Mr. WHITENER. Well, sir, I might say generally that I have the same feeling about their editorials, but I find the old saying that "any blind sow might pick up an acorn occasionally" is true here. In that editorial, if I may proceed, they said this:

What troubles this newspaper is the sweep of the prohibition as drafted. The Judiciary Committee bill now before the House, like the Dirksen bill from which the Senate pruned the section in question, would apply to "whoever corruptly, or by threats or force [or by any threatening letter or communication], willfully prevents, obstructs, impedes, or interferes with, or willfully endeavors to prevent * * *" the exercise of duties under a court desegregation order. * * *

The bracketed section is intended, surely, to deal with crank letters or telephone calls—threats of bombing or bodily harm, and the like. But if the prohibition were interpreted literally, it might also be brought to bear against a mere vigorous expression of opinion. What is a threatening letter? Might a letter published in a newspaper citing the possibility of dire consequences be construed as an endeavor willfully to obstruct, impede, or interfere with the execution of a court order?

The language is such as to suggest a serious constitutional issue in abridgment of the first amendment. Yet the offensive portion could easily be deleted, it seems to us, without impairing the effectiveness of the measure. If the phrase "by any threatening letter or communication" were eliminated, the use of threats or force would still be a crime.

And so, Mr. Chairman, joining with the Washington Post, I urge the adoption of my amendment.

Mr. Justice Brennan, whom I am somewhat loath to quote, in an opinion in 1956 in the case of *Roth* v. *United States* (354 U.S. 476), on page 484, had this to say—and I think we might all listen to this because it is a very fine statement.

Mr. Justice Brennan said:

The protection given speech and press was fashioned to assure unfettered interchange of ideas for the bringing about of—

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. WHITENER] has expired.

Mr. COOLEY. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. FORRESTER. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to proceed for an additional 3 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. WHITENER. I thank each of my friends. Mr. Chairman, may I read again from the opinion of Mr. Justice Brennan:

The protection given speech and press was fashioned to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people. This objective was made explicit as early as 1774 in a letter of the Continental Congress to the inhabitants of Quebec:

"The last right we shall mention regards the freedom of the press. The importance of this consists, besides the advancement of truth, science, morality, and arts in general, in its diffusion of liberal sentiments on the administration of government, its ready communication of thoughts between subjects, and its consequential promotion of union among them, whereby oppressive officers are shamed or intimidated, into more honorable and just modes of conducting affairs" (1 Journals of the Continental Congress 108 (1774)).

All ideas having even the slightest redeeming social importance—unorthodox ideas, controversial ideas, even ideas hateful to the prevailing climate of opinion—have the full protection of the guarantees, unless excludable because they encroach upon the limited area of more important interests.

Even ideas hateful to a prevailing climate of opinion have the full protection and the guarantees unless excludable because they encroach upon the limited area of more important interests.

Then, in another section, Mr. Justice Brennan on page 488 referring to *Thornhill* v. *Alabama* (310 U.S. 88), had this to say, and he quoted from that decision:

The freedom of speech and of the press guaranteed by the Constitution embraces at the least the liberty to discuss publicly and truthfully all matters of public concern without previous restraint or fear of subsequent punishment. The exigencies of the colonial period and the efforts to secure freedom from oppressive administration developed a broadened conception of these liberties as adequate to supply the public need for information and education with respect to the significant issues of the times. * * * Freedom of discussion, if it would fulfill its historic function in this Nation must embrace all issues about which information is needed or appropriate to enable the members of society to cope with the exigencies of their period.

Mr. Justice Brennan further says:

The fundamental freedoms of speech and press have contributed greatly to the development and well-being of our free society and are indispensable to its continued growth. Ceaseless vigilance is the watchword to prevent their erosion by Congress or by the States. The door barring Federal and State intrusion into this area cannot be left ajar; it must be kept tightly closed and opened only the slightest crack necessary to prevent encroachment upon more important interests.

Mr. Chairman, certainly this is more than a door-cracking or door-jarring operation, which you have here in this bill, H.R. 8601, which would proscribe the right of a citizen of this country of ours to write a letter or a communication expressing his views upon important issues of the day. Whatever your feeling may be, certainly none of you would contend that a person should have a right to write a letter to a newspaper or to a friend approving a decision of the court and say that that was perfectly consistent with freedom of speech and say on the other hand that one who did not agree with that would not have the right to similarly express his views.

As Mr. Justice Brennan has well pointed out, from the early days of this Union it has been recognized that one of the greatest weapons that the people have against oppression, against improper conduct, and against the excesses of those in power is the right to express themselves upon important issues of the day even though the expression which they give may not be popular at the time that it is given.

I give to you this amendment in a spirit of absolute seriousness. I cannot conceive of the Supreme Court of the United States, in the light of the language of Mr. Justice Brennan in the Roth case, ever saying that the including or engrafting into this act of this language, which my amendment would strike, would be a constitutional bit of work on the part of the Congress. And, as Mr. Justice Brennan says, the courts must be alert and will be alert to prevent congressional intrusion upon the rights of the citizens to speak freely and to write freely about matter.

Mr. Chairman, I hope my amendment will be adopted and will be treated seriously.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. CELLER. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Chairman, the gentleman from North Carolina fails to indicate to the membership that the letter to be written must be written corruptly and that word "corruptly" appears on line 11, page 1; and, in addition, the word "willfully" appears on page 2, line 1.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. WHITENER. Is the gentleman familiar with the decision of the Supreme Court of the United States, which was made in the early 1900's in which Mr. Justice Holmes held that it was not a violation of the Constitution and a person could not constitutionally be prevented from distributing the Communist manifesto in this country?

Mr. CELLER. I do not know what the facts were in the case cited by the gentleman. I do know that this provision sought to be amended was very, very carefully drawn, and it follows almost verbatim title 18, section 1503, which is headed "Influencing or injuring officer, juror, or witness generally." In that sense we find significantly these words which are exactly the words used in the bill which is sought to be amended:

Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any witness, * * * or corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be fined not more than $5,000 or imprisoned not more than 5 years, or both.

The bill is intended to reach deliberate attempts by force or threats of force or by any threatening letter or communication to frustrate Federal court orders concerning desegregation of schools. The Post editorial which gave rise to the gentleman's agitation expresses some constitutional doubt on the scope of those passages that I have read. That very language, I repeat, is presently contained in section 1503 of title 18, United States Code, and also in another place, in section 1505, relating to obstruction of justice.

The word "willfully" has been inserted to make it crystal clear what would undoubtedly be held implicit, that a conviction may not be obtained in the absence of evidence that the defendant intended to obstruct the exercise of rights or the performance of duties under a Federal desegregation decree.

The bill is not intended to interfere with constitutionally protected rights of freedom of speech or freedom of the press, but it is clear the first amendment does not protect and never could protect by any slightest stretch of the imagination obstruction of processes of law. Speech is clearly calculated to cause a violation of law which is utterly, corruptly, and willfully within the meaning of the bill.

For example, the mob leader who does not participate in actual violence but incites a mob to riot or other obstructive activity by inflammatory speech could be punished under the bill. On the other hand, a letter or speech which is not calculated to cause obstruction of the court decree but which merely expresses disapproval of such a decree is not within the scope of the bill.

This fellow Kasper, who usually stays away from the mob, talks or writes to the ringleaders. You cannot get him except for conspiracy, which is difficult always to prove.

Suppose someone sends a threatening letter to a witness before a court or even a congressional committee, not to testify under threat of violence. Certainly that should be a crime. If you eliminate the phrase that is sought to be eliminated by my good friend from North Carolina, for whom I have an affectionate regard, you open a tremendous loophole.

I have here a letter from the Attorney General. We asked the Attorney General his opinion on this, whether or not there was a violation of the first amendment. The Attorney General writes:

The question has been raised as to whether title I of the administration's civil rights bill—

Again, it is not the administration civil rights bill, it is the bill prepared by me and we Democrats have something to do with this bill—

might somehow involve an abridgment of the first amendment because it would make criminal certain types of threatening letters or communication.

Reading this language in context, it is clear that there is no danger of unconstitutionality. It reads as follows:

"Whoever corruptly * * * by any threatening letter or communication willfully prevents, obstructs, impedes, or interferes with * * * the due exercise of rights or the performance of duties under any order * * * of a court of the United States which * * * directs that any person or class of persons should not be denied admission to any school because of race or color * * * shall be fined * * * or imprisoned."

This language is identical with language which has long been in the Federal Code of Crimes and Criminal Procedure. The bill was drawn to conform with section 1503 of title 18. Similar language is also found in section 1505. These statutes have been in the code for decades and any contention of unconstitutionality would have been raised long ago.

Obviously, a statute which outlaws a threat cannot be distorted into a basis for prosecuting an expression of opinion, protest or any similar communication. Realistically, no prosecutor would make such a contention. But, if he did, it seems totally improbable that any grand jury would indict, or that any district judge would fail to grant a motion to quash. Certainly no petit jury drawn from the community involved would be likely to convict, and, in any event, no appellate court would uphold a conviction on such a set of facts for clearly it would violate the first amendment of the Constitution.

In the school desegregation cases there have been concerted attempts, both by telephone and letter, to intimidate school officers attempting to carry out court orders. There have been threats to officers involving their own safety and that of their families and also threats to the persons whose rights were established by the court order. Such conduct should certainly be made unlawful.

If the language relating to threatening letters and communications were deleted, it would be argued that this showed a congressional intent to give the new section a meaning different from that of other sections dealing with the obstruction of justice. It would cause difficulty in interpretation of the statute and such amendment is, we believe, wholly unnecessary.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from North Carolina.

Mr. WHITENER. The gentleman has recited so many interesting questions and spoken of Kasper, and stated that juries in local communities would not be expected to convict.

I would like to ask the gentleman from whence came the jury that convicted Kasper? We know in Florida that he was convicted and put in prison.

Mr. CELLER. Yes; but he was convicted for contempt after an order issued against him. But your amendment would have the effect of contradicting those old statutes and would cause confusion worse confounded. It would be dangerous to strike out the words you want to strike out.

Mr. WHITENER. I think it fair to say to my distinguished friend that Kasper was not convicted of writing letters. He was convicted of inciting riots, which is an offense in any State of this Union.

Mr. CELLER. Either by word of mouth or by pen. "Communication" is the word used.

Mr. WHITENER. The gentleman certainly would not recommend to Members of the House that a man should not be permitted to speak freely in New York City or anywhere else?

Mr. CELLER. Oh, no. I would not recommend that, and I so stated.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, at the request of Mr. WHITENER, Mr. CELLER was granted 5 additional minutes.)

Mr. CELLER. I would say I would certainly not want to make an expression of opinion or speaking a crime in and of itself, but if the expression of an opinion, if a speech would be of such inflammatory nature as to arouse the furors of a mob that was trying to prevent the carrying out of a desegregation order, then we have to interfere by interposition of the authorities to nab that fellow and clap him into jail, because he is doing something which is not only illegal but is criminal.

Mr. WHITENER. Notwithstanding my friend's circumlocution, I think I know him well enough to know that he would advocate the right of any person to speak freely upon current issues.

Mr. CELLER. There is no question about that.

Mr. WHITENER. Getting back to what I initially wanted to ask the gentleman, the gentleman has left the impression that this letter must threaten force or other dire consequences when written. I will ask the gentleman if he has not overlooked the fact that this provision is written in the disjunctive, "Whoever corruptly or by threats or force, or by any threatening letter or communication?"

Will not the gentleman agree that there is a little more involved here than a threatening letter? It would not have to be a threatening communication, would it?

Mr. CELLER. I should think it would have to be a threatening communication. The phrase "threatening letter or communication" is right there.

Mr. WHITENER. I will ask the gentleman if, applying the elemental rules of statutory construction, if the gentleman would say, as a lawyer, that the use of the word "threatening" before the word "letter" when separated from the word "communication" with a disjunctive, whether the word "threatening" would carry forward to precede the word "communication."

Mr. CELLER. I think you would have to read this whole title I, section 1509, in its entirety to be able to determine the exact meaning; and when you do that the burden of proof would be upon the authorities to show either that a letter was corruptly written, or that it was willfully written to prevent, obstruct, impede, or interfere with a court order.

Mr. WHITENER. Does the gentleman not feel that the words "whoever corruptly or by threats or force" would be sufficiently broad to take care of any improper riotous conduct upon the part of any citizen of this country?

Mr. CELLER. The additional words were used because they were used in the prior statutes, and those words in the prior statutes had become words of art; they had been interpreted by many, many decisions. To change the verbiage might have a very dire effect upon those decisions. It was for that reason that we simply took the language of the old statutes and put it in the new section.

Mr. WHITENER. I think the gentleman is saying that this legislation has some statutory precedent and that it would be bad to abandon even a comma, or a "t" or an "i".

Mr. CELLER. I do not say abandon a comma, or a "t" or an "i"; but I think it would be deleterious legislation to follow the gentleman's reasoning and adopt the amendment.

Mr. WHITENER. Does the gentleman agree that the letter or communication which he read from the Attorney General is diametrically opposed to the language of the Supreme Court in the Roth case that I just read to the Members of the House?

Mr. CELLER. Forgive me, but I do not know the nuances and real repercussions of the decision the gentleman read; but when we have the first law officer of the Nation giving us an opinion we have to give some credence to it.

Centainly, I will be willing to accept his view that the gentleman's provision is unnecessary and that the provision as originally drafted is perfectly constitutional and does not contravene the first amendment.

Mr. WHITENER. I am sure my friend the gentleman from New York, fair-minded man that he is, would not accept the testimony of the Attorney General as a disinterested witness.

Mr. CELLER. I do not like to say that he is an interested witness in the sense that he would be likely to do something that would be untoward to influence this legislation. I feel he has good faith like we have good faith here.

Mr. McCULLOCH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, at the very outset I would like to try to impress on the members of the Committee this very important fact: Before there is a violation of this proposed section there must be a knowledge on the part of the person who is alleged to have been a violator thereof, of an outstanding court order.

There must be a willful intent to interfere with a legitimate, unreversed court order. We are dealing with people who are alleged to have violated the law.

I think the chairman of the Committee on the Judiciary has made a very excellent presentation against this amendment. I noted that he cited and quoted from section 1503 of title 18 of the code. In addition to that title, I would like to call the attention of the members of the Committee to section 1505 because it has a particular significance with respect to committees of Congress. The language is identical, at least for the first 15 or 20 words:

Whoever corruptly or by threats or force or by any threatening letter or communication endeavors to influence, intimidate, or impede any witness in any proceeding before any department or agency of the United States—

Now, I want you to get this phrase—

or in connection with any inquiries or investigations being held by either House or any committee of either House or any joint committee of the Congress.

Then the penalty is fixed there. That statute has been on the books for some 20 years. The statute that the gentleman from New York quoted to you has been on the books for some 50 or 60 years, and there has not been a single instance of a person being prosecuted or persecuted in an improper manner under either of these sections of our Federal law.

Mr. Chairman, the Washington Post has done yeoman service in the interest of civil rights for the people of this country. Their position is usually right in these matters. But I submit on the record and in the light of the fact the statutes have been on the books, one of them for more than half a century, that the Post is unduly concerned and it is doing harm, in the editorial in question, to the cause which it espouses.

Mr. Chairman, the pending amendment should be defeated.

Mr. KITCHIN. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from North Carolina.

Mr. KITCHIN. May I ask the gentleman this question:

Under this particular provision of the committee bill, title I, suppose an influential citizen would write a letter to a newspaper acknowledging the fact that he had knowledge that a court order was outstanding in a school desegregation case and in that letter he went so far as to say that he disagreed with the order, and he trusted something would be done in order to circumvent the order. That letter is published in the newspaper. Does that constitute a violation under this provision of the statute?

Mr. McCULLOCH. In my opinion, that would not constitute a violation of the provision of the act which is before us. There must be a willful intent to interfere with a legally outstanding order or decree of the Federal court.

Mr. KITCHIN. May I ask the gentleman if that would not constitute, when he said that he trusted something could be done to circumvent the order, a willful intent to do something about it?

Mr. McCULLOCH. I would assume that the gentleman was trying to do something in a legal manner. That is the presumption in our Anglo-Saxon jurisprudence.

Mr. GOODELL. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GOODELL. Mr. Chairman, the Attorney General has expressed the opinion that this title I of the bill is, and I quote, "of the utmost importance." He further stated that if we shy away from passing legislation to assist the executive branch in carrying out its responsibility of enforcing court orders in school desegregation cases because we prefer not to be on record either for or against the decisions of the Supreme Court in the school cases, it would be most unfortunate. How can we ask the Department of Justice to enforce the law, when we refuse them the weapons that Little Rock has demonstrated they need? We know, it is a demonstrated fact, that State officials, when it serves their local purposes, will not control mob violence. When this happens, title I would give us an alternative to Federal troops. If we turn our backs on title I now, we are just asking for trouble, in fact we are inviting another Little Rock. Everyone knows the reluctance of the present Attorney General to recommend the use of Federal troops under any circumstances. He is a fair and a self-contained person who has never, to my knowledge, been stampeded unreasonably into anything.

The other day our southern friends made an interesting attack on this title. In one breath they said title I is unconstitutional because it violates freedom of speech and in the very next breath they said, "and besides, title I is not necessary anyway, because the same authority, word for word, is already in section 1503 of the Federal criminal law, and has been for 50 years." It is unconstitutional and besides it has been the law for 50 years, so why do you want it, anyway? That is what they are saying.

Now, just to get the record straight, it is the best legal opinion that section 1503 of title 18 does not cover the Little Rock type of episode. Section 1503 is aimed at threats or communications to influence three types of people: First, court officers; second, jury members; and, third, witnesses. These are not the people who resorted to mob action in Little Rock.

Section 1503 concludes with a general clause, as follows, "or whoever corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice." If this clause stood alone, it might be enough. But it yields to the general rule of interpretation that general words which follow specific words in the enumeration of prohibited acts must be construed to embrace only acts similar in nature to those enumerated. In addition, as a criminal statute, section 1503 must be strictly construed. The court interpretations of section 1503 have followed a strict construction quite consistently. The courts will doubtless interpret the new title I strictly. But title I will specifically cover school integration cases, where mob violence occurs.

I would have preferred making title I applicable to all cases of so-called obstruction of justice. It is not at all consistent nor fair for this Congress to declare it to be a Federal crime for mob violence to interfere with a court order for integration of schools, while, in the same breath, saying that it is not a Federal crime for the same mob violence to interfere with other Federal court orders.

Nonetheless, since the broadening of this provision has been ruled out of order on the floor of this House, I believe the need justifies our support for even this narrow provision. Title I is second in importance only to the referee provision. Let us not emasculate the civil rights bill further by knocking out title I.

Mr. POFF. Mr. Chairman, I move to strike the requisite number of words.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from New York.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment conclude in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. POFF. Mr. Chairman, so far as I am personnally concerned, no more fundamental amendment has been offered during the 2 weeks we have been debating this bill. And, may I assure you, Mr. Chairman, that those who have drafted and offered it have no clandestine purpose, no nefarious scheme, no ulterior motives. We are earnestly, honestly, and genuinely concerned about the basic constitutional rights involved, namely, freedom of the press and the right of free speech guaranteed by the first amendment to the Constitution.

I most vigorously and earnestly urge the adoption of the Whitener amendment.

According to the title of the bill before us, we are here concerned with the effort "to enforce constitutional rights." Not all constitutional rights are embedded in the 14th and 15th amendments to the Constitution. Indeed, perhaps the rights most sacred to all Americans are those enumerated in the Bill of Rights, the first 10 amendments to the Constitution. Not the least among these are freedom of speech and freedom of the press. The right to vote, as important as it is, does not transcend the right of free utterance.

The historic rule by which freedom of speech is measured was enunciated by Mr. Justice Holmes in 1919 case of *Schenck* v. *U.S.* (249 U.S. 47), in the following language:

The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent.

In the application of that rule, the courts have bent over backward to protect freedom of speech, even when it was urged that the utterance did in fact provoke a "clear and present danger." In the case of *Terminiello* v. *Chicago* (337 U.S. 1), the defendant's utterance, which was prosecuted as a violation of a city ordinance, actually provoked a hostile mob, incited a friendly mob, and created a riot. The court ruled that the ordinance was unconstitutional under the first amendment and said in part:

A function of free speech under our system of government is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or

even stirs people to anger. Speech is often provocative and challenging.

In the case of *Craig* v. *Harney* (331 U.S. 367), the defendant had published an unfair account of the facts in a pending trial and, in the most intemperate language, criticized the conduct of the judge. The Supreme Court ruled that the publication was protected under the first amendment and had this to say:

The vehemence of the language used is not alone the measure of the power to publish for contempt. The fires which it kindles must constitute an imminent, and not merely a likely, threat to the administration of justice. The danger must not be remote or even probable; it must immediately imperil.

A similar decision based on similar facts was reached by a unanimous Court in the case of *Pennekamp* v. *Florida* (328 U.S. 331).

I am fully aware that the proponents of this bill are prepared to offer legal citations which might appear to support the converse of my position. By an extreme application of the decisions in other cases, it might be argued that the language which this amendment would delete does not contravene the first amendment. Lawyers are trained to argue, and most of them I am sure you will agree seem to have a strong propensity and abundant capacity for argument.

But the very fact that this language offers an opportunity for argument is sufficient justification for its removal. The bare uncertainty about constitutionality is itself a weakness. The naked doubt is its own danger. Removal of the objectionable language would resolve that doubt.

Freedom of speech is the very soul of liberty. Let us not, in our zeal to protect other civil rights, tamper with the basic freedom of expression.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. POFF] has expired.

The Chair recognizes the gentleman from Virginia [Mr. ABBITT].

Mr. SMITH of Virginia. Mr. Chairman, I ask unimous consent that the gentleman from New York [Mr. CELLER] and I may yield our time to the gentleman from North Carolina [Mr. WHITENER].

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. ABBITT. Mr. Chairman, I think this is an extremely important amendment. The section now reads:

Whoever corruptly, or by threats or force, or by any threatening letter or communication—

I understood the chairman of the full committee to say that in his opinion it would have to be corruptly written. I take this time to ask the ranking minority member, the gentleman from Ohio [Mr. MCCULLOCH] if he subscribes to the view of the chairman of the committee that the letter must be written corruptly in addition to being willful.

Mr. MCCULLOCH. Mr. Chairman, I do not think there need be proof that the matter was corruptly done. I think, however, that the communication must be a threatening one, which is part of the question that has arisen in connection with this sentence. And I should like to say that that is my studied judgment because, reading the sentence, one will particularly note the commas therein.

Whoever corruptly, or by threats or force, or by any threatening letter or communication, willfully prevents—

So the phrase "or by any threatening letter or communication" properly read should mean a threatening letter or a threatening communication.

Mr. ABBITT. Mr. Chairman, I thank the gentleman for his observation. I might say, for what it is worth, that I agree with his construction. I am pleased to hear him say that the threat goes over and carries into the communication.

Mr. Chairman, I hope that the amendment will be approved.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. WHITENER].

Mr. WHITENER. Mr. Chairman, I have heretofore stated some of the reasons for the propriety of this amendment. I think it may be well to bring it into focus by reading the first amendment to the Constitution of the United States, which says this:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

In the constitution of my State we find language which goes something like this:

A frequent recurrence to fundamental principles is essential to the preservation of the blessings of liberty.

Certainly as we consider this amendment, which finds sanction from one of the larger newspapers of this community, which has been very vocal in directions other than in the direction some of us have traveled; when we read the admonition of the Supreme Court in the recent decision which I called to your attention; and, when we go back into the annals of the Court and read some of the great dissents and majority opinions of the great Oliver Wendell Holmes, we today should be very cautious as we vote upon this amendment.

My good friend, the gentleman from New York [Mr. CELLER], has said that this is something which you should brush aside as you would brush a particle of dust under a rug. I submit to you that this is a serious, fundamental proposition. The language of the sentence in the bill H.R. 8601 which my amendment would seek to amend is written in the disjunctive, and it will stand alone if you will read it this way, and I am quoting this from memory: Whoever by a threatening letter or communication does so and so shall be punished.

Certainly the gentleman from New York, and I know my distinguished friend, the gentleman from California [Mr. KASEM], are great disciples of freedom of speech and freedom of the press. I would be very greatly shocked to see some of these who would sound out their voices perhaps sometimes in tones which are a little unpleasant to some of us try to deprive all of the people of this country of the right to express themselves freely upon grave public issues. It is only through that expression, not only by pen but by word of mouth, that we can continue to enjoy the liberties which have made us a race apart among the family of nations in the world.

I urge with all sincerity that every Member of this House give serious and prayerful consideration to this amendment. Do not have it said about you as your children and grandchildren read the record of events of this day in this Congress that you were one of those who were willing to say that there should not be an open, free, and completely unbridled expression of opinion upon public affairs.

Mr. KASEM. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from California.

Mr. KASEM. First, may I thank the gentleman for his kind remarks in regard to my zeal to protect the right of our citizens to the right of free speech.

Mr. WHITENER. I have worked with the gentleman on this committee, and I know that even in this legislation—and I will strike this out if the gentleman is afraid it may be read back in his district—the gentleman helped us clean up the bill in committee in many outstanding ways. I certainly appreciate the fair-minded attitude he has had on some phases of the legislation we have considered.

Mr. KASEM. I certainly do not want that stricken from the RECORD; in fact, I might read it myself back in my district. But recognizing as the gentleman does that I care greatly about our right of free speech, I hope the gentleman will believe me when I say that if I could see some threat to the right of free speech in this language—the legitimate area of free speech—I would quickly accede to the gentleman's amendment and vote for it.

Mr. WHITENER. I believe there is some language in Holy Writ to the effect that there are none so blind as those that have eyes and will not see.

Mr. KASEM. I say to that only, verily, amen. But the gentleman also will see that the right of free speech has never gone so far as to protect intimidation and threat. The right of free speech, as the gentleman from Virginia [Mr. POFF] so ably presented it, relates to the right to influence, but it does not go so far as to cover the right to influence by threat.

Mr. WHITENER. I will ask the gentleman if a petition to rehear a case in a court could not be said to be a communication in conflict with the decision of the court.

Mr. KASEM. I would say it would not be on two grounds.

Mr. WHITENER. It would not be a communication and it would not be expressing opposition to the decision?

Mr. KASEM. An expression of opposition is quite different than a threat. A threat is an implied or expressed promise of the application of force.

Mr. WHITENER. Does the gentleman see the word "threat" or "threatened" anywhere after the word "or" or between the word "or" and the word "communication"?

Mr. KASEM. No; I do not, but I read the thing in its logical context "by any threatening letter or communication."

Mr. WHITENER. I am sure the gentleman in his study of the law, as I know he has studied the law of statutory construction, knows that where a statute is written in the disjunctive so that it stands alone, the court will not go beyond that portion which can be read separately and apart.

Mr. KASEM. I do not believe that is the rule of construction that would be applied in this instance. I think the rule of construction would be one to take it in its full context, and it would be so read.

Mr. WHITENER. I can only say to the gentleman, in the words of one of the judges in the trial courts in my State when he had made an erroneous ruling and one of the lawyers showed him a case in which the Supreme Court said, "We have held 27 times that this is the law." And, it was contrary to what the trial judge had ruled. The trial judge laughed and said, "Well, I may not know the law, but I recognize it when I see it."

I hope the gentleman will try to see it because he will recognize it.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi [Mr. SMITH].

Mr. SMITH of Mississippi. Mr. Chairman, the provision of this section of the bill, which the gentleman from North Carolina seeks to strike out, calls attention to the situation about this bill which many of us have attempted to call to the attention of the Members in the debate heretofore, that in this effort to protect some of the rights of citizens of the country, there are often involved far greater threats to other existing rights. I believe here that the language involved, even if it has been incorporated in previous legislation and if it now exists in the law, does involve such a threat to other existing rights, and the fact that this particular provision may exist in the other law does not make it right and does not make it essential that we carry it forward here at this time in this legislation. I think it would be very conducive to an understanding of the basic civil rights of the people of this country if those who are making the effort to get this bill passed now would be more zealous of these particular aspects of the proposal and join with us in an attempt to strike it out. I hope my colleagues who are opposing this overall general bill will realize this threat to the rights of anyone who may oppose these particular court orders. We should be just as zealous in respect to other legislation that might be more popular with us and with our constituents as we are in our effort to prevent this type of thing from being forced upon us as we are. Further, Mr. Chairman, I hope those of our colleagues who are supporting this legislation will have the same idea. Unfortunately, however, in the atmosphere that has developed in regard to this bill there cannot be any proper consideration of any threat to other rights as the result of this legislative effort to secure some of the so-called rights here. I think all of us on both sides of this particular question in regard to the overall bill will do ourselves and our country an injustice if we do not carefully consider the threats that are involved to other rights in this legislation. It would be well for us to remember this in the future on other legislation as well as here in reference to the pending amendment.

Mr. SELDEN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Mississippi. I yield.

Mr. SELDEN. Mr. Chairman, during the general debate I joined with other Members of this body in attempting to show that the legislation under consideration constitutes a blatant, clumsy attack on the freedom of speech guaranteed by the Constitution; that it is based on false and pernicious assumptions; that it delegates broad, ill-defined powers to Federal officials; and that it contains sections irrelevant to the issue. Yet, the House of Representatives during consideration of this bill has refused, with one notable exception, to adopt amendments that would improve and clarify the measure. Instead, northern Democrats have joined hands in this election year with the majority of the Republican Members of Congress and have attached on the floor of the House provisions which compound rather than reduce the inequities of this legislation.

For example, the voting referee plan adopted by the House of Representatives goes far beyond the original bill. It assumes that, if one person in an area has been denied the right to register to vote, all other area residents of the same race have also been denied this privilege and are entitled to vote.

Furthermore, the plan has been altered to permit provisional voting. As the bill is now written, if a member of a minority race decides he wants to vote, he can go to a Federal referee 20 days before an election and request a "Federal Government certificate" authorizing him to cast his ballot. If the court receives the application and has some doubt as to whether the applicant is qualified to register to vote, it can nevertheless permit him to cast his ballot as a "provisional" vote. After the election, the ballot will be held until the court decides whether the voter is qualified. If the court decision is unfavorable, the applicant's vote will not be counted. If favorable, the ballot will be counted belatedly. This intricate, hazardous procedure will serve to complicate the election processes while also jeopardizing the secrecy of the ballot. At the same time, it will deprive the States of their constitutional authority over elections.

Although the majority of the Members have refused to recognize the dangers of this voting referee plan and to adopt amendments to alleviate them, they now have an opportunity to eliminate from another section of the pending measure language that clearly constitutes an abridgement of the freedom of speech.

Therefore, Mr. Chairman, I urge the adoption of the amendment offered by the gentleman from North Carolina [Mr. WHITENER]. I trust the Members of this body will not forego again an opportunity to improve, even in a small degree, the language of this extremely perilous force legislation.

The CHAIRMAN. The gentleman from Louisiana [Mr. BROOKS] is recognized.

Mr. BROOKS of Louisiana. Mr. Chairman, I have only a short time and I am not going to attempt an extensive speech, but I rise for the purpose of keeping my record straight with reference to this measure.

When the 1957 civil rights bill passed, I made vigorous opposition to that portion of the bill especially which provided for more power to be given to a Federal judge to be used for contempt. Especially did I oppose that provision of the bill which was before the House at that time which would give a Federal judge the authority to punish for contempt many, many acts done perhaps thousands of miles away from the seat of the court itself. I do not think it is good law to continue giving Federal judges additional power of contempt. I think the judge should have enough power of contempt to maintain dignity and order and decorum in its court. I do not think a Federal judge who is appointed for life, and who, after all, is still a human being, is omniscient. I think he is going to make mistakes. I think we are going too far away from the fundamentals of our system of law when we continue to give him power to use for contempt for acts done far beyond the area of the court itself, and that in my judgment is what we are doing the way it is written.

So, Mr. Chairman, I again voice my opposition to the growing tendency to do away with the jury system in the Federal courts.

There was a time, when I was practicing law, before I came to Congress, when an attorney went into court he knew that he was perhaps going to be faced almost immediately with a jury trial. Those times are disappearing. We are gradually abandoning the jury system. We are gradually putting more and more power into the hands of one man, a life-appointed Federal officer, and I do not think they are 100 percent proof from error. I am not willing to go along with that.

This bill—H.R. 8601—has often been referred to on this floor as a voting bill. I think it goes much beyond this. It is in reality a primary and general election bill covering all elections and many phases of all elections.

The other day in the CONGRESSIONAL RECORD I noticed a statement listing the number of colored voters in the States of the deep South. In this statement, my own State of Louisiana was listed as having 127,000 Negro voters. This figure is inaccurate. I am informed that our Negro voting population in Louisiana is now 153,000 votes out of roughly 1

million votes. In other words, the voting strength of the colored population in Louisiana under the present voting rolls is approximately 15 percent of the qualified voters.

One may say that this number of colored voters is not in accordance with the colored population of Louisiana. In a sense this is correct. I doubt, however, seriously that many more Negroes register to vote in spite of this or any other laws passed by the United States or by the State of Louisiana. Laws are not going to make people vote unless they want to vote and we can pass laws here in Congress and perhaps affect the total slightly, but in the final analysis and over a long period of time only those are going to register and to vote who want to register and vote.

This type of legislation, however, can have the effect of upsetting the normal, smooth operation of elections as handled by the States throughout this Nation. The intrusion of the Federal authority into local elections is not going to be good. Politics that rears its ugly head in the Congress of the United States likewise is going to be seen and felt come election time when Federal courts swing into action, appoint referees, supervise voting precincts, and attempt to force the voting of Negroes. I doubt that either the northern Democrats or the Republican Party gain by this process but I honestly believe the Nation as a whole is going to suffer tremendously in loss of prestige, loss of honesty in the ballot, and loss of cooperation in handling the most important function of any government, namely, the election of its officers.

In the white population of Louisiana the percentage of those voting is often unfortunately low. The registered strength of the white voters of Louisiana percentagewise as to the total population likewise is much too low. People cannot, however, even in a democracy, be made to vote and unless there is the desire and the will to vote there is not going to be the voting strength regardless of laws, mandatory injunctions of Federal courts, marshals and deputy marshals, paratroops, and fixed bayonets. Sooner or later this Congress will learn that laws do not and cannot provide the incentive to make people aware of the power of franchise and to assume more of the obligations and responsibilities of citizenship of this Government. I hope that this sense of realization strikes this Congress before it, in its folly by this ill-advised and improvident legislation, brings about the doom of this Republic.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. McCULLOCH].

Mr. McCULLOCH. Mr. Chairman, I would like to repeat unequivocally that the section as it is in the bill will not prevent freedom of group or of individual criticism of lawful ways to resist integration. By its very terms, title I requires knowledge of a court order and a willful interference with that order. There is no danger in this title, as written. There is no threat to freedom of speech, freedom of petition, or freedom of communication.

The gentleman who has done so much in this field is wrong in this particular instance. His advice should not be followed, and the amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WHITENER].

The question was taken, and on a division (demanded by Mr. WHITENER) there were—ayes 87, noes 130.

Mr. WHITENER. Mr. Chairman, I demand tellers.

Tellers were ordered and the Chair appointed as tellers Mr. WHITENER and Mr. McCULLOCH.

The Committee again divided and the tellers reported that there were—ayes 114, noes 147.

So the amendment was rejected.

Mr. BIKES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have now been engaged in discussion of this bill for the longest period, I believe, in the history of the House of Representatives. Not only have we wasted 3 valuable weeks of time which will be lost to needed and important measures, but we probably are wasting this time on a measure which will be declared unconstitutional. It is a further sad commentary that the Congress now is legislating under duress. Demonstrations which are a tribute only to behind the scenes Communist organizing, and which frequently are coupled with violence, shame our land. The Congress should suspend all consideration of this measure until these demonstrations end. It should never be reported to the world that the forces of democracy work in this manner, or that Congress can be coerced and intimidated by fear of reprisal at the polls.

No court has held that anyone, white or colored, in the absence of some regulatory statute, has a legal right to demand service in a private establishment if the private owner does not wish to serve him. The tactics which have been resorted to are wrong and immoral. If continued and encouraged they will almost certainly lead to serious violence, and violence will in the long run cripple rather than assist the orderly efforts to bring about racial harmony. Surely it was known in advance that these planned disorders which now plague our fair land are unlawful, and a violation of private rights of individuals. Surely it was known in advance they would be resented and resisted, and that the resulting publicity would provide grist for the Communist propaganda mills.

Such is the price we pay for this farce of civil rights. Here we see the great Congress of the United States, divided and embittered. Here we see time lost which is forever irreplaceable. We will not again in this session work this hard or this long on any measure however important to the Nation or its people. Nor will we again accomplish as little as we will with this bill, or do as much harm to the Constitution and to the people of the United States.

We have reached dangerous ground. Here Congress helps to divide our Nation. Instead we should stand together in challenge to the foes of democracy. We should be promoting peace and harmony so that our people can live in tranquility. I beg of you—let us not destroy the power of the States. Let us instead recognize the danger in what is proposed and go back to the principles and the philosophy of a Government which is a union of sovereign States—not a centralized power which dominates and dictates the lives of its people.

Mr. ROOSEVELT. Mr. Chairman, I move to strike out the last two words.

(By unanimous consent, Mr. ROOSEVELT was allowed to proceed for 5 additional minutes.)

Mr. ROOSEVELT. Mr. Chairman, one of the things which one learns, perhaps a little reluctantly, in the House is to avoid whenever possible an exercise in frustration. I had planned today to offer an amendment which in essence would have been part of the amendment being offered in the other body and which in essence also was offered in this House and adopted, then defeated, known as the Kastenmeier amendment. It would have made a sincere attempt to strengthen the bill now before us by giving an alternative method to the administration or to the executive branch to carry out the will of the Congress in providing voting rights for those not now having them.

It is important to note that there has been a serious question raised as to the effectiveness of the provision which we have now adopted. I hope with all my heart it will be fully effective; however, the importance of what we are trying to do, it seems to me, justifies trying to do it in more than one way, especially when alternative methods have been fully spelled out.

We have eliminated from the present bill any real responsibility on the part of the executive branch of the Government. The amendment which I would have offered would have, among other things, made it possible for the Negro to become enrolled by an enrollment officer and then directly go and cast his vote and not have to go through the long, tedious procedure now in the bill, which I am afraid will deter many from now becoming qualified voters. I had also put into my amendment a qualification for the enrollment officers, because I believe that would have strengthened the bill and overcome some of the questions raised here on the floor.

However, yesterday the Attorney General of the United States, Mr. Rogers, wrote a letter to a Member of the other body, the minority leader, in which he clearly stated that he did not want any other method suggested, and in view of that letter, much as I disagree with it, I recognize that to offer this amendment here, with the obvious objection of many on my side of the aisle and the obviously indicated objection from the other, would have been, as I said, an exercise in frustration.

But, I do want to point out that what we are dealing with is not just a local problem here in the United States. It is a part of what is going on all over the world. If you read your newspapers, I think you will read, as I do, with sorrow about what is happening in South Africa.

You can find it happening nearly everywhere; the desire of those who, as human beings, have risen up all over the world, as history shows they have risen in the past, to demand their rights as human individuals. We are dealing with one part of it, the right to vote. If we are not successful in this bill in bringing it about, we are going to come back, I believe, 2 years from now and go over again the whole ground which we have already covered. I am not sure that we can afford that as a Nation. I am seriously worried by the refusal of the administration to look at any other measure but their own, the one which they originally suggested, and to refuse to see any good in any other method. Therefore I think that the future will have to, of course, be judged by the results. If it works, the authors of the present voting plan deserve all of the praise. If it does not, they have run a great risk to their country as well as perpetuating a great injustice. The thoughtful statesmen of the world recognize that peace in the world is only going to come when we truly make all men equal everywhere. The threat to freemen comes from a refusal to so understand.

Therefore, Mr. Chairman, while I have not introduced the amendment, I am going to ask when we return to the House to have it printed following my remarks for, I believe, as I said several days ago, if we had adopted the Kastenmeier amendment or if we could get any kind of an agreement from you on the other side of the aisle now to constructively look at some other proposition, we would have strengthened the bill and we would have prevented the day when we would again have to be tackling this problem.

Mr. QUIGLEY. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from Pennsylvania.

Mr. QUIGLEY. I would like to associate myself completely with the remarks of the gentleman from California, and in doing so I would point this out:

The Civil Rights Commission report showed that there were 214,213 Negroes living in 57 counties in the South in which there was not one registered Negro voter. The Attorney General has insisted on his and only his approach to the problem. This I deeply regret and I make this prediction, that when the Attorney General leaves office 9 months hence, not even the 213 out of the 214,213 Negroes in those 57 counties will be registered as voters. It is not a prediction I make gladly, but with sadness, and I hope and trust that I am proven wrong. I think the suggestion that the gentleman is making is a reasonable, responsible approach, and I see no reason why the Attorney General is taking the adamant stand that his answer to the problem is the only one that this Congress should consider.

Mr. ROOSEVELT. I thank my good friend, and I can only say to him that I hope, too, that his prediction does not come to pass.

But I do not believe that the Attorney General should today be running the risk that he insists upon.

Mr. O'HARA of Michigan. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from Michigan.

Mr. O'HARA of Michigan. Mr. Chairman, I would like to say to the gentleman from California that I share his misgivings about the voting proposal that we have written into this bill. I had hoped that we would be able to arm the Attorney General with more and better weapons to enforce voting rights.

I think, however, that the gentleman from California is completely correct in not offering his amendment at this time. It has been amply demonstrated that we would not receive support for that type of strengthening provision from the Republican side. In the future, if this referee plan does prove unworkable, I hope that we can return to this subject and write legislation that will, for once and for all, assure the right to vote to every American.

Mr. ROOSEVELT. I am very grateful to the gentleman.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from Connecticut.

Mr. GIAIMO. Mr. Chairman, I would like to associate myself with the distinguished gentleman from California in what he has said. I think we here in the Congress are missing a golden opportunity by not adopting either as an alternative method or as an exclusive method this idea of enrolling the Negroes in large numbers as an administrative process rather than this judicial process that we are offering. I hope time will prove me wrong, but I am afraid that the result of this narrow viewpoint that the Attorney General has forced upon us will not result in the enrollment of many Negroes in these areas where they are being deprived of voting rights. I think the gentleman's amendment would have accomplished the enrollment of the Negro voter by the thousands and thousands. I hope that at some future date, if the occasion is necessary, we will consider this as a possible amendment to this bill.

Again I wish to say that I associate myself with the gentleman.

Mr. ROOSEVELT. I thank the gentleman very much.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the chairman of the Judiciary Committee.

Mr. CELLER. Mr. Chairman, I wish to thank the gentleman for his very practical statement and I am sure that the future will show that he is correct.

Mr. ROOSEVELT. I thank the gentleman.

Mr. COHELAN. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to my colleague from California.

Mr. COHELAN. Mr. Chairman, I want to compliment my colleague, the gentleman from California [Mr. ROOSEVELT], on his remarks and also to associate myself with what he has said.

I would reiterate what I have said before. There is grave doubt that the Federal referee plan for protecting voting rights will do the job that must so clearly be done. If it is good as far as it goes, it is also true that it does not go very far. Creating a situation in which great volume of new local litigation can result from the efforts of individual citizens to exercise their right to register and vote does not promise immediate relief. I share the conviction that provisions for direct Federal administrative action to assure these rights are also necessary and, for that reason, supported the Kastenmeier amendment. Those who have opposed that amendment will, perhaps, be willing to reconsider their position when the results of future experience are in evidence. I regret that they have not been willing to accept the very, very substantial body of evidence that already exists.

Mr. ROOSEVELT. I thank my colleague very much.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Chairman, I want to associate myself with the splendid remarks of the gentleman from California. I hope, along with others here, that the Attorney General will not use these new provisions of law to insulate his office from using all of the other many provisions of the Federal Code now on the books to enforce and protect voting rights and as well as the many other civil rights.

Mr. ROOSEVELT. I thank the gentleman from Ohio. I hope, too, that we will have vigorous enforcement of the law because, without that, it does not have any chance at all.

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Chairman, I would like to associate myself with the gentleman from California in his remarks. I should like to express the profound hope that the voting referee proposal will do the job that we all recognize needs so sorely to be done, namely, that of assuring to all Americans an equal opportunity to cast their votes in free elections. But because I entertain the same misgivings as the gentleman from California that the Attorney General's referee approach will be fully effective in securing to American Negroes the right to vote, I was glad to support the Kastenmeier amendment—the amendment defeated by a coalition of Republicans and southern Democrats—an amendment that would have put some of the burden of guaranteeing voting rights on the executive branch of our Government as well as on the judicial branch.

Mr. Chairman, the Kastenmeier amendment would have greatly strengthened the voting rights provision of the civil rights bill. I regret very much that the Republican Attorney General saw fit to oppose it. I am proud, as I know the gentleman from California is proud, to have supported an approach that held so much more promise for

guaranteeing the franchise to every American than the referee approach.

The CHAIRMAN. The time of the gentleman from California [Mr. ROOSEVELT] has expired.

Mr. SMITH of Virginia. Mr. Chairman, I ask unanimous consent that the gentleman from California [Mr. ROOSEVELT] may proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield, of course, to the very distinguished gentleman from Virginia.

Mr. SMITH of Virginia. Mr. Chairman, I am happy to note that the distinguished gentleman from California has finally arrived at the conclusion that some of us have been trying to hammer home to him and his friends for the past 2 weeks, namely, that the Attorney General's bill is a bad bill. I was happy to see so many Members who have voted for this bill constantly in the past 2 weeks now announce themselves as dissatisfied with the Attorney General's bill, because it is the Attorney General's bill. And I hope by the time we get to a record vote those same gentlemen will vote against the Attorney General's bill.

Mr. ROOSEVELT. Mr. Chairman, I think the gentleman should realize that we have to be satisfied with a half loaf. I think the gentleman should remember that he is not willing to help us strengthen the bill. If he were, his remarks might have some very cogent point. The gentleman would want to weaken the bill even further than it has been weakened. That I regret extremely. I must say that I have always admired the gentleman's ability and his sincerity in the fight which he is making.

The amendment to which I referred earlier, is as follows:

AMENDMENT TO H.R. 8601

On page 7, after line 4, insert the following:

"TITLE IV—FEDERAL ENROLLMENT OFFICERS

"SEC. 308. (a) The Congress has heretofore expressed, by the creation of the Commission on Civil Rights, its concern at the continuing disenfranchisement of qualified voters because of their race or color. The Commission has found that under color of law or by State action substantial numbers of qualified voters are being denied the right to register and vote in elections because of their race or color. The Congress hereby determines that the continuing denial of rights secured by the fourteenth and fifteenth amendments to the Constitution of the United States requires the exercise of the congressional authority provided under this section.

"(b) If in any proceeding instituted pursuant to subsection (c) of section 2004 of the Revised Statutes, as amended (42 U.S.C. 1971), the court finds that any person has been deprived on account of race or color or of any right or privilege secured by subsection (a) of such section 2004, then in lieu of the procedure described in subsection (c) of such section 2004, the President, upon notification to him by the Attorney General of the finding of the court, may establish a Federal Enrollment Office in each registration district that includes the locality or area for which such finding has been made and may appoint one or more Federal Enrollment Officers for such district from among qualified voters within such district. Whenever the President determines that there is no further need for a Federal Enrollment Office, he shall abolish the Office for such registration district. An individual who is appointed a Federal Enrollment Officer shall perform the duties required by this section until such time as he is relieved of such duties by the President. No individual may be appointed as a Federal Enrollment Officer unless (1) he is an employee of the United States whose position is allocated to Grade GS-10 of the General Schedule of the Classification Act of 1949, or above, or who holds a position of a comparable level of difficulty and responsibility, or (2) he is an employee of the State in which such registration district is located, holds a position having duties of a comparable level of difficulty and responsibility, and has been recommended to the President for appointment as a Federal Enrollment Officer by the Governor of the State.

"(c) The Federal Enrollment Officer for any registration district shall accept enrollment applications from individuals living in localities or areas in such district as to which a finding has been rendered pursuant to subsection (c) of such section 2004. All such applicants whom he finds to meet the qualifications for voters under the laws of the State, wherein such district is situated, shall be enrolled by him as qualified to vote in all elections held in such district in like manner and for like period as prescribed for persons registered under State law, and shall receive from him certificates of enrollment. The Federal Enrollment Officer shall, from time to time, transmit to the proper State and local officials all information necessary to identify the persons who have been enrolled by him. Nothing contained in this section shall be construed to authorize an Enrollment Officer to enroll any person who is not of the same race or color as the persons found pursuant to subsection (c) of such section 2004 to have been deprived of registration, or the opportunity of registration, for elections. Nothing contained in this section shall be construed as impairing the right of any State to establish nondiscriminatory voting qualifications.

"(d) Each qualified voter who is enrolled pursuant to subsection (c) of this section shall have the right to vote, and to have such vote counted, for candidates for elective public office in elections held in his registration district, and, in the case of a primary election, for persons seeking nomination as candidates for elective public office, subject to the provisions of subsection (f) of this section.

"(e) Nothing contained in this section shall be construed to deny to appropriate State officials or other interested persons the right at the time of elections, to challenge the eligibility to vote of persons enrolled hereunder. Whenever such a challenge is made, however, the enrollee shall be permitted to cast his vote and have it counted, but it shall be preserved subject to a determination of the validity of the challenge in any appropriate action brought in the U.S. district court having jurisdiction over the registration district in which the challenge is made. The Attorney General shall provide appropriate legal defense to any such enrollee whose eligibility to vote has been challenged in such proceedings.

"(f) Federal enrollment officers shall ascertain that persons enrolled under this section are afforded the right to vote and to have their votes fairly counted, and for this purpose the Federal Enrollment Officer is authorized to attend at any election held within his registration district to inspect the taking of the vote and the counting thereof. Should any person enrolled under this section be denied the right to cast his vote or to have his vote counted, the Federal Enrollment Officer shall forthwith notify the Attorney General.

"(g) The provisions of this section shall be enforceable by appropriate civil and equitable proceedings instituted in the district courts of the United States by the Attorney General, for or in the name of the United States. When necessary to assure persons enrolled under subsection (c) of this section of the right to vote and to have their votes counted, the district court shall issue permanent or temporary injunctions or other orders directed to appropriate State or local voting officials, requiring them to permit persons enrolled under the provisions of this section to cast their votes and have them counted, subject to the provisions of subsection (c) of this section.

"(h) For the purpose of this section—

"(1) The term "election" means any general or special election held in any State for the purpose of electing any candidate to elective public office and any primary election held in any State for the purpose of selecting any candidate for elective public office.

"(2) The term "registration district" means an area in a State corresponding with any of the districts established by State law from which the voters elect a Member of the House of Representatives of the United States.

"(3) The terms 'qualified voters', 'qualifications for voters', and 'qualified to vote' mean qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by voting registrars, or other State or local officials, in qualifying other persons in the registration district not of the same race or color."

Renumber succeeding titles.

Mr. CELLER. Mr. Chairman, I offer a technical amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER: On page 5, lines 14 and 16, strike "401" and insert in lieu thereof "301".

Mr. CELLER. Mr. Chairman, this is just a typographical error, which I think can readily be corrected.

The amendment was agreed to.

Mr. CELLER. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER: On page 7, starting with line 7, strike the language contained in lines 7 to 17, and renumber the remaining sections in title IV accordingly.

Mr. CELLER. Mr. Chairman, this amendment involving title IV, the Civil Rights Commission provision, is superfluous since under the Mutual Security Appropriation Act the life of the Commission was extended for an additional 2 years. Therefore, the words that are now sought to be deleted are utterly unnecessary and repetitious.

The amendment was agreed to.

Mr. CRAMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMER: On page 3, line 6, insert after "property" the following: "or to avoid prosecution for communicating any threat or false information with respect to any attempt to commit such an act".

On page 3, line 12, insert after "property" the following: "or to avoid prosecution for communicating any threat or false information with respect to any attempt to commit such an act".

On page 3, line 13, insert "(a)" immediately before "Whoever".

On page 3, after line 22, insert the following:

"(b) Whoever moves or travels in interstate or foreign commerce with intent either, (1) to avoid prosecution, or custody, or confinement after conviction, under the laws of the place from which he flees, for wilfully imparting or conveying, or causing to be imparted or conveyed, through the use of the mail, telephone, telegraph, or other instrument of commerce, or any other mode of communication, any threat or false information, knowing the same to be false, concerning an attempt or alleged attempt being made or to be made, to perform any act to damage or destroy by fire or explosive any building, structure, facility, vehicle, dwelling house, synagogue, church, religious center or educational institution, public or private, or, (2) to avoid giving tesitmony in any criminal proceeding relating to such an offense, shall be fined not more than $1,000 or imprisoned not more than one year, or both."

On page 4, line 1, insert "(c)" immediately before "Violations".

On page 4, strike out the matter between line 11 and line 12 and insert in lieu thereof the following:

"1074. Flight to avoid prosecution for damaging or destroying any building or other real or personal property or to avoid prosecution for communicating any threat or false information with respect to any attempt to commit such an act."

Mr. CRAMER. Mr. Chairman, as a member of Subcommittee No. 3 of the Committee on the Judiciary that had the responsibility and opportunity of holding the hearings on proposed antibombing legislation I for one have been greatly concerned, as have many southerners and I assume people in other parts of the United States, about any bombings or any threats of bombings as well as actual or attempted bombings.

My amendment merely brings within the Fugitive Felon Act not only the substantive crime of bombing which presently is in the bill but the additional State crime of the person who perpetrates it or who is trying to escape being prosecuted in an instance of a threat of bombing in a given area. In my opinion, in many instances such threats cause a great deal more havoc than a so-called attempted bombing.

To give you an example:

I am bitterly disappointed, as I am sure is the case of the people in my district and throughout the United States, regardless of party affiliation or otherwise, at the bomb threats that were perpetrated at Gibbs Junior College on the occasion of Mrs. Eleanor Roosevelt's speaking as part of a seminar which resulted in the clearing of the hall before the program could continue.

This news was carried throughout the Nation and the world. It is imperative, likewise, that the Nation and the world know that the people of my district—yes, and, I say to my colleagues from the South, the people of the South, and the people of the Nation—that Americans, that southerners, do not condone such acts and are determined to punish those responsible as well as to prevent future acts of this despicable nature.

As the Representative of the people of the First District of Florida, I believe it is my duty to express the determination of my people and again I think it is the determination of people throughout the South as well as of the Nation that such an incident shall be stamped for exactly what it is—it is cowardly, it is contemptuous, and it is cynical.

It is imperative that the nations of the world and the other sections of our country know that we, in the South, do not condone such actions; that we are determined to punish those who perpetrate such acts and in offering this amendment to this bill I am stating unequivocally and showing unequivocally my position as a Representative of the people of an integral part of the great Southern States. My amendment would, as I said before, make it a Federal crime under the Fugitive Felon Act for a person who has perpetrated a threat under State law and been convicted for such to escape across State lines, the same as the nature of the provision contained in the present bill with regards to the substantive act of bombing or attempted bombing.

Even though I might differ in some instances with the philosophy for which someone might stand, I will exert every effort to guarantee that individual the right to speak and be heard without intimidation and without threats. My action in this matter illustrates my dedication as an American to this basic fundamental principle, and as a southerner demonstrating the southern peoples' abhorrence as is the case of people throughout the United States not only for these bombings but for threats as well. This attitude is clearly demonstrated by the request on the part of public officials in many areas including Florida that the FBI be made available or that Federal laws of this nature be passed in order to bring the Federal Government in to help stamp out such acts because interstate commerce is involved. It is essential that these perpetrators of either threats, according to my amendment, or the perpetration of the substantive crime, according to the bill as reported out, are properly prosecuted and that can only be done, as I say, through the Federal Government if interstate commerce is involved.

I want it clearly understood, however, for those who might be concerned about bringing the FBI into the State crime prosecution picture, that my amendment would not require FBI participation in any threat case unless there had been a prior conviction under the State law applicable to such threats or someone who is a suspect of having perpetrated such a threat crosses State lines or there is reasonable grounds on the part of local law enforcement officials to believe that the person convicted or suspected has crossed State lines. Then, and only then, will this section mandatorily come into play. Beyond that point it is discretionary with the FBI as to whether the case is of such impact that FBI investigation is justified. Discretion beyond that point likewise would be exercised, although I would assume more broadly, if the local law enforcement officials in such an instance requested FBI assistance.

It is my understanding that the FBI has voluntarily been assisting the States in view of the preestablished pattern of requests from the State enforcement agencies that such help be made available in actual bombing or attempted bombing cases. FBI investigation has immediately been invoked in many instances as a matter of policy.

This is a matter within the discretion of the Justice Department and the FBI and I would assume that in threatening cases, under my amendment, this discretion would be exercised on the basis of available personnel, the nature of the case and as to whether the local authorities requested assistance. The only mandatory effect would be under the strict terms of the amendment where the Attorney General knew or had reason to believe that an escape across State lines had taken place.

I offer what I hope will be a clarifying explanation of the amendment in reply to some who might oppose the amendment on the basis that the FBI might be required to overextend itself. I am certain this would be the case.

Mr. Chairman, I trust my amendment will be adopted.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I thoroughly agree with the gentleman that a threat to bomb is something which is cowardly, immoral, and horrible. On the other hand, I wonder if we should go so far as to make a threat a Federal crime. That should be within the purview of the States. I understand just recently the legislature of the gentleman's State, namely Florida, did pass such a statute. I do not know how many States have statutes which make such a threat a crime. I think every State should make such a threat a crime.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. CRAMER. I cannot understand how the gentleman could oppose this legislation on a Federal level which, in my opinion, would have the effect of encouraging the States to enact such State legislation. The gentleman knows, of course, that this is not an effort to substitute the Federal for the State crime. The State crime is the one involved and the one for which the person is prosecuted, and then after being prosecuted locally, if he escapes across State lines, this fugitive felon statute becomes involved; or if he flees to avoid such prosecution. The FBI would come in only after State authorities had determined that an "escape" or use of interstate commerce had occurred or there was reason to believe it had occurred.

Mr. CELLER. I understand the gentleman's amendment. But, this would bring the FBI into all such cases, and there would be very, very many of these cases. I think the States should exercise their powers to a greater degree than heretofore. They cannot leave everything to the FBI. They cannot leave everything to the authorities in Washington in this regard. There are many States that have laws which make these threats a crime, and there can be successful prosecutions in such States. There is no need, as I see it, to start this

very cumbersome machinery of the Federal Government awhirling in order to get at these culprits.

For that reason I believe the amendment should be defeated. Let the States assume their share of the burden in this regard. The minute you pass this statute the State's attorney or the sheriff, or whoever it is, would simply say, "Let the Federal Government do it." They would sit on their haunches and they would do nothing.

For that reason, I oppose the gentleman's amendment.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Florida.

Mr. CRAMER. The gentleman is making a very eloquent argument in opposition to title II which the gentleman supports already in the bill which provides the same approach in bombing or attempted bombing cases.

Mr. CELLER. No; I am not. There is a limit beyond which we should not go, for practical purposes. I think practical purposes should not embrace the FBI in every one of these instances. I think the gentleman's State can cope with this situation, and I think every other State can cope with this situation. I think the gentleman's amendment is unnecessary.

The CHAIRMAN. The time of the gentleman from New York [Mr. CELLER] has expired.

Mr. HALEY. Mr. Chairman, I move to strike out the last word.

I yield to the gentleman from Florida [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I would like to point out that I have difficulty in understanding how the gentleman from New York can oppose my amendment because it contains the exact verbiage that is contained in the distinguished chairman's bill and many others introduced in Congress. The Anti-Defamation League and many other groups testified in support of a threatening provision. I am just trying to conform that threatening section of these other bills, one of which I introduced, H.R. 743, to the present bill and bring it under the Fugitive Felon Act concept. Apparently the Attorney General prefers generally this approach which in effect permits the Federal Government to help the States carry out their own antibombing laws. Apparently the distinguished chairman of the committee is also, in his reasoning, arguing against title I of the bill, because title I says, "whoever willfully" or "by threat" or "by force." Yet when an effort is made to bring threats in where you need it in bombing cases, he objects. In a State where the State authorities actually convict or suspect someone for threatening, then the person convicted or suspected escapes across the State line, my amendment would apply. What is the State authority supposed to do in such an instance? They ought to be able to ask the help of the FBI and Federal prosecution authorities. I cannot understand the opposition of the chairman to the amendment. I offered it very sincerely.

Mr. HALEY. I ask the gentleman if he does not agree with me that the trapper has been caught in his own trap and he does not like it.

Mr. CRAMER. Well, the gentleman can drawn his own conclusions. I cannot understand why the chairman would not go along with the amendment making the same Federal "escapee" provision for "threateners" as he does for "bombers."

Mr. HALEY. It carries out what has been happening. We are coming down to a political bill and he does not want any bill that is enforcible.

Mr. ALFORD. Mr. Chairman, will the gentleman yield?

Mr. HALEY. I yield to the gentleman from Arkansas.

Mr. ALFORD. I would like to ask the gentleman from Florida [Mr. CRAMER] if his amendment provides for indictment of those individuals who hire the individuals to make the threats? We do not get at the real culprits, those who connive and scheme and hire a few individuals to do the work.

Mr. CRAMER. I appreciate the remarks of the gentleman. That depends upon what the State statute provides in the nature of a crime for "threatening." In further reply, it would apply if someone hires or conspires to send someone into an area to perpetrate a threat, I believe. It should be a revelation to the Members of this House when you find southerners suggesting that this is a good amendment and what should be done, in threatened bombing cases and we find the distinguished chairman of the Judiciary Committee, the gentleman from New York, opposing the amendment.

Mr. ALFORD. Mr. Chairman, will the gentleman yield?

Mr. HALEY. I promised to yield first to the gentleman from Virginia; then I will yield to the gentleman from Arkansas.

Mr. ABBITT. I just want to take this opportunity to commend the chairman of the Judiciary Committee for his splendid defense of States rights, so I was delighted to see him supporting State sovereignty.

Mr. ALFORD. Mr. Chairman, will the gentleman yield?

Mr. HALEY. I yield.

Mr. ALFORD. I was going to make the comment just made by the gentleman from Virginia; that is, I wondered whether I heard correctly that the gentleman from New York, chairman of the Judiciary Committee, said he was in favor of State sovereignty.

Mr. CRAMER. I had assumed by the gentleman's remarks that he should be in favor of the amendment in that it preserves State sovereignty and prosecutions. I offer it seriously; I think it is a good amendment and I hope it will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. CRAMER].

The question was taken, and on a division (demanded by Mr. HALEY) there were—ayes 119, noes 98.

Mr. CELLER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. CELLER and Mr. CRAMER.

The Committee again divided, and the tellers reported that there were—ayes 132, noes 90.

So the amendment was agreed to.

Mr. HOFFMAN of Michigan. Mr. Chairman, I offer a preferential motion.

The clerk read as follows:

Mr. HOFFMAN of Michigan moves that the Committee do now rise and report the bill back to the House with the recommendation that the bill be reported to the Committee on the Judiciary with instructions that a clean bill be reported back to the House.

Mr. CELLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CELLER. How often may a Member make such a preferential motion during debate on a bill?

The CHAIRMAN. Since the last preferential motion was had, several amendments were submitted, which were adopted, so the gentleman is in order.

Mr. HOFFMAN of Michigan. I just wanted to know whether the gentleman wished to make a point of order against the motion.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. HOFFMAN of Michigan. Mr. Chairman, all I am trying to do is to give an opportunity so the Members of the House can read the bill. I do not expect it to be adopted because many do not seem to care what is or is not in the bill. It seems to be a political gesture to get votes—not much else. I thought maybe there would be a ruling by the Parliamentarian on a point of order made by somebody against it. The point was not made. Again all I am trying to do is to get the bill reported back to the House; instead of asking that the enacting clause be stricken—that is not in this—that there the bill be referred to the Committee on the Judiciary and they be required to report back to the House a complete bill so that we may have the whole thing before us and know what is in it. Now, that is what I am trying to do.

Mr. POAGE. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, would that the people of the United States could learn to tend to their own business. We of the South have learned to expect to have people from north of the Mason-Dixon line try to control our local affairs. We do not like it, but we are members of the household and we have learned to live with it.

To add injury to insult to a friendly people the State Department this morning gives out a self-righteous criticism of the Government of the Union of South Africa, relating to a most difficult and trying domestic situation.

Instead of helping to extinguish the fires of hate and law violation which are today threatening the whole structure of organized government in South Africa, our State Department comes running with a can of gasoline in each hand.

Regardless of the merits or demerits of South Africa's domestic laws—they are domestic laws—they apply to the people of South Africa, in South Africa

and they were enacted by the duly constituted legislative authority of South Africa. So long as we recognize the independence of the Union of South Africa, it is our duty to respect her authority over her own people in her own land.

Is there a Member of this House who would not resent an official statement from the South African Government passing judgment on our laws or our enforcement or lack of enforcement of those laws?

The position of the people of South Africa, both black and white, is difficult enough. Why, oh why, cannot we keep our hands out of other people's business?

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Michigan.

The motion was rejected.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the bill and all amendments thereto conclude at 4 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. FLYNT. I object, Mr. Chairman.

Mr. CELLER. Mr. Chairman, I move that all debate on the bill and all amendments thereto conclude at half past 5.

The motion was rejected.

Mr. SMITH of Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia: On page 2, line 5, following the word "States" strike out all down to and through the word "school" on line 12.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia on his amendment.

Mr. CELLER. Mr. Chairman, I make the point of order that this is exactly the amendment that was offered previously and which was voted down. It is in exact verbiage the same as the amendment that was defeated.

Mr. SMITH of Virginia. Mr. Chairman, I make the point of order that the point of order comes too late. I had been recognized.

The CHAIRMAN (Mr. WALTER). The point of order does not come too late.

As the Chair recalls the amendment, the language is not identical with the language of the amendment that was considered. However, it is substantially the same; the purport is the same; and the point of order is sustained.

Mr. COOLEY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from North Carolina is recognized.

Mr. SMITH of Virginia. Mr. Chairman, I should like to be heard on the point of order.

The CHAIRMAN. The Chair has ruled, but the gentleman may convince the Chair that he is wrong.

Mr. SMITH of Virginia. Mr. Chairman, perhaps I am doing a vain thing, but I want to call the Chair's attention to the fact that it is not identical language, and it is not similar language. It concerns no new language at all. All this amendment does is to strike out a part of the bill. Is there anyone here who ever experienced being halted on a point of order to an amendment to merely strike out part of the language of a bill? That is all this does. It simply strikes out some six lines of the bill.

I know what is going to be said. It is going to be said that this has the effect of changing the bill. Well, any amendment changes the bill; any amendment striking out language changes the bill.

Mr. Chairman, I recognize that there are occasions when a point of order lies to striking language out, but they are the exceptions. If the Chair will look over the books, he will find it has not happened more than a half dozen times in the history of the Congress. They have been exceptional instances. What is exceptional about this instance that would bring it within that rarely used rule?

This clause relates to attempts to interfere with court orders. The amendment strikes out the language which confines that to school orders. Does it change the character of the bill? No, because there is language all through this bill relating to court orders. If you put in a provision relating to school orders, you may put in a provision relating to the other sections of this bill that have to do with orders of the court; title II, title III—all of them pertain.

It seems to me, Mr. Chairman, if I may say so, that a thing such as eliminating a part of a bill is something concerning which the Chair should be very careful and very slow to invoke that exceptional rule that prevents the House from eliminating a part of a piece of legislation that is before it.

I submit that the point of order should be overruled.

The CHAIRMAN (Mr. WALTER). The Chair is ready to rule.

The Chair is sure the gentleman from Virginia is acquainted with the precedents because he called the attention of the Chair to the precedent which in the opinion of the Chair is governing. The Chair quotes from Cannon's precedents, volume 8, section 2917:

A proposal to strike out a portion of a text may not be germane to the proposition involved.

A proposal to eliminate portions of a text thereby extending the scope of its provisions to other subjects than those originally presented is in violation of the rule requiring germaneness.

To a proposal to dismiss officers violating the "Federal prohibition laws" an amendment striking out the word "prohibition" was held not to be germane.

In the opinion of the Chair, as to the amendment offered by the gentleman from Virginia, while the greater part of the language remains the same, nevertheless the effect of striking the language set forth in his amendment has the effect of bringing the amendment very clearly within the rules as stated.

The point of order is sustained.

Mr. POFF. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time for what I hope will be considered a worthwhile purpose. Persistently, but unsuccessfully, I have been seeking recognition since the Whitener freedom-of-speech amendment was under debate to state that in my judgment no more profound or meritorious amendment has been offered in the 2 weeks we have been debating this bill. The amendment failed, but I should like to assure you, Mr. Chairman, that the Members of the House will have the opportunity to cast a record vote on that amendment on the motion to recommit.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from Indiana.

Mr. HALLECK. A short time ago the chairman of the committee made a motion to limit the debate to 5:30 o'clock. I have checked at the desk. There is only one amendment there, and I am not at all sure that is going to be offered. I have checked on our side. We have gone along with this debate. Certainly everyone has had an opportunity to debate his amendment and to be heard on this bill. I just want to suggest to the chairman that so far as I am concerned I think we ought to conclude action on this bill this evening. If we do not quit by 4 o'clock we will be here voting very late, because it is obvious we will have a rollcall vote on an amendment and also on a motion to recommit, and also on the passage of the bill.

Mr. FLYNT. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from Georgia.

Mr. FLYNT. I thank the gentleman for yielding. In reply to the gentleman from Indiana, may I say that there are other amendments pending. I have one which I have been seeking recognition to offer. The mere fact that an amendment is not on the desk does not mean that it is not going to be offered, and the gentleman from Indiana well knows it.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from New York.

Mr. CELLER. Mr. Chairman, I move that all debate on the bill and all amendments thereto close at 4 o'clock.

The motion was agreed to.

Mr. POFF. Mr. Chairman, may I make it plain that I did not yield to the gentleman from New York for that purpose. Had I known that was his purpose, I would not have yielded.

As I said during the course of general debate, most criminal statutes make the attempt to commit the defined crime an offense in itself, incurring the same penalty as the substantive crime. The word "attempt" is a word of art, explicitly defined and minutely refined in the case law of our jurisprudence since its birth. In the legal sense, an attempt involves some overt act which goes beyond the bounds of mere preparation and amounts to what is called the "commencement of the consummation of the crime." Title I does not use the word "attempt." Instead, it uses the words "willfully endeavors." What do those words mean? How would the courts define an endeavor to "prevent, obstruct, impede, or interfere" with a school desegregation decree? Would those words embrace a public verbal criticism of the

decree or a critical letter to the editor? If so, what about the first amendment to the Constitution? No one can accurately predict what, in the context of this new statute, the Court's definition might be. But, it is a fact that the Supreme Court already, in the case of *U.S.* v. *Russell* (255 U.S. 138), has said that the word "endeavor" describes "any effort or essay to accomplish the evil purpose that the section was enacted to prevent." Suppose that definition were applied in this context. This language, if left uncorrected, can serve only to blur the definition of the crime and lighten the prosecution's burden of proving guilt.

As has already been said, title I has a very narrow and limited application. It applies to, and only to, Federal court decrees ordering school desegregation. Why did it not embrace all Federal court decrees? We cannot agree that one decree has more dignity than another; we deny that violence is unacceptable in one instance but acceptable in another; we reject the notion that obstruction of justice is intolerable in one case and tolerable in another.

I do not condone violence either by individuals or by mobs, nor do I countenance threats of violence. The violent obstruction of justice, as justice is defined by court decree, is a trespass against a sovereign government, a challenge which that government, if it would remain sovereign, cannot forever forgive.

But should the obstruction of a school desegregation decree be deemed a more provocative challenge or a more dangerous trespass than obstruction of any other court order?

No regional vendetta, no volume of rhetoric, no degree of eloquence, no refinement of words can alter the essential fact that violence is violence, obstruction is obstruction, and justice is justice.

Mr. COOLEY. Mr. Chairman, I submit to the Chair that I had already been recognized 20 minutes ago.

The CHAIRMAN. The gentleman from North Carolina [Mr. COOLEY] is recognized.

Mr. COOLEY. Mr. Chairman, I ask permission to speak for 5 additional minutes.

The CHAIRMAN. The gentleman's request cannot be complied with since the time has been fixed. The gentleman is recognized for 5 minutes.

Mr. COOLEY. Mr. Chairman, with great interest I have day after day listened to this very brilliant debate. I am now convinced that we are considering a legislative monstrosity, an un-American and unconstitutional proposal.

I represent the largest congressional district in the great State of North Carolina. Negroes are registered and Negroes vote in all of the seven counties of that great district and perhaps in all of the precincts of that great district. In some of the cities of the district, Negroes hold high office. It is strange to me, Mr. Chairman, that during the more than 25 years that I have served in this body, according to my best recollection—I have never received a single letter or communication from a Negro constituent complaining that he or she had been denied the right to register and to vote. If any of my constituents feel that they have been mistreated or oppressed, it seems to me that they would naturally turn to their Congressman, the one who represents their district in this great legislative body.

Certainly no one who knows me could ever accuse me of intolerance in any form or fashion. Actually I hate and despise intolerance wherever it lifts its ugly head—religious intolerance and racial intolerance and intolerance of every kind. I also hate deception—kangaroo courts, ex parte proceedings, star chamber sessions, and conclusive presumptions—all of which are involved in the proposal now under consideration. This legislative monstrosity is an indictment of the integrity and of the patriotism of those who administer our election laws and are prompted by high purposes and the finest virtues of patriotism. Our registrars, under this proposal, would be displaced and federally appointed referees would take over the high functions our registrars now perform and the functions of those who are responsible for the administration of our election laws. I submit that this is a cruel and evil thing that you are about to do.

Obviously the sponsors of this legislation want to punish the people of the South. The sponsors are professionals. They want to stir up strife and arouse people and start on a pathway which might very well lead to violence and bloodshed. I am certain that the Negroes of the district which I represent know me and trust me and vote for me, and I do not believe that they want the gentleman from New York or those who side with him in this effort or anyone else from any other section of this great Republic to write my record in this House for me nor to come into our district to champion the cause of the Negro. Our election laws apply uniformly to men of all races and religious persuasions and those who administer our laws are reasonable, fair, and just, and tolerant.

I have no racial prejudices. Among my friends are men and women of many races. From childhood I have cherished the friendship of Negroes, of Jews, of Catholics, of Greeks, and of Italians and people whose ancestors came from many far distant places of the world. Over a period of 40 years, as a member of the Bar, I have defended Negroes, in both criminal and civil courts, and many times without compensation or reward, other than the compensation which comes from unselfish services rendered in a just cause. I urge you to leave us alone. The arguments against this legislation have been clear, cogent, and convincing to all men with open minds, but unfortunately, many of you do not have open minds nor even are your hearts open to conviction. I make this last appeal to you to open your hearts, your minds, and your consciences and to vote your honest convictions. The rights of all of our citizens in North Carolina are guaranteed by the organic law of the State and by the organic law of our Republic and with uniformity and integrity they are administering their dignity and great impartiality. We do not need troublemakers and rabblerousers to help us in the administration of our election laws.

Neither do we need the advice of the Attorney General of the United States.

Mr. Chairman, anyone who has listened to this debate must surely wonder who is the true friend of the Negro. Is his friend the agitator who has inflamed the Nation with racial hatred and distrust? Or, are his friends the white people of the South among whom he has found understanding and sympathy, and where the colored people who were transported to this Nation have shown the greatest progress in the shortest time of any race of people in all history?

The colored people learned from us about the true God that reigns in Heaven. Among us they learned our language, a code of ethics and morals, and their most noble aspirations of racial integrity grew up among us.

Mr. Chairman, I wonder who are the true friends of the Negro people in this House, as we stand embattled and embittered.

Does it occur to those of you, who would press a crown of thorns down upon the Southland, that you but repeat a sorry, tragic, and suffering page of our history?

The friendship and mutual trust of the white man and Negro in the South, even in times of slavery, is one of the phenomenon of all history.

Where is there ever any reason for racial hate in the South, except as others plant it there? When has this ever occurred except when people, with diverse motives, come among us to kindle it and to inflame it?

There is not a more beautiful story in all the annals of history than the devotion of the southern Negro, even in the dark days of the War Between the States. The southern white men, going off to war, left their wives and children in the care of their slaves.

This was a trust never once violated. In the heat of war, agents behind the lines sought to arouse passions among the colored people, to lead them to revolt and to arise against the white people of the South. Probably this world never again will witness such purity of devotion as the colored people displayed in these strained and trying circumstances. Not once in all the records of the years of the War Between the States is one instance recorded, not one, where a colored man betrayed the helpless white women and children left in his care.

When the blood of that great war stopped flowing there was a friendship between the former masters and former slaves as probably never has existed elsewhere between peoples of different racial origin.

But the predecessors to our present-day agitators and hatemongers did not want it that way.

The carpetbaggers, under the protection of martial law and the Freedmen's Bureau, swarmed into the South. The Freedmen's Bureau, by policies made in Washington, created a reign of hate in the South. It sought to bring the colored man in dominance over the white man. It taxed away the property of white citizens. It drove white men out of our State legislatures and brought in colored men to occupy their seats.

The hatred and distrust thus inflamed was, I submit, the greatest sin ever committed against the colored people of this Nation. The cause of his progress, which could come only of friendship and mutual efforts of the native white people, was slowed down for decades.

Not until the strangers left the Southland did the Negroes begin to make progress through their new-found freedom.

Now, today, I say to you this body is about to repeat one of the darkest pages in all our history. Are you to sit today as a Reconstruction Congress reenacting its measures and laws of hatred? Are you again to create and sanction distrust and hatred in the Southland? Will you set back the progress of the colored race in this country for more decades? Will you destroy the friendship of the white people and the colored people in the South which from the end of the Reconstruction era to very recent years has maintained a solid base under the great progress of the colored people of America?

In presenting this question I want to quote from a letter published several years ago in the Christian Science Monitor. It was written, according to a note accompanying it in the Monitor, by a Negro minister, the Reverend J. A. Brodie, of Montgomery, Ala. This letter reads in part as follows:

> It should ever be remembered that during the period of the War Between the States, southern white men left their wives and children in care and under the protection of their slaves and without thought of any betrayal of that trust, and that trust was not betrayed. • • •
>
> There is a close tie between the southern white man and the southern Negro that only they can understand. There are no two races that can live together and understand each other like the Negro and the southern white man. There is no Negro born in the South that wants to live apart from our white friends and there is no Negro born in the South that wants "social equalities." We teach the Negro boy and girl that racial integrity is best attained by racial purity and solidarity, and that the South is the home of the Negro, and that the only friends of the Negro is the southern white man. • • •
>
> The southern white man is noted for his generosity, his hospitality, and for his adherence to customs. Among the outstanding things that he has always done is to feel a great responsibility for the southern Negro, and the Negro is 100 percent American. We are willing to die side by side with the American white man for democracy.

Mr. Chairman, you look upon an embattled group of men in this House today. They are fighting for their native and beloved Southland. They are fighting for a friendly and prosperous future for the white man and the Negro alike, in the Southland. They are fighting here for this Nation that they love and cherish.

I remind you, Mr. Chairman, that this same group of men from the South, or their predecessors from the districts they represent, stood together and fought together in this House 19 years ago. This Nation then was in grave peril.

The occasion then was the extension of the Draft Act. The time was just 4 months before Japanese bombs rained upon Pearl Harbor. The cry in the country, unaccustomed to such danger, was to get the boys out of the Army—get them back home. It took courage then to vote to continue the draft. It took real courage.

The date was August 12, 1941.

The vote was taken. The Draft Act won by a margin of one single vote. Had this vote failed America would have been virtually defenseless in the face of war.

But these men who are fighting here today were fighting then. And when that crucial vote was cast on August 12, 1941, these Members from the 12 Southern States voted 102 strong to maintain the draft and to keep our Army strong in the presence of the danger then in being. Only 6 men from the 12 States voted "Nay."

I recite this, Mr. Chairman, to point out to this body that in our Southland you have people who are intensely American, and we are not ashamed of patriotism, or even to be emotional in the love we hold for the South and for this Nation.

I quote here an editorial which appeared in the New York Herald-Tribune, shortly after that fateful day of August 12, 1941:

> The South's viewpoint of world affairs is possibly more enlightened than that of many equal areas in the North. Its population is largely native to the soil, its bloodstrains are few and its reactions to the coming of World War II was instant and never in doubt. Resistence to tyrants came naturally to men of southern upbringing, and willingness to fight for liberty and against aggression has been part of their history since the landing in Jamestown. There are few isolationists among southern statesmen, and they, for the most part, are considered alien to their heritage and are held in considerable disesteem.
>
> The recent record of the South in world affairs is inspiring. Lend-lease would have been beaten in Congress but for the southern votes. When the first year of the first draft expired, 4 months before Pearl Harbor, it was southern Members of Congress who insured its extension. When, by one vote, Congress decided not to send all the soldiers home, it was the South that turned the scale. Representatives of 12 Southern States cast 102 votes in favor of extending the draft and only 6 votes against it.
>
> The far-sighted view of affairs across the oceans, illustrated by these statesmen-like steps in time of world crisis, is the more remarkable when it is remembered what might have been the South's natural preoccupation with its growing interest in foreign markets, and particularly in export of cotton and tobacco. It is reassuring to find that older parts of the United States, undisturbed by economic changes and the terrific ordeal of civil war, maintain their patriotism and that it responds instantly to challenge.

The roll will soon be called, the record will soon be made, and the great harm will soon be done. In denouncing this legislative proposal I shall not become intemperate in my zeal. Nothing you may do here will substantially change the attitude of the people of the great congressional district which I have tried to the best of my ability to represent during my entire service in Congress. Most of the Members of this House know very little about the problems of the South and, unfortunately, appear to be unwilling to learn anything about the many problems that now perplex us. I extend to you a cordial invitation to visit my district and my State and to meet the people of all races who live there in peace together. I shall be glad to introduce you to Negro friends of mine in all walks of life, in all professions and vocations and avocations, to the end that you might know and understand our situation and the friendly relationship which exists among the people of all races. I urge you to vote against the pending proposal and to leave us alone.

Qualifications to vote in North Carolina are very simple and general. They are as follows (Supp. 163–25; const. art. VI 4):

Age: 21 years (163–24).

Citizenship: Must be U.S. citizen.

Residence: 1 year in State, 30 days in precinct, ward, or election district.

Literacy: Must be able to read and write any section of the Constitution in English, except that this shall not be required of persons already registered before effective date of this act (Supp. 163–28, Stats. 163–40).

Only the following persons are disqualified to vote (163–24):

First. Idiots and lunatics.

Second. Persons who have been convicted or confessed their guilt in open court upon indictment of any crime the punishment of which is or may hereafter be imprisonment in the State's prison unless such person shall have been restored to citizenship in the manner prescribed by law.

I repeat that no citizen is discriminated against because of race or color.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. COOLEY] has expired.

Mr. FLYNT. Mr. Chairman, I offer an amendment which I send to the desk.

The Clerk read as follows:

> Amendment offered by Mr. FLYNT: On page 1, after line 4, strike out line 5 and all of title I down through and including line 2 on page 3.

Mr. FLYNT. Mr. Chairman, this amendment would have the effect of striking out title I of the bill. As near as I can tell, it would accomplish the desired effect of the amendment offered by the gentleman from Ohio which was ruled out of order, and the amendment offered a few minutes ago by the gentleman from Virginia, which was likewise ruled out of order.

Title I, like many other portions of this bill, is a decision-setting provision of a bill pending in the Congress. It would give greater dignity to one form of court decision than it does to all other court decisions handed down by a district court, a circuit court of appeals or the Supreme Court of the United States. In short, it would give greater dignity to one closely restricted type of court order and court decree than for every other court decree and order in the entire Federal judiciary system.

The report on the bill, Report No. 956, which accompanies H.R. 8601, is

clear. It defines the sections of chapter 73, as follows:

TITLE 18, UNITED STATES CODE

Chapter 73. Obstruction of justice

Sec.
1501. Assault on process server.
1502. Resistance to extradition agent.
1503. Influencing or injuring officer, juror, or witness generally.
1504. Influencing juror by writing.
1505. Influencing or injuring witness before agencies and committees.
1506. Theft or alteration of record or process; false bail.
1507. Picketing or parading.
1508. Recording, listening to, or observing proceedings of grand or petit juries while deliberating or voting.
1509. Obstruction of certain court orders.

At no point does any section of chapter 73—from section 1501 through section 1508—seek to single out any type or group of court orders and confer upon that type or group a greater dignity than to all other court orders. Yet this title I would do just that. And the precedent it sets is utterly dangerous.

It is no longer possible to appeal to reason; it is impossible to appeal to substantive law whenever this subject comes up for deliberation either in the Congress of the United States or in any court of competent jurisdiction in America.

Mr. Chairman, this section alone is discriminatory by its very language. It seeks to give a higher form of court interpretation to one group of cases than to another; it seeks to give a higher degree of weight to school segregation cases than to any other.

I challenge, if I may, any member of this Committee to point out why it is necessary for this particular class to be singled out in this legislation.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield.

Mr. HOLTZMAN. I wonder if the gentleman ever heard of Little Rock, Ark., or of massive resistance to the law in Virginia and many other deprivations of constitutional rights in the South.

Mr. FLYNT. As the gentleman well knows, I have heard of it. I doubt if there are many of the 170 million-odd Americans who have not heard of it; and I say the gentleman with the very attitude he has taken on this bill, the very attitude that he takes on the amendment is what has brought about Little Rock, massive resistance, and other turmoil and strife.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield further?

Mr. FLYNT. I yield.

Mr. HOLTZMAN. The gentleman challenged any Member of the Committee to tell him why this title was necessary. I think I have answered the gentleman honestly and adequately.

Mr. FLYNT. I think the gentleman has not answered, either honestly or adequately. As a matter of fact, I renew my challenge to the gentleman or anyone else to show that the conditions that brought about Little Rock and the other instances to which the gentleman referred and the incidents themselves have not brought about the greatest condition of strife, disharmony, and turmoil, and one which can break down the very foundations of the constitutional structure of government under which we live, which we honor and which we cherish.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I gladly yield to the gentleman from Indiana.

Mr. HALLECK. The gentleman, as I understood him, said that his amendment would have the same effect as the amendment offered by the gentleman from Ohio [Mr. DEVINE]. On the contrary, I think it would have a much broader effect. His amendment would have brought about an extension of this declared action in respect to court actions clear across the board. The gentleman's amendment has the effect of doing away with the first section, hence removing entirely the deterrent to the obstruction of court orders.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

The Chair recognizes the gentleman from Georgia [Mr. FORRESTER].

Mr. FORRESTER. Mr. Chairman, I can tell you what these particular provisions relating to court orders are for: They are for the purpose of punishing everybody, even children so far as we in the South are concerned. The language on page 2, lines 20 through 23, are indicative.

The gentleman from New York [Mr. CELLER] stated he wanted this legislation to deal with Kasper. Now, if the gentleman will listen to me, I will tell him how to get rid of Kasper. Keep him up there in Brooklyn. I think that is where he came from in the first place; he is not from the South. You do not need this to put Kasper in jail; Kasper has been in jail repeatedly. If he is out of jail it is a very uncommon occurrence in his life. I expect Kasper is wondering if he is ever going to get out of jail. The truth is, Kasper has served more time for the violation or alleged violation of court orders than some defendants have served for the crime of rape. You might just as well admit it because I am telling you the truth. If you get this bill you will find that it stipulates that you cannot punish a child provided the child is subject to discipline at school, but if he or she is not a student in school then you can bring them into court.

No wonder Mr. Gould said in the Evening Star that you had first- and second-class court orders. This is a second-class court order. This is a court order that you would put upon my people. You would not dare to make other defendants subject to the rule that you would put upon the men, women, and children of the South.

You would not do it. The most powerful law in this country today is not the Constitution; it is the law of force. You people have the force, you people have the strength but, Mr. Chairman, we have right on our side, and we are not apologizing for the stand we have taken.

Let me tell you something else. It is mighty strange to me; the Attorney General said in 1957 that he did not want any criminal prosecutions legislation because he said southern juries would not convict. Now, here he is in 1959, after he has got his criminal and civil contempt of court orders, and after he has put a stipulation in there to give us bargain prices, if we would not ask for a jury and come up and plead guilty.

I will tell you another thing. Over on the other side they passed similar legislation, but they put labor unions and all other people into this legislation. Do you know what happened there? They struck the whole provision. Future generations are going to inquire and ask you why is it, just why is it, that you would visit upon my people or any people something that you would not put upon other people?

I doubt seriously that you are going to have any more trouble down there so far as intervention on court orders is concerned. We all understand, we know about the bayonet, we know about the second-class citizenship. I will tell you we know the die is cast, but nevertheless we are proud of the position we take and we stay with them unashamed and unafraid, and we are confident that future events will sustain them.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. CELLER].

(By unanimous consent, Mr. CELLER's time was yielded to Mr. ROGERS of Colorado.)

Mr. ROGERS of Colorado. Mr. Chairman, I think we should have a little clarification of title I. It is not set out for the purpose of punishing a child, or children. It was requested by the Attorney General of the United States for the purpose of enforcing court orders that had been entered as the result of the desegregation orders of the respective Federal courts.

Mr. FORRESTER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Georgia.

Mr. FORRESTER. What does the section mean:

> This section shall not apply to any officer or employee of a school if such act is done pursuant to the direction of or is subject to disciplinary action by an officer of said school.

Mr. ROGERS of Colorado. That means just exactly what it says.

Mr. FORRESTER. Yes; it does.

Mr. ROGERS of Colorado. Let me answer the gentleman's question. It means this: If the superintendent of schools or someone under his supervision is instructed to do something by him they would not be in contempt of court. That is all it means. This is for the purpose of getting at those who choose to violate a court order that has been entered on desegregation, nothing more and nothing less. The question of Mr. Kasper was discussed by the Attorney General and he said this title was not necessary to punish him. If the gentleman will recall, Mr. Kasper was made a party to the suit and under that he was brought into contempt of court.

It is not necessary to have this part of the bill apply to him.

The only object and purpose of this title is to punish those that have violated a court order in a desegregation case. I might point out that this constitutes a crime which is subject to jury trial like any other contempt of court proceeding. The object and purpose of this is to extend the contempt of court to only one segment, the desegregated court order, and for that reason I believe that the amendment should be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIS. I had hoped to be heard for 5 minutes later, but is this time being allocated?

The CHAIRMAN. The time has been fixed and the gentleman's name is on the list of those to be recognized.

Mr. WILLIS. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIS. Did we not dispose of the pending amendment, Mr. Chairman?

The CHAIRMAN. No. There is an amendment pending.

Mr. WILLIS. Mr. Chairman, we are about to complete debate and, frankly, I simply want to make some general remarks at this time.

Mr. Chairman, I think the debates have proceeded on a very high plane. Many constitutional provisions were quoted and sometimes misquoted. I might have been guilty myself in that regard. At one point, I think, yesterday, if I may proceed in a light vein, when there was an obvious attempt to apply one particular constitutional amendment when that was inappropriate, I jotted down a few words which were associated with certain constitutional amendments when I was at law school, because there were some very critical and technical professors who would flunk you if you knew your subject but cited the wrong number of an amendment in support of your thoughts. And those were the words I associated with particular constitutional amendments that I jotted down during my law school days.

For instance, I, of course, associate the first 10 amendments with the Bill of Rights. The Supreme Court in the case of Chisholm against Georgia said that a State could be sued without its consent. Well, that resulted in the 11th amendment. Then, as the result of the election of 1800, we were almost stuck with Burr instead of Jefferson as President because of a fluke in the Constitution, and that brought about the 12th amendment. Amendments 13, 14, and 15 are easily associated with the Civil War. The 16th amendment permits Congress to impose an income tax. The 17th amendment says that the Senators must be elected by the people and not by the legislators of the State.

The 18th amendment had to do with prohibition. The 19th permitted those of the female sex to vote. The 20th did away with lameduck sessions of the Congress. The 21st repealed the prohibition amendment. The 22d said that two terms were enough for any man to serve as President.

Over the years, in order not be be confused, here are the words that I always keep in mind: Bill of Rights; State lawsuits; Aaron Burr; Civil War.

Then the next quartet easily bring to mind—taxes, Senators, wine, and women.

And the final trio easily mean—eliminate the lameduck, give us more liquor, but no more Roosevelts.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I cheerfully yield.

Mr. CELLER. Mr. Chairman, I want to take this opportunity to say for the members of my committee that I know of no man in this House more kindly, more benign, more sagacious than is the gentleman who is now on his feet in the well of the House, the gentleman from Louisiana [Mr. WILLIS]. We, the members of the committee, have a genuine and affectionate regard for him. He has always been painstaking and patient and most tolerant, even at times when we might have been in disagreement with him. He is, indeed, a tower of strength not only to me as chairman of the Committee on the Judiciary, but a tower of strength to all of our Members.

Mr. Chairman, while I am on my feet, I should like also to compliment the Chairman of this Committee of the Whole, the ranking member of the Committee on the Judiciary, for the efficient, wise, and careful way in which he has presided over the destinies of this House while we were considering this very complex bill. While his decisions have not always favored my point of view I must acknowledge his evenhanded justice. It is always a pleasure to serve with him.

Mr. WILLIS. Mr. Chairman, I thank the gentleman from New York. I express the same regard for him and especially for my good friend the gentleman from Ohio [Mr. MCCULLOCH]. I would add only this, that if we could combine our strengths now and then in this area of our constitutional provisions, probably the country would be better off. But who am I to tell?

Mr. CELLER. Mr. Chairman, will the gentleman yield further?

Mr. WILLIS. I yield.

Mr. CELLER. Mr. Chairman, also I want to say that the gentleman from Ohio [Mr. MCCULLOCH] has been of very, very great help in connection with not only the writing of the provisions of this bill and sponsoring the bill, but endeavoring to get the bill through the subcommittee, the full committee, and through the House, as I am sure it will go. I want to testify likewise that without his patient endeavors and his help I do not think I could have piloted this bill through the House.

Mr. WILLIS. Now, Mr. Chairman, I want to address myself to an important feature of the voting referee proposal as a matter of legislative history. I refer to the provision under which the court could authorize any person or persons to attend at any time and place for holding any election at which any person named in the court's original or supplementary decree is entitled to vote and report to the court whether any such person had been denied the right to vote and whether any vote cast by any such person had not been properly counted.

This language appeared on page 3, lines 13 through 24, of the bill H.R. 10035. And language along the same line appeared at page 5, lines 6 through 14, of the bill H.R. 10625; and on page 5, from line 9 through 13, of the bill H.R. 11160.

The gentleman from Virginia [Mr. SMITH] and I discussed this and other provisions with the leadership on both sides of the aisle. We pointed out that this provision was unprecedented, dangerous, and inflammatory, and that if a person with a voting certificate were denied the right to vote and/or that his vote was not properly counted, the proper remedy would be a contempt citation. We stated that, of course, we would move to strike this language or any similar language from the bill and expressed the hope that our amendment along this line would be accepted. Without impugning the motives of anyone or reading anyone's mind, I say without hesitation that, at least, Judge SMITH and I received the impression that our amendment would either be agreed to or certainly not seriously challenged, and subsequent events confirm our impression.

On Tuesday, March 15, 1960, the gentleman from Ohio [Mr. MCCULLOCH] offered an amended version of the bill H.R. 11160, invending to delete the provision above referred to. This amendment appears at page 5655 of the CONGRESSIONAL RECORD of that date. I call attention to the following colloquies appearing at page 5657 of that CONGRESSIONAL RECORD:

> Mr. CELLER. Having been reminded that H.R. 11160 contains the verbiage of the gentleman's amendment, do I understand the gentleman has stricken out on page 5 lines 9 to 13, inclusive?
>
> Mr. MCCULLOCH. That is correct. That material changes the bill and takes away from the referee the authority in a field and in a manner which has been objected to, so seriously, by our distinguished colleagues, the gentleman from Louisiana (Mr. WILLIS) and the gentleman from VIRGINIA (Mr. SMITH).
>
> Mr. CELLER. The court, of course, has inherent power, but you have by striking out that language which was originally in the bill given something in the nature of an admonition to the court that might have the effect of curbing that power so that the court—and I say this for the edification of those who might oppose this amendment—would not actually have the voting referee substituted for the State official in the actual counting of the ballots.
>
> Mr. MCCULLOCH. That is right, but I want to make the record unmistakably clear. It is my intent to lessen the authority that is inherent in courts of equity to effectuate their decrees by whatever manner is inherent in the Anglo-Saxon system of jurisprudence.

I want to say that that was my understanding and the understanding of the opponents of this entire bill, including Judge SMITH, of the effect of the deletion of the language.

In reading the amendment, however, the Clerk, nevertheless, read the language intended to be deleted, but both the minority leader, the gentleman from Indiana [Mr. HALLECK], and the ranking minority member of the Judiciary Committee, the gentleman from Ohio [Mr. MCCULLOCH], insisted that it was the intent to delete the language. It was then that the chairman of the

Judiciary Committee, in light of the parliamentary situation, offered a substitute to the McCulloch amendment and this substitute definitely does not contain the general provision under discussion. It is clear beyond peradventure of doubt, therefore, that the proponents of this bill on both sides of the aisle agreed to remove and did remove this obnoxious provision without the necessity of our having to introduce an amendment to accomplish the same thing.

Then an amendment was offered by the gentleman from Michigan [Mr. O'HARA] which appears on page 5755 of the CONGRESSIONAL RECORD of March 16, 1960. It will be seen at page 5767 of the CONGRESSIONAL RECORD of that date that the debate on the O'Hara amendment was limited, and ended at a quarter after 3 o'clock, and the very few Members standing and desiring to talk on the amendment, as distinguished from those who wished to extend their remarks, were limited to 3 minutes. The O'Hara amendment had not been passed around generally and it was only after debate was limited that most Members, including myself, had an opportunity to study it. And it was during this limited time of about 15 minutes that an effort was made to develop legislative intention with respect to the O'Hara amendment. This appears at pages 5767 and 5768 of the RECORD of Wednesday, March 16, 1960. Many of us were shocked beyond words at this development and our inability to offer corrective amendments if necessary. I raised the issue as to whether or not the purpose of the amendment was to restore the deleted language above referred to and in the heat of debate I, frankly, went further and on reflection thought that my remarks might be construed as raising motives of Members. I deleted that particular part of my remarks, which I had only 3½ minutes to express, first, because I never engage in personalities, and second, because I have such high regard for the gentleman from Ohio [Mr. MCCULLOCH] and complete faith in his word. At this point my good friend from Ohio [Mr. MCCULLOCH] said:

> Mr. Chairman, again I want to say that which is known to all the good lawyers on the committee, that since there was first a court of chancery in England, a court of conscience, if you please, and ever since we have had a court of equity or chancery in America, that court has had the inherent power to do all things necessary to make effective its orders and decrees. Even without the language which has so disgusted my good friend and prominent lawyer, the gentleman from Louisiana, the authority would have been there nonetheless. However, Mr. Chairman, I was ready, willing, and anxious to request my very good friend from Louisiana to strike out the major part of the language to which he referred in H.R. 10628, for the very reason which I suggest. We have been marching up the hill and we have been marching down again. I for one in the final analysis would be satisfied to depend upon the inherent authority of the court, if that be necessary.

In view of that statement, I did not offer language indicating that the effect of the O'Hara amendment was to restore the provision I am discussing. To be sure, my good friend from Ohio states that under general equity powers the court would have the authority to send Federal agents at the polls to see that votes are voted and counted. But again, for the sake of legislative history, I say that I and the other opponents of this bill simply do not agree and that from our point of view the provision under discussion is out forever and that the court has no authority to send Federal agents to the polls to see that votes are voted and counted.

Mr. CANFIELD. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. CANFIELD. Mr. Chairman, doubtless many are somewhat confused by all the sound and maneuvers which have accompanied the civil rights debate in the Congress this month.

Yet the debate in essence is simple enough. It deals with a question basic to democracy—the right to vote. Now, it seems to me that anyone who tries to prevent a certain group of citizens from exercising this basic right is taking an essentially indefensible position.

On the various amendments to the civil rights bill I have voted for strong measures and against crippling provisions. You cannot compromise the right to vote.

The bill we are about to pass today in the House is by no means an ideal bill, but I believe it will go a long way toward assuring that every citizen will have the opportunity to vote.

Some people ask, Why the fuss? After all, they argue, the people who cannot vote do not really mind—they are content with their way of life. Yet many of these so-called contented people have participated in countless sitdown strikes and boycotts. It is evident that the patience of the Negro is being tried as the years pass and his status in some areas remains unchanged. In a month the Supreme Court desegregation decision will be 6 years old; in a few years the Civil War will be 100 years old.

It is, of course, true that race relations are progressing in some areas. But in many cases—including some involving our own organizations and locales in the North—there is resistance and defiance rather than gradual and orderly desegregation. I heartily agree with President Eisenhower that there ought to be biracial councils in every city. The point is that few such councils exist, and we in the Federal Government, therefore, must step into that area where local and State governments have failed.

We are seeing today in the tragic and bloody spectacle of South Africa what can happen when people are denied basic human rights.

Let us give President Eisenhower a strong, meaningful bill before he goes to the important summit conference next month.

Mr. Chairman, I am very proud of the dignified and able manner in which leaders of the House debate have conducted themselves, notably these distinguished gentlemen: Mr. CELLER, of New York; Mr. MCCULLOCH, of Ohio; and Mr. WILLIS, of Louisiana. In close to four decades of service on Capitol Hill I do not recall a finer performance as a Chairman of the Committee of the Whole House on the State of the Union than that turned in by the very able gentleman from Pennsylvania [Mr. WALTER]. He has always sought to be fair and right.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. KASTENMEIER].

Mr. KASTENMEIER. Mr. Chairman, we have all read these past few days of the horrifying attacks upon unarmed crowds of Africans by white policemen in the Union of South Africa, and of the bloody results in at least 60 deaths.

Inevitably, many of us have thought of the appropriate attempts by American Negroes in the past month to use their constitutional rights of free speech and assembly to protest against unjust public and private racial discrimination. We also have recalled the warnings—or what purported to be warnings—by some Members of this and the other body that if these demonstrations continued there might be bloodshed in the American South. And we have further remembered that in fact, the police power of some cities has been used not to protect but to prevent the free exercise of the right of peaceful protest, even when asserted on a public street.

In the American past, as we all know, mass violence between races has sometimes occurred in one or another section of the country. Happily, the time since one of the outbreaks has occurred has grown steadily greater, and there has been reason to hope such occurrences are behind us. But one crucial lesson can be learned from the fact that in the origins of such violence there was one common factor. In every case, it was not absolutely clear that the Government, and especially the police, were committed to the administration of even-handed justice to all persons, regardless of race.

With this group of circumstances in mind, I feel it necessary solemnly to remind my colleagues that in the United States of America, a different idea of the function of the policeman obtains from that in the Union of South Africa. Here our historic belief and our permanent intention is that the policeman protects the right to peaceful protest, he does not repress it. Here our tradition and our goal is that the policeman, far from being the arm of repression of one race, is the enforcer of even-handed justice, regardless of race. And here citizens of every section of this Nation and of every race will be watching carefully to see that these functions of an American policeman are well understood and practiced in all our cities.

Mr. MCSWEEN. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. MCSWEEN. Mr. Chairman, I support the amendment. Title I is unnecessary. Present law will take care of the problem complained of. The genesis for title I is found in the jury tampering statute. I refer to title 18, United States Code, section 1503, which, among other things, makes it a crime to influence or intimidate a witness or a juror or a list of other parties. The statute also makes it a crime to influence, obstruct, or impede the due administration of justice. The fine is not more than $5,000 and the imprisonment is not more than 5 years, or both. This statute making it a crime to impede the due administration of justice uses similar language as is found in title I.

The majority in the committee report claim that this law presently on the books may not suffice to prosecut mob leaders; therefore it is necessary to resort to title I. It is claimed that this statute has been a subject of narrow interpretation by the courts.

Why then, may I ask, was it not proposed that the old law be amended and broadened to take care of the situation, as is usually the case with statutory revision?

Why should a new law be drawn which would be limited to only the segregation cases? Certainly the obstruction of justice in one instance is as intolerable as it is in another. The obstruction of justic is intolerable wherever found; it should not be permitted. Who knows where and when and in what type of case obstruction might crop up? If there is a need for this law in the segregation cases, certainly the law would apply generally to all types of decisions, just as does the present law which proponents say is insufficient to do the job.

In trying to protect the rights of certain citizens under the Constitution, as proponents say, they are neglecting another theme which runs true throughout our Constitution, and that is that all individuals shall stand equal before the bar of justice. Citizens have a right to expect that when Congress acts it will do so impartially and justly and fairly to all citizens. There should be no second-class court orders, judgments, or decrees.

This title should be generally operative. It should apply to all court orders, judgments, and decrees. If it does, it should satisfy civil rights proponents, who certainly should not want segregation case decisions to discriminate or be given special favor. I am sure that the fact that the application of the proposed title I would be operative in only one section of the country is not the basis for it, for certainly civil rights adocates are fairminded. They base their advocacy on the spirit of fairness and lack of discrimination—on equality, if you please. Let us have this law operate fairly and with equality on all types of court orders.

The present amendment would strike all of title I, in view of the fact that the Lausche amendment to make title I generally operative, was held to be subject to a point of order as not being germane. The elimination of title I is necessary to prevent a miscarriage of justice and I hope that it will carry.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. MCCULLOCH].

Mr. MCCULLOCH. Mr. Chairman, I thank my able chairman, the gentleman from New York, and my very good friend, the gentleman from Louisiana [Mr. WILLIS] for their kind statements.

I have served on no other major legislative committee since I have been in the House. From the first day that I arrived there was always time for me and for the other junior members of that committee to be heard. The chairman has never violated an agreement he has made. It is a pleasure to work with him and with the members of that great committee regardless of the subject upon which we work.

One further word about the gentleman from Louisiana, ED WILLIS. There are some able constitutional lawyers in this House, but there are none more able than ED WILLIS.

Mr. Chairman, I must oppose the amendment offered by the gentleman from Georgia [Mr. FLYNT]. The section or the title in question is not a punitive section or a punitive title. It was proposed to the House by reason of the conditions which happened, about which we are all so sorry. Students of constitutional law are in agreement that there is grave doubt of the authority of the Federal authorities to deal with conditions which were experienced there and which brought so much regret to so many. In view of that fact this title was proposed to the House and to the Congress.

It should be remembered always that people will not be punished under this section until there is a valid, unreversed court order or decree issued and outstanding at the time, and until in addition thereto there is a willful interference with that court order or decree.

In view of those facts, and in view of the fact that any person charged with the violation of this title of the bill will have his day in court in accordance with the accepted practice and procedure of our jurisprudence, there just is no chance for an innocent person to be convicted, or, certainly no more chance than there is for an innocent person to be charged and convicted of any other alleged offense.

I have said on one other occasion that the matter under consideration went to the heart of the matter before us. I think title I of this act goes to the very heart of the matter that we have been debating for 2 weeks in the House.

Not to take further time of the Committee, which has been so patient, I want to say the amendment should be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. FLYNT].

The amendment was rejected.

Mr. WHITENER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. WHITENER: On page 2, line 18, insert after the period on line 18 the following: "*Provided*, That the term 'public school' shall be construed to mean a school supported by general taxation, open to all of suitable age and attainments, free of expense, and under control of agents appointed by the voters."

Mr. WHITENER. Mr. Chairman, I realize there are others who have amendments they would like to offer so I will try to be as brief as possible out of consideration for them, with the hope that everyone will have an opportunity to proceed with their amendments.

My purpose in presenting this amendment is to try to correct what I deem to be an error made by the full committee when it failed to adopt a similar amendment which I proposed as we considered this bill in committee. I might, in fairness to my colleagues on the committee, say that originally the language of the bill which I would amend used the words "any school." The full Judiciary Committee did go along with me to the extent of inserting the word "public" before the word "school."

The background for this amendment is as follows:

According to "Words and Phrases"—second series—page 814, the term "public school" is defined as follows:

> Public schools are as a general rule schools supported by general taxation open to all of suitable age and attainments, free of expense and under the control of agents appointed by the voters.

This is a very serious question. I might say to you who are interested in your parochial schools that this bill, as now written, in my judgment presents a great threat to the religiously controlled institutions. Such schools are operated in my own community by my own church, for example, the Methodist Church, and by the Roman Catholic Church, and the Baptist Church, and by the local Jewish synogogue which has a school of its own for the children of the Jewish faith.

I do not believe any of you would want to leave anything out of this bill which would definitely and eternally clarify our thought that in no event shall the Federal Government or any other government inject itself into the operation of the schools of churches and religious groups either through court decrees or otherwise. You say that that is a far-fetched sort of contention. But I say to you, it is not farfetched as you will see, if you will send over to the Library of Congress and ask them to send you the 127th volume of Pacific Reports and look at page 1087 at the case of Oklahoma Railroad Company against St. Joseph's Parochial School.

In that case the court held that the words "public schools of said city" include the "public schools of said city whether maintained by the public by taxation or by private agencies for the public by private benevolence."

I know there are some who would very quickly say it is unreasonable for anyone to think that any court would hold the words "public schools" would mean a school operated by the parish of St. Joseph in Oklahoma City. However you may feel about it, if you will look at that report, and our colleague, the gentleman

from Oklahoma, Judge MORRIS, I am sure is familiar with it, you will see that that great court—and certainly the Oklahoma State Supreme Court is a splendid court—held just that. It was a case involving the transportation of students by the privately owned public bus system at reduced rates applied to parochial schools and the Oklahoma Supreme Court said that St. Joseph's Parochial School was a public school for that purpose. So my amendment would merely spell out that "public schools" shall be construed to mean a school supported by general taxation, open to all of suitable age and attainment, free of expense and under the control of agents appointed by the voters.

Mr. Chairman, I certainly hope my amendment is adopted.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield.

Mr. RODINO. Does not the gentleman admit, however, that a desegregation order would not apply to a private or parochial school?

Mr. WHITENER. I say that the gentleman apparently has not followed my line of reasoning. Had he done so, he would not make the statement he has just made. Had the Oklahoma Supreme Court felt that St. Joseph's Parochial School was a private school and not a public school, they would never have done what they did in that case. The very thing which the gentleman points out is what I am trying to eradicate, and I know the gentleman would not hesitate to clarify that we did not mean parochial schools when we refer to public schools in this bill.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. WHITENER] has expired.

The question is on the amendment offered by the gentleman from North Carolina [Mr. WHITENER].

The amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from Ohio [Mr. BOW].

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. The gentleman from Ohio [Mr. BOW] is recognized.

Mr. BOW. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BOW: On page 12, after line 7, add a new title and insert:

"Citizens of the District of Columbia eligible to vote for delegates to national conventions to political parties shall here have the right to vote for President and Vice President of the United States in the same manner and on the same dates as elections for President and Vice President are held in the various States.

"The Commission of the District of Columbia shall provide the facilities and supplies to carry out the provision of this title."

Mr. CELLER. Mr. Chairman, I make the point of order that the amendment is not germane; that it concerns rights to be granted to citizens of the District of Columbia in connection with presidential elections, which is a subject entirely separate and distinct from the general tenor and import and specific provisions of the bill itself. In any event, it is a constitutional amendment.

Mr. BOW. Would the gentlemen reserve his point of order?

Mr. CELLER. I reserve the point of order.

Mr. BOW. Mr. Chairman, I shall discuss the merits of the amendment and the point of order at the same time, and perhaps save some time.

We have heard time after time during the debate on this bill that this is a voting bill. We have also heard it is a bill to protect constitutional rights. Now there are some rights that Members of this House have, under the Constitution. They have the right to pass legislation for the District of Columbia.

I call attention to article I, section 7, of the Constitution of the United States, which says that the Congress shall exercise exclusive legislation in all cases whatsoever over the District of Columbia.

So we do not need any constitutional amendment to do this. We already have the authority under section 1 of the Constitution for the Congress to grant this right to the people of the District of Columbia to vote for President and Vice President.

Yesterday I wanted to offer an amendment to give the right to American soldiers to vote in this country, but because of the cutting off of time I had only 2½ minutes, and that was not enough to discuss the amendment, so I did not offer it. However, it is in the RECORD today. But it would seem to me that probably some people here are pleading guilty to the charge that has been made that this bill is for a certain segment and against a certain portion of this great country of ours. If you are not interested in permitting American soldiers to vote or these people who were born, raised, and lived in the District of Columbia the right to vote for President and Vice President, it would seem to me that there might be some merit in the charges that we hear that this is sectional legislation; an attempt to put some onus upon certain people. Certainly from my knowledge, coming from where I do, from the north of Ohio, I have never seen anything from those Members from the South to prove to me that they are not among some of the finest Americans in the Congress of the United States. I would not make a charge against them.

Now, are you going to be fair about this or are you not? You have the constitutional authority to pass this kind of legislation under article 1. You claim you want to give everybody the right to vote. The Commissioners already are prepared for voting it, and you have the vote for delegates to the national conventions in the District of Columbia. You put this in your political platforms, the right to vote for delegates to the convention and to cast their vote for the man who will occupy the White House. Now, if you are going to permit them to vote for delegates to the national conventions which selects candidates, why should they be denied the right to elect the candidates after they have been selected?

A lot of people in this Chamber have been talking about the right of the people of the District of Columbia to vote, the right of everyone to vote. It seems to me, Mr. Chairman, that here is the opportunity to give people who in the past have been denied the franchise, good Americans, fine people, as I say, born and raised right here in the District of Columbia, who have never had a chance to vote.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield.

Mr. CELLER. We have before our committee a constitutional amendment embodying the gentleman's proposal. Unfortunately, it is in a sort of bundle with two other constitutional amendments, which was passed by the other body. I will say to the gentleman from Ohio that it is my steadfast purpose to take some action on those three constitutional amendments and especially the one the gentleman is interested in.

Mr. BOW. I thank the gentleman for that comment. Here is a fine time and place to do it. Withdraw your point of order and then there will be one amendment you can take out of your bundle.

Mr. CELLER. Mr. Chairman, will the gentleman yield further?

Mr. BOW. I yield.

Mr. CELLER. I would be glad to do it, but the gentleman's proposal is not a constitutional amendment. The gentleman proposes to do by statute that which I think we must do by a constitutional amendment.

Mr. BOW. I again read from the Constitution of the United States that provision which gives the Congress the right to exercise exclusive legislation in all cases—all cases over the District. That would mean the right to vote—all cases for such District. So we have the right, the duty of the Congress. We do not have to go find some constitutional amendment to do this; here it is, you have the right now under paragraph 17 of section 8 of article 1. Yesterday we denied the right to vote to another group of disfranchised people, and the least we can do is to give these people in the District of Columbia the right to vote.

Mr. MULTER. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield.

Mr. MULTER. I am glad to welcome the gentleman as one of the sponsors of home rule for the District of Columbia. I would call the gentleman's attention to the fact that there are 184 signatures on the petition which is at the Speaker's desk; and it is there for the gentleman to sign. I invite the gentleman to sign the petition.

Mr. BOW. I do not yield further, Mr. Chairman, because the gentleman takes the wrong premise. He has said he welcomes me to the home-rule club. I am asking for the right to vote for President and Vice President; I am not dealing with the subject of home rule; therefore, I do not yield further to the gentleman.

But, Mr. Chairman, we do have this opportunity. It is here today, and I say on the question of whether the amendment is germane or not the Chair has held that this is a voting bill. This is an amendment granting certain people the right to vote. We have the constitutional authority to pass such legislation for the District of Columbia. I submit it is germane and I submit that it is in the best interest of all that we pass this amendment.

The CHAIRMAN. Does the gentleman from New York insist on his point of order?

Mr. CELLER. I do insist, Mr. Chairman, on my point of order.

The CHAIRMAN. The Chair is ready to rule.

The Chair feels that the amendment offered by the gentleman from Ohio goes beyond the scope of the bill under consideration, the bill being confined entirely to deprivation of the right to vote because of race or color. For that reason the point of order is sustained.

The Chair recognizes the gentleman from Texas [Mr. DOWDY].

Mr. DOWDY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DOWDY: On page 7, line 4, after "SEC. 307," insert a new section, as follows:

"SEC. 308. This title shall not be construed as indicating an intent on the part of Congress to prevent any State, Territory, Commonwealth, or possession of the United States of any jurisdiction over any offense over which they would have jurisdiction in the absence of this title."

Mr. DOWDY. Mr. Chairman, I believe this amendment is required under the decisions of the Supreme Court in the Nelson case, and others, under the doctrine of implied preemption. I fear that the wording of title III would deprive all of the States of any supervision or control over their election records. I feel that the States should be entitled to protect and to prosecute offenses against their laws involving elections and election records. That is the entire purpose of the amendment. It is to insure that the Federal courts could not hold that by implication that this Congress has repealed all State laws governing elections.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from North Carolina.

Mr. WHITENER. Did I understand the gentleman to say that the amendment he is discussing here merely preserves to the States their right to enforce their election laws notwithstanding the enactment, if it is enacted, of the present legislation which is before the Congress?

Mr. DOWDY. That is correct.

Mr. WHITENER. It would mean that a party violating a State election law and Federal law at the same time would be subject to State prosecution notwithstanding?

Mr. DOWDY. That is the essence of the amendment.

Mr. McCULLOCH. Mr. Chairman, I ask unanimous consent that the amendment be reported. I think there is the omission of a word or phrase or two.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk reread the Dowdy amendment.

Mr. McCULLOCH. Mr. Chairman, may I ask the gentleman, if he will yield, if he does not wish the word "exercised" included in the amendment?

Mr. DOWDY. Mr. Chairman, if that word will improve the amendment, I will adopt it.

The CHAIRMAN. Does the gentleman from Texas ask unanimous consent that the word "exercised" be added?

Mr. DOWDY. Yes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DOWDY].

The amendment was rejected.

Mr. DOWDY. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Amendment offered by Mr. DOWDY: On page 2, line 23, add a new section, as follows:

"SEC. 102. Nothing contained herein shall be interpreted to prevent any person from exercising his freedom of speech to advocate that forced integration is undesirable."

Mr. DOWDY. Mr. Chairman, the purpose of this amendment should be obvious. The Supreme Court of the United States has held that it is perfectly all right for anyone to advocate the overthrow of our Government by force and violence. The Supreme Court has also held that it is perfectly all right to advocate adultery as a proper way of life. I feel that we should certainly preserve the freedom of speech to the American people to advocate that forced integration is undesirable. Under the terms of this bill as written, a chance remark by a person or a letter written by a person to a friend that fell into the hands of some bureaucrat who would say, "Well, this interferes with some operation of some school," or if a person attends an assembly under the constitutional guarantee of free assembly, and a speaker makes a remark which some bureaucrat interprets to be an attempt to interfere with a school, then the person who made the chance remark or the person who wrote the letter or the persons who attended the meeting and heard the speaker, on the complaint of a Federal official would be subject, without a jury trial, even without a hearing, to be fined not more than $1,000 or imprisoned for not more than 60 days or both. My amendment prevents the repeal by statute of the constitutional guarantees of freedom of speech and free assembly.

The CHAIRMAN. The time of the gentleman from Texas has expired.

The question is on the amendment offered by the gentleman from Texas [Mr. DOWDY].

The amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. HOLTZMAN].

Mr. HOLTZMAN. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from New York [Mr. CELLER].

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Chairman, I offer an amendment which is technical in nature.

The clerk read as follows:

Amendment offered by Mr. CELLER: On page 12, line 8, strike out Roman numeral VI and insert Roman numeral VII, and on line 10 strike out "601" and insert "701."

The amendment was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. O'HARA].

Mr. O'HARA of Illinois. Mr. Chairman, for days in this Chamber we have been privileged to listen to debate in its highest expression. In an emotional climate, when convictions have been strong and conflicting, there has been on the whole a restraint from passion and an exhibition of forensic ability by Members on both sides of the controversy that has made me, Mr. Chairman, especially proud to be a Member of this body. I would say that anyone listening to the debate would say that in the main it was conducted on a high level, an unusually high level considering the emotions and the interests involved. It was understandable when occasionally Members became stronger in their expressions than might have been the case in a less emotional climate. There was one occasion, however, when a word was used, and I would like to think unintentionally, in a moment, perhaps, of anger or of overenthusiasm; a word that to me and my constituents is offensive. It is a word that is not used by people of good hearts in the locality that I come from. It may be different in some other parts of the country. That I do not know. But to many of us in this body and to our constituents the word in its application to members of a group of our fellow Americans is offensive and it is none the less offensive when applied to the peoples of the Far East and of Africa, whose good will we need so much in this troubled world of today. The dictionaries define it, in its present common usage, as a word of contempt. One of the words of similar meaning given in the dictionary is "skunk." Now, I know that my colleague could have had no such thought in his mind. Certainly he would not wish to reflect upon the dignity of the House and of its membership. Sometimes in the excitement of debate the best men get carried away and use expressions they do not intend. I hope and trust that the gentleman will delete from the permanent CONGRESSIONAL RECORD of March 16, 1960, the word that is offensive to so many of his colleagues and, in the sense given by the dictionary, constitutes a reflection upon the dignity of the membership of the House.

Mr. HEMPHILL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HEMPHILL. Is there an amendment pending at this time?

The CHAIRMAN. There are no amendments pending.

Mr. HEMPHILL. Mr. Chairman, I ask for recognition, as I have an amendment to offer.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HEMPHILL: On page 2, lines 14 through 19, strike out the following: "No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime: *Provided*, That any such fine or imprisonment imposed for violation of such injunction shall be concurrent with, and not consecutive to, any criminal penalty imposed hereunder."

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi [Mr. COLMER].

Mr. COLMER. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from Mississippi [Mr. WILLIAMS].

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman.

Mr. JONAS. Mr. Chairman, in their zeal to protect voting rights—with which objective I am in full agreement—the advocates of this bill as it has been amended during the last few days in the Committee of the Whole and as it now stands—are apparently willing to trample upon and ride roughshod over other equally fundamental rights guaranteed to all American citizens by the Constitution of the United States, namely, the right to due process of law.

In an effort to bring the bill within constitutional bounds, several amendments were proposed while the debate was in progress. All were summarily rejected by the proponents of the bill as now written and the Committee followed the leadership and struck them down. Since time has been limited, I will not undertake to call the roll of these perfecting amendments. I will just mention one as an example of the efforts that were made, by Members who cannot be fairly accused of trying to scuttle or emasculate the bill, to make it meet the serious constitutional questions that have been levied against it.

I refer now to the amendment proposed by the gentleman from Michigan [Mr. MEADER] to eliminate the requirement that hearings by the voting referee shall be ex parte. That is an amendment which should have appealed to all Members but by rejecting it the committee is saying that the referee must—he is not even given any discretion and neither is the judge who appointed him—conduct the hearing ex parte. This means that the official under investigation is not even to be given an opportunity to be present when the complaint against him is heard, is not to be permitted to listen to the charges made against him, is not to be permited to cross-examine the witnesses who testify against him, or challenge the proof offered against him, or present evidence in his own behalf. This sort of star chamber proceeding is not due process of law as guaranteed by the Constitution. In the effort to protect voting rights, care should be exercised lest the legislation designed for that purpose violates other provisions of the Constitution. Two wrongs do not make a right. Legislation that denies these fundamental rights, to which all American citizens are entitled under the Constitution of the United States, cannot in my opinion be constitutional. The proponents of the legislation by refusing to accept such reasonable amendments are, as I have previously said, apparently willing to ignore constitutional rights which all American citizens have enjoyed since 1789.

Under the oath I took when I became a Member of this body, I cannot vote for legislation which I believe is unconstitutional and I shall therefore vote to recommit the bill in a further effort to have the Judiciary Committee give further consideration to these fundamental constitutional questions, and if that motion is rejected I shall therefore vote against the bill on final passage.

Mr. WILLIAMS. Mr. Chairman, I realize that what I may say here will have no effect or influence on the passage or defeat of this bill. I have listened to debate now on this legislation for 3 weeks. I have watched sensible, reasonable, desirable, constitutional amendments voted down one after another. The old familiar steamroller is in good form. So what I do now is just a means of getting something off my mind before this debate closes.

I think the manner in which this bill has been considered, the defeat of good amendments to the proposed legislation, the refusal to listen to reason by so many, has shown this bill up exactly for what it is: a political measure designed to curry favor with politically powerful minority groups, and to advance the cause of certain presidential candidates.

Oh, yes, we have heard a lot in this debate about all of the violence down in Little Rock. We have heard a lot about the violence throughout the South, the bombings of churches and synagogues. I would point out, though that no deaths have resulted from that violence. It seems, though, that in the writing of this legislation you have made certain that a Confederate flag draped around the straitjacket you are forcing upon our southern people while you overlook the everyday occurrence of crimes even worse which are committed in your own backyards.

Incidentally, I have heard a lot about Poplarville, Miss., where a brutal rapist was murdered by persons yet unknown. I did not hear anything about a lynching that occurred in Philadelphia 2 days ago. Here is the Philadelphia Inquirer of Tuesday morning, March 22, telling what occurred 2 days ago when a young 17-year-old high school Italian boy was mobbed and brutally lynched on the streets of Philadelphia by a savage Negro gang of youths ranging in estimates from 17 in number to as many as 100. Not one single northern newspaper referred to that for what it is, a brutal lynching. That is another example of yellow journalism employed by so many of them. Do you want to excuse yourselves of that? Oh, no, you have been very careful to draft this legislation so as to leave out that crime in your own bailiwicks.

Are you concerned with the lynchings that occur on your own doorsteps? Also, I have heard a lot about the bombings of synagogues and churches down South, but here is a copy of the Pittsburgh Press, dated Friday, March 18, 1960, and I am going to insert this with my remarks, too, when we get back in the House, telling of the bombing of a night club in Youngstown, Ohio. In the course of this news story it states it was the 67th bombing in the Youngstown area in 7 years. That means there have been more bombings in one little, small area of Ohio than have occurred in all the South, I am certain, in the last 25 years.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Mississippi.

Mr. ABERNETHY. I made a check a few days ago. I think the record should show from what I have been able to determine that there had never been a synagogue bombed in the United States until after we passed the Civil Rights Act of 1957.

Mr. WILLIAMS. I am sure the gentleman is correct. Personally, I never heard of a bombing of this kind in the South before passage of that act. The Supreme Court's desegregation decision and the Civil Rights Act of 1957 have fomented more racial strife and violence than has been experienced in this country since those dark days of Reconstruction nearly a hundred years ago. The blood of these outbursts of violence is on the hands of the Supreme Court and the agitators, and those responsible for bringing these conditions about.

Mr. Chairman, I know that my pleas are in vain, but I hope and pray that those presently constrained to vote for this bill in the fond hope that they may capture the golden grail of Negro votes will reconsider, realize what a crime they are committing against constitutional freedom, and have the courage to reject this vicious attack upon our system of government.

Mr. Chairman, under leave to extend my remarks, I include the newspaper items above mentioned:

[From the Philadelphia Inquirer, Mar. 22, 1960]

SOUTH PHILADELPHIA YOUTH MURDERED BY TEEN HOODLUM PACK—FLEEING SUSPECT SEIZED—POLICE ROUND UP OTHERS

(By William B. Collins and Harry Drost)

A howling gang of teenage hoodlums attacked and murdered a 17-year-old South Philadelphia boy, Monday afternoon, a short distance from his home.

The victim, John A. Campiglia, Jr., of 1515 South Carlisle Street, died of a stab wound in the back. His heart and left lung were punctured.

The boy's father pursued one suspected hoodlum a block and a half and captured him at gunpoint after firing a shot in the air from a .32-caliber revolver. But the youth wriggled loose and fled.

Another suspected gang member was seized by two young men near the scene of the attack.

Estimates on the size of the gang ranged from a dozen to 100 Negro youths. Police said there was a possibility the mob was composed of two gangs, who converged on the youth from opposite directions on Carlisle Street.

SUSPECTS SEIZED

Some 200 policemen and detectives were mobilized to search for the rest of the gang as the neighborhood seethed menacingly over the area's second juvenile outrage of the day.

Within hours, police had rounded up 50 suspects.

Young Campiglia, an honor roll senior at South Philadelphia High School, was on his way home from classes when the gang closed in on him at the intersection of Carlisle and Dickinson Streets.

RESCUER MAULED

John tried to break away and run home. Another youth came to his help.

But the thugs beat him and, before he could tear himself loose, one stabbed him.

As John fell with the mortal wound in his back, the gang turned on his defender and pummeled the boy while he was pinned against a wall.

The noise attracted the elder Campiglia, a night worker, who glanced out a second-floor bedroom window. He did not know the body lying on the sidewalk was his son's.

FINDS SON DEAD

The father ran downstairs and into the street. Kneeling beside the crumpled body, he recognized his only son.

Neighbors called police. The mob of attackers were dispersing, most of them running west on Dickinson Street.

The father reentered the house, grabbed his revolver and took up the chase.

At 16th and Dickinson Streets a block and a half away, the elder Campiglia captured one boy and held him until police arrived.

Two youths sitting in a car parked on Dickinson Street east of Carlisle, had heard Campiglia's shots. They were John Fucci, 17, of 1725 Fernon Street and Frank DeVeno, 18, of 1821 Fernon Street.

They tackled one of the fleeing youths on Hicks Street west of 15th and held him until police arrived.

Patrolmen John J. O'Neill and James Wood, of the 20th and Federal Streets police station, arrived at the scene to find the neighbors in a turmoil. They radioed for more help. The call brought four more patrol cars.

JOHN A QUIET BOY

Officers put the Campiglia boy in a patrol car and headed for St. Agnes Hospital. Along the way, several persons frantically tried to stop the red car to tell the officers of the incident.

The boy was dead on arrival at the hospital.

Neighbors were at a loss to explain the brutal murder. John Campiglia, they said, was a quiet boy who kept to himself. He never had been in trouble, they said. Some described him as an example to other youths in the neighborhood.

Campiglia had left school with his closest friend and cousin, Anthony Caggiano, 17, of 1708 Moore Street, who is also a senior at South Philadelphia High.

The two boys parted at 15th and Moore Streets.

"Johnny, go straight home," Anthony told John. When Anthony got home, he had a phone call from a friend, "Your cousin has been stabbed," was the message.

TEEN MELEE QUELLED

Earlier Monday, police had broken up a teenagers' melee at Broad and McKean Streets. Two youths were injured and three others were arrested on assault and battery charges.

When word reached police headquarters of the second incident, Police Commissioner James J. Gibbons ordered the entire area under police check.

Assisting Commissioner Gibbons in directing the search for the hoodlums were Deputy Commissioner Howard R. Leary, Inspector Harry Fox, of the Juvenile Aid Division, Capt. David Brown, head of the homicide squad, and Lt. Andrew Waters, also of homicide.

PROCESSING CENTER

South detective headquarters, 24th and Wolf Streets, was turned into a processing center for suspects. Extra chairs were requisitioned from the 17th District police station, 20th and Federal Streets, for the youths being questioned and, in many cases, their parents.

Joining top police officials there was Chief Detective Inspector John J. Kelly and his first assistant, Inspector George Kronbar.

Besides hunting the gang members, police also were looking for the murder weapon. A knife handle and a small table knife found in the area were checked by the mobile crime laboratory, but tests showed no blood on either.

AWAKENED BY MELEE

The slaying took place shortly after 3 p.m. Within an hour police had brought in 12 suspects to the special headquarters.

The father, a nightshift employee at the Heintz Manufacturing Co., was sleeping in his second-floor bedroom when he was awakened by the melee.

The original roundup brought in four suspects to the 17th district station at 20th and Federal Streets. Eight other youths were collared shortly afterward.

Beside his father, the Campiglia boy is survived by his mother, Florence, 44, and a sister, Catherine, 21.

[From the Pittsburgh Press, Mar. 18, 1960]

CLUB BOMBED AT YOUNGSTOWN—OWNED BY PAL OF SLAIN RACKETEER

YOUNGSTOWN, March 18.—A swank nightclub operated by a former associate of slain Youngstown racketeer Joseph (Sandy) Naples was bombed last night in suburban Austintown.

No one was injured in the blast, which ripped a hole in the kitchen wall of the club and shattered windows in a church across the street.

The first police on the scene said the explosion had blasted a hole about 2 feet deep alongside the wall. They left to call headquarters and when they returned a short time later, the holes in the ground and the wall had been filled in and the blackened wall washed down.

Joseph Alexander, operator of the club, told the returning officers there had been no bomb and that the explosion was caused by a leaking gas line.

Employees of the East Ohio Gas Co. examined the lines in the building and reported they were intact.

It was the 67th bombing in the Youngstown area in 7 years.

Police said they were unable to link last night's bombing with the killing of Naples and his girl friend, Mary Ann Vrancich, last week.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia [Mr. DAVIS].

Mr. DAVIS of Georgia. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from South Carolina [Mr. RIVERS].

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina [Mr. RIVERS].

Mr. RIVERS of South Carolina. Mr. Chairman, it will not be long before the official slaughter of the rights of the white people of the South begins. I just take this time to remind you now, as I have in the past, that while you will pay no attention to me and while I will make no impression on you, I want the RECORD to contain these words. When this bill will have become law, it will be known as the William Rogers bill and not the McCulloch-Celler bill, because this is the first time since I have been in the Congress that a man not a Member of the Congress of the United States wrote a bill. This will be known as the "Rogers lynching-of-the-South bill." He sat high and dry in the Department of Justice and, as Attorney General of the United States, sent his directives down here, and he has written them without any hearings of the Judiciary Committee. They will be contained in this so-called civil rights edition of 1960. There can be no other editions. The editions come only during election year.

When the bloodshed begins and it will under this bill because the agitators north of the Mason-Dixon line will have a field day with their unlimited licenses to come South and begin the agitation—and that will happen—I prophesy it here today—that will happen. And under this monstrosity, and it is a monstrosity, and no constitutional lawyer can call it anything else—ask that great constitutional lawyer from Oklahoma—under this monstrosity all kinds of charges will be trumped up and will be brought against high-standing citizens of my section of America. You will see what I am telling you here today—there will be bloodshed in my part of the world and it could signify the beginning of the end of the Democratic Party south of the Mason-Dixon line as we know it today. What a tragedy. All because of the slandering of my people and our institutions—all because of politics—no more, no less.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. CRAMER] to close the debate.

Mr. CRAMER. Mr. Chairman, and members of the Committee, I am honored to have the privilege of closing debate—it was not planned that way. I understand that this is the longest legislative consideration in recent history of any one bill before the House of Representatives. I think the tenor of the debate has been admirably constrained. It has been on a high level and it has been an objective debate—and that is good.

Mr. Chairman, my confidence in our representative form of government has been kindled anew on the basis of this debate between Members representing so

many differing points of view. The probing that has been done with regard to this legislation concerning the constitutionality of certain sections, discussions of the effect of the proposals, and the proposed amendment of certain provisions has been enlightening and helpful. I think the legislative record that has been written will be extremely helpful and enlightening to those, if this bill becomes law, who will have the responsibility of carrying this bill into effect.

Mr. Chairman, we have here the legislative record of many aspects of the bill. I want to establish one thing in the last few minutes. I want to point to language in the bill to which I had originally intended to offer an amendment—on page 5, lines 22 and 23, section 303—dealing with the inspection of records. I have felt there is no definite limitation contained in title III as to when the Attorney General can make such an inspection upon demand. I think a reading of this section will clearly show it to be true. Having that in mind and being concerned, I offered in the full Committee on the Judiciary an amendment which now appears on lines 22 and 23, and I quote:

> This demand (for such records) shall contain a statement of the basis and the purpose therefor.

I offered it because I felt the registrar or custodian was entitled to be put on notice as to why such an inspection was being made and as to what law or what constitutional provision, right, or immunity might be involved. It was for that reason that I was considering offering an amendment which would add to line 23, the following, "and shall state its relation"—that means the demand—"to a right, privilege, or immunity secured or protected by the Constitution or laws of the United States."

My discussion of this matter with many Members of the House leads me to believe the present wording could be so interpreted and properly so. It was my intention in considering the amendment in the full committee that the Attorney General in making such a demand should advise the local registrar as to the intent and purpose of such a demand and as to the immunity, privilege, or the right that is intended to be involved in any investigation that might be under way and under what Federal law or constitutional provision. I trust this legislative record, particularly in view of the Attorney General's statement itself as evidence for the justification for that section in the bill, as it is contained on page 212 of the hearings at which place the Attorney General said:

> The Department feels the enactment of this proposal is essential to the effective enforcement of the provisions of the civil rights act of 1957.

I do not mean to imply that my interpretation of title III issuing powers on demand is that narrow and thus limited to the 1957 act because it is not. But at least it should have some relationship to the title and purpose of the bill, the title of the bill being "to enforce constitutional rights."

That is the principal reason I had asked for this time, Mr. Chairman, to clarify this matter.

Mr. LINDSAY. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York.

There was no objection.

Mr. LINDSAY. Mr. Chairman, when I first spoke on this subject on the occasion of the opening of general debate, I stated that I had been gratified by the lawyerlike way in which the Judiciary Committee had approached its task of writing a bill, even though we may have strongly disagreed among ourselves.

Now as we close debate and consideration of amendments on the floor, I again am gratified by the way the members of the committee have handled this difficult subject.

The chairman of our great committee, the distinguished gentleman from New York [Mr. CELLER], has brought his usual qualities of leadership to bear, and the entire committee salutes him.

Now let me take time to say a word about the ranking minority member of the committee, the distinguished gentleman from Ohio [Mr. MCCULLOCH]. He has led us through a maze of parliamentary hurdles with great skill. He has been courageous. Thanks to him, the bill was held substantially intact and the referee voting proposal enacted. Speaking personally, I am proud to have been on the same team.

Mr. ALGER. Mr. Chairman, as far as Dallas and Texas are concerned, the bill has little real meaning outside of being a gratuitous and undeserved insult. It will do no evil in our State inasmuch as the right of Negroes to vote, if otherwise qualified, has never been challenged, to my knowledge.

That the intention of its sponsors was to offer gratuitous insult to our section of the country, and thus to make political capital for themselves at home, was amply pointed up by the vote on the proposal to apply the same extreme sanctions against all violations of court orders rather than just those concerning integration. At that point a lot of self-styled liberals showed themselves for what they were. Equal protection of the law proved suddenly abhorrent to the very ones who had been shedding crocodile tears for equal protection only moments before. Even freedom of speech, the Whitener amendment, was voted down as an amendment to this bill. It does not seem possible when you stop to think of it.

As I said, we in Texas can certainly live without the law, since it will not affect our elections one way or another. We want fair and representative elections but I do not see that this law makes them any more likely than has been the case heretofore.

Goodness knows, we in Texas have had our share of highly irregular elections. The results of some may be seen even to this day. However, I am happy to report that the racial question was in no way involved.

Mr. ELLIOTT. Mr. Chairman, I oppose the passage of this civil rights bill. It has been debated longer than any other bill since I came to Congress. Its provisions are clear to the membership.

There is great doubt about the constitutionality of many key sections of the bill. Many of the best lawyers in the House have expressed these doubts.

But, whether it is unconstitutional or not I think all can agree that it puts great stress on our Anglo-Saxon system of courts and justice.

We put these stresses on our tested and tried system when actually the facts—objectively considered—do not warrant it.

My State has many protections for the voter written into its statutes. The United States Code has an equal number of statutes providing guarantees in this field.

Let it be remembered that when we stretch our Constitution, when we place great stress on our judicial system as we do in this bill that those same procedures will be evoked another day when their use may be deeply deplored by those who do it today.

The "conclusive presumptions" the "pattern or practice" doctrines, the ex parte proceedings, the extending of the voter referee provisions to State and local elections are dangerous and unwarranted precedents. They carry us back to the Reconstruction Acts, only the Reconstruction Acts did not go so far, albeit the Reconstruction Acts proved so unworkable that they were long since repealed.

In this bill you inject the strong arm or the Federal Government into local affairs, as it has never before been injected. The bill overlooks the progress which the Southern States have made, and are making every day in these fields. It is a condemnation on a people who bear a greater responsibility—a greater burden—than the majority of this House is willing to recognize.

It is generally known, and history adequately proves, that there is a limit to the speed and quantity of social change that a community or section can absorb. Jesus Christ recognized this fact throughout his teachings on earth.

This bill goes too far. It goes too fast. It will compound the problems of men and women of good will of both races. It will add fuel to the flames. It should be rejected.

Mr. VANIK. Mr. Chairman, as this extended debate on H.R. 8601—a bill to enforce voting rights—comes to a close, it will soon be possible to evaluate the effect of the legislative product. Insofar as the bill reflects the intent of Congress to protect voting rights and make extraordinary procedures of voter registration possible in areas where they are critically needed, it may prove an effective deterrent to those who would resist the enrollment of Negro citizens as voters.

The persistent resistance of some areas of the South to participation in public elections by all citizens constitutes a tragic blight which must be removed from the American scene. Although this cannot come about by laws alone, the enactment of laws can help.

I am not among those Members of this body who believe that the administration has exhausted all efforts to provide compliance with Federal laws relating to voting rights.

Section 594 of title 18 of the Federal code prohibits the intimidation of voters as follows:

> (a) Whoever intimidates, threatens, coerces or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote, or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories and possessions, at any election held solely or in part for the purpose of nominating or electing such candidate, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

Although this section of the law is part of the Hatch Act, basically designated to restrict pernicious political activities, there is no reason why it should not be used to restrict the pernicious political activities of those who actively obstruct or interfere with the rights of all citizens to register, to vote, and to have their vote properly counted.

The Attorney General repeatedly stated that the penal sections of the code could not be successfully used to enforce and protect voting rights as well as other civil rights. However, he provided no abundant documentation of experience to sustain this point.

I am not among those who believe that exhaustive legal efforts have been made to use existing law to provide and insure the protection of voting rights and other civil rights. As a matter of fact, many resources of existing Federal legal power remain untouched. This is not in criticism of the present Attorney General. His efforts are certainly no less and perhaps exceed those of his predecessors to provide protection for civil rights.

It is my contention that many provisions of the Federal code have been substantially untouched in an effort to provide equal rights and equal opportunity for all citizens. The Hatch Act I previously referred to has not been used. There are other useful provisions of law on this subject which remain virtually untapped. We must not rely completely on this legislation as a cure-all for the problem. Although I hope for much, I do not really believe that a substantial number of the 314,313 Negroes who reside in 57 counties with no Negro registration will be registered next year or the year after that. Nor do I believe that this extended debate will cure the prejudice which causes some men to deprive their neighbors of vital human rights.

There are times when civil procedures or the threat of them may work and produce great good. However, there are times and there are places where those charged with administering the law must rely upon the sterner procedures of the penal code.

This new legislation relating to voting rights must not be used to insulate or release the responsible law enforcement officials from resorting to other methods in carrying out the intent of this Congress to insure against the transgression of civil rights which embrace the voting rights of every citizen. Other procedures and other methods must be simultaneously pursued. If this administration truly believes in Federal responsibility in this vital area, it must fight this battle against racial and religious prejudice, against discrimination in employment or discrimination in employment opportunities wherever they occur. This struggle cannot be won on one front alone. The approach must be comprehensive—every Federal tool must be used in all areas where the problem persists.

This kind of an approach to the problem would be costly—and would involve larger staffs and greater appropriations. This Congress, however, is in a mood to provide whatever is needed to cure the disease of prejudice which is eating away at the heart of American life—weakening our national structure and withering our esteem among the free nations of the world.

Although I supported amendments to provide for temporary schooling for military personnel in areas where schools are closed in desegregation disputes, I do not believe this is the best answer to the problem. In these situations the Federal Government should simply shift military training to areas which do not present the problem. Today there are adequate military training bases which have been deactivated and which are not being used in communities which comply with the Constitution and the law and which would welcome the opportunity to provide integrated schools for military personnel. As a matter of fact, the availability of open housing for military families is equally as important.

Under the provisions of this bill the voting referee plan would go into operation on a petition to a Federal court by Negroes complaining they had been denied voting rights. If the court determined the existence of discrimination, it would empower referees of the court to register the Negroes. These referees also could visit the polling places to see that the Negroes were permitted to vote. If a discrimination charge were not settled by election day, a Negro could cast a provisional vote. His ballot would be set aside and counted later if the charge were settled in his favor.

Other provisions make it a Federal crime to flee across State lines to avoid prosecution for bombing school and church property; require State election officials to maintain Federal election records; permit the Federal Government to provide temporary schooling for military personnel in areas where schools were closed in desegregation disputes; and make it a felony to use violence or threats to obstruct desegregation orders by the courts.

During the course of this long and often tedious debate—and I remained with it for its entirety—I made every effort to support proposals which would strengthen and protect essential provisions of the bill. This bill would have had real strength if it had included the provisions of title III, which were omitted from the 1957 act, which would have provided civil remedies for deprivation of civil rights. It would also have been stronger if the provisions relating to the appointment of a commission on equal job opportunities could have been included. Fair employment practices are certainly as vital as voting rights. This bill is replete with its inadequacies. In substance it constitutes only a few, nimble steps toward distant goals at which we should be rushing with full speed. My hope is that the language of the bill will be forcefully implemented by good, tolerant deeds on the part of American citizens everywhere.

Mr. DINGELL. Mr. Chairman, I regret that this civil rights bill comes before us so strapped by the rule of germaneness as to be almost impossible to strengthen by amendment.

I am the author and sponsor of a number of bills which I believe should be included in this measure and which this Congress should have an opportunity to at least consider. I will briefly list them:

H.R. 351: An omnibus civil rights bill to protect the right of individuals to be free from discrimination or segregation by reason of race, color, religion, or national origin in housing, employment, education and political participation.

H.R. 352: Permits the Attorney General to initiate in the name of the United States civil actions to prevent conspiracies which interfere with civil rights of any person.

H.R. 353: Federal Antilynching Act for the protection of all persons from lynching.

H.R. 354: To prohibit discrimination in employment because of race, color, religion, national origin, or ancestry.

H.R. 500: To prohibit the shipment of explosives in interstate or foreign commerce for the purpose of endangering lives or illegally destroying property.

H.R. 501: To prohibit the use of Government property by any organization practicing segregation on the basis of race, creed, or color.

H.R. 4261: To amend the Civil Rights Act of 1957 to make the Commission on Civil Rights a permanent agency of the United States and to broaden the duties of the Commission.

H.R. 9318: To establish an agency of the legislative branch of the Federal Government authorized to conduct the elections of Members of the Senate and the House of Representatives.

These measures should be included in the bill. They would be of enormous assistance in guaranteeing full equality to all of our people everywhere.

I originally intended to offer amendments to this bill substantially identical to my bill H.R. 500 which outlaws transportation of explosives in interstate commerce to injure or destroy person or property of another. This would raise a presumption that explosives so transported were shipped in interstate commerce and permit Federal authorities to enter and assist State officers to apprehend and punish those guilty of the bombings of churches, schools and places of business and residence. This amendment was offered with my support by a member of the Judiciary Committee.

I regret that it was not adopted. I had further intended to offer an amendment outlawing lynching as provided by my bill H.R. 353, but after careful study of the House rules find such an amendment would not be germane to the legislation now pending and so would be stricken on a point of order.

I am also sorry that the provisions of former title III, identical to my bill H.R. 352, offered by the gentleman from New York [Mr. CELLER] were stricken on a point of order. Adoption of this language would have enabled the Attorney General to institute civil proceedings to protect any right guaranteed by the Constitution.

It is interesting to note that day after day we have heard Members of this body point out the almost unanimous support for every citizen having the right to vote. Yet we have observed strong opposition to effective legislation which would have permitted vigorous Federal action to effectuate that high purpose.

I supported the provisions to establish a system of Federal enrollment officers where necessary to act to guarantee citizens in their right to vote where there has been a pattern or practice denying that right because of race or color.

In my view that provision is superior to the voting referee proposal which raises certain constitutional questions. I will however support the voting referee proposal although I regard it as less suited to the purpose. The enrollment officer provision would be vastly more effective in guaranteeing citizens their right to vote. It would not require citizens to, in effect, run the gauntlet before they could properly secure their voting rights and would be available on a finding either by the courts or by the Civil Rights Commission that a pattern or practice of denial of right to vote existed because of race or color.

The need for effective action in this is obvious. Father Theodore Hesburgh, president of Notre Dame University, and a member of the Civil Rights Commission, at a civil rights conference at that great school recently, in which I participated, told of "literally millions of people qualified to vote who are not able to vote." Father Hesburgh went on to tell of these disfranchised millions who are veterans of long wartime service, lawyers, doctors, ministers, doctors of philosophy, college presidents, college graduates, all taxpayers and many of them property owners, whose only real disqualification is that the community in which they reside prevents Negro suffrage by many subtle and direct ways. For example, there were some 214,213 Negro citizens living in 57 counties without a single registered Negro voter.

The full report of the Civil Rights Commission is replete with numerous examples to convince even the most skeptical that American citizens are being denied participation because of race or color in the voting process which is so indispensable to real democracy.

I have been greatly concerned over the inability of Americans to solve problems of living together peacefully, and sharing the benefits of living in our great democracy without racial discrimination. For this reason I was one of the sponsors and the third signer among the more than 200 Members of the House who signed the discharge petition which compelled the Rules Committee to bring this matter to the floor. This problem must be solved by all right thinking men working together, but legislation is desperately needed to establish a climate in which the great principle of equality may grow and prosper. It must be faced vigorously on all levels of government: judicial, legislative, and executive.

We must learn to live together and to recognize a man for his individual worth and not for the color of his skin.

The bill before us with the amendments included on the floor is by no means as strong as I would like to see it. If it is vigorously and properly enforced I am hopeful that it will result in progress in this field of human rights. Certainly the Attorney General and President will have no excuse but to act vigorously and use the process of law now being enacted to carry out the real intention of the Constitution.

I pledge my unwavering support and continued vigorous efforts in behalf of effective and strong civil rights legislation.

Under unanimous consent I insert in the RECORD at this point my statement on civil rights legislation before the House Committee on the Judiciary during the hearings held in the 1st session of the 86th Congress:

STATEMENT OF HON. JOHN D. DINGELL, A REPRESENTATIVE IN CONGRESS FROM THE 15TH CONGRESSIONAL DISTRICT OF THE STATE OF MICHIGAN

Mr. DINGELL. I am a member of another committee which is meeting this morning and although I would like to talk longer before you here I will have to be a bit brief, Mr. Chairman.

I have never known a man for whom I have had more respect and regard than the outstanding chairman of the great Committee on the Judiciary of the House of Representatives.

Mr. Chairman and members of the committee, I would like to say that many of these bills proposed have a great deal of merit. I would like to associate myself with the chairman of the distinguished committee and urge enactment of his bill which I feel would be a great deal stronger and which would offer a great deal more advance, much faster than the administration's proposal offered by our distinguished colleague, the gentleman from Ohio [Mr. MCCULLOCH]. I want to say that any civil rights legislation if it be worthwhile and if it offers any concrete progress of course would be in the public interest. I think we should not waste our time, Mr. Chairman and members of the committee, in reporting out a piece of civil rights legislation which offers less than a long stride forward in this particular field. I am sure the members of the committee are well familiar with the bills which are already pending. I would like to comment briefly on two of them, Mr. Chairman, and to let my written statement apply to the others.

The first that I wish to refer to is the bill which would amend the Civil Rights Act of 1957 to make the Civil Rights Commission a permanent agency of the United States and to broaden the duties of the Congress to include investigation of all civil rights anywhere. This bill is numbered H.R. 4261. It is my feeling, Mr. Chairman, that the Civil Rights Commission has been balked, blocked, delayed, harassed, and hampered by those who oppose its purposes and principles and who seek to narrow and limit its endeavor. Unfortunately Congress in its wisdom did not give sufficient thought to the problems that this Civil Rights Commission would meet when it first enacted legislation creating this Commission. The result was that the Commission has not been able to accomplish a great deal other than to make us aware of one basic fact which I think we all knew, that many of our citizens are being denied the right to vote in many parts of this great country and that there are many who are using all efforts to deny the Federal Government its right and its responsibility to see to it that its citizens are permitted to vote without regard to race, creed, color, or ancestry.

I would like to urge, Mr. Chairman, that if the life of the Civil Rights Commission is to be extended that it should be extended indefinitely. I would further urge that the Civil Rights Commission be permitted to extend and to broaden its field to include all civil rights.

Mr. Chairman, I am sponsor of another piece of legislation which I think this committee should very well consider, and that is H.R. 352. This would authorize the Attorney General to institute on behalf of and at the cost of the United States a civil action in equity for preventive relief whenever any acts have been committed which would give rise to a cause of action under section 1980 of the Revised Statutes. This would literally authorize the Attorney General to take any action to secure any rights protected and guaranteed by the Constitution of the United States on behalf of any individual or group of individuals. This section 3 of the administration's recommendation previously when it was in Congress was reduced and narrowed in the Senate of the United States. I think if we pass this particular measure or a substantially similar measure we will find that this will be a tremendous step forward.

Mr. MCCULLOCH. Mr. Chairman, would the gentleman yield?

Mr. DINGELL. I would be glad to.

The CHAIRMAN. Mr. MCCULLOCH.

Mr. MCCULLOCH. Does the witness feel that there is any different attitude on this very controversial matter than there was when the House adopted it in effect last year or the year before?

Mr. DINGELL. I do not feel that there is any less need for a piece of legislation of this sort. I think certainly the House has established a very fine precedent in having adopted a piece of legislation of this sort. I know it is not included in the President's recommendation. I think it is an oversight since he said this is a good thing once before, and I don't think he would change his attitude on a matter so basic and important, nor do I feel any Member of this Congress who had previously voted for a matter of this sort could or should change his position. I am trying to answer the question, I want the gentleman to know. If the gentleman wants to ask me more questions or different questions or to elucidate on his question further I will be delighted to do my level best to answer.

Mr. MCCULLOCH. I think that the answer up to this point has been clearly responsive to the question and I thank the witness very much. I interrupted when I thought the answer had been made, for the purpose of making this friendly comment. I think the gentleman will recall that a number of us on this subcommittee gave the best we had during one of the most difficult times we had in the House within my time when the title in question was enacted.

Mr. DINGELL. I would certainly like to compliment the gentleman on his vigorous efforts on behalf of this proposal during the last session. I am very well aware of his efforts and on behalf of the people of my district I want to thank and commend the gentleman. I want to express high regard for him.

Mr. MCCULLOCH. And if I may go on, of course the gentleman knows the unhappy experience that was had after that time, when the bill was finally enacted by both Houses of the Congress and that title was not included. It has been my feeling that sometimes the only way that any progress can be made is by moderation and compromise and give and take and I have never thought that it served a useful purpose, if I can paraphrase a famous statement, to march them up the hill and march them down again. That is the reason I pursued this. I cannot speak for the President on this particular matter in any way whatsoever, but the experience that we had last time has left its effect on a number of people who marched up the hill and marched down again.

The CHAIRMAN. I would like to look upon it in a little different way, if I may. We should place in any kind of a bill that we present to the House as strong as possible a civil rights plan as we can muster up or conjure up. We may not be able to get all we want, but you know the Indians used to shoot at the moon with their arrows. They knew they could never hit the moon but they thereby became expert arrow shooters.

Now, we don't care what the Senate may do. We passed title III which is to my mind a very important segment of the Civil Rights Act of 1957 which I might modestly say bears my name. The Senate saw fit to delete title III. As far as I understood the administration approved title III and now I don't think it was mere oversight. I think it was deliberate for reasons best known to the administration and title III has been eliminated from the administration program. I am sorry about this, but I will do all I can to reinstate title III or something like it in the bill before us, the bill we will endeavor to present to the House. The House passed it in 1957, and there is no reason we cannot pass it again and I repeat the responsibility for taking it out, if they wish to take it out, lies with the Senate.

Mr. DINGELL. I would like to agree with the chairman and disagree with my distinguished colleague from Ohio. I feel that moderation entailed progress in the law and that there should not be vindictive action. Moderation certainly includes respect of the law, and must include progress toward equal rights for all. As the distinguished chairman said, shooting high is a necessary aspect of achieving success. If you shoot to be President of the United States you will rise high. If you shoot merely to become a streetsweeper—and I do not demean that particular profession—you will not necessarily reach higher than being a streetsweeper.

I think in this we should approach it with an awareness that section 3 was and is now good for America. It is my hope we will give the Senate a good, strong piece of legislation. Then if they want to weaken it or water it down, that of course is the Senate's prerogative. We will have the satisfaction of knowing that we in the House of Representatives have done the level best we could. I once heard a saying that it is not necessary to succeed to persevere. I don't think—and I think the prior remark would buttress my statement—I don't think that section 3 was in any way a vindictive piece of legislation or that it was less than moderate. The President in one of his press conferences said it was a very moderate thing. It substituted for criminal penalties the gentle and mild persuasion and of equity and the mild, compulsive effect and the understanding which we find in equity as opposed to the harsh and perhaps vindictive approach that we see in a court of criminal jurisdiction.

Mr. Chairman, I would like to direct myself to a bill of mine, H.R. 500, which would outlaw the transportation of explosives in interstate commerce for the purpose of destroying or injuring the person or property of another without his consent. You will note, Mr. Chairman, that this is a good deal broader than some of the other legislation that has been introduced on the same point. It applies to injury or destruction of the person or property of another, which is a good deal broader than just churches or schools. For every bombing of a church or school there have been 15 or 20, and perhaps even 50 or 100, bombings of homes, private residences, and so forth.

You will note, Mr. Chairman, that this particular piece of legislation is bottomed on the interstate commerce clause. We have a long judicial tradition on this particular subject. You will note the Lindbergh law which has been discussed this morning. We also include under the Federal power the fleeing from one State to another to avoid testifying or to escape criminal prosecution. We include the carrying of a stolen automobile, or other stolen property, across the State line. We also have the well-known Mann Act which affects the transportation of certain other objects in interstate commerce. There is an adequate basis in judicial tradition for this particular piece of legislation.

I would say that we add to this provision of the bill of Mr. MCCULLOCH which would result in a still more complete proposal in that we would attack both the carriage of the explosive in interstate commerce and the fleeing in interstate commerce after having committed the act of destroying the person or the property of another in one State.

So, Mr. Chairman, I do want to congratulate the members of the committee and yourself for this early hearing, to commend you for your interest in this most important subject. I want to express to you on behalf of myself and my people back home the sincere hope that this committee will report out a strong and vigorous piece of legislation, that we will not temporize or be concerned with the fact that the Senate may vote down a piece of legislation or that it will be watered down. I have not doubt that the bill will be watered down in the ordinary course of pressure in the House and the Senate, and I would say that this is all the more reason why we should at this initial stage report out strong and vigorous legislation. We seek to secure a piece of legislation which will protect the rights of all people and which will include progress for all of us within the framework of the Constitution.

Mr. MILLER. Mr. Chairman.

The CHAIRMAN. Mr. MILLER.

Mr. MILLER. Mr. DINGELL, I was interested in your comments concerning H.R. 352 and allied legislation that you said was very mild and that it substituted milder provisions for the criminal provisions; is that correct?

Mr. DINGELL. Yes.

Mr. MILLER. In previous bills which the Congress considered it did not substitute those provisions for the criminal statutes. It repealed no criminal statutes. We already have criminal statutes on the books that cover all these things. This injunctive provision was an addition thereto and not a substitute therefore.

Mr. DINGELL. Perhaps I gave the wrong impression. I would agree with the gentleman, and I do not urge the repeal of any existing Federal criminal statutes. Our Federal criminal statutes on this subject, including those passed in the last civil rights bill of the last Congress, have been found to be sadly wanting in protecting the rights of all of our people. I do not see that the passage of H.R. 352 or any other similar legislation would result in a complete cure to the problem of securing full equality for all the people of our country that we face today, but it is a more lenient and a more gentle form of persuasion than the criminal processes which might be available but which our experience indicates would not be available under our existing criminal statutes.

I am sure that the gentleman will recall that the really strong civil rights statutes were either repealed or held unconstitutional by the Supreme Court for one reason or another back in the 1870's and 1880's, and even the really strong codes which we had on the subject of civil rights have been eroded away except to include a few statutes today which are virtually unworkable.

The CHAIRMAN. Any other questions? We are obliged to you, Mr. DINGELL, for a very interesting statement.

Mr. DINGELL. Thank you, Mr. Chairman. Thank you very much.

TESTIMONY OF THE HONORABLE JOHN D. DINGELL, 15TH DISTRICT OF MICHIGAN, BEFORE THE HOUSE COMMITTEE ON THE JUDICIARY AT THE HEARINGS ON CIVIL RIGHTS LEGISLATION ON MARCH 5, 1959

Mr. Chairman and members of the committee, I want to thank you for the honor and privilege of being here today to testify on the very important subject of civil rights legislation. I want to congratulate and commend the distinguished and able chairman of this committee for his long record as an outstanding civic libertarian, well known for his sincere espousal of the cause of full equality for all Americans, no matter what their race or religious affiliations.

My statement today will be brief. I am sure we all recognize that inherent in the Judeo-Christian religion is the concept that we are all children of God and are all created in His image. This is inherent in both the New Testament and the Old Testament.

In like manner we read in the great documents of American history that all men were created equal. The language of the Declaration of Independence is quite explicit on this and it reads as follows:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness."

We are all well familiar with the language of articles XII, XIII, XIV, and XV of the Constitution, and most specifically, the language of article XIV and its due process clause which reads "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny any person within its jurisdiction the equal protection of the laws." Article XV provides "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude." The amendment further provides that "Congress shall have the power to enforce this article by appropriate legislation."

These general principles are basic to all of the beliefs which we have in this country. Citizens from many lands have come here in search of freedom which they were denied in their country of origin. In the orderly course of time many of these citizens have found this freedom. Yet each group has found certain discriminations waiting on its arrival.

The Irish and the Germans of the 1850's found signs saying no Irish or Germans need apply. These and other races found discrimination placed against them on their arrival. With the passage of history we have found them to be among our most industrious and worthwhile citizens. Indeed we are proud both of people whose forebears came from these lands and of the contributions which they have made to our beloved America.

No less proud are we of the contributions of the others who came; the Poles, the Serbs, the Czechs and the hundred and one other nationality groups who have contributed to our growth, progress and to the defense of our liberties in time of war.

All of us, Mr. Chairman, recognize that real liberty in this country is not shared by all of us to the fullest degree.

Discrimination of all sorts, subtle and otherwise, still besets citizens of almost every racial and religious background in one part or another of our land. No part of America is truly free of this cancerous growth.

So long as this exists we must recognize that no man or woman in America is completely free, regardless of the color of his skin or his religious affiliation.

For this reason I have introduced legislation on the general subject of civil rights. I prefer to call it human rights. I will refer to them by number and briefly detail what they do. It is my hope that this committee will report out one or the other of these bills or all of them, if possible.

Certainly, the very least that this committee and this Congress can do will be to continue progress in the fields of human relations by bringing out vigorous civil rights legislation.

By number, my bills are as follows:

H.R. 351: An omnibus civil rights bill to outlaw lynching, segregation in housing and transportation, to establish a code of fair employment practices and a Federal Fair Employment Practices Commission. This bill also outlaws the poll tax and strengthens existing Federal civil rights statutes in a number of other ways.

H.R. 352: A bill to authorize the Attorney General to institute on behalf of and at the cost of the United States a civil action for preventive relief whenever any acts have been committed which would give rise to a cause of action under section 1980 of the Revised Statutes.

This bill would authorize the Attorney General to institute on behalf of and at the cost of the United States a proceeding for injunctive relief in the name of any citizen whose rights under Federal law or the Constitution are being abridged by any individual or group.

This is a very mild piece of legislation. It has already been included in the recommendations of the President under a previous Congress and was included under one of the so-called administration civil rights bills earlier. That bill, however, was modified and so-called section 3 was narrowed and limited only to the right to vote. It would substitute for criminal penalties the suasion of courts of equity and their milder compulsive powers, which could better handle complex problems of human relations involving intense emotions.

H.R. 353: This bill outlaws lynching or violence which injures, kills or maims its victims where used to terrorize and intimidate or harass members of religious or racial groups to prevent them from free exercise of rights guaranteed by the Constitution and laws of the United States.

H.R. 354: This bill is a compulsory Federal Fair Employment Practices Act. Its purpose is to guarantee that a man shall be entitled to work for a living and to rise consistent with his ability. Its economic purpose is to outlaw racial discrimination which is a tremendous economic waste, computed by some to cost Americans billions of dollars a year.

H.R. 4261: A bill to amend the Civil Rights Act of 1957 to make the Civil Rights Commission a permanent agency of the United States and to broaden the duties of the Commission to include the investigation of all civil rights anywhere.

In addition to these pieces of legislation I have introduced a bill, H.R. 500, to outlaw transportation of explosives in interstate commerce for the purpose of destroying or injuring the person or property of another without his consent.

This bill is aimed at the protection of all citizens. Its purpose is to see to it that the bombing and harassment of harmless and oftimes helpless citizens throughout this country, churches, homes, and schools will be matters of Federal concern. Under this bill the Federal Government may enter the scene immediately after destruction of property or person by explosives on the presumption that such explosives were transported in interstate commerce. It is such transportation that is criminal under the bill which is an exercise of the interstate commerce power and strikes at all those who seek to harass and intimidate our citizens by bombing because of their activities on behalf of full equality or because of their racial or religious background.

Mr. Chairman, I certainly hope that this committee under your able leadership will report out some workable civil rights legislation to continue the progress that we began during the last session of Congress with the passage of the civil rights bill of the 85th Congress.

To do less would be to stagnate and to pass up an opportunity for real advancement in one of the most important fields of citizenship.

Mr. Chairman, I thank you very much for the opportunity to be here today.

Mr. DOYLE. Mr. Chairman, January 27, 1960, in a brief statement when I signed the civil rights discharge petition as No. 14 thereupon and had done so the first day it was on the Clerk's desk, I also said that one of the reasons I had gladly and promptly signed that petition was because I verily believed in our constitutional form of government under which this Republic was founded and ordained, and which constitutional form of government I swore to uphold each of the seven times I have now taken my oath as a Member of this great National Congress of the United States of America.

The 15th amendment to our Federal Constitution provides as follows:

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

And now, having been personally present each of the days of this historic debate on bill H.R. 8601, and having voted on each and every one of the amendments and motions which have been put in place before we Members to vote upon during this debate, I will naturally vote against the anticipated motion to recommit this bill and will vote in favor of final passage of the Celler amendment.

Without consciously harboring any thought of ill will or antagonism or sectional feeling whatsoever toward any person or group of persons, or geographical areas of my beloved Nation, I nevertheless steadfastly believe that this bill will at least be some means of a considerable number of American citizens voting who are qualified under and in accordance with the laws of the States in which they reside, which citizens would otherwise not be given an opportunity to register to vote on account of their race, color, or previous condition of servitude. In other words, I believe this bill cannot help but make it an actual fact that the 15th amendment to our Federal Constitution providing that the right of American citizens to vote shall be implemented and given practical application in a substantial manner. I hope so. For, Mr. Chairman, to have the right of any American citizen, in any manner whatsoever, abridged in any State on account of race, color, or previous condition of servitude is actually destructive of our American way of life.

I cordially compliment the members of the House Judiciary Committee on both sides of the political aisle for the thoroughness and dexterity and fairness with which they have presented both pros and cons to us who are not members of that distinguished Judiciary Committee. And because I think we are all aware of the very great and strenuous changes which should result as result of the passage of this bill, assuming it becomes the law of the land, I trust that no sectional ill will will continue to be expressed, nor charged, nor made apparent by any person or any group of persons. This bill applies to all areas of our beloved Nation and to all persons in our Nation. I hope and pray that only fair, equitable, and just application of its historymaking terms and conditions and provisions will be made and that its administration will normally result in great benefit to many people and the many difficult problems these many people have faced; all of this to be for the benefit of our national soundness and happiness.

Mr. OSMERS. Mr. Chairman, H.R. 8601, the civil rights bill, has my full support. The time has come, Mr. Chairman, for the Federal Government to see to it that every American enjoys the full and free exercise of his rights under the Constitution. Haggle we may over details, but Congress can no longer escape its plain sworn duty to insure and protect the constitutional rights of every American regardless of race, color, creed or place of residence.

All of us are well aware of the fact that discrimination exists in the North and West as well as in the South. In areas outside the South, discrimination is particularly aggravating in the fields of employment and housing but happily, steady progress toward ending it is being made.

To me, the most important provisions of this legislation are those concerning the voting rights of Negroes in the South where such rights are presently denied or curbed in direct and indirect ways in many counties.

The right to vote is the greatest right possessed by free men and women in a republic. An honest and secret ballot gives us the ability to choose our leaders and representatives. Without the right to vote, a citizen soon finds that, regardless of the provisions of the Constitution, he has no other rights except those permitted him by leaders he does not help select.

Ninety years ago almost to the day—March 30, 1870—we wrote the 15th amendment into the Constitution:

The right of citizens • • • to vote shall not be denied • • • on account of race, color, or previous condition of servitude.

Ninety years later we have yet to make good on that promise. In county after county in the Deep South, where thousands of Negroes reside and many own property, few or none are permitted to vote. Not only are these citizens prevented from voting by unreasonable and ridiculous tests, but by intimidation and violence as well. Ninety years is certainly long enough to prove that existing laws have not given Negroes in the South the voting rights which are theirs.

Voting referees are needed to see that the requirements for voting shall be uniform for all races.

The bill also protects voters from the threats and intimidation that have been so common in the past. The Federal Government must step in where necessary and give the right to vote to every qualified American citizen wherever it is denied.

In January 1959 I introduced H.R. 1933, a bill to prevent hate bombing. On May 13, 14, 1959, Subcommittee No. 3 of the Committee on the Judiciary held hearings on my bill and others with generally similar purposes. I was the first witness to be heard by the subcommittee and I would like at this time, Mr. Chairman, to quote a few sentences from my testimony at that time:

The weakening of the solidarity among the people of the United States by attacks on religious and racial groups, and buildings which they use, plays right into the hands of the communists. In no other way can the great strength of this Nation be weakened as much as it is by pitting one racial group against another, one religious group against another, or one section of the country against another section.

The damage to our worldwide position as a guardian of liberty is incalculable if these conditions are allowed to exist without Federal law to correct them. The Communists are making supreme efforts among the peoples of Africa, Asia, and the Middle East to exaggerate our differences. Their propaganda mills exploit every single hate incident which happens here, whether it be a small local abuse or a major attack on a racial or religious group in the Congress of the United States.

The Nation cannot afford to permit the irresponsibility of a few individuals to jeopardize our prestige and leadership in the free world.

It is very heartening to note that title II of H.R. 8601 includes very practical provisions along the lines of my own bill H.R. 1933, penalizing those who do participate in hate bombing and related activities.

America's position in the world will be stronger with this civil rights bill on the law books of the Nation.

Mr. BROYHILL. Mr. Chairman, I rise to add my voice in opposition to the proposed civil rights bill—the so-called Celler-McCulloch bill—because I believe it is loaded with danger to the very fundamentals upon which our Government is based. My fears are not simply a reflection of the so-called southern viewpoint, nor do I see the threats to be just against southern institutions. Rather, I see in this bill a weakening of some of the very foundations of our Constitution—foundations that we all have been sworn to protect.

I cannot in a few moments go into the full details of the objectionable features of the bill, though I will touch briefly on one of its provisions that particularly concerns me. First, however, I would like to say to those who are pushing it through that, even if what they were trying to accomplish were for the general good, this is the wrong way to go about it. For, in my judgment, the bill is out of joint with its purpose. It will not amplify the civil rights that now prevail nor will it insure their enforcement. It will on the contrary retard and obstruct and embitter. The bill is out of true relation to the climate of opinion that prevails in the United States, making it seem as if we were in the midst of some kind of internecine war between our Negro and our white populations. It will be no more successful in accomplishing the intended purpose than the prohibition amendment was during the 1920's. As did that attempt to legislate social customs, it may make the problem worse than it is at this time.

For the problem is being solved—slowly, it is true, but no major social change can take place too rapidly without revolution, and I am sure no one wants that. Anyone who reflects can see the tremendous strides made by our Negro population during the past few decades—and that progress is continuing at an accelerated pace. One needs only to observe the increasing number of well-dressed and well-housed members of the Negro race in any city, including those in the South. One only needs to note the rising literacy rates, the increase in the number of professional people, and the increasing influence of colored voters.

There are Negroes—and I am glad of it—who are Members of this very House. There is a Negro who is the president of the borough of Manhattan. One of the foremost members of the United Nations staff is an American Negro. They hold, as they should, positions of esteem in the South as their talents permit. Of course in certain quarters there are some hardships, even humiliations. But then I suppose I would not be welcome in a meeting of Democrats even if I sought an invitation, and I can imagine meetings of that political persuasion where I would be grabbed by the seat of the pants and the scruff of the neck and booted out of the place. In some parts of our country this religious grouping is not kindly disposed to that religious grouping.

There may even be errors of decency and taste and fairness that we all deplore. But can it be possible that at this late date—anno Domini 1960—the problem, instead of diminishing, as I certainly believe it has, has grown to such gargantuan proportions as to call for this overwhelming hullabaloo of legislative agitation and excitement?

Instead of fostering steady development, this bill would shake the very foundations of our Constitution in an attempt to hurry the process. It would usurp important rights of the States in the control of elections, and not merely the rights of the Southern States. Of equally grave concern, this bill would constitute an important breakthrough in the field of Federal control of education.

Hidden behind the smokescreen of civil rights, the original bill would grant the Federal Government authority to seize local educational institutions and administer them. Although restricted by amendment, some of this authority remains. Most interesting is the basis for determining which schools can be taken. Only those can be taken which have been built with partial Federal contribution under the federally impacted aid legislation. Yet, proponents of Federal aid, in every debate or speech on the subject, always point to a clause included in the bills insuring that the Federal Government will in no way interfere with local educational systems.

I say let us stop this thing, recognizing as we must that the ill-conceived law enforcement techniques in this bill reach out into the future. They inflict injustice instead of preventing it and they bring with them pain and offense that after two World Wars and Korea we had done so much to blur and appease. We in the South along with our friends in the North will find paths for the adjudication and the amelioration of wrongs that do exist and permit time and maturity to wipe them out. The process may be slow but it is sure and it is enduring. This crude enforcement method is a way of turning back the clock of history and returning to the use of force and vengeance where reason and tolerance had been proved so successful.

Mr. TRIMBLE. Mr. Chairman, I oppose H.R. 8601 because it is an intrusion into the responsibilities of the States in the field of elections. The reforms recommended, if they are needed, must come from the human heart and cannot be accomplished by the force of law against what I conceive to be a clear mandate of the Constitution to the States.

Our Constitution was born out of travail and compromise and out of the crucible of bitter experiences shared by the Founding Fathers. It is not perfect—no human document ever is—but it is the foundation of the greatest Government ever devised by free men.

Free elections are essential to our integrity as a nation and to our survival as a free people, but the responsibilities for these things rest with the States. If the States fail to meet those responsibilities ably and well, then failure is theirs, and they will face the mandate of an aroused public opinion which is the heart of a democracy—the bane of suppression. In these days even a sparrow's fall is seen and heard instantly around the world.

This legislation will not lead to good will between the races. Again I say that the solution of these problems rests in the human heart. Each of us must remember that tomorrow or even today we may get the final call to come before the Supreme Judge of all of us. We must conduct ourselves the best we know how so that each of us will be able, we hope, to hear Him fondly say "Verily I say unto you, inasmuch as ye have done it unto one of the least of these my brethren, ye have done it to me." And then He will let us in. We will then know hate, sorrow, disappointment, and heartache no more.

Mr. MILLS. Mr. Chairman, I would like to call attention to at least three provisions of our Nation's Constitution with which the referee plan contained in section VI of the proposed civil rights legislation being considered here may be in conflict. These provisions are article III of the Constitution, which limits the jurisdiction of constitutional courts to the disposition of cases or controversies; the 15th amendment which prohibits the States from denying citizens the right to vote on account of race, color, or previous condition of servitude; and the 5th amendment, which prohibits the United States from depriving a person of life, liberty, or property without due process of law. I would like to briefly discuss these possibilities in order.

POSSIBILITY OF CONFLICT WITH ARTICLE III

A serious constitutional problem is raised by that part of title VI which states that after a court finds that any person has been deprived by State action on account of race or color of his right to vote "the court shall upon request of the Attorney General make a finding whether such deprivation was or is pursuant to a pattern or practice." The consequence of an affirmative finding is that any member of the race against which the pattern was directed must apply for a court order declaring him qualified to vote. The court must consider such applications for a minimum period of 1 year from the date of its finding and thereafter until it finds that such pattern or practice has ceased. If the making of such a finding and the issuance of such orders were necessary for the resolution of the base before it, it is very possible that an attempt to impose these duties upon the court is an unconstitutional incursion upon the judicial power. See *Muskrat* v. *United States* (219 U.S. 346 (1911)).

POSSIBILITY OF CONFLICT WITH THE 15TH AMENDMENT

The Supreme Court pointed out in the civil rights cases, 109 U.S. 3, 13 (1883), that the legislation enacted to enforce the 14th amendment—and by necessary inference the 15th amendment as well—should be adapted to the mischief and wrong which the amendment was intended to provide against. In *United States* v. *Reese* (92 U.S. 214 (1875)), sections 3 and 4 of the act of May 31, 1870, were held unconstitutional on the ground that they might be interpreted to reach voting abridgments by States for reasons other than race or color. This holding was made despite the fact that section 2 of the act prohibited only abridgments by State officers because of race or color. There is one provision in title VI of H.R. 8601 which has the same kind of infirmity which caused the invalidity of section 3 of the act of 1870. After a court has found the existence of a pattern or practice of voting abridgments by State officers because of race or color an applicant of the race discriminated against is entitled to a court order declaring him qualified to vote, if he proves the following things: First, that he is qualified under State law to vote; and, second, that since the court finding he has been (a) deprived or denied under color of law of the opportunity to register to vote or otherwise to qualify to vote or (b) found not qualified to vote by any person acting under color of law. Since the applicant is not required to show that the denial was because of his color, or that he was found not qualified because of his color, some people would be entitled to orders under the statute even though as to them there had been no State action in violation of the 15th amendment. Although there is little likelihood that this provision would be held unconstitutional as applied to an applicant whose voting right had been abridged because of race or color, there is a possibility that it is unconstitutional as applied to an applicant who had been found unqualified for a valid reason, that is, a reason other than race or color. Consider, for instance, an applicant who, after the court finding of a pattern or practice, applies for registration before a State official and is found unqualified because he has not paid his poll tax. Despite the fact that there had been no State action violative of the 15th amendment, under title VI he could pay his poll tax, then apply to the court for an order without any further attempt to be registered by a State official.

POSSIBILITY OF CONFLICT WITH DUE PROCESS CLAUSE

The activities of the court and of the referees it may appoint after finding a pattern or practice of discrimination are clearly designed to result in a determination that certain persons are qualified to be registered as voters. Yet title VI would propose to bind not only registration officers who would presumably be parties to the original suit initiated by the Attorney General, but also those election officials manning polling places who are not likely to be parties to the original suit. Moreover, the proceedings before the referees are to be conducted ex parte and the recommendations of the referees are to be incorporated in orders which purport to bind both registrars and polling officials after very limited opportunities to interpose exceptions to them. While Congress has the power under article III to regulate the entire process of the Federal courts including the power to prescribe rules of procedure, in exercising this power it is limited by the due process clause of the fifth amendment. The right of a fair and open hearing is one of the rudiments of fair play assured to every litigant by the Federal Constitution as a minimal requirement. *Ohio Bell Tel. Co.* v. *Public Utilities Comm.* (301 U.S. 292, 304, 305 (1937)), cited in *R. R. Commission of Calif.* v. *Pacific Gas Co.* (302 U.S. 388, 393 (1938)). It is certainly questionable that the provisions of title VI will guarantee the constitutional minimum of due process.

In addition to this, Mr. Chairman, it is my firm belief that there is an overabundance of law now in existence to more than protect the voting rights of all our citizens.

Since the days of Reconstruction, statutes have existed making it a Federal crime for two or more persons to conspire to deprive a citizen of any right secured to him by Federal law or the Constitution. This law clearly makes it a crime to deprive a citizen of his voting rights guaranteed by the 15th amendment. I would like to quote section 241 of title 18 of the United States Code in its entirety to illustrate this point:

> If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or
>
> If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured. • • •
>
> They shall be fined not more than $5,000 or imprisoned not more than 10 years, or both.

Another statute which provides criminal penalties for anyone acting under color of law who deprives a citizen of any of his constitutional or Federal statutory rights is found in section 242 of title 18, which reads as follows:

> Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, territory, or district to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

Let us now consider criminal sections specifically on the subject of voting rights. Section 594 of title 18 provides as follows:

> Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates, or Commissioners from the territories and possessions, at any election held solely or in part for the purpose of electing such candidate, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

Civil remedies, in addition to these ample criminal penalties, have also been provided for the protection of the right to vote. Any person acting under color of law who deprives a person of his federally secured rights, including deprivation of voting rights based on his race or color, is subject to a civil action for redress. Section 1983 of title 42 provides that:

> Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proceeding for redress.

You will note this remedy provides for both legal and equitable remedies. Under it one may bring suit for monetary damages or injunction proceedings for coercion of any type. Anyone who feels they have been deprived by a State official of the right to vote, as guaranteed by the 15th amendment, has complete freedom to file suit in a Federal district court under this section.

This is not the only civil remedy available. Subsection 3 of section 1985, title 42, provides for recovery of damages from two or more persons who conspire to deprive another of his rights, including voting rights. Section 1986 of the same title provides for a civil suit against one having power to prevent a deprivation of rights and who fails to act.

Mr. Speaker, I would like to emphasize that these statutes have been in effect for nearly 100 years. I cannot conceive that this body of law is not effective today in securing the rights of all citizens. Severe criminal penalties are imposed for deprivation of civil rights; damages are allowed the complainant; and traditional equitable remedies are available in these cases.

Despite the existence of these laws, in the Civil Rights Act of 1957 even more laws were enacted on this subject of protection of civil liberties. I quote the pertinent provisions of the law now contained in section 1971 of title 42:

> (a) All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or territory, or by or under its authority, to the contrary notwithstanding.
>
> (b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.
>
> (c) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

Frankly I have never known of any violation of voting rights in my home State of Arkansas; however, I should like to point out that in this area, as well, ample provisions of law exist to safeguard the civil liberties of our citizens.

The Arkansas constitution in article II, section 3, provides that:

> The equality of all persons before the law is recognized, and shall ever remain inviolate; nor shall any citizen ever be deprived of any right, privilege, or immunity, nor exempted from any burden or duty, on account of race, color, or previous condition.

The only tests of the right to vote are prescribed by article III, section 1 of the Arkansas constitution:

> Every citizen of the United States at the age of 21 years, who has resided in the State 12 months; in the county 6 months, and in the precinct, town, or ward, 1 month, next preceding any election at which they propose to vote, except such persons as may for the commission of some felony be deprived of the right to vote by law passed by the general assembly, and who shall exhibit a poll tax receipt or other evidence that they have paid their poll tax at the time of collecting taxes next preceding such election shall be allowed to vote at any election in the State of Arkansas.
>
> However:
>
> No idiot or insane person shall be entitled to the privileges of an elector.

See article III, section 5 of the Arkansas constitution.

Further, article III, section 2 of the Arkansas constitution commands that:

> Elections shall be free and equal. No power, civil or military, shall ever interfere to prevent the free exercise of the right of suffrage; or shall any law be enacted whereby the right to vote at any election shall be made to depend upon any previous registration of the elector's name; or whereby such right shall be impaired or forfeited, except for the commission of a felony at common law, upon lawful conviction thereof.

Article II, section 4 of the Arkansas constitution provides that:

> Electors shall, in all cases (except treason, felony, and breach of the peace), be privileged from arrest during their attendance at elections and going to and from the same.

Article II, section 6, of the Arkansas constitution reads:

> Any person who shall be convicted of fraud, bribery, or other willful and corrupt violation of any election law of this State shall be adjudged guilty of a felony.

These provisions represent the constitutional law of the State of Arkansas. They are implemented by numerous detailed statutory regulations, typical of which are the following:

Arkansas Statutes—1947—section 3–1414, punishes by a $500 fine any interference or intimidation or other act to prevent any person from voting in a primary election; and section 3–1415 makes it a felony to intimidate, and so forth, any person in any general or special election.

It is made a misdemeanor for an officer to exact from any person more than $1 for a poll tax. The offense is punishable by fine, $100 to $250. Section 3–111 prohibits the imposition of a penalty for delinquent payment of the poll tax. Section 3–112 authorizes the issuance of a poll tax receipt without the payment of property taxes.

These statutes are only a few examples of the legal machinery that the State of Arkansas has provided to protect the right to vote. This machinery in no part discriminates against any elector because of race or color. It disqualifies only infants, aliens, idiots, and felons.

On the basis of these facts, Mr. Chairman, I strongly urge that since passage of this legislation will tend to infringe upon our constitutional rights rather than to protect an area which already has more than adequate protection, it be defeated.

Mr. DENT. Mr. Speaker, the RECORDS will show that during the past 2 weeks of debate on the issue of civil rights, I have refrained from participating in any of the arguments and discussions.

There was a good reason for this. The entire debate centered around the various conceptions and interpretations of applicable law and the constitutionality of the various titles.

I left this burden to be carried by those amongst us who are practicing attorneys.

However, now that the legalistic smoke has cleared away, and in the calmness of the tranquil waters of pure logic, I want to add a few thoughts to the many already expressed.

The need to clear away the roadblocks that have prevented, in many cases, the Negroes' right to vote is of course paramount if we are to finally make our colored citizens, citizens in fact as well as in name.

The economic status of the Negro in all sections of the country leaves a lot to be desired.

If this Nation is to measure up to its worldwide billing as the "greatest place on earth, in which to live, to work, and to prosper," then it behooves all of us to look into some phases of the economics of the labor conditions insofar as the American Negro is concerned.

In most instances, they are relegated to the most menial tasks with the lowest possible wages.

In many cases, both north and south of the Mason-Dixon line, they are huddled into modern ghettoes. Few can really move into the more desirable residential areas regardless of their economic standing.

It is my sincere conviction that the only answer is one that must come from equalization, equalization of opportunities. This will lead not to the mixture of the races but, in reality, will let each racial group find and raise its own standards and levels of living socially, economically, and in their conditions of labor.

There are always barriers in the social calendar, and nothing ever done by Congress will change this.

So long as human beings remain human, each will seek his or her own company.

No better example of complete understanding and freedom of action, regardless of race, color, or creed, can be found than in our newest State, the 50th, the State of Hawaii.

The day will come when the Negro has found his place politically by the intelligent and free use of his voting franchise. This will be followed in an orderly fashion by the complete integration of the Negro into our American economy.

To show how bad conditions can get when the economic level of the wage earner reaches a rate below subsistence grades, one need only look at the records submitted to our subcommittee on minimum wage laws.

These testimonials show just about how the Negro fares in the field of economic competition.

The answer and solution to the problem lies in the hearts of men and, in my opinion, the best road to success is through our Christian doctrines and religious revivals.

The CHAIRMAN. Under the rule, the Committee will rise.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. WALTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, pursuant to House Resolution 359, he reported the bill back to the House with sundry amendments adopted in Committee of the Whole.

The SPEAKER. Under the rule the previous question is ordered. Is a separate vote demanded on any amendment?

Mr. McCULLOCH. Mr. Speaker, I demand a separate vote on the amendment which is known as title VI.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put the remaining amendments en gross.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote is demanded.

The Clerk read as follows:

Amendment offered by Mr. McCULLOCH, as amended by the substitute offered by Mr. CELLER, on page 12, immediately below.

"TITLE VI

"SEC. 601. That section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), is amended as follows:

"(a) Add the following as subsection (e) and designate the present subsection (e) as subsection '(f)':

"'In any proceeding instituted pursuant to subsection (c) in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a) the court shall upon request of the Attorney General and after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that any election or elections (1) he is qualified under State law to vote, and (2) he has since such finding by the court been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. Such order shall be effective as to any election held within the longest period for which such applicant could have been registered or otherwise qualified under State law at which the applicant's qualifications would under State law entitle him to vote.

"'Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with notice of such order to permit any person so declared qualified to vote to vote at an appropriate election shall constitute contempt of court.

"'An application for an order pursuant to this subsection shall be heard within ten days, and the execution of any order disposing of such application shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

"'The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. In a proceeding before a voting referee, the applicant shall be heard ex parte. His statement under oath shall be prima facie evidence as to his age, residence, and his prior efforts to register or otherwise qualify to vote. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

"'Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceeding together with an order to show cause within ten days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered unless prior to that time there has been filed with the court and served upon all parties a statement of exceptions to such report. Exceptions as to matters of fact shall be considered only if supported by a duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts or by statements or matters contained in such report; those relating to matters of law shall be supported by an appropriate memorandum of law. The issues of fact and law raised by such exceptions shall be determined by the court or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court. A hearing as to an issue of fact shall be held only in the event that the proof in support of the exception discloses the existence of a genuine issue of material fact. The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

"'The court, or at its direction the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

"'Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(c) of the Federal Rules of Civil Procedure. The compensation to be allowed to any persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

"'Applications pursuant to this subsection shall be determined expeditiously. In the case of any application filed twenty or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally. In the case of an application filed within twenty days prior to an election, the court, in its discretion, may make such an order. In either case, the order shall make appropriate provision for the impounding of the applicant's ballot pending determination of the application. The court may take any other action, and may authorize such referee or such other person as it may designate to take any other action, appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees. This subsection shall in no way be construed as a limitation upon the existing powers of the court.

"'When used in the subsection, the word "vote" includes all action necessary to make a vote effective including, but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election; the words "affected area" shall mean any subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have violated subsection (a); and the words "qualified under State law" shall mean qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have violated subsection (a) in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist.'

"(b) Add the following sentence at the end of subsection (c):

"'Whenever, in a proceeding instituted under this subsection any official of a State or subdivision thereof is alleged to have committed any act or practice constituting a deprivation of any right or privilege secured by subsection (a), the act or practice shall also be deemed that of the State and the State may be joined as a party defendant and, if, prior to the institution of such proceeding, such official has resigned or has been relieved of his office and no successor has assumed such office, the proceeding may be instituted against the State.'"

The question was taken, and on a division (demanded by Mr. CELLER) there were ayes 225, noes 106.

Mr. SMITH of Virginia. Mr. Speaker, I demand the yeas and nays on the Celler amendment.

The yeas and nays were ordered.

The question was taken and there were—yeas 295, nays 124, answering "present" 2, not voting 10, as follows:

[Roll No. 32]

YEAS—295

Adair	Baldwin	Bolling
Addonizio	Barr	Bolton
Allen	Barrett	Bosch
Andersen, Minn.	Barry	Bowles
Anfuso	Bass, N.H.	Brademas
Ashley	Bates	Bray
Aspinall	Baumhart	Breeding
Auchincloss	Becker	Brewster
Avery	Belcher	Brock
Ayres	Bentley	Broomfield
Bailey	Betts	Brown, Mo.
Baker	Blatnik	Brown, Ohio
	Boland	Buckley

Burdick	Hoeven	O'Brien, N.Y.
Burke, Ky.	Hogan	O'Hara, Ill.
Burke, Mass.	Holifield	O'Hara, Mich.
Byrne, Pa.	Holland	O'Konski
Byrnes, Wis.	Holt	O'Neill
Cahill	Holtzman	Oliver
Canfield	Horan	Osmers
Cannon	Hosmer	Ostertag
Carnahan	Hyard	Pelly
Cederberg	Inouye	Pfost
Celler	Irwin	Philbin
Chamberlain	Johnson, Calif.	Pillion
Chenoweth	Johnson, Colo.	Pirnie
Church	Johnson, Md.	Porter
Clark	Johnson, Wis.	Price
Coad	Judd	Prokop
Coffin	Karsten	Pucinski
Cohelan	Karth	Quie
Collier	Kasem	Quigley
Conte	Kastenmeier	Rabaut
Cook	Kearns	Randall
Corbett	Kee	Ray
Cunningham	Keith	Reece, Tenn.
Curtin	Kelly	Rees, Kans.
Curtis, Mass.	Keogh	Reuss
Curtis, Mo.	Kilday	Rhodes, Pa.
Daddario	Kilgore	Riehlman
Dague	King, Calif.	Rivers, Alaska
Daniels	King, Utah	Robison
Dawson	Kirwan	Rodino
Delaney	Kluczynski	Rogers, Colo.
Dent	Kowalski	Rogers, Mass.
Denton	Kyl	Rooney
Derounian	Lafore	Roosevelt
Derwinski	Laird	Rostenkowski
Devine	Lane	Roush
Diggs	Langen	Rutherford
Dingell	Lankford	St. George
Dixon	Latta	Santangelo
Donohue	Lesinski	Saund
Dooley	Levering	Saylor
Dorn, N.Y.	Libonati	Schenck
Doyle	Lindsay	Scherer
Dulski	Lipscomb	Schwengel
Dwyer	McCormack	Shelley
Edmondson	McCulloch	Shipley
Fallon	McDonough	Siler
Farbstein	McDowell	Simpson, Ill.
Fascell	McFall	Sisk
Feighan	McGinley	Slack
Fenton	McGovern	Smith, Iowa
Fino	McIntire	Springer
Flood	Macdonald	Staggers
Flynn	Machrowicz	Stratton
Fogarty	Mack, Ill.	Sullivan
Foley	Mack, Wash.	Taylor
Forand	Madden	Teague, Calif.
Ford	Magnuson	Teller
Frelinghuysen	Mailliard	Thompson, N.J.
Friedel	Marshall	Thomson, Wyo.
Fulton	Martin	Thornberry
Gallagher	May	Toll
Garmatz	Merrow	Tollefson
Gavin	Metcalf	Udall
George	Meyer	Ullman
Giaimo	Michel	Vanik
Gilbert	Miller, Clem	Van Pelt
Glenn	Miller, George, P.	Van Zandt
Goodell	Miller, N.Y.	Wainwright
Granahan	Milliken	Walhauser
Gray	Moeller	Walter
Green, Oreg.	Monagan	Wampler
Green, Pa.	Moore	Weaver
Griffin	Moorhead	Weis
Griffiths	Morgan	Westland
Gubser	Morris, N. Mex.	Wharton
Hagen	Moss	Widnall
Halleck	Moulder	Wier
Halpern	Multer	Wilson
Hargis	Mumma	Withrow
Harmon	Murphy	Wolf
Hays	Nelsen	Wright
Healey	Nix	Yates
Hechler	Norblad	Younger
Henderson	O'Brien, Ill.	Zablocki
Hiestand		Zelenko

NAYS—124

Abbitt	Brooks, La.	Everett
Abernethy	Brooks, Tex.	Evins
Albert	Brown, Ga.	Fisher
Alexander	Broyhill	Flynt
Alford	Budge	Forrester
Alger	Burleson	Fountain
Andrews	Casey	Frazier
Ashmore	Chelf	Gary
Bass, Tenn.	Colmer	Gathings
Beckworth	Cooley	Grant
Bennett, Fla.	Cramer	Gross
Bennett, Mich.	Davis, Ga.	Haley
Berry	Davis, Tenn.	Hardy
Blitch	Dorn, S.C.	Harris
Boggs	Dowdy	Harrison
Bonner	Downing	Hébert
Bow	Durham	Hemphill
Boykin	Elliott	Herlong
	Hess	Mitchell
	Hoffman, Ill.	Morris, Okla.
	Hoffman, Mich.	Morrison
	Huddleston	Murray
	Hull	Natcher
	Jarman	Norrell
	Jennings	Passman
	Jensen	Patman
	Johansen	Perkins
	Jonas	Pilcher
	Jones, Ala.	Poage
	Jones, Mo.	Poff
	Kitchin	Preston
	Knox	Rains
	Landrum	Rhodes, Ariz.
	Lennon	Riley
	Loser	Rivers, S.C.
	McMillan	Roberts
	McSween	Rogers, Fla.
	Mahon	Rogers, Tex.
	Mason	Scott
	Matthews	Selden
	Meader	Short
	Mills	Sikes
	Smith, Calif.	
	Smith, Kans.	
	Smith, Miss.	
	Smith, Va.	
	Spence	
	Stubblefield	
	Taber	
	Teague, Tex.	
	Thomas	
	Thompson, La.	
	Thompson, Tex.	
	Trimble	
	Tuck	
	Utt	
	Vinson	
	Watts	
	Whitener	
	Whitten	
	Williams	
	Willis	
	Winstead	
	Young	

ANSWERING "PRESENT"—2

Jackson	Kilburn

NOT VOTING—10

Anderson, Mont.	Baring	Powell
Arends	Chiperfield	Sheppard
Barden	Minshall	Steed
	Montoya	

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Arends for, with Mr. Kilburn against.

Mr. Chiperfield for, with Mr. Jackson against.

Mr. Sheppard for, with Mr. Barden against.

Until further notice:

Mr. Montoya with Mr. Minshall.

Mr. KILBURN. Mr. Speaker, I have a live pair with the gentleman from Illinois [Mr. ARENDS]. I voted "nay." If he were present, he would vote "yea." Therefore, I withdraw my vote and vote "present."

Mr. JACKSON. Mr. Speaker, I have a live pair with the gentleman from Illinois. [Mr. CHIPERFIELD]. I voted "nay." If Mr. CHIPERFIELD were present, he would have voted "yea." Therefore, I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. WILLIAMS. Mr. Speaker, I demand the reading of the engrossed copy of the bill.

The SPEAKER. The further consideration of the bill will go over until tomorrow.

Mr. JONES of Missouri. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JONES of Missouri. Mr. Speaker, would it be in order to make a motion to vote on the engrossed copy of the bill at 7 o'clock this evening?

The SPEAKER. That motion would not be in order.

Mr. JONES of Missouri. I thank the Speaker.

GENERAL LEAVE TO EXTEND

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the civil rights bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

CONSIDERATION OF THE CIVIL RIGHTS BILL IN COMMITTEE OF THE WHOLE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MOORHEAD. Mr. Speaker, civil rights has always been an explosive issue. Feelings run deep and tempers flare easily. This year was no exception. The debate on H.R. 8601 has been one of the longest debates in recent years. The parliamentary situation was unbelievably complex. There was ample opportunity for the debate to degenerate into bitter emotional demagoguery.

Despite these obstacles, this bitterly divisive debate was carried on in the highest parliamentary tradition.

Mr. Speaker, I believe that the credit for this belongs in large measure to the presiding officer. When difficult parliamentary inquiries and points of order were raised he made clear lawyerlike explanations and rulings. His firm hand on the gaval kept order through many difficult days.

Mr. Speaker, I believe that every Member of this House and every citizen of the United States owes a debt of gratitude for the skillful chairmanship which has been displayed by the dean of my delegation, the distinguished gentleman from Pennsylvania [Mr. WALTER].

LEGISLATIVE PROGRAM

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to proceed for 1 minute for the purpose of inquiring of the majority leader as to the program for the balance of the week.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McCORMACK. There is no further program for the balance of the week. If the pending bill had been disposed of today, there would have been no further business for the rest of this week. There will be three resolutions that have been reported out of the Committee on House Administration having to do with money for three different committees, but outside of that there will be no further legislation for the balance of the week other than the further consideration and disposition of the pending civil rights bill.

Mr. HALLECK. Would it be the intention of the gentleman from Massachusetts that when the House adjourns tomorrow, it adjourn to meet on Monday?

Mr. McCORMACK. The gentleman is correct.

Mr. HALLECK. Does the gentleman from Massachusetts care to make the

unanimous consent request at this time or does he prefer to wait until tomorrow?

Mr. McCORMACK. I think it would probably be better to wait until tomorrow.

I cannot say. When I say that, it is not because of any further legislative program. I will ask unanimous consent now, Mr. Speaker, that when the House adjourns tomorrow——

Mr. WILLIAMS. I will have to object to that.

Mr. McCORMACK. Then I will not submit the request, Mr. Speaker.

Mr. WILLIAMS. I may not object tomorrow.

Mr. McCORMACK. I cannot imagine the gentleman's objecting to it tomorrow.

PERSONAL EXPLANATION

Mr. BARING. Mr. Speaker, at the time the vote was taken on the Celler amendment, I was in the rotunda attending the ceremony dedicating the McCarran statue. I did not hear the bells. I want the RECORD to show that had I been present I would have voted "yea" on the Celler amendment.

TAX LOOPHOLE NO. 5

Mr. VANIK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. VANIK. Mr. Speaker, it is my earnest hope that no effort will be made to resume consideration of H.R. 5, the Foreign Investment Incentive Act which could more appropriately be named Tax Loophole No. 5.

I oppose this bill, because I believe it would permit American corporations with subsidiaries abroad to transfer these assets without the payment of capital gains taxes to the U.S. Treasury.

Many of the beneficiaries of this private bill argue that their corporations could have undertaken these foreign operations without paying United States taxes simply by operating under foreign charters. They would have us overlook the many advantages and benefits which they enjoy in conducting their operations under American charter.

A great part of the industrial expansion by American enterprise abroad proceeds under the investment guarantee program, under which the United States Government guarantees the foreign investment against expropriation and war risk. As of December 31, 1959, over $540,397,000 of this insurance has been issued by the Investment Guarantees Division of the Office of Private Enterprise in the International Cooperation Administration.

In the Mutual Security Act of last year this insuring authority was increased from $500 million to $1 billion.

The contingent liability of the United States Government in providing this expropriation and war risk insurance is almost completely unrelated to the small payment of premium involved in this insurance.

If American business prefers to operate under foreign charters, let them assume full risk of expropriation and any other related hazards of such operation.

However, if their activities abroad are going to be insured against expropriation, protected by American military strength, if need be, and aided and encouraged by many other actions of our Government facilitating such enterprise, let them assume at least a portion of the real cost involved in making their foreign operations secure investments.

If the full cost of promoting, insuring, and protecting American business abroad were known to the Members of this body, this legislation would not have a ghost of a chance.

CENTENNIAL OF THE BIRTH OF JANE ADDAMS

Mrs. CHURCH. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. CHURCH. Mr. Speaker, I am today introducing a joint resolution to authorize and request the President to issue a proclamation in connection with the centennial of the birth of Jane Addams, founder and leader of Chicago's Hull House.

Under leave to extend my remarks, I would immediately include at this point a proclamation issued from the office of the mayor of the city of Chicago, dated January 26, 1960, honoring Jane Addams, founder and leader of the Chicago Hull House.

CITY OF CHICAGO, OFFICE OF THE MAYOR—PROCLAMATION

Whereas the year 1960 marks the centennial of the birth of Jane Addams, founder and leader of Chicago's Hull House and one of the world's most revered women; and

Whereas Jane Addams, born on September 6, 1860, a native daughter of Illinois and an outstanding citizen of Chicago for almost 50 years, placed her energy, her wisdom, and her courage in the service of mankind; and

Whereas Jane Addams saw the needs of her immigrant neighbors and gave pioneer leadership to the development of social welfare programs and social reforms to protect and aid them; and

Whereas she established programs at Hull House to give guidance to newcomers—the unschooled child, the working mother, the exploited foreign-born father, in the establishment of a kindergarten for children of working mothers, English classes, and an employment bureau; a residence for working girls, a playground, a library, a music school, an art gallery, a demonstration to a world in conflict where people of all cultures could live and work and play together; and

Whereas she pioneered in social settlement work, in developing methods in social work, in establishing welfare services for children and immigrants, in strengthening the labor movement, in working for the passage of protective laws for mothers and child workers, in helping outstanding women leaders to contribute to the needs of society; and

Whereas she used her life experience at Hull House as a basis for her untiring efforts toward equal justice for all mankind and for peace among the peoples of the world, for which she received the Nobel Peace Prize; and

Whereas this great and noble woman gave to the city of Chicago, and to the world, a supreme example of citizen leadership through lessons that are a part of our rich heritage and are still meaningful today:

Now, therefore, I, Richard J. Daley, mayor of the city of Chicago, do hereby proclaim this the Jane Addams Year in Chicago, in order that all the citizens of Chicago may do her honor.

RICHARD J. DALEY,
Mayor.

Dated this 26th day of January, A.D., 1960.

Mr. Speaker, it was my fortunate privilege during the early years following my graduation from college to work closely with the settlement house movement and to engage actively in its work. Of all those who pioneered in the movement and who contributed so largely to the social welfare and social reform of the great cities of this Nation, none exceeded Jane Addams in vision, in courage, or in capacity. It was my honor to know Miss Addams personally and to share the blessing of having her as a guest in my home. No one whose thought or life she touched could fail to respond with awakened interest in people everywhere and with a desire to serve those of our population who need it most. The fruits of her interest and her determination lay permanently in the enlightened social consciousness of our great city.

September 6, 1960, marks the 100th anniversary of the birth of this great social leader. Jane Addams was born on September 6, 1860, in Cedarville, Ill. Because of the social interest early aroused by the work of her father in the abolitionist movement, her determination to make a personal attack on the then existing slum conditions was furthered by her visit to Toynbee Hall in England after her graduation from Rockford College in 1882.

Her determination to set up a similar house in Chicago was an immediate response to her belief that slum conditions could be bettered and that our more unfortunate population could be helped by personal interest and personal contact.

Together with her college classmate, Ellen Gates Starr, she founded Hull House, occupying the former country home of Charles J. Hull, located in a once-fine residential neighborhood at Polk and Halsted Streets. The house, at the time, was surrounded by tenements and factories in a neighborhood composed of immigrant Russian and Polish Jews, Irish, Germans, and Bohemians, where disease, poverty, vice, substandard housing, and appalling labor conditions presented a challenge at which a heart less stout than Miss Addams' might have faltered.

Throughout the years following the opening of Hull House in 1889, Chicago witnessed a slow but undeniable miracle. The plan on which Jane Addams worked was based on concern for the entire family. The plan was broadened later to meet increasingly recognized needs. Hull House came to provide housing for working girls, produced the first Little Theater in America, and served as a meeting place for trade union groups. Twelve buildings were finally necessary and were provided to meet expanding service through the community.

Together with the outstanding women who, in the early 1890's, made their contribution to the Hull House movement, there came a new vision and a change in social work. Social work became a profession which demanded and received wide community recognition and support. Among the projects launched were the Immigrants Protective League, the Juvenile Protective Association, public baths, the first playground to be operated by the city, the Institute for Juvenile Research, the Illinois Child Labor Committee, and the juvenile court. The influence of Hull House spread to the city council and to Springfield, putting into being long necessary reforms. After a 14-year campaign, Miss Addams had her greatest triumph in the passage of the child labor law in 1903. The scope of interest and influence widened to Washington where the experience at Hull House was a vital factor leading to the establishment of the U.S. Children's Bureau. Headed first by Julia Lathrop and later by Grace Abbott, both of whom were among the early workers in connection with Hull House, it opened the door to national recognition of needs of children everywhere in America. In fact, the climax came when President Theodore Roosevelt, in 1909, called the first White House Conference on Children.

The honors that came to Miss Addams were many. None meant more to her than the award of the Nobel Peace Prize in 1931 in recognition of her effort toward peace through the Women's Peace Party and later through the Women's International League for Peace and Freedom, which she founded in 1915 and headed for 20 years. Honors and awards, however, of which she had so many, meant little to Miss Addams. Her satisfaction and her reward came from recognition of a growing social consciousness on the part of the city which she loved and from the realization that her own life had been a major contribution toward awakening interest in this country and throughout the world in the problems of the underprivileged and in the need for peace under which alone mankind could rise to greatest heights of economic and social well-being.

The city of Chicago and the State of Illinois are honored by being able to call Miss Addams their own. In a greater and truer sense, however, the whole world which claimed her interest can also be proud that in her day and generation her vision and her efforts knew no local or national boundary. Above all, the underprivileged whom she served and whose need she brought to the attention of the world can, indeed, rise up and call her blessed.

POSTAL FACTS

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, under unanimous consent to revise my remarks in the RECORD, I include herein a splendid recent editorial entitled "Postal Facts" from the distinguished Boston Daily Record, which is one of the Nation's outstanding newspapers.

The editorial, which opposes increased postal rates at this time, is extremely well written and is a thoughtful and forceful presentation of the case.

POSTAL FACTS

President Eisenhower's special message to Congress urging another postal rate increase presents one of those seemingly plausible arguments which is easily demolished by facts. Let's consider the facts.

In essence the President says the Post Office is losing a lot of money. Therefore mail rates should be raised to wipe out the loss, or at least come close.

This position, which apparently came to the President special delivery from Postmaster General Summerfield, is based on a fallacy.

It is the error of assuming the Post Office is a business. In reality, in historical precedent, and in everyday fact, it is a public service. It cannot possibly be conducted as both.

It is true it costs taxpayers money to run the Post Office Department. It also costs taxpayers money to run the White House, the Commerce Department, the Federal judiciary system, the FBI—almost every Federal activity.

The costs of such public services are taken for granted. But the costs of the postal service are labeled "deficit" and become issue.

Why? The answer is that the Post Office takes in a great deal of money, about $2½ billion a year. No other Government department produces anywhere near as much revenue. But because the postal establishment costs more to operate than it takes in, and because a law requires annual reports comparing receipts with costs, the Post Office is singled out and charged with operating at a deficit.

Postal rates actually are a form of taxes. The Post Office does not keep the money it gets for selling stamps, but turns it into the Treasury. Thus in urging a postal rate increase, the administration is seeking an indirect tax increase.

Finally, the theory that the Post Office is a business doesn't make sense. Would a business charge the same fee to deliver a message across the street as it does to handle a letter from Florida to Alaska? Would a business operate a branch office in every hamlet in the Nation, most of them losing money because of slight patronage? Would a business take on sideline jobs without remuneration, like selling duck stamps or registering aliens?

The Post Office is an essential public service, worth what it costs to operate.

We suggest Mr. Summerfield ought to stop proclaiming (and complaining) how much his Department has lost and concentrate on getting the mails delivered as speedily and economically as possible.

And Congress ought to ignore the request for another boost in rates.

THE OUTRAGE AGAINST BISHOP JAMES EDWARD WALSH

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, the civilized world was shocked to learn of the recent maltreatment and imprisonment of Bishop James Edward Walsh, who for many years has unselfishly devoted his life to the cause of religion in the Far East.

This outrage is another instance of the despicable enmity of communism to all people who believe in a supreme being.

The Marxist bible is not only devoid of religious principles but, by being hostile to all religions, is committed to eliminating them, wherever they exist, from contemporary life.

The theory and practice of every communistic government is to pursue an open, nefarious warfare against all religions and their chosen leaders. The purpose, of course, is to exclude spiritual ideals, not only from government but from the lives of the people. If the Communists would bother to read world history they would soon come to the conclusion that their efforts to destroy religion are foredoomed to failure.

The fact of the matter is that human beings are inherently and instinctively religious. Man, in his long struggle to lift himself up above the level of the beast, has always raised his eyes to the heavens in recognition of the supreme, omnipotent being who rules the universe.

In every age the enemies of religion have tried to destroy it, and in every instance the results have been the same—miserable failure, because the hearts and minds of men and women are inevitably permeated with religious faith and convictions that are not only profound but unshakable.

Heartless persecution and unspeakable cruelty of the kind recently practiced on Bishop Walsh and his confreres have stained the pages of history.

Every horrible method that could have been contrived by the minds of diabolical zealots has been employed to break the spirit and destroy the faith of believers, all to no avail, since these outrages against the dignity and independence of men, against the natural processes of the human mind and the human soul, merely serve to strengthen the beliefs and increase the fervor of those who look to heaven for deliverance.

In its brief existence, the Red Chinese Government has conducted itself in such a way in its domestic and international relations as to forfeit the respect and evoke the contempt of all civilized nations. This calloused unit of the world Communist apparatus has perpetuated outrage after outrage against the liberty-loving, God-fearing peoples of the earth. It has generated and conducted conscienceless warfare against others and has been responsible for the Korean war which was unprovoked and bloodthirsty and resulted in the slaughter of thousands and thousands of American boys and others fighting with them to prevent communistic aggression.

The Red Chinese Government has been responsible for mass murder and outrageous inhumanities against millions of its own people, as well as many citizens or subjects of other nations.

Bishop Walsh's case, pathetic and outrageous as it is, has ample precedent in the annals of Chinese communism. Here is a man whose high purpose it has been for almost 40 years to serve the spiritual needs and the aspirations for economic and material betterment of the oppressed Chinese people. He has always been true to his principles. Through the years he has endured greatest hardships to serve and help the people. His plight is one that deeply touches the people of the world and will be bitterly resented by all fairminded, just, and tolerant people regardless of race or creed.

Our own great Nation does not maintain diplomatic relations with the masters of deceit and iniquity who enslave the Chinese people, and this latest outrage against Bishop Walsh extinguishes the faint glimmer of hope that some people might have held out for diplomatic recognition of the Chinese Reds and their admission to the United Nations. Of course, such a nation is not fit or qualified to be recognized by this Nation, and it is glaringly ineligible and unqualified for association in the United Nations or with other decent peoples, or with any body dedicated to peace, law, order, and brotherhood in the world.

We are anxious to promote peace, to be sure, in every way we can, either through the framework of the United Nations or otherwise. But we certainly cannot identify or officially associate ourselves with barbarians who ruthlessly plunder, enslave, imprison, destroy, torture, and kill those who for any reason oppose their nefarious, Marxist purposes.

As soon as news of Bishop Walsh's outrageous treatment came to my notice, I promptly urged the State Department to protest strongly against his imprisonment and to do everything in its power to secure fair, humane treatment and his release from further incarceration.

I am sure that the distinguished and great American who presides over the State Department, our good friend, Hon. Christian A. Herter, will exert every influence at his command to see that justice is done in the case of the saintly and dedicated Bishop Walsh.

PROTECTION OF AMERICAN CITIZENS ABROAD

Mr. LANE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, the hands-off policy of the American Government regarding its nationals who are living or traveling abroad is a symptom of confusion and loss of moral courage.

There was a time when the United States moved swiftly to protect the legal rights of its citizens abroad when they were the victims of persecution. This inspired confidence in our own people and earned the respect of other nations.

All that has changed within a few years. The prestige of the United States has declined for several reasons, and among them is the fact—not lost upon the rest of the world—that our Government does not have the heart or the will to protect its own citizens abroad.

This encourages even puny dictators to insult and blackmail the United States by depriving our nationals of their legitimate rights under international law. Our Government, in its anxiety to avoid issues, clings to the barren and defensive policy of "wait till the dust settles." The dust of its nationals who are held as hostages in Red Russia and Red China. The "living dead" of Americans who have been forsaken by their own Government.

The United States knows of 450 members of our Armed Forces who were captured by the Chinese Reds, and it is engaged in polite, half-hearted but fruitless negotiations to effect their release, while the Chinese cat toys with the big but helpless American mouse.

On September 10, 1955, the Chinese Reds agreed at Geneva to release all detained Americans. But five American civilians—Richard Fecteau, John Downey, Robert McCann, Hugh Redmond, and Bishop James Walsh—are held in illegal confinement 4½ years after the promise was made to release them.

Last week, as a sign of their increasing contempt for all standards of civilized behavior, and in cynical disregard of their pledged word, the Chinese Reds trumped up charges against a man who has been in custody for years and sentenced him to life imprisonment.

He is a distinguished American citizen; Bishop James Edward Walsh, Roman Catholic prelate from Cumberland, Md. Sixty-eight years old and in frail health, Bishop Walsh has been accused, which is all that is necessary under the Red terror, of being a Vatican spy working with Cardinal Spellman of New York.

This claim is so fantastic that our first reaction is to laugh it away. But then we think of Bishop Walsh who is the victim of this monstrous injustice. And we sense the insolent and calculated mockery of the United States, and of a leading American clergyman, that has engineered this latest persecution.

Our Government dispatches a note of protest and that is all; confirming the fact that the United States has become a paper dragon, unable or unwilling to protect its own citizens.

Red China is an outlaw regime. It has failed to purge itself of contempt for the United Nations after the U.N. proved it to be the criminal aggressor in Korea.

It must be taught that its continuing and flagrant violations of human rights will further alienate it from the community of mankind. To negotiate with a despotic government that has no intention of honoring the spirit of negotiation is to dignify evil.

I therefore propose that the Congress shall pass a resolution, not only condemning Red China but establishing a definite time limit of 90 days within which it must release all Americans known to be held in captivity and must give a satisfactory explanation of those who were taken prisoner but are presently unaccounted for.

The resolution, expressing the will of Congress, shall urge the Government of the United States to take further action if, at the end of this 90-day period, the Government of Red China does not comply with this demand.

The United States shall then immediately break off negotiations with representatives of Red China at Panmunjom and at Warsaw and shall exclude Red China from any contact whatsoever with the United States until all Americans detained by the Chinese Communists are released.

The time has come for the United States to take a firm stand in order to effect the liberation of Bishop Walsh and his fellow Americans who look to us for the protection of their human rights and not wait till the dust settles in their graves.

NEED FOR AREA DEVELOPMENT BILL

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. VAN ZANDT. Mr. Speaker, this second and concluding session of the 86th Congress convened January 6 and until this time very little has been said and no action has been taken regarding S. 722, a bill providing for area redevelopment aid to the Nation's 138 labor surplus areas commonly described as being "pockets of chronic unemployment."

The Douglas-Payne bill, S. 722, which passed the Senate last spring by a vote of 49 to 46 and which was reported out of the House Banking and Currency Committee on May 13, 1959, is now bottled up in the House Rules Committee where it appears to be headed for a legislative death after lingering there since May 19, 1959.

While the Rules Committee refuses to act on area redevelopment legislation, nearly 4 million American citizens or 4.8 percent of the Nation's labor force are hopelessly unemployed. While it is true that the nearly 4 million unemployed are distributed throughout the Nation yet in the 138 labor surplus areas or pockets of chronic unemployment nearly 900,000 are without employment and living on public assistance and surplus commodities.

Among the 138 labor surplus areas, 31 of them are classified as major labor surplus areas, with 558,850 persons unemployed. Please keep in mind that these people residing in the 138 labor surplus areas have been unemployed for years; their unemployment compensation benefits are exhausted; their age is against them; and the only thing they have to their name is the roof over their heads.

Speaking frankly, they should not be expected to migrate elsewhere for employment, as their problem should be solved at the local level. It is the people in these areas of chronic unemployment that area redevelopment legislation will benefit.

Time and time again the need for area redevelopment legislation has been explained to Congress as well as the great effort that labor surplus communities are making to rehabilitate their economy.

Committees of both Houses of Congress have held hearings in Washington and at strategic points throughout the Nation. As a result there are scores of area redevelopment bills pending in both branches of Congress, together with 18 volumes of printed hearings containing nearly 26,000 pages of testimony and costing the taxpayers of the country over $150,000.

Mr. Speaker, it would not surprise me if Congress, since 1955 when the legislation was first introduced, has spent over a half million dollars on hearings, travel, printing, and so forth. The only thing we have to show for this expenditure of funds is the bill, S. 722, now bottled up in the House Rules Committee.

Mr. Speaker, since the Senate has already spoken by approving the area redevelopment bill, S. 722, it is squarely up to this House to take action on the legislation. As already mentioned, S. 722 is tied up in the House Rules Committee where the membership is composed of eight Democrats and four Republicans. In view of the fact that the House of Representatives is controlled by the Democrats by nearly a 2-to-1 majority, the responsibility for getting action on area redevelopment legislation rests solely on the shoulders of the Democrat Party.

Those of us who want immediate action on area redevelopment legislation are not unmindful of the fact that the Senate bill S. 722 is not getting much support from the Eisenhower administration because of the difference in cost between it and the administration bill.

Therefore, since it has been frequently urged during the past 6 years that there is a definite need to compromise conflicting views regarding area redevelopment legislation, those of us in favor of such action repeat again it is the only means of ever obtaining favorable consideration of the legislation at this session of Congress.

Mr. Speaker, our best hope is to have the House approve a bill and then try to reach a compromise through a Senate-House conference committee, as it is only through acceptance of a compromise that hope lies for enactment of an area redevelopment bill.

Time is running out on the 86th Congress, with adjournment predicted early in July or less than 4 months away.

Since we have legislated for practically every segment of the American economy and for varied groups, including foreign nations friendly to this country, in my mind we owe prompt and proper consideration of the plight of the 900,000 hopelessly unemployed who reside in 138 labor-surplus areas which have been suffering from chronic unemployment for several years.

Therefore, it is my sincere hope that the House of Representatives will accept its responsibility for the fate of area redevelopment legislation by prevailing upon the Democrat-controlled House Rules Committee to take immediate action on S. 722, which passed the Senate a year ago.

Such action would pave the way for an early vote on a vital legislative measure concerning the health and welfare of nearly 1 million unemployed Americans.

THE INCREASING FARMER-TO-CONSUMER FOOD PRICE SPREAD SHOULD BE INVESTIGATED

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. TELLER] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. TELLER. Mr. Speaker, I rise to renew my plea in support of my proposed resolution—House Joint Resolution 451—to authorize a thoroughgoing investigation of the ever-widening spread between what the farmer gets for his product and what the city housewife has to pay when she does her food shopping.

Ample justification for such an investigation may be found in the startling fact that retail food prices have increased 20 percent in the last 10 years, yet prices received by farmers for their crops and livestock decreased by 8 percent in the same period. We are the best fed of all nations, but our farm people receive less than half the income for their labors as do people who work in our cities.

The need for such an investigation has been intensified by our concern over the persistence of creeping inflation. I realize, of course, that the dangers of inflation come from a number of sources, among them our massive defense expenditures, the lack of judgment by Government officials in the expansion or contraction of credit controls, and the failure to adopt an efficient Federal policy for combating recessions. We are, nevertheless, faced with a persistent rise in consumers' food costs which requires the scrutiny of Congress and possible corrective legislation.

I feel confident that such an investigation will yield facts from which we can begin a program for reducing the huge subsidies our Nation has been paying to farmers. The reduction and elimination of these subsidies will, of course, require a many-faceted approach to the overall farmers' problem. It will be necessary, for example, to encourage more rapid economic growth in severely depressed rural as well as urban areas. But the food price spread is an important aspect of the problem, one which vitally affects every city household.

This problem of increasing spread is especially acute with respect to a number of specific products. In 1958 the farmer received 2.4 cents for the wheat in a 19.3 cents loaf of bread. Other ingredients cost 0.6 cent at the farm and the balance—16.3 cents went to processors and marketing agencies. Ten years earlier in 1947–49 the farm value of the wheat in a loaf of bread was 2.7 cents, other ingredients 0.6 cent and the loaf retailed for 13.5 cents—12.2 cents went to the processors and other middlemen. During this 10-year period the marketing spread on a loaf of bread increased by one-third.

The behavior of bread prices is typical of the behavior of the prices of all cereal products. The retail prices of all cereals and bakery products increased 33 percent from 1947–49 to 1958, even though the price of wheat at the farm declined 16 percent during those years. Since 1952, or in the past 6 years which are free from the immediate postwar adjustment problems and the price disturbances associated with the Korean war, the retail prices for cereals and bakery products increased 16 percent even though the price of wheat at the farm was falling 18 percent.

In 1958 the farmer received 10.7 cents for a quart of milk which sold at retail for 24.5 cents. Ten years earlier the farmer received 10.6 cents for a quart which retailed for 20.1 cents. The spread on a quart of milk has increased 45 percent in the past 10 years.

In the past 10 years—from 1947–49 to 1958—prices received by farmers for milk and butterfat dropped 8 percent. Yet the retail prices of dairy products as reported by the Bureau of Labor Statistics increased 14 percent. Since 1952 prices received by farmers for milk and butterfat have dropped 18 percent while retail prices for dairy products increased 1 percent.

In the 10 years since 1947–49, many changes have occurred in food purchases of the average city family. Today the average city family buys fewer low cost potatoes and fewer cereal products than 10 years ago. On the other hand meat and poultry consumption per capita has gone up 8.5 percent.

In spite of this substantial upgrading of the foods purchased, farmers in 1958 received eight fewer dollars from each city family's food purchases than in 1947–49. In contrast, marketing and processing charges in 1958 were $253 higher on the average city family's purchases than in 1947–49.

With retail food prices up 5 percent in 1958 over 1957, and up 20 percent in the last 10 years, it is not surprising that I am receiving many complaints about the high cost of food in my district.

Most families do not realize, however, that out of the approximately $260 increase in their food costs in 1958 as compared with 1947–49, farmers actually received eight fewer dollars. Payments for imported foods such as bananas and coffee increased $15 per family, payments to farmers declined $8, and payments to the middlemen and processors increased $253—almost equal to the full $260 increase.

Mr. Speaker, we cannot remain inactive or satisfied in the face of the fact that more than half of our city families would like to buy more food if they can afford it. Nor ought we to be indifferent that surpluses have accumulated in American storehouses partly because farmers cannot find a market for all the food they are producing.

Accordingly, I again urge the Congress to consider my proposed resolution to investigate the ever-increasing spread between what the farmer gets for his product and what the city housewife has to pay for it.

AFRICAN STUDIES SECTION ESTABLISHED BY LIBRARY OF CONGRESS

Mr. ROBISON. Mr. Speaker, I ask unanimous consent that the gentlewoman from Ohio [Mrs. BOLTON] may extend her remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mrs. BOLTON. Mr. Speaker, as a member of the Subcommittee on Africa of the Committee on Foreign Affairs, I want to advise the Members that the Library of Congress has announced the establishment of an African studies section. Designed to provide bibliographical information and other specialized reference services on African subjects, this new section is certain to become an invaluable aid to Members of Congress and research scholars. During the first year of the program, the Library plans to staff the section with three specialists and supplement its already extensive collections with acquisition trips through Africa. Currently some 12,000 African items are acquired annually by the Library, through purchase orders with commercial booksellers abroad, and thousands of additional items are obtained in exchange with governmental, scientific, and learned institutions in Africa.

Creation of the new Africana unit was first recommended in 1958 by the African Studies Association, an organization composed of American social scientists and scholars formed to encourage and support research on Africa. Its realization became possible last December when the Carnegie Corp. of New York awarded a grant of $200,000 to the Library to set up and operate the section for 5 years.

Mr. Speaker, I should like to commend the African Studies Association, the Carnegie Corp., and the Library of Congress for making this African section possible, and to express my hope that it will be widely used in adding to our knowledge of the African Continent.

RESPONSIBILITY FOR FIXING OCEAN FREIGHT RATES ON MAIL

Mr. BONNER. Mr. Speaker, today I have introduced a bill that will vest in the Federal Maritime Board the responsibility of fixing ocean freight rates on mail.

This bill would relieve the Postmaster General of the responsibility of unilaterally determining a fair and reasonable rate for the maritime transportation of the international mails of the United States. The Postmaster General is now placed in the difficult position of sitting as judge in his own cause, and would vest this jurisdiction in an independent third party in the Federal Maritime Board. This is now the common practice with regard to practically all U.S. mail transportation. The Interstate Commerce Commission determines the compensation of the railroads for transporting mail; the Civil Aeronautics Board makes a like determination for the airlines. It is only commonsense and fairplay to both the Post Office Department which performs such a great service for our people and the maritime industry which is so vital to our national defense to enact this bill.

CONTROLLED VERSUS UNCONTROLLED IMMIGRATION

The SPEAKER. Under previous order of the House, the gentleman from Pennsylvania [Mr. WALTER] is recognized for 15 minutes.

Mr. WALTER. Mr. Speaker, the publication the Steuben News contains in its March 1960 issue a most interesting dissertation on the problem of immigration by one of our most prominent experts in that field, Mr. Albert E. Reitzel, who was for many years, until 1955, Assistant General Counsel of the U.S. Immigration and Naturalization Service.

In 1959 Mr. Reitzel served as the very able chairman of the committee of nationality and immigration of the American Bar Association's section of international and comparative law.

Mr. Reitzel's article is as follows:

Three main bills were introduced in Congress in 1959 and are still pending there, proposing far-reaching changes in our immigration law.

Each bill, if enacted into law, would open wide the door for many more tens of thousands of new alien immigrants every year to come to the United States for permanent residence, and would make many other extensive relaxations in the present immigration law. The bills would increase the problem of national security and lessen employment for our own workers.

REASON FOR IMMIGRATION LAWS

Every country finds it necessary to have immigration laws intended to control the bringing, admission, and stay of people from other countries. They are protective laws. But for their requirements and restrictions, present-day means for travel could congest any port in any country any day with people from other countries.

And the congestion could bring on many disturbing problems, such as unemployment and relief burdens. Such laws are increasing in importance because the ever-improving means for speed and comfort in travel are inducing more and more people to travel from country to country. In some countries the tourist trade from other countries is the most growing business. Ease of travel is also boosting progress all over the world by encouraging and aiding persons of special skill and energy to learn about and find better places in which to make use of these qualities. The benefits to themselves and to the places in which they settle are beyond measure.

On the other hand, many people who would like to come to a country for permanent residence have no special qualifications of benefit to any country, and could be a burden. Also, among travelers and would-be immigrants, some may well be persons trying to sneak in—such as spies, Communist agents, smugglers, criminals, and other misfits. So every country, for its own welfare and security, has laws that deny admission to some unneeded classes of people of other countries. The laws, to prevent evasion, must impose, even on people claiming to be coming to the country for only temporary stays, some requirements intended to insure that, if admitted, they will not remain there permanently.

ENFORCEMENT IS VAST OPERATION

The enforcement of the immigration laws of a country is often a vast operation. Most people who make trips away from their home country go as tourists, visitors for business, or as crewmen of ships or aircraft. Even they, generally, are not admitted to another country until they prove at least their name and nationality by passport from their home country or otherwise; and they must satisfy the officer of the country in which they apply to land that their stay there is to be only temporary.

People coming as immigrants to take up permanent residence in a country not their own are not admitted until they likewise prove their name and nationality and meet additional legal requirements and restrictions. Then, if any persons in a country are found to be aliens and there beyond the period for which admitted, or if they have been smuggled in, or are there in violation otherwise of its law, it is generally possible to return them to their home country, in many cases at the expense of the transportation line that brought them.

THE PRESENT LAW

The present immigration law of the United States is the Immigration and Nationality Act of 1952. The act was the result of nearly three generations of experience and nearly 5 years of intensive study in Congress. It was enacted by Congress over the veto of President Truman by a vote of 57 to 26 in the Senate and 278 to 113 in the House of Representatives. It now includes a few minor amendments and is still known as the McCarran-Walter Act.

The act continues to be attacked and defended. Several years ago, the Committee of the U.S. House of Representatives on Un-American Activities disclosed that the Communist Party had created over 180 organizations to exert pressure on Members of Congress to destroy the McCarran-Walter Act. The Communist Party, a law of Congress of 1954 declares, is an active part "of a conspiracy to overthrow the Government of the United States." The pressure of these organizations has aroused patriotic groups such as the American Coalition of Patriotic Societies, the American Legion, the Veterans of Foreign Wars, the Daughters of the American Revolution, and the Sons of the American Revolution to go into action ever since 1957 against bills that would break down that act.

The many ways by which these bills would enlarge the number of immigrants—aliens applying for permanent residence—that may be admitted in each fiscal year under the McCarran-Walter Act and would make other extensive relaxations in it, cannot well be understood without a sketch of its pertinent parts. It is a complex but interesting law, for it deals directly with people on the move all over the world to better their lot in life.

PERTINENT PARTS OF 1952 ACT

The act adopts a formula similar to that required by law ever since 1929 to govern the computation of the number of certain alien immigrants that may be admitted in

any year into the United States. The formula is based on what is generally known as the principle of national origin. It deals with immigrants by the foreign area in which they were born. The area is known as a quota area, a term generally equivalent to the geographical notion of a foreign independent country, a self-governing dominion, etc., outside of this hemisphere. When the principle was adopted, the thought was that about 150,000 was the total of immigrants that could be admitted each year under the quotas, consistent with our capacity to absorb them into our citizenship and with our duty to protect American workers from floods of foreign labor.

For that total, the act declares that the annual quota of immigrants from a quota area shall be one-sixth of 1 percent of the number of inhabitants in the continental United States in 1920 attributable by national origin to that area not counting descendants of alien immigrants from any part of this hemisphere or of people who could not be citizens of our country in its early years.

THE QUOTA SYSTEM

The 1920 census was designated because it was the last one before the inception of that system of quotas. The act allows immigrant natives of a foreign colony or dependency, for which no separate quota is specified or established, to be admitted up to 100 and charged to the quota of the governing country. The quotas are based on the "principle of national origin" for two other purposes, also in fairness to our own people. One is to restrict the admission of new alien immigrants to substantially the same strains of people as the original main strains of our population in 1920. The other is to keep the main strains of new immigrants in about the same proportion to each other as were the then original main strains of our people, generally, as some quotas might not be filled every year. The quotas, and any changes in them, as jointly determined by the Secretaries of State and Commerce and by the Attorney General, must be made public by proclamation of the President.

Strictly speaking, a quota is the number of immigration visas that our Foreign Service officers abroad are authorized to issue to would-be immigrants subject to the quota. An immigration visa is a requirement for admission of such an immigrant to the United States, and would-be immigrants must meet other requirements of the act, such as those relating to mental and physical health and to lack of serious criminal or Communist record.

Immigrants are subject to the quota for the area in which they were born with a few minor exceptions. For instance, the act allots a quota of 105 for immigrants of as much as one-half Chinese race regardless of what foreign country they are natives of, and a quota of 100 for immigrants born in the area of China but not of the Chinese race. Also, the act requires that immigrants of as much as one-half of the stock of people of what the act calls the "Asia Pacific Triangle" be subject to the quotas for areas in that triangle, regardless of what foreign country they are natives. Roughly, the "triangle" embraces all Asiatic countries from India to Japan and all Pacific islands north of Australia and New Zealand.

No quota can be less than 100, except quotas for areas of the "Asia Pacific Triangle." A quota of 100 is allotted by the act to each area of the 20 areas of the "triangle," but if the quota areas there come to exceed 20, the quotas are required to be reduced proportionately so as not to total more than 2,000 a year.

SPECIAL PROVISIONS

Under the complex system of preferences prescribed by the act, preference up to 50 percent, roughly speaking, of each annual quota is available to immigrants urgently needed here because of high education, technical training, or exceptional ability. The other preferences roughly are for parents of U.S. citizens if the citizens are at least 21 years of age and for the spouse and minor children of aliens lawfully admitted here for permanent residence; also, brothers, sisters, married sons or married daughters of citizens of the United States, and the spouses and children of such immigrants.

The total of the annual quotas has been determined to be 154,657. The 5 largest quotas are Great Britain, including Northern Ireland: 65,361; Germany: 25,814; Irish Free State: 18,756; Poland: 6,488; and Italy: 5,645.

Each year a little less than half of the quota for Great Britain and Northern Ireland and a little less than one-third of the quota for the Irish Free State are used. All other quotas are filled each year. No more than 10 percent of any quota may be used in any month, but any unused part of a quota is not subject to this limitation during the last 2 months of the year. Any unused part of any quota for any year expires with that year.

Several classes of immigrants are exempted by the act from the quotas. The number admitted each year is greater by many times than the number of quota immigrants. Only three classes of such nonquota immigrants are large enough for mention here. One of the three large classes includes aliens returning from a temporary visit abroad after having been admitted to the United States for permanent residence.

Another large class includes any alien born in Canada, Mexico, Cuba, Haiti, Dominican Republic, the Canal Zone or any independent country of Central or South America and the spouses and unmarried children under 21 years of age of such alien. But such natives, if Chinese persons, are subject to the quota for Chinese, and if of a stock traceable to stock of what the law calls the "Asia-Pacific Triangle," they are subject to the quotas for areas in that triangle.

The third large class of nonquota immigrants includes any alien who is the spouse or unmarried child under 21 years of age of a citizen of the United States.

All aliens applying for admission, not as immigrants, are required by the act to prove that they are nonimmigrants. They are not subject to the quotas and are admissible for only temporary stays. Most nonimmigrants come as tourists, visitors, crewmen, students, or as diplomatic or United Nations officials and their families and employees.

A big task of the U.S. Immigration Service, to prevent evasion of the requirements as to immigrants, is to take care that nonimmigrants if admitted remain here no longer than for a temporary stay, except in very exceptional appealing cases prescribed by that act.

After a discussion of the three Senate bills (S. 1919, by Senator JAVITS; S. 1996, by Senator KENNEDY; and S. 2178, by Senator DIRKSEN), Mr. Reitzel continues as follows:

THE WALTER RESOLUTION: A SUFFICIENT PROPOSAL

The three main bills contain no plans so practical and controllable with respect to refugee escapees as the pending House Joint Resolution 397 introduced in Congress on May 12, 1959, by Representative WALTER, of Pennsylvania, Chairman of the House Subcommittee on Immigration. It adopts the well-tested definition of refugee escapee in the Refugee Act of September 1957, as meaning "any alien who because of persecution or fear of persecution on account of race, religion, or political opinion has fled or shall flee (a) from any Communist, Communist-dominated, or Communist-occupied area, or (b) from any country within the general area of the Middle East, and who cannot return to such area, or to such country, on account of race, religion, or political opinion;" and the term "general area of the Middle East" as meaning "the area between and including (1) Libya on the west, (2) Turkey on the north, (3) Pakistan on the east, and (4) Saudi Arabia, and Ethiopia on the south."

The resolution contains no numerical limitations or specific termination date, and it is not cluttered up with various proposed amendments not related to refugees and for which there is no general demand or heart appeal.

This Walter resolution would authorize the Attorney General to parole into the United States temporarily any such refugee who applies for the parole "while physically present within the limits of any country which is not Communist, Communist dominated," or Communist "occupied" and is "not a national of the area in which the application is made," and also "is within the mandate of the United Nations High Commissioner for Refugees."

FACTS TO BE PUBLICIZED

The resolution would require that on or before January 15 and June 15, of each year the Attorney General submit to Congress a full statement of facts as to each paroled refugee. Further, that if within 90 days thereafter either the Senate or the House passes a resolution in favor of discontinuance of the paroling, the Attorney General shall do so within 60 days thereafter.

That language of the resolution is strikingly different from that of the bills in that it makes clear that Congress would reserve control to terminate the authority to admit refugees, for any such terminating resolution would not require the approval or be subject to veto of any President, whereas a law passed by Congress without such reservation of authority to terminate it or a terminal date could not be terminated except by act of Congress, approved by a President or passed over his veto.

THE PAROLEE PROBLEM

The resolution also would require the paroled refugee, who has been in the United States for at least 2 years and has not been admitted for permanent residence here, to return to the custody of the U.S. Immigration Service. Then the parolee must submit to the procedure and requirements of the Immigration Act the same as other aliens applying for admission for permanent residence here except as to documents such as a passport or immigration visa. Any parolee who meets these requirements must be recorded as lawfully admitted here for permanent residence, otherwise the parolee is to remain a parolee, subject to deportation, if and when possible.

The resolution would be a long-range authority which, if wisely used, would aid in the solution of the world refugee problem by cooperation with the United Nations High Commissioner for Refugees and by negotiation with other nations to obtain a fair distribution of the refugees among the various countries.

The supervision and control retained by Congress in the resolution could prevent overburdening of our country and undermining of our basic national origin policy.

The resolution, apparently, has many adherents in Congress, and no doubt would be approved by the President. It fits in with his proclamation issued in May 1959, designating the year beginning July 1, 1959, as the Refugee Year in this country. It pledges the support of our Government and asks all citizens to aid the privately organized U.S. Committee for Refugees and the many voluntary agencies active in the refugee field.

The proclamation was issued after a resolution, submitted by the United Kingdom

any year into the United States. The formula is based on what is generally known as the principle of national origin. It deals with immigrants by the foreign area in which they were born. The area is known as a quota area, a term generally equivalent to the geographical notion of a foreign independent country, a self-governing dominion, etc., outside of this hemisphere. When the principle was adopted, the thought was that about 150,000 was the total of immigrants that could be admitted each year under the quotas, consistent with our capacity to absorb them into our citizenship and with our duty to protect American workers from floods of foreign labor.

For that total, the act declares that the annual quota of immigrants from a quota area shall be one-sixth of 1 percent of the number of inhabitants in the continental United States in 1920 attributable by national origin to that area not counting descendants of alien immigrants from any part of this hemisphere or of people who could not be citizens of our country in its early years.

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and sponsored by the United States and seven other countries, was adopted by the General Assembly of the United Nations in 1958 had created the World Refugee Year. It encourages each member to cooperate in whatever way deemed most suitable to help solve the refugee problem. The only "no" votes were cast by the Communist-bloc nations.

The primary targets for 1959 and 1960 of the United Nations High Commissioner for Refugees are to help the 9,000 refugees of European origin in China find new lands, and to settle all the tens of thousands of refugees who have been living in camps in Europe for 10 years or more.

THE REFUGEE PROBLEM

Since 1945 our Government has spent well over a billion dollars on various aid programs for refugees, and has taken in more than three-quarters of a million of men, women, and children under special refugee programs. In addition, tens of thousands of refugees were among the immigrants admitted in regular course to our country since 1945. Other countries, also, have aided in such programs and accepted tens of thousands of refugees as immigrants.

The problem of refugees still remain with us as a terrifying result of war, the crushing tyranny of some countries over the minds and bodies of human beings, and the modern means of travel that facilitate overland escape from areas of war and oppression. So vast is the number that the count no longer includes the 12 million East Germans and Sudeten Germans, etc., who have fled to Free Germany and those still arriving at the incredible rate of 2,000 a week, as all of them have full rights and privileges of German citizenship, and are economically integrated shortly after their arrival. Also, the count does not include the 15 million refugees in Pakistan and India, as they are citizens of the countries in which they reside. According to the most reliable estimates, there are presently about 2,350,000 unassimilated refugees.

Of these nearly 1 million are Arab refugees from Israel, and a million Chinese refugees from Red China who are in the British possession of Hong Kong. There are 210,000 Algerian refugees, and 100,000 escapees from behind the Iron Curtain still in Europe, many yet in camps after nearly 20 years. European refugees still in Communist China number 9,000; Tibetan refugees in India more than 10,000; refugees from the Middle East about 5,000. On all of the refugees the sun never sets.

Many tens of thousands of them are in hovels and camps, where comfort and hope are scarce, where the faces of the grown are withered and children never smile.

TARIFF COMMISSION FINDING IN GLOVE RELIEF CASE FLIES IN THE FACE OF THE FACTS AND SHOWS THE FAILURE OF PRESENT ESCAPE-CLAUSE PROCEDURES

The SPEAKER. Under previous order of the House, the gentleman from New York [Mr. STRATTON] is recognized for 30 minutes.

Mr. STRATTON. Mr. Speaker, on Monday the U.S. Tariff Commission handed down a decision denying any relief under the escape-clause provision of the Trade Agreements Act for the domestic glove industry in Fulton County, N.Y., which is a part of the 32d Congressional District of that State which I have the honor to represent.

Mr. Speaker, this decision discloses an extremely serious and shocking situation. It makes perfectly clear that existing escape-clause procedures in the present law, as they are presently interpreted and carried out by the Tariff Commission, are totally and completely inadequate to protect the interests of American industries and American working men and women against the threat of unfair foreign competition. Congress must not only be made aware of this; we must act to correct the situation.

The glove industry has long been a classic example of the unfortunate effects of cheap imports from abroad on domestic production. In the years since the end of World War II imports of foreign gloves, selling substantially below the American production because of the vast differential in wages and standards of living abroad, have been coming into this country in greatly increasing numbers. The percentage of the total glove market taken over by foreign imports has increased on the order of three, four, five, and even six times, in some cases; and as a result of this change firm after firm in the glovemaking business in Fulton County, N.Y., has gone out of business and countless trained glove workers and families have gone onto the relief and unemployment rolls. The seriousness of this situation is attested to by the fact that Gloversville has been listed for some time as the most seriously chronic unemployment area in the whole State of New York, a State which has been suffering serious unemployment in many of its areas for many years.

Now, under the provisions of the escape clause, the Tariff Commission is required to recommend to the President appropriate relief for industries which are being injured or toward which serious injury threatens as a result of sharply increased foreign imports. The law also provides that in determining whether such injury is taking place it shall take into consideration, and I quote paragraph (b) of section 1364 of title 19 of the United States Code, "a downward trend of production, employment, prices, profits, or wages in the domestic industry concerned." Now, it would be hard, in my judgment, Mr. Speaker, to find any industry which has suffered more from "a downward trend in employment or production" as a result of foreign imports, than the glove industry. And surely if the escape clause cannot be applied to the glove industry, then it has in fact failed to accomplish the precise purpose which Congress intended it should have in protecting domestic American industries.

And yet, Mr. Speaker, the Tariff Commission did deny all relief to the glove industry in its decision handed down in Escape Clause Investigation No. 7–82. Amazing as it seems, the Commission held that it saw no injury or threat of serious injury to the industry as a result of such foreign imports and accordingly they took no action at all to protect unemployed American workers.

Mr. Speaker, I violently protest these findings of the Commission. They are manifestly not supported by the testimony before the Commission or even the conclusions listed in their own report. Why, according to their own figures foreign glove imports have increased within the past 5-year period by a factor of 100 percent. At the present time the market for imported gloves of all types is 86 percent of domestic production. And it is 169 percent of the market for domestic quality or so-called table-cut gloves. Yet in spite of these increases the Commission says there has been no injury to domestic industry. And it does this by the device of finding that the industry has sustained a profit of some 2 percent over the past few years—mind you, some 2 percent. My goodness, this is surely an impressive figure. And the Commission, in expressing even this figure, has totally ignored the fact that, as its own conclusions demonstrate, much of this meager profit has resulted from other operations on the part of these manufacturers, including imports, in which these manufacturers have had to engage just to survive. What about all the losses sustained by manufacturers who, as the evidence shows, have folded up in the past few years? Well, those were not even figured in. Yet how can you get a fair picture without taking in the losses as well as the profits?

Moreover, completely ignoring the provisions of paragraph (b) of section 1364 of title 19 of the United States Code, the so-called escape clause provision, the Commission has also wholly failed to examine the employment situation in the industry and has ignored the extensive testimony on this point. All it has said is that—

> It may be assumed that the number of production and related workers employed in the manufacture of women's and children's leather gloves has followed the trend of domestic production shown in table 2.

Well, Mr. Speaker, table 2 notes that production of all women's gloves remained relatively constant from 1954 to 1959. But this table also makes it perfectly clear that production of the so-called table-cut or quality gloves declined by 50 percent in just 10 years, from 259,000 dozen pairs in 1950 to 137,000 dozens of pairs in 1958. And these, Mr. Speaker, are the gloves which involve the greatest amounts of skilled labor. Now why has this simple fact been ignored? What more would the Commission need to support a finding of substantial unemployment in the glove industry than this tremendous drop in quality glove production?

Mr. Speaker, the fact is that the Tariff Commission has failed to give adequate consideration to those very facts which under the law it is required to consider.

In fact, I believe the evidence indicates that the Commission's decision was not made on the basis of the evidence presented at all but was made on the basis of other considerations. Why, Mr. Speaker, when I testified in person at this hearing, and sat personally through a substantial part of the proceedings, it was my impression that the minds of a majority of the Commissioners had already been disposed against the glove industry. Members of the Commission openly expressed their disapproval with the representation which the glove industry made and with the industry's responses to its detailed questionnaires. I do not know whether such attitudes are justified or not, Mr. Speaker, but they were in the minds of the Commission and if they were, the Commission, I believe has an obligation to discuss openly and candidly the extent to which such factors bear on the final decision.

I have today demanded, Mr. Speaker, that the Commission give me a full report on all these matters. I also believe that this case has made it very clear that there is an urgent need to establish some authority above and beyond the members of the Commission themselves to whom interested parties can appeal when, as is the case here, the evidence simply does not support the decision. Mr. Speaker, I believe that industries and interested parties who fail to get what they think is a fair shake from the Tariff Commission should be given the right to appear to a proper court. I am preparing legislation to that effect.

Mr. Speaker, American industry is faced with a serious threat of survival. I believe that it is time that this matter was faced up to by the Members of this Congress so that the jobs of our citizens and the domestic business of our people can be fully and adequately protected. Based on the facts as they have developed in this case, it may well be in order for Congress to undertake a full investigation of the operations of this Tariff Commission to determine why, in fact, the clear intent of Congress is not being followed.

Mr. BAILEY. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from West Virginia, who has been a real leader in the field of opposition to foreign imports.

Mr. BAILEY. I want to join the gentleman from New York in filing a bitter protest against the action of the United States Tariff Commission in the case of gloves. I would like to ask the gentleman from New York whether the imports that are giving trouble to the industries in your district are coming from Japan or from Europe.

Mr. STRATTON. I will say to the gentleman from West Virginia that in this particular case, which deals with women's and children's leather gloves, the imports are coming from Europe: France, Italy, and Germany. We also, of course, are facing in the knit glove industry almost complete extinction as the result of a heavy flood of imports coming in from Japan, as the gentleman has indicated.

Mr. BAILEY. I would like to ask the gentleman if he thinks that H.R. 5, commonly referred to as the Boggs bill, would not be an encouragement for the industries in your district to set up plants in Europe where they could take advantage of low wages.

Mr. STRATTON. The gentleman is absolutely correct; in fact, he has understated the case. Already American manufacturers, as I am sure the gentleman is well aware, have been moving their operations from my district and many other districts in this country to Europe, and the effect of this bill certainly would be to encourage that. In fact, the American taxpayers would be picking up the tab, if I understand the bill correctly, to make it possible for jobs to be taken away from American working men and women, and certainly I am opposed to that legislation.

Mr. BAILEY. I thank the gentleman.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I will be very happy to yield.

Mr. BOW. I am delighted the gentleman has brought to the attention of the House another instance of where imports of foreign-made goods are doing violence to industry in this country and undoubtedly causing the loss of many jobs to American workingmen. The gentleman will perhaps recall that a few days ago I called the attention of the House to the fact that German steel was being used to build a bridge in Panama. We appropriated $10 million in funds to Panama to build a bridge as a gift to Panama. That steel has been purchased from West Germany. The contract was let for over $7 million. The bid price was only $22,000 less than if it had been American steel. Now, in figuring the $22,000, that did not take into consideration the income tax that would have been paid by the corporation; the income tax that would have been paid by the steelworkers and the transportation tax on the shipment to Panama. So actually the Treasury of the United States has lost considerable in income and the steelworkers are being deprived of their jobs.

Now, if the gentleman will yield 1 minute further, also on the question of the Panama Canal, there are contracts being let at the present time by the Department of the Army. In Plymouth, Ohio, which is not in my district, there is a concern that has been making what they call mules, a mechanical engine that takes the ships through the locks. They are well known for this sort of business. They are the best in the country. There are now contracts being let for mechanical mules on the Panama Canal, but it looks now as though that contract is going to go to Japan rather than to American producers. These mules are used in carrying commerce on the Panama Canal. I think the gentleman should be congratulated for bringing this further matter to the attention of the House and to the American people, and I think it is incumbent upon all of us who are interested in keeping American labor at work and to maintain the free enterprise system of our country, to call these things to the attention of the Congress. I appreciate the gentleman's yielding to me.

Mr. STRATTON. I appreciate the contribution of the gentleman from Ohio. I know that it will be most helpful. I am not familiar in detail with the case to which the gentleman alludes, but as I understand the remarks of the gentleman from Ohio, the funds used to purchase this steel were supplied by the United States; is that correct?

Mr. BOW. That is correct. They were supplied by the United States and, you might say, a great deal of it came from the pockets of the steelworkers of this country who have been paying their income taxes. That money is now going over to Germany. Yes; we appropriate the money in this House through the Commerce Subcommittee, in order to build this bridge. Then we take this money, which comes from the American workingman, and buy the steel abroad.

Mr. STRATTON. I think that is certainly a serious situation. I feel, myself, that we ought to have some sort of an arrangement in the future that funds used in that connection be subject at least to the same provisions of the Buy-American Statute as are applied to funds expended by Federal agencies in this country.

THE ARAB LEAGUE—AN INSTRUMENT OF PEACE?

Mr. MEYER. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. ADDONIZIO] may extend his remarks at this point in the record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. ADDONIZIO. Mr. Speaker, the current issue of the magazine Prevent World War III—No. 55, winter-spring 1960—published by the Society for the Prevention of World War III, Inc., contains a most interesting article entitled "The Arab League—An Instrument of Peace?" This article analyzes the history of the Arab League and its role in maintaining tensions in the Middle East. I believe this article would help to enlighten American public opinion with respect to Middle Eastern affairs, and I am accordingly inserting a condensed version in the RECORD below:

THE ARAB LEAGUE—AN INSTRUMENT OF PEACE?

In the world of politics, the use of catch phrases has a variety of functions. They may be employed to register a genuine achievement. Conversely, they can serve the ends of deception by proclaiming the attainment of an objective so as to conceal abysmal failure. The slogan of "Arab unity" would seem to fall into the latter category. It is forever on the lips of Arab politicians and propagandists. Indeed, it is repeated so frequently that even reputed experts on the Middle East accept this glittering phrase as though it were based on solid fact.

However, when one digs beneath the slogan of "Arab unity," one finds more substance to the charge that it helps to cover up profound and irreconcilable contradictions among the Arab States. A case in point is the Arab League, one of the few institutional setups which is supposed to belong to all of the Arabs. The Arab League, consisting of the United Arab Republic, Jordan, Lebanon, Libya, Morroco, Saudi Arabia, Yemen, Iraq, and Tunisia, is regarded as the Arab's prize exhibit of "Arab unity at work." How true is this allegation?

THE LEAGUE AT CASABLANCA

A few months ago the Arab League met at Casablanca. Press reports quoted the Arab foreign ministers meeting there, that the conference "boosted Arab solidarity from the Persian Gulf to the Atlantic" (Christian Science Monitor, Sept. 9, 1959). Another report (New York Times, Sept. 6, 1959) termed the meeting "a new birth of unanimity." However, when one examines the work accomplished at this much ballyhooed conference, one finds that for all practical purposes it boiled down to the same old broken record, i.e., a pox on Israel. The Christian Science Monitor once noted editorially: "The best thing that the Arab

League can say for itself is that it survives" (Sept. 10, 1959). The next best thing that can be said, is that the League's survival stems from its role as a breeder of hate and violence in the Middle East.

The whole world knows that unanimity vis-a-vis Israel is as simple as pie, and it is almost laughable that the foreign ministers from various Arab States had to travel all the way to Casablanca to reaffirm this rather dreary theme. In a very real sense, the fact that this was just about all that was "accomplished" gives negative proof of the deep-seated antagonism which beset relations among the Arab States. Indeed, before the League was able to convene the conference, the proposal to create a Palestinian Arab government (inspired by the Egyptians) was abruptly dropped. Knowing that Egypt's proposition would be at the expense of the Jordanian state, King Hussein's officials threatened to boycott the meeting unless the idea was discarded. It is also known that Jordan was willing to sit down with Egypt at the League meeting only after President Nasser informed the King through the League's secretary that he was not opposed to Jordan's claims to the throne of Iraq. In return, Hussein is reported to have pledged his support, should Nasser choose conflict with Israel. As one commentator described it, the Arab League Conference in Casablanca petered out in the words of T. S. Eliot "not with a bang but with a whimper." The whimper is a pretty accurate description of the League's "accomplishments" since the day it was founded in March 1945.

LEAGUE'S BACKGROUND

What were the compelling factors influencing the establishment of the League? Perhaps the most important outside factor was British policy in the Middle East. During the war, Great Britain was very much concerned over the spreading Axis penetration into that area. This development created considerable difficulties for the allied states, both in Iraq and in Egypt. Apparently, the British felt that one way to counteract this danger, was to take the leadership in promoting the idea of Arab union. Thus, as Walter Z. Laqueur writes in his book, "The Soviet Union and the Middle East," the British believed that the League "would promote their interest in the Middle East." Furthermore, Mr. Laqueur points out that the British were also concerned with the French and Soviet influences in that strategic area. Consequently, the British Government encouraged the formation of the League and succeeded in pushing Egyptian leadership to the fore.

RIVALRIES

At first glance, the choice of Egypt is surprising. The history of Egypt's relations with other Arab States does not show an intimacy of purpose and action. Mr. Tom Little in his book "Egypt" observes that that country "being by temperament insular, was not pro-Arab, but history and Islam has made it Pan-Arab." The fact that Egypt had remained more or less aloof in her relations with other Arab States and yet showed a marked inclination to lead the Arab world, induced the British to involve her as a counterbalance to the Hashemite dynasty which ruled in Iraq and Jordan. This was particularly necessary in view of the fact that the Hashemites regarded the rest of the fertile crescent, i.e., Syria, Lebanon, and Palestine, as part of their natural domain. Therefore, the League, as the British saw it, was their means of preventing other countries from gaining influence while, at the same time, it was supposed to block any of the Arab governments from dominating the whole area.

The internal factors which brought the League into being were the historical and cultural experiences shared by all of the Arab States. The dream of a united Arab empire was intermixed with the goals of a Pan-Islamic movement which also received powerful support in the Arab States. Furthermore, the League was looked upon as a potential vehicle that could be used against the West.

Yet, these very forces which seemed to make for unity, were burdened by contradictions. Thus, the idea of a united Arab empire is not exactly in harmony with Pan-Islam. Furthermore, the concept of a united Arab empire flies into the face of Arab nationalistic forces. Consequently, despite common bonds of language and religion, the Arab States have different historical developments, different traditions and memories, different physical environments, and different economic needs. It is clear then, that the very premises upon which the League was founded, was rent with contradictions from the very beginning. Egypt aimed at expelling the British forces and preventing the union of Iraq and Syria. Iraq, on the other hand, leaned more and more toward the West while, at the same time, seeking ways and means of gaining control over the so-called fertile crescent. Syria and Lebanon were both lukewarm to the Egyptians and the Iraqis while they sought their aid in expelling the French.

The clashes of interests among the Arab States were recognized in the League's constitution. Article 2 provides that the member states, while collaborating more closely with each other, are guaranteed their independence and sovereignty. Article 8 requires that every member state respect the forms of government prevailing in the other countries and to abstain from action calculated to change them. In short, the League despite all of the fanfare attached to its creation as a symbol of Arab unity, could only be founded on the basis of the status quo. This means it officially recognized that the member states had their own separate interests whose priority could not be denied. In a most enlightening analysis of the Arab League, Mr. J. S. Raleigh wrote: "The Arab League * * * is therefore—paradoxical as it may sound—not a Pan-Arab achievement but on the contrary a bulwark designed to protect the separate national independence of the Arab States, the inter-Arab status quo, against Pan-Arab union schemes" (Middle Eastern Affairs, March 1955). Discussing the rival schemes of the Hashemites versus the Egyptians, Mr. Raleigh further points out that this is clearly reflected in the constitution: "Constitutionally, therefore, the Arab League is based on an essential controversy that has been solved; in fact, it was only by leaving that decisive question open and ambiguous that the foundation of the League, cooperation between Egypt and Saudi Arabia on the one hand, and the Hashemite States on the other, was possible at all."

HOPES AND FAILURES

British hopes with regard to the possibilities of the Arab League have also fallen by the wayside. Here, too, the aim and result are not only wide apart but in a very real sense diametrically opposed to each other. This is seen by the fact though the British sponsored Egypt for leadership in the league, it has been the Egyptians who have been in the forefront in destroying British influence in the Middle East.

It is true that from its very inception, lip-service was paid to the idea of unity under the aegis of the League. However, in the actual workings of the League we find that the member states have more frequently ignored it on major issues. For example, Egypt did not consult the other members of Canal. The League was not advised when Jordan grabbed part of Palestine in 1950 much to the chagrin and anger of the other Arab States. When Iraq signed the Baghdad Pact, she bypassed the League, as did Egypt when it annexed the Gaza Strip in 1949. One could cite many other cases where the member states entered into alliances, military and otherwise, where the League was left in the cold.

The divisions and squabbles among the member states became so bitter that within a few years after its founding it appeared to be a dead letter for all practical purposes. This was particularly true in 1950 when Jordan was denounced by Egypt, Syria, and Saudi Arabia for having annexed western Palestine. Only by resort to the old formula of "unanimity against Israel" was it possible to keep the League intact. Again the League's unifying power was found wanting in the fierce rivalry between Iraq and Egypt. To isolate Iraq, Egypt signed bilateral agreements with Syria and Saudi Arabia outside the League. Moreover, Egypt conceived the so-called Arab Collective Security Pact of April 1950. Ostensibly Israel was the target, but in reality, so Mr. Raleigh points out, it was an Egyptian move "to forestall any Iraqi-Hashemite schemes for union and aggrandizement."

The divisions and conflicts which have characterized inter-Arab relations have put a damper on all major projects sponsored by the League. There have been a number of plans and blueprints for economic cooperation and mutual aid. However, for the most part they have not been implemented. The decision to establish an all-Arab merchant fleet was never carried out. At one time, the League proposed to organize a civil aviation union as well as an all-Arab postal union. On another occasion the League recommended the development of an inter-Arab network of railway and roads. None of these plans have as yet materialized. Instead of economic harmony among the Arab States, one finds more rivalry and discrimination; Jordan is still at the mercy of Syria and Lebanon since she has no natural outlets to the Mediterranean for her export trade. The oil-rich Arab States are penny-pinchers when it comes to helping their less fortunate Arab "brothers."

The difficulty of reaching agreement among the League members evoked an ironic comment by Boutrous Ghali, professor of Cairo University, in his book "The Arab League." "Actually," Professor Ghali wrote, "the achievement of purely technical agreements among the Arab States involves a far more cumbersome process than the conclusion of political agreements with foreign states."

ROLE OF THE LEAGUE

Thus, we find that in all key spheres where the League was supposed to exercise an important influence, very little has been accomplished. Nevertheless, its advocates and supporters pretend that the League is a powerful factor in the life of the Arab States. The present secretary general of the Arab League, Abdel Khaliq Hassouna, is a very active man forever propounding the advantages of the League and assuring outsiders of its vitality and value.

Mr. Hassouna denies that the League is but a shell and vehemently rejects the charge that the League is the tool of any single Arab state. As an Egyptian, Mr. Hassouna's resentment against the accusation that the League is an Egyptian instrument, is quite understandable. But what are the facts? In the first place, the League from its very inception was dominated by Egypt. The first secretary general was also an Egyptian. The permanent headquarters of the League is in Cairo and it is estimated that approximately four-fifths of the League's staff are Egyptian. It is also a fact that members of the League's staff have frequently been borrowed from the Egyptian Foreign Ministry. Moreover, the Egyptian Government foots the major portion of the League's budget.

The political aspects of Egypt's domination are perhaps more evident today than they were before Nasser took over. But even under the corrupt King Farouk the Egyptians dominated the deliberations of the League. It was under Egyptian inspiration that the League was prepared to expel Jordan in 1950. From the very beginning Egypt manipulated the League in such a way as to block the union of Iraq and Jordan. Obviously, Egypt aspired to play first fiddle in the Middle East.

NASSER'S TACTICS

When King Farouk was overthrown in 1952, the Egyptian officer clique headed by Nasser, was faced with important internal problems. There was the Moslem Brotherhood organization which yearned for power and therefore represented a dangerous challenge to the Nasser movement. This was complicated by the fact that the popular Egyptian General Naguib, who had become President of the newly established Republic, appeared to have ties with the brotherhood. Naguib himself, because of his popularity, was a figure to be reckoned with. There were other forces at work, both on the radical left and on the right, which created additional difficulties for Nasser. Therefore, Nasser's main concern in this period was to consolidate his hold on the Egyptian people. Once he was able to build a firm domestic base, then he could take bolder measures in foreign relations.

Under these circumstances, the Arab League marked time while its future role awaited Nasser's evaluation. With all of the difficulties at home, Nasser was in no mood to stir a hornets' nest abroad. Therefore, he tried to assure rival states, particularly Iraq, that his government was seeking friendship and had no designs on others.

In August 1954 Nasser told a friend: "Nuri is in power in Iraq. This is the time to reach an understanding with him" (Tom Little, "Egypt"). In retrospect, this was a remarkable statement, because Nuri al-Said, the late leader of Iraq, has since been depicted by Cairo as the archtraitor to the Arab peoples. Of course, Nasser took this soft line toward Nuri al-Said in 1954 because of domestic difficulties which prevented him from taking a more aggressive stand. Other calculations may have entered into Nasser's tactical moves. Perhaps he hoped to make a deal with Iraq outside of the League which would result in Egypt's leadership of the Arab world. He knew very well that little could be done within the League because the Iraqi politicians had already come to the conclusions that it was nothing but a tool of Egyptian policy.

The extent to which Nasser tried to ingratiate himself with Iraq is illustrated by the fact that in May 1954 he told the Syrian Ambassador that Egypt would not object to Syria joining Iraq or Jordan "as long as there was public support for the policy." This was an astounding position to take, since it meant Egypt's endorsement of the fertile crescent scheme which had been the heart's desire of the Hashemite dynasty. However, before the year was up, Nasser's views had changed. His hope of winning over Nuri al-Said by smiles did not work. On the contrary, under Nuri al-Said's leadership, Iraq entered into talks with Turkey and Britain which eventually resulted in the Baghdad Pact of 1955. Four days after Iraq had entered into an agreement with Turkey which led to the pact, Nasser gave the signal for an unprecedented propaganda attack against Nuri al-Said, and the Iraqi government which he represented was overthrown.

He described Nuri el-Said as a collaborationist and symbol of the old regime of oppression and corruption. By such tactics Nasser was able to incite wide masses of the Arab people and to distract his own people from their pressing problems. This made it possible for Nasser to embark on a bolder and more aggressive foreign policy. It was then that Nasser began to reactivate the Arab League as a means of isolating Iraq and carrying out Nasser's policies through the area.

"DEMOCRATIZING" THE LEAGUE

Nasser has tried in every possible way to polish up the Arab League so that it will appear as the shining symbol of "Arab unity." Membership in the League has been broadened although it still does not cover all of the Arab areas. Lately, the Secretary General of the League has tried very hard to win over Tunisia to participate in the League's work. Thus, Nasser's chief delegate at Casablanca proposed that the League's council quash the resolution by which the League last October (1958) condemned Tunisia for its dispute with Cairo. These gestures have not impressed President Bourguiba who has been one of Nasser's favorite whipping boys. Bourguiba knows that Cairo is still the headquarters of forces that are striving to subvert the Tunisian Government.

THE LEAGUE'S "NEUTRALITY"

In this connection it is noteworthy that both, Tunisia and Iraq, have avoided participation in the League's work for some time. It is obvious to them as it is to any student of the League's operations, that it is in essence an instrument of Nasser's boundless ambitions. The Secretary General of the League told the Christian Science Monitor (October 14, 1959): "I challenge anyone to mention a single instance in which the organization has not been strictly neutral and impartial." Mr. Hassouna must have made this declaration with tongue in cheek. According to article 8 of the League's constitution, every member state is pledged to respect the forms of government prevailing in the other Arab countries and to abstain from any actions calculated to change them.

Yet, it is a notorious fact that the Nasser regime has systematically violated the spirit and letter of this article. Nasser has instigated assassination and revolt in the other Arab countries. His agents and propaganda mouthpieces are constantly striving to undermine Arab governments which refuse to kowtow to him. Practically every country in the Arab League itself has been victimized at one time or another by Egypt's flagrant subversive activities and brazen interference in their domestic affairs. The recent revolts in Iraq and the attempted assassinations of Premier Kassem revealed the long arm of Nasser. In September (1959) Nasser spoke softly to the King of Jordan; the following month King Hussein was called an imperialist tool. On October 12, Jordanian authorities announced the seizure of quantities of arms and explosives smuggled in from the UAR.

VIEWS ON THE LEAGUE

What has the League done to call Mr. Nasser to account? Failure to act does not indicate genuine neutrality but, on the contrary, complicity. If the League were truly neutral, it would have acted long ago against Nasser, since the very essence of the League's constitution is based on the mutual respect that all member states were to have for each other. Without that mutual respect and pledge of noninterference the League would never have been born. The fact that the League has now failed utterly in this respect is perhaps the most convincing proof of its subservience to Egyptian policy. The subordinate relationship of the Arab League to the Nasser regime was described by the Lebanese newspaper Al-Ahrar which wrote that the Arab people "rejoice at the change in the policy of Abdul Nasser who has renounced violence in favor of softer methods in his efforts to regroup the states of the Arab League under his moral authority" (Sept. 13, 1959). The enthusiasm shown by this particular newspaper is in sharp contrast to the prevailing attitude toward the League and its mentor. Here are some examples:

The Jordan daily newspaper "Falastin" devoted a special article to the occasion of the League's 13th anniversary: "The League did not succeed in its mission and did not bring any benefit to the Arab peoples. From the day of its founding it became a shelter for idlers and derviahes who live at the cost of the Arab peoples and are financed by them. When worms devour the pillars of a building it is best to destroy it, and this is the case with regard to the decayed League. It is therefore fitting that the date of March 22 be observed each year as an annual day of lamentations of the League and not as a day of festivities" (Mar. 22, 1958).

Yehye Hawash, a Palestinian refugee, wrote in "Falastin": "It is better that the League should mourn itself. It is over 10 years now that the League talks about Palestine gain by this? The League should leave the refugees alone and not use their sad lot for public exhibition" (Apr. 4, 1958).

"After the Egyptian revolution and the start of the struggle between Cairo and Baghdad, the League gradually turned into an Egyptian tool. The chorus of opponents to this phenomenon spread from North Africa to Jordan and Iraq, and the demand was raised that the League's seat be transferred from Cairo to a neutral Arab capital such as Beirut or Khartoum and that the post of Secretary General be given, on occasion, to someone from another Arab country (than Egypt)" ("Al-Hayat," Beirut daily, Aug. 9, 1959).

Thus, it is clear that "Arab unity" finds no solid basis in the Arab League.

PERSONAL INTEREST INCOME SET A NEW ALL-TIME RECORD IN FEBRUARY—A TRIBUTE OF THE ADMINISTRATION'S HIGH INTEREST POLICY

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, in February personal interest income set a new all-time record. According to Economic Indicators for March, which was just released yesterday, incomes of individuals from interest payments hit the fantastic rate of $24.3 billion per year last month.

This rate of $24.3 billion is an annual rate on a seasonally adjusted basis, so we may compare it to the rates of previous months. In January personal income from interest was at a rate of $24.1 billion, and in December 1959 it was at a rate of $23.8 billion. In February of 1959 the rate was $21.3 billion. In other words, a few wealthy families who receive their income by clipping bond coupons enjoyed a $3-billion increase between February of 1959 and February of this year.

These figures are, incidentally, provided by the Department of Commerce, not by the Democratic National Committee.

Personal interest income has gone up by leaps and bounds in each and every year since this administration took office.

The general population has enjoyed some years of prosperity and some years of severe recession, since this administration took office. But the people who receive their income from interest have known no years of recession. Under the administration's high interest policy, every year has produced bigger and better prosperity for the moneylenders than the year before.

ONLY INTEREST INCOME HAS BEEN DOUBLED DURING THIS ADMINISTRATION

It will hardly come as a surprise to note that no other kind of income has increased to the extent that personal interest income has been increased—except, of course, incomes and profits of the banks and other financial corporations.

In 1952 personal interest income amounted to $12.1 billion. At the current rate of $24.3 billion a year, it has more than doubled and is now well over twice the total farm income of the country.

Farm income in February was at a seasonally adjusted rate of $11 billion a year. In 1952 farm income was $15.3 billion, which was one-fourth more than personal interest income. Now farm income is less than one-half personal interest income.

Business and professional income—that is, the income of incorporated businesses—has gone up 31 percent since 1952. Wages and salaries have gone up 47 percent since 1952. Personal income from stock dividends has gone up 51 percent since 1952. And rental income has gone up 20 percent since 1952. Of all sources of personal income, only interest income has doubled since 1952.

Does this jump in personal interest income show the full toll of the high interest policy?

No; I have been speaking only of individual income from interest. This does not include interest income of any corporation, any bank, any finance company, any insurance company, or any utility or industrial corporation.

WHO GAINS FROM HIGH INTEREST?

Let us ask who receives the personal interest income and who pays it. When interest income goes up, somebody gains and somebody loses. Consequently, we need only examine this point to get an idea of the scope of the income redistribution which this administration has brought about by raising interest rates. The gainers are very few, because very few families receive any income from interest. Let me illustrate.

Certainly, U.S. savings bonds are the most widely distributed of any kind of interest-bearing asset. These are the small bonds which individuals can buy for $18.75. They can be purchased on the payroll savings plan, and the Government sponsors payroll savings plans in order to encourage the widest possible sales of these bonds. If U.S. savings bonds are held by a relatively few families, we can be sure that other types of bonds and interest-bearing paper are held by even fewer families.

Last year the Federal Reserve Board made a survey which revealed, among other things, how U.S. savings bonds are distributed among American families. The facts are these according to the Federal Reserve survey: 74 percent of the American families own not so much as a single U.S. savings bond, and only 5 percent of the families own 87 percent of all the savings bonds.

From this experience, it would not be unreasonable to guess that 2 percent of the families receive about 95 percent of all the personal interest income.

WHO PAYS THE HIGH INTEREST?

Now as to the question who pays it?

Every American family pays this interest income. No family and no individual is too low on the income scale to be exempted from making a regular, involuntary contribution to high interest. Every American family who buys a home and has a mortgage on it pays; every American family who rents a home or an apartment with a mortgage on it pays. Every American family who buys anything on credit—an automobile, a TV set, a washing machine, clothing, or anything else on credit—pays. Every American family who pays taxes pays.

Every American family who buys anything for cash also pays the high interest costs, because the interest charges are also in the price of the goods. The miners, the manufacturers, the distributors, the wholesalers, the retailers, and the transportation companies all have to pay high interest, and it all shows up in more or less degree in the price of goods charged the ultimate consumer.

So the point is that everybody pays because of the high interest policy, but only a few wealthy families, the banks, the insurance companies, the finance companies, and the Wall Street money manipulators gain from this policy.

HOW THIS ADMINISTRATION HAS REDISTRIBUTED THE INCOME BY RAISING INTEREST RATES ON A TRILLION DOLLARS OF DEBT

All debt in the United States, including both public and private debt, has now reached an estimated $1 trillion. In case we forget how much a trillion dollars is, it is $1,000 billion. All of this is drawing interest which is coming out of the pockets of the overwhelming majority of the American people and going into the pockets of the wealthy few.

Think what an increase of an average of 2 percent on this public and private debt of $1,000 billion means. It means an increased toll of $20 billion a year in interest charges, and it means, in turn, a per capita increase in interest charges of $113 a year, or $565 a year for an average family of five.

The administration's policy of redistributing the income in this manner is bad for the country. The policy has worse results than merely robbing the poor to pay the rich, it is keeping a large percentage of our labor force unemployed; it is oppressing the farmer and driving him off the land; it is eliminating small business and placing control of more of the productive resources in the hands of a few giant international corporations; and last, but not least, it is retarding economic progress, progress in education, and in scientific, and technical advancement.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. WALTER for 15 minutes, today, to revise and extend his remarks and include extraneous matter.

Mr. STRATTON, for 30 minutes, today.

Mr. SPRINGER, for 40 minutes, on Monday next.

Mr. BAILEY, for 30 minutes, on Tuesday next.

Mr. GURTIS of Missouri, for 1 hour, tomorrow.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. SANTANGELO.

Mr. KARTH.

Mr. ROOSEVELT, to revise and extend his remarks and insert a copy of a proposed amendment following the remarks made by him in Committee of the Whole today.

(At the request of Mr. MCCORMACK, and to include extraneous matter, the following:)

Mr. SHIPLEY.

Mr. ANFUSO in two instances.

Mr. KING of California.

Mr. BLATNIK (at the request of Mr. MEYER) and to include extraneous matter.

Mr. ABBITT, to revise and extend the remarks he made in the Committee of the Whole today and include extraneous matter.

Mr. WILLIAMS, to revise and extend the remarks he made in the Committee of the Whole today and include extraneous matter.

(At the request of Mr. ROBISON, and to include extraneous matter, the following:)

Mr. KEARNS.

Mr. BOSCH

Mr. WIDNALL.

ADJOURNMENT

Mr. MEYER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 56 minutes p.m.) the House adjourned until tomorrow, Thursday, March 24, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communciations were taken from the Speaker's table and referred as follows:

1974. A letter from the Secretary of the Treasury, transmitting copies of the Quarterly Report on the Reconstruction Finance Corporation Liquidation Fund-Treasury Department Activities for the period ending December 31, 1959, pursuant to the RFC Liquidation Act, as amended (67 Stat. 230) and Reorganization Plan No. 1 of 1957 (22 F.R. 4633); to the Committee on Banking and Currency.

1975. A letter from the Comptroller General of the United States, transmitting a draft of proposed legislation entitled "A bill to amend the 'antikickback statute' to extend it to all negotiated contracts"; to the Committee on Government Operations.

1976. A letter from the Administrator, General Services Administration, transmitting a report on the progress of the liquidation of the national defense, war, and reconversion activities of the Reconstruction Finance Corporation, to comply with the provisions of the RFC Liquidation Act (Public Law 163, 83d Cong.; 67 Stat. 230, 231), as amended, and with Reorganization Plan No. 1 of 1957 (22 F.R. 4633); to the Committee on Banking and Currency.

1977. A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation entitled "A bill to amend section 1871 of title 28, United States Code, to increase the mileage and subsistence allowances of grand and petit jurors"; to the Committee on the Judiciary.

1978. A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation entitled "A bill to withdraw from the district courts jurisdiction of suits brought by fiduciaries who have been appointed for the purpose of creating diversity of citizenship between the parties"; to the Committee on the Judiciary.

1979. A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation entitled "A bill to amend section 5021 of Title 18, United States Code"; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HEMPHILL: Committee on Interstate and Foreign Commerce. H.R. 7201. A bill to provide for the comprehensive operation of hydroelectric power resources of the United States, and for other purposes; with amendment (Rept. No. 1414). Referred to the Committee of the Whole House on the State of the Union.

Mr. SPENCE: Committee on Banking and Currency. H.R. 10550. A bill to extend the Export Control Act of 1949 for 2 additional years; without amendment (Rept. No. 1415). Referred to the Committee of the Whole House on the State of the Union.

Mr. SPENCE: Committee on Banking and Currency. S. 1062. An act to amend the Federal Deposit Insurance Act to provide safeguards against mergers and consolidations of banks which might lessen competition unduly or tend unduly to create a monopoly in the field of banking; with amendment (Rept. No. 1416). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANFUSO:

H.R. 11328. A bill to prohibit the transmission of coins in the mails under certain circumstances; to the Committee on Post Office and Civil Service.

H.R. 11329. A bill to provide for grants-in-aid to the States for the construction and operation of narcotic addiction clinics; to the Committee on Interstate and Foreign Commerce.

By Mr. BARRETT:

H.R. 11330. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. BARRY:

H.R. 11331. A bill to amend the Internal Revenue Code of 1954 so as to permit charitable contributions, bequests, transfers, and gifts to the United Nations or any duly established agency thereof to be deductible for income tax, estate tax, and gift tax purposes; to the Committee on Ways and Means.

By Mr. BYRNE of Pennsylvania:

H.R. 11332. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. DIXON:

H.R. 11333. A bill to amend the Communications Act of 1934 with respect to certain rebroadcasting activities; to the Committee on Interstate and Foreign Commerce.

By Mr. DORN of New York:

H.R. 11334. A bill to amend the Internal Revenue Code of 1954 to exempt from tax tobacco products to be used for certain charitable purposes; to the Committee on Ways and Means.

By Mr. DULSKI:

H.R. 11335. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ELLIOTT:

H.R. 11336. A bill to bring employees of agricultural stabilization and conservation county committees within the purview of the Civil Service Retirement Act, the Federal Employees' Group Life Insurance Act of 1054, and the Federal Employees Health Benefits Act of 1959; to the Committee on Post Office and Civil Service.

By Mr. FOGARTY:

H.R. 11337. A bill to increase the amount authorized to be appropriated for the work of the President's Committee on Employment of the Physically Handicapped; to the Committee on Education and Labor.

By Mrs. GRANAHAN:

H.R. 11338. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. GREEN of Pennsylvania:

H.R. 11339. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. HARRIS:

H.R. 11340. A bill to promote the public interest by amending the Communications Act of 1934, to place certain additional limitations on the transfer of broadcast licenses, to provide for regulation of national networks, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11341. A bill to promote the public interest by amending the Communications Act of 1934, to require a public hearing before the original granting of broadcast licenses, to regulate "payoffs" and "swapoffs" between applicants for such licenses, to grant authority to suspend such licenses, to make more effective the requirement regarding announcements as to broadcast matter which is paid for, to prohibit certain deceptive practices in the case of quiz programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. JARMAN:

H.R. 11342. A bill to strengthen the domestic and foreign commerce of the United States by providing for the establishment of an Office of International Travel and Tourism and a Travel Advisory Board; to the Committee on Interstate and Foreign Commerce.

By Mr. LIBONATI:

H.R. 11343. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SHIPLEY:

H.R. 11344. A bill to provide for issuance of a special postage stamp in commemoration of the centennial anniversary of the birth of Jane Addams; to the Committee on Post Office and Civil Service.

By Mr. SILER:

H.R. 11345. A bill to authorize adjustment, in the public interest, of rentals under leases, entered into for the provision of commercial recreational facilities at Lake Cumberland, Ky.; to the Committee on Public Works.

By Mr. DINGELL:

H.R. 11346. A bill to amend title II of the Social Security Act to eliminate the age requirements for entitlement to wife's insurance benefits and widow's insurance benefits, and to eliminate the provisions which reduce a woman's benefits in certain cases where she becomes entitled thereto before attaining age 65; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 11347. A bill to confer on the Federal Maritime Board the authority to determine postal rates for ocean mail transportation; to the Committee on Merchant Marine and Fisheries.

By Mr. CELLER:

H.R. 11348. A bill to include certain officers and employees of the Department of Health, Education, and Welfare within the provisions of sections 111 and 1114 of title 18 of the United States Code relating to assaults and homicides; to the Committee on the Judiciary.

By Mr. GRAY:

H.R. 11349. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. REES of Kansas:

H.R. 11350. A bill to readjust postal rates, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. THOMPSON of Louisiana:

H.R. 11351. A bill to amend the Federal Water Pollution Control Act to expand research, extend State and interstate water pollution control program grants, and strengthen enforcement procedures, and for other purposes; to the Committee on Public Works.

By Mr. TOLL:

H.R. 11352. A bill to establish a Federal Recreation Service in the Department of Health, Education, and Welfare, and for other purposes; to the Committee on Education and Labor.

By Mrs. CHURCH:

H.J. Res. 658. Joint resolution to authorize and request the President to issue a proclamation in connection with the centennial of the birth of Jane Addams, founder and leader of Chicago's Hull House; to the Committee on the Judiciary.

By Mr. BENTLEY:

H.J. Res. 659. Joint resolution authorizing the President to issue annually a proclamation designating as "Hungarian Independence Day" the 23d day of October, the anniversary date of the beginning of the uprising

of the Hungarian people against Soviet tyranny; to the Committee on the Judiciary.

By Mr. DERWINSKI:

H. Con. Res. 641. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. DINGELL:

H. Con. Res. 642. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. FARBSTEIN:

H. Con. Res. 643. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. FOGARTY:

H. Con. Res. 644. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. IRWIN:

H.R. 11353. A bill for the relief of Bertalan Simon; to the Committee on the Judiciary.

By Mr. JONES of Alabama:

H.R. 11354. A bill for the relief of James Delbert Hodges; to the Committee on the Judiciary.

By Mr. GEORGE P. MILLER:

H.R. 11355. A bill for the relief of Louie Jee Keung; to the Committee on the Judiciary.

By Mr. RAY:

H.R. 11356. A bill for the relief of Chao Ti Shang; to the Committee on the Judiciary.

By Mr. TELLER:

H.R. 11357. A bill for the relief of Marie O'Riley, born Marie Clarke; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Proposal To Issue "Champion of Liberty" Stamp in Honor of Paderewski's 100th Anniversary

EXTENSION OF REMARKS
OF
HON. VICTOR L. ANFUSO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 23, 1960

Mr. ANFUSO. Mr. Speaker, the Post Office Department has recently been issuing a series of stamps dedicated to "Champions of Liberty." These stamps are used here and abroad and serve not only to honor the heroes themselves, but also to encourage the peoples who have lost their freedom and independence.

I have recently written to Postmaster General Arthur E. Summerfield suggesting that a stamp be issued in the "champion of liberty" series on November 6, 1960, in honor of the late Polish leader, Ignace J. Paderewski, to commemorate the 100th anniversary of his birth which occurs on that date.

Under leave to extend my remarks, I wish to insert into the RECORD the text of my letter to Mr. Summerfield and his reply, dated March 23:

MARCH 15, 1960.

Hon. ARTHUR E. SUMMERFIELD,
Postmaster General,
Washington, D.C.

DEAR MR. POSTMASTER GENERAL: It is my understanding that you have under consideration the suggestion to issue a stamp in the series on "Champions of Liberty" in honor of Ignace J. Paderewski, who was one of the world's great artists and the "Father" of the free Polish Republic that was established after World War I.

As you well know, Paderewski lived in the United States for a number of years and was a great friend of this country. He died in New York in 1941 and is buried in Arlington National Cemetery.

Paderewski was truly a great statesman and a Champion of Liberty of the era of the First World War and later. He helped organize a Polish Army in France from recruits in the United States, Canada, Western Europe, and other countries where Poles live in large numbers. This army fought on the side of the Allies. After the war he helped organize the Polish Republic and for a time served as its President.

A special stamp honoring Paderewski is not only a wonderful gesture on our part in extending recognition to a Champion of Liberty who well deserves this tribute, but it would also serve as a great encouragement to the people of Poland in helping them to maintain their hopes for a free Poland. It should also contribute immeasurably toward the further growth of friendship between our two peoples.

Paderewski's birthday anniversary occurs on November 6, 1960. I urge you to give very serious consideration to the issuance of a stamp in his honor on that date.

Sincerely yours,

VICTOR L. ANFUSO,
Member of Congress.

OFFICE OF THE POSTMASTER GENERAL,
Washington, D.C., March 23, 1960.

Hon. VICTOR L. ANFUSO,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ANFUSO: I wish to acknowledge receipt of your letter of March 15, requesting the issuance of a "Champion of Liberty" stamp commemorating the 100th anniversary of the birth of the former Premier of Poland, Ignace J. Paderewski, and to inform you that the issuance of this commemorative stamp is now being considered by my office.

I am delighted to know that you are interested in the issuance of this stamp, and you may rest assured that I will give your request my very careful consideration.

Sincerely yours,

ARTHUR E. SUMMERFIELD,
Postmaster General.

Proposed Jane Addams Commemorative Stamp

EXTENSION OF REMARKS
OF
HON. GEORGE E. SHIPLEY
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 23, 1960

Mr. SHIPLEY. Mr. Speaker, this year marks the 100th anniversary of the birth of a famous American woman, a fellow Illinoisan, Jane Addams.

I am proposing the issuance of a commemorative postage stamp marking the century which has gone into history since we Americans were first privileged to have this devoted woman among us.

Many remember Jane Addams as a social worker probably well in advance of her time. Others perhaps have lost sight of the fact that she also was an ardent advocate of peace.

Native of Cedarville, Ill., she was a graduate of Rockford and with Ellen Gates Starr she opened the social settlement of Hull House in Chicago in 1889, continuing as its resident head until 1935.

She became the acknowledged leader of settlement work in the entire United States and in 1919 she was chosen president of the International Congress of Women, presiding at conventions at The Hague from 1915 to 1922 and in other conventions at Zurich, Vienna, and Washington.

With Nicholas Murray Butler in 1931 Miss Addams shared the Nobel Peace Prize. She was author of "Democracy and Social Ethics," "Twenty Years at Hull House," "A New Conscience and an Ancient Evil," and "The Second Twenty Years at Hull House."

Her memory lives in the hearts and minds of many Americans today and through the issuance of hundreds of millions of postage stamps will be brought to graphic attention of the present generation.

Fair Employment Practices

EXTENSION OF REMARKS
OF
HON. JOSEPH E. KARTH
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 23, 1960

Mr. KARTH. Mr. Speaker, we have for days now been concerned with discussing and acting on one of the basic rights of free American citizens—that of voting.

This is as it should be because the right to the ballot is fundamental to our democracy.

I, for one, regretted however that Mr. CELLER's amendment for creating a Commission on Equal Job Opportunity Under Government Contracts was declared not germane because of an overly restrictive rule under which the bill is being considered. The purpose of the amendment was "(b) To implement the policy of the U.S. Government to eliminate discrimination because of race, creed, color, or national origin in the employment of persons in the performance of contracts or subcontracts to provide the Government with goods or services."

The right to equal job opportunities is of paramount importance in a thriving democracy. All that was requested in this amendment is that competent, qualified workers be given a fair chance to hold jobs on federally paid-for projects without regard to their color, race, religion, or national origin.

To those of my colleagues who believe that we here are attempting to punish the South with civil rights legislation, may I point out that the equal job opportunities amendment is as necessary in the North as it is in the South.

The North—especially the great metropolitan centers—has traditionally been the land of opportunity for Negroes of the South who increasingly are being displaced by the agricultural and economic upheavals below the Mason-Dixon line. The unskilled of these people who are strangers to urban life have often met prejudice even in our States. As painful as is this process of integrating people into what to them is an alien way of life, I am confident that the cultural, social, and economic problems are being worked out.

We in the many States of the North, for example, have tackled the problem of discrimination on the job with fair employment practice laws. We attempt with these laws not to erase prejudice from hearts, but to make it possible to be just—to give a man, or a woman, a fair break at getting and holding a job he or she can well do.

I am proud of the record of my State, Minnesota, in this field. We have had an effective statewide fair employment practices statute since 1955. In fact, I was one of the authors of the Minnesota law and helped secure its enactment when I served in the legislature.

I am proud, too, that each of our three major cities, Minneapolis, St. Paul, and Duluth, has local ordinances to implement fair employment practices.

Being just and decent to minorities has paid off for us in Minnesota with peace, mutual respect, and prosperity. In fact, I recommend these qualities highly to those of my southern colleagues who have drunk so deeply from the cup of disregard.

We have temporarily been prevented from offering this amendment, commissioning equal job opportunity under Government contracts, and other amendments just as worthwhile.

But we will be back—again, and again, and again—for the cause of justice in civil rights shall ultimately be triumphant.

Impact of Increasing Imports of Fabricated Products on American Industry

EXTENSION OF REMARKS
OF
HON. CARROLL D. KEARNS
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 23, 1960

Mr. KEARNS. Mr. Speaker, in a message to the Congress a few days ago, the President expressed his concern over the growing foreign competition to the American exporter and directed the several agencies of the executive branch to take certain steps which may help to strengthen the competitive position of our export industry. He has asked for the support of the Congress toward this end, and such support, I am certain, will be forthcoming, since the economic strength of the United States is a matter which transcends the boundaries between political parties and between sectional interests.

Without in any way minimizing my support of the President's recommendations with respect to exports, I would call your attention to the other side of the coin of foreign trade. The President's message does not deal with this other side of the coin, but I am certain that we cannot effectively and justifiably treat the one side—exports—and ignore the other side—imports. The one bears on the other as the back of the hand bears on the palm.

The disastrous impact of increasing imports of fabricated products on our American industries, particularly the so-called small business element of our industry, and which is felt with special emphasis by the skilled and unskilled laborer who is the veritable backbone of our industry, was clearly stated by Mr. James A. Roemer, chairman of the board of the Sharon Steel Corp., in that corporation's bargaining conference with the United Steelworkers of America, AFL–CIO, on May 15, last. To these pertinent remarks, I would earnestly solicit your attention:

A very good customer of Sharon Steel bought 13,867 tons in 1955; 18,567 tons in 1956; 15,958 tons in 1957 and only 6,349 tons in 1958.

In this instance, the 10-inch mill lost about 5 weeks' work to foreign competition. Here was three-quarters of a million dollars worth of business and wages that went to Europe, as the contribution of Sharon Steel and its employees.

This foreign material was delivered to the customer's plant at $22 to $30 a ton less than our delivered price. And this customer is not on the eastern seaboard. One of our eastern seaboard customers bought foreign 10-inch mill tonnage at $44 a ton under our delivered price. This gives you some idea of how foreign competition in 1958 affected you and the Sharon Steel Corp.

A highly respected constituent, Mr. Ray F. Eisenbies, president of the Sawhill Tubular Products, Inc., of Sharon, Pa., recently analyzed for me the effect of increasing foreign competition on his company, as well as on other American companies engaged in the manufacture of steel pipe. Imported steel pipe amounted to over 200,000 tons in 1958, and to an all-time high of 553,000 tons in 1959. Mr. Eisenbies tells me that many of his company's markets, particularly those adjacent to ocean harbors, have already been seriously affected and, with the opening of the St. Lawrence Seaway, others will soon feel the impact. The cost of this Nation's economy both in profits and in jobs, is steadily mounting and urgently requires the best thought that can be brought to bear on the solution to the problem in both the executive and legislative branches of the Government.

As a contribution to that solution, I would say that the remedy probably lies not in the erection of high tariff walls against foreign products, but in the establishment of quotas for such products whose unrestricted importation inflicts heavy penalties against American industry and labor and seriously weakens our country's defensive strength. The philosophy of quota limitations has been well accepted as a legitimate and effective means for the protection of American agriculture, as well as American industry and American labor.

Mr. Speaker, there are many other firms in my congressional district—as well as throughout the Nation—that are bleeding because of this unexpected influx of imported goods upon our markets. I hope, therefore, to supplement this report with additional data from firms in my district and throughout the country.

In the meantime, I respectfully urge the Members and the cognizant committees of the Congress to give this matter their prompt and most sympathetic consideration.

A World in Debt to Israel

EXTENSION OF REMARKS
OF
HON. JENNINGS RANDOLPH
OF WEST VIRGINIA
IN THE SENATE OF THE UNITED STATES
Wednesday, March 23, 1960

Mr. RANDOLPH. Mr. President, it was my privilege to have participated at the Israel 12th anniversary dinner, sponsored by the Charleston Committee for State of Israel Bonds, Sunday, March 20, 1960, in our capital city of West Virginia.

My fellow citizens afforded me the pleasurable opportunity to extend greetings on a program in which I preceded that veteran minstrel who mixes wit with wisdom, George Jessel, the "Toastmaster General of the United States," who delivered a meaningful address.

After Cantor Paul Reiss opened the program with the singing of "Hatikvah" and "The Star Spangled Banner," Rabbi Samuel Volkman of Charleston's Virginia Street Temple offered the challenging invocation.

Fred Marks, general chairman of the Committee for State of Israel Bonds, delivered a warm welcome and was followed by Mrs. Benjamin Newman, chairman of the committee's women's division, who spoke helpfully. The Governor of West Virginia's greetings for the State government were presented by his assistant, Charles Straughan. Mayor John Shanklin responded with greetings on behalf of the city of Charleston.

Dr. I. E. Buff, West Virginia State chairman for the 1960 Israel bond campaign, and Mrs. Buff, who serves with Dr. Willard Pushkin as honorary chairmen of the campaign, were most thoughtful and generous as my host and hostess at this impressive event.

Mr. President, I ask unanimous consent that there be printed in the CONGRESSIONAL RECORD the invocation offered

by Rabbi Volkman, extracts from Sol Padlibsky's news story of the dinner meeting in the Charleston Daily Mail, Monday, March 21, 1960, and extracts from my remarks on the subject, "A World in Debt to Israel."

There being no objection, the invocation, news story, and Senator RANDOLPH's remarks were ordered to be printed in the RECORD, as follows:

INVOCATION OFFERED BY RABBI SAMUEL VOLKMAN, VIRGINIA STREET TEMPLE, CHARLESTON, W. VA., ISRAEL 12TH ANNIVERSARY DINNER, CHARLESTON, SUNDAY, MARCH 20, 1960

Dear God, we thank Thee for the privilege of living in this period when we witness the might of Thy hand, sovereign amid the flux of world events.

And for signs and wonders manifest in the restoration of a remnant of our people to the land of our forefathers.

For the healing of the wornout hills which exult in their new-found raiment of verdure.

And for the revival of an age-old people now learning to sing a new song of hope and faith in the future. Grant, dear God, that we may share in the pride and the glory of their accomplishments; that the heirs of tomorrow may include us in their prayers of thanksgiving.

Bless this occasion. Bless all words spoken here that they may enhance, ennoble, and strengthen the purpose for which we have come.

We thank Thee for the bread we are about to eat and say altogether:

Boruch Attah, Adonoi Elohenu Melech Ha-Olom Ha-Motsie Lechem Min Ha-Aretz.

[From the Charleston (W. Va.) Daily Mail, Mar. 21, 1960]

(By Sol Padlibsky)

George Jessel, "the toastmaster general of the United States," spurred the sale of $68,800 worth of State of Israel bonds last night at a sellout banquet at the Daniel Boone Hotel.

A sizable amount of the bonds was purchased by non-Jews at the affair sponsored by the Charleston Committee of the Israel Bond Campaign, of which Fred Marks, the master of ceremonies at the banquet, is chairman.

Jessel regaled the diners with his accounts of first meetings with reception committee people in his tour across the United States in his Israel bond campaign. He sprinkled Yiddish words, which lose something in translation, in his remarks.

He told the diners that he didn't have a religious background, and that when he was 8 years old he was alone with his mother on the East Side of New York after the death of his father.

RELIGION IMPORTANT

"I have been in the show business for more than a half century," said Jessel. "A few years ago I realized that it was important to me that I manifest the meaning of living a religious Jewish life.

"The work I am doing in the interest of the State of Israel formerly was undertaken by my good friend, Eddie Cantor. That was about 10 years ago. Cantor suffered a heart ailment, and I pledged to myself that I would carry on Eddie's great work for Israel.

"I have spoken in 110 cities across the Nation in 121 days, and each day has meant increasing gratification of a program that must continue to keep the sacrifices of the Israel pioneers always in our memories."

(Jessel has been honored by Israel's Prime Minister, David Ben-Gurion, in Jerusalem for "unselfish and devoted aid to the State of Israel." Last year, at a dinner in Hollywood, celebrities participated in a "salute to George Jessel" in behalf of Israel bonds. The dinner, which paid tribute to Jessel's 50th anniversary in show business, resulted in the sale of more than $1,500,000 of Israel bonds.)

U.S. Senator JENNINGS RANDOLPH, a guest, characterized the rise of Israel as "one of the greatest achievements in the history of mankind."

REMARKS BY SENATOR JENNINGS RANDOLPH, OF WEST VIRGINIA, 12TH ANNIVERSARY OF THE STATE OF ISRAEL DINNER BY CHARLESTON AND SOUTHERN WEST VIRGINIA BOND COMMITTEES, DANIEL BOONE HOTEL, CHARLESTON, W. VA., MARCH 20, 1960

A WORLD IN DEBT TO ISRAEL

We are here to celebrate the 12th anniversary of the final fulfillment of the words of the prophets and the reward of 2,000 years of Jewish longing and aspirations. We are here also to contribute to the perpetuity and the strength of the State of Israel which presents this fulfillment, and more specifically, to the amelioration of circumstances for some 350,000 Jewish refugees in Israel who remain virtually homeless and unabsorbed. And despite the 12 amazing years of growth and development since the recognition of Israel, the path ahead is still marked with danger signs and strewn with obstacles.

War clouds gather in the Middle East. Reinforcements are again posted on the frontiers of Syria and Jordan. The Suez Canal is still blocked to the ships of Israel. And a fanatic's well-placed bullet in any of the capitals of the Middle East could easily plunge that area into war. Thus, it behooves us each—of whatever religious faith—to examine the nature and reason for our commitment to Israel.

As Americans and as participants in the great enterprise of Western civilization we are committed—within certain limitations—to the support of Israel. Our obligations are both moral and political.

First, we are politically involved in the support of an independent and peaceful development of Israel, because of our part in the United Nations partition of Palestine out of which the State of Israel emerged. This was further sealed by President Truman's immediate recognition of Israel on May 14, 1948, only a few hours after the final withdrawal of the British forces.

But American political support of Israel is not solely a matter of our keeping trust with past resolutions to serve Israeli interests. We have strong and compelling reasons of our own self-interest in our desire to see Israel prosper and flourish in peace. As a cultural enclave of the West, it offers our best hope for the development of democracy in a section of this earth torn for centuries by oriental despotism, intrigue, and tribal rivalries.

And despite the current and continuing tension between Israel and the neighboring Arab States, support of Israel represents the best hope for political stability and orderly progress in the Middle East, hence, our strongest defense against measures of desperation taken by some Arab leaders with their attendant infiltration of Soviet influence. Even though the Communist planners have made some costly blunders in the Middle East, the Red capacity for making mischief is unlimited, and the Russian interest in the stability of that area is far less immediate than that of the Western Powers.

Stated in its bluntest terms, as long as the Middle East is a battleground of the cold war, Russian interests are served by instability and by pitting Israel and the Arab nations against one another, while we must seek to maintain political stability and develop friendship with the Arab nations without sacrificing the legitimate claims of the Israelis.

But more binding than any of these is the moral debt we owe to Jewish culture and tradition for having first awakened the moral consciousness of Western man. In the history of Western civilization perhaps the first truly civilized answer to the question of what each of us owes to his fellow man solely for the sake of man's humanity to man is given by the writer of Leviticus: "The stranger that dwelleth with you shall be unto you as one born among you, and thou shalt love him as thyself; for ye were strangers in the land of Egypt" (Leviticus 19: 34).

The intellectual and spiritual contributions of Judaism were the source of the early nourishment of that which is most precious in Western civilization—the idea of the dignity and integrity of the individual, expressed in the despairing cry of Job that "I will not sacrifice my integrity," even in the face of an omnipotent God—the idea of social justice, served in varied ways and by such diverse personalities as Moses, Spinoza and Karl Marx—and the belief in the brotherhood of all men as the children of one Creator—these values lie at the heart of Western civilization and were the source of much of Christianity and Mohammedanism.

Also, as members of Western civilization and as brothers of the human race we are morally obligated to the cause of a Jewish national homeland as insurance against the persecution and oppression which has marked the life of the Jew in Diaspora. Spinoza, gentle and noble among our great philosophers, wrote that "A free man thinks of nothing less than of death; and his wisdom is a meditation not of death, but of life."

Thus he set forth the text of Israel. For certainly no people has offered its martyrs as bravely and in such numbers as the Jew. The Christian martyrs of the Roman Empire are numbered in the thousands. The Jews cannot name or number their martyred millions in the world of Christendom, culminating—to the eternal shame of all men—in the ghastly and inhuman crematoria of Hitler's making.

There has been a further difference between the lot of the Christian martyr and that of the Jew. The Christian died secure in his faith in the reward of an immediate afterlife. The Jews received no halo and no promise of reward; and though the idea of an afterlife acquired some popularity after the dispersion, it has never been the article of faith, the flaming conviction for the Jew that it is for the Christian. If Jewish martyrdom had meaning it was related to the continuity of Judaism and the hope of the ultimate rebirth of a Jewish national homeland. In the moving words of the ancient lament, "If I forget thee, O Jerusalem, let my right hand forget her cunning—let my tongue cleave to the roof of my mouth, if I prefer not Jerusalem above my chief joy." For this compelling reason, the free nations of the West—which call themselves Christian—must help justify the nameless martyred millions of Jews.

But there is a further debt of Western World to the Jew. Here I speak of the astounding intellectual and cultural contribution Jews have given to our civilization. Not only did the Jewish people give the Western World their own Book in the Old Testament, but it was the Alexandrian Jews who translated the Book of Law, the Pentateuch, into Greek.

It was these Jews and succeeding generations who kept alive the knowledge of classical Greek during the early Middle Ages when the light of learning had been virtually extinguished in Europe. And it was in large part through Jewish philosophers in the service of Moslem courts that classical learning was reborn in Europe, thus laying the foundation for the Renaissance.

This Jewish devotion to intellectual achievement—so strong as to have been thought by many Jews and non-Jews as a hereditary trait—has placed the civilized world in lasting debt. Negligible as a political power in the world at large, and representing less than 1 percent of the world population before World War II, the Jewish people have supplied a leadership far out of proportion to their numbers in every field of human arts and sciences. And though this has been a contribution of individuals rather than of a group, it has been in large part the result of mobilizing the individual's resources in response to the oppression of the group. This capacity perhaps more than any other has been responsible for keeping the Jew alive as a cultural and national identity through 2,000 years of the dispersion.

In this sense, the oppression of the Jewish people may well have been a stimulus to the creativity of individual Jews. But whatever the source, the modern world would be far poorer but for the artistic and scientific contributions of Jews. Indeed, it is not overstating the case to remark that of the four men who have framed the problems of our century, three were Jews. I refer to Charles Darwin—the only gentile of the four—Karl Marx, Sigmund Freud, and Albert Einstein.

Whatever one may think of the conclusions they reached, the works of these four men opened new ways of thinking for mankind and gave a distinctive stamp to the modern world.

One may only speculate on the direction that Jewish creativity will take in the homeland of the State of Israel, though one may safely guess that the amazing Jewish resourcefulness and energy will remain. The brief history of the State of Israel is already filled with the pages of gallantry and courageous self-sacrifice.

Regarding H.R. 1923, a Bill To Amend Title X of the Social Security Act To Enable the States To Provide More Adequate Financial Assistance to Needy Individuals Who Are Blind and To Encourage and Stimulate Needy Blind Individuals To Become Self-Supporting

EXTENSION OF REMARKS
OF
HON. CECIL R. KING
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 23, 1960

Mr. KING of California. Mr. Speaker, on January 9, 1959, I introduced a bill to amend title X of the Social Security Act to enable the States to provide more adequate financial assistance to needy individuals who are blind and to encourage and stimulate needy blind individuals to become self-supporting.

Almost a quarter of a century of experience with the Federal-State program of aid to the needy blind has given us a greater understanding of the needs, problems, and capabilities of the men and women whose welfare is the concern of this program. The blind assistance provisions of the Social Security Act were adopted at a time of depression. The primary objective then was relief from the distress of poverty. We now know that assistance can be granted to needy blind people on terms that inescapably perpetuate poverty and dependency. The importance of more adequate relief from poverty among the blind than we now grant cannot be overemphasized. But relief alone is not enough; rather, it must be given on terms which assist, encourage, and impel the recipient to achieve independence and self-support by offering to him hope and opportunity.

A new approach in providing aid to the blind under title I of the Social Security Act has become imperative. This public assistance program will soon become one entirely for blind men and women in the productive years of life. Owing to the greatly expanded coverage and increased benefits under the old-age, survivors, and disability insurance system, those who lose their sight from diseases associated with the aging process will almost exclusively be old-age insurance beneficiaries. Blind workers who have succeeded in securing employment or self-employment in covered occupations will likewise be entitled to old-age benefits upon retirement.

The fact emerges that the category of blind people to be helped by public assistance will in consequence be composed predominantly of those who still have ahead of them years of possible productive effort and contribution to their communities and their families. It is of the utmost importance to these individuals as well as to the country that their productive powers be preserved from atrophy. This can only be done by granting assistance to them under conditions which save and promote their sense of personal worth, individual dignity and self-respect as valued members of a democratic society. Aid to the blind can be made into a program which extends to recipients the American tradition of opportunity. Reshaping the law to accomplish this end in addition to affording greater security from want is the principal purpose of this bill.

The amendments adopted by the Congress in 1956 contained important additions to the purpose clauses of the provisions relating to aid to the blind in the Social Security Act. The Congress recognized that much can be done by agencies administering blind assistance programs to encourage and help blind recipients to attain self-support and self-care. The changes in the law which were then adopted clearly authorized these State agencies to include as regular parts of programs, services by case workers and specially trained personnel designed to assist recipients to regain self-support and self-care. The amendments of 1956 also authorize—but less clearly—State agencies to assist recipients in the development of individual plans to attain self-support by utilizing whatever income and other resources they may possess in efforts to become established in occupations for which they may be fitted or in small business undertakings as well as whatever other ways may be feasible.

It appears unfortunate that, although a goodly number of State agencies are laying plans to add personnel to their staffs for the purpose of providing self-support services, the possibilities of encouraging and helping blind aid recipients to utilize their resources in fulfilling their need to be restored to gainful activity have been neglected. The fault perhaps lies with the inadequacy of the amendments of 1956. The Congress should make it unmistakably clear that the law contemplates and requires the widest possible use by recipients of individual resources in plans to achieve self-support and self-care. The need of every person to be a productive and contributing member of his community should be recognized as fundamental and as of equal importance and vitality as the need for food and shelter. The bill I have introduced would accomplish this objective by proposing several new provisions intended to give a wholly new conception and perspective to public assistance for the blind.

First, the bill proposes that all blind recipients be given incentive by granting them increased exemptions of earned income up to $1,000 per year, and that incentive to gain complete economic independence be retained by gradually reducing aid payments to them through the device of taking into consideration only 50 percent of each earned dollar above $1,000 per year. The existing law was amended in 1956 to provide that $50 per month of earned income be disregarded in determining the amount of monthly assistance. Thousands of blind recipients took advantage of the exemption to improve their slender economic status and some were stimulated to achieve self-support.

But the ceiling on incentive is still retained and the amount of exempted earnings has proved to be too low to gain a firm foothold on the economic ladder. For most it has been impossible to make in a single bound the immense leap from economic dependence to complete self-support which the present exemption necessitates. For fear of losing what little security blind assistance affords, others have been discouraged from making the effort. The method proposed in the bill for a larger exemption and for reducing aid payments gradually as independent earnings increase will at one and the same time enlarge the economic opportunities of the blind, stimulate them to greater efforts to become self-supporting, and enable them to achieve total economic independence.

Second, the bill provides that every aid-to-the-blind recipient shall be entitled to possess at least the assessed valuation of $3,000 of real and personal property; and additional possessions of real and personal property may be approved for individuals whose individual plans for attaining self-support may require their use. The requirement in the present law that all property and income of a blind individual must be utilized exclusively for his maintenance as a prior condition for receiving assistance has succeeded only in either impoverishing the individual who becomes a recipient or compelling him to live in impoverished circumstances without assistance.

To permit individuals to retain and enjoy modest amounts of property while being eligible for assistance is to preserve

a basis for rehabilitation. To enable recipients to utilize their own property and other resources to gain self-support and independence from aid is to put constructive purpose into the law.

Implementing the self-support purpose further, the bill prohibits any public assistance agency from requiring blind recipients to subject their property to liens or transfer to these agencies title to their property as a condition of receiving aid. Encumbering the property of blind aid recipients deprives these individuals of an ability to use their own possessions for self-restoration and rehabilitation. We cannot successfully help the blind to return to productive and useful lives if we permit their futures to be mortgaged or their property to be taken from them because they received assistance in time of need.

Third, the bill also requires that the ability of relatives to contribute to the support of recipients be entirely disregarded in determining eligibility for public assistance. The enforcement of the legal responsibility of relatives to support dependent blind persons has never been financially significant in reducing public assistance expenditures. It has, however, demoralized recipients by constantly emphasizing in their minds their dependent status and sense of helplessness. The enforcement of relatives' liability is unjust to aging parents of blind individuals still in the productive years of life and unfair to their youthful children endeavoring to become established in the world and generally results in spreading poverty rather than relieving it. The enforcement of relative responsibility is frequently disruptive of family relations, creates bitterness and resentment where hope and affection should be fostered and saves little or nothing in the cost of assistance to the blind. Accordingly it has no place in a welfare program which ought to maintain the sense of importance and belonging on the part of a recipient within the atmosphere of good family relations as a sound basis for his adjustment to blindness and restoration to normal life.

Fourth, the bill further provides for equal minimum payments to all eligible blind individuals except that the minimum would be specified by each State and could, therefore, vary with local conditions.

But the present system of individually budgeting recipients on the basis of individual need individually determined by a wide exercise of discretion on the part of individual social workers would be in a large measure replaced. Individual budgeting inescapably leads to the gradual assumption by social workers of control over the affairs and lives of recipients. If every bit of income must be searched out and every resource tracked down before the amount of each month's payment can be determined on the basis of the budgetary deficiency which then exists, the inevitable result is that the blind recipient, already oppressed by a sense of helplessness, soon loses all direction of his supposedly free consumption choices. The fibers of self-reliance are quickly sapped and loss of self-management is the unavoidable consequence. Under these conditions, the personal qualities of morale and enterprise which are indispensable to rehabilitative effort are undermined and destroyed.

The payment of fixed minimum amounts of aid to which all eligible persons are equally entitled as of right will reduce administrative overhead and preserve and promote the moral and psychological well-being of recipients. It will restore to them a power to manage their own affairs. It will nourish initiative and stimulate self-improvement. In contrast to the rigid means test and individual budgeting, equal minimum payments determined by law will provide a floor of security and foster economic independence and social reintegration.

Finally, to assure that aid-to-the-blind payments will more adequately meet the actual financial needs of recipients while they are in distress, the bill raises the ceiling on the matching of State funds by the Federal Government from the present maximum of $65 per month average payment made to each recipient to $75 maximum. When the Social Security Act was first passed in 1935 the maximum payment to any blind recipient in which the Federal Government would participate was fixed at $30 per month, of which the Federal Government would pay one-half. The maximum amount in which the Federal Government will share has been increased by only $35, and even this increase includes average expenditures for medical care not authorized prior to 1950. Yet the cost of living has more than doubled since 1935 and the standard of living to which the American people have become accustomed has sharply risen. The consequence of the Federal Government's failure to keep pace with rising prices has been that even greater poverty and distress has been imposed upon the blind who must depend on public assistance. They have been compelled to eat and dress and live in a manner markedly different from the rest of the community. Many of the States have demonstrated their willingness to meet in part the challenge of the desperate situation thus brought about and have raised payments substantially above the Federal matching ceiling, but, others have fallen far behind. The latest figure available show that average payments throughout the United States are but $69.05 per month, and this includes average expenditures for medical care.

The time has been long overdue for the Federal Government to attempt more reasonably to meet its responsibilities for raising the level of aid to the blind in every State. The bill therefore proposes that $30 out of the first $35 of average monthly payments to the blind shall be paid by the Federal Government. In addition, the variable grant formula adopted by Congress in its 1958 Social Security Amendments is continued. Thus the Federal Government not only will pay $30 of the first $35 of the average payment to all recipients; but, also 50 to 65 percent of the difference between $35 and $75. Accordingly, even the States which have the least ability to raise assistance payments without additional Federal participation because they have the smallest taxable resources, will be enabled to meet the actual needs of the blind recipients more adequately.

Adoption of these amendments will mean that the rehabilitative approach will constitute the very core of the Federal law providing for aid to the blind rather than the present outmoded Elizabethan Poor Laws concept of counting each penny of a resource unto the third generation. We now know from the examples of increasing numbers of blind men and women who successfully work at a wide variety of occupations ranging from electricians and farmers to businessmen and college professors that every blind person who is sound of body and mind is capable in his productive years of completely normal living and economic usefulness. By revising the Federal law, we not only translate into effective statutory provisions the 1956 enactment of the purposes of self-care and self-support; we can also materially encourage and enable the one-third of this Nation's 350,000 blind persons who are dependent upon public assistance to take their rightful places in the economy as taxpayers rather than as tax consumers. It is high time that the Nation's laws providing for aid to the blind catch up with the facts established through a quarter of a century of experience under the Social Security Act.

A Proposal To Establish Clinics for Narcotic Addicts

EXTENSION OF REMARKS
OF
HON. VICTOR L. ANFUSO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 23, 1960

Mr. ANFUSO. Mr. Speaker, I am today introducing a bill which provides for Federal assistance to the States for the establishment and operation of outpatient clinics for narcotic addicts. These clinics would follow the British practice with regard to the gradual reduction method of the treatment and the furnishing of narcotics to persons whose addiction seems incurable.

Much has been said and written about the narcotic problem in this country, but we are no nearer a solution of it today then we have ever been. The illicit traffic in narcotics seems to increase from year to year, despite the fact that the Federal Narcotics Bureau and its agents are conducting a relentless fight against drug smugglers, peddlers, and pushers.

Mr. Speaker, I should like to cite some interesting statistics which give us a picture—though not a pretty picture—of this problem. These are official figures taken from testimony presented to the Subcommittee on Treasury-Post Office Departments Appropriations of the House Appropriations Committee at its hearings on January 26, 1960, by Dr. H. J. Anslinger, the Commissioner of Narcotics, and his immediate assistants.

The total number of active narcotic addicts in the country as of December 31, 1959, was reported to be 45,391, divided as follows:

		Percent
Negro	26,146	57.6
White	11,703	25.8
Puerto Rican	3,889	8.6
Mexican	2,623	5.8
Others	830	1.8

They are divided into age groups as follows:

		Percent
Under 21 years	1,743	3.8
21 to 30 years	24,343	53.6
31 to 40 years	14,056	31.0
Over 40 years	5,247	11.6

On page 145 of the hearings cited above is a list of the number of addicts in all the States, from which I quote the following:

		Percent
New York	20,732	45.7
California	6,471	14.2
Illinois	6,191	13.6
Michigan	2,366	5.2
All others	9,631	21.2

Other States with a fairly large number of addicts are: Texas, 1,566; District of Columbia, 1,116; Missouri, 1,030; New Jersey, 892; Ohio, 619; Pennsylvania, 557; Louisiana, 434.

I might add that the exact number of addicts in the country is not known. It has usually been, estimated at about 60,000, based on the number of persons who have been in contact with law-enforcement agencies. Dr. Charles Winick, secretary of the National Advisory Council on Narcotics, has cited one authority who estimates "that there are three addicts who have not been in contact with the law for every one who has." The noted sociologist, Prof. Alfred R. Lindesmith, points out the interesting though regrettable fact that "even if one accepts the minimum estimate of addiction given—namely, the 60,000 figure—there appear to be more drug users in the United States than in all the rest of the Western World combined."

This is a very sad commentary on our society and civilization. Why should the United States, which has the highest standard of living in the world, have such a large number of drug addicts? Of course, I am especially perturbed over the fact that nearly half of the addicts in the country are in New York State. Where are we falling down on the job? Is it our approach to the whole problem that is wrong? Is it the treatment or lack of treatment that constitutes a major factor? Should we place the emphasis on jails, as we are presently doing, or on institutions? If institutions, what kind should it be—hospitals, clinics?

Mr. Speaker, I am no sociologist and do not consider myself an expert in the field of narcotics. My interest in this field stems from the time when I served on the bench as a city magistrate in New York where a number of narcotics cases came to my attention. Much of my information comes from reading some of the literature in this field, discussions with former colleagues on the bench, attorneys, and others. I was particularly impressed with a book on this subject "Who Live in Shadow," written by my very dear friend, Judge John M. Murtagh, chief city magistrate of New York, in collaboration with Sara Harris. On page 166 of the book we read:

> Despite their own transgressions, and expressedly decent sentiments toward addicts, the enforcement agencies vigorously demand ever harsher penalties and ever stiffer laws against addiction. What can they hope to accomplish with their stiffer laws? After all, the punitive, prohibitory approach to the drug problem has been the official policy of the United States for 40 years. No other country in the world has been so sadistic in dealing with addicts. Still there are more addicts in the United States today than in all the other western countries combined, and more juvenile users in New York City than in all of Europe.

Judge Murtagh believes that our present policy is ill conceived and that we should consider a change in attitude. I am strongly inclined to agree with him. In 1951, Congress passed the so-called Boggs law which increased penalties against narcotics violators, but the penalties seem to be hurting more the addicts than the dope racketeers. Our aim should be to break up the drug rings, the big operators and the illicit dealers, while those who are themselves victims of the drug should be aided in every possible way to regain human dignity and become rehabilitated.

Right now we have only two Federal hospitals in the whole country for treating narcotic addicts, one at Lexington, Ky., and the other at Fort Worth, Tex., with combined facilities for less than 2,500 addicts. The only other narcotics hospital in the country is Riverside Hospital in New York City, which can accommodate about 180 addicts and is used exclusively for those under 21 years of age. Oddly enough, New York State, with 45.7 percent of all active narcotic addicts in the country, does not have a single rehabilitation center for the treatment of adult victims. It is well worth noting that the great majority of these people are never rehabilitated because the State courts cannot commit New York residents to Federal institutions.

Mr. Speaker, it is high time that we begin to recognize the drug addict what he really is, namely, a sick person who is badly in need of help and medical treatment, and not as a criminal who is to be thrown into jail and left there to rot. In other words, let us rightly consider it as a medical problem and separate it from the criminal phase of the overall problem. Let us provide the medical care and the rehabilitation for those who are themselves victims, and we shall be in a better position to check the whole problem, including the criminal phase of it.

Many experts in this field have in recent years called for the establishment of clinics to help in the care and rehabilitation of drug addicts by dispensing drugs, either free or at low cost, to those who cannot do without them. Commissioner Anslinger, however, is opposed to this experiment on the ground it would not work, citing an experience back in 1919. The fact is that that experience was of brief duration, but, even at that, some of the clinics were showing good results, yet the Treasury Department closed them all in 1924.

Since then 36 years have gone by and the Treasury Department has not changed its position in the matter. In the meantime, the number of addicts in the country has grown, the problem is greater than ever, and we are still pursuing the policy of jail treatment instead of a policy of medical treatment. I believe it is time for Dr. Anslinger and the Bureau of Narcotics to reconsider its stand on clinics, in the light of events since then, in the light of the seriousness of the problem, in the light of experiences abroad.

Let us look at the situation in Great Britain. There are no specialized institutions there for addicts. Treatment may be obtained in some public hospitals and several private nursing homes. An addict may obtain his supplies for the price of 1 shilling—about 14 cents—per prescription from a registered medical practitioner. One would think there would be wholesale abuse under this kind of a system, but how widespread is narcotic addiction in Britain? In its annual report to the United Nations Narcotic Commission, Britain reported in 1956 a total of 359 known addicts. The year before the total was 335. Washington, D.C., has more than three times as many drug addicts as all of Britain, while New York has 58 times as many. The United States has about three times the population of Britain, but more than 125 times the number of narcotic addicts. We should give serious thought to these facts.

Judge Murtagh in his book raises these questions:

> Is there really anything in the moral law that suggests that we cannot ease the misery and suffering of an addict by the temporary, or if medically indicated, the continued administration of limited quantities of drugs? Indeed is it not rather a violation of the moral law to deny the addict the solace and comfort of the medical practitioner and thereby drive him into the hands of the underworld?

I think the answer to these questions is obvious. I am firmly convinced that if we establish clinics to treat the addicts and to give them limited quantities of drugs under medical care, we could certainly make considerable headway toward a diminution of this problem and toward eventual elimination of the drug menace which is threatening our youth in the larger cities.

Another achievement would be that we would be well on the road to driving out the racketeers and their billion-dollar racket which is thriving on human misery. This could be done by taking the profits out of the illicit drug trade and making it impossible for the racketeers to push their poisonous wares, because the addicts would no longer be dependent upon their mercies and would get the necessary help through legalized clinics.

Mr. Speaker, it is because of all these facts and reasons cited above that I am introducing a bill to establish clinics for drug addicts, somewhat along the British practice for narcotic treatment though not their system which is exclusively in the hands of the medical profession. My

bill provides for the establishment of "narcotic addition clinics" for the treatment of addicts on an outpatient basis. Under this system, drugs would be made available under medical supervision to two types of addicts: First, to those who are capable of leading a fairly normal and useful life as long as they are forced to take a certain drug but not otherwise; second, to those who are undergoing treatment for addition by the gradual reduction method.

The bill calls for an appropriation of $5 million for the coming year to be used as grants-in-aid to States for the construction and operation of such clinics. These grants are to be made to the States on the basis of their addict population, financial need, and State effort. The States receiving such grants will be required to provide an equal amount of funds for the same purpose. In other words, this is to be a joint Federal-State endeavor. The bill also provides that the Surgeon General shall have the authority to make grants to the individual States on the basis of regulations prescribed by him in consultation with State health authorities.

Of special concern to me is the safeguarding of the youth of our country. Young people will not become victims of the racketeers and be subjected to their solicitation if those already tainted can be treated at the clinics, turned into useful citizens and prevented from becoming habitues of the drug habit. My bill aims to prevent drug addiction of youths by removing the profit motive in narcotic trafficking by racketeers.

Mr. Speaker, it is my view that adoption of this bill will help to curtail the havoc being created in thousands of families where some member becomes the victim of dope peddlers. If we can succeed in eliminating the profit motive from the drug market, even partially, we will have made great progress on the road toward eventual curtailment and elimination of this dreaded menace. I urge the committee to give early and very serious consideration to this measure.

Salute to Columbian Bar Association Upon Admission To Practice Before the U.S. Supreme Court

EXTENSION OF REMARKS
OF
HON. ALFRED E. SANTANGELO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 23, 1960

Mr. SANTANGELO. Mr. Speaker, March 22, 1960, was the commencement of a new tradition in the history of the legal profession in New York. Thirty-eight members of the Columbian Lawyers Association were admitted to practice before the U.S. Supreme Court. One of them was a woman. I had the high honor and privilege of sponsoring this group before our highest court in the land.

Last year the Columbian Lawyers Association initiated the practice of arranging for the admission of their legal membership to practice before the Supreme Court of the United States. Then 53 members were so admitted.

The Columbian Lawyers Association is a young, flourishing bar association operating in the first judicial department of the State of New York. Its membership consists of more than 600 members and is composed of lawyers of Italian origin who practice principally in the city of New York and the county of Westchester. Many of them are leaders in their respective communities. They are dedicated to guarding our American traditions and to building a sound body of law for our future.

Among its foremost aims is the maintenance of a high standing of conduct for the legal profession, including the prosecuting officers of both the Federal and State Governments and the selection of capable and learned judges to serve in our courts. They are of the firm belief that in order to fulfill the great promises pronounced in our Declaration of Independence and to realize the American goal of equal justice before the law, lawyers must be skilled advocates, sensitive to justice, and with high standards of conduct, both for the bar and the justices of the courts.

The journey to Washington was meticulously prepared by Joseph Contiguglia, a member of the association, and a referee in the workmen's compensation board in the State of New York. Much planning and work was done to transport 38 active lawyers to Washington from the city of New York and other members who were interested in accompanying the applicants. The success of the program was a credit to the planning and preparation which Mr. Contiguglia provided.

Prior to being sworn in by Chief Justice Earl Warren, this bar group had the distinct pleasure of meeting with the Clerk of the U.S. Supreme Court, James R. Browning, for a half-hour. Mr. Browning detailed the intimate workings of the members of the Supreme Court in the exercising of their discretion to review a matter or to decide a case. The explanations afforded the group by Mr. Browning provided a better understanding and appreciation of the tremendous tasks which burden the Justices and the procedures in the accommodation of conflicting viewpoints.

Prior to the formal swearing in, Chief Justice Earl Warren met with the group informally and discussed the aims of the bar association and the Chief Justice stressed the importance of a familiarity with the workings of the Supreme Court and the need of lawyers being admitted to practice before the supreme judicial body.

After the admission to the Supreme Court, the Columbian lawyers had luncheon at the Congressional Hotel. Several Members of Congress attended the luncheon. Representatives VICTOR L. ANFUSO, of Brooklyn; DOMINICK V. DANIELS, of New Jersey; and JACOB H. GILBERT, of the Bronx, addressed the group, pointing out the significance of their membership in the U.S. Supreme Court and the pride that they felt in this demonstration by New York's legal talent.

On the evening prior to their swearing in, a reception was tendered to the group and many of their Washington friends by Mr. and Mrs. Gaspar Morell, a former New Yorker, now a successful Washington builder. Mr. Morell's beautiful home on Kalorama Road, on Embassy Row, provided the scene for happy reunions and pleasant exchanges. Several Congressmen attended the reception, including Congressmen ROBERT N. GIAIMO and EMILIO Q. DADDARIO, of Connecticut. Judge Alexander Holtzoff, of the U.S. District Court for the District of Columbia, attended the reception and, as a former New Yorker, recalled his experiences in that great city and welcomed the lawyers to our Capital. Congressman JOHN J. ROONEY, member of the House Appropriations Committee and chairman of the Subcommittee on the Departments of State and Justice and the Judiciary and Related Agencies of the Appropriations Committee, also welcomed the association and presented the viewpoint of those who control the purse strings in the protection of our court system.

Congressman BASIL L. WHITENER, a member of the Judiciary Committee from North Carolina, also welcomed this legal entourage, and although we were in the process of considering the controversial civil rights bill wherein Members from the North and South disagreed, he demonstrated that our disagreements could exist without the Members being disagreeable. One of the guests was Col. Giovanni Nicollo, assistant air attaché of the Italian Embassy and professor of aerodynamics. He addressed the gathering and expressed his pleasure of this practice of lawyers visiting the Capital City for such a lofty purpose of being admitted to the Supreme Court. Mr. and Mrs. Mario Noto, Assistant Commissioner of the Immigration and Naturalization Service, also graced the reception with their presence. Also in attendance was Inspector Anthony Richitt, of the Metropolitan Police Department. We cannot express fully our appreciation for the hospitality of Mr. Gaspar Morell and his lovely wife, Anita Morell, whose charm has been recently displayed in the Washington press.

The roll of the newly admitted members to the Supreme Court is as follows: John F. Aiello, Charles Bakos, Nicholas A. Basso, Sabino J. Beradino, William J. Bianchi, Carmine J. Capozzola, Ralph A. Cavallo, Leonard A. Conticello, John H. Curcio, Michael A. Del Greco, Michael A. Di Salvo, Thomas Esposito, Max Feigin, Theodore R. Freschi, Joseph P. Giaimo, Arthur F. Lamanda, Vincent J. Mandese, John J. Mangini, John Jay Mangini, Jr., Joseph A. Marchetti, Pascal Marsico, Anthony R. Martorano, Pasquale A. Mele, Edward Howard Mollison, Murray E. Morrison, Alfred F. Muscio, Pasquale Palumbo, Carmine J. Perrotta, Miss Annette M. Pollaci, Joseph F. Romano, Joseph V. Rubino, John C. Sacco, Anthony Serpone, Michael Sibilio, Alfred Frank Sica, Anthony B. Tripodi, Merritt T. Viscardi, and Salvatore Viscardi.

The president of the organization is Michael LaPenna, who was the spokesman for the group with Chief Justice Warren at their preinduction conference.

Now that these lawyers have returned home to New York leaving Washington richer because of their visit, I say to them "Congratulations and Hail Columbian Lawyers Association."

Is the Labor Boss for or Against the Aged?

EXTENSION OF REMARKS
OF
HON. ALBERT H. BOSCH
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 23, 1960

Mr. BOSCH. Mr. Speaker, there is growing public recognition that all public enemies are not necessarily on "The Ten Most Wanted List" maintained by the Federal Bureau of Investigation. There is a developing realization that certain detractors from our American way of life skillfully operate on the fringes of lawful activity so that it is difficult to attach criminal culpability to them. These new public enemies have been working in our midst for many years bent on the destruction of our national greatness and dedicated to the socialistic glorification of mediocrity.

The type of public enemy to which I refer need not be a gangster, although he frequently comes from such a background; he need not be a Communist, although people of his ilk frequently are; he need not be avowedly anti-American, although he frequently works to further anti-American causes that are contrary to our Nation's military and economic strength. The new public enemy to which I refer is the labor boss who seeks for his own selfish aggrandizement to distort the record on important national issues confronting our people, to reward the slothful by taxing the industrious, and to influence public opinion along the lines of the socialistic thinking in which he professes belief.

These labor bosses preach civil rights while condoning segregation in the ranks of their own labor organizations; they advocate equal economic opportunity while interfering with the rights of American citizens to work; they preach the principles of democracy while practicing totalitarian rule in union office.

These labor bosses deal in distortion and demagoguery to fill the public record with false and misleading statements and are quick to resort to vilification and abuse against anyone who seeks to set the record straight or who has the courage to disagree with them.

Over the weekend the press attributed a statement to United Auto Workers President Walter Reuther that was critical of the President of the United States. Mr. Reuther is reported to have criticized President Eisenhower because of the latter's opposition to a proposal pending before the Congress designed to launch a national health insurance program financed by a compulsory payroll tax imposed on our working population. Mr. Reuther, in effect, said that the President has always had his medical bills paid for by the Government. The truth of the matter is that President Eisenhower through great personal sacrifice has rendered more than 40 years of his life in unparalleled public service in behalf of the citizens of our Nation and against the threat of totalitarian enslavement of freedom-loving people everywhere.

Mr. Speaker, I do not recall similar public service by Mr. Reuther. In the CONGRESSIONAL RECORD for August 20, 1958, my distinguished colleague on the Committee on Ways and Means, the gentleman from California [Mr. UTT], documented by Mr. Reuther's own admission the fact that the President of the UAW was a Socialist. In the CONGRESSIONAL RECORD of January 16, 1941, that great statesman from the State of Georgia, the late Honorable E. E. COX, placed in the RECORD evidence that Walter Reuther at the time he was President of an Automobile Workers local with a membership of 30,000 filed a statement that he could not afford to pay for medical examination and treatment for himself and his wife and that he received such examination and treatment at the expense of the city of Detroit. On August 2, 1955, our patriotic and esteemed colleague from Michigan [Mr. HOFFMAN] placed in the CONGRESSIONAL RECORD documentation of the machinations by this same Walter Reuther to avoid military service during World War II. Mr. HOFFMAN also called attention to the fact that the Reuther brothers while studying in Russia wrote a letter to close friends on January 20, 1934, in Detroit admonishing them to "Carry on the fight for a Soviet America."

Mr. Speaker, I have recently received a letter from the AFL–CIO expressing opposition to some 175 bills that are currently pending before the Committee on Ways and Means having the effect of liberalizing the retirement test in the social security program so that our citizens who have paid for protection under Social Security could continue to engage in more realistic partial employment after they reach age 65. In the CONGRESSIONAL RECORD, my distinguished and courages colleague from Missouri [Mr. CURTIS] referred to labor boss opposition to the liberalization of the retirement test, and I call your attention to his well considered remarks. Mr. CURTIS in effect said that if the labor bosses were really interested in the welfare of the aged, they should support a liberalization of the retirement test instead of trying to force our still potentially productive citizens out of the labor market.

Mr. Speaker, the labor boss is now supporting H.R. 4700, a bill to provide Government payment for certain health care costs incurred by the aged at the expense of our present working population. This labor boss support is in the face of the facts that H.R. 4700 is discriminatory in its application, would impose an excessive cost on the American people, and would detract from rather than improve the quality of the medical care available to our aged.

Dr. H. I. Fineberg has recently written a very excellent analysis of the Forand bill which appeared in the March 27, 1960, issue of the Long Island Press. I will include Dr. Fineberg's comments on this legislation as a part of my remarks:

THE DOCTOR'S CORNER—LAW WON'T PROVIDE BETTER MEDICAL CARE
(By Dr. H. I. Fineberg)

In recent weeks, the Forand bill, has come to the foreground more than ever.

Since we discussed this proposal a few weeks ago, I have been deluged with mail from people in this community—who have accused me of being "anti-old age." Nothing could be further from the truth. I have often declared that every sick person must be taken care of regardless of age, economic status, or creed. There must be only one type of medical care—the best that we have available. Everyone, rich or poor, young, middle aged or elderly, must have it. In this city and State no one needs to forego the services of a doctor of medicine because of inability to pay.

My concern over the legislation recommended by Congressman FORAND is that it would establish a system of medical care under which all of us—the patient, the doctor, and the hospital—would take orders from the Federal Government. As Dr. Frederick C. Swarts, chairman of the national medical society's committee on aging, has pointed out—the result would be poorer, not better, health care for the people of our country.

Dr. Louis M. Orr, president of the American Medical Association, voices our opinion when he says that the interests of the aged could best be served by encouraging further development of voluntary health insurance; by replacing compulsory retirement and age discrimination in employment with more realistic and flexible systems; by curbing inflation; by encouraging construction of nursing homes and other facilities designed to care for the long-term patient efficiently and economically; and by increasing reimbursement of hospitals by local and State governments for care of the needy of any age. We still insist that the voluntary way is the best way—unhampered by bureaucratic control.

Last month, a British physician spoke about the importance of telling the American people of the backbreaking tax load that can result when a government enters the medical care field.

In a speech before Blue Shield people in Chicago, Dr. John B. Reckless reported that, prior to the National Health Service in Britain, the public in that area did not fully realize that a government can levy costs for services not only directly by taking a contribution from a person's income but also by direct and indirect taxation. He stated that the taxation per head in the United States is estimated to be 24 percent whereas in Britain the direct taxation is at least 40 percent.

In addition, Dr. Reckless revealed some examples of Britain's indirect taxation. Their sales tax is as high as 66 percent on automobiles and there is a tax of 100 percent on luxury items such as electrical appliances, iceboxes, television sets, furs, jewelry, cameras, etc.

Government medicine is expensive medicine and it results in overutilization of services. According to Dr. Reckless' figures, in the first 3 years of the government-controlled program in Britain, a country which has 50 million people, the following were issued: 609 million prescriptions and drugs, 7 million sets of dentures and 700,000 appliances. Costs skyrocketed and the government was so embarrassed that they had to impose restrictions.

When the National Health Service was started in Britain, it was estimated that it would cost $500 million a year. Within 3 years, this figure rose to $1.2 billion and now it is $2 billion a year.

Program for Peace

EXTENSION OF REMARKS
OF
HON. JOHN A. BLATNIK
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 23, 1960

Mr. BLATNIK. Mr. Speaker, a recent survey taken by the Gallup poll revealed a strong trend among our people to insist that the President of the United States should be a "worker for peace." That is, the major criterion for the political leader of our Nation should be that he is dedicated to and capable of developing a positive U.S. program to build a just and enduring peace.

Such a program has been largely spelled out over the past several years by the senior Senator from Minnesota, HUBERT H. HUMPHREY. In a series of addresses and legislative proposals Senator HUMPHREY has issued a dramatic challenge to his fellow Americans to take the leadership in a worldwide cooperative effort to build peace through concrete, specific works of peace.

Much of this program the senior Senator from Minnesota has presented to the Senate in legislative form. In some instances there has been action to implement his proposals.

Mr. Speaker, under leave to extend my remarks in the RECORD, I include a brief summary of the chief points of Senator HUMPHREY's program for peace, a program which could form the basis for a more creative and effective foreign policy for our country in the coming years.

SENATOR HUBERT H. HUMPHREY'S PROGRAM FOR PEACE

Senator HUBERT H. HUMPHREY's program for peace is the result of years of study and experience in the field of foreign affairs. He is chairman of the Senate Subcommittee on Disarmament, a member of the Senate Committee on Foreign Relations, and a former delegate to the United Nations. He has traveled widely and met with the top leaders of the world, including Soviet Premier Khrushchev.

His thesis is that the United States must act boldly with measures to remove the basic conditions and causes of violence and war from the world—poverty, hunger, disease, and illiteracy—and to create a world security system to replace the arms race.

The Humphrey program is a positive program. It is written in solid and bold legislative proposals. These are its provisions:

A MANHATTAN PROJECT FOR PEACE

Early in 1960, Senator HUMPHREY introduced legislation to establish a National Peace Agency, with the responsibility and authority to coordinate America's efforts for peace.

The National Peace Agency would marshal the full scientific genius of America to tackle the immense technical problems of arms control—a "Manhattan Project for Peace." The Agency would be charged with responsibility to find new ways of achieving disarmament agreements and developing workable and safe inspection and control systems.

The Humphrey proposal sets safeguarded disarmament as the basic, immediate goal of the United States. The National Peace Agency would provide the governmental machinery through which that goal could be achieved.

Senator HUMPHREY said on March 7:

The American people are more than willing to pay the billions requested by the President for arms; indeed we are willing to invest far more than that, and for the present we shall be forced to do so. There is as yet no escape from the arms race.

How much more eagerly our people would support an investment in the creation of an alternative to the arms race.

Our people are eager to get on with the creative, humanitarian projects that we have so long dreamed of, eager to plow into the works of peace the dollars we are now pouring into the works of war.

FOOD FOR PEACE

The Humphrey program for peace clearly outlines the "creative, humanitarian projects" which are necessary to remove the conditions of war.

The foundation of his "Works for Peace" is a bold new program contained in legislation introduced in 1959—the International Food for Peace Act.

This legislation would authorize far broader and more positive and constructive use of America's food and fiber abundance as a weapon against hunger and starvation.

A food for peace program would also promote the economic development of backward nations, help to stabilize American agriculture and serve the foreign policy of this country by building essential conditions of peace.

Senator HUMPHREY's legislation provides for increased sales and grants of America's agricultural surpluses and allows for contracts of sufficient duration to enable other nations to plan their development more efficiently.

Today the United States spends more than $1 billion a year just to store food and fiber surplus and many of our leaders consider that surplus a problem of disposal.

The food for peace program would, instead, convert local currencies obtained from loans and sales of food and fiber into positive works of peace. And it would give the American people reason to thank God for the great abundance of their soil, and to find deep satisfaction in the knowledge that it is being used for worthy purposes.

HEALTH FOR PEACE

The Humphrey program emphasizes that disease is the enemy of all men, and that rampant disease can weaken the will of nations and add to the conditions of war.

Senator HUMPHREY has offered legislation to provide additional funds for the World Health Organization to use in the battles against cancer and heart disease and to strengthen the office of Surgeon General of the United States for international health efforts.

His program calls for establishment of a National Institute for International Health, through which medical scientists of the world could cooperate in the war against diseases.

He has also proposed Soviet-American institutes of health in which Russian and American medical scientists could work side by side to fight disease. These institutes—plus reciprocal professorships and fellowships in universities of both nations—would provide international zones of peace, zones of enlightenment, zones of healing.

A WHITE FLEET

One of the most dramatic of Senator HUMPHREY's works for peace is his proposal for a White Fleet—mercy ships which would bring help and relief to the people of disaster areas.

His proposal calls for the United States to demothball Navy ships, reoutfit hospital ships with the help of private foundations, and let them serve as task forces for peace.

These White Fleets could be sent to the scenes of earthquake, flood, hurricane, famine, or disease epidemics. One would be kept in the Mediterranean and the other in southeast Asia—each ready to bring help within 3 or 4 days to any disaster area within 1,000 to 1,200 miles.

Each group could throw into a port 800 to 1,000 hospital beds, operating facilities and laboratories, power for a whole city, and emergency rations for 300,000 people for a full week.

Two White Fleets could be operated at a cost of between $10 million and $15 million—a small investment for a great work of peace.

EDUCATION FOR PEACE

The Humphrey program for peace would also attack illiteracy and ignorance—two basic ingredients of violence and war.

His proposal is based on the premise that underdeveloped countries cannot hope to become strong forces for freedom and peace unless their citizens can develop sound judgment and diverse skills.

It was spelled out in legislation to establish in the executive branch of our Government an International Educational Development Foundation.

This agency would have the authority to assure a vigorous program through which the United States would assist other nations in improving their educational systems.

Public and private groups would be enlisted in an effort to provide more and better schools, teachers, and facilities to areas held back by illiteracy.

Such a program would be financed by local currencies acquired from sale of America's agricultural surpluses.

The pool of such currency now amounts to about $2 billion, and is expected to reach $10 billion by 1963. Only a tiny fraction of available currencies is used for educational purposes. The Humphrey food for peace program would increase the amounts used in the battle against illiteracy and ignorance.

DEDICATION AND ACTION

The Humphrey program for peace recognizes the dedication of all Americans to the goal of a world in which all men are free and secure. It recognizes the latent power and skill of America which can be harnessed to achieve that goal. Creative leadership can harness the great driving force of America in the works of peace, as it has many times mustered it to defend our Nation in great wars.

The Humphrey program for peace calls for hard work and constructive action to take giant strides toward America's goal and to utilize fully America's energies.

With dedicated leadership, that program can succeed and America's goal of an enduring peace can be achieved.

The Balance of Payments Deficit—A Challenge to America

EXTENSION OF REMARKS
OF
HON. WILLIAM B. WIDNALL
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 23, 1960

Mr. WIDNALL. Mr. Speaker, on March 9 I was pleased to deliver the keynote speech at the 14th annual world trade conference of the Pittsburgh Chamber of Commerce in Pittsburgh. My topic was "The Balance of Payments Deficit—A Challenge to America."

In my address I stressed the urgent need for reducing the deficit and told of the new program of informational and promotional activity in the foreign-trade field carried on by the Department of Commerce.

In his message to Congress, President Eisenhower outlined those plans. He echoed my expressed views when he said that "increased exports are important to the United States at this time." Besides creating more jobs for Americans, the President said, expanded exports will help to support such essential expenditures abroad as investment, private travel, maintenance of U.S. military forces, and programs of economic cooperation. It came as a source of some satisfaction to me that of the seven comprehensive steps charted by the President to stimulate exporting, five of them were embodied in my Pittsburgh speech. The seven steps the President directed the Government to take are, first, to strengthen the trade promotion services of the Department of Commerce, including its field offices located throughout the United States; second, to expand and give higher priority to the commercial activities of the Foreign Service; third, to expand the agricultural trade promotion activities of the Department of Agriculture; fourth, to place greater emphasis on the prompt reporting of information useful to American exporters; fifth, to establish new overseas trade centers; sixth, to make fuller use of international fairs, trade missions, and other promotional means to stimulate the interest of foreign buyers in U.S. products while continuing to emphasize the basic objectives of the special program for international understanding; and seventh, to emphasize the promotion of tourist travel to the United States.

My own remarks in Pittsburgh follow:

THE BALANCE OF PAYMENTS DEFICIT—A CHALLENGE TO AMERICA

(Remarks by Representative WILLIAM B. WIDNALL, Republican, of New Jersey, at the 14th annual Pittsburgh world trade conference sponsored by the Pittsburgh Chamber of Commerce, at a meeting at the Penn-Sheraton Hotel, Pittsburgh, March 9, 1960)

"The Balance of Payments Deficit—A Challenge to America." Here is a theme which still has an unfamiliar ring in American ears. Unfamiliarity, however, must not be permitted to block proper attention to the important issues underlying this theme.

The first of the two phrases, "the balance of payments deficit," is a rather technical term which not long ago was confined almost entirely to the jargon of specialists in international economics and finance. During the past 2 years, however, it has cropped up repeatedly in statements of public officials and business leaders, and has become commonplace in business and financial journals.

From these sources, the term has found its way with increasing frequency into the daily press, where it startles and sometimes bewilders Americans whose last news of the balance of payments had to do with the postwar dollar gap. This new term, "balance of payments deficit," is one which many of us associate vaguely with the problems of foreign countries, but are surprised and perhaps chagrined to find being used as a name for a problem of our own.

Unfortunately, public understanding of the balance of payments has not kept pace with the growth in news references to it. This conference will contribute much to the wider recognition and better understanding which are needed with respect to those issues. For this reason, the world trade council of the Pittsburgh Chamber of Commerce is to be congratulated for its timely initiative in sponsoring today's meeting.

By way of preface, however, it may be worth while to recapitulate just a few of the most salient features of the current position. Leaving aside all reference to the trends and underlying factors which brought about that position, I would summarize it in very broad outline as follows:

In 1959 total U.S. expenditures abroad amounted to $28½ billion. Slightly more than half of this ($15 billion) was in payment for imports of foreign goods, and another $5 billion went into purchases of various foreign services—shipping, insurance, tourism, and so forth. The remainder included roughly $3 billion for purchases of our oversea military establishments and their personnel, $2 billion for net foreign loans and grants by the Government, over $2 billion for net private investment abroad, and a smaller sum for various private donations and pensions.

Foreign expenditures in the United States last year totaled approximately $25 billion. Over $16 billion of this was in payment for U.S. goods exported and more than $7 billion was received for U.S. services rendered to foreigners and as earnings on our foreign investments. The remainder included relatively small amounts of foreign long-term capital invested here and of unrecorded transactions.

The foregoing figures do not include, either as foreign-aid grants or as exports, military goods transferred without reimbursement. Nor do they include the U.S. subscription to the expansion of the capital resources of the International Monetary Fund.

Now, the U.S. expenditure total which I cited a moment ago exceeded total U.S. receipts on the transactions enumerated by $3.7 billion in 1959. This difference, resulting in equivalent transfers of liquid dollar assets and gold to foreign ownership is, of course, "the balance of payments deficit."

Note that the deficit, so defined, is not a comprehensive measure of the change in our international net worth, by which I mean the excess of our investments and claims abroad over our outstanding liabilities to foreigners, long term as well as short term. In computing the conventional balance of payments deficit, we have treated U.S. foreign investment, both private and governmental, simply as an expenditure, rather than as an acquisition of valuable assets abroad. The result is a measure of the deficit strictly in terms of the effects of the transactions upon our international liquidity position.

This cash deficit in our international accounts, however, is a vitally significant and potentially threatening phenomenon, regardless of the size of our holdings of income-yielding long-term assets abroad, or of annual increases in them. These investments, in the main, are not at all liquid, and could not contribute much, should an emergency arise, to the problem of meeting demands by short-term creditors for withdrawal of their funds.

Fortunately, no emergency is at hand. Our economic and financial position is very strong. This gives us plenty of time to take action that will preclude the development of any emergency, provided that we use that time wisely for the application of policies designed to prevent extended continuation of balance-of-payments deficits on the 1958–59 scale. Drifting for even a few more years at the recent deficit level, however, would surely bring us into an unpleasant situation.

Moderate annual deficits in our balance of payments during most of the past decade, coupled with the large ones recorded in 1958 and 1959, have already raised the liquid dollar holdings of foreign countries—that is, their bank deposits here plus the short-term Treasury securities which they hold—from about $6½ billion at the end of 1949 to $17½ billion at the close of last year. Over the same interval, the U.S. gold stock dwindled from roughly $24½ billion to $19½ billion.

The increase in foreign countries' gold and dollar holdings to date could be regarded, for the most part, as a welcome restoration and redistribution of international reserves. It was a necessary condition for resumption of relatively unfettered multilateral trading patterns, and hence was a conscious objective of U.S. foreign economic policy for a number of years. It has been an essential factor in the recently accelerated dismantling of trade and exchange restrictions by important trading countries. Without it, the highly desirable reestablishment of external convertibility for major European countries a year or so ago could scarcely have been contemplated.

Nevertheless, we must ask how long the propensity of foreign countries to hold dollars as a reserve currency will remain strong enough to make them willing to add anything like $3½ billion per year to their holdings. To date, they have taken the bulk of the liquid funds transferred to them over the past decade in the form of bank deposits and Treasury securities rather than in the form of gold. This attests to the confidence which foreign governments and their citizens have in our currency and to their faith in the economic and political stability of the United States. It also reflects, of course, their requirements for large operating balances to finance their trade both with us and to a considerable extent with each other.

Under present conditions, and with the attitudes now prevailing, our gold stock of $19½ billion represents a rather comfortable international reserve, even though approximately $12 billion of that total is required

for our domestic monetary reserves under existing law. So long as no extraordinary and unexpected demands on our gold stock arise, it bears an ample ratio to our short-term international liabilities.

Still, if those liabilities should continue to rise rapidly, the ratio would soon become less ample. If it fell too low, it would expose our gold reserve to great jeopardy in the event of any development causing serious weakening of the confidence of foreign depositors in the dollar. If for any reason they were to attempt to convert a substantial proportion of their present dollar holdings to gold, or even to obtain full settlement in gold of U.S. balance of payments deficits on the 1959 scale, the simple arithmetic of the relationships I have reviewed is such that the available free gold reserve could be drained off very quickly.

If this happened, I do not believe I need to paint a picture of the chaos and uncertainty which would thus be introduced into international finance and trade.

Fortunately, this bogey is not imminent. Nevertheless, in order to prevent gradual drift into a situation in which it might quickly become a realistic threat, we should be prudent enough to take responsible steps now toward sharp reduction of the excessive deficit recently prevailing in our balance of payments.

The most authoritative projections of our international transactions which are available suggest that some corrective adjustment is already under way. American exports were depressed during 1958 and early 1959 in part by various cyclical and special factors which appear to be in process of reversal. Exports were rising fairly strongly in the latter part of 1959, and are expected to be considerably higher in 1960 than last year. Imports, on the other hand, tended to flatten out after mid-1959, following a very rapid rise during the several preceding quarters, and their further growth in 1960 is expected to be much more moderate than their increase from 1958 to 1959.

The anticipated recovery of the export surplus in our merchandise trade would mitigate appreciably the overall balance-of-payments deficit. According to these projections, the deficit might drop to the $2½ or $3 billion range this year. Such a level, however, would not be nearly good enough. Major efforts are still necessary to reduce it much further.

Over the last quarter century, the U.S. Government has taken the lead by example and negotiation in reducing tariffs and other restrictions to trade. Since World War II we have vigorously put forward our firm belief that liberal international trade policies are essential to free world economic progress and we have attempted to put this belief into practice in our own trading agreements. Despite some setbacks, our overall record is one of which we can justly be proud.

The United States should not try to redress the current deficit in its balance of payments by throwing aside its liberal trade policy and discouraging imports. Rather, we should seek to solve the problem by, among other things, promoting an expansion of our exports.

The advantages of a liberal import policy to the U.S. economy are clear. U.S. industry depends heavily on foreign sources of supply for a very large number of basic materials. For example, one-fourth of our iron ore, one-third of our copper and rubber, and the bulk of our tin, nickel, and newsprint come from abroad. The availability of these imports results in lower production costs and greater efficiency. Imports also give the American consumer a chance to choose from a wider variety of goods than are available from domestic producers, and the competition of foreign goods with those produced at home offers direct and indirect advantages to the consumer in terms of price and quality. While this competition may at times be painful, it helps to keep American producers on their toes; helps to keep our economy dynamic; and helps to keep our prices in line. All of these things mean higher real incomes and a higher standard of living in the United States. Furthermore, it must be borne in mind that trade is a two-way street. Our imports help to finance our exports; without one there could not be the other.

Reversion to a restrictive trade policy would dissipate the advantages mentioned above and would not solve the long-run problem of balancing the U.S. international accounts. On the contrary, backsliding by the United States would tend to be self-defeating since it would encourage a return to greater protectionism in other countries and lead to a contraction of our own exports.

We must not forget the importance of exports to the U.S. economy. Our exports provide employment, increase the volume of output and thus lead to lower costs of production and prices, and add to profits. In 1959, not an especially good year, over $16 billion of U.S. goods were shipped abroad. Many U.S. industries depend heavily on large foreign sales. For example, 40 percent of our tractor production, 35 percent of our civilian aircraft production, and 20 percent of our output of trucks are exported.

At the present time world trade barriers are coming down and we are in a position to reap the fruits of our own liberal trade policies of the past which helped substantially in the postwar recovery of other free world economies.

During the period of the so-called dollar shortage, many countries found it necessary to impose extensive restrictions on imports in order to conserve their meager foreign exchange reserves. These restrictions were highly discriminatory against goods from the dollar area—especially the United States. The need for such restrictions has now been greatly reduced. The war-ravaged economies of Western Europe and Japan have been rehabilitated and most of these nations have built their gold and foreign exchange reserves to quite satisfactory levels. As a result, most of the industrialized countries of Western Europe were able at the end of December 1958 to adopt external convertibility for their currencies, a move which eliminated the financial justification for discriminatory restrictions against U.S. exports.

The U.S. Government has taken advantage of this new situation in world trade and payments to press for the rapid removal of import restrictions and, in particular, those restrictions which are discriminatory against dollar goods. Our view on the lack of justification for such restrictions has been enunciated both in international forums such as the International Monetary Fund, the meetings of the contracting parties to the General Agreement on Tariff and Trade (GATT), and the OEEC and in bilateral representations to the governments of our trade partners.

The need to do away with restrictions and discrimination has been recognized by the other industrialized nations and in some of the newly developing areas as well. Many countries have taken important steps toward reducing their restrictions and the discrimination which they have practiced against American goods. Among the countries which have acted in the past year are: Argentina, Australia, Austria, Denmark, France, Germany, Ghana, India, Italy, Japan, Malaya, the Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Turkey, and the United Kingdom. Some of these countries have virtually eliminated discrimination against the dollar area.

The drive to remove quantitative import restrictions on dollar goods has received so constructive a response and has developed such momentum that we can look forward confidently to further advances in coming months. We can reasonably hope that by the end of the year discrimination against our exports will be almost a thing of the past. The U.S. Government will continue its vigorous efforts toward this end.

The Department of Commerce presently carries on an extensive program of informational and promotional activity in the foreign trade field. Plans are now under way to improve and expand these facilities for exporters. It is planned that these activities will include a strengthening of the Foreign Commercial Service in order to provide timely detailed information on trade prospects; find suitable foreign agents for U.S. firms (that is, you); provide oversea facilities for the dissemination of promotional material by American business firms; assist business firms in adapting their promotional activities to local needs; arrange appointments with prospective purchasers, and the like. In addition to these continuing activities, the Department of Commerce plans to expand its work abroad with respect to trade information centers; in providing foreign exhibits of American products known as world trade centers; through participation in international trade fairs; and through the sending abroad of trade missions of American businessmen to meet with local industry and Government groups. These expanded activities are likely to prove especially helpful to the smaller- and medium-sized firms which do not have adequate foreign trade information, and to other firms which have not fully explored the opportunities which may exist in foreign markets. In this manner our Government is trying to stimulate increased interest and efficiency in foreign sales.

It seems clear to me that the most desirable line of solution is to be found mainly on the side of expanding our sales to foreign countries. Many, though not all, of the means being suggested on the other side—that is, for curbing our payments to foreign countries—tend either to raise questions of contradiction with some other equally important policy objective or to be potentially effective only in the short run.

Happily, however, one of the prime lines of attack not only promises to help on both sides of the balance of payments account, but also coincides fully with one of our most important national economic goals. Moreover, it can be progressively more effective in the longer run than in the immediate future. I refer to the prudent anti-inflationary management of the whole complex of our monetary and fiscal policies.

Quite independently of international trade and finance, of course, it is of the utmost importance that we pursue monetary and fiscal policies designed to avoid inflation and maintain a stable purchasing power for the dollar. Sincere and diligent labor-management cooperation and ingenuity to hold down or reduce costs is equally urgent.

The balance of payments deficit now presents one more powerful reason for pursuit of sound policies in these fields. By maintaining and eventually improving our international competitive strength, along with our domestic economic strength, wise anti-inflationary measures will both facilitate expansion of U.S. export sales and temper the growth of many competitive imports. They will also sustain foreign confidence in the value of dollar reserves and thus minimize any possibility that those funds might be used to drain off our gold reserves.

Another important line of attack on the balance of payments deficit which should be entirely noncontroversial is vigorous diplomatic pressure on our friends and allies abroad to complete the job of removing anachronistic trade and exchange restrictions discriminating against the entry of our goods into their markets. The present administration has pressed energetically for such action by foreign governments. These efforts, abetted by shifting circumstances in the realm of international commerce, have been rewarded by very substantial progress in the past few years and especially in recent months. Much remains to be accomplished here, however, and our Government must redouble, rather than relax, its vigor on these issues.

To many observers, it has seemed that the obvious and easy way to correct the balance of payments deficit is to reduce some of our expenditures abroad—to tighten our belts and live within the means of our receipts from foreign transactions. As a generalization, however, and with the reservation that certain exceptions may well be in order, I would urge that we eschew this line of solution, at least unless or until we have unsuccessfully exhausted the potentials for achieving balance through expansion of our sales. And I do not think failure is likely if a genuine export drive can be mounted.

The trouble with seeking to cut our expenditures abroad—still generally speaking—is that there are few effective means of doing this which do not have highly undesirable or self-defeating side effects. Most devices for this purpose would either abridge arbitrarily the freedom of choice and the economic welfare of American individuals and business firms, or interfere with the conduct of important international responsibilities which we have assumed for what most of us view as good and sufficient reasons.

For example, an attempt to restrain the outflow of U.S. private capital to foreign countries would not only be rightly resented by the investors as an inhibition of their scope of action and profit opportunities, but would run contrary to our national policy of stimulating and encouraging economic development throughout the free world.

Raising barriers to imports of industrial materials or capital equipment, while perhaps of immediate benefit to the limited groups of U.S. producers thus favored, is always subject to the strong objection that it raises costs, and thus depreciates the competitive positions, of other American producers.

Similarly, new barriers to imports of particular consumer goods would not only tap the consumer's pocketbook to the detriment of other U.S. industries competing for his dollar, but would also impinge objectionably upon his range of choice in spending his income. Any attempt to discourage U.S. tourist travel abroad would be equally open to the latter objection, as well as to others on political and cultural planes. We should do our utmost to develop tourist trade to the United States of America and the flow of funds it will bring to our shores.

Moreover, artificially increased restrictions on purchases from abroad, whether by industry or by consumers, would surely invite retaliation by foreign countries and undermine the international cooperation in reduction of trade barriers which we have led for many years. It would ultimately penalize our exporting producers and their employees through shrinkage of sales opportunities abroad, and thus in the end would not even contribute anything lasting to mitigation of the balance-of-payments problem.

In another area there is little doubt that we could achieve considerable reduction in the balance-of-payments deficit, at least for the short run, by cutting back the size of our oversea military operations and the expenditures which they entail. To do this solely on balance-of-payments grounds, however, at the cost of weakening our strategic position in the cold war, might constitute abdication of responsibility for a larger problem in order to meet a lesser one.

While there is probably room for desirable economies in oversea military expenditures, as in other segments of defense spending, changes in the program should generally be judged on their own merits. On the whole, it seems clear to me that there is less risk in accommodating the balance of payments to the imperatives of the international military situation than in tailoring the defense suit to fit the balance-of-payments cloth.

Similar considerations, though perhaps more controversial, may be advanced against the notion of cutting back our foreign-aid programs primarily in order to reduce the balance-of-payments deficit. Since the greater part of the aid is spent on U.S. goods and services, despite our liberal and statesmanlike policy of worldwide competitive-bid procurement for some of the more important programs, it would require disproportionately large reductions in foreign-aid outlays to achieve a given net effect on the balance of payments. Here, too, in the main, the programs should be judged on their merits in a context much broader than that of the balance-of-payments deficit.

So I return to the thought that primary reliance in meeting that challenge must be placed upon improvement of our international competitive position and expansion of our export sales. This is the path that will lead to the greatest benefits with the least incidental damage to other American objectives, domestic or international.

It seems to me that we have barely scratched the surface of what our country could achieve if we emphasized exports and made them a national objective, as do most of the industrialized European countries. They are export conscious. Goods are designed and styled specifically for foreign markets. They provide servicing of goods abroad and much time and effort is spent on foreign sales. The success of many of these programs is a very wholesome example to us, as we have never made a comparable effort, either through private enterprise or the Government.

Through the activities of the Export-Import Bank, we have for many years been engaged in an effort to promote our foreign trade by financial means. From time to time our efforts in this field have been reviewed. Recently, suggestions have been made that the facilities of the U.S. Government in this field, which up to the present time have been used largely to provide medium- and long-term credits and guarantees, should be expanded to cover exports which are normally traded on the basis of short-term credits. A number of other exporting countries have provided such facilities for their exporters, and there is some evidence that our own exporters have on occasion lost business because more favorable credit terms were available from other countries. We are now exploring the need and usefulness of additional facilities for export credit guarantees and financing in the short-term field.

American business is living in a more competitive world. The Western European economies and that of Japan have recovered their health and vigor. The sellers' market of the postwar period is no longer with us and, henceforth, American products will move in world trade only to the extent that American producers are capable of delivering the right kind of goods at the right prices.

There has been a great deal of concern that American goods are becoming noncompetitive in world markets. However, there is no clear evidence to support a conclusion that the competitiveness of American producers has been impaired. The lower level of our exports during 1958 and 1959 was largely due to abnormal and special factors. With continued economic expansion in Western Europe and Canada and increased exports of cotton and commerical aircraft already on order, we can reasonably anticipate a substantial increase in our foreign sales in the coming months.

Furthermore, it is important to note that in recent years while exports of some U.S. products have declined, U.S. exports of goods embodying advanced technology have continued to rise. Our advantage in world markets has traditionally lain in the innovational field, in our ability and willingness to invest in research and development. We can maintain this advantage. Change is the natural way of our economic life. In adjusting to the realities of a new era, business has a continuing incentive to develop new products and to introduce fresh methods of production and merchandising.

Government can go just so far in furthering opportunity, but your own individual initiative and effort in development will, in the end, bring results for you and the United States.

SENATE

THURSDAY, MARCH 24, 1960

(Legislative day of Wednesday, March 23, 1960)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, new every morning is the love our waking and uprising prove.
For all ventures and endeavors in which we are called to be colaborers with Thee, we bless Thy holy name.

Forgive us for praying that truth may prevail, and then of being afraid of truth and refusing to face it, lest it may destroy our preconceived notions and narrow prejudices.

Forgive us for praying that in spite of all the evil designs and practices of men, Thy kingdom may come, and then being unwilling to have it come through us, lest our selfish comfort may be shattered.

Give us to see that victorious living and serving cannot be ours unless we heed the voice—

"Rise up, O men of God,
Have done with lesser things,
Give heart and mind and soul and strength,
To serve the King of Kings."

In the Savior's name we ask it. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, March 23, 1960, was dispensed with.

TRANSACTION OF ROUTINE BUSINESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that there be the usual morning hour, with statements in connection therewith limited to 3 minutes.

Mr. MORSE. Mr. President, reserving the right to object, I should like to take just a moment to attempt to outline the parliamentary situation which confronts

us, to which I think the request of the distinguished majority leader relates.

I wish to point out to the Senate that my motion to lay on the table——

Mr. RUSSELL. Mr. President, I demand the regular order.

Mr. MORSE. Mr. President, under a reservation of the right to object, I was about to explain the position I was taking on a parliamentary matter. I object.

The PRESIDENT pro tempore. Objection is heard.

CALL OF THE ROLL

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 131]

Allott	Fulbright	Martin
Anderson	Gore	Monroney
Bartlett	Green	Morse
Beall	Gruening	Morton
Bennett	Hart	Mundt
Bible	Hartke	Murray
Bridges	Hayden	Muskie
Brunsdale	Hennings	O'Mahoney
Bush	Hickenlooper	Pastore
Butler	Hill	Prouty
Byrd, Va.	Holland	Proxmire
Byrd, W. Va.	Hruska	Randolph
Cannon	Humphrey	Robertson
Carlson	Jackson	Russell
Carroll	Javits	Saltonstall
Case, N. J.	Johnson, Tex.	Schoeppel
Case, S. Dak.	Johnston, S. C.	Scott
Chavez	Jordan	Smathers
Church	Keating	Smith
Clark	Kefauver	Sparkman
Cooper	Kennedy	Stennis
Cotton	Kerr	Symington
Curtis	Kuchel	Talmadge
Dirksen	Lausche	Thurmond
Douglas	Long, Hawaii	Wiley
Dworshak	Long, La.	Williams, Del.
Eastland	Lusk	Williams, N. J.
Ellender	McClellan	Yarborough
Engle	McGee	Young, N. Dak.
Ervin	McNamara	Young, Ohio
Fong	Magnuson	
Frear	Mansfield	

Mr. MANSFIELD. I announce that the Senator from Minnesota [Mr. McCARTHY] and the Senator from Utah [Mr. Moss] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The Senator from Vermont [Mr. AIKEN] is detained on official business.

The PRESIDING OFFICER (Mr. HOLLAND in the chair). The Chair announces that a quorum is present.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools, R–I, Missouri.

Mr. JOHNSON of Texas. Mr. President, have the yeas and nays been ordered on the motion to table?

Mr. RUSSELL. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are requested. Is there a sufficient second? There is a sufficient number. The yeas and nays are ordered.

The Chair——

Mr. JOHNSON of Texas. Mr. President, I was informed yesterday that some Senators desired to address themselves to the Clark-Javits amendment. I am, of course, aware of the fact that they cannot address themselves to that amendment if the motion to table is made, unless unanimous consent is obtained. I shall be glad to obtain unanimous consent if it is agreeable to the Senator from Georgia [Mr. RUSSELL] and the Senator from North Carolina [Mr. ERVIN]. If not, we can vote on the motion to table. I desire to get a morning hour, if it is not objectionable.

Mr. RUSSELL. Mr. President——

The PRESIDING OFFICER. The Senator from Georgia.

Mr. RUSSELL. Mr. President, I had desired to address myself to the Senate on matters related on this amendment, and I think the Senator from North Carolina had; but, under the circumstances, my opinion is the Senate should vote on the motion to table, which is before the Senate. If the Senate does table the amendment, we will proceed to other matters.

I call for the regular order.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon [Mr. MORSE] to lay on the table the amendment proposed by the Senator from New York [Mr. JAVITS] and the Senator from Pennsylvania [Mr. CLARK], the so-called Javits-Clark amendment.

On this question the yeas and nays have been ordered——

Mr. JOHNSON of Texas. Mr. President, I had hoped we would have a morning hour, but since the regular order has been requested the clerk will call the roll.

Mr. RUSSELL. Mr. President, it was the Senator from Oregon who objected to the morning hour.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOUGLAS. Mr. President, may we have order, please?

The VICE PRESIDENT. The Senate will be in order.

The clerk will continue to call the roll.

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from Minnesota [Mr. McCARTHY] and the Senator from Utah [Mr. Moss] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD] is absent because of illness.

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD] and the Senator from Utah [Mr. Moss] would each vote "nay."

On this vote, the Senator from Minnesota [Mr. McCARTHY] is paired with the Senator from Indiana [Mr. CAPEHART]. If present and voting, the Senator from Minnesota would vote "nay," and the Senator from Indiana would vote "yea."

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The Senator from Vermont [Mr. AIKEN] is detained on official business.

The Senator from Arizona [Mr. GOLDWATER] is paired with the Senator from Vermont [Mr. AIKEN]. If present and voting the Senator from Arizona would vote "yea" and the Senator from Vermont would vote "nay."

The Senator from Indiana [Mr. CAPEHART] is paired with the Senator from Minnesota [Mr. McCARTHY]. If present and voting the Senator from Indiana would vote "yea," and the Senator from Minnesota would vote "nay."

The result was announced—yeas 51, nays 43, as follows:

[No. 132]

YEAS—51

Allott	Ellender	McClellan
Anderson	Ervin	Martin
Beall	Fong	Morton
Bennett	Frear	Prouty
Bridges	Fulbright	Robertson
Brunsdale	Green	Russell
Bush	Hayden	Saltonstall
Butler	Hickenlooper	Schoeppel
Byrd, Va.	Hill	Smathers
Byrd, W. Va.	Holland	Smith
Carlson	Hruska	Sparkman
Chavez	Johnson, Tex.	Stennis
Cotton	Johnston, S. C.	Talmadge
Curtis	Jordan	Thurmond
Dirksen	Kefauver	Wiley
Dworshak	Kerr	Williams, Del.
Eastland	Long, La.	Young, N. Dak.

NAYS—43

Bartlett	Hennings	Morse
Bible	Humphrey	Mundt
Cannon	Jackson	Murray
Carroll	Javits	Muskie
Case, N. J.	Keating	O'Mahoney
Case, S. Dak.	Kennedy	Pastore
Church	Kuchel	Proxmire
Clark	Lausche	Randolph
Cooper	Long, Hawaii	Scott
Douglas	Lusk	Symington
Engle	McGee	Williams, N. J.
Gore	McNamara	Yarborough
Gruening	Magnuson	Young, Ohio
Hart	Mansfield	
Hartke	Monroney	

NOT VOTING—6

Aiken	Dodd	McCarthy
Capehart	Goldwater	Moss

So Mr. MORSE's motion was agreed to.

Mr. DIRKSEN. Mr. President, I move that the Senate reconsider the vote by which the motion to table was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to reconsider was laid on the table.

Mr. HUMPHREY subsequently said: Mr. President, I ask unanimous consent that there be printed in the RECORD a statement which I have prepared relating to the Clark-Javits amendment.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HUMPHREY

PROTECTING VOTING RIGHTS

The central issue in this debate under proposed civil rights legislation is about the manner and method by which we may assure that no citizen be denied the right to vote because of his race or color. It has long been known that Negroes find it difficult or impossible to vote in many places in our southern States. This knowledge was the motivating force for the enactment of the Civil Rights Act of 1957. By the 1957 act we created a Commission on Civil Rights to gather factual information and to report to us.

The cardinal responsibility of this fact-finding body was, by law, the duty to investigate complaints of the denial of the right to vote. The Commission made its report some 6 months ago in which it highlighted the fact that Negroes are denied the right to vote, and detailed the obstacles by which these denials are accomplished. It specifically pointed out "that some direct procedure for temporary Federal registration for Federal elections is required if these citizens are not to be denied their right to register and vote in the forthcoming national elections" (p. 141). Conceding that "the new Federal powers provided by the act of 1957 have not been thoroughly tested" (p. 132), the Commission was constrained to report that "in terms of securing and protecting the right to vote the record of the Department of Justice's Civil Rights Division under the Civil Rights Act of 1957 is hardly more encouraging than it was before" (p. 131). At the heart of the Commission's view was the fact that "no one had yet been registered through the civil remedies of the 1957 act (p. 140). Therefore, the Commission concluded "that the existing remedies under the Civil Rights Act of 1957 are insufficient to secure their protection of the right to vote of such citizens" (p. 141).

It is true that, on Monday, February 29, 1960, the Supreme Court of the United States ordered reinstatement of almost 1,400 Negro voters whose names had been purged from the registration lists of Washington Paris, Louisiana. This decision might be thought to require some qualification of the Commission's view with respect to protection of the right to vote of citizens previously registered as voters, but even today, it is still true that no person not previously registered to vote has yet been registered through the civil remedies of the 1957 act.

On September 11 of last year, shortly after receiving and studying the report and recommendation of the Commission on Civil Rights, I introduced the first bill to implement the recommendation of the Commission on the appointment of temporary Federal registrars, S. 2684. With the benefit of the advice and counsel of many individuals who had made an intensive study of the subject, I introduced a second bill, S. 2814, embodying several improvements in legislation designed to authorize the President to appoint temporary Federal registrars in those places where qualified American citizens are being denied their right to register in order to vote by reason of their race or color. This bill, like its predecessor, was in basic agreement with, and closely followed, the recommendation of the Commission.

This bill, like others, was referred to the Senate Committee on Rules and Administration, which heard many witnesses discuss the pros and cons of Federal action upon this matter. In this connection, I should like to quote from the Commission's report a passage which, at this time, we should all take to heart.

"The void created by inaction on the part of the legislative and executive branches of the Federal Government must be filled with positive and constructive measures designed to remove from all Federal policies and practices any semblance of inconsistency with the mandate of the Constitution. Where necessary, laws should be enacted to accomplish this result" (p. 556).

The record of this committee's hearings now is before us, although a formal report is not.

I am of the firm opinion that denials of the right to vote because of race or color are not only a violation of the expressed commandment of the 15th amendment but also constitute a partial repudiation of our faith in the democratic system. Therefore, I hold it to be an inescapable conclusion that the enactment of laws to remedy this existing evil now is essential. I will now discuss the merits of various proposals as offered to protect the right to vote against invidious discrimination because of race or color.

My bill, S. 2814, can be considered a prototype of legislation designed to implement the Federal registrars recommendation; other similar proposals are S. 2719, by Senator MORSE and S. 2783, by Senator JAVITS. A more ambitious and comprehensive bill for the regulation of the election of members of both houses of the Congress is S. 2585, by Senator HART. The administration has seen fit to offer a different method designed to secure the same general objective, through a court-appointed system of Federal voting referees, as reflected in section 7 of the pending bill.

And Senator HENNINGS on March 10, offered a bill, in the form of an amendment to the pending bill, based upon the extensive hearings of the Rules Committee, of which he is the distinguished chairman, calling for the appointment by the President of Federal enrollment officers to register citizens to vote in Federal, State, and local elections. An excellent analysis of Senator HENNINGS' proposal appears at page 5554 of the March 15 RECORD.

The record of hearings of the Rules Committee reveals two different kinds of criticism of the Federal registrars proposals. The first kind of criticism, offered by those who are opposed to any legislation on the subject of voting rights, might summarily be best described as claims of constitutional infirmities. Since I am not a lawyer I do not think it wise to become involved in the refutation of these claims, but it seems to me that the answers included in the record of the hearings are more than adequate to dispel any possible doubts about the validity of legislation providing for Federal registrars. The second kind of criticism, offered by those who agree that additional legislation to safeguard the right to vote now is essential, proceeds from the view that an alternative means to the desired end is preferable. It is this second kind of criticism, and how it best may be met, which I now propose to discuss. I think it goes without saying that the overwhelming majority of the Members of the Senate are firmly convinced that legislation now to protect the right to vote is necessary, and that the overwhelming majority is determined to enact such legislation.

It is my purpose to clarify the features of the alternate methods presently being considered so that we all may have a better understanding of both referee and the registrar proposals, and, through enhanced understanding, so that we may come to agreement upon the best system to adopt to assure the equal right to vote to all American citizens, free from discrimination because of color or race.

The first point of criticism of the registrar proposals, as exemplified by my bill, is that they are limited to Federal elections. It is cogently asserted that the right to vote in State and local elections may well be of even greater importance to those now discriminatorily denied the right to vote in any elections than is the right to vote in Federal elections.

I think that this point is well taken. But it does not follow, as the administration has led many to believe, that the registrar proposal must therefore be rejected in favor of court-appointed referees. There is no reason why the proposals for Federal registrars cannot be extended to cover State and local elections as well as Federal. That, as a matter of fact, is exactly what the distinguished Senator from Missouri, Mr. HENNINGS, did in his Federal enrollment officers proposal, as offered on March 10.

I also invite attention to the supplemental statement of George M. Johnson, member of the Commission on Civil Rights, addressed to the Senate Committee on Rules and Administration on February 5 of this year, to be found at pages 95 and 96 of the record of hearings. Dean Johnson said:

"It has been pointed out that the Commission's proposal would cover voting only in Federal elections; by contrast, the Attorney General's proposal is designed to deal with both State and Federal elections. I should like to explain the reasons for the limited nature of the Commission's recommendations in this regard. Of course our findings as to the existence of discrimination in the registration of voters applied to State and Federal elections alike. Moreover, we were and are fully aware that the commands of the 15th amendment, prohibiting denials of the right to vote on account of race, extend as much to State elections as to Federal ones. Our decision to recommend legislation covering only half of the process, as it were, stemmed from no doubt as to the constitutionality of more ambitious legislation, but rather from practical considerations suggesting a more limited exercise of Congress' undoubted power. The first of these considerations was the dictate of simplicity: to deal with Federal elections only seemed to present less complicated legal and political questions, for Congress has repeatedly enacted legislation affecting the conduct of Federal elections, but seldom undertaken to deal with State elections. The second consideration was the thought that the exertion of Federal power with regard to Federal elections alone would for all practical purposes be sufficient: that is, the States presently conduct both Federal and State elections together, and registration for one is as effective as registration for the other. If the existing discrimination with regard to the Federal aspect of this unified process were eliminated, we should expect that discrimination would as a practical matter also disappear in the other aspects of the election. Moreover, there is a provision in the Civil Rights Act of 1957 designed to provide a remedy for denials of the right to vote by injunction in a suit brought by the Attorney General; this provision clearly applies to State elections. While it has not yet proved to be very effective for this purpose, its usefulness would be greatly augmented in a case where a person had been registered for a Federal election, but was refused registration for a State election."

The views of the Commission as thus expressed by Dean George M. Johnson are fully supported by other outstanding authorities on constitutional law. I refer you to a memorandum from Prof. Paul A. Freund of the Harvard Law School which appears in the CONGRESSIONAL RECORD of Monday, February 29, at page 3897. As to the scope of the bills, Professor Freund has this to say:

"The Commission plan is limited to Federal elections. The Justice plan reaches both Federal and State elections. Presumably the Commission plan is based on the constitutional power of Congress under article I, section 4, which relates to selections for Congress. There is no reason, however, why the Commission plan could not be extended to State elections, by virtue of the authority in the 14th and 15th amendments, each of which provides for appropriate enforcement by Congress."

Similarly, at page 3901 of the RECORD and page 81 of the record of the hearings, a committee made up of Profs. Lewis H. Pollak, Charles L. Black, Jr., and Thomas I. Emerson, of the Yale Law School, state their reasons for the same conclusion.

Therefore, on the basis of the opinions of legal scholars such as those I have here

quoted, I am convinced that the soundest course of action is to simply provide that Federal registrars be authorized to register citizens to vote in all elections, not only Federal, as is already provided for in Senator HENNINGS' bill.

The second point of criticism offered to the registrar proposals, of which S. 2814 may be considered the prototype, was that they failed to provide any means for enforcement of the right to vote, as distinguished from mere registration for voting alone. I do not consider this criticism well taken. It is, of course, true that the Commission recommendation—as published in its report—was addressed to the problem of registration alone. Fairness requires we note the statement of Robert G. Storey, Vice Chairman of the Commission on Civil Rights, made as spokesman for the Commission in appearing before the Senate Committee on Rules and Administration:

"Effective temporary Federal registrar legislation must include some provision which will guarantee that such registrants will be permitted to vote in Federal elections and to have that vote counted. Congress may wish to consider appropriate sanctions, equitable or otherwise, to assure that the vote may be cast and counted" (record of hearings, p. 29).

The same spirit of fairness would seem to require that we here acknowledge the Congress had, in fact, made such considerations for enforcement of the right to cast a ballot and have it counted. Both S. 2719 and S. 2783 relied upon criminal sanctions to enforce the right to vote. S. 2535 had a built-in scheme for enforcement, consistent with the comprehensive nature of the control over election of its own Members contemplated for the Congress: its provision was that no election conducted by the Commission was to be considered valid, for the purpose of seating Members of the Congress, unless the results of the election were duly certified by the Commission whose creation was contemplated by this bill. And my bill, S. 2814, expressly provided that the right to vote was to be enforced by injunctive suits brought by the Attorney General of the United States.

I also note that Senator HENNINGS' Federal enrollment officers bill, which was the result of extensive hearings and careful consideration of the various registrar-type proposals, such as my own, contains adequate and sound enforcement provisions. Permit me to quote from Senator HENNINGS own explanation of the enforcement provisions, which appears in the RECORD of March 11 at page 5251:

"At that time (of appearing at the polling booth) each qualified voter who is enrolled by a Federal enrollment officer shall have the right to vote and to have his vote counted. If any State official or other interested person wishes to challenge the right of any enrollee to vote, he may. Whenever such challenge is made, however, the enrollee shall be entitled to vote and to have his vote counted, subject to a determination of the validity of the challenges by the district court in any appropriate action. I assume that State and local officials will comply with the law once Federal enrollment officers who are their neighbors and fellow voters have done their job. If any of them fails to comply, however, the remedy is simple and certain. The provisions of the act are enforcible by appropriate civil and equitable proceedings instituted in the district court of the United States by the Attorney General. When necessary to assure persons enrolled under the act to vote and to have their vote counted, the district court shall issue permanent or temporary injunctions or other orders directed to appropriate State or local voting officials requiring them to permit persons enrolled under the act to cast their votes and have them counted.

"If the court wishes to issue a temporary restraining order without notice to the local voting official who has threatened to refuse or has refused, or has denied or threatened to deny the right of an enrollee to cast his vote, it may do so under rule 65(b) of the Federal Rules of Civil Procedure."

Senator HENNINGS is a most learned lawyer and he has devoted literally hundreds of hours to this specific issue of how best to protect voting rights. The enforcement provisions which he has written into his bill, as explained, seem to me to fill whatever gap may have existed in the enforcement provisions of the earlier registrar proposals.

I think it is of the utmost importance that we here consider the frame of reference in which the referee proposal would operate, if enacted into law. It is not a new remedy, as the registrar plan is, but rather the extension of an old remedy; a remedy created by the Civil Rights Act of 1957 which, to this date, has yet successfully to secure the registration of even one person who has not previously been registered as a voter. It is a remedy but most sparingly exercised by the Attorney General in the 2½ years it has been law. We are now asked to expand this existing remedy to permit the appointment of voting referees, but not to change the base of initiative for exercise of the remedy. Yet in the past 2½ years this initiative has been exercised only four times, and in one of those four instances, it was exercised in behalf of persons previously registered to vote, not those American citizens who, consistently, over the years, have always been denied the right to register and vote. Small wonder, then, that Commissioner George M. Johnson was moved to note, at page 132 of the Commission's report:

"Section 131(c) of the Civil Rights Act of 1957 (42 U.S.C. 1971(c)) authorizes the Attorney General to 'institute a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order' where 'there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person' of the right to vote. The Commission's report states that this grant of power to the Attorney General has not been fully tested, having been invoked three times. Yet our findings also show that in 16 counties where Negroes constitute a majority of the voting-age population there are no Negroes registered to vote. In 40 other counties where Negroes constitute a majority of the voting-age population, some, but fewer than 5 percent, of the voting-age Negroes are registered. The total absence of Negroes from the registration rolls or the registration of only a few in such counties, in the writer's view, warrants at least an investigation by the Department of Justice to ascertain whether 'there are not reasonable grounds' to institute actions for the preventive relief authorized by the statute. Even if such investigations may be hampered by the inability to examine registration records, they should nonetheless be undertaken."

Therefore, I have grave doubts as to whether the advantages claimed for the court-appointed referee proposal outweigh the disadvantages in attempting by way of such a judicial proceeding to gain voting rights for any significant number of the millions of Negro Americans who are presently disenfranchised.

Similarly, the advantages of administrative simplicity are well demonstrated if we compare the procedures to be followed by those American citizens to whom we now propose to guarantee the right to vote at the time they seek to secure this right under the two systems. The registrar proposal, at this juncture, is no more—and no less—than a fair approximation of the simple administrative procedures prescribed by State law. It is a matter of filling out appropriate forms and meeting certain tests of voter qualification, as prescribed by State law. The referee proposals, on the other hand, are much more complex.

The referee proposal contemplates a judicial proceeding under the existing law, subject to all of the delays inherent in court proceedings, what with congested court calendars, brought to a successful conclusion as the beginning step to secure appointment of a voting referee. If, in such a proceeding, the court should find that the discrimination proved was pursuant to a pattern or practice, then the court, in its discretion might go on to appoint voting referees. The referee, in turn, could accept applications of persons who could prove their qualifications to him, and also prove that they discriminatorily had been denied the right to register to vote. The referee's acceptance of applications would not be tantamount to registration, however; his power would only permit him to report to the court the names of those applicants he found qualified for registration and who either had no opportunity to register or were found unqualified by someone acting under color of State law.

Upon receipt of this report, as Senator HENNINGS spelled out in his statement of March 11, the court would then issue a show cause order inquiring why the court should not order such applicants entitled to vote. Here is opportunity for further delay. The referee's report will be subject to exceptions by the parties defendants in the original action.

This second full-dress litigation, which is in addition to the administrative or ministerial action of the referee to whom the applicants could come only after first being denied the right to register by State officials, also would be subject to the delays of appeal through the courts. It is only after this second full-scale litigation is successfully concluded that the court might then order those applicants entitled to vote.

Detailing this procedure which would be required under the referee proposals reminds me of a paragraph appearing in the Commission's report (p. 69):

"Mr. Mitchell, though a Negro, was not among the complainants, for he himself was a registered elector of Macon County. But, before becoming a voter, he had been required to make three visits to the Macon County Board of Registrars, two appearances before a Federal trial court, two appeals to the fifth circuit court, and one petition to the Supreme Court of the United States. His efforts extended over 3 years."

In our wholly proper determination to secure equal opportunity to vote free from racial discrimination, to those presently improperly disfranchised, we must be careful not to provide for system which, itself, would be "unequal" because it would require more of the present victims of discrimination than is—or would be—required of American citizens of the preferred race. And, in this regard, I think we have been remiss in failing fully to appreciate the true significance of the Commission's recommendation that an administrative procedure be established as the system by which the existing evil may be cured.

Let us bear in mind these clear advantages of the administrative system, as we consider the third criticism of the registrar proposals. The third criticism offered is that the registrar proposals lack the advantage of a judicial finding that the 15th amendment has been violated in a given case before the machinery for Federal registration is set into motion. In the hearings before the Senate Rules Committee, the Attorney General said:

"Now, the only time the Federal Government can interfere with state elections under the terms of the 15th amendment is when there is a judicial decision that the Constitution has been violated" (p. 368).

Now, though I am not a lawyer, that assertion perplexes me. It perplexes me because I can find no mention of the judiciary in the express terms of the fifteenth amendment. What I do find, following the commandment of the first section, is this statement in section two:

"The Congress shall have power to enforce this article by appropriate legislation."

With all due deference to the lawyers, I, as a layman, would say this is a grant of power to the Congress—not to the courts—to make whatever findings are necessary as a predicate to legislation, and then to enact whatever legislation is appropriate to enforce the commandment of section one:

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous conditions of servitude."

I am pleased to note that Senator HENNINGS, a great constitutional lawyer, is of the opinion that the registrar proposals could constitutionally be extended to cover State and local elections.

Further, I refer to the statement of Commissioner Johnson, appearing at page 94 of the record of the hearings before the Senate Rules Committee, for support of the proposition that the Congress itself may make whatever finding is necessary to set things into motion.

It seems to me that the heart of this third point of criticism of the registrar proposals is the requirement that there must be an opportunity for judicial review of whatever administrative action is authorized by the Congress. But, I know of no reason why judicial review would have to precede administrative action; in fact, the phraseology "judicial review" clearly suggests that the action precede the review by the courts.

We who favor the simplified and prompt administrative type of proceeding to secure the single objective of guaranteeing the right to vote against invasion upon discriminatory grounds are indebted to Senator HENNINGS for his proposal of a system of judicial review consistent with the cardinal purpose of all of the legislative proposals addressed to the solution of the problem. His proposal would permit full judicial review of all aspects of the operation of the registrar proposals without interference or delay in securing the right to vote to those presently denied the right because of race or color. All aspects of the registrars' appointment and operations would be open for full and effective review by the courts after the votes of those persons registered by Federal registrars had been cast and counted. And, under his proposal, neither the outcome of the election nor of the secrecy of the ballot would or could be affected by the vote of any improperly registered person. This, I submit, meets the thrust of the third point of criticism.

But, some may ask, how, when, and where do we set this administrative system in action? I would answer that we have a choice of methods. First, as I have already noted, the Congress itself could make the necessary finding to justify creation of the machinery, and authorize the President to make whatever appointments are necessary, in his discretion, to carry out the purpose of the act. Such action is not essentially dissimilar to the President's long-continued authority to set tariffs. Alternatively, as suggested in the Commission's original recommendation, the Commission on Civil Rights, or such other investigatory body designated by the President, could be authorized to conduct an investigation of complaints submitted by affected persons. If the results of this investigation showed there were reasonable grounds to believe that people in a particular area are being denied the right to vote because of their race or color, the President, in the exercise of his discretion, would be authorized to appoint Federal registrars. This would be essentially a finding of probable cause, not a final determination of anything at all. Its sole effect would be to authorize the President to act. It would not be conclusive as to the right of any particular complainant to be registered—that determination could only be made on the basis of a proper application submitted to the Federal registrar, acting in an administrative capacity after he has been duly appointed. Furthermore, it would not have any effect whatsoever upon State registration officials or the conduct of their offices. The Federal registrar's function would be to supplement, not supplant, the State registration officials; it would prevail only in those places where there is reasonable ground to believe that persons are being denied the right to vote and have their votes counted by reason of race or color. And it would continue only so long as prevailing conditions in such place or places warranted a continuation of this belief founded upon reasonable grounds.

Such a finding, of reasonable grounds to believe persons are being denied the right to vote because of race or color, of course, like the matter of the qualifications of any applicant registered by an appointed Federal registrar, would be open to judicial review after the votes had all been cast and counted, if, at the time for voting, proper challenges were made in accordance with State law. If the courts then should find proper grounds to sustain any challenge, the ballots would be opened and the vote discounted. Thus, neither the outcome of any election nor the secrecy of the ballot would be violated by the addition of properly qualified voters who presently are being denied the right to vote for reasons prohibited by the Constitution of the United States, and the outcome of elections would not be affected by any improperly cast ballots because the votes would be nullified when it was found the ballots were improperly cast.

One additional feature of the registrar proposals merits mention. Professor Freund in the concluding paragraph of the memorandum to which I have referred states:

"It is this feature of the proposals which seems to me the most significant. The Commission plan brings the President into the process of safeguarding the right to vote. The Justice plan seems designed to shield the President from any such participation. As a corollary, the Justice plan imposes on the Federal courts still further responsibilities. There is reason to believe that the Federal judges have been shouldering more than their fair share of responsibility in this general area and that in all fairness the executive branch should lend its weight to the discharge of this national responsibility."

Mr. GORE subsequently said: Mr. President, earlier today I voted against the motion to lay on the table the Clark-Javits amendment. I did so because the record showed that Senators wished to speak on the amendment and offer amendments to it. The distinguished majority leader, the Senator from Texas [Mr. JOHNSON] stated—the statement appears on page 6367 of the CONGRESSIONAL RECORD—that a number of Senators wished to speak on the amendment, and other Senators wished to offer amendments to the amendment.

A motion to lay on the table is a proper parliamentary motion under certain circumstances; but when it is used to close debate and prevent the consideration of amendments, it can become an oppressive parliamentary device. It was for that reason that I voted against the motion to lay on the table.

I would have voted against the Clark-Javits amendment, if the amendment itself had been voted on. I consider it defective in several respects.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Tennessee yield to me?

Mr. GORE. I yield.

Mr. JOHNSON of Texas. I understood that the Senator from Tennessee felt that way; and I made inquiry of the senior Senator from Georgia [Mr. RUSSELL], who desired to make a statement—as he indicated on yesterday, and as he indicated again today—on this amendment; and I also understood that the Senator from North Carolina [Mr. ERVIN] had an amendment which he wished to offer. But today I was told by the Senator from Georgia that, in light of the developments of yesterday, he did not care to pursue the matter further; and I understood that also was true of the Senator from North Carolina [Mr. ERVIN].

I then asked the Senator from Georgia to inform the Senator from Tennessee of that; and the Senator from Georgia told me he would do so. For that reason, I did not do so. The Senator from Georgia told me that he would do it, and I thought he would do it.

Mr. GORE. I am sure the Senator from Texas understands that this statement is not in any way made in criticism of either him or any other Senator. I have merely been stating the reasons why I voted against the motion to lay on the table the Clark-Javits amendment.

Mr. JOHNSON of Texas. I understand that the Senator from Tennessee was not criticizing me in the least.

But the Senators to whom I referred were the Senator from Georgia [Mr. RUSSELL] and the Senator from North Carolina [Mr. ERVIN]; and upon entering the Chamber today, I informed them that I thought the Senator from Tennessee had a so-called Gore rule to cite in opposition to the motion to lay on the table, and that they had better inform him that they did not desire to exercise their rights. And the Senator from Georgia [Mr. RUSSELL] said he would do so.

Mr. GORE. The Senator from Georgia did inform me that he had decided against offering an amendment, or that he had withdrawn the suggestion that he wished to offer an amendment. But I did not receive any such information from any other Senator. And just before the Senate took a recess, on yesterday, the able majority leader had said that certain Senators wished to speak and to offer amendments. I did not know what other Senators might wish to do so.

I should like to read that part of the statement made on yesterday by the distinguished majority leader:

Mr. JOHNSON of Texas. I may state that, following the Senator's motion, I plan to make a motion, but I want to be sure the Senator from Oregon understands, and that other Members of the Senate understand,

that there are presently Members of the Senate who desire to offer amendments to the Clark-Javits amendment; that there are presently Members of the Senate who desire to address themselves to the Clark-Javits amendment; that there are Members of the Senate who have gone to their homes with the understanding that Senators would address themselves to that amendment; and if a motion to table should prevail, those Members of the Senate would not have the opportunity of offering amendments and they would be cut off their rights to even discuss their amendments.

I do not think any Senator would—and I hope no Senator would—want to do that at this stage of the proceedings, in light of the fact that many speeches were made today that were not on this subject, and since Senators have amendments to offer that are important, and have statements to make they consider are very important statements in connection with the amendment. I hope we would not seal their lips without giving them an opportunity at least to speak for 5 minutes as Members of the House are permitted to do under their rule.

As I understand the matter, the able majority leader satisfied himself that such Senators were prepared to vote today on the motion to lay on the table, and did not wish to speak further before the motion to lay on the table was voted on.

Mr. JOHNSON of Texas. Furthermore, I took the steps which I thought would satisfy the Senator from Tennessee. But I did not personally do so; and I apologize for not doing so, because if I had done so, the formula of the Senator from Tennessee would have been met, because I understood from the Senator from Georgia [Mr. RUSSELL] that neither he nor the Senator from North Carolina [Mr. ERVIN] desired to pursue the offering of amendments or the making of statements.

Mr. GORE. I congratulate the Senatory from Texas upon his diligence in protecting the prerogative of his colleagues. I had that information from the Senator from Georgia [Mr. RUSSELL]. I did not have it from any other Senator.

Inasmuch as I had read in the RECORD the statement the able Senator from Texas, the majority leader, had made, and not having been advised to the contrary except by one Senator, I decided to vote against the motion to lay on the table.

TRANSACTION OF ROUTINE BUSINESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that there be the usual morning hour, for the introduction of bills and the transaction of other routine business, and that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated.

AMENDMENT OF ACT RELATING TO COLLECTION AND PUBLISHING STATISTICS OF GRADE AND STAPLE LENGTH OF COTTON

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton, as amended, by defining certain offenses in connection with the sampling of cotton for classification and providing a penalty provision, and for other purposes (with an accompanying paper); to the Committee on Agriculture and Forestry.

REPORT ON AGREEMENTS CONCLUDED UNDER AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954

A letter from the Administrator, Foreign Agricultural Service, Department of Agriculture, Washington, D.C., reporting, pursuant to law, on agreements concluded during February 1960, under title I of the Agriculture Trade Development and Assistance Act of 1954, with the Governments of the Republic of China (Taiwan), Poland, Peru, and Vietnam (with accompanying papers); to the Committee on Agriculture and Forestry.

EXTENSION OF "ANTI-KICKBACK STATUTE" TO ALL NEGOTIATED CONTRACTS

A letter from the Comptroller General of the United States, transmitting a draft of proposed legislation to amend the "Anti-Kickback Statute" to extend it to all negotiated contracts (with accompanying papers); to the Committee on Government Operations.

REPORT ON EXAMINATION OF MILITARY ASSISTANCE PROGRAM ADMINISTERED BY THE AIR FORCE

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of the military assistance program administered by the Department of the Air Force, dated March 1960 (with an accompanying report); to the Committee on Government Operations.

REPORT ON EXAMINATION OF ECONOMIC AND TECHNICAL ASSISTANCE PROGRAM FOR GUATEMALA

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of economic and technical assistance program for Guatemala, International Cooperation Administration, Department of State, fiscal years 1955–59 (with an accompanying report); to the Committee on Government Operations.

DR. HENRY H. COHAN

A letter from the Secretary of the Army, transmitting a draft of proposed legislation for the relief of Dr. Henry H. Cohan (with an accompanying paper); to the Committee on the Judiciary.

AMENDMENT OF SECTION 2 OF RIVER AND HARBOR ACT OF JULY 3, 1930

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend section 2 of the River and Harbor Act of July 3, 1930 (with an accompanying paper); to the Committee on Public Works.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. YARBOROUGH:

S. 3274. A bill to permit certain veterans pursuing courses of vocational rehabilitation training to continue in pursuit thereof for such period as may be necessary to complete such courses; to the Committee on Labor and Public Welfare.

By Mr. YARBOROUGH (for himself, Mr. SPARKMAN, Mr. MORSE, and Mr. HUMPHREY):

S. 3275. A bill to extend, with respect to World War II veterans, the guaranteed loan programs under chapter 37 of title 38, United States Code, to February 1, 1965; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. YARBOROUGH when he introduced the above bill, which appear under a separate heading.)

By Mr. SPARKMAN (for himself, Mr. YARBOROUGH, Mr. HUMPHREY, and Mr. MORSE):

S. 3276. A bill to amend and extend the veterans' direct home loan program; to the Committee on Banking and Currency.

By Mr. MARTIN:

S. 3277. A bill to readjust postal rates on first-class mail and airmail; to the Committee on Post Office and Civil Service.

By Mr. WILLIAMS of New Jersey (for himself and Mr. MORSE):

S. 3278. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

(See the remarks of Mr. WILLIAMS of New Jersey when he introduced the above bill, which appear under a separate heading.)

By Mr. MORSE:

S. 3279. A bill to amend the Public Buildings Act of 1959 to provide a study by the National Capital Planning Commission, the General Services Administration, and the Commission of Fine Arts as to the best location for a new U.S. Court of Claims Building, and for other purposes; to the Committee on Public Works.

(See the remarks of Mr. MORSE when he introduced the above bill, which appear under a separate heading.)

EXTENSION OF GI HOME LOAN PROGRAM FOR WORLD WAR II VETERANS

Mr. YARBOROUGH. Mr. President, for myself, and on behalf of the Senator from Alabama [Mr. SPARKMAN], the Senator from Oregon [Mr. MORSE], and the Senator from Minnesota [Mr. HUMPHREY] I introduce, for appropriate reference, a bill to extend the life of the home loan guarantee program for World War II veterans.

Another bill is being introduced today by the Senator from Alabama [Mr. SPARKMAN], for himself, the Senator from Minnesota [Mr. HUMPHREY], the Senator from Oregon [Mr. MORSE], and me, for the purpose of making a similar extension of the veterans' direct home loan program. Although the guarantee extension will be before the Subcommittee on Veterans' Affairs of the Committee on Labor and Public Welfare, while the direct loan extension will be studied by Senator SPARKMAN'S Subcommittee on Housing, I am hopeful that subcommittee action can come simultaneously so that these bills can come before the Senate for consideration at the same time.

The bill which I have introduced will extend the GI loan program for World War II veterans for an additional period of about 4½ years making it coterminus with the loan guarantee benefit of Korean veterans.

In April 1958 we passed the emergency housing bill which extended the GI loan program for World War II veterans to July 25, 1960. My bill would further extend this date to January 31, 1965. It also would allow a maximum of 1 year for processing applications received prior to the expiration.

This bill will not affect veterans of the Korean conflict who already have until January 31, 1965, to make use of their GI loan entitlement.

In introducing this measure, I am influenced by two primary considerations. First, there are still well over 9 million World War II veterans who, because of a lack of mortgage money—attributable to high interest rates, and other reasons, have not made use of their benefit. Undoubtedly many of them had their plans disrupted by the credit control requirements which were imposed during the Korean conflict.

It will be recalled that, as veterans of World War II began to build houses, the Korean war broke out, and many veterans of World War II did not have the opportunity to build their homes under the law previously in force.

Hundreds of thousands of others who had met their financing needs through conventional or FHA loans are now seeking GI loan financing to acquire larger and better homes as their families increase or their income levels improve.

But certainly of equal importance in considering the extension is the economic impact of the GI loan program. In 1958 new private housing starts totaled only 1,141,500. In 1959 private housing starts totaled 1,341,500. This truly was a remarkable performance and was sparked in no small degree by the emergency housing bill. I recognize fully that there were other factors in addition to the GI loan program which accounted for this stellar performance. However, the GI loan program played a very significant role and one which we can ill afford to terminate at a time when there still are over 4 million unemployed workers. The housing industry, being the second largest in our economy, cannot be allowed to falter. The best way of assuring its continued strength is by continuing the GI loan program, so as to let that many more million families have the opportunity to build homes by taking advantage of the GI program with its provisions for smaller downpayments.

Mr. President, we all know of the outstanding performance of our veterans in meeting their obligations to repay home loans. Only about 1 percent of the 6½ million home loans have resulted in claims. That is a percentage of less than one-tenth of 1 percent.

The claims paid have amounted to only 8 cents on every $100 of the original principal amount of the loans guaranteed. The loss that the Government has sustained has been infinitesimal. About 1½ million of these loans have been fully repaid.

Weighing these factors one upon the other, the conclusion is inescapable that the program must be extended. By continuing this worthwhile benefit for World War II veterans they will continue to receive recognition for their unstinting service at an insignificant cost to the taxpayer, and at great benefit to our general economy.

By the same token, we furnish an important support to the homebuilding industry, thus adding to its continued strength.

The PRESIDING OFFICER (Mr. HOLLAND in the chair). The bill will be received and appropriately referred.

The bill (S. 3275) to extend, with respect to World War II veterans, the guaranteed loan programs under chapter 37 of title 38, United States Code, to February 1, 1965, introduced by Mr. YARBOROUGH (for himself, Mr. SPARKMAN, Mr. MORSE, and Mr. HUMPHREY), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

EXTENSION OF VETERANS' DIRECT HOME LOAN PROGRAM

Mr. SPARKMAN. Mr. President, on behalf of myself, the Senator from Texas [Mr. YARBOROUGH], the Senator from Minnesota [Mr. HUMPHREY], and the Senator from Oregon [Mr. MORSE], I introduce, for appropriate reference, a bill to extend the direct home loan program administered by the Veterans' Administration. Under existing law, this program will terminate on July 25, 1960. This bill extends the program until February 1, 1965, the terminal date of the guaranteed loan program for Korean veterans. The bill also continues the $150 million annual addition to the direct loan fund.

In addition, I have joined with my colleague, Senator YARBOROUGH, chairman of the Subcommittee on Veterans' Affairs, in introducing another bill which would extend the guaranteed home loan program for veterans of World War II for the same period of time.

The direct home loan program was established in 1950 pursuant to Public Law 475, 71st Congress, after the Congress became aware that many veterans desiring to purchase or build homes in remote or outlying areas could not obtain guaranteed loans. Congress has from time to time extended the program so that now the termination date is July 25, 1960.

The guaranteed loan program was established in 1946 and was scheduled to terminate for World War II veterans within 2 years after the Congress declared an end to World War II. The guaranteed program has been extended from time to time and will now terminate on July 25 of this year.

I am aware of the argument made by some that these two programs have served their purpose and that Congress should allow them to end. I cannot subscribe to this argument, for I do not believe it to be true. Conditions in the mortgage market over the last several months have been such that applications for certificates of eligibility under the guaranteed program have dwindled to a minimum. This by no means indicates that World War II veterans do not wish to use this program to obtain needed financing for homes. Indeed, the conditions in the mortgage market have caused many veterans to withhold filing applications for guaranteed home loans. World War II veterans wanting to take advantage of the program should not be penalized because conditions in the money market have prohibited them from obtaining a guaranteed loan, nor should they be penalized because the program is due to terminate before they are able to exercise their rights to obtain such a loan.

There are some 14.5 million veterans of World War II. About 5 million have exercised their rights under the guaranteed or the direct home loan programs. This leaves about 9.5 million veterans who are still eligible to obtain needed housing. In addition, there are some 5.6 million veterans of the Korean conflict. It is estimated that in excess of 750,000 of these veterans have exercised their rights under these programs, leaving some 4.8 million who are eligible.

The guaranteed program for Korean conflict veterans does not expire until February 1, 1965. But unless the Congress acts prior to July 25, many of these Korean conflict veterans will be precluded from using the benefits of the direct loan program because it terminates on July 25 for all veterans.

Some may argue that the veterans of both World War II and the Korean conflict have had sufficient time to use the direct loan program, and, therefore, since they have not exercised their rights, the Congress could let the program terminate as scheduled. This is not true.

In my own State of Alabama, for example, there is a backlog of 1,146 applications for direct loans. The majority of these applications have been on record for as long as 2½ years. The reason that these applications have not been honored or processed is that funds for loans have not been available. Even now, with a national backlog of almost 28,000 applications, funds for making such loans are exhausted.

Surely all of us understand the feelings of veterans who filed applications 2 years ago for a loan. These veterans have been patiently awaiting approval. Now they are faced, after this long wait, with the fact that the program will terminate before they can obtain a loan. Their plight is even worse when it is realized that they do not live in areas where mortgage financing is available through usual channels.

Veterans of the State of Alabama are not the only ones who find themselves faced with this problem. The Veterans' Administration advises me that there is a backlog of some 27,990 direct loan applications in VA regional offices.

Mr. President, I ask unanimous consent to include in the RECORD at the end of my remarks a list, by regional offices, of the number of direct loan applications presently on hand.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Backlog of applications for VA direct loans by VA regional offices as of January 31, 1960

Regional office:	Backlog
Alabama	1,146
Alaska	125
Arizona	-----
Arkansas	877
California	154
Colorado	469
Connecticut [1]	-----
Delaware	14
District of Columbia [1]	-----
Florida	667
Georgia	1,956
Hawaii [1]	-----
Idaho	213
Illinois	801
Indiana	810
Iowa	146
Kansas	88
Kentucky	2,815
Louisiana	788
Maine	233
Maryland	54
Massachusetts [1]	-----
Michigan	153
Minnesota	1,246
Mississippi	451
Missouri	2,208
Montana	335
Nebraska	592
Nevada	103
New Hampshire [1]	-----
New Jersey [1]	-----
New Mexico	134
New York	62
North Carolina	1,237
North Dakota	248
Ohio	2,051
Oklahoma	704
Oregon	90
Pennsylvania	217
Puerto Rico	1,367
Rhode Island [1]	-----
South Carolina	211
South Dakota	338
Tennessee	792
Texas	502
Utah	1,438
Vermont	0
Virginia	411
Washington	640
West Virginia	810
Wisconsin	103
Wyoming	141

[1] No portion of State eligible for direct loans.

Sources: Veterans' Administration.

Mr. SPARKMAN. Mr. President, these two veterans programs have been very beneficial. The programs have assisted numerous veterans of World War II and the Korean conflict to obtain needed housing. There are still many veterans of World War II who desire to exercise their rights under the guaranteed loan program, and there are many veterans of World War II and the Korean conflict who wish to exercise their rights under the direct loan program. I hope that the Senate will approve both the bill to extend the guaranteed loan program for World War II veterans and the bill to extend the direct home loan program for all veterans, so that veterans may continue to obtain the housing they need.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3276) to amend and extend the veterans' direct home loan program, introduced by Mr. SPARKMAN (for himself, Mr. YARBOROUGH, Mr. HUMPHREY, and Mr. MORSE), was received, read twice by its title, and referred to the Committee on Banking and Currency.

IMPROVEMENT OF MASS TRANSPORTATION SERVICE IN METROPOLITAN AREAS

Mr. WILLIAMS of New Jersey. Mr. President, on behalf of myself, the Senator from Pennsylvania [Mr. CLARK], the Senator from California [Mr. ENGLE], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Missouri [Mr. SYMINGTON], the Senator from Indiana [Mr. HARTKE], the Senators from New York [Mr. KEATING and Mr. JAVITS], and the Senator from Oregon [Mr. MORSE], I introduce, for appropriate reference a bill to assist State and local governments and their public instrumentalities in improving mass transportation service in metropolitan areas.

I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks and that it lie at the desk for 3 days so that other Senators who wish to cosponsor this measure may do so.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD, and lie on the desk, as requested by the Senator from New Jersey.

The bill (S. 3278) to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas, introduced by Mr. WILLIAMS of New Jersey (for himself and Senators CLARK, ENGLE, HUMPHREY, SYMINGTON, HARTKE, KEATING, JAVITS, and MORSE), was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD.

(See exhibit 1.)

Mr. WILLIAMS of New Jersey. Mr. President, this bill represents a modification and conceptual expansion of a proposal originally conceived by members of the railroad industry and the American Municipal Association, which represents approximately 13,000 cities and towns throughout the United States.

I believe this more modest measure is a constructive and logical approach to the critical problem of urban strangulation and paralyzing traffic congestion.

And I am pleased that the American Municipal Association has decided to give its full backing and support to this measure in preference to its original proposal.

I am also gratified that a number of Members in the House have joined with me in introducing the bill. The widespread interest in the bill is very encouraging.

I believe it indicates the growing recognition that our urban transportation systems are the bloodstream of our Nation and that we are now undergoing a nationwide hardening of the arteries.

There can be no doubt that this problem of traffic congestion in our metropolitan areas is far more than a matter of local concern.

It is of course a matter of vital local and State concern and responsibility. But it is also a matter of critical importance to the Nation as a whole, especially in this day and age of global tension and conflict.

Our country has a vital national interest in the welfare of the great majority of people who now live in our urban areas.

We have a vital national interest in the economic welfare and wealth producing capacity of our major metropolitan areas. We should also remember that wealth production is tax production.

We have a vital national interest in the free flow of interstate commerce which is expected to reach 2 trillion tonmiles of freight movement by 1975 and which may be jeopardized if all our streets are perpetually choked with traffic.

And we have a vital national interest in keeping the extremely high cost of urban highway construction to the lowest possible level.

We must realize, I believe, that the loss of our mass transportation service in metropolitan areas would throw an unbearable burden on our streets and highways. Conversely, the development of better mass transportation systems would more than pay for itself by greatly reducing the need for other costly public expenditures, like urban highways.

It is my firm belief that the expenditures called for in the proposal I have introduced represent a prudent investment that will pay many dividends for long-range economy in Government spending.

I should like at this time to describe briefly the main provisions of the bill. At a later time I plan to speak at length on the subject.

The first part of the bill would authorize the use of current Federal planning grants, the so-called section 701 urban planning grants of the Housing Act, for the following purposes:

First. To help determine the total transportation needs of our metropolitan areas.

Second. To help formulate programs for the most efficient and economical coordination, integration, and joint use of existing mass transportation facilities.

Third. To help coordinate the planning activities of all the public bodies and agencies responsible for regulating or providing mass transportation services in such areas.

Fourth. To encourage study of the interrelationship between metropolitan area growth and the development of a total transportation system, including especially study of the impact of land use on the total transportation needs of our urban areas, and conversely, the effect of transportation on land use.

The second part of the bill would broaden the scope of the Housing and Home Financing Agency's Community Facilities Administration to permit this Bureau to make long-term, low-interest loans up to a total of $100 million to State and local governments and their public instrumentalities in order to: First, help finance the construction of coordinated, and integrated highway, bus, surface-rail, underground, and other mass transportation facilities in metropolitan areas; and second, help finance the acquisition, construction, or improvement of equipment and facilities for use in mass-transit or commuter service.

EXHIBIT 1

S. 3278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

POLICY AND PURPOSE

SECTION 1. It is the declared policy of the Congress to assist wherever possible the States and their political subdivisions to provide the services and facilities essential to the health and welfare of the people of the United States. The Congress finds that among the most serious problems confronting metropolitan areas are the lack of adequate and coordinated mass-transportation facilities and services, and a lack of comprehensive and inter-related transportation and metropolitan area planning and development. The Congress further finds that the economic welfare of our major metropolitan centers is a matter of critical national concern and that such welfare is threatened by inadequate mass-transportation services.

It is the purpose of this Act to assist and encourage the State and local governments, and their public instrumentalities, to undertake the necessary studies and planning, along with other urban planning activities presently assisted by the Federal Government (1) to determine the total transportation needs of metropolitan areas, (2) to formulate a program for the most efficient and economical coordination, integration, and joint use of existing mass-transportation facilities, and (3) to study the interrelationship between metropolitan area growth and the establishment of various transportation systems for such areas in order to promote the most comprehensive planning and development of both.

It is further the purpose of this Act to broaden the Public Facility Loan Program to specifically authorize financial assistance to the State and local governments, and their public instrumentalities, to provide facilities and equipment for use in mass-transit or commuter service in urban areas, and to integrate and coordinate highway, bus, surface-rail, underground, and other mass-transportation systems in such areas.

URBAN PLANNING GRANTS

SEC. 2. (a) Section 701 (a) of the Housing Act of 1954 is amended by striking out the matter preceding paragraph (1) and inserting in lieu thereof the following:

"SEC. 701. (a) In order to assist State and local governments in solving planning problems resulting from the increasing concentration of population in metropolitan and other urban areas, including smaller communities, to facilitate comprehensive planning on a continuing basis by State and local governments for urban development and the coordination of transportation systems in urban areas, and to encourage State and local governments to establish and develop planning staffs, the Administrator is authorized to make planning grants to—".

(b) Section 701 of the Housing Act of 1954 is further amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and by inserting after subsection (c) a new subsection as follows:

"(d) The Administrator shall encourage (1) planning to determine transportation needs and to coordinate and integrate the various elements of mass-transportation systems in metropolitan areas, (2) the coordination of all planning activities of the public bodies or agencies responsible for regulating or providing mass-transportation services in such areas, and (3) the carrying out of studies concerning the interrelationship of transportation and urban development, including the impact of land use and metropolitan growth on the total transportation needs of such areas.

PUBLIC FACILITY LOANS

SEC. 3. (a) Section 202 (a) of the Housing Amendments of 1955 is amended to read as follows:

"Sec. 202. (a) The Housing and Home Finance Administrator, acting through the Community Facilities Administration, is authorized to purchase the securities and obligations of, or make loans to, States, counties, municipalities and other political subdivisions of States, public agencies, and instrumentalities of one or more States, municipalities and political subdivisions of States, and public corporations, boards, and commissions established under the laws of any State—

"(1) to finance specific public projects under State or municipal law: *Provided*, That no such purchase or loan shall be made for payment of ordinary governmental or nonproject operating expenses; and

"(2) to finance the acquisition, construction, reconstruction, maintenance, and improvement of facilities and equipment for use, by operation or lease or otherwise, in mass-transit or commuter service in urban areas, and to integrate and coordinate highway, bus, surface-rail, underground, and other mass-transportation systems in such areas: *Provided*, That the total amount of purchases and loans which are outstanding at any one time under this clause (2) shall not exceed $100,000,000. As used in this clause (2), facilities shall be construed to include land, excluding public highways, and any other real or personal property necessary for use in mass transportation."

(b) Subsection (b) of section 202 of the housing amendments of 1955 is amended (1) by striking out "reasonable terms" in paragraph (1) and inserting in lieu thereof "equally favorable", and (ii) by adding at the end of such subsection a new paragraph as follows:

"(3) Interest shall be charged on loans made under this section at a rate determined by the Administrator which shall not be more than the total of one-quarter of 1 per centum per annum added to the rate of interest paid by the Administrator on funds obtained from the Secretary of the Treasury as provided in section 203 of this title."

(c) Section 202(c) of the Housing Amendments of 1955 is amended (1) by striking out "this section" in the first sentence and inserting in lieu thereof "subsection (a)(1) of this section", and (2) by inserting immediately after the first sentence a new sentence as follows: "In the processing of applications for financial assistance under subsection (a)(2) of this section the Administrator shall give priority to the applications of those eligible applicants which he determines (1) have the most workable plans for the development of a coordinated mass transportation system and (2) have the most pressing need for such assistance."

(d) Section 203(a) of the Housing Amendments of 1955 is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following: "In order to finance activities under this title, the Administrator is authorized and empowered to issue to the Secretary of the Treasury, from time to time and to have outstanding at any one time, notes and other obligations in an amount not exceeding $_____: *Provided*, That of the funds obtained through the issuance of such notes and other obligations not less than $100,000,000 shall be available for purchases and loans under section 202(a)(2) of this title."; and

(2) by striking out the third sentence and inserting in lieu thereof the following: "Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury which shall not be more than the average annual interest rate on all interest-bearing obligations of the United States then forming a part of the public debt as computed at the end of the fiscal year next preceding the issuance by the Administrator of such notes or other obligations, and adjusted to the nearest one-eighth of 1 per centum."

AMENDMENT OF PUBLIC BUILDINGS ACT OF 1959, RELATING TO LOCATION FOR NEW U.S. COURT OF CLAIMS BUILDING

Mr. MORSE. Mr. President, in an editorial on March 18, the Washington Post called attention again to the plans going forward to use the sites surrounding Lafayette Park, now occupied by several historic structures, for construction of a new office building to house the Court of Claims and the Court of Customs and Patent Appeals.

No one can deny that the workload of these courts makes it imperative that they be provided with expanded quarters. But I entirely share the objection of the Washington Post to using the sites around Lafayette Park for that purpose. A much better idea is the one offered by the Post that they be grouped around the U.S. Supreme Court Building, as recommended by the National Capital Planning Commission and the Fine Arts Commission.

I ask unanimous consent to have this editorial from the Washington Post printed at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 18, 1960]

COURTHOUSE POLICIES

A choice corner fronting on Lafayette Square is swiftly becoming a site for sore eyes (of Texas) as a result of a quarrel involving three courts all in search of a new home. All the courts—the Court of Claims, Court of Customs and Patent Appeals, and Tax Court—are in urgent need of more space. On this there is little dispute. The plight of the Court of Claims is especially desperate; because the court deals only with cases involving the Government, its docket has grown at an awesome rate (6,000 cases are now pending) while its quarters have failed to keep pace.

But is Lafayette Square the appropriate site for a courthouse? Chief Judge Marvin Jones of the Court of Claims contends that his bench should be given sole occupancy of the site on Madison Place and H Street NW, now occupied by the old Belasco Theater

and Dolly Madison House. Judge Jones, a former Texas Congressman, points out that the General Service Administration has assigned the site to his court and that the House Public Works Committee has endorsed the move.

At this point, Chief Judge Eugene Worley of the Court of Customs and Patent Appeals, enters a sharp dissent. His court, too, is in dire need of more space and he proposes the addition of 30,000 square feet to the Lafayette Square edifice so that both courts could be housed together. Chief Judge Worley, also a former Texas Congressman, feels this could be done with a minimum of delay. And doubtless it would be desirable if another 90,000 square feet could be found for the Tax Court.

To a bewildered bystander, one alternative seems clear. The needs of all the courts could be met adequately in a "judiciary square" on the east side of the Supreme Court Building. This is the proposal previously endorsed by both the National Capital Planning Commission and the Fine Arts Commission. Not only would it mean that an area could be created which would comport with judicial dignity (the buildings, perhaps, could be grouped around an Oliver Wendell Holmes Memorial Park) but also that Lafayette Square could then be preserved for an executive use more in keeping with its historical values and its proximity to the White House.

Granted that such a change in plans would mean further delay, and granted that the location might be more inconvenient for the Court of Claims, we still think the idea of grouping the courts in a more suitable site deserves further consideration before the bulldozers begin their work. To meet the problems of delay, surely further space in other Government buildings—or leased private quarters—could be found on a short-term basis.

Mr. MORSE. Mr. President, in order to get a restudy of the question of locating the needed new courthouses, I introduce, for appropriate reference, a bill directing the General Services Administration to bring together recommendations from itself, the National Capital Planning Commission, and the Commission of Fine Arts to determine the feasibility of a "judiciary square" proposal. These recommendations would be brought back to the House and Senate Committees on Public Works for further action.

The old Belasco Theater is one of the buildings which would be razed if the new courthouse were constructed on the square. The February 21, 1960, issue of the Post carried an editorial on the Belasco Theater and its place in the history of Washington. I ask unanimous consent to have this editorial, too, appear at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 21, 1960]

FINAL CURTAIN

A fine old theatrical relic and the graceful home where Dolly Madison once lived now appear doomed by the General Service Administration's latest plans to "improve" Lafayette Square. Only those with hearts of ice could be wholly unmoved by the impending change. The Belasco Theater, second only to the National in local eminence, once carried such lustrous names on its playbills as Sarah Bernhardt, Mrs. Fiske, and DeWolf Hopper. During its years as a USO center, it basked in a brief Indian summer before the Treasury Department turned its velvet-and-gold interior into a vault for Disbursement Office records. And now the shade of L. Stoddard Taylor, the Belasco's last manager, will surely sigh at the news that his 65-year-old stage will soon make way for a Court of Claims given to more prosaic drama.

No less poignant is the fate of the Dolly Madison House a few doors up on H Street. The second oldest private dwelling on the square (Decatur House is older), and once the home of the Cosmos Club, the house is celebrated as the place where Dolly Madison spent the years of her widowhood. It is a house rich in associations on a square limned in history. A catalog of those who have lived around the park evokes the Republic's heroic days: Daniel Webster, William H. Seward, John Hay, Henry Adams, James G. Blaine, Henry Clay, Charles Sumner, Roger B. Taney, Gideon Welles, Stephen Decatur, and John Randolph of Roanoke.

Long ago, the decision should have been made to preserve the residential character which predominated around the square until World War I. The opportunity has been thoughtlessly thrown away. The GSA is preparing to raze most of Jackson Place to make way for a monolithic office building; the AFL-CIO was permitted to build a headquarters mosque that towers grotesquely over St. John's Church; and now one of the city's choicest locations will be awarded to the Court of Claims. Even at this late date some hard questions ought to be raised about whether a courthouse would make the most appropriate use of such a desirable site.

With a little more foresight, the square could have remained as a pleasant patch of the past—with a refurbished Belasco serving, perhaps, as a repertory theater. The chance has long since gone, and our grandchildren may well reproach us for failing as guardians of a heritage worth saving.

Mr. MORSE. Mr. President, no one can quarrel with the need for these new courthouses. But I cannot understand why they must be crowded into the downtown area of Washington, and into the lovely square across from the White House. Destruction of these buildings to make room for new office buildings will deprive Washington of much of the grace and charm which now envelops the White House. I hope this matter can be resolved in favor of their preservation. The Congress is already studying proposals for monuments to such notable figures of our past as James Madison, Woodrow Wilson, and Franklin D. Roosevelt. I am all for appropriate memorials to these great men. I am all for the very large sums which were spent to restore and preserve Independence Hall in Philadelphia, and other sites of significance in American history.

But I do not understand why we cannot preserve what we already have by way of historic sites in the city of Washington, D.C. In addition to their historic import, they also contribute to the beauty of the White House, and I hope that by introducing this measure today, I can assist in their preservation.

I ask unanimous consent to have my bill lie on the table for 3 days so that any Senator who may wish to do so can cosponsor it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, I ask unanimous consent that the bill may be printed at this point in the RECORD in my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3279) to amend the Public Buildings Act of 1959 to provide a study by the National Capital Planning Commission, the General Services Administration, and the Commission of Fine Arts as to the best location for a new U.S. Court of Claims Building, and for other purposes, introduced by Mr. MORSE, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Public Buildings Act of 1959 is amended by adding at the end thereof the following new sections:

"SEC. 18. The Administrator is authorized to conduct a joint study, together with the National Capital Planning Commission and the Commission of Fine Arts, for the purpose of determining the feasibility of constructing, near the Supreme Court of the United States, adequate facilities to house the Court of Claims, the Court of Customs and Patent Appeals, and the Tax Court of the United States. As soon as practicable after the date of enactment of this section, the Administrator shall submit a report on the results of such study, together with such recommendations as the three agencies may deem advisable, to the Committees on Public Works of the Senate and House of Representatives.

"SEC. 19. In keeping with the national policy of protecting and preserving historic American buildings and sites for the inspiration and benefit of the people of the United States, the Administrator shall preserve and maintain the Dolly Madison House, the Benjamin Taylor House, and the Belasco Theater on Lafayette Square in the District of Columbia, for historical, cultural, and civil purposes. The Administrator is authorized and directed to restore the Belasco Theater to a condition at least equal to its condition at the time it was acquired by the Federal Government. The National Park Service, and the District of Columbia Recreation Department, shall advise and assist the Administrator in the restoration and management of the Belasco Theater as a municipal art center. The Administrator is authorized to accept contributions of money, which shall be deductible for tax purposes, for the purpose of assisting him in the restoration of the Belasco Theater for cultural and civic purposes."

AMENDMENT OF FAIR LABOR STANDARDS ACT, RELATING TO COVERAGE OF CERTAIN EMPLOYEES—AMENDMENT

Mr. WILLIAMS of Delaware submitted an amendment, intended to be proposed by him, to the bill (S. 1046) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes, which was referred to the Committee on Labor and Public Welfare, and ordered to be printed.

ISSUANCE OF NONQUOTA IMMIGRANT VISAS TO CERTAIN ALIEN ORPHANS—ADDITIONAL COSPONSORS OF BILL

Mr. WILEY. Mr. President, I ask unanimous consent that the name of the Senator from New York [Mr. JAVITS], be added as a cosponsor of the bill (S. 2004) to eliminate the date of termination of the provisions of law authorizing issuance of nonquota immigrant visas to certain alien orphans, and for other purposes, introduced by me on May 20, 1959.

It gives me great pleasure to welcome him on this important proposal to eliminate the date of termination of the provisions of law authorizing issuance of nonquota immigrant visas to certain alien orphans, and for other purposes.

The PRESIDING OFFICER. Without objection it is so ordered.

EXTENSION OF PROVISIONS OF SUGAR ACT OF 1948—ADDITIONAL COSPONSOR OF BILL

Mr. BENNETT. Mr. President, at the request of the Senator from Pennsylvania [Mr. SCOTT], I ask unanimous consent that his name may be added as a cosponsor of the bill (S. 3210) to amend and extend the provisions of the Sugar Act of 1948, as amended, introduced by me—for myself and other Senators—on March 16, 1960.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RUSSIAN PROPOSAL FOR SUSPENDING NUCLEAR TESTING

Mr. PROXMIRE. Mr. President, yesterday the senior Senator from Minnesota [Mr. HUMPHREY] made another of his many highly significant contributions to this body and our Nation in his appeal for careful and thoughtful consideration of the Russian proposal for suspending nuclear testing. Because I think this speech by the Senator deserves particular emphasis, I call attention to it again today and particularly to these points:

The Senator from Minnesota, who has so thoroughly demonstrated his competence in this field, pointed out that the Russian proposal was similar in three very important ways to a proposal President Eisenhower made last February; namely, the concept of a threshold treaty, a joint research program, and provision for the extension of the permanent ban to cover tests below the threshold.

The President was silent on a moratorium on small tests below the threshold, a proposal made by both the Senator from Minnesota and Russia.

The Soviet proposal differs from Senator HUMPHREY'S proposal in one key way, that is, it fails to specify how many on-site inspections will be allowed.

Mr. President, this Senator regards the Soviet proposal, under these circumstances, as encouraging. I want to lend my voice to that of the Senator from Minnesota in supporting the most careful and thoughtful consideration of the Russian proposal. In doing so, Mr. President, I concur particularly in this statement by the Senator from Minnesota yesterday:

I happen to want a test ban agreement. But I want to caution all persons who also want such an agreement—and I want one very much—to remember that our desire for progress must not be allowed to prejudice the effectiveness of the system which needs to be developed in order to assure that real progress will be made. In other words, I do not want to gain a so-called political mile today, only to find a year from now, that we have slipped over the precipice and have fallen into a very dangerous situation where cheating, avoidance of inspection, and so forth, could occur and when we would find that the entire agreement which we had thought to be very worthwhile and very important would prove to be of little or no value, and perhaps would even prove harmful to us. Widespread fear of the possibility of such a development would have an extremely prejudicial effect on disarmament negotiations.

Mr. President, the Senate cannot be too often reminded that this is the nuclear age. We live in a completely new world in which war can literally destroy mankind and leave this globe a radioactive corpse. This is of course not to say that we should compromise our freedom or cave in to the Soviets. On the contrary, only freedom permits us to have purpose in our lives. It does mean that these negotiations deserve the most sympathetic and prayerful, as well as discriminating and intelligent, attention from all of us.

THE PSYCHOLOGICAL ASPECTS OF INTERNATIONAL RELATIONS

Mr. SALTONSTALL. Mr. President, with the shrinking of the world brought about by technological advances in communication and transportation and the revolution of rising expectations brought about by the political and economic growth of the underdeveloped peoples of the world, the psychological aspects of international relations become of greater and greater importance.

The existence of the cold war in itself is proof that world public opinion, national prestige, moral suasion—in short, the psychological components of international politics—are extremely important and must not be underrated. The so-called war for men's minds also demonstrates the ever-growing significance of human psychology in today's struggle for peace. Although usually related to more tangible aspects of economic and political existence, emotional factors carry huge influence, sometimes exert a powerful force completely disassociated from the physical facts of the matter, and can dominate policy decisions.

The Communists, Mr. President, do not underestimate the importance of psychology in their efforts at international domination. They devote huge resources of money and manpower to exploit the frustrated emotions of large masses of people throughout the world—to manipulate feelings of fear, pride, guilt, jealousy, inferiority, and revenge to their own advantage. This propaganda program is given top priority because its purpose is to create psychological weakness in their quarry, to drain the will of freedom.

The agency of the U.S. Government which specifically has the responsibility of conducting our operations in the international propaganda field, Mr. President, is the U.S. Information Agency.

Often we forget the critical job that the men and women of the USIA both here in Washington and scattered throughout the world are doing to advance the cause of international "peace and friendship in freedom," to quote President Eisenhower. These people are the modern-day pioneers on the frontier of the battle for men's minds. Mr. George V. Allen, Director of the Information Agency, has recently submitted the 13th semiannual report to Congress covering the USIA's accomplishments during the July 1 to December 31, 1959, period.

This is an impressive report, Mr. President. The study highlights the importance of the President's visits to Europe and to 11 nations in Asia and Africa. It notes the Agency's partial breakthrough in communicating directly with peoples of Soviet Russia through cultural exchange, visits of officials and individual citizens, and increased reception of "Voice of America" broadcasts within the U.S.S.R.

There are three sections of the semiannual report that were particularly interesting to me, Mr. President, because they show what effective programs our international information operation has in the critical newly emerging areas of the world where psychology plays perhaps its largest role. They are: "Highlights of India Program," "Information to the Americas," and "Projecting the United States to Africa." I ask unanimous consent that these excerpts, along with Director Allen's covering letter for the report, be included in the body of the RECORD.

There being no objection, the letter and excerpts were ordered to be printed in the RECORD, as follows:

U.S. INFORMATION AGENCY.

To the Honorable the PRESIDENT OF THE SENATE.

To the Honorable the SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIRS: I am honored to submit to the Congress the U.S. Information Agency's 13th Seminannual Report, covering the period from July 1 to December 31, 1959.

By far the most important public affairs developments of the period were the visits of the President, first to Europe and, in December, to 11 nations in Europe, Asia, and Africa. The report indicates the ways in which the Agency sought to expand the effectiveness of these visits to people everywhere overseas.

Another significant achievement of the period was a partial breakthrough in our ability to make direct contact with the people of the Soviet Union.

During 6 weeks of last summer, about 3 million Soviet citizens visited the first U.S. National exhibition ever to be held in Moscow. In opening the exhibit, the Vice President of the United States spoke directly to the Soviet people over their own radio and television and through the pages of the Soviet press. He spoke of freedom and democracy and the basis for a just peace.

Nearly 1,000 Soviet officials and citizens, including the head of their Government, who

visited the United States during the past year, were able to see with their own eyes the economic, political, and social status of the American people. Already, the classic Marxist line about our economic system has undergone a change. Moscow now admits that the masses in America are well fed, well clothed, and well housed.

The job of USIA is to try, in every appropriate and overt manner, to inform the people of foreign countries about the United States. The most difficult task, of course, has been to reach people in the U.S.S.R. During the last 6 months, we have probably told more people in the Soviet Union about the American way of life than during the entire period since the effort began, 15 years ago.

I am confident that we have made progress in our effort to convince the Soviet people that the American Government and people are democratic and peace-minded yet resolute to defend their freedom and to oppose aggression. This has contributed to a better understanding between the two peoples and to the relaxation of tensions between the world's two great atomic powers.

Respectfully submitted.

GEORGE V. ALLEN,
Director.

EXCERPT FROM U.S. INFORMATION AGENCY, 13TH REPORT TO CONGRESS, JULY 1 TO DECEMBER 31, 1959

HIGHLIGHTS OF INDIA PROGRAM

An exposition of farming in the United States, part of a 3-month-long agricultural fair in New Delhi, was opened by President Eisenhower on December 11. A joint undertaking of the Department of Agriculture, the Department of Commerce, the Atomic Energy Commission and the U.S. Information Agency, the U.S. pavilion depicted the operation of an American dairy farm, a poultry farm, a grain farm and a typical small American farm.

The Agency's work on the fair began a year ago and consisted chiefly in helping plan and develop the content of the big pavilion, which was located near the exhibits of the U.S.S.R. and Communist China. The New Delhi Regional Public Affairs Officer was assigned to the fair, using his understanding of the people and the agriculture of India to assure that the American presentation would reflect mutual U.S. and Indian experiences and problems.

USIA assisted in developing the exhibit's theme: "Food, Family, Friendship, and Freedom."

To reinforce this theme and extend the message of the fair throughout the country, USIS India prepared a guidebook and a number of pamphlets for exposition visitors. The cost of the 1,300,000 guidebooks was underwritten by American private industry.

Also in support of the agricultural fair, the post prepared several exhibits, mounted on mobile vans, for display outside the capital city. Exhibit showings, beginning in December, were accompanied by motion pictures on American agriculture and speeches delivered by 4-H members and other farm specialists before local civic, political, and educational organizations.

One of the exhibits is "Life in America: A Progressive Economy." Another, "Not by Bread Alone," shows how people in America's industrialized economy enjoy and participate in the nonmaterial fruits of their own and world culture.

"India's New Horizons," a USIS India booklet on American economic participation in India's progress, won praise from many Indians. Copies were carried on all flights of Air India International. India's Finance Minister called the publication "by far the most remarkable publication I have seen in recent months," and the Minister of Agriculture commented: "I would like to congratulate you on this production and still more for not confining it only to an edition in English."

INFORMATION TO THE AMERICAS

Volatile situations in Cuba and Panama, and scarcely less explosive happenings in some other countries of the hemisphere, called for special efforts by the Agency to keep the area accurately informed on U.S. policies and to improve understanding.

Despite Agency efforts to counter distortion of both current facts and past events, the Castro government, with its strongly nationalistic overtones, was still engaging in frequent denunciation of the United States as the year ended.

USIS Havana took every possible opportunity to explain the official American viewpoint on the many controversial situations that arose in Cuba. For example, when Ambassador Bonsal refuted Cuba's accusation of U.S. complicity in the alleged bombing of Havana, USIS Havana saw to it that the Ambassador's statement was quickly published and distributed throughout Cuba.

The Agency opened a reading room in Santa Clara to provide books and other informational materials of interest to the large number of students and laboring people of the area. USIA supported a binational center which opened in November in Santiago, Cuba, with well-patronized activities designed to improve United States-Cuban understanding.

As part of Havana's Great Fair for Agrarian Reform, USIS presented an exhibit on the U.S. economy which attracted 2,000 to 6,000 persons per night for 2 weeks in September. Films on many aspects of life in the United States, shown as an adjunct to the exhibit, were very popular. So were several USIS pamphlets. One of these, "Martí in the United States," was in considerable demand during the fair. Later it was requested by hundreds of persons who considered it a good exposition of the long history of Cuban-United States interdependence and cooperation.

In Panama the Agency made special efforts to promote accurate local understanding of Canal Zone affairs and to point out the benefits to be derived by both the United States and Panama from continued peaceful collaboration.

Examples of information activities in other parts of Latin America:

The President of Mexico wrote American Ambassador Hill that the Agency's film concerning his October visit to the United States "has pleased me very much." The Ambassador commented that the film is "making a highly favorable impact on theater audiences in Mexico."

Almost a half million Brazilians participated in the activities of the country's binational centers, located in 28 cities and dedicated to broadening understanding between Brazil and the United States.

Export records of the Argentine Government showed that 15 percent of all books shipped from Buenos Aires to the 20 other American Republics were titles published under the agency's translation program. At the end of 1959, the program was producing 9,000 books per day of 35 titles in low-priced Spanish-language editions.

The agency provided the closed circuit television exhibit at the Quito (Ecuador) Fair with 31 hours of programs about the United States.

PROJECTING THE UNITED STATES TO AFRICA

The visit to the United States of President Sekou Touré of the newly independent nation of Guinea gave the agency an opportunity to convey to Guinea, and to the rest of Africa, his impressions of the United States and of American interest in Africa's developing independent nations.

The Voice of America broadcast daily to Guinea and other African countries during the African leader's trip. The agency also provided texts of President Touré's speeches, news reports, photographs, a pamphlet and a color film. These materials were put to use in Guinea through the agency's new post in the capital city, Conakry. The Conakry staff translated material into French, worked with local newspapers and radio stations and made up photographic displays of the Touré trip for use throughout the outlying parts of Guinea.

USIA fully reported the visit of the Crown Prince of Ethiopia to the United States.

Some other agency activities in Africa:

About 112,000 persons saw a demonstration of U.S. technical assistance to Somalia at the International Fair in Mogadiscio in October. The presentation was prepared by USIS Mogadiscio, the International Cooperation Administration and the consulate general. Well attended by fair visitors were showings of 18 agency motion pictures in the Somali language.

The newsreel, "Today," brought up-to-date information about developments in Africa and in the United States to audiences in more than 200 theaters in 9 African countries.

At ceremonies opening a new USIS library at Enugu, Nigeria, the Prime Minister of Eastern Nigeria said, "The achievements of America form the goal of our aspirations. The work of the U.S. Information Center is a constant reminder of benefits which contact with America has brought and will continue to bring us."

A USIS reading room opened in Freetown, Sierra Leone, in November. In its first 3 weeks it had 7,856 visitors and loaned books to more than 1,000 patrons.

OBSERVANCE OF 155TH BIRTHDAY OF HANS CHRISTIAN ANDERSEN

Mr. WILEY. Mr. President, throughout history, the "tellers of tales"—imaginative, creative, attuned to the human spirit, and sensitive to the meanings of life—have left their indelible, enriching mark on the lives and destinies of millions of people.

In a unique way, these dreamers and storytellers have been able to weave real understanding and insight into human experience, into the fabric of their fiction and fantasy.

Reflecting the fundamentals of life—common to all men—their stories have been able to transcend national boundaries, language barriers, cultural differences and multitudes of other obstacles, to stimulate, enthrall and inspire the hearts and minds of people of all ages, in all walks of life, in all lands.

April 2, 1960, marks the 155th anniversary of the birthday of one of the great writers of all times, the famous Danish teller of fairytales, Hans Christian Andersen.

Over the years, his works have reflected a universal appeal, characteristic of real greatness. As a result, over 2,000 editions of his writings have been translated into more than 40 languages.

Born of poor parents, Hans Christian Andersen, a native of Denmark, epitomizes the kind of rags-to-riches story that has become symbolic in our own free enterprise system. Fortunately, a childhood of poverty left no scars of bitterness in his life. To the contrary, he rose to give, through his writings, endless hours of happiness to children, as well as adults, all over the globe.

Through his works, Hans Christian Andersen has made a great contribution, also, to better understanding among people; created a greater realization of their common bonds; and, particularly, stimulated and enlivened the minds and imaginations of the world's children, the adults of tomorrow.

Currently, efforts are being made to strengthen cultural ties, to promote better understanding between peoples of more lands around the globe. Happily, the ties between the people of the United States and Denmark—a land small in size, but great in tradition, accomplishment, and the spirit of its people—have become ever stronger through the years.

Uniquely significant, Denmark—in addition to its homeland observances—celebrates the Fourth of July, our Independence Day, regularly in its own national life.

As a "showcase of democracy," this country has provided for its people what has been called a land of milk and harmony.

The years ahead, I trust, will weld even greater, stronger ties between the peoples of the United States and Denmark.

The enjoyment of Hans Christian Andersen's work in American homelife also is one of the real highlights of the splendid relationships between the United States and the fatherland of this great author.

Because of this, I believe it is particularly fitting that we pay tribute to this great writer, in recognition of the 155th anniversary of his birth.

As I understand it, libraries, schools, educational associations, and other civic and cultural groups are planning special activities of commemoration.

As there is opportunity, I believe it would be also worthwhile for Governors and mayors to pay special recognition on the anniversary, through, for example, proclamation of a special Hans Christian Andersen Week.

The recognition of the birth-anniversary of this universally loved author, through such observances—in addition to being well justified in itself—would also serve in a splendid way to further strengthen the spiritual and cultural bonds between our citizens, many of whom proudly herald Danish ancestry, and the people of Denmark.

THE 5 PERCENT INTEREST RATE ON TREASURY NOTES

Mr. BUSH. Mr. President, I am sorry that the senior Senator from Illinois [Mr. DOUGLAS] is not on the floor. He was here a moment ago. However, I hope that my remarks will be shown to him in today's RECORD.

The senior Senator from Illinois stated on Tuesday, in connection with the 5 percent Treasury notes issued last October, that the fact these notes were oversubscribed some five times was convincing proof that the 5 percent interest rate was too high.

I must say that I am surprised that one so highly reputed as an economist, and with his knowledge of the mechanics of the Government securities market, could actually believe that the true worth of a newly offered Government security can be measured by the extent of the subscriptions.

Surely he recognizes that the Treasury, in order to control the amount of securities it sells, must limit the size of its issues to a predetermined amount, and surely he understand that investors, in expectation of partial allotments, commonly subscribe to several times the amount of securities they really want to obtain.

Since the Senator is an economist of great reputation, he would agree, I am sure, that the only real measure of the success of the Treasury in appropriately pricing a new security is the price at which it trades in the market in the early days following the announcement of the offering. Is it not obvious that unsatisfied subscribers who fail to receive all the securities they wanted in the original offering would immediately rush to buy the new security in the market? And would this not, in turn, push the selling price of the security up to a high level? The security would, in short, trade at a substantial premium on the days following its issuance and for some time thereafter.

Viewed from this logical basis, we find that the so-called magic 5s apparently were appropriately priced. In the first day of trading of these securities, on a "when issued" basis, they closed at 100$^{24}/_{32}$, or 100¾, just enough above par to indicate a successful financing, but not high enough to indicate too high an interest rate established by the Treasury. On the next day they closed at exactly 101, but thereafter fell back to slightly below 101, and fluctuated around this level until the end of December. It is only since the first of the year that the magic 5s have consistently sold above 101, due to a general easing of the money markets.

The evidence is clear and convincing. The magic 5s were not overpriced in terms of interest in October 1959. It is a peculiar mixture of politics and lack of understanding that would lead one to state that because the issue was oversubscribed, it was by definition, overpriced.

Mr. President, in connection with this subject I ask unanimous consent that an article entitled "Politics and National Credit," published in the Evening Star of March 23, 1960, be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POLITICS AND THE NATIONAL CREDIT—SPECULATING WITH ECONOMY CHARGED TO GROUP BLOCKING ACTION ON INTEREST

(By David Lawrence)

While everybody is looking the other way at disarmament conferences and the gyrations of presidential candidates, a piece of political sabotage is going on in Washington that could be dangerous to the economy of the country in the immediate future.

The sabotage consists of a deliberate interference in the Treasury Department's management of the public debt. The interference is coming from a group of so-called liberals in the Democratic Party.

Whether it's partisan politics or sheer demagogery, the fact is that the Treasury, which has the job of refunding billions of dollars of debt each year, is stymied by the refusal of the Democratic Party in Congress as a whole to cooperate with a Republican President. This is a big price to pay for the privilege of having a divided Government.

Certainly the right to determine what interest rates the public will pay for long-term or short-term securities belongs to the Treasury Department, which has to watch carefully the most complicated factors of the law of supply and demand in the credit markets of the country. The Treasury feels out the market carefully and pays the rate it believes will attract investors.

But the Democrats in Congress have put up a roadblock. They insist that the Treasury may not pay more than 4¼ percent for securities that mature more than 5 years hence, but that the Treasury can offer as high a rate as it wishes for securities that are repayable in 5 years or less.

This means that the Treasury is deprived of its power to deal effectively with a refunding of the tens of billions of dollars of the national debt that come due each year. It is frustrating for a government which has so powerful an influence on world credit, and on interest rates throughout Europe especially, to find itself hampered in these delicate and vital financial transactions.

The damage, of course, is largely within the United States. Homebuilding is in for serious setbacks, and this could affect the entire economy and be one of the factors that bring on an economic recession. The National Association of Home Builders is worried. First it was against the interest change, but now it has sent out a letter to its members urging all of them to write to their Congressmen at once to give strong support to a change in the interest rate ceiling "at the earliest possible date." Commenting on this, the Wall Street Journal, in an editorial yesterday, said in part:

"When the Treasury was forced to borrow its billions on short-term notes alone, short-term interest rates went skyrocketing. Last fall the Treasury had to pay 5 percent for notes maturing in less than 5 years. So, not unnaturally, people who had money in savings banks and building associations at much less interest drew out their money and bought the Treasury notes."

"Hence, the homebuilders discovered that the Treasury's unavoidable financing activities are draining money out of the very institutions on which we must rely for mortgage credit. And they concluded that if the Treasury isn't permitted to meet the going interest rates in the long-term market, where it can spread its debt around, we are all going to suffer severely.

"So there you are. Those who refused to let the Treasury deal sensibly with the realities of the marketplace have brought about the very thing they professed they would avoid."

The liberal Democrats now are saying that, because in recent weeks interest rates generally have shown a tendency to decline, this is a vindication of their viewpoint. But the effects of the blow dealt to the Treasury in its power to handle borrowing flexibly will not be so easily removed. The present decline is temporary, and it may even be the precursor of a downward trend in business due to the frustrations in homebuilding.

Senator PRESCOTT BUSH, of Connecticut, Republican, a former investment banker, told the Senate yesterday the business world sees this problem as nonpolitical. He added:

"I say to my friends across the aisle that they're a new set of gamblers. They're speculating with the national credit. It's a reckless thing that they do. They're speculating with this issue because they think they've got a hot political issue. It is most dangerous. I beg them to drop this and give the Treasury a free hand."

Conservative Democrats agree with Senator BUSH, but the so-called liberals seem

bent on interfering with the Treasury's operations—something that could spell economic trouble for America at a fateful time in her history.

THE FARM PROGRAM

Mr. BUSH. Mr. President, the stubborn resistance of Democratic-controlled Congresses has frustrated the efforts of President Eisenhower and Secretary of Agriculture Benson to put into effect a farm program which makes sense.

The present farm program, enacted at the insistence of a bipartisan farm bloc with the consent of the controlling majority does not work and places an enormous burden upon the taxpayers.

In past years, I have voted for termination of the present farm program and against appropriations for agricultural price supports. I intend to so vote again unless a real reform in the program is accomplished.

Mr. President, opinion in my State is becoming increasingly outraged by the failure of Congress to eliminate the scandalous deficiencies in the farm program. An editorial entitled "$3,750 a Minute," which appeared in the Bridgeport Post of March 22, 1960, accurately reflected the views of many people in Connecticut. I request unanimous consent that it may appear in the RECORD following these remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

$3,750 A MINUTE

In a recent statement, President Eisenhower told the taxpayers that it costs them $1,500,000 a day for the Government's wheat program. That is at the rate of about $1,000 a minute. But that's only part of the story as the wheat bite is only a small part of the cost of agricultural stabilization, which costs the taxpayers more than $3,750 a minute, or about $5,400,000 a day.

A lot will be heard about this figure in the coming presidential campaign. There are only three brackets of taxpayers whose annual payments to the Treasury could pay for this program.

There are about 5 million citizens whose adjusted gross income runs from $5,000 to $6,000 a year. On the average they are heads of families, own one car and work hard. Each year they turn in to Uncle Sam about $3 billion. The stabilization program costs about $2 billion.

Then there are 3 million in the $6,000 to $7,000 bracket who pay about $2.4 billion a year. The third rich vein of income paydirt are the $10,000 to $15,000 people. There are about a million of these who turn in a little more than $2 billion annually.

The point is that the entire take of millions of taxpayers must go each year to pay for an unsuccessful farm program. The one undisputed fact about the program is that it does not work, never has worked, and it never will. The program is wasteful and ineffective and the taxpayers are paying a terrible price for it. They are also paying a terrible price for the failure of our statesmen to develop a program that will work, or be big enough to scrap the one that doesn't.

The farm problem is almost 40 years old and getting worse and more expensive.

But there is one thing the politicians never forget—the farm vote, and they are being just as careful about it today as they were in 1920, when the farm population was two and a half times greater than in 1960.

CIVIL RIGHTS

Mr. KEATING. Mr. President, after a conference with the distinguished minority leader, I send to the desk an amendment to section 7 of the Dirksen amendment in the nature of a substitute relating to voting referees.

This amendment contains the changes made by the other body during its consideration of the original voting referee plan, and it has the full approval of the Attorney General and the President.

I offer the amendment in behalf of the minority leader, the minority whip, and my distinguished colleagues, Senators JAVITS and SCOTT.

I ask unanimous consent that the amendment be ordered to be printed and lie on the table and to be read, and that it be considered to have been presented and read within the requirements of rule XXII of the Standing Rules of the Senate.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. KEATING. Mr. President, I ask unanimous consent that the reading of the amendment be waived. I intend to insert in the RECORD, by unanimous consent, an explanation of the amendment.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. STENNIS. Will the Senator repeat his request?

Mr. KEATING. I have already asked unanimous consent that the amendment be read and that it be considered to have been presented and read within rule XXII of the rules of the Senate.

Mr. STENNIS. Is it an amendment to the pending bill?

Mr. KEATING. Yes; it is an amendment to section 7 of the bill, which is the voting referee section, and it brings it in line precisely with the language which has been adopted in the House.

Mr. STENNIS. Does the Senator request that it be read now?

Mr. KEATING. Yes; then I will ask that the reading be dispensed with, and I will insert in the RECORD at this point an explanation of the changes made in the original section 7 of the Dirksen amendment.

Mr. STENNIS. There would be no objection if it is going to be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The amendment reads as follows:

Strike out section 7, and insert in lieu thereof the following:

"SEC. 7. That section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), is amended as follows:

"(a) Add the following as subsection (e) and designate the present subsection (e) as subsection "(f)":

"'In any proceeding instituted pursuant to subsection (c) in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall upon request of the Attorney General and after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has since such finding by the court been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. Such order shall be effective as to any election held within the longest period for which such applicant could have been registered or otherwise qualified under State law at which the applicant's qualifications would under State law entitle him to vote.

"'"Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with notice of such order to permit any person so declared qualified to vote to vote at an appropriate election shall constitute contempt of court.

"'"An application for an order pursuant to this subsection shall be heard within ten days, and the execution of any order disposing of such application shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

"'"The court may appoint one or more persons, who are qualified voters in the judicial district, to be known as voting referees, to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. In a proceeding before a voting referee, the applicant shall be heard ex parte. His statement under oath shall be prima facie evidence as to his age, residence, and his prior efforts to register or otherwise qualify to vote. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

"'"Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceeding together with an order to show cause within ten days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered unless prior to that time there has been filed with the court and served upon all parties a statement of exceptions to such report. Exceptions as to matters of fact shall be considered only if supported by a duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts or by statements or matters contained in such report; those relating to matters of law shall be supported by an appropriate memorandum of law. The issues of fact and law raised by such exceptions shall be determined by the court or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court. A hearing as to an issue of fact shall be held only in the event that the proof in support of the exception discloses the existence of a genuine issue of material fact. The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

"'"The court, or at its direction the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

"'"Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(c) of the Federal Rules of Civil Procedure. The compensation to be allowed to any persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

"'"Applications pursuant to this subsection shall be determined expeditiously. In the case of any application filed twenty or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally. In the case of an application filed within twenty days prior to an election, the court, in its discretion, may make such an order. In either case, the order shall make appropriate provision for the impounding of the applicant's ballot pending determination of the application. The court may take any other action, and may authorize such referee or such other person as it may designate to take any other action appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees. This subsection shall in no way be construed as a limitation upon the existing powers of the court.

"'"When used in the subsection, the word 'vote' includes all action necessary to make a vote effective including, but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election; the words 'affected area' shall mean any subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have violated subsection (a); and the words 'qualified under State law' shall mean qualified according to the laws, customs or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have violated subsection (a) in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist."

"'(b) Add the following sentence at the end of subsection (c):

"'"Whenever, in a proceeding instituted under this subsection, any official of a State or subdivision thereof is alleged to have committed any act or practice constituting a deprivation of any right or privilege secured by subsection (a), the act or practice shall also be deemed that of the State and the State may be joined as a party defendant and, if, prior to the institution of such proceeding, such official has resigned or has been relieved of his office and no successor has assumed such office, the proceeding may be instituted against the State."'"

The statement, ordered to be printed in the RECORD, is as follows:

STATEMENT BY MR. KEATING

VOTING REFEREE AMENDMENT

In an action brought pursuant to 42 U.S. Code 1971(c), the amendment would permit the following steps:

1. The court makes a finding whether any person has been deprived on account of race or color of a right secured by subsection (a).

2. Upon request of the Attorney General, the court also may make a finding whether such deprivation was pursuant to a pattern or practice.

3. Upon a finding of such pattern or practice, a person of such race or color resident in the area affected is entitled, upon application, to an order declaring him qualified to vote upon proof that he is qualified under State law to vote, has [since such finding by the court] been denied under color of law the opportunity to vote, or has been found not qualified by any person acting under color of law.

4. The Attorney General is responsible for transmitting certified copies of such orders of certification to the appropriate State election officials.

5. Application for certification orders are to be heard within 10 days. The execution of any such orders cannot be stayed if the effect of a stay would be to delay effectiveness of the orders beyond any election day.

6. The Federal court may appoint voting referees [who are qualified voters in the judicial district] to receive applications of persons of the race or color resident in the area.

7. The Federal court may enter supplemental orders, either directly as the result of applications by applicants, or upon the report of the referees declaring one or more of the applicants qualified to vote.

8. In proceedings before the voting referees, the applicants shall be heard ex parte.

9. State authorities will have a period of 10 days (or a shorter period, if so fixed by the Federal court) within which to appear and oppose certification of applicants.

10. In case of opposition, the bill provides for a hearing if there is a genuine issue of material fact.

11. [The bill authorizes the court to make an order entitling an applicant to vote provisionally, with appropriate provision for the impounding of the applicant's ballot pending determination of the application.]

12. The bill also provides that whenever any State official is alleged to have committed any practice constituting a deprivation of any right secured by the statute, then this practice shall be deemed that of the State, and the State may be joined as a party defendant. If the State official has resigned or been relieved of his office, and no successor has assumed the office, the proceeding may be instituted against the State. (Changes in previous analysis are in black brackets.)

THE HOUSE OF DELEGATES OF THE AMERICAN BAR ASSOCIATION STRONGLY BACKS THE JUDGESHIP BILL

Mr. KEATING. Mr. President, the house of delegates of the American Bar Association, which has traditionally been in the forefront of efforts to improve our judicial processes, recently adopted a strong resolution urging Congress to enact legislation to create additional Federal judgeships. As this resolution succinctly points out, the increasing quantity and complexity of litigation in the Federal courts has created an extremely congested situation with concomitant delays and hardships on litigants.

It is high time Congress acted to end this logjam in litigation and added the judge power which is so desperately needed to restore timely justice in the Federal courts. I am confident the resolution adopted by the house of delegates of the American Bar Association, a certified copy of which has just reached me, will do much to spur congressional action in this vital area. I ask unanimous consent that it be printed in the RECORD and appropriately referred.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

AMERICAN BAR ASSOCIATION RESOLUTION, SUBMITTED BY THE STANDING COMMITTEE ON FEDERAL JUDICIARY AND ADOPTED BY THE HOUSE OF DELEGATES, FEBRUARY 22, 1960

Whereas there is a desperate and mounting need for additional judgeships, created by the quantity and complexity of litigation, in certain of the U.S. Courts of Appeals and district courts; and

Whereas the consequent delay in bringing cases to trial in such courts is causing serious hardships to litigants in cases pending therein; and

Whereas critical conditions of court congestion in these courts have placed such burdens on judges now serving as seriously to impede the efficient performance of the judicial function: Now, therefore, be it

Resolved, That the house of delegates of the American Bar Association, in meeting assembled, urges the Congress of the United States, as a matter of the most critical public interest, promptly to enact legislation embodying the recommendations of the Judicial Conference of the United States for the creation of additional judgeships in the U.S. Courts of Appeals and district courts; and be it further

Resolved, That the chairman of the Standing Committee on Federal Judiciary is authorized and directed to appear before the respective Committees on the Judiciary of the U.S. Senate and the House of Representatives, or any subcommittees thereof, in support of such legislation; and be it further

Resolved, That copies of this resolution shall be sent to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, and the respective chairmen and members of the Senate and the House Committees on the Judiciary.

JOSEPH D. CALHOUN,
Secretary.

MEDICAL INSURANCE FOR THE AGED

Mr. McNAMARA. Mr. President, yesterday we witnessed another instance of the President and his budget-obsessed administration bullying one of their more enlightened colleagues into line. I refer to the manner in which the Republican high command has effectively stymied the efforts of Secretary Flemming to present even a watered-down program of medical insurance for the Nation's 16 million aged citizens.

Mr. Flemming, who concedes the overwhelming need for some action—any action—in this area, marched bravely into the inner sanctums of the White House last week. We are told that he carried with him the strong but typically silent backing of the Vice President.

He emerged, we are told, somewhat hopeful for the administration's blessing. The administration instead chose to play one of its favorite games—pulling the rug from under the Cabinet officer.

The final act of this farce was given yesterday before the House Ways and Means Committee.

The Secretary appeared with a statement packed with statistics that could lead only to one conclusion—the same conclusion that the Senate Subcommittee on Problems of the Aged and Aging reached several months ago—that something had to be done to provide help to the aged ill and infirm.

But this was not the Secretary's forced conclusion. Here is what he proposed:

In the effort to arrive at sound conclusion, it will be necessary for us to begin immediately to consult further with experts.

I can assure you that these explorations will be carried forward with maximum speed.

Mr. President, were it not for the gravity of the problems involved, this performance would have to rank as one of the best comedies of the year, and might even top the old Abbott and Costello routine of "Who's on first?"

But the tragic result is that the power and prestige of the administration now appears to be totally committed to opposing a medical program for the aged.

So be it. But this decision should not deter the Democratic Party from an all-out effort to enact such a program. I intend to speak at length on this topic in the near future, and to outline what action I believe is necessary to provide medical insurance for our elderly citizens.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

Mr. MORSE. Mr. President, I should like to have the attention of the Senator from Georgia [Mr. RUSSELL].

Earlier this afternoon, the majority leader asked unanimous consent that the Senate might have a morning hour. Under the practice of the Senate which permits a Senator to reserve the right to object, during which time the Senator usually explains the position he expects to take on a unanimous consent request, I sought to make certain comments with respect to my position in regard to the majority leader's request for a unanimous-consent agreement to have a morning hour.

The Senator from Georgia, completely within his rights, asked for the regular order, and thus stopped me from making my explanation. I am sorry he saw fit to deny me an opportunity to explain my position on the majority leader's request and to seek an understanding with him in respect to my motion. I should like to make the explanation now. I think I can do so within the limitation of the 3-minute rule.

What I sought to do, and would have done had I been allowed to complete my statement, was to get a commitment from the majority leader and from the Senate for a yea-and-nay vote on my motion to lay on the table.

Second, I would have sought to obtain from the majority leader an understanding to fix a time to vote on my motion to lay on the table. Contrary to the impression apparently held by some Senators, it was not the position of the Senator from Oregon, nor the position of my colleagues who were in support of the parliamentary position we took yesterday afternoon in respect to my motion to lay on the table to shut off reasonable debate, either on the Clark-Javits amendment or, for that matter, on my motion. Although the motion was not debatable, still we would have been willing to enter into an agreement for reasonable debate on it. Had I been given an opportunity to do so, I should have been perfectly willing to enter into an agreement under which the Senate could have voted on the motion to lay on the table at some time certain later this afternoon.

Of course, that would have been a request to which any Senator could have objected; but at least I was seeking to offer that kind of parliamentary procedure to the Senate, when I was trying to explain my position under a reservation to object, but was prevented from doing so by the Senator from Georgia calling for the regular order. I thought that such a statement ought to be placed in the RECORD, and that it was due me to have it in the RECORD. When the course of action was followed which was followed, a course which refused to let me set forth my reservations in the matter, I had no other alternative, it seemed to me under the circumstances, than to object to the request for a morning hour, and to ask for a quorum call.

During the period of the quorum call, I want the RECORD to show, as the Senator from New York [Mr. JAVITS] and the Senator from Pennsylvania [Mr. CLARK] well know, and can be my witnesses, we sought to work out an arrangement whereby a vote on the Morse motion to lay on the table would have been held later this afternoon—perhaps at 3 o'clock or 4 o'clock—so that other Senators might be given the opportunity during the intervening period to discuss the parliamentary situation which had developed on the floor of the Senate.

Mr. President, I think this unpleasant incident illustrates how unwise it is when we follow a course of action in the Senate of not allowing a Senator, as a matter of courtesy, to express himself by way of a reservation with respect to a unanimous-consent request which has been made.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MORSE. I have used my 3 minutes.

Mr. JAVITS. I am certain the Chair will allow me 3 minutes.

Mr. President, to support what the Senator from Oregon has said, I should like to state that it was not his desire to cut off debate. He was happy to afford opportunity for debate. But the regular order was called for, and that is the way the situation went.

In addition, I should like to state that Senate action pursuant to a motion to lay on the table is not a vain exercise. When we offer amendments, we hope they will be agreed to; and if they are agreed to, we believe progress has been made by means of the taking of such action. But we are also sufficiently adult to understand that if the majority of the Senate votes against what some of us prefer, that, too, is a decision by the Senate.

The legislative progress the Senate has made shows clearly what a majority of the Senate is willing to do in regard to a civil rights bill; I believe the Senate has now made very clear that, essentially, it wishes to have a bill which basically will be confined to voting rights, in addition to the parts of the Dirksen package, or the administration package, which survive. Certainly the reaching of that decision represents progress.

Therefore, I deeply believe that, notwithstanding that the position taken by the majority of the Senate on the recent motion to lay on the table was contrary to the view taken by the Senator from Pennsylvania [Mr. CLARK], the Senator from Oregon [Mr. MORSE], and myself, the Senate has shown that it has decided that it wants to have a "single engine" voting bill—in other words, essentially a bill based on the voting referee plan. Such a decision represents much more progress than simply the making of generalized speeches and a failure to take any particular position.

I believe that the Senator from Oregon [Mr. MORSE], the Senator from Pennsylvania [Mr. CLARK], and I have rendered a real service in connection with our amendment, for now a decision has been reached by the Senate. I, for one, am willing to work in accordance with that decision; and I believe the result will be that the Senate will have a bill which truly will represent the will of the Senate.

MESSAGE FROM PRESIDENT EISENHOWER TO THE ORDER OF AHEPA

Mr. DIRKSEN. Mr. President, on March 20, 1960, the Order of Ahepa held its 14th biennial national banquet in Washington, D.C. The President of the United States sent to the banquet a message which was read by the Honorable David W. Kendall, a staff assistant at the White House. I ask unanimous consent that the President's message be printed at this point in the RECORD, as a part of my remarks.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, D.C., March 19, 1960.

It is a pleasure to send greetings to the members and guests of the Order of Ahepa assembled at their 14th biennial national banquet in honor of the Congress of the United States.

Over the years, the Order of Ahepa has worked hard and successfully in advancing the goals of education in democracy and better understanding between the people of America and the Hellenic community.

Now I am told, one of of your long-cherished dreams is about to be fulfilled. With the active support of Ahepa, a new institution of higher learning is soon to be established in Boston—a school to be known as the Hellenic University of America. Congratulations. The establishment of this institution will broaden the influence of Hellenic culture which has long been a vital part of the American way of life.

A great university is one of the most powerful and uplifting forces in Western civilization. In our universities, we teach the disciplines of truth in the exercise of our first responsibility—the preparation of our young people for their full rights and duties as citizens of a free land.

On the eve of the 139th anniversary of Greek independence, I salute the Order of Ahepa for its efforts to strengthen the life of our Nation and the peace of the world. Godspeed to their enterprise.

DWIGHT D. EISENHOWER.

LONG-TERM GOVERNMENT BONDS

Mr. CLARK. Mr. President, on yesterday the Government bond market and the Government bill market improved again; and again there arises the question, Why does not the Treasury announce that it will market long-term Government bonds? As each day passes the market continues to improve, and the Treasury seems to have less and less reason for hanging back.

A decision is to be made at the end of this month. All of us await with particular interest that decision, in order to see whether the Treasury will be willing to take advantage of the obvious opportunity to lengthen the term of the Government debt by offering a substantial issue of long-term Government bonds. I hope the Treasury will do so.

I ask unanimous consent that an article entitled "Treasury Issues Continue Strong," which was published today in the New York Times, be printed at this point in the RECORD in connection with my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BONDS: EXPERTS ARE PERPLEXED BY CONTINUED SHARP ADVANCE—TREASURY ISSUES CONTINUE STRONG — CORPORATES, MUNICIPALS RISE—DEALERS NOTE ABSENCE OF SPECULATIVE FEVER

(By Paul Heffernan)

The bidding up of the prices of high-grade bonds continued unabated yesterday in a way that left professional dealers almost breathless with perplexity.

Statistically, the trading session was largely a repetition of the recent past. Treasury bill yields on most issues declined further below the 8-percent level. New high prices were scored by the Treasury's newest issues of notes and certificates of indebtedness—4¾-, 4⅞-, and 5-percent issues due in 1961, 1963, and 1964.

Similarly, among top-grade corporate and local government bonds, major new issues moved to new highs. Among them were the 5-percent debentures of the Chesapeake & Potomac Telephone Co. of West Virginia, the Northern Indiana Public Service 4⅛s, the International Bank for Reconstruction and Development 5s, and the American Telephone & Telegraph 5⅛s.

BILLS ARE ACTIVE

Most of the activity in the Treasury market continued to be among the short-dated discount bills and obligations due within 6 years. The new 4⅞-percent notes due in November of 1964 led the intermediate-term part of the market with a gain of 1/32 that took the bid price to 103 2/32. The 5s of August 1964 closed at 104 1/32 bid. The new 4⅞-percent certificates of indebtedness due next February rose to 101 1/32, a gain of 1/32.

Among long-term bonds, the bid markups extended to 2/32 in the case of the 3½s of 1990, the 3s of 1995, the 2½s of September 1972–67 and the 2½s of December 1969–64.

The newest 91-day bills due June 23 closed at 2.72-percent discount, a decline of 19 one-hundredths of 1 percentage point from Tuesday's rate. The rate of discount on the January 15 bills, which have 296 days to run, was 3.14 percent, compared with 3.2 percent on Tuesday.

NO SPECULATIVE FEVER

The dealers in Government securities admittedly were puzzled at the forces feeding the market's strength. "Whatever it is, it's bigger than we are," was one comment.

In comparing the sharp price turnabout with others in the postwar experience of the Government market, dealers noted an absence of the speculative fever that brought get-rich-quick speculators into the market on shoestring margins in the short-lived bull market in bonds that attended the 1958–59 business recession.

Marketmen find it hard to believe that the present price rise is not being overdone, even if they are taking part in the bidding. "Can business conditions be that bad?" was the pointed inquiry of one dealer.

Among local government bonds, the new long-term 4-percent obligations of California were bid up to 102, a new high. Syndicate balances were pared, but by small amounts. About $600,000 was sold out of the Louisiana highway-bond account, reducing the remainder to $1,824,000.

On the New York Stock Exchange bond transactions totaled $5,630,000, compared with $4,970,000 on Tuesday.

The Republic of Cuba 4½s of 1977 sold at 59½, a new low, and closed at 60, on an exchange of $21,000.

U.S. Government and agency bonds, Wednesday, Mar. 23, 1960

TREASURY BONDS

Maturities	Outstanding millions	Rate	3:30 p.m. Bid	3:30 p.m. Asked	Change in bid	Yield
1960, November	3,806	2⅛	99.12	99.14	+0.4	3.06
1960-60, December	1,485	1 2⅛	98.26	99.2	+.8	2.94
1961, September	2,239	2¾	98.28	99.0	+.4	2.45
1961, November	11,177	2½	98.8	98.12	+.6	3.54
1962-59, June	5,267	2¼	96.24	96.28	+.6	3.73
1967-62, June	2,112	2½	90.22	90.30	+.22	3.96
1962-59, December	3,456	2¼	96.2	96.6	+.10	3.76
1963, August	6,755	2½	95.22	95.28	+.16	3.84
1968-63, December	2,820	2½	88.14	88.22	+.22	4.04
1964, February	3,854	3	96.30	97.2	+.16	3.84
1969-64, June	3,745	2½	87.20	87.28	+.20	4.09
1969-64, December	3,819	2½	97.4	87.12	+.22	4.10
1965, February	6,896	2⅝	94.0	94.4	+.16	3.96
1970-65, March	4,700	2½	86.24	87.0	+.20	4.11
1971-66, March	2,948	2½	86.12	86.20	+.20	4.02
1966, August	1,484	3	95.2	95.6	+.16	3.89
1972-67, June	1,840	2½	86.12	86.20	+.20	3.89
1972-67, September	2,716	2½	86.2	86.10	+.22	3.91
1972-67, December	3,715	2½	88.12	86.20	+.20	3.95
1969, October	1,276	4	99.30	100.6	+.8	3.98
1974, November	654	3⅞	98.2	98.10	4.14	4.05
1983-78, June	1,604	3¼	88.14	88.22	+.16	4.00
1980, February	884	4	99.14	99.22	+.16	4.02
1985, May	1,135	3¼	88.6	88.14	+.20	3.99
1990, February	1,727	3½	91.6	91.14	+.22	4.00
1995, February	2,741	3	86.24	87.0	+.22	3.67

1 Exempt from normal income tax.

NEED FOR AN IMPROVED AIRLIFT

Mr. CLARK. Mr. President, the Air Force, the Army, and MATS have been conducting an airlift operation from continental United States to Puerto Rico. The operation has already indicated very clearly what many of us have for a considerable number of months been stating on the floor of the Senate—namely, that our airlift potential is quite inadequate to meet our airlift needs; we simply do not have a modern airlift capability to lift divisions of the Army or battalions of the Marines in adequate numbers, and adequately equipped, to engage in "brush warfare."

I ask unanimous consent that an editorial entitled "Small Slam," which outlines this point of view, and was published on March 22 in the Washington Post, be printed at this point in the RECORD, in connection with my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SMALL SLAM

The lessons of the Army-Air Force practice airlift to Puerto Rico underscore the urgency of a House Armed Services Subcommittee's plea for modernization of the Military Air Transport Service. By working its crews double time, calling on civil carriers to supplement its operations elsewhere and choosing a nearby island for the exercise, MATS has been able to move 21,000 soldiers in a few days' time. But only a third of the equipment that such a force would need in a real emergency was included in the lift.

If the exercise had been carried out over the Atlantic or the Pacific—as would be the case in a real limited war situation—the picture would have been completely different. Most of MATS' aircraft are old and slow, of World War II vintage. In a full-scale emergency, if island-hopping became impossible because of enemy submarine or missile attacks, MATS would have no more than 29 reasonably modern aircraft capable of strategic, long-haul transportation.

Yet in the face of these known deficiencies, which the so-called Operation Big Slam-Puerto Pines served to illustrate, the President has approved a mere $50 million in the 1961 budget to begin development of a new military jet cargo plane. At best, such a plane might take 5 years to produce. Nothing is provided for acquisition in the meantime of converted commercial jet planes which, in modest numbers because of their great carrying capacity and high speed, could transform MATS into the modern supporting arm that all the services urgently require.

Before the House subcommittee, headed by Representative L. MENDEL RIVERS, completes its timely month-long study of national airlift needs and capabilities, it will

no doubt become apparent that the modernization of MATS is intricately bound up with an unresolved dispute between the Air Force and the civil airlines over MATS' future. The civil view was largely reflected in the President's recent policy statement on MATS which in effect urged that the military get out of the international airline business except for operations essential to its so-called hard core mission.

As interpreted by the private carriers, this would ultimately mean that nearly all of the 1 billion ton-miles of transoceanic cargo now hauled annually by MATS would be shifted to the private carriers, which presently carry a little more than half that amount. The Air Force seems far from ready to accept this interpretation, with MATS arguing that it must maintain at least a 5-hour per day aircraft utilization rate to be ready for the 12-hour per day lift which it is charged with providing in a war. The civil concept of the hard-core-only policy would trim this to 1 or 1½ hours a day.

If the real readiness of the civil reserve air fleet could be improved upon and if MATS could revise its training and other readiness concepts as drastically as the private carriers think it could, perhaps some adjustment of international cargo business in favor of the private carriers could be justified. The carriers insist they cannot afford costly jet cargo planes without assurance of a large slice of the cargo now hauled by MATS.

But however this dispute ultimately is settled, it ought not to stand in the way of an immediate military-civil agreement that provides for the prompt ordering of converted jet liners suitable for military troop and cargo lift. Government and industry ought also to cooperate in the development of more advanced cargo planes, designed to meet both military and civilian requirements. Meanwhile, a Defense Department review of the President's broad policy statement on MATS is proceeding, and in this context and before the Rivers subcommittee the question of who is to operate the new aircraft in peacetime can be further explored. Both the Air Force and the civil carriers recognize the inadequacy of present cargo planes for military and commercial needs, and upon this agreement a program for modernization should be able to proceed.

Mr. CLARK. Mr. President, I also ask unanimous consent that two thoughtful articles on the same subject, written by Hanson W. Baldwin, and published in the New York Times, be printed at this point in the RECORD, in connection with my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times]

THE AIRLIFT PROBLEM: I—CARIBBEAN EXERCISE EXPECTED TO LEAD TO BROAD STUDIES OF MILITARY TRANSPORT

(By Hanson W. Baldwin)

Clarification, or resolution, of the perennial defense controversy about military airlift requirements may result from exercise Big Slam/Puerto Pine, now starting its second week.

The 2-week maneuver, ending March 28, involves virtually all the Military Transport Service's 483 four-engined passenger and cargo aircraft, and more than 20,000 troops of the Army's Strategic Army Corps. The Puerto Pine phase of the exercise involves the transportation from 14 airfields all over the United States to Puerto Rico and return of the Army troops and of 11,000 tons of supplies. It is the largest military airlift exercise ever held.

The Big Slam phase has intensified for the 2-week maneuver the normal flying activities of MATS to an average of about 8 flight-hours daily for each plane—a rate estimated as minimum wartime tempo. The strain placed on pilots and air crews, in this doubling of their flying time and on maintenance and communications personnel in working 12 or more hours a day, is described as a test of the war readiness of the Transport Service.

FIRST TRAINING OF KIND

It is that, but exercise Big Slam/Puerto Pine is also a good deal more. It is valuable training, the first of its exact kind. It is a public relations tour de force directed toward Congress, now considering military appropriations during an election year.

It is also a field laboratory that may produce tentative answers to some of the major problems, difficulties, and controversies that have complicated the issue of military air transportation.

That the Pentagon and Congress are obviously hoping for some answers from exercise Big Slam/Puerto Pine is shown by the schedule of elaborate critiques to follow the end of the operation on March 28.

MATS will hold its own critique at Scott Air Force Base in Illinois early in April. The Army will follow with a similar dissection of the Puerto Pine phase of the maneuver at Fort Bragg, N.C., headquarters of the Strategic Army Corps. Joint critiques will follow in the Pentagon.

About mid-April a Special Armed Service Subcommittee of the House of Representatives, which has been studying the Nation's military airlift capabilities, will be given a full report on the exercise.

The problems to be discussed at these critiques include:

Military airlift requirements; the extent to which these requirements can be met by commercial carriers; the modernization of MATS and the kind of military aircraft required; the effect of developing technology on what were formerly two different and sharply distinct functions—tactical and strategic airlift; and the organizational and command relationships of the Air Force's Tactical Air Command and of MATS and of either of them to the Strategic Army Corps and the Army in general.

Detailed and intensive consideration of all these problems and the close working relationship that has been established between Gen. Thomas D. White, Air Force Chief of Staff, and Gen. Lyman L. Lemnitzer, new Army Chief of Staff, may well lead in time to a greater and more realistic emphasis on airlift requirements for limited, as distinct from general, war.

[From the New York Times, Mar. 23, 1960]

THE AIRLIFT PROBLEM—II—CARIBBEAN GAMES POSE THE MAJOR TASK OF SETTING MILITARY TRANSPORT'S NEEDS

(By Hanson W. Baldwin)

The largest peacetime military airlift operation in history—Exercise Big Slam/Puerto Pine—now in its second week, has posed, and may attempt to answer, a number of major air transportation problems.

The first and major problem, which has led to much confusion about the amount of military airlift needed by the Nation, is the statement of requirements. The Joint Chiefs of Staff outlined the general military needs of the Nation to support these strategic concepts and war plans.

The Joint Chiefs have stated the military airlift requirements for general atomic war. MATS says it can meet these requirements with its present force of 483 four-engined passenger and cargo planes.

However, the Transport Service believes that replacement aircraft and a modernization program are needed particularly for some of the aging cargo aircraft such as the Douglas C–124 Globemaster, which is the workhorse of the service's fleet.

REQUIREMENTS UNSPECIFIED

But the airlift requirements for limited war—a small atomic war, or a war waged with conventional weapons only—had never been outlined, at least to the Army's satisfaction.

The Joints Chiefs of Staff apparently believe an airlift adequate for general war is adequate for limited war. But the Army holds that a large part of MATS might be earmarked in a time of emergency for support of the Strategic Air Command and other missions, and that not enough would be available to transport troops overseas quickly.

The Army's statement of requirements has tended to stress mass as well as speed. The Army would like to be able to move at least 1 airborne division, preferably 2—11,890 men to a division—anywhere in the world in a week or less.

Ideally, the Army would like these troops combat-loaded and ready to land on enemy territory instead of using staging bases on friendly soil from which to prepare for an airborne assault. The Army says the 101st Airborne Division can move out of Fort Campbell, Ky., in 4 days but that the limitations of the airfield stretch this out to 7 days.

ALTERNATIVES OFFERED

However, present plans of MATS, the Army declares, contemplate a time period of 28 days.

The Transport Service says that, using all its available planes for troop lift only and assuming that the troops would be landed at a friendly airbase to reload in troop carrier assault aircraft to attack an enemy objective, 15½ days would be required to move one airborne division 5,000 miles.

If all the available transport and cargo aircraft in both the Tactical Air Command, which operates troop carrier assault aircraft, and MATS were used, this time could be cut by a day. If 232 more aircraft of the civil reserve air fleet—commercial planes earmarked for military use in time of emergency—were used, this time might be cut to 9.2 days.

There are thus many different estimates of the time required to move an airborne unit a given number of miles in a certain time. All these estimates differ depending upon the assumptions.

About all the Army and Transport Service agree upon is that more modern airlift is needed; they differ as to kind and amount. Both also seem to agree, with the support of many civilian authorities in the Pentagon, that the Nation's present outline of airlift requirements for general atomic war is unrealistic. They also agree that it places emphasis on the most unlikely kind of war and that more stress should be given to airlift needs for limited war.

Exercise Big Slam/Puerto Pine has stressed, as all troop transportation exercises have done, that any attempt to combine mass and mobility adds up to astronomical aircraft requirements.

All the fuel used in Puerto Rico for the Transport Service's planes was transported there by sea. No ammunition is being airlifted.

SUPPLIES BY AIR LIMITED

Only about one-third of the supply requirements are being transported by air. Medium and heavy tanks cannot be air transported, and even the light tanks can be airlifted only at the rate of one in each aircraft.

The airborne division has 52 light liaison aircraft and helicopters in its organization. These must be disassembled for air transport and the Army now contemplates using a naval aircraft carrier to transport them.

In Lebanon, a sea "tail" of about 25 ships was required to back up and support one airborne battle group of about 2,000 men.

Thus there are many observers who believe that the Army has set its airlift requirements too high and that the concept of total air transportability—the so-called air transportable army—is beyond achievement now or in the foreseeable future.

Instead of attempting to move masses of troops and equipment by air, the objective should be the extremely rapid transportation of fairly small numbers of troops—lightly armed and with limited staying power—to any part of the world.

These fire brigade forces could then be reinforced and supplied, not only by airlift but also by pre-positioned stocks of arms and equipment in various parts of the world and by support from the sea.

Airlift is essential for speed but sealift is equally essential for mass and staying power.

Mr. CLARK. Mr. President, in the second article, Mr. Baldwin comments that about all that the Army and MATS have agreed upon is that more modern airlift is needed. I think all of us agree about that; and I believe Congress has an obligation to provide sufficient funds to make such an airlift possible, even if the President is unwilling to make such a request.

SOUTHERN SENATORS AT THE PASS OF THERMOPYLAE

Mr. TALMADGE. Mr. President, those of us in the Senate who, in the current debate, have undertaken to defend constitutional government have had so many journalistic brickbats thrown our way that we find it exceptional and refreshing to have called to our attention an article in praise of our efforts. Such an article, however, has been published in a recent issue of the Montgomery (Ala.) Advertiser. The article was written by a great jurist—Judge Walter B. Jones, of the 15th Judicial Circuit of Alabama. Judge Jones' article is entitled "Southern Senators at the Pass of Thermopylae." I ask unanimous consent, Mr. President, that the article be printed herewith in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Montgomery (Ala.) Advertiser]

SOUTHERN SENATORS AT THE PASS OF THERMOPYLAE

(By Judge Walter B. Jones)

Two of the most heroic fights in all recorded history are the battle at the pass of Thermopylae and the defense of the Alamo during the war for Texan independence.

You recall that during one of the wars between the Persians and the Greeks, 480 B.C., the defense of the little pass leading from northern to central Greece by King Leonidas and 300 Spartans made history which will never be forgotten. The Spartans opposed the Persian army of about 40,000 soldiers, holding the mountain pass for a whole day after the treacherous Ephialtes showed the Persians an unguarded pass over the mountains so they could attack the Spartans in the rear. When it was suggested to the Spartan leaders that they should retreat because the Persians had so many archers, the flight of their arrows would darken the sky, the Spartan remarked: "So much the better, we shall fight in the shade."

The 300 Spartans stood their ground, Leonidas was killed and not a Spartan was left alive. Years after a monument was erected at Thermopylae to the gallant Spartans. This was the epitaph:

"Go tell the Spartans, thou that passeth by,
That here, obedient to their laws, we lie."

Then history tells how Travis, Bowie, and Crockett and 180 Americans defended the Alamo in 1836. They were besieged by 7,000 Mexicans under Santa Anna for 2 weeks. The Americans were all killed and massacred, but around them lay dead 1,500 Mexican soldiers. "Remember the Alamo" became the war cry of the Texans.

And so today there stands in the U.S. Senate at Washington a group of 18 southern Senators battling with Spartan-like courage for constitutional government, waging heroic struggle against an overwhelming majority from the rest of the country.

Who are these 18 southern Senators? What States made them Senators of the United States?

LISTER HILL and JOHN J. SPARKMAN represent Alabama; JOHN L. MCCLELLAN and J. W. FULBRIGHT, Arkansas; SPESSARD L. HOLLAND and GEORGE A. SMATHERS, Florida; RICHARD B. RUSSELL and HERMAN E. TALMADGE, Georgia; ALLEN J. ELLENDER and RUSSELL B. LONG, Louisiana; JAMES O. EASTLAND and JOHN C. STENNIS, Mississippi; SAM J. ERVIN, JR. and B. EVERETT JORDAN, North Carolina; OLIN D. JOHNSTON and STROM THURMOND, South Carolina; and HARRY F. BYRD and A. WILLIS ROBERTSON, Virginia.

These Senators of the United States from nine Southern States represent the very flower of American statesmanship. Their total length of service in the Senate is 261 years. RUSSELL and BYRD have been in the Senate for 27 years; LISTER HILL, 22 years; EASTLAND and MCCLELLAN, 17 years; JOHNSTON of South Carolina, 16 years; HOLLAND, ROBERTSON, and SPARKMAN, 14 years; and other southern Senators for many, many years.

Seven of the U.S. Senators have served as Governors of their States: HOLLAND, RUSSELL, TALMADGE, ELLENDER, JOHNSTON, THURMOND, and BYRD. Many of them served in the House of Representatives for term after term. Many of them were great trial judges and one of them a member of the supreme court of his State.

These southern Senators of the United States hold the chairmanships of nine powerful Senate standing committees: ELLENDER, of Louisiana, Agriculture and Forestry; RUSSELL, of Georgia, Armed Services; ROBERTSON, of Virginia, Banking and Currency; BYRD, of Virginia, Finance; FULBRIGHT, of Arkansas, Foreign Relations; MCCLELLAN, of Arkansas, Government Operations; EASTLAND, of Mississippi, Judiciary; HILL, of Alabama, Labor and Public Welfare; JOHNSTON, of South Carolina, Post Office and Civil Service.

These great statesmen from nine Southern States, with loftiness of purpose, are standing in the Senate hour after hour, day after day, waging, under the leadership of Senator RUSSELL, a courageous battle against the civil rights bill, a bill which would take away from the States of the Union their time-honored right to determine the qualifications of voters in the State. The bill would place the rights of the States in this respect under referees appointed by Federal judges and would nullify the State constitutions. The bill would enact punitive legislation against the South. Its aim is to punish the South because it stands for obedience to the Constitution.

The States have never delegated to the Federal Government at Washington the power to control elections in the States. There is not one line in the Federal Constitution giving either Congress or Federal judges the power to control and direct elections and voting in the States. The American Bill of Rights distinctly says that the "powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people."

It is a tragic thing that a partisan majority in Congress, on the grounds of political necessity, are attempting to change our form of government. This majority seeks to take away from the States power that has always belonged to them, and give to Federal courts and judges a power the Federal Constitution denies to them. The letter of the Constitution has not changed in all the years since its adoption. It speaks today as it did when it came from the hands of its framers, and it speaks plainly against the civil rights measures now before the Senate.

Northern papers and magazines, the New York Times, the Herald Tribune, Life, Time, Look, and other publications, denounce the 18 statesmen from the South, when they ought to be praising them for their courage and determination in battling for the preservation of the Constitution. These Senators are pictured as standing in the way of the right to vote, and this they are not doing. They are standing for the Constitution. They are battling for the preservation of States rights, for local self-government, and they stand in the Senate unafraid and undaunted.

As I think of these 18 American statesmen, representing 9 Southern States in the Senate of the United States, and recall their courageous stand—call it filibuster if you want to, and probably Leonidas at Thermopylae and Crockett and Bowie at the Alamo filibustered, too—I recall William Wetmore Story's stirring words:

"Speak, History. Who are life's victors?
Unroll thy long annals and say,
Are they whom the world called the victors—who won the success of a day?
The martyrs, or Nero? The Spartans, who
fell at Thermopylae's tryst,
Or the Persians and Xerxes? His judges, or
Socrates? Pilate, or Christ?"

RIOTING AND KILLING IN SOUTH AFRICA

Mr. MORSE. Mr. President, the mass killings in South Africa I think have shocked the moral sensibilities of the world. Rioting and killings have centered on two areas in the Union: Sharpeville, about 30 miles from Johannesburg, and Langa, a nonwhite township outside Capetown. In both places, the riots grew out of demonstrations conducted in front of police stations against the "pass laws"—mainly the requirement that all "blacks" and "colored" carry identity cards—they are jailed if found without their passes. The great proportion of the casualties—now estimated at roughly 70 dead and 180 injured—occurred at Sharpeville when the Union Government police opened fire on the front ranks of the crowd with submachineguns.

These demonstrations seemingly were intended by the nationalist—Pan-African Congress—leaders to be Gandhi-like civil disobedience incidents eschewing violence. According to press reports, however, the crowd of Africans at Sharpeville threw stones at the police

and refused to disperse; the police then fired and inflicted several casualties. The crowd later grew to about 20,000, and it was then that the policemen used submachineguns. At some point, South African Air Force planes buzzed the crowd in an effort to force its dispersal. Police reinforcements came to the area in armored cars.

Apparently, the situation has quieted down in Sharpeville, but there are reports of continuing rioting in the Capetown area. Africans at Langa are believed to have set fire to at least eight buildings, and there reportedly has been violence in the neighboring township.

The small Liberal Party—a weak voice protesting racial intolerance—has blamed the Union Government's apartheid policy for the massacre. The leader of the United Party—the main opposition, which has failed to promote any alternative to racial segregation, however—has asked for a judicial commission inquiry into the underlying causes of the riots.

There appear in this morning's press newspaper stories, typical being articles in the Washington Post, which I ask unanimous consent to have printed at the conclusion of these brief remarks, to the effect that the Government of South Africa has taken a rather critical attitude toward protests which have been made in the United States concerning this massacre and toward the State Department, which has filed a formal objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator? The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. MORSE. Mr. President, I wish to say to the leaders of the Government of South Africa that the whole world, in my judgment, is incensed about this violation of human rights; is incensed about this inexcusable massacre; is incensed about the fact that there appears to be a lack of recognition on the part of the leaders of the Government of South Africa of the worth of human values. And it is my prayer and hope, Mr. President, that the leaders of the Government of South Africa will come to recognize—and quickly—that the intolerable conditions of racial discrimination which exist in South Africa will bring down upon them the criticism of millions of people in the world whose skin does not happen to be white, just as policies of racial discrimination in the United States are bringing down upon the United States the criticism of these same millions of colored people around the world.

Mr. President, what we are dealing with—and it is an interesting commentary and coincidence, I think—both in South Africa and in the United States, as here in the Senate we consider this matter of human rights together with civil rights legislation, is the growing demand around the world that there be brought to an end discrimination based upon race, color, or creed.

EXHIBIT 1

[From the Washington Post, Mar. 24, 1960]

SOUTH AFRICA REBUFFS UNITED STATES

JOHANNESBURG, March 23.—The Government told the United States in effect today to keep out of South Africa's race troubles.

The Government reacted to yesterday's State Department denunciation of bloodshed as blacks challenged the nation's white-supremacy laws with work boycotts after 2 days of violent demonstrations.

The Foreign Ministry summoned U.S. Ambassador Philip Crowe for a conference, then issued a statement. It said the discussion with Crowe does not mean that South Africa is "conceding the right of the U.S. Government to concern itself with the domestic affairs of South Africa, just as the Union (of South Africa) Government does not concern itself with riots or racial disturbances in other countries."

The statement declared that the State Department had criticized police violence here without knowing all the facts "regarding attacks by many thousands of Bantu (Negroes) on a small police force to whom was entrusted the duty of maintaining law and order."

Later Prime Minister Hendrik Verwoerd declared in Parliament that there was nothing official about the U.S. State Department's statement. It was made in Washington Tuesday by a press officer in reply to a newspaperman's question. He said that in the interests of maintaining good relations with the United States, further discussion should not be indulged in.

Meanwhile, Negro work boycotts threatened to paralyze some important industrial centers.

In the Vereeniging coal mining area, where Monday's worst riots occurred, police charged militant Negro leaders "have created a reign of terror" in Negro settlements to keep people from returning to work.

The South African Press Association reported that today was the worst day for absenteeism in the Vereeniging area industries since the Pan-Africanist Congress launched their campaign Monday.

The boycott was organized as part of the campaign against identity passes, which all Negroes in South Africa must carry at all times.

The campaign opened Monday with demonstrations crushed by police fire that killed about 60 Africans and wounded 200 more.

The African National Congress, which earlier refused to join the smaller Pan-Africanist group in sponsoring the antipass campaign, today sent telegrams to Prime Minister Verwoerd and Justice Minister F. C. Erasmus charging police with brutality in the riots.

Robert Sobukwe, president of the Pan-Africanist Congress, and Potlako Leballo, national secretary, appeared with other Negro leaders at the Johannesburg magistrate's court. The charge against them is incitement, although Verwoerd had originally announced they would be charged with sedition. Trial was set for April 4.

[From the Washington Post, Mar. 24, 1960]

AFRICAN MASSACRE PROTESTS SPREAD; GUIANA OFFICIALS ARRESTED IN LONDON

LONDON, March 23.—"Massacre" and "murder" were among the labels pinned on Monday's African riots in South Africa as protests against police action there continued to be heard around the world.

Indian Prime Minister Jawaharlal Nehru told Parliament in New Delhi today that he "severely deplored the largescale killing" when police opened fire into African crowds demonstrating against pass laws.

He drew a parallel with the 1919 Amritsar massacre in India when British troops killed more than 400 Indians.

In London, police kept close guard on South Africa House, which has been ringed by antiapartheid pickets since early today.

Two leading politicians from Britain's Caribbean colony of British Guiana were arrested during disturbances there and Guiana's chief minister complained he was manhandled by police.

The politicians, Forbes Burnham and Jai Narine Singh, were charged with using insulting words and causing a breach of the peace. The men are in London attending constitutional talks on the colony.

Chief Minister Cheddi Jagan said several police refused to permit him and his companions to walk past South Africa House, its main government building here.

[Jagan, who wants full independence within the Commonwealth, said all eight members of his delegation spent some time picketing South Africa House, the Associated Press reported.

["We went there," he said, "to protest at the shocking behavior of the South African police. But it seems that police can be just as shocking in this country.

["One policeman manhandled me. He was told who I was—and he said if he had a bren gun he'd use it."]

Meanwhile, the executive bodies of the opposition British Labor Party and the powerful Trades Union Congress condemned the massacre in South Africa.

Moscow radio said in its English-language service: "It is high time an end should be put to the racist crimes being committed by the civilizers in South Africa."

The All-African People's Conference secretariat issued a statement in Accra, Ghana, condemning the South Africa Government's inhuman act.

The African National Democratic Party in Southern Rhodesia sent a letter to South African Premier Hendrik Verwoerd expressing the deepest shock and horror that his government had through its police murdered scores of defenseless Africans.

NINE AFRICAN NATIONS CONDEMN SHOOTING

UNITED NATIONS, N.Y., March 23.—Representatives of nine African nations today held an emergency meeting and condemned as a barbaric act the shooting of Negro demonstrators by South African police.

The 29-nation Asian-African bloc will meet Thursday morning to discuss future steps, including whether to call for a Security Council meeting.

African sources expressed confidence they could get ample support for putting the South African conflict on the Council's agenda if the Asian-African group decided to file a request.

They indicated they were encouraged by yesterday's statement by the U.S. State Department expressing regret at the actions of the South African police.

Meeting today were Ethiopia, Ghana, Guinea, Liberia, Libya, Morocco, Sudan, Tunisia, and the United Arab Republic.

Mr. JAVITS. Mr. President, I should like to say a word about the protest of the U.S. Government to the Government of the Union of South Africa with respect to the very tragic events which took place at Sharpeville, and which caused the death of so many of their citizens.

Mr. President, I think the U.S. Government is entitled to support of Americans for having taken this position, and is entitled to have said on behalf of its position that this is a traditional position by our country, that it is not meddling in the domestic affairs of any other nation, and that we would not be true to ourselves and to the foreign policy of the United States if our Government did not express just such a protest.

We have done so on many occasions in the past. We protested pogroms in Russia in czarist days. We have protested excesses and crimes, no matter by whom committed, in any part of the world.

We have expressed our protest in a sense of moral indignation, when the operation of law is, as it is doing now in the Union of South Africa, causing so much unnecessary grief and killing solely on the grounds of race and color.

Mr. President, also our Government is serving very profound foreign policy positions in this regard, and again it is its duty to speak, for what is happening in the Union of South Africa will affect all of Africa. I had the instinct to cry out against it on the floor the day it happened. Since then reflection indicates, and the degree of protest which has been aroused indicates, that this is an especially important occurrence in foreign policy terms because of its implications to the millions upon millions of people in Africa, including the new nations of Africa which are now trying to make up their minds whether they will go the way of the free world or will allow themselves to be infected by the Communist world.

Mr. President, those people do not make niceties of distinction among various elements of the free world. A situation like this one on the part of the Government of South Africa prejudices—I say that affirmatively and decidedly—the cause of the free world in the whole world as well as in Africa. It prejudices this cause even more if a government known for its morality and for its instinct of freedom, like that of the United States, should fail to lift its voice against it.

Finally, this is compelled upon us, indeed, by the very Charter of the United Nations, with its efforts to safeguard human rights. I noticed with great interest that George Meany, the president of the AFL–CIO, urges that we appeal to the United Nations and that the United Nations take up this question. It is also pointed out that we have constantly, in the United Nations, sustained motions against this idea of apartheid, which is the root of this horrible problem in South Africa.

Mr. President, I back our Government. Our Government is entitled to support. It has done the right thing. I hope it shall never forget the moral basis of our Constitution, the basis upon which it is founded, and shall never fail to lift its voice when it feels a dreadful injustice is being done to human beings in other countries. I see no reason why other countries should not feel the same way about us. We have never resented it, and they should not resent it, either.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point news articles in regard to this matter.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

CRITICISM BY UNITED STATES IRKS SOUTH AFRICA—AMERICAN ENVOY IS INFORMED OF CONCERN—PLANTS IDLE AS WORKERS STAY AWAY

(By Leonard Ingalls)

JOHANNESBURG, SOUTH AFRICA, March 23.—South Africa expressed concern today over the condemnation by the United States of violent action by the police against African political demonstrators.

Philip K. Crowe, U.S. Ambassador to South Africa, was summoned to a meeting with Eric H. Louw, South Africa's Minister of External Affairs, in Capetown. In a statement after a 15-minute talk, Mr. Louw said the South African Government found it necessary to express its concern at the fact that the State Department authorized a press statement without first acquainting itself with the full facts.

Meanwhile, there was an uneasy calm in African dwelling areas near Capetown and Johannesburg where the clashes occurred.

UNOFFICIAL FIGURES HIGHER

According to official count, 72 persons were dead and 184 wounded after shootings on Monday and Tuesday. The police opened fire on demonstrators protesting against laws requiring Africans to carry passes at all times.

Unofficial estimates of the number of casualties place the dead at more than 90 and the injured at more than 200.

The Right Reverend Ambrose Reeves, Anglican bishop of Johannesburg, has charged that the police used dumdum bullets against the demonstrators, producing gaping wounds. The police have denied this. A dumdum bullet is one designed to expand on impact.

Thousands of Africans failed to report for work today at factories in Vereeniging and Vanderbijl Park, 36 miles south of Johannesburg, where the most serious clashes occurred.

It was estimated that 50 to 90 percent of the total labor force stayed away from work. Among the industries crippled was a vast plant of the South African Iron & Steel Industrial Corp. at Vanderbijl Park.

Twelve leaders of the Pan-Africanist Congress, which organized the demonstration against the pass laws, appeared today in Johannesburg magistrates court on charges of incitement and sedition. Among them was Robert Mangaliso Sobukwe, president of the congress. They were held without bail for trial April 4.

ONE-MAN INQUIRIES PLANNED

Dr. Hendrik F. Verwoerd, Prime Minister of South Africa, announced today in Capetown, where the South African Parliament is in session, that two one-man commissions of inquiry would investigate the shootings. He added that a request by the opponents of the Government for a broad inquiry by a judicial commission was still under consideration. Judges of the supreme court, he said, will conduct the one-man investigations.

In his statement about his meeting with Ambassador Crowe, the Minister of External Affairs asserted that many thousands of Africans had attacked a small police force to whom was entrusted the duty of maintaining law and order.

The conversation between Mr. Louw and Mr. Crowe was understood to have been pleasant, with no threat to diplomatic relations between South Africa and the United States. Yet it was also understood that South Africans were deeply disturbed about the U.S. statement.

Mr. Louw made it clear that in raising the matter with Mr. Crowe he was "not conceding the right of the U.S. Government to concern itself with the domestic affairs of South Africa just as the Union Government does not concern itself with riots or social disturbances in other countries."

AFRICANS ISSUE PROTEST

The African National Congress, which refused to join the smaller and more militant Pan-Africanist Congress in its antipass campaign, protested today to Prime Minister Verwoerd against police brutality at the scenes of the demonstrations. It warned that Africans were deeply indignant and demanded the immediate abolition of pass laws and all of many other South African laws based on racial discrimination.

Meanwhile, in African townships near Capetown, Vereeniging and Vanderbijl Park, steel-helmeted policemen armed with submachine guns, rifles, and bayonets patrolled the areas, some riding in armored cars. They appealed over loudspeakers to the Africans to return to work and promised them protection aaginst intimidation by supporters of the antipass campaign.

U.S. DEFENSE STATEMENT

WASHINGTON, March 23.—State Department officials maintained today that they had no choice morally but to speak up against South African police violence against African demonstrators.

Denying that the statement had been inspired for political purposes by anyone outside the Department, they said it had grown out of routine staff conferences. They explained that, after a regular daily review of world news, geographical bureaus had drafted a number of comments, including the one on South Africa.

As usual, they said, the statements had been approved by Andrew H. Berding, Assistant Secretary for Public Affairs, and handed to Lincoln White, press officer, for use in case he was questioned.

Meanwhile, the State Department received from Johannesburg the South African Government's protest telling the United States, in effect, to mind its own business.

DIPLOMATS NOTE IRONY

Diplomats of many countries in Washington chuckled over the irony of the U.S. strong moral stand on racial discrimination just at the moment when mass demonstrations against racial discriminations are taking place in the United States.

State Department officials insisted that Mr. White's statement did not differ in substance from what the United States has been saying officially for years.

They said that the United States had voted each year since 1958 in favor of United Nations resolutions criticizing South Africa for apartheid policy of racial segregation. On five previous occasions when the issue was raised in the United Nations, the United States abstained on the ground that the issue was one for domestic jurisdiction.

MEANY URGES APPEAL TO U.N.

WASHINGTON, March 23.—George Meany, president of the American Federation of Labor-Congress of Industrial Organizations, urged today a strong U.S. appeal for a United Nations investigation of the recent racial killings in South Africa.

Mr. Meany said "these official murders are the bloody fruition of a program of terror and inhuman racialism which negates every principle of humanity and decency."

U.N. COUNCIL MAY MEET

UNITED NATIONS, N.Y., March 23.—The Security Council may be called into session to consider recent outbreaks of violence in South Africa.

MONETARY POLICIES

Mr. MORSE. Mr. President, the March 11 issue of the Rural Electric Minuteman, a publication of the National Rural Electric Cooperative Association, contains among its articles three which, in my judgment, are of particular interest.

The first, entitled "How Money Is 'Made' and Interest Rates Are Set," describes the basic economic factors governing the determination of the interest rate. The second article, entitled "Who Benefits From the High Interest Policy?" presents the findings of Dr. Seymour Harris, a Harvard economist, and W. Summers Johnson, chief economist for the House Small Business Committee, as well as Federal Reserve reports upon this subject. The third article, "Effects of High Interest," in very short compass, points out those segments of the economy which are adversely affected by a high interest rate.

Mr. President, these three articles are educational. I feel that they would be helpful to any of my colleagues who may wish to discuss with a constituent the basics of our monetary policy. I feel that the National Rural Electric Cooperative Association has performed a public service by making this material available in such a convenient form. For that reason, I ask unanimous consent that the articles to which I have alluded be printed at this point in my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

HOW MONEY IS MADE AND INTEREST RATES ARE SET

How is our supply of money made, and who decides how much of it there should be?

What about the cost of money—the interest rate? Is it determined by market conditions, like a sack of flour, or is it deliberately forced up or down by Washington policies?

These are key questions in any discussion of tight money, high interest issue.

The Constitution gives the Federal Government the right to coin money and determine the value thereof. In actual practice, the Government has turned over the right to create money to the commercial banks and the Federal Reserve System.

Both literally create money. This is how they do it:

The Federal Reserve System is an agency of the Government, established by Congress in 1913. The System is made up of 12 Federal Reserve banks scattered throughout the country. All national banks must be members of the Federal Reserve System, and other banking institutions may join if they meet the requirements. In addition to acting as the fiscal agents of the Government, the 12 Federal Reserve banks are really bankers' banks. They deal only with commercial member banks.

Under this nationwide banking system, the Federal Reserve allows commercial banks, like those in your hometown, to create money.

The amount they can create is determined by the reserve requirements which the Federal Reserve imposes on its member banks. At present, the reserve requirement averages 20 percent.

This means that the commercial banks can make loans totaling 80 percent of the deposits they have at any one time—the other 20 percent being held in reserve.

For example, if you deposit $1,000 in your local bank, and the reserve requirement is 20 percent, the bank can loan Jim Jones $800. Where does this $800 come from? Not from your deposit of $1,000. The bank simply creates it. The bank credits Jim Jones' account with $800, which becomes a deposit. Added to your original $1,000, the bank now has $1,800 on deposit. The bank has created $800 of new money through a bookkeeping transaction.

The process does not stop there. Since the bank now has another $800 in deposits, it can put 20 percent of it in reserve, make another loan, and create more money—this time $640.

This goes on until the bank has no more money to put into reserve—only then must it stop creating money.

When the Federal Government wants to borrow money it does it in essentially the same way as Jim Jones. The commercial banks create money to buy Government bonds, for example, just as they create money to lend to Jim Jones—subject always to the reserve requirement.

The bank then charges the Government interest on the bonds, just as it collects interest from Jim Jones.

That is how the commercial banks create money. Money is also created by the Federal Reserve System itself.

There are also legal limits to the amount of money the Federal Reserve can create, based in part on national gold reserves. But these limits are so high there will never be a problem of ability to create enough money to keep the economy running smoothly.

Like the commercial banks, the Federal Reserve buys notes and other securities issued by the Government. At present, the Federal Reserve does not buy long-term Federal bonds. The bulk of these are purchased by the commercial banks with created money.

A big argument in the tight money, high interest controversy centers on whether the Federal Reserve should buy more Federal securities, and the commercial banks less.

What difference does it make? For one thing, when the Federal Reserve buys the securities the interest payments come back into the National Treasury. When the commercial banks create money and buy the securities, the interest payments go into bank profits.

HOW INTEREST RATES ARE SET

How are interest rates determined? One thing is certain—they are not set by free competitive forces in the marketplace. They are deliberately manipulated.

The level of all interest rates are greatly influenced by the policies of the Federal Government. The Government is by far the Nation's biggest borrower (76.4 percent of the total borrowed by corporations, Federal and State Governments in 1958). Most of this borrowing is done by selling bonds, notes, bills, and other securities to investors, including commercial banks.

What the Government is willing to pay on these securities becomes the minimum interest rate. Investors will not lend for less than they can get by buying Government securities. So if you want to borrow, you have to pay more than the Government is willing to pay.

Since the Federal Reserve controls the amount of money and credit in the banking system, its policies also control the level of interest rates to a great extent. When the Federal Reserve tightens up on the money supply, loans become harder for the ordinary borrower to get, and interest rates tend to rise. When this tight-money policy is coupled with the Treasury's willingness to pay a high interest rate on Government borrowings, interest rates skyrocket.

Who makes the top-level monetary policy decisions of the Federal Reserve? They are made by the so-called Open Market Committee—composed primarily of bankers. Some of them are selected by the President, the rest by the private banks themselves. The policies set by this committee are carried out by the Federal Reserve Bank of New York.

In carrying out the policies, the New York bank deals exclusively with 16 or 17 leading Wall Street financial institutions.

Through this process the reserve requirements of commercial banks and, ultimately, the level of interest rates, are determined. The decisions are made by bankers—big bankers.

No voice speaks for the consumer.

WHO BENEFITS FROM THE HIGH INTEREST POLICY?

Seymour Harris, Harvard economist, states that for each 1-percent increase in interest paid by the Federal Government, banks benefit to the extent of an additional $600 million a year.

According to this formula, tight-money policies which have hiked Federal rates by 3 to 4 percentage points have yielded bankers an extra annual bonus in the neighborhood of $1½ to $2 billion.

W. Summers Johnson, chief economist for the House Small Business Committee, points out that "between 1952 and 1958, bank profits, after taxes, had doubled. Yet, 1958 was, for most of the country, a recession year. Insurance company income had almost doubled, and in fact, high interest has been a tremendous bonanza for the whole financial community."

The Federal Reserve reports that bank profits jumped 135 percent in the last 10 years. This seems to be substantiated by the annual report of Wall Street's Morgan Guaranty Trust Co. It indicated that Morgan bank profits after taxes rocketed from $20.4 million in 1950 to $44.2 million in 1959.

Personal interest income and dividends nearly doubled in the same period. But relatively few individuals were in on the bonanza.

A Federal Reserve survey made last year indicates that 74 percent of the American families own no U.S. savings bonds, the most widely held of all the Government's interest-paying assets. Only 5 percent of the families own 87 percent of the whole amount outstanding.

EFFECTS OF HIGH INTEREST

The effects of the tight-money and high-spirited policies are clear enough, declares Representative WRIGHT PATMAN, TEXAS, one of the country's leading authorities on monetary policy.

"These policies," he says, "have retarded economic growth, retarded construction of schools, homes, roads, and other community facilities, squeezed out small business, weakened the competitive structure of the economy and changed the income distribution in favor of the financial elite."

But what has been accomplished? "Certainly they have not stopped inflation," says the Congressman, "and there is more evidence that they have been a principal cause of the price increases of the past several years rather than a deterrent to price increases."

Even a casual look around reveals the basis for Representative PATMAN'S statement.

Federal expenses: In 1959, the high-interest, tight-money policies increased the cost of carrying the Federal debt by at least $1.4 billion over 1958. The total amount required in this year's Federal budget for interest on the debt has grown to $9 billion, second biggest item in the budget.

Homebuyer: Prior to tight money, a homebuilder could obtain an FHA loan at 4 percent for a 25-year period. In 1960, the FHA permissible rate is 5¼ percent and the potential homeowner is also likely to have to pay finder's fees or discounts in addition, a roundabout way of jacking up interest rates.

Farmer: Farm prices and income are steadily going down (see chart, p. 2), but at the same time farm mortgages and interest rates are going up. What the average farmer pays out for interest has more than doubled since tight money came in.

Farm credit: Most land banks have had to raise their rates on loans to farmers to 6 percent, the legal limit. Many Production Credit Associations are now charging 7 percent or more on new loans.

School construction: Tight-money policies have added at least $400,000 in extra interest charges to the cost of a $2 million school plant financed by a 40-year bond issue. All of it comes out of taxes levied in the school district.

Consumers: Tight-money policies make consumers pay a tribute every time they make a purchase, cash or credit. Manufacturers, wholesalers, and retailers who use any borrowed capital now face higher interest rates which have to be passed along to the consumer as a business cost. Consumers who buy on credit pay an additional tribute estimated at an extra $6 per year per hundred dollars. This adds to the cost of the car, TV sets, washer, dryer, vacuum cleaner, or whatever is bought on time.

DEVELOPMENT AND CONSERVATION OF NATURAL RESOURCES

Mr. MURRAY. Mr. President, natural resource problems are discussed frequently in the Senate, and this is appropriate because natural resources are of such wide and insistent concern to people throughout the Nation. By way of illustration, we may observe that the number of bills dealing with resource matters introduced in each Congress approximates 3,000, and to illustrate citizen interest in this field, one need only examine the daily press. Hardly a newspaper of any day anywhere in the United States but carries several news stories on natural resource development or conservation. The attention that the Senate gives to natural resources is indeed an appropriate response to the interest and concern of the people whom we represent.

Recently, one of our colleagues, the junior Senator from Michigan [Mr. HART] gave a most enlightening and inspiring address on natural resources. Senator HART spoke to the issue stated recently by the distinguished news commentator, Walter Lippmann. Mr. Lippmann refuted those—including those in high positions in the Government—who imply that this Nation is unable to afford essential public needs for schools, roads, housing, health, scientific research, and resource conservation and development.

In his recent address, Senator HART discussed the natural resource problems that face us, and he titled his address "The Size of the Problem and the Shape of the Solution." It is a discussion full of meaningful facts and cogent comments. It is an informed and inspiring expression of confidence that the United States is surely able to do those things needed to ensure its freedom and, in fact, that are essential to its very survival. These, he reminds us, will not be secured in the bargain basement.

It is fitting that this excellent address was delivered to the annual meeting of the League of Women Voters in Detroit. The League of Women Voters is an eminent nonpartisan citizen organization distinguished by its competent and well-informed concern in public affairs. It is a most appropriate forum in which to examine the size of the natural resources problem and the shape of its solution.

The League of Women Voters, ably represented by one of its national vice presidents, Mrs. Arthur E. Whittemore, presented detailed factual testimony and gave strong support for enactment of the proposed Resources and Conservation Act—S. 2549. Additional supporting testimony came from State and local leagues throughout the country.

In the same manner and for the same basic reason, Senator HART, a cosponsor of S. 2549, urged its enactment because, he said, "In this country we operate on the principle that when the people are given all the facts they will make wise decisions." This basic principle of the proposed Resources and Conservation Act has won endorsement of all sectors of the public in every part of the country.

In a short time, it is my hope that printed hearings on S. 2549 will be available and that it can then come before the Interior Committee and the Senate.

In order that Senators will have the benefit of the informative and stimulating address by Senator HART, I ask unanimous consent that it be printed at this point in the RECORD together with Mr. Walter Lippmann's article which appeared in the March 8, 1960, issue of the Washington Post.

There being no objection, the address and article were ordered to be printed in the RECORD, as follows:

OUR NATIONAL WATER SUPPLY—THE SIZE OF THE PROBLEM AND THE SHAPE OF ITS SOLUTION

(Speech of Senator PHILIP A. HART, Democrat, of Michigan, to the annual meeting of the League of Women Voters of Detroit, at International Institute, Detroit)

First of all, let me thank you for your invitation for me to be with you today. As far as my qualifications to speak to this particular group on today's subject: Without doubt or trouble you could find Senators who are more expert on water development, but I yield to none of my colleagues on the subject of the League of Women Voters. There I believe I do qualify. I know about the current agenda, the continuing responsibilities, and even the educational arm—the CCCMF. Domestic tranquility in the HART house requires that I too be current on the league.

Events of the past months have widened and deepened the impact of the league on the Congress. Probably nothing you have done in recent years has left such a fine impression as the testimony of your representatives at the hearings of the Senate Select Committee on National Water Resources of which I am a member. The Senate committee held 23 field hearings in 20 States of the Union. At every single one of these hearings, straight across the country, the league testimony was of the highest order, both as to content and as to presentation. Indeed, one of my fellow committee members was so carried away by the persuasiveness—and attractiveness—of one of your witnesses that when she had difficulty pronouncing his name he assured her: "Mrs. Israelsohn, a lady as charming as you may pronounce my name any way she wants to."

With a group such as this there is no need to take time to establish that we do indeed have a water problem in this country, or to review the reasons why. You are as familiar with those facts as am I. Growth is the basic explanation. As a nation we are moving into a period of population expansion and economic growth never before experienced. Within 40 years our population will double; within 20 years our national production will double. People and production consume national resources, and one of the foremost of these is water. And on the water front, as on so many other fronts in the field of natural resources, we are presently losing ground rather than gaining. Therefore, I would like to discuss with you today the size of the problem confronting us, and then suggest some of the factors involved in solving it.

Let us start by facing up to the fact, presented to us by the Department of Commerce, that in the next 15 years we are going to have to invest $171 billion for water resource development in the continental United States. These investments will not be—nor should they be—all Federal. They will be Federal, State, local, and private. But the investments will have to be made if we are to meet the growing requirements resulting from population growth, industrial expansion and higher living standards.

These investments will be required in all phases of water development—water for domestic, commercial, and industrial purposes; for power; for irrigation; for navigation and recreation; flood control, public sewage utilities and all the other categories with which you are familiar. To cite a few examples which have been presented to our committee and which are particularly pertinent to us in Michigan:

The Nation has barely scratched the surface in terms of the upstream watershed program, which has demonstrated its effectiveness in soil and water conservation. This is the program which provides technical and financial aid to local organizations for flood prevention and water management through soil and water conservation practices on individual farms and ranches and on public lands in the watershed. Nationwide only 3 percent of our 16,000 small watersheds are currently receiving treatment work. Here in Michigan we have five projects under way out of a potential of 99, covering 20 million acres. In State after State, as our committee went about the country, we were told of plans for moving ahead with sizable expenditures under the watershed program.

There is presently a backlog of over $5 billion in meeting our national pollution abatement needs. One quarter of the $171 billion investment which I mentioned, or $40 billion, will be required to correct and prevent detrimental stream pollution. The Michigan Water Resources Commission, which is doing one of the finest jobs in the Nation, estimates that in Michigan alone in the next 5 years we will need to construct 85 sewage treatment projects. The estimated cost for the 73 of these for which figures are available is $88 million.

And what of our municipal water needs? Our Senate committee recently received an authoritative report pointing out that more than one-half of the people of this Nation are already drinking secondhand water. Many will sooner or later be drinking third- and fourth-hand water. Detroit, as you well know, is preparing to meet its population growth by moving ahead with the water pipeline from Lake Huron to Detroit at an expenditure over the next 20 years of $172 million.

And water for recreation? Simultaneously with the increased need for water for municipal use, water for industry, water for agriculture, water for pollution abatement, we

are going to experience a sharp rise in the demand for water for recreation—boating, fishing, swimming, all the relaxations which mean so much in these times of pressure and tension. In the struggle between competing demands for water, recreation has often lost out in the past because we could not measure its benefits in dollars. I am convinced that in the not distant future water will be prized as highly for its recreational value as for its more tangible economic benefits.

As a recent witness in Washington pointed out, we see Buffalo assigning its entire waterfront to shipping facilities, with its residents forced to seek recreation elsewhere; we see seven beaches closed in Milwaukee because of pollution; we see in the Baltimore area less than 1 inch of shoreline per person remaining for recreation. Particularly in the industrialized and populous Middle West and East, the public properly will insist on recreation areas reasonably available to our urban centers.

It is conservative to estimate that there will be a 300-percent increase in the demands on water for recreational purposes in Michigan over the next two decades. No State in the entire eastern half of the United States is more favorably situated with respect to outdoor recreation resources. I hope we will have the wisdom to see that our shorelines and streams, and our lakes and forests, are kept in such condition that they will continue to offer the finest kind of recreation. It will be of enormous economic worth in the years ahead.

As you know so well, the complexities of growth all are interrelated. Increased population causes the expansion of our cities—we need only look out the window to see it; the expansion of our cities gobbles up adjacent farmlands; this in turn means that over the next 20 years, 30 million acres of forest land will be converted into suburban subdivisions, airports, defense installations, and the like. This will be in addition to the 70 million acres of forest land which will be converted to cropland, thereby destroying one-quarter of the Nation's timber-producing capacity at the very time that expanded industry and additional housing will require greater quantities of forest products—and the people will be seeking new forest recreation resources. The moral of this brief recitation of difficulties is that more irrigation of existing cropland could spare some of this forest destruction—and thus we are back again to water conservation.

The solution, as I see it, is twofold: First, we have got to make up our minds what we want to do and then we have got to come up with the funds to do it. With respect to the first point, Senator MURRAY of Montana has led the way in introducing a bill with which you are familiar and which you are supporting. It is S. 2549, to establish a Council of Resources and Conservation Advisers in the White House and a Joint Committee on Resources and Conservation in the Congress, for the purpose of appraising annually our resource development needs. This bill would provide the mechanism whereby all of us in the United States could chart the "what," "when," and "why" of conservation and development of our resources. Certainly this is a logical and necessary first step.

The Bureau of the Budget reported unfavorably on the Murray bill. The Budget Bureau apparently takes the astounding position that the Bureau itself is providing sufficient "overall review and coordination of these water resource programs." With this I disagree completely. The Bureau of the Budget notwithstanding, we do not now have an overall, continuing appraisal of our natural resource development needs. What we have in abundance is duplication, conflict, and confusion. We have one agency paying money to drain marshlands for more cropland while another agency pays money to create marshlands or other suitable havens for ducks to winter. And do not be too intolerant and smug about these conflicts among the executive agencies, because, as Senator MURRAY points out, "they reflect the diversity of the competing citizen groups affected by Federal resource activities." The conflicting demands on water which are found right here in our communities—shall we tap this stream for irrigation or shall we use it for industry, for example—have their proponents within the executive branch to which these conflicts are transferred.

While there are days when we doubt it, in this country we operate on the principle that when the people are given all the facts they will make wise decisions. And so it should be in this area of public policy which is going to involve the expenditure of many hundreds of billions of dollars. The Resources and Conservation Act of 1960, as the Murray bill is called, would permit the American people to have the facts necessary for informed decisions as to what we want done with the Nation's supply of water.

This brings us to the second phase of the solution, namely, the question of the spending of money. And here we are moving onto delicate ground, especially in these politically minded days when an attempt is being made to equate the word "spending" with "irresponsibility."

Let me put it to you as Walter Lippmann did in a recent article: "There are some who will say that we cannot meet all our public needs without abandoning the freedom of our society. There are others of us who say that we must meet these needs, that we can meet them without sacrificing our liberty, and indeed that by meeting them we shall strengthen our liberty. This is the central issue of our time, and no one who is interested in public life can ignore it." Mr. Lippmann takes figures from the fourth report of the Rockefeller Bros. Fund. He shows that we have an unused capacity for growth; that if we utilize our production potential as we used it from 1947 to 1953 (at an annual growth of 4.7 percent instead of the 2.3 percent of the years since then), we can maintain our high standard of living and have added Federal revenue for our public needs such as schools, housing, hospitals, scientific research, and resource development.

Those of us who hold this belief are not suggesting that the Federal Government move in and do these jobs. On the contrary, there is not one of them that does not lend itself to a sharing of the effort. Let me use as an example the Federal water pollution control program established under Public Law 660. In the 4 years this program has been in existence, we have constructed or assured 51 projects in Michigan. The Federal grants for these projects amounted to $5 million and the total cost to $50 million. Thus it will be seen that in Michigan we have considerably topped the excellent national average of six local dollars for every Federal dollar spent in pollution abatement; our record is 10 local dollars for each Federal dollar.

You and I were interested in promoting passing of H.R. 3610, a bill which would have made additional Federal grants available to this pollution control program. Such action was especially important for Michigan, where there is a commendable concern with the pollution problem on State and local levels and where the applicants for funds have exceeded the available construction grants by 3 to 1. Well, the President vetoed H.R. 3610 saying he did it "to stimulate State and local actions rather than provide excuses for inaction." In my book, this reasoning is unsound. It is a completely incomprehensible position to anyone familiar with the performance of State and local governments under the existing law, a law which has provided an outstanding example of intergovernmental cooperation to help solve a national problem vital to the national welfare and which H.R. 3610 would have continued and expanded.

These programs are not going to be cheaper next year or 5 years from now. On the contrary, experience shows that what we delay doing today costs more tomorrow—sometimes by millions of dollars. And so my hope would be that with the recommendations of our Select Committee on National Water Resources, which will report to the Senate and to the Nation by next January; with, at a later date, the report of the Outdoor Recreation Resources Review Commission which is taking an inventory of our resources and requirements for recreation; and with the passage of the Murray bill, devoutly to be wished, we may be in a position before too long to identify what we want to get done in this matter of resource development. Then we need to have the kind of national leadership which will insist that we are going to use our productive capacity to meet these goals, without applying odious labels to those who want to get on with the job.

The concern for prudent management and development of our resources goes back to the days of Theodore Roosevelt. It is a concern which men and women, Democrats and Republicans, have shared. Perhaps with the new interest which you have helped to generate over the past 4 years, we are about to see the day when we will make a frontal attack on our backlog in water resource development.

Properly managing this resource is just part of the job of surviving the contest for the 20th century. Survival, much less success, will not be easy nor will it be cheap. And it will not cost less next year than this; it will not be found in the bargain basement. But it is worth the price, many times over.

[From the Washington Post, Mar. 8, 1960]

THE SIZE OF THE PROBLEM

(By Walter Lippmann)

Here at home the overriding question is how to pay for the public needs of our growing population in an era when our social order is relentlessly challenged. These public needs include not only the rising costs of the race of armaments and the competition among the underdeveloped nations. They include also the rising costs of scientific research, of better public schools, of more adequate hospitals and public health services, public works, roads, water supply and sewage disposal, slum clearance and urban renewal.

There are some who will say that we cannot meet all our public needs without abandoning the freedom of our society. There are others of us who say that we must meet these needs, that we can meet them without sacrificing our liberty, and indeed that by meeting them we shall strengthen our liberty. This is the central issue of our time, and no one who is interested in public life can ignore it.

An excellent newspaper, which I read regularly and greatly respect, the Wall Street Journal, said recently in an editorial that to argue, as I have done, that our public needs have to be met is "to invite us to start surrendering our liberties in panic." For to meet the needs will cost a lot of money, and this will put us on the "dreary road of statism" and "when the individual must face the faceless state, he has only as much free choice as the State chooses to grant."

This would indeed be monstrous if it were allowed to happen. How are we to make up our minds whether it will happen if we decide to devote to defense and to other public needs enough of our wealth to pay for them? One way to go about deciding it is to look at the problem quantitatively and concretely, and not abstractly and in generalities. Let us then look at some figures.

I am taking my figures from the fourth report of the Rockefeller Bros. Fund which was issued in 1958. It covers all Government expenditures, Federal, State, and local which are for the purchase of goods and services. It omits transfer payments which, like the interest on public debts, "do not make a direct claim on our production of goods and services." The report contains figures for the year 1957 and estimates for the year 1967. The report is, by common consent I believe, expert, disinterested, and obviously it is not partisan.

In 1957 all government purchases of goods and services came to $86.4 billion. In 1967, if we meet the public needs for defense and other things which the authors of the report are agreed upon, the cost will be $153 billion (in 1957 dollars). This gives us an idea of the dimensions of the problem. The question then is whether the expenditure for public purposes of $153 billion in 1967 would revolutionize our society.

In 1957 when we spent $86.4 billion publicly, we were taking 20 percent of our national production, leaving 80 percent in private hands. What would be the situation in 1967 if we carry out the programs to meet public needs which are recommended in the Rockefeller Report The answer to that question will depend on our rate of growth in the next 10 years.

The Rockefeller estimates show that on the feasible assumption that our gross national product can grow at a rate of 4 percent per year, the share taken for public purposes in 1967, if their recommendations as to what is desirable are followed, would be only 24 percent, and the share left in private hands would be 76 percent. This would mean that the rise in private consumption, which on the average has been 2 percent per year, would drop to 1.4 percent. We would not be raising our private standard of life quite so fast as we are now. But we would be raising our public standard and we would be doing it with three-quarters of our product still in private hands. No one can say that on these fairly conservative assumptions we would not still be a free society.

These figures make the assumption that we can grow only at a rate of 4 percent. If, however, we could raise the rate of growth to 5 percent, the position would be changed substantially. We would then be spending for public purposes 22 percent, which is not much more than the present share of our spending, and there would still be left in private hands 78 percent. At the same time consumption would be rising at 2.8 percent, which is above the average.

It is evident then, that the argument of the Wall Street Journal is based on an assumption which is not stated. The assumption is that the U.S. economy, in this age of automation, cannot increase its productivity fast enough to support our growing public needs. The figures I have cited indicate that if we can now achieve a growth rate equal to that of the years 1947 to 1953, that is to say an annual rate of growth of 4.7 percent, instead of the 2.3 percent rate of the years since then, we shall be able to provide the needed public services while maintaining approximately the same ratio of public to private spending as we have today.

I am sorry to use so many figures. But they are necessary in order to put in its true perspective the size of the great problem of our era. When we look at this problem quantitatively, comparing our growing needs with what can be our economic growth, we may conclude that our tasks are big, which makes them interesting, but that they are quite within our capacity.

INVICTUS

Mr. BYRD of West Virginia. Mr. President, some time ago, I was told an interesting story. The story, as I learned it, was about William Ernest Henley and his great poem "Invictus." I am indebted to Representative TOBY MORRIS, of Oklahoma, for the story.

William Ernest Henley had lost one of his legs. A serious infection developed in the other. He sent for Dr. Lister, the great English physician and surgeon, and, after the doctor had examined him, he stated to his patient, in substance: "Young man, I will be quite frank with you. Your condition is very serious indeed, but, if you can stand the ordeal of the treatment that will be necessary, I may save your life, and there is a bare possibility that I might be able to save both your life and your limb."

This was before the days of general anesthetics, and the young man knew, or at least had reason to understand, the excruciating pain he would be compelled to endure to take the necessary treatment. He replied to the doctor that he felt he would and could stand the ordeal. His life and his limb were both saved, and out of his terrible experience came the great poem "Invictus."

Out of the night that covers me,
Black as the Pit from pole to pole,
I thank whatever gods may be
For my unconquerable soul.

In the fell clutch of circumstance
I have not winced nor cried aloud.
Under the bludgeonings of chance
My head is bloody, but unbowed.

Beyond this place of wrath and tears
Looms but the Horror of the shade,
And yet the menace of the year
Finds and shall find me unafraid.

It matters not how strait the gate,
How charged with punishments the scroll,
I am the master of my fate;
I am the captain of my soul.

DEATH OF BISHOP CARROLL OF THE DIOCESE OF ALTOONA AND JOHNSTOWN, PA.

Mr. SCOTT. Mr. President, the people of Pennsylvania and in many other parts of the Nation have been saddened by the death on Monday of the Most Reverend Howard J. Carroll, bishop of the Altoona-Johnstown Roman Catholic diocese. Bishop Carroll died of a stroke at Providence Hospital in Washington, D.C., where he had come earlier for treatment.

A pontifical mass of requiem was held at St. Patrick's Church in Washington last Tuesday. Bishop Carroll's body will be returned to Altoona where a solemn pontifical requiem high mass will be offered next Monday in the Cathedral of the Blessed Sacrament. He will be buried in the cathedral crypt beside the remains of Bishops Garvey, McCourt, and Guilfoyle.

Mr. President, while Bishop Carroll's contributions to his church are beyond measure, two physical monuments stand to his great work.

For 20 years he was associated with the National Catholic Welfare Conference here in Washington—the first as assistant general secretary. His service from 1938 to 1958 was marked by great expansion and development of the National Catholic Welfare Conference.

When he was named bishop in 1958, one of his great dreams was to complete the Cathedral of the Blessed Sacrament. The cathedral had been started in 1924 and work stopped in 1931. Through Bishop Carroll's efforts the cathedral is today almost completed.

Bishop Carroll was born in Pittsburgh August 5, 1902, and attended Holy Rosary Grade School, Duquesne University, and St. Vincent College. He was ordained April 2, 1927, at Fribourg, Switzerland.

He was assistant pastor of Sacred Heart Church, East End, from 1928 to 1938, and was professor of philosophy at Mount Mercy College for 8 years.

In 1938 he was appointed to the National Catholic Welfare Conference. In 1945 he was named a papal chamberlain and a domestic prelate, with the title of monsignor.

The late Pope Pius XII elevated him to the hierarchy in December 1957. He was consecrated a bishop on January 2, 1958, and celebrated his first solemn pontifical high mass at St. Paul's Cathedral, Pittsburgh, on January 6, 1958.

Bishop Carroll was installed as head of the Altoona-Johnstown diocese on January 23, 1958, by Archbishop John Francis O'Hara of Philadelphia. The diocese has more than 150,000 communicants in Bedford, Blair, Cambria, Center, Clinton, Fulton, Huntingdon, and Somerset Counties.

He was one of three sons given to the church by the late William J. and Mrs. B. Margaret Hogan Carroll of Pittsburgh.

His brother, the Most Reverend Coleman F. Carroll, former auxiliary bishop of Pittsburgh, is the first bishop of the newly created south Florida diocese.

Another brother, Msgr. Walter S. Carroll, died on February 14, 1950, in Rome. He was assigned to the Papal secretariat of state in Vatican City.

CONDUCT OF SENATORS

Mr. RUSSELL. Mr. President——

The PRESIDING OFFICER (Mr. KEATING in the chair). The Senator from Georgia is recognized.

Mr. RUSSELL. Mr. President, every man has his own code of conduct and his own code of ethics. Senators are human beings. Sometimes Senators seem to think they are endowed with supernatural qualities because they have been selected by great States to occupy seats in this body, and very often our constituents attribute powers to us which we do not have in government by virtue of our positions.

No Senator has a right to prescribe a code of ethics or conduct for any other Senator. What one Senator under his code might consider to be simply a nice, clever, little parliamentary trick another Senator might consider to be a reprehensible act.

Mr. President, on yesterday I had some remarks that I had wished to address to the Senate. I came to the Chamber to

find out whether there was a list at the desk. I was told there was. I asked to have my name placed on the list, and it was so placed.

I came to the Chamber later and inquired as to which Senator preceded me on the list; I was told that the distinguished Senator from New York [Mr. KEATING], who now presides over the Senate, was the Senator whose name was before mine. I went to the distinguished Senator and asked him about how long he thought he would take in addressing the Senate. He stated his speech would be short. I therefore returned to my seat.

Mr. President, I will say that the distinguished Senator from New York has been one of the most able, active, vocal, and relentless adversaries I have encountered over the past 6 weeks in the discussion of the bill which has been the pending business. Certainly, so far as our views on the proposed legislation are concerned, I was under no obligation to protect the distinguished Senator from New York.

It so happened that on yesterday the Senator who had the floor before the Senator from New York was recognized suggested the absence of a quorum, and, after some difficulty, a quorum was obtained. The occupant of the chair announced that a quorum was present, and I arose and looked across the Chamber, observing that the Senator from New York was engrossed in talking to some other person. I did not, Mr. President, claim the floor. It would have been a very easy matter for me to have said, "Mr. President," and to have taken the floor ahead of the distinguished Senator from New York. I somewhat violated the rules of the Senate by calling the Senator's name across the Chamber in a rather loud voice, to attract his attention to the fact that no Senator had the floor and that a quorum was present. The Senator then obtained recognition.

Mr. President, at this juncture I ask unanimous consent to have printed in the RECORD as a part of this brief statement the remarks of the distinguished Senator from New York, beginning at the bottom of the first column, page 6365 of the RECORD for yesterday in which he stated that he had not asked for the quorum. I should like to point out that the distinguished Senator was kind enough to say in the course of his remarks, "I believe the Senator from Georgia is to follow me." So it was well known that my name was next on the list.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Mr. KEATING. Mr. President, I do not wish to be placed in a false light. I wish my colleagues to know that I did not ask for a live quorum.

Mr. RUSSELL. I must apologize to the Senator from New York. I did not know he was addressing a statement to me. I am afraid I was conversing with the Senator from Washington.

Mr. KEATING. No; I was merely explaining, for the benefit of my brethren, that I did not ask for a live quorum. However, I believe the Senator from Georgia is to follow me—and I shall be brief—so that those who are now present may remain to hear my friend from Georgia.

Mr. RUSSELL. I appreciate the generosity of the distinguished Senator from New York. I am certain that the other 99 Members of the Senate could listen to the distinguished Senator from New York with great profit, and in doing so, would improve their knowledge of the existing legislative situation generally and the state of the Union as a whole. I may say that the Senator from Georgia did not suggest the absence of a quorum either.

Mr. KEATING. That is quite true.

Mr. RUSSELL. Although I would have been glad to suggest the absence of a quorum for the benefit of the distinguished Senator from New York, if that had been necessary.

Mr. KEATING. I would do the same for the distinguished Senator from Georgia. I merely wished to set the record straight on that point.

Mr. RUSSELL. Mr. President, I likewise ask unanimous consent to have printed in the RECORD at this juncture what transpired when the distinguished Senator from New York yielded the floor, as shown on page 6366, ending with the remarks of the Presiding Officer at the bottom of the last column on page 6366 with the words "to the rule."

I ask unanimous consent that that may be printed in the RECORD at this point as a part of my remarks.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Mr. MORSE. Mr. President——

Mr. RUSSELL. Mr. President——

The PRESIDING OFFICER (Mr. HART in the chair). The Senator from Oregon is recognized.

Mr. MORSE. Mr. President, I wish to discuss for a few minutes——

Mr. RUSSELL. Mr. President, will the Senator from Oregon yield for a parliamentary inquiry with the understanding that in yielding for that purpose he will not prejudice his right to the floor?

Mr. MORSE. Yes; with the understanding that it will not result in causing me to lose my right to the floor; and I so request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. RUSSELL. Mr. President, I should like to ask the Chair whether any list is at the desk——

The PRESIDING OFFICER. As the Chair believes the Senator from Georgia knows, a list is at the desk; and the name of the Senator from Georgia is next on the list, after the name of the Senator from New Jersey [Mr. WILLIAMS], who is not present at this time.

Mr. RUSSELL. Mr. President, I did not know that it was possible for an absent Senator to direct the course of recognition by the Chair.

The PRESIDING OFFICER. The Senator from Georgia is, of course, correct.

Mr. RUSSELL. Then the Chair simply decided that he would not follow the list——

Mr. MORSE. Mr. President, a parliamentary inquiry——

The PRESIDING OFFICER. The Chair was wholly conscious that this situation would develop, and determined—and advised those here—that he would adhere to rule XIX, namely, to recognize the Senator whom the Chair heard first address the Chair. In good conscience, the Senator who is now in the chair adhered to that rule.

Mr. RUSSELL. Mr. President, I do not know who selects the Senators who are to preside over the Senate, or just what courtesy they think might be paid to those who have gone through the ordinary ritual of the Senate and have placed their names on the list.

I do not like to quibble about these matters; but it seems to me that it is highly extraordinary procedure to have a list, and to have the list followed until a certain stage of the proceedings is reached, and then get in the chair a Senator who decides that he will not follow the list, but will revert to the rule. The Chair has that right; but I also think I have a right to cry out against such practice.

The PRESIDING OFFICER. Let the Chair state that he only recently came into the chair, and is sure he was not called to the chair for the purpose of unfairly applying any rule.

Within a very few minutes after the present occupant of the chair arrived in the chair, he became conscious that this dilemma would present itself. The Chair thinks the only protection the Chair has in such circumstances—and let the Chair state that he has not sought this role—is, in his judgment, to recognize the Senator whom he first hears address the Chair, because the only rule, "when the heat is on," is rule XIX. The Chair did his very best.

Mr. RUSSELL. Mr. President, several pages were sitting directly to the right of the chair, and it occurs to me that the Chair might have called one of them, and might have directed the page to tell the Senator from Georgia that, although his name appeared next on the list, the Chair was abandoning the list, and intended to revert now to rule XIX. If the Chair had done so, the circumstances might not have been so extraordinary.

But as it is, I still feel that the procedure is highly irregular and improper.

The PRESIDING OFFICER. The Chair respectfully states that in such circumstances, in a situation just short of the intolerable, the only possible procedure is to adhere to the rule.

Mr. RUSSELL. Mr. President, I hope I am not unduly sensitive, but I do say that this was a highly unusual procedure. As I stated yesterday, it was irregular and improper. If Senators can live with themselves and conduct this kind of parliamentary maneuvering, that is up to them and their consciences. I will bide my time and will endeavor at some later date to secure recognition in order to make the remarks that I desired to make yesterday when I was denied the floor by the very unusual parliamentary "horseplay" of a Senator moving to table his own amendment.

Mr. HART subsequently said: Mr. President, earlier today the distinguished senior Senator from Georgia [Mr. RUSSELL] spoke in regard to the situation which existed in the Senate on yesterday at the time when I occupied the chair.

I have examined the portion of the CONGRESSIONAL RECORD which shows the remarks made at that time by the distinguished senior Senator from Georgia, and also the remarks which I made at that time, when I occupied the chair, and also the remarks made by the Senator from Oregon [Mr. MORSE]—all with respect to the propriety of my action at that time, when I was occupying the chair, in recognizing the Senator from Oregon [Mr. MORSE]. I believe that portion of the CONGRESSIONAL RECORD fairly reflects—to the extent that printed words can do so—the situation which existed at that time.

I rise only to make the point that the distinguished senior Senator from Georgia, in his remarks earlier today, I think characterized the action of the junior Senator from Michigan on yesterday as irregular and improper, and I think perhaps rhetorically wondered whether it was part of a nice parliamentary trick or a reprehensible act.

I want simply to say that the dilemma that faced the junior Senator from Michigan as the Acting Presiding Officer yesterday, though it occurs not frequently, nevertheless does occur on occasions here.

The rule book provides precisely the method that is applicable with respect to the recognition of Senators seeking the floor.

I ask unanimous consent at this point that paragraph 1 of rule XIX be printed at this point in my remarks.

There being no objection, the paragraph was ordered to be printed in the RECORD, as follows:

RECOGNITION

RULE XIX, PARAGRAPH 1

When a Senator desires to speak, he shall rise and address the Presiding Officer, and shall not proceed until he is recognized, and the Presiding Officer shall recognize the Senator who shall first address him. No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer, and no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate, which shall be determined without debate.

Mr. HART. I realize that in the manual "Senate Procedure," by our Parliamentarians, at page 271, there is comment with respect to the list of speakers.

I ask unanimous consent that at this point in my remarks the section to which I have referred at page 271 of "Senate Procedure" be printed in the RECORD.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

List of speakers (see also "Recognition," pp. 468–475): While in practice the Presiding Officer, for convenience, frequently keeps a list of Senators desiring to speak at the desk, and recognizes them in the order in which they are so listed, the Senator who first addresses the Chair should be recognized upon a point of order being made, and the Chair on various occasions has held that the list at the desk gives way to the rule for recognition.

Mr. HART. I recall, although I was not present at the time, reading an exchange that occurred only a few days ago in the Senate with respect to this very problem—whether we should follow the list, as the senior Senator from Georgia put it then, "Play the list game," or follow the rule. At that time, I discover now, the senior Senator from Georgia expressed himself with respect to the desirable method to follow, as appears at page 5709 of the RECORD of March 16, 1960.

I ask unanimous consent that extracts of his statement, found at page 5709, be made a part of my remarks at this point in the RECORD.

There being no objection, the extracts were ordered to be printed in the RECORD, as follows:

Mr. RUSSELL. I thank the Senator, and I should like to have that done.

I wish to say that it has always been a custom in the Senate of recognizing first—if several Senators are clamoring for recognition—the majority leader if he is one of those seeking recognition. Next, the minority leader is entitled to recognition. And after that, all the remaining 98 Members of the Senate ought to stand on their feet and seek recognition, and be recognized in the order in which they address the Chair.

Mr. KEATING. Mr. President, will the distinguished Senator from Georgia yield to me?

Mr. RUSSELL. I yield to the Senator from New York.

* * * * * *

Mr. RUSSELL. There is nothing junior in connection with recognition by the Chair on the basis of who first addresses the Chair. The first Senator who addresses the Chair is entitled to recognition.

Mr. HART. Lastly, I should state, and I welcome the fact, that I was not present in the Chamber, much less the occupant of the chair, when the exchange that preceded the remarks by the junior Senator from New York [Mr. KEATING] occurred with the senior Senator from Georgia. Those remarks, which he made a part of his observations earlier today, indicate clearly that the senior Senator from Georgia had every reason to anticipate that, under the list, he would next be recognized.

I repeat, I was not even aware of such colloquy. I was not present. I am not sure that the dilemma of the Presiding Officer would have been resolved in the circumstances, even had I been aware of it.

I repeat, the dilemma results from the fact that, for the convenience of the Senate, we do have a list of speakers. I venture that 95 percent of the time it is easy and accommodating and does no harm to adhere to the list. It conveniences all of us.

There are occasions, and the desirable situation is not to be in the chair when they occur, when application of the list leaves one defenseless when the question is raised, "What is the rule?" I deeply regret that the circumstance and the situation developed. I assure the distinguished senior Senator from Georgia that I would avoid doing it to anyone, but most especially with respect to him. I would not have intentionally sought to do violence either to the practice or to the rule.

I would hope that my brief observations might be printed in the RECORD at the point following the remarks of the senior Senator from Georgia.

Again, I hope that this situation will not face another occupant of the chair, but until—if there are rules to be applied that are not in the book—we establish those ground rules, inevitably it will occur; and in behalf of the Senator who is in the chair at the time, I bespeak the study and attention of the Senate to see if there is not some way this difficulty may be avoided.

MESSAGE FROM THE HOUSE

The PRESIDING OFFICER. Will the Senator from Georgia yield so that the Senate may receive a message from the House of Representatives?

Mr. RUSSELL. I yield for that purpose, Mr. President.

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed a bill (H.R. 8601) to enforce constitutional rights, and for other purposes, in which it requested the concurrence of the Senate.

CIVIL RIGHTS

Mr. JOHNSON of Texas. Mr. President, I ask that the bill be read the first time.

The PRESIDING OFFICER. The Senator from Georgia has the floor. Does the Senator from Georgia yield?

Mr. RUSSELL. Mr. President, I yield for that purpose and for that purpose alone.

The PRESIDING OFFICER. The Chair lays before the Senate the bill (H.R. 8601), which will be read the first time.

The legislative clerk read the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, by its title.

Mr. JOHNSON of Texas. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield?

Mr. RUSSELL. I yield to the distinguished majority leader, Mr. President.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the bill be read the second time.

The PRESIDING OFFICER. Is there objection?

Mr. RUSSELL. There is objection, Mr. President. I object.

Mr. JOHNSON of Texas. Mr. President——

The PRESIDING OFFICER. The bill will now go over until the next legislative day.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Georgia yield?

Mr. RUSSELL. Mr. President, I was retaining the floor, in order to suggest the absence of a quorum. I am glad to yield the floor and to yield that prerogative to the majority leader.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KEATING in the chair). Without objection, it is so ordered.

ADJOURNMENT TO 1:35 O'CLOCK P.M.

Mr. JOHNSON of Texas. Mr. President, I move that the Senate adjourn for 3 minutes.

The motion was agreed to; and (at 1 o'clock and 32 minutes p.m.), the Senate adjourned until 1:35 o'clock p.m., of the same day.

THURSDAY, MARCH 24, 1960

The Senate met at 1:35 o'clock p.m., pursuant to adjournment and was called to order by Mr. KEATING.

The PRESIDING OFFICER. Prayer will be offered by our distinguished colleague the senior Senator from Utah [Mr. BENNETT].

Mr. BENNETT offered the following prayer:

Our Father in heaven, we come before Thee again, after this brief pause, to resume our work and to carry out the responsibilities that have been given to us.

We pray that the blessings which were asked to be bestowed upon this body earlier today may continue during the remainder of the session, and that we may have Thy spirit with us to help us to face our decisions and to work with a singleness of purpose for the good of our beloved land.

We ask these blessings in the name of Thy Son, Jesus Christ. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 24, 1960.

To the SENATE:

Being temporarily absent from the Senate, I appoint Hon. KENNETH B. KEATING, a Senator from the State of New York, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. KEATING thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Thursday, March 24 (legislative day of Wednesday, March 23), 1960, was dispensed with.

CIVIL RIGHTS LEGISLATION

Mr. JOHNSON of Texas. Mr. President, I ask the Chair to lay before the Senate House bill 8601, for a second reading.

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate House bill 8601 for a second reading.

The bill (H.R. 8601) to enforce constitutional rights and for other purposes was read the second time.

Mr. JOHNSON of Texas. Mr. President, I move that the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, be referred to the Committee on the Judiciary with instructions to report it back to the Senate not later than Tuesday, March 29, 1960, and I ask for the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. EASTLAND. Mr. President, I move as a substitute for the motion of the majority leader that the bill be referred to the Committee on the Judiciary.

Mr. DIRKSEN. Without instructions?

Mr. EASTLAND. Without instructions.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. DIRKSEN. To make sure that the Senate understands what the two motions are, as I understand, the motion of the distinguished majority leader is to refer the bill to the Committee on the Judiciary with instructions to report it back not later than Tuesday, March 29, 1960. As I understand the substitute motion of the Senator from Mississippi, the distinguished chairman of the Committee on the Judiciary, it is to refer the bill to the Committee on the Judiciary without any instructions whatsoever, so no time limit would be involved, as to when the bill might be reported to the Senate.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. JAVITS. Is the motion of the Senator from Mississippi in order?

The ACTING PRESIDENT pro tempore. The Parliamentarian informs the Chair that the motion of the Senator from Mississippi is in order.

Mr. EASTLAND. Mr. President, this shows the rush. We should follow normal parliamentary procedure. The Committee on the Judiciary should not be placed in shackles in the consideration of the bill as the motion of the majority leader would place it.

I have noticed in the press—and I think it is true—that the very heart of the bill is the voting referee provision. That provision has never been considered by the Senate Committee on the Judiciary. It was considered by the House committee, on the basis of a "lynch" provision. There was a legislative lynching.

Weeks after the House bill had been reported, and was before the Rules Committee, the referee provision was brought up. There were two hearings, in which Judge Walsh, Deputy Attorney General, appeared.

The other witness was the Honorable Charles Bloch, who happened to be in town. He just happened to be here on other business. He went before the committee and testified. This was the only semblance of a hearing before the House committee on this very important problem that we are told by the press—and I agree—is the heart of this bill.

There have been no hearings on the referee plan before the Committee on the Judiciary of the Senate. We have been in session in the Senate on the bill for over 5 weeks, and we have only disposed of a few amendments. I say that 3 or 4 or 5 or 6 or 7 days are wholly inadequate for the proper consideration of the House bill. Statements have been made that the Committee on the Judiciary——

Mr. McCLELLAN. Mr. President, will the Senator yield at that point?

Mr. EASTLAND. I yield.

Mr. McCLELLAN. How long a time did the House have the bill under debate before passage? How many days?

Mr. EASTLAND. Why, it has been about 2 weeks.

Mr. McCLELLAN. I think that is substantially correct.

Mr. EASTLAND. The referee provision was legislated on the floor of the House. It was not reported out of Committee.

Mr. McCLELLAN. Yet we are now being asked, under the original motion, to approve a motion which would direct the Committee on the Judiciary to act in 5 days, and that includes Saturday and Sunday. Is that correct?

Mr. EASTLAND. Yes.

Mr. McCLELLAN. We would ask the committee to act in 5 days without adequate study. Is that correct?

Mr. EASTLAND. Yes. The Committee on the Judiciary of the Senate has been accused of sitting on bills and filibustering. What are the facts?

This civil rights bill was made the pending business in the Committee on the Judiciary on the third day of last August, according to the RECORD. There were four meetings of the committee. On the 21st day of August the proponents of civil rights legislation picked up their marbles and ran home. What were we faced with? We were considering amendments.

There had been introduced in the Senate 17 civil rights bills, which were referred to the Senate Judiciary Subcommittee on Constitutional Rights. To the bill reported by the subcommittee to the full committee seven amendments were offered. One, an amendment in the nature of a substitute, with 12 titles, which embraced the whole field of civil rights, was offered by the distinguished Senator from Missouri. The Senator from New York offered an amendment to that. I say that this is a legislative lynching, because the Judiciary Committee has not had adequate time in which to consider or to go into these complicated amendments and substitute.

In committee, the bill was displaced on the 21st day of August, when we had partly begun to consider the proposed amendments. The information went out in the newspapers all over the country that we were engaged in a filibuster.

Let us take the situation in the Senate. Let us see how the Senate works. The Senator from Illinois offered a substitute amendment for H.R. 8315, consisting of seven sections. To date 70 amendments have been offered to the Dirksen substitute and after 5 weeks of consideration we have disposed of only two of the seven provisions of this bill.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. EASTLAND. If we are going to act in good faith as a legislative committee, we must also consider what is pending in the Senate.

Mr. JOHNSTON of South Carolina. Mr. President——

Mr. EASTLAND. The bill H.R. 8315, and the amendments proposed thereto weigh a pound and a half. As I have said, "You cannot count them. You have to weigh them." [Laughter.]

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. JOHNSTON of South Carolina. It might be well for the Senator to state who has been submitting the amendments. It has not been the group which is opposed to so-called civil rights legislation. They have been submitted by Senators who are advocating civil rights.

Mr. EASTLAND. That is true. What did we face in the Committee on the Judiciary? The Constitutional Rights Subcommittee held extensive hearings. They brought in an innocuous bill consisting of two parts, one extending the life of the Civil Rights Commission—and that was extended last year—and the second requiring preservation of voting rights. That is all that was in the bill the subcommittee reported to the full committee. Only those two proposals were contained in that bill. One of them is law.

What was the reason why they did that? As I read the papers—no member of the committee told me—it was to amend the bill in the full committee, and, while we were discussing the proposed amendments, they took up their marbles and ran away home.

There is no reason why the Judiciary Committee should be shackled with a time limitation placed on hearings. If we are going to legislate in an orderly manner, we must not be shackled. The heart of the bill, the voting referee provision, has not even been considered by the Judiciary Committee. Registrar proposals were referred to the Committee on Rules and Administration and testimony was taken before that committee on them and the voting referee plan.

The Senator from Missouri [Mr. HENNINGS] is the chairman of that committee. The committee has not yet reported one of these proposals to the Senate. Nevertheless, we are now being asked to go into this complicated question in a period of 5 days.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. ERVIN. Will the Senator yield for several questions?

Mr. EASTLAND. Certainly.

Mr. ERVIN. I ask the Senator from Mississippi if it is not his understanding that the House bill represents the first bill ever passed which attempts to confer upon the Federal Government the right to register voters for State, county, and municipal elections.

Mr. EASTLAND. The Senator is correct. The hearings were held after H.R. 8601 had been reported by the committee. The committee had before it the Deputy Attorney General. Then they caught a distinguished lawyer in town, who was here on other business, and they brought him up before the committee, and he testified. I do not believe anyone will say that there were the customary kind of hearings before the House committee.

Mr. ERVIN. Mr. President, I will ask the Senator whether it is not his understanding that the House bill is directed solely to the enforcement of the 15th amendment; that is, it is directed toward the enforcement of the 15th amendment, that no State shall deny or abridge the right of a citizen to vote on account of race, color, or previous condition of servitude.

Mr. EASTLAND. That is correct.

Mr. ERVIN. I will ask the Senator from Mississippi if the Federal courts have not held in case after case that under the 15th amendment and under the 14th amendment Congress only has power to enact legislation which is appropriate to enforce a prohibition, as distinguished from an affirmative course of action.

Mr. EASTLAND. Certainly. The point the Senator is making is that we must have full hearings in the Judiciary Committee, unshackled by a provision limiting the consideration to a few days.

Mr. ERVIN. That is the point I am trying to make by my question. Does the Senator from Mississippi not agree with me in the view that the voting rights provision of the House bill presents a very serious question of both constitutional law and of policy, which merits deliberate consideration?

Mr. EASTLAND. That is true. The distinguished Senator from North Carolina is one of the ablest lawyers in the United States. He is a member of the Committee on the Judiciary. He is one of its prominent members. Would the distinguished Senator from North Carolina say that a filibuster had been in progress in that committee, or were we discussing amendments in their normal course?

Mr. ERVIN. I agree with the observations of the Senator from Mississippi. At the time we ceased to act, we had before us a substitute offered by the able and distinguished Senator from Missouri [Mr. HENNINGS], which, according to my best recollection, was at least 45 pages long, had hundreds and hundreds of sentences in it, each one of those sentences including within its purview at least one case of incurable mental indigestion.

Mr. EASTLAND. That is correct. An amendment was pending which was offered by the distinguished junior Senator from New York [Mr. KEATING]. What could the committee do, after four meetings, with S. 2391 and the numerous amendments thereto before it? The proponents of the legislation picked up their marbles and ran home. They did not want to discuss the matter any more. They said they were going to the floor to bypass the committee.

Mr. President, I do not know of any reason why this bill, H.R. 8601, should not be referred to the Committee on the Judiciary in its regular course. I do not see why any conditions should be placed on the Committee on the Judiciary which are not placed on every other committee in the Senate. It is said that the chairman of the committee and other Senators oppose the bills. That is true. But the same thing happens time and time again, year in and year out, in the Senate of the United States. This bill should be considered in its normal course by the Committee on the Judiciary. I think the substitute motion should be adopted.

Mr. ERVIN. Mr. President, will the Senator yield for one more question?

Mr. EASTLAND. I yield.

Mr. ERVIN. I ask the distinguished Senator from Mississippi if under the Senate rules the Senate could not recall the bill by discharging the committee by a majority vote, if the Senate felt that the committee was not acting as promptly as it should?

Mr. EASTLAND. Of course. In that connection, a motion was made to discharge the Committee on the Judiciary from the consideration of this bill. That motion got only four votes in this body. In the light of that vote by the other Members of the Senate, I now ask why shackles should be placed on one of the great committees of the Senate.

Mr. President, I ask for the yeas and nays on my motion.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I shall take only a minute. It seems to me that if we should, as a matter of Senate procedure, make a bow to the Committee on the Judiciary, I shall not oppose it; but I think the Senate ought to be realistic about what we are engaging in. I think we have a choice in taking a position which lawyers always take when they are arguing any matter of this kind. Assuming what the other party says is correct, which I challenge and do not believe is correct, that "legislative lynching," or "lynching of the legislative process," is what is involved here, I think we have a choice as to whether we want to lynch the legislation.

The Committee on the Judiciary has never reported a civil rights bill. Whatever may be the individual dynamics involved, it is a fact that nobody expects that they will report such a bill. Certainly unless instructions of this nature are imposed on them, we have every reason to expect that tradition and history will repeat itself.

I myself would not feel justified in voting for any motion which would refer this bill to the Committee on the Judiciary; but in view of the great tradition of the Senate honoring its committees, and in view of the fact that I believe many Senators will feel that in deference to this tradition this action ought to be taken, certainly there ought to be a minimum time, a time which is reasonable and decent under the circumstances.

I hope and pray that the Committee on the Judiciary will report a bill which we can support, but I have very little optimism that it will. Nevertheless, I believe the motion of the majority leader is probably the most efficacious and direct course, and should be adopted in order to get definitive legislation.

Mr. JOHNSON of Texas. Mr. President, there is no reason for any extended debate on this purely procedural matter. I think every Member of the Senate is fully aware of what is at stake. I doubt that the vote of any Senator is likely to be changed by any extended discussion. Speaking for myself, I am ready to vote and let the majority of the Senate work its will.

Mr. CARROLL. Mr. President, I was not in the Chamber when this matter was raised. What is the parliamentary situation?

The ACTING PRESIDENT pro tempore. The Senator from Texas has offered a motion to refer H.R. 8601 to the Committee on the Judiciary, with instructions——

Mr. CARROLL. Mr. President, may we have order? I cannot hear the Chair.

The ACTING PRESIDENT pro tempore. The Senate will be in order. The Chair will endeavor to state the question. The Senator from Texas has offered a motion to refer H.R. 8601 to the Committee on the Judiciary with instructions to report it to the Senate on Tuesday next. The Senator from Mississippi [Mr. EASTLAND] has offered a substitute motion merely to refer the bill to the Committee on the Judiciary. The yeas and nays have been ordered on both motions.

Mr. CARROLL. Mr. President, I should like to address a question to the majority leader. If the bill should be referred to the Committee on the Judiciary, what would be the situation with respect to selection of conferees if the bill is passed by the Senate with changes? As I understand, the Senate as a whole can govern that matter, but what would be the normal procedure? If the bill were referred to the Committee on the Judiciary, would the conferees not come from that committee?

Mr. JOHNSON of Texas. I think that matter would be determined by the majority of the Members of the Senate.

Mr. CARROLL. I understand, but normally would they not come from the membership of the Committee on the Judiciary?

Mr. JOHNSON of Texas. Yes. I think that normally the conferees would come from the committee which had the primary interest in the bill, and the Committee on the Judiciary has, and always has had, primary interest in this subject. But, regardless of which committee has the primary interest, the conferees will be selected by a majority of the Senate.

Mr. CARROLL. May I ask for a further explanation? Let us assume that, as in 1957, the Senate bypasses the Committee on the Judiciary. How would the conferees be selected then? Who would make the selection?

Mr. JOHNSON of Texas. The selection would be made by the same method. If it were desired that the conferees would come from the committee which had the primary interest, that would be the Committee on the Judiciary. If it were desired to have the majority of the Membership, of the Senate, as the rule provides, select the conferees, the majority of the Senate would determine who the conferees would be, as has been the case several times in the past.

Mr. CARROLL. How would the names be presented to the Senate? Would the majority leader present the names, or would they be presented by the chairman of the Committee on the Judiciary?

Mr. JOHNSON of Texas. I think that normally the chairman of the committee would present the names, and each individual Senator could strike from that list of names and suggest the names of substitutes, as he saw fit. That has been done in some instances.

Mr. CARROLL. Is there some reason why we should now adopt a policy of referring a bill to a committee for 2 or 3 days, rather than by bypassing the committee, as was done in 1957?

Mr. JOHNSON of Texas. Yes. I think it was bad procedure then, and I think it is bad procedure now. I think we ought to give the committee a chance to vote on any amendment on which it desires to vote. I think a reasonable period of time should be provided—3, 4, or 5 days—in which to permit the offering of amendments by both sides, and to discuss the House bill and make any additions or deletions the majority of the committee might desire to recommend to the Senate, and then to report the bill to the Senate for consideration on next Wednesday.

I have no doubt that the Senate will very thoroughly consider the bill beginning next Wednesday, if the motion of the Senator from Texas should prevail. Any amendment would be in order, and we would then be in the situation of having given the Committee on the Judiciary an opportunity to make any recommendations it wished to make, to offer any amendments it desired to offer, to hold any hearings it desired to hold, and to file any report it desired to write. But the Senate would be protected from having the bill buried for the rest of the session.

I believe that if the motion of the Senator from Texas shall be agreed to, the orderly procedure will be for the bill to be referred to the Committee on the Judiciary. That committee can then take such action as in its wisdom is dictated, and next Wednesday the Senate can proceed to work its will by majority vote.

Mr. CARROLL. Under the majority leader's motion, will the bill come up automatically?

Mr. JOHNSON of Texas. It certainly will; yes.

Mr. CARROLL. I thank the Senator from Texas.

Mr. JAVITS. Mr. President, will the Senator from Texas yield, in order that I may propound a parliamentary inquiry?

Mr. JOHNSON of Texas. I yield.

Mr. JAVITS. Mr. President, I rise to a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from New York will state it.

Mr. JAVITS. If the Judiciary Committee did not report pursuant to the resolution, what would be the parliamentary situation when the specified date for the committee to report expired?

The ACTING PRESIDENT pro tempore. If the committee were to fail to comply with the instruction of the Senate, the Senate would have to take further action, to get the bill from the committee.

Mr. JAVITS. The Senate would then have to discharge the committee from the further consideration of the bill, would it?

The ACTING PRESIDENT pro tempore. That is the only method known to the Chair for forcing a committee to act.

The Chair is of the further opinion that there is no precedent for the failure of a committee to comply with a direct instruction by the Senate. But it is not the opinion of the Chair that the committee would fail to comply or would refuse to comply with such an instruction or direction.

Mr. JAVITS. Mr. President, I rise to a further parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from New York will state it.

Mr. JAVITS. Do all the precedents show that the committees do comply with such instructions by the Senate?

The ACTING PRESIDENT pro tempore. The Chair will advise that the Parliamentarian has not found any case in which a committee has failed or has refused to comply with a mandatory instruction by the Senate.

Mr. JAVITS. I thank the Chair.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the substitute motion of the Senator from Mississippi [Mr. EASTLAND]. On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senators from Minnesota [Mr. HUMPHREY and Mr. MCCARTHY] and the Senator from Utah [Mr. Moss] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD] is absent because of illness.

I further announce that the Senator from Wyoming [Mr. O'MAHONEY] is necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD], the Senators from Minnesota [Mr. HUMPHREY and Mr. MCCARTHY], the Senator from Utah [Mr. Moss], and the Senator from Wyoming [Mr. O'MAHONEY] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate and if present and voting would vote "nay."

The Senator from New Jersey [Mr. CASE], the Senator from Nebraska [Mr. CURTIS], and the Senator from Arizona [Mr. GOLDWATER] are necessarily absent, and, if present and voting, each would vote "nay."

The result was announced—yeas 19, nays 72, as follows:

[No. 133]

YEAS—19

Byrd, Va.	Johnston, S. C.	Sparkman
Eastland	Jordan	Stennis
Ellender	Long, La.	Talmadge
Ervin	McClellan	Thurmond
Fulbright	Robertson	Young, N. Dak.
Hill	Russell	
Holland	Smathers	

NAYS—72

Aiken	Case, S. Dak.	Hart
Allott	Chavez	Hartke
Anderson	Church	Hayden
Bartlett	Clark	Hennings
Beall	Cooper	Hickenlooper
Bennett	Cotton	Hruska
Bible	Dirksen	Jackson
Bridges	Douglas	Javits
Brunsdale	Dworshak	Johnson, Tex.
Bush	Engle	Keating
Butler	Fong	Kefauver
Byrd, W. Va.	Frear	Kennedy
Cannon	Gore	Kerr
Carlson	Green	Kuchel
Carroll	Gruening	Lausche
Long, Hawaii	Morton	Schoeppel
Lusk	Mundt	Scott
McGee	Murray	Smith
McNamara	Muskie	Symington
Magnuson	Pastore	Wiley
Mansfield	Prouty	Williams, Del.
Martin	Proxmire	Williams, N. J.
Monroney	Randolph	Yarborough
Morse	Saltonstall	Young, Ohio

NOT VOTING—9

Capehart	Dodd	McCarthy
Case, N. J.	Goldwater	Moss
Curtis	Humphrey	O'Mahoney

So Mr. EASTLAND's motion was rejected.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the motion of the Senator from Mississippi was rejected.

Mr. JOHNSON of Texas. I move to lay that motion on the table.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Texas to lay on the table the motion of the Senator from Illinois to reconsider.

The motion was agreed to.

Mr. RUSSELL. Mr. President——

The ACTING PRESIDENT pro tempore. The pending question before the Senate is on agreeing to the motion of the Senator from Texas to refer the bill to the Senate Committee on the Judiciary with instructions to report the same back on Tuesday next.

The Senator from Georgia is recognized.

Mr. RUSSELL. Mr. President, I desire to make a very brief statement with respect to the vote I shall cast on the motion of the Senator from Texas.

One who holds the views that I hold with respect to this misnamed legislation can find very little to enthuse about in the prospect which lies before us with respect to this motion. It really involves, so far as my views are concerned, the old saw of swapping the devil for the witch. We dispose of one bill which we have been considering for several weeks, but by returning it to the calendar we will provide a vehicle for another to come from the Committee on the Judiciary.

Mr. President, I have seen this kind of motion made a number of times. Other bills have been sent to committee with instructions. Committees are the servants of the Senate, and I do not believe any committee has ever refused to abide by the instructions of the whole Senate.

Mr. President, I shall vote for the motion for one reason. I shall do so because it recognizes the integrity of the committee system of the Senate. I shall do it in the hope—though the hope may be faint—that as the Committee on the Judiciary scrutinizes the bill it will reveal and remove some of its multitudinous defects. That is the proper function of the committee.

Mr. President, sending this bill to committe does not deny me any rights. Because it does recognize the integrity of the committee system, because it does recognize the jurisdiction of the Committee on the Judiciary of the U.S. Senate, which was bypassed on another occasion when such proposed legislation was pending, I shall vote for the motion of the Senator from Texas, even though I do not like the limiting instructions.

Mr. ERVIN. Mr. President, I should like to associate myself with the remarks of the able and distinguished Senator from Georgia. The motion has the virtue of recognizing that the Senate should function through committees. I rejoice in that fact.

I do not like the fact that this is also a coercive course which says, "You have to do something right now, even though you may think it requires more adequate time for consideration."

Mr. MORSE. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. MORSE. Although the Senator from Georgia and I were not on the same parliamentary side on another issue earlier today, I should like to point out that he and I did stand together in 1957 when I made a similar motion to send a House civil rights bill to the Committee on the Judiciary, at that time for 7 days. I said then, and I repeat now, in my judgment that is the orderly procedure which ought to be followed in the Senate.

I will say, goodnaturedly, I felt on February 15 we should have followed the same course of action, and I think we would have saved a great deal of time if we had. On that occasion, I made the motion, which lost, that the Senate Committee on the Judiciary should be discharged as of February 25 of civil rights legislation if it did not file a report before then.

I am glad to be able to vote for this motion this afternoon.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Texas to refer the bill (H.R. 8601), to enforce constitutional rights and for other purposes, to the Committee on the Judiciary, with instructions to report back on Tuesday next.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Minnesota [Mr. HUMPHREY], the Senator from Minnesota [Mr. MCCARTHY], and the Senator from Utah [Mr. Moss] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD] is absent because of illness.

I further announce that the Senator from Wyoming [Mr. O'MAHONEY] is necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Utah [Mr. Moss], and the Senator from Wyoming [Mr. O'MAHONEY] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate, and if present and voting, would vote "yea."

The Senator from New Jersey [Mr. CASE], the Senator from Nebraska [Mr. CURTIS], and the Senator from Arizona [Mr. GOLDWATER] are necessarily absent, and, if present and voting, each would vote "yea."

The result was announced—yeas 86, nays 5, as follows:

[No. 134]

YEAS—86

Aiken	Gore	Martin
Allott	Green	Monroney
Anderson	Gruening	Morse
Bartlett	Hart	Morton
Beall	Hartke	Mundt
Bennett	Hayden	Murray
Bible	Hennings	Muskie
Bridges	Hickenlooper	Pastore
Brunsdale	Hill	Prouty
Bush	Holland	Proxmire
Butler	Hruska	Randolph
Byrd, W. Va.	Jackson	Robertson
Cannon	Javits	Russell
Carlson	Johnson, Tex.	Saltonstall
Carroll	Jordan	Schoeppel
Case, S. Dak.	Keating	Scott
Chavez	Kefauver	Smathers
Church	Kennedy	Smith
Clark	Kerr	Sparkman
Cooper	Kuchel	Stennis
Cotton	Lausche	Symington
Dirksen	Long, Hawaii	Thurmond
Douglas	Long, La.	Wiley
Dworshak	Lusk	Williams, Del.
Engle	McClellan	Williams, N.J.
Ervin	McGee	Yarborough
Fong	McNamara	Young, N. Dak.
Frear	Magnuson	Young, Ohio
Fulbright	Mansfield	

NAYS—5

Byrd, Va.	Ellender	Talmadge
Eastland	Johnston, S.C.	

NOT VOTING—9

Capehart	Dodd	McCarthy
Case, N.J.	Goldwater	Moss
Curtis	Humphrey	O'Mahoney

So the motion of Mr. JOHNSON of Texas was agreed to.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the motion of the Senator from Texas was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to reconsider was laid on the table.

LEAVE OF ABSENCE

Mr. YOUNG of North Dakota. Mr. President, I ask unanimous consent to be absent from the sessions of the Senate from 12 o'clock tomorrow until 12 o'clock on Wednesday next.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from North Dakota? The Chair hears none, and it is so ordered.

INVESTIGATION OF CERTAIN MATTERS BY COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar 1129, Senate Resolution 243.

The ACTING PRESIDENT pro tempore. The resolution will be stated by title for the information of the Senate.

The CHIEF CLERK. A resolution (S. Res. 243) authorizing the Committee on Interstate and Foreign Commerce to investigate certain matters within its jurisdiction.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Interstate and Foreign Commerce with an amendment; and was subsequently reported from the Committee on Rules and Administration with an additional amendment.

The amendment of the Committee on Interstate and Foreign Commerce was, on page 3, line 5, after the word "exceed", to insert "291,595".

The amendment of the Committee on Rules and Administration was, on page 3, after line 7, to insert a new section, as follows:

SEC. 5. S. Res. 27, agreed to March 5, 1959, authorizing the Committee on Interstate and Foreign Commerce to investigate certain matters within its jurisdiction, is amended on page 3, line 4, by striking out "$225,000" and inserting in lieu thereof "$228,000".

So as to make the resolution read:

Resolved, That the Committee on Interstate and Foreign Commerce, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to—

(1) interstate commerce generally;
(2) foreign commerce generally;
(3) maritime matters;
(4) interoceanic canals;
(5) transportation policy;
(6) domestic surface transportation, including pipelines;
(7) communications;
(8) Federal power matters;
(9) civil aeronautics; and
(10) fisheries and wildlife.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1960, to January 31, 1961, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $1,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1961.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $291,595, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SEC. 5. S. Res. 27, agreed to March 5, 1959, authorizing the Committee on Interstate and Foreign Commerce to investigate certain matters within its jurisdiction, is amended on page 3, line 4, by striking out "$225,000" and inserting in lieu thereof "$228,000".

Mr. MAGNUSON. Mr. President, this is the usual resolution to authorize the expenditure of money for the Committee on Interstate and Foreign Commerce. The details of the budget were placed before the Committee on Rules and Administration, which committee has made a report. I ask unanimous consent to have certain excerpts from the report printed in the RECORD at this point as a part of my remarks.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

The Committee on Rules and Administration, to whom was referred the resolution (S. Res. 243) authorizing the Committee on Interstate and Foreign Commerce to investigate certain matters within its jurisdiction, and providing additional funds therefor, having considered the same, report favorably thereon with an additional amendment, and recommend that the resolution as amended be agreed to by the Senate.

This resolution, as amended by the Committee on Interstate and Foreign Commerce, would authorize the expenditure of $291,595 by that committee, or any duly authorized subcommittee thereof, from February 1, 1960, through January 31, 1961, to make a complete study of any and all matters pertaining to—

(1) Interstate commerce generally;
(2) Foreign commerce generally;
(3) Maritime matters;
(4) Interoceanic canals;
(5) Transportation policy;
(6) Domestic surface transportation, including pipelines;
(7) Communications;
(8) Federal power matters;
(9) Civil aeronautics; and
(10) Fisheries and wildlife.

The additional amendment, reported by the Committee on Rules and Administration (sec. 5 added on p. 3), would authorize the Committee on Interstate and Foreign Commerce to expend not to exceed $3,000 for the same purposes and in addition to the $225,000 authorized by Senate Resolution 27, agreed to March 5, 1959. The necessity for this amendment is explained in a letter to Senator THOMAS C. HENNINGS, JR., chairman of the Committee on Rules and Administration, from Senator WARREN G. MAGNUSON, chairman of the Committee on Interstate and Foreign Commerce, which letter is as follows:

U.S. SENATE,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
February 16, 1960.

Hon. THOMAS C. HENNINGS, Jr.,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, D.C.

DEAR CHAIRMAN HENNINGS: Due to unforeseen circumstances it now appears that our expenditures under Senate Resolution 27 will exceed the authorized amount.

We would appreciate it, therefore, if you would amend Senate Resolution 243, now pending in your committee, to meet this situation.

We estimate now that less than $500 will be needed. However, inasmuch as some of our members and staff were traveling during January in connection with our foreign commerce study, and their expense accounts have not been submitted, I would suggest that the limit of expenditures under Senate Resolution 27 be increased by $3,000 to meet all contingencies.

A suggested draft of an amendment to Senate Resolution 243 is attached for your consideration.

Sincerely yours,
WARREN G. MAGNUSON, *Chairman.*

The purposes of the resolution are more fully stated in a letter to Senator THOMAS C. HENNINGS, Jr., chairman of the Committee on Rules and Administration, from Senator WARREN G. MAGNUSON, chairman of the Committee on Interstate and Foreign Commerce, which letter (with accompanying budget) is as follows:

U.S. SENATE,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
January 25, 1960.

Hon. THOMAS C. HENNINGS, Jr.,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, D.C.

DEAR CHAIRMAN HENNINGS: Senate Resolution 243 is now before your committee for consideration and action. This resolution would authorize the Committee on Interstate and Foreign Commerce to expend not more than $291,595 between February 1, 1960, and January 31, 1961, upon studies and investigations of any and all matters within its jurisdiction. Under Senate Resolution 27, 85th Congress, 1st session, this committee was granted $225,000, the same amount that was authorized for the 2d session of the 85th Congress (S. Res. 224, 85th Cong.). The increase of $66,595 is necessitated by our foreign commerce study, described later in this communication. During the first session of this Congress, the committee on Interstate and Foreign Commerce approved 71 of the 241 bills submitted to it, and the Senate passed 66 of them. Of these measures, 33 were signed into law by the President. The others, with the exception of one measure which is in conference, are pending in the House.

During 1959, the committee held 113 days of open hearings and 34 executive meetings; 19 major and 759 routine nominations considered and reported.

The Committee on Interstate and Foreign Commerce, in accordance with section 136 of the Legislative Reorganization Act, has the responsibility of exercising "continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee." This committee has legislative jurisdiction over a greater number of quasi-judicial agencies than has any other committee; in fact, six of these arms of Congress come under the jurisdiction of the committee. They are: The Interstate Commerce Commission, the Federal Communications Commission, the Federal Trade Commission, the Civil Aeronautics Board, the Federal Power Commission, and the Federal Maritime Board.

In addition to these quasi-judicial boards and commissions, our responsibility to legislatively oversee certain of the agencies in the executive branch of the Government is a major one. Practically all of the activities of the Department of Commerce, for example, are within the jurisdiction of this committee. To a lesser degree, this committee finds within its jurisdiction matters which are the concern of the State, Treasury, Defense, Agriculture, and Interior Departments, and the General Services Administration.

With respect to the foregoing, some examples of such jurisdiction would be international air agreements, the Coast Guard, Military Air Transport Service, Military Sea Transport Service, transportation of farm commodities, fisheries, and transportation of Government freight. The committee also shares with the Committee on Armed Services jurisdiction over the Panama Canal.

I am listing below a brief summary of anticipated activities of the committee:

MERCHANT MARINE AND FISHERIES

Enactment of permanent legislation to authorize the use of dual-rate contract systems or other exclusive patronage arrangements by common carriers in conferences, approved under section 15 of the Shipping Act, 1916, is of highest priority to U.S. vessel operators in the foreign trades. Current temporary authority for continuing such existing approved contracts (Public Law 626, 85th Cong.) will expire on June 30.

Extended hearings and a prompt and thorough study of this highly complex and controversial matter is deemed essential in the interests of the shipping conferences and particularly of their member lines under U.S. registry.

Attention must be given likewise to several phases of cargo preference legislation (Public Law, 664, 83d Cong.), including the GAO ruling (temporarily in abeyance) regarding interpretation of section 901(b) of the Merchant Marine Act, 1936, as to computation of 50-percent allocation of Government aid and financed cargoes "separately for dry bulk carriers, dry cargo liners, and tankers."

Attention must be given also to the problems of the ocean bulk carriers, inasmuch as bulk cargoes—grains, ores, coal, and petroleum—now constitute two-thirds to three-fourths of our country's total export and import trade.

Only cargo preference has made it possible to maintain a minimum fleet of old, uneconomic bulk vessels. And oil import restrictions have hit the independent tanker industry hard. Owners of both types of vessels are asking assistance of one kind or another from Congress. Without an adequate U.S-flag tramp fleet, our steel and aluminum industries could suffer drastically in emergency. Suez pointed up dramatically the need for an adequate tanker fleet.

Coastal and intercoastal shipping must be given consideration also, if the pitifully small present fleets are to be preserved and strengthened. Recent Interstate Commerce Commission and court refusals to stop railroad cuts aimed at competing coastal and intercoastal shipping suggest the need for consideration of legislation to protect these vital links in our country's water transport system.

Requiring committee attention likewise are a number of urgent pieces of legislation carried over from the last session—for all of which hearings will be required. Among the more important of these questions are:

Proposed removal of the statutory 50-percent limitation on vessel construction differential payments.

Legislation to require use of licensed pilots on all vessels navigating U.S. waters of the Great Lakes.

Licensing of independent ocean freight forwarders.

Tightening of present legislation regarding subsidized vessel operators.

Proposed authorization for exchange by vessel operators of older vessels for more useful types from the reserve fleet.

Provision of authority for construction of icebreakers for use by the Coast Guard in arctic waters and Great Lakes Seaway and study of feasibility of atomic propulsion for such vessels.

The committee, aware of advances in oceanography being made by foreign governments, during the 1st session of the 86th Congress actively explored the need for an expanded and coordinated U.S. program of marine research. We believe that the United States is lagging in this scientific field, due in part to absence of a national policy, in part to lack of coordination of efforts, activities, and data by Federal agencies engaged in marine research, biology, and surveys, or in providing facilities for such undertakings.

In the Department of Commerce, the U.S. Weather Bureau, Coast and Geodetic Survey, and Maritime Commission are engaged to some degree in scientific studies of technological marine programs, while the National Bureau of Standards has perfected instruments to assist them.

In the Department of the Interior, the U.S. Fish and Wildlife Service, and the U.S. Geological Survey and Bureau of Mines have direct interests in the resources of the oceans.

The Office of Education of the Health, Education, and Welfare Department has, or should have, concern for the training of marine scientists.

The Department of the Navy is vitally concerned with the problems presented by undersea operation and protection against enemy submarines in the event of emergency, and for that reason has been the major support for basic oceanographic research projects in many private institutions.

The Atomic Energy Commission has an important role in the design and operation of nuclear-powered ships, in nuclear tests in the marine environment, in ascertaining the effects of fallout on marine life, and in determining the feasibility or risk of disposal of atomic wastes.

The National Science Foundation is directed under the Foundation Act of 1950 to develop and encourage the pursuit of a national policy for the promotion of basic research and education in the sciences, to initiate and support such research, to evaluate the research programs undertaken by Federal agencies, and to correlate its programs with those undertaken by public and private research groups.

On June 22, 1959, Senate Resolution 136, recommending long-range intensification of marine research, coordination of agency programs and cooperation with foreign nations in such research on a reciprocal basis subject to approval by the President, was introduced and referred to this committee. The resolution was reported unanimously and, on July 15, was agreed to by the Senate.

On September 11, 1959, S. 2692, cited as the "Marine Sciences and Research Act of 1959," to effectuate through legislation the objectives of the aforementioned resolution, was introduced.

This bill, which has attracted wide interest among, and much more correspondence from scientists, educators, maritime interests, and industrialists in all parts of the country, is now pending before the committee. Continued contact is being maintained by the committee with oceanographic scientists and scientific groups, Federal, State, and private, so that when hearings are held on S. 2692 the committee will have the broadest possible scientific wisdom and opinion on which to evaluate the several sections and provisions of the bill.

In Geneva, on March 17, 1960, the Law of the Sea Conference will meet to decide on two conventions: (1) The extent of the territorial sea, and (2) the extent of the zone contiguous to the territorial sea reserved for the exclusive fishing rights of the coastal nation concerned. These decisions could have very serious consequences to our merchant marine and fisheries.

With respect to fisheries and wildlife, we will consider legislation on research and studies on insecticides, the establishment of an arctic wildlife range, the Bristol Bay salmon fisheries, bounties on fish predators, fish passage facilities over river dams, and many and varied problems pertaining to game fish, commercial fisheries, and wild fowl and wild animal life.

Certain segments of our fishing industry are in a depressed condition and this committee has under consideration legislation providing a program of assistance to correct existing inequities in vessel construction and to enable them to regain a favorable economic status.

During the last year we have seen an alien fishing fleet move into waters adjacent to Alaska. We have under consideration legislation to improve and modernize our fishing industry in order to meet our foreign competition. We must not lose our fishing resources to other nations.

Sport fishing and hunting are rapidly growing in popularity and it is apparent that they will continue to grow during the foreseeable future. Estimates are that the American public will spend 465 million man-days fishing and 180 million man-days hunting this year. This represents an increase of almost 500 percent since 1950. We will have before us legislation to promote effectual planning, development, maintenance, and coordination of this natural resource.

COMMUNICATIONS

We have, and are continuing to hold, extensive hearings on the many problems presented to us by the communications industry. A special ad hoc committee of outstanding experts appointed by this committee to study the allocation of TV channels has reported and hearings will start on this problem next month. Our aim in this respect is to provide for a nationwide competitive television service. To date, the Federal Communications Commission has failed to develop a specific policy that would assure such a service. The Commission has indicated there are five courses open to it, namely:

1. A 50-channel VHF system, retaining the present 12 VHF channels;

2. A contiguous 50-channel VHF system, retaining the present VHF channels 7 to 12, and withdrawing from television use channels 2 to 6;

3. A contiguous 25-channel VHF system, retaining channels 7 to 13;

4. The present 82-channel VHF–UHF system; and

5. A 70-channel all-UHF system.

* * * * * *

We anticipate additional hearings on legislation concerning communications common carriers in the domestic and international fields. Over 17 years ago, Congress issued a mandate requiring Western Union to divest itself of its international operations. For a variety of reasons, this company is still unable to accomplish this divestiture and legislation may be necessary. We have before us legislation that would permit the merger of international telegraph carriers.

We are deeply concerned with the problems confronting educational television. We reported legislation on this subject (S. 12) last year, and the bill is now pending in the House. New developments in this field will, we are sure, necessitate additional hearings.

Extensive hearings were held by the committee on the community antenna and booster problems. The so-called booster bill, S. 1886, passed the Senate and is presently pending in the House Interstate and Foreign Commerce Committee. The so-called community antenna bill, S. 2653, was reported favorably by the committee and is pending on the Senate Calendar. Further hearings were held on this entire subject during the adjournment period. This is an extremely controversial subject and will take up a great deal of the time of the committee.

AVIATION

This year marks the first full year of operation of the newly established Federal Aviation Agency which was created by the Federal Aviation Act of 1958. The committee has already initiated hearings designed to review various phases of the discharge of some of the important responsibilities imposed on that Agency as well as the Civil Aeronautics Board, the Weather Bureau, and the Department of Defense under the provisions of the act.

The committee proposes to take a look at the functioning of the Federal Aviation Agency to determine whether new amendments to the act are needed in order to improve the fair and efficient exercising of the manifold administrative duties imposed upon it.

For purposes of intelligent review, the committee has divided the general aviation subject matters into the following categories. They are: (1) Aviation safety; (2) air traffic control; (3) air space management; (4) pilot qualification and certification; and (5) military participation in the Federal Aviation Agency.

Some idea of the vital importance of safety in commercial air transportation may be gleaned from the fact that in 1959 airline passengers totaled a new high of almost 58 million and passenger-miles reached a total of over 37½ billion miles. The committee has been deeply concerned with the mounting toll of civil aircraft accidents during 1959 and for that reason is desirous of determining just what legislative aid and assistance can be given in order to minimize air transportation hazards.

* * * * *

SURFACE TRANSPORTATION

The committee has under consideration, and has set the date for, hearings on legislation involving railroad safety. We are faced with transportation problems in our two new States, and field hearings have been held in both of them. Legislation to provide joint regulation of through and joint rates for transportation between Alaska, Hawaii, and the other States, together with the incorporation and regulation of the Alaska Railroad, are among the measures that must be acted upon.

Authority of the regulatory agencies to suspend and investigate rates filed with them, regulation of the movement of trucks or trailers on railroad flatcars, the freight car supply, and the discontinuance of passenger trains and its effect on commuter service must be looked into. A change in the Department of Defense policy re the transportation of household goods has created almost an uproar among the carriers affected and the effect of this change must be analyzed. Amendments to make motor carriers subject to part II of the Interstate Commerce Act liable for payment of damages is of wide interest to the industry.

These are the highlights. Further, among many other problems, we must also study and evaluate the results of the Department of Commerce transportation study, which is expected to be made public shortly.

FOREIGN COMMERCE

In July 1959 the committee initiated a staff study of the foreign commerce of the United States, designed to illuminate problems of international trade resulting from a radical alteration of world economic relationships in recent years.

This study was undertaken pursuant to Senate Resolution 27 (86th Cong., 1st sess.) and in accordance with the committee's responsibility for matters affecting foreign commerce generally. It is concerned primarily with the problem of maintaining, and possibly of expanding, world markets for American exports at a time when competition from other free world industrial nations is already intense and the potential of a major trade offensive by the Soviet Union is building up.

Considering the function of an expanded export trade in helping to redress the current unfavorable balance of payments, and in offering constantly wider outlets for our growing domestic economy, this has become a matter of exceptional importance. The committee believes that the search for new ways and means of assuring the United States of its fair share of world markets should be pressed, and that the present study will contribute to greater understanding of the complex problems involved.

In addition to the staff assembled for this study, the committee has enlisted the voluntary assistance of an advisory committee composed of 31 outstanding American industrial leaders and economists and a panel of consultants composed of business leaders in local communities in various sections of the country. Further, members of the committee have visited 19 countries of Asia and Africa, and 6 in Western Europe. Trade problems were discussed with local officials, diplomatic officers of the United States, and foreign representatives of our business concerns. Similar inquiries are now underway in Latin America. A member of the advisory committee has also undertaken certain inquiries relating to the study in various countries of Latin America.

The committee intends to obtain the experienced views of U.S. businessmen, industrial leaders, and economists on a number of questions pertinent to the aims of the study, including specific measures which might be taken to encourage or facilitate a greater volume of U.S. exports throughout the world. To this end, hearings will be scheduled tentatively in 1960.

The committee, of necessity, increased its staff for this study, and as mentioned earlier in this letter, this is the reason for the increase in our request for funds this year. We, of course, feel it is more than justified. For the first time in many years, the United States has an unfavorable trade balance, a situation that must not only be corrected, but one that must be analyzed and understood so that our national planning for the future will be in the right direction.

There are many additional problems such as legislation to amend the Federal Power Act and the Natural Gas Act. During the recess, we held field hearings with respect to some of the power problems. More will be necessary.

This committee, as you know, held a long series of hearings concerning our Nation's textile industry. As a result of the report that we issued, committees were formed in the executive branch of our Government, and we intend to have them report the results of their efforts to date.

We actively studied the problems of the automobile industry and favorably reported legislation, which became law, that required disclosure of certain price information to the consumer. We must now review the results of this act to make sure it is accomplishing its purpose. In addition, there is other legislation before us that will affect this industry. Additional hearings will be necessary.

The workload of the Interstate and Foreign Commerce Committee is determined by our plans as outlined above, together with whatever additional legislation is referred to us by the Senate. In view of our wide jurisdiction and the volume of work it covers, we believe you will agree with the unanimous views of our committee that this request is reasonable.

Sincerely yours,

WARREN G. MAGNUSON,
Chairman.

Mr. MAGNUSON. Testimony was given before the Committee on Rules and Administration. The budget was unanimously agreed to by all members of the committee on both sides of the aisle.

I shall place in the RECORD a statement showing the varied activities of the committee, which, as Senators know, is one of the busiest committees of the Senate. The amount to operate the committee is approximately the same as it was last year, with the exception of $66,595, which is the budget figure to complete the study on transportation which the committee was directed by the Senate to make. It was directed to make an overall study, and inquire into the whole field of transportation, and make a report to the Senate.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. ELLENDER. Will the $66,595 additional which the Senator is requesting complete these transportation studies?

Mr. MAGNUSON. So far as I know, it will. As a matter of fact, the resolution involves the reappropriation of some $70,000, which was not expended under the Senate resolution last session, because the study did not get started. The Senate appropriated some $270,000, and $70,000 was not expended. This is merely a reappropriation. I insisted, as did the Senator from Florida [Mr. SMATHERS], the chairman of the Subcommittee on Transportation, that the study be completed within the total amount the Senate allowed originally.

Mr. ELLENDER. And it is expected that that will be done?

Mr. MAGNUSON. It is expected that that will be done.

Mr. ELLENDER. I notice an increase of $3,000 in the regular appropriation for this year. Why was that necessary?

Mr. MAGNUSON. What item is that?

Mr. ELLENDER. It is in the last paragraph of the resolution.

Mr. MAGNUSON. The $3,000 was to take care of the time between the first of February and now. We had no idea of what some of the regular normal minor expenses might be, such as services, telephone calls, a very small amount of travel, and so forth.

Mr. ELLENDER. Why is not the total amount reduced that much? Of course, the sum involved is relatively small, but in order to give to the committee the same amount it had last year, it strikes me that the sum of $225,000 should be ample.

Mr. MAGNUSON. The clerk of the committee had suggested that the $3,000 be placed in a separate resolution, because it was to take care of some expenses which were not included at the time we appeared before the Committee on Rules and Administration. Certain expenses had been incurred that were not included. This was for last year. We had already agreed to turn some back. I am advised that the amount will not be more than $2,400 or $2,600. But we had no way of knowing how much was required.

Mr. ELLENDER. In any event, the Senator gives us his assurance that the sum to be spent will be about the same as was spent last year.

Mr. MAGNUSON. The Senator is correct.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an outline of the report on Senate Resolution 243.

There being no objection, the outline was ordered to be printed in the RECORD, as follows:

OUTLINE OF REPORT ON SENATE RESOLUTION 243

Amount is $291,595, an increase of $66,595 over last year.

There were 241 bills and resolutions (compared to 199 in 1st sess., 85th Cong.) submitted to the committee; 71 were approved (compared to 54 in 1st sess., 85th Cong.); 66 passed by Senate (compared to 52 in 1st sess., 85th Cong.); 33 became law (compared to 30 in 1st sess., 85th Cong.); 778 nominations considered (compared to 520 in 1st sess., 85th Cong.); 113 days of open hearings, 34 executive meetings, 445 witnesses were heard.

MERCHANT MARINE AND FISHERIES

Dual rates: Current authority expires June 30.
Cargo preference: 50–50, etc.
Ocean bulk carriers: Need assistance.
Coastal-intercoastal: ICC and courts on rates have refused to stop railroad rate cuts.
Fifty percent limitation on construction differential.
Pilots on Great Lakes and the seaway.
Independent freight forwarders: Licensing of.
Subsidized operators: Tighten existing law.
Trade into reserve fleet of older vessels.
Icebreakers: Construction of.
Oceanography: United States is lagging.
Law of the Sea Conference: Geneva, in March.
Insecticides: Effect on wildlife.
Arctic Wildlife Range.
Bristol Bay Fisheries.
Fish Predators: Bounties on.
Fish ladders, etc, dams.
Fishing vessels: Construction of.

COMMUNICATIONS

Allocations of TV channels.
Subscription TV.
Network practices.
International common carriers.
Educational TV.
Community antenna and boosters.

AVIATION

FAA Act: Review of.
Cargo aircraft: Guaranteed loans for.

SURFACE TRANSPORTATION

Railroad safety hearings.
Joint and through rates, Alaska and Hawaii.
Alaska Railroad: Regulation of.
Freight car supply.
Household goods: Movement of by DOD.

FOREIGN COMMERCE

Staff assembled, hearings this year.

GENERAL

Federal Power Act and Natural Gas Act amendments.
Textile industry: Review of Executive action.
Automobile marketing: Review of existing law.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Committee on Interstate and Foreign Commerce.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The question now is on agreeing to the amendment of the Committee on Rules and Administration.

The amendment was agreed to.

Mr. ELLENDER. Mr. President, in connection with the remarks I made a moment ago, I ask unanimous consent that the budget of the committee, as incorporated in the report, be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Budget of the Committee on Interstate and Foreign Commerce to investigate certain matters under its jurisdiction, pursuant to S. Res. 243, for the period of Feb. 1, 1960, through Jan. 31, 1961

Position	Number	Base salary (per annum)	Gross salary (per annum)	Monthly salary (gross)	Total for period of budget (gross)
STAFF					
Professional staff members in following general fields:	3	$8,000	$14,979.45	$1,248.28	$44,938.35
Aviation, fisheries and wildlife, merchant marine and Coast Guard, foreign commerce, MATS–MSTS study, auto-marketing practices, general transportation, television inquiry, and communications	2	6,180	12,004.02	1,000.33	24,008.04
	1	6,180	12,004.02	1,000.33	12,004.02
	3	6,000	11,709.75	975.81	35,129.28
	1	5,520	10,925.02	910.41	10,925.02
	1	5,280	10,532.66	877.72	10,532.66
	1	4,980	10,005.82	833.81	10,005.82
	1	4,560	9,247.09	770.59	9,247.09
	1	4,080	9,466.33	788.86	9,466.33
	1	4,200	8,568.87	714.07	8,568.87
	1	3,120	6,534.19	544.51	6,534.19
	1	2,880	6,082.04	506.83	6,082.04
	1	4,200	8,568.87	714.07	8,568.87
	2	2,940	6,165.07	513.75	12,330.14
	1	2,580	5,516.84	459.73	5,516.84
Clerical staff: Clerical assistants and stenographers	2	2,460	5,290.76	440.89	10,581.52
	1	2,220	4,838.60	403.21	4,838.60
	3	2,040	4,490.50	374.95	13,498.50
	1	1,800	4,160.38	346.69	4,160.38
Total	28				246,996.56
ADMINISTRATIVE					
Contribution to civil service retirement fund (6½ percent of total salaries)					16,054.78
Contribution to employees health benefit programs (Public Law 86–382, effective July 1, 1960)					810.00
Travel (inclusive of field investigations)					15,000.00
Hearings (inclusive of reporters' fees)					4,530.00
Stationery, office supplies					390.00
Communications (telephone, telegraph, postage)					3,000.00
Newspapers, magazines, documents					200.00
Contingent fund					4,733.66
Total					44,598.44
Grand total, S. Res. 243					291,595.00

[1] Part-time consultants, 1 man-year.
Fund requested, S. Res. 243, $291,595.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution, as amended.

The resolution, as amended, was agreed to.

Mr. MAGNUSON. Mr. President, I move that the Senate reconsider the vote by which the resolution was adopted.

Mr. JOHNSON of Texas. Mr. President, I move to table that motion.

The motion to table was agreed to.

ESTATE OF SINCLAIR G. STANLEY—CONFERENCE REPORT

Mr. CARROLL. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 607) for the relief of the estate of Sinclair G. Stanley. I ask unanimous consent for the present consideration of the report.

The ACTING PRESIDENT pro tempore. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of March 17, 1960, p. 5894, CONGRESSIONAL RECORD.)

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. CARROLL. Mr. President, the House amended the Senate-passed bill by deleting the provision for the payment of simple interest at the rate of 3 percent per annum from November 1, 1946. The Senate disagreed to the amendment and requested a conference. The conference report is now before the Senate, which would provide that the Senate recede from its disagreement to the amendment of the House, and agree to the same. The conferees on the part of the Senate recommend that the Senate concur in the amendment of the House.

Therefore, I ask that the Senate agree to the conference report.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

STUDY OF TRANSPORTATION POLICIES IN THE UNITED STATES

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1130, Senate Resolution 244.

The ACTING PRESIDENT pro tempore. The resolution will be stated for the information of the Senate.

The CHIEF CLERK. A resolution (S. Res. 244) providing for a study of transportation policies in the United States.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the resolution, which was reported from the Committee on Interstate and Foreign Commerce with an amendment, and subsequently reported from the Committee on Rules and Administration without additional amendment.

The amendment of the Committee on Interstate and Foreign Commerce was, on page 4, line 5, after the word "exceed," to insert "$194,100," so as to make the resolution read:

Resolved, That the Committee on Interstate and Foreign Commerce, or any duly authorized subcommittee thereof is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to—

(1) the need for regulation of transportation under present-day conditions and, if there is need for regulation, the type and character of that regulation;

(2) the area of Federal policy dealing with Government assistance provided the various forms of transportation and the desirability of a system of user charges to be assessed against those using such facilities;

(3) the subject of the ownership of one form of transportation by another;

(4) Federal policy on the subject of consolidations and mergers in the transportation industry;

(5) policy considerations for the kind and amount of railroad passenger service necessary to serve the public and provide for the national defense;

(6) the problems arising from action by the Interstate Commerce Commission in permitting the charge of more for a short than a long transportation haul over the same line in the same direction;

(7) the adequacy of transportation service to and from rural communities in the United States, and the effects of the curtailment of such service in recent years upon the economy of such communities and of the Nation as a whole and upon the national defense and security; and

(8) additional matters of Federal regulation (and exemption therefrom) and Federal promotional policy in regard to the various forms of transportation.

SEC. 2. For the purposes of this resolution, the committee, from February 1, 1960, to January 31, 1961, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ on a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $1,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1961.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $194,100, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

LEASING OF A PORTION OF FORT CROWDER, MO., TO STELLA REORGANIZED SCHOOLS R–I, MISSOURI, FOR SCHOOL PURPOSES

Mr. RUSSELL. Mr. President, the action of the Senate, in proceeding to consider the resolution which has just been passed, sent back to the calendar H.R. 8315, a bill to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Since about 1 o'clock on February 15, which was several weeks ago, every waking hour of the Senator from Georgia has been directed to the consideration of vast numbers of amendments and other proposals which related to that bill, affecting the Stella Reorganized Schools.

I hope I shall be able to adjust myself to the condition which now obtains, as we are proceeding to consider other matters.

I am reconciled to the fact that probably next week we will be confronted with H.R. 8601, which is entitled "An act to enforce constitutional rights, and for other purposes."

I rather apprehend that that title is almost as misleading as that of the bill which had to do with the Stella Reorganized Schools. However, I will endeavor to familiarize myself with that bill and with that title, and be prepared to meet the amendments which might be proposed.

However, after having lived for over 6 weeks with the Stella school bill I thought it appropriate to bid it a fond adieu.

RED POISON WITH OUR SUGAR

Mr. BRIDGES. Mr. President, some weeks ago, Radio Mambi, a Cuban broadcasting station urged Americans to rise in revolt against our Government. Radio Mambi, which obviously first cleared with Castro, was careful to point out that its call for revolution in the United States did not necessarily imply armed insurrection a la Castro. Americans, we are advised, have other means of fighting "against the monopolies, against large companies, and the nefarious interventionist and colonial policies of their leaders." One of the reasons why Americans may not want to try armed insurrection, according to this Cuban station, is that "there are people who are capable of hurling atomic bombs against those who rebel." Radio Mambi then assures American listeners that there are other and better means of getting rid of our leaders.

The so-called "silly season" in the newspaper field usually runs for a few weeks in July or August when big news breaks may be scarce. Radio Mambi, undoubtedly echoing Castro's thoughts, seems to have extended it to run all the year around. Ignoring for the moment the blatant impertinence of a foreign country's attempting to incite revolution in the United States, I do want to point out to this body that even the professional Communists dropped open advocacy of revolution, at least in this country, 25 years ago. American Communists dutifully and quickly followed the 1935 directives of the seventh world congress of the Comintern in Moscow to tone down and disguise their calls for revolution in this country.

So, we have the incredible spectacle of a responsible Cuban radio station broadcasting demands for a revolution in the United States 25 years after Union Square soapbox agitators had quietly dropped such political incendiarism.

Many influential Americans, including, I suspect, not a few top policymakers in the State Department, have made a serious mistake in attempting to evaluate the Castro revolution and its future course of action. Because it occurred in a Latin American country, they make the mistake of assuming that Castro and his barbudos were merely another set of military adventurers seizing power by force of arms. This has been a not entirely uncommon phenomenon in some countries to the south of us; that all we can do is sit back and wait. The same forces and conditions which brought Castro to power will in good time sweep him and his bearded cutthroats off the stage of history. This is most dangerous, wishful thinking.

The Castro revolution is a Communist revolution and Communists, once they have seized power, know how to dig in and consolidate their iron grip on a country. Let me recall the fatal misdiagnosis which all the so-called experts and authorities made in 1917–19 with respect to the armed seizure of power in two Russian cities by a few thousand obscure Bolsheviks led by two totally unknown Russian agitators named Lenin and Trotsky. These newspaper pundits and alleged experts assured us over and over again that the Bolsheviks would soon be toppled from power by the good common sense of the vast majority of Russians and that their expropriations and excesses would soon reduce Russia to anarchy and economic chaos.

But the Bolsheviks were not toppled from power by the freedom-hungry masses of Russia. Economic chaos did not weaken the grip of the Soviets. Millions died as the result of famines, planned as well as those resulting naturally from Communist inability to organize the economy of their vast empire. Mass terror and mass executions and purges by the secret police, costing hundreds of thousands of lives, clamped on a still tighter dictatorship. In less than 40 years, a few thousand irresponsible Bolsheviks having no popular support whatever have grown into a world Communist empire of some 30 million party members and holding in absolute slavery one-third of all of mankind. So much for the "let's wait and see what happens—these fools cannot last" philosophy.

Castro is no transient or accidental phenomenon. It should have been obvious to a child that a military adventure cannot land on an island like Cuba with 18 or 20 followers and march to power in less than 2 years without powerful outside assistance, protection, and coaching. Castro himself probably did not have Communist guerrilla warfare training. It soon became obvious, however, from his tactics that Alberto Bayo, Ernesto Guevara, and others advising him were graduates of Soviet guerrilla warfare schools.

There seems to be a widespread misconception in this country, fostered largely by a section of the press uninformed on Communist techniques of guerrilla warfare, that Castro triumphed because he had a majority of the Cuban people secretly supporting him. Or at least were passively and secretly opposed to the Batista regime. There is no question that the Batista dictatorship was unpopular with many Cubans—what dictatorship is ever popular? But, if Castro was so sure that the overwhelming majority of the Cuban population was solidly behind him, why did he announce on his arrival in Havana that there would be no free elections for at least several years?

Castro won because of a combination of favorable factors: our embargo on arms to the Batista government while Castro was amply supplied by vast logistic support from Communist and other sources. The Batista forces were unable to cope with guerrilla warfare—General Braddock's mistake. Castro had the tactical advantage of mobility and the freedom to strike at one or more selected points, while the regular army and police units were scattered to protect communication, military positions, and property important to the island's economy. Basically, Castro's destruction of sugar crops and other basic products undermined and gradually weakened Cuba's economy. There also must have been considerable disintegration of army morale by skilled infiltrators having Communist training. At least, there seems to be some evidence of considerable diffidence on the part of Batista's troops to wipe out the Castro guerrillas when they represented a negligible threat.

Castro's background and history have been documented in the public press and in congressional committee hearings and reports. For the sake of ready reference, a brief biographical summary is appended at the conclusion of these remarks. To me, the question as to whether or not Fidel Castro is a Communist in the narrow legalistic sense that he carries a Communist Party card or has formally placed himself under secret Communist control is entirely a waste of time. His speeches and his record leave little doubt as to where his true sympathies lie as between the Communist empire and the free world.

A Detroit labor leader once achieved brief fame by cheerfully admitting, when challenged by a man whom he had called a Communist:

> I don't know whether you are a commy or not, but when I see a bird that waddles like a duck, swims around with ducks, looks like a duck, and quacks like a duck, I am going to assume he is a duck.

Castro and his bully boys look like Red ducks, they waddle like ducks, they swim around with Communist ducks, and they quack like Red ducks.

Former close associates who fought with Castro against Batista, responsible and patriotic Cubans who first welcomed his liberation movement, American experts of Cuban affairs, and intelligence officers are in agreement that Castro is carrying out Soviet directives for Cuba. Castro and his associates and apologists in this country naturally deny this. In some Latin American countries, to be anti-American does not necessarily imply pro-Soviet leanings.

The surest test as to whether an individual or a government is secretly pro-Communist is to ascertain what official Soviet sources themselves say about the individual or regime in question. In brief, What is the record? I have had a rather extensive review made of 52 issues of the Communist Worker since Castro came to power last year; the monthly Communist magazine, Political Affairs; Soviet broadcasts during the past year; and a number of top international Communist journals which direct and guide Communist action all over the world.

It has long been a boast of the sinister Soviet Secret Police, "We never make a mistake." Unlike free men who often make mistakes in judgment with respect to potential enemies and real friends, the Communists never praise or support an enemy, and they seldom fail to acclaim or support a secret ally, stooge, or fellow traveler. Communists go to extraordinary espionage lengths in gathering and filing confidential information on non-Communist leaders all over the world. Depending on voluminous dossiers gathered by Communist spies all over the world, it is easy to understand why cynical Soviet leaders generally know exactly whom they are dealing with, be he Hindu, African, American, or Cuban.

Utter cynics and coldblooded realists who pride themselves on being totally free of all bourgeois delusions, wishful thinking, and idealistic nonsense, Communists since Lenin's time have always been trained never to trust anyone except bona fide Communist Party members. While Communists use reformists, pacifists, religious figures, and all sorts of idealistic people, the record is plain that they never trust any of them. There is abundant evidence in official Communist sources that they do trust Fidel Castro, the new dictator of Cuba.

WHAT THE COMMUNIST PRESS SAYS ABOUT CASTRO

The Worker, which now appears only once a week in tabloid form, devoted the better part of the front page in several issues lauding Castro's seizure of power last year. It published in full the manifesto issued December 18, 1958, by the Popular Socialist Party, the cover name for the Cuban Communist Party. This manifesto wholeheartedly and unreservedly supported Castro. On January 3, 1959, the Communist Party of the United States issued its own formal statement expressing its "ardent solidarity with the freedom fighters of Cuba." Note how quick the Communists have been to take over and convert to their own use a term coined during the Hungarian uprising against communism.

The entire front page of the Worker for January 18, 1959, was devoted to a report by Joseph North, one of its correspondents sent post haste to Havana. North, who has been identified in sworn testimony before a Senate subcommittee as having been a recruiter of Soviet spies, bubbled over with enthusiasm for the new Castro regime before Castro had made any formal announcement of his future policies.

Shortly after the North series of articles on Castro, the national executive committee of the Communist Party, U.S.A., issued a "hands off Cuba" statement unreservedly supporting Castro. Again I repeat: Communists never give 100-percent support to any newly formed non-Communist government if they have the slightest doubts as to the dependability of its leadership. They always leave a loophole or a qualifying hedge in the event of a turn away from communism.

Throughout 1959 the Worker never failed to defend and eulogize Castro and his regime. Even the most casual and perfunctory reading of the Worker leaves no doubt whatever that Fidel Castro is the darling of the Soviet's fifth column in the United States. Only Khrushchev's visit last October temporarily eclipsed Cuban coverage in the Worker. I stated frankly and publicly that I regarded it as a grave mistake to wine and dine Castro when he came to New York last April. The Worker ordered a mass turnout of the party faithful to give the new Cuban dictator a rousing welcome. So much for the Worker.

Let us now briefly examine a more important Communist publication, Political Affairs, which once a month briefs Communist intellectuals and secret party sympathizers on the more important issues, domestic and international, as Moscow wants them viewed and handled. Political Affairs is cited as an "official Communist Party monthly theoretical organ" in the House Committee on Un-American Activities' "Guide to Subversive Organizations and Publications," published in 1957.

The October, 1959, issue of Political Affairs contained an article by the national committee of the Cuban Communist Party, "Marxism and the Cuban Revolution," which is highly revealing in line with my discussion today. The article rejects the thesis that Castro's revolution was something "unique and exceptional" and that it "contradicts the materialist conception of history and the basic thesis of Marxism." The Cuban Communist Party then stated:

> Neither the Cuban revolution in its totality nor the peculiarities of its development contradict or deny the principles of Marxism-Leninism nor the materialist conception of history, although it may have, like every important revolution, new lessons and peculiarities which must be examined, generalized and assimilated by all Marxist-Leninists and all revolutionaries.

There is not a word in this formal statement of the Cuban Communist Party to indicate that it had any doubts as to the Marxist basis and impelling force behind Castro's revolution. There is not a word of doubt or criticism of Castro to be found in the article.

New Times, published in Moscow in English and nine other languages, is a weekly devoted largely to Soviet interpretation of foreign affairs for foreign

Communists and fellow travelers. As far back as October, 1958, New Times tipped off world Communists that Moscow had placed its OK on Castro and his handful of insurrectionaries then holed up in the Sierra Maestra mountains. A long article, "Cuba in Flames," by M. Kremnyov, reviewed the Cuban situation, attacked American "imperialism" as the main cause of Cuba's difficulties, and wound up by giving Castro a nice pat on the head, even though at that time he appeared to the Communists to "have no clear cut political program."

The first issue of New Times for 1959, obviously written in Moscow before the collapse of the Batista government, had this to say about Castro:

> The uprising led by Castro has come to be known as the July 26 revolutionary movement. It has become a mass movement, largely due to the activities of the Popular Socialist Party, which has called upon the people to "support the rising with every ounce of strength, intensify the struggle, spread the mass movement against the dictatorship in city and countryside, combine armed struggle with economic and political struggle and make unity, the united front the watchword."
>
> Supported by the Popular Socialist Party, the partisan movement has grown into a mass liberation movement against the terroristic dictatorship of Batista and the American monopolies that keep him in power.

Castro did not see fit to repudiate this Communist claim of having made him. Moscow and Peiping radio stations broadcasting around the clock in many languages to all parts of the world have never criticized Castro. Nor have they ever indicated that the masters of world communism had the slightest doubts as to where he stood in the cold war between East and West. On the contrary, Communist praise and endorsement of Castro during his first year in power have been unrestrained and without qualifying hedges or reservations as is invariably the case with democratic-nationalist movements and leaders about whom the Communists have the slightest doubts.

To sum up then, a review of world Communist propaganda for the past 2 years, both by radio and printed word, on Castro and Cuba, shows one unbroken pattern of wholehearted support and endorsement. I repeat, Communists never attack their friends or praise their enemies.

THE LITMUS PAPER TEST

There is another scientific test which can be applied to the Castro regime, to determine whether it is, in fact, crypto-Communist. This is to examine the historical step-by-step development of Soviet Russia and Communist China during, say, their first 5 years of power. These characteristic stigmata of Communist takeover and consolidation of total power are:

First. Seizure of absolute state power and the concentration of all power in the hands of a single political party, a Communist oligarchy, an absolute dictatorship.

Second. Abolition of all free elections.

Third. Abolition of all established courts of law, and their replacement by revolutionary tribunals or people's courts of justice.

Fourth. Creation of an omnipresent, all-powerful secret police to defend the revolution and to ferret out counter-revolutionaries.

Fifth. Merciless physical extermination, or imprisonment for long terms, of all known anti-Communists and others with knowledge of the Communist conspiracy.

Sixth. Immediate destruction of all files and criminal records of Communists and their secret allies and supporters.

Seventh. Creation of a vast, all-pervasive network of secret and unpaid informers, reaching into every strata and corner of society.

Eighth. Gradual elimination by slander, economic harassment, and other means of terror of all potential opposition leadership—Rakosi's salami treatment, as applied to the non-Communist parties of Hungary.

Ninth. Concentration camps for the political reeducation of so-called reactionary elements.

Tenth. Progressive suppression of all basic rights—free speech, free assemblage, freedom of thought, and so forth.

Eleventh. Censorship, gradual curtailment, and finally suppression of a free press, again using Rakosi's infamous salami plan.

Twelfth. Institution of total terror as a deterrent to any and all forms of opposition or even protest.

Thirteenth. Sealing the borders to prevent the flight of those seeking freedom abroad.

Fourteenth. Creation of a "workers' militia," while the regular armed forces are purged of all "doubtful elements and counterrevolutionary influences."

Fifteenth. Institution of a propaganda technique characterized by a virulence and falsity uncommon in the non-Communist world. This "two minutes hate" technique, made famous in George Orwell's book, 1984, is designed to concentrate hatred against the country or person deemed by the Communists to be their chief enemy.

Sixteenth. All previous school textbooks and histories are destroyed, or completely rewritten to idolize present leaders and to blacken and defame all non-Communists and anti-Communists.

Seventeenth. The creation of an all-wise, all-loving leader cult—based on Lenin, Stalin, Mao Tse Tung—as part of a new mythology.

Eighteenth. "Newspeak" is introduced, and accepted terminology and semantics are turned upside down; black becomes white, peace becomes aggression, and aggression becomes peace.

Nineteenth. Free labor unions are abolished or are gradually subverted into organs of repression by the state, by having Communists take over all positions of control.

Twentieth. As soon as the revolution is successful, it immediately attempts to spread to neighboring countries, meanwhile publicly protesting that it is purely "nationalistic" and "not for export."

Twenty-first. Gradual suppression of all forms of religion, moving as fast as resistance and other factors can be overcome.

Soviet Russia and Red China took every one of these 21 characteristic steps to power during their first 5 years of existence. With the exceptions of property and religion, Fidel Castro and "Che" Guevara, the apparent Rasputin of his regime, have made substantial progress along at least 20 of these typical Communist steps to total power. Applying this scientific litmus paper test to Castro's regime and pronouncements, can anyone have any lingering doubts as to whether or not it is de facto Communist?

After 40 years, the Soviets still have not succeeded in extirpating religion in the U.S.S.R. The Chinese Reds have made considerable progress in their avowed objective of destroying Christianity in that unhappy country. Stubborn religious faith has caused them to be more careful with respect to the Moslems and Buddhists. Inasmuch as Cuba is overwhelmingly and devoutly Catholic, Castro's atheists naturally have had to go very slowly in any open attacks on religion.

I am reliably informed a move is already afoot to drive the Jesuits out of Cuba, as the first covert move against the Catholic Church. So, while the sickle and hammer may not yet be flying over Cuba, an objective study of Castro's pronouncements and official acts can leave little doubt that he has already started to move against the Catholic Church as a serious stumbling block to total power. Catholic priests are already fleeing Cuba in fear of their lives; and their testimony before the Senate Internal Security Subcommittee in executive session will be highly revealing, when that committee decides to release it.

A former close associate of Castro, Maj. Pedro Diaz Lanz, appeared last year before the Senate Internal Security Subcommittee. He had been Castro's air force chief, and had flown in arms shipments from Florida and Costa Rica to Castro, then in the Sierra Maestra mountains. With every apparent indication of sincerity and of telling the truth, Major Diaz swore that Castro had told him in a private conversation, "I am going to introduce in Cuba a system like the Russians had; even better than the Russian system."

Major Diaz also testified that a number of Castro's closest associates, including his brother Raul, were all Communists, and that the whole Castro regime was infested with known Communists. He further testified that Communists had been placed in charge of special political indoctrination schools in the Cuban Army. It was also Major Diaz's belief that Castro was converting Cuba into a Communist base in the Caribbean.

It may be argued that Major Diaz, while once a close fighting "buddy" of Castro, is today a disillusioned and, hence, a disgruntled individual. Let me then quote briefly from the recent testimony of Gen. C. P. Cabell, Deputy Director of the Central Intelligence Agency. The findings and conclusions

of CIA are in close agreement with those of Major Diaz and other patriotic Cubans who, because of the Castro terror, have been forced to flee their homeland. General Cabell said:

> We know that the Communists were concerned when, at the time of his trip to the United States, he showed evidence of a friendly attitude toward the United States.
>
> We know also that it has been the assigned task of the Cuban Communist Party to prevent Castro's revolution from going to the right, that is, from establishing friendly relations with the United States, or ending its tolerance of Communist activities.
>
> Our conclusion, therefore, is that Fidel Castro is not a Communist; however, he certainly is not anti-Communist. His extreme policies, including confiscation of private property, lead him to take positions and make statements such as his violent anti-U.S. outbursts which are extremely useful to international communism and are being exploited by the Communists to the maximum extent.
>
> He has delegated authority in key areas to persons known to be pro-Communists or who are susceptible to exploitation by Communists.
>
> In turn, he appears to be increasingly susceptible to Communist propaganda, which is designed to exploit "evidence" that the United States is an enemy, to discredit charges of Communist influence in Cuba and witch hunting—or as they call it, maccarthismo—and to glorify the Cuban revolution, and particularly the agrarian reform, as a pattern for the "liberation" of the masses in other Latin American countries.
>
> It is questionable whether the Communists desire to recruit Castro into the Communist Party, that they could do so if they wished, or that he would be susceptible to Communist discipline if he joined. As I say, that is subject to question.

RED CHINA IN THE CARIBBEAN

General Cabell testified at some length on Red China's suddenly increased interest in Cuba since Castro came to power. There has been a marked increase in pro-Red Chinese activity among Cuba's 40,000 Chinese. A large number of alleged "journalists" arrived in Havana from Communist China almost as soon as Batista had departed. They were warmly welcomed by Raul Castro, who assured them that "there are many things in common between Cuba and China." Castro asked the Chinese journalists to convey his gratitude to the Chinese people and the Red Chinese Liberation Army "for their great sympathy and support of the Cuban Revolution." Over 50,000 American boys gave their lives in Korea, while fighting the people's liberation army.

The CIA spokesman concluded his testimony by saying:

> It is an integral part of every Communist program in Latin America to oust U.S. interest from every mine and every petroleum company in Latin America.

General Cabell also added that this "chase out the Americans" agitation included the Panama Canal and our naval base at Guantanamo Bay.

On January 26, President Eisenhower issued a statement on our policy with respect to Cuba. Ambassador Bonsal had been recalled from Havana, to brief the Secretary of State on the current state of affairs in the island republic to the south of us. There did not seem to be much point in maintaining an ambassador at Havana, when, on at least two occasions, it took from 5 to 6 weeks for him to receive the courtesy of an audience with the new Cuban dictator.

The President of the United States expressed his deep concern over deteriorating relations between the two countries. Mr. Eisenhower was perplexed by the unwarranted attacks and abuse continuously hurled at this country by Castro and his spokesmen. The President stated that the United States had nothing but sympathy with, and understanding of, the ideals and aspirations of the Cuban people.

The entire statement was conciliatory and friendly. Many Americans, including perhaps a few members of the President's own party, felt that it was far too mollifying in tone. In this case, a soft answer did not turn away wrath. Castro toned down his diatribes for a few days, and some radio stations and newspapers followed suit, so far as the more virulent type of hate-America propaganda was concerned. However, confiscation of American property continued. There was no discernible attempt on the part of Castro to reciprocate the President's friendly gesture. Indeed, after Mikoyan was invited to Cuba, ostensibly to open a Soviet exhibit, one of his first statements was a fulsome endorsement of Castro's program of expropriation of all foreign-owned property.

One of the favorite and overworked propaganda themes of Cuban broadcasters and newspapers is that Uncle Sam is engaged in a deep conspiracy to overthrow the Castro regime; that Washington is in secret league with Trujillo, and is plotting an armed invasion of Cuba and overthrow of the barbudos. Even the Peiping radio, 7,000 miles from Cuba, has been broadcasting that "American imperialism is intensifying its plot to strangle the Cuban revolution." The Chinese Communists charge that—

> U.S. imperialism has started one campaign of intervention after another against Cuba and has resorted to blackmail, intimidation, provocation, and divisive tactics. But all have failed to intimidate the heroic Cuban people. Exasperated by these repeated failures, imperialism has gone even further by preparing direct armed intervention.

I may observe at this point that if more advocates of recognition of Red China and of the seating of Mao Tse-tung's murderers in the United Nations would only spend a little more time reading Chinese Communist publications and radio attacks on this country, and less time making speeches for such recognition, our psychological warfare position and our future security would be considerably strengthened. I personally regard it as a great pity that so many Senators and other influential Americans are so burdened with what they regard as "must" reading, that they have no time to read and study even a small amount of original Communist material carrying current directives and policies of the world Communist conspiracy. Someone once told the story—whether true or not, I do not profess to know—that on the outbreak of war between England and Nazi Germany in 1939, several Foreign Office officials in London rushed to their library to get Hitler's "Mein Kampf," so they could get a quick idea of just what sort of a chap he might be.

Castro and Communist charges that we are plotting to invade Cuba is an old Communist tactic. They always accuse their enemies of doing or intending to do what they, the Communists, themselves are actually doing or plan to do shortly. While Castro's broadcasters fill the air with alarms of Yankee invasions, Cuban soil for the past year has been a staging area for several abortive invasions of nearby Caribbean countries, notably Panama, Haiti, and the Dominican Republic.

New York and Miami are swarming with Castro agents and goon squads which are physically assaulting anti-Castro Cubans, and generally are abusing American hospitality and neutrality. A recent New York Times article estimated these Castro agents as numbering about 200. An investigator for a Senate committee informs me that 500 would be a more accurate figure. I suggest that the Immigration Service get busy, pick up these goons, and deport them to Cuba, where they belong.

Castro and his American apologists, the latter declining in numbers every day, still continue to argue that he and his regime are not Communist or even Communist influenced. But the scientific and infallible test of the deadly parallel which I have outlined between classical Communist takeover of power in Russia and China and Castro's course of action for the past year is enough for me. To expect Castro to come out openly and admit being a Communist or pro-Communist in sympathy seems a bit naive to me. No Latin American secret Communist or Communist sympathizer would ever admit his true feelings and intentions.

As my good friend, the distinguished junior Senator from Florida [Mr. SMATHERS], pointed out recently, South American Communists who were demonstrating against President Eisenhower displayed Fidel Castro's picture—not that of Khrushchev or any other Soviet leader.

There are several excellent reasons why any Latin American Communist who was seeking to achieve power would strenuously deny being a Communist. One is the universal and well-deserved contempt and hatred of all free men for the modern day intellectual "black death" of communism. Second, all of Latin America is stanchly Roman Catholic. It would be utter folly for any Communist adventurer to admit openly that he was a Communist. Third, there remains the Caracas Convention of 1954, in which a declaration of solidarity for the preservation of the political integrity of the American states against the intervention of international communism was adopted by 17 American republics. Argentina and Mexico abstained from voting; and Guatemala, then under Communist influence, cast the only negative vote.

At the Bogota Conference of 1948, and at the Washington Foreign Ministers meeting of 1951, all of the American Republics had gone on record as condemning the interventionist character of international communism. It may be well to call the attention of the Senate to resolution XCIII, and for us to give some thought to its implications:

XCIII. Declaration of solidarity for the preservation of the political integrity of the American States against the intervention of international communism.

Whereas the American Republics at the Ninth International Conference of American States declared that international communism, by its antidemocratic nature and its interventionist tendency, is incompatible with the concept of American freedom, and resolved to adopt within their respective territories the measures necessary to eradicate and prevent subversive activities;

The fourth meeting of consultation of Ministers of Foreign Affairs recognized that, in addition to adequate internal measures in each state, a high degree of international cooperation is required to eradicate the danger which the subversive activities of international communism pose for the American States; and

The aggressive character of the international Communist movement continues to constitute, in the context of world affairs, a special and immediate threat to the national institutions and the peace and security of the American States and to the right of each state to develop its cultural, political, and economic life freely and naturally without intervention in its internal or external affairs by other states.

I

The 10th Inter-American Conference condemns:

The activities of the international Communist movement as constituting intervention in American affairs;

Expresses the determination of the American States to take the necessary measures to protect their political independence against the intervention of international communism, acting in the interests of an alien despotism;

Reiterates the faith of the peoples of America in the effective exercise of representative democracy as the best means to promote their social and political progress; and

Declares that the domination or control of the political institutions of any American State by the international Communist movement, extending to this hemisphere the political system of an extracontinental power, would constitute a threat to the sovereignty and political independence of the American States, endangering the peace of America, and would call for a meeting of consultation to consider the adoption of appropriate action in accordance with existing treaties.

II

Recommends that, without prejudice to such other measures as they may consider desirable, special attention be given by each of the American governments to the following steps for the purpose of counteracting the subversive activities of the international Communist movement within their respective jurisdictions:

Measures to require disclosure of the identity, activities, and sources of funds of those who are spreading propaganda of the international Communist movement or who travel in the interests of that movement, and of those who act as its agents or in its behalf; and

The exchange of information among governments to assist in fulfilling the purpose of the resolutions adopted by the Inter-American Conferences and Meetings of Ministers of Foreign Affairs regarding international communism.

III

This declaration of foreign policy made by the American Republics in relation to dangers originating outside this hemisphere is designed to protect and not to impair the inalienable right of each American State freely to choose its own form of government and economic system and to live its own social and cultural life.

THE MONROE DOCTRINE OUTFLANKED

The declaration of Caracas was an attempt by the American republics to close a wide gap in the Monroe Doctrine—the gap created by Communist infiltration into the Western Hemisphere. The Monroe Doctrine of 1823 did not foresee the ideological invasion of the Western Hemisphere by native subversive agents trained in Russia to bring about the overthrow of their own governments from within, without the intervention of foreign troops or mercenaries ferried across the oceans in the classical manner of military invasions of that era.

Mr. President, the Western Hemisphere is today faced with a crisis; namely, the problem posed by the Monroe Doctrine being outflanked by modern psychopolitical warfare which exploits all the successful techniques of infiltration, demoralization, internal division and confusion, and immobilization of counterforces, and finally triumphs through an entirely new form of warfare. It is now possible to subvert and overthrow a nation from within, without using a single armed soldier as an invader—witness Czechoslovakia, China, North Vietnam, and now Cuba. This is the overriding problem which confronts all democratically minded people of North America and South America. This, in large part, I feel sure, led the President to make his recent trip to South America.

TIME FOR A DECISION

Patience is a fine virtue; but if it is carried to an extreme, as a guide for the conduct of diplomatic relations with an upstart dictator, it can create nothing but contempt and even greater indignities. Wishful thinking, "muddling through somehow," and "hoping for the best" are likely to prove just as dangerous and unfruitful as "waiting for the dust to settle" in China.

A Democratic Secretary of State offered that spineless advice as the basis of our policy toward China, when the Communists began their final drive toward power. When the dust finally did settle, all of China had been lost to the free world, and so-called agrarian reformers turned out to be full-blown Communists. A few years later, the dust of death settled over the graves of 50,000 American boys who were killed in Korea by Mao Tse-tung's agrarian reformers. Now we have agrarian reform once more, only this time it is but 90 miles from Florida, instead of 7,000 miles away. And when the dust finally settles in Cuba, if the Cuban people themselves have not by then succeeded in throwing off their present oppressors, it is my prediction that there will be little discernible difference between Castro's "humanistic state" and the communes of Red China.

Hegel, in his "Philosophy of History," observes that "the only thing we learn from history is that we learn nothing from history." Forty-two years of bitter and humiliating experience with Communist duplicity and cynicism seem to have taught us very little. When we are subjected to insults, meaningless doubletalk, and open abuse, is our only answer always going to be an ingratiating smirk and fawning fatuity?

Sixty-two years ago, American soldiers and sailors died to bring freedom to Cuba. American doctors and plague specialists fought heroically to rid that island paradise of the centuries-old curse of yellow fever and other diseases. Excepting, perhaps, only the relations between our country and Canada, relations between Cuba and the United States have been closer and friendlier than those we have had with any other country in the Western Hemisphere. Since World War I, several million American tourists have flocked to Cuba. The Cuban people have always regarded and treated us as friends. Artificially whipped up anti-American hatred, while common in some other Latin American lands, never developed to any serious proportions in Cuba. We liked the Cubans, and they liked us.

All this is now ended, thanks to "Dr." Fidel Castro. Orwell's "two minutes hate," in his remarkably prescient book, "1984," is now being literally carried out almost every night by Big Brother Fidel over Cuban radio and TV stations—except the "two minutes hate" has been stretched out to 3-hour and 4-hour "Hate America" harangues.

The administration has understandably been reluctant to take any steps against Castro, lest we hurt the Cuban people more than we make any impression on Castro. The Cuban people are already suffering so much from economic anarchy, secret police terror, wholesale confiscations, and general turmoil, that no one would wish them to be subjected to additional hardships.

The President's recent speech warning the people of Cuba that while we have the deepest concern for their welfare and future security, we cannot continue forever to keep on swallowing insults and abuse, nor can we be expected to stand by passively while American property is confiscated, American newsmen abused and mistreated and American citizens thrown into prison on flimsy or trumped up charges.

I noted in the papers that Mikoyan, when he was in Cuba, complimented Castro on his seizure of foreign property with promises of ultimate payment. He thought the Castro regime was quite "generous" in offering to pay anything at all for seized property—the Bolsheviks in Russia seized everything and did not even bother to issue paper receipts, Mikoyan boasted.

Just before he departed from Cuba, Soviet Deputy Premier Anastas Mikoyan signed an agreement with Castro to buy 5 million tons of Cuban sugar over a period of 5 years, or a million tons a year. As in all Soviet deals, there is always a hidden hook. Only 200,000 tons will be paid for in cash, the rest will be strictly barter for Soviet manufactured goods—at Soviet fixed prices, needless to add.

The Soviets will pay only the world price for sugar, which is a few cents under $3 a hundredweight. It costs Cuba a trifle over $4 per hundredweight to produce sugar. We pay Cuba cash and around $5.50 per hundredweight. So the loss that Castro will take selling his sugar to Russia will come out of the $150 million bonus above world prices which we pay him for our sugar. It would seem to me that, as long as Castro is so pleased to sell his sugar to the Soviets at a loss of over a cent a pound, we should cut our Cuban sugar quota in the same amounts as they increase their sales to Russia.

Mikoyan also assured Castro that Russia would not dump or resell this sugar in the world market. This was really a noble and big-hearted gesture on the wily Armenian's part. I am going to let the Senate in on a little secret which all the newspaper and other accounts of the Cuban sugar deal missed completely. I had one of my staff phone the excellent Legislative Reference Service of the Library of Congress to find out what sugar cost in the land of the Soviets. The answer was "roughly 5 rubles a pound." Depending on which exchange rate one uses, this makes sugar come to a minimum of 45 cents to a maximum of $1.12 a pound in the land of socialism. The average Russian worker earns 800 rubles a month. So a month's work will get him 160 pounds of sugar. An American worker, under much abused capitalism, can earn the same amount in 1 day's work at $16 a day.

So the Soviets buy crude sugar from Castro at under 3 cents a pound, and resell it to their own people for 45 cents a pound. This amounts to 42 cents a pound profit for refining and transport. This is socialism? Any capitalist country which practiced such an extortionate holdup on its own people for an everyday household commodity would be thrown out of office in 24 hours.

Nor can I resist observing that none of our liberal commentators or columnists caught this cute little swindle in the Castro-Mikoyan sugar deal. They never do.

One-third of all the sugar used in this country comes from Cuba. We have been paying an average price of $5.50 a hundred pounds for Cuban sugar. Last year Cuba had a carryover of some 660,000 tons. This year it is estimated that the Cuban surplus will reach 1,400,000 tons. All the rest of Latin America is allowed to sell less than 275,000 tons of their sugar to this country.

There are a number of Caribbean area and South American countries with great quantities of surplus sugar which they are eager to sell us. Brazil has a carryover of 1,200,000 tons, Mexico 500,000, Dominican Republic 174,000, Argentina 250,000, and Peru 90,000 tons. Jamaica and other British colonies in the West Indies, Guatemala, and several other Central American countries are estimated to have another 100,000 tons of surplus sugar which they would be delighted to sell in this country at the same price as we pay Castro—for sugar mixed with poisonous Red insults and continuous indignities. This makes some 2,334,000 tons of sugar available from Latin America and the Caribbean, to say nothing of possibly another 500,000 from Hawaii, the Philippines, Formosa, and other Pacific sugar producers. In other words, our real friends are eager to sell us all the sugar we need without buying a single pound from Castro.

We have heard a great deal about the necessity of establishing closer ties with Latin America. It has been claimed that we have neglected our sister republics south of the Rio Grande to pour money into Far East and other distant countries. While cultural and other exchanges are all very fine, I suggest that nothing is going to make a more profound impact and engender more lasting good will in Latin America than even a small increase in our imports from those countries.

Our good neighbor, Mexico, is extremely eager to sell us some of her surplus sugar. Haiti is in a critical economic state. A substantial increase of American imports from Haiti, particularly sugar, would be a godsend to that country.

NO SOVIET CHARITY FOR CUBA'S HUNGRY PEOPLE

At this point, I also want to observe that there was no mention in the press stories of any Soviet charity or relief assistance for the poverty-stricken masses of Cuba. The Soviets and their Cuban puppet, Fidel Castro, make a great pretense of being the only true defenders of the poor and that all their efforts are directed toward ameliorating poverty, hunger, and human degradation. A small back page news item a few weeks ago casually mentioned that Cuba last year had received more than $1 million worth of food from the U.S. Commodity Credit Corporation in a period of 6 months. The food distribution was made by the Protestant Church World Service and the Catholic Relief Service. This program of relieving Cuban distress will continue for another year. On the other hand, Mr. Mikoyan rejected any suggestion that Russia do likewise. "We are guided by the principle of trade with all nations at world prices," he said. No charity from Moscow.

I can conceive of no greater contrast between the United States and the U.S.S.R. and no finer exposé of the hollowness of Soviet pretenses of friendly concern for "victims of U.S. imperialism" than this simple fact. We give Cuba a million dollars of food with no strings attached—the Soviets buy some sugar at a cent a pound under production costs and sign a nice trade agreement deal to exchange Soviet goods for the sugar instead of paying cash.

The Department of Agriculture, in a recent bulletin, stated that the price of refined sugar in this country was the highest since 1920. American taxpayers, housewives, and children buying candy in effect make up the $150 million favored nation sugar subsidy we are now paying to Castro. With this money Castro has reputedly sent a purchasing emissary to East Germany to look into the possibility of buying some submarines. The same purchasing agent was also reported as having been in Prague looking for planes and other weapons after Great Britain had refused to sell Castro jet fighters. I need not elaborate on the mischief-making possibilities in the Caribbean which a few submarines and a good air force would give the Castro brothers and their Communist guerrilla warfare advisers so eager to "liberate" their neighbors from the alleged "thralldom of American imperialism."

While Castro is shopping around Europe for modern weapons with which allegedly to protect his revolution against the big, bad imperialists, Cuban imports from the United States last year dropped $110 million. In 1958 Cuba bought $546,200,000 of American products and commodities. Under Castro and "Che" Guevara, Cuba's imports of U.S. goods have dropped to $436,707,000. In his war against Santa Claus and Christmas, Castro last winter even banned the importation of American Christmas trees.

Nations are no different than the people who compose them. No one admires self-abasement, timidity, or weakness. Everyone, regardless of race, creed, or cultural development, respects character, self-respect, integrity—in brief, the man or country which stands up for its rights and dignity. I feel most strongly that the present disgraceful, dangerous, and intolerable situation in Cuba cannot be permitted to go on much longer. Our position throughout Latin America is rapidly deteriorating. Other adventurers and Soviet inspired revolutionaries are being encouraged to emulate Castro and also to spit in Uncle Sam's face.

My opinion on the Cuban situation is not a sudden one. I was one of only two Senators who last July 21 voted against ratification of the International Sugar Agreement Act. I did so because I felt that the Castro regime would probably attempt to sabotage it anyway. Admittedly, U.S.-Cuban sugar quotas and prices are strictly a matter between our two countries. However, Cuba's large surplus crop, which she tries to dispose of on the world market, makes her a key member of the 34 nation sugar convention set up to regulate international sugar problems. Developments in Cuba since last July have amply vindicated my position. Even a casual scrutiny of Castro's record before and after he came into power could leave no doubt whatever that he was anything but a friend of the United States.

It was for precisely this reason that I also introduced last July 8—1959—an amendment to the Mutual Security Act of 1959 empowering the President to suspend aid to any country illegally seizing American property without just compensation. This body supported me and adopted this amendment by a vote of 59 to 32.

I will support legislation giving the President a greater degree of flexibility in fixing Cuba's annual sugar quota and prices. I believe firmly that Cuba's sugar quota should be lowered, not as an act of "punitive retaliation," but simply because of the age-old buyer's prerogative of trading with his friends and

bypassing his enemies. We have plenty of friends south of the Rio Grande whose economies are just as shaky as Cuba's and who are eager to sell to us. Nor am I overlooking our own domestic producers and Puerto Rico, Hawaii, and the Philippines. Now that Castro has made it plain that he wants to "shake off the slavery of American imperialism" and become a ward of the Soviets, there seems to be little that we can do and still retain our self-respect. Castro will learn by bitter experience the wisdom of an old Russian adage, "He who sups with the Devil had better have a very long spoon."

With Castro and his bully boys constantly screaming hatred against America by press and radio, it strikes me that American tourists—that is, those few who still go to Cuba—are taking serious risks against which the State Department should warn them.

Mobs are easily incited. Just a few years ago several Americans who happened to be passing through Baghdad were literally torn to pieces in the streets by blood-crazed mobs who had been incited by Communist broadcasters.

I feel sure that the State Department can find ways and means of discouraging all tourist traffic to Cuba until Castro and his bewhiskered bravos are removed from the scene by a more responsible government.

I, for one, want to reestablish our longstanding friendship with the Republic of Cuba. However, we cannot do this, and retain our national honor and prestige, with an irresponsible regime which flagrantly violates all international laws and solemn obligations by one-sided, executive fiat. I refer to the wholesale, Communist-type confiscation of American property and the continual mistreatment and abuse of American citizens. The recent outrage of holding and grilling a completely innocent American freelance photographer who happened to be a passenger on the French ship which exploded in Havana is a case in point.

Castro's outrageous charges that, somehow, our Government must have been implicated in the explosion, is hardly conducive to the resumption of friendly relations as the State Department pointed out. If there is any scurrilous and completely unfounded charge against this country that Castro or his radio and press echoes have not made during the past 15 months, I simply cannot think of it. They seem to have missed nothing in their long list of alleged villainies against us.

I sincerely hope that the day is not far off when the traditional friendship forged between our two countries 62 years ago in our joint war for the liberation of Cuba can be firmly and permanently reestablished. I doubt that this is possible under the Castro brothers' regime, or that Castro and his Communist advisers have any such desire or intention. And if it is their plan to convert Cuba into a Communist base of operations against the peace and security of the Western Hemisphere, as many intelligence officers and experts are convinced is the case, then all gestures of friendship on our part are merely a stultifying waste of time.

I believe our relations with Cuba should have the general consideration and concern of every American citizen. I am glad the President has brought the question before the country with a request to Congress for the renewal of the sugar quota bill, with flexible provisions, so he may deal equitably with this situation.

I do not believe that any government which confiscates American property, to insult Americans, to attack us without warrant—which has been infiltrated with many Communist leaders who have been trained elsewhere and sent to the government for that purpose—can be anything other than a great threat to us and to the free world. Cuba has always been our friend. The Cuban people have always been our friends. It is a nation only 90 miles from the coast of the United States. I hope and trust that this Congress, this administration, and this country will meet the issue forthrightly.

STUDY OF TRANSPORTATION POLICIES IN THE UNITED STATES

The Senate resumed the consideration of the resolution (S. Res. 244) authorizing a study of transportation policies in the United States.

The PRESIDING OFFICER (Mr. CANNON in the chair). The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The resolution (S. Res. 244) as amended was agreed to.

The preamble was agreed to.

Mr. ELLENDER. Mr. President, I ask unanimous consent to have printed in the RECORD the budget of the Committee on Interstate and Foreign Commerce, stating how the committee expects to expend this money.

There being no objection, the budget was ordered to be printed in the RECORD, as follows:

Budget of the Committee on Interstate and Foreign Commerce to make a study of transportation policies in the United States pursuant to S. Res. 244, for the period Feb. 1, 1960, through Jan. 31, 1961

Position	Number	Base salary (per annum)	Gross salary (per annum)	Monthly salary (gross)	Total for period of budget (gross)
Professional staff:					
Staff director	1	$8,000	$14,979.45	$1,248.28	$14,979.45
Senior transportation experts	5	8,000	14,979.45	1,248.28	74,897.25
Junior transportation experts	3	6,480	12,494.48	1,041.20	37,483.44
Research assistants	3	3,600	7,438.49	619.87	22,315.47
Clerical and stenographic:					
Clerks	2	2,460	5,290.77	440.89	10,581.52
Stenographers	4	2,040	4,498.50	374.85	17,998.00
Total	18				178,255.13
ADMINISTRATIVE					
Contribution to civil-service retirement fund (6½ percent of total salaries)					11,898.89
Contribution to employees health benefit programs (Public Law 86-382, effective July 1, 1960)					486.00
Travel (inclusive of field investigations)					1,800.00
Hearings (inclusive of reporters' fees)					500.00
Communications (telephone, telegraph, postage, etc.)					500.00
Stationery and office supplies					500.00
Contingent fund					472.26
Total administrative expense					15,844.87
Grand total					194,100.00

Funds requested, S. Res. 244, $194,100.

ADDITIONAL STAFF AND CLERICAL PERSONNEL FOR THE COMMITTEE ON LABOR AND PUBLIC WELFARE

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1116, Senate Resolution 265.

The PRESIDING OFFICER. The resolution will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A resolution (S. Res. 265) authorizing the Committee on Labor and Public Welfare to employ temporarily an additional assistant chief clerk and additional staff and clerical personnel.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the resolution.

Mr. HILL. Mr. President, this is a resolution to provide additional employees for the Committee on Labor and Public Welfare. All except three of these people are today employed by the committee. In fact, the majority of them have been employed for several years.

The resolution would authorize the employment of three additional people and an increase in salary for one additional person. The three additional people to be employed would be two additional professional staff members to carry on the work of oversight over the Labor-Management Reporting and Disclosure Act of 1959, commonly known as the Labor Reform Act, which was passed during the last session of Congress. Together with these 2 staff members we would have a typist or stenographer, a clerical assistant for those 2 persons.

There would be an increase in salary for an assistant chief clerk. I will say that the assistant chief clerk is named by the minority and has been with the committee some 12 years. The minority strongly felt that, due to the increased work of the committee and the additional duties and functions imposed upon this assistant chief clerk, as well as the fact that this person had been employed by the committee some 12 years, that this person was entitled to a small increase in salary, which the resolution would provide.

With regard to the two additional staff members, one will be named by the majority and one will be named by the minority.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. ELLENDER. Mr. President, I should like to invite the attention of the Senate to certain facts.

Under the resolution, if agreed to as written, the committee will be provided six additional professional staff members over and above what the regular committees are now empowered to have. It is true, as the Senator from Alabama has said, that of the six additional professional staff members provided for in this resolution, only two would actually be new employees. There were four added, as I recall, in 1957.

As to the clerical assistants, although the resolution calls for eight additional clerical assistants, seven of these positions were authorized in the past. Four were authorized in 1953, and that authorization has been renewed from year to year. One was provided in 1959, and that authorization apparently is to be renewed from year to year, and two were authorized in 1957.

It is now requested that the total clerical staff be increased by one.

I also wish to invite the attention of the Senate to the fact that within a few minutes, I presume, the Senate is going to consider two more resolutions for the Committee on Labor and Public Welfare. One of those would provide the sum of $85,000 to investigate the problems of the aged. This subcommittee, already in existence, is headed by the distinguished Senator from Michigan [Mr. MCNAMARA].

In addition we also have a proposal for the creation of a brandnew subcommittee, which will be headed by the distinguished Senator from New Jersey [Mr. WILLIAMS], as I understand it. The resolution will provide for $50,000 to study problems of migratory labor.

Mr. President, I am also informed it is the intention of the distinguished Senator from Arkansas [Mr. MCCLELLAN] to ask the Senate to extend the life of the Select Committee on Improper Activities in the Labor or Management Field. In the past, we have spent a little over a million dollars in that field. We were given to understand, a few weeks ago, that the committee would be discontinued. Because of some happenings, with which I am not familiar, I understand, however, that an effort will be made to provide some $150,000 to retain that select committee for further investigations.

The point I desire to make, Mr. President, is that the Committee on Labor and Public Welfare already has a regular staff of four professional staff members and six clerical assistants. The pending resolution asks that we provide six additional professional staff members and eight clerical assistants. It is true that some of these people, as has been pointed out, were hired in the past and are simply to be rehired.

There are also two other resolutions to be considered, which I am sure will be agreed to which would further expand the Labor Committee. In addition, in the labor field, we have the Select Committee on Improper Activities in the Labor or Management Field, which, as I understand, will shortly seek additional funds to continue its work.

When will we ever reach the cutoff point? As I have often stated, once these special committees are created they seem not to die. They keep on going.

My good friend from Alabama has stated to the Senate that these additional people will be employed on a temporary basis. I believe, however, that the same language was used earlier when the staff of the labor committee was expanded. Yet, the "temporary" employees are still with us, and now we are being asked to swell their ranks.

I wonder what assurance my good friend from Alabama could give the Senate that these people would really and truly be hired on a temporary basis, and that their employment would not be renewed from year to year, as has been the case in the past?

Mr. HILL. Mr. President, the resolution now pending provides for employment of two additional professional staff members, one to be selected by the majority and one by the minority. They would be used to carry on activities as provided in the Reorganization Act, section 136, for legislative oversight of standing committees, in regard to the administration of the Labor Management Reporting and Disclosure Act of 1959, the act which we passed last September, commonly known as the Labor Reform Act.

I do not know exactly what will be involved. This oversight will relate to activities of the Department of Labor, of the Secretary of Labor, of the General Counsel of the National Labor Relations Board, of the National Labor Relations Board itself, and of the Department of Justice, in the carrying out of the administration of the act. Just what the situation will be a year from now, I will have to say frankly to my friend, I do not know.

Mr. ELLENDER. What is the necessity for these expenditures? Is the Congress supposed to take the position that we must create watchdog committees to see that the laws we pass are properly administered?

Mr. HILL. I should say that in this particular case the subject falls particularly and directly under section 136 of the Reorganization Act, that section being captioned "Legislative Oversight by Standing Committees."

This subject was discussed in the Senate Committee on Labor and Public Welfare, and it was the thought of both the majority and the minority that we should have these two staff members to carry on this oversight work.

I may say that the distinguished ranking minority member of our committee is the distinguished Senator from Arizona [Mr. GOLDWATER]. The Senator knows his interest in these matters. It was the thought of both the majority and the minority that we should have two staff members engaged in this work. The action of the committee in reporting the resolution to the Senate was unanimous.

Mr. ELLENDER. As I pointed out a moment ago, in 1957 the Senate authorized the hiring of four professional staff members to the committee, in addition to the regular staff. It was said at that time that this was supposed to be a temporary state of affairs. But these "temporary" workers are still employed. What do these people do?

Mr. HILL. There are many matters before the committee. In the last session, in January 1959, the membership of the committee was increased from 13 to 15. One of the main reasons for the increase was the increase in the magnitude of work. We have many matters dealing with labor, veterans' affairs, railroad retirement, health, education, and many matters under the head of public welfare.

Mr. ELLENDER. Is the Senator certain of that statement? The membership of most committees has been increased. The Committee on Agriculture and Forestry, of which I am chairman, was increased from 15 to 17. But this was not done because we had more legislation to consider. I believe there was another reason.

Mr. HILL. I can say very definitely that we have more work. There is no question about that.

Mr. ELLENDER. Let us consider the 4 professional staff members and 2 clerical assistants, hired on a temporary basis by the committee in 1957.

Mr. HILL. That is correct.

Mr. ELLENDER. Are those individuals doing the same work for which they were hired 3 years ago, or are they doing something different?

Mr. HILL. One of the members, Frederick R. Blackwell, of South Carolina, is working with the Subcommittee on Veterans' Affairs and Migratory Labor. Mr. Ralph A. Dungan is working with the Subcommittee on Labor. Mr. Merrick——

Mr. ELLENDER. Pardon me, but could the Senator tell me more about this man who is working on migratory labor problems?

Mr. HILL. He is working on veterans' affairs, and the subcommittee had some special work on migratory labor.

Mr. ELLENDER. We shall be asked in a few minutes to provide $50,000 to create a new subcommittee to study this same problem.

Mr. HILL. I will yield to the Senator from New Jersey [Mr. WILLIAMS] at this point, because he is chairman of the subcommittee.

Mr. WILLIAMS of New Jersey. Mr. President——

Mr. ELLENDER. Mr. President, I would like to suggest that we might as well discuss these three resolutions providing funds for investigations of the

Committee on Labor and Public Welfare at this time.

Mr. WILLIAMS of New Jersey. They deal with subcommittees of the Committee on Labor and Public Welfare.

The first resolution, Senate resolution 267, deals with migratory labor, and carries a figure of $50,000.

Mr. ELLENDER. This would create a new subcommittee.

Mr. WILLIAMS of New Jersey. That is a new subcommittee, which was created in August 1959, and received no special appropriation for its activities. It used the general funds of the committee. It traveled in 6 States and held extensive hearings. Our total expenditures were around $5,000. We were fortunate indeed that we were able to call on Mr. Blackwell, who has been named as one of the staff members.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

Mr. MANSFIELD. Mr President, I ask that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The morning hour having expired, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools, R–I, Missouri.

ADDITIONAL STAFF AND CLERICAL PERSONNEL FOR COMMITTEE ON LABOR AND PUBLIC WELFARE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate continue with the consideration of Calendar 1116, Senate Resolution 265.

There being no objection, the Senate resumed consideration of the resolution (S. Res. 265) authorizing the Committee on Labor and Public Welfare to employ temporarily an additional assistant chief clerk and additional staff and clerical personnel.

Mr. ELLENDER. Mr. President, I should like to ask my good friend the chairman of the committee a question.

Since Mr. Blackwell has been studying the migratory labor problem, I ask whether or not he is going to be placed on the staff of this new subcommittee, or whether he will continue as a professional staff member of the parent committee.

Mr. HILL. If the special subcommittee is created, Mr. Blackwell will continue with his subcommittee.

Mr. ELLENDER. Will Mr. Blackwell be paid out of the $50,000 now being requested for the creation of the new subcommittee or will he be one of these additional professionals under the resolution we are now considering?

Mr. HILL. He has been paid for several years under the resolution we now have under consideration.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. ELLENDER. Why is it necessary to create this new subcommittee? This man, Mr. Blackwell, has been studying the subject for the past 3 or 4 years. I wonder why it is necessary to create a special subcommittee.

Mr. WILLIAMS of New Jersey. It is our hope that we can do our job on the Migratory Labor Subcommittee without using the authorization called for in the resolution. We hope to accomplish that by using Mr. Blackwell, and thereby not using all the funds called for by Senate Resolution 267.

Mr. ELLENDER. I say to my good friend from New Jersey that in the subcommittee's budget I notice allocations for a research director, two research assistants, and two employees to do administrative and stenographic work, or a total of five altogether.

Mr. WILLIAMS of New Jersey. The research director and the research assistants provide for the minority getting an assistant and two secretarial positions.

Mr. ELLENDER. I point out that it seems that every time a subcommittee of this character is created, whether such employees are needed are not, there must be one for the minority and one for the majority. It strikes me that since this subject has been studied for some time by Mr. Blackwell, he should be taken off the parent committee's staff and placed under this new subcommittee, so that we can know where the money is going.

Mr. HILL. Mr. Blackwell, the gentleman whom we have been discussing, has served for several years with the Veterans' Affairs Subcommittee. In fact, he became the special consultant to that subcommittee at the time the distinguished Senator from South Carolina [Mr. THURMOND] was chairman of the subcommittee. He still works with that subcommittee. But in addition to his work with the Veterans' Affairs Subcommittee, since he first came with the committee, he has also worked with the Senator from New Jersey [Mr. WILLIAMS] on the Migratory Labor Subcommittee. He has worked with both subcommittees.

Mr. ELLENDER. He is one of the four professional staff members allowed each standing committee.

Mr. HILL. That is correct.

Mr. ELLENDER. What do the others do? There are four already authorized in addition to the four on the regular committee.

Mr. HILL. Mr. Samuel Merrick worked with the Railroad Retirement Subcommittee and with the Juvenile Delinquency Subcommittee——

Mr. ELLENDER. I thought the Committee on the Judiciary had jurisdiction over that subject.

Mr. HILL. Legislation on that subject was referred to our committee and was acted upon by the committee and reported to the Senate by the committee. The Senate passed the bill dealing with juvenile delinquency, and it is now in the House.

Mr. ELLENDER. That is something I did not know. I am glad to have the RECORD show it.

Mr. HILL. We reported the bill in the closing days of the last session, and passed it early in this session of the Congress.

Mr. ELLENDER. That is something that somehow escaped my attention. As I pointed out on several occasions, the resolution creating the Juvenile Delinquency Subcommittee of the Committee on the Judiciary was approved in 1953. It was supposed to last for only 2 years yet it is still with us today. The amount of money we were supposed to spend was about $150,000, at the most. Up to last January we spent $680,000 for studies of juvenile delinquency by this subcommittee. Now we are told that a professional staff member of the Committee on Labor and Public Welfare was responsible for the study upon which was based a juvenile delinquency bill.

Mr. HILL. We not only studied it—we did study it, of course—but we also reported legislation to the floor which the Senate passed, and which is now in the House of Representatives.

Mr. ELLENDER. Here we have a classic example—I will not say of one committee trying to take something from another committee—but of multiplicity of study groups.

Mr. HILL. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. HILL. I do not want to interrupt the Senator. However if he will look at the resolution with reference to juvenile delinquency in the Committee on the Judiciary, he will see that it involved a study particularly of the matter of crime. The legislative jurisdiction in this matter of juvenile delinquency, under the rule, is in the Senate Committee on Labor and Public Welfare. Therefore, legislation dealing with juvenile delinquency was referred to the Committee on Labor and Public Welfare. It was considered by that committee and it was reported by the committee to the Senate. The Senate passed it, and it is now in the House of Representatives. The bill was passed by the Senate in the early part of the session.

Mr. ELLENDER. What kind of study does this professional staff member do in the field of juvenile delinquency?

Mr. HILL. He was not studying it so much—of course he was studying it too—as he was acting as a consultant with the committee handling the legislation. His duties were in connection with the holding of the hearings and the calling of witnesses, and so forth. That was his job, just as he did work with the Railroad Retirement Subcommittee, just as he did work with the Youth Conservation Corps Subcommittee, and just as he has done the same work with the Labor Subcommittee. He has worked with all four subcommittees.

Mr. ELLENDER. The Senator has accounted for the work of some of the professional staff members. What about the others?

Mr. HILL. I have accounted for three of them. The fourth is Mr. Frederick Randolph. He is assigned to the minority, and he works on these different matters for the minority.

Mr. ELLENDER. What different matters? All these studies?

Mr. HILL. All these different studies. It is really more than studies. It has to do with testimony and the executive consideration of legislation within the subcommittee, and executive consideration within the full committee, and then the action that is finally taken by the full committee.

Mr. ELLENDER. I understood the Senator to say that the two additional professional staff members which would be provided under this resolution would study the operations of the Labor Act which was enacted by Congress last year.

Mr. HILL. That is correct. They would study that situation and would constitute legislative oversight consultants to carry out the provisions of that act, and would carry their functions into the Department of Labor, the National Labor Relations Board, the General Counsel's office of the National Labor Relations Board, and the Department of Justice, in connection with the administration of the Labor Act, which, as the Senator well knows, was passed during the last session of Congress.

Mr. ELLENDER. The more we study these matters, and the more we look into the creation of these various subcommittees, the more I am convinced that the time will soon come when we will have to create a special committee to study what these special subcommittees do. There seems to be a great deal of duplication. I believe that in many instances it should be possible for committee chairmen to use their regular staffs to make these special studies.

The Committee on Agriculture and Forestry is now making a study of the Commodity Credit Corporation. I am glad and proud to say that as chairman of that committee I did not come before the Senate to get additional funds to employ additional personnel to make these studies. I was able to use the regular funds provided the standing committee. I am glad to say that the studies so far have revealed several instances of excessive grain-storage charges to the Federal Government. I feel confident that as a result of this study, being made by just a handful of employees of the Committee on Agriculture and Forestry, we will be able to save the taxpayers almost a hundred million dollars. That will be brought to the attention of the Senate in a short time.

I go back to the proposition that if the resolutions that are now before us are adopted, in addition to those already adopted, we will be spending almost $4½ million for "special" investigations. I believe there ought to be a halt to all this.

As I have pointed out on many occasions, each standing committee is permitted to spend about $156,000 for its regular operation. With that money they have the authority to hire four professional staff members and six clerical assistants.

If an investigation were made, it would show that much more money is being spent by these "special" committees than by all the standing committees put together.

As I pointed out, the Committee on the Judiciary spends well over a million dollars on investigating subcommittees, in addition to the $156,000 it is given as a standing committee.

If the creation of these new committees keeps up at the present rate, we will have to have a special committee appointed to investigate the special committees in order to find out how much work they do and how much of it is duplication of other committees.

As I pointed out, and as the distinguished Senator from Alabama has pointed out, although the pending resolution provides for six additional professional staff members and eight clerical assistants, over and above the regular limit of the committee. If these people were to be paid what the chairman of the committee is capable of paying them, it would add $159,845.55 to the payroll of that committee.

It is true that the chairman could spend much less, and I hope he does. That would be in addition to what the Senate gives the committee with which to pay the employees of the standing committee.

As I pointed out a while ago, in addition to all this, we are going to be asked to provide $50,000 for the creation of one subcommittee and $85,000 for the continuation of another subcommittee of the Committee on Labor and Public Welfare.

Mr. HILL. The figures I have, as compiled by the staff of the Committee on Labor and Public Welfare, are not quite in accordance with the figures supplied by the Senator from Louisiana. According to the figures I have, the maximum amount which could be expended under the resolution—I think it would be a smaller figure—but the maximum amount would be $144,121.

Mr. ELLENDER. As I have figured it, that is really what the Senator proposes to do. That is about the amount he would spend.

Mr. HILL. We have on the list one assistant chief clerk, who is already on the payroll, but we are going to increase his salary. I certainly would not expect to expend more than $144,121.

Mr. ELLENDER. Mr. President, since we have discussed Calendar Nos. 1117 and 1118, I presume the Senate will graciously abide by what the Committee on Rules and Administration has done. I have been more or less helpless in the past about preventing the creation of new committees.

Mr. HILL. Mr. President, may we have the question put on the pending resolution?

The PRESIDING OFFICER. The resolution is open to amendment. If there be no amendment to be proposed, the question is on agreeing to the resolution.

The resolution (S. Res. 265) was agreed to, as follows:

Resolved, That the Committee on Labor and Public Welfare is authorized from February 1, 1960, through January 31, 1961, to employ one additional assistant chief clerk, six additional professional staff members, and eight additional clerical assistants to be paid from the contingent fund of the Senate at rates of compensation to be fixed by the chairman in accordance with section 202(e), as amended, of the Legislative Reorganization Act of 1946, and the provisions of Public Law 4, 80th Congress, approved February 19, 1947, as amended.

STUDY OF PROBLEMS OF THE AGED

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1117, Senate Resolution 266, which, like Calendar No. 1116, Senate Resolution 265, has been pretty thoroughly discussed, and I ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The LEGISLATIVE CLERK. A resolution (S. Res. 266) authorizing a comprehensive study of problems of the aged.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the budget figures submitted by the subcommittee be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Budget

Position	Number	Base salary (per annum)	Gross salary (per annum)	Monthly salary (gross)	Total for period of budget (gross)
STAFF					
Legal and investigative:					
Staff director	1	$8,000	$14,979.45	$1,248.28	$14,979.45
Assistant staff director	1	7,260	13,769.66	1,147.47	13,769.66
Editorial and research: Research director	1	7,260	13,769.66	1,147.47	13,769.66
Administrative and clerical:					
Clerk-stenographers	3	2,880	6,062.14	505.83	18,246.42
Clerical assistant	1	2,460	5,290.76	440.89	5,290.76
Total	7				66,055.95
ADMINISTRATIVE					
Consultant fees and expenses					4,000.00
Contribution to civil service retirement fund (6½ percent of total salaries paid)					4,293.64
Contribution to employees' health benefit program (Public Law 86-382, effective July 1, 1960)					330.00
Contribution to Federal employees' group life insurance (27 cents per month per $1,000 coverage)					215.00
Travel (inclusive of field investigations)					5,000.00
Reimbursable payments to agencies					500.00
Hearings (inclusive of reporters' fees)					2,000.00
Witness fees and expenses					600.00
Stationery, office supplies					800.00
Communications (telephone and telegraph)					1,000.00
Contingent fund					205.41
Total					18,944.05
Fund requested (S. Res. 266)					85,000.00

Mr. RUSSELL. Mr. President, I am advised that due to some kind of occult understanding, when a motion is made to proceed to the consideration of these resolutions, the motion is not a motion, but is a request for unanimous consent. I stood here when the majority leader called up by motion the first of these resolutions. I heard him make the motion to proceed to the consideration of that resolution. I make the parliamentary inquiry as to when a motion is not a motion, and when it is a motion.

The PRESIDING OFFICER. The first motion was made during the morning hour. It was made when the Senate was in the morning hour after the adjournment. A motion has just been made to proceed to the consideration of Calendar No. 1117, Senate Resolution 266, but the motion has not been agreed to.

Mr. RUSSELL. Does the Chair hold that the Senate is still in the morning hour?

The PRESIDING OFFICER. No. The morning hour has been concluded.

Mr. RUSSELL. I just heard the distinguished Senator from Montana move that the Senate proceed to the consideration of Senate Resolution 266, Calendar No. 1117.

The PRESIDING OFFICER. That is the pending motion.

Mr. RUSSELL. If that motion should be agreed to, would it not displace the Stella School bill?

The PRESIDING OFFICER. It would displace the Stella School bill?

Mr. MANSFIELD. Mr. President, for the purpose of having the matter clarified, I was informed at the conclusion of the morning hour that the pending business at that time was the Stella School bill, to which the Dirksen substitute had been attached, and that the actual pending question was section 3 of the Dirksen substitute; and therefore, I asked unanimous consent that the unfinished business be temporarily laid aside, and that the Senate continue with the consideration of Senate Resolution 265, Calendar No. 1116.

Mr. RUSSELL. The Dirksen substitute was not attached to the Stella School bill. We are still working on the Dirksen substitute. We have not perfected it.

The PRESIDING OFFICER. The Chair rules that to bring up Senate Resolution 266 without displacing the Stella School bill would require unanimous consent. That has not been asked for. The unanimous consent was obtained to lay aside temporarily the pending business and to consider Senate Resolution 265, Calendar No. 1116, which has now been disposed of.

Mr. RUSSELL. Then, the pending business at present is the motion of the Senator from Montana to proceed to the consideration of Calendar No. 1117, Senate Resolution 266?

The PRESIDING OFFICER. The Senator is correct. If that motion is agreed to, it will displace the pending business. However, if the Senator from Montana asks unanimous consent to lay aside the pending business temporarily, and obtains that consent, then it would not displace the pending business.

Mr. RUSSELL. Oh, yes; if he got unanimous consent. But I heard the distinguished Senator from Montana make a motion. I stood right here and heard the distinguished Senator from Texas move that the Senate proceed to consider these resolutions. It could have been in the morning hour; and in that case, it would not have displaced the Stella School bill. But certainly we are out of the morning hour now, and there will be no other proposed legislation taken up by a unanimous consent in this situation. I shall be happy to consider a motion to proceed to any other legislation, but there can be no unanimous consent given in this situation.

Mr. MANSFIELD. I have not made a unanimous-consent request except at the time the morning hour was concluded. I am moving that these things be done.

Mr. RUSSELL. I am ready to vote.

Mr. MANSFIELD. Mr. President, is the Senate ready to vote on Calendar No. 1117, Senate Resolution 266?

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed to the consideration of Calendar No. 1117, Senate Resolution 266.

Mr. MANSFIELD. As I understand, certain material has been placed in the RECORD at the request of the distinguished Senator from Louisiana.

The PRESIDING OFFICER. The motion of the Senator from Montana has not been agreed to. The question is on agreeing to the motion of the Senator from Montana that the Senate proceed to the consideration of Calendar No. 1117, Senate Resolution 266.

The motion was agreed to; and the Senate proceeded to consider the resolution.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Georgia will state it.

Mr. RUSSELL. What is the status of the Stella School bill?

The PRESIDING OFFICER. The status of the Stella school bill is that it is back on the calendar. It has been displaced.

Mr. RUSSELL. What is the status of the Dirksen amendment? I assume it is on the desk.

The PRESIDING OFFICER. The Dirksen amendment is with the Stella bill.

Mr. RUSSELL. How did the Dirksen amendment ever get to the bill, when it has not been agreed to?

The PRESIDING OFFICER. The Dirksen amendment goes back on the calendar with the bill. It will be the pending question when the bill comes up again.

Mr. RUSSELL. If this amendment was offered but was never agreed to, the automatic displacement of the bill before the Senate does not carry with it all the amendments which have been proposed to the bill. It is the bill which goes to the calendar.

The PRESIDING OFFICER. If and when the Stella bill is brought out again, the question would be on agreeing to the Dirksen amendment to section 3.

Mr. RUSSELL. Mr. President, I should like to have the rule read, or any portion of the Journal read, which shows that the Dirksen amendment has been attached to the Stella school bill.

The PRESIDING OFFICER. The Dirksen amendment has not been attached to the Stella school bill. However, it is the pending amendment to the Stella bill. At the time the bill comes up again, the Dirksen amendment will be the pending business. It is an amendment to the Stella school bill.

Mr. RUSSELL. Mr. President, I respectfully challenge that ruling. I know of no rule whereby a bill which is displaced on the calendar when a motion is made to proceed to the consideration of another bill carries with it automatically an amendment which has been offered to the bill. A wide variety of amendments were ready and lying on the table. There must have been some 150 or 200 amendments. Does the Chair hold that all those amendments are now in order to the Stella bill?

The PRESIDING OFFICER (Mr. CANNON in the chair). The Chair is advised by the Parliamentarian that when an amendment has been offered to a pending bill and when that bill goes back to the calendar, the amendment also goes with the bill to the calendar.

At such time as the bill is again called up, the pending question then will still be on agreeing to the amendment which was pending to the bill at the time when the bill was displaced and went to the calendar.

Mr. RUSSELL. Mr. President, I understand that an advisory opinion by the Chair or a response by the Chair to a parliamentary inquiry does not constitute a ruling in concrete form. Therefore, I shall not attempt to appeal from the Chair's response to the parliamentary inquiry.

But I am convinced that the Chair was in error when the Chair held that when the Stella School District bill went back to the calendar, it took with it to the calendar the Dirksen amendment in the nature of a substitute.

The PRESIDING OFFICER. When the Senate proceeded to consider Senate Resolution 266, the Stella School District bill went back to the calendar; and, therefore, the Stella School District bill has been displaced by Senate Resolution 266.

Mr. RUSSELL. Mr. President, I rise to another parliamentary inquiry——

Mr. MANSFIELD. First, Mr. President, will the Senator from Georgia yield to me?

Mr. RUSSELL. I yield.

Mr. MANSFIELD. At this time, I should like to propound a parliamentary inquiry: Has the Stella School District bill now been displaced or has it been temporarily set aside?

The PRESIDING OFFICER. The Stella School District bill has been displaced, because the Senate agreed to the motion of the Senator from Montana that the Senate proceed to the consideration of Calendar No. 1117, Senate Resolution 266.

Mr. RUSSELL. Yes. I thank the distinguished Senator from Montana.

Mr. MANSFIELD. I so understand.

Mr. RUSSELL. Mr. President, I rise to another parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Georgia will state it.

Mr. RUSSELL. Am I correct in understanding that I do not waive my rights by failing to file an appeal from the Chair's advisory opinion?

The PRESIDING OFFICER. An appeal could not be taken from the Chair's response to a parliamentary inquiry.

Mr. RUSSELL. That was the ruling which I assumed I would receive from the Chair.

But I am confident that the ruling of the Chair that the Dirksen amendment accompanied the Stella School District bill to the calendar, when that bill was displaced by Senate Resolution 266, cannot possibly stand as a sound precedent.

The PRESIDING OFFICER. The question is on agreeing to Senate Resolution 266.

The resolution was agreed to, as follows:

Resolved, That the Committee on Labor and Public Welfare, or any duly authorized subcommittee thereof, is authorized under section 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate to examine, investigate, and make a complete study of any and all matters pertaining to the problems of the aging including, but not limited to, (a) a study of the major problems of the aged, (b) a study of the existing programs of agencies, both public and private, dealing with problems of the aged, (c) a study of the present role of the Federal Government in dealing with problems of the aged, and (d) a study of any additional Federal programs which should be undertaken to help solve the problems of the aged.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1960, to January 31, 1961, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $1,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1961.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $85,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

STUDY OF MATTERS PERTAINING TO MIGRATORY LABOR

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1118, Senate Resolution 267.

The motion was agreed to; and the Senate proceeded to consider the resolution (S. Res. 267) authorizing the Committee on Labor and Public Welfare to make a study of any and all matters pertaining to migratory labor.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the budget submitted by this subcommittee be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Budget

Position	Number	Base salary (per annum)	Gross salary (per annum)	Monthly salary (gross)	Total for period of budget (gross)
STAFF					
Legal and investigative:					
Research director	1	$4,740	$9,574.22	$797.85	$9,574.22
Research assistant	2	8,490	17,137.74	1,428.14	17,137.74
Administrative and clerical: Clerk-stenographers	2	2,580	11,033.68	919.46	11,033.68
Total	4				37,745.64
ADMINISTRATION					
Consultants fees and expenses					1,000.00
Contribution to civil service retirement fund (6½ percent of total salaries paid)					2,453.37
Travel (inclusive of field investigations)					5,000.00
Reimbursable payments to agencies					500.00
Hearings (inclusive of reporters' fees)					1,500.00
Witness fees, expenses					500.00
Stationery, office supplies					250.00
Communications (telephone, telegraph)					500.00
Contingent fund					550.89
Total					12,254.38
Grand total					50,000.00

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 267) was agreed to, as follows:

Resolved, That the Committee on Labor and Public Welfare, or any duly authorized subcommittee thereof, is authorized under section 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rules XXV of the Standing Rules of the Senate to examine, investigate, and make a complete study of any and all matters pertaining to migratory labor including, but not limited to, such problems as (a) the wages of migratory workers, their working conditions, transportation facilities, housing, health and educational opportunities for migrants and their children, (b) the nature of and the relationships between the programs of the Federal Government and the programs of State and local governments and the activities of private organizations dealing with the problems of migratory workers, and (c) the degree of additional Federal action necessary in this area.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1960, to January 31, 1961, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be fixed so that his gross rate shall not be less by more than $1,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest-practicable date, but not later than January 31, 1961.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $50,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that an excerpt from the report on Calendar No. 1118 be printed in the RECORD, following the request of the Senator from Louisiana that the budget be printed in the RECORD.

There being no objection, the excerpt from the report (No. 1088) was ordered to be printed in the RECORD, as follows:

The Committee on Rules and Administration, to whom was referred the resolution (S. Res. 267) authorizing the Committee on Labor and Public Welfare to make a study of any and all matters pertaining to migratory labor, and providing additional funds therefor, having considered the same, report favorably thereon without amendment and recommend that the resolution be agreed to by the Senate.

This resolution would authorize the expenditure of not to exceed $50,000 by the Committee on Labor and Public Welfare, or any duly authorized subcommittee thereof, from February 1, 1960, through January 31, 1961, to make a complete study of any and all matters pertaining to migratory labor including, but not limited to, such problems as (a) The wages of migratory workers, their working conditions, transportation facilities, housing, health and education opportunities for migrants and their children;

(b) The nature of and the relationships between the programs of the Federal Government and the programs of State and local governments and the activities of private organizations dealing with the problems of migratory workers; and (c) The degree of additional Federal action necessary in this area.

Additional information relative to the proposed inquiry is contained in a letter from Senator LISTER HILL, chairman of the Committee on Labor and Public Welfare, and a memorandum from Senator HARRISON A. WILLIAMS, chairman of the Subcommittee on Migratory Labor, both addressed to Senator THOMAS C. HENNINGS, Jr., chairman of the Committee on Rules and Administration, which letter and memorandum (together with a proposed budget) are as follows:

U.S. SENATE,
COMMITTEE ON LABOR
AND PUBLIC WELFARE,
February 8, 1960.

Re Senate Resolution 267.
Hon. THOMAS C. HENNINGS, Jr.,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, D.C.

MY DEAR MR. CHAIRMAN: On behalf of the Committee on Labor and Public Welfare, I am submitting a memorandum and budget relating to Senate Resolution 267, 85th Congress, 2d session, which authorizes this committee to make a study of any and all matters pertaining to migratory labor. The memorandum has been prepared by Senator HARRISON A. WILLIAMS, Jr., chairman of the special Subcommittee on Migratory Labor of this committee.

Senate Resolution 267 was unanimously approved by the committee at its executive session on February 2, 1950.

May I express the hope that your committee will be able to give favorable consideration to Senate Resolution 267 at an early date.

With kindest personal regards and best wishes.

Very sincerely,
LISTER HILL, *Chairman.*

FEBRUARY 3, 1960.

Memorandum.
To: Hon. THOMAS C. HENNINGS, Jr., Chairman, Committee on Rules and Administration.
From: Senator HARRISON A. WILLIAMS, Jr., Chairman, Subcommittee on Migratory Labor.
Re Senate Resolution 267, authorizing a comprehensive study of migratory labor.

On August 5, 1959, in recognition of the serious problems confronting our migrant farm workers, the Committee on Labor and Public Welfare created the Subcommittee on Migratory Labor. Following its establishment, the following bills were referred to the subcommittee for appropriate consideration and action.

S. 1085, to establish a minimum wage for agricultural employees of farm enterprises using more than 2,244 man-days of hired farm labor annually;

S. 2141, to prohibit the use of child labor in agriculture; and

S. 1778 and S. 2498, to provide for Federal registration of migrant labor contractors or crew leaders.

With these bills before it, the subcommittee embarked upon a comprehensive study of the long-neglected but serious problems of the more than 1 million men, women, and children involved in the migratory agricultural life, performing an indispensable service in traveling from State to State to meet the uniquely heavy seasonal demands of the agricultural industry.

In my own State of New Jersey, approximately 25,000 migratory workers, not including women and children, or nearly half of the total farm population of the State, help each year to plant, cultivate, harvest, and process over $150 million worth of agricultural commodities. These people are of even greater importance in other States. Texas employs 82,000 domestic migrant workers. California uses about 58,000. Michigan ranks third with about 51,000.

The subcommittee began its investigations by conducting two hearings in Washington during the month of August. Sponsors of the pending legislation and departmental witnesses from interested agencies presented their views in these hearings.

During the month of September, the subcommittee held hearings and field trips to observe actual conditions in Michigan, Wisconsin, and Minnesota. These were followed in November and December by similar activities in the Eastern States of New York, New Jersey, and Pennsylvania.

Much excellent information was assembled and a good, albeit complex picture was obtained on the level of achievements of the various States visited and the varying nature of the problems facing not only the migrants themselves, but the farmers and the State and local governments as well.

In some areas we found communities that warmly received their migrant workers in an almost festive atmosphere; in other areas the migrants were virtual outcasts. In some States, we found wages good, but living conditions poor. Elsewhere the housing was good but not the wages.

We discovered, also, the good will and sincere concern of many farm owners for the welfare of their migrant workers. But we found, in addition, many farmers who were earning too little to translate this concern into improved conditions for their employees. We saw the expense to which many farmers have gone to provide decent housing for their workers with no assurance that other growers would do the same. And we learned of the serious problem confronting the farmer who provides good facilities only to have them abused, damaged, and sometimes wrecked by workers who perhaps did not care about the damage they were causing or perhaps, not having ever used them before, simply did not understand their purpose or how properly to use them.

We found migrants who wanted to give their children an education but couldn't because the children were needed in the fields to supplement the family income. Schools wanted to provide education for the migrant children, but lacked adequate statutory authority, adequate funds, and adequate classroom space. Teachers were greatly distressed by the educational deficiencies of migrant children but did not command the resources to do anything about it.

We found, in short, that the migrant workers are truly the most isolated and forgotten people in America. Despite their obvious and valuable contribution to our society, they share few of its fruits and seldom find themselves with the same rights and opportunities as other citizens.

And even though many State and county governments, growers, church groups, and other private organizations have labored long and hard to improve this situation, very little real progress has been made. Except for minor and insignificant variations, the migratory worker of today exactly parallels the migratory worker of three decades ago.

This lack of sufficient and uniform progress stems from the fact that many of the most critical problems in this area, being predominantly interstate in character, are beyond the reach of the State action, and from the further fact that the Federal Government has not yet adequately assumed its share of the burden. Indeed, until the role of the Federal Government is delineated and until appropriate Federal action is taken, there is no reason to believe that the present patchwork of State laws will have any significant impact on the lives of these people.

For these reasons, we must now make studies in depth concerning the interstate characteristics of these problems in order to determine the appropriate role of the Federal Government. Such studies are necessary, I believe, to enable the subcommittee to develop concrete, feasible programs for improving the conditions under which these citizens work and live. A task of this magnitude will, of course, require a considerable increase in activity by the subcommittee as well as a modest addition to staff personnel, which is why I am submitting the attached resolution and budget.

In offering this resolution relative to the forthcoming activity of the Subcommittee on Migratory Labor, it is my hope that a body of solid information can be compiled from further hearings and study, which, together with the useful information now at hand, can be used as a base for the formulation of workable legislation to help facilitate solutions to some of the problems besetting our migrants, our farmers, and our State and local governments. Correspondence from interested individuals and testimony presented at the hearings have already produced a wide range of proposals and ideas. Each of these proposals should be examined and reevaluated as the problems become more clearly defined.

In accordance with procedures established by the Senate Committee on Rules and Administration, the resolution makes provision for the appointment of a minority staff member.

In addition to the limited staff to be retained, the many knowledgeable people in this field will be utilized at every opportunity. Funds are provided for consultant fees and expenses as are funds for payments to agencies which may be able to provide expert technical and advisory personnel to help in regard to some of the particular complex matters under study.

HARRISON A. WILLIAMS, Jr..

ADDITIONAL FUNDS FOR THE COMMITTEE ON PUBLIC WORKS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar 1115, Senate Resolution 247.

The motion was agreed to; and the Senate proceeded to consider the resolution (S. Res. 247) providing additional funds for the Committee on Public Works and authorizing the employment of additional clerical assistance.

Mr. ELLENDER. Mr. President, as I understand the resolution, it provides additional funds for the Committee on Public Works and authorizes the employment of additional clerical assistants, and the work the committee will do in this connection will be similar to the work it did last year on the same subject.

Mr. MANSFIELD. That is correct.

Mr. ELLENDER. I understand, also, that the amount being requested for that purpose this year is the same as the amount requested for this purpose last year.

Mr. MANSFIELD. Yes.

Mr. ELLENDER. I am further informed that all of the $125,000 which was provided for last year was not used, but that $95,000 was returned.

Mr. MANSFIELD. Yes, $95,000 was returned.

Mr. ELLENDER. That being true, I wonder why the committee now asks for the full amount.

Mr. MANSFIELD. I would say that last year the committee was just getting underway. In the meantime, the work has piled up, and the need for funds this year will be considerably greater than the need last year.

Mr. ELLENDER. Is it the intention of the chairman to make use of the entire amount?

Mr. MANSFIELD. Yes, I so understand from talking with the Senator from Oklahoma [Mr. KERR].

Mr. President, I ask unanimous consent that an excerpt from the report which accompanies Senate Resolution 247, which includes a letter from the chairman of the full committee, the Senator from New Mexico [Mr. CHAVEZ], and certain budget figures, be printed at this point in the RECORD.

There being no objection, the excerpt from the report (No. 1085) was ordered to be printed in the RECORD, as follows:

This resolution would authorize the expenditure of $125,000 by the Committee on Public Works, or any duly authorized subcommittee thereof, from February 1, 1960, through January 31, 1961, to employ on a temporary basis such additional personnel as the committee deems advisable to carry out its functions during the 2d session of the 86th Congress.

Additional information relative to the purposes of Senate Resolution 247 is contained in the report of the Committee on Public Works thereon (S. Rept. 1075, 86th Cong., 2d sess.). The purposes of the resolution are further detailed in a letter to Senator THOMAS C. HENNINGS, Jr., chairman of the Committee on Rules and Administration, from Senator DENNIS CHAVEZ, chairman of the Committee on Public Works, which letter (with accompanying budget), is as follows:

U.S. SENATE,
COMMITTEE ON PUBLIC WORKS,
February 4, 1960.

Hon. THOMAS C. HENNINGS, Jr.,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: From the Committee on Public Works, on February 3, 1960, I reported Senate Resolution 247, providing additional funds for the use of the committee during the period February 1, 1960, to January 31, 1961. It is requested that your committee consider the resolution at an early date, and I respectfully urge that the committee report favorably thereon.

The need for these funds arises from the heavy and increasing workload of the committee relative to legislation under its jurisdiction. The Federal-Aid Highway Acts of 1956, 1958, and 1959 authorized a $40 billion program for the construction and improvement of the highways of the Nation, to be financed with certain Federal excise taxes on highway users which are placed in the highway trust fund. Those acts and other special acts authorized the submission of reports and studies to the Congress some of which have been submitted and others are due in the near future.

In addition, the President in his budget message for fiscal year 1961 recommended certain legislation affecting the national highway program. It is necessary that there be a continuous study of the status and progress for financing and expediting completion of this huge program. These studies will require an annual review of the program and reports by the agencies, inspection of certain areas, investigation of any irregularities in prosecution of the program, conferences with highway officials and residents, study of the matter of reimbursement for cost of toll roads, study of safety problems, and consideration of any necessary amendments to the legislation in order to avoid delays in the procurement of necessary rights-of-way, equipment, material, and manpower needed for orderly prosecution of the program. The regular Federal-aid program will be carried forward and will require legislation during the present session of Congress to attain this result, as well as making provision for apportionment of funds to the States on the basis of the estimates of costs for completing the Interstate System as submitted to the Congress by the Secretary of Commerce in January 1961.

An omnibus flood control and river and harbor bill totaling $1.566 billion for 152 projects, and authorizing the inclusion of storage for water supply purposes in Federal reservoirs, was enacted during the 85th Congress. Another omnibus bill passed the House during the last session and is now pending before the committee. Those acts will add to the large backlog of previously authorized projects in the United States and its territories, and will provide for orderly development of the Nation's water resources and contribute in a large measure to the domestic economy of the country. Legislation has been enacted authorizing the establishment of study commissions for river basins in the southeastern States and in Texas. Prosecution of these studies will go forward. Further legislation is necessary from time to time to assist in carrying this program forward by authorizing individual projects or increasing basin authorizations. The program must be reviewed periodically in order to obtain up-to-date appraisals of benefits and costs, to determine the need for review and restudy of certain projects, reports, and recommendations, and the need for modification of existing projects. The committee proposes to spend a limited time in the field inspecting some of these projects and holding conferences and hearings with local citizens and organizations interested in various features of water resource development.

Public Law 1018, 84th Congress, amended the Watershed Protection and Flood Prevention Act, to provide for its broader use in assisting local organizations in carrying out projects for flood control and water supply purposes. Approval of plans for certain projects under this act is the responsibility of the Committee on Public Works, and will require extensive studies and investigations.

The Water Pollution Control Act amendments of 1956 authorized Federal aid in the conduct and promotion of research, investigation, experiments, demonstrations, and study for eliminating and improving sanitary conditions of surface and underground waters of the United States. It also authorizes a 10-year program of Federal grants for construction of necessary treatment works for sewage or other wastes discharging into any stream. Constant review, study, and inspection of these matters by the committee will be necessary. This program has been one of the most popular and beneficial programs authorized by the committee. Although the President in his budget message proposed cessation of this program after 1960, legislation has been passed which would broaden and increase the scope of the program. Legislation has also been enacted which would broaden and increase the program for studies in connection with the air pollution problem.

The committee approved 150 Federal buildings having an estimated aggregate cost of $750 million for prosecution under the Lease-Purchase Act of 1954. Authority for approving additional projects under that authority has expired. Some of the authorized projects are now under construction as lease-purchase projects, and others are to be constructed by direct appropriations provided by the last session of Congress. Close supervision of the program will be necessary, and additional policy established for future provision of Federal buildings to be constructed by direct appropriations. Proposals will be submitted to the committee for approval. A public buildings act was adopted during the last session of Congress. The committee has approved 65 buildings under that authority.

Legislation authorizing the Tennessee Valley Authority to finance construction of additional power facilities with proceeds obtained by the sale of revenue bonds passed the Congress during the last session. Additional review and study of proposals advanced, and the prosecution of this large power program will be required.

Legislation authorizing the establishment of a Columbia River Development Corporation to supersede the Bonneville Power Administration for administration, construction, and operation of Federal power facilities in the Pacific Northwest, was introduced in the last session. Hearings on the proposed legislation were held in Washington.

Nomination of members of the Board of Directors of the Tennessee Valley Authority, the Mississippi River Commission, the California Debris Commission, and the Federal Highway Administrator are referred to the committee for recommendation.

Other matters will be considered by the Committee on Public Works requiring special studies relate to water resources development policy, navigation bridge clearances, timber-access roads on forest lands, acquisition of lands in reservoir areas, diversion of water from Lake Michigan, evaluation of recreational benefits from Federal reservoirs, cost sharing on flood control projects, reconstruction of the Alaska Highway, amendments to the highway laws affecting Alaska, and buildings and grounds in the District of Columbia.

A division of the funds requested is as follows:

Salaries	$60,660.37
Contributions to civil service retirement fund	3,942.92
Reimbursable payments to agencies	4,000.00
Travel	33,000.00
Hearings	14,000.00
Stationery	2,000.00
Communications	3,000.00
Contingencies	4,396.71
Total	125,000.00

Your early consideration of Senate Resolution 247 will be greatly appreciated.

Sincerely yours,
DENNIS CHAVEZ,
Chairman.

Budget

Position	Number	Base salary (per annum)	Gross salary (per annum)	Monthly salary (gross)	Total for period of budget (gross)
STAFF					
Legal and investigative: Chief investigator	2	$8,180	$12,604.02	$1,050.03	$24,008.04
Editorial and research: Staff member	1	4,980	10,006.82	833.81	10,005.82
Administrative and clerical:					
Assistant chief clerk	1	5,760	11,317.39	943.11	11,317.39
Assistant clerk (hearing)	1	3,720	7,664.56	638.71	7,664.56
Stenographer	1	3,720	7,664.56	638.71	7,664.56
Total	6				60,660.37
ADMINISTRATIVE					
Contribution to civil service retirement fund (6½ percent of total salaries paid)					3,942.92
Reimbursable payments to agencies					4,000.00
Travel (inclusive of field investigations)					33,000.00
Hearings (inclusive of reporters' fees)					14,000.00
Stationery, office supplies					2,000.00
Communications (telephone, telegraph)					3,000.00
Newspapers, magazines, documents					4,396.71
Total					64,339.63
Fund requested (S. Res. 247), total					125,000.00

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 247) was agreed to, as follows:

Resolved, That the Committee on Public Works, or any duly authorized subcommittee thereof, is authorized under sections 134 and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate from February 1, 1960, to January 31, 1961, inclusive, to (1) make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $1,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and of the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any departments or agencies of the Government.

SEC. 2. The expenses of the committee under this resolution, which shall not exceed $125,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

DISTRICT OF COLUMBIA APPROPRIATIONS, 1961

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1181, House bill 10233.

The motion was agreed to; and the Senate proceeded to consider the bill (H.R. 10233) making appropriations for the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

STUDY OF AIR TURBULENCE

Mr. HARTKE. Mr. President——

Mr. MANSFIELD. Mr. President, I yield to the Senator from Indiana [Mr. HARTKE] such time as he may require.

Mr. HARTKE. I thank the Senator from Montana.

Mr. President, yesterday morning I had occasion to attend a brief meeting of the communications subcommittee at which the Chief of the U.S. Weather Bureau, F. W. Reichelderfer, was testifying on a bill to provide for telephoned reports from weather observers. During the time Mr. Reichelderfer was testifying, I made inquiries about the problem of clear air turbulence, a suggested possible cause of the crash a week ago today of a Northwest Airlines turbo-prop plane over southern Indiana.

Mr. Reichelderfer noted that severe turbulence had been predicted for areas of southern Indiana and Kentucky on the day of the crash. He pointed out, however, that present meteorological research is not sufficiently adequate to pinpoint height and exact location and time of such turbulence.

Mr. Reichelderfer's testimony also developed that high altitude turbulence was not known until military pilots reported it. Much of the research into this phenomenon has been done by the military and only lately has this been dove-tailed with that of the Weather Bureau.

Until the advent of high speed jet-powered aircraft this was not much of a consideration except to the extent that air passengers were uncomfortable in turbulence. Now, however, it is a matter of safety. When a fast flying jet smacks into severe turbulence, tremendous stress is put upon the plane. Three times in the last 6 months commercial prop jet planes in this country have crashed apparently because of contact with such turbulence.

"I would guess that we do not have 1 percent of the research that we need to handle this problem," Mr. Reichelderfer told us yesterday. He said that the Weather Bureau has sought larger appropriations for this purpose and that there would be no duplication with similar activity by the Defense Department because there is considerable cooperation and coordination.

I am now seeking from Mr. Reichelderfer a report on what, if any, cuts have been made in Weather Bureau recommendations for such research and by whom. I am certain that all Members of the Senate will be intensely interested in the reply I receive because I feel that everyone is concerned with safer air travel and will be willing to provide whatever additional funds are necessary to make modern air travel as safe as possible.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDING OFFICER laid before the Senate a message from the President of the United States submitting the nomination of Edward K. Mills, Jr., of New Jersey, to be a member of the Federal Communications Commission, which was referred to the Committee on Interstate and Foreign Commerce.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Ratchford, one of his secretaries.

ELECTION OF MEMBER TO THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE ON THE LIBRARY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 1124, Senate Resolution 276.

The PRESIDING OFFICER. The resolution will be stated by title.

The LEGISLATIVE CLERK. A resolution (S. Res. 276) electing a member on the part of the Senate to the Joint Committee on Printing and the Joint Committee on the Library.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the resolution (S. Res. 276) was considered and agreed to, as follows:

Resolved, That Mr. BRUNSDALE be, and he is hereby, elected a member on the part of the Senate of the Joint Committee on Printing and the Joint Committee on the Library, vice Mr. MORTON.

DISTRICT OF COLUMBIA APPROPRIATIONS, 1961

The Senate resumed the consideration of the bill (H.R. 10233) making appropriations for the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. What is the pending business?

The PRESIDING OFFICER. The pending business is Calendar No. 1181, H.R. 10233, the District of Columbia appropriation bill.

Mr. PASTORE. Mr. President, I have a few brief remarks to make on the District of Columbia appropriation bill for 1961, which carries the unanimous approval of the Appropriations Committee. The bill as reported to the Senate is $2,970,876 over the total appropriations allowed by the House, $2,313,848 below the estimates requested for fiscal 1961, and $1,605,924 under the total appropriations enacted for fiscal 1960.

In my opinion, this is a good bill. The recommended increase of about $3 million in 1961 is well justified. Over $500,000 relates to costs for 100 additional foot patrolmen in the Metropolitan Police Department, and about $347,000 covers well merited increases in the per diem rates paid local hospitals for the care of local indigent patients. And, in the capital outlay category, three important projects were approved; namely, $1,032,000 for a new elementary school in the vicinity of Fourth and V Streets NW.; $372,000 for the Bennings branch library in northeast; and $250,000 for permanent improvements of school buildings. These added projects are most essential to the public safety, education, health, and general welfare of the Nation's Capital. To help defray these increased obligations payable from the general funds additional Federal loan authority of $1.4 million has been approved. Also added is $1 million to the Federal payment, to provide $26 million instead of $25 million allowed by the House under the $32 million authorization. This is the most equitable way to share the costs of the expanded services which are beneficial to both the Federal Government and to the District of Columbia.

Under this funding program, no deficit spending is authorized; in fact, sufficient money has been reserved for supplemental expenditures anticipated next fiscal year. A modest surplus of $340,000 is expected in the general fund account by June 30, 1961.

In conclusion, Mr. President, I feel it important to pinpoint certain matters covered in the bill; namely, funds for the recruitment of 150 patrolmen are provided, to cope with the increased crime wave in the District of Columbia; funds are provided for a complete lunch program for 4,800 hungry children in the public school system; and, finally, the pupil-teacher ratio in the elementary grades will be approximately 31 to 1.

I will add, also, there are funds for a pilot program in one police precinct to enable the foot patrolmen, the officers, to have two-way radios.

Mr. BEALL. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. BEALL. I take this opportunity to commend the junior Senator from Rhode Island. Certainly the junior Senator from Rhode Island has worked tirelessly preparing the appropriation bill. I hope the Senate will accept it. It is particularly necessary that the additional policemen be provided for. The need for the additional policemen has been shown time and time again.

I hope the Senate will accept this very modest increase over the House bill, so that we may take it to conference and have it considered. I hope the conference will accept it, and that the additional appropriations will be provided.

Mr. PASTORE. I thank my distinguished colleague, who has been very helpful on the committee. Inasmuch as the Senator has brought up the subject of the additional patrolmen, I think it ought to be said for the record that it might be argued the Police Department has not recruited all of the patrolmen it desires to have, up to a full complement. That is only true because the standards are rather high and the Police Department is ever searching for men who are competent to be policemen on the District of Columbia police force.

Mr. President, what is happening is that the Department is permitting, on a sort of staggered program or arrangement, the present policemen in the Department to work an extra day approximately once a month. In fact, if we allow the additional money, the District of Columbia will have protection up to the maximum amount, even though the Police Department has not been able to recruit up to the full complement. I think that is an important fact to be stated at this time. Until such time as we have a full recruitment, by allowing the additional money we are allowing added protection, because the policemen presently in the Department are working these extra days.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. HOLLAND. I congratulate the distinguished Senator upon the bill, and particularly upon the item mentioned by the distinguished Senator from Maryland, relating to the need in the District of Columbia for a larger force of patrolmen, and the fact that the bill will substantially take care of that need.

I think all Senators saw discussion in the press reports only a few days ago, of the regrettable fact that serious crime had greatly increased in the District of Columbia last year. I am sure all Senators know also, with particular regard to the ladies in the District of Columbia, the present situation makes it not at all desirable for them to venture out at night or to go into places which are not customarily frequented.

I think most of us who serve in the Senate know from experience in our own families that the ladies are extremely loath to go out at all at night unless the men are with them, and then they do not care to venture into places very far from the entrance of a hotel or the place where they are going for various social occasions at night.

I think the Senator is not only dealing well with this situation, but I hope that, in conference, the other body will agree to this action. I hope the RECORD will show that Senators have spoken out vigorously in support of the need for a larger police patrol force in the District of Columbia.

Mr. PASTORE. I emphasize again, Mr. President, that I read the hearings of the House committee quite completely and very attentively. The argument was made, of course, that the Police Department had not recruited the full complement, and for that reason the House disallowed 100. We allowed 100 in the supplemental appropriation bill last year. The Police Department asked for 150. The House allowed only 50, and deleted the 100. We have restored the 100. The argument made in the House at the time of the deletion was that the Department had not been able to recruit a full complement. That was a good argument. It was explained to us that by giving the extra time to the present policemen, insofar as the people of the District of Columbia are concerned their lives and property are being protected to the extent of a full complement, until full recruitment can be had.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PASTORE. I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on passage of the bill.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, before the vote is taken, I should like also to commend the Senator from Rhode Island and to express my appreciation for what he has done to "beef up" the police force in the District of Columbia. I express the hope that in the not-too-far-distant future we shall be able to do something to really bring about the creation of a better police force. It is a good force at the present time, under a very able chief, Chief Murray. I hope we will be able to provide a sufficient number of policemen and that the salaries will be sufficiently high for the Police Department to cope with all problems it must face.

Mr. PASTORE. I thank the Senator.

Mr. BRIDGES. Mr. President, I wish to associate myself with the remarks of the assistant majority leader. I commend the Senator from Rhode Island. I know how sincerely the Senator works on this problem of the District of Columbia fiscal affairs. I particularly want to mention the police situation, which I think is good in this city. The Police Department is under Chief Murray. We could not have a better chief for the job to be done.

Mr. PASTORE. I thank the Senator.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill, as thus amended, be regarded as original text for the purpose of amendment; provided, that no point of order shall be considered to have been waived by reason thereof.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Rhode Island? The Chair hears none, and it is so ordered.

The committee amendments agreed to en bloc are as follows:

On page 2, line 1, after the word "and", to strike out "$25,000,000" and insert "$26,000,000"; in line 19, after the word "appropriated", to strike out "$18,700,000" and insert "$20,100,000"; and in line 25, after the word "fund", to strike out "$14,500,000" and insert "$15,900,000."

On page 4, line 5, after the word "investigations", to strike out "$576,300" and insert "$609,259."

On page 4, line 22, after the word "which", to insert "$230,000 shall be available for District of Columbia employees' disability compensation and."

On page 6, line 5, after the word "fees", to strike out "$1,621,000" and insert "$1,639,600."

On page 6, line 8, after the word "Professions", to strike out "$337,600" and insert "$342,000."

On page 9, line 20, after the word "otherwise", to strike out "$23,217,000" and insert "$23,748,100."

On page 10, line 24, after the word "grounds", to strike out "$10,940,000" and insert "$10,948,000".

On page 11, line 4, after the word "Defense", to strike out "$60,000" and insert "$107,000."

On page 11, line 22, after the word "Justice", to strike out "$5,627,900" and insert "$5,645,320."

On page 13, line 16, after the word "Health", to strike out "$36,551,476" and insert "$36,910,473."

On page 15, line 24, after the word "committed", to strike out "$19,000,000" and insert "$19,145,000."

On page 17, line 24, after the word "license", to strike out "$2,460,900" and insert "$2,469,800."

On page 18, line 8, after the word "vehicles", to strike out "$8,415,000" and insert "$8,489,600", and in line 9, after the word "which", to strike out "$5,142,000" and insert "$5,212,139."

On page 18, line 17, after the word "including", to strike out "$40,000" and insert "$61,000", and in line 20, after the word "Administrators", to strike out "$1,270,600" and insert "$1,296,500."

On page 23, at the beginning of line 18, to strike out "$1,228,000" and insert "$1,272,000."

On page 24, line 23, after the word "Southeast", to insert "elementary school in the vicinity of Fourth and W Streets, Northwest, Benning branch library"; on page 25, line 11, after the word "expended", to strike out "$4,369,000" and insert "$6,023,000"; and at the beginning of line 13, to strike out "$625,000" and insert "$632,000."

On page 36, after line 8, to insert a new section, as follows:

"SEC. 15. Section 5 of the District of Columbia Appropriation Act, 1955, is amended to read as follows: 'Hereafter work performed for repairs and improvements may be by contract or otherwise, except for amounts exceeding $5,000 which shall be determined by the Commissioners; and the Commissioners are authorized to establish a working fund for such purposes without fiscal year limitation, said fund to be reimbursed for repairs and improvements performed under that fund from funds available for these purposes, and payments are authorized to be made to said fund in advance if required by the Director of Buildings and Grounds, subject to subsequent adjustments, from funds available for necessary expenses, including allowances for privately owned automobiles.'"

Mr. PASTORE. Mr. President, I send to the desk three amendments to the bill, none of which change the overall total appropriations recommended by the committee; instead, they are in the nature of perfecting amendments, as they relate only to limitations.

I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. The amendments will be stated for the information of the Senate.

The CHIEF CLERK. On page 13, line 18, it is proposed to strike out "$21.20" and to insert in lieu thereof "$25."

On page 13, line 19, it is proposed to strike out "$3.50" and to insert in lieu thereof "$4."

On page 25, line 11, it is proposed to strike out "$800,000" and to insert in lieu thereof "$1,600,000."

The PRESIDING OFFICER. Is there objection to the request of the Senator from Rhode Island? The Chair hears none; and, without objection, the amendments will be considered en bloc.

The question is on agreeing to the amendments.

Mr. PASTORE. Mr. President, the first two amendments reflect the increased per diem rates for outpatient and inpatient care of indigents in Freedmen's and private hospitals in fiscal year 1961, for which additional funds have already been added in the bill.

Mr. President, the third amendment merely increases the limitation of the amount to be available for expenditure in fiscal 1962 rather than fiscal 1961, in the appropriation "Capital outlay, public building construction." It relates to three projects added by the committee in the total sum of $1,654,000, but of which $800,000 will not be needed for expenditure purposes until after July 1, 1961. This deferred amount represents $500,000 of the $1,032,000 for a new elementary school; $200,000 of the $372,000 for the Benning branch library, and $100,000 of the $250,000 for permanent improvements in school buildings.

The PRESIDING OFFICER. The question is on agreeing to the amendments, en bloc.

The amendments were agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Louisiana [Mr. ELLENDER], the Senators from Minnesota [Mr. HUMPHREY and Mr. MCCARTHY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oklahoma [Mr. KERR], the Senator from Utah [Mr. MOSS], and the Senator from Virginia [Mr. ROBERTSON] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD] is absent because of illness.

I further announce that the Senator from Wyoming [Mr. O'MAHONEY] is necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Louisiana [Mr. ELLENDER], the Senators from Minnesota [Mr. HUMPHREY and Mr. MCCARTHY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oklahoma [Mr. KERR], the Senator from Utah [Mr. MOSS], the Senator from Virginia [Mr. ROBERTSON], and the Senator from Wyoming [Mr. O'MAHONEY] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The Senator from New Jersey [Mr. CASE], the Senator from Nebraska [Mr. CURTIS], and the Senator from Arizona [Mr. GOLDWATER] are necessarily absent.

The Senator from Maryland [Mr. BUTLER] and the Senator from North Dakota [Mr. YOUNG] are detained on official business.

If present and voting, the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from New Jersey [Mr. CASE], the Senator from Nebraska [Mr. CURTIS], the Senator from Arizona [Mr. GOLDWATER], and the Senator from North Dakota [Mr. YOUNG] would each vote "yea."

The result was announced—yeas 85, nays 0, as follows:

[No. 135]

YEAS—85

Aiken	Fulbright	Martin
Allott	Gore	Monroney
Anderson	Green	Morse
Bartlett	Gruening	Morton
Beall	Hart	Mundt
Bennett	Hartke	Murray
Bible	Hayden	Muskie
Bridges	Hennings	Pastore
Brunsdale	Hickenlooper	Prouty
Bush	Hill	Proxmire
Byrd, Va.	Holland	Randolph
Byrd, W. Va.	Hruska	Russell
Cannon	Jackson	Saltonstall
Carlson	Javits	Schoeppel
Carroll	Johnson, Tex.	Scott
Case, S. Dak.	Johnston, S.C.	Smathers
Chavez	Jordan	Smith
Church	Keating	Sparkman
Clark	Kefauver	Stennis
Cooper	Kuchel	Symington
Cotton	Lausche	Talmadge
Dirksen	Long, Hawaii	Thurmond
Douglas	Long, La.	Wiley
Dworshak	Lusk	Williams, Del.
Eastland	McClellan	Williams, N.J.
Engle	McGee	Yarborough
Ervin	McNamara	Young, Ohio
Fong	Magnuson	
Frear	Mansfield	

NAYS—0

NOT VOTING—15

Butler	Ellender	McCarthy
Capehart	Goldwater	Moss
Case, N.J.	Humphrey	O'Mahoney
Curtis	Kennedy	Robertson
Dodd	Kerr	Young, N. Dak.

So the bill, H.R. 10233, was passed.

Mr. DIRKSEN. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to table was agreed to.

Mr. PASTORE. Mr. President, I move that the Senate insist upon its amendments, request a conference thereon with the House of Representatives, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. CANNON in the chair) appointed Mr. PASTORE, Mr. HAYDEN, Mr. KEFAUVER, Mr. FREAR, Mr. BIBLE, Mr. YOUNG of North Dakota, Mr. HRUSKA, and Mr. BEALL conferees on the part of the Senate.

Mr. MORSE subsequently said: Mr. President, the distinguished and able Senator from Rhode Island [Mr. PASTORE] brought to the Senate this afternoon a very good and sound District of Columbia appropriation bill. Now that the bill has been passed, I should like to make these brief comments about it. The Senator from Rhode Island and his colleagues on the District of Columbia Appropriations Subcommittee of the Committee on Appropriations deserve much credit for the workmanlike and conscientious, not to say arduous, duties they have performed. As I am sure the Senator from Rhode Island will agree, the consideration of district legislation is not an easy task, but in my judgment on this appropriation bill for the District of Columbia the committee has accomplished its work with distinction.

The bill, as reported, contains many worthwhile improvement over the legislation as it came to the committee. I should like to discuss briefly some of the items which I welcome especially. I do so as a member of the Committee on the District of Columbia, which is the legislative committee, and as chairman of the Subcommittee of the District of Columbia Committee which has legislative jurisdiction over many of the District of Columbia's functions which are covered by the appropriation bill which the Senate has just passed.

First, I should like to pay deserved tribute to the House Appropriations Committee for having increased the estimates submitted by the Commissioners for the elementary lunch program so that there are now sufficient funds provided to take care of the full number of children the school authorities believe to be in need of the school lunch. I applaud the action of the humanitarian Senator from Rhode Island and the members of his subcommittee for retaining this item at the House figure. It is my understanding that this item will not be subject to revision in conference. It is also gratifying to me that the cost of the program was met by the provision of additional funds so that it does not represent a charge against the other worthy items contained in the school budget.

Second, the committee acted with wisdom, as I see it, in providing the necessary funds for the elementary school at Fourth and W Streets NW. It is my hope that this item can be retained in conference. It would be too bad for the District school modernization and expansion program to receive a setback. As I indicated in my testimony before the subcommittee the fact that 68 out of 183 school buildings in the District are 50 or more years old should spur us to make even greater efforts than we are making.

Third, I believe that the chairman of the subcommittee deserves much commendation for having added funds raising the amount allowable for foster home care for the dependent children who are in our charge. The dedicated employees at Junior Village and the volunteers who walk a dark and lonely road to help to take care of the children on their evenings of community service are doing a magnificent and humanitarian job. The increase in foster home allowances may help to relieve the overcrowded conditions at Junior Village to some extent and thus permit these fine people to concentrate their efforts upon those children who may not be ready for foster home care. In any event the logic of cold hard cash can scarcely be gainsaid. It costs $53 a month under the increased allowance schedule for each child in a foster home. Against this is the $180 a month estimated cost of maintaining the child at Junior Village. When into the balance is brought the benefits to the child of living in a family situation, and that is what the foster home situation permits, the argument for providing these funds assumes overwhelming proportions. Here again, I hope that the persuasive Senator from Rhode Island will be able to retain this increase in conference.

In fact, it is an increase from $50 a month to $53 a month, but the increase of $3 a month, so the authorities told us who are members of the Committee on the District of Columbia, will enable the sending of several scores of these little boys and girls to foster homes within the next few weeks.

Fourth, although an increase of $66,300 for repairs to the Dunbar School swimming pool was not included in the reported bill, I note from the printed hearings on page 145 that, as a result of a pointed question by the Senator from Rhode Island, the District Commissioners are going to give very serious thought to remedial action as soon as possible. I wish to compliment the Senator from Rhode Island upon this sound advice to the Commissioners and express the hope that they will give heed to it.

Mr. President, it is a source of much gratification to me that the bill provides sufficient funds to enable us to reach the 31-to-1 pupil-teacher ratio in grades 1 through 6. While this is not the final goal, it is a significant step forward. I thank the committees for providing these funds for this purpose. The reward to the District in terms of improved instruction and better educated children will, I sincerely hope, become manifest in the years ahead, as this generation of children progresses through school to graduation.

As I said earlier, there are many other areas in which the committee made constructive additions to the bill. Areas such as the additional funds for police protection purposes, the capital outlay authorized for the Benning branch library, and others are of much importance to the District and to those of us who are particularly concerned with the District. One of the most constructive actions taken by the Senator from Rhode Island—and it is one which I certainly hope that he can obtain agreement upon when he goes to conference—is the language contained on page 5 of the committee report relative to providing upon a temporary basis for certain teaching positions which are not financed directly by the bill. Dr. Hansen and his able staff will appreciate, I am sure, the wise discretion generously provided by the subcommittee.

There is really only one area in the bill which I wish the Senator from Rhode Island could have obtained agreement to expand in a greater degree than was done. Here I refer to the ever vexing, and given the objective situation with which the Senate is confronted in these matters, perhaps insuperable problem at this time, of an adequate Federal payment. It is with temerity that I suggest again that the $32 million Federal payment authorized in law might be for once appropriated. I will not weary the Senator from Rhode Island and the Senate with argument, as familiar to him as to the Senate and me, on this point, for I think we are at one on the issue. I simply wish to register my regret that the District must continue for another year, in this regard, as a cinderella.

But, in all candor, it is very difficult for me to find fault with the hardworking and conscientious Senator from Rhode Island who has brought to us a bill which is only 1 percent under the budget estimates. He deserves our thanks, as do his colleagues upon the committee. I should also like to extend my appreciation to the very able members of the professional staff of the committee, in particular to Mr. Harold Merrick, who in his usual manner was most courteous in providing me with technical advice and assistance.

Mr. President, I ask unanimous consent that at the conclusion of my remarks there be printed the testimony I presented before the Appropriations Subcommittee, which may be found on pages 385 to 393 of the printed hearings upon the bill.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF HON. WAYNE MORSE, A U.S. SENATOR FROM THE STATE OF OREGON

Senator PASTORE. We are honored with the presence of the distinguished Senator from Oregon, Mr. MORSE, and if he is ready, we will hear him.

Senator MORSE. Mr. Chairman, you are very kind to hear me.

Before I enter upon my presentation this afternoon, which will be brief, I feel I ought to repeat here what I told a church group at luncheon the other day. I addressed them upon the subject of the appropriation bill which is before your subcommittee today. I told them, as in all sincerity I tell you today, that, in my judgment, both Senator PASTORE and Representative RABAUT deserve high credit and, I will add, much commendation for backing up fiscally the elementary school lunch program for needy pupils this year and in fiscal year 1961.

FREE LUNCH PROGRAM

Testimony presented before my legislative subcommittee on January 14, 1960, indicated a present need for the financing of free lunches for some 4,500 elementary schoolchildren. H.R. 10233 carries funds to do that job for that number of children. Again, I wish to associate myself with a remark made in the course of last year's

debate upon the passage of the fiscal year 1960 appropriation bill by the humane Senator from Rhode Island, when he said: "If we are obliged in good conscience to feed one hungry child in this community, by the same token we have an obligation to feed all of them."

The obligation has been met in this area by the item that is in the bill, $258,000 of which was above the estimates submitted—and was put in the bill, if I am correctly informed, by the House committee—which means that all the children as to whom the school authorities have given proof of being in need of a lunch program under this appropriation will receive it.

I told my luncheon group, and I tell you, that the welfare items have been dealt with most fairly. To receive 124 out of 129 positions requested cannot impose too great a hardship upon the operations of the Department, especially since the one position whose restoration is being sought is that of an administrative rather than a professional employee.

In this welfare area I believe great credit has been earned and is deserved by the subcommittees for having provided the personnel to do the job which needs to be done. With regard to the $179,894 cut in the $6.2-million-plus allotment for grants, should an unforeseen rise in caseload occur, or should costs per case rise, a supplemental appropriation can be sought. Surely, some warning of this would come in time to alert the subcommittee to the need before the 1st session of the 87th Congress is too far advanced.

Senator PASTORE. That is precisely what we told them yesterday, Mr. MORSE.

Senator MORSE. I would completely agree.

PAYMENT TO FOSTER HOMES

I would hope, however, that the subcommittee will give serious thought to increasing the $50 per month payment to foster homes by the $3 a month additional requested. When I weigh the $180 a month cost at Junior Village against the $53 a month foster home request, I think that the $3 a month increase is most modest and has much merit.

Also, the family care that can be given in a family foster home to these children ought to be considered. I am informed that there are some 85 children who could be placed in foster homes if these homes were available. Perhaps the modest increase would make more homes available for these children.

JUNIOR VILLAGE

And I digress for just a moment, Mr. Chairman, to say that I have just returned from Junior Village, where I made an on-the-scene investigation and inspection this morning, and saw some of these children that would be involved in the 85 that could be put into foster homes if the foster homes could be found.

I think the chairman of this committee knows that although I do have sentiment, I am not a sentimentalist in regard to these welfare problems, because I think we have to take a very objective, logical point of view in regard to them—and I will say something about some of these problems before I finish, momentarily—but I do want to say this about this Junior Village: As of today it has a capacity of 255 little, dependent children, but it actually has 434 there. In other words, we have cramped into those rooms, and into those quarters, 434 in an area which really should not have more than 255.

I was in dormitory rooms this morning that should house 12 that are housing 26. I saw, Mr. Chairman, not only the double-decked beds, but under these double-decked beds I saw an extra cot that is pulled out during the night, or during the evening, to fill up whatever floor space is left. When some of the children get into their double-decked cots, the others must tumble into these cots in between the double-deckers.

Now, I want to say this—and I am glad that Commissioner McLaughlin is here—I want to say that if we could only get people to go out and see what is going on in Junior Village, it would make better people out of them. I am certain, as I sit here this afternoon, that I am a better human being because of what I saw this morning and this noon.

If you want a personification of what we mean by way of dedication to human values, you should go out to see what the personnel at Junior Village is doing—and it is typical—the same type of personnel that you, Mr. Chairman, and I have seen in place after place—where such great social service is rendered.

But I do think, because of my position as chairman of the subcommittee of the legislative committee that has the legislative jurisdiction over welfare programs in the District of Columbia, it is particularly fitting that I make this very brief record—and it shall be brief—about this particular project.

May I assure you that I am not going to make a practice between now and May of visiting institutions of public welfare in the District of Columbia; I will do it after May. I think you know all the implications of my remarks. I had to make a visit this time, because this particular project came before my legislative committee in the hearings this morning.

Senator PASTORE. I don't know what you have in mind, between now and May, but I don't know of anything that would help you more than making these visits.

Senator MORSE. I just happen to be impolitic enough not to take advantage of that kind of politics, because I think my duties as a Senator are quite different from my duties as a candidate, and I have no right in any way to bring my duties as a Senator into the critical presidential political arena in regard, certainly, to the welfare programs of the District.

But to get back to the thesis that I want to stress, I want to say for this record that it is a great personnel that we have at Junior Village, composed of dedicated men and women making a great personal sacrifice to really try to do something about the improvement of human welfare in the District.

Second, I want the people of this District to know that this Junior Village, in spite of the cramped quarters, is immaculately clean, although they have their problems, facility problems, not only the crowded conditions, but the need for more facilities.

I had lunch out there; I saw these little boys and girls eat. They didn't know I was coming, this lunch wasn't especially prepared. These lunches are prepared, that is, the schedule for the lunches and the menus for the lunches, are prepared a month in advance.

I was very proud to note of the high nutritional quality of the lunch that was served to these little boys and girls.

Here they are, and I think we should keep in mind who they are. These are not delinquent children, this is not a delinquency village. This is a housing project for children who have been evicted or abandoned or lost, or for various reasons require protection, shelter, and treatment.

HEALTH AND WELFARE COUNCIL REPORT

I want you to keep this in mind, because of a final recommendation that I am going to make as I close my testimony here this afternoon, a recommendation which is based upon the Meyer Foundation financed report of the Health and Welfare Council of the National Capital Area on the subject, "What Price Dependency."

On pages 58 and 59 of "What Price Dependency," there is discussed the subject of the job ahead in regard to the handling of these dependent children.

Mr. Chairman, as I observed these dependent children this afternoon, if—and I am not a social worker, I am not a sociologist—but if our Welfare Department is correct, and I think it is, that an addition of $3 a month to the $50 a month we now make available for foster homes would make it possible to get some, if not all, of these 85 little boys and girls out of that Junior Village that could be placed in foster homes, I am in favor of it. And I think we ought to grant whatever is necessary to allow the $3 per month.

The family care that can be given in a family foster home, I think you will agree with me, makes that kind of an expenditure justified.

I want to say, Mr. Chairman, that the schools too, I think, have faired fairly at your hands and at the hands of your sister committees. I have only two reservations in this area.

LANGUAGE PROPOSAL

First, I would urge the subcommittee to supply language in the bill which would permit the school authorities to shift funds for personal services so that savings which might be made in one area or another could be applied to the financing of the teaching positions requested to be restored. By this device, although not a penny more need be appropriated, the positions could be allowed and the costs thereof, could be absorbed within the overall amount provided.

I know that this involves a matter of policy over which we can have sincere differences of opinion within the Congress. But I do think that when you have administrators that are administering a program as large as the school system, that if you don't have a superintendent in whom you can place confidence for the exercise of wise discretion in transferring positions, in making a saving here and filling a position there, then we really ought to get a new school superintendent.

I want to say at this point, that I have the highest regard for Dr. Hansen. I think we are very fortunate in having a man as able as Dr. Hansen, as superintendent of our schools. I think he is outstanding, and I would plead that this amount of discretion be allowed him within this subject for our school system.

By this device, as I have said, although not a penny more need be appropriated, the positions could be allowed and the costs thereof could be absorbed within the overall amount provided.

Secondly I have a reservation with respect to the elementary school project at Fourth and W Streets NW. I would hope that the delay in this construction will not, in turn, delay future projected construction—I fear it may, but I hope it will not.

It is my understanding that some fear is felt on this score, in that ordinarily there is an informal maximum placed upon the amount of school construction accomplished annually. This ceiling, I gather, is in the neighborhood of $7 to $8 million a year Design delay of next year's construction ought not to be charged against the following year's planned replacement program, because we are not ready with the elementary school project at Fourth and W Streets NW.

Senator PASTORE. I want to say that I quite agree with you. According to the testimony that was adduced in the House, the plans won't be ready much before April 1961. And I think a very able presentation was made here, that unless they could get under contract for construction before the beginning of the fiscal year, it might make the difference between being able to open up that facility at the beginning of the school

year, or having to do without for some time, which would mean the dislocation of the children.

Now, I am pretty much convinced that had that item come in under the Federal loan program, maybe the objection would not have been raised by the House. That is one of the things that we must take into account.

FEDERAL CONSTRUCTION

As I said a hundred times before, the Senator from Oregon knows how I feel about the Federal contribution, and I know what the history of the past has been, we don't have to debate that now. But I do have to face reality and the fact that we do have to have a balanced budget. I do hope that some of these items will be adjusted in such a way that some kind of equity will be accomplished.

I quite agree with you, even with losing a month—here in the Senate we are always talking about the scarcity of classrooms and how much we ought to do for school construction, and yet when it comes to the District of Columbia we seem to reverse ourselves and carry the ball to the other goal.

Senator MORSE. Thank you, Mr. Chairman. As a matter of fact, I hope that the Commissioners next year will give serious consideration to an expanded program of replacement and renovation of the obsolescent buildings presently existing in our school system. I am told that 68 out of 183 school buildings are 50 or more years old. They, in their estimates, clamp a lid upon those of us who feel that we should modernize our plant much more quickly than we are doing. A horrible example, and it is one that I have cited over and over again, is Hine Junior High School. The Board of Education annually requests that this community eyesore be replaced. Each year the request is deleted from the estimates sent up to the Congress. But for the grace of God, we could have had a frightful tragedy in that school last fall. If something is not done about replacing it, and soon, we are but tempting fate and risking a terrible and horrifying possibility of another fire in that structure. The facts may not warrant a replacement in that exact location, but the school officials, by their actions in requesting funds for its replacement, believe that it should be replaced, and I think that we can rely upon them in this instance. Should the Commissioners take no action to fish or cut bait on a Hine replacement, then I respectfully suggest to you gentlemen that we, too, in the Senate have a responsibility and a duty.

I would regret the necessity of introducing special legislation to force the construction of a Hine replacement, because a more orderly procedure would be for the Commissioners to act; but if it becomes necessary to mandate the Commissioners in this matter, I am prepared to give it most careful consideration in the 87th Congress. Given the facts about the school, brought out in open hearings on such a bill, this scandal to those of us who have served upon the District Committee, I am confident, could be eliminated in short order.

SWIMMING POOL AT DUNBAR HIGH SCHOOL

This brings me to one other matter, the swimming pool at Dunbar Senior High School; $66,300 would provide for the repair of this needed facility. For 4 years, 1956 through 1959, this item was eliminated by the Commissioners. Last year it was eliminated by the House. For fiscal 1961, I understand that the Commissioners again vetoed this project.

I gravely suspect that more than fiscal considerations have entered the picture with respect to this item. If they have, the facts should be brought out on the table and faced frankly. In good conscience, if considerations other than fiscal are involved, we must come to grips with the problem. As a Senator whose record on the support of civil rights can stand comparison with that of any liberal in the Senate, I would not be able to face myself if I acquiesced in any manner to a continuation of a segregation-by-silence tactic. I strongly suggest that this matter deserves our and your careful attention. I recommend that the $66,300 amount be added to the bill to cover this facility, either through an increase in the funds derived from the borrowing authority or as an outright increase in the Federal payment.

This brings me to my final point. I have some diffidence about bringing it once more to the attention of the subcommittee because I realize full well the difficulties faced by the Senator from Rhode Island whenever an increase in the Federal payment is discussed. It should not be ducked by me, however. The arguments I have made in the past for the appropriation of the full amount presently authorized are as valid as they ever were. The $32 million authorized for this purpose is the very minimum which should appear in this bill under the caption "Federal payment." The $7 million difference between the authorization and the presently appropriated amounts can be applied to reductions in borrowing, it can be saved to make unnecessary some of the tax increase legislation that is pending, it can be used in part, as I have suggested for repair items such as the Dunbar swimming pool, or badly needed new construction at Junior Village, but the important thing is that it be appropriated as an evidence and token of the good faith of the Congress in its relationship to the community.

I feel it would be presumptuous of me, Mr. Chairman, to suggest to this committee the use to which an addition of $7 million could be put, therefore I want to talk but very briefly about one general problem.

It was told to me this morning that the projected construction in Junior Village for three new cottages would take about a million dollars. I think it would be a million dollars well spent. I happen to think it would be a million dollars that an overwhelming majority of the Members of Congress would recommend should be spent if they really took a look at the problems that confront us at Junior Village.

I want this record to show, Mr. Chairman, that I don't think the solution to our social welfare problem is necessarily only more money. That is one need, to be sure, for we must have some money in order to meet some of these present emergency needs.

But I think a proposed solution to the problem is set out pretty well in the Meyer Foundation report on the subject, "What Price Dependency?" Without taking the time to read it, Mr. Chairman, I would ask unanimous consent that there be added to my testimony just what appears on pages 58 and 59 of the record under the heading "The Job Ahead," in which this foundation discussed the three priorities. And I summarize them very quickly.

(See attachment A.)

JUNIOR VILLAGE

The first priority, they feel in the light of their initial assignment, must be to do something about the deplorable situation at Junior Village. Here they talk about this congested condition. When people say, "Senator, what would you do with the extra $7 million," I would start with a million of it for Junior Village, because, you know, I think it would do something for the spiritual values of Washington too, and those are important in a democracy.

We hear so much about the problem that is created by the alleged Negro migration into Washington, D.C. Well, come with me to the Village, see the volunteer help that is offered Junior Village night after night, as colored women who work all day in private industry or in Government jobs, come out there, walk a quarter of a mile on a lonely dark road to the Village, help bathe these babies that have to be bathed at night, and then at 10 or 11 o'clock at night walk back this quarter of a mile, wait for a bus, and go back to their homes.

I say that service is a great contribution to upholding spiritual values in the District of Columbia. When you start comparing that service with the dollar sign, I am going to be on the side always of the spiritual values, because I think we can find the dollar signs if we increase this Federal allotment to the District, as we should, by the additional $7 million.

Second, the report says: "Its second priority, closely allied, is getting children out of Junior Village and into foster homes; especially babies, and teenagers."

I have already commented on that in my testimony in chief.

CITYWIDE ATTACK ON DEPENDENCY

And third, "Its third priority is to launch a citywide attack on dependency."

And I will not, because this isn't the appropriate place, it should be done in the legislative committee, give my bill of particulars for a legislative attack on the problem of dependency in the District of Columbia, which leads, incidentally, to a great deal of delinquency, too, and the problem of poverty, but I will say that it takes money to make an impact on these problems.

Seven million dollars would go but a small way in a major attack on these problems.

FEDERAL PAYMENT

The place for expenditure is clear. I only recommend, Mr. Chairman, that serious consideration be given to meeting the full Federal allotment of $32 million.

As usual, I appreciate very much the opportunity that you always give me as a representative of the legislative committee to come before this Appropriations Committee and call attention to some of the observations I have made in the past year in my work on the legislative committee.

Senator PASTORE. I thank you very much, Mr. MORSE. It has been a pleasure and great assistance to have you come here.

And the two pages that you referred to will be made a part of the record.

Senator MORSE. Thank you very much.

ATTACHMENT A

THE JOB AHEAD

There are two truisms, however hackneyed, about which the committee would remind the Washington community:

You get what you pay for.

You pay for what you want most.

Washington is now getting what it is paying for—the perpetuation of dependency. It is up to the residents of this city to decide whether they want most to do something to reverse the present trend.

Doing something about alleviating the problem will cost a great deal of money, but the committee questions whether not doing something about the problem will not, in the long run, cost much more in actual dollar terms, in real estate values, in a healthy Washington economy.

It adds these considerations to its primary consideration—the welfare of individual human beings—in urging that the Washington community consider the establishment of priorities which can set in motion the multiple kinds of action needed to dispel the dependency shadow which now hangs so heavy over the city.

THE PRIORITIES

Its first priority—in the light of its initial assignment—must be to do something about the deplorable situation at Junior Village.

The committee calls upon the Washington community to support in every possible way the building program at Junior Village.

Its second priority, closely allied, is getting children out of Junior Village and into foster homes; especially babies, and teenagers.

The committee not only supports present Department of Public Welfare efforts to accomplish this goal, but urges greater effort, and intensive cooperation by voluntary agencies and informed citizens.

Its third priority is to launch a citywide attack on dependency.

This is the heart of the matter.

If the Washington community supports the first two priorities which this report suggests, action can be forthcoming quickly.

The third priority requires action on a short-term basis, but action which can lead to the realization of long-term goals as well, many of them embodied in the recommendations contained in this report.

Obviously, recommendations that require congressional legislation to put into effect cannot be accomplished overnight.

But if the long-range goals are kept in view as the short-term goals are accomplished, this city will be moving forward in an orderly way to solve its dependency problem.

ORDER FOR THE CALL OF THE CALENDAR ON MONDAY

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that on Monday, at the conclusion of the transaction of routine morning business, the Senate proceed to the consideration of the measures on the calendar to which there is no objection, beginning with Calendar No. 95.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, I announce that we will follow the consideration of the second supplemental appropriation bill with another supplemental appropriation bill involving appropriations for the National Aeronautics and Space Administration. I am told that the consideration of that bill will be very brief. The Senator from Mississippi [Mr. STENNIS] is handling it. That bill will be followed by the Commerce Department appropriation bill; then by the appropriation bill for the Interior Department and related agencies, and the Treasury-Post Office appropriation bill.

Mr. President, I announce for the information of all Senators that we will have a rollcall vote on all appropriation bills, and that we will dispose of as many of them as possible this evening. I should like to have the Senate sit a little late this evening in order to conclude with the consideration of as many of these bills as possible, so that we can conclude our business for the week tomorrow. If we cannot, we will have a Saturday session.

SECOND SUPPLEMENTAL APPROPRIATIONS 1960

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of H.R. 10743, the second supplemental appropriations bill,

The PRESIDING OFFICER. The bill will be stated by title.

The CHIEF CLERK. A bill (H.R. 10743) making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. JOHNSON of Texas. Mr. President, I ask for the yeas and nays on the bill.

The yeas and nays were ordered.

Mr. HAYDEN. Mr. President, the second supplemental appropriation bill, 1960, recommends appropriations to the Senate in the amount of $979,908,000, which is $742,402,000 over the bill as it passed the House of Representatives.

The increase recommended by the committee over the House bill is very large. However, most of this increase, $675 million is for the Commodity Credit Corporation. The House denied the request for this $675 million on the basis that the additional funds were not needed at this time. The Senate Committee believes that this additional amount will be needed by the Commodity Credit Corporation this year and if it is not furnished in the bill pending before the Senate, it will have to be included in either the agricultural bill for 1961 or in the supplemental bill which will come before the Senate this summer. These funds are absolutely necessary if the Department of Agriculture is to conduct mandatory price support operations.

Another large item of increase recommended by the committee is for capital grants for slum clearance and urban renewal. This amount of $35 million recommended by the committee is required by the Housing and Home Finance Agency to liquidate in 1960 a portion of the outstanding obligations. These obligations were entered into as a result of other legislation and the funds recommended herein are required to liquidate the obligations.

The other increases recommended by the committee are of a minor nature and are described in the committee report. I would be glad to answer any questions that may arise with respect to the bill.

Mr. President, I ask that the committee amendments to the bill be agreed to en bloc and that the bill as thus amended be regarded, for the purpose of amendment, as original text, provided that no point of order shall be considered to be waived by reason of agreement to this order.

The PRESIDING OFFICER. Without objection, it is so ordered. The committee amendments agreed to en bloc are as follows:

Under the heading "Department of Agriculture—Commodity Stabilization Service—Acreage Allotments and Marketing Quotas", on page 1, line 12, after the word "quotas", strike out "$1,000,000" and insert "$1,666,800".

Under the subhead "Commodity Credit Corporation", on page 2, after line 1, insert:

"RESTORATION OF CAPITAL IMPAIRMENT

"To partially restore the capital impairment of the Commodity Credit Corporation determined by the appraisal of June 30, 1959, pursuant to section 1 of the Act of March 8, 1938, as amended (15 U.S.C. 713a-1), $675,000,000."

Under the heading "Department of Commerce—Maritime Activities—Operating-Differential Subsidies", on page 2, line 24, after the word "subsidies", strike out "$16,000,000" and insert "$32,000,000".

At the top of page 3, insert:

"STATE MARINE SCHOOLS

"For an additional amount for 'State marine schools', $20,000; and the limitation under this head in the Department of Commerce and Related Agencies Appropriation Act, 1960, on the amount available for the maintenance and repair of vessels loaned by the United States, is increased from '$150,000' to '$170,000.' "

Under the heading "Department of Defense—Civil Functions—Department of the Army—Rivers and Harbors and Flood Control", on page 3, line 13, after the word "general", strike out "$2,700,000" and insert "$2,800,000".

Under the heading "District of Columbia—(Out of District of Columbia funds)—Operating Expenses", on page 4, after line 3 insert:

"DEPARTMENT OF GENERAL ADMINISTRATION

"For an additional amount for 'Department of General Administration', $20,000, to remain available until expended."

On page 4, after line 7, insert:

"FIRE DEPARTMENT

"For an additional amount for 'Fire Department', $36,000."

On page 4, after line 10, insert:

"PERSONAL SERVICES, WAGE-SCALE EMPLOYEES

"For pay increases and related retirement cost for wage-scale employees, to be transferred by the Commissioners of the District of Columbia to the appropriations for the fiscal year 1960 from which said employees are properly payable, $284,000, of which $19,000 shall be payable from the highway fund, $35,500 from the water fund, and $21,500 from the sanitary sewage works fund."

Under the subhead "Utility Services", on page 5, line 2, after the word "fund", insert "and $38,000 shall be payable from the water fund".

Under the heading "Department of Health, Education, and Welfare—Payments to School Districts", on page 7, after line 1, to insert:

"For an additional amount for 'Payments to school districts', fiscal year 1959, $7,362,000."

Under the subhead "Grants for Library Services", on page 7, line 8, after the word "services", strike out "$100,000" and insert "$131,000".

Under the subhead "Public Health Service—Communicable Disease Activities", on page 7, line 12, after the word "activities", strike out "$125,000" and insert "$160,000".

On page 7, after line 12, insert:

"SANITARY ENGINEERING ACTIVITIES

"For an additional amount for "Sanitary engineering activities", $350,000."

On page 7, after line 15, insert:

"HOSPITALS AND MEDICAL CARE

"The limitation under this head in the Department of Health, Education, and Welfare Appropriation Act, 1960, on the amount

available for payments for medical care of dependents and retired personnel under the Dependents' Medical Care Act (37 U.S.C. ch. 7), is increased from '$2,167,000' to '$2,367,000'."

At the top of page 8, insert:

"INDIAN HEALTH ACTIVITIES

"For an additional amount for 'Indian health activities', $350,000."

Under the subhead "Social Security Administration—Grants to States for Public Assistance", on page 8, line 11, after the word "assistance" strike out "$9,500,000" and insert "$4,000,000".

Under the heading "Independent Offices", on page 8, after line 12, insert:

"OFFICE OF CIVIL AND DEFENSE MOBILIZATION

"Federal contributions

"For an additional amount for 'Federal contributions', including financial contributions to the States pursuant to section 205 of the Federal Civil Defense Act of 1950, as amended, to be equally matched with State funds, $3,000,000."

On page 9, after line 8, insert:

"FEDERAL COMMUNICATIONS COMMISSION

"Salaries and expenses

"The limitation, established by section 102 of the Independent Offices Appropriation Act, 1960, on the amount available under this head for travel expenses of employees during the current fiscal year, is increased by $10,000."

Under the subhead "Housing and Home Finance Agency—Office of the Administrator—Urban Planning Grants", on page 9, at the beginning of line 23, strike out "$1,500,000" and insert "$1,800,000".

At the top of page 10, insert:

"CAPITAL GRANTS FOR SLUM CLEARANCE AND URBAN RENEWAL

"For an additional amount for 'Capital grants for slum clearance and urban renewal', including grants for the preparation or completion of community renewal programs, $35,000,000."

Under the subhead "National Labor Relations Board—Salaries and Expenses", on page 10, at the beginning of line 16, strike out "$500,000" and insert "$600,000".

Under the heading "Department of the Interior—Bureau of Land Management—Management of Lands and Resources", on page 11, line 19, after the word "resources", strike out "$2,450,000" and insert "$2,860,000".

Under the subhead "Bureau of Indian Affairs—Resources Management", on page 11, line 23, strike out "$310,000" and insert "$360,000".

Under the subhead "Bureau of Reclamation", on page 12, after line 1, insert:

"OPERATION AND MAINTENANCE

"For an additional amount for 'Operation and Maintenance' $735,000, to be derived from the Reclamation fund."

Under the subhead "Management and Protection", on page 12, line 25, after the word "protection", strike out "$125,000" and insert "$150,000".

Under the subhead "Construction", on page 13, line 2, after the word "Construction", strike out "$3,135,000" and insert "$4,982,300".

Under the heading "Department of Justice—Salaries and Expenses, United States Attorneys and Marshals", on page 14, line 23, after the word "marshals", strike out "$200,000" and insert "$300,000".

Under the heading "Department of Labor—Labor-Management Reporting and Disclosure Activities—Salaries and Expenses", on page 15, line 9, strike out "$750,000" and insert "$1,300,000".

Under the heading "Legislative Branch", on page 15, after line 10, insert "SENATE".

On page 15, after line 11, insert:

"For payment to Emma Langer Schaeffer, Lydia Langer Irwin, Mary Langer Gokey, and Cornelia Langer Noland, daughters of William Langer, late a Senator from the State of North Dakota, $22,500."

On page 15, after line 15, insert:

"For payment to H. Maurine Neuberger, widow of Richard L. Neuberger, late a Senator from the State of Oregon, $22,500."

On page 15, after line 18, insert:

"SALARIES, OFFICERS AND EMPLOYEES

"For an additional amount for administrative and clerical assistants to Senators to provide additional clerical assistants for each Senator from the States of Maryland and Wisconsin so that the allowances of Senators from the State of Maryland will be equal to that allowed Senators from States having a population of over three million, the population of said State having exceeded three million inhabitants, and so that the allowances of Senators from the State of Wisconsin will be equal to that allowed Senators from States having a population of over four million, the population of said State having exceeded four million inhabitants, $6,600."

On page 16, after line 8, insert:

"For an additional amount for Office of the Secretary, $1,915: *Provided*, That the basic amount available for clerical assistance and readjustment of salaries in the disbursing office is increased by $3,720."

On page 16, after line 12, insert:

"CONTINGENT EXPENSES OF THE SENATE

"Furniture

"For an additional amount for furniture, $8,690."

On page 16, after line 15, insert:

"EXPENSES OF INQUIRIES AND INVESTIGATIONS

"For an additional amount for expenses of inquiries and investigations, $662,000."

On page 17, after line 18, insert:

"SENATE OFFICE BUILDINGS

"For an additional amount for 'Senate Office Buildings', $12,000."

Under the heading "Department of State—Administration of Foreign Affairs—Salaries and Expenses", on page 18, line 19, strike out "$210,000" and insert "$395,000".

Under the heading "Treasury Department—Bureau of the Mint", on page 20, after line 11, insert:

"CLAIMS FOR DAMAGES AND JUDGMENTS

"For payment of claims as settled and determined by departments and agencies in accord with law and a judgment rendered against the United States by the United States Court of Claims, as set forth in Senate Document Numbered 87, Eighty-sixth Congress, $4,948,934, together with such amounts as may be necessary to pay interest (as and when specified in such judgments or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: *Provided*, That no judgment herein appropriated for shall be paid until it shall have become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided, further*, That unless otherwise specifically required by law or by the judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of this Act."

Mr. HAYDEN. Mr. President, the Committee on Appropriations has just concluded a hearing on two supplemental requests for funds submitted in Senate Document No. 90, which was transmitted to the Senate yesterday.

The funds requested are required in order that the Department of Justice and the Department of State may act to meet two emergency situations.

The first of these two emergencies involves the Immigration and Naturalization Service of the Department of Justice. I have sent to the desk a committee amendment, and asked that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 15, after line 3, it is proposed to insert the following:

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses," $500,000.

Mr. HAYDEN. Mr. President, this amendment would provide $500,000 to allow the Immigration and Naturalization Service to carry out its responsibilities to prevent illegal airplane flights or other departures from the United States to Cuba. In support of this request the Director of the Bureau of the Budget states:

This proposed supplemental appropriation is to carry out the responsibilities of the Immigration and Naturalization Service to prevent illegal airplane flights or other departures from the United States to Cuba of persons for purposes inimical to the foreign policy of this Nation. It has been necessary for the Service to detail a number of border-patrol officers and equipment to the southeastern part of the United States. To date, the additional costs involved have been absorbed by diverting available funds intended for other purposes, but any further diversion of funds will impair regular programs. The additional cost of maintaining this emergency for the remainder of the year will be $500,000.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. President, I have sent another committee amendment to the desk and asked that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 19, after line 7, it is proposed to insert the following:

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

Construction

For an additional amount for "construction", $220,000, to remain available until expended and to be available for the leasing of land.

The PRESIDING OFFICER. The question is on agreeing to the second amendment submitted by the Senator from Arizona.

The amendment was agreed to.

Mr. HAYDEN. Mr. President, with respect to the second amendment, let me say that it provides $220,000 for the construction of facilities for the protection

of residents of the United States from the effects of inadequately treated sewage originating in Tijuana, Mexico. In support of this request, the Director of the Bureau of the Budget states:

This proposed supplemental appropriation is for the construction of facilities to furnish protection for residents of the United States from the effects of inadequately treated sewage originating in Tijuana, Baja California, Mexico. It is essential that remedial action be taken at the earliest possible date to provide relief from critical health hazards and monetary losses in San Diego County, Calif. Funds are not included for the purchase or leasing of lands.

The committee decided to make the funds available for the leasing of lands even though the budget estimate made no such request.

Mr. President, the Senator from California [Mr. KUCHEL] is familiar with this situation, and I shall be glad to have him say a few words.

Mr. KUCHEL. I thank the Senator from Arizona.

Mr. President, I participated in the hearings before the Senate Appropriations Committee in which it was indicated that the administration—in complete agreement with the Government of Mexico—now desires to proceed, by means of the appropriation called for by this amendment, to construct sewage treatment facilities in the vicinity of the Tijuana-San Diego border. This is an international problem which plagues the good people in the county of San Diego.

As the able chairman of the committee has said, it was originally intended that land now owned by the U.S. Navy would be utilized as the site for construction of the sewage disposal plant. However, the Navy is unable to relinquish the use of the land in question.

For that reason, the chairman of the committee and the other members of the committee saw fit to provide, by means of this amendment, for utilization of part of the appropriation to lease property upon which the construction might be had, and so that the amount involved might be augmented subsequently in this session, if necessary to complete this highly necessary health project.

Mr. HAYDEN. Yes. I should like to state that there was an agreement between the U.S. Government and the Government of Mexico with respect to the disposal of sewage from Tijuana. But the populations of both places have increased to such an extent that the sewage disposal system—the cost of which was contributed to by both Governments—is no longer sufficient.

In other words, it is proposed that in this way this matter be taken care of temporarily, and that there be negotiated between the two countries another agreement which will equitably apportion between the two countries the cost of the sewage disposal plant.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona.

The amendment was agreed to.

Mr. MUNDT. Mr. President, I offer an amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment submitted by the Senator from South Dakota will be stated.

The CHIEF CLERK. On page 10, between lines 16 and 17, it is proposed to insert the following:

UNITED STATES INFORMATION AGENCY

For purchase of station time and programing of Spanish-language medium-wave radio broadcasts, and, if feasible, television broadcasts, to Cuba designed to cultivate friendship with the people of Cuba, and to improve relations between such country and the United States, $100,000.

Mr. MUNDT. Mr. President, I shall be brief in discussing the amendment, because the committee has acted this afternoon.

I propose this amendment, and state that we authorized the chairman, on behalf of the Supplemental Appropriations Subcommittee, to request that the Senate agree to the amendment.

I wish to say a few words about the amendment, so as to be sure that the purpose of the amendment will be clearly understood, and will be carried out by the administration.

I addressed the Senate on this subject on Tuesday afternoon, and my remarks in connection with the amendment appear in the CONGRESSIONAL RECORD, beginning on page 6271 and continuing on the next several pages of the RECORD.

The purpose of this amendment, simply stated, is to provide $100,000 to be used between now and the end of the fiscal year for the purchase of station time and programing on commercial radio stations, including television stations, if that proves to be feasible, for broadcasting, in the Spanish language on medium-wave radio broadcasts, to the people of Cuba the truth of the American position and American policy.

I read portions of a letter which I have received in response to a telephone call that I made to the U.S. Information Agency on March 21:

This is in response to your telephone request today for information concerning our current activities in Cuba and for a preliminary estimate of what funds would be needed in order to reach Cuba with medium-wave radio broadcasts, using existing commercial stations.

And the gist of the reply dealing with this particular provision is as follows:

With reference to the possibilities of broadcasting to Cuba over existing commercial medium-wave stations, we have been exploring, together with other agencies, the possibility of inaugurating a 2- to 4-hour show in the late evening and early morning hours. Just tomorrow, in fact, we are sending our radio program manager for an on-the-spot analysis of various possibilities, including possible use of WGBS in Miami a 50,000-watt station during the day, reduced to 10,000 watts in the evening hours); WSB in Atlanta; and other stations able to reach Cuba. Our best estimate is that we would need approximately $100,000 for the balance of fiscal year 1960 to secure time on available stations, cover direct line costs from our studios in Washington, and cover the additional talent and special programing costs which would be involved in the preparation and broadcasting of programs.

Let me add only that our committee this afternoon, which has been authorizing the acceptance of the amendment, has been in contact with our Department of State, and the Department has no objection to the passage of this proposal.

Mr. HAYDEN. Mr. President, this matter was brought to the attention of the committee by the Senator. I am directed by the committee to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota on page 10, between lines 16 and 17.

The amendment was agreed to.

Mr. KUCHEL. Mr. President, I call up my amendment identified as "3-17-60—B."

The PRESIDING OFFICER. The amendment offered by the Senator from California will be stated.

The LEGISLATIVE CLERK. It is proposed, on page 7, in line 5, to strike out the figure "$8,330,000" and insert in lieu thereof "22,343,000".

Mr. KUCHEL. Mr. President, on behalf of myself, my distinguished colleague from California [Mr. ENGLE], the distinguished Senators from Alaska [Mr. GRUENING and Mr. BARTLETT], and the distinguished Senator from Kentucky [Mr. COOPER], I offer the amendment which has just been stated by the clerk.

Mr. President, the amendment I have offered will do simple justice to 4,000 American school districts as that justice is spelled out in Public Law 874. Public Law 874 is the policy of the Government of the United States. That policy has been followed each year thereafter. It authorizes aid for the operation of public school districts which are impacted by Federal defense activities within their districts.

When the Federal Government takes over land within a school district for defense or procurement purposes, it brings military and civilian personnel into the district. These are good people. With them come their children. The local school district has an honorable obligation to educate those children, although, in the main, their parents live on a military or defense installation owned by the Government, and therefore not responsible to local ad valorem taxes.

Congress years ago recognized the inequity of such a situation and provided for what can be actually termed as "in lieu" payments to the districts thus impacted. Thus, the homeowners, the common property owners in such a district were not required to shoulder an inequitable burden. There are some 400 such districts in the State from which I come. The estimated cost to comply with Public Law 874 during fiscal year 1960 is $186,300,000.

The amendment I have offered will bring the amount available completely into line with the estimated entitlements of those 4,000 school districts scattered across every section of the land, and which comply with provisions of this Federal law.

If this amendment were rejected, Uncle Sam would renege to the extent of over $3 million to impacted school districts in the State from which I come. Other States likewise would be injured, although in a lesser amount.

I ask unanimous consent that a summary of the entitlements by States under Public Law 874, prepared by the Department of Health, Education, and Welfare, be inserted at this portion of my remarks, and a brief statement of the purpose of the statute likewise be inserted.

There being no objection, the summary and statement were ordered to be printed in the RECORD, as follows:

Summary of fiscal year 1960 Public Law 874 estimated entitlements, by States, based on data of Mar. 1, 1960

[In thousands of dollars]

State or possession	Currently available by Public Law 86-158	Amount available from 1960 appropriation plus House amendment	Currently estimated fiscal year 1960 entitlement	Amount needed in addition to House allowance for full payment (col. 3 minus col. 2)
Total	[1] 163,957	[2] 172,286	186,300	14,014
Alabama	3,527	3,717	4,030	313
Alaska	5,105	5,379	5,832	453
Arizona	3,416	3,600	3,903	303
Arkansas	866	913	990	77
California	28,190	29,708	32,211	2,503
Colorado	4,217	4,445	4,819	374
Connecticut	1,643	1,732	1,878	146
Delaware	185	195	211	16
Florida	4,362	4,598	4,985	387
Georgia	4,149	4,373	4,741	368
Hawaii	3,292	3,470	3,762	292
Idaho	1,181	1,245	1,350	105
Illinois	2,589	2,697	2,924	227
Indiana	753	794	861	67
Iowa	438	461	500	39
Kansas	4,040	4,258	4,617	359
Kentucky	997	1,050	1,139	89
Louisiana	1,230	1,296	1,405	109
Maine	1,197	1,262	1,368	106
Maryland	6,377	6,720	7,287	567
Massachusetts	4,323	4,556	4,940	384
Michigan	788	831	901	70
Minnesota	390	410	445	35
Mississippi	1,120	1,190	1,291	101
Missouri	1,840	1,940	2,103	163
Montana	1,162	1,225	1,328	103
Nebraska	1,413	1,490	1,615	125
Nevada	1,063	1,121	1,215	94
New Hampshire	844	890	965	75
New Jersey	2,783	2,933	3,180	247
New Mexico	3,828	4,034	4,374	340
New York	3,546	3,737	4,052	315
North Carolina	1,772	1,868	2,025	157
North Dakota	298	315	341	26
Ohio	3,848	4,055	4,397	342
Oklahoma	5,380	5,670	6,148	478
Oregon	908	957	1,038	81
Pennsylvania	3,873	4,082	4,426	344
Rhode Island	1,352	1,425	1,545	120
South Carolina	2,455	2,598	2,817	219
South Dakota	1,552	1,636	1,774	138
Tennessee	1,765	1,860	2,017	157
Texas	9,483	9,994	10,836	842
Utah	1,366	1,440	1,561	121
Vermont	80	85	92	7
Virginia	10,852	11,152	12,092	940
Washington	7,010	7,389	8,011	622
West Virginia	116	122	132	10
Wisconsin	499	525	570	45
Wyoming	636	671	727	56
Guam	595	625	678	53
Virgin Islands	45	47	51	4
Federal installations	9,500	9,500	9,800	300

[1] Will permit payment of 87.51 percent of entitlement.

[2] Will permit payment of 92.23 percent of entitlement.

A BRIEF EXPLANATION OF FEDERAL ASSISTANCE FOR MAINTENANCE AND OPERATION OF SCHOOLS AUTHORIZED BY PUBLIC LAW 874, 81ST CONGRESS (20 U.S.C., CH. 13) AS AMENDED BY PUBLIC LAW 85-620, ENACTED AUGUST 12, 1958

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., August 27, 1958.

I. PURPOSE

The purpose of Public Law 874 is to provide financial assistance for the maintenance and operation of free public elementary and secondary schools to those local educational agencies upon which the United States has placed financial burdens by reason of the fact that (a) local revenues of such agencies have been reduced as the result of acquisition of real property by the United States, or (b) such agencies provide education for children residing on Federal property, or (c) such agencies provide education for children whose parents are employed on Federal property, or (d) there has been a sudden and substantial increase in school attendance as the result of Federal activities.

In addition to payments to local educational agencies, the law provides for transfer of funds to other Federal agencies to provide free public education for children living on Federal property when no local educational agency is able to provide suitable free public education for such children.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield to my colleague from South Dakota.

Mr. CASE of South Dakota. I am very much interested in the proposed amendment. My understanding is that actually what we have before us is an error in computation. I heard it stated no later than Tuesday by a person connected with the Bureau of the Budget that if there was a liability here, the liability was for the $22 million rather than for the $8 million. Is that correct?

Mr. KUCHEL. The Senator is completely correct. The figure included in the amendment, $22,343,000, represents the revised estimate of the Department of Health, Education, and Welfare as to what is necessary in order that the Federal Government will make allocations to 4,000 public school districts in America to the extent that they are authorized to receive them under the present law.

Mr. CASE of South Dakota. I commend the Senator for offering the amendment. I think the matter should be taken care of now so that these schools can proceed properly for the remainder of the school year.

Mr. KUCHEL. I thank my able friend from South Dakota.

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield to the Senator from Alaska.

Mr. BARTLETT. As the Senator from South Dakota has suggested, the amendment is only a needed effort to rectify a bookkeeping error; and I, too, wish to commend the senior Senator from California for offering the amendment and bringing this situation to the attention of the Senate.

Mr. KUCHEL. I thank my friend.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield to the Senator from Kentucky.

Mr. COOPER. A few days ago this matter came to my attention. I communicated with the Department of Health, Education, and Welfare. I was informed by the Secretary that the first estimate was an early estimate and that the last estimate would provide funds necessary for the federally affected districts for the remainder of this year. I may say it affects 49 school districts in my State and about 11,000 schoolchildren.

Mr. KUCHEL. I thank the Senator.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield to the Senator from South Dakota.

Mr. MUNDT. I think the Senator from California is to be commended for bringing this matter to the attention of the Senate now. The figure in controversy represents simply an error in computation. Some of the sponsors of the amendment discussed the matter with me earlier. My own study of it, and results of contacts, indicated to me that the Bureau of the Budget recognizes that the figure which is now in the amendment in the figure which should have been placed in the bill originally.

I suggest to the chairman of the committee that he be willing to accept the amendment. I am sure when we get to conference we will find that the Bureau of the Budget supports the figure.

Mr. HAYDEN. The matter has been considered by the committee.

Mr. President, I ask unanimous consent to include in the RECORD at this point in my remarks a letter from the Acting Secretary of the Department of Health, Education, and Welfare which fully explains the situation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, March 11, 1960.

Hon. CARL HAYDEN,
Chairman, Committee on Appropriations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: On February 8, 1960, I advised Senator HILL, as chairman of the subcommittee of the Committee on Appropriations which considers appropriations for this Department, that the fiscal year 1960 appropriation for payments to federally affected school districts eligible under Public Law 874 would be sufficient to cover only 95 percent of entitlements contrary to earlier estimates which had been furnished the committee upon its request. The Commissioner of Education testified before your committee on March 2 to the effect that $8,330,000 would be required to pay entitlements of school districts in the fiscal year 1960.

This estimate of requirements for payment of full entitlements was made earlier in the year on the basis of estimates of increases to occur in fiscal year 1960 in numbers of eligible children and average rates of payments. We have just recently completed an analysis of applications received for payments this fiscal year (these are due not later than March 31, 1960) and find the estimate of additional requirements to pay entitlements in full to be greater than that previously estimated and provided to you. This review encompassed some 2,400 applications accounting for approximately 75 percent of the applications we expect to receive for 1960, most of which were received only recently as the school districts rush to meet the March 31 deadline. On the basis of this review, it now appears that the appropriation now available for fiscal year 1960 will be sufficient to cover only 88 percent of entitlements rather than 95 percent as we estimated earlier. Estimated additional requirements to pay entitlemens in full are now estimated to amount to $22,343,000 as compared with the previous estimate of $8,330,000.

Naturally, this sudden increase in requirements is surprising and requires explanation. The fact is that the reported increases in attendance and rates of payment by the applicant districts are much sharper than we had previously estimated. This new information could not have been ascertained without a review of actual applications which were not available when the earlier estimate was made.

This information does not constitute a request for additional appropriations but is rather a correction of earlier information supplied you which has been found to be in error. I wish to reiterate that in line with previous testimony presented to your committee, this Department does not recommend the appropriation of increased funds for fiscal year 1960. As you know, the President has proposed enactment of legislative amendments to the program of assistance to school districts in federally affected areas designed to limit payments to amounts more consistent with the Federal responsibilities and favors restricting the amount of Federal expenditures for this purpose, pending the enactment of revised legislation, by applying the provisions of the present legislation for distributing a lesser amount of funds than the full authorization.

We are now evaluating the effect of this new and revised information on fiscal year 1961.

Sincerely yours,
BERTHA S. ADKINS,
Acting Secretary.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. HAYDEN. Yes.

Mr. SALTONSTALL. I am in favor of doing what the Senator from Arizona has recommended. I would, however, point out it is the feeling of the Bureau of the Budget that these payments are not obligatory. While the Government has been paying the full amount, it is not obligated to pay it. The full amount is the figure the Senator from California has indicated.

I would also point out that the President has submitted some legislative proposals for changes in the law. Hearings on these proposals were held by the House last year, but they were not favorably considered. Hearings on the proposals have not been held by the Senate as yet. The amount requested in the budget for fiscal 1961 is $126,695,000. If the proposed changes in the law requested by the President are not enacted, it is estimated that over $200 million will be required in fiscal 1961 to pay full entitlement under the present law. I think, having put the amount of $7,632,000 in for fiscal 1959 for full entitlement, $22,343,000 is the proper amount to put in for full entitlement for fiscal 1960.

I do not quite agree with some of the statements which have been made. It is my understanding this is not a firm obligation, but is a method by which these amounts have been paid in the past.

Mr. HAYDEN. That is correct.

Mr. SALTONSTALL. So if we are to carry through as before, without a change in the law, we ought to put the amount in.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from California for himself and other Senators, on page 7, in line 5.

The amendment was agreed to.

Mr. ROBERTSON. Mr. President, I send an amendment to the desk and ask to have it stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Virginia will be stated.

The LEGISLATIVE CLERK. It is proposed, on page 19, line 17, to strike out the figure "$750,000" and insert in lieu thereof the figure "$1,500,000."

Mr. ROBERTSON. Mr. President, when the supplemental bill was presented to the House there was a request for $1½ million for administering the public debt. The House saw fit to cut the item in half, eliminating $750,000, and allowing $750,000.

The bill came to the Senate, and on March 2 Mr. Scribner, acting for the Secretary of the Treasury, wrote a letter to the chairman of the full committee stating that the Treasury Department would not ask for restoration of the amount cut, provided it would not be prejudiced later on if it felt a necessity for asking for an additional sum, should it be found necessary.

On March 11, I believe it was, the bill was reported by our committee as we received it from the House, as it pertains to this and other Treasury items.

On March 14 the Secretary of the Treasury, Mr. Anderson, called me on the telephone and said, "We have found, upon a reappraisal of the work to be done in administering the public debt, that we cannot do without the funds we originally contemplated, $1½ million."

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the letter the Secretary of the Treasury wrote me on that subject.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SECRETARY OF THE TREASURY,
Washington, March 14, 1960.

Hon. A. WILLIS ROBERTSON,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR: This will confirm my telephone conversation with you this morning concerning the item in the pending second supplemental appropriation bill, 1960 (H.R. 10743) for administering the public debt. Our original estimate for the additional amount needed for this purpose during the balance of the current fiscal year was $1,500,000, and this was allowed by the House of Representatives in the amount of $750,000. Acting Secretary Scribner, in his letter of March 2, 1960, to Senator HAYDEN, stated that we were willing to go along with the judgment of the House with the understanding that we would not be prejudiced from requesting additional funds at a later date if actual experience confirms our original estimates of the amount of work that might be involved in the exchange of series E, F, and J savings bonds for series H bonds and we are unable to meet the situation through other program adjustments.

Since March 2, we have made a complete reappraisal of the work involved in administering and servicing the millions of holders of our public debt obligations. We find that we cannot perform this essential public service without restoration of the appropriation in the pending bill to the amount of our original request. This is not due to any change in the situation with respect to the pending exchange of E, F, and J savings bonds for series H bonds, which was thoroughly covered by Mr. Scribner, but it takes into account other phases of our public debt operations which were not anticipated or adequately taken into account in our forecast at that time.

We have discussed the situation with the Director of the Bureau of the Budget, and he offers no objection to the restoration of this item to the amount originally submitted to the Congress by the President on February 8. Your further consideration of the matter will be appreciated.

Sincerely yours,
ROBERT B. ANDERSON,
Secretary of the Treasury.

Mr. ROBERTSON. Mr. President, I shall quote the pertinent part of the second paragraph:

Since March 2, we have made a complete reappraisal of the work involved in administering and servicing the millions of holders of our public debt obligations. We find that we cannot perform this essential public service without restoration of the appropriation in the pending bill to the amount of our original request.

In the last paragraph the Secretary said he had taken the matter up with the Director of the Bureau of the Budget. The initial budget request was, as I previously mentioned, for $1½ million, and the Bureau of the Budget said,

"Yes; we approve your present request to go back to the original budget estimate."

Mr. HAYDEN. That is the way I understand the situation, Mr. President. The Treasury Department represented to the House the Department would need $1,500,000. The House allowed half of that amount. It was later represented to us that that was all the Department would need, that is, $750,000. Now the Department says, "We want the full amount of the budget request."

So far as I am concerned, I am willing to take it to conference, and see what the House will do.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator yield?

Mr. HAYDEN. I yield.

Mr. LAUSCHE. I invite the Senator's attention to page 2 of the bill, to the item which deals with "Maritime activities." The original sum of $16 million is sought to be increased to $32 million, to cover the differential in the cost of operating the merchant marine.

What is the reason which was given for the request for an additional $16 million?

Mr. HAYDEN. I will ask the Senator from Florida [Mr. HOLLAND], the chairman of the subcommittee which deals with that matter, to answer the question.

Mr. HOLLAND. Mr. President, it is necessary to grant the original request, which was not granted by the House, unless we are going to carry these obligations over into the next year. The requests for payment have now come in in an amount which makes it very clear that the accrued obligations of the United States for maritime activities will be payable to the operators who hold contracts with our Government in the full amount requested by the budget.

I will say to the distinguished Senator from Ohio that the Senator from Florida has handled these items for the past several years, and has tried to impress upon the Maritime Administration the fact that we do not like supplemental requests. At the time of the hearing this year we were given assurance that there would be no further supplemental requests, and that the original bill, which will be considered in a few minutes, would cover the full amount of subsidies payable to the ship operators in this coming year. We were told that they will not be coming to us with a supplemental request again.

Unfortunately, there is a supplemental request for the fiscal year 1960, the current year.

Mr. LAUSCHE. Will the Senator yield further?

Mr. HOLLAND. I should like to read from the justification which appears on page 27 of the sideslips:

Restoration of the full amount of the House reduction is required to (1) avoid placing a hardship on subsidized operators by deferring $16 million in payments until July; (2) maintain the present currency in the payment of subsidy bills—

They are current, and they want to remain current—

and (3) avoid the necessity of requesting supplemental funds in fiscal year 1961.

Mr. LAUSCHE. What was the cause for the inadequacy of the original allocation? Has that been the result of increased costs, wages, and otherwise, in the operating of the ships?

Mr. HOLLAND. All of the subsidies are based upon the difference in the cost of operation of our ships and foreign ships. There is a difference in the pay of our merchant marine, compared with foreign ships, and other costs are also involved.

What we are trying to do is to get these payments on a completely current basis. We have been trying to do so for 3 or 4 years. We are told that if the payment is made for this year, which will be due and payable before the end of June, the Maritime Administration will be on a current basis and will not come back to ask us for supplemental items from now on.

I will say to the Senator that some years ago the Maritime Administration was very much behind in these payments. We gave them an increased amount for auditors. We provided increased personnel to enable them to catch up, and they are catching up. We were told—and we are stating that we were told—that this payment will make them current by the end of this year, so that they will not have to come back to Congress for a supplemental item in 1961. We are very eagerly desirous that the payments remain current, because when the obligations are carried over to the next year it hurts the operators, particularly the small operators, who cannot afford to carry these items long after they are due.

Mr. LAUSCHE. Mr. President, will the Senator yield for a statement?

Mr. HOLLAND. I yield.

Mr. LAUSCHE. In the Interstate and Foreign Commerce Committee there is now pending a bill which will completely remove the limitation with regard to subsidizing the cost of ship construction. The present law provides that the Government will pay the difference between the cost of constructing a ship in the United States and the highest cost of constructing the ship in a foreign country, but in no event to exceed 50 percent of the cost of the ship. The shipbuilders and the merchant marine people are now asking Congress that there be no limitation. The real reason given for the request that there be no limitation is that the steel strike has lifted the cost of wages to such a point that the 50 percent limitation makes it impossible to operate.

My question is: Have wage increases and cost increases been in an amount to require the supplemental appropriation?

Mr. HOLLAND. No. The supplemental appropriation is required to meet the conditions of existing law and the existing operations under that law.

Mr. LAUSCHE. Under the increased wages and increased costs, has the supplemental appropriation been required since we passed the original appropriation a year ago?

Mr. HOLLAND. No. The Senator is talking now about ship subsidies. We are talking about the operating-differential subsidies for the operation of certain voyages. We approved 2,400 voyages for this year. There have been allocated, if my recollection is correct, something over 2,100 voyages. The basis of repayment of a portion of the cost of operation by way of subsidy is laid down by existing legislation.

Mr. LAUSCHE. Yes.

Mr. HOLLAND. The Senator is talking about proposed legislation, about which the Senator from Florida has little information.

Mr. LAUSCHE. No.

Mr. HOLLAND. If the Senator seeks to remove present limitations, that is something I know nothing about. The appropriation about which we are talking is an appropriation to meet the obligations of the United States to operators who are operating under contracts between the United States and those lines, and to pay the bills as they fall due.

We do not believe that under the existing legislation it is good business to leave bills unpaid which fall due within this year, and are audited, certified, and ready for payment. We think it is unfair to the operators who are relying on the existing law. The amounts shown here are amounts due under existing law, and do not relate to any proposed legislation.

Mr. SALTONSTALL. Mr. President, I should like to make one additional answer if the Senator from Florida will permit me to do so.

Mr. HOLLAND. I gladly yield.

Mr. SALTONSTALL. The Senator from Florida has very ably stated the three principal reasons why this appropriation is necessary, namely, deferring $16 million in payments, maintaining present currency, and avoiding the necessity of requesting supplemental appropriations for 1961. The Senator from Florida made it very emphatic that if we did this, there would be no supplemental appropriation in 1961.

The need for the additional $16 million the Senator from Ohio is asking about is due to two things. In 1958, 1959, and 1960, there were lower earnings prevailing in the shipping industry. The lower earnings resulted from various causes—presumably because of the letdown in business in 1958 and 1959.

The other reason is that, by reason of the fact that there are lower earnings, the audited wage subsidy is now being paid on a 90 percent basis prior to the final adjustment, instead of a 75 percent basis as formerly. Otherwise the companies have to borrow money. If the Government owes a bill, it will pay up to 90 percent of the bill before final adjustment, instead of 75 percent.

The Senator from Florida made it very clear that if we put in this money now, it is believed that the money in the 1961 budget will be sufficient to carry

the operation through the year, and that there will be no supplemental appropriation.

Mr. HOLLAND. Let me read into the RECORD a statement from the hearings which bears on this subject. Admiral Ford was the witness. After discussing the reasons already stated by the Senator from Massachusetts and myself, as to why the $16 million obligations would accrue this year, and, if not paid, would hold over until next year, this colloquy took place between myself and Admiral Ford:

Senator HOLLAND. I recall, Admiral, that on the hearing of the annual bill for 1961, I asked whether you expected to have any supplemental requests and my recollection is that you stated categorically that you would not have any.

Admiral FORD. We would not have—excuse me.

The regular bill for 1961 is the one which will come up as we take up the bill for the Commerce Department and Related Agencies, a few minutes after we dispose of this bill.

Senator HOLLAND. I understand this request is for fiscal 1960.

That is the one in the supplemental bill before us.

How does it happen you are in a different situation this year than you expect to be for 1961 when you know the attitude of our committee has been so consistently against supplemental requests?

Admiral FORD. We do not contemplate a deficiency in 1961 and that was based on having the $32 million available which had been requested in the supplemental appropriation.

In other words, they tell us that if we give them this supplemental appropriation, they will not come back for a supplemental appropriation in 1961. We are trying to get on a current basis, so that operators who cannot afford to carry heavy accounts from one year into the next will not have to borrow money. The one who has to pay them is Uncle Sam, under legislation Congress has enacted, and under which the Maritime Board has operated by giving various ship operators contracts based upon existing legislation.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. LAUSCHE. Can the Senator tell me what percentage of the cost of operating the merchant marine is paid by the taxpayers of the United States, according to the testimony that was given?

Mr. HOLLAND. The testimony offered this year does not cover that item. The testimony which was offered in earlier years may have contained a breakdown of the item. I do not believe that subject was gone into. What we went into in particular this year was our desire to place the operations on a current basis. We wanted to avoid the necessity for additional supplemental requests, many of which come in, as the Senator knows, in the closing days of Congress. That is not the case this year, because the appropriation bills are clearing earlier than usual. We dislike supplemental requests, and for several years we have been bearing down on the Maritime Agency to get away from supplemental items.

Mr. LAUSCHE. In testimony offered before a committee when I was present at the hearing, the proof was, although not clear, that we were paying 75 cents out of every dollar of the cost of operating the merchant marine. Seventy-five cents is contributed by the taxpayers, out of every dollar spent.

Mr. HOLLAND. I am sure there is some error there, because the combined cost of operation of the whole American flag merchant marine is too huge an amount to have our subsidy, large as it is, operate in such proportions.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. MAGNUSON. I think there is some confusion. What the Senator from Ohio is referring to is the proposal which would change the formula for ship construction. However, the Senator from Florida and the Senator from Massachusetts indicated that the supplemental bill referred to ship operations.

Mr. LAUSCHE. I understand that thoroughly.

Mr. MAGNUSON. The 50 percent relating to ship construction has nothing to do with this item. This is the differential between foreign operations and our operations, in the same trade. It applies not to the major part of the American merchant marine, but only the subsidized berth-to-berth operators, who do not represent the majority of our tonnage in the American merchant marine, whereas the ship construction formula applies when any of the subsidized lines builds a ship.

The main reason for the $16 million, as pointed out by the Senator from Massachusetts, is that we used to pay the operating differential subsidy on a 75 percent basis, whatever figure was arrived at, and then there was an adjustment. Sometimes those adjustments required 18 months, or even longer. The formula now calls for 90 percent, with adjustments to take place later. That accounts for most of the $16 million. There is no legislation that I know of to change the Merchant Marine Act, or the formula for operational subsidies. That is what this item deals with.

Mr. LAUSCHE. If I may again put a question to the Senator from Massachusetts, the earnings have been less, and for that reason the cost to the Federal Government is more?

Mr. SALTONSTALL. No; that is not correct. Let me correct that statement.

Mr. LAUSCHE. Surely.

Mr. SALTONSTALL. The earnings have been lower in the past 3 years, starting in 1958. As a result, the Government, rather than pay 75 percent of what it believes is due before the final settlement, is now paying 90 percent before the final figures are adjusted, in order to make it possible for the operators to avoid borrowing money at the banks to carry on their obligations, which makes them even more costly.

The Senator from Ohio asked what proportion is being paid by the Government. I have just checked the figures, and these are the figures:

These operating subsidies are paid on the basis of a certain number of voyages to certain specific places. Going back to 1956, the number of voyages in 1956 was 1,950; in 1957, 2,040; 1958, 2,100; 1959, 2,225; 1960, 2,400; and, contemplated for 1961, 2,400.

I do not think it is possible for us to know what the total costs of operating the merchant marine are.

All we know is that we have to pay certain subsidies to make it possible for American flag vessels to operate in certain voyages, and these are voyages under which the operating subsidies must be submitted to the Federal Government, and they must be paid for.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. MAGNUSON. That figure can be easily ascertained. It varies from year to year. It is possible to take the gross operating cost of all the subsidized lines and then take a percentage of what the subsidy payments are. What the Senator from Ohio was suggesting is that there was testimony on the construction costs. That is true.

Mr. LAUSCHE. Oh, no. That is not what I had in mind.

Mr. MAGNUSON. Then the Senator also asked a question which the Maritime Board was going to answer for us, with respect to the 75 percent.

Mr. LAUSCHE. The Senator from Ohio is thoroughly cognizant of the subsidy provided in the operation costs and the subsidy provided in the construction cost, and the figures must be available showing what the total cost of operation is, and what part is paid by the operators and what part is paid by the taxpayers. Those figures must be available.

Mr. MAGNUSON. They are.

Mr. LAUSCHE. Because the law provides that the taxpayers shall pay the difference between the operation of American ships, with American labor, and the cost of operating a foreign ship with foreign labor. We pay the total difference in the cost. My question is—and this will clear it—since we owe them more money, does the $16 million result from the increase in the cost of material and labor?

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. HOLLAND. I should first like to answer that question the best I can. In the first place, the Committee on Appropriations did not originate the present legislation. It was passed by Congress. In the next place, the Maritime Board does nothing but administer the present legislation.

The Appropriations Committee has a single duty to perform, and that is to make appropriations with which to pay the bills which accrue under that operation. I have before me the justification from the Bureau of the Budget and from the Maritime Board on this subject, which I will read from page 28 of the worksheets:

All of the amounts shown for payment during the balance of the fiscal year are due and payable as firm obligations of the Government and should be paid as the vouchers are presented. To defer $16 million in payments to July 1 would nullify to some extent the effect of the changed procedure for paying wage subsidies in that it would probably require some operators to again resort to borrowing to meet operating expenses.

In other words, "borrowing to meet operating expenses" simply increases the amount of the ultimate subsidy which we must pay. Therefore, the Committee on Appropriations, after going into this subject very carefully, and after having had in earlier years the General Accounting Office check from time to time on these operations—and they constantly check upon this subject, and we constantly receive their advice and suggestions as to the propriety of the payments and the accounting methods used—we report to the Senate that unless the additional $16 million is appropriated and made available to pay these bills, the bills are not going to be paid when they fall due, and will force borrowing in many cases, and in that way we will be faced with a higher cost, because of the payment of interest, in addition to doing a hardship to some ship lines which cannot afford it in this business. So we have tried to keep the matter on a current basis.

Mr. LAUSCHE. I understand, but I should like to put my question again. Is this supplemental request for $16 million caused by an increase in the cost of operation either for labor or material?

Mr. MAGNUSON. No.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. WILLIAMS of Delaware. The reason for the supplemental request is that in the appropriation bill last year the Senate increased the number of voyages to be subsidized from 2,225 voyages to 2,400 voyages.

At the time the senior Senator from Ohio joined me in opposing that increase, but we were defeated.

In 1956 the Senate authorized 1950 voyages, and the cost was $140 million. Last year the Senate authorized 2,400 voyages and automatically increased the cost proportionately.

Last year in opposing this increase the Senate was told exactly what would happen. The Senate knew then that its action would necessitate a supplemental appropriation for the additional voyages.

Last year in the appropriation bill the Senate authorized the largest number of voyages in the history of Congress, with the result that today, with the $32 million being added here to the $128 million paid last year, we will be paying the highest amount in subsidies to the merchant marine in the history of the Congress.

However, that decision has been made, and now I join the Senator from Florida in saying that I do not know of anything we can do about it having lost on the vote last year. We can do something about it for next year's obligations when the appropriations bill for the Department of Commerce comes before the Senate. Then we shall be faced with the question as to the number of voyages we wish to authorize for next year. I hope the Senators will support the amendment to cut this authorization. We will then be able to bring the figure back to a more realistic level.

Mr. HOLLAND. Mr. President, I should like to say what I have said heretofore, and in doing so I should like to quote from the justification at page 27 of the sideslips.

The additional requirement for operating differential subsidy funds is due wholly to the lower earnings prevailing in the shipping industry, which commenced in calendar year 1958, continued throughout calendar year 1959, and have continued thus far into calendar year 1960.

The reduced profit has resulted in a substantial downward change in the subsidy recapture and an upward change in the subsidy payable estimated for these calendar years in the 1960 estimate. This also led to a revision of our procedure for paying wage subsidies resulting in a faster pay-out for this purpose than was estimated originally. Under this new procedure we are making payments of 90 percent of audited wage subsidy payable prior to approval of the final subsidy rate.

Mr. President, if there is something wrong with this program which requires its modification, that should come out of the legislative committee, of which the Senator from Ohio is a member and of which the distinguished Senator from Washington is the chairman. I repeat that the duty of the Committee on Appropriations is to see to it that our bills are paid as they fall due. We have been striving against real difficulties over the last 4 years to put this on a current basis, so that we will not have a great many unaudited reports. We have provided more auditors and we have provided more personnel. We have insisted on their bringing it up to date. We have insisted on getting away from the supplemental requests. For the first time now we have received in the record of the hearing the assurance from Admiral Ford and from the Maritime Board itself that we would not have supplemental requests facing us next year. I believe we are making real progress.

If there is a necessity for a change of the setup, that, I believe, should address itself first to the legislative committee, and next to the judgment of the Committee on Appropriations.

Mr. LAUSCHE. I think the answer to my query is satisfactory. I merely wish to make a brief statement to acquaint my associates with what they can expect. A bill is now pending in the Senate which provides that we proceed to make a study for granting subsidies to railroads for commuter service. Last year we passed a bill which provided a differential subsidy for the building of ships for the fishermen in the northeast section of the country. When that bill was passed, the shrimp fishermen of the Gulf of Mexico said, "We want a subsidy to pay us the differential for the building of our ships." When the salmon and tuna fishermen of the Northwest heard about that, they came to Congress and asked for a similar subsidy.

So beginning with the subsidy for the building of ships for the fishermen of the Northeast, subsidies have spread clear across the country under the assertion that these fishing boats eventually may form an integral part of our national defense.

The point I am trying to make is that before the year is over, we will have new bills before us to provide for subsidies. I contemplate making the fight against them everywhere I can.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. MAGNUSON. I do not wish to get into a controversy about the matter of subsidies. The Senator from Ohio has vigorously and rightly alined himself in a fight against subsidies of all kinds and natures. I think that is all right. He has even proposed to the Senate a special committee which would lay the problem of subsidies on the table. I join with him in that. I think the word "subsidy" should be laid on the table. I join with the Senator from Delaware [Mr. WILLIAMS].

But when Congress enacts a law to create a merchant marine and to keep it alive, it is necessary to decide whether we want an American merchant marine or not. If we do not want one, then let us introduce a bill to repeal the act; but let us not enter by the back door and try to do it through appropriations. The Senator from Florida is only doing what the law requires.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MAGNUSON. No; I have not finished yet.

Mr. WILLIAMS of Delaware. Go ahead; I am enjoying the Senator's speech.

Mr. MAGNUSON. I do not see the need for the repeal of the Merchant Marine Act. If subsidies are too high for the American merchant marine, let us change them. If we should not have a merchant marine, let us say so.

This item of $16 million results from 2 things: One, as the Senator from Delaware has pointed out, is the increased number of voyages. But we are paying 90 percent instead of 75 percent, because when business is not good, the recapture is not as much; therefore, the payments have got to come closer to 90 percent. This makes up the $16 million for the increased number of voyages.

The Senator from Delaware says that this is the highest number of voyages we have ever had, in his opinion. Of course it is. I do not believe the number of voyages can remain stationary, year after year, in a growing country, where the export-import gap has now almost reached bottom, so far as the United States is concerned. As things now stand, the American flag will probably be going off the high seas. Foreign competition is taking everything. American ship construction has declined until now the United States stands 14th in the world in the building of ships.

We talk about a lag or a gap. Certainly it is necessary to increase the number of voyages. I do not believe we can be satisfied with the same number of voyages every year, in a world in which commerce is increasing. We do not even have adequate trade routes to Africa, a continent whose commerce is bursting at the seams. Yet our trade gap now is down to rockbottom. We are

at the point where our imports are exceeding our exports. The status of the American merchant marine reflects that.

I do not quarrel with the Senator from Delaware. I surely do not quarrel with the Senator from Ohio. I agree with him. If we are to pay a subsidy, let us put it on the table and see what it is for. If we agree that it is not necessary, that will be all right. But let us not quibble when the Maritime Board compiles a formula, the General Accounting Office examines it, and the Committees on Appropriations in the House and Senate screen it and arrive at a figure which the law says is proper. The Senator from Florida has simply done his duty.

I hope that we will not sit here and suggest, in a country which is growing, that we continue to provide for the same number of voyages year after year. But if that is what is wanted, it will be all right with me.

I have said many times that it is no fun for me to have to urge funds for the merchant marine. If we are to follow the act of 1936, I must stand in the Senate and defend it. The Senator from Florida has to do the same thing. It is no pleasure for us to do it. I wish the American merchant marine could operate in a climate which would be conducive to flying the American flag.

At present, the tonnage flying the flags of Panama, Liberia, Honduras, and other foreign flags is greater than the tonnage of the American merchant marine. Subsidized lines keep only a part of the subsidy.

The Senator from Ohio understands that a large number of tankers are now being laid up because of the competition from foreign-flag ships. The administration, through the Maritime Board is suggesting that we provide a moratorium because of the inability of the American-flag lines to pay their mortgages, and to put the ships in mothballs.

I hope the Senator from Delaware will listen to me. I very seldom say too much to him about this.

Mr. WILLIAMS of Delaware. I assure the Senator I am listening.

Mr. MAGNUSON. The Department of Defense tells us that the American merchant marine is the fourth arm of our defense.

In World War II, the merchant marine carried 95.6 percent of all the cargo shipped to our Allies and our Armed Forces abroad.

If it is desired that the General Accounting Office cut the amount down to the exact cent, that is all right with me. But if we cannot pay the American merchant marine a subsidy under the 1936 act, then the act should be amended.

I think the Senator from Florida [Mr. HOLLAND] has done a fine-tooth-comb job. He is saving the country money by keeping the legal payments up to date, in the long run.

Mr. HOLLAND. I appreciate the kind statement by the Senator from Washington. I desire to make two brief statements. First, there are no fishing fleet subsidies.

Mr. MAGNUSON. If the Senator will yield for a moment, I want to correct one statement. There are no subsidies for salmon fishing boats provided for in the bill.

Mr. LAUSCHE. But there are subsidies for the tuna fleet.

Mr. MAGNUSON. The tuna fishing fleet operates off southern California. If the salmon boats needed a subsidy, the Senator from Washington would be right here trying to get it. I will tell the Senator that.

Mr. LAUSCHE. The Senator from Washington cannot challenge the correctness of the statement I made that the bill began by the claim that the fishing boats of the Northeast would become an integral part of our national defense on the high seas, and that therefore we must subsidize them in an amount which is the difference between the cost of building the ships in the United States and the cost of building them in other countries, not to exceed 50 percent.

Then came the move to include the shrimp fishing boats of the gulf of Mexico and then the fishing fleets of the Northwest.

I do not know where this will end. Maybe I will ask that the whitefish fleet of Lake Erie be subsidized, also.

Mr. HOLLAND. Mr. President, I shall close with two statements. First, the fishing fleets are not included in this subsidy. This is a merchant marine subsidy, and the merchant marine is certainly a necessary factor in our defense.

Second, there could not be a better exemplification than this debate of the wisdom of this agency and others proceeding without supplemental budget items. I shall see to it that they get the record of this debate. We have been insisting for 6 years that they do away with supplemental requests in this agency.

I think Senators who have done a little friendly speaking have helped us illustrate the wisdom of this course, and the record of this debate will be furnished to the Maritime Board.

Mr. WILLIAMS of Delaware. It was a wise man who once said that one who listens with his ears learns more than one who listens with his mouth.

If the Senator from Washington had been listening instead of speaking he would have heard me say to the Senator from Florida that there was nothing we could do about this $32 million.

This obligation was made last year, and now we have no alternative other than to pay it. However, if we want to cut this year's costs that action should be taken when the general appropriations bill for the Department of Commerce comes before us either tonight or tomorrow. At that time we shall be authorizing the number of voyages for the next year. I agree with my friend from Washington that Congress does have that responsibility, and Congress exercised its responsibility last year when it increased those voyages to an alltime high.

Mr. President, the place to cut the appropriation will be in the bill coming up tomorrow. At that time amendments will be offered to reduce this subsidy, and I imagine they will be just as energetically opposed by the Senator from Washington as they were last year. I respect his position, of course. Nevertheless, that will be the time for the Senate to decide whether or not it wishes to cut the overly generous subsidy now being paid to this industry. At that time I will appeal to the Senate for its support in reducing this load for the American taxpayers.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. DOUGLAS subsequently said: Mr. President, I ask unanimous consent that a statement which I have prepared, giving my reasons for voting against the second supplemental appropriation bill, be printed in the RECORD just prior to the vote on the passage of the bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR DOUGLAS

I wish to make a statement concerning why I shall vote against the final passage of the second supplemental appropriation bill for fiscal year 1960.

This bill contains requests for additional sums, over and above the fiscal year 1960 budget estimates of approximately $1 billion. In almost every case these requests were those of the administration and of the Budget Bureau. I was happy to see that the Senate Appropriations Committee granted only $980 million of these requests and cut back on the requests of the administration by some $37.9 million.

Year after year we legislate for the following fiscal year, as we did in the last session of the Congress for fiscal year 1960. Then, in the next session we find that the Budget Bureau, after taking credit for budget cuts or for holding the line against expenditures, comes in, more or less quietly, to request additional funds under the guise of "supplemental" or "deficiency" appropriations.

On the one hand they claim credit for holding the line and with the other they are almost immediately back again to ask for additional funds which either were not in the original budget at all or which were cut by the Congress.

Here is a good example. We are asked to appropriate an additional $1.02 billion over and above the appropriations for the budget requests. This is done quietly. Then when the final tabulations are made, the administration, which initially asked for these funds, calls those of us in Congress who voted for them "budget busters" or "wild spenders" or "budget boosters."

The public should understand what goes on. The public should also realize that in almost every case, these are additional and extra funds, not initiated by the Congress, but asked for and even begged for by the administration and the Budget Bureau.

I will cast my vote against this bill to help set the record straight.

The PRESIDING OFFICER. The question now is, Shall the bill pass?

Mr. BRIDGES. Mr. President, is the vote which is about to be taken on the question of the final passage of the bill?

The PRESIDING OFFICER. Yes, on the question of the final passage of the bill.

On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oklahoma [Mr. KERR], the Senator from Hawaii [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Utah [Mr. MOSS], the Senator from Georgia [Mr. RUSSELL], and the Senator from Missouri [Mr. SYMINGTON], are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD] is absent because of illness.

I further announce that the Senator from Wyoming [Mr. O'MAHONEY] is necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oklahoma [Mr. KERR], the Senator from Hawaii [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Utah [Mr. MOSS], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Georgia [Mr. RUSSELL], and the Senator from Missouri [Mr. SYMINGTON] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The Senator from New Jersey [Mr. CASE], the Senator from Nebraska [Mr. CURTIS], and the Senator from Arizona [Mr. GOLDWATER] are necessarily absent.

The Senator from Maryland [Mr. BUTLER], the Senator from Kansas [Mr. CARLSON], the Senator from New York [Mr. JAVITS], and the Senator from North Dakota [Mr. YOUNG] are detained on official business. If present and voting, the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from Kansas [Mr. CARLSON], the Senator from New Jersey [Mr. CASE], the Senator from Nebraska [Mr. CURTIS], the Senator from Arizona [Mr. GOLDWATER], the Senator from New York [Mr. JAVITS], and the Senator from North Dakota [Mr. YOUNG] would each vote "yea."

The result was announced—yeas 79, nays 2, as follows:

[No. 136]

YEAS—79

Aiken	Eastland	Jordan
Allott	Ellender	Keating
Anderson	Engle	Kefauver
Bartlett	Ervin	Kuchel
Beall	Fong	Lausche
Bennett	Frear	Long, La.
Bible	Fulbright	Lusk
Bridges	Gore	McClellan
Brunsdale	Green	McGee
Bush	Gruening	McNamara
Byrd, W. Va.	Hart	Magnuson
Cannon	Hartke	Mansfield
Carroll	Hayden	Martin
Case, S. Dak.	Hennings	Monroney
Chaves	Hickenlooper	Morse
Church	Hill	Morton
Clark	Holland	Mundt
Cooper	Hruska	Murray
Cotton	Jackson	Muskie
Dirksen	Johnson, Tex.	Pastore
Dworshak	Johnston, S.C.	Prouty
Proxmire	Smathers	Wiley
Randolph	Smith	Williams, Del.
Robertson	Sparkman	Williams, N.J.
Saltonstall	Stennis	Yarborough
Schoeppel	Talmadge	
Scott	Thurmond	

NAYS—2

Douglas	Young, Ohio

NOT VOTING—19

Butler	Goldwater	Moss
Byrd, Va.	Humphrey	O'Mahoney
Capehart	Javits	Russell
Carlson	Kennedy	Symington
Case, N.J.	Kerr	Young, N. Dak.
Curtis	Long, Hawaii	
Dodd	McCarthy	

So the bill (H.R. 10743) was passed.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HAYDEN. Mr. President, I move that the Senate insist on its amendments, request a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. HAYDEN, Mr. RUSSELL, Mr. CHAVEZ, Mr. ELLENDER, Mr. HILL, Mr. MAGNUSON, Mr. HOLLAND, Mr. BRIDGES, Mr. SALTONSTALL, Mr. YOUNG of North Dakota, and Mr. MUNDT conferees on the part of the Senate.

AUTHORIZATION FOR COMMITTEE ON JUDICIARY TO MEET DURING SESSIONS OF THE SENATE FROM TODAY UNTIL NEXT TUESDAY, MARCH 29, 1960, AT MIDNIGHT

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Committee on the Judiciary may meet during the sessions of the Senate up until Tuesday night, midnight.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION SUPPLEMENTAL APPROPRIATIONS, 1960

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1180, House Joint Resolution 621.

The PRESIDING OFFICER. The joint resolution will be stated by the clerk.

The CHIEF CLERK. A joint resolution (H.J. Res. 621) making supplemental appropriations for the National Aeronautics and Space Administration for the fiscal year ending June 30, 1960, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the joint resolution, which had been reported from the Committee on Appropriations with amendments.

Mr. STENNIS obtained the floor.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield so I may ask for the yeas and nays, and we will have a rollcall shortly, if Senators will remain in the Chamber.

Mr. STENNIS. I yield.

Mr. JOHNSON of Texas. I ask for the yeas and nays on the passage of the joint resolution.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, I do not believe it will require over 2 minutes for me to explain this very short appropriation measure, which carries two items, one in the amount of $23 million, which is the item agreed to by the House as a supplementary appropriation for the National Aeronautics and Space Administration, to be used for the Mercury project to send man into space. That is within the 1960 approved budget.

The other item is an item of $79,000, which is a new item, for the Joint Committee on Atomic Energy, which is to be used for the purpose—and this is within the budget—set forth on page 1 of the report, two sentences of which I shall read:

This amount is required to cover expenses chargeable to the Joint Committee on Atomic Energy in connection with a study group reviewing international atomic policies and programs of the United States in cooperation with organizations and agencies concerned with the atoms-for-peace program. A report to the Congress on this matter is planned by June or July of this year.

Mr. President, if there are no further explanations desired, I yield the floor.

The PRESIDING OFFICER. The first committee amendment will be stated for the information of the Senate.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

The committee amendments agreed to en bloc are as follows:

On page 1, line 4, after the word "appropriated", to strike out "for the National Aeronautics and Space Administration".

On page 1, after line 6, to insert:

"LEGISLATIVE BRANCH

"SENATE

"Contingent Expenses of the Senate

"Joint Committee on Atomic Energy

"For an additional amount for 'Joint Committee on Atomic Energy', $79,000."

At the top of page 2, to insert: "INDEPENDENT OFFICES".

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the joint resolution.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Virginia [Mr. BYRD],

the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oklahoma [Mr. KERR], the Senator from Hawaii [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Utah [Mr. MOSS], and the Senator from Georgia [Mr. RUSSELL] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD] is absent because of illness.

I further announce that the Senator from Wyoming [Mr. O'MAHONEY] is necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oklahoma [Mr. KERR], the Senator from Hawaii [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Utah [Mr. MOSS], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Georgia [Mr. RUSSELL] would each vote "Yea."

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The Senator from New Jersey [Mr. CASE], the Senator from Nebraska [Mr. CURTIS] and the Senator from Arizona [Mr. GOLDWATER] are necessarily absent.

The Senator from Maryland [Mr. BUTLER], the Senator from Kansas [Mr. CARLSON], the Senator from New York [Mr. JAVITS], and the Senator from North Dakota [Mr. YOUNG] are detained on official business. If present and voting, the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from Kansas [Mr. CARLSON], the Senator from New Jersey [Mr. CASE], the Senator from Nebraska [Mr. CURTIS], the Senator from Arizona [Mr. GOLDWATER], the Senator from New York [Mr. JAVITS], and the Senator from North Dakota [Mr. YOUNG] would each vote "Yea."

The result was announced—yeas 82, nays 0, as follows:

[No. 137]

YEAS—82

Aiken	Fulbright	Monroney
Allott	Gore	Morse
Anderson	Green	Morton
Bartlett	Gruening	Mundt
Beall	Hart	Murray
Bennett	Hartke	Muskie
Bible	Hayden	Pastore
Bridges	Hennings	Prouty
Brunsdale	Hickenlooper	Proxmire
Bush	Hill	Randolph
Byrd, W. Va.	Holland	Robertson
Cannon	Hruska	Saltonstall
Carroll	Jackson	Schoeppel
Case, S. Dak.	Johnson, Tex.	Scott
Chavez	Johnston, S.C.	Smathers
Church	Jordan	Smith
Clark	Keating	Sparkman
Cooper	Kefauver	Stennis
Cotton	Kuchel	Symington
Dirksen	Lausche	Talmadge
Douglas	Long, La.	Thurmond
Dworshak	Lusk	Wiley
Eastland	McClellan	Williams, Del.
Ellender	McGee	Williams, N.J.
Engle	McNamara	Yarborough
Ervin	Magnuson	Young, Ohio
Fong	Mansfield	
Frear	Martin	

NAYS—0

NOT VOTING—18

Butler	Capehart	Case, N.J.
Byrd, Va.	Carlson	Curtis
Dodd	Kennedy	Moss
Goldwater	Kerr	O'Mahoney
Humphrey	Long, Hawaii	Russell
Javits	McCarthy	Young, N. Dak.

So the joint resolution (H.J. Res. 621) was passed.

The title was amended, so as to read: "Joint resolution making additional supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes."

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas to lay on the table the motion of the Senator from Illinois to reconsider.

The motion to lay on the table was agreed to.

DEPARTMENT OF COMMERCE AND RELATED AGENCIES APPROPRIATIONS, 1961

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1139, House bill 10234, the Commerce Department appropriation bill.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 10234) making appropriations for the Department of Commerce and Related Agencies for the fiscal year ending June 30, 1961, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

COMMITTEE MEETINGS DURING SENATE SESSIONS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Committee on Aeronautical and Space Sciences be permitted to meet during the sessions of the Senate on Monday and Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO MONDAY

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I ask that the request I made be temporarily vitiated. I recall that a certain Senator had expected to make a speech tomorrow. I shall try to get in touch with him. That fact had slipped my memory at the moment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas subsequently said: Mr. President, I renew my request that when the Senate concludes its deliberations today it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. JOHNSON of Texas. Mr. President, it is the plan of the leadership to have the distinguished senior Senator from Florida [Mr. HOLLAND] make a preliminary statement on the Commerce Department appropriation bill, dispose of any committee amendments that can be agreed to, and carry over any controversial amendments which may require a yea-and-nay vote, and to postpone the vote on final passage until Monday.

That will serve two purposes. First, any committees which may desire to meet can do so on Friday and Saturday. Secondly, it will give Senators a long weekend in order to catch up with work in their offices. It may be that in order to accommodate some of my colleagues who may wish to make speeches tomorrow, I shall ask the Senate to meet tomorrow.

However, I am prepared to assure all Senators that, so far as it is within the control of the leadership, there will be no yea-and-nay votes tomorrow, and it is planned to have any controversial amendments voted on Monday. I shall ask the Senate to remain in session late Monday, if necessary, in order to have yea-and-nay votes on controversial amendments and on final passage of the Commerce Department appropriation bill. Therefore, Senators may make their plans to be absent from the Senate on Friday and Saturday if they desire, or to be in committees during those 2 days.

STREAM POLLUTION

Mr. CARROLL. Mr. President, the Denver Post in its editions of Sunday, March 20, published a thorough and shocking story of water pollution in the South Platte River, beginning at Denver and running through some of the finest farm and ranch country in the West.

The story is one to make strong men shudder. And it has counterparts in dozens of other areas throughout our Nation, a nation that has been warned repeatedly that it soon will be at the limit of its water resources.

Let me describe the course of the South Platte River, so that no Member will think this is "a uniquely local problem"—a term so badly misused by President Eisenhower in his veto message of H.R. 3610 last month.

The South Platte below Denver winds northeastward across the high plains of Colorado and joins with the North Platte in central Nebraska. The waters of the Platte course through many miles of agricultural land in Nebraska before the river merges with the Missouri just below Omaha. The Missouri then winds past parts of Iowa and Kansas to the State of Missouri, runs through that

State, and joins with the Mississippi just north of St. Louis. The augmented Mississippi then touches large portions of Illinois, Kentucky, Tennessee, Arkansas, Louisiana, and Mississippi.

I have not recited these facts simply to give the Senate a speech about geography. The point is that these poisonous wastes in the South Platte River in Colorado can be dangerous to public health thousands of miles away.

The conservative magazine U.S. News & World Report, in an article published on February 29 of this year, cited the presence of microscopic worms in the drinking water of cities the length and breadth of our land—worms which seem capable of traveling hundreds of miles, thousands of miles in rivers, and which are immune to ordinary water treatment methods. As yet, little is known about the precise harm these micro-organisms can inflict on the human body. They constitute only one of a large group of different chemical and biological agents which get into the water we drink.

This Nation's cities are struggling to cope with the threat. Their sources of revenue are limited chiefly to the local property tax and sometimes a local sales tax. Yet they are building sewage treatment plants at an unprecedented rate under the terms of the Water Pollution Control Act of 1956.

However, the U.S. Public Health Service has warned that populations are concentrating at such a rapid rate that we need to double our present pace in building new plants to treat sewage. H.R. 3610 was designed to meet the challenge. Yet the President of the United States has not only vetoed the bill; his fiscal 1961 budget calls for slashing the existing program by more than half.

We must not let it rest there. We dare not let this philosophy of a penny-pinching administration jeopardize the health of our families while it spends millions on similar projects abroad. Another bill must be passed, and passed this year.

Mr. President, I ask unanimous consent that there be printed in the body of the RECORD at this point the Denver Post article about pollution in the South Platte River, and a recent editorial from the same newspaper titled "Congress Should Try Again on Pollution."

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

COLORADO'S "BIG ICKY"—SOUTH PLATTE POLLUTION STENCH SPREADING

(By Marilyn Robinson)

High in the mountains above Fairplay, Colo., the South Platte River has its beginning. The narrow, shallow stream runs clear along mossy banks toward Denver. But it leaves Denver to wind toward Nebraska a murky, smelly river, often more sewage than river.

The words pollution and sewage are not pleasant.

But neither are the smells of the river.

Ask the Adams County resident who lives near the South Platte, along the irrigation canals it feeds or near Barr Lake southeast of Brighton. Ask the people of Brighton. They have been complaining about the odor for years.

"At times the odor's so bad we can't even eat supper," says Mrs. Adeline LeDoux, who lives a few hundred feet from Barr Lake.

"Some nights," says a neighbor, Mrs. Amanda Durland, "the odor gets so bad it chokes you so you can hardly stay in bed."

"Sometimes it's so strong it makes you sick to your stomach," says another Barr Lake resident, Mrs. Mary E. Cimyotte.

TWO DITCHES FLOW INTO LAKE

Two irrigation ditches carrying South Platte water flow into the lake.

One of these is the Burlington. Its headgate is only a quarter of a mile downstream from Denver's main sewage disposal plant at East 51st Avenue and Marion Street. Much of Denver's sewage effluent—the treated sewage mixed with water—flows through the ditch.

The lake doesn't smell much this time of the year. It's frozen over and no water is running through the ditches.

But when the weather warms up, the farmers start irrigating their fields and the wind blows, the people who live around the lake are in for trouble. So are the residents of Brighton.

How does the lake smell? "Like a dirty toilet," is how one woman describes it.

Hold your nose but don't stop reading. This is your problem, too. Every time you flush a toilet or turn on the garbage disposal you are contributing unwittingly to the pollution problem.

Fortunately no community downstream from Denver depends on the South Platte for drinking water.

But the story's different on Clear Creek, a main tributary which flows into the South Platte north of Denver.

The words pollution and sewage are not pleasant. Neither are the taste, smell and appearance of the water many residents of the Clear Creek Basin drink. Westminster, the Baker Metropolitan Water and Sewage District and other communities take water from the creek a good part of the year.

And it isn't very satisfactory. "Sometimes the smell is so bad you can hardly stand to take a shower," says one Westminster resident. "Even in tea you can smell it."

Clear Creek wasn't always a misnomer. Neither was the South Platte always polluted. Some of the State's best fishing still can be found along the upper reaches of the South Platte, but below Denver the river is too polluted for fish to survive.

"When Lewis and Clark came through here they caught trout at Julesburg (near the Nebraska line)," says Thomas L. Kimball, director of the State game and fish department.

"All we've got now between Denver and the Nebraska line is an open sewer. It's no good for game fish and sometimes a self-respecting duck won't sit on it."

The cause?

Today 72 Colorado communities discharge their wastes—toilet flushings, wash water, detergents, kitchen wastes, anything that can go down a drainpipe—into the river or its tributaries.

And 45 industries and mines add their wastes—greases, acids, and oils, potato washings, sugar beet and hop wastes, mine tailings, and meatpacking wastes.

EIGHT AREAS DUMP RAW SEWAGE

Eight communities with a total population of 4,000 dump their sewage raw, the State health department reports.

Denver and some smaller communities, total population 618,000, provide primary treatment which separates the material that floats or settles.

And sewage plants serving 255,000 of the basin's population provide secondary treatment, which separates dissolved and suspended solids from the water.

Because of its size, Denver gets much of the blame for polluting the river. The city is under court order to build an adequate, secondary treatment plant.

Each day Denver dumps 65 to 70 million gallons of effluent into the river. Six months of the year that's more than the normal flow of the river between Denver and Brighton.

The sewage effluent meets State standards on coliform, an index of the number of organisms in the water, by heavy chlorination.

But Denver taxpayers are paying $118,000 a year for chlorine to treat sewage at the main plant and a small plant on Sand Creek. And the city falls far short of other State standards.

Its sewage effluent averages triple the maximum biological oxygen demand or BOD permitted under law, but says John R. Peterson, city sanitation engineer, "There's nothing we can do with a primary plant."

The price of pollution runs high.

Truck farmers north of Denver use South Platte water for irrigation. No one is sure if this polluted water contaminates vegetables, but elsewhere farming has been implicated in outbreaks of typhoid and other diseases. The possibility has caused Denver area vegetables to be banned from some markets in years past.

Dr. Stuart G. Dunlop, University of Colorado Medical School microbiologist, has been running tests on irrigation water, vegetables, and sewage since 1941.

He has found salmonella, the type of organism which causes gastrointestinal illnesses, in irrigation water from the South Platte and Clear Creek. But rarely do the organisms show up on vegetables, he reports.

"Colorado's climate, soil conditions, and irrigation methods have much to do with our failure to find organisms on vegetables," Dr. Dunlop says. "I'd hate to see a sprinkling system used."

The microbiologist concludes vegetable contamination does not appear to be "the public health hazard we once thought."

But vegetables are scrubbed carefully before being eaten in the Dunlop household. The reason: Dr. Dunlop isn't satisfied with laboratory methods for recovering organisms from vegetables and no one has tried to recover viruses.

Vegetable contamination is just one of the public health hazards posed by polluted irrigation water.

Dairy cattle drink from irrigation ditches. Farmers work and children play by them. Irrigation water can seep into farmers' wells, contaminating them.

Along the river and ditches sewage forms sludge banks which serve as harborages for rats and breeding places for flies—both recognized disease carriers—in the summer.

What has Dr. William S. Haynes, Tri-County Health Department director, most concerned about pollution of the river is the danger to water supplies, particularly for those communities which take water from Clear Creek.

Westminster and the Baker Water District, for example, take their water from the creek after six other communities have dumped their often incompletely treated sewage into it.

Treatment makes the water chemically pure but it doesn't necessarily make the waste taste, smell or look clean. And studies suggest it may not be.

A recent State health department survey showed a higher occurrence of diarrheal illnesses among families who drank water from Clear Creek than among families who drank bottled water or well water.

Local and State health officials say they haven't had time or money to study new potential hazards posed by insecticides and detergents.

Detergents make clouds of suds or foam when water is agitated in irrigation ditches and at sewage and water plants in the area. Detergents in the water give it an oily feel and a fishy taste.

"We're not sure what hazard detergents pose but they make treatment more difficult," says William N. Gahr, sanitation director for the State health department.

CHEMICAL POISONS

The insecticides and weedkillers which seep into the river from fields are another unknown factor.

A. E. Williamson, Wyoming's director of environmental sanitation, warns concentrations of chemical poisons greater than those which triggered Federal limits on cranberry sales last fall are in many communities' drinking water. This, he says, is one of the critical problems facing sanitary engineers.

The picture is not all black. Health officials can report some progress in the fight against pollution.

Twenty-three years ago Denver was dumping raw sewage into the South Platte.

Six years ago 15 communities were still dumping raw sewage into the river. Today there are only eight small towns which fail to treat their sewage.

In the same 6 years, the State health department reports, the number of communities with "satisfactory" sewage treatment has climbed from 13 to 51.

FASTER GROWTH

But with increasing industrialization and a rapidly growing population the problem has grown faster than new sewage treatment plants can be built.

New household conveniences add to the problem. Garbage which once ended up in the city dump is ground up by disposal units and washed down the drain. Detergent suds, used by both the housewife and industry, also are washed down the drain and into the sewers.

The answer to the South Platte pollution problem, health officials believe, lies in the proposed metropolitan sewage district. Enabling legislation to permit formation of the district was signed into law Friday by Governor Steve McNichols.

As proposed, the district would include 57 sanitation districts and 26 sewage treatment plants. Its boundaries would run west from Aurora to Golden and from Denver's southern boundary north to Thornton.

Plans are to build a treatment plant at the junction of Clear Creek and the South Platte south of East 74th Avenue between York Street and Colorado Boulevard. Trunk lines would carry sewage to the central plant for treatment.

Money to build the plant and trunklines would come from a long-term bond issue to be paid off by tap fees. Each district would pay according to its volume of sewage and its condition.

Backers estimate cost at $20–$24 million over a 20-year period.

But George Nez, director of the Intercounty Regional Planning Commission and a leader in the consolidation drive, says consolidation will be half as expensive as if districts continue to operate separately, building new plants and enlarging and improving existing ones to meet growing needs.

He estimates districts in the metropolitan area will have to spend $48 million on new plants and improvements over the 20 years if the consolidation plan does not go through.

A secondary plant to serve Denver alone would cost between $8 and $10 million, experts say.

Now that enabling legislation has been passed, the next step is to get the various districts to join the metropolitan district. If they act quickly, Nez says, the bond issue could be presented to voters for approval in the November election.

The plant is expected to take 2 years to build. It is possible, leaders say, that the treatment works could be in operation in 1963.

A less optimistic prediction comes from Sherman Warburton, sanitation director for the Tri-County Health Department. "Sure there's a good chance that they (the districts) will join in—in at least 10 or 12 years," he said.

Warburton is a firm believer in the consolidation. Without it, he warns, the districts "will spend millions for construction and reconstruction and still won't get the job done."

Little Federal aid will be forthcoming for the project. President Eisenhower recently vetoed a pollution control bill which backers estimate would have provided $2½ million in Federal aid to $250,000 for each project.

If the metropolitan sewage district is formed, "we'll virtually have the problem licked," says Dr. Roy Cleere, State health department director.

The plan, he predicts, will serve as an incentive for other communities in the South Platte Basin to do their share to clean up the river.

But it won't be a cure-all.

It will leave unsolved the problem of industrial wastes. During the 2-month sugar beet processing season, industrial wastes—wastes from industrial plants outside sewer ditricts or cities—volumewise contribute as much to pollution of the river as domestic sewage.

The important difference is that industrial wastes contain fewer harmful bacteria and therefore are less a threat to public health.

Great Western Sugar Co., health officials report, has cut pollution from its sugar beet factories along the South Platte by 70 percent in the last 10 years. The firm is hopeful that by the time the metropolitan sewage plant is ready for operation, science will have whipped the problem of industrial wastes.

Another problem is water supply. Growing population has forced sewage outlets and water intakes closer and closer together. It has left some communities with a poor water supply.

Dr. Haynes and others are hopeful that Blue River water will solve this problem.

Denver's water supply will be doubled when the Roberts Tunnel, which will bring Blue River water under the Continental Divide, is completed. Dr. Haynes says he is hoping that Denver then will sell some of its water to surrounding communities with poor water supplies.

Then there's the dilution factor. Present State law makes no mention of the amount of receiving waters. A sewage plant could meet State standards and still contribute to pollution because there isn't enough water in the river at times to dilute the sewage.

Why worry about pollution?

Hatfield Chilson, Colorado's new Federal district judge and former Under Secretary of the Interior, has spent much of his life helping to decide who has rights to Colorado's limited water supply.

"You can use up your water supply in any of a number of ways—for irrigation, for human consumption, for industry, for waste disposal or by pollution.

"And you can destroy water just as fast—in some cases faster—by polluting it as using it for beneficial purposes," Chilson says.

Colorado is a semiarid State, and the South Platte Basin gets less than the State's average precipitation.

Seven hundred years ago the cliffdwellers of the Mesa Verde in southwest Colorado left their settlements, apparently to search for water. They disappeared from the face of the earth.

The same fate may be in store for the South Platte Basin, where two-thirds of Colorado's population now lives, unless action is taken, the State health department warns.

CONGRESS SHOULD TRY AGAIN ON POLLUTION

Despite Congress' failure to override the President's veto of the water pollution control bill, the vote in the House of Representatives still shows widespread acceptance of Federal responsibility to help solve grave urban problems in general and this one in particular.

The vote was 157 sustaining the President and 249 to override. Though this fell 22 votes short of the necessary two-thirds majority, nevertheless it means that more than 60 percent of those voting favored the bill no matter how much the President disliked it.

The big question: What next? We admired congressional perseverance last year in the housing squabble, when Congress came back again and again with housing bills until the President finally OK'd one.

Now that the veto has stood up, the same strategy on pollution control seems indicated.

While the veto was a hard blow to the Denver area, it does not mean that the idea of metropolitan cooperation on sewage disposal is dead.

It would have been extremely helpful to have had the Federal incentive to go ahead and try something that has never been tried before.

(We stress the word "incentive"; the vetoed bill would have set up matching funds—70 percent local, 30 percent Federal. It would not, as many people believed, have merely turned the problem over to Washington. The initiative and the detailed plans, as well as over two-thirds of the money, would have had to come from local sources.)

The local effort must proceed, though the job may be more difficult and take more years than if the President had not cast his veto.

SMALL BUSINESS AIRLINES COMPLETE 5 YEARS WITHOUT FATALITY

Mr. SPARKMAN. Mr. President, recently it was my pleasure to call attention of the Congress to the outstanding safety record of the Nation's small business airlines.

I was, therefore, pleased to receive a copy of a letter from the Administrator of the Federal Aviation Agency, Mr. E. R. Quesada, to Mr. Clayton L. Burwell, president of the Independent Airlines Association, also recognizing this outstanding safety record, and at this point I insert the text of this letter:

I am impressed by the fine safety record made by your association's member airlines, and I am grateful for the reassurance such an outstanding record gives to the flying public.

You have set an enviable goal for the rest of the industry. Your achievement speaks well for rigid safety standards and careful adherence to the principles of air safety.

My congratulations for 5 years, 3½ million passengers, and 6 billion passenger-miles of safe flying.

CIVIL RIGHTS LEGISLATION

Mr. SPARKMAN. Mr. President, I had prepared a very brief statement which I had intended to make today during the morning hour, with reference to the civil rights bill as it passed the House. In the interest of saving time, I ask that this statement be printed in the RECORD at this point as a part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR SPARKMAN

The proposed so-called civil rights bill, H.R. 8601, which is scheduled to be approved by the House of Representatives today, is unsatisfactory in every respect.

Many of my colleagues in the House waged a valiant fight against this bill. I commend them for their courageous fight to protect the Constitution and the sovereign rights of the States. However, in spite of their great fight, political pressures prevailed.

Now, I suspect that an effort will be made to wink at the Rules of the Senate, to bypass the Senate Committee on Judiciary, and to place the House bill on the Senate Calendar. I will oppose any such move.

While I have not seen the House bill in its final form, I have followed the debate closely. In my opinion, the bill is totally unnecessary and unsatisfactory. It would impel the U.S. Government into the affairs of the several States. It would disrupt the public confidence in the judiciary.

It would further disturb the relations between the State and Federal Governments.

It would adopt a provision already rejected by the Senate because of its danger to the freedoms of speech, press, and assembly.

The House bill—in its entirety—is a bad bill and I hope the Senate will kill it.

DEPARTMENT OF COMMERCE AND RELATED AGENCIES APPROPRIATION BILL, 1961

The Senate resumed the consideration of the bill (H.R. 10234) making appropriations for the Department of Commerce and related agencies for the fiscal year ending June 30, 1961, and for other purposes.

Mr. HOLLAND. Mr. President, on behalf of the Committee on Appropriations, I wish to discuss very briefly this evening the appropriation bill for the Department of Commerce and related agencies, which is House bill 10234. The related agencies considered in this bill, aside from the Department of Commerce and its many agencies, are the Panama Canal, the St. Lawrence Seaway, the Small Business Administration, and the Tariff Commission.

The amount of the bill as it passed the House was $760,522,235; the amount recommended to the Senate by the committee is $738,388,300, a net decrease of $22,133,935 from the House bill; a decrease of $61,226,700—approximately 7½ percent—from the budget estimates which total $799,615,000. The amount recommended by the committee is $342,709,600 under the appropriations to date for 1960 which were $1,081,097,900.

The large items in the bill last year which do not recur this year, and which account for most of the difference between last year's bill and this year's bill, are three. First, most of the expenses for the decennial census were provided for in last year's bill. Second, the repayable advances for the Federal-aid highway system of $359 million last year were approximately $200 million more than is required this year to allow for the payment of all items that become due and payable during 1961, and the amount this year is $160 million. Third, the items of forest highways and public lands highways amount to $34 million. Those are not included in the pending bill for reasons which will later appear.

In addition to the recommendation made above relative to the general fund appropriations involved in this bill, reference must also be made to the amount recommended herein for the Federal aid highway program, which, pursuant to law, is derived from the highway trust fund. The committee recommends the appropriation of $2,689 million, as requested in the budget, for the reimbursement of the States for obligations incurred in the Federal aid highway program. This amount includes not only the normal ABC programs, but also the Interstate System. This amount is $1,617,000 over the amount proposed in the House bill.

In the discussion of certain highway items in this appropriation bill it has been necessary in the past 2 years to recite rather involved problems associated with providing funding on a basis consistent with law while treating with budget requests proposing other courses to follow which were not consistent with law. In approaching the perennial problem and its permanent solution, I read for the information of the Senate the statement of the committee appearing on page 6 of our report.

Senators will note from this statement that we are simply asking the Bureau of the Budget to submit a budget in accordance with law and to get away from the practice of submitting a budget not in accordance with the law for forest highways and for public lands highways. I read from the report, as follows:

FOREST HIGHWAYS AND PUBLIC LANDS HIGHWAYS

The committee concurs with the House in refusing to recommend appropriation of funds for these two objectives in accordance with the budget request "to be derived from the highway trust fund."

The budget requests for 3 fiscal years (1959, 1960, and 1961), have not been submitted in accordance with existing law. This committee has twice been presented (1960 and 1961 estimates) with the alternatives of recommending appropriations not authorized by law or increasing the budget by making an appropriation from the general fund.

That is what we had to do last year. Because this bill comes before the Senate early in the session the committee is aware that legislation relating to this matter has again been requested, but we feel we are justified in not approving the items for forest highways and public lands highways. We have insisted that the Bureau of the Budget present items in accordance with the law, and have received written assurance from the Commerce Department that that will be the case. I may say that Assistant Director of the Budget Mr. Staats, yesterday called on me and assured me that we would get budget items in ample time to take care of these items in the way provided by law.

He still hopes that legislation suggested by the administration changing the law will pass, but in the event that it does not pass at an approximately safe date, he has assured us that supplemental budget items will reach us in time for action.

I continue to read from the report:

The committee is aware that proposed legislation relating to this matter has again been requested. It is the sense of the committe that budget estimates in accordance with law be submitted after action upon these proposals (authorizing appropriations from the highway trust fund); or in the event such action is not forthcoming it is expected that a budget estimate will be submitted to this session of the Congress (providing for general fund appropriations).

There are, of course, a great many agencies and a great many items contained in the bill which I have not discussed. However, I am perfectly willing to answer any inquiries that may come up now or at a later time. I believe I am correct in saying that all members of the subcommittee were unanimous in supporting the bill, and that the same is true of the full committee. I understand that the distinguished ranking minority member of the committee, the Senator from Maine [Mrs. SMITH], who has always been most helpful in the hearings and in the consideration of the pending bill, desires to make an introductory statement on the bill and I am glad to yield to her.

Mrs. SMITH. Mr. President, as the ranking minority member of the subcommittee on the Commerce and related agencies appropriation bill, I wish to draw to the attention of Senators on this side of the aisle to the fact that the subcommittee took 797 pages of testimony from the various department heads. In addition, the subcommittee listened with great interest to many well-informed outside witnesses who took the time to appear before our committee to express their views and make their recommendations on various items in this bill.

I congratulate those who appeared for the many fine statements they presented to the committee. Their views, I am sure, helped the committee immeasurably when in executive session we deliberated on the amount of money that should be made available for fiscal 1961. The chairman, the Senator from Florida [Mr. HOLLAND], has already advised the Senate of the amounts of money allowed in each instance, so I will not take the time of the Senate to elaborate any further.

If Senators examine the items in the bill, they will note that out of a total of 39 items the Senate is in agreement with the House on 21 of them. Upon further examination of the remaining 18 items, they will note that the committee in its wisdom saw fit to make additional adjustments either upward or downward, which, I believe, from the testimony presented, are warranted.

On each Senator's desk is a copy of our report. If Senators will look at the front cover of the committee report I believe they will agree that the $22 million reduction under the House figure is a good indication that not only were we striving to take care of the various departments, but were also keeping the taxpayer in mind.

In studying this appropriation bill, I think it is well for every Member of this body to recognize one very salient fact, that our population is growing so fast—and that the greater the number of people, the greater the requirements of administration. It is literally impossible for the size of a Government agency and for the expenditures of that agency to remain static with a burgeoning population. If a population doubles, obviously the agency will have to grow in size and in cost. It does not necessarily have to double and have the same proportionate increase. But inevitably it must grow some, and its costs must increase some.

In view of this, I think it is a tribute to the committee that the amount approved this year in the Commerce and related agencies appropriation bill is so much less than last year's bill.

Mr. President, I feel that the chairman of the subcommittee as well as the very valuable staff members, Mr. John Witeck and Mr. Bill Kennedy, and all the other members of the Appropriations Committee, who have labored tirelessly and diligently in order to get this appropriation bill to the Senate floor, should be congratulated for a job well done.

Mr. McNAMARA and Mr. DOUGLAS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Florida yield; and if so, to whom?

Mr. HOLLAND. I shall be glad to yield either now or after I have made a request. Perhaps Senators would prefer to defer their inquiries until I have made a unanimous-consent request.

Mr. President, I ask unanimous consent that the committee amendments to the bill be agreed to en bloc and that the bill as thus amended be regarded, for the purpose of amendment, as original text, provided that no point of order shall be considered to be waived by reason of agreement to this order.

The PRESIDING OFFICER. Is there objection?

Mr. DOUGLAS. Mr. President, reserving the right to object, I should like to ask my good friend from Florida if it is true, as it seems to be shown on pages 10 and 11 of the report, that the Senate bill increases the House appropriation by $330,500 for general administration in the Department of Commerce?

Mr. HOLLAND. I am looking at page 10. The items for general administration in the budget estimates were $5,614,000. The House bill calls for $5,075,900. The Senate recommendations are $5,406,400. That would mean that we have raised the amount in our recommendation for these items by $330,500.

Mr. DOUGLAS. That is what the Senator from Illinois inquired about. May I further inquire if it is true that the bill as presented to us raises the appropriation recommended by the House for salaries and expenses in the Coast and Geodetic Survey by $2,100,000?

Mr. HOLLAND. Yes; the Senator is correct. We raise the amount by $2,100,000, and that raise is for salaries and expenses. The raise which our committee has recommended is largely, if not almost entirely, a raise that will permit the Coast and Geodetic Survey to work with the Federal Aviation Agency in improving air navigation control. The work in connection with that field, so important as it is just now, is divided between three agencies, the Federal Aviation Agency, the Coast and Geodetic Survey, and the Weather Bureau. We have increased the amounts for the Coast and Geodetic Survey and the Weather Bureau to enable them to keep step with the enlarged program of the Federal Aviation Agency, which, as I understood it last year, and from the unanimous action of our committee this year, is regarded by all of us as a very vital service to render in order to make flying safer.

Mr. DOUGLAS. May I further ask if it is true that the Senate bill raises the House appropriation for salaries and expenses in the Business and Defense Services Administration by $594,000?

Mr. HOLLAND. The Senator is correct.

Mr. DOUGLAS. And that it raises the sums for salaries and expenses in the Bureau of Foreign Commerce by $755,000?

Mr. HOLLAND. The Senator is correct. Would the Senator let me comment on those two items?

Mr. DOUGLAS. Surely.

Mr. HOLLAND. The Business and Defense Services Administration and the Bureau of Foreign Commerce increases are almost exclusively addressed to the building of a greater export business for our country just now. We have emphasized those activities because we think they offer the soundest way to retain a favorable trade balance, which in former years we have had, but which has been gradually diminishing during the last 2 or 3 years.

Mr. DOUGLAS. If the Senator from Illinois may be permitted to make his own comment on the Business and Defense Services Administration, I think that so far as business services are concerned, this Bureau is largely worthless. But let me continue.

Do I understand correctly that the Senate bill raises the House appropriation for salaries and expenses in maritime activities by $795,465?

Mr. HOLLAND. The Senator is correct.

Mr. DOUGLAS. And that it raises the appropriation for salaries and expenses in the Patent Office by $65,000?

Mr. HOLLAND. The Senator is correct.

Mr. DOUGLAS. And that it raises the limitation on general administrative expenses in the Bureau of Public Roads by $617,000?

Mr. HOLLAND. The Senator is correct. I should like to make a comment with reference to each of the last three items.

In connection with the maritime activities, the principal reason for the change is to allow what we think will be a very real economy by warehouse consolidation. They are gradually diminishing their store of articles to the point where they do not need all the warehouses, so they are trying to do away with several of them and to concentrate all their articles in two or three places.

The $65,000 item for the Patent Office is for printing expense, without which the information about the granting of patents will be slowed down. We have been trying for 4 years to bring that situation more up to date, and great progress has been made. We think this item is a part of that progress.

With reference to the Bureau of Public Roads, a very considerable item of expense, $617,000, comes entirely from the fact that the Interstate Highway System is assuming very large proportions now, and very greatly increases the burden of accounting, bookkeeping, and investigating in the field. This requires a substantial buildup of personnel.

Mr. DOUGLAS. May I ask if the appropriation for the National Bureau of Standards has been raised above the House appropriation by $1,600,000 for research and technical services, and by $1,030,000 for research and technical service in the so-called special foreign currency program?

Mr. HOLLAND. The Senator is correct. With reference to the foreign currency program, the amount recommended by the Bureau of the Budget, $5 million, and requested by the agency, was, we thought, too large a beginning to make. We think it is appropriate for some of the foreign currencies which must be used in those countries to be used on important objectives.

We asked the Bureau of Standards to work up an agenda of specific projects. That list will be found in the report, I believe, or if not, then in the sideslips. I think it shows a very real program which the scientists in our own agency, the Bureau of Standards, believe will be a most helpful one and will make a beginning on the useful utilization of that part of the foreign currencies which is available for research.

Mr. DOUGLAS. May I further ask the Senator from Florida if, in the case of the Weather Bureau, the Senate bill increases the appropriation made by the House for salaries and expenses by $4,114,000? That is on page 12 of the report.

Mr. HOLLAND. The Senator is correct. The explanation given heretofore with reference to the increase for the Coast and Geodetic Survey is in the same field as this, namely, to enable the Weather Bureau to function in supplying additional weather information required under the expanded Federal Aviation Agency program for safe flying.

Mr. DOUGLAS. Is it true that in the field of research and development the Senate increased the House appropriation by $2,475,000?

Mr. HOLLAND. The Senator is correct.

Mr. DOUGLAS. And by $3,500,000 for the establishment of meteorological facilities?

Mr. HOLLAND. The Senator is correct.

Mr. DOUGLAS. In fact, the only recommendation which the Senate committee made was a reduction of $40 million in repayable advances to the highway trust fund.

Mr. HOLLAND. That was one of the reductions which was made.

Mr. DOUGLAS. And in the forest highways program, liquidation of contract authorization.

Mr. HOLLAND. They are two of the reductions which were made. The Senator is correct. They were the two largest reductions.

Mr. DOUGLAS. Yes. May I ask the Senator if it is true that Secretary of Commerce Frederick H. Mueller, accompanied by Under Secretary of Commerce Philip A. Ray and others, appeared before the Senate committee and asked for the restoration of the House cuts, except for $2 million?

Mr. HOLLAND. The Senator is correct. Those officials appeared before the committee and asked for the restoration of a large part of the cuts. However, the printed record of our hearings will show exactly what the requests were.

Mr. DOUGLAS. I wonder if the Senator will forgive me if I read into the RECORD the statement given by Secretary Mueller at page 528 of the hearings.

Mr. HOLLAND. I am glad to yield for that purpose.

Mr. DOUGLAS. I read:

> We believe our programs are keyed to this objective.

And I read further:

> Such service really is an investment in a growing America. It is an activity which at present only the Federal Government has the capacity and power to create, but which private groups can use to better their own condition and thereby enhance their greatly needed individual contributions to healthy economic growth and national security.

Mr. HOLLAND. May I ask the Senator to what objective he was referring?

Mr. DOUGLAS. The cuts which the House had made. I continue:

> We must assure that curtailment of requested funds does not have the effect of setting back or making ineffective those programs which are needed by the American people at this crucial period of history.
>
> We must not be asleep to opportunities to strengthen our private economy. We cannot be complacent to modern hazards. We dare not deprive our enterprise system of necessary instruments of growth in face of both Soviet economic drives and our own urgent modern needs.
>
> Our programs are financed out of general fund appropriations and out of a highway trust fund. The House reduced our budgets payable out of general funds by $28,408,765. We are requesting restoration of $25,584,565 of that amount. The highway trust fund budget was reduced by $1,617,000, for which we are requesting full restoration.

Mr. HOLLAND. That latter item, I might say, had to be fully restored. It was not understood, in the action taken by the House committee.

Mr. DOUGLAS. This record shows, does it not, that Secretary Mueller came before the committee and pleaded that the cuts which had been made by the House should be restored? Is not that true?

Mr. HOLLAND. The Senator is correct as to most of the cuts. The committee restored a very substantial amount.

Mr. DOUGLAS. About 90 percent of what the Secretary asked for?

Mr. HOLLAND. No; I would not say that.

Mr. DOUGLAS. He wanted $25,584,000 restored, and the committee restored something over $22 million.

Mr. HOLLAND. The totals can better be shown by looking at the titles of the entire bill, which will be found by the Senator on page 12 of the report. The report shows a budget estimate of $705,785,000. The House recommended $677,376,235, making some reductions, which the Senator has mentioned, and some additions. The amount of the reductions is greater than the amount of the additions; but there are a number of additions, as the Senator has indicated.

Mr. DOUGLAS. Not only that, but while I think some of them can be supported, nevertheless some of the so-called reductions, or permanent reductions, are merely bookkeeping changes.

Mr. HOLLAND. One of them is a bookkeeping change, undoubtedly, as the committee's report shows.

Mr. DOUGLAS. Yes.

Mr. HOLLAND. That is the amount for the forest and public lands highways. We have no intention in the world of withholding that amount. That is an important program.

Mr. DOUGLAS. Yes.

Mr. HOLLAND. We objected to having the Budget Bureau consistently putting in a request which, after having been turned down in the House of Representatives on a point of order, came to our committee, to be fulfilled, at the expense of appearing to make our committee much more extravagant than the House committee. The trouble with the Budget Bureau's request was that it was not in compliance with law. So we turned down the Budget Bureau's request on that item; and it will have to be supplied later.

But I want the RECORD to show that there is no disposition whatever on the part of our committee to terminate those important activities. On the contrary, we simply want them to be requested on a basis consistent with law, instead of on a basis inconsistent with law.

Mr. McNAMARA. Mr. President, if the Senator from Florida will yield——

Mr. HOLLAND. I am glad to yield.

Mr. McNAMARA. I should like to ask the Senator from Florida to state the amount of the supplemental appropriation item which he expects to come from the Budget Bureau.

Mr. HOLLAND. The Forest Highway request was $36 million. It was stricken out on a point of order in the House of Representatives, because an attempt was made to make it payable out of the trust fund—which would be in accordance with the request of the Budget Bureau, but would not be in accordance with law.

Mr. McNAMARA. I understand.

Mr. HOLLAND. And the same is true of the item of $3 million for public land highways.

Likewise, I wish to state that the Budget Bureau had eliminated the construction of class 3 roads in the forest highways program, and had ordered no contracting for class 3 forest highway construction.

Since the making of the report, we had a conference which straightened that out, and they have removed that ban. Apparently they based the ban on the fact that those class 3 roads are not part of the Federal aid system, and therefore they felt they are in a different category—as they are, in a way. But that does not mean that they are not a necessitous part of the program authorized by Congress, through the action taken by the subcommittee of which the distinguished Senator from Michigan [Mr. MCNAMARA] is the head.

Mr. McNAMARA. Again I wish to thank the Senator from Florida for the detailed information he has supplied and for his foresight in taking this action, which is so necessary in order to prevent the trust fund from being overdrawn.

Mr. HOLLAND. I thank the Senator from Michigan.

Mr. DOUGLAS. I take it that these two items will reappear, and that therefore their elimination at this time does not constitute permanent reductions in the appropriations.

Mr. HOLLAND. That is correct—as to these two.

Mr. DOUGLAS. What about the $40 million item? Will it also reappear?

Mr. HOLLAND. Not if the appropriations are made out of general revenue, as they will have to be if the Budget request and the supplemental request are appropriated for in accordance with existing law.

Mr. DOUGLAS. I should like to return to the statement made by Mr. Mueller. Do I correctly understand that it was made on Friday, February 19?

Mr. HOLLAND. Yes. That is shown by the printed record. I must say that the sequence of the hearings this year in one respect was different from the normal hearings, in that the Secretary was not available when we began our hearings; and he made his statement at a later date, after the statements were made by many of the other witnesses.

Mr. DOUGLAS. Is the Senator from Florida aware of the fact that 4 days later—to wit, on Tuesday evening, February 23—the same man, Frederick H. Mueller, went to Philadelphia, and spoke at the Hotel Bellevue-Stratford, at the annual dinner of the Pennsylvania Manufacturers Association.

Mr. HOLLAND. No; I did not know that.

Mr. DOUGLAS. I hold in my hand the speech which Mr. Mueller delivered 4 days later, and I should like to read the following from that speech:

> Of course, all of these bills will not come due in a single wallop. But the accrued liability is a ticking time bomb. Some day, somebody will have to pay. Certain programs may be slashed by a future Spartan Congress.

But it is to be noted that only 4 days before he had begged the committee not to permit the budget for his agency to be slashed.

I read further from Mr. Mueller's speech on February 23:

> And if our private economy is allowed to continue in healthy growth, inevitable burdens may be financed in part from increased income.

But the titanic size of the impending obligations should be taken into account by every responsible citizen, whenever he hears more wild talk about more wild spending.

If we do not slam on the brakes and keep our foot hard-pressed on the pedal, we may very soon confront $100 billion budgets, heavier taxes, higher debts, lower value of currency—all weakening our economy and undermining our defense—all robbing savings needed for investment in growth—all pushing the America of the 1960 decade headlong toward the precipice.

And listen to this:

It is to defend economic growth from ruin that the Eisenhower administration will continue to wage a no-quarter fight against the budget-boosters and the surplus spenders. For, if we can save the surplus for reduction of debt, we can—at the proper time—initiate the much-needed tax reform which business wants so strongly in order to accumulate funds for research and capital outlays that create new business and make new jobs.

Our fight is your fight, too.

I give a copy of Secretary Mueller's speech to the Senator from Florida, in order that he may verify what I have read.

In other words, 4 days after Secretary Mueller testified before the Senate Appropriations Committee, at which time he demanded the restoration of the $25 million item which the House of Representatives had voted to be taken out of the budget of his agency, Secretary Mueller went to Philadelphia, and there denounced the Congress and the Democratic Party for being "wild spenders", and said we must slam on the brakes and must practice economy.

Well, which Mr. Mueller shall we believe? Shall we act in accordance with the request of the Mr. Mueller who, on February 19, begged for more funds for his agency? Or shall we act in accordance with the request of the political spokesman who, on February 23, demanded that cuts be made in the budget?

I think Mr. Mueller must have changed his mind between February 19 and February 23; and I believe that his statement on February 23 is a more mature one and a more responsible one than the statement he made on February 19, and that therefore we should take Mr. Mueller at his word, and should cut back these items to the amounts voted by the House of Representatives, and especially we should cut the items for the administrative expenses of the Secretary of Commerce.

Let me point out that on the same occasion, the Under Secretary of Commerce, Mr. Philip A. Ray, who was with Mr. Mueller at the hearings, and who apparently approved of the request made by his chief, made a journey to Chicago, where he was very critical of a certain Senator, because he said that Senator had voted for large appropriations, and was "a budget buster." So now we find the Secretary of Commerce and the Under Secretary of Commerce criticizing—when their own goose is not involved—expenditures which, of course, the administration originally asked for and which were voted by the Congress; but when their own agency is involved, they demand that all cuts made by the House of Representatives be restored.

Frankly, Mr. President, that is a type of hypocrisy which I believe should be ended. I am sick and tired of having these Republican Cabinet officials go over the country and slander the Democratic Party and slander the Democratic Congress and slander the Democratic Senators, but at other times themselves demand increased appropriations and oppose the making of any cut in the budgets for their own agencies.

So, Mr. President, I believe we should give them a dose of what they say they want. They say they want economy. Let us give it to them. And let us give it to them on their own budgets, in the place where it will hurt.

Furthermore, I notice in the gallery some representatives of the Department of Commerce. Without singling them out for opprobrium, let me say I hope they will carry that message back to the Department of Commerce.

Mr. HOLLAND. Mr. President, the Senator from Florida has been delivering messages to the same group. For instance, if the Senator from Illinois had been in the Chamber a little while ago, he would have heard me demand that the Maritime Board get away from supplemental budget items. And we are about to accomplish that. And the Senator from Illinois would also have heard me read from the record of the testimony given by Admiral Ford, who happened to testify for that particular agency, and who guaranteed that there would not be a supplemental budget item for 1961.

Mr. DOUGLAS. Well, let me say——

Mr. HOLLAND. Mr. President, before I yield again to my distinguished friend, I should like to call attention to the fact that at least the $654 million, as suggested by the Senate committee, is approximately $250 million—in round numbers—less than the $902 million of last year's appropriation, and likewise it is substantially less than the budget estimate of $705 million for this year.

So that, in the first place, I call attention to the fact that even the original request of the Budget Bureau for these agencies this year was very materially reduced, largely, as I have already said in my statement, due to the three nonrecurring items; but, nevertheless, it has been a reasonable approach.

Mr. DOUGLAS. That is just the point——

Mr. HOLLAND. In the next place, I call attention to the fact that most of the suggestions for restoration made by our committee have had to do with fields which we thought were of vital importance to our Nation. They come in two classes, largely, one having to do with what we think will build up our foreign trade more fully; and, second, a larger group, which has to do with bringing about an increase in safety in air travel and transport by keeping up the two agencies in this bill with the program which we are advancing on another, much larger, front, through appropriations for the Federal Aviation Agency.

Mr. DOUGLAS. So far as reductions from last year's appropriations are concerned, they have been largely affected because certain of the appropriations for 1960, such as those for the census, will really not occur in 1961.

Mr. HOLLAND. There are two other items, which likewise are sizable, which I have already mentioned.

Mr. DOUGLAS. What does the Senator think of a Secretary of Commerce who, on the 19th of February, will demand that every item, except $2 million, which was cut in the House bill, be restored, and who will go to Philadelphia and the Bellevue-Stratford Hotel 4 days later and make a speech to the Pennsylvania Manufacturers Association panning the Democratic Congress and saying it is the Eisenhower administration that stands between the country and bankruptcy? What does the Senator think of a man who will do that?

Mr. HOLLAND. In an election year I am not surprised to find that kind of tactics from the other side of the fence from the Senator and myself. I do not think that fact is to be considered at all equal to the question of what are the needs of the country for its essential activities.

Mr. DOUGLAS. In other words, he was lying on one day or another. When was he telling the truth? Was he telling the truth before the Appropriations Committee or when he went up to Philadelphia and spoke at the Bellevue-Stratford?

Mr. HOLLAND. The Senator from Florida thought he was talking truthfully before the committee, and the Senator from Florida noted the unanimous verdict—both of the subcommittee, first, and the full committee—indicated the members thought, on most of the items which the Secretary urged, he was talking in accord with necessary services of vital interest to the Nation.

Mr. DOUGLAS. What does the Senator think of the speech he made at the Bellevue-Stratford?

Mr. HOLLAND. I was not there. I have not read it.

Mr. DOUGLAS. The Senator should read it. I gave it to him.

Mr. HOLLAND. I shall be glad to read it later.

Mr. DOUGLAS. No; I think the Senator should read it now.

Mr. HOLLAND. I heard some of the words read by the distinguished Senator from Illinois.

Mr. DOUGLAS. The Senator has the speech in his hand. The Senator from Florida is a well-educated man. He is able to read very quickly. He has doubled the speech up in his hand. He is not going to read it. I ask him to read it.

Mr. HOLLAND. The Senator from Florida said he would read it. He intends to do so. The Senator from Florida, in the first place, did not appoint the Secretary of Commerce. In the next place, when the Senator from Florida had an opportunity to vote on his nomination, he voted to confirm his nomination. He believes the vote was practically unanimous, if not unanimous, on confirmation of the nomination. The Senator from Florida took at face value most of the testimony of the Secretary. Perhaps we made a mistake in doing

that. If so, the Senator from Illinois will vote his convictions on each item he has referred to.

Mr. DOUGLAS. Is the Senator from Florida aware of the fact that this Secretary of Commerce, who talked so much about economy at the Bellevue-Stratford, wanted a restoration of an item of $161,525 in his own office?

Mr. HOLLAND. The Senator from Florida remembers the Secretary wanted a restoration affecting his own office, and the Senator from Florida felt that much of the request was quite justifiable. So did every other member of the committee—I believe there are 27 members of the Appropriations Committee—when the matter came up for action.

Mr. DOUGLAS. Is the Senator from Florida also aware that the Secretary asked for a restoration of $168,975 in the Office of Field Services under the Secretary of Commerce?

Mr. HOLLAND. Yes; and the Senator from Florida remembers the items that were involved there, and some of them the Senator from Florida felt were quite justifiable, and it was those we granted. I remember in particular that the Budget Director of the Department of Commerce made it very clear to our committee that a sizable part of that request would enable him to have audits and accountings made of the various field offices throughout the Nation, which, up to this time, he had not been able to keep current because of the limited personnel he had. He had been making that request, in one form or another, for some time; and the committee, as I recall—perhaps the figures are not exactly correct—provided for something like 5 out of the 17 auditors requested to travel from one of the field offices to another and to audit the affairs of those offices. The Senator from Florida thought the appropriation would be a measure of economy and efficiency. Apparently the whole committee felt that was the case.

Mr. DOUGLAS. Does the Senator from Florida remember that the Secretary of Commerce asked for the restoration of $5,000 for so-called representation allowances; namely, a fund to enable him to entertain guests?

Mr. HOLLAND. Yes; and the Senator from Florida recalls that a showing was made to our committee that more than $6,000 was spent out of the pockets of the head men of that department last year for the same objective, of entertaining guests coming from other countries, where our officials had gone, and where they had been entertained; and we felt that request was justified.

Mr. DOUGLAS. May I suggest a correction to my good friend?

Mr. HOLLAND. Yes.

Mr. DOUGLAS. It will appear on page 536 of the hearings that last year the officials spent $2,557 of their own money; but they thought they should have spent an addition of $6,102. So the Secretary who talks about economy at a very lavish dinner in the Bellevue-Stratford wants to have his funds increased by $5,000 in order that he may entertain, on a lavish scale, visitors from abroad.

Is it not a good rule that one should not ask others to economize when he himself is not willing to economize? Here is a man who wants everything for himself, but then upbraids the Democratic Party and Democratic Senators because they vote for a certain appropriation.

Mr. HOLLAND. The Senator from Florida has found it to be a pretty good rule to practice what one preaches.

Mr. DOUGLAS. Does the Senator think the Secretary is practicing what he preaches?

Mr. HOLLAND. The Senator from Florida would have to have a broader view than he has.

Mr. DOUGLAS. I invited the Senator to read the speech the Secretary made at the Bellevue-Stratford.

Mr. HOLLAND. I shall be glad to, but let me go into the field of entertainment allowances. Last year we felt, beyond a peradventure of a doubt, that more than $5,000 had been spent——

Mr. DOUGLAS. He said only $2,557 had been spent.

Mr. HOLLAND. The Senator from Illinois is talking about this year——

Mr. DOUGLAS. No. He said last year.

Mr. HOLLAND. Last year another gentleman was Secretary of Commerce, Mr. Sinclair Weeks, and he had entertained, and was well able to pay the cost, because he was, and is still, I hope, a very wealthy man; and he had felt that, because of the fact that he was able to do the entertaining out of his own pocket, he did not want to make the showing which we were told about informally. We were not able to get for the record, therefore, the showing we got this year. However, not only the Secretary, but Under Secretaries and Assistant Secretaries now in the Department, are not within the classification of extremely wealthy men, and they are required, because they have many responsibilities having to do with export business and with relations with our neighboring and friendly countries, to visit those countries. They are treated hospitably there. I think their desire to return that hospitality is a natural one.

I would hate to think that those neighbors and friends who visit us would go away thinking we were less hospitable and less friendly than they were to us.

Mr. MORSE. Mr. President, will the Senator yield for one brief moment?

Mr. HOLLAND. I am yielding now to the Senator from Illinois.

Mr. DOUGLAS. I will yield with the understanding that I do not lose my right to the floor.

Mr. MORSE. I have only one question.

Mr. HOLLAND. Mr. President, I feel like I am between Scylla and Charybdis, but I will yield to Charybdis.

Mr. MORSE. I have only one question. Could we not reduce the cost a good bit if they would serve some good Florida orange juice? That would be much cheaper. It would be much better for them, and it would also be better for the moral standards of the country.

Mr. HOLLAND. Mr. President, since orange juice has been mentioned, I want to make it very clear that representatives of the Department of Commerce and also of the Department of Agriculture have listened attentively to the desires of the citrus industry of Florida and of the fruit producing industries of California, Arizona, Texas, Oregon, and Washington, and to our requests for the assistance which can be rendered by those two departments in helping to rebuild our volume of export trade, which we have not had in sufficient amount since World War II. We feel very kindly toward them.

We hope these people will drink our orange juice. At least they are aiding us in selling a very largely increased quantity of orange juice abroad. When we get good service from them, we want to try to uphold our end of it. We know when these people go abroad to negotiate these arrangements they are entertained, and they tell us they would like to reciprocate.

Mr. MORSE. I have only one suggestion. They should reciprocate with orange juice.

Mr. HOLLAND. I appreciate the suggestion of my distinguished friend. I hope he will not object if I suggest also that they should serve a few Oregon cherries on the side, and also some deciduous fruits from that fine State.

Mr. MORSE. I would be perfectly willing to dispense with the serving of the cherries if we could substitute the orange juice for what they really serve.

Mr. HOLLAND. I shall be very mindful of the suggestion made by my distinguished friend.

Mr. President, I yield again to the Senator from Illinois.

Mr. DOUGLAS. If the Senator from Florida will look at page 535 of the hearings, I believe he will find that Secretary Mueller said, "We are requesting restoration of $25,584,565 of that amount. The highway trust fund budget was reduced by $1,617,000 for which we are requesting full restoration."

Mr. HOLLAND. Where is that shown?

Mr. DOUGLAS. Did the Senator from Illinois give the statement of Secretary Mueller correctly?

Mr. HOLLAND. The Senator did. However, the case for the $1,617,000 was made by Mr. Tallamy in other testimony.

Mr. DOUGLAS. I know.

Mr. HOLLAND. It was a very clear case. One large item which was involved was the payment of the repair costs for roads and highways washed out by hurricanes, floods, and the like.

Mr. DOUGLAS. Did they not come in with a backdoor appropriation for that work?

Mr. HOLLAND. No. There is in the highway bill, and there has been for some time, a provision which allows them to spend up to a certain limitation each year for these emergency needs, and to be repaid therefor.

Mr. DOUGLAS. Did they not get the money at the end of the year last year?

Mr. HOLLAND. They are authorized to be repaid for those amounts actually expended, by a provision of the kind to which the Senator refers, which appears in the bill.

Mr. DOUGLAS. They got the money originally by a backdoor process, and

now we are being asked to repay it in the year 1960–61; is that not correct?

Mr. HOLLAND. No, I do not think so. There is a specific provision in the bill which governs this kind of activity, which recognizes the fact that emergency repairs cannot be foreseen with accuracy, and that when emergency repairs are required in an area—it has to be declared to be a distressed area—and when certain kinds of requirements for participation are met, the Federal money can be spent in certain amounts.

My friend the Senator from Oklahoma has been on his feet for quite awhile——

Mr. DOUGLAS. I am not finished with Secretary Mueller yet, with all deference to my friend.

Mr. MONRONEY. Mr. President, will the Senator yield to me for a brief comment?

Mr. HOLLAND. If the Senator from Illinois is agreeable, I will yield to the Senator from Oklahoma.

Mr. MONRONEY. I would like to say that the Subcommittee on the Commerce Appropriation, of which I have the honor to be a member and of which the distinguished senior Senator from Florida is chairman, did not bother to read what the Secretary of Commerce had to say in a ghost-written speech from the Republican campaign boiler factory. We know what that line is. We hear it every hour on the hour—"We stand for economy—the Democrats are spenders." Then they come to the Congress to ask for recordbreaking appropriations.

We listened to the experts, to the men who have operated these programs both in good Democratic times and in the sorry days that fall upon them under incompetent Republican administrators such as the Secretary of Commerce, to my way of thinking, appears to be.

We are not defending the budget of the Secretary of Commerce here today. We are defending the needs as stated by men like Dr. Reichelderfer, who is one of the finest, most competent scientists we have ever had in the Weather Bureau. Dr. Reichelderfer has served in the Weather Bureau for years, and came up through the ranks.

An additional $10 million was provided in the bill for the Weather Bureau, for the most vital kind of improvement, largely in aviation weather service. This is necessitated by the strangulation which this old-line, highly skilled Bureau has undergone for the past 7 years in the Department of Commerce.

Aircraft are now going up into higher altitudes than man has ever navigated before, and it is necessary to modernize the "horse and buggy" instruments, equipment, laboratories and research which have been starved for many years, so as to provide adequate high-level weather information.

We listened to Dr. Reichelderfer, and we put in the bill an additional $9 million to improve aviation weather information, a part of this amount—over $1 million—is for high altitude observations. These funds will provide for four soundings in the upper air a day, instead of two, at 14 stations, and for extending the height of these soundings to 100,000 feet. This was recommended by the Administrator of FAA, the commander of the Air Force Air Weather Service, and the Director of the Office of Naval Weather Service. This is one of the big items in salaries and expenses in the bill.

If we had previously had some of this weather observation information, perhaps then the extreme turbulence in a dry front, into which the Northwest plane, which disintegrated near Tell City, Ind., may have flown, might be avoided, because this is a phenomenon of the upper air. We are trying our dead level best to get in-flight reports from the pilots who see the atmosphere and clouds from above, and to channel that information into the Weather Bureau network.

Certainly, simply because we have no high regard for the Republican political appointees, we cannot ignore the urgent recommendations of career men such as Dr. Reichelderfer.

Mr. DOUGLAS. Is the Senator from Oklahoma not aware of the fact that when the administration spokesmen want appropriations they trot out their experts and say, "You have to follow the experts or you will be crippling the service"? Then other Secretaries of Commerce go out to make these other pleas. They go out to attack us on the stump for voting for the appropriations they themselves asked for.

I can be perfectly certain that, exactly as Under Secretary Ray went to Illinois and attacked me because I had voted for certain Republican appropriation bills, so a Secretary of another Department will attack me if I vote for this bill.

Does the Senator not think that the Secretary of Commerce should be responsible for what he says and, if he made that speech in Philadelphia, it is to be presumed he meant it? If he did not mean it, let him issue a statement to the press, "I did not mean it, Pennsylvania Manufacturers Association; I was merely talking politics."

Let him say, as Wendell Willkie said in 1941 when he recanted his election statements, "Oh, I was simply making political talk." At least that was manly, even though it wrote down the quality of his political talks.

Does the Senator not think that before we make the appropriation for Under Secretary Mueller we ought to refer the bill to the committee again and ask Secretary Mueller to appear and state what he stands for? Should we not ask him whether he stands upon the Philadelphia speech, in which event we should cut, cut, cut; or whether he stands for what he requested on February 19?

Under which flag does he fly—the black flag of political piracy or the white flag of economy?

Mr. MONRONEY. I am sure Secretary Mueller knows little of what is going on in his department. I do not think he is aware of many of the things which the experts brought out at the committee hearings. However, I think the distinguished senior Senator from Florida is one of the most careful of all appropriations subcommittee chairmen. He searches for the absolute need, regardless of the politically inspired speech to the Pennsylvania Manufacturers Association, which was designed to get campaign contributions.

Mr. DOUGLAS. And undoubtedly he got them.

Mr. MONRONEY. It was designed to get campaign contributions from the fat cats who supply the money.

Mr. DOUGLAS. And it will be used in Illinois against the Senator who is now speaking. It will be used in Oklahoma in due course against the Senator from Oklahoma. I do not think it will be used in Florida against the Senator from Florida.

Mr. MONRONEY. There is no more frugal subcommittee chairman than the Senator from Florida, and no chairman who is more careful about cutting appropriations to the necessary minimum. He takes advice not from Republican officeholders, but from the men who, year in and year out, must provide for responsible administration of the Government.

Mr. DOUGLAS. Do not shift the target. I am not attacking the Senator from Florida.

Mr. MONRONEY. I realize that.

Mr. DOUGLAS. I am attacking the Secretary of Commerce. My good friend from Florida says, "I will ne'er consent"; but, like the lady in Byron's poem, consented still.

Mr. HOLLAND. Mr. President, I thank the distinguished Senator from Oklahoma for all his generous and gracious words. I wish they were all merited. I have certainly tried to handle this task in a reasonable way.

I am distressed to hear that the Secretary of Commerce has picked on a person so gentle and humble, so genial, and so incapable of defending himself. My own judgment is that the Senator from Illinois is exactly the opposite of that, and can defend himself against all attacks from any source. I suspect that the Secretary of Commerce will have many occasions to remember reluctantly and regretfully that he singled out the Senator from Illinois as a target, if he did so.

Mr. DOUGLAS. Let me make the record clear. Secretary Mueller did not attack me. He went to Philadelphia and made a speech. Under Secretary Philip A. Ray, who accompanied him before the Appropriations Committee when he asked for more money, went out to Illinois and attacked me as a big spender.

Mr. HOLLAND. The Senator from Illinois is known not only as an economist, but an economical public servant. I shall hope that if he is attacked by any foe he cannot handle himself—and that would be almost inconceivable to me—he will let me come and help to defend him, because if anyone ever has been economical in his work in committee and in his votes on the floor of the Senate, at least in the field where the Senator from Florida attempts to serve, it is his distinguished friend, the Senator from Illinois, who certainly has been economical.

Mr. DOUGLAS. Mr. President, I appreciate this very much, and I will send the certificate of character to Philip A. Ray, Under Secretary of Commerce, and to my Republican opponents, who, while I am working on the floor of the Senate, belabor me day by day.

Mr. HOLLAND. I hope it will be as effective as I mean it to be. In the meantime, I am distressed beyond measure that anyone should have such poor judgment as to pick a target so hard to assail on the ground of economy as is the distinguished Senator from Illinois.

Mr. DOUGLAS. Mr. President, I do not wish to spin this out at great length, but I wish to give some further material on this extraordinary individual who is Secretary of Commerce, Frederick H. Mueller.

After Mr. Mueller had spoken, as shown on page 541 of the hearings, the Senator from Florida [Mr. HOLLAND] said:

> That is a very strong plea for the restoration of the amounts in the budget request which were cut out by the other body.

Secretary Mueller had asked for restoration of $25,584,565. Listen to this, from page 541:

> Secretary MUELLER. It is not very much.

The amount of $25,584,565 is not very much. This is the man who 4 days later, at the Bellevue-Stratford, denounced Democrats for not having money sense. That is found on page 7 of his speech.

Mr. HOLLAND. I believe that at that time the Secretary was talking about the restoration of cuts in the Bureau of Foreign Commerce. My comment was:

> I understand you are asking for a full restoration in that agency.

Mr. Mueller said:

> That is right.

As I have already stated, we have tried to give emphasis to those appropriations which we think will be effective in helping to rebuild and enlarge the foreign commerce of the United States, and we have been reluctant to grant increases in some other fields.

Mr. DOUGLAS. Mr. Mueller also said:

> It is to defend economic growth from ruin that the Eisenhower administration will continue to wage a no-quarter fight against the budget boosters and the surplus spenders.

Notice the glowing alliteration of those words, the roll of the verbiage, the inflammatory nature of the language, and the high emotional content of the phrases.

Mr. President, I think Mr. Mueller has made his own prescription. I think we should cut the amounts back to the House figures, and that under no conditions should there be restoration of the amounts in the Office of the Secretary of Commerce. Let him practice economy. The representation allowance should go out the window. I am not going to say what it is going to be spent for, but I think Florida grape juice or Oregon prune juice would be a worthy substitute.

In short, we should make Mr. Mueller and his associates, including Under Secretary Philip A. Ray, practice what they preach. It would be a good lesson for them to cure them of political hypocrisy. It might begin to put a little virtue into them. It might show that we Democrats are not such "softies" as they think we are.

What they do is to get worthy people to come before the committee; and when we vote for the appropriations which they request, they telephone to the Republican National Committee, "Go after them, because they voted for the appropriations."

We shall soon have the same issue raised in connection with foreign aid. Under Secretary Dillon will be down here pleading for us to appropriate the full $4,200 million. Then, if we vote for it, the information will be telephoned to the Republican National Committee, which has an honorable man for chairman, but the information will be telephoned to the underlings at the Republican National Committee, and the word will go out. If we support the Eisenhower administration on foreign aid, we shall be attacked by the Republican Party in our home States and in the Nation as a whole.

Sometimes there are two sets of agents, working for different people. One set tries to seduce us into making appropriations. Another set will attack us for making them. Sometimes they may be double agents, people who, on the one hand, urge us to appropriate, and then say later, "We have hooked him. Go after him."

I am tired of this. I think the Eisenhower administration should practice what it preaches. If it believes in economy it should practice economy. If Secretary Mueller attacks Democrats as spenders, and wants economy, let us practice economy on Secretary Mueller.

Mr. President, that is about all I wish to say. I have no quarrel with my good friend from Florida, who is a very fine man. I am sorry that he finds it necessary to yield to the seductive pleas of the administration in these matters. I wish he had greater resistance to the siren calls. I wish he would hold them to their political speeches. I wish he would demand consistency of them; but if he does not, I will.

Mr. HOLLAND. I thank my distinguished friend. I noticed his reference to siren calls. That makes even more important my suggestion of a few moments ago that perhaps I stand between Scylla and Charybdis, because I believe some sirens had a part in that picture.

Now, Mr. President, may I ask my distinguished friend if he wishes to except to any committee amendments so far as my unanimous-consent request is concerned?

Mr. DOUGLAS. I am ready to accept amendments for the Weather Bureau.

Mr. HOLLAND. Does the Senator wish to——

Mr. DOUGLAS. I want to cut out, to eliminate, the general office expenses.

Mr. HOLLAND. Any amendment to which the Senator excepts I will be very glad to except from this unanimous-consent agreement. However, I should like to settle as much as I can this evening, so that we may understand the matters which are not objectionable and which will not be subject to objection on Monday, or whenever we get back to a consideration of the bill. Incidentally, the Senator from Delaware [Mr. WILLIAMS] came over to me to say that he has no objection to the adoption of the unanimous-consent request.

Mr. DOUGLAS. I do not wish to give blanket endorsement to the committee amendments which raise the House figure. I will grant consent to all committee amendments which reduce the House figures. I will grant an exception on the Weather Bureau items which are on page 16, lines 18 and 19, of the bill, and on page 17, line 15, and on page 17, line 21, and I will also grant an exception to the Small Business Administration, on page 22, line 11.

Mr. HOLLAND. And the Coast and Geodetic Survey?

Mr. DOUGLAS. And on page 22, line 13. I want to make an exception on the Maritime Board. In other words I do not wish to accept them. I want to retain the cuts in the appropriations for the salaries and expenses under general administration in the Department of Commerce. I want to strike out $5,000 for official entertainment expenses. I want to make objection to the increases in the Office of Field Services.

Mr. HOLLAND. That is under general administration.

Mr. DOUGLAS. And the Coast and Geodetic Survey. I understand that objections will be offered by the Senator from Delaware [Mr. WILLIAMS] and the Senator from Ohio [Mr. LAUSCHE], who is presiding at the moment, on the maritime sections.

Mr. HOLLAND. I have not heard from the Senator from Ohio. The Senator from Delaware advised me that he expected to attack the number of sailings. That is not a Senate amendment. The number of sailings involved are contained in the House bill.

Mr. DOUGLAS. Do I understand that the Senator from Ohio will attack the Senate amendment?

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). On the basis of the number of trips that are to be sailed.

Mr. HOLLAND. On the number of sailings; as will the Senator from Delaware. When the Senator from Delaware was satisfied that this was not a Senate amendment, he said he would have no objection to the unanimous-consent agreement.

Mr. DOUGLAS. I will try to cut back administrative expenses, which the Appropriations Committee raised over the House figure, so that spartan economy, or at least semispartan economy, will be practiced by the great apostle of economy. Instead of having future Congresses do it, let us do it now. Let a Democratic Congress turn the screws on the appropriations of the Republican wasters and spenders.

Mr. HOLLAND. Mr. President, if I understand the distinguished Senator correctly, he wishes to except these items from my unanimous-consent request. First, the item of salaries and expenses in general administration of the Department of Commerce.

Mr. DOUGLAS. That is correct.

Mr. HOLLAND. Second, the item for salaries and expenses in the office of field services.

Mr. DOUGLAS. That is correct. Then I also wish to except the items on page 6 of the bill, for the Business and Defense Services Administration, salaries and expenses.

Mr. HOLLAND. Also the Senator wishes to except the item of salaries and expenses for the Business and Defense Services Administration.

Mr. DOUGLAS. Yes. Also the increases which the committee granted for the Bureau of Foreign Commerce.

Mr. HOLLAND. Also the salaries and expenses granted by way of increases for the Bureau of Foreign Commerce.

Mr. DOUGLAS. That is correct. Also salaries and expenses, on page 8 of the bill, for the Federal Maritime Board and the Maritime Administration.

Mr. HOLLAND. Salaries and expenses for Maritime activities.

Mr. DOUGLAS. And the administrative expenses.

The PRESIDING OFFICER. May the Chair inquire of the Senator from Illinois whether he is objecting to the operating-differential subsidies?

Mr. DOUGLAS. I understood that the Senator from Ohio objected to them. I object to them, yes. I understood that that objection was going to be made by the Senator from Delaware and the Senator from Ohio, and I did not wish to poach on their field, so to speak.

Mr. HOLLAND. I wish to call to the attention of the Presiding Officer the fact that there is no Senate increase involved in that item. The unanimous-consent request I have made is for the approval of the Senate committee amendments en bloc. We are perfectly willing to except from that unanimous-consent request any amendment which Senators desire to attack. However, we want to settle as many as are not subject to attack. I understand that the Senator agrees to all the reductions, and that he has no objection to the Weather Bureau increases and to the increases for the Small Business Administration.

Mr. DOUGLAS. That is correct.

Mr. HOLLAND. I hope the Senator will take the same position with reference to the Coast and Geodetic Survey, because those increases tie right in with the Weather Bureau.

Mr. DOUGLAS. Yes.

Mr. MORSE. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. HOLLAND. I yield.

The PRESIDING OFFICER. The Senator will state it.

Mr. MORSE. Assuming that we agree to the unanimous-consent request of the distinguished Senator from Florida after he has excluded from it the various items that the Senator from Illinois and the Senator from Ohio and the Senator from Delaware object to, would we then be in the position on Monday to offer any amendment relating to any of these items which are included in the unanimous-consent request?

Mr. HOLLAND. If the Presiding Officer will allow me to state what is contained in the unanimous-consent request, I would say that it would provide that no point of order shall be considered to have been waived by agreement to the order, and that the bill would be regarded for the purpose of amendment as original text, subject to any amendments that might be offered on Monday.

The PRESIDING OFFICER. The ruling of the Chair is that under the proposed agreement there would be no prejudice to the rights of any Member of the Senate to deal with a particular item on Monday.

Mr. HOLLAND. Then I am going to ask that my unanimous-consent request be granted with the previously named exceptions, with the distinct understanding that if we find on Monday that the Senator has failed to except something that he intended to except, I shall be glad to open the matter up. The same thing applies with reference to any other Senators. I wish to settle as much as we can overnight so that at least we will be limiting the fields of argument. Mr. President, with those exceptions I ask that my unanimous-consent request be agreed to.

Mr. DOUGLAS. Just a minute, please. I think I will request that the increase for the Tariff Commission be eliminated.

Mr. HOLLAND. I add to the exceptions the single item of an increase in the appropriation for the Tariff Commission.

Mr. DOUGLAS. I emphasize that that item is for salaries and expenses.

Mr. HOLLAND. "Salaries and expenses" is the only item under the Tariff Commission. The increase there was $160,000.

Mr. DOUGLAS. That is correct.

Mr. HOLLAND. Mr. President, I renew my request, with these modifications.

The PRESIDING OFFICER. Is it the request of the Senator from Florida that all the proposed amendments except the following be agreed to:

On page 2, lines 5 and 6?

Mr. HOLLAND. That is correct. That includes the $5,000 item.

The PRESIDING OFFICER. Also page 2, line 12?

Mr. HOLLAND. That is correct.

The PRESIDING OFFICER. Page 6, line 7?

Mr. HOLLAND. That is correct.

The PRESIDING OFFICER. Also page 6, line 12?

Mr. HOLLAND. That is correct.

The PRESIDING OFFICER. Page 8, line 23?

Mr. HOLLAND. That is correct.

The PRESIDING OFFICER. Page 9, lines 3 and 4?

Mr. HOLLAND. That is correct.

The PRESIDING OFFICER. And lines 6 and 7?

Mr. HOLLAND. That is correct.

I did not understand that Reserve Fleet Expenses——

Mr. DOUGLAS. As I understand, some of these limitations are tied to the original authorization; and when the Senator from Ohio [Mr. LAUSCHE] and the Senator from Delaware [Mr. WILLIAMS] raise the issue on the authorization, I think these figures also will be brought into account.

I intend to support the Senator from Ohio and the Senator from Delaware in the motion I think they are going to make; but they have borne the burden of the fight in the last years and, as I say, I do not intend to fish in their stream tonight.

Mr. HOLLAND. Mr. President, does that complete the list of items?

The PRESIDING OFFICER. On page 23, line 16?

Mr. DOUGLAS. That is correct.

Mr. HOLLAND. That is correct. I think that concludes all the exceptions.

The PRESIDING OFFICER. Without objection, the request is agreed to.

The amendments agreed to en bloc are as follows:

On page 3, line 2, after the word "amended", to strike out "$8,947,500" and insert "$8,898,500".

On page 5, line 5, after the word "law", to strike out "$15,900,000" and insert "$18,000,000".

On page 9, line 22, after the word "cadets", to insert a colon and the following proviso:

"*Provided*, That not to exceed $100,000 of the unobligated balance of the appropriation 'Ship construction (liquidation of contract authorization) maritime activities,' may be transferred to this appropriation for the purpose of providing furnishings and equipment for the Memorial Chapel at Kings Point, New York (62 Stat. 172)."

On page 12, line 14, after the word "Patents", to strike out "$22,535,000" and insert "$22,600,000".

On page 12, line 19, after the word "exceed", to strike out "$29,283,000" and insert "$29,900,000".

On page 13, at the beginning of line 10, to strike out "$200,000,000" and insert "$160,000,000".

On page 13, line 14, after the word "expended", to strike out "$2,687,383,000" and insert "$2,689,000,000"; in line 18, after the word "and", to strike out "$1,579,074,764.47" and insert "$1,579,691,764.47", and in line 22, after the word "and", to strike out "$9,000,000" and insert "$10,000,000."

On page 14, line 16, after "(15 U.S.C. 278d)", to strike out "$18,000,000" and insert "$19,600,000".

At the top of page 15, to insert:

"RESEARCH AND TECHNICAL SERVICES (SPECIAL FOREIGN CURRENCY PROGRAM)

"For purchase of foreign currencies which accrue under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704), for the purposes authorized by section 104(k) of that Act, to remain available until expended, $1,030,000, of which not less than $800,000 shall be available to purchase currencies which the Treasury Department shall determine to be excess to normal requirements of the United States: *Provided*, That this appropriation shall not be used for the purchase of currencies available in the Treasury for the purposes of section 104(f) of that Act, unless such currencies are excess to the normal requirements of the United States."

On page 16, line 18, after the word "law", to strike out "$43,985,900" and insert "$48,100,000".

On page 17, line 10, after the word "aircraft", to insert "including the transfer from the Department of Defense, without payment therefor, of one aircraft", and in line 15, after the word "equipment", to strike out "$5,025,000" and insert "$7,500,000, to remain available until expended".

On page 17, line 21, after the word "facilities", to strike out "$3,500,000" and insert "$7,000,000".

On page 21, line 15, after the word "provided" and the colon, to insert the following proviso:

"*Provided*, That the next audit of such Coroporation by the Comptroller General shall be for the period July 1, 1959, through December 31, 1960, and thereafter such audits shall be for each calendar year:".

On page 22, line 11, after the word "vehicles", to strike out "$5,201,000" and insert "$5,597,000", and at the beginning of line 13, to strike out "$15,763,000" and insert "$17,563,000".

Mr. DOUGLAS. Mr. President, I thank the Senator from Florida. Now may I request of him that he ask Secretary Mueller to appear before his subcommittee on Appropriations and explain his political speech of February 23 at the Bellevue-Stratford, and ask him whether, in view of that, he wishes to withdraw his request for the restoration of the cuts? His testimony before the Senator's subcommittee was on February 19. He went to Philadelphia on February 23. He may have had a deep-sea change during those 4 days.

It would be a pity to deprive him of the opportunity of being where it is obvious he really wants to be. So I wonder if the Senator would have a meeting of his subcommittee tomorrow or on Saturday and ask Secretary Mueller to appear and say whether, in the light of his February 23 speech, he does not want to have the appropriation for his department reduced. I think in fairness to Secretary Mueller this should be done.

Mr. HOLLAND. I appreciate the desire of the Senator from Illinois to be fair to Secretary Mueller, but I will not be in the city on Saturday. If the Senator from Illinois wishes to be present and to question the Secretary at any time when we have a subcommittee meeting at which Secretary Mueller can be present, I shall be glad to invite him to propound his questions at that time. After all, it is the Senator from Illinois who has made this case, not the Senator from Florida.

Mr. DOUGLAS. But we ought to give the Secretary a chance to reform. It may be that between February 19 and February 23 he had a change of thought. It may be that his real self spoke on February 23. If so, we should permit him to come here and purge himself of his hypocritical inconsistency. I believe in being fair to him. I think he should have this opportunity to correct the record. I hope very much that the Senator from Florida will invite him.

Mr. HOLLAND. My invitation will be extended to the Senator from Illinois the next time Secretary Mueller appears before our subcommittee. The Senator from Illinois will be welcome to attend the meeting of my subcommittee and to ask any questions he may wish to address to the Secretary of Commerce.

Mr. DOUGLAS. I think there are representatives of the Department of Commerce in the gallery. I think that, without addressing them, they could take notice of this invitation I wish might be extended. Then I hope Secretary Mueller will feel completely free to come before the committee and explain his February 23 speech. If that represents his consistent philosophy, then I am sure he will not wish to renew his requests for increases in the appropriations to his department.

So I hope this message will be carried to the Department of Commerce tonight, or wherever it is that Secretary Mueller is dining, so that he may have an opportunitly to make himself consistent.

I rather like him. I thought he had a grim sense of humor. I think he will appreciate the opportunity to put himself right with the public. Perhaps the next time he will not attack the Democrats as much. Frankly, I think these fellows should be taught a lesson. People are taught lessons only by making them be consistent.

I do not intend to spin this matter out at excessive length. I think we have covered the subject fairly well. I think the true character of Secretary Mueller has been revealed in these matters. Now is the opportunity for repentance and reform.

Mr. HOLLAND. I thank the Senator from Illinois. It is always interesting and pleasant to engage in colloquies with him. I hope that between now and Monday, in order to lessen our burdens on Monday, the Senator from Illinois will have a opportunity to examine the various items which have been excepted, because I really believe he will find two or three amendments which he will not want to pursue, particularly the ones having to do with the Bureau of Foreign Commerce and the Patent Office. I believe those amendments sell themselves by their merits and are valid.

Mr. DOUGLAS. I do not think I requested an exception of the item for the Patent Office.

Mr. HOLLAND. Yes; I believe the Senator excepted that item.

Mr. DOUGLAS. I think it was a different item.

Mr. HOLLAND. I beg the Senator's pardon. It is the Tariff Commission. I believe the Senator will find on examination that the additions made by our committee for the Bureau of Foreign Commerce relate entirely to the very salutary business of increasing exports and will be approved by the Senator from Illinois. Likewise, I believe that the matters relating to the Tariff Commission will be found to be so necessitous, particularly in view of the greatly increased burdens upon the Tariff Commission, that have ensued from recent legislation, that he probably will not want to pursue that amendment.

If the Senator will advise me prior to the debate on Monday, I shall ask unanimous consent at that time to except any amendments applicable to any items which he finds are not acceptable to him.

Mr. President, I yield the floor.

Mr. DOUGLAS. Mr. President, I thank the Presiding Officer [Mr. LAUSCHE]; and I also thank my good friend, the Senator from Oregon [Mr. MORSE], for being willing to yield temporarily to me.

SITUS PICKETING

Mr. MORSE. Mr. President, I shall speak on a matter which I wish to make a matter of record tonight. If it were not for the fact that the Senate is to adjourn from tonight until Monday, I would postpone these remarks until tomorrow.

I wish to speak on a matter in connection with which time is of the essence, in my opinion. I hope that the majority and the minority leadership, upon reading these remarks in the RECORD, will give consideration to them, and in the next few days will have a conference about a parliamentary course of action in regard to the scheduling of business in the Senate which will result in consideration and action by the Senate on the particular subject matter to which I now turn my attention.

Mr. President, last year, during the closing days of the session, when the Senate had before it proposed labor legislation and various amendments to existing labor law, one issue received a great deal of consideration from Senators, in particular, and also from Members of the House of Representatives. It was an issue in which the building trades have for years been very much interested. It was the issue that is described as the issue of situs picketing, or on-the-job picketing.

It is a very serious and important labor issue which has disturbed the building trades in this country ever since 1953, when the Supreme Court handed down its decision in the so-called Denver Building Trades Council case. That decision had the effect of putting the building trades in the position that if they struck on a construction job or if one craft of the building trades struck on a construction job, the other crafts would find themselves in a difficult position in respect to the secondary boycott provisions under the Taft-Hartley Act. That is true because they would be running the danger of being victimized by subsequent court action, either injunctive or by way of civil damage suits, if they followed the well-established practice of true trade unionists—namely, that of respecting the picket line of a sister craft union.

Mr. President, very often these picket lines are established by a building trade craft because it finds itself confronted by a subcontractor, under a prime contract, who is not hiring union men. Thus a building trade craftsman will find himself in a position in which he will be asked to work side by side with what to the building trade unions is a "scab"—a very ugly word in the trade union movement.

Mr. President, it is not my purpose tonight to discuss the philosophy of trade unionism in respect to this matter. It is only my purpose to point out to the Senate some of the history which was made in regard to this matter at the time of the consideration of labor legislation toward the close of the last session of Congress. I am in a position to be a qualified witness on this subject, because I was one of the Senate conferees, and I was a conferee who refused to sign the

conference report. I shall always be very proud of that fact, Mr. President; and I become more proud of it month by month, as point after point which I made in the debate on that conference report is proven more and more to be true and sound.

Mr. President, there has been considered for some time here in the Senate, proposed legislation which would have the effect of setting aside the decision of the Supreme Court in the Denver Buildings Trades Council case.

There is another facet of that case which I believe I should mention in passing. There is no doubt about the fact that one of the purposes of striking against an employer who might be a subcontractor or a jobber on one of the major building contracts is to use economic force to cause him to hire union men. Mr. President, that has been true of the American labor movement for decades; and tonight I stand on the floor of the Senate as a stanch defender of economic action in industrial relations in this country, but also as one who says that economic action should be a matter of last resort.

But, Mr. President, it will be a sad day in America if we ever reach the time when workers are circumscribed by having taken away from them the right to use economic action as free men and women, in opposition to an employer who follows a course of action which in the opinion of the workers so jeopardizes their economic freedom. Workers must fight to preserve their right to use economic action against employers who follow antiunion policies that have the effect of lowering their standards of living and reducing them more and more to the posture they once occupied in America when the precious right of collective bargaining and the right to strike had to be won by the great sacrifices which American labor in decades gone by made in order to win this precious right of economic action.

As all of us know, Mr. President, American labor has moved far away from the old common law doctrine in the days when a trade union was considered a conspiracy. But the road has been a long one and a hard one, Mr. President; and at times it has been a bloody road. Free men and women have had to follow that road in order to establish the right to strike for economic freedom.

As reactionary, powerful business forces in this country, such as the U.S. Chamber of Commerce and the National Association of Manufacturers, have strengthened their control over various political forces in this country, more and more restrictive legislation upon this precious right to strike has been written on the statute books of the country.

I said it in 1947, when, on this floor, I led the fight against the Taft-Hartley law. I shall always be proud that I led that fight, Mr. President, because, in regard to the particular point I am now discussing, namely, the secondary boycott provisions of the Taft-Hartley law, I warned in 1947 of the great danger to the freedom of American workers which would be created by the secondary boycott provisions of that law. The Supreme Court decision in the Denver Building Trades Council case is based upon the secondary boycott provisions of the Taft-Hartley law.

It is well known that before his death—in fact, in the year 1949—the great Senator from Ohio, Mr. Robert Taft, had come to the conclusion that there was a need for some modification in the action taken in respect to secondary boycotts under the Taft-Hartley law, as well as to some other sections of the law.

The 1953 decision in the Denver case was handed down against situs picketing and ever since 1953 there has been a movement within the Congress to enact legislation which would modify that decision, and would legalize so-called situs picketing. In other words, would legalize picketing that would protect sister unions, whereby, when one craft stretched a picket line on a job site of an employer, subcontractor, or jobber who was not hiring union men, and the picket line had for one of its purposes an organizational purpose, respecting that picket line would not be an illegal course of action.

I happen to know, because I have debated this question over the years—I debated it, I remember, as early as 1956 and 1957 here on the floor of the Senate, and the question has been up almost each year—that there has been growing support for modification of the law in a manner that would have the effect of authorizing situs picketing.

With that statement as a background, Mr. President, I take the Senate to the conference hearings of last year. The Senate had made clear that it was not opposed to situs picketing. We got into conference. We thought we were going along very well on this matter of situs picketing, when we were advised the Parliamentarian of the House handed down a ruling that any amendment accepted in conference in regard to situs picketing would be subject to a point of order in the House. I was quite surprised, when that information came to conference, that the attitude of many of my colleagues in conference was, "Well, that ends that." I saw no reason why it should end it. To the contrary, I took the position in conference, "If that is the position of the House, it is a House problem. The House conferees had better go back and get it cleared up over in the House. I see no reason why we should continue an injustice in the bill against workers just because the House Parliamentarian rules that if we do anything about it in conference it will be subject to a point of order."

It is perfectly clear as to the position I took at that time. I said, "All right. Let us have a little recess in this conference hearing until the gentlemen from the House side go on back and get an amendment through that will permit situs picketing. I do not think you ought to continue an injustice because of some parliamentary ruling that may be raised on the House side."

I had another feeling, Mr. President. I had the feeling that if the leadership on the House side, including the Speaker and the majority whip and the minority leader and the minority whip, had gone to conference among themselves in regard to this matter, if it was as meritorious as there seemed to be general agreement it was, they might have, even on a parliamentary procedural basis, without going through the necessity of adopting an amendment, been able to work out an understanding on the House side that situs picketing could be approved in the conference report. No attempt was made to follow that route. I thought it was the least that could have been done, but no attempt was made to it.

You will remember, Mr. President, that in the conference report we succeeded in having some language included that exempted building trades and exempted garment trades with regard to certain features of secondary boycott restrictions, because it was alleged they were such integrated industries that they functioned, as a matter of integration, on the basis of a direct relationship between contractor and jobber. It was argued that because so much of the work had to be contracted out to jobbers an exemption should be allowed them. So they were given exemptions from certain aspects of the secondary boycott provisions of the bill.

I had no objection to that exemption, provided it was uniformly applied. I offered in conference an amendment which would exempt the building trades and the garment trades, and all other industries which might fall within the same classification, on the unanswerable theory that in this country of ours we ought to have the uniform application of the same rule to all to whom it equally applies.

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). The Chair has heard what the Senator from Oregon has said.

Mr. MORSE. The Senator from Ohio and the Senator from Oregon have always stood shoulder to shoulder on that principle. I am not sure we have always agreed on its application in every fact situation; but in principle the Senator from Ohio and the Senator from Oregon see eye to eye on this matter. We did see eye to eye on the application of it the other day, when the Senator from Oregon supported the amendment of the Senator from Ohio to section 1 of the so-called Dirksen civil rights bill.

It is the same principle, I will say to the Senator from Ohio, in respect to this whole secondary boycott problem in connection with labor legislation.

Mr. President, I go back to relating what happened in conference. I did not prevail in my suggestion that the exemption for the building trades and for the garment trades be expanded to cover any other industry which could show that the principle of integration among the prime contractors and subcontractor and jobber applied to it, also. I said at the time—as Senators will find in my speech against the conference report—it was alleged in committee that this applied, also, to at least segments of the coal industry. I said, "I do not know whether it does or not. That is a question of fact. I am not going to argue about matters of fact. I will try to find out what are the facts. Whether it applies to the coal industry or not is a matter of proof, but if it does apply to the coal industry all the more reason why the language suggested by the Senator from Oregon ought to be adopted by the conferees."

In my proposed amendment I specifically mentioned the building trades and garment industry, and I put in language which would make the exemption also apply to any other industry which could show it operated on the basis of the same principle of integration.

Mr. President, what happened was that the majority of the conferees agreed to exemption language just for the building and garment trades. It was accepted by the legislative representatives of the building trades and garment workers. The legislative representatives of the building trades and garment workers awaited the messages which were relayed to them time and time again from the conference room to where they were waiting outside the conference room by those who were in the process of negotiating this arrangement. Sometimes the messages were relayed by staff members of the conference committee, and sometimes they were relayed by Senators, themselves conferees, or by Representatives who were conferees. We sometimes waited considerable periods of time until a Senator or a Representative, or more than one Senator or more than one Representative acting in a group action, went out and had conferences with building and garment trades representatives. I tell the Senate tonight, Mr. President, the building trades representatives will say exactly what I am now stating. That is what happened during the conference. I am not criticizing it; I am simply relating it as the procedure which was followed.

Mr. President, the representatives of the building trades were adamant about this matter. They said they wanted some assurance that if we did not get a situs picketing provision in the labor bill last year, there would be some commitment made that it would be made a matter of business early in this session of Congress. The position taken by the Senator from Oregon was that we ought to rediscuss the whole matter on the floor of the Senate; that we ought to come back to the Senate for instructions.

We all know, Mr. President, we vote a conference report up or down. We cannot amend it. We also know that when things are not going very well in conference, it is sometimes helpful to come back to the parent body to make a report as to what is going on in conference. The parent body is entitled to know that. One simply lays before the parent body the situation which has developed in conference and asks for instructions by saying, "What do you want us to do under the circumstances?"

Mr. President, it happened to be my view, which unfortunately was not shared by others, that if we would come back to the Senate and frankly tell the Senate the situation we were in on situs picketing, there was a pretty good chance the Senate might instruct us to insist with the House conferees that a situs picketing provision ought to be put in the conference report, and that if the House wanted to raise a point of order against it that was the responsibility of the House. If the House had raised a point of order against it, had thrown it out on that ground, and had not seen fit to adopt a House amendment—which I am inclined to think the House would have done, if we had really laid it on the line—then the Senate could have considered at another time any further course of action it might want to take on situs picketing.

In other words, the Senator from Oregon took the position that last September was the time to settle the situs picketing matter.

One of the arguments I made in conference and one of the arguments I made elsewhere was that I thought we ought to get the matter behind us before Congress met in January. I took the position that we knew all the facts, that the evidence was in, and that we ought to decide the matter when that particular bill was before us. Unfortunately another course of action was followed.

Mr. President, leaders of the Building Trades Council have told me what corresponded exactly with my understanding at the time, as I listened to my fellow conferees. They tell me that it was represented to them that if they would go along with the language which was being put in the conference report in regard to making the concession I have already mentioned to the building trades and garment workers industries, then early in the next session of Congress there would be taken up and passed a situs picketing bill in both Houses of Congress. It was represented to them that it was a matter which could be handled very quickly, that there was not any doubt about the fact that such was the prevailing view in both Houses of Congress, and that if they would accept the concessions which were proposed early actions would be taken on situs picketing legislation in this session of Congress.

It is now March 24. Representatives in the Building Trades Council are concerned about the passage of time. So am I.

Mr. President, there was introduced in the Senate on September 3, 1959, S. 2643, by the Senator from Massachusetts [Mr. KENNEDY], for himself and the Senator from California [Mr. KUCHEL], the Senator from Michigan [Mr. MCNAMARA], the Senator from Ohio [Mr. YOUNG], the Senator from Colorado [Mr. CARROLL], the Senator from Illinois [Mr. DOUGLAS], the Senator from California [Mr. ENGLE], the Senator from Minnesota [Mr. MCCARTHY], and the Senator from Vermont [Mr. PROUTY].

It is a bill dealing with situs picketing. It is a bill which would have the effect of modifying the Supreme Court's decision in the Denver Building Trades Council case on situs picketing. It is a bill which would legalize situs picketing.

I ask unanimous consent that the entire bill be printed in the RECORD at this point as a part of my remarks.

There being no objection, the bill (S. 2643) was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8(b)(4) of the National Labor Relations Act, as amended, is amended to add the following proviso at the end thereof: "*Provided further*, That nothing contained in clause (B) of this paragraph (4) shall be construed to make unlawful where not otherwise unlawful, any strike or refusal to perform services at the site of the construction, alteration, painting, or repair of a building, structure, or other work and directed at any of several employers who are in the construction industry and are jointly engaged as joint venturers or in the relationship of contractors and subcontractors in such construction, alteration, painting, or repair at such site, and there is a labor dispute, not unlawful under this Act or in violation of an existing collective bargaining contract, relating to the wages, hours, or other working conditions of employees employed at such site by any of such employers."

Mr. MORSE. Starting on line 5 of the bill, on page 1, it reads as follows:

Provided further, That nothing contained in clause (B) of this paragraph (4) shall be construed to make unlawful, where not otherwise unlawful, any strike or refusal to perform services at the site of the construction, alteration, painting, or repair of a building, structure, or other work and directed at any of several employers who are in the construction industry and are jointly engaged as joint venturers or in the relationship of contractors and subcontractors in such construction, alteration, painting, or repair at such site, and there is a labor dispute, not unlawful under this Act or in violation of an existing collective-bargaining contract, relating to the wages, hours, or other working conditions of employees employed at such site by any of such employers.

That is a very clear statement of a legislative proposal which seeks to legalize situs picketing, and meet the request of the building trades workers of the country for many years since the Denver decision, to remove the great handicap under which they have been placed, because that decision of 1953 brought them in under the secondary boycott provisions of the Taft-Hartley Act.

Mr. President, I am satisfied—and I speak now with the greatest of care in the selection of my words—that this bill was introduced on September 3 in keeping with what the buildings trades representatives believed was the understanding they had worked out in respect to the early consideration of situs picketing legislation in this session of Congress.

When I made my speech at some length—as I recall, about 4 hours and 35 minutes—at the time the conference report on last year's so-called labor reform bill was before the Senate, I made it clear that in this session of the Congress I would offer amendments seeking to correct what I was satisfied were the great mistakes the Congress was making in enacting that bill. It will be recalled that I analyzed that bill section by section in that speech. Mine was the only speech during that debate that analyzed the bill section by section, or analyzed the conference report which involved the bill, section by section. I particularized my objections to the bill.

On February 25 I offered my amendments to the law under the tile "A bill to amend the Labor-Management Relations Act of 1945, and for other purposes," carrying the number S. 3097.

I ask unanimous consent that the bill be printed in full at this point as a part of my remarks.

There being no objection, the bill (S. 3097) was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Labor Relations Act, as amended, is hereby further amended as follows:

"(1) Section 6 of the National Labor Relations Act, as amended, is hereby designated as section 6(a) and said section 6 is amended by adding thereto the following new subsection (b):

"'(b)(1) The Board in its discretion may, by rule or otherwise, decline to take jurisdiction over any labor dispute, unfair labor practice, or representation proceeding if, in the Board's judgment, the effect thereof on commerce is insufficient to warrant the exercise of jurisdiction.

"'Within thirty days after the date of enactment of this subsection, the Board shall clearly establish and publish, by rule or otherwise, such limitations on its exercise of jurisdiction as it proposes to observe for the purpose of excluding from its jurisdiction any labor dispute, unfair labor practice, or representation proceeding: *Provided*, That such limitations shall be substantially in accord with those in effect on August 15, 1959.

"'(2) The Board in the same manner may establish and publish modifications of such limitations on its exercise of jurisdiction as it has established pursuant to paragraph (1), but no such modification shall have the effect of staying or otherwise affecting any proceeding duly instituted before any appropriate court or agency of any State or territory (including the Commonwealth of Puerto Rico, Guam, and the Virgin Islands) prior to the expiration of thirty days' publication of such modification; nor shall any such modification permit the Board to withdraw exercise of its jurisdiction over any proceeding which has been duly instituted before the Board prior to the expiration of thirty days' publication of any such modification.

"'(3) Any person may petition the Board for a determination as to whether a particular case involving a labor dispute falls within the limitations on its exercise of jurisdiction established pursuant to paragraphs (1) and (2). Notice of such petition and its contents shall be given contemporaneously by the petitioner to any known interested person or his representatives, and such notice shall have the effect of staying any proceeding to which the petition refers explicitly, and to which both petitioner and any person or persons given such notice are the parties. Any person given notice may file an answer with the Board not later than ten days after receiving such notice. The Board's determination, unless arbitrary, shall be final and binding upon the petitioner and upon all parties notified by petitioner as provided in this paragraph. If the Board shall make no determination within thirty days after the filing of the initial petition, it shall be presumed that the Board has determined to be outside its jurisdiction any case to which the petition explicitly refers, and to which petitioner and any person or persons given appropriate notice are the parties.'

"(2) Subsection (c) of section 14 of the National Labor Relations Act, as amended, is amended to read as follows:

"'(c)(1) Whenever the Board has declined jurisdiction over an unfair labor practice, the courts of any State or territory (including the Commonwealth of Puerto Rico, Guam, and the Virgin Islands) shall have jurisdiction over such unfair labor practices: *Provided*, That any State or territory may, by legislation or otherwise, provide that an agency rather than the courts thereof shall assume and assert such jurisdiction.

"'(2) Whenever the Board has declined jurisdiction over any labor dispute, unfair labor practice, or representation proceeding any State or territory (including the Commonwealth of Puerto Rico, Guam, and the Virgin Islands) may, by legislation or otherwise, establish an agency to assert jurisdiction over such labor dispute, unfair labor practice, or representation proceeding and such agency shall not be precluded from asserting jurisdiction by virtue of the fact that such labor dispute, unfair labor practice, or representation proceeding affects interstate commerce.

"'(3) In determining unfair labor practice proceedings being presented in accordance with paragraph (1) of this subsection, or in determining labor disputes, unfair labor practices, or representation proceedings pursuant to paragraph (2) of this subsection, the State or territorial court or agency shall apply and be governed solely by Federal law as set forth in section 8 and section 9, as the case may be, and Board and Federal court rules of decision construing said facts.

"'(4) Whenever any State or Territory establishes pursuant to this section an agency to assume and assert jurisdiction over any labor dispute, unfair labor practice or representation proceeding which the Board has excluded from its exercise of jurisdiction pursuant to section 6(b) of this Act, the courts of such States or Territories shall no longer assume or assert jurisdiction over unfair labor practice cases pursuant to paragraph (1) of this subsection except for cases then pending in such courts which may be concluded and determined by them.

"'(5) Proceedings brought in a State or Territorial court pursuant to paragraph (1) of this subsection shall be advanced on the docket and expedited for disposition. Such proceedings shall not be subject to removal to the Federal courts under the provisions of the Judicial Code (Act of June 25, 1948; 27 U.S.C.) as amended.

"'(6) Decisions of an agency or court of a State or Territory shall be reviewed in State and territorial courts according to the State or Territorial law relating to practices and procedure.

"'(7) Judgments or decrees of the State or territorial courts shall be subject to review by the Supreme Court of the United States upon writ of certiorari as provided in the Judicial Code, as amended (Act of June 25, 1948; 28 U.S.C.).'

"(3) Section 10(a) of the National Labor Relations Act, as amended, is amended by repealing the proviso thereto.

"(4) Section 8(b)(4) of the National Labor Relations Act, as amended, is amended to read as follows:

"'(4)(i) to engage in, or to induce or encourage any individuals employed by any person to engage in, a strike or a refusal in the course of his employment to use, manufacture, process, transport, or otherwise handle or work on any goods, articles, materials, or commodities or to perform any services; or (ii) to intimidate any person where in either case an object thereof is—

"'(A) forcing or requiring any employer or self-employed person to join any labor organization or employer organization, or to enter into any agreement not permitted by section (e).

"'(B) forcing or requiring any person to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer, or to cease doing business with any other person, unless such other producer, processor, manufacturer, or other person is failing to recognize a union chosen by a majority of his employees or has committed unfair labor practices within the meaning of section 8(a).

"'(C) forcing or requiring any employer to recognize or bargain with a particular labor organization as the representative of his employees or seeking to represent the employees of such employer or to protest the working conditions of such employer other than a work assignment dispute within the meaning of clause D of this paragraph, if another labor organization has been certified as the representative of such employees under the provisions of section 9;

"'(D) forcing or requiring any employer to assign particular work to employees in a particular trade, craft, or class rather than to employees in another trade, craft, or class unless such employer is failing to conform to an order or determination of the Board or an agreed-upon method for the voluntary adjustment of the dispute: *Provided*, That nothing contained in this subsection (b) shall be construed to make unlawful a refusal by employees of any person to enter upon the premises of any other person if the employees are engaged in a primary labor dispute: *Provided further*, That, for the purposes of section 8(b) of the Act, the phrase "any person" or "other person" will not be deemed to include the relationship between (1) contractor and jobbers engaged in a system of integrated manufacturing; (ii) joint venturers, prime contractors, subcontractors, or cocontractors, jointly engaged on the site of a building and construction project or similar undertaking; or (iii) businesses doing business with one another when one is owned or controlled by the other or is owned or controlled substantially in common.'

"(5) Subsection (e) of section 8 of the National Labor Relations Act, as amended, is amended to read as follows:

"'(e)(1) It shall be an unfair labor practice for any labor organization and any employer who is a common carrier subject to part II of the Interstate Commerce Act to enter into any contract or agreement, express or implied, whereby such employer ceases or refrains or agrees to cease or refrain from handling, using, or transporting any of the products handled, manufactured, or transported by another person, and any collective bargaining contract entered into heretofore or hereafter containing such an agreement shall be to such extent unenforceable and void.

"'(2) Any contract or agreement between an employer and a labor organization heretofore or hereafter executed which is, or which calls upon anyone to engage in, an unfair labor practice under section 8(e)(1) of the National Labor Relations Act, as amended, shall to such extent by unenforceable and void.'

"(6) Paragraph (7) of subsection (b) of section 8 of the National Labor Relations Act, as amended, is amended to read as follows:

"'(7) to picket or cause to be picketed, or threaten to picket or cause to be picketed, any employer where the object thereof is forcing or requiring an employer to recognize or bargain with a labor organization as the representative of his employees or forcing or requiring the employees of an employer to accept or select such labor organization as their collective bargaining representative unless such labor organization is currently certified as the representative of such employees:

"'(A) where within the preceding nine months a valid election under section 9(e) of this Act has been conducted, or

"'(B) where the union had picketed for more than thirty days in the absence of a petition under section 9(e): *Provided*, That the employer was not paying substandard wages.'

"(7) Section 10(1) of the National Labor Relations Act, as amended, is amended by; (1) adding after the words 'section 8(b)', the words 'or section (e)'; (2) at the end of the first sentence, strike the period and insert a comma and the following: 'and other unfair labor practices growing out of the same labor dispute.'; (3) in the second sentence after the words 'he shall', insert: 'if under all the circumstances equitable relief is appropriate,'; and (4) by inserting before the period at the end thereof the following: 'and section 8(b)(7): *Provided further*, That where a charge is filed under section 8(b)(7), it shall be a defense to show that an unfair labor practice within the meaning of section 8(a) has been committed: *Provided further*, That where there is a failure to seek such appropriate relief the Board shall promptly make public the reasons for such failure.'"

Mr. MORSE. Mr. President, when I introduced my bill on February 25, 1960, I also said, as appears on page 3414 of the RECORD:

Second. The secondary boycott provisions are a rewrite of the law as it stood prior to last year—which constituted a fairly effective prevention of this type of conduct. I had hoped that amendments to this section would do two things: (a) Close the loopholes, which had shown up, to the detriment of legitimate employer interests, and (b) correct injustices which had resulted in the deprivation of union rights. In order words, I viewed the problem as a repair project, based upon the experience of 12 years under the Taft-Hartley Act. My proposals, I believe, constitute such a balancing of interests. Among the most important of these proposals is one which would permit the building trades unions, which in general are not able to avail themselves of NLRB election procedures, to have a means of organization of a job site. I also provided for a hot cargo prohibition in the specific area in which abuses of hot cargo provisions have developed, as shown by the McClellan committee.

Mr. MORSE. Mr. President, on page 6 of that bill will be found the beginning of my suggested amendments which will deal with the matter of secondary boycotts; and on page 7, beginning with line 9, the bill reads as follows:

(D) forcing or requiring any employer to assign particular work to employees in a particular trade, craft, or class rather than to employees in another trade, craft, or class unless such employer is failing to conform to an order or determination of the Board or an agreed-upon method for the voluntary adjustment of the dispute: *Provided*, That nothing contained in this subsection (b) shall be construed to make unlawful a refusal by employees of any person to enter upon the premises of any other person if the employees are engaged in a primary labor dispute: *Provided further*, That, for the purposes of section 8(b) of the Act, the phrase "any person" or "other person" will not be deemed to include the relationship between (i) contractor and jobbers engaged in a system of integrated manufacturing; (ii) joint venturers, prime contractors, subcontractors, or cocontractors, jointly engaged on the site of a building and construction project or similar undertaking; or (iii) businesses doing business with one another when one is owned or controlled by the other or is owned or controlled substantially in common.

That part of my bill would accomplish exactly the same result that the bill introduced by the Senator from Massachusetts [Mr. KENNEDY] and his cosponsors last September would accomplish with regard to situs picketing. I have no pride of authorship. So far as this particular point is concerned, I do not care what bill is passed, so long as some bill is passed on the subject that does justice to the building-trades workers of the country. But I give this history because there are before the Senate now two pieces of legislation, the Kennedy bill and the Morse bill, mine covering many other subjects involved in the so-called Labor-Management Relations Act of 1947, but two bills which do come to grips with the situs picketing problem with regard to which the building-trades workers of the country are so very much concerned.

I cannot speak for the leadership of the Senate, but I can say what the representatives of the building-trades groups tell me. They tell me that when it was proposed that they go along with the proposal that was made to them at the time of the conference, that if they would agree to this one concession that was made to them in regard to the construction industry and the garment workers' industry they were promised that there would be early action in this session of Congress on a situs picketing bill. They tell me that they were led to believe and understand that such an arrangement would be acceptable to the leadership of the Senate on both sides of the middle aisle.

I have been in the Senate going on 16 years, and I know how easy it is for misunderstandings to develop. I know how frequently rumors in the minds of some take on the impression of actuality. But I think it needs to be said tonight that there are many in the building-trades industry among the workers who believe that an understanding was reached last fall that if the conference report was adopted in the form it which it was presented to the Senate and agreed upon, early this year a situs picketing bill would pass the Congress.

I believe that it is always unwise, undesirable, unfortunate, and a great mistake ever to have any conversations at any time with any legislative representatives as to what may happen at some time in the future in the Congress. Each one of us knows that no one can bind the Senate. All of us know that no Senator can bind the Senate. We know that no leadership can bind the Senate. We know that no combination of leadership can bind the Senate. It is unfortunate if any misunderstanding such as I am calling to the attention of the Senate has developed and exists.

I have had too many building trades council people confer with me in recent days not to know that misunderstanding is abroad. There are many in the building trades industry who believe that when they entered into what they considered to be "an arrangement," to quote to the Senate the language they used, an "arrangement" in respect to the conference report last year, they felt at least they had what they considered to be a certain understanding or pledge that a situs picketing bill would be passed in the early weeks of this session of Congress. They are coming to me now and saying, "We cannot understand it. We cannot understand it. We are now being told that there was no understanding. We are now being told that it was a mistake if we gained the impression that there was a promise to pass a situs picketing bill. We feel let down."

I have a suggestion to make. My suggestion is that we just start from scratch.

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). Will the Senator yield for a question?

Mr. MORSE. Yes; I yield.

The PRESIDING OFFICER. In return for the promise, what were those men to do?

Mr. MORSE. I cannot testify as to what they were asked to do. I can only testify what they told me the suggestion was namely, that they go along with the conference report, and that they not make a fight against the conference report. The Senator from Ohio knows what I had to say about that last fall when I said—and I repeat it here—that in my judgment organized labor in this country ought to have fought the conference report, and not gone along with it.

I do know from what some of them have said recently that they wish they had fought it.

Well, I said I had a suggestion to make. My suggestion is, Let us start from scratch. It will not do any good, it seems to me, to get into an argument now in which the disputants say, "You did. I did not," or "You said. I did not say." That kind of controversy is not going to help the situation now. I always like to ask the question, "Where do we go from here?"

We have the Kennedy bill and we have the Morse bill. My suggestion is, Let us get some hearings scheduled on them. That is my plea. Let us get some hearings scheduled.

As a member of the Committee on Labor and Public Welfare, I say from the floor of the Senate now to the chairman of my committee and to the members of the committee, Let us get some hearings scheduled on the issue of situs picketing. There is no doubt about the fact that we have discussed several times in that committee the desirability of early action on a situs picketing bill.

This is March 24. We have a very heavy agenda in that committee. We have much important legislation to consider. We have the minimum wage bill. It is now before the full committee. The subcommittee has reported it to the full committee. We have the job now in the full committee of marking up the minimum wage bill.

So my procedural suggestion is that a subcommittee of the Committee on Labor and Public Welfare go into this subject. It does not necessarily have to be, although I would prefer it, the Subcommittee on Labor of which the Senator from Massachusetts [Mr. KENNEDY] is chairman and of which I am also a member. Of course I recognize that the Senator from Massachusetts is a very busy man these days, and I just do not see how he can do all the things he does. His energy is a marvelous thing for me to behold. I certainly do not want to overtax him, and therefore I do not suggest that there be a burden placed upon him that might overtax him. However, it is for him to make the decision as to the most beneficial expenditure of

his time. So I am taking the position that his subcommittee or some other subcommittee be assigned the duty of proceeding immediately with a hearing on situs picketing. Although I would be very happy to have the Subcommittee on Labor do it, I am perfectly willing to have a special subcommittee of the Committee on Labor and Public Welfare do it.

All I am saying tonight is that we ought to get on with the job of holding some hearings on situs picketing. In my opinion the leaders of the building trades industry are justified in thinking at least that Congress was going to proceed with the early consideration of a situs picketing bill. I am not saying that they are justified in saying that any pledge was made to them or that they are justified in saying that they were promised that a bill would be passed in the early weeks of this session of Congress.

I do not know that to be the fact. The only fact I know is that they think it is a fact. I have been around here long enough to know that special pleaders—and they are special pleaders, and they would be the first to admit that they are special pleaders—are so enthusiastic about their own position on an issue sometimes that they are inclined to read into statements that are made to them by others meanings which the people making the statements in fact did not intend.

So what I am trying to do tonight is to make the suggestion that we remove this from the whole area of accusation and charges that pledges are not being kept. I am simply suggesting that there are two bills which have been referred to the committees, and that I believe we ought to proceed forthwith to have same hearings on the bills that involve situs picketing, because—and now I am coming to the merits of the position taken by the building trades council people—such a bill is long overdue. The building trades workers in this country are entitled to the protection for which they are asking. The buildings trades workers are entitled to be removed from the restrictions that are now placed on them by the Supreme Court's decision in the Denver Building Trade Council case, because that brings them under the secondary boycott restrictions of the Taft-Hartley law.

I think that is a fair position for the Senator from Oregon to take, and I am doing it out of a spirit of trying to be constructive in regard to a situation that is a very unhappy one, to use a very mild term of understatement.

Serious misunderstandings are developing over this matter. I think the way to prevent them from developing to undue proportions and getting into the realm of acrimony is to carry out the suggestion I now make:

Let us get on with hearings on a situs picketing bill, either by the regular Subcommittee on Labor Legislation of the Committee on Labor and Public Welfare, headed by the distinguished Senator from Massachusetts [Mr. KENNEDY], or by a special subcommittee, or by the full committee itself. But let us not delay the matter any further, because here is what some of the building-trades people are saying, in effect: "If you do not get action on this matter by the early part of May, then those who have opposed us in the past will be able to use parliamentary techniques and tactics in the Senate. They will get us right up to the 11th hour again, and once more we will be hearing, 'Well, we did our best, but unforeseen conditions and circumstances developed, and all we can do now is to let it go over to the next session of Congress.'"

Mr. President, I do not think we should do that. I do not think we ought to run that risk. I believe we ought to proceed to take action on the situs picketing matter involving the building trades councils now, because whether there is any fault or not, whether any pledges were made or not, whether any promises were given, whether any language was used which led the building trades people to believe that if they went along with the conference report they woud get an early remedy in this session of Congress to this very difficult problem which perplexes them—whether any of those situations or conditions existed or not, the fact is that many persons believe that such conditions did exist.

I believe the best way to wipe this slate clean is simply to say: We are going to give you your day in court. We are going to have hearings. We are going to judge you on the evidence. We are going to decide whether or not you can make a case for situs picketing. If you can, we will report a bill on situs picketing to the Senate, and we will try to have it done within the next few weeks, so that we will not be waiting until the first part of June or the last part of May for final action on such a bill.

I say most respectfully to our friends at the other end of the Capitol that they ought to follow a similar course of action and get a situs picketing bill passed, so that we will hear no more of these charges to the effect that, after all, we are not taking action as the building trades people believed we had led them to believe we would take in regard to situs picketing.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

RESOLUTION BY CITY OF VENICE, ILL., RELATING TO MINIMUM WAGE LAW

Mr. DOUGLAS. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution which I have received from the mayor and City Council of the City of Venice, Ill., asking for an increase in the minimum wage to $1.25 an hour.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION 394

Whereas the mayor and City Council of the City of Venice, Ill., are of the unanimous opinion that a minimum wage of $1 per hour is an inadequate wage in these times, and that a minimum hourly wage law providing for a minimum of $1.25 per hour should be adopted by the State of Illinois and by the U.S. Congress; Now, therefore, be it

Resolved by the City Council of the City of Venice, Ill.:

SECTION 1. That the mayor and City Council of the City of Venice, Ill., are of the unanimous opinion that the minimum hourly wage laws now in effect should be amended to increase the minimum wages to the sum of $1.25 per hour by law, both in interstate commerce, and in intrastate industrial activities and commerce.

SEC. 2. That the proper legislative bodies of the State of Illinois and the U.S. Congress are hereby urged to make the necessary amendments in the present legislation or adopt the necessary legislation to accomplish the aforesaid increase in the minimum hourly wages.

SEC. 3. That the City Clerk is hereby directed to prepare and transmit certified copies of this resolution to the proper legislative officials and bodies.

Approved by the City Council of the City of Venice, Ill., this 8th day of February A.D. 1960.

Approved by the mayor of the City of Venice, Ill., this 8th day of February A.D. 1960.

JOHN E. LEE,
Mayor.

Attest:

WILLIAM M. EBERSOLDT,
City Clerk.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. JOHNSTON of South Carolina, from the Committee on Post Office and Civil Service:

Frank E. Barr, of Kansas, to be an Assistant Postmaster General.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KENNEDY:

S. 3260. A bill to amend the Public Buildings Act of 1959 so as to authorize a study for the purpose of determining the feasibility of locating the Court of Claims, the Court of Customs and Patent Appeals, and the Tax Court of the United States near the Supreme Court of the United States, and for other purposes; to the Committee on Public Works.

(See the remarks of Mr. KENNEDY when he introduced the above bill, which appear under a separate heading.)

By Mr. LAUSCHE:

S. 3281. A bill to amend part II of the Interstate Commerce Act in order to require proof of payment of State and local taxes as a condition to transferring a certificate or permit issued to a carrier by motor vehicle under the provisions of such part; to the Committee on Interstate and Foreign Commerce.

By Mr. SMATHERS (for himself and Mr. MORSE):

S. 3282. A bill to amend section 5 of the Home Owners Loan Act of 1933; to the Committee on Banking and Currency.

(See the remarks of Mr. SMATHERS when he introduced the above bill, which appear under a separate heading.)

RESOLUTION

ENCOURAGEMENT OF PRIVATE HOMEOWNERSHIP IN LATIN AMERICAN COUNTRIES

Mr. SMATHERS (for himself and Mr. MORSE) submitted a resolution (S. Res. 295) to express the sense of the Senate encouraging loan and guarantee programs to encourage the start of pilot housing projects in Latin America to promote private homeownership, which was referred to the Committee on Foreign Relations.

(See the above resolution printed in full when submitted by Mr. SMATHERS, which appears under a separate heading.)

AMENDMENT OF PUBLIC BUILDINGS ACT OF 1959, RELATING TO LOCATION OF CERTAIN COURTS IN THE DISTRICT OF COLUMBIA

Mr. KENNEDY. Mr. President, I introduce, for appropriate reference, a bill to amend the Public Buildings Act of 1959 to authorize a study for the purpose of determining the feasibility of locating the Court of Claims, the Court of Customs and Patent Appeals, and the Tax Court of the United States near the Supreme Court.

These three courts have all outgrown their present locations. There is pending before the Public Works Committee a plan to locate the Court of Claims in Lafayette Square. This means that many of the historic buildings now fronting that square will be torn down. The Dolly Madison House, the Benjamin Taylor House, and the Belasco Theater have long served as an inspiration to generations of Americans who have visited their Capital City. Certainly, before any irrevocable action is taken to destroy these buildings to provide a site for a courthouse, other sites should be investigated.

I ask unanimous consent to have printed in the RECORD an editorial which appeared in the Washington Post last Friday, entitled "Courthouse Politics."

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the editorial will be printed in the RECORD.

The bill (S. 3280) to amend the Public Buildings Act of 1959 so as to authorize a study for the purpose of determining the feasibility of locating the Court of Claims, the Court of Customs and Patent Appeals, and the Tax Court of the United States near the Supreme Court of the United States, and for other purposes, introduced by Mr. KENNEDY, was received, read twice by its title, and referred to the Committee on Public Works.

The editorial presented by Mr. KENNEDY is as follows:

[From the Washington Post, Mar. 18, 1960]

COURTHOUSE POLITICS

A choice corner fronting on Lafayette Square is swiftly becoming a site for sore eyes (of Texas) as a result of a quarrel involving three courts all in search of a new home. All the courts—the Court of Claims, Court of Customs and Patent Appeals, and Tax Court—are in urgent need of more space. On this there is little dispute. The plight of the Court of Claims is especially desperate; because the court deals only with cases involving the Government, its docket has grown at an awesome rate (6,000 cases are now pending) while its quarters have failed to keep pace.

But is Lafayette Square the appropriate site for a courthouse? Chief Judge Marvin Jones of the Court of Claims contends that his bench should be given sole occupancy of the site on Madison Place and H Street NW, now occupied by the old Belasco Theater and Dolly Madison House. Judge Jones, a former Texas Congressman, points out that the General Service Administration has assigned the site to his court and that the House Public Works Committee has endorsed the move.

At this point, Chief Judge Eugene Worley of the Court of Customs and Patent Appeals, enters a sharp dissent. His court, too, is in dire need of more space and he proposes the addition of 30,000 square feet to the Lafayette Square edifice so that both courts could be housed together. Chief Judge Worley, also a former Texas Congressman, feels this could be done with a minimum of delay. And doubtless it would be desirable if another 30,000 square feet could be found for the Tax Court.

To a bewildered bystander, one alternative seems clear. The needs of all the courts could be met adequately in a "judiciary square" on the east side of the Supreme Court Building. This is the proposal previously endorsed by both the National Capital Planning Commission and the Fine Arts Commission. Not only would it mean that an area could be created which would comport with judicial dignity (the buildings, perhaps, could be grouped around an Oliver Wendell Holmes Memorial Park) but also that Lafayette Square could then be preserved for an Executive use more in keeping with its historial values and its proximity to the White House.

Granted that such a change in plans would mean further delay, and granted that the location might be more inconvenient for the Court of Claims, we still think the idea of grouping the courts in a more suitable site deserves further consideration before the bulldozers begin their work. To meet the problems of delay, surely further space in other Government buildings—or leased private quarters—could be found on a short-term basis.

ENCOURAGEMENT OF PRIVATE HOME OWNERSHIP IN LATIN AMERICAN COUNTRIES

Mr. SMATHERS. Mr. President, on behalf of myself, and the distinguished senior Senator from Oregon [Mr. MORSE], I introduce, for appropriate reference, a bill to amend section 5 of the Home Owners Loan Act of 1933. We are also submitting amendments to the Mutual Security Act and a resolution. All of these are designed toward the same end; namely, the establishment of a series of coordinated pilot projects in housing for the Latin American area.

What we are proposing is by no means a radical departure from established policy. We already have a housing program of sorts in Latin America.

The International Cooperation Administration, through point 4, has been giving its support to the Chilean aided self-help project. Under this program, the Chilean Government supplies the bathroom and the homeowner builds a house around it, paying for land and materials on the installment plan. President Eisenhower visited the San Gregorio aided self-help project during his stay in Santiago and endorsed it enthusiastically in his radio-television report to the people of the United States.

The Ex-Im Bank has made loans of Cooley fund money under Public Law 480 for a Peruvian housing project which the bank judged to be financially sound.

The Development Loan Fund has finally been prodded into giving reluctant approval to Peru's application for a loan of seed capital to begin a savings and loan association.

In other words, we have accepted the principle of Latin American housing, but we have done so haphazardly and, in the instance of the Development Loan Fund loan, with poor grace.

There is, within the administration and within the Congress, little doubt about the contribution which housing development makes to social stability. However, opponents of Latin American housing have two fears: First, that the launching of a housing program would bring a deluge of applications beyond the resources of the U.S. Government to meet and second, that housing would not have the cumulative economic effect which is the primary objective of our assistance program to underdeveloped areas.

Let me spend a few moments on this latter point. As the experience of the U.S. economy amply proves, a native housing industry, drawing upon local labor, local resources, and local production, has a potent influence upon economic growth.

Whether housing is more or less potent in this respect than other industries is somewhat beside the point. For, in addition, to its economic consequences, housing also had profound political and social consequences which are directly in accord with our overall foreign policy objectives.

Experience, not only in the United States but throughout the Western World, has established beyond possible doubt the fact that widespread homeownership contributes vitally to the development of social stability. Those who have a property stake in society are not inclined to accept change for the sake of change.

In a land where there is no middle class, where the masses live in misery and poverty, revolutions, because they promise to destroy the old and cruel order of things, have a powerful attraction. Give these masses, however, a stake in their society, a hope that things can be better, and they are inclined to seek change—which is still required—by more moderate and constitutional means.

For this reason, I believe the doctrinaire view concerning the noncreativeness of housing is very much mistaken. We need, in our approaches to the problems of the underdeveloped areas, to present a balanced program. Otherwise the economic changes which we are seeking rightly to introduce will lead, as the industrial revolutions in this

country and in Great Britain led, to social stability and, eventually, to political upheaval.

Great Britain, and the United States in its turn, experienced great political and social stress as a result of the industrial revolution. We managed, of course, to survive and to develop, in the process, an effective, broad-based, and constitutional political system. But conditions are not what they were 100 or 150 years ago when we were making our way out of the darkness into the light.

The extra factor is the Communist conspiracy, which is dedicated to the objectives of preventing gradual transition through political reform. The question we must ask ourselves, before accepting uncritically the easy assumption that economic development is a cure-all, is whether the case history of the United States might not have been vastly different if the Communist conspiracy had been active at the time, subverting the efforts of the reformers and exacerbating social tensions.

With these considerations in mind the amendments and the resolution which we are today introducing have as their goal the establishment of a limited—and we emphasize the word limited—program of pilot projects to enable us to demonstrate what may be done in the housing field, drawing upon the experience of the United States and molding it to the individual needs of countries in various states of development.

We propose a limited program because the financial resources of the United States, while considerable, are not equal to the task of meeting the overwhelming problem. We believe that a pilot project approach would have the effect of demonstrating to the countries of Latin America and to the underdeveloped nations elsewhere in in the world—the capacity of free capital and free enterprise to solve the problems which confront them. It is our firm conviction that a program of this sort would be irresistibly attractive and would, by the nature of things, generate widespread emulation.

We propose that this program be limited, initially at least, to Latin America because geography and the cultural ties of the area to the United States make it an ideal laboratory for such work. In addition, as I have emphasized in several speeches on this floor, social conditions in Latin America are rapidly approaching the crisis stage, and Latin America, at this moment, stands in need of an effective demonstration of U.S. support.

In sum, the amendments and the resolution would set in motion a multiphase program, drawing upon the facilities of Development Loan Fund, the Export-Import Bank and the International Cooperation Administration, under the overall direction of the President or whomever he might choose to coordinate the program for him.

One important objective of this program would be to share with the countries of Latin America our experience in the savings and loan field. I am deeply convinced that the principle of collective savings and low interest rates will have incalculable effect—but it needs a preliminary boost, which our own savings and loan associations and the Development Loan Fund are qualified to give, provided they have the authority and the inclination.

The proposed amendments would encourage U.S. savings and loan associations and other private sources to invest seed capital, on a controlled basis, in comparable, free economic institutions in Latin America.

The amendments are also intended to demonstrate to the Development Loan Fund and the Export-Import Bank the conviction of the U.S. Government that their inclinations should be directed into these fields.

I am also concerned that our agencies adopt a policy of guaranteeing, through proper channels, investments in the housing fields by private American capital. The overwhelming need in Latin America is for long-term mortgages at low interest rates. In Latin America, interest rates on mortgages sometimes run as high as 24 percent and probably average in the neighborhood of 18 percent. The mortgages may be had for no more than 5 or 10 years. Under such conditions, how many citizens of the United States could afford to own their own homes?

Finally, my amendments are designed to give an effective demonstration of congressional support for the added self-help approach which President Eisenhower, the Senator from Oregon, the Senator from Vermont, and myself have all recently praised. This program as I have already pointed out is now in effect, but the moral support of Congress is, I think, eminently desirable.

The deficiency of our policy in Latin America, as I have many times said, is that it appears to have no design, that it is a collection of bits and pieces, for which we do not receive proper credit. Throughout history, men have recognized that drama and symbolism are necessary to the mobilization of popular sentiment. We in the United States seem to have discovered a means for dissipating drama and for ignoring symbolism. Instead of complaining about ingratitude, we ought to consider in our hearts whether another approach might not achieve our goal.

The PRESIDING OFFICER. The bill, amendments, and resolution will be received and appropriately referred.

The bill (S. 3282) to amend section 5 of the Home Owners Act of 1933, introduced by Mr. SMATHERS (for himself and Mr. MORSE), was received, read twice by its title, and referred to the Committee on Banking and Currency.

The amendments, submitted by Mr. SMATHERS (for himself and Mr. MORSE), to the bill (S. 3058) to amend further the Mutual Security Act of 1954, as amended, and for other purposes, were referred to the Committee on Foreign Relations and ordered to be printed.

The resolution (S. Res. 295) to express the sense of the Senate encouraging loan and guarantee programs to encourage the start of pilot housing projects in Latin America to promote private home ownership, submitted by Mr. SMATHERS (for himself and Mr. MORSE), was referred to the Committee on Foreign Relations, as follows:

Whereas experience in this country has shown that widespread home ownership contributes significantly to social stability; Whereas home ownership on a broad basis has been achieved in this country by the availability of financing through collective savings and the maintenance of low-interest rates through Government guarantees; and

Whereas a strong housing industry in any country, drawing on local labor, resources, and production, is a powerful instrument of economic growth; and

Whereas the objective of the foreign economic policy of the United States is and should be to contribute to basic economic development, to the creation and spread of free financial institutions, and to the improvement, through these means, of social conditions in the underdeveloped countries of the free world; and

Whereas, in pursuing its objective with respect to foreign economic development, the United States must establish and adhere to certain priorities, since its economic resources are not unlimited, giving its main support to projects which have a cumulative effect or which can be used to develop experience relevant to the needs of more than one area; and

Whereas Latin America is an area of the free world in which such high priority projects should receive immediate assistance; and

Whereas in providing such assistance this country would be carrying out the basic objectives of our foreign economic policy in an area which has strong geographical, political, and cultural ties to the United States, and which has demonstrated an acute need for such assistance and for reassurance with respect to the continued interest and support of the United States: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) In the administration of the foreign economic policy of the United States there should be developed, in cooperating countries of Latin America, a series of self-liquidating pilot projects in housing;

(2) The development of such projects should be carried out in a coordinated fashion under existing legislation by the Export-Import Bank, the Development Loan Fund, the International Cooperation Administration, and such other Federal agencies as the President may designate;

(3) Assistance with respect to such projects should be provided from funds which are available to such agencies;

(4) Such projects should be planned and carried out with a view to (A) providing experience in countries in various stages of economic development, and (B) achieving a solution to the housing needs according to the peculiar requirements of the various cooperating countries; and

(5) In developing such projects emphasis should be placed upon (A) loans to provide capital for the establishment of savings and loan-type institutions, (B) guarantees of private American capital when invested in loans in the furtherance of such projects, and (C) technical assistance in the development of housing projects financed through such institutions or by loans so guaranteed.

ADJOURNMENT UNTIL NOON ON MONDAY

Mr. HOLLAND. Mr. President, pursuant to the unanimous-consent agreement heretofore entered, I move that the Senate adjourn until noon on Monday.

The motion was agreed to; and (at 8 o'clock and 53 minutes p.m.), the Senate adjourned, under the order previously entered, until Monday, March 28, 1960, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate March 24 (legislative day of March 23), 1960:

FEDERAL COMMUNICATIONS COMMISSION

Edward K. Mills, Jr., of New Jersey, to be a member of the Federal Communications Commission for the unexpired term of 7 years from July 1, 1954, vice John C. Doerfer, resigned.

HOUSE OF REPRESENTATIVES

THURSDAY, MARCH 24, 1960

The House met at 12 o'clock noon.

Rev. William F. Skinner, the Central Presbyterian Church, Downingtown, Pa., offered the following prayer:

O God, our Father, who hast been our dwelling place in all generations; we come to Thee this day with praise of lip, thanksgiving of heart, and humility of spirit.

May we turn to Thee not only when there is none other; but in all things let us seek first Thy will, searching ever for new avenues of implementing love and brotherhood and peace and hope.

Unto our President, our Speaker, and the Members of Congress, Thou hast entrusted grave and great responsibilities; sustain us, O Lord, with the knowledge that Thou art the source of strength and energy, sufficient for every need. Descend Thou upon us; touch our eyes with a vision of Thy majesty and glory; touch our minds with Thy timeless truth; touch our hearts with understanding and love.

Grant that we may seize every opportunity of replacing error with truth, sorrow with joy, misery with happiness, enslavement with freedom, and despair with hope.

Thou hast been our help in ages past, and we rest now in the assurance that Thou wilt be our hope for years to come.

This we pray in the name of Christ. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

CIVIL RIGHTS

The SPEAKER. The unfinished business is the reading of the engrossed copy of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The Clerk will read.

CALL OF THE HOUSE

Mr. FLYNT. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently, no quorum is present.

Without objection, a call of the House will be ordered.

There was no objection.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 33]

Anderson, Mont.	Barry	Minshall
Arends	Blatnik	Pelly
Barden	Blitch	Powell

The SPEAKER. On this rollcall 422 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CIVIL RIGHTS

The SPEAKER. The Clerk will read the engrossed copy of the bill H.R. 8601, to enforce constitutional rights, and for other purposes.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civil Rights Act of 1959".

TITLE I

Obstruction of court orders

SEC. 101. Chapter 73 of title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 1509. Obstruction of certain court orders

"Whoever corruptly, or by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes, or interferes with or willfully endeavors to prevent, obstruct, impede, or interfere with the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States which (1) directs that any person or class of persons shall be admitted to any public school, or (2) directs that any person or class of persons shall not be denied admission to any public school because of race or color, or (3) approves any plan of any State or local agency the effect of which is or will be to permit any person or class of persons to be admitted to any public school, shall be fined not more than $1,000 or imprisoned not more than sixty days, or both.

"No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime; provided that any such fine or imprisonment imposed for violation of such injunction shall be concurrent with and not consecutive or supplemental to any criminal penalty imposed hereunder.

"This section shall not apply to an act of a student, officer, or employee of a school if such act is done pursuant to the direction of, or is subject to disciplinary action by, an officer of such school."

SEC. 102. The analysis of chapter 73 of such title is amended by adding at the end thereof the following:

"1509. Obstruction of certain court orders."

TITLE II

Flight to avoid prosecution for damaging or destroying any building or other real or personal property or to avoid prosecution for communicating any threat or false information with respect to any attempt to commit such an act

SEC. 201. Chapter 49 of title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 1074. Flight to avoid prosecution for damaging or destroying any building or other real or personal property or to avoid prosecution for communicating any threat or false information with respect to any attempt to commit such an act

"(a) Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody, or confinement after conviction, under the laws of the place from which he flees, for willfully attempting to or damaging or destroying by fire or explosive any building, structure, facility, vehicle, dwelling house, synagogue, church, religious center or educational institution, public or private, or (2) to avoid giving testimony in any criminal proceeding relating to any such offense shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"(b) Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody, or confinement after conviction, under the laws of the place from which he flees, for willfully imparting or conveying, or causing to be imparted or conveyed, through the use of the mail, telephone, telegraph, or other instrument of commerce, or any other mode of communication, any threat or false information, knowing the same to be false, concerning an attempt or alleged attempt being made or to be made, to perform any act to damage or destroy by fire or explosive any building, structure, facility, vehicle, dwelling house, synagogue, church, religious center or educational institution, public or private, or (2) to avoid giving testimony in any criminal proceeding relating to such an offense, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(c) Violations of this section may be prosecuted in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement: *Provided, however*, That this section shall not be construed as indicating an intent on the part of Congress to prevent any State, Territory, Commonwealth, or possession of the United States of any jurisdiction over any offense over which they would have jurisdiction in the absence of such section."

SEC. 202. The analysis of chapter 49 of such title is amended by adding thereto the following:

"1074. Flight to avoid prosecution for damaging or destroying any building or other real or personal property or to avoid prosecution for communicating any threat or false information with respect to any attempt to commit such an act."

TITLE III

Federal election records

SEC. 301. Every officer of election shall retain and preserve, for a period of two years from the date of any general, special, or primary election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election, and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply

with this section shall be fined not more than $1,000 or imprisoned not more than one year, or both.

SEC. 302. Any person, whether or not an officer of election or custodian, who wilfully steals, destroys, conceals, mutilates, or alters any record or paper required by section 301 to be retained and preserved shall be fined not more than $1,000 or imprisoned not more than one year, or both.

SEC. 303. Any record or paper requfred by section 301 to be retained and preserved shall, upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying by the Attorney General or his representative. This demand shall contain a statement of the basis and the purpose therefor.

SEC. 304. Any record or paper demanded pursuant to section 303 shall be produced for inspection, reproduction, and copying at the principal office of the person upon whom such demand is made or at an office of the United States attorney in the district in which such records or papers are located.

SEC. 305. Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to this title, or any reproduction or copy, except to Congress and any committee thereof, governmental agencies, and in the presentation of any case or proceeding before any court or grand jury.

SEC. 306. The United States district court for the district in which a demand is made pursuant to section 303, or in which a record or paper so demanded is located, shall have jurisdiction by appropriate process to compel the production of such record or paper.

SEC. 307. As used in this title, the term "officer of election" means any person who, under color of any Federal, State, Commonwealth, or local law, statute, ordinance, regulation, authority, custom, or usage, performs or is authorized to perform any function, duty, or task in connection with any application, registration, payment of poll tax, or other act requisite to voting in any general, special, or primary election at which votes are cast for candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico.

TITLE IV

Civil Rights Commission extended for two years

SEC. 401. Section 105 of the Civil Rights Act of 1957 (42 U.S.C. Supp. V 1975d) (71 Stat. 635) is amended by adding the following new subsection at the end thereof:

"(h) Without limiting the generality of the foregoing, each member of the Commission shall have the power and authority to administer oaths or take statements of witnesses under affirmation."

SEC. 402. Section 105(a) of the Civil Rights Act of 1957 (42 U.S.C. Supp. V 1975d(a)) (71 Stat. 635) is amended by striking out the words "in accordance with the civil service and classification laws," and inserting in lieu thereof the words "without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended."

TITLE V

Education of children of members of Armed Forces

SEC. 501. (a) Subsection (a) of section 6 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as amended, relating to arrangements for the provision of free public education for children residing on Federal property where local educational agencies are unable to provide such education, is amended by inserting after the first sentence the following new sentence: "Such arrangements to provide free public education may also be made for children of members of the Armed Forces on active duty, if the schools in which free public education is usually provided for such children are made unavailable to them as a result of official action by State or local governmental authority and it is the judgment of the Commissioner, after, he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children."

(b) (1) The first sentence of subsection (d) of such section 6 is amended by adding before the period at the end thereof: "or, in the case of children to whom the second sentence of subsection (a) applies, with the head of any Federal department or agency having jurisdiction over the parents of some or all of such children".

(2) The second sentence of such subsection (d) is amended by striking out "Arrangements" and inserting in lieu thereof "Except where the Commissioner makes arrangements pursuant to the second sentence of subsection (a), arrangements".

SEC. 502. (a) Section 10 of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), is amended relating to arrangements for facilities for the provision of free public education for children residing on Federal property where local educational agencies are unable to provide such education, is amended by inserting after the first sentence the following new sentence: "Such arrangements may also be made to provide, on a temporary basis, minimum school facilities for children of members of the Armed Forces on active duty, if the schools in which free public education is usually provided for such children are made unavailable to them as a result of official action by State or local governmental authority and it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children."

(b) Section 10 of such Act is further amended by inserting "(a)" after "SEC. 10.", and by adding at the end thereof the following new subsection:

"(b) Whenever the Commissioner determines that—

"(1) any school facilities with respect to which payments were made under section 7 of this Act, pursuant to an application approved under section 6 after the enactment of this subsection, are not being used by a local educational agency for the provision of free public education, and if it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide such free public education, and

"(2) such facilities are needed in the provision of minimum facilities under subsection (a),

he shall notify such agencies of such determination and shall thereupon have authority to secure possession and use such facilities for the purposes of subsection (a) pursuant to an agreement between such agencies and the Commissioner which includes such terms and conditions as the Commissioner may determine to be necessary to carry out the provisions of this section."

TITLE VI

SEC. 601. That section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), is amended as follows:

(a) Add the following as subsection (e) and designate the present subsection (e) as subsection "(f)":

"In any proceeding instituted pursuant to subsection (c) in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall upon request of the Attorney General and after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has since such finding by the court been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. Such order shall be effective as to any election held within the longest period for which such applicant could have been registered or otherwise qualified under State law at which the applicant's qualifications would under State law entitle him to vote.

"Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with notice of such order to permit any person so declared qualified to vote to vote at an appropriate election shall constitute contempt of court.

"An application for an order pursuant to this subsection shall be heard within ten days, and the execution of any order disposing of such application shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

"The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. In a proceeding before a voting referee, the applicant shall be heard ex parte. His statement under oath shall be prima facie evidence as to his age, residence, and his prior efforts to register or otherwise qualify to vote. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

"Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceeding together with an order to show cause within ten days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered unless prior to that time there has been filed with the court and served upon all parties a statement of exceptions to such report. Exceptions as to matters of fact shall be considered only if supported by a duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts or by statements or matters contained in such report; those relating to matters of law shall be supported by an appropriate memorandum of law. The issues of fact and law raised by such exceptions shall be determined by the court or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court. A hearing as to an issue of fact shall be held only in the event that the proof in support of the exception disclose the existence of a genuine issue of material fact. The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

"The court, or at its direction the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

"Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(c) of the Federal Rules of Civil Procedure. The compensation to be allowed to any persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

"Applications pursuant to this subsection shall be determined expeditiously. In the case of any application filed twenty or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally. In the case of an application filed within twenty days prior to an election, the court, in its discretion, may make such an order. In either case the order shall make appropriate provision for the impounding of the applicant's ballot pending determination of the application. The court may take any other action, and may authorize such referee or such other person as it may designate to take any other action, appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees. This subsection shall in no way be construed as a limitation upon the existing powers of the court.

"When used in the subsection, the word 'vote' includes all action necessary to make a vote effective including, but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election; the words 'affected area' shall mean any subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have violated subsection (a); and the words 'qualified under State law' shall mean qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have violated subsection (a) in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist."

(b) Add the following sentence at the end of subsection (c):

"Whenever, in a proceeding instituted under this subsection, any official of a State or subdivision thereof is alleged to have committed any act or practice constituting a deprivation of any right or privilege secured by subsection (a), the act or practice shall also be deemed that of the State and the State may be joined as a party defendant and, if, prior to the institution of such proceeding, such official has resigned or has been relieved of his office and no successor has assumed such office, the proceeding may be instituted against the State."

TITLE VII

Separability

SEC. 701. If any provision of this Act is held invalid, the remainder of this Act shall not be affected thereby.

Mr. McCULLOCH (interrupting the reading). Mr. Speaker, I ask unanimous consent that further reading of the engrossed copy of the bill be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. WILLIS. Mr. Speaker, reserving the right to object, may I ask up to what point the Clerk had read?

The SPEAKER. Page 2, line 20.

Mr. SMITH of Virginia. Mr. Speaker, further reserving the right to object, would the gentleman from Ohio amend his request to permit the reading of section 302 and then omit the balance of the reading?

Mr. McCULLOCH. Mr. Speaker, I would suggest the reading continue and at the proper time I shall again make my request.

The Clerk continued the reading of the bill.

Mr. CELLER (interrupting the reading). Mr. Speaker, I ask unanimous consent that the further reading of the engrossed copy be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. POFF. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. POFF. I am, Mr. Speaker.

The SPEAKER. The gentleman qualifies. The clerk will report the motion to recommit.

The Clerk read as follows:

Mr. POFF moves to recommit the bill to the Committee on the Judiciary with instructions to report the same forthwith back to the House with the following amendment: On page 1, line 11, and on page 2, line 1, after the words "Whoever corruptly, or by threats or force," strike out the words "or by any threatening letter or communication,".

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

Mr. COLMER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COLMER. Do I correctly understand that the motion to recommit contains the provision for the so-called Whitener amendment to section 1 of the bill?

The SPEAKER. That would hardly be a parliamentary inquiry. The Clerk has just read the motion.

Mr. POFF. Mr. Speaker, I demand the yeas and nays on the motion to recommit.

The yeas and nays were ordered.

The question was taken, and there were—yeas 118, nays 304, answered "present" 1, not voting 8, as follows:

[Roll No. 34]

YEAS—118

Abbitt	Fountain	Passman
Abernethy	Frazier	Patman
Alexander	Gary	Pilcher
Alford	Gathings	Poage
Alger	Grant	Poff
Andrews	Haley	Preston
Ashmore	Hardy	Rains
Bass, Tenn.	Harmon	Ray
Beckworth	Harris	Riley
Bennett, Fla.	Harrison	Rivers, S.C.
Bennett, Mich.	Hébert	Roberts
Berry	Hemphill	Rogers, Fla.
Boggs	Herlong	Rogers, Tex.
Bonner	Hoffman, Mich.	Rutherford
Bow	Huddleston	Scott
Boykin	Hull	Selden
Brooks, La.	Ikard	Sikes
Brooks, Tex.	Jennings	Smith, Kans.
Brown, Ga.	Jensen	Smith, Miss.
Broyhill	Johansen	Smith, Va.
Budge	Jonas	Spence
Burleson	Jones, Ala.	Steed
Casey	Jones, Mo.	Teague, Tex.
Cheif	Kilday	Thomas
Colmer	Kilgore	Thompson, La.
Cooley	Kitchin	Thompson, Tex.
Cramer	Landrum	Thornberry
Davis, Ga.	Lennon	Trimble
Davis, Tenn.	Loser	Tuck
Dorn, S.C.	McMillan	Utt
Dowdy	McSween	Vinson
Downing	Mahon	Whitener
Durham	Mason	Whitten
Elliott	Matthews	Williams
Everett	Mills	Willis
Evins	Mitchell	Winstead
Fascell	Morrison	Wright
Fisher	Murray	Young
Flynt	Norrell	
Forrester	Oliver	

NAYS—304

Adair	Burdick	Dorn, N.Y.
Addonizio	Burke, Ky.	Doyle
Albert	Burke, Mass.	Dulski
Allen	Byrne, Pa.	Dwyer
Andersen, Minn.	Byrnes, Wis.	Edmondson
Anfuso	Cahill	Fallon
Ashley	Canfield	Farbstein
Aspinall	Cannon	Feighan
Auchincloss	Carnahan	Fenton
Avery	Chiperfield	Fino
Ayres	Celler	Flood
Bailey	Chamberlain	Flynn
Baker	Chenoweth	Fogarty
Baldwin	Church	Foley
Barling	Clark	Forand
Barr	Coad	Ford
Barrett	Coffin	Frelinghuysen
Barry	Cohelan	Friedel
Bass, N.H.	Collier	Fulton
Bates	Conte	Gallagher
Baumhart	Cook	Garmatz
Becker	Corbett	Gavin
Belcher	Cunningham	George
Bentley	Curtin	Giaimo
Betts	Curtis, Mass.	Gilbert
Blatnik	Curtis, Mo.	Glenn
Boland	Daddario	Goodell
Bolling	Dague	Granahan
Bolton	Daniels	Gray
Bosch	Dawson	Green, Oreg.
Bowles	Delaney	Green, Pa.
Brademas	Dent	Griffin
Bray	Denton	Griffiths
Breeding	Derounian	Gross
Brewster	Derwinski	Gubser
Brock	Devine	Hagen
Broomfield	Diggs	Halleck
Brown, Mo.	Dingell	Halpern
Brown, Ohio	Dixon	Hargis
Buckley	Donohue	Hays
	Dooley	Healey

Hechler	Magnuson	Robison
Henderson	Mailliard	Rodino
Hess	Marshall	Rogers, Colo.
Hiestand	Martin	Rogers, Mass.
Hoeven	May	Rooney
Hoffman, Ill.	Meader	Roosevelt
Hogan	Merrow	Rostenkowski
Holifield	Metcalf	Roush
Holland	Meyer	St. George
Holt	Michel	Santangelo
Holtzman	Miller, Clem	Saund
Horan	Miller, George P.	Saylor
Hosmer	Miller, N.Y.	Schenck
Inouye	Milliken	Scherer
Irwin	Moeller	Schwengel
Jarman	Monagan	Shelley
Johnson, Calif.	Montoya	Sheppard
Johnson, Colo.	Moore	Shipley
Johnson, Md.	Moorhead	Short
Johnson, Wis.	Morgan	Siler
Judd	Morris, N. Mex.	Simpson
Karsten	Morris, Okla.	Sisk
Karth	Moss	Slack
Kasem	Moulder	Smith, Calif.
Kastenmeier	Multer	Smith, Iowa
Kearns	Mumma	Springer
Kee	Murphy	Staggers
Keith	Natcher	Stratton
Kelly	Nelsen	Stubblefield
Keogh	Nix	Sullivan
Kilburn	Norblad	Taber
King, Calif.	O'Brien, Ill.	Taylor
King, Utah	O'Brien, N.Y.	Teague, Calif.
Kluczynski	O'Hara, Ill.	Teller
Knox	O'Hara, Mich.	Thompson, N.J.
Kowalski	O'Konski	Thomson, Wyo.
Kyl	O'Neill	Toll
Lafore	Osmers	Tollefson
Laird	Ostertag	Udall
Lane	Pelly	Ullman
Langen	Perkins	Vanik
Lankford	Pfost	Van Pelt
Latta	Philbin	Van Zandt
Lesinski	Pillion	Wainwright
Levering	Pirnie	Wallhauser
Libonati	Porter	Walter
Lindsay	Price	Wampler
Lipscomb	Prokop	Watts
McCormack	Pucinski	Weaver
McCulloch	Quie	Weis
McDonough	Quigley	Westland
McDowell	Rabaut	Wharton
McFall	Randall	Widnall
McGinley	Reece, Tenn.	Wier
McGovern	Rees, Kans.	Wilson
McIntire	Reuss	Withrow
Macdonald	Rhodes, Ariz.	Wolf
Machrowicz	Rhodes, Pa.	Yates
Mack, Ill.	Riehlman	Younger
Mack, Wash.	Rivers, Alaska	Zablocki
Madden		Zelenko

ANSWERED "PRESENT"—1

Jackson

NOT VOTING—8

Anderson, Mont.	Barden	Kirwan
	Blitch	Minshall
Arends	Chiperfield	Powell

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Barden for, with Mr. Kirwan against.

Mr. Jackson for, with Mr. Chiperfield against.

Until further notice:

Mr. Powell with Mr. Minshall.

Mr. Anderson of Montana with Mr. Arends.

Mr. PATMAN changed his vote from "nay" to "yea."

Mr. CEDERBERG changed his vote from "yea" to "nay."

Mr. JACKSON. Mr. Speaker, I have a live pair with the gentleman from Illinois [Mr. CHIPERFIELD]. If he were present he would have voted "nay." I voted "yea." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. McCULLOCH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 311, nays 109, answered "present" 2, not voting 9, as follows:

[Roll No. 35]

YEAS—311

Adair	Feighan	Mack, Ill.
Addonizio	Fenton	Mack, Wash.
Albert	Fino	Madden
Allen	Flood	Magnuson
Andersen, Minn.	Flynn	Mailliard
	Fogarty	Marshall
Anfuso	Foley	Martin
Ashley	Forand	May
Aspinall	Ford	Merrow
Auchincloss	Frelinghuysen	Metcalf
Avery	Friedel	Meyer
Ayres	Fulton	Michel
Bailey	Gallagher	Miller, Clem
Baker	Garmatz	Miller
Baldwin	Gavin	George, P.
Baring	George	Miller, N.Y.
Barr	Giaimo	Milliken
Barrett	Gilbert	Moeller
Barry	Glenn	Monagan
Bass, N.H.	Goodell	Montoya
Bates	Granahan	Moore
Baumhart	Gray	Moorhead
Becker	Green, Oreg.	Morgan
Belcher	Green, Pa.	Morris, N. Mex.
Bentley	Griffin	Moss
Berry	Gross	Moulder
Betts	Gubser	Multer
Blatnik	Hagen	Mumma
Boland	Halleck	Murphy
Bolling	Halpern	Natcher
Bolton	Hargis	Nelsen
Bosch	Hays	Nix
Bow	Healey	Norblad
Bowles	Hechler	O'Brien, Ill.
Brademas	Henderson	O'Brien, N.Y.
Bray	Hess	O'Hara, Ill.
Breeding	Hiestand	O'Hara, Mich.
Brewster	Hoeven	O'Konski
Brock	Hoffman, Ill.	O'Neill
Broomfield	Hogan	Oliver
Brown, Mo.	Holifield	Osmers
Brown, Ohio	Holland	Ostertag
Buckley	Holt	Pelly
Burdick	Holtzman	Perkins
Burke, Ky.	Horan	Pfost
Burke, Mass.	Hosmer	Philbin
Byrne, Pa.	Hull	Pillion
Byrnes, Wis.	Inouye	Pirnie
Cahill	Irwin	Porter
Canfield	Jarman	Price
Cannon	Johnson, Calif.	Prokop
Carnahan	Johnson, Colo.	Pucinski
Cederberg	Johnson, Md.	Quie
Celler	Johnson, Wis.	Quigley
Chamberlain	Judd	Rabaut
Chelf	Karsten	Randall
Chenoweth	Karth	Ray
Church	Kasem	Reece, Tenn.
Clark	Kastenmeier	Rees, Kans.
Coad	Kearns	Reuss
Coffin	Kee	Rhodes, Ariz.
Cohelan	Keith	Rhodes, Pa.
Collier	Kelly	Riehlman
Conte	Keogh	Rivers, Alaska
Cook	Kilday	Robison
Corbett	Kilgore	Rodino
Cunningham	King, Calif.	Rogers, Colo.
Curtin	King, Utah	Rogers, Mass.
Curtis, Mass.	Kluczynski	Rooney
Curtis, Mo.	Knox	Roosevelt
Daddario	Kowalski	Rostenkowski
Dague	Kyl	Roush
Daniels	Lafore	St. George
Dawson	Laird	Santangelo
Delaney	Lane	Saund
Dent	Langen	Saylor
Denton	Lankford	Schenck
Derounian	Latta	Scherer
Derwinski	Lesinski	Schwengel
Devine	Levering	Shelley
Diggs	Libonati	Sheppard
Dingell	Lindsay	Shipley
Dixon	Lipscomb	Short
Donohue	McCormack	Siler
Dooley	McCulloch	Simpson
Dorn, N.Y.	McDonough	Sisk
Doyle	McDowell	Slack
Duleski	McFall	Smith, Calif.
Dwyer	McGinley	Smith, Iowa
Edmondson	McGovern	Springer
Fallon	McIntire	Staggers
Farbstein	Macdonald	Steed
Fascell	Machrowicz	Stratton
Stubblefield	Vanik	Widnall
Sullivan	Van Pelt	Wier
Taylor	Van Zandt	Wilson
Teague, Calif.	Wainwright	Withrow
Teller	Wallhauser	Wolf
Thompson, N.J.	Walter	Wright
Thomson, Wyo.	Wampler	Yates
Thornberry	Watts	Younger
Toll	Weaver	Zablocki
Tollefson	Weis	Zelenko
Udall	Westland	
Ullman	Wharton	

NAYS—109

Abbitt	Frazier	Passman
Abernethy	Gary	Patman
Alexander	Gathings	Pilcher
Alford	Grant	Poage
Alger	Haley	Poff
Andrews	Hardy	Preston
Ashmore	Harmon	Rains
Bass, Tenn.	Harris	Riley
Beckworth	Harrison	Rivers, S.C.
Bennett, Fla.	Hébert	Roberts
Bennett, Mich.	Hemphill	Rogers, Fla.
Boggs	Herlong	Rogers, Tex.
Bonner	Hoffman, Mich.	Rutherford
Boykin	Huddleston	Scott
Brooks, La.	Ikard	Selden
Brooks, Tex.	Jennings	Sikes
Brown, Ga.	Jensen	Smith, Kans.
Broyhill	Johansen	Smith, Miss.
Budge	Jonas	Smith, Va.
Burleson	Jones, Ala.	Spence
Casey	Jones, Mo.	Taber
Colmer	Kitchin	Teague, Tex.
Cooley	Landrum	Thomas
Cramer	Lennon	Thompson, La.
Davis, Ga.	Loser	Thompson, Tex.
Davis, Tenn.	McMillan	Trimble
Dorn, S.C.	McSween	Tuck
Dowdy	Mahon	Utt
Downing	Mason	Vinson
Durham	Matthews	Whitener
Elliott	Meader	Whitten
Everett	Mills	Williams
Evins	Mitchell	Willis
Fisher	Morris, Okla.	Winstead
Flynt	Morrison	Young
Forrester	Murray	
Fountain	Norrell	

ANSWERED "PRESENT"—2

Jackson Kilburn

NOT VOTING—9

Anderson, Mont.	Blitch	Minshall
	Chiperfield	Powell
Arends	Griffiths	
Barden	Kirwan	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Arends for, with Mr. Kilburn against.

Mr. Chiperfield for, with Mr. Jackson against.

Mr. Kirwan for, with Mr. Barden against.

Mrs. Griffiths for, with Mrs. Blitch against.

Until further notice:

Mr. Powell with Mr. Minshall.

Mr. JACKSON. Mr. Speaker, I have a live pair with the gentleman from Illinois [Mr. CHIPERFIELD]. Had he been present he would have voted "yea." I voted "nay." I ask unanimous consent to withdraw my vote and answer "present."

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. KILBURN. Mr. Speaker, on this vote I voted "nay." I have a live pair with the gentleman from Illinois [Mr. ARENDS]. Had he been present he would have voted "yea." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

Mr. STRATTON. Mr. Speaker, I am happy to join today in voting for the passage of H.R. 8601, the so-called civil

rights bill. In my judgment passage of this legislation today represents a historic legislative milestone of which all Members of this House can be proud. Because of the parliamentary situation that exists, it is entirely likely that the bill we are passing here today will go onto the statute books in virtually this same form.

Basically this bill does only one thing, Mr. Speaker, and that is to guarantee the right to vote to all citizens of our country regardless of their race, creed, or color. For the first time Congress is about to put upon the books legislation to give real meaning to the 15th amendment to our Constitution. As the distinguished Attorney General of the United States said the other day, either we must take steps now to enforce this amendment and make it a reality or else we should repeal it. Certainly no one, I am sure, would suggest that we ought to repeal this basic and important freedom guaranteed by our Constitution. So we must see that it is made meaningful, and that is precisely what this legislation will do. And after all the shouting is over, I am sure that no Member would really want to stand up in this body and say that he wants to oppose legislation that would give people the right to vote regardless of their race, creed, or color.

Mr. Speaker, the legislation that we are passing today is, in my judgment, moderate legislation. It represents the very least which we in America can and should do and still hold up our heads in today's world as the great exponent of human personal freedom. Personally, I would have preferred to see legislation which went farther in guaranteeing the rights of American citizens in other fields than this bill goes. But at least the right to vote is basic in our system, and in insuring the right to vote we are, in a very real sense, also laying the groundwork for further advances in other directions toward an America in which all citizens will have equal opportunity to enjoy the blessings of happiness and freedom.

Mr. Speaker, we have heard a good deal in the many days in which the House has been debating this legislation about some of the dire effects that might occur if this legislation were adopted. Frankly, I do not believe anyone seriously thinks that any of these gruesome predictions are likely to develop. In fact, it is my hope that this legislation will accomplish its basic purpose primarily as a preventive rather than a cure. For with this legislation on the books I am sure we will have created an incentive on the part of local officials to make sure that there does not develop the kind of pattern of discrimination that would require invoking the measures provided by this law. Any official who might disapprove of the machinery we are setting up here can always forestall its application to his community simply by seeing to it that men and women are not discriminated against because of their race, creed, or color when it comes to voting.

May I say, finally, Mr. Speaker, that I want to commend all my colleagues, and especially those from the southern area of our country who have been so vigorously opposed to this legislation, for the fine, statesmanlike way in which they have conducted themselves during this debate. I also want to express my great admiration for the splendid job that has been done here by my colleague, the distinguished dean of the New York delegation, the gentleman from New York [Mr. CELLER], in steering this legislation through to completion, as well as for the outstanding job, during these many long and tiring hours, done by the gentleman from Ohio [Mr. McCULLOCH]. The legislation we have here today is truly a bipartisan bill and all of us, I believe, can take pride in having been a part of this bit of history in the making today.

Mr. MEADER. Mr. Speaker, I voted against the motion to recommit of the gentleman from Virginia [Mr. POFF] and I voted against the bill, H.R. 8601.

If the motion to recommit had been a straight motion to send the bill back to the Judiciary Committee for further study, I would have supported it. This technical measure relating to rules of Federal judicial procedure deserves the intensive study of the Judiciary Committee and the best legal talent the committee can assemble. Laws passed to enforce the 15th amendment, particularly the Civil Rights Act of 1957, must be made stronger and more effective. But this must not be accomplished at the expense of violating basic provisions of the U.S. Constitution. The Judiciary Committee could rereport the bill promptly so that it could be passed in this session of Congress.

The motion of the gentleman from Virginia [Mr. POFF], however, was merely an amendment to title I of H.R. 8601 to strike a phrase which has appeared in Federal criminal statutes for the last 60 years. I could not support it.

Mr. Speaker, I have always stood for equal treatment under the law and opposed discrimination. I voted for the Civil Rights Act of 1957, the first major legislation in 85 years to enforce the 15th amendment. Last year, as a member of the Judiciary Committee of the House and its Antitrust Subcommittee, I supported the administration's civil rights bill and after weeks of painstaking and meticulous consideration by the Judiciary Committee, I voted to report out H.R. 8601 and intended to stand with the committee in opposing weakening amendments and to vote for the bill on final passage.

I did oppose such amendments during consideration in committee on the 5-minute rule, including the Whitener amendment which was identical with the amendment contained in the motion to recommit. I also opposed the Budge and Johansen amendments which sought to limit the voting rights of Negroes to elections where candidates for Federal offices were on the ballot.

As a member of the Judiciary Committee I felt it was my responsibility to the House and to the country to study and analyze as completely as I could the voting referee proposal advanced for the first time by the Justice Department January 26, 1960, less than 2 months ago. My study of that proposal during our abbreviated hearings—only two witnesses—and my discussion with colleagues on the Judiciary Committee, with staff lawyers and other lawyers and my own legal research, convinced me that the voting referee proposal was clearly unconstitutional, that it was a rash and revolutionary revision of the rules of Federal civil judicial procedure, that it sought to pervert the Federal judicial system by thrusting upon it ministerial, nonjudicial functions, that it violated the rules of fairplay guaranteed to litigants by the due process clause of the Constitution and that it invaded the powers vested by the U.S. Constitution in the people of the several States. This proposal threatened the equilibrium of the delicate system of checks and balances whereby our unique American Federal system has made possible the maximum liberty and individual self-determination known to any system of government in the history of mankind.

Mr. Speaker, I was not content merely to oppose this unconstitutional proposal advanced by the Attorney General. I sought in a constructive manner first to work out an alternative to strengthen and improve the Civil Rights Act of 1957 in the light of the 2½ years' experience in its enforcement and the litigation brought under it without violating the U.S. Constitution in the fashion I have described above. The majority of the House rejected that alternative.

I then offered individual amendments and supported those offered by others to remove many of the objectionable unconstitutional features of the voting referee proposal. Those efforts, likewise, failed to accomplish the main goal but did achieve the more limited objective of reshaping the voting referee proposal so that its final version was far less objectionable than its first. In that limited accomplishment I take some pride since I am sure that if my voice and the voices of others had not been raised in protest against the original, hastily drafted voting referee proposal, it would not have been perfected even to the point that it was.

Aside from the propaganda benefit it is an idle act for Congress to pass a law which cannot be upheld. I can think of nothing more harmful to the long-range objective of equal suffrage for all citizens than to adopt in an emotionally charged atmosphere a measure so harsh and so violative of basic constitutional provisions that it would be held a nullity.

Mr. Speaker, I did my best to shape H.R. 8601 and the belatedly added voting referee proposal into a law which would mean real, solid progress in the field of civil rights. I wanted to vote for it. But when te House grafted onto it a voting referee proposal which, in my judgment, contains serious, unconstitutional, and unwise provisions, I could not. Under my oath to support and defend the Constitution without any mental reservation or purpose of evasion, I

had no choice but to vote against the measure.

Mr. Speaker, for convenience I include at this point CONGRESSIONAL RECORD references to the amendments I offered and the remarks I made during the debate on H.R. 8601.

March 10, 1960, remarks on my bill, H.R. 11042, an alternative voting referee proposal, pages 5196 and 5221–5222.

March 14, 1960, my amendment to McCulloch substitute containing substance of H.R. 11042, page 5489.

March 15, 1960, remarks on my amendment to McCulloch substitute and remarks on Kastenmeier amendment, pages 5635–5641, 5655.

March 16, 1960, remarks on O'Hara amendment, pages 5755, 5762, 5779.

March 18, 1960, remarks on my amendment to make ex parte referee proceedings discretionary with the judge rather than mandatory, pages 6010–6011, 6014, 6016; remarks on Budge amendment, pages 6019–6020, 6024.

March 21, 1960, remarks on Johansen amendment, pages 6161–6162.

March 22, 1960, remarks on my amendment re alternate referee proposal, pages 6285–6286; remarks on my amendment re permissive ex parte proceedings, pages 6288–6295.

REPORTS FROM COMMITTEE ON APPROPRIATIONS

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight Friday, March 25, 1960, to file reports on general government matters appropriation bill for 1961, and the appropriation for health, education, and welfare.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. TABER reserved all points of order on the bills.

LEGISLATIVE PROGRAM

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to proceed for 1 minute for the purpose of inquiring of the majority leader as to the program for the balance of the week and for next week.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. McCORMACK. For the balance of this week there are several resolutions from the Committee on House Administration which will be acted upon right away.

Mr. HALLECK. May I inquire of the gentleman, I understood there were three to be called up.

Mr. McCORMACK. I understand there are several more, but I understood they were cleared with the gentleman.

Mr. HALLECK. I had better discuss that with the gentleman later.

Mr. McCORMACK. I announced that there would be three resolutions called up today. I suggest that they wait until Tuesday next to call up any other resolutions.

Mr. HALLECK. I think that would be preferable.

Mr. McCORMACK. I do not like matters to be brought up unless the House has had notice that they are coming up.

Continuing with the program for next week:

Monday will be District Day, and there are seven bills on the District Calendar:

H.R. 10964, to amend the Life Insurance Act of 1934, as amended.

H.R. 10761, indigents, representation in courts.

H.R. 10000, refunds, inheritance taxes.

S. 1159, Alley Dwelling Authority, acquisition of property.

H.R. 10183, amend Fire and Casualty Act.

H.R. 10683, automobile sales, finance charges.

H.R. 10684. Adjusted premiums, Life Insurance Act.

General Government matters appropriation bill for 1961.

House Concurrent Resolution 582, disposal of rubber from stockpile.

S. 1795, Armed Forces promotion and retirement of certain officers.

If any of these other bills are not disposed of on Monday they will follow the appropriation bill for Tuesday.

Tuesday there will be the Labor, Health, Education and Welfare Departments appropriation bill for 1961. There are also several privileged matters to be brought up on Tuesday, out of the House Administration Committee.

I make the usual reservation that any further program will be announced later, and that conference reports may be called up at any time.

Mr. BURLESON. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield.

Mr. BURLESON. Do I understand the majority leader to suggest that the resolutions for printing which he read be carried over until next week? There is also an election contest that it is intended to be called up today.

Mr. McCORMACK. I have given no indication of that to the House yet, but I understand that in the contested election case there is a unanimous report.

Mr. BURLESON. That is correct.

Mr. McCORMACK. I doubt if anyone would object to that.

Mr. BURLESON. I certainly think they would not.

Mr. McCORMACK. Then there are three resolutions to come up today from the Accounts Subcommittee, one to provide an additional $15,000 for the Committee on Interior and Insular Affairs; a second one to provide an additional $168,000 for the Committee on Education and Labor; and one to provide $400,000 for the Committee on Government Operations.

Mr. HALLECK. Is it the gentleman's purpose to adjourn over the weekend?

Mr. McCORMACK. Yes. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CALENDAR WEDNESDAY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that business in order on Calendar Wednesday next week may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Masachusetts?

There was no objection.

PERMISSION TO FILE REPORTS

Mr. BAILEY. Mr. Speaker, on behalf of the gentleman from North Carolina [Mr. BARDEN], I ask unanimous consent that the Committee on Education and Labor have until midnight March 25 to file a report on the bill H.R. 10128, and that minority views may be included therewith.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may have until midnight Friday to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

POST OFFICE DEPARTMENT'S DISTRIBUTION GUIDE SYSTEM

Mr. GARY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GARY. Mr. Speaker, I have received a letter under date of March 21, 1960, from the Postmaster General. This letter provides an explanation of the Post Office Department's distribution guide system. I believe a copy of the letter has been received by every Member of Congress, or will be received, and I strongly recommend that each Member read it carefully and thoughtfully.

I am proud of those improvements in management and efficiency which have been brought about over the years by the continuing cooperation between the Postmaster General and our House Subcommittee on Appropriations for the Treasury and Post Office Department, which it is my privilege to chair. The dedication of the Postmaster General and his staff are well known to all of us. Indeed, the high quality of the great majority of employees in the postal service is an established tradition over many, many years under many administrations. I know the Postmaster General is right in stating as he does in his letter of March 21, that "we are confident that the overwhelming majority of post-office employees want to perform a fair day's work for a day's pay."

The distribution guide system deserves a fair trial and I am confident it will receive a fair trial from employees of the postal service. The Post Office Department is strongly on record in the hearings conducted by our subcommittee and again in the Postmaster General's letter of March 21, that the distribution guide system is eminently fair, that it is based on minimum standards, and that it has demonstrated very substantial savings in actual practice. Testimony received during the hearings disclosed that savings annually in one office would amount to $1 million, and we are told that the system will be installed in the 292 largest post offices.

The reductions recommended by the Appropriations Committee and sustained by the House appear modest indeed when viewed in this perspective. We might have cut much more, in expectation of many duplications of the million-dollar saving reported from just one post office, but we have recognized from the very beginning that the full benefits of such a change could not be realized immediately. We have chosen a moderate course which permits the Post Office Department the necessary latitude and freedom to operate effectively and to proceed in an orderly manner with the installation of the distribution guide system and other aspects of the program to modernize the postal system. These things can be accomplished only in an atmosphere of fairness and willingness to bring about improvements, so I support the Postmaster General in his plea for objectivity in regard to the distribution guide system.

The letter follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D.C., March 21, 1960.

Hon. J. VAUGHAN GARY,
House of Representatives, Washington, D.C.

DEAR CONGRESSMAN GARY: Because many Members of Congress are receiving letters from representatives of post office clerks organizations in the larger post offices protesting the Department's distribution guides system, I believe it will be helpful both to you and to the Department to give you a complete explanation of what is involved in that program.

The distribution guides are minimum rates of performance in terms of number of pieces of mail processed per minute and per hour provided for the information and guidance of individual employees. The rates are applicable only to the time during which the employee is actually engaged in processing the mail.

The guides were first published in the Postal Bulletin of November 20, 1958. A copy of the Postal Bulletin notice is attached. The notice shows the rates of performance and clearly sets forth the Department's reasons for publishing these guides.

Apparently, because no system was provided whereby employees could be informed of their production, publication of the performance guides had little or no effect in most post offices throughout the country. However, at Brooklyn, N.Y., after several weeks of intensive study and conferences with officers of employees' local organizations, the postmaster instituted a system of recording individual employee performance and notifying each employee every day of the production rate attained by him on the preceding day. This system, which was placed in operation early in March 1959, immediately resulted in a phenomenal increase in production in the Brooklyn post office. Within a very short time practically all of the 1,600 employees involved were performing at or above the guides rates on a sustained basis. Before the end of the year it was apparent that increased productivity in Brooklyn was resulting in a major reduction in operating costs.

It was in the light of this experience that the Department decided to implement the distribution guides system in the 292 largest post offices along the general lines developed at Brooklyn. Implementation began early in January 1960. The system is now in operation in 103 post offices and will be implemented in the remaining 189 post offices having annual receipts of approximately $1 million or more well before the end of the current fiscal year.

The guides rates are based upon actual performance in 43 of our largest post offices over a period of 1 year as reported under the work performance standards system which has been in effect since 1953. The guides do not purport to represent optimum performance but rather the minimum amount of work an employee should accomplish during the time he is actually engaged in performing the respective mail handling functions.

The guides system recognizes that employees do not spend full time on these particular mail handling operations. Among other duties, a certain amount of time is needed by the employee to obtain the mail for distribution and to dispose of the mail which he has distributed. It is also necessary that the employee absent himself from his post of duty from time to time for personal reasons. The employee is not expected to itemize the reasons for lapses in actual distribution but he is required to record the period of such lapses under the general heading of "Non Distribution Time."

We in the Department have been well aware from the beginning that if the guides program was to have a beneficial effect the rates of performance had to be entirely fair and reasonable. Before the guides were published, they were reviewed by a number of people who had long years of mail handling experience, including national officers of employee organizations. None of those who reviewed the guides expressed any opinion other than that they were eminently fair and reasonable, and some expressed the opinion that they were too low.

The employees' representatives generally have not protested that the rates as published are too high. Rather, they have contended that as soon as substantial numbers of employees begin to exceed these rates they undoubtedly will be raised by the Department. I assure you that we have no such plans.

The question has been raised as to whether there is any real need for the distribution guides program in the postal service. As you may know, our estimated expenditure for clerk hire during the current fiscal year exceeds $1.3 billion. This represents more than one-third of our total Post Office Department budget. The major portion of this clerk hire is devoted to mail handling operations covered by the distribution guides system. Prior to the institution of this system, none of these employees had been told what rate of individual performance they were expected to achieve. While some people object to any performance indicators, we believe the great majority of our employees like to know what is expected of them and are proud of their performance records.

We are confident that the overwhelming majority of post office employees want to perform a fair day's work for a day's pay. The distribution guides system merely defines in easily understood terms what the Department considers to be acceptable performance. Over the years, many thousands of our employees have consistently exceeded the guides rates in their daily performance. Despite the reasonableness of the rates, however, in every post office where the system has been installed, a material increase in production has immediately been apparent.

Also, the very nature of the postal service requires that employees work constantly against time. If we are to provide adequate mail service, every employee engaged in processing the mail needs to have a sense of urgency about the performance of his job. The time available for processing outgoing mail is always very limited if we are to connect dispatches of value and the same is true with respect to incoming mails being processed in time to connect with carrier delivery schedules. Reports from the field show conclusively that under the distribution guides system the mail service is being materially improved.

Every effort has been made at all levels of management of the postal service to allay any apprehensions which the employees might feel relative to the installation of the distribution guides system.

Conferences were held in the Department with national officers of the employees organizations before original publication of the distribution guides. Similar conferences were held in advance of implementing the distribution guides system. In every post office where the system is installed, extensive preinstallation conferences are held by regional and departmental officials with the postmaster, supervisors, and employees.

Most careful consideration has been given to every employee complaint against the distribution guides system which has reached the Department.

Following are statements of complaints most frequently voiced, followed by the Department's comment with respect to each:

1. The distribution guides system is a speedup system which is injurious to the physical and mental health of the employees.

We expect accelerated performance only to the extent necessary to produce a reasonable minimum amount of work. Performance rates reflected in the guides are being and, over the years, have been met and exceeded by thousands of employees without harmful effects.

2. The system is especially burdensome on the aged and physically handicapped employees, including disabled veterans.

We are confident that the performance rates prescribed by the guides are readily attainable by all employees. However, postmasters and supervisors are instructed to see to it that under no circumstances are they to permit the system to operate to the detriment of any employee who performs his duties in a conscientious manner.

3. Although the existing guides are reasonable, the Department is sure to increase the requirements to the point where they will become intolerable.

There is no intention of increasing performance rates currently required by the guides. For years letter carriers, rural carriers, and custodial employees have operated under definite individual performance criteria. These criteria have not been raised even though they are universally met. There is absolutely no basis for the contention of the clerks in this regard.

4. The distribution guides system was designed to provide the Department with a basis for taking punitive action against its employees.

Nothing could be further from the truth. The contention is ridiculous and is at complete variance with the record of this Department's treatment of its employees. No disciplinary action has been taken and not a single specific employee grievance has arisen as a result of this program. On the other hand, the Department never has and will not in the future countenance improper conduct or deliberate malingering on the part of any employee.

5. The system of determining the number of pieces processed by an individual through linear measurement is unfair because the number of pieces in a linear foot of mail varies according to mix.

Standard rates of conversion of linear measurements of mail to pieces have been arrived at after exhaustive tests. The variation in number of pieces in the regular mix of mail is inconsequential. Whenever there are unusual mailings involved such as Treasury checks, utility bills, postcards, and the like, provision is made in the guides system for special conversion rates to be applied.

6. The strain on the individual caused by having to meet the guides will cause good employees to leave the service, thus resulting in costly turnover.

There has been no evidence whatever that employees have suffered any ill effects from this program. At Brooklyn, N.Y., where the system has been operating longest, the rate of employee turnover has averaged lower under the guides program than during a comparable period prior to its installation.

7. The system is costly in terms of the manpower required to keep performance records.

Actually, the manpower required to maintain records of performance under the guides program is much less than is required for other work performance systems. We are now developing an integrated system of mail volume and manpower reporting based on the distribution guides system which will result in a net reduction in the number of people who were engaged in such record-keeping before the guides system was installed.

I trust that this letter will serve to provide you with a full explanation of the Department's distribution guides program. I shall be very glad to see that you are supplied with any additional information which you may desire.

Sincerely yours,

ARTHUR E. SUMMERFIELD,
Postmaster General.

[First- and second-class post offices, AMF's and terminals]

GUIDES FOR EMPLOYEES PERFORMING BASIC MAIL HANDLING DUTIES

The chart below lists certain distribution rates to be used by clerks as guides in evaluating their own production and by postmasters and supervisors in evaluating the production effectiveness of individual employees engaged in these basic mail handling operations. It was prepared in response to numerous requests from the field service for a distribution rate guide.

These guides are not to be considered as substitutes for the work performance standards system which has been installed to evaluate the overall effectiveness of groups of employees performing work in units or work centers. In installations having the revised WPS system those distribution rates shall be posted for the information and guidance of the supervisors and employees concerned.

While it is realized that there are variables in similar operations which affect the rates of production from office to office, the guides listed below are productivity rates which are being equaled or exceeded regularly by thousands of employees. These guides do not represent ideal productivity rates but the minimum an average employee should produce without difficulty.

Any clerk who finds that he is not maintaining a satisfactory production rate should carefully examine his methods and procedures and make whatever adjustments are necessary to increase his productivity to an acceptable level.

If after reasonable guidance and counseling an employee demonstrates inability to process his work at a satisfactory rate, the postmaster or terminal manager should give consideration to reassigning the employee to duties which he can perform in an acceptable manner. In reviewing the output of an employee, supervisors must consider not only the rate of production but also the constancy and accuracy of the employee's work. It is important that this be done over a sufficient period so that variations in mail mix, etc., will not lead to unfair conclusions.

(See pt. 715 of Postal Manual.)

Mail-handling operations	Number of pieces of mail	
	Per minute	Per hour
Facing table:		
With bridge	50	3,000
Without bridge	55	3,300
Outgoing distribution:		
Letter primary	39	2,340
Letter secondary	38	2,280
Flats primary	30	1,800
Flats secondary	26	1,560
Parcel post primary	15	900
Parcel post secondary	9	540
Incoming distribution:		
Letter primary:		
3,000 or less scheme items	30	1,800
Over 3,000 scheme items	28	1,680
Letter secondary	26	1,560
Flat primary:		
3,000 or less scheme items	21	1,260
Over 3,000 scheme items	20	1,200
Flat secondary	20	1,200
Parcel post primary	13	780
Parcel post secondary	9	540

ELECTION OF MEMBER TO COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. MILLS. Mr. Speaker, I send to the Clerk's desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution (H. Res. 484) as follows:

Resolved, That CHARLES A. VANIK, of Ohio, be, and he is hereby, elected a member of the standing committee of the House of Representatives on the District of Columbia.

The resolution was agreed to.

PROMOTION AND INVOLUNTARY RETIREMENT OF OFFICERS OF THE REGULAR COMPONENTS OF THE ARMED FORCES

Mr. BOLLING (on behalf of Mr. THORNBERRY), from the Committee on Rules, reported the following privileged resolution (H. Res. 485, Rept. No. 1417), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 1795) to amend title 10, United States Code, to revise certain provisions relating to the promotion and involuntary retirement of officers of the regular components of the Armed Forces. After general debate, which shall be confined to the bill, and shall continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the 5-minute rule. It shall be in order to consider the substitute amendment recommended by the Committee on Armed Services now in the bill, and such substitute for the purpose of amendment shall be considered under the 5-minute rule as an original bill. At the conclusion of such consideration the committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or Committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

STRATEGIC AND CRITICAL MATERIALS STOCKPILING ACT

Mr. BOLLING (on behalf of Mr. DELANEY), from the Committee on Rules, reported the following resolution (H. Res. 486, Rept. No. 1418), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution (H. Con. Res. 582) providing under section 3(e) of the Strategic and Critical Materials Stockpiling Act, the express approval of the Congress for the disposal from the national stockpile of approximately four hundred and seventy thousand long tons of natural rubber. After general debate, which shall be confined to the resolution, and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the resolution for amendment, the Committee shall rise and report the resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

EMPLOYMENT OF RETIRED COMMISSIONED OFFICERS BY CONTRACTORS OF THE DEPARTMENT OF DEFENSE AND THE ARMED FORCES

Mr. BOLLING (on behalf of Mr. MADDEN), from the Committee on Rules, reported the following privileged resolution (H. Res. 487, Rept. No. 1419), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10959) relating to the employment of retired commissioned officers by contractors of the Department of Defense and the Armed Forces and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

ESTABLISHMENT OF THE CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK

Mr. BOLLING, from the Committee on Rules, reported the following privileged resolution (H. Res. 488, Rept. No. 1420), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2331) to establish the Chesapeake and Ohio Canal National Historical Park and to provide for the administration and maintenance of a parkway, in the State of Maryland, and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

SOUTHEASTERN POWER ADMINISTRATION

Mr. BROWN of Georgia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BROWN of Georgia. Mr. Speaker, the Southeastern Power Administration, with headquarters in my hometown of Elberton, Ga., celebrated its 10th anniversary on March 21.

The agency has marketed 22 billion kilowatt-hours and received total revenues of $102,860,000 during the past 10 years as shown by a statement of Secretary of the Interior Fred A. Seaton.

Southeastern Power Administration sells electric power generated at 11 Corps of Engineer projects to 134 utility customers, most of whom are rural electric cooperatives and cities which by law are given preference in the sale of Federal power.

The 11 operating projects have an installed capacity of 1¼ million kilowatts. In addition, the Corps of Engineers is currently constructing three multipurpose water projects whose aggregate capacity will be 590,000 kilowatts.

The agency does not own any transmission lines but contracts for transmission of federally produced power with owners of existing transmission lines.

The operating projects, and those under construction by the Corps of Engineers, are located in Virginia, Georgia, South Carolina, Florida, Alabama, Tennessee, and Kentucky.

PROTECTING THE AMERICAN FAMILY FARM AND FARMWORKER

Mr. McGOVERN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. McGOVERN. Mr. Speaker, as the sponsor of H.R. 11211, a bill designed to protect the American farmworker and the family farmer against unfair competition from imported Mexican labor, I offered testimony this morning before the House Subcommittee on Agriculture which has jurisdiction over this legislation. Under unanimous consent I include the text of my testimony at this point in the RECORD:

PROTECTING THE AMERICAN FAMILY FARM AND FARMWORKER

(Statement of Congressman GEORGE MCGOVERN (South Dakota) before the Subcommittee on Equipment, Supplies, and Manpower; Committee on Agriculture, March 24, 1960)

On March 17, 1960, I introduced H.R. 11211 to amend title V of the Agricultural Act of 1949—more commonly known as Public Law 78. This statute governs the recruitment of temporary farmworkers from Mexico for employment in the United States.

As passed by Congress in 1951, Public Law 78 was designed to provide temporary workers for agricultural activities deemed necessary for the national welfare while protecting the interests of American farmworkers. In my estimation, however, it has now been transformed into a means of special advantage for a small number of large farm operators concentrated in a few States. It is my conviction that it works strongly to the disadvantage of the great bulk of family farmers in those States and in other regions of the Nation whose products compete on the national market with those grown on farms using Mexican labor. The law also works to the disadvantage of more than 2¼ million American farm laborers whose earnings and conditions of employment are depressed because of the ready availability of low-cost labor from across the border.

The bill which I have introduced will have as its purpose the elimination of these injustices by providing safeguards against the undercutting of wage and employment standards by Mexican labor and by scheduling the phasing out of the entire foreign worker program.

During the years that Public Law 78 has been on the books, the total income of farm operators in the United States has been declining steadily. Net farm income has fallen from $16.6 billion in 1951 to $11.8 billion in 1959 according to the President's Council of Economic Advisers. During the same time, however, total output has set new records. Farmers have tried to adjust to this situation in various ways.

Small part-time farm operators have increasingly turned to nonagricultural employment to supplement earnings from farming. But the economic position of some 2.7 million family-sized commercial farms has become increasingly more difficult. These farms rely mainly on their own family labor.

The income of farmers stems from two sources: return for capital and return for the farmer's own labor. On medium and small farms, with limited capital, the second form of income is more important than the first. If large-scale farmers in one section of the country can flood the market with goods produced with low-cost labor, the price structure for all farmers is forced downward. Thus the return of the medium and small farmer for his labor—for the products grown with his labor—is related to wages paid on large farms. If, for example, farmers in one very large fertile border area can produce vegetables at wages of 50 cents an hour, or even less, as they apparently have done by use of Mexican labor, it creates a difficult if not impossible competitive situation for farmers in other areas producing similar vegetables with family labor.

Take the case of tomatoes for processing. One State produces around 60 percent of the total national production. Foreign workers at peak comprise 85 percent of the tomato harvest force in this State. Now does the production made possible by these braceros have any effect on family farms? On the prices such farm would receive for growing tomatoes? Perhaps the answer is self-evident. In any event, 1959 tomato production in the bracero-dependent States was more than 40 percent above the 1949–55 average, while production of tomatoes has been declining in other major tomato-growing States.

Recently farmers in California have expanded production of strawberries with bracero labor. These farmers enjoy a competitive advantage over farmers in a number of other States who produce commercial strawberries with American farm labor and with their own families. Who will deny that the large added production made possible by the Mexican program has had an effect on strawberry prices that is detrimental to the U.S. farm families growing commercial strawberries?

Each bracero who works as a ranchhand at wages and living conditions unacceptable to most Americans, is in direct competition with—and lowers the prices received by—the ranchers in my own State and other parts of the Nation.

These examples can be multiplied many times. Increases in production in agriculture—including increases resulting from the availability of low-cost foreign labor—are of added concern since the demand for agricultural products is inelastic. A small increase in supply tends to drive prices down disproportionately, adversely affecting incomes of all producers. The ready availability of Mexican labor for a number of crops has, therefore, contributed to the depressing effect on farm prices and incomes.

The depression of family farm incomes attributable directly to the Mexican program is clearly traceable in the crops where precise hand labor and the vigilance and intelligence of human beings continue to be important. Various fruits and vegetables are among the best examples of such crops.

If Mexican workers were not available, a better balance between supply and demand would be achieved resulting in higher returns for many farmers—reduced government costs for price support operations, especially for cotton, should also result.

One key factor which has helped to preserve the family farm in this country has been the advantage represented by its built-in supply of manpower. In the U.S. economy this has often been the difference between survival or disappearance. Historians have told us that repeated efforts to accumulate and operate large plantation-type enterprise in the fertile Midwest came to naught mainly for this reason. The farm family's labor supply advantage was the basic reason for the prevalance of family-size units there today. Should we now permit continuation of a foreign labor program to nullify this key survival factor for the family farm?

While the operation of Public Law 78 has served to weaken the economic position of the family farmer through indirect means, it has very directly depressed the wages and employment opportunities of American farmworkers. There has been some public debate recently as to whether and in what manner the foreign worker program adversely affects American farmworkers. To my mind it is self-evident. The presence of even a small number of foreign workers in the farm labor market would inevitably have some effect on job opportunities and wage levels. In the last several years we have been bringing Mexican workers into the United States in such large numbers that for every five American farmworkers there is now one foreign worker. Imagine the impact it would have on the standards and wages of American labor if we permitted a like penetration of foreign workers in manufacturing, trade, and other industries.

The 2,300,000 farmworkers are the group least able to withstand this competition. No American workers are so proverty stricken and have such abysmally low living standards as do farmworkers in large sections of the Nation. The Department of Agriculture reported that their annual earnings averaged only $892 for 125 days of farmwork in 1958; with nonfarmwork, they averaged only $961. It is inconceivable that a Nation which has the technical know-how to put a satellite in orbit around the sun should lack the skill to deal with this distressing economic problem.

Recently the Secretary of Labor appointed four prominent consultants to review the administration of Public Law 78. These men were Edward J. Thye, former U.S. Senator from Minnesota; the Very Reverend Msgr. George G. Higgins, director of the social action department of the National Catholic Welfare Conference, Washington, D.C.; Glenn E. Garrett, executive director of the Good Neighbor Commission, Austin, Tex.; and Dr. Rufus B. von Kleinsmid, chancellor of the University of Southern California.

In passing, the only one of these consultants from my general region, former Senator Thye, Republican, of Minnesota, is not only an esteemed and respected public servant, he was also a leading member of the Senate subcommittee which studied and reported Public Law 78. He was intimately acquainted with its objectives and with its difficulties. He was initiator and supporter of the Mexican labor program. For these reasons, I have particular confidence in the unanimous conclusions of this group of whom Senator Thye was one.

The consultants studied the program for 7 months. They visited a number of States observing its operation and discussing it with farmers, government officials, and worker representatives. Their report reveals shocking evidence that, in spite of the best efforts of the Department of Labor to administer the law fairly in the interests of employers and workers, the program has indeed adversely affected American farm labor.

They reported that farmers in some areas were using Mexican workers almost exclusively for certain crops and activities. It was certainly never the intention of Congress that a group of producers should be permitted to withdraw from the domestic labor market. If workers are in short supply, growers in other crops must make appropriate adjustments in their productive practices or in wage offers. When the foreign worker program becomes, as it has, a means of depriving American workers of the opportunity of improving their economic position, the program has become intolerable.

The report also shows that wage rates in areas where Mexican workers are employed have failed to rise at a rate that would have been expected considering the advance of wages in other crops and areas, and that producers who use foreign labor often do not pay their American workers as much as other producers in the same areas. Earnings in some instances have been found to be lower than the 50 cents an hour which Mexico has set as a minimum standard. These facts are incontrovertible. In sum, the consultant's report indicates to me that the Secretary of Labor has been given the impossible task of administering a law with conflicting objectives.

The bill which I have introduced is designed to clarify these objectives, to give the Secretary of Labor additional authority to administer it, and to assure that the conditions of special privilege for a small number of farmers, unfair to the great bulk of farmers, shall not be permitted to continue.

First, H.R. 11211 would clarify the preamble to the law by stipulating that it is to be administered in the interests of the farmworker. I have specifically and intentionally struck out that clause of Public Law 78 making the Secretary of Agriculture responsible for declaring what commodities are to be considered necessary. Since the Secretary of Agriculture has never seen fit to designate any farm product as unnecessary within the meaning of this section, the provision has been meaningless. Under this bill, the Secretary of Labor will have sole authority to determine whether and to what extent the domestic labor supply is to be augmented.

A second important change is to clearly stipulate that the law is to be used solely to provide temporary workers for unskilled activities. Under the present law it is possible for Mexican workers to be used as skilled operators of tractors and other agricultural equipment. Thousands are employed as ranch hands and in other specialties requiring considerable experience. I am told that some 20,000 are employed as regular year-round workers with contracts renewed every 6 months. This represents 20,000 jobs which should be filled by underemployed American workers. Whatever may be the argument for foreign labor supplements at the peak season, I cannot admit a mass labor shortage in year-round farm jobs that is not more properly remedied by improved wages and conditions of employment.

The present law requires that employers, as a condition for obtaining workers from Mexico, must make reasonable efforts to attract American workers. H.R. 11211 strengthens this provision by requiring that employers participate in direct recruitment efforts, and would authorize the Secretary of Labor to assign quotas on the use of foreign labor when necessary to assure active competition for U.S. labor. This is to prevent situations where farm employers, and even entire communities, make only token efforts to obtain and retain American workers while depending on braceros for all labor needs.

H.R. 11211 improves and strengthens the law by assigning to the Secretary of Labor clear authority to define adverse effect situations based on wage and employment data. The consultants found that many of the administrative difficulties that have been experienced stem directly from lack of clarity on this point.

Perhaps the most important new feature of this bill is the provision for terminating the law over a period of years. I have had numerous questions as to why this feature should be added to the bill in preference to the usual 2-year extension. I would like to explain.

It is important to view this law from a historic perspective. As this country grew in strength and expanded from coast to coast, there have often been periods when labor was short for industry and agriculture. Such shortages have traditionally been met by new immigrants settling here and enjoying full rights as citizens. This source of new labor remains open to U.S. farmers, without quota limitations under the general immigration act. The practice of using foreign contract labor when it is to our advantage, sending it home when it is no longer needed or desired, denying it the freedom of job choice while here, is alien to our tradition and not in the best interests of the farmers and agricultural workers of the United States.

The less than 2 percent of our farmers who rely on this labor must be brought to recognize that this law was never intended to be permanent. The intention and philosophy behind it was to provide a temporary stopgap while normal adjustments of production, wages, labor supply, and technology are effectuated. The American people will not tolerate a permanent system of foreign contract labor in agriculture any more than they would in the steel, coal, mining, automobile, transportation, or any other industry.

Recruitment of workers from Mexico began as an emergency measure during World War II. The fact that this program has mushroomed from some 60,000 then to 450,000 now and has become a serious threat to the institution of the family farm and to the agricultural labor force should give pause to those who wish to extend it indefinitely.

My conviction is this: The interest of the family farm is served by elimination of the program much more than by improvement of the protection for domestic workers. Thus, a definite terminal date should be established. Yet, complete termination on June 30, 1961, might be inequitable for those growers who, mistakenly, have permitted themselves to become dependent on Mexican workers; some phasing-out time, time for adjustment, is therefore the way of moderation. H.R. 11211 establishes this period at 5 years. In my view, however, the precise duration and nature of the phasing-out period is of much less concern than that there be at long last a clear-cut agreement on final termination at a specified time in the future.

The American people are becoming aroused over this system which is so alien to our traditions. This was expressed in a recent resolution of the general board of the National Council of Churches of Christ in the U.S.A., which read:

"The present practice of our Government in authorizing the importation of Mexican nationals for agricultural labor in the United States involves human and ethical issues of grave concern to the conscience of Christian people."

It is the sense of H.R. 11211 that the use of foreign contract labor should not be permitted to become a substitute for a constructive program to provide decent standards of wages and working conditions for American farm labor and to protect the institutions of the family farm.

HON. FRANCIS E. WALTER

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FLOOD. Mr. Speaker, the prolonged standing ovation given by the House to our colleague "TAD" WALTER yesterday at the conclusion of his untiring presiding over our debates on the civil rights bill was certainly a most deserving tribute.

The hearts of Pennsylvanians were, indeed, warmed when we witnessed this spontaneous and deserving appreciation of the sterling performance of our fellow Pennsylvanian, who has displayed not only his usual fairness and parliamentary skill, but permitted us to witness once more his alertness and his courage in meeting the long series of most difficult problems that face a presiding officer of this body. The pride and love with which we look upon "TAD" WALTER have been once more augmented by the unanimous manifestation of the House.

Mr. WILLIS. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Louisiana.

Mr. WILLIS. Mr. Speaker, I certainly want to associate myself with the remarks of my friend, the gentleman from Pennsylvania [Mr. FLOOD]. The patience and the consideration to all Members and the skill of the gentleman from Pennsylvania [Mr. WALTER], who presided over the Committee of the Whole, as a parliamentarian, as well as all of his actions are something to be commended. I think he, above anyone else, deserves credit for keeping the debates and the procedure of the Committee on an even keel.

Mr. FLOOD. I thank the gentleman, and the Pennsylvania delegation thanks him also.

STUART SYMINGTON

Mr. MOULDER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. MOULDER. Mr. Speaker, our great country and the entire world needs a great President of the United States of America, and Senator STUART SYMINGTON has announced his candidacy for this high office!

Mr. Speaker, this great man has the ability, integrity, and strong sense of duty to give and provide the effective executive leadership the American people need and deserve to have in the White House. We are justly proud of this great American, Senator STUART SYMINGTON, of Missouri, and his announcement, which I will read into the RECORD, as follows:

STATEMENT BY SENATOR STUART SYMINGTON

I wish to announce that I am a candidate for President of the United States.

Our generation has a priceless opportunity to lead mankind to a new era of lasting peace and unparalleled progress.

If our children and our grandchildren are to continue to enjoy the American way of life, the next President of the United States must provide the free world with resourceful and decisive leadership.

Only a first-rate, first-class, first-place America can reinforce the world's faith in freedom, and secure a just and lasting peace.

This great Nation has the capacity to be a still greater nation, provided we make the most of our freedom and unleash the full strength of our free enterprise system for the benefit of all.

In the months ahead I intend to emphasize four major policies:

(1) A positive program for peace through negotiation from a position of relative strength, including a world-wide "Good Trader—Good Neighbor" policy.

This program would involve a better foreign service, a more realistic economic development both at home and abroad, and an effective campaign to tell the truth about America.

(2) A sound public investment program in such fields as education, health, slum clearance, highways, water control, and more realistic benefits for the elderly and disabled.

(3) A sound program to reverse the present trend toward the elimination of the family size farmer, and help him attain a standard of living comparable to other Americans.

(4) Policies and programs which would guarantee to every citizen equal rights and equal opportunity.

Much of the cost of these programs can be defrayed out of savings achieved through the elimination of current waste in the management of Government agencies.

At appropriate times I will spell out these proposals in detail.

I have spent most of my life in the field of management—in industry and in the executive branch of Government; and have now had 7 years' experience in the U.S. Senate.

I offer this background and experience as my qualifications for the Presidency.

I am in this campaign to win; and my No. 1 goal is to unite this great country.

I appeal to my fellow Americans for unity—the challenge that confronts us is far more important than the differences that divide us.

I appeal to my fellow Democrats for unity—united we can win this vitally important election.

Let us all work together to make the 1960's a decade of unprecedented progress, with equal opportunity for all.

GENEVA CONFERENCE ON DISCONTINUANCE OF NUCLEAR WEAPONS TESTING

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. VAN ZANDT. Mr. Speaker, for over 16 months the British and United States representatives have reasoned and argued patiently with Soviet representatives at the Geneva conference on the discontinuance of nuclear weapons testing.

From the very beginning the Soviets have made clear their position and from this they have never budged:

First. They have insisted on a total and immediate ban on all testing.

Second. They have treated the inspection system as being something that can be worked out at leisure.

Third. They have tried to brush away the technical limitations of inspection.

Fourth. They would have us buy the test ban and worry about details of inspection afterward.

On March 19 the Soviets publicized and put forth what they claim as a new proposal. They have ballyhooed this as a great concession and one capable of breaking the deadlock. Yet it is obvious from a brief study of their proposition it represents no concession. It is one more attempt to force us into a total ban no matter the technical capability of detection, nor the degree of inspection they will allow in their country.

As you will remember the United States has for many months attempted to reach agreement on a treaty which was as broad as possible, subject only to the condition that all its aspects must be capable of adequate monitoring.

We have established that tests in the atmosphere can be inspected and identified by technical means, as can those at altitude and with certain limitations.

We have established too, however, that the problem of monitoring underground tests, at least those giving a small signal, is much more difficult, if not impossible.

In recognition of these facts the President on April 13, 1959, proposed adoption of an atmospheric-only ban with joint research to improve detection systems. Khrushchev dismissed this proposal out of hand.

After further study and joint technical conferences on seismic detectability, the United States proposed on February 11, 1960, its threshold plan. Under this proposal tests in the atmosphere, in the ocean, and in space up to heights where effective controls can now be agreed, would be forbidden. More importantly those underground and which gave a seismic signal of magnitude greater than a certain value would be forbidden. Those of less than that value, because of the limitations of detection and inspection, would not be forbidden initially by the treaty. Joint research would be undertaken to determine the possibility of lowering the threshold as seismic detectability improved.

The Soviets have responded by claiming to accept the threshold principle and even the threshold value we propose. Yet they have conditioned this acceptance with limitations which make it meaningless. They accept only if there is a simultaneous treaty agreement to forego for several years those tests of less than the threshold value. Along with this they continue to indicate they will accept only the most limited and inadequate onsite inspection for investigation of suspicious events. In essence they continue to insist on a total ban and inadequate inspection.

I was convinced on my trips to Geneva to observe the conference that the Soviets were interested in a ban but only if no real penetration of their country was involved. I was convinced also, that as long as we continue our moratorium while discussions proceed, they are achieving in major part their objective.

We are now entering into a new era in disarmament negotiations, one in which the 10-power disarmament conference is considering many possible areas of agreement. The recent conduct of the Soviets in the test cessation conference has been far from reassuring in regard to real progress in these new areas. It would be tragic in my opinion for us to agree to a test moratorium treaty with the type of arrangements the Soviets visualize. To do so it would involve limitations in this area which were inadequately controlled. Moreover, it would furnish precedent for similar agreements on trust in other, perhaps even more critical areas.

AGRICULTURAL IMPORTS

Mr. THOMSON of Wyoming. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. THOMSON of Wyoming. Mr. Speaker, the U.S. Tariff Commission is presently conducting hearings on limiting the imports of lamb and mutton. On the first day of the hearings, last Tuesday, March 22, 1960, I appeared before the Commission.

I wish to call my remarks to the attention of the House. I believe a reasonable trade policy offers a realistic solution to our agricultural problem on a sound economic basis. This is needed and would correct similar conditions in other industries now and would prevent such situations developing and getting out of hand in the future.

I and others have introduced general legislation which would accomplish this. I again urge that it be favorably considered.

My remarks to the Tariff Commission were as follows:

Mr. Chairman and members of the Commission, it is quite fitting that I should follow the representative of Senator JOHNSON. Wyoming is second only to Texas in production of sheep and wool. It is extremely important to our area, but it is also important to the Nation as a whole.

May I, at the outset, express my thanks and, I am sure, the thanks of almost all of the people of the State of Wyoming, which it is my privilege to represent in Congress, to the Tariff Commission for having instituted, after application, this investigation under the provisions of section 7 of the Trade Agreements Extension Act of 1951, as amended, on its own motion to determine whether lamb and mutton or sheep and lambs are being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like, or directly competitive, products.

Outstanding representatives from the producing and feeding industries are here to present you with the detailed facts and circumstances which I am sure will fully justify your finding that such is the case and recommending appropriate action under the same section 7. I would like to cover this in a general fashion.

May I first of all suggest to the Commission that there can be no doubt that anything which would even tend to weaken the overall sheep-producing industry would do serious injury. Congress has many times, particularly since World War II, recognized the perilous conditions in the industry. The last two of these were in the passing of the National Wool Act of 1954 and its extension in the Agricultural Act of 1958. That had to do with wool, but wool, of course, comes only from sheep. The market for wool and the production of wool is inextricably tied to the market for and the production of lamb and mutton.

By declaration in the law, both the Congress and the Executive have declared that the annual domestic production of approximately 300 million pounds of shorn wool, grease basis, is indicated in the interest of the national security and the promotion of the general economic welfare of the country. This goal has never been achieved.

Under the National Wool Act, incentive payments are made to the producers from the duties collected on imports. Under section 706 of the act, the producers may, by vote, authorize a deduction from these payments for the purpose of developing and conducting promotion programs for wool, mohair, sheep or goats, or the products thereof. This they have done, and a large portion of this money has been spent to promote the sale of lamb and mutton, so as to thereby increase the market at a favorable price and to promote the accomplishment of the purposes of the act.

In spite of their efforts, they are now faced by huge and rapid increases of imported products and live sheep, which heap additional burdens upon them and again threaten to destroy this industry so declared to be essential to the national security and general economic welfare of the country.

Due primarily to increased imports of wool, the number of sheep produced in America was reduced by approximately 50 percent between 1946 and 1954. With an industry in such condition, even a minor adverse change would do serious injury. The change, of course, has been anything but minor. It has been both major and rapid.

Over the past 2 years, imports have jumped from 3.5 million pounds of lamb and mutton to 56.8 million pounds. Since 1957, imports of live sheep for slaughter have jumped from 17,832 head to 75,073 head in 1959. This simply means that in 2 years, the imports of carcass lamb and mutton have jumped by over 1,600 percent, and imports of live sheep have gone up in the same 2-year period by 449 percent.

On the basis of the facts, there can be no doubt that there has been a tremendous increase in imports, both actual and relative to domestic production. There has been a decline in the proportion of the domestic market supplied by domestic producers. This is grounds for relief under section 7(b) of the act.

Figures to be presented to you by producers and feeders will show conclusively that this has adversely affected both prices and profits, as to both the producer and the feeder.

A fact sheet of the U.S. Department of Agriculture, Foreign Agricultural Service, published in January 1960, showed that the United States is the world's second largest agricultural importer, and threatens to become the largest, even importing more than the United Kingdom. This same fact sheet further shows that imports of supplementary, or competitive, commodities have jumped from two-fifths of total agricultural imports to one-half. I quote from the publication:

"In the past 2 years, supplementary imports have increased to one-half of total agricultural imports due to expanded purchases of cattle and meats."

May I, at this point, refer to the consideration being given by the cattle industry in seeking similar relief to that requested in this proceedings. In that regard, I sincerely hope that an investigation will be ordered by the Commission and, after hearing, proper relief granted.

Rising imports of lamb and mutton of cattle canot be divorced. The two coupled together make the situation even worse.

Unless something is done about this, there is every reason to believe, from the equipping of ships on down, that it will continue to the point that it completely breaks the American market, breaks a large number of our American producers and feeders at the same time, thus making an already bad agricultural situation a catastrophe. This could very well break the American economy.

The statement of some supposedly intelligent people that this will take care of itself, because as prices are driven down and the attractiveness of our markets removed, the imports will naturally decline, is an asinine statement on its face. Anyone familiar with the lamb and mutton and beef production and feeding industries knows that prices have not been too high and that even on the basis of the best prices, with the increased costs, a fair profit on investment has generally not been possible.

The production of lamb and mutton does not exist in a vacuum. It is a part of our overall agricultural picture. Yourselves and everyone in the Nation are familiar with the conditions and problems that face us in that regard. According to the figures furnished me by the Department of Agriculture, the imports of mutton and lamb for the fiscal year ending June 30, 1959, were the equivalent of 1,075,000 head of sheep. Figuring four acres of western grazing land required to run one sheep, which is a most conservative figure, that represents the replacement of over 4,300,000 acres. It could further be converted into pasture on dry farm land, irrigated farm land or top farm land. All would be substantial. In addition, land is required for hay and crops to fatten and finish. May I suggest that producers of flocks all over the Nation are threatened. Your investigators will confirm this.

On the basis of increased imports for the last 6 months of calendar year 1959, it appears that the figure for western grazing lands would jump to almost 5 million acres. This, of course, is greatly further aggravated by the startling rise in imports of beef and cattle.

We have only so many acres in the United States that can be used to produce food and fiber. Our agricultural problem is one of overproduction. It cannot be denied that imports of foreign agricultural products, either directly or indirectly, supplant the production of acres in this country. We will be aggravating it instead of solving it, if we permit acres presently in production to be replaced by foreign imports.

Higher wages and higher taxes paid for his equipment and supplies and in his own operations make both the direct and indirect costs of the American farmer and livestock producer higher. They have shown their ability to compete on a fair basis, but they cannot survive the unfair competition from abroad based on lower wages and lower taxes

Total imports of agricultural products for 1959 exceeded $4,100 million. Total exports amounted to $3.7 billion, but of this, $1.3 billion was given away, directly or indirectly, by one device or another, so that the amount sold for dollars amounted to only $2.4 billion. Eight hundred million dollars of this was sold mostly from CCC stocks at less than domestic market price. Therefore, our agricultural exports on a sound economic basis totaled only $1.6 billion, whereas the imports of directly competitive products were over $2 billion.

Various schemes, all at the taxpayers' expense, have been tried to meet our agricultural problem, from high price supports to paying people not to produce, through the soil bank. The soil bank and the acreage restrictions are direct recognition of the interrelation of agricultural products and the fact that it is an acreage problem.

Other schemes, all at the taxpayers' expense, from direct cash payments up and down, are being proposed. All have placed or would place the American farmer in a straitjacket of poverty, but be extremely costly. The efforts of those of us who are trying to do something about this on a sound economic basis will be completely thwarted unless something is done to prevent the free agricultural economy of this country from being destroyed by increased foreign imports produced under conditions of foreign competition.

Let us look at the other side of the coin. The American taxpayer is paying for foreign aid to raise the standard of living of the underdeveloped and undernourished countries. Included in this is Public Law 480. At the same time, when we allow food which would normally go, and should go, to these markets, to be imported into this country just to make a bigger profit, we are taking away from the very people we are trying to help. A large portion of our agricultural products disposed of under the foreign aid program has gone to Asia and the Far East. It is time that the American taxpayer was given some consideration. It is time that the right hand starts paying some attention to what the left hand is doing.

We cannot continue to take away the American farmers' and ranchers' production by imports and give away American agricultural products to those from whose mouths we have taken the food that should have gone to them, and hope to ever solve the agricultural problem on a sound economic basis, or for that matter, hope for this country to survive economically.

A full investigation will show you, I am sure, just as it has shown me, that our agricultural surplus problem, which is one of the main problems plaguing the Nation, could be solved by reduction of the imports which directly compete with American farm products. This would be a sound economic approach, while at the same time those products which have been coming to this country would be diverted to markets where they are much needed.

Those who say this would destroy our exports ignore the facts. We would still export the agricultural products which we are now exporting, on a sound economic basis, because they are going to countries that need them and can afford to pay for them. We would still import the $1.7 billion of agricultural products from other countries which are not raised here and which we really need.

An investigation by the Commission, I am sure, would conclusively show this to be a sound solution to our agricultural problem and the drain on the American treasury and taxpayer. I realize that you cannot do this in its entirety, but taking proper and sufficient action in this proceeding will be a big step in the right direction. It is a step which is contemplated and provided in present law. Being in present law, it may very well be one of the few constructive things that can be done for American agriculture during the present year.

The evidence presented to this Commission and the results of your investigation will show a destruction of profits and a reduction in prices already, with almost a certainty of complete chaos in the future on the basis of the trend, if something is not done to stop and roll back the imports.

The facts speak for themselves, showing an increase of actual imports of lamb and mutton from 3.5 million pounds to 56.8 million pounds in just 2 years, an increase of over 1,600 percent. They will show that total imports for 1959 have jumped to 7.78 percent of the commercial market, and on the basis of trends and the facts, threaten to go to over 18 percent if something is not done.

All of this in an industry that has already been recognized by act of Congress, signed into law by the Executive, to have been already in a perilous condition, and in an industry that has been similarly determined to be essential to the national security and the general economic welfare of the Nation.

I implore the Commission to take appropriate action, and on the basis of your past record, I am confident that you will. The action taken will have to be sufficient to "remedy the serious injury" as provided in the act. I seriously doubt that the permissive increase in tariffs alone will be sufficient, and if it is not clearly so, then quotas should be established to roll back the imports.

I repeat that the Commission has one of the few opportunities under existing law to really do something good for American agriculture on a sound economic basis, and at the same time, to act in the best interests of the American taxpayer and the Nation as a whole.

Thank you for this opportunity to appear before you.

AMENDING HOUSE RESOLUTION 146

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 437 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That H. Res. 146, Eighty-sixth Congress, agreed to on February 24, 1959, is hereby amended by striking out "$60,000" and inserting in lieu thereof "$75,000".

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE ON EDUCATION AND LABOR

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 441 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That, effective from January 3, 1959, the further expenses of the studies and investigations to be conducted pursuant to H. Res. 147 by the Committee on Education and Labor, acting as a whole or by subcommittee, not to exceed $168,000, including expenditures for the employment of investigators, attorneys, and experts, and clerical, stenographic, and other assistants, and all expenses necessary for travel and subsistence incurred by members and employees while engaged in the activities of the committee or any subcommittee thereof, shall be paid out of the contingent fund of the House on vouchers authorized and signed by the chairman of such committee and approved by the Committee on House Administration.

SEC. 2. The official committee reporters may be used at all hearings held in the District of Columbia, if not otherwise officially engaged.

With the following committee amendment:

Page 1, line 1, strike out "1959" and insert "1960".

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE ON GOVERNMENT OPERATIONS

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 460 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the further expense of conducting the studies and investigations authorized by rule XI(8) incurred by the Committee on Government Operations acting as a whole or by subcommittee, not to exceed $400,000 including expenditures for employment of experts, special counsel, and clerical, stenographic and other assistants, which shall be available for expenses incurred by said committee or subcommittee within and without the continental limits of the United States, shall be paid out of the contingent fund of the House on vouchers authorized by said committee and approved by the Committee on House Administration.

SEC. 2. The official stenographers to committees may be used at all hearings held in the District of Columbia, if not otherwise officially engaged.

Mr. SCHENCK. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentle- from from Ohio.

Mr. SCHENCK. Mr. Speaker, I wonder if the gentleman will tell us how much this makes the total amount available to the Committee on Government Operations.

Mr. FRIEDEL. It is $1,040,000, about $135,000 less than the committee received in the 85th Congress.

Mr. SCHENCK. It has been brought to my attention that there is to be a hearing held in California on some subject under its jurisdiction by the Committee on Government Operations, and that for some reason the minority counsel is not to be sent to that meeting. Does the gentleman have any information on that? They certainly would seem to have a sufficient amount of money to take care of that.

Mr. FRIEDEL. I yield to the chairman of the Committee on Government Operations to answer that question.

Mr. DAWSON. May I say to the gentleman that it has not been customary to send a counsel with a subcommittee and it was not done in this case. Usually we permit a staff member to go with the subcommittee when the minority leader is going, because of his illness. We have always done that. Otherwise we do not. That is the way the committee has always been run. We have saved the Government lots of money. I think the work of this committee is known to every Member of the House. I do not believe any Member who has ever served with the Committee on Government Operations has ever accused the chairman of being unfair in his actions toward any minority or any member of the committee.

Mr. SCHENCK. May I say that certainly no one is indicating that the chairman of the Committee on Government Operations is anything but fair in his relationship with the committee. The point that was raised was that this is a rather important hearing, a hearing that may develop some very important information. The minority felt they should have a minority counsel accompany that committee. This resolution allows money for the operation of the committee. I wonder if there was any lack of money and if that is the reason for not sending the counsel on this occasion.

Mr. DAWSON. No, it is not the lack of money, because the sum of money asked for the committee is based on the operations of the committee. This is just the customary operation of the committee. We extend every courtesy to every man on that committee regardless of party.

We do not go into investigations from that standpoint. Our job is to follow the appropriated dollar to see that it is economically and efficiently spent. That we try to do and that we do do. We do not play politics on the committee. We extend to the minority every courtesy and every right, and we are happy to do so. We have a very fine working committee, and we have worked together that way through the years.

Mr. SCHENCK. Mr. Speaker, if the gentleman from Maryland will yield further, when we took this matter of the various committee appropriations up in our Committee on House Administration, there was a very splendid résumé of the savings that had been achieved through the operations of the Committee on Government Operations. I wonder if the chairman will feel it is proper to place that list in the RECORD with such additional information as he may feel is warranted.

Mr. FRIEDEL. In reply to the gentleman's question, and your request that this information be placed in the RECORD, I talked to the gentleman from Illinois [Mr. DAWSON]. He had this information inserted in the RECORD of March 17 on St. Patrick's Day, and it is to be found on page 5917. There is a complete breakdown in the RECORD of the savings of the Committee on Government Operations that had previously been filed with the Committee on House Administration.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield.

Mr. HALLECK. Mr. Speaker, I spoke to the chairman of the Committee on Government Operations just a moment ago about this matter of minority counsel at this particular subcommittee hearing. I would just like to say for the record, I agree with the gentleman that he has been fair and I find no quarrel with that. As a matter of getting the record straight, it is the understanding of many of us that what is proposed out there is a sort of replay of the hearing at which there was developed some very substantial political overtones and the only reason I have brought up this business of minority counsel is because if that is what is to be done again, then I think the minority is entitled to have somebody out there besides a minority Member of the House.

Mr. DAWSON. I assure my distinguished friend of many years that we do not go into matters because of political implications. We go into matters because we feel expenditures may have been made in an unfair way. If the gentleman will permit me to say so, certainly, we would never conduct the committee hearings with the purpose of going into things from the standpoint of politics. The Republican member on that subcommittee was the gentleman from Michigan [Mr. HOFFMAN]. He could not go and he asked me to permit the minority counsel of the full committee to go. I said if it was all right with his side, for him to go instead of sending another Member of the Congress, that would be all right. He said the Congressmen were busy and I consented to that. Then, later they changed their minds again and decided to send a member of the committee instead of the counsel. Of course, that is all right. That has been the normal procedure, and what we are doing here is strictly in accordance with the procedure that we have always adopted.

Mr. HALLECK. Mr. Speaker, just to conclude my part in this colloquy, I want to call this to the attention of the House. After that hearing several years ago, the minority said the following:

> The hearing was a forum provided at the taxpayers' expense for campaign oratory during the closing weeks of a political campaign, and its chief result was unwarranted abuse of a forthright witness for the Department of the Interior.

Mr. Speaker, that minority report was signed by 13 very fair and able Members of the House of Representatives. And that is the only reason I raised the question at this time.

Mr. NELSON. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield.

Mr. NELSON. I would like to make an inquiry of the gentleman from Illinois [Mr. DAWSON] relative to this committee. Is this the same type of investigation as the so-called Chudoff committee? Is this the same committee?

Mr. DAWSON. No, it is not the same committee.

Mr. NELSON. Was the Chudoff committee a part of this?

Mr. DAWSON. The Chudoff committee was a subcommittee of the Committee on Government Operations. Of course, as the gentleman knows, Mr. Chudoff is no longer with us, he is a judge in the city of Philadelphia.

Mr. NELSON. Yes; I understand. But I am making this inquiry because it has been suggested that there have been political overtones here. I might call the gentleman's attention to the fact that when I was Administrator of the REA I was investigated by this same committee; and, if I ever was involved in a political circus, that was it. I want to register my objection to that kind of performance if there are going to be taxpayers' dollars spent on that type of investigation. Where I was investigated, for example, because of the fact I drank coffee with some Republicans. Now that is going a little too far.

Mr. DAWSON. I agree with my colleague that that is going a little too far, but I am sure the gentleman would agree with me that we would not do that sort of thing.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield.

Mr. GROSS. I have no doubt that the Committee on Government Operations has done some good work, but when you run up a bill and ask for more than a million dollars, I want to ask whether there is any other committee of the Congress that gets such a large amount of money.

Mr. FRIEDEL. In the other body, perhaps, but they testified, and it is in the CONGRESSIONAL RECORD, page 5916, that there has been a savings to the Government of $68 million. Any time you spend $1 million to save $68 million, that is good business.

Mr. GROSS. That is good business, but if they saved several hundred million, would you think they ought to have three or four more million? I do not know that that is a criterion exactly.

Mr. FRIEDEL. There is no proof that any of this money is wasted. What they did not spend they turned back to the Government.

Mr. GROSS. How much of a staff does the Government Operations Committee have?

Mr. DAWSON. I imagine about 50.

Mr. GROSS. Someone told me you had nearer 75.

Mr. DAWSON. I do not think that is true. It is two subcommittees.

Mr. GROSS. Even with 50 staff members, it seems to me that in the situation which has been discussed previously, if the chairman had asked a staff member to go with the minority party in a hearing——

Mr. DAWSON. I do not think he will find that trouble in any committee.

This particular situation is raised in the last moment in a manner that I do not appreciate. We have been working together, Democrats and Republicans. We have differed at times, and I can appreciate that we are going to look into matters that perhaps they do not want us to go into, but we have a number of people to look into it. If you will read the report again, you will find that these men have done a good job. It is not an easy thing to follow an appropriated fund and get down to the rock bottom of it. We have done that. We have asked for sufficient money to do it. You have always given it to us. We have returned to you the money we have not spent. We have not wasted any of the money of this Congress.

Mr. HOEVEN. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from Iowa.

Mr. HOEVEN. With reference to the hearing contemplated for the west coast, how many staff members does the gentleman from Illinois intend to send out?

Mr. DAWSON. We expect to send enough people to do a good job.

Mr. HOEVEN. How many staff members?

Mr. DAWSON. I do not know. Perhaps two. Sometimes we send a man to a certain place and we will have him go into another job. Certainly you have to have men to do the job. You have to use capable men to have them do a good job and they have to be on the job. I submit to you we have always undertaken to do a good job.

Mr. HOEVEN. Does not the gentleman think, in view of the minority report that has been referred to, after the meeting held in 1956, that certainly the minority should be represented on the staff?

Mr. DAWSON. The minority is represented on the staff. Not only the number that is set up, but we have given them extra ones to help them. They have more than is allowed by law. We have given them a staff. Of course they are charging it up to one of the subcommittees, but I have assigned them to the minority side to work with them regularly. They are at their service.

I am sorry this is brought up in this way because it was not intended to be. We have not had that kind of feeling at any time.

Mr. HOEVEN. The thing that disturbs me is the report that was made by the minority.

Mr. DAWSON. Is that the Chudoff report?

Mr. HOEVEN. It indicates that there were political overtones.

Mr. DAWSON. I could likewise charge the minority.

The SPEAKER. The Chair calls for the regular order. The regular order is, is there objection to the present consideration of the resolution?

There being no objection, the Clerk read the resolution, as follows:

Resolved, That the further expense of conducting the studies and investigations authorized by rule XI(8) incurred by the Committee on Government Operations acting as a whole or by subcommittee, not to exceed $400,000 including expenditures for employment of experts, special counsel, and clerical, stenographic and other assistants, which shall be available for expenses incurred by said committee or subcommittee within and without the continental limits of the United States, shall be paid out of the contingent fund of the House on vouchers authorized by said committee and approved by the Committee on House Administration.

SEC. 2. The official stenographers to committees may be used at all hearings held in the District of Columbia, if not otherwise officially engaged.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONTESTED ELECTION CASE OF MAHONEY AGAINST SMITH

Mr. ASHMORE. Mr. Speaker, by direction of the Committee on House Administration and pursuant to clause 20 of rule XI, I call up House Resolution 482, relative to the contested election case of Mahoney against Smith, Sixth Congressional District of Kansas, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That WINT SMITH was duly elected as Representative from the Sixth Congressional District of the State of Kansas in the Eighty-sixth Congress and is entitled to his seat.

The resolution was agreed to.

A motion to reconsider was laid on the table.

"UNCLE SAM"

Mr. ADAIR. Mr. Speaker, in an effort to halt what might prove to be a grave injustice to one of America's most illustrious citizens, I rise in protest against an impending legislative proposal. As you may realize, steps are under consideration which would honor Troy, N.Y., with a shrine as a mark of respect for a man that community claims as the first "Uncle Sam."

In Indiana, and particularly in the district I represent, our people know that buried in a quaint and interesting little cemetery at Merriam, rest the mortal remains of the Nation's original "Uncle Sam." It is the body of Samuel Wilson who died on March 7, 1878, at the age of 100 years and 3 days.

Here are the facts to substantiate the claim that this Samuel Wilson was the original "Uncle Sam" whose interesting life and individuality became the patriotic caricature of the tall figure in the top hat and red, white, and blue suit that became known throughout the world, depicting freedom and liberty.

A little crossroads country store at Merriam still bears the legend of his individuality and carries the message of his existence for all to see. The people of northern Indiana grew up to honor and respect the historical significance and tradition created by "Uncle Sam" Wilson, of Merriam.

To prove our contention, we had definite records and information about him and how he achieved the recognition as "Uncle Sam." To begin with, Samuel Wilson, one of triplets, two boys and a girl, was born in Wilmington, Del., March 4, 1778. When he grew to manhood, to follow his career, he and his brother joined the Lewis and Clark Northwest expedition which he accompanied to a point in North Dakota. Afterward, they returned to their family at Troy-on-the-Hudson, N.Y. Then Samuel went to work for a Mr. Elbert Anderson.

During the War of 1812, Anderson's store served as a Government agency furnishing supplies for the Army. In marking and examining these Government supplies, Samuel Wilson used to write the initials "E.A.–U.S." on them. The "E.A." was for Anderson's store and the "U.S." for Uncle Sam as he had been nicknamed by that time. Through the shipment of these goods, when the initials were identified to all, Samuel Wilson became the popular "Uncle Sam." His tall, spare figure and whiskered face, of the Lincoln type, was then marked for posterity, and it became the subject of artists and was discussed in print and by word of mouth.

After the war, "Uncle Sam" Wilson migrated west. He married a Pennsylvania girl and then drifted on to Indiana. He died March 7, 1878, in Indiana and was buried in the Merriam cemetery.

The people of the United States, I believe, owe a debt of gratitude to this "Uncle Sam" for the outstanding contribution he made to our history and patriotism. Furthermore, I urge that we pay proper respect to him and his survivors by recognizing that he is the original "Uncle Sam" and that he deserves this honor.

I include herewith some accounts of "Uncle Sam" taken from Indiana newspapers:

[From the Indianapolis Star, Feb. 26, 1928]

GRAVE OF ORIGINAL UNCLE SAM FOUND IN NOBLE COUNTY, IND.—KENDALLVILLE NEWSPAPERWOMAN VISITS 93-YEAR-OLD HOOSIER, WHO TELLS HOW FATHER'S NICKNAME CAME TO REPRESENT THE UNITED STATES

KENDALLVILLE, IND., February 25.—A woman's intuition and her love of patriotic history has led to the discovery of the last resting place of the original "Uncle Sam," whom admiring millions of Americans have held in worshipful esteem.

Our histories and encyclopedias have given us a more or less mythical account of the origin of this character in our Nation's history, but no authentic information has heretofore been disclosed of the identity of the man, where he lived and died and how it came about.

A chance remark came to the ears of Mrs. Louise B. Young, of Kendallville, associated with your correspondent in the publication of the Noble Farmer, an agricultural publication. Her nose for news scented a story, and arming herself with a camera she set out for the facts and obtained a picture of the tombstone erected at the grave of "Uncle Sam," buried in a little, obscure graveyard near Merriam, Noble County, Ind., on the route of the Lincoln Highway. The stonecutter made a mistake of 13 years in the date of his death, which has never been rectified, as the family hoped at some time to erect a monument fitting the character it represented.

SON IS VISITED

Visiting the son, John M. Wilson, 93 years old, and his granddaughter, Mrs. Claea Zumbaugh, both living at Albion, the following facts were obtained and fully verified:

Samuel Wilson, one of triplets—two boys and a girl—was born at Wilmington, Del., March 4, 1778, the son of Marmaduke and Mary Wilson, who came to America from Scotland. There were no other children in the family.

Growing to manhood there, Samuel with his brother joined the Lewis and Clark Northwest Expedition in 1804, accompanying them as far as where Mandan, N. Dak., is now located. These young men spent the winter there, returning to St. Louis, Mo., in the spring. Later they returned to Troy-on-the-Hudson, N.Y., where they were joined by their parents. Samuel secured employment with one Elbert Anderson, who owned and operated a general supply store.

When war with Great Britain was declared in 1812, the Anderson store was converted into a Government supply headquarters, with Anderson as commissary and Samuel Wilson as his superintendent, afterward a quartermaster. Among Mr. Wilson's duties was that of examining and marking all packages for Government use. The mark placed on these containers was "E.A.—U.S." Wilson was known by his associates as "Uncle Sam," and one day when a longshoreman was asked the meaning of these initials, he replied by saying, "For Elbert Anderson, the commissary, and Uncle Sam, his superintendent, for he and the United States are all one. He represents the Government, too." Meant as a joke, the idea took hold and Mr. Wilson's name, "Uncle Sam," since that time has been a personification of the United States the world over.

APPEARED IN CARICATURE

Later Uncle Sam began to appear in caricature, in many guises before the Civil War. Although tall and slender, as Mr. Wilson was, it is thought the present conception of Uncle Sam, which began to appear in cartoon in the early 80's, had its inspiration on the tall, gaunt figure of Abraham Lincoln.

"Uncle Sam" had varied experience during the war. He was on board the *Constitution* in that famous 25-minute battle with the *Guerriere* when the latter was sunk. In this battle Uncle Sam was cited for gallantry by Capt. Isaac Hull, and when he was honorably discharged he received two land warrants from the Government. One of these warrants he sold to his son, John M., who now lives at Albion, Ind., while the other went to a Jim Harrison and was also used in Indiana.

After the War of 1812, Uncle Sam went to Pennsylvania where he was united in marriage to a Miss Susan Anderson of

Cumberland County. To this union 10 children were born—7 boys and 3 girls, as follows: Noah, David, Andrew, Samuel, Anthony, James, John, Mary, Angeline, and Lucinda.

By trade and profession Uncle Sam was a tailor and a doctor. His son John now has a lance that was used by Uncle Sam to alleviate the suffering of his patients, in the old days when "bleeding" was regarded as a cure-all for most ailments.

As time rolled on, and the caricature of Uncle Sam became more and more in use, his family developed a strong antipathy to this familiarity, and when they moved to Indiana among strangers they resolved to avoid any further publicity along this line and kept the identity of Uncle Sam a secret. However, a chance remark furnished a clue which when followed brought the above story, which was freely told and fully verified.

Uncle Sam died March 7, 1878, in Kosciusko County, Ind., at the age of 100 years and 3 days. His body was later removed to Merriam where it now rests with other members of the family.

[From the Indianapolis News, Mar. 31, 1955]

RINGSIDE IN HOOSIERLAND—UNCLE SAM'S BURIAL PLACE IN INDIANA

(By Wayne Guthrie)

You may recall that in July I raised a question as to just where Uncle Sam—the real prototype of that picturesque personification of the U.S. Government—is buried.

That query was prompted by a book I was reading at that time, "Stories in Stone," by Charles I. Wallis. It indicated that two localities—one in Indiana and the other in New York—claim that distinction.

On one thing both are in agreement—the man's name was Samuel Wilson.

Persons living near the Christian Chapel Cemetery, near Merriam, Noble County, insist the genuine Uncle Sam is buried there. By the same token that book pointed out that a gravestone in a Troy (N.Y.) graveyard carries an inscription referring to "Uncle Sam."

John J. Favinger, Whiteland, assistant State entomologist, sent me two pictures he took recently of that gravestone, stating that Wilson was a soldier of the War of 1812 and that he was 100 years and 3 days old when he died May 7, 1865.

NEWSPAPERS AGREE ON DATE

An attaché of the reference division of the Indiana State Library called attention to two different articles that appeared in two different newspapers several years ago about this same gravestone. They both refer to the date of death as being March 7, 1878. That obviously is a 13-year discrepancy with the date on the stone itself but one of the articles explained that by saying the stonecutter made that error which had not been corrected because the family at that time hoped to erect a marker more fitting.

Perhaps some highlights from the material contained in those articles might be of interest. For one thing, that Samuel Wilson was born at Wilmington, Del., March 4, 1778, and was one of triplets—two boys and one girl.

Samuel and his brother joined the Lewis and Clark expedition in 1804 and traveled with it until it reached the spot that now is the site of Mandan, N. Dak. There the brothers spent the winter, returning to St. Louis, Mo., the following spring.

Eventually Samuel made his way to Troy, N.Y., where he and a man named Elbert Anderson owned and ran a store. The War of 1812 saw that store become a Government supply headquarters, with Anderson as the commissary and Wilson as quartermaster. Included among the duties that fell upon Wilson was that of examining and marking all the packages designed for Government use. The identification mark was—"E.A.—U.S." I presume the "E.A." referred to Elbert Anderson. It wasn't long before associates started calling Wilson "Uncle Sam." It is not made entirely clear how that began but one point is of interest in that respect.

It said that once a longshoreman, asked what those initials—"E.A.—U.S."—meant, came back with this answer, obviously meant as a rank joke:

"For Elbert Anderson, the commissary, and Uncle Sam, his superintendent, for he and the United States are all one. He represents the Government, too."

JOKE CREATE NATIONAL SYMBOL

Regardless of the fact that it was intended as a joke that name quickly took hold and Wilson afterward was known as Uncle Sam. Since then, too, "Uncle Sam" has been known everywhere as the personification of our Government.

Wilson had some thrilling experiences being on the U.S.S. *Constitution* in the battle in which it sank the *Guerriere*.

At his honorable discharge Wilson got two land grants from the Federal Government. Both of these, which he disposed of to others, were for Indiana land.

Following the War of 1812 Wilson married a Pennsylvania girl and to that union 10 children—7 boys and 3 girls—were born.

QUESTIONNAIRE ON IMPORTANT NATIONAL ISSUES SENT TO RESIDENTS OF THE 39TH CONGRESSIONAL DISTRICT OF NEW YORK

Mr. ROBISON. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. OSTERTAG] may extend his remarks in the body of the RECORD and include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. OSTERTAG. Mr. Speaker, this year I distributed a questionnaire on important national issues to a cross section of residents in the 39th Congressional District of New York, which I am privileged to represent. The district includes that portion of the city of Rochester and Monroe County which lies west of the Genesee River, and Orleans, Genesee, and Wyoming Counties.

Replies to the questionnaires were submitted by 5,154 persons, and the tabulations of results furnishes some very interesting and significant information. For example, an overwhelming majority of replies favored a balanced budget and a reduction in farm price supports. By lesser margins the replies supported an increase in the Federal minimum wage standard and a continuation of foreign aid programs.

There was strong opposition to admitting Communist China to the United Nations. A majority also opposed stronger Federal regulation of radio and television programs and Federal aid to support public schools.

Other questions dealt with space exploration, social security, interest rates, relations with Russia and the choice for the next President of the United States.

A complete tabulation of the results is listed below in percentages of the total number of replies:

	Percentages		
	Yes	No	Undecided
1. Do you favor a balanced Federal budget as a means to maintain a stable economy and check inflation?	94.3	3.7	2.0
2. Should the United States greatly accelerate its programs of science and space exploration?	66.5	27.5	6.0
3. Do you favor Federal aid to the States and communities for the support of our public schools?	43.0	54.3	2.7
4. Should the Congress enact legislation to reduce the present levels of price-support subsidies for surplus farm commodities?	81.7	13.8	4.5
5. Do you favor enactment of legislation to provide for stronger Federal regulation of radio and television programs?	45.8	50.2	4.0
6. Should the social security law be amended to—			
(a) Raise the present annual $4,200 ceiling on earnings?	73.3	22.3	4.4
(b) Increase the social security taxes to provide for a program of hospital and medical benefits for eligible retired persons?	49.1	46.4	4.5
7. Do you favor amending the Federal minimum wage law to raise the present minimum rate of $1 an hour to $1.25?	60.5	37.5	2.0

	Percentages		
	Yes	No	Undecided
8. Should Congress enact legislation to remove the present 4¼-percent ceiling on interest rates for long-term Government bonds?	41.3	47.9	10.8
9. Should we continue at the present level our foreign-aid programs of—			
(a) Military assistance?	50.8	39.9	9.3
(b) Economic assistance?	55.9	35.4	8.7
10. Do you believe it is desirable to increase cultural, scientific, and trade relations with Russia?	57.5	36.5	6.0
11. Do you favor admission of Communist China to the United Nations?	16.0	79.1	4.9
12. Who is your choice for the next President of the United States?			
Nixon 59.3	Stevenson 2.1		
Kennedy 8.1	Others 4.5		
Rockefeller 3.4	No selection 22.6		

MEDICAL CARE FOR THE AGED: WHAT'S A GOOD ANSWER, MR. PRESIDENT?

The SPEAKER pro tempore (Mr. GEORGE P. MILLER). Under previous order of the House, the gentleman from Oregon [Mr. PORTER] is recognized for 60 minutes.

Mr. PORTER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. PORTER. Mr. Speaker, several years ago I attempted to hold off a tough

question from one of my sons with the remark "That's a good question." It did not work. His response was, "What's a good answer, Dad."

The President, through Arthur S. Flemming, his Secretary of Health, Education, and Welfare, has said in effect that what to do about medical care for the aged is a good question. Secretary Flemming said yesterday:

All the administration has endorsed is the exploration.

We know it is a good question. What the American people want to know is what is a good answer. Many of us think that the Forand bill—H.R. 4700—is a good answer, maybe not the best but certainly the best we have seen so far.

Yesterday Secretary Flemming told the Ways and Means Committee that the administration had decided it was necessary to "explore further some complex issues" before devising "principles of a practical program." I suggest that it is plain that Secretary Flemming, who recognizes the need, was overruled by the President and by Republican leaders who do not recognize the need. The complex issues are not those of medical care for the aged but of Old Guard reactionary prejudice.

It is good to know that the House Ways and Means Committee is presently concerned with reporting out a social security bill for 1960. I am one of many Members of Congress who believe that among its provisions should be found the kind of protection against hospital and nursing home costs for social security beneficiaries which is contained in the Forand bill.

This proposal extends the scope of our social security system by paying for these costs from the self-financing social security fund, using reimbursement methods closely related to those now used by plans such as Blue Cross and Blue Shield.

THE FEAR OF ILLNESS

It is, I believe, no exaggeration to say that the haunting fear of an expensive illness lies deep in the heart of our older men and women. Too often, we know, they are unable to purchase the kind of protection they need, because of their lowered retirement income. In 1958, 60 percent of people aged 65 and over had less than $1,000 a year in net income.

This concern is not limited to our senior citizens, but is shared by their married sons and daughters who, with heavy family responsibilities of their own, are disturbed by the fact that they cannot always help their parents meet these costs to the degree that they would wish to do so. All evidence shows, moreover, the pressing need for better and more adequate medical care for people in this age group.

But we have become so embroiled in a discussion of how best to take care of this crucial problem that we have, too frequently, lost sight of what the problem is. We have been told, on the one hand, that this kind of protection can be provided through the development of voluntary plans for this purpose, by limiting Government action to people who have been subjected to the needs test of our public assistance programs, or by voluntary low-fee schedules set at the individual discretion of doctors.

The Forand bill has been attacked as a step toward socialized medicine, disregarding the fact that the bill's benefits would be financed through the existing mechanism of our social security plan, using the combined contribution of workers and employers during working years to pay for a paid-up policy on retirement.

WIDE SUPPORT FOR FORAND BILL

In some 25 years of experience with this plan we have learned that this method provides a self-respecting form of protection against the loss of earnings caused by retirement, premature death of the wage-earner, and crippling disability. I am convinced that it is time to extend it to provide similar protection against the threat of heavy medical expense. The Forand bill is a carefully-considered piece of legislation which has been before the Congress for 4 years now. It enjoys the support of organized labor, most senior citizens groups, and public welfare officials—including two former Commissioners of Social Security under this administration. It deserves our serious consideration of its merits, and our support.

It is reassuring to note that the present administration at long last has begun to recognize that the need for better care for our senior citizens, available at a price they can afford to pay. This is a problem which will not disappear through wishful thinking or interdepartmental committees. But I have become increasingly disturbed by the conflicting and confusing stories appearing in the press during the past year, and particularly the past month, as to the administration's shifting solutions to the problem. Allow me to review for you some of the statements and pronouncements which have appeared during this period.

First of all, it may be noted that, in reporting the 1958 amendments to the Social Security Act, the Committee on Ways and Means expressed its great concern with the problem of providing better protection against hospitalization costs for older men and women and asked that the Department of Health, Education, and Welfare prepare a study of various alternatives, to be presented to the Congress in January 1959.

WAITING FOR AN ALTERNATIVE

Three months after the due date, on April 2, 1959, this report was submitted with the statement that its purpose was to present "the most important factual information bearing on this subject" but carrying no conclusions or recommendations. Specifically the report states:

Having completed this compilation, we are now proceeding with an analysis of the policy issues involved with a view to developing specific recommendations.

This statement was made, as you will note, just about a year ago.

During mid-July of 1959, the Committee on Ways and Means initiated a full week of hearings on the Forand bill. In the course of these hearings, Secretary Arthur S. Flemming appeared. Many of us hoped that, at this time, he would come up with a firm policy which the Congress could explore. Again we were disappointed when the Secretary came up with no specific proposal and I, for one, was gratified that the able gentleman from Rhode Island [Mr. FORAND] expressed his concern over the fact that the report itself had been "delayed and delayed," together with his conviction that "if everybody who is interested in trying to find a solution for this problem had been devoting his time to finding a solution rather than fighting a bill that I introduced 2 years ago, perhaps we would have a solution by now."

The Secretary did, however, make one positive statement in his appearance at this time before the Committee on Ways and Means. He took the position that the objective "of making adequate medical care reasonably available to our aged population should, so far as possible, be achieved through reliance upon and encouragement of individual and organized voluntary action." As one reason for his opposition to the Forand bill, he identified the administrative problems which would arise in providing this new kind of protection. He agreed to study the matter further and come up with a more detailed proposal later.

SILENCE FROM THE DEPARTMENT

Throughout the summer and fall there was silence from the Department, except for an occasional reiteration of the position that private voluntary insurance must have a chance to show what it could do. In late October, a policy statement hinted that some changes might be proposed for the social security system, particularly in the public assistance plan, but no mention was made of the health needs of the aged.

Meanwhile, letters from our older men and women continued to pour into congressional offices urging prompt consideration of the Forand bill. During the hearings conducted last fall throughout the country, by the Subcommitee on the Aged and Aging of the Senate's Committee on Labor and Public Welfare, older men and women appeared repeatedly to state that their greatest worry was how they could manage to finance the cost of an extended illness. They were self-respecting men and women, proud of their present self-sufficiency, but greatly concerned by the fear that expensive medical care would wipe out their savings and force them to accept charity in one form or another.

"CONSIDERATION" BY THE ADMINISTRATION

Finally, on February 4 of this year, the President told his news conference that the administration was considering a proposal to increase the social-security payroll tax by one-fourth of 1 percent for both employers and employees to finance better care for the aged—an amount of tax increase identical with that in the Forand bill. It was said, however, that the administration had in mind provisions covering only catastrophic illness among the aged, and that the Department's staff was working on

several alternative plans. The New York Times story on this press conference concluded:

Secretary Flemming has said he recognizes such care as necessary. He has promised to produce a plan to put before the House Ways and Means Committee when it takes up amendments to the Social Security Act [in mid-March].

About 3 weeks later, on February 20, another news story appeared in the New York Times stating that—

Mr. NIXON's leadership during the last week is credited with having broken a long administration logjam, with the result that five alternative plans for medical care for the aged were sent from the Department of Health, Education, and Welfare to the Budget Bureau for an administration decision.

These proposed plans were described as follows:

A plan to cost $90 million the first year for medical care of the indigent aged using the public assistance mechanism. It is generally thought that this plan can be disregarded as it would be paid for by public revenues and would be contrary to the budget policies of President Eisenhower.

A payroll deduction plan to cost $400 million that would involve taking out insurance policies for the aged. The policyholder would pay the first $250 in charges for a serious illness, the Federal Government up to 85 percent of the remainder of the costs.

A payroll deduction plan to cost $500 million, somewhat broader in scope, again with the first $250 deductible.

A payroll deduction plan to cost $750 million to cover all costs but surgery.

A payroll deduction plan to cost $1 billion to provide complete medical care, including nursing-home care, for the needy aged.

It may be noted that, at this point, four of the five plans included the payroll deduction method of financing used in the Forand bill. The story stated further that—

Arthur S. Flemming, Secretary of Health, Education, and Welfare has been trying since last July to draft a plan for medical care for the aged that would be acceptable to the Budget Bureau.

FLEMMING'S DILEMMA

On Monday, March 14, Secretary Flemming appeared before the Committee on Ways and Means, in executive session, still apparently without an answer. On Saturday, March 19, still another news story appeared, noting that the President had conferred with Secretary Flemming. The situation was desperate because the Secretary had told the Committee on Ways and Means that he would be ready to report the administration's position on Wednesday, March 23, which was yesterday. This story, as reported by the United Press International, stated:

Flemming, under pressure of this deadline, apparently hoped to get a final decision quickly.

Informed sources said a voluntary insurance scheme was under serious consideration because of Budget Bureau and Treasury Department objections to other plans.

This time, according to the news story, the administration abandoned the social security method in favor of a system to underwrite private insurance plans, with State and Federal Governments paying the major share of the cost of premiums for low-income individuals. According to this report, this last minute measure would shift the administration of the program from the Social Security Administration to the Public Health Service and finance the Federal share of the program from the general revenues.

Then yesterday, Secretary Flemming told members of the Ways and Means Committee the administration was still looking at the problem. A story in the New York Times today noted:

Mr. Flemming testified at a closed session of the House Ways and Means Committee. He later made public his prepared statement and answered reporters' questions.

"The Cabinet officers, adhering strictly to the Eisenhower team's rules of conduct, refused to discuss the difficulties he had met in seeking Presidential backing of an alternative program."

SUPPORT WITHHELD

At a White House conference yesterday, he outlined his ideas for a subsidized system of voluntary health insurance for elderly persons with low incomes. President Eisenhower sided with Republican congressional leaders in withholding his support, at least for now.

Nevertheless, Mr. Flemming said on leaving the committee room, "I am pursuing this approach just as vigorously as possible.

"All the administration has endorsed is the exploration," he said.

THE FABLE OF THE MILLER

With all due respect, let me say that, as I have followed these news stories, I have been reminded of the fable of the miller and his son who were driving their ass to a neighboring fair where he was to be sold. They had not gone far when they encountered a group of laughing girls returning from town.

"Look there," cried one of the girls. "Did you ever see such fools, trudging along the road on foot, when they could be riding."

So the miller put the boy on the ass and they went on their way. Presently they encountered a group of old men in earnest debate. "There," one of the elders called out, "Look at that idle young rogue riding while his poor old father has to walk."

And so the son got down to walk and the miller took his place on the donkey's back. They proceeded in this manner until they came to a company of women and children. "Why shame on you," they cried, "How can you ride while that poor little lad can hardly keep up with you?" The good miller, wishing to please, then took up his son to sit beside him.

But as they reached the edge of the village a townsman called out to them, "I will report you to the authorities for overloading that poor beast so shamelessly. You big hulking fellows should be able to carry that ass rather than the other way around."

So the miller and his son tied the beast's legs together and, with a pole across their shoulders, carried the ass over the bridge that led to the town.

When they saw this, all the townsfolk came out to laugh. The poor animal, frightened by this uproar, began to struggle to free himself and, in this process, slipped off the pole and over the rail of the bridge into the water and was drowned.

THE ADMINISTRATION'S LIPSERVICE

Mr. Speaker, I submit that we have reached the point at which responsible men in the administration, like the miller and his son, find themselves carrying the beast over the bridge. They have reached this sorry pass to avoid the charge of "socialized medicine," and to give lipservice to the voluntary method and voluntary insurance. In their effort to please all of the special interest groups concerned, they have pleased no one. We can sympathize with their plight. To avoid the charge of "socialized medicine" they have somehow worked themselves into the position of coming up with a plan financed, in part at least, out of the general revenues. By most definitions this method is itself socialistic in the sense that it gives out something for nothing. There is a vast difference in this approach and the social security method based on employee-employer contributions.

Moreover, in the face of their own statement that certain administrative problems might be created by the Forand bill, they seem to have produced, at this time, an administrative monstrosity which, instead of using the well-established and smooth-running social insurance plan, would set up another mechanism in the Public Health Service to provide such care. It will be interesting to see how long this makeshift proposal, the laborious product, to date, of months of high-level meetings, will survive. It seems likely to me that, like the poor animal in the fable, it is now struggling so hard that it is destined to slip into the water and be drowned.

Meanwhile, we must not forget that we are here concerned with providing our senior citizens with the kind of medical care they need in a manner which preserves their dignity and their independence.

It is time, I believe, that we look at the carefully worked out alternative to the administration's proposal-for-the-day approach. What would the Forand bill do? Very simply, it would provide combined hospital and nursing home care for up to 120 days per year for those people entitled to social security benefits—a total of more than 15 million people. Certain surgeons' bills would also be met by the Government. To finance this care, the plan would use the time-tried method of social security. Through an increase in the payroll tax, variously estimated at between 0.50 and 0.80 percent of payroll, the people of this country could, during their working years, pay for the cost of such care in the same way that they now pay for their retirement, survivor, and disability benefits.

THE OBVIOUS ADVANTAGES

This method has a number of obvious advantages. First of all, contributions under the Forand bill are levied over the individual's working lifetime when he is more able to pay for it and not in retirement when he is not. Secondly, employers share half of the cost in the same manner that they share the cost of benefit payments now being made. Thirdly, the costs of such protection are adjusted to the ability to pay because the payroll tax represents a proportion of earnings regardless of the number of family members covered. The social insurance method, used by the Forand bill, uses the same social principle we now have—to pay a higher family benefit to a man with dependents—to provide them as well with protection against medical costs at a cost related to his earnings, rather than to the size of his family.

A KNOWLEDGEABLE DOCTOR'S OPINION

With medical cost rising, it seems clear the voluntary insurance cannot successfully deal with the health problems of the elderly. In a letter of February 29, 1960, the man who served as president of the National Blue Cross Association in 1957, Dr. Basil C. McLean, M.D., wrote Congressman FORAND:

A lifetime's experience has led me at last to conclude that the cost of care of the aged cannot be met, unaided, by the mechanism of insurance or prepayment as they exist today. The aged simply cannot afford to buy from any of these the scope of care that is required, nor do the stern competitive realities permit any carrier, whether nonprofit or commercial, to provide benefits which are adequate at a price which is feasible for any but a small proportion of the aged. * * *

Legislation along the lines of the Forand bill offers a means of settling an area of difficulty and relieving the voluntary prepayment mechanism to concentrate on better programs within its areas of demonstrated competence. Surely, if OASDI health benefits are "contracted out" voluntary prepayment will be thereby strengthened and its programs will rest upon sounder economic footing.

For hospitals, the measure will provide, for the first time, adequate payment for services rendered to aged patients, relief from an unnecessary burden of long standing, and the kind of dependable financial support that produces growth and vitality for the community's health facilities.

There is good evidence that the American people are in favor of such legislation, in spite of the "scare" words which have been used against it. We know this from the letters that we receive from older men and women themselves. According to two studies by the University of Michigan recently released, more than half of the adult population surveyed favors Government help in providing low-cost medical and hospital care. These studies of public attitudes toward Federal participation in this area were made among 2,000 adults on a national level in late 1956 and in 1957 among 860 persons in Wayne County, Mich. The results were strikingly similar. The national survey showed that 55 percent of people interviewed felt that the Government should "help people get doctors' and hospital care at low cost." Twenty-five percent were opposed and 20 percent expressed no opinion. In the Wayne County study, 63 percent favored Government assistance, and 23 percent were opposed.

Mr. Speaker, I am convinced that we must act promptly in this matter and it is even more important that we act responsibly. Congressman FORAND's bill is, as I have said, a carefully considered proposal. It has been discussed in public hearings both in connection with the 1958 amendments to the Social Security Act, and in a full week of hearings on this one proposal last July. The hard-working gentleman from Rhode Island [Mr. FORAND] has always taken the position that he is open to reasonable changes in the provisions of the bill provided that they are within the framework of the social security system.

TIME FOR ACTION

AIME FORAND is a patient man. He knows that the Ways and Means Committee, of which he is the ranking Democratic member, has many great and complex responsibilities. However, the time will soon be here when, if necessary, action on the House floor will be achieved through a discharge petition.

On Tuesday, March 22, 1960, the gentleman from Rhode Island [Mr. FORAND] filed with the Rules Committee a resolution for a special rule. It is my earnest hope that the Ways and Means Committee will be able to report out suitable legislation to meet this vital problem and that a discharge petition will not after all be necessary. However, it is my belief that most Members of the House recognize the urgency of the problem and that they will insist on action.

In closing I want to bring to the attention of the House two excellent letters I have received. They discuss the need for such legislation as is found in H.R. 4700.

A county health officer in my district wrote to me this month. This is what he said:

MY DEAR MR. PORTER: As you may be aware there is a paper published weekly by the American Medical Association entitled "The AMA News." One of the chief reasons for existence of this paper seems to be opposition to the Forand bill. The issue dated March 7 on the front page there is a headline reading "Write Your Congressman." I am doing so.

Within the past month or two there was an editorial stating that most people past 65 were able to pay a $500 medical bill because they had found by a survey that most people past 65 had $500. The fact that paying that medical bill would wipe out these people's entire savings did not seem to be of any importance whatever. This editorial was to me somewhat nauseating. In fact, it made me just a little ashamed of my profession.

I would suggest that you acquire all the copies of this AMA News published within the last few months. I also want you to know that there is at least one physician in the Fourth District who is for and not against the Forand bill. From my observation the attitude of the general public on the Forand bill does not coincide with that of the American Medical Association.

The second letter comes from a couple in Sutherlin, Oreg., in my district. It reads:

SUTHERLIN, OREG., *October 6, 1959.*

CHAS. PORTER,
Democratic Headquarters,
Roseburg, Oreg.

DEAR SIR: We are a couple almost old enough for social security. Now with everything going higher and higher we are wondering how long we are going to eat, not to mention lights, heat, taxes (we have a trailer, still have to pay approximately $45 a year). Clothes (they do wear out). We get sick oftener than when we were young. Yet when we were young we had group insurance (sometimes paid by the employer) that paid our doctor and hospital bills. Hospital care now averages $18 per day, compared with $10 10 years ago.

Insurance companies won't take a chance on us now. (If they did it would cost so much it would be impossible to carry it.) We might get sick enough to require hospitalization, for this a social security check won't go too far. How about the doctor? He has to be paid. Most of them charge $5 a call. You can't blame them, everything they buy or use is higher. But what are we going to eat on after we pay seven or eight calls to the doctor out of what is left after we have paid the lights, the gas to cook on, taxes, etc., etc., etc.? Many old people, through no fault of their own, have less than $100 a month to live on—per month. I hear someone say, "They can earn $100 a month." Just where are we to look for these $100 jobs, that are work people 65 or over can do? They are too old to learn new jobs. Employers (most of them) don't want you after you are 45 or 50 at the most. You can get awful hungry between 50 and 65.

So what are you, our lawmakers, going to do for us? How about a program for people over 65 similar to the one contemplated for those on welfare? We also need help on our doctor and hospital bills. If we get a job it usually runs over $100 in most cases. Then the social security is bawled up. Maybe the check will be delayed next month as a result. Maybe the job has run out. So, no money to live on. If your taxes are due that month Uncle Sam either charges you interest for deferred payment or sells something you own to get his.

Then after a few years (supposed to be carefree retirement) we pass on to our final resting place. Many have a little salted away to help pay that last expense. But if you have to keep dipping in, we won't have any left. The man or woman who has his own social security account has a small amount. But how about the wife who doesn't have her own account? (That's me.) As long as you have $10 in the savings account, you are not eligible for welfare. Use the savings first, they say. So who is going to pay for me? So how about some bills being passed to help with doctors, hospital, medicine, and at last, funeral bills. Don't ask me where the money is to come. They always seem to find money in the millions of dollars to send to foreign countries, that they never get back. We have paid taxes all of our lives, so we have already paid ours.

Let's get going and do something for those who can no longer do for themselves.

Mr. and Mrs. W. R. P.

[From the Oregon Labor Press, July 3, 1959]

AMA TAKES ONE STEP INTO THE 20TH CENTURY

(From the AFL–CIO News)

The American Medical Association has moved somewhat reluctantly to bring its social viewpoint into line with its scientific know-how by withdrawing its objections to group medical plans.

Plans developed by trade unions and other groups to achieve the best possible health care at the lowest possible cost have demonstrated beyond any possible doubt that the group approach works—and works well. The AMA has, until its recent convention, waged a relentless fight to put these plans out of business.

But after an investigation of the type of medical care furnished by these plans, the AMA has decided to withdraw its opposition—although it still has not given group plans its active blessing and approval.

This is a heartening step, no matter how reluctantly the step was taken.

Now that the AMA has shown an inclination to enter the 20th century of medical economics, it might well consider going the rest of the way. It might reverse some of its

other social viewpoints that date from the days of witch doctors and patent medicines.

If the AMA wants to prove that it is really a 1959 model medical organization, it should withdraw its bitter opposition to proposals that health care for the Nation's aged be provided under the social security system.

[From the AFL-CIO News, July 25, 1959]

SICK PEOPLE NEED HELP NOW

The Eisenhower administration's approach to health care for the aged has an Alice-in-Wonderland tinge to its insistence on "individual initiative" and "thrift" by older persons who cannot afford the cost of medical care.

The House hearings on the Forand bill revealed agreement on the basic problem.

The Nation's 15 million persons aged 65 and over are growing by 1,000 a day. Three-fifths of them have less than $1,000 a year income. They need much more medical care than other people. To get it, many are forced to go on relief.

The American Medical Association, after sparking a $4.6 million campaign to convince the public that President Truman's national health insurance plan was "socialized medicine," is now urging physicians to offer cut-rate fees to retired people in an effort to fend off the Forand bill.

Forand bill opponents argue that Federal action would halt the sale of private insurance for the aged, something the aged can't afford anyhow, and would curtail their freedom of choosing doctors, also something they can't afford.

Organized labor and other supporters of the Forand bill have an answer: the aged need health care now and the people who will finance the Federal program as workers and consumers are willing to pay for it.

[From the White Collar, February 1960]

THE FORAND BILL

The Forand bill (H.R. 4700) would pay in full 60 days of hospital care for all persons eligible for old-age and survivors benefits. It would also pay for the costs of combined nursing home and hospital care up to 120 days a year in addition to certain surgical expenses. The cost of the program would be covered under the social security taxes levied on both employers and employees.

Unlike the contentions of the American Medical Association, this is not socialized medicine. It is purely an extension of the social security system to provide hospitalization and attendant services to those retired under the system including the dependent children of widows. There can be no sincere opposition to this measure.

The great majority of retired persons over 65 receiving social security benefits have no protection whatsoever at a time when their income is far too small to pay for hospital and surgical costs.

The Forand bill deserves the support of the Office Employees International Union.

[From the New York Times, Mar. 23, 1960]

PRESIDENT REFUSES TO BACK MEDICAL AID FOR AGED NOW

(By John D. Morris)

WASHINGTON, March 22.—The Secretary of Health, Education, and Welfare failed today to win President Eisenhower's support for a subsidized system of voluntary health insurance for the aged.

Secretary Arthur S. Flemming outlined his ideas for such a program at a White House meeting with the President and Republican congressional leaders. He had drafted several proposals at the suggestion of Vice President NIXON.

President Eisenhower, siding with his party leaders in Congress, ruled that the problem should be studied further before the administration decided whether to submit recommendations to Congress.

While Mr. Flemming had wanted a showdown at today's meeting, sources close to the Vice President reported that Mr. NIXON was agreeable to a reasonable delay. A spokesman said the Vice President was not backing any proposal now.

The question of health care for the elderly is rapidly becoming one of the main political issues of the presidential election year.

The main catalyst is a bill by Representative AIME J. FORAND, Democrat, of Rhode Island, to provide free hospitalization and medical care for social security pensioners. To finance this, the bill seeks to increase social security taxes.

The Eisenhower administration is vigorously opposed to the Forand bill or any other plan that could be classified as compulsory health insurance or socialized medicine. Secretary Flemming and Mr. NIXON are in accord with official administration policy on that score.

They have been pressing the White House, however, to come forward with an alternative to the Forand bill.

As the prospective Republican Presidential nominee, Mr. NIXON is said to believe that the party cannot afford to take a negative position on what has become a pressing social problem with major political implications.

Congressional sources report that the Forand bill is drawing more mail, for and against, than any other pending issue. Most of the correspondence apparently supports the measure.

Secretary Flemming is scheduled to testify on the Forand bill tomorrow before the House Ways and Means Committee. He was consequently eager to get White House support today for possible alternative recommendations.

Having failed, he is expected to tell the committee that the administration is intensively studying ways to meet the health-care needs of the aged through some system of voluntary insurance. He will reiterate the administration's opposition to the Forand bill and any other program with compulsory features.

A spokesman for the Health, Education, and Welfare Department said the approach now favored by Mr. Flemming was for a system of voluntary insurance supported largely by Federal and State financial aid.

Private companies, under the plan, would provide insurance covering the cost of hospitalization and nursing home care, and the Federal and State governments would share the major costs of the insurance premiums. The insurance would be available at the age of 65 to persons with incomes of less than $4,000.

PLAN KEYED TO INCOME

The amount of Federal-State assistance on each policy would be keyed to the income of the person insured. The subsidies, on the average, would be shared between the Federal Government and the States on a 50-50 basis.

This was the only plan not specifically rejected at today's White House conference, it was understood. Among those rejected was one to finance a health insurance system by higher social security payroll taxes.

Despite much pressure from the public for favorable action, a majority of the Ways and Means Committee opposes the Forand bill. That was a factor influencing the White House decision against making alternative recommendations at this time.

Meanwhile, Mr. FORAND took a preliminary step toward forcing a vote in the House despite the committee's inaction. He introduced a resolution calling for 4 hours of debate, with amendments restricted to any that the Ways and Means Committee might propose. The resolution goes to the Rules Committee, which ordinarily originates such procedural measures.

PLANS DISCHARGE PETITION

Mr. FORAND said he would take the second step next week. This will be the filing of a petition to discharge the procedural resolution from the Rules Committee. If he gets 219 signatures on the petition, the bill will come to the floor.

Vice President NIXON did not participate in today's White House Conference. He is in Florida on a holiday.

An aid outlined his position to reporters today as follows:

The Vice President opposes any bill with compulsory features because it would lead to state medicine. He is against any form of state or socialized medicine.

But he thinks that attention should be given to the problem of elderly people subject to catastrophic types of illness and unable to buy insurance protection.

He has talked to Secretary Flemming on several occasions and has urged the Department to explore the problem thoroughly to see if it can devise a program with voluntary features and some governmental assistance without leading to the possible trap of socialized medicine.

[From the Grants Pass (Oreg.) Courier, Mar. 16, 1960]

BRIGHTER HORIZONS FOR THE AGED

It looks like the wage base on which social security withholdings are computed will rise to around $4,800 a year, in view of the attitude of not only the Democrats in Congress but the Republicans as well, who want to go along with broader aid for the aged as a matter of policy and politics.

And as the base goes up, it provides more money and Congress is aiming to provide more liberal social security payments in this an election year, the disabled will be eligible, according to many Congressmen's views, for disability payments at any age; the retired will be able to earn more annually and still draw social security checks; widows probably are due to get bigger pensions, probably a 10 percent hike; and medical aid for the aged is looming, albeit the AMA—American Medical Association—is kicking the proposal around hoping to find a proposal they can more readily countenance than the ones now in committee.

Doctors and some big insurance companies are opposing medical aid for older people, asserting it will lead to "socialized medicine and a full medical insurance program." Comes the retort by proponents of medical aid that social security was once feared on grounds it would kill off private pension plans, but it didn't. The doctors have great political weight, their organization, the American Medical Association, wields a powerpacked lobby big stick and so * * *.

The search is on for a compromise the doctors can support, or at least, not oppose. It is possible Congress won't get a bill over, unless it is able just to sort of get a foothold or toe-in-the-door idea that can later be used to pry open a full-blown plan for medical help for the old folks. At least it is the beginning of something long hoped for but not expected to materialize. Fact is, these issues have failed of publicity because they are so largely if not wholly, as of now, tied up in committee and consequently are being worked on quietly. But truth will out and so are machinations of the Congress on social security matters outing.

DOCTORS AND THE FORAND BILL

(Prepared by the AFL-CIO department of social security, Nelson H. Cruikshank, director, Jan. 2, 1960)

FOREWORD

In 1960 we shall be observing the 25th anniversary of social security in America.

We have made considerable progress since the days of the county poorhouse. This progress has been made despite the opposition from organized medicine to the original Social Security Act of 1935 and to subsequent major improvements.

Many public-spirited physicians have shared our regret that the voice of the medical profession has been raised so consistently with the voices of big business and the commercial insurance industry against each new form of social insurance, including the disability amendments of 1956, which have now gained general acceptance.

Today the most serious gap in our family security structure is the failure to provide payments for medical care for retired people and for families whose breadwinner has died. The Forand bill (H.R. 4700) would fill this gap.

There were congressional hearings on this bill in July 1959. Many prominent physicians, aware of the quarter-century successful operation of old-age and survivors insurance agreed with representatives of labor, professional, farmer, and welfare groups that this social security mechanism could be employed to meet the medical needs of retired people. Some of these doctors dared to speak out. They were not all in favor of the bill in its present form, and a number of them made valuable suggestions for ways of improving it. These were welcomed by Congressman FORAND and others who support the proposal.

Excerpts[1] from the statements of these men, all outstanding leaders in the medical profession, are contained in this leaflet. We, in labor, are indebted to these fine doctors for their support and their constructive suggestions.

James P. Dixon, Jr., M.D., commissioner of health, city of Philadelphia, 1952–59; board of directors, Hospital Council of Philadelphia, 1958–59; chairman, Program Area Committee on Medical Care, American Public Health Association, 1958; diplomate, American Board of Preventive Medicine:

"I am a director of the Hospital Council of Philadelphia and appear today on its behalf and specifically on behalf of its committee on government relations which, during the past 4 months, has been making an intensive study of the problem of financing hospital care of the needy in Pennsylvania.

"Unpaid care has become such a drain on the resources of our hospitals that the quality and the availability of hospital services are seriously threatened.

"There are currently about 250,000 people on social security in the five counties of southeastern Pennsylvania, and these people use about 36 percent of all free care given in the area's 58 hospitals. If these beneficiaries were covered by hospital insurance, a third of our free care deficits would be wiped out. State and local grants could then be applied to the remaining two-thirds, and hospitals would be financially able to devote a much larger portion of their income to improvement of services and the raising of wages.

"Under H.R. 4700, benefits would be paid to hospitals for OASDI recipients either directly from the social security trust fund, or indirectly through voluntary insurance plans.

"Such a system * * * would minimize pauperism by making a means test unnecessary for obtaining benefits; it would eliminate the need for any contribution after retirement; it would spread contributions over the individual's working lifetime; it would avoid increasing the costs of voluntary hospital insurance for the younger population because of the inclusion of aged persons; and it would appeal to State and local governments and their taxpayers, as it would tend to keep down the ever-increasing cost of health care under public assistance and State hospital aid programs.

"My experience * * * as a public health executive in the city of Philadelphia brings before me continuously problems of people who are unable to receive the kind and quantity of medical care that a physician practicing in the community would judge it would be necessary for them to receive."

Morris Brand, M.D., medical director, Sidney Hillman Health Center, New York, N.Y.; William S. Hoffman, M.D., medical director, Sidney Hillman Health Center of Chicago; Joseph A. Langbord, M.D., medical director, Sidney Hillman Medical Center of the Male Apparel Industry of Philadelphia; Julius Schwimmer, M.D., medical director, Amalgamated Laundry Workers Health Center of New York:

"The medical directors of the four health centers affiliated with the Amalgamated Clothing Workers of America and serving 110,000 members and spouses strongly recommend passage of the Forand bill.

"In our daily activities we are frequently confronted with the necessity of hospitalizing retired members and their spouses for surgical and nonsurgical conditions as ward cases in municipal and voluntary hospitals because they have not been able to afford hospital and surgical insurance coverage. We have cases on record to prove that retired members who have been advised to be hospitalized for such serious conditions as impending gangrene of the toes, acute thrombophlebitis of the lower extremities, and cancer of the colon were turned away by the hospitals to which we had referred the members. Such situations would not have occurred if these members had adequate personal funds or insurance coverage.

"We know of no adequate remedy for this gap in our medical coverage except an equitable system of national coverage, paid for by the worker during his years of peak earning power.

"In spite of the American Medical Association's official attitude, many physicians like ourselves support the principles of the Forand bill and want it passed."

Leo Price, M.D., Director, Union Health Center, International Ladies' Garment Workers' Union; diplomate, American Board of Preventive Medicine; member, Commission on Medical Care Plans, American Medical Association; associate clinical professor of industrial medicine, New York University:

"The Union Health Center in New York, owned and operated by the ILGWU, serves 140,000 workers in the metropolitan area, providing ambulatory care for them.

"As a rule, garment workers are not large wage earners. Our experience among our patients is that the majority earn between $2,500 to $3,500 a year because of the seasonal nature of the industry.

"Social security and union pensions are almost the sole sources of income for retired patients. Due to their low earnings in past years, their social security benefits do not reach the maximums and their union pensions are only $50 to $65 a month. Obviously, this is not enough to provide even the bare essentials of daily living, much less any additional cost for medical care. We have had evidence of their financial difficulties in medical problems by their inability to pay for low cost drugs at the center which are priced on a cost basis.

"Only a small number of people manage to carry hospitalization insurance on an individual basis after they have retired from the industry where it had previously been provided on a group insurance plan.

"Many patients are reluctant to go to municipal hospitals because of the charity atmosphere and the means test."

Frank F. Furstenberg, M.D., medical director, Sinai Hospital Outpatient Department 1951; director, Sinai Hospital Medical Care Clinic, 1947—administrative responsibility for the program of medical care for Baltimore's public relief clients assigned to Sinai; physician, Allergy Clinic, Johns Hopkins Hospital, 1939; instructor, medicine, Johns Hopkins School of Medicine, 1939; fellow, American Academy of Allergy and American Public Health Association:

"In my function as medical director of an outpatient department we see OASDI beneficiaries when they cannot get adequate medical care. I would like you to take the necessary steps to add outpatient service and comprehensive care for the beneficiaries so that the need for hospitalization will be minimized and the patient will be given preventive diagnostic service outside the hospital.

"Much depends on the rate at which you get medical care. If someone comes to an outpatient department or to a hospital emergency room and is in cardiac failure and needs to be hospitalized right away, there are no questions asked.

"But suppose the person comes with hypertension and incipient failure, and it looks as though he needs medical care but he is a transient and there is a question of indigency. There are many hospitals that will not take care of such patients until they establish eligibility, go through a means test so that the hospital can collect.

"It does not seem fair to me that OASI beneficiaries should have to be pauperized in order to get medical care or that they should have to undergo a means test to obtain medical care."

Caldwell B. Esselstyn, M.D., founder and medical director, Rip Van Winkle Clinic, Hudson, N.Y.; diplomate, American Board of Surgery; fellow, American Geriatrics Society; associate in surgery and special lecturer in preventive medicine and public health, Albany Medical College, 1950; vice president, Group Health Association of America; fellow, American Public Health Association:

"No voluntary insurance plan of any sort can create the necessary resources to provide adequate coverage for this older age group. It is just a question of trying to get blood out of a stone.

"Recently * * * I had an experience with a patient who left the hospital. He was insured under the Continental Casualty program of over 65. His hospital stay over and above what he was allowed through his insurance cost him $538.

"I think this is a very representative case of the kind of things that happen with the best there is in the over 65 policies that are being made available today.

"It is * * * gratifying to see the Federal social security system used as a solution to the problem of more adequate health care for the aged, as proposed in H.R. 4700.

"Representative FORAND has very kindly invited criticism of his bill, and within the spirit of this invitation, I would like to offer * * * suggestions:

"I think that the final draft of this bill must provide for ambulatory diagnostic care in nonprofit institutions.

"It should be passed complete with built-in standards and quality controls.

"The last suggestion I have to make is that certain sums of money be set aside to support and document the experience of programs demonstrating various methods of providing comprehensive care for older people.

"I think the method of remuneration of doctors, the way they are organized, has very little to do with the doctor-patient relationship.

"If the driving force of a doctor is his interest in people, it is not going to be

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[1] The full text of the statements of the physicians cited here can be found in "Hospital, Nursing Home, and Surgical Benefits for OASI Beneficiaries," hearings before the Committee on Ways and Means, House of Representatives, 86th Cong., 1st sess., on H.R. 4700, July 13 through July 17, 1959, Government Printing Office, Washington, D.C.

affected by the method of payment of the organization under which the care is provided.

"I feel very strongly that this bill would not control medical practice. It would make medical practice as the doctor wants to practice it more available."

Frans Goldmann, M.D., director, health services coordination study, Council of Jewish Federations and Welfare Funds, Inc.; associate professor emeritus, Harvard University school of public health; diplomate, American Board of Preventive Medicine; fellow, American College of Preventive Medicine:

"To look forward, one must believe in old age. If the ideal of growing old gracefully is to become a reality, if the concept of equal opportunity is to be translated into a practical plan, then individual effort must be combined with social action directed toward development of as comprehensive a health program as can be devised on the basis of present scientific knowledge and technical skill.

"To consider solely the frequency of insurance among senior citizens is to disregard the maxim 'thou shalt not worship numbers.' What counts most is the type, scope, and period of benefits covered. Senior citizens, more than any other age group, need home care by physicians, nurses and other personnel, medical and nursing services in the institution for long-term care, and drugs and appliances—benefits rarely, if at all, included in contracts—and they require full coverage of hospital care and professional services in the hospital for a much longer period than is offered by most plans at present.

"Inclusion of health benefits in OASI would be of limited value if the pattern of benefits set by most of the voluntary plans were followed and it would be open to serious question if the emphasis were placed on payment of medical bills rather than on maintenance of high standards of service. These dangers can be avoided, though.

"The bill under consideration (H.R. 4700) has three noteworthy merits: (1) It provides for service benefits, thereby affording very much better protection than that offered to the majority of the persons carrying voluntary insurance; (2) it covers the full costs of hospital service for a period of 60 days, in contrast to the large number of voluntary plans terminating full benefits after about 30 days; (3) it includes nursing home services following hospitalization for a combined total of 120 days, thereby filling a serious gap in the benefits provided by the vast majority of all voluntary plans.

"The bill is deficient in that it calls for coverage of surgical service only, whereas elderly people need nonsurgical services as much, if not more."

George Baehr, M.D., special medical consultant, Health Insurance Plan of Greater New York; member, Board of Hospitals, City of New York; president and medical director, Health Insurance Plan of Greater New York, 1950–57; trustee, New York Academy of Medicine; president, New York Academy of Medicine, 1945–49; chairman, Public Health Council, State of New York, 1955; director of clinical research, Columbia University, 1944–50:

"I am consultant to, and previously president and medical director of, the Health Insurance Plan of Greater New York, which is responsible for virtually the total personal health services of 550,000 people in New York City.

"Most nonprofit health insurance plans such as * * * the Health Insurance Plan of Greater New York * * * have always permitted insured persons to continue their coverage with undiminished benefits after retirement.

"But $90 a year even for virtually total medical and surgical care for a two-person family without any extra doctors' bills at the time of illness seems to be too much to pay out of their small retirement income, especially since they must also carry the full cost of Blue Cross hospital insurance, which virtually doubles the cost.

"Only about one-third convert to individual insurance on retiring and many of these find it impossible to continue to pay the premiums after a year or two. They drop out just when they enter the years of greatest medical need. As a result, slightly less than 4 percent of HIP's 550,000 insurees are 65 years or over, whereas people of this age group constitute 9.1 percent of New York City's population. This clearly demonstrates that the privilege of converting health insurance to an individual contract after retirement will not solve the problem, even though the benefits are continued in full measure and the annual premium rate is almost the same as the group rate.

"Only through the social security mechanism can people of moderate means prepay in advance during their years of employment those high costs of hospital and nursing home care to which most people are exposed in their old age."

[From the Machinist, Mar. 24, 1960]

HOW THEY CARE FOR THEIR AGED

When the House Ways and Means Committee meets this week to consider the Forand bill to provide health care to the aged, the committee will have before it some startling evidence showing that the United States is one of the few major nations of the world without such a program. The evidence, published in a recent issue of the U.S. Government's Social Security Bulletin, was compiled by Daniel S. Greig and Carl H. Farman. This week, Ray Henry, the Associated Press social security columnist, brought the evidence to the attention of millions of newspaper readers. Here's a digest:

The United States is one of the world's few major countries without a government medical-care program for retired people collecting social security payments.

So if Congress adds such a program to social security this year—a move now being seriously considered—it won't be doing something startlingly new.

In fact, this country would be the 34th which furnishes protection against the costs of sickness to retired.

The methods the 33 countries use in providing the care vary widely, as do the methods of financing it and the types of care provided. But these general statements can be made:

The protection is usually provided to pensioners as part of a government sickness insurance or health services program which also covers employed persons.

The benefits usually include general practitioner care and sometimes specialist care, hospitalization, essential medicines, some laboratory services, and dental treatment.

The countries use four broad methods of financing the care:

1. Twelve countries require workers to contribute to sickness insurance programs which cover them both while they are working and after they retire, but no contributions need be paid after retirement.

2. Six countries provide sickness insurance coverage which requires workers to contribute both before and after they retire, but the retirement contributions usually are only a small percentage of their social security payments.

3. Four countries allow pensioners to decide for themselves whether they want medical care under the public sickness insurance program. All require contributions if pensioners ask for coverage.

4. Eight countries cover all residents—including those receiving retirement payments—under comprehensive medical-care programs. The majority of the countries finance their programs from general tax revenues.

Three countries, Canada, Ireland, and Japan, have medical-care programs covering old-age pensioners which use variations of the financing methods named.

[From the Washington Post, Mar. 24, 1960]

HEALTH AND OLD AGE

There is a distressing lack of sensibility and imagination in the administration's failure to propose some system of health insurance for the aged. The Secretary of Health, Education, and Welfare, supported by Vice President NIXON, is said to have tried zealously to win Presidential approval for an alternative to the comprehensive bill introduced by Representative AIME J. FORAND which would finance medical and hospital care for retired persons through increased social security taxes. But the President is reported to be adamantly opposed to the Forand bill, or any other insurance plan, on the ground that it would amount to socialized medicine. This bogus label applied by the propagandists of the American Medical Association to any form of prepayment for medical care is plain nonsense. It is especially dismaying to find President Eisenhower narcotized by it.

Old age is the time of life when, generally, income is lowest and potential and actual illness is at its highest. Why should it be called socialistic for Americans to provide for the health hazards of their retirement years by paying insurance premiums through taxation during their wage-earning years? This is not socialism; it is simple commonsense. It is a practical scheme for enabling citizens to face old age with confidence and self-respect—to know that they need not depend upon the charity of doctors and hospitals for whatever medical care they may require. This is no more socialistic than any other form of social security.

Apart from the obvious interest of the aged themselves in providing for the future, there is a no less obvious national interest in seeing them provided for. Senator MCNAMARA's Subcommittee on Problems of the Aged and Aging offers some interesting statistics. In 15 years, it reports, the over-65 age group will increase from the current 16 million to 22 million; currently, moreover, 1 out of every 3 persons between the ages of 60 and 64 has apparent or close relative in his eighties or older—the medical care of whom represents a serious drain on income.

Insured medical care for the aged will mean more hospitals, more remuneration for physicians, better health for the Nation as a whole. Failure to see this is a failure of responsibility. What a tragedy that the AMA's myopia and callousness should have infected even the President.

[From the New York Times, Mar. 24, 1960]

COMPULSORY PLAN FOR AGED OPPOSED—ADMINISTRATION IS UNITED, FLEMMING TELLS PANEL—EXPLORATION PLEDGED

(By John D. Morris)

WASHINGTON, March 23.—The Secretary of Health, Education, and Welfare told Congress today that the administration was united in its opposition to any form of compulsory health insurance for the aged.

The Secretary, Arthur S. Flemming, promised speedy explorations of possible alternatives but declined to say when recommendations might be ready.

Mr. Flemming testified at a closed session of the House Ways and Means Committee. He later made public his prepared statement and answered reporters' questions.

The Cabinet officer, adhering strictly to the Eisenhower team's rules of conduct, refused to discuss the difficulties he had met in seeking Presidential backing of an alternative program.

SUPPORT WITHHELD

At a White House conference yesterday he outlined his ideas for a subsidized system of voluntary health insurance for elderly persons with low incomes. President Eisenhower sided with Republican congressional leaders in withholding his support, at least for now.

Nevertheless, Mr. Flemming said on leaving the committee room, "I am pursuing this approach just as vigorously as possible.

"All the administration has endorsed is the exploration," he said.

The Secretary's testimony against any form of compulsory insurance was directed particularly at a bill sponsored by Representative AIME J. FORAND, Democrat, of Rhode Island. The measure would increase social security taxes to provide hospital and surgical care for beneficiaries under the old-age, survivors, and disability insurance system.

Mr. Flemming recommended other amendments to the Social Security Act, including disability benefits regardless of age and coverage of self-employed physicians.

PROPOSALS WERE CLEARED

All the proposed changes were cleared with the Republican leaders at yesterday's White House conference. Several others recommended by the Secretary were ruled "controversial" by the leaders. They consequently were not submitted to the committee today.

The committee is considering the Forand bill among proposals for social security revisions. The panel is expected to approve a number of liberalizing changes in the program, but a heavy majority is opposed to the Forand plan.

Mr. FORAND interpreted Mr. Flemming's testimony on the health insurance question as evidence of a sharp difference of opinion within the administration. He said the Secretary's statements amounted to "sweeping health insurance under the rug, at least for the balance of this session."

Secretary Flemming declined to say whether a disagreement existed in the administration or whether he had been hopeful of White House backing for his voluntary plan as recently as last week.

The Flemming proposal, as outlined by an aide, is for an insurance program financed largely by Federal and State appropriations based on the insured person's ability to pay.

Mr. Flemming told the committee that the administration had decided it was necessary to "explore further some complex issues" before devising "principles of a practical program."

He cited "the question of whether State governments, aided by the Federal Government, could provide the difference between the amount paid by the policyholders in the low-income groups and the actual cost of the policy."

"In the effort to arrive at sound conclusions," he said, "it will be necessary for us to begin immediately to consult further with experts in Government, with outside experts and groups and with State officials.

"It is, of course, not possible to predict the length of time that it will take for these consultations."

He assured the committee, however, that the explorations "will be carried forward with maximum speed."

In recommending extension of disability benefits to everyone covered by the social security insurance system, Mr. Flemming estimated that 125,000 of their dependents were now barred by the law's limitation. The law restricts eligibility to insured workers over 50 years of age.

H.R. 4700

A bill to amend the Social Security Act and the Internal Revenue Code so as to provide insurance against the costs of hospital, nursing home, and surgical service for persons eligible for old-age and survivors insurance benefits, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Social Security Amendments of 1959".

TITLE I—AMENDMENTS TO TITLE II OF THE SOCIAL SECURITY ACT

SEC. 101. (a) Title II of the Social Security Act is amended by adding after section 225 the following new section:

"Hospitalization, nursing and surgical insurance

"Eligibility for Insurance

"SEC. 226. (a)(1) The cost of hospital or nursing home services furnished to any individual during any month for which he is entitled to monthly benefits under section 202 (whether or not such benefits are actually paid to him) or is deemed entitled to such benefits under the provisions of paragraph 2, or the cost of such services furnished to him during the month of his death where he ceases to be entitled by reason of his death, and the cost of surgical services which are not of an elective nature, shall, subject to the provisions of this section, be paid from the Federal Old-Age and Survivors Insurance Trust Fund to the hospital, physician, and nursing home which furnished him the services. Services to be paid for in accordance with the provisions of this section include only services provided in the United States.

"(2) For purposes of this section, (A) any individual who would upon filing application therefor, be entitled to monthly benefits for any month under section 202 shall, if he files application under this section within the time limits prescribed in section 202(j) be deemed, for purposes of this section only, to be entitled to benefits for such month, (B) such individual shall, whether or not he files application under this section, be deemed to be entitled to benefits under section 202 for such month for purposes of determining whether the wife, husband, or child of such individual comes within the provisions of clause (A) hereof, and (C) any individual shall, for purposes of this section, be deemed entitled to benefits under section 202 if such individual could have been deemed under clauses (A) or (B) of this paragraph to have been so entitled had he not died during such month.

"(3) For purposes of paragraph (2), an individual's application under this section may, subject to regulations, be filed (whether such individual is legally competent or incompetent) by any relative or other person, including the hospital, physician, or nursing home furnishing the hospital, surgical, and nursing home services and, after such individual's death, his estate.

"(4) Payments may be made for hospital services furnished under this section to an individual during his first sixty days of hospitalization in a twelve-month period that begins with the first day of the first month in which the individual received hospital services for which a payment is made under this section, and during his first sixty days of hospitalization in each succeeding twelve-month period; and for nursing home services furnished under this section to an individual if the individual is transferred to the nursing home from the hospital, and if the services are for an illness or condition associated with that for which he received hospital services: *Provided*, That the number of days of nursing home services for which payments may be made shall, in any twelve-month period as described above, not exceed one hundred and twenty less the number of days of hospital services (in the same twelve-month period) for which payments are made under this section.

"(5) The provisions of section 205 relating to the making and review of determinations shall be applicable to determinations as to whether the costs of hospital, nursing home, and surgical services furnished an individual may be paid for out of the Federal Old-Age and Survivors Insurance Trust Fund under this subsection, and the amount of such payment.

"Description of Hospital, Nursing Home, and Surgical Services

"(b)(1) For purposes of this section, the term 'hospital services' means the following services, drugs, and appliances furnished by a hospital to any individual as a bed patient: bed and board and such nursing services, laboratory services, ambulance services, use of operating room, staff services, and other services, drugs, and appliances as are customarily furnished by such hospital to its bed patients either through its own employees or through persons with whom it has made arrangements for such services, drugs, or appliances; the term 'hospital services' includes such medical care as is generally furnished by hospitals as an essential part of hospital care for bed patients; such term shall include care in hospitals described in paragraph (1) of subsection (d); such term shall not include care in any tuberculosis or mental hospital.

"(2) The term 'nursing home services' means skilled nursing care, related medical and personal services, and accompanying bed and board furnished by a facility which is equipped to provide such services, and (A) which is operated in connection with a hospital, or (B) in which such skilled nursing care and medical services are prescribed by, or are performed under the general direction of, persons licensed to practice medicine or surgery in the State.

"(3) The term 'surgical services' means surgical procedures (other than elective surgery) provided in a hospital, or in case of an emergency or for minor surgery, provided in the outpatient department of a hospital or in a doctor's office. Surgical services may include oral surgery when provided in a hospital. The term 'elective surgery' means surgery that is requested by the patient, but which in the opinion of cognizant medical authority is not medically required.

"Free Choice by Patient

"(c)(1) Any individual referred to in paragraphs (1) and (2) of subsection (a) may obtain the hospital or nursing home services for which payment to the hospital or nursing home is provided by this section from any hospital or nursing home which has entered into an agreement under this section, which admits such individual and to which such individual has been referred by a physician or (in the case of hospital or nursing home services furnished in conjunction with oral surgery) dentist licensed by the State in which such individual resides or the hospital or nursing home is located, upon a determination by the physician or dentist that hospitalization or nursing home care for such individual is medically necessary; except that such referral shall not be required in an emergency situation which makes such a requirement impractical.

"(2) Any individual referred to in paragraph (1) and (2) of subsection (a) may,

with respect to the surgical services for which payment is provided by this section, freely select the surgeon of his choice, provided that the surgeon is certified by the American Board of Surgery or by another of the American medical specialty boards in a surgical specialty field, or is a fellow of the American College of Surgeons or has been appointed to the attending surgical staff of a hospital accredited by the Joint Commission on Accreditation of Hospitals except that such specification shall not be required in cases of emergency where the life of the patient would be endangered by any delay or in such other classes of cases where these specifications are not deemed practicable by the Secretary after consultation with the Advisory Council, and except that, in the case of oral surgery, such individual may select a duly licensed dentist.

"(3) Regulations under this section shall provide for payments (in such amounts and upon such conditions as may be prescribed in such regulations) to (A) hospitals for hospital services rendered in emergency situations to individuals referred to in paragraphs (1) and (2) of subsection (a) by hospitals which have not entered into an agreement under this section, and (B) physicians for surgical services rendered by physicians not certified by the American Board of Surgery or not members of the American College of Surgery.

"Agreement With Hospitals, Nursing Homes and Providers of Surgical Services

"(d)(1) Any institution (other than a tuberculosis or mental hospital) shall be eligible to enter into an agreement for payment from the Federal Old-Age and Survivors Insurance Trust Fund of the cost of hospital or nursing home services furnished to individuals referred to in paragraphs (1) and (2) of subsection (a) if it is licensed as a hospital or nursing home pursuant to the law of the State in which it is located.

"(2) Each agreement with a hospital under this section shall cover all hospital services included under subsection (b) (which services shall be listed in the agreement), shall provide that such services shall be furnished in semiprivate accommodations if available unless other accommodations are required for medical reasons, or are occupied at the request of the patient, shall be made upon such other terms and conditions as are consistent with the efficient and economical administration of this section, and shall continue in force for such period and be terminable upon such notice as may be agreed upon.

"(3) An agreement with a hospital or nursing home under this section shall provide for payment, under the conditions and to the extent provided in this section, of the cost of hospital and nursing home services which are furnished individuals referred to in paragraphs (1) and (2) of subsection (a) provided that no such payment shall be made for services for which the hospital or nursing home has already been paid (excluding payments by such individuals for which reimbursement to them by the hospital has been assured); but no such agreement shall provide for payment with respect to hospital or nursing home services furnished to an individual unless the hospital or nursing home obtains written certification by the physician (if any) who referred him pursuant to subsection (c) that his hospitalization or care in the nursing home was medically necessary and, with respect to any period during which such services were furnished, written certification by such individual's attending physician during that period that such services were medically necessary. The amount of the payments under any such agreement shall be determined on the basis of the reasonable cost incurred by the hospital or nursing home for all bed patients, or, when use of such a basis is impractical for the hospital or nursing home or inequitable to the institution or the Federal Old-Age and Survivors Insurance Trust Fund, on a reasonable equivalent basis which takes account of pertinent factors with respect to services furnished to individuals referred to in paragraphs (1) and (2) of subsection (a). Any such agreement shall preclude the hospital or nursing home with which the agreement is made from requiring payments from individuals for services, payment of the cost of which is provided by this section, after it has been notified that the cost of such services is payable from the Federal Old-Age and Survivors Insurance Trust Fund, except that it may require payments from such individuals for the additional cost of accommodations occupied by them at their request which are more expensive than semiprivate accomodations.

"(4) Except as provided by regulation, no agreement may provide for payments (A) to any Federal hospital, or to any other hospital for hospital services which is obligated by contract with the United States (other than an agreement under this section) to furnish at the expense of the United States, or (B) to any hospital for hospital services which it is required by law or obligated by contract with a State or subdivision thereof to furnish at public expense except where the eligibility of the individual for such services is determined by application of a means test.

"(5) No supervision or control over the details of administration or operation, or over the selection, tenure, or compensation of personnel, shall be exercised under the authority of this section over any hospital or nursing home which has entered into an agreement under this section.

"(6) Agreements under this subsection shall be made with the hospital or nursing home providing the services, but this paragraph shall not preclude representation of such institution by any individual, association, or organization authorized by the institution to act on its behalf.

"(7) The Secretary shall enter into agreements with qualified providers of surgical services as defined in paragraph (2) of subsection (c). Such agreements shall stipulate that the rates of payment agreed on shall constitute full payment for these services. Such agreements may be made with any qualified individual, or with any association or organization authorized by the surgeons, dentists, or physicians to act in their behalf.

"(8) Nothing in such agreements or in this Act shall be construed to give the Secretary supervision or control over the practice of medicine or the manner in which medical services are provided.

"(9) Except to the extent the Secretary has made provision pursuant to subsection (h) for the making of payments to hospitals and nursing homes by a private nonprofit organization or for the making of payments to physicians, dentists, and surgeons by their designated representatives, he shall from time to time determine the amount to be paid to such provider of service under an agreement with respect to services furnished, and shall certify such amount to the Managing Trustee of the Federal Old-Age and Survivors Insurance Trust Fund, except that such amount shall, prior to certification, be reduced or increased, as the case may be, by any sum by which the Secretary finds that the amount paid to the provider of services for any prior period was greater or less than the amount which should have been paid to it for such period. The Managing Trustee prior to audit or settlement by the General Accounting Office, shall make payment from the Federal Old-Age and Survivors Insurance Trust Fund, at the time or times fixed by the Secretary, in accordance with such certification.

"Nondisclosure of Information

"(e) Information concerning an individual, obtained from him or from any physician, dentist, nurse, hospital, nursing home, or other person pursuant to or as a result of the administration of this section, shall be held confidential (except for statistical purposes) and shall not be disclosed or be open to public inspection in any matter revealing the identity of the individual or other person from whom the information was obtained or to whom the information pertains, except as may be necessary for the proper administration of this section. Any person who shall violate any provision of this subsection shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both.

"Medical and Hospital Services Under Workmen's Compensation

"(f) The provisions of subsection (a) shall not be applicable to any services which an individual required by reason of any injury, disease, or disability on account of which such services are being received or the cost thereof paid for, or upon application therefor would be received or paid for, under a workmen's compensation law or plan of the United States or of any State, unless equitable reimbursement to the Federal Old-Age and Survivors Insurance Fund for the payments hereunder with respect to such services have been made or assured pursuant to agreements or working arrangements negotiated between the Secretary and the appropriate public agency. Notwithstanding the above sentence, if (1) the individual's entitlement to receive such services (or to have the cost thereof paid for) under such a workmen's compensation law or plan is in doubt when such services are required, (2) the cost of such services is otherwise payable from the Federal Old-Age and Survivors Insurance Trust Fund pursuant to this section, and (3) the individual makes an appropriate application under such workmen's compensation law or plan and agrees, in the event that he is subsequently determined to be entitled to receive such services (or to have the cost thereof paid for) under such law, to reimburse the Federal Old-Age and Survivors Insurance Trust Fund in the amount of any loss it might suffer through its payment for such services, then the cost of such services may be paid from such Trust Fund in accordance with this section. In any case in which the cost of services is paid from the Federal Old-Age and Survivors Insurance Trust Fund pursuant to the immediately preceding sentence, or is paid from such Trust Fund with respect to any such injury, disease, or disability for which no reimbursement to such Trust Fund has been made or assured pursuant to the first sentence of this subsection, the United States shall, unless not permitted under the law of the applicable State (other than the District of Columbia) be subrogated to all rights of such individual, or of the provider of services to which payments under this section with respect to such services are made, to be paid or reimbursed pursuant to such workmen's compensation law or plan for such payments. All amounts recovered pursuant to this subsection shall be deposited in the Treasury of the United States to the credit of the Federal Old-Age and Survivors Insurance Trust Fund.

"Regulations and Functions of Advisory Council

"(g) All regulations specifically authorized by this section shall be prescribed by the Secretary. In administering this section, the Secretary shall consult with a National Advisory Health Council consisting of the Commissioner of Social Security, who shall serve as Chairman ex officio, and eight members appointed by the Secretary. Four of the eight appointed members shall be persons who are outstanding in fields pertaining to hospitals and health activities, and the other four members shall be appointed to represent the consumers of hospital, nursing home, and surgical services, and shall be persons familiar with the need for such services by eligible groups. Each appointed member shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and the terms of office of the members first taking office shall expire, as described by the Secretary at the time of appointment, two at the end of the first year, two at the end of the second year, two at the end of the third year, and two at the end of the fourth year after the date of appointment. An appointed member shall not be eligible to serve continuously for more than two terms but shall be eligible for reappointment if he has not served immediately preceding his reappointment. The Council is authorized to appoint such special advisory and technical committees as may be useful in carrying out its functions. Appointed Council members and members of advisory or technical committees, while serving on business of the Council, shall receive compensation at rates fixed by the Secretary, but not exceeding $50 per day, and shall also be entitled to receive an allowance for actual and necessary travel, and subsistence expenses while so serving away from their places of residence. The Council shall meet as frequently as the Secretary deems necessary, but not less than once each year. Upon request by three or more members it shall be the duty of the Secretary to call a meeting of the Council.

"Utilization of Private Nonprofit Organizations

"(h) (1) The Secretary may utilize, to the extent provided herein, the services of private nonprofit organizations exempt from Federal income taxation under section 501 of the Internal Revenue Code which (A) represent qualified providers of hospital, nursing home, or surgical services, or (B) operate voluntary insurance plans under which agreements, similar to those provided for under subsection (d), are made with hospitals, nursing homes, and physicians for defraying the cost of services. Such organizations shall be utilized by the Secretary to the extent that he can make satisfactory agreements with them and to the extent he determines that such utilization will contribute to the effective and economical administration of this section. Such agreements shall not delegate (A) his functions relating to determinations as to whether the costs of hospital, nursing home, and surgical services furnished an individual may be paid for out of the Federal Old-Age and Survivors Insurance Trust Fund under this section and the amount of such payment, and (B) his functions relating to the making of regulations.

"(2) An agreement under paragraph (1) shall provide for payment from the Federal Old-Age and Survivors Insurance Trust Fund to the organization of the amounts paid out by such organization to hospitals, nursing homes, physicians, and dentists, under this section and of the cost of administration determined by the Secretary to be necessary and proper for carrying out such organization's functions under its agreement pursuant to this subsection. Such payments to any organization shall be made either in advance on the basis of estimates by the Secretary or as reimbursement, as may be agreed upon by the organization and the Secretary, and adjustments may be made in subsequent payments on account of overpayments or underpayments previously made to the organization under this subsection. Such payments shall be made by the Managing Trustee of the Trust Fund on certification by the Secretary and at such time or times as the Secretary may specify and shall be made prior to audit or settlement by the General Accounting Office.

"(3) An agreement under paragraph (1) with any organization may require any of its officers or employees certifying payments or disbursing funds pursuant to the agreement, or otherwise participating in its performance, to give surety bond to the United States in such amount as the Secretary may deem necessary, and may provide for the payment of the cost of such bond from the Federal Old-Age and Survivors Insurance Trust Fund.

"Certifying and Disbursing Officers

"(i) (1) No individual designated by the Secretary pursuant to an agreement under this section, as a certifying officer shall, in the absence of gross negligence or intent to defraud the United States, be liable with respect to any payments certified by him under this section.

"(2) No disbursing officer shall, in the absence of gross negligence or intend to defraud the United States, be liable with respect to any payment by him under this section if it was based upon a voucher signed by a certifying officer designated as provided in paragraph (1).

"Adjustments in Cash Benefits

"(j) For purposes of section 204, any payment under this section to any hospital, nursing home, physician, or dentist, with respect to hospital, nursing home, or surgical services furnished an individual shall be regarded as a payment to such individual."

(b) The amendments made by subsection (a) shall be effective on the first day of the 12th calendar month after the month in which this act is enacted.

(c) Notwithstanding the provisions of section 226(a)(2) of the Social Security Act, as amended by this act, and subsection (b) of this section, applications filed under such section 226 which would otherwise be valid shall, subject to regulations of the Secretary, be considered valid even though filed more than 3 months prior to the effective date of this act, but not if filed prior to the first day of the 4th calendar month after the month in which this act is enacted.

TITLE II—AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1954

Changes in tax schedules

Self-Employment Income Tax

SEC. 201. (a) Section 1401 of the Internal Revenue Code of 1954 (relating to rate of tax on self-employment income) is amended to read as follows:

"SEC. 1401. RATE OF TAX.

"In addition to other taxes, there shall be imposed for each taxable year, on the self-employment income of every individual, a tax as follows:

"(1) in the case of any taxable year beginning after December 31, 1958, and before January 1, 1960, the tax shall be equal to 3¾ percent of the amount of the self-employment income for such taxable year;

"(2) in the case of any taxable year beginning after December 31, 1959, and before January 1, 1963, the tax shall be equal to 4⅝ percent of the amount of the self-employment income for such taxable year;

"(3) in the case of any taxable year beginning after December 31, 1962, and before January 1, 1966, the tax shall be equal to 5⅝ percent of the amount of the self-employment income for such taxable year;

"(4) in the case of any taxable year beginning after December 31, 1965, and before January 1, 1969, the tax shall be equal to 6¾ percent of the amount of the self-employment income for such taxable year; and

"(5) in the case of any taxable year beginning after December 31, 1968, the tax shall be equal to 7¼ percent of the amount of the self-employment income for such taxable year."

Tax on Employees

(b) Section 3101 of such Code (relating to rate of tax on employees under the Federal Insurance Contributions Act) is amended to read as follows:

"SEC. 3101. RATE OF TAX.

"In addition to other taxes, there is hereby imposed on the income of every individual a tax equal to the following percentages of the wages (as defined in section 3121(a)) received by him with respect to employment (as defined in section 3121(b))—

"(1) with respect to wages received during the calendar year 1959, the rate shall be 2½ percent;

"(2) with respect to wages received during the calendar years 1960 to 1962, both inclusive, the rate shall be 3¼ percent;

"(3) with respect to wages received during the calendar years 1963 to 1965, both inclusive, the rate shall be 3¾ percent;

"(4) with respect to wages received during the calendar years 1966 to 1968, both inclusive, the rate shall be 4¼ percent; and

"(5) with respect to wages received after December 31, 1968, the rate shall be 4¾ percent."

Tax on Employers

(c) Section 3111 of such Code (relating to rate of tax on employers under the Federal Insurance Contributions Act) is amended to read as follows:

"SEC. 3111. RATE OF TAX.

"In addition to other taxes, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, equal to the following percentages of the wages (as defined in section 3121(a)) paid by him with respect to employment (as defined in section 3121(b))—

"(1) with respect to wages paid during the calendar year 1959, the rate shall be 2½ percent;

"(2) with respect to wages paid during the calendar years 1960 to 1962, both inclusive, the rate shall be 3¼ percent;

"(3) with respect to wages paid during the calendar years 1963 to 1965, both inclusive, the rate shall be 3¾ percent;

"(4) with respect to wages paid during the calendar years 1966 to 1968, both inclusive, the rate shall be 4¼ percent; and

"(5) with respect to wages paid after December 31, 1968, the rate shall be 4¾ percent."

Mr. CURTIS of Missouri. Mr. Speaker, will the gentleman yield?

Mr. PORTER. I yield.

Mr. CURTIS of Missouri. The gentleman you refer to, Dr. McLean, never practiced medicine.

Mr. PORTER. I have no knowledge of that, I do know that the man has been very much concerned with specific medical needs. He knows about insurance programs. I am sure that he speaks with authority on this subject.

Mr. CURTIS of Missouri. I was not doubting that, but the point was it was placed in the RECORD that the doctor was a practicing physician. He is not. I may say that the gentleman involved is very ill. I think that is also in the CONGRESSIONAL RECORD.

Mr. PORTER. You think the gentleman did not know what he was saying because he was so ill?

Mr. CURTIS of Missouri. Yes. I think there is real danger, that was the case.

Mr. PORTER. I want to read what the gentleman said.

Mr. HOLLAND. Mr. Speaker, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Pennsylvania.

Mr. HOLLAND. It may be that some of the doctors are ill through overwork.

Mr. PORTER. I think it is true that many doctors are, because their practice kept them so busy that they did not have a chance to study these matters in the way Dr. McLean has had a chance to do. I am going to read his statement.

I have letters from other doctors. I have many instigated or form letters from doctors against this bill. I find usually that the doctor who supports the bill has sat down and thought it out and expressed himself very well.

Mr. Speaker, I will be glad now to yield to the gentleman from Pennsylvania.

Mr. HOLLAND. Mr. Speaker, I want to join my colleague and commend him for making a very fine presentation of a need for health insurance for elderly citizens.

It seems strange that the President of the United States who might be said to be the No. 1 recipient of socialized medicine in the United States, aims a statement against the Forand bill. The President, since the day he entered West Point, has never had to buy an aspirin tablet. He has received free hospitalization, free medical attention, free physician's attention. The only restriction on him was to contribute the $1.56 to the Army for subsistence during this period of time. He is on a pension, but he still enjoys all these things; his wife enjoys them; his son Major Eisenhower enjoys them; his daughter-in-law enjoys them; his three grandchildren enjoy them. All these enjoy free hospitalization and free medical care; and I say to you it is a disgrace to see 15 million elderly people in America who are trying to live on a small amount of money, who cannot enjoy the health insurance they are willing to pay for through the social security system.

In addition to that I might say we are making beggars of these people. We send them back home and tell them if they can prove before a board that their income is not enough we will get you free hospitalization through the State; and the State then pays the cost of the hospitalization that they should be able to have through a Government hospitalization policy.

I hope these 15 million people become interested.

I might add that in my district we have an organization of over 3,000 pensioners who are actively interested and working supporting the Forand bill. I have been told today that this same type of movement exists throughout the United States. I hope the politicians soon realize what they owe these 15 million elderly citizens of America who have made this country great through their toil in the past.

Mr. PORTER. I thank the gentleman for his statement.

Mr. ALFORD. Mr. Speaker, will the gentleman yield?

Mr. PORTER. I yield.

Mr. ALFORD. I would like to ask the gentleman if he has any idea of the cost of this type of program?

Mr. PORTER. The overall cost?

Mr. ALFORD. The overall cost, the total cost.

Mr. PORTER. The overall cost, of course, comes out of the deductions from the wage earners just as social security benefits does.

Mr. ALFORD. Does the gentleman know there would be abuses, that individuals who might be extremely wealthy would benefit from this as well as those whom we feel should benefit from it? Is that not inherent in this type of legislation?

Mr. PORTER. I agree that could happen just as it happens under social security. There are many wealthy individuals receiving benefits whether or not they need them. It is an insurance program, not a welfare program. But there are many elderly people who do need it and who will need it. We must meet the need where the need exists.

Mr. ALFORD. I might say to the gentleman that, as physicians, all of us recognize the needs of all individuals and I would like to submit to the gentleman not just those individuals who are 62 or 65 years of age, or over, so far as medical care is concerned in many instances. I can say that personally as an individual having been on the front, as it were relative to this, I have never refused anyone assistance because of financial condition so far as their entitlement to medical care was concerned.

But the cost of this program is not known, I submit to the gentleman, although it has been estimated to be between $1 billion-some odd up to perhaps $3 billion or more. There is adequate evidence everywhere that looking to the Government for a paternal type of care is not the answer to all of our problems. I would like also to submit to the gentleman that in World War II there are actual statistics to show that many, many, in fact, close to a majority, of the turndowns, as it were, because of physical disability were not due to disease or the lack of medical treatment but due to malnutrition.

I would like to submit to the gentleman, does he advocate that the grocery store owners of this country and the merchants of this country supply the necessary food, or that the real estate industry of this country then be called upon to do this, or is it the gentleman's position that we will go all the way to the Government for everything we get in this world?

Mr. PORTER. No. I would like to answer the gentleman's question and comment on some of his other remarks. The Government does for its people what the people cannot do for themselves, to the extent we feasibly do so. We have had a social security system now for a number of years. I know of no bills pending to do away with it, I know of no planks in anyone's political platform to do away with our social security system. This is an extension of a tried and true system. It is a way to spread the cost, the actuarial cost, over the working years when people can afford to make the contribution so that they will be protected in their old age. You ask, do I advocate that everybody should be fed? Yes, I do, although there are ways this is being done now. I do advocate that we should recognize a thing through an established system. I want to add that the need for something to be done for our aged in regard to their catastrophic expense is not an issue between the administration and those of us in our party who would like to see the Forand bill or something like it enacted. It has been admitted by Secretary Flemming. There is a need for something to be done. The question is, What can be done? We say make use of the social security system, which is no longer controversial. It has worked wonders. We advocate extending it so far as it is feasible, and we think it is feasible to extend it.

Mr. ALFORD. May I say to the gentleman that I agree that a need is present. What we are saying, in effect, as far as my position is concerned, is, We do not always look to the social security type of program.

Mr. PORTER. If the gentleman has an alternative I would like to hear it.

Mr. ALFORD. The gentleman does recognize that those individuals who are of social security age at the present time would not have paid anything into the program?

Mr. PORTER. I recognize that.

Mr. ALFORD. As it would be instituted. It seeems to me there would be a great inequity there.

Mr. PORTER. The gentleman would like to propose an amendment to take them out?

Mr. ALFORD. I would like to ask the gentleman this question: Does he believe that the free choice of physicians and medical facilities and the type of institution in which we recognize the American way would be maintained under this type of a system?

Mr. PORTER. Has the gentleman read the bill?

Mr. ALFORD. I have.

Mr. PORTER. There is a free choice.

Mr. ALFORD. The gentleman must realize, if he has studied the bill, that the alleged free choice in this bill is a misnomer. There is no choice whether or not you want this compulsory health insurance, or whether you do not.

Mr. PORTER. Is the gentleman talking about free choice of plan?

Mr. ALFORD. Free choice of the overall plan.

Mr. PORTER. It is a compulsory plan.

Mr. ALFORD. And there is no freedom of selection of doctors, hospital, and nursing facilities, only a choice of those presented to you.

Mr. PORTER. Those choices are very rationally set forth, though, and they provide a very wide scope. Certainly my friend, a doctor himself, would not want improperly certified doctors or institutions to be available for these people. You are not taking that position?

Mr. ALFORD. Absolutely not. What I am saying to the gentleman is this: I absolutely am opposed to socialized medicine. I am absolutely opposed to any bureau that would be set up here that would submit a list of names. What about those individuals that would be left off of the list and so on? I just want to submit for the RECORD that just because my parents may have reached the age of 65 or over, that they should not be deprived of their choice of physician or hospital facilities and so on. In other words, I think this: If we are going to socialize all of the things in one little segment, then we might as well socialize all industries and everything else.

Mr. PORTER. That is absolutely not my thought.

Mr. ALFORD. That is what the gentleman is advocating. There is no right to have free medical care, nursing and other facilities, unless the voters so choose, and I do not think that adequate time has been given under the American system for us to answer all the needs to which the gentleman has alluded. Now, the story of Federal control and regimentation is this, as I understand it: Federal administration, certification of doctors, certification of hospitals, nursing facilities, nursing homes, the fixing of fees and costs, and the promulgation of so many other regulations. Just the other day a veteran whom I believed to be entitled to hospital care, could not be taken care of because of all of the maze of regulations and so on. I submit that we should try other methods before we go to the Federal Government to call up this paternalistic type of procedure.

Mr. PORTER. I think the gentleman is on the side of the administration. He believes we should go exploring further.

Let me read from page 11 of the bill:

> Such agreement shall stipulate that the rates of payment agreed on shall constitute full payment for these services. Such agreements may be made with any qualified individual, or with any association or organization authorized by the surgeons, dentists, or physicians to act in their behalf.

Mr. HOLLAND. Mr. Speaker, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Pennsylvania.

Mr. HOLLAND. The same opposition that we hear from my friend from Arkansas occurred during the days of the Workmen's Compensation Act. I was on a committee of the House of Representatives of the State of Pennsylvania and sat there for months hearing the medical profession come in and tell us that we were on the start of socialized medicine. I would like to ask the good doctor, Do you wish to have the Workmen's Compensation Act withdrawn today from the workers?

Mr. ALFORD. I want to say to my distinguished colleague that I am not an authority on that bill. What I am trying to get across to my colleague from Oregon is this: I was only injecting myself into something which I feel I know firsthand and that is that we recognize that a need is present, but we do not recognize that we must always come to the Federal Government for the answer. That is not the American way. The way of freedom of choice, freedom of enterprise, and so on is the American way.

Mr. PORTER. Does the gentleman want to go back and undo the Workmen's Compensation Act?

Mr. ALFORD. Do you realize that a White House conference has been called on the aging problem and that we are trying to obtain answers to these many questions.

Mr. PORTER. Many conferences have been called by this administration. There is one set on water pollution in December.

Mr. ALFORD. It will be of much more value after we have the White House conference on aging from lay people and social workers, hospital workers, and physicians from all over the United States in this conference, and then we can decide more appropriately and more intelligently, may I say, what would be the best answer to this problem which we are discussing here today.

Mr. PORTER. The gentleman accuses us, those favoring the bill, of wanting to go ahead and socialize everything, yet I suppose the gentleman's position does not include wanting to go back and repeal the Social Security Act. I submit that we should look at these problems as they exist. We have done the exploring. It has been done for many, many years. This idea of further exploration is merely an attempt to delay the solution to the problem now confronting us.

Mr. HOLLAND. If the gentleman will yield, it is interesting to note that members of the AMA fought even the Red Cross and the Blue Cross insurance plans when they were first brought out. They appeared before committees against it. The AMA is a very strong organization. They donated a lot of money in the campaigns in the last few years to people who fought the plan of giving these benefits to the people.

Mr. ALFORD. If the gentleman will yield at that point, I am sorry that I was not one of the beneficiaries of that action. For the record the AMA does not enter into such campaigns.

Mr. HOLLAND. The gentleman may rest assured that I was not, either.

Mr. ALFORD. May I ask at that point, what benefits would we derive under this bill as far as the number of hospital days is concerned? Let us get down to specifics. We are talking about all the problems that involve the aging population, and I want to assure the gentleman this, I am sure that I am more sympathetic to their problem than anyone on the floor of the House today. I should like to ask the gentleman this question. Under the Forand bill what would they be entitled to, how many days of hospitalization would they be entitled to?

Mr. PORTER. The gentleman does not know?

Mr. ALFORD. The measure provides a combined total of 120 days, hospital and nursing home care, each year, but with a maximum of 60 days of hospitalization. The great problem which confronts us today as far as medical care is concerned is the catastrophe that may come upon any one of us, such as a very bad automobile accident.

Mr. PORTER. The gentleman wants the bill written more broadly. Is that his point?

Mr. ALFORD. I want to submit that the Forand bill is not the answer to the problem. It may be an answer to a political problem, but it is not an answer to the medical problem. I submit to the gentleman that we should sincerely try to help the old people of this country, but we ought not to do it in a presidential year, just for campaign purposes. Let us wait until we have all the evidence in before we bring in a verdict. We have had machinery set up to do this.

Mr. PORTER. The amount of money in social security payments is not enough, in many instances, for people to live on, either. But it is the best we have been able to do under all the circumstances to date. The Forand bill has been worked out, it has been studied, by actuaries. It has been approved by many groups including many doctors. It has shortcomings, no doubt about it. But certainly it is devised to meet a particular need. You can call it political. Of course, it is political. Anything that has to do with the needs of the people of this country is political. Social security was political, workmen's compensation was political.

Mr. HOLLAND. Mr. Speaker, will the gentleman yield?

Mr. PORTER. I yield to the gentleman.

Mr. HOLLAND. First of all, the doctors have had a long, long time to work out some plan to take care of the poor and the needy. In the State of Pennsylvania we have some very large State hospitals. In addition to that, the administration at Harrisburg has to pay these hospitals—I was on the committee on appropriations, and I know—$8.50 for every patient they bring in who cannot pay. That money is paid out from taxes; sales taxes, and locally we are paying it out of real estate taxes. I think this is the way to permit a man to keep his dignity, after he reaches old age. He can go into a hospital and get medical attention without going through all this red tape which the gentleman from Arkansas has indicated we have in the VA today. I might add this—and I am not saying this in any derogatory way at all, that in the last world war, according to the statistics, 49 percent of the boys from Arkansas who were examined were turned down either for mental or physical reasons. That is a very high percentage.

Mr. ALFORD. If the gentleman will permit me to reply, with reference to the whole problem, we recognize the need. The gentleman points up very particularly an age group that is not covered by the Forand bill. We are very sorry that such situations occur, but it shows the futility of this type of measure. The gentleman is now referring to boys 18 and 19 years of age. We are talking about people 65 years of age.

Mr. HOLLAND. I am talking about doctors. Why do the doctors take care of them for nothing?

Mr. ALFORD. May I say something about what has been said here today? We are all in good faith, but to set the record straight, may I say that my medical society has been all for the Blue Shield plan. We have had a committee looking into the fact that that coverage is not as broad as we want. That is the most important problem. We are looking for voluntary methods in this problem that would cover all the people, not just one particular group, and not cover individuals that have a million dollars and are fully able to pay; yet they would be covered just the same under the present Forand type of legislation. We think that is an inequity.

Mr. PORTER. I have a very short time left. If there is anything my friends from California or Missouri wish to say, since your party is in control, I should like to have your contribution.

Mr. CURTIS of Missouri. I have an hour following the gentleman, in which I intend to discuss this problem at considerable length.

Mr. PORTER. Very good.

Mr. HOLLAND. I should like to add one thing to what I said. We Members of Congress are enjoying socialized medicine. We have doctors and nurses to take care of us. We can go to Bethesda or Walter Reed Hospitals and get the best medical care, and all we pay for is our room. We should be the last to deny the people of America the same privileges.

Mr. PORTER. I thank the gentleman.

Mr. CURTIS of Missouri. Mr. Speaker, will the gentleman yield?

Mr. PORTER. I yield.

Mr. CURTIS of Missouri. The gentleman failed to distinguish between employees and other citizens. Everything he has described that a Congressman has is as an employee of the Federal Government. Most employers provide for their employees. That has nothing to do with the issue before us here.

Mr. HOLLAND. Most employers set aside a certain percentage of a man's salary, or an hour's wages, to pay for the health and hospitalization insurance that he enjoys.

Mr. PORTER. That is the Forand bill.

Mr. ALFORD. If the gentleman will yield, I want to thank the gentleman for permitting me to participate in this discussion. I appreciate it very much.

Mr. PORTER. I thank the gentleman.

Mr. MEYER. Mr. Speaker, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Vermont.

Mr. MEYER. I am going to support the Forand bill. I do not necessarily believe that it will provide all of the solution or even the best solution. I think some of the arguments against it are valid in part. But let us at least say that we will take a bill like the Forand bill and if necessary amend or change it, so that in the long run we will have something that is of real service to all the people of the country.

I should also like to state that I took a poll of the people of Vermont and got a very strong sentiment in favor of doing something. I know there is objection to complete medical coverage for all, but I do believe it is the sentiment of the people of Vermont that they want something done in this respect. Just because there are objections to some phases of the Forand bill is no reason why we should not bring it out for action and get something accomplished, rather than just saying, "Let's throw it down the drain."

Mr. RHODES of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. PORTER. I yield.

Mr. RHODES of Pennsylvania. I should like to say a word about our American way of life. Very often when proposals are made for a social change we hear that argument. To me, the American way of life is to make any change at any particular time the people think it best.

We cannot be proud of many things in our way of life. If you look back in the past, certainly, chattel slavery was part of our way of life. So was child labor and breadlines a part of our way of life.

In the thirties, social security became a part of our way of life. I think it is quite proper and in accord with our way of life to make any change that the times call for.

Mr. PORTER. I thank the gentleman.

INTEREST RATE ON LONG-TERM BONDS

Mr. HOLIFIELD. Mr. Speaker, will the gentleman yield?

Mr. PORTER. Gladly.

Mr. HOLIFIELD. Mr. Speaker, I thank the gentleman from Oregon for yielding to me. He has a special order on the Forand bill which is a very important subject today before our country, and I know he is going to make a good speech on that particular section.

Mr. Speaker, we have heard a great deal said about the need to raise the interest rate on long-term Government bonds, and there is a bill, as you know, pending for that purpose, that has been reported out of the Committee on Ways and Means. But we have had a very interesting development during the first 2½ months of 1960. I want to call your attention to some of the things that have been happening. I hold in my hand a January 19 statement of the Treasury Department. It shows that 91-day Treasury bills were sold at an average interest rate of 4.43 percent. I also have in my hand a statement of the Treasury Department dated Tuesday, March 22, which shows that the same kind of bills were sold to the public at 3.03 percent; in other words, 1.4 percent off, 1.4 percent less interest than just 2 months ago.

The offering of bills on January 19 was $1 billion, in round numbers. It was oversubscribed, the applications totaling $1,876 million; in other words, almost twice as much money was offered for these bills as was desired.

The March 22 offering was $1,200 million. Applications ran to $1,953 million, or a good $753 million more than was offered by the Treasury Department and at the low interest rate of, in round numbers, 3 percent. In other words, the interest rate on 91-day notes has gone down 33⅓ percent in 2 months' time.

Now, let us consider the 182-day bills: On January 19 an offering of $400 million was made and $887 million was applied for.

Those sold at an average rate of 4.66 percent interest. Yesterday $400 million, again practically the same amount, was offered, and $719 million subscribed for that offering at an interest rate of 3.17 instead of 4.66, showing a drop of 1½ percent in interest or, again, a drop of 33.3 percent of the interest rate in 2 months' time.

We are down to 3-percent money on short-term bills and this bill which is pending before the Rules Committee would ask us to take off the 4.25-percent interest rate limitation on long-term bonds. Admittedly these are 91-day bills and 182-day bills, but these bills traditionally draw a higher interest rate than do long-term bonds.

Why does the Treasury not offer some long-term bonds right at this time and get an interest rate of around 3 percent? They are holding back on these although the market would absorb it and they want this 4.25 percent limitation removed, which has been on the bonds for some 30 years. We have never had to raise this rate even during World War II. We never had to raise the interest rate when we were running as much as a $54 billion annual deficit. We did not have to raise the interest rate. In fact, the average interest rate on long-term bonds was about 2.75 percent during the time we were running a $54 billion annual deficit.

For 4 straight years when we ran over a $200 billion deficit we did not have to raise the interest rate. But we had a different monetary policy at that time. We had a policy where the Open Market Committee would step in and support the bond offerings on the market in case the big banks or insurance companies did not offer to buy the bonds. At this time we do not have that kind of a policy, where the Open Market Committee traditionally carried a $4 billion or $5 billion inventory of bonds. It is carrying an inventory now at only about $1 billion. They will not go into the market and support the bond price because they want the bonds to sell at the highest interest level possible. Yet in spite of the fact they are not supporting it, the interest rate has dropped, dropped, and dropped, stock prices are coming down on the stock market, which means bonds will be more favorably received because people will flee from stocks to bonds where they have a guaranteed yield. In spite of the drop in the stock market and an additional desire for the bonds, they are willing to take the bonds at around an average of 3 percent.

I say this House ought to look at this trend that is occurring and it ought to consider every facet of this financial refunding operation very carefully.

Another thing I would like to say is that the Democratic Party had a platform plank which I am going to read. This is one of the planks of the Democratic Party:

> The Republican debt management policy of higher interest rates serves only to benefit a few to the detriment of the general taxpayer, the small borrower, and the small- and middle-class investor in Government bonds. We pledge ourselves to a vigilant review of our debt management policy in order to reduce interest rates in the service of our common welfare.

It would be well for the Democratic Party to look at the plank in its 1956 platform, and look at the trend in the market on bonds, and be very slow in surrendering the traditional policy of the Democratic Party which has been a policy of low interest rates for the benefit of the people, and not accede to this high interest policy that is for the benefit of interest earners and not the taxpayers that have to pay the interest.

Mr. SLACK. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from West Virginia.

Mr. SLACK. I would like to ask this question: As I understand it, the 3 percent is on short-term bonds?

Mr. HOLIFIELD. Yes; 91- and 182-day bonds.

Mr. SLACK. The point the gentleman is making is that long-term bonds should be offered for this low interest rate, instead of pursuing the policy which they are today.

Mr. HOLIFIELD. Traditionally we have paid high interest rates for short-term bonds because they are in and out of the market; it is not a permanent investment. While the market is down I believe they should offer long-term bonds because we could sell them at a lower interest rate than we are selling the short-term bonds. This is traditionally true, of course. Whether it would be today or not I do not know, but I suggest that the Treasury would be wise to make an offering of 2 billion or 1 billion or 5 billion issues of long-terms bonds and test the market and just see how it would be absorbed before they ask the Congress to remove the 4¼-percent interest rate which has been traditional for several decades.

Mr. SLACK. I thank the gentleman.

Mr. HOLIFIELD. I thank the gentleman from Oregon for yielding to me.

Mr. PORTER. I thank the gentleman for his statement. Certainly, in a Government such as ours, based on public opinion, this is going to be an issue in the campaign this year—how we handle our national debt and also how we provide for our aged.

MEDICAL AND HEALTH CARE FOR THE AGED

The SPEAKER pro tempore (Mr. GEORGE P. MILLER). Under previous order of the House, the gentleman from Missouri [Mr. CURTIS] is recognized for 60 minutes.

Mr. CURTIS of Missouri. Mr. Speaker, I have placed in the RECORD at page 6320 a speech that I gave before the American Academy of General Practice of Physicians at Kansas City, Mo. Three weeks later, I gave the same speech before the convention of Missouri Insurance Agents in St. Louis, Mo.

As I stated, when I placed this in the RECORD, I prepared the speech to be delivered to these seemingly diverse groups. In this speech, I discussed the general background of the problem our society faces on medical care and hospital care for the aged. I expressed the belief that the tremendous progress made in our American society in advancing the well-being of all our American citizens had made ineffective the demagogery which was based on using the Federal Government as the means of transferring wealth from the "haves" to "have nots."

This belief is now being put to a more severe test than I had anticipated. I am wondering if, indeed, it is true we can have a rational, national debate on the subject of Federal spending, and in particular in this health area. Indeed, if the discussion that preceded me on the floor of the House were typical of the caliber of debate that would prevail on this subject, we could move forward in this area, because it was temperate, and it discussed the issues. Unfortunately, that is not the kind of debate we are apparently going to have.

The Committee on Ways and Means has been studying this matter for some time. I have been on the Social Security Subcommittee since 1953. I am presently the ranking Republican on the Social Security Subcommittee. There are many, many complex problems involved in this matter that need a great deal of thought as we proceed.

However, today a pressure group, which is probably the most effectively organized for political action of any group in our society, has apparently decided to use the problem of medical and hospital care for some of the aged as an issue to test whether or not this kind of demagogery can still be used successfully in America. This group of Americans is called Americans for Democratic Action—of which the most powerful segment is the Committee on Political Education of the CIO–AFL dominated by Walter Reuther, a member of the ADA executive committee. COPE has decided to abandon the issue of the Landrum-Griffin bill for the 1960 campaign and see whether or not they can make the Forand bill which purports to meet an aspect of the problem of the medical and hospital care for the aged, do in its stead.

Many of my colleagues probably have been receiving printed 3-penny postcards which have the picture of two fine looking older people, a man and a woman, on one side and a lead quotation in biblical script "Cast me not off" on the other side. Beneath in a box is a quotation from Psalms 71 "Cast me not off in the time of old age, forsake me not when my strength faileth." Under this box is the language: "I urge you to support the Forand bill assuring real health protection to retired citizens." I have been receiving this same card from four States of the Union—Ohio, Illinois, Missouri, and Michigan—as well as from my own district in the St. Louis County area. These cards essentially come through the COPE apparatus; in other words, the organized COPE leaders are leading and participating in the endeavor. These cards are being handed out to older people, of course, and some of the older people may have sent the cards in. The lobbying pressures, however, have not yet come from the older people themselves.

Coupled with the efforts of the COPE apparatus of the ADA have been the efforts of the ADA adherents in the American press. From observation over a period of years some of these members may be identified. For example, Herb Block, the cartoonist for the Washington Post, prepared a very untrue and derogatory cartoon of President Eisenhower's position on the Forand bill, which was printed in the Washington Post recently. Undoubtedly we will begin to see this cartoon reprinted in other newspapers that work with the Washington Post on ADA-sponsored programs. The reporting by certain members of the press, whom we have come to recognize as being part of this apparatus, have been slanting their news stories along this line.

Now the issue that Americans should be concerned about is how do we meet the problem that our old people have in this field of hospital and medical care. It is a serious problem. It is one that has not been completely met in our society, but I would remind my colleagues and our citizens that no society in the history of the world has ever solved this problem and that our society in the year 1960 has probably come closer to solving this problem than any other society ever has.

The progress will be even greater in the future if we do not destroy through unwise action, the programs that are already giving us this progress and that promise further progress in the immediate future.

I might say based upon the programs we now have in effect that an accurate prognostication of the future is that 80 percent of the aged over 65 will have hospitalization in the last part of 1965. The progress that has been made in the past 10 years in particular in meeting the problem of health and medical facilities for the aged has been almost miraculous. The progress in the field of medical health has been so great in these years that it has aggravated the other problem of cost. The very progress in advancing medical science, in drugs, medical and hospital care, has enabled our elder citizens to live on an average of 10 more years. This of course, aggravates the economic problem that each person faces in financing those extra 10 years of life.

Furthermore, the previous mishandling of Federal fiscal affairs by the very people who are now indulging in this blasphemous campaign—by quoting the Bible to imply that those who do not agree with this idea to solve the problems of the aged are thereby casting off the elder citizen—has probably done

more damage to these older people than any other single thing. It is this ADA group that must assume responsibility for the inflation that cut in half the purchasing power of the dollar of these people, almost all of whom are on fixed incomes. Now this group having created this damage would make it worse by interjecting the problem of health for the aged into the political arena. Through a "know nothing" propaganda campaign they are promoting further fiscal irresponsibility on the part of the Federal Government which would have further deleterious effects on the problems of our aged through inflation.

Now let us discuss the Forand bill. Does it really assure real health progress to retired citizens as the 3-penny post card, mass produced by the COPE, states? Or will it damage the progress we have made?

I think it will do damage, that it will throw us backward, and thwart the progress we have made. This is the issue. The issue should not be to get votes; it should be what program is best for our aged citizens and for our society as a whole.

H.R. 4700 would, if it became law, provide the 11 million persons eligible for OASI benefits and their 4 million dependents and survivors with up to 60 days of hospital care, a limited amount of nursing home care, and certain surgical benefits. Sufficient money to pay for this ostensibly would come from an increase in the OASDI payroll tax of one-quarter of 1 percent on the employee, and an equivalent amount on the employer.

But the proposal is discriminatory and neglects a substantial group of our aged.

There are, for example, almost 2 million men and women on old age assistance who would not be benefited by H.R. 4700.

And there are 2.5 million persons over 65 who are not receiving either OASI or OAA, and who are not currently eligible for OASI. H.R. 4700 would not benefit them either. Seven years ago I sponsored legislation which is now law to permit the retired people who were not covered under social security to receive the benefit of a retirement income credit against tax to equalize the situation between persons receiving and not receiving social security benefits which are tax exempt.

Many of these people not on social security have lower cash incomes, on the average, than the incomes of those who receive monthly OASI benefits. These are the people who are most apt to have severe financial difficulties in paying their health care costs.

Putting it another way, the persons really in need would derive no benefit whatsoever from the passage of the Forand bill.

Four million people over 65 are either employed, or wives of employed persons, and presumably are able to meet the costs of health care as well as they ever were. This represents nearly 25 percent of the total older age population, and includes many active workers employed in companies with group health insurance plans.

To sum it up, then, H.R. 4700 would do nothing for those who need it most; and would take no account of the fact that millions of Americans don't need the limited benefits the measure proposes. But it would not cover everybody who is eligible for disability benefits, nor would the measure provide for payment to mental or tuberculosis hospitals.

In the group that would not benefit I might state are our retired teachers and many people who retired on other pension programs and who are not included in social security, primarily because they were born too soon to be covered under the social security program. These people would be completely without benefit from the proposals in the Forand bill. As I previously explained, 7 years ago I sponsored legislation which is now law to permit the members of this age group—our teachers in particular, although there are many others who are retired on pension programs other than social security—to exclude from their income the appropriate amount equivalent to the social security benefits that the social security beneficiaries are receiving.

I point that out as one individual Congressman who has been concerned about the problems of the aged and who has done something in their behalf by action such as the retirement income credit because that is now the law and our people have been receiving the benefit of it for many years.

Yet many of these are people whose cash income, this group that is not covered or mentioned in the Forand bill, is lower on the average than the incomes of those who receive monthly OASI. These are the people who are apt to have financial difficulty in paying their health-care cost.

As I have stated the persons really in need would derive no benefit whatsoever from the passage of this bill. H.R. 4700 would do nothing for those who need it the most.

Those who favor the Forand type of legislation limited, as it is, to this one aspect of our aged citizens, reason from these following premises:

First. The aged are too poor to pay for their medical care, although their medical needs are greater than those of any other age groups.

Incidentally, there is one point that should be driven home. No indigent, no poor older person in America today lacks adequate hospital or medical care if they seek it. In other words, our Community Chest agencies, our welfare programs, are taking care of the indigent. The problem is not the indigent in this particular situation. It is those who can afford to pay, those who have limited means, and those who are confronted with a catastrophic illness who find themselves in a serious plight.

The second argument advanced by those who favor the Forand type of legislation is the aged cannot get private health insurance or, if they can, the insurance is inadequate.

The third argument advanced is these problems can be solved simply by extending the social security system into the field of health care.

Before examining these assumptions and seeking to determine their validity let us look briefly at some of the general aspects of the aged people. The Social Security Act has arbitrarily defined "old age" and despite the fact that old age is relative and based upon physiological changes, the Social Security Act bases it upon birthdays—65 for a man and 62 for a woman.

By this standard there are now some 15.5 million Americans over 65 who can be called aged. This group is living evidence that we have the finest system of scientific medicine in the world and that our standards of life are unparalleled in history.

Each year our older population will increase, and by 1970 this fortunate Nation can expect to have 20 million people over 65. But the growing number of these aged have to some extent caught us unprepared. For example, we are only beginning to understand the waste of human resources involved in the arbitrary retirement of these people because of their chronological age.

I might say one of the greatest needs in the area for reform in the social security law today is the clause that does not permit these people to engage in employment and receive their entire social security benefit entitlement if they earn more than $1,200 a year.

And so far as these people I have been mentioning are concerned—Mr. Reuther and the organization COPE—they are the ones who have consistently resisted any liberalization of this work clause because, as they say, they want these people out of the labor market. The point I am making is this: If the COPE representatives are interested, as they now claim to be—all of a sudden, I might say—in the welfare of the aged people, why do they not direct their attention to this problem of the OASI retirement test? There is no question that if we liberalize the amount of earnings allowed, we are going to have to increase the social security tax. It is simply a question of whether or not the good that we could do by increasing the amount that a person can earn and still stay on the social security rolls will be equivalent to the social good that comes from the cost that we would have to pay through additional social security taxes. That is one of the difficult problems that the Committee on Ways and Means has to grapple with in this area, because we cannot just be Lady Bountiful and say that we love the people and that we will give them everything. We are the ones who have to face up to the fact of where do we get the money, and whom do we take the money from? And, we will be taking the money from the American people.

So millions of men and women, many as capable as they were at 40, are shelved long before they should be; long before they want to be. With retirement, cash income usually drops, and at the same time the need for health care services increases until today it is about twice that of the younger adult. It is this combination of lower income and greater need for health services that has led some well-meaning people to believe that medical care is the most critical problem besetting our aged population. In their opinion, apparently, only the Federal Government can provide an adequate answer.

Against this background let us examine the premise upon which the supporters of H.R. 4700 base their arguments. Although the health needs of our older people may be greater than those in other age groups, are the aged too poor to pay for their own medical care? The answer is that some are, but the overwhelming majority are not. We are told—and the gentleman who preceded me used these figures—that three-fifths of all people over 65 have less than $1,000 per capita annual income. Although in one sense this is an accurate statistic, it would be hard to find a more misleading statistic. It is equally accurate and just as misleading to state that in 1957, the most recent year to which that misleading figure applies, 66.7 percent of all Americans had incomes of $1,000 or less per year. In 1957 almost half of these persons over 14 years of age also had incomes of $1,000 or less per year, and 47 percent of those between the ages of 14 and 65 had incomes below $1,000 a year.

Let us just illustrate this. Suppose we organized a social club with only two requirements for membership, one, that no wives had incomes of their own and, two, that all husbands earned at least $25,000 a year. If we use the same statistical techniques as those employed in compiling the figures of three-fifths of all our people 65 and over have less than $1,000 annual income, we could come up with this statement, that half the members of this social club have incomes of less than $1,000 a year. Obviously the money income figure cited by the Department of Health, Education, and Welfare for those aged 65 and over is of little help to us in considering the financial problems of the aged. Income drops after retirement, yes, but no age group is likely to have as favorable a liquid asset position as the aged, 74 percent of whom now own liquid assets of one form or another. Furthermore, the needs of the aged person are usually less; the heavy expense of raising a family are behind; for the most part homes are paid for. In fact, according to the OASI, almost 3 of every 4 beneficiary couples own their own homes; most of them free of mortgage. And the median equity in nonfarm homes for the homeowner was $8,360; and add to that the household effects and so forth.

Only 4 percent of the aged live in the homes of relatives. A survey in 1957 by the National Opinion Research Center determined that only 9.6 percent of those interviewed would be unable to pay a medical bill of $500.

So when we consider the financial resources of the aged we can do it sensibly only if we know how many have income from employment, social security, pensions, annuities, savings, investments, insurance, and other assets. We can only measure financial resources intelligently if we consider them in terms of family income and assets, not individual income and assets.

Then note the figures used, $1,000 per capita when many of these people, in fact I think the majority of them, are couples. So per capita immediately becomes $2,000 per married couple. And when we attempt to figure out the number of people who cannot afford adequate health care we must know how many already receive it from a religious group, fraternal group, through memberships in a union, as ex-seamen, as members of the Armed Forces.

And what an unfair reference to President Eisenhower the gentleman from Pennsylvania made, because President Eisenhower received all of that as a member of the Armed Forces. We in the Congress have felt that that was a proper and just thing to do.

There are those who receive benefits as professional courtesy, as members of specific religious orders, as veterans entitled to compensation and care.

We know, for instance, that 16 percent of the aged are public welfare recipients. As such under federally aided public funds program, they are eligible to receive medical care and do receive it.

We do not know the answers to questions these facts pose. Here are some things we have got to know. How much do the families of the aged help out? And how many of our older people are affluent or rich?

My point is that the economic problems of older people are not only complex and diverse but difficult to analyze precisely. Yet it is suggested that we take a serious and irreversible legislative action with tremendously important consequences, with no real guideposts.

We are being asked to grope our way through the statistical darkness on the off-chance that we will stumble into an effective solution. No one denies that there are instances of severe hardship among our older people or among any other age group, for that matter. Such cases do exist, although to what degree we can only guess. One of the great things about the social security bill that I believe our committee is going to bring out is that we are paying attention to a very serious problem involving a group of people who are totally disabled, who are below the age of 50. If you are totally disabled, it does not matter whether you are 24 or 55 or 65 or 75. That is an area to which we are directing our attention and that is an area in which I believe the Committee on Ways and Means will present some affirmative legislation to the House. That is an area, I might state, to which the administration has been giving attention.

Certainly the weight of all of the evidence seems to suggest one conclusion. The financial and health problems of the aged have been considerably exaggerated by the proponents of the Forand type of legislation, and on the basis of the facts as we presently know them, it is impossible to justify the creation of a massive Federal mechanism for compulsory national health insurance, even though the mechanism would deal only with a single and somewhat artificially determined category and one segment of our aged population.

Implicit in the thinking of those who support H.R. 4700 is the belief that the health care needs of older people can be conveniently separated from their other needs. Nothing could be a greater mistake. Some of our aged have many needs; housing and recreation; in preparation for retirement; in finding acceptance and understanding within the community; in developing new interests; in using talents and capabilities; in seeking love and affection.

As an example of how interrelated the needs of the aged can be, a former housing commissioner of the State of New York has pointed out that hospital confinement of older people could be reduced by 20 percent if adequate housing were made available for them.

How many Members of Congress realize that last year this Congress passed in the housing bill one of the greatest features to ameliorate this very problem of helping the aged. We made FHA-type loans available to private nursing homes. I may say to those who like to criticize the American Medical Association that they helped sponsor that legislation. I was the main sponsor. I went to them and asked their help on it because, I said, this area of facilities for good, adequate, safe private nursing homes is one of the greatest need of the aged people.

Furthermore, if we could get these private nursing homes we could cut health costs considerably, because the old people in many instances do not have to go to hospitals. The nursing home, which is the facility they really need, costs one-tenth of what a hospital costs. If we can build nursing homes of one floor instead of renovating old mansions of three or four stories we can cut the cost to the aged in that type of modern, up-to-date private nursing home facility.

So there are things being done. Just because there is not a propaganda machine reporting this genuine progress, there is no reason for our people to think that nothing is being done.

Further, the Nation's doctors have repeatedly stated that no person regardless of illness needs to forego a physician's service because of inability to pay. Expert medical testimony before the House Ways and Means Committee established another point. The aged have more than just individual health needs. As Dr. Frederick C. Swartz told the Ways and Means Committee:

> Care for any segment of our population—the aged included—calls for a cooperative attack on the problem by nurses, doctors, hospitals, social workers, insurance companies, community leaders, and others. It requires flexibility of medical technique—an ingredient which would unquestionably vanish the moment Government establishes a health program from a blueprint calling for mass treatment • • •
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> In the case of the aged, their health problem primarily involves acute illness and the so-called degenerative diseases. In a very large percentage of cases, the main need is not for an expensive hospital stay or a surgical operation, but for medical care at home or in the doctor's office.

How many Members have heard of the Visiting Nurses Association? I was the only male member for a good many years of the Board of Directors of the Visiting Nurses Association in St. Louis. It involved the technique of teaching people how to care for people, old people particularly, in their homes, so that they do not have to go to a hospital or even to a private nursing home.

In other cases, the important requirement is nursing care in the patient's home, or the home of relatives. And in still others, custodial care in a nursing home or public facility may be the only answer. The point is that the medical needs of this particular segment of the aged are subject to countless variations.

The Forand bill wishes not only to assist the aged population who do not need the greatest amount of assistance but it wants to move the Federal Government into the very area of medical care where private insurance is now most effective, the area of hospitalization and surgery.

H.R. 4700 is, therefore, like a salvo of grapeshot fired at a smoke-shrouded target. It would apply to only aged persons under social security, but it would apply to them whether they needed help or not, whether they wanted help or not, whether they could use the sort of help the bill undertakes to provide.

Just as you would expect from a volley of grapeshot, most of the ammunition would be well off the aiming point—if, indeed, there is one.

Let us examine the second premise of the bill's supporters—that the aged cannot get private health insurance, or that if they can, their insurance is inadequate.

The record disproves this completely. The growth of private health insurance during the past 25 years—I would say the past 10 in particular—has been phenomenal. Today, 127 million Americans are covered, and it is significant that the amount of health insurance owned by aged people is growing at a rate faster than that of the population as a whole.

Private health insurance is not available to the aged?

Here is the answer:

There are now 37 Blue Shield plans in 34 States which offer coverage for the over-65 age group. In all but three instances, there is a companion Blue Cross plan as well.

An additional 16 Blue Shield plans, in 11 other States, have over-65 programs in various stages of development.

And more than 125 private health insurance firms—some of which are licensed in all States—offer coverage to the aged.

Health insurance benefits for the aged are provided in a number of different ways. Older active workers are, without exception, continued in group insurance plans. Most new group plans provide for continuation of benefits to retiring workers. Other group plans allow the retiring worker to convert his protection to an individual policy. Several insurers are now issuing group plans to such associations of older people as Golden Age clubs.

Most insurers continue into the later years individual contracts issued at younger ages. And contracts especially designed for older people do not require evidence of good health as a condition of eligibility. In fact, after a short probationary period, benefits are paid for loss due to preexisting conditions.

Much of this is quite recent. I may say one of the companies just started out in 1957 with a supplemental plan in Iowa, and immediately next year it extended to four additional States in 1958. In 1959 it extended it to 10 additional States and 17 additional municipal or metropolitan areas, and in the year 1960 it looks like the extension is going to be in 20 States. The point I am getting at is a great deal of this is quite recent, but this whole program has been done almost within the past 10 years.

Finally, there are some insurers who offer health insurance contracts that become paid up at age 65.

This wide diversity of plans reflects free competition among many insurance companies which vie with one another in the effort to provide ever more adequate benefits through more efficient methods.

As for the benefits available to the aged under private health insurance, they are not significantly different from those offered to younger people.

In 1952, only 26 percent of the older age group had some form of health insurance coverage. Today, more than 43 percent—more than 6 million persons—are protected against the cost of health care, with the number of insured rising more rapidly than for any other age group.

A recent study group estimates, and I have used the figure before, that by 1965 that figure of aged covered under health insurance will be 80 percent of our aged population desiring and wanting health insurance to protect themselves. Mind you, in all of this discussion we are not talking about the poor. The poor are already taken care of. We are talking about people who can afford to pay if the insurance is available.

This growth reflects the steady expansion of the voluntary health insurance mechanism, which today provides a cushion against the financial impact of illness for nearly three out of four persons. It also reflects the intensive experimentation carried on by insurance companies, Blue Cross-Blue Shield plans, and other types of health insurance organizations toward broadening the availability and improving the quality of coverage for the aged.

The increase in coverage of those 65 and over can be expected to continue. Better than 70 percent of the total population today enjoy the benefits of voluntary health insurance.

Those who have had this protection during their working years value it, and can be expected to continue it after retirement.

This was not the case, however, with most of the present aged, who did not have this kind of protection during their working years.

The Health Insurance Association of America estimates that 65 percent of the aged needing and wanting protection will be insured by the end of this year; and as I have said this percentage will increase to 80 percent by the end of 1965; and 90 percent by 1970.

Health insurance, like medical care, cannot be dispensed on a production line basis. Health insurance is written in many forms, by many types of insurers, and with a wide variety of benefits. It is this widespread choice, which allows the buyer to select the coverage best suited to his individual needs, that provides the workable alternative to the compulsory system called for by H.R. 4700 and other plans. On the one hand is coverage tailored to meet the individual's own, particular requirements; on the other is a rigid, single pattern of benefits which bills like the Forand bill would impose on everyone—rich or poor.

The choice is clear. The facts show that private health insurance is increasingly meeting the needs of the aged, as well as the needs of other segments in the population. To substitute a compulsory system of health insurance for a voluntary system of health insurance that has proved its ability and willingness to do the job is neither a responsible nor a sound decision, especially because in the very process of substitution we would be contributing to the demise of private health insurance. This is not a question of adding the Forand bill because of what harm it would do. If we added that, we could not foresee this increased progress in the area, and we would be going backward in solving the problem we are trying to solve.

For it is certain that those compelled by law to carry—at their own expense—the cost of national compulsory health insurance will neither be able nor anxious to carry private health policies as well.

There is the third premise of those backing such proposals as Mr. FORAND'S—that the health problems of the aged can be solved simply by extending the social security system into the field of health care.

As I pointed out, Mr. Speaker, these proposals fail completely to help matters for better than 4 million people—those on old-age assistance, and those ineligible for OASI benefits. Yet this is the category of the aged population most likely to include the hardship cases.

Let us examine a number of other objections to these ill-conceived bills.

Assume, if you will, that we allowed the Federal Government to control disbursement of funds under such programs, as all of them specify; that we allow an agency of the Federal Government to determine the benefits to be provided; that this agency be given the right to set rates of compensation for hospitals, nursing homes, dentists, and physicians; that this agency be empowered to audit and control its expenditures to hospitals, nursing homes, and patients; and that this agency set and enforce standards of hospital and medical care—as indeed, it would be compelled to do.

Could the Federal Government assume these responsibilities—fiscal and otherwise—without affecting the quality of medical care which it dispensed? The answer is clearly that it could not.

The Government, in such a case, would undertake to provide a service purchased from outside sources. It is inevitable that Government would tend to control the purveyors of those services, for he who pays the fiddler calls the tune.

The author of these bills disclaims that intention of meddling with the free practice of medicine. Just the same, if a single Government agency were placed

in the position of buying perhaps 10 to 20 percent of all care in the Nation's general hospitals, it takes no expert to see that this agency would possess great power to influence the operation and management of hospitals.

And possessing such power, no legislative restrictions this Congress could impose could prevent such a Government agency from wielding its power.

In the final analysis, the result of this would be that Government employees would, willy-nilly, be telling the doctors what drugs and treatment they could provide; telling the hospital administrators how to run their hospitals; telling the nursing homes what they could, and could not, do.

Whether this is the intent of H.R. 4700 or not, this certainly would be one of its effects, for as the Supreme Court of the United States has observed, "it is scarcely lack of due process for Government to regulate that which it subsidizes." Indeed the Federal Government may properly be called derelict if it does not ride herd over the money it spends.

If Government pays the bill, Government will regulate the health care it buys with public funds.

There is the matter of unnecessarily overcrowding our hospitals, which are hard pressed as it is to cope with the demands for care of our rapidly growing population. Passage of the Forand bill would mean that our hospitals would be swamped, and our doctors overwhelmed by the increased improper use that would inevitably result.

If this is not predictable, then we have learned nothing from the experience of Great Britain, of Canada, and of other nations which have experimented with national health insurance. It follows, as the night the day, that people will seek to collect a benefit for which they are paying—regardless of whether they need it or not.

The medical profession warns us that patients should be placed in hospitals, nursing homes, and other institutions only when necessary, and that the length of their stay, as well as the treatment they are given, should be governed by their medical condition, and not by the arbitrary limitations of legislation or regulations.

It is a warning that must be heeded. The relationship that exists between a doctor and his patient is an individual and private one. To disrupt it with the intruding presence of Government, to seek to substitute a collective approach for an individual approach to patient care—these are foolhardy actions.

Let me comment briefly on the cost of H.R. 4700—present and future.

It is proposed that it be met by a tax of one-quarter of 1 percent on the employer, one-quarter of 1 percent on the employee, and three-eighths of 1 percent on the self-employed.

Is that enough—even for now?

Actuarial estimates by the insurance industry are that costs under H.R. 4700 would range from about $2 billion to $2.4 billion for the first year of the program's operation. By 1980, according to this expert opinion, costs would range from nearly $6 billion to more than $7.5 billion. And that would require a level premium of from 2.32 percent to 2.97 percent of taxable payroll.

That is a far cry from the tax presently proposed.

Beyond that, Mr. Speaker, I should like to remind the Members of Congress that social security taxes are already scheduled to reach 9 percent of payroll by 1969.

The Forand bill increases—whatever they worked out to be—would be in addition to the increases already provided for by law.

According to the Department of Health, Education, and Welfare, presently authorized OASDI benefits will cost us, by the year 2050, between 10.51 percent of payroll—the Department's low estimate—and 15.96 percent of payroll—the high cost estimate.

At what point will the taxpayers rebel? Some of them are now paying more in social security taxes than they pay in income taxes. And as time goes on, and more scheduled increases are put into effect, this trend will be intensified.

The proponents of this type of legislation are suggesting, in effect, that we add to the tax burden, bit by bit, in the effort to determine how much the camel can bear.

I should like to remind them that a point can be reached at which one more straw will break the camel's back. And when that happens, we are apt to see the entire mechanism of social security jeopardized by public rebellion.

Mr. Speaker, bills like H.R. 4700 have no built-in rollback feature. They start small, as a rockslide will; and they end up as avalanches. Once a measure like the Forand bill becomes law, it is idle to wish it off the books; and once passed, no second-guessing will help.

Like Sinbad the Sailor's Old Man of the Sea, H.R. 4700 would cling to the shoulders of the American taxpayer generation after generation.

But if we passed this measure, would it remain in its present form? We would deceive ourselves to think so.

The Members of Congress would, thereafter, face continual demands for more—more expanded coverage, more elaborate benefits. And eventually, the thin end of the wedge having been duly inserted, we would reach the point where everyone—every man, woman, and child in the country—would be under a national, compulsory health insurance plan.

Many of the bill's supporters admit this openly.

For example, I heard Mr. Walter Reuther, of the UAW–CIO, state, in testimony before the Ways and Means Committee last July:

> It is no secret that the UAW is officially on record as backing a program of national health insurance.

To sum up, then, Mr. Speaker, although the corpse of socialized medicine was decently buried nearly a decade ago, it is dead but it will not lie down.

H.R. 4700 is a thinly disguised attempt to resurrect it and the manner in which it is being propagandized as a 1960 election issue demonstrates it.

Furthermore, H.R. 4700 is an effort to create an irreversible mechanism for solving what is, at worst, a temporary problem. Each year, more and more of those who reach retirement age are better equipped financially to live in self-sufficiency.

They are bringing with them, into the retired years, pensions, the health insurance of their choice, property, and a social security card.

We would do them real service if we worked to prevent the erosion of their savings and income by this ceaseless inflation, and if we searched for ways of easing their heavy burden of taxation.

I believe the present programs we have for medical and hospital costs for the aged programs in which the Federal Government plays a part—the State and local government play a part, the private employer, many of our unions, our community chests, our churches, our pious citizens who believe that the commandment "Honor thy father and thy mother" still has modern application, and the old people themselves, who as a matter of dignity want to provide for themselves, play a part, are all doing well. There are devices existing in our society which will solve the problems of the aged in the financing of health care costs in the immediate future. In the last 10 years there has been three times the progress in the field of health for the aged that there has been in the social security program as a whole, in 20-plus years it has been in effect. I believe our society can solve the problem of our aged as well as many other problems that no society has ever solved before. But we are not going to solve them unless we do a lot of hard thinking and a lot of work and unless we eschew demagogery and do not throw the problem in a half-baked manner into the political arena for the purpose of getting votes at one election.

We have ready at hand the device of public assistance—locally administered and locally disbursed, on the basis of known need. We have, ready at hand and hard at work, the voluntary efforts of civic, religious, and health leaders at the community level. We have, ready at hand and operating effectively, the machinery of health insurance.

I suggest that we use them, if the evidence suggests that action must be taken.

But I remind the Members of this House that much evidence must yet be gathered.

In the effort to get the complete facts, President Eisenhower has called the White House Conference on the Aging for January 1961. This Congress has appropriated approximately $2 million for use in preparing for the conference.

We do need more information and it certainly would be premature to consider any action until we have analyzed the more conclusive and complete information which is being gathered and will be presented next January.

To tamper with a system of private medicine that has made this the healthiest Nation in history would be rash; for if we legislate in haste, we shall repent at leisure.

Mr. Speaker, as a part of my remarks I will include an editorial from the March 24 issue of the Wall Street Journal captioned "The Helpless and the Good Society."

THE HELPLESS AND THE GOOD SOCIETY

When anyone—a Congressman, let us say—sees people old, sick, helpless and without the means for either medicines or care, he would be very inhuman indeed not to be moved and to cast about for a way to relieve the distress.

For unnecessary suffering is not only a personal tragedy. To men of compassion it seems also a reproach to society, and from the earliest days of civilization society has groped for ways to care for its old and its helpless. Ancient emperors tried with largess; the feudal system tried to create an orderly place of security for every man; for centuries the church, as the one encompassing agent of society, made efforts to take on the burden of the unfortunate.

So the impulse in Congress behind such measures as the Forand bill which seek to put medical care for the aged under social security is an impulse of good will. And anyone who says the remedy is not as wise as it is charitable, which President Eisenhower has just done by opposing such compulsory measures, risks being branded as bereft of compassion.

Yet a little reflection ought to show that these measures are not merely ineffectual remedies but can defeat the very purposes intended, the proper care of the aged. If the problem were so simply solved, it would have been solved long ago.

To begin with, the proposal to put every old person under a blanket of Government paternalism overlooks the profound progress that the American society has made already in dealing with this problem. It's not smugness for Americans to recognize that, despite the individual cases of hardship, old people here today have better medical treatment and better care than ever before in history or than they do currently in countries where socialism reigns.

So the problem, for America, is first of all the problem of exceptions. Even one case is a matter of concern, but the way to attack the problem of exceptions is not with a remedy that treats all old people as wards of the State.

To do so is not only disproportionate; it is also self-defeating. The smallest calculation would show that if the Government is to undertake to pay the medical expenses for all old people in the country, the amount which can be allocated to each will be small indeed. On the one hand we will have the ridiculous situation of the Government taxing the poor to make medical payments to those able and willing to care for themselves. On the other hand, the truly helpless can receive only a pittance.

To some extent we have already got ourselves in this situation with social security anyway. A Nelson Rockefeller has no need of what the Government will pay him when he is 65, while for others the total allowance will barely keep body and soul together. It is not very intelligent, however well intentioned, to attack the problem of a relatively few indigent old people by this kind of blanket program.

But this is only a part of the difficulty. A graver matter is that the effort to blanket everyone in this paternalism—the cost of it, if one may speak of bookkeeping—diminishes the chances of the vast majority of the people to meet this problem themselves.

Here the Government has already done great injury to all the old people of this country. Reflect, for a moment, on what the deliberate, or recklessly thoughtless, policies of heavy taxation and inflation have done to those who 10 or 15 years ago set aside a substance just to meet this personal problem. If they now find their savings or their pensions, or their insurance, inadequate to today's cost, the blame lies not with themselves but with a Government which has, by those policies, robbed them of part of their substance.

Consider, then, the millions who today are counting on the savings or the private pension plans which have proliferated out of the richness of America.

Twenty or 40 years from now they too will be old, and if the Government is honest with their money they will have no need for charity or paternalism. They will need the pittance the Goverment can give them only if in the meantime that same Government has robbed them further by inflation and taxes to support a costly program started to give them that pittance.

So we are brought to this. There are, and will be, individual cases of misfortune for which society must provide. That our society in many forms already does much for these cases is no argument against further efforts by private citizens, local, and State governments, or even if need be the Federal Government. And we are sure it is not this which President Eisenhower argues against. The good society will always grope for better ways to take care of those who cannot take care of themselves.

But the wise society will not confuse intentions with intelligence. It will not so order itself with vast and costly programs that in trying to relieve the hardships of the few it does injury to the efforts of the many to prepare against them.

To do that, to heap heavier burdens upon all the citizens in the name of freeing them from burdens, is not humane. And, as the world around us shows, making all the people the wards of the State is not the wise way to the good society.

Mr. Speaker, the great interest in social security legislation and improvements in the existing program make it appropriate that Secretary Flemming's prepared statement before the Ways and Means Committee on March 23 be made a matter of record and available to the membership of the House. I ask unanimous consent to include that statement as a part of my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

(The statement follows:)

STATEMENT BY ARTHUR S. FLEMMING, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, BEFORE THE HOUSE WAYS AND MEANS COMMITTEE OF THE U.S. HOUSE OF REPRESENTATIVES, MARCH 23, 1960

Mr. Chairman and members of the committee, first of all this morning, I would like to discuss with your committee some changes in the old age, survivors, and disability insurance provisions of the Social Security Act, that the administration desires to recommend.

We recommend removing the age-50 limitation on the payment of disability insurance benefits.

About 250,000 people—125,000 disabled workers and 125,000 dependents of these workers—would be made immediately eligible for benefits by this provision. This would mean additional benefits of about $200 million in 1961, increasing in the future to an average of over $600 million a year.

We also recommend changes in the disability program discussed with your committee last week. They are: (1) a proposal for eliminating the second 6-month waiting period for applicants with a previous period of disability; (2) a proposal for extending a 6-month trial work period to those who are not under State rehabilitation programs; (3) a proposal for authorizing the Secretary of Health, Education, and Welfare to reverse unfavorable disability determinations by the States, provided applicants request reconsideration of such decisions. The last provision is necessary in this nationwide program in order to provide full assurance of a reasonable degree of uniformity in the determination of rights to benefits in the various States. It would also speed up the processing of some cases and avoid needless and time-consuming appeals.

We recommend also that the benefit for each child of a deceased worker be increased to three-fourths of the worker's benefit amount.

The present law provides that in a survivor case the benefit payable to a child is one-half of what the worker's benefit amount would have been, plus one-fourth of the worker's benefit amount divided by the number of children getting benefits. If there are two children, for example, each child is eligible for a benefit equal to one-half plus one-eighth, namely five-eighths, of the worker's amount. And even though one child goes to work and has his benefit withheld, the other child is still not eligible for the full three-quarter benefit.

About 900,000 children would get benefit increases immediately as a result of this proposal. This would mean additional benefits of about $60 million in 1961, increasing later to an average of about $65 million a year.

Another change that we recommend at this time is to provide benefits for the survivors of people who died fully insured before 1940.

In recent years amendments to the law have usually made eligible not only those who in the future meet certain conditions but also those who met comparable conditions in the past. This was not done, however, in the case of survivors of persons who died prior to 1940.

We believe it would be desirable to apply to this group left out in the 1939 amendments the principle of retroactivity which has been generally applied in the more recent amendments. There are about 25,000 widows 75 years of age and over who would be made eligible for benefits by this proposal. This would mean additional benefits of about $10 million in 1961 for this group.

Another proposal we recommend that would enable more people to qualify for benefits is one that would remedy the situation in present law under which a widow and her children are denied benefits because of a defect in a marriage that she entered into in good faith and believed to be valid.

We also recommend five extensions of coverage under the old age, survivors, and disability insurance program. We propose—

1. That coverage be extended to include services (other than domestic services) performed by a parent for a son or daughter.

2. That coverage be made available to policemen and firemen under State or local retirement systems in all States.

3. That coverage be extended to self-employed physicians on the same basis as that applicable to self-employed people now covered.

4. That the protection of the program be extended to employees and self-employed people in Guam.

5. That nonprofit organizations be permitted to extend coverage to employees who want to be covered without requiring that two-thirds of the employees of the organization consent to be covered. All new employees would be covered compulsorily as under present law.

These changes which I have proposed would constitute a significant advance in the old-age, survivors, and disability insurance program.

I now want to discuss the cost of medical care for the aged.

In approaching this problem I feel that we should keep in mind the developments that have taken place on two fronts.

First of all, there are the very significant steps that the Federal Government has taken in recent years to help deal with the hazards of old age.

The number of persons who benefit from the old-age, survivors, and disability insurance program has increased very materially. At the same time there has been a marked increase in the payments to the beneficiaries. Payments under the old-age assistance program, including medical services, have been liberalized. There has been a sharp increase in the funds the Federal Government has made available for medical research. More and more of these funds are being directed toward problems of the aging. The Hill-Burton program of course has benefited persons of all ages in providing more adequate hospital and other health care facilities. Provision has now been made for providing for FHA type of guarantee for the construction of private nursing home facilities. This could prove to be a significant advancement in dealing with the problem of health facilities and health costs of the aged. Congress has made provision for a White House Conference on Aging in January 1961, at which all problems in this area will be discussed by citizens groups representing all walks of life.

In the second place there are the very significant advances that have been made in recent years in extending the benefits of health insurance to people 65 years of age and over.

We estimate that approximately 42 percent of the persons in this age group now have some protection against the cost of hospital care. While we do not have precise data, I think it is safe to say that approximately 6½ million aged persons currently have some health insurance. Contrast this figure with that for 1952 when it was estimated that only slightly more than 3 million aged persons had any coverage of this kind.

Blue Cross and Blue Shield plans have been extending their benefits and improving their coverage. Several insurance companies have aggressively entered the field to provide better protection to aged individuals.

For example, Blue Cross which operates all over the country has taken various steps to assure that persons age 65 and over are offered the opportunity of obtaining protection against the cost of hospital care. Most local Blue Cross plans provide periodically for "open enrollment" when individuals of any age may subscribe for hospital coverage. Additionally more and more Blue Cross plans are extending the time during which they will pay hospital benefits.

While all the 68 Blue Shield plans will continue coverage after age 65 for persons who have been enrolled before that age, there are 32 plans that now have no age limit for initial enrollment, and 2 others permit enrollment up to age 70. In addition, 25 other plans have similar programs for the aged either approved or in various stages of development.

Insurance companies also have been working to make health insurance available to older people. There is considerable variation in what policies cover and in the benefits they provide. It is difficult to generalize on the protection offered to the aged under insurance company policies. However, the significant fact is that more and more companies are offering group and individual coverage to the aged against the cost of nominal hospital, surgical, and in-hospital medical expenses. Additionally, some insurance companies have recently introduced or will soon present policies that will provide protection against catastrophic cost of long-term or other expensive illnesses.

In addition, more and more employers are extending the benefits of group health insurance to retired persons and their dependents. In many cases the employers are paying all or a substantial part of the cost of the group plan.

In testifying before the members of this committee on July 13, 1959, in opposition to H.R. 4700, I made the following statement:

"Enactment of H.R. 4700 would have far-reaching and irrevocable consequences. It would establish a course from which there would be no turning back. The opportunity for continued growth in coverage and adequacy of voluntary health insurance for the aged would be stifled before its full potential could be gaged. The pattern of health coverage of the aged would have become frozen in a vast and uniform governmental system, foreclosing future opportunity for private groups—nonprofit and commercial—to demonstrate their capacity to deal with the problem."

In the light of all of the developments I have just identified, we are all the more convinced that it would be very unwise for our Government to take any step that would lead to such a result.

Since appearing before the committee last year, we have given consideration to the question of using a payroll tax in order to provide more of the aged with better protection against the risk of catastrophic illnesses. We have decided that even a restricted program of this kind would be subject to the same fundamental objections that we have made to H.R. 4700.

Therefore, I want to make it clear that as an administration, we will oppose any program of compulsory health insurance.

At the same time I desire to emphasize again that I believe that continued progress in the direction of covering an increasingly large percentage of the aged by voluntary hospital insurance programs will still leave us with serious problems. There will still be aged persons whose policies provide inadequate protection. Also there will still be aged persons who will have no protection but who would be willing to participate in voluntary programs if provided with policies at rates that they could afford to pay. This administration—indeed all thoughtful citizens—are acutely aware of the need for approaching these problems with a sense of urgency. But we are no less aware of the necessity for seeking and finding solutions that are sound and that expedite rather than impede the progress we all desire.

We have been investigating, therefore, the feasibility of a program that would help accelerate rather than impede the present voluntary approach to this problem. In these studies we have been keeping in mind the following guiding principles:

1. That there should be no compulsion on anyone to participate in any health insurance program.

2. That there should be no action taken by anyone that would tend to stifle private initiative in the health insurance field. Anything done in this area should build on—and not undermine or replace with a Federal system—the excellent progress that is now being made by private effort.

3. That we should strive to strengthen and stimulate our existing private system so as to foster additional progress—both in terms of scope of protection and numbers of persons protected.

4. That we should preserve and strengthen the private relationships which now characterize the rendering of health care services.

5. That all aged persons should have the opportunity of participating in any program that might be developed.

6. That there should be available to the aged—particularly in the low income groups—protection against the severest burden of health care costs, namely, the financially catastrophic cost of institutional care in connection with long-term and other very expensive illnesses.

Before arriving at a final conclusion as to whether the Federal Government can devise within this framework of principles a practical program, it is going to be necessary for us to explore further some complex issues.

For example, we have been considering methods of relating to his income the amount of money that each voluntary participant would contribute to the cost of an insurance policy. We have been analyzing possible plans under which persons in the lowest income group would make a very small contribution and then the contribution would increase up to a given level of income. Beyond this level the policy holder would be expected to pay the full premium costs.

Also we have been exploring the question of whether State governments, aided by the Federal Government, could provide the difference between the amount paid by the policyholders in the low income groups and the actual cost of the policy. In exploring this aspect of the matter, emphasis is being placed on having the States carry their fair share of the total burden.

We have also been endeavoring to identify the various factors that must be considered in determining the minimum level of protection which the States must provide in order to qualify for Federal matching funds. In exploring this question, we are keeping in mind the fact that the States would be authorized to contract with private groups for the insurance.

Also we are considering the impact of any plan on the quality and availability of health services.

We have not reached a conclusion as to the best manner in which to deal with such basic issues as these. In the effort to arrive at sound conclusions, it will be necessary for us to begin immediately to consult further with experts in Government, with outside experts and groups, and with State officials. It is, of course, not possible to predict the length of time that it will take for these consultations. Moreover, I am not now in a position to predict how long it will take to resolve the basic issues I have just identified and any others that may arise. Deeply sensitive as the administration is, and as I know this committee is, to the human issues here involved, I can assure you that these explorations will be carried forward with maximum speed.

Mr. UTT. Mr. Speaker, will the gentleman yield?

Mr. CURTIS of Missouri. I yield to the gentleman from California.

Mr. UTT. Mr. Speaker, I would like to commend my distinguished committee colleague from Missouri, Mr. CURTIS, for the very able and knowledgeable remarks he is making on the subject of the problems confronting our Nation and its citizens. I will assert from personal knowledge that I know the gentleman from Missouri has diligently directed his energies to finding workable answers to these problems without the needless abandonment of our free enterprise way of life which every American cherishes. The responsible and constructive attitude that he is evidencing by his remarks this afternoon lend encouragement that through his able efforts and through the able efforts of others of us who are working to solve these problems we can find their sound solution.

In our endeavors toward these objectives it is important that we not approve a program that would destroy the very great progress that has already been made in helping our aged citizens

not only meet their health care needs but also their other economic and social requirements.

It is basic that once a social program has been established, that program is never erased even though experience may prove it to be a mistake in major part. It is also true that government can give to its citizens only that which it has first taken from its citizens. Therefore, the Congress in seeking to ameliorate the problems of one segment of our citizenry must be sentient of the effect of congressional action on our entire citizenry. It is also essential that we examine not only the immediate implications of a proposed legislative cure, but we must also examine its long-range implications.

In recent days I have noticed in the press and elsewhere criticism of the administration for not having a total solution today to a prolbem that has existed and challenged the minds of men since the beginning of organized society—namely adequate provision for the aged including their health care problems. This unwarranted criticism has chosen to overlook or has been deliberately unmindful of the outstanding progress that has been made by the present administration to this end. As examples of this progress I cite the following irrefutable facts:

In 1952 the last year prior to the present administration coming into power there were 5 million beneficiaries under the old-age and survivors insurance program contrasted with 13.7 million in 1959 including 460,000 who were receiving disability insurance benefits. The average monthly benefit paid to an old-age recipient under the OASI program in 1952 was $49.25 contrasted with an average monthly payment of $72.78 in 1959.

The range of benefit payments provided under the law in 1952 was a minimum and maximum of $25 to $85 compared with the 1959 range of $33 to $127. The family maximum benefit in 1952 was $168.75 compared with $254 in 1959.

The number of jobs covered under social security in 1952 was 48.8 million compared with more than 58 million in 1959.

The public assistance titles of the Social Security Act have also been improved and liberalized in the intervening years since 1952 to include improved welfare services, expanding medical care provisions, and a substantially increased Federal participation in the financing of augmented benefits.

In 1952 $1.5 billion was spent in old-age assistance payments of which 52.7 percent was Federal funds. The average payment in December 1952 was $50.90. In 1959 $1.9 billion was spent for old-age assistance payments of which 58.8 percent was Federal money. The average payment in December 1959 was $65.86.

In terms of medical care for the aged, medical payments under the old-age assistance program in 1952 amounted to $51.9 million and in 1959 amounted to $218.9 million. In June 1952 20 States had programs providing for vendor medical payments, and in June 1959, 41 States had such a program.

Medical research grants under Federal programs amounted to $18.2 million in 1952 and $141.4 million in 1959 with increasing emphasis devoted to problems of the aged in the latter period.

The Secretary of Health, Education, and Welfare, Mr. Flemming, highlighted the progress that has been made in this area at the time of his appearance before the Committee on Ways and Means on March 23, 1960. At that time Mr. Flemming stated the following:

> The number of persons who benefit from the old age, survivors, and disability insurance program has increased very materially. At the same time there has been a marked increase in the payments to the beneficiaries. Payments under the old-age assistance program, including medical services, have been liberalized. There has been a sharp increase in the funds the Federal Government has made available for medical research. More and more of these funds are being directed toward problems of the aging. The Hill-Burton program of course has benefited persons of all ages in providing more adequate hospital and other health care facilities. Provision has now been made for providing for FHA type of guarantee for the construction of private nursing home facilities. This could prove to be a significant advancement in dealing with the problem of health facilities and health costs of the aged. Congress has made provision for a White House Conference on Aging in January 1961, at which all problems in this area will be discussed by citizens groups representing all walks of life.

Mr. Speaker, the fact that a Government solution to the health problems of the aged is not now available should not be characterized in terms of willful neglect or culpability on the part of responsible Government officials. The absence of a solution does not indicate negligence or indifference on the part of these officials but instead is testimony to the difficulty and magnitude of the problem under consideration.

A solution has been proposed by certain of our colleagues serving in the Congress. This solution was originally sponsored by my able committee colleague from Rhode Island [Mr. FORAND]. I recognize that he has conscientiously advocated the provisions of his bill, H.R. 4700, which would provide surgical, hospital, and nursing home care to present beneficiaries of the OASI program to be paid for by the imposition of a compulsory payroll tax on the presently working population. It is my conviction, Mr. Speaker, that Mr. FORAND's solution is unwise and unsound. Its enactment would in my judgment create more problems than it answers.

I would make these observations in regard to the so-called Forand proposal:

This is an election year but in the interest of preserving the soundness of our social security system, amendments to the act should not be an election subject. Everyone wants to see our aged citizens get everything in life that it is feasible to provide them with under our free enterprise system. Unfortunately, there are by definition no economic goods and services that are free—someone has to pay. That is true in private enterprise and perhaps even more true in Government enterprise because of the higher cost that usually attends Government endeavors.

It is conceded that to some unascertained extent a problem does exist in connection with health care for our aged citizens. However, I submit that the health care problem is not peculiar to the aged; it frequently is just as acute in the case of individuals and families who have not reached retirement age.

The recognition of the existence of a problem does not of itself establish the obligation of the Federal Government to undertake to provide a definitive answer. Authorities who are knowledgeable of the problems confronting the aged generally recognize that caring for our older citizens calls for cooperative endeavors of family members, insurance companies, professional practitioners, churches, community endeavors, and society generally.

Mr. FORAND's proposal does not supply a workable answer to the problem of providing for the health needs of the aged. The problem is essentially outside the framework of the social security program as it is now constituted and its inclusion would inevitably serve to weaken the retirement and survivorship aspects of the existing benefit system. I am convinced that those who are most constructively interested in the social security system are not those who seek its overexpansion but instead are those who work to safeguard it from the assumption of obligations that could weaken or destroy the system.

I am mindful of the fact that health care requirements generally increase with age but I am also mindful of the tremendous progress that has been made in recent years toward providing for those requirements under free enterprise and without Government domination. American medicine has placed health care and professional services before economic considerations in providing for the indigent of all ages. The insurance industry is striving to deal effectively with the increasing demand for health care financing for the aged. It is significant to note that in regard to the aged the number with health insurance protection is rising more rapidly than for any other age group. Almost half of our aged population now has health insurance. Furthermore it is projected that the size of this insured group will rise to approximately 90 percent of those who need and want this protection by the year 1970. Doctors have taken formal action in their professional societies to guarantee medical services to the indigent and at half price to the aged generally.

For a number of reasons, not the least of which is inflation, some 18 percent of the aged are public welfare recipients under federally aided public assistance programs. As such these individuals are eligible to receive health care under present programs. In addition, a large segment of our aged population is eligible to receive medical assistance from the Veterans' Administration, military and other Government agencies as well as from private sources.

Today upward of 125 million Americans are protected against illness through some form of voluntary health insurance and through voluntary protection against wage loss due to disability. It is to be regretted that this

protection does not cover 100 percent of our population but it must be realized that Mr. Forand's proposal does not provide protection to 100 percent of our population either.

In fact the Forand bill discriminates against those who through no fault of their own are excluded from the protection of the OASDI program. Our aged population today includes approximately 15.5 million people and 4 million of those people would be ineligible for the benefits under the Forand bill. It also discriminates against the millions of Americans along with their families who today are in the Nation's working force and who have just as real economic problems as the aged. The Forand bill with its statutory limitation on duration of services fails to take care of the catastrophe situation which is the real problem in the health care area.

It is inevitable that if we launch into a Forand type program, pressures will be brought to bear in future years which will lead us to a sweeping, all-inclusive, Government-operated national health program. Such a program would involve the expenditure of vast sums of money, certainly upwards of $20 billion annually.

Such an expenditure would be reflected in the cost of doing business and would cause rising prices so that our domestic producers would be less able to compete in domestic and world markets. The inflationary consequences of this rise in the general price level would adversely affect all Americans and would particularly strike at the very age group that the Forand bill purports to help. As I said, someone pays for what anybody gets, and the Federal Government must maintain supervision over the expenditure by Government of the tax money taken from its citizens.

A massive Government supervised health program is one more step and a major one in the direction of a regimented economy. The inflationary consequences of this proposal carried to its logical extreme would rob the aged in terms of purchasing power of their savings, insurance, bonds, and other liquid assets.

In the 20th annual report of the trustees of the social security trust funds we find that the OASI fund operated at an annual deficit in the 3 years 1957 through 1959. A modest increase in the fund of $62 million is projected for calendar year 1960 but this surplus balance is projected only on the assumption of a $2½ billion increase in tax contributions compared to a $0.9 billion increase in benefit payments. This greater increase in tax contributions over benefit payments projected for 1960 is at variance with the actual experience in 1959 when tax contributions increased only $0.5 billion compared with an increase in benefit outgo of $1.5 billion. This may be true even taking into account the increase in OASI taxes that occurred on January 1, 1960. The membership of this committee is well aware of the fluctuations that can occur with respect to social security income and outgo and we must guard against doing anything that would threaten to impair further the solvency of the existing program. The status of the OASI trust fund at the present time is insufficient to pay 2 years' benefits. Therefore, liberalizations enacted today must inevitably be paid for by tomorrow's taxes.

We all have knowledge of the crowded condition presently existing in hospitals in some areas of our Nation. If we launch a program of Government health insurance at this time, we will be seriously aggravating the current bed shortage by prolonging hospital stays and by the overutilization of hospitals by individuals who could adequately be cared for on an outpatient basis or through other procedures. Overutilization of medical facilities has been the experience in every country launching a national health program. In the United States the experience with governmentally provided hospitalization has demonstrated that the average stay per patient in Federal Government hospitals ranges up to 4.5 times as long as average stays in non-Government hospitals.

The Forand proposal would tax our working population to pay hospital and other health care costs for our aged citizens regardless of their economic circumstances, be they wealthy, poor, or in between. The bill provides for an increase in social security taxes of ¼ of 1 percent each on employees and employers on wages from employment and ⅜ of 1 percent on self-employment. Social security taxes under existing law and without further changes are already scheduled to reach 9 percent of payroll in 1969.

Responsible actuarial estimates in regard to the Forand proposal clearly indicate that the program would be underfinanced by the schedule of tax increases provided in the bill. Testimony was presented to the Committee on Ways and Means during our hearings last year on this legislation pointing out that the first year cost of the program would be in excess of $2 billion and that by the year 1980 the annual costs would range from $6 to $7.5 billion. The necessary increase in social security taxes to cover such costs would very likely serve to preclude other meritorious liberalizations of the Social Security Act. The health care features of the Forand proposal would virtually rule out the possibility of cash benefit increases, liberalization of the retirement test, and the elimination of inequities in existing law. Also, this legislation would for the first time deny to an individual the freedom to choose how he will use his social security benefit dollars. The bill would exact taxes at the same rate from all working individuals but would pay differing benefit amounts for medical care services in the various geographical locations of our Nation.

In 1958 the Congress passed legislation creating the White House Conference on the Aging. Congress already has or will be called upon to appropriate taxpayers' money for this enterprise to the extent of approximately $2 million. Thousands of informed citizens are now busily engaged in State conferences on this subject. It is expected that 3,000 delegates will attend the National Conference to be held in Washington, D.C., next January. The persons participating in this Conference bring experience and ability to their undertakings in behalf of defining and finding solutions to the problems of the aged. To enact a health care program at this time, from which there would be no retreat, would serve to preempt the worthwhile endeavors involved in the White House Conference on the Aging.

For the benefit of interested persons, I would briefly summarize the objections to H.R. 4700 as follows:

1. The Forand amendment is discriminatory. It would tax present workers with little or no regard for their ability to pay and would pay benefits to the aged regardless of their economic circumstances, be they rich, poor, or in between. It excludes 4 million of our aged population who through no fault of their own are denied social security protection. It also excludes the millions of Americans in the working force along with their families who may have just as urgent medical-economic problems as the aged. The proposal falls short of providing for the catastrophy situation.

2. The Forand amendment is unsoundly financed. The tax increases provided in the Forand proposal would increase existing social security taxes by 1969 to 9½ percent with respect to the employed and 6¾ percent on the self-employed. Even these high taxes would be inadequate to pay the costs of the social security system if it included a Forand type health program. Responsible actuarial authorities estimate that the Forand bill is 100 percent underfinanced and project cost estimates for the first year of operation at $2 billion and the annual cost in 1980 of from $6 to $7.5 billion. The existing social security trust fund operated in the red in the 3 years 1957–59 and is in only marginal balance for 1960. The amount of the OASI trust fund is insufficient to pay 2 years' benefits. The Congress must maintain the trust fund in such condition as to assure its ability to perform its intended mission of paying retirement and survivorship cash benefits.

3. The problem of health insurance is essentially outside the framework of the existing old-age, survivors, and disability insurance program. Those who are most constructively interested in the social security system are not those who seek its overexpansion but instead are those who work to safeguard it from the assumption of obligations that could weaken or destroy the system.

4. The Forand amendment disregards the progress that has been made in recent years by the medical profession and the insurance industry to provide health care to the aged. Doctors have formally acted in their professional societies to guarantee medical services to the indigent and at half price to the aged generally. The insurance industry is offering a variety of policies providing health cost protection to the aged. Today almost half of our aged population has health insurance. By 1970 the size of the protected percentage is expected to increase to approximately 90 percent of the aged who need and want such coverage. The Forand proposal would impair these effective voluntary endeavors to solve this problem.

5. The Forand proposal would tend to increase inflationary pressures. The taxes and expenditures caused by the Forand amendment would be reflected in rising prices. This would adversely affect all Americans. It would impair the job security for the present workingman. It would particularly strike at the aged group it purports to help by impairing the purchasing power of their savings, insurance, bonds, and other liquid assets.

6. The Forand amendment would operate to preclude meritorious liberalizations and improvements in existing law by substantially increasing social security taxes solely for health care. The financing costs of the health care features of the Forand proposal would be so great as to rule out any possibility of cash benefit increases, liberalization of the retirement test, and the elimination of existing inequities in the law. The Forand proposal would also for the first time deny to an individual the freedom to choose how he will use his social security benefit dollar. In addition working individuals would be taxed at the same rate under the bill but benefit amounts for medical care services would vary according to geographical location in our Nation.

7. The Forand proposal would preempt the work now in progress of the White House Conference on the Aging. In 1958 Congress authorized the establishment of a White House Conference To Study Problems of the Aging for which approximately $2 million will be appropriated. Thousands of informed citizens are already at this task and 3,000 delegates will attend the National Conference to be held in Washington, D.C., next January. The participating conferees bring experience and ability to their undertaking to define and find solutions to the problems of the aged. The law prescribes that the Conference shall report to the President by April 9, 1961, and it is expected that recommendations to the Congress would be forthcoming shortly thereafter.

Mr. Speaker, it has been alleged that the distinguished Secretary of Health, Education, and Welfare, the Honorable Arthur S. Flemming, in his appearance before the Committee on Ways and Means on March 22, had breached a promise he had made to the committee last year to have a health care plan to submit to the Congress with the convening of the second session. So that the record may be accurately stated on this point I will place in the RECORD as a part of my remarks what the Secretary said last year on this subject. This extract is taken from page 13 of the hearings on H.R. 4700 held by the Committee on Ways and Means in July 1959:

Secretary FLEMMING. Congressman FORAND, first of all, may I comment on your comments relative to the delay in the reports that have been submitted?

I think that I should personally assume responsibility for the delays. As you know, I took office last August. I regard this as one of the most important issues that confronts the Government, both the executive and legislative branch, and I have personally tried to take time, first of all, to get acquainted with the contents of the report that was submitted to you, and in the second place I have tried to look at all of the possibilities in connection with the solution of what I recognize, as you recognize, to be a very real problem.

I can assure you that as far as the additional studies that are referred to in my statement are concerned that they will be given my personal attention and I will certainly endeavor to bring them to a conclusion just as rapidly as possible.

My hope would be certainly that they would be available to the Congress when it comes into the second session of this particular Congress.

Now, as far as the administration of a program such as is envisioned by H.R. 4700 is concerned, I think that we do have to keep in mind the fact that this would be a new departure as far as social insurance is concerned.

In the letter that I transmitted to the committee, giving our views on this particular bill, I said this:

"Such a system"—that is, the one envisioned by this bill—"in order to meet the objective of adequate coverage of the risk in an economical manner, must be designed to meet all or substantially all of the costs of those services which the system undertakes to provide. In this significant respect, the compulsory health insurance under H.R. 4700 differs from the old-age, survivors and disability insurance program which contemplates, and in fact provides, an incentive for supplementation of a basic floor of protection through individual incentive and thrift and private insurance."

Then a little later on, I indicate that this program would have far-reaching and irrevocable consequences.

On top of the last page of my letter I indicate this:

"Such foreclosure of future opportunity for private efforts to demonstrate their capacity to deal with the problem would require far more convincing justification than is afforded by present evidence that nonprofit and commercial insurance cannot meet the need. It would demand, moreover, the payment of an additional price in the form of governmental intervention into arrangements that are on the whole better left within the framework of nongovernmental action."

Then I proceed to list some of the new types of administrative problems that would confront the Government if we move in this direction.

This extract clearly indicates that the Secretary had hoped that he would be able to recommend a sound solution; it does not indicate a promise to recklessly advocate something just for the sake of making a recommendation. The statement does indicate the very genuine desire of the administration to develop in a proper way the clear definition of Government's role in contributing to the alleviation of the problem.

Mr. Speaker, it is my view that organized labor is again rendering a disservice to the union membership and to the American people through its political pressures in behalf of the clearly unsound Forand proposal. As I have demonstrated, the labor-boss led advocacy of H.R. 4700 is in total disregard of the facts. The labor bosses are supporting this discriminatory solution fraught with inflationary overtones that is unsoundly financed to conceal the failure of the labor movement to constructively contribute to a solution to the health needs of our aged citizens.

Mr. Speaker, opposition to the Forand bill should not and cannot be construed to constitute indifference to a solution to the health problems of not only our aged citizens but indeed of all of our citizens. In my judgment the opposition to the Forand proposal should instead be construed as indicating a determination to find a proper solution to the problem and an unwillingness to engage in a reckless or a dangerous action. I am sure that there is no responsible official of Government in the executive branch and in the legislative branch who will not work diligently to this end. The solution will not be developed on the basis of political propaganda and pressure. The solution will not be developed by distorting or disregarding all the facts which bear on this challenging and complex issue. The solution will not be developed on the basis of a partisan approach.

Mr. Speaker, I would again commend my colleague from Missouri for his very learned evaluation on the problems confronting our esteemed and respected aged citizens. I join with him in pledging myself to earnest endeavor to find the proper answers to these problems.

Mr. UTT. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CURTIS of Missouri. I thank the gentleman from California for his very kind remarks.

Mr. PORTER. Mr. Speaker, will the gentleman yield?

Mr. CURTIS of Missouri. Yes, gladly.

Mr. PORTER. I was very glad to have the opportunity to hear the gentleman's presentation, but I am not sure that the late Senator Taft would have agreed with his point of view.

Mr. CURTIS of Missouri. May I say to the gentleman that the late Senator Taft and I were very close personal friends. I managed his campaign in the State of Missouri in 1948 and 1952, and I think he and I were very much in accord in our approach to these matters.

Mr. PORTER. In regard to the Federal Government's role in connection with health?

Mr. CURTIS of Missouri. Yes, I would even say that, because in the days when Senator Taft made some of his proposals, we had not had this progress that I have been recounting. Since 1952, just to take these bold figures, it shows an increase from 26 percent of our people being covered beyond age 65 with health insurance in some form, where we are up to over 60 percent for the year 1960, and we know of the progress and the policies that are in existence which is going to continue this progress. So, you see, we do not stand still in this country. If we will only pay attention to the thing that has made this country great, which is essentially our private enterprise system, our millions of American men and women will be doing things for themselves.

Mr. PORTER. Mr. Speaker, will the gentleman yield further?

Mr. CURTIS of Missouri. I yield.

Mr. PORTER. The gentleman said that part of this campaign was blasphemy and he accused the ADA of being apparently the principal people behind it.

Mr. CURTIS of Missouri. I did. I refer to a specific campaign and I pointed out that it was blasphemous. Actually I referred to a quote that was taken from the Bible and placed out of context, I might say. The blasphemy consists in this—and I suggest the gentleman read the message. The propagandists said that anyone who does not approve of the Forand bill is casting out the older people. That is not what, I regard as a proper public debate. And when the Bible is quoted to further that, I say it is blasphemous.

Mr. PORTER. I am sure that the gentleman agrees that the teachings of Christ were that we should take care of the humble and the ill.

Mr. CURTIS of Missouri. But His teachings did not include attacking the motives of those who were trying to do the same thing.

Mr. PORTER. If I may complete my statement, by way of preliminary; the gentleman says that the ADA adherents and the American press—and he cites Mr. Herblock—I am sure the gentleman agrees that the ADA represents a very small segment of the American press, and that the doctors' lobby is far better financed and is working on this matter with far more resources.

Mr. CURTIS of Missouri. No; I do not. I might say to the gentleman that I do not agree with that. As a matter of fact, what is so difficult in coping with an apparatus like the ADA is that some of them project their thoughts and ideas as if they are professors in universities in some instances; others as if they are hard working—I am sure they are hard working—objective news reporters; or that they are objective cartoonists, calling their shots as they see them, instead of working in an apparatus to assist in perpetrating a national propaganda scheme. There is the difference. The doctors, Lord bless them, are not engaged in that kind of an operation.

Mr. ALFORD. Mr. Speaker, will the gentleman yield?

Mr. CURTIS of Missouri. I yield to the gentleman from Arkansas.

Mr. ALFORD. There were statements that were made here, and I should like to ask the gentleman from Missouri a question. There were quotations from the Bible and our Lord was mentioned in a statement with reference to the needy. I would like to stress one point, Mr. Speaker. May I ask the distinguished gentleman, who is an authority on this subject, and a very valuable member of the Committee on Ways and Means, this question. The needy and the poor and the indigent of this country are not covered by the Forand bill, are they?

Mr. CURTIS of Missouri. No; the gentleman is correct. I think it is one of the great things in our society that we can say that really the indigent are taken care of today in America. There may be a few here and there; but if their need is called to the attention of anyone, they are taken care of, because we have the facilities in our society to care for them.

The Forand bill, of course, has nothing to do with those people. That is an important point to dwell upon, if this is going to get into a propaganda campaign; that is, that the people of this country understand that the proponents, those who are starting this propaganda machine, are trying to create the impression that they are talking about the needy when in fact they are not referring to any needy group. They are not talking about the needy.

Mr. ALFORD. I thank the gentleman very much.

Mr. PORTER. If the gentleman will yield, I think it should be made clear, and I thought it would be made clear, that the Forand bill insurance program is based upon workers who put aside money when they are making that money. No one has ever said it was a subsidy or welfare program.

Mr. ROBISON. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. SCHWENGEL] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SCHWENGEL. Mr. Speaker, I want to commend the gentleman from Missouri [Mr. CURTIS] for his very scholarly statement on the needs of the aged.

He has performed a fine public service in calling attention to the weaknesses and inadequacies of H.R. 4700. I, like him, have given much consideration to this very real problem and like him I sincerely believe we ought to give serious consideration to other plans that will recognize the total problem. I hope that those who share our concern on this matter—in and out of Congress—will read and study this fine statement and then join those of us who want to do a more adequate job of meeting this very real problem that needs our attention now.

COST OF LIVING AND THE NATIONAL ECONOMY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from West Virginia [Mr. STAGGERS] is recognized for 10 minutes.

Mr. STAGGERS. Mr. Speaker, everybody complains about the rising cost of living. Various agencies attempt to state the amount of change in percentage figures. For instance, the Department of Labor puts the increase at 9.8 percent in the period from 1952 to 1960. In computing this increase, they take a selected list of commodities and services that many people buy, and then determine the proportion of each commodity or service in the total, that is, they weight the items. The individual purchaser, or the family unit, may not follow the buying pattern of the general run of people. Low income families must necessarily spend a larger proportion of their incomes for food, for instance. To such a family, the rising cost of living really means the rising cost of food.

So many factors enter into the cost of living that it is unreasonable to expect the average man to trace all of them to their final result. In the final analysis, we tend to want an increasing amount of goods and services as a return for less and less work. Therefore, a good measure of any change in the cost of living would be the total amount of our national product divided by the total number of man-hours spent in its production. The only remaining problem then would be equitable distribution among those who should receive it. There is no doubt that we have increased our productive capacity enormously in the last 20 years through the application of better methods and improved machinery. For instance, production on the farm per man-hour is said to be three times as great as in 1940. Yet the price of food in dollars has gone up instead of down. Why? Is somebody profiting at the expense of the farmer and the consumer? Nearly everybody is willing to point out the culprit. It is the wholesaler, or it is the processer, or it is the transporter. It is the laborer, it is the retailer, it is the cost of advertising. And so on. We can soon get dizzy if we try to follow the reasoning in each case.

One proposal for holding the real cost of living in practical limits would be to equate the value of every item of goods and services with the value of a single unit of some one commodity. If a bushel of wheat served as the unit, for instance, then a cow or an automobile or a coat or a trip to Bermuda or a man-hour of work would be worth so many bushels of wheat, always and everywhere. A few years ago the whole idea seemed attractive in principle. The only difficulty would be to get any considerable number of people to agree on a formula for computing the equivalences. Most schemes for controlling the prices of things suffer the same disadvantage. They sound well, but they cannot be made to work in practice.

At the start of the last war, the Government put an immediate clamp on both prices and wages. We endured this invasion of what we consider our inalienable rights while the war lasted. After the war, prices of goods and wages jumped sharply. Now many people urge that the Government step in and do something to halt the continued rise. Practical plans for doing this do not seem to be in evidence. In the recent prolonged steel strike, the Government was criticized for not intervening on one side or the other. Then, when it did get somewhat indirectly into the negotiations, it was criticized for interference. The only plan officially endorsed by the administration was that everybody should exercise restraint and moderation in attempting to improve his position relative to others. Meanwhile the cost of living continues to go up.

PEACE AND NATIONAL DEFENSE

The establishment and maintenance of peace in this country and in the world is the major concern of all our people. Those whose husbands, sons, and daughters failed to come back from the last war do not want to see another. Those who participated and came back without injury have had enough. All who contributed in a civilian role to the final victory want to avoid the sacrifice of time and energy in another struggle. I served nearly 4 years as a navigator in the Naval Air Corps during the war. I do not want to repeat the experience myself, and I look forward with the greatest horror to the prospect that my children, or my children's children, should be caught in another and more horrible slaughter.

I have introduced legislation setting up a Department of Peace in the Federal Government. The major function of the

Department would be to study causes of friction among nations and ways of resolving differences without resort to arms. But it would be foolish to trust in such a Department alone to preserve the peace in this age of tension. Until we can get universal acceptance of the idea of peace, we must be prepared to fight. While I shall make every effort to achieve the objectives of the Department of Peace, I am equally prepared to support proposals to keep us so strong militarily that no nation dare attack us. We have never in our history engaged in offensive military action, we have no intentions now to start an offensive war, and I believe we never will have. But we know that powerful forces exist in the world intent on our destruction. The only hindrance to letting them loose against us is the sure knowledge that we will meet force with force. The communistic nations alined against us are bullies. They respect nothing but force. The only way to handle a bully is to check him with immediate deterrent force. We are already spending a considerable slice of our national income, perhaps 9 percent, in building up our deterrent strength. It may not be enough. I should prefer to spend billions more now in guarding against disaster than to wait and hope that nothing will happen, and then be compelled to sacrifice not only our money but thousands and millions of human lives in a war that might have been averted if we had only been strong enough. We do not want another Pearl Harbor. The "too little and too late" policies of the 1930's laid us open to the belief that we could be attacked with impunity. After we had been attacked, we had to spend time, money, and men to recover the force and prestige we had lost unnecessarily.

Many men prominent in public life have gone on record to the effect that our preparedness program is too weak and ineffectual. These men belong to both political parties. Their integrity and their understanding of events cannot be questioned. They are in a position to know, and they have the facts on which to base a conclusion. They agree that we are already far below Russia in military effectiveness, and that we are losing ground year by year. They point out that Russia is spending at least twice as large a proportion of her national output on weapons as we are spending. Further, Russia needs desperately to increase the supply of consumer goods, while we enjoy a surplus of practically every civilian commodity. We can well afford to devote a larger share of our income to building up our strength. Meanwhile, administration policies waver from one position to another. They take up one military project after another, spend large sums in its development, and then abandon it for something else. We must get together on a total program that will do the job. It is certain that we have the knowledge by which we can determine our needs. We have the technical skill, the organizational resources, and the materials to make ourselves impregnable. Let us use them to the extent that they are needed. Considerations of economy and of a balanced budget will not save us from annihilation if an atomic war breaks out.

Failure to act now will convince our enemies that we are really bluffing, that we have no firm commitment to a policy of resisting aggression, and that we will refuse to fight at all when the chips are down. Already there is talk of breaking our promises in Europe, in the Middle East, and in eastern Asia. We must bolster up our national will to make the sacrifices necessary. We must restore our military power in international confrontations. Penny-pinching now in the name of economy leads inevitably to waste and extravagance later when the full force of the storm strikes us, as it always has. The best way to preserve peace is to be abundantly able to wage war.

WRONG DONE JULIUS WILDSTEIN, OF NEWARK, N.J.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New Jersey [Mr. ADDONIZIO] is recognized for 15 minutes.

Mr. ADDONIZIO. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ADDONIZIO. Mr. Speaker, I rise to correct a serious wrong that was committed against the good name of Julius Wildstein, of Newark, N.J., by the gentleman from Mississippi [Mr. WILLIAMS] on the floor of the House on March 9. It is regrettable when debate descends to the level of personalities, when name calling is substituted for calm and objective discussion. However, we can perhaps excuse a Member resorting to denunciation in the absence of arguments of merit and substance. What is inexcusable is to impugn falsely a man's honor and integrity. A grave injustice has been done to Mr. Wildstein, as the following letter from him makes clear. Under date of March 21, Mr. Wildstein has written me:

NEWARK, N.J., *March 21, 1960.*

The Honorable HUGH J. ADDONIZIO,
House of Representatives,
Washington, D.C.

MY DEAR CONGRESSMAN ADDONIZIO: My attention has been called to an item appearing in the CONGRESSIONAL RECORD of March 9, 1960 (No. 44), at page 5063, in which Congressman WILLIAMS, of Mississippi, referring to an item placed in the RECORD by you, attacked me:

"On February 23, 1960, the gentleman from New Jersey [Mr. ADDONIZIO] placed in the RECORD a long apology for the people of Levittown, N.J., who refused to integrate their 'publicly assisted housing' until forced to do so by an order of the New Jersey Supreme Court. In his praise of participants in the lawsuit on the side of integration, Mr. ADDONIZIO pointed out the following:

"'Instrumental in this splendid victory was Julius Wildstein, Newark attorney and chairman of the commission of law and social action of the New Jersey region, American Jewish Congress, who sacrificed time and energy, without any material compensation, to act as chief attorney for the defendants. He, together with attorneys from the American Jewish Congress, as well as lawyers from other agencies, are to be commended.'

"What Mr. ADDONIZIO did not tell the Congress about Mr. Wildstein was that, several months ago, according to reliable information that has come to me, this same Julius Wildstein sold his home at 356 Seymour Avenue, an integrated neighborhood, to Negroes, and moved over to 19 Lyons Avenue, a protected all-white community, in Newark. For Mr. Wildstein, integration appears to be highly desirable; but desirable only to others. Apparently he does not choose to be integrated himself. This is but one example of the hypocrisy which characterizes this entire controversy, Mr. Speaker."

The statements of Congressman WILLIAMS are completely contrary to the facts, as follows:

1. I did not sell a home at 356 Seymour Avenue. The fact is I never owned a house at 356 Seymour Avenue or anywhere else. For several years I was a tenant occupying a 7-room apartment on the first floor of a 2½-family house at 336 Seymour Avenue. This neighborhood is an integrated neighborhood and was such when I moved into it, a fact of which I was well aware.

2. The house at Seymour Avenue where I lived was sold in April 1959 to Ada-Ozella Corp., which was and is owned and controlled by two Negro families, and I was told by them that it was their intent to occupy the first and second floor apartments. Pending my removal, the two families occupied the second-floor apartment, which was then vacant, and after I vacated one of the families moved into my former apartment.

3. I continued to live at Seymour Avenue in the same house with the two Negro families for over 3 months, at which time I was able to find a 4½-room apartment more suitable to our family needs in an apartment building at 19 Lyons Avenue, Newark, N.J.

Congressman WILLIAMS says that this is a "protected all-white community." It is nothing of the kind. There are several houses in the neighborhood occupied by Negro families.

I hope you will see that the CONGRESSIONAL RECORD carries this correction of Mr. WILLIAM'S erroneous statements and of his charge that my efforts and those of the American Jewish Congress and other organizations to end racial discrimination are hypocritical.

Sincerely yours,

JULIUS WILDSTEIN.

DEVELOPMENTS IN THE MANDATORY OIL CONTROL PROGRAM AND ITS IMPORTANCE TO AMERICA

The SPEAKER pro tempore. Under previous order of the House, the gentleman from West Virginia [Mr. MOORE] is recognized for 30 minutes.

Mr. MOORE. Mr. Speaker, quite frequently, it seems, for one reason or another, men charged with responsible leadership in the executive branch of our Government face criticism and complaints, rather than acclaim, for their efforts.

Thus, it is a matter of considerable pleasure when the opportunity arises to offer praise for an example of steadfastness and courage in Federal Government administration.

I refer to the forthright reassurance recently given the American coal industry by Mr. Elmer P. Bennett, Under Secretary of the Interior, when he announced, with the approval of his superior, Secretary Fred A. Seaton, that the Department has no information that

would justify an increase in oil import quotas for the first 6 months of this year, despite the current high levels of imports.

In a letter to Mr. Joseph E. Moody, president of the National Coal Policy Conference, Mr. Bennett, as Acting Secretary, declared that importers of residual—and I quote him—"should be put on notice that nothing has come to the attention of this Department which leads us to doubt the validity of the import levels which were established for the first half of 1960, and that we have no information which would appear to warrant an upward adjustment in the residual allotment for this 6-month period."

Despite this very clear expression by Mr. Bennett, however, there are well-founded reports that importers of residual oil, consisting mostly of the major international oil companies, expect to bring tremendous pressure on the Department of the Interior, which administers the quotas, to increase them before this half year is over.

These reports are substantiated by the alarmingly high rate at which imports have been running during the first 2 months of this year. In January and February alone, 54 percent of the quota for the entire 6 months was brought in.

If this rate continues—and it shows little signs of abating—many importer-suppliers are certain to exhaust their quotas long before June 30. If this occurs, we may expect to hear anguished cries that critical users of residual oil are without fuel, that free businesses are being forced into hardship by arbitrary and autocratic bureaucracy, and even worse.

It seems, therefore, that it is well to review this whole situation at this time, and to shed the light of pure facts on what is happening before it can become an effective tool in the hands of the international oil corporations to further belabor the domestic fuel industry and the interests of national security.

First, it is essential to remember that, although the imposition of quotas on imported residual oil has been of inestimable help to a stricken American domestic fuels industry, it was essentially a national defense decision, and came only after a Presidential proclamation which followed findings that unrestricted imports posed a threat to the national security.

As Mr. Bennett so properly pointed out in his letter to Mr. Moody:

> In administering the program, we as a Department have to bear this presidential finding in mind at all times. We cannot in good conscience ignore the national security aspect and set the allocation level at a point which permits everyone who wants to bring in residual fuel oil and to bring in as much as he desires.

Recognition by the Federal Government of the serious effect on our defense capacities of unrestricted residual imports is, of course, heartening to the domestic coal industry which has been pointing to this danger for several years.

As a matter of fact, even a continuation of the import quotas at their present levels, in my opinion and that of the leaders of the domestic coal industry, do not furnish satisfactory safeguards against this threat to national security.

When the quotas were imposed, it was decreed that they should restrict residual oil imports to the number of barrels that were brought in from foreign sources in 1957. This was approximately 125 million barrels, or the equivalent of 30 million tons of coal. However, since that time the quotas have twice been adjusted upwards, and now permits, on the basis of the first 6 months of 1960, the import of 156 million barrels annually, or the equivalent of 38 million tons of coal.

Since this is equivalent to about 9½ percent of the total coal produced in the United States in 1959, it is readily apparent what an unfortunate impact the imports of residual—even at present permitted quota levels—is having on the historic markets for American coal.

Keeping this fact in mind, and in view of the anticipated efforts on the part of some importers to seek even further increases in quotas—or even to demand their complete elimination—it is important to review briefly the problem of residual imports and the developments that have led to the present situation.

Residual oil, as the name suggests, is the residuum after the primary products, such as gasoline, kerosene, distillates, lubricants, and so forth, are obtained during the refining of crude oil. There is no commercial production of crude oil accomplished in order to obtain residual oil as such. If there were no market or use for residual oil at all, the fact remains that it would still have to be produced as a byproduct in order to get the other desirable distillates from crude oil. Consequently, there is no relationship between the production of residual and the market demand for it. Supply in this case is governed by the demand for the other petroleum products and, once these have been extracted from crude oil, the producer is faced with the problem of disposing of the remainder—residual oil. For this reason, residual oil is frequently, in times of excess supply, sold at a dump price—that is, a price that has no relation to its cost.

The amount of residual derived from crude oil varies widely with the quality of the crude. In domestic refineries the residual content averages 13 percent of the refinery throughput, while Venezuelan operations and those of the Netherlands Antilles produce 60 percent residual oil. It is oil from these latter sources which constitutes the bulk of residual imports into the United States.

When residual supplies pile up in these oversea refineries, the producers must dispose of the glut. Naturally, they would like to do so as advantageously as possible, but they must get rid of it. To accomplish this, the oil giants turn to the industrial market of the American Eastern Seaboard.

This market is a readymade dumping ground for them. The Eastern utilities are large consumers of fuel. Although traditionally dependent on coal for its boiler fuel, a significant portion of this market has boilers equipped to burn either oil or coal on a quick-switch basis. The determining factor in making a fuel selection is naturally a comparison of the prices per B.t.u. offered by the various fuels. When there is no worldwide glut of oil and prices are correspondingly normal, coal undersells oil in this market, sometimes by a considerable amount. Under this condition the oil producers are not particularly interested in the Eastern utility market, nor are the utilities interested in using any significant quantity of oil as fuel.

However, under the price-depressing effects of an oversupply of oil and with stocks of residual mounting rapidly, the disposal of residual oil becomes more important than the revenue it yields. Under these circumstances, prices are slashed ruthlessly to whatever point necessary to undersell coal in the utility market and the utilities' boiler equipment is rapidly switched to accommodate the imported fuel and take advantage of the favorable price.

Ever since the Suez crisis in 1957, world petroleum supplies have increased steadily and world markets have been glutted with ever-increasing surpluses. Nor is exploration for and consequent discovery of oil deposits waning under the continued oversupply; on the contrary, it is being pursued at a feverish pace. This situation has had a plainly adverse affect on American energy industries.

The domestic petroleum producers have been severely limited by regulatory fiat in their production as a result of the flood of imported oil breaching American shores. For example, Texas wells are currently allowed to produce oil only 10 days of every month. And, of course, the great excess of supply over demand has maintained prices for what oil is produced in a chronically weakened condition. The glut of crude oil has been accompanied, in due course, by a burgeoning oversupply of residual oil which has had a severely injurious effect on the domestic American coal industry.

The growth in U.S. imports of petroleum and petroleum products over the past few years has been startling. In 1954, for example, the value of these imports was $829 million; by 1958 this figure had almost doubled and stood at $1,625 million. Over the same period, the domestic production of crude petroleum went from 2.3 billion barrels to 2.4 billion barrels, an increase of only 4 percent in 4 years.

In an effort to alleviate this distressing situation, in July 1957 the President's Cabinet Committee called for a voluntary program of restrictions on oil imports. This action, mild as it was, helped hold the line on unbridled imports—in 1958 imports represented 18.4 percent of domestic supply as compared with 16.5 percent in 1957. However, this move did nothing to alleviate the problem of residual oil which was not covered under the voluntary program.

It became obvious early in 1959 that the voluntary import restrictions, while a step in the right direction, were not doing the whole job. In March of that year, President Eisenhower issued a proclamation which set mandatory quotas on the importation of petroleum and for the first time recognized the danger of continuing reliance on imported residual oil for fueling basic

American industries. The basis of the Presidential proclamation was that a continued high level of oil imports was injurious to the national security of the United States because it weakened the domestic energy base so vital in time of emergency. The inclusion of residual fuel oil under this mandate plainly interweaves the importation of residual with that of crude oil in the national fuel and energy supply as it relates to national defense.

Imported residual oil increases the dependence of our basic economy on fuel and energy resources from outside the United States, which are, of course, unreliable in time of war, in the same way that imports of crude oil increase this dependence. Imports of residual oil displace domestic sources of fuel and energy in the same way as do imports of crude oil. And the same retardation of growth and of the rate of investment that characterize the effect of excessive imports of crude oil on domestic petroleum development, are apparent in the effect of uncontrolled imports of residual fuel oil on the domestic coal industry.

The original level at which imports were to be maintained under the Presidential order was that of 1957. This standard was followed generally in the establishment of quotas for April, May, and June 1959—as far as residual oil was concerned, this meant roughtly 343,000 barrels per day.

However, the 1957 basis for import restrictions was abandoned when the quotas were set for the final 6 months of 1959. At this time the amount of imported residual to be allowed entry became involved with the estimates of petroleum production and demand made by the U.S. Bureau of Mines. This estimate was predicated on elements of normal demand, abnormal demand because of expected unseasonably cold weather, and an allowance for building of stocks, even though the Bureau had no accurate storage figures to indicate such a need. Under this vague system, the quotas for the last half of 1959 were increased to 365,000 barrels per day. If normal weather had been assumed and no allowance made for stock building, the quota would instead have been cut to approximately 320,000 barrels per day under this system.

With the establishment of the residual quotas for the first 6 months of 1960, at 425,000 barrels a day, the complete abandonment of the 1957 basis became obvious. Emphasizing the abandonment was a revised version of the Presidential Proclamation issued on December 10, 1959, which said in part:

> The Secretary of the Interior shall keep under review the imports * * * of residual fuel oil to be used as fuel and the Secretary may make, notwithstanding the levels prescribed in paragraphs (a) and (b) of this section [the 1957 level] and on a monthly basis if required, such adjustments in the maximum levels of such imports as he may determine to be consonant with the objectives of this proclamation.

While no justification accompanied the announcement of the higher quotas, it is probable that they were again predicated on the postulations of market demand derived by the Bureau of Mines.

Despite the facts that residual stocks were high, prices were weak, and importers had been slow to use quotas during the earlier part of the July-through-December quota period, thus indicating a needed reduction in residual quotas, the allowable imports were actually increased by 60,000 barrels a day. This apparent anomaly was interpreted by the oil importers to signify an open-ending of the control program—an open invitation to use up the quotas and then ask for more. As the Oil Daily, a leading publication of the oil industry, reported an interview with an official of the Department of the Interior.

> He explained that importers can bring in as much of their total 6-month import allowable as they wish during the early months of the year. Implicit in this is that, if importers do run out of quotas well before the June 30 deadline next year, they will be allocated additional import quotas of residual.

Unfortunately, this erroneous assumption seems to have had a strong effect on the marketing actions of the giant oil companies responsible for dumping residual oil in the Eastern United States.

In January of 1960, the first month of the current quota period, an average of 724,000 barrels per day was imported, nearly 300,000 barrels more than the average allowed under the quotas. The January total was more than 22 million barrels. When compared with the overall 6-month allowable of 77 million barrels, this figure is nearly 30 percent of the total quota.

The average daily importation during the month of February 1960 was 669,000 barrels, totaling some 19.4 million altogether. This chewed up another 25 percent of the 6-month quota thus bringing the percent of the quotas used in only one-third of the quota period to 54 percent. This rush to sell residual certainly seems to indicate that the oil giants are doing their best to use up the quotas as fast as possible in the hope of obtaining supplementary allocations once the original ones are exhausted.

It is obvious that if this strategy adopted by the oil importers succeeds, the net result will be the complete destruction of the mandatory control program on residual oil. It is also obvious that the destruction of the mandatory program would be a catastrophe to the American fuels industries and, consequently, to the Nation as a whole. We in this body cannot stand idly by and watch a small group of willful businessmen destroy the energy industries and the national security of the United States.

It is for this reason that I so wholeheartedly commend Under Secretary Bennett for his forthright affirmation that the Department of the Interior will stand firm in the face of this all-out attack on the oil-import control program. This affirmation is an important one to the domestic coal industry, which, as you know, provides an important economic contribution to the State which I represent.

The importation of any residual oil at all is harmful to the domestic coal industry. However, if imports were maintained at the level of 1957, as originally set by the Presidential proclamation, this great American industry could plan on coal displacement of some 30 million tons annually and thus have some stability and continuity introduced into its marketing plans. However, in 1959, of which only the last 9 months were under quota limitations, residual oil equivalent to 38 million tons of American coal was imported. And, even more startling, the level of imports during January and February of 1960 was at a seasonally adjusted annual rate equal to 53 million tons of coal. When one considers that total annual production of coal in this country is currently only slightly more than 400 million tons, the grievous injury done by the accelerated importation of residual oil is readily apparent.

Mr. Speaker, in view of these facts, the members of this body can only urge Under Secretary Bennett to remain steadfast in his position that no new quotas will be granted prior to the June 30 expiration date. Undoubtedly, tremendous pressures will be brought to bear by the oil importers to secure supplementary quotas. This pressure must be resisted. Mr. Bennett and his dedicated associates in the Department of the Interior must successfully defend the mandatory controls on residual oil imports against the planned onslaught of the oil giants so as to safeguard the health of the American fuels industries and consequently insure the maintenance of our national security.

KAISER INDUSTRIES CORP.

The SPEAKER pro tempore (Mr. ALFORD). Under previous order of the House, the gentleman from California [Mr. GEORGE P. MILLER] is recognized for 30 minutes.

Mr. GEORGE P. MILLER. Mr. Speaker, despite the difficulties that many American corporations seem to encounter in developing industrial entities in foreign countries, there are some American businessmen, and in some cases I think they should be referred to as business statesmen, who manage to thrive where the going is toughest.

One American industrial organization whose activities are proving successful in varied fields around the world is Kaiser Industries Corp. Its young, energetic president, Edgar F. Kaiser, is a constant world traveler and he is rapidly placing his organization in the forefront of American companies that are successful in spreading the doctrine of free enterprise around the globe.

I think that one of the reasons this young "business statesman" is so successful can be found in the credo of his organization. The Kaiser affiliated companies believe that an American industrial organization's only real measure of achievement is its contribution to the economic health of a nation and to the well-being of its people.

Another reason was touched on briefly by Kaiser Industries Vice President Chad F. Calhoun, who told Fortune magazine after a recent extended trip abroad:

> One thing Kaiser has learned abroad is not to measure everything in terms of a U.S. yardstick.

The Kaiser organization has applied these principles in Argentina, Brazil, India, Australia, England, Turkey, Israel, and a number of other foreign countries. In fact, it is applying them right now in the independent, 3-year-old nation of Ghana which is moving forward with one of the most spectacular engineering projects of modern times.

Known as the Volta River project, it calls for a series of three dams across the river. The project will require about 5 years to complete and will eventually supply the new nation of Ghana with thousands of kilowatts of electric power to help diversify the country's cocoa-based economy.

Prime Minister Kwame Nkrumah has long recognized the value of the project to the economic development of his country, and he has indicated his determination to have it become a reality.

The Volta River project, Mr. Speaker, has been talked about for more than 30 years, but it took the initiative and understanding of Ghana's Prime Minister, plus the interest of the Kaiser organization to turn the conversation into action.

Under the British, as the Gold Coast Colony, an excellent and thorough report on the Volta project was made in 1956 by the Gold Coast Development Commission chairmaned by Sir Robert Jackson, assisted by the internationally known engineering firm of William Halvron & Partners. World events and conditions and other factors combined to forestall the fulfillment of the project.

When Prime Minister Nkrumah visited President Eisenhower in July, 1958, it was suggested that a reappraisal of the 1956 report be made. The State Department through ICA agreed to pay one-half the cost of this reappraisal. The Kaiser engineers were selected to perform this work. This new report emphasizing the feasibility of the project was submitted to Prime Minister Nkrumah in March 1959.

Shortly thereafter the Government of Ghana made an initial contract with Kaiser Engineers for preliminary engineering design and certain preliminary construction work under a $3 million contract.

Kaiser engineers subsequently under separate contract is constructing about $7 million in preliminary dam work such as access roads, housing, utilities, warehouses, and so forth. Final engineering design is also under way.

The first dam and power plant to be built at Akosombo, on the Volta River, will provide 768,000 kilowatts. All three will generate 1,080,000 kilowatts.

Prime Minister Nkrumah has also called upon Mr. Edgar F. Kaiser to accept the initiative in forming an aluminum consortium, composed of a number of major aluminum producers, for the purpose of building an aluminum reduction plant in Ghana with an initial annual capacity of 120,000 tons. The plant would cost $100 million to $150 million and would tap rich Ghanian bauxite deposits and Volta River power. The ultimate capacity of the plant would be 220,000 tons. The aluminum produced would be supplied to world markets outside the United States.

Mr. Kaiser accepted the Prime Minister's invitation and has since discussed the matter with other major producers. A company has been formed and designated the Volta Aluminum Co. It was formed for the purpose of considering the possibilities of establishing an aluminum industry in Ghana along with the attendant problems and costs involved. I understand, Mr. Speaker, that a review of the situation will be made by the new company and a decision given to the Ghana Government before September of this year.

This, Mr. Speaker, is the kind of cooperation we need between the newly developing countries and American industry. This is the area in which America can make its greatest contribution. We all recognize the strong nationalistic feelings currently evident in the various regions of Africa that are struggling for independence and the right to establish their own governments.

The Volta River project is a means by which we can make a contribution, through the channels of free enterprise, to the economic well being of Ghana and to the soundness of the democratic way of life upon which she is now embarked.

The Ghana Government, Mr. Speaker, has already indicated that it will support its belief in the soundness of the project by providing approximately 40 percent of the funds needed for the Volta Dam and powerplant. This is the kind of project which reflects credit, not only to Prime Minister Nkrumah, but also to the industrial talents of the American corporations involved, and also emphasizes the economic acumen of our international lending institutions.

The Ghana Government embraces democratic ideals and the United States and American industry should do all in its power to assist this young country and its people in developing a strong, active economy that can withstand the blandishments of communism.

The Kaiser organization has proved its mettle in a number of other countries, as well. It has developed a flourishing automotive manufacturing business in Argentina through the establishment of Industrias Kaiser Argentina, S.A., which builds Jeep vehicles and three passenger cars.

It organized Willys-Overland do Brasil in Brazil where it also does a thriving business in the manufacture of Jeep vehicles and two passenger cars. Both of these companies are affiliates of Willys Motors, Inc., of Toledo, which is owned by Kaiser Industries.

Kaiser Aluminum & Chemical Corp. has associated itself with aluminum fabricating firms in Buenos Aires, Argentina, and London, England. In addition, it has developed tremendous bauxite deposits in Jamaica, and is ready to build an aluminum reduction plant in India, the biggest United States-Indian private industrial project to date.

Willys Motors, Inc., has established assembly operations for Jeep vehicles in Turkey, India, and Australia, while Kaiser Engineers are working on projects in India, Australia, and Brazil.

These are only a few of the areas in which the Kaiser organization is showing the way with an enlightened approach to dealing with foreign governments, foreign nationals, and newly developing countries. Wherever possible, Kaiser insists upon a minority stockholder's position in any new corporate entities it helps to organize. This is the kind of an approach that helps to dispel the thoughts of Yankee imperialism generated in the minds of foreign nationals over the years.

This is the kind of approach that warrants the term business statesmen and has brought increasing recognition to the Kaiser organization.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JACKSON, for 10 days, on account of official business.

Mrs. BLITCH (at the request of Mr. PRESTON), for an undetermined period, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. STAGGERS (at the request of Mr. BAILEY), for 10 minutes, today.

Mr. ADDONIZIO (at the request of Mr. RODINO), for 5 minutes, today.

Mr. GEORGE P. MILLER, for 15 minutes, today.

Mr. MOORE (at the request of Mr. ROBISON), for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. WOLF and to include extraneous matter.

Mr. MACHROWICZ.

Mr. RODINO.

Mr. VAN ZANDT.

Mr. MEADER, at that point in the RECORD immediately following the vote on H.R. 8601 and to include extraneous matter.

Mr. OSTERTAG (at the request of Mr. ROBISON), to extend his remarks in the body of the RECORD and include extraneous matter.

Mr. ADAIR, to extend his remarks in the body of the RECORD at a point prior to the special orders for today and to include extraneous matter therewith.

Mr. BENTLEY.

Mr. BRADEMAS.

(At the request of Mr. ROBISON, the following Members were granted permission to extend their remarks in the CONGRESSIONAL RECORD and to include extraneous matter:)

Mr. KEARNS.

Mr. MICHEL.

Mr. FINO.

Mr. PELLY in two instances.

Mr. CURTIN.

Mr. RAY.

Mr. NORBLAD.

Mr. BARRY.

(The following Members, at the request of Mr. ALFORD, and to include extraneous matter:)

Mrs. SULLIVAN in two instances.
Mr. SANTANGELO.
Mr. BURKE of Massachusetts.
Mr. FRIEDEL.
Mr. GREEN of Pennsylvania.
Mr. MULTER.

ADJOURNMENT

Mr. GEORGE P. MILLER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 22 minutes p. m.), under its previous order, the House adjourned until Monday, March 28, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1980. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Export-Import Bank of Washington for the fiscal year ended June 30, 1959 (H. Doc. No. 362); to the Committee on Government Operations, and ordered to be printed.

1981. A letter from the Assistant Secretary of the Interior, transmitting a copy of the Annual Report of the Activities of the Division of Coal Mine Inspection, Bureau of Mines, for the calendar year January 1, 1959, through December 31, 1959, pursuant to the Federal Coal Mine Safety Act (66 Stat. 692; 30 U.S.C. secs. 451–483); to the Committee on Education and Labor.

1982. A letter from the President of the Board of Commissioners of the District of Columbia, transmitting a draft of proposed legislation entitled "A bill to amend the District of Columbia Traffic Act, 1925, as amended"; to the Committee on the District of Columbia.

1983. A letter from the Chief Scout Executive, Boy Scouts of America, transmitting the 50th Annual Report of the Boy Scouts of America for the year 1959, pursuant to the act of June 15, 1916, entitled "An act to incorporate the Boy Scouts of America and for other purposes" (H. Doc. No. 363); to the Committee on Education and Labor, and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THORNBERRY: Committee on Rules. House Resolution 485. Resolution for consideration of S. 1795. An act to amend title 10, United States Code, to revise certain provisions relating to the promotion and involuntary retirement of officers of the regular components of the Armed Forces; without amendment (Rept. No. 1417). Referred to the House Calendar.

Mr. DELANEY: Committee on Rules. House Resolution 486. Resolution for consideration of House Concurrent Resolution 582. Concurrent resolution providing under section 3(e) of the Strategic and Critical Materials Stock Piling Act, the express approval of the Congress for the disposal from the national stockpile of approximately 470,000 long tons of natural rubber; without amendment (Rept. No. 1418). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 487. Resolution for consideration of H.R. 10959. A bill relating to the employment of retired commissioned officers by contractors of the Department of Defense and the Armed Forces and for other purposes; without amendment (Rept. No. 1419). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 488. Resolution for consideration of H.R. 2331. A bill to establish the Chesapeake and Ohio Canal National Historical Park and to provide for the administration and maintenance of a parkway, in the State of Maryland, and for other purposes; without amendment (Rept. No. 1420). Referred to the House Calendar.

Mr. FRIEDEL: Committee on House Administration. House Resolution 437. Resolution amending House Resolution 146, 86th Congress; without amendment (Rept. No. 1421). Ordered to be printed.

Mr. FRIEDEL: Committee on House Administration. House Resolution 441. Resolution providing additional funds for studies and investigations pursuant to House Resolution 147, 86th Congress; with amendment (Rept. No. 1422). Ordered to be printed.

Mr. FRIEDEL: Committee on House Administration. House Resolution 460. Resolution providing for the expenses of conducting studies and investigations authorized by rule XI(8) incurred by the Committee on Government Operations; without amendment (Rept. No. 1423). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDONIZIO:

H.R. 11358. A bill to provide for the coverage of physicians by the insurance system established by title II of the Social Security Act; to the Committee on Ways and Means.

By Mr. ASHMORE:

H.R. 11359. A bill to amend section 4208 of title 18, United States Code, so as to require a report in certain cases as to the suitability of a Federal prisoner for parole; to the Committee on the Judiciary.

By Mr. BROYHILL:

H.R. 11360. A bill to readjust postal rates, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FINO:

H.R. 11361. A bill to prohibit the severance of service connection which has been in effect for 10 or more years, except under certain limited conditions; to the Committee on Veterans' Affairs.

H.R. 11362. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the housing amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. GEORGE:

H.R. 11363. A bill to provide for the establishment of a commission to study and make recommendations to the Congress with respect to the advisability and practicability of retroceding all or part of the District of Columbia to the State of Maryland; to the Committee on the District of Columbia.

By Mrs. GRANAHAN:

H.R. 11364. A bill to provide for the issuance of a special postage stamp in honor of the memory of the venerable Bishop John N. Neumann, C.SS.R., D.D.; to the Committee on Post Office and Civil Service.

By Mr. KEARNS:

H.R. 11365. A bill to readjust postal rates, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. LAFORE:

H.R. 11366. A bill to amend title X of the Social Security Act to provide that, without an increase of Federal participating funds, a State plan for aid to the blind may utilize a more liberal needs test than that presently specified in such title; to the Committee on Ways and Means.

By Mr. LANE:

H.R. 11367. A bill to amend title V of the Agricultural Act of 1949, as amended, to provide, in connection with the employment of workers from Mexico, protection against unfair competition from corporate agriculture to the American family farm, and protection for the employment opportunities of domestic agricultural workers in the United States, and for other purposes; to the Committee on Agriculture.

By Mr. LENNON:

H.R. 11368. A bill to amend the Federal Employees Salary Increase Act of 1958 to grant certain increases in compensation to employees of the agricultural stabilization and conservation county committees; to the Committee on Post Office and Civil Service.

H.R. 11369. A bill to bring employees of agricultural stabilization and conservation county committees within the purview of the Civil Service Retirement Act, the Federal Employees' Group Life Insurance Act of 1954, and the Federal Employees Health Benefits Act of 1959; to the Committee on Post Office and Civil Service.

By Mr. McMILLAN:

H.R. 11370. A bill to amend the District of Columbia Alcoholic Beverage Control Act; to the Committee on the District of Columbia.

By Mr. RODINO:

H.R. 11371. A bill to prevent the use of stopwatches, work measurement programs or other performance standards operations as measuring devices in the postal service; to the Committee on Post Office and Civil Service.

By Mr. SANTANGELO:

H.R. 11372. A bill to eliminate the requirement that veterans have served for 90 days or more to qualify for certain benefits under laws administered by the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. SHELLEY:

H.R. 11373. A bill to amend title V of the Agricultural Act of 1949, as amended, to provide, in connection with the employment of workers from Mexico, protection against unfair competition from corporate agriculture to the American family farm, and protection for the employment opportunities of domestic agricultural workers in the United States, and for other purposes; to the Committee on Agriculture.

By Mr. VANIK:

H.R. 11374. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. WHARTON:

H.R. 11375. A bill to amend section 35 of title 18 of the United States Code so as to increase the punishment for knowingly giving false information concerning destruction of aircraft and motor vehicles; to the Committee on the Judiciary.

By Mr. KING of California:

H.R. 11376. A bill to allow credit or refund of gift tax erroneously paid by reason of treating nontaxable divisions of community property as gifts; to the Committee on Ways and Means.

By Mr. MORRIS of New Mexico:

H.R. 11377. A bill to amend the act of October 31, 1949, with respect to payments to Bernalillo County, N. Mex., for furnishing hospital care for certain Indians; to the Committee on Interstate and Foreign Commerce.

By Mr. MULTER:

H.R. 11378. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. UDALL:

H.R. 11379. A bill to amend the act of December 29, 1916, so as to prevent the mining and removal of coal and other mineral deposits in certain stockraising homesteads, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BRADEMAS:

H.J. Res. 660. Joint resolution providing for the issuance of a proclamation designating March 25 as Greek Independence Day; to the Committee on the Judiciary.

By Mr. DERWINSKI:

H.J. Res. 661. Joint resolution to authorize and request the President to issue a proclamation in connection with the centennial of the birth of Jane Addams, founder and leader of Chicago's Hull House; to the Committee on the Judiciary.

By Mr. DEROUNIAN:

H. Con. Res. 645. Concurrent resolution expressing the sense of the Congress with respect to the use of aircraft capable of excessive speed in the carrying of passengers for hire; to the Committee on Interstate and Foreign Commerce.

By Mr. HOLTZMAN:

H. Con. Res. 646. Concurrent resolution expressing the sense of the Congress that the U.S. moratorium on the testing of nuclear weapons shall be continued; to the Committee on Foreign Affairs.

By Mr. LANE:

H. Con. Res. 647. Concurrent resolution expressing the sense of the Congress with respect to the conduct of the relations of the United States with Red China; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALFORD:

H.R. 11380. A bill for the relief of Joe J. Farmer; to the Committee on the Judiciary.

H.R. 11381. A bill for the relief of Mrs. Bessie Butler Newson Allard; to the Committee on the Judiciary.

By Mr. BENTLEY:

H.R. 11382. A bill for the relief of Wieslawa Alice Klimowski; to the Committee on the Judiciary.

By Mr. FALLON:

H.R. 11383. A bill for the relief of George Paschos, his wife, Demetra Paschos, and their minor child, Paraskevi Paschos; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 11384. A bill for the relief of Judy Tom; to the Committee on the Judiciary.

By Mr. FASCELL:

H.R. 11385. A bill for the relief of Alpo Franssila Crane; to the Committee on the Judiciary.

By Mr. FLOOD:

H.R. 11386. A bill for the relief of Franziska Grabner; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 11387. A bill for the relief of Vicko Beusan; to the Committee on the Judiciary.

By Mr. LANE:

H.R. 11388. A bill for the relief of Dr. Henry H. Cohan; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

390. By Mr. BREEDING: Resolutions adopted at the 32d Annual Meeting of the Intermountain Veterinary Medical Association held January 20–23, in Salt Lake City, Utah, urging the investigation of the imports of sheep and cattle from other countries and the need for adequate quarantine facilities for animals on the Pacific coast be recognized and investigated by the Congress; to the Committee on Agriculture.

391. By Mr. FORAND: Petition of Mrs. Gladys Twomey and 125 others, favoring World War I Veterans' Pension Act of 1960, and payment of a pension to World War I veterans as stipulated in pension bill H.R. 9336; to the Committee on Veterans' Affairs.

392. By Mr. McCULLOCH: Petition of Louis H. Reithman and 39 other members of Allen County Barracks No. 489, Veterans of World War I, Inc., Lima, Ohio, favoring the passage of H.R. 9336, referred to as the World War I Pension Act of 1960; to the Committee on Veterans' Affairs.

393. By the SPEAKER: Petition of Mrs. Lyttleton W. Ballard, Maryland State Society, Daughters of the American Revolution, Ilchester, Md., relative to various resolutions adopted at the 55th Maryland State conference relating to the World Court, the Panama Canal, art as a Communist weapon, peaceful coexistence and disarmament, and cultural exchange; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

Forty-second Anniversary of Byelorussian Independence

EXTENSION OF REMARKS
OF
HON. JOHN H. RAY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mr. RAY. Mr. Speaker, I am glad to join with other Members in recognition of the Byelorussian Independence Day.

The Byelorussian people are among the largest of the many ethnic groups included in the Soviet Union. Unfortunately they had been subjected to czarist Russia's oppressive regime since early modern times and had thus lost their independence, but not their love for independence and freedom. For centuries they struggled against their oppressors, always against heavy odds, and they had no chance to free themselves until 1918.

Soon after the overthrow of the czarist regime by the Russian Revolution, these 10 million Byelorussians felt free, took their fate into their own hands, and proclaimed their independence in March of 1918. Thenceforth for a little more than 2 years they waged a continuous war against their foes on many fronts, particularly against Communist Russians. In 1921, before Byelorussians could consolidate their strength, the country was attacked by Soviet forces, it was overrun, and then made part of the Soviet Union. Since then, for almost 40 years, some 10 million Byelorussians dream of the days when, for a brief period, their homeland was free and they enjoyed independence. Today they observe the 42d anniversary of their proclamation of independence, and hope that soon they will celebrate it in a free and independent Byelorussia.

Phenomenal Growth in Air Traffic Between Pacific Northwest and Hawaii

EXTENSION OF REMARKS
OF
HON. THOMAS M. PELLY
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mr. PELLY. Mr. Speaker, the Pacific Northwest congratulates the Civil Aeronautics Board for its unanimous decision of last Friday in which it made the Northwest-Hawaii certificates of Northwest Airlines and Pan American World Airways permanent.

This order by the CAB is particularly significant inasmuch as the States of Washington, Oregon, and Hawaii were indignantly unanimous in their insistence that they were right and the CAB examiner was wrong when he proposed to cut the air service in half.

The Board did not react to pressure; it reacted to logic. When the whole economic picture was spelled out before the Board by Government officials, business and civic organizations from Hawaii and the Pacific Northwest, the CAB lost little time registering its sharp disagreement with the recommendations of its examiner.

There are few sections of this country growing more rapidly than the Pacific Northwest. Addition of Hawaii to our Union of States necessarily means greater travel and commerce between Honolulu and the mainland. You can imagine the stunned reaction of the people in my area, Mr. Speaker, when we learned the CAB examiner proposed that a pattern of competition which had been operating for 12 years suddenly be abandoned and a monopoly substituted in its place.

The growth of Washington and Oregon demands more air service than heretofore. It does not necessarily mean a third carrier on this route, because new jet equipment, flying greater frequencies, will be adequate to meet accelerated travel demands.

Competition itself made this route successful, Mr. Speaker. Starting in

1949 as a first full year of operations, Northwest and Pan American together carried a total of 6,825 passengers. During 1959, a decade later, these 2 fine airlines carried 57,000 passengers. Those of us with confidence in the Pacific Northwest feel that this is only a beginning, and that another 10-year period will witness a phenomenal growth in air traffic between our area and Hawaii.

The CAB did itself proud in maintaining the status quo.

Bradley Wins National Invitation Basketball Tournament

EXTENSION OF REMARKS
OF
HON. ROBERT H. MICHEL
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mr. MICHEL. Mr. Speaker, on March 26, 1957, just 3 years ago next Saturday, I was given permission to extend my remarks in the RECORD, calling attention of the House to the fact that Bradley University of Peoria, Ill., had been crowned NIT champions. As an alumnus of Bradley, which is located in my congressional district, I was naturally very proud of this achievement, but today, I have, as a result of Bradley's recent NIT championship, even more reason to point up the signal accomplishments of Bradley's basketball Braves.

"Even greater achievements can be expected from Coach Chuck Orsborn and his Bradley Braves in years to come." These words concluded by previous remarks to which I have referred above, and no statement could have been made which would have expressed more accurately Orsborn's future.

In Chuck Orsborn's 4 years as head coach, Bradley has been in four national invitation tournaments. They missed the finals only once since 1957 and they missed a third championship only by the margin of an overtime loss in last year's championship game.

Bradley has been traditionally tough in tournaments. The Braves have a 9-won 3-loss record in the NCAA with two second place finishes included, and in the NIT, they own a 13–8 mark and 2 titles.

This past season's record of 27 wins against only 2 defeats marks the best in Bradley University history. It was, therefore, not surprising to see Bradley's coach, Chuck Orsborn named as the Missouri Valley Conference's Coach of the Year.

Another item of import in Bradley's success was the predominance of sophmores and juniors, so once again we can look to the "years to come." Those who propelled Bradley to their second NIT crown and participated in the Herculean effort by the entire team in overcoming a 12-point deficit in the closing minutes of the championship game to win it going away are as follows: Dan Smith, Ed Wodka, All-American Chet Walker, Al Saunders, Mike Owens, Chuck Sash, Mack Herndon, Chuck Granby, Lee Edwards, Don Kissock, Mickey Tiemann, and Bill Roecker.

Some Case Stories of the Health Needs of Older People

EXTENSION OF REMARKS
OF
HON. THADDEUS M. MACHROWICZ
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mr. MACHROWICZ. Mr. Speaker, over the past several weeks I have received a number of poignant case stories of the problems of older people in the Detroit area in obtaining and paying for hospital and medical care. My correspondents have been social workers employed in hospitals, family agencies, public welfare departments, and housing projects who, by the virtue of their positions, are in daily contact with the elderly and the sick. Said one social worker whose specific duty is to serve clients in her agency's department of services to the aging:

I daily encounter individuals who, for want of hospitalization insurance as a benefit included in their OASDI grant, are forced to do without necessary medical attention as well as experience extreme hardship due to ramifications flowing from this gap in our welfare structure.

This worker reports the case of a Mr. D who had been a skilled workman for over 45 years and expected, when he retired on OASDI, that his benefits together with the $3,000 he had saved would carry him and his wife comfortably through their later years. However, a serious accident to Mrs. D took the entire life's savings in less than a year's time. Mrs. D's continuing illness requires that something like 25 percent of each month's OASDI check goes for drug costs. Despite the acute financial pressures on this family, they have managed, to date, to maintain themselves without applying for public assistance.

In still another case: Mr. A., after spending all of his savings to provide medical care for his wife who finally died of cancer, was obliged to apply for public assistance to supplement his OASDI benefit. He had, at one time, carried Blue Cross insurance but was obliged to give this up. Although a planful and prudent individual, Mr. A. had no recourse except to obtain public assistance because of the lack of hospitalization and medical care provisions under OASDI.

In another case: A social worker connected with a housing project reported on a survey of services needed among 1,100 residents in that project who are 60 years of age and over; 749 of these individuals needed medical care; while of this group, 693 could not afford such medical care without some form of subsidy. Said this particular social worker:

It seems urgent that legislation be enacted at this time to provide adequate medical care for older citizens through Old Age and Survivors and Disability Insurance.

One of my correspondents carries important responsibilities for the Social Service Department of one of the largest hospitals in the Detroit area. Said this social worker:

In an effort to remain independent, many of these people have attempted to provide for medical needs by purchasing hospital insurance from Blue Cross or other private insurance plans. All of these plans are tremendously expensive in relation to the limited incomes of such persons and they are woefully inadequate in coverage to pay for the extensive and expensive care which many of these people require. We find that many of these patients are unable to pay for outpatient care and medications, as well as extended hospitalization. If they require nursing home care, they are forced to apply for public assistance with all of its humiliations including the encumbrance of their homes which constitutes a blow to their self-esteem out of all proportion to the money value of the property.

It would appear that the Forand bill offers the best plan for medical coverage of this age group. We would hope, however, that any legislation which is finally passed would provide some quality control over the care which is to be provided for older persons.

A report I received from a director of a family service agency in the Metropolitan Detroit area states as follows:

As director of a casework agency which deals with problems around the aged, I can readily attest to the need for more adequate health care of our aged population. Increasing cost of medical care and deflation of the dollar value has resulted for most aged individuals in a pressure and inability to meet even minimal health care costs. In most instances, it is all they can do to meet their basic maintenance needs.

Another social worker who specializes in working with older people provided me with four dramatic illustrations of the acute problems older people are faced with when expensive hospitalization and medical care is necessitated. I will only cite one illustration.

This was a couple, Mr. and Mrs. S, at the point of retirement, who had a combined monthly social security benefit and company pension of $234 as well as $6,000 in savings. Two years after Mr. S's retirement, Mrs. S developed a malignancy. A prolonged period of treatment, surgery and hospitalization used up all their savings. Shortly after Mrs. S's death, Mr. S suffered a stroke. He was hospitalized for an extended period of time. Since he had no one to care for him at his home, he was placed in a convalescent home which was not covered by Blue Cross. Mr. S had to apply for public medical care. He made the statement to me that all his life he prayed for financial independence in his old age and now he was forced to become a charity case for his care.

I am sure these case illustrations could be multiplied again and again not only in my district but throughout the United States. Perhaps the case that touched me most of all was one instance reported to me by another correspondent.

This was an elderly couple who had to move out of a desirable residential area into a slum area because their prolonged illness used up their savings. It was necessary to mortgage their home which they finally lost because their social security benefits were inadequate to make the payments. In their retiring years, this couple who had lived in this particular section for practically all of their married life were compelled to undergo the tragic experience of losing all they had accumulated because of the costs of sickness.

I am pleased to note that the National Association of Social Workers, with which my correspondents are affiliated, in a statement called "Goals of Public Social Policy," urges that the social security system "contain a provision for medical service to covered persons and their dependents." I recall that, last July, when the Ways and Means Committee held its hearings on the Forand bill, Mr. Norman V. Lourie—chairman of the association's commission on social policy and action, and Dr. Charles I. Schottland—Commissioner of Social Security from 1954 through 1958, testified for the association in favor of the inclusion of health-care benefits in the social security system. At that hearing I asked former Commissioner of Social Security Schottland the following question:

Mr. MACHROWICZ. Do I gather that you think it is perfectly feasible to add such benefits (i.e., health care benefits), and that they can be administered very effectively?

Mr. SCHOTTLAND. Administratively, I think the problem is not as difficult as some of those we faced in the early days of the social security program when we had to start from scratch. I am firmly convinced, as I think are all the persons engaged in the administration, that this program can be very readily handled.

When I read of experiences of the sort I have cited as well as encounter daily old people for whom the cost of illness is devastating and tragic, I appreciate again the urgency of health care benefits for older people. Such benefits would fill the remaining large gap in our social security system.

It was evidence of the sort that I have cited here that caused Senator MCNAMARA's Subcommittee on Problems of the Aged and Aging to put forth as its first recommendation the following:

As its first recommendation for action in 1960, the subcommittee recommends that legislation be enacted to expand the system of OASDI to include health service benefits for all persons eligible for OASDI.

Explanation of Provisions of Bill To Adjust Postal Rates, and for Other Purposes

EXTENSION OF REMARKS
OF
HON. CARROLL D. KEARNS
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mr. KEARNS. Mr. Speaker, the bill increases the rates on third-class mail which consists of circulars, merchandise, books, catalogs, seeds, plants, and so forth, in parcels weighing less than 16 ounces.

When fully effective, namely, January 1, 1962, it is estimated that these rates will produce revenues sufficient to cover the cost of handling third-class mail.

The single piece third-class rate is increased in two steps from the present 3 cents for the first 2 ounces and 1½ cents for each additional ounce to 4 cents for the first 2 ounces and 2 cents for each additional ounce, effective July 1, 1960. On and after July 1, 1962, the rate will increase to 4 cents for each 2 ounces.

The bulk rates are revised upward. The current 16 cents per pound rate for circulars and merchandise is increased to 18 cents per pound on January 1, 1961, and 21 cents per pound on January 1, 1962.

The bulk pound rate of 10 cents per pound for books, catalogs, seeds, plants, and so forth, is increased from 10 cents per pound to 14 cents per pound on January 1, 1961, and to 18 cents per pound on January 1, 1962.

The current minimum piece charges in the existing law are retained but increased from 2½ cents to 3 cents on January 1, 1961, and to 3½ cents on July 1, 1962.

The minimum charge for odd-size pieces is increased from 3½ cents to 4½ cents, effective July 1, 1960.

Forty-second Anniversary of Byelorussian Independence

EXTENSION OF REMARKS
OF
HON. WILLIAM J. GREEN, JR.
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mr. GREEN of Pennsylvania. Mr. Speaker, tomorrow one of the most dedicated, one of the oldest, and one of the most inspiring anti-Bolshevik, anti-Communist national groups in the world will celebrate the 42d anniversary of the Byelorussian Democratic Republic's Declaration of Independence. I am most happy to join with all White Ruthenians in commemoration of this monumental event in their struggle for freedom and independence.

For hundreds of years despite the facts that the Byelorussians have maintained their own traditions and cultures in a geographically distinct position on the great marshlands of the Dnieper, the Dvina, and the Niemen they have been constantly harassed by powerful neighbors and overrun, occupied, and dominated by various Muscovite governments. Always, however, the spirit of the people has risen above the controls and brutal campaigns designed to stamp out their national existence and eradicate the Byelorussians as a free and independent state.

At the time of the destruction of the old czarist empire after World War I the Byelorussians seized the opportunity presented to create a new Byelorussian Government and, on March 25, 1918, the National Council, Rada, announced the birth of the independent Byelorussian Democratic Republic. That is the event we celebrate today.

Almost immediately the new Government was attacked by its powerful neighbors, the old familiar partitions of territory and abrogation of national rights came into being and, once more, the Byelorussians were a dominated and suppressed people.

But the old struggle still goes on. The Byelorussians are still firm in their belief in those principles of justice and morality which proclaim that governments can only derive their just powers from the consent of the governed. They know that freedom and national independence will one day be won against all the powers of terror and persecution.

Let us honor them on this anniversary of that glowing document which so glowingly expresses their magnificent hopes for national entity.

Honorably Discharged Veterans With Less Than 90 Days' Service Deserve Equality of Treatment

EXTENSION OF REMARKS
OF
HON. ALFRED E. SANTANGELO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mr. SANTANGELO. Mr. Speaker in recent days many distinguished Members of this eminent body have raised their voices against the unfair treatment and lack of consideration which our country has given to certain segments of our population. To the list of groups unfairly treated, Mr. Speaker, I would add another. I refer to the veterans of the two World Wars and the Korean conflict, of less than 90 days' service, in the matter of non-service-connected disability pension. This is caused by section 521(b) of title 38 of the Code which prescribes 90 days of service, or a service-connected disability as qualifying factors for benefits.

World Wars I and II, and the Korean conflict, to which the pertinent section of the code is applicable, were certainly no brush fires; they were, I submit, periods of the greatest emergency and peril. A grateful people should remember that every individual who entered the service of this country in those perilous times offered his life for the great principle at stake, and it matters little as to the period of time this Nation required his services. The time of 3 months, or 2 months, or 1 month, or a year furnishes no evidence as to the value of the veteran's services to his country in those precarious periods.

Many of these men had to tear up their roots in industry and in employment. Many men closed down their businesses, never to be regained. The economic harm suffered by them because of their entry into the service has never been properly compensated. Arbitrary distinctions for those who have served over 3 months and those who have served less than 3 months have accentuated the harshness and the unfair

treatment. A man who has been inducted into service and who has been honorably discharged should receive equal treatment in the hands of the Government which calls him.

Mr. Speaker, I trust that in due course this body will approve the bill I am today introducing, the effect of which will be to remove from the law the provision which is unfair to veterans of World Wars I and II and the Korean conflict of less than 90 days' service in the matter of non-service-connected disability pension.

Proposed Legislation To Improve the Social Security Act

EXTENSION OF REMARKS
OF
HON. PAUL A. FINO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mr. FINO. Mr. Speaker, there has been a great deal of discussion during the present session regarding the advisability of providing medical insurance for our senior citizens. It has been suggested that this might be accomplished through an extension of the social security program. It seems to me that the importance of this issue should not obscure other issues in social security, or the fact that many inequities and inadequacies still exist in that program. As the proportion of older persons in our Nation grows, the importance of providing them security against degrading poverty also grows. For the past 8 years, as a Member of this Congress, I have fought to humanize and liberalize our present system. Today, I would like to discuss five bills which I think will go a long way toward improving the Social Security Act.

First, H.R. 3901 would increase the minimum monthly benefit from $33 to $50. This is not a new idea. I urged that this step be taken in 1956, when the minimum benefit was only $30. Of course, the $3 increase voted in the 1958 amendments was a step in the right direction. But $33 was certainly not enough to live on then and is not enough now, since the cost of living has continued to increase. This seems all the more distressing since the group receiving the minimum benefit is almost by definition the group least able to provide old-age security out of its own resources. Fifty dollars per month is little enough to provide food, clothing, and shelter, but it would come a great deal nearer to that goal than does the present minimum.

Second, H.R. 4799 would repeal the so-called retirement test. As I have already noted, the minimum benefit under the Social Security Act is not enough to keep body and soul together. The same is true where persons are receiving more than the minimum. The maximum possible individual benefit at the present time is $1,524 per year, and the average only $890. This means that many individuals must work to support themselves even after reaching retirement age. Yet, under the retirement test, we begin to take away the meager benefits when the individual begins to earn any significant amount. This seems basically unfair since it hurts the people who are most in need. An individual who has substantial income from investment may keep all of that income and his social security benefits too. It also seems unfair that we tax workers in order to provide security in old age, and then reduce or refuse benefits when they reach the prescribed age. But, even if it were necessary that we have a retirement test, present law operates so inequitably and capriciously that I think we should at least repeal it and start over. For instance, if a man can bunch all of his earnings in 1 month or a few months, he can still get his social security benefits for all the other months, no matter how much his earnings totaled for the year. To my mind this needlessly discriminates against those individuals who can only work at steady jobs for steady wages.

On the other end of the scale, Mr. Speaker, a man who works steadily for steady wages can actually come out with less income from combined earnings and benefits than if he had never worked at all. For instance, if the man earned $1,200.01 in a year, he would lose a full month's benefit, which could amount to over $100. Although I have urged since 1954 legislation improving the retirement test so as to remove these inequities, we have not succeeded in doing so. Therefore, I think we ought to do away with it entirely.

My third bill, H.R. 5308 would eliminate the provisions of present law which reduce the old-age or wife's insurance benefits of a woman becoming entitled to such benefits before she attains age 65. This too is not a new idea and, in fact, was part of H.R. 7225 which passed this body in 1955. The report on that bill by the Committee on Ways and Means stated the situation quite clearly:

> The principle underlying wife's benefits under old-age and survivors insurance is that a married couple should not have to get along on the same amount that is sufficient for a single person. Wives are generally a few years younger than their husbands. Thus, when the husband has to retire many couples have only the husband's benefit until the wife also reaches age 65.
>
> The age of eligibility should be reduced to 62 for women workers, also. A recent study * * * showed that age limits are applied more frequently to job openings for women than for men and that the age limits applied are lower.

These principles have now been recognized, but have not been fully implemented. It is granted that the retirement age should be lower for women because to do otherwise would ignore realities. Nevertheless, present law seems based on the supposition that a woman who retires at age 62 requires a smaller amount upon which to live than if she retires at age 65. It seems to me this supposition is fanciful, and that the provision which is based upon it works undue and unnecessary hardship on women who are precluded from working past age 62 by conditions in the labor market over which they have no control.

I hope that my reference to the present retirement ages will not be construed as approval of them. In fact, I feel that the retirement ages for both men and women should be lowered to levels more in accord with the present condition of the labor market and the changes which are taking place in it. For instance, this Nation has already seen several great changes in its industrial makeup. The introduction of mass production was one. Each of these changes has been accompanied by the displacement of large numbers of workers who gained their livelihood in the older means of production or the older industry. Those workers of advanced years suffered great hardship because they could not market their skills under new circumstances, and could not reasonably be expected to acquire new skills and learn new trades.

It seems clear to me, Mr. Speaker, that such a change is again taking place in this country. Automation is making itself felt in many industries today, and will in the near future affect many more. This change necessitates a reexamination of the present concepts of retirement. As men are replaced by machines, we will be faced with the increasing problem of workers of advanced years whose skills have become unmarketable, who cannot reasonably be expected to acquire new skills, who cannot compete with younger workers in the unskilled trades, and who are still under present retirement age. If the social security program is to provide adequate protection against such risks, it must make its benefits available when they are needed, and not after the worker has been forced to endure a period of poverty or dependence on his children. Therefore, I urge that this body pass my fourth bill, H.R. 2759, which would reduce the retirement age for men to 60 and the retirement age for women to 55. The need for such an amendment to the Social Security Act has already arisen, and will increase in the near future. I think we should do something about it before, not after, it reaches catastrophic proportions.

The fifth and last proposal which I intend to discuss is H.R. 5394. In 1956 we took a great step forward in social security by providing for social insurance against the loss of earning capacity due to physical or mental disability. This legislation partially closed one of the largest gaps in the protection afforded by the social security program. I say partially because present provisions fall a great deal short of answering all our present needs. For instance, only those disabled persons who are 50 years of age or older can qualify for disability benefits. This purely arbitrary dividing line excludes from benefits thousands of disabled workers and their dependents who are suffering great hardship because of the inability of the family worker to maintain them by working. In fact, it seems to me that the disabled persons under age 50 are more likely to be in need of such benefits than persons over age 50 since the younger workers are much more likely to have families, particularly children, dependent on their earnings. Therefore, my bill would remove the arbitrary age 50 requirement and make disability benefits available to any individual meeting the coverage requirements of the present law. I might add that the taxes we have already imposed on workers in order to provide disability insurance would defray the added cost of my bill so that no increase in the tax would be necessary. This fact was brought out at the recent hearings held by Subcommittee on the Administration of the Social Security Laws of the Committee on Ways and Means. In addition, representatives of the Department of Health, Education, and Welfare testified that removal of the age 50 requirement would present no administrative difficulties. Since we are already taxing the people an amount sufficient to provide such increased protection, I see no reason why we should not give it to them.

It seems to me, Mr. Speaker, that the strength of the social security system depends on our ability and willingness to mold it to meet current needs. These must be evaluated in a realistic way. First and foremost we should always remember that the statistics we deal with must always at some point be translated into human situations. I think the five bills I have discussed today are based on a realistic evaluation of human needs and that they propose changes which must be made to meet those needs.

Anniversary of Byelorussian Independence

EXTENSION OF REMARKS
OF
HON. ROBERT R. BARRY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mr. BARRY. Mr. Speaker, it was 42 years ago today, March 25, 1918, that the people of Byelorussia cast off the rule of Moscow and proclaimed the independence of the Byelorussian Democratic Republic. I am happy to call attention to the anniversary of that date in remembrance of an oppressed people's struggle for freedom and self-determination. These are the principles for which the United States stands as champion across the world.

Self-determination remains the dream of men everywhere. Few people are more aware of this than the Byelorussians, or White Russians as they are also known to us. For centuries the Byelorussians have been denied control of their own destiny. They constitute a distinct national entity of 15 million people, in spite of persecution, war, deportation, and massacre. These people are united by cultural tradition, a common language, a history of struggle and most of all a common hope for freedom from foreign domination. They have been repeatedly denied this freedom. Ever since conquest by the Russian czars, there have been efforts to end their feeling of national unity, their Byelorussian language, their Byelorussian customs, and the teaching of free democratic principles.

Mr. Speaker, Byelorussians are not allowed to celebrate the occasion of their March 1918 declaration of independence. So it is for us, who are free, to remind the world. Byelorussians who have come to this country remember. Their enterprising spirit and industry have made a substantial contribution to the greatness of the United States. Our citizens of Byelorussian origin are characteristically doing their loyal share in the effort to keep our country prepared to maintain the strength of the free world. But when their thoughts turn toward the homeland of their ancestors, hearts must be heavy indeed.

We, and the rest of the free world, must keep alive the flame of hope and extend encouragement. So today let us pause and pay tribute to this determined and courageous people. We must do all we can to help Byelorussians everywhere strive for the day when these fine people will be able to practice openly the concepts of the four freedoms and true democracy.

Air Service From Pacific Northwest to Hawaii

EXTENSION OF REMARKS
OF
HON. WALTER NORBLAD
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mr. NORBLAD. Mr. Speaker, the decision of the Civil Aeronautics Board to award permanent certificates to Pan American Airways and Northwest Airlines to fly between Hawaii and the Pacific Northwest is sound, logical, and one to be highly praised. The question of whether one airline should enjoy a monopoly on the route or whether the status quo of a 10-year duration should be maintained is now permanently settled with the Board's recognition that competition is, has been, and always will be essential to good service on this route. With an eye toward President Eisenhower's Executive order that the interests of the Pacific area, from the standpoint of traffic growth potential, be carefully considered in decisions affecting air traffic routes, the announcement has been heralded as being in support of the President's directive.

The far-reaching effects of this decision can be instantly realized. Even now Pan American jets are winging across the Pacific to Hawaii cutting in half the time once required by piston aircraft. With the impetus of competition Northwest Airlines expects to add jet equipment next year and both carriers are ever increasing their schedules to accommodate the extensive traffic growth fomented by population expansion in these regions. Hawaii's new statehood, and the interest thus germinated made it, even more than ever, a focal point of travel enthusiasm.

East coast cities, once a formidable distance from Hawaii, are now brought close by the jet age and it is to be hoped this is a forerunner of CAB decisions bringing to reality the dream of one carrier, direct service from the major cities of the East to the Orient beyond. As underscored by the CAB decision, competition generates productive activity with the public as beneficiary, whereas monopolistic certification as still exists on some routes from the East to the Orient tends to stifle our Nation's air supremacy and frustrate planning for future transportation development and expansion. The CAB is to be congratulated for a decision which will maintain for this country a preeminent position in the airlanes of the world.

Greek Independence Day

EXTENSION OF REMARKS
OF
HON. JOHN BRADEMAS
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mr. BRADEMAS. Mr. Speaker, tomorrow, March 25, is the 139th anniversary of the beginning of the struggle of the people of Greece for their independence from the Ottoman Empire. On March 25, 1821 the Greek War of Independence began when the archbishop of Patras raised the flag of freedom in the monastery of Aghia Lavra and the people of Greece dedicated themselves to the attainment of their liberty.

Though nearly a century and a half removed, the atomic age of America can profit greatly from the lessons of the classical age of Greece. These lessons, so basic to liberty-loving civilizations, are freedom, excellence, education, and public service.

Upon just how well we learn these lessons may depend the survival of our political freedom threatened as it is today by the tyranny of communism. In a world where the probable consequence of mediocrity is the enslavement of the human mind, we must strive always for excellence.

To mark the occasion of Greek Independence Day, I have today introduced in the House of Representatives the following resolution:

> Whereas the democratic ideals that have made the United States of America the greatest free nation in the world were born many centuries ago in Greece; and
>
> Whereas these ideals have kindled in the hearts of the people of Greece the determination that no sacrifice is too great for the cause of freedom and democracy; and
>
> Whereas in every country people of Greek origin celebrate March 25 as Greek Independence Day, this day marking the beginning on March 25, 1821, of a 7-year struggle of the people of Greece to win their independence from the Ottoman Empire; and
>
> Whereas free men in every nation rejoice that the principles of democracy are again firmly established in the land of their birth: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be authorized and requested to issue a proclamation designating March 25 of each year as Greek Independence Day and that he invite the people of the United States to observe such day with appropriate ceremonies.

Second Look—Bentley Asks for It on Charges Against UAW

EXTENSION OF REMARKS
OF
HON. ALVIN M. BENTLEY
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mr. BENTLEY. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following text of a wire service story which appeared in the Owosso Argus Press as well as the text of my remarks before a meeting of the Republican Town Club of Lansing, Mich., on March 18. I am inserting the following into the CONGRESSIONAL RECORD because of the discrepancy between portions of the newspaper account and the printed text of my remarks which was made available to the press:

[From the Owosso Argus Press, Mar. 17, 1960]

SECOND LOOK—BENTLEY ASKS FOR IT ON CHARGES AGAINST UAW

LANSING.—Representative ALVIN M. BENTLEY, Republican, of Michigan, has called for a second look at charges of corruption in the United Auto Workers Union.

BENTLEY said Friday night a Republican minority on the Senate Labor-Management Rackets Committee had shown there was "corruption, misappropriation of funds, bribery, extortion, and collusion with the underworld within the UAW."

"These charges brought out by Republican Senators are far too serious to be dropped or ignored" even though the Democratic majority gave the UAW a clean bill of health, BENTLEY added.

BENTLEY, who has announced for the U.S. Senate seat now held by Democrat PATRICK MCNAMARA, spoke to the Republican Town Club.

He said the Senate committee, now out of operation, needs to be replaced by a similar group to pursue charges against the UAW "relentlessly until no stone is left unturned."

BENTLEY also said that Senator JOHN KENNEDY, a committee member and Democratic presidential hopeful, and his brother, Robert, chief counsel for the committee, "deliberately contrived to prevent any real investigation," of the UAW.

PARTIAL REMARKS OF CONGRESSMAN ALVIN M. BENTLEY, BEFORE REPUBLICAN TOWN CLUB, LANSING, MARCH 18, 1960

During the life of the Senate Select Committee on Improper Activities in the Labor or Management Field, a great deal of information was uncovered and brought to light regarding corruption, misappropriation of funds, bribery, extortion, and collusion with underworld elements in labor organizations such as the Teamsters, the Carpenters, the Hotel & Restaurant Workers and other unions. In these investigations, all members of the committee cooperated thoroughly, both Democrats and Republicans. The one exception was the senior Senator from Michigan who withdrew from the committee early in its history and, by that action, showed little evidence of interest or concern in exposing such activities in the field of organized labor.

Now, however, members of the committee have divided sharply in their findings involving the United Automobile Workers. Within the past few days, three sets of separate views have been filed by committee members on this question. They included the views of Senators CHURCH and KENNEDY, filed jointly, and also of Senators MCCLELLAN and ERVIN, also filed jointly. These are the four Democratic members of the committee, Senator CHURCH having replaced our senior Senator from Michigan.

In their views on the Kohler and Perfect Circle strikes, these two sets were critical of both management and the union. The McClellan-Ervin views were more critical of the union than were the Kennedy-Church views. Both, however, completely exonerated the United Automobile Workers insofar as corruption and allied charges were concerned.

In contrast, were the separate views of Republican Senators GOLDWATER, MUNDT, CAPEHART, and CURTIS. In the first place, they accused the chief counsel of the Senate committee, Robert Kennedy, of refusing to make a thorough probe of UAW activities. They stated "throughout the course of the investigation a double standard of committee morality prevailed—one procedure was employed for the unions not connected with Walter Reuther and a different procedure was employed for the investigation of activities of the United Automobile Workers."

This, of course, is a serious charge to be brought against an employee of a congressional committee, especially when that employee happens to be the brother of a leading aspirant for the highest office in our country. However, the minority views continue with reference to the United Automobile Workers: "We are convinced that corruption, misappropriation of funds, bribery, extortion, and collusion with the underworld has occurred within the UAW."

Particular reference is made to the committee hearing of one Richard T. Gosser, formerly senior vice president of the UAW. The minority views continue "we have seen sufficient evidence during the Gosser hearing of kickbacks, terrorisms, collusion with gamblers, conflicts of interest, destruction of records, misappropriation of funds, falsification of records, and evasive tactics to convince us that a thorough investigation of the machinations of this individual and others would produce criminality on a scale comparable to that which has been previously exposed by this committee."

After referring to the damaging fact that two UAW witnesses, when questioned on this matter, took the fifth amendment, the minority views conclude by castigating the Democratic members of the committee for limiting the UAW investigations to participation in the Kohler and Perfect Circle labor disputes and for only making a cursory invited examination of a small part of the UAW's financial records. The minority views state that "from this fragmentary and entirely inadequate and incomplete investigation (the Democrats proceed) to issue a clean bill of health to Reuther, the UAW international, all of its officers and to its more than 1,300 locals and many joint councils."

These are grave and serious charges. If true, they would mean that while exposing graft and corruption in the Teamsters and other unions, the Democratic members of the committee, including Senator KENNEDY and his brother, the committee's chief counsel, deliberately contrived to prevent any real investigation of similar practices within the United Automobile Workers. Further, these charges, if proven, would completely abolish Mr. Reuther's claim that the UAW had received a clean bill of health from the committee in these respects. The charges are far too serious to be dropped or ignored.

Unfortunately, the McClellan committee has now passed into history and is now no longer a vehicle for further investigations of this nature. It is certainly not for me to criticize the Senate but I personally deeply regret that the existence of this committee was not prolonged or that it was not replaced by a similar organization.

For one thing, the committee was established to investigate improper activities in the field of management as well as labor but I have seen little, if any, evidence that there was much exploration in this field. Secondly, charges of as serious a nature as the foregoing against the UAW should certainly not be left unanswered but should be pursued relentlessly until no stone is left unturned.

Happily, we do have a vehicle for this second purpose. You will recall that some time ago Mr. Reuther announced the establishment of a public review board for the purpose of investigating all charges of graft and corruption against the UAW. It is my strong conviction that this board should immediately proceed with a thorough and detailed series of public hearings into the validity of these charges made by Republican members of the McClellan committee.

Naturally the board has no jurisdiction as to inquiring into whether there was a "whitewash" of the UAW on the part of the Democratic members of the committee. But where there are serious charges pending against this union, its officers, and members, I do feel that this board, which, I understand, was created for just such a purpose, should undertake a full and complete investigation of this matter. I therefore call upon Walter Reuther to request the members of his public review board to complete the job which it has now been charged that the McClellan committee left undone. The United Automobile Workers, the largest labor union in our State, should not have these accusations of graft and corruption hanging over the heads of its officers and workers. There should be no shadow of doubt of the good name and reputation of this great organization.

I am certainly not in accord with many of the programs advanced by the UAW. I likewise do not concur fully with their methods of political activity even though I can appreciate and admire the success of their technique. But I am aware of the deep feeling on the part of the people of this country, whether a part of organized labor or not, against graft and corruption on the part of any part of organized labor. The UAW has commendably and properly undertaken to clean its own house. Charges of an extremely serious nature have now been leveled against it. I think the union owes it not only to its own members but to the public at large to have these charges thoroughly investigated by its public review board until the most hardened skeptic remains convinced of its unsullied reputation in this field. I ask Mr. Reuther and the members of the public review board to cooperate in this vital matter.

Byelorussian Independence Day

EXTENSION OF REMARKS
OF
HON. ABRAHAM J. MULTER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mr. MULTER. Mr. Speaker, the fate of the Byelorussian people and their history are so inextricably mixed with those of the Russian people that the distinction between the two peoples is sometimes misunderstood. This misunderstanding stems from the unfortunate fact that for centuries Byelorussians have been subjected to Russian rule, and the Russians have done their utmost to eradicate all Byelorussian national traits. But the Byelorussian people have not forgotten their distinct identity, and have always wanted to regain their freedom and independence. The year 1918 offered them the opportunity they awaited.

In that year, when the despotic czarist regime was gone, the Byelorussians felt themselves free and proclaimed their independence on March 25, 42 years ago. Then they set up the Byelorussian National Republic, and the 10 million Byelorussians were happy under their own government. But their independence was of very brief duration. Early in 1921 Soviet forces attacked and overran the country, and destroyed the Byelorussian National Republic. Fortunately, that did not mean the end of the spirit of freedom among the Byelorussian people. Even though for almost 40 years they have been enduring the oppressive yoke of Communist totalitarian tyranny, they still cling to their drive to be free and pray that at some future date freedom will be their just reward. On this 42d anniversary of their independence day, we echo their genuine sentiment and hope that they will attain their goal.

Greek Independence Day

EXTENSION OF REMARKS
OF
HON. PETER W. RODINO, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mr. RODINO. Mr. Speaker, we pay tribute today to a vital ally, a NATO partner, and an old and dear friend of the United States—the country of Greece. I join all Americans of Greek descent in celebrating the 139th anniversary of Greek independence.

The Greek War of Independence began on March 25, 1821, when Archbishop Germanos of Patras unfurled the national flag of Greece. This was the first step of the successful revolution against the rule of the Ottoman Empire. At first, the war was fought against great odds; but the determination and love of liberty of the Greek people won the sympathy and support of many other nations, including the United States. This was the inspiring rebellion which brought men like Lord Byron from England to join the fight; similarly, it inspired other volunteers from other countries who also loved the cause of freedom. One of these volunteers, it is interesting to note, was an American colonel who brought back to the United States a Greek war orphan whose name was Lucas Miltiades Miller. Mr. Miller became the first Member of Congress of Greek origin. From the State of Wisconsin, he served in the House from 1892 to 1893.

The war of independence was partially successful in 1829 when Turkey recognized Greece as an autonomous principality. In 1832 the hopes of the liberty-loving Greeks were realized and Greece was recognized as a completely sovereign kingdom.

On Greek Independence Day we focus attention on the close ties between the United States and Greece, which date back to the Greek War of Independence and which are reaffirmed in our mutual alliance and friendship today.

Foreign Bid for Electric Locomotives Contract for Panama Canal

EXTENSION OF REMARKS
OF
HON. LEONOR K. SULLIVAN
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mrs. SULLIVAN. Mr. Speaker, under unanimous consent I submit for printing in the CONGRESSIONAL RECORD some self-explanatory material bearing on the award of a contract for electric mules for the locks of the Panama Canal.

I know nothing whatsoever about the American low bidder in this case but the telegram I received from the concern in question prompted my inquiry to the Secretary of the Army and I include that along with Mr. Brucker's reply.

I believe there will be widespread interest in this matter among those Members—and I believe there are many of them here in the House—who have had incidents of this nature affecting firms in their own districts.

As chairman of the Subcommittee on the Panama Canal, of the House Committee on Merchant Marine and Fisheries, I was, of course, very interested in the Ohio firm's protest and in getting the facts about it. I should point out, however, that I acted on this without consulting the other members of the subcommittee, so it should be clearly understood I did so in my capacity as Representative from a heavily industrialized congressional district and not as chairman of the subcommittee.

The correspondence referred to is as follows:

WASHINGTON, D.C., *March 16, 1960.*

Subject: Procurement of 39 towing locomotives by Panama Canal Company.

Hon. Mrs. JOHN B. SULLIVAN,
House of Representatives,
Washington, D.C.

Your assistance sought in communicating with Army Secretary Brucker and Panama Canal Company urging subject contract not be awarded to foreign bidder at the expense of American public interest.

We understand decision on this procurement imminent and feel it imperative that the Canal Company and its sole stockholder, Secretary Brucker, give full and proper consideration to all factors bearing on the public interest, which we believe dictates this procurement be awarded the lowest domestic bidder. Plymouth Locomotive Works of the Fate-Root-Heath Co., a small business.

To date the SBA, Commerce Department, and House Select Committee on Small Business have written Army Secretary Brucker, Army Assistant Secretary Roderick, and the Canal Company citing relevant portions Executive Order 10582 (Buy American Act) pertaining to preferential treatment for small business and authority to reject foreign bids not consistent with the national interest.

To summarize pertinent arguments briefly:

In addition to Plymouth two major subcontractors are also small businesses: Cullen-Friestadt Co., of Chicago, and Jackson Gear of Pittsburgh.

Most of the materials for Plymouth Locomotive will come from critical surlpus labor areas of Pittsburgh, Buffalo, and Detroit.

This procurement would provide over 1 million direct manhours of employment for American labor.

Funds recaptured through Federal, State, and local taxes alone will more than offset price differential between the bids of Plymouth and Mitsubishi of Japan.

Also consider it extremely important all concerned authorities recognize that Plymouth is the only remaining American company devoting its principal efforts to the design, engineering, and production of industrial locomotives of the size and type required in this procurement.

Plymouth has been building industrial locomotives since 1908 and has supplied over 1,000 to the U.S. Government, many of which are still in use today.

In recognition of Plymouth's specialized industrial capability, Army Transportation Corps has placed considerable dependence on Plymouth's facilities in its war mobilization plans.

The vital importance of the Canal Zone to U.S. commerce, shipping, and national defense certainly is of significant public interest, especially since these new towing locomotives are expected to have a useful life of nearly 40 years, therefore making access to an assured American source of supply for spare parts, maintenance, and servicing, a most important consideration.

It has been repeatedly acknowledged by responsible Canal Company officials and the Army that the Plymouth proposal is the most acceptable and responsive to the needs of the canal operation.

Considering the above we believe you will agree that awarding of this procurement to Plymouth is the only decision consistent with the best public interest.

We respectfully request your expression of interest in this matter be directed to Secretary Brucker and the Panama Canal Company.

Mr. J. Laspia, our Washington representative, may be called at Sterling 3-8555.

MILES CHRISTIAN,
Vice President, Plymouth Locomotive Works, Plymouth Ohio.

MARCH 17, 1960.

The Honorable WILBER M. BRUCKER,
Secretary of the Army,
Washington, D.C.

DEAR MR. BRUCKER: It has been called to my attention that a Japanese firm is the low bidder to the Panama Canal Company for 39 towing locomotives and 3 cranes to be used in locking ships through the canal. As chairman of the Subcommittee on the Panama Canal of the House Committee on Merchant Marine and Fisheries I am, of course, interested in seeing to it that the Canal Company operates efficiently and economically. However, as a Member of Congress who has had this same situation occur time after time to firms in my own

district, I am deeply concerned over the practice of awarding multimillion dollar contracts by our Federal Government to foreign firms when domestic concerns and their employees can perform the same work at reasonable cost.

Can you tell me how far, if at all, the bid of the Plymouth Locomotive Works of $4,741,867 exceeds the differential required under the Buy-American Act? Are there other factors which should be taken into consideration, such as the availability of spare parts and the prospects for maintenance know-how over the many years that these electric mules could be expected to remain in use? It is my understanding that the Small Business Administration, the Department of Commerce and the House Select Committee on Small Business have all intervened in this matter on the side of the lowest responsible American bidder. Is that correct?

Could I have an early report on this matter so that if the subcommittee were to desire to take up this matter it could be done prior to the awarding of any contract?

With kindest regards, I am,

Sincerely yours,

LEONOR K. (Mrs. JOHN B.) SULLIVAN,
Member of Congress, Third District of Missouri.

DEPARTMENT OF THE ARMY,
Washington, D.C., March 22, 1960.

The Honorable LEONOR K. SULLIVAN,
House of Representatives.

DEAR MRS. SULLIVAN: Your letter of March 17, 1960, to the Secretary of the Army in regard to the invitation for bids for towing locomotives and cranes to be used at the Panama Canal has been referred to me for reply.

An invitation for bids to supply 39 towing locomotives and 3 cranes was issued by the Panama Canal Company in December 1959. The low bid received was submitted by Mitsubishi Shoji Kaisha, Ltd., in the amount of $3,829,900. The next low bidder was the Plymouth Locomotive Works in the amount of $4,741,867. International General Electric was third bidding $5,170,200 and Fairbanks Morse bid $7,152,111.

This procurement is subject to the Buy American Act and the invitation for bids contained a provision that for evaluation purposes the following amounts would be added to bids proposing manufacture outside the United States: (a) $115,000 to cover additional costs of inspection and increased administrative costs; (b) 10 percent to the total bid price; and (c) 6 percent of the total price if the lowest responsive bidder offering domestic materials will produce substantially all such materials in areas of substantial unemployment as determined by the Secretary of Labor.

The Plymouth Locomotive Works has advised since the opening of the bids that all component parts of the locomotives will be manufactured in areas of substantial unemployment. Applying all three additives specified in the invitation the evaluated bid of the Japanese firm would be $4,557,684, or somewhat in excess of $184,000 less than the Plymouth bid.

Detailed comparison and evaluation of the bids have not yet been completed by the Panama Canal Company. Concurrently careful study is being given to the terms of the Buy American Act and the implementing Executive order and regulations to determine whether there is any basis for award to the low domestic bidder notwithstanding the comparatively favorable price quoted by the foreign bidder. These studies include consideration whether award to the domestic bidder is necessary in the national interest from a security standpoint or whether such award would not be inconsistent with the public interest as that phrase is used in Executive Order No. 10582. I assure you that all relevant factors, including those discussed in your letter, will be carefully weighed before an award is made.

Sincerely yours,

GEORGE H. RODERICK,
Assistant Secretary of the Army (FM).

The 139th Anniversary of Greek Independence Day

EXTENSION OF REMARKS
OF
HON. JAMES E. VAN ZANDT
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1960

Mr. VAN ZANDT. Mr. Speaker, the celebration of all independence days have profound significance but the celebration on March 25, 1960, of the 139th anniversary of Greek Independence Day, is of especial significance for many reasons. In the first place, the ancient Greeks, who are renowned for the very high premium they placed on freedom and independence, were in a sense the first citizens of the West and of the free world. They showed the world that they preferred to fight for the preservation of their independence rather than willingly submit to conquering oppressors. In the second place, when eventually they were forced to submit to alien tyrants, they proudly maintained their spiritual independence for many centuries. And finally, in 1821 when they saw a chance of regaining their freedom and national independence, they staged a revolt which in the course of many years of bloody warfare, led to the birth of modern Greece.

From the day the stouthearted Archbishop Germanos of Patras raised the standard of the cross over his monastic establishment in 1821 we have followed the course of events in Greece with keen interest and heartfelt sympathy. There never was, and let us hope that there may never be, any doubt as to where our wholehearted sympathy and national interest lie when freedom-loving Greeks have been pitted against foreign oppressors and totalitarian tyrants. We have always held them in exceptionally high esteem. Even before their war of independence we were fully conscious of our debt to Greece, the true cradle and nursery of many human values associated with our civilization. In a sense we have always regarded the Greeks as our cultural and intellectual forebears. When we attained our independence, helpless Greeks were suffering under alien oppressors in their homeland. And when the news of their revolt against the Turks reached us, it was natural for us to hope and pray for Greek success. President Monroe and many prominent legislators in Congress at the time voiced the overwhelming feeling of the Nation in their declarations. In his annual message on December 3, 1822, the President stated:

> The mention of Greece fills the mind with the most exalted sentiments and arouses in our bosoms the best feelings of which our nature is susceptible. Superior skill and refinement in the arts, heroic gallantry in action, disinterested patriotism, enthusiastic zeal and devotion in favor of public and personal liberty are associated with our recollections of ancient Greece. That such a country should have been overwhelmed and so long hidden, as it were, from the world under a gloomy despotism has been a cause of unceasing and deep regret for ages past. It was natural, therefore, that the reappearance of these people in their original character, contending in favor of their liberties, should produce that great excitement and sympathy in their favor which have been so signally displayed throughout the United States. A strong hope is entertained that these people will recover their independence and resume their equal station among the nations of the earth.

Famous orators and statesmen also voiced their concern in the matter. Daniel Webster characterized the Greek War of Independence as part of a greater struggle "between absolute and regulated governments." He declared in no uncertain terms that America could not hold aloof from world affairs, and he insisted that it was time for us to take a firm and definite stand on the question of the Greek War.

As one of the free States among the nations—

He said—

> as a great and rising Republic, it would be impossible for us, if we were so disposed, to prevent our principles, our sentiments, and our example from producing some effect upon the opinions and hopes of society throughout the civilized world • • • Our side of this question is settled for us, even without our own volition. • • • Our place is on the side of free institutions.

The core of this ringing peroration is in the last sentence: Our place is, and has always been, on the side of free institutions, erected and vigilantly guarded by free men.

Henry Clay was equally clear in expressing the true sentiment of our people in Greek affairs. At that time there was the feeling in some quarters that the display of excess sympathy for the Greeks would offend the Turks. Clay thought that such unworthy reasoning was unbecoming to free men and independent, sovereign states. His indignant retort to those who advocated restraint and caution read:

> Are we so mean, so base, so despicable, that we may not attempt to express our horror, utter our indignation, at the most brutal and atrocious war that ever stained earth or shocked high heaven?
>
> If the great body of Christendom can look on calmly and coolly, while all this is perpetrated on a Christian people, in its own immediate vicinity, in its very presence, let us at least evince, that one of its remote extremities is susceptible of sensibility to Christian wrongs, and capable of sympathy for Christian sufferings; that in this remote quarter of the world there are hearts not yet closed against compassion for human woes, that can pour out their indignant feelings at the oppression of a people endeared to us by every ancient recollection, and every modern tie.

These few excerpts from two great representative Americans clearly illustrate the true sentiment of our people toward the Greeks in their desperate struggle against tyranny. At the time many philhellenic groups were formed in this country for the purpose of aiding the brave Greeks; many extended material aid to the Greeks. And in the end when Greek independence was an accomplished fact, we all were overjoyed.

Nor have we wavered since then. During and after the last two World Wars we have done our very best to save Greece from the ravages of war, from the clutches of totalitarianism, and have worked hard in helping to maintain their hard-won and well-deserved independence. Thereby we have gained a worthy ally in our present struggle against Communist tyranny.

Greeks have not only been a freedom-loving people, but they have also been adventurers, and as a seafaring people they have been, and still are, great merchants and tradesmen. In search of freedom as well as for free opportunities, they have geen globetrotters. As such they have flocked to this side of the Atlantic, and today there are more than 600,000 sturdy, hard-working, patriotic, loyal and law abiding Greek-Americans in this great Republic. It is true that the beginning of Greek immigration dates back to some 400 years, but actually, the arrival of the bulk of Greek immigrants are of relatively recent date. Mass immigration had its start during the last decade of the last century, and attained its peak during the 1920's. Since then the number of Greek immigrants have declined, mostly because of legal restrictions, but they are still coming, sometimes under special legislative acts, at about 1,000 or more annually.

In this country Greeks have settled in many metropolitan areas and commercial centers, and they have been a boon to the commercial life in many communities. It is true that in their early days Greek immigrants were employed as farm laborers, construction workers, and in factories. But later many came to our cities and began new careers. There some began business on pushcarts, as fruit and ice cream vendors. Later they owned ice cream parlors, confectionery stores and restaurants. Thus gradually they moved from curb to stand, from stand to store, from little store to big store, and then to chains of stores. From very modest beginnings they have progressively moved up and have prospered greatly. In a few special lines of business they have been exceptionally successful—especially so in the ownership and management of movie theaters and in the motion picture industry. The Skouras brothers are, of course, outstanding examples. And the Stephano brothers, of Philadelphia, claiming to have one of the largest tobacco industry establishments in the country, is the best known case in our own State.

There is another line of activity in which Greeks are famous, and which owes its beginning to a famous Philadelphian, investor John Cheyney. Early in the 1900's he became interested in deep-sea diving and gathered about him a group of Greeks as divers and expert sponge fishers. They then moved to Tarpon Springs, Fla., and there within a few years the town became famous as the sponge market. Today the Sponge Exchange there is owned and operated, almost exclusively, by enterprising and hard-working Greek-Americans. Lowell, Mass., is another community in which Greek-Americans form not only one of the largest elements, but also the most active and enterprising civic leaders.

In the 20th Congressional District of Pennsylvania which I have the honor to represent, we have many fine families of Greek descent, the members of which have distinguished themselves by their high type of citizenship and their adherence to moral and spiritual values. The cities of Altoona and Du Bois, as well as the boroughs of Clearfield, Philipsburg, State College, Bellefonte, and Tyrone have many prominent Greek-American families whose contributions to the cultural, spiritual, business, and civic life of these communities are well recognized and greatly admired and appreciated.

Although the vast majority of the Greek immigrants came to the United States with little else but their desire to work and improve their economic and social status, they have proved to be a valuable asset in their respective communities. Hard working and thrifty, they set as their primary goal to give a higher education to their sons and daughters. They are thirsty for education and learning. And they have shown their talents in many fields. They have brought their contributions to the American arts and sciences in a number of ways. In the realm of music the name of Dimitri Mitropoulos stands high among those of immortal fame as conductors. Nicholas Moscona, a great singer, was a distinguished member of the New York Metropolitan Opera for many years. No less famous is Miss Maria Callas, another talented and gifted singer. Greek-Americans have also distinguished themselves as painters, perhaps the best known among them being George Constant, whose works are represented in the Art Institute of Chicago. There have been prominent Greek-American actors in the motion pictures and theaters. Thus through their industry and ingenuity, through their great gifts and talents, Greek-Americans have contributed greatly to our civilization. But over and above their material and cultural contribution, Greek-Americans are among our most loyal, law-abiding, and patriotic citizens. They have proved devoted servants of our democratic institutions and courageous fighters for the defense of the American way of life. And we remember these fine deeds on this 139th anniversary of Greek Independence Day.

Results of Questionnaire Sent to Cross Section of Residents of First Congressional District of Washington State

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EXTENSION OF REMARKS
OF
HON. THOMAS M. PELLY
OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 24, 1960

Mr. PELLY. Mr. Speaker, a few weeks ago I sent out a questionnaire on important national issues to a cross section of my constituents.

More than 6,000 replies or more than 20 percent of the questionnaires were filled out and returned to me. I sent these to be tabulated by an independent business firm that does this sort of work and the results are most interesting.

Organized letter writing campaigns can, and often do, give a distorted picture of home sentiment based on a Congressman's daily mail. On the contrary an actual public opinion poll of residents of an area brings the majority viewpoint into much better focus.

This situation showed up especially in the comparison of views from my mail as against the results of my questionnaire on a subject such as Federal aid for teachers' salaries. I have received many letters urging my support of Federal aid for teachers' salaries. Only a few of my letters express opposition to such legislation. When it came to answering the question: Do you favor continued reliance on local and State support for teachers' salaries, rather than Federal grants for this purpose? My tabulation from the questionnaire was 3,641 in favor of continued local and State support as compared with only 1,007 against. A ratio of better than 3 to 1 opposed.

Another significant result was the figure in support of a firm stand on Berlin: 4,551 replied "Yes" only 173 replied "No," which certainly is worth noting right at this time.

Finally, Mr. Speaker, I should point out that in checking with my colleagues from the State of Washington, I find there is great similarity between mine and the percentages shown in the replies to my colleagues. Taking into consideration approximately 250,000 questionnaires circulated in the First, Second, Third, Fourth, and Sixth Congressional Districts of my State, the results on the two questions applicable to schools were as follows:

School construction

Congressional district	Percentages	
	Opposed to Federal aid	In favor of Federal aid
1st	55.4	44.6
2d	52.6	47.4
3d	64.1	35.9
4th	59.7	40.3
6th	51.9	48.1

Teachers' salaries

Congressional district	Percentages	
	Opposed to Federal aid	In favor of Federal aid
1st	78.3	21.7
2d	72.9	27.1
3d	74.2	25.8
4th	80.6	19.4
6th	69.8	30.2

This, Mr. Speaker, certainly insofar as my own State is concerned, is in complete contradiction to the percentages published by groups supporting Federal funds to States for education, such as the National Education Association

which has stated that 70 percent of the citizens of this country are in favor of meeting our school needs by the use of Federal funds.

The willingness of my constituents to participate in this public opinion poll was most gratifying. Several of the questions I asked were difficult to answer with an unqualified "yes" or "no," and thus it was that many of those who answered set forth their views in more detail, and I found such additional comments most interesting. In fact, I have made an index by subject of these comments for further review.

A complete tabulation of my own questionnaire results in percentages is listed below:

	Percentages	
	Yes	No
Foreign affairs:		
1. Do you favor diplomatic recognition of Communist China?	21.6	78.4
2. Should we continue military and economic aid to friendly nations?	83.5	16.5
3. Do you favor United States defense of Formosa?	89.1	10.1
4. Do you approve of a firm stand with respect to Berlin?	96.4	3.6
Schools:		
1. Do you feel the Federal Government should provide grants to States to meet school construction needs?	44.6	55.4
2. Do you favor continued reliance on local and State support for teachers' salaries, rather than Federal grants for this purpose?	78.3	21.7
Taxes:		
1. Do you favor Federal legislation to tighten taxation of cooperatives?	79.4	20.6
2. Should we allow parents to deduct from their income tax tuition paid for children attending college?	67.3	32.7

	Percentages	
	Yes	No
General topics:		
1. Do you think more federally administered programs should be turned back to the States?	74.9	25.1
2. Do you favor reduction of agriculture price supports?	89.6	10.4
3. Are you in favor of amending the Social Security Act to include medical expenses, the increased cost to be paid by additional contributions by employees and employers?	54.3	45.7
4. Do you believe the Federal Government should have more authority to regulate radio and television programs?	51.8	48.2
5. Do you favor emphasis on a balanced budget in the coming year and applying any surplus on the national debt?	90.8	9.2
6. Do you believe the House of Representatives should continue the Un-American Activities Committee?	83.3	16.7

Joint Federal-St. Louis Study To Determine Causes of High Strontium 90 Level in St. Louis Milkshed

EXTENSION OF REMARKS
OF
HON. LEONOR K. SULLIVAN
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mrs. SULLIVAN. Mr. Speaker, the U.S. Public Health Service and St. Louis County and St. Louis City health officials today jointly announced the undertaking of a special study into the sources of the high levels of strontium 90 consistently being discovered in St. Louis milk supplies. I am extremely happy that this study is now going to proceed.

The people of St. Louis and surrounding areas have been understandably concerned for several years over the high levels of environmental radiation being reported in that section, and particularly the high levels of strontium 90 in milk. Civic leaders in the St. Louis area have interested themselves in this problem in a very effective manner, and have joined with many of our outstanding scientists in St. Louis to try to find solutions for this invisible menace which threatens the whole Nation.

INQUIRY TO SURGEON GENERAL BY REPRESENTATIVE SULLIVAN

Last fall, I directed an inquiry to Surgeon General Leroy E. Burney of the U.S. Public Health Service asking what was being done or could be done to eliminate or reduce the amount of strontium 90 in our local milk supply. I said that I had read of encouraging research results in developing low-cost techniques for removing this dread contaminant from milk, through joint efforts of the Public Health Service, the Atomic Energy Commission and the Department of Agriculture, and asked when we could look for practical results from this research.

I also inquired if the Public Health Service needed any legislative authority or funds to proceed expeditiously with the development of a commercial process.

In reply, the Surgeon General's office informed me, last October, that they still had to do a great deal of checking into the strontium 90 removal process to determine if milk treated by the so-called ion exchange method or by other methods which have been studied would still retain its nutritional and sanitary quality. I was informed that this research would continue.

ATTEMPT TO FIND AND ELIMINATE CAUSE

Mr. James G. Terrill, Jr., Acting Chief of the Division of Radiological Health of the Public Health Service's Bureau of State Services, then notified me of the plan being considered to try to determine, in cooperation with local and State health officials, the reason for, and the sources of, the high levels of strontium 90 contamination persisting in the St. Louis area. It was the feeling of the Public Health Service that such a study could perhaps be far more practical in reducing the strontium levels in the milk supply than a process for taking it out of milk.

Today's announcement made simultaneously by the Surgeon General in Washington, by Dr. C. Howe Eller, commissioner of health of St. Louis County, and by Dr. J. Earl Smith, director of health and hospitals for the city of St. Louis, of the initiation of such a study in the St. Louis milkshed is therefore very welcome to me, as I know it is to everyone concerned about this serious problem. The Public Health Service press release is as follows:

PRESS RELEASE BY U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, PUBLIC HEALTH SERVICE, WASHINGTON, D.C., THURSDAY, MARCH 24, 1960

The second in a series of long-range studies of environmental radiation, now under way in various sections of the country, is being initiated in the St. Louis, Mo., area, Surgeon General Leroy E. Burney announced today. Purpose of the studies is to determine the significance of previous findings concerning radiation levels in that area, according to Dr. Burney.

The project was announced simultaneously today by Dr. C. Howe Eller, commissioner of health, St. Louis County, and Dr. J. Carl Smith, director of health and hospitals, city of St. Louis.

The studies will begin in the near future with a preliminary survey of dairy farms in the various milksheds serving St. Louis. The survey will consist of investigations of water supplies, sources of animal food, climate, farming and animal feeding practices and other variables that may be associated with different types and levels of radioactivity in milk. The final phase of the milkshed study will consist of field experiments to determine whether, if necessary, the radioactive content of milk can be reduced by modifications in dairy farming practices.

One objective of this series will be to determine whether previous strontium 90 findings will obtain throughout the entire St. Louis milkshed, or only part of it. The levels of strontium 90 have been somewhat higher in the St. Louis milkshed than in other areas. However, the St. Louis average levels have been below those which the National Committee on Radiation Protection and Measurements (NCRPM) considers permissible for lifetime exposure by the general population.

Techniques developed in the St. Louis study will be applied to similar milkshed investigations being planned for several other major metropolitan areas in the United States by the Public Health Service in cooperation with State and local health authorities.

The St. Louis study is an outgrowth of negotiations over the past several months culminating in arrangements among the Federal, county, and city health agencies which are expected to become effective within a few days. Under these arrangements the Federal Government will reimburse the St. Louis County Health Department for the cost of personnel, materials, supplies, and travel directly involved in the first phase of the study. The county health department is authorized to enter into agreements with local health departments in adjacent States for the collection and delivery of samples of milk, water, cattle feed, and other materials needed for analysis. The Federal Government will furnish certain necessary laboratory equipment to the St. Louis group, and the Public Health Service's Sanitary Engineering Center, in Cincinnati, Ohio, will assist in laboratory analysis of samples.

The Federal financial share for the remainder of fiscal year 1960 will amount to $35,700.

The total Federal share for fiscal year 1961 will be around $100,000.

Because of the wealth of general information that will be developed on environmental radiation in the St. Louis area, it is expected that more elaborate investigations will follow the initial milkshed study. Such additional research would be part of the nationwide effort of the Public Health Service and State health departments to interpret the significance of radioactivity in the environment. They will be concerned with radioactivity measurements in water, air, milk, and other foods as well as radiation exposures from medical and dental X-rays. Major emphasis will be given to obtaining precise measurements of the amount and kinds of radioactivity taken in by people and also the amounts retained within the body. Actual radioactivity of dietary, water, and air intake among large numbers of individuals will be analyzed, and, by measuring the radioactivity of body wastes, the amounts retained as total "body burden," determined.

The first of these comprehensive studies, in San Juan County, N. Mex., was announced last week by Surgeon General Burney.

The Public Health Service's Division of Radiological Health pointed out that the increasing use of nuclear, medical, and dental X-rays, and radioactive isotopes for industrial and medical purposes makes it mandatory for official health agencies to begin accumulating precise knowledge of the amounts, kinds, sources, and body retention of radioactive substances in many different population groups. Such knowledge is necessary in order that health officials may be able to determine when actual or potential health problems exist, and to develop methods for coping with such problems.

Greek Independence Day

EXTENSION OF REMARKS
OF
HON. JAMES A. BURKE
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mr. BURKE of Massachusetts. Mr. Speaker, 139 years ago when Archbishop Germanos of Patras raised the standard of revolt in his monastery at Kalavryta against the Turks on March 25, and his people joined him in this national struggle against their oppressors, his daring act ushered in a new day for the Greek people. That courageous deed by a stout-hearted dignitary of the Greek Church mared a sharp break from the events of preceding centuries when Greeks were subjected successively to the Romans, the Frankish kings and the Turks. That day became the Independence Day of the Greeks, and today on the 139th anniversary of that memorable event, Greeks mark it as their national holiday.

We, in this country, have always held the Greeks in exceptionally high esteem. We have always had great sympathy for them, and have done our utmost to help them whenever we could. In their fight for freedom and independence against the tyranny of the Turks, and especially in their desperate struggle to maintain their independence against fascism, nazism, communism, and all forms of totalitarianism, they have counted upon our sympathy and on our aid. We are proud to say that fortunately we have been in a position to help them and have not disappointed them. And this has been true in the past as it is at present.

In the early days of the Greek war of independence a number of philhellenic groups were formed in this country for the purpose of raising funds and thus extending material aid to the fighting Greeks. A wave of philhellenic enthusiasm swept over America. President Monroe himself was not immune to the contagion of this philhellenism. This is clearly shown in his annual message on December 3, 1822, when he gave some reasons for our interest in the Greek cause.

The mention of Greece—

He said—

fills the mind with the most exalted sentiments and arouses in our bosoms the best feelings of which our nature is susceptible. Superior skill and refinement in the arts, heroic gallantry in action, disinterested patriotism, enthusiastic zeal, and devotion in favor of public and personal liberty are associated with our recollections of ancient Greece. That such a country should have been overwhelmed and so long hidden, as it were, from the world under a gloomy despotism has been a cause of unceasing and deep regret for ages past. It was natural, therefore, that the reappearance of those people in their original character, contending in favor of their liberties, should produce that great excitement and sympathy in their favor which have been so signally displayed throughout the United States. A strong hope is entertained that these people will recover their independence and resume their equal station among the nations of the earth.

This was an eloquent and welcome explanation. As the elected head of the Government of this country, he expressed the feeling of our people. No less eloquent was Daniel Webster, perhaps the most illustrious statesman-orator of his day, when he characterized the Greek War of Independence as part of a greater struggle "between the absolute and the regulated governments." He stated that America could not and should not hold aloof from world affairs, and it was time for the people and the Government of this country to take a stand.

As one of the free states among the nations,

He declared—

as a great and rapidly rising republic, it would be impossible for us, if we were not disposed, to prevent our principles, our sentiments, and our example from producing some effect upon the opinions and hopes of society throughout the civilized world. Our side of this question,

He added, referring to the Greek War of Independence—

is settled for us, even without our own volition. Our history, our situation, our character, necessarily decide our position and our course before we have even time to ask whether we have an option. Our place is on the side of free institutions.

There are many fine thoughts and noble ideals in these few sentences of that inimitable orator-statesman, but the core is found in the last sentence, for it reflects the full and free American spirit; our place is, and has always been, on the side of free institutions, erected and kept erect by free men. And the Greeks were among the forerunners of free men who founded free institutions and fought for their preservation.

Nor has our expression of sympathy and our show of kinship of ideas with the Greeks been limited to mere words and declarations. It is well known that whenever Greeks have been in trouble, in need of material aid, we have been generous in helping them. This has been particularly true at the end of the First World War, and of course more so during and since the end of the last war. Early in the course of that war, when Greece was overrun by the Axis forces, our wartime President, the late Franklin Roosevelt, declared confidently that Greece would be liberated and rewarded for her heroic fight on the side of democracies against the forces of barbarism and darkness. He certainly echoed the true and genuine sentiment of the people of this country when he said:

I am glad to have the opportunity to reassure my friends of Greek origin and Greek birth everywhere that it is the desire of the American Government to help Greece to the utmost of its capabilities.

Our postwar role in Greek affairs, our aid to Greece, both financially and militarily, is rather widely known and I need not dwell upon them in detail. As soon as circumstances permitted, toward the end of the last war, we were more generous in aiding Greece than at any time in our history. In March 1947, when we were asked by the hard-pressed Greek Government for urgent emergency and military assistance, we felt that it was our duty to comply with this request. The then President Truman felt that it was our solemn responsibility to give all we could to save Greece from the tightening clutches of communism. In his message to Congress on March 12, the President declared:

I do not believe that the American people and the Congress wish to turn a deaf ear to the appeal of the Greek Government.

Here again the President was echoing the sincere wishes of our people. We could not turn a deaf ear to the appeal of the Greek Government, even though we had already expanded more than $500 million in the form of supplies, lend-lease aid, and under the United Nations Relief and Rehabilitation Administration. Fortunately, we had some more expendable dollars, and we did not seem to mind to add close to $3 billion worth of aid to the Greeks. Yes, the Greeks have deserved well of us. I am indeed glad to say that we were able and willing thus to pay at least a part of our intellectual debt which we all feel humanity owes to Greece and to the Greek genius.

In their enthusiasm for creative things of lasting value the attainments and accomplishments of the Greeks remain unsurpassed and unequaled. In their fervent enthusiasm for liberty and democracy they have struggled against great odds, have fought bravely, and have guarded their democratic institutions tenaciously. For almost 2,000

years, from 146 B.C. to A.D. 1821 Greece was ruled by the Romans, the Frankish kings, and by the Ottoman Turks. From the Battle of Corinth in B.C. 146 when Greece was overrun by Roman legions to the Battle of Navarino, in 1827, when the tyranny of the Ottoman Turks was finally brought to an end in Greece, Greeks lived under alien rule, but during those centuries their spirit of freedom was not extinguished; their dauntless will to fight never deserted them. And the best proof of that was the long, often despairing, and almost endless fight which they carried on for 8 years before they could attain their freedom and independence. Today in celebrating the 139th anniversary of that memorable day, Greek Independence Day, let us hope that they have the will and the power to defend it against all impending and potential dangers of totalitarian tyrants.

Forty-second Anniversary of the Proclamation of the Independent Byelorussian Democratic Republic

EXTENSION OF REMARKS
OF
HON. SAMUEL N. FRIEDEL
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mr. FRIEDEL. Mr. Speaker, wherever any White Russians or people whose ancestors came from Byelorussia gather, their thoughts are on their ancient homeland which is now suffering under the ruthless heel of despotic Communist oppressors.

It was on March 25, 1918, that Byelorussian patriots such as Lutskievich, Vatslav Lastovski, and others proclaimed their land as an independent republic. However, after the collapse of Germany, the Red army occupied the land and by February of 1919 all Byelorussia was in Communist hands. World War II ravaged that unfortunate country tremendously; 80 percent of all the houses at the cities of Minsk and Homel and 90 percent of Vitebsk were destroyed.

Byelorussia can be pointed to as an example of what befalls human beings who are so unfortunate as to be under Russian bondage. Its leaders and intelligent persons were annihilated and others persecuted; its native culture suppressed and stifled; its religious life almost exterminated; and its people enslaved.

We in the United States, who take liberty and freedom for granted look with horror on the works of atheistic communism everywhere. As an American and as a Member of the Congress of the United States I strongly urge we support the worthy Byelorussian cause for liberation from the cruelties of Soviet Russia and that everything be done to assist them in their legitimate aspirations for justice.

Greek Independence Day

EXTENSION OF REMARKS
OF
HON. WILLARD S. CURTIN
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mr. CURTIN. Mr. Speaker, tomorrow marks the 139th anniversary of the independence of Greece.

I am very happy to join in the celebration of this day, because the idea of independence, as we understand it, had its birth in Greece, and the Greeks were the first to appreciate and enjoy its benefits. It is true that they lost it for many years, but they never lost sight of its value; and they continually struggled and finally regained their freedom and national independence.

Greece has had its share of misfortunes and miseries, especially during the last two World Wars. However, today she is a strategic bastion of the free world against communism. On this 139th anniversary, let us all hope that she will face all dangers that may threaten her in the future with that firm determination and courage which have ever characterized the Greeks throughout their long and glorious history.

Freedom-loving people throughout the world have drawn inspiration from the long, hard, valiant, and epic struggle of the Greek people for their independence. This day has immortalized the bravery and devotion of this proud nation's warriors and martyrs.

Ancient Greece was the cradle of liberty; and apostles of freedom still look to Greece—both ancient and modern—for those sturdy characteristics which make a people great.

On this anniversary, we of the United States salute the Greek people for their monumental contributions—both past and present—to our country and to our civilization.

Family Farm Income Act of 1960

EXTENSION OF REMARKS
OF
HON. LEONARD G. WOLF
OF IOWA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 24, 1960

Mr. WOLF. Mr. Speaker, I would like to present my views on the Family Farm Income Act of 1960, of which I have the privilege to be one of the cosponsors.

The bill is designed to raise farm income, reduce surpluses, and slash Government costs. Perhaps it sounds difficult, but I believe it can be brought about. It provides for controlled production at fair price to producer and consumer. American farmers have been plagued by the present policies of the administration. Constantly lowering price supports and a weak control policy has greatly increased our surpluses. Farm income has been going down each year, with another 16 percent drop this year. I am told that the farm population has decreased by 15 percent; in 1952 there were 24.3 million people on the farm while we have only 20.8 million people now. Similarly there has been a reduction of 15 percent in the number of farms; in 1952 there were 5.4 million farms while now there are only 4.6 million farms. Farm net income during this period has dropped from $15.3 billion in 1952 to $9.3 billion by January 1, 1960—that is, a fall of 40 percent. The parity ratio, the relationship between prices paid and prices received by farmers is at the lowest level in 19 years. At the end of 1959 the parity ratio stood at 77, a fall of 23 percent from 1952. This, Mr. Speaker, at a time when farm production expenses are up by 15 percent.

The farmer's share of the consumer's food dollar has declined from 51 cents in 1947 to less than 38 cents at the close of the year. Farm marketing charges have increased by about 40 percent since 1947. Inflation and rising costs have affected the farmers adversely. Prices paid by farmers for commodities used in production, interest, taxes, and wages have risen from 240 percent of the 1910–14 parity base period of 1947 to nearly 300 percent in 1959. Meanwhile, prices received for farm products have declined from 276 percent of the base period of 1947 to around 230 percent in 1959.

Mass movement away from the farms has not fulfilled the prediction that such a shift would solve agriculture's problem of declining income.

Instead the migration of such people has created new problems for rural communities. The movement to the cities has also caused problems in the cities due to competition for a limited number of jobs. The conservation program of this administration has not yielded the desired results. With the present program the farmers can manage to adjust their crop rotation in such a way that it does not result in lower production. Storage charges on the overabundance is costing $1.5 million a day, a colossal drain on the taxpayer. We are in chaos with this program.

The supply of a wide variety of high quality foods is the very foundation of our vast economic growth during the postwar period. It is unfortunate that the farmers who provided that food have not shared fully in the country's prosperity to which they have contributed so much.

With a view to curing some of the ills of the present farm situation the Family Farm Act of 1960 has been introduced. We believe it holds a promise of relief. The salient features of the bill are:

First. It reduces the cost to the Government by reducing the surplus in storage and by paying farmers in kind with grain taken from the existing surpluses. Marketing quotas will be set at a level which will allow a discharge of 10 percent of the surplus stocks each year that are held by the Government. The present storage cost of $1.5 million a day will be reduced drastically each year. It is fair to mention here that any direct

monetary subsidy without controls will tend to increase production. Our farm programs of the last 7 years have built a great surplus that will continue to hang like a Damocles sword over the farm economy and the Nation for many years. This bill provides payment in kind, from the overflowing bins, in lieu of cash payments for the land placed in the soil bank. This would eventually balance the supply and demand aspect and we would not have disproportionately large reserves. It is also provided that the estimated cost to the Government in any year for any commodity shall not exceed 5 percent of the estimated crop sales of any commodity in that year.

Second. Our bill includes a voluntary program requiring a referendum, needing approval of two-thirds of the producers of each commodity to effect a change from the current program. The two-thirds vote feature has been introduced in order to keep the noncompliance farmers from upsetting the program by growing more than those who follow the program. This way all the farmers will be obliged to follow the majority opinion. But if two-thirds of the producers voting in any such referendum do not vote in favor of such a program, the program then in effect under the laws on the date of enactment of this act shall remain in operation. Thus, you see, it would be the farmers themselves who would decide their own program, which, in other words means the farmers are given freedom to choose.

The farmers themselves will adjust supply to demand by means of nationwide marketing orders or other commodity-stabilization procedures.

Third. The bill includes a soil bank feature. To take advantage of this feature the farmer must voluntarily take out of production 10 percent of his tillable land. In addition, to the 10 percent he has the option of putting in up to 30 percent additional tillable land for which he will be paid in-kind from the existing storage stocks.

The bill combines all feed grains as a group and it would enable the producers of feed grain to sit down and evolve a workable total feed grain program.

Fourth. Midwestern dairy producers will be benefited. The bill enables the producers of meat, butter, and cream and producers of milk for manufacturing and fluid consumption, to work out a national program on milk and butterfat which would make sense nationally as well as locally.

Fifth. Under the proposed bill, the school lunch and needy direct distribution program now in operation will receive increased moneys for distribution of high protein foods, not only milk but poultry and meat products also. The Secretary of Health, Education, and Welfare is authorized to spend $500 million each year to purchase these items off the markets and make them available to the needy.

The greater use of these foods would directly create a greater demand for feed grains, to feed additional livestock which would also help to reduce present stocks of feed grains.

Sixth. The bill prepares the way for the Humphrey-Wolf food-for-peace program. I have been an advocate of and have worked for a food-for-peace program for a long time. We will be able to continue to push this program.

This bill tends to eliminate the depressing effects on main street. Under this proposal the placing of entire farms in the soil bank will be eliminated. No farmer will be allowed to put more than 40 percent of his tillable land into the soil-building base; moreover, payments or benefits under the act will be limited to not more than $5,000 to any one farm operator in one year. The present practice all too often is to put the farm in the soil bank and then go to the city to work. This eliminates the demand for many community services normally needed.

I do not believe this is a perfect bill, but it is a step in the right direction. Modifications here and there will undoubtedly improve it. However, it does contain a suggested solution for many of the ills of the present program.

I would like to dwell upon the following features a little more in detail: First, feed grain and livestock; second, distribution of high protein foods in schools; third, small town economic situation; and fourth, food for peace.

FEED GRAIN AND LIVESTOCK SITUATION

The bill combines all feed grains as a group and would enable the feed-grain producers to decide for themselves what production program they want. This would be done by referendum and a two-thirds majority of producers of a specific commodity will make the decision. The combining of all feed grains is very important. Such things as overproduction of wheat often upset the feed-grain situation under the present program. The envisioned commodity-by-commodity approach will not adversely affect other commodities. For example, wheat grown for feed will not be used for human consumption and vice versa. Great market fluctuations of feed grains have many times violently affected the price of livestock. More feed grains mean cheap feed grains thus depressing prices, and vice versa. A shortage of feed grains means high prices for livestock. These fluctuations are not desirable except to the profiteer.

Mr. Speaker, I would like to suggest one perfecting amendment. The bill now provides that only those farmers can vote in the referendum who have in the past, in at least three of the immediately preceding 5 years, sold not less than $500 worth of the commodity in question. Since most of the feed grain producers in my district feed livestock, the feed grains they produce are fed on the farm. The value of their grain production is not counted. These farmers will in many cases become unable to take part in the referendum. In order to cover this point an amendment is needed. The farmers who have produced feed grains of the value of $500 or more, whether sold or fed to their own livestock must not become disenfranchised.

We believe our bill would also directly help the meat, dairy, and hog industry. Without a proper feed grain production planning program, overproduction results, which eventually depresses the farmers price of the meat producing and dairy industries. It is hoped that the part of the feed grain production can be adjusted by increasing production of protein products, part of which under this bill will go to the school program. This would create a significant increased consumption of these abundant feed grains and thus create an additional supply of protein foods for the needy people. It would also provide an opportunity to the midwestern dairy producers to work out a comprehensive national program for milk and butterfat. I would not care to see any change in present marketing orders until this program is effective. I believe this dairy marketing area will deserve very serious study to be sure that we improve on rather than disrupt present marketing orders.

DISTRIBUTION OF HIGH PROTEIN FOOD IN SCHOOLS

The bill provides for the increased distribution of high protein food—milk, poultry, and meat to the schools and the needy. To many schoolchildren the only adequate meal is the one received at school. Many more children should be covered. Many of our needy senior citizens will also be aided.

The envisaged increased production of high protein foods—discussed under the feed grain and livestock—will be effectively consumed for the good of some of the people in areas in great need. Under this provision the Secretary of Health, Education, and Welfare is authorized to spend $500 million each year to purchase these items off the market, and make them available to the needy people. Mr. Chairman, this is a tremendously important section and should go far in helping the folks in real need in America.

SMALL TOWNS ECONOMIC SITUATION

This bill will help improve the situation in small towns. Under the existing program farm families put the entire farm in the conservation reserve, thereby depriving the local farmworkers of jobs. Demand for goods and services is thus in two ways greatly reduced. This has greatly upset many small towns where alternate employment or business opportunities are not available. Many small businesses are forced out. This bill safeguards against putting the entire farm in the soil building base. A family can only retire land up to 40 percent of the total cultivated area. Another balancing feature is that no farm family will get payment or benefit more than $5,000 a year for the retired land. With still 60 percent of the land under cultivation the farmer will have to stay on the farm. This would avoid farm population movement to the cities by putting the whole farm in soil reserve. These redeeming features will aid the economy of many small towns.

FOOD FOR PEACE

I have long been an advocate and have worked hard for a food-for-peace program. Under this bill a provision is made not only to protect our present commitments abroad under Public Law 480 but also to clear the way for my proposed food-for-peace program to help feed some of the hungry people of the world. This provision aims at promoting the foreign policy of the United States by helping to build essential world conditions of peace by the more effective use of our abundant agriculture commodities for the relief of human hunger. Food can foster economic and social developments in less developed countries through the United Nations or its appropriate agencies. Mr. Speaker, I believe our agricultural surplus should be accepted as a blessing rather than a burden. America should feel proud that she is in a position to help feed the millions of undernourished people of the world. This is the only field in which America is a clear leader. Let us broaden the original food surplus dumping program under Public Law 480 in such a way as to include the proposed ideas in the Humphrey and Wolf food-for-peace bills for helping to feed the hungry people of the world.

It is humane to feed our hungry fellow human beings. But when we have such an abundance, we have a very great moral obligation. At the same time it is cheaper to send a bushel of wheat to a needy area than to keep it in bins over the long haul. A workable plan can be developed with wheat surplus countries like Australia, Canada, and so forth. This would avoid ill feelings between the "have" nations. These countries should also extend a helping hand in this humane venture. Agreed, it will be difficult, but this does not constitute an excuse. No great accomplishment in history was ever accomplished without hard work. This solution of our surplus problem is morally, politically, and financially worth a trial. Let us act sensibly and boldly to win friends through food. Let us act now to help our American farmers and our Nation out of the present dilemma.

SENATE

MONDAY, MARCH 28, 1960

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O God and Father of mankind, in the awareness of whose presence our hearts are gladdened and our strength restored: For all who turn to Thee with true purpose of heart, Thou art as the shadow of a great rock in a weary land.

We are grateful that in the silence of Thy presence the clamor of the world dies away. Give us quietness now, O God, even as there crowd in the duties of another week.

At the very center of our lives may the still waters of Thy grace be as a balm for our jaded spirits.

May we see the world as it is, with all its poignant need; and may we see ourselves as we are stripped of all self-delusion.

Above all, we ask that the prayers we offer with bowed heads may be translated into obedient action, as we turn to face the world with its waiting tasks so close at hand. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 24, 1960, was dispensed with.

REPORT OF COMMITTEE SUBMITTED DURING ADJOURNMENT

Pursuant to the order of the Senate of January 18, 1960,

Mr. HAYDEN, from the Committee on Appropriations, reported favorably, with amendments, on March 25, 1960, the bill (H.R. 10401) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1961, and for other purposes, and submitted a report (No. 1203) thereon.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that the President had approved and signed the following acts and joint resolution:

On March 25, 1960:

S. 1193. An act for the relief of Eleanor Constan;

S. 1703. An act for the relief of Raul Jorge Jose Hermitte; and

S. 2023. An act for the relief of Candace Elizabeth Lee Johnson (Kyung Hee Lee).

On March 28, 1960:

S. 1713. An act to extend the application of the Motorboat Act of 1940 to certain possessions of the United States; and

S.J. 115. Joint Resolution authorizing the purchase of certain property in the District of Columbia and its conveyance to the Pan American Health Organization for use as a headquarters site.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 607) for the relief of the estate of Sinclair G. Stanley, and it was signed by the President pro tempore.

ORDER FOR COMMITTEE ON FINANCE TO MEET DURING SENATE SESSION ON WEDNESDAY

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Committee on Finance may be permitted to sit during the session of the Senate on Wednesday.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour; and I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON RECONSTRUCTION FINANCE CORPORATION LIQUIDATION FUND

A letter from the Secretary of the Treasury transmitting, pursuant to law, a report on the Reconstruction Finance Corporation Liquidation Fund, for the quarterly period ended December 31, 1959 (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON PROGRESS OF LIQUIDATION OF NATIONAL DEFENSE, WAR, AND RECONVERSION ACTIVITIES OF RECONSTRUCTION FINANCE CORPORATION

A letter from the Administrator, General Services Administration, Washington, D.C., reporting, pursuant to law, on the progress of the liquidation of the national defense, war, and reconversion activities of the Reconstruction Finance Corporation, as of December 31, 1959; to the Committee on Banking and Currency.

AMENDMENT OF DISTRICT OF COLUMBIA TRAFFIC ACT, 1925, AS AMENDED

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Traffic Act, 1925, as amended (with an accompanying paper); to the Committee on the District of Columbia.

REPORT ON ACTIVITIES RELATING TO NEW DISTRICT OF COLUMBIA STADIUM

A letter from the Managing Director, District of Columbia Armory Board, Washington, D.C., transmitting, for the information

of the Senate, a résumé of the legislative history, financial data, and tentative time schedule of the operations and activities pertaining to the new District of Columbia Stadium (with an accompanying report); to the Committee on the District of Columbia.

AUDIT REPORT ON EXPORT-IMPORT BANK OF WASHINGTON

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Export-Import Bank of Washington, for the fiscal year 1959 (with an accompanying report); to the Committee on Government Operations.

REPORT ON BACKLOG OF PENDING APPLICATIONS AND HEARING CASES IN FEDERAL COMMUNICATIONS COMMISSION

A letter from the Chairman, Federal Communications Commission, Washington, D.C., transmitting, pursuant to law, a report on backlog of pending applications and hearing cases in that Commission, as of January 31, 1960 (with an accompanying report); to the Committee on Interstate and Foreign Commerce.

MAP ENTITLED "MAJOR NATURAL GAS PIPELINES, DECEMBER 31, 1959"

A letter from the Chairman, Federal Power Commission, Washington, D.C., transmitting, for the information of the Senate, a copy of the recently issued map "Major Natural Gas Pipelines, December 31, 1959" (with an accompanying map); to the Committee on Interstate and Foreign Commerce.

INCLUSION OF CERTAIN OFFICERS AND EMPLOYEES OF DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN ACT RELATING TO ASSAULTS AND HOMICIDES

A letter from the Secretary, Department of Health, Education, and Welfare, transmitting a draft of proposed legislation to include certain officers and employees of that Department within the provisions of sections 111 and 1114 of title 18 of the United States Code relating to assaults and homicides (with an accompanying paper); to the Committee on the Judiciary.

AMENDMENT OF SECTION 5021, TITLE 18, UNITED STATES CODE

A letter from the Director, Administrative Office of the United States Courts, Washington, D.C., transmitting a draft of proposed legislation to amend section 5021 of title 18, United States Code (with an accompanying paper); to the Committee on the Judiciary.

WITHDRAWAL FROM DISTRICT COURTS JURISDICTION OF CERTAIN SUITS

A letter from the Director, Administrative Office of the United States Courts, Washington, D.C., transmitting a draft of proposed legislation to withdraw from the district courts jurisdiction of suits brought by fiduciaries who have been appointed for the purpose of creating diversity of citizenship between the parties (with an accompanying paper); to the Committee on the Judiciary.

REPORT OF DIVISION OF COAL MINE INSPECTION, BUREAU OF MINES

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report of the activities of the Division of Coal Mine Inspection, Bureau of Mines, for the calendar year January 1, 1959, through December 31, 1959 (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORT OF BOY SCOUTS OF AMERICA

A letter from the Chief Scout Executive, National Council, Boy Scouts of America, New Brunswick, N. J., transmitting, pursuant to law, a report of that organization, for the calendar year 1959 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A resolution of the House of Representatives of the State of Arizona; to the Committee on Appropriations:

"HOUSE MEMORIAL 10

"MEMORIAL REQUESTING THE CONGRESS OF THE UNITED STATES TO APPROPRIATE SUFFICIENT FUNDS FOR PURPOSE OF MAINTAINING, TWENTY-FOUR HOURS A DAY, THE COMPOUND ON THE INTERNATIONAL BORDER AT LUKEVILLE, ARIZ.

"*To the Congress of the United States:*

"Your memorialist respectfully represents:

"The United States maintains a compound at the international border at Lukeville, Ariz., and this station is manned from 8 o'clock a.m. to midnight each day. There is considerable traffic through this border station due to the favorable fishing areas in Mexico for which access is gained through Lukeville, Ariz.

"Unfortunately the international border at Lukeville is not attended by U.S. personnel from midnight to 8 o'clock a.m., thereby causing considerable inconvenience to citizens of this country who are faced with emergencies. For example, it is frequently necessary, because of medical emergencies, to leave Mexico to reenter the United States for the purpose of obtaining proper medical attention. With the gates closed it is impossible to cross the border and therefore the medical condition may be seriously aggravated because of the delay.

"In many instances it is necessary for persons to return to the United States immediately because of emergencies. As a result of the gates being closed from midnight to 8 o'clock a.m., considerable inconvenience occurs to these U.S. citizens.

"Wherefore your memorialist, the House of Representatives of the State of Arizona, prays:

"That the Congress of the United States consider the importance of manning the compound at Lukeville, Ariz., for 24 hours each day for the purpose of expediting travel for our citizens between Mexico and the United States. Moreover, it is requested that sufficient funds be appropriated for this purpose."

A resolution adopted by the executive committee of the American Legion, Department of Connecticut, relating to the U.S. Coast Guard Academy; to the Committee on Interstate and Foreign Commerce.

A resolution adopted by the house of delegates of the American Bar Association, at Chicago, Ill., favoring the enactment of legislation embodying the recommendations of the Judicial Conference of the United States for the creation of additional judgeships in the U.S. courts of appeals and district courts; to the Committee on the Judiciary.

A letter in the nature of a petition from the American Automobile Association, Washington, D.C., signed by Russell E. Singer, executive vice president, transmitting a copy of a letter addressed to the Secretary of Commerce by him, relating to a report entitled "Federal Transportation Policy and Program," prepared by the Department of Commerce and transmitted to Congress by the President of the United States on March 14, 1960; to the Committee on Public Works.

CONCURRENT RESOLUTIONS OF SOUTH CAROLINA GENERAL ASSEMBLY

Mr. THURMOND. Mr. President, on behalf of myself and my colleague the senior Senator from South Carolina [Mr. JOHNSTON], I insert, for appropriate reference, three concurrent resolutions of the General Assembly of South Carolina memorializing Congress, first, to enact suitable legislation to prohibit imported shrimp from competing with our shrimping industry and to favorably consider H.R. 8982; second, to take favorable action on H.R. 9336 which provides for pensions of veterans of World War I; and third, to cancel plans for construction of new dams on the Savannah River, to release certain reservoir lands and to place the control of water in the Clarks Hill Reservoir under local water authority. I ask that these resolutions be appropriately referred.

Mr. President, in connection with the last resolution opposing the construction of new dams on the Savannah River, I ask unanimous consent that there be printed in the RECORD an editorial on this subject published in the State, a newspaper published in Columbia, S.C., on March 11, 1960.

The PRESIDENT pro tempore. The concurrent resolutions will be received and appropriately referred and, under the rule, will be printed in the RECORD; and, without objection, the editorial will be printed in the RECORD.

The concurrent resolutions were received and referred as follows:

To the Committee on Finance:

"S. 554

"Concurrent resolution memorializing Congress to enact suitable legislation to prohibit imported shrimp from competing with our shrimping industry and to favorably consider H.R. 8982

"Whereas, shrimping has become one of South Carolina's most important fishing industries and as a result many millions of dollars have been invested in this industry in this State; and

"Whereas in 1959 nearly 100 million pounds of shrimp were imported from Mexico, Panama, Equador, West Germany, India, Pakistan, and Japan, and placed on the competitive market with shrimp netted not only by South Carolina shrimpers but by shrimpers from all of the Coastal States; and

"Whereas the low price on imported shrimp is reported to be the result of low labor costs in these foreign countries and to some extent as a result of Government aid given these countries by the United States; and

"Whereas those persons in the shrimping industry in this country can no longer reduce their cost to compete with the shrimp being imported, and desire that the United States take some favorable action to control the shrimp being brought into this country that are competing with our own industry: Now, therefore, be it,

"*Resolved by the senate (the house of representatives concurring)*, That Congress be memoralized to enact without delay some suitable legislation to prohibit imported shrimp from being placed in competition with the shrimping industry of our own country and to particularly give favorable consideration to H.R. 8982 now pending before Congress; and be it further

"*Resolved*, That a copy of this resolution be forwarded to the President of the Senate, to the Speaker of the House of Representatives, to the chairman of the Ways and Means Committee of the House of Representatives and to each Member of Congress from this State."

"CONCURRENT RESOLUTION TO MEMORIALIZE THE CONGRESS OF THE UNITED STATES TO TAKE FAVORABLE ACTION ON H.R. 9336 WHICH PROVIDES FOR PENSIONS OF VETERANS OF WORLD WAR I

"Whereas, the General Assembly of South Carolina has been informed that various veterans' organizations have year after year taken the position that the aging group of World War I veterans should be given pension consideration in the form of a separate and liberalized pension program; and

"Whereas as recently as 1959 the Veterans of Foreign Wars national convention reiterated its position that these veterans should not be forgotten; and

"Whereas the provisions of H.R. 9336 which is now being considered by the Congress seeks to alleviate the condition in which the veterans of World War I find themselves by allowing for the payment of a pension of one hundred dollars per month for all of those of that group who meet the service requirements as provided for in the proposed bill: Now, therefore, be it

"*Resolved by the house of representatives (the senate concurring)*, That the General Assembly of South Carolina does hereby memorialize the Congress of the United States to take favorable action on H.R. 9336 which will grant to the veterans of World War I a pension of one hundred dollars per month, provided certain requirements of service are met; and be it further

"*Resolved*, That a copy of this resolution be forwarded to the Senate and to the House of Representatives of the Congress; to each U.S. Senator from South Carolina; and to each Member of the House of Representatives of the Congress from this State."

(The PRESIDENT pro tempore laid before the Senate a concurrent resolution of the General Assembly of the State of South Carolina, identical with the foregoing, which was referred to the Committee on Finance.)

To the Committee on Public Works:

"S. 426

"Concurrent resolution memorializing the Congress of the United States to cancel plans for construction of new dams on the Savannah River, to release certain reservoir lands, and to place the control of water in the Clarks Hill Reservoir under Logan water authority

"Whereas the citizens of both South Carolina and the State of Georgia believed that when the Clarks Hill Reservoir was constructed that the citizens in the vicinity of the reservoir would be allowed a certain amount of water for industrial and municipal uses; and

"Whereas, now that the dam has been completed and the water raised, the people in the vicinity of the project of both States found that they are apparently prohibited from removing water from the reservoir without a special act of Congress; and

"Whereas the Corps of Engineers, after much recent protest, state now, under certain circumstances, reasonable amounts of water can be obtained; and

"Whereas such apparent policy changes are indicative of the need for a more sound and stable control of the reservoir water; and

"Whereas the general assembly believes that the people in the vicinity of the reservoir and the riparian owners on the river above are entitled to a reasonable use of the water and that deprivation of this constitutes a violation of their basic property rights; and

"Whereas it is believed that further construction of dams on the Savannah River should cease and that all reservoir lands above the 335th contour of the Clarks Hill Reservoir should be released and that the land so released should be first offered to the former owners; and

"Whereas the general assembly further believes that the local water authorities are best suited for the control of water of the Savannah River due to the understanding of local conditions and requirements and that the water control of Clarks Hill Reservoir should be taken away from the Corps of Engineers and placed in the hands of local authorities; and

"Whereas it is believed that the location of industry in the area of Clarks Hill Reservoir is essential to the continuation of prosperity in the neighborhood and that the presence of industry is dependent upon the availability of large quantities of water for use; and

"Whereas for the Clarks Hill project the U.S. Government condemned and acquired 44,027 acres of taxable land from which McCormick County receives no revenue except a percentage of rental release for recreational facilities amounting to only $1,083.68 in 1959; and

"Whereas the general assembly believes that the Congress of the United States should be made aware of this great loss in revenue to just one county of the State and reminded that this same type of loss will be suffered by other neighborhoods where large quantities of land are condemned and acquired by the Federal Government and thereby removed from the taxbooks of the county: Now, therefore, be it

"*Resolved by the senate (the house of representatives concurring)*, That the Congress of the United States is hereby memorialized to enact legislation canceling all plans for construction of new dams on the Savannah River and to enact legislation for the release of all reservoir lands above the 335th contour of the Clarks Hill Reservoir with the proviso that such land should be first offered to the former owners; and be it further

"*Resolved*, That suitable legislation also be enacted to provide that water projects on the Savannah River be removed from the Corps of Engineers and placed in the hands of a local water authority which would place the priority of the water storage in industrial use rather than the hydroelectric project; and be it further

"*Resolved*, That a copy of this resolution be forwarded to the President of the United States, to each United States Senator from the States of South Carolina and Georgia, and to each Congressman from both of these States in the Congress of the United States, and that a copy of this resolution also be forwarded to the President of the Senate and the Speaker of the House of Representatives of the Congress."

The editorial presented by Mr. THURMOND is as follows:

NO MORE DAMS

Senator L. L. Hester, of McCormick, introduced a resolution in the senate urging a halt to the building of more dams on the Savannah River and release to the public of Clark Hill lands above the high mark.

The senate gave its approval and now the house has concurred.

We are glad to see the general assembly take this stand. The people of the affected area are justly aroused over the proposed plans for further dam construction on the Savannah above Augusta, and over what has happened already.

CIVIL RIGHTS—LETTER

Mr. FREAR. Mr. President, I ask unanimous consent to have printed in the RECORD a letter addressed to me by J. S. Bellmeyer, president of Playtex Ltd., of Toronto, Canada, relating to civil rights.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PLAYTEX LTD.,
Toronto, Canada, March 11, 1960.

The Honorable J. ALLEN FREAR,
U.S. Senator,
Senate Building,
Washington, D.C., U.S.A.

DEAR ALLEN: It was a pleasure to visit your office on March 10 and be greeted so nicely by two friends, Miss Jackie Hackett and Miss Joanne Holt. I am sure you know that they made me feel quite at home and quite important. I am sorry that I missed seeing Mary Louise and yourself.

Jackie and Joanne both insisted that I go to the reception section and make myself known to you that I was in Washington but I decided the day was too important for you.

In passing, my thoughts as far as civil rights are concerned are that I believe we should work toward integration at some future time. I say this based upon a visit to Georgia which I made just before my visit to Washington and I know that the colored people are not yet ready for total integration with whites without having our school system suffer, yet I know we must obey the law of the land and in some way the two problems must be reconciled. In this respect, I do not envy you your job but I do believe you voted the way I would have in the Senate the other day.

I certainly was proud to be a citizen of Delaware when you, in each case, made your voice heard rather than just mumbling as unfortunately some of our Senators did.

Thanks again, ALLEN, for the fine way I was received by your office.

Sincerely,

J. S. BELLMEYER.
President.

RESOLUTIONS OF ORGANIZATIONS OF THE STATE OF NEW YORK

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD resolutions adopted by organizations of the State of New York.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION ON CIVIL RIGHTS

TO SENATOR LYNDON B. JOHNSON, MAJORITY LEADER; SENATOR EVERETT MCKINLEY DIRKSEN, MINORITY LEADER; REPRESENTATIVE SAM RAYBURN, SPEAKER OF THE HOUSE; REPRESENTATIVE JOHN W. MCCORMACK, MAJORITY LEADER; REPRESENTATIVE CHARLES A. HALLECK, MINORITY LEADER; SENATOR PAUL H. DOUGLAS; SENATOR HUBERT H. HUMPHREY; SENATOR JACOB K. JAVITS; SENATOR KENNETH B. KEATING; REPRESENTATIVE EMANUEL CELLER; REPRESENTATIVE WILLIAM M. MCCULLOCH:

The National Board of the Women's International League for Peace and Freedom, meeting in Philadelphia on February 26–28, 1960, wishes to commend the efforts that the congressional leadership and certain Members of Congress are making for the passage of meaningful civil rights legislation. The league has long felt that our Nation could not honorably tolerate continued violations of freedom and equality of any of its citizens.

Whatever civil rights legislation is enacted, the league believes, should include: (1) Title III (stricken from the 1957 civil rights bill)—the provision to permit Government civil suits in school desegregation and other cases; (2) an effective voting registrar referee measure to secure the right of every citizen to register, to vote, and to have his vote counted; and (3) provision for technical and financial assistance to States and localities working to implement the Supreme Court decision on school desegregation.

There being no objection, the memorials were ordered to be printed in the RECORD, as follows:

RESOLUTION ADOPTED BY THE COUNCIL, MEDICAL SOCIETY OF THE STATE OF NEW YORK

Whereas there is now before the Congress a bill known as H.R. 4700 (Forand bill), which would socialize certain medical care services for social security beneficiaries; and

Whereas the problems concerning the aging population are not limited to medical care alone, but involve housing, environment, and other socioeconomic factors; and

Whereas the Medical Society of the State of New York recognizes that such problems exist among senior citizens and already has taken, and will continue to take, steps to meet these problems, particularly concerning further expansion of the voluntary health insurance plans for the aging; and

Whereas the bill is another gigantic step toward the complete socialization of all medical care; and

Whereas the law would destroy the doctor-patient relationship, result in extensive compulsory taxation, and undermine voluntary health insurance plans and gradually replace them; and

Whereas, because of the outstanding work that has been done by voluntary organizations in New York State, there is no one in the State who has sought medical care who has not received it regardless of economic circumstances; and

Whereas it has been amply demonstrated in New York State that the problems concerning the aging can be met at the county, city, and State level without Federal Government interference and domination; and

Whereas the State medical society maintains that the evidence presented to date concerning the problems of the aging is neither complete nor conclusive and may contain misinterpretations and misrepresentations; and

Whereas Federal intervention without more accurate knowledge of the problem's gravity and dimension is logically untenable and socially dangerous: Now, therefore, be it hereby

Resolved, That the Medical Society of the State of New York reiterates its vigorous and unalterable opposition to H.R. 4700 expressed to the House Committee on Ways and Means in July 1959; and be it hereby further

Resolved, That the State medical society's adamant opposition to this bill, or any other bill of similar type, be once again brought to the attention of all New York State Congressmen and the two U.S. Senators, as well as the chairman of the House Ways and Means Committee.

RESOLUTION ON LAW ENFORCEMENT

Whereas due to the high taxes on alcoholic beverages, there has been an increasing amount of illicit distilling depriving the Federal Government of tax revenue; and

Whereas the Federal Government has acknowledged the fact that there is an insufficient appropriation of funds to maintain an adequate enforcement staff: Be it therefore

Resolved, That the National Women's Association of Allied Beverage Industries, Inc., in convention assembled June 17, 1959, in San Diego, Calif., urge the Congress of the United States to recommend to the Appropriations Committee to provide sufficient funds to increase the enforcement staff of the ATTD in order that this illicit distilling be stamped out, and thereby return to the Treasury of the United States tax money of which it is now being deprived.

MARCH 11, 1960.

HON. JACOB K. JAVITS,
Washington, D.C.

MY DEAR SENATOR JAVITS: At meeting of February 15, 1960, the Holy Name Society of St. Martin of Tours R.C. Church, Brooklyn, N.Y., resolved as follows:

"Whereas as Americans we deplore the relinquishment of American sovereignty and heritage; and

"Whereas the repeal of the Connally amendment would be a grant of national rights and place us in a position of becoming subservient to a foreign court administered by nations of alien philosophies of government; and

"Whereas this action is diametrically opposed to the rising world tide of nationalist feeling; and

"Whereas to permit any world court, on which avowed enemies of this Nation would sit, to decide issues involving the United States of America, is the ultimate folly, and would act to our detriment, especially in this period of world unrest: Therefore be it

"*Resolved*, That this organization declares itself most strongly opposed to repeal of the Connally amendment."

Your kind consideration of the above resolution is requested.

Yours very truly,

F. SAUER, *President.*

MEDICAL CARE FOR THE AGED—MEMORIALS

Mr. JAVITS. Mr. President, the Medical Society of the State of New York and the medical societies of Nassau County, Cortland County, Rensselaer County, Wyoming County, New York County, Nassau County, Ulster County, Montgomery County, and Monroe County, and also the women's auxiliaries of the medical societies of Nassau County, Monroe County, Albany County, Tompkins County, Schenectady County, and Herkimer County, all in the State of New York, memorialize the Congress regarding their opposition to the bill (H.R. 4700) to amend the Social Security Act and the Internal Revenue Code so as to provide insurance against the costs of hospital, nursing home, and surgical service for persons eligible for old-age and survivors insurance benefits, and for other purposes. I ask unanimous consent that the memorials may be printed in the RECORD.

RESOLUTION OF THE NASSAU COUNTY MEDICAL SOCIETY

Whereas there is now before the Congress a bill known as H.R. 4700 (Forand bill) which calls for the extension of the Social Security Act into the medical and hospital care field through the provision of Federal funds collected for social security to pay the cost of surgical, hospital and nursing home care for beneficiaries of social security; and

Whereas problems of the aged are not limited to medical care alone, but involve many other socioeconomic factors; and

Whereas the Nassau County Medical Society and many other county medical societies, together with the cooperation of the Medical Society of the State of New York and the American Medical Association, are making great strides in solving the problems of the aged, particularly with respect to expansion of the voluntary health insurance plans; and

Whereas it is a known fact that problems of the aged must be solved on a local or State level without Federal interference and domination; and

Whereas the enactment of legislation such as the Forand bill would cause a tremendous rise in social security taxes; which already have reached sizable proportions; and

Whereas the bill would set up a system whereby a Federal agency would establish arbitrary standards for medical care, and dictate fees and charges; and

Whereas the law would destroy the doctor-patient relationship: Now, therefore, be it hereby

Resolved, That the Nassau County Medical Society is vigorously and unalterably opposed to H.R. 4700; and be it hereby further

Resolved, That the Nassau County Medical Society's opposition to this bill, or any other bill of similar type, be brought to the attention of our New York State Congressmen, our two U.S. Senators, as well as the chairman of the House Ways and Means Committee.

RESOLUTION OF THE MEDICAL SOCIETY OF THE COUNTY OF CORTLAND, CORTLAND, N.Y.

Senator JACOB K. JAVITS,
Senator Office Building,
Washington, D.C.

DEAR MR. JAVITS: On the 7th of March 1960, the Cortland County Medical Society passed the following resolution:

"The Cortland County Medical Society is against the enactment of H.R. 4700 into law because we feel that (1) it would undermine voluntary health insurance and gradually replace it because few people would carry both Government and private plans; (2) today about 43 percent of citizens over 65 are covered by voluntary health insurance, showing there is no need for drastic Government intervention such as the Forand bill would provide; (3) by 1965 about 75 percent will be covered by voluntary health insurance; by 1970 about 90 percent; and (4) passage would greatly increase social security taxes which already are growing year by year resulting in smaller pay checks."

Very truly yours,

THEODORE I. JACOBUS, M.D.,
Secretary, Cortland County Medical Society.

RESOLUTION OF THE MEDICAL SOCIETY OF THE COUNTY OF RENSSELAER

The Honorable JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

SIR: The following resolution was passed at the meeting of the Medical Society of the County of Rensselaer on March 8, 1960:

"Whereas efforts to place the practice of medicine under governmental control are increasing each year; and

"Whereas, amendments to the social security law are the favorite instruments for those who favor governmental medicine; and

"Whereas the Forand bill (H.R. 4700) is the 1960 version of the continuing efforts of the proponents of governmental medicine; and

"Whereas the bill would set up a system whereby a Federal agency would set arbitrary standards for medical care and dictate fees and charges; and

"Whereas the doctor-patient relationship would be seriously impaired, if not destroyed; and

"Whereas it would put the Federal Government into an area of health care with which it is not equipped to cope; and

"Whereas it would be most difficult if not impossible to provide the best medical care under a government dominated program, which the passage of the Forand bill, or any bill of a similar type would bring about: Now, therefore, be it

"*Resolved*, That the members of the Rensselaer County Medical Society marshal all

their resources for the purpose of preventing the enactment of the Forand bill, or any bill of a similar type; and be it further

"*Resolved*, That a copy of this resolution be sent to Congressman DEAN TAYLOR, Congressman LEO O'BRIEN, Senator JACOB K. JAVITS, Senator KENNETH B. KEATING and Hon. WILBUR MILLS, chairman, Ways and Means Committee, House of Representatives."

Very truly yours,
DAVID R. TOMLINSON, M.D.,
Secretary.

RESOLUTION OF THE MEDICAL SOCIETY OF THE COUNTY OF WYOMING

Whereas H.R. 4700 (Forand bill) calls for the Federal purchase, through compulsory taxes, of surgical, hospital, and nursing home care for some 16 million social security beneficiaries; and

Whereas the bill would set up a system whereby a Federal agency would set arbitrary standards for medical care, and dictate fees and charges; and

Whereas the doctor-patient relationship would be seriously impaired, if not destroyed; and

Whereas authoritative estimates fix the cost at about $2 billion for the first and second years; and

Whereas no adequate proof has been forthcoming showing that a drastic solution, such as the Forand bill, is necessary to meet the needs of the aging: Now, therefore, be it hereby

Resolved, That H.R. 4700, or any similar bill, is vigorously opposed by the Medical Society of the County of Wyoming; and be it hereby further

Resolved, That this opposition of the organization be made known to Congressman HAROLD OSTERTAG; U.S. Senator JACOB K. JAVITS, and U.S. Senator KENNETH B. KEATING, and also, the Honorable WILBUR MILLS, chairman, House Ways and Means Committee, House Office Building, Washington, D.C.

RESOLUTION OF THE MEDICAL SOCIETY OF THE COUNTY OF NEW YORK

Senator JACOB K. JAVITS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: The following resolution opposing the Forand bill, H.R. 4700, was approved at a meeting of the executive committee of the Medical Society of the County of New York on March 14, 1960. We earnestly request your consideration and sympathetic understanding for these reasons against the passage of this bill:

"Whereas there are increasing efforts to place the practice of medicine under Government control, and amendments to the social security law are the favorite instruments for those who favor governmental medicine; and

"Whereas the Forand bill (H.R. 4700) is the 1960 version of the continuing efforts of the proponents of governmental medicine; and

"Whereas the Forand bill would create a Federal agency to set arbitrary standards for medical care and dictate fees and charges and seriously impair the doctor-patient relationship; and

"Whereas it would be virtually impossible to provide the best medical care under a Government-dominated program, which the passage of the Forand bill would bring about; and

"Whereas very swift enrollment in health insurance of individuals over 65 years of age is already occurring on a voluntary basis; and

"Whereas a White House conference has already been called for January 1961 to ascertain the facts for the need for proposed aid to the aged in the field of medical and hospital care: Now, therefore, be it

"*Resolved*, That the Medical Society of the County of New York representing 7,000 physicians in Manhattan, disapprove the Forand bill, or any bill of similar type, and work actively to oppose its passage; and be it further

"*Resolved*, That a copy of this resolution be sent to all Congressmen representing the County of New York, to the Senators of the State of New York, and to the Honorable WILBUR D. MILLS, chairman of the Ways and Means Committee, House of Representatives, Washington, D.C."

Sincerely yours,
SAMUEL FRANT, M.D.,
President.

RESOLUTION OF THE NASSAU NEUROPSYCHIATRIC SOCIETY

The Honorable JACOB K. JAVITS,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SIR: The Nassau Neuropsychiatric Society, an organization of over 100 psychiatrists practicing in Nassau County, New York State, has studied the provisions of the Forand bill, H.R. 4700, and has voted to support the resolution of the Medical Society of the State of New York dated January 28, 1960, viz:

"*Resolved*, That the Medical Society of the State of New York reiterates its vigorous and unalterable opposition to H.R. 4700 expressed to the House Committee on Ways and Means in July 1959; and be it hereby further

"*Resolved*, That the State medical society's adamant opposition to this bill or any other bill of similar type. be once again brought to the attention of all New York State Congressmen and the two U.S. Senators as well as the chairman of the House Ways and Means Committee."

Yours very truly,
IRVING L. BAUER, M.D.,
Secretary.

RESOLUTION OF THE MEDICAL SOCIETY OF THE COUNTY OF ULSTER

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: The Medical Society of the County of Ulster, a component of the Medical Society of the State of New York, at its meeting on March 1, 1960, unanimously adopted the following resolution:

"Whereas efforts to place the practice of medicine under governmental control are increasing each year; and

"Whereas amendments to the social security law are the favorite instruments for those who favor governmental medicine; and

"Whereas the Forand bill (H.R. 4700) is the 1960 version of the continuing efforts of the proponents of governmental medicine; and

"Whereas the bill would set up a system whereby a Federal agency would set arbitrary standards for medical care and dictate fees and charges; and

"Whereas the doctor-patient relationship would be seriously impaired, if not destroyed; and

"Whereas it would put the Federal Government into an area of health care with which it is not equipped to cope; and

"Whereas it would be most difficult if not impossible to provide the best medical care under a Government-dominated program, which the passage of the Forand bill, or any bill of similar type would bring about: Now, therefore, be it hereby

"*Resolved*, That the members of the Ulster County Medical Society marshal all their resources for the purpose of preventing the enactment of the Forand bill, or any bill of a similar type; and be it further

"*Resolved*, That a copy of this resolution be sent to Congressman J. ERNEST WHARTON, Senator JACOB K. JAVITS, Senator KENNETH B. KEATING, and Hon. WILBUR MILLS, chairman, Ways and Means Committee, House of Representatives."

Very truly yours,
F. W. HOLCOMB, JR., M.D.,
Secretary.

RESOLUTION OF THE MEDICAL SOCIETY OF THE COUNTY OF MONTGOMERY

Whereas efforts to place the practice of medicine under governmental control are increasing each year; and

Whereas amendments to the social security law are the favorite instruments for those who favor governmental medicine; and

Whereas the Forand bill (H.R. 4700) is the 1960 version of the continuing efforts of the proponents of governmental medicine; and

Whereas the bill would set up a system whereby a Federal agency would set arbitrary standards for medical care and dictate fees and charges; and

Whereas the doctor-patient relationship would be seriously impaired, if not destroyed; and

Whereas it would put the Federal Government into an area of health care with which it is not equipped to cope; and

Whereas it would be most difficult, if not impossible, to provide the best medical care under a Government-dominated program, which the passage of the Forand bill, or any bill of a similar type, would bring about: Now, therefore, be it hereby

Resolved, That the members of the Montgomery County Medical Society marshal all their resources for the purpose of preventing the enactment of the Forand bill or any bill of a similar type; and be it further

Resolved, That a copy of this resolution be sent to Congressman SAMUEL S. STRATTON, Senator JACOB K. JAVITS, Senator KENNETH B. KEATING, and Hon. WILBUR MILLS, chairman, Ways and Means Committee, House of Representatives.

RESOLUTION OF THE MEDICAL SOCIETY OF THE COUNTY OF MONROE

Whereas there is now before Congress a bill known as H.R. 4700 (Forand bill), which would socialize certain limited medical care services for social security beneficiaries; and

Whereas the problems of the aged are not limited to medical care alone, but involve housing, environment, and other socioeconomic factors; and

Whereas the bill would destroy the patient-doctor relationship, result in increased taxation, and undermine voluntary health insurance plans and voluntary community agencies; and

Whereas because of efficient local voluntary organizations necessary medical care is available to everyone regardless of economic circumstances; and

Whereas evidence presented to date concerning the problems of the aging is neither complete nor conclusive; and

Whereas Federal intervention without more accurate knowledge of the problem's gravity and dimensions is logically untenable and socially dangerous; and

Whereas the bill would not provide assistance to the small group (the indigent) who in some communities might need help; and

Whereas the bill is a direct step toward socialization of all medical care: Now, therefore, be it hereby

Resolved, That the members of the Medical Society of the County of Monroe, N.Y., register their opposition to the Forand bill or any bill of similar type; and be it further

Resolved, That a copy of this resolution be sent to all New York State Congressmen and to Senators KENNETH B. KEATING and JACOB K. JAVITS and to the Honorable WILBUR MILLS, chairman, Ways and Means Committee, House of Representatives.

DEAR SIR: Here's why the Forand bill should not pass:

Social security was set up to provide retirement income so people would not become public charges. It was not intended to pay medical bills of persons able to pay their own way. The indigent already are being cared for under other welfare programs.

If the Government takes over responsibility for paying medical bills of millions of Americans, the United States will have taken a giant step toward socialized medicine. That's all socialized medicine is: Government providing medical care instead of leaving it to the medical professional and the individual under the free enterprise system.

Why commit billions to pay medical bills through the social security system when most of the people who need such welfare help are not covered by social security?

Our hospitals are sure to be swamped by patients lured by this something-for-nothing program. Doctors and administrators would have the added burden of screening this caseload of people in order to weed out the ones who do not actually need medical care.

There is no way to figure how many billions of dollars the Forand bill would cost. No two patients are alike. Predicting the cost of an illness is impossible. In England, socialized medicine costs turned out to be five times greater than the maximum estimates. Under the Forand bill, this guesswork involves billions to be paid through still higher social security taxes.

Social security already is in the red. Receipts last year were $8,100 million. Disbursements were $9,400 million. A giant medical care program on top of social security would send taxes soaring and make the program still more unsound economically.

The Forand bill would inject the Federal Government in the physician-patient-hospital relationship and its enactment would be followed by control of the health care of the aged by the Social Security Administration.

The Forand bill would use compulsory taxation to undermine voluntary health insurance plans.

Problems concerning the aging are not limited to medical care alone but involve housing, environment, and other socioeconomic factors.

"These are indeed chronic problems of aging and the aged but above all else, they are individual problems of individual human beings. Moreover, if governments will refrain from engaging in activities sure to destroy the purchasing power of people's accumulated dollars, the problem, at most, is temporary. Instituting a permanent program and a new bureaucracy to provide Government health care for the aged, regardless of need, supplies a cure that may be worse than the disease in its ultimate effects on individual freedom and a free society."—American Medical Association, Department of Economic Research, October 31, 1959.

The Forand bill is a major deviation from the original cash-benefit concept of social security and would put the Federal Government in the business of buying a service rather than giving cash benefits to be used as the individual chooses.

The aged would be restricted in choice of a physician or hospital under a Forand program because only physicians, hospitals, and nursing homes entering into agreements with the Federal Government would participate. This would concentrate power in the hands of Federal officials for setting standards for medical care, something the Federal Government is not qualified to do.

If the Federal Government begins paying medical bills for one group, the aged, other groups will demand the same and the resulting financial burden could be ruinous.

The Forand bill would destroy new home care programs, day hospital service, homemaker services, progressive patient care, and new concepts for treatment through outpatient departments and doctors' offices. It also would destroy the incentive for communities to experiment with new techniques in care for the aged at the local level where the problems are known best.

Support for the Forand bill is support for Federal compulsory health care, or, described in another way, support for socialized medicine.

There are neither complete nor conclusive statistics on health problems for the aged. Any attempt to meet the challenge of a health program for the aged without a more accurate knowledge of the problem's dimensions is akin to prescribing for the patient without first making a diagnosis.

The Forand bill is a political approach to a medical problem.

The expense of this social security medical program could jeopardize the retirement security of millions who depend on social security for their basic retirement needs and it could destroy the retirement program of millions now looking forward to the security of a regular income in their old age.

In the voluntary hospitals 90–98 percent, an average of 95 percent, of those over 65 paid their bills through insurance or by themselves. In the municipal hospital, 16 percent paid their way so that of those admitted to the municipal supported institution 84 percent were actually indigent. Only 31 percent of those admitted to the municipal had social security coverage. If the Forand bill had been in force, two-thirds of those patients would have had no help.

This would indicate that legislation, such as proposed by Representative FORAND to make hospital care a general social security benefit, will not fill the need in our community. Most indigent cases receive care through subsidy of the Monroe County Welfare Department. Whenever the Federal Government assumes control of another facet of our life, individual and community enterprise decline.

Studies on a national level indicate that 70 percent of our older population will be protected by voluntary hospital insurance coverage by the end of 1960. It is predicted that 90 percent will be covered by 1970. Industry and labor are working toward this free-enterprise achievement. The recently proposed home care program is another step to reduce medical care costs in our commmunity. It is far better to solve these social problems on a community basis and stimulate local endeavor than expect the Federal Government to provide from "cradle to grave." Any unnecessary additions to our social security structure is not warranted in this inflationary period. The heritage of our children and grandchildren must be considered.

Rochester Regional Hospital Council, data concerning patients over age 65 [1]

	Hospitals								
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	Total
1. Total patients admitted [2]	958	978	192	(3)	1,073	402	(3)	1,134	4,737
2. Number of patients over age 65 admitted	153	131	28	(3)	109	102	(3)	158	[4] 681
3. Number of patients over age 65 with insurance [4]	104	85	17	(3)	83	8	(3)	[5] 109	406
3.1 Number of patients over age 65 who were self-pay [6]	42	35	10	(3)	24	8	(3)	40	159
3.2 Number of patients over age 65 who were indigent [7]	7	11	1	(3)	2	70	(3)	12	103
3.3 Number of patients over age 65 referred to administrators [8]	0	0	[10]	(3)	9	16	(3)	[10]	25
3.4 Number of patients over age 65 with social security	(3)	(3)	(3)	(3)	[11] 67	[11] 22	(3)	(3)	99

[1] All data compiled for January 1960.
[2] Newborn excluded.
[3] Not available.
[4] 14 percent.
[5] Any type of insurance.
[6] Blue Cross only.
[7] With no insurance.
[8] Includes welfare cases and those not on welfare who were able to pay none or part of hospital bill.
[9] As hardship cases.
[10] Unknown.
[11] Estimated.

RESOLUTION OF THE ALBANY MEDICAL CENTER

Senator JACOB K. JAVITS,
Washington, D.C.

DEAR SIR:

"Whereas the Forand bill (H.R. 4700) is an effort to place the practice of medicine under governmental control; and

"Whereas it would, therefore, deter young people from entering the practice of medicine under governmental control; and

"Whereas the doctor-patient relationship would be interfered with by a third party—the Federal Government; and

"Whereas the right of the patient to choose his own physician, hospital, or nursing home is decisively limited; and

"Whereas the bill requires that so-called free hospitalization could create a dangerous overcrowding of space available to the seriously ill; and

"Whereas it would undermine the American tradition of free enterprise, interfering with voluntary health insurance programs, now covering 43 percent of citizens over 65 years of age, and expected to cover 75 percent by 1965, and 90 percent by 1970; and

"Whereas the best medical care could not be obtained under governmental control: Therefore it is hereby

"*Resolved*, That the Albany Medical College chapter of the Woman's Auxiliary to the Student American Medical Association marshal all their resources for the purpose of preventing the enactment of the Forand bill, or any bill of a similar type."

Sincerely yours,
CATHERINE KLAMAR,
Secretary-elect.

RESOLUTION OF THE WOMAN'S AUXILIARY TO THE NASSAU COUNTY MEDICAL SOCIETY

Whereas efforts to place the practice of medicine under governmental control are increasing each year; and

Whereas amendments to the social security law are the favorite instruments for those who favor governmental medicine; and

Whereas the Forand bill (H.R. 4700) is the 1960 version of the continuing efforts of the proponents of governmental medicine; and

Whereas the bill would set up a system whereby a Federal agency would set arbitrary standards for medical care and dictate fees and charges; and

Whereas the doctor-patient relationship would be seriously impaired, if not destroyed; and

Whereas it would put the Federal Government into an area of health care with which it is not equipped to cope; and

Whereas it would be most difficult if not impossible to provide the best medical care under a Government dominated program, which the passage of the Forand bill, or any bill of a similar type would bring about: Now, therefore, be it hereby

Resolved, That the members of the Woman's Auxiliary to the Nassau County Medical Society marshal all their resources for the purpose of preventing the enactment of the Forand bill, or any bill of a similar type; and be it further

Resolved, That a copy of this resolution be sent to Congressmen STUYVESANT WAINWRIGHT, STEVEN B. DEROUNIAN, and FRANK J. BECKER; Senator JACOB K. JAVITS; Senator KENNETH B. KEATING; and the Honorable WILBUR D. MILLS, chairman, Ways and Means Committee, House of Representatives.

RESOLUTION OF THE WOMAN'S AUXILIARY TO THE MEDICAL SOCIETY OF THE COUNTY OF MONROE

Whereas there is and will be legislation, before Congress, providing for the socialization of certain medical services for social security beneficiaries; and

Whereas this legislation is an incomplete and partial solution to a complex problem, which includes not just medical care, but also housing, environmental, social, and economic factors; and

Whereas this law destroys the normal doctor-patient relationship, necessitates unpredictable and staggering tax increases, and strikes at the foundation of voluntary health insurance plans; and

Whereas the problem of medical care for the aged is and has been recognized in New York State and giant steps have been taken toward resolving this problem without compulsory Federal aid; and

Whereas this type of legislation is an opening wedge which would eventually lead to the socialization of all medical care, therefore being socially dangerous: Now, therefore, be it hereby

Resolved, That the Women's Auxiliary to the Medical Society of the County of Monroe expresses its vigorous and firm opposition to the passage of any law socializing medical services to the beneficiaries of social security; be it hereby further

Resolved, That this opposition to this type of legislation be brought to the attention of the Congressmen and Senators representing Monroe County in the U.S. Congress.

RESOLUTION OF THE WOMEN'S AUXILIARY TO THE MEDICAL SOCIETY OF THE COUNTY OF ALBANY

Whereas there is now before Congress a bill known as H.R. 4700 (Forand bill) to put the Federal Government into the business of controlling and dominating medical care for the senior population of this country; and

Whereas the enactment of the Forand bill, or any other similar bill, would mean a tremendous increase in the social security taxes already a sizable proportion; and

Whereas it has not been fully proved that the voluntary health insurance plans have not and cannot meet the needs of the aging population; and

Whereas Federal intervention without more accurate knowledge of the problems' gravity and dimension is untenable and socially dangerous, particularly as these problems are not limited solely to medical care but involve many other segments of our economic and social life: Now, therefore, be it

Resolved, That the Women's Auxiliary to the Albany County Medical Society (representing between 200 and 300 members in this community) calls the attention of Congressman LEO W. O'BRIEN, and Senators JACOB K. JAVITS and KENNETH B. KEATING, as well as Hon. WILBUR D. MILLS, chairman, Ways and Means Committee, that this organization is vigorously opposed to the Forand bill or any other proposed law of the Forand type; and be it further

Resolved, That copies of this resolution be forwarded to these legislators with the urgent request that they take action against the Forand bill or any other similar legislation.

RESOLUTION OF THE WOMAN'S AUXILIARY TO THE TOMPKINS COUNTY MEDICAL SOCIETY

Whereas the Forand bill (H.R. 4700) now before Congress is a proposal to amend the Social Security Act to provide for the Federal purchase of certain health care services (hospital, surgical, and nursing home treatment) for social security beneficiaries under a Government-operated program; and

Whereas such a bill is viewed as another big step toward complete socialization of all medical care while at the same time it limits itself to one aspect of the problems of the aging population—the medical—ignoring housing, environment, and other socio-economic factors; and

Whereas the law would tend to destroy the doctor-patient relationship, result in extensive compulsory taxation, and undermine voluntary health insurance plans (and gradually replace them); and

Whereas it can be shown that the problems concerning the aging can be well met at the county, city, and State level (or by voluntary organizations at any level) without Federal Government direction: Now, therefore, be it hereby

Resolved, That the Woman's Auxiliary to the Tompkins County Medical Society sets forth its opposition to H.R. 4700, and be it further

Resolved, That the Woman's Auxiliary's opposition to this bill, or any other bill of similar type, be brought to the attention of Hon. JOHN TABER, Senator JACOB K. JAVITS, Senator KENNETH B. KEATING, and Hon. WILBUR MILLS, chairman, Ways and Means Committee, House of Representatives.

RESOLUTION OF THE WOMAN'S AUXILIARY TO THE MEDICAL SOCIETY OF THE COUNTY OF SCHENECTADY

Whereas legislation has been proposed that would amend the Social Security Act to provide for the Federal purchase of certain health care services for social security beneficiaries; and

Whereas such legislation would further increase social security taxes which are already scheduled to reach 9 percent of the payroll—up to $4,800 income; and

Whereas care for the older citizen calls for a flexibility of medical approach and technique—not the rigidity inherent in Government-controlled programs; and

Whereas the proposed legislation is a political approach to a health problem; and

Whereas a nationalized program of this sort would weaken the patient-physician relationship; and

Whereas a bureaucratic system for solving individual health problems of the aged would result in political abuses and administrative waste: Now, therefore, be it

Resolved, That the Woman's Auxiliary to the Medical Society of the County of Schenectady does hereby go on record against the adoption of H.R. 4700 introduced in the 86th Congress by Representative A. J. FORAND, of Rhode Island.

RESOLUTION OF THE WOMAN'S AUXILIARY TO THE MEDICAL SOCIETY OF HERKIMER COUNTY

Whereas efforts to place the practice of medicine under governmental control are increasing each year; and

Whereas amendments to the social security law are the favorite instruments for those who favor governmental medicine; and

Whereas the Forand bill (H.R. 4700) is the 1960 version of the continuing efforts of the proponents of governmental medicine; and

Whereas the bill would set up a system whereby a Federal agency would set arbitrary standards for medical care and dictate fees and charges; and

Whereas the doctor-patient relationship would be seriously impaired, if not destroyed; and

Whereas it would put the Federal Government into an area of health care with which it is not equipped to cope; and

Whereas it would be most difficult if not impossible to provide the best medical care under a Government-dominated program, which the passage of the Forand bill, or any bill of a similar type, would bring about: Now, therefore, be it hereby

Resolved, That the members of the Woman's Auxiliary to the Herkimer County Medical Society marshal all their resources for the purpose of preventing the enactment of the Forand bill, or any bill of similar type; and be it further

Resolved, That a copy of this resolution be sent to Congressman ALEXANDER PIRNIE, Senator JACOB K. JAVITS, Senator KENNETH B. KEATING, and Hon. WILBUR MILLS, chairman, Ways and Means Committee, House of Representatives.

FINAL REPORT OF SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD—SEPARATE VIEWS—(PT. 3 OF S. REPT. 1139)

Mr. McCLELLAN. Mr. President, as chairman of the Senate Select Committee on Improper Activities in the Labor or Management Field, pursuant to Senate resolutions 44 and 249, 86th Congress, I submit part III of the final report of this committee containing the summaries of the testimony and the findings on:

First. The Criminal Syndicate case;

Second. The Joseph Glimco and Taxicab Local 777 of Chicago cases; and

Third. James R. Hoffa and the International Brotherhood of Teamsters.

All of the above findings were unanimously approved by the members of the committee.

Senators MUNDT, GOLDWATER, CURTIS, and CAPEHART, although approving the findings in the criminal syndicate, set forth separate views of their own relating to the establishment of a National Crime Commission. Likewise, on this same matter, separate views were expressed by Senator KENNEDY and by myself. Senators ERVIN and CHURCH joined in the separate views of both Senator KENNEDY and my own views.

I ask that the report be printed, with separate views.

The PRESIDENT pro tempore. The report will be received and printed, as requested by the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I ask unanimous consent to have printed in the RECORD at this point, as a part of my remarks, two press releases which I am making available to the press at this time, in connection with the report. The first press release was prepared in the expectation that this part of the report would be filed on March 23. For reasons which appeared sufficient, the filing of the report has been deferred until today. Since that time, I thought it advisable to add further comments in connection with the report, at least for the press, and I ask unanimous consent that both press releases be printed in the RECORD at this point as a part of my remarks.

There being no objection, the press releases were ordered to be printed in the RECORD, as follows:

FOR RELEASE OF MARCH 28, 1960, ON FILING OF PART III OF THE FINAL REPORT

Senator JOHN L. McCLELLAN, Democrat, of Arkansas, chairman of the Senate Select Committee on Improper Activities in the Labor or Management Field, today filed part III of the final report of his committee. Senator McCLELLAN stated that this third report covers the final hearings on James R. Hoffa, president of the International Brotherhood of Teamsters, as well as the hearings on Joseph Glimco, president of the Taxicab Local 777 of Chicago, Ill. Included also in this report are the findings and conclusions pertaining to the criminal syndicate hearings.

HOFFA

In its third and final report on James R. Hoffa and the International Brotherhood of Teamsters, the committee found that the 1959 hearings served to highlight and underscore previous conclusions reached by the committee that—

1. Hoffa has repeatedly betrayed the members of his own union by entering into business relationships with employers with whom his union negotiated.

2. That Hoffa has misused union funds for his own benefit and that of his friends.

3. That Hoffa has consistently supported the interest of racketeer and criminal friends over those of his own members.

4. That Hoffa and his chief aides have consistently repressed democratic rights within the union.

5. Finally, that the committee remains convinced that if Hoffa continues unchecked, he will successfully destroy the decent labor movement in the United States.

The committee was particularly critical of Hoffa for the betrayal of his membership with respect to the contract negotiations. It pointed out that Hoffa sought to minimize the committee's exposure of shocking conditions within the Teamsters Union by pursuing the theme that corruption is unimportant when measured against the success of Hoffa in negotiating high contracts greatly benefiting the general membership.

The committee report exploded this fallacy and in detail spelled out the numerous occasions in which it found "Hoffa to be faithless to the members of his own union."

1. The committee found in the 1959 testimony instance after instance of unquestionable betrayal of his own union members.

2. Hoffa extended special deals and side arrangements to employers with whom he had special business or social ties.

3. He entered into collusive arrangements by which contract terms were arbitrarily abrogated or watered down to the degree that left them virtually meaningless, without ratification by the membership directly affected, and never reduced to writing.

4. That Hoffa made substantially lower contract offers to employer representatives for the obvious purpose of promoting personal power and undermining the strength of other Teamster Union officials who were opposed to him and his methods.

The committee in its findings listed over nine pages of specific instances where it found that Hoffa was derelict in his duties or had committed improper acts under his trust as president of the Teamsters International.

Included in these findings were severely criticized deals between Benjamin Dranow and the Teamsters Union by which Dranow was able to realize large profits on strange transactions involving Teamster jackets, land deals, department store loans, etc.

One of the criticised transactions involved the ill-fated Florida Sun Valley Teamster project, which victimized hundreds of Teamster members who had invested in this project with the view of having a retirement home.

Hoffa admitted he had an option, which he produced long after the hearings, to purchase a large block of the Sun Valley stock which he could have exercised with great profit had the project been successful. Testimony showed that Hoffa's crony, Dranow, was deeply enmeshed in the financial transactions of the Sun Valley project. It also showed that there was a grave question of the propriety of the use of $500,000 in Teamster money tied up in a Florida bank because of the Sun Valley financial shenanigans.

A bizarre episode disclosed in the hearings was a plot participated in between Dranow and Babe Triscaro, of the Teamsters Union, to use surplus U.S. planes to smuggle arms in the Caribbean area. Apparently $300,000 in Teamster money was earmarked for this strange project, until the committee displayed a keen interest in the transaction.

According to the committee, the record clearly established Hoffa's contempt for duly constituted authority. He made public pronouncements of his intentions to use every device he can to rid himself of the court-appointed monitors and has done exactly that.

One of the more serious charges against Hoffa concerned overt attempts to gain control of the court-appointed monitors with the aid of Harry Bridges and Louis Goldblatt, president and secretary-treasurer, respectively, of the International Longshoremen's Union. The ILA had been ousted from the CIO on the ground that it was Communist-dominated. This and similar instances have been referred to the Department of Justice for their attention.

The committee pointed out that, although Hoffa has promised in the past to rid his union of racketeers, the committee members are convinced that Hoffa does not have, nor did he ever have, any intention of removing any of the racketeers from office, although he and his attorney both admitted that Hoffa had the constitutional power to: "Proceed to revoke or order the revocation of any member who was convicted or pleads guilty to a crime, thus bringing the union into disrepute."

GLIMCO

In its report regarding Joseph Glimco, president of Taxicab Drivers Local Union No. 777, International Brotherhood of Teamsters, the committee described Glimco as one who "possessed none of the qualifications for a bona fide labor leader, and has no interest whatever in the welfare of the 5,000 taxicab drivers, inside workers, and maintenance personnel who comprise the membership of Teamsters Local 777."

The report described Glimco as long prominent in the underworld who at the same time maintained his close connections with Chicago major gangsters and hoodlums while acting as president of the 5,000-member Taxicab Drivers Union in Chicago. The committee in its findings stated that Glimco was shown to be a common thug and criminal who gained control of his union by violence and strong-arm methods which are the stock-in-trade of the Chicago racketeer. He ransacked the union treasury and denied the membership their lawful benefits under the health and welfare plan.

Glimco was found to be involved in the labor-extortion racket in the Fulton Street Poultry Market, where he shook down operators of scavenger trucks in sums ranging from $50 to $125 weekly, in addition to other lump sums.

In his operation of Taxicab Local 777, Glimco operated a "typical gangster-type shakedown in which he forced the officers of the local to pay him as tribute a percentage of their salaries and expense money. His income from this shakedown was approximately $3,000 per month."

The committee found that Glimco had diverted $124,321.45 from the funds of the taxicab local to pay legal fees to defend himself against Federal charges of labor extortion unrelated to the taxicab local. This included moneys paid to a private detective agency to investigate Chicago policemen who helped gather evidence against Glimco. Misappropriation of union funds included payments for membership in the Tam-O'Shanter Country Club of George Marcie, secretary-treasurer of the local, as well as the payment of all expenses for tours of the Caribbean Islands by Marcie and Oscar Kofkin, vice president of the local.

The testimony before the committee showed that Glimco had a record of 36 arrests, including charges of murder, assault with a deadly weapon, and extortion. Glimco was found to be a close associate of hoodlums and public enemies such as Tony Accardo, Paul "The Waiter" Ricca, "Little New York" Campagna, "Tough Tony" Capezio, and Murray "The Camel" Humphreys.

In addition, it was brought out that Glimco as a union leader was a close associate and one of the chief lieutenants of James R. Hoffa. No information was secured from Glimco himself, since he consistently invoked the fifth amendment on all pertinent questions.

CRIMINAL SYNDICATE

The committee, in reporting on criminal syndicates, described the meeting at Apalachin, N.Y., as significant of the growing power of the underworld. As might be expected, most of the hoodlum witnesses invoked the fifth amendment to all pertinent questions. The hearings convinced the members of the committee that underworld infiltration of business and labor is a grave national problem and that the grip of hoodlums and racketeers on the American economy continues to grow.

Separate views were expressed by the members of the committee as to the necessity and requirement of the establishment of a National Crime Commission to deal with the underworld problem on a Federal level. Senators MUNDT, GOLDWATER, CURTIS, and CAPEHART joined in a separate statement in which they stated that they agreed with the position of the Department of Justice that the creation of such a commission would be undesirable and there was no need for creation of any new organization or any substructure on the Federal level to impose itself on already existing and well-functioning organizations.

Senator KENNEDY and Senator McCLELLAN, in separate views which were concurred in by Senators ERVIN and CHURCH, recommended that either a separate Federal agency be established or an appropriate existing agency be expanded or modified to act as an intelligence gathering agency on organized crime activities.

PRESS RELEASE OF MARCH 28, 1960

In the past 3 years the Senate Select Committee on Improper Activities in the Labor or Management Field has dug deep into the roots of corruption in labor unions. Nowhere did we find corruption more pronounced than in the International Teamsters Union and in the activities of its provisional president, James R. Hoffa.

In this phase of our investigation we were treated to a sad spectacle of a man of undoubted ability using his talents as a force for evil, corruption, and despoilment of a tremendous labor union which had become his captive.

Hoffa has at his command over $39 million in the international treasury and over $100 million in pension funds, which he cunningly utilizes to maintain himself in power. He has over a hundred able lawyers at his beck and call, and commands a powerful lobby in Washington, D.C., which usually operates unseen but quite effectively.

Not so long ago, Hoffa's cohorts issued a purge list of those Members of the Congress, that he was going to use all of the power, union funds, and union propaganda machinery at his command to defeat in the coming election.

Many of those on his purge list welcomed his opposition. They are more than willing to give the voters a choice between themselves and the Hoffa type of dishonest labor leadership opposition. They have faith in the integrity and wholesome judgment of their constituents.

Hoffa is a bold man, and is ruthless and wanton in his operations.

Nowhere is his contempt for law better illustrated than his efforts to undermine the monitorship imposed by the courts. It will be recalled that there was testimony before the committee by Mr. Bartley Crum that Harry Bridges and Louis Goldblatt, of the I.L.W.U., West Coast Longshoremen's Association (ousted by the CIO because of Communist domination) sought to sabotage the monitors on Hoffa's behalf by setting up Crum as a replacement for Mr. Godfrey Schmidt, the then rank-and-file member of the monitors, in the belief that Mr. Crum would be Hoffa's stooge. Crum, however, kept Godfrey Schmidt informed, and the courts and the FBI were likewise informed of these maneuvers. But Mr. Hoffa does not give up easily. The former assistant to the chairman of the monitors—Florian Bartosic—was hired by the International Brotherhood of Teamsters at an increase of salary of $4,000 a year after he left the board of monitors. John Cunningham, a former leader of the plaintiffs in the action which resulted in the appointment of the monitors, switched over to Hoffa's side, and we found that the Teamsters were paying Cunningham's living expenses. Currently, Cunningham, I am advised, is residing in the same hotel as Hoffa—the Woodner Hotel, here in Washington—where he has an unpaid hotel bill of approximately $10,000.

Hoffa's concept is that every man has his price—it's only a question of how much—whether it be money or fear of retaliation or promise of future consideration.

There is still another aspect of the monitorship which bears mention. Since the inception of the monitorship, there appears to have been a desperate and constant harassment of the monitors by a multitude of lawsuits, proceedings, appeals, etc., to keep them, and particularly by Mr. Martin O'Donoghue, the court appointed monitor, from pressing the corruption charges against the Teamsters Union. He now seeks to have one William E. Bufalino appointed a monitor to fill the vacancy created by the resignation of Mr. Daniel Maher.

All this points up the need for constant vigilance and scrutiny to serve and protect the public interest.

William E. Bufalino is a lawyer. I believe admitted to practice law in Pennsylvania. He was three times refused admittance to the bar in the State of Michigan, the State in which he lives and operates.

William Bufalino became the business associate and front for his racketeer uncle-in-law, Angelo Meli, in the Bilvin Distributors, a jukebox distributor and operator, in 1945.

There was $141,000 invested in this distributorship: $46,000 by Angelo Meli; $20,000 by "Poppa John" Priziola; $25,000 by Sam Tocco; and $20,000 by William Bufalino. Fifteen thousand dollars more was borrowed from Carlo DiLiberto and $15,000 was borrowed from Nick Ditta. Angelo Meli is a notorious hoodlum with a long arrest record and was once designated as Detroit public enemy No. 1 by the Detroit Police Department. As for Priziola, he was identified by the Narcotics Bureau in our committee hearings as one of the most important of Detroit's traffickers in heroin. Priziola has a record of 20 arrests and 3 convictions, dating back to 1917. Both Ditta and DiLiberto had achieved long criminal records prior to their affiliation with Bufalino in the jukebox business.

Hoffa set up local 985 as a jukebox local and put Jimmy James (notorious for having stolen almost a million dollars from the Laundry Workers Union) in charge and loaned James $2,000 to start the local. In turn, James put Hoffa's wife and Bert Brennan's wife on the jukebox local's payroll and paid them $6,000. It was admitted that they performed no functions or duties.

James testified in earlier hearings that Bufalino forced his way into the union and he made Bufalino his lieutenant. When James left the local in 1949, James, although residing in Florida, remained on the payroll until 1951. So we had the strange situation of the boss of the jukebox operations becoming the boss of the jukebox union in Detroit.

Bufalino's relatives, the Melis, continued to run their jukebox operations while Bufalino was kingpin of the jukebox union on the other side of the fence, a very handy arrangement.

We have heard testimony of how Bufalino exploited labor in the carwash cases and I would like to repeat my statements made at the close of the hearings of the committee on Bufalino's activities, and I quote (pt. 48, p. 17678):

"The operations of Local 985 of the Teamsters Union, headed by Mr. Hoffa's associate, William E. Bufalino, represents a most disgraceful type of unionism. As it now operates it is a leech preying upon working men and women to provide personal aggrandizement for Mr. Bufalino and his friends. This is true in both the coin-operated machine and the autowash sections of this local, for nowhere in this hearing is there to be found one scintilla of evidence that local 985 has done anything to help the wages and working conditions of its members in these industries. To the contrary, we have had testimony that members of Mr. Bufalino's local had their wages drastically reduced after they became union members and their employers signed contracts with local 985.

"In both the coin-operated machine and the autowash sections of local 985, the operations of local 985 amount to nothing less than a shakedown and extortion of businessmen. It is hoped that the evidence this committee has heard will suggest to law-enforcement officials in Michigan the advisability of taking such appropriate action as may be authorized under State laws to deal with Mr. Bufalino and other officials of local 985.

"I may say I think they perpetrate a dastardly fraud upon human beings the way this union operates. I don't want any misunderstanding about the Chair's conclusion with respect to this character of an operation.

"In the evidence it is also clearly shown that Bufalino got his start in the jukebox business in 1946 in partnership with, and with the backing of, certain key figures of the Detroit underworld. It is also clear that some jukebox companies operating with underworld backing have also had the assistance of Mr. Bufalino.

"Thus, we find a union in alliance with racketeers, and which fails to, in any way, exercise the proper obligations of labor unionism toward its members and toward the community."

One man in particular stands in Hoffa's way—Mr. Martin O'Donoghue, the court-appointed monitor who has stanchly stood his ground despite every legal trick, maneuver, and wearing-down tactic practiced by Hoffa and his lawyers. The public owes a great debt of gratitude to Mr. O'Donoghue.

Bufalino's selection as a monitor becomes of special interest in view of the fact that one of the principal charges against Hoffa is a misuse of union money in the so-called Sun Valley project, a project touted by Hoffa as a retirement haven for Teamster members in sunny Florida. The sum of $500,000 in Teamster money was used by Hoffa as an inducement to obtain financing for this project for his friend, Henry Lower. (Hoffa had taken the precaution of obtaining the option from Lower to purchase a large block of stock from him, which could be exercised if the project was successful.) But Hoffa's crony Lower diverted the money paid by the Teamster members for their lots in Sun Valley and the project became a miserable failure. The appointment of Bufalino becomes singularly conspicuous because, ostensibly, Bufalino would be charged with the obligation and duty of helping to press charges of misuse of Teamster money in the Sun Valley project against Hoffa.

It should be noted Bufalino himself was involved in this shady mess. Bufalino's local 985 obtained a $10,000 loan from Hoffa's local and the same day local 985 loaned the $10,000 to Lower.

Mr. McCLELLAN. Mr. President, I might make these further observations: The select committee is scheduled to expire on the 31st of this month, unless action is taken by the Senate to extend the life of the committee.

A situation has developed which clearly indicates—and I have been of this impression all along—that the powers of this committee should not be permitted to expire. It was my thought originally that the authority and powers of this select committee and all of its records and files should be transferred to the Committee on Government Operations, in order that those records might be kept available, and that there might be supervision and control over them pending a period of time while court actions are in progress growing out of evidence developed by the select committee. Court actions which are in the nature of criminal proceedings are in progress. Persons are being indicted and prosecuted for crimes which have been exposed by the committee. The records of the committee, in many instances, will be required by the law enforcement officers and by the Department of Justice to carry to full benefit the labors of the select committee in this field of activity.

Some opposition has developed to the proposal that the functions of this committee be temporarily transferred to the Committee on Government Operations. When that opposition appeared to be developing, I submitted a resolution, which is now pending before the Committee on Rules and Administration, simply asking for an extension of the select committee for another year.

We are not asking for the extension and continuation of the select committee with the idea or thought of having a continuous investigation or a crusade of investigations, but are asking it primarily for the purpose of holding these records intact and also to have the standby authority to conduct some investigations which may become necessary, as developments which I have referred to in press releases in connection with these reports indicate are necessary or desirable, so that the full benefit of the select committee's labors may be brought to fruition and that maximum results may be achieved.

I therefore shall urge the Senate to continue the select committee for another year.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LONG of Hawaii:

S. 3283. A bill to provide that the unincorporated territories of the Virgin Islands and Guam shall each be represented in Congress by a Territorial Deputy to the House of Representatives; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. LONG of Hawaii when he introduced the above bill, which appear under a separate heading.)

By Mr. MORSE:

S. 3284. A bill for the relief of Lee Soon Him; to the Committee on the Judiciary.

By Mr. STENNIS (for himself and Mr. EASTLAND):

S.J. Res. 176. Joint resolution authorizing the preparation and printing of a Supplement to the Constitution of the United States of America, Annotated, as published in 1953 as Senate Document No. 170, 82d Congress; to the Committee on Rules and Administration.

(See the remarks of Mr. STENNIS when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. PROXMIRE:

S.J. Res. 177. Joint resolution proposing an amendment to the Constitution of the United States providing for the nomination of candidates for President; to the Committee on the Judiciary.

(See the remarks of Mr. PROXMIRE when he introduced the above joint resolution, which appear under a separate heading.)

CONCURRENT RESOLUTIONS

ADDITIONAL COPIES OF JOINT COMMITTEE PRINT ENTITLED "SUMMARY-ANALYSIS OF HEARINGS, JUNE 22–26, 1959, ON BIOLOGICAL AND ENVIRONMENTAL EFFECTS OF NUCLEAR WAR"

Mr. ANDERSON submitted the following concurrent resolution (S. Con. Res. 97), which was referred to the Committee on Rules and Administration:

Resolved by the Senate (The House of Representatives concurring), That there be reprinted for the use of the Joint Committee on Atomic Energy six thousand additional copies of the Joint Committee print entitled "Summary-Analysis of Hearings, June 22–26, 1959, on Biological and Environmental Effects of Nuclear War" printed for the use of the Joint Committee on Atomic Energy during the 86th Congress, 1st session.

OPPOSITION TO TRANSFER OF NUCLEAR WEAPONS OR NUCLEAR SECRETS TO OTHER NATIONS

Mr. PROXMIRE submitted a concurrent resolution (S. Con. Res. 98), opposing the transfer of nuclear weapons or nuclear weapons secrets to other nations, which was referred to the Joint Committee on Atomic Energy.

(See the above concurrent resolution printed in full when submitted by Mr. PROXMIRE, which appears under a separate heading.)

TERRITORIAL DEPUTIES FOR GUAM AND THE VIRGIN ISLANDS

Mr. LONG of Hawaii. Mr. President, I introduce, for appropriate reference, a bill which would allow the unincorporated territories of Guam and the Virgin Islands to be represented in Congress. Each of the two areas would elect a territorial deputy who would have the right of debate, but no vote, in the House of Representatives.

Guam is the westernmost territory of the United States, excluding the trust territory, which we hold by mandate, and Okinawa, which we hold under the peace treaty with Japan. The Virgin Islands constitute the easternmost of our territories.

Both of these unincorporated territories have gained experience in self-government under their organic acts. Now the time has come to receive their counsel in the National Congress. From firsthand experience, I know that the people of Guam, through an elected representative, could make valuable contributions to the Congress in connection with the consideration of proposed legislation affecting the Pacific. I am sure the Congress would also benefit from the counsel offered by a representative of the Virgin Islands. The enactment of this bill will, then, mutually benefit the two unincorporated territories and the rest of the United States.

The PRESIDING OFFICER (Mr. CANNON in the chair). The bill will be received and appropriately referred.

The bill (S. 3283) to provide that the unincorporated territories of the Virgin Islands and Guam shall each be represented in Congress by a Territorial Deputy to the House of Representatives, introduced by Mr. LONG of Hawaii, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. GRUENING. Mr. President, I desire to associate myself with the remarks of my distinguished colleague from Hawaii. I believe the legislation he has in mind is highly desirable and is in line with the purpose of giving to all outlying areas the maximum of self-government, according to the basic principles of government by the consent of the governed.

SUPPLEMENT TO THE STUDY ENTITLED "THE CONSTITUTION OF THE UNITED STATES OF AMERICA, ANALYSIS AND INTERPRETATION"

Mr. STENNIS. Mr. President, one of the most useful and authoritative reference sources in matters pertaining to the Constitution is a book prepared by the Legislative Reference Service of the Library of Congress. It is entitled "The Constitution of the United States of America, Analysis and Interpretation." The book was published as Senate Document No. 170 in the 2d session of the 82d Congress.

I think it is an invaluable, and the best one-volume reference on the subject of constitutional law, and that the work done by the staff of the Legislative Reference Service, under the leadership of Edward S. Corwin, who served as editor for this project, should be retained intact.

Since 1952, however, subsequent Supreme Court decisions have greatly affected many areas of constitutional law, and I feel that it is time for the Library to renew their study of this subject and, in a supplemental volume, bring the original text up to date. For this purpose my colleague, the senior Senator from Mississippi [Mr. EASTLAND] and I are introducing a joint resolution authorizing the Librarian of Congress to undertake this worthwhile project.

The amount of money authorized in the original resolution for the preparation of the basic volume was $35,000, exclusive of printing. The cost of printing and binding the 4,385 copies for which funds were appropriated was an additional $32,355.95.

Since this added volume would cover only 8 years, the cost of a supplement would be much less. I think that the money would be well spent in making available a current knowledge of the development of constitutional law made available by a supplemental volume to the original text.

I am sure that the Librarian will again choose as an editor for this project an outstanding lawyer of the stature of Mr. Corwin, and that the work will be accomplished with the impartiality, professional competence, and clarity which characterized the text material of the present volume.

I think that this basic text as supplemented would be an invaluable addition to every Member's office, as well as an aid to students and law libraries and interested persons throughout the country. Certainly such a worthwhile project would more than justify its cost.

To my mind, this work is the best possible source for constitutional study that a busy Senator has. It is convenient and thorough—treating constitutional law in its various legal aspects. We must return to the attitude that our Constitution be seriously studied and applied in our legislative deliberations.

So I introduce for appropriate reference, and ask to have printed at this point in the RECORD, a joint resolution which I introduce for myself and my colleague, the senior Senator from Mississippi [Mr. EASTLAND].

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 176) authorizing the preparation and printing of a Supplement to the Constitution of the United States of America, Annotated, as published in 1953 as Senate Document 170, 82d Congress, introduced by Mr. STENNIS (for himself and Mr. EASTLAND), was received, read twice by its title, referred to the Committee on Rules and

Administration, and ordered to be printed in the RECORD, as follows:

Whereas the Constitution of the United States of America, Annotated, published in 1953 as Senate Document 170, 82d Congress, serves a very useful purpose by supplying essential information;

Whereas such document contains annotations of cases decided by the Supreme Court of the United States to June 30, 1952; and

Whereas many cases bearing upon the analysis and interpretation of the Constitution have been decided by the Supreme Court since June 30, 1952: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Librarian of Congress is authorized and directed to have prepared a Supplement to the Constitution of the United States of America, Annotated, published as Senate Document 170, 82d Congress, which shall contain annotations of decisions of the Supreme Court of the United States after June 30, 1952, construing the several provisions of the Constitution. Such supplement shall be printed as a Senate Document in the same style and format as Senate Document, No. 170, 82d Congress. Three thousand copies shall be printed, of which 2,200 copies shall be for the use of the House of Representatives and 800 copies shall be for the use of the Senate.

SEC. 2. There are authorized to be appropriated such sums, to remain available until expended, as may be necessary to carry out the provisions of this joint resolution.

AMENDMENT OF INTERNAL REVENUE CODE, RELATING TO UNLIMITED DEDUCTION FOR CHARITABLE DEDUCTIONS FOR CERTAIN INDIVIDUALS—AMENDMENTS

Mr. CASE of South Dakota. Mr. President, I submit an amendment, intended to be proposed by me, to the bill (H.R. 6779) to amend section 170 of the Internal Revenue Code of 1954 (relating to the unlimited deduction for charitable contributions for certain individuals). This amendment is intended to provide encouragement to students who desire to attend college and at the same time to contribute toward providing the college-trained youth which our country needs at a minimum of expense to the taxpayers.

This amendment would make money spent for tuition, matriculation, and laboratory fees deductible from income in computing net income for tax purposes.

It is recognized that the higher tuition and laboratory fees are generally found in the scientific fields where we need an increasingly large number of graduates. It is also recognized that the colleges which could accommodate a few more students without requiring appropriated funds are often the so-called independent schools. Many of them operate close to the break-even line, even though their tuition fees are sometimes higher than the State-supported schools.

To the extent, then, that reducing income tax liability would encourage students to take the scientific courses with their higher fees or to fill up schools where additional building appropriations are not required, the proposed legislation would offer a double public benefit.

I urge its study and consideration by the members of the Senate Committee on Finance. In the end, they will find, I believe, that the Nation itself would be the great beneficiary from young men and women better trained to meet the tasks of their day, and possessing, in turn, greater income-earning and tax-paying ability as well.

I also submit an amendment to the title of the bill.

I ask unanimous consent that the amendments may be printed and appropriately referred.

The PRESIDING OFFICER. The amendments will be received, printed, and lie on the table.

ENFORCEMENT OF CONSTITUTIONAL RIGHTS—AMENDMENTS

Mr. JOHNSTON of South Carolina. Mr. President, I submit six amendments, intended to be proposed by me, to the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, now pending before the Committee on the Judiciary.

Mr. President, the amendments are short, and are accompanied by brief statements. I ask unanimous consent that these amendments, together with my explanatory statements, be printed in the RECORD, and ordered to lie on the table.

The PRESIDING OFFICER. The amendments will be received, printed, and lie on the table; and, without objection, the amendments and explanatory statements will be printed in the RECORD.

The amendments and explanatory statements are as follows:

On page 2, beginning with line 1, strike out all through line 25 and in lieu thereof insert the following:

"§ 1509. Obstruction of court orders

"Whoever, by threats or force willfully prevents, obstructs, impedes, or interferes with, or willfully attempts to prevent, obstruct, impede, or interfere with, the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime."

On page 3, in the matter following line 2, strike out "certain".

STATEMENT BY SENATOR JOHNSTON OF SOUTH CAROLINA

Title I of H.R. 8601 is an unfair and prejudicial provision. This section of the bill, in essence, declares that one type of court order holds a position of priority in our judicial system. It places violations of court orders enforcing integration in schools in a special category with special criminal provisions which are not applicable to any other type of court order.

Advocates of so-called civil rights legislation, and in particular this bill, say the purpose of this legislation is to eliminate prejudice and discrimination. It is highly undemocratic and contrary to the alleged objectives of this bill, as well as being contrary to constitutional principles, to enact legislation of such a prejudicial and unfair nature. If the Congress is going to insist on making the obstruction of court orders by threats or otherwise a criminal offense, then we must see to it that the law applies to all court orders. We should make it a criminal offense to impede, prevent and so forth all Federal court orders.

It is not uncommon knowledge that title I of this bill was initially drafted by the Justice Department and presented to the House of Representatives by emissaries of the administration. While we all have respect for the men of law, I cannot help but say the Justice Department has an outstanding failing and that is the inability to draw up clear and concise legislation. For example, in the bill on page 2, line 2, the language read: "Whoever corruptly, or by threats or force, etc."

I wonder if anyone in the Justice Department could define what "corruptly" means in this legal sense? In my opinion the very insertion of the word "corruptly" in the language of the bill clouds the intent of the legislation. It would be necessary to prove corruption prior to the bringing of charges against anyone for obstructing a court order. In other words, one could, in the absence of corruption, obstruct court orders and be within the law.

I offer an amendment to the bill which strikes out all language beginning on page 2, line 1, through line 25 of the same page, and inserts in lieu thereof the following language:

"Whoever, by threats or force willfully prevents, obstructs, impedes, or interferes with, or willfully attempts to prevent, obstruct, impede, or interfere with, the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

"No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime."

In addition, this amendment extracts the word "certain" from the heading of the section in line 1 on page 2, and does the same in the language of the bill from page 3 between lines 2 and 3.

In fairness to all citizens of our country, in the interest of clear, simple legal terms for sure justice, and in the interest of maintaining the reputation of the Senate and of this committee, I urge the members of the committee to join in adopting this amendment which I offer. I think the good faith of the Members of the Senate should demand this clarification, this simplification and this legalization of title I of this bill.

In addition, let us not forget that just 2 weeks ago the Senate, by a vote of 65 to 19 adopted this very same amendment which I offer now as it was offered by Senator Lausche as an amendment to the Dirksen substitute to the Fort Crowder school bill.

On page 3, line 22, strike out "dwelling house, synagogue, church, religious center, or educational institution, public or private," and in lieu thereof insert "or any other property, public or private, personal or real," and on page 4, line 15, strike out "dwelling house, synagogue, church, religious center or educational institution, public or private," and in lieu thereof insert "or any other property, public or private, personal or real."

STATEMENT BY SENATOR JOHNSTON OF SOUTH CAROLINA

Nothing is more reprehensible to any man than the hate-bombing and arson which some parts of our country have been experiencing. I want it clearly understood that I am completely opposed to this section of the bill because I do not believe it is necessary. The addition of this provision on our statute books will only cloud the issue because we already have statutes governing a situation against which this legislation is aimed. However, if the Senate insists on passing this legislation, it is my belief that any law seeking to prohibit such action should be all-inclusive; therefore, I offer this amendment which reads as follows:

"On page 3, line 22, strike out "dwelling house, synagogue, church, religious center or educational institution, public or private," and in lieu thereof insert "or any other property, public or private, personal or real," and on page 4, line 15, strike out "dwelling house, synagogue, church, religious center or educational institution, public or private," and in lieu thereof insert "or any other property, public or private, personal or real."

In some cases specific language is needed in legislation but in this case specific language lessens the coverage of this title. If we are going to include synagogues, churches, religious centers, and educational institutions, why shouldn't we go on and include temples, cathedrals, skyscrapers or any other such buildings. If we have to outline each and every building or vehicle which is to be covered, then there will be some omissions and we will have pages on top of pages of buildings which will have to be included. It is my belief that if such legislation is necessary at all it should necessarily be all-inclusive.

I hope the Members of the Senate will join me in support of this amendment.

On page 5, line 10, strike out all on line 10 through line 5 on page 6 and in lieu thereof insert "general or special election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than $1,000 or imprisoned not more than one year, or both."

On page 7, beginning on line 13, strike out line 13 and through line 24 of page 7 and in lieu thereof insert "SEC. 307. As used in this title, the term 'Officer of election' means any person who, under color of any Federal, State, Commonwealth, or local law, statute, ordinance, regulation, authority, custom, or usage performs or is authorized to perform any function, duty, or task in connection with any application, registration, payment of poll tax, or other act requisite to voting in any general or special election at which votes are cast for candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico."

On page 7, after line 24, there are hereby inserted two new sections as follows:

"SEC. 308. As used in this title, the term 'primary election' shall include any convention by any political party at which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are selected.

"SEC. 309. For purposes of this title, the language 'all records and papers' shall include, in addition to the intent of this title, all records of credentials of those persons attending the convention and records indicating the manner in which delegates to the convention were selected."

STATEMENT BY SENATOR JOHNSTON OF SOUTH CAROLINA

In many parts of the Nation various political parties hold no primary elections. They nominate their candidates for various offices covered under title III of this bill by convention; in fact, our national parties nominate our candidates in this manner. In many areas of the Nation the major parties, as well as splinter parties and minor parties, nominate candidates for office by convention method and never even know what a primary election is.

Primary elections are voluntary elections, paid for by the members of the parties holding the primary elections, and are not mandatory to my knowledge in any State. Primary elections are elections allowed by State laws to be held if the parties concerned desire to hold these elections. There is no reason in the world for the Federal Government to have anything to do with these primary elections.

For this reason I have before the Senate an amendment which would remove primary elections from coverage by title III of this bill. But if the majority of the Senate insist upon having Federal controls over primary elections I also have pending before the committee an amendment which would enlarge the meaning of the language of this pending legislation to include conventions.

It is only fair that if we are going to require political parties that give to the people the right to vote and select their nominees, then we should also require this bill to cover the nomination of candidates by the closed-shop or convention method.

In my way of thinking it is much more important to preserve the records of how people are selected to attend conventions and how they select nominees at conventions, than it is to maintain records over primary elections. As I said before, conventions sometimes are in the nature of a closed-shop deal, whereas primary elections are open to the scrutiny of the public eye and the press. There is more chance for skullduggery in a convention than in a primary election. Therefore, if we are going to insist on Federal controls over the ways in which parties select their nominees in primaries, then we certainly should not exclude conventions.

I hope the Senate will adopt my first amendment to this title of the bill which will eliminate primary elections from this section. I ask that a vote be taken on this amendment first. If this amendment carries, then I shall withdraw my second amendment asking that conventions be included under the coverage of the bill.

On page 7, after line 24, insert a new section as follows:

"SEC. 308. The provisions of title III shall not apply to primary elections in any State until such time as all States and the Commonwealth of Puerto Rico shall require primary elections in all parties."

STATEMENT BY SENATOR JOHNSTON OF SOUTH CAROLINA

The reasoning behind this amendment is similar in many ways to the reasoning that has been given for elimination of primaries and/or the inclusion of conventions in my other amendment to section III.

The very nature of section III as it applies to primary elections is discriminatory and will do a great injustice to the democratic processes.

The various parties in the various States which do hold primaries for the benefit of allowing their people to give free expression toward the selection of candidates set up these primaries at great expense and great trouble. Thousands of people volunteer their services and contribute their dollars to pay for these primaries.

If the Senate insists upon title III and the inclusion of primaries and the exclusion of conventions, then, we will, in effect, write a law which will abolish State primaries. No political party with common sense would continue to hold primary elections at great financial expense caused by title III of this bill, if it can accomplish the nomination of its candidates by convention method at little or no expense.

For example, the South Carolina Democratic Party which hold primaries, would be covered by this bill, but if after passage of this bill, the South Carolina Democratic Party decided to no longer hold primaries it would not be covered by this bill. So in effect, this legislation will take away from the people the right to nominate candidates in primary elections. It will destroy primary elections. People who believe in primaries will be penalized by this bill.

I feel that what is good for the goose is good for the gander, and so I offer my amendment which simply provides that no primary election shall be covered by this bill until such time as all States and the Commonwealth of Puerto Rico require the holding of primary elections. This is simply logical justice to all concerned.

On page 7, after line 7, insert the following:

"Whoever shall wrongfully disclose any record or paper produced pursuant to this title shall be fined $1,000 or imprisoned for not more than one year, or both. Wrongful disclosure shall mean any disclosure not provided for in this section."

STATEMENT OF SENATOR JOHNSTON OF SOUTH CAROLINA

If the Senate is going to insist that it is necessary for the Attorney General of the United States to have access to State voting papers and records, then it is also necessary that these voting papers and records should be kept in strictest confidence. Section 305 provides when and where the Attorney General and others may use these papers, but there is no penalty set out for wrongful use or disclosure of any of the information in these papers and records.

Therefore, I offer this amendment which I think is necessary as a deterrent to wrongful and fraudulent use of any of the secret information contained in any of the voting records. My amendment reads as follows:

"Whoever shall wrongfully disclose any record or paper produced pursuant to this title shall be fined $1,000 or imprisoned for not more than one year, or both. Wrongful disclosure shall mean any disclosure not provided for in this section."

I hope the Members of the Senate will join me in support of this amendment.

OFFICE OF INTERNATIONAL TRAVEL AND TOURISM AND TRAVEL ADVISORY BOARD—ADDITIONAL COSPONSOR OF BILL

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the name of the present distinguished occupant of the chair, the Senator from Nevada [Mr. CANNON], be added as an additional cosponsor of the bill (S. 3102) to strengthen the domestic and foreign commerce of the United States by providing for the establishment of an Office of International Travel and Tourism

and a Travel Advisory Board, introduced by me on February 25, 1960.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF TARIFF ACT OF 1930, RELATING TO QUOTAS FOR, AND IMPOSITION OF DUTY ON IMPORTATION OF SHRIMP—ADDITIONAL COSPONSORS OF BILL

Mr. ELLENDER. Mr. President, I ask unanimous consent that the names of Senators JOHNSTON of South Carolina, THURMOND, and SPARKMAN may be added as additional cosponsors of the bill (S. 3204) to amend the Tariff Act of 1930 to provide for the establishment of country-by-country quotas for the importation of shrimps and shrimp products, to impose a duty on all unprocessed shrimp imported in excess of the applicable quota, and to impose a duty on processed shrimp and prohibit its importation in excess of the applicable quota, introduced by me, for myself and other Senators, on March 15, 1960.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that my name be added as a cosponsor of Senate bill 3204, the shrimp bill, introduced by the Senator from Louisiana (Mr. ELLENDER) on March 15, 1960.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPROVEMENT OF MASS TRANSPORTATION SERVICE IN METROPOLITAN AREAS—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of March 24, 1960, the names of Senators CLARK, ENGLE, HUMPHREY, SYMINGTON, HARTKE, KEATING, JAVITS, HENNINGS, BRIDGES, and YOUNG of Ohio, were added as additional cosponsors of the bill (S. 3278) to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas, introduced by Mr. WILLIAMS of New Jersey (for himself and Mr. MORSE) on March 24, 1960.

AMENDMENT OF PUBLIC BUILDINGS ACT OF 1959, RELATING TO LOCATION FOR NEW U.S. COURT OF CLAIMS BUILDING—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of March 24, 1960, the names of Senators HENNINGS, HUMPHREY, and GRUENING were added as additional cosponsors of the bill (S. 3279) to amend the Public Buildings Act of 1959 to provide a study by the National Capital Planning Commission, the General Services Administration, and the Commission of Fine Arts as to the best location for a new U.S. Court of Claims Building, and for other purposes, introduced by Mr. MORSE on March 24, 1960.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. GRUENING:

Address entitled "Where Do We Stand?" delivered by Senator FULBRIGHT at the annual dinner of the Harvard Club of Washington, D.C., on March 22, 1960.

By Mr. KEATING:

Statement prepared by him on the subject of a photographic exhibition held in connection with the White House Conference on Children and Youth.

By Mr. CLARK:

Article entitled "Appeal for the Vanishing Primary," written by Senator WILLIAM PROXMIRE and published in the New York Times magazine of March 27, 1960.

By Mr. STENNIS:

Text of television interview on "Meet the Press," with Senator HERMAN E. TALMADGE.

THE 326TH ANNIVERSARY OF THE FOUNDING OF MARYLAND

Mr. BUTLER. Mr. President, last Friday, March 25, was the 326th anniversary of the founding of the Free State of Maryland, a State which has had the honor and the fortune to be blessed with many gallant and dedicated citizens, but none more patriotic and more American than the late Herbert R. O'Conor, our former Governor and Senator. Senator O'Conor knew and understood the principles upon which Maryland was founded, and reflected the qualities which have kept Maryland in the front ranks of this great country.

On March 24, 1939, Senator O'Conor, then Governor, addressed a gathering at the University of Maryland, in College Park, at another Maryland Day celebration. His words on that occasion, so short a time before this country was plunged into the terrible conflict of the Second World War, contain wisdom and counsel for us today—confronted, as we are, by the protracted challenge of communism.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the statement by the late Herbert R. O'Conor, former U.S. Senator and Governor of Maryland, a great Marylander and a great American.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MARYLAND DAY CELEBRATION, UNIVERSITY OF MARYLAND, MARCH 24, 1939, COLLEGE PARK

Three hundred and five years ago tomorrow the shores of what is now St. Mary's County were the scene of a historic event—the landing of the English colonists who were to open up in this, our sovereign State of Maryland, a new vista of freedom and toleration to the oppressed of all lands. We can conjecture with what joy—yet with trepidation—they came ashore from their tiny ocean craft rejoicing to be once again on dry land after their 4 months of confined, anxious existence on the wintry seas. Yet they doubtless were fearful of the welcome that awaited them from the Indian residents of that vicinity—fearful, too, of the uncertainties that faced them on all sides in that land of primitive forests.

Surely they must have felt themselves sorely beset by dangers, as they fell down on their knees to give thanks to the Divine Power that had brought them safely through their hazardous journey. And torn with anxiety they had a right to be. Could they have looked ahead, to the years of strife with unfriendly Indians and with the even more obdurate hostile settlers of their neighboring colonies; could they have foreseen the heartbreaking struggle against the elements, and the soil, against the internal dissensions that were to rack their little settlement within a comparatively few years, they would have been disheartened. Few there would be to blame them if they had changed their minds, gathered their few belongings and betaken themselves again to the *Ark* and the *Dove* to sail back to a life with which they were acquainted, rather than stay on and fight unendingly against the combined forces of nature and hostile Indians.

Deep seated within their hearts and minds, however, was a determination to endure any sacrifices, to brave any dangers, that they might set up in this new land a principle of government that would be different from that of any on the face of the globe. This was to be a principle of government that would wipe out at one cleansing stroke all the disabilities under which oppressed minorities had been struggling for centuries in the countries of the Old World, and establish a new system under which the people themselves were to be the final arbiter and ruler of their destinies. This was to be a system under which ancient prejudices against class and other distinctions were to be relegated to the limbo of forgotten things. For this had they braved the dangers of the unchartered ocean, for this had they willingly left behind them all that life held near and dear. To them, compared to the galling subjection of mind and of spirit under which they had chafed in the land they had left, the uncertainties and travails of this new land were but fleeting obstacles to be met and overcome with the spirit of the crusaders of old.

As we stand here today, proud of the heritage they have left us, gladly paying our mead of homage to their memory, what have the 3 centuries brought to us to justify the sacrifices and years of toil and privation of these first residents of our great State? Are we, after these more than 300 years of progress in the arts of living and of government, at last free from the prohibitions and the threats that drove them from their established homes to this untried, unknown land?

We have but to look across the sea to the Old World from which these colonists fled, we have but to read the bold headlines that are emblazoned across the pages of every newspaper in the land, to realize that, while many things have changed for the better, while the physical dangers and uncertainties of those early days have given way to more settled conditions, the really important considerations of life are little different today than they were 300 years ago. We are forced to the conclusion that to people of spirit, to those who love liberty and abhor its opposites, to those who subscribe to the God-given principles of freedom of thought and of action—there is rampant in the world today the very same hostility to individual security and to personal rights that drove these free colonists of early Maryland to flee their native land. If there is one worthwhile thought that may well be taken to heart today from a consideration of the achievements of these colonists of early Maryland, and more particularly from a study of the motives that impelled them, it is the fundamental principle outlined so clearly in the Constitution of these United States—namely, that government is made for man and not man for government—that the only justifiable reason for the existence of government is to put into effect the reasoned wishes of the governed. We of America, among all the peoples of the world—and especially we of Maryland, among all the people of America—must treasure these principles of democratic government, must be willing to sacrifice all rather than yield one iota of them. For it was here in America, and more particularly, here in our own beloved State of Maryland, that these glorious principles first were given to all the world, for all peoples and all classes and all consciences.

Certainly no one would argue that theirs was an easy lot, as they stood that day on the shores of the Potomac, but the dangers that faced them were literally as nothing compared to the greater, more insidious, dangers that today threaten the very fabric of the government toward the creation of which they labored so unceasingly. Theirs were dangers that could be readily seen, and measured, and overcome by honest men working together for the common good. The dangers that lurk all about us today are greater because they cannot readily be detected. So cunning are their proponents, so cleverly do they disguise the subversive purposes toward which they are working, that they are able to deceive even the most well-intentioned at times; they can, and they have, under the guise of patriotism and the common good, been able to win over to their unworthy ends not only unthinking individuals, but even whole organizations, under the perverted plea that they are all working for the common good.

When strong nations can ruthlessly seize weaker nations, and deny even the fundamental civic rights to minorities within their borders—when the rights of whole peoples can be destroyed overnight with impunity—when on all sides the totalitarian doctrine that "Might is Right" begins to be the sole guiding principle, then, indeed, it is time for us in this land of free institutions to be on the alert to preserve and safeguard our hard-won privileges. Further we should lend our moral assistance in any and every direction where it may serve to help stem the ever-rising tide of antagonism to all those things that we as Americans, and as rightful descendants of those hardy Maryland pioneers, rightfully hold sacred.

It afforded me the greatest pleasure to initiate the proposal, which was adopted by the general assembly a few days ago, combining the centenary of the birth of James Ryder Randall with this year's celebration of Maryland Day. This loyal son of our State, who was born just 100 years ago, aptly describes the ideals and principles which characterize Maryland. His lines "For life and death, for woe and weal, thy peerless chivalry reveal, thou wilt not cower in the dust, thy beaming sword shall never rust," depict the spirit, the sentiment and the steadfast aims that are Maryland.

On this 305th anniversary of the founding of our State, we must see to it that the spirit of early Maryland is preserved, now and while there is a single one of us to insure it, for an America, groveling beneath the totalitarian principle of "Everyone and everything for the state" is not to be thought of, much less endured.

Mr. BEALL. Mr. President, last Friday, March 25, a day the Senate was not in session, was the 326th birthday of Maryland. It was 326 years ago last Friday that colonists landed at a Potomac island just off where St. Marys City now stands. Here was founded what subsequently became the State of Maryland, called the Free State.

This designation, the Free State, has significance. One of Lord Calvert's first edicts was that every person had the right to worship according to the dictates of his own conscience, and this became a basic principle of our people. The Maryland Act of Toleration of 1649 was the first such document to espouse the idea of freedom of religion, and was the forerunner of the theme of freedom in the American Constitution. Maryland Day is an important occasion to all freedom loving people everywhere.

Maryland has had a most interesting history. I would like to have printed in the RECORD at this point, as part of these remarks, a list of some of the highlights of Maryland's history.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Capt. John Smith explores coast of Maryland, June 1608.

Charter of Maryland granted to Second Lord Baltimore, June 20, 1632.

The *Ark* and the *Dove* sail for "The Capes of the Chesapeake Bay," November 22, 1633.

The *Ark* and the *Dove* arrive at St. Clements (Blakistone) Island, March 25, 1634.

World's first law of religious freedom passed, 1649.

Seat of government removed from St. Mary's to Annapolis, 1694.

King William's School founded at Annapolis, 1696.

Baltimore-Town erected, July 30, 1729.

Mason and Dixon begin survey of Maryland boundary, 1763.

Peggy Stewart, laden with 2,000 pounds of taxable tea, burned, October 19, 1774.

Formation of Association of Freemen, July 26, 1775.

Maryland declares her independence, July 3, 1776.

First State constitution adopted, November 1776.

Washington College, Chestertown, chartered, 1782.

Annapolis becomes temporary National Capital, November 26, 1783.

Washington resigns commission in Old Senate Chamber, Annapolis, December 23, 1783.

St. John's College, Annapolis, chartered, 1784.

State convention at Annapolis ratifies Constitution of the United States, April 28, 1788.

Maryland cedes District of Columbia to the United States, March 30, 1791.

British repulsed at the Battle of North Point, September 12, 1814.

Bombardment of Fort McHenry; Francis Scott Key writes "The Star Spangled Banner," September 12, 1814.

Beginning of work on first railroad in American (the Baltimore & Ohio), July 4, 1828.

Chesapeake & Delaware Canal opened, October 17, 1829.

First telegraph line in the world built between Baltimore and Washington, 1844.

U.S. Naval Academy opened at Annapolis, October 10, 1845.

"Maryland, My Maryland," written by James Ryder Randal, April 23, 1861.

Battle of Antietam (Sharpsburg), September 17, 1862.

Battle of Monocacy, July 9, 1864.

Chesapeake Bay Bridge dedicated, July 30, 1952.

Baltimore Harbor Tunnel opened to traffic, November 30, 1957.

By direction of the President of the United States, Fort McHenry is site of the first official raising of the 49-star flag, July 4, 1959.

THE 139TH ANNIVERSARY OF GREEK INDEPENDENCE

Mr. BRIDGES. Mr. President, Friday, March 25, 1960, marked the 139th anniversary of the Greek war of independence, and this is my message of greeting to the Greek-American people of the United States on this happy occasion.

On this the 139th anniversary of the Greek war of independence, I send greetings to the people of Greece, the cradle of Western civilization.

Friends of Greece everywhere are happy to know that the country is on the move upward from the dark days of World War II and the harsh and trying times of the attempted Communist takeover by force during the immediate postwar years. It is gratifying to know that the Greek people have achieved financial stability and improved their standard of living.

Through the years the Greeks, true to their traditions of 3,000 years, have always defended the cause of freedom. Today, again, as members of NATO, the Greeks are making a vital contribution to world peace and freedom.

Therefore, on this auspicious anniversary we salute the gallant people of Hellas, the land which gave to the world the three inestimable gifts: Beauty, wisdom, and liberty.

Mr. PROXMIRE. Mr. President, last Friday was the national independence day anniversary of Greece, one of our country's closest and firmest allies in the free world.

Americans have long admired the courage and libertarian tradition of the Greek people. We have admired and supported their strong and fearless resistance against the pressures of Communist imperialism which threaten their independence both from forces outside their borders, and from a tightly disciplined and well-supported subversive movement within their country. Likewise, we all appreciate the important contributions that Americans of Greek descent have made to our own Nation's economic and political growth. It is especially fitting, therefore, that the U.S. Senate recognize this important anniversary of Greek independence and salute the valiant people of Greece and our country's loyal Greek-Americans.

In the State of Wisconsin our several thousand citizens of Greek descent have contributed to our State's proud liberal, political, social, and business traditions in far greater proportion than their numbers would suggest. The first Member of Congress of Greek origin was Lucas Miltiades Miller, a Democrat from Wisconsin, who served from 1892 to 1893. Mr. Miller, was orphaned in the Greek war for independence and adopted by an American colonel who fought in that war as a volunteer.

Mr. President, it is our honor and pleasure today to extend the greetings and good will of our Nation and of the U.S. Senate to our friends and allies in Greece.

Mr. BEALL. Mr. President, March 25 was Greek independence day. The Senate was not in session on that day. I wanted to make some remarks in observance of the success of the Greek struggle for independence from the Ottoman Empire. I ask unanimous consent to have printed in the RECORD a brief statement which I prepared on this subject for the attention of this body.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BEALL, OF MARYLAND, ON OBSERVANCE OF GREEK INDEPENDENCE DAY

March 25 marks the day on which American-Greek organizations throughout the country commemorate the success of the Greek struggle for independence from the Ottoman Empire.

Ancient Greece was the cradle of liberty. It was there that the Western concept of representative government was originated, and it was there that political theories antagonistic to tyranny first were born.

In modern times, the struggle on the part of the Greek people to end suppression by the Ottoman Empire inspired freedom-loving people throughout the world. The world has looked to Greece for that spark of freedom which has remained in the hearts and minds of the Greek people throughout all eras of history.

With the aid of the United States, after World War II, the war-torn economy of Greece was reconstructed. The continuing freedom and security of Greece is of great importance to the free world.

Greece is firmly associated with the North Atlantic Treaty Organization and is one of our true and effective allies.

Americans owe much to the Greeks. In various fields the Greek influence has been felt: architecture, communication, industry, and so on.

In connection with the observance of Greek independence day, I want to pay respect to the people of Greece and to the many great Americans of Greek ancestry.

GREECE, A BULWARK OF FREEDOM

Mr. SCOTT. Mr. President, 139 years ago last Friday, Archbishop Germanos, of Patras, raised the flag of freedom over the monastery of Kalavrita and began the inspiring history of modern Greece.

The Greek war of independence against the Ottoman Empire lasted for 6 bitter years, during which time President Monroe and Daniel Webster in the United States spoke out for the independence of the Greek people. American sympathy for the Greek cause was more than that of one free people in support of another people fighting for its freedom.

Many of the fundamentals of the American system of government derived from principles enunciated centuries earlier by the great Greek philosophers and statesmen. The ideals of freedom, liberty, and national independence, stated with unmatched eloquence by the leaders of ancient Greece, are known to have had a direct influence on the thinking of our own statesmen like Washington and Hamilton.

From 1827, when free Greece elected Demetrios Capodistrias as President, the nation has built slowly but surely against the heavy odds of poverty and wars.

All people have benefited from modern Greece's contributions to science, archeology, history, and law. Intellectual life has been enriched by their poets and men of letters.

To the United States, that nation has contributed more than 1½ million Americans of Hellenic background who have distinguished themselves in a wide variety of fields of endeavor.

As a nation, Greece has strengthened the Western alliance far out of proportion to its size and its 8 million population.

Greece has fought communism longer than has any other nation of the North Atlantic Treaty Organization.

When invading Germans were forced out during World War II, the Communists began moving in. British forces joined with Greek patriots in fighting to hold Athens against Red attack. After the war, U.S. foreign aid helped turn the tide against the Communists.

Our Nation is proud of its partnership with the Greek Nation in the difficult and continuing fight to keep freedom alive. We might very well borrow an ancient Greek phrase which is still commonly used in Greece: "Happiness demands freedom, and freedom demands courage."

CONSTRUCTIVE ADVERTISING BY NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION

Mr. AIKEN. Mr. President, for many years, we have been subjected, in our national magazines, to full-page advertising directed at discrediting the rural electrification cooperatives.

This advertising has been destructive in its purpose. It has purported to show that the rural electric cooperatives have unfair advantages over the corporate utilities, thereby making it difficult for the corporations to meet their obligations and pay dividends to their stockholders. The fact that in 1959 the corporate-utility interests increased their net incomes 9 percent over those of the previous year has not lessened their effort to show that the rural cooperatives are harmful to the industry as a whole.

In recent weeks, there have appeared in Life magazine two full-page advertisements sponsored by the National Rural Electric Cooperative Association. What a contrast there has been in the type of advertising.

The REA advertising attempts to build up, not tear down. It expresses pride in our country and faith in the future. It makes no attack upon those who would destroy the cooperatives. It declares, in effect, that it is not necessary to destroy some other business in order to build up your own, because America is great enough to provide expansion for all.

At this time, I wish to compliment the rural electric systems of America for their vision, their fortitude, and their faith in the future of our country.

LOW CRIME RATES OF LITTLE ROCK, ARK.

Mr. FULBRIGHT. Mr. President, during the last 2 or 3 years, Little Rock, the capital of my State, has been much in the news. That publicity was caused by official and individual actions which in many cases were beyond the power of the people of Little Rock to control, and by people who are not representative of that community.

In fact, Little Rock is a beautiful city on the banks of the Arkansas River, and is composed of progressive and law-abiding citizens. In many community enterprises it has shown imagination and leadership. Its housing and urban-development programs have been outstanding—so outstanding, indeed, that Washington, D.C., has enticed the director of Little Rock's program, Mr. Knox Bonner, to come to Washington, to help the Nation's Capital solve its problems in this field.

It gives me genuine pleasure to report also that Little Rock has an unusually fine record in the control of crime.

I ask unanimous consent to have printed in the RECORD at this point in my remarks an editorial from the Arkansas Gazette commenting upon the situation in Little Rock.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

OUR LOWER CRIME RATE

A Federal Bureau of Investigation report of last fall indicating that 1959 would see a sharp drop in the crime rate at Little Rock has been confirmed by an impressive yearend report.

With the exception of homicides, which increased from eight to nine, major crimes were reduced markedly at Little Rock during the past year. This is noteworthy for two reasons. One is that in 1958 the city's crime rate was up 30 percent over the previous year and was well above the national rate. The other is that Little Rock's improvement in 1959 came in a year which saw crime continue generally upward nationally.

FBI figures show that forcible rape increased by 4 percent nationally last year but decreased by 15 percent at Little Rock. Aggravated assault was up 7 percent nationally but down 56 percent at Little Rock. Robbery decreased 4 percent nationally, but 35 percent at Little Rock. Auto theft increased 5 percent nationally but decreased by 30 percent at Little Rock. Burglary, which was unchanged nationally, was reduced by 27 percent at Little Rock.

We may fairly conclude that the work of the Little Rock Police Department is becoming increasingly efficient. To continue our invaluable gains, we should strive to bring the force up to recommended numerical strength. A city that offers lessening comfort to the criminal element is proportionately that much more desirable for the law abiding.

EXAMINATION OF U.S. FOREIGN POLICY BY COMMITTEE ON FOREIGN RELATIONS—CORRESPONDENCE

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed at this point in the RECORD 12 letters I have received from persons commenting on the studies prepared at the request of the Committee on Foreign Relations in connection with its examination of U.S. foreign policy. I would be less than candid if I said that all of the mail which the committee has received is favorable. On the whole, however, the general reaction has been good, and I think the letters I am now presenting for publication indicate that the studies issued by the committee have stimulated a great deal of public interest in the field of foreign relations.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 28, 1960.

The Honorable J. WILLIAM FULBRIGHT,
Senate Office Building.

MY DEAR SENATOR: I am tremendously heartened to have cross my desk the series of studies which have been prepared at the request of your committee. It is like a breath of fresh air to see a sober, conscientious, competent review both of the present condition of our country and the challenges and opportunities which face it in the future. I hope that these documents will be more than committee prints so that they may secure the wide distribution they do in fact deserve.

This letter is especially prompted by the report "Basic Aims of U.S. Foreign Policy," a committee print dated November 25, 1959. At only one point do I find difficulty with the analysis, and it is a point that is a very thorny one for all Americans and both political parties. It is evident at pages 14–17 of the report.

We frankly recognize that "military measures will not provide security, nor will they guarantee victory in the cold war." We recognize that "undue emphasis on military aspects can be an obstacle to cooperation with other nations." We recognize "there are really no sound alternatives to negotiation," and that the Soviet proposals for complete disarmament have to be taken seriously and fully explored. We recognize that "nuclear warfare has made the arms race, with its dangers of total catastrophe, a matter of commanding concern to the man in the street as to the expert and the statesman." We recognize the need for settlement or attenuation of conflicts to help "reduce the dangers and burdens of the arms race."

And yet at the same time we say "we have serious doubts" whether the military requirements of the United States are being met. This suggests that the United States is not doing enough in its military effort and in its military technology. It seems to me that the dollar emphasis of our budget and the intellectual attention of our minds is far more quickly and effectively mobilized on the last point than on the other points. As a result the reminder that we "should proceed simultaneously on both fronts" has tended to be a somewhat empty phrase because we in fact proceed more vigorously on the military front.

We can put $45 billion on that side and wonder whether we have done enough, but when we put a few hundred million dollars into true economic assistance (other than defense support) we wonder whether we can afford to do more. In face of the generosity toward our military posture and the timidity of our support for multinational long-term assistance in economic development, it seems to me other nations must be confused. Our deeds speak so much more loudly than our words that they might well conclude that where our money is, there perhaps our heart is also.

Any change in the policy we have been following in the past must be an act of reason, and a demonstration of our hopes for achieving a more peaceful world. Creative good will actively and faithfully expressed will bear more acceptable fruit than acts of fear and hatred can ever bear. Each of us in our personal life knows in fact that his exercise of creative good will, once undertaken, bears magnificent fruit. How can we then refuse to recognize that the same principle applies to our common behavior as representatives of nations governments? Moreover, we must recognize that we are prevented from pursuing the creative program wholeheartedly because of our fears, which make us place so heavy a part of our budget into military programs.

At the root of this conflict in national purposes is a basic difference in fundamental premises. Nations historically are tempted to prepare to refight the last war. In the last war we faced Fascist aggression, and much of our present mentality seems to be heavily conditioned by that experience. If we really believe that our adversary may be planning further military aggression against ourselves or our allies, then our heavy outlays for military measures are understandable. But suppose we take as a first premise that communism will continue to use revolutionary opportunities to convert or subvert additional portions of the world toward communism, rather than act like a Fascist aggressor. This reading of world history recognizes the immediate importance of taking steps to reduce the likelihood that additional nations will turn in desperation to communism as the answer to their yearning to eat quickly of the fruits of the industrial revolution.

Our very richness is an ever-present demonstration of the blessings of modern technology. However, our timidity in sharing the technical skill and making the heavy basic investments which would enable other nations to find their own way to prosperity helps to keep those blessings well beyond the reach of half the world. Our heavy spending on military programs under these circumstances becomes not a tool to success in our policy, but a major handicap in achieving the very aims we seek to serve. It is a handicap against securing more constructive use of our own national resources. The military emphasis also handicaps our aid program because of our confused purposes, for recipient nations are given the feeling that our nonmilitary aid is dependent on the recipient nation's acceptance of our military posture.

Nineteen hundred and sixty ought to be a year in which Americans undertake the great debate and reexamination of both our national purposes and of our methods for achieving these purposes. I feel your committee could make an even greater contribution to this debate, if it could sharpen the issue so that we might choose wisely, knowing fully the dimensions of our problems.

In closing, I only want to say again how much I appreciate the remarkable contribution these documents are. I wouldn't want my remarks to take anything away from my sincere appreciation of the many significant contributions that this and the other documents make to better public understanding of the demands upon us in the years ahead.

Sincerely yours,

BYRON L. JOHNSON,
Member of Congress.

CHILD & WATERS, INC.,
New York, N.Y., December 30, 1959.

SENATOR J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR SENATOR FULBRIGHT: We recently received a study prepared at the request of the Senate Committee on Foreign Relations entitled, "The Operational Aspect of U.S. Foreign Policy." This was developed at the Maxwell Graduate School at the Syracuse University.

This fascinating document contains one of the most interesting and penetrating collection of comments on our foreign relations policy that has come to my attention in a number of years. It is hoped that this will be given wide publicity and, if possible, I would like to obtain six additional copies.

May I extend my thanks and appreciation to your committee for making this important work possible.

Sincerely,

SOMERSET R. WATERS.

CHICAGO, ILL., *January 19, 1960.*

HON. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR SENATOR FULBRIGHT: From time to time, I receive the various studies that the Committee on Foreign Relations has recently sponsored. I must say, parenthetically, that these studies are excellent and the committee is to be congratulated on these long overdue evaluations of American foreign policy aims and objectives. As a citizen, a businessman, as chairman of the international affairs commission of the American veterans' committee and as a member of the American section of the World Veterans Federation who is deeply involved in policy orientation, I am impressed with your vigorous chairmanship of the committee and the good work that it is doing.

Sincerely yours,

BERNARD J. COGAN.

UNIVERSITY OF ILLINOIS,
COLLEGE OF LAW,
Urbana, Ill., January 12, 1960.

The Honorable SENATOR J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR SENATOR FULBRIGHT: The current publication program of studies on U.S. foreign policy is producing some highly informative and provocative material. I have received all of the studies to date and have read them with great interest.

Of particular importance to me currently is the study prepared by CEIR on "Worldwide and Domestic Economic Problems and Their Impact on the Foreign Policy of the United States." I would very much like to put a copy of this study in the hands of each of my students in my seminar in international transactions. Can you spare eight copies for this purpose?

It was a great pleasure to hear you speak when you appeared recently on our campus, and to meet you afterward.

Yours sincerely,

PAUL O. PROEHL.

EXETER PAPER CO., INC.,
Chicago, Ill., January 5, 1960.

Hon. J. W. FULBRIGHT,
Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR SENATOR FULBRIGHT: I can't tell you how much I appreciated your thoughtfulness in sending me the additional studies developed by your committee. While I haven't completed the entire series yet, those which I have read so far are extremely enlightening and instructive.

A study of this sort certainly has been vitally necessary. Any reasonably serious student of international relations in general and our own foreign policy in particular, must be appalled by the ignorance and misconceptions prevailing in the country—regrettably even in certain parts of the Government.

I wish that some way could be found to apprise the general public a little more of existing problems—to make them understand the interrelation of the various phases of our relationship with other countries—to help them to understand that political or economic systems ideally suited for the United States may not at all be suitable for a country which is just at the threshold of its development.

The study based on comments by retired Foreign Service officers particularly, gives a great deal of food for thought.

Your committee certainly deserves much credit for instituting this study.

Sincerely,

HEINZ H. LOEFFLER,
President.

NEW YORK CITY, *January 6, 1959.*

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR SENATOR FULBRIGHT: Thank you very much indeed for the full set of foreign policy studies made by your committee which you so kindly sent me at my request. I had already read most carefully the study on Africa which had come earlier and I shall now read these with equal attention and interest. Thank you, too, for having arranged for me to be on the list to automatically receive copies of future and further studies.

May I congratulate you for initiating and sponsoring such valuable materials for a more thorough and better understanding of the problems in the areas that may affect us in our national life in its broadest aspects—the world as a whole.

Sincerely,

Mrs. REBECCA REYHER.

MITAKA-SHI, TOKYO,
November 23, 1959.

Senator J. WILLIAM FULBRIGHT,
Chairman, Committee on Foreign Relations, Senate Office Building, Washington, D.C.

DEAR SENATOR FULBRIGHT: The so-called Conlon report prepared for your committee has aroused considerable favorable comment here in Toyko, especially in academic circles. Both in talking to my professional colleagues and for classroom purposes, I feel in great need of having a copy of the report. My teaching includes subjects involving U.S. foreign policy. If it would be possible to send three copies of the Conlon report, I would very much appreciate it.

I am also very much interested in the recommendations made in the study by the Maxwell School at Syracuse. If it is available, I would also very much like to have a copy of that report.

You are to be congratulated for having taken the initiative in calling for studies of these basic questions at such a crucial period in the development of our foreign policy. I am personally in agreement with the general trend of the recommendations which have resulted.

Many thanks.

Sincerely,

DAVID WURFEL.

MANHATTAN BEACH, CALIF.,
January 11, 1959.

Senator J. W. FULBRIGHT,
Senate Office Building, Washington, D.C.

HONORABLE SIR: I wish to thank you for sending me your studies of foreign policy. I had requested, "Summary of Views of Retired Foreign Service Officers," but your office proceeded to send me eight studies more and I wanted you to know I appreciated them very much. So often, I do not realize certain publications are available to me. Usually anything I receive is not read by me alone. My husband and I participate in discussion groups and various activities to which these publications are a great help.

It is so easy to be critical without information. These pamphlets are very informative and helping to educate us especially in those areas where we are very very ignorant.

Thank you and your committee very much.

Yours very truly,

JOY ANN GAULT.

P.S.—I have been an admirer of yours for many years. My only regret is that I have never been able to vote for you.

NAVAL WAR COLLEGE,
Newport, R.I., December 16, 1959.

COMMITTEE ON FOREIGN RELATIONS,
U.S. Senate, Washington, D.C.

GENTLEMEN: I have been following with much interest the release of studies being prepared by various agencies for the committee to supply background for a comprehensive review of U.S. foreign policy.

I should appreciate very much having copies of the reports so far published, and then being supplied by a copy of each additional report as it is published. Is this possible?

I am persuaded that this kind of comprehensive survey cannot fail to serve the national interest.

Thank you for your cooperation.

Sincerely yours,

JAMES A. HUSTON.

INDIANA UNIVERSITY,
Bloomington, Ind., December 9, 1959.

Senator J. WILLIAM FULBRIGHT,
Senate Office Building, Washington, D.C.

DEAR SENATOR FULBRIGHT: I am much impressed with the potential value of the series of studies on U.S. foreign policy which the Committee on Foreign Relations is sponsoring.

I should be grateful if you would kindly send me a copy of the study possible nonmilitary scientific developments and their potential impact on foreign policy problems of the United States, by the Stanford Research Institute.

Sincerely yours,

CHARLES A. THOMSON.

COLUMBIA UNIVERSITY,
New York, N.Y., February 25, 1960.

CHAIRMAN, FOREIGN RELATIONS COMMITTEE,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Today I received, as a result of my own request, the third part of the Latin-American Study and the study entitled, "U.S.S.R. and Eastern Europe." Earlier I had received other area and special subject studies.

When I received your first shipment I took them to the Law School where I had occasion to show them to certain professors. They asked me to loan them the study covering the area of their interest, and I was glad to do this. Getting them back from the professors now seems to be out of the question, they consider the study they "borrowed" from me to be their property. Well, the quality of the studies is such that I can't blame them for not wanting to give them up. Then, too, the International Law Library has been plaguing me to loan them my set, which, as I've explained, is incomplete.

So, I am asking you, Mr. Chairman, if you can spare one set of the studies issued to date to please send it. We can definitely use a second set, in the International Law Library, where students and researchers have been asking for the studies. From the first set I will take the studies to complete a reference library set and send the leftover studies to professors interested in the specific area or subject covered in the study. The second set, if you can send it, will be given to the International Law Library. It would be ideal if you could make a third set available. It would also go to the International Law Library where demand from students and researchers will be greatest as soon as any one or few of the studies is available there for use. As soon as I complete reading one of the studies you sent on my personal request I make it available to the Law School Library, and this set is incomplete because of the studies I have loaned to professors.

Your help in making any number of sets available will certainly be appreciated. Please be assured that the studies have a definite use and value to students and researchers, and to professors, too.

With best wishes for the continuing success of your important committee and with thanks for making a set available to me, personally,

Very sincerely yours,

JIMMY SCHEAR.

STATE UNIVERSITY TEACHERS COLLEGE,
Oneonta, N.Y., February 24, 1960.

The Honorable J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR SENATOR FULBRIGHT: Late last year, upon my request you were kind enough to send me a copy of the Draper report and a copy of "Possible Nonmilitary Scientific Developments and Their Potential Impact on Foreign Policy Problems of the United States," 1 of 14 studies prepared for your committee.

After reading the foregoing report by the Stanford Research Institute I am most anxious to see some of the other studies prepared for the committee. I would very much appreciate receiving copies of the following studies: I-B; II; III; IV; XII; XIII; and XIV.

May I take this occasion to commend you for exerting leadership in having such studies made in order to furnish guidelines to your committee.

None, I am sure, would say that the social sciences have all the answers regarding the problems of international relations, but like in so many other areas of human behavior I believe we have not made use of the knowledge we do have. Your committee has certainly established an important benchmark in congressional recognition of the potential contribution of the social sciences.

I trust that since you have pioneered in this respect that you and your fellow committee members will also take the lead in seeking to give the social sciences a more important place within the National Science Foundation. The chart on page 14 of the Stanford report is a tragic commentary on our times.

Please be kind enough to pass along my comments to the other members of the committee.

Thank you again for responding to my previous request.

Yours sincerely,

ROBERT H. BOHLKE.

THE PRESIDENT

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have inserted in the RECORD at this point in my remarks an article entitled "The President," written by Dean Rusk.

Mr. Rusk, as many of us know, or should know, is the distinguished president of the Rockefeller Foundation. He was formerly Deputy Under Secretary of State and Assistant Secretary of State for Far Eastern Affairs. I think he is certainly one of the best qualified men in this country to comment on this problem. I commend the article to the attention of the Senate.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Foreign Affairs, April 1960]

THE PRESIDENT

(By Dean Rusk)

(EDITOR'S NOTE.—This article is based on one of the Elihu Root lectures delivered recently at the Council on Foreign Relations, New York.)

The United States, in this second half of the 20th century, is not a raft tossed by the winds and waves of historical forces over which it has little control. Its dynamic power, physical and ideological, generates historical forces; what it does or does not do makes a great deal of difference to the history of man in this epoch. If realism requires us to avoid illusions of omnipotence, it is just as important that we not underestimate the opportunity and the responsibility which flow from our capacity to act and to influence and shape the course of events. Involved is not merely a benign concern for the well-being of others but the shape of the world in which we ourselves must live. The range within which the Nation can make deliberate choices is wide; if we do not make them deliberately, we shall make them by negligence or yield the decisions to others, who will not be mindful of our interests. When the emphasis of discussion falls too heavily for my taste upon the limitations on policy, I recall from early childhood the admonition of the circuit preacher: "Pray as if it were up to God; work as if it were up to you."

The foreign policy of the United States since World War II, seen in broad historical terms, has been responsible and constructive. Surely we can say, quietly among ourselves, that it is a matter of no small moment that a nation with so much power has used it with restraint and toward the purposes which dominate this great democracy. If there are occasional suspicions abroad about our motives, they arise in part from the difficulty of comprehending so strange a phenomenon. On the other hand, a very high standard of policy and conduct is imposed upon us by our power and hopes, by the expectations of others, and by the necessities of our situation. But we are not likely to achieve significant improvement in the conduct of our foreign relations simply by thinking up new ideas but rather by serious attention to the manner in which we make policy and translate it into action. Men of long experience in both the executive and legislative branches of Government have serious doubt about whether our present procedures are adequate to the conduct of the public business in our foreign relations over the next quarter century. It is my own view that there is much which can be done within existing constitutional arrangements and that our first task is to exhaust these possibilities before diverting our energies into deeply divisive debates about constitutional change.

The foregoing remarks take on added significance because we are already in a period of more rapid and fundamental change than we have yet experienced as an American Nation. A sense of crisis is a recurrent phenomenon in human affairs but at least two factors suggest that our own period may lay special claim to breathlessness. The one is the rate of change in science and technology. The other is the emergence of scores of independent nations not yet firmly set upon their course and the multiplication of those who must be taken into account in our thinking.

These three premises compel a fourth, namely, that our tasks, our unique constitutional arrangements and the external environment place a special premium upon leadership. I have more confidence than some commentators do in the wisdom of our people and their capacity for understanding the essentials of policy. But public opinion can neither devise policy nor carry it out. It cannot debate it effectively unless the issues are framed and presented for discussion, accompanied by the factual background. It cannot even follow and support, in our kind of society, unless it knows where we are trying to go. The President, with the aid of his Secretary of State and the support of the Congress, supplies the leadership in our foreign relations. Criticisms, direct or implied, are inevitable in discussing this matter, but the problems are bipartisan. Not presumptuously, I hope, but as a restraint upon partisanship, I try to think of these comments as being addressed to the next administration, whatever its political complexion.

II

While Mr. Truman's remark, "The President makes foreign policy," is not the whole story, it serves very well if one wishes to deal with the matter in five words. Most of us have long understood that the powers and responsibilities of the Presidency have grown significantly since 1789 by constitutional interpretation, statute, custom, and changing circumstance. What many of us have not fully recognized is the extent to which the office has been transformed during the past three decades under the impact of two historical changes. The one is the massive in involvement of the Federal Government in the economic and social life of the Nation, an involvement to which both political parties are committed. The other is the revolutionary change in the world about us and in our own place in it. Although men like Jackson, Lincoln, Theodore Roosevelt, and Wilson helped to reduce the shock of the change when it came, the modern Presidency under Franklin Roosevelt, Truman, and Eisenhower has become an office of almost unbearable responsibility.

Since even the old and familiar words carry so much new meaning, it might be revealing to recall briefly the burdens undertaken when a man swears that he "will faithfully execute the office of President of the United States." To save time and to look at the full sweep of the office all at once, let us paint with a light and fast-moving brush, taking for granted much of the detail which is or ought to be the common possession of an educated citizenry.

The President is our Chief of State, the formal and symbolic head of the American Nation. To the rest of the world he embodies the dignity and sovereignty of the Federal Union and has much to do with the image of America projected beyond our borders. He leads our solemn observances and sets the tone of our national life. Whether we move with zest and confidence in our public and private affairs or plod along in apathy or bewilderment turns in large part upon the morale which flows from the White House. The deference instinctively paid to the office and to the man who holds it is itself a source of power and influence and enhances his ability to act, to persuade and to mediate.

The President is the Chief Executive of the Government of the United States, the administrative head of its 10 departments and dozens of independent agencies, staffed by almost two and a quarter million civil servants. Charged by the Constitution to "take care that the laws be faithfully executed," he must recruit competent leadership for the vast machinery of Government and, through evidences of his own interest and concern, inspire the Federal service with devotion, pride and a passion for good performance. Since the chain of administrative command cannot, for both good and bad reasons, keep him fully informed about how things are going, he must take advantage of other lines of communication as well—his personal staff, the flow of mail to the White House, the press, observations of Members of Congress and of his party colleagues. To counteract the inertia of large organization, he keeps it alive and alert by pertinent questions to Cabinet colleagues, by the unexpected phone call, the scribbled note of commendation or criticism, a comment at a press conference.

He soon finds that making policy is not the end of his task, that policy can be negated by what Elihu Root gently called unwilling subordinates. He will discover attitudes and practices in the bureaucracy which become unconfessed laws of public administration. One, for example, is that where an exaggerated emphasis is placed upon delegation, responsibility, like sediment, sinks to the bottom. Now that Professor Parkinson is in this country, he might accept as his own the law that in any large organization the proportion of time spent upon central tasks varies inversely with elevation in the bureaucracy. Another is the law, which has semirespectable roots, that no department or agency can be coordinated by a parallel department or agency; it is infra dig to defer horizontally rather than vertically. Still another is the law that everyone affected by a decision must participate in making it.

The departments and agencies of Government are each concerned about a part of the whole. The President, assisted by his White House staff and the Executive Office, must weld the parts into an effective national effort. He cannot hope to achieve nice consistency in leading a vigorous and diverse people concerned with conflicting interests and aspirations, but he can try to achieve a broad political consistency in the main directions of movement and to limit the waste and frustration which occur when one hand tears down what the other is laboriously trying to build.

The Constitution provides that "The President shall be Commander in Chief of the Army and Navy of the United States."

Borrowed from the powers of colonial governors and probably influenced by the prospect that George Washington would be the first President, the provision is an independent source of constitutional authority and places the President in direct personal command of the Armed Forces. Although Woodrow Wilson did not, Lincoln, Franklin D. Roosevelt and Truman assumed person personal charge of what has come to be called the higher direction of war. The Nation looks to the President to play the primary role in deciding the types and scale of military power it needs to defend itself and to support its policy. He cannot escape the crucial task of weighing risks and burdens, of finding the elusive and hazardous line between too little and too much. He must look to the morale of our fighting men, assure them of the Nation's appreciation and support, and build their pride in their exacting service. On the other hand, he must firmly assert the principle that the first mission of a man in uniform is to do what he is told to do, regardless of the number of stars on his shoulder, and that the military establishment is an instrument, not the master, of policy. Only the President can resolve interservice rivalries and disputes about their respective roles and he, working with the Congress, must seek to restrain the growth of independent political constituencies in support of particular services as deeply repugnant to our constitutional system. As Commander in Chief the President can deploy the Armed Forces and order them into active operations. In an age of missiles and hydrogen warheads, his powers are as large as the situation requires and the contingencies perhaps the most awful with which he has to live. In a period when men are groping toward the control of armaments and the nature of war has changed beyond recognition, the role of the President as Commander in Chief has entered a new phase.

The President is the head of his political party. Indeed, his election is its principal raison d'être as a national party, and has been since the time of Jefferson. Our Federal structure and our constitutionally prescribed terms of office deprive party leadership of some of the instruments of party discipline known to parliamentary systems. Once the moment of quadrennial unity has passed, our parties tend toward aimlessness and factions arise out of regional or special interests and the accidents of personal ambition. But the party to which the President belongs can expect a measure of leadership. His party is drawn together by a common interest in the public response to his performance and a common aversion to the thought that the rascals across the aisle might name his successor. The President can persuade and cajole, threaten and scold, and offer occasional morsels of political advantage. But the vigor of his partisanship is often restrained by his need to cross the aisle and seek support for his policies from among the opposition, especially when the latter controls one or both Houses of Congress.

The President is our chief legislator. His proposals make up the central agenda of Congress. Important bills are drafted by or in close consultation with the executive departments and the Bureau of the Budget. The box scores on must legislation which appear toward the end of a congressional session are used to judge the Congress as well as the President. His veto power, his party leadership and his ability to mobilize public support for his point of view make him a formidable partner in the legislative process.

The President is our chief budget officer. Congress acts upon the budget he proposes and, when all the hubbub is over, passes it with changes of a few percentage points. The Federal budget, about a fifth of the national income, and the fiscal and monetary policies of the Government deeply affect the economic and social life of the country—its incentives, its priorities, its directions of growth and of public and private investment, even the nature and extent of its voluntary effort.

The Founding Fathers saw clearly that the health and stability of our political arrangements would turn upon the President's role as the protector of the Constitution. They singled him out for a prescribed oath that he will to the best of his ability "preserve, protect, and defend the Constitution of the United States." He controls the raw power of the state—the Armed Forces, the FBI, the CIA, the Secret Service, the U.S. marshals. Congress may pass laws, even over the President's veto, but the President must look to their prudent and impartial application. The Supreme Court may sustain the Constitution in deciding between the adversaries before it, but the President must conform the conduct of government to the Court's interpretation of the basic law. A national respect for constitutional process is the glue which holds us together and is properly the brooding concern of the man who holds our highest office. In a constitutional system which cannot possibly work unless those who exercise its powers are determined to make it work, the President must anticipate constitutional crises and bring all the resources of his office to the prevention of situations for which there can be no tolerable answer. President Franklin D. Roosevelt was effectively rebuked by the Nation for resorting to a ward heeler's device to settle his difficulties with the Supreme Court; President Eisenhower failed to use the possibilities of his office to forestall the necessity for bayonets in Little Rock.

In a unique sense the President is the custodian of the national interest. Elected by a national constituency, he speaks to Congress and to the people on the needs of the Nation seen as a whole. His audience is understandably more intimately concerned with personal, local or regional affairs and needs his help to understand what is required of citizens of the United States.

But the modern Presidency cannot limit itself to a national interest narrowly defined. Recorded in solemn treaties and rooted in common interest and circumstance, we are a partner in great coalitions which now include more than 40 nations. Our power has reduced our sovereignty and our decisions must take into account the needs and hopes of those whose fates are linked with ours. If the President fails to meet the demands of leadership of a nation-in-coalition, a reluctant or resistant United States cannot be dragged along by others and coalitions as now constituted would rapidly disintegrate.

I have been describing the powers and responsibilities of the highest office in a nation which acts and moves by consent. In only a limited sense is the President in a position to command; it is the essence of our system that the Constitution confers upon him a license to lead. If we are inclined to think of the President as an executive who sits at his desk and strikes off great decisions, we must balance it by the picture of the President as our chief servant who, somewhat as a sheep dog, must round up a free people and persuade them to move in a given direction for a sufficiently long period to make it possible to act upon a policy. This does not mean that he is limited by public opinion as he finds it, or fears it to be. The people who elect him are capable of understanding and concern and are likely to be responsive to his lead. If the issues are critical and there are marginal doubts, many are resolved when the President goes to the country and asks for its support. When we assess the possibilities of action in terms of public opinion it is crucial to understand the difference between desultory impressions and responses to vigorous leadership.

The powers and responsibilities we have been discussing are those which engage the thought, time and energy of the President himself. By statute and executive order provision can be made for large delegations of function, but ultimate responsibility comes back to the office which has led some to call ours a presidential system of government. He is indispensable, even if he is not irreplaceable.

III

Against this background of what we have called unbearable responsibility, the question arises as to whether the President of the United States can wisely undertake the burdens and hazards of personal diplomacy at the summit. This is not a moment when it is easy to discuss the problem with detachment. But it needs discussion. Earlier American skepticism and reluctance about summit diplomacy have apparently been brushed aside with the warm approval of public opinion here and abroad. The prospect is for a series of summit meetings during 1960 and beyond. The next President of the United States may find himself limited in his freedom to determine how he is to discharge his awesome duties by commitments made by his predecessor in the closing phase of an 8-year administration. If the President of the United States is to assume an active role in negotiations, this will have a serious bearing upon proposals for the reorganization of the higher echelons of the executive branch of the Government. Indeed, it may affect the definition of the circumstances under which the inability of the President should open the way for the Vice President to discharge the duties of the office. Meanwhile, public opinion is moved by desperate hope and the fascinations of the spectacular, and we shall face the problems of distinguishing form from substance and of avoiding the slippery slope of relaxed effort which can lead to disillusionment and critical danger.

To put my readers on an equal footing with me immediately, let me anticipate my conclusion. The President, as Chief of State of the United States, can and ought to undertake a limited and carefully planned program of state visits, short in duration and aimed at the exchange of courtesy and respect as a tangible expression of the good will of the American people. But negotiation at the chief-of-government level is quite another matter. It is not easily accommodated among the peculiarities of our constitutional system; it diverts time and energy from exactly the point at which we can spare it least; it does not give us effective negotiation; such experience as we have had with summit diplomacy does not encourage the view that it contributes to the advancement of American interests. For reasons to which we shall now turn briefly, I conclude that summit diplomacy is to be approached with the wariness with which a prudent physician prescribes a habit-forming drug—a technique to be employed rarely and under the most exceptional circumstances, with rigorous safeguards against its becoming a debilitating or dangerous habit.

It is not surprising that the reasons for American reluctance to go to the summit have not been fully explained, either to our own people or to our friends or enemies abroad. Some we could not expect a President to confess; others would appear tactless to our friends; still others would concede certain tactical advantages to our adversaries. In any event, understanding would be difficult for those who have only the most casual or inaccurate knowledge of our political system, which includes almost everyone beyond our borders. The result is that we are under periodic pressure to appear at the summit ("Isn't negotiation a good thing?") and our oversimplified defense ("We must have prior proof that a meeting would be worth while") appears a bit lame. Perhaps an irresponsible private citizen may risk offense by observations which are denied to responsible statesmen.

Why the reluctance? It rests upon an interlacing of political and constitutional factors with notions about effective diplomacy. The first difficulty is that the President of the United States can take the time to prepare himself as a negotiator on serious subjects only by deferring or neglecting some of his central constitutional and political responsibilities.

The principal negotiator must be much more than a mouthpiece for the sheets of paper put in front of him by a staff, however competent the latter might be. Questions worth discussing at the summit are presumably important questions; if so, they require the full involvement of the negotiator before he reaches the table. He must understand the full scope of the issues, and their innermost detail. He must gnaw at his own position and become familiar with its strengths and weaknesses. If he is to use obscure words, he must understand why he does so and in which directions he can afford to clarify. He must know intimately the positions of others who are to be present, especially where a common front among allies is a major objective of policy. He must be aware of the impact of the issues upon nations not present at the table and upon American interests in all parts of the world. Prudence requires that he anticipate as best he can the most probable attitude of his principal adversary and the range of alternatives with which his opponent might

confront him. He must think carefully about his conduct away from the table itself—the social arrangements, his informal conversations, and, very important, his relations with the press and public opinion. Staff can render invaluable assistance, particularly if by staff we mean the Secretary of State and three or four Assistant Secretaries; but the principal negotiator is in the position of a task force commander who cannot be well served unless he himself fully grasps the situation and knows where he wants to come out. The type of commitment which is required for important high-level negotiation is illustrated by the handling of the first Berlin blockade by Ambassador Philip C. Jessup, the negotiation of the Japanese Peace Treaty by then Ambassador John Foster Dulles, and the development of the Austrian settlement by Ambassador Llewellyn E. Thompson.

But, it will be replied, this is surely not the type of negotiation which occurs at the summit. Exactly. Let us concede in passing that the summit may have other uses, such as to celebrate or confirm agreement already reached through other channels, or as an arena to contest for propaganda advantage, or to "keep talking" to postpone the precipitation of a dangerous issue. If one would add that the summit is conducive to agreement in principle, it might be well to ponder the remark of Secretary George Marshall to a colleague, "Don't ask me to agree in principle; that just means that we haven't agreed yet."

The physical absence of the President from his post in Washington is of enough consequence to be placed upon the scale. The President is as mobile as a jet aircraft, but it is not clear that the Presidency is equally so. One can accept the pleasant and necessary fiction that the White House is wherever the President happens to be and still recognize that prolonged absences from Washington impair the effective performance of the Office. Unless the President is accessible, decisions on important matters are postponed by sympathetic subordinates or settled at the level of the common denominator among the departments and agencies concerned. On his own side, the President will be partially cut off from his Cabinet officers, his personal staff, his usual flow of information, the leaders of Congress and of his own party. In addition, he cannot act with regard to many of the formal and informal aspects of his Office which we have earlier discussed. A President must be free to leave Washington, on business or on vacation, but the effect of his absence is greater than his personal staff would have him believe. The Presidency is not quite the same in Warm Springs or Cairo, Key West, or Potsdam, Augusta, Moscow, Kabul or Santiago, as it is in Washington, D.C.

We are not concerned here about purely technical problems. In the autumn of 1943, Roosevelt, Churchill, and Stalin had an extended exchange about the site of a Big Three meeting. Mr. Stalin preferred Iran and cited his duties in the conduct of the war on the eastern front. Mr. Roosevelt preferred north Africa and repeatedly insisted that he must be sufficiently close to Washington to be able to deal with legislation sent to him by Congress within the 10 days prescribed by the Constitution. His objection to Teheran was that uncertain flying conditions at that season might seriously interfere with this constitutional duty. Stalin refused to budge, even as far as Basra, and the meeting was held in Teheran. In finally yielding, Mr. Roosevelt told Stalin, "You will be glad to know that I have worked out a method whereby, if I receive word that there has been passed by the Congress and forwarded to me a bill requiring my veto, I will fly to Tunis to meet it and then return to the Conference." The charming solution must have confirmed to Stalin that the point had not been serious. It should not be difficult to arrange with congressional leaders, as a matter of constitutional comity, that bills not be forwarded to the President when he is out of the country or, failing that, to insist that the 10-day meter does not begin to run until the bill reaches the President, wherever he might be. Such problems will not bear the freight which Mr. Roosevelt attempted to load upon them; the real issues are more substantial.

Some of us recall that time was of the essence in the decision to interpose American forces against aggression in Korea. Had the series of decisions been postponed on a scale of, say, 24 hours, we should have faced a wholly different situation on the Korean peninsula. President Truman, in Missouri when the first report of the attack reached Washington, could nevertheless authorize immediate reference of the matter to the Security Council and arrive in Washington on the following afternoon to assume full charge of the situation. Jet transport has reduced the difference between Missouri and, say, Western Europe, but guided missiles and alert bombers have almost obliterated the other side of the time equation. Since constitutional arrangements are designed to cover many contingencies which happily never arise, it is not necessarily a sign of panic to suggest that the present strategic situation places a considerable premium upon the immediate availability of the President and Commander in Chief. His absence from the United States, in a personal situation which he himself cannot surely control, suggests a contingent "inability to discharge the powers and duties" of his office and revives under new circumstances the discussion of the same point which arose at the time of Wilson's visit to Europe. It is not unreasonable to consider, if eventually to reject, the possibility of providing by statute that the Vice President shall serve as Acting President during the absence of the President from the United States, leaving it to the two of them to determine which matters, short of great emergency, would be forwarded to the President for an indication of his wishes or held for his return.

The great departments of Government make provision for acting responsibility during the absence of department heads, and the practice is common with private corporations and institutions. However remote one hopes the contingency might be, it is difficult to shake off an underlying uneasiness that one of the most critical duties of the President might be suspended by his inaccessibility, frustrated by the failure of his chief subordinates to agree to act in unison, or usurped by a politically irresponsible general. A provision that the Vice President serve as Acting President during the absences of the President abroad would, of course, mean that Presidents would go abroad only on the rarest occasions—to me one of its most appealing features.

Returning to summit meetings and their capacity to yield constructive agreements, there are lessons from the rich lore of diplomatic experience which are neither controlling nor negligible. The parties can be expected to come to the table in the hope of obtaining an agreement, each on its own terms. The crucial question is whether these terms fit or can be made to fit each other, opening up the possibility of an agreement which each might find advantageous or at least more tolerable than the status quo. To explore this question is the chief purpose of negotiation; if it be known in advance that there is no such possibility then the proceedings, whatever they are called, are not negotiation.

The experienced diplomat will usually counsel against the direct confrontation of those with final authority. Negotiation ad referendum offers greater opportunity for feeling out the situation, exploring the opposing points of view, trying out alternative approaches without commitment, testing general propositions by meticulous attention to detail. The process needs time, patience and precision, three resources which are not found in abundance at the highest political level. The direct confrontation of the chiefs of government of the great powers involves an extra tension because the court of last resort is in session. The costs of error or misunderstanding are multiplied by the seriousness of the issues and the power of those present.

Picture two men sitting down together to talk about matters affecting the very survival of the systems they represent, each in position to unleash unbelievably destructive power. Note that the one is impulsive in manner, supremely confident as only a closed mind can be, tempted to play for dramatic effect, motivated by forces only partially perceived by the other, possibly subject to high blood pressure; the other deeply committed to principles for which his adversary has only contempt, weighted down by a sense of responsibility for the hundreds of millions who have freely given him their confidence and whose fates are largely in his hands, a man limited by conscience, and policy in his choice of tactics and argument, a man with a quick temper and a weak heart. Is it wise to gamble so heavily; are not these two men who should be kept apart until others have found a sure meeting ground of accommodation between them? Is there not much to be said for institutionalizing their relationship?

The skepticism of the diplomat about the blessings of togetherness among heads of government and foreign ministers is well known. The 15th century advice of Philippe de Comines that "two great princes who wish to establish good personal relations should never meet each other face to face but ought to communicate through good and wise ambassadors" is matched in our own century by Sir Harold Nicolson's reservations about the "habit of personal contact between the statesmen of the world." Discounting generously for wholesome professional bias, their views point us toward a well-grounded generalization. Thinking broadly and over the long run, the course of wisdom lies in reducing the impact which accidents of personality have upon the relations among nations. We may recall with satisfaction the personal harmony in which George Marshall, Ernest Bevin, and Robert Schuman labored for allied unity and may try to forget the painful results of the personal difficulties between Anthony Eden and John Foster Dulles. But neither friendship nor aversion is an adequate basis for high policy. Personalities change, sometimes rapidly; but the great tasks of building a tolerable world order endure and national interests reach far beyond the idiosyncrasies of holders of public office.

I must confess to idle speculation about the extent to which the course of world affairs may have been affected by illness among those holding high public office since, say, the time of Woodrow Wilson. I say "idle" because it would probably be impossible to isolate the effects of illness and we cannot know what might have been. But the international list of those who have carried great responsibility while ill is a long one and there are fleeting glimpses of decisions which good health might have turned another way. The point is mentioned because one of the purposes of diplomacy, including its elaborate formality and high

style, is to exclude from great affairs of state the many irrelevancies which spring from human frailty.

If personalities make for complications, these are magnified by the circumstances of a summit meeting. When the Big Three consulted about wartime meetings they seemed much less concerned about getting away from the Germans than about getting away from the press. Apart from the harrowing insistence of the most competitive of the professions, the general atmosphere is that of the football stadium. Is our team winning? Did our man throw him for a loss? Who wins the most valuable player award? But beneath the surface lie the desperate hopes that tensions will be eased, that somehow things will get better. The result is a pervasive pressure toward the creation of illusions—at worst an illusion of victory, at best the pretense of accomplishment where none was achieved.

I must confess that I do not see my way through the inevitable entanglement of summit diplomacy with domestic politics. Can there be any doubt that a summit meeting in the spring and the visit of the President to the Soviet Union in June will give Mr. Khrushchev a chance to influence significantly our coming presidential election? Were not some of just a bit embarrassed when Mr. Macmillan announced a general election almost before the vapor trails of the President's jet had dissolved into British skies? Is the President of the United States to be caught up personally in the difficult task of satisfying General De Gaulle's appetite for grandeur? Can we not anticipate cables from still other quarters reading, "My government will fall unless you come to see us"? And how shall we handle the chain reactions which prestige factors will set off if summitry becomes a habit—the demands of other NATO partners to have a share, the need to show that the exclusive club is not limited to white nations and great powers, the resentment in Latin America if left at the bottom of our interest and concern?

One of the arguments made in behalf of summit meetings is that heads of government can talk things over directly with freedom of action and power to come to agreements promptly and decisively. But the President of the United States is subject to what might be called the Woodrow Wilson Effect—he must keep in mind his ability to make good on his commitments when he gets home. If the summit means bold diplomacy for some, it may well mean timidity for us. A President in Washington, in direct touch with his departments and congressional and party leaders may be able to react more promptly and more confidently than if he himself were present at the table.

A formidable argument for summit diplomacy is the one endorsed by President Eisenhower and repeated by Ambassador Charles Bohlen and others, to the effect that "If you wish to negotiate with the Soviet Union you must talk to Mr. Khrushchev." Standing alone, the argument is not wholly persuasive. Is there point in allowing the Soviet Union to set the style of international negotiation at the cost of disrupting the established political arrangements of other nations? Have we not already made a major concession in yielding to a procedure which works to his advantage and our disadvantage? If he insists upon having a foreign minister to whom he does not wish to give his confidence, is he to impose the same ignominious status upon the Secretary of State of the United States? Can we not insist that it is up to each nation to determine for itself who its highest ranking negotiator is to be? Or cannot Mr. Khrushchev find even one high-ranking colleague whom he can trust to represent him loyally and effectively?

IV

Something else has to be thrown into the scale—and because that something else may be present, I have been unwilling to criticize the exchange of visits between the President and Mr. Khrushchev and the one summit meeting now firmly arranged. It is just possible that significant changes are taking place in the directions of Soviet policy. It may be that the frightfulness of modern war has made itself felt, that the severities of a police state have revealed their dead end and that public opinion is exerting a moderating influence upon Soviet policy by shifting its priorities. It may be that the Communist revolution is reaching the point which other revolutions have reached, where the dogma is enshrined but not very much is done about it. It could even be that Mr. Khrushchev needs summit diplomacy to enable him to bring about certain changes in policy within his own system. If there is substance in these speculations, I would suppose that none of us would regret the President's effort to find out about them. But the risks are as high as the stakes. We are moving into the period in which we have anticipated that we would be at a temporary disadvantage in the strategic field. We are presenting the periodic uncertainty and confusion of a presidential year. Insofar as the public record is concerned, there is little to make us think that Soviet objectives have changed, and much to remind us of the growing strength through which they can pursue them. Dissension weakens the unity of the free world. The President is entitled, on the basis of all the information available to him, to take the risks but one can hope that he will be alert to the dangers of illusion. A democratic people can generate their own false hopes very efficiently; the task of leadership is to confront us with our duties in the light of unpleasant reality.

Let me sum up briefly. What we say and how we should like to appear are of transient importance compared with how we conduct the public business in our domestic and foreign affairs. No propaganda is so effective as an earned reputation as a vital society, offering expanding opportunities for its own citizens and basing its relations with the rest of the world upon mutual respect and underlying decency. If we are entitled to a measure of self-confidence, there are insistent problems which demand our attention: the solidarity of our alliances, our relations with newly independent peoples, the suitability of our Armed Forces for our needs, the orderly growth of our economy, the competitive position of our products abroad, our desperate needs in education, deterioration in our transportation and our great urban centers, the acceptance of our minorities as full-fledged citizens, and, in every vocation, profession or service, our shortage of competent men for leadership. Each can make his own list.

The crucial, indispensable contribution which the President can make to the conduct of our foreign affairs is to enter fully into his office, to use its powers and accept its responsibilities, to lead a people who are capable of responding to the obligations of citizenship. He holds a unique office in a unique constitutional system, which offers him vast powers in exchange for leadership—powers which are as large as the situation requires. With deep compassion we can acknowledge that his are burdens which no man ought to be asked to bear, that the problems before him may reach beyond the capacity of the mind of man, and we can be grateful that there are men with the temerity to seek the office. It is respect for the Presidency which leads one to believe that visits to 20 or more countries in the course of a few months, interspersed by periods of preparation and rest, take too much out of the man and his office. A presidential system cannot easily adjust to an interregnum; a nation moving with such great mass and velocity needs the engineer at the throttle.

Finally, the President must prepare himself for those solemn moments when, after all the advice is in from every quarter, he must ascend his lonely pinnacle and decide what we must do. There are such moments, when the whole world holds its breath and our fate is in his hands. Then every fragment of his experience, all that he has read and learned, his understanding of his own nation and of the world about him, his faith, conscience, and courage are brought to bear. It is in this realization, not in petty criticism, that we can be jealous of his time and energy and resistant to every influence which comes between the man and his burdens.

U.S.S. "TOPEKA"

Mr. CARLSON. Mr. President, the U.S.S. *Topeka* goes to sea again.

Last Saturday, in New York, very impressive services were held recommissioning the U.S.S. *Topeka* as a guided missile ship. Kansas, and particularly Topeka, are proud of the recognition that is being given our State as this modern light cruiser is recommissioned as one of the most modern ships in our Navy.

Many high officials of the Navy, representatives of the Government, and city officials of Topeka, including the mayor, the Honorable Ed Camp, and other prominent Kansans attended the recommissioning.

At the ceremony Mrs. Frank Warren, wife of former Mayor Warren, of Topeka, who christened the cruiser *Topeka* in 1944, was recognized as the sponsor of this ship.

The name *Topeka* among the ships of the Navy has an interesting history. The first *Topeka*, a gunboat, played an important part in the Spanish-American War. The second *Topeka*, which was christened by Mrs. Warren in 1944, was a light cruiser that had an interesting history and entered into many engagements in the Second World War, serving much of her time in the South Pacific. During this service the *Topeka* earned two battle stars and many other awards for operation during that period.

The remodeling of the U.S.S. *Topeka* has been a 3-year task, undertaken in 1957, and culminating in new commissioning ceremonies in New York last Saturday.

The former light cruiser will carry a launcher which can fire two Terrier missiles simultaneously, these two-stage rockets being designed to intercept supersonic bombers. She will keep some of her 6-inch and 5-inch guns which she carried into World War II.

It is her electronic equipment, however, which emphasizes the Navy's present-day mission and performance. The U.S.S. *Topeka* will have 44 radio receivers, 19 transmitters, 8 radar sets, and 18 radar scopes. She will clear the Brooklyn Bridge only when the top of her mast and her radar antennas have been removed.

Mr. President, as I stated in the beginning, we in Kansas are proud of the recognition in the recommissioning of this light cruiser, U.S.S. *Topeka*, as one of our most modern ships. She has a record of outstanding achievements in the past, and I am confident she will give a good account of herself wherever service calls.

The PRESIDING OFFICER (Mr. CANNON in the chair). Is there further morning business? If not——

Mr. FREAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FREAR. Mr. President, has the morning hour been concluded?

The PRESIDING OFFICER. Morning business has not been concluded.

MEDICAL CARE

Mr. CLARK. Mr. President, I ask unanimous consent to have printed in the RECORD a copy of a letter to the editor of the Delaware County Daily Times, dealing with the problem of the need for medical care in our country today.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LABOR UNION OFFICIAL DEFENDS BILL PROVIDING FOR MEDICAL CARE AS VITAL

To the TIMES:

The statement by Dr. William Erb, president of the Delaware County Medical Society, which was published in the January 19 issue of the Delaware County Daily Times, reminds us of the kind of social philosophy which was prevalent in the 19th century.

Dr. Erb claims that health care is a "private personal matter" and "will not be improved when surrendered to the Federal Government." The inference here is that the Forand bill, which TWUA along with the entire labor movement, is supporting, will in some way impair the "private" character of health care. This allegation could not be further from the truth.

First, under the Forand bill the choice of doctor is left to the patient. The only thing that the Government would control is reasonable cost. No doctor would be permitted to charge exorbitant fees for services.

Second, Dr. Erb's exhortation against Government control sounds very much like his compatriots in the AMA who, a generation ago opposed the requirement that all T.B. cases be reported to public authority, opposed compulsory smallpox vaccinations as interference with the "privacy of medical care," and fought immunization against diphtheria by public health agencies. True, these are all "invasions" of the right of private doctors to charge fees for these services, but would Dr. Erb favor rescinding these services?

Again, Dr. Erb states that the Forand bill would cost a "huge slice." In fact, the bill provides that the cost of the entire program could be financed by an additional one fourth of 1 percent of the payroll deduction for social security—hardly a huge slice, is getting pretty worn. This is AMA leveled against the Social Security Act in 1935. Would Dr. Erb repeal social security now? Dr. Fishbein, editor of the AMA Journal, termed old-age insurance as a "definite step toward either totalitarianism or communism." No doubt there are some who would find in this statement an accurate expression of their own feelings. But for the vast majority of American people social security has been a veritable lifesaver at the time in life when all other sources of income are cut off.

Our union and the AFL-CIO says that the Government should take the responsibility for guaranteeing that old people who are in need of medical care, can get it. Recent Senate committee disclosures of profiteering in the drug industry, where drug costs have been driven up in an unconscionable fashion, simply serve to underscore the desperate plight of pensioners who are living on inadequate stipends. These people are unable to afford the cost of decent health care. If our concern for human values has outweighed our concern for protecting the concept of medicine as a "private affair," we proudly affirm our position. The Forand bill, by providing for a system of prepaid health insurance for the aged, is a step in the direction of showing that the American people are not callous to the needs of the growing numbers of senior citizens in our society. In the view of the American labor movement, the welfare of the people comes before all other considerations.

Let us remember that it was the AMA who first opposed even voluntary health insurance plans as "socialism * * * communism * * * inciting to revolution" when they were first proposed. Today, millions of Americans hold voluntary health insurance policies and hundreds of thousands of AMA members honor them.

We are confident that our Nation, despite opposition, will continue to make progress in the area of social welfare. As for the trade union movement, we will continue to advocate measures which will benefit all Americans.

SOL STETIN,
Vice President and Regional Director, Textile Workers Union of America.

POLITICAL CONTRIBUTIONS BY AMERICANS FOR DEMOCRATIC ACTION

Mr. CLARK. Mr. President, on February 18, the distinguished junior Senator from Arizona [Mr. GOLDWATER] inserted in the RECORD material from a paper prepared by a Mr. Frank Childers of Princeton University, concerning an interview Mr. Childers had had with Mr. William L. Taylor, legislative representative for Americans for Democratic Action. This insert appeared under the caption "Loopholes in So-Called Clean Elections Bill."

Americans for Democratic Action, of which I have long been a member and for whose objectives I have great admiration, is frequently maligned. I do not rise to its defense upon every occasion when it is unfairly criticized or misrepresented, because if I attempted to do so I would have little time left for other purposes.

However, occasionally the attacks upon the ADA are so unfair that I feel I must say a word in defense of that organization.

Accordingly, after reading the material inserted by the Senator from Arizona, I called Mr. William L. Taylor to ask him for his side of the story. He replied that he was making a reply in the form of a letter to the Senator from Arizona, which he was requesting that the Senator insert in the RECORD to set the story straight.

My office has checked with the office of the Senator from Arizona and I am advised that although Mr. Taylor wrote the Senator on February 23, the Senator has not placed Mr. Taylor's letter in the RECORD. I am, therefore, taking the liberty of doing so in his stead, since I feel that Mr. Taylor's version of the facts should be given the same attention that has been given the original material.

The Senator from Arizona said he was unable to find the ADA's financial statement on file with the Clerk of the House. I found it very easily, by simply calling the Clerk's office and being informed that statements for several years are on file. The following figures were obtained from the 1958 statement—chosen because it was the latest election year:

The ADA listed a total of $125,000 in contributions in 1958. Of that sum, the UAW is listed as contributing $9,000, or less than 8 percent; total union contributions are listed as $30,000, or 24 percent. These figures verify the correctness of Mr. Taylor's denial of the Senator's assertion that the ADA receives 35 percent of its money from the UAW.

I ask unanimous consent to have printed at this point in my remarks a letter from William L. Taylor addressed to the Honorable BARRY GOLDWATER.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 23, 1960.

The Honorable BARRY GOLDWATER,
Senate Office Building,
Washington, D.C.

DEAR SENATOR GOLDWATER: My attention has been called to your speech on Americans for Democratic Action and "Loopholes in So-Called Clean Elections Bill", which appears in the RECORD of February 18, 1960, at page 2887. With all due respect, I must say that in basing your remarks upon statements ascribed to me by a Mr. Childers of Princeton, you were victimized by a student with a wild imagination and no respect for the truth.

A Mr. Childers of Princeton did, indeed, interview me several months ago. (He stated that he was writing a theme on the conservative movement in the United States, that he had spent a couple of days in your office, that he wanted ADA's assessment of the conservative movement and answers to allegations that you had made about the ADA.) During the course of that interview I did furnish Mr. Childers with a copy of "A New Deal for the 1960's" and with a copy of ADA's platform reproduced in the ADA World. This much of Mr. Childers' account is true. The rest of Mr. Childers' report in which he purports to quote me, both directly and indirectly, is simply a collection of lies.

Specifically, to deal with the statements you single out for special attention, I did not tell Mr. Childers that: (1) "ADA receives slightly less than 35 percent of its total moneys from the UAW" or that "labor unions contribute most of ADA's total funds." I would not have made such a statement to him simply because it is not true. Incidentally, in accordance with the Federal Corrupt Practices Act, contributions received by ADA, both from labor and other sources, are reported and are on file with the clerks of

both Houses. (2) "Men and women are sent to States, towns and cities to support candidates favorable to ADA policy." Of course, ADA chapters participate in election campaigns, but Mr. Childers has attempted to twist this to mean something quite different. (3) I "would favor a plan to confiscate all the money and private property in the country, line up all the citizens in a row and give each man a proportional share". If I held such views (which I do not), I would hardly be likely to express them in a casual talk with a student I had never before met, nor could I hold a responsible position with an organization which is opposed to this philosophy.

I do not know what Mr. Childers' motives were in furnishing you with this fictitious account of our conversation. I wish I could believe that he was not very bright, that he took poor notes of our interview and had a poor memory of what was said. But Mr. Childers impressed me as an intelligent student. He discussed with me knowledgably, for example, ADA's support of tax reform legislation introduced during the last session by Senators CLARK, MCCARTHY, DOUGLAS, and PROXMIRE. Thus, I am afraid that this charitable explanation of his actions would not be accurate.

Mr. Childers has not furnished me with a copy of his report and I do not know what is contained in the sections you did not place in the RECORD. In the interest of fairness however, I would appreciate your placing in the RECORD my reply to those sections of his report entered in the RECORD.

Sincerely yours,

WILLIAM L. TAYLOR,
Legislative Representative.

PHILADELPHIA PLANS MORE CITY-SUBSIDIZED RAIL SERVICE

Mr. CLARK. Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks an article entitled "Philadelphia Plans More City-Subsidized Rail Service, Fare Cuts," which was published in the Wall Street Journal of February 15, 1960, which I inadvertently forgot to have printed in the RECORD earlier than this.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 15, 1960]

COMMUTER RX?—PHILADELPHIA PLANS MORE CITY-SUBSIDIZED RAIL SERVICE, FARE CUTS—MAYOR TO BE BACKED BY RAILS, OTHER CITIES IN PLEA FOR FEDERAL AID TOMORROW—LATE SHAVES AND EARLY COCKTAILS

(By Michael Creedman)

PHILADELPHIA.—This venerable city of mossy parks, ancient brick row houses, the Liberty Bell, and other historical landmarks, hardly brings to mind an image of bustling civic progress. Its glories, to most outsiders, lie more in the past than the present.

Thus it is all the more surprising to find Philadelphia suddenly seizing the center of the stage with a ready-to-go, areawide program to tackle one of the toughest of all municipal headaches—the perennial commuter crisis.

The Philadelphia plan, in fact, may turn out to be the pattern of the future for many other U.S. cities of more than 500,000 population, if the enthusiasm for it now being shown by mayors of other cities and by eastern railroad presidents means anything.

NEEDED: A FEDERAL SUBSIDY

Basically the plans calls for the creation of a nonprofit municipal corporation—Passenger Service Improvement Corp. of Philadelphia (P.S.I.C.)—which will have the power to contract with local railroads and transit companies to provide commuter service for a flat fee every year. The fee would cover most or all operating costs. All revenues from the service would be credited to the P.S.I.C., which would set fares and schedules and ultimately, it is hoped, buy new equipment and lease it to the railroads. Since this most likely would be a deficit operation for the P.S.I.C., city and railroad officials believe the Federal Government must pick up the tab for part of the subsidy if the plan is to succeed.

Philadelphia's rationalization for the subsidy is this: Since the Federal Government already is footing the bill for as much as 90 percent of the cost of building highways into large cities, thereby helping to strangle them with congested auto traffic, some Federal money might well be spent improving railroad commuter service.

In an experimental program, which it has been financing itself since last 1958, the city already claims some success in getting people out of cars and back into the commuter trains. City-subsidized fare cuts and service improvements on three of Philadelphia's dozen commuter routes have increased ridership on the lines by percentages ranging from 20 percent to 200 percent. Now, Philadelphia is planning to extend the program to all commuter routes.

Tomorrow, Philadelphia's aggressive 61-year-old mayor, Richardson Dilworth, will lead to Washington a delegation consisting of executives from 11 major eastern railroads and the mayors or top officials of Boston, New York, Chicago, Cleveland, Milwaukee, St. Louis, New Haven, Wilmington, and a number of other cities. There details of the plan and of the Federal-aid legislation they want to carry it out will be explained to Senate party chiefs, LYNDON JOHNSON and EVERETT M. DIRKSEN, to the various congressional committees on transportation, and to the White House staff.

INQUIRIES POUR IN

So many inquiries have poured in from other cities since Philadelphia's plan was first announced last month that Philadelphia's city solicitor, David Berger, will hold a 1-day symposium for city attorneys and transit officials from other parts of the country in March, when he'll explain in detail just how the plan was developed and how other cities might follow suit.

Early this week the American Municipal Association, which represents 13,000 cities throughout the United States, will release details of legislation it has prepared for Federal aid for the commuter. The bills, which will be introduced during the current session, almost seem to have been drafted with Philadelphia in mind. They would provide long-term, low-interest Federal loans to municipalities to buy and lease new commuter equipment and a study of grants-in-aid to the cities, on a dollar-for-dollar matching basis, for other improvements in local rail transportation.

George Alpert, president of the financially hard-pressed New York, New Haven & Hartford Railroad, can hardly restrain his enthusiasm for the Philadelphia approach to the commuter problem, though his line goes nowhere near that city. "It is not just another study. The plan is realistic in setting up immediate, practical help," he says.

The Central Railroad of New Jersey, another non-Philadelphia line, has circularized its own riders with a lengthy tribute to "the city fathers of Philadelphia." Their action was taken, the railroad says, "while commuters in New York and Boston wait apprehensively for higher fares and more abandonments, and the leaders of their State and municipal governments hem and haw in search for a solution."

There are other proposed solutions—chiefly reduction of local taxes on railroads and a more liberal attitude by regulatory bodies in granting fare increases—that are being actively pushed. The Long Island Railroad since 1954 has been operating under a redevelopment plan which has halved its State and local taxes. Gov. Nelson A. Rockefeller last year pushed through a program to give other New York railroads tax relief; the State, in addition, has made available $20 million for the purchase of new rail commuter equipment.

LOCAL SUPPORT

Both the Pennsylvania Railroad and the Reading Co., which serve the Philadelphia commuting area, wholeheartedly stand back of the new plan, and, in fact, have been participating for more than a year in the experimental forerunner of it.

The plan has drawn its share of criticism, too. Attempts to gain the backing of the Association of American Railroads for the type of Federal aid which it would require fell apart when presidents of the western railroads dissented violently. Unlike most of the eastern lines, some of the western routes, such as the Chicago & North Western Railway, are still operating commuter service in the black and see no need for subsidies.

One Philadelphian calls it a "Brannan plan for railroads." Another, H. Jerome Jaspan, who claims to represent 1,800 local taxpayers, filed suit to block the granting of a charter to the new P.S.I.C.

The new nonprofit corporation, Mr. Jaspan says, "is just a front. It's just a feedbag to bail out the railroads which are losing money." Although the common pleas court here has overruled Mr. Jaspan's objections and approved the charter, he vows he'll take his case to the highest courts if necessary.

THE SUBURBAN ATTITUDE

Eventually, if the plan is to succeed, the support of suburban towns and counties outside of Philadelphia will be needed. Some of these communities are lukewarm about the prospects. A major fear is that, if they get tangled up with the central city on tackling the transit problem, before long they will be involved in downtown problems such as urban renewal, racial integration, housing, and high taxes.

But, in Bucks County, Planning Commission Director Franklin Wood says, "We don't want to be left out of this thing. Whatever is being developed we want to be part of because we'll regret it later if we aren't. After all, county lines don't mean anything any more. Traffic problems that 20 years ago didn't affect us have come up here now."

Philadelphia officials already can point to some positive gains since their initial experiments were begun a little more than a year ago. On the Reading's Fox Chase line, with the aid of city subsidies, the number of daily train movements was boosted to 14 from 6; fares were slashed from an average of 48 cents to 30 cents. Also, tie-in service with connecting bus lines was instituted, as an added inducement for commuters to leave their cars at home. As a result, the number of riders jumped from 10,521 in December 1958 to 35,982 in December 1959.

ENDING A SLUMP

The Pennsylvania, likewise, has been able to reverse a long-term traffic slide on its Chestnut Hill branch by means of lower fares and better service. The number of passengers on the route which had dropped from 2,627,000 in 1948 to 1,598,000 in 1958, last year turned up by nearly 30 percent.

Most railroads claim the nub of the commuter problem is the wide disparity between the huge amount of equipment needed to handle peak-hour loads and the much smaller amount required to serve the suburbs during the balance of the day. Daytime travelers have increasingly deserted the rails to drive to town, the carriers say, but the railroads still must maintain a lot of equipment to handle commuter traffic. The Philadelphia scheme is designed to ease city auto congestion by putting more commuters on the rails, but it also seeks to beef up daytime rail travel as well.

While there are no exact statistics on how much the downtown auto traffic congestion in Philadelphia has been lightened by the experiment, a big, red-faced traffic policeman on duty near city hall says, "Since they started that cheap train service there seems to be a lot fewer cars coming through here in the rush hour."

The city figures that for every rider it can get to leave his car in the driveway in favor of public transportation, it saves $170 a year in police, highway construction, maintenance, and other costs.

In the last 10 years, many of the city's older downtown buildings were torn down and replaced in a $250 million program of modernizing. Another $600 million is slated for downtown improvement over the next decade.

"But," says Mayor Dilworth, "unless some way is found to improve mass transit, all the center city development will go down the drain."

THE RAILROADS' MOTIVE

Walter Patchell, vice president of the Pennsylvania, indicates that the preservation of the downtown area also is one of the principal reasons for the carriers' participation in the new plan. "The easiest thing for the railroads to do would be just to get out of the business of carrying commuters, but we realize this would destroy the center of Philadelphia."

Decentralization would mean the loss of thousands of dollars worth of profitable freight business, Mr. Patchell comments. He explains that railroads can perform freight service better than trucks when moving goods from one concentrated area to another. But if the city core is dispersed, truck competition, capable of deliveries to scattered points, would take over.

Even with the subsidies, Philadelphia railroads lost some $7 million bringing commuters into the city last year. And even with the more ambitions program contemplated for the future, according to City Solicitor Berger, "the railroads will never make money on this. At best it will be a break-even deal."

Joseph A. Fisher, president of the Reading agrees. However, he says, "We hope the new nonprofit corporation will absorb more of the costs of operating the service."

New contracts between P.S.I.C. and the railroads will be negotiated every year, and Mayor Dilworth admits that it is possible the rails will receive more money for operating services as time goes on, but he hopes revenues will increase, too.

This year, the Reading and the Pennsylvania will split between $1,400,000 and $1,525,000 for operating two routes, with about $325,000 of this representing contributions from the city. Figures aren't yet available for the third route, on which the contract expires in April. The sums for the first two routes are about the same as were paid out last year on those routes.

THREE ADDED LINES

Negotiations are expected to get under way soon to put three additional commuter lines on a similar basis. All intracity commuter lines here carry about 100,000 passengers daily, with about a fourth of these now riding on subsidized routes.

Philadelphia's suburbanites, outside the plan so far, meanwhile face the prospects of a new batch of fare increases from the Pennsylvania and the Reading in the not-too-distant future. Although Philadelphia usually has intervened in these rate applications in the past, there is some indication that from now on it will concentrate solely on improving the lot of its in-city commuters. This strategy, some city men believe, will have the effect of persuading outlying towns to join Philadelphia's program.

Philadelphia's city officials already are talking of unprecedented boons and frills for their own commuters—new air conditioned cars, spruced-up stations, special trains for theater parties and even electric shavers for late sleepers.

City Solicitor Berger claims he's serious when he suggests throw-away squeeze bottles filled with cocktails for the going-home crowds, fashion shows on the trains and a "Freudian approach" to rail riding, with curvaceous young lady conductors in rush hours and handsome young men to punch tickets on the afternoon shoppers' specials.

Already there's been considerable improvement in commuter morale, on the subsidized routes at least. Mrs. Katherine Harpster, one of the Pennsylvania's two local lady conductors, comments that 2 years ago, just after a fare hike, one of her passengers stopped her as she was punching tickets and snarled, "You don't need a punch. You ought to use a pistol."

"Now," she says, "the only kind of comments I get are friendly."

The ultimate goal of Philadelphia's city fathers is an integrated mass transportation setup for the entire eight-county metropolitan area of more than 4 million population, which includes Camden and other New Jersey cities across the Delaware River. This would also include operation of the privately owned Philadelphia Transportation Co., which carries some 1.1 million riders a day on subway and surface routes. However, complete control of all transit facilities, even if Federal aid becomes available, "will not spring into flower overnight," says Mayor Dilworth.

MILITARY AIRLIFT

Mr. CLARK. Mr. President, if I may, I should like to have the attention briefly of my friend the junior Senator from Mississippi [Mr. STENNIS].

Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks the third of a series of articles written by the distinguished military commentator, Hanson W. Baldwin, entitled "The Airlift Problem—III."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE AIRLIFT PROBLEM—III—MILITARY TRANSPORT STUDIES QUESTIONS OF TACTICS, EQUIPMENT, AND COMMAND

(By Hanson W. Baldwin)

The Military Air Transport Service, which is flying an average of almost 7 million tonmiles daily during the 2 weeks of Exercise Big Slam Puerto Pine, hopes the maneuver will clarify some of its problems.

The exercise, which includes the transportation of more than 20,000 Army troops to Puerto Rico, ends next Monday. From it the Air Force and Army hope to draw some conclusions about the vexing problems of military airlift.

These problems are numerous; some of the more important ones are discussed here.

ROLE OF COMMERCIAL CARRIERS IN MILITARY AIR TRANSPORT

The Military Air Transport Service, under Lt. Gen. William H. Tunner, operates for the military forces an airways and air communications service, air weather service, air rescue service, air photographic and charting service, and a strategic airlift force.

Some 992 aircraft and 115,000 persons are assigned to MATS, including 4,000 Navy personnel. Of this total, almost 35,000 persons and 483 aircraft are assigned to so-called strategic passenger and cargo airlift.

To meet the war-plan needs of the Joint Chiefs of Staff, MATS is required to maintain a global air transportation system in a state of peacetime readiness that can instantly be expanded to wartime tempo.

This system has long been the target of commercial air carriers and of congressional critics, who maintain that the service is wasteful and competes unfairly with commercial air carriers.

Yet MATS has some convincing answers. Repeated Pentagon and congressional studies indicate that MATS must maintain almost its present level of operations if it is to meet the war-plans requirements of the Joint Chiefs and if it is to be capable of rapid acceleration to wartime tempo.

OPERATION EXPANDED

MATS normally flies an average of about 5 hours a plane a day. During the current maneuver this has been expanded to about 8 hours a plane a day, which is regarded as the minimum necessary for wartime operations.

Prior to the Korean war, MATS flight hours, programed at 3 hours a plane a day, were actually less than 2.7 hours.

When the Korean war began the Joint Chiefs ordered an accelerated tempo of 10 to 11 hours a day. It took MATS 11 months to build up to less than 7 hours a day, even though its personnel were reinforced with reserves. It never reached the Joint Chiefs' requirement.

MATS does not want to be caught short again; it feels that it must maintain its present tempo and volume of operations on its global air routes if it is to maintain war readiness.

THE MODERNIZATION OF MATS

MATS flies four types of passenger and cargo aircraft—the Lockheed C–121 Super-Constellation; the Douglas C–118 Liftmaster, the Douglas C–124 Globemaster and the Douglas C–133 Cargomaster.

These are all propeller-driven planes. The workhorse of the fleet is the C–124; there are 291 of these in MATS. It is a slow and aging plane, with maintenance headaches, although it is still doing yeoman service. The newest heavyweight cargo lifter—a turboprop aircraft—is the C–133. There are only 29 of these; eventually MATS will have 49.

There is rather general agreement that MATS needs modernization, but the unanswered question is whether an entirely new "ultimate" aircraft should be developed, or whether types of aircraft now or soon to be available should be purchased.

MATS is eager to purchase jets; it believes that so-called swing-tailed versions of the Boeing 707 or Douglas DC–8 commercial jet airliners could be modified and developed for military use, capable of using runways 4,000 feet in length or less. A combination of a turbo-fan engine and leading edge flaps and boundary layer control could permit short takeoffs and landings.

However, the Army points out that the fuselage of the 707 or DC–8 is not large enough for outsize cargoes and that adequate cargo planes are the bottleneck of the military transport problem.

Moreover, paratroopers cannot jump from any available jet; their minimum flying speed is too high. The Army prefers an improved version of the Lockheed Hercules C–130, which is used by the troop carrier wings of the Tactical Air Command.

TACTICAL AND STRATEGIC AIRLIFT

The problems of airlift are complicated by the overlapping functions of the Tactical Air Command and the Military Air Transport Service. Both operate troop carrier and military cargo aircraft.

The Tactical Air Command utilizes the C–130 and the Fairchild C–123 assault transport. These so-called "short-legged" aircraft are designed for so-called tactical or assault missions, with troops and cargo combat loaded for jumping or for rapid unloading on an improvised airstrip in an enemy zone.

MATS aircraft, on the other hand, have a so-called "strategic" mission. They are generally bigger, longer range planes. Paratroopers do not jump from them and cargo is not rigged for parachute dropping, nor is it combat loaded.

MATS planes are generally adapted to transporting troops and supplies to a staging area or friendly base, where the troops can be unloaded and then reloaded into Tactical Air Command assault aircraft that would fly them to the enemy objective.

But developing technology has blurred the once-clear distinction between tactical and strategic. So-called tactical aircraft are now achieving longer and longer ranges.

If a two-purpose plane that could combine both strategic and tactical functions could be developed airborne troops could be combat loaded in the United States and flown directly to the scene of action anywhere in the world without using intermediate staging bases.

MATS does not believe this is possible without great sacrifice of speed or other important characteristics. The Tactical Air Command and the Army think that it might be feasible in the future.

ORGANIZATIONAL AND COMMAND RELATIONSHIPS

The Army requested some time ago, and apparently was granted, a single point of contact between the Army and its Strategic Army Corps and the Air Force. Instead of dealing with two Air Force agencies—MATS for strategic lift, and the Tactical Air Command for tactical or assault lift—the Tactical Air Command was to be the point of contact for both.

The purport of a directive issued by Gen. Thomas D. White, Chief of Staff of the Air Force, initially went further than this. It was understood by both the Tactical Air Command and the Army that after the end of Exercise Big Slam/Puerto Pine next Monday the Tactical Air Command would, in the future, exercise control over all peacetime maneuvers involving both the Army and military air transport aircraft. This would be true whether the craft were drawn from MATS or Tactical Air Command.

However, partly as a result of the current exercise, there has been some restudy of this understanding. The question of command and organizational relationship between MATS and the Tactical Air Command and between them both and the Army is therefore one of a number of unresolved problems that the lessons of the current maneuver may help to solve.

Mr. CLARK. Mr. President, I invite the attention of my colleagues to the comments made by Mr. Baldwin to the effect that while the Military Air Transport Service, MATS, is eager to purchase jet aircraft for transport purposes, the Army points out that the fuselage of the 707 or of the DC–8 jet is not large enough for the outsize cargoes and that adequate cargo planes are the bottleneck of the military transport problem.

Moreover, paratroopers cannot jump from any available jet, since their minimum flying speed is too high.

Mr. Baldwin also points out that if two-purpose plane which would combine both the strategic and the tactical functions could be developed, airborne troops could be combat loaded in the United States and flown directly to the scene of action anywhere in the world without using intermediate staging bases.

Mr. President, I am confident that the Committee on Armed Services, of which the distinguished Senator from Mississippi is so able a member, will give close attention of the problem of airlift. I am happy to know the committee will do so, because in my judgment this is one of the unresolved problems of our military forces.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. CLARK. I yield to the Senator.

Mr. STENNIS. Mr. President, I highly commend the Senator from Pennsylvania for bringing this matter to the attention of the Congress and of the people of the United States. It is a subject in which the Senator is well versed. I think his position is eminently sound.

Mr. CLARK. I thank my friend for his kind words. No one is doing a better job on the Armed Services Committee in this regard than my good friend from Mississippi.

Mr. President, I desire to address myself to another subject.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

INTEREST CEILING ON LONG-TERM GOVERNMENT BONDS

Mr. CLARK. Mr. President, whenever the Democratic Congress is subject to praise on the financial pages, I think it is sufficiently noteworthy to warrant inviting the attention of my colleagues to the event.

Mr. Paul Heffernan, financial writer for the New York Times, published an article on page 1 of the financial section of that newspaper for Sunday, March 27, in which he described as "fortunate" the resistance of the Congress to the demand of the Eisenhower administration that the 4¼-percent ceiling on long-term Government bonds be lifted.

Imagine my amazement.

Mr. GORE. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield to my friend from Tennessee.

Mr. GORE. Mr. President, I read the article to which the Senator from Pennsylvania refers. Secretly, to myself, I expressed the wish that the editorial writer for the New York Times who writes editorials on economic policy, who has been castigating those of us who have resisted the proposed legislation in this regard, would read this article in the New York Times.

Mr. CLARK. I thank my friend for his interjection. I add that I hope Mr. Edward Collins, the New York Times commentator on financial affairs, will also take the time to read Mr. Heffernan's article.

Mr. President, I continue. Mr. Heffernan's exact words were:

> It is fortunate that the Congress dragged its feet on the advance-refunding proposal. If the Government last year had carried out advance refunding of 2½-percent bonds with higher coupon issues on terms yielding investors from 4½ to 4¾ percent or more, the higher debt cost would have left the taxpayers saddled with a needlessly heavy burden when the market turned last winter.

Mr. President, most of my colleagues will, I am sure, recall the criticism which has been heaped upon our heads all winter for that fortunate footdragging. We were accused of threatening the safety of the Republic, of causing the gold reserves to be drained out of Fort Knox, of stoking the fires of inflation of trafficking with the soundness of the American dollar.

Now it turns out that what we did was "fortunate."

I think we should take this moment to pay our particular respects to the senior Senator from Illinois [Mr. DOUGLAS], who stood up in the Senate on the day that President Eisenhower sent his bond ceiling removal message to the Congress last year and cautioned us to go slow in responding to the President's request. The Senator from Illinois has stayed steadfastly with that recommendation since.

It has required great courage on the part of the Senator from Illinois to hold to his position under the torrent of abuse which has been directed at him. Today we can all concede that his wisdom is equal of his courage.

In an article in the same newspaper for Friday, March 25, Mr. Heffernan says that "the bond community believes that this would be a good time for the Treasury to come out with an issue of securities due in more than 5 years. It is assumed that $1 billion of such obligations could be absorbed by the market within the 4¼ percent long-term statutory cost limit."

Mr. President, I ask unanimous consent that the two articles by Mr. Heffernan which I have quoted be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 27, 1960]

BOND PRICE CLIMB ECLIPSES DEBATE—DISPUTE IN CONGRESS OVER 4½ PERCENT RATE CEILING NOW APPEARS POINTLESS—YIELDS TAKE HARD FALL—LAWMAKERS ARE EXPECTED TO TURN ATTENTION TO THE STOCK MARKET'S DROP

(By Paul Heffernan)

The sharp 2-month rise in the prices of Treasury and other prime debt securities has thrown into indefinite eclipse a 2-year long dispute about public debate management between the Treasury and antiadministration forces in Congress.

Probably legislation reluctantly activated by Democratic leaders to meet the Treasury's professed needs is now a dead letter. Under such legislation, the Treasury would have been permitted to do a limited amount of long-term borrowing above the World War I enacted 4¼ percent cost ceiling and to undertake large-scale advance refunding—at higher rates—of major 2½ percent bond issues that will come due in 1961 and thereafter.

Less than 3 months ago there were strong market arguments for giving the Treasury more leeway in fashioning public borrowings. Of the Treasury's 54 issues of marketable interest-bearing securities, 13 were selling at prices to yield 5 percent or more. Of the Treasury's 32 issues of non-interest-bearing discount bills, 8 were selling at prices yielding 5 percent or more.

Last week only 14 of this register of 72 issues of Treasury debt were selling at yields of 4 percent or more. The highest yield was 4.15 percent. The highest yield obtainable from any of the 32 issues of discount bills was 3.36 percent. Bills due in 91 days were selling at rates yielding 2.84 percent, compared with 4.75 percent in early January.

BALKING FORTUNATE

It is fortunate that the Congress dragged its feet on the advance-refunding proposal. If the Government last year had carried out advance refunding of 2½-percent bonds with higher coupon issues on terms yielding investors from 4½ to 4¾ percent or more, the higher debt cost would have left the taxpayers saddled with a needlessly heavy burden when the market turned last winter.

Of course the story is not over, only a chapter. In due course, the eclipse will pass and the Treasury's headache may recur. Did not the Treasury's latest issue of long-term bonds—the 4s of 1969 (put out in 1957 and reopened last year) sell at 109 to yield about 3.05 percent within a year of their first sale? And about 2 years later did not this same issue decline in price to 94.1–16, equal to a yield of 4.71 percent? This could easily happen again, especially if the economy is in for another period of prosperity.

In retrospect, the Democratic reaction to the Treasury's proposals was less than adequate. The partisan opposition offered no pointed objection to the advance-refunding ideas of the Treasury, but marshaled emphatic dissent only against raising the 4¼ percent cost ceiling.

It was also apparent that the partisan political opposition, while unified in its stand against raising the 4¼ percent ceiling, was opposed to the idea for different reasons Some of the dissent smacked of the bipartisan Potomac folklore that low interest rates are "good" and high rates "bad."

Other dissenters were more sophisticated. While admitting frankly that there was no point to the 4¼ percent ceiling, they nevertheless reserved the legislative say-so as leverage for enforcing long-studied but controversial "reforms" on the Treasury and the Federal Reserve. The proposed legislative price for lifting the 4¼ percent ceiling was—

That the Treasury hereafter sell its marketable securities at public sealed bidding.

That future long-term bond issues of the Treasury be made subject to call by the Government within 5 or 10 years after issuance, so that they could be refunded at lower cost should market prices for bonds rise sufficiently.

That the Federal Reserve System pace increases in the money supply—that is, the demand deposits of commercial banks and money held outside banks—to correspond to rate of growth of the gross national product.

WILL ANXIETIES SHIFT?

Probably the market eclipse that has made a dead letter of the 4¼ percent cost ceiling legislation has made a dead letter, too, of certain congressional notions of "reform." Certainly no legislative body could make interest rates fall as sharply as the free market has done in the last 3 months.

More likely, the unshakable anxieties of the legislators will shift quickly—if they have not already done so—from the bond market to the stock market. When will the value of equity shares stop going down? Is a sizable business recession like that of 1957–58 coming into being? A demoralizing depression, like that of the 1930's? Will there be mass unemployment again? Another world war?

Potomac folklore to the contrary notwithstanding, these specters are the dread companions of low interest rates, at least in the memory of the present generation. It is strange to behold the eagerness with which populist legislators in the field of money and credit are ever ready to gallop forth—unwittingly—as horsemen of the economic apocalypse.

[From the New York Times, Mar. 25, 1960]

DISCOUNTS CLIMB FOR BILLS OF UNITED STATES—REST OF LIST ALSO DECLINES—CORPORATES FOLLOW TREND—MUNICIPALS FIRM

(By Paul Heffernan)

The sharp price rise in Treasury and other prime-risk bonds was checked yesterday by the disinclination of dealers to keep following each other's bids upward.

There was a brief flash of renewed bullish bidding in the early trading, but within a half hour dealers had come to the conclusion that the market was more in need of a breather than anything else after the sharp rise of recent weeks.

The price reaction came quickly. It did not take long for a progressive retreat in bidding to develop markdowns extending to 18/32 of a point in the case of certain long-term issues of both war and postwar issue. The 3½s of 1990 closed at 90 20/32, off 18/32.

The Treasury bills and notes of intermediate term also sold off. With the bills, discount rates rose six to eight one-hundredths of 1 percentage point. The June 22 tax anticipation issue was quoted at a rate of 2.78 percent, compared with 2.72 percent on Wednesday. The October bills rose in discount rate from 3.18 to 3.26 percent.

The new 5 percent notes due in August 1964 closed at 103 22/32, a decline of 14/32. The 4⅞s due in November 1964 declined to like extent to a bid price of 103 10/32.

Most market men felt that the price rise in the Government market since early January had been too sharp to be carried farther on the basis of any reasonable appraisal of the economic situation.

It was noted among the dealers that the rise in long Treasury bonds since January 6 reached 7⅞ points in one instance—the 3s of 1995. They stood at 79 4/32 on January 6; on Wednesday of this week they touched 86 24/32.

U.S. ISSUE SCHEDULE

The market men are giving much thought to the Treasury's expected borrowing of $2,500,000 in cash next month. The terms are expected to be made known next week. With only 14 of the Treasury issues selling at yields of 4 percent or more, the bond community believes that this would be a good time for the Treasury to come out with an issue of securities due in more than 5 years. It is assumed that $1 billion of such obligations could be absorbed by the market within the 4¼-percent long-term statutory cost limit. For the rest of the needed money, an offering of $1,500 million of tax anticipation bills due next September is held suitable.

Over-the-counter trading in high-grade corporate bonds followed much the same pattern as Governments. In early trading, bids on new prime issues in market supply were pushed up one-fourth of a point or so. By 11 o'clock, however, the price trend had reversed itself and many issues declined one-half point.

The Pacific Telephone & Telegraph 5½-percent debentures got up to 103⅜, only to drop back at the close to 103⅛ bid. The new Northern Indiana Public Service 4⅞s were bid up to 102⅞, but closed at 102½. The Central Illinois Lighting 4⅞s closed at 101⅞ bid after selling at 102⅝. The 5-percent debentures of the Chesapeake & Potomac Telephone Co. of West Virginia closed at 102¼ bid after having been quoted at 102⅞.

Dealers in local government bonds noted little change in the market's recent firm tone. However, public revenue and other obligations commonly quoted in terms of dollars were off about three-eighths on the day. The $25 million Cook County, Ill., expressway issue, which came to market on March 8, was closed out oversubscribed. The balance in the $15 million Louisiana highway account was pared yesterday by about $900,000 to $2,100,000.

The Chase Manhattan Bank executed a secondary offering of $5 million of New York State 3.6 and 3.75 percent bonds due from 1985 to 1995 at yields scaled from 3.35 to 3.5 percent.

On the New York Stock Exchange, bond transactions aggregated $6 million, compared with $5,630,000 on Wednesday. The New York Times combined bond price index went to 84.75, a new high for the year.

The Central Railroad of New Jersey 3¼s of 1987 sold at 37½, a new low.

The Union of South Africa 5½s of 1968 sold at 93¼, a new low.

Mr. CLARK. Mr. President, I also ask unanimous consent to have printed in the RECORD at this point an article which was published in this morning's New York Times, entitled "High Rates in 1959 on U.S. Bonds Dented the National Nest Egg."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 28, 1959]

HIGH RATES IN 1959 ON U.S. BONDS DENTED THE NATIONAL NEST EGG—CASH SAVINGS INFLOW FELL AS HOLDINGS OF MAGIC 5's AND OTHER MARKETABLE GOVERNMENT SECURITIES MOUNTED

WASHINGTON, March 27.—The big impact of marketable Government bonds carrying high interest rates on traditional media of savings has been dramatically disclosed by figures on cash savings last year just issued by the Federal Home Loan Bank Board.

These savings took a big tumble last year. After reaching a peak of $18,900 million in 1958, they fell to $13,050 million in 1959. The figure covers the increase in savings in commercial and savings banks, savings and loan associations, credit unions, postal savings, Government savings bonds, and life insurance.

Americans last year invested only 4 cents of each after-tax dollar in these categories of savings, compared with 6 cents in 1958.

The main reason appears to have been the competing attraction of marketable Government bonds, including the magic 5s, plus, to some extent, the stock market. Individuals increased their holdings of marketable Governments last year by an estimated amount of upward of $5 billion.

Only savings and loan associations and credit unions showed any increase in savings flow last year. Life insurance held about even and the rest of the categories fell off sharply. Much the biggest loss was taken by savings accounts in commercial banks, which showed an increase of only $2,680 million in 1959, compared with $6,269 million in 1958.

Savings and loan associations had an increase from $6,064 million in 1958 to $6,572

million in 1959. Mutual savings banks dropped from $2,341 million to $932 million. Individuals reduced their holdings of Government savings bonds by $1,900 million in 1959, compared with only $500 million in 1958. Postal savings also continued to show a net decline—$196 million in 1959, compared with $189 million in 1958. Credit unions were up from $493 million in 1958 to $580 million in 1959.

The fourth quarter of last year showed some increase in the total of these savings over the level of the third quarter, but it was sharply below the final quarter of 1958. The quarterly totals in 1959 were $3,570 million in the first, $3,999 million in the second, $2,479 million in the third and $3,002 million in the fourth. The final quarter of 1958 showed a total of $4,681 million.

Mr. CLARK. Mr. President, it seems very clear indeed that the current trend in interest rates and in money is going to make it not only unnecessary but also very unwise to eliminate the 4¼-percent interest ceiling, and if we can only get bond issues floated now on a long-term basis at less than 4 percent a great deal of the pressure which has been going in to make mortgage money and other mortgage money for the ordinary people of America so hard to get will be lifted.

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired.

Mr. CLARK. Mr. President, I desire to address myself to another subject.

The PRESIDING OFFICER. The Senator from Pennsylvania.

WORLD PEACE AND DISARMAMENT

Mr. CLARK. Mr. President, I ask unanimous consent that there may be printed at this point in the RECORD three articles and an editorial which have recently been published on the subject of world peace and disarmament.

There being no objection, the articles and editorial were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 28, 1960]

HERTER'S DECISION

(By Joseph Alsop)

Unless appearances deceive, it is unfortunate that Prime Minister Macmillan has come to Washington to talk with President Eisenhower about the negotiations for a ban on nuclear tests.

It is unfortunate simply because the President decided, on his own hook and before the Prime Minister got here, to do just about what Macmillan wants him to do. Hence Macmillan's intervention will mainly tend to make an independent decision to look as though it has not been independent. Thus, another needless complication will be added to a painfully complicated business.

The decision the President has reportedly taken is to accept, at least in principle, the latest Soviet proposal for a comprehensive ban on nuclear tests. Agreement must also be reached with the Soviets on several other hotly disputed points. But the Eisenhower decision at least resolves the seemingly irreconcilable conflict over underground tests too weak to be detected by an inspection system.

If all goes well, detectable tests will now be banned by a formal treaty providing a full inspection system. And undetectable tests will also be banned by a simple agreement to continue the existing test moratorium for at least another year, while the scientists tinker with their detection methods.

The pros and cons of this intricate device of a treaty-plus-an-agreement were hotly debated before a decision was reached. Macmillan in fact invited himself to Washington because, at one moment, it looked as though the victory would go to those who wished to reject the Soviet proposals out of hand. The debate produced the opposite result after Macmillan had packed his bags, so to say, and before he arrived in America.

The pattern of the debate is still worth study, because of the strong light it sheds on the recent evolution of the Eisenhower administration. To begin with, even the opposition struck a new note. Former Chairman of the Atomic Energy Commission, Adm. Lewis Strauss, literally opposed any kind of ban on nuclear tests. The new chairman, the able John McCone, favors a ban that can be inspected and enforced. But McCone fought the agreement to continue the test moratorium, because such an agreement will cover tests which cannot be detected by the inspection system.

Then, too, a crucial role was played by the new civilian leaders of the Pentagon, Secretary of Defense Thomas Gates and Deputy Secretary James Douglas. The Pentagon used to feel as much distaste as the AEC for any ban on nuclear tests. But Gates and Douglas now cast favorable votes. This is one of several recent and important indications that these two men are quietly bringing a new light into the Eisenhower administration's self-created caves of darkness and winds.

Finally, the President's decision was a major victory, in a very personal sense, for Secretary of State Christian R. Herter. Herter led the fight for the affirmative, constructive approach. He was the spearhead of his side in the argument. And even after the argument seemed to be going pretty badly, as Macmillan's hasty journey proved, Herter got his way in the end.

This was all the more noteworthy, because it was a repeat performance. In the long period of humiliating indecision about this country's policy on general disarmament, Herter played exactly the same role.

When the Coolidge Commission turned in its report, in effect, recommending that the United States could not support any kind of disarmament except fake disarmament, it was Herter who secured the report's rejection. He then fought for an affirmative, constructive approach through week after week of interdepartmental committee meetings. And although the final decision took an unconscionable time to reach, Herter got his way in the end.

Herter's recurring advocacy of sensibility and affirmativeness in dealing with the Soviets by no means implies a lack of firmness. When the Soviets played their trick with the passes of the Western military liaison group at Potsdam, the Secretary of State was the first to insist on a firm response.

Again, when the Pentagon said that high altitude flights to Berlin were "an operational necessity," the Secretary of State took the lead in securing the allied agreement that high altitude flights would be ordered solely because the civilian leaders of the Pentagon took another look at the operational facts, and saw that the alleged necessity did not exist.

In short, what can only be called a Herter style of policymaking is beginning to be fairly clearly discernible. It is a pretty impressive style, too.

[From the New York Herald Tribune, Mar. 28, 1960]

EISENHOWER SEEN ACCEPTING TEST BAN, WITH A CONDITION

(By Roscoe Drummond)

WASHINGTON.—The storm warnings are showing and a debate of hurricane proportion is blowing up in Washington over whether the United States should accept the nuclear test ban as it is likely to emerge from the Geneva Conference.

The argument over the latest Soviet proposal is already ranging from phony to the West's last best chance. British Prime Minister Harold Macmillan is in town to discuss the matter with President Eisenhower, while several powerful Senators are getting ready to oppose an agreement, the terms of which they don't yet know.

I venture one appeal: Let's not grab off a handful of half-facts and rush out of the room with a set of half-baked conclusions bearing little relationship to reality.

There is no doubt that a nuclear weapons test ban is within reach. The negotiating gap between the Soviets and ourselves has been significantly narrowed. From its standpoint Moscow has made some substantial concessions.

We are now entering the most critical stage of the negotiations.

What is most needed right now is to know where we stand, what remains to be settled, and the choices before us.

The area of agreement already reached by the Soviet Union, Britain, and the United States is considerable. Few Western statesmen ever believed we would get so far.

Both sides have agreed to stop all nuclear weapons testing causing poisonous fallout; that is, all tests in outer space, in the atmosphere, under water, or anywhere above ground.

Both sides have agreed on the methods of verification and control for such a test ban.

Both sides have agreed—and this is a new position for the Soviets—that inspection methods are not yet adequate to detect small yield underground tests.

Both sides have agreed to undertake joint scientific studies to try to devise better means of verifying underground tests.

This is exactly where the negotiations stood when the United States and Britain made their latest offer. We offered to sign a treaty to cover everything listed above, thus banning all aboveground and underwater testing which could be inspected. We proposed to exempt underground testing until better means of inspection could be devised.

The next move was up to the Soviets and they didn't wait long to make it. They accepted everything we proposed on condition—that we agree to a voluntary moratorium on underground testing until adequate methods of inspection are developed.

It is to resolve this question—should we accept such a moratorium—that Prime Minister Macmillan and President Eisenhower are conferring. There also remains the issue of the permissible number of onsite inspections in each other's country to verify unexplained earth tremors, which is probably negotiable.

What Mr. Macmillan and Mr. Eisenhower will almost certainly decide is to accept the Soviet proposal, also with one condition. That condition would be that the underground moratorium be limited to something like a year rather than the 3 or 4 years Moscow has suggested.

The basis of their decision would be this:

1. World opinion is never going to tolerate the resumption of atmosphere-polluting nuclear tests. It is 99 to 1 that neither side will resume such tests, with or without a treaty. Therefore, we are either going to end such tests with agreed inspection or end them without getting any agreed inspection. To refuse a short moratorium on underground testing could mean losing the whole agreement on inspection for aboveground testing.

2. We have had a moratorium on underground testing for some 17 months. A 12-month extension could well speed up the joint study of new means of inspection. If adequate policing cannot be devised then both sides would recover the right to small yield underground tests.

There will be plenty of time for debate. Any such agreement would have to be ratified by two-thirds of the Senate.

[From the Philadelphia Inquirer, Mar. 28, 1960]

A CHANCE TO END A-TEST IMPASSE

Talks by President Eisenhower and Prime Minister Macmillan beginning today at Camp David come at one of those crucial junctures in history when the lives and hopes of millions depend upon a choice of the right road.

In this instance the question is what to do about Russia's provisional acceptance of the joint United States-British proposal for a ban on nuclear weapons tests.

The Western plan calls for an end to tests with the exception that underground explosions of relatively minor intensity would be permitted until a foolproof method of detecting them can be devised.

Russia has announced a willingness to accept this plan provided that all underground tests are banned indefinitely—at least 4 or 5 years. The Soviet idea, in essence, is to rely on the honor system to end the smaller underground atom blasts. In other words we would have no way of knowing whether the Russians actually ended all tests. We would have to take their word for it.

The Soviet word is worthless. Mr. Eisenhower and Mr. Macmillan should be in complete agreement on this point. It would be suicide to gamble national security on the strength of a Kremlin promise.

But the stakes are too high and the danger too great to reject flatly the Russian suggestion. A rejection may be exactly what Premier Khrushchev expects and wants.

Mr. Khrushchev plays his cards of cold war diplomacy cleverly. He apparently has hoodwinked a lot of people in the free world into thinking that Russia is the prime mover in trying to end nuclear bomb tests and that the West is stalling.

Precisely the opposite is true and we believe that spokesmen for both the United States and Britain could be more emphatic on this score. United States and British representatives have been at Geneva intermittently since October 1958 trying patiently to persuade the Soviets to end nuclear weapons tests under a system of adequate international inspection.

Premier Khrushchev adroitly placed the cart before the horse by adopting the Western proposal and tacking on the proviso about banning undetectable underground tests by "gentlemen's agreement."

It seems to us that the surest ground for the West in the present situation is to advance negotiations along the line where some measure of agreement already exists—instead of permitting negotiations to stand or fall solely on the issue of a moratorium on underground tests.

A possible United States-British move at this time would be tentative acceptance of the moratorium idea on a short term rather than a long term basis—on the condition that Russia demonstrate good faith by agreeing to the specifics of an international inspection plan within, say, 6 months.

Remember, the Soviets have accepted the West's inspection plan in principle only. That's a far cry from agreeing to details of precisely who will do the inspecting and under what limitations.

What, then, could be gained by accepting the Soviet proposal unconditionally?

Here is an unusual opportunity for a shrewd move by Mr. Khrushchev to be used to advantage by Mr. Eisenhower and Mr. Macmillan as a means of testing Soviet sincerity. It would be foolhardy to throw away this chance by accepting or rejecting a moratorium on underground tests without qualification, or by rushing blindly into some kind of hasty commitment that might jeopardize Western security.

[From the New York Times, Mar. 28, 1960]

FINLETTER JOINS ROCKEFELLER PLEA—REPUBLICAN AND DEMOCRATIC LEADERS AGREE UNITED STATES MUST PROMOTE WORLD AMITY

Governor Rockefeller, a Republican, and Thomas K. Finletter, a Democrat, agreed yesterday that the United States should lead in seeking a new cooperative world political order.

The Governor and the former Secretary of the Air Force took part in the first 1960 telecast of a Columbia Broadcasting System series, "The Great Challenge," broadcast from the Rockefeller Institute, 66th Street and York Avenue. About 400 spectators were present.

Governor Rockefeller said the United States should seek "a political framework which someday may be comparable to the one we created for our own Nation in the federation of states on a worldwide basis." Such a vision, he held, would give "a hope of confidence to free people."

For the first time, science has given man the capacity to "lift the burdens" from his shoulders, Mr. Rockefeller continued. He foresaw "the greatest and most exciting period in the history of the world." The basic quest, he said, should be "related to the brotherhood of man and the concept of the fatherhood of God."

A positive U.S. role in relation to peoples' hopes for freedom and self-realization, the Governor argued, would be "a stranger force than a negative containment purely of the Soviet and Chinese Communist forces."

The American people, he added, also would not be satisfied with "a military negative containment."

Mr. Finletter said new weapons could destroy mankind, so that war as a method of solving disputes "is out." Peace, he held, must be made "positive" and centered very largely on disarmament, inspected, controlled, and "enforced by the United Nations."

"The rule of law has expanded geographically since the beginning of time," Mr. Finletter said.

Another participant, Dr. Victor L. Butterfield, president of Wesleyan University, Middletown, Conn., said American colleges and universities were "still quite paternalistic and quite authoritarian in the intellectual treatment of students."

Mr. CLARK. Mr. President, the first is an article written by Mr. Joseph Alsop and published this morning, which commends very highly Secretary of State Herter for his active efforts to help attain world peace with disarmament. I concur strongly in the views expressed by Mr. Alsop.

Mr. President, the second is an article written by Mr. Roscoe Drummond, published in the New York Herald Tribune this morning, entitled "Eisenhower Seen Accepting Test Ban, With a Condition." In company with the distinguished senior Senator from Minnesota [Mr. HUMPHREY] I strongly join in Mr. Drummond's views, and I hope the majority of my colleagues feel the same way.

Mr. President, the third is an editorial which was published in the Philadelphia Inquirer of this morning, entitled "A Chance to End A-Test Impasse." I identify myself with that editorial and hope all of the delegates at Geneva will join with the Secretary of State, and, I hope, the President, in pressing for a meaningful treaty in this regard.

The final article, Mr. President, was published in this morning's New York Times, entitled "Finletter Joins Rockefeller Plea." It appears that the fine American and former public servant in Democratic administrations, Mr. Thomas K. Finletter, has joined with Governor Rockefeller of New York in urging that Republican and Democratic leaders agree to go on promoting world amity and world peace through meaningful disarmament agreements.

Mr. President, I yield the floor.

REFINANCING OF GOVERNMENT OBLIGATIONS

Mr. SCOTT. Mr. President, some Senators have indicated that the time is now favorable for the Federal Government to refinance some of its obligations, and thereby remove the pressure of Treasury competition from the market. This may or may not be the fact. But I point out to those Senators that that is precisely what we have been trying to do for quite some time through the enactment of legislation. The Treasury cannot wait until individuals feel that the market condition is suitable, but it should have the power at all times to fund its indebtedness, so that it may take advantage, without the restriction of present statutory limitations, of what is the best market time. The Treasury should not wait for individual Senators to advise it that a given time would be a good moment to refund its obligations, because money might be tight the next week or the next month, and it might be loose a month or two after that.

What the Treasury needs is the statutory authority which it has requested, rather than unsolicited advice.

GOVERNOR DEWEY ON "MEET THE PRESS"

Mr. SCOTT. Mr. President, I think anyone who did not have the opportunity on yesterday to hear, on "Meet the Press," former Gov. Thomas E. Dewey, of New York, missed a memorable program. I am delighted that Governor Dewey's views were made available to so large an audience, and I express the fervent hope that Governor Dewey will be heard from frequently, and on many forums, in the forthcoming months.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. KEATING. I also heard this fine presentation on "Meet the Press." To my way of thinking it was an extremely impressive performance by a most distinguished statesman and a great political figure.

Mr. President, I share the views expressed by my distinguished colleague from Pennsylvania, and hope that Governor Dewey's great talents and ability will be put to further use in government. Governor Dewey can undoubtedly make many significant contributions, and has all the qualities which are needed and important in the field of government.

I sincerely hope that the American Government will avail itself of his many abilities.

I thank my friend from Pennsylvania.

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. SCOTT. I yield to the Senator from Kansas.

Mr. CARLSON. I wish to associate myself with the remarks just made by the Senator from Pennsylvania and the Senator from New York regarding the appearance of former Governor Dewey of New York, a great Republican, on the "Meet the Press" program last evening. I think he conducted himself in his usual fine manner, and I sincerely hope that from time to time he will continue to make his views known publicly, because I think the Nation is looking forward to hearing from him often.

Mr. SCOTT. Mr. President, I hope the talents of this outstandingly able private citizen will not be denied to public life in the future.

THE WHEAT MARKETING PROGRAM

Mr. MORSE. Mr. President, I was delighted to have the privilege of becoming a cosponsor of S. 3159, a new and, in my judgment, sound program for the orderly marking of our wheat, which has the support of the major farm organizations.

In the February 1960 issue of the Oregon Wheat League's publication the Wheat Field there appears an article which in concise form sets forth the major provisions of this important legislation.

Because of the interest aroused by this program in my State, I ask unanimous consent that the article to which I have referred be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NAWG NEW WHEAT PROGRAM

A new program for wheat, supported by eight major farm organizations is being readied for Congress; the proposal will be introduced in February.

Named the "wheat marketing plan," the proposal has been developed jointly by the National Grange, the National Farmers Union, and the National Association of Wheat Growers. In addition, the marketing plan has the support of the National Farmers Organization, the Missouri Farmers Association, the National Corn Growers Association, the American Soybean Association, and the Grain Sorghum Producers Association.

The wheat marketing plan embodies many of the principles of its predecessors, the wheat stabilization and domestic parity plans. Persons acquainted with these proposals are aware that wheat producers' organizations have never supported the current farm program, in either its present form, or earlier forms of the Agricultural Adjustment Act of 1938—as amended.

The wheat marketing plan is a 14-point program that will save taxpayers $572,217,000 after its first year of operation. After 5 years, the net savings to the Government will be $3.7 billion when compared with the present program. Additionally, it will bring about a net annual reduction of 4.6 million tons of feed grain, which presently is greatly aggravating feed grain and livestock markets.

This is how the program works; complete details may be obtained by writing the Oregon Wheat League, Box 438, Pendleton.

HOW THE PROGRAM WORKS

1. The Secretary of Agriculture shall determine the total quantity of wheat for the primary use. This shall be the amount of wheat to be used for domestic food consumption and total exports for the next marketing year.

2. Establish a national wheat requirement for primary use in an amount 150 million bushels less than the amount determined in No. 1 above.

3. Allocate the national wheat requirement for primary use among individual wheat producers on the basis of the normal production on each farm (bushel allotments).

4. Before the start of the marketing year, each qualifying wheat producer will be issued marketing certificates for his share of the national wheat requirement for primary use.

5. In order to become a qualifying wheat producer, a minimum of 20 percent of the wheat-base acreage must be placed in whatever land retirement or conservation program that may be available, except that any producer having a share in the national wheat requirement for primary use of 200 bushels or less shall be exempt from this requirement. Payment for participation in this land-retirement program shall be limited to $5,000 or to the payment earned on 50 percent of the base, whichever is larger. No certificates will be issued to nonqualifying wheat producers.

6. A farmer may plant, harvest, and sell all the wheat he wishes, but wheat sold for primary use must be accompanied by marketing certificates.

7. Marketing certificates are not required for wheat sold for secondary use such as feed, seed, or commercial use.

8. Certificates are valueless unless accompanied by wheat that the producer certifies was produced on his own farm. They are not transferable and are good only for the marketing year for which they are issued.

9. No person shall be allowed to process for food or to export any wheat not covered by marketing certificates.

10. CCC shall not sell any wheat for this primary use at less than 100 percent of the effective parity price. After the program has operated for 1 year, the demand for this primary use will require at least 150 million bushels of CCC wheat, thus the price to producers at the marketplace should approach parity.

11. The CCC inventory of wheat will be reduced in an orderly manner since a substantial portion of the primary use market will come from CCC stocks.

12. Continuation of export subsidies, paid in cash rather than in kind, will be required through the adjustment period.

13. In order to assist in orderly marketing, after the first year a 65 percent of parity loan would be offered to qualifying producers only on certificate wheat. However, for the first year, the 75 percent of parity loan rate should be continued only on certificate wheat due to the difficulties which will be encountered in the transition from an acreage allotment program to a bushel marketing program.

14. When CCC stocks have reached a reasonable level, the share of the national wheat requirement for primary use to qualifying producers shall be increased to meet the market demand for primary use.

MEDICAL AID FOR THE AGED

Mr. MORSE. Mr. President, I was very much pleased and gratified to read in the newspaper this morning that yesterday afternoon in Detroit, Mich., some Democratic candidates for the Presidency of the United States rediscovered the Forand bill. I welcome their support.

I should like to have the RECORD show, however, that in 1958 the senior Senator from Oregon introduced in the Senate a companion bill to the Forand bill. The senior Senator from Oregon has testified at great length in the committee of the House of Representatives on the Forand-Morse bill. Over the past 2 years he has made several major speeches in the Senate urging early action on the Forand bill.

Now that we have new recruits in support of the Forand bill, I hope that in the Senate we can have early hearings on the Morse companion bill to the Forand bill.

I say to the medical profession of the country that "it is coming. You cannot stop it; and you had better join us in perfecting the legislation, so that we may have a bill which will be in the best interests of the old people of the country, a self-liquidating program, a program which will be paid for by the beneficiaries thereof during their working years, and a program which will receive the cooperation, instead of the opposition, of the medical profession."

There is not a syllable in it that endangers the private practice of medicine. On the contrary, it is a program which would put the old people of the country in a position to pay their medical and hospital bills, and their bills for medicine.

It is a sound program, one which carries out a primary obligation of an elected representative of a free people in the Congress, namely, to translate into legislation moral obligations. This Forand-Morse bill involves a moral obligation which all the people of the country, including the Government, owe to the aged of America.

ANNIVERSARY OF BYELORUSSIAN INDEPENDENCE

Mr. KEATING. Mr. President, the date of March 25 marks the 42d anniversary of the proclamation of independence of the Byelorussian Democratic Republic. The life of this independent state was regrettably shortened by its partition between Poland and Russia under terms of the Riga Treaty of 1921. Their cherished dream of self-determination was crushed by this treaty, but that dream has not died and will not die in the hearts of the courageous Byelorussians. They have known, all too briefly, what it is to be a nation of free men, in control of their own destinies, and the forces of tyranny can never destroy the spirit that makes freedom, once gained, a treasure ever to be yearned for and fought for again.

We know the fine people of Byelorussia as White Russians. The very name is a symbol of resistance to communism in the free world. Today, 15 million of these victims of brutality are not allowed to celebrate their national anniversary of independence. This fact represents the greater reason why we should mark and honor this day, in the name of a proud and valiant people doomed to silence by official decree. Further, it must be accepted as a sacred trust that we continue to offer hope and

to extend encouragement to the great Byelorussian people. Until the day of their ultimate deliverance dawns, all free men must dedicate their resolve and their energies to the splendid cause of the brave nation which we honor on this occasion.

Mr. LAUSCHE. Mr. President, March 25 was the 42d anniversary of the national independence of the Republic of Byelorussia. Although in the homeland the Byelorussian people are forbidden by their Soviet masters to celebrate national holidays of native patriotic significance, the American citizens of Byelorussian descent join with Byelorussians throughout the free world in commemorating this most important day in Byelorussian history in order that men everywhere will know that the spirit of freedom still survives as a flame in the hearts of all Byelorussians, and that there is still a faith and belief that a truly free Republic of Byelorussia will arise like the fabled phoenix out of the fires of Soviet persecution and oppression.

The people of Byelorussia first proclaimed their land a free and independent nation on March 25, 1918. Yet the young Byelorussian National Republic was soon turned into a battlefield for the armies of Russia and Germany, and then Russia and Poland. Thus, tragedy stalked the Republic and its freedom-loving citizenry.

In 1944, Byelorussian territory was occupied by Russia, and today is known as the Byelorussian Soviet Socialist Republic. The Soviet ignored the natural ethnographical boundaries, and half of its land was redistributed by the Soviet Government to the Peoples Republics of Poland, Lithuania, Latvia, Ukrainia, and Russia itself.

Through the last 16 years of unnatural partition and Soviet control, many evidences have come from behind the Iron Curtain to reassure the free world of the West that the desire for freedom and liberty still lives in the indomitable and courageous souls of the Byelorussians. Communism's greatest weakness is the nationalist spirit within its oppressed bloc of satellite nations. We fail to remember that more than half the population of the Union of Soviet Socialist Republics are merely captives of Soviet's military power, and that the sources of the Soviet's industrial strength lie in the natural resources of these same captive nations.

We must continue to affirm our faith in the American-enunciated principle of self-determination of nations. President Woodrow Wilson, President Franklin D. Roosevelt, and President Dwight D. Eisenhower all have called for this principle to be recognized in the international community of nations.

When acceptance of this principle is fully acknowledged by the nations of the world, then the Republic of Byelorussia will again become sovereign and free, and its citizens will enjoy the fruits of democracy.

Today, we can but salute the lovers and fighters for true Byelorussian independence.

EMMET JOHN HUGHES SPEAKS TO NATIONAL CIVIL LIBERTIES CLEARINGHOUSE

Mr. PROXMIRE. Mr. President, at the 12th annual meeting of the National Civil Liberties Clearing House on March 24, Mr. Emmet John Hughes, chief of the foreign correspondents for Time and Life magazine, and recently appointed senior adviser on public policy and public relations to the Rockefeller family, presented a statement on "The Promise of American Life, 1960: Our International Image."

In his speech, Mr. Hughes calls for debate of such issues as:

First. "Whether without the political involvement of China there can be serious world arrangements on disarmament."

Second. "Why the whole decade of the 1950's has passed without any great debate between Republicans and Democrats on the basic premises or purposes of American foreign policy."

Third. "Why our Government, at one and the same time, pays unprecedented homage and deference to the dictatorship of General Franco in Spain, and professes to be both astonished and concerned by the anti-American passions of revolutionary forces surging through Latin America."

Fourth. That "the free world is not going to have a grander sense of purpose—or self-respect—by hearing oratory pretending that either Spain in the West or Korea in the East is ruled by a free government."

Fifth. That "the whole past 7 years have gone by without the Democratic opposition even inviting serious scrutiny of a single one of the propositions of American world policy, much less inspiring truly creative new propositions, even bold innovations."

Mr. Hughes delineates a case for fresh, hard thinking about the tasks summed up in the words "disarmament, national security, international relations, and freedom."

Mr. President, I ask unanimous consent that Mr. Hughes' remarks be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY EMMET JOHN HUGHES, CHIEF, FOREIGN CORRESPONDENTS, TIME-LIFE, TO THE NATIONAL CIVIL LIBERTIES CLEARING HOUSE, WASHINGTON, D.C., MARCH 24, 1960

I thank you for the honor of being here with you—citizens so clearly, so seriously, concerned with the problems of freedom and freedom's survival. And I plead my respect for you as excuse for the seeming presumption of what I propose to do. This is: to discuss, in a few swift minutes, something of the state of the Nation, of the world, of the hope of freedom—and how we have come to this state.

The question can be put most simply: What time is it? What time is it in a historical sense? For I suggest that all of us—pessimists and optimists, realists and idealists, Democrats and Republicans—can surely agree on one proposition: if we do not know the promise, or the peril, of the moment in which we live, or—let it be added—the moment in which we, as a nation, could cease to live.

The time, then, seems marked by three things—distinct but related. It is, in the broadest and grandest sense, the age of explosion. It is also the end of an era. It is—most specifically—a moment of peril, perhaps the moment of peril in the life of America.

What do such phrases as these three mean?

The age of explosion: The sounds and the portents of this are all around us. Plainest of all are the exploding wonders of science. But more than bombs, of course, are exploding: The very lives of almost all nations and empires, nearly all peoples on the earth, are enduring earth-shaking change. All the years since World War II have come to seem almost mere hours in the deathday of old empires as 25 new nations have come to birth. Africa echoes with a drumbeat of change as 220 million people, some 90 percent of them unable to read or to write, have moved massively toward the precarious privilege of ruling themselves. Across Latin America, the sweep of revolution has toppled seven dictatorships in just the years since 1955. And across the world—from Paris and Madrid to Karachi and Rangoon—the sovereignty of the people has been assumed by an extraordinary array of military regimes or army generals. Now, beside the familiar forms of a De Gaulle or a Franco or a Nasser, stand lesser known figures in Burma, Pakistan, Lebanon, Thailand, Sudan. And the long martial line across the globe reminds us that, different as these men are as individuals, almost all of them stand like sentinels, assigned by the people, to guard against the peoples' own doubts and divisions—the trustees of ill-defined hopes, the protectors against ill-defined fears, as old political forms and formulas have trembled and fallen.

And in this age of explosion, of course, the revolution in political wills is matched, in headlong force, by the revolution in economic wants. While the population of the world itself explodes in historic number, peoples who strive to be free also—not illogically—crave to be fed. But the appetite of course is for much more than food alone. It seeks full, lavish satisfaction—in steel mills and electric turbines, dams to harness rivers and railroads to join cities, water where there is sand and heat where there is cold. The smoking stack and spinning generator and plunging mine shaft convey more, indeed, than premise of economic plenty. They have become priceless symbols of popular hope and pride, regarded as vital signs of true nationhood: What self-respecting nation wants to be without its respectable steel mill? Never in the history of man has the huge army of the world's desires been mobilized to storm such dizzy heights—an age of explosion, plainly and profoundly.

No less clearly, we stand at the end of an era. We have reached, as I think most of us sense, the end of the postwar era: the end of one set of devices and designs to adjust and adapt our national life to the age and the world we live in.

The fact is seen most simply in the lives, and in the deaths, of men. Thus the last year saw the passing from the scene of the American Secretary of State who had exercised such rare personal sovereignty over American policy for most of the years of the 1950's. And swiftly following his departure, this policy acquired new manners and methods, if not new substance, as the American Vice President visited Moscow, the Soviet Premier visited America, and the President traveled halfway around the globe in his personal quest of peace. And the aging of leaders of people elsewhere in the world suggests, too, the same historic fact. In Europe, the towering figures of Adenauer and De Gaulle have reached the ages of 84 and 69. In India, Nehru passes his 70th year, and the 400 million people of India

may, in the near enough future, be struggling for new leadership to spare them old chaos.

The signs of the end of an era thus mingle: the aging of men and the coming of events—both men and events great in history. Upon the American scene, there appear both new facts and new awareness of them. They mark 1960, in the political arena, as something more than another presidential election year, and, in the economic arena, something more than the advent of the promised boom of the new decade. Thus, in the very vocabulary of public discussion, the word "negotiation," as applied to Soviet-American relations, suddenly has no longer seemed to carry an ugly or shameful sound. Thus, in the plain measure of sheer military strength, America has fallen toward a place of secondary power. Thus, in the equally plain measure of economic power and productivity, America meets ever sharper challenge from the ever-growing force of the Soviet economy—the end of an era, indeed, and dramatically.

In one historic sense, the age of explosion; in a different historic sense, the end of an era. Together, I suggest, the two shape the present moment—a moment of peril.

Why is it such a moment?

The answer, I suggest, bears upon something more grave, even more close to our lives, than anxiety over the speed or the depth of our scientific probes beyond the atmosphere. For this anxiety can only be a warning symbol of another question, the question of the pace and the profundity of our political thinking about the very earth we inhabit. The serious matter concerns not only the thrust of our rockets, but the thrust of our ideas. It is an issue of not only supreme science but also basic intelligence, affecting not only outer space but inner consciousness. Have we not, in short, largely failed to serve or advance our national purpose in the world, which can be nothing less than a creative and sustained effort to foster freedom, secure order and promote justice?

One fact may measure the true issue and mark the anxious moment in which we stand. It is the fact that the sum of our political and diplomatic strivings, throughout the greater part of the decade of the 1950's, has come to this: We have succeeded in one thing—in postponing serious and direct diplomatic encounter with the Soviet Union until this moment when, in terms of relative military power, we have achieved the weakest position in all the years since World War II. In the rude terms of slogans, we spent, as you know, the greater part of the decade of the 1950's mobilizing actions and policies under the banner of "Negotiation From Strength." Year after year, we have witnessed the deferment of the negotiation and the decline of the relative strength. And thus the plain fact is that the decade has come to end with the practice of something quite fantastically remote from our preachment—more negotiation, less strength.

As we look not to the past but to the future, the advent of the new decade warns of new danger from the long lapse of serious political intelligence and true political purpose.

One specific illustration should suffice. Today negotiation between America and the Soviet Union continues in the sphere of armaments. We all know the tormenting hazards and obstructions (many of willful Soviet design) impeding progress here. But I suggest that we contemplate the consequences not of failure, but of success, in this area—the consequences in the sense of how different are the ways the two nations would view success and use success. For America, the event holds promise in such forms as lower taxes, higher Federal revenues, larger budget surpluses, more consumer goods—all the paraphernalia, in short, of the world of enjoy now, think later. For the Soviet Union, the same event and the same opportunity hold proundly different political promise: not merely an anxiously sought increase in consumer goods but a disciplined dedication of even greater economic resources to the clearly and rationally defined political purpose of winning all the world to its own ways. For American policy, the event offers a chance to do less in the world. For Soviet policy, the event offers a chance to do more in the world.

What is notable about these facts of the immediate past and the immediate future? It is, I repeat, the clear proof that our military lag may be matched or excelled by a historic kind of mental lapse, a lapse and failure of our national capacity to see the world as it is, much less lead or inspire it.

This lapse can be measured by the long parade of our illusions, reaching back across the years. They have been illusions of the most varied and fanciful kind. We all know many of them for we all have believed some of them—

The illusion that somehow both war and negotiation with the Soviet Union could and should be equally avoided;

The illusion that serious policy was defined by the demand for sincerity from an antagonist profoundly and utterly sincere in his hostility;

The illusion that liberation was a rational diplomatic purpose rather than a vulgar political slogan;

The illusion that Soviet communism boasted few resources or ingenuities of its own beyond the capacity to foster treason or to steal the military secrets born of a genius that, by mystic and benign decree of history, could only be American;

The illusion that conferences of foreign ministers can achieve something more than a charade, when the Soviet Union declares in advance of the fact that no other result will be forthcoming;

The illusion that if enough weak and troubled and divided nations affix their signatures to a common treaty some magic alchemy will make the alliance strong;

The illusion that, in the whole critical decision-making process of our Government the vital acts of individual decision could be abdicated in favor of devices called the staff system or the committee method or the expert study, all on the most doubtful political premise that, in politics, many minds are better than one, and without regard to the fact that there exists at no place, at no time, in all recorded history, mention of a great nation in great peril being suddenly saved by decision of a study group;

The illusion that Soviet communism was not only a historic menace but also the prodigiously ingenious and inexhaustible creator of all troubles on earth, so that it could be largely forgotten that—even if Soviet communism were suddenly and marvelously to vanish utterly—this fantastic event would indeed have little if any effect upon such matters as: the boundaries of Israel or the boundaries of Kashmir, the allegiance of Algeria or the allegiance of Silesia, the stability of the Spanish dictatorship or the durability of the French constitution, food for India or markets for Japan, race riots in the Congo or food riots in Calcutta, the power of Germany, the size of Russia, the enigma of China, or the astigmatism of America.

And so on and on. The infinitely varied illusions, not of one man, nor of one administration, nor of one party, but of a whole people.

Whence comes a national life full of so much illusion? There can be, I believe, but one serious answer. It is the failure of our democratic processes, and specifically the two-party system; to dispel illusion, to foster serious national debate, and thus to encourage intelligent national decision.

The life of illusion, in short, has endured for the most elemental reason. In the dialog of our democracy, it has largely been left unchallenged by its mortal enemy, the truth.

This is the heart of the matter. For the rule of democracy demands the sovereignty of truth. This is the law of reason that must govern the conversation of freemen. And without true respect for reason, there can be no true discourse, no great decision.

This failure of our democratic dialog can be simply illustrated. Thus, for example, American world policy has been able, quite recently, to veer from a seeming suspicion of all diplomatic negotiation to a seeming avidity for all diplomatic encounters—and the event has come to pass without a clear attempt by either major party to define its own attitude toward the occurrence. Thus, again, the most dramatic event of recent diplomacy has been, of course, the visit to America by Soviet Premier Khrushchev. He came, he saw, he left. And to this date it is quite impossible to know the attitude, specific, and rational, of either major political party to the event.

Let the whole matter—the question of truth in politics—be stated more explicitly and bluntly. What does such political truth mean?

Here are a few things:

Truth means we need serious and honest debate on future policy toward Communist China, for without the political involvement of China, there can be no serious world arrangements on disarmament. And to the leaders of our national debate, it is time, long since, to say, "Gentlemen, start talking, and please talk sense."

Truth means for all the partisan rhetoric to the contrary, the whole decade of the 1950's has passed without any great debate between Republicans and Democrats on the basic premises or purposes of American foreign policy. The Dulles policy was never, as avowed, a contradiction of the Acheson policy. It was the precise reverse, a continuation of that policy. And to our political leaders, we have the right to say, "Gentlemen, stop the charade and let us get on to the facts."

Truth means we can only be dismayed and disheartened when our Government—at one and the same time—pays unprecedented homage and deference to the dictatorship of General Franco in Spain, and professes to be both astonished and concerned by the anti-American passions of revolutionary forces surging through Latin America (even appointing a study group to analyze reasons for their dislike and hostility). It is time to say to architects of each policy, "Gentlemen, even though we know that all of us are groping and grasping for peace with shaky hands, please let the right one know what the left one is doing."

Truth means we cannot let our political rhetoric fill the air with such a kind of moralizing as only clouds our politics and confuses our morals. We know that there are harsh needs and practical necessities to be met around this shaking earth; and not always can we, or should we, advertise a rationale of righteousness for simple prudence. And the free world is not going to have a grander sense of purpose, or self-respect, by hearing oratory pretending that either Spain in the West or Korea in the East is ruled by a free government. It is time to say to all such orators, "Please plainly tell us what you think is right, what you think is necessary, and what you think is expedient, and stop trying to pretend that all three are the same thing."

Truth means we, the citizens, are weary of all silly promises of absurd, or even plausible, panaceas. We are old enough to know that the implements of foreign policy, diverse though they be, do not include Aladdin lamps or magic carpets or seven-league boots.

So we find it time to say to Democrats and self-designated intellectuals: Please do not continue intimating to us that all will be right in the world with just a few more intercontinental missiles here, a bit more economic aid there. Nor is the issue so simple that our diplomacy can acquire great resonance merely by teaching our diplomats fluency in many languages, thereby giving them many tongues in which to say nothing.

Truth means it is time for Democrats to cease congratulating themselves upon the vagaries and the errors of foreign policy as designed and practiced by their adversaries. For they have little cause for such self-esteem. The whole past 7 years have gone by without the Democratic opposition even inviting serious scrutiny of a single one of the basic propositions of American world policy—much less inspiring truly creative new propositions, even bold innovations. And so it is time to say: Leaders of the Democratic Party, where have you been—all this grave political time?

In short, it is time to address the political leaders of our Nation in some such blunt phrases as these:

"Gentlemen, do not continue trying to imitate the folly of the titans of our automobile industry. Stop trying to sell the people chrome. If you do not, you, too, will prove a poor match for foreign competition. The people are interested in things more serious—where they are going and how, rationally, they may proceed to get there. The people are anxious. They are tired of years diligently spent in evading the issues. And they are weary of the cheap cliches, the empty conventions of partisan behavior.

"The natives of this country, gentlemen, can no longer be bought (neither they nor their votes) with tinsel and bangles and bright-colored beads. Keep up the charades and you will find yourselves talking to a most limited audience, yourselves. You will also, meanwhile, have corrupted the processes, and degraded the dialogue, of democracy itself. Stop, finally, exploiting the vision of bipartisanship, not as a shield of national unity but as a cloak for national complacence. Start the debate going. State issues plainly and dilemmas honestly. Talk truth. And all freemen and their sons will thank you."

Perhaps this is too harshly stated. Yet I do believe, deeply, that some, if not all, of these words speak seriously for a people still capable of great endeavor, through a long period of great trial, and impatient to proceed with their business.

Now, after presuming to issue all these sweeping generalizations upon the historic moment in which we live, I shall not proceed to the further presumption of prescribing some fantastically ideal foreign policy in 3 minutes.

Yet I do dare to suggest a few guiding principles, simple in form but severe in meaning, that seem true—true, that is, to the need of our time, the nature of our Nation, and the hope of freedom. Let me state these principles tersely.

First. We must respect, in our policy and in our preachment to the world, the simple commandment not to take the name of freedom in vain. We cannot pretend that allies by convenience are allies by principle. Nor can we paint or parade our every political action to seem a moral imperative. In a nation, as in a man, the proof of this dedication to moral principles does not lie in the measure of how frequently he recites them—but how rarely he finds it necessary to explain them. And again, with governments as with individuals, the commonest excuse for a failure of intelligence is a profession of virtue.

Second. We must, as a nation, seriously learn to live with risk. This does not mean such unthinkable risks as implied in the fantastic doctrine of massive retaliation, whose very grotesqueness made it incredible, hence politically meaningless. We must live with the risk of making tough political decisions everywhere in the world. Our leaders must have the stamina to take such risks, and our people the patience and wisdom to refrain from cursing every decision that does not produce a political triumph. We cannot be, at one and the same time, a friend to Nasser and his foe. We cannot be friends with French colonists and Algerian rebels.

Third. We must, as a nation in our Nation, demonstrate an understanding and appreciation of politics as the arena of truly historic decision. This means, in world affairs, a keen and profound awareness that not all the guns in the world, nor all the world's food, automatically assure any people's devotion to freedom, for the choosing of freedom is a political act. And this means, in our own Nation, a new and clear appreciation that politics signify something more than an eccentric adjunct to so-called normal civilian or business life. It is a curious fact that we are quite accustomed to testing men to see if they can serve in the Army, to see even if they can drive a car, but we seem to imagine that no special faculties are needed for the most difficult of all arts, the art of government. Thus, if a lawyer can handle litigation, he is presumed to be an accomplished diplomat in dealings among nations, or if a man successfully directs a great corporation, he should be a brilliant architect of national defense. These are shallow and deceptive propositions. They betray contempt for true politics. And if we, as a people, persist in using the word "politics" as a kind of term of abuse, then we have only ourselves to blame for those politicians who, in turn, abuse our good sense and judgment.

Fourth and finally, there is the truth that lies beneath all other truths: It is not enough, as a nation, to seem. It is necessary to be.

Our policies and our politics will command respect in the world only as they command respect at home—no more, no sooner.

We shall find American diplomacy persuasive in the world when America's own political debate seriously—and not frivolously—argues the great matters before us and the world.

We shall find that the political promises of America bring warm and respectful response from black men in Nigeria when the practices of America cease to deserve cold and despising response from the Negroes of Mississippi and Arkansas.

Everywhere we shall be believed, not for what we say, but for what we do, for how we live, for what we are.

We do not seek, quite obviously, to conquer the world. We do seek to convince it. Somehow, it is here that we have failed. This is the failure that we cannot, dare not, suffer, for it strikes at the very root and nature of America as a nation.

This Nation is a political experiment. This is the heart of the American proposition, and it is not an idea essentially cultural or religious or esthetic or imperial. We have not been dedicated to the proposition of proclaiming such faiths as once came out of Israel, nor leading the genuine of art to the summit of a new Greece, nor imposing sovereignty in the manner of Rome. Ours has been, uniquely in the annals of the nations, a political enterprise, a promise to secure order and to foster justice and to nourish liberty.

And so the promise of America and the need of the world meet, as it were, to contrive the trial of the time in which we live. And the historic test is precisely this: Whether America can help bring order to a world threatening chaos, can save liberty from its peril, can extend justice to many people and nations, and to fail in this, therefore, would be no ordinary disaster. It would not mean merely loss of a war. It would mean the death of an idea.

This is what we seem to have forgotten in our preoccupation with quick devices to ease pain or banish peril. And we have tended too, perhaps to lose sight of the crucial truth that intelligence, political intelligence has a place in our Nation's birth and history, almost unique. The very creation of America was an act of applied intelligence, as great, as daring, as inventive, as any act we are called upon to accomplish today in leading other nations from the shadow of fear.

And the creators of America were, as they had to be for their chosen enterprise, intelligent men. They read widely. They studied thoughtfully. They used words carefully. They reasoned conscientiously. They wrote articulately. They debated earnestly. They respected what they used—their intelligence. They looked at the world as it was—not as they wished it to be. They neither feared knowledge nor acknowledged fear. And they loved America, the supreme act and creation of their intelligence.

No less an act, and only a like creation, can hold true promise of guarding what they created.

DOUGLAS BILL AIMED AT LOAN SHARKS VICTIMIZING SERVICEMEN

Mr. PROXMIRE. Mr. President, on Thursday, March 24, William Hussong, the general manager of the Navy Federal Credit Union, told the Senate Banking Committee an eye-opening story of how our American naval personnel are being victimized by loan sharks. The hearings were on the Douglas "truth in lending bill" that would require the lender in any commercial financial transaction to tell the borrower both the total finance charges involved in the borrowing and the simple annual rate of interest.

Mr. President, this testimony surprisingly concludes that the better educated and more well to do may even be more easily victimized than the poor and less educated for whom the loan shark represents a more constant experience.

Because this testimony so fairly and accurately documents the case for the Douglas bill, I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF WILLIAM A. HUSSONG, GENERAL MANAGER OF THE NAVY FEDERAL CREDIT UNION, BEFORE THE SENATE SUBCOMMITTEE ON BANKING AND CURRENCY IN CONNECTION WITH SENATE BILL S. 2755

My name is William A. Hussong. I am general manager of the Navy Federal Credit Union and have headed the professional staff of this credit union since November 1953. Prior to that time I was associated with the Railway Employees Federal Credit Union in Washington, D.C. I assisted in the organization of this credit union in 1946, serving first as a volunteer treasurer and a member of its board of directors and later as its full-time salaried manager. Previous to my credit union association, I was employed as a railway labor representative by the International Brotherhood of Electrical Workers and by the Railway Employees' Department of the A.F. of L. Thus, for almost 20 years, I have been constantly concerned with problems directly related to matters of personal finances and have devoted a substantial portion of my career to the analysis and solution

of these problems. This "firing line" experience has permitted, and in many instances required, the detailed review and analysis of thousands of case histories of credit transactions involving hardships resulting from usury, fraud, misrepresentation, misunderstanding, poor judgment, etc.

This experience has led me to conclude that the vast majority of the problems involving credit resulted from (1) the debtor's ignorance of the actual and comparative alternate costs of credit, (2) the urgency of the need for credit, and (3) combinations of both.

Ignorance in matters of credit appears to have little relationship to the average individual's level of intelligence or his degree of education with one minor but rather startling exception. In urban areas, persons in educated-medium income groups seem to be less cognizant of the comparative costs of credit than are persons in less educated-low income groups. There are two reasons for this apparent incongruity. The educated person, while generally proficient in calculations involving rates of simple interest, has difficulty recognizing, let alone analyzing the perverted rates spawned by the credit industry. On the other hand, the less educated-low income person, because of the frequency of his contacts with credit merchants and because the total of his "easy payments" usually represent a substantial portion of his paycheck, instinctively seems to have a greater awareness of credit cost. In his words, "he knows when he is being took" but can't say why or for how much.

By credit ignorance, I therefore refer to the fact that the average person is either blissfully unaware of the price he actually pays for credit or he is so confused by the kaleidoscopic language and practices of the credit industry as to be incapable of sound judgment. Credit ignorance is also related to the tendency of most consumers to be more concerned with the product or service under consideration than with the size of the payments to be made or the cost of the credit involved. As a result, the consumer is more likely to evaluate the value of a "time-payment plan" in terms of convenience rather than in terms of actual cost. This is particularly true when urgency is involved. Credit ignorance is therefore closely associated with basic human motivations as well as with the complexities of the credit industry.

This combination of complex credit practices and human weaknesses has provided many opportunities for unscrupulous credit merchants to profit at the expense of the uninformed consumer. To illustrate this point, I have set up a hypothetical situation with myself as the credit seeker. Using actual contracts, I have translated each offering of credit into terms of simple annual interest to show the wide divergency in the actual costs of credit available and to illustrate the hardships which may be imposed upon the consumer. The examples used, as well as those that follow, are all supported by original documents or photocopies of original documents previously furnished the committee. These exhibits are coded NFCU in primary numerical sequence and secondary alpha sequence:

A CREDIT WONDERLAND

"My automobile is in pretty bad shape. It's late fall and I'd like to trade it in for either a new or used car before winter."

Dealer sponsored financing

By franchised dealers: My first step is to call on a franchised auto dealer. Here I am furnished with a brochure (NFCU–1) listing varying amounts to be financed and the amounts of monthly payments for varying maturities. This brochure tells me to study the figures carefully as they can save you hundreds of dollars. Perhaps they could, but a little arithmetic soon showed me that the simple annual rate would be about 25 percent for 18 months and almost 28 percent for 36 months.

Calls on other franchised dealers resulted in such a variance of amounts, financing plans, and charges that they defied comparison until reduced to terms of simple annual interest. This is illustrated by the following finance contracts involved:

NFCU–2, of a national auto finance company, 12 percent simple interest.

NFCU–3, of a national auto finance company. 12 percent simple interest.

NFCU–4, of a local bank, 9½ percent simple interest.

NFCU–5A, of a local bank, 19 percent simple interest.

NFCU–5B is a newspaper advertisement that shouts "no money down" in bold, black type 1¾ inches high. Significantly, this loan (NFCU–5A) carried the highest rate.

By nonfranchised dealers: As the newspaper ads of the nonfranchised dealers offered to sell allegedly comparable cars at prices below those advertised by the franchised dealers, I called on them. Here again, it was necessary to reduce the costs of financing to terms of simple annual interest before factual comparisons could be made. In some instances however, this was virtually impossible. For example, NFCU–6 shows a contract calling for $426 finance charges (actually $429 because of an error in addition) on a principal balance of $795. This made the total obligation $1,280. Payments were to be $43 per month for the first 20 months and $60 per month for the remaining 7 months. Only a competent mathematician could compute the actual simple annual rate for the term of this contract. My figures indicated about 40 percent.

NFCU–7 illustrates another example of the same problem. More expensive than before but easier to translate into terms of simple interest because no payments except the last were made against the principle. In this case, $187.65 was charged to finance $300. Monthly payments of $15 were to be made for 11 months followed by 1 payment of $322.65 or $22.65 more than the original obligation. The simple annual rate carried by this transaction was about 62½ percent.

Other finance plans offered by nonfranchised dealers are illustrated by NFCU–8, 9, and 10 where the simple annual rates charged vary from 36 percent per year to 56 percent per year. (Note, as a group, finance charges made by nonfranchised dealers are always higher than those made by franchised dealers. This accounted for the reason their cars were sold for less.)

By this time, I had been offered contracts involving rates of interest that varied from a low of 9½ percent per annum to a high of 62½ percent per annum. Had I not taken the time to compute and compare these rates, I could have signed any one of these contracts with the firm conviction that I had made a good deal.

Independent financing plans

By finance companies: My next call was on a finance company to whom I was currently indebted and one that makes loans by mail throughout the United States. As its offices were in Maryland and because I needed more than $300, its rates for the amount I requested were regulated by the Maryland industrial finance law, a law typical of those currently in effect in many States. These laws, while they effectively establish maximum charges, are extremely difficult for the average person to interpret or to convert these charges into terms of total cost or annual simple interest rates. Therefore, even though this law was stated on the reverse side of the statement of transaction submitted as NFCU–11, I had difficulty translating the legal verbiage into meaningful figures. NFCU–11, does, however, illustrate how the total charges were compiled. I have set the amounts down here in reverse order for purposes of clarification:

Amount currently owed	$245.00
Less rebate for prepayment	11.06
Net principal balance due prior to new loan	233.94
Add cash received	195.02
Principal amount borrowed	428.96
Charges added:	
Life insurance	7.14
Service charges	19.60
Interest at 6 percent per annum on $490	34.30
Total	61.04
Total note (amount to be repaid)	490.00

Using these figures, I determined that the actual rate, in terms of simple annual interest, was 22.8 percent with life insurance and 20.1 percent without life insurance.

This is an excellent example of the ease in which the average borrower may be misled in his search for credit.

The 6 percent per annum rate as stated on the statement of transaction could mean many things. In this case, a careful reading of the law revealed that it meant one-half of 1 percent per month for the number of months contracted for and applied against the total of all contractual indebtedness. This included the amount of cash borrowed, service charges, life insurance and the amount of interest added. Thus, interest was charged for interest and for carrying charges as well as for life insurance premiums and for the use of the money actually advanced. This 6 percent, as applied to this transaction, is what I call a piggyback rate or a rate that plants a secondary charge on the back of primary charges. The 6 percent per annum rate as stated in the statement of transaction could also be interpreted to mean the percentage to be applied against the amount financed and added to the total indebtedness or it could mean a charge of one-half of 1 percent per month would be applied against the decreasing principal balance.

Further, because of the manner in which the 6 percent is applied and because it represents only a portion of the total charges involved, the prominence accorded this rate is quite misleading. This is not a 6-percent loan, as many people have been led to believe, but a loan of 13 percent at the add-on or discount rate or over 20 percent in terms of simple annual interest. Here is a typical example of what I call the 6-percent shell game. Only the manipulator knows for sure which shell, if any, covers the pea.

To some people, 6 percent is only 1 percent more than they are paying on their home mortgage. Actually, it is closer to 12 percent, or twice the rate they thought they were paying. This conclusion is supported by the Court (*Ford Motor Co. v. Federal Trade Commission*, 120 F. 2d 175, 6th Cir. 1941), when, in a case involving a 6-percent plan of financing, it stated in part: "The average individual does not make, and often is incapable of making, minute calculations to determine the cost of property purchased on the deferred payment plan."

Contacts with other lending institutions of the type previously mentioned resulted in comparable credit offerings. While some of these organizations restricted their service to local clients, a substantial number, particularly those who had offices or affiliates in other States, emphasized the fact that they also did business by mail. NFCU–12 supports this conclusion.

This led me to consider the possibility of borrowing by mail. NFCU–13 consists of

actual ads in one issue of a weekly newspaper with national circulation. One ad carried a repayment schedule which coincided exactly with rates quoted locally. Another quoted "low bank rates" without further identification. One of the remaining seven was the same organization whose plan was reviewed in NFCU–11. (Note.—As all of these plans seemed to be available locally, I submit this exhibit only to illustrate the availability of credit by mail and the absence of factual information relating to the charges involved.)

Banks (time payment)

The next source of credit I considered was that offered by banks. Because payment schedules of bank loans frequently appeared in the newspapers and in direct mail promotion, I thought I might save time by comparing the costs as shown in these charts. This proved to be no simple task, as illustrated by NFCU–14, because there was little or no consistency in the manner in which the charts were organized. For instance, had I desired to determine the cost of $500 for 18 months, only one (NFCU–14A) of the six-charts furnished by the four banks would have provided this information. The other charts showed $502.20, $499.41, $453.85, and $483.30 as the nearest comparable amount. However, when the charges for loans of these amounts and maturities were reduced to terms of simple annual interest the rates charged by these banks were very comparable; three at 14.8 percent and one at 13.9 percent; all included life insurance. Another very interesting fact developed from the conversion of the charges to basic rates. In one table, a loan of $1,000 for 18 months carried a simple annual rate of 14.8 percent. However, when the maturity of this loan was increased to 36 months the annual simple interest rate jumped to 17.2 percent.

While these comparisons gave me a rough idea of the cost of bank credit, I was told by friends that a number of banks were making auto loans at a 3-percent rate. Telephone calls to these banks supported this rumor to the extent that the 3-percent base rate was an add on rate. This is about 6 percent in terms of simple interest. In addition, there were varying conditions that had to be met. Minimum down payments, life and auto insurance and/or minimum maturities were required in varying degrees to qualify for the 3-percent rate. However, a higher rate was available to those who couldn't qualify for the lower rate. In several instances, the 3-percent rate was available only to current customers or to customers residing in the area contiguous to the bank.

In addition to the sources of credit previously mentioned, I did find other sources and different plans where the costs of credit could be more easily evaluated and compared. These were:

(1) Banks (single payment loans): One payment personal and collateral loans were available to persons with top credit ratings. The borrower signs a note for a limited period of time (usually 3 to 6 months) and repays the amount actually received in cash plus interest computed at annual simple interest on a 360-day basis.

(2) Insurance companies: Loans in the amount of the cash value of insurance policy were available to policyholders. Interest is charged at simple annual interest rates on unpaid balances until the loan is paid in full. Frequency and amounts of payments are controlled by the borrower.

(3) Retail credit stores, small loan companies, credit unions, and others offering rate per month plans: These plans offered time purchases and loans to customers and members (credit unions) at rates of simple monthly interest applied against monthly unpaid balances. This monthly rate is easily converted to an annual rate by multiplying by 12. NFCU–15 illustrates four retail store plans and the basic credit union plan..

(Note.—Some confusion may occur in attempting to evaluate the time payment plans of retail stores. This is because a number of retail stores offer their customers the choice of several different types of repayment plans and switch accounts back and forth between no charge, medium charge, and high charge plans in accordance with the rapidity with which the customer liquidates his account. An example of this is the full-page newspaper ad (NFCU–15A) of a department store's time purchase plans. Charges for credit are referred to as a small service charge. In terms of simple annual interest, this small service charge is actually 18 percent for the 12-month plan but drops to 15 percent for the 24-month plan. This was an interesting development as in one of the bank plans (NFCU–14), the loan for the longest maturity carried the highest interest rate.)

By this time, I had been through a "wonderland of credit," where percentages multiply and divide at will, where finance charges materialize on command and fees are collected on the way out. Had I been required by an urgent need to accept credit from the most convenient source, I'm sure that I wouldn't have left this fairyland unscarred.

This "credit wonderland" also had a few side attractions to which I'll refer briefly. These are the sharp practices and rackets that not only inflate the costs of credit, but also impose enormous financial hardships on the debtor, particularly those who can least afford it. They include:

1. The balloon note, illustrated in NFCU–7 where, after 11 monthly payments, the principal amount borrowed actually increased.

2. The dealers practice of selling sales or installment contracts to banks and finance companies.

While I am not questioning this practice as it relates to the activities of reputable organizations, it does appear to add to the cost of credit has definitely been infiltrated by vicious rackets. For instance, it is common practice for many dealers to add a finance charge to the cost of the item bought, then sell the sales contract to a finance company who in turn adds a service or other charge. Thus, the debtor is frequently not aware of the full cost he must pay for credit until advised by the finance company. Almost without exception, these finance companies and even banks give dealers a kickback or establish so called "dealers reserves." This practice is even recognized by law in at least two States—Michigan, and Ohio. Should the debtor find the merchandise defective and complain to the finance company, he is referred back to the dealer who has already been paid and may have little interest in correcting the defect. An honest dealer will make the adjustment but the only way to make the dishonest one meet this obligation is by court action. This, most families cannot afford.

3. Bait advertising, such as "no money down," "low bank rates," "no carrying charge," "our 6 percent plan," "name your own terms," "free service," "guaranteed cash reserve," etc. NFCU–16 contains a few examples. These "come ons" are usually loaded with gimmicks camouflaged to make them palatable, but which usually result in exorbitant charges. As most States do not regulate finance charges on time sales as they do on cash loans, the debtor has little or no protection against the charges made for credit except his own sense of values. Experience has shown the inadequacy of the individual in this area. The no money down "come on" is one of the most vicious as it usually results in people of small means signing two high rate notes; one for the down payment and another for the balance, with payments to be made on each. There are many variations of the no down payment "package."

For instance, a military officer's no money down, 4 percent plan was found to be 4 percent on the amount borrowed as a down payment and to be repaid in 3 months (actually this 4 percent is about 32 percent per year in terms of simple interest). The remaining balance was financed at a rate of over 20 percent per year in terms of simple interest.

Another example of bait advertising is NFCU–16A. This is a direct mail ad stating in part:

"Only ——— finance offers this free service. This service means we guarantee a cash reserve of $750. Extra money is always available for shopping, paying bills, medical or dental care, or even to meet emergencies while traveling. You can have a money guarantee account without using a penny of your own. There is absolutely no cost except on the amount taken out and used.

"For example:

"You withdraw $100 now; monthly repayment is only $6.72.

"You withdraw $300 now; monthly repayment is only $20.16.

"You withdraw $750 now; monthly repayment is only $42.77."

In this example, neither the cost of credit nor the number of payments could be determined by the credit seeker. Computation based on the State law showed the simple annual rate carried by the $100 and $300 loans to be 36 percent but the costs involved in the $750 loan defied analysis. However, many people are borrowing money for merchandise purchases at 36 percent when credit is readily available at retail stores at 18 percent, 12 percent, and even less. Why? Simply because they are unaware of the true costs of credit.

Another example of a misleading ad is NFCU–16D which advertises new cars for $1.25 a week in large black letters. Further down, in very fine print is added "plus insurance and interest for the first 52 weeks." Interest was quoted over the telephone at 6 percent add on. However, even when the actual charge for interest was combined with charges for life insurance, auto insurance and service charges, it was still impossible to reduce the charges for credit to terms of simple annual interest because only $65 would be applied against the principal during the first year.

4. The lack of regulations dealing with the rights of the debtor who desires to prepay his obligation.

Here is another area, particularly with respect to consumer finance plans, that is almost devoid of effective regulation and one wherein the debtor is easy prey for the unscrupulous creditor. Prepayment, without a reasonable reduction in the total cost of credit, will inflate the rate charged to astronomical proportions. If no adjustment is to be made in the event of prepayment, the debtor is at least entitled to be made aware of this fact before he signs the contract. NFCU–17 is a reproduction of a contract in which $125.70 was charged to finance $378.75 for 15 months; a simple annual rate of almost 50 percent per year. After signing the contract, the debtor realized that this charge was exorbitant and tried to pay it off. After considerable argument in which the debtor was represented by an attorney, the creditor agreed to release the debtor from his obligation but charged him $25 for the privilege. This resulted in a rate of 130 percent in terms of simple annual interest.

NFCU–18 consists of personal letters and is presented to illustrate the difficulties even college graduates have in evaluating and discussing credit. The subject matter deals with allegedly exorbitant rates of interest charged naval aviation cadets and junior flying officers in Florida. All are college graduates.

NFCU–18A: The disciplinary officer of a naval aviation cadet battalion writes: "As you are probably well aware, there is a tremendous volume of used- and new-car sales in this area and approximately 80 to 85 percent of the cadets stationed here have cars financed through local agencies, many of which have pretty exorbitant rates of interest."

NFCU–18B: A naval aviation cadet writes: "I have already been taken as far as finance charges are concerned."

NFCU–18C: A second lieutenant, U.S. Marine Corps, writes from California: "I purchased the car last August as a cadet for $1,600, at 8 percent per year, through ——— Investment Co., Pensacola, Fla. The total amount due back came to over $2,100."

(NOTE.—Charges in this case were $500. At 8 percent per year add-on interest, the interest charge for 36 months would only be $384. However, the total charge for 36 months at an 8-percent simple annual interest rate would have been $197.

NFCU–18D: A first lieutenant, U.S. Marine Corps, writes from Florida: "I am having the car financed by a bank, the total interest for which ($2,560) amounts to $498 for 36 months."

(NOTE.—This charge amounts to a simple annual rate of about 12.6 percent.)

NFCU–18E: A lieutenant, U.S. Navy, writes from Florida: "I had finally received an accounting of my balance from ——— Discount Corp. to find that my net (balance owed less rebate for prepayment) was $150 higher than what I expected."

Here are statements made by five persons, all college graduates, four of whom, in one way or another, reveal evidence of basic misunderstandings of credit. The same four also have the impression that they had been overcharged for credit. "A," because of his responsibility for the men in his command, expresses concern over their being charged what he considered "exorbitant rates." The only effective way he now has to advise his men as to what is exorbitant is to analyze each individual contract. How much more effective he could be if it were possible for him to just say, "Don't pay more than ——— percent. If you do, you're on your own, and don't expect any help from me."

"B" merely states that he had been "taken" insofar as finance charges are concerned. This is a typical reaction of many intelligent people when they take time to analyze the actual costs of their credit obligations.

(C)'s charges were much greater than warranted by the risk. They were apparently negotiated on the basis of an 8-percent annual rate which proved to be an "add on" or "discount" rate plus other charges rather than a simple interest rate.

(D)'s charges were actually about the best he could do in that locality—but how could he know?

(E)'s difficulty developed when he attempted to prepay his debt and found that his rebate would be about $150 less than anticipated.

NFCU–19 also consists of letters which reflects the writers' misunderstanding of their credit transactions. Three of these letters also illustrate the need to disclose rights of prepayment.

NFCU–19A is from a lieutenant commander in the Medical Corps of the U.S. Navy. He writes from a fleet post office address on the west coast. He reviews a credit transaction in which his actual finance costs amount to 18.7 percent in terms of simple annual interest. He also states, "When I offered to pay up ahead of schedule the manager of the company did not seem enthusiastic. He gave many excuses for not furnishing me with figures showing how much I would save if I paid ahead of schedule. Indeed he suggested my saving would not be substantial because by laws they were required or permitted to keep money that in effect would be unearned interest. I don't believe this."

NFCU–19B is from a lieutenant in the Supply Corps of the U.S. Navy. He provides information showing that he obligated himself to a credit charge amounting to a simple annual interest rate of 16.6 percent, and that he has made 6 payments on a 36-month obligation. He also states, "I do not know the payoff amount of this lien." Here again, the need for a requirement to disclose prepayment privileges is indicated.

NFCU–19C is from a second lieutenant in the U.S. Marine Corps who wrote from a fleet post office address on the west coast. He lists finance charges amounting to a simple interest rate of 14.6 percent and states, "I feel that the interest I am paying on the loan is excessive."

NFCU–19D is from a lieutenant in the U.S. Navy who writes from Corpus Christi, Tex. The finance charges he lists amounts to a simple annual rate of 12.65 percent. He calls this a "high rate of interest."

Both these men seem to feel that the interest they are paying is high. This may or may not be so but—both confused finance charges with interest. It is this matter of semantics that leads to many hardships and misunderstandings. Interest charges, as such, are almost universally regulated and to charge interest at a rate in excess of that permitted by law is considered usurious. On the other hand, finance charges are not so generally controlled. For this reason, many credit seekers find themselves saddled with exorbitant finance charges which they innocently accepted, subconsciously confident that they were protected by law against usurious rates. This false impression is frequently exploited by unscrupulous finance companies who talk in terms of "interest" when discussing finance charges but never include rates of interest in their contracts.

NFCU–19E is from a lieutenant in the U.S. Navy on board ship in the Pacific. He quotes "6 percent" as the charge of financing. Here, the financing is for a 3 year term so the 6 percent is multiplied by 3 and the 18 percent is applied against $3,510, the amount to be financed.

This results in a total charge for credit of $631.80 as the rate is 6 percent per annum add on. At the 6-percent per annum simple interest rate, the total charge for interest on $3,510 for 36 months would have been $324.68 or a difference of $307.12.

Another statement made by this naval officer was: "The State of California requires the payment of $25 when paying off a car contract in advance so this would have to be included." This is most significant when related to (A) who was not aware of this so-called requirement until he attempted to prepay his obligation. Of greater significance is the fact that both men have apparently been misled. The California law permits, but does not require, minimum or prepayment charges as these men were led to believe. The average debtor seeking to prepay his credit obligation usually has to rely on the integrity of his creditor for an equitable adjustment. However, in these two cases, both men used the word "required" in connection with a transaction that could only benefit their creditors.

NFCU–20 is submitted as evidence of the concern we have had over the inability of our members to protect themselves from credit abuses. This exhibit consists of paid newspaper ads, informative brochures, and news bulletins and represents a sampling of our efforts to assist Navy and Marine Corps personnel in their credit transactions.

NFCU–20A brochure: "Used Car buyer beware."

NFCU–20B: Newspaper ad offering the above brochure free to all Navy and Marine Corps personnel.

NFCU–20C: Newspaper ads re "How financing costs can be boosted."

NFCU–20D: Newspaper ad re "Buying on time."

NFCU–20E brochure: "Finance charges and how to watch them."

NFCU–20F brochure: "How much does it cost to borrow money?"

NFCU–20G: House organ, "Shop for your money."

NFCU–20H: House organ, "Don't be fooled."

NFCU–20I brochure: "How to answer an auto dealer."

NFCU–20J brochure: "Three rules to help you avoid paying too much for credit."

NFCU–20K brochure: "Don't get stuck with easy credit."

Unfortunately, our educational efforts like those of others have met with little success. The education of the consumer in the wise use of credit is a challenge many have accepted but none have accomplished. From time to time, public interest is aroused by the viciousness of certain local credit practices and the details of these rackets exposed to the consumer through press, radio, and television. Many labor unions and consumer organizations have distributed literature on the subject. Other groups, such as better business bureaus are constantly engaged in attempts to protect the consuming public from credit abuses.

Unfortunately, all such efforts to educate the consumer, while temporarily effective, soon become dated. Memories are short and new abuses appear to replace the old ones.

The problem of educating the consumer to merely protect himself against credit abuse, let alone to make judicious credit decisions, will continue to defy solution so long as the subject remains complex and the text nebulous. The answer then is not to be found in further fruitless attempts to produce credit linguists, but to reduce this polyglot subject to a common language, a language in which such terms as "rate," "interest," and "amount" mean the same thing to all people.

The following table appeared in the Washington Star on December 2, 1957. This table is presented to illustrate the ease by which the average person could compare and evaluate costs of credit when such costs are reduced to terms of simple annual interest. As a matter of background information, it is important to realize that the costs of credit are generally directly related to the risk involved and the amount of work necessary to service the account. Thus credit extended in small amounts without security for short periods of time will usually carry a much higher rate than for credit extended in large amounts that is secured by collateral and/or for longer terms. A person with a good credit standing or acceptable collateral would be foolish to buy on time at 18 percent when less expensive credit is so readily available to him. However, the average person blithely accepts the higher charges without realizing the difference.

Area interest rates

What individuals typically pay for sales credit and short-term loans in the Washington area:

[Percentage]

	Annual rate on unpaid balance [1]
Loans by commercial banks:	
Loans secured by U.S. Government bonds, State, municipal bonds, common stocks, life insurance, savings accounts:	
Up to $10,000	5 – 6
Over $10,000	4½ – 5
Automobile loans:	
New cars	7 – 9¼
Used cars	7½ – 11
Home improvement loans (title I)	9½

Area interest rates—Continued

[Percentage]

	Annual rate on unpaid balance [1]
Personal unsecured loans:	
Up to $2,500	6 – 11
Over $2,500	5 – 6
Brokerage firms: Collateral loans	5
Life insurance companies	[2] 5 – 6
Credit unions	[3] 12
Small loan companies: [4]	
In Maryland, up to $300	36
In Virginia, up to $300	30
In Virginia, $300 to $600	18
Sales credit:	
Department stores:	
Revolving credit or budget plans	6 – 18
Deferred payments on appliances	16 – 18
Appliance, furniture, and other stores	18
Washington Gas Light Co	11
Automobile dealers:	
New cars	10½ – 12
Used cars	11 – 20

[1] This must not be confused with an add-on or discount rate; the latter rates are computed on the face amount of the note, even though the outstanding balance declines.

[2] Depends on policy; some old policies provide for loans at 4½ percent.

[3] Some credit unions lend at 8 percent.

[4] Companies licensed under Maryland's industrial finance law can loan up to $1,500 at a 6-percent discount rate plus certain added charges. In the District of Columbia, no small loan companies are licensed because of the low rate and other provisions of the District Small Loan Act.

I have tried, in a comparatively short time, to outline and illustrate some of the basic difficulties experienced by the average person in his sales credit and short-term borrowing transactions.

Because the subject is so vast and complex, I have restricted myself to a review of those problems that apparently could be eliminated by a universal requirement to disclose charges for credit in terms of amount and as a rate per year in terms of simple interest. The appended chart, "Typical credit charges," is a compilation of the current practices of the major organizations extending time sales and cash loan credit and illustrates the basic reason why the average individual does not or cannot get fair value for his credit dollar.

How simple it would be to evaluate and compare credit charges if the section of this chart headed "Typical charges" was replaced by a single column headed "Rate of interest" wherein the typical charges were all reduced to terms of annual simple interest. The most uninformed person could then make objective credit decisions that are now denied even the astute.

For the committee's information, I have also appended an explanation of the method I used to reduce the finance charges (in the examples previously referred to) into terms of simple annual interest. While there are other acceptable methods that could have been used, this one was selected because of its simplicity and because it assumes that equal monthly payments will be made against the principal amount due plus an additional amount each month for interest. Thus, the total amount of each subsequent payment decreases. An alternate method is to establish equal monthly payments that include interest—in which case, the interest is deducted from the amount paid and the remainder applied against the principal. In either case, the total amount paid over the term of the loan is the same but, because of the difference in the monthly declining principal balances, the rate in terms of simple interest is slightly (about one-tenth of 1 percent) different.

In conclusion, I would like to express my gratitude to you and your committee for the privilege of testifying for this, in my opinion, sorely needed legislation. Credit has become a very essential part of the American way of life. In varying degrees, it is available to us all and, like any other commodity, it carries a price tag. But here the similarity ceases because the tag attached to credit is written in a language unintelligible to the average person.

Most of us have learned to shop for the things we buy and for the services we need. Our selections are based on price and quality and we usually have the ability to make sound decisions. However, when we want to purchase credit, we become enmeshed in a web of charges, fees, insurance, and rubbery interest rates. As a result, our credit purchases are usually made on the basis of convenience and assumption rather than on price and quality. The real tragedy is in the fact that few of us realize or will ever know the price we actually pay for credit because of our inability to read and understand the price tags attached to credit packages. There is only one logical solution. Credit must carry informative and meaningful labels—labels that will identify the product and its composition in the same manner and for the same reasons that similar labels are required on certain consumer goods. The housewife shopping for a dress no longer needs to be an expert in fabrics to make her selection or to compare values. She just looks at the label and compares prices. Is not the person shopping for credit involving hundreds of dollars entitled to the same protection as the housewife in her purchase of a $10 dress?

Mr. Chairman, this concludes my testimony. I am at the committee's disposal for questions.

Thank you.

Typical credit charges

	Collateral			Typical charges							Prepayment privileges	Typical rates in terms of simple annual interest
				Percent charges			Lump sum charges					
	Stocks, bonds, life insurance, savings accounts, real estate	Consumer goods	Signature only	Simple interest	Add on interest	Discount interest	Finance charge	Service charge	Life insurance	Auto insurance		
CASH LOANS												
Insurance companies	X			X							Yes	5 to 6 percent.
Commercial banks	X			X							do	Do.
Do		X			X						Short rate	7 to 15 percent.
Commercial banks (prime credit risk)			X	X							Yes	5 to 8 percent.
Commercial banks (average credit risk)			X			X or X		X	X		Short rate	10 to 12 percent.
Credit unions	X	X	X	X						X	Yes	6 to 12 percent.
Consumer finance companies:												
Small loans		X	X	X				X	X		do	30 to 36 percent.
Large loans		X	X			X		X	X	X	Short rate	18 to 30 percent.
CONSUMER FINANCING												
Commercial banks through dealers		X				X or X		X	X	X	Short rate	8 to 18 percent.
Credit unions		X		X						X	Yes	6 to 12 percent.
Auto dealers:												
Through national finance companies		X			X		X		X	X	Short rate	11 to 14 percent.
Through local finance companies		X				X or X	X	X	X	X	Short rate or none.	12 percent to no limit.
Retail stores own plans:												
1 to 3 months' maturity		X		X	(1)	or (1)	(1)	X or (1)	(1)	(1)	Yes	None.
4 to 12 months' maturity		X		X		or		X or X			do	10 to 15 percent.
12 to 24 months' maturity		X		X		or		X or X			do	12 to 18 percent.
Retail stores through finance companies and banks.		X				X or X	X		X		Short rate or none.	10 percent to no limit.
HOME IMPROVEMENT LOANS												
Commercial banks:												
FHA title I			X		X						Short rate	9¼ percent.
Own plans	X		X		X or X or X			X	X		do	8 to 12 percent.
Credit unions	X		X	X							Yes	6 to 12 percent.
Finance companies	X		X			X or X		X	X		Short rate or none.	12 to no limit.

[1] No charge.

HOW TOTAL FINANCE CHARGES CAN BE CONVERTED INTO A RATE IN TERMS OF SIMPLE ANNUAL INTEREST

A. Formula for simple interest (1 payment):

Rate of interest per period in decimals × Actual amount borrowed or financed × Period of time in days, months or years = Total amount paid as interest or carrying charges

Example:

0.06×$100×1 year=$6 interest
0.12×$100×1 year=$12 interest

B. Because most personal and consumer loans and time purchases are paid in installments, the formula for simple interest must be expanded to compensate for the periodic reduction in the actual amount due.

Formula for simple interest (installment payments):

$$\frac{\text{Rate of interest per month in decimals} \times \text{Actual amount borrowed or financed} \times \text{Number of payments to be made}+1}{2\times\text{number of payments to be made each month}} = \text{Total amount paid as interest or carrying charges}$$

Example: $100 for 1 year repaid in 12 monthly installments at 6 percent per year and 12 percent per year.

(6 percent per year÷12=0.005 per month and 12 percent per year÷12=0.01 per month)

$$\frac{0.005\times\$100\times(12+1)}{2\times1}=\$3.25 \text{ interest}$$

$$\frac{0.01\times\$100\times(12+1)}{2\times1}=\$6.50 \text{ interest}$$

C. To translate total interest or finance charges into terms of simple interest per month or per year, the previous formula is modified as follows:

(1) $$\frac{\text{Total amount of interest or finance charges}\times2}{\text{Actual amount borrowed or financed}\times(\text{number of monthly payments}+1)} = \text{Rate of interest per month}$$

(2) Rate of interest per month×12=rate of interest per year.
Example: $1,800 to be financed for 3 years costs $400:

$$\frac{\$400\times2}{1,800\times37}=\frac{8}{666}=0.012 \text{ or } 1.2 \text{ percent rate of interest per month}$$

0.012×12=0.144 or 14.4 percent rate of interest per year

(NOTE.—This formula assumes that one payment is to be made each month until indebtedness is fully liquidated.)

D. Currently loans and installment financing are offered to the public in many forms, some identical in appearance but vastly different in total cost. For example—an advertised 6 percent loan or cost of financing, standing alone, is meaningless. Six percent, unless further identified, can legally result in wide variances of actual cost and in terms of simple interest.

(1) Six percent add on or $6 per $100 added to the amount borrowed either per year or as a fixed cost with reference to time.

If by year, the actual simple interest would be—

$100 for 1 year

$$\frac{\$6\times2}{100\times13}=0.009231 \text{ per month or approximately 11.1 percent per year.}$$

As the maturity of such financing is extended, the rate of interest per year is increased.

$100 for 3 years

$$\frac{\$18\times2}{100\times37}=0.00973 \text{ per month or approximately 11.7 percent per year.}$$

If the 6 percent is a fixed cost without regard to time, the resulting rate per year is usually increased. For instance, if the indebtedness is liquidated in 6 months, the rate in terms of simple interest would be about 21 percent per year.

(2) Six percent discounted or $6 per $100 may be deducted in advance. This has the effect of an even higher simple interest rate than results from a 6 percent add on contract.

$100 for 1 year

$100—$6=$94 actual amount borrowed

$$\frac{\$6\times2}{94\times13}=0.009636 \text{ per month or approximately 11.8 percent per year}$$

$100 for 3 years

$$\frac{\$18\times2}{94\times37}=0.001035 \text{ per month or approximately 12.4 percent per year}$$

(3) Six-percent simple interest or one-half of 1 percent per month on declining balance. This is the only meaningful and factually correct media whereby the average debtor can determine and compare costs of borrowing or financing.

NOTE.—The preceding analyses are all based on a 360-day year (or 12 months of 30 days each). When using a 365-day year or actual days per month, the annual simple interest rate will be slightly less than established by the 360-day formula.

The formula also assumes regular equal monthly payments on the principal plus interest on the decreasing balances. When simple interest is computed on the basis of equal monthly payments including interest, the resulting rate will also be slightly less than that established here. The difference in all cases, however, is only about one-tenth of 1 percent per annum.

MILWAUKEE JOURNAL BACKS FULL DISCLOSURE OF CREDIT TERMS

Mr. PROXMIRE. Mr. President, I ask unanimous consent that a persuasive editorial from the Milwaukee Journal, entitled "Borrower Has Right to Full Disclosure of Credit Terms," supporting the Douglas bill, be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BORROWER HAS RIGHT TO FULL DISCLOSURE OF CREDIT TERMS

Senator DOUGLAS, Democrat, of Illinois, deserves encouragement in trying to bring some common sense into our credit-crazy economy. With the support of such responsible organizations as the Better Business Bureau and the Federal Reserve System, he is sponsoring a bill under which people who buy on credit would have to be clearly told what that credit is costing them.

The Senator's "full disclosure" bill is not anticredit. DOUGLAS, a former professor of economics, appreciates the worth of consumer credit, when properly used, in helping people acquire homes, automobiles, and other big purchase items.

What his bill aims at discouraging is excessive use of credit and camouflaging of credit terms so that purchasers are either not informed of credit costs or are misled as to their true amount.

Legislation of this sort cannot be expected to eliminate misuse of credit or keep foolish and gullible people from getting head over heels in debt. But the measure—or one incorporating its principles—should at least help counteract what Harold ROSNER, president of Robert Hall Clothes Co., terms the "credit virus."

As an early witness before the Senate Banking and Currency Subcommittee studying the Douglas bill, ROSNER declared:

"From my experience of 40 years in the retail apparel industry, I can tell you gentlemen that when the terms are made to seem easy enough to meet, people suffering from the credit virus can no more resist the installment salesman than the gambling or liquor addict can resist his particular type of addiction."

But people who use consumer credit are not the only ones who stand to gain from full disclosure legislation. Businessmen generally should benefit. In 1955 excessive credit boomed auto sales at the expense of other trade. Legitimate dealers in credit would also be protected from unscrupulous competitors. One credit manager testified that in checking a variety of auto finance plans he found contracts calling for interest rates that ranged all the way from a low of 9½ percent a year to 62½ percent a year.

"Every borrower should have the right to full knowledge of the terms and contents of credit contracts, stated in a uniform and truthful manner," says DOUGLAS.

What could be fairer?

ADMINISTRATION RESPONSIBILITY FOR THE RISE IN THE COST OF LIVING

Mr. PROXMIRE. Mr. President, yesterday the New York Times devoted a part of its Review of the Week section to a discussion of living costs, and stated that living costs have risen to a new alltime high. The writers of the review point out that the principal upward force was caused by the continuing rise in the cost of services, especially in hospitalization insurance, and home mortgage insurance.

This statement is very interesting because our friends in the Republican Party on the other side of the aisle emphasize the fact that they are the party which is trying very hard to counter inflation. The fact is that on both of these vital issues, hospitalization insurance, and home mortgage insurance, it is the Democratic Party alone which is fighting hard in an attempt to help our older people and others who need assistance in connection with hospitalization insurance, and is also, of course, trying to persuade the administration to reverse its high interest policies and to reduce interest rates.

In 1952, the last year of a Democratic administration, according to my estimates the average family of four spent for hospitalization about $50 and in 1959 about $100; for mortgage interest in 1952 the average family spent about $75, now it spends about $127.

Perhaps this will enlighten our Republican friends as to why polls show most Americans consider the Democratic Party can best be trusted to fight inflation.

WHEAT PRICE SUPPORT PROGRAM

Mr. MURRAY. Mr. President, because of recent administration attacks on the wheat price support program, I was greatly interested in a column on the subject which appeared in the Great Plainsman recently. It was written by Wayne Darrow, well-known Washington Farmletter writer. Mr. Darrow's column is a reminder of the importance of wheat in the Nation's history, both past and present.

I ask unanimous consent to have the column printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

WASHINGTON WHEAT LETTER

(By Wayne Darrow)

WASHINGTON, D.C.—The future of the wheat growing industry hangs in the balance this spring. What Congress does the next two months may set the pattern for years to come as to how wheat is sold, and for how much. What it doesn't do may be important, too.

It is unfortunate for the producers of America's No. 1 food that wheat has become the chief symbol of the old farm program which is under fire from the Eisenhower administration, and from much of the press and the public. It is even more unfortunate because even the last die-hards of the old "farm bloc" want to change the program.

Wheat is held up as the horrible example of what happens when the Government steps in to bolster farm prices and income.

It's also too bad, both for wheat growers and the public, that in the bitter fight over farm policy, virtually all the facts about wheat in its role in American history are disregarded, save two: The high cost of the support program, and the mounting surplus.

Forgotten in the political clamor are such facts as these:

Wheat underwrote the opening of the West after the Civil War. Along with beef, pork, cotton, and tobacco, exports of wheat financed a moneypoor America in the building of the cities and of industry. Farm products sent to Europe serviced the United States debt.

Wheat is the most widely grown crop in the United States. It is the most universally grown and used crop in the world. Next to cotton, it looms the largest of any farm product in world trade. Millions of towns and city people depend for their livelihood on handling, processing, transporting and distributing wheat and its products.

Wheat helped win World War I. It was the chief means of relieving hunger and averting collapse in Europe after World War II.

American wheat today is fighting communism in a score of countries where U.S. foreign policy is backed up in part by the much-condemned wheat surpluses.

These past and present services of wheat to the whole economy do not warrant preferred treatment for wheat farmers. But they should be a reminder that the surpluses of one decade may be the salvation of the next. This has happened twice in this century.

National wheat policy should be geared to national welfare, rather than just farmer welfare, and to the future as well as to the present. Wheat should be rated as national wealth, as a national blessing which is vouchsafed to few other countries, and as a universal food that can aid in bringing universal peace.

What's done now about wheat ought not to be done out of the heat of politics, or out of the hysteria into which the public has been aroused by demagogs.

But the clamor about wheat in the spring of 1960 approaches the hysteria stage. This makes for action, and likely enough, for bad legislation.

To read the papers and the speeches one would think the fight is simply one of the Eisenhower administration and the Farm Bureau to get rid of the old wheat program over the opposition of Democrats, big wheat farmers and a few others. The others engaged in the fight want another program, too, including National Wheat Growers Association, Grange, and Farmers Union.

The real fight is between the advocates of several new plans, including that of abolishing the program. The number in Congress who would end it all, if they could, is substantial. The two main views advanced in farm circles are:

1. Eliminate production controls. Reduce price supports gradually, setting them at 75 to 90 percent of the previous 3-year average price. USDA estimates this would reduce support from $1.77 a bushel average now to around $1.38 within three years. This view is held by Secretary Benson, though he emphasizes that he thinks "quality wheat" would sell above support. Farm Bureau also holds to this view. The oft-repeated maxim is that the cure for dollar wheat is dollar wheat.

2. Tighten production controls and put them on a bushelage basis. Provide for X amount of wheat to come out of CCC stocks each year, and thus whittle down surpluses without wrecking current prices. Underwrite farm prices by a loan at some high percentage of parity, or by requiring CCC to sell its stocks at not less than parity. This view is held by National Wheat Growers Association, Grange, Farmers Union, and four other commodity organizations.

House Agriculture Committee started hearings on wheat the second week of March. First try is for a bill giving farmers a choice of programs. Ike said he'd consider such a plan. Failing in this, committee leaders aim to take up the new 1960 plan of National Wheat Growers Association, Grange and Farmers Union.

The choices discussed are: (1) A cut of 20 percent in allotments and support at 85 to 90 percent of parity, or (2) Benson's plan of no acreage allotments and price supports for three years at 75 percent of the previous 3-year average market price.

The "choice plan" may bog down in committee over the question of whether the 15-acre exemption men get to vote. Democratic leaders oppose this because they say it would make mockery of the referendum for bonafide wheat men who depend on wheat for a living.

The new plan of National Wheat Growers has been gaining converts in Congress. It would restrict marketings to U.S. food and export needs, less 150 million bushels to come out of CCC stocks each year to reduce the Government surplus. CCC wouldn't be allowed to sell below parity, so market prices would tend to approach parity.

Farmers Union proposes to make this plan a part of the over-all farm bill proposed by a score of liberal Democrats. It's also offered as a separate bill by Representative BREEDING, (Democrat of Kansas), with bipartisan backing.

Whatever wheat bill is reported out of House Agriculture Committee stands a 50–50 chance of passage. It will be backed by the top Democratic leadership. It would likely be vetoed because Congress won't be passing anything acceptable to Secretary Benson.

The PRESIDING OFFICER. Is there further morning business?

ADDRESS BY HON. ALAN BIBLE, OF NEVADA, AT UNVEILING OF STATUE OF LATE SENATOR PAT McCARRAN

Mr. BYRD of Virginia. Mr. President, I had the great privilege of attending the ceremony held in the rotunda of the Capitol on the occasion of the unveiling of the statute of the late Senator Pat McCarran which was presented to the United States of America by the State of Nevada.

It was my good fortune to know Senator McCarran very intimately. It so happens that I am using in the Senate Chamber the desk that once was his.

As a Senator, he will always stand preeminent in the annals of the U.S. Senate. He was courageous and exceedingly able, and was dedicated to his public service.

I was profoundly touched by the remarkably able speech made by Senator ALAN BIBLE at the unveiling ceremony. This speech was of such a high standard that it deserves to be printed in the CONGRESSIONAL RECORD. I may say that I have never heard a finer speech on an occasion of this kind, or one better delivered.

I ask unanimous consent that the address be printed in the body of the RECORD as a part of my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR ALAN BIBLE, OF NEVADA, AT CEREMONY OF UNVEILING OF STATUE OF SENATOR MCCARRAN, MARCH 23, 1960

Mr. Chairman, Mrs. McCarran and family, your Eminence, Cardinal Spellman, Dr. Harris, Senator Johnson, and Senator Dirksen, my colleagues, Senator Cannon and Representative Baring, Governor Sawyer and Lieutenant Governor Bell, and friends of Senator McCarran, today I have the high privilege and great honor of speaking for the people of the State of Nevada as we dedicate the statue they place here to the memory of our friend and benefactor, Patrick Anthony McCarran. To his thousands of friends in his beloved Nevada and throughout the country, this strong man has become a symbol of complete independence, of fierce loyalty, of unqualified devotion to this country, and of magnificent courage in the face of his convictions. Right or wrong in the minds of others, Pat McCarran walked the halls of history with head high and eyes set on the far horizon of what he believed was for the ultimate good of his people and his country.

Growing up as he did in the great outdoors of rock and hill and sagebrush, gaining an education by hitching rides on freight trains to go 14 miles up the canyon to the schools in Reno, worshiping his Irish mother and father, and reveling in their wit and willingness to work, Pat McCarran emerged from his childhood with certain attitudes indelibly written into his mind. He did not lose these convictions through the years when he studied for the law by reading Blackstone aloud to the sheep that he herded, out on the sandy hills of the Truckee River canyon. With the completely private attention of the grazing animals, he practiced public speaking, becoming skilled in the art of the now old-fashioned orator. When he later raised his voice to a shout, and gestured vigorously in the ardor of his words, he was doing what came naturally.

He believed in freedom of expression, in every man's right to fight for his convictions, and in his personal responsibility to live up to the oath of office he took when he came to the Senate in 1933. No one ever took more seriously the words of that oath: "To support and defend the Constitution of the United States against all enemies, foreign and domestic; to bear true faith and allegiance to the same; to take this obligation freely, without any mental reservation or purpose of evasion; and to faithfully discharge the duties of his office."

Every man, individually and in the solitude of his own thinking, must interpret those words and live up to his oath of office. Each of us must be, and strive to be, true to the truth that is in us. It is no criticism of Nevada's fiery Senator, that from 1933 to his death in 1954, he gave no quarter to any man who seemed to deviate from the rigid measuring rod that he applied as a standard for judging loyalty to that oath of office. He believed in the Constitution of the United States to the last comma, and he knew it word for word, sentence by sentence, article by article. In 1937, speaking in Philadelphia, Pat McCarran summed up his complete dedication to our constitutional form of government, born in that very city 150 years before, when he said, "The law is not the people. The people is not the law. The law is the spirit of justice governing the people, and its application to individuals, to associations, to every form of civil life must

be so hedged around with reverence and security that the civil courts, established by and with the consent of the Constitution may, in an hour of popular passion, protect all the people from the tyranny of what might be a lawless majority."

It is exceedingly fitting that the great fighter from the Far West should stand here in the Halls of the Congress of the United States clothed in the judicial robes he wore as justice and, for 2 years, chief justice of the Nevada Supreme Court. There he wrote decisions which have stood the test of time, on subjects he explored to their depth because they particularly affected the great western section of this land where he was born.

In 1938, Senator McCarran found himself prominently named on two lists. He was proud of being listed on the so-called roll of honor of those who fought to prevent the Supreme Court packing bill from being passed; and, as a result, he found himself on the administration's purge list. He was reelected overwhelmingly. Nevadans evidently agreed with his thinking that, as he expressed it, "That the courts permitted by the Constitution should be independent of the will or dictate or dominance of any other authority, is the spirit of the organic law."

Nevada's great champion served in the U.S. Senate during two decades of decision. Labor never forgot the vigorous and outspoken support of their early programs. The country's mining industry saw in him one who knew their problems, appreciated their importance, and did such things as holding the floor alone for many hours to defeat an attempt to repeal the Silver Purchase Act and let the price of silver fall below the cost of production. Farmers also knew he believed in their importance in the economic pattern for a strong America. Veterans had his open and persistent support, and with equal fervor, he picked up the cause of the civilian war worker, whom he called the man behind the man behind the gun.

Prophetically, he searched into the vast tomorrows to choose the course he took today. In 1947, for example, he fervently championed the cause of small business. Speaking before the Senate, he proclaimed that "The soul of the individual is being smothered in the struggle of the giants. But these things are well known. Indeed, they are so well known that we are in danger of accepting them as commonplace and inevitable."

I was privileged to travel with him many, many miles, over the desert roads of our native State, in campaign time and out of campaign time. I often heard him use the lines of Oliver Goldsmith from the "Deserted Village." It seems to me that these lines, which he gave so often, typified his philosophy.

"Ill fares the land, to hastening ills a prey,
Where wealth accumulates, and men decay;
Princes and Lords may flourish or may fade;
A breath can make them, as a breath has made;
But a bold peasantry, their country's pride,
When once destroyed, can never be supplied."

The year 1940 saw the shadow of a great war. Prior to Pearl Harbor, on September 4, 1941, Pat McCarran started his great campaign against those who "have avowedly come here for the purpose of destroying this country. If we espouse the principles of the Constitution of the United States, we will not lend support to those who would destroy this Government." He went further, and it is prophetic that he said in the same speech to the Senate, on the debate to extend lend-lease agreements with Russia: "I despise Hitler and all he stands for, and equally I despise Stalin and all he stands for. I want those two dogs to come together and destroy each other. It would be well for democracy. But I would not lend a word to either one of them because neither is a friend of this country. If Stalin succeeds, then God help democracy, and God help Christianity."

When war was declared on December 7, 1941, Senator McCarran emphatically said that "the American people would have gone to any honorable end to avoid war; but, while we love and crave peace for ourselves and all the peoples of the world, we will not retreat when unprovoked and uninvited attack is forced upon us. A united people will teach a lesson to all aggressors everywhere and remind them that decency still prevails among honorable men."

Senator McCarran left many legislative monuments as a result of his 21 years in the U.S. Senate.

The presence of so many men in this audience who are prominent in the aviation world is a tribute to the work of the man from the sagebrush, in the great field of civil aviation. He always had great pride in his authorship of the Civil Aeronautics Act of 1938.

With his indefatigable will to work, he also initiated much constructive legislation which was all but forgotten in the turmoil of the conflicts of the closing years of his service. Those who had praised him for the Administrative Procedures Act, designed to protect the rights of individuals against "bureaucratic dictatorship," as he called it, joined the chorus of criticism when he was portrayed as one who would admit no displaced persons to the United States. The fact that he was demanding careful screening and strong safeguards to assure that those who came in would not be those intent upon destruction of the land to which they came, was lost in the welter of controversy. When later, as chairman of the Senate Judiciary Committee, it became his responsibility to codify the mass of immigration laws as amended through many decades, he was branded as anti-Jewish, anti-Catholic, anti-Italian, and even anti-Irish. One cannot measure the heartaches suffered during these years by the Senator, his family, his staff, his friends. Few understood his deep fear of "conquest by immigration;" and hateful pressures simply bolstered his determination to carry out the principles in which he heartily believed. Throughout all, Pat McCarran stayed in character—fearless, convinced of the right of his course, and, therefore, immovable.

His analytic power was great. How right he was when he said, "Communism is the biggest booby-trap in human history. You can drift into it if you refuse to think, if you are too lazy to take action to avoid it, if you shut your eyes to realities, if you give ear to the voices that are constantly trying to create and foster dissatisfaction and prejudice, hatred, unrest, and uncertainty." Man of action that he had always been, Pat McCarran determined to awaken the people of the country to the potential threat of subversives—of those men and women, within our own shores, not just having ideas, but actually working to commit those acts which would eventually undermine or overthrow the Government of the United States.

Creation of the Internal Security Subcommittee, and passage of the Internal Security Act of 1950, did serve the purpose he had in mind, which was to keep the people of this country from accepting the spread of communism as "commonplace and inevitable." It also served to bring to this rugged man of the West, now 75 years of age, great physical and emotional strain. In spite of this, the speed with which Senator McCarran traveled the long marble halls of Congress, brought to mind the fact that he had held the record for the hundred-yard dash for more than 20 years.

It is a great source of comfort to those of us who counted this man as our friend, to look back upon August and September of 1953. It was a double golden anniversary for the silver-haired Senator.

Fifty years earlier he had first served in the State Legislature of Nevada, beginning a long career of public service. That same year, he married Harriet Weeks, of Clover Valley, Nev., whom he had courted while they attended the university. Five children were born to them, three of whom are here today. In addition, it was his birthday, on August 8.

I shall never forget, Mrs. McCarran, that night at the fairgrounds in Reno when you and your husband were honored in a ceremony which certainly reflected the great devotion and admiration of the people of our State toward you. Among the plaudits of leaders of American Government and industry where the earnest expressions of appreciation from your friends representing every county in the State. That night, Pat McCarran did one of the most eloquent and beautiful things I have ever seen anywhere—one which typified the real person he was. When called upon to respond, the Nevada Senator walked up to the stage, greeted the audience, turned to his wife sitting in the spotlight there before him, and recited, in its lovely entirety, James Whitcomb Riley's "Old Sweetheart of Mine."

I know in this audience today are those of you who knew this man and loved him. Many of us owe much to him, for what he did for us. Some present today actually listened as he made the statements I have quoted, and you will agree they contain no doubletalk, and no straddling of any fence.

Pat McCarran lived and died as a man of the mountains, built of rock and hardened by the desert winds. Life was never dull to him. But he was gentle, too; and, as the years pass by, I think we will remember him most for the quick smile, the hearty laugh, the great feelings this man had within his heart for his people and his country.

This statue, which our State today presents to the United States, has been formed with careful and skillful hands. Cast in bronze, and built to stand throughout the years, it well can be a symbol of one who lived with unflinching courage, with high patriotism, with uncompromising standards, and with gentleness and kindness clothed in the dignity of statesmanship.

Any life is temporary; but from the mold we build by our way of life, finally emerges whatever pattern there can be for the casting of the soul. From the life of Pat McCarran has come this fine bronze statue, made possible by his beloved State of Nevada and his countless friends. It has been made forever lasting by the hot flame of the molten steel which casts the mold, strangely symbolic of his own way of living.

I am proud to dedicate this statue to the memory of our friend, Patrick Anthony McCarran, whom this country will not soon forget.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

Mr. SALTONSTALL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALL OF THE CALENDAR—ORDER OF BUSINESS

The PRESIDING OFFICER. In accordance with the unanimous consent agreement entered on last Thursday, the call of the calendar will take place at this time, starting at the beginning of the calendar.

Mr. JOHNSON of Texas. Mr. President, I desire to inform the Senate that any bills objected to on the call of the calendar may be called up on motion at the conclusion of the call. I make specific reference to Calendar No. 1060, H.R. 7456, to extend for 3 years the suspension of duty on imports of casein, and Calendar No. 1199, S. 2669, to extend the period of exemption from inspection under the provisions of section 4426 of the Revised Statutes granted small vessels carrying freight to and from places in the inland waters of southeastern Alaska.

Mr. SALTONSTALL. Mr. President, does the majority leader mean by that statement that the consideration of the Department of Commerce appropriation bill will not be resumed today?

Mr. JOHNSON of Texas. No; I did not say anything like that. I said that the two bills to which I referred would be taken up on motion following the call of the calendar. That is a practice which is normally followed. The Department of Commerce appropriation bill will come up after the action on those bills has been completed.

It is hoped that the Department of the Interior appropriation bill can be taken up tomorrow. I inquire of the Chair if the bill has been reported; if so, when; and when will it be eligible for consideration under the rule?

The PRESIDING OFFICER. The Department of the Interior appropriation bill was reported on Friday. It will be eligible for consideration tomorrow, if the hearings and reports are printed.

The clerk will state the first order of business on the calendar.

BILLS PASSED OVER

The bill (S. 1075) to provide for the reimbursement of Meadow School District No. 29, Upham, N. Dak., for loss of revenue resulting from the acquisition of certain lands within such school district by the Department of the Interior was announced as first in order.

Mr. ENGLE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 91) to amend the act of September 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the United States, to clarify the operations of such act, and for other purposes, was announced as next in order.

Mr. BARTLETT. Mr. President, I ask that that bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

Let the Chair inquire of the Senator from California and also of the Senator from New York, in order to expedite the call of the calendar, if there are any bills between Calendar No. 133 and Calendar No. 1053 which the Senator may not ask to have go over.

Mr. KEATING. The answer is, Mr. President, that there are.

Mr. ENGLE. Mr. President, I ask that the bills between Calendar No. 133, S. 91, and Calendar No. 331, H.R. 5140, inclusive, go over; and beginning with Calendar No. 397——

Mr. MORSE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. FREAR in the chair). The Senator from Oregon will state it.

Mr. MORSE. What is now being proposed as the procedure in connection with the handling of the calendar is that we give a bloc or blanket objection. Is that correct?

The PRESIDING OFFICER. If there is objection, the regular procedure will be followed. The Chair was only trying to expedite the calling of the calendar, by having the Senate proceed next to Calendar No. 1045, rather than to have the clerks call individually all the preceding measures on the calendar, to which it is understood objection will be made.

Mr. MORSE. Mr. President, I believe that would be a most unfortunate precedent. When the calendar is called, I think any Senator should be in a position to request an explanation of a measure, for the RECORD, for future reference, and the withholding of objection until that is done, so that explanations may be made in some instances. It does not take much time to proceed with the calendar call in the regular way.

Therefore, I object to the proposal now made.

The PRESIDING OFFICER. Objection is heard; and the next measure on the calendar will be stated.

BILLS AND OTHER MEASURES PASSED OVER

The resolution (S. Res. 131) referring Senate bill 882, for the relief of the heirs of J. B. White, to the Court of Claims, was announced as next in order.

Mr. KEATING. Over, Mr. President.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 1617) to provide for the adjustment of the legislative jurisdiction exercised by the United States used for Federal purposes, and for other purposes, was announced as next in order.

Mr. ENGLE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1851) for the establishment of a Commission on a Department of Science and Technology was announced as next in order.

Mr. ENGLE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1789) to amend section 1(14)(a) of the Interstate Commerce Act to insure the adequacy of the national railroad freight car supply, and for other purposes, was announced as next in order.

Mr. ENGLE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

Mr. MAGNUSON subsequently said: Mr. President, I should like to ask a question of the Senator from California. The Senator from Kansas and I are quite interested in this matter. Let me ask the Senator from California what the objection is, or whether the bill can be placed at the foot of the calendar. The bill relates to freight car shortages.

Mr. ENGLE. Mr. President, I may inform the distinguished chairman of the committee that there are several objections to this particular measure, and those objections have been registered with the official objectors. Personally, I have no objection.

Mr. MAGNUSON. I know that.

Mr. ENGLE. But in making the objection, I am doing so at the request of several Senators.

Mr. MAGNUSON. I thank the Senator from California.

The bill (S. 2308) to validate certain extended oil and gas leases was announced as next in order.

Mr. ENGLE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1711) to promote the foreign policy of the United States by the more effective use of U.S. agricultural commodities for the relief of human beings and for promoting economic and social development in less developed countries was announced as next in order.

Mr. ENGLE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2522) to provide for the enrichment and sanitary packaging of certain donated commodities and to establish experimental food stamp allotment programs was announced as next in order.

Mr. ENGLE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1734) to amend section 409(c) of the Communications Act of 1934 with respect to presentations in any case of adjudication which has been designated for a hearing by the Federal Communications Commission was announced as next in order.

Mr. ENGLE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2086) to provide for the establishment of a National Wildlife Disease Laboratory was announced as next in order.

Mr. ENGLE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

TRANSFER AND EXCHANGE OF CERTAIN LANDS TO MASSACHUSETTS PORT AUTHORITY—BILL PLACED AT FOOT OF CALENDAR

The bill (H.R. 5888) to authorize the Secretary of the Navy to transfer to the Massachusetts Port Authority certain lands in South Boston, Mass., in exchange for other lands was announced as next in order.

Mr. ENGLE. Over, Mr. President.

Mr. MORSE. Mr. President, will the Senator from California withhold his objection, so that a brief statement in regard to the bill may be made?

Mr. ENGLE. Mr. President, I shall be glad to do so.

Mr. MORSE. Mr. President, this is the Massachusetts Port Authority bill again. I ask unanimous consent that there be printed in the RECORD the same argument in support of the Morse amendment to the bill that I previously made in the Senate; and I also ask unanimous consent that my amendment may be printed in the RECORD.

Mr. President, I have requested that those two insertions be made in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. SALTONSTALL. Mr. President, reserving the right to object, let me say that I could not hear what the Senator from Oregon requested.

Mr. MORSE. I am requesting that there be printed at this point in the RECORD the same argument I previously made in opposition to the bill, when it previously was before the Senate; and I have also requested that my amendment to the bill be printed at this point in the RECORD, before I make a very brief comment on this bill at this time.

The PRESIDING OFFICER. Is the Senator from Oregon offering the amendment, or does he simply wish to have the amendment printed?

Mr. MORSE. The amendment has already been printed. I shall ask the Senate to act on the amendment when the bill is really being considered by the Senate. However, I understand there is objection to having the bill considered at this time, during the call of the calendar, and that the bill will not be considered by the Senate today. As a result, I see no purpose in calling up the amendment until the bill is actually under consideration by the Senate.

Mr. ENGLE. Mr. President, I have asked that the bill go over.

Mr. SALTONSTALL. Mr. President, do I correctly understand from the Senator from California that there is some other objection to the present consideration of the bill, in addition to the objection by the Senator from Oregon?

Mr. MORSE. Mr. President, if the only objection is mine, let me state that I am perfectly willing to have the bill considered by the Senate at this time. I filed the objection because I did not know whether I would be able to leave the Foreign Relations Committee and reach the floor of the Senate during the call of the calendar today. However, under the circumstances I have no objection to having the bill considered at this time.

Mr. SALTONSTALL. Mr. President, if the Senator from Oregon will consent to have the bill go to the foot of the calendar, that will give me time to get all my data on the bill from my office. I do not have them here now, because I did not know the Senator from Oregon would discuss the bill at this time.

Mr. MORSE. That will be perfectly agreeable.

Mr. President, I ask unanimous consent that the bill be placed at the foot of the calendar.

The PRESIDING OFFICER. Is there objection? Without objection, the bill will be placed at the foot of the calendar.

BILLS AND OTHER MEASURES PASSED OVER

The bill (S. 883) to confer jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon claims of customs officers and employees to extra compensation for Sunday, holiday, and overtime services performed after August 31, 1931, and not heretofore paid in accordance with existing law was announced as next in order.

Mr. ENGLE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2402) to clarify the authority of the Postmaster General to provide for the expeditious, efficient, and economical transportation of mail, and for other purposes, was announced as next in order.

Mr. ENGLE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 174) to discharge the Committee on the Judiciary from the further consideration of Senate bill 2391 to extend the Commission on Civil Rights and to provide further means for securing and protecting the right to vote was announced as next in order.

Mr. ENGLE. Over, Mr. President.

The PRESIDING OFFICER. The resolution will be passed over.

The resolution (S. Res. 169) concerning the desirability of holding an international exposition in the United States was announced as next in order.

Mr. ENGLE. Over, Mr. President.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 910) to authorize the payment to local governments of sums in lieu of taxes and special assessments with respect to certain Federal real property, and for other purposes, was announced as next in order.

Mr. ENGLE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2168) to amend the Navy ration statute so as to provide for the serving of oleomargarine or margarine was announced as next in order.

Mr. ENGLE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri, was announced as next in order.

Mr. ENGLE. Over, Mr. President.

Mr. MORSE. Mr. President, will the Senator from California withhold the objection for a moment?

Mr. ENGLE. I am delighted to do so.

Mr. MORSE. Has the Senator from California made the objection because of the objection of the Senator from Oregon?

Mr. ENGLE. The objection to the consideration at this time of Calendar 924 was a policy committee objection.

Mr. MORSE. Very well.

Mr. President, if the Senator from California will permit me to add a word or two, let me say that I am perfectly willing to have the Missouri bill considered whenever the Senate wishes to take it up. At that time I wish to offer my amendment to it.

The PRESIDING OFFICER. Objection has been heard, and the bill will be passed over.

BRIDGES OVER FEDERAL DAMS—BILL INDEFINITELY POSTPONED

The bill (S. 793) to amend title 23 of the United States Code, in order to increase the amount authorized for bridges over Federal dams, was announced as next in order.

Mr. ENGLE. Mr. President, the purpose of this bill is to amend title 23 of the United States Code, in order to increase the amount authorized for bridges over Federal dams. The bill was reported by the Committee on Public Works on September 5, 1959.

When the Federal-Aid Highway Act of 1959, H.R. 8678, was on the Senate floor, an amendment similar to Senate bill 793 was proposed by the Senator from Tennessee [Mr. KEFAUVER] and was accepted by the Senate. That amendment became section 108 of Public Law 342, 86th Congress.

Since the provisions of Senate bill 793 were enacted into law, there appears to be no reason to retain the bill on the Senate Calendar; and I ask unanimous consent that the Senate bill 793 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF COMMUNICATIONS ACT OF 1934—BILL PASSED OVER

The bill (S. 2653) to amend the Communications act of 1934, to establish jurisdiction in the Federal Communications Commission over community antenna systems, was announced as next in order.

Mr. ENGLE. Over, Mr. President.

Mr. MAGNUSON. Mr. President, let me inquire of the Senator from California whether the objection which has been listed with the policy committee came from the distinguished senior Senator from Arkansas [Mr. FULBRIGHT].

Mr. ENGLE. We have received both that objection and others.

Mr. MAGNUSON. There are other objections, in addition to his?

Mr. ENGLE. Yes; and I may add that the bill has not been cleared by the policy committee.

Mr. MAGNUSON. I understood all of us had come to an agreement on the bill, and that there would be no objection. That is why I have made this inquiry. So far as I know, we have complete agreement on the bill.

Mr. ENGLE. I have no personal objection.

Mr. MAGNUSON. I understand.

Mr. ENGLE. The objection I have registered has been registered on behalf of other Senators.

Mr. MAGNUSON. I understand.

The PRESIDING OFFICER. Objection has been heard, and the bill will be passed over.

BILL PASSED OVER

The bill (S. 1447) to amend section 161, title 35, United States Code, with respect to patents for plants, was announced as next in order.

Mr. KEATING. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT OF FEDERAL COAL MINE SAFETY ACT—BILL PASSED OVER

The bill (S. 743) to amend the Federal Coal Mine Safety Act in order to remove the exemption with respect to certain mines employing no more than 14 individuals was announced as next in order.

Mr. ENGLE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

Mr. MORSE. Mr. President, will the Senator from California withhold his objection for just a moment?

Mr. ENGLE. Very well.

Mr. MORSE. I wish to make a brief comment on Senate bill 743, which deals with the whole matter of mine safety.

I think all of us have been shocked by the recent disasters in the mines. I hope this particular bill can be brought up on motion, if it cannot be considered during the call of the unanimous-consent calendar. I hope the bill will be brought up at an early date. It comes from a committee of which I am a member.

The bill has had very thorough consideration, now, for some 2 years; and I believe the time has come for the Congress to take some action by way of legislation, in the interest of protecting the safety of the miners of the country.

The PRESIDING OFFICER. Objection has been heard, and the bill has been passed over.

BILLS PASSED OVER

The bill (S. 609) for the relief of the estate of Gregory J. Kessenvich was announced as next in order.

Mr. ENGLE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2673) to provide for the appointment of additional circuit and district judges, and for other purposes, was announced as next in order.

Mr. ENGLE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

ESTATE OF ELIZABETH J. ANTHONY

The resolution (S. Res. 215) to pay a gratuity of Joseph T. Stratton as executor of the estate of Elizabeth J. Anthony was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Joseph H. Stratton, as executor of the estate of Elizabeth J. Anthony, an employee of the Senate at the time of her death, a sum equal to eight months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

MARY G. HOSEY

The resolution (S. Res. 214) to pay a gratuity to Mary G. Hosey was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay, from the contingent fund of the Senate, to Mary G. Hosey, widow of Henry F. Hosey, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SELMA N. PUCKETT

The resolution (S. Res. 216) to pay a gratuity to Selma N. Puckett was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Selma N. Puckett, widow of Leslie C. Puckett, widow of Leslie C. Puckett, an employee of the Senate at the time of his death, a sum equal to two months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

EVELYN CLARK

The resolution (S. Res. 217) to pay a gratuity to Evelyn Clark was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Evelyn Clark, widow of Malichia Clark, an employee of the office of the Architect of the Capitol at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

AMENDMENT OF ACT RELATING TO THE COMMISSION OF FINE ARTS

The bill (S. 2778) to amend the act relating to the Commission of Fine Arts was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act Establishing a Commission of Fine Arts," as amended (40 U.S.C. 106), is amended to read as follows:

"SEC. 2. That to meet the expenses made necessary by this Act an expenditure of not exceeding $100,000 a year is hereby authorized."

AMENDMENT OF TARIFF ACT OF 1930

The bill (H.R. 5887) to amend the Tariff Act of 1930 to place ground, powdered, or granulated seaweeds on the free list was considered, ordered to a third reading, read the third time, and passed.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that a brief explanation of the bill be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

This bill would put all ground, granulated, or powdered seaweeds on the free list. At the present time crude or unmanufactured seaweeds are free of duty and kelp, a form of seaweed, is free of duty also when ground, granulated, or powdered.

H.R. 5887 would put all ground, granulated or powdered seaweed in the same category as kelp. At the present time the duty is 5 percent. The uses are much the same, namely as a jelling, thickening agent in certain prepared foods and extracts, and is considered a raw material in those uses.

Seaweeds manufactured beyond grinding would not be affected by the bill.

The Finance Committee found no opposition to the adoption of the bill. The Departments of State, Treasury, Commerce, and Labor reported favorably on the bill.

BILLS PASSED OVER

The bill (H.R. 6132) relating to the rate of tax on the issuance of shares or certificates of stock by regulated investment companies, was announced as next in order.

Mr. PROUTY. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H.R. 7456) to extend for 3 years the suspension of duty on imports of casein, was announced as next in order.

Mr. ENGLE. Over by request, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that an analysis of the bill be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

Casein has been imported free of duty since September 3, 1957. This bill would continue this free importation until the close of March 31, 1963.

There are really two types of casein—that which is edible and that which is not considered edible and is used for other purposes such as coating paper, glues, adhesives, and so forth. Very little domestically produced casein is used for nonedible purposes, whereas practically all of the imports are nonedible. The two are not considered closely competitive. Since 1952 most domestic skim milk has gone into products other than casein.

Favorable reports were received from the Departments of Agriculture, Labor, and Commerce. The Labor Department stated "The Department is not aware of any unfavorable developments resulting from the free importation of casein." The Department of Agriculture stated that the free importation since 1957 had afforded an adequate testing period and they, too, found no unfavorable developments.

EXCLUSION FROM GROSS INCOME OF CERTAIN NONRESIDENT ALIEN EMPLOYEES

The Senate proceeded to consider the bill (H.R. 135) to amend the Internal Revenue Code of 1954 to exclude from

gross income amounts paid by the United States to certain nonresident alien employees or their beneficiaries, which had been reported from the Committee on Finance with an amendment on page 3, line 4, after the numerals "31", to strike out "1958" and insert "1959."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD a brief explanation of the bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A nonresident alien working for an American Embassy or other Government agency abroad presently is not subject to U.S. tax on the salary paid him by the United States since this is income from sources without the United States. In the case of a U.S. civil service retirement pension, the amounts set aside by the Government for the future retirement of a nonresident alien working abroad also are free of tax since if these amounts were paid to him directly they would not be subject to tax. However, to the extent the annuity represents earnings on the amount set aside by the Government, a tax is due on the payments because this is considered as investment income from sources within the United States. On this portion of the annuity payments a 30-percent withholding tax generally is applicable.

The Department of State has indicated that nonresident alien employees consider their pensions to be deferred compensation, and since their earned income is tax free, they expect their pensions also to be tax free. Your committee has also been informed that the imposition of this tax upon the retirement benefits of nonresident aliens has caused severe hardships and has engendered resentment against the United States because of its failure to comply with what is assumed to be its contractual obligation to pay retired alien employees a pension consisting of a specified sum of money.

H.R. 135 provides that amounts paid to a nonresident alien individual by the United States in respect of services performed by an employee of the United States are not to be taxable to him to the extent they are attributable to basic U.S. salary derived from sources without the United States. This will mean that for the typical nonresident alien who has worked for the United States only abroad, no U.S. tax will be payable with respect to his pension.

This provision as amended by your committee is effective for taxable years beginning on or after January 1, 1960.

Both the Treasury Department and the Civil Service Commission favor enactment of this bill.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954

The bill (H.R. 4586) to amend section 4021 of the Internal Revenue Code of 1954 was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MORSE. Mr. President, may we have an explanation of the bill?

The PRESIDING OFFICER. An explanation is asked for.

Mr. BYRD of Virginia. Mr. President, the bill relates to the product sold under the trade name of "Sen Sen."

So far as is known, the product sold under the trade name of Sen Sen is the only aromatic cachou on the market today. Other products which are used for similar purposes, such as mouthwashes, mints, chewing gum, and so forth, are not taxed because they do not fall within the categories of taxable products listed in the law. Thus, the tax on aromatic cachous places them at a competitive disadvantage with nontaxed articles purchased for similar use.

Another reason for not subjecting aromatic cachous to the tax is the fact that they are usually sold at candy stores, confectioneries, and other shops which do not handle other articles subject to the toilet preparations tax. As a result, the proprietors of these stores are burdened with the requirement of collecting and remitting negligible amounts of tax. This fact has in many cases discouraged proprietors from handling the product.

The Treasury Department believes that it would be reasonable to consider this exemption if it can be so considered in isolation to any other tax reductions.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

EXEMPTION FROM TAXATION OF CERTAIN NONPROFIT CORPORATIONS OR ASSOCIATIONS

The bill (H.R. 6155) to amend the Internal Revenue Code of 1954 to exempt from taxation certain nonprofit corporations or associations organized after August 31, 1951, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MORSE. Mr. President, I ask for an explanation of the bill.

Mr. BYRD of Virginia. Mr. President, under existing law an exemption from income tax is provided for nonprofit, mutual organizations having no capital stock, which are organized before September 1, 1951, and which are operated for the purpose of providing reserve funds for, and insurance of, shares or deposits in domestic building and loan associations, cooperative banks, or mutual savings banks. H.R. 6155 would extend this exemption to similar corporations or associations organized before September 1, 1957. The amendment would apply to taxable years beginning after December 31, 1959.

There are four such organizations now in existence: Two in Massachusetts, one in Connecticut, and one in Ohio. All of these are nonprofit, mutual deposit guarantee organizations without capital stock organized for the benefit of a group of mutual savings banks or for a group of building and loan associations. These guarantee organizations provide two services for their member banks. First, they provide a deposit insurance fund to aid their members in financial difficulty and in final extremities to pay off the depositors in full if a member bank is liquidated. Second, they also maintain a liquidity fund—which may or may not be a fund separate from the deposit insurance fund—to make loans to member banks which are basically sound but short of liquid assets.

As is indicated by the above description these guarantee organizations, although operating somewhat differently from the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation, provide essentially the same services for their members. The FDIC and FSLIC are Federal corporations and exempt from income tax on their investment earnings. Three of the four private organizations providing essentially the same services for their members also are exempt because they were organized before September 1, 1951, the approximate time when the exemption for these organizations was added to the law. The fourth of these guarantee associations, although performing the same services, was organized on December 6, 1956, under an Ohio statute which became effective on October 12, 1955, and is, therefore, currently denied this exemption.

H.R. 6155 corrects this discrimination by moving forward from September 1, 1951, to September 1, 1957, the date before which these guarantee funds must have been organized in order to obtain income tax exemption.

Mr. MORSE. Mr. President, I am not a member of the committee, and I did not have an opportunity to study this bill or consider it until I listened to the explanation of the Senator from Virginia.

I judge that the question I am now going to put to the Senator deserves an answer "No," but, in order to make a record, I should like to ask it.

As the Senator from Virginia knows, there is growing concern in our country among many about the rapid increase of so-called charitable trusts and the resulting tax problems they create. There are many who believe that we need to review very carefully the charitable trust institution as a device for evading taxes which really ought to be paid by organizations that are, in effect, carrying on private industry enterprises and are using the charitable trust as a way of escaping taxes and putting themselves at a competitive advantage over other private entrepreneurs.

Can the Senator from Virginia assure me that if I vote for this bill I could not, by any stretch of the imagination, be voting for something that could create a precedent which would weaken a subsequent effort for the elimination of tax exemption for many charitable trusts?

Mr. BYRD of Virginia. I can give the Senator that assurance. I share his concern over that entire question. This bill relates to only one company, which was organized in Ohio, and was taxed when other companies were not taxed. It has nothing whatever to do with charitable trusts.

Mr. MORSE. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance with an amendment in line 8, after the numerals "31", to strike out "1953" and insert "1959."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

AUGUSTA FURNITURE CO., INC., OF STAUNTON, VA.

The bill (S. 2779) relating to the election under section 1372 of the Internal Revenue Code of 1954 by the Augusta Furniture Co., Inc., of Staunton, Va., was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have inserted in the RECORD at this point an explanation of the bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

S. 2779 would provide that the election under the provisions of section 1372 of the Internal Revenue Code of 1954 made by the Augusta Furniture Co., Inc., of Staunton, Va., and mailed to the District Director of Internal Revenue, Richmond, Va., on December 2, 1958, shall be deemed to have been filed with such District Director on December 1, 1958.

Subchapter S of the Internal Revenue Code, enacted into Public Law 85-866 on September 2, 1958, contains a provision permitting certain corporations to elect not to be subject to the corporate tax, but instead to have their income taxed directly to their shareholders. In addition, the net operating losses of the corporation are passed through directly to the shareholders. The provisions of subchapter S are available only if the election is filed within the required time period. In the case of any small business corporation having a taxable year beginning after December 31, 1957, and on or before the date of enactment of subchapter S (i.e., September 2, 1958) and which ends after such date, the election was required to be filed within the 90-day period beginning on the day after such date of enactment. This 90-day period expired on December 1, 1958.

Mr. S. W. Sterrett, vice president of the Augusta Furniture Co., Inc., of Staunton, Va., advises that he called the Staunton, Va., office of the Internal Revenue Service and was told that the deadline for filing the election was December 2, 1958, and that any election postmarked that date was in order. (Under sec. 7502 of the 1954 code, a document, other than a tax return, is generally considered to be filed on time if it is mailed and postmarked on or before the date prescribed for filing.) Stockholders of the Augusta Furniture Co., meeting on December 1, 1958, signed forms, and on December 2, 1958, mailed the election to the Internal Revenue Service at Richmond, Va. Subsequently the company was informed by the Richmond office of the Internal Revenue Service that it was 1 day too late, as the deadline for filing the election was December 1, 1958, and that its papers were postmarked December 2, 1958. Mr. Sterrett advises that the error will cost the Augusta Furniture Co. $6,700.

Although the Commissioner of Internal Revenue is authorized by section 6081(a) of the code to grant extensions of time for the filing of certain documents which a taxpayer is required to file, that authority does not apply in the case of an election permitted under the code which specifies the filing date. There is no authority under existing law under which the late election of the Augusta Furniture Co. could be treated as having been timely filed.

As a precedent to enactment of this bill, I respectfully refer you to Private Law 363 (83d Cong.) and Private Law 663 (84th Cong.), both of which involved late elections.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 2779) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the election under the provisions of section 1372 of the Internal Revenue Code of 1954 made by the Augusta Furniture Company, Incorporated, of Staunton, Virginia, and mailed to the District Director of Internal Revenue, Richmond, Virginia, on December 2, 1958, shall be deemed to have been filed with such District Director on December 1, 1958.

TREATMENT OF COPYRIGHT ROYALTIES

The bill (H.R. 7588) to amend the Internal Revenue Code of 1954 with respect to the treatment of copyright royalties for the purposes of the personal holding company tax was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that a brief explanation of the bill be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The personal holding company tax was developed as a device to prevent the avoidance of the individual income tax by the formation of incorporated pocketbooks for the receipt of certain investment income by a single or relatively small group of individuals. From time to time in the past, Congress has found it necessary to exempt from the personal holding company tax, legitimate types of operating income. H.R. 7588 is a new instance wherein operating income is being subjected to the threat of the personal income holding company tax through changes in business circumstances. The music publishing industry once found its principal market in the sale of sheet music, even though they received some royalty income from music. Recent developments, however, have tended to shift the major sources of music publishing income from the sale of sheet music to royalty income, largely as a result of the fact that radio, television, motion pictures, and the expansion of the use of phonograph records have increased royalty income at the same time when sales of sheet music are correspondingly declining.

The pending bill meets this situation by excluding copyright royalties from the definition of personal holding company if the following conditions are met:

1. More than 50 percent of their gross income is from copyright royalties;

2. Business expense deductions are equal to at least 50 percent of gross income; and

3. They do not have more than 10 percent other personal holding company income.

Your committee has added an amendment to make it clear that copyright royalties do not include income from the leasing of motion picture films which have been held under existing law to be rents and not royalties.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, Senate proceeded to consider the bill (H.R. 7588), which had been reported from the Committee on Finance with amendments, on page 3, line 16, after "section 544.", to insert "This paragraph shall not apply to compensation which is rent within the meaning of paragraph (7), determined without regard to the requirement that rents constitute 50 percent or more of the gross income"; and on page 5, line 22, after "December 31", to strike out "1958" and insert "1959."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

TRANSITIONAL PROVISIONS FOR INCOME TAX TREATMENT—BILL PASSED OVER

The bill (H.R. 8684) to provide transitional provisions for the income tax treatment of dealer reserve income was announced as next in order.

Mr. PROUTY. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

Mr. BYRD of Virginia. I ask unanimous consent that a statement as to two amendments I desire to offer to the bill be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY MR. BYRD OF VIRGINIA

I am sending to the desk two amendments which I ask to be read.

The first of these two amendments simply moves up from July 1, 1960, to September 1, 1960, the date by which taxpayers must elect to have the provisions of the bill apply. This change is made necessary by the elapse of time since the bill was reported by the Finance Committee.

The second amendment makes technical and clarifying changes in the provisions of the committee amendment beginning on line 23 of page 11 of the bill relating to the application of the statutes of limitations on making assessments or refunds for the taxable years to which an election by a taxpayer under the bill applies. The purpose of the amendment is to make it clear that an election will not apply to a taxable year which has been closed by a closing agreement or compromise after June 21, 1959, even though the taxable year was open on that date.

Mr. MORSE. Mr. President——

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MORSE. Mr. President, I wish to make a suggestion. I note that the Senator from Virginia, as usual, is ably prepared with explanations of these bills. I think it would be very helpful if we had an understanding that, even though one of the committee bills goes over, if the Senator has a prepared typed explanation of the bill, it can be printed in the RECORD, so that when we study

the RECORD tomorrow, we will have the explanation before us. All we are doing is paving the way for future calendar discussion. If the Senator has the explanations typed, I think they ought to be printed in the RECORD in each instance.

Mr. BYRD of Virginia. Mr. President, I thank the Senator from Oregon.

The PRESIDING OFFICER. The Chair will inquire if the Senator from Virginia expects the bill to be taken up for consideration at the foot of the calendar.

Mr. BYRD of Virginia. I do not think so.

The PRESIDING OFFICER. The Chair will inquire of the majority leader if he expects to make a motion that the bill be considered.

Mr. JOHNSON of Texas. Mr. President, I will say to the Presiding Officer that I do not have any position in that regard.

The PRESIDING OFFICER. The clerk will continue the call of the calendar.

Mr. ANDERSON. Mr. President, I express the hope that the majority leader will confer with the minority leader and will make a motion that the Senate proceed to consider Calendar No. 1073, H.R. 8684, to which there has been objection. Actually, the Committee on Finance spent a lot of time on the bill. All sorts of formulas were brought before the committee. After an enormous amount of work, the bill is before the Senate. The bill would merely allow a small automobile dealer to be relieved from paying taxes on his profits until he got the profits.

Mr. KEATING. Mr. President, will the Senator yield to me?

Mr. ANDERSON. I am happy to yield.

Mr. KEATING. I join in expressing the hope that the distinguished majority leader will soon make a motion that the bill be considered. I have had a good deal of interest in the bill indicated to me. I should like to see action on it.

Mr. ANDERSON. I hope that may happen.

Mr. BYRD of Virginia. Mr. President, I join in that request.

Mr. ANDERSON. Mr. President, the able chairman of the Committee on Finance, the able Senator from Virginia, was as careful as a man could be in the handling of the bill. We tried to find some possible loophole. So far as the Secretary of the Treasury is concerned, he has approved it, I believe. The bill merely would provide that the dealer would not have to pay taxes on profits until he got the profits.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. ANDERSON. I am happy to yield.

Mr. PROUTY. It is my understanding that the bill involves a revenue impact of something in the vicinity of $80 million. We merely felt it was not properly calendar business.

Mr. ANDERSON. Mr. President, this bill is very fair. What the bill would do, perhaps, is to delay the payment of taxes until the dealer gets his profits. By the same token, we could say that a man ought to pay in advance on everything he expects to make in 1960, and not wait until 1960 is over to see how he comes out.

Mr. PROUTY. I feel there is merit in the proposed legislation. We simply felt it was not properly calendar business.

Mr. ANDERSON. I beg the Senators' pardon. I thought the objection was to the bill. It may not be properly calendar business. I would not argue with the Senator on that question.

I merely express the hope that the majority leader, in consultation with the minority leader, will make a motion to take the bill up for consideration, because the Committee on Finance has spent a lot of time on the bill, and it has finally reached the point where I thought it was satisfactory to all. I thank the Senator from Vermont for straightening me out.

Mr. BYRD of Virginia. Mr. President, I agree with the Senator from Vermont that the bill is not properly calendar business.

The PRESIDING OFFICER. The clerk will state the next measure on the calendar.

TAX ON CERTAIN LAMINATED TIRES PRODUCED FROM USED TIRES

The Senate proceeded to consider the bill (H.R. 6785) to amend section 4071 of the Internal Revenue Code of 1954 so as to fix a tax of 1 cent per pound of certain laminated tires produced from used tires, which had been reported from the Committee on Finance with an amendment, on page 2, line 11, after the word "and", to strike out "(4)" and insert "(3)".

Mr. MORSE. Mr. President, may we have an explanation of this bill?

Mr. BYRD of Virginia. Mr. President, a laminated tire consists of a series of rubber pads—cut from scrap rubber tires—held together by a metal band on which the pads are threaded in a manner to form a complete circle. These tires are used for off-highway purposes where the terrain is rough or where there is the hazard of puncture in the case of pneumatic tires. They are used primarily on lifts, cranes, payloaders, weed cutters, and similar types of industrial and farm equipment.

Under present law the laminated tire, which does not go on any public roads, is subject to the tax of 5 cents a pound. Because of the very heavy weight of the laminated tires, this represents a burdensome tax, in some cases representing a burden equal to nearly 20 percent of the retail price of the tire. On the other hand, the pneumatic tires, which to some degree can serve the same purposes, because of their substantially lighter weight, pay a much smaller tax per tire. As a result, the laminated tire industry, which is both a new and a small industry, has found it difficult to develop with the present relatively heavy tax burden and competitive disadvantage.

In view of these considerations, the committee had concluded that it is appropriate to provide a lower rate of tax applicable to laminated tires. Therefore, this bill amends present law—section 4071(a)—by adding a new paragraph providing a tax of 1 cent a pound in the case of laminated tires of the type not used on highway vehicles, where these tires consist wholly of scrap rubber made from used tire casings and where there is an internal metal fastening agent. This is in lieu of the tax of 5 cents a pound to which these tires would otherwise be subject.

The amendment adopted by the Committee on Finance merely corrects a typographical error in the referred print of the bill.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

INSTITUTION OF CONTROLS OVER THE MANUFACTURE OF NARCOTIC DRUGS

The Senate proceeded to consider the bill (H.R. 529) to discharge more effectively obligations of the United States under certain conventions and protocols relating to the institutions of controls over the manufacture of narcotic drugs, and for other purposes, which had been reported from the Committee on Finance with amendments, on page 14, after line 10, to insert:

(d) The amendment to subsection (g) of section 4731 of the Internal Revenue Code of 1954, made by subsection (b) of this section, shall not affect any proceeding commenced before such amendment, but such proceeding shall be continued to final disposition as if the amendment had not been made.

And, on page 20, at the beginning of line 6, to strike out "1960" and insert "1961."

The amendments were agreed to.

Mr. MORSE. Mr. President, may we have an explanation of the bill, as amended?

Mr. BYRD of Virginia. Mr. President, H.R. 529, a bill to discharge more effectively obligations of the United States under certain conventions and protocols relating to the institution of controls over the manufacture of narcotic drugs, and for other purposes, was reported favorably by the Committee on Finance, with two minor amendments.

The bill is designed to give full effect to treaty obligations of the United States to limit exclusively to medical and scientific purposes the manufacture of narcotic drugs and to require that such manufacture be restricted to persons and premises that have been licensed for the purpose. The present provisions for the control of the distribution and use of narcotic drugs, insofar as the Federal law is concerned, are contained in parts I and III of subchapter A of chapter 39 of the Internal Revenue Code of 1954. These provisions, generally known collectively as the Harrison Act, do not afford a basis for specific quantitative limitation of the manufacture of narcotic drugs. The bill, therefore, gives effect to the treaty obligations by providing for the licensing of qualified manufacturers of narcotic drugs, and the equitable assignment of manufacturing quotas, based upon the amount of each narcotic drug found to be necessary to supply medical and scientific needs only. Provision is made for adjustment of these quotas as may be found necessary, by increasing or decreasing medical and scientific needs, with due allowance, within the maximum total permissible quantity, for a new, qualified manufacturer, and for clinical development and subsequent manufacture of a new narcotic drug.

The bill also provides for a revision of the procedure, under section 4731(g) of the Internal Revenue Code of 1954, to cover under the Harrison Narcotic Act controls of new drugs which may be found under specified conditions to be readily capable of conversion into drugs having addiction liability, and amends section 4702(a) of the Internal Revenue Code of 1954 to allow, under certain conditions, exceptions from certain Harrison Narcotic Act provisions in favor of preparations having little or no addictive quality.

Provision is also made for the application of Federal narcotic controls over new drugs found and duly reported, under the 1948 protocol procedure, to have addiction liability similar to the narcotic drugs already subject to the Narcotic Manufacturing Limitation Convention of 1931.

A further purpose of the bill is that of amending the Narcotic Drugs Import and Export Act to bring the regulation of exports into conformity with current treaty obligations, and to permit the importation and exportation of certain narcotic drugs for scientific research purposes.

As the bill is intended generally to operate on a calendar year basis, committee amendments made the licensing requirement of section 8 effective on or before January 1, 1961, and added a saving clause as a new subsection (d) of section 4 of the bill, to validate any current proceeding commenced under the present section 4731(g) of the Internal Revenue Code of 1954, to cover a new drug under the Harrison Narcotic Act, notwithstanding the revision of said section 4731(g) of the Internal Revenue Code of 1954 made by section 4 of the bill.

I will say to the Senator from Oregon, the committee held two rather lengthy sessions on this bill, which was unanimously reported. It was recommended by the Departments concerned.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PROPOSED ADDITIONAL BUILDING FOR THE LIBRARY OF CONGRESS

The joint resolution (S.J. Res. 97) to authorize preliminary study and review in connection with proposed additional building for the Library of Congress, was announced as next in order.

The PRESIDING OFFICER (Mr. FREAR in the chair). The Chair asks that the Committee on Public Works be discharged from the consideration of House Joint Resolution 352, which is substantially the same as Senate Joint Resolution 97, that House Joint Resolution 352 be substituted for Senate Joint Resolution 97; that House Joint Resolution 352 be amended by striking out all after the enacting clause and inserting the language of the Senate joint resolution as proposed to be amended; that the House joint resolution, as amended, be passed; and that Senate Joint Resolution 97 be indefinitely postponed.

Is there objection?

Mr. PROUTY. What are the differences?

The PRESIDING OFFICER. The Chair does not know that he is supposed to explain any differences; but the Chair is informed by the Parliamentarian that there is substantially no difference.

Is there objection to discharging the Committee on Public Works from the further consideration of House Joint Resolution 352?

The Chair hears none, and it is so ordered.

Is there objection to the present consideration of House Joint Resolution 352?

There being no objection, the Senate proceeded to consider the joint resolution (H.J. Res. 352) to authorize preliminary study and review in connection with proposed additional building for the Library of Congress.

The PRESIDING OFFICER. Is there objection to striking out all after the enacting clause and substituting the language of Senate Joint Resolution 97, as proposed to be amended by the committee?

The Chair hears none.

The question is on agreeing to the amendment.

The amendment was agreed to, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Architect of the Capitol, under the direction and supervision of the Joint Committee on the Library, is authorized and directed to prepare preliminary plans and estimates of cost for an additional building for the Library of Congress.

SEC. 2. The Architect of the Capitol is authorized, under the direction of the Joint Committee on the Library, to make such expenditures as may be necessary to carry out the provisions of this resolution, and there is hereby authorized to be appropriated for such purpose the sum of $75,000.

The amendment was ordered to be engrossed, and the joint resolution to be a read a third time.

The joint resolution was read the third time and passed.

The PRESIDING OFFICER. Without objection, Senate Joint Resolution 97 will be indefinitely postponed.

BILL PASSED OVER

The bill (S. 1511) to provide for the annual audit of bridge commissions and authorities created by act of Congress, for the filling of vacancies in the membership thereof, and for other purposes, was announced as next in order.

Mr. PROUTY. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

PARTICIPATION BY THE UNITED STATES IN PARLIAMENTARY CONFERENCES WITH MEXICO

The Senate proceeded to consider the joint resolution (H.J. Res. 283) to authorize participation by the United States in parliamentary conferences with Mexico, which had been reported from the Committee on Foreign Relations with an amendment, on page 1, line 6, after the word "apply", to strike out "during the first session of the Eighty-sixth Congress or."

The amendment was agreed to.

Mr. MORSE. Mr. President, on behalf of the Foreign Relations Committee, I wish to make a brief explanation and then offer an amendment on behalf of the committee.

Mr. President, this joint resolution would provide for annual meetings between Members of the U.S. Senate and House of Representatives, on the one hand, and members of the Mexican Chamber of Deputies and Chamber of Senators, on the other.

It is modeled on the joint resolution passed last year providing for such meetings with members of the Canadian Parliament. The parliamentary conferences with Canada have been extremely successful, and there is every reason to suppose that the proposed meetings with members of the Mexican Congress will be equally beneficial. I might add that the Mexican Congress has already passed similar legislation and has appointed delegates to participate in the meetings.

As House Joint Resolution 283 came over from the House, it provided that the meetings in Mexico should be held when Congress is not in session. In the meantime, the counterpart legislation in Mexico has been passed, and it provides that all of the meetings shall be held while the Mexican Congress is not in session. The Mexican Congress normally meets from the 1st of September until the 1st of January. And of course the U.S. Congress normally meets from early January until sometime in August or September. The difficulty thus presented is readily apparent. The easiest way to remove this difficulty is to delete the requirement in House Joint Resolution 283 that meetings in Mexico be held when the U.S. Congress is not in session, and I offer an amendment to that end.

Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The amendment offered by the Senator from Oregon will be stated.

The LEGISLATIVE CLERK. On page 1, line 4, after the word "annually" it is proposed to strike out through "United States" in line 7, as amended.

The amendment was agreed to.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

Mr. KUCHEL. Mr. President. This is an excellent moment in the history of increasing friendship with our sister Republic of Mexico. I felt honored to be a coauthor of similar legislation introduced in the Senate on this subject. If, as now may be anticipated, annual meetings of representatives of the legislative branch of our good neighbor to the south, Mexico, and representatives of the Congress of the United States, take place, I think the amity, the friendship, and the great cooperation, defensive, economic, cultural, and otherwise, between those two great Republics in this hemisphere will reach a new and greater high.

There are many problems which remain unsolved today between the people of Mexico and the people of the United States. Based, as has just been suggested, upon the pattern of similar legislation with respect to Canada, and based also on what accomplishments have come to the fore by reason of similar legislation with respect to the communities in the Atlantic Alliance, I think it can truthfully be said that this sort of legislative action indeed charts a new day in this bright era of great relations between these two sister nations in the Western Hemisphere.

The PRESIDING OFFICER. The clerk will state the next business on the calendar.

INCOME TAX TREATMENT OF NONREFUNDABLE CAPITAL CONTRIBUTIONS—BILL PASSED OVER

The Senate proceeded to consider the bill (H.R. 7947) relating to the income tax treatment of nonrefundable capital contributions to Federal National Mortgage Association, which had been reported from the Committee on Finance with amendments, on page 2, line 15, after "(12 U.S.C., sec.", to strike out "1716" and insert "1718"; and at the top of page 3, to strike out:

SEC. 3. The amendments made by the first section and section 2 of this Act shall apply with respect to taxable years beginning after December 31, 1958.

And, in lieu thereof, to insert:

SEC. 3. (a) The amendment made by the first section of this Act shall apply with respect to taxable years beginning after December 31, 1959. Under regulations prescribed by the Secretary or his delegate, such amendment shall also apply, in the case of any taxpayer, with respect to any taxable year beginning after December 31, 1953, and before January 1, 1960, and ending after August 16, 1954, if the taxpayer—

(1) in computing his taxable income for such taxable year (as shown on his return filed not later than the time prescribed by law, including any extension thereof)—

(A) claimed a deduction, with respect to the sale of a mortgage to the Federal National Mortgage Association, in respect of any amount of capital contributions evidenced by a share of stock issued pursuant to section 303(c) of the Federal National Mortgage Association Charter Act, or

(B) computed the proceeds from such a sale by treating the value of any such share received for any such capital contributions as an amount less than the issue price of such share, and

(2) after the time prescribed by law for filing his return for such taxable year (including any extension thereof) and prior to the date of the enactment of this Act, such deduction or treatment has not been disallowed, or, if disallowed, the deficiency attributable thereto has not been paid and has not been used to reduce an overpayment the balance of which (if any) has been refunded or credited; or

(2) after the time prescribed by law for filing his return for such taxable year (including any extension thereof) and prior to the date of the enactment of this Act, claimed a deduction described in paragraph (1)(A) or the treatment described in paragraph (1)(B) (whether by filing a claim for refund or credit in respect of an overpayment, or otherwise), and such deduction or treatment has been allowed and—

(A) an overpayment resulting from such allowance has been refunded or credited, or

(B) a deficiency for such taxable year has been reduced as a result of such allowance and the balance of such deficiency (if any) has been paid.

(b) The amendment made by section 2 of this Act shall apply, in the case of any taxpayer, with respect to any taxable year (whether beginning before, on, or after December 31, 1959), in respect of any share of stock issued pursuant to section 303(c) of the Federal National Mortgage Association Charter Act, only if the amendment made by the first section of this Act applies with respect to the taxable year in which such share was issued.

The amendments were agreed to.

Mr. MORSE. Mr. President, may we now have an explanation of the bill?

Mr. BYRD of Virginia. Mr. President, under the act rechartering the Association in 1954, financial institutions selling mortgage paper to the Federal National Mortgage Association are required to subscribe to its common stock at par value. Although this stock is issued at a par value of $100, it has been selling on the market for considerably less.

Taxpayer-subscribers generally have treated the difference between issuance price and market price as an ordinary and necessary business expense since they acquired the stock in order to sell mortgage paper. In 1958, however, the Internal Revenue Service ruled that no part of the purchase price of this stock constituted a deductible business expense. Under the ruling, the entire amount paid for the stock must be treated as the cost of the stock. Thus, no tax effect occurs until the stock is sold by the taxpayer.

The bill, as passed by the House and approved by your committee—except for the effective date—permits a deduction, at the time the stock is issued, of the excess of the issue price of the stock over its fair market value. The bill also provides that the basis of the stock is to be reduced by the amount required to be deducted against ordinary income under the new provision. As a result the taxpayer cannot receive a second tax benefit for the amount previously deducted.

A new effective date has been provided by your committee. The bill as passed by the House was to be effective for taxable years beginning after December 31, 1958. Under your committee's bill, this new treatment will be fully available for taxable years beginning after December 31, 1959, and with respect to prior years to which the 1954 code applies, no deficiency will be assessed for any such year where the taxpayer has treated the amount in question either as a deduction or as an adjustment of income. Thus, the new treatment will be available for all transactions of this type since the rechartering of the Federal National Mortgage Association in 1954. Reduction in the basis of the stock issued in this past period will be required only if the amount was claimed by the taxpayer-subscriber as a deduction or as an adjustment of income.

Mr. MORSE. Mr. President, I have not had an opportunity to study the bill. Will the Senator tell me if this does not encourage the offering of stock to the public at a purchase price known to be in excess of its true value?

Mr. BYRD of Virginia. It is offered by the Federal National Mortgage Association.

Mr. MORSE. Whoever gets the offer, what bothers me, offhand, is whether or not we are apparently underwriting the offering of stock at a purchase price beyond what it is really worth, and, with our other hand, proceeding to give the purchaser some benefit from buying stock which is not worth what he has paid for it, by giving him a tax deduction. I wonder if we should encourage that kind of paper transaction. Should we not encourage them to sell their stock at its true value?

Mr. BYRD of Virginia. At the present time it is required to be valued at $100 par value, when it is frequently selling for less than par value.

Mr. MORSE. I should like to study the bill further. I ask that it be passed over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. SPARKMAN subsequently said: Mr. President, I ask unanimous consent that the Senate return to the consideration of Calendar No. 1113, H.R. 7947.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate resumed the consideration of the bill.

Mr. SPARKMAN. Mr. President, I understand that the Senator from Oregon [Mr. MORSE], with whom I have spoken regarding this bill, desired a fuller explanation of the measure.

The measure was initiated in the House of Representatives, of course, but really upon the request of the housing committees, in order to get relief for home builders who we believe are entitled to relief.

In 1954 the Federal National Mortgage Association was reorganized by act of Congress. Prior to that time, it had been a purely governmental operation, engaged in secondary marketing of mortgages. But in 1954 it was made into a semipublic and semiprivate organization. The requirement was added that a person who sold a mortgage to the Federal National Mortgage Association would be required to subscribe to 2 percent of the stock of the corporation. In other words, if a person sold a mortgage of $15,000, we will say, to the Federal National Mortgage Association, he would have to subscribe to $300 worth of stock. Actually that stock is not worth $100 a share. It is sellable in the market, but it has an actual market value measurable day by day. It is selling now at around $55.

When the operator buys that stock—and he must buy it; it is not a matter of choice; he must buy it—under the law now he must carry that stock as of the value of $100, although actually it is worth only $55 today.

It was felt in the beginning that he was entitled to charge this off as a business operation; in other words, to make a deduction of it for internal revenue tax purposes. However, the Internal Revenue Service had held differently.

The result is that he must now carry that dead weight on his books.

It is true that when he sells the stock in the open market and he takes a loss, he is entitled to take a capital loss, but it is necessary for him to hold it for such period of time as would make it possible for him to sell it under those circumstances.

The bill simply provides that when he buys it—being required to buy it, of course—he may treat it as a basis of expense for the excess value of it, knowing that he has been forced to carry it.

There is a second provision in the amendment, which the Senator from Oregon may have noticed, and that second part safeguards against his getting a capital gains benefit later on when he actually sells. There is no chance of the Government having a loss, and the seller would be given more flexibility in the operation of his business, and would be given what I consider to be absolutely fair and equitable treatment.

Mr. MORSE. Mr. President, in view of the explanation of the Senator from Alabama, which satisfies me, I withdraw the objection.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MORE POLARIS SUBMARINES NOW

Mr. COTTON. Mr. President, the Navy Department this morning advised me and other Members of the Congress that it is speeding up the work on seven of the Polaris missile submarines now under construction.

The Navy announcement indicated that, of the nine Polaris submarines now being built, two are so far advanced that no greater speed in their construction is possible, but an additional $52 million will be used to hurry the work on the other seven, including the SSBN–602, the *Abraham Lincoln*, now being built at the Portsmouth Naval Shipyard.

I regard this speed-up as an important step in the right direction. I do not believe there is any other place where we can get as much additional defense, at a time when we need it, for only $52 million as we can get from the Polaris missile program.

At the same time, Mr. President, I wish the Defense Department and the administration would stop nibbling away at the edges and face the problem head on. We need a bold, direct program for increasing the number of Polaris submarines, not just a gesture in that direction.

Admiral Arleigh Burke, the Chief of Naval Operations, has testified that a tripling of the Polaris program for next year is possible and desirable. I believe we must build a full complement of nine Polaris submarines in the fiscal year 1961 shipbuilding program instead of only three, as proposed in the budget.

Such an expansion would cost an extra billion dollars, but it will give us more defense at a lower cost than any other step we could take.

I hope the Congress and the administration, together, will seize this opportunity to provide a defense that cannot be knocked out by one attack; a defense with terrific striking power at minimum cost.

AFFIDAVITS OF DISBELIEF IN CONNECTION WITH THE NATIONAL DEFENSE EDUCATION ACT OF 1958

Mr. GREEN. Mr. President, on Wednesday, January 28, 1960, the junior Senator from Massachusetts [Mr. KENNEDY] introduced for himself and the senior Senator from New York [Mr. JAVITS] S. 2929, a bill to amend the National Defense Education Act of 1958 in order to repeal certain provisions requiring affidavits of disbelief.

On the following Tuesday, February 2, the Committee on Labor and Public Welfare took prompt action on S. 2929, and the measure has been ordered favorably reported to the Senate.

In this connection, I am in receipt of a communication from Mr. Robert E. Tracy, president of the Cammarian Club, the student governing body of Brown University, with a resolution adopted by the club concerning the loyalty oath and disclaimer affidavit provisions of the National Defense Education Act. I also have at hand petitions bearing the signatures of 732 students of Brown University urging the repeal of these provisions.

I ask unanimous consent to have inserted in the RECORD, as part of my remarks, the report of the Cammarian Club.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

CAMMARIAN CLUB, MARCH 1, 1960, REPORT, AS AMENDED, ON THE NATIONAL DEFENSE EDUCATION ACT

The National Defense Education Act, passed in 1958, was the beginning of a Federal program to alleviate the increasing pressures on American education. The act has one part (title II, which is concerned with student loans) which is of direct concern to us as college undergraduates. The specific provisions of title II provide for loans of up to $1,000 a year over a 5-year period. Repayment begins 1 year after completion of full-time college study and continues over a 10-year period, with an interest rate of 3 percent per year. Those students entering the field of public school teaching are forgiven 10 percent of the loan for each year of service, up to a maximum of 50 percent of the total amount of the loan. Preference for loans is given to students of high academic caliber, who plan to enter the field of public education and those showing strong backgrounds in science, mathematics, engineering, or foreign languages. These provisions in themselves are not objectionable; they are commendable. However, there are two matters which warrant the consideration of the Cammarian Club and the student body of Brown University, because accompanying these provisions is a conditional two-part stipulation that:

"No part of any funds appropriated or otherwise made available for expenditure under authority of this act shall be used to make payments or loans to any individual unless such individual (1) has executed and filed with the Commissioner an affidavit that he does not support any organization that believes in or teaches, the overthrow of the U.S. Government by force or violence or by any illegal or unconstitutional methods, and (2) has taken and subscribed to an oath or affirmation in the following form: 'I do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States against all its enemies, foreign and domestic.'"

The second stipulation, the oath of allegiance or loyalty oath, is simply an affirmation of the duties every citizen owes to his country. However, the Cammarian Club, as the student governing body of Brown University, challenges the necessity and appropriateness of such an oath as a condition to financial aid for college students, when other Government loans and similar Government transactions require no such oath. Since it appears that subversives would not hesitate to affirm allegiance, the resulting futility of this requirement as an attempt to distinguish loyalty tends to destroy the significance of the oath of allegiance. Moreover, this oath sets a precedent of Government control in connection with Government aid to education. This is of particular importance as Government aid increases, as it appears likely to do. Therefore, it becomes increasingly important that we be cautious in accepting controls and restrictions; and, for this reason, it is here, at the very beginning, that we also must be cautious about establishing a precedent for other controls.

The Cammarian Club feels that the first stipulation, the disclaimer affidavit of the National Defense Educatibn Act of 1958, should be repealed for the following reasons:

1. It is discriminatory. The title of the act suggests that properly educated citizens are our country's first line of defense. However, by demanding the signing of such an affidavit, the Government suggests that well-educated people are also our country's poorest security risks. No other segment of the population is asked to sign such a statement when they apply for Federal aid.

2. The university, as the Government's agent in this matter, is forced to adopt a double standard of values, because only those students in need of financial aid are required to sign this affidavit. As President Keeney explained in his speech of November 20, 1959, to the New England Society of Newspaper Editors:

"Remember that this disclaimer is not extracted by the Government at the time the individual enters into a contract with the Government, but by the college at the time the student enters a loan contract with the college for which the funds are supplied by the Government."

Also since the participating school is required to invest 10 percent of its own funds in each loan and to administer the disclaimer affidavit to each recipient, it too becomes an agent of the discriminatory practice.

3. The wording of the affidavit is vague. What constitutes individual support of an organization? How does the individual know that an organization, with which he affiliates

himself, will not, at some future time, be judged to be one "that believes in or teaches the overthrow of the U.S. Government by force or violence or any illegal or unconstitutional methods?" And, indeed, what are illegal and unconstitutional methods?

4. The affidavit is inherently futile. In the past similar affidavits have led to some perjury convictions; but a person who was truly a subversive or treasonable would not hesitate to sign such an affidavit.

5. It is impossible for such an affidavit to instill loyalty. Loyalty cannot be forced upon anyone. If a system cannot stand the intellectual curiosity and criticism of a college education, such an affidavit will do nothing to cause anyone to remain loyal. True loyalty is based upon free examination of a cause and on the evidence thus obtained; and devotion to this cause is evinced by rational and intellectual affirmation of its ideals.

6. Colleges and universities have been striving for centuries to free themselves from effects of outside influences. This freedom should be equal to that granted to the press, religious groups, and those wanting freedom of assembly. Affidavits of this kind, in the past, have been means of gaining control of institutions and of forcing conformity and oppression upon them. This is not to say that, in this particular case, this is the purpose of the disclaimer affidavit; but the scope and the pioneering nature of the National Defense Education Act demand that no dangerous precedent for future Federal legislation be set forth in the provisions; and this disclaimer affidavit is, in our eyes, a dangerous step toward Federal control of education.

We fully agree with the final remarks of President Keeney in his speech of November 20, 1959:

"Education is supposed to make people clearer thinkers and wiser men. If this is so, and I think it is so, no one should be excluded from education because of an ill-formed belief he holds as a boy of 18."

We therefore believe that the university should not accept any further funds from this program until the loyalty oath and disclaimer affidavit provisions are repealed by Congress.

Respectfully submitted.

JOHN HOLBROOK
(And the executive committee).

REDUCTION OF CABARET TAX—BILL PASSED OVER

The bill (H.R. 2164) to reduce the cabaret tax from 20 to 10 percent was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. PROUTY. I ask that the bill go over.

Mr. ANDERSON. Mr. President, I ask unanimous consent that a brief analysis of H.R. 2164, Calendar No. 1114, be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ANDERSON

H.R. 2164 reduces from 20 percent to 10 percent the tax imposed by section 4231 (6) with respect to roof gardens, cabarets, and similar establishments. This change in rates is to be effective as of 10 a.m. on the first day of the month beginning more than 10 days after the enactment of this bill.

Your committee is reporting this bill to reduce the cabaret tax for two principal reasons: First, the present 20-percent rate is discriminatory in that the rates of almost all of the other ad valorem excise taxes do not exceed 10 percent; second, the present high rate of this tax is believed to have been a substantial deterrent to the employment of musicians and other entertainers.

In the case of the cabaret tax, the 20-percent rate is particularly onerous because although this tax is classed as an admissions tax its base includes not only the price paid for any admissions but also amounts paid for refreshments, services, and merchandise. Moreover, the 20-percent rate applies only where there is a combination of entertainment and the serving of food or beverages. Where only entertainment is provided the 10-percent admissions tax usually applies; on the other hand, where there is only the serving of food and beverages, generally no tax is imposed. Thus the present 20-percent tax discriminates against the combination of food or beverages and entertainment since either, if provided separately, is taxed at a lesser rate or is not taxed at all.

It is believed that this discriminatory, high rate of the cabaret tax has had a serious adverse effect on the employment of musicians and other entertainers.

Mr. MORSE. Mr. President, I should like to add to the comment just made by the distinguished Senator from New Mexico a very brief observation. I sincerely hope that the bill, which would reduce the cabaret tax from 20 percent to 10 percent, will be brought before the Senate by motion, if necessary, at an early date.

I know that on its face it looks like a type of bill in connection with which it is easy to say that the 20 percent tax should be imposed upon the business involved; in other words, that the excise tax should remain at 20 percent. However, I consider it to be a very unfair tax in its present amount, and I believe it ought to be reduced to a reasonable amount. I believe 10 percent is a fair and reasonable amount and is in line with other excise taxes.

I hope that, merely because this involves a recognized luxury in the field of taxation, we do not continue to follow what amounts, in my judgment, to a punitive principle of taxation.

The PRESIDING OFFICER (Mr. YARBOROUGH in the chair). Objection is heard. The bill will go over.

RESOLUTIONS PASSED OVER

The resolution (S. Res. 258) authorizing the printing of additional copies of hearings concerning unemployment problems in Indiana was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. PROUTY. Over, by request.

The PRESIDING OFFICER. The resolution will go over.

The resolution (S. Res. 259) to print with illustrations a committee print entitled "Relative Water and Power Resource Development in the U.S.S.R. and U.S.A." was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. PROUTY. Mr. President, over, by request.

The PRESIDING OFFICER. The resolution will be passed over.

PRINTING AS SENATE DOCUMENT REPORT ON COLD WEATHER AGRICULTURE

The resolution (S. Res. 262) authorizing the printing of the report on cold weather agriculture as a Senate document was considered and agreed to, as follows:

Resolved, That there be printed as a Senate document the report prepared by the Science and Technology Division of the Library of Congress on cold weather agriculture and that there be printed two thousand additional copies for the use of the Committee on Interior tnd Insular Affairs.

PRINTING AS SENATE DOCUMENT REPORT OF THE ADVISORY COUNCIL ON PUBLIC ASSISTANCE

The resolution (S. Res. 269) to print as a Senate document with an illustration the report of the Advisory Council on Public Assistance, was considered and agreed to, as follows:

Resolved, That the report of the Advisory Council on Public Assistance be printed as a Senate document with an illustration.

PRINTING AS SENATE DOCUMENT REPORT OF THE ADVISORY COUNCIL ON CHILD WELFARE SERVICES

The resolution (S. Res. 270) to print as a Senate document with an illustration the report of the Advisory Council on Child Welfare Services was considered and agreed to, as follows:

Resolved, That the report of the Advisory Council on Child Welfare Services be printed as a Senate document with an illustration.

RESOLUTIONS PASSED OVER

The resolution (S. Res. 255) providing additional funds for the completion by the Committee on Government Operations of its study of worldwide health and medical research and authorizing the employment of additional personnel, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. PROUTY. Mr. President, over by request.

The PRESIDING OFFICER. The resolution will be passed over.

The resolution (S. Res. 256) authorizing the printing of additional copies of the unemployment selected readings prepared by the Special Committee on Unemployment Problems was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. PROUTY. Over, by request.

The PRESIDING OFFICER. The resolution will be passed over.

The resolution (S. Res. 257) authorizing the printing of additional copies of the studies in unemployment prepared by the Special Committee on Unemployment Problems, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. PROUTY. Over, by request.

The PRESIDING OFFICER. The resolution will be passed over.

The resolution (S. Res. 260) to print with illustrations a committee print entitled "Relative Water and Power Resource Development in the U.S.S.R. and U.S.A." was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. PROUTY. Over, by request.

Mr. MORSE. Mr. President, will the Senator from Vermont withhold his objection for a moment?

Mr. PROUTY. Yes.

Mr. MORSE. Mr. President, I believe this is a report which ought to be available in sufficient supply to be used by all Senators, particularly members of the Committee on Foreign Relations. It is an important report from the standpoint of helping to clarify the thinking of some of us on matters with regard to the challenge which Russia is presenting to us in the field of hydroelectric power development. The expenditure involved in connection with supplying the reprint called for is exceedingly nominal in relation to the great value that would flow from an educational standpoint in making the information available. I hope that at an early date we may get the approval of the Senate for the printing of these additional copies of the report.

I wish to say to the Senator from Utah [Mr. Moss] and the other Members of the Senate who went to Russia that they have given us a very valuable report and have performed a great service to the Senate. Not to make this report available in sufficient supply for use by Senators would clearly be penny wise and pound foolish.

The PRESIDING OFFICER. Objection is heard. The resolution will go over.

PRINTING OF ADDITIONAL COPIES OF HEARINGS ON EMPLOYMENT, GROWTH, AND PRICE LEVELS

The concurrent resolution (S. Con. Res. 86) authorizing the printing of additional copies of the hearings on employment, growth, and price levels was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Joint Economic Committee one thousand additional copies of the hearings on employment, growth, and price levels held by that committee during the first session of the Eighty-sixth Congress.

PRINTING OF ADDITIONAL COPIES OF REPORT ON EMPLOYMENT, GROWTH, AND PRICE LEVELS

The concurrent resolution (S. Con. Res. 87), authorizing the printing of additional copies of the report on employment, growth, and price levels was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Joint Economic Committee one thousand additional copies of the report on employment, growth, and price levels prepared by that committee during the first session of the Eighty-sixth Congress.

PRINTING OF ADDITIONAL COPIES OF HEARINGS ON ENERGY RESOURCES AND TECHNOLOGY

The concurrent resolution (S. Con. Res. 88), authorizing the printing of additional copies of the hearings on energy resources and technology, was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Joint Economic Committee one thousand additional copies of the hearings on energy resources and technology, held by that committee during the first session of the Eighty-sixth Congress.

PRINTING OF ADDITIONAL COPIES OF STUDIES ON COMPARISONS OF UNITED STATES AND SOVIET ECONOMIES

The concurrent resolution (S. Con. Res. 89), authorizing the printing of additional copies of the studies on comparisons of United States and Soviet economies, was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Joint Economic Committee one thousand additional copies of the studies on comparisons of the United States and Soviet economies, prepared by that committee during the first session of the Eighty-sixth Congress.

MARKETING QUOTAS FOR RICE

The bill (H.R. 7889) to require marketing quotas for rice when the total supply exceeds the normal supply was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. ELLENDER. Mr. President, I ask unanimous consent that a statement explaining the bill be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR ELLENDER

This bill provides for the proclamation of rice marketing quotas whenever the supply exceds normal. Existing law requires that supply exceed normal by more than 10 percent before quotas are proclaimed.

Normal supply consists of domestic consumption and exports plus a 10-percent allowance for carryover. This allowance for carryover, which amounts to about 5 million hundredweight, is adequate. Marketing quotas have been in effect for rice since 1955. Their suspension for any year could be anticipated to result in considerable expansion of acreage for that year followed by a difficult readjustment to quotas in the following year. The bill is designed to prevent such a situation.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

ACQUISITION OF CROPLAND BY EMINENT DOMAIN

The bill (H.R. 8343) relating to the preservation of acreage allotments on land from which the owner is displaced by reason of the acquisition thereof by a Government agency in the exercise of the right of eminent domain, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry, with an amendment, on page 2, line 7, after the word "to," to strike out "one year" and insert "two years."

Mr. ELLENDER. Mr. President, I ask unanimous consent that a brief explanation of the bill be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR ELLENDER

This bill would continue acreage allotments on lands acquired by agencies having the right of eminent domain so long as they remain leased to their former owners. It would also permit Federal Government lands to be leased to their former owners for the production of price supported crops without regard to section 125 of the Soil Bank Act.

At present where farm lands are acquired by any agency having the right of eminent domain, the allotments on the farm are pooled for use in providing allotments for other farms owned by the former owner of the farm lands so acquired. This is so even though such former owner remains on the farm under lease from the acquiring agency, continues farming it, and operates no other farm. So long as the former owner is allowed to remain in possession, there would seem to be no reason for not permitting him to operate the farm as he has in the past, and the bill is designed to accomplish this purpose. This will minimize the adverse effect of the Government's land acquisition operations on the individual farmer and the community.

Section 125 of the Soil Bank Act prohibits the leasing of Federal Government lands for the production of price supported crops in surplus supply. The bill would exempt from this prohibition lands leased to their former owner.

The committee amendment gives a former owner who is not in possession of the land at the time the bill becomes effective 2 years, instead of 1, to obtain a lease from the Government and qualify for the continuation of allotments on the land.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

AMENDMENT OF AGRICULTURAL ADJUSTMENT ACT OF 1938

The bill (H.R. 4874) to amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms

on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SCHOEPPEL. Mr. President, I ask unanimous consent that a short explanation of the bill be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR SCHOEPPEL

This bill provides for crediting a wheat farmer who exceeds his allotment, but fails to produce a marketing excess, with the same history he would have received if he had produced an excess and stored it to avoid penalty.

Wheat farmers who either keep within their allotments, or store any marketing excess produced by them, are credited for the purpose of future allotments with acreage history equal to their base acreage. Wheat farmers who exceed their allotments and do not store their marketing excess are credited only with history equal to their allotted acreage, and lose the difference between their allotted acreage and base acreage. Wheat farmers who exceed their allotments but suffer a crop failure so that they have no marketing excess should, of course, be in as good a position as farmers producing and storing an excess. However, the law is not now so construed and such farmers receive credit only for their allotted acreage. The bill would correct this situation by providing for their being credited with their full base acreage.

The committee amendment makes no change in substance, but does make it clear that exempt farms, which could not avoid a loss of acreage history by storing any excess they might produce, will similarly not be able to avoid such loss if they have a crop failure. The committee amendment also clarifies the effective date of the bill.

The committee amendment, except for its last two sentences, has been previously approved by the Senate when it agreed to the conference report last year on S. 1968.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry, with an amendment, to strike out all after the enacting clause and insert:

That section 334 of the Agricultural Adjustment Act of 1938, as amended, is further amended by inserting a new subsection (d) between subsections (c) and (e) to read as follows:

"(d) For the purposes of subsections (a), (b), and (c) of this section, any farm—

"(1) to which a wheat marketing quota is applicable; and

"(2) on which the acreage planted to wheat exceeds the farm wheat acreage allotment; and

"(3) on which the marketing excess is zero shall be regarded as a farm on which the entire amount of the farm marketing excess has been delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone the payment of the penalty. This subsection shall be applicable in establishing the acreage seeded and diverted and the past acreage of wheat for 1959 and subsequent years in the apportionment of allotments beginning with the 1961 crop of wheat. For the purpose of clause (1) of this subsection, a farm with respect to which an exemption has been granted under section 335(f) for any year shall not be regarded as a farm to which a wheat marketing quota is applicable for such year, even though such exemption should become null and void because of a violation of the conditions of the exemption."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

INCREASE IN EXPENDITURE UNDER THE SPECIAL MILK PROGRAM FOR CHILDREN

The bill (H.R. 9331) to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. PROUTY. Mr. President, while I personally favor the bill, I have been requested that it be held over.

Mr. MORSE. Mr. President, will the Senator withhold his objection for a moment?

Mr. PROUTY. Yes.

Mr. MORSE. Mr. President, if we do not get favorable action on the bill on the call of the calendar, I should like to say that it is certainly a bill that ought to be brought up by motion at an early date for consideration by the Senate. I say most respectfully that I do not see how there could be any possible justification for letting the bill die on the calendar. We cannot deny this assistance to the little boys and girls in the United States who need milk.

It is just as simple as that. It is a great humanitarian bill. We ought to act on it. We ought to provide whatever additional funds are needed to give the boys and girls milk when they need it. I make this statement not from the standpoint of the milk industry, but from the standpoint of the nutritional needs of a lot of little boys and girls in this country to whom we had better be giving some attention, because they happen to be the greatest wealth we have.

Mr. PROUTY. Mr. President, I find myself in perfect and complete agreement with the Senator from Oregon.

Mr. ELLENDER. Mr. President, I ask unanimous consent to have a short explanation of the bill printed at this point in the RECORD.

The PRESIDING OFFICER. Objection is heard. The bill will be passed over.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ELLENDER

This bill would increase the funds available for the special milk program to $85 million for the current fiscal year and $95 million for each fiscal year thereafter. This would be an increase of $4 million from the $81 million now available for the current year and an increase of $11 million from the $84 million now available for fiscal 1961. Because of expanded participation in the program, these increases are necessary to maintain the current payment rates of 4 cents per half pint for schools participating in the school lunch program and 3 cents per half pint for schools not participating in the school lunch program.

The bill would also make the program permanent. The program was first authorized by the Agricultural Act of 1954 and has been expanded and continued from time to time through fiscal 1961. The program has proved very successful and should now be made permanent.

The committee amendments increase the amount of Commodity Credit Corporation funds authorized by the House bill for fiscal 1961 from $85 million to $95 million, make the program permanent, and strike out an authorization for the appropriation of an additional $15 million for fiscal 1961. Use of a combination of Commodity Credit Corporation funds and appropriated funds would result in unnecessary accounting and other fiscal problems.

The report states that because of the inadequacy of funds now authorized to cover expanded participation in the program a reduction of one-half cent per half pint in reimbursement rates has been announced effective April 1. Since the bill was reported the reduction has been deferred to May 1, but if additional funds should not be authorized by then, the reduction would be 1 cent per half pint.

DEPARTMENT OF COMMERCE APPROPRIATIONS, 1961 — BILL PASSED OVER

The bill (H.R. 10234) making appropriations for the Department of Commerce and related agencies for the fiscal year ending June 30, 1961, and for other purposes, was announced as next in order.

Mr. BARTLETT. Over, Mr. President, because this bill is the pending business.

The PRESIDING OFFICER. The bill will be passed over.

STAMATINA KALPAKA

The bill (S. 1752) for the relief of Stamatina Kalpaka was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Stamatina Kalpaka shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

TIMMY KIM SMITH

The bill (S. 1912) for the relief of Timmy Kim Smith was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Timmy Kim Smith, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Lloyd L. Smith, citizens of the United States.

ERICA BARTH

The bill (S. 2165) for the relief of Erica Barth was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Erica Barth shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

PETER J. WATERTON

The bill (S. 2177) for the relief of Peter J. Waterton was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of paragraph (4) of section 212(a) of the Immigration and Nationality Act, Peter J. Waterton may be issued an immigrant visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such Act: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act: *Provided further*, That this Act shall apply only to grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of the enactment of this Act.

WONG GIM CHUNG

The bill (S. 2247) for the relief of Wong Gim Chung was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Wong Gim Chung shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

CHAIM (HYMAN) EIDLISZ

The bill (S. 2352) for the relief of Chaim (Hyman) Eidlisz was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Chaim (Hyman) Eidlisz shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

ANDROS SZASZ

The bill (S. 2361) for the relief of Andros Szasz was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Andros Szasz shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in the Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

INEZ GONZALEZ ABILEZ

The bill (S. 2419) for the relief of Inez Gonzalez Abilez was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is authorized and directed to discontinue any deportation proceedings and to cancel any outstanding order and warrant of deportation, warrant of arrest, and bond, which may have been issued in the case of Inez Gonzalez Abilez. From and after the date of enactment of this Act, the said Inez Gonzalez Abilez shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and order have issued.

SHIN MORIYOSHI

The bill (S. 2520) for the relief of Shin Moriyoshi was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Shin Moriyoshi, shall be held and considered to be the natural-born alien child of Francis W. McGrath and Margaret P. McGrath, citizens of the United States: *Provided*, That the natural parents of the said Shin Moriyoshi shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

EMIL MILAN PRESEREN

The Senate proceeded to consider the bill (S. 247) for the relief of Emil Milan Preseren, which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That the Attorney General is authorized and directed to discontinue any deportation proceedings and to cancel any outstanding order and warrant of arrest, and bond, which may have been issued in the case of Emil Milan Preseren. From and after the date of enactment of this Act, the said Emil Milan Preseren shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and order have issued.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN P. VOURNAS AND OTHERS

The Senate proceeded to consider the bill (S. 382) for the relief of John P. Vournas, Gus E. Vournas, and John E. Vournas, which had been reported from the Committee on the Judiciary, with an amendment in line 8, after the word "States", to insert a colon and *"Provided*, That no natural parent of the beneficiaries, by virtue of such parentage, shall be accorded any right, privilege, or status under the Immigration and Nationality Act.", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor children, John P. Vournas, Gus E. Vournas, and John E. Vournas, shall be held and considered to be the natural-born alien children of Alex Vournas, a citizen of the United States: *Provided*, That no natural parent of the beneficiaries, by virtue of such parentage, shall be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALAN JOHN COOMBS

The Senate proceeded to consider the bill (S. 1223) for the relief of Alan John Coombs, which had been reported from the Committee on the Judiciary, with an amendment, in line 7, after the word "fee", to insert a colon and *"Provided*, That the natural mother of Alan John Coombs shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Alan John Coombs shall be

held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee: *Provided*, That the natural mother of Alan John Ccombs shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EVAGELOS MABLEKOS

The Senate proceeded to consider the bill (S. 1913) for the relief of Evagelos Mablekos, which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bonds which may have issued in the case of Evagelos Mablekos. From and after the date of the enactment of this Act, the said Evagelos Mablekos shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MAX KOTSCHA

The Senate proceeded to consider the bill (S. 2046) for the relief of Max Kotscha which had been reported from the Committee on the Judiciary, with an amendment, in line 5, after the word "be," to insert "issued a visa and be," so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act, Max Kotscha may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE C. McKINNEY

The Senate proceeded to consider the bill (S. 2142) for the relief of George C. McKinney, which had been reported from the Committee on the Judiciary, with an amendment, in line 5, after the word "been," to strike out "residing" and insert "physically present," so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of section 301(a)(7) of the Immigration and Nationality Act, George C. McKinney shall be held and considered to have been physically present in the United States during all the time he was residing abroad with his parents when his father was serving on active duty in the Foreign Service of the United States.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OSVALDO RIVA COOLIDGE

The Senate proceeded to consider the bill (S. 2164) for the relief of Osvaldo Riva Coolidge, which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 1, after the word "available", to insert a colon and *"Provided*, That the natural mother of the beneficiary, by virtue of such parentage, shall not be accorded any right, privilege, or status under the Immigration and Nationality Act.", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Osvaldo Riva Coolidge shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available: *Provided*, That the natural mother of the beneficiary, by virtue of such parentage, shall not be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TOMMY TADAYOSHI SHUTO (TADAYOSHI TAKEDA)

The Senate proceeded to consider the bill (S. 2384) for the relief of Tommy Tadayoshi Shuto (Tadayoshi Takeda), which had been reported from the Committee on the Judiciary, with an amendment, on page 2, line 1, after the word "available", to insert a colon and *"Provided*, That the natural father of Tommy Tadayoshi Shuto (Tadayoshi Takeda), by virtue of such parentage, shall not be accorded any right, privilege, or status under the Immigration and Nationality Act.", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Tommy Tadayoshi Shuto (Tadayoshi Takeda) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available: *Provided*, That the natural father of Tommy Tadayoshi Shuto (Tadayoshi Takeda), by virtue of such parentage, shall not be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JUNKO HOSAKA JORDAN

The Senate proceeded to consider the bill (S. 2418) for the relief of Junko Hosaka Jordan, which had been reported from the Committee on the Judiciary, with an amendment, in line 6, after the word "of", to strike out "Charles W. and Taeko Jordan, citizens of the United States," and insert "Charles W. Jordan, a citizen of the United States.", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Junko Hosaka Jordan, shall be held and considered to be the natural-born alien child of Charles W. Jordan, a citizen of the United States.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDGAR HAROLD BRADLEY

The Senate proceeded to consider the bill (S. 2443) for the relief of Edgar Harold Bradley, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 7, after the word "fee", to strike out the period and "Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota control officer to deduct one number from the appropriate quota for the first year that such quota is available" and insert a colon and *"Provided*, That nothing in this Act shall be construed to waive the provisions of section 315 of the Immigration and Nationality Act.": so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Edgar Harold Bradley shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee: *Provided*, That nothing in this Act shall be construed to waive the provisions of section 315 of the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PINELOPI YORGIADIS AND DIMITRI YORGIADIS

The Senate proceeded to consider the bill (S. 2271) for the relief of Pinelopi Yorgiadis and Dimitri Yorgiadis, which had been reported from the Committee on the Judiciary, with amendments on page 1, line 4, after the word "Act", to strike out "Pinelopi Yorgiadis and"; in line 7, after the word "visa", to strike out "fees" and insert "fee"; in line 8, after the word "such", to strike out "aliens" and insert "alien"; in line 10, after the word "deduct", to strike out "the required numbers" and insert "one number"; in line 11, after the word "quota", to strike out "or quotas"; and on page 2, line 1, after the word "quota", to strike out "or quotas are" and insert "is"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Dimitri Yorgiadis shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Dimitri Yorgiadis."

NOBUKO STICKLES

The Senate proceeded to consider the bill (S. 2486) for the relief of Nobuko Stickles, which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, Nobuko Stickels, the widow of Charles F. Stickels, a deceased United States citizen who served honorably in the Armed Forces of the United States, shall be deemed to be a nonquota immigrant.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Nobuko Stickels."

MARGHERITA PINO

The Senate proceeded to consider the bill (S. 2532) for the relief of Margherita Pino which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 5, after the word "child", to strike out "Margherita Pino" and insert "Margherita Pino Zordan"; at the beginning of line 7, to strike out "Mr. and Mrs. Attilio V. Zorcan" and insert "Mr. and Mrs. Vittorio Attilio Zordan", and in line 9, after the word "of", to strike out "Margherita Pino" and insert "Margherita Pino Zordan"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Margherita Pino Zordan, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Vittorio Attilio Zordan, citizens of the United States: *Provided*, That no natural parent of Margherita Pino Zordan, by virtue of such parentage, shall be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Margherita Pino Zordan."

BILL PASSED OVER

The bill (H.R. 9660) to amend section 6659(b) of the Internal Revenue Code of 1954 with respect to the procedure for assessing certain additions to tax, was announced as next in order.

Mr. PROUTY. Over.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have an explanation of the bill printed in the RECORD.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR BYRD OF VIRGINIA

Since 1926, additions to the tax for late filing of tax returns have been assessed without issuing a statutory notice of deficiency. Under the 1939 code, where the only amount assessed were additions to tax for failure to file a timely return or for underpayment of estimated tax, no statutory notice of deficiency was required, but if a deficiency in tax was also involved, a statutory notice was required prior to assessment. The 1954 code rules, which the Committee on Finance stated "conform to the rules under existing law," recently have been construed by three circuit courts of appeals in such a way no additions to tax can be assessed without issuance of a statutory notice which permits prepayment review in the Tax Court.

Generally, the purpose of sections 1 and 2 of the bill as passed the House and approved by your committee is to restore to the law these longstanding rules of procedure. However, if a taxpayer satisfies the Secretary or his delegate that his failure to file a timely return is due to reasonable cause, no assessment will be made. A taxpayer who is dissatisfied with the assessment may pay the amount and bring suit to recover it in a proper district court or Court of Claims.

The Committee on Finance has added two new sections to the bill.

Section 3 removes the 3-percent limit on medical expenses incurred by the taxpayer for the care of his or his spouse's dependent mother or dependent father, if such dependent has attained the age of 65 before the close of the taxable year.

Thus, all medical expenses (up to the maximum limitation) incurred for the care of such a dependent mother or father over 65 will be deductible, not merely the excess over 3 percent of the taxpayer's adjusted gross income.

Section 4 generally allows a $600 deduction to a taxpayer who maintains a foreign student in his home as a member of his household for a specified period, and permits the foreign student to be taken into account for withholding tax purposes. To qualify the taxpayer for this deduction, the foreign student must not be a citizen or resident of the United States; his presence in the United States must be solely for the purpose of pursuing his education, on a full-time basis, in the 9th, 10th, 11th, or 12th grade for a specified period of at least 7 calendar months at an educational institution. While this provision does not require the taxpayer to meet the support test to qualify for the $600 deduction, it will be denied if the taxpayer receives any money or other property as compensation or reimbursement for maintaining the foreign student in his home.

The PRESIDING OFFICER. The bill will be passed over.

Mr. PROUTY. Mr. President, what action was taken on Calendar No. 1161, S. 2532?

The PRESIDING OFFICER (Mr. YARBOROUGH in the chair). Calendar No. 1161, S. 2532, was passed. Calendar No. 1162, H.R. 9660, was passed over.

The clerk will call Calendar No. 1163, Senate Joint Resolution 170.

JOINT RESOLUTION PASSED OVER

The joint resolution (S.J. Res. 170) to authorize the participation in an international convention of representative citizens from the North Atlantic Treaty nations to examine how greater political and economic cooperation among their peoples may be promoted, to provide for the appointment of U.S. delegates to such conventions, and for other purposes, was announced as next in order.

Mr. PROUTY. Over, Mr. President.

Mr. MORSE. Mr. President, will the Senator from Vermont withhold his request?

Mr. PROUTY. Yes.

Mr. MORSE. Mr. President, I did not think the joint resolution would be favorably acted on upon the call of the calendar. I think it probably is a measure which ought to be brought up by motion. I believe it is not calendar business, but motion business. I hope it will be called up on motion at an early date.

The Committee on Foreign Relations has worked very hard on this matter. The joint resolution as it is being submitted is quite different from the measure in its original form. Of those who worked hard on it and who are not members of the committee is the distinguished senior Senator from Kentucky [Mr. COOPER], whom I see on the floor. I am certain he shares my view that the Committee on Foreign Relations worked very cooperatively with the proponents of the joint resolution, of whom the Senator from Kentucky is one. I think the joint resolution is very much in the best interests of the foreign relations of the United States and ought to be acted on at an early date. I hope the leadership of the Senate, both the majority and the minority, will schedule the joint resolution for early consideration.

The PRESIDING OFFICER. The joint resolution will be passed over.

REHABILITATION OF THE NAVAJO AND HOPI TRIBES OF INDIANS

The bill (S. 2456) to amend the act of April 19, 1950 (64 Stat. 44; 25 U.S.C. 635) to better promote the rehabilitation of the Navajo and Hopi Tribes of Indians, was announced as next in order.

Mr. MORSE. Mr. President, I understand the Senator from New Mexico [Mr. ANDERSON] wishes to come to the floor to discuss the bill. Therefore, I ask unanimous consent that the bill go to the foot of the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ANDERSON subsequently said: Mr. President, if there is no objection, I ask that the Senate revert to Calendar No. 1164 and Calendar No. 1165.

The PRESIDING OFFICER. Without objection, that will be done; and Calendar No. 1164 will be stated at this time.

The LEGISLATIVE CLERK. A bill (S. 2456) to amend the act of April 19, 1950 (64 Stat. 44; 25 U.S.C. 635), to better promote the rehabilitation of the Navajo and Hopi Tribes of Indians.

The PRESIDING OFFICER. Is there objection to the present consideration of Calendar No. 1164?

There being no objection, the Senate proceeded to consider the bill (S. 2456) to amend the act of April 19, 1950 (64 Stat. 44; 25 U.S.C. 635), to better promote the rehabilitation of the Navajo and Hopi Tribes of Indians, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 1, line 8, after the word "amended," to strike out "to read as follows:" and insert "by inserting "(a)" before the present text and by adding the following subsections (b) and (c):"; at the top of page 2 to strike out:

SEC. 5. (a) Any restricted Indian lands owned by the Navajo Tribe, members thereof, or associations of such members, or by the Hopi Tribe, members thereof, or associations of such members, may be leased by the Indian owners, with the approval of the Secretary of the Interior, for public, religious, educational, recreational, residential, or business purposes, including the development or utilization of natural resources in connection with operations under such leases All leases so granted shall be for a term of not to exceed 25 years, but may include provisions authorizing their renewal for an additional term of not to exceed 25 years, and shall be made under such regulations as may be prescribed by the Secretary except that leases of Navajo tribal land may be for a term of not to exceed 99 years. Restricted allotments of deceased Indians may be leased under this section, for the benefit of their heirs or devisees, in the circumstances and by the persons prescribed in the act of July 8, 1940 (54 Stat. 745; 25 U.S.C. 380). Nothing contained in this section shall be construed to repeal or affect any authority to lease restricted Indian lands conferred by or pursuant to any other provision of law.

And, on page 3, after line 14, to insert a new section, as follows:

SEC. 2. The second sentence of section 1 of the act of August 9, 1955 (69 Stat. 539), as amended by the act of September 21, 1959 (73 Stat. 597), is amended by inserting after the words "Agua Caliente (Palm Springs) Reservation" the words "and on the Navajo Reservation."

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Act entitled "An Act to promote the rehabilitation of the Navajo and Hopi Tribes of Indians and a better utilization of the resources of the Navajo and Hopi Indian Reservations, and for other purposes", approved April 19, 1950 (64 Stat. 46; 25 U.S.C. 635), is amended by inserting "(a)" before the present text and by adding the following subsections (b) and (c):

"(b) Notwithstanding any other provision of law, land owned in fee simple by the Navajo Tribe may be leased, sold, or otherwise disposed of by the sole authority of the Navajo Tribal Council, in any manner that similar land in the State in which such land is situated may be leased, sold, or otherwise disposed of by private landowners, and such disposition shall create no liability on the part of the United States.

"(c) The Secretary of the Interior is authorized to transfer, upon request of the Navajo Tribal Council, to any corporation owned by the tribe and organized pursuant to State law, or to any municipal corporation organized under State law, legal title to or a leasehold interest in any unallotted lands held for the Navajo Indian Tribe, and thereafter the United States shall have no responsibility or liability for, but on request of the tribe shall render advice and assistance in, the management, use, or disposition of such lands."

SEC. 2. The second sentence of section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended by the Act of September 21, 1959 (73 Stat. 597), is amended by inserting after the words "Agua Caliente (Palm Springs) Reservation" the words "and on the Navajo Reservation".

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill to amend the Act of April 19, 1950 (64 Stat. 44; 25 U.S.C. 635), to better promote the rehabilitation of the Navajo and Hopi Tribes of Indians, and for other purposes."

PERMANENT USE OF CERTAIN LAND IN McKINLEY COUNTY, N. MEX., FOR THE NAVAJO TRIBE OF INDIANS

The bill (S. 2307) to set aside permanently certain land in McKinley County, N. Mex., for use of the Navajo Tribe of Indians, was announced as next in order.

Mr. MORSE. Mr. President, I have been advised by the assistant to the Senator from New Mexico that the Senator would like to have this bill also go to the bottom of the calendar.

The PRESIDING OFFICER. Without objection, the bill will go to the bottom of the calendar.

Mr. ANDERSON subsequently said: Mr. President, I ask that the Senate now revert to Senate bill 2307, Calendar No. 1165.

The PRESIDING OFFICER. Without objection, Calendar No. 1165 will now be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2307) to set aside permanently certain land in McKinley County, N. Mex., for use of the Navajo Tribe of Indians.

Mr. ANDERSON. Mr. President, in connection with Order No. 1165, S. 2307, "Setting aside permanently certain land in McKinley County, N. Mex., for use of the Navajo Tribe of Indians," an identical bill, H.R. 6329, was passed by the House of March 7, and was referred to the Committee on Interior and Insular Affairs on March 8.

I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of H.R. 6329, and that H.R. 6329 be considered in lieu of S. 2307.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bill (H.R. 6329) to set aside permanently certain land in McKinley County, N. Mex., for use of the Navajo Tribe of Indians.

The bill was ordered to a third reading, read the third time, and passed.

Mr. ANDERSON. Mr. President, I ask that the title of House bill 6329 be amended so as to read: "A bill to convey certain land in McKinley County, New Mexico, to the Navajo Tribe of Indians."

The PRESIDING OFFICER. Without objection, the title will be amended as requested by the Senator from New Mexico.

Mr. ANDERSON. Mr. President, I ask that Senate bill 2307 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, prior to the taking of final action on Senate bill 2307 and the corresponding House bill, I sought recognition, in order to request the making of an insertion in the RECORD. I now ask unanimous consent to have inserted in the RECORD a statement which shows that Calendar No. 1165, Senate bill 2307, does not violate the Morse formula. This statement or memorandum is equally applicable to the House bill which the Senate has voted to pass in lieu of Senate bill 2307.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MORSE

S. 2307 authorizes the conveyance, without monetary consideration, of 81.33 acres of federally owned land in New Mexico to the Navajo Tribe.

The 81.33 acres is located 10 miles away from the exterior boundaries of the reservation and has been used in connection with an Indian school. The lands are now surplus to the needs of the Bureau of Indian Affairs. Improvements, including a tribally owned community building valued at $20,000, a Government building converted by the tribe for living quarters at a cost of $3,800, and a Government-owned tool shed worth $125, are on the lands. The land is valued at $10 an acre.

The Navajo Tribe desires to obtain title to the 81-acre tract for the purpose of constructing additional improvements, including overnight accommodations, and recreational facilities, for the use of tribal members. The tribe does not want to undertake the improvements until the title issue is resolved. The tribe has agreed to accept this donation of land in taxable status and without restrictions as to use or management.

The federally owned land is located near Crownpoint, N. Mex., where the Indian Bureau subagency serves approximately 20,000 Navajos residing in an area of approximately 900 square miles. The community has experienced a problem of accommodating the Navajos who travel long distances to visit the subagency. The Navajo Tribe has appropriated approximately $40,000 for the construction of additional improvements such as a meeting place, laundry facilities, sewingroom, recreational area, and overnight accommodations to meet the shortage of accommodations in the Crownpoint community.

Because of the obvious Federal interest involved and the relationship to our guardianship responsibilities relative to the Indians, I approve of the passage of the bill.

The PRESIDING OFFICER. The Chair was under the mistaken impression that the Senator from Oregon had previously submitted the insertion he had in mind.

Mr. MORSE. That is perfectly all right, Mr. President.

BILL PASSED OVER

The bill (S. 2878) to adjust Indian and non-Indian land use areas in the vicinity of the Navajo Indian Reservation in New Mexico, and for other purposes, was announced as next in order.

Mr. PROUTY. Over.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement which makes clear that the bill does not violate the Morse formula.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MORSE

S. 2878 provides for the conveyance in fee simple certain federally owned lands in New Mexico, excluding mineral rights, to the Navajo Indians. In addition, the bill would adjust and simplify the administration of certain other federally owned lands located in the same area which is near Gallup, N. Mex.

Approximately 30 years ago the Federal Government purchased some 70,000 acres of so-called submarginal lands in the Gallup area and administered the land for the Navajo Indians. About 4 years later, 80,887 acres of railroad grant lands in the same area were reconveyed to the United States and were subsequently administered for the benefit of the Navajos. According to the committee report, the Government contemplated setting aside the lands for permanent use by the Navajos by legislation.

There are approximately 103,239 acres of public domain land in this same area presently used and occupied by the Navajos, that would be affected by the bill. The 103,239 acres are intermingled with Indianlands, being administered by the Bureau of Indian Affairs, or with submarginal and reconveyed railroad grant lands being administered by the Bureau of Land Management and the Forest Service for the benefit of the Indians. The bill seeks to eliminate the confusing and intermingled jurisdiction of these three agencies.

S. 2827 provides an opportunity for the administering agencies to initiate a program of sound land use management and stabilize the land use and security of tenure for resident users. In addition, the legislation would give tribal status to lands that have been held for that purpose.

These lands are presently being used by the Indians and the three Government agencies have no effective means to control the use. According to the Department of the Interior which requested this legislation, continued Federal ownership of these lands will serve no useful public purpose.

I think the committee report and the communications it contains from the Department of the Interior make clear that the public interest would be benefited by better conservation practices as the transfers would permit both the tribe and the Bureau of Land Management to institute a comprehensive management program for all the lands in the area.

Because of the Government's intention to set aside the lands for permanent use by the Navajos and because of the Federal interest involved, I have no objection to the passage of this bill.

The PRESIDING OFFICER. The bill will be passed over.

GRANTING OF 81 ACRES OF PUBLIC DOMAIN TO THE COCOPAH INDIANS IN ARIZONA

The bill (S. 2962) to grant 81 acres of public domain to the Cocopah Indians in Arizona, was announced as next in order.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement which shows that the bill conforms to the Morse formula.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MORSE

The purpose of S. 2962 is to place in trust 81 acres of land in Arizona for the Cocopah Indians.

The Cocopah Tribe occupies land set aside for them by Executive order in 1917. They lived on the land in the belief it was included within the original reservation. Recently the Solicitor, Department of the Interior, concluded that the lands in question were not part of the reservation.

Since the Indians were using the land and living on it in the belief it was included in the original reservation set aside for them in 1917, I believe there is a Federal interest involved in making the acreage a part of the existing reservation, and that the proposed transfer has a close relationship to the Nation's guardianship responsibilities relative to the Indians.

I have no objection to the transfer.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 2962) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of right, title, and interest in the following described public domain are hereby declared to be held by the United States in trust for the Cocopah Indians in Arizona, subject to any valid existing rights heretofore initiated under the public land laws: lots 14 and 15, section 30, township 9 south, range 24 west; and lots 3, 4, and 5, section 25, township 9 south, range 25 west, Gila and Salt River meridian, Arizona, containing 81.64 acres.

DONATION OF CERTAIN LAND TO THE KEWEENAW BAY INDIAN TRIBE

The bill (S. 2804) to donate to the Keweenaw Bay Indian Tribe, L'Anse Reservation of Michigan, a certain tract of Federal land with improvements located thereon, was announced as next in order.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement which shows that this bill does not violate the Morse formula.

While saying that, I wish to extend to the distinguished junior Senator from New Mexico [Mr. ANDERSON] my very deep appreciation for the wonderful cooperation he has always extended to the Senator from Oregon in respect to the proposition of requiring in the transfer of Federal lands a reasonable return to the Federal Government. The junior Senator from New Mexico is one of the most ardent supporters of this doctrine in the Senate.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MORSE

S. 2804 would authorize the donation of 0.34 acre of land, together with the buildings and improvements thereon, to the Keweenaw Bay Indian Tribe, L'Anse Reservation, Mich. The land and buildings would be held in trust for the tribe.

The land was acquired by the United States for use in connection with the Indian CCC program on the reservation. Since 1942, the garage-office building on the land has been used by the Indians for storage purposes. According to the Committee report, the appraised value of the land and building is less than $1,000. The Indian Bureau has no plans for further use of the building. The tribe desires to improve the building which is adjacent to the land now owned by the tribe but does not desire to do so unless it can get title to the building and land.

Because of the Federal interest involved and the relationship to our guardianship responsibilities relative to the Indians I have no objection to the enactment of the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 2804) was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of the right, title, and interest of the United States in the land described below, together with the buildings and improvements thereon, is hereby declared to be held in trust for the Keweenaw Bay Indian Tribe, L'Anse Reservation, Michigan: A tract of land in the northeast quarter southeast quarter of section 28, township 51 north, range 33 west, Michigan meridian, more particularly described as follows: Beginning at the quarter post between sections 27 and 28 thence west on quarter line a distance of 33 feet as the place of beginning; thence west on quarter line a distance of 100 feet; thence south 150 feet; thence east 100 feet; thence north a distance of 150 feet to the place of beginning, containing 15,000 square feet, or 0.34 acre more or less.

SALE OF CERTAIN TRIBAL LAND OF THE LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS, WISCONSIN

The bill (H.R. 6136) to authorize the sale of certain tribal land of the Lac du Flambeau Band of Lake Superior Chippewa Indians, Wisconsin, was announced as next in order.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement which shows that this bill, too, conforms to the Morse formula.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MORSE

H.R. 6136 authorizes the Lac du Flambeau Band of Lake Superior Chippewa Indians to sell any tribal trust land or interest therein for the purpose of perfecting land titles and resolving conflicts or disputes in boundaries caused by erroneous surveys dating back to the 1860's. Approval of each transaction by the Secretary of the Interior will be required and sales must be at the fair market value.

The purpose of the bill is to provide the means of resolving ownership controversies between the band and individuals. Therefore, I have no objection to its enactment.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

HOLDING IN TRUST OF CERTAIN REAL PROPERTY FOR MEMBERS OF THE FORT McDERMITT PAIUTE AND SHOSHONE TRIBE OF INDIANS

The bill (H.R. 24) to provide that certain real property of the United States situated in the State of Nevada shall be held in trust for members of the Fort McDermitt Paiute and Shoshone Tribe of Indians of the Fort McDermitt Indian Reservation, Nev., was announced as next in order.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement I have prepared which shows that this bill, too, is not inconsistent with the Morse formula.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MORSE

H.R. 24 provides that all right, title, and interest of the United States in 160 acres lying within the Fort McDermitt Indian Reservation, Nev., shall be held in trust by the Federal Government for the use and benefit of the Fort McDermitt Paiute and Shoshone Tribe of Indians of the Fort McDermitt Indian Reservation.

The land was originally set aside as the Fort McDermitt Military Reservation, and was later transferred to the Secretary of the Interior. For a period of 50 years the land in question was used in connection with an Indian boarding school. According to the committee report, the land and school building have an estimated value of $11,400, and have been declared surplus to the needs of the Bureau of Indian Affairs. It is anticipated that the Indians will use the land for grazing and ranching purposes and the improvements for a recreation center.

Since the proposed gift to the tribe would be in keeping with the earlier action in setting the land aside for the use of the Indians and because of the Federal interest involved, the bill conforms with the Morse formula.

The bill carries out one of the guardianship responsibilities of the Federal Government with respect to the Indians.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

RECONVEYANCE OF CERTAIN TRIBAL LANDS TO ORIGINAL ALLOTTEES

The Senate proceeded to consider the bill (S. 2877) to authorize the reconveyance of tribally owned lands by the Muckleshoot Indian Tribe of the State of Washington to the original allottees, their heirs, devisees, or assigns.

Mr. MORSE. Mr. President, I ask unanimous consent that there be printed at this point in the RECORD, prior to the passage of Senate bill 2877, a statement showing that the bill does not violate the Morse formula in regard to the transfer of Federal property.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR MORSE

S. 2877 authorizes the reconveyance of tribally owned lands by the Muckleshoot Indian Tribe of the State of Washington to the original allottees, their heirs, devisees, or assigns.

The Muckleshoot Tribe after accepting the Indian Reorganization Act of 1934 embarked on a land use and consolidation program. At the time the tribe owned no tribal lands. One of the basic features of the program was the conveyance of allotted lands to the United States in trust for the tribe, in exchange for land assignments by the tribe to the grantors of other members designated by the grantors.

In June 1958, the Muckleshoot Reservation consisted of 2,117.5 acres of Indian-owned land, approximately 344 acres of which were in tribal ownership. Title to all of these tribal lands was acquired by the tribe from original allottees, or their heirs, devisees, or assigns, in exchange for land assignments in connection with the use and consolidation program initiated by the tribe. These conveyances were made with the understanding that the remainder of the allotted lands would also be conveyed to the tribe as a part of the program. The consolidation program was abandoned after a few of the Indian landowners had actually made conveyances.

The grantors received assignments covering all or a portion of the lands which they conveyed to the tribe. Consequently, the rights they conveyed to the tribe were greater than the rights they received in exchange therefor. They gave up a fee title for a right to use and occupy.

The Muckleshoot Tribal Council makes no claim of ownership of these lands and permits the heirs or the assignees to have full leasing responsibilities. The Council also recommends that the tribal lands be reconveyed to the original allottees or heirs.

I have no objection to the passage of the bill.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2877) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of the constitution, bylaws, and corporate charter of the Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington, the Tribal Council of the Muckleshoot Indian Tribe may, with the approval of the Secretary of the Interior, reconvey to the former owners, or their heirs or devisees all of the right, title, and interest which the tribe and the United States acquired in restricted allotted lands in exchange for assignments of tribal lands. Each such conveyance shall have the same force and effect as the patent issued to the original allottee.

DELIVERY OF WATER UNDER FEDERAL RECLAMATION LAWS

The Senate proceeded to consider the bill (S. 68) to provide for continued delivery of water under the Federal reclamation laws to lands held by husband and wife upon the death of either, which had been reported from the Committee on Interior and Insular Affairs, with an amendment on page 2, line 3, after the word "spouse", to insert a colon and "*Provided*, That in the event of the remarriage of the surviving spouse, such lands shall be governed by applicable law without regard to the provisions of this Act.", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where the death of a husband or wife causes lands in private ownership to become excess lands, as that term is used in section 46 of the Act of May 25, 1926 (44 Stat. 636; 43 U.S.C. 423e), and those lands had theretofore been eligible to receive water from a project under the Federal reclamation laws (Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereto) without execution of a recordable contract under section 46 of said Act of May 25, 1926, the Secretary of the Interior is authorized to furnish water to them, without requiring execution of such a contract, so long as they remain in the ownership of the surviving spouse: *Provided*, That in the event of the remarriage of the surviving spouse, such lands shall be governed by applicable law without regard to the provisions of this Act.

Mr. MORSE. Mr. President, may we have an explanation of the bill?

Mr. ANDERSON. Mr. President, the report sets forth that if a family owns a certain piece of ground, the present situation is that not more than 160 acres of the land in a Federal irrigation project can be served with water. However, in a community-property State the ruling is that both the husband and the wife may each own 160 acres of such land.

This bill provides that in case either the husband or the wife dies, the surviving spouse will not be compelled to sell the additional 160 acres immediately, but may retain it for a suitable length of time.

The bill was carefully considered, because such problems frequently arise in community-property States which also are irrigation land States.

Mr. MORSE. In other words, under the policy now proposed, each spouse would be entitled to have water served to 160 acres; and if one of the spouses dies, this bill, if it is enacted, will permit the surviving spouse to continue to obtain water for the total of 320 acres. What is the time provision, if any, in regard to when the additional 160 acres would have to be disposed of?

Mr. ANDERSON. At the time of remarriage. In case a widow who was in such a situation remarried, and if her second husband also had 160 acres, the total then under the control of the husband and wife would be 480 acres. This bill would compel them to sell the extra 160 acres, in order to return to a total holding of 320 acres.

Mr. MORSE. I thank the Senator from New Mexico.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Interior and Insular Affairs.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DELIVERY OF WATER TO LANDS IN THE THIRD DIVISION, RIVERTON FEDERAL RECLAMATION PROJECT, WYOMING

The joint resolution (S.J. Res. 150) permitting the Secretary of the Interior to continue to deliver water to lands in the third division, Riverton Federal reclamation project, Wyoming, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That pending completion of a repayment contract the Secretary of the Interior is authorized to continue to deliver water to the lands in the Third Division, Riverton Federal reclamation project, Wyoming, during the calendar years 1960 and 1961, as under the provisions of section 9, subsection (d)(1), of the Reclamation Project Act of 1939 (53 Stat. 1187, 1195, 43 U.S.C. 485h(d)) but without regard to the time limitation therein specified.

APPROVAL OF CONTRACT WITH THE CONEJOS WATER CONSERVANCY DISTRICT, COLORADO

The bill (H.R. 6516) to approve a contract with the Conejos Water Conservancy District, Colorado, to ratify its execution, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

CONVEYANCE OF CERTAIN LANDS IN SALT LAKE COUNTY, UTAH

The bill (H.R. 5270) to authorize the Secretary of the Interior to convey to the Metropolitan Water District of Salt Lake City, Utah, all right, title, and interest of the United States in certain lands located in Salt Lake County, Utah, was announced as next in order.

Mr. MORSE. Mr. President, I ask unanimous consent to have inserted at this point in the RECORD a memorandum which shows that this bill does not violate the Morse formula.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MORSE

H.R. 5270 authorizes the Secretary of the Interior to convey to the metropolitan water district of Salt Lake City, Utah, all right, title, and interest of the United States in a 7.7-acre tract of land which was originally donated by the district to the Federal Government for use in connection with construction of the Aqueduct Division of the Provo River Federal reclamation project.

The Federal Government later decided that it did not need the 7.7-acre tract of land in connection with the project. Since the land is not to be used for the specific purpose intended the metropolitan water district desires to have the tract reconveyed to it so that it can use it as an administrative headquarters site for the operation of the project.

The Department of the Interior and the Bureau of the Budget favor the enactment of this bill.

H.R. 5270 is in conformity with the Morse formula because it seeks to carry out the intention underlying the original conveyance by the water district to the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H.R. 5270) was considered, ordered to a third reading, read the third time, and passed.

ACQUISITION OF LANDS FOR THE GEOLOGICAL SURVEY

The bill (H.R. 4483) to amend the act of December 24, 1942 (56 Stat. 1086, 43 U.S.C. 36b), entitled "An act to authorize the Secretary of the Interior to acquire lands or interest in lands for the Geological Survey was considered, ordered to a third reading, read the third time, and passed.

EXEMPTION OF BICYCLE TIRES AND TUBES FROM THE MANUFACTURER'S EXCISE TAX

The bill (H.R. 8318) to amend the Internal Revenue Code of 1954 to exempt bicycle tires and tubes used in the manufacture of new bicycles from the manufacturer's excise tax on tires and tubes was considered, ordered to a third reading, read the third time, and passed.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an explanation of House bill 8318, which has just been passed.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BYRD OF VIRGINIA

House Bill 8318 relates to the excise tax on bicycle tires and tubes. Under present law, a tax of 5 cents a pound applies to bicycle tires and a tax of 9 cents a pound applies to inner tubes. These taxes apply to sales of tires and tubes by the manufacturers, producers or importers. Bicycle tires and tubes (whether manufactured here or imported) are subject to tax when sold in the United States to bicycle manufacturers or others for mounting on new bicycles. Similarly, they are subject to tax if the tire and tube manufacturer himself mounts a tire and tube on a bicycle, since such use is deemed to be a sale. However, in the case of bicycle tires and tubes mounted on bicycles outside the United States, where the bicycles are sold in the United States no U.S. excise tax is paid on the bicycle tires and tubes.

The House bill, approved without change by your committee, eliminates this discrimination by providing an exemption for bicycle tires and tubes sold for use in the manufacture, or production of new bicycles, or used by the tire and tube manufacturer for this purpose. The taxes will continue to apply, however, to tires and tubes sold, or used, as replacements.

The changes made by this bill are to be effective the first day of the first month beginning more than 10 days after the date of enactment of this bill.

BILL PASSED OVER

The bill (H.R. 4251) to amend the Internal Revenue Code of 1954 with respect to the limitation on the deduction of exploration expenditures, was announced as next in order.

Mr. BARTLETT. Mr. President, by request, I ask that the bill go over.

The PRESIDING OFFICER (Mr. CARLSON in the chair). The bill will be passed over.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an explanation of H.R. 4251, which has just been passed over.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BYRD OF VIRGINIA

House bill 4251 relates to the limitation on deduction of exploration expenditures.

Under present law an annual exploration expenditure deduction of up to $100,000 is allowed for no more than 4 years. Exploration expenditure deductions may be taken for expenditures made in exploring for ore or mineral deposits (but not for oil or gas).

This exploration expenditure deduction was added by the Revenue Act of 1951. The Finance Committee report indicates that the limitation was provided because of the desire to provide a "special incentive for increased exploration for mineral deposits • • • especially in the case of taxpayers with limited financial resources."

In actual operation, however, this provision has tended to discriminate against smaller producers. This results from the fact that although a taxpayer may claim deductions of up to $100,000 in any one year, he may not take such deductions for more than 4 years. Thus, a relatively large producer may obtain the full benefit of these deductions by claiming $100,000 in each of 4 years. However, a smaller producer whose annual exploration expenditures do not amount to as much as $100,000 will lose part of the benefit.

Your committee has approved the House bill without change. It removes the 4-year limitation, and provides an overall ceiling of $400,000 with an annual limitation on the deduction of $100,000. No taxpayer will be able to claim exploration expenditure deductions in excess of $100,000 for any year, but if his exploration expenditures are less than $100,000 per year, he will be able to deduct them over a longer period than 4 years so long as his total exploration expenditure deductions do not exceed $400,000.

This bill applies to taxable years beginning after the date of enactment.

TRANSPORTATION OF CANADIAN VESSELS BETWEEN HYDER, ALASKA, AND OTHER POINTS IN ALASKA

The bill (S. 2773) to provide transportation on Canadian vessels between ports in southeastern Alaska, and between Hyder, Alaska, and other points in Alaska was announced as next in order.

Mr. BARTLETT. Mr. President, I ask that the Senate now proceed to the consideration of Calendar No. 1239.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill (H.R. 9599) to provide transportation on Canadian vessels between ports in southeastern Alaska, and between Hyder, Alaska, and other points in southeastern Alaska, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 2773 will be indefinitely postponed.

TRANSFER OF THE DEVELOPMENT OPERATIONS DIVISION OF THE ARMY BALLISTIC MISSILE AGENCY

The joint resolution (H.J. Res. 567) to effect immediately the transfer of the Development Operations Division of the Army Ballistic Missile Agency to the National Aeronautics and Space Administration, was announced as next in order.

Mr. BARTLETT. Mr. President, on January 14, the President submitted to Congress a proposal designed to transfer the Army Ballistic Missile Agency's Development Operations Division—the Von Braun team—to the National Aeronautics and Space Administration. This proposal was submitted in accordance with provisions of the Space Act of 1958, which requires that any such transfer will become effective 60 days after its submission to Congress, unless Congress adopts a concurrent resolution opposing the transfer.

The House passed House Joint Resolution 567, designed to waive the 60-day waiting period.

The Senate Space Committee took testimony and reported a similar resolution.

Regardless of the resolution, the President received authority to make the transfer when the 60-day waiting period was up. Inasmuch as the original proposal was made on the 14th of January, the 60 days had elapsed by about the 14th of March. In view of the fact that the Senate had not acted, the resolution is no longer germane.

Therefore, Mr. President, I ask that House Joint Resolution 567 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, the joint resolution will be indefinitely postponed.

HOSPITALIZATION OF CERTAIN NATIONALS AT ST. ELIZABETHS HOSPITAL

The bill (S. 2331) to provide for the hospitalization, at St. Elizabeths Hospital in the District of Columbia or elsewhere, of certain nationals of the United States adjudged insane or otherwise found mentally ill in foreign countries, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of this Act, except as the context may otherwise require—

(a) The term "Department" means the Department of Health, Education, and Welfare.

(b) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(c) The term "State" means a State or Territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia.

(d) The term "eligible person" means an individual with respect to whom the following certificates are furnished to the Secretary:

(1) A certificate of the Secretary of State that such individual is a national of the United States; and

(2) Either (A) a certificate obtained or transmitted by the Secretary of State that such individual has been legally adjudged insane in a named foreign country, or (B) a certificate of an appropriate authority or person (as determined in accordance with regulations prescribed by the Secretary of Health, Education, and Welfare) stating that at the time of such certification such individual was in a named foreign country and was in need of care and treatment in a mental hospital.

(e) The term "residence" means residence as determined under the applicable law or regulations of a State or political subdivision for the purpose of determining the eligibility of an individual for hospitalization in a public mental hospital.

SEC. 2. (a) Upon request of the Secretary of State, the Secretary of Health, Education, and Welfare is authorized (directly or through arrangements under this subsection) to receive any eligible person at any port of entry or debarkation upon arrival from a foreign country, and to the extent he finds it necessary, to temporarily care for and treat at suitable facilities (including a hospital), and otherwise render assistance to, such person pending his transfer or hospitalization pursuant to other sections of this Act. For the purpose of providing such care and treatment and assistance, the Secretary is authorized to enter into suitable arrangements with appropriate State or other public or nonprofit agencies. Such arrangements shall be made without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), and may provide for payment by the Secretary either in advance or by way of reimbursement.

(b) The Secretary may, to the extent deemed appropriate, equitable, and practicable by him, (1) require any person receiving care and treatment or assistance pursuant to subsection (a) to pay, in advance or by way of reimbursement, for the cost thereof or (2) obtain reimbursement for such cost from any State or political subdivision responsible for the cost of his subsequent hospitalization.

SEC. 3. If, at the time of arrival in the United States, the residence or the legal domicile of an eligible person appearing to be in need of care and treatment in a mental hospital is known to be in a State, or whenever thereafter such a person's residence or legal domicile in a State is ascertained, the Secretary shall, if the person is then under his care (whether directly or pursuant to a contract or other arrangement under section 2 or 4), endeavor to arrange with the proper authorities of such State, or of a political subdivision thereof, for the assumption of responsibility for the care and treatment of such person by such authorities and shall, upon the making of such arrangement in writing, transfer and release such person to such authorities. In the event the State of the residence or legal domicile of an eligible person cannot be ascertained, or the Secretary is unable to arrange with the proper authorities of such State, or of a political subdivision thereof, for the assumption of responsibility for his care and treatment, the Secretary may, if he determines that the best interests of such person will be served thereby, transfer and release the eligible person to a relative who agrees in writing to assume responsibility for such person after having been fully informed as to his condition.

SEC. 4. (a) Until the transfer and release of an eligible person pursuant to section 3, the Secretary is authorized to provide care and treatment for such person at Saint Elizabeths Hospital, at any other Federal hospital within or (pursuant to agreement) outside of the Department, or (under contract or other arrangements made without regard to section 3709 of the Revised Statutes, as amended) at any other public or private hospital in any State and, for such purposes, to transfer such person to any such hospital from a place of temporary care provided pursuant to section 2. In determining the place of such hospitalization, the Secretary shall give due weight to the best interests of the patient.

(b) The authority of the Secretary to provide hospitalization for any person under this section shall not apply to any person for whose medical care and treatment any agency of the United States is responsible.

SEC. 5. (a) Any person admitted to any hospital pursuant to section 2 or section 4 shall, as soon as practicable, but in no event more than 5 days after the day of such admission, be examined by qualified members of the medical staff of the hospital and, unless found to be in need of hospitalization by reason of mental illness, shall be discharged. Any person found upon such examination to be in need of such hospitalization shall thereafter, as frequently as practicable but not less often than every 6 months, be reexamined and shall, whenever it is determined that the conditions justifying such hospitalization no longer obtain, be discharged or, if found to be in the best interests of the patient, be conditionally released.

(b) Whenever any person is admitted to a hospital pursuant to this Act, his legal guardian, spouse, or next of kin shall, if known, be immediately notified.

SEC. 6. (a) If a person who is a patient hospitalized under section 2 or section 4, or his legal guardian, spouse, or adult next of kin, requests the release of such patient, the right of the Secretary, or the head of the hospital, to detain him for care and treatment shall be determined in accordance with such laws governing the detention, for care and treatment, of persons alleged to be mentally ill as may be in force and applicable generally in the State in which such hospital is located, but in no event shall the patient be detained more than 48 hours (excluding any period of time falling on a Sunday or legal holiday) after the receipt of such request unless within such time (1) judicial proceedings for such hospitalization are commenced or (2) a judicial extension of such time is obtained, for a period of not more than 5 days, for the commencement of such proceedings.

(b) The Secretary is authorized at any time, when he deems it to be in the interest of the person or of the institution affected, to transfer any person hospitalized under section 4 from one hospital to another, and to that end any judicial commitment of any person so hospitalized may be to the Secretary.

SEC. 7. In the case of any person hospitalized under section 4 who has been judicially committed to the Secretary's custody, the Secretary shall, upon the discharge or conditional release of such person, or upon such person's transfer and release under section 3, notify the committing court of such discharge or conditional release or such transfer and release.

SEC. 8. (a) Any person hospitalized under section 4 or his estate, shall be liable to pay or contribute toward the payment of the costs or charges for his care and treatment to the same extent as such person would, if resident in the District of Columbia, be liable to pay, under the laws of the District of Columbia, for his care and maintenance in a hospital for the mentally ill in that jurisdiction. The Secretary may, in his discretion, where in his judgment substantial justice will be best served thereby or the probable recovery will not warrant the expense of collection, compromise or waive the whole or any portion of any claim under this section. In carrying out this section, the Secretary may make or cause to be made such investigations as may be necessary to determine the ability of any person hospitalized under section 4 to pay or contribute toward the cost of his hospitalization. All collections or reimbursement on account of the costs and charges for the care of the eligible person shall be deposited in the Treasury as miscellaneous receipts. Any judicial proceedings to recover such costs or charges shall be brought in the name of the United States in any court of competent jurisdiction.

(b) As used in this section, the term "costs or charges" means, in the case of hospitalization at a hospital under the jurisdiction of the Department of Health, Education, and Welfare, a per diem rate prescribed by the Secretary on a basis comparable to that charged for any other paying patients and, in the case of persons hospitalized elsewhere, the contract rate or a per diem rate fixed by the Secretary on the basis of the contract rate.

SEC. 9. Appropriations for carrying out this Act shall also be available for the transportation of any eligible person and necessary attendants to or from a hospital (including any hospital of a State or political subdivision to which an eligible person is released under section 3), to the place where a relative to whom any person is released under section 3 resides, or to a person's home upon his discharge from hospitalization under this Act.

SEC. 10. The following Acts are repealed, effective upon the date of enactment of legislation appropriating funds for carrying out this Act:

(a) The Act entitled "An Act to provide for the admission to Saint Elizabeths Hospital of insane persons belonging to the Foreign Service of the United States", approved October 29, 1941 (24 U.S.C. 191a).

(b) The Act entitled "An Act to provide for the repatriation of certain insane American citizens", approved March 2, 1929 (24 U.S.C. 196a).

SEC. 11. This Act shall, except as otherwise specified, take effect on the date of its enactment.

KIM YONG CHA

The bill (S. 2538) for the relief of Kim Yong Cha, fiance of Cpl. LeMaine Ellingson, RA55280245, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Kim Yong Cha, the fiance of Corporal LeMaine Ellingson, RA55280245, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of three months: *Provided*, That the administrative authorities find that the said Kim Yong Cha is coming to the United States with a bona fide intention of being married to the said Corporal LeMaine Ellingson, RA55280245, and that she is found otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Kim Yong Cha, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Kim Yong Cha, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Kim Yong Cha as of the date of the payment by her of the required visa fee.

MARIA VITTONE AND ROSA FOSTINA

The bill (S. 2541) for the relief of Maria Vittone and Rosa Fostina was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor children, Maria Vittone and Rosa Fostina, shall be held and considered to be the natural-born alien children of Margaret (Maggie) Wesley, a citizen of the United States: *Provided*, That the natural parents of the said Maria Vittone and Rosa Postina shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

PIETRO CAPICI CONTI

The Senate proceeded to consider the bill (S. 2552) for the relief of Pietro Capici Conti, which had been reported from the Committee on the Judiciary, with amendments, in line 8, after the word "natural", to strike out "parents" and insert "mother", and in the same line, after the word "said", to strike out "Pietro Capici Conti" and insert "Pietro Capici Cordaro", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Pietro Capici Cordaro, shall be held and considered to be the natural-born alien child of Giovannina (Jennie) Conti, a citizen of the United States: *Provided*, That the natural mother of the said Pietro Capici Cordaro shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Pietro Capici Cordaro."

ESTATE OF JOHN STEVE

The bill (H.R. 1540) for the relief of the estate of John Steve, was considered, ordered to a third reading, read the third time, and passed.

EXTENSION OF STATUTE OF LIMITATIONS OF CERTAIN FOREIGN CLAIMS

The bill (H.R. 2740) to amend section 2734 of title 10, United States Code, to extend the statute of limitations in the case of certain foreign claims, was considered, ordered to a third reading, read the third time, and passed.

TATSUMI AJISAKA AND OTHERS

The Senate proceeded to consider the bill (H.R. 8251) for the relief of Tatsumi Ajisaka and others, which had been reported from the Committee on the Judiciary, was an amendment, on page 2, line 10, after the figures "$73", to strike out "Civil Aero Club, $2,505.50;".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

HSIAO-LI LINDSAY (NEE LI-HSIAO-LI)

The Senate proceeded to consider the bill (H.R. 9444) for the relief of Hsiao-li Lindsay (nee Li-Hsiao-li), which had been reported from the Committee on the Judiciary, with an amendment, in line 5, after the name "Great Britain", to strike out "notwithstanding the provisions of section 202(a) and 202(b) of that Act," and insert "and the provisions of sections 201(a), 202(a)(5), and 202(b)(2) of that Act shall not be applicable in this case.".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ARTHUR E. COLLINS

The Senate proceeded to consider the bill (H.R. 4826) for the relief of Arthur E. Collins, which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 5, after the name "Collins", to strike out "Missouri," and insert "Casper, Wyoming,", and on page 2, line 6, after the word "Act", to strike out "in excess of 10 per centum thereof".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PAINTING AND ILLUMINATION OF RADIO TOWERS

The bill (S. 2812) to amend the Communications Act of 1934 with respect to the painting and illumination of radio towers, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 303(q) of the Communications Act of

1934 (47 U.S.C. 303(q)) is amended by inserting after the period at the end thereof the following: "The permittee or licensee shall maintain the painting and/or illumination of the tower as prescribed by the Commission pursuant to this section. In the event that the tower ceases to be licensed by the Commission for the transmission of radio energy, the owner of the tower shall maintain the prescribed painting and/or illumination of such tower until it is dismantled."

DETERMINATION OF ELIGIBILITY OF FEDERAL EMPLOYEES FOR UNEMPLOYMENT COMPENSATION

The Senate proceeded to consider the bill (H.R. 3472) to repeal section 1505 of the Social Security Act so that in determining eligibility of Federal employees for unemployment compensation their accrued annual leave shall be treated in accordance with State laws, and for other purposes, which had been reported from the Committee on Finance, with an amendment, on page 2, after line 2, to insert a new section, as follows:

SEC. 3. Section 213(a)2(B) of the Social Security Act is amended by adding at the end thereof the following language: "If, in the case of an individual who did not die prior to January 1, 1955, and who attained retirement age or died before July 1, 1957, the requirements for insured status in section 214(a)(3) are not met because of his having too few quarters of coverage but would be met if his quarters of coverage in the first calendar year in which he had any covered employment had been determined on the basis of the period during which wages were earned rather than on the basis of the period during which wages were paid (any such wages paid that are reallocated on an earned basis shall not be used in determining quarters of coverage for subsequent calendar years), then upon application filed by the individual or his survivors and satisfactory proof of his record of wages earned being furnished by such individual or his survivors, the quarters of coverage in such calendar year may be determined on the basis of the periods during which wages were earned."

This amendment shall be applicable in the case of monthly benefits under title II of the Social Security Act for months after June 1957, and in the case of the lump-sum death payments under such title, with respect to deaths occurring after such month; the requirements for filing applications for such benefits and payments within certain time limits, as prescribed in sections 202(i) and 202(j) of such title, shall not apply if an application is filed within the one-year period beginning with the first day of the month after the month in which this Act is enacted.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. MORSE. Mr. President, I was giving heed to another matter when Calendar No. 1193, House bill 3472, was passed. I should like to have the Senate return to it for the purpose of receiving an explanation of it, and possibly so that I may ask some questions with respect to it. I am concerned with one problem which may be connected with it, which an explanation may remove.

Mr. President, I ask unanimous consent that the Senate reconsider the vote by which it passed Calendar No. 1193, House bill 3472.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the vote by which the bill was passed is reconsidered.

Mr. BYRD of Virginia. Mr. President, the purpose of H.R. 3472 is to repeal section 1505 of the Social Security Act so that, in determining eligibility of Federal civilian employees for unemployment compensation, their accrued annual leave shall be treated in accordance with State laws.

The Federal employees' unemployment insurance program is administered by the States under agreements with the Federal Government. However, under section 1505 of the Social Security Act no compensation may be paid to a Federal employee during a period subsequent to separation from Federal service when he is being paid for accrued annual leave. The committee's bill, by repealing section 1505, would make the award of unemployment compensation to a separated Federal civilian employee while he has accrued annual leave depend upon the provisions of the appropriate State unemployment compensation law.

COMMITTEE AMENDMENT

Section 3 of the bill, which was added by the committee, is intended to make a technical correction necessary to prevent undue hardship and injustice.

The present law provides that a quarter of coverage under OASI is based on the quarter in which wages are paid. Originally Congress provided that coverage should be based on the period when the covered work was performed, and the retirement test is still based on this concept.

The purpose of this amendment is to qualify for social security benefits certain workers who have worked in covered employment for the required number of quarters, but who are unable to establish such eligibility due to this method now being used by the Social Security Administration in determining the insured status on the basis of the periods in which the wages were paid, instead of the periods during which the wages were earned.

May I state a hypothetical case to illustrate a resultant hardship: A claimant who attained age 65 on January 31, 1955, had worked in covered employment for the minimum requirement of six quarters—ending March 31, 1956, June 30, 1956, September 30, 1956, December 31, 1956, March 31, 1957, and June 30, 1957. His employer paid his wages for the quarter ending September 30, 1956, on October 2, 1956; so they were credited in the next quarter, leaving him with no credit for the quarter in question. This claimant is physically unable to perform any further work and should not be deprived of his earned benefits because of this technicality.

As recommended by the Secretary of Health, Education, and Welfare, the amendment is limited in scope to individuals who did not die prior to January 1, 1955, and who attained retirement age or died before January 1, 1957, so as to give protection to the large group of individuals who were covered by the program for the first time in 1955. It is also limited to coverage acquired in the first year that the individual was in covered employment, since in such periods there is often a lag involved between when actual employment occurs and when wages are actually paid, thus possibly resulting in the loss of a needed quarter of coverage. The amendment would be effective for monthly benefits in respect to months after June 1957, if application therefor is filed within about 1 year after the month of enactment.

It was approved by the Department of Health, Education, and Welfare.

Mr. MORSE. Mr. President, will the Senator yield for a question?

Mr. BYRD of Virginia. I yield.

Mr. MORSE. This is obviously a very complicated bill, when we start considering it in connection with specific cases.

It may be that the hypothetical question I am now going to state to the Senator, for an answer, is not at all applicable, but I am worried about this hypothetical situation. Let us consider a Federal employee who is separated from the Federal service. Because the employee is separated from the Federal service he is entitled to certain accrued benefits which flow to him after separation from the service, which he in fact has earned under our annuity system.

Would this bill provide that because the person is getting those benefits he cannot be considered for unemployment insurance benefits in accordance with some State law, on the ground that he is getting some income from the Federal Government?

Mr. BYRD of Virginia. The State laws would govern that matter. In other words, in determining the eligibility of Federal employees for unemployment compensation their accrued annual leave shall be treated in accordance with State law, as is true with respect to other matters relating to this.

Mr. MORSE. If that means anything it means, I suppose, that under the present situation the accrued annual benefits are not now so treated. In other words, is the bill an amendment which makes a concession to the States, so that the States can, in effect, use the payments from the Federal Government as the basis for making an employee ineligible for unemployment insurance benefits under the State law?

Mr. BYRD of Virginia. By repealing section 1505 the bill would make the award of unemployment compensation to a separated Federal civilian employee while he has accrued annual leave depend upon the provisions of the appropriate State unemployment compensation law. As the Senator well knows, the benefits are fixed by the States, in respect to unemployment compensation.

Mr. MORSE. If it is true that the bill would not make any difference at all, then why is it necessary?

I should like to find out what I shall be doing if I vote for the bill. Will I be putting the separated Federal employee in a position where he would be less protected than he is now? I know that some of our State unemployment insurance benefit laws are shockingly inadequate. We are dealing with this very problem in the Committee on the District of Columbia now, in respect to unemployment insurance benefits in the District of Columbia. This has caused me to make a rather thorough study of the unemployment insurance benefits in our several States. They are pretty sad. I do not want to vote this afternoon for some bill which is going to make them worse.

Let me put it this way: I do not want to vote for a bill which is going to put the States in a position to take further advantage of unemployed Federal employees who have been separated from the Federal service than they now do.

Mr. BYRD of Virginia. I think the intention of the committee was to liberalize the provisions to a certain extent.

Under section 1505, which would be repealed by the bill, it is provided that no compensation may be paid to a Federal employee during a period subsequent to separation from Federal service when he is being paid for accrued annual leave.

Mr. MORSE. I do not know why he should be.

Mr. BYRD of Virginia. That is the law.

Mr. MORSE. That is income. That is as much income as he would get from a stock dividend.

I am sure the Senator from Virginia will not take any offense if I ask for time to study the bill.

Mr. BYRD of Virginia. The Senator from Oregon did not understand me. The bill would repeal that section and provide that the separated Federal employee could get unemployment insurance while receiving accrued annual leave.

Mr. MORSE. He could get it?

Mr. BYRD of Virginia. He could get it.

Mr. MORSE. Then there is no question, under the amendment.

Mr. BYRD of Virginia. The committee bill, by repealing section 1505, would make possible the award of unemployment compensation to a separated Federal civilian employee while he has accrued annual leave coming to him.

Mr. MORSE. Then we are of one mind. I am glad I asked the question. I thank the Senator. I misunderstood the import of the bill.

With that understanding, I have no objection.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill (H.R. 3472) was passed.

DOCUMENTATION OF VESSEL "EDITH Q." AS A VESSEL OF THE UNITED STATES

The Senate proceeded to consider the bill (S. 1765) to authorize and direct the Treasury to cause the vessel *Edith Q.*, owned by James O. Quinn, of Sunset, Maine, to be documented as a vessel of the United States with full coastwise privileges, which had been reported from the Committee on Interstate and Foreign Commerce, with an amendment, on page 1, line 5, after "(46 U.S.C. 11)," to insert "and section 27 of the Merchant Marine Act, 1920, as amended (46 U.S.C. 883)," so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 4132 of the Revised Statutes of the United States, as amended (46 U.S.C. 11), and section 27 of the Merchant Marine Act, 1920, as amended (46 U.S.C. 883), the Secretary of the Treasury is authorized and directed to cause that certain vessel now known as the Edith Q. (formerly the Miss Paul), built in 1950, in Nova Scotia, and now owned by James O. Quinn, of Sunset, Maine, to be documented as a vessel of the United States with full coastwise privileges, upon compliance with the usual requirements, so long as the vessel is owned and shall continue to be owned by a citizen of the United States.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF FOUR C1–SAY–1 TYPE VESSELS TO THE GOVERNMENT OF THE REPUBLIC OF CHINA

The Senate proceeded to consider the bill (H.R. 8042) to authorize the Secretary of Commerce to resell four C1–SAY–1 type vessels to the Government of the Republic of China for use in Chinese trade in Far East and Near East waters exclusively, which had been reported from the Committee on Interstate and Foreign Commerce, with an amendment, on page 3, line 9, after the word "named", to strike out "vessels" and insert "vessels, and less depreciation computed at the rate of 3½ per centum per annum from the date of default under the original contract to the date of sale under this act."

The amendment was agreed to.

Mr. WILLIAMS of Delaware. Mr. President, if the depreciation is to be computed under a formula in accordance with my understanding of the bill I would have no objection.

Mr. MAGNUSON. Mr. President, I cannot hear the Senator.

Mr. WILLIAMS of Delaware. Mr. President, I should like to ask the Senator from Washington a question.

Under the committee bill, as amended, if the bill is passed, would the depreciation be computed on the statutory sales price as reduced by the payments made under the original contract?

Mr. MAGNUSON. I wonder if the Senator from Delaware would repeat the question. I was getting the report.

Mr. WILLIAMS of Delaware. If the bill is passed as it is presently amended, would the depreciation be computed on the statutory sales price as reduced by the payments which were made under the original contract?

Mr. MAGNUSON. The answer is "Yes," according to the staff.

Mr. WILLIAMS of Delaware. With that clear understanding, Mr. President, I have no objection to the bill.

Mr. MAGNUSON. I also wish to say for the RECORD, Mr. President, this is a bill which has passed the House.

Mr. WILLIAMS of Delaware. Mr. President, the reason I asked the question is that I was talking with the Maritime Commission representatives, and they wanted to be sure as to what the committee intended. With the interpretation just given the net sales price will be $292,410 each, whereas had it been intended that the depreciation was to be computed on the old statutory price with depreciation taken to the present time the sales price would have been only $61,375 each.

I wanted to be sure that there was no misunderstanding as to what we are doing.

Mr. MAGNUSON. The staff understands it as such.

The PRESIDING OFFICER. If there is no further amendments to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An act to authorize the Secretary of Commerce to resell any two of four C1–SAY–1 type vessels to the Government of the Republic of China for use in Chinese trade in Far East and Near East waters exclusively."

BILL PASSED OVER

The bill (S. 2850) to provide for the appointment of one circuit judge for the 7th judicial circuit was announced as next in order.

Mr. ENGLE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

REGULATION OF DISTRIBUTION AND SALE OF PACKAGES OF HAZARDOUS SUBSTANCES

The Senate proceeded to consider the bill (S. 1283) to regulate the interstate distribution and sale of packages of hazardous substances intended or suitable for household use, which had been reported from the Committee on Interstate and Foreign Commerce, with an amendment, to strike out all after the enacting clause and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Hazardous Substances Labeling Act".

DEFINITIONS

SEC. 2. For the purposes of this Act—

(a) The term "territory" means any territory or possession of the United States, including the District of Columbia and the Commonwealth of Puerto Rico but excluding the Canal Zone.

(b) The term "interstate commerce" means (1) commerce between any State or territory and any place outside thereof, and (2) commerce within the District of Columbia or within any territory not organized with a legislative body.

(c) The term "Department" means the Department of Health, Education, and Welfare.

(d) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(e) The term "person" includes an individual, partnership, corporation, and association.

(f) The term "hazardous substance" means:

1. (A) Any substance or mixture of substances which (i) is toxic, (ii) is corrosive, (iii) is an irritant, (iv) is a strong sensitiser, (v) is flammable, or (vi) generates pressure through decomposition, heat, or other means, if such substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children.

(B) Any substances which the Secretary by regulation finds, pursuant to the provisions of section 3(a), meet the requirements of subparagraph 1(A) of this paragraph.

(c) Any radioactive substance, if, with respect to such substance as used in a particular class of article or as packaged, the Secretary determines by regulation that the substance is sufficiently hazardous to require labeling in accordance with this Act in order to protect the public health.

2. The term "hazardous substance" shall not apply to economic poisons subject to the Federal Insecticide, Fungicide, and Rodenticide Act, nor to foods, drugs and cosmetics subject to the Federal Food, Drug, and Cosmetic Act, nor to substances intended for use as fuels when stored in bulk containers and used in the heating, cooking, or refrigeration system of a house.

3. The term "hazardous substance" shall not include any source material, special nuclear material, or by-product material as defined in the Atomic Energy Act of 1954, as amended, and regulations issued pursuant thereto by the Atomic Energy Commission.

(g) The term "toxic" shall apply to any substance (other than a radioactive substance) which has the capacity to produce personal injury or illness to man through ingestion, inhalation, or absorption through any body surface.

(h)(1) The term "highly toxic" means any substance which falls within any of the following categories: (a) Produces death within fourteen days in half or more than half of a group of ten or more laboratory white rats each weighing between two hundred and three hundred grams, at a single dose of 50 milligrams or less per kilogram of body weight when orally administered; or (b) produces death within fourteen days in half or more than half of a group of ten or more laboratory white rats each weighing between two hundred and three hundred grams, when inhaled continuously for a period of one hour or less at an atmospheric concentration of two hundred parts per million by volume or less of gas or vapor or two milligrams per liter by volume or less of mist or dust, provided such concentration is likely to be encountered by man when the substance is used in any reasonably foreseeable manner; or (c) produces death within fourteen days in half or more than half of a group of ten or more rabbits tested in a dosage of two hundred milligrams or less per kilogram of body weight, when administered by continuous contact with the bare skin for twenty-four hours or less.

(2) If the Secretary finds that available data on human experience with any substance indicate results different from those obtained on animals in the above-named dosages or concentrations, the human data shall take precedence.

(i) The term "corrosive" means any substance which in contact with living tissue will cause destruction of tissue by chemical action; but shall not refer to action on inanimate surfaces.

(j) The term "irritant" means any substance not corrosive within the meaning of subparagraph (i) which on immediate, prolonged, or repeated contact with normal living tissue will induce a local inflammatory reaction.

(k) The term "strong sensitizer" means a substance which will cause on normal living tissue through an allergic or photodynamic process a hypersensitivity which becomes evident on reapplication of the same substance and which is designated as such by the Secretary. Before designating any substance as a strong sensitizer, the Secretary, upon consideration of the frequency of occurrence and severity of the reaction, shall find that the substance has a significant potential for causing hypersensitivity.

(l) The term "extremely flammable" shall apply to any substance which has a flash point at or below twenty degrees Fahrenheit as determined by the Tagliabue Open Cup Tester, and the term "flammable" shall apply to any substance which has a flash point of above twenty degrees to and including eighty degrees Fahrenheit, as determined by the Tagliabue Open Cup Tester; except that the flammability of solids, and of the contents of self-pressurized containers shall be determined by methods found by the Secretary to be generally applicable to such materials or containers, respectively, and established by regulations issued by him, which regulations shall also define the terms "flammable" and "extremely flammable" in accord with such methods.

(m) The term "radioactive substance" means a substance which emits ionizing radiation.

(n) The term "label" means a display of written, printed, or graphic matter upon the immediate container of any substance; and a requirement made by or under authority of this Act that any word, statement, or other information appearing on the label shall not be considered to be complied with unless such word, statement, or other information also appears (1) on the outside container or wrapper, if any there be, unless it is easily legible through the outside container or wrapper and (2) on all accompanying literature where there are directions for use, written or otherwise.

(o) The term "immediate container" does not include package liners.

(p) The term "misbranded package" or "misbranded package of a hazardous substance" means a hazardous substance in a container intended or suitable for household use which, except as otherwise provided by or pursuant to section 3, fails to bear a label—

(1) which states conspicuously (A) the name and place of business of the manufacturer, packer, distributor, or seller; (B) the common or usual name or the chemical name (if there be no common or usual name) of the hazardous substance or of each component which contributes substantially to its hazard, unless the Secretary by regulation permits or requires the use of a recognized generic name; (C) the signal word "DANGER" on substances which are extremely flammable, corrosive, or highly toxic; (D) the signal word "WARNING" or "CAUTION" on all other hazardous substances; (E) an affirmative statement of the principal hazard or hazards, such as "Flammable", "Vapor Harmful", "Causes Burns", "Absorbed Through Skin", or similar wording descriptive of the hazard; (F) precautionary measures describing the action to be followed or avoided, except when modified by regulation of the Secretary pursuant to section 3; (G) instruction, when necessary or appropriate, for first-aid treatment; (H) the word "poison" for any hazardous substance which is defined as "highly toxic" by subsection (h); (I) instructions for handling and storage of packages which require special care in handling or storage; and (J) the statement "Keep out of the reach of children", or its practical equivalent, and

(2) on which any statements required under subparagraph (1) of this paragraph are located prominently and are in the English language in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on the label.

REGULATIONS DECLARING HAZARDOUS SUBSTANCES AND ESTABLISHING VARIATIONS AND EXEMPTIONS

SEC. 3. (a) 1. Whenever in the judgment of the Secretary such action will promote the objectives of this Act by avoiding or resolving uncertainty as to its application, the Secretary may by regulation declare to be a hazardous substance, for the purposes of this Act, any substance or mixture of substances which he finds meets the requirements of subparagraph (1)(A) of section 2(f).

2. Proceedings for the issuance, amendment, or repeal of regulations under this subsection and the admissibility of the record of such proceedings in other proceedings, shall in all respects be governed by the provisions of section 701 (e), (f), and (g) of the Federal Food, Drug, and Cosmetic Act, except that—

(A) the Secretary's order after public hearing (acting upon objections filed to an order made prior to hearing) shall be subject to the requirements of section 409(f)(2) of the Federal Food, Drug, and Cosmetic Act; and

(B) the scope of judicial review of such order shall be in accordance with the third sentence of paragraph (2), and with the provisions of paragraph (3), of section 409(g) of the Federal Food, Drug, and Cosmetic Act.

(b) If the Secretary finds that the requirements of section 2(p)(1) are not adequate for the protection of the public health and safety in view of the special hazard presented by any particular hazardous substance, he may by regulation establish such reasonable variations or additional label requirements as he finds necessary for the protection of the public health and safety; and any container of such hazardous substance, intended or suitable for household use, which fails to bear a label in accordance with such regulations shall be deemed to be a misbranded package of a hazardous substance.

(c) If the Secretary finds that, because of the size of the package involved or because of the minor hazard presented by the substance contained therein, or for other good and sufficient reasons full compliance with the labeling requirements otherwise applicable under this Act is impracticable or is not necessary for the adequate protection of the public health and safety, the Secretary shall promulgate regulations exempting such substance from these requirements to the extent he determines to be consistent with adequate protection of the public health and safety.

(d) The Secretary may exempt from the requirements established by or pursuant to this Act any container of a hazardous substance with respect to which he finds that adequate requirements satisfying the purposes of this Act have been established by or pursuant to any other Act of Congress.

PROHIBITED ACTS

SEC. 4. The following acts and the causing thereof are hereby prohibited:

(a) The introduction or delivery for introduction into interstate commerce of any misbranded package of a hazardous substance.

(b) The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the label of, or the doing of any other act with respect to, a hazardous substance, if such act is done while the substance is in interstate commerce, or while the substance is held for sale (whether or not the first sale) after shipment in interstate commerce, and results in the hazardous substance being in a misbranded package.

(c) The receipt in interstate commerce of any misbranded package of a hazardous substance and the delivery or proffered delivery thereof for pay or otherwise.

(d) The giving of a guarantee or undertaking referred to in section 5(b)(2) which guarantee or undertaking is false, except by a person who relied upon a guarantee or undertaking to the same effect signed by, and containing the name and address of, the person residing in the United States from whom he received in good faith the hazardous substance.

(e) The failure to permit entry or inspection as authorized by section 11(b) or to permit access to and copying of any record as authorized by section 12.

(f) The introduction or delivery for introduction into interstate commerce, or the receipt in interstate commerce and subsequent delivery or proffered delivery for pay or otherwise, of a hazardous substance in a reused food, drug, or cosmetic container or in a container which, though not a reused container, is identifiable as a food, drug, or cosmetic container by its labeling or by other identification. The reuse of a food, drug, or cosmetic container as a container for a hazardous substance shall be deemed to be an act which results in the hazardous substance being in a misbranded package. As used in this paragraph, the terms "food", "drug", and "cosmetic" shall have the same meanings as in the Federal Food, Drug, and Cosmetic Act.

(g) The manufacture within any territory, of any hazardous substance that is misbranded.

(h) The use by any person to his own advantage, or revealing other than to the Secretary or officers or employees of the Department, or to the courts when relevant in any judicial proceeding under this Act, of any information acquired under authority of section 11 concerning any method of process which as a trade secret is entitled to protection.

PENALTIES

SEC. 5. (a) Any person who violates any of the provisions of section 4 shall be guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not more than $500 or to imprisonment for not more than ninety days, or both; but for offenses committed with intent to defraud or mislead, or for second and subsequent offense, the penalty shall be imprisonment for not more than one year, or a fine of not more than $3,000, or both such imprisonment and fine.

(b) No person shall be subject to the penalties of subsection (a) of this section, (1) for having violated section 4(c), if the receipt, delivery, or proffered delivery of the hazardous substance was made in good faith, unless he refuses to furnish on request of an officer or employee duly designated by the Secretary, the name and address of the person from whom he purchased or received such hazardous substance, and copies of all documents, if any there be, pertaining to the delivery of the hazardous substance to him; or (2) for having violated section 4(a), if he establishes a guarantee or undertaking signed by, and containing the name and address of, the person residing in the United States from whom he received in good faith the hazardous substance, to the effect that the hazardous substance is not in misbranded packages within the meaning of that term in this Act; or (3) for having violated subsection (a) or (c) of section 4 in respect of any hazardous substance shipped or delivered for shipment for export to any foreign country, in a package marked for export on the outside of the shipping container and labeled in accordance with the specifications of the foreign purchaser and in accordance with the laws of the foreign country.

SEIZURES

SEC. 6. (a) Any hazardous substances that is in a misbranded package when introduced into or while in interstate commerce or while held for sale (whether or not the first sale) after shipment in interstate commerce, or which may not, under the provisions of section 4(f), be introduced into interstate commerce, or which has been manufactured in violation of section 4(g), shall be liable to be proceeded against while in interstate commerce or at any time thereafter, on libel of information and condemned in any district court in the United States within the jurisdiction of which the hazardous substance is found: *Provided*, That this section shall not apply to a hazardous substance intended for export to any foreign country if it (1) is in a package branded in accordance with the specifications of the foreign purchaser, (2) is labeled in accordance with the laws of the foreign country, and (3) is labeled on the outside of the shipping package to show that it is intended for export, and (4) is so exported.

(b) Such hazardous substance shall be liable to seizure by process pursuant to the libel, and the procedure in cases under this section shall conform, as nearly as may be to the procedure in admiralty; except that on demand of either party any issue of fact joined in any such case shall be tried by jury When libel for condemnation proceedings under this section, involving the same claimant and the same issues of misbranding, are pending in two or more jurisdictions, such pending proceedings, upon application of the United States or the claimant seasonably made to the court of one such jurisdiction shall be consolidated for trial by order of such court, and tried in (1) any district selected by the applicant where one of such proceedings is pending; or (2) a district agreed upon by stipulation between the parties. If no order for consolidation is so made within a reasonable time, the United States or the claimant may apply to the court of one such jurisdiction, and such court (after giving the other party, the claimant, or the United States attorney for such district, reasonable notice and opportunity to be heard) shall by order, unless good cause to the contrary is shown, specify a district of reasonable proximity to the claimant's principal place of business, in which all such pending proceedings shall be consolidated for trial and tried. Such order of consolidation shall not apply so as to require the removal of any case the date for trial of which has been fixed. The court granting such order shall give prompt notification thereof to the other courts having jurisdiction of the cases covered thereby.

(c) Any hazardous substance condemned under this section shall, after entry of the decree, be disposed of by destruction or sale as the court may, in accordance with the provisions of this section, direct and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States; but such hazardous substance shall not be sold under such decree contrary to the provisions of this Act or the laws of the jurisdiction in which sold: *Provided*, That, after entry of the decree and upon the payment of the costs of such proceedings and the execution of a good and sufficient bond conditioned that such hazardous substance shall not be sold or disposed of contrary to the provisions of this Act or the laws of any State or Territory in which sold, the court may by order direct that such hazardous substance be delivered to the owner thereof to be destroyed or brought into compliance with the provisions of this Act under the supervision of an officer or employee duly designated by the Secretary, and the expenses of such supervision shall be paid by the person obtaining release of the hazardous substance under bond.

(d) When a decree of condemnation is entered against the hazardous substance, court costs and fees, and storage and other proper expenses, shall be awarded against the person, if any, intervening as claimant of the hazardous substance.

(e) In the case of removal for trial of any case as provided by subsection (b)—

(1) the clerk of the court from which removal is made shall promptly transmit to the court in which the case is to be tried all records in the case necessary in order that such court may exercise jurisdiction;

(2) the court to which such case is removed shall have the powers and be subject to the duties, for purposes of such case, which the court from which removal was made would have had, or to which such court would have been subject, if such case had not been removed.

HEARING BEFORE REPORT OF CRIMINAL VIOLATION

SEC. 7. Before any violation of this Act is reported by the Secretary to any United States attorney for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views, either orally or in writing, with regard to such contemplated proceeding.

INJUNCTIONS

SEC. 8. (a) The United States district courts and the United States courts of the territories shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this Act.

(b) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section, which violation also constitutes a violation of this Act, trial shall be by the court or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

STYLE OF ENFORCEMENT PROCEEDINGS—SUBPENAS

SEC. 9. All criminal proceedings and all libel or injunction proceedings for the enforcement, or to restrain violations, of this Act shall be by and in the name of the United States. Subpenas for witnesses who are required to attend a court of the United States in any district may run into any other district in any such proceeding.

REGULATIONS

SEC. 10. (a) The authority to promulgate regulations for the efficient enforcement of this Act, except as otherwise provided in this section, is hereby vested in the Secretary.

(b) The Secretary of the Treasury and the Secretary of Health, Education, and Welfare shall jointly prescribe regulations for the efficient enforcement of the provisions of section 14, except as otherwise provided therein. Such regulations shall be promulgated in such manner and take effect at such time, after due notice, as the Secretary of Health, Education, and Welfare shall determine.

EXAMINATIONS AND INVESTIGATIONS

SEC. 11. (a) The Secretary is authorized to conduct examinations, inspections, and investigations for the purposes of this Act through officers and employees of the Department or through any health officer or employee of any State, territory, or political subdivision thereof, duly commissioned by the Secretary as an officer of the Department.

(b) For purposes of enforcement of this Act, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (1) to enter, at reasonable times, any factory, warehouse, or establishment in which hazardous substances are manufactured, processed, packed, or held for introduction into interstate commerce or are held after such introduction, or to enter any vehicle being used to transport or hold such hazardous substances in interstate commerce; (2) to inspect, at reasonable times and within reasonable limits and in a reasonable manner, such factory, warehouse, establishment, or vehicle, and all pertinent equipment, finished and unfinished materials, and labeling therein; and (3) to obtain samples of such materials or packages thereof, or of such labeling. A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness.

(c) If the officer or employee obtains any sample, prior to leaving the premises, he shall give to the owner, operator, or agent in charge a receipt describing the samples obtained. If an analysis is made of such sample, a copy of the results of such analysis shall be furnished promptly to the owner, operator, or agent in charge.

RECORDS OF INTERSTATE SHIPMENT

SEC. 12. For the purpose of enforcing the provisions of this Act, carriers engaged in interstate commerce, and persons receiving hazardous substances in interstate commerce or holding such hazardous substances so received shall, upon the request of an officer or employee duly designated by the Secretary, permit such officer or employee, at reasonable times, to have access to and to copy all records showing the movement in interstate commerce of any such hazardous substance, or the holding thereof during or after such movement, and the quantity, shipper, and consignee thereof; and it shall be unlawful for any such carrier or person to fail to permit such access to and copying of any record so requested when such request is accompanied by a statement in writing specifying the nature or kind of such hazardous substance to which such request relates: *Provided*, That evidence obtained under this section shall not be used in a criminal prosecution of the person from whom obtained: *Provided, further*, That carriers shall not be subject to the other provisions of this Act by reason of their receipt, carriage, holding, or delivery of hazardous substances in the usual course of business as carriers.

PUBLICITY

SEC. 13. (a) The Secretary may cause to be published from time to time reports summarizing any judgments, decrees, or court orders which have been rendered under this Act, including the nature of the charge and the disposition thereof.

(b) The Secretary may also cause to be disseminated information regarding hazardous substances in situations involving, in the opinion of the Secretary, imminent danger to health. Nothing in this section shall be construed to prohibit the Secretary from collecting, reporting, and illustrating the results of the investigations of the Department.

IMPORTS

SEC. 14. (a) The Secretary of the Treasury shall deliver to the Secretary of Health, Education, and Welfare, upon his request, samples of hazardous substances which are being imported or offered for import into the United States, giving notice thereof to the owner or consignee, who may appear before the Secretary of Health, Education, and Welfare and have the right to introduce testimony. If it appears from the examination of such samples or otherwise that such hazardous substance is in misbranded packages or in violation of section 4(f), then such hazardous substance shall be refused admission, except as provided in subsection (b) of this section. The Secretary of the Treasury shall cause the destruction of any such hazardous substance refused admission unless such hazardous substance is exported, under regulations prescribed by the Secretary of the Treasury, within ninety days of the date of notice of such refusal or within such additional time as may be permitted pursuant to such regulations.

(b) Pending decision as to the admission of a hazardous substance being imported or offered for import, the Secretary of the Treasury may authorize delivery of such hazardous substance to the owner or consignee upon the execution by him of a good and sufficient bond providing for the payment of such liquidated damages in the event of default as may be required pursuant to regulations of the Secretary of the Treasury. If it appears to the Secretary of Health, Education, and Welfare that the hazardous substance can, by relabeling or other action, be brought into compliance with this Act, final determination as to admission of such hazardous substance may be deferred and, upon filing of timely written application by the owner or consignee and the execution by him of a bond as provided in the preceding provisions of this subsection, the Secretary may, in accordance with regulations, authorize the applicant to perform such relabeling or other action specified in such authorization (including destruction or export of rejected hazardous substances or portions thereof, as may be specified in the Secretary's authorization). All such relabeling or other action pursuant to such authorization shall, in accordance with regulations, be under the supervision of an officer or employee of the Department of Health, Education, and Welfare designated by the Secretary, or an officer or employee of the Department of the Treasury designated by the Secretary of the Treasury.

(c) All expenses (including travel, per diem, or subsistence, and salaries of officers or employees of the United States) in connection with the destruction provided for in subsection (a) of this section and the supervision of the relabeling or other action authorized under the provisions of subsection (b) of this section, the amount of such expenses to be determined in accordance with regulations, and all expenses in connection with the storage, cartage, or labor with respect to any hazardous substance refused admission under subsection (a) of this section, shall be paid by the owner or consignee and, in default of such payment, shall constitute a lien against any future importations made by such owner or consignee.

SEC. 15. If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

TIME OF TAKING EFFECT

SEC. 16. This Act shall take effect upon the date of its enactment; but no penalty or condemnation shall be enforced for any violation of this Act which occurs—

(a) prior to the expiration of the sixth calendar month after the month in which this Act is enacted, or

(b) prior to the expiration of such additional period or periods, ending not more than eighteen months after the month of enactment of this Act, as the Secretary may prescribe on the basis of a finding that conditions exist which necessitate the prescribing of such additional period or periods: *Provided*, That the Secretary may limit the application of such additional period or periods to violations related to specified provisions of this Act, or to specified kinds of hazardous substances or packages thereof.

APPLICATION TO EXISTING LAW

SEC. 17. Nothing in this Act shall be construed to modify or affect the provisions of chapter 39, title 18, United States Code, as amended (18 U.S.C. 831 et seq.), or any regulations promulgated thereunder, or section 204(a)(2) and 204(a)(3) of the Interstate Commerce Act, as amended (relating to the transportation of dangerous substances and explosives by surface carriers); or of section 1716, title 18, United States Code, or any regulations promulgated thereunder (relating to mailing of dangerous substances); or of section 902 or regulations promulgated under section 601 of the Federal Aviation Act of 1958 (relating to transportation of dangerous substances and explosives in aircraft); or of the Federal Food, Drug, and Cosmetic Act; or of the Public Health Service Act; or of the Federal Insecticide, Fungicide, and Rodenticide Act; or of the Dangerous Drug Act for the District of Columbia (70 Stat. 612), or the Act entitled "An Act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes", approved May 7, 1906 (34 Stat. 175), as amended; or of any other Act of Congress, except as specified in section 18.

REPEAL OF FEDERAL CAUSTIC POISON ACT

SEC. 18. The Federal Caustic Poison Act (44 Stat. 1406) is repealed effective at the close of the sixth calendar month after the month of enactment of this Act: *Provided*, That, if the Secretary, pursuant to section 16(b) of this Act, prescribes an additional period or periods during which violations of this Act shall not be enforceable and if such additional period or periods are applicable to violations of this Act involving one or more substances defined as "dangerous caustic or corrosive substances" by the Federal Caustic Poison Act, that Act shall, with respect to such substance or substances, remains in full force and effect during such additional period or periods: *Provided further*, That, with respect to violations, liabilities incurred or appeals taken prior to the close of said sixth month or, if applicable, prior to the expiration of the additional period or periods referred to in the preceding proviso, all provisions of the Federal Caustic Poison Act shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violations, liabilities, and appeals.

Mr. MAGNUSON. Mr. President, reserving the right to object—and I shall not object—I ask unanimous consent that the Senator from Connecticut [Mr. BUSH] and I may be permitted to have printed in the RECORD at this point two letters and an explanation of the bill relating to distribution and sale of packages of hazardous substances.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington?

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

THE DALLES CLINIC,
The Dalles, Oreg., March 7, 1960.

SENATOR WARREN G. MAGNUSON,
Senate Building,
Washington, D.C.

DEAR SENATOR MAGNUSON: I noticed in an Associated Press news release in the Portland Morning Oregonian that you are cosponsoring a bill in the Senate concerning the packaging and labeling of potentially dangerous household products.

I am the physician, who with my associates, cared for Kay Williams, the child who ingested the dishwashing soap, the case that you have probably had called to your attention. I am taking the liberty of enclosing a copy of a letter written to Dr. Ashley, of Portland, for your information and use.

I can speak for myself, and I believe all other physicians who are called upon to serve in these cases, in expressing our appreciation for your efforts to produce legislation which will help to prevent tragedies of this type.

Respectfully yours,
MARTIN D. MERRISS, M.D.

THE DALLES CLINIC,
The Dalles, Oreg., March 5, 1960.

CARL G. ASHLEY, M.D.,
Director, Oregon Poison Control Registry,
Portland, Oreg.

DEAR DR. ASHLEY: The following is a résumé of Kay William's clinical course and autopsy.

The child was seen initially about 1½ hours after the ingestion of an electric dishwashing machine soap powder. The parents were under the impression the child had simply gotten some of this powder to its lips and perhaps a small amount in the mouth, but they did not believe it had swallowed any of the granules. The child, when seen, was salivating excessively with a tremendous amount of mucous being lost from the nose and throat, quantity sufficient to saturate several towels in a very short time.

A tracheotomy was performed in order to establish an airway because of laryngeal and epiglottic obstruction. The child did well for the first 24 hours and then began a rapid downhill course and expired at the end of the second day.

Autopsy revealed almost complete destruction of the stomach with the presence of food and a large quantity of blood in the peritoneal cavity. What portion remained of the stomach was so friable that it could be very easily picked apart with the fingers in simply attempting to lift it from the abdomen. The lower portion of the esophagus exhibited the same general condition.

In the course of our investigation of this, we examined the boxes of seven types of electric dishwashing soaps and found only one of the seven contained any listing of ingredients and none of the seven had a label of caution or warning displayed anywhere on the package. Suit is being instituted by the parents of this child in an attempt to force this company to put on such a label.

Respectfully yours,
MARTIN D. MERRISS, M.D.

PORTLAND, OREG., *March 10, 1960.*

Mr. WARREN MAGNUSON.

DEAR SIR: After reading about your pending bill to require labeling of packages of hazardous substances for household use, I feel compelled to write you.

Without knowing the dangers of dishwater detergents, for some time I have been mixing equal parts with water to make a solution for blowing bubbles in the bubble pipes for the children. I am sure that many thousands of other mothers are innocently practicing this same method, endangering their children, too.

Could there perhaps be a special warning to the paper about this danger?

Sincerely,
Mrs. CLINTON HESS.

PARTS 1, 2, 6, AND 7 OF THE COMMITTEE REPORT ON S. 1283 (REPT. NO. 1158, 86TH CONG., 2D SESS.)

1. THE PROBLEM

In a single year, your committee was informed, there are more than 200,000 poisonings in the United States, resulting in approximately 5,000 deaths, and the loss of over 89,000 man-years. Your committee was told there are over 300,000 common household products, such as furniture polish, bleaches, detergents, cleaners, etc., containing poisonous or dangerous substances that lack adequate warning labels, and adequate identification of the dangerous substances, information so necessary to the attending doctor in his efforts to aid his patient.

Further, we have been informed by the Public Health Service, that as the result of the recent national health survey, the Service estimates that 600,000 children under the age of 15 will swallow a poisonous or potentially poisonous substance each year.

The Federal Caustic Poison Act of 1927 (15 U.S.C. 401 et seq.) lists 12 chemical substances required to be labeled. It is outdated, and your committee hopes the Congress, by approving this bill, will modernize the protection given the public by the 1927 act.

2. IN GENERAL

In 1927 when Congress first required labels on caustic or corrosive substances conditions were considerably different than they are today. At that time there were only a few hazardous substances used to any extent in and about the household. The development and introduction of many new substances during the postwar years for household use has created a public health problem. These substances are widely used and many are essential to the public. At the same time, the nature of a number of these new products, and the frequent introduction of new ones, has focused attention upon the need for warning the user, whenever the hazards in their use are significant. It is no longer possible to list, as did the Caustic Poison Act, chemical substances by name which should have precautionary labeling. At the same time, to be meaningful and to accomplish the purpose of this bill it is equally important that substances which, as packaged, present only a minor hazard not be required to display a series of precautionary statements, since the public might quickly learn to disregard the importance and significance of precautionary labeling.

The standards established in this bill for determining whether a substance is or is not a hazardous substance are those which are generally recognized at common law in civil liability cases relating to the seller's duty to warn users of the hazards of his products. Thus, substances to be regulated under this bill are carefully defined in the bill. These definitions are the result of meetings between industry groups, the Committee on Toxicology of the American Medical Association, representatives of the Department of Health, Education, and Welfare, and State public health officials who have recognized the need for and have supported legislation on this subject at the State level. In addition to those States having legislation, other States and some cities have adopted regulations to meet the same problem. The first States to adopt comprehensive legislation on this subject were the States of Texas, Kansas, Indiana, and Connecticut which enacted laws in 1957. The definitions in these State laws, which have had the benefit of 2 years of enforcement, are generally consistent with the definitions in this bill.

The testimony of the witnesses at the hearing on August 13, 1959, and letters and statements filed by various interested persons and groups, show a remarkable unanimity of support for the principle of this legislation. There appears to be no objection to this legislation and all suggestions and recommendations for amendments to S. 1283 have been considered by your committee.

6. SUMMARY OF THE AMENDED BILL

This bill first defines a hazardous substance and would provide that any hazardous substance in a container, intended or suitable for household use, which is not labeled in accordance with the requirements of the bill, would be deemed to be a misbranded package. Misbranded packages would be subject to seizure and condemnation and criminal penalties are provided for failure to comply with such labeling requirements.

Provision is made for the Secretary of Health, Education, and Welfare to adopt regulations for the efficient enforcement of the act, including the authority to declare a substance to be a hazardous substance if the Secretary finds that such substance would meet the definition of a hazardous substance in the bill, and if such action would promote the objectives of the legislation by avoiding or resolving uncertainty as to its application. The Secretary would also be authorized to establish reasonable variations, or additional or less stringent labeling requirements, if he found them necessary for the protection of the public health and safety.

Economic poisons subject to the Federal Insecticide, Fungicide and Rodenticide Act, and foods, drugs, and cosmetics subject to the Federal Food, Drug and Cosmetic Act would be exempt from the definition of hazardous substance, since these substances are already regulated by existing legislation.

This bill would require that the label of any hazardous substance in a container intended or suitable for household use show the name and address of the manufacturer, packer, or seller; the name of the hazardous ingredient; a signal word, "Danger," "Warning," or "Caution"; a statement of the hazard; a statement of the precautionary measures; when necessary or appropriate instructions for first-aid treatment; the word "poison" on any substance defined as "highly toxic"; instructions for handling or storage of packages which require special care in handling or storage and the statement "Keep out of the reach of children" or its practical equivalent.

Since many of the reported cases of injury or illness from the use of hazardous substances involve young children, a statement, such as "Keep out of the reach of children," or its practical equivalent in light of the nature of the particular hazard, is an important requirement of this bill.

7. EXPLANATION OF THE AMENDED BILL BY SECTIONS

Section 1: This section contains the title of the bill which will be cited as the "Federal Hazardous Substances Labeling Act."

Section 2: This section defines "hazardous substance" and the terms which are used in this definition; "toxic," "corrosive," "irritant," "strong sensitizer," and "flammable." An additional category of hazard, "generates pressure through decomposition, heat, or other means" is not further defined since its essential meaning is clear. The term "highly toxic" is also defined and will determine those substances on which the word "Poison" must be used.

It is intended by the definition of a hazardous substance to bring within the scope of this bill those substances which, as packaged, may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use. This includes ingestion by children whenever such is reasonably foreseeable (and the bill recognizes that it is often reasonably foreseeable). It is also intended by these definitions to draw as clear a line of distinction as possible between the substances covered by this bill and the substances which are unaffected by it, employing the language of the common law of civil liability in drawing such a line. In order to insure that the definitions will include all substances which should be within the scope of the bill, these definitions are broad in scope. They are not intended, however, to include substances where the hazard is minor taking into account on the

one hand the risk or chance of injury and on the other hand the degree of injury probable or possible in case of accidental or intentional misuse.

It is recognized that any substance used in or about the household can cause some degree of injury or illness if accidentally or intentionally misused. It is the purpose of this bill to require precautionary labeling which is meaningful and will be observed by the user, but not to require labeling on so many of the things that go into a household as to invite carelessness and the ignoring of precautionary statements on substances which present substantial hazards.

The term "highly toxic" is defined in terms of specific laboratory tests with a provision that the Secretary should give precedence to any data on the use of these substances from human experience, if such experience indicates results different from those obtained on animals in these tests. The term "irritant" is defined as one which will induce a local inflammatory reaction on the skin. It is recognized that immersing the hands in water and other mild liquids for extended periods of time will cause irritation of the skin. Precautionary labeling, however, would be required only on those substances which under conditions of customary or reasonably anticipated handling or use will induce a substantial "local inflammatory reaction" as that term is defined and used by the medical profession.

The term "strong sensitizer" is defined and would require a finding by the Secretary that a substance is a strong sensitizer within the meaning of the bill before such substances would be subject to the law. Some portion of the population is sensitive in one way or another to almost every article that enters the household, including foods and household soap. To require precautionary labeling on all such products is not intended. Precautionary labeling would be required under this bill on any substance which affects a significant portion of the population and which may cause a strong or severe reaction, if after a finding by the Secretary that the substance had a significant potential for causing hypersensitivity.

The term "misbranded package" would be defined as one containing a hazardous substance, as that term is defined, in a container intended or suitable for household use, unless the container bears a label stating (1) the name and place of business of the manufacturer, packer, distributor, or seller; (2) the name of the hazardous ingredient; (3) the signal word "Danger" on substances which are extremely flammable, corrosive, or highly toxic; (4) the signal word "Warning" or "Caution" on all other hazardous substances subject to the bill; (5) an affirmative statement of the principal hazard, such as "Flammable, Vapor Harmful"; (6) precautionary measures to be taken except when modified by regulation of the Secretary; (7) instructions for first aid treatment, when necessary or appropriate; (8) the word "Poison" for substances defined as "highly toxic"; (9) instructions for handling and storage of packages which require special care in handling or storage; and (10) the statement "Keep out of the reach of children" or its practical equivalent; for example, "Keep out of the reach of infants," where the products can be properly used by older children. These statements would be located prominently on the label and must be in the English language in conspicuous and legible type, and in contrast by typography, layout, or color with other printed matter on the label.

Section 3: This section would authorize the Secretary to issue regulations for the enforcement of the legislation. The Secretary would be authorized, when in his judgment such action would promote the objectives of the act by avoiding or resolving uncertainty as to its application, to declare substances to be subject to the act if he found that such substance meets the definitions in section 2. It is intended in making such a finding that he will be guided by principles of the common law with respect to the duty owed by a seller to warn of the hazards of his products. The Secretary would be also authorized to establish reasonable variations or additional labeling requirements, in view of the special hazard presented by any particular hazardous substance, as he finds necessary for the protection of the public health and safety. The Secretary would also be authorized to permit less than full compliance with the labeling requirements of this bill when such is not necessary for the adequate protection of the public health and safety. The section would also provide that proceedings for issuing, amending, or repealing regulations shall be covered by pertinent procedural sections in the Food, Drug, and Cosmetic Act.

Section 4: This section specifies the prohibited acts, which include the introduction and delivery into interstate commerce of any misbranded package of a hazardous substance; the alteration, mutilation, destruction, or removal of any part of a label of a hazardous substance; and would make unlawful the failure to permit entry or inspection of a factory or plant in which hazardous substances are manufactured or stored. This section would also prohibit the giving of a false guarantee that the label of any substance is in compliance with this legislation, and would prohibit the use of any container labeled or identified as a food, drug, or cosmetic container or the reuse of a food, drug, or cosmetic container still identifiable as such.

Section 5: This section specifies the penalties for violation of any of the prohibited acts set forth in section 4, and would provide a punishment of a fine of not more than $500 or imprisonment of not more than 90 days for each offense, but for second and subsequent offenses or for an offense committed with an attempt to defraud or mislead, a penalty of imprisonment of not more than 1 year or a fine of not more than $3,000 or both is provided.

Section 6: This section sets forth the procedure for the seizure and condemnation of any hazardous substance subject to this bill which is not labeled in compliance therewith.

Section 7: This section requires the Secretary to give any person an opportunity to be heard prior to the institution of a criminal proceeding for failing to comply with the prohibited acts set forth in the bill.

Section 8: This section would authorize the U.S. district courts and the courts of the territories to issue injunctions to restrain violations of this act.

Section 9: This section specifies the style of enforcement proceedings and would authorize subpenas for witnesses to be served in any district in the United States.

Section 10: This section would authorize the Secretary of the Treasury and the Secretary of Health, Education, and Welfare to prescribe regulations with respect to imports of hazardous substances, and would authorize the Secretary of Health, Education, and Welfare to promulgate regulations for the efficient enforcement of this act. This bill contemplates that such regulations would be made in the manner prescribed in section 4 of the Administrative Procedure Act. It is intended that public hearings should be held on important regulations and that a minimum of 60 days should be allowed for the submission of views by interested persons before the adoption of a proposed regulation as final.

Section 11: This section would authorize entry and inspection of any factory, warehouse, establishment, or vehicle, and of pertinent finished and unfinished hazardous substances and labeling therein. Inspection of unfinished hazardous substances would ordinarily be limited to those few cases where the needed information was not readily available from inspection of the finished hazardous substance. The inspection must be conducted at reasonable times and within reasonable limits and in a reasonable manner, and must be commenced and completed with reasonable promptness.

The section would also authorize the obtaining of samples of the hazardous substance or of the labeling or packages thereof and would require that a receipt be given for the samples obtained. In addition, if an analysis is made, a copy of the results must be furnished promptly to the owner, operator, or agent in charge.

Section 12: This section would require carriers and others receiving hazardous substances to permit access to and copying of any record of a shipment of hazardous substances, would provide that any evidence obtained under this section shall not be used in a criminal prosecution of the person from whom the evidence is obtained, and exempt carriers from the act if they were handling the hazardous substance in the usual course of business as carriers.

Section 13: This section would authorize the Secretary to publish any judgments, decrees, or court orders rendered under this act and to disseminate information regarding hazardous substances in situations involving imminent danger to health.

Section 14: This section would regulate the importation of hazardous substances and require that such substances be labeled in compliance with this act.

Section 15: This section would provide for the separability of any provision of this bill which may be declared unconstitutional or invalid.

Section 16: This section would provide that this bill shall take effect upon its enactment, but provides that no penalty shall be enforced for a period of 6 months after enactment. It would authorize the Secretary to extend the effective date for penalties for a period of not more than 18 months upon a finding that conditions exist which necessitate prescribing of such additional period or periods of time.

Section 17: This section specifies the application of this bill to existing law.

Section 18: This section provides for the repeal of the Federal Caustic Poison Act but preserves any proceedings for violation of the Federal Caustic Poison Act committed prior to the effective date of this bill.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SUSPENSION OF TARIFF SCHEDULES

The bill (S. 3005) to amend the act of March 3, 1933 (47 Stat. 1426), relating to the length of time by which the Federal Maritime Board may suspend tariff schedules was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "The Intercoastal Shipping Act, 1933", approved March 3, 1933 (47 Stat. 1426), as amended by the Act of June 23, 1938 (52 Stat. 965) and the Act of August 4, 1939 (53 Stat. 1182), is amended by striking out "four" where it appears in the third section and by inserting "seven" in lieu thereof.

BILL AND RESOLUTION PASSED OVER

The bill (S. 2669) to extend the period of exemption from inspection under the provisions of section 4426 of the Revised Statutes granted small vessels carrying freight to and from places in the inland waters of southeastern Alaska was announced as next in order.

Mr. FONG. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 285) to authorize an investigation of certain election charges was announced as next in order.

Mr. FONG. Over, Mr. President.

The PRESIDING OFFICER. The resolution will be passed over.

JOHN B. MANTHEY

The bill (S. 2330) for the relief of John B. Manthey was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That John B. Manthey is hereby relieved of all liability to refund to the United States the sum of $7,377.00 representing payments of death compensation received by him subsequent to his marriage on September 7, 1947, the said John B. Manthey being permanently incapable of self-support.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John B. Manthey, the sum of any amounts withheld from him on account of the payments referred to in the first section of this Act.

ARISTOGITON ZAHARIADIS

The bill (S. 111) for the relief of Aristogiton Zahariadis was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Aristogiton Zahariadis shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

JOHN GELBERT (ALIAS MAX THEODORE GELBERT)

The bill (S. 1909) for the relief of John Gelbert (alias Max Theodore Gelbert) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, John Gelbert (alias Max Theodore Gelbert) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee.

MATIAS T. FALCASANTOS

The bill (S. 2406) for the relief of Matias T. Falcasantos was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Matias T. Falcasantos shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

JOSEPH J. O'LOUGHLIN

The bill (H.R. 6027) for the relief of Joseph J. O'Loughlin was considered, ordered to a third reading, read the third time, and passed.

MRS. NELL C. PLAYER

The bill (H.R. 7365) for the relief of Mrs. Nell C. Player was considered, ordered to a third reading, read the third time, and passed.

MRS. VIRGINIA BOND

The bill (H.R. 7933) for the relief of Mrs. Virginia Bond was considered, ordered to a third reading, read the third time, and passed.

RELIEF OF CERTAIN MEMBERS OF THE DEPARTMENT OF THE NAVY

The bill (H.R. 8106) to provide for the relief of certain members and former members of the Department of the Navy for the expenses of storage of household effects was considered, ordered to a third reading, read the third time, and passed.

PERRY LEE GORMAN

The Senate proceeded to consider the bill (S. 1720) for the relief of Perry Lee Gorman, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That sections 15 to 20, inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended (5 U.S.C. §§ 765–769), are hereby waived in favor of Perry Lee Gorman, of Cortaro, Arizona, for compensation for disability caused by an injury allegedly sustained by him during the year 1944 while performing services as an employee of the Department of the Navy at the Pearl Harbor Navy Yard, and his claim is authorized and directed to be considered and acted upon under the remaining provisions of such Act, as amended, if he files such claim with the Bureau of Employees' Compensation of the Department of Labor not later than six months after the date of enactment of this Act: *Provided*, That no benefits shall accrue by reason of the enactment of this Act for any period prior to the date of its enactment, except in the case of such medical or hospitalization expenditures which may be deemed reimbursable.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEILA FINLAY BOHIN

The Senate proceeded to consider the bill (S. 2554) for the relief of Leila Finlay Bohin, which had been reported from the Committee on the Judiciary with an amendment, in line 6, after the word "States", to strike out "during all the time she was residing abroad with her parents while her father, Luke Finlay, was stationed abroad as an employee of the United States" and insert "for a period of 5 years after attaining the age of 14 years", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of section 301(a)(7) of the Immigration and Nationality Act, Leila Finlay Bohin shall be held and considered to have been physically present in the United States for a period of 5 years after attaining the age of 14 years.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PETER LEO BAHR

The Senate proceeded to consider the bill (S. 2566) for the relief of Peter Leo Bahr, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, the provisions of sections 201(a), 202(a)(5), and 202(b) of that Act shall not be applicable in the case of Peter Leo Bahr.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

KRSTE ANGELOFF

The Senate proceeded to consider the bill (S. 2607) for the relief of Krste Angeloff, which had been reported from the Committee on the Judiciary with an amendment, in line 6, after the word "of", where it appears the first time, to insert "Mrs.", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Krste Angeloff, shall be held and considered to be the natural-born alien child of Mrs. Mile Angeloff, a citizen of the United States: *Provided*, That the natural parents of the said Krste Angeloff shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARIA CRITELLI VENTURA

The Senate proceeded to consider the bill (S. 2619) for the relief of Maria Critelli Ventura, which had been reported from the Committee on the Judiciary with an amendment, in line 7, after the word "natural", to strike out "parents" and insert "mother", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Maria Critelli Ventura, shall be held and considered to be the natural-born alien child of Rose C. Saluri, a citizen of the United States: *Provided*, That the natural mother of the said Maria Critelli Ventura shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GERALD DEGNAN AND OTHERS

The Senate proceeded to consider the bill (S. 684) for the relief of Gerald Degnan and others, which had been reported from the Committee on the Judiciary with an amendment, on page 2, at the beginning of line 2, to strike out "$389.71; William C. William, $1,050.27; Herry Eakon, $428; Jacob Beebe, $922.05; Thorval Ohnstad, $1,931.13; Evan S. Henry, $199.68; Henry Pitmatalik, $624.63; D. LeRoy Kotila, $290.32; Bernard Rock, $903.87; Bud J. Carlson, $480.06; Charles F. Curtis, $1,452.25; and A. N. Dake, $130.05." and insert "$286.63; William C. Williams, $755.92; Harry Eakon, $342.49; Jacob Beebe, $743.85; Thorwald Ohnstad, $1,556.32; Evan S. Henry, $199.68; Henry Pitmatalik, $472.22; D. LeRoy Kotila, $217.70; Bernard Rock, $729.79; Bud J. Carlson, $313.05; Charles F. Curtis, $1,111.69; and A. N. Dake, $93.40.", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the persons enumerated below the sums specified, in full settlement of all claims against the Government of the United States as reimbursement for personal effects destroyed as a result of the fire which occurred on October 2, 1958, at Sherman, Alaska, when the claimants were employed by The Alaska Railroad: Gerald Degnan, $286.83; William C. Williams, $755.92; Harry Eakon, $342.49; Jacob Beebe, $743.85; Thorwald Ohnstad, $1,556.32; Evan S. Henry, $199.68; Henry Pitmatalik, $472.22; D. LeRoy Kotila, $217.70; Bernard Rock, $729.79; Bud J. Carlson, $313.05; Charles F. Curtis, $1,111.69; and A. N. Dake, $93.40.

SEC. 2. No part of the amounts appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Gerald Degnan, William C. Williams, Harry Eakon, Jacob Beebe, Thorvald Ohnstad, Evan S. Henry, Henry Pitmatalik, D. LeRoy Kotila, Bernard Rock, Bud J. Carlson, Charles F. Curtis, and A. N. Dake."

HEIRS OF CAROLINE HENKEL AND GEORGE HENKEL

The Senate proceeded to consider the bill (S. 2333) for the relief of the heirs of Caroline Henkel and George Henkel, and for other purposes, which had been reported from the Committee on the Judiciary with amendments, on page 2, line 3, after the word "flooding", to insert "due to percolation", and in line 11 after the word "flooding", to insert "due to percolation", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the rightful heirs of Carolina and William Henkel, now deceased, and to George Henkel presently residing at Babb, Montana, the sum of $16,000. The payment of such sum shall be in full settlement of all claims against the United States for any damage to the lands allotted to Caroline, William, and George Henkel in townships 36 and 37 north, range 14 west, Montana principal meridian, on the Blackfeet Indian Reservation, Montana, or to the crops of said lands, caused by seepage or flooding due to percolation from the Saint Mary's Canal of the Milk River reclamation project, and for any other alleged injuries to said lands or the crops thereon caused by the construction, operation, or maintenance of works of the Milk River reclamation project.

The payment of such sum shall also be in consideration of the granting of a permanent easement for seepage and flooding due to percolation through and over such lands from Saint Mary's Canal or other works of the Milk River reclamation project. The release of such claims and the granting of such easement in a form and manner satisfactory to the Secretary of the Interior shall be a condition precedent to the making of any payment under this Act: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of the heirs of Caroline Henkel, William Henkel (now deceased), and George Henkel (presently residing at Babb, Montana), and for other purposes."

MARY ALICE CLEMENTS

The bill (S. 2317) for the relief of Mary Alice Clements was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of the War Claims Act of 1948, as amended, limiting the period of time within which claims may be filed thereunder, the Foreign Claims Settlement Commission of the United States shall have jurisdiction to receive and to determine the validity and amount of the claim of Mary Alice Clements, of Washington, District of Columbia, for civilian detention benefits under subsections (a) through (e) of section 5 of such Act, and shall certify to the Secretary of the Treasury for payment out of the War Claims Fund any award made thereunder. The Secretary of the Treasury shall pay, out of such Fund, to the said Mary Alice Clements the amount of any such award so certified by the Commission.

CAPT. CARL J. FISHER

The bill (S. 1154) for the relief of Carl J. Fisher, captain, U.S. Army, retired, was announced as next in order.

The PRESIDING OFFICER. There is an identical bill, House bill 7037, before the Committee on the Judiciary.

Is there objection to discharging the Committee on the Judiciary from the further consideration of House bill 7037?

The Chair hears none, and it is so ordered.

Is there objection to the present consideration of the House bill?

There being no objection, the bill (H.R. 7037) for the relief of Carl J. Fisher, captain, U.S. Army, retired, was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 1154 will be indefinitely postponed.

PARKER E. DRAGOO

The bill (S. 1328) for the relief of Parker E. Dragoo was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Parker E. Dragoo, Supervisory Park Ranger, Department of the Interior, Death Valley, California, is hereby relieved of liability to the United States in the amount of $370.34, representing the amount charged him due to the excess weight of household effects shipped to a new duty station, such excess weight resulting from special packing and crating designed to insure the safe arrival of said effects in a newly developed area not served by common carrier.

RONALD R. DAGON AND RICHARD J. HENSEL

The bill (S. 1408) for the relief of Ronald R. Dagon and Richard J. Hensel was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the persons enumerated below the sums specified, in full settlement of all claims against the Government of the United States as reimbursement for personal effects lost as a result of a boating accident on July 11, 1957, on the Susitna River, Alaska, while on official business of the Fish and Wildlife Service, Department of the Interior: Ronald R. Dagon, $131; and Richard J. Hensel, $118: *Provided*, That no part of the amounts appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

JAY R. MELVILLE AND PETER E. K. SHEPHERD

The bill (S. 1410) for the relief of Jay R. Melville and Peter E. K. Shepherd was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the persons enumerated below the sums specified, in full settlement of all claims against the Government of the United States as reimbursement for personal effects lost as a result of a boating accident on June 14, 1958, on the Bremner River, Alaska, while on official business of the Fish and Wildlife Service, Department of the Interior: Jay R. Melville, $206; and Peter E. K. Shepherd, $306.65: *Provided*, That no part of the amounts appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

MRS. JOHN SLINGSBY AND OTHERS

The bill (S. 2173) for the relief of Mrs. John Slingsby, Lena Slingsby, Alice V. Slingsby, and Harry Slingsby was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to (1) Mrs. John Slingsby, the sum of $250; (2) Lena Slingsby, the sum of $750; (3) Alice V. Slingsby, the sum of $350; and (4) Harry Slingsby, the sum of $50; all of Fargo, North Dakota. The payment of such sums shall be in full settlement of all their claims against the United States for compensation for personal injuries, pain and suffering, loss of earnings, and property damages, and for reimbursement of medical expenses incurred by them, as the result of an accident which occurred near Cle Elum, Washington, on August 14, 1953, when an automobile owned by the said Harry Slingsby and operated by the said Alice V. Slingsby was struck by a United States Army vehicle: *Provided*, That no part of the amounts appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

ESTATE OF HILMA CLAXTON

The bill (S. 2234) for the relief of the estate of Hilma Claxton was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles L. Claxton, of Saint Paul, Minnesota, in his capacity as administrator of the estate of Hilma Claxton, the sum of $696.43. The payment of such sum shall be in full satisfaction of all claims of such estate against the United States for payment of certain money orders payable to Hilma Claxton (deceased), which were issued in Huron, South Dakota, during the period from May 8, 1929, through December 26, 1929, but which were not presented for payment within the period in which they could have been received by the Post Office Department: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

RELIEF OF CERTAIN EMPLOYEES OF THE GENERAL SERVICES ADMINISTRATION

The bill (S. 2430) for the relief of certain employees of the General Services Administration was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Carol S. Stake, William Lockwood, Laura J. Fromm, William Baxter, Selma M. Cohen, Anna Gerlach, Frank J. Frericks, Milton J. Rosasco, Margaret Baird, Margaret Klein, Thomas S. Cunerd, and John G. Arendes are hereby relieved of all liability to the United States arising out of the granting to such persons, as employees of the General Services Administration, of compensatory time off during the leave year 1957 in lieu of annual leave for which such persons had applied, but which had been denied, during the leave year 1956. The Administrator of General Services is authorized and directed (1) to restore to the credit of any such persons whose annual leave was thereafter charged in satisfaction of such liability the amount of leave so charged, including any reduction in the maximum amount of accumulated leave permitted in the case of such person, and (2) to pay, out of any money available for the payment of salaries of employees of the General Services Administration, to any such person who thereafter refunded to the General Services Administration the value of such leave in satisfaction of such liability, an amount equal to the amount so refunded.

JOE KELLER AND H. E. PIPER

The bill (S. 2507) for the relief of Joe Keller and H. E. Piper from 1958 wheat marketing penalties and loss of soil-bank benefits was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, the 1958 wheat acreage on farm numbered 4-259 in Saline County, Marshall, Missouri, operated by Joe Keller and owned by H. E. Piper shall not be considered to have exceeded fifteen acres by reason of the failure to destroy the wheat acreage which was left standing, but not harvested, in an attempt to comply with instructions received from the county committee. No marketing penalties shall be assessed and no soil bank benefits shall be denied or required to be refunded, on account of such failure.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated to Joe Keller and H. E. Piper, or either of them, the sum of any amounts received or withheld from them, or either of them, on account of the failure referred to in the first section of this Act.

HARRY L. ARKIN

The bill (S. 2523) for the relief of Harry L. Arkin was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Harry L. Arkin of Denver, Colorado, the sum of $270.90. The payment of such sum shall be in full satisfaction of all claims of the said Harry L. Arkin against the United States for (1) reimbursement for expenses, including insurance costs, incurred by him in having his automobile transported from Germany to the United States upon termination of his duty overseas with the Air Force, the said Harry L. Arkin having been denied shipment of his automobile at Government expense because of a change in Air Force policy which occurred after approval had been given by the transportation officer of the Seventeenth Air Force for the shipment of his automobile by such means, and (2) per diem allowance for the period (March 1 to March 6, 1959) he was permitted to remain in Germany, beyond his scheduled departure date, to await an official decision with regard to the shipment of his automobile: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in

connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

OSCAR A. LaBRANCHE

The bill (H.R. 2849) for the relief of Oscar A. LaBranche was considered, ordered to a third reading, read the third time, and passed.

HARRY E. NELSON

The bill (H.R. 5301) for the relief of Harry E. Nelson was considered, ordered to a third reading, read the third time, and passed.

WILLIAM J. KAISER

The bill (H.R. 6023) for the relief of William J. Kaiser was considered, ordered to a third reading, read the third time, and passed.

VICTOR STIGLIC

The bill (H.R. 6402) for the relief of Victor Stiglic was considered, ordered to a third reading, read the third time, and passed.

NEAL E. ANDERSON

The bill (H.R. 6885) for the relief of Neal E. Anderson was considered, ordered to a third reading, read the third time, and passed.

MISS MARION A. CRAMER

The bill (H.R. 6948) for the relief of Miss Marion A. Cramer was considered, ordered to a third reading, read the third time, and passed.

DON L. HERRING

The bill (H.R. 7079) for the relief of Don L. Herring was considered, ordered to a third reading, read the third time, and passed.

GEORGE W. GIBSON

The bill (H.R. 7116) for the relief of George W. Gibson was considered, ordered to a third reading, read the third time, and passed.

PAUL LEVITT

The bill (H.R. 7447) for the relief of Paul Levitt was considered, ordered to a third reading, read the third time, and passed.

MRS. VIOLA H. ROOKS

The bill (H.R. 7636) for the relief of Mrs. Viola H. Rooks was considered, ordered to a third reading, read the third time, and passed.

MACO WAREHOUSE CO.

The bill (H.R. 8801) for the relief of the Maco Warehouse Co. was considered, ordered to a third reading, read the third time, and passed.

HOO W. YUEY

The Senate proceeded to consider the bill (H.R. 2310) for the relief of Hoo W. Yuey, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That the Comptroller General of the United States is hereby authorized and directed, notwithstanding the provisions of an Act providing for the barring of claims against the United States (54 Stat. 1061), to accept and consider any claim filed on his own behalf by Hoo W. Yuey for the return of $704 which was deducted from his Army pay as his contribution to a family allowance payable to his dependents but which was not in fact paid to such dependents and also any claim filed on behalf of his dependent children for the portions of the family allowance contributed by the Government which would have been payable on their behalf but which was not in fact paid, such claim or claims to be filed within one year after the enactment of this Act.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended, so as to read: "An Act for the relief of Hoo W. Yuey and his dependent children."

DEPARTMENT OF THE INTERIOR APPROPRIATIONS, 1961

The bill (H.R. 10401) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1961, and for other purposes was announced as next in order.

Mr. BARTLETT. Mr. President, I ask that the bill go over.

The PRESIDING OFFICER. The bill will go over.

TRANSFER AND EXCHANGE OF CERTAIN LANDS TO MASSACHUSETTS PORT AUTHORITY

The PRESIDING OFFICER. The clerk will state the first bill passed to the foot of the calendar.

The CHIEF CLERK. A bill (H.R. 5888) to authorize the Secretary of the Navy to transfer to the Massachusetts Port Authority, an instrumentality of the Commonwealth of Massachusetts, certain lands and improvements thereon comprising a portion of the so-called E Street Annex, South Boston Annex, Boston Naval Shipyard, in South Boston, Mass., in exchange for certain other lands.

Mr. SALTONSTALL. Mr. President, since I talked to the Senator from Oregon [Mr. MORSE] I have studied his amendment, and I have talked also with the authorities in Boston, who are familiar with the subject. I will accept the amendment of the Senator from Oregon in order that the bill may be passed at this time, if there is no other objection.

Mr. MORSE. Mr. President, I wish to say to the Senator from Massachusetts that I appreciate very much the position he has taken in regard to this matter. I wish to make this additional statement about the bill. I fully realize that the adoption of my amendment by the Senate may not necessarily mean that it will be included in the bill when it comes back to the Senate from conference. I have had the Morse formula defeated in that way on some occasions, when we adopted an amendment to a House bill, only to find that when the bill returned from conference the Morse formula amendment had been eliminated. I wish to make the record today for the benefit of our Senate conferees. If the bill goes to conference I believe that the Senate conferees are under a great obligation to the Senate, if we are to apply the Morse formula to transfers of Federal property, not to surrender on this point in conference.

If the Boston authorities are willing to accept the amendment—and the Senator from Massachusetts reports that they are—then I say with all due respect that it carries along with it the obligation that the amendment remain in the bill in conference.

If the Senator from Pennsylvania were here I would ask for his attention. We had a similar situation involving the Port Authority of Philadelphia, and it ran into the same situation as the bill involving the Massachusetts Port Authority. Both involve a great sum of money. The people of Philadelphia, after due consideration of my amendment, reached the conclusion that the amendment ought to be adopted, or at least raised no objection to it, and the result is that Philadelphia has applied the Morse formula.

I want to point out that in regard to the particular situation confronting us now, involving the port of Boston, I have no criticism to make of what Boston is seeking to do. It is perfectly understandable that they would attempt to do it if they could. Naturally, I shall do everything I can to prevent their doing it. They wish to get credit for rent-free property that they made available to the Navy for many years, and have it apply under this transfer. As I said before—and I am not going to go through the whole argument again, but will insert it in the RECORD—we should not establish that precedent, because we know how great Government installations are sometimes granted to one community instead of another community. We know that a community will come in, anxious to get a Government installation, because it brings into the community a considerable payroll and brings into a municipality a great addition to the tax base, and say to Uncle Sam, "Come on in. We will give you the property rent free."

I do not have any objection to that. It is a pretty good arrangement sometimes. However, I do not think that we ought to underwrite the policy of

Indian giver on the floor of the Senate in connection with the pending bill. I believe that the Boston authorities should live up to their gift and should not come back now and say, "We want credit for the gift we gave to Uncle Sam." When we reduce this matter to its simplest terms, that is what it amounts to.

Boston now comes in and says, "We want to get credit on this transfer for this naval property, for a gift that we made to Uncle Sam over the years."

That is a bad precedent to establish. If we start carrying that out in the country it will run into many millions of dollars.

I wish to point out the position which the Navy takes on the matter. In a speech I made on this subject, when it was before the Senate previously, on August 19, 1959, I read into the RECORD a letter which I wish to read into the RECORD again. The letter is dated June 18, 1959, which is addressed to the Honorable CARL VINSON, chairman of the Committee on Armed Services of the House of Representatives. In that letter the Navy Department said:

Staff appraisals have indicated a difference in valuation of the properties to be exchanged in favor of the Navy. It is therefore recommended that the bill be amended to provide for payment of an amount equal to the difference in value of the properties as determined by the Secretary of the Navy after fair market value appraisals.

In other words, the Navy says, in effect, in that letter that the Morse formula should apply. I may say, in defense of the Department of Defense, that time and time again they have underwritten the merits of the Morse formula. They have recognized that, by and large, it takes a great burden off their back, as some of the officials of that Department have pointed out to me when we have discussed the application of the transfers of Federal property to various State subdivisions. The Department of Defense recognizes the merits of the fight I have been putting up since 1946. Since that time, the record shows that by my stubborn insistence that the Morse formula be applied to the transfers of surplus Federal property the taxpayers of the United States have been saved many hundreds of millions of dollars.

We are dealing here with a property transfer which, in my judgment, is of such an economic nature that it ought not to be given any exemption from the Morse formula. This is exceedingly valuable naval property. The Boston authorities should pay the difference in value between the Port Authority property and the U.S. Navy property. The Boston authorities should not ask for a setoff of the rent-free property values they have given the Navy over the years in order to get naval installations in Boston.

I shall take judicial notice, as I believe every other Senator has the right to take judicial notice, that the naval installations in Boston—and we are indebted to Massachusetts for the great assistance it has been to Uncle Sam in respect to our naval installations—I shall take judicial notice that Boston and Massachusetts never lost a cent by way of the so-called rent-free property which they have made available to the U.S. Navy. I say that because the use of that property and the payrolls which have resulted from the use of that property have returned great economic benefits to Boston and Massachusetts. I am happy about it, too. I simply say now that we should not pass the bill without the Morse amendment in it.

I appreciate the willingness of the distinguished Senator from Massachusetts [Mr. SALTONSTALL] to accept my amendment on the floor of the Senate.

But I want to make this statement: I will be watching to see if the amendment is in the bill when it comes back from conference. If it is not, then this very short speech of mine today will be but a short speech of introduction to the next one I shall make on the bill.

Mr. President, I offer my amendment.

The PRESIDING OFFICER. The committee amendment was agreed to on August 19, 1959.

Mr. SALTONSTALL. Mr. President, before action is taken on the bill, I call attention to page 2 of the committee report, submitted by the distinguished Senator from Washington [Mr. JACKSON]. I read one line:

The value of these parcels of land is subject to question.

As provided in the committee amendment, the final conclusion of the value will be made by the Secretary of the Navy. I am confident that he will be fair in working out a basis to determine any difference of opinion.

Mr. MORSE. I am not speaking to impose any particular value on the property. Of course, the value is in question. That is what the Morse formula seeks to settle. My amendment provides for an appraisement policy. It requires that the property be appraised. That is the legal process which ought to be followed. Then the Federal Government will get its 50 percent of the fair appraised market value of the property in respect to whatever amount of value is over and above the value of the Boston Harbor property. That is all I have ever asked for. After that appraisement has been made by legal proceedings, to determine the fair market value of the property, the taxpayers of the country will then see to it that they get 50 percent of the appraised fair market value of the excess value of the Navy property over the value of the Boston Harbor Authority property. I want to make sure that they are not cut out of it by any conference report which may be submitted which does not have my amendment in it.

The PRESIDING OFFICER. The amendment of the Senator from Oregon will be stated.

The CHIEF CLERK. On page 4, line 19, it is proposed to strike out "(a)."

On page 5, beginning with line 1, strike out all through line 7.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement I made on August 19, 1959, which will make it unnecessary for me to repeat my position in detail.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD, Aug. 19, 1959]

TRANSFER OF CERTAIN LANDS TO THE MASSACHUSETTS PORT AUTHORITY IN EXCHANGE FOR OTHER LANDS—BILL PASSED OVER

The Senate proceeded to consider the bill (H.R. 5888) to authorize the Secretary of the Navy to transfer to the Massachusetts Port Authority certain lands in South Boston, Mass., in exchange for other lands, which had been reported from the Committee on Armed Services, with an amendment, on page 4, after line 18, to insert a new section, as follows:

"SEC. 3 (a) As a condition of the exchange of land authorized by this Act the Secretary of the Navy shall require the Massachusetts Port Authority to pay an amount of money equal to the amount, if any, by which the fair market value of the property conveyed by the United States exceeds the fair market value of the property conveyed to the United States, as determined by the Secretary of the Navy.

"(b) The Secretary of the Navy is authorized, with respect to any amount determined by him to be payable to the United States pursuant to the provisions of subsection (a), to waive such portion thereof as he deems equitable in consideration of the rent free use by the Department of the Navy in past years of the land conveyed hereunder by the Massachusetts Port Authority."

The amendment was agreed to.

Mr. MORSE. Mr. President, reserving the right to object to the further consideration of the bill, let me say that House bill 5888 would authorize the Secretary of the Navy to transfer certain Boston Naval Shipyard real estate and improvements to the Massachusetts Port Authority in exchange for certain lands owned by the Massachusetts Port Authority.

The property belonging to the United States has been declared excess to the needs of the Navy. The Massachusetts Port Authority desires to obtain the Federal property for future port development.

The Navy would like to acquire the land belonging to the Massachusetts Port Authority for parking, recreational, and other uses.

According to Senate Report No. 714, the Federal property has been appraised by the Navy at $210,000. The port authority property has been appraised at $127,000. The Federal property consists of 15.9 acres; the port authority property, 3.88 acres.

A letter dated June 18, 1959, addressed to Chairman VINSON, of the House Committee on Armed Services, states in part:

"Staff appraisals have indicated a difference in valuation of the properties to be exchanged in favor of the Navy. It is therefore recommended that the bill be amended to provide for payment of an amount equal to the difference in value of the properties

as determined by the Secretary of the Navy after fair market value appraisals" (Rept. 714, p. 3).

Let me say, Mr. President, incidentally, that I thought that would have been a very sound and very fair way to dispose of the matter, and I am sorry that recommendation was not followed.

Nevertheless, H.R. 5888, as it passed the House, contained no provision requiring the Massachusetts Port Authority to pay "an amount equal to the difference in value of the properties as determined by the Secretary of the Navy after fair market value appraisals."

Mr. President, if the Federal property in question were to be exchanged for port authority property of equal value or if the House bill had provided for payment of the differential in value, as suggested by the Navy Department, no violation of the Morse formula would have been involved. Section 3(a) of the bill, as reported by the Senate committee, would correct this defect.

Section 3(b) of H.R. 5888, as reported by the Senate Armed Services Committee, involves a violation of the Morse formula, because it would allow a deduction of some unknown amount—to be determined in the future by the Secretary of the Navy—in determining the amount payable by the port authority. According to section 3(b), the Secretary, in determining the amount payable to the United States, would deduct the amount "he deems equitable in consideration of the rent-free use by the Department of the Navy in past years of the land conveyed hereunder by the Massachusetts Port Authority."

Mr. President, let me say that if that precedent were to be established by us, it would be very unfair as regards some transactions which already have taken place, as a result of the passage of certain bills during the call of the calendar. For instance, it was not so long ago that the city of Philadelphia was perfectly willing to pay for port facilities, in accordance with the Morse formula, in the case of property there which had been used for a long time by the Government. If we ever start to make any such arrangement when a city or a State had been giving the Federal Government rent-free use of such property, in order to induce the Government to establish there a Federal project which would bring many employees to that area, then we might just as well forget about trying to get the fair market value for the property; and I believe we should then face the fact that if the Federal Government had established in such a community a Federal project which brought great benefits to the community, and if, years later, the community wished to obtain that piece of property, we would have established a precedent which would permit the community to say, "We have been giving the Federal Government the use of the property, rent-free, for many years; and now we should be allowed to deduct that amount, in the nature of free rent, from the purchase price of the property which we now want." Of course, it is perfectly obvious that if the community had wanted to charge such rent in the first place, the Federal Government would not have established the project there.

So that was an independent and separate transaction.

I do not think we should permit the people of Massachusetts, in this case to proceed, after the fact—as they are attempting to do in this instance—to collect for such rent, which they never had any intention of collecting, in the first instance, inasmuch as if they had had declared such an intention, we have no way of knowing that the Federal Government would not have determined to develop the project in some other community.

The PRESIDING OFFICER (Mr. BARTLETT in the chair). The 5 minutes available to the Senator from Oregon, under the rule applicable during the call of the calendar, have expired.

Mr. MORSE. Mr. President, unless I am allowed to proceed further, I shall have to object to consideration of the bill at this time.

Mr. HOLLAND. Mr. President, I ask unanimous consent that at this time the Senator from Oregon may be recognized for an additional 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered; and the Senator from Oregon may proceed.

Mr. MORSE. I thank the Senator from Florida.

Mr. President, Senate Report No. 714 includes these comments concerning the deduction just mentioned:

"For the past 17 years the Navy has enjoyed free use of the port authority property. While this does not constitute consideration from a legal standpoint, it should be pointed out that had the Navy been required to pay rent it is estimated that the fair rental during this period of time would have amounted to between $75,000 to $90,000."

Senate Report No. 714 fails to indicate that there was any arrangement between the Navy Department and the port authority that the Navy at some future time would reimburse the port authority for the free use of the land in question. Therefore, it is only fair to assume that the free use arrangement was perfectly satisfactory to both parties, and that mutual benefits were involved.

In fact, Mr. President, knowing how these things usually take place, I am willing—in the absence of evidence to the contrary—to take judicial notice that Massachusetts was very desirous, in the first instance, of having this Navy project established in Massachusetts, and was perfectly willing to provide the use of the property, rent free, in order that Massachusetts might have the benefit of the employment of personnel and the payroll and the business which would flow from the establishment of that Federal activity.

Mr. President, in these land transfer cases if we were to permit deductions based upon considerations comparable to those involved in the proposed free land use arrangement, we might just as well forget the Morse formula requirement that the taxpayers of the United States are entitled to fair appraised market values of Federal lands to be sold or exchanged.

I am very desirous of going into the merits of this case with its sponsors and trying to see if there is any justification for passing this bill in violation of the Morse formula on the unanimous-consent calendar call; but there has been no showing, so far as the senior Senator from Oregon is concerned, up to this hour, that would justify the passage of this bill on the unanimous-consent call of the calendar, if I am going to follow—and I assure my colleagues I am going to follow—a consistent course in the application of the Morse formula on a unanimous-consent call of the calendar.

I remember in the last session of Congress the Senators from Pennsylvania had a somewhat similar problem, and after they went into the merits of the question, although they, too, would have liked to have port facilities which ran into the thousands of dollars turned over to the city of Philadelphia without cost, they recognized the merits of the position I had taken.

So, Mr. President, in view of the points I have made, I object to the consideration of the bill on this call of the calendar.

The PRESIDING OFFICER. The bill will be passed over.

Mr. MORSE. Mr. President, I submit amendments, intended to be proposed by me to this bill. I ask unanimous consent that the amendments be received, printed, and printed in the RECORD as a part of my remarks, so that they may be available for discussion the next time the bill is under discussion. I think the amendments ought to be accepted by the sponsor.

The PRESIDING OFFICER. The amendments will be received, printed, and lie on the table; and without objection, the amendments will be printed in the RECORD.

The amendments submitted by Mr. MORSE are as follows:

"On page 4, line 19, strike out '(a).'

"On page 5, beginning with line 1, strike out all through line 7."

SUSPENSION OF DUTY ON IMPORTS OF CASEIN

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1060, H.R. 7456.

The PRESIDING OFFICER. The bill will be stated by title.

The CHIEF CLERK. A bill (H.R. 7456) to extend for 3 years the suspension of duty on imports of casein.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. JOHNSON of Texas. Mr. President, I offer an amendment to strike out "1963," as it appears in the bill, and insert in lieu thereof "July 1, 1960."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 1, line 7, it is proposed to strike out "1963" and insert in lieu thereof "July 1, 1960."

Mr. JOHNSON of Texas. Mr. President, the bill extends an act which was originally passed, I am informed, in 1955, and which was extended in 1958. The bill was reported by the House Committee on Ways and Means, then passed the House unanimously, and was referred to the Senate Committee on Finance.

Early in January, I believe—I am speaking from memory—the Committee on Finance reported the bill to the Senate. It affects those who produce casein and who sell commodities in competition with casein. Those who sell or plan to sell commodities in competition with casein inform me that they have not had what they consider to be adequate hearings in the matter. I have spoken with the able Senator from Indiana [Mr. HARTKE] many times about the measure. There are a number of other Senators, including the distinguished Senator from Minnesota [Mr. MCCARTHY], who are interested in having all viewpoints presented and considered.

The distinguished Chairman of the Committee on Finance, the Senator from Virginia [Mr. BYRD], is not on the floor, but I am informed that he has stated he would be willing to review with his committee the possibility of scheduling hearings, so that all persons interested may be heard.

In view of the fact that the present extension will expire at the end of this month, it is thought that by providing

for a 90-day extension to enable hearings to be held, and by being further assured by the proponents of the measure that they will attempt to make certain that the agreement we are now seeking will be carried out in good faith by having the House concur in the amendment to postpone the extension of the act for 90 days, an opportunity will be afforded interested persons to be heard and to enable the committee to make whatever recommendations it desires to make to the Senate prior to July 1, 1960.

I favor the measure as originally reported. The Bureau of the Budget has no objection to the enactment of the bill. The Secretary of the Treasury has advised the Bureau that the Treasury Department has no objection to its enactment. The Secretary of State has informed the Bureau of the Budget that the State Department has no objection to the proposed legislation from the standpoint of foreign economic policy objectives. I am informed that the Department of Agriculture feels the same way. There is considerable sentiment in favor of the extension.

The bill involves a product which is produced by our good neighbors to the South; but because those who oppose the 3-year extension have not had a chance to be heard, I think it is the better part of wisdom to strike out "1963" and insert in lieu thereof "July 1, 1960," with the understanding that hearings will be held promptly, that the committee will make its recommendations, and that we will try to act in the light of its recommendations prior to the adjournment of this session of Congress. All Senators have been very cooperative. I am hopeful that the amendment will be agreed to.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. DIRKSEN. Mr. President, there is a distinct cleavage in this matter between industry, on the one side, and agriculture, on the other. When the representations were first made to me, I expressed the hope to the chairman of the House Committee on Ways and Means that perhaps the bill could be called back from the calendar, or, at least, that action might be deferred until those who have an interest from the farm side might be heard.

I believe the majority leader has put his finger on the real controversy, because the complaint was that they had had no opportunity to present their case.

There has been considerable discussion about the expenditure of millions of dollars for research and for new facilities in this field, which involves inedible casein, as distinguished from the edible variety which is produced mainly in this country.

Therefore, I believe this compromise solution—to extend the matter for 90 days—will leave the matter where it now stands. The suspension of the duty will not cease. Yet all parties in interest will have full opportunity to present their cases to the Senate Finance Committee.

Mr. HARTKE. Mr. President——

The PRESIDING OFFICER (Mr. BRUNSDALE in the chair). Does the Senator from Texas yield?

Mr. JOHNSON of Texas. Mr. President, I yield to the Senator from Indiana, who has been very cooperative in connection with this matter.

Mr. HARTKE. I thank the Senator from Texas.

Mr. President, regarding the extension to July 1, 1960, I should like to point out to the Senate that the present situation is such that the extension was scheduled for 3 years. I suggested the possibility of making the extension for 30 days or 60 days; and the distinguished majority leader suggested 90 days, with the understanding that hearings would be held promptly.

There is some dispute as to certain facts. There is a question with respect to the attitude of the Department of Agriculture, particularly in the case of those directly concerned with other competitive items in the agricultural field.

Therefore, I believe it just that all persons and groups concerned have an opportunity to present their cases fully; and I hope that will be possible.

Mr. JOHNSON of Texas. We plan to bring up the bill by motion, and I believe a majority of the Senate will vote in favor of passage of the bill.

The Senator from Indiana has appealed to the leadership on both sides of the aisle, and I think his appeal has merit. He is always just with us, and I believe in the doctrine of reciprocity.

Mr. HARTKE. I thank the Senator from Texas.

Mr. AIKEN. Mr. President——

Mr. JOHNSON of Texas. I yield to the distinguished Senator from Vermont.

Mr. AIKEN. I thank the Senator from Texas.

I wish to say that I have not the slightest objection to having the suspension of the duty on imports of casein continued, so long as the casein that is imported is used for industrial purposes only.

However, we receive many complaints to the effect that casein imported for industrial purposes had been used for food purposes, in competition with the American dairy industry. In view of that situation, I had intended to offer to the bill an amendment to correct that situation.

Inasmuch as the majority leader has proposed an amendment to the bill, so as simply to continue the present status of these imports for 90 days, during which time a hearing can be held and all interested parties can be given an opportunity to appear before the Senate Finance Committee, I have no objection at all to enactment of the bill on those terms, and I do not intend to offer an amendment, provided the amendment offered by the Senator from Texas is agreed to.

However, I wish to state that the junior Senator from New York [Mr. KEATING] could not be present at this time. He has asked to have printed in the RECORD a statement on this bill. On his behalf, I request that the statement be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR KEATING

Many people in my State are very much interested in H.R. 7456, to suspend for 3 more years the duty on imported casein.

I sincerely hope that we will be able to act on this bill in the near future and that at that time the Senate will fully consider all of the points which have been raised relevant to this legislation.

For the edification of the Senate, I submit a brief statement by the American Paper and Pulp Association supporting H.R. 7456, as follows:

"STATEMENT OF THE PAPER INDUSTRY IN SUPPORT OF H.R. 7456, BY ROBERT E. CANFIELD, PRESIDENT, PRINTING PAPER MANUFACTURERS ASSOCIATION, INC.

"Prior to April 1957, casein was dutiable at 2¾ cents a pound. Public Law 85–257 suspended the duty for 3 years until March 31, 1960. H.R. 7456 would extend the suspension of duty on casein for an additional three year period. The bill was passed in the House and has been reported upon favorably by the Finance Committee (Rept. No. 1022, Jan. 13, 1960). Reports favoring passage have been given by Departments of Agriculture, Labor, and Commerce and it is understood also by the Tariff Commission.

"Casein is a product of skimmed milk. It is an adhesive. It is not made in any appreciable amounts in the United States largley because the milk price support program makes production of other skimmed milk products more profitable. It is used by the coated paper industry as an adhesive which holds coating to the paper base stock. Other adhesives made from soya bean are similarly used by the paper industry. Casein is the best adhesive and for certain types of coated paper is the only suitable adhesive. The soya bean adhesives are more easily handled in certain types of coated paper manufacture and, therefore, are used where possible. Determination of which adhesive to use is a manufacturing and technical decision not a financial decision. Reimposition of the duty on casein would not increase the consumption of soya bean adhesives, but would merely impose very substantial extra expense on industry without benefit to American producers of other adhesives.

"There is no substantial objection to the bill, although we understand some soya bean processors have raised some question about it. It is vitally important to the coated paper industry that H.R. 7456 be passed as soon as possible. We urgently request that there be a calendar call so that this bill can be voted upon at the earliest possible time."

Mr. JOHNSON of Texas. Mr. President, I wish to observe that the Senator from Vermont [Mr. AIKEN], in his characteristic fashion of always being fair with his colleagues, has made the kind of statement which I would expect from him. I urge him to submit his well-reasoned views to the Finance Committee, because I know they will be treated with the great respect with which the views of the Senator from Vermont are always treated.

Mr. AIKEN. I thank the Senator from Texas.

Let me say that the amendment I proposed to offer was as follows: In

line 17, after the figure "1963", add "*Provided, however*, That temporary free importation of casein shall not apply to casein intended for human food use."

Mr. JOHNSON of Texas. Mr. President, I may say that I have before me a letter, dated July 22, 1959, from the Department of Agriculture, addressed to the chairman of the House Ways and Means Committee. I shall not take time to read all the letter to the Senate; but part of the letter reads as follows:

In the early part of 1957, the Department carefully studied developments in the production and trade in casein and concluded that the tariff duty on casein imports at the time was not a substantive factor in the import situation and would not be in the foreseeable future. On that basis, on August 27, 1957, the Department recommended that the President approve passage of H.R. 38 which provided that imports of casein be free of duty from the date of enactment through March 31, 1960. It was felt then that the proposed legislation would afford a 3-year testing period in which to observe the effects of duty-free entry of casein.

In recent years, imports of casein have shown a substantial increase. Little casein has been produced domestically because of the low market prices of casein as compared with prices of other dairy products. It appears that, under present conditions, the restoration of the import duty would not raise the market price of casein enough to encourage the use of more domestically produced milk in the production of casein.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Mr. President, I ask unanimous consent that a letter from the Assistant Secretary of State be printed at this point in the RECORD. In the letter it is stated that there is no objection from the foreign policy objective viewpoint to this proposed legislation.

I also ask unanimous consent to have printed in the RECORD a letter from the Office of the Secretary of the Treasury, in which it is stated that the Treasury Department has no objection; and I also ask unanimous consent to have printed in the RECORD a letter from the Acting Assistant Director for Legislative Reference, in which it is stated that the Bureau of the Budget has no objection to enactment of the proposed legislation. I also ask unanimous consent to have printed at this point in the RECORD the letter from the Department of Agriculture to the chairman of the House Ways and Means Committee, dated July 22, 1959.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OFFICE OF THE SECRETARY
OF THE TREASURY,
Washington, D.C., August 27, 1959.

Hon. HARRY F. BYRD,
Chairman, Committee on Finance,
U.S. Senate, Washington, D.C.

MY DEAR MR. CHAIRMAN: Reference is made to your request for the views of this Department on H.R. 7456, "To extend for 3 years the suspension of duty on imports of casein."

The proposed legislation would extend for 3 years, that is, until March 31, 1963, the suspension of import duties imposed on casein under paragraph 19 of the Tariff Act of 1930, as amended. The present suspension will expire on March 31, 1960.

Since the commercial aspects of the proposed legislation would be of concern primarily to the Departments of Agriculture and Commerce, the Treasury Department has no substantive comments on them. Should the bill be enacted, the estimated loss of customs revenue will be about $2 million per year.

The Department has been advised by the Bureau of the Budget that there is no objection to the submission of this report to your committee.

Very truly yours,
A. GILMORE FLUES,
Acting Secretary of the Treasury.

SEPTEMBER 4, 1959.

The Honorable HARRY F. BYRD,
Chairman, Committee on Finance,
U.S. Senate.

DEAR MR. CHAIRMAN: I refer to your communication of August 22, 1959 acknowledged on August 26, requesting the views of the Department of State on H.R. 7456, "To extend for 3 years the suspension of duty on imports of casein."

The Department has examined H.R. 7456 from the standpoint of foreign economic policy objectives and has no objection to its enactment.

The Department has been informed by the Bureau of the Budget that there is no objection to the submission of this report.

Sincerely yours,
WILLIAM B. MACOMBER, Jr.,
Assistant Secretary
(For the Acting Secretary of State).

SEPTEMBER 28, 1959.

Hon. HARRY F. BYRD,
Chairman, Committee on Finance,
U.S. Senate, Washington, D.C.

MY DEAR MR. CHAIRMAN: This is in reply to your letter of August 22, 1959, requesting a report on H.R. 7456, a bill to extend for 3 years the suspension of duty on imports of casein.

We understand the purpose of the bill is to extend through March 31, 1963, the temporary free importation of casein provided by Public Law 85-257.

The Bureau of the Budget has no objection to the enactment of legislation to accomplish the purpose of this bill.

Sincerely yours,
WILFRED H. ROMMEL,
Acting Assistant Director for Legislative Reference.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., July 22, 1959.

Hon. WILBUR D. MILLS,
Chairman, Committee on Ways and Means,
House of Representatives.

DEAR CONGRESSMAN MILLS: This is in reply to your request of June 8, 1959, for a report on H.R. 7456, a bill to extend for 3 years the suspension of duty on imports of casein.

The Department does not oppose enactment of the bill.

In the early part of 1957, the Department carefully studied developments in the production and trade in casein and concluded that the tariff duty on casein imports at the time was not a substantive factor in the import situation and would not be in the foreseeable future. On that basis, on August 27, 1957, the Department recommended that the President approve passage of H.R. 38 which provided that imports of casein be free of duty from the date of enactment through March 31, 1960. It was felt then that the proposed legislation would afford a 3-year testing period in which to observe the effects of duty-free entry of casein.

In recent years, imports of casein have shown a substantial increase. Little casein has been produced domestically because of the low market prices of casein as compared with prices of other dairy products. It appears that, under present conditions, the restoration of the import duty would not raise the market price of casein enough to encourage the use of more domestically produced milk in the production of casein.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

———.

Mr. JAVITS. Mr. President——

Mr. JOHNSON of Texas. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, a great deal of interest has been expressed in this bill by a number of industries, particularly the paper industry. I have before me a statement by the American Pulp & Paper Association. Years ago, I had the privilege of being counsel for the National Paper Trade Association, the wholesalers in this field; and I know a little about this business. I no longer represent them, but I did so for many years.

The American Paper & Pulp Association states:

It is vitally important to the paper industry that House bill 7456 be passed as soon as possible. It ties the interest of the industry in this matter to the interest of the consumer.

It—

In other words, casein—

is not produced in any appreciable amounts in the United States largely because the milk price support program makes the production of other skim milk products more profitable.

Mr. President, I have not had an opportunity to ascertain the views, on a 90-day extension, of the industries which are interested in this matter; but it seems to me, just as a matter of common sense, that if the 90-day extension will keep the situation as it now is, and will provide an opportunity—and let me say that in New York State, as well as in the State of Vermont, very large dairy interests are in operation—for inquiry to be made, in order to ascertain the proper balancing of the interests involved, as between the manufacturing industries, the consumers, and the milk producers, that is desirable.

I believe the majority leader has suggested a course which—especially in view of the fact that it meets the views of the Senator from Vermont [Mr. AIKEN], who has dug into the matter—would seem to be the prudent and the wise one; and I am grateful to the majority leader for yielding to me.

Mr. BYRD of Virginia. Mr. President, will the Senator from Texas yield to me?

Mr. JOHNSON of Texas. I yield.

Mr. BYRD of Virginia. I wish to say that we have called a meeting of the Senate Finance Committee for next Monday, in order to have a hearing for both sides.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that it may be in order for the Finance Committee to meet next Monday, in connection with its hearing on Calendar No. 1060, House bill 7456.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I wish to make it abundantly clear that I do not yield any of my views in favor of the enactment of this proposed legislation. I think the bill should be passed by the Senate today, and I think the bill is meritorious.

I believe the chairman of the Finance Committee acted wisely when he reported the bill. But in view of the fact that certain Senators have requested the holding of hearings, and have demonstrated good faith, and are ready to proceed promptly with the hearings, I think the Finance Committee should give to the bill whatever attention it needs, on Monday, and then report the bill, so the Senate can pass the bill before the 90-day period expires.

Furthermore, the opponents of the bill assured us that they were acting in good faith, and that they would not interpose objection to having the House concur in the Senate amendment. I believe that very important, because if the bill is not finally passed by the Congress by March 31, the existing law will then expire. So I want the RECORD to show that if the House does not agree to the March 31 deadline, I would be disposed to bring up the bill by motion, and to have it passed for the 3-year period.

Mr. AIKEN. Let me say that I would be disposed to go along with that course, under the circumstances.

Mr. JOHNSON of Texas. Certainly.

Mr. AIKEN. So far as I know, there is no objection by the dairy industry to the taking of such action if the casein that is imported is used only for industrial purposes. However, there is objection when the casein is imported for industrial purposes, but then, instead of being used in the paint and paper industries, is used for the manufacture of food, in competition with the manufacturers of foods of which we already have adequate supplies or surpluses in this country.

Mr. JOHNSON of Texas. Mr. President, it may very well be that the Senator's suggestion will be the vehicle by means of which all parties concerned can be brought together in regard to the proposed legislation.

Mr. AIKEN. There is no objection whatever to the avowed purpose, insofar as such importations of casein for industrial purposes only do not infringe on other fields.

Mr. HICKENLOOPER. Mr. President——

Mr. JOHNSON of Texas. I yield to the Senator from Iowa.

Mr. HICKENLOOPER. As I understand, the Senator is asking that this matter be put over for a period of time. I just came to the Chamber. Is that correct?

Mr. JOHNSON of Texas. Yes. I struck out the 3-year provision and inserted a provision of 90 days, in order that hearings could be held. The people involved said they had not been notified. They wanted to propose something along the line suggested by the Senator from Vermont [Mr. AIKEN]. In view of the fact that no hearings have been held, I thought that was a reasonable request.

Mr. HICKENLOOPER. I understand the Finance Committee has agreed to hold hearings. Is that correct?

Mr. JOHNSON of Texas. Beginning next Monday.

Mr. HICKENLOOPER. From what the Senator from Texas, the majority leader, said a moment ago, I got the impression that he thought these hearings would be concluded Monday.

Mr. JOHNSON of Texas. I had the impression there were two or three groups that had amendments to present along the line of the suggestion of the Senator from Vermont. It was suggested first they would be considered Wednesday. They said it would take a little time. I think they said two groups desired to be heard.

Mr. HICKENLOOPER. I hope hearings will be held as expeditiously as possible, but I would hope they would not necessarily be limited to Monday if it were desirable to have the hearings go over a day or two. From what our soybean people have said, there is much more to this bill than what it appeared to be a few months ago.

I know of three little soybean processing plants in my immediate area, two in my State and one in southern Minnesota, that are beginning to process this so-called competitive product. So manufactured casein is a growing industry in this country. I am sure the soybean people will greatly appreciate the attention of the Senate Finance Committee to this subject, in order to ascertain really what the facts are. These people have told me repeatedly they do not want to be arbitrary, but, by the same token, they do not want preferential tariff treatment to choke off development of this new industry, which is growing at the present time, and which in years past has not been very great.

I may go further, with respect to the comments made by the Senator from Vermont, and say that this product of soybeans will be a competitor in industrial uses as well as in food. I get that information from the soybean people. Basically, that opens the product to wide usage. I think we should be very careful in approaching this matter. There has been little objection to it up to the present time.

Mr. JOHNSON of Texas. Mr. President, in light of what the Senator from Iowa has said, I want to amend my request and get permission for the Finance Committee to meet on Tuesday, and even Wednesday, if necessary, in order to conclude this matter.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HICKENLOOPER. The Senator does not mean tomorrow, does he?

Mr. JOHNSON of Texas. Next week.

Mr. AIKEN. Mr. President, I was referring to the dairy industry. I did not have reference to the soybean people. I know they are interested in it. The dairy industry is particularly interested in seeing that casein is not imported and used as a substitute for powdered milk, which has been the practice. I think the procedure we are agreeing to is fair to all persons and industries involved. This measure was reported from the committee without a request from any of those groups for hearings on the bill.

Mr. JOHNSON of Texas. It was reported unanimously by the House committee. Requests have been coming in. The only way to be fair to all parties is to work out a procedure so that hearings can be held. I understand there is no opposition on the part of the opponents to the 90-day period.

They are anxious to have a hearing on it and have their views considered by the Senate. I think they are entitled to that. For that reason I have agreed with the minority leader, the very able Senator from Indiana, and other Senators, that a 90-day period would be reasonable. I hope the House can act on this matter within 90 days, because, if not, the extension period will run out, and then we shall be forced to take up the bill as originally reported.

Mr. HICKENLOOPER. If the Senator will yield, I do not want to prolong this discussion. I think the Senator is being very fair about this. I think what he has proposed will amply solve the problem which immediately confronts us. But this bill was reported by the committee, without any particular consideration one way or the other, sometime in the fore part of January.

Mr. JOHNSON of Texas. January 13th; but it had consideration. Nobody had asked for hearings on it.

Mr. HICKENLOOPER. I was told, very shortly after that, as one person expressed it to me, "It caught us on the blind side." It came so rapidly from committee that they had no notice. They are not criticizing anybody for that situation, but, the first thing they knew, it was put on the Senate Calendar almost immediately after Congress convened.

Mr. JOHNSON of Texas. I would object to that conclusion, because it had been in the committee several months. It had passed the House in July. There was notice of it when it was taken up in the House Ways and Means Committee. No request was made to any member of the committee or any Senator for hearings on it. Such a request would have received the attention of the Senator from Virginia. Now they have made a request. We want to give them an opportunity to have a hearing.

Mr. HICKENLOOPER. I understand, but that was done only 10 days from the time Congress convened in January. I presume everyone is human. I think it is perfectly understandable that they did not know what was happening. In fact, they did not anticipate what happened. As some of the leaders told me, they were "caught on the blind side." They do not say unfair tactics were being used. They merely said they did not know this matter would be reported out of committee as precipitously as it was. They will get their people here and a proper hearing will be had, I am sure, and that is all I am interested in.

Mr. JOHNSON of Texas. That is what the Senator will get. I saw the Senator's request on the calendar. I conferred with his distinguished leader earlier in the day. We thought this procedure would meet the wishes of all Senators.

Mr. HICKENLOOPER. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 7456) was read the third time and passed.

The title was amended, so as to read: "An act to extend until July 1, 1960, the suspension of duty on imports of casein."

Mr. KUCHEL. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to reconsider was laid on the table.

Mr. JOHNSON of Texas. Mr. President, I want to point out that, in the event we are unable to get action on this measure before the expiration date, we may return to action on the original bill. We are hoping this will be agreeable to our colleagues in the House.

Mr. President, I am speaking of Calendar No. 1060, H.R. 7456, to extend for 3 years the suspension of duty on imports of casein.

Mr. HICKENLOOPER subsequently said: Mr. President, reserving the right to object, I do not want to discuss the particular bill before the Senate. I was chatting with the Senator from Indiana about the casein bill. Did I correctly understand the majority leader to say that if the House would not accept at this time the 3-month extension, he would seek to take up by motion the bill for the 3-year extension?

Mr. JOHNSON of Texas. Or for some other length of time. I have stated that 2 or 3 times during the debate. We are going to try to get the 90-day extension through the House of Representatives. We do not want the whole thing to expire. We must have some kind of legislation.

Mr. HICKENLOOPER. I think the important thing about the entire matter is that we have a hearing. The Finance Committee should give us a hearing on the facts involved. I may object to an extension of the act for 3 years after the hearing, but I would think it would be in perfectly good order for the Senator to ask for anything he wants to ask after the hearing.

Mr. JOHNSON of Texas. I assure the Senator I understand his position. I hope the hearings will be held next Wednesday. I understand that the distinguished Senator from Indiana agreed with the chairman of the Committee on Finance to hold hearings after the extension.

When does the legislation expire? I am willing that a hearing be provided, but I am not willing to bury the bill.

Mr. HARTKE. Mr. President, my understanding with the chairman of the Committee on Finance is that the hearing will be scheduled for Monday.

Mr. JOHNSON of Texas. When does the legislation expire?

Mr. KUCHEL. The legislation expires on the 31st of this month, I will say to my friend.

Mr. JOHNSON of Texas. What day is that?

Mr. KUCHEL. This Thursday.

Mr. HICKENLOOPER. I presume that some resolution extending the legislation for 30 days would be sufficient.

Mr. JOHNSON of Texas. I was trying to give notice.

Mr. HICKENLOOPER. The important thing is that we have a reasonable opportunity to be heard. Regardless of what has gone on in the past, we should have a reasonable hearing before the Committee on Finance.

Mr. JOHNSON of Texas. I have spent all morning trying to work that out.

Mr. HICKENLOOPER. That is the important thing.

Mr. JOHNSON of Texas. I understand.

Mr. HICKENLOOPER. Simply because the House might not agree to a third 90-day extension, I would not want to have the matter brought back here, so that the Senate could pass a 3-year extension.

Mr. JOHNSON of Texas. I do not know whether we will have a 3-year extension. We might have a 3-day extension. I do not know what we can get the House to agree to.

Mr. HICKENLOOPER. I am sympathetic with the Senator's position.

Mr. JOHNSON of Texas. The Senator realizes that we have a problem in the House. I do not want the authority to expire.

Mr. HICKENLOOPER. Yes.

Mr. JOHNSON of Texas. The Senator has one viewpoint, and I have another. I am trying to be fair to the Senator's viewpoint.

Mr. HICKENLOOPER. The Senator is fair.

Mr. JOHNSON of Texas. I thought it would be better if the committee would have a hearing on Wednesday or Thursday, before the authority expires. I thought I had an agreement with the Senator that Wednesday would be satisfactory. What would the Senator say about Thursday?

Mr. BYRD of Virginia. Any day will be all right with me. I thought Wednesday was a little soon, because the witnesses have to come from a distance.

Mr. JOHNSON of Texas. March 31 will arrive a little soon, also. March 31 is next Thursday.

Mr. BYRD of Virginia. The Senate Committee on Finance can have the hearing at any time this week, or on any day next week.

Mr. HICKENLOOPER. Mr. President, I was perfectly satisfied about a hearing beginning next Monday. I certainly have no objection to a device, if the majority leader wants to get some device worked out, so that the legislation will not necessarily lapse on the 31st of the month. That is not the important point. I am perfectly satisfied that the Committee on Finance will have a hearing on Monday.

Mr. BYRD of Virginia. It is the understanding, is it not, that we are to pass the 90-day extension? That would make the legislation expire on July 31.

Mr. JOHNSON of Texas. The House has to agree to that. If there is not a rule and if the House does not agree the whole thing will expire.

Mr. BYRD of Virginia. What is the earliest date the witnesses can get to Washington, D.C.?

Mr. JOHNSON of Texas. Can the witnesses come by Thursday?

Mr. HARTKE. I do not know. This is Monday afternoon. Some people do not like to fly as much as they used to. I do not like to fly these days. Some of these witnesses would like to come on the train.

Mr. JOHNSON of Texas. How long would it take them, by train?

Mr. HARTKE. If the witnesses got started tonight they could not possibly arrive in Washington, D.C., before tomorrow morning. If they started tomorrow night they could not arrive until the next morning.

Mr. JOHNSON of Texas. Would it be reasonable to say the hearing could be held on Thursday and Friday?

Mr. BYRD of Virginia. That could be done.

Mr. JOHNSON of Texas. Mr. President, I modify my request, that the committee be permitted to hold hearings on Thursday and Friday.

Mr. HICKENLOOPER. Mr. President, if the Senator will yield, that is a very short time. These people have to come from the Soybean Belt to Washington, D.C., and they will be asked to testify on Thursday. I think Monday will be satisfactory.

Certainly I would have no objection, if the Senator wants to have a concurrent resolution of some kind passed to extend the legislation for 30 days, to having the hearing after that, to see whether it ought to be put upon a 3-year basis or some other basis. I have no objection to that. It is not a question of trying to see that this is all stopped on the 31st. It is simply a question of a reasonable time for a hearing, before the Senate finally acts on any longtime continuation of the program.

Mr. JOHNSON of Texas. Does the Senator feel there are some witnesses who could not be present Thursday or Friday?

Mr. HICKENLOOPER. I think some of them could be here on Thursday. Some of them could be here tomorrow morning at 9 o'clock.

Mr. JOHNSON of Texas. I think they are here now. [Laughter.]

Mr. HICKENLOOPER. No, they are not.

Mr. JOHNSON of Texas. I have talked to some.

Mr. HICKENLOOPER. There may be a number of people in Washington, D.C., but the people who represent the great segment of the soybean industry have talked to me on the telephone today, from out in the Middle West. I know they are not in Washington, D.C.

I have no objection. I do not want to delay the matter. It is simply a question of an adequate hearing. These people do not know when we are going to have a hearing. They have to get their statements ready. They have to get their facts in order, and so on, for the hearing. That is not quite as simple as to have a Member of the Senate go before a committee to testify. The Senator is always somewhat familiar with the subject. Many of these people are familiar with the facts, but they still have to get their statements in order, because they are speaking for the record, for their industry and for their businesses.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the committee be given authority to meet on Thursday and Friday. If the chairman of the committee, after conferring with the respective Senators, after they confer with their constituents, feels the hearing cannot be held at that time, the committee already has authority to meet on Monday.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

TRANSITIONAL PROVISIONS FOR INCOME-TAX TREATMENT

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1073, H.R. 8684.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 8684) to provide transitional provisions for the income-tax treatment of dealer reserve income.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill (H.R. 8684) to provide transitional provisions for the income-tax treatment of dealer reserve income, which had been reported from the Committee on Finance, with amendments, on page 1, line 5, after the word "of", to strike out "1959" and insert "1960"; in line 9, after "(1)" to strike out "computed" and insert "computed, or was required to compute"; on page 3, line 7, to change the subparagraph number from "(1)" to "(I)"; in line 16, after the word "applicable," to strike out "is not" and insert "was not, on June 21, 1959"; on page 4, line 11, after the word "applicable," to strike out "is not" and insert "was not, on June 21, 1959"; in line 20, after the word "exceed", to strike out "10" and insert "5"; on page 8, line 9, after the word "in", where it occurs the first time, to strike out "the trade or business in respect of which the election under subsection (b) applies" and insert "a trade or business"; in line 14, after the word "partnership", to strike out "ceases to engage in the trade or business in respect of which the election under subsection (b) applies" and insert "terminates"; in line 18, after the word "in", where it occurs the first time, to strike out "the trade or business in respect of which the election under subsection (b) applies" and insert "a trade or business"; on page 9, after line 12, to strike out:

(a) DEALER RESERVE INCOME.—For purposes of this Act, the term "dealer reserve income" means that part of the consideration derived by any person from the sale or other disposition of customers' sales contracts, notes, and other evidences of indebtedness (or derived from customers' finance charges connected with such sales or other dispositions) which is—

(1) attributable to the sale by such person to such customers, in the ordinary course of his trade or business, of real property or tangible personal property, and

(2) held in a reserve account, by the financial institution to which such person disposed of such evidences of indebtedness, for the purpose of securing obligations of such person, obligations under such evidences of indebtedness, or both.

And in lieu thereof to insert:

(a) DEALER RESERVE INCOME.—For purposes of this Act, the term "dealer reserve income" means—

(1) that part of the consideration derived by any person from the sale or other disposition of customers' sales contracts, notes, and other evidences of indebtedness (or derived from cutomers' finance charges connected with such sales or other dispositions) which is—

(A) attributable to the sale by such person to such customers, in the ordinary course of his trade or business, of real property or tangible personal property, and

(B) held in a reserve account, by the financial institution to which such person disposed of such evidences of indebtedness, for the purpose of securing obligations of such person or of such customers, or both; and

(2) that part of the consideration—

(A) derived by any person from a sale described in paragraph (1)(A) in respect of which part or all of the purchase price of the property sold is provided by a financial institution to or for the customer to whom such property is sold, or

(B) derived by such person from finance charges connected with the financing of such sale, which is held in a reserve account by such financial institution for the purpose of securing obligations of such person or of such customer, or both.

On page 11, line 8, after the word "in", to strike out "subsection (a)" and insert "subsection (a)(1), or of financing sales of the kind described in subsection (a)(2), or both"; after line 22, to insert:

(c) STATUTES OF LIMITATIONS.—For purposes of applying sections 3 and 4 of this Act, if the assessment of any deficiency, or the refund or credit of any overpayment, for any taxable year was not prevented on June 21, 1959, by the operation of any law or rule of law (other than the provisions of chapter 74 of the Internal Revenue Code of 1954, relating to compromises or closing agreements, or the corresponding provisions of prior revenue laws), the period within which such assessment, or such refund or credit, may be made shall not expire prior to July 1, 1961.

And on page 12, at the beginning of line 8, to change the subsection letter from "(c)" to "(f)".

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none; and, without objection, the committee amendments are agreed to en bloc.

Mr. BYRD of Virginia. Mr. President, I offer some amendments which are technical amendments.

The PRESIDING OFFICER. The amendments will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 2, line 5, after the word "before", it is proposed to strike out "July", and insert "September".

On page 12, line 7, after the word "to", it is proposed to strike out "July", and insert "September".

On page 11, beginning with line 23, it is proposed to strike out all through line 7 on page 12 and in lieu thereof insert the following:

(c) Statutes of Limitations.—

(1) Extension of period for assessment and refund or credit: For purposes of applying sections 3 and 4 of this Act, if the assessment of any deficiency, or the refund or credit of any overpayment, for any taxable year was not prevented on June 21, 1959, by the operation of any law or rule of law, but would be so prevented prior to September 1, 1961, the period within which such assessment, or such refund or credit, may be made shall not expire prior to September 1, 1961. An election by a taxpayer under section 3 or 4 of this Act shall be considered as a consent to the application of the provisions of this subsection.

(2) Years closed by closing agreement or compromise: For purposes of this Act, if the assessment of any deficiency, or the refund or credit of any overpayment, for any taxable year is prevented on the date of an election under section 3 or 4 of this Act by the operation of the provisions of chapter 74 of the Internal Revenue Code of 1954 (relating to closing agreements and compromises) or by the corresponding provisions of the Internal Revenue Code of 1939, such assessment, or such refund or credit, shall be considered as having been prevented on June 21, 1959.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an explanation of the bill.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

H.R. 8684 relates to tax treatment of certain dealer reserves.

The usual dealers' reserve arises from the sale of customers' installment paper to finance companies. The way in which these reserves arise can be illustrated by an example of an automobile dealer, a business where dealer reserves have been used quite widely. Initially the dealer sells a car to a customer, accepting his note together with a cash downpayment and trade-in as the selling price of the car. The customer then executes a note, usually on forms supplied by a finance company, and the dealer then sells the installment paper to the finance company in return for a partial payment to him by the finance company of the face

amount of the paper. The finance company, however, reserves, or holds back, a portion of the balance due the dealer and in addition may set aside a portion of the finance charge on the paper otherwise due the dealer. Losses incurred by the finance company may be charged against these dealers' reserves.

In transactions of this general type the question is whether this reserve is income to the dealer in the year of the sale of the article and the sale of the installment paper to the finance company or, on the other hand, is income to the dealer only when he actually receives the reserved amount in cash from the finance company.

The Supreme Court on June 22, 1959, in *Commissioner* v. *Hansen*, *Commissioner* v. *Glover*, and *Baird* v. *Commissioner*, held in these cases that the specific reserves involved were properly reportable as income when "the dealers acquired a fixed right to receive the amounts so retained by the finance companies." These cases held that dealer reserve income is to be reported at the time it is properly accruable, or in general at the time of the sale of the installment paper where this immediately follows the sale of the property. However, many dealers following any of the numerous circuit court decisions to the contrary, have not reported this income until the reserves were withdrawn by the dealers from the finance companies.

In view of this, H.R. 8684 provides two alternative methods for paying the tax due on the income which has not previously been reported. First, it provides that such amounts can be treated as required changes in methods of accounting. In general, this means that the reserves built up prior to 1954 need not be reported for tax purposes, and that only the excess of the current balance over the 1954 balance in the reserve is to be reported. A second alternative provided permits the computation of the deficiencies—or overassessments—which would arise if the income had been reported in the proper years, and then the sum of these amounts—plus interest up to the time of selecting this alternative—may be paid in 10 annual installments, generally beginning in 1961.

Your committee has made the following amendments to the House bill:

(1) Under a committee amendment the taxpayer will be entitled to the benefits of the bill if he is forced by the Commissioner to change to an accrual method of accounting. There was some doubt whether he would be entitled to the benefits of the House bill in such a case.

(2) At the suggestion of the Treasury your committee has reduced the period for electing to pay the deficiencies for the years involved in installments from 10 years to 5 years. The Treasury was of the opinion that a 5-year extension would amply cover the situation.

(3) Your committee has provided that the privilege of paying the deficiencies in installments shall not terminate unless the individual or corporation involved ceases to engage in any business or unless a partnership, of which the taxpayer is a member, terminates. Under the House bill, the privilege was terminated where the individual, the partnership of which he is a member, or the corporation, as the case may be, ceases to engage in the business out of which the dealer reserve arose.

(4) Your committee has applied the benefits of the bill to taxable years which were open for assessment or refund on June 21, 1959, the date of the Supreme Court decisions relating to dealers' reserves. This amendment would permit a taxpayer to make an election under the bill for a year which was closed before he had an opportunity to make such election. The House bill did not provide relief in such cases.

(5) Your committee has also amended the House bill to apply to situations where the customer gave the note or mortgage directly to the finance company under an arrangement whereby the selling price, a part of the finance charge, or both, was retained by the finance company in a reserve account to be ultimately paid to the dealer. The House bill limited the relief to situations where the dealer sells the installment paper to the finance company.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. BARTLETT. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas to lay on the table the motion of the Senator from Alaska to reconsider.

The motion was agreed to.

EXEMPTION FROM INSPECTION OF SMALL VESSELS CARRYING FREIGHT IN INLAND WATERS, ALASKA

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1199, Senate bill 2669.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 2669) to extend the period of exemption from inspection under the provisions of section 4426 of the Revised Statutes granted small vessels carrying freight to and from places in the inland waters of southeastern Alaska.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. BARTLETT. Mr. President, I know of no objection to this bill on the part of any Senator. It was reported unanimously from the Committee on Interstate and Foreign Commerce. It simply seeks to extend for a 4-year period a desirable and even essential maritime arrangement in southeastern Alaska.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to amend section 4426 of the Revised Statutes, as amended, with respect to certain small vessels operated by cooperatives or associations in transporting merchandise of members on a nonprofit basis to or from places within the inland waters of southeastern Alaska and Prince Rupert, British Columbia, or to or from places within said inland waters and places within the inland waters of the State of Washington", approved August 23, 1958 (72 Stat. 833), is amended by striking out "1960" and inserting in lieu thereof "1964".

DEPARTMENT OF COMMERCE AND RELATED AGENCIES APPROPRIATIONS, 1961

Mr. JOHNSON of Texas. Mr. President, I move that the Senate resume the consideration of House bill 10234, Calendar No. 1139.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 10234) making appropriations for the Department of Commerce and Related Agencies for the fiscal year ending June 30, 1961, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate resumed the consideration of the bill.

Mr. JOHNSON of Texas. Mr. President, the pending bill is the Commerce Department appropriation bill. The distinguished Senator from Florida [Mr. HOLLAND], as chairman of the subcommittee, reported the bill. I understand that certain amendments are to be offered.

Mr. President, I give notice that it is expected that the Senate will remain in session late this evening. If possible, we would like to have the proposed amendments acted on today. If not, we shall endeavor to have the Senate meet at an earlier hour tomorrow, so that action can be concluded on the bill, because there will be before the Senate the very important Interior Department appropriations bill, and we hope it can be passed before the Judiciary Committee makes its report on the civil rights bill on Tuesday.

Mr. CASE of South Dakota. Mr. President, will the Senator yield for a question?

Mr. JOHNSON of Texas. I yield.

Mr. CASE of South Dakota. Was the Senator indicating that the Interior Department appropriation bill would be reached and passed today?

Mr. JOHNSON of Texas. No. It is not eligible for consideration until tomorrow. We have this problem:

We have the Commerce Department appropriation bill, which was carried over at the suggestion of the Senator from Delaware [Mr. WILLIAMS], in order that all Members who desired to be heard may be heard and offer amendments.

When consideration of the Commerce Department appropriation bill is concluded we expect to proceed to the consideration of the Interior Department appropriation bill. It will not be in order until tomorrow, but we hope we can conclude consideration of the Interior Department bill tomorrow, because the civil rights bill will be reported back tomorrow evening from the Committee on the Judiciary, and we should like to take it up on Wednesday if at all possible.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORE. Mr. President, I ask unanimous consent that the order for the calling of the roll be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

REMOVAL OF GEOGRAPHICAL LIMITATIONS ON ACTIVITIES OF THE COAST AND GEODETIC SURVEY

Mr. MAGNUSON. Mr. President, I ask that the Chair lay before the Senate a message from the House on the bill, S. 2482, to remove geographical limitations on activities of the Coast and Geodetic Survey, and for other purposes, with the amendment of the House thereto.

The PRESIDING OFFICER (Mr. BRUNSDALE in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 2482) to remove geographical limitations on activities of the Coast and Geodetic Survey, and for other purposes, which was, to strike out all after the enacting clause and insert:

That the first section of the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C., sec. 883a), is amended—

(1) by striking out "in the United States, its Territories, and possessions";

(2) by striking out "of coastal water and land areas (including survey of offlying islands, banks, shoals, and other offshore areas)"; and

(3) by striking out all of paragraph (2), and by renumbering paragraphs (3), (4), (5), and (6) as (2), (3), (4), and (5) respectively.

Mr. MAGNUSON. Mr. President, the amendment of the House is in the nature of a technical clarifying amendment. It does not change the substantive purpose of the bill in any way.

I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the bill be printed in full at this point in the RECORD for the information of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill, ordered to be printed, reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C., sec. 883a), is amended—

(1) by striking out "in the United States, its Territories, and possessions";

(2) by striking out "of coastal water and land areas (including survey of offlying islands, banks, shoals, and other offshore areas)"; and

(3) by striking out all of paragraph (2), and by renumbering paragraphs (3), (4), (5), and (6) as (2), (3), (4), and (5) respectively.

DEATH OF REPRESENTATIVE RUSSELL V. MACK, OF WASHINGTON

Mr. MAGNUSON. Mr. President, I take the time of the Senate briefly to make an announcement which distresses me greatly. A member of the Washington congressional delegation, Representative RUSSELL V. MACK, just dropped dead on the floor of the House. Representative MACK had served very effectively and ably in the House of Representatives from the State of Washington for many years. I do not know whether he had ever been ill. I do not know exactly what happened. I understand that he suffered a heart attack on the floor of the House.

I had talked with Representative MACK last week, and he appeared to be in good health. He was a valued Member of the House of Representatives, and an esteemed member of the Washington State delegation. I have known RUSSELL MACK for many years. I considered him a very good friend.

I regret this great loss to the State of Washington, and, of course, extend my sympathy to his very fine wife and family. His death comes as a great shock to me and other Members of the House and Senate who knew him.

Mr. BARTLETT. Mr. President, I join the senior Senator from Washington in expressing deep regret at the untimely death of Representative RUSSELL V. MACK, of the State of Washington. I was glad and proud to count him as a friend. He was a fine man, and a good public servant. We who knew him here will miss him greatly. His district will miss him. The Nation will miss him. He served the Nation well.

My wife and I wish to extend our deepest sympathy, in this hour of sorrow, to Mrs. Mack.

Mr. CASE of South Dakota. Mr. President, I wish to join at this time in expressing sympathy to Mrs. Mack and others bereaved by the sudden death of RUSSELL MACK.

I had known RUSSELL MACK for many years, first in the House of Representatives, and then as a colleague serving from the House on conference committees between the Public Works Committees of the House and Senate.

RUSSELL MACK's knowledge of the public works field, whether in connection with highways, rivers and harbors, or flood-control projects, was of great value to our country generally, as well as to the State of Washington.

He was eminently fair, considerate, and tolerant of others, and very effective because of his knowledge and because of his sense of public service.

He was a newspaper editor before coming to Washington, and enjoyed a wide acquaintanceship and the respect of others in the newspaper field.

He was a most useful Member of Congress. The State of Washington and the country have lost a great American and a great statesman.

Mr. CARLSON. Mr. President, I wish to associate myself with the remarks made by the other Senators on the subject of the untimely death of RUSSELL MACK.

DANGERS IN HAPHAZARD DIPLOMACY

Mr. GORE. Mr. President, thanks to the candor of our distinguished Secretary of State, a question which has disturbed me for a long time has flared into public view. I refer to the willingness of the leaders of this country—indeed, of the West—to meet Mr. Khrushchev separately and jointly in a summit conference for no reason, really, other than Mr. Khrushchev thinks such a conference will be useful, at least to him.

Last Tuesday in a public meeting of the Committee on Foreign Relations, the Secretary of State told the committee that the forthcoming summit conference "has no agenda. We don't know what points are going to be discussed. We just assume that the German and Berlin question will come up."

Mr. President, I share the Secretary's assumption that the Berlin question will come up, but I wonder how it will come up—in what context—at whose initiative—under what circumstances—and with what conditions? Will Mr. Khrushchev, in the exclusive company of his three fellow heads of government, assay a major diplomatic thrust? Will he offer a quid pro quo, a long-term agreement on Berlin, perhaps in return for Western recognition of East Germany?

I do not here estimate the effect of such a diplomatic thrust by Mr. Khrushchev or, indeed, whether such a quid pro quo amounts to a plausible possibility. I doubt, however, that the United States and its major allies are prepared to respond to such an initiative with a single clear, resolute voice.

Yet how can the West expect to accomplish anything at the summit—indeed, to come away with their own rights and interests unprejudiced—unless the Western leaders are agreed on the objectives they wish to achieve, the positions they will adopt and unless they make an effort to stay within the orderly processes of diplomatic action?

Mr. Herter assumes, and who would disagree, that the question of Berlin, the broader question of Germany, nuclear weapons tests and the painfully involuted question of disarmament will all come up at the summit. But how and in what form?

Now, the current Berlin issue is essentially artificial. That is, it is a creature of Mr. Khrushchev himself. He created the problem and now demands that we solve it to his advantage. The plain fact is that it is Khrushchev, not we, who is clamoring for a change in the Berlin

situation. It is Khrushchev, not the United States or her allies, who almost daily threatens to act provocatively and dangerously with respect to Berlin and East Germany.

And who can say that the heady Alpine atmosphere and free rein of the summit—without an agreed agenda—will not induce him to create other problems for the West to solve to his gain?

What I am suggesting here is that we examine the rationale for this summit meeting.

I have no quarrel with the proposition that it is a good idea for heads of state to meet and talk over their differences. However, such meetings, riveting as they do the attention of the world, should be undertaken only after the most careful planning and, like all diplomatic undertakings, should be clearly in our national interest. Admittedly the problems that threaten peace will be hard to resolve at best. There is even less chance of resolving them if we have no plan and no hope that such will be done. Without purpose and plan, we will find ourselves lost and drifting in a murky sea of haphazard diplomacy.

Unless there is some reasonable expectation that progress can be made in the settlement of differences and problems, there is no justification for meeting at all. This proposition, though, is now moot. The Paris meeting is scheduled.

What about U.S. leadership? How can the United States avoid either the loss or abandonment of her rightful position as leader of the Western Alliance with the haphazard policies, or lack of policies, which have been outlined to us? Moreover, other nations must wonder if we have lost our will and zest for leadership.

Careful preparation is as necessary for victory in a diplomatic conference as it is in a military campaign. The history of diplomatic failures bears this out. If one examines international conferences since the end of World War I, three outstanding errors stand out boldly:

First. The failure to fix definite, clear objectives in advance with an agreed and definite program or agenda for the conference and a careful definition of our policy on each item.

Second. The lack of detailed agreement and coordination with our allies before the conference begins.

Third. Departures from the previously prepared positions during the conference.

Not all of the above flaws have been present in all conferences. Sometimes it has been one of them, sometimes another, sometimes all.

I do not wish here to labor or overemphasize the desirability of heeding our mistakes and failures of the past. But I do think it is important to bear them in mind. At least, we should remember the most recent summit conference, in Geneva in 1955. Perhaps we should recall, also, that at Versailles the heads of state met before deciding on a carefully arranged program of discussion and without careful advance coordination of their policies. Moreover, President Wilson went to the conference without having secured his own political base at home.

About Versailles, Colonel House later wrote:

> The great fault of the political leaders (Wilson, Clemenceau, Lloyd George, and Orlando) was their failure to draft a plan of procedure.

This is not to say that we should be fearful of international conferences, not at all. Settlement of differences by negotiation is a prime goal of civilization. It is the purpose of diplomacy. And it is good. But, in the present context of world affairs, the requirement, it seems to me, is not a mere willingness to go just anywhere and talk about anything, but rather an insistence that we confer and negotiate about the basic threats to peace in a manner carefully calculated to promote our national interest and the true cause of peace.

If we let Mr. Khrushchev pose the problems and determine their frame of reference, then he can just about assure himself of either a settlement to his advantage or no conclusion at all with blame for failure of the conference falling on us.

This is the point. Mr. Khrushchev—let us face it—is the apostle of the summit conference. He has created the issue that will presumably be the first order of business. I say "presumably" because in the absence of any understanding whatsoever as to what will be discussed, in what order, and in what context, who can say what the first order of business will be? All that we know for certain is that Khrushchev is wily, resourceful, unpredictable, and determined, and that he is completely unhampered by the standard of moral values to which we adhere. Moreover, his approach to the summit has been a model of orderly and logical procedure. He wanted this conference, just as he wanted to be invited to the United States, for his own good and sufficient reasons. In both cases he gained his objective. I dare say he already knows—of this I think we may be sure—what he wants to talk about at this conference, and I am forced to recognize the prospect that those matters will be discussed at the time and in the frame of reference of his making.

In short, it should be clear to us by now that Mr. Khrushchev is an "idea" man constantly in search of a platform, the world's cleverest propagandist. Currently he is performing in France. With the summit we have given him a platform of unrivaled luster and eminence. And we have made no effort to limit the outlets for the exuberant expression of his talents. On the contrary, by visits and return visits, by apparent agreement to a whole series of summit meetings, we have conferred status, if not respectability, upon communism and its leaders. What is more important, in so doing, we have assisted Mr. Khrushchev in his relentless campaign to picture communism as the wave of the future without ever pinning him down to talk about the subjects crucial to our interests in their proper context, if at all.

The Western Powers, on the other hand, really do not know what to expect from this conference. To make matters worse, they are not sure of what, most ideally, should emerge from the conference. To state it simply, there is a slackness, born of uncertainty, in the Western position.

Thus we find the ranking statesmen of the West periodically, and sometimes spasmodically, putting aside their onerous domestic duties in order to huddle together for the purpose of seaming over small but corrosive cracks in the alliance.

Prime Minister Macmillan of Great Britain has hurriedly come here and is now conferring with President Eisenhower. In a short space of time Mr. Adenauer has visited Mr. Eisenhower, Mr. Macmillan has visited General de Gaulle, and General de Gaulle is expected here shortly to talk with Mr. Eisenhower. France and Germany do not see eye to eye with Britain on the Berlin question. Mr. Macmillan is reported to view the latest Soviet nuclear test proposal with considerably more sympathy than President Eisenhower. France wants atomic weapons. Most of the Atlantic Alliance shudder at the mention of a German training base in Spain. The Common Market countries appear to be on the verge of accelerating the schedule for inaugurating their external tariff, thus irritating Britain and the other Outer Seven countries which regard such a move as inimical to their own interests.

Does this state of disunity and irresolution on the part of the West not present an inviting opportunity for Khrushchev to pursue his goal of breaking up NATO and splintering the free world alliance. Surely we can expect him to probe soft spots, to attempt to generate animosities, suspicions, and fears among the allies, as he is doing today in France. Indeed, we have seen from the pattern of his conduct that many of his proposals are designed strictly to exacerbate such animosities among friends. Meanwhile, with complete unity of policy and monolithic determination, Mr. Khrushchev maintains full freedom of maneuver for his side.

This raises the point, Mr. President, that since Mr. Khrushchev is the man who most of all wanted a summit conference, he should have agreed to discuss the central issues in an orderly fashion and in a reasonable and logical context. Such an agreement on his part, I feel quite strongly, should have been a necessary condition to our President's agreeing to attend the conference. The failure to insist upon such procedure, the failure to fix definite objectives and to make careful plans in our own national interest, and the failure to coordinate these objectives and plans in detail with our allies, has raised the prospect of a conference which, although held at the highest level—the summit—may contribute little, if anything, to the resolution of the problems and the threats to peace. Indeed, Secretary Herter said, only last week:

> I am very frank to admit that I am not too optimistic that the summit conference will produce very great results.

Diplomatic victories are seldom achieved haphazardly. Normally they are the result of patient, careful, detailed work. This work involves a point-by-point examination and prudent evaluation in terms of the national interest of each step taken. Diplomatic initiatives must be carefully calculated. Spontaneous suggestions, such as Chancellor Adenauer's recent sudden idea of a Berlin referendum, are not usually fruitful.

Viewing the subject from quite another angle, I am unimpressed by the argument that diplomacy must be conducted only at the summit with the Soviet Union simply because Mr. Khrushchev prefers to do his own negotiating. Mr. President, whatever Mr. Khrushchev's problem is—whether inflated vanity or underdeveloped prestige—it is no problem of ours. He professes contempt for foreign ministers, and often gibes at their lack of authority. Here again, if Mr. Khrushchev cannot find a foreign minister in the Soviet Union adequate to the responsibility, that is his problem, not ours.

I recall that nobody ever doubted the supreme authority of Stalin for Soviet policy. Yet for how many years was Soviet foreign policy personified by a hard, unsmiling, superbly skilled negotiator, known to the world as Molotov, and known to his colleagues of the conference table as "iron pants." Every ranking Western diplomat who ever faced Molotov gave him full marks for his professional talent and attainments. Yet none of them ever had any illusions as to the source of his instructions.

Mr. President, I am all for talking with our friends and with our adversaries, all for employing and expanding the diplomatic process and for adopting each and every measure that will reduce the likelihood of armed conflict in the world. What is necessary is that these processes be pursued in a careful, orderly, realistic manner. The preparations for the forthcoming summit conference do not represent this kind of negotiating procedure. On the contrary, it appears to be a part of a plan to postpone, if not avoid, serious negotiation. A series of summits, we are told, is planned, conditioned only upon just enough achievement at the one to justify the next. Thus, it is planned to resort to amiable, if somewhat aimless, conversation and good-will visits, as a substitute for the careful planning and hard work necessary for correct decisions.

There are positive dangers from failure to reach substantive agreement at a conference between the heads of great and contending powers. The mere scheduling of a summit conference serves to raise the hopes of the peoples of the world, and perhaps appears to ease international tensions. When such a conference breaks up without material accomplishment, increased tensions, rising suspicions, and added fears may result. We are advised by Secretary Herter that these dangers can be minimized by not expecting too much.

But I am not sure the matter is quite that simple. I am not sure, in the first place, that we can, or should, dampen peoples' hopefulness for peace. In the second place, I doubt that it is wise to go to a conference while talking it down, or, to put the matter the other way around, to talk down a conference in which the President of the United States is to participate with the Russian Premier, the British Prime Minister, and General de Gaulle. Such a conference cannot be regarded as unimportant. The world will not be so misled.

Moreover, it would not seem illogical to assume that a participant who publicly admitted he did not expect the conference to succeed would stand a good chance of being blamed for its failure, and not much chance of receiving credit for any possible success.

Even more dangerous than failure to achieve some substantive agreement, however, would be the execution of an improvident agreement. I must in all candor express my concern that the pressure for political agreement may become so strong, and an awareness of the dangers of failure of the conference so compelling, that improvident decisions may be reached. I hope this apprehension is not justified. I regret that circumstances are such that I feel compelled to state it.

Apparently an extended period of negotiations of critical importance lies ahead. This is all the more reason why I feel impelled to speak out today. I do hope no one will interpret this statement as an act of partisanship. I speak out of concern for my country and for other countries which love peace and freedom. And that, Mr. President, is not partisanship.

The mere fact that negotiations are under way does not alter the basic conflict of ideas and ideologies between the free and the Communist worlds.

We must realize the nature of our foe. And I unhesitatingly refer to Mr. Khrushchev as a foe. For him and his associates, the collapse of our system is inevitable. They believe they have the right—not only the right, but a self-professed duty—to dominate all people everywhere. Communists do not suffer from moral restraints. They are zealots who will adopt any means, however antisocial, to gain the remarkable ends they seek so relentlessly.

The Communist creed is an aggressive creed. The Communist creed is one of subversion, revolution, dictatorship, and oppression. Communists use, and intend to use, all of the resources, human and material, of an empire that now encompasses one-third of the people of the world. And Khrushchev is the head Communist. He has great military strength at his command. He has an organized and disciplined party, not only among the one-third of humanity that communism dominates, but in most other countries of the world. Mr. Khrushchev will bring all of these powers and all of these resources to bear, and he thinks time is on his side.

I am for negotiation, let me repeat, all for expanding diplomatic conversation to promote peace. I only insist that it proceed with adequate plan and preparation within the U.S. Government, and with the necessary, detailed unity and coordination with our allies. Otherwise, rather than serving the cause of peace and security, well-intentioned summiteers may do violence to these, our most crucial objectives.

It is in this sense that I speak out today and I hope my voice reaches Camp David. It is too late to negotiate an agenda for the Paris summit conference. Mr. Khrushchev already has that one buttoned up, on terms eminently to his satisfaction. But it is not too late to unify the Western position on key issues and upon a plan of procedure. It is not too late for President Eisenhower and our distinguished visitor, Prime Minister Macmillan, to reflect upon the lessons of history. It is not too late for them to contemplate the dangers of playing the game of power politics by ear, or to consider the character of our adversary and the matchless opportunities they have given him for advancing that most material and oppressive of causes—international communism.

Out of such reflection, and perhaps with the benefit of growing experience, there will come a useful reappraisal of the nature of diplomacy, and the danger of failure, on the one hand, and the greater danger of improvident agreements on the other, that are inherent in haphazard procedure in this delicate field. It is in the interest of such a reappraisal that I have made this statement.

Mr. SALTONSTALL. Mr. President, will the Senator from Tennessee yield?

The PRESIDING OFFICER (Mr. LUSK in the chair). Does the Senator from Tennessee yield to the Senator from Massachusetts?

Mr. GORE. I yield.

Mr. SALTONSTALL. I thank the Senator from Tennessee.

I wish to make two brief comments to the Senator from Tennessee, in connection with his speech, which I had an opportunity to follow as he delivered it.

Mr. GORE. First, let me thank the Senator from Massachusetts for his courtesy and his attention. He did me the honor of following my remarks carefully as I delivered them; and I am gratified.

Mr. SALTONSTALL. Certainly I wished to hear what the Senator from Tennessee had to say.

First, let me state that, as one who has known the present Secretary of State for almost 40 years, I know of no man who goes into any meeting or conference or discussion on any subject with greater care or greater preparation than does the present Secretary of State.

The Senator from Tennessee has said that it would not seem illogical to assume that a participant who said he did not expect the conference to succeed would stand a good chance of being blamed for its failure, if it did fail.

Let me state that, judging from what the Secretary of State has said at his press conference and before the Foreign Relations Committee, he has not expressed pessimism. Instead, he has said he expects the conference to succeed, although he has said that he will be very pleasantly surprised if very many objectives are attained.

In other words, he is optimistic, and he hopes the conference will be successful. Certainly he is not pessimistic about its chances of success.

As to preparation for this conference, the Senator has said that we are not going with any objectives that are agreed upon. I wish to say to the Senator that I have talked to the Secretary of State, and he advised me that there are now three working groups, in Washington, Paris, and London, who are preparing the points of view of the Western countries for this conference. When those preparations are completed, I assume the leaders of the Western countries will get together and agree upon the positions that they shall take.

The Senator from Tennessee himself has stated that he is for negotiation—let me repeat what he stated, "All for expanding diplomatic conversation to promote peace." That has been the point of view of President Eisenhower—that he will go to any meeting, anywhere, if he thinks there will be any greater opportunity for peace.

What can come out of the planned meeting will be some general points of view, which can be agreed upon, and which can then go to working groups at a lower level, to work out a definite agreement.

What the Secretary of State meant, I think, is that out of a summit conference there can be no definite agreements that will lead to treaties, but some general understanding among the leaders, points of agreement, which are worthy of further study at the proper working level.

Certainly, the Senator and I want any treaties that are submitted to us to be carefully worked out and that is not possible at a planned meeting.

As I listen to the distinguished Senator and follow him, I want to leave with him these two points. First, I am confident that the Secretary of State, as I have known him over the years, is always optimistic that an agreement may be reached or that advantages can be counted from speaking to leaders of countries; second, that there is careful work being done in preparation for the summit conference.

Mr. GORE. I thank the able and distinguished Senator for his comments. First, I wish to state that I share his appreciation of Secretary Herter. It has not been my pleasure to know him for as long as the distinguished senior Senator from Massachusetts has known him, but it has been my opportunity to know him and serve with him, more or less, for about 20 years. I hold him in high esteem. I said so in a speech in support of the confirmation of his nomination. I say so now.

Secretary Herter, in my opinion, told us the truth. He was frank and candid with the Foreign Relations Committee. For that he is entitled to commendation. It is the situation which he described and revealed that I found so disturbing.

But I should like to say to the senior Senator from Massachusetts that the subject matter of my address today goes far beyond Secretary Herter. It involves the President of the United States, Prime Minister Macmillan, and, to a lesser extent, President de Gaulle. It involves the leadership of the West. As I have said, I am deeply concerned that, in one move after another, the West gives to its arch enemy status and respectability, and adds to his relentless, implacable drive to picture communism as the wave of the future, without ever, at any time, pinning him down to talk about things which are important to our security, in the proper context, if at all. So I say it goes far beyond Secretary Herter.

Now, as to preparation, in the first instance, we are told that President Eisenhower reluctantly agreed to go to a summit conference. I should like to read what Secretary Herter said about that. First, I shall have to read my own question:

Senator GORE. Is there any reason why the Russian dictator could not delegate the same power to his foreign minister as President Eisenhower should or does delegate to you?

Secretary HERTER. None.

Mr. GORE. Then isn't that a fallacious argument?

I digress to say the argument was made that one reason why diplomacy must be conducted at the summit was that Mr. Khrushchev was the only one who could speak with authority for Soviet Russia.

I return to the colloquy:

Secretary HERTER. Not necessarily, because you are dealing with an individual personality who himself wants to be the negotiator.

Senator GORE. And, therefore, we accede to his personality and his desire?

Secretary HERTER. To some extent.

Senator GORE. It seems to me what you have said is that we are vague about the purposes of the conference or its results and we did not want it, but we are somewhat being pushed into it. Is that——

Secretary HERTER. I wouldn't say "pushed into it." I would say the President acceded to the desire of the others to go to a summit conference.

I end the quotation there.

This, it seems to me, is clear. I have many quotations from President Eisenhower himself over a period of months, which I could cite to the Senator.

The point I am trying to make is that we agreed to go to this conference, according to the testimony Secretary Herter gave, without any understanding as to what would be discussed, in what order, in what context, or on what conditions. That was the first big mistake.

There is a second mistake, which I think there is yet time to correct. We can now do nothing about the first mistake. I am pleading for correction of the second one. We must have carefully made plans within our own Government, as I have stated, and detailed, careful coordination and unity with our allies on those plans. It is that for which I plead.

I thank the able Senator for his comments.

Mr. ANDERSON and Mr. GRUENING addressed the Chair.

Mr. GORE. I yield first to the distinguished chairman of the Joint Committee on Atomic Energy.

Mr. ANDERSON. I should like to ask the Senator from Tennessee if he does not feel that, as these discussions go on with the British Prime Minister, we get perplexed a bit by what we read in the newspapers, when we compare it with what we get in the official reports? I was going to ask the Senator if he had seen the exact wording of what Tsarapkin proposed at Geneva prior to the end of the week. He proposed it on March 19. When did the Senator from Tennessee first see it?

Mr. GORE. I first saw what purported to be a verbatim text of it on the front page of the Washington Evening Star, I believe on Friday afternoon. It was reported that this came from a press release from the Russian Embassy in Washington, D.C. Is it that to which the Senator refers?

Mr. ANDERSON. Yes. I was referring to the fact that the Joint Committee on Atomic Energy and, so far as I know, the Committee on Foreign Relations of the Senate, had nothing on which to base an accurate judgment, until late Friday afternoon, except the press statement given out by Mr. Tsarapkin, and released by Tass, which is not our favorite source of information.

Mr. GORE. As the Senator knows, the Senator from Iowa [Mr. HICKENLOOPER] and I are the adviser delegates from the Senate to the conference.

The first time I was able to see the official text of the March 19 proceedings and of the Russian proposal was this morning, when an official copy, which I hold, was delivered to my office. I must state that it is classified as "confidential."

Mr. ANDERSON. The Senator will hold it to himself, because it is marked "confidential."

I do not believe that would prevent the Senator from saying whether he understands that the Russians do or do not want to include shots under a seismic magnitude of 4.7 as a part of the treaty. It is my understanding they do. Is that the understanding of the Senator from Tennessee? I believe the Senator will find that on the last page of the text, if the Senator will look at it carefully.

Mr. GORE. The answer is "Yes."

Mr. ANDERSON. I am not trying to cause any conflict, because I like the writer who wrote the article, Mr. Roberts, but the newspaper says that Mr. Eisenhower is insistent he will do nothing to bind the hand of his successor, whoever he may be, except under treaty provisions duly ratified by a two-thirds vote of the Senate. Under that language I think we can rely on the fact that nothing can happen with the Russian proposal, because the Russian proposal insists upon 4 to 5 years of experimentation under a good arrangement which they insist upon tying in to the treaty. The President does not want to put that in the treaty. The President wants to leave it out. Have we not in advance put ourselves almost in an impossible situation with respect to a treaty with the Russians?

Mr. GORE. I hope it is not an impossible situation. It is certainly a strange one.

As the able Senator knows, upon occasion I have had my partisan moments, as most Members of this body do, but never on this subject. I have been to the Geneva Conference twice. I have spent a number of days at the conference table. I have given to the administration sincere and earnest advice on this subject.

For instance, when I returned from Geneva in November 1958, I visited with President Eisenhower and Secretary Dulles, and I indicated to them then my view that we were taking unrealistic positions, that we had set unattainable goals.

As the able Senator knows, I was aware of the fact that we had conducted underground tests before I departed for Geneva, as was he. I was briefed upon the results of the underground tests, which clearly show it is impossible, with existing equipment, to detect and identify with reasonable certainty small underground tests. Indeed, there is even some question as to how large the explosion must be to permit detection with some fair degree of reliability.

Frankly, I have been critical of the newspapers for misleading the world about the contents of the Russian proposal. I wish to apologize to the newspapers and to the reporters. I find that the official conference communique issued by the three chiefs of delegations is the source of misunderstanding.

There is nothing confidential about this, because it was released to the press. I should like to read it:

After an exchange of views the conference decided to issue the following communique:

"The 188th meeting of the conference on the discontinuance of nuclear weapons tests was held at the Palais de Nations in Geneva on March 19, 1960, under the chairmanship of the representative of the United Kingdom. The Soviet delegation submitted a proposal to concede a treaty on the cessation of all nuclear weapons tests including all underground tests producing seismic events of a magnitude of 4.75 or greater embodied in the U.S. proposal of February 11. The Soviet Union accepted as well the U.S. proposal on carrying out a program of joint research and experiments by the U.S.S.R., the United States, and the United Kingdom, provided that all parties to the treaties simultaneously undertake not to conduct during this period any nuclear weapons tests producing seismic events of a magnitude of 4.75 or under. The next meeting of the conference will be held on Monday, March 21, 1960, at 3 p.m."

Obviously the wording of the official communique which was agreed to by Ambassador Wadsworth is responsible for the interpretation of the press media that the Russians had accepted our proposal for a limited test ban treaty, adding only a condition that a moratorium be placed on conduct on those tests which would be excluded from the treaty under our proposal. The proposal submitted by the Russians differs in a number of material respects from that which President Eisenhower submitted on February 11. Here is one of them:

The United States proposal was conditioned upon agreement by the Russians to a specified number of onsite inspections. The number to be permitted each year was to bear a relationship to the frequency of occurrences of natural phenomena within a given area. The Russians make it clear in the document which the Senator holds that onsite inspection is considered by them to be a political matter, and that they will never agree to a quota of inspections bearing a relationship to scientific facts. Moreover, they have never as yet agreed to accept even one inspection.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. ANDERSON. The Senator is reaching a very important point, and one which I think the American people should understand.

The statement is made over and over again that the Russians have accepted our proposal. The Russians accepted it with a proviso, and the proviso completely rejects our proposal. If we can follow what the newspaper writer says—and I think I agree with it—the newspaper writer says that the President also is determined, as Secretary Christian Herter indicated last week, not to accept as part of a test ban treaty the Soviet idea of a continued moratorium for tests below the 19 kiloton threshold. The proposal of Tsarapkin was that we had to take that as a part of the treaty; but if the President determined not to take it as a part of the treaty, have the Russians accepted our proposal, I ask the Senator?

Mr. GORE. The Russians did not even say they accept it. What the Russian delegate proposed was the conclusion of a treaty to ban permanently all tests, including underground tests beyond 4.75 seismic magnitude, provided we also banned, for a given period, all underground tests below that. He made no proposal about the composition of the control commission, on which there is yet no agreement; in the new proposal not one thing is said about the staffing of the inspection teams, on which there is no agreement; not one thing is said about who was going to pay for the inspection; not one thing is said about voting procedure within the commission, or the veto of the budget; not one thing is said about the number of inspections, that would be permitted within the Soviet Union. Let me reread this sentence from the communique. In the third paragraph, the first sentence is:

The Soviet Union accepted as well—

The words "as well" would indicate that they had accepted that which had been mentioned theretofore, would they not?

Mr. ANDERSON. Yes, indeed.

Mr. GORE. They had accepted nothing.

In our proposal we specified a 4.75 seismic reading as a threshold, based upon certain criteria for determination of the seismic reading. The Russians in their proposal have indicated no acceptance of these criteria.

The U.S. proposal included a ban on high-altitude explosions to the height to which existing technical equipment would be effective. The Soviet proposal would ban all high-altitude tests, whether they could be detected or not.

The communique states that the Soviet Union "accepted as well" the United States proposal for a joint research program. Actually, the scope of the joint research program was not spelled out at all in the Soviet proposal.

As the Senator knows, when President Eisenhower made his proposal about a joint research program to develop improved techniques for detection, it was spelled out that nuclear tests would be necessary to gain adequate information. Mr. Tsarapkin did not accept this at all. As a matter of fact as revealed in an answer to a question, he specifically rejected it.

Mr. ANDERSON. I was about to ask the Senator if that was not significant. In the Berkner report there was reference to the desirability of underground nuclear tests so that we might find out how accurate the measurements were. Subsequently our scientists mentioned the necessity of going ahead with nuclear testing, whereas Tsarapkin proposed that only chemical tests be used. Is that accepting our proposal?

Mr. GORE. No. He specifically rejected it.

Mr. ANDERSON. That is all I wanted the Senator to come to, because I believe that while the things he is saying are extremely important, and I compliment him on his address, I say to him that if we try to find out what the Russians actually accepted, we find them saying, "Yes; we accept your proposal for stopping tests in the oceans, in the atmosphere, and in outer space, but at the same time you must agree by treaty that you will permit us to have a good faith arrangement for testing of all those explosions or actual occurrences below a seismic reading of 4.75."

That is the sticking point, and will likely remain the sticking point. It has been so for months in advance, during 16 or 17 months of long negotiation. I thought the statement was unfortunate that the Russians had accepted everything that was offered, when they accepted with a proviso. It is as though the Senator were to offer me a bet, and I were to say, "I will accept your offer, but with the proviso that you do not bet on the team you want to bet on."

Mr. GORE. As the Senator knows, I was at the conference table when the conference began. On that day the Russian delegate proposed the conclusion of a treaty to ban all tests permanently. What he proposes here is the conclusion of a treaty to ban all tests permanently, including underground tests beyond a certain magnitude, provided we also agree in the treaty to ban for a specified period all tests below that magnitude.

Mr. ANDERSON. For 5 years.

Mr. GORE. Yes; and in neither instance, neither on the first day of the conference nor on the 19th of March did the Russians propose to accept the inspection system we proposed, to accept our arrangement, or any arrangement for the staffing of the inspection stations, for the dispatch of inspection teams, or to accept any specific number of inspections. I could go on and on. I will say to the Senator that while I have been critical to him, and to a number of my friends—not publicly, fortunately—of the newspaper reporters in Geneva who filed recent stories, I find that the blame goes back to the communique

to which our Ambassador agreed. I must say in all candor that that is not the first time I have seen Tsarapkin win a battle of words with Ambassador Wadsworth.

The Russians will argue all day about one word; and word by word, broadcast by broadcast, day by day, hour by hour, they are conducting a propaganda exercise.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. GORE. I shall be happy to yield in a moment. I wish to make it perfectly plain to the chairman of my committee and to other Senators that I wish to be helpful. It is important that progress be made in the nuclear weapons testing field.

I spoke on the floor of the Senate for 2 hours on February 8, and I urged that progress be made. It is yet possible to make progress and to reach some agreement, and I fervently hope that an agreement can be reached which I can support on the floor of the Senate. However, the procedures to which I have referred are disturbing.

Not only have the people of the United States been misinformed, but the people of the world have been misinformed. I say in all candor that the Russian proposal is as important for what it does not say as for what it says, and even more so.

I now yield to the distinguished junior Senator from Alaska.

Mr. GRUENING. I congratulate the Senator from Tennessee on his alertness, as a member of the Committee on Foreign Relations, in calling attention to his discussion with the Secretary of State, and revealing more clearly than it was revealed by the newspaper accounts which came to us of that meeting, by the impressive speech he has been making on the floor of the Senate, that we go to the summit conference with no preparation.

It is an amazing revelation by the Secretary of State, for whom I have great personal admiration, as has the Senator from Tennessee, and, as I think the Senate has in general, as was demonstrated by the unanimous vote by which Secretary of State Herter was confirmed by the Senate, that, in Mr. Herter's words, "We do not know what points are going to be discussed. We just assume that the German and Berlin question will come up." That is an amazing and disturbing revelation.

I should like to suggest that, as those of us who have observed the relationship between the Soviet Union and our country, most of the meetings which the Kremlin has proposed and into which we have been led or driven were designed largely for its propaganda purposes. Such meetings are used very successfully by the Russians in apparently placing us in an uncomfortable position before the whole world.

I should like to ask the Senator's comment on this point. I wonder whether there may not be, if we have the ingenuity to take advantage of the situation, some benefit in going to a conference at which we do not know, and perhaps the Russians do not know, what will be discussed at such a conference. If we assume that the German and Berlin question will come up, as Secretary Herter assumes and, as probably it will, why cannot we bring up the Hungarian question?

We know that through the years the Russians have placed us in the disadvantageous position where all the subjects of discussion have dealt with the free world, the part of the world which the Russians do not control, but want to penetrate, and never with the enslaved part of the world. If Berlin is to be discussed, why should not Hungary be discussed also? There are other fields of Russian conquest of formerly free people that could properly be discussed also. In other words, we might take the lead in the field of propaganda, as well as the Russians and with far greater validity. I wonder whether that is not something that the administration and the President might well consider.

Mr. GORE. I would say that in that case Khrushchev would accuse us of bringing up a subject whose discussion would increase international tension; while he would continue to threaten to provoke a dangerous situation with respect to Berlin.

Mr. GRUENING. I believe that we would have a very effective answer to that. We could point out to the world, on the basis of our attitude toward the free world and the enslaved people of the world, that the only slave master and the only colonial power left in the world, as the Western Powers rid themselves of their colonies and set them free, is Soviet Russia, which carries on a colonial system of an oppressiveness and ruthlessness that has not been paralleled in the history of the colonialism of the Western World.

Mr. GORE. I believe we might well bring that question up if Khrushchev is going to threaten us over Berlin and create a problem that increases tension and the danger of war; surely we should talk about the problems of the enslaved people behind the Iron Curtain. Unless there is agreement on a definite and detailed agenda, any and every subject can be brought up. Either side can bring up anything, as Secretary Herter has said.

Mr. GRUENING. Why not? Whenever Khrushchev brings up Berlin, we should bring up Budapest, and have a kind of B-B formula.

Mr. GORE. That illustrates the necessity of a careful plan of procedure agreed upon before the conference is scheduled.

Mr. GRUENING. I agree fully with the Senator. He has rendered very useful service in bringing out these points today.

Mr. GORE. I thank the Senator. I hope it is a useful service. There is yet time for the West to prepare a unified position and detailed plans. Unfortunately, as I have said, the opportunity to require Mr. Khrushchev to agree to such a procedure before agreeing to a summit meeting is past. However let us make the most of what remains. That is why I say I hope that our voices will be heard at Camp David. Let the leaders of the two great English speaking peoples coordinate in detail and steel their determination not to yield to the temptations which are apparent, steel their determinations to avoid any compromise of the security of our people. There are not many stable things remaining in public affairs. But one thing must remain stable. Wherever the security of this country is involved, caution must be the watchword.

I now yield to my distinguished and able friend, the junior Senator from Idaho.

Mr. CHURCH. Mr. President, I thank the Senator very much. I have followed his address this afternoon with great interest, and I have noted many passages in his speech. I heard the Senator state, in recalling our past history, that President Wilson went to the Peace Conference at Versailles without having secured his own political base at home.

The Senator will recall that in the Committee on Foreign Relations the other day, having in mind the failure of President Wilson to invite Senators to accompany him to the fateful Versailles Conference, and the losing battle he waged afterward, I inquired of the Secretary of State whether the administration had any plans to invite Senate participation in the coming summit conference. He said that there were no such plans. Later the President's press secretary, Mr. Hagerty, said he would not "bother" to comment on whether there were such plans.

Mr. GORE. That was remarkably condescending of him, was it not?

Mr. CHURCH. I thought so, in view of our past history, and the importance of securing Senate ratification of any treaty.

Now, the Senator from Tennessee has also referred to Mr. Macmillan's visit, and the important discussions which are now taking place with reference to the recent Soviet counterproposal at Geneva. The Senator said:

> It is in this sense that I speak out today, and I hope my voice reaches Camp David.

Is it not so that if a treaty is concluded at Geneva—and I know that both the distinguished Senator from Tennessee and I share a common hope that it would be the kind of treaty we could support for ratification——

Mr. GORE. Wholeheartedly.

Mr. CHURCH. Might it not be important for the president and Mr. Macmillan, at this critical stage in their discussions, to advise with selected Members of the Senate who have been closely conversant with the negotiations which have heretofore taken place at Geneva?

Mr. GORE. I think that is a question which the President himself, because of his position, must decide. Certainly neither the distinguished Senator from Iowa [Mr. HICKENLOOPER] nor I have pushed ourselves into these negotiations. On both occasions that I have been to the conference table in Geneva, I went there on request of the administration. I have no desire to see the Senate push itself into this matter. We do not know at what stage the negotiations may be.

The President of the United States, let me repeat, is the one who must make

that decision. If he should feel that the consultation, views, and advice of the party leaders of the Senate, of the chairmen of committees, or of individual Members of the Senate would be helpful, I feel certain that he would ask for that, and I am certain that every Member of the Senate would respond willingly. That is my feeling on that point.

Mr. CHURCH. I share the Senator's feeling. I would only observe that, inasmuch as any treaty must ultimately be ratified by the Senate, and inasmuch as these talks are taking place in the last months of Mr. Eisenhower's tenure, it seems unlikely that any treaty, if ultimately entered into, could be ratified during the Eisenhower administration. Therefore, since another administration is likely to be involved, and since the Senate's ratification will, in any case, be necessary, I should think it would be doubly advisable to advise and consult, at every possible opportunity, with Members of the Senate who have closely observed the negotiations, so as to open the way for the kind of treaty which the Senate might ratify.

Mr. GORE. May I comment?

Mr. CHURCH. Yes; I should like to have the Senator's comment.

Mr. GORE. As I have said in my speech, there is a positive danger of the failure of international conferences, and there is also the greater danger of an improvident agreement. If an improvident treaty is concluded, then there is the dual danger that the Senate will ratify it or that the Senate will not ratify it. I want to make it doubly and emphatically clear, as I have in many personal conversations with the able junior Senator from Idaho, with whom it is my pleasure to serve on the Subcommittee on Disarmament, that I reserve my judgment, and that the final decision on the advisability of a treaty cannot be measured narrowly upon the terms of weaponry of the United States vis-a-vis Soviet Union. The subject must be viewed in broad context, with particular reference to the moral and political position of the United States in the family of nations.

Let me repeat: I join with the Senator from Idaho in the hope that it will be possible to conclude the kind of treaty in the ratification of which he and I can join.

Mr. CHURCH. I commend the Senator from Tennessee for the eloquent and compelling address he has made this afternoon.

Mr. GORE. I thank the Senator from Idaho very much. He has devoted great study to this problem. I am grateful for his contribution.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. PROXMIRE. I was very much impressed by the Senator's address. I learned much from reading it and listening to the Senator deliver it. However, I want to see if I can add a footnote to the colloquy between the distinguished Senator from Tennessee and the distinguished Senator from New Mexico [Mr. ANDERSON], the chairman of the Joint Committee on Atomic Energy, because I think it might not be wise to have the country get the impression that the distinguished Senator from Tennessee, who is considered a national expert on the matter of nuclear testing, takes the position that there has been no progress at all, and that the Russian proposal amounts to nothing.

In order to be as specific and concise as possible, I refer to a statement by Dr. Hans Bethe, of Cornell University. It seems to me that in one paragraph, in five explicit statements, he sums up the concessions which, he says, the Russians have made. I believe the opinion of the Senator from Tennessee on this matter would be very helpful. Dr. Bethe said:

> The Russians have made several major concessions. 1. They accept the idea of a limited ban. Previously they had insisted on a complete ban on all weapons tests.

Mr. GORE. That must be qualified. They suggest a complete ban in this respect: A permanent ban on all tests, other than underground and on all underground tests beyond seismic magnitude 4.75, and a temporary ban on underground tests below that magnitude. But they do not indicate agreement on any of the necessities for control, inspection, and detection.

So I should say that Dr. Bethe's statement is partially correct. I think I have stated it in its fullest context. I want to be perfectly fair about this point, as well as the others, because this is important. The Russians do, in their proposal, draw a distinction. This is the first time, in my knowledge, that they have in a formal conference acknowledged that there is a distinction. Mr. Tsarapkin in his speech refuses to admit there is any need for a distinction. Nevertheless, although he does not admit that there should be a distinction, by his formal proposal he appears to make a distinction.

This, however, is not the first time that the Russians have recognized a possible distinction. The agreement to have the experts reconvene to consider further the problem of detection procedures in itself constituted de facto recognition. The extent to which they formally draw a distinction, though refusing to admit that it should exist, is of some value.

Mr. PROXMIRE. Second, the Russians admit implicitly that the detection system devised by the experts' conference in the summer of 1958 was inadequate to monitor small underground explosions, whereas at the technical conferences in November and December 1959 they had refused to admit this inadequacy. Is that not correct?

Mr. GORE. I do not find that in the Russian proposal.

Mr. PROXMIRE. Is it not implicit in their testimony?

Mr. LAUSCHE. Mr. President, let me ask to what the Senator is referring?

Mr. PROXMIRE. I am referring to an analysis by Dr. Hans Bethe, the administration's scientific adviser in this entire matter. I am referring to his conclusions, based—I presume—on the information which earlier today has been discussed by the Senator from New Mexico and the Senator from Tennessee. I presume that Dr. Bethe has only the information that is available to us, which is very limited.

Mr. LAUSCHE. Mr. President, at this point will the Senator from Tennessee yield?

Mr. GORE. I yield.

Mr. LAUSCHE. The State Department expert testified on the disparity between the claims made by the Russian scientists at one period and those later made.

The man who testified before our committee distinctly stated that with regard to small explosions, the Russian scientists stated that all tests could be scientifically detected, but later, in a meeting with other scientists, did not reassert their position. There was a distinct disparity between the positions taken by the Russian scientists. In the one place they were adamant in their claim that the scientific tests could determine what was done. But when all the scientists met face to face the Russian scientists did not insist on their earlier position.

Mr. GORE. Let me say that Dr. Bethe is a competent scientific authority. I should be glad to have him point out where he finds this change of position; but since he has stated that is one of his conclusions, I am sure he has very good ground for his statement.

However, I have read this speech of Mr. Tsarapkin very carefully, and it seems to me that Mr. Tsarapkin has held very firmly to the report of the meeting of experts in 1958.

Mr. PROXMIRE. I am sure he has. But my point is that the Russian proposal implies very clearly something that contradicts the Russian statement in the past. I think this gives an advantage which we should recognize and should press.

Mr. GORE. I shall not resist that interpretation. It may be an entirely correct one. I am simply unable to find——

Mr. PROXMIRE. However, since the Russians are making this distinction, it is clear that they recognize that tests below the 4.75 level cannot now be detected.

Mr. GORE. It is possible they have made that concession.

Mr. PROXMIRE. Third, they have made a concession to the U.S. position that a permanent treaty should include only agreements which can be monitored. It seems to me this is an exceedingly important concession—if they concede that the only segment which should be subjected to a permanent treaty is that which can be monitored or detected.

Mr. GORE. I must disagree as to that, because, for instance, the Russian proposal with respect to the high altitude tests goes far beyond President Eisenhower's proposal and far beyond what I have understood was the technical competency for detection at the present time.

Mr. PROXMIRE. I think the Senator from Tennessee is undoubtedly correct. All I say is that the assumption implicit here is that all that should be subject to a permanent treaty is what can be detected and can be subject to

inspection. We may differ with Russia as to what can actually be subject to such tests.

Mr. GORE. If Dr. Bethe means, there, that the Russians draw a clear distinction between a permanent treaty ban on below-ground tests beyond a certain seismic magnitude and a temporary treaty ban on underground tests below a certain seismic magnitude, then I agree with him.

But I wish to point out that, so far as I am concerned, a firm statement of policy by the President of the United States with respect to whatever magnitude of tests will, for so long as it shall remain unchanged, be adhered to as faithfully by our people as a treaty, no matter if the treaty were ratified unanimously by the Senate.

Mr. PROXMIRE. I am sure the Senator from Tennessee is absolutely correct, and that is an exceedingly important distinction and a very vital point to make.

Fourth, in proposing the moratorium, rather than a permanent ban on small underground tests, the Russians accept the idea that part of the treaty can be limited in time, a concept which they have previously vigorously opposed.

Mr. GORE. I agree as to that.

Mr. PROXMIRE. The final concession that the Russians have made is that they have accepted the U.S. proposal to conduct joint, rather than national, research into improved methods of seismic observations.

Mr. GORE. Again, that comes back to the question of what interpretation is placed upon "acceptance." The communique would indicate that they had accepted our plan for research. But, as I have pointed out earlier, the plan of the United States for joint research involved the use of nuclear devices for underground explosions, whereas the Russian proposal—as was pointed out by the senior Senator from New Mexico—is confined to the use of chemical explosions. One is a rabbit, and the other is a horse.

Mr. PROXMIRE. The Senator makes a very important distinction.

It seems to me that it is important that we recognize that the Russians now agree on joint research, rather than national research, into improved methods of seismic observation.

Mr. GORE. I agree that it is important; and I am trying to spell out these distinctions, in the interest of truth and clarity. This is an issue of world-shaking importance. The Prime Minister of Great Britain and the President of the United States, the leaders of the English-speaking world, are now conferring upon it. I think the American people are entitled to full information—as full as can be given. It is in that sense that I am trying to answer meticulously the points the able Senator raises.

Mr. PROXMIRE. I am sure that is true. That is why I commend the able Senator from Tennessee on his very helpful and very important speech.

Mr. CLARK. Mr. President, will the Senator from Tennessee yield to me?

Mr. GORE. I yield.

Mr. CLARK. I should like to make a brief observation, and then ask my friend, the Senator from Tennessee, to comment on it.

First, I wish to commend him for making a splendid speech. I read with interest the prepared copy of his speech, and I listened to part of the speech as he actually delivered it. I concur in what he said in his speech.

Mr. GORE. I thank the Senator from Pennsylvania.

Mr. CLARK. The distinguished Senator from Tennessee pointed out that there had been a failure of leadership and a failure to do the necessary homework, and that that was making it difficult for us to approach the summit conference with any confidence. With all that, I agree.

After the Senator from Tennessee completed his major speech, we got off on a very important subject with respect to which I placed in the RECORD, earlier today, two articles, one written by Joseph Alsop, and the other written by Roscoe Drummond. Their articles were in regard to the present test ban suggestion. And I indicated my concurrence in their point of view. What I should like to get my friend's observations on is this: Is there any great danger that we are going nit picking around here in the Senate with inadequate information, because, as the Senator has pointed out, we do not have complete information, creating, perhaps, a feeling in the country that the Senate is unalterably opposed to any kind of agreement or treaty which may come out of this discussion, when, in point of fact, there is a very real possibility, if not probability, that something of the greatest importance can come out of this meeting, if we keep up our hopes and approach, as the Senator from Tennessee has done, this question on an entirely nonpartisan basis?

Here is what I should like my friend to comment on in respect to Mr. Drummond's observations, which, to me, make excellent sense. I wonder if my friend agrees with me:

> I venture one appeal: Let's not grab off a handful of half-facts and rush out of the room with a set of half-baked conclusions bearing little relationship to reality.
>
> There is no doubt that a nuclear weapons test ban is within reach. The negotiating gap between the Soviets and ourselves has been significantly narrowed. From its standpoint, Moscow has made some substantial concessions.
>
> We are now entering the most critical stage of the negotiations.

Then I skip to get at the essence of his conclusion:

> 1. World opinion is never going to tolerate the resumption of atmosphere-polluting nuclear tests. It is 99-to-1 that neither side will resume such tests, with or without a treaty. Therefore, we are either going to end such tests with agreed inspection—
>
> I stress inspection. We must insist on it. We are not assured we are going to have inspection—
>
> or end them without getting any agreed inspection. To refuse a short moratorium on underground testing could mean losing the whole agreement on inspection for above-ground testing.
>
> 2. We have had a moratorium on underground testing for some 17 months. A 12-month extension could well speed up the joint study of new means of inspection. If adequate policing cannot be devised, then both sides would recover the right to small-yield underground tests.
>
> There will be plenty of time for debate. Any such agreement would have to be ratified by two-thirds of the Senate.

My final comment, on which I want my friend's response, is this: Does not he think it is very important that the Senate should not convey the impression to our country, to our allies abroad, or, to the Soviet Union, indeed, that we have our minds set against a nuclear test ban, because I do not think the Senate has its mind set against one?

Mr. GORE. I am wholly unaware of any reasonable interpretation of anything that I have said or that any other Senator has said on the floor of the Senate today which would indicate such a conclusion.

Mr. CLARK. I am delighted to hear my friend say that.

Mr. GORE. As the able Senator knows, many questions have been submitted to me, and I have undertaken to reply as fully as I can under the circumstances, and as accurately as is within my capacity.

Mr. CLARK. Nothing I have said has indicated, expressly or impliedly, any criticism of the Senator from Tennessee.

Mr. GORE. I thank the Senator. I am sure that is the fact, but I would not want the mere submission of the question which he has propounded to indicate that there is justification for any conclusion that the debate this afternoon—rather, this probing of a vital issue—constitutes a frozen mind, a closed mind, in opposition to a treaty, or nit picking in any respect.

I agree with Mr. Drummond that a nuclear test ban treaty is within reach. It has been within reach since the conference began—if the Soviets will accept reasonable inspection and controls, to provide to our people and to all people assurance that a violation of the treaty will be detected.

I think there are some other necessary steps. There must also be a plan, definite and specific, to bring within the treaty the other nuclear power, France, and the Soviet's ally and neighbor, Red China, on whose territory the experts recommended the establishment of approximately the same number of inspection stations as on the territory of the Soviet Union.

I want to say, in further comment upon the column by the distinguished writer Mr. Drummond, that the question of effective international control and inspection of tests prohibited by a treaty is far more important than the question of whether we conduct some small underground tests or whether we do not. But in the public mind and in the public press the great emphasis is on the extension of a moratorium on the small tests.

If the Soviet Union is ready to accept President Eisenhower's proposal of February 11 fully, even with the addition of the moratorium, let her representatives say so. They have not yet said so. They have specifically rejected much of our February 11 proposal and have specifically restated their intransigent positions on the question of composition of the control commission, the staffing of the inspection teams, whether or not a team would be allowed to make an inspection, the budget, and so forth. I will not repeat them. There are a number I have not mentioned.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. GORE. I yield.

Mr. CLARK. Would the Senator not agree that if the Russians were to agree to the conditions the Senator has stated, which may mean more to some than to others, then there is no reason in the world why the Senate would not be willing to ratify a treaty which contained those conditions?

Mr. GORE. I do not think it can be stated quite that simply. This is a matter which involves the security of our country, and I am sure the Senate, whenever it receives a treaty covering it, will give to it the consideration it requires and deserves, and that there will be no "aisle" between us, as we do so. In general, if those conditions were met, I would expect a favorable attitude; but I would be unwilling to go so far as to say that there would be no reasons why the Senate should not accept such a treaty.

Mr. CLARK. Will the Senator yield for a final observation, on which I should like to have his comment, and then I shall yield the floor and thank him for yielding to me?

I am sure the Senator agrees with me we do not want to see the present Senate of the United States get into the same kind of frame of mind that the Senate got into when the Treaty of Versailles was before it for ratification. There are two ways in which that can be prevented. One of them is, I think, within the control of the executive, and that is to confer far more closely and intimately with Members of the Senate, including the Foreign Relations Committee, than has been done done heretofore. The second is not to permit certain individuals in this body, for whose sincerity I have the greatest respect, to put the Senate in a position in which it was intransigently opposed to any nuclear test ban and would not under any circumstances ratify a treaty which contained one.

I hope particularly that Senators of my party will not do that, because I think we are members of the party which really stands for peace and disarmament.

I thank my friend for yielding.

Mr. LAUSCHE and Mr. MONRONEY addressed the Chair.

Mr. GORE. Mr. President, before yielding to my friends I should like to comment briefly upon the remarks of the Senator from Pennsylvania.

President Eisenhower has not ignored the Senate in this matter. I wish to recall once again that before the conference began Secretary Dulles requested Senate representation. I point out that upon my return from the first session at Geneva I went down to see President Eisenhower for the ordinary 15-minute period, and he extended it twice. For 45 minutes we examined, in the most earnest manner, this question.

There has been no lack of cooperation on my part, nor, so far as I know, on the part of the administration.

It is true that we were unable to get the verbatim copy of the Russian proposal last week. I do not know why. The Special Assistant to the Secretary of State, Mr. Farley, called me almost daily, giving me summaries. I find his summary was an accurate one.

Mr. CLARK. It was or was not?

Mr. GORE. It was an accurate one. I have no complaint with respect to the administration's cooperation in this regard. I do not quite understand what is going on now. I assume I am not supposed to.

Mr. CLARK. Particularly with reference to the summit.

Mr. GORE. Yes; and what bearing this has on the summit. It does have a bearing not only upon the summit conference but also upon the general disarmament conference. Unless there is progress made in this conference, it bodes ill for both the other conferences. I hope some progress can be made. It seems to me that understanding on the part of the American people is required and that understanding in the Senate is a necessary step toward the achievement of that understanding.

Mr. CLARK. The Senator is clearly correct.

Mr. GORE. Insofar as the Senate is concerned, I know of no one who has adopted an intransigent attitude. I am sure the Senator does not impute such to anyone. The Senator expresses the hope that no such attitude will develop, I am sure.

Mr. CLARK. The Senator is correct.

Mr. LAUSCHE and Mr. MONRONEY addressed the Chair.

Mr. GORE. I yield first to the senior Senator from Ohio.

Mr. LAUSCHE. Mr. President, I wish to commend the Senator from Tennessee for his deep concern that at the summit conference questions will be approached with the deep and sincere purpose of trying to reach an agreement which will relieve the tensions in the world and lead toward peace.

I have some fear, however, that the discussions which have been had might leave our citizenry in a state of mind that adequate concern is not being given to the general problem of the summit conference.

The Senator from Tennessee was not present at the meeting of the Foreign Relations Committee for a brief period on Tuesday, March 24, when Mr. Foy D. Kohler, Assistant Secretary of State for European Affairs, testified.

Mr. GORE. I was present.

Mr. LAUSCHE. Not at the time Mr. Kohler gave the testimony about what is being done concerning the summit conference.

Mr. GORE. I do not believe I was.

Mr. LAUSCHE. I do not think the Senator was present at that time.

Mr. GORE. I do not believe I was.

Mr. LAUSCHE. At least, while Mr. Kohler was testifying he indicated that disarmament would be a subject of discussion at the conference. Our chairman, the Senator from Arkansas [Mr. FULBRIGHT] said to Mr. Kohler:

> There obviously is a conflict, because the Secretary of State has said that there is no definite agenda prepared.

In reply to the statement made by the Senator from Arkansas [Mr. FULBRIGHT], Mr. Kohler pointed out that there must be some confusion about the subject. He said:

> There is not a long, fixed agenda.

The experience in the 1957 and 1958 preparation, where the State Department prepared ten items of business, and the Soviets prepared twelve, as a result of which the conference produced nothing, was not followed in this instance.

Mr. Kohler said that there were three definite subjects on the agenda. First was the heading of Germany, including Berlin. Second was the subject of disarmament. Third was the East and West relations, which is a sort of "grab bag" covering everything.

Mr. Kohler further said that he believed the experience which they had in 1957 and 1958 supported the judgment not to prepare a long agenda.

When Mr. Kohler said that there were definitely three subjects to be discussed: First, the German situation, including Berlin; second, disarmament; and third, East and West relations—I asked him, "From what source have you obtained this information? Is it your blank statement? How did you obtain the information?" He said, "From the correspondence which has taken place between the Soviets and the United States."

Mr. Kohler further testified that within these three headings most intensive preparations among the allies were being made. He stated he did not believe that with respect to any other conference has there ever been such preparation in progress.

Mr. Kohler further stated that after the original threat of 1958, they proceeded to gather their material and to get ready for the meeting; and that in the preparation France, Germany, England, and the United States were working jointly.

If the Senator will yield further, the point I am trying to make is what the Senator from Pennsylvania [Mr. CLARK] has said—and I am sure the Senator from Tennessee feels likewise—that we do not want our people to believe that we in the Senate are not concerned about reaching an amicable agreement with the Soviets. I do not believe that the Senator from Tennessee, in the face of this testimony by Mr. Kohler, would want the people to believe that nothing is being done with respect to the conference.

I wish to repeat that I was present when the Senator from Tennessee put the question to Mr. Herter. There was justification for the alarm of the Senator from Tennessee about what the conditions were. Mr. Herter stated it was an exploratory program, that the Soviets

had been informed that the United States was prepared to discuss any subject the Soviets might raise. It was solely for the purpose of letting the people of the country know what further was said on the subject that I rose to make this observation.

Mr. GORE. I thank the Senator.

Even though there be an agreement to discuss these three broad and indefinite subjects, I should say that that in no way would meet the requirement of a specific, agreed plan of procedure. Under the head of "East-West relations" Mr. Khrushchev could discuss a missile base in Cuba. As the Senator says, that is a sort of grab bag title. What about all of Germany, including Berlin? This plan of which Mr. Kohler speaks would not indicate an agreement on a plan of procedure. I am glad to have the testimony that committees are working. Secretary Herter gave us some testimony in that regard. He said virtually the same thing. He said:

> Beyond that, nothing has been specified. We just assume that these matters will come up. We have had working groups that are still in the process of working now. We have a foreign ministers meeting.

He proceeds in this general way, and concludes, "so that we may have something more precise when we get to the meeting itself. But as of now many of these matters are in the study stage."

I share the hope of Mr. Kohler; and though Secretary Herter did not exactly express it as a hope, he said:

> We may have something more precise.

It is my earnest desire that the speech I have tried to make today may result in some intensified effort along this line.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. MONRONEY. As usual, I have appreciated and have been greatly enlightened by the distinguished junior Senator's discussion, not only of the need for proper preparation for the summit conference, but for the report which we have received, and the discussion we have had of the Conference on Discontinuance of Nuclear Weapons Tests.

I concur fully with my distinguished colleague in both his views—first, that there are strong signs that we have not exerted the necessary leadership to bring about a common goal of the West while we negotiate with the master of all the East. We apparently do not have the interrelationship necessary for adequate teamwork to present the cause of the free world, whereas, within the vast resources of his Communist organization, both in Moscow and throughout the satellite empire, lights burn late at night, and many minds work diligently on position papers to fill in Mr. Khrushchev, who then becomes the principal actor on the scene.

I am also worried about the situation which the distinguished Senator from Tennessee and the distinguished Senator from New Mexico [Mr. ANDERSON] have described, concerning the approach to a ban on nuclear weapons testing. I think the prayers of all the people of America, and perhaps of all the world, are for a treaty that would ban the testing of weapons, and would really be effective.

It seems to me—and I should like to get the Senator's advice—that with the important wish, dream, hope, and prayer of getting together, there might be the latent danger of a time bomb, in that if we were sold a ton of dross for a pot of gold, if we were sold a phony in stead of a genuine agreement to which our Nation could repair and which we could safely observe, the cause of disarmament would be set back by perhaps a decade, or even a score of years.

Does the Senator share my concern that if we are "booby trapped" into an ill-advised program which is not understood, and we accept it with limitations which we find are not binding upon the Communists, the disillusionment may add up to greater danger than would our failure to come to any agreement?

Mr. GORE. The disillusionment itself would have deleterious effects, one of which might be an increase in suspicion and fear.

Mr. MONRONEY. And a greater armaments race.

Mr. GORE. And a greater armaments race. It is of the utmost importance that the administration, in this negotiation, give the fullest and most accurate advice and information to the American people.

Perhaps some people have wondered why the recent statement of the Russian delegate at the conference is withheld from the American people. The object of our classification and security program is to prevent information vital to our security from reaching a possible adversary or enemy. Obviously, since our adversary has made this statement, he has full possession of it. Indeed, a portion of it was quoted in a press release issued by the Russian Embassy Friday afternoon; and I assure the Senator that the portion of it which had the greatest propaganda value for the Soviets was the portion that was released. Therefore, some may wonder why this statement made by the chief Russian delegate is withheld from the American people. I want to answer that question.

When the conference began, the three parties to the conference agreed that there would be no public release of verbatim colloquies and statements made at the conference table, but that the proceedings could be paraphrased and released in that form. There was this exception, that in certain important instances either party could, with advice to the other conferees, release a verbatim transcript of a statement he had made. I am advised by the State Department that this notice was given by the Russian delegate, and that at least a portion of his statement was made public by the Russians. No rules were broken. The Department asked me, in my use of this copy of the proceedings, to comply with the agreement that had been made. I have complied. I have quoted nothing from it. I have paraphrased some of the contents, as was agreed all would have the right to do. I know the Senator did not ask that question, but it was such an obvious question that I wished to mention it.

Mr. MONRONEY. The point I am trying to make—and I believe the Senator is trying to make the same point—is that we want to be certain in our knowledge and understanding of all phases of the Communist proposal. That does not mean that there is less chance of agreement; but we are seriously ready to consider it if it is a proposal by which we can be protected against evasion or nonobservance of the agreement.

Mr. GORE. As a matter of fact, the conference was proposed by the President of the United States. The United States has been ready since the first day to enter into a realistic agreement. The Soviet delegate proposed on the first day that we conclude a treaty immediately and sign it. He said, "We have a treaty all ready to sign." However, when Ambassador Wadsworth, who through these 18 months has labored hard and in many respects well, brought up the subject of inspection and control, the Russians insisted that we agree on a treaty to ban all tests for all time and that later we would talk about inspection and control.

Mr. MONRONEY. The President's program had been on the table, so to speak, at the conference called by the President, with all the world to see and read and know. Then at the opening of the conference the Russians proposed a new version. They wanted us to accept it without looking at it or without studying it and without proper consideration.

What I am trying to say is that our Government is not dragging its feet on disarmament when we insist on dotting all the "i's" and crossing all the "t's," so that we may know what is meant by the stump speeches and the preamble and the window dressing. We are so interested that we want to see the details of the proposed contract reduced to writing. Is that not what we seek?

Mr. GORE. Indeed, that is the procedure that is being followed now in the general disarmament conference. Just a few days ago, before the position of our government was announced, I made a speech on the general subject of disarmament and peace. I was pleased to see that there was at least some similarity in the administration's approach to the problem with that which I had suggested. There our government is proposing a step-by-step approach to a goal held dear by all mankind.

What did Mr. Khrushchev propose? He proposed total disarmament quickly.

I think the administration is far more realistic in its approach to the question of general disarmament than are the Russians. That is true also of the nuclear weapons testing conference. I believe we must proceed here, specifically, with care and probity.

Mr. MONRONEY. And success will more likely come if we do proceed with care and with the certainty that the proposed agreement is fully understood by all three contracting parties, rather than assume the existence of agreements which have not yet been reached on many phases of this program.

Mr. GORE. I thank the distinguished Senator.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. GORE. I yield to my very distinguished friend, who is a great chairman of a great committee.

Mr. FULBRIGHT. I thank the Senator. I wish to say that I regret very much that I could not be here during the Senator's address, because I had to conduct a hearing on the development loan fund this afternoon. Unfortunately, I was practically alone in committee, and I could not leave to come to the floor. Therefore, I missed the speech itself and also the exchange that followed.

I should like to ask the Senator about two or three things, particularly with reference to questions asked by the Senator from Pennsylvania [Mr. CLARK], which had reference, I believe, to something which took place on the floor before I came in. It has never been my impression that the Senator from Tennessee had expressed any firm opposition or had a closed mind in any respect to agreements in this field. I was surprised, therefore, that something had taken place which led to the possibility of such a belief. I have heard the Senator from Tennessee speak on the subject before, and I have also read some of the things he has had to say on it, and I certainly do not believe that that is his position. Is that correct?

Mr. GORE. It is not my position, and I did not understand the Senator from Pennsylvania to so imply.

Mr. CLARK. I did not suggest any implication to that effect. I was specific about the fact that I was not being critical of the Senator.

Mr. FULBRIGHT. Not critical. I ask for assurance that the Senate of the United States does not have a closed mind with regard to control with the Russians.

Mr. CLARK. I do not want to impute derogatory or unfavorable or uncomplimentary motives to any colleague in the Senate. I have the greatest respect for the sincerity of all of them.

I felt that some of the things which were said earlier today and had been said a couple of days ago, that the Russian proposal was a phony, were unfortunate.

Mr. FULBRIGHT. I was not trying to be critical, nor did I mean to interpret the remarks of the Senator from Pennsylvania as being critical of anyone. I was seeking assurance that this matter was still under consideration and that the Senate or any Senator in particular had not made up his mind firmly on the matter of any agreement.

Mr. GORE. Particularly when no agreement had been reached, and none is likely to be reached for some time.

Mr. FULBRIGHT. I do not believe that is it true. Certainly it is not true in my case.

With further respect to what Mr. Kohler said the other day, I was disturbed, as I know the Senator from Tennessee was disturbed also, by the interpretation that was put on the comments of the Secretary of State. Although I cannot speak for the Secretary of State, I feel, after I have considered what he said, that he did not mean what he appeared to say. I believe that what he expressed was that at any time we deal with the Russians, any fruitful and satisfactory conclusion of negotiations with them is rather remote, and that that has been the history of conferences time after time. I hope he did not intend to say much more than that though I agree that an interpretation of what he said goes further than that.

The Senator from Ohio has referred to Mr. Kohler's statement, but I went further in my examination of Mr. Kohler. I found his statement with regard to the studies in preparation for the summit very disturbing, and I know the Senator from Tennessee did also, namely, that it was not being prepared for sufficiently and thoroughly.

I believe that a great deal of this stems from the President's attitude toward Congress, particularly toward the Democratic Members of Congress. He has shown very little disposition to take them into his confidence, now or at any other time.

I believe that legitimately leaves many people with the feeling that we do not know all that we ought to know. I asked Mr. Kohler about the letter which Khrushchev had written, and Mr. Kohler said flatly that he could not discuss it. I said that it had appeared at least in part in the Herald Tribune, and that it was strange indeed that it could be revealed to Miss Higgins of the New York Herald Tribune, but not to a committee of the Senate. He said that he could not discuss it. Apparently he was under orders not to discuss it in any respect with the committee. That did not leave a very good taste in my mouth. It is a mystery to me why a letter, unless it was specifically agreed that Mr. Khrushchev considered it a personal and confidential letter, should not be released. Having been released, or leaked, as the new term is, to the Herald Tribune, I do not know of any reason why it should not be made available to the committee, and to the public, for that matter, in a more official manner than the way in which it was.

With reference to the statement of the Senator regarding what Mr. Tsarapkin said, I have only seen a summary of it which Mr. Farley brought to me and said:

> This is all that can be released now.

I do not quite understand why that should be true. Maybe the Senator's explanation would be a violation of an understanding. That is possible. However, I must agree with the Senator that a little more frank discussion, and taking the public into their confidence, certainly the Senate of the United States, particularly the Committee on Foreign Relations, would be a very healthy step.

I should hate to see develop in the Senate, before we get to the summit itself, the attitude that this is a phony and that there is no hope of any agreement at all. I am not particularly optimistic, but, on the other hand, I think there may be developing circumstances which would induce the Russians to make a worthwhile agreement because of their own problems.

I was impressed by the account in the New York Herald Tribune that Mr. Khrushchev's letter was very moderate and most serious, and that it pointed out the difficulties he would encounter with his allies if we should supply nuclear weapons to our allies. That makes sense to me. It may well be that a community of interest in this particular may be developing. So I do not rule out as impossible at all the conclusion of some kind of reasonable agreement. But I must say that I felt myself somewhat in the dark about both items we have just mentioned. I think it would be very beneficial if we could know more about them.

Mr. GORE. Let me repeat. The administration has given me full and complete information. The only tardiness——

Mr. FULBRIGHT. Has the Senator read the letter from Mr. Khrushchev?

Mr. GORE. I was referring to the conference on nuclear weapons tests. I have been given full and complete cooperation with respect to this conference. I was not referring to the letter at all.

Mr. FULBRIGHT. I am not complaining. Certainly Mr. Herter, whenever I ask to see him or to discuss something, is most gracious. I have no complaint about his conduct at all. I do not understand the reason for secrecy concerning the letter, because I have talked to Mr. Herter personally about it. I was amazed when Mr. Kohler said that he was forbidden to discuss it. This happened only yesterday.

I do not complain of Mr. Herter's relations wtih me. I think, though, that the President has never shown very much interest in consultation with the Senate as a whole, and particularly with the Democratic Members of the Senate.

Mr. GORE. I agree that a matter so important as an exchange between the heads of the two most powerful nations should be discussed with the Committee on Foreign Relations, which has a limited constitutional partnership with the President in the conduct of international affairs. I regret that a matter of this importance is denied to the Committee on Foreign Relations. Still, as the Senator says, it has found its way into a certain newspaper.

Mr. FULBRIGHT. I have perhaps more hopes, although I do not wish to be overemphasizing them, that something may be developing from the conference on nuclear testing, in which the Senator from Tennessee is so interested. I say that without being a member of his subcommittee. But I have it from the development of outside circumstances that there may be reasons for it now that has not existed in the past. The development in France is a new reason why it may be very persuasive on the Russians. The possibility that the Germans may be either developing it themselves or obtaining it from their allies is another. But all these considerations, plus others, offer some reason to believe that the Russians may be really

concerned about the spreading of nuclear information.

Mr. GORE. I agree that it is entirely possible that the Russians desire an agreement. They are certainly most reluctant, however, to accept conditions which our country finds necessary.

Mr. FULBRIGHT. Yes; and I think those conditions are necessary. I would not wish the situation to be otherwise.

Mr. GORE. The American people have been conditioned through two administrations, beginning with the Baruch plan, some 15 years ago, to understand the necessity for inspections by which the American people and the people of the world could be assured that a treaty was being complied with.

Mr. FULBRIGHT. Yes; I think we are quite justified in insisting upon such inspection. I do not believe the problem is insoluble, although the long history of Russia seems to be against it. We are confronted with a historic emotional factor. I suppose no other country today has quite the same background. That is, other countries have not quite the history of secrecy which was a part and parcel of the policy of Russia for, I suppose, 200 or 300 years. It is not a new thing with them. It is not solely an attribute of the Communists. We have referred before in the debate to the famous book by DeCustine, who described in such an interesting manner the great limits to which the Russians went to maintain their secrecy, even in those days more than a hundred years ago. So I think that is a part of the situation we must meet, although not all of it. I think the Communist nature invites the historic tendency to secrecy.

I am very glad the Senator from Tennessee has taken the floor to open the discussion. I regret my inability to be present and to participate in the debate earlier.

Mr. GORE. I thank the Senator from Arkansas. Would he agree with my view that the success or failure of the nuclear weapons test conference, will depend upon acceptance of the principle of international cooperation and the acceptance of a slight limitation on national sovereignty, to the extent of permitting adequate inspection and control necessary to build confidence, and that if we are successful in this specific instance, this success will support optimism for further successful steps toward general disarmament, in which the problems are far more complicated than in a ban on nuclear tests, even though the problems of effectively banning such tests are incredibly difficult and complicated?

Mr. FULBRIGHT. I certainly agree with the Senator. This would be the first step. The establishment of any reasonable monitoring system within Russia would be a major change from the past and would be a reason, I think, to have optimism for the future, assuming that it is done in a reasonable manner, as we wish. I could not overemphasize the importance of accomplishing it, if we possibly can. I did not mean to minimize its importance when I expressed some doubt that it would be a successful first round. Now that the Senator has made his statement, I agree with him completely.

I should like to say a word about summit conferences. I am very sympathetic to the Senator's criticisms of summit conferences per se—I mean the idea of our diplomatic relations and negotiations having to be conducted at the summit very often. I am very reluctant to see that happen. I am very suspicious that it is not a good way to act and does not normally promote better relations.

I believe that because of the peculiar circumstances which have developed by design on the part of Mr. Khrushchev, I have felt that under those circumstances we really had no alternative. I do not wish to encourage summit conferences as normal methods of procedure. I think our established normal diplomatic methods, especially when we use the Secretary of State as our chief negotiator, is a better method.

I hope we will return to that practice. I am reconciled to the summit under the circumstances as they have developed. I believe the British were determined that there be a summit conference, and that that is how we got into the situation. I believe, all factors considered, that we are justified in having such a conference, and I hope the results will be fruitful.

Mr. GORE. The Senator, I know from his comments, will agree with my view that glamorous, 2- or 3-day summit meetings can be no substitute for the careful evaluation of point-by-point negotiation and the hard work necessary to reach correct conclusions.

Mr. FULBRIGHT. I agree with that statement. I do not think it is possible for the President, with the duties which he has, to be properly prepared to be a negotiator. It is utterly impossible, if he were the wisest man who ever lived, to negotiate properly, because there are too many other things to do. This is not the normal procedure. I hope summit conferences will not become common, ordinary occurrences, because I do not think they are properly suited to our system of government.

Mr. GORE. In the natural course of relations between nations, the meeting of heads of states to settle points of difference is a climactic means of formalizing some specific agreements which have been carefully developed, prepared, and essentially arrived at. Would the Senator from Arkansas agree?

Mr. FULBRIGHT. I certainly would agree, in normal circumstances. But we were faced, and we are faced, with a situation which is out of the ordinary. As many people say, we really have not yet liquidated the last war, and I do not know that we shall do so now.

I accept the necessity for this summit meeting, and possibly for another one. I do not agree that this is the normal way, but neither do I agree that it is not calculated to serve our system of government. Our head of state has placed upon him, under our system, great burdens which I do not believe are placed on the heads of other states, under their systems of government. Actually, our Presidents have not undertaken such a course—with very rare exceptions, and those have not been particularly successful.

Mr. GORE. In other words, there are limits to the human capacity.

Mr. FULBRIGHT. Yes. I do not say that as a criticism of this President; it would be true of any President.

Mr. GORE. I understand.

Mr. COOPER. Mr. President, will the Senator from Tennessee yield to me?

Mr. GORE. Mr. President, I yield to my friend and neighbor from the Cumberland Mountains, up the river from Carthage, Tenn.

Mr. COOPER. I thank my friend from Tennessee, and my neighbor down the Cumberland River, from Carthage in the hills of Tennessee, near Kentucky.

I want to commend him for his useful and patriotic service today, in presenting the important subject of the coming summit meeting on the floor of the Senate. I am familiar with his work as an adviser at the Disarmament Conferences, and I know his patriotic impulses have moved him to the discussion of this matter.

I know the Senator will agree, when I say that it would be unfortunate if, from this debate, the country were to receive the impression that the Government of the United States, the President of the United States and the Secretary of State, had no agenda or had not prepared for the summit conference.

I read a few days ago about the colloquy between the Senator from Tennesee and the Secretary of State during a hearing of the Senate Foreign Relations Committee. Not being a member of the committee, I did not know all the circumstances. But I would believe—as has been expressed by the distinguished Senator from Arkansas [Mr. FULBRIGHT], the chairman of the Foreign Relations Committee—that the Secretary of State, Mr. Herter, with his inherent integrity was expressing a view, held by all of us, that in negotiating with the Soviet Union it is difficult to predict what conclusion may be reached. However, the answer interested me, and I made some inquiries.

Mr. GORE. It must interest all of us.

Mr. COOPER. I have found, as I expected, that very serious preparations for the summit conference have been taking place for months.

First, I think it is well to recall that the President of the United States, joined by the Government of France and the Government of Great Britain, invited Mr. Khrushchev to a summit conference; and in the communique which was issued at the time, it was President Eisenhower and his Western colleagues who suggested the agenda. The agenda suggested was the question of Germany, including Berlin; East-West relations; and disarmament.

Following the invitation of President Eisenhower and the Western Powers to Mr. Khrushchev for a summit meeting, preparations immediately began in the State Department. And there was also established a committee, of the Secretary of State, and the Ambassadors of France, Great Britain, and Germany; and this committee began work in preparation for the summit meeting.

Then, as the distinguished Senator will remember, a meeting of the Foreign

Ministers of the Western countries and our Secretary of State was held in Paris, in December 1959 to discuss the summit meeting. Prior to that meeting, consultations had taken place between the Council of Ministers for the North Atlantic Treaty Organization and the Foreign Ministers of our allies and the Secretary of State of the United States; and, if I am not mistaken, the President himself consulted with the representatives of NATO, when he was in Paris.

So, from the very date of the announcement of the summit conference, down to the meeting of the Western Powers in Paris, in December, there had been consultations between the Foreign Ministers of those countries and our Secretary of State, and between our country and NATO, and between the President of the United States, Mr. Adenauer, General de Gaulle, and Mr. Macmillan. And, of course, since that time there have been further conferences.

There has been a continuous process of preparation.

One of the subjects at the summit meeting is bound to be disarmament. The fact that conferences relating to disarmament have been in session is in itself an indication of preparation for the summit meeting. I refer to the conference on general disarmament, and to the second conference—as the Senator from Tennessee knows so well, because he served as an adviser—on the question of cessation and control of nuclear tests.

So I wish to state—and I know it is the desire of the Senator from Tennessee that all these facts be known to the people of the United States—that, as I view the record of our Government, the President, and Secretary of State Herter, it is a record of preparation. And the continuing consultations are effective and necessary methods of preparation.

I should like to make another comment, and then I shall close, for I see that the Senator from Wisconsin [Mr. PROXMIRE] is ready to make a speech.

Mr. GORE. First, I should like to make a comment.

Mr. COOPER. Certainly.

Mr. GORE. Let me say that no one would be more pleased than I with assurance of adequate, careful preparation for the coming conference. The desire to see such a development was the principal reason for my speech—plus the earnest feeling that a word of caution must be expressed, lest the leaders of the free world continue to give to the leader of the Communist world unbridled opportunities to portray communism as a force inevitably to engulf the world. I have made my statement in the earnest hope that it would lead to the correction of such mistakes and such deficiencies as may exist.

I think the Senator from Kentucky knows that I did not raise the subject in the Foreign Relations Committee. The Secretary of State told us there—not in response to a question by me, but in response to a question by the Senator from Idaho [Mr. CHURCH]—that there was no agenda, and that they did not know what subjects would be discussed. I then felt impelled to ask some questions. The answers I received—I took it—were responsibly given; and they revealed a disturbing situation.

If the Secretary of State misspoke himself, I shall be happy to have him say so. However, he has not said so to me.

But regardless of whether he misspoke or whether he did not do so, I wish to state that it is my earnest hope that the debate we have had this afternoon and the expression of concern of so many Senators that our foreign affairs be conducted with probity and preparation will help bring about that result.

Mr. COOPER. Mr. President, I commend the Senator from Tennessee, because I know him well, and I know that is his only purpose.

For myself, I should like to say that I believe a summit meeting was inevitable. The tensions and the problems which divide the United States and Soviet Russia offer great danger, not only to us, but to all the world. So I think it inevitable that this meeting be held, in another attempt to make some progress toward resolving these issues, which I hold the Soviet Union has created.

The Senator has been speaking of disarmament. Of course, that is the ultimate question. But the question of Berlin and Germany is one which might be more immediately dangerous.

I believe, with respect to the question of disarmament, that instead of saying we may have yielded to the Russians, we should say we are still in a period of negotiation. We have not yet agreed to sign a treaty, and I would say the record thus far shows the Russians have yielded in some degree to the United States. The Russians first refused to accept the opinion of American scientists that underground tests could not be monitored. After a time they accepted that viewpoint. They first refused to talk about inspection. Now they are at least discussing inspection.

The Senator from Tennessee, in his position as an adviser to the conference, knows more about the details of the disarmament conference than I do. What I know I read chiefly in the New York and Washington papers, and in the Louisville Courier-Journal.

Mr. GORE. And the Somerset Commonwealth.

Mr. COOPER. Yes, the Somerset Commonwealth of Pulaski County, Ky.; and also the Carthage Courier, of Carthage, Tenn.

Mr. GORE. And the Carthage Courier.

Mr. COOPER. Seriously, it seems the Russians have taken some steps toward an agreement. There are many things that have not been settled and which will have to be settled, for we must be assured of inspection, to be secure.

However, is it not true that the issues surrounding the question of stopping nuclear tests may finally come to this: Will we take the position that underground tests below a certain level are necessary, to acquire the experience to determine whether underground explosions can be detected, or whether such tests are necessary to develop additional weapons for our security? Will we take that position? Or, if we can reach agreement upon the main body of our proposals, will we take the position that we will be willing, for a year, to risk the good faith of Russia, doubtful as its good faith is, in an effort to secure a breakthrough in this great problem of disarmament, and see if we can establish some kind of confidence that may lead to progress in the solution of other issues? Is that not what we may finally have to decide?

Mr. GORE. Taking for granted an agreement upon the composition and operation of the control commission, the composition of the inspection teams, the administrative direction and control of the commission, the question of who is going to pay for it, who will determine what particular criteria justify the dispatch of an inspection team, the number of inspections permitted, whether the number of inspections is to be determined by the physical and scientific facts as they may appear, or whether, as Mr. Tsarapkin insists, this should be a political decision—assuming that agreement is reached on all those questions, then we shall still find it necessary, in order to reach agreement, to invest some faith in the leaders of the Soviet Union, and it will be necessary for them to invest some faith in the leaders of the United States and Great Britain. It will be necessary for them to accept some small infringement of their sovereignty, just as it will be necessary for the United States and Great Britain to accept some small infringement of their sovereignty, to the extent of the necessities of adequate inspection.

I suggest to the Senator there is the further question, then, of extending this arrangement to other countries. As the Senator knows, the original meeting of the experts recommended a worldwide system of inspection and control. Such a system cannot be brought about by an agreement between Great Britain, the United States, and Russia. They can bind only themselves. But they could agree upon a plan of procedure to bring other nations necessary to make of it a workable system, into the agreed arrangement. Even here it is necessary to proceed to some extent upon the basis of faith.

I am not one of those who thinks it is either necessary or possible to have a completely foolproof system of inspection and detection. It is not possible. I do not think it is necessary. And I should like to suggest to the Senator that many people speak very blandly and glibly about inspection. Does the Senator realize that we had an underground test explosion? We knew exactly where it was; exactly at what minute the nuclear device was exploded; and then we undertook to drill from the mountain top into the radioactive cavity. I think after 90 days the scientists and engineers were still unable to find evidence of the nuclear explosion. Finally they successfully drilled a horizontal shaft into the cavity.

So how do we make an inspection? Suppose there is a suspicious tremor of the earth within a 200-square-mile area? With what facilities do we make

the inspection? What kind of technicians are to compose the inspection team? What freedom of movement to and within the area in which the suspicious event occurred are they to have?

These are questions which must be determined in detail and agreed upon. Here, as in every other field of human relations, one successful step of cooperation lends encouragement to the taking of another.

Mr. COOPER. I thank the Senator. I close by saying that we can have confidence that the President of the United States will have in mind always the security of this country in his negotiations. I have no doubt about that.

Mr. GORE. Nor do I.

Mr. COOPER. We must keep in mind also that the negotiations are still going forward, that nothing is yet settled. And I think we ourselves must keep an open mind on this matter.

Mr. GORE. I hope the Senator had an opportunity to read my original text.

Mr. COOPER. I have read it.

Mr. GORE. I thank the Senator.

Mr. COOPER. I had the pleasure of reading it.

Mr. GORE. I want to say I pushed a pencil, in preparing that statement, for about 20 hours. I poured my heart into it, because I have been deeply concerned, and it is my earnest hope that these efforts will be helpful in some small way.

Mr. SALTONSTALL. Mr. President, will the Senator yield for a very brief observation, perhaps ending in the form of a question? I appreciate the Senator's patience, courtesy, and his objectiveness, and also the intense and great knowledge with which he has discussed these questions.

Mr. GORE. I thank the Senator.

Mr. SALTONSTALL. I have listened to all of this with very great and close attention, because I think it has been an extremely serious and important discussion. As I have judged it, we have discussed two broad subjects.

First, we have discussed the question of nuclear power and how to cut down and end the tests of nuclear weapons, so far as we can. I gather that every Senator who has spoken, including the Senator from Tennessee, has expressed the fact that the Senate is openminded in trying to determine whether it agrees with any possible treaty which may come before it as a result of these discussions in Geneva. I think that is a very hopeful result which has come from the discussion this afternoon. Nobody has a closed mind. We are hopeful that there will be an agreement and that it may be possible for us to approve it in the Senate by a two-thirds vote. That is one observation.

The second observation is that I believe we are all hopeful there will be very thoughtful preparations made for the meeting at the summit, and, as a result of those preparations by study groups in Washington, London, and Paris, that the leaders of our three countries who go to that conference will go there in accord, to try to reach some general agreements which ultimately may be able to be worked out by participants at a lower level, in order that out of those agreements may come ultimate treaties which may come before us. I think that is the hope of all of us, as stimulated by the give-and-take of this discussion and by the original remarks of the Senator from Tennessee.

Does the Senator agree with me that this is a very brief but fairly accurate summation of our discussion this afternoon?

Mr. GORE. I agree that the Senator has made an eloquent summary of the hopeful aspects of the debate.

Mr. SALTONSTALL. I thank the Senator from Tennessee.

Mr. GORE. Mr. President, I had not intended in my address today to discuss the nuclear weapons conference in detail, but, as the RECORD discloses, an overwhelming proportion of the questions propounded to me involved this subject, to which I have given a very great deal of study. I hope that my remarks will contribute to the achievement of the maximum agreement which can be safely achieved.

I appreciate the attention and the courtesy of so many of my colleagues this afternoon.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. RUSSELL V. MACK, late a Representative from the State of Washington, and transmitted the resolutions of the House thereon.

SIXTH ANNUAL REPORT ON DELINQUENT FEDERAL TAXES

Mr. WILLIAMS of Delaware. Mr. President, today I wish to make the sixth annual report on delinquent Federal taxes.

Six years ago, upon my request, the Treasury Department adopted a policy of compiling an annual statistical report of all types of delinquent taxes as of the close of business of each calendar year. In presenting the previous reports I have been rather critical of the amount of these delinquent taxes and I have been particularly critical of the amount of delinquencies in the employment tax category. Employment taxes represented money which had been withheld from the pay checks of the employees as income taxes, social security taxes, unemployment taxes, etc., and which therefore should be treated as trust funds. Under total tax delinquencies there are included all types of Federal taxes—individual income, excise, corporate, inheritance, employment, and so forth.

To make the report on 1959 is a great pleasure for this is the most favorable one that I have thus far been able to present. During the past 12 months substantial progress has been shown by the Internal Revenue Service in reducing the amount of these delinquencies.

During 1959 the total of all types of delinquent taxes outstanding was reduced over 22 percent from last year, or from $1,375,737,000 to $1,071,016,000. This represents a 33 percent reduction over the 6-year period, or since we started assembling these statistics.

Delinquent employment taxes last year were reduced 17.7 percent, likewise bringing this account down to an all-time low.

I am not indicating that we should be satisfied even with these lower figures, and I am urging the Department to continue its efforts to reduce these accounts. I do feel, however, that in presenting this report, just as I have been critical in the past of those offices which had not shown progress, we should today give them credit for the improvements.

It is true that there are still a few offices which are glaring trouble spots, and I will call attention to them later, but first I shall discuss the favorable results:

Burlington, Vt., which in last year's report was cited as a troublesome area, last year reduced its delinquent employment taxes by 37.8 percent and at the same time reduced the total amount of all delinquencies by 28.4 percent.

Hartford, Conn., shows a reduction in employment tax delinquencies of 21.8 percent and a reduction in total tax delinquencies of 9.2 percent. While this shows progress, it should be pointed out that the amount of delinquent employment taxes is still higher than it was 6 years ago for this office.

Portsmouth, N.H., has a good report. Delinquent unemployment taxes were reduced 13.3 percent while the total amount of all delinquent taxes was reduced 18.3 percent. This brought both of these items down to an alltime low for that office.

Providence, R.I., shows a 10.1-percent reduction in employment tax delinquencies and a 16.2-percent reduction in total tax delinquencies.

Albany, N.Y., is another office which has brought both employment tax delinquencies and total tax delinquencies down to an all-time low, with employment tax delinquencies being reduced by 35.1 percent and the total delinquencies by 6.5 percent.

Brooklyn, N.Y., shows a reduction in both employment tax delinquencies and in total tax delinquencies of 14.4 percent and 16.8 percent, respectively. While this office has shown progress in reducing the total amount of its outstanding accounts, its employment tax delinquencies are still slightly higher than they were 6 years ago.

The same situation is true in the Buffalo, N.Y., office, which last year reduced the employment tax delinquencies 15.5 percent, while it brought its total tax delinquencies down by 21.7 percent.

Lower Manhattan is doing a good job in bringing down the total amount of all tax delinquencies showing a 36.9-percent reduction last year, which represents an alltime low, although that office made no progress last year in lowering the amount of its employment tax delinquencies.

Upper Manhattan has brought down both accounts to an alltime low by showing a 33.2-percent reduction in employment tax delinquencies and a 33.9-percent reduction in total delinquencies.

Baltimore, Md., which last year was complimented for turning in an excellent report, has again done a good job. It reduced employment tax delinquencies by 31.6 percent and the total tax delinquencies by 33.3 percent, with each account now representing an alltime low.

Camden, N.J., which in previous years has been criticized rather severely, showed excellent progress by reducing the employment tax delinquencies by 52.6 percent and a corresponding reduction in total tax delinquencies of 42.9 percent.

Newark, N.J., again has a good report. This office in each of the past 5 years has shown a reduction in the amount of its delinquent employment tax with last year's reduction being 23.5 percent. Total tax delinquencies in the same period were reduced by 14 percent, bringing both items for this office down to another new low.

Philadelphia, Pa., has reduced employment tax delinquencies by 29.8 percent, bringing this figure down about 60 percent lower than it was 6 years ago. Total tax delinquencies last year were reduced 19.6 percent, which also represents a new low.

Pittsburgh, Pa., which in 1958 showed an increase in both employment tax delinquencies and total delinquencies, reduced both accounts in 1959 by 29.8 percent and 28.7 percent, respectively.

Scranton, Pa., reduced its employment tax delinquencies by 14.1 percent and total delinquencies by 4.2 percent, both accounts being new lows.

Wilmington, Del.: This office represents my home State, and I am proud to report that over the past several years they have been doing an excellent job, last year's report being one of the best. Last year they reduced employment tax delinquencies by 46.9 percent and total delinquencies by 38 percent, with both items representing alltime lows.

Cincinnati and Cleveland, Ohio, both have excellent reports; both offices brought their accounts down to alltime lows. Cincinnati reduced its employment tax delinquencies by 16.7 percent and its total tax delinquencies by 28.5 percent. Cleveland reduced employment tax delinquencies by 20.3 percent and total delinquencies by 27.1 percent.

Columbus, Ohio, which in previous years has been sharply criticized for its increase in delinquent accounts, last year showed progress by reducing its employment tax delinquencies by 37.3 percent and total delinquencies by 37.2 percent.

Indianapolis, Ind., reduced delinquent employment taxes by 18.2 percent and total tax delinquencies by 20.2 percent. This is another office which has brought both accounts down to new lows.

Parkersburg, W. Va., reduced employment tax delinquencies by 7.4 percent and total tax delinquencies by 19.9 percent, joining the group of offices reporting new lows for such accounts.

Atlanta, Ga., is another office which in previous years had not shown too good progress. It has an excellent report for last year, showing a 46.7-percent reduction in employment tax delinquencies and a 30-percent reduction in total delinquencies, thereby bringing both accounts down to alltime lows.

Birmingham, Ala., has consistently shown progress in reducing its accounts, with last year's reduction in employment tax delinquencies being 15.7 percent and the reduction in total tax delinquencies, 12.3 percent, both establishing new lows.

Columbia, S.C., reported a 4.9 percent reduction in delinquent employment taxes and a 31-percent reduction in total tax delinquencies.

Nashville, Tenn., reduced its delinquent employment taxes by 32.4 percent and total delinquencies by 20.8 percent, bringing each of these accounts down to a new low for that office.

Chicago, Ill., while reducing employment tax delinquencies and total tax delinquencies by 23.5 percent and 30.4 percent, respectively, still holds these accounts at levels higher than were reported 6 years ago.

Detroit, Mich., is another office which shows reduction in both employment tax delinquencies and total delinquencies, by 6.1 percent and 25.2 percent, respectively. It should be noted again, however, that delinquent employment taxes in this office are still nearly double the amount of 6 years ago. Also, the total tax delinquencies are higher than in 1954. While I am giving credit for last year's improvement, obviously there is still much room for progress.

Milwaukee, Wis., reduced delinquent employment taxes by 28.1 percent and reduced total tax delinquencies by 18.6 percent.

Springfield, Ill., has a good report. This office reduced its employment tax delinquencies last year by 35.7 percent and its total tax delinquencies by 19.1 percent, bringing both items down to new lows.

Aberdeen, S. Dak.: Another good report. Delinquent accounts in this office were brought down to a new low, with a reduction of 34.4 percent in delinquent employment taxes and a 30.3 percent reduction in total tax delinquencies.

Cheyenne, Wyo., reduced delinquent employment taxes by 31 percent and brought its total tax delinquencies down by 20.5 percent, both new lows.

Denver, Colo., joined the group of offices establishing new lows for delinquent accounts by reducing delinquent employment taxes by 34.3 percent and total tax delinquencies by 39.5 percent.

Fargo, N. Dak., reduced delinquent employment taxes by 16.9 percent and total tax delinquencies by 25.4 percent.

Omaha, Nebr., while not making any progress in reducing employment tax delinquencies, did reduce the total tax delinquencies in that office by 39.2 percent, moving both these accounts down to their lowest level.

St. Louis, Mo., is doing a good job in collecting delinquent accounts, with last year's reduction in delinquent employment taxes being 35 percent and total tax delinquencies 34.7 percent, bringing both accounts down to new lows.

St. Paul, Minn., reduced delinquent employment taxes by 21.7 percent and total tax delinquencies by 12.3 percent; however, it should be noted that the outstanding accounts of both these items are still higher than reported 6 years ago.

New Orleans, La., reduced delinquent employment tax accounts by 20.6 percent and total tax delinquencies by 24.5 percent. These are new lows for that office.

Helena, Mont., is doing a better job, with last year's results showing a reduction in delinquent employment taxes of 27.6 percent and in total tax delinquencies of 25.3 percent.

Honolulu, Hawaii, our 50th State, has turned in an excellent report. It has reduced the delinquent employment taxes by 10.3 percent and reduced the total tax delinquencies by 44.3 percent. This brings both accounts down to new lows for that area. Congratulations to Hawaii on its first report as our 50th State.

Mr. FONG. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. FONG. I am happy to hear from the distinguished senior Senator from the State of Delaware that the State of Hawaii reduced its total Federal tax delinquencies by 44.3 percent in 1959.

This figure is about twice the percentage of the national total of 22 percent for the year. I want to congratulate and commend the people of Hawaii for their efforts in substantially reducing their delinquent taxes, and I want to thank the senior Senator from Delaware for bringing this fine report to our attention.

Mr. WILLIAMS of Delaware. I thank the Senator from Hawaii. He has every right to be proud of this report. In its first year Hawaii has done twice as well as the national average in reducing delinquencies.

Mr. FONG. I hope the people of Hawaii will do better next time.

Mr. WILLIAMS of Delaware. Los Angeles, Calif., reported a reduction of 13.4 percent in delinquent employment taxes and a 27.8-percent reduction in total tax delinquencies; however, it should be noted that while making progress last year, employment tax delinquencies in that office are still substantially higher than they were 6 years ago.

Reno, Nev., reported a 27-percent reduction in total tax delinquencies and a 2.6-percent reduction in delinquent employment taxes, which represents new lows for that office.

San Francisco, Calif., has a good report, showing a 25.7-percent reduction in delinquent employment taxes along with an 11.2-percent reduction in total delinquencies, thereby bringing each account down to a new low for that office.

Seattle, Wash., is another office which established new lows for both types of delinquent accounts. Employment tax delinquencies were reduced by 17.5 percent, while total tax delinquencies for the same area were reduced by 19.1 percent.

Puerto Rico also showed improvement last year, bringing its employment tax delinquent account down by 10.3 percent and its total delinquent accounts down by 33.7 percent. Even with this progress, however, delinquent accounts in both categories are still higher than they were 6 years ago.

While many of these offices have excellent reports and while the national total has been reduced by 17.7 percent in employment tax delinquencies and 22.1 percent in total tax delinquencies, nevertheless, there are still a few trouble spots. In some offices we regret to report that delinquent accounts reached new high levels. For instance:

Augusta, Maine, shows an increase in delinquent employment taxes of 38.6 percent and an increase in total tax delinquencies of 144.8 percent bringing both delinquent accounts to a new all-time high for that area.

Toledo, Ohio: The delinquent accounts in this office likewise reached new 6-year highs with an increase of 54.4 percent in delinquent employment taxes and an increase of 89.4 percent in total delinquencies.

Little Rock, Ark., which in last year's report showed a 181-percent increase in total tax delinquencies, reported another increase of 27.5 percent in that account, while delinquent employment taxes in that area jumped 16.8 percent over the previous year.

Oklahoma City, Okla.: While this office reduced its delinquent employment tax accounts by 10.2 percent, the total delinquencies for that same area jumped 30.3 percent. This total for all delinquencies represents a new 6-year high, and both accounts are higher than were shown in the first report, 1954.

Boise, Idaho, reported an increase of 28.8 in delinquent employment taxes, but they did show a 4.8-percent decrease in total tax delinquencies; however, here again is an office which reported delinquent accounts in both categories at levels higher than that of 6 years ago.

These latter-named offices represent trouble spots and are areas which should be given the careful attention of the Commissioner of Internal Revenue. Nevertheless, the overall picture of this year's report is very encouraging.

Certainly at a time when our country is enjoying its highest level of prosperity, it is the best time to collect these delinquent tax accounts. I am glad to note that special emphasis is being placed upon the collection of delinquent employment taxes. Once again I point out that there can be no excuse for delinquencies in this category. Employment taxes represent cash withheld from the employees' pay checks and should be treated as trust funds. Under no circumstance does an employer have the right to divert these funds to his own personal use.

At this point I ask unanimous consent to have incorporated in the RECORD the letter and the reports submitted by Commissioner Dana Latham, Internal Revenue Service, under date of March 1, 1960, along with my own statistical breakdown showing a 6-year report of the various offices.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF
INTERNAL REVENUE,
Washington, D.C., March 1, 1960.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: We are enclosing the data requested in your letter of January 12, 1960, concerning the status of taxpayer delinquent accounts on December 31, 1959. The tabulation shows a breakdown of the total number and dollar value of delinquent accounts by income, employment and other taxes as of December 31, 1959, and 1958, as well as data relating to inactive accounts.

We are pleased to report that for the fourth consecutive year we have been able to reduce both the number and dollar value of our delinquent account inventory. The dollar reduction in 1959 was $304.7 million, or 22.2 percent. This brought the inventory at December 31, 1959 to $1.1 billion, its lowest level since 1953. Just as encouraging was the reduction during the past year of 25.9 percent in the number of delinquent accounts from 1,280,642 to 949,146.

Also worthy of comment in our appraisal of the overall accomplishment in 1959 is that the reduction in dollars outstanding was general throughout the Nation with only nine of 64 districts closing out with a higher dollar inventory than last year. The picture in the employment tax area is almost equally impressive. Here our figures show that the number of accounts has been reduced from 329,457 to 256,287 and the dollar value from $263.2 million to $216.4 million, a 17.8 percent reduction. Fifty-one of the 64 districts shared in this accomplishment.

Although some offices show increases, I can assure you that this is not indicative of a weak enforcement effort on the part of the offices concerned. As has been pointed out to you previously, percentage increases of this nature often result from normal fluctuations or unusual circumstances. Heavy issuances of delinquent accounts late in the year, or one or two large accounts going into a delinquent status will distort the picture when endeavoring to evaluate the performance of a particular office. Particularly is this true when such accounts are of an inactive nature beyond the control of the Service. As you know, inactive accounts are those on which collection must be deferred pending the outcome of litigation, audit determination and other contingent actions. Conversely, the closing of a few large accounts may enable an office to report a reduction instead of an increase.

The reduction in inventories was substantial in both the active and inactive categories, both as to number and dollar amount as illustrated by the figures which follow:

	Active	Inactive	Total
Amount (thousands):			
Dec. 31, 1958	$868,509	$507,228	$1,375,737
Dec. 31, 1959	675,590	395,426	1,071,016
Change from Dec. 31, 1958, to 1959	-192,919	-111,802	-304,721
Percentage reductions	22.2	22	22.2
Number:			
Dec. 31, 1958	1,122,137	158,505	1,280,642
Dec. 31, 1959	853,855	95,291	949,146
Change from Dec. 31, 1958, to 1959	-268,282	-63,214	-331,496
Percentage reductions	23.9	39.9	25.9

In closing we would like to assure you that all offices are current in their issuances, with the result that the enclosed table includes all accounts that had gone into a delinquent status as of December 31, 1959.

Sincerely yours,

DANA LATHAM,
Commissioner.

Delinquent taxes

District and year	Employment tax: Number	Employment tax: Amount (in thousands)	Percent change over previous year	Total taxes: Number	Total taxes: Amount (in thousands)	Percent change over previous year
Augusta, Maine:						
1954	1,145	$665	--------	3,478	$2,582	--------
1955	1,119	489	-26.4	3,018	1,915	-25.8
1956	1,138	543	+11.0	3,582	1,489	-22.2
1957	1,185	543	--------	4,027	2,032	+36.4
1958	1,176	588	+8.2	3,986	1,569	-22.7
1959	889	815	+38.6	2,992	3,842	+144.8
Boston, Mass.:						
1954	16,058	11,226	--------	57,082	41,306	--------
1955	11,122	10,000	-10.9	39,723	37,835	-8.4
1956	9,477	9,632	-3.6	36,387	36,896	-2.4
1957	8,826	8,597	-10.7	36,289	30,255	-17.9
1958	9,372	8,456	-1.6	34,992	34,107	+12.7
1959	8,837	8,586	+1.5	30,952	31,601	-7.3
Burlington, Vt.:						
1954	619	241	--------	1,424	644	--------
1955	441	145	-39.8	1,245	409	-36.4
1956	421	201	+38.6	1,714	685	+67.4
1957	510	236	+17.4	1,936	604	-11.8
1958	762	322	+36.4	2,514	1,009	+67.0
1959	373	200	-37.8	1,641	722	-28.4
Hartford, Conn.:						
1954	4,232	$2,831	--------	22,554	$15,271	--------
1955	5,079	3,298	+16.4	21,219	15,348	+.5
1956	4,079	3,202	-2.9	21,783	11,445	-25.4
1957	5,156	4,317	+34.8	23,188	14,572	+27.3
1958	4,836	4,370	+1.2	22,122	14,402	-1.1
1959	3,885	3,413	-21.8	16,149	13,077	-9.2
Portsmouth, N.H.:						
1954	1,017	460	--------	2,854	3,252	--------
1955	840	310	-32.6	2,347	2,179	-32.9
1956	829	315	+1.6	3,144	1,948	-10.6
1957	718	347	+10.1	2,556	1,018	-47.7
1958	779	307	-11.5	2,785	911	-10.5
1959	511	266	-13.3	2,006	744	-18.3
Providence, R.I.:						
1954	1,847	1,204	--------	8,060	7,389	--------
1955	1,259	894	-25.7	5,985	7,173	-2.9
1956	1,874	1,254	+40.2	7,329	6,041	-15.7
1957	2,447	1,358	+8.2	7,169	3,331	-44.8
1958	2,234	1,383	+1.8	6,828	3,421	+2.7
1959	1,960	1,243	-10.1	5,551	2,864	-16.2

Delinquent taxes—Continued

District and year	Employment tax: Number	Employment tax: Amount (in thousands)	Percent change over previous year	Total taxes: Number	Total taxes: Amount (in thousands)	Percent change over previous year
Albany (14th, New York):						
1954	4,679	$3,559	--------	13,822	$15,061	--------
1955	4,770	3,454	-2.9	14,246	11,274	-25.1
1956	3,818	3,368	-2.4	14,296	11,142	-1.1
1957	3,900	3,366	--------	15,598	12,223	+9.7
1958	4,177	3,200	-4.9	13,413	8,988	-26.4
1959	3,014	2,074	-35.1	9,233	8,397	-6.5
Brooklyn (1st, New York):						
1954	28,903	18,534	--------	88,274	106,522	--------
1955	37,482	24,523	+32.3	100,932	133,339	+25.1
1956	33,648	23,624	-3.6	105,601	129,428	-2.9
1957	35,112	24,882	+5.3	108,819	125,382	-3.1
1958	28,275	21,773	-12.4	83,173	90,776	-27.6
1959	22,196	18,637	-14.4	62,176	75,461	-16.8
Buffalo (28th, New York):						
1954	4,664	2,351	--------	21,869	12,368	--------
1955	4,756	2,916	+24.0	18,203	12,058	-2.5
1956	4,141	2,778	-4.7	20,172	12,309	+2.0
1957	4,836	3,436	+23.6	19,184	12,869	+4.5
1958	4,031	2,969	-13.5	17,021	10,174	-20.9
1959	3,128	2,508	-15.5	10,655	7,961	-21.7
Lower Manhattan (2d, New York):						
1954	22,636	17,622	--------	48,155	171,309	--------
1955	25,952	20,573	+16.7	53,341	169,476	-1.0
1956	19,669	21,067	+2.4	44,725	153,607	-9.3
1957	17,600	18,495	-12.2	36,963	121,178	-19.2
1958	13,497	13,689	-25.9	30,560	117,290	-5.5
1959	10,081	13,867	+1.3	20,980	73,946	-36.9
Syracuse (21st, New York):						
1954	3,046	1,552	--------	12,486	5,680	--------
1955	2,565	1,664	+7.2	9,308	5,395	-4.5
1956	3,341	2,019	+21.3	13,955	6,443	+19.4
1957	4,593	2,411	+19.4	16,618	5,921	-8.1
1958	2,974	2,044	-15.2	11,859	5,415	-8.5
1959	2,185	1,841	-9.9	7,287	5,550	+2.4
Upper Manhattan (3d, New York):						
1954	24,420	26,447	--------	67,328	158,538	--------
1955	31,922	32,691	+23.6	109,567	195,098	+23.0
1956	33,586	31,514	-3.6	124,641	202,676	+3.8
1957	32,259	32,466	+3.0	121,388	176,094	-13.1
1958	30,135	32,199	-.8	116,608	182,180	+3.4
1959	19,616	21,505	-33.2	78,620	120,370	-33.9
Baltimore (Maryland and District of Columbia):						
1954	12,249	6,296	--------	120,870	68,663	--------
1955	9,577	5,733	-8.9	95,861	62,497	-8.9
1956	6,963	4,402	-23.2	60,642	42,778	-31.5
1957	7,246	5,100	+15.8	44,982	36,069	-15.6
1958	5,965	4,010	-21.3	32,409	25,705	-28.7
1959	3,560	2,739	-31.6	29,066	17,133	-33.3
Camden (1st, New Jersey):						
1954	3,526	2,090	--------	16,986	10,638	--------
1955	3,684	2,657	+27.1	16,958	16,896	+58.8
1956	4,709	2,950	+11.0	19,659	14,015	-17.0
1957	4,876	3,590	+21.6	19,376	14,881	+6.1
1958	4,379	4,194	+16.8	16,157	15,040	+1.0
1959	2,700	1,954	-52.0	10,848	8,580	-42.9
Newark (3th, New Jersey):						
1954	37,438	24,083	--------	122,953	92,962	--------
1955	23,673	22,244	-7.6	84,883	79,793	-14.1
1956	17,240	18,193	-18.2	71,578	79,913	+.1
1957	14,575	17,170	-5.6	55,722	55,667	-30.3
1958	10,829	13,291	-22.5	36,048	44,825	-19.4
1959	8,169	10,160	-23.5	30,459	38,527	-14.0
Philadelphia (1st, Pennsylvania):						
1954	18,014	15,700	--------	95,824	63,450	--------
1955	17,918	17,060	+8.6	87,594	74,744	+17.7
1956	11,923	12,342	-27.6	55,994	66,115	-11.5
1957	7,564	10,317	-16.4	42,254	48,455	-26.7
1958	5,816	8,944	-13.3	29,852	42,563	-12.1
1959	4,387	6,274	-29.8	21,134	34,203	-19.6
Pittsburgh (23d, Pennsylvania):						
1954	4,880	3,800	--------	40,973	28,955	--------
1955	6,651	5,079	+33.6	34,891	30,144	+4.1
1956	5,251	4,858	-4.3	28,534	23,103	-23.3
1957	4,592	3,583	-26.2	21,759	15,683	-32.1
1958	5,976	4,569	+27.5	27,821	17,374	+10.7
1959	3,998	3,206	-29.8	20,494	12,386	-28.7
Scranton (12th, Pennsylvania):						
1954	2,134	2,345	--------	9,414	7,948	--------
1955	1,743	2,324	-.8	6,659	7,233	-8.9
1956	1,397	2,220	-4.4	4,975	6,516	-9.8
1957	1,547	2,127	-4.1	5,096	8,075	+23.9
1958	1,598	1,655	-22.1	5,393	6,196	-23.2
1959	1,563	1,421	-14.1	4,897	5,931	-4.2
Wilmington, Del.:						
1954	571	303	--------	5,400	22,009	--------
1955	683	327	+7.5	4,586	3,639	-83.4
1956	621	301	-7.9	5,522	3,722	+2.2
1957	522	272	-9.6	4,817	3,811	+2.3
1958	331	347	+27.5	3,706	3,296	-13.5
1959	325	184	-46.9	3,435	2,043	-38.0
Cincinnati (1st, Ohio):						
1954	3,431	$1,784	--------	26,545	$15,128	--------
1955	3,630	1,947	+9.0	24,423	12,685	-16.1
1956	3,060	1,801	-7.4	22,534	11,410	-10.0
1957	3,349	1,960	+9.9	24,905	10,228	-10.3
1958	2,764	1,529	-22.7	16,539	9,681	-5.3
1959	1,886	1,273	-16.7	8,652	6,916	-28.5
Cleveland (18th, Ohio):						
1954	7,958	5,272	--------	49,841	42,963	--------
1955	8,720	5,523	+4.7	46,546	35,547	-17.2
1956	8,219	5,924	+7.2	39,521	42,590	+19.8
1957	7,431	5,788	-2.2	37,631	36,371	-14.6
1958	5,951	3,794	-34.4	26,206	29,076	-20.0
1959	4,777	3,021	-20.3	16,291	21,195	-27.1
Columbus (11th, Ohio):						
1954	1,207	594	--------	13,054	6,652	--------
1955	1,290	657	+10.6	11,010	6,624	-.4
1956	1,517	845	+28.6	12,340	9,972	+50.6
1957	1,625	878	+3.9	13,217	9,079	-8.9
1958	1,714	1,067	+23.8	12,916	10,244	+12.6
1959	904	681	-37.3	6,917	6,433	-37.2
Indianapolis, Ind.:						
1954	3,420	2,477	--------	23,475	19,133	--------
1955	4,767	2,953	+19.2	22,273	20,760	+8.5
1956	3,959	3,120	+5.6	20,007	20,574	-.8
1957	4,667	3,386	+8.5	19,952	21,993	+6.8
1958	3,594	2,907	-14.1	15,511	16,397	-25.4
1959	2,889	2,376	-18.2	10,164	13,072	-20.2
Louisville, Ky.:						
1954	2,019	1,035	--------	12,161	11,834	--------
1955	2,934	1,228	+18.6	12,963	13,172	+11.3
1956	2,457	1,343	+9.3	12,331	12,930	-1.8
1957	2,468	1,390	+2.7	11,367	10,876	-15.8
1958	1,696	1,117	-19.0	8,725	8,378	-22.9
1959	1,961	1,034	-7.4	7,463	8,682	+3.6
Parkersburg, W. Va.:						
1954	3,221	1,952	--------	15,917	12,931	--------
1955	2,257	1,376	-29.5	11,094	10,627	-17.8
1956	1,533	1,064	-22.6	8,357	9,032	-15.0
1957	1,574	1,117	+4.9	6,877	6,860	-24.0
1958	1,769	1,077	-3.5	7,794	5,372	-21.6
1959	1,518	997	-7.4	5,243	4,299	-19.9
Richmond, Va.:						
1954	4,692	2,239	--------	32,611	20,988	--------
1955	5,147	2,663	+18.9	29,332	21,881	+4.2
1956	4,118	2,420	-9.1	26,199	23,932	+9.3
1957	3,988	2,263	-6.4	19,830	15,687	-34.4
1958	3,502	1,929	-14.7	15,574	12,333	-21.3
1959	3,339	2,235	+15.8	14,553	11,927	-3.2
Toledo (10th, Ohio):						
1954	929	392	--------	6,072	3,317	--------
1955	785	393	+.2	4,555	2,896	-12.6
1956	1,078	617	+56.9	6,277	2,471	-14.6
1957	980	633	+2.5	6,328	3,180	+28.6
1958	961	500	-21.0	6,449	2,373	-25.3
1959	1,396	772	+54.4	5,426	4,495	+89.4
Atlanta, Ga.:						
1954	4,963	2,947	--------	26,021	20,972	--------
1955	5,889	3,572	+21.2	24,979	18,809	-10.3
1956	5,540	3,432	-3.9	24,713	17,080	-9.1
1957	5,864	3,829	+11.5	25,328	18,972	+11.0
1958	5,981	3,948	+3.1	23,875	15,388	-18.8
1959	4,506	2,101	-46.7	16,554	10,763	-30.0
Birmingham, Ala.:						
1954	4,874	2,299	--------	19,506	19,488	--------
1955	3,655	1,965	-14.5	16,003	17,636	-9.5
1956	3,658	1,880	-4.3	16,780	21,969	+24.5
1957	3,826	1,772	-5.7	15,996	18,889	-14.0
1958	3,653	1,735	-2.0	14,130	17,066	-9.6
1959	2,459	1,461	-15.7	12,188	14,954	-12.3
Columbia, S.C.:						
1954	3,727	1,078	--------	14,246	7,201	--------
1955	3,318	822	-23.7	12,972	6,511	-9.5
1956	3,311	850	+3.4	13,202	5,413	-16.8
1957	2,938	948	+11.5	13,339	4,462	-17.5
1958	2,773	1,064	+12.2	11,573	4,471	+.2
1959	1,607	1,011	-4.9	7,141	3,082	-31.0
Greensboro, N.C.:						
1954	5,332	2,016	--------	22,459	26,395	--------
1955	4,318	1,998	-.8	15,687	21,018	-20.3
1956	4,336	1,957	-2.0	17,696	22,222	+5.7
1957	4,922	2,023	+3.3	17,598	14,872	-33.0
1958	4,186	1,359	-32.8	15,706	12,716	-14.4
1959	4,078	1,441	+6.0	15,763	10,381	-18.3
Jackson, Miss.:						
1954	1,500	636	--------	5,563	4,717	--------
1955	1,526	596	-6.2	5,231	2,957	-37.3
1956	1,321	656	+10.0	5,371	2,744	-7.2
1957	1,634	684	+4.2	7,229	2,975	+8.4
1958	1,774	852	+24.5	5,999	2,411	-18.9
1959	1,506	614	-27.9	5,165	2,903	+20.4
Jacksonville, Fla.:						
1954	8,451	4,686	--------	31,020	47,883	--------
1955	8,230	4,996	+6.6	30,918	49,361	+3.0
1956	10,203	6,562	+31.3	36,962	41,546	-15.8
1957	11,447	8,518	+29.8	36,770	39,272	-5.4

Delinquent taxes—Continued

District and year	Employment tax		Percent change over previous year	Total taxes		Percent change over previous year
	Number	Amount (in thousands)		Number	Amount (in thousands)	
Jacksonville, Fla.—Continued						
1958	10,375	$8,029	−5.7	33,038	$39,915	+1.6
1959	9,947	8,608	+7.2	27,780	34,367	−13.8
Nashville, Tenn.:						
1954	3,721	1,775		15,763	12,463	
1955	3,181	1,601	−9.8	12,971	13,220	+6.0
1956	3,100	1,587	−.8	13,320	11,457	−13.3
1957	3,214	1,679	+5.7	13,248	12,115	+5.7
1958	2,522	1,287	−23.3	10,567	9,053	−25.2
1959	1,910	870	−32.4	8,943	7,166	−20.8
Chicago (1st, Illinois):						
1954	21,439	12,802		136,532	81,659	
1955	22,891	15,915	+24.3	119,822	87,843	+7.5
1956	24,597	20,829	+30.8	143,457	120,971	+37.7
1957	35,678	32,098	+54.9	180,796	154,085	+27.3
1958	25,352	22,996	−29.7	122,072	120,323	−21.9
1959	20,410	17,580	−23.5	76,507	83,625	−30.4
Detroit, Mich.:						
1954	11,891	7,782		68,809	44,787	
1955	16,325	10,808	+38.8	81,569	68,904	+53.8
1956	16,871	13,328	+23.3	93,782	70,964	+2.9
1957	20,538	15,168	+13.8	95,549	68,349	−3.6
1958	18,337	14,121	−6.9	75,443	62,288	−8.8
1959	14,465	13,259	−6.1	45,933	46,530	−25.2
Milwaukee, Wis.:						
1954	3,759	1,704		16,962	16,592	
1955	3,781	2,087	+22.4	14,322	16,279	−1.8
1956	4,334	2,314	+10.8	14,936	13,455	−17.3
1957	4,529	2,551	+10.2	18,403	14,964	+11.2
1958	4,608	3,035	+18.9	12,965	13,418	−10.3
1959	3,090	2,180	−28.1	9,130	10,893	−18.8
Springfield (8th, Illinois):						
1954	4,563	1,903		19,192	9,101	
1955	3,381	1,627	−14.5	12,885	8,723	−4.1
1956	3,374	2,171	+33.4	15,117	8,526	−2.2
1957	3,255	2,007	−7.5	15,829	9,442	+10.7
1958	2,027	1,378	−31.3	8,070	7,126	−24.5
1959	1,432	885	−35.7	5,478	5,759	−19.1
Aberdeen, S. Dak.:						
1954	734	282		3,092	1,255	
1955	604	248	−12.0	2,488	1,613	+28.5
1956	823	248		2,948	1,441	−10.6
1957	788	264	+6.4	2,844	1,391	−3.4
1958	515	209	−20.8	1,965	971	−30.1
1959	439	137	−34.4	1,476	676	−30.3
Cheyenne, Wyo.:						
1954	688	248		2,445	1,629	
1955	727	256	+3.2	2,215	1,344	−17.4
1956	639	264	+3.1	2,126	1,077	−19.8
1957	490	205	−22.3	2,013	1,266	+17.5
1958	616	264	+28.7	2,305	1,326	+4.7
1959	354	182	−31.0	1,480	1,053	−20.5
Denver, Colo.:						
1954	2,754	1,319		9,888	7,552	
1955	3,056	1,642	+24.4	9,748	7,960	+5.4
1956	2,483	1,402	−14.6	10,236	8,142	+2.2
1957	2,346	1,476	+5.2	10,336	7,163	−12.0
1958	2,917	1,586	+7.5	10,946	7,938	+10.8
1959	1,806	1,042	−34.3	7,339	4,795	−39.5
Des Moines, Iowa:						
1954	1,781	770		5,910	9,737	
1955	1,596	749	−2.7	5,207	8,200	−15.7
1956	1,989	989	+32.0	6,729	9,118	+11.1
1957	2,069	947	−4.2	6,351	7,480	−17.9
1958	1,730	850	−10.2	5,101	4,564	−38.9
1959	1,217	683	−19.6	3,905	4,965	+8.7
Fargo, N. Dak.:						
1954	843	310		2,252	1,353	
1955	578	217	−30.0	1,407	1,011	−25.2
1956	563	228	+5.0	2,199	1,336	+32.1
1957	628	236	+3.5	2,135	1,414	+5.8
1958	729	307	+30.0	2,220	1,342	−5.0
1959	397	255	−16.9	1,430	1,001	−25.4
Kansas City (6th, Missouri):						
1954	1,783	884		8,155	9,021	
1955	2,030	1,146	+29.6	7,615	9,433	+4.5
1956	2,522	1,466	+27.9	8,450	8,673	−8.0
1957	2,591	1,497	+2.1	10,168	7,887	−9.0
1958	2,882	1,454	−2.8	9,389	8,820	+11.8
1959	1,754	1,414	−2.7	5,902	8,296	−5.9
Omaha, Nebr.:						
1954	810	548		3,932	4,180	
1955	638	480	−12.4	2,697	3,364	−19.5
1956	770	528	+10.0	3,441	3,544	+5.3
1957	834	585	+10.7	2,884	2,729	−22.9
1958	601	267	−54.3	2,234	2,770	+1.5
1959	513	267		1,764	1,684	−39.2
St. Louis (1st, Missouri):						
1954	1,958	974		11,439	12,267	
1955	2,686	1,323	+35.8	9,999	10,085	−17.7
1956	2,001	1,119	−15.4	8,927	9,606	−4.7
1957	2,202	1,308	+16.8	10,678	10,031	+4.4
1958	2,665	1,302	−0.4	12,675	9,447	−5.8
1959	1,824	846	−35.0	7,676	6,167	−34.7
St. Paul, Minn.:						
1954	3,096	1,929		10,916	9,725	
1955	3,110	2,093	+8.5	9,616	9,270	−4.6
1956	3,590	2,546	+21.1	12,035	11,203	+20.8
1957	3,330	2,711	+6.4	12,812	13,600	+21.3
1958	3,909	2,494	−8.0	11,474	12,139	−10.7
1959	2,376	1,951	−21.7	7,481	10,644	−12.3
Wichita, Kans.:						
1954	2,405	$939		10,542	$7,316	
1955	2,912	1,018	+8.4	10,279	6,757	−7.6
1956	2,300	1,269	+24.6	9,038	8,047	+19.0
1957	2,294	1,299	+2.3	7,703	7,084	−11.9
1958	2,298	1,104	−15.0	7,044	6,621	−6.5
1959	1,815	1,094	−.9	5,612	6,232	−5.8
Albuquerque, N. Mex.:						
1954	1,911	741		5,491	2,824	
1955	1,904	853	+15.1	5,078	2,900	+4.8
1956	1,957	1,062	+24.3	5,888	3,726	+32.6
1957	2,378	1,192	+12.2	6,777	3,935	+.2
1958	2,077	1,075	−9.8	6,085	3,233	−17.8
1959	1,717	1,095	+1.8	4,576	2,915	−9.7
Austin (1st, Texas):						
1954	5,609	3,021		22,355	20,202	
1955	6,580	2,702	−10.5	18,391	12,754	−36.8
1956	5,283	3,080	+13.9	19,534	15,230	+19.4
1957	5,664	3,336	+8.3	23,351	14,396	−5.5
1958	4,445	2,797	−16.1	19,437	12,246	−14.8
1959	3,700	2,439	−12.7	18,126	14,070	+14.8
Dallas (2d, Texas):						
1954	9,311	5,077		31,244	23,748	
1955	6,816	3,608	−28.9	22,420	16,337	−31.2
1956	6,158	3,642	+.9	23,793	20,822	+27.4
1957	8,225	4,750	+30.4	30,526	22,022	+5.7
1958	5,530	3,225	−32.1	23,620	18,221	−17.2
1959	5,515	3,658	+13.4	20,481	18,037	−1.0
Little Rock, Ark.:						
1954	1,801	462		5,431	2,315	
1955	1,259	319	−30.9	4,182	2,108	−8.9
1956	1,179	453	+41.5	4,781	2,355	+11.7
1957	1,209	489	+7.9	5,338	2,465	+4.6
1958	975	374	−23.5	4,115	6,930	+181.1
1959	1,511	437	+16.8	4,481	8,849	+27.5
New Orleans, La.:						
1954	4,566	1,948		19,566	17,472	
1955	4,261	2,260	+16.0	14,225	13,613	−22.0
1956	4,097	2,214	−2.0	15,296	11,536	−15.2
1957	4,300	2,488	+12.4	15,851	10,182	−11.7
1958	4,342	2,420	−2.7	14,751	9,249	−9.1
1959	3,638	1,920	−20.6	12,920	6,977	−24.5
Oklahoma City, Okla.:						
1954	3,211	1,700		9,994	9,043	
1955	3,123	1,825	+1.9	9,455	9,421	+4.1
1956	3,764	2,167	+18.6	12,886	8,737	−7.2
1957	4,998	2,239	+3.3	15,637	7,629	−12.6
1958	3,975	2,189	−2.2	11,580	8,452	+10.7
1959	3,425	1,965	−10.2	9,482	11,017	+30.3
Boise, Idaho:						
1954	1,050	470		3,115	2,083	
1955	1,099	472	+.5	2,949	1,988	−4.5
1956	960	411	−13.1	3,211	2,155	+8.4
1957	842	513	+24.8	3,539	2,280	+5.8
1958	760	395	−23.0	2,812	2,213	−2.9
1959	791	509	+28.8	2,382	2,106	−4.8
Helena, Mont.:						
1954	1,064	436		3,214	2,983	
1955	831	333	−23.6	2,912	2,575	−10.0
1956	1,035	527	+58.2	3,299	1,799	−30.1
1957	1,122	624	+18.4	4,136	2,017	+13.7
1958	1,040	550	−11.8	3,572	2,024	−1.1
1959	862	398	−27.6	2,857	1,510	−25.3
Honolulu, Hawaii:						
1954	1,338	898		4,682	4,620	
1955	1,196	876	−2.4	3,835	4,345	−5.9
1958	1,047	668	−23.7	3,800	3,929	−9.5
1957	1,064	772	+15.5	4,101	3,297	−16.0
1958	989	606	−21.5	3,448	2,887	−12.4
1959	738	543	−10.3	2,092	1,606	−44.3
Los Angeles (6th, California):						
1954	16,969	13,396		86,733	88,047	
1955	22,429	19,706	+47.1	105,039	83,679	−4.9
1956	17,151	16,600	−15.7	92,176	68,967	−17.6
1957	19,853	20,762	+25.0	89,014	76,679	+11.2
1958	19,895	18,723	−9.8	81,683	83,911	+9.4
1959	15,736	16,199	−13.4	58,231	60,562	−27.8
Phoenix, Ariz.:						
1954	2,158	1,384		8,957	5,510	
1955	2,039	1,327	−4.1	7,023	5,057	−8.2
1956	1,533	1,169	−11.9	5,871	4,095	−19.0
1957	2,039	1,396	+19.4	6,760	4,432	+8.7
1958	1,961	1,288	−7.7	6,218	4,276	−3.9
1959	1,881	1,560	+21.1	5,162	4,265	−.2
Portland, Oreg.:						
1954	4,099	2,053		14,799	15,351	
1955	3,950	2,281	+11.1	11,636	12,429	−19.0
1956	2,767	1,934	−15.2	10,300	13,215	+6.3
1957	2,554	2,073	+7.1	10,295	13,139	−.5
1958	2,410	1,766	−14.8	9,496	12,879	−1.9
1959	2,659	1,857	+5.1	9,471	10,795	−16.1
Reno, Nev.:						
1954	1,455	1,480		4,576	6,043	
1955	1,195	1,470	−.6	3,782	6,697	+10.8
1956	1,038	1,574	+7.0	3,545	5,995	−10.4
1957	928	1,393	−11.4	3,739	6,324	+5.4
1958	717	1,174	−15.7	3,152	6,804	+7.5
1959	718	1,143	−2.6	2,665	4,968	−27.0
Salt Lake City, Utah:						
1954	1,671	925		5,554	4,649	
1955	1,491	809	−12.5	4,668	3,560	−23.4

Delinquent taxes—Continued

District and year	Employment tax		Percent change over previous year	Total taxes		Percent change over previous year
	Number	Amount (in thousands)		Number	Amount (in thousands)	
Salt Lake City, Utah—Con.						
1956	1,374	$778	−3.8	4,505	$3,771	+5.9
1957	1,527	861	+10.6	4,878	3,906	+3.5
1958	1,344	807	−6.2	4,572	4,084	+4.5
1959	1,137	741	−8.1	3,929	3,605	−11.7
San Francisco (1st, California):						
1954	17,616	10,597		85,750	66,858	
1955	17,509	11,951	+12.7	73,245	88,963	+33.0
1956	11,473	9,214	−22.9	61,138	77,550	−12.8
1957	12,797	10,119	+9.8	60,441	74,781	−3.5
1958	12,169	9,562	−5.5	50,947	63,834	−14.6
1959	8,360	7,103	−25.7	37,997	56,626	−11.2
Seattle, Wash.:						
1954	5,932	4,324		27,707	19,804	
1955	6,417	5,409	+25.0	22,634	18,285	−7.6
1956	5,937	5,687	+5.1	20,852	16,441	−10.0
Seattle, Wash.—Con.						
1957	5,715	$4,786	−15.8	20,940	$15,890	−3.3
1958	5,238	3,935	−17.7	18,424	13,462	−15.2
1959	4,315	3,246	−17.5	14,446	10,886	−19.1
Puerto Rico:						
1954	1,530	147		2,020	273	
1955	1,853	252	+71.4	3,249	622	+127.8
1956[1]	1,307	296	+17.4	2,509	624	+.3
1957[1]	1,755	375	+26.6	2,674	721	+15.6
1958[1]	1,612	290	−22.6	2,451	593	−17.7
1959[1]	1,129	260	−10.3	1,682	393	−33.7
International operations:						
1956	1,504	442		14,321	17,328	
1957	1,884	444	+.4	14,046	17,443	+.6
1958[2]	1,867	410	−7.6	10,088	14,823	+139.7
1959	1,557	435	+6.0	21,568	35,925	−14.1

[1] Puerto Rico figures included in international operations.

[2] Result of district offices' transferring to this division delinquent accounts of taxpayers known to be abroad and out of reach.

Totals

Year	Employment tax		Percent increase or decrease over preceding year	Total taxes		Percent increase or decrease over preceding year
	Number	Amount		Number	Amount	
		Thousands			*Thousands*	
1954	390,398	$254,062		1,725,474	$1,614,494	
1955	399,269	284,803	+12.0	1,596,616	1,646,383	+1.9
1956	356,748	279,183	−1.9	1,560,685	1,619,629	−1.6
1957	377,253	$300,678	+7.6	1,554,876	$1,304,709	−7.0
1958	329,457	263,186	−12.4	1,280,642	1,375,737	−8.5
1959	256,287	216,439	−17.7	949,146	1,071,016	−22.1

Inventory of taxpayer delinquent accounts: December 1959 and 1958

Region and district	Tax groups[1]								Inactive			
	Income				Employment				Other							
	Number		Amount (thousand dollars)		Number		Amount (thousand dollars)		Number		Amount (thousand dollars)		Number		Amount (thousand dollars)	
	1959	1958	1959	1958	1959	1958	1959	1958	1959	1958	1959	1958	1959	1958	1959	1958
National total	650,278	898,232	758,873	1,005,270	256,287	329,457	216,439	263,186	42,581	52,953	95,703	107,280	949,146	1,280,642	1,071,016	1,375,737
Atlanta	60,823	78,113	57,913	69,536	26,132	31,264	16,106	18,274	6,579	6,511	9,596	13,212	93,534	115,888	83,616	101,022
Boston	40,818	51,310	35,042	36,952	16,455	19,159	14,522	15,437	1,978	2,732	3,287	3,040	59,251	73,227	52,851	55,418
Chicago	91,943	159,966	100,546	143,220	39,397	50,324	33,903	41,528	5,807	7,360	12,357	18,408	137,147	217,650	146,807	203,155
Cincinnati	51,967	83,411	53,104	69,532	18,690	21,971	12,390	13,939	4,052	4,332	11,526	10,382	74,709	109,714	77,020	93,854
Dallas	46,781	54,630	43,613	40,797	19,506	21,344	11,514	12,061	3,829	3,614	6,737	5,453	70,066	79,588	61,864	58,331
New York City	122,202	178,824	207,565	315,899	60,220	83,089	60,431	75,873	6,529	10,721	23,086	23,141	188,951	272,634	291,086	414,923
Omaha	29,048	43,535	33,630	40,764	12,494	18,922	7,870	9,836	2,513	3,596	4,016	5,337	44,355	66,053	45,515	55,938
Philadelphia	91,025	109,989	78,254	101,299	24,702	34,994	25,967	37,010	4,606	6,493	14,583	16,689	120,333	151,476	118,805	154,999
San Francisco	95,867	130,354	114,144	146,459	37,134	46,523	33,299	38,807	6,231	7,447	9,487	11,106	139,232	184,324	156,929	196,373
Atlanta region:																
Atlanta	11,036	16,578	6,898	9,696	4,506	5,981	2,101	3,948	1,012	1,316	1,764	1,744	16,554	23,875	10,763	15,388
Birmingham	8,958	9,329	12,619	10,130	2,489	3,653	1,461	1,735	741	948	874	5,201	12,188	14,130	14,954	17,066
Columbia	4,817	8,056	1,784	3,632	1,697	2,773	1,011	1,064	627	744	286	375	7,141	11,573	3,082	4,471
Greensboro	10,287	10,576	7,932	10,631	4,078	4,186	1,441	1,359	1,208	944	1,008	727	15,763	15,706	10,381	12,716
Jackson	3,115	3,845	2,024	1,345	1,505	1,774	614	852	545	380	266	214	5,165	5,999	2,903	2,411
Jacksonville	16,385	22,038	21,889	27,492	9,947	10,375	8,608	8,029	1,448	1,525	3,570	4,417	27,780	33,938	34,367	39,915
Nashville	6,225	7,491	4,768	7,233	1,910	2,522	870	1,287	808	654	1,528	533	8,943	10,667	7,166	9,053
Boston region:																
Augusta	1,990	2,539	2,958	915	889	1,176	815	588	113	271	69	66	2,992	3,986	3,842	1,569
Boston	21,102	24,426	20,628	23,950	8,837	9,372	8,586	8,456	1,013	1,194	2,388	1,701	30,952	34,992	31,601	34,107
Burlington	1,144	1,516	477	516	373	762	200	322	84	236	45	171	1,601	2,514	722	1,009
Hartford	11,704	16,643	9,097	9,219	3,883	4,836	3,413	4,370	560	643	568	813	16,149	22,122	13,077	14,402
Portsmouth	1,445	1,897	364	499	511	779	266	307	50	109	114	105	2,006	2,785	744	911
Providence	3,433	4,295	1,518	1,853	1,960	2,234	1,243	1,383	158	299	103	186	5,551	6,828	2,864	3,421
Chicago region:																
Chicago	53,613	92,515	58,210	84,047	20,410	25,352	17,580	22,996	2,574	4,205	7,836	13,280	76,597	122,072	83,625	120,323
Detroit	29,312	55,911	30,280	45,355	14,465	18,337	13,259	14,121	2,156	2,095	2,991	2,812	45,933	75,443	46,530	62,288
Milwaukee	5,533	6,910	8,179	9,442	3,090	4,608	2,180	3,033	516	547	534	942	9,139	12,065	10,893	13,418
Springfield	3,485	5,530	3,877	4,376	1,432	2,027	885	1,378	501	513	997	1,373	5,478	8,070	5,759	7,126
Cincinnati region:																
Cincinnati	6,509	13,440	3,226	6,578	1,886	2,764	1,273	1,529	197	335	2,417	1,579	8,652	16,539	6,916	9,681
Cleveland	10,526	19,412	17,308	23,435	4,777	5,951	3,021	3,794	988	843	865	1,847	16,291	26,206	21,195	29,076
Columbus	5,796	10,892	5,154	8,575	904	1,714	681	1,087	217	310	597	582	6,917	12,916	6,433	10,244
Indianapolis	6,425	11,010	7,567	10,548	2,889	3,594	2,376	2,907	850	907	3,128	2,942	10,164	15,511	13,072	16,397
Louisville	4,660	6,324	4,616	5,413	1,981	1,696	1,034	1,117	522	708	3,032	1,848	7,463	8,725	8,682	8,378
Parkersburg	3,309	5,597	2,881	3,930	1,518	1,769	997	1,077	356	428	422	366	5,243	7,794	4,299	5,372
Richmond	10,778	11,466	8,962	9,482	3,339	3,502	2,235	1,929	441	616	740	921	14,553	15,574	11,927	12,333
Toledo	3,849	5,280	3,309	1,577	1,390	981	772	500	181	188	323	207	5,420	6,449	4,493	2,378

See footnote at end of table.

Inventory of taxpayer delinquent accounts: December 1959 and 1958—Continued

Region and district	Tax groups[1]																Inactive			
	Income				Employment				Other				Total							
	Number		Amount (thousand dollars)		Number		Amount (thousand dollars)		Number		Amount (thousand dollars)		Number		Amount (thousand dollars)		Number		Amount (thousand dollars)	
	1959	1958	1959	1958	1959	1958	1959	1958	1959	1958	1959	1958	1959	1958	1959	1958	1959	1958	1959	1958
Dallas region:																				
Albuquerque	2,658	3,756	1,619	2,037	1,717	2,077	1,095	1,075	201	252	201	120	4,576	6,085	2,915	3,233	351	608	528	710
Austin	13,757	14,368	10,506	8,157	3,700	4,445	2,439	2,797	669	624	1,125	1,292	18,126	19,437	14,070	12,246	1,021	1,568	6,028	4,019
Dallas	13,750	17,123	10,796	12,841	5,515	5,530	3,658	3,228	1,216	967	3,582	2,155	20,481	23,620	18,037	18,221	1,300	1,546	3,853	7,187
Little Rock	2,619	2,876	8,204	6,293	1,511	975	437	374	351	264	208	262	4,481	4,115	8,849	6,930	628	814	7,608	5,580
New Orleans	8,468	9,876	4,091	5,884	3,638	4,432	1,920	2,420	814	533	966	945	12,920	14,751	6,977	9,249	1,048	946	2,768	2,738
Oklahoma City	5,479	6,631	8,397	5,584	3,425	3,975	1,965	2,189	678	974	655	679	9,482	11,580	11,017	8,452	1,042	1,409	6,443	3,162
New York City region:																				
Albany	5,882	8,629	5,588	5,018	3,014	4,177	2,074	3,208	337	607	734	770	9,233	13,413	8,397	9,899	871	1,278	3,164	3,162
Brooklyn	37,955	51,836	47,834	64,425	22,196	28,275	18,637	21,773	2,025	3,062	8,990	4,578	62,176	83,173	75,461	90,776	3,908	5,502	9,014	11,176
Buffalo	6,988	12,400	4,503	5,642	3,128	4,031	2,508	2,969	539	590	950	1,563	10,655	17,021	7,961	10,174	821	1,164	1,561	3,203
Lower Manhattan	10,047	15,146	56,726	97,304	10,081	13,497	13,867	13,689	852	1,917	3,353	6,298	20,980	30,560	73,946	117,290	3,021	4,529	28,480	47,417
Syracuse	4,766	8,388	3,135	2,804	2,185	2,974	1,841	2,044	336	497	574	567	7,287	11,859	5,550	5,415	786	1,372	2,082	2,064
Upper Manhattan	56,564	82,425	80,780	140,615	19,616	30,135	21,505	32,199	2,440	4,048	9,085	9,367	78,620	116,608	120,370	182,180	3,107	5,694	29,096	40,159
Omaha region:																				
Aberdeen	982	1,215	516	662	439	515	137	209	55	135	24	99	1,476	1,865	676	971	48	155	228	452
Cheyenne	1,067	1,507	823	932	354	616	182	264	59	182	49	130	1,480	2,305	1,053	1,326	112	218	155	221
Denver	5,155	7,579	3,287	5,815	1,806	2,917	1,042	1,586	378	450	467	537	7,339	10,945	4,795	7,938	991	970	1,866	3,426
Des Moines	2,398	2,822	3,754	3,218	1,217	1,730	683	850	380	549	529	497	3,995	5,101	4,965	4,564	420	870	1,279	2,278
Fargo	986	1,468	696	934	397	729	255	307	47	123	50	102	1,430	2,320	1,001	1,342	110	115	222	404
Kansas City	3,035	6,660	6,312	6,108	1,754	2,882	1,414	1,454	213	347	571	1,258	5,902	9,889	82,98	8,820	882	1,018	3,775	3,720
Omaha	1,154	1,462	1,329	2,046	512	601	267	267	98	171	88	457	1,764	2,234	1,684	2,770	140	409	1,031	1,385
St. Louis	5,630	9,579	4,546	7,329	1,824	2,665	846	1,302	422	631	775	817	7,876	12,875	6,167	9,447	423	1,551	2,582	4,336
St. Paul	4,285	6,859	7,647	8,477	2,376	3,969	1,951	2,494	820	646	1,046	1,168	7,481	11,474	10,644	12,139	1,278	2,143	5,169	7,426
Wichita	3,456	4,384	4,720	5,243	1,815	2,298	1,094	1,104	341	362	418	274	5,612	7,044	6,232	6,621	926	1,196	3,452	4,370
Philadelphia region:																				
Baltimore	24,578	25,302	12,626	19,778	3,560	5,965	2,739	4,010	928	1,202	1,768	1,916	29,066	32,469	17,133	25,705	1,093	1,549	6,542	9,704
Camden	7,553	10,730	5,712	9,805	2,700	4,379	1,984	4,194	595	1,078	884	1,040	10,848	16,187	8,580	15,040	426	961	714	1,479
Newark	21,077	23,649	24,193	28,056	8,169	10,929	10,160	13,291	1,213	1,470	4,174	3,478	30,459	36,048	38,527	44,825	2,378	3,383	13,678	17,754
Philadelphia	15,790	22,830	21,109	25,432	4,387	5,816	6,274	8,944	957	1,206	6,821	8,187	21,134	29,852	34,203	42,563	1,964	3,527	19,883	24,609
Pittsburgh	15,919	20,862	8,481	11,795	3,998	5,976	3,206	4,569	577	983	700	1,011	20,494	27,821	12,386	17,374	920	2,003	3,331	5,364
Scranton	3,103	3,313	4,388	4,389	1,563	1,598	1,421	1,655	231	482	123	153	4,897	5,393	5,931	6,196	494	743	3,205	3,068
Wilmington	3,005	3,303	1,746	2,045	325	331	184	347	105	72	113	904	3,435	3,706	2,043	3,296	145	252	1,329	2,185
San Francisco region:																				
Boise	1,470	1,812	1,523	1,552	791	760	509	395	121	240	74	266	2,382	2,812	2,106	2,213	359	390	1,290	1,273
Helena	1,907	2,318	907	1,228	802	1,040	398	550	148	214	205	246	2,857	3,572	1,510	2,024	170	209	312	269
Honolulu	1,255	2,330	806	1,961	738	989	543	606	99	129	167	320	2,092	3,448	1,606	2,887	232	468	422	1,361
Los Angeles	40,938	59,388	41,827	60,510	15,736	19,895	16,199	18,723	1,357	2,400	2,537	4,678	58,231	81,683	60,362	83,911	6,785	9,196	22,490	25,040
Phoenix	3,136	4,070	2,347	2,721	1,881	1,961	1,560	1,288	145	187	359	267	5,162	6,218	4,265	4,276	441	485	773	812
Portland	6,337	6,542	8,523	10,756	2,659	2,410	1,857	1,766	475	544	418	356	9,471	9,496	10,798	12,879	1,103	1,383	3,593	3,478
Reno	1,802	2,258	3,308	5,124	715	717	1,143	1,174	148	177	423	306	2,665	3,152	4,965	6,804	244	349	2,879	3,767
Salt Lake City	2,588	3,025	2,746	3,134	1,137	1,344	741	807	204	203	117	142	3,929	4,572	3,605	4,084	349	520	1,722	1,772
San Francisco	27,223	36,143	45,624	51,157	8,360	12,169	7,103	9,562	2,414	2,635	3,809	3,115	37,997	50,947	56,626	63,834	4,179	4,231	37,782	40,188
Seattle	9,211	12,468	6,352	8,317	4,315	5,238	3,246	3,935	920	718	1,288	1,209	14,446	18,424	10,880	13,462	1,178	1,771	2,883	4,642
International operations division	19,854	8,094	35,062	40,903	1,557	1,867	435	410	157	127	428	510	21,568	10,088	35,925	41,823	483	320	13,022	310
Puerto Rico	549	835	102	283	1,129	1,612	260	290	4	4	31	21	1,682	2,451	393	593	219	320	122	310
All other	19,305	7,259	34,960	40,620	428	255	175	120	153	123	397	489	19,886	7,637	35,532	41,230	264	......	12,901	......

[1] The number and dollar value of inactive accounts, shown separately in the columns to the right, are included in these tabulations.

NOTE.—Owing to rounding, components do not always add to totals.

ADMINISTRATION'S SCIENTIFIC ADVISER SEES LATEST RUSSIAN PROPOSAL SUITABLE BASIS FOR TEST BAN

Mr. PROXMIRE. Mr. President, the Noel-Baker prediction of a 50–50 chance for the world to go more than 10 years without nuclear suicide relates most immediately to the Geneva Conference.

Dr. Hans Bethe, of Cornell University, has been a principal scientific adviser to the administration on the technical provisions of a test ban agreement.

Last Wednesday he made an extremely lucid analysis of just why this latest Russian proposal moves this explosive world immeasurably closer to a treaty that may end nuclear testing. I have previously referred to a part of this statement in my colloquy with the Senator from Tennessee [Mr. GORE] on precisely how meaningful was this latest Russian proposal on ending nuclear testing. I ask unanimous consent that the Bethe statement be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF DR. HANS BETHE, CORNELL UNIVERSITY, MARCH 23, 1960

The latest Russian proposal made last Saturday at Geneva is a major step forward in the negotiation for cessation of nuclear weapons tests. Provided the details can be satisfactorily cleared up it seems to me a suitable basis for a treaty.

The Russian proposal accepts all the points of the latest American proposal for a limited tests ban. It adds to the American proposal only one important point, namely, that there should be a moratorium on small underground tests while the scientists of the nuclear powers do research on better methods for the detection of underground explosion.

In making the proposal the Russians have made several major concessions: (1) They accept the idea of a limited ban whereas previously they had insisted on a complete ban on all weapons tests. (2) They admit implicitly that the detection system devised by the experts conference in the summer of 1958 was inadequate to monitor small underground explosions. Whereas at the technical conferences in November and December 1959, they had refused to admit this inadequacy. (3) They have made a concession to the U.S. position that a permanent treaty should include only agreements which can be monitored. (4) In proposing the moratorium rather than a permanent ban on small underground tests, they accept the idea that part of the treaty can be limited in time, a concept which they have previously vigorously opposed. (5) They accepted the U.S. proposal to conduct joint rather than national research into improved methods of seismic.

Ultimately, the tests cessation agreement will be satisfactory only if complete, fully monitored, permanent, and worldwide. This is not achievable at present because of the deficiencies in our seismic observation techniques. The Berkner panel, in its report of a year ago, has expressed confidence that research will improve the situation. However, it is necessary that both sides have strong incentives to work on this research and to incorporate its results in the system.

In this respect, the Russian proposal seems to be very well balanced. If we concluded now a complete agreement banning all tests, the Russians might not have much incentive to improve the detection system with a time limited moratorium on small tests. However, it would be very much in their interests to improve the methods of detecting small tests and quickly if possible, less the moratorium expire. Conversely if the ban were limited to large explosions without any moratorium on small ones than the United States might no have much incentive to change this status quo. The moratorium would provide such an incentive because it is very much to our interest to make the duration of the unmonitored moratorium as short as possible. Just as we want to have an assurance that the Russians would want to improve the system, they need an assurance that we will have the same desire. There is no better assurance than to see a clear incentive for the other part to work to the common goal.

No international agreement can be entirely foolproof, it must always be partially based on faith in the other parties good intentions. The only thing that technical methods of inspections can do is to reduce the area in which one needs to rely on good faith. This is accomplished by the present Russian compromise proposal; the area of faith is reduced in scope to small, underground explosions, and in time to a few years.

This seems to me an entirely acceptable risk. The Russians have shown that they are just as anxious as we are to reach a workable agreement satisfactory to both sides. And even in the unlikely case that they should violate the moratorium would this be so catastrophic? We have already a large variety of nuclear weapons of low yields and small sides. The Russians are probably substantially behind us in this area. Underground tests require considerable time of preparation especially in a country that has never carried out such a test and even more if they have to be done in secret and in violation of a treaty. It seems to me very unlikely that within the limited duration of the moratorium the Russians would shift the balance of military power even in the restricted area of small nuclear weapons.

The Berkner report of March 1959 states that great improvements in seismic detection can be expected with about 3 years of intensive research. There is considerable hope that such research, especially if coupled with the installation of unmanned seismic station, in a closer net, will make possible the detection of small nuclear explosions and also of medium-sized muffled explosions of the type now being carried out with conventional explosives by the AEC in Louisiana.

Obviously the U.S. will have to seek further clarification of the Russian proposal. In particular we must be assured that the Russians will permit an adequate number of onsite inspections, and liberal criteria for initiating them. Furthermore, the duration of the moratorium will have to be negotinted. But if these and other details can be satisfactorily cleared up the Russian proposal seems to me to give a good basis for an agreement of test cessation at rather small risk. The risk in the continued and intensified arms race are immeasurably greater.

LAW CAN HELP IMPROVE ETHICAL CONDUCT OF PUBLIC OFFICIALS

Mr. PROXMIRE. Mr. President, the Washington Evening Star on March 23, 1960, published a column entitled "Honesty Not Induced by Laws," in which William S. White stated his belief that the ethical standard of conduct of Government officials cannot be raised by passing laws. On March 28 the Star published a letter which I wrote in answer to Mr. White's column.

Aristotle believed that "good laws make good men," and while I would not argue that we should attempt by law to reform the morals of every citizen, I believe that just as we regulate the conduct of private individuals by the criminal code, we can and should impose a code of conduct on Government officials explicitly proscribing conduct inimical to the public interest. Wisconsin has done this by a statute which has proved very workable. I intend to introduce a bill to this effect at a later date, but I wanted to place my answer to Mr. White on the record at this time.

I ask unanimous consent that the column by Mr. White and my reply be printed at this point in the RECORD.

There being no objection, the article and letter were ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, Mar. 23, 1960]

HONESTY NOT INDUCED BY LAWS—CODES OF BEHAVIOR FOR PUBLIC OFFICIALS DESCRIBED AS LIKELY TO BE FUTILE

(By William S. White)

All kinds of bad behavior, ranging from television scandals to the intermittent international nastiness of Nikita Khrushchev, have produced hopeful proposals for improving what rather grandly is called public ethics.

The reformers' purpose is to guarantee men's goodness by new "codes" or by having them sign papers announcing their honesty and decency.

This correspondent has news for the promoters of this kind of ethics. It is news based upon long experience in watching public affairs. Their reforms will come to worse than nothing. The only result will be to increase hypocrisy. For the notion that honesty in Government—or in television or college exams or selling real estate—can be assured by new formulas is as silly as it is well intentioned.

If a public man is honest, he is honest. He will be no more honest if he adopts somebody else's handmade "code" or even if he consents to wear on his lapel a large celluloid button reading "I am an honest man—absolutely." There are, after all, certain codes to live by that are far older and more authoritative than some Senator's private creation. One is called the Ten Commandments.

And if a public man is dishonest, it is simply because he is a crook at heart. It is not because he has neglected his lessons in ethics from reformist Senators or club ladies. All shortcuts to making public men honest are absolutely useless.

And they spring from confusion. For illustration, Senator WILLIAM PROXMIRE, of Wisconsin, has recommended that it be made a crime for a lobbyist to give a lawmaker a cigar or a drink of whisky. Examining the thing, what is its reality? First, if any lawmaker is so cheaply corrupt that two ounces of bourbon will buy his vote, no new code could possibly make a good man of him. There is one remedy and one only: Let the voters get rid of him.

Second, nearly everybody interested in Government is a lobbyist at one time or another in the sense that he wants to see some bill passed or defeated. If, therefore, it be a crime to hand a Senator a cigar, would not a cigarette be evil, too—or for that matter even a civil "good morning"? Such a salutation might well be designed to influence the Senator's thinking.

Moreover, the reformist craze invariably gets out of hand. The new chairman of the Federal Communications Commission, Frederick W. Ford, already has had to issue cautions. Cleaning up anything that really is wrong with this supervisory agency over TV is fine. But to put upon the commissioners such restrictions as to shut them off from all real contact with the men of the industry would be absurd.

For, as Mr. Ford has pointed out to Congress, unless a regulator can mix with those he is supposed to regulate he simply can't have a clue as to what they are up to at any given time.

And as to international ethics, the British—whose sense of humor is usually more active—have now solemnly decided to approach Mr. Khrushchev with a new code. They will ask him to adopt an agreed pattern for international behavior.

The complaint is that Mr. K. now and then departs from the spirit of international good will by saying bad things about the West. But would it mean anything at all, if he took some pledge? If he really wants an East-West settlement he will guard his tongue, on the whole. If he doesn't want one, 10,000 signed pledges not to utter upsetting words wouldn't be worth one Khrushchev kopek.

Finally, there is this: Many years of watching politicians at close hand have convinced this columnist that, speaking generally, the more a public man shouts about his ethics the more reason that is to keep a sharp eye on his actual performance.

[From the Washington Star, Mar. 28, 1960]

A LAW TO KEEP PUBLIC SERVANTS' HANDS CLEAN?

In Bill White's provocative March 23 column, entitled "Honesty Not Induced by Laws," he decries my recent proposal for a "we-mean-business ethics law."

Mr. White, a perceptive and competent newspaperman with great experience, derides my suggestion that, as he writes, we "make it a crime for a lobbyist to give a lawmaker a cigar or a drink of whisky."

I suggest that Mr. White overlooks these facts:

1. This proposal is firmly based on a Wisconsin statute that has been on the books for more than 2 years. Wisconsin newspapermen, lobbyists and public officials agree that it works very well. It works without cramping the understanding or performance of legislators or public officials. There is none of the wining, dining, and vicarious entertaining by lobbyists of legislators or public officials in Wisconsin. At the same time they are not, as Mr. White avers, cut off from the industry which they regulate or for which they legislate. They are not cloistered. They associate freely and regularly. They just pick up their own checks.

Before this law was passed in 1957, there was more than $50,000 per 6-month legislative year reported to the Wisconsin Secretary of State for liquor and food paid for by lobbyists for the benefit of legislators.

The disclosure statute that preceded the present law followed a situation in Wisconsin many, many years ago—when, as Lincoln Steffens reported, State legislatures were considered the "bawdy houses" of government in America, and Wisconsin was typical.

A little inquiry around the country would have further convinced Mr. White that generally most competent observers agree that too many State governments are still bawdy houses.

2. Two former Wisconsin public officials—John Doerfer, the former Chairman of the FCC, and James Durfee, the present Chairman of the CAB—both have accepted hospitality from persons subject to their regulation—since they came to Washington.

Both previously served as chairman of the Wisconsin Public Service Commission. Both discharged this responsibility in Wisconsin under Wisconsin law without engaging in any of the hospitality which has been criticized in Washington. These were the same men. Only the law had been changed.

3. Bill White's argument that you can't legislate honesty conveniently overlooks the obvious fact that most of the criminal statutes of this country and the 50 States are based on legislation against specific acts of dishonesty that cause injury to the public interest. Only the most naive and starry-eyed devotees of perfection in human nature would join White in the argument that legislation outlawing acts of bribery and fraud can be repealed without suffering an increase in bribery and fraud. In my book the purchase of legislative advantage by buying things of value for the legislator is bribery.

4. Let White answer how lobbyists can charge their clients hard cash for the entertainment of public officials and how the lobbyists' clients can deduct the cost of this entertainment from their income tax as a necessary business expenditure. Does White think that this hard cash is not being spent because the corporation and their lobbyists have a cold-eyed and well-justified understanding that the expenditure will get results? If they don't think they are spending their money for this purpose they are defrauding their stockholders and the U.S. Treasury.

No, Mr. White, there isn't any Santa Claus.

White concludes with the intimidating charge to—"keep a sharp eye" on the politician who tries to do anything about ethics—such a politician is probably an unethical scoundrel. As a matter of fact, the political life of the reformer is likely to be, to quote Hobbes, "nasty, brutish and short." It's both unpopular and dangerous. But it's also necessary.

WILLIAM PROXMIRE,
Senator From Wisconsin.

PROPOSED AMENDMENT TO CONSTITUTION PROVIDING FOR NOMINATION OF CANDIDATES FOR PRESIDENT

Mr. PROXMIRE. Mr. President, on April 5 Wisconsin voters will have a chance to voice their preferences in the contest for the Democratic presidential nomination. Wisconsinites are among the small percentage of fortunate Americans who will have this opportunity, since only 15 States in 1960 will hold any kind of a presidential primary and in only five of these is the outcome binding on the delegates to the national convention. What is more, in only three of these five States—Wisconsin, Oregon, and Maryland—is there a contest, and in Wisconsin alone there is a contest between leading contenders where no favorite son is entered to dominate the voting. There even seems to be some trend away from these primaries, for since 1956 three States, Alaska, Minnesota, and Montana—have abolished their primary laws.

I am aware that there has been much criticism of primaries in recent weeks and months. Some of these attacks, such as that of Gov. Adlai Stevenson—who has elected not to enter any primaries this year—have been directed at the basic idea of the primary in which candidates are forced to get out and campaign for the nomination. Certainly it is true that such campaigns require much time, energy, and expenditure on the part of candidates; but in my mind, as one who has participated in five statewide campaigns in 9 years, there is no more important activity for those who seek or hold public office than to engage in this vital educational process with as many voters as possible. So far as the cost of these campaigns is concerned, if the nationwide primary which I am introducing were to be adopted, I would seek effective limitations on expenditures so that all candidates would be on equal footing in this respect.

Most of the other attacks on the presidential primaries have been on the ground that, given their incomplete coverage, the State contests are not very satisfactory tests of strength among prospective candidates. I would certainly not deny that this is the case, although I believe there has been some exaggeration of the so-called atypical character of those States such as Wisconsin where primaries are held. It seems to me, however, that the solution to this weakness is not just to abolish the State presidential primaries, but to adopt a truly nationwide primary. Yesterday I endorsed this idea in an article in the New York Times magazine. Today I am introducing a resolution to accomplish a national primary by a constitutional amendment.

Under the provisions of this amendment candidates who wished to seek their party's presidential nomination would file a petition with the Secretary of State bearing the signatures of at least 1 percent of the votes cast in the previous presidential election, and representing States of large, medium, and small populations.

On the first Tuesday after the first Monday in August of the presidential election years, a primary election would be held throughout the country. As in the operation of the electoral college, each State would be entitled to as many votes as it has Senators and Representatives. Whoever receives the most popular votes in a State would win all that State's electoral votes and any candidate who received a majority of these electoral votes in his party would be his party's candidate. If in any party no candidate received a majority there would be a runoff primary in September between the two candidates who had the most votes in the first ballot.

I would assume that the parties would continue to hold national conventions for the purpose of choosing vice presidential candidates and to write the party platforms.

The idea of a national presidential primary, first officially proposed by President Woodrow Wilson, deserves renewed consideration for several reasons:

First, in an age which seems to be increasingly apathetic and indifferent with regard to politics, the presidential primary is a colorful, exciting, significant contest for public office that will persuade the citizen to discharge the active responsibility which he is so rarely called upon to assume. This I believe, is good for the voter as a man and as a citizen.

Secondly, no one has as much right to say who should be the elected officials of a democracy as the plain voter—all the voters. Certainly this should apply most strongly to the elective office that is the most powerful in the country and constitutes the greatest and heaviest responsibility and authority the American people can give to any man. It should apply particularly to the primary which reduces the choices to two, and almost eliminates any real choice for the millions of Americans who are consistently devoted either to the Democratic or Republican Party. I believe, further, that, in spite of his shortcomings, the plain voter will usually give the better answer in casting his vote.

Finally, I am introducing an amendment for a national primary because the alternatives are no longer acceptable. Public opinion polls have shown that a great majority of the voters, no doubt disillusioned by the television spectacles of the last few national nominating conventions, want a more direct voice in choosing their presidential candidates. They no longer trust the conventions to produce the men they want, because they want a man whom they regard as best for the country, not one who happens to emerge from the political maneuvering of party leaders behind the scenes.

For all these reasons, Mr. President, I believe the time has come to build on the experience of Wisconsin and other States by creating a nationwide presidential primary.

I therefore ask that the proposed constitutional amendment be appropriately referred.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 177) proposing an amendment to the Constitution of the United States providing for the nomination of candidates for President, introduced by Mr. PROXMIRE, was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. PROXMIRE. I ask unanimous consent that an article on the subject written by me and published in yesterday's New York Times Magazine appear at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

APPEAL FOR THE VANISHING PRIMARY

(By WILLIAM PROXMIRE)

WASHINGTON.—This Sunday hundreds of thousands of Wisconsin citizens are fighting out the presidential primary campaign of 1960. On the steps of churches, over a beer in taverns, in dairy barns and kitchens and automobiles, the argument, the contradiction, the agreement, the joking are rolling along faster and faster as the April 5 deadline approaches, a deadline that may seal the fate of HUBERT HUMPHREY and JOHN F. KENNEDY.

The season of the primaries is upon us and the people of my State are happily engaged in what has become a rare—I think far too rare—American privilege: having a voice in deciding who is going to be either of the two (the nominees of the two major parties) who will have any chance to become the next President of the United States. In future weeks and months the people of some other States will have a similar opportunity.

There are a thousand reasons why this is a disorganized, irresponsible way for the country to be influenced in its choice of the occupant of so great an office. Many of the hundreds of thousands of conversations going on today in Wisconsin, for example, are irrelevant to the issues. Thousands of votes will be influenced by Muriel Humphrey's homey and simple coffee-hour campaign for husband HUBERT, or racket-busting Bob Kennedy's tireless farm-to-farm barnstorming for brother JACK. And of course KENNEDY'S religion is constantly discussed and will persuade many.

Primaries have more serious inadequacies. Some were outlined by David Broder in this magazine a few weeks ago. Certainly the candidates may be hurting each other, and our Democratic organization in Wisconsin may be suffering a division that will take months to repair. And, as Adlai Stevenson pointed out in another recent article, the primaries impose a severe physical, financial, and time-consuming burden on the candidates.

A primary costs hundreds of thousands of dollars, while often exciting no contest at all. This year, for instance, will mark the first significant Democratic presidential contest in Wisconsin in 36 years.

It can be argued that a primary often fails to offer voters a meaningful choice. In 10 of the 15 States that permit presidential preferential polls, delegates to the national conventions are not bound, and often they are little influenced, by the voice of the people. In the remaining five States delegates are bound by the primary results. But in California a favorite-son delegation picked by the Governor will probably be unopposed. Indiana voters are expected to have no alternative to KENNEDY. In Maryland, WAYNE MORSE is the sole alternative to KENNEDY. In Oregon, MORSE will run as a favorite son.

And what kind of choice will the Wisconsin voter really have on April 5? Only two of the five leading Democratic candidates are entered in Wisconsin. How about Symington or Johnson or Stevenson supporters? What choice do they have?

This weakness is only partly answered by the obvious fact that only KENNEDY and HUMPHREY chose to enter in Wisconsin. All candidates were free to enter. Presumably, any candidate really interested in the Democratic nomination, and who thought he had a very good chance in Wisconsin, would try to pick up the delegation by submitting his name.

Another weakness of the Wisconsin primary is that normally Republican voters, recognizing that Vice President NIXON is unopposed and little needs the prestige of a big vote in Wisconsin, can cross over in the primary. If they do so in sufficient numbers and the contest is otherwise reasonably close, Republicans can pick the Democratic nominee.

One answer to this is that Republicans are American citizens, too. Why shouldn't they have a chance to influence the selection of a man who may be their next President? Of course, many Democrats won't buy this answer. They might, however, settle for the certainty that Republicans will be a minority, and probably a small one, in this Democratic primary.

In view of these serious weaknesses and imperfections, what can be said for the practice of having the plain voter play such a telling role in answering the big question?

There are three compelling arguments for the primary.

The first is that in an age of political apathy and indifference, of too much passive diversion and not nearly enough citizen responsibility, the presidential primary is exactly the kind of colorful, exciting, significant contest for public office that will persuade the citizen to discharge the active responsibility that he so rarely is called upon to assume. This is good for the voter as a man and as a citizen.

Besides, there is no more important activity for men who want to be President of the United States than to get out and talk about the Nation's problems with the Nation's citizens. It is too often a temptation for candidates to avoid this most essential obligation of democratic leaders.

Wisconsin today affords an excellent example of the benefits to the voters of a presidential primary campaign. In the past 9 years, I have campaigned intensively five times for statewide office in Wisconsin. I have met and shaken hands with well over a million Wisconsin citizens during this time. Since the presidential campaign began in earnest in Wisconsin, I have once again been out in the State talking with thousands of farmers and workers, tavern keepers, and hardware merchants, housewives, and college students. A sharp and exciting change has come over my State in the past few weeks.

Besides the irrelevant conversations, there is also a gratifying amount of talk about KENNEDY'S battle for labor reform and HUMPHREY'S fight for the dairy farmer, discussion of KENNEDY'S strikingly thoughtful, logical, informed replies to questions—his impressive mental equipment—and of HUMPHREY'S broad and deep competence in everything from fiscal policy to foreign policy.

Secondly, the primary makes sense because no one—not brilliantly informed delegates, not hard-working party leaders, not mayors or Governors or Senators—has as much right to say who should be the elected officials of a democracy as the plain voter—all the voters. And this should apply most strongly to the elective office that constitutes the greatest authority and heaviest responsibility the American people can give to any man. It should apply particularly to the primary system, because this reduces the choice of presidential candidates to two, and affords the only real choice for the millions of Americans who consistently vote for one or the other of the major parties in November.

This is true not only because of the faith all Americans presumably share in popular democracy. It is true also on the practical ground that the plain voter, with all his shortcomings, will usually give a better answer than the political professionals in casting his vote. He will do so because he will usually ask the right question.

It has been my experience through three losing and two winning statewide campaigns that the voter almost never votes for a man simply because he thinks he will win. On the other hand—as I will try to show a little later—this is by all odds the major consideration of the party leader, the public official, the delegate.

Instead, the voter usually tries to answer the following question with his ballot: Who will make the best President of the United States? Often he may not have enough information to arrive at the right answer, but frequently he will. Today there is the magic of television and radio. Newspapers are reporting more fully, fairly, and accurately than ever before. And both HUMPHREY and KENNEDY will have talked directly and personally to tens of thousands of Wisconsin citizens by election day.

After this kind of intensive campaign most plain voters may have a closer understanding of the characters, the minds, and the attitudes on big issues of the candidates than Americans have generally had throughout our 170 years of democracy.

The third reason I vote for the primary system is the extremely serious weaknesses of the alternatives. The prime alternative is the selection of delegates by a State convention. Thirty-five States do this exclusively with no public presidential poll.

Why should such delegates—enjoying the wise and personal influence of party leaders, Governors, Senators, newspaper editors, top business and labor officials—usually better informed and more deeply interested than other voters—why should these delegates be considered such a grim alternative?

The answer is evident to anyone who has thoughtfully attended a State convention. Often a party chairman, a Governor, or an unofficial but potent leader will actually select the delegation to the national presidential convention. In doing so, the leader, if his power is great enough, will pick delegates who will be amenable to his persuasion. Otherwise, he will unite with other party leaders until they can put together a strong enough combination to win convention approval. In any event, State conventions select the men and women who will represent the State in determining the presidential nominee on an emphatically partisan basis.

There is one all-pervasive and consistent principle: dedication to the welfare and success of the party as an entity. This is rarely the national party. Is is far more often the State party—or even the dominant faction of the party within the State. The convincing argument is: What candidate can do the party the most good? The answer to this is usually—though not always—which candidate can win? Even a nationally winning candidate may not be best for the leaders in each State.

This victory criterion is the dominant one, but it is not the only basis of selection. The criterion in some cases may be: Will he help the ticket most in our State? The answer in New York may be quite different from that in Mississippi.

In both State and National conventions idealism is obvious. There is earnest concern with the national interest and a desire to nominate the man who will serve the Nation most ably. But the cry that never fails to bring partisan delegates up fighting in the intensely partisan atmosphere of a convention is "the man who will win in November."

From years of experience in campaigns, from public opinion polls, from scattered primary election results the delegates in general make the best guess they can as to who will be most likely to win in November. Of course, their decision is tempered. Even the most popular candidate cannot win if he is not acceptable, for whatever reason, to enough powerful State leaders. But, by and large, the decision is a giant guess on who has the best chance in November.

How much better to go directly to the voter, as Wisconsin is doing, and let him decide. At least let him decide how the votes of his own State should be cast at the national convention, after the voter has asked himself, not who will win, but who will make the best President.

I vote for the primary with all its obvious weaknesses, and though it has been losing ground. From its high point of 22 States, it was down to 19 States in 1956. It has fallen to 15 this year, and in 1964 the number will probably be even less.

Even in my own Wisconsin, where the Nation began the process of popular participation in presidential campaigns by the first direct election of delegates to national conventions in 1905, the primary is in serious danger. The largest newspaper in Wisconsin has asked that State officials give earnest consideration to abolishing it. Top officials of both parties in Wisconsin will be sorely tempted to do so. With the grief the primary causes party organizations when it works, the wonder is that it has survived as long as it has.

For those who believe in popular democracy, the death of the presidential primary would be a tragedy. If the presidential primary disappears, a passive apathetic America will slumber deeper than ever, as the real decisions on who should be President of the United States are determined by a small group of deeply interested men and women in an atmosphere of almost irresistible partisanship.

No one would contend that the present, incomplete system of primaries is perfect, and many of us think the whole nomination process should be overhauled. To this

end I shall introduce in the Senate in the near future a proposal for a constitutional amendment for a nationwide presidential primary through which the rank-and-file voters could choose their own candidates.

Public opinion polls over the past few years have indicated that an overwhelming majority of Americans, no doubt disillusioned by what they have seen of the national conventions since televised coverage began in 1948, favor such a national primary and want a bigger share in choosing presidential candidates.

I propose that in August of presidential election years there be a nationwide primary vote to nominate the presidential candidate in each party which qualified by having polled at least 10 percent of the vote in the previous presidential election. To appear on the primary ballot, a candidate must submit a petition signed by qualified voters equal to at least 1 percent of the total vote cast for all presidential candidates in the previous election. These petitioners must be residents of at least six different States, including two of the States with the largest populations, two medium-sized States and two small States. If none of a party's candidates receives a majority, a runoff primary will be held in September between the two in each party with the greatest number of votes.

Tens of millions of American citizens would thus select the two men who would carry the banners of the Republican and Democratic parties in November. The parties would continue to hold national conventions following the primary, in order to nominate their vice presidential candidates and to write their platforms. Platform writing could then enjoy the attention it deserves. The party platform would also be, as it should be, the direct responsibility of the party's presidential nominee.

I would accompany this proposal with an election-spending law directly relating to these primaries. The law would (1) limit the amount that could be spent by, or on behalf of, all candidates, and (2) require full disclosure of all contributions and expenditures, above a modest minimum amount, 72 hours after being received or paid out.

This highly desirable reform will undoubtedly take some time to bring about—if, indeed, it is ever achieved—but in the meantime we should retain the primaries we have, so that there is at least some opportunity for plain people to influence the nomination.

The presidential primary is not yet dead. It desperately needs improvement. But it is well worth fighting for and saving.

The big issue in this Congress in 1960 has been the battle over the right of all Americans—specifically the southern Negroes—to vote. What a paradox it is that, at the very time we are so deeply and properly concerned with this fight, we are passively permitting almost all Americans to lose the big share of their presidential franchise.

In an America that was founded and has flourished on democracy and that is still dedicated at great cost and risk to fighting for democracy throughout the world, the right of at least some plain Americans to have a voice in the primary election of their President should be enlivened, not killed.

Mr. PROXMIRE. Mr. President, I also ask unanimous consent that a copy of the joint resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 177) is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The official candidates of political parties for President shall be nominated at a primary election held in the various States as provided by this article. Voters in each State in such primary election shall have the qualifications requisite for voters in elections of members of the most numerous branch of the State legislature. The time of such primary election shall be the same throughout the United States and, unless Congress shall by law appoint a different day, such primary election shall be held on the first Tuesday after the first Monday in August in the year preceding the expiration of the regular term of President. The places and manner of holding such primary election shall be prescribed in each State by the legislature thereof, but the Congress may at any time by law make or alter such regulations.

"The name of any person shall be included on the ballot as a candidate for nomination for President in any such primary election only if, within sixty days prior to the day of such primary election, such person shall have filed at the seat of the Government of the United States with the Secretary of State a petition containing the signatures of a number of qualified voters equal to at least 1 per centum of the total number of popular votes cast throughout the United States for electors of President and Vice President in the next preceding Presidential election, including the signatures of a number of qualified voters in each of two of the sixteen most populous States, a number of qualified voters in each of two of the sixteen next most populous States, and a number of qualified voters in each of two of the eighteen least populous States, equal in each case to not less than five per centum of the total number of popular votes cast in the State for electors of President and Vice President in the next preceding Presidential election.

"SEC. 2. Within fifteen days after any such primary, or at such other times as the Congress shall by law provide, the official custodian of the election returns of each State shall make separate lists for each political party of all persons for whom votes were cast as nominee for President and the number of votes for each, which he shall sign and certify and transmit sealed to the seat of the Government of the United States, directed to the Secretary of State. The Secretary of State shall open all certificates and determine the results of the primary election.

"For the purpose of such determination, each political party shall be entitled for each State to a number of nominating votes equal to the whole number of Senators and Representatives to which such State is entitled in Congress, and the person receiving the greatest number of popular votes in his political party shall be entitled to all of the nominating votes of such political party for that State. The person having a majority of the nominating votes of any political party for all the States shall be the nominee of that party for President. If in the case of any political party no person shall receive a majority of the nominating votes of all the States as nominee for President, than a second primary election for that political party shall be held and the names of the two persons seeking the nomination of that party for President who have received the greatest number of nominating votes in the first primary election shall appear on the ballot in the second primary election. The time of the second primary election shall be the same throughout the United States and, unless Congress shall by law appoint a different day, such primary election shall be held on the first Tuesday after the first Monday in September. The votes in the second primary election shall be counted in the same manner as in the case of the first primary election, and the person receiving the greater number of nominating votes of his political party shall be the nominee of that political party for President. The Congress may by law provide for the manner of choosing a successor in event of the death or resignation, prior to the election, of the nominee of any political party for President.

"This article shall apply to a political party only if its candidates received 10 per centum or more of the total popular vote cast in the next preceding Presidential election for electors of President and Vice President.

"SEC. 3. This article shall take effect at the beginning of the second calendar year following the year in which it is ratified.

"SEC. 4. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission."

OPPOSITION TO TRANSFER OF NUCLEAR WEAPONS OR NUCLEAR WEAPONS SECRETS TO OTHER NATIONS

Mr. PROXMIRE. Mr. President, recently the winner of the 1959 Nobel Peace Prize, the eminent British statesman, Philip Noel-Baker, said:

I think it quite likely—if I were asked to bet I would say it was about even—that within 10 years the governments will not have disarmed. We shall have had a nuclear war; we, our children and grandchildren will all be dead, and the world will be spinning a lifeless, radioactive, incinerated globe throughout eternity.

Noel-Baker's odds may be a little short. But they deserve our respectful attention. Just last November the Washington Star wrote of Noel-Baker in part:

He is a man of peace who prefers to hope rather than despair, and to be affirmative in spirit rather than cynical or negative. So the Nobel award well becomes him in a world where his kind of faith—faith in the possibility of establishing a system of enduring international security—is needed in the effort to prevent a cataclysmic war.

Well, Mr. President, when the optimistic apostle of faith in establishing international security that will prevent war gives us, all of us, only a 50–50 chance of making it for 10 more years, this Senator thinks it is time for some good, hard, plain talk and action to do something about it.

Limiting the possession of nuclear weapons is one way of doing this. Keeping Mao and Castro out of the nuclear club is a worthy objective.

Mr. President, the task of effectively controlling the lethal power of nuclear weapons is the paramount problem of our time. The potential for destruction of human lives contained in atomic and hydrogen warheads is enormous. If we are to survive we must devise effective means to prevent any accidental triggering of a nuclear explosive.

An important safeguard that was built into our system for keeping control of nuclear explosive devices was the provision in the 1954 Atomic Energy Act which states that nuclear weapons located for strategic reasons outside our continental limits shall stay in the exclusive custody of the United States. This was one important step toward preventing any unnecessary dispersion or diffusion of control over these explosives. It was wise legislation in 1954, when it was passed, and in my belief it continues to be wise legislation today. It does not in any sense indicate distrust of our allies. It is a prudent restriction which insures that control over our own weapons shall be rigorously centralized, thus subject to every vital safeguard against unwise, unwarranted, and accidental triggering.

Mr. President, I am today submitting a concurrent resolution for the consideration of the Senate, which expresses the sense of the Congress that it is opposed to the distribution or transfer of nuclear weapons and nuclear weapons secrets to other nations. In this I join a number of our colleagues in the House who have introduced similar resolutions. I take this action because I believe it is of the utmost importance that Congress reaffirm the stand it very carefully took in 1954. I believe that there is reason to fear that the dispersal and diversification of custody over our nuclear weapons will increase the danger of incredibly destructive explosions. The more widely nuclear weapons are dispersed, the greater is the danger of "accidental" war.

The resolution contains two provisions. First, it declares the sense of Congress that the United States should not transfer nuclear weapons and nuclear weapons secrets to other nations. Second, it calls on the President to begin negotiations with the Soviet Union, the United Kingdom, and France to achieve agreements prohibiting the transfer of nuclear weapons and nuclear weapons secrets from one nation to another.

I believe that both provisions are of great importance. Both are aimed at limiting diffusion of control over nuclear weapons. I recognize that such a policy requires understanding and cooperation from the nonnuclear powers, as well as a clear demonstration of good will and restraint by the nations which at present do possess the weapons and secrets.

The New York Times of March 20, in an article by William J. Jorden, reports that President Eisenhower has informed Premier Khrushchev that we have no present intention to share nuclear weapons with our allies. According to the article, the President denied allegations that the United States has plans to deliver our nuclear weapons to other nations. The President's statement came in response to a message from Mr. Khrushchev which warned that if we shared nuclear weapons with our allies, the Soviet Government would be forced to consider the same action toward its allies. The article further states that most experts believe that the Soviet leadership shares an opinion widely held in the West, that "the more countries there are with nuclear forces, the greater would be the chance for war resulting from accident or desperation."

I ask unanimous consent to include the entire New York Times article on the President's message to Mr. Khrushchev at the end of my remarks.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROXMIRE. Mr. President, President Eisenhower's correspondence with Mr. Khrushchev has helped settle the question of nuclear weapons dispersion. It is my hope that the resolution I am submitting today will further clear the air by putting the United States firmly on record against such weapons sharing.

There is little doubt that if we share our nuclear weapons and warheads with our allies, then the cold logic of power politics might compel the Soviet Union to take similar action. As the New York Times article states:

Analysts concede that a spread of nuclear capability and of warheads inside the Western alliance would increase the pressure on Moscow to follow suit. This in turn convinces most officials here and in the alliance that it would be unwise at present to undertake any change in present policy.

The task of carefully controlling nuclear weapons to prevent any accidental or unintended triggering is one which we share with the Soviet Union. It is in the best interests of the entire unhappy fraternity known as the nuclear club to keep the custody of these awesome weapons rigidly centralized, with as little dispersion of control as can humanly be achieved. The present resolution reaffirms the sense of Congress that physical custody of our nuclear weapons should remain in American hands. It is my belief that this continues to be a wise and prudent policy.

I submit the concurrent resolution and ask that it be appropriately referred.

The PRESIDING OFFICER. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 98) was referred to the Joint Committee on Atomic Energy, as follows:

Whereas the dispersion and transfer of nuclear weapons to other nations will decrease the chance for negotiating effective international agreements for control of nuclear weapons; and

Whereas the dispersion and transfer to other nations of nuclear weapons will render it more difficult to reach agreement on disarmament; and

Whereas the dispersion of nuclear weapons will increase the chance of nuclear accidents, and of nuclear irresponsibility and nuclear blackmail; and

Whereas the dispersion and transfer to other nations of nuclear weapons will result in the heightening of international tensions; and

Whereas the dispersion and transfer to other nations of nuclear weapons threaten the survival of our civilization, and of the human race: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress (1) that the United States should not transfer nuclear weapons or nuclear weapons secrets to other nations, and (2) that the President should undertake negotiations immediately with the Soviet Union, the United Kingdom, and France to seek agreements prohibiting the transfer of nuclear weapons and nuclear weapons secrets from one nation to another.

EXHIBIT 1

[From the New York Times, Mar. 20, 1960]

UNITED STATES TELLS SOVIET A-ARMS WON'T BE GIVEN TO ALLIES—EISENHOWER IN LETTER TO KHRUSHCHEV DENIES PLAN TO SHARE SECRETS—AIM IS TO ALLAY MOSCOW FEARS

(By William J. Jorden)

WASHINGTON, March 19.—President Eisenhower has informed Premier Khrushchev that the United States has no present intention of sharing nuclear weapons with its allies.

Well-informed sources said the President had pointed out that U.S. law prohibits delivery to others of this country's nuclear weapons. He said that allegations that plans to do so had been adopted were groundless.

The President also has said the Government is hopeful that a comprehensive and enforceable system of disarmament can be worked out that would control nuclear weapons and gradually lead to their elimination.

The President's latest letter to Premier Khrushchev was delivered in Moscow within the last week. Its contents have been a carefully guarded secret in the higher levels of the administration and in restricted foreign diplomatic circles.

The letter was sent in response to a message from Mr. Khrushchev delivered here March 8. The Soviet leader warned that if the United States shared nuclear armaments with its allies the Soviet Government would be forced to consider the same action toward its friends.

Mr. Khrushchev cited plans announced March 2 by Gen. Lauris Norstad, Supreme Allied Commander in Europe, for establishment of a mobile task force of brigade size. In combat the force would be supplied with the most modern weapons. It is to be a multinational force, drawing at first on troops from the United States, Britain, and France.

The Russians in subsequent propaganda attacks have charged that the plan meant distribution of nuclear weapons by the United States to other members of the North Atlantic Treaty Organization.

It is understood that Premier Khrushchev, in his letter to the President, followed closely the line that has been laid down by his propaganda machine. He said the new NATO plan meant the further concentration of weapons of mass destruction and the heightening of tension in Europe.

ARMING OF GERMANS FEARED

Soviet propaganda has described the plan as "largely designed to serve as a new disguise for the nuclear arming of the West German militarists." Having made these allegations, the Soviet Premier said that if these plans were carried out he would have to consider doing likewise; that is, giving modern nuclear arms to Soviet allies.

General Norstad and other high officials here have denied these Soviet allegations. They have noted that in NATO now, and in the planned mobile task force, non-United States troops would get delivery systems but not atomic warheads.

Actual bombs and nuclear warheads for the modern weapons remain in U.S. custody.

President Eisenhower has indicated that this distinction has been misunderstood, whether deliberately or not, by the Russians. He has denied that there has been any change in U.S. policy on this matter.

The Soviet Premier contended that nothing should be done in advance of the May summit meeting that might cloud the atmosphere or heighten international tension. He suggested that the alleged arming of NATO allies with nuclear weapons would do just that.

The President has denied the allegation. But it is understood that he agreed with

the general principle that the major powers should avoid any unilateral action that might worsen relations.

BERLIN'S STATUS A FACTOR

In making this point, it is believed, the President was thinking primarily of the Berlin situation and the Allied hope that the Russians would not do anything in that area that might cause a crisis.

Diplomats here have noted that the Soviet campaign against sharing nuclear weapons is one of long standing. While the charges of the last month have been directed primarily at the planned NATO task force, the arguments themselves long have been made in the Soviet press and radio.

Most specialists doubt that Mr. Khrushchev has ever given serious thought to sharing nuclear weapons with his East European or Chinese allies. First, they doubt that most of the East Europeans would want to assume the risk entailed in controlling nuclear weapons.

They believe, too, that the Russians share an opinion widely held in the West that the more countries there are with nuclear forces, the greater would be the chance for war resulting from accident or desperation.

Finally, many authorities believe Moscow might feel uneasy if nuclear weapons were in the hands of other Communist states. They believe there must be genuine concern over the thought of another Hungarian revolt or a crisis in the Taiwan Strait if nuclear warheads and bombs were involved.

But analysts concede that a spread of nuclear capability and of warheads inside the Western alliance would increase the pressure on Moscow to follow suit. This in turn convinces most officials here and in the alliance that it would be unwise at present to undertake any change in present policy.

This is accepted in the West. With the exception of France, none of the NATO allies now is pressing to establish its own nuclear military force. This includes West Germany, about which the Russians are most concerned.

It was primarily to set at rest such feelings of worry as may exist in the Kremlin that President Eisenhower replied as he did to Mr. Khrushchev. All NATO governments were informed of the Khrushchev letter soon after its arrival here 11 days ago. The allies also have been given a summary of President Eisenhower's reply.

DEATH OF REPRESENTATIVE RUSSELL V. MACK, OF WASHINGTON

Mr. MAGNUSON. Mr. President, I ask the Chair to lay before the Senate, resolutions coming over from the House of Representatives.

The Chair laid before the Senate the resolutions of the House of Representatives, which were read, as follows:

HOUSE RESOLUTION 489

In the HOUSE OF REPRESENTATIVES, U.S., *March 28, 1960.*

Resolved, That the House has heard with profound sorrow of the death of the Honorable RUSSELL V. MACK, a Representative from the State of Washington.

Resolved, That a committee of six Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. MAGNUSON. Mr. President, I submit a resolution and ask that it be read, and I ask for its present consideration.

The PRESIDING OFFICER. The resolution submitted by the Senator from Washington [Mr. MAGNUSON] will be read.

The legislative clerk read the resolution (S. Res. 296), as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. RUSSELL V. MACK, late a Representative from the State of Washington.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That, at the conclusion of its business today, the Senate, as a further mark of respect to the memory of the deceased, adjourn until 10 a.m. tomorrow.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 296) was unanimously agreed to.

The PRESIDING OFFICER. Pursuant to the second clause of the resolution, the Chair appoints as the committee on the part of the Senate the senior Senator from Washington [Mr. MAGNUSON] and the junior Senator from Washington [Mr. JACKSON].

LET THE FEDERAL RESERVE BOARD MANFULLY ASSUME RESPONSIBILITY FOR THE INTEREST RATE

Mr. PROXMIRE. Mr. President, there has recently come to my attention an address delivered by Mr. Woodlief Thomas, delivered at the 15th annual conference for senior executives in mortgage banking, New York University, on the subject "Why the Government cannot control the interest-rate structure."

When the top economic adviser to the Board of Governors of the Federal Reserve System makes a public address on such a controversial issue as the level of interest rates, and which is then circulated to a wider audience, it is to be assumed that he is motivated by the laudable desire to promote a better understanding of a complicated subject. It would appear that this was the intention from the very outset of Mr. Thomas' statement.

There is—

He says—

a lack of general understanding of the causes of interest rate variations and of the role of interest rates in our economy. This failure to understand has given rise to many ill-conceived and potentially harmful proposals for preventing the fluctuations from occurring.

I am in wholehearted agreement that faulty analysis of a problem is likely to result in mistaken public policies. Consequently, it was with considerable interest that I turned to the section of Mr. Thomas' address on the casual factors determining changes in interest rates. In view of his emphasis on the widespread lack of understanding of the basic determinants of the level of interest rates, one would expect that the adviser to the Federal Reserve Board would take pains to clarify the subject for us. It was, therefore, quite disappointing, as I read on, to find that the discussion produced confusion rather than clarification.

We are told that interest rates like other prices are the result of the interplay of the forces of supply and demand. On the supply side it is the volume of current and past saving that is the important determinant at any given time, and on the demand side it is the "total of all credit wanted by borrowers of various sorts at that time." What is confusing as well as misleading is that when he speaks of "supply" this refers to savings, and when he speaks of "demand" reference is to the volume of credit. One does not have to be a profound student of economics to suspect that there is something wrong here.

In considering the determination of interest rates, what should be equated is the supply and demand of loanable funds at any given time. On the supply side one must take into account not only the volume of savings but also the amount of new credit created by the banks, and the extent to which people are prepared to activate their cash balances. And on the demand side it is important to take into account the loanable funds sought by the private sector of the economy, the public sector, and the extent to which people desire to augment their cash balances.

In examining the interaction of supply and demand in terms of loanable funds rather than savings one comes closer to the realities of the money market. It also puts a different light on the role played by the Treasury and the Federal Reserve System in the determination of interest rates—a role which Government officials only too frequently find it convenient to minimize. I might add that it is this minimization which is in large part responsible for the continuation of congressional ceilings on Government bonds, and on Government insured and guaranteed mortgage loans. But more on this later.

Mr. Thomas' discussion leads up to the main theme of his address which is posed in the form of the following question: "Can and should Government operating through the Treasury or the Federal Reserve or through acts of Congress, stabilize or control the level of interest rates?" The way in which the question is formulated indicates that he is engaged in building up strawmen which are then readily demolished. The keywords are "stabilize" and "control". They serve to create fictitious issues and to draw attention away from genuine problems raised by critics of official monetary, fiscal, and debt management policies. It will suffice to give two quotations that supposedly characterize the views of those who take a different position on the interest rate question from that of Mr. Thomas.

It is frequently suggested that the rise of interest rates should have been prevented from occurring by governmental action of some sort.

There are at least two things misleading about this statement. First, it implies that the critics believe that the Government should prevent any interest rate rise from taking place. Surely, he must know better than that. Those who differ with his point of view are well aware that interest rates are bound to fluctuate with changing economic conditions—they will be higher in times of expanding business activity than in times of declining business activity. Secondly, it makes no reference to the fact that the critics usually refer to a specific time period. It is not any rise but the magnitude of the rise and the extent to which official policies contribute unduly to intensifying or prolonging the rise that are the real issues. Examination of the problem in these terms would show that Federal Reserve and Treasury policies have a considerable impact on the level of interest rates. It would also reveal, to their embarrassment, that the policies adopted have had an adverse effect upon economic growth and stability.

Mr. Thomas' penchant for beclouding issues by misrepresenting the views generally held by critics of official policies is illustrated by the following quotation: "Some commentators have expressed the view that the rise in interest rates has been engineered by the Federal Reserve in a deliberate but futile effort to prevent inflation. Some advance the opinion that the Federal Reserve, instead of causing interest rates to rise, should take action to stabilize rates." Here the key expressions are "engineered," "futile effort," and "stabilize rates." It is simply not the case that those who have found fault with the tight money policy of the Federal Reserve attribute the rise in interest rates solely to the actions of the monetary authorities, nor are they in favor of pegging interest rates as was done prior to the Treasury-Federal Reserve Accord of 1951.

The top adviser to the Federal Reserve Board would hardly deny that his agency's restrictive policies have been defended on the grounds of preventing inflation. What the critics have attacked is the lack of timely flexibility of these policies and the fact that the Board's obsession with fears of inflation has resulted in unduly intensifying the rise in interest rates, in retarding economic growth, and in aggravating economic instability. Examples of such criticisms are the continuation and even intensification of restrictive monetary policies during the first 10 months of 1957, a period when the signs were multiplying that the economy was heading for a business recession. The failure to ease conditions contributed to making the 1957–58 business contraction the sharpest in the postwar period. Another example is the first half of 1953, when the Board's preoccupation with inflation resulted in the prolongation of tight monetary policies, even though the cumulative evidence was pointing to the early predominance of deflationary developments.

There are two propositions espoused by Mr. Thomas which require examination. First, is the statement that there is not much the Government can do to prevent interest rates from rising, except to adopt fiscal policies designed to create an adequate budgetary surplus. Second, even if it were possible for the Government to do more, he doesn't think it should, since its actions would represent an artifical interference with the functioning of interest in its role of distributing resources among various claimants.

It must be quite apparent that underlying these views is the dogma of a free money market in which the unregulated forces of private supply and demand determine the volume and cost of credit. This philosophy of the free market which was first vigorously expounded by the Chairman of the Board of Governors of the Federal Reserve System and by the Secretary of the Treasury, shortly after the present administration took office in 1953, runs counter to the very idea that was the basis for the creation of the Federal Reserve System. The American people had found from long and bitter experience that the best interest of the economy required that a mandatory authority be established that would take an active role in influencing the volume of credit and the course of interest rates.

In the light of the many changes that have taken place in the American economy in recent decades—the increased role of Government expenditures, the magnitude of public debt, the increased importance of consumer debt, the institutional changes in the capital markets—to name only a few, it is disturbing to find a top Federal Reserve economist adhering so rigidly to laissez-faire policies with respect to the money and capital markets and exhibiting such unwillingness to reexamine official doctrines in the light of the needs of our time. I suspect that it is this frame of mind that led one of the most respected men in the field of central banking, Mr. Allan Sproul, formerly president of the Federal Reserve Bank of New York, to declare:

We have excellent research staffs in the Federal Reserve System: able economists and statisticians and devoted students of money and banking problems. But their work needs more cross-fertilization and critical analysis by thoughtful and disciplined minds outside the System who can apply their talents to this special field without the bias of an organizational viewpoint. Not enough work has been done, I would say, on the monetary problems of a mixed Government-private economy, in the functioning and form of a fractional reserve banking system in such an economy, on the growing importance of other financial institutions, which crisscross both the fields of commercial banking and investment banking, and on the performance and characteristics of our money and capital markets. These are subjects which are becoming critical in the development of central banking.

The rigid adherence to the philosophy of the free securities market and the refusal of Government officials to explore new avenues for dealing with our changed financial environment have contributed to the progressive deterioration of the Government bond market during the past 7 years and to the acceleration of the upward climb of interest rates.

It is this attitude on the part of the present administration that has caused its opponents to insist that the 4¼ percent interest ceiling on Government bonds with maturities of over 5 years should not be lifted until major reforms in fiscal, monetary, and debt management policies are instituted. The critics have not found convincing such arguments as that advanced by Mr. Thomas—namely, that the interest ceiling has merely had the effect of forcing the Treasury to borrow on shorter-term obligations; that it has excessively increased the liquidity of the economy; and that it has prevented the Treasury from adopting debt-management policies that would contribute to the maintenance of sustained growth.

In this connection it is highly pertinent to recall the fact that no sooner did the present administration come into office than it launched upon a program of refunding the debt into longer maturities. As all of us know, it has not been very successful in this objective. As was recently pointed out by the report of the Joint Economic Committee on Employment, Growth, and Price Levels—page 39:

In 1952, the average length of the debt was 5 years and 8 months. Thus, the average maturity had fallen by 1 year and 1 month before the administration requested that the interest rate ceiling be removed. The average length of maturities had theretofore been greatly shortened before the administration felt hampered by the rise in the interest rate.

I submit that official policies and a closed mind toward the exploration of new approaches to monetary and debt-management policies have largely contributed to the failure of the administration's objective of lengthening the debt. It has seized upon the issue of the interest rate ceiling as a smokescreen to cover up its own inadequacies.

It will suffice to refer to two of the Federal Reserve policies in recent years which have contributed to weakening the Government bond sector and to the rise in interest rates. First, there is the Board's adherence to a bills-only policy of open-market operations. This was announced about the same time that the Treasury embarked on its debt-lengthening program, early in 1953. It is worth noting that it was Mr. Sproul, whom I have already quoted on the need for reexamining the basic ideas of central banking, who was opposed to this doctrine from the very beginning. It was he who characterized the bills-only policy as placing monetary management in a straitjacket. I see from the latest annual report of the Board, released a few weeks ago, that Mr. Hays, Mr. Sproul's successor at the Federal Reserve Bank of New York, has been continuing to register dissent at the open-market committee of the System concerning its rigidity in confining open-market operations solely to short-term Government securities.

The Federal Reserve Board would do well to ponder the following quotation

from the Joint Economic Committee's report referred to previously—page 42:

One effect of the bills-only policy is to weaken the long-term market by letting harmful disparities develop between long- and short-term interest rates. There is no reason why the Federal Reserve, when it deems it advisable to buy and sell securities, should not buy or sell securities of varied maturities, including some long-term bonds.

We are not advocating that the Federal Reserve peg the long-term bond market. We are advocating that the Federal Reserve System assume responsibility for the orderly behavior of our credit markets. Such improvement in behavior would make Government bonds more attractive to investors, and hence would lower interest rates on Federal securities.

Mr. President, it is no coincidence that the top official in the Federal Reserve System who fought for more flexible policies with respect to open-market operations was also the one who had a deeper understanding of the limitations of general monetary controls. It was Mr. Sproul who was a vigorous champion in 1955 for giving the System authority for selective controls over consumer credit when experience showed that it was a potent force for inflationary pressures and for economic instability. In contrast was the Board's position that general controls were adequate to deal with inflationary credit developments—a position that is rooted in the philosophy that Government cannot and should not interfere with market processes.

As long as this attitude of complacency toward the adequacy of existing monetary tools prevails it will not be possible to correct the increasing illbalance between the Government securities market and the private capital markets. It will take more than budget surpluses—as the Joint Economic Committee report has shown—to achieve a better balance and to contain inflationary developments and the hikes in interest rates that accompany such developments. What we need is a more open and experimental mind by those who have the responsibility for steering the course of monetary and debt-management policy.

Mr. President, I yield the floor.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it stand in adjournment until 10 a.m. tomorrow.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). Without objection, it is so ordered.

LEGISLATIVE PROGRAM FOR TOMORROW

Mr. JOHNSON of Texas. Mr. President, I had hoped that today the Senate would be able to complete its action on the unfinished business, the Department of Commerce appropriation bill, and then perhaps also act today on several additional measures of great importance. However, that has not been possible.

On tomorrow, after the Senate completes its action on the Department of Commerce appropriation bill, which I hope will be done at an early hour, it is our hope that the Senate will then consider and pass the Department of the Interior appropriation bill; and if sufficient time remains, we shall then attempt to bring up several other measures.

COMMITTEE SERVICE

Mr. JOHNSON of Texas. Mr. President, I submit, and send to the desk, a resolution for which I request immediate consideration.

The PRESIDING OFFICER. The resolution will be read.

The resolution, Senate Resolution 297, was read, as follows:

Resolved, That the Senator from Oregon [Mr. LUSK] be assigned to service on the Committee on Interior and Insular Affairs and the Committee on Public Works; and

That the Senator from West Virginia [Mr. RANDOLPH] be assigned to service on the Committee on Post Office and Civil Service.

The PRESIDING OFFICER. Is there objection to the request for the immediate consideration of the resolution?

There being no objection, the resolution—Senate Resolution 297—was considered and agreed to.

U.S. MILITARY ASSISTANCE PROGRAMS

Mr. CHURCH. Mr. President, last year the Committee on Foreign Relations accepted the recommendation of the administration that authorizations for military assistance appropriations be placed on a long-range basis. The law was changed, so as to provide that for the fiscal years 1961 and 1962, such sums as might be necessary could be appropriated for military assistance. This is an open-end authorization. It means that the executive branch need not come to the Senate Foreign Relations Committee and the House Foreign Affairs Committee with the justification of an authorization request, but may go directly to the Appropriations Committees with an appropriation request.

In my judgment, the Congress made a mistake by changing the pattern of congressional action on the military-aid program which previously had prevailed for nearly 10 years. I think we ought to return to the previous arrangement, whereby military assistance funds were annually authorized and annually appropriated.

The purpose of military assistance is spelled out in the law. Section 101 of the Mutual Security Act states that the purpose of military assistance is "to promote the foreign policy, security, and general welfare of the United States."

It is the business of the Committee on Foreign Relations to consider whether the President's annual programs of military aid will in fact promote the foreign policy of the United States. In agreeing to an open-end authorization for military assistance appropriations, the Committee on Foreign Relations abdicated its responsibility.

Last year the Committee on Foreign Relations took pains to amend the Mutual Security Act so as to strengthen the control over military aid by the Secretary of State. The law now provides that:

Under the direction of the President, the Secretary of State shall be responsible for the continuous supervision and general direction of the assistance programs authorized by this Act, including but not limited to determining whether there shall be a military assistance program for a country and the value thereof, to the end that such programs are effectively integrated both at home and abroad and the foreign policy of the United States is best served thereby

It is incongruous for the committee and the Congress to strengthen foreign policy direction over military aid within the executive branch while, at the same time, relaxing foreign policy review in the Congress.

The mutual security program has always been plagued by an overemphasis on military assistance. Thirty-nine separate countries are scheduled to receive grants of military assistance from the United States under the proposed program for the coming year.

Mr. President, it is a tragedy, in my opinion, that military programs of the United States in Africa are steadily increasing. Africa has been relatively free of armed conflict, and military establishments are exceedingly small compared with any other areas of the world. Africa needs economic development so badly. It needs help in all kinds of things, but it definitely does not need greater armaments.

Latin America is another area where the military justification for arms aid is very hard to find. It is another area where the burden of maintaining military forces directly diverts energy and resources from economic development.

I would call the attention of the Senate to the military assistance program which is proposed for Europe in the coming fiscal year. We know that the Marshall Plan bears a large share of the credit for the return of Europe to prosperity. Europe is prosperous, and becoming more so. Indeed, we are now embarked upon a program to obtain larger contributions of financial aid for the underdeveloped countries from our prosperous partners of Western Europe. Yet, in the face of this avowed objective, the President proposes to increase our military aid program for Europe next year by $100 million. The President is proposing a military assistance program of $459 million for the fiscal year 1961. I do not believe the President's proposal can be reconciled with Europe's growing capacity to pay its own way in providing weapons for its own defense.

Mr. President, perhaps one result of removing the controlling influence of the Committee on Foreign Relations is to be found in the very large increase in the military aid program for next year. Last year at this time the President was asking $1.6 billion for military aid. This year he is asking $2 billion. This is a jump of $400 million in his request

for military assistance appropriations since the authorization was made open-ended.

Expenditures for military assistance are currently running at the rate of $1.8 billion a year. I believe we should not go above that rate. Since there will be, at the end of the fiscal year 1960, a carryover of $2 billion in unexpended balances for military assistance, there is no need for a new appropriation of $2 billion in order to keep the expended rate at the current level.

Accordingly, Mr. President, I am proposing an amendment authorizing not more than $1.8 billion for military assistance in the coming fiscal year. This would effect no meat-ax cut, but it would hold our military aid program at present levels.

Mr. President, another result of the relinquishment of jurisdiction by the Committee on Foreign Relations over the military aid program has been that the desires of the committee, enacted into law, have been ignored. On the recommendation of the committee last year, the following new sentence was added to the Mutual Security Act:

Programs of military assistance subsequent to the fiscal year 1960 program shall be budgeted so as to come into competition for financial support with other activities and programs of the Department of Defense.

The purpose of this new provision was to "insure that the budget process itself will approach military assistance and domestic defense funds as parts of a single program."

I am quoting from the report of the committee on last year's mutual security bill.

This new requirement in the law has been ignored ever since it was enacted. The chairman of the committee wrote a letter to the Bureau of the Budget and asked what had been done to insure that there would be competition for financial support between the military aid program and other programs of the Department of Defense. A long letter came back in technical language which, when interpreted, meant that nothing had been done. Last week, on March 23, the committee examined the Assistant Secretary of Defense in charge of the military assistance program on this point. He readily admitted the failure to carry out the law. I quote from an exchange between Assistant Secretary of Defense Irwin and the distinguished Senator from Tennessee [Mr. GORE]:

Senator GORE. Now I have asked you if the General Counsel suggested any change in procedure and you do not have that information just now. Were there any changes in procedure whether on advice of General Counsel or not?

Mr. IRWIN. Not that I know of, Senator GORE.

Mr. President, this is sufficient evidence, to my way of thinking, that the Department of Defense decided that, since the Committee on Foreign Relations was not any longer going to exercise its annual control over the authorization figure for military aid, the Department could relax about carrying out the wishes of the committee as embodied in the law.

I have concluded that there are two changes which should be made in the pending mutual security bill. The annual check on military aid programs by the Committee on Foreign Relations should be restored. Second, we should keep the authorization for military aid programs next year at a level no higher than currently in effect. I therefore submit an amendment to S. 3058 to accomplish these purposes. I send it to the desk, and ask that it be appropriately referred.

The PRESIDING OFFICER. The amendment will be received, printed, and referred to the Committee on Foreign Relations.

Mr. CHURCH. Mr. President, I should like to devote a few minutes to the subject of military aid to Latin America. The history of military aid to the American Republics is one of increasing limitation by the Congress. A good many years ago the Congress wrote into the law a requirement that military aid to Latin America be furnished "only in furtherance of missions directly relating to the common defense of the Western Hemisphere." That requirement was put in to prevent the furnishing of aid to countries in Latin America for the purpose of fighting each other.

The requirement, however, has not proved a very effective limitation. To avoid it, the practice developed that when a country in Latin America wanted some military equipment, a special defense mission would be contrived for the use of such equipment. This mission was then fitted into the Western Hemisphere defense plans so that the furnishing of the equipment by the United States could be justified under the law. A year or two ago, the Congress attempted to prevent this sort of evasion by requiring the President each year to review the previous findings as to the necessity of military missions for Latin American countries in Western Hemisphere defense plans.

Another abuse has been listing as a necessity for hemispheric defense the maintenance of internal security by Latin American countries. The rationale offered was that if war broke out involving the hemisphere it would be important for the Latin American countries to keep order at home. Since Latin American countries are capable of providing their own internal security weapons, and since the relationship of internal security to hemispheric defense was obviously so tenuous, the Congress, 2 years ago, wrote into the law the following additional limitation:

Internal security requirements shall not, unless the President determines otherwise, be the basis for military assistance programs for Latin American Republics.

Mr. President, in spite of these successive restrictions on military aid to Latin America, the programs have continued to grow. Last year, on the recommendation of the Committee on Foreign Relations, the Congress placed a ceiling on military aid to Latin America. It was provided that the program for fiscal year 1960 should not exceed the program for fiscal year 1959. The idea was that if some military aid was necessary the total should not increase.

But even this direct attempt to limit military assistance in Latin America has proved inadequate. Not in conformance with the spirit of the new limitation, but in the technical letter of the law, the Pentagon concluded that by furnishing military aid on the basis of long-term credit the ceiling could be exceeded.

Mr. President, in view of this history, and for other reasons which I shall mention, the time has come to call a halt.

Purely military justifications for furnishing arms to Latin America are very hard to rationalize. Latin American countries can afford arms for internal security purposes. They do not need any help from the United States. They do not really need additional weapons to defend themselves against attack from another Latin American country. The cooperative defense arrangements which have been worked out by treaty among Western Hemisphere countries provide adequate protection against this kind of threat. If one Latin American country attacks another, the defending country knows that it can call on the Organization of American States, of which the United States is a member, to come to its aid.

What we are talking about, then, as regards military danger in Latin America, is the danger of aggression from outside the hemisphere. Ever since the first declaration of the Monroe Doctrine, the United States has furnished a shield to protect Latin America against attack from without the Western Hemisphere. If Latin America were ever attacked from abroad, world war III would obviously be in progress. And the power of the United States and the NATO countries would then be the chief reliance of all the Western World.

On the economic side, Mr. President, military aid to Latin America not only is not helpful, it has the effect of holding back economic development. Armies cost money to maintain. Weapons are expensive and troop pay is expensive. Latin American countries have urgent, overwhelming needs to develop their economies fast enough to keep up with their rapidly growing population. Every possible resource and energy should be devoted to peaceful economic growth.

In discussing these matters with State Department officials, the argument at this point usually shifts to political grounds. Two assertions are made. One is that military cliques in Latin America exercise great political power and must be appeased; the other is that if the United States does not furnish military equipment some other country will.

Mr. President, I think the importance of these considerations has been greatly overdrawn. It is my impression, from personal experience in Latin America, and it is the testimony of other Senators who have traveled more extensively there than I, that one finds the civilian leaders of Latin American countries pleading

with us to assist their countries to disarm. Some of these civilian leaders have governments which have overthrown military dictatorships, and they see disarmament not only as desirable for economic reasons, but as necessary if civilian control in their countries is to continue. Sometimes they are obliged to bow to pressure from the military within their countries to obtain additional arms, but they tell us privately that they wish we would say "No" more often.

Mr. President, I believe that the political considerations offered in support of military assistance can be met adequately by permitting Latin American countries to continue to buy arms from the United States. If they are determined to buy arms, we ought not to force them to make their purchases in Europe. I would agree to retain the existing authority in the law permitting the U.S. Government to sell military equipment to Latin American countries for dollars.

I would also retain our program of furnishing training assistance to Latin America. I think some good does result from having Latin American military personnel come to the United States to participate in our military schools, and to become acquainted with our way of life.

Mr. President, I likewise appreciate the fact that the executive branch has made commitments to furnish military equipment to Latin America which we cannot dishonor. I think myself that some of these commitments were unwise, but nevertheless they have been made. I agree, therefore, that we should fulfill our existing commitments, but I feel strongly that no new commitments, other than in the training category which I have mentioned, should be made.

Accordingly, Mr. President, I introduce the following amendment which I shall read because it is short:

SEC. 101. Section 108 of the Mutual Security Act of 1954 as amended, which relates to authorizations for military assistance, is amended by adding the following new subsection:

"(d) Beginning with the date of enactment of this subsection, the authority in this title to furnish military assistance to American Republics may be used only to fulfill prior commitments to foreign governments: *Provided*, That this limitation shall not apply to training assistance or to sales under section 106."

This language will accomplish the following purposes: It will, with certain exceptions, stop new commitments to furnish military equipment to Latin America. It will stop the furnishing of weapons on a grant basis or on a credit basis. It will not stop sales of military items for dollars. It will not stop our giving further training assistance.

Mr. President, my amendment is not a rigid cut off of military aid to Latin America. The flow of arms can continue through sales of military equipment. I would also point out that if an emergency arises requiring a grant of arms, the President always retains the power given to him in section 451 of the act to make an exception to the amendment which I am offering, through the use of his contingency fund.

Mr. President, military aid to Latin America has become a habit, I fear. It is a habit which we ought to break. Our neighbors to the South do not need arms. They need help in building their economies, in improving their standards of living, and in increasing their trade. We should help them in these things, while avoiding at the same time, any inducement of our own, which tends to increase the size of their already swollen military establishments.

Mr. President, I send the amendment to the desk and ask that it be appropriately referred.

The PRESIDING OFFICER. The amendment will be received and printed, and referred to the Committee on Foreign Relations.

Mr. CHURCH. Mr. President, I suggest the absence of a qurorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHURCH in the chair). Without objection, it is so ordered.

METROPOLITAN MASS TRANSPORTATION

Mr. WILLIAMS of New Jersey. Mr. President, I have introduced a bill, together with Senators CLARK, JAVITS, KEATING, ENGLE, HUMPHREY, SYMINGTON, MORSE, HENNINGS, HARTKE, and YOUNG of Ohio, to assist State and local governments and their public instrumentalities in improving mass transportation service in metropolitan areas.

This bill represents a modification and conceptual expansion of a proposal originally conceived by members of the railroad industry and the American Municipal Association, which represents approximately 13,000 cities and towns throughout the United States.

For one thing, the bill calls for a smaller expenditure than had originally been proposed and the program would be administered by the Housing and Home Finance Agency—the closest thing we have to a Department of Urban affairs—rather than by the Department of Commerce, as had been suggested.

I believe this more modest measure is a constructive and logical approach to the critical problem of urban strangulation and paralyzing traffic congestion.

And I am pleased that the American Municipal Association has given its full backing and support to this measure in preference to its original proposal.

I am also gratified that a number of members in the House have joined with me in introducing the bill. The widespread interest in the bill is very encouraging.

I believe it indicates a growing recognition that we cannot postpone action much longer.

I would like now to describe briefly the main provisions of the bill and then discuss, at some length, why such legislation is necessary.

PROVISIONS OF THE BILL

The bill provides for a two-part program of planning and loans in recognition of the fact that the wise, economical, and most efficient expenditure of Federal funds depends heavily on adequate and comprehensive planning. The day has long since passed when we can afford—literally and financially afford—the luxury of ignoring the men and women who do our planning, as there seems to be a tendency to do.

The first part of the bill would authorize the use of current Federal planning grants, the so-called section 701 urban planning grants of the Housing Act, for the following purposes:

First. To help determine the total transportation needs of metropolitan areas.

Second. To help formulate programs for the most efficient and economical coordination, integration, and joint use of existing mass transportation facilities.

Third. To help coordinate the planning activities of all the public bodies and agencies responsible for regulating or providing mass transportation services in such areas.

Fourth. To encourage study of the interrelationship between metropolitan area growth and the development of a total transportation system, including especially study of the impact of land use on the total transportation needs of our urban areas, and conversely the effect of transportation on land use.

The second part of the bill would broaden the scope of the Housing and Home Finance Agency's community facilities administration to permit this bureau to make long-term, low-interest loans up to a total of $100 million to State and local governments and their public instrumentalities in order to:

First. Help coordinate and integrate the construction of highway, bus, surface-rail, underground, and other mass transportation facilities in large, metropolitan areas, and

Second. Help finance the acquisition, construction, or improvement of equipment and facilities for use in mass-transit or commuter service.

Mr. President, it should be noted that both of these programs would be administered by the Housing and Home Finance Agency. At first glance this might seem unusual, but in fact this agency has more to do with metropolitan problems than probably any other agency or department in the Government.

As Dr. William L. C. Wheaton, president of the National Housing Conference, recently wrote:

If we examine the Housing Agency we find that it is no longer a housing agency. It contains programs of housing and urban renewal. It contains the Bureau of Community Facilities with a program of aids to local community facilities and public works. The Housing Agency administers a program of grants for local, county, and State planning assistance and assorted other functions, all affecting the development of urban areas. Indeed, the only major development aids of the Federal Government to urban areas which are not now contained in the Housing Agency appear to be urban roads and highways and aids for school buildings and hospitals, to the extent that we have such programs. In short, I would contend that the Housing and Home Finance Agency has already become a department of urban development and housing in all but name and prestige.

It would seem only reasonable, then, that the metropolitan problem of providing adequate mass transportation services would properly belong in such an agency as the HHFA.

And I was interested to note that the transportation report just recently submitted by the Department of Commerce gave support to this contention.

The Department's recommendation No. 49 states that the Federal Government should "encourage urban long-range community planning, including total transportation planning to make full use of highway, transit, rail commutation, and all other capacity to minimize total transportation cost and congestion, in full coordination with activities under the Housing Act of 1949 as amended."

But to conclude that this Agency is best equipped and most competent to administer any Federal activity in the field of metropolitan mass transportation does not answer the question whether such activity is necessary or desirable in the first place.

That is the central question: Should the Federal Government concern itself with the problem of insuring adequate metropolitan mass transportation services?

In my judgment, the great weight of evidence and argument leads inevitably to the answer, "Yes."

The problems of skyrocketing metropolitan area growth, the paralysis of traffic congestion, and the obstacles to the free flow of interstate commerce are of such magnitude and consequence—both in human and economic terms—that it just does not make sense to call the problems of urban transportation "a merely local concern" or even "primarily a local problem."

The stakes are so enormous to the Nation as a whole that all levels of government—local, State, and Federal—must accept equal responsibility and must all exert their fullest efforts to achieving a solution to the problem.

I am interested to note that our colleague and friend the senior Senator from Pennsylvania [Mr. CLARK] has suggested in a talk at George Washington University, following through with earlier suggestions he had made, that he proposes the creation of a new department from the present Housing and Home Finance Agency, to serve as a spokesman within the Government for urban communities.

THE NATIONAL INTEREST

There is a tendency, I think, to visualize the problem of metropolitan mass transportation in terms of the convenience of the sleep-eyed resident in Greenwich, Conn., waiting for the 7:15 train to New York City.

However, there are some 16 million people like the one I have described who are totally dependent on some form of public transportation to get to and from work each day. Another 40 million people have less frequent need for mass transportation services.

These are no trifling numbers, but the national interest in this problem is far greater than the convenience and comfort of even this many people.

However, the extent of the national interest cannot be properly appreciated until it is fully realized that transportation and urban life are inseparable.

Modern transportation, the advent of trains, automobiles, and airplanes, have—more than any other single force—made the city what it is today.

Transportation is the bloodstream of an urban, cosmopolitan nation. And we are, as everyone knows, undergoing a national hardening of the arteries.

The transportation system that made our urban life possible now threatens to strangle the major metropolitan areas of the Nation.

This cannot be permitted to continue. The human and economic consequences are too great.

WELFARE OF THE PEOPLE

It is an often repeated fact that the great majority of the people in the United States—over 100 million—now live in the major metropolitan areas of the Nation. By 1975 our population is expected to reach 215 million, and the urban population concentration will be nearly 80 percent of all the people living in the United States.

Their welfare is obviously a prime national concern, and their welfare will depend to a great degree on the transportation systems that are available. And the key to all forms of transportation in the urban areas of the Nation lies in the adequacy of our mass transportation facilities.

Another aspect to the national interest lies in the free flow of interstate commerce.

FREE FLOW OF COMMERCE

The economic activity and growth of the Nation are greatly dependent on transportation. The Nation depends on the movement of goods, all kinds of goods, from missiles to motorboats. And again a tremendous increase in the movement of goods is expected by 1975.

It has been estimated that for every dollar of gross national product in the United States, 3 tons of freight are moved 1 mile. By 1975, if the gross national product reaches $750 billion, approximately 2 trillion ton-miles of freight will have to be moved that year. This is three-quarters of a trillion more freight movement than we have at present.

Again, as a Nation, we have a vital interest in insuring the free flow of that freight. If it is slowed down and impeded because of inadequate urban transportation systems, the whole Nation will be the loser.

FEDERAL HIGHWAY INVESTMENT

A third area of national interest lies in protecting our huge $41 billion investment in the current Federal highway program, about half of which will be spent in the urban areas of the Nation.

The primary objective, of course, is to achieve the best possible transportation system with the lowest and most efficient expenditure of money.

The future development or decline of mass transportation services will play a major role in determining the scope of the highway program and the amount of money that will ultimately have to be spent on it.

It is well recognized, I think, that the loss of our mass transportation services would throw an unbearable burden on our streets and highways. Conversely, the development of better mass transportation systems would more than pay for itself by greatly reducing the need for other costly public expenditures, like urban highways.

Finally and most important there is the critical national interest in the economic welfare of our metropolitan areas as a whole.

URBAN ECONOMIC WELFARE

In 1958 the people living in the metropolitan areas of the Nation held $203 billion, or 66 percent, of the total disposable personal income in the United States.

It seems that we tend to forget that the major metropolitan areas are the major wealth producing centers of the Nation. And wealth production means tax production. Can we, in this day and age of international competition and struggle, afford to allow our metropolitan centers to deteriorate and decay?

The answer would seem obvious. Yet it is happening.

DECLINE OF THE CITIES

The decline of our cities—our major wealth producing centers—began when people decided they wanted to live in urban areas and drive automobiles as well.

Today our cities are being physically and financially crushed by the onslaught of the automobile. Since 1930 the number of cars in the Nation have increased five times as fast as the population. In 1959 there were 68 million cars on the road. In 1975, if present trends continue, the number of cars will be 100 million.

The cost of this development is staggering and will continue to be so unless some hard thought is given to the matter.

The most obvious cost is in the construction of highways, access roads, bridges, tunnels, and parking facilities. These costs in highly developed areas, as we all know, run up into the millions of dollars for the construction of just 1 mile of road.

And to make matters worse, despite our greatest efforts to provide adequate facilities for auto traffic—and the Federal highway program is the largest public works project this country has ever undertaken—there seems to be no hope that in the end traffic congestion will be reduced. In fact, there are many who say that when the highway program is completed in 1975 the congestion will be just as great, or even worse.

There are also other less conspicuous but no less important costs that result from our metropolitan traffic paralysis.

COST OF TRAFFIC JAMS

According to a survey conducted by the New York Times in 1957, it was estimated that the habitual traffic jams that occur in nearly every city cost the Nation $5 billion a year.

The Times also reported that "the economic cost of automobile accidents last year was estimated by the Association of Casualty and Surety Companies at $6.5 billion."

In New York City alone the traffic jams cost over a billion dollars a year. These losses are reflected in wages that are needed to cover time lost in traffic, in the loss of retail sales, new construction, tax revenue and the overly rapid depreciation of vehicles and extra fuel costs.

Certainly this is money that could be put to much better use by a nation in global conflict with a hostile form of government.

WASTE OF LAND

Another serious form of erosion and waste is the amount of land that is being devoured on behalf of the automobile.

In another series of articles appearing in the New York Times last year, Harrison Salisbury wrote: "About two-thirds of downtown Los Angeles is already in thrall to the gods of gasoline."

About 28 percent of the land of that city is taken up by streets, freeways, and service ways. Another 38 percent of the land is devoted to garages, loading facilities, gas stations, and so forth.

Downtown Detroit is another example with 56 percent of all available land in bondage to the streets and parking lots.

Elsewhere across the country the picture is much the same. The percentages may vary. But they have this in common; they are all going up.

Unfortunately, however, our roads pay no Federal or local taxes. The huge costs of our traffic jams and the exhorbitant waste of potential wealth-producing land are bad enough. But this is only the beginning of the proverbial vicious circle.

COMMUTATION AND URBAN SPRAWL

With the advent of the automobile, the "flight to the suburbs" and the "urban sprawl" began.

As one suburb after another filled up, the builders and the bulldozers moved on to the next vacant pasture, thus intensifying the need for automobile commutation.

Although more and more people are moving to increasingly far-out suburbs, they are still continuing to work in the central cities. In fact, New York City is undergoing a commercial renaissance even though its core population is declining.

Thus the congestion continues to mount as more and more people come from suburbs where the density of population is so low that no other transportation than the private car is possible.

Unless, then, adequate and convenient mass transportation facilities are made available closer in to the central city where the population density is high enough, the commuter will have no other choice than to drive his car all the way to work, and governments at all levels will have no other choice than to make his trip possible through road, bridge, tunnel, and parking area construction.

But it does not take much imagination to see that this solution is ultimately and inevitably self-defeating.

Congestion will get worse, highway construction costs will become greater, more revenue-producing land will be wasted, and our once-proud cities will grow weaker and poorer.

At the same time, an enormous amount of money will have to be spent in far-out suburbs to provide duplicate roads, sewers, hospitals, shopping centers, schools, fire departments, police service and so forth.

But no matter how much each community is willing to spend, it can never become a world unto itself. The major employment center will remain in the core city, as will most of the other amenities of an urban civilization.

As the executive director of the New York Metropolitan Rapid Transit Commission, Frank Simon, has said:

> The stock exchange will not move to Englewood. "My Fair Lady" will not have a 3-year run in West Hempstead and the Metropolitan Museum of Art will not move to Tarrytown.

With all these problems before us, it is evident, I think, that transportation is the key to urban civilization.

As Luther Gulick, one of our leading authorities on urban affairs, has written:

> So central to metropolitan life is this problem of physical circulation of men and goods that it might be said that all the rest of our metropolitan problems would become tractable if only we might find out how to solve the transportation problem.

NEED FOR MASS TRANSPORTATION

The question is, How? By reliance on the automobile alone?

The answer is conclusively "No."

Again, to quote from Harrison Salisbury's article last year:

> No matter what the cost, public transit facilities must be provided. Otherwise chaos lies just ahead. That is what the west coast Cassandras—often yesterday's prophets in the freeway temples—are saying today.
>
> Los Angeles provides a classic example of the Malthusian principle applied to the automobile. As cited by Dr. Lyle C. Fitch, first deputy administrator of New York City, this is the law:
>
> "Today's automobile population continually outruns its lebensraum."

Dr. Wilfred Owen, another leading authority on metropolitan transportation problems, writes in his book "Cities in the Motor Age":

> It is clear that even the current extraordinary roadbuilding effort will fall short of meeting all the transport requirements of the big metropolis in rush hours. Often it seems that the more roads we build the heavier the congestion becomes. By 1975 we may find ourselves with a highway system that can handle more vehicles than ever before, yet one that will be just as overburdened as ever.

The answer to the transportation problems of our densely built-up urban centers does not lie in the private car alone. It is becoming more and more difficult to acquire land for rights-of-way and parking. Any real effort to make our vertical cities completely accessible by automobile would eliminate much of the downtown development that makes access worthwhile. In order to preserve the core of the large city, there should be a more balanced attention to all methods of movement—and this means that an adequate public-transit system is essential. Without it the motorist in today's big city may strangle in his own congestion.

Unquestionably, then, metropolitan mass transportation is imperative.

It is vital to the continued welfare of the great majority of people who live in our urban areas.

It is vital to the economic welfare and wealth-producing capacity of the metropolitan areas.

It is vital to the free flow of goods in interstate commerce.

It is vital to the efficient and economical expenditure of Federal funds for highway construction.

For the fact is that it takes 80 lanes of highway to carry the same number of people in 1 hour as can be carried on 2 tracks of rail.

The impact of this difference in capacity can be seen in the estimate that if half the people who now use public transportation to get to work in New York City were to switch to private car, 10 square miles of more parking space would be required, and the street, bridge, and tunnel capacity leading to the city would have to be doubled.

In dollars and cents, it has been calculated that it would cost over $30 billion to provide highway facilities for the people who presently use mass transportation in just the five cities of New York, Philadelphia, Chicago, Boston, and Cleveland.

NEED FOR SOUND PLANNING

If mass transportation is essential and if the Federal Government has a definite interest in, and responsibility for, its development, it is essential that there be sound planning prior to any significant expenditure of Federal funds that may become necessary.

This need is clearly recognized by the Commerce Department's report on transportation. In the section on urban transportation, the question is asked: How can the Federal Government assist in the problem of urban transportation congestion? It should "encourage local authorities to do more long-range land-use planning, in which transportation has a critical part."

The bill I have introduced is designed, first, to encourage comprehensive planning to determine total transportation needs and planning to coordinate existing transportation systems within the development of the city as a whole.

It might be asked: Are we not already doing a lot of planning with the 1½ percent funds available under the Federal highway program?

It is probably true that the Bureau of Public Roads and the highway departments in some States are doing the lion's share of overall planning. But it is questionable whether they are doing all the planning that needs to be done in urban areas, in planning for the proper relationship between roads and the other aspects of urban development. In fact the law prohibits the use of these funds for land-use planning.

And it is questionable whether it is desirable that they should do such planning. A number of experts are inclined to feel that this planning should not be divorced from the agencies and officials with primary political responsibility for the total development of the community or urban area.

It is my hope that the city and regional planners who now receive section 701 grants for urban planning will be encouraged to do more areawide transportation planning on their own. And it is my understanding that very little of this is now being done.

The bill would, secondly, encourage the coordination of the planning of all the various public bodies and agencies that have responsibility for transportation services within a single metropolitan area. And they are many.

Nationwide, there are some 46,000 governmental units with some degree of control over our whole transportation structure.

A more graphic description of the balkanization of jurisdiction can be found in a fine transportation study of the Newark area, completed last year by the New Jersey Highway Department and the Department of Conservation and Economic Development. The report states that:

> A list of those active in providing transportation in the Newark area include, among others: The State government acting through the highway departments; the four county governments; the municipal governments, of which there are 34; the New Jersey Turnpike Authority; the Garden State Parkway Authority; private transit companies providing bus and rapid transit services under franchises regulated by the State public utilities commission; the Port of New York Authority; and a number of railroads regulated by the State public utilities commission and the Federal Interstate Commerce Commission.
>
> The result for the Newark area is that at present there exists no mechanism to insure the recognition of the area's total transportation need or to formulate policies for meeting that need in an efficient manner.

IMPACT OF LAND USE ON TRANSPORTATION

Finally and most importantly, the bill would encourage more study of the interrelationship between transportation and urban development.

As Wilfred Owen so well stated, there are two sides to the transportation problem—supply and demand.

"To date," he points out, "attention has been directed exclusively to supplying additional transport capacity. The futility of this one-sided approach is plain."

What we need to do is start tackling congestion at its source.

And unquestionably one of the main reasons people have been fleeing to the suburbs has been to escape the decay and deterioration of the central city, to escape the confinement and the lack of open space and recreation areas, to escape the noise and congestion, the crime and juvenile delinquency.

As Dr. Owen says:

> The ultimate solution to this problem is not to build more and more transport capacity. The central city needs to be redesigned to permit more people to live as well as work there. Transportation problems could be alleviated, for example, if cities would restore close-in areas and make them fit to live in.

In other words there must be an extremely close relation between the development of land uses and the development of transportation systems. There should be much greater effort toward bringing the home and the factory closer together and insuring the proper balance between them.

In Dr. Owen's words, the new highway program, which constitutes our major urban transportation effort, "will be a major influence in renewing the city, and the renewal program may prove to be equally effective in attacking congestion.

> At the very least there is need for a close working relation between road and renewal programs • • • (but) no such unity exists.

COMMUTER EQUIPMENT LOANS

In addition to the types of planning I have outlined, there is a critical and immediate need for Federal assistance to help finance the purchase of new equipment and facilities for use in mass transit or commuter service, especially on rails.

This assistance is based on the premise that, no matter what the future of intercity rail passenger service, the existing suburban rail network must be preserved wherever possible.

This form of travel is by all odds the most efficient, but most important, the enormous capital investment in tracks, stations, and rights-of-way has already been made.

Perhaps the relative inflexibility of rail service is such that further expansion for mass transportation service would be undesirable, except in special instances where the population density is high enough.

But surely it makes economic sense to maintain existing suburban rail service where it is needed and now exists.

ROLE OF RAIL SERVICE

As Dr. Owen concludes:

> Where rapid-transit lines already exist, facilities and equipment should be preserved and modernized to meet the requirements of present users. Subsidies for this purpose are warranted where they will mean a net saving in total outlays for the transport system as a whole.

This bill does not provide for subsidies, however, despite the fact that suburban rail and rapid transit service is unquestionably a heavy money-losing proposition, in most cases.

The bill would provide long-term, low-interest loans of up to $100 million to assist in the purchase, for example, of railroad passenger cars, which in 1958 were on an average of 28½ years old.

There are of course many things that will have to be done to get commuters out of their cars and back onto rapid transit systems, including faster and more frequent service and possibly lower fares.

But modernization of our commuter equipment is a prime requisite.

CONVENTIONAL LOAN COSTS

The problem is that conventional loans carry such high fixed charges that they only tend to increase the loss on what is already a money-losing operation. It is as if you were to try to convince a button manufacturer who was losing a penny on each button to try producing in greater volume.

The current terms on railway passenger equipment, on the basis of the recent purchases of the Chicago & Northwestern, are 15 years and 6 percent.

The importance of fixed costs on metropolitan transportation were clearly shown in the recent report on the transportation plan for the National Capital region here in Washington.

In forecasting the operation of the proposed "Express Transit System," at a time when the regional population is 3 million, the report estimated that fare revenues would amount to $63 million. Operating expenses would be $39 million and amortization of the financing costs would be $31 million, or nearly 50 percent of the estimated revenues.

LOANS FOR UNIFIED FACILITIES

Another important need is for assistance to help finance the coordination and integration of existing highway, rail, bus, subway, and other mass transportation facilities.

Convenience and door-to-door service are two features that have drawn people away from mass transportation and into cars. In fact, these advantages probably in many cases far outweigh comparative costs of public and private transportation.

Certainly, then, it is important to make mass transportation as convenient and rapid as possible in an effort to regain public transportation riders.

As Mayor Richardson Dilworth, of Philadelphia, said just the other day, the goal is "to unite our entire mass transportation system—that is, our surface traction system, our subways and commutation service into one system to serve the entire area."

And I might add that the city of Philadelphia has been undertaking some very bold and interesting steps in the field of mass transportation.

The city's "Operation Northwest" gave the people of Philadelphia added commuter service on two railroads, lower fares, coordinated feeder bus service and free transfers in the city. After 6 months of the experiment, the two railroads had an increase of passengers of 12 and 11.5 percent. It was estimated that the project brought 3,000 fewer cars into the downtown area each week, which represented a saving of about $2,400,000 in parking facilities alone.

The American Municipal Association, in a recent policy statement, also emphasized the need for integrated services.

It stated that "maximum use of feeder services by automobile and bus should be encouraged by locating (railroad) stations at points readily accessible to highways, and by providing ample parking facilities."

The future will inevitably see a great amount of activity, I believe, toward constructing the kind of facilities that will encourage the commuter to leave his car on the outlying fringes of the city and change over to a form of mass transportation.

But even now there is much worthwhile work that could be undertaken to make existing facilities serve the commuter better.

PHILADELPHIA AREA

The situation in the Philadelphia-South Jersey area is a good case in point.

At present the commuter from the Haddonfield-Kirkwood area in New Jersey, if he elects to use public transportation, must either use a bus all the way or ride an infrequent service on the Pennsylvania & Reading Sea Shore line to the station in Camden. He must then transfer to the single track Bridge Line and then transfer again to the subway in Philadelphia.

Under recently proposed plans, there would be a through service on a double track line from Kirkwood to 17th and Locust in Philadelphia, a route that would make maximum use of present facilities and rights-of-way.

BOSTON AREA

In Boston, the Old Colony riders were brought into south station where they had to leave the building and enter the Boston MTA subway through regular street entrances if they wished to continue beyond the south station area. A rider survey showed that 90 percent of the people needed transportation to reach their downtown Boston destination, but that only 20 percent used the MTA subway.

A proposed plan in 1959 called for the integration of the Old Colony line with the MTA subway which would provide single car rides through to Cambridge.

SAN FRANCISCO AREA

San Francisco provides another good illustration of the haphazard growth of metropolitan transportation services.

There are two lines into the San Francisco downtown area, the Southern Pacific from the south and the Key System Bus Line from the east. These two lines have separate terminals and both terminals are 8 to 15 blocks from the area where most of the riders wish to go, and where there is no connecting rapid transit service.

Low-cost loans, then, for the purchase of commuter equipment and construction of integrated mass transit facilities are an essential part of the program that must be undertaken to rejuvenate mass transportation services in our metropolitan areas.

Both the loans and the planning grants represent, I believe, a modest and constructive approach toward the problem.

But perhaps even more important than the dollar and cents value of the legislation I have introduced is the symbolic value.

Passage of this legislation would represent, I believe, an important recognition on the part of the Federal Government that it, too, has a tremendous interest and stake in the survival of our major metropolitan areas—a survival that will in no small part depend on the establishment of good, modern mass transportation systems.

Mr. President, the time for this recognition is now.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, March 28, 1960, he presented to the President of the United States the enrolled bill (S. 607) for the relief of the estate of Sinclair G. Stanley.

ADJOURNMENT TO 10 A.M.

Mr. WILLIAMS of New Jersey. Mr. President, in accordance with the order previously entered, and as a further mark of respect to the memory of the late distinguished Representative from Washington, RUSSELL V. MACK, I move that the Senate adjourn until 10 o'clock tomorrow morning.

The motion was unanimously agreed to; and (at 7 o'clock and 40 minutes p.m.) the Senate, under order previously entered, adjourned until tomorrow, Tuesday, March 29, 1960, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate March 28, 1960:

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in rank as follows:

Maj. Gen. Paul Lamar Freeman, Jr., 017704, Army of the United States (brigadier general, U.S. Army), in the rank of lieutenant general.

POSTMASTERS

The following-named persons to be postmasters:

ALABAMA

Elizabeth R. Bosarge, Bellamy, Ala., in place of C. G. Watkins, retired.

GEORGIA

Melvin L. Burke, Millen, Ga., in place of R. E. Womack, transferred.

HAWAII

Mitsua Watanabe, Kaunakakai, Hawaii, in place of J. D. Lewis, Jr., retired.

IDAHO

E. Ione Clark, Challis, Idaho, in place of M. A. Morrow, retired.

Milan M. Casper, Rigby, Idaho, in place of Willard Adams, retired.

ILLINOIS

Edna M. Parker, Cedarville, Ill., in place of Lorraine Fry, resigned.

Marie A. Billerbeck, Cullom, Ill., in place of H. E. Altig, retired.

Allen J. Gharst, Loda, Ill., in place of H. E. Goodell, retired.

John W. Magnuson, Wilmette, Ill., in place of L. J. Orr, retired.

INDIANA

George L. Reitz, Chrisney, Ind., in place of R. T. Jones, deceased.

Freda L. Tyler, La Fontaine, Ind., in place of R. S. Roberts, retired.

Opal W. LaFollette, New Market, Ind., in place of P. L. Smith, deceased.

Thomas F. Kinder, Rockport, Ind., in place of C. H. Wetzel, retired.

IOWA

G. Elaine Thompson, Hinton, Iowa, in place of W. A. Spies, transferred.

KANSAS

Nolen E. Bond, Dodge City, Kans., in place of C. V. Houlton, retired.

Daryl E. Daniels, Johnson, Kans., in place of A. M. Nall, retired.

Lloyd K. Camp, Sharon Springs, Kans., in place of E. M. Gough, retired.

KENTUCKY

Manie B. Greene, Park City, Ky., in place of C. B. Neville, resigned.

MARYLAND

Walter F. Coppersmith, Jr., Aberdeen Proving Ground, Md., in place of E. F. Provost, retired.

MICHIGAN

Ralph W. Menerey, Brimley, Mich., in place of N. K. Zeigler, retired.

Irene J. Awrey, Oxford, Mich., in place of M. G. Dunlap, retired.

William F. Johnson, Quincy, Mich., in place of N. D. Potter, retired.

Pearl M. Rattray, Rapid City, Mich., in place of C. K. Guy, removed.

MISSISSIPPI

Herbert A. Thompson, Doddsville, Miss., in place of J. M. Parks, deceased.

Ellen G. Feigler, Dublin, Miss., in place of C. E. Feigler, Jr., retired.

Margaret B. Rogers, Falkner, Miss., in place of J. E. Rogers, deceased.

Lillie R. Yelverton, Hattiesburg, Miss., in place of C. N. Yelverton, deceased.

MISSOURI

Fay L. Warren, Larussell, Mo., in place of L. H. Thomas, transferred.

NEBRASKA

Ruth M. Harrison, Beemer, Nebr., in place of F. C. Buhk, retired.

Enlowe E. Harvey, Inavale, Nebr., in place of M. M. Dunn, retired.

Oliver T. Brown, Kenesaw, Nebr., in place of G. E. Brown, transferred.

NEW JERSEY

Aldo J. Rabbu, Bound Brook, N.J., in place of L. J. Bowlby, retired.

NEW YORK

Francis J. Finnick, Canandaigua, N.Y., in place of F. R. Cougevan, deceased.

Bruce H. Busch, Caroga Lake, N.Y., in place of Burton Yates, retired.

Donna A. Dort, Kennedy, N.Y., in place of C. R. Ericsson, deceased.

Franklyn J. McCoy, Lake George, N.Y., in place of H. J. Smtih, retired.

Olga C. Bennett, Mayfield, N.Y., in place of W. F. Agnew, retired.

William A. Pipes, Nesconset, N.Y., in place of W. S. Commerdinger, Jr., retired.

Stanley Wolak, New York Mills, N.Y., in place of Michael Pasternak, deceased.

Ralph H. Walker, Westfield, N.Y., in place of F. S. Richardson, retired.

NORTH CAROLINA

James C. Dial, Pembroke, N.C., in place of J. R. Lowry, retired.

Fred W. Harper, Wake Forest, N.C., in place of J. R. Wiggins, retired.

OHIO

Donna L. Griffith, Pedro, Ohio, in place of Sarah Griffith, retired.

Robert G. Stephenson, Wellston, Ohio, in place of G. W. Rupp, retired.

OREGON

Vernetia M. Hadley, Bly, Oreg., in place of G. G. Casebeer, retired.

PENNSYLVANIA

Gordon R. Hockenbrock, McAllisterville, Pa., in place of L. I. Leister, retired.

Henry W. Weldaw, Jr., Skytop, Pa., in place of F. W. Thomas, deceased.

TENNESSEE

James W. Price, Cornersville, Tenn., in place of V. T. Tankersley, deceased.

TEXAS

James E. Watson, Barry, Tex., in place of C. O. Williams, retired.

James W. McMillan, Kingsville, Tex., in place of P. D. Cauley, Sr., retired.

Walter D. Stephens, Sabinal, Tex., in place of W. C. Glinn, deceased.

UTAH

LeRoy Soelberg, Jr., Grantsville, Utah., in place of P. G. Johnson, deceased.

Jack E. Christensen, Logan, Utah, in place of Eugene Yeates, retired.

VERMONT

Raymond L. Domey, Marshfield, Vt., in place of A. M. Bullard, retired.

VIRGINIA

Austin F. Robinson, Great Falls, Va. Office established November 1, 1959.

WEST VIRGINIA

William R. Hudnall, Marmet, W. Va., in place of M. K. McIntyre, retired.

HOUSE OF REPRESENTATIVES

MONDAY, MARCH 28, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

II Timothy 4: 7: *I have fought a good fight, I have finished my course, I have kept the faith.*

God of all grace and goodness, in our prayer, at this noon hour, we are beseeching Thee to make our hearts the sanctuaries of Thy presence and to lift our minds to a clearer vision of Thy will and way for us.

May these days of crisis, which try our souls and tend to harden them, create within us new resources and capacities, enabling us to follow the loftiest ideals without fear and without faltering.

Inspire us with Thy divine truth and may it lead us in the way of the blessed life and the road of the loving heart girded with a victorious faith and a conquering hope.

Expand and enrich our souls with sympathy and good will toward all men that we may do unto others as we would that they should do unto us and so fulfill the law and the prophets in the spirit of our Lord and Master.

Hear us in His name. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, March 24, 1960, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H.J. Res. 621. Joint resolution making supplemental appropriations for the National Aeronautics and Space Administration for the fiscal year ending June 30, 1960, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 10233. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes.

The message further announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PASTORE, Mr. HAYDEN, Mr. KEFAUVER, Mr. FREAR, Mr. BIBLE, Mr. YOUNG of North Dakota, Mr. HRUSKA, and Mr. BEALL to be the conferees on the part of the Senate.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 10743. An act making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes.

The message further announced that the Senate insists on its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HAYDEN, Mr. RUSSELL, Mr. CHAVEZ, Mr. ELLENDER, Mr. HILL, Mr. MAGNUSON, Mr. HOLLAND, Mr. BRIDGES, Mr. SALTONSTALL, Mr. YOUNG of North Dakota, and Mr. MUNDT to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 607) entitled "An act for the relief of the estate of Sinclair G. Stanley."

MEDICAL CARE

Mr. HARRISON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. HARRISON. Mr. Speaker, on the 2d day of December, the Secretary of Health, Education, and Welfare in a public speech endorsed the principle of the Forand bill when he said he would present to the Congress a positive program for the payment of medical care to OASI beneficiaries. Since then he has not presented such a plan but repudiated his endorsement of it. Later he let it be known that he favored a scheme of medical care for the aged through public assistance on the needs test. Since then he has abandoned that. Later he talked of a subsidy to insurance companies to pay for premiums for medical care, and nothing more has been heard of this. On the 28th day of December he said a voluntary insurance program will provide inadequate protection, but today he announced he is at work on a program to solve this problem by voluntary insurance.

A year ago he was asked by the Ways and Means Committee to submit his recommendations in this field. He has never done so. Several weeks ago he told the committee he would tell us his recommendations last Wednesday. Last Wednesday he said he had no recommendations. Today he says he will have recommendations.

Mr. Speaker, it is fair to ask what kind of game Secretary Flemming is playing with the Congress.

FOODPOWER—U.S.A.

Mr. ADAIR. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ADAIR. Mr. Speaker, on Tuesday evening, March 22, a number of Members of Congress and officials of the executive departments of Government as well as other interested people had the opportunity to attend the premiere of "Tomorrow's Foodpower."

This film was produced for the Central Soya Co., Inc., Fort Wayne, Ind., along with a fine brochure entitled "Foodpower—U.S.A." Both the film and the brochure are interesting and colorful. They point up the problems which our growing population will create with respect to the production of food in the coming years. I commend them to the attention of all.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is District of Columbia day. The Chair recognizes the gentleman from South Carolina [Mr. MCMILLAN], chairman of the Committee on the District of Columbia.

Mr. MCMILLAN. Mr. Speaker, I ask unanimous consent to insert in the RECORD an explanation of each of the bills I propose to call up today.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

AMENDING THE LIFE INSURANCE ACT OF DISTRICT OF COLUMBIA

Mr. MCMILLAN. Mr. Speaker, by direction of the Committee on the District of Columbia I call up the bill (H.R. 10964) to amend the Life Insurance Act of the District of Columbia approved June 19, 1934, as amended, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter III of the Life Insurance Act, as amended (sec. 35–501, et seq., D.C. Code, 1951 edition), is amended by adding a new section 41 as follows:

"SEC. 41. (a) Every domestic life insurance company which issues contracts providing for payments which vary directly according to investment experience shall establish one or more separate accounts in connection with such contracts, as directed by the Superintendent. All amounts received by the company which are required by contract to be applied to provide such variable payments shall be added to the appropriate separate account, and the assets of any such separate account shall not be chargeable with liabilities arising out of any other business the company may conduct. Any surplus or deficit which may arise in any such separate account by virtue of mortality experience shall be adjusted by withdrawals from or additions to such account so that the assets of such account shall always equal the assets required to satisfy the company's obligations for such variable payments.

"(b) A foreign or alien life insurance company authorized to do business in the District may be authorized to issue or deliver contracts in the District providing for payments which vary directly according to investment experience only if authorized to issue such contracts under the laws of its domicile.

"(c) No domestic life insurance company shall be authorized to issue such variable contracts, and no foreign or alien life insurance company shall be authorized to issue or deliver such contracts in the District, until such company has satisfied the Superintendent that its condition and methods of operation in connection with the issuance of such variable contracts will not be such as to render its operation hazardous to the public or to its policyholders in the District. In determining the qualification of a company to issue or deliver such variable contracts in the District, the Superintendent shall consider, among other things, the history and financial condition of the company; the character, responsibility, and general fitness of the officers and directors of the company; and, in the case of a foreign or alien company, whether the regulation provided by the laws of its domicile provides a degree of protection to policyholders and the public substantially equal to that provided by this section and the rules and regulations issued by the Superintendent pursuant thereto.

"(d) Every life insurance company which issues or delivers such variable contracts in the District shall file with the Superintendent, in addition to the annual statement required by section 8 of the Act of June 19, 1934 (48 Stat. 1132; sec. 35–407, D.C. Code, 1951 edition), such other periodic or special reports as the Superintendent may prescribe.

"(e) The provisions of this section shall not apply to any contracts which do not provide for payments which vary directly according to investment experience.

"(f) The Superintendent shall have the authority to issue such reasonable rules and regulations as may be necessary to carry out the purposes of this section.

"(g) In the case of a domestic life insurance company which issues contracts providing for payments which vary directly according to investment experience—

"(1) the 2 per centum limitation of clause (1) of subsection (7) of section 35 of chapter II of the Life Insurance Act, as amended (sec. 35–535, D.C. Code, 1951 edition), shall be enlarged to include an additional 2 per centum of the assets held by such company in the separate account or accounts established pursuant to subsection (a) of this section.

"(2) the 1 per centum limitation of subsection (9) of said section 35 shall be enlarged to include an additional 2 per centum of the assets held by such company in the separate account or accounts established pursuant to subsection (a) of this section.

"(3) the 1 per centum limitation of subsection (10) of said section 35 shall be enlarged to include an additional 2 per centum of the assets held by such company in the separate account or accounts established pursuant to subsection (a) of this section."

Mr. McMILLAN. Mr. Speaker, a recent development in the life insurance business is a new type of insurance contract under which life insurance contracts provide for payments which vary in amount depending upon the investment experience of the insurance company. Previously, the most common type of life insurance contract provided for specified premium payments in return for which the insured or his beneficiary would receive a fixed amount when the policy became payable. The variable contract differs in that there is no fixed amount specified as payable to the insured or his beneficiary at the time the contract becomes payable but that the amount payable will be directly related to the investment income experience of the insuring company.

The purpose of H.R. 10964 is to provide in the District of Columbia law, and enable the Superintendent of Insurance of the District of Columbia, to issue regulations concerning companies which write such life insurance contracts in the District.

The bill provides that any life insurance company which issues contracts of insurance calling for payments which vary with investment experience must establish separate accounts for such insurance contracts. All funds received by such company on such contracts must be added to the separate account. Such separate account may not be charged with any liabilities connected with any other business which the company may conduct. In the case of a surplus or deficit, the account is adjusted by withdrawals or additions to the account so that the value of each account is always equal to the amount required to meet the obligations of the insurance company for payments on such contracts.

Foreign life insurance companies may issue variable contracts in the District of Columbia only if authorized to issue such contracts under the laws of the jurisdiction where it is legally domiciled. It must, however, like domestic life insurance companies in the District, first satisfy the Superintendent of Insurance that its financial condition and methods of operation will not be hazardous to the policyholders in the District, and that its history and the character and fitness of the officers and directors qualify it under the law and regulations of the District as enforced by the Superintendent of Insurance. Foreign or alien companies must further satisfy the Superintendent of Insurance that the laws and regulations of the jurisdiction in which it has legal domicile provide at least an equal degree of protection to the policyholder as that provided by the laws and regulations of the District of Columbia.

Under District of Columbia law, domestic life insurance companies are limited as to the percentage of the assets of the company which may be invested in the bonds, stocks, and other evidences of indebtedness of any single legal entity. Since this bill provides that separate accounts must be established for insurance contracts providing for variable payments, this bill carries amendments limiting the percentages of such investments in any single legal entity which may be purchased for the separate accounts by the insurance company.

At the committee hearings no witness presented any objections to the proposal. It was supported not only by the domestic insurance companies but representatives of other life insurance companies from other States. The Superintendent of Insurance of the District of Columbia urged approval of the measure. The bill was likewise approved by the Commissioners of the District of Columbia.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REPRESENTATION OF INDIGENTS IN DISTRICT OF COLUMBIA

Mr. McMILLAN. Mr. Speaker, by direction of the Committee on the District of Columbia I call up the bill (H.R. 10761) to provide for the representation of indigents in judicial proceedings in the District of Columbia, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The District of Columbia Legal Aid Act of 1959."

SEC. 2. There is hereby created a Legal Aid Agency (hereinafter called the Agency) for the District of Columbia, to provide legal representation of indigents in judicial proceedings in the District of Columbia, as provided in section 3.

SEC. 3. The Agency shall accept assignments to represent indigents in criminal proceedings in the United States District Court for the District of Columbia and in preliminary hearings in felony cases, and in cases involving offenses against the United States in which imprisonment may be for one year or more in the municipal court of the District of Columbia, in proceedings before the Coroner for the District of Columbia and the United States Commissioner, in proceedings before the juvenile court for the District of Columbia, and in proceedings before the Mental Health Commission of the District of Columbia and proceedings in the courts arising therefrom.

The Agency shall from time to time advise each of the courts and tribunals named in this section of the names of the attorneys employed by the Agency who are available to accept assignments in said court or tribunal. The judges or other presiding officers of the several courts and tribunals may assign attorneys employed by the Agency to represent indigents, such assignments to be upon a case-to-case basis, a group-of-cases basis, or a time basis, as the assigning authority may prescribe. Each such court and tribunal will make every reasonable effort to provide assignment of counsel as early in the proceeding as practicable.

SEC. 4. The legal representation services hereinbefore described shall be provided only to such persons who first subscribe and state in writing upon oath that such person has been unable to hire an attorney and is further unable to pay modest attorney's fee. This oath may be administered by any person under law authorized and empowered to administer oaths. The Board of Trustees may provide more detailed standards and procedures consistent with the rules and policies of the respective courts and tribunals, to carry out the provisions of this section: *Provided further,* That any person making a false oath on any material matter required herein shall be fined not more than $1,000 or imprisoned not more than one year, or both.

SEC. 5. The powers of the Agency shall be vested in a Board of Trustees composed of seven members, each serving a term of three years. Each trustee shall be appointed, for a full term or for the balance of an unexpired term, by a panel (of which four members shall be a quorum) consisting of—

the Chief Judge of the United States Court of Appeals for the District of Columbia;

the Chief Judge of the United States District Court for the District of Columbia;

the Chief Judge of the Municipal Court of the District of Columbia;

the Chief Judge of the Municipal Court of Appeals of the District of Columbia;

the President of the Board of Commissioners of the District of Columbia; and

the Chief Judge of the Juvenile Court of the District of Columbia.

Said panel shall be presided over by the Chief Judge of the United States Court of Appeals (or his designee, in his absence).

The Board of Trustees of the Agency shall be appointed initially as follows: three members for three-year terms, two members for two-year terms, and two members for a one-year term. Thereafter each appointment (except an appointment for the balance of an unexpired term) shall be for a three-year term. Each appointee shall hold office until his successor is appointed and qualifies.

SEC. 6. The Board of Trustees of the Agency shall appoint a Director of the Agency, who shall be responsible for the supervision of the legal work of said Agency, and perform such other duties as the Board of Trustees may prescribe. The Board may delegate to the Director such powers of the Board as the said Board may find in the interest of good administration. Said Director shall receive compensation of $16,000 per annum, and shall hold office at the pleasure of the Board of Trustees.

SEC. 7. The Director, with the approval of the Board of Trustees, shall employ such professional and office staff as may be necessary properly to conduct the business of the Agency, subject to the availability of appropriated funds. The Director shall, with the approval of the Board of Trustees, make assignments of the professional personnel of the Agency so as to provide the best practicable handling of the caseload involving indigents in the courts and other tribunals specified in section 3. All attorneys employed to represent indigents by the Agency shall be members of the bar of, and qualified to practice law in, the District of Columbia. The salaries of all employees of the Agency, except the Director, shall be fixed by the Board of Trustees, following the salary scale for employees of similar qualifications and seniority in the office of the United States attorney for the District of Columbia.

SEC. 8. The Director, with the approval of the Board of Trustees may employ volunteer attorneys, without salary, who shall be reimbursed their out-of-pocket expenses properly incurred in the course of their employment.

SEC. 9. All salaried employees of the Agency shall give full time to the Agency work. The Director, with the approval of the Board of Trustees, shall fix the requirements upon the time of volunteer attorneys, and shall fix the office hours of the Agency. No salaried employee of the Agency, including the Director, shall engage in any private practice of the law, and no such employee shall receive a fee for any legal service.

SEC. 10. The Board of Trustees of the Agency shall, on June 1 of each year, submit a report of the Agency's work for the past year to the Congress of the United States, to the Chief Judge of the United States Court of Appeals, to the Commissioners of the District of Columbia and to the Administrative Office of the United States Courts. Said report shall include a statement of financial condition, revenues, and expenses for the past year, prepared by a certified public auditor or by a designee of the Administrative Office. Said Board shall also forward a copy of the report required by this section to each member of the panel described in section 5, and such panel shall meet with the Board of Trustees and Director not later than August 1 of each year to review the work and financial needs of the Agency in the light of the report submitted the previous June 1, as required by this section.

SEC. 11. There is authorized to be appropriated, out of any moneys in the Treasury to the credit of the District of Columbia, not to exceed $75,000 per fiscal year to carry out the provisions of this Act. Such sums shall be appropriated for the judiciary, to be disbursed by the Administrative Office of the United States Courts to carry on the business of the Agency. The Administrative Office in disbursing and accounting for said sums will follow, so far as possible, its standard fiscal practices. The budget estimates for the Agency shall be prepared in consultation with the Commissioners of the District of Columbia, and the appropriations therefor shall be for the judiciary, to be disbursed by the Administrative Office of the United States Courts to carry on the business of the Agency.

SEC. 12. (a) Except as provided in subsection (b), this Act shall take effect on the date of its enactment.

(b) Sections 6, 7, and 8 shall take effect on the date of enactment of the first Act appropriating moneys to carry out the purposes of this Act which is enacted after the date of enactment of this Act, and section 3 shall take effect on the sixtieth day after the date of enactment of such appropriation Act.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. McMILLAN. I yield.

Mr. GROSS. Do I understand that all of these bills came out of the committee unanimously?

Mr. McMILLAN. That is correct.

Mr. GROSS. I thank the gentleman.

Mr. McMILLAN. Mr. Speaker, the purpose of this legislation is to provide for the representation of indigents in certain judicial proceedings in the District of Columbia. At the present time the administration of justice in such cases has grown to critical proportions.

As interpreted by the courts, one accused of crime in the District of Columbia is entitled to be represented by an attorney. The courts have recognized similar rights in the case of juveniles and in the case of persons involved in mental health proceedings.

Many of these persons cannot pay even a modest attorney's fee. For them legal representation has to be provided.

During the last several years, with the great growth in the District's population, the provision of this representation on any satisfactory basis has become impossible. Different tribunals have resorted to different methods. Despite every good intention, these methods have been inadequate and grossly inefficient and unfair. The courts themselves, the prosecutors, the bar, and the community agencies are united in judging present methods to be intolerable.

Methods now used all rest on the willingness of private attorneys to accept assignments. In district court, the assigned attorney is prevented from charging a fee. In other tribunals, when a party has no attorney, one is assigned and can charge a fee if he can devise means to get it.

The result is that some people get free representation when they could and should pay for it; some people who should not be required to pay, actually have to pay; and some people who cannot and do not pay, have to depend upon chance to get adequate representation Moreover, increasingly the burden of uncompensated representation falls on a narrow segment of the bar, imposing extreme hardship. These results occur because there is no way that the courts can organize the provision of representation or effectively guard against abuses.

This problem has engaged the concerned attention of the judiciary, the bar, and community agencies in the District for many years. Various suggestions for meeting the problem have been studied. Finally, in 1956 the Bar Association of the District of Columbia created a commission of distinguished citizens to investigate the matter thoroughly and to formulate recommendations. This commission reported in 1958, after an exhaustive study, that it was essential that the problem be met by a properly organized agency with a paid staff of full-time attorneys, depending upon volunteers only to supplement the work of a regular staff. This conclusion was reached after extensive inquiry into experience in other large metropolitan centers throughout the country and a close scrutiny of conditions peculiar to the District.

The statistics demonstrate, in themselves, the staggering proportions of the problem. Applying most conservative standards of estimating, the commission found that each year there were at least 7,500 appointments of attorneys for indigents in criminal cases and the related juvenile and mental health proceedings. Of these about 1,000 were in felony cases in the district court, and about 4,500 in the U.S. branch of municipal court, where preliminary hearings in felony

cases and the more serious misdemeanor cases are conducted. It is obvious that this huge load cannot be handled by the normal case-by-case assignment of a volunteer attorney.

A subcommittee of the House District Committee held hearings on the proposed legislation on May 15 and June 16, 1959. At these hearings prominent judges, public officials of the Federal and District Government were heard. Included among these were E. Barrett Prettyman, chief justice of the U.S. Court of Appeals; David A. Pine, judge of the U.S. District Court for the District of Columbia; Hon. Leonard P. Walsh, chief judge of the municipal court; Hon. Oliver Gasch, U.S. attorney for the District of Columbia; Hon. Joseph P. O'Hara, a former member of the House District Committee and now a member of the Judicial Conference Committee; Chester A. Gray, Corporation Counsel of the District of Columbia; Charles S. Rhyne, past president of the American Bar Association; and W. Cameron Burton, vice chairman of the Committee on Judicial Conference of the District of Columbia Circuit on the Representation of Indigents.

The same subcommittee of the House District Committee which conducted the hearings held executive meetings on the legislation on July 13, 1959, and at a meeting of the subcommittee on February 25, 1960, the subcommittee agreed to report a bill to the full committee for consideration. The full House District Committee, at a meeting on March 2, 1960, after divers points of view, has approved a bill, introduced by its chairman, which incorporates the best features of the various suggestions made to it. It provides for an agency to be governed by a board of trustees to be made up of seven private citizens who will serve without compensation and who will be selected by a panel composed of the chief judges of the several courts of the District and the president of the District Commissioners. Once a year, moreover, this Board will meet with the panel to review its work. The agency will have a director to supervise its activity, and a complement of full-time attorneys, supplemented by volunteers. None of the tribunals will be required to assign cases to the attorneys of this agency, but the agency will make its attorneys available for assignment, except in the appellate courts. Exclusion of the appellate stage is due to the fact that the problem there has not become acute.

Such availability for assignment is confined to criminal cases in the district court, preliminary hearings in felony cases, and in cases involving offenses against the United States in which imprisonment may be for 1 year or more in the municipal court of the District of Columbia, the more serious misdemeanors involving Federal crimes, matters before the coroner and the U.S. commissioner, juvenile cases, and mental health proceedings. This will exclude traffic matters and other less serious or relatively trivial cases.

Assignment, moreover, will be confined to persons able to swear to indigency, and false swearing will be severely punishable—thus filling a gap in present procedure.

The expense of the agency will be met by funds appropriated for the judiciary, but credited against the District's budget, and the appropriation is to be limited to $75,000 a year. There is careful safeguard against improvident expenditure, including disbursal by the Administrative Office of the U.S. Courts and provision for an annual audit.

The committee's proposal has three cardinal virtues. First, an organized means to meet the problem is provided for under competent direction, without imposing an unfair burden on one limited segment of the bar. Second, a governing board of private citizens, with the freedom of a private agency in its personnel policies and methods, assures most efficient and at the same time vigorously independent performance of its duties. And third, service will be confined to those who are truly indigent, thus eliminating abuses inherent in present methods, and will be limited to those types of cases which are sufficiently serious to be of concern to the community.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA TAX LAWS RELATING TO OVERPAYMENTS AND REFUNDS

Mr. McMILLAN. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 10000) to amend further certain provisions of the District of Columbia tax laws relating to overpayments and refunds of taxes erroneously collected, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 14 of title IX of the District of Columbia Revenue Act of 1937, as added by the Act of July 10, 1952, is amended to read as follows:

"Sec. 14. (a) Where there has been an overpayment of any tax, the amount of such overpayment shall be refunded to the taxpayer. No such refund of taxes other than inheritance and estate taxes shall be allowed after two years from the date the tax is paid unless before the expiration of such period a claim therefor is filed by the taxpayer. The amount of refund of taxes other than inheritance and estate taxes shall not exceed the portion of the tax paid during the two years immediately preceding the filing of the claim, or if no claim is filed, then during the two years immediately preceding the allowance of the refund. No such refund of inheritance and estate taxes shall be allowed after three years from the date the tax is paid unless before the expiration of such period a claim therefor is filed by the taxpayer. The amount of refund of any such inheritance and estate taxes shall not exceed the portion of the tax paid during the three years immediately preceding the filing of the claim, or if no claim is filed, then during the three years immediately preceding the allowance of the refund. Every claim for refund must be in writing, under oath, must state the specific grounds upon which the claim is founded, and must be filed with the assessor. If the assessor disallows all or any part of the claim for refund, he shall send to the taxpayer by registered or certified mail a notice of such disallowance. Within ninety days after the mailing of the notice of disallowance, if the claim is acted upon within six months after the filing thereof, or within ninety days after the termination of such six months' period, if the claim is not acted upon within such period, the taxpayer may appeal to the Board in the same manner and to the same extent as set forth in sections 3 and 4 of this title: *Provided*, That this subsection shall not apply to the taxes imposed by title II, District of Columbia Revenue Act of 1939, as amended, or by titles I and II, District of Columbia Revenue Act of 1949, refunds of which are otherwise provided for by law and that it shall not apply to the real estate tax."

With the following committee amendment:

Page 3, following line 3, insert the following language: "by the District of Columbia Income and Franchise Tax Act of 1947, as amended."

Mr. McMILLAN. Mr. Speaker, the purpose of this legislation is to extend the period for making refunds of District of Columbia inheritance taxes from 2 years to 3 years and thereby to bring such period into line with the period of 3 years allowed for refunds of Federal estate taxes.

The law relating to the period for the making of refunds of District of Columbia inheritance and estate taxes provides that where there has been an overpayment of any tax, the amount of such overpayment shall be refunded to the taxpayer, but that no such refund shall be allowed after 2 years from the date the tax is paid unless before the expiration of such period a claim therefor is filed by the taxpayer.

The Federal law allows a period of 3 years from the time of the filing of a Federal estate tax return within which to file claims for refund of such taxes. The Federal law provides that Federal estate taxes shall be assessed within 3 years after the return was filed. As a result of the 3-year period allowed by Federal law, it sometimes happens that a Federal estate tax return will not be audited and the tax finally determined until more than 2 years after the District of Columbia inheritance and estate taxes have been paid. If on audit of the Federal estate tax return the net taxable estate is reduced and a refund allowed, it usually follows that a corresponding adjustment in the District of Columbia returns will result in a refund of District of Columbia tax being due to the taxpayer. Under existing District of Columbia law, the refund must be made within 2 years from the time the tax was paid. This sometimes results in a serious injustice where the audit of the Federal return is not completed until more than 2 years after the District of Columbia taxes were paid. The purpose of the proposed legislation is to prevent such injustices.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ACQUISITION OF PROPERTY UNDER DISTRICT OF COLUMBIA ALLEY DWELLING ACT

Mr. McMILLAN. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (S. 1159) to facilitate the acquisition of real property under the District of Columbia Alley Dwelling Act, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (d) of section 3 of the District of Columbia Alley Dwelling Act, as amended (D.C. Code, sec. 5–105), is hereby repealed.

Sec. 2. That subsection (a) of section 5 of the District of Columbia Alley Dwelling Act, as amended (D.C. Code sec. 5–107), is amended to read as follows:

"(a) The Authority shall make a report to the President, which he shall transmit to Congress at the beginning of each regular session, giving a full and detailed account of all operations under the provisions of this Act for the preceding fiscal year, including an itemization of all properties purchased during such fiscal year, setting forth the assessed value of such properties, together with the purchase price therefor.".

Mr. McMILLAN. Mr. Speaker, the purpose of this bill is to repeal subsection (d) of section 3 of the District of Columbia Alley Dwelling Act, which requires that when the National Capital Housing Authority acquires real property in any square by purchase the total amount paid shall not exceed 30 percent over and above the current assessed value of all property or properties acquired in such square.

The Authority must acquire real property in the District of Columbia to carry out its statutory responsibilities of providing decent, safe, and sanitary housing for families of low income in the District, and in so doing it has experienced a longstanding handicap in performing its duties because of the limitation in existing law on the prices the Authority can pay for real property, except by condemnation proceedings.

The result of this limitation is that all acquisitions by the Authority are by condemnation proceedings, instituted by the Department of Justice in the U.S. District Court for the District of Columbia. In most instances, this is a more expensive and time-consuming operation than a direct purchase of the required property on the basis of agreements with property owners. This is especially true since the current assessed value of many properties does not exceed 50 percent of market value.

Section 2 of the bill amends subsection (a) of section 5 of the District of Columbia Alley Dwelling Act, as amended—section 5–107, District of Columbia Code, 1951 edition—so as to require an itemization of all properties purchased during each fiscal year by the National Capital Housing Authority, setting forth the assessed value of such properties together with the purchase price thereof.

The enactment of this measure would result in more efficient and economical administration of the land-acquisition activities of the Authority without removing adequate controls with respect thereto, and, at the same time, would relieve the Department of Justice of additional work with its incidental costs.

The bill was requested by and has the approval of the National Capital Housing Authority and the Board of Commissioners of the District of Columbia. The Commissioners have also been advised by the Bureau of the Budget that there is no objection on the part of that office to this bill.

Enactment of this legislation will involve no additional expenditure by the District of Columbia.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT OF FIRE AND CASUALTY ACT

Mr. McMILLAN. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 10183) to amend the Fire and Casualty Act regulating the business of fire, marine, and casualty insurance in the District of Columbia, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 20 of the Fire and Casualty Act (D.C. Code 35–1323) is amended by adding at the end thereof the following new sentence: "Any company chartered by special act of the legislature of its State or domicile prior to the effective date of this Act, as provided in section 48 of this Act, as a company without capital stock but doing business exclusively on the stock plan and maintaining at all times a surplus of not less than $300,000 shall, in the administration of this Act, be considered as a stock company."

Mr. McMILLAN. Mr. Speaker, section 20 of the Fire and Casualty Act of October 9, 1940, provides that—

Upon complying with the provisions of this act, a foreign or alien company organized as a stock, mutual, or reciprocal company, or as a Lloyd's organization, but not otherwise, may be authorized by certificate of authority to transact in the District the kind or kinds of business which a domestic company similarly organized may be authorized to transact under this act.

The purpose of this legislation is to permit any company chartered by a special act of the legislature of its State of domicile prior to the effective date of the Fire and Casualty Act as a company without capital stock but doing business exclusively on the stock plan and maintaining at all times a surplus of not less than $300,000 to be considered as a stock company for purposes of the administration of the Fire and Casualty Act.

This legislation has the approval of the Superintendent of Insurance for the District of Columbia as well as the Commissioners of the District of Columbia.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RETAIL INSTALLMENT SALES OF MOTOR VEHICLES

Mr. McMILLAN. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 10683) to provide for the regulation of finance charges for retail installment sales of motor vehicles in the District of Columbia, and for other purposes, and ask that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for purposes of this Act, unless the context requires a different meaning—

(1) "Commissioners" means the Commissioners of the District of Columbia, or their designated agent.

(2) "District" means the District of Columbia.

(3) "Finance charge" means the total amount to be added to the principal balance to determine the balance of the buyer's indebtedness to be paid under a retail installment contract.

(4) "Governmental charges" means the excise tax, personal property tax, inspection fee, registration fee, recording fee, and such other fees charged by any government, or otherwise authorized by law, incident to the transfer of title to a motor vehicle as the Commissioners may by regulation include within such term.

(5) "Instrument of security" means any promissory note, retail installment contract, or other written promise to pay the unpaid balance of the total amount to be paid by a retail buyer of a motor vehicle.

(6) "Motor vehicle" means any automobile, mobile home, motorcycle, truck, truck tractor, trailer, semitrailer, or bus, but shall not include any boat trailer or any vehicle propelled or drawn exclusively by muscular power or designed to run only on rails or tracks.

(7) "Person" means an individual, firm, partnership, joint stock company, corporation, association, incorporated society, statutory or common law trust, estate, executor, administrator, receiver, trustee, conservator, liquidator, committee, assignee, officer, employee, principal, or agent.

(8) "Principal balance" means the cash sale price of a motor vehicle, including accessories and equipment, plus the amounts, if any, included in the retail installment contract, if separate identified charges are stated therein, for insurance and governmental charges, less the amount of the purchaser's downpayment, if any, in money or goods or both.

(9) "Retail installment contract" means a contract entered into in the District or entered into by a seller licensed or required to be licensed by the District evidencing a retail installment transaction pursuant to

which the title to or a lien on or security in the motor vehicle, which is the subject matter of such transaction, is retained or taken to secure the retail buyer's obligations. The term includes a chattel mortgage, conditional sale contract, and a contract in the form of a bailment or a lease if the bailee or lessee contracts to pay as compensation for use a sum substantially equivalent to or in excess of the value of the motor vehicle sold and it is agreed that the bailee or lessee is bound to become, or, for no further or a merely nominal consideration, has the option of becoming, the owner of the motor vehicle upon full compliance with the provisions of the bailment or lease.

(10) "Retail installment transaction" means any transaction in which a retail buyer purchases a motor vehicle for a price in excess of the cash sale price and agrees to pay part or all of such price in one or more deferred installments.

SEC. 2. (a) Notwithstanding the provisions of any instrument of security, refinancing contract, or other instrument to the contrary, made or entered into on or after the effective date of this Act, no person shall charge, contract for, receive, or collect a finance charge if such charge exceeds the larger of $25 or an amount determined under the following schedule:

Class 1. Any new domestic motor vehicle designated by the manufacturer by a year model not earlier than the year in which the sale is made and any new foreign motor vehicle—$8 per $100 per year.

Class 2. Any new domestic motor vehicle not in class 1 and any used domestic motor vehicle designed by the manufacturer by a year model of the same or not more than two years prior to the year in which the sale is made and any used foreign motor vehicle not more than two years old—$11 per $100 per year.

Class 3. Any used motor vehicle not in class 2, and, if a domestic motor vehicle, designated by the manufacturer by a year model not more than four years prior to the year in which the sale is made, and, if a foreign motor vehicle, not more than four years old—$14 per $100 per year.

Class 4. Any used motor vehicle not in class 2 or class 3—$16 per $100 per year.

(b) The finance charge authorized by the preceding subsection shall be computed on the principal balance payable for a motor vehicle from the date of the instrument or contract until the maturity of the final installment, notwithstanding that the balance thereof is required to be paid in installments.

(c) For a period less or greater than twelve months or for amounts less or greater than $100, the amount of the maximum charge set forth in the foregoing schedule shall be decreased or increased proportionately.

(d) The Commissioners shall from time to time investigate the economic conditions and other factors relating to and affecting finance charges, and shall ascertain all pertinent facts necessary to determine what maximum charges should be permitted in such transactions. Upon the basis of such ascertained facts, the Commissioners, notwithstanding the provisions of the preceding subsections, shall from time to time by regulation or order determine and fix the maximum finance charges sufficiently high to result in a fair return on investment to persons engaged in the business of financing retail installment transactions, but not so high as to constitute an unreasonable economic burden on the purchasers of motor vehicles under retail installment contracts. The Commissioners may from time to time, upon the basis of changed conditions or facts, redetermine and refix any such maximum finance charge, but, before determining or redetermining any such maximum charge, the Commissioners shall give reasonable notice of their intention to consider doing so, and provide a reasonable opportunity to persons desiring to be heard with respect to any such proposed determination or redetermination. Notice of the action proposed by the Commissioners shall be published once a week for two consecutive weeks in one or more of the daily newspapers published in the District. Any such changed maximum finance charge shall not affect any preexisting instrument of security lawfully entered into between the seller and the purchaser of any motor vehicle.

(e) (1) The Commissioners are hereby authorized to make and enforce such regulations as they in their discretion deem appropriate to carry out the purposes of this section and to prevent unconscionable practices in connection with retail installment transactions, including, without limitation, provisions:

(i) governing the form and substance of instruments of security;

(ii) requiring that installment payments under instruments of security be made in such relative amounts and at such intervals as the Commissioners may determine;

(iii) requiring that amounts due under instruments of security may be prepaid in full and that the unearned charges, whether for finance, insurance, or for other purposes, attributable to or resulting from such prepayments shall be refunded or credited;

(iv) establishing maximum delinquency, collection, repossession and other charges;

(v) specifying the types and maximum amounts of insurance which may be required, at the expense of the retail buyer, to protect from loss the seller in a retail installment transaction or his assignee or any other person entitled to payments from a retail buyer under an instrument of security;

(vi) respecting the manner and methods of the sale or disposition of repossessed motor vehicles under such conditions, including, without limitation, rights of redemption, as the Commissioners deem advisable;

(vii) requiring the books and records of persons engaged in the business of financing retail installment transactions to be subject to production for examination by the Commissioners.

(2) The Commissioners are further authorized, in their discretion, to make and enforce such additional regulations as they deem necessary to insure that purchasers of motor vehicles under instruments of security are not being required, directly or indirectly, to pay finance, insurance, or other charges in excess of those authorized by this Act or by the Commissioners pursuant to the authority vested in them.

(3) In exercising their powers and authority under this subsection (e), the Commissioners are authorized, in their discretion, to make reasonable classifications (i) according to the parties to retail installment transactions, or (ii) according to the parties to the instruments of security, or (iii) according to the parties involved in repossessions, or (iv) according to other bases, or (v) according to two or more of the foregoing clauses (i) through (iv), and to exercise such powers and authority under this subsection with respect to any one or more of any classifications so made or with respect to all of said classifications.

(f) No provision shall be inserted in any retail installment contract whereby the buyer waives or purports to waive any provision of this Act, and any such waiver of purported waiver shall be void and of no effect. The Commissioners are authorized in their discretion, by regulation (1) to prohibit the inclusion in any retail installment contract of any provision waiving or purporting to waive any provision of any regulation promulgated by the Commissioners relating to retail installment transactions, and (2) to provide that any such waiver or purported waiver, shall be void and of no effect.

SEC. 3. (a) In connection with the licensing of persons under the authority of section 7 of the Act entitled "An Act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes", approved July 1, 1902, as amended (title 47, ch. 23, D.C. Code 1951 ed.), the Commissioners are authorized to require either bonds or such other security as they may by regulation deem necessary, of persons licensed to engage in the business of buying or selling motor vehicles and of persons licensed to engage in the business of purchasing contracts for the retail installment sales of motor vehicles, and the Commissioners may, from time to time, and in their discretion, establish classes and subclasses of such persons and, subject to subsection (b) of this section, specify the amount and conditions of the bond to be deposited by each of the members of any such class or subclass. In connection with the licensing of said persons, and the bonding of the members of any class or subclass of the said persons, the Commissioners, in their discretion, may by regulation require applicants for licenses:

(1) to furnish and keep in force a bond running to the District, or other security, to protect members of the public against financial loss by reason of the failure of the licensee or of any officer, agent, employee, or other person acting on behalf of said licensee, to observe any law or regulation in force in the District of Columbia applicable to the licensee's conduct of the licensed business;

(2) to procure and keep in force public liability insurance or property damage insurance, or both;

(3) to appoint the Commissioners as their true and lawful attorney upon whom all judicial and other process or legal notice directed to such person may be served.

(b) The bonds authorized by this section shall be corporate surety bonds in amounts to be fixed by the Commissioners, but no bond shall exceed $25,000, and such bond shall be conditioned upon the observance by the licensee and any officer, agent, employee, or other person acting on behalf of said licensee, of all laws and regulations in force in the District applicable to the licensee's conduct of the licensed business, for the benefit of any person who may suffer damages resulting from the violation of any such law or regulation by or on the part of such licensee or any officer, agent, employee, or other person acting on behalf of the licensee.

(c) Any person aggrieved by the violation of any law or regulation applicable to the licensee's conduct of the licensed activity shall have, in addition to his right of action against such licensee, a right to bring suit against the surety on a bond authorized by this section, either alone or jointly with the principal thereon, and to recover in an amount not exceeding the penalty of the bond any damages sustained by reason of any act, transaction, or conduct of the licensee, or of any officer, agent, employee, or other person acting on behalf of said licensee, which is in violation of law or regulation in force in the District relating to the licensed activity. The provisions of the second, third, and the fifth subparagraphs of paragraph (b) of the first section of the Act entitled "An Act to grant additional powers to the Commissioners, and for other purposes", approved December 20, 1944 (58 Stat. 820; sec. 1–244(b), D.C. Code, 1951 edition), shall be applicable to each bond authorized by this section as if it were the bond authorized by the first subparagraph of such paragraph (b) of the first section of said Act approved December 20, 1944: *Provided*, That nothing in this subsection shall be construed to impose upon the surety on any such bond a greater liability than the total amount thereof or the amount remaining unextinguished after any prior recovery or recoveries.

SEC. 4. Subparagraph (a) of paragraph 46 of section 7 of the Act entitled "An Act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1902, and for other purposes", approved July 1, 1902, as amended (sec. 47–2345, D.C. Code, 1951 edition), is amended by striking the words "to revoke" and inserting in lieu thereof the words "to suspend or revoke".

SEC. 5. With the exception of the function of making regulations to carry out the purposes of this Act, the Commissioners are authorized to delegate, with power to redelegate, any of the functions vested in them by this Act.

SEC. 6. The Commissioners are authorized to promulgate regulations to carry out the purposes of this Act: *Provided*, That no such regulation shall become effective until after a public hearing has been held thereon.

SEC. 7. No person shall make any statement required or authorized by this Act to be filed with the Commissioners, knowing that the information set forth in such statement is false.

SEC. 8. Any person who shall willfully violate any provisions of this Act or of any regulation promulgated by the Commissioners under the authority of this Act, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding $500 or by imprisonment for not more than six months, or both.

SEC. 9. Prosecutions for violations of this Act, or of the regulations made pursuant thereto, shall be conducted in the name of the District by the Corporation Counsel or any of his assistants. As used in this Act the term "Corporation Counsel" means the attorney for the District, by whatever title such attorney may be known, designated by the Commissioners to perform the functions prescribed for the Corporation Counsel in this Act.

SEC. 10. The authority and power vested in the Commissioners by any provision of this Act shall be deemed to be additional and supplementary to authority and power now vested in them, and not as a limitation.

SEC. 11. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or the application of this Act which can be effected without the invalid provision or application, and to this end the provisions of this Act are severable.

SEC. 12. This Act shall take effect on the thirtieth day after the date of enactment of this Act.

With the following committee amendments:

On page 6, strike lines 17 to 20, inclusive, and insert in lieu thereof the following:

"(ii) requiring that installment payments under instruments of security be made in substantially equal amounts and at regular intervals except (1) that the interval for the first installment payment may be longer than the other intervals; (2) that the final installment payment may be less in amount than the preceding installment payments; (3) that where a buyer's livelihood is dependent upon seasonal or intermittent income, one or more installment payments in the schedule of payments included in any such instrument of security may be reduced or omitted; and (4) that any contract covering a new motor vehicle to be used primarily as a demonstrator sold to a bona fide motor-vehicle salesman employed by the seller shall be exempt from the requirement that installment payments be in substantially equal amounts;".

On page 12, line 12, strike the word "willfully".

Mr. McMILLAN. Mr. Speaker, the purpose of this legislation is to provide for the regulation of finance charges for retail installment sales of motor vehicles in the District of Columbia.

At the present time in the District of Columbia there is no regulation of the rate of finance charges made in connection with sales of motor vehicles on time. The Commissioners of the District of Columbia have the authority to require motor vehicle dealers to be licensed and to be regulated in respect to many phases of their activity. However, the Commissioners are without authority to fix and regulate the rates of finance charges made for installment sales of motor vehicles. The Commissioners also lack the authority to require bonds of motor vehicle dealers or of persons licensed to engage in the business of financing installment sales of motor vehicles. This legislation would take care of these problems.

This legislation would give the Commissioners of the District of Columbia the power to, first, deal with the problem where motor vehicle dealers advertise a car for sale with no down payment or with only a nominal down payment. Within a few days of the purchase the purchaser is required to make a payment in a substantial amount. Because the purchase of an automobile on a deferred payment plan cannot be financed unless about one-third of the purchase price is paid in cash, the amount of the down payment must be raised or "picked up" to this minimum. This requires the customer in many instances to go to a small loan company outside the District to borrow the money necessary for the "pick up" payment. This has resulted many times in failure of the customer to make the installment payments on both loans. Repossession of the vehicle follows and sometimes a deficiency judgment is obtained against him for the unpaid balance due on the motor vehicle.

Second. The evil in connection with the installment selling of automobiles referred to as "balloon" payments. This term is descriptive of a situation where a contract calling for a series of period installment payments in substantially equal amounts includes a provision for one of the payments, generally at the end of the series of installments, to be in a very large amount which the customer frequently cannot make, resulting either in a repossession of the vehicle or a refinancing of the debt. Refinancing is frequently not possible, however, because of the age of the vehicle, and, even if the vehicle can be refinanced, the purchaser is required to pay a substantial charge therefor. This legislation requires that installment payments under instruments of security be made in substantially equal amounts and at regular intervals with the following exceptions: First, the interval for the first installment payment may be longer than the other intervals; second, the final installment may be less in amount than the preceding installment payments; third, where a buyer's livelihood is dependent upon seasonal or intermittent income, one or more installment payments in the schedule of payments included in any such instrument of security may be reduced or omitted; fourth, and any contract covering a new motor vehicle to be used primarily as a demonstrator sold to a bona fide motor-vehicle salesman employed by the seller shall be exempt from the requirement that installment payments be in substantially equal amounts.

Third. The improper practice in the field of automobile financing where a purchaser who has obligated himself to make a series of installment payments acquires sufficient cash to pay off the entire debt before the installments are due, some of the dealers and finance companies will accept the prepayment in full of the installments but refuse to make any refund of the unearned finance, insurance or other charges resulting from such prepayments.

This legislation also authorizes the Commissioners to require of motor vehicle dealers and of persons licensed to engage in the business of purchasing retail installment sale contracts for motor vehicles, bonds, or other security. This is deemed a most important measure for the protection of motor vehicle purchasers from any motor vehicle dealer or finance company inclined to be unscrupulous and overreaching in their dealings with members of the public.

The Commissioners are also authorized to require licensed dealers and finance companies to carry public liability or property damage insurance or both and also the Commissioners are empowered to name themselves as the true and lawful attorney upon whom all process or legal notices directed to any such licensee may be served.

This legislation has the approval of the Board of Commissioners of the District of Columbia.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT OF LIFE INSURANCE ACT FOR THE DISTRICT OF COLUMBIA

Mr. McMILLAN. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 10634) to amend sections 1 and 5b of the Life Insurance Act for the District of Columbia, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subparagraph (1) of paragraph (1) of subsection (c) of section 1 of chapter V of the Life Insurance Act (D.C. Code, sec. 35–701(c)(1)(i)) is amended to read as follows:

"(i) For all ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such policies, the Commissioners 1941 standard ordinary mortality table for such policies issued prior to the operative date of the last paragraph of section 5b(d) of

this chapter, and the Commissioners 1958 standard ordinary mortality table for such policies issued on or after such operative date; provided that for any category of such policies issued on female risks all modified net premiums and present values referred to in this section may be calculated according to an age not more than three years younger than the actual age of the insured.

(b) Clause (B) of paragraph (2) of such subsection (D.C. Code, sec. 35–701(c)(2)(B)) is amended to read as follows:

"(B) A net one-year term premium for such benefits provided for in the first policy year.

"Reserves according to the Commissioners reserve valuation method for (i) life-insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums, (ii) annuity and pure endowment contracts, (iii) disability and accidental death benefits in all policies and contracts, and (iv) all other benefits, except life insurance and endowment benefits in life-insurance policies, shall be calculated by a method consistent with the principles of this paragraph (2), except that any extra premiums charged because of impairments or special hazards shall be disregarded in the determination of modified net premiums."

SEC. 2. (a) Subsection (d) of section 5b of chapter V of the Life Insurance Act (D.C. Code, sec. 35–705b(d)) is amended to read as follows:

"(d) The adjusted premiums for any policy referred to in subsection (a) shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year, excluding any extra premiums charged because of impairments or special hazards, that the present value, at the date of issue of the policy, of all such adjusted premiums shall be equal to the sum of (i) the then present value of the future guaranteed benefits provided for by the policy; (ii) 2 per centum of the amount of insurance, if the insurance be uniform in amount, or of the equivalent uniform amount, as hereinafter defined, if the amount of insurance varies with duration of the policy; (iii) 40 per centum of the adjusted premium for the first policy year; (iv) 25 per centum of either the adjusted premium for the first policy year or the adjusted premium for a whole life policy of the same uniform or equivalent uniform amount with uniform premiums for the whole of life issued at the same age for the same amount of insurance, whichever is less: *Provided, however*, That in applying the percentages specified in (iii) and (iv) above, no adjusted premium shall be deemed to exceed 4 per centum of the amount of insurance or uniform amount equivalent thereto.

"In the case of a policy providing an amount of insurance varying with duration of the policy, the equivalent uniform amount thereof for the purpose of this subsection shall be deemed to be the uniform amount of insurance provided by an otherwise similar policy, containing the same endowment benefit or benefits, if any, issued at the same age and for the same term, the amount of which does not vary with duration and the benefits under which have the same present value at the date of issue as the benefits under the policy: *Provided, however*, That in the case of a policy providing a varying amount of insurance issued on the life of a child under age ten, the equivalent uniform amount may be computed as though the amount of insurance provided by the policy prior to the attainment of age ten were the amount provided by such policy at age ten.

"Except as otherwise provided in the next succeeding paragraph of this subsection, all adjusted premiums and present values referred to in this section shall for all policies of ordinary insurance be calculated on the basis of the Commissioners 1941 standard ordinary mortality table, provided that for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age not more than three years younger than the actual age of the insured. Such calculations for all policies of industrial insurance shall be made on the basis of the 1941 standard industrial mortality table. All calculations shall be made on the basis of the rate of interest, not exceeding 3½ per centum per annum, specified in the policy for calculating cash surrender values, if any, and paid-up nonforfeiture benefits: *Provided, however*, That in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than 130 per centum of the rates of mortality according to such applicable table: *Provided further*, That for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the company and approved by the Superintendent.

"In the case of ordinary policies issued on or after the operative date of this paragraph as defined herein, all adjusted premiums and present values referred to in this section shall be calculated on the basis of the Commissioners 1958 standard ordinary mortality table and the rate of interest, not exceeding 3½ per centum per annum, specified in the policy for calculating cash surrender values, if any, and paid-up nonforfeiture benefits, provided that for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age not more than three years younger than the actual age of the insured: *Provided, however*, That in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners 1958 extended term insurance table: *Provided further*, That for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the company and approved by the Superintendent. After the effective date of the amendatory Act of 1960, any company may file with the Superintendent a written notice of its election to comply with the provisions of this paragraph after a specified date before January 1, 1966. After the filing of such notice, then upon such specified date (which shall be the operative date of this paragraph for such company), this paragraph shall become operative with respect to the ordinary policies thereafter issued by such company. If a company makes no such election, the operative date of this paragraph for such company shall be January 1, 1966."

(b) Clause (iv) of the second sentence of subsection (e) of such section (D.C. Code, sec. 35–705b(e)) is amended by striking out "decreasing".

(c) The last sentence of subsection (g) of such section (D.C. Code, sec. 35–705b(g)) is amended by inserting immediately before the period at the end thereof the following: ": *Provided, however*, That the operative date of the last paragraph of subsection (d) shall be as stated therein".

With the following committee amendments:

On page 1, line 10, strike "standard ordinary mortality table" and insert "Standard Ordinary Mortality Table".

On page 2, lines 1 and 2, strike "standard ordinary mortality table" and insert "Standard Ordinary Mortality Table".

On page 4, line 19, strike "standard ordinary mortality table" and insert "Standard Ordinary Mortality Table".

On page 4, line 25, strike "standard industrial mortality table" and insert "Standard Industrial Mortality Table".

On page 5, line 18, strike "standard ordinary mortality table" and insert "Standard Ordinary Mortality Table".

On page 5, line 19, strike "cenutm" and insert "centum".

On page 6, lines 4 and 5, strike "extended term insurance table" and insert "Extended Term Insurance Table".

On page 6, line 20, strike the word "second" and insert the word "fourth".

Mr. McMILLAN. Mr. Speaker, the purpose of H.R. 10684 is, first, to provide for the use of the most modern mortality tables by insurance companies in the District of Columbia; second, to give effect to the lower mortality on female lives; and third, to make some corrections and clarifications in the Standard Valuation and Standard Non-forfeiture provisions of the District of Columbia insurance laws.

In 1958, the National Association of Insurance Commissioners prepared new mortality tables making adjustments which recognize the improvement in life expectancy of the American public. Legislation enacted by Congress in 1948 called for the use of the 1941 standard mortality table of 1941 by insurance companies established in the District of Columbia. To make use of the 1958 revised and more favorable tables in the District, it is necessary to amend the present law.

A majority of the States of the Union have approved the use of the new 1958 mortality tables and it is expected that the other States will make these tables effective within the coming year. Language in this bill will enable insurance companies in the District of Columbia to use the same mortality tables now being used in most other States.

For many years the more favorable longevity of females has been known and recognized in the insurance business. In recent years, methods have been developed to take this into consideration as that the cost of insurance to females might be adjusted to reflect this lower mortality experience. The method used is that of charging the female life the same premium and provide the same reserves, and cash values for such a policy as would apply in the case of a male 3 years younger. All States permit this method but it cannot be used under the present law of the District of Columbia. This bill would permit the use of the "3-year setback" for female lives in connection with the 1941 mortality table or the 1958 mortality table. The District of Columbia law would then be in harmony with all other States as to the use of this formula in connection with insurance on female lives.

Another amendment relates to the issuance of insurance policies which call for temporary extra premium payments because of some temporary special hazard or a minor temporary health impairment of the insured. At the time the standard nonforfeiture law became a part of the insurance law of the District of Columbia, the language of the amendment excluded the extra premium for special hazard from the calculation of nonforfeiture benefits where the extra premium ran for the duration of the policy. The clarifying amendment provides that the same exclusion would apply to policies where the extra premiums for special hazard are temporary. This change has been proposed and enacted in some States.

Another clarifying amendment would exclude premiums on level term insurance riders of life insurance polices from the calculation of nonforfeiture values where no such calculation is required when a level term policy is issued as a separate policy.

Finally, there is a minor language change in connection with the use of the word "uniform" and the word "level" in the existing law. The clear intent of the District insurance law was that the two terms be synonymous. Accordingly, the bill provides that the word "uniform" be substituted for the word "level" in the existing law.

In summary, H.R. 10684 carries two major proposals which would make possible the use of the 1958 revised and more favorable mortality tables now in use in a majority of States and permit the use of the "3-year setback" now permitted in all States reflecting the more favorable longevity of females. The remaining changes are corrective and clarifying in nature. The bill is in the interest of the insuring public and will enable insurance companies organized in the District to transact business more nearly competitively with other insurance companies both in the District and in the other States. The bill was endorsed by the Superintendent of Insurance of the District of Columbia, the major life insurance companies of the District, the Life Insurance Association of America, and the American Life Convention. No opposition to the bill was expressed at the committee hearing.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. McMILLAN. Mr. Speaker, that concludes the business of the Committee on the District of Columbia.

GENERAL GOVERNMENT MATTERS APPROPRIATION BILL, 1961

Mr. ANDREWS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11389) making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1961, and for other purposes; and, pending that, I ask unanimous consent that general debate continue for not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Pennsylvania [Mr. FENTON] and myself.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11389, with Mr. ALBERT in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. ANDREWS. Mr. Chairman, I yield 5 minutes to the gentleman from Rhode Island [Mr. FOGARTY].

Mr. FOGARTY. Mr. Chairman, I ask unanimous consent to speak out of order and to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. FOGARTY. Mr. Chairman, I rise to pay tribute to a Member of this House who last Friday received the highest award that a university can confer—an honorary degree of doctor of humanities.

Receiving the award was the Honorable MICHAEL J. KIRWAN, of Ohio—the man we all know affectionately as "MIKE" KIRWAN; but the presentation to the gentleman from Ohio does us all honor. In a sense it is the House of Representatives and the American way of life which are honored by the award to Congressman KIRWAN.

This award expresses democracy as it is practiced in our country. Congressman KIRWAN was born in Pennsylvania of working folk and at the age of 7 was employed in the coal mines of that State. At that tender age he was already a member of the miner's union.

He was a breaker boy picking slag in the mines. More important, he was an agile, fast runner and his task in the mine workers' union was to act as messenger to let the members know where their meetings were to be held. This was necessary because the coal operators of that day were alert for any opportunity to break up union organization meetings with club and gun.

MIKE, the breaker boy, the union messenger of the turn of the century, is now a Congressman being honored with a degree of doctor of humanities. This is a measure of how far we have come in our search for understanding between those who work for, and those who manage, industry—a furtherance aided immeasurably by men like MIKE KIRWAN. And Congressman KIRWAN has never forgotten his union background, for today he still pays union dues and has paid them without a break since boyhood.

Congressman KIRWAN went no further in school than third grade. Yet today MIKE KIRWAN is an educated man—educated by his own efforts—pulled up, if you will, by his own bootstraps, and today the boy who never saw school from the age of 9 has received a degree of doctor of humanities—as Dr. J. Stauffer Wilkes, president of Oklahoma City University, stated in announcing the award, "The highest honor this institution can confer." This, too, is a measure of the progress made in America.

Congressman KIRWAN is a Roman Catholic and the university that does him honor is a Methodist university. I think this bare statement illustrates the tremendous strides made in our Nation in the field of religious tolerance.

These items would be regarded as paradoxical in any other civilization that the world has known. Yet in America—in our country—they are normal. Perhaps too often, we fail to realize how far we have come and only when our friend, the gentleman from Ohio, has such an honor conferred upon him do we see a yardstick applied to progress.

Mr. Chairman, why did the Oklahoma City University single out Congressman KIRWAN for this signal honor?

In my office I have a newspaper which takes four columns of type to tell. The CONGRESSIONAL RECORD might be a better testimonial. Those of us who have had the privilege of collaborating with Congressman KIRWAN over the 23 years he has been a Member of this body could testify as to chapter and verse.

Let me cite only a few of the accomplishments of Congressman KIRWAN over the years which have brought him this recognition. Oklahoma City University in conferring this degree mentioned, among many other things, Congressman KIRWAN's contribution to the welfare of the American Indian.

Only recently the Christian Century pointed out that the American Indian is outnumbered 400 to 1 and attains a very low priority on the scale of our social activities. Of all the minorities in this land of minorities the Indian has the poorest health, the least opportunity for education, and occupies the bottom of the economic heap.

But Congressman KIRWAN, with a true Irish love for the underdog, has championed the Indian's cause. When a move was made to cut the appropriation for education and welfare of the Indians in the 1959 budget because of military emergencies, Congressman KIRWAN said, and this, too, is a measure of his devotion to mankind, "Every time we start to do something for the Indians some sort of an emergency comes along and their funds go out the window."

Mr. Chairman, I remember on one occasion our colleague told this House that "No amount of money can wipe away the shame of the way this Nation has treated the Indians—but money would help."

Since Congressman KIRWAN became chairman of the subcommittee which handles appropriations for Indian affairs in 1948 more Indians are in school and college than ever before, more tribes run their own affairs, more timber is being scientifically harvested from Indian lands, thus aiding their economic development; and more roads have been built to and through the reservations than in the entire period of our history before our colleague's time. At the insistence of Congressman KIRWAN this year's funding of Interior appropriations will complete a program which for the first time in 141 years will provide classrooms, buses, roads, and other facilities to allow every Indian child to attend school.

Mr. Chairman, this is one measure to apply to Congressman KIRWAN's humanity.

There are many others. I have cited the Indian problem at length because it illustrates Congressman KIRWAN's love of mankind. But think of the benefits achieved by all American citizens by his efforts.

Since Congressman KIRWAN began his fight to protect the natural resources of the Nation, Congress has voted nearly three-quarters of a billion dollars for the National Park Service. In 1936 only 11,900,000 Americans visited our parks. This year 66 million will get maximum enjoyment and protection from our country's 183 parks.

Mr. Chairman, the recipient of this award from Oklahoma City University has done inestimable service to mankind by his endeavors in pushing through for completion the greatest program of conservation and reclamation ever known to man. Whole States, entire regions, have benefited by the foresight of Congressman KIRWAN. The great Central Valley project in California and the Hungry Horse Dam in Montana are testimonials to his vision. There are other such testimonials just as magnificent.

Yet, in almost every case the projects he has had the vision to press have been national in concept—for Congressman KIRWAN believes that what helps America helps all Americans.

I could cite other things, his record of insistence on mine safety, which has aided in reducing mine casualties—a subject dear to KIRWAN's heart. His record on land management—the record on timber conservation, his record in helping build up the Fish and Wildlife Service.

All of these things have advanced the cause of mankind in our Nation, they have made life easier, safer, more pleasant, and economically more bountiful for millions upon millions of Americans. And in doing so he has reflected great credit on the House of Representatives, for what he has sought, we in the House of Representatives and in the other House as well, have passed. We have helped our country and ourselves in following the leadership of this dedicated man.

Mr. Chairman, Congressman KIRWAN has been honored in Oklahoma. I am proud to do him honor here in the House of Representatives which he loves so well; for he has a deep and abiding affection for this House and the Members of it. Yet, the measure of the man lies in the humility with which he accepts this honor. He told a reporter who interviewed him:

> I am an honorary chief of five Indian tribes in Oklahoma. I guess being a doctor won't hurt that.

Congressman KIRWAN has come far from being a breakerboy picking slag in the mines. I am proud to serve with him in this House and to call him friend, for in my judgment, this man merits the adjective great and he illustrates, better than most, the greatness of the democratic system which produced him.

Mr. FOGARTY. Mr. Chairman, I yield to the gentlewoman from Missouri [Mrs. SULLIVAN].

Mrs. SULLIVAN. Mr. Chairman, I wish to join in paying tribute to our colleague from Ohio.

He is one of the great conservationists of our day, and I believe that in future years the contributions he has made to our natural resources and to their defense and protection will be recognized as among the finest made by any American.

He is, above all, a valued friend to his colleagues in the House, and wise adviser on the intricacies of legislation and of politics. I am certainly not at all surprised that he has been singled out for great academic recognition, and I join in extending my congratulations.

Mr. FOGARTY. Mr. Chairman, I yield to the gentleman from Indiana [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, I wish to join the gentleman from Rhode Island in paying tribute to our distinguished colleague from Ohio, MIKE KIRWAN, on receiving recognition from the University of the City of Oklahoma.

Congressman MICHAEL J. KIRWAN, of the 19th District of Ohio, more than any other Member of the House of Representatives, represents a life success story which is typical of opportunities available to every American boy. His life success story has been a magical narration of hardships and perseverance.

He was born in Plains, Pa., on December 2, 1886, and was compelled to leave grade school at an early age to work in the coal mines to aid in the support of his family. He later worked for the Pennsylvania Railroad and continues to pay membership dues in the Brotherhood of Railway Trainmen. During World War I he was an artillery sergeant in France. Before his election to Congress in 1936, he served in the city council of his home city of Youngstown, Ohio.

MIKE KIRWAN has the distinction of being the first Democrat to be elected to Congress from the 19th Congressional District of Ohio. Since 1936 Republican voters in large numbers have joined the Democratic voters in returning MIKE to Congress every 2 years by increasing majorities. The people of his district have learned that MIKE's heart beats in tune with the interest and welfare of the masses of people and especially the taxpayers. His formula for political success is his philosophy that honesty, hard work and loyalty to his friends and constituents is not forgotten when the voters cast their franchise on election day. He is a firm believer that the best politics is the use of ordinary common sense on legislative problems and service to the people.

After becoming a Member of Congress, his ability was soon recognized and he was assigned to the powerful Appropriations Committee. For many years he has been chairman of the Subcommittee on Interior Appropriations. This committee has jurisdiction over the budget requests for reclamation, natural resources, the preservation of forests, national parks, minerals, Indian affairs, fish and wildlife. He is senior member of the Committee on Public Works Appropriations which appropriates for all water projects in the United States and its territories such as flood control, navigation, low flow water for industries, dams and reservoirs. He has discharged the responsibilities of this important congressional work with sincerity and great distinction. His fairness and exhaustive knowledge of all angles connected with these various governmental departments is recognized by all his House colleagues in both political parties. By reason of his insight and knowledge of our natural resources, his decisions and recommendations on controversial matters have rarely been questioned by Members of Congress. His forthright and uncompromising stand against unnecessary "pork barrel" appropriations is admired even by those Members whose congressional districts stand to lose by his steadfast determination to protect the American taxpayers. Congressman KIRWAN's unusual talent to express righteous indignation in an unoffensive manner when he detects a betrayal of public trust or observes a violation of Government policies in the protection of natural resources to the detriment of future generations.

The Democratic Members of Congress, recognizing his political sagacity and knowledge of issues, elected him chairman of the Democratic congressional campaign committee 10 years ago. During his leadership, the Democratic Party has won control of the House of Representatives with but one exception which was the Eisenhower landslide in 1952.

The above narration of MIKE's accomplishments are but a few during his adult life. His career has been sprinkled with disappointments and failures along with his successes. In the true American spirit, since his days as a youthful coal miner, he at no time allowed failures or disappointments to form a barrier to continue working for not only his success but also for the betterment of his community, city, county, State, and Nation.

Mr. FOGARTY. Mr. Chairman, I yield to the gentleman from Kentucky [Mr. NATCHER].

Mr. NATCHER. Mr. Chairman, the honor recently bestowed upon MICHAEL J. KIRWAN, is well deserved.

MIKE KIRWAN is a man of fine judgment with the courage to carry out his convictions. He is a considerate, able, industrious Member of Congress, always serving his country in a diligent and conscientious manner.

He is a master of many subjects. His commanding talents, his great political eminence and his long and faithful service as a Representative has earned for him the respect and admiration of the Members of the Congress. His contributions to better government, his rugged integrity, and his unfailing sense of humor and good commonsense are always appreciated by his colleagues and especially by our Committee on Appropriations. His record clearly discloses the fact that he is a friend of the working people, the farmer, industry, and the veteran.

MIKE KIRWAN has no sectionalism in his makup. When the people in any section of our country need help he is always present and leading the fight to bring about the assistance required.

Mr. Chairman, today I salute a great Member of the House—my friend MICHAEL J. KIRWAN.

Mr. FOGARTY. Mr. Chairman, I yield to the gentleman from Indiana [Mr. DENTON].

Mr. DENTON. Mr. Chairman, I want to join in extending felicitations to our distinguished colleague, MIKE KIRWAN, on receiving the degree of doctor of humanities from the Oklahoma City University.

It has been my privilege to have known MIKE KIRWAN since first coming to Congress a decade ago. As one who has had the honor of a close association with him, I truly can say that he richly deserves the high honor he has just received.

Two years ago, I became a member of the Appropriations Subcommittee of which he is chairman. At that time, I recall how amazed I was at his detailed knowledge of the interior of our country, and at his fairminded approach to all problems. A man of intellect and vision, MIKE KIRWAN is determined that development of national parks, forests, mines, and so forth, be on a countrywide or broad scale, rather than on a local, or narrow scale.

Although there are no Federal installations in his district, and for that matter, there is only one as I understand in the State of Ohio, nevertheless, he has supported all worthwhile Federal projects, regardless of their location.

Moreover, my distinguished colleague is determined that there be no toleration of waste or catering to special interests. I believe that I speak for all of my colleagues in saying that MIKE KIRWAN is one of the most able men whom the State of Ohio, or for that matter, any State, has sent to the U.S. Congress.

Mr. FOGARTY. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. BURKE].

Mr. BURKE of Massachusetts. Mr. Chairman, I am happy to join in with the most distinguished gentleman from Rhode Island [Mr. FOGARTY], in congratulating a great Congressman, the Honorable MICHAEL J. KIRWAN, of Ohio, upon his receiving an honorary degree from Oklahoma City University.

The announcement pleased me greatly because MICHAEL KIRWAN has accomplished more in a lifetime than most men. He is truly a dedicated public servant. He has unusual qualities of leadership. MICHAEL KIRWAN has always placed the interest of our Nation above all other considerations as a Member of the U.S. Congress.

Coming from humble beginnings, he has grown greater in stature each succeeding year. His life is typical American. His success is a living example to the average everyday American on what can be accomplished in this wonderful country of ours.

Yes, MICHAEL J. KIRWAN can truthfully be called "the greatest Roman of them all" and like the great St. Michael, he is a real worker in the Vineyard. I am personally proud to have the privilege to serve with him.

Blessed with the milk of human kindness, MICHAEL J. KIRWAN has made many contributions to our Nation's welfare.

I know I express the sentiments of all who know MICHAEL J. KIRWAN when I say, we are proud of the action by Oklahoma City University in conferring upon him this honorary degree.

Mr. FOGARTY. Mr. Chairman, I yield to the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. Mr. Chairman, I wish to associate myself in the tribute paid by the distinguished gentleman from Rhode Island to our colleague from Ohio.

I wish to remind the membership that MIKE KIRWAN in his early days lived in Monongah, W. Va. Mention has been made of his great accomplishment in getting action on mine safety laws. May I remind my colleagues that Mr. KIRWAN was living in Monongah at the time of the greatest explosion in the history of mining operations of the world, in which 395 miners were killed. He had an early impression of the necessity for mending our mine safety laws.

Being very much of a conservationist myself, I am very much interested in his activities in connection with the development of our natural resources and the enlargement of our national parks so as to furnish recreational opportunities.

Mr. FOGARTY. Mr. Chairman, I yield to the gentleman from New York [Mr. ROONEY].

Mr. ROONEY. Mr. Chairman, I should like to join the gentleman from Rhode Island and previous speakers in commending the distinguished gentleman from Ohio [Mr. KIRWAN] upon his having been awarded on Friday last the degree of doctor of humanities by Oklahoma City University.

I had not learned of the conferring of this honor which has come to my good friend, MIKE KIRWAN, until I heard the remarks of the gentleman from Rhode Island this afternoon. Permit me to say that I am happy that Oklahoma City University selected as the recipient of the honor a man who is respected and admired by every Member of this House on both sides of the aisle. He has had an outstanding career here in the House of Representatives.

I am now in my 16th year serving alongside MIKE KIRWAN as a member of the House Committee on Appropriations. We are presently fellow members of the Subcommittee on Deficiencies. My first assignment to a subcommittee was to the Subcommittee on the Department of the Interior of which MIKE is now and has for some years been the chairman.

I came to know him intimately in 1945 when we were together every day, all day, on a 7-week trip to Alaska and the Pacific Northwest. We have traveled together in many parts of the world. Knowing MIKE KIRWAN as intimately as I do and having the respect that I have for him I congratulate Oklahoma City University upon their having selected him as the recipient of their doctorate.

Mr. FOGARTY. Mr. Chairman, I yield to the gentleman from New York [Mr. KEOGH].

Mr. KEOGH. Mr. Chairman, I, too, would like to join in the remarks that have been made about the distinguished gentleman from Ohio [Mr. KIRWAN]. My colleague and I both arrived together on the convening of the 75th Congress on January 3 of 1937, and it has been my good fortune to come to know him well and favorably ever since. It is, indeed, a source of inspiration to serve with him and to work with and under him. This latest recognition of his obviously sterling qualities is a pleasure to his many friends in and out of the House as I am sure it must be to him. My hope and prayer is that he shall continue for many years in the vibrant, constructive, and serviceable life. He has earned his place among the great in the service of his country, his Congress, and his party.

Mr. FENTON. Mr. Chairman, I appreciate the remarks that have been made here today about my very good friend and colleague, the gentleman from Ohio [Mr. KIRWAN]. I have had the privilege of serving with him for many years on both the subcommittee on Interior Department appropriations and also on the Public Works Subcommittee on Appropriations.

MIKE was born and raised in the anthracite coal region of Pennsylvania the same as myself.

He is not only familiar with the problems of the coal industry in general and sympathetic, but he has a vast knowledge of other sections of our country and their particular problems. To be with MIKE in our committee hearings and to listen to his vast experience and knowledge of the projects, especially in the Interior Department, is to be convinced of his humanitarianism and his love of America.

MIKE KIRWAN deserves everything that has been said about him here today. He is one of my closest friends; he is really a fine American and I want to congratulate him on receiving such high honors from Oklahoma City University, and I wish for MIKE many happy, happy days in the years to come.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to my distinguished colleague.

Mr. ALBERT. Mr. Chairman, I desire to join the distinguished gentleman from Rhode Island in this word of tribute to one of the outstanding Members of the House, the gentleman from Ohio [Mr. KIRWAN]. If anyone in this body deserves a degree of doctor of humanities by reason of a life of service to humanity, it is the distinguished gentleman from Ohio. As an Oklahoman I am particularly pleased that one of the great universities of my own State has recognized his service and has awarded him this degree. As a Methodist I am happy that it was one of the leading Methodist institutions of the country that has seen fit to recognize Congressman KIRWAN.

MIKE came up through life the hard way. He earned his bachelor's degree in the university of hard knocks. He has seen life in all its phases. He has made a contribution worthy of the recognition of the great schools of learning of our country.

An honorary degree is one of the highest awards that can come to a distinguished person. Bishop Angie Smith, of the Methodist Church of Oklahoma, has been quoted as saying that an honorary degree is more important in many ways than an academic degree. The latter can be obtained by anyone of normal intelligence who has the opportunity to pursue his education. The former can only be obtained by recognition for outstanding service.

In this House and in his party leadership MIKE KIRWAN has distinguished himself in more ways than I could possibly mention. Not a man in the United States has done more for the original American than MIKE KIRWAN. The great advances in the standards of Indian education in the last two decades are due in a great measure to the time, effort, and sympathetic understanding that MIKE KIRWAN has put into the problem.

Nobody in this House or elsewhere has done more to advance this country as a whole. MIKE has served with distinction on appropriations subcommittees having to do with the development of the resources of America.

As everyone knows, MIKE's service to his party has been second to none for more than a decade. His work as chairman of the Democratic congressional campaign committee represents, in my judgment, the finest performance of its kind ever contributed by a Member of Congress.

I am happy to welcome this eminent Ohioan to the fold of those who have been honored by Oklahoma schools. MIKE went to Oklahoma as a young man. He knows, and Oklahoma knows, that he is always welcome back. We claim him as an adoptive "favorite son." To paraphrase an expression made popular through the title song of the musical hit "Oklahoma," we proudly say, "You're doing fine, Dr. KIRWAN—Dr. KIRWAN, OK."

Mr. MORRIS of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I am delighted to yield to my friend and colleague, the gentleman from Oklahoma.

Mr. MORRIS of Oklahoma. Mr. Chairman, all of us in Oklahoma, I am sure, as well as all of us from all over the Nation are greatly appreciative of the fact that one of our most distinguished colleagues, MICHAEL J. KIRWAN, has recently been accorded the high honor of being awarded doctor of humanities, by the Oklahoma City University. This morning I asked my administrative assistant, Miss Ella Marice Ryan, to call the Library of Congress for a full definition of the term "humanities." There are apparently a number of facets in the definition of that term, but I would like to read this one and comment upon it very briefly. Among other things, the definition of "humanities" is "Whatever concerns man, as distinct from physical nature, especially as expressed most adequately in the great or classic achievements of humanity in literature and art."

I would like to make this very brief comment—that good literature and art, dealing with this subject matter, inspire us to follow the humanities which in essence means the golden rule. But Congressman KIRWAN'S great contribution along this line lies in the fact that he has helped so ably to put this inspiration into practical application and to cause it to become a reality by hard, dedicated, efficient work.

I know of no one who follows this philosophy of high service to humanity more faithfully than the recipient of this great honor, Hon. MICHAEL J. KIRWAN, whom we affectionately refer to so often as just "Mike."

Mike is a graduate with high honors of the university of hard knocks, the greatest university of all, whose pupils learn and retain in memory so well the greatest lessons of life.

The Honorable MIKE KIRWAN, Member of Congress, is truly a great man and one of the most outstanding and effective Members of Congress today—and has been for many years.

His great service in behalf of all of our American people including our Indian citizens and other humble minority groups sets him apart, in my judgment, as one truly entitled to this great honor. May God bless him for his kindly Irish heart and his noble work.

Mr. FOGARTY. Mr. Chairman, I yield to the gentleman from Texas.

Mr. THOMAS. Mr. Chairman, I join our friend and colleague the gentleman from Rhode Island [Mr. FOGARTY] in paying this tribute to our friend from Ohio. MIKE KIRWAN is a statesman and a philosopher and, above everything else, he is a son of the people. He is a great American and we all love him and admire him.

Our colleague—we affectionately call him "MIKE"—was given a doctorate by the Oklahoma City University several days ago. Certainly, I know of no man who more richly deserves this outstanding and signal honor than our beloved colleague from Ohio.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, I am delighted to join with the distinguished gentleman from Rhode Island [Mr. FOGARTY] in congratulating our beloved colleague from Ohio, the Honorable MICHAEL J. KIRWAN, upon his receiving an honorary degree from Oklahoma City University. I thrilled to the announcement that this great honor was conferred upon him. Such a tribute comes to few men in their lifetime. It comes to fewer men with the kind of a background that is Mr. KIRWAN'S. From a humble, austere, education-lacking beginning, he fought his way to the top by sheer force of his own character and personality. His character was forged by hard-working, loving, and devoted parents. It was nurtured in the school of hard knocks and experience. It developed because of an ingrained concern for the problems that beset mankind.

Born in the coal mining area of Pennsylvania, laboring in the wheatfields of the Oklahoma Panhandle, toiling in the oilfields and lumber camps of the great West, ranching, politicking—all have contributed to the sum total of the man honored by Oklahoma City University. His vast experiences and and his wide travel throughout the United States have given to him a knowledge of this Nation that few are privileged to possess. He understands so exquisitely the values of reclamation, public works, our great natural resources, the magnificent forests and national parks, the Indian reservations. Congressman KIRWAN has transposed this magnificent recognition into legislative action that marks a glorious part of the history of these United States. His name will always enjoy a place of prominence whenever there is talk of the natural resources and beauty of our land. As a matter of record, Mr. Chairman, the name of MICHAEL J. KIRWAN will be inscribed forever, as an honorary member of the National Cowboy Hall of Fame and Museum soon to be built in Oklahoma City. This unique institution will honor those who pioneered the development of the West. Travelers, builders, cowboys—all who have given something to the progress of the West will be enshrined for eternity in this institution. We who know MIKE KIRWAN are proud of his honorary membership in this great project. We are prouder still of the honorary degree of doctor of humane letters that Oklahoma City University presented to him on last Friday, March 25, 1960.

Mr. Chairman, I extend my own personal congratulations to Congressman KIRWAN. It is a high honor richly deserved.

Mr. FOGARTY. Mr. Chairman, I yield to our beloved Speaker, the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Chairman, I cannot let this moment pass without adding my feeling of great pleasure at the honor accorded our colleague, MIKE KIRWAN, of Ohio. I have served with more than 2,700 men and women in the House of Representatives since I have been a Member. I have never served with a more devoted man than MIKE KIRWAN. Coming up, as many of us did, from small farms and poor neighborhoods, he has made the grade. Oklahoma City University could not have conferred a degree upon a grander fellow than MIKE KIRWAN.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman.

Mr. EDMONDSON. Mr. Chairman, I want to joint in the tribute to a truly great American, whom we regard as an adopted Oklahoman. The Daily Oklahoman of the 26th of March 1960 states that—

> Representative MICHAEL J. KIRWAN, of Ohio, Friday received an honorary degree of doctor of humanities from Oklahoma City University for his "efforts to better the lot of all Americans."

I do not think any degree could have been more aptly conferred. I do not know of any man who has devoted more time and energy trying to improve the lot of humanity than MIKE KIRWAN.

I am grateful for this opportunity to join in the salute to a great Member of this body.

Mr. EVINS. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Tennessee.

Mr. EVINS. Mr. Chairman, I should like to join with my colleagues in commending and congratulating our colleague and friend, Congressman MIKE KIRWAN, on the honor which has been bestowed upon him—an honorary degree as doctor of humanity. Hereafter, we shall have to call our friend "Dr." KIRWAN. I congratuate him and I congratulate the Oklahoma City University on selecting Congressman KIRWAN for this honor and for conferring this degree upon him. It has been my privilege for a number of years to serve with MIKE KIRWAN on the Public Works Subcommittee on Appropriations, and I can say, as all of you know, that there is no Member of Congress more devoted and more dedicated than is the gentleman from Ohio, MIKE KIRWAN. He is a faithful representative of the people—of his district, State, and Nation. He is dedicated to the cause of water resource development in America—among the other important issues which he champions. MIKE KIRWAN is in no respect sectional, narrow, or provincial but is broad in his point of view and perspective.

Mr. Chairman, someone has said that democracy is a system of government in which citizens of humble origin can rise to great heights. Certainly, this is true in the case of our colleague and friend MIKE KIRWAN who has risen to great heights, and I commend him and congratulate him. He is a grand gentleman, a patriot, and an all-American.

Mr. FOGARTY. Mr. Chairman, I yield to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT of Florida. Mr. Chairman, I just want to add a word of appreciation for the fine service rendered by the gentleman from Ohio [Mr. KIRWAN]. He has shown himself to be interested in all sections of the country and in things which I think have a lot to do with the strengthening of our country in the future. The gentleman from Rhode Island [Mr. FOGARTY] in his remarks touched on things which have to do with our natural resources. He, himself, has had a lot to do with the improving health of our citizenry and other aspects of their welfare now and in the future, and I am very happy to join in paying tribute to both of these fine men for the wonderful work they are doing for America not only in our day but for generations to come.

Mr. McCORMACK. Mr. Chairman, one of the hardest working and most valuable and ablest Members of the Congress of the United States is our distinguished friend and colleague the gentleman from Ohio [Mr. KIRWAN]. There is no finer legislator or more dedicated American than Congressman KIRWAN. His life is like a Horatio Alger story. There are so many things I could say about Congressman KIRWAN, that it would take a book to write about him.

Within the past few days our mutual friend MIKE KIRWAN received the honorary degree of doctor of humanities from the Oklahoma City University of Oklahoma City, Okla. There is no person who deserves such an honor more than our mutual friend. In honoring MIKE KIRWAN, the university honors itself.

I extend to my dear friend, Congressman KIRWAN, my hearty congratulations on receiving this great honor, and in congratulating my dear friend, I also congratulate the university for conferring the honor upon him. I repeat, there is no person this university, or any other college or university, could honor more than MIKE KIRWAN.

Mr. HORAN. Mr. Chairman, it is indeed a pleasure for me to join with my colleagues in honoring MIKE KIRWAN. But first I want to pay tribute to the Oklahoma City University for that institution's thoughtfulness. The title "Doctor of the Humanities" really fits MIKE KIRWAN. His first and compelling thoughts have always been, "What is for the constructive good of this great Nation of ours." MIKE knows that serving and building America serves and builds all else.

Mr. O'BRIEN of Illinois. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'BRIEN of Illinois. Mr. Chairman, I was both surprised and delighted to learn that my old friend MIKE KIRWAN had been given the degree of doctor of humanities by the University of Oklahoma City last Friday. I say surprised, because MIKE and I went to the same college—the college of hard knocks—where the classroom is the world and the teachers are the thousands and thousands of people we encounter from all walks of life. There were many lessons that we learned through all the years of our experiences, but they all can be summed up in one fundamental concept—the Golden Rule.

There never was a finer man, a finer friend or a finer legislator than MIKE KIRWAN. He analyzes every question by the practical test of common sense, and he has a knack of getting to the heart of the issue and of coming up with the right answer. No man in this House is held in higher respect or esteem by his colleagues.

It is rare that a graduate of our alma mater is selected for advance degree and we are all proud that one has been given to MIKE. He has joined the great teachers and great scholars of our country in having received recognition for his outstanding contribution to the advancement of our Nation's affairs. It is an honor he richly deserves. In honoring MIKE KIRWAN, the university has honored itself.

Mr. YATES. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. YATES. Mr. Chairman, I want to join my colleague, Congressman JOHN FOGARTY, in expressing my profound appreciation for the high honor that has come to our good friend Congressman MICHAEL KIRWAN, of Ohio. It is most appropriate that he should receive the degree of doctor of humanities inasmuch as he is such a profound student of humanity. No Member of this House has a greater insight nor a more sympathetic feeling for his fellow man and his problems than MIKE KIRWAN. The experiences of a long, fighting, eventful life have given MIKE an understanding of the needs of the people that few possess.

Although MIKE would be the first to minimize the honor which has come to him, this comes more from an innate sense of modesty than lack of appreciation of education. He knows its value. His formal schooling was limited, but formal education is only one means of arriving at truth. Innumerable contacts and personal relationships with people from the four corners of the globe have given him a mature perspective and deep knowledge of human affairs. He is one of the true philosophers in the House.

I am delighted to pay tribute to him upon the occasion of his receiving this outstanding citation for his fine work on behalf of the people of his community and the country.

Mr. LANE. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Chairman, it was good news to hear that Representative MICHAEL J. KIRWAN has been awarded the degree of doctor of humanities by Oklahoma City University.

With typical Irish courage and generosity, he has spent so much of his time in helping worthy causes and battling for the underprivileged that he never gave thought to the recognition and the credit that was due him.

The biography which he submitted in the Congressional Directory is one of the shortest on record, for MIKE is too busy a man to be thinking of himself. His colleagues know of the hard and constructive work that he has put in as one of the veteran members of the Appropriations Committee.

They will never forget the shovel that hangs on the wall of his office reminding every visitor of the men who toil in the mines and of the need for doing everything possible to insure the safety of the miners.

We know of his interest in the only natives of our country, the American Indians. But self-effacing as he is, MIKE could not expect to hide his light forever under a bushel. Good deeds speak for themselves in the most genuine voice of all.

Oklahoma City University has done for MIKE that which he could never do for himself by saying, "This is an honor which you well deserve." And this gives

his many friends in the Congress the opportunity to join in a chorus of appreciation for Representative MICHAEL J. KIRWAN who devotes his life to the welfare of his constituents and to the progress of our Nation.

Mr. GROSS. Mr. Chairman, I am pleased to have this opportunity to join with many of my colleagues this afternoon in complimenting the Honorable MICHAEL J. KIRWAN in connection with the honor recently bestowed upon him.

The life history of MIKE KIRWAN is in part the story of America for it was in this land of opportunity and through his own faith and perseverance that this man of humble origin has been able to win high recognition—recognition that is richly deserved.

Mr. MONAGAN. Mr. Chairman, I want to join in congratulating the gentleman from Ohio [Mr. KIRWAN] on this well-deserved honor which has come to him and to congratulate the University of Oklahoma City on electing such an outstanding public servant for this honorary degree.

MIKE KIRWAN has been particularly helpful to new Members in the quality and the character of the advice which he is always willing to impart.

In addition, he has furnished a superlative example to those of us who are here for the first time, in his constant attention to appropriations bills and the breadth of his information in this vitally important field.

Mr. PHILBIN. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Chairman, Horatio Alger in his palmiest days never conceived a greater or more fabulous hero than MIKE KIRWAN.

Jack London never created a more interesting or appealing character.

Shakespeare never portrayed a man with a more agile, inquiring mind, capable of penetrating right to the root of a problem.

And certainly nowhere in the world or in contemporary life is there a more noble Christian gentleman, a more devoted public servant, a more loyal friend, or a man with a greater heart than MIKE KIRWAN.

Like Alger's hero in "Only an Irish Boy," MIKE KIRWAN started at the humblest level and worked and fought his way through the ranks until he reached one of the highest stations in national political life and one of the loftiest pinnacles in the respect, esteem and affection of his fellow countrymen.

Like the great Irish preacher and orator, the eloquent Father Tom Burke, of another era, who, while talking to a monstrous audience in New York City, declared that if his mother came into the hall she would not even know her son, Tom. Reportedly MIKE KIRWAN's closest friend of boyhood days, Duffy, could not recognize, let alone bring himself to believe, that MIKE had been elected to Congress. He vented his surprise and stupefaction with characteristic raillery, graphically expressing his incredulous state of mind.

But the Members of Congress with whom MIKE KIRWAN has served have unanimously marked MIKE KIRWAN as one of the most beloved, and naturally gifted men who ever served in this body. To a man, we know he belongs here, serving the people of his district and the Nation with an unselfishness, militancy, and effectiveness that virtually knows no peer.

It was with special approbation and feelings of gratitude, therefore, that the House received word that the great University of Oklahoma City had conferred an honorary degree upon Congressman MICHAEL JOSEPH KIRWAN last Saturday, a degree deservedly in the humanities, probably better known in academic circles as doctor of humane letters.

I hasten to join my many colleagues in offering sincerest and heartiest congratulations to MIKE upon this great occasion in his life.

I do not know whether the newly invested academic doctor responded to the conferring ceremony in Latin, as has sometimes been the custom, or not; but of two things I am certain—that the degree in humane letters was never conferred upon a more worthy recipient, and that, on the noteworthy occasion, the Oklahoma air crackled with the lightning of Dr. KIRWAN's keen wit and some of his listeners squirmed under the pressure of his sharp scalpel, while the most of the enthusiastic audience roared its approval.

This new honor will be borne gracefully by the political prophet of the Mahoning Valley steel district, who left school and started his sensational career before he was 10 years of age to labor in the coal mines, the wheat fields, the oil fields, on ranches and in lumber camps, who gallantly served in World War I as an artillery sergeant in France, and then forged his way through the Youngstown City Council and a maze of obstacles sheerly by the force of his own ability, zeal, and patriotism to the greatest parliamentary body in the world.

The degree of humane letters fits MIKE KIRWAN like a glove because his love of humanity and his humane characters, next to his faith in his God and love of his country, are his most distinguishing characteristics.

His service in the Congress has been conspicuous for its devotion to the cause and needs of the common people of America. His contributions on the old Rivers and Harbors Committee and his many years as member and chairman of the Subcommittee on Interior Appropriations have given MIKE KIRWAN a glorious niche in the history of the American Congress.

Zealous protector and developer of natural resources; diligent preserver of forests; and builder of our great national parks; wise conserver of our minerals, fish and wildlife; generous custodian and benefactor of the American Indian whose various tribes have honored him with membership, sagacious champion of flood control, navigation, water conservation and use for human consumption, industry and recreation; this happiest and kindest of wise legislators has won an enviable place in the hearts of innumerable friends and in the hearts of the American people.

His now famous St. Patrick night parties are testimony to his loyalty and devotion to his Fenian forebears and the cause they represented, who bore the torch of liberty, faith, and peerless love of country.

To his high post as chairman of the Democratic National Congressional Committee, he has given untiring, dedicated and outstanding service and has received the unreserved gratitude of his fellow members and his party.

He is a proud father of a large, talented and lovely family. He treads his way bravely and indomitably through an exceptionally busy life and career, giving a shining example of loftiest American citizenship and public service to his colleagues, his admiring district, his devoted and affectionate friends and the American people.

The new academic doctor will carry his fresh laurels with typical modesty and humility. But he will continue to exemplify for all of us the shining example of what great natural talents can do when they are combined with unflinching character, determination, the spirit of charity and kindness, love of freedom, and dedication to human brotherhood.

May our new doctor of the humanities, carry on his great work with continued good health, success and the joys of family, friendship and service to others which bring happiness to those who strive.

Mr. RIVERS of South Carolina. Mr. Chairman, everybody in this body was thrilled and delighted to hear that our beloved colleague, MICHAEL KIRWAN, is now known as Dr. MICHAEL KIRWAN. Mr. KIRWAN's great service to his Nation has been recognized by Oklahoma City University. No tribute could have come to any finer person on the face of the earth. MIKE, as we affectionately know him, is beloved and revered by all who know him. His understanding of all people in this great country knows neither north, east, south or west. He understands the conditions, the problems and the vicissitudes of us all. Never have I known him to give an unregarded word, cause or reason to offend the sensibilities of anyone in this great body.

Mr. Chairman, I am proud that Mr. KIRWAN has been recognized for his worth, rewarded for his industry and honored for his great service to mankind. He will wear this distinction to the everlasting credit of the great university which made this honor possible.

Mr. DONOHUE. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. DONOHUE. Mr. Chairman, it is a particular privilege to join with the

Members here in extending warmest congratulations to our distinguished colleague, Congressman MICHAEL J. KIRWAN, for the great honor that has been bestowed upon him by the Oklahoma City University.

I personally think the officials of this fine educational institution should also be given our congratulations for their selection of a man so preeminently deserving of the official degree of doctor of humanities.

Those of us in this House, and thousands of people beyond this Chamber who have been associated with MIKE KIRWAN, have long esteemed him in our minds, in our friendship, and in our affection unofficially, you might say, as a practicing, learned, doctor of all the humanities; of course, we are all overjoyed that our judgment has been substantiated by the formal degree recognition of this great university.

If there is any living man who knows as much as our distinguished colleague about the foundation and superstructure of what we call humanity, I have never met or heard of him. I know there is not a living man who exercises such knowledge for the benefit of his fellow men with a truer character, more generous heart, more genial nature, more inspiring spirit, more unselfish humility, or more understanding encouragement and sympathy, than the Honorable MICHAEL J. KIRWAN.

Mr. Chairman, not only is this a very joyful day for us and our honored colleague but it is also, in a deep and significant sense, a great day in the educational history of this blessed Nation. MIKE KIRWAN would be the first to simply tell you of the limits imposed by fate on his own early formal educational ambition. Deprived of average opportunities he has, by sheer integrity of character, determination of will, and persevering industry, moved to the heights of public responsibility and formal educational recognition. His knowledge and practice of the art of living and the science of government have indeed been hard earned. The Oklahoma City University has done a distinct service to the people of this country by demonstrating that the custodians of formal educational awards can apply their most rigid standards to the essential work and superior achievements of uncommon character and rightfully and realistically bestow their academic laurels accordingly. Congressman MICHAEL J. KIRWAN has helped mightily to make and keep this country great; the directors of Oklahoma City University, by their action, have helped to prove its greatness, once again.

MIKE, you have once again brought great distinction upon yourself and this House. Sincere congratulations to you and may God grant many more long years of heavenly blessings to you and yours.

Mr. LIBONATI. Mr. Chairman, a true friend of man, Representative MICHAEL JOSEPH KIRWAN, was honored by the University of Oklahoma City, receiving the honorary degree of doctor of the humanities. It was a fitting tribute to one who struggled against every adversity to climb to the pinnacle of power and success that he enjoys today.

Yes, the degree of doctor of the humanities was earned by him many years ago—the years of sacrifice in early youth, working in the coal mines of Pennsylvania. His entire career is a living testimonial to the opportunities that are presented to the youth of America to make good. Hard work is the keystone of success.

We are proud of our colleague and congratulate him on this merited honor. The University of Oklahoma City has made a worthy selection in honoring our distinguished Member of the Congress—a truly great American and a powerful leader in Government.

Mr. FLOOD. Mr. Speaker, it gives me a great deal of personal pleasure to warmly congratulate our distinguished colleague from Ohio, the Honorable MICHAEL JOSEPH KIRWAN, upon his receiving the honorary degree of doctor of humane letters from Oklahoma City University.

Though MIKE has served well the 19th district of Ohio since the 75th Congress, some 24 years, I am sure, Mr. Speaker, that our colleagues would be very much interested in learning that MIKE was born and raised in my congressional district, the 11th Pennsylvania, and we hold MIKE in great endearment and respect for the fine career which he made in the halls of Congress.

In my district we consider MIKE KIRWAN as one of our own and we are delighted that he has received this distinction from Oklahoma City University. Moreover, that university should be congratulated for its wise selection of candidates to whom it awards such degrees.

I am sure, Mr. Speaker, you and the Members of this body join me in these remarks to our colleague from the Buckeye State.

Mr. LEVERING. Mr. Speaker, I greatly appreciate this opportunity to join with my colleagues in adding a word of tribute to the distinguished gentleman from my State of Ohio [Mr. KIRWAN] in connection with the conferring upon him of an honorary degree of doctor of humanities, by the Oklahoma City University.

I never think of this good man—an honest to goodness self-made man—a fighting man with a heart of gold, who made his way from a breaker boy of 7 years of age, picking slag in the mines, to the greatest legislative body in the world, without taking increased pride in our American system that recognizes the freedom and the ability of the individual. MIKE KIRWAN is a living testimonial of this great democracy in which we live.

Because our colleague to whom we pay our respects today did end his formal schooling at an early age, we know that not all education is found in schools. Congressman KIRWAN is a graduate of the college of hard knocks, where the class colors are black and blue. Long before I was elected to this body, I learned from my father-in-law, Usher L. Burdick, a former Member from North Dakota, that MIKE was a real pillar in the House. I leave it to my colleagues as to whether former Congressman Burdick is a judge of men.

Mr. Speaker, I know of no degree more fitting than that of doctor of humanities to be bestowed on our friend and colleague. Congressman KIRWAN is known to all of us as one of the outstanding conservationists of our time. He not only champions the preservation of our natural resources of soil, water, timber, and wildlife, but he is on the firing line year after year for the protection of human resources. I will never forget the calm that came over the House on September 8 last year when the gentleman walked into the well on the question of flood control funds in the public works bill and said:

We must remember that we also have a responsibility to take care of our own country. I saw thousands being put out of their homes last January—families with children being held in the arms of their parents in zero weather looking at the water coming in the second-floor windows. I urge everyone here to do something for your country. God gave us this country. God gave us the soil, the rocks, the mountains, the woods, the streams. Let us do a good job protecting and preserving them. Let this be one of the times in history that we do something in and for America.

Mr. Speaker, with all the honors his country has bestowed upon him MIKE KIRWAN is a man of humility. In words suggested by Kipling our friend has walked and talked with Presidents, but never lost the common touch. He can "fill the unforgiving minute with 60 seconds' worth of distance run" and "the earth is his and everything that's in it," because he is a man, my friends.

Mr. CANNON. Mr. Speaker, it was my misfortune not to be on the floor the morning the announcement was made of the academic honor conferred on our distinguished colleague from Ohio by one of the great universities of the Nation. And of course with his customary modesty he did not enlighten me.

I was not aware of it until I read of it belatedly in the CONGRESSIONAL RECORD and so am taking advantage of the first opportunity to extend felicitations to him and to the House, which is also honored by this well deserved tribute to one of its outstanding Members.

MIKE KIRWAN is one of the great men of the House and the Nation. The congressional committee of which he is chairman does not contribute to my campaign. He is a typical American and his career might well be an inspiration to every American youth in the land.

From the other side of the track, as a breakerboy working 10 hours a day for 50 cents a day—without formal schooling—without pull or favor or help from anyone—through his own unaided efforts, he has come to membership in the greatest parliamentary body in the world.

But to every assignment along the way he gave the best that was in him. Wherever he found his niche, he worked, indefatigably and loyally.

Seest thou a man diligent in business; he shall stand before kings.

What he has achieved the humblest boy who walks the meanest street of the

smallest hamlet in the remotest corner of the land may, under our free American institutions, aspire to achieve.

Mr. Speaker, no academic authority has ever conferred a degree more worthily. If anyone here feels the need of a mental checkup you could do no better than consult Dr. KIRWAN. He is the best judge of human nature I have known. I would rather have his diagnosis of the personality and character of a man than that of the most eminent psychiatrist of the day—and he will not charge you $50 a visit. In fact one of his most notable characteristics is that he does so much for so many, without asking for himself. He loves his fellow man.

Abou Ben Adhem (may his tribe increase!)
Awoke one night from a deep dream of peace,
And saw, within the moonlight in his room,
Making it rich, and like a lily in bloom,
An angel writing in a book of gold:
Exceeding peace had made Ben Adhem bold,
And to the Presence in the room he said,
"What writest thou?"—The vision raised its head,
And with a look made of all sweet accord,
Answered, "The names of those who love the Lord."
"And is mine one?" said Abou. "Nay, not so,"
Replied the Angel. Abou spoke more low,
But cheerly still; and said, "I pray thee then,
Write me as one that loves his fellow men."
The angel wrote and vanished. The next night
It came again with a great wakening light,
And showed the names whom love of God had blessed.
And lo! Ben Adhem's name led all the rest.

Mr. ANDREWS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I would like to pay my respects to MIKE KIRWAN. I have known him intimately ever since I have been a Member of this House. I am familiar with his many fine traits, and above all his sincerity. In my opinion, he is a Congressman's Congressman.

Mr. Chairman, this bill provides funds for the Executive Office of the President and sundry agencies. There are 14 appropriated items in the bill, and in addition a limitation on travel funds in connection with construction of memorials and cemeteries.

The total appropriation for 1960 for these same items was $13,463,500. So that the funds recommended in this bill represent an increase of $324,000 over the current appropriation. This amount is the net result of increases in the Executive Office of the President and a substantial decrease for the Foreign Claims Settlement Commission.

A total of 1,510 permanent positions are provided for in this bill, and that is a decrease of 51 below 1960. About one-half of this reduction was planned in the budget estimates, and one-half has been imposed by the committee in its recommendations. There is actually a net increase of four positions in the Executive Office of the President, with substantial reductions in the Foreign Claims Settlement Commission and the program for construction of memorials and cemeteries.

The primary increases in appropriations are in the White House Office and in the Bureau of the Budget. The increase requested for the White House Office does not provide for any increase in staff, but the Budget Director indicated that a rather high turnover was anticipated in that staff for the ensuing year, and that additional funds would be needed to make terminal leave payments.

The increase of $235,000 for the Bureau of the Budget includes about $135,000 for increased costs of operating with their present staff, and about $100,000 to increase their staff by about 11 positions. The Budget Director asked for 33 new positions to help him do a better job on the budget. The increase recommended by the committee will permit him to add personnel for the most essential functions, including an expert on automatic data processing equipment.

And I might say, Mr. Chairman, that the Director of the Bureau of the Budget has been working for the last 2 years on the biggest budgets in peacetime history. The record will show that the Bureau has had a substantial reduction in personnel over the past 10 years. The Director told our committee frankly that he had cut his working force too deeply to get the job done.

I should point out to the House that the workload of the Subversive Activities Control Board may increase substantially.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield.

Mr. GROSS. Before the gentleman leaves the subject of the Bureau of the Budget, the Bureau of the Budget cut its work staff, yes, but turned around and hired a lot of management and counseling firms. Is that not correct?

Mr. ANDREWS. That is true.

Mr. GROSS. So it is a question as to whether it was a savings or not.

Mr. ANDREWS. I was speaking of the Bureau of the Budget itself.

I should point out to the House that the workload of the Subversive Activities Control Board could increase substantially in the event of decisions from the Supreme Court which would permit action to be taken under the provisions of the Subversive Activities Control Act of 1950. The appropriation requested in the budget estimates and recommended by the committee will support present operations of the Board, but an affirmative ruling in the Communist Party case could change this situation dramatically. However, the amount carried in the bill is adequate under present circumstances.

One item appears in this bill which was not included in the 1960 act. This is the item for extraordinary alterations and repairs. Even though this did not appear in last year's act, it is not a new appropriation item. This item has been included intermittently and the purpose of the appropriation this year is to restore an operating balance within this fund for possible emergencies in the physical plant of the White House.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield.

Mr. MONAGAN. Do I understand that there is an increase in the amount for the Executive Office of the President of $517,000?

Mr. ANDREWS. Yes.

Mr. MONAGAN. I should first say that the budget estimate represented an increase of $722,000.

Mr. ANDREWS. For the White House?

Mr. MONAGAN. Yes; the Executive Office of the President. The 1961 estimate was $722,000 over the 1960 appropriation.

Mr. ANDREWS. The total amount in this bill for the Executive Office of the President is $10,722,500.

Mr. MONAGAN. As against $10,235,000?

Mr. ANDREWS. That is correct.

Mr. MONAGAN. And as against an estimate of $10,977,000?

Mr. ANDREWS. That is right.

Mr. MONAGAN. So that the estimate was about three-quarters of a million dollars over the appropriation allowed?

Mr. ANDREWS. That is right.

Mr. MONAGAN. And there is recommended an amount in this bill which is a 5-percent increase over the appropriation last year?

Mr. ANDREWS. That is right.

Mr. MONAGAN. Where does that item come in?

Mr. ANDREWS. For the White House offices there is an increase of $177,500. That does not mean there will be additional employees there, but it makes allowance for the possibility that at the end of this administration many of those employees will be separated from the service and they will be entitled to terminal leave.

Mr. MONAGAN. It is an item for compensation of employees in the Executive Office of the President?

Mr. ANDREWS. That is correct, employees who might find their positions terminated at the end of the present administration. Then you will find another item which is an increase over the 1960 budget of $100,000. That is to permit a redecorating job in the White House and to repaint the White House, which is done every 4 years with change of administrations.

Mr. MONAGAN. Is that under the White House offices?

Mr. ANDREWS. The gentleman will find it listed there under extraordinary alterations and repairs.

Mr. MONAGAN. May I ask a question about the Bureau of the Budget? Apparently the appropriation for 1960 was $4.6 million, with an increase of about $235,000?

Mr. ANDREWS. That is correct.

Mr. MONAGAN. What would that go for?

Mr. ANDREWS. It would be for 11 new positions in the Bureau of the Budget; so the increase over last year's appropriation for the Bureau of the Budget is $235,000; however, the amount appropriated in this bill is $200,000 less than the Budget requested for their own shop.

Mr. MONAGAN. In other words, they requested an increase of about a half million dollars?

Mr. ANDREWS. Yes.

Mr. MONAGAN. Which was over 10 percent.

Mr. ANDREWS. They requested in terms of manpower 33 new positions. The committee has allowed them 11 new positions.

Mr. MONAGAN. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. FENTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 11389, the appropriations bill for fiscal 1961, to take care of general Government matters, is presented to you today in the amount of $13,787,500 as approved by the Committee on Appropriations. This is an increase of $324,000 over the 1960 appropriations.

The amount recommended by the Bureau of the Budget was for $14,302,500 which is an increase of $839,000 over the current fiscal year of 1960. The committee saw fit to reduce this amount by $515,000.

This bill as you know, represents appropriations made to the Executive Office of the President.

It provides funds for the President's compensation, the White House Office, special projects, Executive Mansion and grounds, extraordinary alterations and repairs, Bureau of the Budget, Council of Economic Advisers, National Security Council, and the President's Advisory Committee on Government Organization.

It also provides for additional funds to be appropriated to the President for emergencies and expenses of management improvement. The amount requested for the emergencies is $1 million and the amount asked for the management improvement was $350,000. The emergency fund was allowed in full and the committee cut the management improvement fund to $40,000.

Three other general Government agencies are also provided for in this bill—namely, the American Battle Monuments Commission, the Foreign Claims Settlement Commission, and the Subversive Activities Control Board. All requested amounts were allowed.

While this is by far the smallest of all the appropriation bills it does contain, nevertheless, funds that are for the Executive—funds for his advisers in economic and military affairs from whose recommendations important decisions are made.

One other item which we think very important in the bill is for the appropriations for the Subversive Activities Control Board. The Board is handicapped in their work by the delays caused by the Supreme Court in its decisions regarding the constitutional validity of the act since 1954. You will recall that in 1954 the Court of Appeals upheld the Board, but the Supreme Court sent it back to the Board with certain instructions.

Last month, February 5, 1960, the Supreme Court granted the Communist Party's petition to review the case and set argument for next October.

A ruling by the Supreme Court affirming the decisions of the Court of Appeals upholding the act and the Board's order could result in a substantial increase in the Board's workload in the latter part of fiscal 1961.

THE WHITE HOUSE OFFICE

The amount requested for the White House Office for 1961 was $2,398,500. This is an increase of $177,500 over 1960.

These funds provide the President with staff assistance and provide administrative services for the White House Office. The committee allowed the full amount.

The White House Office appropriations provide for 272 permanent positions, the same as the current year.

It was also explained that there is contemplated 274 as the average number of all employees, with 278 on the rolls at the end of the year. This is due to the fact that there will be a change in administration in 1961 and that there will be significant amounts of terminal-leave payments to members of the White House organization that occur upon change in administration.

SPECIAL PROJECTS

The budget request is for $1,500,000—the same as 1960. This fund is used by the President for staff assistance on special problems which arise from time to time but cannot be considered the responsibility of an existing agency.

The committee allowed the full amount requested.

The special projects appropriation was first established in 1956 and it is estimated that for fiscal year 1961 it will be staffed by 110 employees—5 less than the current fiscal year.

It is a means of financing special staffs appointed from time to time to advise the President or to coordinate activities for the President which overlapped departments and agencies.

This organization is composed presently of four units; namely, science and technology headed by Dr. George Kistiakowsky, the President's assistant for science; personnel management under Mr. Eugene Lyons; the foreign economic policy unit under the direction of Clarence Randall; and the public works planning headed by Gen. John Bragdon.

In addition to those four units they have special consultants, and so forth, brought in on such specific matters as national security, intelligence, and other special fields on a short-time basis.

It is really an addition or extension of the White House staff set up to coordinate various specific fields and activities for the President which overlapped departments and agencies.

As of February 29, 1960, there was obligated out of this fund, for fiscal year 1960, $778,500 for projects itemized on page 90 of the 1961 fiscal year hearings.

EXECUTIVE MANSION AND GROUNDS

The budget estimate for the Executive Mansion and grounds is $505,000, an increase of $30,000 over the 1960 budget. The committee granted the full amount. As of February 29, 1960, there was obligated $310,357.

These funds provide for the care, maintenance, and operation of the Executive Mansion and the surrounding grounds.

Included also in this budget is $100,000 for extraordinary alterations and repairs. These funds are made available for the incoming occupants of the White House and the amount was granted in full.

There are 72 employees estimated for the Executive Mansion and grounds for 1961; the same number as for the past 2 fiscal years. Of this number 38 people are in the mechanical and maintenance force. These include electricians, gardeners, engineers, carpenters, caretakers, plumbers, storekeepers, and so forth. Average compensation is $5,371.

Thirty-four people are in the domestic force, such as housekeepers, butlers, cooks, doormen, laundresses, pantrywomen, and maids. Average compensation of this group, $3,709.

Of the $30,000 increase over the current fiscal year $25,000 is to pay mandatory increased costs such as salary increases including retirement, electric rate increase, increased elevator maintenance and laundry costs, and Federal employee health benefits.

The rest of the increase, or $5,000, is needed for additional supplies required by increased use, wear and tear.

THE BUREAU OF THE BUDGET

The 1961 request is for $5,100,000, an increase of $435,000 over 1960.

This increase would permit the addition of 33 more positions. These are needed because of additional projects and workloads. Specifically they would have been distributed as follows: 1 in Office of Accounting, 7 in Office of Budget Review, 14 in Office of Management and Organization, 1 in Office of Statistical Standards, 1 in Commerce and Finance, 4 in Military Division, 2 in Resources and Civil Works, 3 in Executive Direction and Administration.

The committee, however, allowed them $4,900,000, or a decrease of $200,000 from their request which would take care of an additional 11 people.

The committee also made a reduction of $5,000 in their request for $120,000 for expenses of travel. Thus the amount granted for travel is $115,000.

The Bureau made a request for a per diem rate of $75. The committee recommends the retention of $50.

In 1951 the personnel in the Bureau of the Budget was 534. In 1952 it was 515. Since that time there has been a decrease each year until the present fiscal year which shows a personnel of 433.

The Bureau of the Budget felt that they should lead the way to try and affect a policy of holding down expenditures and employment.

A point has now been reached in which they feel that in order to keep pace with new situations and deal with troublesome problems with the effectiveness that is expected of the President, and so forth, that they were obliged to ask for 33 new positions which if permitted would have raised their personnel to 466.

As I said before the committee allowed 11 new positions which would bring them to a total of 444.

While the Bureau has cut back on its personnel since 1952 there has been an increase in its appropriated funds. For

example the appropriation for the Bureau in 1952 was $3,608,000. This was decreased in 1953, 1954, and 1955 when it was $3,388,617.

Then in 1956 it rose to $3,559,000, and has continued to rise until 1960 when the estimate was $4,665,000. As previously stated the estimate for 1961 was $5,100,000.

These increases have been brought about by many new responsibilities given the Bureau. For example the creation of an Office of Accounting in the Bureau which Congress authorized to improve financial management across the Government.

New agencies have also been created—the Federal Aviation Agency and the NASA, the outer space agency. Also the greatly increased work in the areas of defense, international matters, and so forth.

In the field of management and organization the Bureau testified that more professional people were necessary because over the past few years there have been growing developments in industry and government in the field of management improvement.

Electronic data is an example of a new technique that should be carried out by the Bureau of the Budget because there is no focal point in the Government for carrying out this activity.

Other problems are coming to the attention of the Bureau of the Budget and have been under study—namely, the problem of foreign currencies; the user charge program.

COUNCIL OF ECONOMIC ADVISERS

The Council of Economic Advisers requested $395,000 for fiscal 1961. This is the same as 1960. The committee allowed them $390,000—a cut of $5,000 from the travel items.

The Council of Economic Advisers analyzes the national economy and its various segments; advises the President on economic developments; recommends policies for economic growth and stability; appraises economic programs and policies of the Federal Government; and assists in preparation of the Annual Economic Report of the President to Congress.

NATIONAL SECURITY COUNCIL

The budget request for 1961 is in the amount of $779,000—a decrease of $13,000 from the appropriations of 1960. The full request was granted.

The National Security Council was established in 1947—Public Law 253, 80th Congress.

This was amended in 1949 and 1951, and in 1949 was transferred to the Executive Office of the President.

Within the structure of the National Security Council are the Operations Coordinating Board and the National Security Planning Board.

PRESIDENT'S ADVISORY COMMITTEE ON GOVERNMENT ORGANIZATION

Established by Presidential Order No. 10432 on January 24, 1953.

The duties of the Committee are to advise the President, the assistant to the President, and the Bureau of the Budget with respect to changes in the organization and activities of the executive branch of the Government, which in its opinion would promote economy and efficiency in the operation of that branch.

Meets on an average of once a month. Also meets with the President from time to time and participates in Cabinet sessions when Government reorganization items are on the agenda.

The Bureau of the Budget Director also participates in the Committee meetings.

The Bureau of the Budget requested $50,000 for fiscal 1961 which is a reduction of $7,500 from the $57,500 appropriated for 1960.

This reduction reflects the elimination of two positions.

It is now estimated that obligations for the current fiscal year will total about $40,000, based on obligations of $22,434 through January 31, 1960.

The request for $50,000 was granted in full.

The authority for the President to transmit reorganization plans to the Congress expired on June 1, 1959. The House on June 2, 1959, passed a bill extending the Reorganization Act of 1949 for 2 additional years. The Senate has not, as yet, acted on the House bill.

While the committee has been functioning in such areas as organization of the Executive Office of the President, Organization for National Security Affairs, Foreign Affairs Organization, and Organization of Federal Transportation Activities, the President has been handicapped insofar as reorganization matters are concerned on account of the expiring of the authorization, June 1, 1959.

If the Congress does not extend the authority to transmit reorganization proposals then he would have the regular course to pursue—that is through regular legislative proposals.

The major steps which have been taken over the past 7 years to improve the executive branch organization and management, in the development of which the President's Advisory Committee on Government Organization has participated actively, are listed on pages 9, 10, 11, and 12 of the Appropriations Committee hearings for 1961. Out of 40 steps or proposals in that time 28 were accomplished and the others are pending transmission to the President or awaiting Presidential action.

EMERGENCY FUND FOR THE PRESIDENT

The amount requested for fiscal year 1961 was $1 million, the same as 1960.

Up to this time there has been no expenditure out of the current fiscal year.

The purpose of this fund is to enable the President to meet emergencies affecting the national interest, security, or defense which may arise at home or abroad and which do not fall within the scope of the regular activities of any agency.

Congress has recognized this need for providing a contingent fund for it for many years.

In fiscal 1959 there was $975,000 utilized but the State Department returned $300,000 as a result of the Second Supplemental Appropriations Act of 1959—which in reality left a balance of $325,000 from the emergency fund that year.

There is no estimate for the number of personnel utilized in this project for 1960 since none of the money has been expended.

The Bureau of the Budget administers the fund.

EXPENSES OF MANAGEMENT IMPROVEMENT

The request for 1961 is $350,000 which is an increase of $225,000 over 1960.

Over the years this fund has been kept at a level of approximately $500,000 and is used principally to contract for outside services or for special projects in the field of management improvement for executive departments. It does not represent, except in unusual cases, a direct employment by the Government, but is used mostly for contracting for outside services.

Since there will be an estimated unobligated balance at the end of 1960 of over $260,000 the committee allowed them $40,000 which would give a fund of $300,000 for 1961. This is a decrease of $310,000 from the Budget request.

The types of projects for which the money from this fund was used can be found on pages 148 to 159, inclusive, of the 1961 hearings of the Subcommittee on Appropriations for General Government Matters.

AMERICAN BATTLE MONUMENTS COMMISSION

Nearing the completion of their construction program by the end of 1961, with the exception of the Hawaii Cemetery project, the request for fiscal 1961 was $1,320,000 which was allowed in full for salaries and expenses.

Much can be said in praise for the fine work that has been done by this Commission on our World War II cemeteries and memorials.

Work originally estimated to cost over $40 million was constructed at around $31 million plus 10 percent overhead or a saving of over $5 million.

Originally there were 14 World War II cemeteries with a memorial in each cemetery, plus enlarging the chapel in the World War I cemetery at Suresnes to be constructed.

In addition to those World War II cemeteries, et cetera, the Commission has been able to add more monuments namely, the monument at Hawaii, at a cost of $2.5 million; the new monument at Brest, $678,000; the West Coast Memorial, $105,000; the East Coast Memorial, $629,000. They have also set aside $110,000 for a monument at Okinawa until approval is granted them by the Bureau of the Budget. They have also paid $16,000 for plans for the General Pershing Memorial.

FOREIGN CLAIMS SETTLEMENT COMMISSION

The request for appropriations for fiscal 1961 for the Foreign Claims Settlement Commission was $260,000 which was allowed in full. This is a decrease of $148,000 from the current fiscal year of $408,000.

They estimate a personnel of 40 for the 1961 fiscal year in contrast to 59 for 1960 on account of the Commission completing action on claims programs under existing legislation.

The principal work of the Commission at this time is the administration of the Czechoslovakian claims program.

The Czechoslovakian Claims Act expires August 8, 1962, unless extended by the Congress. At present there is a balance of $489,915 in the Czechoslovakian Fund.

During the hearings I requested the general counsel of the Foreign Claims Settlement Commission to supply me with a brief history of this Commission and the work it has done. I am including it here at this time for the information of my colleagues in the House.

FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES,
Washington, D.C., March 22, 1960.

To: Hon. IVOR D. FENTON, Subcommittee on General Government Matters, House of Representatives.
From: Andrew T. McGuire, General Counsel, Foreign Claims Settlement Commission.
Subject: Brief history of the Foreign Claims Settlement Commission.

The Foreign Claims Settlement Commission of the United States was established as an independent agency of the U.S. Government under the authority of Reorganization Plan No. 1 of 1954. It assumed the functions previously exercised by the War Claims Commission, an independent agency, under the authority of the War Claims Act of 1948. It also assumed the functions previously exercised by the International Claims Commission, an agency within the Department of State, under the authority of the International Claims Settlement Act of 1949. In brief the principal purpose of the War Claims Act was to provide machinery for the determination and processing of claims of various kinds against foreign governments for injuries and damages to American citizens arising out of war. The principal purpose of the International Claims Settlement Act was to provide machinery for the determination and processing of claims of various kinds against foreign governments for the nationalization or other taking of American property. However, some war claims have been authorized for determination and processing under the International Claims Settlement Act. The two statutes are very similar. Except as it may be necessary to vary methods of handling between large numbers of comparatively simple claims, i.e., production line claims, and more limited numbers of large, intricate, and complex claims which must be individually handled, procedures are very similar. Under both statutes the claims programs operate against specified filing periods and completion deadlines.

It should be kept foremost in mind that this does not refer to claims against the United States. The funds which go to the satisfaction of claims on all programs, and with only one limited exception, are derived in one manner or other from the foreign governments and not from the taxpayers' pocketbooks. They are gratuities made available through the largess of the Congress. Likewise, the salaries of the Commissioners and the other expenses of the Commission are, in effect, almost entirely paid from these funds.

The War Claims Act required the War Claims Commission to make a study and report with recommendations to the Congress, concerning the whole field of war claims. That report was filed in January 1953. It included a number of recommendations nearly all of which have since been authorized and carried out. The most important of all—the war damage program—has not been enacted into law.

II. CLAIMS PROGRAMS COMPLETED—PAID FROM THE WAR CLAIMS FUND

On March 5, 1957, there was presented to the House Interstate and Foreign Commerce Committee a rather detailed report on the functions and accomplishments of the Commission.

The Foreign Claim Settlement Commission is the legal custodian of the War Claims Fund. The fund consists of all sums covered into the Treasury pursuant to section 39 of the Trading With the Enemy Act, that is, the net proceeds of the liquidation of vested World War II German and Japanese assets by the Office of Alien Property in the Department of Justice. Transfers to the fund have totaled $228,500,000. The present balance is slightly in excess of $500,000.

Utilization of the fund in payment of claims within the jurisdiction of the Commission has been as follows:

1. Awards to members of the American Armed Forces who were held prisoners during World War II, at the rate of $1 for each day of failure to receive the proper quantity and quality of food. This program was completed as directed by the Congress March 31, 1955, with 179,275 awards totaling $49,891,911.

2. Awards to American civilians who went into hiding or were interned by the Japanese in the Philippines, Wake, Guam, or Midway at $25 per month for persons under 18 years of age, and $60 per month for others. This program was completed March 31, 1955, with 9,238 awards totaling $13,668,078.

3. Awards to religious organizations in the Philippines affiliated with religious organizations in the United States, or to the personnel of such Philippine organizations, for expenditures incurred or the value of supplies furnished to beleaguered Americans during World War II. This program was completed March 31, 1955, with 62 awards totaling $2,857,899.

4. Awards to such religious organizations in the Philippines for the postwar reconstruction costs of schools, colleges, observatories, hospitals, and orphanages destroyed during the war. This program was completed March 31, 1955, with 60 awards totaling $17,236,596.

5. Awards to members of the American Armed Forces held prisoner during World War II, at the rate of $1.50 for each day they were abused or mistreated. This program was completed March 31, 1955 with 176,340 awards, totaling $73,377,245.

6. Awards to American civilians and their survivors of a class not covered by the original act who went into hiding or were interned by the Japanese. This program was completed as directed by the Congress August 31, 1956, with 2,191 awards, totaling $4,073,992.

7. Awards to American prisoners of war who had enlisted in the armed forces of our allies. The program was completed August 31, 1956 with 201 awards, totaling $335,836.

8. Awards to American merchant seamen captured and interned by the Japanese and Germans during World War II. The program was completed August 31, 1956, with 176 awards, totaling $327,732.

9. Awards to Americans for losses on bank accounts and other credits sequestered by the Japanese in the Philippines, and to banks in the Philippines which had voluntarily reestablished sequestered American credits. This program was completed August 31, 1956, with 3,162 awards, totaling $10,570,478.

10. Awards, under an amendment to the original statutory authorization, to religious organizations in the Philippines of the same denomination as religious organizations in the United States for (a) the cost of assistance furnished to American civilian and military personnel captured by or in hiding from the Japanese during the war, and (b) the postwar reconstruction costs of schools, colleges, hospitals, and similar institutions, destroyed during the war. The program was completed as directed by the Congress February 6, 1958, with 109 awards, totaling $8,711,432.25.

III. CLAIMS PROGRAMS COMPLETED—NOT PAID FROM THE WAR CLAIMS FUND

Seven programs have been carried through under the International Claims Settlement Act, and one under the War Claims Act, which were not payable from the war claims fund.

1. Awards to prisoners of war and civilian internees in the Korean conflict of the same kind provided for in World War II. This is the only program the Commission has had payable from appropriated funds. It was completed as directed by the Congress August 21, 1956, with 9,241 awards, totaling $8,888,292.

2. Awards to Americans for the loss of property in Panama. A fund of $400,000 was provided by Panama. There were 66 awards, totaling $441,891. The program was completed June 30, 1954.

3. Awards to Americans whose property in Yugoslavia was nationalized or otherwise taken by Yugoslavia. A fund of $17 million was provided by Yugoslavia. The program was completed as directed by the Congress December 31, 1954. There were 876 awards, totaling $18,817,904.

4. Awards to Americans whose claims against the Soviet Union arose prior to November 16, 1933, primarily resulting from the 1917 revolution. Such awards were paid from a fund of $9,100,000 realized from the proceeds of property transferred to the United States by Russia under what is known as the Litvinov Assignment. Awards numbered more than 1,925 and totaled more than $70 million in principal, plus interest. The program was completed as directed by Congress August 9, 1959.

5. Awards to Americans were made with respect to claims against Italy arising from World War II not provided for in the Treaty of Peace with Italy. Claims were primarily those of Americans for damages attributable to Italy which occurred in Greece, Yugoslavia, Albania, and on the high seas. Italy provided a fund of $5 million to cover such claims. Awards totaling $3,608,171 have numbered 482 under both the original provisions of the act and the amendment thereto which, in effect, extended benefits to persons not qualified under the original provisions. Claims under the original provisions were completed on August 9, 1959.

6. Awards to Americans whose claims against Hungary arose out of World War II damage, or, nationalization or other taking of American-owned property (plus a limited category of prewar contract claims). A sum of approximately $2 million was available in the Hungarian fund from the net proceeds of the vesting of certain Hungarian assets in the United States. Awards numbered 1,153 and exceeded $58 million plus interest. This program was completed on August 9, 1959.

7. Awards to American claimants against Rumania were made under circumstances similar to those against Hungary. A fund of approximately $22 million was available from the vesting of Rumanian assets in the United States. Awards numbered 498 and exceeded $60 million plus interest. The program was completed August 9, 1959.

8. Awards to Americans for claims against Bulgaria are likewise for World War II damage to, or, nationalization or other taking of American property (plus a limited category of prewar contract claims). A fund of approximately $2.5 million was available from the vesting of Bulgarian assets in the United States. Awards numbered 217 and exceeded $4,500,000 plus interest. This program was also completed on August 9, 1959.

As to the last five mentioned programs, awards are payable in full up to $1,000 and prorated above that.

IV. CURRENT CLAIMS PROGRAMS

The Commission is in the process of determining claims with respect to some 4,000 Americans under title IV of the International Claims Settlement Act of 1949, as amended (approved Aug. 8, 1958), against Czechoslovakia. This program provides compensation to Americans for the nationalization or other taking of their property by Czechoslovakia. A fund of approximately $9 million is available from the vesting of the proceeds of the sale of certain Czechoslovakian property. The program will be completed on time, September 15, 1962.

Mr. FENTON. Mr. Chairman, I yield such time as he may desire to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, while reading the hearings of the Subcommittee on Appropriations for General Government Matters I ran into something that I thought quite amusing. The gentleman from Alabama [Mr. ANDREWS] was asking questions about funds for the improvement of the White House. As I understand it, certain of that money is to be spent after the next President takes office. Since there are some seven or eight announced and unannounced candidates for the Presidency, it is not possible at this time, I am sure, to settle on any one First Lady in the White House. But, on page 81 of the hearings the gentleman from Alabama asked this question:

When will these improvements be made, before or after the next First Lady moves into the mansion?

And I call the attention of my friend the gentleman from Michigan [Mr. HOFFMAN] to the answer of Mr. Ziehl.

Mr. HOFFMAN of Michigan. Mr. Chairman, if the gentleman will pardon me, will he yield at this time?

Mr. GROSS. I will be happy to yield.

Mr. HOFFMAN of Michigan. Who did you say would be in the White House?

Mr. GROSS. I said I did not know; that there were seven or eight announced and unannounced candidates for the Presidency, so I would not know who the next First Lady in the White House would be who wants to select her own paint.

Mr. HOFFMAN of Michigan. I thank the gentleman.

Mr. GROSS. Now, to start over again. The gentleman from Alabama [Mr. ANDREWS] asked this question:

When will these improvements be made, before or after the next First Lady moves into the mansion?

Mr. ZIEHL. Afterward, according to an incidental piece of information.

This is the first time I ever read in a hearing where an appropriation was based upon "an incidental piece of information."

Mr. FENTON. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. FENTON. The gentleman can see that that particular part was not deleted from the hearings.

Mr. GROSS. I am glad it was not. Now, with reference to this bill, I am interested in two or three features of it. First I want to commend the committee for the provision on page 13 of the bill:

SEC. 209. No part of any appropriation contained in this or any other act, or of the funds available for expenditure by any individual, corporation, or agency included in this or any other act, shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before Congress.

This eliminates the necessity for offering a similar amendment to each appropriation bill as it comes on and I say again that I want to commend the committee for including this section.

I wanted particularly to address myself to the expenditure of money by the White House for expenses of management improvement. As I understand, there is $260,000 of carryover available for this fund, and the committee has approved $40,000 additional in new money for this fund. My question is, What has this management improvement setup done by way of improving personnel management throughout the Government? I wonder if the chairman of the subcommittee can tell me what has been accomplished through the expenditure of this money over the years?

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am happy to yield.

Mr. ANDREWS. If the gentleman will look at page 148 of the hearings he will find a list of the projects that have been financed from this fund. Now if he will look at page 146 of the hearings he will see where I asked Mr. Stans, the Director of the Bureau of the Budget, who justified this item before the committee:

Mr. ANDREWS. Does the President want this agency or this fund?

Mr. STANS. Yes, the President wants it; and I think, Mr. Chairman, it's a very important way of getting at some of the organizational and operating problems in the Government where the Bureau of the Budget doesn't have the staff to make the studies and there is no other agency in the Government able to perform them.

The budget request for this item was $350,000.

Mr. GROSS. Yes; they wanted it brought up to $500,000.

Mr. ANDREWS. The budget request was for $350,000. The committee approved $40,000. They wanted to keep this fund at a level of $500,000. The committee thought it would be well to keep it at the level of $300,000.

Mr. GROSS. I still cannot understand why the gentleman and the Committee on Appropriations defends this fund. I am unwilling to accept the position of the Bureau of the Budget and I will tell the gentleman why. The Bureau of the Budget since 1953, according to testimony by Mr. Stans, has spent $1,110,000 on projects financed from this fund. The projects include Management of the Federal Trade Commission; Organization and Management of the Federal Power Commission; Organization and Management of the General Services Administration; Comptroller's Activities of the Federal Housing Administration. There are 10 different outside-of-Government firms that were employed on 17 projects, plus 5 other projects where individuals were hired on a consultant basis by the Bureau of the Budget. This money has been spent largely on the hiring of private management engineering firms. Despite the fact that more than $1 million has been spent in this fashion since 1953, employment in the Government has gone up and up. I am sure the gentleman will not dispute that.

This year it is supposed to reach a high of some 2,314,000 people, a substantial increase over last year.

I have been advised that based on a study made by the Bureau of the Budget there are 29 departments and agencies of the Federal Government that have management analysis groups in their headquarters operations. These groups employ over 350 professional career management analysts in their headquarters—over 350 now on the payrolls. Besides these technicians, the larger field activities also have management analysts, so that in total the Federal Government certainly must employ several thousand well-trained personnel management experts.

I trust that the Bureau of the Budget will provide greater leadership in the future for top management in the Federal Government to make use of these career technicians, not go out and hire private engineering firms on a cost-plus basis as is often done.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. MICHEL. The gentleman talks about the increase in Federal employment. He recognizes that the last few years of this administration there have been increases as the administration moved along. The fact shows that today, 7 or 8 years after, the administration has fewer people on the payroll than when this administration took over in 1953. That figure cannot be challenged.

Mr. GROSS. That does not justify the hiring of private consultants when there are qualified employees already on the payrolls and when employment in the classified service is on the increase. What do you propose to do with the people already on the payroll?

Mr. MICHEL. In some instances it is difficult to make savings. For instance, in the case of the Defense Department many people thought by reorganizing it would mean a difference of $5, $6, or $7 billion in the expenditures. I think the result is that we did happen to have a sizable increase. We might normally expect increasing costs. Take, for instance, this item the Director of the Bureau of the Budget is concerned about, whether or not the Government should be buying or renting these large computing machines that cost thousands and thousands of dollars. Some of the departments do not know whether it is correct for them to go ahead and buy the machines or to rent them. We are concerned about the sizable expenditures for renting, but some specialist must go in there and determine whether or not this is the right or wrong thing to do.

Mr. GROSS. Why go out and hire people to tell the Government what to do, when we have in the General Services Administration and other agencies all kinds of experts? That is what we have been doing.

Mr. MICHEL. I do not know that we have been hiring General Services Administration men.

Mr. GROSS. If the gentleman will read the hearings of our manpower utilization subcommittee he will find that the General Services Administration did hire private consultants to tell it what to do in the management of properties. If the General Services Administration, after the years of experience it has had, still must go outside to hire people to tell it how to manage Government property, then there is something sadly wrong. I hope it will not surprise the gentleman to learn that as the result of our hearings, and I am not going to take the time to search out the testimony now, there is no one agency of Government responsible for personnel management, not even the Civil Service Commission.

There is no place or no one that you can turn to fix responsibility for management, yet we are asked to support, with hundreds of thousands of dollars over the years, a management improvement setup in the White House, that I say to you has not been delivering and which ought to be abolished. The money should be spent on concentrating responsibility either in the Civil Service Commission or somewhere else in the Government.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. MICHEL. The gentleman serves on the House Committee on Post Office and Civil Service, and I was wondering if that committee has given any consideration to the establishment of just this kind of thing that the gentleman is talking about.

Mr. GROSS. I suggest that the gentleman read our hearings of last December.

Mr. MICHEL. Has there been any legislation introduced to that effect that we might tie our string to?

Mr. GROSS. We are trying to get some help from all departments and agencies in an effort to determine where responsibility for personnel management should be located.

Mr. MICHEL. Of course, the gentleman surely must agree that since we do not have that in effect or in being, there is nothing seriously wrong with going to an area where we can get good advice.

Mr. GROSS. What I am trying to do is to raise the issue here today so that next year we can get some help from the Committee on Appropriations in anything that we may be able to do through the Committee on Post Office and Civil Service. What I am saying is that we ought to cut out the $40,000 in new money and I intend to offer an amendment to that effect, leaving the improvement management setup in the White House the $260,000 of carryover and giving very serious consideration next year to the abolition of this so-called management group, which is not producing today.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. HOFFMAN of Michigan. With reference to the Post Office Department, every time the Postmaster General tries, as he has been trying ever since he came into office, to get a little more efficiency and to cut out some of the waste, someone from the Congress in answer to a lobby that is usually up here and there was one here last week complaining because the Post Office Department is trying to find out whether some of the postal employees are doing anything, and they were undoubtedly in to see the gentleman—they were in my office and they stayed a long, long time. They did not want any standards established to judge so that the Postmaster General or any of his assistants could determine whether they were working or whether they were not. Now if we let the Post Office Department alone once in a while—or not once in a while, but at least part of the time—part of the time if we would just let that businessman alone who is in charge down there and install some of these good things, we could save some money and get some work done.

Mr. GROSS. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. FENTON].

Mr. FENTON. May I ask how much more time the gentleman would like to have since there are other Members who want time to speak?

Mr. GROSS. I would like to have another 2 or 3 minutes, if the gentleman would yield that time to me.

Mr. FENTON. Mr. Chairman, may I ask how much time the gentleman has consumed?

The CHAIRMAN. The gentleman has consumed 15 minutes.

Mr. FENTON. Mr. Chairman, I yield 3 additional minutes to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman from Pennsylvania. Last year this appropriations subcommittee developed that there had been a $400,000 raid on the President's emergency fund for the so-called Draper Committee. I wonder if there was any such raid—I find no evidence of it in your hearings this year, but I wonder if there has been a similar raid on the President's emergency fund in attempts to influence the Congress. I wonder if the gentleman could tell me whether there has been a raid in the last year?

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to my colleague.

Mr. ANDREWS. I am happy to tell the gentleman that as of the time when witnesses appeared before the committee, about 2 weeks ago, the testimony was that not one thin dime had been spent from this fund in fiscal year 1960. It could be that the remarks of the gentleman from Iowa on the floor last year had something to do with that although I do not know.

Mr. GROSS. I thank the gentleman. I want to commend the gentleman for having turned up the information last year.

Mr. ANDREWS. The gentleman will find that information in the record of the hearings at page 140. He will find from the testimony on that page that the fund of $1 million is still intact.

Mr. GROSS. I thank the gentleman for his response.

I should also like to ask the gentleman a question concerning this setup in the White House on fundraising within the Federal service.

It is difficult for me to understand why the taxpayers should spend $54,000, or at the rate of about $10,000 a year for five employees, which must mean there are a couple of them drawing extra good money, to ride herd on fundraising within the Federal Government. Why cannot the various agencies, bureaus, and departments handle fundraising for charitable purposes without this expenditure?

Mr. ANDREWS. All those people were assigned by the military to the White House. If you will notice on page 4 of the committee report, we have requested that this practice be stopped.

Mr. GROSS. That is good. I thank the gentleman.

Mr. FENTON. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN of Michigan. Mr. Chairman, during the last year or two there has been a notably tendency on the part of a very few Johnny-come-lately Members of the House to travel fast and far. That is a laudable ambition and many a bandwagon rider cheers as some ride to the top and sit under a temporary spotlight in an isolated seat. Some stub a toe or slip on a banana skin thoughtlessly dropped by a careless bystander. That has been the opinion as expressed by a few papers here and there in various congressional districts.

Not content with a little pushing and crowding now and then, here and there or possibly what might be termed retaliation because of a few votes, not waiting for a colleague to be defeated or for nature to take its course impatient to be crowned, they have resorted to a denial of seniority rights on committees.

Really convinced we should have a civil rights bill, some disregard the long-established rules and customs of the House and push themselves or their friends to positions they have not earned. For some time it has been my thought the desire for equal rights might drift down to the House membership—some consideration be given to those who had earned the right to this privilege by long service here. It is just possible, as was hinted by the gentleman from Mississippi the other day, that some who seem to claim the right to silence or fix the status of all others, might just find themselves with needed votes come election or caucus day. But enough of that.

The bill now before us provides appropriations for the White House; does it not?

Mr. ANDREWS. Yes.

Mr. HOFFMAN of Michigan. Mr. Chairman, being that kind of a bill, if they have more money than they need or more employees than they have use for around the White House, they might send a few of them up here to the House Office Buildings to operate the elevators in the front of the New House Office Building.

Yesterday and on a couple of other Sundays the bank of elevators was not operating around 5. Some of the Members, your humble servant included, wanted to do some necessary work, some work that might be said to be of a religious nature because it had to do with the welfare of the aged. Yesterday—it happened twice before on successive Sundays—the elevator at the police desk in the New House Office Building was not being operated. There was no one there to operate it except a policeman and he was so busy smoking he could not be bothered. Personally, I do not object to walking down from the fifth floor from over in the southwest corner, but when it comes to climbing up five flights of stairs, I do not like it—especially when someone is being paid to run the elevators. Just why should a Member carry his load up five or even two flights while someone paid to do a job wears the seat of his pants out in some other part of the building. Nor was I able to get anyone at the Superintendent's office.

Now, the gentleman from Texas [Mr. THOMAS] was over there hanging around trying to get a ride up; the gentleman from Texas [Mr. BECKWITH], he was over there. When you get as many as three Members of the House who really want to work or at least make a pretext of wanting to work, should they not have an elevator to get up and down, when there was a man on duty? Or must the older ones just get out of the way so we can elect a young man who can run up; then wear out the springs on his easy chair? With $4 billion something going abroad, I hope one of the leaders on our side, either Mr. ARENDS or Mr. ALLEN, both from Illinois—I understand they are down to the White House every Monday or Tuesday, whenever it is—I wish you would just speak to the President, and if he does not need those employees who are hired in connection with White House service—I suppose he will be going to church at Gettysburg anyway on Sundays—if he does not need all those employees down there, would you or one of you gentlemen mind suggesting to him that he fix it so that we can have somebody up here to run one of those elevators on Sunday—I note you nod—and then Mr. THOMAS and Mr. BECKWORTH, perhaps your humble servant may be able to get up to an office without walking up the stairs. Why let an elevator and an operator just stay stuck?

It may be all right for a leader, a would-be leader, or just a climber to give a Member the runaround but one should not have to take a push from an elevator operator or House policeman.

Mr. FENTON. Mr. Chairman, we have no further requests for time.

Mr. ANDREWS. We have no further requests, Mr. Chairman.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

EXPENSES OF MANAGEMENT IMPROVEMENT

For expenses necessary to assist the President in improving the management of executive agencies and in obtaining greater economy and efficiency through the establishment of more efficient business methods in Government operations, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates for individuals not to exceed $75 per diem, by allocation to any agency or office in the executive branch for the conduct, under the general direction of the Bureau of the Budget, of examinations and appraisals of, and the development and installation of improvements in, the organization and operations of such agency or of other agencies in the executive branch, $40,000, to remain available until expended, and to be available without regard to the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended.

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 6, line 2, strike out "$75 per diem" and insert "$50 per diem".

Mr. GROSS. Mr. Chairman, if the Subcommittee on Appropriations can make a case for $75 per diem to be paid to consultants and others, in view of the fact that running through this bill we find $50 per diem in several other places—the National Security Council $50 per diem for the hiring of individuals; and the President's Advisory Committee on Government Organization, whatever that is, $50 per diem provisions—if the committee can make a case for this $75 per diem to be found on page 6 in connection with management improvement funds, I will be glad to withdraw my amendment. I wonder if I may have some comment from the chairman of the subcommittee on the $75 figure as contained on page 6 in connection with the management improvement fund.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am happy to yield.

Mr. ANDREWS. I can only say to the gentleman from Iowa that the information given us was that these consultants are very high type people, professional people, men who make high salaries. This has been the law for several years.

Mr. GROSS. Does not the gentleman think that there ought to be a standard set by the Government with reference particularly to people who are being hired to tell the Federal Government what to do in connection with personnel, in connection with management of the Federal Government?

Mr. ANDREWS. No; I think each case should rest on its own merits. I might say to the gentleman that the Bureau of the Budget requested that we remove the limitation of $50 per diem for consultants from the law covering them.

Mr. GROSS. And just let them pay anything they want to pay; is that correct?

Mr. ANDREWS. No; they requested that we remove the limitation of $50 and make it $75, but the committee refused to do so.

Mr. GROSS. Does the gentleman not think this ought to be standardized?

Mr. ANDREWS. No; I think each case should rest on its own merits.

Mr. GROSS. I cannot agree with the gentleman.

Mr. ANDREWS. Some of the people who are called in for consultation are among the best scientists in the country.

Mr. GROSS. These are not scientists who are called in in connection with the management improvement fund.

Mr. ANDREWS. But they do have that type of consultant from time to time.

Mr. GROSS. But why $50 in connection with the President's Advisory Committee on Government Organization? Are those people any less valuable than the people who would be called in in connection with the Management Improvement Fund?

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. MICHEL. Mr. Chairman, I would have to agree in part with what my chairman said in answer to the gentleman's question. I would say, for instance, with respect to the people who are called in on the President's Advisory Committee that it is considered something of an honor by many of them simply to serve. Some of them are willing to sacrifice their time just to serve on the committee. There has been the argument advanced by some in this field that patriotic citizens ought simply to give their time as a service to the Government; but as the Chairman has pointed out in connection with these highly skilled, highly paid individuals, they are people who have already come into their right. They are considered competent to advise the Government because they have made a success of what they have been engaged in themselves. I think the Director of the Bureau of the Budget has said that you just cannot get these highly qualified people under a limitation of $50 per diem.

Mr. GROSS. I have to disagree, respectfully, with my colleague from Illinois. I think if you issued an invitation to management engineering people to come in on a consultant basis at $50 per day, you would have by 4 o'clock this afternoon, if that invitation were issued now, so many that they would be kicking down the doors to work at that figure. I do not think there has ever been the slightest difficulty hiring consultants at that rate and for that purpose.

Mr. MICHEL. The gentleman I think will agree that there are any number of individuals who may pawn themselves off as being specialists or particularly qualified in the field, but we have to take the judgment of some of our responsible individuals downtown as to who are best qualified to get the job done. Undoubtedly there would be many takers by 4 o'clock, but that would not prove anything.

Mr. ANDREWS. Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, this has been the law for many years. They tell us they need this money to get the facts that they use in this particular work.

Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GROSS].

The amendment was rejected.

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 6, line 8, strike out "$40,000".

Mr. GROSS. Mr. Chairman, this is the expenditure I brought up earlier in debate on this bill. There is already $260,000 available to carry on the so-called management improvement proposition at the White House. This would make it $300,000. There is no evidence in the hearings that I could find other than a statement that "maybe we will use the money and maybe we won't." The expenditures, as near as I could determine from the hearings, have not been running above approximately $250,000 a year. I see no necessity whatever for putting $40,000 of new money into this. I think the committee ought to accept this amendment and then next year, as I said before, look very seriously into the proposition of abolishing this White House management improvement fund altogether.

Mr. FENTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the President should not because of lack of funds be prevented from taking timely action in obtaining solutions to management problems or in making needed administrative improvements in executive agencies and functions. Over the years this fund has been kept at a level of approximately $500,000. It is used principally to contract for outside services or for special projects in the field of management improvement for the executive branch. It does not represent except in unusual cases a direct employment by the Government but is used mostly for contracting for outside services.

I think a very fine case was made for this item. The committee saw fit to allow $40,000. There was a balance of $260,000 left in the fund. With this extra $40,000 we allowed, they are given $300,000 to proceed. As I said in the beginning, I do not think the President should be handicapped should anything arise in the executive branch that needs adjustment.

Mr. GROSS. Mr. Chairman, this is in no sense an emergency fund.

Mr. FENTON. It could be an emergency fund.

Mr. GROSS. In what way could it be an emergency? How could it possibly be an emergency?

Mr. FENTON. I certainly am not going to get into a controversy on that. We have to take the advice of the Bureau of the Budget, as to the work they have been compelled to do over the years with the rising amount of functions they have to direct. I think the thing to do is to allow this amount.

Mr. GROSS. The gentleman will agree with me that there are hundreds of personal management people presently in the career service of the Government. Will he not agree with that?

Mr. FENTON. I think that is true, but I do not believe you can rely on that very much.

Mr. GROSS. Does the gentleman not think we either ought to get rid of the people who are on the payroll that we are paying as management experts in various bureaus and agencies and departments of the Government, if we are going to spend this kind of money on hiring consultants to tell the various bureaus and agencies what they ought to do? Does the gentleman not think we ought to get rid of the employees we have?

Mr. FENTON. I am not aware of any excess numbers the President has on his rolls.

Mr. GROSS. I am not talking about the President in this particular case, I am talking about the various bureaus and agencies, with hundreds of them on the payroll. What happens to morale in these agencies when outside consultants are hired to come in and tell them what to do? This is a serious problem, and it is not being met in this way.

Mr. ANDREWS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like to point out that if this amendment prevails, then all the language in the bill from line 20, page 5 should go out since it would be useless language.

Mr. Chairman, there is available in this fund for the next year $260,000. The budget request for funds for this project was for $500,000. The committee decided to keep in the fund $300,000—hence, the appropriation in this bill of $40,000.

I might say in answer to the gentleman from Iowa as to what has been accomplished by this fund, if he will turn to the hearings of last year at page 181, he will find documented there some of the specific cases where actual dollar savings have accrued to the Government as a result of the decisions made by this management organization. Here is another case of an agency created by executive order. The President says that he wants it and says he needs it, and we are willing to give him part of what he asks for or even three-fifths of what he asks for.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield.

Mr. GROSS. These are claimed savings; are they not? I would certainly expect the Bureau of the Budget or any other agency of the Government to justify, or at least try to justify the spending of money for the purposes for which that money was spent. The gentleman must admit that the hiring of these consulting firms has not resulted in less employment in the Federal Government since employment in the Government is going up all the time.

Mr. ANDREWS. Mr. Chairman, I ask that this amendment be defeated and I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GROSS].

The amendment was rejected.

The Clerk concluded the reading of the bill.

Mr. ANDREWS. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. ALBERT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11389) making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1960, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mr. ANDREWS. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read a third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS CONCERNING HON. MICHAEL KIRWAN

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent that all remarks concerning Hon. MICHAEL KIRWAN be printed in the RECORD following the remarks of the gentleman from Rhode Island [Mr. FOGARTY] and that all Members may have 5 legislative days in which to extend their remarks.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

AUTHORIZING DISPOSAL OF NATURAL RUBBER FROM THE NATIONAL STOCKPILE

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution (H. Res. 486) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution (H. Con. Res. 582) providing under section 3(e) of the Strategic and Critical Materials Stock Piling Act, the express approval of the Congress for the disposal from the national stockpile of approximately four hundred and seventy thousand long tons of natural rubber. After general debate, which shall be confined to the resolution, and shall continue not to exceed two

hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the resolution for amendment, the Committee shall rise and report the resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. DELANEY. Mr. Speaker, I yield one-half the time to the gentleman from Illinois [Mr. ALLEN], and at this time I yield myself such time as I may use.

Mr. Speaker, this resolution provides for the consideration of House Concurrent Resolution 582, to express approval of the Congress for the disposal from the national stockpile of approximately 470,000 long tons of natural rubber.

The resolution provides for an open rule, with 2 hours of general debate. The purpose of this legislation is to obtain the express approval of the Congress for the disposition by General Services Administration of approximately 470,000 long tons of natural rubber now in the national stockpile.

I do not know of any objection to the rule, and I now yield to the gentleman from Illinois.

Mr. ALLEN. Mr. Speaker, I have no requests for time on this side, and I yield back the remainder of my time.

Mr. DELANEY. Mr. Speaker, I move the previous question.

CALL OF THE HOUSE

Mr. HOFFMAN of Michigan. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently no quorum is present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 36]

Alexander	Cunningham	Inouye
Alger	Curtis, Mass.	Jackson
Anderson, Mont.	Curtis, Mo.	Johansen
Anfuso	Devine	Johnson, Wis.
Ashley	Diggs	Jones, Mo.
Auchincloss	Dingell	Kluczynski
Bailey	Dorn, N.Y.	Lankford
Barden	Durham	Lesinski
Barrett	Dwyer	Loser
Barry	Evins	McCormack
Baumhart	Fallon	McDowell
Belcher	Farbstein	McGovern
Bentley	Feighan	Macdonald
Blatnik	Fino	Machrowicz
Blitch	Fisher	Mack, Wash.
Boiling	Frelinghuysen	Martin
Bonner	Friedel	Meader
Bowles	Garmatz	Miller, George P.
Bray	Gary	Milliken
Brewster	Gavin	Minshall
Brown, Mo.	Glenn	Mitchell
Buckley	Granahan	Morris, N. Mex.
Cahill	Grant	Morrison
Canfield	Gray	Nix
Cederberg	Green, Pa.	O'Hara, Mich.
Celler	Griffiths	O'Neill
Chamberlain	Gubser	Osmers
Chiperfield	Halleck	Passman
Coffin	Hargis	Patman
Cohelan	Hays	Pillion
Collier	Hébert	Powell
Cook	Hemphill	Reece, Tenn.
Cooley	Henderson	Reuss
Rhodes, Ariz.	Holifield	Roosevelt
Riley	Slack	Tollefson
Robison	Smith, Miss.	Ullman
Rostenkowski	Spence	Vinson
Saylor	Taber	Weaver
Scherer	Taylor	Wharton
Shelley	Teague, Tex.	Williams
Sheppard	Teller	Willis
Short	Thomas	Withrow
	Thompson, N.J.	Zelenko
	Toll	

The SPEAKER. On this rollcall 301 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

DISPOSITION OF SURPLUS RUBBER STOCKS

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

ELIMINATION OF CERTAIN OFFICERS OF THE REGULAR ARMY AND REGULAR AIR FORCE

Mr. THORNBERRY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 485 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 1795) to amend title 10, United States Code, to revise certain provisions relating to the promotion and involuntary retirement of officers of the regular components of the armed forces. After general debate, which shall be confined to the bill, and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the substitute amendment recommended by the Committee on Armed Services now in the bill, and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

Mr. THORNBERRY. Mr. Speaker, House Resolution 485 provides for the consideration of S. 1795, a bill to amend title 10, United States Code, to revise certain provisions relating to the promotion and involuntary retirement of officers of the regular components of the Armed Forces. The rule provides for 2 hours of general debate under an open rule and makes in order the substitute amendment recommended by the Committee on Armed Services now in the bill, S. 1795, to be considered when read for amendment under the 5-minute rule as an original bill.

The purpose of the legislation, as amended, is to improve the quality of the Regular officer corps of the Army and the Air Force.

First. It will permit the Air Force and the Army to retire involuntarily permanent colonels and permanent lieutenant colonels who have three or more times failed of selection to the next higher permanent grade. The proposed legislation is not intended to create vacancies; obviously though, certain vacancies will result, but it will give the Air Force and Army the authority to retire officers who do not measure up to the standards required in their grade in the present day Air Force, and in the Army if they wish to exercise such authority. It is estimated that the Air Force would be given the authority to retire involuntarily some 200 colonels and 500 lieutenant colonels during the next 5 years who have failed of selection three or more times; but no officer would be eliminated under this legislation unless he qualifies for retirement pay. It would be a temporary authority and would expire June 30, 1965.

Second. It proposes to amend existing law with regard to the "show cause" procedure now in existing law applying to the Army and the Air Force under which officers who fail to meet prescribed standards, or officers who are charged with professional or moral dereliction or who are security risks, may be eliminated from the active list. This portion of the amendment is entirely new, permanent, and was not contained in the version of the bill as it passed in the other body.

It would not be applicable to the Navy and Marine Corps as Congress passed the so-called Hump Act in 1959 which permitted the Navy and Marine Corps to retire involuntarily, ahead of schedule, commanders and captains and their Marine Corps counterparts in order to create vacancies for promotion of lieutenant commanders and their Marine Corps counterparts.

I know of no opposition to the rule and I urge adoption of the resolution.

Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, the gentleman from Texas has explained very ably and very well the rule making in order the consideration of this bill. The rule provides for 2 hours of general debate. It is an open rule. The testimony before the Committee on Rules showed there was no opposition to the measure in the House Committee on Armed Services, and there was no opposition to the rule in the Committee on Rules. I think this is a bill which will not prove controversial in nature.

Mr. Speaker, I have no requests for time.

Mr. THORNBERRY. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

WHY SHOULD AMERICA CONQUER SPACE?

Mr. BOYKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BOYKIN. Mr. Speaker, as a part of my remarks, I include a great article that appeared in the Sunday Star in Washington, D.C., March 20, 1960. This article was by America's foremost rocket expert, Dr. Wernher von Braun. The title of this great article, that all of us will appreciate from the very bottom of our hearts, is "Why Must We Conquer Space?" An urgent and inspiring answer to the most vital questions of our times is included in the article written by Alabama's own Dr. von Braun in the Sunday Star.

Recently my wife and I were giving a luncheon for Senator and Mrs. Roland Cooper from Camden, Wilcox County, Ala., and we had invited the Alabama delegation with their wives and many of our prominent men on both sides of the aisle, including many Democrats, as well as some Republicans. We included in this particular luncheon in the Speaker's dining room there in the Capitol BOB SIKES, of Florida; of course, we had both of our great Senators from Alabama, Senator LISTER HILL and Senator JOHN SPARKMAN; Congressman GEORGE GRANT, GEORGE ANDREWS, ALBERT RAINS, BOB JONES, CARL ELLIOTT, KENNETH ROBERTS, ARMISTEAD SELDEN, and GEORGE HUDDLESTON, along with all of their wonderful wives; but we were so happy when we found that Gov. John Patterson and his finance director, Charlie Meriwether, and a group of his cabinet members of Alabama were here, and Mrs. John Sparkman was entertaining Mrs. von Braun; so, of course, we were delighted to have them along with some other people who were visiting us. We had some of the group from Texas, a great many from Alabama, about 64 in all. I wish we could have had every Representative from every State in the Union, but we just did not have a dining room with the space. But we did have some great and good men, and Senator HILL and Senator SPARKMAN, as well as Senator ROLAND COOPER, made great talks. Then, we had our own Gov. John Patterson, who made a splendid talk, that we all enjoyed very much. Of course, Senator HILL and Senator SPARKMAN both talked, and you all know what wonderful men and great orators they are. Then, each one of the Congressmen spoke, and we saved this great man, Dr. von Braun, from Huntsville, Ala., as the principal speaker.

How I wish all of my people in the First District of Alabama could have heard him—not only there, but all over the State and all over this world; but they will, and this article covers some of the things he said. He is coming here again in the next few days, and I am hoping to get some material that I will put in the CONGRESSIONAL RECORD, which goes to every library in this Nation and many other libraries all over the world, and every beat in the State; so all of our people can know what Dr. von Braun has done, is doing, and will continue to do, from Huntsville, Ala. Also, some of this work is being done at our own beautiful Brookley Field at Mobile, Ala., where we have over 15,000 men and women working there under another great leader, Gen. Dan Callahan.

Just this past week we had at Brookley Field Gen. Sam Anderson and Gen. Bozo McKee from Dayton, Ohio, where the Air Force has its headquarters. We have had the great Gen. Nathan Twining down at this field for many years, along with other people, like Homer Gruenther, special assistant at the White House, Charlie Halleck, the leader of the minority side, a Republican from Indiana, his son and his wonderful wife.

Well, the great CARL VINSON is chairman of the Armed Services Committee that handles the Army, the Navy, and the Air Force, as well as the Marines and Coast Guard, or a part of it, and he has been there with us and has been so helpful down through the years. As a matter of fact, everybody helps us and we know that we will not, as Dr. von Braun says, surrender the heavens to the Reds. Not only, Dr. von Braun, will we not surrender the heavens, but we will not surrender the earth either. We want them both, but we are willing to share them with all right thinking people.

Well, I have met many men from all walks of life, but I have never met a more learned man on this subject than Alabama's Dr. Wernher von Braun. We are proud of him; we are proud of his beautiful wife, who has been down to the First District of Alabama with her husband so many, many times, and I know they will come many more times, and I know we will work out something that will be very great and very good—not only for Alabama and our First District of Alabama, but for all mankind; and I will be giving you another message on what we do on this trip. But at this time, I believe they have agreed to let Dr. von Braun and his great team there at Huntsville, Ala., at the Redstone Arsenal, have 100 million new dollars. Well, we have got to do it, and he answers—"Why should America conquer space?" Well, we want to conquer space or anything else that anybody else has done, and this is the last frontier, and I know that Dr. von Braun and many, many other of our men and women from every walk of life in this great Nation of ours are ready to help in any way, shape, or form, and we should have done it a long time ago, and we could have. There is no doubt in my mind that we will.

Dr. Wernher von Braun is the operations chief of the U.S. Army Ballistic Missile Agency, and headed the German Rocket Research Center in World War II. After the war he came to the United States as one of the former enemy technical experts rounded up by our Operation Paperclip. Dr. von Braun is now a U.S. citizen and resides with his wife and two daughters in Huntsville, Ala. By the way, they are expecting another baby, so he tells me, this year.

How I wish we could include the picture of Dr. von Braun which is on the cover of the magazine section of the Sunday Star, but we cannot do that, but I would like for you to see his face, and especially when he is talking about the things we can do yet in this great old world of ours—it lights up. Surely, God has His hand on his shoulder to show him a way where we would, if it comes, have to win a war; but we hope this never comes, because everything he is doing could be used so much better in making peace on earth and good will to all mankind.

I did want the people at home and everywhere else to know about this man and pull and pray for him, for it means much to all of us—every human being in this Nation and the world.

God bless Dr. von Braun and give him strength to carry on the great work he is doing.

[From This Week magazine, Mar. 20, 1960]

WHY SHOULD AMERICA CONQUER SPACE?

(By Wernher von Braun, Director, Development Operations Division, Army Ballistic Missile Agency)

(In one of the most inspiring articles on the subject you will ever read, a man who has dedicated his life to the conquest of space explains simply and fully what space means to our future.)

HUNTSVILLE, ALA.—When we speak of the conquest of space we had better clarify that term right at the outset. For one thing, we do not mean conquest in the sense of beating little green men into submission and staking out a nationalistic claim on the universe. Also, space is a pretty big place—they say it is even bigger than Texas and Alaska thrown together.

Not even the boldest science fiction writer would ever dream of earthmen exploring all the space from here to infinity. When we speak of conquest of space we mean no more than visits to a few of our close celestial neighbors. Nevertheless, some of these neighboring stars may be just as intriguing and just as full of mysteries as our own little planet which until the dawn of the space age we called the world.

No matter how limited his objective, man's conquest of space is the boldest venture he has ever embarked upon. Since time eternal the force of gravity has chained him to the earth's surface. Half a century after man learned to build flying machines whose wings could temporarily overcome his weight, science, and technology are ready to give him the means to soar above the atmosphere and shake off the chains of gravity altogether.

Why must we take up this challenge? Why must we conquer space now that we have the technical ability to do it?

Dr. James R. Killian, the President's former scientific adviser, gave as the main reason "the compelling urge to explore the unknown." Throughout the history of human progress this urge has motivated not only heroic men of action like Columbus or Peary, but also penetrating thinkers like Ptolemy and Einstein. Just plain curiosity has always been a far more effective mainspring for research and exploration than hope for economic returns.

All our modern conveniences had their origin in research which was carried out without regard to practical application and merely because some man wanted to know the how and why of the universe. The automobile, the airplane, our electrical miracles, the clothes we wear, the food we eat, the glasses we use—all are the direct outgrowth of scientific research conducted out of man's innate curiosity.

Because an obscure Austrian monk, experimenting with white and red peas in a corner of the monastery garden, was curious about the statistical results of his cross-breeding

tests, man has learned to grow hardier corn and raise sturdier cattle to feed the hungry millions.

Because a 20th century bacteriologist was curious about certain physical reactions taking place in plain mold, we have penicillin.

Even the most formidable and fateful discovery of our time, thermonuclear energy, was made only because a few men wondered what prevented the sun from losing its heat as rapidly as its tremendous continuous energy losses through radiation would seem to suggest.

The trouble about contemporary research begins when the "compelling urges to explore the unknown" felt by representatives of the many disciplines of science begin to compete for the tax dollar. Sometimes we have some real soul searching to do. Take the question of rocket research versus medical research. Just a few months ago my mother died of cancer, so when I ask myself whether, say, a hundred million dollars of taxpayers' money would be better spent on cancer research or on an attempt to take a few pictures of the far side of the moon, I hesitate to give an answer.

But am I asking myself the right question? Surely there is another aspect to the problem. Suppose everything America stands for in the eyes of the world could be expressed in terms of a stock market rating of so many hundred billion dollars. Suppose further that the fact that the Soviets succeeded in photographing the moon's unseen side reduced that rating by a fraction of 1 percent—say $1 billion. When I now assure you that for one-tenth of that amount America could have done the same thing ahead of the Russians' lunik III, don't you think we can argue it would have been a worthwhile investment?

Whether we like it or not we are engaged in a worldwide popularity contest with the Soviets. We are competing for allies among the many have-not nations for whose underfed multitudes the Communist formula of life has a great appeal. We are seeking friends among the many small countries, rich or poor, which would like to remain outside the powerful magnetic field lines arching from Washington to Moscow, but which in a world of jet travel and intercontinental rockets often have no choice but to side with a richer and mightier partner.

A feat like that performed by lunik III is tantamount to a lost battle in that silent, cold struggle for the hearts of the uncommitted. And lunik II (which planted the hammer and sickle on the moon) was another lost battle, and lunik I (which first went into orbit around the sun) was still another. And the series of sputniks which opened the space age were still more lost battles. We are now moving into a more affirmative position in the cold war, by which to win the hearts and the hopes of the uncommitted.

I do not think we can dismiss this grim competition as a weight-lifting contest between rival rocket teams. When the whole world sits in the audience and the heavens are the stage, pride and prestige are real issues and serve ends which are vital for our Nation's role in the world of men. I just don't believe the American people are ready to concede that they have lost their frontier spirit—just as we enter the struggle for man's last and limitless frontier. I am not ready to believe that America is willing to surrender the heavens to the Reds.

The other day I was giving one of those afterdinner speeches which rocket men seem to be unable to duck in these times. I sounded what I thought was a ringing appeal for a determined U.S. space program and got a big hand. During the ensuing question-and-answer period someone got up and demanded: "Why are you telling us all that? Weren't you connected with the development of the Nazi V–2 rockets that fell on London during the last war?"

All I could answer was that having survived one dictatorship I didn't want my own American-born children nor anyone else's to live under another. Maybe I should have said it seems that you must have passed through purgatory to appreciate heaven.

This would not have been an oratory statement either. It is a source of never-ending surprise for me, how the vast majority of native-born Americans take their cherished liberties for granted, as something they don't have to struggle for. And somehow, I am profoundly worried as to what has happened to the American frontier spirit.

I spent my first 5 years in this country in El Paso, Tex., where "The law west of the Pecos" is still vividly remembered. But during the succeeding years of postwar readjustment of the U.S. economy I have read more and more about labor-management arguments, about higher wages and shorter hours, about trends toward more distraction for youngsters and less study, about a rosy future of leisure and comfort. I have also read, often in the same papers, about completely unexpected Soviet A-bomb tests, about China going Communist, and about Russian rockets accomplishing things that the United States was unable even to repeat.

During my 15 years in the United States I have seen and learned to love so many endearing things about this country and its people that I have to almost force myself to a critical remark. America is not only the richest and technically most advanced country in the world, but also the one where people laugh and enjoy God's world more than anywhere else. But in their constitutionally guaranteed pursuit of happiness many Americans seem to refuse to look at the dark clouds which are rapidly moving up. I fear it is later than we think, and our position in the world is gravely endangered.

During the last war, while I was on the other side, Winston Churchill told his hard-pressed countrymen that all he could offer them was blood, sweat, and tears. I concede that in an election year blood, sweat, and tears make poor campaign slogans. But I think the Soviet space challenge is serious enough to warrant some serious thought. Only a few weeks ago Walter Lippmann wrote: "The voices that will serve this country, and indeed save it, will be those of stern men demanding hard things. They may not yet do as well in the Gallup polls. They will be listened to sooner or later. For they will shatter the belief, now so prevalent among us, that affluence is greatness. It is not. In the history of human society, it has not seldom been the case that when riches were devoted to luxury, it was the mark of their decline."

Space lies out there like a vast, unexplored ocean—accessible to all nations large or small, a challenge for anyone with sailor's blood in his veins. Now that for the first time in history man is about ready and able to build ships which can penetrate that ocean, there can be no question that some men will take up the challenge. Some of them will make great discoveries out there, and some of these discoveries will greatly affect the course of history on our home planet. Shall we exclude ourselves from this contest because we prefer to devote our riches to luxury?

Our competitor in this cosmic contest is tough. His peacetime economy is on a wartime footing, and with great consequence and at great sacrifices in the area of badly needed consumer goods he applies his resources to efforts he deems essential in the overall national interest. The Russian scientists with whom I have talked left no doubt in my mind that their space exploration program not only has been given highest national priority, but that it is also conducted with great competence, enthusiasm, and devotion. We are confronted with a formidable competitor in this difficult field and it would be a disaster if we underrated his ability and determination.

Some people want to know whether space exploration will ever pay off. I am convinced it will, but it is not so simple to provide the unfaithful with ironclad proof. One can quote historical examples, such as Columbus' exploratory voyage, which obviously did pay off. One can point to such potential moneymaking space projects as radio and television relay satellites for worldwide communication. But one cannot put a price tag on such a discovery as the great Van Allen Radiation Belt which was found with the aid of some of our early scientific satellites, and which may prove to be of utmost practical importance for many things on Earth.

We have just opened the door into the limitless reaches of the universe and we can see just far enough ahead to know that man is at the threshold of a momentous area. Here is opportunity, challenge, adventure so tremendous as to exceed anything which has gone before. Here is the tomorrow which youth wants to embrace, and which we must not deny because of a waning of the frontier spirit which made America great.

Within a few decades we can have the means to send large expeditions out into the solar system, to Venus, Mars, and beyond. From their explorations of our neighborly planets these expeditions will bring home a wealth of new scientific insight which will exceed some of our fondest expectations.

It is impossible to predict the nature of all these discoveries; their cumulative effect will be tantamount to a scientific revolution. But it will also be a revolution of human perspective, and here may be space flight's most far-reaching payoff. We need not fear that future space explorers on their heaven-storming journeys will lose their humility. The heavens will surround them as an eternal reminder that there is a force greater than the thrust of their rocket ships, a spirit greater than the cold logic of their computers, a power greater than that of their own nation.

DEWEY SHOULD FOLLOW THE PRESS

Mr. PRICE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PRICE. Mr. Speaker, Sunday afternoon I listened to the interesting, if not informative, discussion between the Meet the Press panel and the former Governer of New York, Thomas E. Dewey.

The thing that struck me most was the extreme political approach Mr. Dewey took to every subject under discussion and the revelation that the former Republican standard bearer has not been keeping himself well informed with the actions of the Eisenhower Republican administration.

How else could he make such an erroneous statement to the effect the Eisenhower Republican administration does not make the most of its publicists? What about the highly paid hordes of press relations experts to be found in every part of this expensive Republican administration of our national affairs?

How else could he make such an erroneous statement that Republican administrators stay in Washington doing a job instead of running about the country talking about their work? No administration in the Nation's history has been as guilty as the Eisenhower Republican administration in the use of high-ranking executives for purely political purposes—even to the extent of using armed services and State Department officials as principals in Republican Party political rallies.

Since Governor Dewey has been out of touch for so long, may I, for his edification, herewith publish a splendid editorial which appeared in the St. Louis Post-Dispatch on Monday, March 14, which gives a factual account of the Eisenhower Republican Clean as a Hound's Tooth Club—and, I am sure, there is a much larger membership. The editorial follows:

ON THE HOUND'S TOOTH

The quick replacement of John C. Doerfer by Frederick W. Ford as FCC Chairman indicates that the administration was not unhappy to see Mr. Doerfer go. A Federal Communications Commissioner who accepted favors from interests subject to FCC regulation was hardly a good advertisement for the Republican Party in a campaign year.

Still the Doerfer case remains an unavoidable reminder that this administration came to power promising to clean up the "mess" in Washington and improve official ethics. It is not the first such reminder, as the record shows:

C. Wesley Roberts resigned under fire as chairman of the Republican National Committee in 1953. It was disclosed that not long after Mr. Roberts had been Kansas GOP chairman, he had accepted a fee in the sale to the State of a hospital which the State already owned.

Hugh W. Cross resigned as Chairman of the Interstate Commerce Commission in 1955. Mr. Cross, a Republican appointee of the Truman administration, had talked to heads of railroads subject to ICC regulation about giving a Chicago transfer contract to an old Republican friend.

Adolphe H. Wenzell in 1954 served as consultant to the Bureau of the Budget on the Dixon-Yates power deal. As an officer of the financial agent for the Dixon-Yates power combine, Mr. Wenzell was exposed as trying to advise both sides.

Harold E. Talbott quit as Secretary of the Air Force in 1955. A congressional inquiry showed that he had retained his partnership in an engineering firm and had used Air Force letters to try to promote his company's business.

Peter A. Strobel departed in 1955 as Commissioner of Public Buildings for the General Services Administration. Mr. Strobel had held onto a 90-percent interest in a firm which had a claim on the Army Engineers, and he negotiated privately with the Army for his firm.

Edmund F. Mansure resigned as Administrator of the GSA in 1956. Explaining why political favoritism had affected insurance brokerage awards subject to GSA jurisdiction, he said "practical politics" dictated that such awards should not go to firms which "did not help this administration get into office."

Murray Chotiner was dropped by the Republican National Committee in 1956 as director of its campaign school. The former campaign manager for Vice President Nixon had interceded at the White House and with the Civil Aeronautics Board in behalf of his private clients.

Robert Tripp Ross resigned as Assistant Defense Secretary in 1957. Congress learned the Army had given an $834,000 clothing contract to a firm headed by his wife and brother-in-law.

Sherman Adams quit in 1958 as President Eisenhower's chief administrative assistant. Mr. Adams, it was found had accepted expensive gifts and hospitality from Bernard Goldfine whose companies had cases before the Federal Trade Commission and Securities and Exchange Commission.

Richard A. Mack left the FCC in 1958. He later was indicted with Thurman A Whiteside of Miami on a charge of conspiring to influence the FCC award of a Miami television license in which Whiteside was interested. Their first trial ended in a hung jury.

John C. Doerfer, to bring the record up to date, resigned from the FCC last week after it was shown he had twice accepted favors and hospitality from the owner of 12 stations subject to FCC regulation.

Other administrations, of course, have suffered from conflicts of interest. But these 11 cases occurred in an administration which was specifically pledged to better the record of the past and was committed to the cleanliness of the hound's tooth.

That tooth is showing cavities.

MEN OF THE SOIL

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTEN. Mr. Speaker, at this time when it seems that the agricultural interests of the country are being ignored to a great degree; at a time when the press in the large metropolitan areas seems to have an unawareness of the necessity for maintaining balance between agriculture, industry, and labor; at a time when the Department of Agriculture itself seems to give little regard to farmers as such but advocates a policy of constant enlargement into big business farming, it is highly important that we give thought and consideration to farm people, the bulwarks of our Nation.

In that connection I take pleasure in including with my remarks a wonderful statement by a young citizen of my State, Mr. Heber Ladner, Jr., now in his junior year at Murrah High School, Jackson, Miss. Heber is the son of our distinguished and outstanding secretary of state; and it is with real gratification that I note the fine thoughts expressed and the realization this young man has of the place the tillers of the soil should have in the appreciation of the American people.

His statement follows:

MEN OF THE SOIL

(By Heber Ladner, Jr.)

From its conception the world has been blessed by the presence of a group of individuals who have willingly and unselfishly shaped its destiny. As constant as the northern star and yet as devoted to their task as the sun, these people live on, performing their God-given task. What is their task? It is cultivating and tilling the earth so as to bring forth increase. The battles against nature and the fickle fecundity of the soil are their omnipresent nemesis. When the crops are planted, they can relax, looking toward God for a bountiful harvest just as their Roman counterpart looked toward Ceres many centuries ago.

Ofttimes the farmer has no opportunity for formal education, but who is to say he is denied tangible benefit. His benign character instills in him virtue. He is not bothered by the isms of the world. Neither is he bothered by the petty philosophy and scholarly conceit of pseudo-intellectuals. Yet these men who claim to possess loftier tenets of wisdom seldom find satisfaction in their search for a utopia or an anarchic paradise.

The education of a farmer is his own systematic study of methods and philosophy. In this study his textbook is the Bible; his test, life. Moreover, his learning is not ended here, for with his almanac he is an astronomer, with his cattle he is a zoologist, but most important, with his fellow man he is a sociologist, fully knowing the give and take, push and pull of associated living.

Attesting to the greatness of men with agrarian concepts is their ability to right themselves when oppressed. The farmer's right of political revolution is tantamont to the moneyed peoples' privilege to juggle the currency so as to benefit their own group. By his democratic forebearance the farmer has become the symbol of America. Lexington, Gettysburg, and Chateau Thierry are places where the battered farmers have stood, and whether on the battlefield or the home front, they will continue to stand as an epithet of freedom.

Though the farmers have borne the brunt of abuse of the aristocracy, they are the picture of pathos. While big business has unceasingly tried to exploit and economically enslave him, the farmer has never been obedient. Since the world cannot subsist without him, truly the farmer holds destiny in his hand.

The future of a man who sees happiness in a handful of soil cannot be doubted. Let him continue, and America will fall in step behind.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. DWYER (at the request of Mr. ARENDS) for March 28 and 29, 1960, for personal reasons.

Mr. CUNNINGHAM (at the request of Mr. ARENDS), on account of official business.

Mr. MILLIKEN (at the request of Mr. DAGUE), until further notice, on account of illness.

Mr. BLATNIK (at the request of Mr. ALBERT), for this week, on account of death in family.

Mr. THOMPSON of New Jersey (at the request of Mr. THOMPSON of Louisiana), for March 28 and 29, 1960, on account of official business.

Mr. WEAVER (at the request of Mr. ARENDS), for March 28 to 31, 1960, inclusive, on account of official duties in congressional district.

Mr. SAYLOR (at the request of Mr. AVERY), for today, on account of attending the funeral of Bishop Carroll.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. OLIVER, for 45 minutes, today.

Mr. LIBONATI, for 1 hour, on March 30.

Mr. LEVERING (at the request of Mr. ALBERT), for 30 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. FENTON and to include extraneous matter.

Mr. JENSEN and to include extraneous matter.

Mr. ALGER.

Mr. IRWIN.

Mr. PORTER.

Mr. PELLY.

Mr. CURTIS of Missouri.

Mr. IKARD.

Mrs. SULLIVAN.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate, of the following title:

S. 607. An act for the relief of the estate of Sinclair G. Stanley.

THE LATE HONORABLE RUSSELL V. MACK, A REPRESENTATIVE FROM THE STATE OF WASHINGTON

The SPEAKER. The Chair recognizes the gentleman from Washington [Mr. PELLY].

Mr. PELLY. Mr. Speaker, it is not necessary, of course, to tell the Members of the House that we have just had a very shocking and very sad loss when our colleague, the gentleman from Washington [Mr. MACK], a few moments ago, suddenly, while answering the quorum call, passed away. I know those of us of the Washington delegation at this time are hardly able to express ourselves. RUSSELL MACK was very close to us; we were all deeply devoted to him. In fact, last night I met him at dinner. He seemed to be well. Mrs. Mack was with him. They were happy. We all have to go and, certainly, no one could have gone more quickly and easily. But, when I think of the many useful years that our dear friend could have lived, it is very difficult to reconcile death at a time like this.

RUSSELL MACK came to the Congress before I did. I know when I came here in the 83d Congress there were many Members who are sitting here now who then already had learned to admire him and others since then have come to regard him highly. I know in the Committee on Public Works, he was very active. He was the second ranking member of the committee, and was certainly as able and highly respected as anyone on that committee.

RUSSELL MACK was a newspaperman. He had an unusual ability to deal in facts. Because he demonstrated accuracy and a keen and sound business judgment before coming to Congress, he was invited into a position of management and ownership of a newspaper. Both in this way and as a reporter and writer he was unusually successful.

The Members of this House need not be reminded of RUSSELL MACK's same characteristic in his legislative work. He debated vigorously but he never departed from the facts. He was extremely well informed and certainly held the respect and admiration of his colleagues on both sides of the aisle in the highest degree.

His sense of humor, kindliness, and zest for information endeared him to us. He loved his fellowmen. He never said an unkind word about anyone that I ever heard, and his friends are manifold. This day is a sad day. Everywhere RUSSELL MACK is known there will be sadness and sorrow on account of his many friends' profound loss.

However, Mr. Speaker, the real tragedy is to the Nation, State, and people of the Third Congressional District of Washington which our friend served so faithfully and well. The loss of his wisdom and years of experience cannot be readily replaced. No one was more conscientious in the performance of his duties and responsibilities of office. No one was more able in carrying them out.

If I may be personal, as I think it proper at a time like this, I want in tribute to my friend and colleague to acknowledge his help to me and assistance during my four terms here. I always sought his advice and will always remain indebted to him for his help.

It is not easy to find one's words and thoughts on the heels of such a sudden shock. It comes to me, nevertheless, that his wife, Laura, to whom he was so devoted will be left almost alone. There are no children and the close companionship of the years is shattered. My heart goes out to the wife he loved so dearly. But she will in time have her fine memories of a wonderful man. And while there can be no comparison, we who served with her husband will also cherish our memories, too.

May the good Lord ease her anguish and give her strength to endure—as all who are left must endure.

A fine American, a fine legislator, a fine husband, and truly a person of great and good character has gone to his rest. Yes, Mr. Speaker, and not without performing tasks of service worthy to be remembered. In the days ahead, we will indeed remember—a greater tribute I have not words to give at this time, only lips and the tone of my voice must convey the respect and devotion of my heart.

Mr. WESTLAND. Mr. Speaker, will the the gentleman yield?

Mr. PELLY. I am happy to yield to my colleague from Washington.

Mr. WESTLAND. Mr. Speaker, the sudden death of RUSSELL MACK has shocked and saddened us all. Those of us from the State of Washington and other Members who knew him well all learned to respect and honor him. RUSSELL MACK was my friend—a very dear friend. When I first came to the House in 1953 Russ was one of the first to offer me a helping hand. Since then, through our years in the House together I have many times sought his advice and counsel. It was always freely given.

RUSSELL was known throughout the State of Washington for his keen sense of humor and his sincere devotion to the people of his district. As might be expected, RUSS passed away in the performance of his Congressional duties—duties which he always performed to the best of his great abilities. The people of the Third Congressional District have lost a true friend and a mighty champion.

Mr. Speaker, into each of our lives there comes on occasion a man whose qualities and virtues are such as to make him stand out and present a standard to whom others might repair. RUSSELL MACK was such a man. He will long be remembered in the councils of the Congress.

Mrs. Westland joins me in offering our profound and heartfelt sympathies to Mrs. Mack.

Mr. HORAN. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Washington.

Mr. HORAN. Of course this comes as a complete shock to me. I did not know RUSSELL until he came to Congress, but through the years I have developed a very deep affection for him. In fact, his wife, my wife, Mrs. Eleanor Smith, RUSSELL, and myself went to dinner last night where we were joined by the gentleman from Washington [Mr. PELLY]. We had a splendid evening. RUSSELL appeared to be in good health.

RUSSELL MACK was a man of tremendous dependence, and tremendous affection for those things in which he believed. He was a stalwart among us. He was greatly revered in the Committee on Public Works, where he did yeoman service.

This comes as a tremendous shock, not only to myself but to my wife, including our entire family, who have learned through the years to know him and to love him.

RUSSELL was a native of Michigan. He moved with his parents to Aberdeen, Grays Harbor County, Wash., in 1895 when he was 4 years old. He grew up in this area when it was, as now, part of the great lumbering industry of the West. RUSSELL attended the public schools in the Grays Harbor area, and attended Stanford University in California and the University of Washington. He began his work in the publishing industry in 1913, interrupted only by his college attendance and service in the 39th Field Artillery, 13th Division, during World War I. RUSSELL is survived by his devoted wife, Laura, and to her the hearts of my wife and me and my entire family go out in this hour.

Mrs. MAY. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentlewoman from Washington.

Mrs. MAY. Mr. Speaker, like the other Members of the delegation, under the stress of this moment, I find it very difficult to make a proper statement. The passing of RUSSELL MACK means a great personal loss. I am the freshman Member of the Washington State delegation, and, while RUSSELL MACK's friendship meant a great deal to me in the years before I came to Congress, the months I have served by his side as a colleague have meant even more. Everyone serving in this House realizes how valuable it is to have sound guidance

and the advice of wisdom and experience in a freshman term. RUSSELL MACK was never too busy to take time from his heavy office and committee responsibilities to give me the kind of help and guidance that I needed. No one in this Congress could have had a better mentor, because he was honest, clear thinking, and devoted to his country and its best interests. The best epitaph I know for RUSSELL MACK is that he was a thoroughly good man. In this day of confused ethics, I think this is the finest tribute that can be paid to any man in public or private life. I have spoken of the personal loss I shall feel, along with all his many friends, but this loss will be overshadowed by an even greater one. Whenever this Nation loses a fine public servant with the stature and the ability and the character of RUSSELL MACK, it is an occasion for sorrow and regret on the part of all Americans. The greatest memorial we could have to the life of RUSSELL MACK is that it will serve as a beacon and a guide for those who come after him to serve their people and their country in public office.

Laura and RUSSELL MACK were a warm and devoted couple. If there can be any comfort at all for Laura Mack at this time of great loss, it will come from the knowledge that it was her devotion and loyalty and friendly warmth that not only gave her husband great happiness in their married life, but helped sustain him and added to his accomplishments through the rigors of his public career.

Mr. KEARNS. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Pennsylvania.

Mr. KEARNS. Mr. Speaker, I just happened to talk to the gentleman from Washington, RUSSELL V. MACK, in the foyer a few moments ago. He was looking fit. Then all at once, during the rollcall, he fell.

RUSSELL MACK has been a great credit to the State that he represents. The good people of his congressional district will find it difficult to find a man who will merit the respect as a statesman and have the integrity that RUSSELL MACK had.

Mr. DIXON. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Utah.

Mr. DIXON. I think it well at this time to insert in the RECORD the last words which our dear friend spoke. We were standing in line to answer the rollcall. Representative HOFFMAN came over, and I said, "Come over here and stand by Representative MACK, so you will be in good company." I said to Representative MACK, "It is a lovely day today, isn't it?" And he said, "Not to me." I was going to ask him why. And he said, "What is this quorum call all about?" He had not gotten the words out of his mouth before he fell over by Representative JENSEN. There was not a struggle. He just passed on quietly, without any suffering whatever, or without any warning. It is a wonderful way for an individual to go; but, of course, it is hard for those who love him, his folks, and for us who were his colleagues.

We have been very close, and I have enjoyed very much the conversations we have had here together.

He was a great man, a man of principle, a man of honor, and the House has been blessed by his having served in this Chamber.

Mr. WIER. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Minnesota.

Mr. WIER. Mr. Speaker, I would like to express the feelings I am sure that will be expressed throughout the trade union movement and to speak of the friendship and respect I had for the gentleman who has been taken from us this afternoon.

I am sure the trade union movement as represented by unions throughout the country and I know especially by unions in the State of Washington, where they always held Congressman MACK in high esteem as a good loyal friend.

Congressman MACK was very loyal to the cause of working people of this country. He spoke for them and did everything in his power to be of assistance. That is the way I found him throughout my service with him here in the House.

His loss will indeed be their loss.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield.

Mr. ARENDS. Mr. Speaker, experiencing a shock such as this leaves one completely lost for words to express the depth of one's feelings. In the period RUSSELL MACK has been a Member of this Congress I became more and more impressed and inspired by him. He served on what is known as our Minority Whip organization. Never have I enjoyed working with anyone more than I did with RUSSELL MACK. We worked closely together. At all times he showed both ability and a willingness to cooperate in a common cause. Those attributes were ever present. He sought always to do that which was right.

RUSSELL MACK was one of the finest men I have been privileged to know. He served his district and his country well.

I am sure I speak not only for those on this side of the aisle but also for every Member of the House when I say that in the untimely passing of this fine man we have suffered the loss of a great representative of the people. His passing is a great loss to all of us—a loss beyond measure.

To his family I extend my most sincere sympathy. I am sure the Father of us all will comfort them in this sad hour in the knowledge that of RUSSELL MACK it can truly be said: "Well done, my good and faithful servant."

Mr. BROOKS of Louisiana. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield.

Mr. BROOKS of Louisiana. Mr. Speaker, I knew RUSSELL MACK well. For years I have been associated with the development of the rivers and harbors of this Nation and with flood control. RUSSELL MACK was an important member of the Public Works Committee of the House of Representatives. We had occasion to invite him very often to our conventions in the lower Mississippi Valley. He frequently accepted the invitations to be with us and felicitate with us on those occasions.

We had occasion to call on him when he could help in flood control and river and harbor development that have done so much in the interest of the great masses of the people in the United States. RUSSELL MACK always responded to these requests for aid. In my judgment he was an able legislator. I am deeply, deeply saddened, Mr. Speaker, by his sudden and tragic death.

During the frequent contacts we have had with RUSSELL MACK we learned to know him and appreciate his fine character, tireless energy, and outstanding ability. We in the lower Mississippi Valley which so often is hit by the storms and floodwaters are going to miss his talents and his abilities.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, I know I express the feelings of every Member of this House on both sides of the aisle when I say that we feel this loss and we feel it deeply. RUSSELL MACK came to answer a call of the House in line of duty, but he has answered a higher call.

Congressman MACK was one of our most stalwart, ever-dependable Members, an irreplaceable Member in this body.

I extend to his loved ones my deepest sympathy.

GENERAL LEAVE TO EXTEND

Mr. PELLY. Mr. Speaker, this has been a shocking experience to the Members. I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the life, character, and public service of the late RUSSELL V. MACK.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. VAN ZANDT. Mr. Speaker, the sudden death of our colleague RUSSELL V. MACK removes from the House of Representatives one of its ablest and highly respected Members. With a fine newspaper background in his home State of Washington which covered the twin responsibilities of editing and publishing a daily newspaper, RUSSELL MACK came to the 80th Congress well equipped to meet the exacting duties of a Member of Congress.

It was my good fortune to have known RUSSELL for many years and during that period of time the bonds of friendship became stronger year by year. On many occasions I visited the Third Congressional District of Washington with the result that I learned from firsthand observation of the great esteem in which our departed colleague was held by his constituents. It is little wonder that he was elected every 2 years as a further expression of the confidence reposed in him by his neighbors and friends in his congressional district.

Here on the floor of the House RUSSELL MACK was greatly respected by Democrats and Republicans because he was a

colleague of fine moral principles. Despite the fact that his stand on an issue may have been questioned by the opposing political party, our departed friend and colleague always respected the right of any Member to honestly differ with his convictions on any legislative measure. In short, he was a noble gentleman and a valued personal friend.

Because of RUSSELL MACK's great interest in the veteran population he will be sorely missed. As a past post commander of the American Legion veterans could depend upon their Comrade RUSSEL MACK to support legislation to provide that the disabled veteran and dependents of veterans would be assured adequate consideration by their Government. He made use of his newspaper in publicizing veterans' affairs and pleading the cause of those who, like him, served their country in military uniform.

Mrs. Van Zandt and I together with our son Jamie derived greater enjoyment on the annual congressional tour of New York City because RUSSELL MACK and his wife never missed the opportunity of joining us each year for the 3-day program. Their presence made the trip more enjoyable for the Van Zandt family and likewise for other Members and their families.

It is difficult to recover from the shock of the sudden manner in which RUSSELL MACK was removed from our midst. Therefore, it is realized that the depth of the sorrow that engulfed Mrs. Mack when apprised of her husband's demise proved overwhelming. Mrs. Van Zandt and our son Jamie join me in expressing our heartfelt sympathy to Mrs. Mack in the loss of a loving husband. We pray that God will comfort her and give her the courage and strength to bear her burden of grief in humble resignation to His divine will.

Mr. CHENOWETH. Mr. Speaker, I was deeply shocked and saddened today over the passing of our distinguished colleague from Washington, the Honorable RUSSELL MACK. I wish to extend my sincere sympathy to our colleagues from the State of Washington on the heavy loss they have sustained.

I recall when Mr. MACK came to the House and we formed a friendship which has continued over the years. I had a special interest in talking to him since at that time I had a brother living in his district. He has since passed away, but his widow still resides in Silver Creek, and has commented many times on the outstanding service Mr. MACK was rendering his people.

I liked RUSSELL MACK and I never heard of anyone who disliked him. He was always affable and had a pleasant word for everyone. I had great respect for his character and ability, and he was a most able Member of the House. I can easily understand why the voters of his district returned him to Congress each election with substantial majorities.

Mr. Speaker, the untimely passing of RUSSELL MACK is an irreparable loss, not alone to the people of his district and the State of Washington, but the entire country. We need more men like RUSSELL MACK in public life. I feel a very keen personal loss in his passing and I shall greatly miss him.

Mrs. Chenoweth joins me in extending our deep personal sympathy to Mrs. Mack in her bereavement.

Mr. MACK of Illinois. Mr. Speaker, I was shocked and saddened when death unexpectedly claimed the life of our colleague, RUSSELL MACK of the State of Washington.

Although we were of different political faiths, RUSSELL MACK was one of the first Members of the House to greet me when I came here in 1949. He had been elected in a special election in 1947.

RUSSELL MACK paid a visit to my office shortly after I became a Member of the House. He called to my attention the fact that until his own election the name of "Mack" had never appeared on a congressional rollcall. He remarked on the coincidence that the two Macks—of different political affiliation and from widely distant parts of the country—should be elected within such a short space of time. From that day forward, we were the best of friends and I treasured his friendship.

So it is with a deep sense of personal loss, Mr. Speaker, that I pay tribute this afternoon to our late colleague, for whom I had great respect, and to express my heartfelt sympathy to his family.

Mr. BURLESON. Mr. Speaker, our departed colleague, RUSSELL V. MACK, and I came to the 80th Congress and were in the same freshman class. As all of you are aware, this somehow brings us a little closer together and causes us to have a bit more in common.

In addition to a long association, we had mutual friends in his congressional district, which created closer ties between us.

I know of no man in the House of Representatives who enjoyed more friends or who commanded a higher respect than RUSSELL V. MACK. I knew him to be devoted to duty and highly conscientious in all his actions.

Not only is it a personal loss of a friend, but I know it is a severe loss to the district he represented in the Congress, as well as the entire Nation.

RUSSELL's wife, Laura, is also a dear personal friend of my family, and we want her to know we are thinking of her in her great loss and in her heartbreak.

Mr. DAVIS of Tennessee. Mr. Speaker, I do not know when I have been so shocked as I was just a few moments ago when my esteemed colleague on the Committee on Public Works, RUSSELL V. MACK, of the State of Washington, left us so suddenly. Indeed, he was about his congressional business and was on the floor of this House answering the last rollcall on earth and responded to the call from his Heavenly Father.

RUSSELL MACK, and his dear wife Laura, have long been my very warm friends. My wife and I have traveled with them great distances, and Laura and Carrie have been very close friends indeed. He has been in my congressional district, has ridden the steamboat *Mississippi*, the official boat of the Mississippi River Commission, from Memphis to New Orleans.

I know of no man in the House who has been more punctual or more attentive to his district. He could ever be depended upon in our Committee on Public Works to take a fair, but positive, position on all matters which came before us. He was a student, and a man who loved rendering service to his fellow man.

I have been fortunate to know many of the intimate stories of his early life. With some pride and considerable humor he told me that he cut meat for a butcher when a youngster, then went to work as a printer, and wound up owning newspapers. Successful in business and dedicated to public life, he leaves behind him an outstanding record of loyalty to country, to his State, and to his fellow man.

I extend my deepest sympathy, and that of my wife as well, to those he leaves behind.

Mr. O'HARA of Illinois. Mr. Speaker, with my colleagues I am stunned by the sudden passing in our presence of one for whom on both sides of the aisle was a real and deep affection. Since first I came to this body the friendship of RUSSELL MACK has meant very much to me, and I shall miss him. When I came to the 81st Congress RUSSELL MACK was a member of the Veterans' Committee and our common interest in the welfare of the Spanish-American War veterans, as well as those of other and later wars, drew us closely together. For the veterans of the war with Spain I truthfully can say that they never had a better or a truer friend in the Congress. RUSSELL MACK in every sense measured up to the highest qualities of manhood. His passing today during the calling of the roll has left us deep in grief. We are brought to the realization of the uncertainty of human life and that the friends who give warmth to our days soon may be the friends who live in the memory of other days and to that memory impart a living warmth. In my memory RUSSELL MACK will continue always to be a strengthening and vibrant part. To his fine wife and his family I extend my deepest sympathy.

Mrs. GREEN of Oregon. Mr. Speaker, the shock of the news of the demise of my friend and neighbor, RUSSELL V. MACK, has been great indeed.

Like every other Member of this House, I have known and admired RUSSEL MACK since coming to the House. But I feel a particular sense of loss since RUSSELL MACK's congressional district lay directly across the Columbia River from my own and we were, in a very real sense, neighbors. The people of his district and the people of my own shared a great many problems and hopes and aspirations, and I found in the gentleman from Washington a very deep understanding of those problems.

The State of Washington and the people of his congressional district will miss him deeply. This House will miss his wisdom, his understanding, and his devotion to duty.

My sympathy, like the sympathy of us all, goes to his widow in this hour of her grief.

Mr. GROSS. Mr. Speaker, with the Members of the House I was shocked

and deeply moved this afternoon by the sudden death of our colleague, the Honorable RUSSELL V. MACK.

He was a legislator of courage and conviction, an able representative of his district and his State.

In the death of RUSSELL MACK the House of Representatives and the State of Washington has suffered a serious loss.

To his widow and other members of his family I wish to extend my heartfelt sympathy.

Mr. PORTER. Mr. Speaker, RUSSELL MACK could disagree with you and yet not indulge in personal rancor. He was a genial, conscientious Member of Congress. He shared with me deep concern for the plywood industry and also for the cranberry growers. He shares with me a love for the Pacific Northwest. RUSSELL MACK was a friend we shall miss. I join our colleagues in extending deepest sympathy to his wife and family.

Mr. LIBONATI. Mr. Speaker, the death of the distinguished Congressman RUSSELL V. MACK, of the State of Washington, before our very eyes on the floor of the House of Representatives, only emphasizes the truths of life, "Little do we know what the next day will bring."

It seems that he was prepared for the inevitable when he stated just before his collapse that "Not for me," as a reply to Congressman DIXON's statement "How do you feel? Anyway, this is a fine day."

He was a splendid orator and truly a strong leader in advancing the Republican doctrine in the philosophy of government. He was unswerving in his party loyalties.

There was no question as to where he stood on issues. His forceful oratory was to the point. There was no misunderstanding as to his position.

You might not agree with his argument but you were forced to admit that he developed, logically, the ultimate conclusions that he advocated.

We have lost a great legislator and a dedicated American. His party has lost a strong leader in the cause of Republicanism.

I admired and liked this friendly man. He was considerate of others and loved to talk the time of day.

I enjoyed these little talks. I am proud to have known him, even if for a short time. To his darling wife I, a new friend, extend my heartfelt sympathy.

God took him at his work in a sacred place where other great men now gone, if they had the choice, would have liked to die.

Mr. OSTERTAG. Mr. Speaker, the sudden and untimely passing of our beloved colleague, RUSSELL MACK, comes to us as a severe shock and the country has lost one of our most devoted and able Representatives in Congress.

RUSSELL MACK has made an outstanding contribution to good government and the welfare of the American people during his tenure as a Representative from the State of Washington. He has made an enviable record; one that will long be remembered by those of us who have been privileged to be associated with him in the Congress of the United States. RUSSELL MACK won the respect and admiration of all who knew him and his devotion to duty was unexcelled. His constant and diligent concern for the needs of the people he represented was exceptionally noticeable and he gave unstintingly of his time and efforts in the service of his district and his Nation.

It was my privilege to know RUSSELL MACK, not only as a colleague and associate in the Congress, but as a warm personal friend as well. Mr. Speaker, I want to join with you and the Members of the House in extending heartfelt sympathy to Mrs. Mack and to their family.

Mr. MCINTIRE. Mr. Speaker, the sudden passing of Congressman RUSSELL V. MACK of Washington removes from the House of Representatives one deeply loved by his colleagues. Congressman MACK came to the House of Representatives in 1947, just 3 years before I came to the House in the 82d Congress. Since that time I have had the privilege of his personal friendship. In view of his expert knowledge in the field of public works, I went to him on many occasions for counsel. He was always extremely friendly and very helpful. It was this wonderful characteristic that endeared him to every one of his colleagues. He served his district, State, and Nation, with outstanding distinction.

Mrs. McIntire joins with me in extending our deepest sympathy to Mrs. Mack. We shall always treasure our friendship with RUSSELL and Mrs. Mack.

Mr. THORNBERRY. Mr. Speaker, I am grieved over the loss of our colleague, the Honorable RUSSELL MACK, of Washington.

Since I first came to the Congress I have had the privilege of knowing Mr. MACK and having him as a friend. He and Mrs. Mack live next door to us here in Washington, and we knew and affectionately regarded them as friends and neighbors. RUSSELL MACK was a good man.

He was truly a gracious and fine gentleman. During the 83d Congress I had occasion to consult him on a very difficult problem which existed in the congressional district which I am privileged to represent, and I never had anyone to treat me with more courtesy, consideration, and understanding than did he, and that was his attitude toward everyone with whom he came in contact.

All of us who have had the privilege of serving with him regarded him as a splendid and able Member of Congress. Along with the people whom he represented so well, we suffer the loss of a beloved and respected associate. To Mrs. Mack and his loved ones, Mrs. Thornberry and I extend our great sympathy and the hope that they will receive understanding and comfort in these difficult hours.

Mr. EVINS. Mr. Speaker, with a heart filled with sadness, I with others join in paying a brief but sincere tribute to our esteemed colleague and friend, the Honorable RUSSELL V. MACK of Washington. His passing was saddening and shocking to us all and evidence of the very transitory nature of life, indeed.

I admired RUSSELL MACK immensely and valued his friendship greatly. We came to the Congress together—both of us being Members of the class of the 80th Congress—and for a time our offices were adjoining. I learned to know RUSand devoted Member of the Congress and I always respected and admired him greatly. There was no more dedicated and devoted Member of the Congress than the gentleman from Washington. He was a conscientious and faithful representative of the people—of his district, State, and Nation.

Although we were of opposite political parties we cooperated on many matters, particularly in the area of public works—which he especially championed.

I know that my wife joins me in expressing sympathy to Mrs. Mack in her bereavement.

Mr. JONES of Alabama. Mr. Speaker, the death of my warm friend RUSSELL MACK of Washington has come as a great shock to me. RUSSELL MACK and I came to the 80th Congress together, and we became members of the House Public Works Committee at the same time in 1947. Throughout the years, we developed an intimate acquaintance.

RUSSELL MACK was a skillful legislator, patient and always objective. His reasoning was never disturbed by impulsiveness nor was it ever motivated from prejudice. He possessed the great attribute of leadership and was a man of refinement, poise, and warm demeanor. He always had a well-founded knowledge of the legislative matters that he dealt with, and this fact accounted for his capable leadership and legislative skill.

As a member of the House Public Works Committee, RUSSELL MACK labored continuously in support of legislation which has brought about the multi-billion-dollar development of the great Columbia River Valley in the Northwest. This multipurpose program means so much to the people of that area in terms of flood control navigation, power development, and conservation of the soil and forests. He has also effectively supported legislative measures for needed development of the rivers and harbors throughout the Nation. All of these splendid contributions will stand as a monument to his long and distinguished service on our committee and in this House.

RUSSELL MACK's passing at this time is a source of profound shock, grief, and sorrow to all of us who knew him here. Indeed, a great statesman has passed from this scene. At this time, we pay our personal tribute to RUSSELL MACK for his great legislative career, and we extend to his dear wife, Laura, our heartfelt sympathy and personally share with her in this great loss.

Mr. YOUNGER. Mr. Speaker, in the passing of RUSSELL V. MACK we have lost a very companionable colleague and a sincere, extremely capable legislator; and personally I have lost a close personal friend.

It has been my pleasure to have known RUSSELL MACK for many years. As a legislator he had the happy faculty of fighting hard for what he believed but never, even in the hottest debates, did he ever stoop to personal accusations.

He was a most unusual and extremely kind individual. In my legislative and social experience with him, I cannot recall ever hearing him pass an unkind remark about any individual. If he could not say something good about them, he kept his own counsel.

We are all saddened by this sudden taking of our colleague, and I wish to extend my personal sympathy to his bereaved wife, Laura.

Mr. DAGUE. Mr. Speaker, we stand with bowed heads in the presence of the divine intervention which has taken from our midst a dedicated public servant and a stalwart friend in the person of RUSSELL MACK.

To have known RUSSELL MACK was to have enjoyed the rare privilege of his genial personality and the wealth of his years of experience in the field of public relations. To have served with him as a legislator was to have observed his conservative approach to the problems of the day and to have particularly noted the fine distinction he made between those areas that are best served by the Federal Government and the States, respectively.

RUSSELL MACK was a stanch defender of our American way of life and a prime advocate of States rights. His continuing concern was always related to preserving the dignity of the United States within the commonwealth of nations and within that framework to see that the Congress remained truly the voice of the people.

We shall greatly miss this stalwart defender of freedom and truth and our heartfelt sympathy goes out to those who are left to mourn his untimely passing. May our heavenly Protector wrap these bereaved ones in the mantle of His divine care and may they be assured that their beloved now rests on a sunnier shore, there to greet them when they too have crossed over.

Mr. DOOLEY. Mr. Speaker, the passing of RUSSELL V. MACK, the distinguished Representative from Washington, who came to the Congress 12 years ago, was a sad event for all who knew him.

It was my privilege to serve with him on the Public Works Committee of the House. His knowledge of committee affairs, combined with his amicable approach to all problems before that body, made him an invaluable asset. The effectiveness of his work and the benefits of his judgment helped motivate much of the legislation for which the Public Works Committee was largely responsible.

RUSS MACK, besides being a remarkably fine Member of the Congress, informed, articulate, and persuasive, was to me a cherished friend.

Broad in his outlook, generous in his sentiments, and possessed of a gentle kindness, it was a pleasure to be in his company.

Mrs. Dooley and I spent many hours and days with RUSS MACK and his charming wife, and those days shall ever be remembered.

We share her grief in RUSSELL's untimely death. The Congress and the country have lost a rare man.

Mrs. ST. GEORGE. Mr. Speaker, I want to add my tribute to the many others paid to my friend and colleague, RUSSELL V. MACK, of Washington.

RUSSELL MACK came to the Congress shortly after I did, so I have known him for nigh on 14 years. He was in every way a good Congressman, hard working, careful, and fair to all the people of his district, and speaking only on the subjects he knew and on which he had all the facts.

I went once to RUSSELL MACK's district and was deeply impressed by the sincere regard and affection in which he was held by his constituents; their grief and sense of loss at his passing will be very great indeed. To Mrs. Mack and his bereaved family I want to send my heartfelt sympathy in these tragic hours, and hope that they may find some consolation in the thought that he died at his post doing his duty for our country.

Mr. MAGNUSON. Mr. Speaker, all of us here in the House of Representatives have been saddened by the sudden and unexpected death yesterday, here on this floor, of our colleague from the State of Washington, the Honorable RUSSELL V. MACK.

Naturally, those of us from his own State feel that we knew him best, although his friends indeed were legion. We knew him as a conscientious and hard-working representative of the people of his district and State, and yet one capable of the longer view which places the welfare of the Nation as a whole above sectional and political considerations. This, after all, is the ultimate test of a good public servant.

Mr. MACK served 13 years in this body, always with strong dedication to duty. Despite the seriousness with which he approached his work here, he was in personal relationships easygoing and outgiving, which in part explains the host of friends he acquired here and back home during his lifetime. I say in part, because the basis of an unusually high number of lasting friendships always must be the recognition of an innate strength of character, the capacity for making people instinctively know that here is a good man.

Mr. MACK had that capacity, and we who live on say today: "A good man is gone."

If he had to go, we are grateful that his passing came without prolonged pain, but this does not still the voice of sorrow within us, his friends.

Mrs. Magnuson joins me in expressing heartfelt sympathy to his devoted wife, Laura, and to the other members of their family.

Mr. SIKES. Mr. Speaker, this is a very sad day for the Congress. A distinguished and beloved colleague has been struck down in the discharge of his duties. The strain and pressure under which each of us must work has produced many such casualties in our midst over the years. Others of our colleagues have also paid with their lives after leaving the Halls of Congress for their devotion to the duties imposed upon us. Others have paid in broken health as a result of their service to the Nation.

Our colleague, RUSSELL MACK, was a man easy to know and to admire. He was sound in his views and in his principles. His service here was capable and constructive. His was a loyal and dedicated work which benefited all the Nation.

My earnest sympathy is extended to his widow and his family.

Mr. HOEVEN. Mr. Speaker, I was present when my good friend RUSSELL V. MACK passed into the Great Beyond. This is an experience I shall not soon forget.

It has been a rare privilege and a pleasure for me to have served in the Congress with RUSSELL MACK for so many years. I learned to admire and respect him more and more each day. I shall miss him very much in the days that lie ahead.

RUSSELL MACK was a fine legislator who constantly had the welfare of his constituents and his country in mind. He was a true patriot and a great American. He served well his day and generation.

Mr. BUCKLEY. Mr. Speaker, the sudden and untimely death of our distinguished colleague RUSSELL MACK, of the State of Washington, has shocked and saddened me. Thus it is with a profound feeling of sorrow that I utter these few words in praise of a fine Congressman and an outstanding citizen.

RUSSELL MACK and I were associated as members of the Committee on Public Works since he first entered the Congress in 1947. Over the years I grew to know him and to learn by daily contact with him in committee work and on the House floor his ability as a legislator, but more important, his fine qualities as a person and a man.

He was one of the outstanding members of the Public Works Committee of which I now have the honor to be chairman. RUSSELL MACK had the keen mind of a trained newspaperman. He had a firm grasp of the many and varied problems that were presented to the committee, and his contribution to the legislation that was reported out of the committee was an invaluable one.

RUSSELL MACK was a warm human being with a faculty for adding to the enjoyment of the life of all those who had the privilege of coming in contact with him. He will be missed.

Thus it is with a deep sense of personal grief that I pay tribute today to my late colleague, for whom I held the highest respect, and express my heartfelt sympathy to his family in their great loss.

Mr. CURTIS of Missouri. Mr. Speaker, I join with the other Members of this House in their shock and sorrow at the death of the late Representative RUSSELL MACK. His sincere hard work in nearly 13 years in which he represented the people of southwestern Washington earned him a place of deserved respect in this Chamber.

It is significant, in the light of his dedicated service to the country in this body, that he should die while in the performance of this service. RUSSELL MACK was a fine man and an able Member of Congress. It was as recent as 3 weeks ago that I had occasion to make excerpts from one of his speeches delivered on the floor of the House in order to explain a matter of some complexity to the people of my district. His guidance and counsel will be missed by those of us who had learned we might rely on his ability, his efforts, and his integrity.

Mr. SMITH of Mississippi. Mr. Speaker, the sudden death of RUSSELL MACK has been a great shock to all of us, but it was especially distressing to the members of the Public Works Committee, on which he served as an outstanding leader for many years. We were fellow members of this committee from the beginning of my service in the Congress, and we had many pleasant hours together on inspection trips and committee hearings in all parts of the United States.

RUSSELL MACK was a devoted legislator who made a major contribution to all the important legislation that came before our committee. We often had sharp differences about some of the proposals, but we were able to differ without rancor. It will be difficult indeed to replace him.

Mrs. Smith and I extend our deepest sympathy to Mrs. Mack.

Mr. ROBISON. Mr. Speaker, it was necessary for me to be in my congressional district on official business last Monday. Therefore, I was spared the personal shock of witnessing, as so many of my colleagues did, the sudden and tragic death of my friend and colleague on the Committee on Public Works, RUSSELL V. MACK. But the shock I experienced on hearing this sad news on Tuesday morning was nonetheless real.

I think this was because RUSS MACK was such a vibrant person, full of the joys of living, drawing strength and vitality from the challenge of the responsibilities he shouldered so well. He was a champion of and a stubborn and dedicated fighter for the things in which he believed. He fought with equal determination and skill against those other things which he believed to be wrong. There were times, during our committee work together, when we disagreed, once rather sharply, but all of us who have ever found him on the other side of our own position, whatever it might be, have respected his boundless integrity, his candor and honesty, and, most of all, the friendly arm he put upon our shoulders after the battle was over.

John Donne wrote, years and years ago—

> Every man is a piece of the continent, a part of the main; if a clod be washed away by the sea, Europe is the less as well as if a promontory were, as well as if a manor of thy friends or if thine own were; any man's death diminishes me.

It is quite true that the work of our committee and of this Congress will go on, as we close ranks together, almost as if nothing had happened. And yet the strength of our Committee on Public Works of this Congress and of this Nation have been "diminished" by the loss of a man of the stature of RUSS MACK. He will be sorely missed.

Mr. Speaker, my heartfelt sympathy is extended to Mrs. Mack and to the other members of the family.

Mr. ROONEY. Mr. Speaker, I do not think I was ever as shocked in my life as I was not many minutes ago when our distinguished colleague, the gentleman from Washington, Hon. RUSSELL V. MACK, collapsed and died here in the well of the House. This tragic death should be a warning to all of us who work so hard at our congressional duties that there comes a time when we must slow up. RUSSELL MACK never slowed up since he was first elected to the House of Representatives about a dozen years ago. He was a devoted public servant and the second ranking minority member of the House Public Works Committee. His untimely passing is a great loss to the people of his district, his beloved State of Washington, and the Nation.

I extend my deepest sympathy to his devoted wife in her bereavement.

Mr. YOUNG. Mr. Speaker, I want to join my colleagues from the State of Washington and others in paying a brief, but sincere tribute to the memory of our departed colleague and friend, Representative RUSSELL V. MACK, of Washington.

He was a fine gentleman, a genuine representative of his district and his Nation, and a man of great courage in his devotion to the public interest.

He served for many years on the Public Works Committee, where he proved to be at all times broad in his approach, kind in his treatment to those in disagreement with him, and helpful to those of us whose tenure of service on the committee was less than his long and fruitful years of dedicated work on the committee.

He will be greatly missed. In his passing, the Congress of the United States has suffered the loss of one of its Members it could least afford to lose. My deep sympathy goes to his family, to the congressional district he represented so well, to the great State of Washington, and to the Nation.

Mr. CRAMER. Mr. Speaker, it was my privilege to serve with our deceased colleague, Congressman RUSSELL MACK, for the last 6 years on the Public Works Committee, particularly with regard to his being the ranking minority member on the Flood Control Subcommittee. I had the pleasure of working closely with him and knowing firsthand of his dedication to his job as a Member of Congress. He spent many tireless hours toiling for the people of his district, and was one of the best authorities on flood-control matters as well as many other problems before the Public Works Committee and Congress. He was a dedicated public servant, and gave tirelessly of his time and energies, and, typical of that, is the fact that he should spend his last breath in carrying out his congressional duties on the floor of the House.

I remember well the tremendous contribution he made on the floor of the House on many occasions toward better legislation and toward serving all the people. He was a fighter for his point of view, and demonstrated this many times in recent years on the omnibus public works bills, during debate of which he took a most active part.

I also had the privilege of serving under him in the Republican whip organization as the assistant regional whip, he being in charge of the western and southern division, and I can attest to his efforts spent in that important duty. His knowledge, his forthrightness, his ability, will be impossible to replace and the people of the State of Washington and the people of America have lost a great public servant. I have lost a very dear friend, upon whose judgment, and with acknowledgment of his ability, I have on many occasions relied very heavily, and I join in expressions of bereavement to his wife and family.

Mr. TOLLEFSON. Mr. Speaker the House of Representatives lost one of its most able Members upon the death of Representative RUSSELL V. MACK. His zeal and diligence in serving his district, State, and Nation were not surpassed in Congress. A man of high principle and integrity, he enjoyed the sincere respect of his colleagues. His friends both in and out of Congress were legion. All were shocked at the news of his passing.

RUSSELL MACK was one of my real friends and his death was a personal loss to me. He was most cooperative and helpful in connection with problems that confronted me, and gave generously of his time and advice. That he did the same for his other friends was understood by all. I join with them in expressing grief at the occasion of his passing and in extending deepest sympathy to his devoted wife, Laura.

Mr. Speaker, I wish to include with my statement copies of editorials from the Tacoma News Tribune and the Seattle Times, together with a copy of a resolution adopted by the Seattle Chamber of Commerce:

[From the Seattle (Wash.) Times]

REPRESENTATIVE RUSSELL MACK

RUSSELL MACK was a big man, plain spoken and sincere, who hated redtape and folderol. His favorite campaign tactic was to tour his third district in a door-to-door, grassroots appeal. He would walk into a store, his cigar leveled at the world like a cannon, offer a huge hand and say, "I'm RUSSELL MACK, I'm running for Congress and I'd sure appreciate your vote."

In Congress Representative MACK again preferred the direct line of attack. He was an outspoken critic of the import of seafoods from foreign countries. He was equally concerned with programs to encourage the lumbering industry, a mainstay in the economy of his Grays Harbor constituency and the State of Washington.

RUSSELL MACK was a firm supporter of bipartisan foreign policy. He also pushed hard for the development of natural resources in this State. He served six terms in Congress, after winning a special election to that office

in 1947. He was named Republican whip for the 16 Western States in 1955 and was a member of the Republican Party's 20-man policy board.

The State of Washington and the Third Congressional District have good reason to mourn the loss of this big, bluff man who had a talent for getting things done.

[From the Tacoma (Wash.) News Tribune]

MR. MACK'S DEATH GREAT LOSS

Representative RUSSELL V. MACK was a man who served his country and his southwest Washington congressional district with distinction and with a zeal not surpassed in Congress. His death on the floor of the House of Representatives is a great loss to his district, to our State, and the Nation.

Mr. MACK loved his country and he loved to work for good government. Politics, which is only the science of government, interested him intensely and he entered into his congressional office back in 1947 with a zest that one seldom encounters in public life. He was a strong campaigner and a great fighter, and his district has been helped tremendously by those qualities.

The Congressman was a high-ranking member of the House Public Works Committee, a committee so important to the southwest Washington area because improvement of rivers and harbors is in its domain. He worked tirelessly for improvement of the twin harbors, for rivers, for the Westport fishing base. A strong believer in promoting local industry, he fought the import of Russian crab and Japanese tuna and resisted the shipment of lumber to Japan to be manufactured into finished products. He battled for U.S. salmon fishermen's rights—in fact, RUSSELL MACK was a stalwart defender of American industry and the men who work in the mills, the factories, or with the nets.

He wanted an America that is financially sound and therefore worked in behalf of balanced budgets and against the waste of public funds.

His shoes will be most difficult to fill. It would be wonderful if his district should, in a forthcoming special election, find another man such as he.

"MEMORIAL TRIBUTE TO RUSSELL V. MACK

"In recognition of his outstanding contribution to the civic, business, and political development of the State of Washington, and the Pacific Northwest, the Seattle Chamber of Commerce pays tribute to the memory of RUSSELL V. MACK who passed away on the 28th day of March 1960.

"Always he gave willingly and generously of his time, thought, and energy to the welfare and advancement of his State and Nation. The earnestness and leadership he brought to any cause that he espoused and his unselfish devotion to things worth while gives him a lasting place in the memory of all whose privilege it was to know him and to serve with him: Accordingly, it is

"*Resolved*, That the members of the board of trustees of the Seattle Chamber of Commerce adopt this tribute to the memory of RUSSELL V. MACK and, making permanent record of this expression of respect and esteem, convey their sincere and heartfelt sympathy to the members of his family."

Dated this 7th day of April 1960.

SEATTLE CHAMBER OF COMMERCE,
JACK GEOFFROY, *Secretary*.

Mr. PELLY. Mr. Speaker, we Members of the House of Representatives knew our late colleague, RUSSELL MACK, as a Congressman and servant of the people in the Third Congressional District of Washington. Other persons knew him in other ways. For example, many knew him as a newspaper publisher.

I believe it is fitting, Mr. Speaker, that the eulogy presented by Edwin J. Alexander, publisher of the Olympia News, be included in the permanent RECORD at a point following the other tributes to our colleague prior to adjournment of the House on March 28 out of respect to his memory.

This eulogy is as follows:

EULOGY FOR CONGRESSMAN RUSSELL V. MACK

(By Edwin J. Alexander, publisher, the Olympia News, funeral services, First Methodist Church, Aberdeen, Wash., Apr. 2, 1960)

"The other day a friend of mine died. Into my throat came a strange dry lump, and to my heart a depressing weight. Something had gone out of my life. I felt a sense of personal loss and sadness." From a booklet written and published by RUSSELL V. MACK in 1946.

Now our noble friend has fallen—pierced by the arrow of death. The places that have known him shall know him no more, but his virtues are written on tablets of love and memory.

RUSSELL V. MACK was truly one of nature's noblemen—a good man, a true friend, and honored citizen.

Many of you here in this church this morning remember RUSSELL as a boy and as a young man and in the years that followed—know full well that he had won his crown in Heaven ere he had reached the middle period of his good life.

From cub reporter to business manager on the Aberdeen Daily World to publisher of the Grays Harbor Daily Washingtonian—from publisher to Congressman—RUSSELL was a constant exemplar of the cardinal principles that constitute the highest order of the brotherhood of man.

RUSSELL was intensely patriotic. He loved his country with great passion and enthusiasm. RUSSELL linked his personal destiny with the destiny of his country and its flag.

RUSSELL was a powerful champion and defender of our American faith and our American way of life. He went back and forth across this district—yes, this State and our Nation—teaching and preaching and practicing the gospel of Americanism and quickening the spirit of American patriotism in the hearts and minds of our people everywhere.

RUSSELL loved his Grays Harbor and these nine counties and our great State of Washington in such a zealous and ardent manner that it verily excited the local pride within all of us to nearly a bursting point.

People liked RUSSELL because RUSSELL liked people. He enjoyed being with his friends, making new friends and meeting strangers. No one was a stranger for long in RUSSELL'S warm and friendly presence.

A great newspaperman, editor, and publisher, many of us in this place this morning knew him as a kindly, considerate, and generous employer, counselor, and friend.

As a fraternalist we knew him as one sincerely devoted to the principles of brotherly love and fidelity whose outstretched hands were ever ready to assist those in need.

As a citizen we knew him as a dedicated public servant, a dynamic leader, and honored Member of the U.S. House of Representatives, where his brilliant record of service and devotion to country will stand as a lasting monument and tribute to the true patriot that he was.

RUSSELL died as he would have wanted—standing on the floor of the Congress voting for his beloved country.

Mr. PELLY. Mr. Speaker, I offer a resolution.

The Clerk read as follows:

H. Res. 469

Resolved, That the House has heard with profound sorrow of the death of the Honorable RUSSELL V. MACK, a Representative from the State of Washington.

Resolved, That a committee of six Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

The SPEAKER. The Chair appoints to the funeral committee the following Members: Messrs. HORAN, TOLLEFSON, MAGNUSON, PELLY, WESTLAND, and Mrs. MAY.

The Clerk will report the remainder of the resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

ADJOURNMENT

Accordingly (at 2 o'clock and 16 minutes p.m.) the House adjourned until tomorrow, Tuesday, March 29, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1984. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Public Housing Administration, Housing and Home Finance Agency, for the fiscal year ended June 30, 1959 (H. Doc. No. 364); to the Committee on Government Operations and ordered to be printed.

1985. A letter from the Acting Secretary of Defense transmitting a draft of proposed legislation entitled "A bill to amend title 10, United States Code, to allow the crediting of service in any armed force for the purpose of determining grade, position on a promotion list, seniority in grade, and eligibility for promotion of a person originally appointed in the Regular Army"; to the Committee on Armed Services.

1986. A letter from the Secretary of the Army, transmitting a draft of proposed legislation entitled "A bill to authorize the Secretary of the Army to reconvey to the town of Malone, N.Y., certain real property heretofore donated by said town to the United States of America as an Army Reserve center and never used by the United States"; to the Committee on Armed Services.

1987. A letter from the Administrator, General Services Administration, transmitting a report relating to contracts negotiated for experimental, developmental, or research work, or for the manufacture or furnishing of property for experimentation, development, research, or test during the 6-month period ending December 31, 1959, pursuant to Public Law 152, 81st Congress, as amended; to the Committee on Government Operations.

1988. A letter from the Administrator, Federal Aviation Agency, transmitting a draft of proposed legislation entitled "A bill to amend the act of October 9, 1940 (54 Stat. 1030, 1039) in order to increase the periods for which agreements for the operation of certain concessions may be granted at the Washington National Airport, and for other purposes"; to the Committee on Interstate and Foreign Commerce.

1989. A letter from the Chairman, Federal Communications Commission, transmitting a copy of the report on backlog of pending applications and hearing cases in the Federal Communications Commission as of January 31, 1960, pursuant to Public Law 554, 82d Congress; to the Committee on Interstate and Foreign Commerce.

1990. A letter from the Chairman, Civil Aeronautics Board, transmitting a draft of proposed legislation entitled "A bill to clarify the powers of the Civil Aeronautics Board in respect of consolidation of certain proceedings"; to the Committee on Interstate and Foreign Commerce.

1991. A letter from the Clerk, U.S. Court of Claims, relative to the claim of *Robert H. Point* v. *the United States*, Congressional No. 6-59, pursuant to sections 1492 and 2509, title 28, of the United States Code, and to House Resolution 351, 86th Congress; to the Committee on the Judiciary.

1992. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated February 17, 1960, submitting a report, together with accompanying papers and an illustration, on a review of report on Sun River, Mont., requested by a resolution of the Committee on Public Works, House of Representatives, adopted July 15, 1947; to the Committee on Public Works.

1993. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated February 17, 1960, submitting a report, together with accompanying papers and an illustration, on a review of reports on Boone River, Iowa, Tunnel Mill Dam, requested by a resolution of the Committee on Public Works, House of Representatives, adopted July 31, 1957; to the Committee on Public Works.

1994. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated February 18, 1960, submitting a report, together with accompanying papers and an illustration on a survey of Sesuit Harbor, Mass., authorized by the River and Harbor Act, approved May 17, 1950; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of March 24, 1960, the following bills were reported on March 25, 1960:

Mr. McMILLAN: Committee on the District of Columbia. H.R. 10684. A bill to amend sections 1 and 5b of the Life Insurance Act for the District of Columbia; with amendment (Rept. No. 1424). Referred to the House Calendar.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 10964. A bill to amend the Life Insurance Act of the District of Columbia approved June 19, 1934, as amended; without amendment (Rept. No. 1425). Referred to the House Calendar.

Mr. BARDEN: Committee on Education and Labor. H.R. 10128. A bill to authorize Federal financial assistance to the States to be used for constructing school facilities; with amendment (Rept. No. 1426). Referred to the Committee of the Whole House on the State of the Union.

Mr. ANDREWS: Committee on Appropriations. H.R. 11389. A bill making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1961, and for other purposes; without amendment (Rept. No. 1427). Referred to the Committee of the Whole House on the State of the Union.

Mr. FOGARTY: Committee on Appropriations. H.R. 11390. A bill making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1961, and for other purposes; without amendment (Rept. No. 1428). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted March 28, 1960*]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LANE: Committee on the Judiciary. House Resolution 431. Resolution expressing the sense of the House of Representatives that the President should call a White House Conference on Narcotics; with amendment (Rept. No. 1429). Referred to the House Calendar.

Mr. GREEN of Pennsylvania: Committee on Ways and Means. H.R. 8273. A bill to amend the Internal Revenue Code of 1954 to suspend the manufacturers excise tax on mechanical lighters for cigarettes, cigars, and pipes; with amendment (Rept. No. 1430). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, pursuant to the order of the House of March 24, 1960, the following bills were introduced March 25, 1960:

By Mr. ANDREWS:

H.R. 11389. A bill making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1961, and for other purposes.

By Mr. FOGARTY:

H.R. 11390. A bill making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1961, and for other purposes.

[*Introduced and referred March 28, 1960*]

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY:

H.R. 11391. A bill to amend the War Claims Act of 1948 with reference to claims arising out of the death of members of the Armed Forces of the United States as the result of enemy action after cessation of hostilities; to the Committee on Interstate and Foreign Commerce.

By Mr. BERRY:

H.R. 11392. A bill to amend section 1 of the act of April 16, 1934, as amended by the act of June 4, 1936 (49 Stat. 1458); to the Committee on Interior and Insular Affairs.

By Mr. BURKE of Kentucky:

H.R. 11393. A bill to amend the act to promote the education of the blind, approved March 3, 1879, as amended, so as to authorize wider distribution of books and other special instruction materials for the blind, and to increase the appropriations authorized for this purpose, and to otherwise improve such act; to the Committee on Education and Labor.

By Mr. CARNAHAN:

H.R. 11394. A bill to amend the Federal Property and Administrative Services Act of 1949 so as to permit donations of surplus property to certain educational institutions; to the Committee on Government Operations.

By Mr. CELLER:

H.R. 11395. A bill to amend section 5021 of title 18, United States Code; to the Committee on the Judiciary.

H.R. 11396. A bill to withdraw from the district courts jurisdiction of suits brought by fiduciaries who have been appointed for the purpose of creating diversity of citizenship between the parties; to the Committee on the Judiciary.

H.R. 11397. A bill to amend the Communications Act of 1934 by adding thereto a new section to prohibit commercial bribery for the purpose of inducing the broadcast performance of musical works; to the Committee on Interstate and Foreign Commerce.

H.R. 11398. A bill to amend the Communications Act of 1934, to strengthen the effectiveness of the Federal Communications Commission in assuring that broadcast licensees, filing renewal applications, continue to operate in accordance with the public interest; to the Committee on Interstate and Foreign Commerce.

By Mr. EVINS:

H.R. 11399. A bill to authorize the Secretary of the Interior to permit the occupancy and use by the Congressional Club of certain lands in the District of Columbia which are under the jurisdiction of the National Park Service; to the Committee on Interior and Insular Affairs.

By Mr. GEORGE:

H.R. 11400. A bill to designate the Tuttle Creek Reservoir, Kans., as the Willard J. Breidenthal Reservoir; to the Committee on Public Works.

By Mr. HALPERN:

H.R. 11401. A bill to provide coverage under the old-age, survivors, and disability insurance system (subject to an election in the case of those currently serving) for all officers and employees of the United States and its instrumentalities; to the Committee on Ways and Means.

H.R. 11402. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. HARDY:

H.R. 11403. A bill to amend title 28 of the United States Code to provide for the granting of continuances in district courts to members of State legislatures in accordance with State law; to the Committee on the Judiciary.

By Mr. HARMON:

H.R. 11404. A bill to assure orderly marketing of an adequate supply of hogs and pork products; to encourage increased domestic consumption of pork and pork products; to maintain the productive capacity of the hog-farming industry; to avoid the feeding of hogs to less desirable weights; and to

stop further declines in live-weight prices received by hog producers; to the Committee on Agriculture.

By Mr. HERLONG:

H.R. 11405. A bill to provide for the treatment of income from discharge of indebtedness of a railroad corporation in a receivership proceeding or in a proceeding under section 77 of the Bankruptcy Act (11 U.S.C. 205) commenced before January 1, 1960; to the Committee on Ways and Means.

By Mr. LANGEN:

H.R. 11406. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. LATTA:

H.R. 11407. A bill to amend the Soil Bank Act, as amended, and the Agricultural Act of 1956, as amended; to the Committee on Agriculture.

By Mr. LINDSAY:

H.R. 11408. A bill to provide that certain persons born abroad on or before May 24, 1934, and presently residing in the United States, shall be held and considered to have acquired U.S. citizenship at birth; to the Committee on the Judiciary.

By Mr. McDOWELL:

H.R. 11409. A bill to foster development of the use of a product of the United States by providing temporarily for the assessment of duty only on the cost of processing and added material when it is exported for intermediate processing and returned; to the Committee on Ways and Means.

By Mr. GEORGE P. MILLER:

H.R. 11410. A bill to provide for the issuance of a Federal fishing stamp, to give the consent of Congress to a compact relating to the use of a Federal-State fishing stamp in connection with noncommercial fishing licenses for nonresidents of States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MOULDER:

H.R. 11411. A bill to amend the Legislative Reorganization Act of 1946 to authorize the review of administrative regulations by committees of Congress prior to their promulgation, and for other purposes; to the Committee on Rules.

H.R. 11412. A bill to establish a free guide service for the U.S. Capitol Building; to the Committee on House Administration.

H.R. 11413. A bill to authorize Federal financial assistance for school construction and teachers' salaries; to the Committee on Education and Labor.

By Mr. SAUND:

H.R. 11414. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. SELDEN:

H.R. 11415. A bill to provide for the designation of a portion of the District of Columbia as the "Plaza of the Americas"; to the Committee on the District of Columbia.

By Mr. SMITH of Mississippi:

H.R. 11416. A bill to readjust postal rates, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SMITH of Kansas:

H.R. 11417. A bill to readjust postal rates, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. STRATTON:

H.R. 11418. A bill to provide for adjusting conditions of competition between certain domestic industries and foreign industries with respect to the level of wages and the working conditions in the production of articles imported into the United States, and to encourage and promote actions by foreign governments to improve their own levels of such wages and working conditions; to the Committee on Ways and Means.

By Mr. BURKE of Kentucky:

H.J. Res. 662. Joint resolution authorizing the Architect of the Capitol to permit certain temporary and permanent construction work, on the Capitol Grounds in connection with the erection of a building on privately owned property adjacent thereto; to the Committee on Public Works.

By Mr. LIBONATI:

H.J. Res. 663. Joint resolution authorizing and directing the President to designate September 6, 1960, as Jane Addams Day; to the Committee on the Judiciary.

By Mr. McDOWELL:

H.J. Res. 664. Joint resolution to provide that the Assistant Attorney General charged with the responsibility for the enforcement of the Federal antitrust laws shall be appointed for a term of 8 years in order to give such officer a measure of the independence afforded Federal judges; to the Committee on the Judiciary.

By Mr. MACK of Illinois:

H. Con. Res. 648. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. KOWALSKI:

H. Res. 490. Resolution to authorize the Committee on Interstate and Foreign Commerce to conduct an investigation and study of the Federal Power Commission; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By Mr. FORAND: Memorial of the Rhode Island General Assembly, petitioning the Congress of the United States to give favorable consideration to legislation providing benefits for veterans of World War I; and for other purposes; to the Committee on Veterans' Affairs.

Also, memorial of the Rhode Island General Assembly memorializing the Congress of the United States to amend the Federal Social Security Act so that full benefits may be granted to women who have reached the age of 57 years instead of waiting as the law now requires until they reach the age of 62 years, and to men who have reached the age of 60 years instead of waiting as the law now requires until they reach the age of 65 years; to the Committee on Ways and Means.

By the SPEAKER: Memorial of the Legislature of the State of Alaska, memorializing the President and the Congress of the United States to give consideration to the questions involved with relation to the proper amendments to laws governing interstate commerce affecting the broad problems of transportation to, from and within the newly created State of Alaska; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Legislature of the State of Arizona, memorializing the President and the Congress of the United States to appropriate sufficient funds for the purpose of maintaining 24 hours a day, the compound on the international border at Lukeville, Ariz., to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Kentucky, memorializing the President and the Congress of the United States to enact legislation enabling the States to correct abuses under the program for aid to dependent children; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of South Carolina, memorializing the President and the Congress of the United States to cancel plans for construction of new dams on the Savannah River; to release certain reservoir lands and to place the control of water in the Clarks Hill Reservoir under local water authority; to the Committee on Public Works.

Also, memorial of the Legislature of the State of South Carolina, memorializing the President and the Congress of the United States to enact suitable legislation to prohibit imported shrimp from competing with our shrimping industry and to favorably consider H.R. 8982; to the Committee on Ways and Means.

Also, memorial of the Legislature of the Commonwealth of Virginia, memorializing the President and the Congress of the United States to propose an amendment to the Constitution of the United States to be known as the freedom of choice amendment relative to human and property rights; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GUBSER:

H.R. 11419. A bill for the relief of Mrs. Dolores Lumello and Daniele Marchegiani; to the Committee on the Judiciary.

By Mr. LEVERING:

H.R. 11420. A bill for the relief of Ferdinand Hofacker; to the Committee on the Judiciary.

By Mr. NORBLAD (by request):

H.R. 11421. A bill for the relief of the U.S. National Bank of Portland, Oreg.; to the Committee on the Judiciary.

By Mr. WALTER:

H.R. 11422. A bill for the relief of Stefan Antal, George Gergel, Paul Sabak, Elisabeth Sabak, Michael Hornak, Helen Hornak, Anna Pentek, Florian Cernansky, and Alexander Slamka; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

394. By Mr. GREEN of Pennsylvania: Resolution of the Council of the City of Philadelphia memorializing the 86th Congress of the United States to enact the Forand bill, H.R. 4700; to the Committee on Ways and Means.

395. By Mr. KOWALSKI: Petition of the Public Utilities Commission of the State of Connecticut pertaining to H.R. 10309; to the Committee on Interstate and Foreign Commerce.

396. By Mr. MONAGAN: Petition and resolution of George J. Griffin, executive secretary of the Public Utilities Commission, State of Connecticut, favoring the adoption of amendment to the Natural Gas Act as embodied in H.R. 10309; to the Committee on Interstate and Foreign Commerce.

397. By Mr. WESTLAND: Resolution adopted by members of Goshen Grange No. 856, Whatcom County, Wash., recommending legislation be enacted requiring all meat imported, to be sold at retail counters in competition with meat produced in this country, be plainly labeled as imported meat; to the Committee on Agriculture.

398. Also, resolution adopted by members of Goshen Grange No. 856, Whatcom County, Wash., requesting action be taken by the Congress to prevent removal of import restrictions on dairy products; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

Where Do We Stand?

EXTENSION OF REMARKS
OF
HON. ERNEST GRUENING
OF ALASKA
IN THE SENATE OF THE UNITED STATES
Monday, March 28, 1960

Mr. GRUENING. Mr. President, last Tuesday, our distinguished colleague, the junior Senator from Arkansas [Mr. FULBRIGHT], delivered a highly illuminating address at the annual dinner of the Harvard Club of Washington.

The title of his important speech was "Where Do We Stand?" It was a penetrating evaluation of the status of the United States in the world today. It was a sober and realistic appraisal of the decline of our Nation from its preeminence of leadership and power, a decade ago, to its present, far less influential position, when viewed against the phenomenal rise of Russia and of international communism in the world.

In a sense, our colleague's brilliant address was of something of an epochmaking character, which I think was summarized in his conclusion that the United States will not be restored to its position of influence, prestige, and leadership in the world, that our Nation will not recover its lost vantage, and will not do what is needed to be done in order to achieve that goal, unless and until the control of both the executive and the legislative branches is vested in one political party. Senator FULBRIGHT said that unless the American people vest that control in only one party, the Nation will be courting disaster.

Not wishing to give a political connotation to his address, our able colleague did not tell the Harvard Club which political party he thought that should be, nor was it necessary that he do so. The fact is that never before in our Nation's history has the division of powers which Senator FULBRIGHT deplores existed for so long as it has during the two Eisenhower administrations. Therefore, our colleague's dictum is both new in its affirmation of a transcendently important principle, and, coming in a year of a presidential election, timely and appropriate. It deserves wide recognition.

I ask unanimous consent that his eloquent and constructive contribution to our political science and to the national safety and destiny be printed in the CONGRESSIONAL RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SPEECH DELIVERED BY SENATOR J. W. FULBRIGHT AT THE 77TH ANNUAL DINNER OF THE HARVARD CLUB OF WASHINGTON, D.C., MARCH 22, 1960

Mr. Chairman, I consider it an honor to be invited to speak to this distinguished audience of Harvard men. There are few who question the preeminence of Harvard University in the field of education. The influence of the graduates of Harvard upon the life of our country is unequaled by those of any other institution of learning.

Except for the fact that it descended from Cambridge University, rather than Oxford, there is little in its ancestry of which one may not be proud.

When Senator GRUENING requested that I speak here tonight, I demurred most strenuously, as I was quite aware of the probable conflict in our points of view, inasmuch as I was nurtured on the conservatism of Arkansas University and Oxford. However, upon the earnest plea of ERNEST GRUENING that this group has never before had the opportunity of observing and of hearing a politician from the Ozark Mountains, my native reticence was overcome by my weakness for lecturing, acquired during the years when I was a professor.

I weakened in spite of the fact that I know many of us in public life talk too much.

In recent weeks I have had much sympathy with the point of view of the schoolboy who, when asked to describe Socrates, wrote as follows:

"Socrates was a Greek who spoke very often to the Athenians. They poisoned him."

It seems rather a shame to mar an otherwise festive evening by discussing serious and somber aspects of our national life, but such are my instructions. The most somber subject I can think of tonight is—what is our position in the world today, how are we measuring up to our responsibilities.

Where do we stand today?

A nation with a gross national product that will soon hit a peacetime high of $500 billion and with a per capita income of over $2,500 (nearly double that of any other nation) is debating the extent to which our Armed Forces may be inferior to those of the Soviet Union.

If there is confusion about the facts, some things are clear. It is humiliating that the debate should have to occur. Its occurrence is evidence of our failures. It is a revelation of our lack of foresight, of possessing great riches, yet failing to use them to make ourselves, and keep ourselves, the world's strongest power, although to do less is to invite national extinction.

Mr. Khrushchev, having outrun us, is not one to let our grass grow under his feet. "It would be naive to think," he has said, "that we are going * * * to sit with arms folded" while the Americans "make every effort to raise their rocketry from the state it is now in and reach a better position." But before considering this, let us place the problem in perspective.

Men have anciently yearned for a universal commonwealth. Now we have it. But it is a commonwealth of fear kept going by a precarious balance of terror, a chilling oscillation between negotiation and incineration.

We endure in an era of total crisis. The great truths are denied. Black becomes white, the horizontal vertical. Whole states—as Estonia, Latvia, Lithuania, Tibet—sink from sight. Whole countries—as Hungary—languish behind bars. An ancient culture—as China's—is shattered and remade overnight into the largest anthill slave state men have ever known.

All the world's parts, for the first time, are simultaneously out of joint. And while horrors stalk the earth, weapons of potential universal destruction are hurled to the stars, or into the Pacific not too far from our shores. Everywhere the implacable cage stalks the unwary bird.

Our communications instruments are superb. Yet over huge areas the telephone is silent, the postman is frozen in his rounds, the airplane dare not land. We cannot communicate with the Russian people who occupy one-sixth of the earth's surface nor with the Red Chinese who compose about one-fifth of the world's population. Perhaps half of humanity lies beyond our hailing.

Where do we stand? What is our so-called peace? Is it not a monstrous make-believe to which men lend credence so that thereby they may have the prospect of another day under the sun?

The captains and the kings depart. Yesterday's empires—from Britain's to Japan's—are today dust. The world's stage lately occupied by several powers has been cleared of all but two giant protagonists. They are engaged in deadly conflict even if they are not in physical combat. The one holds half the world in its fist. The other haltingly sustains the remaining half.

We have never faced an antagonist quite like this one. The Soviet Union swiftly leaped from the oxcart to the moon; rose from a second-rate underdeveloped country to loom menacingly over the world.

Master of complex technologies, primitive and advanced, her soldiers march with black bread in their hands and the awful secrets of nuclear fission in their minds. Their leaders are obsessed by a dedicated sense of mission to dominate mankind. It long antedates Karl Marx and it did not falter when the Germans stood at Moscow's gates. Even as we sent stupendous quantities of munitions to the Soviet Union during the war Stalin was plotting for our demise in the postwar period.

Elsewhere, a colossal specter rises in the Far East. It commands the world's largest labor force. At this time 100 million people—a group exceeding half of our total population—are building the world's greatest network of hydroelectric stations, irrigation canals, and dams. Red China is attempting within one generation an enterprise greater than any undertaken by man: that of catching up, in this short time, with the most advanced industrialized nations. Many experts believe she will become a major industrial power during the late sixties.

China's vast population grows. Soon one in three, or one in four, of all men will be Chinese. Awesomely industrious, tough, inured to hardship, China's millions are as the fingers of the hand manipulated by their determined and ruthless masters. They direct a revolution unparalleled in this dimension which, in its pitilessness, has swiftly destroyed a culture ancient when Christ was born.

We may expect that within foreseeable time the fingers will become a clenched fist prepared to smash all that stands in the path of China's domination of the Asian reaches, their resources, and the nearly three-quarters of a billion people who inhabit them.

Returning to the Soviet Union we find that Mr. Khrushchev, even as he bade goodby to these American hosts, repeated what he has often said: "Communism would take us over." Given communism's unrelenting objective—world domination—this goal is logical. We must be the first to go by one means or another. For when the free world's shield is broken those whom it shelters become defenseless.

We have been warned, but have we heard? If we should perish it will not be for lack of warning but for lack of the will to survive.

In this context there is something new under the sun. It is a newness illuminated by the fact that the sun itself is no longer inviolate and unattainable. For the first time a would-be conqueror could win the world; win it in perhaps 30 minutes. He might succeed where others, from Genghis Khan to Hitler, had failed.

How almost overwhelming, then, must be the temptation to such a one to act? How nearly irresistible the compulsion to use his ocean-spanning, catastrophic weapons? How intoxicating the vision that, winning, the world would be one state to do his bidding with its people as his puppets, its continents as his provinces and its seas as his lakes?

How must the aspirant conqueror be moved when he contrasts the position of his country and ours at the end of the war—only 15 years ago—and today? For among nations, as among individuals, what ultimately counts is not being but becoming.

At the war's end we were, incomparably, the world's strongest power, commanding the mightiest fighting force ever assembled, and a monopoly of atomic weapons. Our wartime casualties had been small, our homeland was untouched, our farms and factories had hugely expanded. The world's gold flowed to us. The world's trade fell to us as former rivals were removed from competition. We stood upon the heights of power, prestige, riches. We had arrived.

What of the Soviet Union in 1945? She did not announce her casualties lest they reveal her grave weakness. But they were on the order of 20 million people. She suffered an enormous loss of houses, factories, powerplants, domestic animals. Many thought that for years to come her energies would be absorbed by domestic reconstruction.

But she quickly repaired her war damages. Then she built a giant heavy industry, created new cities, opened vast new lands to cultivation. Above all she advanced education in a mighty surge of passionate and determined effort. For, writes Dr. Lawrence Derthick, U.S. Commissioner of Education:

"The Russians have decided that education is the best means of winning their place in the sun—and on the moon. • • • The Soviet Union is like one vast college campus on the eve of a football game with its greatest rival. That rival is the United States."

This is the mark of our antagonist:

Forty-four years ago communism was confined to a rented room in Zurich, Switzerland. Today it dominates one-third of the earth containing 40 percent of the population and a third of the industrial power.

The Soviet Union's trained cadres operate throughout Southeast Asia, and are now appearing in countries on our doorstep. Promoters of communism swarm over Africa and Latin America. In Egypt the Soviet Union is constructing spectacular works that will dominate world headlines for years to come and enable her to tighten her grip on the strategic Middle East where no former Russian regime had ever been able to penetrate. At the same time she lends money to free-world countries and builds great mills for them as in India. The Soviet Union is on the move.

Thus Lenin's "strategy of encirclement" is not only being fulfilled—it is moving ahead of schedule.

Surprisingly to the West, the Soviet Union exploded an atomic bomb only 4 years after the war's end. Four years later she exploded a hydrogen bomb. Now abreast of us in this field, she forged ahead of us in the conquest of space as she launched man's first satellite and was first to the moon.

She maintains vast armies, and a navy second to ours. No power has ever had, in peacetime, so many submarines. They number 450; two-thirds of them long-range ocean patrol types. In 1956 alone Soviet shipyards built 100 submarines, or one every third or fourth day during the year. This is as many submarines as we have in our entire fleet.

In addition the Soviet Union is mounting a worldwide trade offensive aimed primarily at us. Hence the challenge to us is total. It involves the military, the political, the intellectual, and the industrial. The measures of our antagonist cannot be countered by half measures or by halfhearted competition.

If, Mr. Khrushchev must reason, his country has come so far so fast, how much will it forge ahead of us in the future unless we greatly step up our pace in education, weapons, foreign aid, and foreign trade? But how shall we excel in these fields if we are more concerned with keeping up with the Joneses than surpassing the challenges of Khrushchevs?

How shall others appraise us—to consider only one phase of the struggle—in the light of Dr. Wernher von Braun's remarks about the conquest of space?

Last year he said the Russians disregarded our efforts. "The Russians appear so sure of their technological leadership," he observed, "and their ability to retain the initiative that they do not even consider the possibility someone else might beat them to the moon • • •."

They were right. They got there first.

Gen. Bernard Schriever has also said that there is "very much evidence" that Russia has greatly strengthened its bomber defenses. But the aircraft that might not be able to get through may not even be able to demonstrate their impotence. "For," states Gen. Thomas Power, Chief of the Strategic Air Command, "our bomber bases are vulnerable to surprise attack."

Generals are not to reason why. Their Commander in Chief complains that "too many generals have all sorts of ideas."

Yet mankind moves on ideas. Men with ideas are the makers and shakers of the world. The larger their number serving the country the more fruitful and vigorous the country. But few men of ideas come to Washington. They are not likely to seek service in a government which is scornful of their kind.

Next year, says Representative GEORGE H. MAHON, able chairman of the House Defense Appropriations Committee, America is going into a 2- or 3-year period when the Soviet Union's missile superiority will present "the most frighteningly important situation that we have had in our lives."

Recently three well-informed witnesses appeared before Senator HENRY M. JACKSON'S Subcommittee on National Policy Machinery.

The first was Robert A. Lovett, a Wall Street banker, a Republican, and a Secretary of Defense in the Truman administration.

He criticized the Defense Department for "its constant increase in committees (which) has reached a point where they are no longer mere nuisances, but have become positive menaces to the prompt and orderly conduct of business."

In executive session, Mr. Lovett indicated his belief that President Eisenhower leads a dangerously sheltered life as Chief Executive of the Nation. For, he said, the National Security Council protects Mr. Eisenhower from the debates that precede policy decisions.

Mr. Lovett was firmly convinced "we are doing something short of our best" in meeting the "deadly challenge by an implacable, crafty and openly contemptuous enemy."

Finally, he said that the Budget Bureau has authority without responsibility in setting defense policy.

"I would not," said Mr. Lovett, "hesitate to increase the budget."

Mr. Lovett, I repeat, has had an enormous experience with our defense requirements. He is a leading Wall Street banker with a wide knowledge of financing, including Government financing, and is a lifelong member of the Republican Party.

A day later Mr. Robert Sprague testified. An industrialist, chairman of the Federal Reserve Bank of Boston, and consultant to the National Security Council, he also is a lifelong Republican.

Even more outspoken than Mr. Lovett, Mr. Sprague said, "The idea that an increase in spending for survival will bankrupt us is, to put a plain word on it, 'silly'." He pointed out that the Russians put 25 percent of their gross national product into military preparations, while the United States devotes only 9 percent of its gross national product to national security.

Mr. Sprague insisted that the United States be awakened to the scope of the overall Russian threat to us. But who is to ring the alarm bell?

"There is only one man in the United States that can do this effectively, and that is the President," said Mr. Sprague. He continued: "I believe, and this is a personal belief, that the danger is more serious than the President has indicated to the American public."

There ensued then this colloquy:

"Senator EDMUND S. MUSKIE. I gather that you consider our present military program inadequate to the needs?

"Mr. SPRAGUE. That is correct, Senator.

"Senator MUSKIE. And I gather that you consider the deficiencies a threat to our survival?

"Mr. SPRAGUE. I do."

Another critic of the administration's defense policy was Mr. Thomas Watson, Jr., president of International Business Machines Corp. He said:

"We may gain peace of mind by mixing our own doubts about our abilities in rocketry with thoughts of the superiority of our Air Force and other weapons. However, this kind of thinking is not conducive to long-term world leadership."

Asked if he felt the military budget adequate, Mr. Watson replied:

"I do not believe the adequacy of our defense posture can be discussed in the same context as inflation."

Then he went on: "I do not agree with people who suggest that we must not push our economy to any point necessary to win in competing with the Soviet because then we might lose what made our country great. Our national goal should be clear superiority over the Soviet Union in all possible areas, and we should believe enough in our democracy so that we will not be reluctant to enter fully into the contest."

These men believe that our survival is imperiled; that we are not doing enough to assure our security to the greatest degree possible; that we should do more; and if it costs more to do more we ought to pay for it in the spirit of "damn the torpedoes, go ahead."

But let there be no mistake about this. If we are to have peace we must have a high degree of discipline at home. We must understand—and the President is the only man among us who can bring this forcibly to the Nation—that waging peace in our times is a task of formidable proportions second only to waging war.

The successful waging of peace requires a vigorous national administration, an informed people, and a mature people who know that you cannot be adult without being willing to pay for what you want. It is only in heaven that you can eat your cake and have it too.

This is the melancholy pass to which we have come. It is like the common story of the rich, miserly recluse found starving. There has never been a time when we did not have the resources of men, money, and access to knowledge that might have given us a wide lead over any aggressor and make attack upon us suicidal. Yet we have apparently believed we could not afford to spend enough to secure our liberties.

Money plainly is not power. It is only potential power. It becomes a real power only when used in quantities sufficient to the task. Today although the walls of our world might be tumbled down tomorrow, all our gold could not produce a single missile or enable us to hurl a rocket to the moon.

We must abandon the perilous notion that we can afford security only within the straitjacket of the budget. This is equivalent to throwing 3 feet of rope to a drowning man who is 6 feet away.

If we had tried to fight the last war within the budget, we would have lost. Congress did not say to the Air Force: "For budgetary reasons we can allot you only $2 billion." On the contrary, it said: "Tell us your requirements and we'll find the money."

Since we are now in deadly conflict with a prodigious antagonist, we can neglect nothing that might assure our security. So doing, we might waste some money. But failing, we would lose our lives.

There is no room here for margin of error. Gone are the days of the last two world wars when we could go to the battlefield in our own good time and retrieve the balance. In 30 minutes we could now go from national existence to national death.

Certain it is that we cannot escape biology. When white men came here the Indians wanted what we want: to be let alone. But they were not let alone and could not stand against their antagonists. In the pitiless universe, plants, animals, or men struggle hard enough to survive or they disappear. The Indians are gone. History records their passing. But nature does not weep for them. She is concerned only with the survival of the species; not with some segment of it, not even with the survival of Americans.

Where do we stand? We stand today a nation with prodigious resources, able to afford private luxuries incomparable in history, but trailing the Soviet Union in science, space, armament, and most recently the winter Olympics. Rich in the private sector of our economy, we are poor in the public sector, and we will get poorer if we follow the admonition of our Secretary of Commerce, who branded any politician as irresponsible or an economic illiterate if he were to try to "drain from the bloodstream of the private economy the savings urgently needed • • • for growth."

Look but at the growth we get. Television repairmen being paid more than teachers; 200,000 fewer scientists and engineers than the Soviet Union with half as many college graduates; toilet water at every drugstore; and polluted streams in every State.

Without a sense of purpose we are not able to put our enormous productive capacities to the needs of the Nation. It's every man for himself, and the Nation take what's left.

Of course, if we think Khrushchev was only kidding when he said he would bury us, we have no need to worry. But I, for one, believe our security is at stake. And yet, we stand as a nation, a 20th century Babylon, headless and heartless, a big, fat target for the ably led Communist world and the clamoring, poverty-ridden new states.

Even if we don't know where we stand in the world—even if we would rather not know—it is a fact that we cannot hide our image from the world and this image is as important as any "foreign policy" we might devise.

The challenge to us arises partly from the arrival on the world scene of the Soviet Union, but the challenge also arises from what we have let ourselves become.

The American people ought to be told the bleak truth about their world, the character of the forces arrayed against them, and what they must do, at whatever cost, to survive or even to bring about a state of high security. They must be told that, however humane their society, whatever its ideals, this alone will not save them from destruction by a society armed with the prodigious mechanisms of our times and an implacable determination to dominate all men.

They must be told, furthermore, that the problems they face are incapable of solution within their time or the time of their children; that for decades to come the life of humanity will be threatened by the lava flow emerging from the greatest eruption of all time. They must be reminded of what history and experience demonstrate: That merely because something is desirable does not mean that it will necessarily come to pass; that things men have longed for during centuries are as far from being realized now as they were in the days of Babylon.

The people must be told, too, that it will not be enough simply to react to the Soviet threat and to clean our domestic Augean stables. Goals we must have to which we and mankind may aspire. And once the goals are clarified we must have the fortitude and the patience and the means to attain them.

You have been kind and patient and it is time to bring these remarks to a close. But I cannot conclude without at least a word about what we should do now, about all of this.

Of course, there are many things that need to be done, but there is one thing without which none of them will be done. That indispensable element is the placing of the responsibility for governing and the power to govern this country in the hands of one or the other of the political parties.

I realize that politics has become a naughty word in America, but as long as we retain our constitutional system, political parties are necessary evils. Unless we give the control of both the legislative and the executive branches of our Government to the same party we are courting disaster. There is no other way short of a dictatorship to focus the tremendous talents and the potential power of our people upon the problems which confront us.

It is within the classic tradition of democracy that this particular duty is the exclusive responsibility of the citizen voters of this great Republic, and none of these citizens bear a greater responsibility than those who have had the good fortune to attend Harvard University.

The Byelorussian Story: A Spirit That Cannot Die

EXTENSION OF REMARKS
OF
HON. DONALD J. IRWIN
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Monday, March 28, 1960

Mr. IRWIN. Mr. Speaker, March 25 was the anniversary of that momentous day in 1918 when a nation enslaved for centuries proclaimed independence for its people and established the Byelorussian Democratic Republic.

Centuries of suppression by czarist Russia had failed, it was clear on that day, to plunder the ethnic and national ideals of those people. The new imperialistic regime of the Russian Communists relentlessly trod over the Byelorussians just 3 years later, and once again subjugated them to dictatorial suppression.

What has taken place since then illustrates to the world that the Byelorussian hope of liberty and independence, whetted 42 years ago for just a brief span, is undying. Soviet Russia has been unable with its dictatorial forces and subtle propaganda to rob Byelorussia of its ideologies, language, culture, and hope for freedom.

In saluting this dauntless people today, we express hope that the time will not be long in coming when they will again enjoy the freedom which is their national destiny.

Impressive Photographic Exhibition in Connection With the White House Conference on Children and Youth

EXTENSION OF REMARKS
OF
HON. KENNETH B. KEATING
OF NEW YORK
IN THE SENATE OF THE UNITED STATES
Monday, March 28, 1960

Mr. KEATING. Mr. President, all of us are aware that the White House Conference on Children and Youth is now getting under way. Some 7,000 delegates have come to Washington from all over the country to participate in these important deliberations. In connection with the Conference, I should like to call to the attention of the Senate an impressive photographic exhibit which has been assembled especially for this occasion.

I ask unanimous consent that a statement I have prepared on the subject be printed in the CONGRESSIONAL RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR KEATING

The subject of this exhibition is the hope of this Nation—its young people. In 350 distinguished photographs, the selective eye of the camera has recorded the hopes and fears, the loves and problems, the triumphs and disappointments of individuals growing up in America.

The 50th Anniversary White House Conference on Children and Youth, called by President Eisenhower, is charged with the great responsibility of planning to help youth build their world for tomorrow. The photographic exhibit on display in the West Ballroom of the Hotel Shoreham visualizes the many challenges that face delegates to the Conference.

There are expressions of a universal nature: the infant's abiding love for its mother, a child's discovery of life's magic in animals and flowers, youth's urge to rebel against what his sometimes illogical nature finds an unfair constriction of authority.

Other pictures focus on particularly American aspects of life: the adolescent boy's engrossing interest in automobiles, the relaxed give and take of learning in a democratic classroom, the problems of providing

equal opportunities for all groups of American youth.

I commend to the attention of Senators this panorama of 350 pictures, which have been generously provided by many leading photographers and organizations, and then, as a public service, edited and assembled for the Conference by the Eastman Kodak Co. of Rochester, N.Y.

In a very real sense this exhibition, which will later be seen in other cities in America and abroad, illustrates the many fruitful discussions taking place in the sessions of the White House Conference. In as real a sense, it has significant meaning in relation to what we say in this Chamber now and in years to come. The camera has recorded the hopes for this country's future, which, in large measure, it is our task to make real.

Hearing Scheduled on H.R. 8146, Affecting Panama Canal Construction Workers With Less Than 3 Years' Service

EXTENSION OF REMARKS
OF
HON. LEONOR K. SULLIVAN
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Monday, March 28, 1960

Mrs. SULLIVAN. Mr. Speaker, a number of Members of the House have spoken to me or have written to me in recent days to inquire about the status of H.R. 8146 now pending before the Subcommittee on the Panama Canal of the House Committee on Merchant Marine and Fisheries. I am placing this statement in the CONGRESSIONAL RECORD for the information of other Members who might also be interested in this matter. Hearings on this bill are scheduled to commence Tuesday, April 12.

A word of explanation might be in order, and as chairman of the Subcommittee on the Panama Canal I am happy to explain the background of this matter.

Over a period of many years, Congress received requests from construction workers who helped build the canal a half century ago to provide some sort of annuity in recognition of this service. In 1944 Congress enacted a law extending annuities to all Roosevelt medalholders who had served at least 3 years on the isthmus during the construction of the canal. Ever since, the Congress has received requests from other Roosevelt medalholders with more than 2 but less than 3 years of service to have the act amended to include them, too.

This proposal was considered last June 2 and turned down, on the grounds that if the minimum period of service for these noncontributory annuities is reduced to 2 years, it will still cause arbitrary hardship to those with almost but not quite 2 years of service, and eventually, it would have to be extended in all fairness to everyone who spent any time at all on the construction job. I am merely citing the arguments used against the proposal, not prejudging the issue.

Last year when I set up a hearing on this issue, time was provided to all who wished to be heard. All phases of the controversy were covered in detail. A spokesman for the group which seeks to be included testified for almost the entire morning, covering every conceivable argument in favor of the change. Immediately thereafter, the subcommittee voted unanimously to table all bills before us on this subject for the remainder of this Congress. Later in that session, H.R. 8146 was introduced. It is similar to the bills we tabled.

This year a new drive was undertaken by the persons who would be recipients of annuities under a relaxation of the service requirements, and Members of Congress were in receipt of many letters complaining that I, as chairman of the subcommittee, was preventing H.R. 8146 from being considered. I would never want to be pictured in that light. I have tried to make clear to the people involved that the entire subcommittee felt the issue had been thoroughly explored and that there was therefore no chance of any legislation being enacted on this matter in this Congress. However, I said if the subcommittee wanted to reopen hearings, I would certainly schedule them.

As a result of the letters received by many Members of Congress urging action on this legislation, our subcommittee has decided to schedule new hearings, if only to assure all concerned that we never have a closed mind on any subject. However, unless new facts are presented above and beyond the information we have received in previous hearings, I doubt very seriously that the results will be any different.

If any Members wish to testify or submit statements for the record, we will be glad to receive their testimony. Furthermore, we have issued an open invitation to the former Panama Canal construction workers to submit any additional facts they may have on the merits of their case.

Washington Report

EXTENSION OF REMARKS
OF
HON. BRUCE ALGER
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, March 28, 1960

Mr. ALGER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following newsletter of March 26, 1960:

WASHINGTON REPORT
(By Congressman BRUCE ALGER, Fifth District, Texas)
MARCH 26, 1960.

The social security law, due as usual for election-year changes, is before the Ways and Means Committee in executive session. The Forand bill (medical care for OASI recipients) has taken the spotlight, it is true, but other broadening extensions and increased costs will come up, too. Perhaps it is timely, therefore, to raise questions concerning the basic concept of the social security program. Implicit in such questions is the realization that basic fallacies or flaws could destroy the program, despite the well-intentioned hopes of its advocates. After all, many citizens depend on social security income totally or in part for their financial security.

Questions which suggest themselves concern: (1) Compulsion: There is no freedom of choice. Both the cost in OASI taxes and popular reliance on the program preclude individuals taking out private insurance or investing to provide their future income. However, there is no assured return of money, as there is with investment programs. If, in later years, outside income beyond a modest limit is earned, all social security payments must be forefeited by some. (2) The program at best is questionable as to actuarial soundness—as to whether enough tax money will continue to come in to pay the required benefits. Why? (a) The program assumes a continually high and/or rising income to our people. Declining income is not considered a possibility. (b) Another assumption is that there will be an increasing number of new entrants into the program to keep picking up the tab for the older people as recipients of benefit payments. Also, to whatever extent future population growth rate may decrease and longevity increase, our "average age" is getting older and the program more costly. (c) Higher and higher taxes must be levied continually to cover the increasing cost; (present 6 percent tax already slated to rise to 9 percent, presuming no further benefits are added). (3) The program is based on politics and Government paternalism, rather than sound economics. (Note the biannual changes—every election year.) At any time it can be changed as to taxes, benefits, or coverage; or it can be voted out.

Senator GOLDWATER, in a Dallas speech, presented a challenging view of our foreign affairs. In too-brief condensation, he said: (1) We must win any war, cold war included. (2) Our strategy must be to assume the offensive—to pick the places of engagement, the times, and the weapons. (3) We must always strive for military superiority. (4) We must keep America strong economically in freedom. (5) We must always act strong. We want respect first, after which friendship will follow. (6) Foreign aid dispensed in enlightened self-interest, to gain our objectives. (7) We must declare world communism an outlaw movement and deny recognition to Russia. (8) We should encourage captive nations to revolt against communism. (9) We should encourage friendly nations to regain their homelands, as China. (10) We must always be prepared to risk war rather than further appeasement. It is all-out war against enslavement, or peace with freedom. There is no middle ground. The Russians want to destroy our will to resist so we will fall like a ripe plum.

Our defense capability provides some interesting figures. Here are some facts. We now have: (1) Over 1,500 SAC bombers (mobile nuclear missile launching platforms). (2) Over 1,000 jet B-47's. (3) Several hundred jet 52's. (4) 15 carriers with 50 planes each. (5) Hundreds of tactical bombers throughout Europe and the Far East. As for missiles: Between now and 1963, we will have 130 Atlas 6,000-mile-range missiles, 140 Titans for a total of 270 long-range missiles on hardened missile pads; (2) 128 Polaris missiles with range capability (aboard a nuclear-powered sub) of an ICBM; (3) 120 medium-range missiles, Jupiter and Thor, based in range of key Soviet targets. Minimum total of all these missiles is 518, any one of which is capable of destroying an entire Russian city. In contrast, by 1963 Russia is expected to have 300 long-range missiles capable of hitting U.S. targets.

The civil rights debate in the House has ended and the bill passed. Now it goes to the Senate for adoption and/or change. Amendments offered by southern members in the House were all defeated finally, as though southern sponsorship were enough to kill any change suggested. Some defeats included moves to: (1) Limit Federal court appointment of referees to elections involving Federal officials; (2) add a qualification that referees be learned in State and Federal election laws; (3) Delete provision for ex parte hearing of applicants by voting referees; (4) Retain State control over State election records.

The most unreasonable defeat to the southerners was the rejection of a "freedom of speech" amendment which would remove the words "or by any threatening letter or communication" from the bill. Here we are admittedly legislating in a field where Congress "shall pass no law." True, this is a controversy over word definition, even legal grammar (anyone know the difference between "attempts" and "willfully endeavors"?), but the emotional civil rights debate is a dangerous atmosphere for argument. Just one unresolved doubt as to jeopardizing free speech is dangerous. Amendments ruled out of order included: (1) Poll tax abolition; and (2) extending penalties for obstructing court orders to cover all areas, not just school desegregation.

Our Future Is Dependent Upon a Stabilized Dollar

EXTENSION OF REMARKS
OF
HON. BEN F. JENSEN
OF IOWA
IN THE HOUSE OF REPRESENTATIVES
Monday, March 28, 1960

Mr. JENSEN. Mr. Speaker, if ever there was a time in the history of our country when economy in Government must be practiced it is now, more so than ever before. This was brought forcibly to the attention of the full House Appropriations Committee on January 20 last, when our Secretary of the Treasury, Robert B. Anderson, and our Budget Director, Maurice Stans, testified before our committee, during which time the following exchange, in part, transpired between Secretary Anderson and me:

Secretary ANDERSON. If the total world should lose confidence in the United States and withdraw gold for that purpose, then we would have an exceedingly serious situation with which to deal. Our obligation, in my judgment, is to be sure that we so conduct ourselves and our country that this does not arise. I think that we do have, as I say, the confidence of other countries, but I believe also that other countries are going to have us under much more critical examination than they have in the past because they are in the position of saying, "How well are you running my stake in your affairs?"

From the standpoint of our being the world's banker and also from the standpoint of how solidly do we maintain the reserve characteristics of our money, that is.

The important thing I would like to point out is that this is rather a new thing for the American economic mind to assimilate. We have gotten into this kind of a position and yet our position and the position of the free world is exceedingly important in relationship to it. We can maintain that confidence if we, from the standpoint of the Government, pursue policies which will lead others to believe that we are going to maintain the purchasing power of our currency and not allow it to erode away.

Mr. JENSEN. Is not the best way to keep the confidence not only of the foreign financiers and foreign nations but also the American people in the stability of the American dollar to spend frugally for Government business?

Secretary ANDERSON. That is part of it; yes.

Mr. JENSEN. It is a big part of it; is it not?

Secretary ANDERSON. Yes.

Mr. JENSEN. Of course it is.

Now, that being a fact, great responsibility rests upon the shoulders of the Director of the Budget and on the Secretary of the Treasury, but an even greater responsibility rests upon the shoulders of Congressmen, and more especially on the shoulders of the members of this committee, the Appropriations Committee of the House of Representatives, where all appropriations are supposed to originate. That being a fact, it now becomes a national "must," to a greater degree than ever before in the history of America, that we not only defeat any attempts to increase the President's budget, but that we reduce it substantially in order to make sure confidence will be maintained in the stability of the American dollar. If such confidence is not maintained then all is lost. We will have rank inflation and we will lose the confidence of our friends across the seas and we will have chaos on top of chaos in America.

The best example of what takes place in the minds of the American people was exemplified last year when shortly after the opening of the Congress our liberal colleagues introduced many bills which provided for appropriating many, many billions of dollars over and above our regular budget.

The American people spoke out. They flooded their representatives in Congress, and when I say "Congress" I mean the other body also, with demands that expenditures be reduced to a minimum and that all waste and unnecessary expenditures be eliminated. The effect was that the Congress did it because the American people demanded that they do exactly what they had to do in order to keep the American dollar stable.

Mr. Speaker, by so doing, the American people proved again that they are the masters of their own destiny.

I have today introduced the following bill which is a companion bill to the one recently introduced in the Senate by Senators BRIDGES, CURTIS, BYRD of Virginia, and COTTON:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. On or before the fifteenth day after the beginning of each regular session of the Congress, the President shall transmit to the Congress a budget which shall set forth his estimate of the receipts of the Government, other than trust funds, during the ensuing fiscal year under the laws then existing and his recommendations with respect to expenditures to be made from funds other than trust funds during such ensuing fiscal year, which shall include an amount not less than $500,000,000 for reduction of the public debt and which shall not exceed such estimate of the receipts. The President in transmitting such budget may recommend measures for raising additional revenue and his recommendations for the expenditure of such additional revenue. If the Congress shall authorize expenditures to be made during such ensuing fiscal year in excess of such estimate of the receipts, it shall not adjourn for more than three days at a time until such action has been taken as may be necessary to balance the budget for such ensuing fiscal year, nor shall it take any such adjournment without having provided for reduction of the public debt during such fiscal year by at least $500,000,000. In case of war or other grave national emergency, if the President shall so recommend, the Congress by a vote of three-fourths of all the Members of each House may suspend the foregoing provisions for balancing the budget and for reduction of the public debt for periods, either successive or otherwise, not exceeding one year each.

"SEC. 2. This article shall take effect on the first day of the calendar year next following the ratification of this article.

"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

Now, Mr. Speaker, and my esteemed colleagues in the Congress, after you have read Secretary Anderson's statement I am sure you will understand how urgent it is that we do all in our power to reduce Federal expenditures to the bare necessities now and that we also pass this bill during this session of Congress.

I only wish space in the CONGRESSIONAL RECORD would permit the inclusion of the entire hearing held with Secretary Anderson and Director Stans, a copy of which I have sent to every banker and a number of other interested people in the Seventh Iowa District upon request.

That hearing, entitled "The Budget for 1961" and available at the House Committee on Appropriations, contains only 135 pages. It should be read by every American who is concerned about the future of our blessed land.

Sympathy for Secretary Seaton

EXTENSION OF REMARKS
OF
HON. CHARLES O. PORTER
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Monday, March 28, 1960

Mr. PORTER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following press release and a letter which I wrote to Secretary of the Interior Fred A. Seaton on March 25, 1960. The Al Sarena mine is in my congressional district.

The March 23, 1960, meeting of Texas oil millionaire H. L. Hunt, Secretary of the Interior Seaton, House Minority Leader CHARLES HALLECK, Republican, Indiana, and Senate Minority Leader EVERETT M. DIRKSEN, Republican, Illinois, as reported by a wire service in the Washington Post and Times Herald, drew a letter of condolence from Representative CHARLES O. PORTER, Democrat, of Oregon.

In his letter to Secretary Seaton PORTER said he sympathized with him and added "may Heaven protect you from your friends." The meeting followed the Interior Department's recent rejection of five bids for oil and gas leases that Hunt made on 25,000

acres in the Outer Continental Shelf of Louisiana. The Department said the bids were too low.

The usual appeal to such a decision is through the Bureau of Land Management. Hunt filed a notice that he would appeal directly to the head of the Department. Reportedly this would be the first such direct appeal made under the circumstances.

Representative PORTER'S letter sympathized with Seaton's predicament and commended him for being unavailable for comment and suggested he remain forever unavailable for comment on the interview. PORTER suggested Seaton have a private chat with his Republican friends on the Hill and advise them "Fellows," I'd say, "lay off. I don't care if it is an election year. This business of your squiring a litigant into my private office is embarrassing and even more so when you leave him there with me as though we were a couple of reluctant lovebirds."

The Oregon Congressman told Seaton "I feel sure that you did nothing improper. I remember appreciatively your attitude on Al Sarena." (On an unusual appeal to then-Secretary McKay the lower departments were reversed and title to valuable timber was given to private parties having mining claims. Later Secretary Seaton said no such special appeals would be allowed in the future.)

PORTER recommended that Hunt's attempt to appeal be rejected and that usual procedure be followed. PORTER sent copies of his letter to Senator JAMES E. MURRAY, Democrat, Montana, chairman of the Senate Interior and Insular Affairs Committee, and Representative WAYNE N. ASPINALL, Democrat, Colorado, chairman of the House Interior and Insular Affairs Committee.

The full text of Representative's PORTER'S letter to Secretary Seaton follows:

MARCH 25, 1960.

Hon. FRED A. SEATON,
Secretary of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: This is a letter of condolence. You remember the old saying, "I can take care of my enemies but Heaven protect me from my friends." If you have enemies, I don't know of them. The friends to whom I refer are my distinguished colleagues, the affable and obliging minority leaders of the House and Senate, Representative HALLECK and Senator DIRKSEN.

You probably saw the United Press International story in yesterday's Washington Post: "Texas oil millionaire H. L. Hunt, accompanied by the top Republicans in Congress, called yesterday on Secretary of the Interior Fred A. Seaton." The top Republicans were, of course, HALLECK and DIRKSEN.

Your friends said the meeting was "nothing of any consequence—just a personal call on the Secretary" and "just a casual thing, only a pleasantry." Busy as they are, they would have probably done the same thing for any big contributor to the Republican Party.

Tycoon Hunt himself said the meeting was a "routine matter on which I will not make any disclosure at present." He added that he was an old acquaintance and "I am an admirer of his." You, the story noted, were not available for comment.

In sympathizing with you I've tried to figure out just what you could say under these circumstances: "Yes, I know Mr. Hunt. Yes, he was brought to my office by Representative HALLECK and Senator DIRKSEN whose good opinions I cherish. Yes, Mr. Hunt has appealed Interior's rejection of his bids for certain oil and gas leases and he is appealing directly to me, bypassing the Bureau of Land Management. Yes, this has never been done before. Yes, they were with me 40 minutes, then DIRKSEN and HALLECK left and Hunt was with me for another 25 minutes."

So far, so good. But then what? Do you say, "No, I made no deal with him. No, we didn't discuss his appeal." I feel sure that you did nothing improper. I remember appreciatively your attitude on Al Sarena. Oil and some of your predecessors (for example, Teapot Dome) did mix, with scandalous repercussions.

If I were you, I think I would remain forever unavailable for comment on this interview. I would, however, have a private chat with my Republican friends on the Hill. "Fellows," I'd say, "lay off. I don't care if it is an election year. This business of your squiring a litigant into my private office is embarrassing and even more so when you leave him there with me as though we were a couple of reluctant lovebirds."

It may be that the Post story is incomplete in some respects. Perhaps you had arranged for Bureau of Land Management officials to be present throughout the conference although I'm not sure your friends would have liked that. It would have seemed unfriendly for a "personal call" that was a "casual thing" and "only a pleasantry."

I sympathize with you. I have confidence in your integrity and in the integrity, although not the judgment, of Representative HALLECK and Senator DIRKSEN. It is my hope that Mr. Hunt's appeal directly to you will be routed back to the Bureau of Land Management for disposition in the usual manner with the usual safeguards for both the public and the private interests involved. And may Heaven protect you from your friends.

With best wishes.

Sincerely,

CHARLES O. PORTER,
Member of Congress.

H.R. 11313

EXTENSION OF REMARKS
OF
HON. THOMAS M. PELLY
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Monday, March 28, 1960

Mr. PELLY. Mr. Speaker, recently I introduced H.R. 11313, which amends the Agricultural Act of 1949, as amended, to provide protection against unfair competition from corporate agriculture to the American family farm, and protection for the employment opportunities of domestic agricultural workers in the United States in connection with the employment of workers from Mexico.

Hearings on legislation similar to my bill are presently being held before the Equipment, Supplies, and Manpower Subcommittee of the Committee on Agriculture.

In order to explain to the best advantage the provisions of my bill and the purposes of its introduction, I wish to include my statement presented to the Agriculture Subcommittee in support of this measure:

STATEMENT OF REPRESENTATIVE THOMAS M. PELLY, BEFORE THE EQUIPMENT, SUPPLIES, AND MANPOWER SUBCOMMITTEE, COMMITTEE ON AGRICULTURE, IN SUPPORT OF H.R. 11313, MARCH 28, 1960

I am grateful for this opportunity to testify in support of H.R. 11313. As the sponsor of this bill, I would like to explain briefly the considerations which led me to introduce it.

For some time I have been deeply concerned because of the deep-seated problems created by the presence each year of about half a million foreign farmworkers. From their wartime introduction, when it is true they were most necessary, their numbers have swelled from 90,000 to nearly 500,000 last year. I am convinced that their consistent appearance, year after year for nearly two decades, and in greatly increased numbers, has had a most serious effect upon the employers involved, upon our seasonal domestic workers, and upon certain segments of our agricultural economy.

Recently I have had the occasion to read the report of the consultants appointed by Secretary of Labor Mitchell to review carefully and independently the operations and the effect of the Mexican labor program. This carefully written, dispassionately presented analysis by individuals with no self-interest at stake is a most persuasive one which, I believe, might well present a general avenue for congressional action.

I would call your attention particularly to what is known of the effect of the large-scale use of Mexican workers upon our own farm labor force. I am told that we have a surplus of farm labor in this country—that there is more underemployment in the agricultural worker occupation than in any other major occupational group. I know from the Department of Agriculture reports that farmworker wage rates are far below those paid by any other major industry. I know that agricultural workers are a class apart so far as the protection of many of our labor standards and protective laws are concerned—workmen's compensation, unemployment insurance, minimum wage, and even in protection of the right to organize.

Yet this class of impoverished, underemployed, unprotected workers at the bottom rung of the U.S. economic ladder are the only group of U.S. workers exposed to systematic, Government-arranged competition by a large mass of temporary foreign contract workers. It takes no economist to persuade me that this type of competition, augmentation of the labor supply, can have no effect but to delay improvement of employment opportunities for U.S. farmworkers and to delay or to prevent improvement in the wage structure which might otherwise occur through the influence of labor shortages. That a U.S. Government program is contributing in this manner to the prevention of the welfare of such a group of U.S. workers is, I assert, a tragic, indefensible miscarriage of justice and a blot on the conscience of all thinking Americans.

In passing I would observe that this is not a matter only of our own conscience; it is importantly a matter of the appearance that we Americans give to the rest of the world and particularly to the peoples of the underdeveloped nations—the peoples in whose hands the future of this civilization may rest. These underdeveloped nations have a predominance of their population on the land—often themselves the victims of incredible hardship, deprivation, and exploitation. We seek to encourage these populations and their leaders to look to Western ways—to the example of U.S. democratic and economic methods. We seek to demonstrate to them that our way to economic development is better than and as fast as the way of regimentation by Communist overlords. Then the example that we hold forth to them is that of what the distinguished Secretary of Labor James P. Mitchell has called the "excluded Americans" deprived of all normal protections, paid such low wages that wives, children, grandmothers, and every able-bodied family member must work, and deliberately placed in competition with the hungry millions of underdeveloped Latin Americans. I understand that already this situation has not gone unnoticed in the halls of the United Nations.

In passing, also I must observe that the employers of my own State of Washington who depend almost exclusively on U.S. workers and who commonly pay from $1.25 per hour up have considerable reason to object violently to the price-lowering effect of production in large quantities elsewhere by foreign labor brought in at wages as low as 50 cents per hour and even less. I am amazed that the farm organizations do not better represent the interests of the farmers of the northern half of the country where the use of Mexican workers is relatively minor and wage rates for domestic workers, relatively more adequate.

These are a few of the reasons which have led me to introduce H.R. 11313. These considerations have persuaded me that the only proper position for those interested in economic justice and the application of Christian principles to daily affairs is to oppose continuation of the Mexican labor program for any period of time—unless it is substantially amended. The amendments which I suggest in the bill before this subcommittee are generally parallel to those recommended by the consultants to Secretary of Labor Mitchell.

My bill is different in one respect which I wish to emphasize. In setting out a proposed termination date of July 1, 1969, I am not suggesting that as the time at which the future of the program should again be considered. Rather I am suggesting that date as a final termination date for this program—placed far enough in the future to give ample notice to all economic interests affected. Enough time to develop the domestic labor supply capability which through atrophy some growers and communities may have lost is, in my opinion, of vital importance.

My bill provides that the program may be tapered off during that period. I have chosen not to suggest a rigid percentage reduction each year, preferring to leave to the Secretary of Labor the judgment as to when the decline would be sharper and when it should be less sharp than a straightline trend. I do not regard the 1969 date as necessarily sacrosanct; what I do regard as fundamental is that without further delay a final termination for this program be agreed upon and made the basis of planning by all interested parties.

Thank you, Mr. Chairman and members of the subcommittee, for permitting me to offer this explanation.

Senator Talmadge on "Meet the Press"

EXTENSION OF REMARKS
OF
HON. JOHN STENNIS
OF MISSISSIPPI
IN THE SENATE OF THE UNITED STATES
Monday, March 28, 1960

Mr. STENNIS. Mr. President, one of the most sincere, and able Senators in this body, the junior Senator from Georgia, recently—March 6, 1960—appeared on the NBC network's "Meet the Press." On this program, with his characteristic logic and convincing reasoning, he presented many of the key reasons why the pending civil rights legislation should be defeated.

In a subsequent column—March 15, 1960—the distinguished journalist, David Lawrence, commented on this program, the scant attention paid to it by the northern press, and then quoted liberally from Senator TALMADGE'S presentation—made extemporaneously in answer to searching, and sometimes hostile, questions of members of the panel. As Mr. Lawrence said, he did a "masterful job."

For the benefit of Senators who did not have an opportunity to hear the program, and for the general public, I ask unanimous consent that the text of "Meet the Press" for March 6, 1960, be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

THE NATIONAL BROADCASTING CO. PRESENTS—
MEET THE PRESS

(Produced by Lawrence E. Spivak—Guest: Senator HERMAN E. TALMADGE, Democrat, of Georgia)

ANNOUNCER. Now "Meet the Press," produced by Lawrence E. Spivak. Remember that the questions asked by the members of the panel do not necessarily reflect their point of view; it is their way of getting the story for you.

Mr. BROOKS. Welcome again to "Meet the Press." Our guest today is Senator HERMAN TALMADGE, of Georgia, one of the leaders in the battle by southern Democrats against civil rights legislation. Tomorrow the Senate begins the second week of its record-breaking debate after 6 days of day and night speechmaking. There is only a faint prospect of a compromise. Senator TALMADGE held the floor last night as the Senate recessed after 82 hours of continuous session. His own speeches this week total more than 6 hours. In 1959 Senator TALMADGE took an active part in the southerner's battle to preserve the Senate tradition of unlimited debate. He began his career in politics by managing the governorship campaigns of his father, the late Eugene Talmadge. He himself served for 6 years as Governor before his election to the Senate in 1956. He is an attorney and a businessman, but he prefers to be known as a farmer. He owns two large farms in Georgia.

Mr. MCCORMICK. Senator, what will be the result of this great debate? Don't you think the southerners will have to accept some legislation, at least on voting rights for example?

Senator TALMADGE. I don't think anyone can foretell what the ultimate conclusion will be at the present time. I would say that there are adequate laws already on the statute books, both State and Federal, to guarantee the right of any citizen to vote, provided he is legally qualified in accordance with his State laws.

Mr. MCCORMICK. Do you think the longer and more strenuously the South fights this the harsher the legislation will be when it finally comes and the more outbreaks of disturbances you will have in your own part of the country?

Senator TALMADGE. I would hope, of course, that the Congress of the United States would not follow the efforts of some to enforce the second reconstruction on the South. I am very happy that in my own State we have had no outbreaks of violence of any kind. I hope that that situation continues.

Mrs. MCCLENDON. You say we don't need any more laws to protect the civil rights of Negroes in the South. Then, what can people like yourself, who don't believe in persecuting Negroes, do to insure that the people in your own State don't keep Negroes from voting, like the people in Alabama kept the Tuskegee professors from voting?

Senator TALMADGE. I would say in answer to your question that here are 17 pages of Federal laws that guarantee every citizen in America the right to vote. There are three different remedies. In my own State we have approximately 175,000 to 185,000 Negroes who are registered and who do vote. They have elected officials within my State. Frequently they are the balance of power in mayors' races and local races of all kinds. The Negroes in Georgia do vote in very substantial numbers. In some counties in Georgia we have a greater percentage of Negroes registered than we have of the white population. In three counties in Georgia we have more Negroes registered and voting than there are white people. So that is wholly misinformation that you have received.

Mrs. MCCLENDON. Yes, but there are other areas where you have it gerrymandered so there are just a few Negroes, or if there are more Negroes, they don't get credit for their votes.

Senator TALMADGE. We have no gerrymandering anywhere within my State.

Mrs. MCCLENDON. Don't you think you should conduct a campaign to get the people to get out the Negro vote?

Senator TALMADGE. The junior chamber of commerce in my State usually has an annual project to urge all citizens to register and get out the vote. All citizens who are qualified have been encouraged to vote. We can't help it if some citizens don't exercise that right. My colleague, Senator RUSSELL, inserted in the RECORD this past week a statement by the leader of the National Association for the Advancement of Colored People in Cleveland, Ohio, which stated that only 25 percent of the Negroes in Cleveland were registered and that of that 25 or 26 percent only about 25 or 26 percent of them voted. We have a much higher percentage than that who are registered in Georgia and a far higher percentage vote in Georgia.

Mr. VAN DER LINDEN. We have always considered Tennessee and Texas to be Southern States, and yet we find that the Tennessee Senators, KEFAUVER and GORE, and those from Texas, LYNDON JOHNSON and YARBOROUGH, are giving you no help in your southern filibuster against the civil rights bill. Could you tell us why that is?

Senator TALMADGE. I wouldn't presume to suggest what other Members of the U.S. Senate ought to do. Sometimes it is difficult to determine my own course of action, and certainly every Senator is entitled to vote and to follow his ideas as he sees fit in the Senate.

Mr. VAN DER LINDEN. Speaking of LYNDON JOHNSON, there are some reports that he is losing some of his southern support for the presidential nomination because he is working for a civil rights bill. Do you think he has really been hurt or does he still have a chance for the nomination?

Senator TALMADGE. I have been so busily engaged in fighting this iniquitous, obnoxious, and unconstitutional proposed legislation that I haven't had any time whatever to think of presidential candidates a long time in the future.

Mr. VAN DER LINDEN. Could you think of one for yourself, Senator? Suppose there is a movement in the South as we hear there will be, to have independent electors in some of the States, including Georgia. Could you be drafted to be that candidate?

Senator TALMADGE. I certainly am not a candidate for President or any other national office except the U.S. Senate. I am a realist. I have no illusions about my being elected President or to a lesser office nationally at the present time. I hope I can continue to serve responsibly in the U.S. Senate.

Mr. WILSON. You have undertaken to make it appear here that Negroes are not denied the right to vote in the South, citing your own State of Georgia. The Civil Rights Commission has come to an entirely different conclusion—made an original recommendation on the basis of which some of the legislation now is proposed. Was the Civil Rights Commission completely wrong? Didn't they get the right information on the situation in the South?

Senator TALMADGE. We don't live in a Utopia. I would suggest that our law is not enforced 100 percent everywhere. The Civil

Rights Commission did point out that there are several hundred thousand Puerto Ricans who are disenfranchised in New York State because they cannot speak or write the English language.

Mr. WILSON. What has that to do with Negroes voting in the South?

Senator TALMADGE. You were using the Civil Rights Commission as a final authority in this situation. I wanted to say some of the other things that they reported also. Now, the Senators from New York admit that that situation is true, but they say that they have qualification laws there, and I think New York State ought to have its own qualification laws. We have the same type laws in Georgia and in other Southern States. We have literacy qualifications. The Civil Rights Commission proposed a constitutional amendment that would even permit people who were lunatics and idiots and imbeciles and convicted felons to vote. I don't consider that very authoritative evidence when they make such a recommendation.

Mr. WILSON. You might not consider it authoritative, but wouldn't you have to agree that the overwhelming majority in the U.S. Senate today wishes a new civil rights bill—wishes the 1957 act to be strengthened? Would you agree?

Senator TALMADGE. I would say that in this presidential election year when we elect a President, when we elect a Vice President, and one-third of the Members of the Senate and all of the Congressmen and a great many Governors and statehouse officials, a large number of politicians do pander to the self-interest vote of the National Association for the Advancement of Colored People, and they would like to vote for virtually any legislation that contains the label or the slogan "Civil Rights," regardless of its nature.

Mr. WILSON. Yes, but there was no presidential election in 1957 when the act which is now proposed to be strengthened was originally passed.

Senator TALMADGE. Of course, they anticipate elections. They are ready to appeal to that vote at any time, but they are particularly anxious to appeal to it in a presidential election year.

Mr. WILSON. You just want to go against the overwhelming majority of the Senate, is that your feeling?

Senator TALMADGE. As long as I am a Member of the U.S. Senate I am going to uphold the Constitution of the United States of America. I am going to represent my State and my Nation as I best see fit. And I know that this illegal, obnoxious legislation is not in the best interests, to grant authority to a centralized government in Washington and take it away from the people on the local level.

Mr. WILSON. Let me ask you another question on that particular point: You say this is obnoxious. A large majority of the Senate you admit does not think it is obnoxious. How long do you think that large majority is going to permit what some people call a spectacle to continue?

Senator TALMADGE. I don't consider it a spectacle. As long as I am physically able to continue, I am going to do so, and I can assure you that there are a great many Members of the U.S. Senate who feel likewise. One hundred years following the War Between the States is no time to reenact reconstruction legislation in a much more heinous form than Thaddeus Stevens ever dreamed of himself.

Mr. WILSON. Yet, the Attorney General, the majority of the Senate, a large body of the opinion in this country, do not agree that this is Reconstruction legislation.

Senator TALMADGE. I did not come to the U.S. Senate to practice conformity. I came here to represent my constituents and my country, and I intend to do so.

Mr. WILSON. Nobody is asking you to practice conformity. All people are asking for, as I understand it—and let me ask you this in the form of a question—is an opportunity to vote on the issue. That is all that is being asked for in the Senate?

Senator TALMADGE. There has never been any good legislation defeated by unlimited debate. On the contrary, many, many vicious bills have been defeated by the use of that strategy. During the War Between the States they tried to suspend the writ of habeas corpus. Unlimited debate defeated it in the U.S. Senate.

Mr. WILSON. You do not think it is going to defeat this bill, though, do you?

Senator TALMADGE. I do not presume to guess what it might do. I can tell you as long as I can fight it, I am going to do so.

Mr. BROOKS. Senator, I wonder if we could return to Mr. van der Linden's question about Senator JOHNSON and his presidential ambitions. If the southerners turn thumbs down on JOHNSON for President as a result of his activity in this fight, who might be their candidate?

Senator TALMADGE. I would not presume to know. I have no personal candidate. I do not think my own State delegation has made any choice. I think any thinking in that regard at the present time would be premature.

Mr. BROOKS. Any of the presently avowed candidates, are they softer on the question of civil rights than JOHNSON?

Senator TALMADGE. No. All of the presently avowed candidates for the Democratic presidential nomination support proposals along the lines now pending before the U.S. Senate.

Mr. BROOKS. Should there be a move to cut off debate and that move should be supported by Senator JOHNSON, do you think that might further lose strength for his presidential candidacy?

Senator TALMADGE. I wouldn't want to anticipate "iffy" questions. Right now our problem is fighting this legislation, and right now it requires 24 hours of our time, and certainly we can't take time out to wonder about a presidential candidate July 11.

Mr. BROOKS. Some of your colleagues have expressed alarm over the physical strain of this thing. How are you bearing up?

Senator TALMADGE. Pretty well. Of course, it is a great torture to be put on the grill 24 hours a day, 6 days a week, but fortunately my health is good, and I have been holding up very well under the strain.

Mr. BROOKS. How long do you think you can keep going?

Senator TALMADGE. I think I can keep going indefinitely. I found that during my service in the Navy I could work 7 days a week with about 4 hours sleep a day, and I think I can do as well in the U.S. Senate.

Mr. MCCORMICK. Senator, you compared the figures in Georgia a while ago with the figures in Cleveland. According to the Civil Rights Commission, about 75 percent of the white eligible voters are registered in your State and something around 25 percent of the nonwhite eligible voters are registered. Is that a commendable figure as it stands, do you think?

Senator TALMADGE. Of course, we have literacy qualifications in my State that apply to white and colored prospective voters alike, and no one can make someone assume the obligations and responsibilities of citizenship against their will. In some areas, our white people don't register as well as they ought to. In some areas, our colored people don't register as well as they ought to. But I hold in my hand a photostat of the Cleveland Plain Dealer of Monday, February 29, 1960, and it has a picture of Charles H. Holmes and Harold B. Williams, the officials of the National Association for the Advancement of Colored People in Cleveland, Ohio, and they say that only 26 percent of the Negroes over 21 are registered to vote and that only 26 percent of those registered actually vote. Now we do much better than that in Georgia.

Mr. MCCORMICK. According to the Civil Rights Commission, you don't do much better, but aside from that, do you think two wrongs make a right?

Senator TALMADGE. I certainly don't, but there is no way on earth that anyone can make you register and vote against your will, and I wouldn't presume to try. That is a responsibility and an obligation but no citizen can be forced or coerced to register and vote, and then not all of them have the literacy qualifications. A good many of our white people don't have them.

Mr. MCCORMICK. In that connection, 22 Georgia counties, according to the Civil Rights Commission, have a Negro registration of less than 5 percent of eligible people. Isn't that a tremendous reflection on either your State's educational system or your ability to work up a little enthusiasm for democracy among your people?

Senator TALMADGE. I would say that if it is, there are adequate remedies in our State law, and here are 17 pages of guaranteed voting rights under the Federal law. There are three different rights under the Federal law. First, any citizen who thinks that he is being illegally deprived of the vote can go into the Federal court; he can get an injunction; he can recover damages against the registrar. Second, there is a criminal law. He can be indicted; he can be convicted and sentenced to the Federal penitentiary and fined. And thirdly, there is the Civil Rights Act of 1957 that authorizes this group to have the Attorney General of the United States of America file a suit in the name of the United States of America as their tax-paid private lawyer to enforce their rights.

If those remedies aren't sufficient, there are no laws on the face of the earth that will be.

Mr. MCCORMICK. Just one more thing, Senator. I don't have to point out to you that it was in Terrell County, Ga., that the voting director, or whatever you call him, has in effect defied the Civil Rights Act of 1957 in the face of the Supreme Court decision upholding its validity. How can existing laws get around this open defiance?

Senator TALMADGE. I read his statement. I happen to know that gentleman. He is a graduate of the Harvard Law School. He stated that he would follow the Georgia voting laws, and in doing that, of course, he is performing his duty under the law.

Mrs. MCCLENDON. The Long amendment this past week guaranteeing that the Dirksen substitute bill would not interfere with free speech was voted down in the Senate. I wonder if you feel that the Dirksen bill or the administration bill would cripple the liberties of all the people in the land while attempting to give civil rights to some?

Senator TALMADGE. Why, of course, it would. The very theory of civil rights, that is the present theory of bills now pending before the Congress—and I might say there are over 200 bills in the Senate alone, the last time anyone weighed them they weighed something in excess of 8 pounds; they have quit counting them now, they just weigh them—but it grants rights to one group of citizens that it denies to others. For instance, the Civil Rights Act of 1957: You can't have the Attorney General of the United States as your tax-paid lawyer, yet members of the National Association for the Advancement of Colored People can. You can't have your rights litigated by the chief law enforcement officer of the country. You can't have your defendant rights to a jury trial denied because the Attorney General filed the suit in the name of the United States, but that is what we passed in the Civil Rights Act of 1957.

Mrs. MCCLENDON. Do you mean to tell me that under the Civil Rights Act of 1957 that a Negro filing a complaint, has the Attorney General to represent him and that he can do this and a defendant in that case does not have to have a jury trial?

Senator TALMADGE. You have put your finger exactly on it. His right to a jury trial is conditioned by whether the fine exceeds $300 or the jail sentence exceeds 45 days. That is true notwithstanding the Constitution of the United States of America, guaranteeing the right of trial by jury in not one, not two, not three, but in four separate places.

Mr. VAN DER LINDEN. A moment ago I mentioned the move in about half a dozen Southern States to set up machinery whereby they could cast their voes for independent candidates for President if they didn't like the ones produced by the two major conventions. This has seemed to be so alarming to Mr. Paul Butler, the Democratic National Chairman, that he has recently issued a warning to your State and 5 others that they had better not do that because their credentials at the convention in Los Angeles would be challenged. Do you think Mr. Butler's statements like that would be acceptable to your people, or do you think maybe he ought to just quit?

Senator TALMADGE. I doubt if Mr. Butler can speak for the Democratic Party. He has rendered a great disservice to the party already. The party would be much better off if he resigned. It is the duty of the chairman of any political party to try to keep down breaches within the party, to try to heal wounds, and assuage injured feelings, but Mr. Butler has made war on one section of the party. My judgment is he won't last long after the Democratic convention in Los Angeles, come July 11, and the quicker he leaves the party, the better off the Democratic Party will be.

Mr. VAN DER LINDEN. The first part of the Dirksen civil rights bill would make it a Federal crime to obstruct a court order, but only in these school integration cases. Do you know why the court order in only the school cases should be singled out?

Senator TALMADGE. Of course not. It makes it a crime to violate that court order, and that court order alone, when a violation of it is already subject to contempt procedure, but every other court order wouldn't be a crime. But there is one even worse than that. In the second section here, fights to avoid criminal prosecution—where they bomb a church building or a school building. Under that act, it is so discriminatory that someone who fired a five-inch firecracker in a school building in Washington, D.C., and crossed over into Virginia could be tried under the terms of that act. But if some anarchist killed every member of the Supreme Court with a bomb, every member of Congress with bombs, the President of the United States with bombs, he would be exempt. It is a ridiculous thing in the extreme. If it was made uniformly applicable, if it was made constitutional, I could vote for that, where it affects all heinous crimes, but I certainly wouldn't make it apply to a child who shoots a firecracker in a school building and exempt someone who assassinates the President of the United States.

Mr. WILSON. I haven't got it clear yet whether you think there will be any kind of a political backfire in the South this year. Will there be any third party formed? Will there be any kind of an organization to oppose the Democratic nominee in case he is one of those who seems to be a prospect at the present time?

Senator TALMADGE. I think that is premature at the present time. I sometimes wonder how long the Southern Democrats who established the Democratic Party and have nurtured it through all of its years, lean as well as good years, are going to be made the political whipping-boy, year after year, purely for political purposes. Some of these times they are going to begin to resent it, and my judgment is that it is possible this year.

Mr. WILSON. There are 18 of you in the Senate taking part in this filibuster, is that right?

Senator TALMADGE. I don't know that I can speak for any other Senator. I have made speeches at considerable length on the subject, and I am going to do so in the future. All other Senators are better qualified to speak for themselves than I am for them.

Mr. WILSON. The point that I am getting at is that you are really a pretty small minority, and you never have been able to make yourselves effective in national politics for years, not since the two-thirds rule was put through by Roosevelt and Farley, or repealed. The South hasn't been a force in national politics since then, is that right?

Senator TALMADGE. I wouldn't say that the majority is always right. The majority crucified Jesus Christ. The majority is wrong as often as it is right.

Mr. WILSON. Do you mean the majority is trying to crucify the Constitution in this case?

Senator TALMADGE. That is right. Of course, they are. They're trying to crucify the Constitution; they are trying to crucify the South; they are trying to establish a second reconstruction in the South, even more heinous in many forms than the first reconstruction.

Mr. WILSON. No provision in the Constitution for the right to vote without regard to race, creed, or color?

Senator TALMADGE. There are 17 pages of laws that I have demonstrated to this panel; this is the third time. So that is a phony issue.

Mr. WILSON. But the Civil Rights Commission says you are completely wrong Senator.

Senator TALMADGE. I don't accept the Civil Rights Commission report with the same degree of finality that I would the Ten Commandments handed down by the Lord to Moses.

Mr. BROOKS. Senator, I am afraid you are going to have to accept the finality of the program, because our time just ran out. I am sorry to interrupt. Thank you very much, Senator TALMADGE, for being with us.

Medical and Health Care for the Aged

EXTENSION OF REMARKS
OF
HON. THOMAS B. CURTIS
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Monday, March 28, 1960

Mr. CURTIS of Missouri. Mr. Speaker, March 23 I placed in the CONGRESSIONAL RECORD, page 6320, a speech that I gave before the American Academy of General Practice—physicians—at Kansas City, Mo. Three weeks later I gave the same speech before the convention of Missouri insurance agents in St. Louis, Mo. As I stated when I placed this in the RECORD, I prepared this speech to be delivered to these seemingly diverse groups. In this speech I discuss the general background of the problem that our society faces of medical care and hospital care for the aged.

I had expressed the belief in that speech that the tremendous progress made in our American society in advancing the well-being of all American citizens had made ineffective the demagogery which was based upon using the Federal Government as a means of transferring wealth from the have to the have-nots. This belief is right now being placed to a more severe test than I had anticipated. I am wondering if indeed it is true that we can have a rational national debate on the subject of Federal spending.

A pressure group which is probably the most effectively organized for political action of any group in our society today has apparently decided to use the problem of medical and hospital care for the aged as an issue to test whether or not this kind of demagogery can still be used successfully. This group is the Americans for Democratic Action, of which the most powerful segment is the Political Committee on Education of the CIO–AFL, dominated by Walter Reuther, a member of the ADA executive committee. The COPE of the CIO–AFL apparently has decided to abandon the issue of the Landrum-Griffin bill for the 1960 campaign and see whether or not they cannot make the Forand bill which professes to meet an aspect of the problem of the medical and hospital care for the aged do in its stead.

Those eligible for disability benefits would not be covered, nor would the measure provide for payments to mental or tuberculosis hospitals.

Despite the fact that old age is relative, and based upon physiological changes, the Social Security Act bases it on birthdays—65 for a man, 62 for a woman.

By this standard, there are now some 15.5 million Americans over 65 who can be called aged.

This group is living evidence that we have the finest system of scientific medicine in the world, and that our standards of living are unparalleled in history.

Each year, our older population will increase. And by 1970 this fortunate Nation can expect to have 20 million people over 65.

But the growing numbers of our aged have, to some extent, caught us unprepared. For example, we are only beginning to understand the waste of human resources involved in arbitrary retirement of these people because of their chronological age.

And so millions of men and women—many of them as healthy and as capable as they were at 40—are shelved long before they should be, long before they want to be.

With retirement, cash income usually drops. And at the same time, the need for health care services increases until it is about twice that of the younger adult.

It is this combination of lower income and greater need for health services that has led some well-meaning people to believe that medical expense is the most critical problem besetting our aged population.

In their opinion, only the Federal Government can provide an adequate answer.

Against this background, let us examine the premises upon which the supporters of H.R. 4700 base their arguments.

Although the health needs of our older people may be greater than those in other age groups, are the aged too poor to pay for their own medical care?

The answer is that some are, but the overwhelming majority are not.

We are told that three-fifths of all people 65 and over have less than $1,000 annual income.

Although in one sense accurate, it would be hard to find a more misleading statistic.

It is equally accurate and just as misleading to state that in 1957—the most recent year to which that misleading figure applies—63.7 percent of all Americans had incomes of $1,000 or less per year.

In 1957 almost half of those persons over 14 years of age also had incomes of $1,000 or less per year. And 47 percent of those between the ages of 14 and 65 had incomes below $1,000 a year.

Supposing we organize a social club with only two requirements for membership: First, that no wives had incomes of their own; and second that all husbands earned at least $25,000 a year.

If we used the same statistical techniques as those employed in compiling the figure of "three-fifths of all people 65 and over have less than $1,000 annual income," we could come up with this statement:

Half the members of this social club have incomes of less than $1,000 a year.

Obviously, the money income figure cited by the Department of Health, Education, and Welfare for those 65 and over is of little help to us in considering the financial problems of the aged.

Income drops after retirement, yes. But no age group is likely to have as favorable a liquid asset position as the aged, 74 percent of whom now own liquid assets in one form or another.

Furthermore, the needs of the aged person are usually modest. The heavy expenses of raising a family are behind. For the most part, homes are paid for. In fact, according to OASI, "almost three in every four beneficiary couples owned their own homes—most of them free of mortgage—and the median equity in nonfarm homes for the homeowners was $8,360."

Only 4 percent live in the homes of relatives.

A survey in 1957 by the National Opinion Research Center determined that only 9.6 percent of those interviewed would be unable to pay a medical bill of $500.

And so when we consider the financial resources of the aged, we can do it sensibly only if we know how many have income from employment, social security, pensions, annuities, savings, investments, insurance, or other assets.

We can only measure financial resources intelligently if we consider them in terms of family income and assets, not individual income and assets.

And when we attempt to figure out the number of people who cannot afford adequate health care, we must know how many already receive it from a religious group, a fraternal group, through membership in a union, as ex-seamen, as members of the Armed Forces, as professional courtesy, as members of specific religious orders, as veterans entitled to compensation and care.

We know, for instance, that 16 percent of the aged are public welfare recipients. As such, under federally aided public assistance programs, they are eligible to receive medical care.

We do not know the answers to questions like these:

How much do the families of the aged help out? And how many of our older people are affluent?

My point is that the economic problems of older people are not only complex and diverse, but difficult to analyze precisely. Yet it is suggested that we take a serious and irreversible legislative action, with tremendously important consequences, with no real guideposts.

We are being asked to grope our way through the statistical darkness on the off-chance that we will stumble into an effective solution.

No one denies that there are instances of severe hardship among our older people—or among any other age group, for that matter. Such cases do exist, although to what degree we can only guess.

Certainly the weight of sound evidence seems to suggest one conclusion:

The financial and health problems of the aged have been considerably exaggerated by the proponents of Forand-type legislation. And on the basis of the facts as we presently know them, it is impossible to justify the creation of a massive Federal mechanism for compulsory national health insurance—even though that mechanism would deal only with a single and somewhat artificially determined category.

Implicit in the thinking of those who support H.R. 4700 is the belief that the health care needs of older people can be conveniently separated from their other needs. Nothing could be a greater mistake. Some of our aged have many needs—in housing, in recreation, in preparation for retirement, in finding acceptance, and understanding within the community, in developing new interests, in using talents, and capabilities.

As an example of how interrelated the needs of the aged can be, a former housing commissioner of the State of New York has pointed out that hospital confinement of older people could be reduced by 20 percent if adequate housing were made available for them.

PRIVATE NURSING HOME LAW WHICH I SPONSORED

Further, the Nation's doctors have repeatedly stated that no person, regardless of age, needs to forgo a physician's services because of inability to pay.

Expert medical testimony before the House Ways and Means Committee establishes another point: the aged have individual health needs. As Dr. Frederick C. Swartz told the Ways and Means Committee:

> Care for any segment of our population—the aged included—calls for a cooperative attack on the problem by nurses, doctors, hospitals, social workers, insurance companies, community leaders, and others. It requires flexibility of medical technique—an ingredient which would unquestionably vanish the moment Government establishes a health program from a blueprint calling for mass treatment.

In the case of the aged, their health problem primarily involves acute illness and the so-called degenerative diseases. In a very large percentage of cases, the main need is not for an expensive hospital stay or a surgical operation, but for medical care at home or in the doctor's office. In other cases, the important requirement is nursing care in the patient's home, or the home of relatives. And in still others, custodial care in a nursing home, or public facility may be the only answer. The point is that the medical needs of this particular segment of the aged are subject to countless variations.

The Forand bill, let me point out, wishes not only to grant the aged population most needy assistance but also to move the Federal Government into the very area of medical care where private insurance is now most effective—the area of hospitalization and surgery.

Rural Development Program—Excellent Work Being Done in Schuylkill County To Build Stability and Prosperity

EXTENSION OF REMARKS
OF
HON. IVOR D. FENTON
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Monday, March 28, 1960

Mr. FENTON. Mr. Speaker, under leave to extend my remarks in the RECORD I want to direct attention to the Committee for Rural Development.

Last October while Congress was not in session, the President signed an Executive order establishing the committee, and it is possible that some of my colleagues in Congress may not have had this order brought to their specific attention. Certainly the many readers of the CONGRESSIONAL RECORD have not had the opportunity to see the order through the RECORD.

The administration has taken important steps in recent weeks to strengthen and expand the rural development program nationally. This is gratifying news, which will especially interest those Members of Congress who represent rural areas where families on small farms are having a hard time earning an adequate income due to rapid changes in the Nation's agricultural production and competition from the larger commercial units.

I have a firsthand knowledge of the rural development program, since Schuylkill County in my district is presently one of the participating areas. In this county the Pennsylvania Agricultural Extension Service under the very capable direction of Mr. C. L. Robertson, the county agent, his associate county agent, Mr. Guy Temple, and other agencies, have joined with local leadership to promote better farms, better living in rural communities, and new off-farm enterprises.

Among other activities are the following: Through the leadership of those working with the rural development program, Schuylkill County's fine youngsters are being encouraged to participate

in community improvement plans. Industry tours and other vocational guidance programs have also been set up for these young people. Leaders from all over the county are receiving help in tying together and stepping up industrial development plans. Plans to improve the tourist business locally are also going forward.

The Agricultural Extension Service has assigned Guy Temple, associate county agent, to head this program in Schuylkill County and it is with a great deal of pride that I call your attention to the following report just prepared for me by Mr. Temple:

> The Schuylkill County rural development program came into being as a pilot program in the fall of 1957. The program first obtained a part-time worker in September 1958. Considerable time has been spent in becoming acquainted with the county, its people, and learning more about the rural development program.
>
> A committee has been formed, namely, the Schuylkill County Rural-Urban Development Council, which is made up of representatives from business and agriculture, as well as other civic and community leaders.
>
> The first work of the council was a problem affecting nearly all rural sections of the county, that of deer damage caused by an overpopulation of deer. The feeding of this deer herd has caused a great economic loss to many farmers of the area. As in all situations, there were two sides to the problem: the landowner having damage and the sportsman desiring a plentiful supply of game. Many individuals and groups had attempted to get this problem corrected. However, their efforts were not fruitful because factual information on damage and loss was not available.
>
> Through the cooperation of the Pennsylvania State University resident and extension staff in the schools of agricultural economics, rural sociology, forestry and horticulture, and a local committee, a questionnaire was formulated. Locally, 4-H members, vocational agriculture departments, and interested groups in the county served as enumerators for the survey. Approximately 60 enumerators assisted in the survey, contacting nearly 200 landowners.
>
> The work completed by the council with the assistance of other organizations confirmed that the deer damage was of a great economic concern to rural landowners. The loss in crops and property damage was $492,000, nearly 5 percent of the total value ($10,686,000) of agricultural production in the county.
>
> These survey results were released to Pennsylvania Game Commission personnel, all county sport associations, and news articles were released to all county newspapers, plus two papers with statewide distribution.
>
> We have since been informed that survey results were a major influence on the Pennsylvania Game Commission decision to place a larger number of antlerless deer licenses in Schuylkill County for the 1959 season.
>
> It is anticipated to provide additional information through meetings and mass media to further improve landowner-and-sportsman relations.
>
> As numerous contacts were made concerning the program it became evident that many people, including county, State, and Federal personnel were not aware of the functions or assistance available from established county, State and Federal public service agencies. This information was assembled in handbook form by the county steering committee and the State extension service provided the funds for printing. The handbook was distributed to community leaders and groups throughout the county. The council hopes to add additional agencies to this handbook and also attempt to keep it up to date.
>
> Early in 1959, an attempt was made to contact as many county groups as possible and present a program to initiate some thought on their immediate community problems. As a result, many problem areas were more clearly defined to the people as well as to the Rural Development Committee.
>
> From those problem areas mentioned, the steering committee elected to place emphasis on the following four areas:
>
> 1. Beautification of the county.
> 2. Zoning.
> 3. Youth.
> 4. Agriculture roundtable.
>
> 1. Beautification of the county: The various agencies of the rural development program are still working closely through their regular programs, with those farmers who have possibilities of learning the management skills necessary to efficiently operate their farm business. However there are many farmers who do not possess or cannot effectively learn the managerial skills. Consequently the council felt that these people might better their economic position through industrial employment. Therefore, any work done to improve the county will aid the existing industrial development groups in their efforts to attract industry, which will in turn offer this rural low income group new opportunities.
>
> Industrial development groups in the area are doing a fine job in their work to attract and bring in new industry. However their job is made more difficult due to the general appearance of the area. Today industry considers esthetic value of an area as well as other considerations. Years of coal stripping has left many unsightly spoil piles along many of our highways leading into the county, and in some areas, even adjacent to homes. The council contemplated a project to reforest as many of these banks as possible. However an unforeseen, but pleasant circumstance has occurred which has partially sidetracked these plans—the announcement by the Philadelphia and Reading Corporation of their intentions to establish a refining industry in the area that will use some of the material in these banks.
>
> However, experimental work to ascertain the species of trees, grasses and shrubs that are best adapted to culm bank planting is continuing. The Soil Conservation Service, Agricultural Extension are cooperating on this work, with the first trial plantings to be made in April 1960.
>
> There is one beautification project in Mahanoy City, that can be pointed to as completed. A small park in the center of the city is now the pride of that community. It was accomplished through local effort. The Council through the Extension Service assisted this group in drawing up the plans for the park.
>
> 2. Zoning: New industries are already locating in the county and there is the possibility of a new Federal highway crossing the county. Many people when considering these possibilities felt the need for some long-range planning and subsequent zoning.
>
> Present plans are for an educational program to provide an opportunity for people of the local communities to learn the true story of zoning, both its advantages and disadvantages. This is an attempt to get the right information disseminated before many false rumors become prevalent.
>
> 3. Youth: Many people expressed in the survey that they felt that many rural youth were only aware of farming as an occupation in the field of agriculture. In September of 1959 a new youth program called "Town and Country Business Club" was inaugurated. The program has four State objectives:
>
> 1. Provide a greater understanding of business as it operates in the marketing field through firms associated with agriculture.
> 2. Help in exploring the career opportunities in business closely related to farming so that capable farm youth remain in agri-business careers.
> 3. Give youth who will remain on the farms a better appreciation of the problems and nature of agricultural marketing.
> 4. Point up the needs and benefits of training and education for youth anticipating employment with agri-business firms.
>
> Presently 38 different rural youth have attended meetings of this group. The group recently won a statewide contest and in addition had one of the members, Miss Sandra Krebs, chosen as "All-American Teenager" at a related youth power Congress in Chicago. This program also is serving as an avenue for better relationships and interchange of ideas between agriculture and business.
>
> 4. Agriculture roundtable: An attempt will be made to develop such a program so as to disseminate information of a public affairs nature to as many rural residents as possible.

In addition to the above-mentioned activities the various agencies involved, soil conservation service, extension service, department of forest and waters, farm and home administration, agricultural habilitation and conservation committee, office of employment security, local chambers of commerce, and others are continuing their own respective programs of aids and assistance to the people of Schuylkill County.

Mr. Speaker, the rural development program, I am convinced, will grow into a major national effort to build stability and prosperity into our fine rural communities.

At this time I would like to include the text of President Eisenhower's Executive Order 10847 setting up the Committee for Rural Development Program on a formal basis to provide leadership and uniform policy guidance to the several Federal departments and agencies responsible for rural development program functions and related activities so that they may take more effective and concerted actions in carrying out those functions and activities and cooperate more effectively with non-Federal participants, both private and governmental, in the program.

The White House, in releasing the Executive order, had the following to say:

> Members of the Committee include the Under Secretary of Agriculture, Chairman; the Under Secretary of the Interior; the Under Secretary of Commerce; the Under Secretary of Labor; the Under Secretary of Health, Education, and Welfare, the Administrator of the Small Business Administration and a member of the Council of Economic Advisers designated by the Chairman of the Council.
>
> The rural development program was initiated in 1955 as a cooperative effort of the Federal, State, and local governments, including the participation of private individuals and agencies, to develop the human resources in rural America with particular emphasis on improving the conditions of the numerous low-income families, both farm and non-farm, living in rural areas. In a special message to the Congress, April 27, 1955, the President directed attention to the problems of low-income rural families

and presented recommendations for a concerted program developed in a study and report prepared by the Department of Agriculture.

Operating through State committees and centering in selected pilot counties, the rural development program includes specific activities, such as improving incomes from farming, providing more efficient farm marketing, promoting off-farm work, balancing agriculture with industry, evaluating rural manpower assets, increasing opportunities through vocational training, attaining better health, and improving basic education.

Today's Executive Order makes formal organization arrangements for the Federal Committee for Rural Development Program which has been functioning informally since the program was initiated. The seven-man Committee will direct its activities toward providing leadership and uniform policy guidance to the several Federal departments and agencies responsible for rural development program functions and related activities so that they may take more effective and concerted actions in carrying out those functions and activities and cooperate more effectively with non-Federal participants, both private and governmental, in the program.

Under the Executive order, the Committee is instructed to continue particular emphasis on effective public and private cooperation and leadership for rural development at the State and local levels.

EXECUTIVE ORDER ESTABLISHING THE COMMITTEE FOR RURAL DEVELOPMENT PROGRAM

Whereas a substantial number of families, both farm and non-farm, living in rural areas have relatively low cash incomes and do not share equitably in the economic and social progress of the Nation, and it is desirable to encourage and assist such families by providing greater opportunity for their participation in the Nation's production of goods and services and in community, civic, and other affairs; and

Whereas the Federal Government, in cooperation with the several States and local governments and private agencies and individuals, has undertaken a rural-development program designed to develop the human resources in rural America by a series of concerted actions to identify the needs of low-income rural people and to help them to achieve greater rewards for their contributions to our national progress; and

Whereas the rural-development program has achieved steady progress toward its objectives, and the time has now come to consolidate its accomplishments and to provide more formal Federal organization for the program: Now, therefore, by virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. (a) There is hereby established the Committee for Rural Development Program, hereinafter referred to as the Committee, which shall be composed of the following members:

(1) The Under Secretary of Agriculture, who shall be the Chairman of the Committee.

(2) The Under Secretary of the Interior.

(3) The Under Secretary of Commerce.

(4) The Under Secretary of Labor.

(5) The Under Secretary of Health, Education, and Welfare.

(6) The Administrator of the Small Business Administration.

(7) A member of the Council of Economic Advisers designated by the Chairman of the Council.

(b) To assure effective functioning of the Committee and uninterrupted participation of each department and agency represented on the Committee, the head of each such department or agency shall designate an appropriate officer or employee of his department or agency as an alternate member to participate in the affairs of the Committee whenever the member may be absent or otherwise unable to participate.

(c) The Committee may request the head of any other Federal department or agency to designate a representative to participate in the affairs of the Committee as desirable in furthering the work of the rural-development program and related activities.

SEC. 2. The activities of the Committee shall be directed toward providing leadership and uniform policy guidance to the several Federal departments and agencies responsible for rural-development program functions and related activities so that they may take more effective and concerted actions in carrying out those functions and activities and cooperate more effectively with non-Federal participants, both private and governmental, in the program.

SEC. 3. In conducting its activities, the Committee shall place particular emphasis on effective public and private cooperation and leadership for rural development at the State and local levels, and to that end shall provide guidance for the conduct of Federal rural-development program functions and related activities in a manner designed to produce maximum State, local, and private participation and initiative in identifying and meeting local needs.

SEC. 4. Each department and agency responsible for functions and activities that can contribute to the objectives of the rural-development program and related activities shall carry those functions and activities forward in such a manner as to make the fullest possible contribution to the objectives of rural development.

SEC. 5. The departments and agencies represented on the Committee shall, as may be necessary for the purpose of effectuating the provisions of this order, furnish assistance to the Committee in consonance with section 214 of the act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691). Such assistance may include the detailing of employees to the Committee, one of whom may serve as its executive secretary, to perform such functions consistent with the purpose of this order as the Committee may assign to them.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *October 12, 1959.*

You and Your Future

EXTENSION OF REMARKS
OF
HON. FRANK IKARD
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 28, 1960

Mr. IKARD. Mr. Speaker, under leave to extend my remarks in the RECORD, I would like to bring before the House the following material compiled by our distinguished colleague from New Mexico, the Honorable THOMAS G. MORRIS. This material will be of tremendous benefit to the many high school graduates who might otherwise not be able to continue their education. I think he should be commended for his efforts. The following represents considerable research and I consider it a privilege to have it inserted in the CONGRESSIONAL RECORD:

YOU AND YOUR FUTURE

FUTURE EMPLOYMENT OPPORTUNITIES

A democratic society such as ours is dynamic and growth is a necessary part of the system. With this growth more opportunities are available for well-qualified young people today than ever before in our entire history. Because our Nation is not producing an adequate number of men and women with sufficient qualifications, thousands of interesting and highly salaried positions remain unfilled. Let me illustrate this point with some figures: The Department of Labor surveyed 200 large firms, one-half reported they were unable to hire enough research scientists and engineers; industry needs one engineer and five highly trained technicians for every 40 workers; in 1958–59 it is estimated we were short 135,000 qualified teachers; the journalism and newspaper field has an acute shortage of qualified people.

We live in a civilization and world that requires education. Your future depends on you becoming well educated. The job applicant with advanced training will have a better opportunity to get and hold a job than his untrained fellow worker. During the most recent recession, nearly 1 in 5 unskilled laborers experienced unemployment, while only 1 in 50 professional and technical workers were jobless. White collar workers, who generally have to meet higher educational requirements, were relatively steady in their employment.

By the time you are 25, there will be millions of new job openings in our economy, but most of them will go to persons with a solid educational background. There will be a decline in the number of jobs for unskilled workers and it is estimated that the United States will have one-half million fewer such workers in 1967. Irregular employment and lower wages will face the uneducated in the economy of the future. Yet past experience shows us that many of the 2 million high school graduates of 1960 will not go on to college, and will slip out of the stream of education. In fact, only 45 percent of those who graduate are expected to continue their formal education, either in an institution of higher education or business or vocational school. Are you to be in the 55 percent group and let your education stop?

The Department of Labor estimated that in the next 10 years, business and industry will need about 13½ million additional workers, including 5.1 million skilled and semiskilled workers, 3½ million professional and technical workers, and almost 6 million managerial and other white collar workers. By 1965 there may be a shortage of skilled workers and because of this gap, rapid advancement will be possible for workers with good preparation. In addition to those needed for replacement, we will need 45,000 new doctors, 75,000 college-trained nurses, 485,000 more elementary and high school teachers, 120,000 more college teachers, 80,000 more natural scientists, and 100,000 engineers. Education will be the foremost qualification for these additional workers.

The desire for you to get a job this summer and forget about higher education will be appealing but let me remind you that your economic gain and social satisfaction are merely temporary. The 1960's hold the promise of a decade of historic significance in the development of this Nation and in achieving a better way of life for our citizens. As tools and methods become more and more complex, they offer increasing opportunities to give a better and safer life for all. But, at the same time, they place increased demands upon the worker. He must be prepared to cope with the changes in the nature of work that new machines and methods create. With each change, he must be prepared to enlarge his own knowledge and skill to keep pace with technological progress. Education is the basic equipment which helps a man to grow with his job and to move on to better opportunities. A nuclear physicist and a toolmaker need different amounts of education but both need the same basic

education. They then move on to the particular areas of study required for their respective fields. Only by becoming qualified through a better education will you insure the realization of your greatest ambition.

EDUCATION AFFECTS EARNINGS

Dr. Paul C. Glick, Chief Social Statistician of the U.S. Bureau of the Census, has analyzed lifetime earnings of Americans and compared them with years of schooling. The following findings show how smart it is to be educated.

Years of schooling:	*Lifetime earnings*
1 to 4	$72,000
8	116,000
4 years of high school	165,000
1 to 3 years of college	190,000
4 or more years of college	268,000

He also found that in families headed by grade school graduates, the median annual family income was $4,386 as compared with $5,667 for high school graduate households and $8,143 for college graduates. Education, of course, has far more value than a dollar tag can show. It opens the way to more interesting kinds of jobs and a much more satisfying life.

APTITUDES FOR FURTHER EDUCATION

Many students do not go on to college because they are afraid they do not possess the necessary ability. Perhaps they are a trifle slower than their classmates in grasping things and maybe find it more difficult to comprehend the basic subjects than many of their friends. Those of you who feel this way may, after reading the foregoing statements, think more strongly than ever that there is no place for you in the upper echelons of our highly complex society. Nothing could be further from the truth. Read the following.

Dr. S. Strauss, a teacher in Washington, D.C., conducted a study of the backgrounds of more than 600 Americans who were awarded the Ph. D. degree in recent years. He found that 43 percent had a high school IQ below 120, and several were down in the 90's. One boy with a reported IQ of 94 had been placed in a nonacademic program in his high school by a counselor. Dr. Strauss found that two-thirds were below the top 5 percent of their class, and one-half were below the top 10 percent. He hates to make a sweeping generalization but is inclined to believe that academic progress can be stated as a formula: ability plus effort equals success. The greater the ability, the less effort is needed, and vice versa.

Many an able youth never continues his education because he is unwilling to subject himself to the necessary rigorous discipline or because he strives for other goals. I hate to think of the talent that is wasted because individuals underestimate their abilities. You should consider the above before deciding not to continue your education. If you have average abilities and are willing to work hard at your studies, there is a future and a college for you. Just because a student has to work harder than many of his fellow students does not mean that he shouldn't plan to continue his schooling. On the contrary, very often the so-called slow student outstrips his more gifted classmates, simply because he has to work harder to get what he seeks. So, don't give up. Concentration and effort are, in themselves, qualities in great demand.

PAYMENT OF EXPENSES

It is true, costs of attending a college or university have increased a good deal and particularly in the last 10 years. Many students and families, after looking at the cost of a 4-year college education, are inclined to give up the idea of going to college. However, never before have so many sources of money been available to assist students in meeting expenses. Scholarships, loan funds, and gratuities are available by the thousands, ranging from small prizes offered by a local organization to fellowships worth several thousands of dollars. About one student in five receives scholarship aid in some form from universities, colleges, foundations, private organizations, labor unions, and Federal and State legislatures. During 1959–60 more than $120 million is available for assistance to students. In actual practice, a large number of the available aids go unclaimed. The interested and qualified student who conducts an exhaustive search can usually find a program either general enough or tailormade to fit his own need. The ultimate benefit will outweigh the difficulties of obtaining aid.

PART-TIME WORK

Most of the colleges give part-time jobs to deserving students who are not able to meet all expenses. In fact, more students earn part of their college expense by on-campus jobs than the number receiving institutional scholarships. In New Mexico during the 1955–56 school year, 1,758 students earned an average of $355 per month on part-time jobs while only 1,165 scholarships were given with an average of $207. Indeed, one of the most effective ways a student may earn money for his college education is through summertime employment.

DEFERRED PAYMENTS, "LEARN NOW—PAY LATER"

Since the burden of paying higher costs for an education at a college or university is much greater today, some colleges have seen the need to allow payment of expenses on an installment basis rather than in a lump sum. Generally, tuition must be paid at registration unless special arrangements have been made with the institution. However, nearly all room and board charges may be paid in installments. There are several tuition payment plans that help parents meet college expenses on a monthly basis, such as the Tuition Plan, Inc., 347 Fifth Avenue, New York 16; Insured Tuition Payment Plan, 112 Water Street, Boston 9, Mass.; Midland Time Plan for Education, Marine Trust Building, Buffalo 5, N.Y. Certain banks have also made arrangements for deferred payments with colleges in their communities; for example, the Indiana National Bank, in Indianapolis, has a system where the parent contracts to pay a fixed amount monthly and the bank meets all the college bills when due, up to a certain amount, with payments spread over a 6-year period.

CHILDREN OF VETERANS

Children of veterans who died as a result of disease or injury incurred while in service should write to the New Mexico Veterans Service Commission, Santa Fe. If service was entered from New Mexico, free tuition to New Mexico State schools plus $300 maximum for matriculation, board, room, fees, books, and supplies is offered to those selected on basis of need and merit. National scholarships available for children of veterans are described in the booklet, "Need a Lift?" which may be obtained by sending 15 cents (to cover the cost of printing and postage) to the National Child Welfare Division, the American Legion, Indianapolis 6, Ind. For scholarships and funds on the State level, contact the American Legion, 3205 East Central Avenue, Albuquerque.

NATIONAL DEFENSE EDUCATION ACT

Previously, undergraduate eligibility for Federal support for educational purposes was determined almost exclusively by past military service, commitment to future service, or orphanhood resulting from a parent's death from service-connected injury or disease. These are all still available to those who are in these categories. However, under the new National Defense Student Loan Program, any student who is enrolled on a full-time basis can apply for a loan. It is up to the college to set its own eligibility, but financial need and ability to make good marks are important items that each institution considers. Those students who plan to study teaching, science, mathematics, engineering, or modern languages are given special consideration. There is a limit of $1,000 for each school year and $5,000 for an entire college career; however, it is likely that most loans will be in small amounts. One can repay the loan in installments, starting a year after training is finished and be repaid within 10 years. If you become a full-time teacher in a public elementary or secondary school, the loan will be canceled out at 10 percent for each year you teach, up to a maximum of 50 percent. The interest on the loan is 3 percent starting when the repayment schedule begins. Further information may be obtained from the college you elect to attend.

As of February 29, 1960, New Mexico institutions had made loans totaling $289,230 to 742 students. The 1959–60 school year allocation to New Mexico under the law is $149,545, matched in part by the universities.

FEDERAL STUDENT TRAINEES

The Federal Government participates in and operates certain educational programs in a wide variety of national and international educational activities. However, other than the Education Act, nearly all of the foreign and Federal Government programs require college work before consideration is given. After you have entered college, more information concerning advanced Government programs can be obtained from the dean of students, or the Government department responsible for the area of study in which you are interested.

The Government does have a cooperative work-study program which provides an integration of academic study with practical work experience and training on the job in an organized program, usually of 5 years duration, under which students alternate periods of attendance in college with periods of employment. In addition, there is another program which is the vacation work-study plan, where the student is employed by a Federal agency during the vacation period in locations throughout the United States, with offerings in nearly every field imaginable. These programs give you the opportunity to work under the guidance of professional personnel and help you decide if a particular field is all that you had hoped it would be. Interested students should contact your nearest civil-service office for further information and watch for trainee examination announcements.

There is a student Army nurse program that is available during the third year of a 3-year nursing program or for the third and fourth years of a 4-year training program. Participants are able to continue their education while receiving full pay and allowance as either officers or enlisted personnel in the Army Reserve. For further information write to the Surgeon General, Department of the Army, Washington 25, D.C.

NATIONAL APPRENTICESHIP PROGRAM

Apprenticeship training is a practical answer to the need for maximum development of skills and technical abilities. Training in the skilled trades is good insurance.

New Mexico has an apprenticeship law which provides for a statewide apprenticeship program. The law is administered by the Labor and Industrial Commission, Santa Fe, and a management-labor council acts on policies, with the entire program an integral part of the national program.

There are more than 90 apprenticeable trades, most require at least 3 years' training and many others 4 or more. In New Mexico we have more than 900 in the building-trades program, and only 155 in other trades such as machinists, printers, electrical workers, pressmen, and auto mechanics.

The need for skilled workers and technicians is pressing. Those of you who want to learn a special skilled trade, receive training, while earning and working, contact the Labor Commissioner, New Mexico Apprenticeship Council, Labor and Industrial Commission, Post Office Box 1726, Santa Fe, or State Supervisor, Bureau of Apprenticeship and Training, Department of Labor, room 234, 610 Gold Avenue SW., Albuquerque.

LOAN FUNDS AND SCHOLARSHIPS

You should establish your eligibility to enter the school of your choice and then qualify your financial need if some form of educational aid is required. You or your parents should be prepared to supply evidence that such a need is the case. The college bulletin or catalog lists scholarships and funds available. If more information is desired, ask the dean of the college you plan to attend what is available in the way of scholarships, loan funds, and student employment. However, remember that many awards are made on national scholastic and competitive standing, such as the National Merit, Westinghouse Science, and the General Motors scholarships.

Loan funds, either emergency or long-term up to a year, are maintained by most colleges to assist worthy students, who have evidence of ability to repay. Agreements usually have to be cosigned. It is well to remember that many banks will make loans for tuition, room, and board to students who demonstrate ability and promise.

It is difficult to list all of the many different funds available, with so many varied requirements, all of which are changing constantly. For example, Yale has available funds for boys whose last name is DeForrest; the University of New Mexico has a scholarship for a worthy graduate of a New Mexico high school who is selected on the basis of financial need, interest in engineering, high-school record, and participation in athletics. New Mexico State University awards a scholarship annually to an entering freshman who majors in the dairy field. At Eastern New Mexico University, certain honor students are selected to receive scholarships; New Mexico Military Institute has a scholarship for a young man whose interest in military affairs will assure him a commission; New Mexico Highlands University awards a scholarship to an outstanding high school student who is planning a teacher career. New Mexico Institute of Mines and Technology awards a full tuition scholarship to entering freshmen who have shown superior scholastic ability in high school. To students who show an active interest and ability in drama, New Mexico Western College grants tuition scholarships; St. Michael's College has provision to assist students who have the intellectual ability to do college work but lack adequate finances. College of St. Joseph administers a scholarship based on a competitive examination.

In addition, the International Mineral & Chemical Corp. in Carlsbad offers a $600 4-year scholarship to a resident of Eddy County; Jones Graphic Arts Products Co. of Albuquerque gives a tuition scholarship to a high school graduate from New Mexico or Arizona; the New Mexico Library Association in Roswell gives a $300 scholarship to a girl interested in the field of library work; New Mexico Motor Carrier Association in Albuquerque gives two competitive scholarships of $500 each to qualified applicants planning to attend New Mexico colleges. The AFL–CIO gives six full scholarships, administered by the National Merit Council, three of which are limited to members' children. These are only a few of the many and varied funds available.

It is not necessary for the applicant to have a brilliant high school record. Frequently, the chief purpose of a scholarship fund is to assist a student who has a good, but not necessarily outstanding, record and who can be expected to profit from a college education but is prevented for economic reasons from obtaining one.

After looking over the array of opportunities for scholarships, I suggest you investigate those for which you have a special qualification of special interest. As an example, the education and manpower committee of the New Mexico section of the American Chemical Society sponsors awards to the students making the three top grades on a chemistry examination administered by the New Mexico Institute of Mining and Technology and given by the local high school science teacher. Sears, Roebuck Foundation provides scholarships for freshmen students majoring in agriculture or home economics, who would have had financial difficulty in attending college. This scholarship is administered by the New Mexico State University.

Loans are available to those students who desire to become nurses but lack funds. Write directly to the Bergen Foundation, 6536 Sunset Boulevard, Hollywood 28, Calif., after you have established that you meet the entrance requirements of the hospital where you want to train. The Committee on Careers, National League for Nursing, 10 Columbus Circle, New York 19, has valuable information for prospective nurses. The University of New Mexico has a College of Nursing and several scholarships are available. Contact the dean, College of Nursing. The College of Pharmacy grants freshman scholarships to New Mexico high-school graduates who enter the pharmacy program at the university. For information, apply to the dean, College of Pharmacy, University of New Mexico. The National Foundation, 800 Second Avenue, New York 17, offers 4-year college scholarships for graduating high school seniors entering accredited B.A. programs in physical therapy, occupational therapy, or professional nursing.

Perhaps the State department of education in Santa Fe can give you additional information concerning scholarships and loan programs designed for students planning to become teachers. For those interested in medicine, you should contact the State board of health in Santa Fe or, for more detailed information, the Association of American Medical Colleges, 2530 Ridge Avenue, Evanston, Ill. In most medical schools, there were loan funds available in excess last year. However, bear in mind that you have to be accepted by a medical school before most of the loan funds and scholarships can be considered.

For information relating to foreign scholarships, write to Information and Counseling Division, Institute of International Education, 1 East 67th Street, New York 21.

ARMED FORCES EDUCATION AND TRAINING PROGRAMS

U.S. service academies: Because the opportunities afforded by each academy are as varied as the service they represent, interested students should write to the following:

Army: The Registrar, U.S. Military Academy, West Point, N.Y.

Air Force: Director of Admissions, U.S. Air Force Academy, Colorado Springs, Colo.

Navy: Chief of Naval Personnel, Navy Department, Washington 25, D.C.

Coast Guard: The Commandant, U.S. Coast Guard, Washington 25, D.C.

Merchant Marine: Registrar, U.S. Merchant Marine Academy, Kings Point, N.Y.

January or February is usually the deadline for applications for the next school year for most of the academies. However, the student who prepares himself beyond the high school level will be in a better position to compete for the entrance examinations for future years. In fact, many of those accepted for some of the academies have had training beyond high school.

Reserve Officers Training Corps. Several universities have established ROTC units, with a program of instruction that leads to a commission as a second lieutenant, as you receive your college education. For more detailed information consult the college catalog.

INDIAN STUDENTS

"Higher Education Aids for Indian Young People" is the title of a pamphlet which outlines all available financial aids for Indian students. It can be obtained without charge from the Haskell Institute, Bureau of Indian Affairs, Lawrence, Kans.

The Federal Government, through the Agency Office, Bureau of Indian Affairs, administers three means of assistance. Grants: Each area annually grants small supplementary aids to those who have good records and who need assistance. Working scholarships: There are boarding schools located near colleges which furnish room and board in exchange for 14 hours of work each week. One is located in Albuquerque. Education loans are maintained for emergency cases.

For girls who are financially unable to pursue nurses' training, scholarships are given by the National Society of the Colonial Dames of America. Contact your Bureau of Indian Affairs for complete information. The Indian Board of Home Missions of Congregational Churches of America assists Indian students without regard to religious affiliation or tribe. Many Indian tribes assist their young people. The Jicarilla-Apache has a substantial scholarship program, as do the Navajo and Mescalero-Apache Tribes. Contact your tribal governing body.

CHOICE OF SCHOOL

The counselor or principal in your high school is the best source of information about the choice of a college or university as well as for scholarships offered by local companies or individuals. He has an extensive file of college catalogs and other descriptive publications concerning the facilities of the various institutions. If some of the information you desire is not available through him, the references below list suggested sources of information for prospective college students, their parents, and their counselors. Consult your local library or any library in some of the larger towns for additional information.

CHOICE OF CAREER

If you are undecided as to what field you would like to enter, the American Legion booklet, "Need a Lift?" mentioned above, has compiled a list showing career organizations which will provide helpful information about job opportunities, subjects required, where to get training, and other related topics. Also consult the career planning references below.

A special word for those who may be thinking of an agriculture career. Do not overlook it. It is and will remain the Nation's basic industry. Indeed, the Department of Agriculture estimates that about 15,000 new jobs are created each year for college graduates and only 8,500 to fill them. Dr. R. B. Corbett, president of New Mexico State University, recently stated, "Years ago the common saying was that engineers were a dime a dozen—there is no future in engineering. Yet today men trained in engineering are the scarcest and most demanded in our economy today." He suggests a parallel between engineering and agriculture. The manpower demand is declining in agriculture, but it is changing from a way of life to an exact science. The farmer will need to have a good working knowledge in many fields of science—chemistry, pathology, genetics, and business management. Demands for agriculturally trained people are needed off the farm as well as on, such as agriculture research, industry, business, education, communication, conservation. There will continue to be jobs for properly trained farm youth.

Please do not forget this is only a part of the vast information available and that I am not a professional educator. The alert student requiring financial assistance to attend college or vocational school, those choosing a career or searching for a training school, will explore many sources not mentioned. Remember that many social and fraternal organizations, denominational and religious groups, foundations, professional associations, labor unions, and some of the larger industrial companies supply financial aid to worthy students.

SCHOLARSHIP AND FELLOWSHIP REFERENCE MATERIALS

"American Foundations and Their Fields," seventh edition, New York, American Foundations Information Service, 1955.

"How to Finance a College Education," Craig, W. Bradford. New York, Henry Holt & Co., 1959; 79 pages; $1.95, paper.

"Handbook on International Study," a guide for foreign students on study in the United States and for U.S. students on study abroad. New York, Institute of International Education.

"Lovejoy-Jones College Scholarship Guide," Lovejoy, Clarence E., and Theodore S. Jones. New York, Simon & Schuster, 1957; $3.95, cloth; paper, $1.95.

"Fellowships in the Arts and Sciences," third edition, 1960–61. Washington, D.C., Association of American Colleges, 1959; 220 pages; $3.75.

"Information on Science Scholarships," National Science Foundation, Washington, D.C., U.S. Government Printing Office, 1957; 6 pages (NSF–57–34).

"U.S. Veterans' Administration," questions and answers on the war orphans education program. Washington, Veterans' Administration Information Service.

"Federal Aid to Students for Higher Education," U.S. Congress, House Committee on Education and Labor. Washington, U.S. Government Printing Office, 1956; 191 pages.

"Government Programs in International Education," House Committee on Governmental Operations. Washington, U.S. Government Printing Office, 1959; 251 pages.

"Financial Assistance for Students in Higher Education," pamphlet, Office of Education, Washington 25, D.C., 1960.

"Medical Scholarship and Loan Fund Program," Council on Rural Health, American Medical Association, 535 North Dearborn Street, Chicago 10, Ill.

"Social Work Fellowships and Scholarships in the United States and Canada," Council on Social Work Education, 345 East 46th Street, New York 17, N.Y.

"Education Grants and Awards in the Field of Music," Music Educators National Conference, NEA Education Center, 1201 16th Street NW., Washington, D.C.

"Information About Business Training and Scholarships," National Association and Council of Business Schools, 2400 16th Street NW., Washington, D.C.

"Credit for College; Student Loan Funds in the United States," College Life Insurance Co. of America. Indianapolis, The Company, 1959.

"National Register of Scholarships and Fellowships," volume 1, scholarships and loans. New York, World Trade Academy Press, Inc., 1958.

REFERENCE MATERIALS LISTING COLLEGES AND UNIVERSITIES

"Accredited Higher Institutions," Office of Education Bulletin No. 1, Washington, D.C.; U.S. Government Printing Office, 1956; 109 pages; 55 cents (1960 edition in preparation).

"American College Counselor and Guide," by Benjamin Fine, New York; Prentice-Hall, Inc., 1955; 413 pages; $4.95.

"American Junior Colleges," fourth edition, edited by Jesse P. Bogue, Washington, D.C.; American Council on Education, 584 pages; 1956 (1960 edition in press).

"American Universities and Colleges," seventh edition, edited by Mary Irwin, Washington, D.C.; American Council on Education, 1956; 1,210 pages; $12 (1960 edition in press).

"The College Blue Book," ninth edition, New York; Christian E. Burckel, Yonkers-on-Hudson, 1959; 1,168 pages; $22.50.

"The College Handbook," 1959–61, by S. Donald Karl and Barbara L. Kiehl; College Entrance Examination Board, 425 West 117th Street, New York 27, N.Y., 1959; 556 pages; $2.

"Education Directory, Part 3: Higher Education 1959–60," Office of Education, Washington, D.C.; U.S. Government Printing Office, 1959; 205 pages; 70 cents.

"Junior College Directory," 1959, by Edmund J. Gleazer, Jr., Washington, D.C.; American Association of Junior Colleges, 1959; 52 pages; $1 (1960 edition in press).

"Lovejoy's College Guide," fifth revised edition, by Clarence E. Lovejoy, New York; Simon & Schuster, Inc., 1959; 290 pages; $2.50.

REFERENCE MATERIALS ON METHODS OF SELECTING A COLLEGE

"Choosing the Right College," by Annette Turngren, New York; Harper & Bros., 1952; 149 pages; $2.50.

"College Bound," by Samuel C. Brownstein; Barron's Educational Series, Inc., Great Neck, N.Y., 1957; 214 pages; $1.98.

"College and You," by Calvin S. Sifford, Bloomington, Ill.; McKnight & McKnight Publishing Co., 1952; 214 pages; $2.50.

"How To Choose That College: A Guide for Students and Parents," by Clarence C. Dunsmoor and Oliver C. Davis, Boston, Mass.; Bellman Publishing Co., Inc., 1951; 52 pages, 90 cents.

"Looking Ahead To Go or Not To Go to College: Deciding for College," Ira M. Smithles Strang Associates, 3376 Washtenaw Avenue, Ann Arbor, Mich.

"How To Get Into College," Frank H. Bowles. New York, E. P. Dutton & Co., 1958. 157 pages, $2.95.

CAREER AND EMPLOYMENT PLANNING

"Planning a College Education," Bucher, Charles A., New York, New York Life Insurance Co., 1958 (indicates college tuition rates and other college fees).

"Lovejoy's Vocational School Guide," New York, Simon & Schuster.

"Guide to Correspondence Study," National University Extension Association, Division of Correspondence Study, Minneapolis, the Association, University of Minnesota.

"Careers in Home Economics," Guide Lines, February 1959; U.S. Office of Education, Washington, D.C.

"Teaching as a Career," pamphlet No. 122, U.S. Office of Education, Washington, D.C.

"Cost of Attending College," bulletin 1957, No. 9, U.S. Office of Education, Washington, D.C.

"Helping Rural Youth Choose Careers," miscellaneous publication No. 771, U.S. Department of Agriculture, Washington, D.C.

"Employing College Students; a Guide for Bank Management," American Bankers Association, Committee on Executive Development. New York, American Bankers Association, 1959.

"Job Guide for Young Workers," 1958–59 edition; U.S. Bureau of Employment Statistics, U.S. Government Printing Office, Washington, D.C.

"Occupational Planning and College," 1954, U.S. Bureau of Labor Statistics, U.S. Government Printing Office, Washington, D.C.

"Federal Jobs Overseas," pamphlet No. 29, January 1959, U.S. Civil Service Commission, U.S. Government Printing Office, Washington, D.C.

"Career Opportunities in the U.S. Foreign Service," Department of State publication No. 6506, February 1958, U.S. Department of State, U.S. Government Printing Office, Washington, D.C.

"Girls' and Women's Occupations," selected references, July 1948–September 1954. (Vocational Division Bulletin No. 257.) U.S. Office of Education, Government Printing Office, Washington, D.C.

"After High School—What?" 1954, leaflet No. 8; U.S. Women's Bureau, U.S. Government Printing Office, Washington, D.C.

"Careers for Women in the Armed Forces," revised edition; U.S. Women's Bureau, U.S. Government Printing Office, Washington, D.C.

"Future Jobs for High School Girls," pamphlet No. 7, 1959; U.S. Women's Bureau, U.S. Government Printing Office, Washington, D.C.

"Career Opportunities in Government," 1958, Institute of Public Affairs, the University of Texas, Austin.

Appeal for the Vanishing Primary

EXTENSION OF REMARKS
OF
HON. JOSEPH S. CLARK
OF PENNSYLVANIA
IN THE SENATE OF THE UNITED STATES
Monday, March 28, 1960

Mr. CLARK. Mr. President, in the New York Times magazine of yesterday, March 27, appeared an article by our able colleague from Wisconsin, the Honorable WILLIAM PROXMIRE, entitled, "Appeal for the Vanishing Primary." The article reflects the freshness and boldness of thought that all of us have become accustomed to expect from the Senator from Wisconsin. I commend his article to readers of the CONGRESSIONAL RECORD and ask unanimous consent that it may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

APPEAL FOR THE VANISHING PRIMARY—A SENATOR ANSWERS THOSE WHO WOULD ABANDON THE PRESIDENTIAL PREFERENTIAL POLL, AND SUGGEST THAT THE ANSWER TO THEIR CRITICISMS LIES IN THE EXPANDING SYSTEM

(By WILLIAM PROXMIRE)

WASHINGTON.—This Sunday hundreds of thousands of Wisconsin citizens are fighting out the presidential primary campaign of 1960. On the steps of churches, over a beer in taverns, in dairy barns and kitchens and automobiles, the argument, the contradiction, the agreement, the joking are rolling along faster and faster as the April 5 deadline approaches, a deadline that may seal the fate of HUBERT HUMPHREY, and JOHN F. KENNEDY.

The season of the primaries is upon us and the people of my State are happily engaged in what has become a rare—I think far too rare—American privilege: having a voice in deciding who is going to be either of the two (the nominees of the two major parties) who will have any chance to become the next President of the United States. In future weeks and months the people of some other States will have a similar opportunity.

There are a thousand reasons why this is a disorganized, irresponsible way for the country to be influenced in its choice of the occupant of so great an office. Many of the hundreds of thousands of conversations going on today in Wisconsin, for example, are irrelevant to the issues. Thousands of votes will be influenced by Muriel Humphrey's homey and simple coffee-hour campaigning for husband HUBERT, or racket-busting Bob Kennedy's tireless farm-to-farm barnstorming for brother JACK. And of course, KENNEDY's religion is constantly discussed and will persuade many.

Primaries have more serious inadequacies. Some were outlined by David Broder in this magazine a few weeks ago. Certainly the candidates may be hurting each other, and our Democratic organization in Wisconsin may be suffering a division that will take months to repair. And, as Adlai Stevenson pointed out in another recent article, the primaries impose a severe physical, financial, and time-consuming burden on the candidates.

A primary costs hundreds of thousands of dollars, while often exciting no contest at all. This year, for instance, will mark the first significant Democratic presidential contest in Wisconsin in 36 years.

It can be argued that a primary often fails to offer voters a meaningful choice. In 10 of the 15 States that permit presidential preferential polls, delegates to the national conventions are not bound, and often they are little influenced, by the voice of the people. In the remaining five States delegates are bound by the primary results. But in California a favorite-son delegation picked by the Governor will probably be unopposed. Indiana voters are expected to have no alternative to KENNEDY. In Maryland, WAYNE MORSE is the sole alternative to KENNEDY. In Oregon MORSE will run as a favorite son.

And what kind of choice will the Wisconsin voter really have on April 5? Only two of the five leading Democratic candidates are entered in Wisconsin. How about Symington or Johnson or Stevenson supporters? What choice do they have?

This weakness is only partly answered by the obvious fact that only KENNEDY and HUMPHREY chose to enter in Wisconsin. All candidates were free to enter. Presumably, any candidate really interested in the Democratic nomination, and who thought he had a very good chance in Wisconsin, would try to pick up the delegation by submitting his name.

Another weakness of the Wisconsin primary is that normally Republican voters, recognizing that Vice President NIXON is unopposed and little needs the prestige of a big vote in Wisconsin, can cross over in the primary. If they do so in sufficient numbers and the contest is otherwise reasonably close, Republicans can pick the Democrats' nominee.

One answer to this is that Republicans are American citizens, too. Why shouldn't they have a chance to influence the selection of the man who may be their next President? Of course, many Democrats won't buy this answer. They might, however, settle for the certainty that Republicans will be a minority, and probably a small one, in this Democratic primary.

In view of these serious weaknesses and imperfections, what can be said for the practice of having the plain voter play such a telling rote in answering the big question?

There are three compelling arguments for the primary.

The first is that in an age of political apathy and indifference, of too much passive diversion and not nearly enough citizen responsibility, the presidential primary is exactly the kind of colorful, exciting, significant contest for public office that will persuade the citizen to discharge the active responsibility that he so rarely is called upon to assume. This is good for the voter as a man and as a citizen.

Besides, there is no more important activity for men who want to be President of the United States than to get out and talk about the Nation's problems with the Nation's citizens. It is too often a temptation for candidates to avoid this most essential obligation to democratic leaders.

Wisconsin today affords an excellent example of the benefits to the voters of a presidential primary campaign. In the past 9 years I have campaigned intensively five times for statewide office in Wisconsin. I have met and shaken hands with well over a million Wisconsin citizens during this time. Since the presidential campaign began in earnest in Wisconsin, I have once again been out in the State talking with thousands of farmers and workers, tavern keepers and hardware merchants, housewives and college students. A sharp and exciting change has come over my State in the past few weeks.

Besides the irrelevant conversations, there is also a gratifying amount of talk about KENNEDY's battle for labor reform and HUMPHREY's fight for the dairy farmer; discussion of KENNEDY's strikingly thoughtful, logical, informed replies to questions—his impressive mental equipment—and of HUMPHREY's broad and deep competence in everything from fiscal policy to foreign policy.

Secondly, the primary makes sense because no one—not brilliantly informed delegates, not hard-working party leaders, not mayors or Governors or Senators—has as much right to say who should be the elected officials of a democracy as the plain voter—all the voters. And this should apply most strongly to the elective office that constitutes the greatest authority and heaviest responsibility the American people can give to any man. It should apply particularly to the primary system, because this reduces the choice of presidential candidates to two and affords the only real choice for the millions of Americans who consistently vote for one or the other of the major parties in November.

This is true not only because of the faith all Americans presumably share in popular democracy. It is true also on the practical ground that the plain voter, with all his shortcomings, will usually give a better answer than the political professionals in casting his vote. He will do so because he will usually ask the right question.

It has been my experience through three losing and two winning statewide campaigns that the voter almost never votes for a man simply because he thinks he will win. On the other hand—as I will try to show a little later—this is by all odds the major consideration of the party leader, the public official, the delegate.

Instead, the voter usually tries to answer the following question with his ballot: Who will make the best President of the United States? Often he may not have enough information to arrive at the right answer, but frequently he will. Today there is the magic of television and radio. Newspapers are reporting more fully, fairly and accurately than ever before. And both HUMPHREY and KENNEDY will have talked directly and personally to tens of thousands of Wisconsin citizens by election day.

After this kind of intensive campaign most plain voters may have a closer understanding of the characters, the minds and the attitudes on big issues of the candidates than Americans have generally had throughout our 170 years of democracy.

The third reason I vote for the primary system is the extremely serious weaknesses of the alternatives. The prime alternative is the selection of delegates by a State convention. Thirty-five States do this exclusively with no public presidential poll.

Why should such delegates—enjoying the wise and personal influence of party leaders, Governors, Senators, newspaper editors, top business and labor officials—usually better informed and more deeply interested than other voters—why should these delegates be considered such a grim alternative?

The answer is evident to anyone who has thoughtfully attended a State convention. Often a party chairman, a Governor or an unofficial but potent leader will actually select the delegation to the national presidential convention. In doing so, the leader, if his power is great enough, will pick delegates who will be amenable to his persuasion. Otherwise, he will unite with other party leaders until they can put together a strong enough combination to win convention approval. In any event, State conventions select the men and women who will represent the State in determining the presidential nominee on an emphatically partisan basis.

There is one all-pervasive and consistent principle: dedication to the welfare and success of the party as an entity. This is rarely the national party. It is far more often the State party—or even the dominant faction of the party within the State. The convincing argument is: What candidate can do the party the most good? The answer to this is usually—though not always—which candidate can win? Even a nationally winning candidate may not be best for the leaders in each State.

This victory criterion is the dominant one, but it is not the only basis of selection. The criterion in some cases may be: Will he help the ticket most in our State? The answer in New York may be quite different from that in Mississippi.

In both State and National conventions idealism is obvious. There is earnest concern with the national interest and a desire to nominate the man who will serve the Nation most ably. But the cry that never fails to bring partisan delegates up fighting in the intensely partisan atmosphere of a convention is "The man who will win in November."

From years of experience in campaigns, from public opinion polls, from scattered primary election results the delegates in general make the best guess they can as to who will be most likely to win in November. Of course, their decision is tempered. Even the most popular candidate cannot win if he is not acceptable, for whatever reason, to enough powerful State leaders. But, by and large, the decision is a giant guess on who has the best chance in November.

How much better to go directly to the voter, as Wisconsin is doing, and let him decide. At least let him decide how the votes of his own State should be cast at the national convention, after the voter has asked himself, not who will win, but who will make the best President.

I vote for the primary with all its obvious weaknesses, and though it has been losing ground. From its high point of 22 States, it was down to 19 States in 1956. It has fallen to 15 this year, and in 1964 the number will probably be even less.

Even in my own Wisconsin, where the Nation began the process of popular participation in Presidential campaigns by the first direct election of delegates to national conventions in 1905, the primary is in serious danger. The largest newspaper in Wisconsin has asked that State officials give earnest consideration to abolishing it. Top officials of both parties in Wisconsin will be sorely tempted to do so. With the grief the primary causes party organizations when it works, the wonder is that it has survived as long as it has.

For those who believe in popular democracy, the death of the Presidential primary would be a tragedy. If the Presidential primary disappears, a passive, apathetic America will slumber deeper than ever, as the real decisions on who should be President of the United States are determined by a small group of deeply interested men and women in an atmosphere of almost irresistible partisanship.

No one would contend that the present, incomplete system of primaries is perfect, and many of us think the whole nomination process should be overhauled. To this end I shall introduce in the Senate in the near future a proposal for a constitutional amendment for a nationwide Presidential primary through which the rank-and-file voters could choose their own candidates.

Public opinion polls over the past few years have indicated that an overwhelming majority of Americans, no doubt disillusioned by what they have seen of the national conventions since televised coverage began in 1948, favor such a national primary and want a bigger share in choosing Presidential candidates.

I propose that in August of Presidential election years there be a nationwide primary vote to nominate the Presidential candidate in each party which qualified by having polled at least 10 percent of the vote in the previous Presidential election. To appear on the primary ballot, a candidate must submit a petition signed by qualified voters equal to at least 1 percent of the total vote cast for all Presidential candidates in the previous election. These petitioners must be residents of at least six different States, including two of the States with the largest populations, two medium-sized States, and two small States. If none of a party's candidates receives a majority, a run-off primary will be held in September between the two in each party with the greatest number of votes.

Tens of millions of American citizens would thus select the two men who would carry the banners of the Republican and Democratic parties in November. The parties would continue to hold national conventions following the primary, in order to nominate their Vice Presidential candidates and to write their platforms. Platform writing could then enjoy the attention it deserves. The party platform would also be, as it should be, the direct responsibility of the party's Presidential nominee.

I would accompany this proposal with an election-spending law directly relating to these primaries. The law would (1) limit the amount that could be spent by, or on behalf of, all candidates, and (2) require full disclosure of all contributions and expenditures, above a modest minimum amount, 72 hours after being received or paid out.

This highly desirable reform will undoubtedly take some time to bring about—if, indeed, it is ever achieved—but in the meantime we should retain the primaries we have, so that there is at least some opportunity for plain people to influence the nomination.

The presidential primary is not yet dead. It desperately needs improvement. But it is well worth fighting for and saving.

The big issue in this Congress in 1960 has been the battle over the right of all Americans—specifically the southern Negroes—to vote. What a paradox it is that, at the very time we are so deeply and properly concerned with this fight, we are passively permitting almost all Americans to lose the big share of their presidential franchise.

In an America that was founded and has flourished on democracy and that is still dedicated at great cost and risk to fighting for democracy throughout the world, the right of at least some plain Americans to have a voice in the primary election of their President should be enlivened, not killed.

SENATE

TUESDAY, MARCH 29, 1960

The Senate met at 10 o'clock a.m., and was called to order by the President pro tempore.

Dr. Julius Mark, senior rabbi, Temple Emanu-el, New York, N.Y., offered the following prayer:

Almighty God and Father, for ages past men have sought Thee. Where might they find Thee? How might they know Thee? Thou art as close to us as breathing, yet art farther away than the farthermost star. Thou art as familiar to us as the light of the sun, yet art as inscrutable as the vast solitudes of the night. To the seer of old Thou didst say: "Thou canst not see my face, but I will cause all my goodness to pass before thee."

Thus, Thy presence is manifest in the goodness which dwells in the hearts of all—whether they occupy stations that are exalted or humble—who strive to make this world a happier place for Thy children of all races, religions, and nations to inhabit by strengthening the bastions of freedom and forging more securely the bonds of human brotherhood in Thy fatherhood. Bless Thou the Members of this great legislative body, the Senate of the United States, who have been chosen by the citizens of our country to preserve and advance our precious democracy.

Gathered in this great Capital City, upon the invitation of the President of our country, are thousands of citizens from every section of our land to deliberate upon how best they can assist our children and youth to assume the responsibilities of citizenship in a nation dedicated to liberty. Wilt Thou, O Father, cause them and all of us to realize that if we build in wood, it will some day rot. If we build in marble, it will crumble before the onslaughts of time. Even if we build in steel, it is destined to flow as water before the melting processes of the universe. But if we build in human character—if we build usefulness, integrity, respect for law, and simple goodness in the lives of our youth—then we build for eternity. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Monday, March 28, 1960, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1159) to facilitate the acquisition of real property under the District of Columbia Alley Dwelling Act.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 10000. An act to amend further certain provisions of the District of Columbia tax laws relating to overpayments and refunds of taxes erroneously collected;

H.R. 10183. An act to amend the Fire and Casualty Act regulating the business of fire, marine, and casualty insurance in the District of Columbia;

H.R. 10684. An act to amend sections 1 and 5b of the Life Insurance Act for the District of Columbia;

H.R. 10761. An act to provide for the representation of indigents in judicial proceedings in the District of Columbia;

H.R. 10964. An act to amend the Life Insurance Act of the District of Columbia approved June 19, 1934, as amended; and

H.R. 11389. An act making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1961, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 10000. An act to amend further certain provisions of the District of Columbia tax laws relating to overpayments and refunds of taxes erroneously collected;

H.R. 10183. An act to amend the Fire and Casualty Act regulating the business of fire, marine, and casualty insurance in the District of Columbia;

H.R. 10684. An act to amend sections 1 and 5b of the Life Insurance Act for the District of Columbia;

H.R. 10761. An act to provide for the representation of indigents in judicial proceedings in the District of Columbia; and

H.R. 10964. An act to amend the Life Insurance Act of the District of Columbia approved June 19, 1934, as amended; to the Committee on the District of Columbia.

H.R. 11389. An act making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1961, and for other purposes; to the Committee on Appropriations.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. JOHNSON of Texas, and by unanimous consent, the following subcommittees were authorized to meet during the session of the Senate today:

The Veterans' Affairs Subcommittee of the Committee on Labor and Public Welfare.

The Subcommittee on Knowles Dam, of the Committee on Interior and Insular Affairs.

The Committee on Foreign Relations.

The Judiciary Subcommittee of the Committee on the District of Columbia.

On request of Mr. JOHNSON of Texas, and by unanimous consent, the NASA Authorization Subcommittee of the Committee on Aeronautical and Space Sciences was authorized to meet during the session of the Senate tomorrow.

Mr. JOHNSON of Texas subsequently said: Mr. President, as I understand

the situation, the Subcommittee on Veterans Affairs of the Committee on Labor and Public Welfare has been authorized to meet during the session of the Senate today. I am prepared to vitiate that request, but I understand it is acceptable for the subcommittee to continue its meeting.

Mr. DIRKSEN. That will be fine.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour; and I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON COMMODITY CREDIT CORPORATION SALES POLICIES, ACTIVITIES, AND DISPOSITIONS

A letter from the Assistant Secretary of Agriculture, transmitting, pursuant to law, a report of the General Sales Manager, concerning the policies, activities, and developments, including all sales and disposals, with regard to each commodity which the Commodity Credit Corporation owns or which it is directed to support for the month of December 1959 (with an accompanying report); to the Committee on Agriculture and Forestry.

AMENDMENT OF TITLE 10, UNITED STATES CODE, RELATING TO CREDITING OF SERVICE IN ANY ARMED FORCE

A letter from the Acting Secretary of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to allow the crediting of service in any Armed Force for the purpose of determining grade, position on a promotion list, seniority in grade, and eligibility for promotion of a person originally appointed in the Regular Army (with accompanying papers); to the Committee on Armed Services.

RECONVEYANCE TO TOWN OF MALONE, N.Y., OF CERTAIN REAL PROPERTY

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to authorize the Secretary of the Army to reconvey to the town of Malone, N.Y., certain real property heretofore donated by said town to the United States of America as an Army Reserve Center and never used by the United States (with an accompanying paper); to the Committee on Armed Services.

REPORT ON MILITARY CONSTRUCTION CONTRACTS AWARDED WITHOUT FORMAL ADVERTISEMENT

A letter from the Secretary of the Army, transmitting, pursuant to law, a report on Department of the Army contracts for military construction awarded without formal advertisement, covering the period July 1 through December 31, 1959 (with an accompanying report); to the Committee on Armed Services.

ACCELERATED CONSTRUCTION PROGRAM OF FLEET BALLISTIC MISSILE (POLARIS) SUBMARINES

A letter from the Acting Secretary of the Navy, reporting, for the information of the Senate, on the construction of nine Fleet Ballistic Missile (Polaris) submarines, at an additional cost of approximately $52 million; to the Committee on Armed Services.

AUDIT REPORT ON HOUSING AND HOME FINANCE AGENCY

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Public Housing Administration, Housing and Home Finance Agency, for the fiscal year 1959 (with an accompanying report); to the Committee on Government Operations.

AMENDMENT OF SECTION 302 OF COMMUNICATIONS ACT OF 1934, RELATING TO CONTROL OVER RECEIVING ANTENNA TOWERS

A letter from the Chairman, Federal Communications Commission, Washington, D.C., transmitting a draft of proposed legislation to amend section 302 of the Communications Act of 1934 (to authorize FCC control over the installation, height, and location of receiving antenna towers, 47 U.S.C. 302) (with accompanying papers); to the Committee on Interstate and Foreign Commerce.

AGREEMENTS FOR OPERATION OF CERTAIN CONCESSIONS AT WASHINGTON NATIONAL AIRPORT

A letter from the Administrator, Federal Aviation Agency, Washington, D.C., transmitting a draft of proposed legislation to amend the act of October 9, 1940 (54 Stat. 1030, 1039) in order to increase the periods for which agreements for the operation of certain concessions may be granted at the Washington National Airport, and for other purposes (with an accompanying paper); to the Committee on Interstate and Foreign Commerce.

CLARIFICATION OF POWERS OF CIVIL AERONAUTICS BOARD

A letter from the Chairman, Civil Aeronautics Board, Washington, D.C., transmitting a draft of proposed legislation to clarify the powers of the Civil Aeronautics Board in respect of consolidation of certain proceedings (with accompanying papers); to the Committee on Interstate and Foreign Commerce.

REPORT OF GIRL SCOUTS OF AMERICA

A letter from the President and National Executive Director, Girl Scouts of the United States of America, New York City, N.Y., transmitting, pursuant to law, a report of that organization, for the fiscal year ended September 30, 1959 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS AND MEMORIALS

Petitions, etc, were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the General Assembly of the Commonwealth of Virginia; to the Committee on the Judiciary:

"HOUSE JOINT RESOLUTION 70

"Resolution memorializing the Congress of the United States to propose an amendment to the Constitution of the United States

"Whereas since the earliest days of the Union of the United States, the individual States have exercised certain basic rights within their respective borders; and

"Whereas this system of State rights has produced beneficial results and is in accord with the principles of local self-government; and

"Whereas such rights are in keeping with the basic design of our federal system: Now, therefore, be it

"Resolved by the house of delegates (the senate concurring), That the Congress of the United States is hereby memorialized to adopt and offer to the States for ratification or rejection the following amendment to the Constitution of the United States.

"This amendment shall be known as 'the freedom of choice amendment.'

"The right of the owners and operators of all kind and description, their agents, servants, and employees, of all hotels, restaurants, inns, cafes, bars, ice cream parlors, soft drink stands, motels, apartment houses, trailer camps, cemeteries, dance halls, skating rinks, bath houses, barber shops, beauty shops, and other privately owned places of public accommodation or amusement, to choose their own guests, patrons, and tenants, shall not be abridged.

"The right of every citizen to employ or not to employ other persons of his own free discretion, shall not be abridged. Nothing in this section shall be construed to impair the right of organized labor to contract or bargain collectively.

"The right of churches, lodges, fraternities, sororities, private clubs, and all other privately owned and operated institutions and associations, to choose their own guests, patrons, and members, shall not be abridged.

"The rights of owners of land to contract with other owners of land, either individually, or through associations, for the use and occupancy of privately owned lands, in the same neighborhood, shall not be abridged; provided that no owner of land shall be compelled to join in any such contract or become a member of any neighborhood association, and, provided, further, that the right and freedom of such contracting owners to give written consent by a majority vote shall not be restricted or abridged by law or contract so as to prevent the giving of such consent to any person solely because of said person's race, color, creed, or nationality. The term 'neighborhood' shall mean whatever area the contracting parties may designate.

"Unless restricted by his own voluntary agreement, the right of any property owner to sell or lease his property to another person of his own choice shall not be abridged.

"Educational policies, including administration, finance, subject matter of instruction, assignment of pupils and all matters pertaining thereto shall be exercised exclusively by the several States solely as the legislative bodies thereof shall determine to be in the best interests of the people of said State, or by such other means as provided by such legislative bodies including initiative and referendum voting.

"Rules and regulations pertaining to intrastate transportation and all other intrastate public agencies shall be exercised exclusively by the States.

"Resolved further, That the clerk of the house of delegates is instructed to send copies of this resolution to the Congress of the United States and to the Virginia delegation in the Congress.

"Attest:

"E. GRIFFITH DODSON,
"Clerk of the House of Delegates."

A concurrent resolution of the Legislature of the State of South Carolina, favoring the enactment of legislation to prohibit imported shrimp from competing with our shrimping industry and to favorably consider House bill 8982; to the Committee on Finance.

(See the above concurrent resolution printed in full when presented by Mr. THURMOND (for himself and Mr. JOHNSTON of South Carolina) on March 28, 1960, p. 6567, CONGRESSIONAL RECORD.)

A concurrent resolution of the Legislature of the State of South Carolina, favoring the cancellation of plans for construction of new dams on the Savannah River; to release certain reservoir lands and to place the control of water in the Clarks Hill Reservoir under local water authority; to the Committee on Public Works.

(See the above concurrent resolution printed in full when presented by Mr. THURMOND (for himself and Mr. JOHNSTON of South Carolina) on March 28, 1960, p. 6568, CONGRESSIONAL RECORD.)

REPORT ENTITLED "NATIONAL POLICY MACHINERY IN THE SOVIET UNION" (S. REPT. NO. 1204)

Mr. JACKSON. Mr. President, from the Committee on Government Operations, pursuant to S. Res. 115, 86th Congress, I submit a report on national policy machinery in the Soviet Union.

I ask that this study, which was prepared by the staff of the Subcommittee on National Policy Machinery, in cooperation with the executive branch, be printed as a Senate report.

The PRESIDENT pro tempore. The report will be received and printed, as requested by the Senator from Washington.

AUTHORIZATION TO PRINT AS A SENATE DOCUMENT COMPILATION OF STUDIES ON UNITED STATES-LATIN AMERICA RELATIONS

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported the following original concurrent resolution (S. Con. Res. 99), which was referred to the Committee on Rules and Administration:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document a compilation of the studies on United States-Latin American relations prepared under the direction of the Subcommittee on American Republics Affairs of the Committee on Foreign Relations, pursuant to S. Res. 330, agreed to July 31, 1958, as amended by S. Res. 31, agreed to February 2, 1959, and S. Res. 250, agreed to February 9, 1960.

SEC. 2. There shall be printed ten thousand additional copies of such Senate document. Such additional copies shall be for the use of the Committee on Foreign Relations and the Subcommittee on American Republics Affairs.

AUTHORIZATION TO PRINT AS A SENATE DOCUMENT COMPILATION OF STUDIES ON U.S. FOREIGN POLICY

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported the following original concurrent resolution (S. Con. Res. 100), which was referred to the Committee on Rules and Administration:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document a compilation of the studies on United States foreign policy prepared under the direction of the Committee on Foreign Relations, pursuant to S. Res. 336, agreed to July 31, 1958, as amended by S. Res. 31, agreed to February 2, 1959, and S. Res. 250, agreed to February 9, 1960.

SEC. 2. There shall be printed ten thousand additional copies of such Senate document. Such additional copies shall be for the use of the Committee on Foreign Relations.

AVAILABILITY OF CERTAIN COMMITTEE RECORDS TO U.S. DISTRICT COURT FOR EASTERN DISTRICT OF MISSOURI—REPORT OF A COMMITTEE

Mr. McCLELLAN. Mr. President, from the Committee on Government Operations I report an original resolution, and ask for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be read for the information of the Senate.

The resolution (S. Res. 298) was read, as follows:

Whereas the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations has in its possession certain records pertaining to an investigation dealing with the American Lithofold Corporation, of Saint Louis, Missouri, which investigation was conducted in 1951 by the Subcommittee of the Committee on Expenditures in the Executive Departments pursuant to S. Res. 156, Eighty-second Congress; and

Whereas staff members of the subcommittee have received subpenas from the United States attorney in the city of Saint Louis, Missouri, requesting certain of these records for presentation in connection with a court case, entitled United States of America against Robert J. Blauner, Homer W. Stanhope, and Robert A. Blauner; and

Whereas under rule 30 of the Standing Rules of the Senate such documents in the hands of the subcommittee are the property of the Senate and may not be released without a resolution of the Senate: Therefore, be it

Resolved, That the subcommittee is granted leave to permit properly designated staff members to appear as witnesses before the United States Court in and for the eastern district of Missouri pursuant to the subpenas and to permit the copying and presentation of certain records for examination in connection with the court case, and thereupon to be returned to the possession of the subcommittee.

Mr. McCLELLAN. I may say for the record that eight of the nine members of the Committee on Government Operations agreed to the resolution. One was absent.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to reconsider was laid on the table.

Mr. McCLELLAN. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks an explanation of the resolution which I have reported.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MCCLELLAN

In 1951 the subcommittee of the Committee on Expenditures in the Executive Branch of the Government, which subsequently became known as the Committee on Government Operations, conducted extensive hearings concerning the influence in Government procurement. This case primarily involved the American Lithofold Corp. of St. Louis, Mo., its owners, Robert J. Blauner and his son, Robert A. Blauner and the circumstances surrounding the securing of loans from the RFC in the amounts of $80,000 and $565,000. Mr. Homer W. Stanhope was the controller and secretary of the American Lithofold Corp.

The Department of Justice has indicted Robert J. Blauner, Robert A. Blauner, and Homer W. Stanhope for the willful evasion of filing income taxes by the Lithofold Corp. for the year 1951 and for conspiracy to defraud the Government in the evasion of taxes by the Lithofold Corp. Trial in this case is being held in the U.S. District Court for the Eastern District of Missouri, and the Department of Justice feels that the testimony of Robert J. Blauner, together with other matters in the possession of this subcommittee will be of assistance to the Government in the proper presentation of its case. The material requested of the Subcommittee on Investigations consists mainly of subpenas which were served in 1951, together with the testimony of Robert J. Blauner.

There are nine Senators on the Committee on Government Operations. Eight Senators have specifically approved this resolution, these being Senators JACKSON, ERVIN, MUSKIE, GRUENING, MUNDT, CURTIS, JAVITS, and myself. The other member of the committee has not agreed with the resolution nor has he objected to it.

REPORT OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES—FEDERAL STOCKPILE INVENTORIES

Mr. BYRD of Virginia. Mr. President, as chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, I submit a report on Federal stockpile inventories as of January 1960, and ask unanimous consent to have it printed in the RECORD, together with a statement by me.

There being no objection, the report and statement were ordered to be printed in the RECORD, as follows:

FEDERAL STOCKPILE INVENTORIES, JANUARY 1960

INTRODUCTION

This is the second in a series of monthly reports on Federal stockpile inventories under the Department of Agriculture, General Services Administration, and the Office of Civil and Defense Mobilization. It is for the month of January 1960.

The report is compiled from official data on quantities and cost value of commodities in these stockpiles submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures by the agencies involved.

The three agencies reported that as of January 1, 1960, the cost value of materials in their stockpile inventories totaled $15,987,206,000 and as of January 31, 1960, they totaled $15,821,247,000, a net decrease of $165,959,000 reflecting acquisitions, disposals, adjustments, etc., during the month.

Different units of measure make it impossible to summarize the quantities of com-

Summary of cost value of stockpile inventories

[In thousands]

Agency and program	Beginning of month, Jan. 1, 1960	End of month, Jan. 31, 1960	Net change, reflecting acquisitions, disposals, adjustments, etc.
Department of Agriculture:			
Price support program:			
Agricultural commodities	$7,349,095	$7,176,549	−$172,546
Exchange commodities—strategic and critical materials	103,353	118,399	+15,046
Total, price support program	7,452,448	7,294,948	−157,500
Defense Production Act program	3	3	
Total, Department of Agriculture	7,452,451	7,294,951	−157,500
General Services Administration:			
Strategic and critical materials:			
National stockpile	6,209,713	6,201,314	−8,399
Federal Facilities Corporation, tin inventory	9,519	9,519	
Defense Production Act program	1,424,006	1,447,866	+23,860
Supplemental stockpile	644,902	696,306	+51,404
Supplemental stockpile inventory in transit	45,045		−45,045
Total, General Services Administration	8,333,185	8,355,005	+21,820
Office of Civil and Defense Mobilization:			
Civil defense stockpile	201,570	171,291	−30,279
Grand total	15,987,206	15,821,247	−165,959

modities and materials which are shown in tables 1, 2, and 3, but the cost value figures are summarized by agency and program in the table above.

Detailed tables in this report show opening inventories at the beginning of the month in quantity and cost, transactions during the month, and the closing inventories at the end of the month. Each inventory is shown by commodity except the national stockpile, for which commodity detailed is classified.

Pertinent information and explanation are set forth in notes accompanying the respective tables. Statutory authority and program descriptions are shown in the appendix to the report.

The inventories covered by the report are tabulated in detail, as follows:

Table 1: Agricultural price support program inventories under Commodity Credit Corporation, Department of Agriculture, January 1960: Including agricultural commodities, strategic and critical materials acquired by exchange or barter, and special acquisitions under the Defense Production Act.

Table 2: Strategic and critical materials inventories under General Services Administration, January 1960: Including materials in the national stockpile, Federal Facilities Corporation tin inventory, Defense Production Act purchase program, the supplemental stockpile of materials acquired by exchange or barter of agricultural commodities, etc., and inventory in transit from Commodity Credit Corporation to the supplemental stockpile.

Table 3: Civil defense stockpile inventory under the Office of Civil and Defense Mobilization, January 1960.

TABLE 1.—*Agricultural price support program inventories under Commodity Credit Corporation, Department of Agriculture, January 1960: Including agricultural commodities, strategic and critical materials acquired by exchange or barter, and special acquisitions under the Defense Production Act*

EXPLANATORY NOTES

The Department of Agriculture defines the content of the columns as follows:

Program and commodity: Lists each commodity in the form in which it exists when extended support, and in some instances in a form to which the supported commodity is processed or converted to increase marketability. The commodities are grouped under the appropriate statutory subclassifications as "Basic," "Designated nonbasic," "Other nonbasic," and "Exchange."

Unit of measure: The applicable unit used in the accounting records and reports of the Corporation.

Inventory, beginning of month: Quantity: In number of units. Cost value: All inventories are recorded in the accounts at cost. "Cost value" is comprised of the initial cost of the commodity plus storage, handling, transportation, and accessorial expenses paid or accrued up to the date of reporting. The initial cost of inventories acquired by delivery of collateral securing loans is the unpaid balance of the notes plus storage and other charges advanced, any equities due or paid to producers on warehouse-stored collateral (by Public Law 85-835, and beginning with 1959 crop production, the Corporation will not make equity payments to borrowers on unredeemed price support loan collateral, title to which it acquires on or after maturity of the loans), and the net value of any quantity or quality differences determined upon delivery of farm-stored collateral. Amounts paid to leading agencies participating in the loan program for crop years prior to 1958 were recorded as a part of inventory cost.

Adjustments: Warehouse settlements, exchanges and transfers (net): Warehouse settlements include the net differences in quantity and/or value represented by the net of overdeliveries, premiums, underdeliveries, and discounts arising from movement of commodities. Exchanges represent the net change in quantity and/or value for inventories exchanged or in process of exchange. On completed exchanges, the change in value represents differentials due to location, quality, and quantity. Unprocessed commodities removed from inventory for conversion or processing (on a contractual or fee basis and excluding conditional sales) are included as a reduction of inventory. Processed commodities acquired as a result of this conversion or processing are included as an addition to inventory.

Acquisitions: As reflected in accounting records and reports; and includes commodities acquired by delivery of collateral securing loans, commodities purchased under terms of purchase agreements, commodities purchased directly from producers or processors as a part of the support operation but not under purchase agreements; and processed commodities acquired by purchases which offset conditional sales of unprocessed commodities from inventory. The cost value of acquisitions is described under the explanation of the cost value of inventory.

Carrying charges added to investment after acquisition: Total costs of storage, handling, transportation, and other accessorial expenses incurred during the month.

Disposals: As reflected in accounting records and reports. Inventory transactions generally are recorded on the basis of transfer of title. Disposition commitments are not reflected in the accounts. Cost value: Represents acquisition value plus applicable amount of carrying charges. The amount of cost allocated to commodities removed from inventory is determined with the view of retaining in the inventory accounts the cost of commodities remaining on hand. The cost allocated to commodities removed from price support inventory is generally computed on the basis of average unit cost of the commodity reflected in the inventory accounts for the applicable crop year and general storage location. In the case of commodities generally stored commingled (e.g., bulk grains and bulk oils) the crop year is determined on the first-in first-out basis. In the case of commodities stored in identified lots, the crop year is determined by lot identification.

Inventory, end of month: Closing inventory after transactions for the month have been applied to the inventory at the beginning of the month.

[In thousands]

Program and commodity	Unit of measure	Inventory, beginning of month, Jan. 1, 1960		Transactions during the month						Inventory, end of month, Jan. 31, 1960	
				Adjustments		Acquisitions		Carrying charges added to investment after acquisition	Disposals		
		Quantity	Cost value	Quantity	Cost value	Quantity	Cost value		Quantity	Cost value	Quantity	Cost value
PRICE SUPPORT PROGRAM												
Price support program:												
Agricultural commodities:												
Basic commodities:												
Corn	Bushel	1,235,000	$2,172,954	−77	−$156	984	$1,332	$9,632	6,084	$14,415	1,229,913	$2,169,347
Cornmeal	Pound					36,270	1,269	2	36,270	1,271		
Cotton, extra long staple	Bale	60	16,909					26	1	228	59	16,607
Cotton, upland	do	7,822	1,311,578			841	128,338	2,047	1,668	273,995	6,996	1,168,268
Peanuts, farmers' stock	Pound	25,000	2,399			3,053	246	85	12,778	1,279	15,364	1,451
Peanuts, shelled	do	68,948	11,486			3,018	378	57	3,992	565	67,994	11,356
Rice, milled	Hundredweight	3,537	39,745			18	160	222	165	1,752	3,540	38,375
Rice, rough	do	3,100	17,882	(1)	−40		4	164	372	2,123	3,788	15,887
Tobacco	Pound	6,045	4,005			2,774	1,799	2	2,388	2,203	5,461	3,603
Wheat	Pound	1,109,175	2,892,141	−85	−72	65	129	16,512	7,541	25,243	1,101,634	2,883,447
Wheat flour	Bushel					162,513	8,446	−2	160,293	8,329	2,220	115
Total, basic commodities	Pound											
			6,469,399		−288		142,161	28,747		331,503		6,308,456

See footnotes at end of table.

TABLE 1.—*Agricultural price support program inventories under Commodity Credit Corporation, Department of Agriculture, January 1960: Including agricultural commodities, strategic and critical materials acquired by exchange or barter, and special acquisitions under the Defense Production Act*—Continued

[In thousands]

Program and commodity	Unit of measure	Inventory, beginning of month, Jan. 1, 1960		Transactions during the month						Inventory, end of month, Jan. 31, 1960	
				Adjustments		Acquisitions		Carrying charges added to investment after acquisition	Disposals		
		Quantity	Cost value	Quantity	Cost value	Quantity	Cost value		Quantity	Cost value	Quantity	Cost value
PRICE SUPPORT PROGRAM												
Price support program—Continued												
Agricultural commodities—Continued												
Designated nonbasic commodities:												
Barley	Bushel	64,648	$76,185	−5	−$20	−5	−$4	$1,222	1,751	$2,360	62,887	$75,023
Grain sorghum	Hundredweight	269,302	701,682	−7	−60	−8	−27	7,067	338	1,009	268,949	707,652
Honey	Pound	2,002	196					17	338	39	1,664	174
Milk and butterfat:												
Butter	do	17,236	10,252			7,458	4,322	245	8,655	5,317	16,039	9,502
Cheese	do	28,700	10,126			70	25	197	8,109	3,022	20,661	7,326
Milk, dried	do	59,716	8,831			52,778	7,354	427	31,199	4,789	81,295	11,823
Milk, fluid	do					18,487	758		18,487	758		
Oats	Bushel	17,484	13,316	−105	−60	13	8	253	3,566	3,037	13,826	10,480
Rye	do	3,176	4,051	−14	−13			77	148	213	3,014	3,902
Tung oil	Pound	26,309	5,577			2,001	420	38	101	22	28,209	6,013
Total, designated nonbasic commodities.			830,216		−154		12,856	9,543		20,566		831,895
Other nonbasic commodities:												
Beans, dry, edible	Hundredweight	(1)	2								(1)	2
Cottonseed oil, crude	Pound	6	1			8	1		8	1	6	1
Cottonseed oil, refined	do	1	(1)						1	(1)		
Flaxseed	Bushel	433	1,396	−27	−79	3	7	−6	389	1,243	25	75
Lindseed oil	Pound	55,616	6,671					17			55,616	6,688
Rosin	do	14,474	1,160						14,474	1,160		
Soybeans	Bushel	17,651	40,250	−5	−19	20	42	172	4,816	11,013	12,850	29,432
Total, other nonbasic commodities.			49,480		−98		50	183		13,417		36,198
Total, agricultural commodities			7,349,095		−540		155,007	38,473		365,486		7,176,549
Exchange commodities—strategic and critical materials: [2]												
Aluminum oxide, abrasive, crude	Pound	29,105	1,973			4,881	277	22			33,986	2,272
Antimony, metal	do	1,933	445					2			1,933	447
Asbestos, amosite	do	3,999	499			−3		6			3,996	504
Asbestos, crocidolite	do	2,701	427			540	68	4			3,240	499
Bauxite	do	764,440	4,930			670,807	3,789	57			1,435,247	8,776
Beryl ore	do							(1)		(1)		
Beryllium copper master alloy	do	626	1,242			122	245	1			748	1,488
Borate	Carat					1,000	2,550				1,000	2,550
Cadmium	Pound	184	247					(1)			184	247
Chrome ore, chemical grade	do	81,311	691			19,160	167	25			100,471	883
Chrome ore, refractory grade	do							1		2		
Chrome ore, Turkish, metallurgical.	do	44,132	1,202					−2			44,132	1,201
Chromium metal	do	920	884			436	419	1			1,356	1,304
Colemanite, Turkish boron minerals.	do	10,478	274					1			10,478	275
Copper	do							(1)		(1)		
Diamonds	Caret	2,896	35,396								2,896	35,396
Ferrochrome, high carbon	Pound	79,232	13,555			15,645	3,205	24			94,877	16,785
Ferrochrome, low carbon	do	31,491	6,723			560	221	−1		−2	32,051	6,944
Ferromanganese	do	2,492	141			1,753	166	1			3,245	308
Fluorspar, acid grade	do	16,409	298			22,496	408	7			38,905	713
Fluorspar, metallurgical grade	do	65,057	929					2			65,057	931
Lead	do	60,698	5,912					1			60,698	5,913
Manganese ore, chemical grade	do	49,852	2,059					2			49,852	2,060
Manganese ore, metallurgical grade.	do	134,914	2,726			27,606	492	113			162,520	3,332
Manganese ore, natural, battery grade.	do	21,062	999			9,707	452	5			30,769	1,455
Mercury	do								(1)	(1)		
Mica	do	525	913				−3	1			525	911
Palladium	Troy ounce	60	1,016								60	1,016
Quartz crystals	Pound	77	1,166			5	98	6			82	1,270
Selenium	do	87	566			10	52	(1)			97	618
Silicon carbide	do	19,430	1,779			5,962	526	23			25,411	2,328
Thorium nitrate	do	2,720	6,165			160	359	22			2,880	6,546
Tin	do	4,257	4,326			1,187	1,204	9			5,444	5,539
Titanium sponge	do	1,500	1,800					7			1,500	1,807
Zinc	do	35,538	4,070					16		5	35,538	4,081
Total, exchange, commodities—strategic and critical materials.			103,353				14,695	356		5		118,399
Total, price support program			7,452,448		−540		169,702	38,829		365,491		7,294,948
Defense Production Act inventory: Cotton, American-Egyptian.	Bale	(1)	3								(1)	3
Total, Department of Agriculture			7,452,451		−540		169,702	38,829		365,491		7,294,951

[1] Less than 500.

[2] See appendix, for notes relating to reporting of strategic and critical materials acquired by exchange or barter of agricultural commodities.

NOTE.—Figures are rounded and may not add to totals.

TABLE 2.—*Strategic and critical materials inventories under General Services Administration, January 1960: Including materials in the national stockpile, Federal Facilities Corporation tin inventory, Defense Production Act purchase program, the supplemental stockpile of materials acquired by exchange or barter of agricultural commodities, etc., and inventory in transit from Commodity Credit Corporation to the supplemental stockpile*

EXPLANATORY NOTES

The General Services Administration defines the content of the columns as follows:

Program and commodity: Identifies the program and the minerals, metals, fibers, and oils acquired under the program.

Unit of measure: The standard weight or measure of minerals, metals, fibers, and oils determined to be the stockpile unit of measure.

Inventory, beginning of month: Opening inventory represents quantity and cost of material in storage at the beginning of the accounting period.

Adjustments: Represents increases (+) or decreases (−) of material in inventory other than increases from acquisitions or decreases from disposals. Decreases occur from theft, loss incurred while in transit to stockpile location, repacking from one type of container to another, beneficiation of a low-grade material to a higher grade, and the removal of material for sampling and testing purposes. Increases occur from return of material previously removed for sampling and testing purposes and from quantities received at storage locations in excess of quantities billed by the contractor. A new chemical analysis of the materials may cause an increase or decrease where the weights are based on chemical and moisture content. Increases or decreases are also made from findings of audits of inventory and accounting records.

Acquisitions: For the National Stockpile and Defense Production Act acquisitions include open market purchases at contract prices; intradepartmental transfers at market or appraised value at time of transfer; transportation to first permanent storage location; and, beneficiating and processing cost in upgrading materials. For the supplemental stockpile acquisitions include the market value or CCC's acquisition cost whichever is the lower at time of transfer from CCC.

Disposals: Cost of disposals are calculated at the average unit price of inventory at time of removal from inventory. For the national stockpile inventory disposals consist of sale of materials that by their nature would deteriorate if held in storage for lengths of time; and, sale of materials that have been determined to be obsolete or excess to the needs of Government. For the Defense Production Act inventory disposals consist of sale of materials that have been determined to be obsolete or excess to the needs of Government.

Inventory, end of month: Closing inventory represents quantity and cost of material in storage at the end of the accounting period.

[In thousands]

Commodity	Unit of measure	Inventory, beginning of month, Jan. 1, 1960		Transactions during the month						Inventory, end of month, Jan. 31, 1960	
				Adjustments		Acquisitions		Disposals			
		Quantity	Cost	Quantity	Cost	Quantity	Cost	Quantity	Cost	Quantity	Cost
National stockpile, total (classified detail omitted)			$6,209,713		−$4,378		$1,855		$5,876		$6,201,314
Federal Facilities Corporation: Total, tin	Long ton	4	9,519							4	9,519
Defense Production Act:											
Aluminum	Short ton	690	350,039			20	9,969			710	360,009
Asbestos, chrysotile	Short dry ton	2	2,103							2	2,103
Bauxite, metal grade, Jamaica type	Long dry ton	1,370	18,168							1,370	18,168
Beryl	Short ton	2	976			(1)	18			2	994
Bismuth	Pound	23	52							23	52
Chromite, metallurgical grade	Short dry ton	788	28,622			9	327			797	28,949
Cobalt	Pound	20,441	43,774			196	4,194			20,837	47,968
Columbite	do	11,068	54,424	−63	−659					11,005	53,765
Copper	Short ton	136	75,387		20					136	75,608
Cryolite	do	39	10,676							39	10,676
Fluorspar, acid grade	Short dry ton	20	1,394							20	1,394
Graphite, lubricating	Short ton	1	178							1	178
Lead	do	8	3,036							8	3,036
Manganese, battery grade, synthetic dioxide	Short dry ton	4	2,524							4	2,524
Manganese, metallurgical grade	do	2,838	161,463			78	2,913			2,916	164,377
Mica, muscovite block, strained and better	Pound	5,186	28,041	(1)	(1)	238	1,836			5,424	29,378
Mica, muscovite film	do	93	503			1	3			94	506
Nickel	do	140,794	131,511		751	5,033	3,322	8,824	4,518	146,002	131,067
Palladium	Troy ounce	8	177							8	177
Rare earth residue	Pound	5,451	594			437	53			5,988	647
Rutile	Short dry ton	8	1,458		17					8	1,475
Thorium	Pound	720	36			58	3			778	38
Tantalite	do	925	6,075	63	357					989	6,432
Tin	Long ton	1	1,038							1	1,038
Titanium	Short ton	22	162,332		5,309					22	167,641
Tungsten	Pound	79,811	325,459		−2					79,811	325,457
Subtotal, DPA commodities			1,410,243		5,792		22,639		4,518		1,434,156
Machine tools inventory:											
In storage	Tool	1	9,285		−15			(1)	39	1	9,232
On lease	do	(1)	4,466							(1)	4,466
On loan	do	(1)	13							(1)	13
Subtotal, DPA machine tools			13,764		−15				39		13,710
Total, Defense Production Act			1,424,006		5,777		22,639		4,556		1,447,866
Supplemental stockpile: [2]											
Aluminum oxide, fused, crude	Short ton	101	12,784							101	12,784
Antimony, metal	do	7	3,970		2					7	3,973
Asbestos, chrysotile	Short dry ton	5	3,499							5	3,499
Bauxite, metal grade, Jamaica type	Long dry ton	1,702	24,552			163	2,268			1,865	26,901
Bauxite, metal grade, Surinam type	do					475	6,853			475	6,853
Beryl	Short ton	7	12,965			1	1,296			7	14,261
Bismuth	Pound	1,146	2,579							1,146	2,579
Cadmium	do	6,108	10,287			140	236			6,248	10,523
Chromite, chemical grade	Short dry ton	14	9,121			3	1,865			17	10,987
Chromite, metallurgical grade	do	963	153,881			69	9,921			1,032	163,802
Chromite, refractory grade	do					153	4,379			153	4,379
Cobalt	Pound	1,077	2,169							1,077	2,169
Colemanite	Long dry ton	33	2,152			6	411			40	2,563
Columbite	Pound	42	235							42	235
Copper	Short ton	9	6,215		−190	(1)	239			9	6,264
Diamond, industrial; stones	Carat	7,010	91,823							7,010	91,823
Fluorspar, acid grade	Short dry ton	402	22,671			43	2,474			445	25,145
Graphite, natural Ceylon, amorphous lump	do	1	341							1	341
Iodine	Pound	242	231							242	231
Lead	Short ton	176	48,640			15	4,209			192	52,848
Manganese, battery grade, natural	Short dry ton	31	2,881			4	378			35	3,260
Manganese, chemical grade, type B	do	17	1,407		−67					17	1,340
Manganese, metallurgical grade	do	1,037	99,563		−119	11	1,052			1,048	100,497
Mercury	Flask					16	3,396			16	3,396
Mica, muscovite block, strained and better	Pound	197	591		−6					197	586
Mica, muscovite film	do	17	184			9	100			25	284
Mica, muscovite splittings	do	4,429	4,295			135	162			4,565	5,457
Palladium	Troy ounce	463	8,309			25	459			488	8,768
Quartz crystals	Pound	82	1,099							82	1,099

See footnotes at end of table.

TABLE 2.—*Strategic and critical materials inventories under General Services Administration, January 1960: Including materials in the national stockpile, Federal Facilities Corporation tin inventory, Defense Production Act purchase program, the supplemental stockpile of materials acquired by exchange or barter of agricultural commodities, etc., and inventory in transit from Commodity Credit Corporation to the supplemental stockpile*—Continued

[In thousands]

Commodity	Unit of measure	Inventory, beginning of month, Jan. 1, 1960		Transactions during the month						Inventory, end of month, Jan. 31, 1960	
				Adjustments		Acquisitions		Disposals			
		Quantity	Cost	Quantity	Cost	Quantity	Cost	Quantity	Cost	Quantity	Cost
Supplemental stockpile—continued											
Rare earths	Short dry ton	2	$2,427							2	$2,427
Ruthenium	Troy ounce					15	$533			15	533
Selenium	Pound	60	436		−$17					60	419
Silicon carbide, crude	Short ton	38	7,417			16	3,141			53	10,559
Thorium nitrate	Pound					1,200	2,696			1,200	2,696
Titanium	Short ton	5	18,537			1	2,943			5	21,879
Tungsten	Pound	4,485	15,627							4,485	15,627
Zinc	Short ton	294	72,535			11	2,788			306	75,323
Total supplemental stockpile			644,902		−396		51,800				696,306
Supplemental stockpile inventory in transit: [2]											
Bauxite	Long dry ton	638	9,756					638	$9,756		
Beryllium copper master alloy	Short ton	(1)	1,482					(1)	1,482		
Cadmium	Pound	140	189					140	189		
Chrome ore, Turkish, metallurgical	Short dry ton	28	1,532					28	1,532		
Chromite, refractory	do	153	4,378					153	4,378		
Chromium metal	Short ton	1	1,551					1	1,551		
Colemanite	Long dry ton	6	391					6	391		
Ferrochrome, high carbon	Short ton	7	2,232					7	2,232		
Ferrochrome, low carbon	do	11	4,662					11	4,662		
Ferromanganese	do	5	1,036					5	1,036		
Fluorspar, acid grade	Short dry ton	43	1,728					43	1,728		
Lead	Short ton	15	2,972					15	2,972		
Manganese ore	Short dry ton	4	372					4	372		
Mercury	Flask	16	3,396					16	3,396		
Mica	Pound	145	252					145	252		
Palladium	Troy ounce	25	426					25	426		
Ruthenium	do	15	533					15	533		
Silicon carbide, crude	Short dry ton	16	2,847					16	2,847		
Thorium nitrate	Pound	1,200	2,720					1,200	2,720		
Zinc	Short ton	11	2,592					11	2,592		
Total supplemental stockpile inventory in transit			45,045								45,045
Total, General Services Administration			8,333,185		1,004		76,294		55,477		8,355,005

[1] Less than 500.
[2] See appendix, for notes relating to reporting of strategic and critical materials acquired by exchange or barter of agricultural commodities.

NOTE.—Figures are rounded and may not add to totals.

TABLE 3.—*Civil defense stockpile inventory under the Office of Civil and Defense Mobilization, January 1960*

EXPLANATORY NOTES

The Office of Civil and Defense Mobilization defines the content of the columns as follows:

Program and commodity: Composite groups of many different items.

Unit of measure: Shown only for engineering supply units and hospital functional units; not feasible by other composite groups.

Inventory-quantity: Shown only for 2 items, namely, engineering supply units and civil defense emergency hospital functional units. It is not feasible to furnish quantity figures on the other commodity groups because they are composite groups of many different items. To report quantities, it would be necessary to list several hundred different items.

Inventory-cost value: The dollar value figures on commodities in the civil defense stockpile inventory reflect essentially the actual costs of the commodities. No transportation, delivery, or storage costs are included. However, these statements should be qualified by the fact that the total inventory includes Government excess property items valued at over $2,000,000 (a little more than 1 percent of the total), which were acquired by Office of Civil and Defense Mobilization at little or no cost. These materials are received into the inventory on 1 of 3 value bases: Items similar or identical to items purchased in the open market for stockpile purposes are accepted at the average unit cost for similar items purchased; the remaining items are accepted at a current fair value, if such has been determined, or at the original acquisition cost to the Federal Government, if a current fair value has not been determined.

Adjustments: Represents inventory pricing adjustments resulting from recalculation of fixed average unit prices, transfers of commodities from one composite group to another, etc., during the month.

Acquisitions: Materials placed in inventory during the month, including return to inventory of items previously released from inventory for reworking, etc. Value stated in terms of actual costs of the commodities.

Disposals: Materials removed from inventory during the month, including items released from inventory for reworking, etc. Value stated in terms of average unit costs.

Inventory at end of month: Closing inventory after transactions for the month have been applied to the inventory at the beginning of the month.

[In thousands]

Commodity	Unit of measure	Inventory, beginning of month, Jan. 1, 1960		Transactions during the month						Inventory, end of month, Jan. 31, 1960	
				Adjustments		Acquisitions		Disposals			
		Quantity	Value	Quantity	Value	Quantity	Value	Quantity	Value	Quantity	Value
Engineering stockpile (engine generators, pumps, chlorinators, purifiers, pipe and fittings).	10-mile unit	(1)	$6,210							(1)	$6,210
Medical bulk stocks and associated items at OCDM locations.			105,763		[3] −$2,496		$1,027		[3] $280		104,014
Medical bulk stocks at manufacturer locations.			34,544						[4] 30,046		4,497
Chemical and biological equipment			1,214		−21						1,193
Radiological equipment			6,166		241		39		[3] 195		6,251
Civil defense emergency hospital functional units.	Each	2	38,822		−317					2	38,506
Replenishment units for hospitals			8,950		1,671						10,621
Total, civil defense stockpile			201,670		−921		1,067		30,525		171,291

[1] Less than 500.
[2] Includes $1,671,000 transferred to "Replenishment units for hospitals."
[3] Inventory writeoff (certificate of destruction).
[4] Outdated blood plasma released from inventory for reworking into sera which, when received back from contractors, will be debited as a receipt into the stockpile.
[5] Granted to States and to other Federal agencies.

NOTE.—Figures are rounded and may not add to totals.

APPENDIX

UNITED STATES DEPARTMENT OF AGRICULTURE—COMMODITY CREDIT CORPORATION

The price support program

Price-support operations are carried out under the Corporation's charter powers (15 U.S.C. 714), in conformity with the Agricultural Act of 1949 (7 U.S.C. 1421), the Agricultural Act of 1954 (7 U.S.C. 1741), which includes the National Wool Act of 1954, the Agricultural Act of 1956 (7 U.S.C. 1442), the Agricultural Act of 1958, and, with respect to certain types of tobacco, in conformity with the act of July 28, 1945, as amended (7 U.S.C. 1312). Under the Agricultural Act of 1949, price support is mandatory for the basic commodities—corn, cotton, wheat, rice, peanuts, and tobacco—and specific nonbasic commodities—namely, tung nuts, honey, milk, butterfat, and the products of milk and butterfat. Under the Agricultural Act of 1958, as producers of corn voted in favor of the new price-support program for corn authorized by that act, price support is mandatory for barley, oats, rye, and grain sorghums. Price support for wool and mohair is mandatory under the National Wool Act of 1954, through the marketing year ending March 31, 1962. Price support for other nonbasic agricultural commodities is discretionary, except that whenever the price of either cottonseed or soybeans is supported the price of the other must be supported at such level as the Secretary determines will cause them to compete on equal terms on the market. This program may also include operations to remove and dispose of or aid in the removal or disposition of surplus agricultural commodities for the purpose of stabilizing prices at levels not in excess of permissible price-support levels.

Price support is made available through loans, purchase agreements, purchases, and other operations, and, in the case of wool and mohair, through incentive payments based on marketings. The producer's commodities serve as collateral for price-support loans. With limited exceptions, price-support loans are nonrecourse, and the Corporation looks only to the pledged or mortgaged collateral for satisfaction of the loan. Purchase agreements generally are available during the same period that loans are available. By signing a purchase agreement, a producer receives an option to sell to the Corporation any quantity of the commodity which he may elect within the maximum specified in the agreement.

The major effect on budgetary expenditures is represented by the disbursements for price-support loans. The largest part of the commodity acquisitions under the program result from the forfeiting of commodities pledged as loan collateral for which the expenditures occurred at the time of making the loan, rather than at the time of acquiring the commodities.

Disposition of commodities acquired by the Corporation in its price-support operations are made in compliance with sections 202, 407, and 416 of the Agricultural Act of 1949, and other applicable legislation, particularly the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691), title I of the Agricultural Act of 1954, title II of the Agricultural Act of 1956, the Agricultural Act of 1958, the act of August 19, 1958, in the case of cornmeal and wheat flour, and the act of September 21, 1959, with regard to sales of livestock feed in emergency areas.

Defense Production Act program

The programs authorized by and certified to the Secretary of Agriculture under the provisions of the Defense Production Act are administered and operated through the Commodity Credit Corporation.

All present and past programs involve the acquisition and disposition of agricultural commodities or products thereof. Commodities acquired are entered in and maintained through the inventory accounts of the Corporation. As the commodities are disposed of, the realized gains or losses are recorded by CCC as a receivable against the Secretary of Agriculture. Administrative expenses of the Corporation are recorded in this receivable; and interest is compounded monthly on the total amount of CCC's investment at the same rate per annum as that paid by the Corporation on its borrowings from the Treasury.

The net total of realized gains and losses, CCC's administrative expenses, and CCC's interest expense represented a payable item under the revolving fund.

The recording of realized gains or losses represents a cash basis, inasmuch as the amounts recorded represent the net results of actual dispositions. Values of inventories on hand at reporting date are not included in these fund accounts and therefore allowances for losses are not included. Administrative and interest expenses are accounted for on an accrual basis. All values are at cost.

When a program is completed, the Secretary of Agriculture secures funds by issuing interest-bearing notes to the Treasury and reimburses CCC. Interest on the notes issued by the Secretary is accrued monthly, compounded semiannually, as an accrued liability of the revolving fund.

GENERAL SERVICES ADMINISTRATION

Strategic and critical materials stockpiling and related programs

1. National stockpile: The Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) provides for the establishment and maintenance of a national stockpile of strategic and critical materials. GSA is responsible for making purchases of strategic and critical materials and providing for their storage, security, and maintenance. These functions are performed in accordance with directives issued by the Director of the Office of Civil and Defense Mobilization. The act also provides for the transfer from other Government agencies of strategic and critical materials which are excess to the needs of such other agencies and are required to meet the stockpile objectives established by OCDM. In addition, GSA is responsible for disposing of those strategic and critical materials which OCDM determines to be no longer needed for stockpile purposes.

General policies for strategic and critical materials stockpiling are contained in DMO V–7, issued by the Director of the Office of Civil and Defense Mobilization and published in the Federal Register of December 19, 1959 (24 F.R. 10309). Portions of this order relate also to Defense Production Act inventories.

2. Tin received from Federal Facilities Corporation: Public Law 608, 84th Congress (50 U.S.C. 98 note), provided among other things, for the continuation of operation of the Government-owned tin smelter at Texas City, Tex., from June 30, 1956, until January 31, 1957. It provided also that all tin acquired by the Federal Facilities Corporation by reason of such extension should be transferred to GSA.

3. Defense Production Act: Under section 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2093) and Executive Order 10480, as amended, GSA is authorized to make purchases of or commitments to purchase metals, minerals, and other materials, for Government use or resale, in order to expand productive capacity and supply, and also to store the materials acquired as a result of such purchases or commitments. Such functions are carried out in accordance with programs certified by the Director of the Office of Civil and Defense Mobilization.

4. Supplemental stockpile: As a result of a delegation of authority from OCDM (32A C.F.R., ch. I, DMO V–4) GSA is responsible for the maintenance and storage of materials placed in the supplemental stockpile. Section 206 of the Agricultural Act of 1956 (7 U.S.C. 1856) provides that strategic and other materials acquired by the Commodity Credit Corporation as a result of barter or exchange of agricultural products, unless acquired for the national stockpile or for other purposes, shall be transferred to the supplemental stockpile established by section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1704(b)). In addition to the materials which have been or may be so acquired, the materials obtained under the programs established pursuant to the Domestic Tungsten, Asbestos, Fluorspar, and Columbium-Tantalum Production and Purchase Act of 1956 (50 U.S.C. App. 2191–2195), which terminated December 31, 1958, have been transferred to the supplemental stockpile, as authorized by the provisions of said Production and Purchase Act.

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

Civil defense stockpile program

This stockpiling program, under authorization of Public Law 920, 81st Congress, section 201(h), is designed to provide some of the most essential medical and engineering supplies for emergency use in event of enemy attack. Materials and equipment not normally available or not present in the quantities needed to cope with such conditions are stockpiled at strategic locations. The Office of Civil and Defense Mobilization stockpile procured to date including medical supplies, emergency engineering equipment, and radiological instruments is stored and maintained in a nationwide warehouse system consisting of medical and general storage facilities.

EXPLANATORY NOTES RELATING TO THE REPORTING OF STRATEGIC AND CRITICAL MATERIALS ACQUIRED BY EXCHANGE OR BARTER OF AGRICULTURAL COMMODITIES

Surplus agricultural commodities in the Commodity Credit Corporation's price-support inventory may be exchanged or bartered for strategic and critical materials under the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480), and other basic legislation including the CCC Charter Act, as amended, Agricultural Act of 1954, and the Agricultural Act of 1956.

Except for small amounts which may go to the national stockpile, the strategic and critical materials acquired by Commodity Credit Corporation under the barter program are transferred to the supplemental stockpile.

Direct appropriations reimburse Commodity Credit Corporation for materials so transferred from the price-support inventory.

The General Services Administration is charged with the custody and management of strategic and critical materials, and becomes the responsible reporting agency when title to these bartered materials is placed in the supplemental stockpile.

For purposes of this report, strategic and critical materials acquired by barter may appear in three inventories, reflecting the stages of the transfer of title.

1. The Department of Agriculture reports those to which the Commodity Credit Corporation still has title, prior to transfer to the supplemental stockpile.

2. The General Services Administration reports those which have been transferred from the Commodity Credit Corporation exchange inventory in two parts:

A. Materials for which title is "in transit" from Commodity Credit Corporation to the supplemental stockpile.

B. Materials for which title has passed to the supplemental stockpile.

STATEMENT BY SENATOR BYRD OF VIRGINIA

The cost value of materials in nine Federal stockpiles inventories as reported by the Department of Agriculture, General Services Administration, and the Office of Civil and Defense Mobilization, on January 31, 1960, totaled $15,831,247,000. January activity in these stockpiles resulted in a net reduction of $165,959,000.

The net change in these stockpile inventories reflects acquisitions, disposals and adjustments. The January activity and the end-of-the-month totals are summarized as follows:

[In thousands]

Inventories by agency and program	Cost value, January 1960	
	Net change during month	Total, end of month
DEPARTMENT OF AGRICULTURE		
Price support program:		
1. Agricultural commodities	−$172,546	$7,176,549
2. Exchange—strategic and critical materials	+15,046	118,399
Total, price support program	−157,500	7,294,948
3. Defense Production Act program	----------	3
Total, Department of Agriculture	−157,500	7,294,951
GENERAL SERVICES ADMINISTRATION		
Strategic and critical materials:		
4. National stockpile	−8,399	6,201,314
5. Federal Facilities Corporation, tin inventory	----------	9,519
6. Defense Production Act program	+23,960	1,447,866
7. Supplemental stockpile	+51,404	696,306
8. Supplemental stockpile inventory in transit	−45,045	----------
Total, General Services Administration	+21,920	8,355,005
OFFICE OF CIVIL AND DEFENSE MOBILIZATION		
9. Civil Defense stockpile	−30,279	171,291
Grand total	−165,959	15,821,247

These figures are from reports certified by the agencies involved as compiled by the Joint Committee on Reduction of Nonessential Federal Expenditures.

INCREASES AND DECREASES

Major net decreases in cost value during the month were reported as follows: $144 million in cotton; $32 million in civil defense medical bulk stocks; $11 million in soybeans; $9 million in wheat; and $8 million in the national stockpile.

These decreases were partially offset by major net increases including: $13 million in aluminum and aluminum ores; $6 million in chrome and chrome ores; and $6 million in grain sorghum.

AGRICULTURAL COMMODITIES

Of 24 agricultural commodities in Commodity Credit's $7.2 billion price support inventory on January 31, 1960, those leading in cost value include:

Wheat, with 1.1 billion bushels at a cost of $2.9 billion; corn, with 1.2 billion bushels at a cost of $2.2 billion; and cotton, with more than 6.7 million bales at a cost of $1.2 billion.

STRATEGIC AND CRITICAL MATERIALS

Strategic and critical materials are shown in six inventories totaling $8.5 billion, including the $6.2 billion national stockpile for which itemized detail is classified. Combined figures from the other five inventories show materials (in all grades and form) leading in cost value as follows:

Aluminum, bauxite, etc., with 5.2 million tons at a cost of $436 million; tungsten, with 84 million pounds at a cost of $341 million; and manganese and manganese ores, with 4.1 million tons at a cost of $279 million.

CIVIL DEFENSE SUPPLIES AND EQUIPMENT

The civil defense stockpile is shown in seven composite groups totaling $171 million. Nearly 55 percent is in medical bulk stocks valued at $100 million.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. YARBOROUGH:

S. 3285. A bill to amend section 106 of title 38, United States Code, to provide benefits under laws administered by the Veterans' Administration for service in the Women's Army Auxiliary Corps; and

S. 3286. A bill to amend title II of the Social Security Act to include Texas among the States which are permitted to divide their retirement systems into two parts so as to obtain social security coverage, under State agreement, for only those State and local employees who desire such coverage, and permit Texas to obtain social security coverage, under State agreement, for policemen and firemen of such State who are in positions covered by a retirement system; to the Committee on Finance.

(See the remarks of Mr. YARBOROUGH when he introduced the above bills, which appear under separate headings.)

By Mr. DOUGLAS:

S. 3287. A bill for the relief of Marija Gruskovnjak; to the Committee on the Judiciary.

By Mr. MAGNUSON:

S. 3288. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit the disposal of certain surplus property to State fishery agencies; to the Committee on Government Operations.

By Mr. BYRD of Virginia:

S. 3289. A bill to amend the Internal Revenue Code of 1954 to extend the time within which a minister may elect coverage as a self-employed individual for social security purposes; to the Committee on Finance.

By Mr. BARTLETT (for himself, Mr. ANDERSON, Mr. BIBLE, Mr. CANNON, Mr. GRUENING, Mr. JACKSON, Mr. MAGNUSON, Mr. MURRAY, and Mr. MCGEE):

S. 3290. A bill to amend section 120(a) of title 23, United States Code; to the Committee on Public Works.

By Mr. HART:

S. 3291. A bill to authorize the Housing and Home Finance Administrator to make certain modifications in the terms of sale of the Oakdale Residents Cooperative Housing Project of Royal Oak Township, Oakland County, Mich.; to the Committee on Banking and Currency.

By Mr. CLARK:

S. 3292. A bill to provide for the establishment of a Department of Housing and Metropolitan Affairs, and for other purposes; to the Committee on Banking and Currency.

(See the remarks of Mr. CLARK when he introduced the above bill, which appear under a separate heading.)

By Mr. HAYDEN (for himself, Mr. BRIDGES, and Mr. STENNIS):

S.J. Res. 178. Joint resolution relating to the payment of salaries of employees of the Senate; to the Committee on Rules and Administration.

By Mr. RANDOLPH (for himself and Mr. BYRD of West Virginia):

S.J. Res. 179. Joint resolution proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older; and

S.J. Res. 180. Joint resolution providing for the designation of the last Tuesday in April of each year as Teachers Day; to the Committee on the Judiciary.

CONCURRENT RESOLUTIONS

AUTHORIZATION TO PRINT AS A SENATE DOCUMENT COMPILATION OF STUDIES ON UNITED STATES-LATIN AMERICAN RELATIONS

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported an original concurrent resolution (S. Con. Res. 99) to print as a Senate document a compilation of studies on United States-Latin American relations, which was referred to the Committee on Rules and Administration.

(See the above concurrent resolution printed in full when reported by Mr. FULBRIGHT, which appears under the heading "Reports of committees.")

AUTHORIZATION TO PRINT AS A SENATE DOCUMENT COMPILATION OF STUDIES ON U.S. FOREIGN POLICY

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported an original concurrent resolution (S. Con. Res. 100) to print as a Senate document a compilation of studies on U.S. foreign policy, which was referred to the Committee on Rules and Administration.

(See the above concurrent resolution printed in full when reported by Mr. FULBRIGHT, which appears under the heading "Reports of committees.")

RESOLUTIONS

AVAILABILITY OF CERTAIN COMMITTEE RECORDS TO U.S. DISTRICT COURT FOR EASTERN DISTRICT OF MISSOURI

Mr. MCCLELLAN, from the Committee on Government Operations, reported an original resolution (S. Res. 298) concerning the appearance as witnesses of certain staff members of the Senate Permanent Subcommittee of the Committee on Government Operations in a Federal court proceeding in St. Louis, Mo., which was considered and agreed to.

(See the above resolution printed in full when reported by Mr. MCCLELLAN, which appears under the heading "Reports of committees.")

ADDITIONAL COPIES OF ST. LAWRENCE SEAWAY MANUAL

Mr. WILEY submitted a resolution (S. Res. 299) authorizing the printing of additional copies of the question-and-answer review of the St. Lawrence Seaway, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. WILEY, which appears under a separate heading.)

BENEFITS FOR SERVICE IN WOMEN'S ARMY AUXILIARY CORPS

Mr. YARBOROUGH. Mr. President, I introduce for appropriate reference, a bill to extend veterans benefits to the former members of the Women's Army Auxiliary Corps. Strange as it may seem, women serving in the WAAC's who did not continue their service when that organization was changed to the Women's Army Corps late in 1943 are not eligible for veterans' benefits except for line-of-duty disability. This bill, similar to bills introduced in the House by Representative MEYER of Vermont, and Representative ANFUSO of New York, would allow these women veterans' benefits on the same terms, with equivalent qualifications and restrictions, as those accorded to male veterans of the same period.

The bill as introduced would provide prospective benefits only, and in this form has been reported on favorably by the Veterans' Administration.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3285) to amend section 106 of title 38, United States Code, to provide benefits under laws administered by the Veterans' Administration for service in the Women's Army Auxiliary Corps, introduced by Mr. YARBOROUGH, was received, read twice by its title, and referred to the Committee on Finance.

COVERAGE OF TEXAS POLICEMEN AND FIREMEN UNDER SOCIAL SECURITY

Mr. YARBOROUGH. Mr. President, I introduce for appropriate reference a bill to bring the policemen and firemen of the State of Texas, so desiring, under the coverage of social security. This bill, when supplemented by appropriate State legislation, would provide complete freedom of choice among all present Texas employees under State retirement systems as to whether or not they would come under social security. The provision of this bill adding coverage for policemen and firemen is coupled with a provision adding Texas to the States permitted split retirement systems.

A good many States now have this provision of law allowing the policemen and firemen of their States to come under the Federal social security system and also their local retirement systems.

Under the split retirement provision, each individual in the groups affected, teachers, firemen, policemen, and so forth, would be able to choose whether they desired their own retirement plan alone, or the State retirement plus social security.

There has been some misapprehension among some teachers groups and some policemen and firemen groups in my State that if Texas were put into the system with the other States that have optional social security provisions, the policemen, firemen, and teachers of Texas would thereby be precluded from participating in the local, city, or county retirement systems. But the provisions of the bill protect them. It is purely optional, and if the teacher groups in any city, or in a State as a whole, should join in this optional retirement plan, they would get the benefits under the Federal social security plan and also the local teachers', firemen's or policemen's retirement plan.

I think this bill, if enacted, would do much to help local governments in my State in recruiting and retaining career employees, as well as being very helpful to the older career employees now facing retirement on a very meager income.

This problem is accentuated by the fact that many of the smaller cities or towns have inadequate or no retirement systems for policemen and firemen because they cannot finance such retirement systems. This bill is particularly desirable for the smaller cities and towns and for certain groups of school employees who do not now come under the provisions of the teachers' retirement systems.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3286) to amend title II of the Social Security Act to include Texas among the States which are permitted to divide their retirement systems into two parts so as to obtain social security coverage, under State agreement, for only those State and local employees who desire such coverage, and, permit Texas to obtain social security coverage, under State agreement, for policemen and firemen of such State who are in positions covered by a retirement system, introduced by Mr. YARBOROUGH, was received, read twice by its title, and referred to the Committee on Finance.

DEPARTMENT OF HOUSING AND METROPOLITAN AFFAIRS

Mr. CLARK. Mr. President, I introduce, for appropriate reference, a bill to provide for the establishment of a Department of Housing and Metropolitan Affairs, and for other purposes.

I ask unanimous consent that the bill may lie at the desk for 2 days, so that other Senators who wish to join as cosponsors of the bill may do so.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk, as requested by the Senator from Pennsylvania.

The bill (S. 3292) to provide for the establishment of a Department of Housing and Metropolitan Affairs, and for other purposes, introduced by Mr. CLARK, was received, read twice by its title, and referred to the Committee on Banking and Currency.

Mr. CLARK. Mr. President, I ask unanimous consent that the bill may be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT OF DEPARTMENT; OFFICE OF SECRETARY

SECTION 1. (a) There is hereby established an executive department which shall be known as the Department of Housing and Metropolitan Affairs (hereinafter referred to as the "Department"). There shall be at the head of the Department a Secretary of Housing and Metropolitan Affairs (hereinafter referred to as the "Secretary"), who shall be appointed by the President by and with the advice and consent of the Senate. The Secretary shall receive compensation at the rate now or hereafter prescribed by law for the heads of departments.

(b) The Secretary shall cause a seal of office to be made for the Department of such design as the President shall approve, and judicial notice shall be taken thereof.

UNDER SECRETARY AND ASSISTANT SECRETARIES

SEC. 2. (a) There shall be in the Department an Under Secretary of Housing and Metropolitan Affairs, and three Assistant Secretaries of Housing and Metropolitan Affairs, who shall be appointed in the same manner as the Secretary and who shall perform such duties as may be prescribed by the Secretary. The Under Secretary and Assistant Secretaries shall receive compensation at the rate now or hereafter prescribed by law for under secretaries and assistant secretaries, respectively, of the executive departments.

(b) In the absence of the Secretary or when he is unable to perform the duties of his office the Under Secretary shall act as Secretary. In the event of the absence of both the Secretary and the Under Secretary, or in case both are unable to perform the duties of the office of Secretary, an Assistant Secretary to be designated by the Secretary shall act as Secretary; or in the absence of designation by the Secretary, the Assistant Secretary who is senior in office shall act as Secretary.

TRANSFERS TO THE DEPARTMENT

SEC. 3. (a) All functions of the Housing and Home Finance Administrator are hereby transferred to the Secretary. All agencies of the Housing and Home Finance Agency, together with their respective functions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds (available or to be made available), and all other functions, personnel, property, records, and unexpended balances of appropriations, allocations and other funds (available or to be made available) of the Housing and Home Finance Agency, are hereby transferred to the Department.

(b) The President shall from time to time exercise his authority under the Reorganization Act of 1949 with a view to further consolidating within the Department such functions and agencies of the Government as will further the purposes of this Act. The President shall submit to the Congress on or before January 3, 1961, a report setting forth what action has been taken or is proposed to be taken by him in accordance with the provisions of this section and the reasons therefor.

RESEARCH AND TECHNICAL ASSISTANCE

SEC. 4. (a) The Secretary shall (1) conduct a continuing study of problems peculiar to urban and metropolitan areas, including problems of coordinating Federal programs as they affect such areas, and (2) provide technical assistance to State and local governmental bodies in developing solutions to such problems. Such assistance shall include whenever appropriate the dissemination to interested bodies of the results of the studies undertaken pursuant to this section.

(b) The Secretary shall from time to time make such recommendations to the Congress, as a result of the studies to be undertaken under this section and after consultation with appropriate representatives of State and local governments, as he shall determine to be appropriate.

(c) As used in this section the term "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

COORDINATION OF FEDERAL ACTIVITIES AFFECTING METROPOLITAN AREAS

SEC. 5. The Secretary shall advise the President on the coordination of Federal programs as they affect metropolitan areas, and shall initiate consultation among officers of departments and agencies concerned, and among Federal, State, and local government officials, in order to improve the coordination and effectiveness of Federal programs in contributing to the solution of the problems of metropolitan areas.

ABOLITIONS

SEC. 6. The Housing and Home Finance Agency (exclusive of the agencies thereof transferred by section 3 of this Act) and the Office of the Housing and Home Finance Administrator are hereby abolished. The Secretary shall make such provisions as may be necessary in order to terminate any outstanding affairs of the agencies and offices abolished by this section.

ADVISORY COMMITTEES

SEC. 7. The Secretary may establish such advisory committees on urban affairs as he may determine to be desirable and in furtherance of the purposes of this Act. The members of any such committee shall be reimbursed for actual travel and subsistence expenses incurred in attending meetings of the committee.

AMENDMENT

SEC. 8. Section 158 of the Revised Statutes of the United States, as amended (5 U.S.C. 1), is amended by adding at the end thereof the following:

"Eleventh: The Department of Housing and Metropolitan Affairs."

REPORT

SEC. 9. The Secretary shall cause to be prepared, published, and transmitted to the Congress an annual report of the activities and accomplishments of the Department.

INTERIM APPOINTMENTS

SEC. 10. Pending the initial appointment of officers of the Department, the functions of any such officer may be performed temporarily (not in excess of sixty days) by such officer of the Housing and Home Finance Agency, including its constituent agencies, as the President shall designate.

EFFECTIVE DATE

SEC. 11. The provisions of this Act shall take effect on the first day of the third calendar month following the month in which this Act is enacted.

ADDITIONAL COPIES OF ST. LAWRENCE SEAWAY MANUAL

Mr. WILEY. Mr. President, I submit, for appropriate reference, a resolution to authorize the printing of 80,000 additional copies of the Foreign Relations Committee print, "Questions and Answers on the St. Lawrence Seaway."

Originally published in 1954, the manual was recently revised by the St. Lawrence Seaway Development Corporation and republished.

During this period, there have been a number of developments, including stepped up trade and commerce, further improvement of Great Lakes ports and harbors projects, expansion of trade, and the completion of the St. Lawrence Seaway project. Because of these steps of progress—and the promise of greater commercial and tourist potential of the seaway in the years ahead—there has been ever-widened interest in the waterway.

As a sponsor of the Wiley-Dondero law authorizing the seaway, I am naturally gratified by the facts: First, that first-year traffic, despite difficulties, was up substantially over previous years; second, the traffic is expected to make further annual increases in the years ahead; and third, the completion of the project has resulted in increased economic activity and planning that will, I believe, benefit the whole economy.

As a result of this program, there have been floods of inquiries on the project. These have come from businesses and industry, chambers of commerce, trade associations, historians and historical societies, educational institutions, State governments, Federal departments and agencies, and a wide variety of other individuals and organizations interested in the economic, commercial, travel, trade, or other aspects of the St. Lawrence Seaway.

Because of this great interest, requests for the question-and-answer manual—although this was only recently reprinted—have already far exceeded the supply.

As we know, the American taxpayer has a $140 million investment in the seaway. However, this expenditure is expected to be paid off—and I am confident it will be—by tolls on the ever-increasing volume of traffic through the seaway. However, the debt can be repaid—and the benefits for the Nation reaped—only if the seaway is a success.

The question and answer manual, I believe, is making a constructive contribution toward better understanding the history, operation, and potential of this great waterway.

In view of these factors—reflected in the tremendously wide range of interests in information on the seaway—I believe the reprinting of additional copies of the question-and-answer manual would be in the best public interest.

Now I request unanimous consent that the resolution be printed in the RECORD.

The PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 299) was referred to the Committee on Rules and Administration, as follows:

Resolved, That there be printed for the use of the Committee on Foreign Relations eighty thousand additional copies of a question and answer review of the Saint Lawrence Seaway.

CONSTRUCTION AT CERTAIN MILITARY RESERVATIONS—AMENDMENT

Mr. GREEN submitted an amendment, intended to be proposed by him, to the bill (S. 3006) to authorize certain construction at military installations, and for other purposes, which was referred to the Committee on Armed Services, and ordered to be printed.

CHANGE OF REFERENCE

Mr. MURRAY. Mr. President, the concurrent resolution (H. Con. Res. 7) declaring the sense of Congress on the closing of Indian hospitals, and the bill (S. 3262) to amend the act of October 31, 1949, with respect to payments to Bernalillo County, N. Mex., for furnishing hospital care for certain Indians, have been referred to the Committee on Interior and Insular Affairs. Both measures have to do with problems involving Indian medical care and the operations of the Public Health Service.

Inasmuch as responsibility for the provision of health services to Indians has been transferred from the Department of the Interior to the Public Health Service and since legislation affecting that agency is within the jurisdiction of the Senate's Committee on Labor and Public Welfare, I ask unanimous consent that both measures be re-referred to the Committee on Labor and Public Welfare.

The Senators from New Mexico [Mr. CHAVEZ and Mr. ANDERSON] are the sponsors of the Senate bill. Their offices advise me that they have no objection to the referral of the bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

APPOINTMENT OF MEMBER OF THE NATIONAL OUTDOOR RECREATION RESOURCES REVIEW COMMITTEE

The PRESIDING OFFICER (Mr. TALMADGE in the chair). The Chair has been requested by the Vice President to announce the appointment of Senator HENRY M. JACKSON, of Washington, to be a member of the National Outdoor Recreation Resources Review Committee, created by Public Law 470, 85th Congress, vice the late Senator Richard L. Neuberger, of Oregon.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. PASTORE:

Address delivered by Senator MONRONEY at the 60th annual dinner of the Society of the Friendly Sons of Providence, R.I., March 17, 1960.

By Mr. CHURCH:

Statement of Senator MCGEE before the U.S. Tariff Commission, on March 22, 1960.

APPROPRIATIONS PURSUANT TO THE EISENHOWER ADMINISTRATION ECONOMY DOCTRINE

Mr. DOUGLAS. Mr. President, yesterday we had a very amusing illustration of Eisenhower economy, when the Commissioner of the Food and Drug Administration, Mr. George P. Larrick, appeared before the Senate Appropriations Committee and asked for improved housing for the cows and dogs the Bureau cares for. He asked for an additional appropriation of $80,000 for an additional building to house 14 cows, or an average cost of housing each cow of approximately $5,700. He also asked for an appropriation of approximately $2 million to better house 720 dogs, in order that they might have air-conditioned

quarters, ample runways, and opportunity for exercise and all the other finer things of life.

I hold in my hand the transcript of the testimony given by Mr. Larrick on yesterday before the Appropriations Committee. The requested appropriation for the dogs averages approximately $2,700 per dog, and I understand that the cost for the added facilities would be $30 per square foot, whereas the average cost for office buildings in the city of Washington is $16 per square foot.

Mr. President, I like both dogs and cows; and it may well be that today the Food and Drug Administration is not treating its dogs and its cows properly. But I submit that this is an excessive cost; and it is in sharp contrast with the policy of the Eisenhower administration in refusing to make any adequate appropriations for the education of schoolchildren, in opposing adequate funds for urban renewal, in opposing public housing to rehouse persons displaced by urban renewal and by the highway program; in fact, they are providing more money per dog and more money per cow than the amount needed to house a baby. Mr. President, I protest at this false sense of values.

I know it is going to be very hard to appeal to the Eisenhower administration on the basis of the fact that the children need these sums and need adequate housing. But perhaps the Eisenhower administration should consider the matter from this point of view: How can cows and dogs be healthy unless there are efficient human beings to attend them? So possibly the Eisenhower administration might be willing to appropriate more money for children and for health facilities for children, because they would become better cowtenders and better dog tenders.

In any event, Mr. President, I wish to say that if this specific appropriation is contained in the bill which comes to the floor of the Senate, the Senator from Illinois will oppose it; and if it is not eliminated from the bill, the Senator from Illinois will vote against the bill on final passage.

PROTECTION AGAINST POTENTIAL POISONS ENDANGERING FAMILIES

Mr. BUSH. Mr. President, the Senate yesterday passed unanimously S. 1283, the proposed Federal Hazardous Substances Labeling Act, which was sponsored by the distinguished chairman of the Committee on Interstate and Foreign Commerce [Mr. MAGNUSON] and myself.

The Magnuson-Bush bill is for the protection of human life and health, providing warning against the potential poisons endangering American families which are in common household use.

There are more than 300,000 common household products, such as furniture polish, bleaches, detergents, cleaners, and so forth, containing poisonous or dangerous substances that lack adequate warning labels, and adequate identification of the dangerous substances, information so necessary to the attending doctor in his effort to aid his patient.

In a single year, the committee was informed, there are more than 200,000 poisonings in the United States, resulting in approximately 5,000 deaths, and the loss of over 89,000 man-years of work.

The most tragic victims of these accidents are young children who swallow household aids left within their reach. The Public Health Service estimates that 600,000 children under the age of 15 will swallow a poisonous or potentially poisonous substance each year, and that 500 of them will die as a result.

The Magnuson-Bush bill has now gone to the House of Representatives where, I hope, prompt action will be taken upon it.

Mr. President, I ask unanimous consent that an editorial from the Stamford Advocate of March 23 discussing the bill may be printed in the RECORD following these remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Stamford Advocate, Mar. 23, 1960]

DANGEROUS IGNORANCE

How many times has a parent remarked, with a mixture of pride, humor, annoyance, and perhaps, a little concern, "The things my child swallows; it's a wonder he hasn't killed himself?"

The wonder is that the parent is so little concerned, for more people are killed each year by swallowing the wrong things than die from such dread diseases as scarlet fever, meningitis, polio, and diphtheria combined.

The answer is ignorance. Today there are over 300,000 common trade name items that contain poisonous materials, found as common household possessions. By far the largest number are without any warning as to their lethal nature or any information as to the contents that would help a doctor treat a child who had swallowed them.

Here in Connecticut we are better off than in most of the country, having had legislation regulating the labeling of hazardous substances suitable or intended for household use, since 1957.

However, at present there are practically no interstate controls.

Connecticut's Senator PRESCOTT S. BUSH has sponsored a bill to correct this situation. It has been carefully researched and studied for several years, and no one seems to oppose it. This act—Senate bill 1283, amended, should be passed. But in an election year, with legislative calendar crowded, a measure that does not excite the public may get lost in the shuffle.

Senator BUSH needs no encouragement to keep on working for this bill. He has done a praiseworthy job already. However, a little evidence that the public wants this bill passed might help him convince other Members of Congress not to overlook its importance.

The Public Health Service estimates that every year 600,000 children swallow household aids left within their reach, and 500 of them die. The entire population of Stamford, men, women and children, working a 40-hour week for a year, would just about make up for the total man-years of work lost each year through such poisonings.

Without proper labeling parents are unaware of the dangers involved, and fail to take proper precautions; and many deaths have occurred because the doctor did not know what was in the item the child swallowed.

The next time you sit at your desk, light a cigarette, and take pen in hand to write a letter, stop and find out whether the container of furniture polish, the can of lighter fluid and the bottle of ink are properly labeled, and then write that letter to a Congressman.

NUCLEAR TEST BAN

Mr. PROXMIRE. Mr. President, once again I repeat the quotation to which I referred yesterday, from the eminent British statesman and Nobel Prize Winner Philip Noel-Baker:

I think it quite likely—if I were asked to bet I would say it was about even—that within 10 years the governments will not have disarmed. We shall have had a nuclear war; we, our children, and grandchildren will all be dead, and the world will be spinning a lifeless, radioactive, incinerated globe throughout eternity.

I repeat this warning, Mr. President, because I find that, somehow, the Senate has lost its sense of urgency about the problem of ending nuclear testing. Of course, the Russians have a long record of broken promises. The current negotiations suggest serious areas of suspicion of the Russians on the test ban. The Senator from New Mexico [Mr. ANDERSON] and the Senator from Tennessee [Mr. GORE] have performed a great service in alerting the Nation and the country to these dangers.

But, Mr. President, at the same time, the Senate should recognize that the future of humanity may very well be at stake here. It is not impossible that the Senate of the United States, with the best of intentions, may become the stumbling block preventing a treaty ending nuclear testing that would work and that could provide an important first step toward disarmament and peace.

Indeed, we must approach this problem with eyes wide-open and as realistically as possible, but we must approach it—we must move forward, we must make progress, we must work and strive and fight to achieve peace, and we undoubtedly must be willing to assume some risks to do it.

With all this in mind, Mr. President, I ask unanimous consent that an excellent, well-balanced editorial on this whole subject, which appeared in this morning's Washington Post, be printed in the RECORD at this point. This editorial wisely concludes:

Plainly the practical hope lies in establishing a less ambitious system of inspection at the outset and working toward confidence by degrees. Insistence on perfection would be the sure way to doom the present opportunity altogether. It is much to the credit of Messrs. Eisenhower and Macmillan that this seems to be the premise upon which they are proceeding.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SENSE ON TESTING

The formula that President Eisenhower and Prime Minister Macmillan reportedly have discussed for responding to the Soviet nuclear test proposal makes very good sense. Quite apart from any urging by Mr. Macmillan, the President is said to have decided to agree to a voluntary moratorium on the testing of small nuclear weapons in connection with a treaty banning larger tests, but only for the remainder of his term of office. If the Soviet Union were cooperating effectively on joint research into methods of detecting smaller tests, he would recommend to his successor that the moratorium be continued.

For the first time the Soviet Union has recognized the distinction between larger nuclear tests, which would be banned specifically by treaty under an inspection and control system, and smaller tests, which cannot now be reliably detected. The virtue of the President's formula is that it would make possible a positive reply—subject, of course to the establishment of satisfactory inspection criteria—while reserving a sort of performance check on the moratorium. Soviet leaders are surely aware of the constitutional point that a President cannot bind his successor except by treaty.

In coming to this decision Mr. Eisenhower has withstood many protests within and outside the administration to the effect that any such course would be appeasement. Some persons frankly want to continue the testing of smaller nuclear weapons for military purposes; other fear that any treaty or moratorium could be evaded. For example, Prof. Freeman J. Dyson of the Institute for Advanced Study at Princeton argues in the new issue of Foreign Affairs for continued testing to develop small clean hydrogen weapons that would not require a fission trigger; he also suggests a method of decoupling nuclear explosions whereby relatively large tests in buildings above ground might be concealed.

Dr. Dyson is a respected nuclear physicist. He may have a theoretical point in the possibility he advances for camouflaging tests, although other competent scientists at least tentatively disagree. Even if he and the likeminded Dr. Edward Teller are right in their general thesis, however, the practical effect of such suggestions, if used as the basis for policy, would be to render nearly hopeless for chance of any agreement with the Russians. The root question is as much one of philosophy as of physics.

With sufficient effort it seems to be within the ingenuity of man to frustrate almost any system that can be devised. Yet as another respected scientist, Dr. Hans Bethe, reminds in his comment on the Soviet proposal, the Berkner report last year held out great encouragement for the development through more research of a reliable detection system for small weapon tests. A closer net of unmanned seismic stations, Dr. Methe adds, would increase the possibility of detecting muffled explosions. It is a pity that such men as Dr. Dyson and Dr. Teller do not devote as much time and talent to evolving a reasonable effective system as to proving that no system will work.

Calculated risk has become a cliche, but that is essentially what is at stake. It is altogether unnecessary to exaggerate the benefits of a nuclear test agreement, or to believe that the Soviet leaders have in any way abandoned their political objectives, to understand that this is one of those times in history at which an agreement may serve a mutual advantage. The problem is to build as many safeguards as possible into a system that will be acceptable on both sides.

It would be splendid, indeed, if the Russians would suddenly agree to complete inspection and an open world; but the frame of reference must be what is attainable. Plainly the practical hope lies in establishing a less ambitious system of inspection at the outset and working toward confidence by degrees. Insistence on perfection would be the sure way to doom the present opportunity altogether. It is much to the credit of Messrs. Eisenhower and Macmillan that this seems to be the premise upon which they are proceeding.

Mr. PROXMIRE. Mr. President, I also ask unanimous consent that a brilliantly lucid and thoughtful column by Mr. Walter Lippmann, entitled "A Treaty in Sight," and emphasizing the positive, also be printed in the RECORD at this point. First, I should like to read, very briefly, the last two paragraphs:

The critical country here is not France or West Germany. The critical country is China. For it has what Britain, France, and Germany do not have, the basic characteristic of a true nuclear power. This is to have so large a territory that it can hope to survive an attack.

If we look ahead, if we take account of the great balance of world forces, we must think it would be a disastrous folly not to become alined with the Soviet Union, when there is a chance to do so, against the spread of nuclear weapons.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A TREATY IN SIGHT

(By Walter Lippmann)

There is now a good chance that a treaty and a voluntary agreement prohibiting nuclear tests will be ready for signature at the summit meeting in May. Some specific points have still to be negotiated. But on the main issues there is no longer any important disagreement.

About 10 days ago the Soviet Government accepted, with one condition, the proposal made last month by the President. It agreed that the treaty should cover only test explosions which can be monitored. This means all the explosions which pollute the air.

The condition attached to this acceptance of the Eisenhower proposal is that for a period of years, perhaps 4 or 5, there shall be a voluntary agreement not to make small underground test explosions which are not yet prohibited by treaty. During this moratorium there would be, as the President first proposed, joint scientific studies to improve the existing monitoring devices.

The President is ready to accept the principle of this moratorium. But for obvious constitutional reasons he is not able to agree to the 4- or 5-year moratorium which the Russians want. He has no legal power to bind his successor, and the most he can do is to obtain promises to maintain a shorter moratorium from Mr. NIXON and the leading Democratic candidates. This ought to satisfy Mr. Khrushchev. For if the joint studies are carried out with energy and sincerity, there will be no serious doubt that the moratorium will be extended further.

Even if a treaty is signed at the summit in May, the Senate will not be able to act on it in this session. It will lie over until next winter, and this means that all the candidates for Federal office will have to take a stand on it during the election campaign. In all likelihood, barring unforeseen developments, the treaty will be popular, for the risks are very small, and the gains may be very great.

What are the risks? There is no risk at all that the big explosions prohibited by treaty could be carried out in secret. The treaty itself provides for a network of monitoring stations. But even more important, so it seems to me, is the fact that we are not capable by our own instruments of detecting the kind of explosion which the treaty would prohibit. We are able, so to speak, to monitor the monitors, to check and to doublecheck.

What about the smaller underground explosions which would not be prohibited by the treaty but which would be subject to a short moratorium? Theoretically, since by definition they cannot be detected by existing instruments, the Soviets may during the past year have been conducting such underground tests. But no one thinks the Soviet Union has done this.

Why? Leaving out all considerations of good faith, sneak tests would be very dangerous. For while the scientists agree that the smaller explosions underground cannot surely be distinguished from earthquakes, it is also true that they cannot surely be concealed. The penalty for cheating would be enormous. What is more, for the Soviet Union the advantages from cheating would be unimportant. For the Soviet Union has no big military interest in perfecting the smaller nuclear weapons. She has big rockets to carry big weapons, and a massive reserve of infantry for conventional warfare.

For the United States the prohibition of small test explosions is a concession. It probably means that we shall not be able to perfect beyond their present state the smaller nuclear weapons. Congress, no doubt, will study this thoroughly. But so far as I can make out, there are plenty of fully informed and responsible people in the Government who think that our arsenal of weapons is already very good indeed, and that military perfectionism is not a national necessity.

The advantages of the treaty and an agreement can be measured only by what would happen if they failed. If, having come so near to an agreement, the three nuclear powers quarrel, the race in nuclear weapons will not only be resumed but it will be expanded. If we three, who have nuclear weapons, cannot agree to limit them, then all other powers which wish to count in world affairs must make or must buy nuclear weapons.

The critical country here is not France or West Germany. The critical country is China. For it has, what Britain, France, and Germany do not have, the basic characteristic of a true nuclear power. This is to have so large a territory that it can hope to survive an attack.

If we look ahead, if we take account of the great balance of world forces, we must think it would be a disastrous folly not to become alined with the Soviet Union, when there is a chance to do so, against the spread of nuclear weapons.

DEATH OF REPRESENTATIVE RUSSELL V. MACK, OF WASHINGTON

Mr. JACKSON. Mr. President, we were all shocked yesterday to learn of the sudden passing on the floor of the House of Representatives of our colleague, Russell V. Mack, Member of Congress from the Third Congressional District of the State of Washington.

It was my privilege to have served in the House with Representative Mack from 1947 to 1952. He was an able Member of the House. During his long service in that body, he followed the resource development program very closely as a senior Republican member of the House Public Works Committee.

Representative Mack was liked by all who knew him. He was an amiable fellow; he had a delightful sense of humor; he enjoyed people.

Mr. President, our State has lost a devoted public servant, and I have lost a personal friend. To his wife, Laura, I extend my deepest sympathy.

Mr. KEATING. Mr. President, I wish to say a word or two about the sudden and tragic death of my friend and former colleague, the distinguished Member of the House of Representatives, Russell V. Mack.

It certainly came as a shock to me to hear of the sudden event which happened yesterday on the floor of the House.

I served with Russ in the House of Representatives. He came to the 80th Congress, in a special election. He was one of my very good friends during all my service in the House. He was always cooperative. He was completely dedicated to the welfare of his constituency and his Nation. He worked tirelessly and very effectively as a member of the House Public Works Committee, with special emphasis on the Federal highway program and rivers and harbors development. He was the Republican whip for the Western States, and in that respect played a vital role in the work of my party in the other body.

We shall always remember Russ Mack as an able legislator and a fine American. I join with my colleagues in expressing my deepest sympathy to Mrs. Mack and other members of his family.

Mr. MUNDT. Mr. President, I wish to associate myself with the remarks of the distinguished Senator from New York in tribute to Russ Mack. His death was a tragic surprise to all of us. It occurred during the course of his duties on the floor of the House yesterday. Russ Mack had a buoyancy about him, and a confidence, and an American conviction which were most commendable. He was an exceedingly useful Member of the House of Representatives.

I have had the pleasure of speaking in the home congressional district of Russ Mack. I know how greatly he was admired and how deeply he was loved by his own constituency. Mrs. Mundt and I join in extending our condolences to Mrs. Mack, and in expressing the sentiment that America has lost a great crusader for freedom in the tragic passing of Russ Mack.

Mr. KEATING. I thank my friend from South Dakota for his tribute to Representative Mack.

APPROPRIATIONS COMMITTEE REPORT ON H.R. 10401

Mr. MURRAY. Mr. President, I wish to compliment the chairman of the Appropriations Committee, the Senator from Arizona [Mr. HAYDEN], and the members of the committee, for the excellent bill they have brought before the Senate to provide funds for the Department of the Interior and related agencies for fiscal year 1961.

This bill is $36 million over the President's budget. There will be those who will endeavor to label this a spending bill. The increase in this bill is but 6 percent over the President's estimate and, in my judgment, the President's estimate was very deficient. An excellent example is the budget for the Forest Service where an increase of $19.5 million has been suggested by the committee. The increase is almost entirely in accord with the estimate of needed funds submitted to the Congress last year by the Secretary of Agriculture. In the case of the Bureau of Land Management, the committee's recommendation is $4 million over the President's budget request, but again every penny of the increase is supported by data developed in the Department of the Interior on conservation needs.

The Park Service budget, while below the budget estimate, is substantially in accord with the schedule for Mission 66—again, a program prepared by the administration. The $6 million increase for the Bureau of Indian Affairs is likewise well supported by the documentation available at the Department, and the same is true of the $2.9 million for the Fish and Wildlife Service.

The administration simply has failed to present a realistic budget. It has failed to request funds to make needed investments in natural resource development. The agencies combined in this bill are largely revenue producing agencies developing income for the Federal Government estimated over $500 million annually. By making the needed investments, we will increase the revenues while at the same time assure a sound program of conservation on our public lands. I would like to quote what my colleague, the minority leader, the Senator from Illinois [Mr. DIRKSEN] said when he testified before the committee on this bill:

> Now, I came over, Mr. Chairman, to get a little money out of this committee, if I possibly could. That is a laudable enterprise, and it is a little disconsonant, I think, with my general attitude, but I always like to see the merit of a project take its due course.

As the Senator from Illinois pointed out, while one may have a general attitude of being opposed to spending money, if a program has true merit it should proceed.

Our Appropriations Committee has listened to all of the requests. It has weighed them carefully and it has endeavored to select those having merit. The money has been provided not on the basis of the President's budget, but on the basis of merit. This is a good bill, in fact it is the best I have ever seen for resource conservation. I congratulate the committee and I hope that our conferees will be as effective in maintaining our position with the House as they have been in convincing the majority of the Senate on the soundness of the conservation investments they have written into this bill.

FAITH

Mr. BYRD of West Virginia. Mr. President, this month marks the 100th anniversary of the birth of a great American statesman, William Jennings Bryan. Bryan was a man of monumental ability and sterling character. He was one of the greatest orators of all time. I like him best for his unshakable faith in his God and in immortality. His was the kind of unfaltering devotion and faith so needed in our land today. Regarding faith, Bryan said:

> Faith is the spiritual extension of the vision; it is the moral sense which reaches out toward the throne of God and takes hold upon those verities which the mind cannot grasp.
>
> The great things of the world have been accomplished by men and women who had faith enough to attempt the seemingly impossible and to trust to God to open the way.
>
> Faith is a heart virtue; doubts of the mind will not disturb it if there is faith in the heart.
>
> Faith in the triumph of truth, because it is truth, has ever been an unfailing source of courage and power. Faith leads us to trust the omnipotence of the Ruler of the Universe, and to put God's promises to the test.
>
> Faith is as necessary to the heart of the individual as it is necessary to worldwide peace. What can equal the consolation that comes from reliance upon the care of Him who gives beauty to the lily, food to the fowls of the air, and direction to all?

Mr. President, as a fitting sequel to Bryan's words on faith, I wish to close with "To a Waterfowl" by one of our country's great poets, William Cullen Bryant:

> Whither, midst falling dew,
> While glow the heavens with the last steps of day,
> Far, through their rosy depths, dost thou pursue
> Thy solitary way?
>
> Vainly the fowler's eye
> Might mark thy distant flight to do thee wrong,
> As, darkly painted on the crimson sky,
> Thy figure floats along.
>
> Seek'st thou the plashy brink
> Of weedy lake, or marge of river wide,
> Or where the rocking billows rise and sink
> On the chafed ocean-side?
>
> There is a Power whose care
> Teaches thy way along that pathless coast—
> The desert and illimitable air—
> Lone wandering, but not lost.
>
> All day thy wings have fanned,
> At that far height, the cold, thin atmosphere,
> Yet stoop not, weary, to the welcome land,
> Though the dark night is near.
>
> And soon that toil shall end;
> Soon shalt thou find a summer home, and rest,
> And scream among thy fellows; reeds shall bend,
> Soon, o'er thy sheltered nest.
>
> Thou'rt gone, the abyss of heaven
> Hath swallowed up thy form; yet, on my heart
> Deeply hath sunk the lesson thou hast given,
> And shall not soon depart.
>
> He who, from zone to zone,
> Guides through the boundless sky thy certain flight,
> In the long way that I must tread alone,
> Will lead my steps aright.

The PRESIDING OFFICER. Is there further morning business?

RALPH ROBEY'S COMMENTS ON THE JOINT ECONOMIC COMMITTEE REPORT

Mr. DIRKSEN. Mr. President, Ralph Robey, one of the country's most distinguished economists, presently economic adviser to the National Association of Manufacturers, and from 1946 to 1953 its vice president and chief economist, has had a long career in observing economic trends. After receiving his Ph.D. in Economics from Columbia University in 1938, he was associated for many years with the banking community in New York, ultimately serving with the Federal Reserve bank of that city.

Following extensive teaching in the fields of banking and finance, he became the finance editor of the old New York Evening Post, during the period 1931 to 1933, and a contributing editor to the

financial page of the Washington Post from 1933 to 1935. He has also been an associate editor of Newsweek magazine.

He has written extensively on monetary problems, and his comments on the recent report of the Joint Economic Committee, which appear in the NAM News of March 18, are of interest to everyone concerned with economic trends.

I ask unanimous consent that they may be printed at this point in the body of the RECORD.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

> Under the Employment Act of 1946 it was provided that there should be created a President's Council of Economic Advisers and a Joint Economic Committee. The latter was given the function of reviewing the annual Economic Report of the President and making its appraisal to the Congress. The committee has done this year after year and also has made many special studies. Last year it got the authority to make an investigation of unemployment, growth, and price levels. Its report on this was issued a few days ago. The majority report of the committee is almost as bad as the staff study. It reads much more like a campaign manual than a serious economic analysis, and it split the committee wide open. The minority report, signed by the six Republican members, says that the majority report is "partisan, cavalier about simple rules of logic and evidence, and disrespectful of legitimate differences of values, opinions, and judgments." In more detail it is said "the majority report is needlessly partisan • • • is unbalanced and evasive • • • is internally inconsistent."
>
> The majority report is 61 pages long; the minority report, 20 pages. Senator BUTLER, Republican, of Maryland, in addition to signing the minority report, added some 40 pages of further analysis and criticism. This is of high quality—the best in the entire volume. Senator BUTLER says that the majority report "makes 12 generalized recommendations, 1 of which embraces 9 separate Federal programs." He briefly discusses each of these recommendations and concludes: "Most of the policies set forth in the majority's report would entail additional Federal spending, leading to more inflation, price instability, and eventually unemployment."
>
> TWO HUNDRED THOUSAND DOLLARS FOR STUDY
>
> Congress authorized $200,000 for this study. Over 100 witnesses were heard by the committee, all of whom did an enormous amount of work in preparation for their appearance; and 23 special papers were written for the use of the committee. All of this material is available to students and the public, and much of it is truly excellent. Most persons, however, have neither the time nor the inclination to go over such a mass of economic discussion.
>
> At the moment, therefore, there is no escaping the conclusion that scores and scores of our best economic scholars have been imposed upon, that the prestige of the Joint Economic Committee has been undermined to a serious degree, and that a wonderful opportunity for constructive work has been lost—probably lost irretrievably.

DISSATISFACTION WITH THE CIVIL RIGHTS BILL

Mr. TALMADGE. Mr. President, this week I received in the mail a copy of the report to the resolutions committee drafted by the Georgia State delegation to the forthcoming Oberlin College Mock Convention. It was prepared under the direction of Delegation Chairman Fletcher E. Campbell, Jr., and sets forth forcefully and eloquently many points which we of the South have been endeavoring to make during the course of the current debate on the misnamed civil rights bill now before this body.

Mr. Campbell suggested that I have this report inserted in the CONGRESSIONAL RECORD "as evidence that the southern people are not the only ones dissatisfied with the civil rights bill." I commend Mr. Campbell and his associates for their perceptive analysis of the issue, and I ask unanimous consent, Mr. President, that the text of their report be printed herewith in the body of the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

> For years the South has been the whipping boy of the Democratic Party. Every election year the North attempts to shove punitive laws, in the guise of civil rights legislation, down the throat of the South. In the following arguments, we the undersigned will attempt to show why a new voting-rights bill is unnecessary, unconstitutional, and would bring about undesired and deleterious effects.
>
> The passage of a Federal referee bill would be unnecessary because there are adequate State and Federal laws already on the books which protect the Negro's right to vote. These include, under Federal laws: (1) From the Civil Rights bill, 1957, which gave the Attorney General the right to bring suit against a State on behalf of a citizen, as that citizen's tax paid lawyer, even if that individual did not want him to do so. (2) Statute 18 U.S.C. 242 made it a crime to deny the right to vote to anyone qualified under State laws. (3) Statute 42 U.S.C. 1983 under which a citizen may sue for injunctive relief or damages if deprived of rights or immunities guaranteed under the Constitution and laws of the United States.
>
> We defy anyone to name one person who, when deprived of the right to vote on the basis of his race or color, has not gained protection in the exercise of that right if he has sued in a Federal or State court.
>
> Contrary to the report of the Resolutions Committee on the platform, the Civil Rights Act of 1957 does give the Attorney General the right to sue in the behalf of an individual.
>
> In addition to these possible remedies, there existed 10 pages of other remedies which an alleged disfranchised voter had prior to the passage of the Civil Rights Act of 1957. (See CONGRESSIONAL RECORD, Feb. 18, 1960, p. 2868.)
>
> In light of this voluminous legislation already in force, in addition to State laws, we fail to see any compelling need for further legislation in the field of voting rights.
>
> • • • • •
>
> Systematic denial of voting rights on the basis of race or color cannot be shown to exist in more than a very few localities in the South.
>
> There are many counties in the Southern States in which a higher percentage of Negroes vote than the national average of whites.

FLORIDA

	Percentage
Clay	73.9
De Soto	74.5
Hardee	72.3
Monroe	80.7
Okeechobee	90.7
Santa Rosa	80.2
Walton	67.6
Washington	69.9

GEORGIA

	Percentage
Appling	83.8
Atkinson	88.9
Bryan	64.5
Butts	66.0
Camden	67.5
Candler	73.3
Chattooga	98.4
Dodge	71.0
Gordon	82.9
Greene	77.0
Haralson	100.0
Liberty	87.6
Lumpkin	100.0
Paulding	72.5
Tattnall	70.5
Walker	80.4
Wayne	87.3
White	97.9
Whitfield	99.2

LOUISIANA

Arcadia	80.1
Allen	75.0
Evangeline	100.0
Jefferson	76.5
Lafourche	69.1
Sabine	67.2
St. Charles	75.2
Vermilion	82.3

NORTH CAROLINA

Alamance	83.4
Catawba	69.5
Cherokee	100.0
Clay	68.2
Davie	68.2
Gaston	100.0
Haywood	71.7
Lincoln	69.4
McDowell	87.4
Macon	100.0
Mitchell	100.0
Polk	87.4
Stokes	96.6
Swain	80.9
Yancey	73.3

VIRGINIA

Norfolk	100.0
Northumberland	69.9
Hampton	100.0
Radford	68.3

ALABAMA

Colbert	70.8
De Kalb	67.7
Lauderdale	84.5
Walker	67.0

Mr. Hannah, the Chairman of the Civil Rights Commission, admitted under oath, "The voting situation in Georgia is pretty good and getting better."

Only in a few counties can crookedness on the part of election officials be found. It is our feeling that it is not worth punishing the whole South for the political gain of northern Republicans solely to alleviate the situation in five counties.

In addition, the Civil Right Committee admits that Negro apathy plays a large part in the low voting percentage, which he shows throughout the country.

"Apathy is part of the answer. In Atlanta, from all accounts, Negroes can register freely and 29 percent have done so, but 44 percent of the whites have registered. Similarly, in New Orleans Parish, some 28 percent of the Negroes are registered, compared with 60 percent of the whites. It may be that a lesser proportion of Negroes than of whites are registered in Northern and Western States. Gallup polls indicate that outside the South the voting turnout of Negroes is less than that of whites; according to the Gallup surveys an average of 53 percent of Negroes voted in the four national elections from 1948 to 1954, compared with a white average of 61 percent. Such apathy may stem from lack of economic, educational, or

other opportunities, but it does not constitute a denial of the right of vote."[1]

A disparity in voting percentages between white people and minority racial groups exists abundantly outside the South. The State of Idaho excludes all Chinese and Mongolians. The Civil Rights Commission report shows that there have been more sworn voting complaints in California (47), than in South Carolina, Georgia, Virginia, North Carolina, and Texas combined (43), from 1957 through 1960. The Civil Rights Commission reports that the State of New York denies nearly 200,000 qualified Puerto Ricans the right to vote in violation of the Treaty of Paris of 1898, which granted the full rights of American citizenship to Puerto Ricans. In Cleveland, Ohio, only 26 percent of eligible Negroes are registered, while in Atlanta, 29 percent of qualified Negroes actually do vote.

We do not presume to tell Idaho, New York, or Ohio how to run their elections, but we resent being pilloried by those who have yet to set their own house in order.

Therefore, we fail to see that any need for new legislation can be demonstrated.

We believe that the proposed civil rights legislation would result in deleterious effects, not only to the South, but to the whole Nation and to our system of constitutional government.

In the first place, we have heard complaints by the Attorney General that the dockets of Federal courts are now impossibly overloaded. Now, the Attorney General would like to overload them even more by enacting his civil rights plan.

It is evident to us that the referee plan is an attempt on the part of the Republican Party to make political hay in northern urban areas. All they are doing is making a play for the Negro vote. This is evidenced by the fact that they will not accept a Democratic-sponsored plan which accomplishes the same thing.

The proposed civil rights law is patterned after an old reconstruction law of 1871, under which a smart Republican lawyer, John I. Davenport, was able to swindle the U.S. Treasury out of $2½ billion, and managed to keep the Republicans in power in New York and elsewhere for 20 years. He did this by preventing his political enemies from voting. Finally, fed up with Republican corruption, Democratic majorities swept Grover Cleveland into office with a Democratic Congress in 1892, and this nefarious law was repealed.

This latter-day reconstruction law, proposed by the administration is more sweeping than its predecessor in that it includes State and local elections as well as Federal.

Instead of preventing voting, as Davenport's law did, this law would serve to stuff the ballot box, and does not even give the State registrar a day in court. Power to appoint these referees is the power to control elections by the people who do the appointing.

This proposal makes the Federal courts administration bodies in addition to their wide and sweeping powers of discretion in interpreting and declaring the law. This proposal, if enacted, would provide a spawning ground for corruption. Referees may be imported from out of the State where the alleged discrimination has taken place. Indeed they need not be Americans at all. Nothing is to say that they cannot be hoodlums, Communists, Egyptians, Siamese, or people who have no understanding whatever of American democracy.

This plan would relieve States of all responsibility to handle even local elections, and the desire to do so, because they would know that the Federal Government would do it for them. Logically, the next step will be municipal elections run by the Federal Government at bayonet point.

Therefore, very real harm could result from the implementation of the plan proposed by the resolution committee under section 1 of the civil rights plank.

Enactment of the proposed laws would clearly be unconstitutional. The only references to voting in the Constitution, upon which advocates of this legislation can rely, are:

1. Article 1, section 2, clause 2, which states that qualifications for voting for the U.S. House of Representatives shall be the same as those for the most numerous branch of the State legislature in the State to which the law applies.

2. Article 1, section 4, clause 1, which states that Congress may alter the times, places, and manner of holding elections.

3. Article 2, section 1, clause 2, which states that members of the electoral college shall be appointed as the legislature of their States may see fit.

4. Article 2, section 1, clause 3, which states that the time of choosing electors shall be determined by conference.

5. Amendment 15, which states that no person shall be denied the franchise on grounds of race or color.

6. Amendment 17, which stipulates that the qualification of voting for U.S. Senators shall be the same as those for electors to the U.S. House of Representatives.

7. Amendment 19, which granted the vote to women.

It is neither stated implicitly nor explicitly that the States are prohibited from or limited in the running of their own elections.

The Founding Fathers never intended that the right to determine voter qualifications should be prohibited to the States.

"Suppose an article had been introduced into the Constitution empowering the United States to regulate the elections for the particular States, would any man have hesitated to condemn it, both as an unwarrantable transposition of power, and as a premeditated engine for the principle, in this case, would have required no comment." (Hamilton, Federalist 59.)

The same Alexander Hamilton spoke again on the subject of Federal authority in election running, when in Federalist 60, he wrote:

"Its authority would be expressly restricted to the regulation of the times, the places, the manner of elections. The qualification of the persons who may choose or be chosen, as has been remarked upon other occasions, are defined and fixed in the Constitution and are unalterable by the legislature."

Many State courts have upheld this doctrine of State discretion in the field of voter qualifications. In such cases as *Lively* v. *Litchfield*, *People* v. *English*, *People* v. *Guden*, and *Board of Commissioners* v. *Sheridan County* the Supreme Courts of Oregon, Illinois, New York, and Wyoming upheld the right of the State to determine the qualifications for enfranchisement.

The U.S. Supreme Court has not been slow to uphold States rights in this area. The first major exposition of this came in the famous case, *United States* v. *Reece*. Later, *in Minor* v. *Happersett*, Mr. Chief Justice Waite delivered the opinion of the Court, saying:

"It is true that the United States guarantees to every State a republican form of government. * * *

"The guaranty necessarily implies a duty on the part of the States themselves to provide such a government. All the States had governments when the Constitution was adopted. In all, the people participated to some extent, through their representatives elected in the manner specially provided. These governments the Constitution did not change. They were accepted precisely as they were, and it is, therefore, to be presumed that they were such as it was the duty of the States to provide. Thus, we have unmistakable evidence of what was republican in form, with the meaning of that as employed in the Constitution. * * *

"Being unanimously of the opinion that the Constitution of the United States does not confer the right of suffrage upon anyone, and that the constitutions and laws of the several States which commit that important trust * * * are not necessarily void, we affirm the judgment."

In 1915, in *Guinn and Beal* v. *United States*, Mr. Chief Justice White reaffirmed these principles:

"Beyond doubt the amendment does not take away from the State governments in a general sense the power over suffrage which has belonged to those governments from the beginning and without the possession of which power the whole fabric upon which the division of State and National authority under the Constitution and the organization of both governments rest would be without support and both the authority of the Nation and of the State would fall to the ground. In fact, the very command of the amendment recognizes the possession of the general power by the State, since the amendment seeks to regulate its exercise as to the particular subject with which it deals."

After the first world war, in *Newberry* v. *United States*, the Court continued to uphold the doctrine it had previously propounded. Mr. Justice McReynolds spoke for the Court:

"We find no support in reason or authority for the argument that because the offices were created by the Constitution, Congress has some indefinite, undefined power over elections for Senators and Representatives not derived from section 4. The Government, then, of the United States, can claim no powers which are not granted to it by the Constitution, and the powers actually granted must be such as are expressly given, or given by necessary implication."

With greater emphasis he added:

"We cannot conclude that authority to control party primaries or conventions for designating candidates as bestowed on Congress by the grant of power to regulate the manner of holding elections. The fair intendment of the words does not extend so far; the framers of the Constitution did not ascribe to them any such meaning. Nor is this control necessary in order to effectuate the power expressly granted. On the other hand, its exercise would interfere with purely domestic affairs of the State, and infringe upon liberties reserved to the people."

Modern courts have been no exception. During the war, Mr. Justice Stone reiterated his predecessors in *United States* v. *Classic*:

"Such right as is secured by the Constitution to qualified voters to choose Members of the House of Representatives is thus to be exercised in conformity to the requirements of State law subject to the restrictions prescribed by section 2 and to the authority conferred on Congress by section 4, to regulate the times, places, and manner of holding elections for Representatives."

He went on to say:

"Pursuant to the authority given by section 2 of article I of the Constitution, and subject to the legislative power of Congress under section 4 of article I, and other pertinent provisions of the Constitution, the States are given, and in fact exercise, a wide discretion in the formation of a system."

Very recently—2 years ago—this doctrine was again challenged by the NAACP. Even the present Court, with its reliance on psychological and sociological evidence was won over by the compelling arguments based on precedent and the Constitution. This same Court which handed down *Brown* v. *Board of Education* also declared, through Mr. Justice Douglas, in *Lassiter* v. *Northampton County Board of Elections:*

"We do not suggest that any standards which a State desires to adopt may be required of voters. But there is wide scope for exercise of its jurisdiction. Residence requirements, age, previous criminal record (*Davis* v. *Beason* (133 U.S. 333, 345–347)) are obvious examples indicating factors which a State may take into consideration in determining the qualifications of voters. The ability to read and write likewise has some relation to standards designed to promote intelligent use of the ballot. Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world show. Literacy and intelligence are obviously not synonymous. Illiterate people may be intelligent voters. Yet in our society where newspapers, periodicals, books, and other printed matter canvass and debate campaign issues, a State might conclude that only those who are literate should exercise the franchise. Cf. *Franklin* v. *Harpers* (205 Ga. 779, 55 S. E. 2d 221), appeals dismissed 339 U.S. 946. It was said last century in Massachusetts that a literacy test was designed to insure an "independent and intelligent" exercise of the right of suffrage. *Stone* v. *Smith* (159 Mass. 413–414, 34 N. E. 521). North Carolina agrees. We do not sit in judgment on the wisdom of that policy. We cannot say, however, that it is not an allowable one measured by constitutional standards."

In the light of nearly unanimous legal evidence, we submit that this proposal is repugnant to the letter and spirit of the Constitution, which, after all, the hotheads have had their say, is still the supreme law of the land.

[1] "Report of the Civil Rights Commission," 1959, p. 52.

SUSPENSION OF DUTY ON IMPORTS OF CASEIN

Mr. JOHNSON of Texas. Mr. President, we had an amendment to House bill 7456, to extend for 3 years the suspension of duty on imports of casein, that was drafted on the floor yesterday, in consultation with the Senator from Illinois [Mr. DIRKSEN], the Senator from Vermont [Mr. AIKEN], and other Senators. The bill has not been messaged to the House. It is a House bill.

I ask unanimous consent that the vote on the passage of the bill be reconsidered, that the amendment also be reconsidered and amended to read as follows: On line 7, strike out "1960" and insert in lieu thereof "March 31, 1960," and on the same line, strike out "1963" and insert in lieu thereof "July 1, 1960."

That is a purely technical correction, but in order for the House to concur, this needs to be done before the Senate messages it to the House at noon.

The PRESIDING OFFICER. Without objection, the bill will be reconsidered and amended in accordance with the unanimous-consent request, and that the bill as amended be passed.

Mr. AIKEN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF COMMERCE AND RELATED AGENCIES APPROPRIATIONS, 1961

The PRESIDENT pro tempore. Is there further morning business? If not, without objection, the Chair will lay before the Senate the unfinished business.

Mr. HOLLAND. Mr. President, I ask that the unfinished business be laid before the Senate, and that then an amendment be offered, with the suggestion of the absence of a quorum to come thereafter.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 10234) making appropriations for the Department of Commerce and related agencies for the fiscal year ending June 30, 1961, and for other purposes.

Mr. JOHNSON of Texas. I am not suggesting the absence of a quorum. The Senator from Delaware [Mr. WILLIAMS] said he believes the amendment referred to will be acceptable. The procedure suggested by the Senator from Florida is very agreeable to us.

Mr. HOLLAND. Mr. President, to what amendment does the Senator refer?

Mr. WILLIAMS of Delaware. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. WILLIAMS of Delaware. Have the committee amendments been agreed to?

The PRESIDENT pro tempore. The committee amendments have not been agreed to.

Mr. WILLIAMS of Delaware. Are other amendments now in order?

Mr. HOLLAND. Mr. President, I cannot hear the distinguished Senator. What is the amendment?

Mr. WILLIAMS of Delaware. My question is, Would any amendment offered from the floor be in order? I have an amendment, but do I not have to wait to offer it until after the committee amendments have been considered?

Mr. HOLLAND. Mr. President, may I explain the situation?

The PRESIDENT pro tempore. Yes.

Mr. HOLLAND. The committee discussed the bill last Thursday. The distinguished ranking minority member has concluded her discussion. I have concluded my discussion.

The Senator from Illinois suggested that he had some amendments, but that he had to appear before the Committee on Foreign Relations on a matter of great importance to his State.

My understanding was that the Senator from Delaware was ready to offer an amendment. I am perfectly willing for that amendment to be first considered. It relates to the number of voyages.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield to me?

Mr. HOLLAND. I yield.

Mr. JOHNSON of Texas. I ask unanimous consent that it may be in order to consider the amendment of the Senator from Delaware, notwithstanding the fact that the committee amendments have not been agreed to.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

Mr. HOLLAND. Mr. President, the Senator from Delaware has two amendments. I told the Senator I would not be ready to give him an answer with respect to one of them until the Senator from Maine [Mrs. SMITH] and the Senator from Washington [Mr. MAGNUSON] were present and I could submit it to them. The other amendment relates to the voyages, and we are ready to proceed on that amendment. I ask that the Senator offer that amendment.

Mr. WILLIAMS of Delaware. Mr. President, the first amendment I want to offer is the one which I think can be agreed upon. The Senate has adopted it a time or two before. I think we can quickly dispose of it. I should like to send that amendment to the desk.

The amendment would merely provide that those companies which benefit under this bill from Government subsidies would not be able to, in turn, offer any public official reduced or free transportation on our American ships.

Mr. President, I offer the amendment, send it to the desk, and ask that it be stated.

Mr. HOLLAND. Mr. President, I regret that the Senator has offered that amendment first, because I told the Senator very specifically I would not be able to answer a question which he had propounded to me about it until the ranking minority member of the committee was present and had a chance to be consulted and until the Senator from Washington [Mr. MAGNUSON] had also been consulted. My understanding was that the Senator had another amendment as to which he was ready to proceed. I think it would be better to follow that course of action. Otherwise, we shall have to have a quorum call now and get the two Senators I have mentioned to the Chamber.

Mr. WILLIAMS of Delaware. Mr. President, I have no objection. I have a second amendment which I could offer.

Mr. HOLLAND. I ask the Senator to offer that amendment.

Mr. WILLIAMS of Delaware. I am simply wondering if the Senator from Florida is willing to accept this second amendment?

Mr. HOLLAND. The Senator from Florida is not willing to accept any amendment under the conditions which now exist.

The Senator from Florida is willing, so far as he is concerned, to accept the amendment with reference to free trips, but he made it very clear to the Senator from Delaware that other Senators had to be consulted.

Mr. WILLIAMS of Delaware. Mr. President, I offer the other amendment, which I send to the desk and ask to have stated.

Mr. HOLLAND. Therefore, the Senator from Florida has insisted that the other amendment be considered.

Mr. WILLIAMS of Delaware. I will submit the other amendment first.

Mr. JOHNSON of Texas. Mr. President, has my request been approved?

The PRESIDENT pro tempore. Yes.

Mr. BUTLER. Mr. President, before the amendment is stated, will the Senator from Delaware yield to me?

Mr. WILLIAMS of Delaware. I yield.

Mr. BUTLER. Did the Senator say that the amendment had heretofore been approved by the Senate?

Mr. WILLIAMS of Delaware. The Senate approved it last year.

Mr. BUTLER. There was not a record vote. Has not that amendment been refused by the Senate by two record votes?

Mr. WILLIAMS of Delaware. It was refused by the conferees, but it was approved by the Senate. The amendment was approved by the Senate each time it was voted on, but it was knocked out in conference. I am hoping that this time the House will accept the amendment.

I cannot see how they can do otherwise.

Mr. BUTLER. Do I correctly understand that the amendment has been approved by a majority vote of the Senate on two occasions?

Mr. WILLIAMS of Delaware. Yes. It was approved last year and approved with very little objection.

Mr. HOLLAND. Mr. President, I do not know what the Senate has done heretofore. I made it very clear to the Senator from Delaware that with respect to this particular amendment we should wait until there can be more general discussion. With respect to the other amendment, it will certainly not be contested by the committee. I believe the Senator is ready to proceed, and I suggest that that amendment be offered.

Mr. CARLSON. Mr. President, will the gentleman from Delaware yield if he has the floor?

Mr. WILLIAMS of Delaware. I yield.

Mr. CARLSON. Before the amendment is offered, I should like to discuss briefly an item dealing with the Weather Bureau. Does the Senator from Florida have any objection?

Mr. HOLLAND. I do not have the floor; but if the Senator from Delaware will yield to me for that purpose, I shall be very glad to yield to the Senator from Kansas.

Mr. CARLSON. Mr. President, I am greatly interested in the need for additional weather reporting facilities. It happens that we have one of the oldest weather reporting stations in north central Kansas, at Concordia, Kans. I am thoroughly familiar with that area. I do quite a little flying in private airplanes.

There is an area in which there is an inadequate reporting service. There are fine radar facilities at Kansas City, Wichita, Denver, and Lincoln, Neb. However, there is a great void in a certain area.

I followed with interest some of the reports, observations, and letters in the record of the hearings. I wish to read one sentence, found on page 617, relating to forecasts.

> In the interest of maximum safety and efficiency in the management and use of the navigable air space, it is of the utmost urgency that the weather forecasting service be brought up to a level which will meet the existing requirements of the air traffic control system and its users.

It is that particular sentence that I wish to call to the attention of the Senator from Florida, chairman of the subcommittee, as indicating the need for this additional service. I have had several contacts with Dr. Reichelderfer and the FAA with regard to this need. I think they understand the situation.

I fully appreciate the problem from the standpoint of appropriations, when it comes to establishing new or expanded facilities. However, I cannot let this opportunity pass without stressing the need for an extension of the service in this area. We have a Weather Bureau station. We have an airport where a building could easily be constructed, and good radar facilities could be provided without great cost.

As I have stated, I do a good deal of private flying in this area. There are several hundred flying farmers and hundreds of private airplanes in the State of Kansas. I call attention to the need for this particular service. I do not propose to offer any amendments, but I want the RECORD to show that there is a need for this service, which would be of great value to the many people who use this section. It could be important to commercial aviation, because there would then be an adequate reporting service. The Weather Bureau submits reports morning, afternoon, and evening from a central station. I find from the hearings that some have suggested that a difference of 2 minutes can mean the difference between safe flying and an accident.

I appreciate the kindness of the chairman of the subcommittee in allowing me these few minutes to discuss the problem.

Mr. HOLLAND. I am glad to have the Senator discuss it.

The subcommittee and the full committee, by unanimous action, restored to the bill the full request for the Weather Bureau for the improvement of flight safety. The other body had substantially reduced the amount.

The Senator from Oklahoma [Mr. MONRONEY], who is known to be interested in this field, took a very great interest in this particular item. He interrogated Dr. Reichelderfer and other witnesses at some length.

I am unable to state whether the particular objective which the Senator mentioned is served by allowing the full request of the Weather Bureau. Whatever is comprehended within the full request made by the Weather Bureau, and supported by the aviation industry, was restored to the bill, because we felt that this was an objective of such compelling interest that we should take that course.

I am sorry I cannot tell the Senator from Kansas specifically about the Concordia station.

Mr. CARLSON. I wish to commend the chairman of the subcommittee and the full committee for bringing in the recommendation that the full amount requested by the Weather Bureau and the FAA be allowed for this important service. I cannot think of anything more urgent, in view of the increasing air traffic, than the need for extension of safety facilities and services. It is important to those who fly, particularly those who fly in small aircraft. We live in an area where they are used to great extent.

I plead with the chairman of the subcommittee for future consideration. I am confident that in some areas there is an inadequacy of air reporting service. Further consideration should be given the subject in future years.

Mr. HOLLAND. I thank the distinguished Senator.

All the requests for restoration were granted. Whether this particular item was included, I am in doubt. I suggest to the distinguished Senator that there will be another supplemental bill, and if he regards this particular item of great importance, I invite him to appear before the subcommittee at that time and be heard.

Mr. CARLSON. I assure the chairman that I shall be delighted to appear and present this request. I can state to the chairman that the Weather Bureau and the Federal Aviation Agency are thoroughly familiar with my request. I shall be happy to appear before the subcommittee.

Mr. GORE. Mr. President, the distinguished senior Senator from Florida, as chairman of the subcommittee, has the deepest interest in the Nation's highway program. He and I have discussed the problem with respect to the pending bill, and have concluded—which I think he will confirm—that we should explore together the possibility of finding a satisfactory answer to the problems relating to the deficiency bill which is anticipated and the legislative bill, which is likewise anticipated. I should like to make the fact of our conversation and undertaking of joint effort in this regard a matter of record.

Mr. HOLLAND. I thank the distinguished Senator from Tennessee for his able and constructive remarks, and also for his continued interest in the highway program, which is shared by the Senator from Florida.

Last year there was considerable discussion of this subject, at which time the point in greatest issue was whether or not advancements would be made out of general funds to meet all obligations of the United States under the Federal-aid program, which would come due in the fiscal year 1960.

At that time, as I recall, we made available $359 million for that purpose. This time the request of the Bureau of the Budget was for $200 million for 1961 for that same objective, and the amount was reduced to $160 million, for reasons with which the Senator is familiar. This amount will accomplish the full objective. That is, there will be no default during the fiscal year 1961, which can be foreseen, in the payment of the Federal part of any Federal-aid project.

There is another point, however, in which the Senator from Tennessee is very greatly interested—and I share his interest. I refer to the problem of getting back to the original schedule for

allocation of projects, particularly in connection with the Interstate System. The Senator from Tennessee and I have discussed this question at length, and quite sympathetically. We both wish to get the program back on the track. The question which has been discussed between us relates to what would be the best method. I have felt that the Public Works Committee has a particular task, because it has to do not merely with this particular year, for which we are providing in this bill, but also with other years, in the future.

We are exploring the matter and we shall continue with the exploration, in the hope that we shall find a method to accomplish what the Senator from Tennessee and I both wish to accomplish.

Mr. GORE. Mr. President, will the Senator yield further?

Mr. HOLLAND. I yield further.

Mr. GORE. I thank the Senator. The statement which the able Senator has made, that there be no deficiency in meeting the requests of the States for reimbursement is conditioned and made possible by the fact that the administration has instituted a slowdown procedure by which the vouchers of the various States are held back. That means that the program itself is prevented from proceeding upon schedule. This is a part of the problem which the able Senator and I will jointly seek to resolve.

Mr. HOLLAND. Yes; the Senator is correct. As a matter of fact, both of us are exceedingly eager to step back to the original tempo of the interstate program. The question is how to accomplish it. That is a serious question. The Senator from Florida is inclined to think it requires action by the legislative committee. The Bureau of Public Roads has stoutly taken the position that under existing law it has no authority to make allotments for the future except insofar as revenue is foreseeable. On that there may be some difference of opinion.

Mr. GORE. In any event, the crux of the problem is money. Is that not right?

Mr. HOLLAND. The crux of the problem is money, not just for this year, but for the future, to handle the program. The Senator from Tennessee and the Senator from Florida wish to get the program back on schedule.

Mr. GORE. I thank the Senator.

Mr. HOLLAND. If the Senator from Delaware is ready to present his amendment, we can proceed.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). The question is on agreeing to the first of the amendments which were excepted under the unanimous-consent agreement, unless the Senator from Delaware has an amendment to offer to it.

Mr. WILLIAMS of Delaware. I am willing to offer the amendment. If it is satisfactory to the Senator from Florida I shall reverse the order of presentation and submit first the amendment mentioned. The Senator from Washington is out of the Chamber at the present time, however——

Mr. HOLLAND. I appreciate that courtesy.

Mr. WILLIAMS of Delaware. I understand that the Senator from Washington is also interested in the second amendment. It does not make any difference which one I present first; however, I did promise to the Senator from Washington that he would be notified. Perhaps I could offer one of these amendments and then have a quorum call so as to alert the Senator from Washington.

Mr. HOLLAND. I thank the Senator. His reasoning is impeccable. If he will say which amendment he will offer, and then offer whichever amendment he wishes to offer at this time, I shall suggest the absence of a quorum.

Mr. WILLIAMS of Delaware. The Senator from Washington wishes to be present during the consideration of both amendments. I send an amendment to the desk and ask that it be stated, following which we can have a quorum call.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. At the appropriate place in the bill it is proposed to insert a new section, as follows:

> No common carrier by water subject to the Shipping Act of 1916, as amended; the Merchant Marine Act of 1936, as amended; or any other Act; shall directly or indirectly issue any ticket or pass for the free or reduced-rate transportation to any official or employee of the United States Government (military or civilian) or to any member of their immediate families, traveling as a passenger on any ship sailing under the American flag in foreign commerce or in commerce between the United States and its Territories and possessions; except that this restriction shall not apply to persons injured in accidents at sea and physicians and nurses attending such persons, and persons rescued at sea, and except that this restriction shall not apply to persons referred to in section 405(b) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1145(B)), relating to steamship companies carrying mails of the United States: *Provided further*, That nothing in this Act shall prevent the United States Government from entering into contractual arrangements with said companies for reduced transportation rates involving the traveling expenses of those Government employees (military or civilian) when such transportation costs are paid for by the United States Government.
>
> Any person or corporation who knowingly violates this Act shall upon conviction thereof shall be fined not less than $500 nor more than $10,000 at the discretion of the Court for each such violation.

Mr. HOLLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, this amendment is the same as the one the Senate approved last year.

The purpose of the amendment is to prohibit the merchant marine from offering free or subsidized rates of transportation to any public official, and that prohibition will apply to public officials in the legislative branch as well as in the executive branch. This would apply the same rules to the Merchant Marine as now apply to the railroads and airlines.

When we stop to consider that Congress, in subsidizing this industry during the past 5 years, has voted total subsidies amounting to more than $1 billion, I believe it only proper to ask that this amendment be adopted. Subsidies are approved by both the Congress and the executive branch, and to allow the industry to continue to offer free or reduced-rate transportation to the officials who voted for the appropriations or to those who recommended the appropriations is to subject both the Members of Congress and officials of the executive branch to a great deal of criticism. I do not say that the decisions of these officials have been influenced by such free transportation or reduced rates. Nevertheless, in recent weeks much has been said in the press about officials of various executive agencies who have accepted excessive entertainment from those with whom in their official capacity they have done business. I believe the Congress should begin to live in accordance with the code it lays down for the officials of the executive branch.

On two previous occasions the Senate has approved this amendment. Unfortunately, each time it was rejected by the House.

If we now approve the amendment, however, we should approve it with the clear intention of having the Senate conferees instructed to insist on the amendment.

If the amendment is adopted, it will restrict any shipping company from giving to any official or employee of the U.S. Government or to any member of that employee's immediate family free transportation or reduced transportation rates below the rates offered to the general public. The amendment would not prevent a Government official or any member of his family from traveling by ship at excursion rates if those rates were offered to the general public.

As I have said, I do not charge that any public official's decision has been influenced as a result of his receiving such lower rates or free transportation; but the Congress and the executive branch have laid down a code which provides that gifts and excessive entertainment from those with whom they do business are not proper, and I think it is time for Congress to begin to live by the same code.

Recently a high-ranking Government official was forced to resign from his position as a member of an agency of the executive branch after it was disclosed that he had accepted a subsidized vacation from those with whom he was doing business in his official capacity.

Again I ask, what is the difference between a situation in which a Government official accepts subsidized hotel facilities, on land, and a situation in which a Government official accepts subsidized vacation by water?

This bill, which is offered now in the form of an amendment, has been approved by the various executive agencies of the Government. I have before me a letter addressed to the chairman of the committee, signed by Leo A. Hoegh, of

the Budget Bureau, in which he states that they have no objection to the amendment.

I also have before me a letter from the Secretary of the Treasury in which it is stated that this Department has no objection to this proposed legislation.

I also hold in my hand a letter from the Department of the Interior in which it is stated that this Department has no objection to this proposed legislation.

A similar report has come to me from the Department of Agriculture.

The Department of the Navy states that it will have no objection provided the legislation is amended so that the Navy can contract for the transportation of its military personnel. That suggestion has been included, and therefore the Navy's objection to this amendment has been eliminated.

I also have before me a letter from the Department of State to the effect that the State Department makes no objection to the proposed legislation.

The Interstate Commerce Commission very properly has stated that the matter is out of its jurisdiction and that it is not making any recommendation.

So again I say that I think this amendment is drafted in a form which has universal approval by the executive branch of the Government. Hearings were held several years ago by the Interstate and Foreign Commerce Committee, but they failed to act. I think the Senate should take this long overdue action.

I hope the chairman of the subcommittee who is in charge of this appropriation bill will see fit to accept the amendment at this time.

Mr. HOLLAND. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. HOLLAND. Let me ask the distinguished Senator from Delaware whether I correctly understand that the amendment applies only to officials of the legislative branch of the Government and officials of the executive branch of the Government or to their families.

Mr. WILLIAMS of Delaware. That is correct.

Mr. HOLLAND. There is no application of this provision to the general public, is there?

Mr. WILLIAMS of Delaware. No, sir.

Mr. HOLLAND. May I say that I have conferred with the distinguished ranking minority member of the committee, the Senator from Maine [Mrs. SMITH]. I have conferred with other Senators on the floor who have particular knowledge of this field. I have already stated, in an earlier statement, that, so far as I am concerned, I have no objection to this amendment. I am very happy, with the concurrence of the Senator from Maine [Mrs. SMITH], to take this amendment to conference.

Mr. WILLIAMS of Delaware. I appreciate that statement. I know it is as far as the Senator from Florida can state; however, having had some experience with conference committees, I should like to emphasize that I would expect the Senate conferees to insist upon this amendment just as strenuously as they would on any other amendment. We would be forced to discuss it again should it be eliminated in conference. This is something in which the Senate and the Congress, as a whole, would be very lax indeed if we do not give it our approval.

I did not mean by that statement to question the sincerity of the Senator from Florida. All I want to emphasize is that this amendment is not being offered merely as a token gesture to be taken to conference and dropped. I am really in earnest about it and will insist upon its being retained in the bill.

Mr. HOLLAND. The Senator from Florida has already said he personally favors the principle of the amendment. He said he saw no reason why, for example, to make it personal, a Senator or Member of the House should travel free, or at reduced cost, on lines subsidized by laws passed by Congress.

I want to remind the Senator from Delaware that, in conference, the Senator from Florida is only one of several Senate conferees. There are House conferees, likewise. I want to remind the Senator from Delaware that this is legislation. We are making no point of order. We are perfectly willing to take the amendment to conference. I hope the amendment can remain in the bill. I will do my best to see that it remains in the bill. But any matter that is offered on the floor, without having a hearing on it by the committee, and which is legislation, as the Senator knows, is in a precarious situation in conference. I would not want the Senator from Delaware to take the assurance that the Senator from Florida is going to favor its being kept in conference as assurance that the amendment is going to remain in conference, because the Senator from Florida does not, and cannot, go that far. He will do his best.

Mrs. SMITH. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mrs. SMITH. I should like to concur 100 percent in what the distinguished Senator from Florida has said. I will join the Chairman in doing what I can to keep this amendment in conference, and I am sure the able Senator, the chairman of the committee, will in his usual persuasive manner do his utmost to uphold the position of the Senate.

Mr. WILLIAMS of Delaware. I thank both the Senator from Florida and the Senator from Maine. I fully recognize that the amendment was subject to a point of order because it is legislation. If the point of order had been raised, however, I had another amendment embracing the same proposal that I would have offered. This would not be subject to the point of order; however, it does not spell out the proposal as carefully as does the pending amendment. This amendment, as it is drafted, has the approval of the agencies.

I appreciate the acceptance of the amendment by the Senator from Florida and his committee, and I know he will do his best to keep it in conference.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. BUTLER. Did the Senator say he wanted Members of Congress and members of the executive branch to have no greater right in this connection than the public generally?

Mr. WILLIAMS of Delaware. No. I said that if this amendment were adopted, Members of Congress and public officials in general, which includes members not only of the legislative branch but also of the executive branch, would be eligible for no rates offered by the shipping companies other than those regular rates which are offered to the public in general.

Mr. BUTLER. The Senator knows the shipping companies offer reduced rates to the public—perhaps not generally, but reduced rates are offered—does he not?

Mr. WILLIAMS of Delaware. I have heard the Senator from Maryland [Senator BUTLER] say that at times reduced rates are offered to some large shippers. This amendment does not deal with that problem.

Mr. BUTLER. Would the Senator be willing to have his amendment go across the board and cover all persons traveling?

Mr. WILLIAMS of Delaware. This amendment as drafted would prohibit any public official from accepting reduced rates. If the Senator wants to offer an amendment extending the restriction to the public generally, I shall be glad to give it consideration. That is an entirely different proposition, however.

Mr. BUTLER. I would like to see the amendment apply to everybody, not merely to Members of Congress and the executive branch. I do not think we ought to pick out any particular segment of the public. If we are to have such a provision, I think, it should apply generally, as the railroad law does. It should apply to the public generally, and not merely to certain officials.

Mr. WILLIAMS of Delaware. This amendment does apply exactly in the same manner as does the railroad law and as does the law for the airlines.

Mr. BUTLER. It does not apply in the same way, because the railroads cannot give rebates to anybody, and that is what I would like to see this proposal do. If we are to have a law on this subject, let us make it apply to everybody. Let us not exempt Mr. A, and say to Mr. B, doing the same thing, "You are fined $10,000 for giving Mr. C a certain ticket that you could give Mr. A."

Mr. WILLIAMS of Delaware. This amendment does not exempt anybody. If the committee has a different approach to this problem why has it not reported a bill dealing with this subject?

Mr. BUTLER. We have made such offers. If the Senator will include the public generally, that would be all right, but I do not believe in making fish of one and fowl of another.

Mr. WILLIAMS of Delaware. When the proposal was drafted by the legislative counsel and submitted to the agencies I was advised that it should be confined to public officials. It follows the same pattern established when Congress passed the law prohibiting railroads from granting public officials subsidized vacations.

The law that was passed by Congress several years ago correcting this situation as it affects both the railroads and the airlines dealt only with public officials. For that reason, I am trying to lay down the same rule with respect to shipping companies.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. HOLLAND. I think the Senate now understands the measure as applying only to officials of the executive and legislative departments and their families. Is that correct?

Mr. WILLIAMS of Delaware. That is correct.

Mr. HOLLAND. Do I correctly understand, likewise, the proviso which I now read, "*Provided further*, That nothing in this act shall prevent the U.S. Government from entering into contractual arrangements with said companies for reduced transportation rates involving the traveling expenses of those Government employees (military or civilian) when such transportation costs are paid for by the U.S. Government" accepts the mass travel arrangement the Government has always, by contract, entered into concerning larger movements of personnel?

Mr. WILLIAMS of Delaware. That is true. The exception was included on the recommendation of the Department of Defense and of the various divisions thereof. When the movement of troops, military personnel, or civilian personnel and their families, is handled solely at Government expense the departments will still have a right to enter into contractual arrangements with the shipping companies. This amendment would in no way affect that when such expenses are paid entirely by the Government.

Likewise, a clause was put in to take care of the situations where the Post Office Department uses some personnel to handle mail during the traveling of the ships.

I repeat, in all instances where the Government itself is directly responsible for the payment of the transportation, the amendment does not and should not apply. It applies only when traveling at other than Government expense.

The language was drafted to conform with the same type of legislation which the Congress enacted years ago, first in connection with the railroads and later in connection with the airlines.

This would put the ships under the same rules as was provided at that time for the other two means of transportation.

Mr. HOLLAND. Mr. President, I thoroughly agree with the proposed legislation as explained by the Senator from Delaware.

Mr. DOUGLAS and Mr. BUTLER addressed the Chair.

Mr. WILLIAMS of Delaware. I yield first to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Delaware yields to the Senator from Illinois.

Mr. DOUGLAS. Mr. President, I congratulate the Senator from Delaware for the amendment. The Senator from Delaware is one of the most vigorous fighters for economy in the Senate. He was not only a fighter for economy when the Democrats were in power in the executive branch of the Government, but he is also a fighter for economy when the Republicans are in power.

The Senator has been willing to try to cut down the subsidies for ship construction, although some of the major shipbuilding companies in the country are located in his own State. I think the Senator deserves the highest praise for his attitude.

The Senator from Illinois was one of those who had some part to play in eliminating free travel of public officials on the airlines, because that was used as a method of influencing officials and Members of Congress.

I shall support the Senator in this proposal. I would like to ask him a question, if he will permit. The Senator from Florida has indicated that he would accept the amendment of the Senator from Delaware, but if the Senator goes to conference on it will he not find strong opposition from the House conferees?

Mr. WILLIAMS of Delaware. The Senator from Florida may find strong opposition, but the Senator has given me his assurance that he is accepting the amendment in good faith and will support it in conference. There was no question in my mind about the Senator's being sincere when he told me he would do this.

Mr. DOUGLAS. I have no doubt about the Senator's sincerity.

Mr. WILLIAMS of Delaware. I think the Senator will do what he can. If, perchance, the amendment is not agreed to, then we in the Senate will have a chance, when the matter comes back to the Senate, to express our opinion at that time.

Mr. DOUGLAS. All I am trying to do is to suggest that perhaps the hand of the Senator from Florida would be strengthened if we could have a yea-and-nay vote on this matter, so that the Senate with a clear voice could state its support of the Senator from Delaware and of the Senator from Florida. I hope very much that my good friend from Delaware will ask for a yea-and-nay vote on this matter, in order to help the Senator from Florida defend the position which the Senator from Delaware so eloquently puts forth.

Mr. MAGNUSON. We have already voted on this matter. I think that should be said.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. HOLLAND. The Senator from Illinois was not here when I stated what I think I should repeat now, since he is on the floor.

I reminded the Senator from Delaware that this language is clearly legislation. Notwithstanding that, the committee has not raised a point of order, because the committee favors the legislation. I quoted the distinguished Senator from Maine, the ranking minority member, as feeling, along with the Senator from Florida, the Senator from Washington, and others, that this is good legislation and should prevail.

Also, in complete fairness, I reminded the Senator from Delaware that any legislation which is placed on an appropriation bill presents no easy situation in conference. I told the Senator I would fight as hard as I could for it. The Senator from Maine has said the same thing. I do not want that to be taken to mean we are guaranteeing the language will stay in the bill. I hope it will. We will do all in our power, because the Senator from Florida thinks there is involved a question of the good repute of the Senate and of the House. I do not think that any Member of the Senate or the House wants a reduced rate or better treatment than the public generally from a concern which is operating in very large part out of subsidies paid by the U.S. Government.

I think every Senator and every Member of the House of Representatives will feel that way about the matter. I hope we will find that situation to exist in the conference.

Mr. MAGNUSON. Mr. President, will the Senator yield for a question?

Mr. WILLIAMS of Delaware. I will yield to the Senator in just a moment.

I accepted the assurance of the Senator from Florida in good faith. Certainly I like victories by yea-and-nay votes, but I am a great believer that when one has a victory offered he should take it. I am not pushing my luck too far. If the Senate is willing to accept the amendment, I am perfectly willing to stop talking and let it pass.

I have the utmost confidence both in the sincerity and in the integrity of the Senator from Florida and the distinguished Senator from Maine [Mrs. SMITH], both of whom I know are in support of the amendment. This time we will have several friends in court when this matter goes to conference.

Mr. DOUGLAS. Mr. President, will the Senator yield to me?

Mr. WILLIAMS of Delaware. I yield to the Senator from Illinois.

Mr. DOUGLAS. I am sure the Senator from Florida and the very much beloved Senator from Maine will do their best on this matter, but they are going into a very severe struggle with the House conferees. I have always felt that when one is moving to attack it is not enough to send a rifle squad up to the front, but that one should have a supporting detachment behind them. The best reenforcement we could give to the Senators would be a ringing yea-and-nay vote. I am confident the amendment would pass by an overwhelming vote. Then the Senators would not enter the conference chamber with empty hands, but would enter with the massed power of the Senate behind them.

While of course I shall not insist upon a yea-and-nay vote if the Senator from Delaware feels it should not be asked for, I plead with the Senator to reconsider his determination and to come still

further to the assistance of our beloved comrades as they work for economy and for the elimination of unfair privilege.

Mr. WILLIAMS of Delaware. I assure the Senator from Illinois that when I came to the Chamber this morning I came with the full intention of asking for a yea-and-nay vote. I had advised the secretaries of the Senate to alert the Members that there would be a yea-and-nay vote.

However, I had expected we would have a little more difficulty getting the amendment agreed to than has developed.

I repeat, I am a great believer that when one is winning, the sooner one can yield the floor and accept the victory the better. I am not unmindful of an incident which occurred a couple of years ago when my distinguished friend from Virginia, the chairman of the committee, agreed to accept an amendment of the Senator from Pennsylvania, who then decided to seal his victory with a yea-and-nay vote. The Senator's victory soon turned into a defeat.

I know in this instance the result would be entirely different, but nevertheless I am offering the amendment to get it approved. When I get it agreed to, I shall have accomplished my purpose.

Mr. DOUGLAS. What will the Senator do when these fine representatives of ours come back to the Senate from the conference with this provision eliminated?

Mr. WILLIAMS of Delaware. If that happens I will be on the floor ready to defend my position.

Mr. DOUGLAS. Will the Senator fight for it again?

Mr. WILLIAMS of Delaware. I did before, and I shall do so again.

Mr. MAGNUSON. Mr. President, will the Senator yield to me?

Mr. WILLIAMS of Delaware. I will yield to the Senator in just a minute.

One reason I am willing to let this pass quickly is that I recognize that they have a point, that the amendment is legislation on an appropriation bill and would be subject to a point of order. To that extent I am in a weak position. As I pointed out, however, had the point of order been raised I had another amendment which would have made this merely a proviso on the bill, which would have bypassed the point of order. This latter proposal is not drafted in exactly the kind of language I should like to have it nor the kind which is in this amendment. That is the reason I did not offer it first.

I think our hands are strengthened by having the complete language in the bill. The Senators have graciously agreed to accept the complete language in the bill, which, as I said before, is the language approved by the various executive branches, and which is worked out in careful detail. We will be in a much stronger position by getting the complete text in the bill than by compromising it. Again—when you are winning, never tempt your luck too far.

Mr. DOUGLAS. Mr. President, I defer to the judgment of my good friend from Delaware, but over the night I read "The Vicar of Wakefield," written by Oliver Goldsmith, and in that book the author describes how the son of the vicar, Moses, went to town with a cow and sold a very valuable cow in return for some green spectacles, which were of absolutely no use. I only hope that the Senator from Delaware does not find he has sold the affirmative decision of the Senate for some green spectacles, which turn out to be of no assistance.

Mr. WILLIAMS of Delaware. I assure the Senator from Illinois that he has nothing to worry about. I have my spectacles in my pocket to make sure that I can see what is going on. [Laughter.]

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield to the Senator from Washington.

Mr. MAGNUSON. This subject has been before the Senate on many occasions.

Mr. DOUGLAS. And the proposal has never been approved.

Mr. MAGNUSON. Oh, yes.

Mr. DOUGLAS. It has always been lost in conference.

Mr. MAGNUSON. That is why I want the Senator from Illinois to bear with me for a moment.

The last time the provision was put in the bill it went to conference, and the House absolutely refused to accept it. The conference report was brought back to the Senate, and there was a rollcall on the conference report. This was one of the points that was raised. The Senate voted, 53 to 34, to turn it down. So when the Senators talk about rollcalls, there have been some rollcalls.

Mr. WILLIAMS of Delaware. Mr. President, the state of the Senator is correct; however, it was in the closing days of the session when the conference report came back, and the argument was effectively used that the Senate must accept the conference report or get no legislation. I appreciate the force of that argument, but this time it will not be applicable.

We have another strong point which we did not have then. In the past 12 months a great deal has been said by various committees in the House and Senate on the subject of "payola" being used on the side of influence disc jockeys and others, including Government officials. These men were criticized for accepting free entertainment. Recently the head of one of our Commissions resigned as a result of protests by the public that he had accepted lavish entertainment from those concerned with decisions he was making.

Much of the criticism resulted from the good work of committees in the House of Representatives. With all that background I have the feeling that there is a different spirit in the Congress than there was when this question was previously under consideration. I am confident that there is more respect for this problem in the House than there was before. I do not see how either the House of Representatives or the Senate could criticize an official in the executive branch of the Federal Government for accepting lavish entertainment on a yacht in Florida or hotel accommodations in some city which are paid for by some taxpayer and still support a code of ethics which provides that Members of Congress or other public officials may accept the free transportation or reduced rates offered to us by one of the largest and most heavily subsidized industries in the country.

We cannot say that these subsidized vacations have not been offered. I do not wish to deal in personalities. A few years ago, however, as I previously pointed out, I was a member of the Committee on Interstate and Foreign Commerce. During the time we were taking testimony in that committee on a bill affecting the maritime industry a letter was sent to the chariman of the committee in which each member of the committee was offered a free vacation. The offer was made to myself and my family, and to every other member of the committee and his family, of a free trip anywhere in the world—not just to Europe or South America, but anywhere the member wished to go on any American-flag ship.

I denounced that offer then as being highly improper, and I denounce it now. I contended that the ship operators had no right to offer such free trips. The letter was withdrawn, and the invitation cancelled. But the fact that that can be done and the fact that reduced rates of transportation can be offered by this heavily subsidized industry indicates that the time is long overdue for correcting the situation.

I am glad we are in agreement, and I very much appreciate the attitude of the subcommittee in accepting the amendment. The language meets all the objections which were once made by officials of the Defense Department and various other agencies of the Government who did not want to be handicapped in making contract arrangements with these companies to transport military personnel and their families in instances in which the Government is paying all the cost.

I appreciate the fact that we are making a legislative record in support of language being added by the Senate. I think the House will be cognizant of this debate. I am confident that the amendment will be accepted and will be upheld in conference.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. DOUGLAS. I wish again to commend the Senator from Delaware for his action, and to say that I hope his optimistic appraisal of the situation may be borne out.

But knowing of the adamant position of the House in times past, I am somewhat fearful that the brave warriors whom we send into battle unequipped with adequate weapons may be overpowered. I would prefer a ringing roll call vote, showing that the Senate stood solidly behind the Senator from Delaware; but inasmuch as he does not intend to ask for it, I will not ask for it. However, I believe we will both pledge that if the bill comes back from the conference with this item eliminated, we shall fight it until doomsday.

Mr. MAGNUSON. Mr. President, I think the record should be kept straight. I have it before me.

When the bill came to the floor of the Senate after having been reported from the committee in the form passed by the House, there was added on the floor of the Senate an amendment to prohibit the issuance of free or reduced rate transportation to officials or employees of the Federal Government.

That was the bill which went to conference, with the added title, title II, in dispute. The managers on the part of the House disagreed with title II, on the ground that it was not germane to the bill.

On the conference report there was a rollcall. Fifty-three Senators voted to delete the matter, and 34 voted to keep it in the bill. That was done on September 9, 1959.

We have had no conference with the House since that time. Whether Members of the House have changed their minds or not, I do not know. I do not know what the Senate would do with the conference report. However, there was a vote on this question, and there was a substantial ringing vote at that time, because of the point raised by the Senator from Florida, that the item was legislation.

I do not know that any Member of the Senate has a monopoly on righteousness. All of us have our own particular codes, and we feel all right about it. There is no monopoly on righteousness in any individual.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MAGNUSON. Let me finish what I have to say.

There is really no objection to the goal sought by the amendment of the Senator from Delaware. In the first place, I do not know of any particular instances in which such a thing has happened. If there be such instances, I do not know about them. We have asked the Maritime Board about the situation. There was a hearing in the Senate Committee on Interstate and Foreign Commerce 2 years ago, I believe, at which the Senator from Delaware appeared. We discussed the question thoroughly for 2 or 3 hours in the committee. The committee voted the proposal down at that time, on the basis that there was no particular need for it.

There are certain practical considerations in this connection which must be looked to, so far as placing the provision in an appropriation bill is concerned. There is a practical situation involved.

First, the provision could apply only, of course, to subsidized lines.

Second, it would have to apply to the general public also. What is applied to Government officials should be applied, in a broad sense, to the general public.

Third, there is a certain flexibility of accommodations in passenger ships. They are very much different from airplanes or railroad trains. It has been customary, since men have sailed the seas and ships have carried passengers, to allow the captain of the ship to do what he thinks is right, even so far as eating is concerned. The Senator from Illinois knows that there is a great rush to see who sits at the captain's table on a voyage. It is fashionable of itself, and a mark of distinction.

Mr. DOUGLAS. Mr. President, will the Senator yield for a moment?

Mr. MAGNUSON. Let me finish.

There are certain practical considerations.

I do think, of course, that the Senator from Delaware should explore the fact that there is no objection to anyone getting abroad a ship, whether he is a Government official or a member of the general public, with the exception of excursions sometimes——

Mr. WILLIAMS of Delaware. The amendment is clear on that point.

Mr. MAGNUSON. That any such person should not pay the minimum rate, whatever it may be. There are a few ships which have minimum rates, and there are all kinds of different rates. For example, one person likes the port side, while another person likes the starboard side. Actually on some trips to Europe, because the ship is traveling east, the staterooms on the starboard side are at little premium because the other side is the north side, and the sun does not shine as well on that side. That is a practical problem in ships.

I know that the amendment will be taken to conference, and I hope the House will accept the principle of what the Senator from Delaware wishes to establish. In other words, we do not wish to see anyone traveling on a ship with any more rights than anyone else. However, I do not believe we should lay down a broad proposal, or even suggest by implication that there have been some abuses in connection with this matter. I do not know of any. I do not know of any so far as our committee is concerned. The chairman of the committee has never gone on these trips himself. That does not mean that I would not have gone. I simply did not have the time. However, members of the committee have gone to places on ships, and we have always paid the fare out of committee funds. When a member of a committee gets aboard ship, I suppose it is only natural for the captain to say to him, "You sit at the captain's table"; or things of that kind. If the amendment can be practically reduced to the fares involved, and if it can be applied to everyone, including the general public and Government officials, and everyone else, the objective of the amendment is good; and there is no reason why the amendment should not be adopted.

That is my feeling. The Senator knows that. I hope he also will understand that there are some practical legislative matters involved and there is also the point of the germaneness of legislation on an appropriation bill. I hope the House will accept the amendment.

Mr. WILLIAMS of Delaware. I appreciate the comments the Senator has made.

Mr. MAGNUSON. We should keep this in some perspective. We should not point a finger and say because there is a climate with respect to some of these things that everything is bad or that someone else should judge someone else's conscience. My conscience, the conscience of the Senator from Illinois, the conscience of the Senator from Florida, and the conscience of the Senator from Maryland are our own consciences. We have to live with our conscience. That is our business. I do not wish to see any implication left in the RECORD by the amendment that there is any Member of Congress—as far as I know this applies to the House—I have not been able to run anything like this down yet but the Maritime Board would be the only one that would know if there has been any abuse whatsoever with respect to this matter—I do not know that there would be any abuse in the future if we did not adopt the amendment. However, the objective is good.

Mr. WILLIAMS of Delaware. I appreciate what the Senator from Washington has said. I will repeat once more that the amendment applies only to the fares charged. The amendment is in line with the action which was taken many years ago by Congress in respect to laying down ground rules for the railroad industry and later for the airline industry.

I agree with the Senator from Washington that I did not, in presenting the amendment, wish to cast any reflection on anyone. In fact, I will repeat what I said in presenting the amendment. I said I was not charging that Government officials who are responsible for making decisions in Government have been influenced in their decisions by the granting of a special rate to them. I have said that it could happen and that that is a bad policy, and it should be corrected before we do have trouble. Congress years ago adopted two laws, one relating to the railroad industry and the other relating to the airline industry. On many occasions Congress has been critical of officials of the executive branch of the Government for accepting what many of us feel is excessive entertainment from industry. Let us agree to live by our own rules.

I called attention to an offer which I consider to be improper and which was made to the members of our committee. The industry did offer members of the Senate Committee on Interstate and Foreign Commerce free trips if we wanted to take them. I am sure all Members of the Senate will agree that that was an improper offer.

Mr. MAGNUSON. We turned it down unanimously.

Mr. WILLIAMS of Delaware. Yes; but the fact that the offer was made by the industry and the further fact that we could have accepted such trips, shows that there is need for legislation in this field.

Again, I thank the subcommittee for accepting the amendment. I hope that this will be the last time we will have occasion to discuss the matter on the floor of the Senate, except later to congratulate the conferees when they return with this amendment included in the bill.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. DOUGLAS. I do not wish to prolong this discussion. However, in view of the statement which the Senator from Washington has made that we should beware of undue self-righteousness, I merely wish to add that I wholeheartedly agree with him. I certainly think we should avoid all self-righteousness. As a matter of fact, I think that self-righteousness or spiritual pride should be the eighth deadly sin. While one should avoid self-righteousness at all costs, there is also the old saying, "Caesar's wife should be above suspicion."

That is one reason why the amendment should not only be adopted by the Senate, but adopted by both Houses and both parties, and become law.

Mr. HOLLAND. Mr. President, I should like to say just one thing in addition. A Senator during the debate spoke about an offer made by a shipping line to the committee. Of course he was talking about a legislative committee, the Interstate and Foreign Commerce Committee, because I would not want anyone to think, from a reading of the RECORD, that any shipping line had come to the Committee on Appropriations and had made such an offer to it. No such suggestion was made, ever, to the Appropriations Committee.

Mr. MAGNUSON. The Senator from Delaware explained that.

Mr. WILLIAMS of Delaware. That offer was made to the Committee on Interstate and Foreign Commerce.

Mr. MAGNUSON. It was made in a letter sent to us. I do not know how long ago it was.

Mr. WILLIAMS of Delaware. Several years ago; and I have been working to get this law approved ever since.

Mr. MAGNUSON. About 10 years ago. It was made by the executive director of one of the groups. It was not sent by a shipping line. It was thought that some members of the Committee on Interstate and Foreign Commerce should know something about the problems of the merchant marine. It was thought that would be a good idea. The shipping lines later said, "We cannot do this." We turned down the offer.

I said at the time that I hoped some members of the committee could take such trips on official business, so that they would know something about the problems of the merchant marine. Since that time some of the members have taken such trips, and the committee has paid for them out of committee funds.

Mr. HOLLAND. I can easily see such a situation arising in a legislative committee, because they are charged with the supervision of the merchant marine and its operation. The Appropriation Committee is in a different situation. I never heard of such a suggestion being made or such an offer having been made to the Appropriations Committee. I simply wanted to get the RECORD clean on that point.

Mr. WILLIAMS of Delaware. I think I made it clear that it was the Committee on Interstate and Foreign Commerce. However, to keep the RECORD straight, the RECORD should show also that the offer was rejected by the committee.

Mr. HOLLAND. I understand so.

Mr. WILLIAMS of Delaware. Since that time I have consistently tried to have this legislation enacted. That offer was made to our committee while it was considering legislation which was vital to the industry. I considered the offer then and consider it now to have been a highly improper suggestion.

Mr. COOPER. Mr. President, I think the amendment has been clearly explained by the Senator from Delaware; also, the statements made by the Senator from Florida [Mr. HOLLAND] and the Senator from Maine [Mrs. SMITH] are clear. I think we are all in agreement concerning the amendment.

Mr. HOLLAND. I hope we will accept it.

Mr. LAUSCHE. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. LAUSCHE. I should like to associate myself with the statements made concerning the merits of the proposal submitted by the Senator from Delaware. I am grateful to the Senator from Florida for accepting the proposal. In my opinion, if Congress is going to demand a meticulous observance of what some persons may call high morals in accepting hospitality, Congress should set the example, so that we under no circumstances will accept hospitality to which censure might be attached. It is on that basis that I subscribe to the statement made by the Senator from Florida.

Mr. WILLIAMS of Delaware. I thank the Senator from Ohio and the Senator from Florida and all others who are supporting the approval of this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware.

The amendment was agreed to.

The PRESIDING OFFICER. The first committee amendment which has been passed over will be stated.

The CHIEF CLERK. On page 2, line 5, after the word "Commerce", it is proposed to insert "including not to exceed $5,000 for official entertainment expenses", and in line 6, after the amendment just above stated, to strike out "$2,660,875" and insert "$2,822,400".

Mr. DOUGLAS. Mr. President, I rise to discuss the amendment to the provision for salaries and expenses for general administration which increases the House appropriation by some $161,525. It is an appropriation for the administrative expenses of the Secretary of Commerce himself.

On Thursday evening last, I pointed out the contradiction between the acts of the Secretary of Commerce and the speeches of the Secretary of Commerce, stating that when he appeared before the Senate Committee on Appropriations he asked for an increase of more than $25 million over the amount appropriated by the House, and that 4 days afterward he went to Philadelphia and spoke before the Pennsylvania Manufacturers Association, where, among other things, he said:

> It is to defend economic growth from ruin that the Eisenhower administration will continue to wage a no-quarter fight against the budget boosters and the surplus spenders. For if we can save the surplus for reduction of debt, we can—at the proper time—initiate much needed tax reform, which business wants so strongly.

In other words, in his speech before the Pennsylvania Manufacturers Association, the Secretary of Commerce, Mr. Frederick H. Mueller, emphasized economy and stated most clearly that it was the members of the progressive bloc in the Members of the progressive bloc in Congress who wanted to increase expenditures, despite the fact that he had himself asked for the increase of $25 million.

Mr. President, let us see the facts about the activities, budgetwise, of the Secretary of Commerce, and then compare them with his speech.

I hold in my hand an official document entitled "The Commerce Budget In Brief," issued by the U.S. Department of Commerce, Office of Budget and Management, and which was published under the authorization of Mr. Frederick H. Mueller, Secretary. Pages 2 and 3 give a summary of the appropriations which the Department requested. The summary compares the requests with the appropriation made for the current fiscal year.

This estimate shows that the Secretary of Commerce, who was making speeches about the need to reduce the Federal bureaucracy and resist the budget boosters, was coming in and asking for big increases in the personnel of his own Department.

For example, he was asking for 93 new general administration positions, of which 59 were to be in his own office and 34 in the Office of Field Services. He was asking for 45 new positions in the Bureau of the Census; 139 new and additional positions in the Coast and Geodetic Survey—I should make it clear that all those new positions were additional; he was asking for 54 new positions for the Business and Defense Services Administration, a service which, so far as I can tell, has been relatively useless and largely confined to soft talk, sweet talk, and Republican propaganda.

He was asking for 89 new positions in the Bureau of Foreign Commerce; 13 new and added positions in the Office of Business Economics; 101 new positions in the Maritime Administration; 164 new positions in the National Bureau of Standards, 295 new positions in the Weather Bureau; 77 new positions in the Bureau of Public Roads; or a total addition of 1,070 new positions above and beyond the 19,286 positions which had existed at the end of 1959.

He was therefore asking for an increase in the permanent staff of the Department of Commerce of close to 6 percent, or, to be precise, 5.6 percent.

As we know, the rate of growth of the American economy in the 7 years since the Eisenhower administration took office has been at an average rate of only 2.3 percent. So the Department of Commerce was proposing an increase in the bureaucracy of that agency in 1 year at a rate approximately 2½ times that of the rate of growth of the national product. This seems to be a new type of

law, Mueller's law; namely, to expand the personnel of the Department of Commerce at a rate greatly in excess of the national growth rate.

Mr. Mueller has been making very eloquent speeches on growth. But what he thus demonstrates is that he is really concerned with the growth in the personnel of the Department of Commerce. Indeed, the growth rate in that Department has been quite extraordinary. Mr. Mueller is proposing to increase it still further.

The House cut the requested appropriations of the Department of Commerce by about $28 million; and in the general administration item now before us it rejected the bulk of the proposed increase of 59 positions in the office of the Secretary and Under Secretaries. Instead the House allowed 10 of the 59 positions in the field of transportation, but did not allow the rest of the 49 positions.

Mr. Mueller came back before the Senate committee on February 19, 1960, and asked for the restoration of those 49 positions, and the Senate committee restored approximately half of the total.

Mr. Mueller made an eloquent plea also that he should be given $5,000 for entertainment to pay for the expenses of food and other condiments to entertain foreign guests, saying that the previous Secretary, Mr. Sinclair Weeks, had a private income and had done this, and that the present Secretary and his Under Secretaries and Assistant Secretaries felt that this item should no longer be borne as a private expense. The Secretary said that the top Secretaries had spent $2,557 of their own money in the preceding year, but felt that they should have spent $6,112. They were thereupon given $5,000 for entertainment expenses in the provision now under consideration.

These are the facts of the Secretary's official recommendations to the Senate.

Now let us see what Mr. Mueller the orator said. I have now not merely his speech of February 23, but a number of his other "economy" speeches made during the same period. Although at the same time he was asking for 1,070 additional positions and was trying to get appropriations for those additional positions, he was out on the road, selling himself as the great advocate of economy, and implying that the Democrats, particularly the so-called liberal wing of the Democrats, were budget boosters and surplus spenders.

I mentioned last Thursday the speech of February 23, at the Bellevue-Stratford Hotel, which the distinguished Senator from Pennsylvania [Mr. CLARK] will recognize as probably the ritziest of Philadelphia hotels, where the young buds of Philadelphia society have their coming out parties to the music of Meyer Davis, and which is the natural habitat of the Pennsylvania Manufacturers Association—that and the Union League Club, just a few doors down the street.

But I wish to refer to some other orations by the Secretary of Commerce, because they are really such gems that the country should not be denied the privilege of hearing them, and a much larger audience for them is greatly to be desired.

For instance, on January 14, when it was cold in the North, the Secretary of Commerce followed the wandering birds and went south to Florida, and delivered a speech before the Fort Lauderdale Chamber of Commerce. Undoubtedly he enjoyed the Florida sunshine at that time. It would be interesting to know if he enjoyed it at Government expense. In the course of that speech he had some comments to make about the deterioration of the moral fiber of the American people and the American Government during the period when the Democrats were in power. He said:

> Bureaucracy encroached on private decision making and control of private industry. Money-wasting schemes were the hit parade. Deficit spending became chronic. Federal debts increased as the value of the dollar declined. The rich were smeared by tongues and the poor were soaked by taxes.
>
> And along with fiscal burdens went a weakening of moral fiber. Corruption, the inevitable camp follower of Government waste and extravagance, slithered into many areas, including Government. Decent people everywhere hung their heads in shame.

Then Mr. Mueller said:

> What happened? You recall what happened. The disenchanted, dissatisfied American people from all parties rose up in wrath and demanded a change.
>
> And they got it. A new administration dedicated to sound economic policies came in, and spendthrifts and left-wingers went out. Confidence returned with a tide of constructive conservatism.

Mr. President, I now skip a paragraph, and then read further from Mr. Mueller's oration, as follows:

> Standing in the clutter of redtape, business cried out emphatically: "Bureaucrat go home, and let us run our own affairs."
>
> Business insisted on a halt to extravagance and a stop to the calculated policy of inflation that hiked costs, debased currency, and robbed future economic security. It demanded tax relief and a balanced budget.

He then went on to claim that "in the past 7 years these sound requests have been met."

Mr. President, when we read this swelling prose, we would think the Eisenhower administration was diminishing the number of so-called bureaucrats. I think that term is frequently unjust when it is applied to public servants. But since it has been used by the Secretary of Commerce, it is interesting to note that at the same time when he was saying that under the Eisenhower administration, bureaucrats were going home, he demanded the enactment of a new bill which would bring a thousand and seventy new bureaucrats into his own Department of the Federal service.

Mr. President, to call that attitude hyprocrisy would, I think, be an understatement.

I now read from pages 4 and 5 of this most fulsome speech by Mr. Mueller:

> This month we begin a new year and a new decade. A new session of Congress has just started. Candidates for the presidency are entering the ring for the election year contest. Every one of these factors will have a profound effect on current events and on the destiny of this Nation. Every one will affect your livelihood, your welfare, your economic prospects.
>
> Will prosperity be encouraged, or will it be sabotaged by inflation?
>
> Will public wisdom prevail, or will the Nation be lured into reckless paths by the Pied Pipers of radicalism, posing as the trailblazers of economic growth?
>
> Will the dike be held against a tidal wave of election year pressures for new spending sprees that will increase the peril of inflation?
>
> These are vital questions that require plain, honest answers.

I pause here, Mr. President, to state that the spending spree in the Department of Commerce was the spree the Secretary of Commerce was proposing to have by getting a thousand and seventy new positions. He was something like the drunken man who believes that everyone else is tight, but is not himself able to recognize his own insobriety.

Then the Secretary of Commerce said:

> Now that the threat of another steel shutdown has been removed, and if the Congress doesn't pile up roadblocks, the gross national product can soar to the half trillion dollar peak before summer.

I read further from this speech by Secretary Mueller:

> That dream is too close to fulfillment to allow reckless politicians or radical advocates to destroy. That dream can come true if you pitch into the battle for sound government and sustainable economic growth. For the fight for a balanced budget and a sound dollar is your fight, too.

But apparently it is not the fight of the Secretary of Commerce, because he is proposing the creation of a thousand and seventy new positions in his Department. He urges everyone else to fight the Democrats as "budget boosters" and "reckless politicians," but he, himself, tries to slip around to the back door and get the pap for himself.

I now read from page 6 of his speech:

> Not content with record prosperity, they call for blisters on the boom. They hope to divert public funds needed for desirable private growth to unnecessary Federal projects.

Well, Mr. President, I think that one unnecessary Federal project is certainly the establishment of 1,070 new jobs, which the Secretary of Commerce is proposing—with 59 of them in his own office, and with $5,000 for entertainment.

I read further from the speech by the Secretary of Commerce:

> They want to unbalance the budget and thereby pile up deficits for our children to pay off. They prefer to have politicians spend the money which private citizens worked so hard to earn and who should have the right to spend or save. They are so blind and reckless that they are even willing to play with the fires of inflation.

Mr. President, I want that money to be saved. But the Secretary of Commerce in his appeals to Congress wants to spend it for his political appointees.

I have read those quotations from his speech of January 14, 1960, however, to show how he publicly attacks others as spendthrifts.

Apparently the Secretary of Commerce remained for some time in the delightful sunshine of the Southland; but a little later he journeyed slightly northward; and on the 19th of January he spoke in

Charlotte, N.C., before the Charlotte Chamber of Commerce, at the Park Center. I find rather interesting some of the statements he made on that occasion, as follows:

> Today, we have in the Congress a conservative coalition from both parties, who foster a sound economy. Today, we also have in the White House a President who presents a sound budget.

But Mr. Mueller wanted a "sound budget" along with 1,070 new positions in his Department of Commerce.

Then he said:

> I can think of no immediate public service more in the interest of the Nation and in the self-interest of business than for North Carolina businessmen and their associates from the Atlantic to the Pacific to become Paul Reveres and spread the alarm of threatened inflation to every village and farm in America.

On page 4 of his speech, this magniloquent orator stated:

> Too long, too many businessmen have huffed and puffed but remained inactive when spendthrifts have tried to raid the national treasury, when leftwing smearmongers have tried to poison the public mind against business, when irresponsible politicians have tried to harass business, burden business, and in some cases have succeeded in ruining certain businesses.
>
> You'd better speak up now—while you have a public with a desire to hear you.

But then he spoke up before the Senate committee in favor of the establishment of 1,070 new positions, with 59 of them in his own office; and he wanted an increase in his public relations staff, so that he might have more of these hair-raising speeches written for him.

Let me say that I want to congratulate the committee upon turning down his requested increase for more public relations staff. That was a good job. But Secretary Mueller tried his best to saddle the taxpayers with the expense of employing more speech writers to denounce the Democrats and to denounce the Congress as "spenders."

I read now from page 5 of the speech by the Secretary of Commerce:

> But I warn that the very presence of an expected budget surplus is an almost irresistible temptation to the spenders. They already are licking their chops at the prospect of eating up the surplus. They will want to throw away your money on unnecessary projects or, as a lure to the public, to shave certain taxes before paying off some moral obligations on the debt.
>
> We shall need another great public response this year to protect the budget surplus from the greedy clutches of election year pressure groups.

Mr. President, I do not know who is licking his chops; but I think the high officials of the Department of Commerce are the ones who are licking their chops at the prospect of getting $5,000 of entertainment money which will provide them with good filet mignon, together with the liquid condiments which can be used to wash down said filet mignon.

They are evidently going to get it, because, upon the insistence of the Secretary, the committee yielded; and saying it would "ne'er consent, consented," and put in the bill this $5,000 allowance for entertainment, and also about 50 percent of the added appropriations requested for the Office of Secretary which had been eliminated by the House.

The Secretary went on to say:

> I urge all businessmen to get into the budget fight.

I urge them, too. I urge them to get into the fight and to begin in their own department and to reduce appropriations there.

I do not know how much longer the Secretary stayed in the land of the South and enjoyed the sun, possibly at Government expense. But the 10th of February found him in New York, and, sure enough, he spoke before the Union League Club. The Secretary of Commerce finds it irresistibly attractive to appear before Union League Clubs. They act toward his presence as a powerful magnet does to filaments of iron which may be scattered around. He responds with a tropism which inevitably leads him into the hallowed precincts of the Union League Clubs.

Let us take some passages from this New York speech, which, though delivered in a colder climate, is hotter, or perhaps just as hot, as the speech he delivered in Florida:

> The group on the right insists: "Give private initiative a chance to do most of the job itself. Keep Government's fingers out of our pocketbooks and Government controls out of our front offices. Bureaucrat, go home and stay there."

At the same time he was trying to get 1,070 new bureaucrats in his own Department. I echo his sentiments: Bureaucrats in the Department of Commerce, go home. I would include the Secretary among that list.

He goes on to say:

> I do not believe New York businessmen and their associates elsewhere are going to keep mum this year when any irresponsible politician or any economic illiterate tries to drain from the blood stream of the private economy the savings urgently needed for investment in research and capital outlays that create more business, more employment and more economic growth.

I hope they do not keep mum this year. I hope they are not mum today. I hope they register, with a ringing voice, their disapproval of this Secretary of Commerce, who hoped to add 1,070 employees to his own Department, and thereby inflate bureaucracy, when he and others are saying the number of Federal employees should be reduced.

The Secretary goes on to say:

> Had it not been for a fighting, veto-swinging President, backed up by a conservative coalition from both parties and supported by an overwhelming public opinion at the grassroots, the spenders would have blown holes in the sandbags and a flood of inflation would have engulfed this Nation—from Wall Street to Main Street.

His speech writer, however, gave out on language and had to insert certain paragraphs in this speech which were almost identical with the paragraphs he used in that sonorous speech of February 23 at the Bellevue-Stratford Hotel: He said:

> Someday, somebody will have to pay. Certain programs may be slashed by a future Spartan Congress. And if our private economy continues in healthy growth, inevitable burdens may be financed in part from increased income.

Then this paragraph:

> If we do not slam on the brakes and keep our foot hardpressed on the pedal, we may very soon confront $100 billion budgets, heavier taxes, higher debts, lower value of currency—all weakening our economy and undermining our defense—all pushing the America of the 1960 decade headlong toward the precipice.
>
> It is to save the economic growth from ruin that the Eisenhower administration will continue to wage a no-quarter fight against the budget-boosters and the surplus spenders.

The Secretary loves that phrase, or his speech writer loves that phrase so well that it does double duty and has appeared several times. Perhaps it was the loss of ingenuity on the part of the Secretary's speechwriter which made the Secretary ask for the addition of 2 more speechwriters to the 11 he already had.

Mr. President, I do not object to a Secretary of Commerce going around the country making political speeches. I do not object to the Under Secretary of Commerce, Mr. Philip A. Ray, coming to Chicago and denouncing me. I will answer him. He denounced me as a budget buster and surplus spender. That is not true, but he has a right to denounce me.

But I do not think he or the Secretary should denounce me with the assistance of public money, or denounce the Democratic Party and the Democratic Congress and circulate their releases with public money. If he wants to make political speeches, let them be written in the Republican National Committee, at private expense.

I am not going to stand here on the floor of the Senate and vote to appropriate money which is not needed, in order that the Secretary of Commerce may more effectively and more improperly libel members of my party, and members of my branch of the Democratic Party, and libel me. I am not going to put in their hands public money which they can use to misrepresent conditions. If they want to misrepresent, let them do it with their own money, and we will meet it with our own money—about $1 of our money to $20 of theirs.

So I want to make an appeal to the chairman of the subcommittee, my good friend the Senator from Florida: Will he not agree to eliminate the increase of $161,000 which the committee has recommended over the House figure and instead reinstate the cut which the House imposed?

Mr. HOLLAND. Mr. President, I appreciate the concern and the consideration of the Senator from Illinois, but the committee did not grant all that the Secretary of Commerce requested in this matter.

Mr. DOUGLAS. The committee granted about 50 percent of it.

Mr. HOLLAND. It granted 24 out of 49 positions which the Secretary requested to be restored. We very carefully left out the additional personnel for information or publicity, to which I think the Senator has referred, and we granted only the increases in those cases which we thought were required.

We granted, by unanimous action of our subcommittee and our full committee, those requests. I could not make the concession which the Senator has suggested.

May I, while I am on my feet, say that the distinguished Senator from Arizona [Mr. HAYDEN], the chairman of the full committee, has advised me that the Senator from Missouri [Mr. SYMINGTON], has a matter on the Interior bill on which he is very anxious to make a statement before he leaves on business which is presently taking most of his time, and the Senator from Arizona would like us to allow him to break in with his statement on the Interior bill at such time as is convenient to the Senator from Illinois.

I suggested that we allow the Senator to complete on this matter. Then, if the Senator from Arizona is ready, I am willing to have the other matter handled. If not, I will answer briefly to the Senator from Illinois and let the Senator from Arizona break in at any time he is ready to do so.

I take it for granted the Senator from Illinois is agreeable to that procedure.

Mr. DOUGLAS. Certainly. I want to accommodate the Senator from Missouri.

Mr. President, I am disappointed at what the Senator from Florida has said. Secretary Mueller is a man who publicly talks about economy, but who already has an inflated staff. This man wants 59 new positions in his own office, and the committee has granted him 24 new positions, in addition to the 10 allowed by the House, as I read the reports. If this man believes in economy, he should try to get the work done with the same staff. Instead, he wants to increase his staff, and he wants $5,000 for entertainment.

Mr. President, the Senator from Illinois is not a wealthy man, but he is willing to offer to the Secretary of Commerce, for whom he does not entertain a passionate affection, a case of Illinois tomato juice, to aid in the entertainment of guests. I think the Senator from Oregon would be willing to offer a case of Oregon prune juice. I think we could get a case of orange juice from the Senators from California and from the Senators from Florida. I see the Senator from Florida [Mr. HOLLAND] nods assent.

Mr. President, we already have a guarantee of three cases of liquid refreshment, which would be much better for the Secretary of Commerce than what he is likely to buy, which will permit him to entertain his guests in a style becoming a Republican Secretary of Commerce. We do not want to be severe on him in the slightest.

Will not my good friend agree to my request to eliminate this recommendation?

Mr. HOLLAND. Mr. President, the Senator from Florida could not grant that request. The committee went rather carefully into this matter and decided that $5,000 would be a very small allowance, considering the amount of visitation which the Secretary, the Under Secretary and the Assistant Secretaries are required to make in the course of their official duties, in the visiting of commercial agencies of other countries, and the return visits which the officials of those countries make in the United States. We tried last year to get a definite figure, and we could not obtain it because the previous Secretary, Mr. Weeks, was not willing to try to capitalize what he had actually spent, which I have since learned was a good deal more than $5,000 for entertainment. Mr. Weeks, of course, is a very wealthy man. That does not happen to be the case with reference to the present Secretary or to the others in the Department.

The Senator from Florida was not alone in his feelings. The committee as a whole felt that a small, reasonable allowance should be made not as an addition but to be found out of the appropriations in general for the office. We put on the limitation of $5,000. The Senator from Florida still feels that is a small limitation, and we would not want to leave our top officials in this field of foreign commerce in such a situation that they could not return the hospitality which is shown to them when they are abroad, when the chiefs of other nations in this field come to the United States.

So, much as the Senator from Florida appreciates the approach which the distinguished Senator has made—and it has been a considered approach—the Senator from Florida does not feel he could yield on that point, because to yield would be to yield the convictions of the full committee of 27 Senators, which committee felt this was an agency which ought to be given a small allowance for this purpose.

The Senator knows we have very much larger allowances in the State Department. We have a similar allowance in the St. Lawrence Seaway budget, which has been very well spent. We have checked on that very carefully. That is also handled by the subcommittee of which the Senator from Florida is the chairman. We have other allowances for these necessary contacts and friendly entertainment, whether abroad or in the United States, which exist as part of the official activities of some of our top officers.

We think that $5,000 is a minimum in this matter. Therefore, I would not want to either decrease it or to destroy it, other than by a vote of the Senate, and I therefore cannot accept the suggestion so kindly made by the Senator from Illinois.

Mr. DOUGLAS. Mr. President, what is the parliamentary situation? Has the amendment been agreed to?

Mr. HOLLAND. No. The amendment is pending. The Senator from Florida understood that the Senator from Illinois wanted to contest certain of the amendments. If the Senator from Illinois is ready for a vote, so far as he is concerned, the Senator from Florida will reply very briefly. Then we can ask for a vote on the amendment.

Mr. DOUGLAS. I am ready.

Mr. HOLLAND. Mr. President, first I invite attention to the fact that in spite of the fact that the Secretary of Commerce requested the restoration in exactly the amount suggested by the Senator from Illinois, the full amount of $369,125, the committee, after going through the request very carefully, and after going through the personnel setup very carefully, agreed to restore only $161,525, or a little more than 40 percent of the request made by the Secretary of Commerce.

We did not do that either because of or in spite of any speeches made by the Secretary of Commerce, whether in Florida or elsewhere. We did it because we felt the requests were legitimate and that the need for the service was actual. We felt the small increase of approximately 5 percent, I believe it was, from the budget for this objective in the earlier year, was appropriate. The budget in 1960, I believe, was $2,660,000. An increase of $161,525 is a small increase. We felt it was justified. Therefore, we recommended it.

Again I want to invite attention to the fact that we did not recommend restoration of the remaining $207,600. In other words, we tried to use what we thought was judicious selection, and we tried to recommend that which was most needed. We would not have recommended any restoration unless we had felt that the case was made for the need for the additional personnel.

I could easily go through the list of personnel, but I do not think that will be necessary. That is shown in the report and the committee memorandum.

So far as the Senator from Florida is concerned, he is willing to let the matter stand upon that basis. I feel very strongly that a case was made both for this very small increase and for the $5,000 allowance. I hope the Senate will follow the unanimous recommendation of the subcommittee and the unanimous recommendation of the full committee in this matter.

Mr. President, we are ready for a vote.

The PRESIDING OFFICER (Mr. LUSK in the chair). The question is on agreeing to the committee amendment on page 2, line 5 and line 6. [Putting the question.]

Mr. DOUGLAS. Mr. President, I ask for a division.

Mr. HOLLAND. Mr. President, I suggest the absence of—Mr. President, I see other Senators are in the Chamber. A division vote will be all right.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 2, line 5 and line 6. A division is requested.

On a division, the amendment was agreed to.

Mr. DOUGLAS. Mr. President, in view of the action of the committee and in view of the action of the Senate, with the small number of Senators present, I shall not press the further economies, which I was prepared to urge, amounting to $1 million. This was the test vote, and further efforts would be useless. I wish, however, to serve notice that I shall want a yea-and-nay vote on passage of the appropriation bill at an appropriate time. It is my intention to vote against the passage of the appropriation bill as a whole.

Mr. President, unless we apply the pruning hook and cut out the waste in

the budgets of the Eisenhower administration the country is going to lose money, and we can be certain that the orators of the Republican Party will be out next summer and fall smearing the Democrats for voting the very appropriations for which the Republicans asked.

If the Democrats in this body wish to commit political suicide, and give the Republicans the sharp knives which will be buried in our backs, and if the southern Members of this body wish to sacrifice the northern Democratic Members, well and good. The coalition of Republicans and conservative Democrats can have its way. But I think it is about time to strip off much of the hypocrisy in connection with this matter, so that we may know whether we are for economy or not.

Mr. HOLLAND. Mr. President, I do not like the word "hypocrisy," and I do not like the word "coalition," where none exists.

Mr. DOUGLAS. I was speaking of the Secretary of Commerce and not the Senator from Florida. But there certainly is a coalition.

Mr. HOLLAND. I am sure the Senator from Illinois does not wish to be on record against all the increases which we recommended. I recall that the other day he stated that in his opinion the increases granted the Weather Bureau were good. He stated that in his opinion the increases granted the Coast and Geodetic Survey were good. We allowed increases in several other instances which I do not now recall. So I hope the Senator from Illinois will make clear for the RECORD just what increases he thinks were not justified.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. DOUGLAS. If we had been able to effect this economy and certain other economies which I had in mind, it was my intention to vote for the bill. But it is now clear that since this committee amendment is approved, all the other amendments increasing the appropriations will also be approved. Therefore, I serve notice that, I shall have to vote against the bill on final passage, and I shall ask for a yea-and-nay vote on final passage.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. JOHNSON of Texas. It is customary to have yea-and-nay votes on final passage of all appropriation bills, and in connection with the ratification of all treaties. If the yeas and nays have not been ordered, they will be.

Mr. HOLLAND. Mr. President, if I correctly understood the recent statement of my friend the Senator from Illinois [Mr. DOUGLAS], he does not intend to press his objections to certain other committee amendments. I therefore ask that the remaining committee amendments not agreed to en bloc the other day, be agreed to en bloc at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, line 12, after the word "possessions", to strike out "$2,415,025" and insert "$2,584,000".

On page 6, line 7, after the word "Administration", to strike out "$3,772,000" and insert "$4,366,000".

On page 6, line 12, after the word "reports", to strike out "$2,384,100" and insert "$3,139,100".

On page 8, line 23, after the word "Administration", to strike out "$14,125,335" and insert "$14,920,800".

On page 9, line 3, after the word "allowances", to strike out "$8,009,700" and insert "$8,036,000".

On page 9, line 6, after the word "warehouses", to strike out "$1,190,835" and insert "$1,320,800".

On page 9, line 7, after the word "expenses", to strike out "$4,924,800" and insert "$5,514,000".

On page 23, line 16, after the word "individuals", to strike out "$2,295,000" and insert "$2,455,000".

Mr. HOLLAND. Mr. President, I understand that the Senator from Delaware [Mr. WILLIAMS] and the Senator from Ohio [Mr. LAUSCHE] have an amendment which they propose to offer, relative to the voyage limitations in the bill.

I understand also that the Senator from Alabama [Mr. SPARKMAN] and the Senator from Massachusetts [Mr. SALTONSTALL] have an amendment which will not change the amount of the bill, relative to the Small Business Administration.

So far as the Senator from Florida knows, there are no other amendments to be offered. However, the Senator from Florida may be surprised by some Senator having an amendment to offer as to which the Senator from Florida has not been advised.

I now yield to the Senator from Arizona [Mr. HAYDEN], with the understanding that I shall not lose the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERIOR DEPARTMENT APPROPRIATIONS, 1961

Mr. HAYDEN. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of House bill 10401, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1961, in order to permit the Senator from Missouri [Mr. SYMINGTON], to offer an amendment at this time. He would be greatly inconvenienced if he could not offer the amendment at this time.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 10401) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1961, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arizona?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. HAYDEN. Mr. President, in order that the amendment of the Senator from Missouri may be considered in order, I ask unanimous consent that the committee amendments may be agreed to en bloc; that the bill, as so amended, be considered as original text for the purpose of further amendment; and that no points of order against legislation in an appropriation bill are waived.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arizona? The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

Under the heading "Title I—Department of the Interior—Departmental Offices—Office of Saline Water—Salaries and Expenses", on page 2, line 8, after the word "uses", to strike out "$1,355,000" and insert "$1,755,000".

Under the subhead "Construction", on page 2, line 10, after the word "For", to insert "an additional amount for", and in line 14, after "(72 Stat. 1706)", to strike out "$2,040,000" and insert "$2,440,000".

Under the subhead "Office of the Solicitor—Salaries and Expenses", on page 3, at the beginning of line 4, to strike out "$3,248,000" and insert "$3,348,000".

Under the subhead "Office of Minerals and Exploration—Salaries and Expenses", on page 3, line 17, after "$550,000", to strike out "including not to exceed $150,000 for administrative and technical services,".

Under the subhead "Bureau of Land Management—Management of Lands and Resources", on page 4, line 8, to strike out "$24,525,000" and insert "$28,554,000".

Under the subhead "Oregon and California Grant Lands", on page 4, line 21, after the word "lands", to insert "an amount equivalent to", and on page 5, line 2, after the word "herein", to strike out "shall be in lieu of payments to counties" and insert "is hereby made a reimbursable charge against the Oregon and California land-grand fund and shall be reimbursed to the general fund in the Treasury".

Under the subhead "Bureau of Indian Affairs—Resources Management", on page 7, line 25, after the word "law", to strike out "$22,684,000" and insert "$24,338,000", and on page 8, line 1, after the amendment just above stated, to strike out the comma and "and in addition, $754,000 of the revolving fund for loans, Bureau of Indian Affairs, shall be used in connection with administering loans to Indians".

Under the subhead "Construction", on page 8, line 16, after the word "contract", to strike out "$13,575,000" and insert "$14,825,000".

Under the subhead "Road Construction (Liquidation of Contract Authorization)", on page 9, line 7, after "(72 Stat. 834)", to strike out "$13,000,000" and insert "$16,000,000".

Under the subhead "Geological Survey—Surveys, Investigations, and Research", on page 12, line 11, after the word "activities", to strike out "$43,000,000" and insert "$45,065,000".

Under the subhead "Bureau of Mines—Conservation and Development of Mineral Resources", on page 13, line 16, after the word "substitutes", to strike out "$21,667,000" and insert "$22,624,000".

On page 13, after line 21, to insert:

"CONSTRUCTION

"For the construction and improvement of facilities under the jurisdiction of the Bureau of Mines, to remain available until expended, $2,885,000."

Under the subhead "National Park Service—Manager and Protection", on page 15, line 18, after "(except the Missouri River Basin)", to strike out "$18,500,000" and insert "$19,076,000".

Under the subhead "Maintenance and Rehabilitation of Physical Facilities", on page 16, line 2, after the word "Service", to strike out "$15,000,000" and insert "$15,250,000".

Under the subhead "Construction", on page 16, line 12, after the word "exceed", to strike out "$2,100,000" and insert "$2,925,000", and in line 14, after the word "property", to strike out "$18,000,000" and insert "$18,460,000".

Under the subhead "Construction Liquidation of Contract Authorization)", on page 16, at the beginning of line 22, to strike out "$30,000,000" and insert "$31,000,000".

Under the subhead "Fish and Wildlife Service—Bureau of Sport Fisheries and Wildlife—Management and Investigations of Resources", on page 18, line 14, after the word "deer", to strike out "$18,220,000" and insert "$18,770,000".

Under the subhead "Construction", on page 18, at the beginning of line 20, to strike out "$3,485,000" and insert "$4,641,000".

Under the subhead "Bureau of Commercial Fisheries—Management and Investigations of Resources", on page 19, line 10, after the word "law", to strike out "$6,249,000" and insert "$7,051,000".

Under the subhead "Office of Territories—Administration of Territories", on page 22, line 1, after the word "Samoa", to strike out "$2,560,000" and insert "$3,060,000".

Under the heading "Title II—Related Agencies—Department of Agriculture—Forest Service—Forest Protection and Utilization", on page 26, line 14, after the word "lands", to strike out "$88,159,700" and insert "$101,495,300".

On page 29, line 2, after the word "law", to strike out "$16,332,000" and insert "$20,545,400".

On page 29, line 10, to strike out "$12,334,800" and insert "$13,584,800".

Under the subhead "Access Roads", on page 30, line 9, after "(16 U.S.C. 471, 472, 475, 476, 551)", to strike out "$1,000,000" and insert "$2,000,000".

Under the subhead "Acquisition of Lands for National Forests—Superior National Forest", on page 30, line 16, after the word "amended", to insert "by purchase, condemnation or otherwise", and in line 17, after the word "expended", to insert "and to be available without regard to the restriction in the proviso in section 1 of that Act".

Under the subhead "Land Acquisition, National Capital Park, Parkway, and Playground System", on page 33, after line 20, to strike out:

"For necessary expenses for the National Capital Planning Commission for acquisition of land for the park, parkway, and playground system of the National Capital, as authorized by the Act of May 29, 1930 (46 Stat. 482), as amended, to remain available until expended, $250,000, which shall be available for the purposes of section 1(a) of said Act of May 29, 1930: *Provided*, That not exceeding $50,000 of the funds available for land acquisition purposes shall be used during the current fiscal year for necessary expenses of the Commission (other than payments for land) in connection with land acquisition."

And, in lieu thereof, to insert:

"For necessary expenses for the National Capital Planning Commission for acquisition of land for the park, parkway, and playground system of the National Capital, as authorized by the Act of May 29, 1930 (46 Stat. 482), as amended, to remain available until expended, $1,050,000, of which (a) $250,000 shall be available for the purposes of section 1(a) of said Act of May 29, 1930, (b) $400,000 shall be available for the purposes (exclusive of advances) of section 1(b) thereof, and (c) $400,000 shall be available for the purposes of section 1(c) thereof: *Provided*, That not exceeding $75,000 of the funds available for land acquisition purposes shall be used during the current fiscal year for necessary expenses of the Commission (other than payments for land) in connection with land acquisition."

Under the subhead "Outdoor Recreation Resources Review Commission—Salaries and Expenses", on page 37, line 15, after the "(5 U.S.C. 55a)", to strike out "$950,000" and insert "$1,000,000".

Mr. SYMINGTON. Mr. President, I send to the desk an amendment to House bill 10401, and ask that it be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Missouri will be stated.

The LEGISLATIVE CLERK. On page 16, line 14, it is proposed to strike out "$18,460,000" and insert in lieu thereof "$21,413,125 (of which $4,603,125 shall be available for the continuation of construction of the Jefferson National Expansion Memorial);".

Mr. JAVITS. Mr. President, I ask the Senator whether there is opposition to the amendment from the minority side. I see no minority member of the subcommittee in the Chamber. I shall have to suggest the absence of a quorum in order to determine whether there is any opposition on this side of the aisle.

Mr. HAYDEN. The Senator from South Dakota [Mr. MUNDT] has been consulted about it.

Mr. JAVITS. I shall be present in the Chamber, and will suggest the absence of a quorum if necessary. I thought I would ask the Senator whether there was agreement with the minority as to this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Missouri.

Mr. SYMINGTON. Mr. President, I have joined in cosponsorship with my distinguished senior colleague of an amendment providing for an increase in the Department of Interior appropriations for fiscal year 1961 for the Jefferson National Expansion Memorial in St. Louis, Mo.

The history of the Jefferson National Expansion Memorial on the riverfront in St. Louis, Mo., is familiar to most Members of the Senate.

And the reasons for Senate approval of this important national project will be ably set forth by Senator HENNINGS.

However, there is one point that bears emphasis—the obligation of the Federal Government.

Since 1934 the Federal Government has been on record as approving the project. In 1935 the city of St. Louis made its share of the funds available.

Eighty-two acres along the riverfront have been cleared for 17 years. The city and the local sponsors of the Jefferson Memorial have been extremely patient.

Now that full authorization has been given and actual work on the project is under way, the Federal Government has an obligation to see that its commitments are fulfilled.

The major features of the project can be completed by 1964, the date which representatives of the Federal Government have given, if a total of $4.6 million is made available during fiscal year 1961.

This will assure that the project is kept on a reasonably orderly and economic basis. The Budget recommendation, if approved, would result in slowdowns and delays and increase the overall cost to the city and the Federal Government.

A local redevelopment program is going on in conjunction with the memorial. Revitalization of this area means increased revenues for the Federal Government which may more than repay the investment in the national memorial.

Assurances have been given as to completion date; local projects are moving ahead; actual work on the memorial is under way.

The Federal Government should take action to assure speedy completion of this magnificent memorial to the men and era of westward expansion.

I urge approval of the amendment providing for increased appropriations for the Jefferson National Expansion Memorial in St. Louis, Mo.

Mr. President, I ask unanimous consent to insert at this point the excellent statement of the Honorable Raymond R. Tucker, mayor of St. Louis, made before the Senate Appropriations Committee on behalf of the Jefferson National Expansion Memorial.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE HONORABLE RAYMOND R. TUCKER, MAYOR OF THE CITY OF ST. LOUIS, BEFORE THE SUBCOMMITTEE ON INTERIOR DEPARTMENT OF THE SENATE APPROPRIATIONS COMMITTEE, THURSDAY, FEBRUARY 18, 1960

Senator HAYDEN, members of the subcommittee, I appreciate this opportunity to appear before your committee in behalf of a national project which the Director of the National Park Service has termed "teamwork of Federal and local interests at its best."

At your understandable request, this will be a relatively brief statement; but I must emphasize that its brevity is not to be considered a measure of the gravity of its substance.

The Jefferson National Expansion Memorial is a national undertaking authorized by the Historic Sites Act of 1935, further confirmed by the act of 1954, as amended, providing "for the construction of the Jefferson National Expansion Memorial." As you know, under these authorizations, the Federal Government matches every $1 of city or other local financial contributions with $3.

Since 1942 the 40-block 82-acre site on the riverfront in downtown St. Louis has been cleared and ready for its contemplated improvement as a national memorial. Title is vested in the Federal Government.

Naturally, funds for this project were not sought during the Second World War or during the Korean war. Between 1945 and 1948, however, private funds of $225,000 were raised for a nationwide architectural competition for the design of the memorial, and the Secretary of the Interior approved the award-winning Saarinen design.

The vexing problem of the elevated trackage of the Terminal Railroad Association delayed the progress of the project for some time until cooperative action by all local parties brought about the track relocation required by the design. The Terminal Railroad Association contributed $500,000 to this relocation.

The solution to this problem made it possible to begin actual construction work

on the memorial site, and the new railroad tunnel project is well under way.

Mr. Chairman, the beginning, at long last, of construction on the memorial site was of real national significance. As a recent editorial in the St. Louis Post-Dispatch put it, "the riverfront park is a Federal undertaking, a monument to a most significant fact in our history: the Louisiana Purchase and the subsequent westward expansion of the Nation, the fact that made the United States a continental country stretching from the Atlantic to the Pacific instead of being hemmed in and perhaps dominated by France, Spain, and Great Britain."

The city of St. Louis has, to be sure, a special interest in the orderly completion of this project because it has invested its own bond issue money and stands ready to invest more. Further, the city has made a massive investment in this memorial in that it has for more than 20 years removed 40 downtown blocks from its tax rolls and, more important, from contributing to the local economy.

Pursuing the special interest of the city in this national memorial, I requested from the National Park Service a work schedule showing program items and amounts with the dates such items could be put to contract. Such a schedule was provided, and it shows that the memorial can be completed by 1964, with the very last items being put to contract in 1962. That schedule is attached to this statement.

This was great news for the city and the Nation. After decades of economic loss, the memorial site would be completed to the fulfillment of its purpose. The work schedule of the Park Service demonstrated that the target date of 1963 stated by its Director in a speech in St. Louis could virtually be met. Mr. Wirth indicated in that speech that the National Park Service in its Mission 66 planning estimated that 3 million visitors annually would visit the memorial by 1966.

It would be highly desirable for the Jefferson National Expansion Memorial to be dedicated in 1964, the bicentennial year of the founding of the city of St. Louis.

It is also particularly noteworthy that the announcement of the completion of the memorial by 1964 has triggered very firm plans for private enterprise developments totaling more than $119 million for areas adjacent to the great memorial. Private capital is prepared to give the great memorial surroundings fitting in function and appearance to the purposes of the memorial.

Now, if the work schedule of the National Park Service is to be met—and this is so important for so many reasons—Federal appropriations must be closely geared to its requirements.

The Federal appropriation proposed in the President's budget message for fiscal year 1961 is $1,650,000. This figure is more than $4 million short of the Federal funds which can be utilized during the fiscal year according to the work schedule of the Park Service.

Indeed, not only could $5,686,875 of Federal funds be usefully and properly obligated during fiscal 1961, but also an additional $2,503,125 could be obligated during the present fiscal year, 1960.

Thus the budget proposed by the administration for the period during which $8,190,000 could be used is a mere $1,650,000.

This figure is hopelessly inadequate to keep memorial construction on schedule. If the $1,650,000 proposed by the administration is adopted, it will represent a fundamental failure of the Federal Government to keep faith with its partner in this project.

If $1,650,000 is accepted for fiscal year 1961 in the name of balancing the budget, it would represent an absurdly shortsighted policy which would involve more costs in the longrun completion of the project.

1. In testimony before the Interior Department Appropriations Subcemmittee of the other Chamber, Mr. Wirth, Director of the National Park Service, stated that the appropriation of $1,650,000 would delay completion of the project "by at least a year."

At least a year means another 12 months of a 40-block area making no contribution to the economy of the city, State, or Nation. At least a year means added difficulties in encouraging the release of tens of millions of dollars of private enterprise development money.

2. During the same appearance, Mr. Wirth testified that the delay which a $1,650,000 appropriation would mean would involve additional costs of at least $570,000 for limited phases of the project. Mr. Wirth did not go on to project the obvious increases owing to longer range rises in prices and wages.

Is it not the opportunity and duty of the Congress to correct such extra costs to the taxpayers which the administration-imposed delay would bring?

3. It is a further subject of concern that this kind of limited appropriation, evidence of a small's pace attitude on the part of the Federal Government, would become a precedent for similar action in future years. Such an approach could stretch the project out over a tedious and costly 10 years.

4. It has been said that the $1,650,000 is really a major increase in Jefferson Memorial appropriations since no funds were appropriated last year.

This is an extraordinary argument, since an unsuccessful effort was made to obtain a supplementary appropriation of $2,500,000 last year. Further, during this current fiscal year, $500,000 has been expended, which represents the Terminal Railroad Association's contribution, which has not yet been matched by Federal funds.

Indeed, on the $3 to $1 basis, the city of St. Louis, in face of a possible $1,650,000 appropriation this year, need only legally come up with $50,000 of matching funds.

5. Possibly the most inconceivable limitation of a $1,650,000 appropriation is the fact that the railroad track relocation work now under contract or to be done with the newly appropriated money could not be made operational until future project items were completed.

This further emphasizes the vicious degree to which the arbitrary budget figure of $1,650,000 tears down the well coordinated work schedule of the National Park Service.

6. Although some planning money has now been spent for later phases of the project, under a $1,650,000 appropriation it would be possible to put items 9 through 12 of the attached schedule under contract (with city matching money) only if no funds were made available for further advance planning or supervision or reserve purposes.

This would impose further delay on the orderly progress of the memorial.

7. It should also be noted that it would be very difficult to catch up with the Park Service schedule by doubling up on later appropriations.

The items in the work schedule come in a planned sequence, and some contracts must precede others. The foundation must be built before the superstructure.

Mr. Chairman, I think there are forceful reasons why the Congress should put right the role of the Federal Government in this project.

The Federal Government has a genuine obligation to the city of St. Louis and the Nation to see to the completion of this monument to our magnificent westward expansion. To delay completion further would be costly folly.

Thank you.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from New York.

Mr. JAVITS. Mr. President, I should like to address the Senate briefly on another matter, although I do not wish to intrude on my colleagues.

Mr. HOLLAND. I have no objection at all to the Senator from New York doing that. However, I should like to conclude the present matter of the amendment offered by the Senator from Missouri, and then get back to the other appropriation bill.

Mr. JAVITS. I should like to state to my colleague that I have had a request from the senior Senator from South Dakota [Mr. MUNDT] that he be advised when the pending amendment comes up for discussion, because he wishes to be present and have an opportunity to speak on it. I feel he should be given that opportunity.

Mr. SYMINGTON. Mr. President, I still have the floor. I have not yielded the floor.

Mr. JAVITS. I thought the Senator had given up the floor.

The PRESIDING OFFICER (Mr. MCNAMARA in the chair). The Chair thought the Senator from Missouri had yielded the floor; and therefore the Senator from New York was recognized.

THE BALANCE OF PAYMENTS

Mr. JAVITS. Mr. President, there has been considerable discussion lately about the international balance of payments, which have been running adversely to the United States, to the tune of about $3.8 billion a year.

A few days ago an article on this subject appeared in the New York Times. In the article, the question was very seriously raised as to whether there were grave dangers to the United States inherent in the imbalance of international payments, by virtue of the possibility of a withdrawal of large balances which central banks, notably European central banks, had on deposit here, and which might seriously affect our gold stock and the general financial position of our country; also whether there were any ideas about revising the international monetary situation which are now so heavily dependent on our dollar.

In connection with the article published in the New York Times, I made inquiry both of the Federal Reserve System, through its chairman of the board, Mr. William McChesney Martin, and of the Treasury. Some days ago I inserted in the CONGRESSIONAL RECORD the statement of the Federal Reserve Board on this point. In that statement, it was pointed out that the fears which were set forth in that article were not warranted. It was felt that the situation is very well in hand.

I now have a letter from the Treasury Department, signed by Mr. Julian B. Baird, Under Secretary of the Treasury. My office has communicated with the Treasury Department with respect to the introduction of the letter into the RECORD.

The letter is very interesting, in that it indicates that the Treasury feels that things are very well in hand. At the same time the Treasury shares some

concern about the imbalance of international payments, and states:

We cannot afford indefinitely anything like the size of the deficit incurred during 1958 and 1959.

The Treasury states that, although it feels this deep concern, it also feels that there is no real danger, and that everything that should be done is being done in respect of this problem.

For myself, I feel that what the Treasury has said, coupled with what the Federal Reserve Board has said, emphasizes again my deep conviction that we must take active measures dealing with the imbalance in international payments.

First, I feel that we must expand our exports. I am glad to note that the President is giving articulation to this matter and that the Government departments are working upon measures toward that end. I shall speak in detail in a minute on this and other points.

We should also increase tourism in the United States from abroad and seek partnership aid programs with our allies to assist less developed countries.

Although the Treasury believes that the matter is in hand, I feel that we should not and cannot stand still.

I also feel that careful consideration should be given to some type of international central banking function for the free world. Perhaps this could be done through the extension of one of the existing international financial organizations, of which there are quite a number; and the leading one of which is, of course, the International Bank for Reconstruction and Development and the International Monetary Fund.

We believe that would be quite consistent with the strengthening of our own Federal Reserve System and of the central banks of other nations. The financial operations of the free world will sooner rather than later have to be phased into the greater economic integration of the free world in the current decisive economic struggle between the free world and the Communist bloc.

Mr. President, I ask unanimous consent that there may be printed in the RECORD as a part of my remarks the letter from the Secretary of the Treasury to which I have referred, together with an enclosure, being the remarks of Alfred H. von Klemperer, assistant to the Secretary of the Treasury, at a meeting of the American Management Association, at the Hotel Astor in New York on February 22, 1960, bearing on this subject, which was referred to in the letter of the Treasury to me.

There being no objection, the letter and enclosure were ordered to be printed in the RECORD, as follows:

UNDER SECRETARY OF THE TREASURY,
Washington, D.C., March 21, 1960.

Hon. JACOB K. JAVITS,
U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR JAVITS: We have been aware of the New York Times article by Mr. Edwin L. Dale, Jr., which you forwarded to us on February 12, and we are glad to present our views in this connection.

As Secretary Anderson indicated to the House Committee on Appropriations on January 20, no run on our gold stock need be envisaged as long as we retain the confidence of the countries which keep part of their external reserves in short-term dollar assets. As the Secretary indicated, we have this confidence at present and we can maintain it if we pursue monetary and fiscal policies which will preserve the purchasing power of our currency. The Secretary also expressed the hope that we will always remain on the international gold standard, and indicated that no change is contemplated in the present international monetary system.

While we recognize that foreign holdings of liquid dollars represent potential claims on our gold reserves, some of these foreign dollar holdings constitute working balances in connection with international trade, or are left in the United States as investments. We are, of course, aware that we cannot afford indefinitely anything like the size of the deficit incurred during 1958 and 1959, and that we must work toward a reasonable equilibrium in our balance of payments.

With respect to the fear that an elimination of the deficit in the U.S. balance of payments would mean payments or trade difficulties for the rest of the world, we would suggest that the counterpart of a reduction in our deficit would be a diminution in the export surpluses which are now exerting an inflationary pressure on a number of economically advanced countries and which lead to excessive acquisitions of gold and liquid dollar holdings by those countries. The diminution of these export surpluses would be expected to result from increased imports of U.S. goods and services.

The relationship of the size of our deficit to the outflow of gold in a given period is a result of a number of factors, including the policies of the individual central banks and monetary authorities whose total liquid reserves are increasing at a given time. In 1959 the Treasury gold stock was reduced by $1,078 million, a substantially smaller amount than in 1958, when the outflow of gold amounted to $2,247 million.

We believe our gold reserve gives us the flexibility required to permit vigorous action in case of a U.S. recession. It is one of the purposes of monetary reserves to enable a country to meet temporary balance of payments deficits without limiting its ability to deal with domestic economic problems.

We feel that the recent increase in the resources of the International Monetary Fund and the considerable dollar balances accumulated by foreign countries have adequately taken care of the present problem of international liquidity. It would be unfortunate if Mr. Dale's article would create the impression that the Treasury Department was studying this problem with a view toward a change. The attention of the Department was drawn to a number of proposals made publicly in this field, and it naturally studies these proposals as it does all matters bearing on our balance of international payments problem.

Enclosed is a copy of a recent address by Mr. Alfred H. von Klemperer, Assistant to the Secretary, on the subject of "The U.S. Balance of Payments in a Changing World Economy," which might be of interest to you.

Please do not hesitate to call upon us again if we can be of further assistance to you in this respect.

Sincerely yours,

(S) Julian B. Baird,
JULIAN B. BAIRD,
Under Secretary.

THE U.S. BALANCE OF PAYMENTS IN A CHANGING WORLD ECONOMY

(Remarks by Alfred H. von Klemperer, assistant to the Secretary of the Treasury, at a meeting of the American Management Association, Hotel Astor, New York City, Monday, February 22, 1960)

Let me first express my sympathies to you for having to start what promises to be a most stimulating and interesting 3-day symposium with a subject as unexciting and complicated as the U.S. balance of international payments. This is particularly true today, since this is not only a Monday morning but also a legal holiday and we probably should all have stayed in bed. Having said this, I must hasten to assure you, however, that the activities which you will be discussing during the next few days have a very direct bearing on our balance of payments and that the latter is today a topic of very considerable importance in its own right. That was not always so. Many of you, I am sure, have often struggled extensively with the balance of payments of foreign countries in connection with your companies' receivables abroad or other payments in connection with prospective imports or investments. Few of us, however, have paid much, if any, attention to our own. This was one problem about which we did not have to worry because of our comfortable trade surpluses and because of our large external reserves which frequently exceeded 50 percent of the world's total holdings of monetary gold outside Russia.

It is only a few years ago that most of the public was thinking of the U.S. balance of payments in terms of a dollar shortage and that many of our efforts were bent on helping other countries to rebuild their dollar reserves. Ever since the end of the war this has been one of the purposes of many of our financial policies in the international field. Now suddenly during the past year we have had to take a new look at a new situation, and suddenly fellows like me are being invited to speak on a subject so largely ignored by meetings of this type in the past. This newly found importance of a previously quiet subject has not come upon us unexpectedly but it is rather the cumulative effect of a number of factors which have developed quietly and gradually in our international payments position.

In every year since 1950, with the exception of 1957 because of the Suez crisis, the United States has experienced a deficit in its international balance of payments. The general factors which have brought about this deficit are easily established. There is no one factor which could be singled out; there are a number of them of equal importance. On the outflow side of our balance of payments we have been extending substantial governmental economic aid, to foreign countries, and our private citizens and corporations have been investing heavily abroad. Our large military establishments overseas have involved large additional foreign exchange expenditures abroad on the part of our troops and their dependents.

From 1956 through 1958, for example, these three categories of public and private expenditures averaged $8.7 billion. In these 3 years our military expenditures abroad averaged $3.2 billion, private U.S. capital outflow $3 billion, and U.S. Government capital $2.5 billion. In 1959, partly as a result of prepayments of over $400 million by European countries on their postwar indebtedness to the U.S. Government, and a reduction of about one-half billion dollars in private U.S. capital outflow, these three expenditure categories were reduced in total but remained very large at $7.4 billion. Our merchandise imports, however, rose by $2.4 billion, more than offsetting these reduced outpayments. In this connection it should, however, be noted that private investment abroad frequently creates valuable assets, the income from which is an item of dollar receipts in our balance of payments.

With respect to imports, our expanding domestic economy has generated growing needs for raw materials from foreign sources, a factor which has become increasingly important as we have depleted sources of supply of some of these materials in our own country. As our standard of living has increased, our citizens have been able to afford

more extensively the finished products of other countries and many of these are in the luxury class. The very activity which you will be discussing here has contributed to our deficit—perhaps rather modestly so far, but possibly in an increasing ratio when and if the twin problems of cost and efficiency will more strongly affect your domestic and foreign sales. The increase in our imports has been rather spectacular and has been an important factor in our worsened trade balance. They averaged about $11 billion in the early 1950's, were nearly $13 billion in 1958, and showed a record figure of over $15 billion last year.

To cite a few of the items in which our imports have grown: As late as 1956, we exported about $200 million more automobiles than we imported, but in the year ending September 1959 our automobile imports were ahead of our exports by about $450 million. Under the influence largely of the steel strike, we shifted last year from a net exporter of finished steel products to a net importer. In the textile field, our change from a net exporter to a net importer began as early as 1956, and in the year ending September 1959 our export deficit in these products reached a record high.

On the earning side of our balance of payments ledger conditions have deteriorated too. During the early postwar years we experienced little competition in selling our goods in foreign markets. The demand for our products was virtually unlimited, and it was restricted only by the extent to which we were willing to supplement foreign exchange resources of foreign buyers by dollar grants and loans. As the decade of the fifties progressed, however, and the economies of Western Europe and of Japan were restored, competition to our exports for foreign markets increased. Export categories which declined notably were iron and steel products, steel scrap and pig iron, crude petroleum, coal, cotton, agricultural machinery, industrial tractors, power generating equipment, office machinery, commercial motor vehicles, passenger cars, and textiles. Recently, our exports have failed to keep pace with our imports, and our merchandise export surplus is no longer sufficient to pay for the outflow of public and private capital—this is one of the cardinal factors in our balance of payments problem today.

As a result of the above developments, gold and dollar holdings of other countries have increased considerably and we have had to dip into our gold reserves which are now down to $19.5 billion after a high of $24.6 billion at the end of 1949. During the early fifties when this movement started it was not a cause of concern to us. In fact, we were anxious to assist foreign governments in building up their financial reserves. Recently, however, we have had to reorient our thinking to some extent. In the early postwar period we could be reasonably certain that the dollars acquired by foreigners would be spent for U.S. goods and services within a reasonable period. "The dollars all come home eventually" we used to say. As the dollar shortage disappeared, we could no longer feel this assurance since now the growing foreign short-term dollar holdings became a potential claim on our gold rather than being used for the purchase of our goods. The growth of these dollars holdings during the past 2 years has been quite remarkable and reflects clearly the changed international position of the United States. Although in the past decade foreigners had regularly been making gold and liquid dollar gains from their transactions with the United States, the average from 1950 to 1957 being $1.3 billion a year, they gained $3.4 billion in 1958. The estimate for 1959 is a foreign gain of $3.7 billion, and the National Foreign Trade Council predicts that foreign gains will be at the very substantial level of $2.9 billion in 1960.

Taking a longer look back, liquid dollar holdings of foreign countries, i.e., bank deposits and short-term high grade investments, nearly tripled during the past decade. They rose from a level of approximately $6.4 billion at the end of 1949 to over $17.5 billion at the end of November 1959. This includes short-term dollar holdings of foreign governments (mostly those of Western Europe) which rose from approximately $3 billion to $9 billion during this period, and private short-term holdings which rose from approximately $3 billion to $7 billion. The rest of the increase was in foreign-held longer term U.S. Government bonds and notes held on both official and private account which rose to $1.5 billion from one-half billion dollars.

Now let us contrast these changes in foreign dollar holdings with the condition of our gold reserves. At the end of December 1959 our stock of gold stood at $19.5 billion, as compared with a level of $24.6 billion at the end of 1949. Of this amount, over $12 billion are required for our own monetary reserves, which are fixed by law at 25 percent of the note and deposit liabilities of the Federal Reserve System.

Of course, today's gold stock of the United States is a rather comfortable reserve. As long as we do not have to be concerned about any unusual and unexpected demands on our gold supply, the present ratio of gold to foreign dollar holdings is an ample one. After all, it is convenient for foreigners to keep their reserves in a first-class convertible currency where they can earn a good return on their funds, as contrasted to gold where safekeeping and other costs rather than income are incurred. Also, large operating balances are required in connection with their trade with the United States, and it is thus really not in the interest of the owners to withdraw these balances and convert them into gold. The existence of large liquid dollar holdings by foreigners attests to the confidence which other governments and their citizens have in our currency.

Let me say a few words about the implications of these $17½ billion of bank balances and short-term U.S. Treasury securities which foreign countries hold here. They are here in large part because their owners consider the dollar a "reserve currency"; that is to say, they have enough faith in the economic and political stability in our country to leave part of their external financial reserve in our currency instead of gold or some other currency. The U.S. dollar today is the important reserve currency of the world, although such international reserves are also kept in pound sterling, in particular, by members of the sterling area. The fact that our dollar is a reserve currency creates for us special problems of liquidity and of money-market administration and imposes special responsibilities on our monetary authorities. Like a prudent banker, the U.S. Government must organize its affairs in such a manner as will inspire the confidence of its depositors. Our gold stock is, as I said before, a comfortably large reserve against the potential claims—that is, foreign dollar holdings—under the present conditions. Clearly, however, as the ratio of our gold to potential liabilities becomes smaller we must pay increasing attention to this problem. This is one of the important consequences of our changed international position. Clearly, the United States cannot afford for many years the balance-of-payments deficits of anything like the size incurred during 1958 and 1959. A number of published studies on the export picture predict an improvement in the export volume during 1960, some of which, however, may be of a temporary nature. Nevertheless, a strong effort must be made now to work toward a reasonable equilibrium in our international payments. There are a number of ways in which this can be attempted—but not all of them are equally appealing.

Let me underline at this point the very close relationship between this question of an internationally strong dollar and our domestic monetary and fiscal policies, and the important extent to which these policies are under continuous scrutiny by those who keep their monetary reserves in dollars. Our Government is well aware of the need to sustain the value of the dollar through the prudent conduct of our monetary and fiscal policies, and to thus maintain and strengthen our competitive strength internationally as well as our economic strength domestically. To accomplish this objective, it has sought to follow fiscal policies which would avoid inflation and yet meet the very large requirements for public expenditures both at home and abroad. It has followed monetary policies designed to maintain a stable purchasing power for the dollar and an adequate basis for large and growing savings. These policies were always important. Now that we must watch our balance of payments more closely, they assume added significance. We can no longer ignore the mutual effect which domestic and international economic factors have on each other in relation to our general well-being.

Beyond these basic requirements of domestic policy there are a number of administrative and other measures in the international field which could give relief to our balance-of-payments situation.

We could cut down severely on our foreign expenditures, either for military or economic aid, or both. This approach, however, would have important military and political consequences and in the case of economic aid reductions might affect our efforts to assist the underdeveloped countries in their struggle to raise their standards of living. Also on purely financial terms we may in some cases lose more than we would save in foreign exchange. We can and have, of coure, reduced our aid to those countries which do not need it any longer. In particular, we are engaged in negotiations with other economically strong countries in an effort to have them share with us an increasing amount of our aid to the underdeveloped countries. This is a long-range undertaking but one which promises considerable savings in the end. We have also negotiated a charter of the International Development Association through which the other, stronger countries will make available substantial amounts of their currencies for loans to the underdeveloped areas of the free world.

Another cure to our balance-of-payments problem which we must reject is the effort to cut our imports through increased duties or restrictions. This approach would run counter to the international commercial policy we have increasingly followed and sponsored for nearly three decades. Moreover, even from the point of view of purely national interests, our capacity to sustain the growth of our own standard of living without drawing upon essential resources from abroad is highly questionable. Present U.S. commercial policy is designed to promote the expansion of sound two-way trade between the free nations through the reduction of barriers which impede the enlargement of such world trade. This we have done by reducing tariffs on a reciprocal basis and by insisting upon the elimination of quantitative restrictions as soon as the need for them has disappeared. Since the war, world commerce has expanded considerably. We believe that the leadership of the United States in pressing for international trade in conformity with our own commercial policy is in no small measure responsible for this.

The principal vehicle for accomplishing general tariff reductions has been the international agreement known as the General Agreement on Tariffs and Trade (GATT) to which the United States is a contracting party under the authority of our Trade Agreement Act. Thirty-six other countries are also contracting parties to the GATT by which more than 80 percent of world trade is covered.

As a result of this international agreement, we have obtained tariff concessions from other countries on about $7 billion of U.S. exports in return for concessions which we have granted on an equivalent value of imports from abroad. Another general conference of the GATT countries is scheduled for September of this year when we hope particularly to minimize the impact of the Common Market tariff on U.S. exports.

The GATT forum has been a restraining influence in preventing trade contraction resulting from the unnecessary use of quota restrictions. During the last two or three sessions of the contracting parties in particular, the consultation provisions of the GATT, in coordination with related provisions of the International Monetary Fund articles, have enabled U.S. representatives to obtain a very considerable relaxation of balance-of-payments restrictions, expecially discriminatory ones, previously imposed on our exports. You see, then, that GATT has not been a one-way street of U.S. concessions but has been mutually profitable.

In our view continuation of the liberal commercial policy exemplified by our trade agreements program is amply justified. To reverse our policy by resorting to restrictions might merely serve to contract world trade without any special benefits to us.

More realistic and feasible than a cut in foreign aid or restrictions on our imports is the effort now being made to improve our competitive position in foreign markets. A sustained and many-pronged effort to improve our exports may in the long run have considerable success, particularly if the countries of Western Europe which now have large surpluses in their balance of payments recognize the need to encourage imports from the United States and other areas.

As you know, the Department of Commerce carries on an extensive program of informational and promotional activity in the foreign trade field. Plans are now under way to improve and expand these facilities for exporters. It is planned that these activities will include a strengthening of the Foreign Commercial Service in order to: provide timely detailed information on trade prospects; find suitable foreign agents for U.S. firms (that is, you); provide overseas facilities for the dissemination of promotional material by American business firms; assist business firms in adapting their promotional activities to local needs; arrange appointments with prospective purchasers; and the like. In addition to these continuing activities, the Department of Commerce plans to expand its work abroad with respect to trade information centers; in providing foreign exhibits of American products known as world trade centers; through participation in international trade fairs; and through the sending abroad of trade missions of American businessmen to meet with local industry and government groups. These expanded activities are likely to prove especially helpful to the smaller and medium-sized firms which do not have adequate foreign trade information, and to other firms which have not fully explored the opportunities which may exist in foreign markets. In this manner our Government is trying to stimulate increased interest and efficiency in foreign sales.

If is interesting to contemplate on what our country could achieve if exports could ever become the matter of national objective which they are in most of the industrialized countries of Europe. Italy exports partly to reduce unemployment, and the United Kingdom to be able to buy food and raw materials. They and other countries are export conscious, they style many of their goods specifically for the foreign markets, provide servicing of their goods abroad, and devote a not inconsiderable part of their national effort to foreign sales. In the United States neither Government nor private enterprise make, on the whole, a comparable effort. They should, and they must if we are to continue our present international political and economic activities.

Aside from a promotion of our exports, our efforts to improve our capacity to compete have so far been directed chiefly at a reduction of tariff barriers and quota restrictions, and to the removal of discriminatory controls on dollar imports which some other countries still maintain. Secretary of the Treasury Anderson, in September of last year in a statement to the annual meeting of the International Monetary Fund, indicated the view of the United States that countries which no longer suffer from inconvertibility in their current account balance do no longer have any balance of payments justification for continued discriminatory restrictions under the articles of that organization. Since that time many countries have reduced their barriers to our imports, and we are further pursuing our efforts to diminish such discrimination. Under Secretary of State Dillon, at a meeting of the GATT held in Tokyo last October, outlined the difficulties which we have recently encountered in our balance of payments, and urged the removal of discriminatory restrictions against our imports and just prior to that meeting the IMF had declared that most countries no longer had balance of payments justification for trade discrimination. At the general negotiating sessions for the reduction of tariffs which are to begin in September of this year under the auspices of the GATT, we intend to pursue our goal of expanded opportunities for our exports. New emphasis is being given to these measures as a recognition by us and, I may add, most of our friends abroad, of changed conditions.

Through the activities of the Export-Import Bank, we have for many years been engaged in an effort to promote our foreign trade by financial means. From time to time our efforts in this field have been reviewed. Recently, suggestions have been made that the facilities of the U.S. Government in this field, which up to the present time have been used largely to provide medium and long-term credits and guarantees, should be expanded to cover exports which are normally traded on the basis of short-term credits. A number of other exporting countries have provided such facilities for their exporters, and there is some evidence that our own exporters have on occasion lost business because more favorable credit terms were available from other countries. We are now exploring the need and usefulness of additional facilities for export credit guarantees and financing in the short-term field.

The remaining direction of our present efforts to ease the difficulties in our balance of payments is related to U.S. procurement in connection with our foreign aid program. Vance Brand will talk to you about this policy in greater detail.

Well, where does all of this leave you gentlemen and where does it affect the activities which you hope to develop as the result of your meetings here? Obviously you will be importers of merchandise when you have developed your foreign sources of supplies. That means you will contribute through your payments to the accumulation of short-term assets in the United States by the industrialized nations or you will increase the ability of the poorer nations to purchase goods and services in the United States. Potentially you will have other points of contact with the balance of payments. For instance, if you establish your own subsidiaries abroad to supply you with component parts you will contribute to the outflow of U.S. investments in the form of funds, equipment or know-how. You see, you are a very interesting group to those in the Government who are following balance of payments developments. In fact, you are one of the segments of our economic international life which we are and shall analyze rather carefully. In any case, whatever your direct effect on the balance of payments, yours is a problem of costs and efficiency. If you can improve these, you are doing a service to our economy and I wish you, therefore, all possible good luck in your endeavors.

THE ECONOMIC STRUGGLE

Mr. JAVITS. Mr. President, I should like to address the Senate on another subject, but one which leads directly from the one I have now discussed. I invite attention to an address which I was privileged to make on Sunday, March 27, 1960, at the 15th annual breakfast of the Grand Lodge of Masons of the State of New York, at two hotels in New York City, the Hotel Astor and the Hotel Commodore, on the subject of "The Economic Struggle—A World Message for 1960."

I ask unanimous consent that the text of the address may be printed in the RECORD at this point as a part of my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE ECONOMIC STRUGGLE—A WORLD MESSAGE FOR 1960

(Remarks of Senator JACOB K. JAVITS Sunday morning, Mar. 27, 1960, at the 15th annual breakfast of the Grand Lodge of Masons of the State of New York, Hotel Astor, New York City)

To really strengthen President Eisenhower, Prime Minister Macmillan, and President de Gaulle when they meet with Chairman Khrushchev at the summit in May, the free world must achieve a level of economic unity and integration sufficient to impress Khrushchev that he cannot easily win and is likely to lose the economic struggle which is the decisive issue of the "cold war" in the 1960's. Whether in this or the succeeding summit meetings, this is the way to get an agreement to really ease world tensions.

The leading industrial powers of the free world have it within their grasp to start winning this decisive economic struggle right now by the implementation of the new partnership efforts for trade expansion and for economic development of the less developed free world areas. If this result can be achieved by May 16, then President Eisenhower will be negotiating from a position of unsurpassed strength which the Communist leaders will respect as much if not more than Western military strength as a potent war deterrent. The chances are bright but it is not a foregone conclusion.

We must root out complacency and self-satisfaction wherever they exist—in our local society, in our industrial complex, in our educational or cultural institutions, in every branch of Government—they are very real and dangerous impediments to the necessary economic, social, and political action. We must bring ourselves to comprehend the truth. The hearings of the Subcommittee on National Policy Machinery of the Senate Committee on Government Operations of which I am a member and Senator JACKSON is chairman certainly show that. At worst, we are engaged in a grim struggle for survival in the era of the A and H bombs; at best, we have the chance to lead mankind to a new plateau of peace, health, and well-being based on modern technology encompassing also the world's less developed

areas—much higher than anything man has ever known before. But it becomes clearer every day that the key to this latter hope rests in the outcome of the epic economic struggle between the Communist bloc and the free world now opening the 1960's and due to dominate the decade.

As the architects of our foreign economic policy strive to put the machinery in smooth operating order, a climate of public awareness must develop far more positively than it has so far—one which will communicate to those of us in the Congress the willingness of the American public to undertake whatever regimen of self-discipline or make whatever sacrifices may be required.

There is one nation on earth capable of setting off a prosperity explosion which will be felt in the most remote corners of the free world and that nation is the United States. But it will not come about through natural combustion. These are the factors which in concert could trigger such a prosperity explosion:

Adequate programs for free world economic development including enactment of the President's $4.1 billion mutual security program, implementation of the all-important "Dillon plan" of partnership aid with our industrialized allies who should help the United States share the heavy burden of assistance to less developed areas, support of the new International Development Association which will heavily rely on soft currencies to make development loans in less developed regions.

Enlisting the private sector of the U.S. economy for the duration of this economic struggle so that less developed areas could learn and benefit from the same enterprise resources and know-how which have given us the world's highest standard of living by (1) encouraging U.S. investors to establish foreign business corporations in less developed areas and (2) by setting up a U.S. corporate technical assistance program which would contribute the services of qualified technical, managerial, and other expert personnel to free world and United Nations' technical assistance programs.

Boosting our export expansion program so necessary to meet our balance of payments deficits by a Government program of commercial as well as political export credit guarantees, and by tripling our number of foreign visitors annually so that the number of our foreign tourists will be roughly equivalent to the 1½ million American travelers who go abroad every year—this could be done most expeditiously, through the establishment of a U.S. travel commission and an office of international travel.

Gearing up U.S. industry to successfully compete and sell more in foreign markets and give effective help to development of the less developed areas acceptable to their peoples through boosting U.S. productivity under the leadership of plant or community established labor-management productivity councils with the first pilot groups to be sponsored by a new Federal Bureau of Productivity Councils and also congressional action to provide trade adjustment assistance to the workers and the industries adversely affected by foreign imports we find it advisable to admit in the national interest so that our factories and work force can become more competitive or transfer to new lines.

Some of these objectives are virtually within our grasp. The U.S. leadership in foreign economic policy is beginning to shape up as one of the outstanding accomplishments of the Eisenhower administration, with major attention now on the "Dillon plan," named after the Under Secretary of State, C. Douglas Dillon.

It may equal the fame of the Marshall plan as the industrialized free world nations—mainly our NATO allies, Japan and other friendly free world nations—through liberal trade policies and partnership aid programs seek to assist more than 800 million people of the less developed areas most of whose skins are yellow, brown, or black, and whose average income is under $100 annually. They should achieve a level of opportunity where the average person can enjoy life, build a future for his children, and come to hold as precious as we do political freedom and its heritage of citizenship responsibility.

The principles of the "Dillon plan" were adopted last fall by the Fifth NATO Parliamentarians' Conference in Washington when it accepted the recommendations of its Economic Committee (I had the honor to be its chairman), then further refined when the Organization for European Economic Cooperation, the United States and Canada met in Paris last January when Under Secretary Dillon formally presented the U.S. proposal for a great economic community of the industrialized nations of the free world. Early this March in Washington, nine capital exporting nations of the West and Japan, calling themselves the Development Assistance Group, met to discuss methods to stimulate additional private and public investment. This coming Tuesday, March 29, a meeting of major importance occurs when the OEEC members, the United States, and Canada, meet again primarily to reconcile trade and tariff conflicts between the six Common Market nations and the seven countries led by the United Kingdom in the new European Free Trade Association.

A successful March 29 meeting means that both factions will agree to avoid acts which could unfairly discriminate against exports of nonmembers including Japan, Canada, the United States, and would put an end to speculation that a trade war may be brewing among the industrial giants of the free world.

Scheduled for April 21 is another "Dillon plan" meeting at which negotiations will revolve around the specifics of the Organization for Atlantic Community Economic Cooperation. As each step is taken, effective economic integration of the free world with full respect for national sovereignty, moves that much closer to reality.

A serious setback to U.S. leadership in this effort could occur if the Congress, yielding to unusual campaign year pressures, sought to slash the President's mutual security program for fiscal 1961. The economic aid provision, spearheaded by the Development Loan Fund seeking $700 million in new authorization, is larger than the military assistance request—it is imperative that the President's program stay very largely intact, indicating to our allies that the United States is prepared to meet its responsibility and inviting them to follow suit. These other nations have got to supply from private and public sources new billions in investment capital if the free world is to keep from forfeiting millions of people to the Communist bloc which operates its $700 million aid program on a hit-and-run basis, seeking the quick political advantage regardless of the real value of the soundness of aid to the recipient nation's economy. The free world is investing about $3.20 per capita in the less developed areas vs. 56 cents for the Communists but their coldblooded techniques have given them propaganda value far outstripping this difference—our effectiveness however, is much more important and can cancel out quickly their propaganda claims.

The mutual security program may come under heavy fire by those who mistakenly single it out as the chief reason why the United States has a $3.7 billion balance of payments deficit—a deficit which has not yet become an emergency, Treasury Secretary Anderson assures us, but is a trend which should be stemmed. However, as he is quick to point out, mutual security is an expenditure determined by our own national security requirements and not one to be solely dependent on our economic forces of demands and supply.

There are areas where negotiation to do our common job most effectively could now be most fruitful. At my request, the Defense Department has provided me with a breakdown on U.S. military expenditures overseas which indicate that there very possibly is an area in which a greater share of cost now being borne by us should properly be assumed by our allies. More than three-fourths of total U.S. defense expenditures in the European NATO countries annually involve the United Kingdom, West Germany and France—adding up to $1.3 billion or about one-third of our international balance of payments deficit in 1959. More than half of U.S. expenditures to all European NATO countries during 1958 and 1959, according to the Defense Department, went for (1) major equipment purchases, (2) construction, (3) materials and supplies, and (4) contractual services.

Since the United States currently spends about twice as much in proportion to its gross national product on defense expenditures as our NATO allies in Europe, these four expenditure categories could well become the basis for new negotiations and cost sharing with these nations.

I would urge our NATO allies now to negotiate on those items at one and the same time as they arrange to enlarge their share in the economic development programs for the less developed areas.

Another current of discussion also stemming from our international payments deficit situation concerns rumblings that the intensified competition from foreign imports will drive us to protectionist policies. Such a mood is not yet discernible in the Congress, but it would be unwise not to take note of the fact that the Tariff Commission's workload on cases where industries are seeking escape clause action or other relief because of imports has nearly doubled. What has yet to be proposed, though I for one am preparing such legislation, is a major bill in the trade adjustment assistance field so that when the decision is made that the overriding national interest in a freer trade policy may require the admission of imports, those domestic employers and employees whose livelihood is threatened can be eligible for loan funds and training programs equipping them to make the transition to another field. If Congress can find a suitable formula then protectionism may become as dead a word in our international vocabulary as isolationism.

There are some export techniques which the United States could very profitably import from our strongest competitors in foreign and domestic markets. The first is a system of export credit guarantees similar to those in operation in some foreign countries for up to 40 years. In the first half of 1959, when U.S. exports were still lagging, many of these countries made remarkable export gains. If an evaluation of the Export-Import Bank's new export credit guarantee program covering political risks were undertaken at the end of this year in relation to similar systems in other nations, it may well reveal that short-term export credit guarantees should cover commercial risks as well if American businessmen are to enjoy the same advantages available to many of their most successful competitors.

A second technique worthy of import by the United States is the establishment of a permanent, well-staffed Travel Commission and Office along the lines of legislation I recently submitted. We are the only major nation with tourist appeal which does not have one while the leading European nations spend about $10 million annually in the United States to advertise themselves—the tiny island of Nassau alone spends 20 percent of that amount. Just as tariff restrictions have been easing in the free world, major travel limitations have been partially raised or completely lifted so that this is the right time to establish a U.S. Travel Commission and Office, operating on the equivalent of about 1 percent of what foreign tourists spend here annually, or about $10 million, and to start to close the tourist gap which sees Americans spend nearly twice as much abroad as their foreign counterparts spend in the United States annually.

The responsibility of every segment of our economy's private sector in the economic struggle with the Communist bloc is most forcefully driven home in terms of the productivity race between our two nations. Right now the United States has a huge lead with the average U.S. worker producing about 2½ times as much as the average Soviet citizen, but 10 years ago our lead was 3½ to 1. There is every evidence that in the U.S.S.R. the decision was made that no sacrifice is too great if that gap can be closed. In the United States, little of our economy is in any sense centrally controlled, so that it is incumbent upon each of us in our roles as consumer, employee, investor, manager, and farmer, to understand and support those measures which require individual or joint action to increase productivity while we protect the welfare and rights of the individual, if our system is to survive in the current economic struggle.

Mr. JAVITS. Mr. President, in this address I pointed out the general thesis I have been propagating, that I believe the decade of the sixties will be characterized by the intense economic struggle between the free world and the Communist bloc because, although the struggle for survival is epitomized in the so-called missile and rocket race, which of course would be so decisive in terms of survival that it has to be ruled out as a factor, except as a factor of defense security, the Russians have stated that they feel they can beat us, and beat us decisively, through the operation of their economic system as against our own.

Hence, while all of us live in the shadow of extinction by the A- and H-bombs, which surrounds the whole world, if we are to function as a world living in freedom, we must proceed along the line of competition, which is living competition, and in which the Russians say they expect to "bury us" to use Khrushchev's own words, in the fight which is the international economic struggle.

So it seems to me that it would be a great mistake to fix our eyes so closely upon survival alone as to miss the fact of survival as an elementary condition precedent to the struggle for freedom. In the case of the Communists, if we are to win the struggle for freedom, we must win the decisive struggle which is opening in the decade of the sixties.

Toward that end, and stemming directly from the analysis of our international imbalance in payments, to which I referred a few minutes ago, I think it is very important that Congress alert itself not only to all the things we have been doing, but to all the things we have to do, for the central element of whether we can win this economic struggle is whether the one-billion-plus people of the free world, whose skins are yellow, black, or brown, who live on standards of living, in round figures, of about $100 a year per capita, and who occupy the less-developed areas of the free world, are getting the rate of development which is acceptable to them, to such an extent that they will reject the Communist ideas as to how this development may best be attained by them.

Authoritative surveys on this subject indicate that we are falling far short in the amount of money and credit which we are making available, as well as in the number of technicians whom we are making available in our technical assistance program. For these reasons, our country has to fix its eyes upon new opportunities, and these, largely, are established in three areas.

The first area is new aid in partnership with our industrial allies to provide assistance to the less developed parts of the free world. That whole idea is now coming to be known by the name of the Under Secretary of State, Douglas Dillon, and is called the Dillon plan. The Dillon plan proposes active partnerships with the other industrial nations, many of them members of NATO, in order to increase very materially the amount of aid and credit which is going to the less developed areas, without increasing the heavy burden which the United States is already carrying.

A number of moves are going forward to that effect. I am very proud to say that this whole effort had its origin in the Economic Committee of the NATO Parliamentarians Conference, of which I have the honor to be the Chairman. We shall see some developments within a few days, now, as well as at the April 21 meetings of various combinations of countries. This action should be very portentous in implementing this idea, and also in strengthening the hand of the President, the Prime Minister of Great Britain, and the President of France at the summit conference, which is expected to take place in the middle of May.

So the first area is the increasing of aid to the less developed areas through partnerships with other industrialized nations.

Area No. 2 is to enlist the private economic system of the United States far more actively than it has been enlisted in the economic struggle. This means an expansion of exports. It means also an expansion of investment abroad through the passage of the necessary legislation for that purpose. This is generally known as the Boggs bill, which is pending in the House of Representatives. My own bill, which is generally to the same effect, is pending in the Senate. It means also an expanding of our exports through credit guarantees. A new program for that purpose has just been initiated by the Export-Import Bank. It means expanding the number of tourists from abroad in the United States. A million and a half Americans travel abroad annually, but only 600,000 or 700,000 foreigners travel in the United States each year. This means an imbalance of from $2 billion to $2,500 million, so far as we are concerned, comparing what American tourists spend abroad and what the American tourist industry takes in.

Point No. 3 is the gearing up of our means of production to compete successfully in world markets with the means of production in other countries. We cannot compete in everything, but it has always been the genius of the United States to find enough areas in which to compete so as to sustain our enormous economic production machine. Thus we need to have a much greater rate of productivity than we now have, and we need to come abreast of the increases in productivity which the Communist bloc, particularly the Soviet Union, is showing, and which are much greater than ours.

In that regard, we shall see much more automation in this country than we have before, but we must be very wise and careful to make certain that the automation, which must come, will not be at the expense of the workingman. We must make certain that he is not thrown out on the scrap heap simply because of the advent of new machines and new techniques. We should make certain that the Government and the industry of the Nation will begin to finance a humane transition to new jobs, new places of employment, and new opportunities, with the result, as shown by our history, that although automation may displace some persons, it will increase the aggregate of production, the aggregate of prosperity, and the aggregate of employment.

These are, roughly speaking, the areas in which I believe our country must do the enormous amount of work which confronts us in the 1960's, in the decisive economic struggle with the Communist bloc.

THE 139TH ANNIVERSARY OF THE INDEPENDENCE OF GREECE

Mr. JAVITS. Mr. President, the 139th anniversary of the independence of Greece, which was celebrated on March 25, is a day of special significance to Americans. It is a time for us to stop, to remember, and to be grateful for the rich contributions of the Hellenes to Western civilization. We need only to look about us here in the Nation's Capital to see in the architecture of our Government buildings the influence of ancient Greek culture.

The Greek love for liberty is the foundation of our representative government. Our revered statesman, Thomas Jefferson, was a scholar of Greek history and philosophy, and we can see the influence of the thinking of the age of Pericles in our Declaration of Independence. The Greek city-state has served for centuries as a precursor for government "by and for the people."

The Hellenic civilization has also immeasurably enriched our culture. The sculptures of Praxiteles and Lysippus have survived to represent the ideal of beauty. The Statute of Liberty standing in New York Harbor to greet all who visit our land is an echo of the great statue of Athena which graced ancient Athens.

It was appropriate, in view of this role of Greece in the formulation of our Nation, that we should in turn inspire

Greece to gain her independence from the Turks in 1821, and that some of our citizens should aid the Greeks in that struggle. Since their liberty was won, Greece has been one of the embattled outposts of freedom in our modern world. Greek legions fought the troops of Fascist Italy during World War II and were crucial in the Mussolini defeat. The diversion of some of Hitler's forces from the Russian campaign to conquer the defiant Greeks is believed by some to be one of the turning points in that war which led ultimately to Hitler's defeat. Greece also is a symbol of the successful fight against Communist subjugation, and she now stands as a bulwark against Communist aggression in the eastern Mediterranean.

We all join in paying tribute at this time to the Greek people, and to the more than half a million Americans of Greek extraction who have given so much to enrich our Nation and our world.

Mr. KEATING. Mr. President, Friday, March 25, was the 139th anniversary of Greek independence. It is altogether fitting that we should mark this significant date in history, for it serves to revive in the minds of freemen the epochal day in 1821 when the Greek people broke and cast aside the oppressive shackles of bondage.

Poets have spoken of the glory that was Greece. The glory that was Greece and the glory that is Greece remain, eternalized by the bravery, the wisdom, and the manifold gifts of a great and imperishable race. For long centuries Greece has been enshrined in history as the cradle of liberty and of learning. Her influence has radiated throughout the civilized world, and wherever it has touched, there has flowered a part of the glorious spirit that Greece has always symbolized for the seeker after freedom and the seeker after truth. In a sense, every civilized man is an heir of the bountiful riches that Greece has scattered across the face of the world. The immortal names of her great teachers and philosophers stand like monuments to culture, timeless as the waters that wash the lovely shores so revered by poets and so sung by them.

On this memorable occasion in the history of Greece, and indeed in the history of the free world, we were signally honored by the opportunity to have as our Senate luncheon guest Reverend Father George L. Papadeas, pastor of St. Paul's Greek Orthodox Church in Hempstead, Long Island. Father Papadeas, by virtue of the outstanding spiritual, intellectual, and social gifts he has dedicated to the service of his fine community, came to us as a symbol of the great nation whose anniversary of independence we honored that day. He typifies, as well, the close and unbreakable ties that link us to the revered and admirable nation that freedom must forever call its spiritual home.

Mr. SALTONSTALL. Mr. President, I ask unanimous consent to have printed in the RECORD an address given last Sunday, March 27, by Judge John C. Pappas.

Last Sunday, March 27, on the occasion of the celebration of the 139th anniversary of Greek independence day, one of our leading citizens of Massachusetts, Judge John C. Pappas, was presented with the Man of the Year Award of the Greek Orthodox Cathedral of New England at the new auditorium of the Greek Theological School in Brookline, Mass.

Judge Pappas has had a distinguished career of devotion to public service. He has been an outstanding attorney, one of Boston's leading businessmen and is well known for his philanthropic work in many civic endeavors.

In fact Judge Pappas' career symbolizes America's tradition as a land of opportunity. Coming to this country at an early age he has devoted himself to improving the well-being of others. I congratulate the Greek Orthodox Cathedral of New England for choosing Judge Pappas for this distinguished award.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF JOHN C. PAPPAS AT THE 139TH ANNIVERSARY OF GREEK INDEPENDENCE DAY CELEBRATION, SUNDAY, MARCH 27, 1960, AT THE NEW AUDITORIUM OF THE GREEK THEOLOGICAL SCHOOL IN BROOKLINE, MASS.

Thank you, George.

Your eminence, your grace, Reverend Fathers, my dear friends, to you, leaders of my own home community of Boston, our distinguished guests, and all who are assembled here, I want to express to you my warmest, humble thanks for this great honor which you have bestowed on me today. I want you to know that I shall cherish the memories of today for the rest of my life. Over the years I have received many honors from many groups, but this one which comes to me from my own people and my own dear friends is, naturally, appreciated more fondly than any other. On behalf of my mother, my dear wife and seven children, my brothers and sisters, and my friends and coworkers in our church and in the Hellenic University Foundation, please accept my affectionate thanks.

This honor, which you have awarded me today, is something which I value for another reason: I think that each person in this room knows how long I have cherished the idea of doing something to assure a continuation of our great heritage. The creation of the proposed Hellenic University of America seems to me to be almost a part of our destiny in America.

We conceive and plan that the Hellenic University will be created in the full image of American higher education. It will be nonsectarian—open to all qualified students of whatever race, creed, and color—coeducational so that its opportunities will be open to all. And most important, it will have academic freedom to teach and search for the eternal truths of the great past—and to lead for the future.

Both the ancient Greek and the modern Greek, throughout the world, have been dedicated to the principles of free enterprise and of peace. In America, today, there is no task, no work, no challenge more urgent than the education of youth. A few weeks ago, the distinguished president of Tufts University stated, "The growing premium we place on education, the increased expectations made of education, must obviously be met by a growing investment of our resources in education expressed in percentage of the gross national product and in human energy and dedication."

Charles W. Eliot, late president of Harvard, once said that when truly American universities appeared they would be indigenous to our soil and relevant to our time, and would grow out of a national need.

The Hellenic University, in its founding, becomes further evidence of the love which we bear our country, the United States of America, and our further desire to bring to all of our fellow citizens the opportunity, through education, for the blending of the classic Greek tradition in culture and democracy with the American fabric.

If we are to be true to the heritage of our race and our country, we must affirm our dedication to the principles of crisis and challenge, of need and fulfillment; and we must do our part toward the alleviation of this problem.

My friends, there is hardly any necessity for me to tell you that a national need exists in higher education even now. Ten years from now, the national need will be grave—almost 750,000 young men and women will not be accommodated in existing liberal arts institutions of higher learning unless these institutions expand or new institutions are started. These statistics apply to the northeastern region of the United States alone. The figure for the United States will be over 3 million.

The concept of the Hellenic University has received the enthusiastic approval of non-Greeks, in addition to the vigorous approval of our own people.

Congressman JOHN W. MCCORMACK, majority leader of the House of Representatives, in his usual thoughtful manner, talked about our people in America and of our hopes for the creation of the Hellenic University of America in his remarks in the House of Representatives on Monday, September 7, 1959.

Last Sunday, March 20, on the occasion of the 14th biennial congressional banquet of the order of Ahepa, our revered and beloved President Eisenhower sent a personal message to the gathering which was read by the Honorable David W. Kendall, Special Counsel to the President. The message reads as follows:

"It is a pleasure to send greetings to the members and guests of the order of Ahepa assembled at their 14th biennial national banquet in honor of the Congress of the United States.

"Over the years, the order of Ahepa has worked hard and successfully in advancing the goals of education in democracy and better understanding between the people of America and Hellenic community.

"Now I am told, one of your long-cherished dreams is about to be fulfilled. With the active support of Ahepa, a new institution of higher learning is soon to be established in Boston—a school to be known as the Hellenic University of America. Congratulations. The establishment of this institution will broaden the influence of Hellenic culture which has long been a vital part of the American way of life.

"A great university is one of the most powerful and uplifting forces in Western civilization. In our universities, we teach the disciplines of truth in the exercise of our first responsibility—the preparation of our young people for their full rights and duties as citizens of a free land.

"On the eve of the 139th anniversary of Greek independence, I salute the order of Ahepa for its efforts to strengthen the life of our Nation and the peace of the world. Godspeed to their enterprise.

"DWIGHT D. EISENHOWER."

And, there have been many other unsolicited messages of congratulations, donations, promises of donations, and pledges of support from innumerable non-Greeks from throughout the country, including our dear friend, His Eminence, Richard Cardinal Cushing of Boston.

Let us give America another great institution of learning, equal to our existing great and world famous universities. A university where any American of any ethnic background will be proud to send his sons, a university towards the establishment of which any American will be willing to contribute.

Such a university then will be the contribution of the American of Greek extraction to American life and culture.

The establishment of a Greek-sponsored university in New England seems to me to be particularly appropriate because it was to New England shores that first came those seeking freedom. And, it was in New England that the first colleges were established.

I have talked with many persons associated with colleges and universities and they are thrilled with the decision of the seminary board to establish our university. They think it is a wonderful idea.

Indeed, it is a wonderful idea that our university will be established in Boston—the "Athens of America."

There are some who say to us that this is too great a project for us to undertake, that we do not have the resources nor the manpower to fulfill such a great plan as the building of a Hellenic University of America, which would be the gift of our people to higher education in America.

I say to you—look about you. Look at what we have already accomplished here at our theological school. Look at Brandeis University in our own back yard and what has been accomplished in Waltham in a short 13 years.

I only wish that people from outside Greater Boston could spend 1 day at the Holy Cross Orthodox Greek Seminary in Brookline to see and inspect the beautiful grounds and buildings comprising our school as you have seen today. I am certain that if they could visit the seminary and talk with the students and faculty members, they too would come away dedicated and prepared to accept the challenge of creating the Hellenic University of America.

Today, we are gathered here to celebrate the 139th anniversary of the modern independence of our native land, Greece. It is fitting and proper that I speak to you today as I have, for true freedom—true democracy—is the heritage of Greece; and this heritage can only be brought into being and into proper focus through education.

There is a strong bond between our celebration of Greek independence and our actions in beginning this project, which will lead to the establishment of the Hellenic University of America; and I feel that this honor, which you have bestowed on me today, is a tribute to the work and the dedication which all of us will put forth toward the realization of our goal and the strengthening of that bond—thus making this honor yours and mine.

Again, let me express to you my warmest and deepest thanks for this great honor, and let me pledge to you that I shall, as your emissary, continue this work which will build a Hellenic university with dedication, with ardor, and with fervor so that as Hellenic-Americans we will together express a small part of our thanks to this great country of ours through this educational symbol of democracy, freedom and peace.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1961

The Senate resumed the consideration of the bill (H.R. 10401) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1961, and for other purposes.

Mr. HENNINGS. Mr. President, on behalf of my colleague, the distinguished junior Senator from Missouri [Mr. SYMINGTON], and myself, I have prepared an amendment, which I understand is already at the desk, on page 16, line 14, to strike out the sum of $18,460,000 and to insert in lieu thereof $21,413,125, of which $4,663,125 shall be available for the continuation of construction of the Jefferson Memorial National Expansion at St. Louis, Mo.

In joining in offering this amendment to the pending measure, making appropriations for the Department of the Interior and related agencies, I do so because the bill now before the Senate, as reported by the Committee on Appropriations, contains $1,650,000 for the Jefferson National Expansion Memorial in St. Louis, Mo. This amount was recommended by the Bureau of the Budget to the President of the United States.

The amendment would add to the funds included in this appropriation measure an additional $2,953,125 for the continuation of the construction of the Jefferson National Expansion Memorial.

The Jefferson National Expansion Memorial is on the west bank of the Mississippi River at St. Louis, Mo. This beautiful memorial will mark the gateway to the West and will stand as a symbol of those westward migrations which originated in St. Louis at the turn of the 19th century.

In these days, when such vast sums are being spent for the all-necessary defense, the conquering of space, and other matters related to the national security and the economic well-being of the Nation, I think we should not overlook, at the same time, some of the symbols, some of the landmarks, which remind us of and call our attention constantly to the great heritage which we, the people of the United States, have from those who have gone before us. From those who have blazed the trail ahead of us; those who have conquered the wilderness; who have pushed their way to the westernmost limits of the continent. Many of those expeditions—for example, that of Lewis and Clark—began at the city of St. Louis.

The preservation of the places where historic events occurred will, I believe—as one who long has been very much absorbed in history, especially American history—keep alive the cherished traditions of our great country. I think that historic shrines, such as the Jefferson National Expansion Memorial, will serve to remind all of our people of our westward expansion and the struggle, the fortitude, the stamina, and the courage it required, and our continued progress toward goals our ancestors could perhaps never have imagined. The Jefferson National Expansion Memorial is a project which was undertaken jointly by the people of St. Louis and the Federal Government. It has been a project of long standing, Mr. President. I believe it commenced about the year 1933, and it has struggled through periods of abatement and difficulty, such as the period of World War II, and several periods of recession, and times when there has been waning enthusiasm on the part of some for the continuance of this project.

The Director of the National Park Service has termed it "teamwork of the Federal and local interests at its best." The construction of the memorial was authorized by the Historic Sites Act of 1935, and was further confirmed by the act of 1954. Congress has authorized and obligated itself for about $17 million as the Federal contribution. Of this amount, only $2,640,000 has been appropriated for the project. Under these authorizations, the city of St. Louis stands ready to provide $1 for each $3 provided by the Federal Government. St. Louis—the city in which I was born and raised—has a special interest in the orderly completion of the Jefferson National Expansion Memorial, because it has invested its own bond issue money of $5,750,000. At this time the contributions are $500,000 ahead of the Federal appropriations on the $1 to $3 ratio basis.

Furthermore, for nearly 20 years the city has removed 40 downtown blocks from its tax rolls, for the use of this memorial; and there is now on the west bank of the Mississippi River a vast area of wasteland which not only is unlovely as it meets the eye, but also is an economic and, indeed, an esthetic crime.

However, this is not a St. Louis project or a Missouri project; this is a national project which will stand on the site of the transfer of the upper Louisiana territory. It will be a fitting memorial to Thomas Jefferson and those early pathfinders and settlers whose spirit and vision made possible the westward development of the United States.

Mr. President, because I have been extremely close to this project since it was but a dream of a group of St. Louisians, I am quite familiar with its history, and it is a history of unbelievable delay. When I was a Member of the House of Representatives, I worked for the authorization of the Jefferson National Expansion Memorial. I introduced the original resolution through the Senate Rules Committee 8 years ago.

A site for this project was acquired in 1936, and architectural plans were completed in 1948. For approximately 25 years this project has aroused the interest and, indeed, the intense activity of the people of the great city of St. Louis. Some of those years were years of frustration; some of them were years of discouragement. But now we are beginning to see the result of all those endeavors.

Despite local and national activity extending back beyond 1935, major construction work on the project got under way only last year. On June 23, 1959, work was started on the relocation of the terminal railroad tracks, and the new railroad tunnel is well under way. It is vitally important to make the relocated

railroad tracks operational, since this work must be completed prior to the construction of the substructure of the memorial.

At the same time, funds should be available for archeological salvage in order to preserve artifacts excavated at this time in the old area, formerly occupied by Indians, frontier plainsmen, early settlers, and so forth. This area is part of the original site of the city of St. Louis.

The limitations placed upon the construction of the memorial by inadequate funds will necessarily delay the memorial's completion. However, the mayor of St. Louis and the officers of the Jefferson National Expansion Memorial Association, under the guidance of the National Park Service, inform me that the additional sum of $2,953,125 will allow work to proceed at the minimum rate. I hope the Congress will recognize its obligation to complete this memorial, and will approve this amendment, for here will be told the inspiring story, not only of statesmen, but also of hardy men and women whose courage and enterprise were responsible for our westward territorial expansion.

Mr. President, I ask unanimous consent that additional facts supplied to me by the National Park Service be printed in the RECORD at this point.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Authorization for Federal appropriation by act of May 17, 1954	$5,000,000
Additional authorization provided by act of September 6, 1958	12,250,000
Total authorized for Federal appropriation	17,250,000
Contributions from non-Federal sources required on a $1 (contribution) to $3 (Federal) basis by terms of the authorizing legislation	5,750,000
Total estimated fund availability (Federal and contributions)	23,000,000
Appropriated pursuant to foregoing authorization by Second Supplemental Appropriation Act, 1956	2,640,000
Contributed by:	
City of St. Louis	880,000
Terminal Railroad Association	500,000
Total	1,380,000
Total amount made available to date	[1] 4,020,000
1961 budget estimate (Federal)	$1,650,000
Contributions required to match cumulative Federal appropriations	50,000
Total	1,700,000
Anticipated availability based upon approval of 1961 budget estimate	5,720,000

[1] At this point contributions are $500,000 ahead of the Federal appropriation on the $1 to $3 ratio basis.

Mr. HENNINGS. Mr. President, these figures amplify the basic facts that of the $17,250,000 Federal obligation, only $2,640,000 has been appropriated by the Congress. St. Louis stands ready to handle its financial share under the statutory scheme approved by Congress, and we are seeking an addition of $2,953,125 to allow work on the memorial project to proceed at the minimum rate.

Mr. President, I ask unanimous consent that an editorial from the St. Louis Post-Dispatch, tracing the history of the Jefferson National Expansion Memorial, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the St. Louis Post-Dispatch, Mar. 27, 1960]

GATEWAY OF THE WEST

We're going West tomorrow, where the promises can't fail.
O'er the hills in legions, boys, and crowd the dusty trail.
—*Stephen Vincent Benet*

"Napoleon Bonaparte, like Milton's Satan on his throne, sat unapproachable in his bad eminence." So Henry Adams begins his characterization of the enemy who "had to be faced and overawed by the gentle optimism of President Jefferson." Talleyrand, "who never forgave himself for having once believed in a popular revolution," had persuaded Napoleon to "pacify Europe and turn the energies of France toward the creation of an empire in the New World and was the more sure of success because, in the reactionary spirit of the time, he commanded the sympathies of all Europe in checking the power of republicanism in its last refuge."

It seemed that "10,000 French soldiers, trained in the school of Hoche and Moreau, and commanded by a future marshal of France, might have occupied New Orleans and St. Louis before Jefferson could have collected a brigade of militia in Nashville." The Federalists blindly cried for a war against France—a war which probably would have reestablished French power along the whole length of the Mississippi, which might have brought about the secession of the territory between the Appalachians and the river, and which would have entrenched British and Spanish power on the young nation's flanks.

Americans too rarely recall how their country was almost confined to the original 13 States—divided by slavery—on a continent under European control. The prudence, the vision and the daring of Jefferson overcame this dark threat. Through the Louisiana Purchase he made possible the expansion of the United States from ocean to ocean as a world power. This work must stand in the first rank of American accomplishments. Surely the people, especially Western people, will insist that it be commemorated by the national monument which has been started on the St. Louis riverfront.

The riverfront national park—to be dominated by a 619-foot stainless steel arch symbolic of the Gateway of the West—as suggested by a committee of St. Louis citizens appointed December 15, 1933, by Mayor Bernard F. Dickmann and headed by the late Luther Ely Smith. Franklin D. Roosevelt responded with enthusiasm. On June 15, 1934, he signed a congressional joint resolution establishing the U.S. Territorial Expansion Memorial Commission to formulate plans for the monument. St. Louis was proud to join in financing it on the basis of $1 for each $3 of Federal money. On September 10, 1935, the voters approved a $7,500,000 bond issue and on December 21, 1935, the President made available $6,750,000, matched by $2,250,000 in city funds, for the acquisition of the 41-block site.

From the beginning this was a national project. Three Senators and three Members of the House of Representatives had to be among the nine members of the Memorial Commission. Title to the site was given to the Government. The development was put in charge of the National Park Service. St. Louis made its bargain with Washington because, after all, it was on the St. Louis riverfront that Capt. Amos Stoddard took over the Louisiana Territory from the French. Here was the starting point of Lewis and Clark, Pike, Ashley, Fremont, and the mountain men who blazed trails to Oregon, to Santa Fe, and to California. And it was the jumping-off point for the settlers who went West in their moverwagons.

Enthusiasm was high a quarter of a century ago. The preliminary work was pushed along rapidly. By May 1942 all buildings had been cleared from the site and from the city's tax books. The beautiful old courthouse—in which Dred Scott started his suit for freedom—was added to the site by the city. The war, however, forced a halt until 1945 when St. Louis citizens raised $225,000 for an architectural competition for the design of the memorial. The winner was the conception of Eero Saarinen which Aline B. Loucheim praised in the New York Times as "a noble, symbolic monument, fitting, beautiful, and impressive."

The arch and the other elements in the Saarinen design were approved by the Federal authorities on May 25, 1948. But the war's delay, the use of the area as a vast parking lot, and the reluctance of the railroads to relocate their riverfront tracks gave objectors in Congress and elsewhere their opportunity. President Truman did dedicate the site on June 10, 1950, but it was not until May 17, 1954, that Congress authorized construction. And it was not until 1956 that it voted $2,640,000 for preliminary work. But slowly enthusiasm was rekindled, and the National Park Service set 1964, the bicentenary of St. Louis, as its target for completion of the arch.

With this assurance that the Government would keep its part of the bargain, public and private interests in St. Louis committed themselves to the enhancement of the areas adjacent to the national memorial. Almost 50 additional blocks are to be cleared. New approaches have been built. A new bridge across the Mississippi, a stadium, and accommodations for visitors to the memorial have been given the "green light." In all, St. Louis will expend far more in the neighborhood than it will cost the Government to finish the memorial. Yet now Washington again threatens to allow the work to come to a money-wasting halt. The administration's budget includes only $1,650,000 for the project. A minimum of $4,603,125—to be supplemented by $1,534,375 in city funds—is needed to keep the work on schedule.

The St. Louis delegation in Congress is making a fight for this appropriation. This is not a grab for "pork." It is a request that the Government honor its pledge. And St. Louis, we trust, will have the support especially of all the Representatives in Congress of the trans-Mississippi West. The national park is a memorial to those who made the West a part of the Nation. It seems inconceivable that Congress—which has freely commemorated lesser men and lesser events—will not raise this monument to Jefferson and those others who laid the foundation of the grandeur and the power of the United States.

Mr. HAYDEN. Mr. President, Mayor Tucker of St. Louis appeared before the committee and requested the committee to recommend an additional $8 million for the continuation of construction of facilities at the Jefferson National Expansion Memorial. I requested the Mayor to reconsider his request, and advise the committee as to the sum he felt was an absolute minimum for construction in fiscal 1961. In a letter to me, dated February 20, Mayor Tucker advised the committee that he had reconsidered, and that he felt that a total appropriation of $4,603,125 would be required. The mayor's letter is found on page 887 of the Senate hearings.

As I understand the Senator's amendment, it provides for an additional $2,953,125, which with the $1,650,000 included in the budget estimate and the bill, will provide for a total of $4,603,125, the sum requested by Mayor Tucker.

Mr. President, I am precluded from accepting the amendment offered by the Senators from Missouri, but it is my personal view that these additional funds should be provided, in order that adequate facilities may be provided in time for the bicentennial of the founding of St. Louis, which is 1964.

If the Senate adopts the amendment, we shall take it to conference and see what the House will do about it.

I should like to ask the Senator from South Dakota to comment on this proposal.

Mr. MUNDT. Mr. President, it is never a very pleasant assignment when one has to resist the persuasive pleas of one's colleagues for an appropriation of concern to the State they represent. That is especially true when it is an appropriation of this type, which is designed to aid the construction of a very meritorious project. It is one I have visited. I know something about it. I think it is doing a great job of improving one of the fine American cities. Naturally, there is a lot of appeal in the presentations made by the Senators from Missouri.

On the other hand, part of the function of the Appropriations Committee is to scrutinize these appeals and to try, if possible, to keep them within the budget, because we are opposed to, and must guard against, the perils of, inflation.

I listened to an impassioned speech this afternoon from the other side of the aisle about the fact that too much money was being incorporated in these appropriation bills, and he was calling upon the members of his party to resist the pleas and asking for a rollcall on every appropriation bill. I favor that procedure. The statistics are before us. I will say there is no question in the minds of the members of the committee so far as the merit of this memorial is concerned. It is purely a question of arithmetic. Should we spend this extra unbudgeted $3 million now for this purchase? This plea was made to the Appropriations Committee of the House of Representatives, which heard the testimony, and that committee turned it down on the basis that they thought we should practice economy and try to keep within the budgetary recommendations, at least on those projects which have no economic productivity, and which are not in the nature of investments which bring back dividends, such as those produced by irrigation, reclamation, and flood control projects.

This request is in an area which has much appeal. It is a very fine memorial and an artistic project. It commemorates a great epic of history.

After the House turned the request down, the same representations were made to the Senate committee, and the Senate Committee on Appropriations concluded that what we should do is keep within the budget recommendation of $1,650,000, so we rejected the request.

As a consequence, as a ranking member of the subcommittee which rejected the request, and as a member of the full committee which supported the subcommittee's action, I think that what should be done is to have this issue decided by the Members of the Senate themselves. The Appropriations Committee, by its action, has recommended against it, on the basis that, if we are going to start practicing economy, we have to vote for it as well as talk about it. That means, rather than go $3 million out of balance, or $3 million beyond the budget recommendation, if that is desired by the Members of the Senate for this project, the Senate should so express itself by voting on the issue before us. Our committee has done its best to practice intelligent economy.

Mr. President, I resist the request for this extra $3 million as a member of the Appropriations Committee charged with being the watchdog of the people's money in this area. Our committee did not accept it on the basis I have stated, which action was approved by the full committee. It is now for the full Senate to decide.

Mr. HENNINGS. Mr. President, will the Senator yield?

Mr. MUNDT. Yes.

Mr. HENNINGS. I appreciate the Senator's statement. I know that he would like to see this project approved, because it is really a symbol of the gateway of the West, and his State was one which was settled and populated by people who passed through this area which we are now undertaking to commemorate.

I do not know whether the distinguished Senator from South Dakota recalls that when he and I were in the House together, the matter was then initiated. The city of St. Louis has, for many years, since it cleared the old buildings off the area on the slope leading down to the levee and thence to the Mississippi River, had this vast area with nothing whatsoever on it. The officials have been doing all they can to conform with the suggestions and terms of the architects and the National Park Service and those who have the matter in charge.

As I have indicated, the railroads have moved their tracks, after considerable negotiations and delay, in order to make the memorial appear as it should, unimpeded to the levee.

The Senator from South Dakota has spoken about economy and investments in projects that have a return. We feel that the downtown area of St. Louis is suffering immeasurably because of this wasteland on the riverfront. We believe that condition depreciates real estate values in that area. We believe if we had something in that area which would attract people to downtown St. Louis, and to the city of St. Louis, and, indeed, to the West, it would be of economic benefit to the entire area. I speak not only of St. Louis, but of the West.

While I understand the Senator's sense of duty, which requires him to express his objections to this proposal, at the same time I appreciate the moderation with which he has expressed them.

Mr. MUNDT. I thank the Senator. I recall the time when we were in the House together and when this legislation was initiated and approved. As I say, normally, when a Senator undertakes, in the interest of economy, to resist an appropriation, he attacks the project. In this case I have not done that, because it is a meritorious project. The Senator appeals very much to my heartstrings, but we still have the problem of our purse strings to think about. As one who believes in trying to keep our budget in balance, I urge the Senate to uphold our committee's effort to economize wherever possible without detriment to the public interest.

If it is the desire of the Senate to go beyond the recommendation of the budget by $3 million for this purpose, I think it is a responsibility which the Senate should assume and act upon knowing the history of the matter. Certainly the Senator from South Dakota does not deny that the project itself is a very good project. I do not believe that there is any danger, however, of the city of St. Louis deteriorating or disappearing if this provision is not passed now or if we do not add the $3 million now. That is a very valuable piece of property.

Mr. HENNINGS. I would not suggest that.

Mr. MUNDT. I wish we had it in South Dakota. It is an excellent piece of property.

All this does not deny the fact that ultimately the people want the archway to the West. I do not blame the people of the community for wanting that. Under normal times, I think the United States is justified in making such appropriations. We have done it over and over again.

The question now before the Senate is simply whether, under our financial circumstances, we should appropriate the extra $3 million beyond the budget request in order to accelerate this project when our national defense and so many other matters are placing heavy demands on the Federal Treasury.

I shall await the decision of the majority of the Senate.

Mr. HAYDEN. Mr. President, I request a division on this question.

The PRESIDING OFFICER (Mr. Moss in the chair). The question is on agreeing to the amendment of the Senator from Missouri [Mr. SYMINGTON] to the Department of the Interior appropriation bill. On this question a division is requested.

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KEATING. Mr. President, I ask unanimous consent that further proceedings under the quorum call may be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

WELCOME TO REV. DR. JULIUS MARK

Mr. KEATING. Mr. President, the Senate is honored today by the presence of the Reverend Dr. Julius Mark of Temple Emanu-El, in New York City, who was invited to deliver the convocation on this date. Reverend Dr. Mark, who has won deserved recognition by his contributions to the spiritual and community life of his city, is presently in Washington, D.C., in connection with the White House Conference on Children and Youth. Yesterday, he was one of the speakers at the opening sessions of this important Conference. As one of the Senators of his home State of New York, I am proud to extend the welcome of the Senate to Reverend Dr. Mark on this occasion.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KEATING. I am happy to yield to my colleague.

Mr. JAVITS. Mr. President, I had the pleasure of greeting the rabbi this morning on behalf of both my colleague and myself, and I should like to state that Reverend Dr. Mark delivered one of the finest and most moving prayers we have heard in the Senate. I join with my colleague, on behalf of our State, in paying tribute and honor to this very distinguished spiritual leader.

Mr. KEATING. I thank my colleague from New York. I certainly share the sentiments which he has expressed regarding the eloquence of and the merit of the prayer delivered by Reverend Dr. Mark.

DEATH OF A. FRANK KATZENTINE

Mr. KEFAUVER. Mr. President, Mr. President, I rise to pay my respects and a tribute to the dear and devoted friend of mine, A. Frank Katzentine, of Miami Beach, Fla., who suddenly died of a heart attack at his home in Miami Beach on Sunday. I am sure that my distinguished colleagues from the State of Florida will join with me in the conclusion that Colonel Katzentine was a rare and unusual personality. I presume to speak these words in the Senate because I believe that I have known him longer than the distinguished Senators from his own State, and he was one of my closest and most loyal friends. I take this opportunity also because the business of the Senate prevents me from going to Miami on Wednesday to express face to face my condolences to his wonderful and loyal wife and pay my last respects to this dear friend of mine.

I have known Frank Katzentine since he was a student at Vanderbilt University in my State and I was a student at the University of Tennessee. From our rivalry on the football gridiron there developed a close and warm personal friendship that has continued and grown stronger through the years. Thus the unexpected news of his untimely passing was as much of a shock to me as if I had lost a brother. However, I would not presume upon the Senate's time merely to give expression to my personal grief. Frank Katzentine was an individual and a symbol of great American qualities that deserves recognition in this forum. As his friend I bespeak of these qualities of heart and mind which were his.

Frank Katzentine graduated from the law school at Vanderbilt, went to his native State of Alabama and thence proceeded to the Miami area where he has resided since 1925. He was extremely successful in the practice of law and was actively associated with Mr. Carl Fisher, the founder of Miami Beach, in the growth and development of that great area. He served as mayor of Miami Beach from 1932 to 1934, and in 1934 was named the outstanding young man in community service by the National Junior Chamber of Commerce. His civic attainments and his contributions to his community are so numerous that I will not undertake to catalog them. It is sufficient to say that there were few significant movements of a civic or charitable nature in his area that did not count Frank Katzentine among the leaders.

Two activities of a particular category claimed priority on his interests and his boundless energy. One was the organization, promotion, and development of a project for the establishment of an international cultural and trade center in Miami Beach which, when completed, will be utilized to effectively promote cultural and trade relations between the United States and the countries of Latin America. Frank Katzentine learned to speak the Spanish language so that he could more effectively utilize his talents for the development of better relations with our neighbors to the south. I am informed that he was active in this enterprise at the time of his sudden death.

The other activity which also claimed his interest was the organization of the Crime Commission of Greater Miami. When Colonel Katzentine returned from the Air Force after World War II, where he had served with distinction and great honor, he found that during his absence the community was being infiltrated with undesirable elements. Colonel Katzentine was the architect of a citizens group which developed procedures to effectuate better law enforcement and eliminate, insofar as possible, official corruption and lawlessness in his community. I have discussed many times with Frank Katzentine the problems of racketeering and law enforcement and the manner in which public-spirited citizens could most effectively participate to maintain decent government and effective law enforcement in their communities. For his efforts in this endeavor Colonel Katzentine received national recognition and gave of his time and experience to other metropolitan areas in the organization of citizens' committees to deal with this problem. Although he had served as the organizer and the first chairman of the Crime Commission of Greater Miami, at the time of his death he had resumed at the request of his community the responsibilities again as the chairman of this commission.

As I have said, Frank Katzentine was a rare and unusual personality. He had a great capacity for friendship and abiding compassion for the unfortunate and underprivileged. He resented corruption and dishonesty with an almost fanatic zeal. He made enemies along the way because of his intolerance of fraud and short cuts. Those who knew him well loved him. Others who felt the scorn of his indignation over wrongdoing feared him. I think it is fair to say that not only is his community a better place for his having been there, but the institutions and agencies of the Federal Government give promise to following higher standards because Frank Katzentine felt that he was a victim of a miscarriage of justice. Those of us who have been privileged to enjoy his loyal and dedicated friendship will greatly mourn the sudden passing of this great American citizen.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. HOLLAND. I wish to add my words of condolence to the widow of Frank Katzentine, and my words of praise to Frank himself. He was a fine citizen. He honored me by being a colonel on my staff when I served as Governor.

He was assigned as a colonel in the U.S. Army to accompany General Chen, commanding general of the Chinese Air Force, in the tour around our Air Force bases during World War II. He did a fine job in that assignment, and in other public relations assignments which were given to him. He was a great patriot and a good friend. I shall certainly miss him.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, 1961

The Senate resumed the consideration of the bill (H.R. 10401) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1961, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. SYMINGTON].

Mr. LAUSCHE. Mr. President, I rise to express my opposition to this proposal. The Federal Government is in financial straits. It has had difficulty selling its bonds. It has operated on a deficit basis for 24 out of the past 29 years.

I feel sympathetic toward the general proposal to build the proposed monument in St. Louis as a memorial to President Jefferson. However, I think it would be the better part of prudence not to try to do it at this time, when we are constantly scraping for money to fulfill the obligations of the Federal Government.

There is a question as to whether or not we have appropriated adequately for the military defense; and I think it would be far better at this time to declare a moratorium on the building of monuments. We have many of them. If there are others which ought to be built, the time will always be available to provide the money and to have them constructed.

To repeat, I believe that at this time we ought not to be spending money for any other purposes than those which are essential and absolutely indispensable. On that basis, I contemplate not voting for the amendment of the Senator from Missouri.

Mr. SYMINGTON. Mr. President, I am sure the Senator from Ohio realizes that this agreement and contract was made in 1935, between the U.S. Government and the city of St. Louis, on the basis of the city of St. Louis putting up $1 for every $3 put up by the Federal Government. The project was delayed during the war and then it was started again after the war. It is 25 years old. The holes are there and the bulldozers are on the scene. The project is going ahead. The fact is that the Bureau of the Budget has requested $1,650,000, instead of the total of $4,600,000, including the original $1,650,000, needed to keep the project moving on an orderly and economic schedule.

This is not a new monument. It will cost the taxpayers, unless the Federal Government completely violates its agreement, which is unthinkable, a great deal more to stop the project and move all the people off than it would to have the project continue.

Originally $8 million-plus was asked. That has been reduced by about 50 percent. This particular amount is needed in order to keep the project going.

Finally the bicentennial of St. Louis is to be celebrated in 1964. The citizens of that city, after years of waiting, are eager, if possible, to complete the program which has been off and on now for 25 years, by the time of the bicentennial. I hope my friend will give consideration to that fact at this time.

Mr. LAUSCHE. The Senator from Missouri has made a rather potent argument. However, for my own part I want it known that as new proposals are presented for the building of monuments, which will probably happen every year, and perhaps more than once each year, I shall adhere to the principle that there are other services which require money, and that there is an absolute need for beginning to reduce the deficits under which we are operating.

I declare now that I will vote against building any monuments while we are in the financial stringency in which we find ourselves.

Mr. ANDERSON. Mr. President, I do not wish to detain the Senate. However, I support strongly what the Senator from Missouri [Mr. SYMINGTON] has said and what the Senator from Missouri [Mr. HENNINGS] has said in committee. I believe that the solution worked out by the able Senator from Arizona [Mr. HAYDEN] is a good one. I have been associated with this venture for a long, long time. The Government has made its representation. The people of St. Louis have put up their money. We delayed it during the war. I think we can now go ahead with it. I support strongly the Senators from Missouri in their presentation, and I hope it will be sustained.

Mr. LAUSCHE. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. LAUSCHE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HAYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HAYDEN. Mr. President, I ask for a division.

The PRESIDING OFFICER. The question is——

Mr. LAUSCHE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Louisiana [Mr. ELLENDER], the Senator from North Carolina [Mr. ERVIN], the Senator from Louisiana [Mr. LONG], the Senator from Arkansas [Mr. MCCLELLAN], and the Senator from Wyoming [Mr. MCGEE] are absent on official business.

The Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from West Virginia [Mr. RANDOLPH] are necessarily absent.

The Senator from Connecticut [Mr. DODD] is absent because of illness.

On this vote, the Senator from West Virginia [Mr. RANDOLPH] is paired with the Senator from Nebraska [Mr. CURTIS]. If present and voting, the Senator from West Virginia would vote "yea" and the Senator from Nebraska would vote "nay."

I further announce that if present and voting, the Senator from New Mexico [Mr. CHAVEZ], the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], and the Senators from Wyoming [Mr. MCGEE and Mr. O'MAHONEY] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART] and the Senator from North Dakota [Mr. YOUNG] are absent by leave of the Senate.

The Senator from Nebraska [Mr. CURTIS] and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from New Hampshire [Mr. BRIDGES] is detained on official business. If present and voting, the Senator from Kentucky [Mr. MORTON] would vote "nay."

The Senator from Nebraska [Mr. CURTIS] is paired with the Senator from West Virginia [Mr. RANDOLPH]. If present and voting, the Senator from Nebraska would vote "nay," and the Senator from West Virginia would vote "yea."

The result was announced—yeas 47, nays 37, as follows:

[No. 138]

YEAS 47

Anderson	Hayden	Monroney
Bartlett	Hennings	Morse
Bible	Hill	Moss
Byrd, W. Va.	Holland	Murray
Cannon	Jackson	Muskie
Carroll	Johnson, Tex.	Pastore
Church	Johnston, S.C.	Smathers
Clark	Jordan	Sparkman
Eastland	Kefauver	Stennis
Engle	Kerr	Symington
Fulbright	Long, Hawaii	Talmadge
Gore	Lusk	Wiley
Green	McCarthy	Williams, N.J.
Gruening	McNamara	Yarborough
Hart	Magnuson	Young, Ohio
Hartke	Mansfield	

NAYS 37

Aiken	Dirksen	Mundt
Allott	Douglas	Prouty
Beall	Dworshak	Proxmire
Bennett	Fong	Robertson
Brunsdale	Frear	Russell
Bush	Goldwater	Saltonstall
Butler	Hickenlooper	Schoeppel
Byrd, Va.	Hruska	Scott
Carlson	Javits	Smith
Case, N.J.	Keating	Thurmond
Case, S. Dak.	Kuchel	Williams, Del.
Cooper	Lausche	
Cotton	Martin	

NOT VOTING—16

Bridges	Ervin	Morton
Capehart	Humphrey	O'Mahoney
Chavez	Kennedy	Randolph
Curtis	Long, La.	Young, N. Dak.
Dodd	McClellan	
Ellender	McGee	

So Mr. SYMINGTON's amendment was agreed to.

Mr. JOHNSON of Texas subsequently said: Mr. President, I move that the vote by which the Symington amendment was agreed to be reconsidered.

Mr. SYMINGTON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed at the proper point in the RECORD, in connection with the consideration of the Interior Department appropriation bill, a statement by the Senator from Arkansas [Mr. FULBRIGHT] on a section of that bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR FULBRIGHT

I was highly gratified by the action taken by the Senate Appropriations Committee on the Interior appropriation bill. The members of the committee indicated an acute awareness of the need for placing additional emphasis on the Nation's conservation programs. I want to take this opportunity to express my appreciation to the committee members for their enlightened attitude toward resource development.

The conservation programs financed by this appropriation bill are essential to the future well-being of all our citizens. Indeed, the support which the Congress provides these projects determines, in many respects, the status of the natural resources which our children will inherit. If the Congress fails to devote adequate funds for resource development, future generations will suffer the consequences. We must look upon these expenditures as an investment in our Nation's future, on which we will reap ample dividends.

I would first like to comment briefly on the committee's recommendations for activities of the U.S. Forest Service. I cannot

overemphasize the importance of Forest Service activities to Arkansas, and the entire Nation. The demand for wood products is growing rapidly. The current demand for southern timber is expected to double by the end of this century. The effectiveness of Forest Service research and management programs will be a large factor in determining whether our forests will be capable of meeting future timber requirements. Although the supply of timber is increasing, many problems must be solved if we expect to meet the challenge ahead.

A healthy forestry industry is essential to the economy of Arkansas. This industry provides almost half the industrial employment in the State. The value of wood products far outranks the value of any other industrial product. The importance of Arkansas' forests is indicated by the fact that almost 6 out of every 10 acres in the State are in timber. The two national forests in the State cover almost 2½ million acres, and 1959 timber sales from them totaled nearly $4 million. Arkansas' economic progress is irrevocably tied to her timber resources, and the efficient development and utilization of our timberland is largely dependent on the work of the U.S. Forest Service.

Last year the administration unveiled the "program for the national forests"—accompanied by appropriate fanfare and publicity. This plan for carrying out long-needed conservation projects was welcomed by all conservationists. The Congress indicated its concern about the status of the forestry conservation program by providing an additional $11 million in a supplemental appropriation bill to initiate the program. The administration's concern about our forestry resources appears to be short-lived since the budget request is more than $17 million less than the amount needed to keep the program on schedule. The committee's approval of an additional $17,594,000 to fully implement the program for the national forests was welcomed by all who are concerned about moving forward with this essential work. The basic justification for these additional funds was concisely stated on page 24 of the committee report as follows:

"In recommending these additional funds the committee has taken into consideration the fact that if these Federal lands are to provide their share of a greatly increased demand for timber, water, forage, and recreation of an ever-increasing population—estimated to be 215 million by 1975; 325 million by the year 2000—we must now provide for a more intensified management program and an expanded research program."

The forestry industry in Arkansas appreciates the importance of forestry research. Two forest research centers are located in the State, at Harrison and Crossett. The information developed at these centers has contributed immeasurably to improving my State's timber resources. Both centers are working on important projects but are hampered by lack of sufficient funds. The committee's recommendation of an additional $4,213,400 for forest research will result in placing greater emphasis on these promising leads, and other neglected projects throughout the country.

I want to mention one project being worked on at the Harrison center which is especially promising. It has been estimated that from 6 to 10 million acres in the Ozarks region are suffering from the blight of brush. This land is furnishing little, if any, return on the landowners' investment. There is considerable evidence that much of this land could be converted to profitable use for either grazing or commercial timber production. The Harrison center has initiated research to find the answers to many problems involved in large-scale brush conversion on the many varying soil types in the region. This is necessarily a long-range project, but with adequate funds available the work could proceed much faster. Approximately $25,000 will be spent on the project in the 1961 fiscal year according to the allocation set up under the budget request. If the full amount needed to implement the research phase of the "Program for the National Forests" is appropriated, I understand that an additional $15,000 to $25,000 will be devoted to this essential project.

I am vitally interested in brush control since the problem is so critical in a large portion of Arkansas. If this wasteland could be converted to a productive use, the economy of the Ozarks would be virtually transformed. Of course, the information developed from this research project would be applicable, in varying degrees, to the many other sections of the country suffering from this same problem. I cannot imagine a more secure investment for the taxpayers' money than this vital research project.

There are several other items in this appropriation bill which are important to Arkansas. The Fish-Farming Experiment Station, to be operated by the Fish and Wildlife Service, is of special interest to me since I introduced the legislation which authorized the project. This research project is designed to solve many of the problems encountered by those who have entered this new type of farming. It has been estimated that over 100,000 acres in Arkansas alone are devoted to rotation of field crops with fish production. It is a new industry with immense potential. I am proud of the fact that Arkansas has pioneered in this field, and it is only fitting that the research station is located in the State.

As the Members of the Senate will recall, the Congress appropriated $350,000 last year to complete the construction of the facility. No funds were included in the budget request. It is expected that the contract for construction will be awarded shortly, and that the station will be ready to begin operation by the end of this calendar year. The administration failed to request funds for the project again this year. If the administration's view were followed, the plant and equipment at the station would remain idle, without so much as a watchman to protect the Government's investment, for the entire last half of the 1961 fiscal year. This is a strange type of economy. The House Appropriations Committee added $100,000 to begin operations at the experiment station, and the Senate committee has concurred in that action. I am pleased that both committees recognized the significance of this project. The information which will be developed at this experiment station is essential to sound progress in the fish-farming industry.

The Senate committee has concurred in the House action in adding $70,000 to the budget request of $95,000 for expansion of research to control depredations of blackbirds and starlings. The Congress recognition of this serious problem is gratifying to those of us concerned with this serious matter. It has been estimated that the damage to crops in Arkansas from these birds amounts to $5½ million each year. At least 28 States are affected in varying degrees by blackbird and starling depredations. There are no organized programs for control and destruction of the birds, and, as a consequence, farmers try various ways to save their crops from the birds. The methods used are often dangerous to other wildlife, and even to humans. The only answer is to find ways, through research, to control or destroy these birds on a scientific basis. The haphazard attempts now being made to correct the situation can only lead to more serious trouble. The additional funds approved by the House and Senate committee will provide a total of $165,000 for research into the problem during the next fiscal year. I consider this to be a minimum amount in view of the critical nature of the situation in Arkansas and the other affected States.

I wish to mention my interest in a proposed program for needed improvements at the Corning, Ark., Fish Hatchery. Arkansas is proud of its reputation for good fishing waters. The fishing demand on lakes and streams is increasing each year and there is a real need to expand fish hatchery output to satisfy the requirements of fishing enthusiasts. The Fish and Wildlife Service has proposed a plan for much needed improvements at the Corning Fish Hatchery. The construction of the station was not completed because of the advent of World War II, and improvement of the facilities has been postponed ever since. The committee has recommended $100,000 for this long-overdue work. I know that the expansion of the hatchery will greatly aid in maintaining Arkansas' reputation for good fishing.

The last item which I shall discuss is the budget request for a total of $50,703 to initiate operation of the Pea Ridge Battlefield National Park in Arkansas. I sponsored a companion bill to the House bill which authorized this park. The land for the park was purchased with funds provided by the State of Arkansas, and the deed to the property was presented to the Department of the Interior a short time ago. I am pleased that this important battle is being appropriately recognized by the Federal Government and is being made a part of the National Park system.

The items I have mentioned are those of particular importance to Arkansas and to me. There are other worthy items covered in this bill which I could mention, but I do not wish to burden the RECORD unduly.

I again commend the committee for taking the long-range view toward resources conservation. The pressures of our expanding population and the increased leisure time available to our people have created unprecedented demands on our forests and other recreational facilities. We are woefully behind in many ways in meeting current demands. Unless we prepare today, the past errors in neglecting our resources will be compounded. We cannot afford to delay any longer in proceeding with a sound and progressive program for developing the full potential of our forests and parks.

I urge the Senate to approve the full amounts recommended by the committee for this important work.

DEPARTMENT OF COMMERCE AND RELATED AGENCIES APPROPRIATIONS, 1961

Mr. HAYDEN. Mr. President, the Senate will recall that as a matter of convenience to Senators, the Department of Commerce appropriation bill was laid aside, and, by motion, the Senate proceeded to consider the Department of the Interior appropriation bill.

I now ask unanimous consent that the Senate temporarily lay aside House bill 10401, the Department of the Interior appropriation bill, and resume the consideration of House bill 10234, the appropriation bill for the Department of Commerce and related agencies.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate resumed the consideration of the bill (H.R. 10234) making appropriations for the Department of Commerce and related agencies for the fiscal year ending June 30, 1961, and for other purposes.

Mr. YOUNG of Ohio. Mr. President——

Mr. LAUSCHE. Mr. President——

The PRESIDING OFFICER. The Senator from Ohio.

Mr. LAUSCHE. Mr. President, I should like to ask a question of the Senator from Florida [Mr. HOLLAND] in regard to the pending bill.

Mr. YOUNG of Ohio. Mr. President, I yield to my colleague, if I may do so without losing my right to the floor.

Mr. LAUSCHE. Let me say that I was rather bewildered, because the Chair was looking to my right, and then the Chair stated that the Senator from Ohio was recognized; and I could not put the two together. [Laughter.]

Mr. YOUNG of Ohio. I yield.

Mr. LAUSCHE. Mr. President, I wish to ask a question of the Senator from Florida [Mr. HOLLAND]. At Plymouth, Ohio, there are what are known as the Plymouth Locomotive Works. That organization bid on an invitation to install three cranes and to supply a number of towing locomotives for the Panama Canal. A letter which has been addressed to me makes inquiry, in view of the fact that the low bidder on that equipment was a Japanese firm, as to whether the smallness of the difference between the bid of the Ohio company and the bid of the Japanese company warrants giving the job to the Plymouth Locomotive Works, in Ohio.

I should like to ask the Senator from Florida whether this matter has been brought to his attention, and what he understands the facts to be.

Mr. HOLLAND. Mr. President, the matter the distinguished senior Senator from Ohio [Mr. LAUSCHE] has mentioned—and I am sure it is also of concern to the distinguished junior Senator from Ohio [Mr. YOUNG]—has been brought to the attention of the Appropriations Committee, and, specifically, to the attention of the Senator from Florida, as chairman of the subcommittee which deals with the Panama Canal appropriations.

The facts are these: The Panama Canal required 39 additional towing locomotives and 3 cranes, and asked for bids upon that rather substantial amount of new equipment. The two best bids were as follows: One was by the Mitsubishi Co., of Japan, which was the low bidder, at $3,829,900.

The next lowest bid was that of the Plymouth Locomotive Works, to which the Senator from Ohio has just now referred. Its bid was in the amount of $4,781,867—or more than $900,000 in excess of the bid by the Mitsubishi Co.

There are already in the law several provisions by means of which preferences are lawfully given to U.S. manufacturers, as compared with foreign manufacturers. For instance, under the Buy American Act—which is 41 United States Code, 10(a) to 10(d)—there is a requirement that an advantage of 10 percent of the total bid price accrue to the American supplier.

There is also an additional advantage of 6 percent of the total price if the lowest responsible bidder offering domestic materials—which in this case was the Plymouth Locomotive Works—will produce substantially all such materials in areas of substantial unemployment, as determined by the Secretary of Labor. That condition was met by the Plymouth Locomotive Works.

There is a third differential in favor of American manufacturers, and it likewise was calculated in connection with the bid—namely, a differential or advantage in the amount of $115,000 to cover additional costs of inspection and increased administrative costs which would be incurred if a foreign purchase were made.

However, after the application of all three of those differentials in favor of an American manufacturer, there is still a substantial difference in favor of the Mitsubishi bid. That difference has been evaluated by the Department of the Army, in a letter from Mr. George H. Roderick, Assistant Secretary of the Army, to the distinguished senior Senator from Ohio [Mr. LAUSCHE], as being around $184,000—still after taking into account all three of these differentials.

In that situation, when I was approached by the Senators from Ohio, I thought that I should say to them that I did not feel that in this case we could justifiably make for larger differentials and insist that the Secretary of the Army make the purchase in this country. If so, I believe the result would be that foreign bidders would lose all interest in trying to compete for any of our orders; and, likewise, in this case they would feel they had been mistreated, since, notwithstanding these announced differentials, the bid of the Japanese company was so far below the next best bid.

I hope my distinguished friends from Ohio will understand the situation, and will agree that in such a situation, if we are to keep good faith with foreign bidders whom we invite to bid, we should abide by the law which is on the statute books.

Mr. YOUNG of Ohio. Mr. President, as we understand the matter, the distinguished senior Senator from Florida has given every consideration to the request made by my colleague, the distinguished senior Senator from Ohio [Mr. LAUSCHE] and myself.

It is my further understanding—and I trust that the Senator from Florida will correct me if I am in error—that there was a realization on his part and on the part of other members of his subcommittee of the grave concern on the part of the Senators from Ohio on this matter. I am sure that it was his desire to be of real service, if possible, to the Plymouth Locomotive Works, which is a fine business organization in our State and, as a matter of fact, is located in my home county.

May I ask whether it is a fact that not only the senior Senator from Florida [Mr. HOLLAND], but other members of the committee, gave every consideration to our request?

Mr. HOLLAND. I do not know how many members of the committee have been contacted, other than myself and possibly two or three other members. But, so far as I know, all of them came to the same conclusion. We addressed our inquiry to the Secretary—I believe that is his correct title—of the Panama Canal Company, Mr. Whitman, who acquainted us with the facts.

Although I cannot make a decision for the Senate or for the Department of the Army or for the country, I simply have stated to my two friends from Ohio that it seems to me that in such a situation we would not be acting in good faith if, under the facts in this situation, we declined to award the bid to the Mitsubishi Co.

Senators will recall that the United States is buying all over the world. We have installations everywhere. We are inviting foreign people who are qualified to make bids for these important installations. Whenever they so clearly underbid our people, we can regret that fact, but we cannot reshape it.

Mr. YOUNG of Ohio. We regret it. May I express my appreciation to the Senator from Florida.

Mr. HOLLAND. Mr. President, in commenting on what the distinguished junior Senator from Ohio has said, I have tried to treat the whole situation just as I know the Senator from Ohio would treat a matter in my State. In my view, there was only one honorable course for the Department of the Army to follow. I believe we came to the same conclusion.

Mr. YOUNG of Ohio. I am not making any criticism of the Senator from Florida. In fact, I commend him for his fairness.

Mr. LAUSCHE. The bid of the Japanese company was $900,000 below that of the Plymouth company. Is that correct?

Mr. HOLLAND. That is substantially correct.

Mr. LAUSCHE. Under the rules laid down by U.S. law, 16 percent of the bid of the Japanese company, and also $115,000 was added to the bid of the Japanese company. Is that correct?

Mr. HOLLAND. The Senator has stated the matter substantially as it is.

Mr. LAUSCHE. Even with the addition of the 16 percent and the $115,000 to the Japanese bid, it was still $184,000 below the bid of the Plymouth company. Is that correct?

Mr. HOLLAND. The Senator is correct.

Mr. LAUSCHE. If the Japanese bid were rejected, the cost to the taxpayers of our country would be about $900,000 more than it will be under existing conditions?

Mr. HOLLAND. The Senator is correct.

Mr. LAUSCHE. I might say, for the benefit of my colleague, I contacted the Department of State hoping it might look sympathetically upon the position of the Ohio company; and the Department stated that in its opinion it would not be to the best interests of the United States if this low bid were rejected and the second bid accepted.

Mr. HOLLAND. The Senator is correct. I happen to know about that inquiry also. I do not know how the two Senators from Ohio could have been more diligent in trying to see that their Ohio company was given every possible reasonable consideration.

Mr. LAUSCHE. I thank the Senator very much.

STOP SENSELESS SIREN SHRIEKING STUPIDITY

Mr. YOUNG of Ohio. Mr. President, Washington civil defense planners intend to stage a mock atomic bombing accompanied by a massive test evacuation of communities. Officially, it is known as Operation Alert—1960.

The utter senselessness of this Operation Alert is that the brainless wonders picked on May 3, 1960, for this program.

A high-ranking civil defense official probably said to one of his fellow boondoggers, "We must plan some exercise to justify official titles and salaries."

It points out clearly what I have repeatedly asserted—that our civil defense program is being managed by subaverage planners drawing big salaries at taxpayers' expense to operate this superannuated bureaucratic monstrosity. Again their ignorance and ineptitude is displayed in planning a civil defense exercise for next May 3.

Mr. President, it so happens that May 3, 1960, is primary election day in the State of Ohio, as well as in Indiana, Alabama, Florida, and the District of Columbia. This information may come as a shock to those who are feeding at the public trough as civil defense officials.

It seems unbelievable, but it is a fact that on the very day that important elections are to take place in four States and the District of Columbia, civil defense boondoggiers have scheduled another one of their ridiculous and ineffective alerts which this time includes massive test evacuations.

On the one hand all possible persuasive efforts are employed by public and private media to urge citizens to register and to vote. On the other hand, an official agency of the Federal Government will conduct a project that may make it impossible for some of our citizens to vote and present a serious obstacle to others.

Mr. President, this is an inexcusable situation and an outrageous display of bungling on the part of the civil defense bureaucrats.

A simple 5-minute job of research could have easily informed them of the fact that May 3, 1960, was election day for millions of Americans. Any informed citizen knows that it is a time of year in which primary elections are traditionally held. Certainly, with all the publicity attending these elections in this presidential election year, someone in the civil defense agency might have ascertained this fact.

Any elementary schoolchild could have obtained this information in a few minutes in his school library. Evidently, however, it was too big a job for the officials of the Office of Civil and Defense Mobilization.

The people from Lorain, Ohio, may be told to flee toward Cleveland, 25 miles away, and at the same time the people of Cleveland may be fleeing toward Lorain. This could result in the most gigantic traffic jam that ever existed.

It is ironic that of the $76 million requested for this agency, $47 million, or 62 percent of the total appropriation request, is designated for salaries and expenses of these officials and employees.

In spite of the fact that this agency allocates a higher percentage of its budget for salaries than do most governmental departments, there was no one—not a single official—who had the foresight or who took the trouble to avoid this fiasco.

The official publication for Operation Alert states that it is designed and will be conducted to train and test governments, industry, private organizations, and the public under simulated emergency conditions to respond to the contingency of general war.

Mr. President, the absurdity, the wastefulness, and the complete lack of reality in the present civil defense program is almost beyond belief. At this very moment, the Soviet Union is capable of firing intercontinental ballistic missiles toward targets in this country within 15 to 18 minutes. With perhaps 5 minutes' warning at the most, missiles fired from Soviet submarines off our coasts could strike any vital target in our country.

Everyone seems to understand this basic fact of the atomic age except, apparently, those bureaucrats operating the Office of Civil and Defense Mobilization.

During World War II, there was some sense to the theory of evacuation of large urban areas in event of enemy bombings. However, the entire character of warfare has been changed by the great scientific discoveries of the past 20 years. Evacuation programs belong with the past decade.

The defense of the civilians of America is so important that it must no longer be left to this outmoded, obsolescent agency. It rightfully should be a duty of the Armed Forces of this Nation.

In Ohio, and I am sure it is true in other States also, polling places are set up in schools, fire stations, and other government buildings as well as in private buildings.

Will these buildings be available on May 3 for use while the drill is being conducted, or are local officials to be forced to locate alternate polling places on such short notice? If they are available, what are waiting voters to do while these buildings are being utilized for the purposes of this drill? At the very least, this project will seriously disrupt orderly voting procedure.

In my home city of Cleveland, Ohio, there is an election booth in the Cuyahoga County civil defense headquarters. Can anyone imagine the confusion that prospective voters will face in that particular situation?

If this proposed alert is taken seriously by American citizens, it will be somewhat difficult to conduct meaningful primary elections in Ohio, the other States, and the District of Columbia on that day. It will be an almost criminal interference with the most cherished right of every American—the right to vote.

Nothing could be sillier and more uncalled for than this useless civil defense exercise. Citizens will be annoyed; voters will be seriously hampered; and volunteer civil defense workers, who deserve consideration, who are the only ones who have made sacrifices for civil defense, will be imposed upon by salaried civil defense officials.

This is typical of the wasteful and, in fact, stupid planning of the Office of Civil and Defense Mobilization at a time when every Government official in the Nation and in the States is urging citizens to vote. Now they call for an evacuation alert which will impede the voting.

Of course, it may be possible, though I doubt it, that civil defense officials realize the American people are not being taken in with these foolhardy schemes and, therefore, will not respond to them on May 3, or any other day.

Mr. President, for over 2 months the Senate of the United States has been engaged in a great debate, primarily devoted to providing equal voting rights for all Americans. This issue has not only occupied the time and attention of the Congress of the United States, but has attracted the attention of the entire world.

It is a shameful fact that at the same time the useless civil defense agency has recklessly scheduled make-believe air raid drills on a vitally important election date in several States, an action which, if taken seriously, could result in preventing many citizens from exercising the right to vote.

Mr. President, I assert that defense of civilians is the obligation and the duty of the Armed Forces of our country. In time of grave national emergency the Chief Executive would become a virtual dictator, as did Abraham Lincoln during the War Between the States, which we northerners call the Civil War. Although it was a brutal war at that time, today it would be considered only a limited or brush-fire war. At that time, as I have said, President Lincoln became a virtual dictator. We may be certain that in a time of grave emergency with the Soviet Union or Red China, or both, the President of the United States would immediately take charge and place the Armed Forces of our country in charge. No civilians in armbands would be permitted to direct the defense of our citizens.

Paid civil defense officials—ex-Governors and ex-officeholders—who are now sounding sirens and planning evacuation programs which are senseless, and probably dangerous, would not be permitted to interfere with the movement of the Armed Forces nor to jeopardize the safety of civilians.

Evacuation programs, perhaps effective had we been bombed in World War II, have no place in nuclear warfare, in this era. Such programs would cause the worst traffic jams ever experienced.

Notwithstanding this, Mr. President, the facts are that not one paid civil defense official in Ohio has provided a shelter in his basement or backyard, although apparently they are advocating them for others, in addition to this huge evacuation program.

I ask the question, For what purpose do these officious, paid armband wearers sound sirens to the annoyance of our citizens? I challenge anyone to come forward with an intelligent answer.

ORDER OF BUSINESS

Mr. RUSSELL. Mr. President——

The PRESIDING OFFICER (Mr. MUSKIE in the chair). The Senator from Georgia is recognized.

Mr. HARTKE. Mr. President, I ask the distinguished Senator from Georgia to yield to me for a minute or so, so that I may ask a question of the Senator from Florida.

Mr. RUSSELL. Mr. President, I would be happy to yield to the Senator from Indiana, if it does not impair my right to the floor. I ask unanimous consent that I may do so.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia?

Mr. HOLLAND. Mr. President, may I ask that my right to answer the question be also included in the unanimous-consent request?

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF COMMERCE AND RELATED AGENCIES APPROPRIATIONS, 1961

The Senate resumed the consideration of the bill (H.R. 10234) making appropriations for the Department of Commerce and related agencies for the fiscal year ending June 30, 1961, and for other purposes.

Mr. HARTKE. Mr. President, I should like to ask the distinguished senior Senator from Florida a question with regard to the pending bill, Calendar No. 1139, making appropriations for the Department of Commerce and related agencies. I should like to ask whether the research and development programs as requested by the Weather Bureau are included or are not included, in regard to air safety research?

Mr. HOLLAND. Mr. President, I am glad the Senator has inquired about that item. I am fully mindful of the fact that the Senator has had, in his own State, a very great tragedy recently, which, of course, has been the cause of grief to him and to the people of the Nation. I am glad to tell the Senator that the committee has replaced in the bill—and the amendment of the committee has now been agreed to, replacing in the bill—all of the requested appropriations of the Weather Bureau for making flying more safe in this country.

Mr. HARTKE. I thank the distinguished Senator from Florida. I also compliment the committee, particularly in view of the fact that Mr. Reichelderfer of the Weather Bureau said even this amount of money will be sufficient only to cover about 1 percent of the total amount of money needed in research to really get into this tremendous problem of clear air turbulence, considered to be one of the possible causes of the two crashes in Texas and in Indiana. If we are going to have any real answer to this problem we shall have to provide the money and do the research. The Weather Bureau says if it can get the money it will get on the job and put this item at the top of the list, so far as priority is concerned.

Mr. HOLLAND. Mr. President, in further answering the Senator I will say that the subcommittee and the full committee are both fortunate by having as members the distinguished Senator from Washington [Mr. MAGNUSON], the chairman of the Committee on Interstate and Foreign Commerce, and the distinguished Senator from Oklahoma (Mr. MONRONEY], the chairman of the subcommittee which has to do with aviation. Both Senators very earnestly and assiduously supported the replacement in the appropriation bill of the item for the Weather Bureau to which the Senator from Indiana has addressed himself.

Mr. HARTKE. I think all people who fly on the air lines should thank these gentlemen for their interest in this important matter.

Mr. President, I thank the Senator from Georgia for yielding to me.

The PRESIDING OFFICER. The Senator from Georgia has the floor.

Mr. RUSSELL. Mr. President, I ask unanimous consent that I may yield briefly to the Senator from Delaware [Mr. WILLIAMS], without in any way impairing my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia? The Chair hears none, and it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, I submit an amendment to the pending bill, with the understanding that I shall discuss the amendment after the Senator from Georgia has completed his remarks.

The PRESIDING OFFICER. The amendment will be received and printed and lie on the desk.

Mr. RUSSELL. Mr. President, I ask unanimous consent that I may yield briefly to the distinguished Senator from Oklahoma without impairing my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia? The Chair hears none, and it is so ordered.

PRESIDENTIAL CAMPAIGN BROADCASTING

Mr. MONRONEY. Mr. President, 23 Senators have joined in sponsoring the Presidential Campaign Broadcasting Act, which I believe is essential legislation if we are to have an informed public making its choice for the presidency this fall on genuine issues rather than on illusions created by expensively staged political entertainment.

Three newspapers in my own State and one in a neighboring State have seen fit to comment encouragingly on the idea of a great debate over TV. I would like to share these with Senators who are thinking on this problem.

I ask unanimous consent to have printed in the RECORD editorials on our proposal of 2 hours of free TV time each week from the Enid (Okla.) Daily News of March 12, the Tulsa (Okla.) World of March 12, the Oklahoma City (Okla.) Advertiser of March 17, and the Des Moines (Iowa) Register of March 16.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Enid (Okla.) News, Mar. 12, 1960]

MONRONEY'S TELEVISION BILL MAKES GOOD SENSE

Oklahoma Senator MIKE MONRONEY has a good idea for some new legislation. Senator MONRONEY and a group of Senators believe that television networks and stations should be required to provide free time for presidential nominees this year. Under a bill which they have drawn up, 1 hour of free time each week would be given for interviews of candidates for a period of 8 weeks before the November election. Furthermore, another 60 minutes would be provided in each of these weeks for each of the candidates for rebuttal.

Very few television stations or networks will admit it but the airwaves belong to the people. Through the peoples' representatives—an agency of the Government which in this case is the FCC (Federal Communications Commission)—the airwaves are leased or allocated to individuals or corporations for use in the public interest. We can think of nothing more in the public interest than a series of television debates by candidates for the high office of the President of the United States.

In the past, it has been a terrific financial strain on both parties to provide adequate television time for presidential candidates. After a presidential campaign, the major political parties usually find themselves hundreds of thousands of dollars in debt and the next few years are spent throwing $100-a-plate dinners and benefits to get out of hock. Then, too, under present conditions, there is a tendency to make a show or a production of a political appearance of this caliber. High-powered orchestras, actors, and actresses are frequently used to sway votes.

Senator MONRONEY'S bill makes a lot of sense and merits serious consideration by the Congress.

[From the Tulsa World, Mar. 12, 1960]

TV DEBATE PLAN IS WORTH A LOOK

The proposal of Senator MIKE MONRONEY that television time be set aside next fall for the use of the major presidential candidates has fallen afoul of industry criticism. We do not believe the Senator deserves some of the brickbats he's taking.

What MONRONEY suggests is that perhaps as much as 90 minutes weekly be reserved free of charge as a public service and, we think helpfully, to give the American public a high level discussion of issues.

It is not original with MONRONEY. Two-time presidential aspirant Adlai Stevenson gave a boost to the idea a couple of weeks ago in a widely read magazine article. It was Mr. Stevenson's thought that a 90-minute television debate of the issues could be provided free of charge to the two major parties on a weekly basis through the general election campaign.

We don't think it is too much to ask of the networks as a service to the public they are licensed to serve. The inauguration of a debate series featuring the presidential candidates strikes us as a badly needed political instrument for the education of the public on the issues of the day. Generally speaking, the voting public has but a vague and cloudy impression of the essential differences in political philosophy which characterize Republicans and Democrats. In public appearances specifically aimed at discussion of major issues, the public as well as the candidates would benefit. Most of the confusion that muddles campaigns would dissipate.

Essentially, we are opposed to the idea of legislating controls over industry. That includes television, too. It seems to us the networks themselves should pick up the Stevenson-Monroney idea and apply it or some facsimile of it on a voluntary basis. Ninety minutes weekly is a lot to ask the public to hold still for, and since the campaign runs many weeks, 30 minutes weekly for each side probably would suffice to give attention to all major issues.

The point is, MONRONEY has a good idea. But it ought to be up to the networks, not Congress, to develop it.

[From the Oklahoma City (Okla.) Advertiser, Mar. 17, 1960]

WANT TO BET?

(By Freda Ameringer)

I am sorry to disagree with my friends, Bruce Palmer and Tom Johnson, of local broadcasting circles, but I think Senator MIKE MONRONEY is 100 percent right on his bill to require TV networks and stations to provide free time for Democratic and Republican candidates for President to bring to the American people a full discussion of the issues in this fall's campaign. For a period of 8 weeks 2 hours each week would be divided equally between the two candidates.

And I would be willing to wage a new Easter bonnet with either or both of these gentlemen that men like Murrow, Sevareid, Huntley, and Brinkley are quite likely to go along with Oklahoma's junior Senator.

Can anyone, at the moment, think of a more certain method of increasing respect for networks and stations, a better way to score in the important field of public service?

As a matter of fact, something of this sort has been in the air for some time—not in Oklahoma City, of course, where monopoly daily newspapers carry on their brainwashing attempts as to everything reactionary with a deadly monotony that's hard for many of us to take.

Months ago a man by the name of Charles J. Selden, Iowa City, Iowa, wrote this letter to the "most prominent presidential possibilities of 1960," sending a copy to the "Letters From the People" column of the St. Louis Post-Dispatch:

"Since you are among those men out of whom the nominees for the Presidency will come, I would like to know how you would feel about a series of nationally televised debates on four successive Sundays in the October before the 1960 election. These debates would be hour-long programs between the two candidates on four issues (one each time) which a qualified and responsible group of men would select, a group, say, such as the National Press Club.

"It seems to me that with such a plan the American people would have an opportunity to see just where the candidates really stood on vital issues. It would also, I think, help keep campaigns centered upon ideas rather than personalities or slogans, or other such accouterments of elections which could hamper our democratic way of life.

"Such a series would cut campaign costs and I think might even establish a healthy precedent for future elections. If both parties were to commit themselves now, as well as the prospective candidates, there would be no reason why such an idea could not become a reality."

In the same issue the Post-Dispatch editorialized in these words:

"What Mr. Selden proposes is not altogether new as an idea. The Post-Dispatch is among those who have deplored the level of much of recent presidential campaigning and has urged that debate be turned to as a means of sharpening issues, through well-defined positions which the voter can compare and evaluate. In our view, a series of televised debates might well be sponsored by the U.S. Government as a public service. The letter from Iowa City puts the need in good clear terms. We hope it will become a reality next year."

Senator MONRONEY is probably taking at face value the oft-repeated statement that the air belongs to the people—he'd like to see some of the airways available during the coming campaign. TV representatives will be asked to testify at committee hearings on the bill and, no doubt, there will be much lively discussion as the measure is considered in Congress.

Who knows, the networks, smarting under quiz show and payola criticism, may welcome this opportunity to build back in public esteem?

Anyway, good luck to Senator MIKE.

[From the Des Moines Register, Mar. 16, 1960]

FREE TV TIME FOR CANDIDATES?

A measure to require television networks beginning September 1 to give 3 hours of free TV time each week to the presidential nominees is reported picking up widespread Senate support. The proposal, introduced last week by Senators WARREN MAGNUSON, Democrat, of Washington, and MIKE MONRONEY, Democrat, of Oklahoma, is scheduled for early consideration by the Interstate and Foreign Commerce Committee.

The measure calls for all of the networks and television stations to give each of the candidates time for a weekly 1-hour presentation and one-half hour for rebuttal. Presidential candidates eligible for the free time would be those representing political parties which captured at least 4 percent of the vote in the last presidential election.

Only the Republican and Democratic nominees would be eligible in 1960 under this standard. Each of the presidential candidates would be allowed to turn over some of his free time to his vice-presidential running mate.

The proposal is an attempt to provide for a running national debate between the major candidates. It represents also an attempt to cope with the tremendous cost of television time by getting around the equal time rule. The present rule obligates a television station to give free time to all presidential candidates, including those of splinter parties, if it provides time for one. The rule has operated in practice to discourage networks from giving free time to any candidate.

Broadcasting officials have been asking Congress for years to revise the rule to enable them to provide more programs of a political nature during campaign years. But they are likely to have some serious misgivings about the Magnuson-Monroney approach. A similar proposal several years ago caused broadcasters to wonder why they, rather than newspapers and assembly halls, should be singled out by the Government to turn over a fixed amount of their time free of charge.

One reason is that they are in the public domain, subject to Government regulation, and already required by law to provide a reasonable amount of time for public service programs. But requiring stations to carry specific programs by Government order would represent a sharp departure from traditional practice.

Nevertheless, there is need to make fuller use of television during campaign years. The British have solved this problem by providing a block of free radio and television time and permitting the various parties to arrange an equitable division among themselves. We hope the Magnuson-Monroney bill will serve as a spur for some serious thinking on how the United States can make its television facilities a more effective tool for national education on the candidates and issues.

Mr. MONRONEY. Mr. President, I thank my distinguished colleague for yielding to me.

Mr. MAGNUSON. Mr. President, will the Senator yield to me for a brief insertion in the RECORD?

Mr. RUSSELL. Mr. President, I ask unanimous consent that I may yield to the Senator from Washington with the understanding that it will not impair my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia? The Chair hears none, and it is so ordered.

THE SERVICES OF THE BUREAU OF FOREIGN COMMERCE

Mr. MAGNUSON. Mr. President, in the discussion of the appropriation bill for the Department of Commerce and related agencies we are naturally indirectly engaged in the study of U.S. imports as they relate to the Bureau of Foreign Commerce in the Department of Commerce and the foreign posts in the State Department.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement regarding this matter.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The Interstate and Foreign Commerce Committee, of which I am the chairman, is engaged in an important study of U.S. exports. Businessmen, representing both large and small businesses, have time and again emphasized the necessity for the Federal Government to provide them with the information vital to overseas operations. The Bureau of Foreign Commerce, working closely with the foreign posts of the State Department, is the major source of help in dealing with the complexities of export trade.

The larger companies with representatives in Washington are able to visit the Bureau and obtain a great deal of information but state that they need much more assistance. In the case of the smaller companies, lack of resources of the Bureau is a tremendous handicap to them since they cannot come to Washington for direct contact with the technically competent staff. Unless the Bureau is given adequate funds to disseminate the invaluable information which they receive by means of publications, smaller businessmen cannot hope to enter export trade.

A few of the more vital services which the Bureau should perform more effectively include:

A much wider dissemination of export opportunities obtained by contacts in foreign countries.

The publication of more trade lists of businessmen in foreign countries who are potential buyers.

Individual reports on the reliability and standing of foreign businessmen.

The expansion of trade contact surveys.

The Bureau receives a great deal of information from around the world on commercial and economic conditions. It is of the utmost importance that this information be available to all by publication. The "Foreign Commerce Weekly" and the "World Trade Information Series" are excellent media for prompt dissemination but their value is severely handicapped by curtailment due to lack of funds. Consequently, in this complex trade situation the businessman is not informed immediately of all changes in basic economic conditions, opportunities for specific sales, changes in laws and regulations, and a multitude of other elements affecting his decision to trade and the success of his actual operations.

In the face of the growing importance of increasing our exports, the resources of the Bureau have been whittled away. I strongly urge that they be given adequate means to expand their vital services to the businessman, who must rely heavily on the information they alone can make available.

Mr. MAGNUSON. I thank the Senator from Georgia for yielding to me.

Mr. RUSSELL. Mr. President——

The PRESIDING OFFICER. The Senator from Georgia has the floor.

LEGAL AND CONSTITUTIONAL ISSUES INVOLVED IN THE RECENT RACIAL DEMONSTRATIONS

Mr. RUSSELL. Mr. President, several days ago the daily press carried reports of press conferences held by Thurgood Marshall, head of the large legal staff of the national colored peoples association, outlining the basis of the favorable decision he will demand from the Supreme Court of the United States in the cases involving violations of the rights of private property by thousands of Negro college students in a number of southern cities.

The New York Times on Sunday, March 20, carried an article concisely stating Marshall's contentions. I shall read this article into the RECORD:

WASHINGTON, March 19.—Lawyers of the National Association for the Advancement of Colored People drafted a master plan today for defending Negroes arrested for lunch-counter demonstrations in the South.

Thurgood Marshall, counsel of the NAACP, announced that the arrests would be challenged as violations of the 14th amendment to the Constitution.

"We are going to appeal every fine," Mr. Marshall announced.

The strategy was charted at a meeting of 62 lawyers who will defend more than 1,000 Negroes facing trial for antisegregation demonstrations, mainly by sitdown tactics at lunch counters.

The 14th amendment says that no State shall "deprive any person of life, liberty, or property, without due process of law, nor deny any person within its jurisdiction the equal protection of the laws."

"The lawyers," Mr. Marshall said, "are in agreement that use of public force either in the form of arrest by the police or conviction by the courts is in truth State enforcement of private discrimination and is in violation of the 14th amendment."

"Furthermore we have outlined other related legal doctrine which will be applied, depending upon differences in State laws, the manner in which the arrests were conducted and the way in which different types of protests have been made."

Students have been arrested and charged with violating "a multitude of laws and ordinances," the NAACP legal chief said.

He cited charges of trespassing, assault, parading without a license, and violating fire regulations by blocking aisles in stores.

"Some have been accused of conspiracy to obstruct commerce," he said. "All of these and similar laws are in our opinion being used as means to enforce racial discrimination."

"The NAACP legal defense and educational funds," he said, "is ready to assist in every case in which it is called upon."

Mr. Marshall said the NAACP had raised $40,000 for defending those arrested in the sitdown demonstrations. However, he said, most of this has already been spent on bail and legal fees.

The NAACP lawyers are meeting at the Howard University Law School. The conference will end tomorrow.

The report in the Washington Post of the same date refers to Marshall as the No. 1 courtroom lawyer in the fight for Negro rights, and quotes him as asserting that any Negro has a constitutional right to be served in any business establishment in the same manner as any other person that the owner or proprietor of the establishment may choose to serve, without regard to the wishes of the owner.

This article also carries the threat to take each of the more than 1,000 cases which have already arisen to the Supreme Court "if necessary." All of the members of the inferior judiciary are well aware of Marshall's phenomenal record of success in the Supreme Court. They are familiar with his unique ability to have the Court transpose his arguments and briefs into what the Court calls its decisions. This threat to carry every one of the more than 1,000 cases to the Supreme Court if necessary will suffice to frighten those U.S. district judges who are more concerned about being reversed than they are about being right.

His statements puts such district judges on notice that they can expect reversal by the Supreme Court if they do not accept his interpretation of the 14th amendment. In a large number of cases involving the reversal of other decisions and new and surprising interpretations of the Constitution, the Supreme Court has stated Marshall's views as faithfully as the dummy parrots the words of the ventriloquist.

Despite his mesmeric influence over some of the members of the Court, I cannot believe that a majority of that body will accept the strained and distorted construction which Mr. Marshall places upon the 14th amendment as he seeks to apply it to the planned epidemic of sitdowns.

Let us examine briefly some of his contentions. Due to some recent Supreme Court decisions and the frequent public statements and interviews of Mr. Marshall and his army of lawyers, it is understandable if laymen may have gotten the idea that the 14th amendment deals solely and exclusively with the rights, privileges, and immunities of Negro citizens of the United States.

As a matter of fact, the words "race" or "color" do not appear in the 14th amendment. It may be surprising to some people to learn that this amendment is supposed to protect the life, liberty and property of white citizens equally with the Negro.

It is supposed to guarantee "equal protection of the laws" to whites as well as colored persons. The pertinent section of the 14th amendment reads as follows:

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

As a matter of fact, the 14th amendment to the Constitution created no new privileges. The fifth amendment to the Constitution already provided that "no person shall be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation."

Section 2 of article IV of the original Constitution provides that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

So it is very clear that the 14th amendment merely prohibited the abridgment by State action of privileges or rights that were already granted by the Constitution, and guaranteed to all citizens the equal protection of the laws.

So far as I am advised, prior to Thurgood Marshall's advent before the bar of the Supreme Court, no lawyer had seriously contended that the "equal protection of the laws" clause of the 14th amendment could possibly be construed to deny any owner of private property the right to control his property and to legally enjoy its use. Indeed, the "equal protection of the laws" clause was considered to protect property at least to the extent that it grants social prestige. However, I do not lose sight of the fact that no other lawyer before Mr. Marshall had ever persuaded the Supreme Court to accept the writings of Gunnar Myrdal, a Swedish Socialist, as the supreme authority on the Constitution of the United States, to be respected over the clear intent of that document and more controlling than oft-reiterated decisions of the Supreme Court over many years as to its construction.

It is now seriously contended, however, that instead of affording "protection" to a property owner, the equal protection clause of the 14th amendment denies the protection of any law, including the police power, if a citizen—white or Negro—who owns property, undertakes to exercise any selectivity whatever in choosing customers.

If any person undertakes to assert the unchallenged right, long enjoyed under existing law, to do business with whomever he chooses to the exclusion of a Negro citizen, it is now claimed that his property may now be taken away or withheld by a group of trespassers. Under this contention, the equal protection clause of the 14th amendment denies the property owner any police protection whatsoever.

In the simplest terms, it is claimed by Marshall and his associates that if a person refuses to do business with a Negro, the Negro has the right under the 14th amendment to take possession of the business of such person and the owner has no legal remedy.

Mr. President, the New York Times, on Monday, March 21, quotes Mr. Marshall from Charlotte, N.C., as placing an

even more bizarre interpretation on the 14th amendment, and I quote from the New York Times of that date:

The director-counsel of the NAACP legal defense and educational fund, made his remarks at a news conference. Later he addressed a "freedom mass meeting" sponsored by the NAACP Charlotte branch.

He told reporters that the NAACP would defend with all its resources every person involved in a court action because of "a lawful and peaceful demonstration." The matter was thoroughly covered at a lawyers' conference just ended at Howard University in Washington, he added.

He noted that those who entered stores with the purpose of buying were known in legal terminology as "business invitees." Common law once held, he added, that an owner could arbitrarily withdraw this so-called invitation.

However, he asserted, court rulings more recently have tended in the other direction. The size of an establishment often figures in such a ruling, he commented, adding:

"A small, very swanky dress shop may say 'I just don't want to deal with you.' But a large shopping center, say, would not have a clear-cut right to restrict its service to people of one race."

I assert, Mr. President, that this is indeed a remarkable pronouncement of the recent philosophy that our Constitution is a flexible document. It is asking the Supreme Court to play upon the 14th amendment as an accordion, compressing it in the case of the "small, swanky dress shop" to protect the rights of that property owner, but expanding it to use the same language to deny the same right to a "large shopping center."

I wonder how fantastic we can get in groveling before the ever-increasing demands for special privilege asserted by the NAACP and their lawyers.

The 14th amendment does not say that only a "small, swanky dress shop" has "equal protection of the laws." It says that no State shall deny to any person within its jurisdiction the equal protection of the laws.

If Marshall and his associates convince the Supreme Court of his contention that all of the city ordinances and all of the State laws designed to protect the owners of private property in the enjoyment of property rights must fall upon the demand of the Negro citizens as conflicting with the equal protection clause of the 14th amendment, he will succeed in having that Court rewrite the 14th amendment to make it read: "No State shall be permitted to protect the property or other rights of a white person if it interferes with the wishes of a Negro."

His construction can be used to deny the right of private property to any white citizen of this country. Under this construction, no white person can claim equal protection of the laws if any Negro desires to invade his property. Marshall even contends that no policeman can intervene to protect private property rights in cases where those rights are challenged by a Negro.

Mr. President, this fantastic construction of the Constitution cannot and will not be sustained by reasonable men. The 14th amendment is applied to white and Negro citizens alike. The equal protection clause means that any Negro citizen is entitled to own property and to operate a business on exactly the same terms as any white citizen. Under the equal protection clause, no Negro can be compelled to enter any place of business anywhere that he does not desire to enter.

"Equal rights" does not mean that two persons of different races can be compelled against the will of one of them to enjoy their rights together at the same place and at the same time. That denies "equality"—that creates special privilege.

Mr. President, if there is such a thing as property rights still existing in this country, the 14th amendment and its equal protection and due process provisions mean that if any person—white or Negro—enters upon the property of another citizen, he does so on the terms fixed by the owner of the property on which he enters. Equal protection and due process means equal protection and due process, and it cannot be twisted and distorted to compel one person to do business or to associate with another against his will, so long as it affords that other person the free and untrammeled right to own property and to operate his own business as he sees fit.

Let us examine for a moment the argument that the use of the police power to protect the right of a private citizen in the enjoyment of his property violates the "equal protection" provision of the 14th amendment. If the owner of the property has no right to invoke the police power to protect his property, what are his rights? Must he surrender his property to any casual trespasser who might claim discrimination? If he is to be denied the police protection that he is taxed to create, what will happen if he employs privately a guardian to protect his property? Under the common law, the owner of property is entitled to use such force as is necessary to repel unwanted trespassers from his property. Under the common law, the owner of a business establishment is entitled to do business or refuse to do business with any other person as he sees fit.

What happens if the courts were to sustain Marshall's contentions that the owner of property has no right to invoke the protection of the police department if the trespasser upon his property is a Negro?

What happens if the owner of the property or his employee uses force to eject the trespasser from his property? Under the construction of the "equal protection of the laws" by Marshall and his associates, would the Negro trespasser under the "equal protection" clause have the right to call for police protection against the owner of the business who seeks to eject him?

It would seem that this is the contention. The property owner would be denied any police protection from the intruders, but the intruders would be afforded police protection under this same clause reading "the equal protection of the laws." This would be a throwback to the stone age and the law of the jungle. This would mean that we would deny the use of the police power of the State to protect citizens who have violated no law. But that is what we are told the Supreme Court should decide our sacred Constitution to mean.

What a travesty. This is neither equality nor equal protection of the laws. This is special privilege.

Mr. President, this is anarchy.

I noted in one of the news columns that former President Harry S. Truman, when asked about the sitdowns at Louisville, Ky., said:

If anyone came into my store and sat down, I'd throw him out.

Mr. Truman is a little old to be compelled to rely on the law of the jungle to protect his property in a society built by private enterprise.

ALL AMERICANS HAVE LICENSES

There has been advanced also the unusual contention that if any person is operating under a license issued by a State or a subdivision thereof, that all of the acts of such private individuals become State action under the terms of the 14th amendment.

In today's complex society, a person can hardly get across the street without holding some form of license or franchise from a State. For example, the owner of every automobile in the United States is required by State or local law to have a license before he can operate his automobile. In some States, and in many communities, a man cannot legally possess a dog unless he has secured a license from a unit of government. It is sheer foolishness to say that the acts of private persons of whom a State has required license, become the acts of the State.

WHOSE "LAW OF THE LAND"

I should like to ask, Mr. President, What has happened to all of those who have charged that those who are opposed to mixing the races in the schools are guilty of flouting the law of the land? For several years, scarcely a day passed that some editorial writer, NAACP lawyer, radio or television commentator did not charge that any who oppose the decision in the Brown case were challenging the law of the land.

A great many men of the cloth have thundered from their pulpits that those who were questioning whether or not this decision comported with our Constitution were in fact challenging the law of the land.

The decisions of the Supreme Court and of the Federal judiciary generally, as of today, clearly, definitely, and specifically proclaim that each citizen has the right of choice as to others with whom he will trade or do business.

It is interesting to see our sanctimonious brethren who denounce the white South for violating "the law of the land" for opposing the decision in the Brown case vigorously applauding and urging on and on the thousands of Negro college students in their organized campaign to violate property rights of others as clearly defined and established by decisions of the same courts.

The Supreme Court of the United States, in the so-called civil rights cases of *United States* v. *Nichols et al.* (109 U.S. 3), specifically holds that the 14th amendment cannot be used to deny to an individual the right to discriminate in the selection of his customers even when it is supported by a statute passed by Congress. If these hypocrites were sincere in their position that the Supreme Court decisions are the "law of the land," they would have condemned and stopped these student demonstrations, instead of praising them, on the basis of this decision of the Court that still stands after 76 years.

Mr. President, I ask unanimous consent to have this decision, beginning on page 3 and ending on page 26, printed in the RECORD at the conclusion of my remarks.

There being no objection, the decision was ordered to be printed in the RECORD.

(See exhibit 1.)

Mr. RUSSELL. Mr. President, to those of the new school of thought who contend that a court decision becomes outdated with the passage of a few years, I would point out that as recently as July 16, 1959, the U.S. Court of Appeals for the Fourth Circuit, in the case of Williams against Howard Johnson's Restaurant reasserted this right of the owner of private property to be free in the use and enjoyment of his property.

Let me read some of the pertinent and cogent parts of this decision, as found in Federal Reporter 268, second series, page 845. This refers to the old civil rights statute, which was stricken down by the Supreme Court of the United States in 109 United States 3, to which I have already referred.

1. Civil rights (5): The Civil Rights Act of 1875, insofar as it is constitutional, creates no cause of action against privately owned restaurant based on its refusal to serve persons assertedly because they are Negroes. Act March 1, 1875, sections 1, 2, 18 Stat. 335.

2. Constitutional law (213,254): Customs of people of State do not constitute State action within prohibition of the 14th amendment to U.S. Constitution. U.S.C.A. constitutional amendment 14.

3. Constitutional law (218): Where statutes of State did not require private restaurant operators to exclude Negroes from their establishments, no acquiescence of State in exclusionary practices would amount to State action within condemnation of 14th amendment to Federal Constitution. U.S.C.A. constitutional amendment 14; Code Virginia 1950, sections 18-327, 18-328, 35-26, 56-196, 56-325, 56-326, 56-390, 56-396.

4. Commerce (16)—

They tried all the usual approaches including the commerce clause:

A restaurant was not engaged in interstate commerce merely because, in course of its business, it furnished accommodations to general public and served persons traveling from State to State. U.S.C.A.; Constitution, article I, section 8, clause 3; Interstate Commerce Act, section 3(1); 49 U.S.C.A. 3(1).

5. Constitutional law (216): A privately operated restaurant, as an instrument of local commerce, was at liberty to deal with such persons as it might select, and the commerce clause and the 13th and 14th amendments of the Federal Constitution did not operate to prevent its proprietor from excluding Negroes. U.S.C.A.; Constitution, article I, section 8, clause 3; amends 13, 14.

I hope everyone will note the next to the last sentence on page 848, which sums up the decision as follows:

As an instrument of local commerce, the restaurant is not subject to the constitutional and statutory provisions discussed above and, thus, is at liberty to deal with such persons as it may select.

Be it noted in passing that Chief Judge Sobeloff, who presided and concurred in this opinion, is the same Sobeloff who, as Solicitor General of the United States, presented the Government's position to the Supreme Court in the Brown case.

Since that decision, the U.S. District Court for the District of Maryland, on February 16, 1960—this year—in the case of Slack against Atlantic White Tower System, has reasserted the ancient right of the owner and operator of a restaurant to select his customers. The gist of the case is contained in this sentence which I quote:

In the absence of statute, the rule is well established that an operator of a restaurant has the right to select the clientele he will serve, and to make such selection based on color, if he so desires.

It is interesting to note that the plaintiff in this case raised and stressed the contention that the issuance of a license to operate a restaurant was "sufficient to make its action in excluding patrons on a racial basis the equivalent of State action."

The Court proceeded to show the complete fallacy of this contention and I ask unanimous consent that the Court's discussion of the contention that the act of the individual was State action because of the license be printed at this point in the RECORD.

There being no objection, the Court's discussion was ordered to be printed in the RECORD, as follows:

STATE ACTION

(From decision in the U.S. District Court for the District of Maryland; *Sara Slack* v. *Atlantic White Tower System, Inc.* (Civil No. 11073) decided February 16, 1960)

The action inhibited by the first section of the 14th amendment is only such action as may fairly be said to be that of the States. That amendment erects no shield against merely private conduct, however discriminatory or wrongful (*Shelly* v. *Kraemer*, 334 U.S. 1, 13). Plaintiff seeks to avoid this limitation by arguing that the admission by the State of a foreign corporation and the issuance to it of a license to operate a restaurant "invests the corporation with a public interest" sufficient to make its action in excluding patrons on a racial basis the equivalent of State action.

The fact that defendant is a Delaware corporation is immaterial. Once admitted to do business in the State of Maryland, it has the same rights and duties as domestic corporations engaged in the same business. This factor does not distinguish the case from *Williams* v. *Howard Johnson's Restaurant*, where the State action question was discussed at page 847.

The license laws of the State of Maryland applicable to restaurants are not regulatory. See *Maryland Theatrical Corp* v. *Brennan* (180 Md. 377, 381, 382). The City Ordinance No. 1145, November 27, 1957, adding section 60½ to article 12 of the Baltimore City Code, 1950 edition, which was not offered in evidence or relied on by plaintiff, is obviously designed to protect the health of the community. Neither the statute nor the ordinance authorizes State or city officials to control the management of the business of a restaurant or to dictate what persons shall be served.

Even in the case of licensees, such as race tracks and taverns, where the business is regulated by the State, the licensee does not become a State agency, subject to the provisions of the 14th amendment (*Madden* v. *Queen's County Jockey Club*, 296 N.Y. 243, 72 N.E. 2d 697, cert. den. 332 U.S. 761, cited with approval in *Greenfield* v. *Maryland Jockey Club*, 190 Md. at 102; *Good Citizens Community Protective Association* v. *Board of Liquor License Commissioners*, 217 Md. 129). No doubt defendant might have had plaintiff arrested if she had made a disturbance or remained at a table too long after she had been told that she would only be sold food to carry out to her car. But that implied threat is present whenever the proprietor of a business refuses to deal with a customer for any reason, racial or other, and does not make his action State action or make his business a State agency. Plaintiff cites *Valle* v. *Stengel* (3 Cir., 176 F. 2d 697). In that case a sheriff's eviction of a Negro from a private amusement park was a denial of equal protection of the laws because under the New Jersey antidiscrimination law the Negro had a legal right to use the park facilities.

Plaintiff cites such cases as *Nixon* v. *Condon* (286 U.S. 73) and *Smith* v. *Allright* (321 U.S. 649) for the proposition that when individuals or groups "move beyond matters of merely private concern" and "act in matters of high public interest" they become "representatives of the State" subject to the restraints of the 14th amendment. The distinction between holding a primary election and operating a restaurant is obvious, and has always been recognized by the courts. Defendant has not exercised powers similar to those of a State or city.

In *Kerr* v. *Enoch Pratt Free Library of Baltimore City* (4 Cir., 149 F. 2d 212), also relied on by plaintiff, "the library was completely owned and largely supported by the city; in practical effect its operations were subject to the city's control" as the fourth circuit pointed out in distinguishing the library case from *Eaton* v. *Board of Managers of the James Walker Memorial Hospital* (4 Cir., 261 F. 2d 521, 527).

The argument that State inaction in the face of uniform discriminatory customs and practices in operating restaurants amounts to State action was rejected in *Williams* v. *Howard Johnson's Restaurant* (4 Cir., 268 F. 2d 845). Moreover, as we have seen, the factual premise for the argument is not sound in the instant case.

The clerk will enter judgment in favor of the defendant, dismissing the complaint.

Mr. RUSSELL. Mr. President, there is little doubt that the Socialists and the Communists and those who would change our system of government have seized upon the present "hate-the-South" campaign as a means of pressing for the passage of general laws—either by the Congress or by the Supreme Court under the guise of a judicial proceeding—that will prove to be the entering wedge to the destruction of our form of government.

RIGHT TO OWN AND CONTROL PROPERTY ENDANGERED

Mr. President, when the right of private property is endangered or denied, it is not only a blow to those who are fortunate enough to own property; it is a blow to all of the rights of the people of this country.

The contention that the owner of a property has no rights whatever in a State court if the exercise of the right to control private property is challenged by a citizen of any special class or group points the way to the destruction of the right of private property, the right which

is the anathema of the extreme radical and Communist groups in the world today.

I consider this to be a challenge to the system of government that has heretofore flourished in a society dedicated to free private enterprise and recognition of property rights. One of the outstanding differences between our system and the Communist is the right to own property that free Americans enjoy. That right is denied to every person who lives within a communistic state. Mr. President, I regard this matter as a very important one. In my opinion it is so important that the people of this country are entitled to know the views of all of the candidates for the most exalted office on earth on this question.

If the 14th amendment can be construed in this manner to deny the property rights of the owner of a drugstore or a restaurant, it can be twisted in such a fashion to deny the right of property in a home, or an automobile, a television set, or a milk cow.

Mr. President, the various candidates for the high office of the Presidency of the United States, in both of the political parties, should make their views known on this issue. They should make it perfectly clear as to whether or not they believe in the right of private property and of a person to control and enjoy private property, or whether they support the claim of constitutional right, to the action of any group, race, or class—by the sitdown technique or otherwise—to invade and impair the right of private property in these free United States of America.

This question of the right of private property goes deeper than the present mobilization of the Negro college students in southern cities. It goes further than the question of the political support of the National Colored Peoples Association in the coming presidential campaign.

If the Constitution is to be distorted in this fashion in one section of the country, we may be sure that no person in any other section of the country can feel secure in his property rights. Political groups cannot take away the right of the owner of a drugstore in a southern town to operate his business as he chooses without affecting the rights of every person who owns property anywhere in these United States.

Every candidate for President should be willing to make a clear and unequivocable statement as to whether he believes that the "equal protection of the laws," as set forth in the 14th amendment, applies to white property owners, as well as Negro demonstrators. If the people who own property are to be denied the protection of the police power of their States and communities and are compelled to resort to the law of the jungle to protect their property, let them be told it now from the candidates for the Presidency—one of whom will appoint future Justices of the Supreme Court.

Mr. HOLLAND. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I am glad to yield.

Mr. HOLLAND. Does not the Senator from Georgia think that the question of the ownership of property by Negroes is also an important point which has been overlooked in the current discussion?

Mr. RUSSELL. It certainly is. I have stated that Negroes own property and, of course, are entitled to the same protection in the enjoyment of their property rights as is any other citizen of the United States. Certainly that question is a rather important one in the State from which I come. I have read, on many occasions, and I have never seen the statement challenged, that the city of Atlanta, Ga., has within its population, more millionaires of the Negro race than do all the other cities of the Nation outside the South, combined. A number of Negroes in Atlanta, Ga., in the enjoyment of their constitutional rights, have accumulated more than $1 million each; and they enjoy the property they have acquired. Any number of businesses in Georgia are owned and operated by our Negro citizens. I believe the only bank that is owned and controlled solely by Negro citizens in the United States that is a member of the Federal Reserve System is in Atlanta, Ga.; and in that city and elsewhere in Georgia a number of building and loan associations, with assets amounting to millions of dollars, are owned and controlled by Negro citizens, and thousands of homes and businesses are owned by Negro citizens. Some of them are rather small; some of them are quite large.

Throughout Georgia and elsewhere in the South literally tens of thousands of Negroes own their own homes and farms, and they are entitled to the enjoyment of their private property; and I would defend their rights just as vigorously as I favor defending the property rights threatened today.

Mr. HOLLAND. I know the Senator from Georgia would do so.

My attention was called by a committee of Negro citizens at Bartow, Fla., to the thousands of Negro citizens who are distressed at the prospect of having their private property—whether it be a restaraunt or a boarding house or a bowling alley, or a dance hall, or other property, for all of which they have to purchase licenses, in order to operate them—invaded by white people, to whom those Negro property owners refer as "poor white trash," because that is the type of people they thought would invade their businesses. Those Negro property owners have protested, on the ground that such an invasion by such persons not only would destroy their businesses, but also would bring about breaches of the peace; and they have pointed out that the people of color in that area would be the ones who would suffer the most in the final analysis.

Does the Senator from Georgia agree with that analysis of the situation?

Mr. RUSSELL. I completely agree with the analysis which has been submitted by the Senator from Florida.

Mr. HOLLAND. I am grateful for that concurrence. It seems to me that both the Members of Congress and other persons in the country have been thinking of such matters solely from the viewpoint of how the businesses of white persons would be affected, whereas I believe the injuries which also would be visited upon the property owned by Negroes in the country would be more devastating to their property than would the injury which would occur to property owned by white people.

The Senator from Georgia has referred to drugstores. The press seems to be obsessed with the idea of referring only to department stores and variety stores. However, the Senator from Georgia knows as well as I do that in every courthouse town and in every small town throughout the southern part of the Nation, where 50 million people live, the meeting place of the people is in the drugstores. At noontime they get their lunches in the drugstores, and they buy there their coffee and sandwiches and Coca-Cola—which had its inception in the city of Atlanta, to which the Senator from Georgia has just now referred—or in the drugstores they buy other soft drinks. The drugstore is the place where the working people—the secretaries, the auditors, the bookkeepers, and the saleslades—in all the businesses in those small towns meet for lunch. And, as the Senator from Georgia knows, a group of tables is always available there, and the drugstore is always a meeting place where business people go to get their lunch and also to have a little recreation and to enjoy a little visiting.

Can the Senator from Georgia think of anything which would be more disruptive of the fine basis of living and of association throughout the Southland than a rule which, in effect, would hold that because the drugstores sell medicines or cosmetics to Negro citizens, therefore those stores must destroy this system of having lunch and purchasing sandwiches and enjoying soft drinks and the like in all the drugstores from Delaware to the Rio Grande?

Mr. RUSSELL. Mr. President, I have already stated, or tried to make clear, that it was utterly senseless to say that the equal protection of the law clause could be used to accomplish the disruptive effect the Senator from Florida has mentioned.

Mr. HOLLAND. I appreciate the Senator's devoting his time to this able presentation, for which I compliment him. I hope people will be thinking about this broad subject in the way it should be thought about, rather than simply as related to foreign-owned variety stores and department stores.

Mr. RUSSELL. The demonstrations have not been limited to foreign-owned stores. They are the ones that have made the press. But in a number of instances the property of drugstore owners has been denied them, and it is contended by those who are going to see to it that these cases are defended, even if there are a million of them, that the people have a constitutional right to come in and, in effect, close down the business of the owner of a store because he did not choose to do business with them. The right of selectivity is a very basic right to any person engaged in business, without which—unless it happened to be a public franchise amounting to a monopoly which such store owners do not have—a person's business could not long endure.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. RUSSELL. Yes.

Mr. HOLLAND. Does not the Senator believe the deprivation of the right of selection, which is involved in this whole philosophy, and which he is criticizing so properly, is the same philosophy which is involved in the FEPC and similar measures which have been urged so eloquently by ultraliberal associates coming from other parts of the country?

Mr. RUSSELL. It is an essential element of both the Socialist and Communist philosophy. What is overlooked here is the fact that the right of association and the right to choose one's associates was so plain and manifest to all those who wrote the Constitution that it would never have occurred to them it was necessary to say that a citizen had the right to select his own associates. They could not have imagined there would be serious contention that a court decree could force one to associate with people one did not desire to associate with. I care not what one's race, color, or creed—one of the inalienable rights that is given to him is his right to choose his associates. It is a very tragic thing that we have courts that will distort constitutional laws and in effect deny the right of American citizens to choose their associates.

The rights of the States have been whittled away, bit by bit, for many years. About the only original power left for them to exercise is the police power, the function of maintaining peace and order, and protecting the lives and properties of their citizens.

If the Federal Government, the power of the Federal judiciary, is to strike down this last remaining power, and then deny the States the right to protect life and property of their citizens, on the flimsy excuse of attributing to the whole State the acts of one of its citizens, then we shall have, in effect, killed our dual system of government, the government of States within a Federal system. This great civilization, which is our heritage, is derived from this dual system of government; of indestructible States in an indissoluble Union. If this be the holding, we shall have interred that system and we shall have done it before we have arranged for the totalitarian state with its powerful police force, the national police.

Mr. President, mistake it not, if there is created in this country a condition of anarchy under which a citizen cannot call for the police to protect his property, and has to resort to his own naked physical strength in its defense, it will not be long before we will have a totalitarian state with its national police.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. BUTLER. I deem it a great privilege to have been present in the Chamber to hear the very learned and able address of the Senator from Georgia. As the Senator knows, I am not a candidate for President of the United States, but as a U.S. Senator I bear a great responsibility, not only to the people of my State but to the people of the United States, and as such I subscribe to the thesis of the Senator's speech and thank him for bringing it to the attention of the people. I will support him in this regard.

Mr. RUSSELL. I thank the Senator. His statement is in keeping with his respect for orderly government in this country. There is no stronger or more valiant defender of constitutional government in this body than the distinguished senior Senator from Maryland.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. RUSSELL. I am glad to yield to the Senator from Florida.

Mr. SMATHERS. I merely wanted to say I consider it a very high privilege to have sat here and heard this very outstanding discussion of the far-reaching meaning of the so-called sitdowns that are going on around the country. I could not help being persuaded by the unanswerable logic of the position taken by the able and distinguished Senator from Georgia. My only regret is that more Senators were not here to listen to his speech. I hope that they will avail themselves of the opportunity of reading it in the RECORD, because I am certain that even those who come from areas outside the South, having read the speech, could no longer be in sympathy with the actions which are being followed by some of those students in the so-called sitdowns. Even though they might be in great sympathy with the ultimate goals sought to be attained, I am certain that, after reading the statement and discussion by the able Senator from Georgia, they could not approve of the methods by which the students are going after the achievement of those goals. I regard his address as an able and enlightened discussion of the issue involved. I am glad I was present to hear it.

Mr. RUSSELL. I wish to express my deep appreciation for the Senator's very complimentary remarks. I only wish I could deserve them.

EXHIBIT 1

CIVIL RIGHTS CASES

(*United States* v. *Stanley*, on certificate of division from the Circuit Court of the United States for the District of Kansas; *United States* v. *Ryan*, in error to the Circuit Court of the United States for the District of California; *United States* v. *Nichols*, on certificate of division from the Circuit Court of the United States for the Western District of Missouri; *United States* v. *Singleton*, on certificate of division from the Circuit Court of the United States for the Southern District of New York; *Robinson & Wife* v. *Memphis and Charleston Railroad Company*, in error to the Circuit Court of the United States for the Western District of Tennessee.)

(Submitted October term, 1882; decided October 15, 1883)

CIVIL RIGHTS—CONSTITUTION—DISTRICT OF COLUMBIA—INNS—PLACES OF AMUSEMENT—PUBLIC CONVEYANCES—SLAVERY—TERRITORIES

1. The first and second sections of the Civil Rights Act passed March 1, 1875, are unconstitutional enactments as applied to the several States, not being authorized either by the 13th or 14th amendments of the Constitution.

2. The 14th amendment is prohibitory upon the States only, and the legislation authorized to be adopted by Congress for enforcing it is not direct legislation on the matters respecting which the States are prohibited from making or enforcing certain laws, or doing certain acts, but is corrective legislation, such as may be necessary or proper for counteracting and redressing the effect of such laws or acts.

3. The 13th amendment relates only to slavery and involuntary servitude (which it abolishes); and although, by its reflex action, it establishes universal freedom in the United States, and Congress may probably pass laws directly enforcing its provisions; yet such legislative power extends only to the subject of slavery and its incidents; and the denial of equal accommodations in inns, public conveyances and places of public amusement (which is forbidden by the sections in question), imposes no badge of slavery or involuntary servitude upon the party, but at most, infringes rights which are protected from State aggression by the 14th amendment.

4. Whether the accommodations and privileges sought to be protected by the first and second sections of the Civil Rights Act, are, or are not, rights constitutionally demandable; and if they are, in what form they are to be protected, is not now decided.

5. Nor is it decided whether the law as it stands is operative in the Territories and District of Columbia: the decision only relating to its validity as applied to the States.

6. Nor is it decided whether Congress, under the commercial power, may or may not pass a law securing to all persons equal accommodations on lines of public conveyance between two or more States.

These cases were all founded on the first and second sections of the act of Congress, known as the Civil Rights Act, passed March 1, 1875, entitled "An act to protect all citizens in their civil and legal rights." 18 Stat. 335. Two of the cases, those against Stanley and Nichols, were indictments for denying to persons of color the accommodations and privileges of an inn or hotel; two of them, those against Ryan and Singleton, were, one on information, the other an indictment, for denying to individuals the privileges and accommodations of a theater, the information against Ryan being for refusing a colored person a seat in the dress circle of Maguire's theater in San Francisco; and the indictment against Singleton was for denying to another person, whose color was not stated, the full enjoyment of the accommodations of the theater known as the Grand Opera House in New York, "said denial not being made for any reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude." The case of Robinson and wife against the Memphis and Charleston Railroad Co. was an action brought in the Circuit Court of the United States for the western district of Tennessee, to recover the penalty of $500 given by the second section of the act; and the gravamen was the refusal by the conductor of the railroad company to allow the wife to ride in the ladies' car, for the reason, as stated in one of the counts, that she was a person of African descent. The jury rendered a verdict for the defendants in this case upon the merits, under a charge of the court to which a bill of exceptions was taken by the plaintiffs. The case was tried on the assumption by both parties of the validity of the act of Congress; and the principal point made by the exceptions was, that the judge allowed evidence to go to the jury tending to show that the conductor had reason to suspect that the plaintiff, the wife, was an improper person,

because she was in company with a young man whom he supposed to be a white man, and on that account inferred that there was some improper connection between them; and the judge charged the jury, in substance, that if this was the conductor's bona fide reason for excluding the woman from the car, they might take it into consideration on the question of the liability of the company. The case was brought here by writ of error at the suit of the plaintiffs. The cases of Stanley, Nichols, and Singleton, came up on certificates of division of opinion between the judges below as to the constitutionality of the first and second sections of the act referred to; and the case of Ryan, on a writ of error to the judgment of the Circuit Court for the District of California sustaining a demurrer to the information.

The Stanley, Ryan, Nichols, and Singleton cases were submitted together by the Solicitor General at the last term of court on the 7th day of November 1882. There were no appearances and no briefs filed for the defendants.

The Robinson case was submitted on the briefs at the last term on the 29th day of March 1883.

Mr. Solicitor General Phillips for the United States:

"After considering some objections to the forms of proceedings in the different cases, the counsel reviewed the following decisions of the court upon the 13th and 14th amendments to the Constitution and on points cognate thereto, viz: *The Slaughter-House* cases, 16 Wall. 36; *Bradwell* v. *The State*, 16 Wall. 130; *Bartemeyer* v. *Iowa*, 18 Wall. 129; *Minor* v. *Happersett*, 21 Wall. 162; *Walker* v. *Sauvinet*, 92 U.S. 90; *United States* v. *Reese*, 92 U.S. 214; *Kennard* v. *Louisiana*, 92 U.S. 480; *United States* v. *Cruikshank*, 92 U.S. 542; *Munn* v. *Illinois*, 94 U.S. 113; *Chicago B. & C. R.R. Co.* v. *Iowa*, 94 U.S. 155; *Blyew* v. *United States*, 13 Wall. 581; *Railroad Co.* v. *Brown*, 17 Wall. 445; *Hall* v. *DeCuir*, 95 U.S. 485; *Strauder* v. *West Virginia*, 100 U.S. 303; *Ex parte Virginia*, 100 U.S. 339; *Missouri* v. *Lewis*, 101 U.S. 22; *Neal* v. *Delaware*, 103 U.S. 370.

"Upon the whole these cases decide that—

"1. The 13th amendment forbids all sorts of involuntary personal servitude except penal, as to all sorts of men, the word servitude taking some color from the historical fact that the United States were then engaged in dealing with African slavery, as well as from the signification of the 14th and 15th amendments, which must be construed as advancing constitutional rights previously existing.

"2. The 14th amendment expresses prohibitions (and consequently implies corresponding positive immunities), limiting State action only, including in such action, however, action by all State agencies, executive, legislative, and judicial, of whatever degree.

"3. The 14th amendment warrants legislation by Congress punishing violations of the immunities thereby secured when committed by agents of States in discharge of ministerial functions.

"The right violated by Nichols, which is of the same class as that violated by Stanley and by Hamilton, is the right of locomotion, which Blackstone makes an element of personal liberty. Blackstone's Commentaries, book I, chapter 1.

"In violating this right, Nichols did not act in an exclusively private capacity, but in one devoted to a public use, and so affected with a public, i.e., a State, interest. This phrase will be recognized as taken from the *Elevator* cases in 94 U.S., already cited.

"Restraint upon the right of locomotion was a well-known feature of the slavery abolished by the 13th amendment. A first requisite of the right to appropriate the use of another man was to become the master of his natural power of motion, and, by a mayhem therein of the common law to require the whole community to be on the alert to restrain that power. That this is not exaggeration is shown by the language of the court in *Eaton* v. *Vaughan* (9 Missouri 734).

"Granting that by involuntary servitude, as prohibited in the 13th amendment, is intended some institution, viz., custom, etc., of that sort, and not primarily mere scattered trespasses against liberty committed by private persons, yet, considering what must be the social tendency in at least large parts of the country, it is "appropriate legislation" against such an institution to forbid any action by private persons which in the light of our history may reasonably be apprehended to tend, on account of its being incidental to quasi-public occupations, to create an institution.

"Therefore, the above act of 1875, in prohibiting persons from violating the rights of other persons to the full and equal enjoyment of the accommodations of inns and public conveyances, for any reason turning merely upon the race or color of the latter, partakes of the specific character of certain contemporaneous solemn and effective action by the United States to which it was a sequel—and is constitutional."

Mr. William M. Randolph for Robinson and wife, plaintiffs in error.

"Where the Constitution guarantees a right, Congress is empowered to pass the legislation appropriate to give effect to that right. *Prigg* v. *Pennsylvania*, 16 Peters, 539; *Ableman* v. *Booth*, 21 How. 506; *United States* v. *Reese*, 92 U.S. 214.

"Whether Mr. Robinson's rights were created by the Constitution, or only guaranteed by it, in either event the act of Congress, so far as it protects them, is within the Constitution. *Pensacola Telegraph Co.* v. *Western Union Tel. Co.*, 96 U.S. 1; *The Passenger Cases*, 7 Howard, 283; *Crandall* v. *Nevada*, 6 Wall. 35.

"In *Munn* v. *Illinois*, 94 U.S. 113, the following propositions were affirmed:

"Under the powers inherent in every sovereignty, a Government may regulate the conduct of its citizens toward each other, and, when necessary for the public good, the manner in which each shall use his own property.

"It has, in the exercise of these powers, been customary in England from time immemorial, and in this country from its first colonization, to regulate ferries, common carriers, hackmen, bakers, millers, wharfingers, innkeepers, etc.

"When the owner of property devotes it to a use in which the public has an interest, he in effect grants to the public an interest in such use, and must, to the extent of that interest, submit to be controlled by the public, for the common good, as long as he maintains the use.

"Undoubtedly, if Congress could legislate on the subject at all, its legislation by the act of 1st of March 1875, was within the principles thus announced.

"The penalty denounced by the statute is incurred by denying to any citizen 'the full enjoyment of any of the accommodations, advantages, facilities, or privileges enumerated in the first section, and it is wholly immaterial whether the citizen whose rights are denied him belongs to one race or class or another, or is of one complexion or another. And again, the penalty follows every denial of the full enjoyment of any of the accommodations, advantages, facilities, or privileges, except and unless the denial was 'for reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude.'"

Mr. William Y. C. Humes and Mr. David Posten for the Memphis and Charleston Railroad Co., defendants in error:

Mr. Justice Bradley delivered the opinion of the court. After stating the facts in the above language he continued:

"It is obvious that the primary and important question in all the cases is the constitutionality of the law: for if the law is unconstitutional, none of the prosecutions can stand.

"The sections of the law referred to provide as follows:

"'SECTION 1. That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement; subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

"'SEC. 2. That any person who shall violate the foregoing section by denying to any citizen, except for reasons by law applicable to citizens of every race and color, and regardless of any previous conditions of servitude, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or inciting such denial, shall for every such offence forfeit and pay the sum of five hundred dollars to the persons aggrieved thereby, to be recovered in an action of debt, with full costs; and shall also, for every such offence, be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five hundred nor more than one thousand dollars, or shall be imprisoned not less than thirty days nor more than one year: *Provided*, That all persons may elect to sue for the penalty aforesaid, or to proceed under their rights at common law and by State statutes; and having so elected to proceed in the one mode or the other, their right to proceed in the other jurisdiction shall be barred. But this provision shall not apply to criminal proceedings, either under this act or the criminal law of any State: *And provided further*, That a judgment for the penalty in favor of the party aggrieved, or a judgment upon an indictment, shall be a bar to either prosecution respectively.'

"Are these sections constitutional? The first section, which is the principal one, cannot be fairly understood without attending to the last clause, which qualifies the preceding part.

"The essence of the law is, not to declare broadly that all persons shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances, and theaters; but that such enjoyment shall not be subject to any conditions applicable only to citizens of a particular race or color, or who had been in a previous condition of servitude. In other words, it is the purpose of the law to declare that, in the enjoyment of the accommodations and privileges of inns, public conveyances, theaters, and other places of public amusement, no distinction shall be made between citizens of different race or color, or between those who have, and those who have not, been slaves. Its effect is to declare, that in all inns, public conveyances, and places of amusement, colored citizens, whether formerly slaves or not, and citizens of other races, shall have the same accommodations and privileges in all inns, public conveyances, and places of amusement as are enjoyed by white citizens; and vice versa. The second section makes it a penal offense in any person to deny to any citizen of any race or color, regardless of previous servitude, any of the accommodations or privileges mentioned in the first section.

"Has Congress constitutional power to make such a law? Of course, no one will contend that the power to pass it was contained in the Constitution before the adoption of the last three amendments. The power is sought, first, in the 11th amendment, and the views and arguments of distinguished Senators, advanced whilst the law was under consideration, claiming authority to pass it by virtue of that amendment, are the principal arguments adduced in favor of the power. We have carefully considered those arguments, as was due to the eminent ability of those who put them forward, and have felt, in all its force, the weight of authority which always invests a law that Congress deems itself competent to pass. But the responsibility of an independent judgment is now thrown upon this court; and we are bound to exercise it according to the best lights we have.

"The first section of the 14th amendment (which is the one relied on), after declaring who shall be citizens of the United States, and of the several States, is prohibitory in its character, and prohibitory upon the States. It declares that:

"'No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.'

"It is State action of a particular character that is prohibited. Individual invasion of individual rights is not the subject matter of the amendment. It has a deeper and broader scope. It nullifies and makes void all State legislation, and State action of every kind, which impairs the privileges and immunities of citizens of the United States, or which injures them in life, liberty, or property without due process of law, or which denies to any of them the equal protection of the laws. It not only does this, but, in order that the national will, thus declared, may not be a mere brutum fulmen, the last section of the amendment invests Congress with power to enforce it by appropriate legislation. To enforce what? To enforce the prohibition. To adopt appropriate legislation for correcting the effects of such prohibited State laws and State acts, and thus to render them effectually null, void, and innocuous. This is the legislative power conferred upon Congress, and this is the whole of it. It does not invest Congress with power to legislate upon subjects which are within the domain of State legislation; but to provide modes of relief against State legislation, or State action, of the kind referred to. It does not authorize Congress to create a code of municipal law for the regulation of private rights; but to provide modes of redress against the operation of State laws, and the action of State officers, executive or judicial, when these are subversive of the fundamental rights specified in the amendment. Positive rights and privileges are undoubtedly secured by the 14th amendment; but they are secured by way of prohibition against State laws and State proceedings affecting those rights and privileges, and by power given to Congress to legislate for the purpose of carrying such prohibition into effect: and such legislation must necessarily be predicated upon such supposed State laws or State proceedings, and be directed to the correction of their operation and effect. A quite full discussion of this aspect of the amendment may be found in *United States* v. *Cruikshank*, 92 U.S. 542; *Virginia* v. *Rives*, 100 U.S. 313; and *Ex parte Virginia*, 100 U.S. 339.

"An apt illustration of this distinction may be found in some of the provisions of the original Constitution. Take the subject of contracts, for example. The Constitution prohibited the States from passing any law impairing the obligation of contracts. This did not give to Congress power to provide laws for the general enforcement of contracts; nor power to invest the courts of the United States with jurisdiction over contracts, so as to enable parties to sue upon them in those courts. It did, however, give the power to provide remedies by which the impairment of contracts by State legislation might be counteracted and corrected: and this power was exercised. The remedy which Congress actually provided was that contained in the 25th section of the Judiciary Act of 1789, 1 Stat. 85, giving to the Supreme Court of the United States jurisdiction by writ of error to review the final decisions of State courts whenever they should sustain the validity of a State statute or authority alleged to be repugnant to the Constitution or laws of the United States. By this means, if a State law was passed impairing the obligation of a contract, and the State tribunals sustained the validity of the law, the mischief could be corrected in this court. The legislation of Congress, and the proceedings provided for under it, were corrective in their character. No attempt was made to draw into the U.S. courts the litigation of contracts generally; and no such attempt would have been sustained. We do not say that the remedy provided was the only one that might have been provided in that case. Probably Congress had power to pass a law giving to the courts of the United States direct jurisdiction over contracts alleged to be impaired by a State law; and under the broad provisions of the act of March 3, 1875, chapter 137, 18 Stat. 470, giving to the circuit courts jurisdiction of all cases arising under the Constitution and laws of the United States, it is possible that such jurisdiction now exists. But under that, or any other law, it must appear as well by allegation, as proof at the trial, that the Constitution had been violated by the action of the State legislature. Some obnoxious State law passed, or that might be passed, is necessary to be assumed in order to lay the foundation of any Federal remedy in the case; and for the very sufficient reason, that the constitutional prohibition is against State laws impairing the obligation of contracts.

"And so in the present case, until some State law has been passed, or some State action through its officers or agents has been taken, adverse to the rights of citizens sought to be protected by the 14th amendment, no legislation of the United States under said amendment, nor any proceeding under such legislation, can be called into activity: for the prohibitions of the amendment are against State laws and acts done under State authority. Of course, legislation may, and should be, provided in advance to meet the exigency when it arises; but it should be adapted to the mischief and wrong which the amendment was intended to provide against; and that is, State laws, or State action of some kind, adverse to the rights of the citizen secured by the amendment. Such legislation cannot properly cover the whole domain of rights appertaining to life, liberty and property, defining them and providing for their vindication. That would be to establish a code of municipal law regulative of all private rights between man and man in society. It would be to make Congress take the place of the State legislatures and to supersede them. It is absurd to affirm that, because the rights of life, liberty and property (which include all civil rights that men have), are by the amendment sought to be protected against invasion on the part of the State without due process of law, Congress may therefore provide due process of law for their vindication in every case; and that, because the denial by a State to any persons, of the equal protection of the laws, is prohibited by the amendment, therefore Congress may establish laws for their equal protection. In fine, the legislation which Congress is authorized to adopt in this behalf is not general legislation upon the rights of the citizen, but corrective legislation, that is, such as may be necessary and proper for counteracting such laws as the States may adopt or enforce, and which, by the amendment, they are prohibited from making or enforcing, or such acts and proceedings as the States may commit or take, and which, by the amendment, they are prohibited from committing or taking. It is not necessary for us to state, if we could, what legislation would be proper for Congress to adopt. It is sufficient for us to examine whether the law in question is of that character.

"An inspection of the law shows that it makes no reference whatever to any supposed or apprehended violation of the 14th amendment on the part of the States. It is not predicated on any such view. It proceeds ex directo to declare that certain acts committed by individuals shall be deemed offenses, and shall be prosecuted and punished by proceedings in the courts of the United States. It does not profess to be corrective of any constitutional wrong committed by the States; it does not make its operation to depend upon any such wrong committed. It applies equally to cases arising in States which have the justest laws respecting the personal rights of citizens, and whose authorities are ever ready to enforce such laws, as to those which arise in States that may have violated the prohibition of the amendment. In other words, it steps into the domain of local jurisprudence, and lays down rules for the conduct of individuals in society toward each other, and imposes sanctions for the enforcement of those rules, without referring in any manner to any supposed action of the State or its authorities.

"If this legislation is appropriate for enforcing the prohibitions of the amendment, it is difficult to see where it is to stop. Why may not Congress with equal show of authority enact a code of laws for the enforcement and vindication of all rights of life, liberty, and property? If it is supposable that the States may deprive persons of life, liberty, and property without due process of law (and the amendment itself does suppose this), why should not Congress proceed at once to prescribe due process of law for the protection of every one of these fundamental rights, in every possible case, as well as to prescribe equal privileges in inns, public conveyances, and theaters? The truth is, that the implication of a power to legislate in this manner is based upon the assumption that if the States are forbidden to legislate or act in a particular way on a particular subject, and power is conferred upon Congress to enforce the prohibition, this gives Congress power to legislate generally upon that subject, and not merely power to provide modes of redress against such State legislation or action. The assumption is certainly unsound. It is repugnant to the 10th amendment of the Constitution, which declares that powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

"We have not overlooked the fact that the fourth section of the act now under consideration has been held by this court to be constitutional. That section declares 'that no citizen, possessing all other qualifications which are or may be prescribed by law, shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty,

in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than $5,000.' In *Ex parte Virginia*, 100 U.S. 339, it was held that an indictment against a State officer under this section for excluding persons of color from the jury list is sustainable. But a moment's attention to its terms will show that the section is entirely corrective in its character. Disqualifications for service on juries are only created by the law, and the first part of the section is aimed at certain disqualifying laws, namely, those which make mere race or color a disqualification; and the second clause is directed against those who, assuming to use the authority of the State government, carry into effect such a rule of disqualification. In the Virginia case, the State, through its officer, enforced a rule of disqualification which the law was intended to abrogate and counteract. Whether the statute book of the State actually laid down any such rule of disqualification, or not, the State, through its officer, enforced such a rule: and it is against such State action, through its officers and agents, that the last clause of the section is directed.

"This aspect of the law was deemed sufficient to divest it of any unconstitutional character, and makes it differ widely from the first and section sections of the same act which we are now considering.

"These sections, in the objectionable features before referred to, are different also from the law ordinarily called the civil rights bill, originally passed April 9, 1866, 14 Stat. 27, chapter 31, and reenacted with some modifications in sections 16, 17, 18, of the Enforcement Act, passed May 31, 1870, 16 Stat. 140, chapter 114. That law, as reenacted, after declaring that all persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and none other, any law, statute, ordinance, regulation or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any rights secured or protected by the preceding section (above quoted), or to different punishment, pains, or penalties, on account of such person being an alien, or by reason of his color or race, than is prescribed for the punishment of citizens, shall be deemed guilty of a misdemeanor, and subject to fine and imprisonment as specified in the act. This law is clearly corrective in its character, intended to counteract and furnish redress against State laws and proceedings, and customs having the force of law, which sanction the wrongful acts specified. In the Revised Statutes, it is true, a very important clause, to wit, the words 'any law, statute, ordinance, regulation or custom to the contrary notwithstanding,' which gave the declaratory section its point and effect, are omitted; but the penal part, by which the declaration is enforced, and which is really the effective part of the law, retains the reference to State laws, by making the penalty apply only to those who should subject parties to a deprivation of their rights under color of any statute, ordinance, custom, etc., of any State or Territory: thus preserving the corrective character of the legislation. Revised Statutes, sections 1977, 1978, 1979, 5510. The civil rights bill here referred to is analogous in its character to what a law would have been under the original Constitution, declaring that the validity of contracts should not be impaired, and that if any person bound by a contract should refuse to comply with it, under color or pretence that it had been rendered void or invalid by a State law, he should be liable to an action upon it in the courts of the United States, with the addition of a penalty for setting up such an unjust and unconstitutional defense.

"In this connection it is proper to state that civil rights, such as are guaranteed by the Constitution against State aggression, cannot be impaired by the wrongful acts of individuals, unsupported by State authority in the shape of laws, customs, or judicial or executive proceedings. The wrongful act of an individual, unsupported by any such authority, is simply a private wrong, or a crime of that individual; an invasion of the rights of the injured party, it is true, whether they affect his person, his property, or his reputation; but if not sanctioned in some way by the State, or not done under State authority, his rights remain in full force, and may presumably be vindicated by resort to the laws of the State for redress. An individual cannot deprive a man of his right to vote, to hold property, to buy and sell, to sue in the courts, or to be a witness or a juror; he may, by force or fraud, interfere with the enjoyment of the right in a particular case; he may commit an assault against the person, or commit murder, or use ruffian violence at the polls, or slander the good name of a fellow citizen; but, unless protected in these wrongful acts by some shield of State law or State authority, he cannot destroy or injure the right; he will only render himself amenable to satisfaction or punishment; and amenable therefor to the laws of the State where the wrongful acts are committed. Hence, in all those cases where the Constitution seeks to protect the rights of the citizen against discriminative and unjust laws of the State by prohibiting such laws, it is not individual offences, but abrogation and denial of rights, which it denounces, and for which it clothes the Congress with power to provide a remedy. This abrogation and denial of rights for which the States alone were or could be responsible, was the great seminal and fundamental wrong which was intended to be remedied. And the remedy to be provided must necessarily be predicated upon that wrong. It must assume that in the cases provided for, the evil or wrong actually committed rests upon some State law or State authority for its excuse and perpetration.

"Of course, these remarks do not apply to those cases in which Congress is clothed with direct and plenary powers of legislation over the whole subject, accompanied with an express or implied denial of such power to the States, as in the regulation of commerce with foreign nations, among the several States, and with the Indian tribes, the coining of money, the establishment of post offices and post roads, the declaring of war, etc. In these cases Congress has power to pass laws for regulating the subjects specified in every detail, and the conduct and transactions of individuals in respect thereof. But where a subject is not submitted to the general legislative power of Congress, but is only submitted thereto for the purpose of rendering effective some prohibition against particular State legislation or State action in reference to that subject, the power given is limited by its object, and any legislation by Congress in the matter must necessarily be corrective in its character, adapted to counteract and redress the operation of such prohibited State laws or proceedings of State officers.

"If the principles of interpretation which we have laid down are correct, as we deem them to be (and they are in accord with the principles laid down in the cases before referred to, as well as in the recent case of *United States* v. *Harris*, 106 U.S. 629), it is clear that the law in question cannot be sustained by any grant of legislative power made to Congress by the 14th amendment. That amendment prohibits the States from denying to any person the equal protection of the laws, and declares that Congress shall have power to enforce, by appropriate legislation, the provisions of the amendment. The law in question, without any reference to adverse State legislation on the subject, declares that all persons shall be entitled to equal accommodations and privileges of inns, public conveyances, and places of public amusement, and imposes a penalty upon any individual who shall deny to any citizen such equal accommodations and privileges. This is not corrective legislation; it is primary and direct; it takes immediate and absolute possession of the subject of the right of admission to inns, public conveyances, and places of amusement. It supersedes and displaces State legislation on the same subject, or only allows it permissive force. It ignores such legislation, and assumes that the matter is one that belongs to the domain of national regulation. Whether it would not have been a more effective protection of the rights of citizens to have clothed Congress with plenary power over the whole subject, is not now the question. What we have to decide is, whether such plenary power has been conferred upon Congress by the 14th amendment; and, in our judgment, it has not.

"We have discussed the question presented by the law on the assumption that a right to enjoy equal accommodation and privileges in all inns, public conveyances, and places of public amusement, is one of the essential rights of the citizen which no State can abridge or interfere with. Whether it is such a right, or not, is a different question which, in the view we have taken of the validity of the law on the ground already stated, it is not necessary to examine.

"We have also discussed the validity of the law in reference to cases arising in the States only; and not in reference to cases arising in the territories or the District of Columbia, which are subject to the plenary legislation of Congress in every branch of municipal regulation. Whether the law would be a valid one as applied to the territories and the District is not a question for consideration in the cases before us: they all being cases arising within the limits of States. And whether Congress, in the exercise of its power to regulate commerce amongst the several States, might or might not pass a law regulating rights in public conveyances passing from one State to another, is also a question which is not now before us, as the sections in question are not conceived in any such view.

"But the power of Congress to adopt direct and primary, as distinguished from corrective legislation, on the subject in hand, is sought, in the second place, from the 13th amendment, which abolishes slavery. This amendment declares 'that neither slavery, nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction'; and it gives Congress power to enforce the amendment by appropriate legislation.

"This amendment, as well as the 14th, is undoubtedly self-executing without any ancillary legislation, so far as its terms are applicable to any existing state of circumstances. By its own unaided force and effect it abolished slavery, and established universal freedom. Still, legislation may be necessary and proper to meet all the various cases and circumstances to be affected by it, and to prescribe proper modes of redress for its violation in letter or spirit. And such legislation may be primary and direct in its character; for the amendment is not a mere prohibition of State laws establishing or upholding slavery, but an absolute declaration that slavery or involuntary servitude shall not exist in any part of the United States.

"It is true, that slavery cannot exist without law, any more than property in lands

and goods can exist without law: and, therefore, the 13th amendment may be regarded as nullifying all State laws which establish or uphold slavery. But it has a reflex character also, establishing and decreeing universal civil and political freedom throughout the United States; and it is assumed, that the power vested in Congress to enforce the article by appropriate legislation, clothes Congress with power to pass all laws necessary and proper for abolishing all badges and incidents of slavery in the United States: and upon this assumption it is claimed, that this is sufficient authority for declaring by law that all persons shall have equal accommodations and privileges in all inns, public conveyances, and places of amusement; the argument being, that the denial of such equal accommodations and privileges is, in itself, a subjection to a species of servitude within the meaning of the amendment. Conceding the major proposition to be true, that Congress has a right to enact all necessary and proper laws for the obliteration and prevention of slavery with all its badges and incidents, is the minor proposition also true, that the denial to any person of admission to the accommodations and privileges of an inn, a public conveyance, or a theater, does subject that person to any form of servitude, or tend to fasten upon him any badge of slavery? If it does not, then power to pass the law is not found in the 13th amendment.

"In a very able and learned presentation of the cognate question as to the extent of the rights, privileges, and immunities of citizens which cannot rightfully be abridged by State laws under the 14th amendment, made in a former case, a long list of burdens and disabilities of a servile character, incident to feudal vassalage in France, and which were abolished by the decrees of the National Assembly, was presented for the purpose of showing that all inequalities and observances exacted by one man from another were servitudes, or badges of slavery, which a great nation, in its effort to establish universal liberty, made haste to wipe out and destroy. But these were servitudes imposed by the old law, or by long custom, which had the force of law, and exacted by one man from another without the latter's consent. Should any such servitudes be imposed by a State law, there can be no doubt that the law would be repugnant to the 14th, no less than to the 13th amendment; nor any greater doubt that Congress has adequate power to forbid any such servitude from being exacted.

"But is there any similarity between such servitudes and a denial by the owner of an inn, a public conveyance, or a theater, of its accommodations and privileges to an individual, even though the denial be founded on the race or color of that individual? Where does any slavery or servitude, or badge of either, arise from such an act of denial? Whether it might not be a denial of a right which, if sanctioned by the State law, would be obnoxious to the prohibitions of the 14th amendment, is another question. But what has it to do with the question of slavery?

"It may be that by the Black Code (as it was called), in the times when slavery prevailed, the proprietors of inns and public conveyances were forbidden to receive persons of the African race, because it might assist slaves to escape from the control of their masters. This was merely a means of preventing such escapes, and was no part of the servitude itself. A law of that kind could not have any such object now, however justly it might be deemed an invasion of the party's legal right as a citizen, and amenable to the prohibitions of the 14th amendment.

"The long existence of African slavery in this country gave us very distinct notions of what it was, and what were its necessary incidents. Compulsory service of the slave for the benefit of the master, restraint of his movements except by the master's will, disability to hold property, to make contracts, to have a standing in court, to be a witness against a white person, and such like burdens and incapacities, were the inseparable incidents of the institution. Severer punishments for crimes were imposed on the slave than on free persons guilty of the same offences. Congress, as we have seen, by the civil rights bill of 1866, passed in view of the 13th amendment, before the 14th was adopted, undertook to wipe out these burdens and disabilities, the necessary incidents of slavery, constituting its substance and visible form; and to secure to all citizens of every race and color, and without regard to previous servitude, those fundamental rights which are the essence of civil freedom, namely, the same right to make and enforce contracts, to sue, be parties, give evidence, and to inherit, purchase, lease, sell and convey property, as is enjoyed by white citizens. Whether this legislation was fully authorized by the 13th amendment alone, without the support which it afterward received from the 14th amendment, after the adoption of which it was reenacted with some additions, it is not necessary to inquire. It is referred to for the purpose of showing that at that time (in 1866) Congress did not assume, under the authority given by the 13th amendment, to adjust what may be called the social rights of men and races in the community; but only to declare and vindicate those fundamental rights which appertain to the essence of citizenship, and the enjoyment or deprivation of which constitutes the essential distinction between freedom and slavery.

"We must not forget that the province and scope of the 13th and 14th amendments are different; the former simply abolished slavery: the latter prohibited the States from abridging the privileges or immunities of citizens of the United States; from depriving them of life, liberty, or property without due process of law, and from denying to any the equal protection of the laws. The amendments are different, and the powers of Congress under them are different. What Congress has power to do under one, it may not have power to do under the other. Under the 13th amendment, it has only to do with slavery and its incidents. Under the 14th amendment, it has power to counteract and render nugatory all State laws and proceedings which have the effect to abridge any of the privileges or immunities of citizens of the United States, or to deprive them of life, liberty or property without due process of law, or to deny to any of them the equal protection of the laws. Under the 13th amendment, the legislation, so far as necessary or proper to eradicate all forms and incidents of slavery and involuntary servitude, may be direct and primary, operating upon the acts of individuals, whether sanctioned by State legislation or not; under the 14th, as we have already shown, it must necessarily be, and can only be, corrective in its character, addressed to counteract and afford relief against State regulations or proceedings.

"The only question under the present head, therefore, is whether the refusal to any persons of the accommodations of an inn, or a public conveyance, or a place of public amusement, by an individual, and without any sanction or support from any State law or regulation, does inflict upon such persons any manner of servitude, or form of slavery, as those terms are understood in this country? Many wrongs may be obnoxious to the prohibitions of the 14th amendment which are not, in any just sense, incidents or elements of slavery. Such, for example, would be the taking of private property without due process of law; or allowing persons who have committed certain crimes (horse stealing, for example) to be seized and hung by the posse comitatus without regular trial; or denying to any person, or class of persons, the right to pursue any peaceful avocations allowed to others. What is called class legislation would belong to this category, and would be obnoxious to the prohibitions of the 14th amendment, but would not necessarily be so to the 13th, when not involving the idea of any subjection of one man to another. The 13th amendment has respect, not to distinctions of race, or class, or color, but to slavery. The 14th amendment extends its protection to races and classes, and prohibits any State legislation which has the effect of denying to any race or class, or to any individual, the equal protection of the laws.

"Now, conceding, for the sake of the argument, that the admission to an inn, a public conveyance, or a place of public amusement, on equal terms with all other citizens, is the right of every man and all classes of men, is it any more than one of those rights which the States by the 14th amendment are forbidden to deny to any person? And is the Constitution violated until the denial of the right has some State sanction or authority? Can the act of a mere individual, the owner of the inn, the public conveyance or place of amusement, refusing the accommodation, be justly regarded as imposing any badge of slavery or servitude upon the applicant, or only as inflicting an ordinary civil injury, properly cognizable by the laws of the State, and presumably subject to redress by those laws until the contrary appears?

"After giving to these questions all the consideration which their importance demands, we are forced to the conclusion that such an act of refusal has nothing to do with slavery or involuntary servitude, and that if it is violative of any right of the party, his redress is to be sought under the laws of the State; or if those laws are adverse to his rights and do not protect him, his remedy will be found in the corrective legislation which Congress has adopted, or may adopt, for counteracting the effect of State laws, or State action, prohibited by the 14th amendment. It would be running the slavery argument into the ground to make it apply to every act of discrimination which a person may see fit to make as to the guests he will entertain, or as to the people he will take into his coach or cab or car, or admit to his concert or theater, or deal with in other matters of intercourse or business. Innkeepers and public carriers, by the laws of all the States, so far as we are aware, are bound, to the extent of their facilities, to furnish proper accommodation to all unobjectionable persons who in good faith apply for them. If the laws themselves make any unjust discrimination, amenable to the prohibitions of the 14th amendment, Congress has full power to afford a remedy under that amendment and in accordance with it.

"When a man has emerged from slavery, and by the aid of beneficent legislation has shaken off the inseparable concomitants of that State, there must be some stage in the progress of his elevation when he takes the rank of a mere citizen, and ceases to be the special favorite of the laws, and when his rights as a citizen, or a man, are to be protected in the ordinary modes by which other men's rights are protected. There were thousands of free colored people in this country before the abolition of slavery, enjoying all the essential rights of life, liberty, and property the same as white citizens; yet no one, at that time, thought that it was any invasion of his personal status as a freeman because he was not admitted to all the privileges enjoyed by white citizens, or because he was subjected to discriminations in the enjoyment of accommodations in inns, public conveyances, and places of amusement. Mere discriminations on account of race or color were not regarded as badges of slavery. If, since that time, the enjoyment of equal rights in all these respects has

become established by constitutional enactment, it is not by force of the 13th amendment (which merely abolishes slavery), but by force of the 13th and 14th amendments.

"On the whole we are of opinion, that no countenance of authority for the passage of the law in question can be found in either the 13th or 14th amendment of the Constitution; and no other ground of authority for its passage being suggested, it must necessarily be declared void, at least so far as its operation in the several States is concerned.

"This conclusion disposes of the cases now under consideration. In the cases of the *United States* v. *Michael Ryan*, and of *Richard A. Robinson and Wife* v. *The Memphis & Charleston Railroad Company*, the judgments must be affirmed. In the other cases, the answer to be given will be that the first and second sections of the act of Congress of March 1, 1875, entitled 'An act to protect all citizens in their civil and legal rights,' are unconstitutional and void, and that judgment should be rendered upon the several indictments in those cases accordingly."

And it is so ordered.

Mr. BUTLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUTLER. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 10233) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. RABAUT, Mr. NATCHER, Mr. CANNON, Mr. RHODES of Arizona, and Mr. TABER were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 1159. An act to facilitate the acquisition of real property under the District of Columbia Alley Dwelling Act; and

S. 2462. An act to remove geographical limitations on activities of the Coast and Geodetic Survey, and for other purposes.

DEPARTMENT OF COMMERCE AND RELATED AGENCIES APPROPRIATIONS, 1961

The Senate resumed the consideration of the bill (H.R. 10234) making appropriations for the Department of Commerce and related agencies for the fiscal year ending June 30, 1961, and for other purposes.

The PRESIDING OFFICER. The amendment of the Senator from Delaware will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 8, line 12, it is proposed to strike out "two thousand four hundred" and to insert in lieu thereof "two thousand two hundred twenty-five."

Mr. MANSFIELD. Mr. President, I want to express my deep personal appreciation to the Senator from Florida [Mr. HOLLAND] and the chairman, the Senator from Arizona [Mr. HAYDEN], for the good work they have done in getting the forest highway program back in shape.

We in Congress have been faced with an absolute abuse by the executive branch of its responsibility to carry out the Highway Act as it relates to forest highways.

In 1957 the executive branch undertook to revise the historic, well-accepted formula which distributed forest highway funds. This accords a 50-percent weight to national forest acreage and a like weight to estimated forest value. The 40 States participating in the program had been fully satisfied with the old formula and the old values. Without one bit of consultation with the States and on the eve of the year when the Highway Act was up for revision by Congress, this formula and national forest values were changed. This was done when it was well known that Senator GORE would hold hearings on forest roads throughout the West.

A number of us deeply interested in the forest highway program joined to sponsor an amendment which reversed the arbitrary administration change in well-established law.

In the 85th Congress we also considered the President's request that the forest highway expenditures be placed in the trust fund and that class 3 forest highways, those not on the Federal aid primary or secondary routes, be eliminated from Federal financing. Both proposals were rejected by the Congress.

I assumed, as I am sure that every other Member of this body did, that this decision by the Congress was accepted by the administration and that the law would be carried out as provided.

It was a shock to me to discover in February of 1960 that someone in the Bureau of the Budget had taken it unto himself to instruct the Secretary of Commerce that effective July 1, 1959, no further forest highway funds would be allocated to class 3 forest highways. The basis for this amazing decision was that the President was again going to ask Congress to change the law.

Never in my legislative experience have I heard that any President has suggested he had the power to stop the operation of existing law because he planned to ask Congress to change it. If this were to become the mode for Government operation, the entire concept of representative government would be lost.

Again the President has made his highway request for fiscal year 1962 and 1963, but on top of this he sought a change in existing law on forest highways as a part of the appropriation bill for 1961. He sought approval of trust fund financing—an approval that must be secured from the Public Works Committee.

I am pleased to see that the Appropriations Committee report minces no words in explaining to the administration how it is to proceed if it wants to obtain permission to finance the forest highway program from the trust fund.

At this time I want also to express my warm appreciation to the members of the Appropriations Committee for the way in which they cured the efforts of the executive branch to kill vitally needed construction work on class 3 forest highways and to repeal a law by administrative fiat.

If the Bureau of the Budget wishes to continue to perform services of value it should perhaps undertake to achieve a better understanding of the processes of representative government.

I ask unanimous consent at the conclusion of my remarks that the several letters involving myself, the Secretary of Commerce, the Bureau of Public Roads, the Senator from Florida [Mr. HOLLAND], the Senator from Arizona [Mr. HAYDEN], and the Senator from New Mexico [Mr. CHAVEZ], relative to class 3 forest highways, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF COMMERCE,
BUREAU OF PUBLIC ROADS,
February 29, 1960.

Hon. MIKE MANSFIELD,
U.S. SENATE,
Washington, D.C.

DEAR SENATOR MANSFIELD: This letter is written in response to your communication of February 18 with its enclosures which referred to the Thompson River road in Montana.

The road discussed in the letters from your constituents is Montana Forest Highway Route 56 which extends from U.S. Route 10A at a point 4 miles east of Thompson Falls for a distance of approximately 45 miles northerly along Thompson River to U.S. Route 2. It is a class 3 forest highway, i.e., a forest highway not presently included in any Federal-aid highway system.

The President's legislative program for fiscal year 1960 proposed financing forest highways that are included in the Federal-aid system from the highway trust fund. The same plan is contained in the legislative proposals for fiscal year 1961. Because of this situation the Bureau of Public Roads had no alternative but to suspend, as of July 1, 1959, the obligation of forest highway funds for projects on Class 3 forest highways since they are not included in any Federal-aid system.

In view of this situation improvement of the Thompson River road with forest highway funds cannot currently be approved by Public Roads. However, if the route is found eligible for addition to the Federal-aid secondary system, financing would then be possible with forest highway funds or with Federal-aid funds matched with State funds. Since the initiation of such system revisions rests with the State it would be appropriate for your constituents to discuss this matter with the State highway commission.

We trust that the above information adequately describes the situation as applied to the Thompson River road. We will gladly discuss this matter further if you find this desirable. The enclosures that accompanied your letter are being returned as you requested.

Sincerely yours,
ELLIS L. ARMSTRONG,
Commissioner of Public Roads.

Enclosures.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
March 8, 1960.

Hon. DENNIS CHAVEZ,
Chairman, Senate Committee on Public Works, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Attached for your consideration is a letter dated February 29, 1960, which I recently received from Mr. Ellis L. Armstrong, Commissioner of Public Roads.

In the third paragraph of this letter you will note the procedure the Bureau of Public Roads is following on class III forest highways which, in my opinion, constitutes a clear violation of existing laws. The inclusion of a subject in the President's legislative proposals, is a proposal and no more until the Congress acts and the President signs a new law on the subject. I believe the Bureau of Public Roads must be bound by the existing law. The concept expressed in this letter is an entirely new legislative procedure.

As you know, the President's effort to revise the Forest Highway Program by the appropriation bill for the Department of Commerce was objected to in the House and was knocked out on a point of order.

I am not asking that your committee review the Thompson River Forest Highway situation but I did want to call your attention to the affect of the Bureau of Public Roads' policies which has ruled out of the forest highway program all roads in the system that are not also eligible to receive other Federal aid.

It is my opinion that the forest roads most in need of forest highway financing are those which are not on any other Federal aid system. The approach used by the administration appears to me to be one designed to help least the roads which are most in need.

In 1958 your committee accepted an amendment to the Highway Act proposed by me and a number of other Senators which, among other things, directed a study to be made of forest highway needs. This study suggests adding 28,884.3 miles to the forest highway system, of which 14,921.2 miles, or half, would be in the class of roads not on any other Federal aid system.

Out of the present forest highway system comprising 24,398.5 miles only 4,471.9 miles are not eligible for other Federal aid. This certainly illustrates that a major deficiency in the forest highway network are the roads not eligible for other Federal aid. The study illuminates the inequities which will be created by the adoption of the administration's proposal.

When the Bureau of Public Roads appears before your committee, I would appreciate your discussing with them the basis for eliminating the class III forest highways from participation in funds currently authorized. I do not believe this action is in accord with the existing law.

Your consideration in this matter is most appreciated, and with best personal wishes, I am,

Sincerely yours,
MIKE MANSFIELD.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
March 12, 1960.

Hon. FREDERICK H. MUELLER,
Secretary of Commerce,
Washington, D.C.

My DEAR MR. SECRETARY: It has been called to my attention that in the present administration of the forest highway program certain significant changes have been made, not in accordance with existing law, but apparently on the basis of changes proposed in legislation not yet enacted.

I am informed that effective July 1, 1959, no contracts are being entered into for "forest highways not on any Federal-aid system." This action has apparently removed 4,472 miles of the 24,400 mile forest highway network from participation in the Forest Highway program. When considering the 1958 Highway Act, Congress did not authorize elimination of the types of highway to be covered by this program.

I would appreciate your furnishing me with copies of the letters, memoranda, or similar administrative releases by which the policy put into effect July 1, 1959, was promulgated. It would also be appreciated if this material were supplemented by such other correspondence between the Bureau of Public Roads, the Department of Commerce, and/or the Bureau of the Budget which would clearly show by whose authority this policy was established.

When the Commerce appropriation bill is called up on the floor of the Senate, I am sure that this matter will come up for discussion. In view of the situation where a policy has been adopted, which is at variance with existing law, and where the Committee on Appropriations has already found it necessary to defer recommending funds until budget estimates in accordance with existing law are submitted, I feel it most necessary to be informed of the circumstances and facts in connection with this matter.

A copy of this letter is also being sent to the Honorable Bertram D. Tallamy, the Federal Highway Administrator.

Yours very sincerely,
CARL HAYDEN,
Chairman.

THE SECRETARY OF COMMERCE,
Washington, D.C., March 16, 1960.

Hon. CARL HAYDEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HAYDEN: I have examined carefully into the matter covered in your letter of March 12, 1960, concerning restriction of contracts for forest highways not on Federal-aid systems. Such a restriction was placed into effect by the administration in connection with its legislative proposal to the Congress in 1959 that financing of forest highways be transferred to the highway trust fund on the premise that the majority of such highways were on Federal-aid highway systems and that most of the remainder could be placed on a Federal-aid system by request of the States. I am pleased to inform you that the restriction to which you refer has been removed.

As you know, legislation is now pending before the Congress to provide the necessary basic authority to transfer the financing of forest highways and public lands highways to the highway trust fund. This Department has an informal understanding with the Bureau of the Budget that if the pending legislation is not approved by the time the last 1960 supplemental is processed for submission to the Congress, this submission will include a request for a general fund appropriation to finance forest highways, and public lands highways expenditures during fiscal year 1961.

In view of the above information, the communications mentioned in your letter are not enclosed, but they will be made available if they are still a matter of interest.

I appreciate the opportunity of cooperating with you in the furtherance of these roads programs.

Sincerely yours,
FREDERICK H. MUELLER,
Secretary of Commerce.

U.S. DEPARTMENT OF COMMERCE,
BUREAU OF PUBLIC ROADS,
Washington, D.C., March 17, 1960.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: This is in further reference to our recent correspondence concerning improvement of Montana Forest Highway Route 56.

The legislative situation, outlined in my February 29 letter to you, has been reviewed and a decision has been made to again approve projects for construction or reconstruction of forest highways not on the Federal-aid system. I have today informed our field offices of this decision.

I trust that this decision will satisfy the concern expressed in the letters from your constituents on this subject.

Sincerely yours,
ELLIS L. ARMSTRONG,
Commissioner of Public Roads.

Mr. HOLLAND. Mr. President, first I wish to express my appreciation for the gracious words of the Senator from Montana.

Second, I want to say that the Senator from Arizona [Mr. HAYDEN] has been extremely aggressive in this matter. The two of us, along with some others, have affirmative assurances from the Bureau of the Budget which will take care of the long-term picture. The other problem—the problem of the class 3 roads in the forest highways—has already been taken care of.

So I think the Senator may be completely reassured, except that I believe we are still awaiting the supplemental budget item for 1961, which has been promised us by the Bureau of the Budget.

Mr. MANSFIELD. I understand, but I want the Senator to know how much I personally appreciate, on behalf of all of us in the West, the personal interest he has taken in our problems and the great assistance he has rendered. We are greatly indebted to him.

Mr. HOLLAND. It has been a great pleasure.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Delaware [Mr. WILLIAMS].

Mr. WILLIAMS of Delaware rose.

Mr. HOLLAND. Mr. President, the Senator from Delaware was on his feet. I assumed he intended to address the Chair.

Mr. WILLIAMS of Delaware. I was about to explain the amendment; however, if the Senate is in the mood to accept it, I shall not delay the Senate but let it vote. This is such a good amendment. It is another noncontroversial amendment from my standpoint.

Mr. HOLLAND. I compliment the Senator upon his optimism and his confidence in his own judgment. I am sorry to have to tell him that the members of the subcommittee and the members of the full committee are unanimously of the opinion that his judgment is not sound in this particular matter. We shall have to oppose him, though it is with regret that we do so.

Mr. WILLIAMS of Delaware. With that expression perhaps I had better proceed to enlighten the Members of the Senate.

The purpose of this amendment is to reduce the number of voyages which will

be authorized in this bill upon which the Government can contract to pay subsidies. The adoption of this amendment will reduce the appropriations about $20 million.

Last week we had before us a supplemental appropriation bill which called for an additional $32 million to pay for the operational subsidies of our merchant marine. That was to pay for the increased operational subsidies that had been authorized last year above the $128 million contained in the original appropriation bill.

I made the statement then—and the Senator from Florida was in agreement with it—that the Senate had no alternative other than to appropriate the $32 million last week, because at the time the general appropriation bill was before us last year the Senate rejected an effort which was sponsored by myself and other Senators to cut back the number of voyages upon which the Maritime Administration was authorized to make subsidy agreements. Having rejected that amendment, and in effect having instructed the Maritime Administration to proceed to make the contractual arrangements with the shipping companies for 2,400 voyages the Senate had no alternative other than to proceed to pay them.

The pending amendment does not affect the construction differential subsidies for building the ships. This deals only with the subsidies paid for the operation of the ships. In the past 8 years to pay for these operational differential subsidies to the American merchant marine Congress has appropriated more than $1 billion. So I think it is high time that we begin asking ourselves the question, How much longer can we continue to increase these operational subsidies?

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I shall be glad to yield in just a moment. I should like to complete this statement.

In 1956 we authorized the Maritime Administration to make contracts for 1,950 voyages. In 1957 we authorized 2,040 voyages; in 1958 we authorized 2,100 voyages; and in 1959, 2,225 voyages. Last year we authorized 2,400 voyages, and this year the Senate bill recommends another 2,400.

The amendment I have at the desk proposes to cut this number back to 2,225 voyages, or the 1959 level, which in itself was an alltime high so far as authorization of voyages is concerned.

Certainly we need an American merchant marine, and I have supported legislation to protect our American merchant marine. But, at the same time, I do think that the American taxpayers need some consideration. We have gone far afield when we continually increase subsidies.

As an example of how far we have gone in subsidizing this industry I cite one particular case. First, however, I yield to the Senator from Maryland, and then I will proceed.

Mr. BUTLER. I wish to ask the Senator a question in connection with the amount of the subsidy. Did the Senator say it was $1 billion?

Mr. WILLIAMS of Delaware. $1,011,000,000.

Mr. BUTLER. Is that an operating subsidy only, or does that include the construction differential subsidy too?

Mr. WILLIAMS of Delaware. No. That is only the operational subsidy.

Mr. BUTLER. Does the Senator have a memorandum of how much has been recovered under section 606 of the Merchant Marine Act of 1936?

Mr. WILLIAMS of Delaware. No, I have not. I have figures for the appropriations which have been made and the payments which have been authorized by Congress, both for the operational subsidy as well as for the construction differential subsidy. The construction differential subsidy during the war was handled under a different formula, and I do not have those figures.

Mr. BUTLER. I am not speaking of the construction differential subsidy. The Senator knows, however, that under section 606 of the Merchant Marine Act of 1936, any subsidized company, after earning 10 percent of the capital invested in the enterprise, must pay half of that amount back to the Government of the United States; and in some instances the entire subsidy has been paid back. In several instances a very substantial portion of the subsidy has been paid back. It would be very helpful, for the purposes of this record, to have the amount of recapture alongside the figures representing appropriations.

Mr. WILLIAMS of Delaware. I agree with the Senator that it would be helpful, and I hope the committee can furnish that information. I would suggest that the information be incorporated in the RECORD at this point. However, I believe the amount is an insignificant fraction of that which has been appropriated, overall.

Mr. BUTLER. Mr. President, will the Senator further yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. BUTLER. I have in mind a figure from the beginning of the subsidy program, under the 1936 act, up to the present time. It is my impression that the annual average does not exceed $45 million. Does that sound correct?

Mr. WILLIAMS of Delaware. I have no figures beyond 1950. I do have the figures for the past 10 years. It is my understanding that during the war the subsidy was substantially lower because freight rates were much higher and all the shipping companies were naturally operating at full capacity. Therefore subsidies were much lower during the war, which may bring the overall, 30-year average figure down.

Mr. BUTLER. They do.

Mr. WILLIAMS of Delaware. I do know that in the past 8 years we have paid, in operational subsidies alone in excess of $1 billion. That does not cover construction differential subsidies. I have the figures for the construction differential subsidies only beginning with the year 1955. I do not have any figures for 1958 if any was paid that year. For the period from 1955 to 1961 the construction differential subsidies amounted to $516 million. Altogether, in the past 10 years we have paid in both operation and construction differential subsidies a total of $1½ billion.

Mr. BUTLER. But the Senator realizes that the operational subsidy to which he refers is a subsidy given by the Government of the United States for the purpose of putting the American merchant marine on a par with his foreign competitors in the payment of crew wages and the maintenance of the vessel. It does not go beyond that. It merely puts the American operator in a competitive position with his foreign competitor. If the Senator believes, as he has stated, that we should have an American merchant marine, it seems to me that that is a very small price to pay.

Mr. WILLIAMS of Delaware. I agree we want a merchant marine under the American flag, but I think that we have gone far beyond that which is necessary in order to maintain it. I respect the position of the Senator from Maryland, but personally I feel that we have gone much further than the taxpayers can afford in supporting this industry.

Mr. HOLLAND. Mr. President, may I furnish one additional bit of information, with the Senator's permission?

Mr. WILLIAMS of Delaware. I shall be glad to have the Senator do that.

Mr. HOLLAND. In 1958 there was no construction differential subsidies appropriation, because our committee found that there was a substantial unexpended balance; therefore we recommended that no new appropriation be made. Congress agreed with us, and no appropriation was made.

Mr. WILLIAMS of Delaware. As I said I did not have any figures for that year; however, the figures for the other years are as follows: For 1955, $52,496,000; for 1956, $63,325,000; for 1957, $67,610,000; for 1958, none; for 1959, $119,205,000; for 1960, $107,750,000; and the estimate for 1961, $106,000,000.

This is a total of $516,446,000 paid on construction differential subsidies.

Mr. HOLLAND. The Senator is correct with respect to that list as compared with the list I have in my file, which was supplied by the Maritime Administration.

Mr. WILLIAMS of Delaware. I appreciate the Senator's statement.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield to the Senator from Ohio.

Mr. LAUSCHE. I suggest to the Senator from Maryland and the Senator from Delaware that they turn to page 400 of the testimony. There is found a tabulation showing the subsidies from 1947 down to 1961. The figures for 1960 and 1961 are estimates. I believe the table shows the operational subsidies. The domestic cost for all voyages made by the merchant marine, as shown by the table, was $2,460,036,825. The subsidy accrual was $1,421,965,703.

The recapture during that whole period was $194,389,397. The estimated subsidy payable was $1,227,576,305.

That latter figure is not exactly correct, because it is subject to further accounting. However, it is pretty close to being correct. That shows how much money the taxpayers have given to the U.S. merchant marine, privately owned, in the operation of ships on the high seas.

Mr. WILLIAMS of Delaware. Mr. President, I appreciate the contribution of the Senator from Ohio with respect to showing the amounts reclaimed under the recapture clause. While it is a significant item, when we take it in comparison with all the subsidies that have been paid or accrued, it is not as important a factor as it may seem.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. HOLLAND. Mr. President, the table cited by the Senator from Ohio is, of course, for 15 years, as contrasted with the 10-year table which was just mentioned by the Senator from Delaware. Furthermore, the recapture figure which was furnished a few minutes ago by the distinguished Senator from Maryland is included in the last table's computation. The total recapture for 15 years was $194,389,397. That is subtracted from the accrued subsidy to arrive at the figure given by the Senator from Ohio of $1,227 million-plus for the 15-year figure.

Mr. WILLIAMS of Delaware. That is correct. I appreciate the contribution of the Senator from Ohio and the Senator from Florida in placing these figures in the RECORD. The taxpayers should know what it is costing them to subsidize this industry.

As I said before, there may be some argument for some of the subsidy, but it has gone entirely too far. During the last 8 years the figures were much higher than they had been in earlier years. Operational subsidies during these past 8 years alone exceeded $1 billion, and the construction subsidies in the last 6-year period exceeded a half billion dollars.

Mr. BUTLER and Mr. SALTONSTALL addressed the Chair.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). Does the Senator yield; if so, to whom does he yield?

Mr. WILLIAMS of Delaware. I yield first to the Senator from Maryland.

Mr. BUTLER. I think, to make the RECORD clear, it should be stated that a subsidy contract is awarded only to an operator who is operating a first line ship on an essential trade route. In addition to that, the law under which the subsidy is created hedges about the contract in such a way that the operator cannot make an excessive or abnormal profit out of his operation. If he does, as the Senators know, one-half of the excess goes back to the Government of the United States in the form of recapture subsidies. Therefore, it seems to me that, while the figure of $1,011 million for the operation of the American merchant marine over a period of 15 years may sound like an alarming figure, we must recognize the fact that we have ships operating on the central trade route which the United States cannot give up unless it intends to surrender the business to a foreign nation. In addition, the operating subsidy is of such a nature that the persons who operate these ships cannot make an excessive profit.

I think that is protection enough for the people. In other words, there is involved an element of national defense. There is also the element of the essential trade route, because the United States must carry some of its foreign commerce; otherwise it will cease to be the great Nation it is. When we hedge it about with the provisions of the Merchant Marine Act of 1936, it seems to me that the people are being protected. If that is what it costs to keep our flag on the high seas, it is a price well paid.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. SALTONSTALL. Mr. President, I thank the Senator for yielding. The Senator from Ohio and the Senator from Delaware, last week, when we debated the subject on the supplemental appropriation bill, asked for certain figures, which we could not furnish at that time. Since that time I have tried to get these figures, and I have them today. I have them broken down. They are quite interesting. I will put these figures in the RECORD, but I should like to state, first, that the subsidies are a great deal less proportionately than we had thought. For instance, there are 939 ships in our active merchant marine at the present time, of which 526 are engaged in foreign trade. That includes 19 tankers which are not eligible for subsidy, or a total eligibility of 507. There are 413 ships in the domestic trade, which are not eligible for subsidy. For those 312 which were getting a subsidy in 1958, the subsidy was 19.6 percent of their total operating cost. In other words, they had an operating cost of $509 million, in round figures. The depreciation was $40 million, and the overhead was $72 million. The operating subsidy was $139 million, or 19.6 percent.

The Senator's direct recommendation goes to cutting down the voyage limitation. Actually, there are under contract 1,986 voyages. If we add the 405 maximum voyages that can be put on the list by June 30, 1960, we will have a total of 2,391 contractual voyages for the next fiscal year.

Why is an increase proposed? No new trade routes are contemplated. These ships are to be operated on the old trade routes. The necessity, as I understand it from the Maritime Administration, is simply that the ships are getting very old, and that since there is the problem of refinancing the fleet, which can be done only at a very high expense, it is necessary to keep the operating subsidies up and to provide for the operation of additional voyages, on a subsidized basis, because the profits of the merchant marine in 1958 and 1959 have slipped away.

So the request for additional voyages this year over last year up to 2,400, is subject to two things. First, there are no new trade routes. The additional voyages are to enable the operators to operate a sufficient number of subsidized voyages to make up for the heavy operating expenses with the lowered profits which they receive.

So I think they are completely justified, without putting on new trade routes, if we are to keep our merchant marine functioning.

Mr. WILLIAMS of Delaware. I appreciate the statement of the Senator from Massachusetts; however, I return to my original question. If we did not utilize the additional voyages last year—we authorized 2,400—then what is the objection to reducing the number of voyages to 2,225 as provided in the amendment? Even that number is higher than was requested by the Bureau of the Budget. It would still be the highest number ever authorized with the exception of last year. We are not rolling the number of voyages back to an unrealistic low level; we are only rolling it back to the alltime high level estimated by Congress in 1958. Certainly that is the least we should do. Let us examine some of the subsidies and see how they are operating.

I should like to read an article published in Time magazine for February 29, 1960, which comments on this question. I read from page 112 of the magazine:

SHIPPING—ENDS AGAINST THE MIDDLE

If a ship has neither a bow nor a stern, it is certainly not a ship. But it is a nifty little method of getting the benefits of U.S.-built ships without the high cost. On order last week from the Hamburg yards of German shipbuilder Willy Schlieker (Time, Oct. 23) were the midsections of six vessels for Mobile's McLean Industries, Inc. With a booming business carrying highway trailer vans by sea, McLean decided to add six new vessels, each with a capacity of 476 vans, to his fleet of trailer ships. The problem was that if the vessels were built abroad they could not ship between domestic ports. (U.S. coastal trade is limited to U.S.-built ships.) But if they were built at home, the cost would run between $10 million and $12 million per vessel.

McLean's solution is to play both ends against the middle. Schlieker will build only the midsections, which can then be towed across the Atlantic and enter the United States as "fabricated steel." McLean turns them into ships by simply buying old T-2 war-surplus tankers, hiring U.S. yards to graft the bows and sterns onto his German midsections, thus qualifying as "built in America." Total cost: less than $5 million a vessel, a saving of 50 percent to 65 percent. So simple is the idea that other U.S. firms (e.g., American Ship Building) have ordered the midsections for several big ore carriers from Schlieker.

This shows how one company is getting around the law but still getting their subsidy.

Some Senators may argue that the answer is to subsidize further American shipyards so that more ships can be built in this country.

Mr. BUTLER. Not at all.

Mr. WILLIAMS of Delaware. The problem goes beyond that. This amendment does not even touch construction differential subsidies. I do

not believe we can continue to pour money into a subsidy program which is continuously allowing shipping companies to bypass the intent of Congress under such a loose arrangement.

I call attention to another situation and one which I mentioned only the other day. I do this because it is well for us to know how far we are going in this matter. I call attention to the subsidy paid to the American Export Lines. In 1944, the U.S. Government built two ships, which cost $3,146,293 apiece. In 1948, 4 years later, the Government sold those same ships to the American Export Lines for $1,100,387. Those ships were operated by the American Export Lines in the period 1948–1958 with operational differential subsidies, which is the same subsidy program we are considering here now.

The subsidy paid during the 10 years on one of those ships was $6,796,000, and on the other $6,553,000.

Remember the two ships originally cost the Government $3,146,293 each, and we sold them to the company for $1,100,000. Then the Government paid the ship line $6,500,000 to operate each of these ships for the next 10 years.

As if that were not enough, a couple years ago the Government bought the same ships back, paying $1,575,000 each or 50 percent more than we sold them for 10 years earlier. If that is not an example of going too far and if that does not indicate that it is time to call a halt to these ever-expanding expenditures, I should like to hear the answer.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. SALTONSTALL. I simply say that the Senator gets many things mixed up. First, a tanker is not eligible for a subsidy, as I understand. The Senator spoke about tankers coming from Europe.

Second, if the Government made a bad deal in selling ships and buying them back again, that has nothing to do with the proper operating subsidy.

Mr. WILLIAMS of Delaware. The Senator from Massachusetts said I was mixed up, but I think he may be the one who is wrong. The construction of tankers is subsidized. I want him to comment on both tankers and merchant ships. They are two separate subjects, yes, but both are affected by these subsidy programs.

Mr. SALTONSTALL. I will try to answer the Senator's first question, which he asked me before he started on the subject of the German subsidy. He asked why it was necessary to accept new applications. The Maritime Board says it has been working on applications for several years and has been engaged in processing them. They concern 79 ships, involving a total of 405 maximum contractural voyages, which have progressed to the point where they could be approved prior to June 30, 1960. That is the reason why the Maritime Board has been acting carefully. It has taken a couple of years. Now they are ready to approve them, for the reasons I have already stated to the Senator. I shall not bore him with reading the information at the present time.

Mr. WILLIAMS of Delaware. We are in complete agreement that if we authorize these additional voyages, the Maritime Administration will have no trouble in making contractual arrangements and spending all the money which we will provide. Most agencies can spend it if we will appropriate it.

But I still say that if Congress is concerned about the amount of the subsidies, the way to stop it is to stop authorizing the number of contractual arrangements which can be made. That is the only chance we have to cut the appropriation. I think the Senator from Massachusetts will agree that in this particular bill, $150 million is being asked to pay for operational differential subsidies that were authorized last year.

So the only way to reduce the cost of this subsidy is to reduce the number of voyages authorized. That is why I believe this item should be cut back this year. I emphasize again that this will not be cutting the number of voyages back to an unrealistic level; it will be cutting them back to a figure which still is slightly higher than was requested by the Budget Bureau.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Delaware yield; and, if so, to whom?

Mr. WILLIAMS of Delaware. I yield first to the Senator from Ohio.

Mr. LAUSCHE. I should like to ask the members of the committee whether it is not a fact that the recommendation was for 2,190 voyages for this year, instead of the 2,400 which have been approved. I am reading from page 401 of the hearings, as follows:

> The limitation on the number of voyages has been continued at the current rate, 2,400, instead of 2,190 as proposed in the budget.

Mr. HOLLAND. Mr. President, may I reply to that?

Mr. WILLIAMS of Delaware. Mr. President, I yield to the Senator from Florida.

Mr. HOLLAND. The Budget Bureau cut the request of the Maritime Board very heavily. My recollection is that the Maritime Board wanted as many as 2,600 voyages authorized. At any rate, we considered the matter very carefully, and now they are going to need 2,400. The House committee had provided for that before we did, and allowed 2,400 voyages. This is the first time the House committee has allowed, in the beginning, that many.

I call the attention of the Senate to the fact that the opening of the Great Lakes to transportation by oceangoing vessels is a very large factor in connection with this matter. Fifty voyages already have been approved; and the report to the committee from the Maritime Administration shows that it has pending before it 112 applications, which it shortly will approve, for Great Lakes operations alone, along with 259 that are ready to be acted on; and some of them have been made by our very largest operators, and one of them is the subject of litigation which is about to be decided. I believe that operator is the largest one we have.

So my first statement, in reply to the question by the Senator from Ohio, is that the maritime people requested a great many more, and the Budget cut down the number to a number which both of these committees—neither of which is fond of subsidies—felt was insufficient to meet the need. In other words, there now are pending, and ready for action, enough practically to use up every one of the 2,400, so we are informed by the Board.

The second point I wish to make—and then, being a landlubber, I shall retire behind fortifications on the other side of the aisle, and shall leave this question to my friend, the Senator from Maryland, who is a seaman, and to my friend, the Senator from Massachusetts, who is a sailor, and to my friend, the Senator from Washington, who I think is probably the best informed of all Members of the Senate on this subject—the second point I wish to make is that this subsidy arrangement was instituted before we came upon this scene; it was instituted before I became a Member of the Senate. It was instituted, as a matter of fact, in the interest of protecting the security of the United States.

We are trying to enable the system to function properly.

The total cost, which has been referred to a number of times here—including both the operating differential subsidy and the construction differential subsidy—per year, at the present level, per person, is just a little more than $1.50—for every person in the United States.

Mr. LAUSCHE. Will the Senator from Florida state the amount in millions of dollars?

Mr. HOLLAND. For both the subsidies, the total is between $270 million and $300 million, over the last several years.

My question is this: Is the security of the United States, in connection with the operation of an active merchant marine, worth $1.50 to $1.60 per person per year?

Second, if it is not worth that much, where should the remedy be applied? Certainly it should not be applied in the Appropriations Committee, which has the duty of seeing that the bills contracted for, in the interest of the people of the Nation, by action of the Congress, are met.

So it seems to me that if the Senator from Delaware has a point—and I certainly do not dispute the matter with him; he probably knows more about the maritime business than I do—if he thinks the subsidy law is not sound, the place to take up that matter is in the Committee on Interstate and Foreign Commerce, of which I believe my distinguished friend the Senator from Ohio is one of the most distinguished members; and other members of that committee are in the Chamber at this time.

The Appropriations Committee has the duty and the responsibility of seeing to it that the programs established by the Congress for the security and the safety of our country are carried out.

So far as I am concerned, I do not like subsidies. Everyone knows that as regards agricultural subsidies, I have been opposed to them, and the people of my State are opposed to them. I feel the same way about other subsidies.

I believe that this question, which has been decided by the Congress, with the approval of all the Presidents during those years—must be considered in light of the decision of the Congress that the merchant marine is a line of defense which we must maintain, even if some cost is involved.

The question is whether it is worth $1.50 or $1.60 per year per person in the Nation to have the safety which is had as a result of the existence of a large and useful merchant marine.

Mr. President, having made that statement, and being a land soldier, I shall now retire behind the fortifications to which I have referred, and I shall leave the matter to those who are sea soldiers, so they may argue it further.

Mr. WILLIAMS of Delaware. Mr. President, I hope the Senator from Florida will remain on this side of the aisle, where I believe he properly belongs. He is more than welcome. [Laughter.]

Certainly I agree that we must protect the security of the United States. But, Mr. President, part of the security of the United States is dependent upon the maintenance of the solvency of the Nation, and I do not think there is any better way for us to have our Nation go broke than for the Congress to start justifying projects which involve more than $100 million on the basis of the statement, "Well, the cost is only 50 cents a person, and who cares about half a dollar? Or the cost is only 25 cents a person, and who cares about a mere quarter?"

Yet, Mr. President, this Nation can be "quartered" into bankruptcy; and that has almost been done. In fact, in the last 30 years there have been only 5 years in which the Federal Government has had a balanced budget.

All of us are opposed to subsidies, and we speak against subsidies; but to be against subsidies is something like being against sin: Everyone is against it, but seldom do we do anything about it.

Mr. HOLLAND. Mr. President, both the Senator from Delaware and I have tried to stop subsidies in the field of agriculture, as I am sure he will agree.

Mr. WILLIAMS of Delaware. Yes, I do agree. But I believe we must start reducing all subsidies.

It is ridiculous to say that cutting down on this subsidy would result in the destruction of the American merchant marine. The Bureau of the Budget, which represents the President of the United States and the administration, certainly is not trying to destroy the American merchant marine. All the Bureau of the Budget recommends is 2,190 voyages, but even under my amendment, there would be 35 more voyages than the number suggested by the Director of the Bureau of the Budget. So we are not being miserly in making this proposed cut.

A few weeks ago I placed in the RECORD statistics showing that a series of vessels are being bought back at prices higher than those for which they were originally sold.

We simply cannot sit back and say this is a responsibility of the Committee on Interstate and Foreign Commerce. When this law was passed, it provided that the number of voyages would be determined each year by the U.S. Congress, upon the recommendations of its committees. Certainly the Appropriations Committee is charged each year with determining the number of voyages which are to be recommended for the next year, and when we determine the number of voyages to be recommended we automatically determine the amount of the subsidy. This is not the responsibility of the Committee on Interstate and Foreign Commerce. Instead, this is the responsibility of the Appropriations Committees and of the two Houses of Congress. So we have that responsibility today in connection with our vote, and this is our chance.

Mr. LAUSCHE. Mr. President, will the Senator from Delaware yield? I should like to answer the comments the Senator from Florida has made.

Mr. WILLIAMS of Delaware. I yield.

Mr. LAUSCHE. Entirely too frequently are arguments made on the basis of the per capita cost to the people of the United States. In trying to demonstrate the impact, it often is stated that the cost of a certain program will be 2 cents per person, or some such amount, for the entire population of the country. But what does that mean? It is quite an effective way of deluding the people into believing that nothing serious will happen as a result.

But let me say that the aggregate amount of subsidy which will be paid under this bill will be $289 million, for 1 year—$160 million for the operation of the ships and $120 million for the construction of new ships, through subsidies.

I am sure the argument made by the Senator from Florida most forcibly demonstrates how attractive it is for companies to get into the merchant marine business or, if they are already in it, to expand their operations.

It has been said that there are 2,700 voyages asked for. Certainly there are. The shipping companies are guaranteed 10 percent. That is what is in the book. That is what they generally get. That is how it is calculated.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. LAUSCHE. Just a moment. Let me finish my statement.

These companies are told, "The U.S. taxpayer will give you the difference between operating your ships with American labor and what it costs to operate them with foreign labor." Furthermore, they are told, "When you get a new ship built, we will pay you the difference between building it in the United States and building it in a foreign country, provided the amount is not in excess of 50 percent of the cost of that ship."

I submit to the taxpayers of this country that certainly is a great inducement for the companies to get into the merchant marine business. But it does not stop there. We are shipping tremendous quantities of surplus food. Under the law, it is guaranteed that 50 percent of the surplus food shall be carried on ships in the American merchant marine.

Mr. President, I am concerned about the security of my country. I yield on that proposition to no one in the Senate. But I am concerned about it also from the standpoint of the ever-increasing number of elements of our economy that are asking for subsidies.

The last ones to come on the stage are the railroads. Representatives of the railroads came before our committee and stated, "You are subsidizing the merchant marine. You are subsidizing commercial air carriers. You are subsidizing inland water carriers. You have got to subsidize us." My query is, Where does it end? Each one of them says, "We cannot operate unless the Federal taxpayer will give us a part of his money so that we can stay in business."

What is the ultimate destiny? The destiny is that the Government will move more and more into governmental financing of private business, and finally the Government will be running the railroads, and ultimately we shall have, in semblance, a reproduction of the socialistic governments that are spreading throughout the world.

In the committee hearings on this subject, the shipping companies are now asking that the 50-percent limitation on the cost of subsidizing the building of ships be removed. I questioned the Chairman of the Maritime Board. I asked him, "What amount were you subsidizing in 1936, when the law was passed?" He said, "The difference was 32 percent." It then went up to 40 and 45 percent. I asked him, "What is the difference now?" He said, "52 percent." I asked him, "Do you expect to stop at 52 percent?" He said, "No. The steel strike is going to bring the cost of building ships up." I asked him, "Who will pay for the additional cost, under your formula?" He said, "The taxpayers." I asked him, "Where do we go if this practice continues, wherein the Federal Government will pay the full difference of the cost?" His answer was, "We go into governmental operation."

I submit to you, Mr. President, this question does not involve merely the merchant marine. We are dealing with the whole philosophy of government. So far as I am concerned, Congress cannot deny the railroads a subsidy if it is going to grant subsidies to all the other modes of transportation. And if Congress finally grants subsidies to the railroads, how is it going to deny subsidies to other types of businesses? More and more the Federal Government will move into the operation of business.

If I can help it, we are not going to do it. I am not going to be knocked down by the argument that the Communists are subsidizing; therefore the United States must subsidize. Our governments are different in principle and philosophy. If we espouse the philosophy that we have to subsidize because the Communists subsidize, then we are

adopting the communistic concept of what government ought to be.

Mr. WILLIAMS of Delaware. Mr. President, I appreciate the contribution of the Senator from Ohio in support of the amendment. Everything he has said is unquestionably true. There is just one point which he left out of the argument in support of the amendment; namely, that even on the remaining portion which is paid by the shipowner the Government guarantees Government-financed mortgages up to 87½ percent of the cost. We are now having to foreclose on some of those ships and take them back. I shall presently refer to an article which appeared in Barron's the other day. That is a leading national financial weekly, and certainly is a magazine which believes in the American free enterprise system. Yet that magazine strongly criticizes the subsidies being paid to this industry.

Mr. President, I am not concerned that any Congress, under any political party, will vote this country into socialism, but we can go into socialism by the back door if we are not careful and do not stop these ever-expanding subsidy programs.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield to the Senator from Florida.

Mr. HOLLAND. I should like to make one more comment. Then I think I shall be able to keep my word, and leave the argument to other Senators. The Senator from Ohio has suggested that it is not appropriate to count the costs of a security program in terms of the cost per person per year. I think it is. The cost of a dollar and a half, or $1.60, is not much, especially when we consider it against a cost of $222 per person per year—and it is a little more than that—that our people spend in direct costs on the Army, Navy, Air Force, and Marines. The total cost is a little over $40 billion. With a population of 180 million, Senators will find that cost comes to a little more than $222 per year.

Question: Is it worth a dollar and a half or more per person per year to have an effective method of transport and supply on the seas and on the oceans which occupy such a large part of this earth?

One more comment. For some reason, and I do not know how we got into it, we have been combining in this argument two forms of subsidies. One is on ship construction, which has to do with two elements: First, our shipyards are more expensive to operate than those elsewhere, because those shipyards pay their workmen more. Second, and let us not forget this, we want our ships built for the American merchant marine so that they will be available and most effective in time of war, and we insist on having built into those ships such elements of speed and cargo-carrying capacity as will be most helpful and effective in the event there should be a war. But even considering the two together—and there is only one that is related to this particular discussion, and that is the operating differential—the total cost, if added together, is, as I have said in the discussion, anywhere from $1.50 to $1.60 per person per year, which should be considered in relation to the cost of more than $222 per person per year spent in direct costs on the armed services.

Mr. President, the Senator from Ohio is one of the most eloquent, as well as one of the most dedicated and devoted men in this body. I hope the Senator will address himself to this subject matter in the legislative committee of which he is such a valued member, because it seems to me that the points which the Senator has been urging—not 100 percent, but almost so—are points which are most proper to be considered in connection with the question, What shall be the type of legislation we use to deal with this subject?

There is very little of what the Senator has said, in my humble opinion, which would justify Congress in not sustaining the program under way to the degree it was intended to be sustained by the Congress when it was passed, and intended to be sustained by the people who have supported, consistently, the idea that we must have available in time of emergency and in time of crisis an effective, fast merchant marine which can meet our obligations in all parts of this far-flung earth. We have our American boys literally all over the earth now, and the American responsibility is there.

Even though this probably will require some change, I suggest that the change should come from the legislative committee.

I honor the Senator from Ohio, as he well knows. I hope the Senator will address himself to the question with the same dedication and the same zeal in the legislative committee that he has demonstrated here. I suggest that this is not the place for most of the argument which the Senator has so ably advanced.

I thank the Senator from Delaware for yielding to me.

Mr. WILLIAMS of Delaware. Mr. President, very seldom do I find myself in disagreement with my good friend from Florida. However, I should like to invite his attention once again to the fact that the proposal now before us was not reported by the Committee on Interstate and Foreign Commerce. The Committee on Appropriations, of which the Senator from Florida is a member, recommends to the Senate the number of voyages which shall be approved for this subsidy. The only committee in the Congress which has anything to do with the matter is the Committee on Appropriations. Considering legislation with respect to this subject is not a function of the Committee on Interstate and Foreign Commerce. I was a member of that committee several years ago.

Surely the Appropriations Committee may confer with the Committee on Interstate and Foreign Commerce, and I am sure the committee does, but the authority rests with the Committee on Appropriations.

The final word rests with the U.S. Congress. We shall vote here today for or against reducing the number of voyages to 2,225. I emphasize again that that would still be 35 voyages more than was recommended by the Director of the Bureau of the Budget as being necessary to maintain the defense of this country and to keep our flag properly on the high seas.

Mr. LAUSCHE rose.

Mr. WILLIAMS of Delaware. Mr. President, I promised to yield to the Senator from Maryland [Mr. BUTLER], and then I shall yield to the Senator from Ohio.

Mr. BUTLER. Mr. President, I thank the Senator from Delaware.

I do not relish disagreement with my dear friend from Ohio, because I may be found to be in error, but it seems to me that the Senator's argument has no validity in connection with a subsidy to the American merchant marine. The American merchant marine, unlike the railroad system of America, and unlike any other private business, is in competition with foreign nations. These foreign nations have cheaper labor and have cheaper materials. All of the costs to the foreign nations, throughout, are cheaper than the costs to our merchant marine.

The purpose of the subsidy, as the Senator well knows, is not so that these operators may make a profit, but in order to bring the American operator up to a competitive position with respect to his foreign competitor.

That is not true with respect to the railroads. The railroads compete one against another. That is not true with respect to the airlines, which compete one against the other on absolutely equal terms.

In addition, as has been so ably pointed out by the Senator from Florida, we are here, in reality, dealing with a part of the national defense. I am convinced of that fact. If I were not convinced of it I would not be on the floor today addressing the Senate. I believe that the American merchant marine is as vital to the national defense as the Army, the Navy, the Air Force, or the Marine Corps. The present President of the United States concurs in that opinion. The present Chairman of the Joint Chiefs of Staff agrees with that proposition.

I know there are many men in Washington now who are very much concerned about the future of the American merchant marine. They are not the operators, but instead they are the people who are charged with the responsibility of the defense of America.

I think when we deal with this subject, if we permit ourselves to say, "This is simply another subsidy, like the farm subsidy or any ordinary subsidy," we fall into error immediately.

This is a subsidy which is essential to defense. Had it not been for the American merchant marine in the so-called Korean police action we would have been seriously endangered. The ships of America transported 5 millions of people to Korea. We transported millions and millions of gallons of petroleum products. We took heavy tanks and equipment in the ships. That is the only way we could get them there. If we had not had those ships, woe be unto America.

That is the anxiety of the President of the United States. That is the anxiety of the Joint Chiefs of Staff. They say today, "We do not have enough ships, and the ships that we have are not being operated as they should be operated. We do not have enough voyages."

That is why these men come to the Congress now to ask that we keep the American merchant marine at least able to carry a minimum responsibility in time of emergency.

Mr. WILLIAMS of Delaware. Mr. President, I shall yield to the Senator from Ohio in just a moment, but I have a comment to make.

I appreciate the feelings of the Senator from Maryland. The Senator has quoted no less an authority than the President of the United States, who, as the Senator says, feels very strongly that we must maintain an adequate merchant marine in the interest of our national defense, our security, and the general economy.

However, what did the President of the United States, whom the Senator quoted, actually say? The President said that 2,190 voyages were enough. The amendment which we have pending would provide 35 more voyages than even the President said was necessary. So no less an authority than that quoted by my good friend from Maryland has said that we do not need the 2,400 voyages in order to keep the American merchant marine properly functioning on the high seas.

Again, the suggestion was made that the Senator from Ohio was in error when he compared the subsidy of the shipping industry with the railroad industry because, it was stated, the merchant marine is not competitive with our railroads.

That is not quite correct. We have some shipping on the inland water routes which shipping is heavily subsidized by the American taxpayers. In addition to that, we have the coastwise shipping which is in competition with the American railroads. So, as we subsidize under either operational or construction subsidies we cannot say this does not compete with our railroads.

I will go further than the Senator did in his statement. I will say that if we are going to expand the subsidy for the American merchant marine eventually we will reach the point where we must subsidize the railroads to keep them functioning. Then how long will it be before the trucking industry will come to Congress to say, "You help our competitors. Where are we to find help?"

Sometime—somewhere—this has got to stop.

Mr. BUTLER. The truckers are all competing on the same market.

Mr. WILLIAMS of Delaware. They are competing with shipping.

Mr. BUTLER. All of those firms have to pay the same labor costs. They have to pay the same costs for equipment. In respect to the merchant marine, we do not have that situation.

Mr. WILLIAMS of Delaware. Then why do we pay a subsidy of one single dollar to the American merchant marine on the coastal or inland waters?

Mr. BUTLER. We do not.

Mr. MAGNUSON. We do not.

Mr. WILLIAMS of Delaware. I beg the Senator's pardon. Does the Senator from Massachusetts [Mr. SALTONSTALL] think we do not subsidize these ships?

Mr. BUTLER. What ships?

Mr. HOLLAND. Not on the coastal waters.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. WILLIAMS of Delaware. I yield to the Senator from Ohio.

Mr. LAUSCHE. The Senator from Florida made the statement that the Committee on Interstate and Foreign Commerce should handle this subject, when the basic law comes before the committee.

I wish to call the attention of my colleagues now—especially that of the Senator from Florida—to the fact that the shipping industry is asking that we amend the shipbuilding law so as to remove the 50-percent limitation. I argued against it in committee. Undoubtedly there will be brought to this floor a bill providing that the limitation be completely removed.

I point out that the differential between labor costs in the United States and in foreign nations has grown worse since 1936, and it is continuing to grow worse. That means that each year the taxpayer will have to increase his contribution for subsidizing the shipbuilding industry, at least.

With respect to the railroads, for 2 years I have been a member of committees in which the argument was made that "This industry is the backbone of our national defense. Without the railroads everything collapses. The merchant marine will not be able to haul, because it can haul only when the railroads bring the merchandise to the ports on the Atlantic and Pacific Oceans."

The railroads say, "Give us the taxpayers' money." I do not know how we are going to stop them unless we stop the expansion of all these programs.

With respect to the merchant marine, I do not claim that we can pull out by the tail what is already down the pit, body and soul. It is practically beyond redemption. But I do not intend to let go of the tail at this time. I am going to hold onto whatever I can. That is my position.

I thank the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I thank the Senator from Ohio.

I repeat that we are subsidizing our intracoastal shipping, the shipping on inland water routes. We have been heavily subsidizing that shipping by direct votes in the Congress, and paying for it at the expense of the American taxpayers. We cannot say that the American railroads are not operating in competition with a subsidized industry. I did not think my friends would question that statement. I see Senators shaking their heads. I shall be glad to yield to any Senator who wishes to take exception to the statement that we are subsidizing shipping on inland water routes, either by paying a construction differential subsidy or by selling them the ships at an exceptionally low price. In either event it is a subsidy.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. SALTONSTALL. The best information I have from the Maritime Administration itself, within the past 48 hours, is that there are 507 ships in the active fleet eligible for subsidies, of which 312 are subsidized. There are 413 ships in the active fleet in the domestic trade, that are not eligible for subsidy, and 19 tankers in the foreign trade that are not eligible for subsidy. That is the information given to my by the Maritime Administration this week.

Let me say this to the Senator from Delaware and the Senator from Ohio: The Committee on Appropriations has allowed the additional voyages which are in dispute because we feel that if those ships are to operate in the foreign trade, the additional voyages are necessary if we are to keep the ships operating. The subsidies actually paid for 19.6 percent of the cost of operation in the year 1958.

If this is wrong, we must either keep it going right or we must cut it out altogether. In my judgment this is the way to keep it going right.

If the Congress wishes to change the law and say "We are not going to have this law; we are not going to have this merchant fleet operating in foreign trade," then certainly the Appropriations Committee should change the amounts and change the method of calculation. But if we are to maintain the program, we must do what we think is right to keep an operating merchant marine in competition in the foreign trade.

Mr. WILLIAMS of Delaware. The Senator from Massachusetts will agree that even if the Senate should accept the pending amendment, it would reduce the number of voyages authorized to 2,225, which would still be higher than the number which was recommended by the Budget Bureau and by the President of the United States as being necessary. Is that not correct?

Mr. SALTONSTALL. The number is higher than that recommended by the President of the United States, but not as high as the number recommended by the Maritime Administration which it feels is necessary. The number is not as high as the number approved by both the House and Senate committees.

Mr. WILLIAMS of Delaware. It is higher than the figure recommended by the President. I recognize that it is not as much as the agency itself would like to have. The Senator from Massachusetts, however, has been here long enough to know that there is not money enough, nor could we borrow money enough, to give the agencies all they want. No agency ever gets all it wants. If it did, we would often be throwing out the money with scoop shovels. When it is said that the amount of the proposal is less than the agency asked for, I am not in the least concerned. But I am concerned when we

keep spending even more than what the President of the United States said was necessary.

Mr. SALTONSTALL. This budget was made up before the figures for 1958 and 1959 came in, presumably. Certainly we did not have them before that time. The costs have gone up, and business has gone down, so that greater subsidies are necessary if we are to keep the vessels in the foreign trade.

Mr. WILLIAMS of Delaware. Where has there been any recommendation from the President or the administration to the effect that they made an error when they submitted the budget?

Mr. SALTONSTALL. If the Senator had been a member of the Committee on Appropriations as long as I have, he would know that administrations, whether Republican or Democratic, make a good many mistakes, as we do in the Congress.

Mr. WILLIAMS of Delaware. We are trying to correct some of them here now.

Mr. SALTONSTALL. And we are trying to keep the Senator from correcting them the wrong way.

Mr. WILLIAMS of Delaware. The question was raised a moment ago as to whether or not we subsidize any part of the shipping industry which operates in competition with American railroads. This would be those operating on inland waterways or on the coastwise shipping. I will cite a specific case and leave it to the judgment of the Senate and the American people as to whether or not this is a subsidy.

In 1950 Congress passed a bill authorizing the sale of three ships to the Great Lakes shipping industry. They were to serve on the inland water routes, hauling iron ore and other freight, which conceivably could also be hauled by railroad. The Congress authorized the sale of these three ships which had been built in 1946. They were the best freighters we had. The first one cost the Government $7,700,000; the second one $7,800,000; and the third one $9,100,000, or a total of more than $24 million. They were built in the Bethlehem shipyard in Baltimore, which certainly builds good ships.

This was just 4 years after those ships were built, and they were not battle scarred; they were in the very best of condition. Congress sold them to this company for use on the Great Lakes for $102,944 each. That is a total of a little less than $309,000 for ships which, 4 years earlier, had cost the taxpayers more than $24 million.

As if that were not enough, at the time I denounced that transaction on the floor of the Senate I called attention to the fact that the same company had gone to another Government agency, the RFC, and arranged to borrow approximately $4½ million using the same ships as collateral. If that is not a subsidy, I wish someone would redefine the term.

I do not know how much further we can go than to sell for a little less than $309,000 three ships costing more than $24 million and then agree to loan the company $4½ million, using those ships as collateral. Without any fear of contradiction, I will say that we have been subsidizing our inland water route shipping, and we are also subsidizing our coastwise shipping. Call it a grant, if you please; but I say that whatever you call it, the American taxpayers have gone far enough.

I conclude by pointing out again that the adoption of this amendment would still leave a greater subsidy for the merchant marine than was recommended by the Budget Bureau.

Mr. President, I ask for the yeas and nays on my amendment.

I suggest the absence of a quorum.

Mr. McNAMARA. Mr. President, will the Senator withhold his suggestion for a moment?

Mr. WILLIAMS of Delaware. I withhold it for a moment, but I shall renew it later.

THE CIVIL RIGHTS CONTROVERSY

Mr. McNAMARA. Mr. President, in today's edition of the Washington Post, several distinguished Americans highlighted the basic issues of the civil rights controversy in which we find ourselves.

I refer to the letters which appeared in the Post letter column—one authored by the distinguished Senator from Alaska [Mr. GRUENING]; the other written jointly by Joseph L. Rauh, Jr. and William Taylor, officers of Americans for Democratic Action.

These letters demonstrate why the Senate will fail in its obligations if it does not enact a civil rights bill—that will provide immediate guarantees of voting rights for all Americans. I am in agreement with the thoughts expressed in these two communications.

I ask unanimous consent that these letters be inserted at an appropriate point in the body of the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CIVIL RIGHTS AND WRONGS

WASHINGTON, D.C.—Editorially, you have stated that the most important feature of any civil rights measure this year is the effective guarantee of the right to vote. I support this view.

Your editorial of March 25, however, indicated support for the proposition that the Senate should take the House-passed bill without substantial change and that this "could save a great deal of wear and tear on patience," and that the bill was "morally correct."

Frankly, I cannot support the proposition that it is the "wear and tear" on Senators with which we should be concerned. How are we to justify accepting as meaningful a bill which requires the individual Negro of the South, in such areas where both denial of the franchise and intimidation have been clearly shown, to run a double gantlet?

Is it "morally correct" to require each Negro voter—after a court has found a pattern of voting discrimination where he lives—to test out that discrimination by presenting himself in person to register before local officials who have previously opposed Negro voting? To what economic and physical reprisals will each Negro citizen running this gantlet be subjected? Why is the administration through the Attorney General insisting upon such roadblocks to voting?

There are some of us who cannot agree with you that the House-passed civil rights bill will "go far toward assuring every qualified citizen the right of a voice at the polls." To those who would give us the answer, that we should presume that the voting officials will follow the order of the court, I would say that, after the finding by the court of a pattern of discrimination, is it not up to the officials responsible for such a pattern to demonstrate to the court that they have in fact changed? Why must the burden rest upon the individual Negro citizen to prove time and again that the pattern still exists?

ERNEST GRUENING,
Senator from Alaska.

AMERICANS FOR DEMOCRATIC ACTION,
Washington, D.C.

The civil rights bill passed by the House might have been a significant achievement in McKinley's day or even in Harding's, but as the 1960 version of a bill to protect constitutional rights, it can only be counted a failure. Our country needs much more than a voting rights bill today; yet from the House it did not even get a workable voting rights bill.

Look at the hurdles that stand in the way of registration of Negro citizens under the House bill:

First, the Attorney General must institute a suit under the 1957 Civil Rights Act; in 2½ years he has brought only four or five cases over the entire South.

Second, even after the Attorney General wins the case, he must prove a pattern or practice of discrimination against Negro voters before the referee provision comes into effect.

Third, even though the State voting registrar has been legally adjudged guilty of systematic discrimination, the Negro applicant must take the humiliating and sometimes perilous course of seeking out and attempting to register before that hostile State official.

Fourth, after the humiliation and delay in seeking out a hostile and evasive State registrar, the Negro applicant must go before the referee and prove to him that State officials had denied him registration despite his qualification as a voter.

Fifth, the Negro applicant must appear before the judge, if the State objects to the referee's report, and prove his case once again.

Bluntly put, the referee provision as passed by the House may well be a step backward. Under the 1957 Civil Rights Act, it seems quite likely that a court of equity could now adopt a more expeditious and less burdensome referee system than the one adopted by the House bill.

The Senate leadership is already attempting to pressure Senators into accepting the House bill with the threat that, if they try to improve it, they will risk a stalemated House-Senate conference and perhaps no bill at all. But in view of the inadequacies of the House bill, little is being risked; those who are genuinely concerned with protecting civil rights rather than obtaining political credit for enacting a bill called civil rights, should be prepared to run that risk in order to get a bill worthy of the name "Civil Rights Act of 1960."

JOSEPH L. RAUH, JR.
WILLIAM TAYLOR.

THE PROBLEMS FACING YOUTH

Mr. McNAMARA. Mr. President, I should like to call the attention of the Senate to an article by Eve Edstrom in today's edition of the Washington Post.

The article cites a presentation to the White House Conference on Children and Youth by one of Michigan's most distinguished citizens, Prof. Wilbur J. Cohen, of the University of Michigan.

Prof. Cohen's basic thought is that we can never really solve the problems facing the youth of the Nation until we have effectively abolished the still present incidence of poverty in the United States.

I ask unanimous consent that this article be inserted at an appropriate point in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FEDERAL PROGRAM TO REDUCE POVERTY
(By Eve Edstrom)

A national policy to abolish poverty is needed during the next decade if family life is to be substantially improved, delegates to the White House Conference on Children and Youth were told yesterday.

The conference's goal, a former top social security official declared, should be to eradicate want, ignorance, squalor, and idleness and prevent disease among every child and youth in the Nation.

To help achieve this goal, Wilbur J. Cohen, professor of public administration at the University of Michigan's School of Social Work, declared the Nation's social security program should be extended to include health insurance.

Cohen, former research director for the Social Security Administration, declared that it "is just not true" that employment and economic growth have solved the problems of our low-income families. Currently, he said, about one-fifth of all the children in the Nation are in low-income families.

A program to accelerate the reduction of poverty, he said, involves a number of measures and cannot be left to the "impersonal elements of the marketplace."

He called for improved unemployment insurance programs, broader public assistance coverage, and an expansion of health services.

While noting that voluntary health insurance is increasing among middle and high-income families, he noted it has remained relatively stable among those with low incomes.

"The lowest percentage of voluntary coverage is among the families who need it the most: Coverage of only 32 percent in families in which the head is a woman and only 29 percent where the head is disabled," he said.

"In another study, one-half of the low-income families who put off seeing a doctor or dentist mentioned financial reasons as compared with only 5 percent among those with the highest incomes.

"Voluntary health insurance helps those with the highest incomes the most and helps those least who need it most. These facts indicate that it is doubtful whether we can give all the health protection needed to low-income families with children by sole reliance on the present voluntary health insurance arrangements."

He declared "an important next step in providing basic protection to American families" is to provide health coverage through social security such as is provided in the bill introduced by Representative AIME J. FORAND, Democrat, of Rhode Island, which is shaping up as one of the most controversial issues before Congress during this election year.

Cohen revealed that a research study that he just completed showed that "more than half of the adult population in the Nation favored Government action to help people get medical care at low cost."

LEAVE OF ABSENCE

Mr. HICKENLOOPER. Mr. President, I ask unanimous consent that I may be excused from attendance on the sessions of the Senate until Thursday afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

NUCLEAR TESTING BAN

Mr. CLARK. Mr. President, in connection with the current debate dealing with a treaty banning nuclear tests, I ask unanimous consent that excerpts from the remarks of the chairman of the Disarmament Subcommittee, the Senator from Minnesota [Mr. HUMPHREY] may be printed in the RECORD at this point as a part of my remarks.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS OF REMARKS BY SENATOR HUBERT H. HUMPHREY, WAUSAU, WIS. MARCH 26, 1960

Today has been a colorful, exciting day—full of caravans and bands and the stuff of American politics that stirs the blood and makes the heart glad. It has been a thrilling day for me—and, I hope, for you, too.

But when the bands have gone, when the banners have been furled and the crowds have disappeared, you and I are still left to face the problems of the day, to contemplate their complexities, and to search for their solutions. Of problems there are many; but the greatest of them all, I think you will agree, is the winning of a true and lasting peace.

The world has so long been at war or on the verge of war that the winning of the peace has become a sort of liturgy—a phrase we all say and believe in, but whose meaning we no longer question or fully understand as we say it. Of course, mankind has always yearned for peace. But in the 1960's, peace takes on a new meaning. It means the preservation of civilization from its own destruction.

We live in a unique age. Man has gone on, through the years, perfecting more and more deadly and destructive weapons. Now, we appear to have achieved the ultimate in destructiveness: The power to destroy civilization itself.

Fifteen years ago, man exploded the first atomic bomb. Try to think back 20 years—or even 16—to the times before the bomb was a reality. Would any of us ever have dreamed that we would today, such a short time later, consider a weapon with the explosive power of 10,000 tons of TNT a small weapon? Yet that is the degree of destructiveness man has achieved: 86 million pounds of TNT is a small weapon. You may now begin to see why the winning of a true peace takes on a special meaning—and a special urgency. It means the capacity to save ourselves from total obliteration. In the winning of peace, therefore, the problem of disarmament takes the central place upon the world stage.

As chairman of the Senate Subcommittee on Disarmament, I have had the duty of concerning myself with this awesome problem, of struggling with its technicalities, of groping for new avenues of approach that might offer the hope of an agreement between nations that they will not blow each other into oblivion.

Today, the world stands as close to such an agreement as it has stood since nuclear weapons first emerged. Today, for the first time, agreement is within sight, if we and the Russians can grasp the opportunity and have the capacity to bridge the remaining gaps that divide us.

Last October, in Pontiac, Mich., I presented the outlines of a possible solution to the disarmament impasse. It was a four-point program.

First, a treaty permanently banning all nuclear tests except small underground tests, with adequate inspections to enforce the treaty.

Second, a temporary moratorium on the underground testing of the smaller weapons that are difficult to detect.

Third, a joint research program with the Russians to improve the techniques of detecting small underground explosions.

Fourth, if the research should bear fruit, the expansion of the treaty would be expanded to include a prohibition against the smaller weapons tests. If it failed, the moratorium would be ended, and the small testing would resume.

That was last October. In February of this year, President Eisenhower proposed to the Russians a program embodying, in principle, three of these four points. Only on the suggestion of a moratorium on small underground tests was the President's proposal silent. The Soviets rejected the President's proposal out of hand.

But a week ago today, they reversed themselves. They offered to agree to a program which, with one crucial exception, was identical in principle to the solution I had suggested last October, including a temporary moratorium on small weapons tests.

I say "with one crucial exception": The Soviets failed to designate the number of inspections inside Russia which they would permit in order to enforce the test-ban treaty.

Thus, two main differences now separate us from the Russians. Our official proposal to them says nothing about a temporary moratorium on small weapons tests. Their proposal to us says nothing about a definite number of inside-Russia inspections.

Today I renew my proposal of last October. I call upon our Government to agree to a moratorium of specified duration on the underground testing of smaller weapons—but only on condition that the Soviets agree to an adequate number of inspections to make a major test-ban treaty safe and enforceable.

There are those who will say there is risk in agreeing to a moratorium that cannot be enforced. There is danger, they point out, that the Russians will cheat and will secretly go on testing smaller weapons in underground explosions that cannot be distinguished from earthquakes.

Yes, there is risk, but I say it is a small risk. We would have some means of detecting the smaller explosions if the Russians went ahead with their tests. We would have control stations inside Russia under the permanent test-ban treaty that would precede the moratorium. We would continue to have the listening stations in our own country and in the countries of our allies. And we would have our regular intelligence sources.

And there is an added possibility, about which we will know more in a matter of weeks: the possibility of unmanned, automatic detection stations to record the signals of even the faintest explosions. At this moment, such stations are being tested and we will soon know more about their effectiveness.

Yes, there is risk in a moratorium, but the risk is small—and it must be weighed against the risk of a continued stalemate and a continued buildup of the power of annihilation on both sides.

Remember, my friends, the nuclear club is no longer as exclusive as it once was. France has broken down the door, and it is only a matter of time before other nations force entrance as well. And, as the club grows larger, the dangers of nuclear war by accident grow too, and the difficulties of reaching and policing a disarmament treaty multiply.

Time is against us, my friends. We must make every effort to seize the opportunity now offered to us, before it is too late.

I do not wish to mislead you or to oversimplify the problem. Success may be within reach, but it is not yet in our grasp. There are a number of technical problems to be hammered out in patient negotiations with the Soviet. There remains the vital problem of effective inspection—that crucial obstacle that has always stood in the way of agreement.

On that, of course, we must not yield. On this point, I urge that we stand firm, and I am confident the President will do so. But on the question of a moratorium let us not be inflexible. Let us show a willingness to bend a little if the Russians will do likewise.

If our President will but express America's yearning for peace and a beginning to disarmament; if he will but show a disposition to take a step toward the Russian position in return for a concession from them, then perhaps the summit meeting will be crowned with success. I will join with all other Americans, regardless of party, in thanksgiving and gratitude.

For peace is no partisan issue. But, my friends, the peace we want must be enduring. It must have deep roots. Peace is not passive; it is active. It will not come to those who wait for it, who are afraid to reach out for it, who are too timid to risk little to win much. Nor can peace be won by slogans.

There can be no peace in a world plagued by poverty, hunger, disease, or illiteracy. The winning of peace is far more than the controlling of arms and weapons.

Aristotle rightly said that poverty is "the parent of revolution and crime." Then why tolerate it—especially when mankind has at its hand wealth and power of fantastic dimensions?

The world cries out for leadership that will reach out for peace—that will undertake willingly the long, tedious, and costly (but richly rewarding) task of creating a decent world in which peace can take root and flourish.

Mr. CLARK. Mr. President, I ask unanimous consent also to have printed in the RECORD at this point an article on the subject written by Chalmers M. Roberts, and published in the Washington Post.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IKE'S PLAN FOR TEST BAN DURING TERM REVEALED

(By Chalmers M. Roberts)

President Eisenhower has hit upon a way to meet the constitutional question involved in a unilateral nuclear-test moratorium. Whether intentional or not, the idea has obvious political ramifications in this presidential election year.

Mr. Eisenhower is insistent that he will do nothing to bind the hand of his successor, whoever he may be, except under treaty provisions duly ratified by a two-thirds vote of the Senate.

He also is determined, as Secretary of State Christian A. Herter indicated last week, not to accept as part of a test-ban treaty the Soviet idea of a continued moratorium for tests below the 19-kiloton "threshold." Inspection and control mechanisms for these tests would be the subject of future Soviet-American-British joint research, under the American treaty proposal as accepted by the Russians.

HOW PLAN WOULD WORK

Therefore the President has decided on this course, provided that an acceptable treaty is negotiated on all the currently outstanding points: He will himself continue the unilateral ban outside a treaty on the so-called small tests until next January 20 and he will recommend that his successor, to be inaugurated that day, continue the ban provided the Soviets are then cooperating in the joint research.

Four years ago when Democratic Presidential Candidate Adlai Stevenson suggested a unilateral American ban on testing, Vice President RICHARD M. NIXON called the idea of an uninspected ban "catastrophic nonsense." However, by President Eisenhower's order a unilateral ban has now been in effect almost 17 months during the test-ban treaty negotiations and without inspection.

NIXON is now the expected Republican presidential nominee and it was announced Saturday that he will sit in with the President and British Prime Minister Harold Macmillan during their talks this week on the test-ban problem. Hence he will be a party to the Eisenhower plan if it is put into effect.

BIG CHANGE FROM 1956

Under the procedure decided on by Mr. Eisenhower, Democratic presidential candidates also are likely to end up agreeing to continue the ban, subject to Soviet cooperation on the research work. This would tend to take the issue out of the presidential campaign, a big change from 1956 when Stevenson was hammered long and hard by the Republicans, including both the President and NIXON.

Formally, the Russians are insisting that a continuation of the ban on small tests must be written into the treaty for a period of 4 or 5 years. But the Soviet news agency, Tass, last week carried a dispatch recognizing that a U.S. President could not commit his successor except through a treaty. This is taken here as indicative that a continuation of a unilateral ban outside a treaty would be acceptable to Moscow.

Of 19 proposed parts and three annexes to the test-ban treaty, only five or six articles and two annexes are as yet not agreed upon. Aside from the under-threshold issue, other key points not yet agreed on include (a) rights, privileges, and immunities of international inspectors; (b) the number of on-site inspections per year for suspected hidden tests above the 19-kiloton level; (c) functions of the international control commission, including staffing of both control posts and roving inspection teams. There is virtual agreement on another point: an exception to the ban for internationally monitored nuclear explosions for peaceful purposes.

Mr. CLARK. Mr. President, I also ask unanimous consent that there be printed in the RECORD a letter to the editor of the New York Times, written by Hans A. Bethe, the leading consultant of the Government on this subject, and published in the New York Times of March 29, 1960.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SOVIET TEST PLAN EXAMINED—PROPOSAL CONSIDERED TO GIVE GOOD BASIS FOR AGREEMENT

To the EDITOR OF THE NEW YORK TIMES:

The Russian proposal made on March 19 at Geneva is a major step forward in the negotiations for cessation of nuclear weapons tests. Provided the details can be satisfactorily cleared up, it seems to me a suitable basis for a treaty.

In regard to furthering research on detection, the Russian proposal seems to me very well balanced. If we concluded now a complete agreement banning all tests, the Russians might not have much incentive to improve the detection system. With a time-limited moratorium on small tests, however, it would be very much in their interest to improve the methods of detecting small tests as quickly as possible.

Conversely, if the ban were limited to large explosions without any moratorium on small ones, then the United States might not have much incentive to change this status quo. The moratorium would provide such an incentive because it is very much to our interest to make the duration of the unmonitored moratorium as short as possible. Just as we want to have an assurance that the Russians will want to improve the system, so they need an assurance that we will have the same desire.

SCOPE OF COMPROMISE

No international agreement can be entirely foolproof. It must always be partly based on faith in the other party's good intentions. The only thing that technical methods of inspection can do is to reduce the area in which one needs to rely on good faith. This is accomplished by the present Russian compromise proposal: The area of faith is reduced in scope to small, underground explosions, and in time to a few years.

This seems to me an entirely acceptable risk. The Russians have shown that they are just as anxious as we are to reach a workable agreement, satisfactory to both sides. And even in the unlikely case that they should violate the moratorium, would this be so catastrophic?

We have already a large variety of nuclear weapons of low yield and small size. The Russians are probably substantially behind us in this area. Underground tests require considerable time of preparation, especially if a country has never carried out such a test, and even more if they have to be done in secret and in violation of a treaty.

It seems to me very unlikely that within the limited duration of the moratorium the Russians could shift the balance of military power even in the restricted area of small nuclear weapons.

Obviously the United States will have to seek further clarification of the Russian proposal. In particular, we must be assured that the Russians will permit an adequate number of on-site inspections, and liberal criteria for initiating them.

Furthermore, the duration of the moratorium will have to be negotiated. But if these and other details can be satisfactorily cleared up, the Russian proposal seems to me to give a good basis for an agreement on test cessation at rather small risk.

The risks in the continued and intensified arms race are immeasurably greater.

HANS A. BETHE.

Mr. CLARK. Mr. President, I also ask unanimous consent to have printed in the RECORD at this point an article on the subject written by Walter Lippmann in his syndicated column "Today and Tomorrow," published in the Washington Post of March 29, 1960.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A TREATY IN SIGHT

(By Walter Lippmann)

There is now a good chance that a treaty and a voluntary agreement prohibiting nuclear tests will be ready for signature at the summit meeting in May. Some specific points have still to be negotiated. But on the main issues there is no longer any important disagreement.

About 10 days ago the Soviet Government accepted, with one condition, the proposal made last month by the President. It agreed that the treaty should cover only test explosions which can be monitored. This means all the explosions which pollute the air.

The condition attached to this acceptance of the Eisenhower proposal is that for a period of years, perhaps 4 or 5, there shall be a voluntary agreement not to make small underground test explosions which are not yet prohibited by treaty. During this moratorium there would be, as the President first proposed, joint scientific studies to improve the existing monitoring devices.

The President is ready to accept the principle of this moratorium. But for obvious constitutional reasons he is not able to agree to the 4- or 5-year moratorium which the Russians want. He has no legal power to bind his successor, and the most he can do is to obtain promises to maintain a shorter moratorium from Mr. NIXON and the leading Democratic candidates. This ought to satisfy Mr. Khrushchev. For if the joint studies are carried out with energy and sincerity, there will be no serious doubt that the moratorium will be extended further.

Even if a treaty is signed at the summit in May, the Senate will not be able to act on it in this session. It will lie over until next winter, and this means that all the candidates for Federal office will have to take a stand on it during the election campaign. In all likelihood, barring unforeseen developments, the treaty will be popular, for the risks are very small, and the gains may be very great.

What are the risks? There is no risk at all that the big explosions prohibited by treaty could be carried out in secret. The treaty itself provides for a network of monitoring stations. But even more important, so it seems to me, is the fact that we are not capable by our own instruments of detecting the kind of explosion which the treaty would prohibit. We are able, so to speak, to monitor the monitors, to check and to double check.

What about the smaller underground explosions which would not be prohibited by the treaty but which would be subject to a short moratorium? Theoretically, since by definition they cannot be detected by existing instruments, the Soviets may during the past year have been conducting such underground tests. But no one thinks the Soviet Union has done this.

Why? Leaving out all considerations of good faith, sneak tests would be very dangerous. For while the scientists agree that the smaller explosions underground cannot surely be distinguished from earthquakes, it is also true that they cannot surely be concealed. The penalty for cheating would be enormous. What is more, for the Soviet Union the advantages from cheating would be unimportant. For the Soviet Union has no big military interest in perfecting the smaller nuclear weapons. She has big rockets to carry big weapons, and a massive reserve of infantry for conventional warfare.

For the United States the prohibition of small test explosions is a concession. It probably means that we shall not be able to perfect beyond their present state the smaller nuclear weapons. Congress, no doubt, will study this thoroughly. But so far as I can make out, there are plenty of fully informed and responsible people in the Government who think that our arsenal of weapons is already very good indeed, and that military perfectionism is not a national necessity.

The advantages of the treaty and an agreement can be measured only by what would happen if they failed. If, having come so near to an agreement, the three nuclear powers quarrel, the race in nuclear weapons will not only be resumed but it will be expanded. If we three, who have nuclear weapons, cannot agree to limit them, then all other powers which wish to count in world affairs must make or must buy nuclear weapons.

The critical country here is not France or West Germany. The critical country is China. For it has what Britain, France, and Germany do not have, the basic characteristic of a true nuclear power. This is to have so large a territory that it can hope to survive an attack.

If we look ahead, if we take account of the great balance of world forces, we must think it would be a disastrous folly not to become allied with the Soviet Union, when there is a chance to do so, against the spread of nuclear weapons.

Mr. CLARK. Mr. President, these articles once more emphasize the desirability of strong public support for a meaningful treaty banning nuclear tests. I commend them to my colleagues, and I associate myself with their conclusions, particularly those of the distinguished senior Senator from Minnesota [Mr. HUMPHREY].

DEPARTMENT OF COMMERCE AND RELATED AGENCIES APPROPRIATIONS, 1961

The Senate resumed the consideration of the bill (H.R. 10234) making appropriations for the Department of Commerce and related agencies for the fiscal year ending June 30, 1961, and for other purposes.

Mr. WILLIAMS of Delaware. Mr. President, I yield the floor for the present. The Senator from Washington also wishes to address the Senate on the pending bill. I shall suggest the absence of a quorum later.

Mr. MAGNUSON. Mr. President, the hour is getting late, and the distinguished chairman of the Committee on Appropriations has the Interior appropriation bill before the Senate also, and he would like to have that bill passed preceding the business of tomorrow, because that business may or may not—I hope it may not—delay other business of the Senate. So I shall be very brief.

We have had our annual discussion on the merchant marine. This is an annual show. It is always the same cast. We have not had any new actors for a long time. It is always in the same words. It is always the same result, too, incidentally. I am sure anyone listening to this debate year after year must come to the same conclusion, or become even more confused about it than he was when they first heard it.

Basically, what the Senator from Delaware and the Senator from Ohio, the Senator from Florida, and all other Senators are trying to do is not to spend any more money than we have to spend to keep the country going. That includes certain things in which the Federal Government participates, and one facet of that is the merchant marine.

We agree upon all that. But then in the play, in the third act, the actors get on two sides of the question.

There has been a great deal of misunderstanding—not deliberate misunderstanding—about the basic problem involved and about the basic reasons and about the testimony. There have also been some statements made on figures which need to be corrected. The Senator from Washington himself has stated some figures, thinking that he was correct in stating them, only to find that, while the figures were not wrong, they had to be corrected.

The American merchant marine, of course, is in a unique situation. I will not go into that in detail. I shall put into the RECORD a great deal of what I have prepared on the subject, which I hope will help clear up some of the misunderstanding. I have compiled a long statement on the subject.

I hope this will be my last appearance in this show. Perhaps what I have prepared will clear up some of the misunderstanding.

I have looked over the figures very carefully, and I have been very careful to see to it that there is as little confusion as possible on this matter. I hope the Senator from Delaware and other Senators interested will read my statement.

Here is an example of the confusion. There has been a great deal said about the coastwise and intercoastal shipping being subsidized. Well, if we consider the isolated sale of some ships some years ago, that might be termed a grant, because since we could not use the ships otherwise, they could be used in the coastwise trade. However, the law prohibits a subsidy being paid—that is, an operational differential subsidy—for any coastwise or intercoastal operation. That is one misunderstanding.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MAGNUSON. I permitted the Senator to speak for most of the afternoon, and I did not ask him a question.

Mr. WILLIAMS of Delaware. I merely wished to point out that I had said that they were subsidies that were paid as construction subsidies, and I cited specific examples.

Mr. MAGNUSON. Yes. That is one of the things. It has been said that the inland water shipping was subsidized. That is not true under the Merchant Marine Act. If we wish to say that the use of the locks in the river and the fact that the ships take advantage of the dredging by the Army Engineer Corps, constitutes a subsidy, I suppose in a sense they are indirectly subsidized.

It has been said that the airlines are subsidized. Of course we never had an aviation industry that did not start subsidized. Even though we say they are now off the subsidy, they are indirectly still subsidized by the provision for weather reports, airports, and many other things.

Someone has said that the railroads will come in and ask for a subsidy. The railroads have been subsidized ever since they started to operate. When they came in with their testimony in connection with the Transportation Act of 1958, they had a list showing the construction of dams and locks for the inland waterway system, and someone prepared a chart showing the value of the land given the railroads. It all added up to the fact that if we want to keep a balanced transportation system for the general good of the Nation, we have to do what we are doing.

Someone said today that pretty soon we will have to subsidize the trucking industry. Well, indirectly, the trucking industry is subsidized every time we build a road. We do tax the industry. They pay a user's tax. I suppose there is not a business in the United States, if we dig deep enough into the figures—and I am not as expert in figures as the Senator from Delaware is—we will find that almost every business in the country receives some kind of indirect subsidy. During the war, the big corporations received subsidies.

I may say to the Senator from Delaware that in our discussion about ship sales, some of the figures we used were incorrect. I have asked the Maritime Board to correct both of us. I have not quoted the resale and trade-in figures, but I will quote what they have said, because they have taken the figures given.

The Government traded in some industrial plants it had built during the war and sold them at lower prices to industries because the Government did not need them. The Senator from Delaware knows that. Many big industries today have had the advantages of trade-in as a result of a war. In this instance, many of the ships were built during wartime, and we did not need them after the war. They were disposed of under the Ship Sales Act. I have the report of the Maritime Board on trade-ins under the Ship Sales Act which was sponsored by Congress. I think the average of surplus sales of war-built materiel runs, according to the General Services Administration, less than 5 percent of its cost. The average for war-built ships, many of them obsolete, and many of which would have had to be scrapped, except that we kept them running in order to haul cargoes and get some taxes back, ran well over 35 percent, and in many cases from 55 to 60 percent. I think that is a pretty good record.

Because the same kind of argument as is made today was made between World War I and World War II, the American merchant marine was allowed to deteriorate, and the American flag left the high seas. The nation spent $17 billion to build the fleet which was used in World War II, and which hauled 95.6 percent of the tonnage overseas. That was because we did not have a merchant marine. If we had spent one-fiftieth of that amount each year from World War I to World War II, probably $10 billion could have been cut off the amount which was spent during World War II for the construction of our merchant marine.

There is much misunderstanding about voyage limitations. The truth is that the Merchant Marine Act establishes authority in a Maritime Board or a Maritime Commission to establish what are called essential trade routes throughout the world in the interest of the United States and the welfare of our commerce in wartime, and also for our defense. The act does not say anything about the number of voyages. It provides that the ships shall qualify.

The Maritime Board, as it is called now, what used to be the Maritime Commission—I wish the Senator from Delaware would listen to what I am saying. I listened all afternoon to him.

Mr. WILLIAMS of Delaware. I assure the Senator from Washington that I am not only listening to every word, but I am enjoying his speech.

Mr. MAGNUSON. It is necessary for a contractor to apply to the Maritime Commission, or now to the Maritime Board, to justify his request.

I think we ought to get the facts clear for the record.

Many Senators have said to me today, "Why don't you simply say nothing, and we will vote?"

My answer was, "I hate to see the record left in that way. Every year it is necessary to correct it."

It is necessary to justify the voyages. There is no limitation on their number at all. The carrying of essential trade goods has to be justified by an objective board. The Maritime Board, in my opinion, requires pretty good evidence before it will justify trade routes.

I point out on the map I have in my hand the trade routes which exist today throughout the world. The dark lines indicate the 790 voyages a year. The number goes down to less than 100 voyages a year.

If the Senator from Delaware will examine the map, he will see nothing but small lines, indicating less than 50 voyages a year to South America, to Africa, and to Australia, continents which are bursting—and again I repeat myself—at the seams, but they are the continents to which we have few or no trade routes. That is why the number of such trade routes should not be fixed, but should be left flexible.

The Senator from Florida [Mr. HOLLAND] does not decide the number of trade routes. That decision is made by the Maritime Board. The Senator from Delaware has heard this statement many times. The Maritime Board wants a figure within which they can live consistent with the expansion of trade. I do not believe we want the number to remain static.

As will be seen on the map, there is only one line operating to the west coast of Africa. All other maritime nations operate more voyages than we do to the same parts of South America.

If the Maritime Board is authorizing voyages on trade routes which are not justifiable, then we ought to raise the question with the Board. When we authorize 2,200, 2,300, or 2,400 voyages, that does not mean that that is the number they will operate. But the Board will hold hearings to determine the number to be operated.

World population is expanding, and commerce is expanding. I think the Board can live within this amount. That is the purpose of the provision.

The House considered this matter and went over it with a fine-tooth comb, and decided that 2,400 was the proper number of voyages. Maybe it will be decided that more voyages will be needed, when this map is examined. Every year a large number of applications is received. Certainly we want our commerce to expand; we do not want it to remain static. The Senator from Delaware suggested that we should never go above what has been the highest number of voyages. I do not think we can do that in an expanding world, in an expanding America, which wants to keep its place in the world.

We hear much about gaps. We hear about missile gaps and all other kinds of gaps. But if we do not watch out, there will be a bigger gap in our merchant marine operations than in anything else we can talk about.

Mr. President, I do not want to talk any more. I want to place in the RECORD a statement concerning this whole subject. I think it is an objective analysis of it. It sets forth figures which we have talked about and bantered back and forth with respect to the whole matter. I have checked, rechecked, and double checked them.

I think this matter poses a question, as I have said many times today. If we want to have an American merchant marine, then of necessity we must do some of the things which are here proposed. If we do not want to have a merchant marine, then we ought to do something about seeking the repeal of the act head on.

The limitation on voyages was placed in the law for the first time by the Appropriations Committee, as legislation on an appropriation bill; otherwise, there would never have been anything in the appropriation about voyages, because the voyages have to be justified under the act. It is simply not possible for additional voyages or new trade routes. It is necessary to spend days, weeks, and even months to justify them economically and otherwise. That is what I assume the Board does.

The Maritime Board has not been overexpansive in the development of trade routes as can be seen from the map, or in the number of vayages. But in the growing and expanding world in which we live, it is necessary to maintain our position, both for our security and our economic well-being.

Mr President, I ask unanimous consent that the statement I have prepared be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MAGNUSON

The debates and colloquies in which we have engaged the past few days and nights concerning the merchant marine and the Commerce Department appropriations now before us have been a healthy development.

To those of us whose responsibility it is to be informed in this important area of national interest—and who have devoted many long hours and days of committee meetings and study to the subject—it is gratifying to see the interest of others.

It has become apparent from these discussions that there are those in this distinguished body who are confusing the end with the means, and there are others who base their points of view more on some misunderstanding than on fact where the merchant marine is concerned.

These basic facts we must keep before us:

An irrefutably strong American-flag merchant marine is a necessary and basic instrument of our national policy as recognized in the Merchant Marine Act passed by Congress in 1936.

This fleet of ships is essential to our peacetime commerce—particularly with reference to the Soviet economic challenge about which I will have more to say shortly—and vital to our national defense. It is no less vital in this missile age in which we live.

In order to maintain such a fleet in the face of the wide disparities between American and foreign costs, the Congress must provide subsidy assistance in both the operating and the building of ships.

It is at this point that some have been confusing the end with the means. The end—the objectives—are clearly and forcefully stated in the Merchant Marine Act of 1936. This legislation, with amendments as they have become necessary, has stood the test of time—24 years of effective operation.

It is a good act.

It is a sound legislation and it reflects sound national policy.

As I have repeatedly said, if there are those who wish to repeal the act, let them introduce a bill to do so. But until this might be done let us not hamstring the effectiveness of the act by whittling away at the appropriations—the means—by which it must function if it is to fulfill the objectives set forth by Congress.

The debate of the past few days has raised some serious challenges regarding our American Merchant Marine. These challenges must not go unanswered.

In a recent speech on this floor, the able senior Senator from Delaware made some very critical remarks about merchant marine subsidies as well as about the agency charged with administering that program. The Senator's comments—if I interpret them correctly—characterized subsidies as guaranteeing profits. Further, the Senator implied that faulty administration of the 1936 act permitted steamship operators to realize windfalls when they trade in vessels as part of a vast ship replacement program now under way.

Objection has been made to operating differential subsidies for American shipping, seeming to imply that he would be content if our great Nation were fully dependent upon the ships of foreign nations to carry our commerce and support our defense.

As legislators, if we are to rely on this in arriving at balanced judgments by which we steer our course as a leading maritime nation, we are, indeed, wallowing deeply in a sea of misinformation. Like all Senators, I would prefer that American industry should operate free of Government-provided protections or preferences. Steamship operators, rugged competitors and free enterprisers that they are, would devoutly prefer this course.

Yet, a shrinking world has forced domestic producers of goods and services to compete with similar offerings from countries less well endowed than we in terms of their standard of living.

In 1936, after exhaustive investigation and hearings, Congress determined that an American-flag merchant marine was essential for our commercial welfare and our national security—a finding that has many times since been confirmed and reconfirmed in studies and reports by the military, by government, by universities, and by other groups.

Having thus determined, Congress, through legislation, provided subsidies for operating and constructing ships. These subsidies are designed to put our maritime industry on a parity with foreign competitors as to certain costs.

Again, like all Senators, I agree that such assistance to industry must be carefully watched and administered. Implict in this watchdog function, which we all share, is the obligation to inform ourselves accurately and fully so that responsible administrative and legislative consideration will result.

Let us, then, share some facts about the American merchant marine.

Operating subsidy costs: The question has been raised by the Senator from Ohio as to the taxpayer's share of the cost of operating the subsidized segment of our merchant marine.

The answer is: Relatively little. About 80 cents out of every dollar of cost is paid for by the operator. About 20 cents of every dollar is paid for by subsidy.

In 1958, the total operating expenses of the lines under subsidy contract—including depreciation and overhead—were $712,607,165. Of this amount subsidies payable totaled $139,770,672, or 19.6 percent of the total.

It should be clear that the steamship operator, paying as he does 80 cents out of every dollar of expense, lacks no incentive to reduce expenses and improve efficiency wherever possible.

It is important to note that over 80 percent of all the operating subsidy dollar are paid to labor, offsetting America's high labor costs as compared with lower foreign costs.

Do subsidies guarantee a profit? The Senator from Delaware is not alone in his misunderstanding that just because a steamship operator receives subsidy he is therefore guaranteed a profit. This is perhaps one of the least understood aspects of our national maritime program.

Subsidies in no way guarantee the operator a profit. Like the golfer's handicap, they simply put him into the game on a parity footing with his competition. After that he is on his own to earn a profit or not, according to his ability.

Under the 1936 act, if he earns a profit greater than 10 percent of the capital "necessarily employed" in his business, he then is in a recapture position and must begin to repay subsidy to the Government up to the full amount received.

Only recently we have had an example of the fact that subsidy gives no guarantee of profits. The American Banner Line in 1957 entered the transatlantic passenger trade with a converted mariner operating under subsidy agreement. After constant unprofitable operation, the line was forced to go out of business only a few months ago.

Ship trade-ins: In his recent speech on this floor, the Senator from Delaware condemned both shipping companies and the Maritime Administration for the present trade-in prices of older ships. He characterized this programs a "bonanza," a "windfall."

I submit that this is not an issue, nor a subject, that calls for semantical skyrocketry such as this, but for sober scrutiny of the facts.

The facts are—

The trade-in and build program is fully authorized by statute.

Its legality has been confirmed by both the Comptroller General and the Maritime Administration.

It falls within the scope of our national maritime objectives and policy and is fully consistent with the parity principle established in the Merchant Marine Act of 1936.

It is economically sound, and it is absolutely essential if the Government and the operators are to achieve the orderly replacement of our aging fleet.

What may seem to be unreasonable trade-in allowances for older ships is about 10 percent less than the value placed on similar ships in the unrestricted world market.

American operators who do not hold subsidy contracts with our Government are permitted to sell obsolete vessels in the world market, but only to friendly foreign nations and with certain restrictions.

This means that their ships actually have less than a truly free market value— they have what is termed a "restricted market" value which might average about 10 percent less than "unrestricted market" value.

Should American operators with subsidy contracts be penalized because they do business with the Government? Should they be deprived of the opportunity to get trade-in prices for their ships equal to those of other American companies without subsidy? I think not.

There is no sleight of hand going on in ship trade-in, as some seem to believe. They should remember that there has been a tremendous upward change in ship prices throughout the world since these ships were originally acquired—most of them 14 years ago. Ship prices, like all costs, have soared. And these soaring prices apply also to the new ships that operators must build under present-day wage and material costs.

As we all know, the maritime industry has no corner on inflation. Every industry and every individual faces it. How, on the one hand, can Congress and the Government insist that ship operators live up to their contracts and invest millions of dollars in new ships * * * then, on the other hand, say: "But you must take less for your trade-in vessels than you could get in world markets if you were permitted to sell them in world markets, which you cannot do under terms of your contract with Uncle Sam." Neither Congress nor Government can, in equity, take such a position.

Retaining these trade-in vessels in America's reserve fleet, as contrasted with selling them in foreign markets and to foreign competitors, may be in the best interests of the Government and the taxpayer.

Ship replacement program: To qualify for a subsidy contract, a steamship company must agree to assume many contractual obligations.

It must agree to man its ships only with U.S. crews.

It must agree to maintain regularly scheduled services over trade routes declared essential by the Government. In maintaining such regularity, its ships must sail on schedule whether their cargo holds are full or not.

It must agree to repair its ships in U.S. shipyards and to supply and equip them with American-made goods.

But the most critical and costly obligation of all is the operator's agreement to replace his vessels before they become obsolete.

As part of their contractual agreement, and at the insistence of the Government, operators with subsidy contracts are now committed to and embarked upon such a program.

It is a vast and expensive program * * * but a necessary one if our Nation is to continue as a maritime power.

It is in many respects a unique program. Involving as it does the replacement of some 300 ships in a 10- to 15-year period, it is the largest ship construction program in our Nation's peacetime history. It has been moving slowly—No. 14 in the world.

It is unique in another respect and this is the partnership relation between the shipping industry and the Government in executing the program. The 1936 Merchant Marine Act provides that, in order to maintain a strong American shipbuilding industry, construction differential subsidies will be paid directly to the shipyards to place them on a parity with foreign shipyards where costs are lower. This enables operators, who are required under their contract to build in American yards, to purchase ships at costs comparable to those abroad.

To some Senators who have studied the 1936 act, this is an old and familiar story. To others it is not. I shall not belabor the point, nor the technical details of how this program operates.

But I do say that all of us in the body should feel a keen responsibility to inform ourselves accurately about the ship replacement program, the necessity for it, and the manner in which it is being carried out under existing legislation. In the hands of the Congress lies the fate of this country as a maritime power. It is a responsibility we cannot and must not shirk, and it is one

we must discharge with full regard for the consequences it holds not only for our country but for the free world as well.

To date we have not met it fully. The 14 steamship companies operating under subsidy contracts have committed, or are committing, themselves to vast expenditures of private capital. They have, with success, tendered their bonds and their stocks to private investors to raise new capital needed for this program. With the Maritime Administration they are engaged in long-range planning for ships of superior design and greatly improved cargo loading and carrying capacity.

Under this program, four new passenger liners, two each for Grace Line and Moore-McCormack Lines, are already in service. On March 31, the first cargo vessel in the program, the SS *James Dykes* owned by Lykes Bros. Steamship Co., will enter service. Forty-one other ships are now either contracted for or under construction.

But this is not enough, either to meet the problem of fast-approaching obsolescence of our fleet, or to keep American shipyards sufficiently busy to retain and hold together their trained work forces.

In 1958 contracts for 19 ships were let under this program. In 1959 only 15 contracts were let. This is despite the fact that it is generally recognized that, in order to replace our merchant fleet on a phased-out basis and to keep our shipyards productively occupied, we must build at the rate of 25 to 26 ships a year.

If we are to achieve this objective, if we are to keep America's merchant fleet competitive with the fleets of other nations, if we are to retain a trained reservoir of talent and shipbuilding facilities, if we are to do all these things, the Congress must implement the purposes of the 1936 act through appropriations that will make such a program possible.

As I say, to date we have not done so. We must. And before we can act, we must understand.

Among other things we must understand is the relation of our American-flag merchant marine to our national welfare, both commercially and for our national security.

Members of the Senate may say: "This is the Senator from Washington State talking. He is from a seaboard State. Naturally, he has an interest in shipping, but why should we?"

May I answer that question? I invite you to lay these facts alongside the fiction that our merchant marine is important only to those Americans who live in seaport cities.

Our merchant marine employs more than 200,000 people from every section of the country in seafaring, shoreside, and shipbuilding jobs.

It is an important customer of American farms. The 14 companies operating under subsidy contracts buy more than $19 million worth of food from American producers each year.

It is a substantial taxpayer, the contract lines alone paying in excess of $20 million a year in Federal income taxes; withholding an estimated $50 million in taxes annually for employees; and paying an estimated additional $14 million annually in payroll taxes.

Consider the offset factor of these taxes against the net cost of operating subsidies for shipping. It is estimated that since 1946, 85 percent of the net operating subsidy costs paid out by the Government has been offset by the Federal income taxes paid in by shipping companies and their employees.

In all, it is estimated that the Merchant Marine, counting its seagoing, shoreside, and shipbuilding and ship repair segments, contributes better than $5 billion annually to the U.S. economy.

These are direct returns from our Merchant Marine. Let's look at some of the less direct returns from foreign trade which benefits us all—

Every 9 minutes a vessel loaded with foreign trade cargo enters or leaves a U.S. port. About one out of every four of these vessels sails under the American flag.

In total, more than 4½ million Americans are provided direct employment as a result of our foreign trade—much, but not enough, of this foreign trade being carried by American ships.

But let's bring foreign trade a little closer home. For instance, more than 1 million Ohio factory workers owe their paychecks to foreign trade, and thus, at least in part, to American ships that make this trade possible. Or is he aware of the fact that in 1956 Ohio's share of our export trade was more than $1 billion? These are facts.

If we plowed under every square foot of Illinois—including the cities, towns and hamlets—and made it into one gigantic farm it still would not provide acreage enough to raise the crops and farm products carried to overseas markets by ocean going ships in just 1 recent year. It is a fact.

One million Texas residents of this great State working in factories, service industries and on farms benefit directly from merchant ships and foreign trade. It is a fact.

We from California and Oregon and Washington, should be aware that our three States combined have some 1,400,000 manufacturing workers who work in industries directly affected by ocean commerce.

It may come as news that in Minnesota and the Dakotas that 1 out of every 3 job holders in their three-State area are affected by foreign trade; that these workers earned an estimated $2 billion in a recent year and produced exports valued at more than $400 million. Yet this is a fact.

And from the land-locked States of Arizona, Colorado, Montana, New Mexico, Utah and Wyoming it is of interest that more than half a million workers in their area were affected by foreign trade in 1958 and that their share of export trade was worth nearly $3,000 million. This, too, is a fact.

So it can be seen that each of us has a common tie that binds us to ships and to foreign trade and the impact they exert on jobs, payrolls, income, purchases and taxes in our home States and areas.

There has been much discussion lately about America's currently unfavorable balance of trade. There has been concern expressed by economists and others over the fact that last year our balance of payments deficit amounted to $4 billion.

Were it not for our American merchant marine this deficit might well have been $5 billion instead of $4 billion. This is so because, in 1950, it is estimated that American-flag vessels sailing in international commerce either earned or avoided disbursement in foreign exchange balances of approximately $1 billion.

This $1 billion is not an insignificant figure. It is one-quarter of the deficit and, on the positive side, it is a contribution to our intangible national exports that is there only because we have an active American merchant marine.

Americans—all Americans—have another and even greater reliance on ships. This has to do with the vital role these ships play in our national defense. This has been so well documented by others that I shall not attempt to restate here except to say this: Qualified experts confirm that, despite missiles, despite atomic submarines, and despite the many other ways which man has devised to conduct modern warfare, the dependable cargo ship and the passenger-transport remain as the essential links of supply between our Nation and the free world, whether the wars be hot or cold.

This view has been supported and reaffirmed within very recent weeks by two major studies, one undertaken by the Department of Commerce at the President's request and the other by the National Research Council of the National Academy of Sciences.

The Commerce study of Federal transportation concludes, after detailed examination, that "A merchant marine and shipbuilding industry are essential to national defense and peacetime commerce."

The National Academy of Sciences study group, with Adm. Arthur W. Radford as chairman, concludes, and I quote:

"The U.S. merchant marine should be prepared to play a significant national security role in three types of conflict: (a) the intensifying political-economic conflict (cold war) that is with us now; (b) the spectrum of limited wars which we may face at any time at the option of the enemy; and (c) the more remote possibility of general nuclear war."

The Academy report emphasizes that the Soviets and their satellites are expanding their merchant fleets. It says, and I quote: "The United States must use its merchant marine defensively to counter economic thrust—it must also use it positively as a weapon in the cold war arsenal."

But it goes on to warn, and I quote:

"The fleet in general, however, is qualitatively deficient for limited war purposes because of inadequate speed, relatively low cargo-handling rates, and lack of 'over the beach' capability—coupled with obsolescence.

"In the event of general nuclear war, the merchant marine could play a vital role in rescue, rehabilitation, and restoration. It is likely to be the least damaged transportation resource."

The report concludes that a nuclear war is not likely; therefore there should be undertaken "a foresighted, positive program designed to meet cold and limited war needs which will go a long way toward producing an effective fleet for general war tasks."

Here, as in numerous reports that have preceded these, are clear mandates to Government, the Congress and the shipping industry to revitalize our merchant marine. These are facts and findings from competent authorities that detail the course before us.

Not as clearly delineated, but nonetheless as commanding in the attention we should give them, are the merchant marine aspirations of the Soviets and their satellites.

In 1956, the Russians stopped producing naval surface vessels in their shipyards and began to build merchant ships. Today the Soviets are operating 800 merchant ships.

At the rate the Soviet bloc is building, it is expected that by 1975—15 years from now—they will have 13 million tons of shipping, or about 8 percent of the world tonnage.

The Soviets don't build ships overnight. And neither do we. But today as we sit here and debate the future of America's merchant marine, Soviet shipyards, Polish shipyards, Yugoslav shipyards, Red China shipyards, and the shipyards of Eastern Germany are bursting with activity and with orders.

Why? Why does the Soviet bloc place such stress on merchant ships when their economy so desperately needs this productive capacity for other purposes?

To discover the answer we must rearrange our thinking about Russia—just as Mr. Khrushchev and his planners have rearranged theirs.

Most of us are inclined to think of Russia as a landpower. We forget, perhaps, our lessons of history showing that Russia colonized sections of our own country and other parts of the world as well; that historically, it has consistently sought outlets to the sea. As a nation it is, therefore, very much at home on the sea.

Today, because it fits its strategy for world domination, Russia is again looking

to the sea. If it can become, at one and the same time, a great landpower and also a great seapower, look for a minute at how the Kremlin's objectives can be served.

What better way could they proceed to "bury" us and the rest of the free world economically, than to drive other merchant shipping off the seas through devastating undercutting of rates, through dumping strategic materials on world markets at bargain-basement rates?

What better way is there to supply and sustain revolutionary movements in debilitated countries than through funneling into them by your own controlled shipping the manpower, the propaganda materials, the arms and the equipment to keep the fires of hatred and unrest at white heat?

Ocean shipping can be for Russia the means by which it can cross international boundaries with impunity, planting its poison as it goes, expanding its influence everywhere.

This the Soviets have done in supplying arms to Egypt. They came aboard Russian merchant ships.

As part of their economic penetration of Yemen, the Russians landed goods and personnel from their own ships, just as the armed Kurdish tribesmen sent to Iraq to foment discord were landed from Russian ships.

And now, currently, the Russians are seeking to extend from 3 to 12 miles the traditional limit on territorial waters in which a nation has exclusive sovereignty. Look behind this move and we see that, if such an extension is made, Russia thereby acquires 3 million miles of additional coastal territory. It can be clearly seen from this that Russia, with her 500 submarines, is emphasizing the role of seapower.

Today, the Soviet Union is second only to the United States in seapower, having replaced Great Britain, the free world's traditional guardian of the seas.

Are we to permit, can we afford to permit, the Soviets to gain the sea ascendancy they seek?

The answer is obvious and the challenge is great. This is another reason we need an American merchant marine.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. MAGNUSON. I yield.

Mr. LAUSCHE. Is it not true that in the last 3 years there has come before the Committee on Interstate and Foreign Commerce, of which the Senator from Washington is chairman, the following bills contemplating an expansion of the subsidies which the taxpayers have to pay: First, 2 years ago, when we increased the subsidy for the building of two passenger ships, one for the Atlantic and one for the Pacific, we raised the subsidy 55 percent?

Mr. MAGNUSON. That is correct. With respect to the two passenger ships, we had long hearings. We did not actually raise the subsidy. What we did was to allow more of a flexibility between what was considered the defense features and what the company would install. The operational subsidies, if the ships had been built and operated, would have been the same.

Mr. LAUSCHE. I am speaking of the construction subsidy. Those two companies were paid for the cost of installing what would amount to war-service equipment and facilities.

Mr. MAGNUSON. Yes.

Mr. LAUSCHE. That was paid for separately; but we increased the construction subsidy until it amounted to 55 percent, instead of 50 percent.

Mr. MAGNUSON. I think 56 percent is more nearly correct, if the ships are built. But they have not yet been built.

Mr. LAUSCHE. I understand.

Next, those who serve the merchant marine felt that the drydocks in which the ships are repaired should also be included as beneficiaries of the subsidy. The argument for that was that the drydocks form a part of our national defense, and that therefore the cost of the drydocks should be included in the cost of construction, in connection with the determination of the subsidy.

Mr. MAGNUSON. I do not recall anything of that sort. There was a bill to make the floating drydocks eligible for mortgage insurance; but that is not a subsidy.

Mr. LAUSCHE. My understanding was that the subsidy was to be extended to the floating drydocks, on the basis of the argument that the floating drydocks are essential to the national defense. Of course, if the cost of the drydocks is included, there could equally well be included the cost of storage facilities, and so forth. But perhaps I am in error as to that.

Mr. MAGNUSON. That bill dealt with mortgage insurance.

Mr. LAUSCHE. Is there not also before the Congress a bill to provide a subsidy for the fishing fleet—on the ground that eventually the fishing fleet will become a very important, integral part of our national defense?

Mr. MAGNUSON. That bill has been passed by Congress. It provides for a construction differential subsidy for fishing fleets of a certain nature.

Mr. LAUSCHE. Yes.

Is it not also a fact that there is now before our committee a bill to remove the 50 percent limitation on the subsidy for the construction of ships?

Mr. MAGNUSON. That is correct, but it would not remove the 50 percent limitation, although that impression may have been gained by some. The bill merely provides for payment of the difference between the cost of foreign construction and the cost of domestic construction, whenever that difference is in excess of 50 percent. Only the amount in excess of that limitation would be paid. Of course, the excess could be less than 50 percent, and then it would not be paid.

Mr. LAUSCHE. Is it not also a fact that, generally speaking, the subsidy program is growing, instead of decreasing, and that that has been the trend since the general act was passed in 1936?

Mr. MAGNUSON. I do not quite go that far with my friend the Senator from Ohio.

We have not changed the 1936 act in any respect, so far as I know, as regards the operating differential subsidy. We did provide for an extension for the construction of the two so-called superliners—on the theory that they constituted a special project. That was very unusual. As a matter of fact, it has become so unusual and so difficult to finance, that the ships have not yet been built, although their construction was authorized and directed approximately 7 years ago.

There is the proposal to change the 50-percent differential subsidy, to the extent that if the cost goes above 50 percent, the excess above 50 percent shall be paid. But during all that time the 1936 act has not been changed.

Mr. LAUSCHE. But at least the subsidy situation has not improved since the passage of the 1936 act; and if there has been a change, it has been in the direction of having the subsidy situation get worse, instead of better, has it not?

Mr. MAGNUSON. As a matter of fact, we have not made any changes at all. The superliners have not been built. And the other bill has not even been brought up; it is only a proposal.

Mr. LAUSCHE. But there was the fishing fleet bill.

Mr. MAGNUSON. But that fleet cannot be properly included in the merchant marine.

Mr. LAUSCHE. That shows the ridiculous aspect of this matter, because the fishing fleet has been included in the merchant marine, on the theory that the fishing fleet would be a part of the national defense. That argument was made on the floor of the Senate.

Mr. MAGNUSON. There was some testimony to that effect, but that was only incidental. The Navy testified that some of the fishing vessels were used during the war, as patrol vessels.

But so far as the Treasury or the Budget is concerned, we have not actually changed the Merchant Marine Act of 1936—with one exception.

Mr. HOLLAND. Mr. President, if the Senator from Ohio will yield, I should like to ask that the yeas and nays be ordered on the question of agreeing to the amendment of the Senator from Delaware.

Mr. LAUSCHE. I yield.

Mr. HOLLAND. Then, Mr. President, on the question of agreeing to the amendment of the Senator from Delaware, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). Is there a sufficient second?

The yeas and nays were ordered.

Mr. LAUSCHE. Mr. President, I have no further questions.

Mr. MAGNUSON. Mr. President, I intended to place in the RECORD a letter from the Maritime Administration which sets forth some figures—even though they do not have anything to do with the pending amendment—in regard to trade-in allowances and the purchase price of some of the ships which have been mentioned during the debate. But, instead of having the letter printed in the RECORD, I shall merely keep the letter available for examination by any Member who wishes to examine it—instead of placing the letter in the RECORD, and cluttering up the RECORD to that extent.

Mr. WILLIAMS of Delaware. Mr. President, I have listened with interest to the remarks of the Senator from Washington. I was particularly interested when he attempted to show that our objection to the proposed increase of this appropriation is futile; he said that

on many previous occasions we have lost this battle, and he indicates that perhaps we shall lose it today. However, that is no argument against an amendment when we think we are right.

It is important to bear this in mind when we are making an effort to hold down the budget. The fact that in the last 30 years the budget has been balanced only five times illustrates the problem of cutting down on any spending proposal.

The continuous votes in the Congress for increased expenditures are gradually eating away the substance of the American people—the taxpayers of our Nation.

In regard to the figures I have mentioned earlier, let me say that every one of them has been obtained from the Maritime Administration.

Some have tried hard to claim that no subsidy was involved in the sale of the ships for use on the Great Lakes, but again I call attention to the fact that ships costing more than $24 million were sold to the Great Lakes shipping companies for a total of $310,000, and they were sold within 6 months of the beginning of the Korean war. By no stretch of the imagination could those ships be regarded as surplus, nor can it be denied that this is a subsidy.

Furthermore, thereafter the Government authorized the construction of other ships of a similar type at a cost of nearly $10 million each. Some of the arrangements which have been made under the guise of subsidizing the American merchant marine have been utterly fantastic. It is high time that these facts be recognized, and that such arrangements be ended.

Again, a few weeks ago I called attention to the fact that the Government is now taking back ships at prices of $1½ million although 10 or 12 years ago the same ships were sold for $1 million. Yes—the price at which the Government is taking them back is in some instances 50 percent more than the price for which the Government sold them 10 or 12 years ago. Yet the Senator from Washington has described those ships as "junk." If they are only junk, why is the Government paying $1½ million for them?

Mr. President, the yeas and nays have been ordered on the question of agreeing to this amendment. When the vote is taken Senators will be voting on the question of expanding these subsidies far beyond what the Budget Bureau recommended.

Certainly we would not be cutting back this subsidy too much if we cut it back in accordance with the recommendation of the Bureau of the Budget.

Unless the Congress proceeds in the direction of cutting these subsidies, rather than increasing them, the budget will never be balanced.

I ask unanimous consent to have printed at this point in the RECORD the article entitled "The United States Should Cut Its Losses on Tankers," which was published in Barron's magazine for February 15, 1960. The article points out very plainly how far down the subsidy road we are going, and emphasizes the fact that it is time for a halt to be called.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE UNITED STATES SHOULD CUT ITS LOSSES ON TANKERS

Of all the ships to which men commend their fortunes, perhaps none has encountered more ups and downs of late than the tanker. Just a few years ago, it will be recalled, Messrs. Livanos, Niarchos, and Onassis became the wonders of the financial world; as a symbol of unparalleled affluence, the tanker owner all but replaced the Texas millionaire. Under the relentless pounding of events, however, the glamour and glitter have begun to fade. Aristotle Onassis has had difficulties with the U.S. Government. According to recent estimates, nearly one-quarter of total tanker tonnage has been laid up. Most distressing of all, a new fleet of tank ships, largely financed with Federal assistance and flying the Stars and Stripes, is perilously close to floundering in the choppy economic seas.

In an effort to stave off disaster, its owners have sent out urgent calls to Washington for help. In particular, they seek immediate relief from contractual obligations which have grown as burdensome as any albatross. With an eye toward the long pull, moreover, they are pushing for a privileged, and highly profitable, status in the transportation of petroleum to these shores. Lacking such aid, say the storm-tossed mariners, they are bound to go under; the U.S. Maritime Administration, willy-nilly, may wind up with a large fleet of tankers on its hands. While this, of course, would be an untoward event, the proposed alternative is clearly worse. For one thing, at heavy cost to both producers and consumers, it would turn the flow of imported oil into a tight little monopoly. Furthermore, at the national expense, it would bail out not only a small group of private speculators, but also a blundering Federal agency, which probably should be overhauled from stem to stern.

Like a beacon on a foggy night, then, the tale of the tankers sheds a piercing light on what is wrong with U.S. shipping policy.

The sorry saga dates back to the time of Suez, when the U.S. Government, alarmed at a temporary shortage of tankers, decided to spur their construction. The Maritime Administration was authorized to offer private operators a number of incentives, including the privilege of making a relatively small downpayment (ranging from 20 percent to as little as 12½ percent) on a new vessel, and borrowing the balance on a mortgage insured by the Agency. Under this attractive scheme, shipowners agreed to build upwards of 20 tankers, at an estimated cost of $250 million. Long before their completion, however, the market tides had turned. Instead of facing a scarcity of oil, the free world soon found itself burdened with a glut. To make matters worse, this country last year imposed stiff quotas on foreign shipments of crude oil and products. As a consequence, tanker charter rates have dropped to a 5-year low, and a great deal of tonnage, including some vessels which never have hauled a cargo, is on the beach. Several federally insured mortgages are threatened with default; in at least one case, the Maritime Administration actually has begun to make the necessary payments of principal to the lender. Unless help is forthcoming shortly, cry spokesmen of the harassed owners, the whole fleet may sink into bankruptcy.

To stay afloat, they are urging, first, that the Maritime Administration be empowered to throw them a temporary lifeline, i.e., to meet their mortgage payments as the need arises. The agency, out of skimpy reserve funds, has taken this sympathetic tack with one hard-pressed debtor. Under a bill introduced last week by Senator MAGNUSON, Democrat, of Washington, MA would have the right to draw on the Treasury as well. Whatever shape it may take, the expedient is thoroughly unsound. For one thing, the surplus of tankers may persist for years; most observers in the trade, indeed, expect it to grow considerably worse before it gets better. At best, vessels burdened with excessive capital and operating costs, as are the new U.S.-flag tankers, would have trouble surviving in anything but a global crisis. Hence, by trying to tide over the shipowners, instead of simply foreclosing, the Maritime Administration might be throwing good money after bad. In any case, it would be committed to unseemly speculation for the rise.

To be sure, under a second proposal advanced by the owners, the rise would be swift. Briefly, they have asked the Office of Civil and Defense Mobilization to rule that, in the national interest, half of all the petroleum imported into the United States must be carried in vessels flying the American flag, i.e., their ships. Such an extraordinary decree, of course, would constitute a vast windfall for the group. At a stroke it would turn a hopeless excess of tonnage into a severe local shortage, thereby driving up charter rates and creating, for the favored few, a buoyant prosperity and the prospect of handsome capital gains.

The rest of the country, however, would have to foot a steep bill. Such shoddy commercial tactics would cost the United States a precious tradition of maritime freedom which it now shares with almost every other nation of the West. They would exact a heavy toll from the oil companies, thereby leading, sooner or later, to higher fuel costs for factory and home alike. What the tanker owners are seeking, finally, would put American industry, already none too robust competitively, at a further disadvantage in the markets of the world. The upkeep of ships, as Plautus once observed, is one of the two most expensive things on earth. To support a fleet of tankers, on the terms outlined above, is plainly more than the United States can afford.

Far from expanding its maritime commitments, then, the only sensible course for Washington to follow is to cut its losses. In the process it would do well to take another look at the national policies which have led to the construction of an armada of commercially unviable vessels, as well as at the officials who apparently would spare nothing to keep them afloat. The federally financed tanker fleet has been a fantastic waste of resources, private and public alike. From this sad experience, let the United States salvage whatever wisdom it can.

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I request unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Delaware [Mr. WILLIAMS]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Delaware [Mr. FREAR], the Senator from Louisiana [Mr. LONG], the Senator from Wyoming [Mr. McGEE], and the Senator from Georgia [Mr. RUSSELL] are absent on official business.

I also announce that the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Missouri [Mr. SYMINGTON], and the Senator from West Virginia [Mr. RANDOLPH] are necessarily absent.

I further announce that the Senator from Connecticut [Mr. DODD] is absent because of illness.

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Louisiana [Mr. LONG], the Senator from Wyoming [Mr. McGEE], and the Senator from Wyoming [Mr. O'MAHONEY] would each vote "nay."

On this vote, the Senator from West Virginia [Mr. RANDOLPH] is paired with the Senator from Nebraska [Mr. CURTIS]. If present and voting, the Senator from West Virginia would vote "nay," and the Senator from Nebraska would vote "yea."

On this vote, the Senator from Delaware [Mr. FREAR] is paired with the Senator from Missouri [Mr. SYMINGTON]. If present and voting, the Senator from Delaware would vote "yea," and the Senator from Missouri would vote "nay."

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART], the Senator from Iowa [Mr. HICKENLOOPER], and the Senator from North Dakota [Mr. YOUNG] are absent by leave of the Senate.

The Senator from Connecticut [Mr. BUSH], the Senator from New Jersey [Mr. CASE], the Senator from Nebraska [Mr. CURTIS], and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from Kentucky [Mr. COOPER] is detained on official business.

On this vote the Senator from Nebraska [Mr. CURTIS] is paired with the Senator from West Virginia [Mr. RANDOLPH]. If present and voting, the Senator from Nebraska would vote "yea," and the Senator from West Virginia would vote "nay."

The result was announced—yeas 28, nays 54, as follows:

[No. 139]

YEAS—28

Aiken	Dworshak	Mundt
Allott	Ervin	Prouty
Bennett	Fong	Proxmire
Brunsdale	Goldwater	Schoeppel
Byrd, Va.	Hruska	Scott
Carlson	Javits	Talmadge
Case, S. Dak.	Jordan	Thurmond
Cotton	Keating	Williams, Del.
Dirksen	Lausche	
Douglas	McClellan	

NAYS—54

Anderson	Eastland	Holland
Bartlett	Ellender	Jackson
Beall	Engle	Johnson, Tex.
Bible	Fulbright	Johnston, S.C.
Bridges	Gore	Kefauver
Butler	Green	Kerr
Byrd, W. Va.	Gruening	Kuchel
Cannon	Hart	Long, Hawaii
Carroll	Hartke	Lusk
Chavez	Hayden	McCarthy
Church	Hennings	McNamara
Clark	Hill	Magnuson
Mansfield	Muskie	Sparkman
Martin	Pastore	Stennis
Monroney	Robertson	Wiley
Morse	Saltonstall	Williams, N.J.
Moss	Smathers	Yarborough
Murray	Smith	Young, Ohio

NOT VOTING—18

Bush	Frear	Morton
Capehart	Hickenlooper	O'Mahoney
Case, N.J.	Humphrey	Randolph
Cooper	Kennedy	Russell
Curtis	Long, La.	Symington
Dodd	McGee	Young, N. Dak.

So the amendment of Mr. WILLIAMS of Delaware was rejected.

Mr. HOLLAND. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. BUTLER. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maryland to lay on the table the motion of the Senator from Florida to reconsider.

The motion to lay on the table was agreed to.

Mr. SPARKMAN. Mr. President, on behalf of myself, the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Utah [Mr. Moss], the Senator from Oregon [Mr. MORSE], the Senator from Kentucky [Mr. COOPER], the Senator from Montana [Mr. MURRAY], the Senator from Alaska [Mr. GRUENING], and the Senator from New Jersey [Mr. WILLIAMS], I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. On page 23, between lines 8 and 9, it is proposed to insert the following:

GRANTS FOR RESEARCH AND MANAGEMENT COUNSELING

For grants under section 7(d) of the Small Business Act, as amended $2,080,000.

On page 23, line 8, it is proposed to strike out "$50,000,000" and to insert in lieu thereof "$47,920,000."

Mr. SPARKMAN. Mr. President, on March 18 I submitted an amendment to H.R. 10234, the Commerce Department appropriation bill. Several colleagues joined me in submitting the amendment to provide funds for the continuation of the Small Business Administration's counseling and research grants program.

Now on behalf of myself and Senators SALTONSTALL, FULBRIGHT, PROXMIRE, MOSS, MORSE, COOPER, MURRAY, GRUENING, and WILLIAMS of New Jersey, I offer the original proposal and one other. The first part would add $2,080,000 to the SBA appropriation. The second would reduce another part of the SBA appropriation by an equivalent amount. The net effect would be to leave the total SBA appropriation unchanged from the amount in the bill as reported by the Appropriations Committee.

The amendment reads as follows:

First, on page 23, between lines 8 and 9, insert the following:

GRANTS FOR RESEARCH AND MANAGEMENT COUNSELING

For grants under section 7(d) of the Small Business Act, as amended, $2,080,000.

Second, on page 23, line 8, strike out "$50,000,000" and insert in lieu thereof "$47,920,000."

Section 7(d), added to the Small Business Act by the Small Business Investment Act of 1958, provides for a program of grants to any State government, or any agency thereof, State-chartered development credit or finance corporations, land-grant colleges and universities, and colleges and schools of business, engineering, commerce, or agriculture for studies, research, and counseling concerning the managing, financing, and operation of small business enterprises. The act provides that no grant shall exceed $40,000 annually and that only one grant shall be made in any State.

The first grants under this program were made last June for fiscal year 1959. The 1960 grants will be made in April, I am told. The Small Business Administration submitted a budget request for funds to continue the program in 1961, but the Bureau of the Budget denied the request.

On March 18, when I submitted my original amendment, I reviewed the history of this counseling and research program. I pointed to the need for it, as determined by the Banking and Currency Committee, and to statutory recognition by the Congress of this need on two separate occasions. I also explained that the program was originally funded by putting idle Federal Reserve Act funds to work. Rather than review my points here, I should like to bring in the views of a non-Government spokesman.

Last Tuesday, Dr. W. Arnold Hosmer, professor in the Harvard Graduate School of Business, appeared before the Senate Small Business Committee in support of the counseling and research grants program. Dr. Hosmer is an eminent scholar in the field of business education, but he is also a successful small businessman. He is president of one manufacturing firm and chairman of the board of another. He obviously knows both what needs to be done and what can be done under the research grants program.

Certainly the committee was impressed with Dr. Hosmer's testimony. It can be summarized in these points concerning the program:

First. It results in applying to the purpose at hand much more than the amount appropriated. When a project is approved and the grant of $40,000 for 1 year is made to one of the institutions in the State, the large investment in men and facilities is made available as a basis and background for this research. There is a multiplier effect. More in men and resources is made available than is covered by the $40,000 granted to the institution, and that is true throughout the institutions of the country.

Second. This is a peculiarly American type of effort: The projects are developed and proposed by many men in many institutions. The total effect over a term of years will represent the free creative thinking of a large number of able and devoted men.

Third. This type of research has been going on for 30 years or more, with increasing effectiveness. Research in

management has proved to be one of the major forces in our increase in productivity. Yet it has been developed primarily by and for large corporations.

Fourth. It is difficult for small enterprises to do extensive research, especially of the second type. The State grant program is an opportunity to give assistance on a nonrigid and typically American basis.

Fifth. For 75 years the trust problem has been a central feature of American life. It has been approached too exclusively from the point of view of repressing large units. This program represents a second and newer approach—helping small enterprises to do an even more effective job than at present of competing with large units.

Sixth. The 10 percent of small businesses with the best management are a tremendously valuable national resource. In operating results they match or surpass our largest corporations. They have worked out in the fire of competition management methods vitally needed among other small firms.

One of the most intriguing aspects of the program is that it can be a means of recording these proven management methods and making them available for use more broadly among small businesses as a whole.

Seventh. In this program the inquiries now under way or recently completed give promise of being highly valuable. But as in other research, the full effect is cumulative and can be expected to increase in value over a term of years.

Eighth. This program has been, and is, well administered.

Ninth. The fact that it applies to each of the States is an advantage. It serves as an incentive to creative thinking on small business in all of the 50 States. I consider this basis of $40,000 per State very wise.

Tenth. This program can increase national productivity to a degree that will increase the Federal revenue more than the amount of the expenditure required, and probably many times that expenditure.

Mr. President, I hope that Senators will give serious consideration to the testimony of this eminent scholar and successful businessman, and will support the amendments to continue the program which he so capably advocates.

Our second amendment requires a word of explanation. By the amendment we would reduce a $50 million appropriation to the revolving fund to $47,920,000. SBA uses the revolving fund to carry out several of its programs including the small business loan program. Of course, I would not want to reduce the revolving fund appropriation if it appeared that the reduction would hinder the loan program. The reduced appropriation should in no way affect the rate or volume of SBA business loans. The Administrator of the Agency stated to the Appropriations Subcommittee that the $50 million appropriation should provide a margin of $15 million above the estimate of funds required for loans. All that we will do today in adopting the second or offsetting amendment will be to reduce the margin from $15 million to approximately $13 million. I urge Senators to support these amendments.

Mr. HOLLAND. Mr. President, inasmuch as the amendment does not change the amount of the bill in any way, and inasmuch as it would carry out the recommendations of the chairman, the ranking minority member, and other members of the Select Committee on Small Business, and is requested by many people and agencies, I am willing to take the amendment to conference. I understand that my distinguished colleague, the ranking minority member, concurs with me in that position. The chairman of the Select Committee has correctly stated my view.

Mr. JOHNSON of Texas. Mr. President, I commend the Senator from Alabama for offering this amendment. I am very appreciative also of the attitude taken by the distinguished chairman of the subcommittee. Both Senators have been friends of small business, and I think this is a very excellent amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. SPARKMAN].

Mr. PROXMIRE. I am a cosponsor of this amendment. Funds for the continuation of this program were included in the original budget request of the Small Business Administration, but were cut out by the President's Bureau of the Budget. This is another action which makes one wonder about the administration's attitude toward small business.

The purpose of this research program is to find new ways to aid small businesses to improve their management. Increasingly we know that lack of management skill is at least as frequent a cause of small business failure as lack of capital. When we held hearings last summer in the Small Business Subcommittee of the Committee on Banking and Currency, I was much impressed by the unanimous agreement on the part of some 10 witnesses who appeared before us that the program filled a very great need and should be continued. I know that the program in Wisconsin, where a grant was made to the State's Department of Resource Development, has proved to be very valuable. The testimony from other States leads me to believe that if we can continue to help small businesses to develop better managerial techniques we will have supplemented the need of small business for capital.

This program of grants to land grant colleges, universities, and other State agencies is a modest one since only one grant can be made in each State and the maximum grant which can be made is $40,000.

I would also like to emphasize that we can continue this program for fiscal 1961 without increasing this appropriation by transferring the necessary $2,080,000 from the small business revolving fund. This would reduce that fund from $50 million to $47,920,000 but would, I am assured, leave that fund with a comfortable cushion reserve.

I strongly urge the adoption of this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. SPARKMAN].

The amendment was agreed to.

CIVIL RIGHTS LEGISLATION—FILING OF REPORT BY JUDICIARY COMMITTEE

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Committee on the Judiciary, in the event it has not reported House bill 8601, the Civil Rights Act of 1959, to the Senate prior to adjournment today, be directed to file such report prior to midnight tonight, with the Secretary of the Senate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

STRENGTHENING OF COMMISSIONED CORPS OF PUBLIC HEALTH SERVICE

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2220) to strengthen the Commissioned Corps of the Public Health Service through revision and extension of some of the provisions relating to retirement, appointment of personnel, and other related personel matters, and for other purposes, which were, on page 1, line 4, strike out "1959" and insert "1960"; on page 3, line 4, strike out "1959" and insert "1960"; on page 3, line 7, strike out "1961" and insert "1962"; on page 3, line 13, strike out "1959" and insert "1960"; on page 9, line 17, strike out "1959" and insert "1960"; on page 9, line 23, strike out "1959" and insert "1960"; on page 10, line 3, strike out "1959" and insert "1960"; on page 10, line 8, strike out "1959" and insert "1960"; on page 10, line 14, strike out "1959" and insert "1960"; on page 10, line 24, strike out "1959" and insert "1960"; on page 11, line 11, strike out "1959" and insert "1960"; on page 11, line 14, strike out "1959" and insert "1960"; on page 12, line 11, strike out "1959" and insert "1960"; on page 12, line 15, strike out "1959" and insert "1960", and on page 13, line 6, strike out "1959" and insert "1960".

Mr. HILL. Mr. President, this bill is recommended by the Department of Health, Education, and Welfare, with the approval of the Bureau of the Budget. It is designed to strengthen the commissioned corps of the Public Health Service. The bill was passed on the call of the calendar by the Senate at the last session. The House has passed the bill exactly as the Senate passed it, except to change the date 1959 to 1960 in one instance, and in another instance, to change 1961 to 1962.

I have consulted with the distinguished minority leader [Mr. DIRKSEN] and the distinguished ranking minority member of the committee [Mr. GOLDWATER] and they are in perfect agreement that the Senate should concur in the House amendments.

I move that the Senate concur in the House amendments en bloc. They involve merely a change in dates, in one instance from 1959 to 1960, and in the other from 1961 to 1962.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama.

The motion was agreed to.

DEPARTMENT OF COMMERCE AND RELATED AGENCIES APPROPRIATIONS, 1961

The Senate resumed the consideration of the bill (H.R. 10234) making appropriations for the Department of Commerce and related agencies for the fiscal year ending June 30, 1961, and for other purposes.

Mr. HOLLAND. Mr. President, was the amendment of the Senator from Alabama [Mr. SPARKMAN] agreed to?

The PRESIDING OFFICER. It was.

Mr. HOLLAND. I know of no further amendments.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. JOHNSON of Texas. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered; and the Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from North Carolina [Mr. ERVIN], the Senator from Delaware [Mr. FREAR], the Senator from Louisiana [Mr. LONG], the Senator from Wyoming [Mr. MCGEE], and the Senator from Georgia [Mr. RUSSELL] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD] is absent because of illness.

I further announce that the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Missouri [Mr. SYMINGTON], and the Senator from West Virginia [Mr. RANDOLPH] are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from North Carolina [Mr. ERVIN], the Senator from Delaware [Mr. FREAR], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Louisiana [Mr. LONG], the Senators from Wyoming [Mr. MCGEE and Mr. O'MAHONEY], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Georgia [Mr. RUSSELL], and the Senator from Missouri [Mr. SYMINGTON] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART], the Senator from Iowa [Mr. HICKENLOOPER], and the Senator from North Dakota [Mr. YOUNG] are absent by leave of the Senate.

The Senator from Connecticut [Mr. BUSH], the Senator from New Jersey [Mr. CASE], the Senator from Nebraska [Mr. CURTIS], and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from Kentucky [Mr. COOPER] is detained on official business.

If present and voting, the Senator from Connecticut [Mr. BUSH], the Senator from Indiana [Mr. CAPEHART], the Senators from Kentucky [Mr. COOPER and Mr. MORTON], the Senator from New Jersey [Mr. CASE], the Senator from Nebraska [Mr. CURTIS] would each vote "yea."

The result was announced—yeas 79, nays 2, as follows:

[No. 140]

YEAS—79

Aiken	Goldwater	Mansfield
Allott	Gore	Martin
Anderson	Green	Monroney
Bartlett	Gruening	Morse
Beall	Hart	Moss
Bennett	Hartke	Mundt
Bible	Hayden	Murray
Bridges	Hennings	Muskie
Brunsdale	Hill	Pastore
Butler	Holland	Prouty
Byrd, Va.	Hruska	Proxmire
Byrd, W. Va.	Jackson	Robertson
Cannon	Javits	Saltonstall
Carlson	Johnson, Tex.	Schoeppel
Carroll	Johnston, S.C.	Scott
Case, S. Dak.	Jordan	Smathers
Chavez	Keating	Smith
Church	Kefauver	Sparkman
Clark	Kerr	Stennis
Cotton	Kuchel	Talmadge
Dirksen	Lausche	Thurmond
Dworshak	Long, Hawaii	Wiley
Eastland	Lusk	Williams, N.J.
Ellender	McCarthy	Yarborough
Engle	McClellan	Young, Ohio
Fong	McNamara	
Fulbright	Magnuson	

NAYS—2

Douglas	Williams, Del.

NOT VOTING—19

Bush	Frear	O'Mahoney
Capehart	Hickenlooper	Randolph
Case, N.J.	Humphrey	Russell
Cooper	Kennedy	Symington
Curtis	Long, La.	Young, N. Dak.
Dodd	McGee	
Ervin	Morton	

So the bill (H.R. 10234) was passed.

Mr. HOLLAND. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLAND. Mr. President, I move that the Senate insist upon its amendments, request a conference thereon with the House of Representatives, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer [Mr. MUSKIE] appointed Mr. HOLLAND, Mr. ELLENDER, Mr. MAGNUSON, Mr. KEFAUVER, Mr. HAYDEN, Mrs. SMITH, Mr. BRIDGES, and Mr. SALTONSTALL conferees on the part of the Senate.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1961

The Senate resumed the consideration of the bill (H.R. 10401) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1961, and for other purposes.

Mr. JOHNSON of Texas. Mr. President, I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HAYDEN. Mr. President, I call attention to the figures on page 1 of the report. It will be noted that the committee considered budget estimates totaling $538,513,300 for the agencies and bureaus of the Department of the Interior exclusive of the Southeastern Power Administration, the Southwestern Power Administration, the Bonneville Power Administration, and the Bureau of Reclamation; and for several related agencies which are listed on page 2 of the report.

The committee recommends definite appropriations totaling $574,442,500 for the programs and activities of these agencies, which is an increase of $42,883,900 over the House bill and an increase of $35,929,200 over the budget estimates.

Mr. President, the major increases recommended by the committee are for the programs of the following agencies:

Office of Saline Water, $800,000;

Bureau of Land Management, $4 million;

Bureau of Indian Affairs, $5,900,000;

Geological Survey, $1,700,000;

Bureau of Mines, $3,800,000;

National Park Service, Construction Program, $1,860,000;

Bureau of Sport Fisheries and Wildlife, $2,100,000;

Bureau of Commercial Fisheries, $800,000;

Office of Territories, $500,000; and

U.S. Forest Service, $19,500,000.

Mr. President, it is the view of the committee that these additional funds are required to provide for strengthening management programs of public lands and for expanded research programs to assure full development of public and private resources.

Attention is called to the fact that the total increase of $35,929,200 recommended is only about 7 percent of the estimated $500 million of revenue that will be derived from public lands administered by the agencies involved.

It represents less than one-twentieth of 1 percent of the total request of $79.4 billion for new obligational authority in the President's budget.

Of the total increase recommended, $19,500,000 is for the activities of the U.S. Forest Service. I think the statement on page 24 of the report clearly expresses the view of the committee with respect to the activities of the Forest Service. This statement reads:

In recommending these additional funds the committee has taken into consideration the fact that if these Federal lands are to provide their share of a greatly increased demand for timber, water, forage, and recreation of an ever-increasing population—estimated to be 215 million by 1975; 325 million by the year 2000—we must now provide for a more intensified management program and an expanded research program.

I shall be glad to answer any questions that any Senator may have with respect to the bill.

Mr. MANSFIELD. Mr. President, I wish to make a few brief remarks about the usual fine work done by our distinguished chairman of the Senate Appropriations Committee [Mr. HAYDEN], and his colleagues when they prepared the Interior Appropriations bill. They have again taken into consideration the welfare and orderly development of the Nation's resources and have reported a good bill. There is probably no other money bill which is so important and so basic to my State of Montana.

I was especially pleased with increases provided for our forest programs. It is vital that we give renewed vigor to the protection, proper utilization, and replenishing of our wooded lands. The $19,799,500 increase provided in this bill will allow the U.S. Forest Service and other agencies to more adequately meet our forest needs. The committee expressed great wisdom in providing these increases, continued delay would be detrimental to the Nation's well-being.

The funds provided for the fish and wildlife programs also have my wholehearted approval and I was especially pleased with the $130,000 which will allow the rehabilitation and modernization work to be completed on the Creston Fish Hatchery in Montana. This is a new item and the bill also provides $90,000 for completion of the warm water fish hatchery at Miles City and $220,500 to continue work on the Benton Lake Wildlife Refuge, both have been approved by the House.

The funds provided for the National Park Service will allow the agency to proceed with some of the early construction on the Camas Creek portion of the International Loop Road which will eventually provide a circular route through Glacier National Park and on into Waterton-Lakes National Park in Canada. This will facilitate better travel in both parks.

Finally, I am most pleased with the $600,000 item for modernization and new construction at the Busby School on the Northern Cheyenne Indian Reservation to be operated by the Bureau of Indian Affairs. The existing facilities are overcrowded and inadequate. This boarding school can make a major contribution in educating these fine young Indian children, but little can be accomplished under existing conditions.

These increases provided by the Senate Committee on Appropriations are important, they are not extravagant, and I do not think we can be labeled "big spenders" for wanting to improve our forests, adequately protect our fish and wildlife resources, improve and expand our national park facilities which have become major recreational attractions in this country, and to provide for the improved educational and economic standards of our Indians. I hope that the Senate will be able to prevail upon our colleagues in the House and send a bill to the President with these increases.

Mr. STENNIS. Mr. President, I thank the Senator for yielding, and I will be brief. I think all Senators owe the Senator from Arizona, as well as other members of the subcommittee, a special debt for going so thoroughly into the nationwide problem of having an adequate forestry program, not only in research but also in management and marketing and all the related problems that go with it. In the humble opinion of the Senator from Mississippi, these appropriations are laying the groundwork for truly a new day, and I think the amount that has been included in this bill is the minimum amount that could be expected to make a reasonable start on this nationwide program. It is not an area matter; it is entirely for the Nation; and not only for this generation, but for future generations, as well.

I commend the Senator again, most highly, for what he has done.

Mr. HAYDEN. I thank the Senator from Mississippi.

Mr. ENGLE. Mr. President will the Senator yield?

Mr. HAYDEN. I yield.

Mr. ENGLE. I wish to join in commending the distinguished senior Senator from Arizona upon the fine report and the wonderful work he has done in making available these moneys for the natural resources development of our country. I especially commend him and his committee for the appropriation relating to the saline water investigation. That appropriation was increased by $400,000, in order, as the report states, "to strengthen its research program, especially in basic research, on the problems of the conversion of saline and brackish waters."

There is no program presently pending which could do more to revolutionize conditions throughout the world than a major breakthrough in this particular area.

I was the author of this legislation in the House of Representatives. The distinguished junior Senator from New Mexico [Mr. ANDERSON] was a coauthor of the last bill which was passed, and I feel certain that he, too, would join in commendation of this particular item.

Another matter of very essential importance to us who live in the coastal areas is the amount of increase in funds made available for research. An increase of $542,000 has been provided for research programs under the Bureau of Commercial Fisheries. There is no industry which has had more difficulty than the fishing industry of this country. Our fishing fleet has been laid up. It can no longer compete. Unless it becomes possible to find better ways to catch fish faster, we shall simply have to go out of the market. The increased appropriation is in line with the program to improve the fishing industry. I am grateful to the Senator and his committee, as I am certain the people connected with the fishing industry of the Nation will be grateful to them for this increase in funds.

Last, but not least, is the amount of money made available, in addition to that requested by the Bureau of the Budget, for the national forest program. The distinguished chairman has already alluded to a part of the statement made in the report on page 24. I call attention to the fact that an additional $12,330,100 was allowed in the areas of timber resource management, recreation, public use, and forest-fire protection.

We are especially grateful to the chairman for his consideration in respect to the $1 million allowed for the rehabilitation of recently burned areas. This million dollars is set aside to help rehabilitate some 128,000 acres of land which have been burned over and are in need of reforestation. A major portion of this area is in the southern part of California, as the distinguished Senator from Arizona well knows.

These are only three of the major items in which I have a particular interest. The whole bill is an excellent one. I join in the commendation of the chairman and of his committee, who have rendered a real service to the Nation.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. CASE of South Dakota. Mr. President, I want to speak my appreciation, also, of the statesmanship which has been shown by the committee headed by the distinguished Senator from Arizona. The Senator from Arizona is chairman not only of the Committee on Appropriations but also chairman of this particular subcommittee.

I also wish to express appreciation for the work of the Senator's colleagues on the subcommittee, including my own colleague from South Dakota [Mr. MUNDT].

I should like to mention three items in connection with the bill, although I believe the whole bill 's an example of a bill which is an investment in the future of America.

First, I should like to comment on the saline water program. The distinguished junior Senator from California [Mr. ENGLE] carried the flag in the House of Representatives for the original demonstration program. It was my privilege to sponsor the bill in the Senate for the original research program, and to have the privilege of appearing before the subcommittee headed by the Senator from Arizona on various occasions in that connection.

The appropriations provided in this bill mean that the program has entered a new phase. I refer to the appropriation for the construction of demonstration plants.

The distinguished Senator from New Mexico [Mr. ANDERSON] initiated or introduced the legislation for the demonstration plant which handled sea water. I introduced the bill which authorized the construction of plants relating to brackish waters, one of which will be at Webster, S. Dak. In this bill we are appropriating money for the construction of those plants, four of them already selected, as to the process I stated, and the fifth, as I understand, to be chosen in the early future.

This item may well be the most distinctive feature of the bill, because it is a new feature in the construction field. Nothing is more important to the development of the country and its future progress than the assurance of a good water supply. The desalination of water, both sea water in the coastal areas and brackish water in inland areas, offers great promise in that field.

I think at this time I should also express appreciation for the work of the Secretary of the Interior and Dr. Miller in prosecuting the program. I am glad to see the distinguished chairman nod his assent to my statement.

I wish to mention two additional items—and I shall only mention them. One relates to the appropriation for the forest program. That is always an investment. We get back so much more than we put into it that it is good business. For the country to harvest its timber properly, roads are necessary; and reforestation is necessary to maintain the resource. The committee has recognized its responsibility and has acted in a statesmanlike manner in that regard.

The other item I wish to mention relates to the allowance for roads on Indian reservations. My colleague from South Dakota [Mr. MUNDT] was responsible for bringing to the committee's attention the importance of hard surfacing a road in the Crow Creek Reservation, in South Dakota, in connection with a project about to be built; where Indians are being rehabilitated; and where some industrial development can take place with an adequate highway. This highway will afford direct connection to the construction work for both the Highmore and Chamberlain communities.

I commend the chairman and the committee for their favorable consideration of this item.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. HOLLAND. I recall that in the justification which accompanied the budget a showing was made for the first time, and a request was made, for funds to acquire lands in the Everglades National Park in the amount of $450,000. While that amount was not mentioned in the report, I believe it is included, because I note the following words on page 17:

> The programs for construction of buildings and utilities and land acquisition submitted in the justifications in support of the budget estimate have been approved.

Am I to understand that the $450,000 for the park mentioned is included in the appropriation?

Mr. HAYDEN. That is correct.

Mr. HOLLAND. I thank the distinguished chairman.

The Senator will recall that the Florida Forestry Department was particularly interested in two items of research related to the reforestation of the sand hills areas in our State and in the adjoining States of Alabama, Georgia, and South Carolina. There was another station in Brewton, Ala., as well as two in Florida, Marianna and Lake City, which were interested.

I note, on page 27, in the first line, that apparently an item of $2,713,400 was provided in the bill and covered in the report for forestry research which was not allocated, but which was made available for these three objectives and others, whichever might be considered most important by the Forestry Department. Is that correct?

Mr. HAYDEN. The Senator is correct.

Mr. HOLLAND. Then the fund of $2,713,400 covers these items, or might cover them, as well as others?

Mr. HAYDEN. That is correct.

Mr. HOLLAND. I thank the distinguished chairman for recognizing these needs.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. CHURCH. I join with my colleagues in commending the distinguished chairman of the Committee on Appropriations for the exceptionally fine work that has been done on the bill. In particular, I should like to comment that the committee has added $1,742,500 for soil moisture conservation on public lands.

In a State like Idaho, where much of the land under cultivation is land reclaimed from areas which were once arid, the objective of this program, to increase the carrying capacity of soil and to retard runoff, is of very great importance.

I also wish particularly to commend the committee for adding the item of $400,000 for weed control, and for specifically directing reinstatement of the beet-leaf hopper-control program.

As the Senator from Arizona will recall, during the course of the hearing I addressed to him a letter in regard to this matter, and I enclosed a copy of a letter which I addressed to Secretary Fred A. Seaton, also in regard to this matter. I ask unanimous consent that those two letters be printed at this point in the RECORD; and I wish to commend the committee for the very constructive action it has taken.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON INTERIOR
AND INSULAR AFFAIRS,
February 4, 1960.

Hon. CARL HAYDEN,
Chairman, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR SENATOR HAYDEN: Your committee will take up on February 8 the requests of the Department of the Interior, Bureau of Land Management. I am interested in the programs of that bureau which have direct application to the rehabilitation and improvement of the Taylor Grazing Act lands in the State of Idaho, specifically the soil and moisture conservation activity and the weed control activity. Requests for these programs for 1961 have been sharply reduced over 1960, and 1960 was a reduction over 1959.

In Idaho, for example, the beet-leaf hopper-control program has been eliminated in the 1961 requests, and the total weed control allocations proposed are only $125,000, compared to $300,000 for 1960, and $391,000 for 1959.

These programs were designed to improve the range, which is the only hope to reverse the disastrous trend of range carrying capacity cuts. They are sound programs, accepted and cooperated in by the range users. It is shortsighted to the point of blindness to cut them out in the interest of economy.

Recently the Public Lands Subcommittee of the Interior Committee held a hearing in Twin Falls, Idaho, where range users testified as to the cuts being imposed on them. In every case they were severe, in some cases up to 80 percent. The users are deeply disturbed.

I have asked the Secretary of Interior to comment on his reasons for cutting back these programs for fiscal year 1961, and I enclose a copy of my letter to him.

I would deeply appreciate it, Senator HAYDEN, if you could have the Secretary or his representative answer the questions posed in my letter to him.

Sincerely,

FRANK CHURCH.

U.S. SENATE,
COMMITTEE ON INTERIOR
AND INSULAR AFFAIRS,
February 4, 1960.

Hon. FRED A. SEATON,
Secretary of the Interior, Washington, D.C.

DEAR MR. SECRETARY: At my request, the Public Lands Subcommittee recently held a hearing at Twin Falls, Idaho, on grazing problems. Senator FRANK E. MOSS presided, and 60 witnesses, all users of the Federal range (both BLM and Forest Service), vigorously objected to the pattern of reductions being applied to them. In many cases, these cuts are equivalent to an order to get out of the livestock business.

I realize that your Department administers only the Taylor Grazing Act lands, and not the Forest Service. As to these lands, the only conclusion that could be reached from the testimony was that the management officials feel that the range is deteriorating, and rapidly. The range users do not agree that the range is or has deteriorated to the extent that cuts of up to 80 percent in the carrying capacity are justified. But if such a trend is present, then it certainly seems to me that your Department has an affirmative duty to try to reverse it. As I understand it, the soil and moisture and weed control programs were inaugurated for this purpose.

Thus it is that I am shocked to learn that you have asked for less money for both soil and moisture conservation and for weed control in fiscal year 1961 than in fiscal year 1960. In Idaho, the very valuable beet-leaf hopper program would be cut out entirely under your 1961 budget requests.

Livestock operations constitute a major fraction of total agricultural income in Idaho, and Idaho is an agriculture State. I will have occasion, as soon as I have reviewed the transcript of the Idaho hearings, to consult with you about land management decisions which are causing such havoc in this industry. In the meantime, however, I hope you will furnish to the Senate Appropriations Committee when you appear there on February 8, a detailed explanation of your plans for range rehabilitation work, and the reasons why you have cut back your estimates as to the amount of money you need for this work.

Sincerely,

FRANK CHURCH,
U.S. Senator.

Mr. MORSE. Mr. President, I wish to commend the Appropriations Committee for the lasting service it has performed for conservation by providing additional funds for every resource management program in this bill. The work done by the agencies covered by this bill forms the backbone of a national conservation effort. The distinguished senior Senator from Arizona [Mr. HAYDEN] once again deserves the heartfelt thanks of every conservationist in the Nation.

The administration sent up a budget request for substantially less than was needed to meet our conservation needs. The committee has corrected this shortcoming.

The most flagrant example of budget deficiencies was in the case of the Forest Service. Last year we had unveiled by Secretary Benson and his Assistant from Oregon, Mr. Peterson, a long-range program for the national forests. Their report glowed. It listed accomplishments, but forgot to mention that these were in a large measure due to the constant increases granted by the Congress, over and above their penny-pinching budget. The report waxed eloquent on what would happen if we made needed investments in conservation. This was a "Madison Avenue" effort in full dress. Cost figures were furnished, when the Congress demanded them, and then the administration started to back away.

Last year we gave the program a big start, without one single bit of help from its proponents downtown.

This year's budget estimate was woefully inadequate. I ask unanimous consent that there be printed in the RECORD a table showing the approximate percentage of needed funds in the Eisenhower budget and the amounts provided by the Senate.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

	Percent of 1961 needs met by administration's budget	Percent of 1961 needs met by Senate
Timber sales	100	100
Reforestation	60	100
Recreation	90	100
Wildlife	60	100
Range management	85	100
Range revegetation	82	100
Range improvements	63	100
Soil and water	62	100
Mineral claims, etc	87	100
Land utilization projects	77	100
Forest fire protection	91	100
Structural improvements	81	100
White pine blister rust control	100	100
Other pest control	87	100
FOREST RESEARCH		
Forest and range research	85	100
Forest protection research	85	100
Forest products research	81	100
Forest resources research	92	100
Forest research construction	40	100
Forest roads and trails	100	100
Access roads (purchase)	60	100

Mr. MORSE. Mr. President, the Appropriations Committee gets a complete 100-percent score. The administration scores as low as 40 percent on research construction, 50 percent on the purchase of access roads, 60 percent on reforestation and wildlife, and 62 percent on soil and watershed management.

These are the basics of conservation; and the Bureau of the Budget has flunked on every test.

I do not want to detain the Senate long. This example illustrates completely the poor record of this administration on conservation. The Senate action on the Bureau of Land Management, Bureau of Indian Affairs, Fish and Wildlife Service, and the Park Service is replete with other examples of how the budget has been improved.

Mr. President, in conclusion I wish to say, in behalf of the conservationists of my State and in behalf of the other groups in my State which have received justice at the hands of the Senate Appropriations Committee, by means of the excellent appropriation proposals made by the Senator from Arizona [Mr. HAYDEN], in behalf of the Senate Appropriations Committee, that I extend my very sincere thanks.

Mr. MURRAY. Mr. President, I wish to join my colleague, the junior Senator from Montana [Mr. MANSFIELD], in congratulating the chairman of the Appropriations Committee, the senior Senator from Arizona [Mr. HAYDEN] for the excellent and complete resource bill he has brought to the Senate.

He will recall that over 45 Senators joined with me in urging that $20 million be added to the Forest Service budget.

The committee has provided the money the administration said it needed last year but refused to ask for this year.

The bill treats every conservation program of the Department of the Interior fairly. This bill is a conservation landmark.

Mr. BIBLE. Mr. President, I wish to join in the commendations paid to the senior Senator from Arizona [Mr. HAYDEN]. It certainly is one of the high privileges of serving in the Senate to have the privilege of serving on the Appropriations Committee, particularly on the Interior Department Appropriations Subcommittee, with the distinguished Senator from Arizona. I believe he has brought to us a very fine bill, and in that connection has been constantly motivated by his vital interest in intensifying the management and conservation of our natural resources.

Other Senators have mentioned various items of great interest to them in that connection. I wish to mention the increase which has been made in the item to accelerate the research in the field of mineral resources. If there is any particular segment of our entire economy that needs help and assistance at this particular time, it is the mineral industry. Certainly I join with my very able chairman in my active interest in seeing constant progress made in this field, as well as in the others.

Mr. President, it is unfortunate that the junior Senator from Wyoming [Mr. MCGEE], was unable to be in the Chamber this afternoon. He has been detained because of floods which have been occurring in Nebraska. He hoped to be here today; and he has prepared a very fine statement. I ask unanimous consent that the statement prepared by the junior Senator from Wyoming [Mr. MCGEE], be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MCGEE

The Interior Subcommittee of the Senate Appropriations Committee and, indeed, the full committee have been faced with a very difficult task in evaluating the administration's budget requests for the Interior Department and related agencies this session. The difficulty of the task has arisen from the fact that in many areas the budget did not seem to provide for the intensified management and development of our precious national resources which seems necessary in this challenging era.

The subcommittee and the full committee, under the wise, patient, and very able leadership of our chairman and my colleague, Senator HAYDEN, have reported a bill which represents a forthright attempt to perform this task and to meet the challenge it embodies.

The recommendations of the committee are based upon careful and searching inquiry and represent a sure and positive response to the needs of the Nation.

One of the very important areas in which the bill contains increases over the budget requests is in the appropriation for the National Forest Service. Here both our committee and the Senate Committee on Interior and Insular Affairs, under the vigorous leadership of Montana's distinguished senior Senator [Mr. MURRAY] have recognized that our national forests contain vital resources in the fields of timber, water storage, and recreation and that our burgeoning population will make these resources even more valuable to future generations than they are to our own.

I suggested and I have supported the addition of sufficient funds to the appropriation for the Forest Service to implement the program for the national forests which was promulgated by the Forest Service last year.

In such fields as range resource management, soil and water management, forest research, and reforestation I feel that it is particularly important that we bring this program to fruition.

Last year the Forest Service presented to the committee a program of increased investment which they felt would maintain these resources and increase their value and usefulness to the American people in the future. These are the funds needed to keep the program on schedule, and I feel that if we do not keep it on schedule in these all-important first years, it will be so impaired that the vital objectives which it contains may never be reached.

Another of the areas in which I felt the budget was insufficient was in the failure to ask funds in the requests for the Geological Survey and the Bureau of Mines for programs of mineral exploration, resource development and metallurgical process study.

Recently, in response to my request, the U.S. Geological Survey prepared a document entitled "Mineral and Water Resources of Wyoming." This document is a brief but very revealing study of the mineral and nonmineral resources in my State and, also at my request, contains suggestions as to the development of these resources for industrial and commercial use. It is, it seems to me, in our western public land States with their tremendous mineral resources that we are going to provide the materials which will enable our economy to meet the severalfold challenge of the coming decades. We are challenged by the fact that our population is growing very rapidly; we are challenged by the fact that the industrial competence and productivity of the Soviet Union is growing by leaps and bounds. Our system of philosophical values is constantly challenged by the need to provide a response to these obvious threats to our economy and to our liberty. Our efforts, especially in these fields of mineral research and resource development must be broad enough and imaginative enough so that our economy will prosper and so that our ideals will be sustained.

The results of the study by the Geological Survey which I have mentioned caused me to ask Secretary of the Interior Seaton during our recent hearing to report on the opportunities which existed for new Department programs which would increase our mineral reserves and strengthen the economic base of the Rocky Mountain area.

In response to this request Secretary Seaton supplied for the record of the hearing a recommendation for the expenditure of $500,000 for the Bureau of Mines to implement programs for the development of methods of mining thick beds of coal with high percentage recovery, the development of supplies of coking coal, the development of improved oil field production methods, for chemistry and refining studies of Rocky Mountain oils and for stepped up research on a conversion of oil shale to oil.

Within this appropriation it will also be possible to conduct mining research, utilization studies on little-used metals, and metallurgical research on marginal ores.

A like sum was recommended for the Geological Survey to be used for geochronology and lead isotope studies and for geologic and topographic mapping.

These appropriations are now included in the bill and are examples of other such additions by the majority which reflect a positive concern with real needs. This concern on my part is first with Wyoming and the West, but in addition these programs are vital if our beloved Nation is to advance with confidence to meet the unimagined threats and opportunities of a troublous future.

Mr. MUNDT. Mr. President, I wish to join the many Senators who already have paid their tributes to the Appropriations Committee's subcommittee on these appropriations, and to the Appropriations Committee as a whole, in connection with the action the committee has taken on the annual appropriation bill for the Department of the Interior.

This bill deals with vital economic assets which are essential to every one of the 50 States of the Union. Each one of the 50 States has natural resources which are dealt with in this bill; and by dealing with them constructively and consistently we are dealing with the sinews of the Nation which are required in order to produce the revenue with which to meet some of the great challenges which confront our country.

I wish to refer briefly to a matter which has not been mentioned today by other Senators, but which has long been of great concern to me—namely, the additional progress which is being made, by means of this bill, in the direction of giving the American Indians the chance to which they are entitled. Sometimes some persons grow discouraged, and ask, "Are we ever going to solve the Indian problem?"

Of course that problem has existed for a long time; it existed prior to the time when the first Englishman came to this continent. I believe we are making progress. It is not dramatic progress; but it seems to me that anyone who has studied the development of the Indian country and has watched the development of the Indian people must realize that progress is being made, and is being made at an accelerated rate.

We have moved in the direction of providing much better educational opportunities not only for young Indians, but, through the vocational-training programs, also for the adult Indians. Those programs constitute an essential first step in helping the Indians relocate themselves off the reservations and become assimilated in the economy of the country.

We are also making progress in the direction of providing better economic opportunities for the American Indians. They are gradually moving into better homes, and gradually they are having better diets.

Through the activities of our committee we have transformed the concept of an Indian jail to an Indian community building, part of which is a jail for the incarceration of an occasional bad Indian, but most of which is used for a library and for a meeting place, in order to keep good Indians from becoming bad Indians. So there is much hope in connection with what is being done.

I believe we are winning the battle that has long been waged in the interest of providing a just opportunity and a fair opportunity for the American Indians. That battle has not yet been won; more remains to be done. But it is good to know that we are beginning to solve the problem, and that headway is being made.

Let me say that Senators who are supporting the Appropriations Committee in connection with the pending bill may do so in the knowledge that the Americans—the Indians—to whom we have owed the most for the longest period of time are finally being given consideration which will lead to the solution of their problems.

Mr. President, I have canvassed the situation among Members of the Senate on this side of the aisle, and I find no opposition to the pending bill. I am very hopeful that when the yea-and-nay vote is taken on the bill, it will receive the support of all Members of the Senate.

Mr. BARTLETT. Mr. President, the growth and the development of the West depend to a very measurable extent upon the adequacy and the character of the appropriations which are made for the Department of the Interior. In the West there has been some growth and some development—considerable, in fact—since 1912. That was the era when the vision, persuasive qualities, and intelligence of the chairman of the committee were first applied to the national scene.

In previous bills appropriating funds for the Interior Department and in this bill, he and his colleagues have done a magnificent job. The money they have made available has been an investment in resources and in people.

I desire to go further than to commend the chairman and those who have worked with him. I want to praise them, and I want to express especial appreciation for the action of the committee in adding $886,000 for land surveys in Alaska, and in making available a quarter of a million dollars for a forest research laboratory in interior Alaska, where we have much timber that has never been commercially utilized to any extent. The placing of a laboratory, probably at the University of Alaska, will open up wonderful possibilities in this direction.

To sum it up, Mr. President, I believe that when this bill becomes law, the growth and development of the West, to which this committee has already made such a magnificent contribution, will be accelerated.

Mr. HAYDEN. I yield to the junior Senator from Alaska.

Mr. GRUENING. Mr. President, I desire to join my colleagues not only to commend, but to thank the distinguished chairman of the Appropriations Committee, the senior Senator from Arizona [Mr. HAYDEN], and the other members who helped in producing this fine bill, which is an excellent demonstration of their realization of the importance of preserving and developing our natural resources.

We in Alaska are particularly grateful for what the chairman and the committee have done. I think the restoration of the Nation's forest conservation and development program is an action that cannot be praised too highly. We in Alaska are grateful for the restoration of the $250,000 forestry laboratory at or near Fairbanks, and for the funds which will permit our essential land surveys, which were not included in the President's budget, to proceed.

I want to say, in passing, that the senior Senator from Montana [Mr. MURRAY] has also made a great contribution, continuously, by emphasizing the importance of conserving and preserving our forestry resources, and deserves great credit, as does the junior Senator from Mississippi [Mr. STENNIS], for the result in the bill we are about to pass.

I think this bill will go down as one of the more important Interior Department appropriation bills passed during the last 7 years, because it has wisely restored what a rather narrow-minded and shortsighted budgetary policy seeks to deprive our Nation from having.

Mr. HAYDEN. Mr. President, I yield to the Senator from Hawaii [Mr. LONG].

Mr. LONG of Hawaii. Mr. President, I wish to join my other colleagues in commending the distinguished chairman of the committee and the members of the committee for a job well done.

Sometimes there is a tendency to overlook a small item, particularly when it is an item that involves people who are 4,500 miles away. I wish to express my appreciation for the fact that the committee included an item for completing the jet air runway in American Samoa. There was no voice raised in their behalf, but the committee saw fit to grant an appropriation that was sorely needed.

Mr. HAYDEN. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I do not wish to delay action on the bill, but I want to join other Senators in expressing my appreciation for the fine job done by the committee, particularly with respect to the forestry program and the fishery research program.

I know the rest of the items in the bill will be very beneficial to the development of our country.

Mr. HAYDEN. I yield to the Senator from California [Mr. KUCHEL].

Mr. KUCHEL. Mr. President, I would be recreant if I did not add my grateful thanks for the guidance which the chairman has given the Appropriations Committee. I thoroughly enjoyed my participation in the committee under his leadership.

I think this piece of legislation, which is about to be approved by the Senate

unanimously, is one more unnecessary demonstration of the effectiveness of the leadership of the Senator from Arizona, and I thank him for it.

Mr. BIBLE. Mr. President——

Mr. HAYDEN. I yield to the Senator from Nevada [Mr. BIBLE].

Mr. BIBLE. In my earlier remarks I overlooked something. I think we would be remiss if those of us on the committee did not say we valued highly the services of Bill Woodruff, the clerk, who with his patience and his ability to know where each of the items was in this bill, has been so helpful to all of us.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Louisiana [Mr. ELLENDER], the Senator from Delaware [Mr. FREAR], the Senator from Louisiana [Mr. LONG], the Senator from Wyoming [Mr. McGEE], and the Senator from Georgia [Mr. RUSSELL], are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD] is absent because of illness.

I further announce that the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from West Virginia [Mr. RANDOLPH], and the Senator from Missouri [Mr. SYMINGTON] are necessarily absent.

I further announce that, if present and voting, the Senator from Virginia [Mr. BYRD], the Senator from Connecticut [Mr. DODD], the Senator from Louisiana [Mr. ELLENDER], the Senator from Delaware [Mr. FREAR], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Louisiana [Mr. LONG], the Senator from Wyoming [Mr. McGEE], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Georgia [Mr. RUSSELL], and the Senator from Missouri [Mr. SYMINGTON] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART], the Senator from Iowa [Mr. HICKENLOOPER], and the Senator from North Dakota [Mr. YOUNG] are absent by leave of the Senate.

The Senator from Connecticut [Mr. BUSH], the Senator from New Jersey [Mr. CASE], the Senator from Nebraska [Mr. CURTIS] and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from Kentucky [Mr. COOPER], the Senator from New Hampshire [Mr. BRIDGES], and the Senator from Kansas [Mr. SCHOEPPEL] are detained on official business. If present and voting, the Senator from Connecticut [Mr. BUSH], the Senator from Indiana [Mr. CAPEHART], the Senator from Kentucky [Mr. COOPER], the Senator from Nebraska [Mr. CURTIS], the Senator from Kentucky [Mr. MORTON], the Senator from New Hampshire [Mr. BRIDGES], and the Senator from Kansas [Mr. SCHOEPPEL] would each vote "yea."

The result was announced—yeas 78, nays 0, as follows:

[No. 141]

YEAS—78

Aiken	Goldwater	Magnuson
Allott	Gore	Mansfield
Anderson	Green	Martin
Bartlett	Gruening	Monroney
Beall	Hart	Morse
Bennett	Hartke	Moss
Bible	Hayden	Mundt
Brunsdale	Hennings	Murray
Butler	Hill	Muskie
Byrd, W. Va.	Holland	Pastore
Cannon	Hruska	Prouty
Carlson	Jackson	Proxmire
Carroll	Javits	Robertson
Case, S. Dak.	Johnson, Tex.	Saltonstall
Chavez	Johnston, S.C.	Scott
Church	Jordan	Smathers
Clark	Keating	Smith
Cotton	Kefauver	Sparkman
Dirksen	Kerr	Stennis
Douglas	Kuchel	Talmadge
Dworshak	Lausche	Thurmond
Eastland	Long, Hawaii	Wiley
Engle	Lusk	Williams, Del.
Ervin	McCarthy	Williams, N.J.
Fong	McClellan	Yarborough
Fulbright	McNamara	Young, Ohio

NAYS—0

NOT VOTING—22

Bridges	Ellender	O'Mahoney
Bush	Frear	Randolph
Byrd, Va.	Hickenlooper	Russell
Capehart	Humphrey	Schoeppel
Case, N.J.	Kennedy	Symington
Cooper	Long, La.	Young, N. Dak.
Curtis	McGee	
Dodd	Morton	

So the bill (H.R. 10401) was passed.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). The question is on agreeing to the motion of the Senator from Texas to lay on the table the motion of the Senator from Illinois to reconsider.

The motion to lay on the table was agreed to.

Mr. HAYDEN. Mr. President, I move that the Senate insist on its amendments, request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. HAYDEN, Mr. CHAVEZ, Mr. KEFAUVER, Mr. BIBLE, Mr. MUNDT, and Mr. YOUNG of North Dakota conferees on the part of the Senate.

LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, three or four bills have been cleared by the policy committee, which I should like to have the Senate consider. I understand there is no great controversy in regard to them, and I do not anticipate any rollcalls in connection with them.

Mr. President, I should like to have the attention of the distinguished minority leader.

Mr. President, the first bill is Calendar No. 1138, H.R. 9331, a bill to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children.

The second bill is Calendar No. 1114, H.R. 2164, a bill to reduce the cabaret tax from 20 to 10 percent.

The next bill is Calendar No. 1162, H.R. 9660, to amend section 6659(b) of the Internal Revenue Code of 1954 with respect to the procedure for assessing certain additions to tax.

Possibly we shall make a motion to consider Calendar No. 1166, S. 2878, to adjust Indian and non-Indian land use areas in the vicinity of the Navajo Indian Reservation in New Mexico, and for other purposes; Calendar No. 1059, H.R. 6132, relating to the rate of tax on the issuance of shares or certificates of stock by regulated investment companies; and Calendar No. 893, S. 910, to authorize the payment to local governments of sums in lieu of taxes and special assessments with respect to certain Federal real property, and for other purposes.

Mr. President——

The PRESIDING OFFICER. The Senator from Texas.

INCREASE IN EXPENDITURE UNDER THE SPECIAL MILK PROGRAM FOR CHILDREN

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1138, H.R. 9331.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 9331) to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill (H.R. 9331) to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children, which had been reported from the Committee on Agriculture and Forestry, with amendments, on page 1, at the beginning of line 10, to insert "and for each fiscal year thereafter,"; in the same line, after the word "exceed", to strike out "$85,000,000" and insert "$95,000,000", and on page 2, after line 7, to strike out:

SEC. 2. Such Act is further amended by adding after the first sentence thereof the following new sentence: "In addition to the funds hereinbefore made available, there is authorized to be appropriated for the purposes of this Act for the fiscal year beginning July 1, 1960, such amount as may be deemed to be necessary but not to exceed $15,000,000.".

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may have printed in the RECORD a statement of my views in regard to Calendar No. 1138.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR JAVITS

I favor this bill because it serves the double purpose of expanding the nutritional opportunities for our children and helping to realize more closely the national potential for the consumption of fluid milk. It is a fundamental proposition that adequate consumption of milk for our country's diet will have an enormously beneficial effect upon dairy farmers everywhere. Great efforts and much expenditure has been made in promoting the consumption of milk. Here in this bill is an outstanding way in which this wonderfully health building commodity can be built on a broader base and last through the life of many million Americans. As one of the leading dairy States of the Nation, this bill is of great interest to the State of New York and I am very pleased to see the completion of legislation on it.

SCHOOL CONSTRUCTION ASSISTANCE

Mr. GOLDWATER. Mr. President, last Friday the House Education and Labor Committee reported its school construction assistance bill, H.R. 10128. The minority report on this measure is one of the most significant documents I have read on the subject of Federal aid to education, and because it is likely that the House and Senate will go into conference on some form of this legislation, I should like to bring to the attention of my colleagues several points of the House minority views.

During the time Federal aid to education was before this body, I had occasion to comment on the actual need for Federal funds in assisting State programs. Office of Education survey data in the House minority views show that of the 45 States supplying the data a total of 30 reported no classroom shortage or backlog in borrowed up districts, or districts which exhausted their borrowing capacity for construction purposes.

The other 15 States reported a total of 237 borrowed up districts which had a total shortage or backlog of a maximum of 3,086 classrooms. The 237 borrowed up districts reported in the survey amount to only six-tenths of 1 percent, or 6 out of every 1,000, of the Nation's 40,000 school districts. The enrollment in these districts is less than 1.5 percent of the United States total.

I should like to quote one paragraph from the minority views which I believe places this entire subject in proper focus:

We fully realize, of course, that there are many considerations and problems confronting the States and localities in financing school construction, beyond the problem of debt limitation. We believe there are local situations, not reflected in the borrowed up district survey, which retard and prohibit adequate financing of the schools. In almost all such cases, however, the problem can be laid directly in the lap of the State government which is constitutionally responsible for education in the first place.

Mr. President, I ask unanimous consent that the minority views be printed as a part of my remarks.

I want to express extreme gratification for the attention which has been paid to this by the Senator from New Hampshire and the Senator from Maryland.

There being no objection, the minority views were ordered to be printed in the RECORD, as follows:

MINORITY VIEWS

This report, submitted by the undersigned members of the committee, stems from a realization that a strong system of public education is important to our Nation's strength.

Education's problems must be solved by the soundest possible means. To turn our backs on the needs of today, or to neglect the demands of tomorrow, would serve to shortchange our country's future and waste our precious intellectual potential. In like manner, to overstate a problem, to conjure up imagined ills, or to transform the whole educational system into a problem child, is to do great injustice to the American people.

Five years ago President Eisenhower advocated a program of Federal assistance, allocated on a basis of need, to accelerate the construction of elementary and secondary school classrooms.

Since then, as this report shows, great strides have been made in classroom construction. If it is correct to assume that specific areas still need to be assisted by the Federal Government, we believe that consideration should be given to a simple debt retirement program, as proposed by the administration and embodied in H.R. 11122.

As reported by the committee, H.R. 10128 is seriously defective. It would allocate Federal funds among the States simply on the basis of schoolage population, without regard to need or financial ability to construct schools. In the development of any Federal program of this kind, Federal aid should be pinpointed so that truly needy areas get the help. The bill's present formula for distribution of funds is clearly faulty in this respect.

Another weakness in the committee bill is that the States will not be obligated immediately to match Federal funds. This is unfortunate, especially because the basic merit of this method of securing participation by the States is recognized in the bill's requirement for matching in the second and third years of the program.

Neither the Subcommittee on General Education, nor the full committee, held any public hearings on the subject of this bill, or the bill itself, in the present session of Congress. There is a positive need for such hearings. We are fully aware, of course, that the general subject has been explored, and reexplored, over the last decade; yet, despite this exploration, the majority apparently is unaware of what actually has occurred, and is now occurring, in the way of classroom construction. No adequate and effective program of Federal aid can properly ignore the rapidly shifting patterns of need and response which have taken place in education in this country.

A great deal of the past testimony available to the committee has been along the line, as expressed by one witness, that "the need for school construction is greater than ever" and "we have to run faster and faster just to stand still." What has been emphasized is the impact of the increased birth rate, after World War II, on elementary and secondary school enrollments and thus on the demand for school facilities. The Nation has passed this "hump" in school enrollments; yet, the majority has ignored the overall cumulative effectiveness of State and local efforts in coping with the problem.

LESS FUTURE NEED FOR NEW CONSTRUCTION

The number of additional classrooms needed each year presently is made up of three components: namely, (1) classrooms required to house new or additional enrollment over the previous year's enrollment, (2) classrooms needed to replace facilities that are abandoned for such reasons as consolidation of local districts, population shifts, and poor condition of the structure, and (3) classrooms needed to reduce or eliminate a so-called backlog reportedly consisting at the beginning of the 1959–60 school year of 132,400 classrooms, which, according to the Office of Education fall survey for 1959, is made up of 66,400 classrooms reported by the States as needed to accommodate enrollment in excess of "normal" capacity and 66,000 classrooms reported as needed to replace "unsatisfactory" facilities.

All sorts of backlog figures have been bandied around before congressional committees over the years and to this day no one in authority can be sure of the exact total nor has any analysis been brought to our attention which would indicate that the backlog ever could be entirely eliminated—if for no other reason than timing alone. That is, timing actual construction to coincide with the presumption of obsolescence, or the loss of a school by fire, or with unexpected increases in enrollment in any one school. We do not question the existence of some backlog. We do believe, however, that there is and will continue to be an irreducible minimum backlog of classroom need, regardless of any question as to Federal aid. To the extent this exists, and for other reasons discussed later in this report, the urgency of the presumed classroom shortage is considerably diminished.

The number of classrooms each year for additional enrollment over the next 10 years can be determined with considerable confidence. Most of the pupils who will make up the enrollment are already born and countable. The latest Office of Education projections are shown in column 2 of accompanying table 1. The net annual increase is shown in column 3 (table attached).

The dramatic decline in the annual enrollment increase begins for the school year 1965–66. Summary of the data is as follows:

Average annual increase 1955–59	1,200,000
Average annual increase 1960–64	1,100,000
Average annual increase 1965–69	600,000

Translation of the enrollment increases into classroom needs is shown in column 4 of table 1. Summary of these classroom facts is as follows:

Average number needed annually 1955–59	40,000
Average number needed annually 1960–64	36,700
Average number needed annually 1965–69	20,000

TABLE 1.—*Projected enrollment in public elementary and secondary schools and estimated number of additional classrooms needed, 1960 to 1969*

School year	Projected enrollment (in thousands)		Estimated number of additional classrooms currently needed for each year		
	Number [1]	Net increase over previous year	For increased enrollment (rounded to nearest 100) [2]	For replacements [3]	Total
(1)	(2)	(3)	(4)	(5)	(6)
1960–61	37,196	1,212	40,400	16,000	56,400
1961–62	38,047	851	28,400	16,000	44,400
1962–63	39,187	1,140	38,000	16,000	54,000
1963–64	40,320	1,133	37,800	16,000	53,800
1964–65	41,484	1,164	38,800	16,000	54,800
1965–66	41,488	404	13,500	16,000	29,500
1966–67	42,514	626	20,900	16,000	36,900
1967–68	43,148	634	21,100	16,000	37,100
1968–69	43,840	692	23,100	16,000	39,100
1969–70	44,497	657	21,900	16,000	37,900

[1] Source: U.S. Office of Education tabulation dated Jan. 21 1960. Projected enrollments based on Office of Edneation official school enrollment data and Bureau of the Census official projection of population aged 5 to 17.

[2] Computed on basis of 30 pupils per classroom (col. 3 above ÷ 30). Most estimates in recent years are on this basis, although some use 28 pupils per classroom. Application of the 28-pupil basis would increase the annual figures by about 7 percent. On the other hand it should be noted that these projections are on basis of total enrollment for the entire school year which exceeds total enrollment at the beginning of each year and is approximately 11 percent greater than the average number of pupils actually in daily attendance in the schools.

[3] Based on average number (15,941) of classrooms abandoned or replaced during past 4 years, the only years for which data are available from Office of Education.

Determination of the number of classrooms needed each year to replace facilities currently abandoned is much more uncertain. Where obsolescence is involved, the practice varies widely all over the country as to just how long a school facility will be continued in use or whether it will be remodeled rather than abandoned. For the purpose here we based the estimate on actual practice as reported by the Office of Education. The available data show that abandonments have averaged a little less than 16,000 classrooms per year.

Combination of these two categories of current classroom needs each year gives the total classroom requirements for additional new facilities needed. These annual totals, which appear in column 6 of table 1, are summarized as follows:

Average total needed annually 1960–64 52,700

Average total needed annually 1965–69 36,100

SCHOOL CONSTRUCTION RATES IN RELATION TO THE NEED

When America's public schools open next fall for the beginning of the 1960–61 school year, the Nation's overall physical plant will contain approximately 1,330,000 classrooms. These are instructional rooms, including laboratories and shops, but not including auditoriums, gymnasiums, lunchrooms, libraries, study halls, and multipurpose rooms. Approximately 680,000 classrooms, or more than one-half the total, will have been constructed since World War II. With the exception of a relatively small volume of facilities constructed with Federal assistance in federally affected areas (under Public Law 815, 81st Cong., as amended) these classrooms will have been built with State and local resources.

The construction rate in each of the last 10 school years is as follows:

1950–51	44,000
1951–52	48,000
1952–53	50,000
1953–54	55,000
1954–55	60,000
1955–56	63,280
1956–57	68,660
1957–58	72,070
1958–59	70,000
1959–60	62,700

Summary of the construction rates is as follows:

Average annual construction 1955–59	66,900
Average annual construction 1950–59	59,400

In terms of the overall national outlook, it is perfectly clear that the States and localities have mounted the construction effort necessary to meet the need without any program of general Federal aid for this purpose. It is also evident that the construction peak has been crossed and within 5 years the number of classrooms required to keep fully abreast of additional needs will be only half as much each year as actually have been built in the past few years.

Not only are past and present construction rates adequate to keep up with the future needs each year to house expected enrollment increases and provide replacements for abandoned facilities, but they are adequate, also, to produce a number of additional classrooms more than equivalent to the backlog of 132,400 as of the present school year (1959–60). Moreover, the backlog would be reduced to inconsequential proportions in little more time than the period covered by H.R. 10126.

The construction rate for the preceding 5 school years (1954–58) averaged 66,800 classrooms per year. Projection of this annual average, a rate which the States and localities have demonstrated they can attain, would produce 467,600 classrooms by the beginning of the 1966–67 school year. Since only 329,800 classrooms would be needed for annual enrollment increases and replacements up to then, the remainder would be more than equivalent to the 132,400 backlog for 1959–60 (see table 2).

Similarly, the construction rate for the present school year is reported by the States as 62,700. Projection of this lower rate in like manner would produce 501,600 classrooms by the 1967–68 school year as compared with new enrollment and replacement needs of 366,900 or an excess of 134,700.

On the basis of still another assumption, namely, a declining rate that would average 58,000 classrooms per year, a total of 580,000 classrooms would be produced up to the beginning of 1969–70, as compared with additional enrollment and replacement needs of 443,900, or an excess of 136,100. It should be noted that the average annual rate of 58,000 classrooms used in this computation is less than the annual average of 59,400 classrooms constructed during the 10-year period 1950–59, and very substantially less than the highest annual rate of 72,070 in 1957–58.

These projections have made full allowance for the reported backlog as of 1959, in addition to new classroom requirements each year. Even making such allowance for the backlog, a great deal less construction will be required over the next 5 to 10 years than has taken place in recent years. But we are convinced that careful analysis of the actual composition of the backlog figure would reveal that a very considerable volume of the reported backlog is of an unavoidable or temporary nature, having no direct bearing on the issue of the need for Federal aid, while some more of it arises out of the method of compiling the figures and is irrelevant to the question.

TABLE 2.—*Estimated construction of public elementary and secondary classrooms and excess over current annual needs, 1960–69* [1]

School year	Estimated classrooms constructed and excess over current needs for each year					
	At average annual rate for preceding 5 years		At present (1959–60) rate as an average annual rate		At a declining annual rate averaging below present rate [2]	
	Number	Excess over col. 6 in table 1	Number	Excess over col. 6 in table 1	Number	Excess over col. 6 in table 1
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1960–61	66,800	10,400	62,700	6,300	58,000	−1,600
1961–62	66,800	22,400	62,700	18,300	58,000	13,600
1962–63	66,800	12,800	62,700	8,700	58,000	4,000
1963–64	66,800	13,000	62,700	8,900	58,000	4,200
1964–65	66,800	12,000	62,700	7,900	58,000	3,300
1965–66	66,800	37,300	62,700	33,200	58,000	28,500
1966–67	66,800	29,900	62,700	25,800	58,000	21,100
1967–68	(3)	(4)	62,700	25,600	58,000	20,900
1968–69			(4)	(4)	58,000	18,900
1969–70					[5] 58,000	[5] 20,100

[1] Source: Computations based on U.S. Office of Education construction data in tabulation dated Jan. 26, 1960, and related tabulations.

[2] The present rate for 1959–60 of 62,700 classrooms is a net 4,100 below the previous 5-year average. The projected average of 58,000 is 4,700 per year below the previous 5-year average. Construction has not been below 58,000 in any year since 1953–54 when the total was 55,000.

[3] Classrooms equivalent to backlog would be constructed as of beginning of 1966–67 school year since construction of new requirements for each year occurs largely during preceding year. Thus, construction rate beginning in 1966–67 need be no greater than necessary to meet current annual need in each following year (col. 6, table 1).

[4] See note 3 above. Backlog equivalent as of beginning of 1967–68 school year.

[5] See note 3 above. Backlog equivalent as of beginning of 1969–70 school year.

All that has been reported in the basic statistics is that as of the fall of 1959 a total of 132,400 classrooms were needed, of which 66,000 were to replace unsatisfactory facilities and 66,400 to accommodate excess enrollment. Before basing any national policy on these backlog figures, we ought to know the circumstances surrounding the classrooms that go into the count. For example:

1. How many of the backlog classrooms represent new or replacement facilities, the construction of which has already been authorized by local or State authorities, or which is in the planning stage preliminary to such authorization?

2. How many classrooms in the backlog represent needed replacements, or additional new facilities, in school districts having adequate financial capacity, but whose voters or State authorities have not authorized the necessary bond issues or other financial arrangements?

3. How many of the backlog classrooms represent replacements for outdated one-room schoolhouses or multiple-room facilities in districts which would be consolidated, but whose voters have not yet approved of the consolidation?

4. How much of the backlog is made up of classrooms needed to replace unexpected losses because of fire, storm, or other disaster, and to what extent were such losses covered by insurance?

5. What part of the backlog is attributable to an unexpected influx or shift in population, the essential problem being a lack of leadtime in which to provide new facilities?

6. Inasmuch as excess enrollment is "the number of pupils in excess of normal capacity" and "normal capacity" is, by definition, determined according to varying State and local standards, there can be little doubt that a considerable amount of the backlog reported as needed for excess enrollment is merely a "paper" shortage as far as any Federal-aid question is concerned. For instance, "normal capacity" may vary anywhere from, say, 28 or less pupils per classroom in one place to 30 in another, and if both places have 30 pupils in a class, one has excess enrollment and the other does not. More importantly, unknown thousands of the Nation's 40,000 school districts could and undoubtedly do report excess enrollments averaging 1 or 2 pupils per class. These would go into the national totals, even though the reporting districts have no intention, or any urgent need, to build new facilities for such enrollment. There is an average of about 33 classrooms per school district in the United States. Excess enrollment averaging only 1 pupil per classroom would contribute 33 pupils to the national total, although posing no particular problem locally and certainly no emergency. Similar contributions to the total from only one-third of the school districts would result in a national "paper" backlog of approximately 15,000 classrooms for this reason alone. Accordingly, before accepting such backlog figures as a reliable indication of classroom need, we should at least find out how many districts have significant excess enrollment problems and where they are—on a comparable basis from State to State.

We are firmly convinced that the answers to these questions and other related ones would enable us to see the classroom backlog problem in its proper perspective. There can be no doubt that refinement of the figure would show, as we mentioned earlier, that at any given time of enumeration there would be a substantial number of classrooms needed which would represent a residual or irreducible minimum. Classrooms in this category would be reported in the backlog whether or not there were any general Federal aid for school construction. We believe, also, that a substantial part of an accurate backlog count would be a reflection of a 1- or 2-year timelag in meeting the need rather than any indication of an emergency situation requiring Federal intervention.

The implication of this analysis is that actual State and local construction requirements, over and above the number of classrooms necessary to meet current new needs each year for the next 5 to 10 years, will be much less than the reported backlog of 132,400. Accordingly, overall construction rates can be expected to decline markedly, particularly within 5 years, and the financial obligations imposed upon State and local resources will correspondingly diminish. At the same time, most States and regions of the country can be expected to be on an approximately currently construction basis.

Even without any refinement of the backlog figures as reported, many of the States already appear to be on or near a currrent construction basis. The Office of Education report on the 1959 fall survey shows the following States, for example, which are anticipating their needs and have scheduled more construction during the present year than the classrooms they reported in their backlog at the beginning of the year:

State	Total classrooms fall 1959	Backlog as of fall 1959	Classrooms scheduled for completion 1959–60
Delaware	3,150	111	222
Indiana	33,930	1,505	2,000
Ohio	65,822	2,634	2,867
Wisconsin	31,241	310	1,659
California	108,000	4,600	10,000
Oklahoma	25,997	1,009	1,125

California, whose 108,000 classrooms last fall comprised the largest school plant in any State, has a State bonding program and has been anticipating the need for its enormous population increase and going ahead with the construction. Numerous States in all regions of the country, although not wholly current are maintaining construction rates that lag perhaps a year, more or less, but which approach currency. Examples of these are as follows:

State	Total classrooms, fall 1959	Backlog as of fall 1959	Classrooms scheduled for completion, 1959–60
Connecticut	16,294	952	707
New Jersey	35,506	3,728	1,900
Rhode Island	4,584	416	242
Michigan	61,943	8,700	4,100
Nebraska	14,951	521	461
North Dakota	5,950	350	250
Louisiana	25,062	2,093	1,540
Mississippi	16,534	3,686	1,849
North Carolina	38,599	3,412	1,533
Colorado	14,988	1,125	880
Oregon	14,987	694	583
Texas	75,251	4,557	3,098

Many additional States fall near the ones illustrated in relation to the currency of their construction efforts. Although the available data are far from adequate, the States with the greatest reported need relative to total classrooms available appear to be Kentucky and Alabama. The former, as of the fall of 1959, reported a need of about 8,600 classrooms, of which 7,500 were to replace unsatisfactory facilities included in the State's total plant of 21,800 classrooms. Alabama reported about 6,400 needed, around two-thirds of which would be for new additions to the State's plant of 23,693 classrooms. In this connection, it should be noted that Alabama has authorized the issuance of $100 million in State bonds for public school construction. We are advised that the sale of these bonds has begun.

It is clear therefore that the status and progress of school construction programs varies greatly among the States. It is equally clear that most of the States are not now confronted with anything resembling an emergency problem in this connection.

CLASSROOM NEED IN RELATION TO SCHOOL DISTRICT DEBT LIMITATIONS

Advocates of general Federal aid have told the committee repeatedly over the years that more and more school districts had exhausted their resources and that even the States themselves were unable to build the schools needed. In this connection, information on the extent to which school districts have exhausted their borrowing capacity for construction purposes has been made available this year by the Office of Education. The report, "Survey of Public School Classroom Shortages in the Fall of 1959 in Borrowed-up Districts," dated February 1960, states that "despite the wealth of related information available, nothing exactly comparable to the results of this survey have been provided before."

What constitutes borrowing limitations and thus the definition of a borrowed-up school district varies widely, of course, all over the Nation. The question runs the whole gamut of the complex field of public finance, beginning with State constitutional and statutory fiscal provisions and going on through actual property assessment practices and the resulting tax structure. It must also be borne in mind that State fiscal programs are not static and that today's restrictions on financing need not apply tomorrow.

The survey data, which were reported to the Office of Education by the State Departments of Education, are summarized as follows:

On the 45 States supplying the data, a total of 30 reported no classroom shortages or backlog in borrowed-up districts (including Maryland and Rhode Island, where State legislative action on school bonds is customary). These States enroll 67 percent of the pupils in the 50 States, and they contain likewise 67 percent of the classroom backlog reported as of the beginning of the 1959–60 school year.

The other 15 States reported a total of 237 borrowed-up districts which had a total shortage or backlog of a maximum of 3,086 classrooms. The total school enrollment in these 237 districts was less than 541,000 pupils and 107 of the districts were small ones having less than 600 pupils. The 15 States reporting the borrowed-up districts enroll 18 percent of the Nation's pupils and they reported 20 percent of the total backlog as of the 1959–60 school year.

Five States could not provide the data needed (including Illinois, which reported a classroom shortage in borrowed-up districts, but did not report the number of classrooms). These States taken together had 15 percent of the Nation's enrollment and reported a total backlog of 17,191 classrooms (13 percent of the total reported for 1959–60).

The classroom shortage of 3,086 in borrowed-up districts is 12 percent of the total backlog in the 15 States reporting such districts. It is 3 percent of the total backlog in the 45 States from which full data were obtained.

The conclusion of the survey report is that, "in the Nation as a whole, legal barriers to borrowing are not the major obstacle to elimination of the classroom shortage, when all possible sources of borrowing legally open to the district are taken into account."

These data are significant, we believe, as a further indication that the majority should have gone into the question of pinpointing the need before jumping again to the conclusion that a program of general Federal aid would be the proper solution.

The 237 borrowed-up districts reported in the survey amount to only six-tenths of 1 percent, or 6 out of every 1,000, of the Nation's 40,000 school districts. The enrollment in these districts is less than 1.5 percent of the U.S. total. Allowing for a margin of error in the survey, and broadening its scope to take in several hundred additional marginal districts with school construction needs, would not alter the fundamental fact that the construction problem is not of general proportions throughout the Nation.

We fully realize, of course, that there are many considerations and problems confronting the States and localities in financing school construction, beyond the problem of debt limitations. We believe there are local situations, not reflected in the borrowed-up district survey, which retard and prohibit adequate financing of the schools. In almost all such cases, however, the problem can be laid directly in the lap of the State government, which is constitutionally responsible for education in the first place. Most of our States, while appropriating State funds for operating our schools, have not used the broader tax base of the State for school construction purposes. This is the real core of the problem. The States that have entered into financing school construction generally have done so with spectacular results.

The fact remains that construction requirements for new enrollment in the past 5-year period, 1955–59, approximated $8 billion. In the next 5 years (1960–64) it will be approximately $7.3 billion. In the period 1965–69 it will drop sharply to $4 billion. Thus even in the next 5 years, which would cover the 3-year period contained in H.R. 10128, the States and localities will have to finance $700 million less in construction for new enrollment than they did in the last 5 years. This sum is almost as much as the 3-year total of $975 million in Federal funds that would be authorized by the bill, a fact which, in our judgment, rules out the necessity for the enactment of the bill in its present form. The further $4 billion reduction in the requirements for 1965–69 further amplifies the situation. If the Congress were to have such a program as H.R. 10128 in operation from 1965 to 1969, it would be authorizing the appropriation of $1.6 billion in Federal funds to the States, at a time when school construction needs were dropping by $3.3 billion below the previous 5-year requirements and $4 billion from the 1955–59 peak.

It should also be noted that the first year's authorization of $325 million in unmatched funds would build only a little over 8,000 classrooms, or an average of two-tenths of 1 percent of one classroom per school district in the United States. It is obvious, therefore, that the great bulk of the Nation's school districts could not expect any substantial assistance under the provisions of the bill.

IN CONCLUSION

We believe that a program of Federal assistance to education cannot be justified if it ignores the difference in needs and resources that exist in different sectors of this Nation. States and local school districts have mounted an effort in school construction over the past 10 years which, if maintained and encouraged by proper Federal action and restraint, will essentially eliminate the problem over the next 5 years. Passage of H.R. 10128, as reported, would tend to delude thousands of school districts all over the country into the expectation of ever-increasing Federal funds and thereby cause them to hold up bond issues and delay construction they would otherwise undertake.

Therefore, we recommend immediate and intensive hearings in which the facts advanced herein can be fully explored.

LEGISLATIVE PROGRAM

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. JOHNSON of Texas. Mr. President, I want to be sure all Senators understand that Calendar No. 1035, S. 743, to amend the Federal Coal Mine Safety Act, cannot be considered this evening. We were prepared to take the bill up by motion, but I understand from the distinguished Senator from Virginia [Mr. ROBERTSON] that Senators are not in a position to consider the bill this evening. The Senator from Pennsylvania [Mr. CLARK] does not desire to have the bill considered; is that correct?

Mr. ROBERTSON. That is correct. The senior Senator from Virginia [Mr. BYRD] and both Senators from Kentucky desire to be present. Senators would need a little notice. The Senators left the Chamber without receiving any notice that the bill might be considered. We are all very much interested in the bill. We hope we shall have some notice when a motion is to be made to consider the bill. We would have to object to immediate consideration of the bill by unanimous consent.

Mr. JOHNSON of Texas. Mr. President, I should like to give notice that all bills reported by the policy committee are subject to being taken up by motion. These bills include Calendar No. 1114, H.R. 2164, to reduce the cabaret tax from 20 to 10 percent; Calendar No. 1162, H.R. 9660, to amend section 6659(b) of the Internal Revenue Code of 1954 with respect to the procedure for assessing certain additions to tax; Calendar No. 1166, S. 2878, to adjust Indian and non-Indian land use areas in the vicinity of the Navajo Indian Reservation in New Mexico, and for other purposes; Calendar No. 1059, H.R. 6132, relating to the rate of tax on the issuance of shares or certificates of stock by regulated investment companies; Calendar No. 893, S. 910, to authorize the payment to local governments of sums in lieu of taxes and special assessments with respect to certain Federal real property, and for other purposes; Calendar No. 1035, S. 743, to amend the Federal Coal Mine Safety Act in order to remove the exemption with respect to certain mines employing no more than 14 individuals; Calendar No. 1178, H.R. 4251, to amend the Internal Revenue Code of 1954 with respect to the limitation on the deduction of exploration expenditures; and others cleared by the policy committee.

I shall not make a motion that all of these bills be considered this evening.

Because of what has been said by the Senator from Pennsylvania [Mr. CLARK] and by the Senator from Virginia [Mr. ROBERTSON], Calendar No. 1035, H.R. 743, will not be considered tonight.

Mr. ROBERTSON. Mr. President, the Senator from Virginia appreciates that courtesy.

ADDRESS BY SENATOR MORSE AT MICHIGAN JEFFERSON-JACKSON DAY DINNER

Mr. MORSE. Mr. President, last Saturday night I addressed the Michigan Jefferson-Jackson Day dinner at the Midwest Conference of Democrats, Detroit, Mich. I prepared a manuscript for that occasion.

A few paragraphs were deleted in the actual delivery, Mr. President, but the entire manuscript was released as a press release.

In the course of my remarks, I said:

Another human rights issue for which the Democratic Party must continue to fight is adequate health care for our aged. A fine liberal Democrat, Congressman FORAND, of Rhode Island, has given us a great example of what fearless leadership can accomplish in a great humanitarian cause. His health insurance bill for the aged seeks to carry out our duty as a political party to promote the general welfare of people.

I am sure that the Senator from Michigan [Mr. MCNAMARA] and the Senator from Massachusetts [Mr. KENNEDY], who are here tonight, will join me in trying to get passed through the Senate a bill which carries out the principles of the Forand bill in the House and the Morse bill in the Senate.

In 1958, it was my privilege to be the first to introduce in the Senate a companion bill to the Forand proposal providing health insurance for the aged. That year, I also offered my bill as a floor amendment to the parsimonious and totally inadequate 7-percent social security increase. There wasn't much interest in it at that time in the Senate, but we were at least able to put into the RECORD during the debate the distressing facts of inadequate medical care for those 65 years of age and over. Unfortunately, we could not even get a rollcall vote on it, but in the 2 years since then, we have gained remarkable support. I think it is time to put the Republicans on record before the 1960 election on this human welfare issue.

Congressman FORAND is making a valiant effort to bring his bill out of the House committee. If he is unable to do so, and if likewise a Senate committee fails to report it, I pledge that I shall again offer my companion bill to the Forand proposal for health insurance under our social security system for the aged as a floor amendment to any legislation to which it may be germane prior to adjournment in July. Time has come for the Members of Congress to stand up and be counted on the issue of needed security for the aged of our country.

Mr. President, I ask unanimous consent that my entire manuscript be printed in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR WAYNE MORSE, AT THE MICHIGAN JEFFERSON-JACKSON DAY DINNER, MIDWEST CONFERENCE OF DEMOCRATS, DETROIT, MICH., MARCH 26, 1960

Fellow Democrats, this meeting of Midwest and Michigan Democrats who are honoring two of the greatest historic leaders of our party, Thomas Jefferson and Andrew Jackson, is a proud occasion for Democrats.

Among the distinguished leaders of the Democratic Party who are here tonight—including most of the announced and some of the unannounced candidates for the presidential nomination—we have many men of presidential caliber. Any one of them would serve our Nation with great distinction and honor in the White House.

May I say facetiously that I suspect we also have with us some very able unannounced candidates for the Vice Presidency, too.

Democrats may differ as to which potential nominee would make the best President, but we are unanimous that any one of them is a great statesman, compared with the Republican heir-apparent.

I am not one to say that in 1960, any Democrat can win. I think that no matter whom we nominate, there is a lot of tough going ahead. But win we can, and win we must for the sake of the destiny of our country.

We will win, if we take the issues to the American people in this campaign, and demonstrate once again, as President Truman did in 1948, that the Democratic Party can always be counted on to fight for a program which will promote the general welfare of all the people. In keeping with the spirit and philosophy of Thomas Jefferson and Andrew Jackson, the Democratic Party must make clear in the campaign of 1960 that we can be counted on to protect the economic weak in our country from exploitation by the economic strong.

Democrats may differ also as to the emphasis and order of priority which should be given to the major political issues demanding solution in this period of national and world crisis. You hear it said that public discussion and debate within our party in respect to major domestic and foreign issues should be avoided.

Those who so contend seem to forget that vigorous political debate between candidates on vital issues is an essential part of our democracy. We should remember that a monolithic political party is as destructive of democratic processes as a monolithic state. It is only where issues are freely discussed that sound public policy can be arrived at.

Fortunately, the Democratic Party has historic, built-in protections against control by a high command. We are a party of brains, energy, and independence of mind. As long as we stay that way, we will never have our candidates, and our platform picked for us by reactionary political bosses.

Politics by the dictation of bossism is the Republican way. No one knows that better than I do. I refused to submit to the political expediency, compromise of political ethics, and reactionary political bossism of the Republican Party. After years of fighting for liberalism in the Republican Party, it became perfectly evident to me that the only hope for constitutional liberalism is within the Democratic Party of Jefferson, Jackson, Wilson, Franklin Roosevelt, and Harry Truman. Upon the invitation of leaders of the Democratic Party in my State of Oregon and the Nation, endorsed by thousands of rank and file Democrats, I proudly joined the Democratic Party, and I have no regrets.

Several thousand Democrats in my State have placed my name on the presidential ballot as a favorite-son candidate. Many Democrats in the District of Columbia and the State of Maryland have organized a campaign in my behalf, and I shall take the issues as I see them to the Democratic voters in those campaigns. Many other Democratic supporters are working in my behalf for delegates in convention States.

My campaign will be based on the teaching of Jefferson that a democracy can be no stronger than the enlightenment of its people. I shall discuss the issues of this campaign as I see them, believing that political debate on the vital issues is an essential part of political education in our democracy.

We Democrats must never forget that the true wealth of America is not material wealth. It is not a Wall Street; it is not the smokestacks of our factories. The true wealth of America is human wealth. It is people. It is 180 million people who are the heirs of the great constitutional legacy handed down to us by the far-seeing revolutionary patriots of Jefferson's time. They made clear in the debates and the historic documents they wrote which brought into being our constitutional guarantees of economic and political freedom for the individual that the primary objective of our system of constitutional self-government is to promote the general welfare of all of our people at all times. That doctrine is the very essence of the liberalism of the Democratic Party.

This human rights doctrine of the greatest good for the greatest number, protecting at the same time the constitutional economic and political rights of minorities, epitomizes the political programs of such great liberal Democratic Presidents as Jefferson, Jackson, Wilson, Franklin Roosevelt, and Truman.

There are those who say that we have entered a new era and the human welfare goals of the New Deal of Roosevelt and the Fair Deal of Truman are no longer applicable to the needs of the Nation. Nothing could be more wrong. It is wrong because the philosophical principles of liberalism of the era of Roosevelt and Truman, based upon the general welfare doctrines of Jefferson, are immutable. They must not be compromised at the altar of political expediency in the historic campaign of 1960.

The great issue of protecting human rights presents us with a political crisis in our country today. The Democratic Party must not try to duck it. It can never justify compromising it. Liberals must remember that when they compromise a principle, there is no principle left. They must recognize that the only practicality is an ideal put to work.

The Democratic Party in this hour of history must face up to the challenge of putting the political ideals of the 14th and 15th amendments of the Constitution to work. Voting rights legislation is not enough of an answer to the demands of millions of our people that they be granted full first-class citizenship in the United States.

An effective enforcible voting rights law should be passed in this session of Congress, but there should be added to it enforcement procedures and legal remedies which will guarantee the carrying out of the historic decisions of the U.S. Supreme Court in respect to desegregation.

Another human rights issue for which the Democratic Party must continue to fight is adequate health care for our aged. A fine liberal Democrat, Congressman FORAND of Rhode Island, has given us a great example of what fearless leadership can accomplish in a great humanitarian cause. His health insurance bill for the aged seeks to carry out our duty as a political party to promote the general welfare of people. I am sure that Senator MCNAMARA and Senator KENNEDY who are here tonight will join me in trying to get passed through the Senate a bill which carries out the principles of the Forand bill in the House and the Morse bill in the Senate.

In 1958, it was my privilege to be the first to introduce in the Senate a companion bill to the Forand proposal providing health insurance for the aged. That year, I also offered my bill as a floor amendment to the parsimonious and totally inadequate 7 percent social security increase. There wasn't much interest in it at that time in the Senate, but we were at least able to put into the RECORD during the debate the distressing facts of inadequate medical care for those 65 years of age and over. Unfortunately, we could not even get a rollcall vote on it, but in the 2 years since then, we have gained remarkable support. I think it is time to put the Republicans on record before the 1960 election on this human welfare issue.

Congressman FORAND is making a valiant effort to bring his bill out of the House committee. If he is unable to do so, and if likewise a Senate committee fails to report it, I pledge that I shall again offer my companion bill to the Forand proposal for health insurance under our social security system for the aged as a floor amendment to any legislation to which it may be germane prior to adjournment in July. Time has come for the Members of Congress to stand up and be counted on the issue of needed security for the aged of our country.

Time prevents my mentioning but one more issue—this one in the field of foreign policy. Much has been said about the missile gap, and I shall continue to give full support to maintaining our military defenses so that Russia will always understand that she has everything to lose and nothing to gain by an aggressive course of action against the free world. But let us not forget that we are living in a strange paradox.

There also exists a serious peace gap. History teaches that the Western Powers and Russia and her Communist satellites cannot continue down the road of history with a mad, immoral, nuclear armament race and not finally topple over the brink into the abyss of nuclear war to void all hope of victory.

The people of the United States want no war that can be prevented with honor. I am satisfied those people throughout the world, who understand the delicate balance which exists in the world today between war and peace want no war. The cry of humanity is for peace with freedom.

We Democrats must carry the peace issue to the Republicans in this campaign because a continuation of the brinkmanship policy of the Eisenhower administration if it is not stopped will increase greatly the danger of eventual war.

The frequent circumventing of the United Nations by the Eisenhower administration has weakened a needed program for perfecting through the United Nations a sure foolproof, testproof, controlproof disarmament program.

We should never let the people of the United States in this election forget that it was the heir apparent to the Republican nomination, the Vice President of the United States, who sent up the trial balloon for the administration in 1954, calling for American armed intervention in Indochina, while at the same time, our diplomats in the State Department, through secret diplomacy, were seeking to get the British to go along with such a preventive war policy. As Eden's memoirs clearly document, it was Churchill and Eden who scotched that proposal of brinkmanship on the part of the Republican administration.

These famous words of Franklin Roosevelt are significantly applicable to the hour of great foreign policy crisis in which we live. They are dramatically apropos to the responsibility of the Democratic Party in our time to face up to the peace gap. On this issue, the Democratic Party and the American people should never forget those famous and dramatic words of Franklin D. Roosevelt, "Our generation has a rendezvous with destiny." In this campaign, we must take the peace issue to the American people. If we do we shall win and we shall deserve to win.

INCREASE IN AUTHORIZED MAXIMUM EXPENDITURE UNDER THE SPECIAL MILK PROGRAM FOR CHILDREN

The Senate resumed the consideration of H.R. 9331, increasing the authorized maximum expenditure under the special milk program for children.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that an excerpt from the committee report on the bill be printed in the RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill with the committee amendments would increase the amount of Commodity

Credit Corporation funds to be used for the special milk program to $85 million for the current fiscal year (from $61 million); increase such authorization for next year to $95 million (from $84 million), and continue the program thereafter on a permanent basis at $95 million annually. The program is currently authorized only until June 30, 1961.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended, so as to read: "An act to extend and increase the authorized maximum expenditure for the special milk program for children."

Mr. JOHNSON of Texas. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. McNAMARA. Mr. President, I move to lay that motion on the table.

The motion to table was agreed to.

CASTRO AND SUGAR

Mr. DWORSHAK. Mr. President, I am a cosponser of a bill to amend the Sugar Act, and in that connection I ask unanimous consent to have printed in the RECORD an editorial entitled "Castro-Soured Sugar," which was published recently in the Post Register of Idaho Falls, Idaho.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CASTRO-SOURED SUGAR

Not only Idaho, but the Nation has an important stake in proposed changes in the Sugar Act. The four point program calls for:

(1) Extension of the act through 1964; (2) an increase in the basic quotas for the domestic beet and mainland cane areas by 150,000 tons and 50,000 tons respectively; (3) authority for the President to reduce the quota for a given calendar year for any foreign country if he finds and proclaims this to be necessary in the national interest; and (4) a change in the present procedure and regulations for allotting deficits when a producing area fails to fill its sugar quota because of crop failure or other reasons.

If there is contention over the amendments, it will undoubtedly be focused on the one giving the President authority to reduce the quota for any foreign country if found necessary for "the national interest." It should be bountifully evident to the Nation at large by now that Premier Castro of Cuba is doing his shouting best to upset the sensitive equilibrium which is the signal virtue of the sugar act. Cuba supplies the United States with one-third of our sugar and should Castro's political and economic tumult continue to widen the Atlantic Ocean between the two countries, Uncle Sam simply will have to protect himself. Certainly now there is no prospect for any improvement in relations as the unpredictable premier woos the Communists and assaults the United States with a whimsy that would be laughable if it were not so deadly.

The President must be allowed to fill the void in sugar supply to this country which will undoubtedly be occasioned by Castro's industry-wrecking policies. The sugar beet and cane production in this country fills about one-fourth of this Nation's supply. The rest comes mostly from Cuba, Puerto Rico and the Virgin Islands. The sugar act now encourages the domestic sugar industry to not only maintain its present production but to share importantly in the increased domestic demand. This country should not be left without any sugar resources certainly even if it can be produced cheaper elsewhere. In time of emergency, there should always be at least a minimum platform for providing this country with its sugar.

The right of the President to reduce an import country's quota for other reasons than maintaining the sugar supply balance, can be argued as well. Cuba has made sugar agreements with Russia. Castro has already moved in on American industry in Cuba. He calls it purchase but the repayment plan to American investors with 20 year bonds at 4½ percent interest is hardly purchase. The bonds will no doubt be worthless.

He has also widely accused the United States with every heinous crime, from bombing Cuban cities to blowing up ammunition ships. There is possibility that Castro might even try to oust the U.S. naval base at Guantanamo Bay. In addition, Castro might well have signed a partnership pact with the Soviets during the recent visit of Soviet Deputy Premier Mikoyan.

With this menacing cloud hovering over the U.S. sugar program, it would seem only wise to give the President the power of free agency to prevent Castro's recklessness from undermining our sound sugar program.

We don't have to take his accusations and his sugar, too.

REDUCTION OF CABARET TAX

Mr. JOHNSON of Texas. Mr. President, I move the Senate proceed to the consideration of Calendar No. 1114, H.R. 2164.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (H.R. 2164) to reduce the cabaret tax from 20 percent to 10 percent.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement on the pending bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR JAVITS

I favor this bill for the reasons that it eliminates a discriminatory tax rate and reduces the effect of a tax which has had a real deterrent effect on the employment of musicians and other entertainers in restaurants, and other places of entertainment where food is served.

The present 20 percent rate is discriminatory in that the rates of almost all other ad valorem excise taxes do not exceed 10 percent, particularly since it is charged only where there is combined service of food or beverages and entertainment, while the tax on either, if separate, is substantially lower.

The adverse effects of this tax on the employment of musicians is well known and has been testified to by such organizations as ASCAP. The constant elimination of entertainment in restaurants and other places serving food or beverages is in part a direct effect of this tax, coming together with recent technological changes in the entertainment field to cause a serious drop in the employment opportunities for live entertainment.

New York, as the entertainment capital of the Nation has felt particularly the effects of this tax on employment, and I am pleased that the Senate has had this opportunity to complete legislative action on its reduction.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an excerpt from the report on the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

I. GENERAL STATEMENT

H.R. 2164 reduces from 20 percent to 10 percent the tax imposed (by sec. 4231(6)) with respect to roof gardens, cabarets, and similar establishments. This change in rates is to be effective as of 10 a.m. on the first day of the month beginning more than 10 days after the enactment of this bill.

II. REASONS FOR THE BILL

Your committee is reporting this bill to reduce the cabaret tax for two principal reasons: First, the present 20-percent rate is discriminatory in that the rates of almost all of the other ad valorem excise taxes do not exceed 10 percent; second, the present high rate of this tax is believed to have been a substantial deterrent to the employment of musicians and other entertainers.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

Mr. JOHNSON of Texas. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ANDERSON. Mr. President, I move to lay that motion on the table.

The motion to table was agreed to.

PROCEDURE FOR ASSESSING CERTAIN ADDITIONS TO TAX

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1162, H.R. 9660.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (H.R. 9660) to amend section 6659(b) of the Internal Revenue Code of 1954 with respect to the procedure for assessing certain additions to tax.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Finance, with an amendment, on page 2, after line 17, to insert a new section, as follows:

SEC. 3. (a) Section 213(a) of the Internal Revenue Code of 1954 (relating to deduction for medical, dental, etc. expenses) is amended to read as follows:

"(a) ALLOWANCE OF DEDUCTION.—There shall be allowed as a deduction the following amounts of the expenses paid during the taxable year, not compensated for by insurance or otherwise, for medical care of the taxpayer, his spouse, or a dependent (as defined in section 152):

"(1) If neither the taxpayer nor his spouse has attained the age of 65 before the close of the taxable year—

"(A) the amount of such expenses for the care of any dependent who—

"(i) is the mother or father of the taxpayer or of his spouse, or is an individual who stands in loco parentis to the taxpayer or his spouse, and

"(ii) has attained the age of 65 before the close of the taxable year, and

"(B) the amount by which such expenses for the care of the taxpayer, his spouse, and such dependents (other than any dependent described in subparagraph (A)) exceed 3 percent of the adjusted gross income.

"(2) if either the taxpayer or his spouse has attained the age of 65 before the close of the taxable year—

"(A) the amount of such expenses for the care of the taxpayer and his spouse,

"(B) the amount of such expenses for the care of any dependent described in paragraph (1)(A), and

"(C) the amount by which such expenses for the care of such dependents (other than any dependent described in paragraph (1)(A)) exceed 3 percent of the adjusted gross income."

(b) The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1959.

And on page 4, after line 4, to insert a new section, as follows:

SEC. 4. (a) Section 151 of the Internal Revenue Code of 1954 (relating to allowance of deductions for personal exemptions) is amended by adding at the end thereof the following new subsection:

"(f) CERTAIN FOREIGN STUDENTS.—

"(1) IN GENERAL.—An exemption of $600 for each individual (other than an individual who is a dependent (as defined in section 152))—

"(A) who is not a citizen or a resident of the United States;

"(B) whose presence in the United States is solely for the purpose of pursuing his education in the ninth, tenth, eleventh, or twelfth grades at an educational institution in the United States;

"(C) who is a full-time student in the ninth, tenth, eleventh, or twelfth grades at an educational institution in the United States—

"(i) during each of seven calendar months during the calendar year in which the taxable year of the taxpayer begins, or

"(ii) during a period of not less than seven calendar months which ends within such calendar year; and

"(D) who, during the seven calendar months referred to in subparagraph (C)(i) or during the period referred to in subparagraph (C)(ii), has as his principal place of abode in the United States the home of the taxpayer and is a member of the taxpayer's household.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply with respect to an individual for any taxable year in any case in which the taxpayer receives any money or other property as compensation or reimbursement for maintaining such individual in his home as a member of his household. Clause (ii) of paragraph (1)(C) shall not apply with respect to an individual for any taxable year if the taxpayer was entitled to an exemption under this subsection for such individual for the preceding taxable year by reason of the application of clause (i) of paragraph (1)(C).

(3) EDUCATIONAL INSTITUTION DEFINED.—For purposes of paragraph (1), the term 'educational institution' has the meaning assigned to it by subsection (e)(4)."

(b) Section 213(c) of such Code (relating to limitations on deduction of medical, dental, etc., expenses) is amended by striking out "subsection (c) or (d), relating to additional exemptions for age or blindness" and inserting in lieu thereof "subsection (c), (d), or (f), relating to certain additional exemptions".

(c) Section 3402(f)(1) of such Code (relating to withholding exemptions) is amended—

(1) by striking out "and" at the end of subparagraph (D);

(2) by striking out the period at the end of subparagraph (E) and inserting in lieu thereof "; and"; and

(3) by adding after subparagraph (E) a new subparagraph as follows:

"(F) an exemption for each individual with respect to whom, on the basis of facts existing at the beginning of such day, there may reasonably be expected to be allowable an exemption under section 151(f) for the taxable year under subtitle A in respect of which amounts deducted and withheld under this chapter in the calendar year in which such day falls are allowed as a credit."

(d) The amendments made by subsections (a) and (b) shall apply with respect to taxable years beginning after December 31, 1959. The amendments made by subsection (c) shall apply with respect to wages paid on or after the first day of the first month which begins more than 20 days after the date of the enactment of this Act.

Mr. KERR. Mr. President, this is a bill which was passed by the House and sent to the Senate and, in the Finance Committee, approved with two amendments. The bill as it came to the Senate, deals with the procedure for assessing certain additions to tax.

Section 291(a) of the 1939 Code, as construed by *United States* v. *Erie Forge Co.* ((3d C.A. 1951) 191 F. 2d 627, cert. denied 343 U.S. 930), provided that additions to income tax, asserted by reason of failure to file a timely return, were to be assessed and collected under the deficiency procedure if the additions to tax were measured by the amount of a deficiency but not if measured by the tax shown on the return.

The Department, proceeding under what it believed to be the law and what had been held to be the law, ran into litigation which made it necessary that certain amendments for purposes of clarification be adopted. That is the purpose of H.R. 9660 as it came to the Senate.

Section 3 of the bill was added by your committee. It removes the 3-percent limit on medical expenses incurred by the taxpayer for the care of his dependent mother or dependent father or the dependent mother or father of his spouse or a dependent individual who stands in loco parentis to the taxpayer or his spouse, if such dependent has attained the age of 65 before the close of the taxable year. The 3-percent limitation permits a deduction for medical expenses only to the extent they exceed 3 percent of the taxpayer's adjusted gross income. Under the existing law, the 3-percent limitation is removed only with respect to medical expenses for the care of a taxpayer or his spouse, if either has attained the age of 65 before the close of the taxable year. The amendment applies to taxable years beginning after December 31, 1959.

Section 4, the other amendment of the bill, allows a $600 deduction to a taxpayer who maintains a foreign student in his home as a member of his household for a period of not less than 7 months during which the foreign student is enrolled full time at an educational institution, defined in the statute. To qualify the taxpayer for this deduction, the foreign student must not be a citizen or resident of the United States; his presence in the United States must be solely for the purpose of pursuing his education in the 9th, 10th, 11th, or 12th grade at an educational institution in the United States; and he must be a full-time student in such grades in such educational institution during each of 7 calendar months in the calendar year in which the taxable year of the taxpayer begins, or during a period of not less than 7 calendar months which ends within such calendar year.

The bill was brought to the Senate with the overwhelming approval of a majority of the committee.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended, so as to read: "An act to amend section 6659(b) of the Internal Revenue Code of 1954 with respect to the procedure for assessing certain additions to tax, and for other purposes."

Mr. KERR. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to table was agreed to.

ORDER FOR ADJOURNMENT

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it adjourn until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

PAYMENT TO LOCAL GOVERNMENTS OF SUMS IN LIEU OF TAXES AND SPECIAL ASSESSMENTS

Mr. JOHNSON of Texas. Mr. President, I had intended to take up Calendar No. 893, S. 910, but I understand that some minority Members are not present.

Mr. DIRKSEN. The minority Members are present.

Mr. JOHNSON of Texas. If there is no objection I will move that we take up the bill.

Mr. DIRKSEN. There is objection.

Mr. JOHNSON of Texas. May I inquire who is objecting?

Mr. DIRKSEN. I am. [Laughter.]

Mr. JOHNSON of Texas. The objection of the Senator from Illinois is good enough for me.

ADJUSTMENT OF INDIAN AND NON-INDIAN LAND USE AREAS

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1116, S. 2878, to adjust Indian and non-Indian

land use areas in the vicinity of the Navajo Indian Reservation in New Mexico, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 2, line 9, after the word "approximately", to strike out "5,165" and insert "5,325"; after line 12, to insert:

Township 13 north, range 17 west, section 32, northeast quarter southwest quarter, northwest quarter southeast quarter, south half southeast quarter.

On page 3, line 23, after the word "approximately", to strike out "102,336" and insert "102,696"; on page 4, line 8, after the word "to", to strike out "all minerals" and insert "all oil, gas, and other minerals"; on page 6, line 11, after the numerals "12", to strike out "section 14, northeast quarter;" and insert "section 14, northeast quarter, southwest quarter;"; on page 8, line 19, after the word "quarter", where it appears the first time, to strike out "section 32, northeast quarter southwest quarter, northwest quarter southeast quarter, south half southeast quarter;"; on page 9, line 6, after the word "quarter", where it appears the first time, to strike out "northeast quarter southwest quarter;"; on page 10, line 11, after the word "sections", to insert "(1,)"; in line 15, after the word "quarter", where it appears the first time, to strike out "east half southeast quarter;"; on page 14, line 1, after the word "quarter", where it appears the first time, to strike out "northwest quarter;"; in line 18, after the word "quarter", to strike out "section 14, northwest quarter" and insert "section 14, northeast quarter;"; in line 24, after the word "quarter", where it appears the second time, to strike out "section 32, northwest quarter, south half;" and insert "section 32, northeast quarter, south half;"; and on page 17, at the beginning of line 14, to strike out "section 12, northeast quarter northeast quarter, west half northeast quarter, west half, southwest quarter southeast quarter;" and insert "section 12, northeast quarter northeast quarter, west half northeast quarter, west half, southeast quarter southeast quarter;"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the purpose of this Act is to convey certain federally owned lands to the Navajo Tribe, and to make other land tenure adjustments in order to consolidate use areas and facilitate land and resource administration.

SEC. 2. The lands in the following-described areas that were acquired by the United States under authority of title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriations Act of April 8, 1935 (49 Stat. 115), section 55 of title I of the Act of August 24, 1935 (49 Stat. 750, 781), the Bankhead-Jones Farm Tenant Act (50 Stat. 522, 525), or subsequent emergency relief appropriation acts, and that were transferred by Executive Order Numbered 7975, dated September 16, 1938, as amended, from the Secretary of Agriculture to the Secretary of the Interior for administration for the benefit of the Navajo Indians, consisting of approximately 5,325 acres, are hereby declared to be a part of the public domain subject to administration and disposition under the public land laws:

New Mexico principal meridian, New Mexico:

Township 13 north, range 17 west, section 32, northeast quarter southwest quarter, northwest quarter southeast quarter, south half southeast quarter.

Township 12 north, range 18 west, section 4, northwest quarter; section 5, east half east half; section 7; section 8, east half northeast quarter; section 9, west half; and section 30, north half.

Township 12 north, range 19 west, section 25.

Township 13 north, range 19 west, section 29, south half south half; section 30, south half south half; section 31, north half northeast quarter, southwest quarter northeast quarter, west half, northwest quarter southeast quarter; section 32, north half, northeast quarter southwest quarter, southeast quarter; and section 33, north half, southwest quarter.

Township 12 north, range 20 west, section 5, south half; section 11; and section 27, southeast quarter.

SEC. 3. The lands in the following described areas that were acquired by the United States under the authorities cited in section 2 of this Act, consisting of approximately 2,080 acres, are hereby declared to be a part of the national forest in which they are located subject to the laws applicable to lands acquired under the Act of March 1, 1911 (36 Stat. 961), as amended and supplemented.

New Mexico principal meridian, New Mexico:

Township 13 north, range 17 west, section 22, south half southwest quarter northeast quarter, south half southwest quarter northwest quarter, southwest quarter, north half southeast quarter, north half southwest quarter southeast quarter, northwest quarter southeast quarter southeast quarter, southwest quarter southwest quarter southeast quarter; section 23, southeast quarter; section 25; section 27, south half north half, southeast quarter; and section 35.

SEC. 4. All of the right, title, and interest of the United States in the lands in the following-described areas that are public domain (approximately 102,696 acres), national forest lands (approximately 3,086 acres), lands acquired under the authorities cited in section 2 of this Act (approximately 61,398 acres), railroad grant lands that were reconveyed to the United States under the Act of March 3, 1921 (41 Stat. 1225, 1239), and are administered by the Secretary of the Interior for the benefit of the Navajo Tribe pursuant to Interior departmental order of September 1, 1939 (approximately 80,877 acres), and land withdrawn by Executive Order Numbered 1864 (approximately 543 acres), excluding title to all oil, gas, and other minerals therein but including title to appurtenant improvements and water rights, are hereby conveyed to the Navajo Tribe, and such land shall not, because of Indian ownership, be subject to any exemption from taxation, or to any restriction on use, management, or disposition:

New Mexico principal meridian, New Mexico:

Township 3 north, range 6 west, sections 14, 18, 22, 24, 26; and section 34, northeast quarter northeast quarter.

Township 3 north, range 7 west, sections 12, 14; and section 24, north half, north half southwest quarter, east half southeast quarter.

Township 14 north, range 12 west, section 8, west half northwest quarter.

Township 14 north, range 13 west, section 20; and section 24, north half, southeast quarter.

Township 15 north, range 13 west, section 2, northwest quarter.

Township 16 north, range 13 west, section 2; section 10, northwest quarter; section 26, northwest quarter; and section 36.

Township 6 north, range 14 west, section 4, northeast quarter, southwest quarter; sections 6, 8; section 10, southwest quarter northeast quarter, south half northwest quarter; section 12, east half; section 14, south half; and sections 18, 22, 24, 26, 34.

Township 7 north, range 14 west, section 12, northeast quarter; section 18, east half northeast quarter, northwest quarter northeast quarter; section 22, west half; and sections 24, 28, 30.

Township 14 north, range 14 west, section 4, north half, southwest quarter; section 6, north half; and section 14, northeast quarter.

Township 15 north, range 14 west, section 16; and section 28, southwest quarter.

Township 16 north, range 14 west, sections 4, 6, 20.

Township 17 north, range 14 west, section 34, lots 1, 2, 3, 4, south half south half.

Township 7 north, range 15 west, sections 4, 7, 12, 14, 18, 19; section 20, west half; section 24, north half, southwest quarter, south half southeast quarter; section 26; section 30, south half; and sections 31, 34.

Township 8 north, range 15 west, section 6, northwest quarter northwest quarter; and section 12, northeast quarter, southwest quarter.

Township 10 north, range 15 west, section 6, north half northeast quarter, southwest quarter northeast quarter, north half northwest quarter, southeast quarter northwest quarter, south half southwest quarter; and section 10, northwest quarter.

Township 15 north, range 15 west, section 2; section 4, north half, southwest quarter; section 6; section 8, north half, southwest quarter; section 10, northwest quarter, south half; section 12; section 14, northeast quarter, southwest quarter; section 16, north half; and section 18, lots 1, 2, 3, 4, 5, north half northeast quarter, northeast quarter northwest quarter.

Township 16 north, range 15 west, section 6, northwest quarter; section 8, northeast quarter, north half south half; section 10, northeast quarter; section 12, west half; section 13, west half; section 14, northwest quarter, south half; section 17, southwest quarter; section 18, northwest quarter; section 19, northeast quarter; section 22, south half; section 24, southeast quarter; section 25, east half east half northeast quarter, southeast quarter; section 28, west half, southeast quarter; and section 30, north half.

Township 17 north, range 15 west, section 34, lots 1, 2, 3, 4, south half south half.

Township 7 north, range 16 west, sections 1, 3, 4, 5; section 6, northeast quarter; sections 7, 9, 11; section 12, southwest quarter; sections 13, 15, 17, 19, 21, 23, 25, 27; section 28, northeast quarter northeast quarter; and sections 29, 31, 33, 35.

Township 9 north, range 16 west, section 4, north half northeast quarter northeast quarter, southeast quarter northeast quarter northeast quarter, northwest quarter northeast quarter, south half northeast quarter.

Township 10 north, range 16 west, section 4, northwest quarter northeast quarter, southwest quarter southwest quarter; section 14, west half southwest quarter; section 28, northwest quarter; and section 34, southeast quarter.

Township 15 north, range 16 west, sections 4, 6, 8, 10, 12; and section 14, lots 1, 2, 3, 4.

Township 16 north, range 16 west, sections 4, 8; section 12, northwest quarter northeast quarter, northwest quarter, west half southwest quarter, southeast quarter southwest quarter; section 14, southeast quarter; section 18, north half north half, southeast quarter; section 20, north half, southeast

quarter; section 22, northwest quarter, south half; section 24, southwest quarter; section 26, southwest quarter; section 28, northeast quarter; and section 34, east half east half.

Township 17 north, range 16 west, section 34, lots 1, 2, 3, 4, south half south half.

Township 30 north, range 16 west, section 21, lots 1 to 16.

Township 13 north, range 17 west, section 3, lots 1, 2, 3, 4, west half west half; section 4, northwest quarter, south half; section 5, south half north half, south half; section 6; section 7, northeast quarter, west half; section 8, north half north half, southwest quarter northwest quarter, southeast quarter southwest quarter, south half southeast quarter; section 9, east half, north half northwest quarter, east half southwest quarter; section 16, east half; section 18, southwest quarter; section 20, north half northeast quarter, southwest quarter; section 21, east half; section 28, north half, southeast quarter; section 30, lots 1, 2, southeast quarter southwest quarter, southeast quarter, southeast quarter northeast quarter; and section 33, east half, east half west half.

Township 14 north, range 17 west, section 4, north half, southeast quarter; section 6, east half east half, east half west half; section 8, west half, southeast quarter; section 10, west half northwest quarter; section 16, west half, southeast quarter; section 18; section 20, north half, southeast quarter; section 22, lots 1, 2, 3, 4, west half west half; section 28, north half, southeast quarter; section 30; section 31, north half north half, south half south half; section 32, west half southeast quarter, and section 34, lots 1, 2, west half northwest quarter.

Township 15 north, range 17 west, section 6, north half; section 8, southwest quarter; section 18, northeast quarter; section 22, lots 1, 2, 3, 4; section 28, northeast quarter; section 32, east half east half, northeast quarter northwest quarter, southwest quarter; section 33, west half, south half southeast quarter; and section 34, lots 3, 4, west half southwest quarter.

Township 16 north, range 17 west, section 12; section 14, north half, southwest quarter; section 18, northwest quarter, south half; section 20; and section 26, northwest quarter northwest quarter southwest quarter, south half northwest quarter southwest quarter, southwest quarter southwest quarter.

Township 17 north, range 17 west, section 34, lots 1, 2, 3, 4, south half south half.

Township 11 north, range 18 west, section 6, north half northwest quarter northeast quarter, southwest quarter northwest quarter northeast quarter, southeast quarter southeast quarter northeast quarter, north half northwest quarter, southwest quarter northwest quarter; north half southeast quarter northwest quarter, southwest quarter southeast quarter northwest quarter, west half southwest quarter, southeast quarter southwest quarter, south half northeast quarter southwest quarter; southwest quarter northwest quarter southeast quarter, east half northwest quarter southeast quarter, southwest quarter southeast quarter, east half southeast quarter.

Township 12 north, range 18 west, sections (1,) 2, 3; section 4, northeast quarter; section 5, west half northeast quarter, west half, west half southeast quarter; section 6, northeast quarter; section 8, northwest quarter, west half east half, south half southwest quarter, section 9, east half; section 10, north half, southwest quarter; section 11, north half, southeast quarter; sections 13, 14; section 15, north half north half, south half; section 18, northwest quarter northwest quarter, northwest quarter northeast quarter, east half northeast quarter, south half; section 19, north half; section 20, east half, southwest quarter; section 22, south half north half, south half; sections 23, 24; section 25, north half, north half south half; section 26, north half; section 27, north half, southeast quarter; section 28; section 30, south half; and sections 31, 32, 33, 34, 35, 36.

Township 13 north, range 18 west, section 1; section 2, northwest quarter, south half; section 3; section 4, east half, northwest quarter; sections 5, 6, 7, 9, 10, 11; section 12, north half, southwest quarter; sections 13, 15, 17, 18; section 19, southwest quarter; sections 20, 21, 22, 23, 24, 25; section 26, northeast quarter northwest quarter, west half northwest quarter, northwest quarter southwest quarter, south half south half; sections 27, 28, 29, 31, 33, 34; and section 35, northwest quarter, south half.

Township 14 north, range 18 west, section 1; section 3, south half; section 4, southeast quarter; section 6, northwest quarter; section 7; section 8, northeast quarter, east half northwest quarter; section 9; section 10, southeast quarter; sections 11, 13; section 14, southwest quarter; section 15, north half, north half south half; section 17; section 19, east half; section 21, northwest quarter, south half; sections 23, 24, 25, 26, 27; section 29, northeast quarter, south half; sections 31, 32; section 33, northeast quarter, south half; section 34, southeast quarter; and section 35, east half east half, west half west half.

Township 15 north, range 18 west, section 12, east half.

Township 11 north, range 19 west, section 1; section 2, north half; section 3, north half north half, southeast quarter northeast quarter, south half southwest quarter, southeast quarter, northeast quarter southwest quarter; section 4, southeast quarter; sections 5, 6, 7, 9; section 10, northeast quarter; sections 11, 12, 13, 14, 15, 17; section 18, east half; and section 24, south half.

Township 12 north, range 19 west, section 1, north half; sections 3, 4; section 5, northeast quarter, south half; section 7, northeast quarter northeast quarter, south half northeast quarter, northwest quarter northwest quarter, south half; sections 9, 11; section 13, north half, north half southwest quarter, east half southeast quarter; section 14, north half, north half southeast quarter, southeast quarter southeast quarter, southwest quarter southwest quarter; section 15, east half northeast quarter, south half; section 17, southeast quarter, west half; section 19; section 21, west half; sections 22, 23; section 24, north half; section 27; section 28, east half; sections 29, 31, 32, 33; section 35, northeast quarter northeast quarter, west half northeast quarter, northwest quarter, northwest quarter southwest quarter, south half south half; and section 36.

Township 13 north, range 19 west, section 1, northeast quarter, south half; sections 2, 3, 5, 6, 7, 8; section 9, west half east half, west half; section 10, southeast quarter; sections 11, 12, 13; section 14, northwest quarter, south half; section 15; section 17, north half, southwest quarter; section 18; section 19, north half; section 20, north half, north half south half; sections 21, 22, 23; section 24, east half; sections 25, 26; section 27, north half northeast quarter, south half southeast quarter, west half; section 28; section 29, north half, north half south half; section 30, north half, north half south half; section 34; section 35, north half, southeast quarter; and section 36.

Township 14 north, range 19 west, section 1, south half; sections 3, 5; section 7, south half; section 8, north half; section 9, west half east half, west half; section 11; section 12, east half; section 13; section 14, northwest quarter; section 15, west half west half; section 17, northeast quarter, south half; section 19, northeast quarter, south half; sections 21, 23, 25; section 26, east half, northwest quarter; section 27; section 29, northeast quarter, south half; sections 30, 31; section 32, south half; and sections 33, 35.

Township 11 north, range 20 west, section 1; section 3, northeast quarter, south half; section 4, northwest quarter northeast quarter, northeast quarter northwest quarter, south half southeast quarter; sections 5, 6, 7, 8, 9; section 10, west half; section 11; and section 12, north half, west half southwest quarter, east half southeast quarter.

Township 12 north, range 20 west, sections 1, 3; section 4, south half; section 5, north half; section 6, east half, southwest quarter, sections 7, 9, 10; section 12, north half; section 13, north half north half, southwest quarter northeast quarter, south half northwest quarter, southeast quarter southeast quarter; section 15, north half north half, south half northwest quarter, southwest quarter, south half southeast quarter; section 17; section 18, west half; section 19; section 20, southeast quarter; section 21; section 23, northwest quarter northeast quarter, north half northwest quarter, southwest quarter northwest quarter, south half; section 25, south half; section 27, north half, southwest quarter; section 28, west half northwest quarter, southeast quarter northwest quarter, northwest quarter southwest quarter; sections 29, 30; section 31, north half northwest quarter, south half southwest quarter, southeast quarter; section 33; section 34, east half east half; and section 35.

Township 13 north, range 20 west, sections 1, 11, 12; section 13, north half, southeast quarter; section 14, northeast quarter; sections 22, 23; section 24, north half, southeast quarter; section 25, north half northwest quarter, south half southwest quarter, southeast quarter; section 27, east half, north half northwest quarter, southeast quarter northwest quarter, southwest quarter southwest quarter; section 32, northeast quarter, south half; section 33; section 34, north half, southeast quarter; and section 35.

Township 14 north, range 20 west, sections 3, 4, 5; section 6, east half; sections 7, 8, 9, 11; section 12, northwest quarter; section 13, west half; section 14, northwest quarter; sections 15, 17, 19; section 20, northeast quarter; sections 21, 22; section 23, west half east half, west half; sections 25, 26, 27; section 28, east half; section 30, northwest quarter, that part of southwest quarter lying north and west of Atchison, Topeka and Santa Fe Railroad right-of-way; and sections 34, 35.

Township 15 north, range 20 west, section 1; section 2, northeast quarter northeast quarter, northwest quarter northwest quarter, south half north half, south half; sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15; section 16, southeast quarter southeast quarter; sections 17, 18; section 19, southwest quarter northeast quarter, northwest quarter northwest quarter, south half northwest quarter, south half; section 20, north half, southeast quarter; sections 21, 22; section 23, southwest quarter; section 24, east half; section 25; section 26, north half, southwest quarter; sections 27, 28, 29; section 30, southwest quarter northeast quarter, northwest quarter northwest quarter, south half northwest quarter, southwest quarter; sections 31, 32, 33; section 34, north half north half, southeast quarter northwest quarter, southwest quarter northeast quarter, northeast quarter southwest quarter, southeast quarter southeast quarter; and section 35; north half, southwest quarter.

Township 11 north, range 21 west, section 1; section 3, lots 1, 2, 3, 4, 5, 6, south half northeast quarter, southeast quarter; section 10, lots 1, 2, 3, 4, east half; and sections 11, 12.

Township 12 north, range 21 west, section 1, south half southeast quarter; section 11, southeast quarter; section 12, east half, south half northwest quarter, northeast quarter northwest quarter, southwest

quarter; section 13, northeast quarter, south half; section 14, west half; section 15, lots 1, 2, 3, 4, east half; section 22, lots 1, 2, 3, 4, east half; section 23; section 24, west half; sections 25, 26; section 27, lots 1, 2, 3, 4, east half; section 34, lots 1, 2, 3, 4, west half east half; and section 35.

Township 13 north, range 21 west, section 1, that part lying north and west of Atchison, Topeka, and Santa Fe Railroad right-of-way; section 2, that part lying north and west of Atchison, Topeka, and Santa Fe Railroad right-of-way; and section 3, lots 1, 2, 3, 4.

Township 14 north, range 21 west, section 1, north half southwest quarter; section 3, lots 1, 2, 3, 4; section 10, lots 1, 2, 3, 4; sections 11, 12, 13, 14; section 15, lots 1, 2, 3, 4; section 22, lots 1, 2, 3, 4; section 23; section 25, south half north half, south half; section 26, west half; section 27, lots 1, 2, 3, 4; section 34, lots 1, 2, 3, 4; section 35, northeast quarter northeast quarter, south half northeast quarter, southwest quarter northwest quarter, south half; and section 36, northeast quarter, that part lying north and west of Atchison, Topeka and Santa Fe Railroad right-of-way, northwest quarter, southeast quarter, that part lying north and west of Atchison, Topeka and Santa Fe Railroad right-of-way.

Township 15 north, range 21 west, section 1; section 2, south half north half, north half southwest quarter; section 3, lots 1, 2, 3, 4; section 10, lots 1, 2, 3, 4; section 11; section 13, northeast quarter northeast quarter, west half northeast quarter, west half, southeast quarter southeast quarter; sections 13, 14; section 15, lots 1, 2, 3, 4; section 22, lots 1, 2, 3, 4; sections 23, 24, 25; section 26 southwest quarter; section 27, lots 1, 2, 3, 4; section 34, lots 1, 2, 3, 4; and section 35, west half.

SEC. 5. The Secretary of the Interior is hereby authorized in his discretion and under such rules and regulations as he may prescribe to accept conveyances of Indian tribal and allotted lands, and conveyances of privately owned and State-owned lands, and relinquishments of valid homestead entries or other applications, including Indian allotment selections, within San Juan, McKinley, Valencia, Socorro, Rio Arriba, Bernalillo, and Sandoval Counties, New Mexico, and to exchange therefor an equal value of unreserved and unappropriated public lands within those counties so that the holdings within the area may be consolidated into an improved land-use pattern: *Provided*, That either party to an exchange under this section may reserve minerals, easements, or rights of use. The Secretary is authorized to execute any title documents necessary to effect such exchanges. (Lands conveyed to the United States pursuant to this section shall become a part of the public domain subject to administration and disposition under the public land laws if they are outside the areas described in section 4 of this Act, and they shall be reconveyed to the Navajo Tribe in an unrestricted status if they are within the areas described in section 4. Title to lands acquired by an Indian tribe, band, or group, or individual Indians by exchange pursuant to this section shall be acquired in the same status, trust, or unrestricted as the case may be, as the title to the lands disposed of by exchange, and any trust title so acquired by the United States shall be subject to the laws and regulations applicable to the other trust lands of such tribe, band, group, or individual. When such lands are located within the exterior boundaries of national forests in any of the counties heretofore named in this section, conveyances of Indian tribal or allotted lands, conveyances of privately owned and State-owned lands, and relinquishments of valid homestead entries or other applications, including Indian allotment selections, may be accepted and national-forest lands may be granted in exchange therefor pursuant to the Act of March 20, 1922 (42 Stat. 465), as amended (16 U.S.C. 485, 486).

SEC. 6. The owner of the minerals that are excluded from the conveyances made by section 4 of this Act shall have the right to mine, remove, and develop them under such rules and regulations as the Secretary of the Interior may deem necessary to enable recovery of the minerals and to prevent undue interference with the surface use of the lands. Nothing in this Act shall be deemed to validate any application, entry, or other claim under the mining and mineral leasing laws initiated while the lands were withdrawn by order of the Secretary of the Interior.

SEC. 7. There is hereby repealed the last paragraph of section 13 of the Act of March 3, 1921 (41 Stat. 1225, 1239), which reads:

"The Secretary of the Interior is hereby authorized in his discretion, under rules and regulations to be prescribed by him, to accept reconveyances to the Government of privately owned and State school lands, and relinquishments of valid homestead entries, or other filings, including Indian allotment selections, within any township of the public domain in San Juan, McKinley, and Valencia Counties, New Mexico, and to permit lieu selections by those surrendering their rights so that the holdings of any claimant within any township wherein such reconveyances or relinquishments are made may be consolidated and held in solid areas: *Provided*, That the title or claim of any person who refuses to reconvey to the Government shall not be hereby affected."

SEC. 8. Nothing in this Act shall affect valid rights existing at the date of approval of this Act.

SEC. 9. The provisions of this Act shall become effective upon the acceptance of its terms by the governing body of the Navajo Indian Tribe: *Provided*, That such acceptance is made within one year from and after the date of approval of this Act: *Provided further*, That the Navajo Tribe agrees to eliminate from its suit now pending before the Indian Claims Commission under the Act of August 13, 1946 (60 Stat. 1049), any claim based on alleged inadequate compensation for lands subject to this Act, and to renounce any other claim it may have with respect thereto. Nothing contained in this Act shall be construed as an admission of liability on the part of the United States with respect to these or any other lands.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that there may be printed in the RECORD at this point an excerpt from the committee report.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The primary purpose of S. 2878, introduced by Senator ANDERSON, of New Mexico, is to convey in fee simple certain federally owned lands excluding mineral rights, located within the State of New Mexico to the Navajo Tribe of Indians. The bill would also adjust and simplify the administration of certain other federally owned lands located in the vicinity of Gallup, N. Mex.

During the 1930's the Federal Government purchased approximately 70,000 acres of so-called submarginal lands in what is commonly referred to as the Church Rock-Two Wells area of New Mexico, near the city of Gallup. These acquisitions authorized by title II of the National Industrial Recovery Act of June 16, 1933, the Emergency Relief Appropriations Act of April 8, 1935, the Bankhead-Jones Farm Tenant Act, and later emergency relief appropriation acts, have been administered for the Navajo Indians. In addition, 80,887 acres of railroad grant lands in the same area were reconveyed to the United States under the act of March 3, 1921, and subsequently administered for the benefit of the Navajos by secretarial order of September 1, 1939. It was contemplated that at some future date legislation would be enacted setting aside the lands for permanent use by the Navajos.

In addition to the lands referred to above, there are approximately 103,239 acres of public domain presently used and occupied by Navajos, without cost, that would be affected by the bill. These public lands, administered by the Bureau of Land Management, are so intermingled with Indian lands or with submarginal and reconveyed railroad grant lands that are being administered for the benefit of the Indians, that separate administration of the tracts by the Bureau of Land Management is wholly impracticable. A staff member of the Joint Committee on Navajo-Hopi Indian Administration who has visited the area reports that the physical location of the tracts has prevented the Bureau of Land Management from exercising any effective control over grazing, resulting in a steady deterioration of the forage resource. Carrying capacity of the range varies from three to six cattle-year-long per section. The lands are actually used by the Indians, but the Bureau of Indian Affairs has no effective means to control the use. Continued Federal ownership of these lands will serve no useful purpose. Not only is it the purpose of S. 2878 to resolve this problem, but the enactment of this legislation will permit the tribe and the Bureau of Land Management to initiate a comprehensive management program for the lands in the area that will result in better conservation practices.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to convey certain federally owned lands in New Mexico to the Navajo Tribe of Indians and for other purposes."

Mr. JOHNSON of Texas. Mr. President, I moved that the Senate reconsider the vote by which the bill was passed.

Mr. ANDERSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RATE OF TAX ON ISSUANCE OF SHARES OR CERTIFICATES OF STOCK BY REGULATED INVESTMENT COMPANIES

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1059, H.R. 6132.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (H.R. 6132) relating to the rate of tax on the issuance of shares or certificates of stock by regulated investment companies.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an excerpt from the committee report on the pending bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Under present law the documentary stamp tax on original issues of stock is levied at the rate of 10 cents per $100 of actual value. The documentary stamp tax on stock transfers, on the other hand, is levied at the rate of 4 cents per $100 of actual value.

Regulated investment companies which operate as open-end mutual investment companies, however, do not usually provide for the trading of their securities. Instead they issue new securities to those desiring to buy their stock, and redeem the stock of those desiring to sell. As a result they pay a 10-cents-per-$100 issuance tax on transactions which to others would result in a transfer tax of 4 cents per $100 of actual value.

Within any township wherein such reconveyances or relinquishments are made the bill provides that the issuance tax in the case of qualifying regulated investment companies is to be imposed at the rate of 4 cents per $100 of actual value, rather than the 10-cent rate otherwise applicable. This is to be effective for stock sold after the date of enactment of this bill.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

Mr. JOHNSON of Texas. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. KERR. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT OF MUTUAL SECURITY ACT OF 1954, AS AMENDED—AMENDMENT

Mr. SMATHERS (for himself and Mr. MORSE) submitted an amendment, intended to be proposed by them, jointly, to the bill (S. 3058) to amend further the Mutual Security Act of 1954, as amended, and for other purposes, which was referred to the Committee on Foreign Relations, and ordered to be printed.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, March 29, 1960, he presented to the President of the United States the enrolled bill (S. 2482) to remove geographical limitations on activities of the Coast and Geodetic Survey, and for other purposes.

ADJOURNMENT

Mr. JOHNSON of Texas. Mr. President, I congratulate the distinguished occupant of the chair (Mr. BYRD of West Virginia) for the diligent and effective and judicious manner in which he has performed his duties and I thank all my colleagues for their cooperation.

Under the order previously entered, I now move that the Senate stand adjourned until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 46 minutes p.m.) the Senate, under the order previously entered, adjourned until tomorrow, Wednesday, March 30, 1960, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

TUESDAY, MARCH 29, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Luke 4: 40: *Why are ye so fearful? Where is your faith?*

Almighty God, whose mercies outnumber all our necessities, we are coming unto Thee constrained by Thy love, beseeching us to believe that Thou art willing and able to supply us with every needed blessing for each new day.

Fill our minds and hearts with a more vivid and vital faith for we humbly confess that in our daily thoughts and life we so frequently allow it to become deleted of its wonder and diluted of its power.

Grant that amid the yearnings of our troubled world and the tangle of human affairs we may be confident that beyond the dark clouds, which veil our vision, the sun of righteousness is still shining and Thy mighty purposes are working and being fulfilled.

We are remembering with grateful affection Thy servant, one of our colleagues, who has departed this life and answered the highest of all calls to dwell with Thee in eternal blessedness, having rendered many years of able and devoted service to our beloved country. Bless the members of his bereaved family with the assurance of Thy nearness and the consolation of Thy grace.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed the following resolution:

SENATE RESOLUTION 296

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Honorable RUSSELL V. MACK, late a Representative from the State of Washington.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That, at the conclusion of its business today, the Senate, as a further mark of respect to the memory of the deceased, adjourn until 10 o'clock ante meridian tomorrow.

The message also announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 24. An act to provide that certain real property of the United States situated in the State of Nevada shall be held in trust for members of the Fort McDermitt Paiute and Shoshone Tribe of Indians of the Fort McDermitt Indian Reservation, Nev.;

H.R. 1540. An act for the relief of the estate of John Steve;

H.R. 2740. An act to amend section 2734 of title 10, United States Code, to extend the statute of limitations in the case of certain foreign claims;

H.R. 2849. An act for the relief of Oscar A. LaBranche;

H.R. 4483. An act to amend the act of December 24, 1942 (56 Stat. 1086, 43 U.S.C. 35b), entitled "An act to authorize the Secretary of the Interior to acquire lands or interest in lands for the Geological Survey";

H.R. 4586. An act to amend section 4021 of the Internal Revenue Code of 1954;

H.R. 5270. An act to authorize the Secretary of the Interior to convey to the Metropolitan Water District of Salt Lake City, Utah, all right, title, and interest of the United States in certain lands located in Salt Lake County, Utah;

H.R. 5301. An act for the relief of Harry E. Nelson;

H.R. 5887. An act to amend the Tariff Act of 1930 to place ground, powdered, or granulated seaweeds on the free list;

H.R. 6023. An act for the relief of William J. Kaiser;

H.R. 6027. An act for the relief of Joseph J. O'Loughlin;

H.R. 6136. An act to authorize the sale of certain tribal land of the Lac du Flambeau Band of Lake Superior Chippewa Indians, Wisconsin;

H.R. 6402. An act for the relief of Victor Stiglic;

H.R. 6516. An act to approve a contract with the Conejos Water Conservancy District, Colorado, to ratify its execution, and for other purposes;

H.R. 6885. An act for the relief of Neal E. Andersen;

H.R. 6948. An act for the relief of Miss Marion A. Cramer;

H.R. 7037. An act for the relief of Carl J. Fisher, captain, U.S. Army, retired;

H.R. 7079. An act for the relief of Don L. Herring;

H.R. 7116. An act for the relief of George W. Gibson;

H.R. 7365. An act for the relief of Mrs. Nell C. Player;

H.R. 7447. An act for the relief of Paul Levitt;

H.R. 7636. An act for the relief of Mrs. Viola H. Rooks;

H.R. 7889. An act to require marketing quotas for rice when the total supply exceeds the normal supply;

H.R. 7933. An act for the relief of Mrs. Virginia Bond;

H.R. 8106. An act to provide for the relief of certain members and former members of the Department of the Navy for the expenses of temporary storage of household effects;

H.R. 8318. An act to amend the Internal Revenue Code of 1954 to exempt bicycle tires and tubes used in the manufacture or production of new bicycles from the manufacturers excise tax on tires and tubes;

H.R. 8801. An act for the relief of the Maco Warehouse Co.; and

H.R. 9599. An act to provide transportation on Canadian vessels between ports in southeastern Alaska, and between Hyder, Alaska, and other points in southeastern Alaska, and between Hyder, Alaska, and other points in the United States outside Alaska, either directly or via a foreign port, or for any part of the transportation.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills and joint resolutions of the House of the following titles:

H.R. 135. An act to amend the Internal Revenue Code of 1954 to exclude from gross income amounts paid by the United States to certain nonresident alien employees or their beneficiaries;

H.R. 529. An act to discharge more effectively obligations of the United States under certain conventions and protocols relating to the institution of controls over the manufacture of narcotic drugs, and for other purposes;

H.R. 2310. An act for the relief of Hoo W. Yuey;

H.R. 3472. An act to repeal section 1505 of the Social Security Act so that in determining eligibility of Federal employees for unemployment compensation their accrued annual leave shall be treated in accordance with State laws, and for other purposes;

H.R. 4826. An act for the relief of Arthur E. Collins;

H.R. 4874. An act to amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty;

H.R. 5888. An act to authorize the Secretary of the Navy to transfer to the Massachusetts Port Authority, an instrumentality of the Commonwealth of Massachusetts, certain lands and improvements thereon comprising a portion of the so-called E Street Annex, South Boston Annex, Boston Naval Shipyard, in South Boston, Mass., in exchange for certain other lands;

H.R. 6185. An act to amend the Internal Revenue Code of 1954 to exempt from taxation certain nonprofit corporations or associations organized after August 31, 1951;

H.R. 6329. An act to set aside permanently certain land in McKinley County, N. Mex., for use of the Navajo Tribe of Indians;

H.R. 6785. An act to amend section 4071 of the Internal Revenue Code of 1954 so as to fix a tax of 1 cent per pound of certain laminated tires produced from used tires;

H.R. 7456. An act to extend for 3 years the suspension of duty on imports of casein;

H.R. 7588. An act to amend the Internal Revenue Code of 1954 with respect to the treatment of copyright royalties for the purposes of the personal holding company tax;

H.R. 7947. An act relating to the income tax treatment of nonrefundable capital contributions to Federal National Mortgage Association;

H.R. 8251. An act for the relief of Tatsumi Ajisaka and others;

H.R. 8943. An act relating to the preservation of acreage allotments on land from which the owner is displaced by reason of the acquisition thereof by a Government agency in the exercise of the right of eminent domain;

H.R. 8684. An act to provide transitional provisions for the income tax treatment of dealer reserve income;

H.R. 9444. An act for the relief of Hsiao-li Lindsay (nee Li-Hsiao-li);

H.J. Res. 283. Joint resolution to authorise participation by the United States in parliamentary conferences with Mexico; and

H.J. Res. 352. Joint resolution to authorise preliminary study and review in connection with proposed additional building for the Library of Congress.

The message also announced that the Senate had passed bills, a joint resolution, and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 68. An act to provide for continued delivery of water under the Federal reclamation laws to lands held by husband and wife and upon the death of either;

S. 111. An act for the relief of Aristogiton Zahariadis;

S. 247. An act for the relief of Emil Milan Preseren;

S. 382. An act for the relief of John P. Vournas, Gus E. Vournas, and John E. Vournas;

S. 1223. An act for the relief of Alan John Coombs;

S. 1328. An act for the relief of Parker E. Dragoo;

S. 1408. An act for the relief of Ronald R. Dagon and Richard J. Hnensel;

S. 1410. An act for the relief of Jay R. Melville and Peter E. K. Shepherd;

S. 1720. An act for the relief of Perry Lee Gorman;

S. 1752. An act for the relief of Stamatina Kalpaka;

S. 1765. An act to authorize and direct the Treasury to cause the vessel *Edith Q.*, owned by James O. Quinn, of Sunset, Maine, to be documented as a vessel of the United States with full coastwise privileges;

S. 1909. An act for the relief of John Gelbert (alias Max Theodore Gelbert);

S. 1912. An act for the relief of Timmy Kim Smith;

S. 1913. An act for the relief of Evagelos Mablekos;

S. 2142. An act for the relief of George C. McKinney;

S. 2164. An act for the relief of Osvalda Riva Coolidge;

S. 2165. An act for the relief of Erica Barth;

S. 2173. An act for the relief of Mrs. John Slingsby, Lena Slingsby, Alice V. Slingsby, and Harry Slingsby;

S. 2177. An act for the relief of Peter J. Waterton;

S. 2234. An act for the relief of the estate of Hilma Claxton;

S. 2247. An act for the relief of Wong Gim Chung;

S. 2271. An act for the relief of Dimitri Yorgiadis;

S. 2317. An act for the relief of Mary Alice Clements;

S. 2330. An act for the relief of John B. Manthey;

S. 2331. An act to provide for the hospitalization, at St. Elizabeths Hospital in the District of Columbia, or elsewhere, of certain nationals of the United States adjudged insane or otherwise found mentally ill in foreign countries, and for other purposes;

S. 2333. An act for the relief of the heirs of Caroline Henkel, William Henkel (now deceased), and George Henkel (presently residing at Babb, Mont.), and for other purposes;

S. 2352. An act for the relief of Chaim (Hyman) Ediss;

S. 2361. An act for the relief of Andros Saass;

S. 2384. An act for the relief of Tommy Tadayoshi Shuto (Tadayoshi Takeda);

S. 2406. An act for the relief of Matias T. Falcasantos;

S. 2418. An act for the relief of Junko Hosaka Jordan;

S. 2419. An act for the relief of Inez Gonsales Ables;

S. 2443. An act for the relief of Edgar Harold Bradley;

S. 2456. An act to amend the act of April 19, 1950 (64 Stat. 44; 25 U.S.C. 635) to better promote the rehabilitation of the Navajo and Hopi Tribes of Indians, and for other purposes;

S. 2486. An act for the relief of Nobuko Stickels;

S. 2507. An act to relieve Joe Keller and H. E. Piper from 1958 wheat marketing penalties and loss of soil bank benefits;

S. 2520. An act for the relief of Shin Moriyoshi;

S. 2523. An act for the relief of Harry L. Arkin;

S. 2532. An act for the relief of Margherita Pino Zordan;

S. 2541. An act for the relief of Maria Vittone and Rosa Fostina;

S. 2552. An act for the relief of Pietro Capici Cordaro;

S. 2554. An act for the relief of Leila Finlay Bohin;

S. 2566. An act for the relief of Peter Leo Bahr;

S. 2607. An act for the relief of Krste Angeloff;

S. 2619. An act for the relief of Maria Critelli Ventura;

S. 2669. An act to extend the period of exemption from inspection under the provisions of section 4426 of the Revised Statutes granted certain small vessels carrying freight to and from places on the inland waters of southeastern Alaska;

S. 2778. An act to amend the act relating to the Commission of Fine Arts;

S. 2779. An act relating to the election under section 1372 of the Internal Revenue Code of 1954 by the Augusta Furniture Co., Inc., of Staunton, Va.;

S. 2804. An act to donate to the Keweenaw Bay Indian Tribe, l'Anse Reservation of Michigan, a certain tract of Federal land with improvements located thereon;

S. 2812. An act to amend the Communications Act of 1934 with respect to the painting and illumination of radio towers;

S. 2962. An act to grant 81 acres of public domain to the Cocopah Indians in Arizona;

S. 3005. An act to amend the act of March 3, 1933 (47 Stat. 1426), relating to the length of time by which the Federal Maritime Board may suspend tariff schedules;

S.J.Res.150. Joint resolution permitting the Secretary of the Interior to continue to deliver water to the lands in the third division, Riverton Federal reclamation project, Wyoming;

S. Con. Res. 86. Concurrent resolution authorizing the printing of additional copies of the hearings on employment, growth, and price levels;

S. Con. Res. 87. Concurrent resolution authorizing the printing of additional copies of the report on employment, growth, and price levels;

S. Con. Res. 88. Concurrent resolution authorizing the printing of additional copies of the hearings on energy resources and technology; and

S. Con. Res. 89. Concurrent resolution authorizing the printing of additional copies of the studies on comparisons of United States and Soviet economies.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following titles:

S. 2462. An act to remove geographical limitations on activities of the Coast and Geodetic Survey, and for other purposes.

The message also announced that Mr. BRUNSDALE has been elected a member on the part of the Senate of the Joint Committee on Printing and the Joint Committee on the Library, vice Mr. MORTON.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. RABAUT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 10233) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes, with Senate amendments thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Michigan? The Chair hears none, and appoints the following conferees: Messrs. RABAUT, NATCHER, CANNON, RHODES of Arizona, and TABER.

Mr. RABAUT. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on H.R. 10233.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

THE LATE RUSSELL V. MACK

Mr. PELLY. Mr. Speaker, I take this means of informing my colleagues as to the funeral arrangements for our late colleague, the Honorable Russell V. Mack. Friends may call at Gawlers Funeral Home, 1756 Pennsylvania Avenue, Washington, D.C., from 6 p.m. to 10 p.m. tonight, Tuesday, and from 12 o'clock noon to 6 p.m. on Wednesday.

The funeral will be held at 11 a.m. Saturday, April 2, Whiteside Funeral Home, Aberdeen, Wash.

HON. RUSSELL V. MACK

Mr. AUCHINCLOSS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. AUCHINCLOSS. Mr. Speaker, when death visits us suddenly and without warning we are shocked and stand back in awe at its majesty. We naturally think of the stricken one and with sacred thoughts wonder what it all means. Such a condition encompassed us when Russell Mack was stricken and summoned to his reward. But, my colleagues, I can testify that Russell Mack had no fear of death. We had discussed it recently and I took much courage from his calm and deep faith in the knowledge that his Redeemer liveth.

In the past few years I got to know Russell Mack well and I can testify with assurance to his high standards, to his hate for the false, and to his fearless outlook in life and its potentialities. He had a rich sense of humor which drew many men to him where they enjoyed the warmth of a friendship which was not of the ordinary kind. He had a keen feeling of responsibility to his constituents and to the problems which confronted him in his life of service; he was truthful and sincere in his approach and never resorted to cheap tricks or demagogery. His Americanism was dynamic and with his unselfish spirit he stood out among men. As time passes we will appreciate more and more how great is his loss to his friends and the Nation, but the example he has set in his service among us will long endure.

I extend to his wife and loved ones my most sincere sympathy and may they have the solace of understanding, the peace of acceptance, and the deep and abiding comfort of faith.

HON. EDWIN E. WILLIS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BOGGS. Mr. Speaker, now that the debate on the civil rights bill has shifted again to the other body, I should like to take this opportunity to praise my distinguished colleague from Louisiana, the Honorable ED WILLIS, who led the fight against this legislation for the members of the Louisiana delegation and for that matter for the minority members of the entire Committee on the Judiciary. I had the privilege of nominating Congressman WILLIS for the great Committee on the Judiciary some years ago, and I am happy indeed over the wonderful record that he has established in Congress. I was pleased to hear the many compliments paid him as we temporarily concluded this debate several days ago.

All of the members of our delegation stood with him as he was our spokesman on this issue.

I thought that he did a particularly magnificent job in pointing out what we consider the many glaring constitutional defects of the civil rights bill. This was particularly true in his handling of the "conclusive presumption" and the "pattern of practice" doctrines as well as the ex parte proceedings, the extension of the voter referee for State and local elections, and other dangerous and unwarranted proposals all of which carry us back to the unhappy days following the War Between the States.

As Congressman WILLIS so ably pointed out, the bill goes entirely too far, it goes too fast, and it will continue to compound the problems of men and women of good will of both races.

It is hoped that the strong voice of Congressman WILLIS will continue to be heard on the Judiciary Committee and that he will have an opportunity to exert his influence in the conference.

I am certain that all of my Louisiana colleagues join in congratulating him and wishing him well.

COMMITTEE ON THE JUDICIARY

Mr. WALTER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary have until midnight tonight to file a report on House Joint Resolution 397.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SPECIAL ORDER

Mr. SPRINGER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. Mr. Speaker, I had a special order on yesterday for 40 minutes. My inquiry is, Does that special order hold over until today so that mine would be the first special order today?

The SPEAKER. The gentleman will have to ask unanimous consent to obtain a new special order.

THE LATE HON. RUSSELL V. MACK

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes today, following the legislative business and other special orders on the passing of our late colleague, Judge Mack. He was one of the greatest and finest men I have ever known; one of the greatest legislators and one of the great figures of our time. I should like the opportunity to pay tribute to his courage.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE THREE R's

Mr. MUMMA. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MUMMA. Mr. Speaker, until yesterday the words "McGuffey Readers" sounded to me like something of a mystery book. I heard a lot about them but had never seen them.

Mr. Speaker, in today's mail I received the set of seven volumes of McGuffey Readers which I had ordered from the American Council of Christian Laymen at Madison, Wis. My colleague, the Honorable CLIFFORD MCINTIRE, of Maine, had told me about them being available. I thought other Members might be interested in their availability. If you wish to see them, either Mr. MCINTIRE's or my office will be glad to show them.

The volumes themselves comprise the Primer, and run next, from the First Grade Reader through the Sixth Grade Reader. They have been closely associated with good education for a long time.

Education in itself is an important thing. It is a basic tool to help unlock the doors of knowledge through the practical application of learned logic. It is the threshold over which our scientists pass in the development of the comforts of life, and even destruction or self-preservation, or be it the niceties or esthetical things in life.

The McGuffey Readers have been closely associated with the basics in education and it is interesting to learn that right here in the Nation's Capital, there is to be a school especially devoted to the three R's. According to the tremendous response reported, it would appear that going back to the three R's is not a backward step but rather a forward step back in the right direction.

ONE HUNDRED AND THIRTY-NINTH ANNIVERSARY OF GREEK INDEPENDENCE

Mrs. CHURCH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. CHURCH. Mr. Speaker, on March 25 the people of Greece and their friends everywhere marked the 139th anniversary of Greek independence.

The ideals of liberty and human dignity have long been cherished by the people of Greece. Their passion for independence and their determination that the rights and freedom of the individual shall prevail have inspired all freedom-loving people throughout the ages.

It is fitting that on this memorable occasion we pause to reflect on the importance of this Nation to the free world. The courage of Greece in facing up to the Communist threat and her efforts for the people for the free world are striking examples of the determination of the Greek people to preserve their liberty and to foster it throughout the world. The continuing independence and security of Greece is of vital importance to all of us. I myself have been in Greece last November and was thrilled to note the progress that had been made and in particular the spirit among the people.

We hail Greece as a full-fledged and consecrated partner in our effort to keep men and nations free.

(Mrs. CHURCH asked and was given permission to revise and extend her remarks.)

PAN AMERICAN DAY

Mr. SELDEN. Mr. Speaker, I offer a resolution (H. Res. 491) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the House of Representatives hereby designates Tuesday, April 12, 1960, for the celebration of Pan American Day, on which day, after the reading of the Journal, remarks appropriate to such occasion may occur.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 37]

Alexander	Barden	Bonner
Allen	Barry	Boykin
Anderson, Mont.	Blatnik	Brown, Mo.
Ashley	Blitch	Broyhill
	Boiling	Canfield
Celler	Jenson	Reuss
Chiperfield	Loser	Rivers, S.C.
Coad	McDowell	Shelley
Coffin	Martin	Short
Collier	May	Spence
Cunningham	Meader	Taber
Dwyer	Miller,	Taylor
Forand	George P.	Thompson, N.J.
Frelinghuysen	Milliken	Tollefson
Gavin	Mitchell	Tuck
Grant	Morris, N. Mex.	Vinson
Gubser	Nelsen	Weaver
Hargis	Patman	Willis
Jackson	Powell	Zelenko

The SPEAKER. On this rollcall 375 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may be permitted to sit during general debate for the rest of this week.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

FEDERAL COMMUNICATIONS COMMISSION

Mr. FOGARTY. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. WHITENER] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. WHITENER. Mr. Speaker, during the past several months the Federal Communications Commission has been the subject of criticism in certain quarters. This criticism, I feel, has created an erroneous impression in the minds of some of our people with respect to the very fine service that administrative officials within the Commission are rendering to the American people.

From time to time it has been necessary for me to contact various administrative officials in the Commission regarding problems arising in my congressional district. In every instance I have found that these officials have discharged their duties under the law in a very courteous, efficient, and cooperative manner. I have not, of course, requested any favors or any action that was not in accord with the law or the regulations of the agency.

The administrative officials within the Federal Communications Commission are performing excellent service under very difficult circumstances, and they deserve the support and respect of the American people.

GREEK INDEPENDENCE DAY

Mrs. BOLTON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. BOLTON. Mr. Speaker, on yesterday it was my intention to ask unanimous consent that my remarks relative to the significance of March 25 to all Americans of Greek origin be inserted in the RECORD. That day is the commemoration day of the successful efforts of the people of Greece to separate themselves from the Ottoman Empire. Owing to the tragic happenings here on the floor when our distinguished and beloved colleague, Russell Mack, of Washington, stepped suddenly across the threshhold into a new and greater opportunity for living, I was unable to make that request.

I therefore ask that my remarks of yesterday be inserted in the body of today's RECORD, as follows:

Mr. Speaker, March 25 marked a significant day for Americans of Greek origin and Greek people throughout the world, as it commemorated the success of the Greek struggle for independence from the Ottoman Empire.

The history of both ancient and modern Greece is a source of inspiration to liberty-loving peoples all over the world. Ancient Greece was the cradle of Western civilization, spawning such cherished concepts as the rule of law and representative government.

At the close of World War II, Greece was buffeted by strong pressures from within and without which threatened to engulf the country in a tragic civil war. Through timely U.S. assistance, stability was achieved and the Communist insurrection suppressed. Further economic assistance was provided by the Marshall plan, and the shattered economy of Greece was reconstructed to new high levels of achievement.

Today, Greece stands united with us in the North Atlantic Treaty Organization, an important member of the collective security system of the free world. On the occasion of her independence, I am happy to join with the more than 1½ million Americans of Hellenic background in honoring the Greek people for their distinguished contributions to the Western World.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES APPROPRIATION BILL, 1961

Mr. FOGARTY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11390) making appropriations for the Departments of Labor and Health, Education, and Welfare and related agencies, for the fiscal year ending June 30, 1961, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Wisconsin [Mr. LAIRD] and myself.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

Mr. GROSS. Mr. Speaker, reserving the right to object, this is a $4.2 billion appropriation bill. Does the gentleman think it can be adequately discussed so that the Members of the House will have a reasonable idea of what is contained in this bill in a matter of 2 hours of general debate?

Mr. FOGARTY. I will say to the gentleman from Iowa we will do the best we can. I will certainly try to answer any questions that arise during general debate on any aspect of the bill.

Mr. GROSS. And the gentleman does not expect to unduly shorten the time under the 5-minute rule?

Mr. FOGARTY. No. I have never done that, and I do not expect to do it now.

Mr. GROSS. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Rhode Island.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11390, with Mr. KEOGH in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. FOGARTY. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, I take great pleasure in presenting to you for your consideration this afternoon the annual appropriation bill for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year 1961. This is the 14th year that I have participated in the preparation and presentation of this appropriation bill. This is the 10th year I have had the privilege of presenting the bill to the membership of the House as chairman of this Subcommittee on Appropriations.

May I say at the outset that we have five devoted members on our subcommittee. The gentleman from Indiana, [Mr. DENTON], who has been a member of the committee for some years now, has given me invaluable aid in the long hours that we have been working on this bill since the middle of January. Certainly he deserves a great deal of credit for the number of hours he has spent and the effort he has exerted in behalf of the people with regard to these particular programs. Then, I do not know of a more devoted person in this House than my friend, the gentleman from Minnesota, [Mr. MARSHALL]. He, too, has spent the same long hours and put the same enthusiastic feeling into this appropriation bill.

On the Republican side, the gentleman from Wisconsin, [Mr. LAIRD], has been a member of this subcommittee for 4 years, and is the ranking minority member. I am very happy to say that we are presenting to you a unanimous report from both sides of the aisle. I know it must have been tiring to him at times to sit through all these hearings, and listen to all the questions that I had to ask before he had a chance to interrogate. But he did, and today we are together in bringing this appropriation bill to you for your consideration. The gentleman from Michigan [Mr. CEDERBERG] has been giving the same kind of cooperation; so that all in all I do not know of a harder working subcommittee in the Congress than this subcommittee. They have been on the job all the time.

Also, we could not do all this work ourselves unless we had an exceptionally fine clerk. I suppose the chairman of every subcommittee in Congress will brag a little bit about his clerk, but I would like to say I know there is not a finer clerk or staff assistant to any committee in the House, whether legislative or appropriations, than our own clerk, Robert Moyer. He has been doing an outstanding job in providing us with the necessary information we need in order to direct the proper questions to those who appear before our committee and to bring to you a report that is worth while.

Mr. Chairman, this bill, as the gentleman from Iowa [Mr. GROSS] has said, calls for over $4 billion this year. That is a compromise figure. It is less than I wanted, I will say to the gentleman from Iowa. I think we could very well spend a couple of hundred million dollars more in this bill and do a better job for the people of our country. Others will say that this bill contains too much money this year, and I can understand their feeling, too. This is the result of a compromise. We come to you with this unanimous report asking you today to approve a bill calling for the expenditure of $4,184 million, which is $127,900,000 more than was appropriated for fiscal 1960 and is $183,938,000 more than the President asked in his budget for next fiscal year.

The committee's 1961 appropriation allowances for the Department of Health, Education, and Welfare and the Department of Labor are based upon some facts and general principles which I wish to state before discussing the detailed activities of these two important Departments.

I for one have not been impressed with the contention that the Federal Government cannot afford to press forward toward assurance of a minimum decent living for all people and toward provision of publicly financed facilities—schools, hospitals, laboratories—on the scale which the country needs.

This country has a tremendous capacity to produce, and this output of goods and services is the source of our wealth. The total output of goods and services—the gross national product—has gone up from $354 billion in 1945 to $484 billion in 1959—both figures are in 1959 prices; and investment to insure production in the future is up.

Our economic system is so productive that we have been able to expand Government programs and at the same time continue to raise private living standards. Government expenditures for defense and for other purposes have risen, and we have practically built a new industrial plant for the Nation over that period. This record is good, but we certainly have no cause to be complacent because we are the richest country in the world.

Look first at the individuals and the groups at the bottom of the economic ladder. The rise in the average family income after taxes glosses over the fact that half of the families are below the average—and some so far below as to constitute a national scandal. We still have laboring groups that are being exploited. We still have areas of unemployment. We still have families ruined by catastrophic illness. We still have discrimination in employment. We still have older people who have worked long and honorably, but who do not have a modest, decent living.

Many of the Federal Government's programs for dealing with such problems are administered by the Department of Labor and the Department of Health, Education, and Welfare. Neither organization has been visibly concerned with establishing an imaginative vigorous program, adequately financed, to reduce these problems.

This is the richest country in the world, but we tend to act poor when the time comes to consider more adequate financing of the things that we should do as a community and as a Nation. What we really lack is not the economic capacity, but more often the will, the sense of purpose and the vision to move ahead instead of standing still.

The claim that the Nation cannot afford more medical research, more hospitals, more medical schools, or more school classrooms, is usually not the real reason people are against increased effort in these fields. The same is true of the claim that all of these programs would be better carried out if only they were returned to the States. This is nonsense. Return of the total responsibility for these functions to States would mean starving them to death. In point of fact, the States are doing their part financially. In 1959 the States collected between $1.5 and $2 billion additional tax revenue. These are legislated increases, and not just higher tax returns because economic conditions are good. States and localities are collecting about a third of all governmental taxes—they collect about $30 billion per year, and all Federal taxes amount to about $70 billion per year. They are not shirking their tax responsibilities. They are pushing their ability to tax closer to the limit all the time.

No; the real reason for opposing sustained, modest increases in Federal health and welfare activities, for example, is that some people just do not think these things should be done by Government because they cost money, and they do not believe in having the Federal Government finance these activities simply because it has the tax resources to do a good job.

Yet, looking to the future, even conservative groups assume that we are going to get wealthier year by year—not wealthier in terms of inflated dollars, but wealthier in terms of goods and services. The Rockefeller report on the U.S. economy pointed out that "We may

reasonably expect a continuation of a growth rate of 3 to 4 percent per year over the next decade and beyond. In fact, a growth rate of 5 percent is possible if we realize fully our impressive opportunities for economic expansion."

If we maintain even the medium growth rate of 4 percent, we will be able to expand all Government programs, including defense, as well as such domestic programs as school construction, hospital construction, research, health, and road construction. At the same time, this growth rate will support expanded private investment in better plants and equipment, and increases in family income after taxes. And this can be done without inflation.

Our real problem is not lack of economic capacity. It is lack of leadership and of a political philosophy that will capitalize boldly and affirmatively on the opportunities that are before us. It is not irresponsible to recommend strengthening good Federal programs.

Irresponsibility consists of failure to look at problems squarely, to look at our national capacity to solve them, and to take a considered line of constructive action. Irresponsibility arises when facts are not faced.

The recommendations of the Committee on Appropriations are not based on the idea that Federal Government should do everything for everybody. They are based on the idea that there are selected, high-priority areas of need which we can and must meet. The committee does not advocate spending for the sake of spending. It does not recommend increases in all areas. It recognizes that Federal expenditures must be paid for. But—having searched diligently for priorities, and keeping in mind the vigor and growth of our economy—the committee recommends a series of selective increases in expenditures for the Department of Labor and the Department of Health, Education, and Welfare.

With this general background, I would like to present certain of the more important recommendations of the committee.

First, the administration budget contained many reductions for the coming year from the level of the present year. These cuts amounted to about $177 million. Vocational education was cut back $2 million. This has been one of the most popular programs in Congress and in the country. We have restored that $2 million. Hospital construction was cut back $60 million from $186 million back to $126 million. We are not asking you to appropriate today the full $186 million that was appropriated for this fiscal year but we have raised the requested amount about $24 million to bring the total amount up to $150 million. We must bear in mind also that the authorization for this program is $211 million.

Then for the schools in federally impacted areas, for the maintenance and operation of these schools and for the construction of schools in these areas, there was a cut of $80 million. Because of the overwhelming vote of Members of this body every time the appropriation has been cut in the past, we restored the full amount of $80 million in these two areas. This will meet 100 percent of what they are entitled to under the formula of the law Congress passed in 1950 and has since extended, according to Office of Education estimates.

The next sizable cut we restored was in the area of grants to States to build waste-treatment plants. It was cut back $25 million this year, and $25 million last year. We restored that cut last year and you agreed with us. This year we have again restored the cut of $25 million to make it $45 million, the same as in the 1960 appropriation.

Then there were smaller cuts by the administration for control of tuberculosis and control of venereal disease.

In the Department of Labor, we did reduce some of their appropriations. You will see that we have cut most salaries and expense appropriations by relatively small amounts. Last year we allowed for the increased cost of 1 extra day's pay. This year the Department was attempting to get around giving up the increase for that nonrecurring cost. We have taken action to recover all of the saving for that item.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Iowa.

Mr. GROSS. Has the gentleman reached page 11 of the bill yet, dealing with the Bureau of Labor Statistics?

Mr. FOGARTY. No. I thought I would go down each item and give a brief explanation of the cuts and the increases.

Mr. FULTON. Will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Pennsylvania.

Mr. FULTON. I congratulate the gentleman on his excellent statement. May I say first that I think the committee has been wise in compromising and coming up with a good figure. The gentleman spoke of the possibility that $200 million could be added for health purposes. Into what fields would that go?

Mr. FOGARTY. I would put some into hospital construction, construction of research facilities. I would increase the loans for defense education. I would increase the research activities in the Institutes of Health. They are all areas that could be justified. And there are other programs, too. For instance, I would increase the amount for the Children's Bureau for the problems of juvenile delinquency, vocational rehabilitation, and others, if I had my own way. I think in the Department of Labor, we could have increased some of the items for better service to the people who are working for a living.

We cut a small amount out of the Secretary's Office. For international labor affairs they asked for an increase of $150,000 and we reduced that by $30,000.

In the labor management reporting and disclosure activities which is a result of the Landrum-Griffin bill, they asked for $5,500,000 for 1961. We allowed them $5,250,000 which is a decrease of $250,000. The reason we did not allow the full amount they asked for was that they asked for $1,500,000 in the supplemental bill for 1960. The House of Representatives a few weeks ago only allowed $750,000. The other body has raised that amount to $1,300,000. So with that amount in the supplemental bill, they could not staff up by the end of this year to the level on which the 1961 request was based. This cut is in no way a reflection upon the management of this particular department.

With reference to the Bureau of Employment Security, there was an increase of 10 or 11 new positions requested for improvement of State and Bureau office operations at a cost of $111,000. We have disallowed this requested increase.

The item, "Grants to States for unemployment compensation and employment service administration," was cut $5 million and the item of unemployment compensation for Federal employees and exservicemen was cut $5 million.

With reference to the Bureau of Labor Statistics, they asked for $10,519,000 which is a reduction of $500 in salaries and expenses.

On the revision of the Consumer Price Index, we allowed $1,250,000 which was all they asked for. This is a 5-year program to revise the index.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield.

Mr. GROSS. Under the item of "Bureau of Statistics," there is language including temporary employees at rates to be fixed by the Secretary of Labor without regard to the civil service laws and the Classification Act of 1949. What is being proposed to be done here? Is it proposed to do violence to the Classification Act?

Mr. FOGARTY. These are just temporary employees who will be hired for a few weeks at a time in various cities throughout the country to make sample surveys. They often cannot get people from the Civil Service rolls for a few weeks temporary work and these will be, for the most part, quite low paying jobs.

Mr. GROSS. So there will be some regulation with respect to these employees and some standards set up?

Mr. FOGARTY. Yes.

Mr. GROSS. And they will not be paid more than is presently paid to the Bureau of the Census people?

Mr. FOGARTY. The gentleman is correct; it is for the same type of work.

Mr. GROSS. This is not opening the thing wide open then; is that correct?

Mr. FOGARTY. No, it does not.

Mr. GROSS. I thank the gentleman. Mr. Chairman, will the gentleman yield further?

Mr. FOGARTY. I yield.

Mr. GROSS. On page 19, there is an item for the purchase of foreign currencies which accrue under title I of the Agricultural Trade Development and Assistance Act of 1954. Is this sort of thing going to grow?

Mr. FOGARTY. I could not tell you. This is something new. The justifications were not the best when we received them and the people defending the request admitted that plans are not firm. This is one way of using some of the foreign credits under Public Law 480 that might not be used otherwise, and instead

of using American dollars to do this kind of work they are taking advantage of these foreign credits. This is something new in this bill this year. I cannot answer the gentleman's question as to how big it is going to grow.

Mr. LAIRD. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield.

Mr. LAIRD. With reference to the gentleman's question, I would like to state that the Department has the authority to use these funds at the present time.

The importance of this new arrangement is that the Commodity Credit Corporation will be reimbursed and it will not be charged to Agriculture as has been the case under the arrangement in the past. In several of the appropriation bills this year there will be a section or sections like this which will provide that the Commodity Credit Corporation will be reimbursed as far as their bookkeeping transactions are concerned, so that it will not be charged to the agricultural program.

The CHAIRMAN. The gentleman has consumed 15 minutes.

Mr. FOGARTY. Mr. Chairman, I yield myself 10 additional minutes.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Iowa.

Mr. GROSS. I realize there is only a small amount involved in this particular provision. My concern is that we do not create a device which will serve to accelerate the foreign aid program on the basis that no matter how much we may give them or what they pay for these products in counterpart funds, we will bail them out.

Mr. FOGARTY. I understand the gentleman's concern, because I asked the same questions myself. On our committee we had Mr. LAIRD who is very conversant with Public Law 480, and also Mr. DENTON, who is well acquainted with the foreign-aid programs.

Mr. DENTON. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Indiana.

Mr. DENTON. I shared the same fears that the gentleman from Iowa mentioned. We were assured that there are no dollars leaving the country. This is a bookkeeping transaction. This money must be appropriated before it can be used, but it will simply be a credit to the Commodity Credit Corporation so that the country comes out even. We are utilizing these funds that are already available in foreign countries.

Mr. GROSS. You are addressing yourself to the language on page 19?

Mr. DENTON. That is correct.

Mr. GROSS. Then we find it again on page 21 for the purchase of foreign currencies.

Mr. DENTON. That is exactly the same thing, the same type of transaction. It can only be used for specific purposes. There must be specific appropriation before they can use it, and it will be credited back to the Commodity Credit Corporation.

Mr. GROSS. I frankly confess I do not know all that I ought to know about it, even after listening to this colloquy.

Mr. FOGARTY. I will say frankly to the gentleman that I do not know all the answers either, but we are going to watch it carefully.

Mr. GROSS. I thank the gentleman.

Mr. CURTIS of Missouri. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield.

Mr. CURTIS of Missouri. I notice in your committee report you discuss in the beginning the employment of older persons and express concern that there has not been more progress in this area. I have been checking the hearings, and I was surprised to find that there is no mention of probably the greatest deterrent today in getting older people into the labor market, which is the $1,200 earnings limit in social security, under which people can receive social security benefits and still work. I was wondering if the gentleman had any observations to make on that point.

Mr. FOGARTY. The only observation I can make is that I hope your committee will take action soon to increase that earnings up to $1,800 or $2,000.

Mr. CURTIS of Missouri. I am happy to hear the gentleman state that, because one of our difficulties has been the position of some of the top labor leaders of the country, that every time we undertake to liberalize this they oppose it. The greatest difficulty we are having today in getting the older people into the labor market is this working class.

Mr. FOGARTY. I think the gentleman has made a good point. In the South, in Florida, for instance, this has a tendency to cut wages way down, some of these people are willing to work 40 hours a week practically all year and get only that $1,200 maximum so that they won't lose their social security benefits.

Mr. CURTIS of Missouri. The gentleman from Colorado [Mr. JOHNSON] has introduced a very interesting bill in this area which, instead of shutting people off at $1,200, there would be a graduated scale. There is a lot of possibility in the suggestion of the gentleman from Colorado.

Mr. WIER. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman.

Mr. WIER. I was very sure myself when the gentleman from Missouri asked the gentleman from Rhode Island what he had to suggest, that the gentleman from Rhode Island would recommend that the Ways and Means Committee report out the Forand bill.

Mr. CURTIS of Missouri. That is one of my points. The Forand bill does nothing to meet the problem of these elderly people. That is the reason some of us are concerned about the Forand bill and are opposed to it, I might say.

Mrs. KELLY. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield.

Mrs. KELLY. In the new section to which the gentleman refers on page 19, relating to foreign currencies, what are they to be used for?

Mr. FOGARTY. They are to be used for studies in the educational systems of foreign countries.

Now, continuing with the bill we have brought to the House. For promotion and further development of vocational education the bill includes $33,702,000, an increase of $2 million above the amount requested, and the same as the amount appropriated for 1960.

For grants for library services we have allowed an increase of $200,000 above the request, and an increase of $1,400,000 above the amount appropriated for 1960. The $7,500,000 in the bill is the maximum authorized.

As I mentioned before the bill includes an increase of $79,617,000 above the request for schools in federally impacted areas and $17,280,000 above the amount appropriated for 1960. This restores the full amount of the cut in the administration budget and meets our moral commitments under existing law.

NATIONAL DEFENSE EDUCATION ACT

The subcommittee has had two opportunities during this session to review the progress of the Office of Education in administration of the National Defense Education Act. On January 6 we held a special hearing to determine the progress of the programs to date. Again in the hearings held in February we covered this program in greater detail for the coming fiscal year. Only 18 months have expired since the National Defense Education Act was passed and already the progress reported by educational officials across the Nation is promising and reassuring.

I am pleased to report to the House that the programs authorized under the National Defense Education Act are having a most beneficial effect on our education system and the results anticipated by the Congress when this legislation was signed on September 2, 1958, are well on the way to realization. The State and local educational agencies, the colleges and universities, and our private school systems have accepted the provisions of the National Defense Education Act with appreciation and zeal and have moved forward in cooperation with the Federal Government to take advantage of the very important provisions which the Congress had in mind to strengthen the national defense of this country by improving educational programs.

Of even greater significance than the Federal contributions under the NDEA is the fact that the States, local school districts, and colleges and universities are increasing the funds provided for education at their levels. This is proof that the important goal of NDEA—the stimulation of greater interest and greater support of education—is meeting with success.

For example, the Commissioner of Education reported to the committee that the spectacular acceptance of the student loan program among the colleges and universities and among our college students "has obviously added a new dimension to the methods by which students finance their education." Likewise the advances made under the other

titles of the NDEA are very promising. I would like to cover for you in a few words some of the most important accomplishments that have been brought to light to date under the National Defense Education Act.

The financial help provided by the student loan program has made it possible for about 131,000 students either to stay in college or to begin their college education. The overwhelming response to this program by both colleges and students has exceeded all expectations. About 1,400 institutions, located in all sections of the country, representing over 85 percent of the total college enrollment, are participating in the program. The demand for loans thus far has been greater than the funds available. For example it was reported last fall that student loan requests to institutions exceeded available funds in over 400 institutions to the extent that 8,000 loan applications were denied and 16,000 students received less than their requests. A supplemental appropriation is now pending for 1960 to make up the deficit currently existing in this loan fund. Over 650 institutions have now reported a need for additional funds.

The rising costs of a college education and the increased numbers of students who hope to attend college make it imperative that funds be made available so that no needy, deserving student be denied a loan.

We must give the youth of our Nation the opportunity to realize its full potential. We cannot afford to waste the talents of our young people. There is no better way to assure the growth and strength of our country than to make available the opportunity of a college education to our future leaders.

Our country urgently needs more young people trained in science, mathematics, and foreign languages. If we are to remain world leaders, this Nation must do everything possible to meet its shortages in these fields. Instruction in these fields has lagged dangerously because of inadequate Federal and State support. We must continue the start we have made in overcoming our deficiencies. Special teaching equipment is essential to sound instruction. Title III provides for the acquisition of equipment and specialized supervision to overcome the serious shortage which continues to exist in our public schools.

Response by the States to this program has been tremendous. They are anxious to do their share in solving the problem by matching the Federal funds. In 2 years about $400 million will be used to equip our schools but even this investment will fall short of meeting all our needs. Foreign language instruction is being strengthened in the high schools and extended to the elementary schools. Language laboratories are being established in many of our high schools. Courses in science and mathematics are being offered in many additional schools and improvements are being made in established courses through improved science laboratories.

Reports from the States tell of dramatic accomplishments. The Governor of Pennsylvania has stated:

Thousands of children are receiving added educational benefits. With the equipment provided by this program, youngsters are learning more quickly and effectively those subjects that are vital to their intellectual development and to the future of our Nation. The initial success of the National Defense Education Act in Pennsylvania should be convincing evidence that our schools can be measurably improved by help from the Federal Government.

The State of California reported recently:

We believe that NDEA has been of tremendous help to California, that it has encouraged local school districts to move out and improve the quality of instruction; to raise their equipment standards, to find more effective teaching materials, to upgrade the service of their teaching staff, and to more carefully articulate the programs of instruction at all levels. NDEA has enabled the State department of education to offer new and important services to local school districts.

Language enrollments in the Georgia secondary schools has practically doubled. New Hampshire reported to the Office that—

For the first time in the history of public education the Government has specifically recognized and supported academic instruction.

These are examples of the types of reports being received from all parts of the country—from State leaders, from school officials, from teachers, from students. They are all aware of the need, and aware of the good that this program is doing.

There is a desperate need for more college teachers. Over the next decade we will be faced with a shortage of about 40,000 teachers. The graduate fellowship program is helping to meet this need as well as helping to expand graduate facilities. Some 2,500 students are currently being supported in graduate work which will qualify them for the teaching profession. The demand for fellowships has far exceeded the number authorized in the National Defense Education Act. In 1960 over 5,000 applications were received for the 1,500 fellowships available for that year. Geographic dispersion of graduate programs has been accomplished as evidenced by the approval of 406 programs in 136 institutions representing 47 States.

The serious shortage of college teachers in all fields must be overcome. It will avail us little to urge and stimulate our elementary and high school students to continue on with a college education if the colleges have too few and inadequately trained teachers when they get there.

It is estimated that each year a quarter of a million able students fail to complete their high school education. It is not possible to estimate the number of students each year who aimlessly drift into the wrong fields; the number who remain unaware of their true ability level; and the number who are improperly guided. Through the stimulation of this section of the act, great strides have already been made in awakening in the States and the local schools an awareness of how serious this problem is and the need for immediate steps to correct it. Oklahoma has already increased its guidance programs over 700 percent. By June 30, 1960, almost 2 million students will have benefited from the specialized and advanced training given to their counselors, and about 4 million tests will have been given to students to assist in the evaluation of the student and to provide a basis for guiding him in the proper direction. We cannot continue to place round pegs in square holes in our high schools today any more than we can afford to weaken our national defenses by reliance on obsolete weapons. We must do everything we can to assure that each citizen contributes his maximum potential in the field in which his talents lie.

Today some 2 million Americans are stationed overseas and each year 1 million or more of our citizens can expect to visit foreign shores in one capacity or another. We are no longer isolated, because of distance, from personal contact with our neighbors in foreign lands. The jet age has changed all this—but until the National Defense Education Act was passed, there was no impetus given to providing our children with the knowledge of languages which they will need to an ever-increasing degree. The increase in communication among nations in science, medicine, business, and government point up sharply our existing national deficiency in the field of foreign languages. Some indication of how serious this deficiency is in terms of the quality of instruction may be gathered from the comment of the director of one of the language institutes sponsored by this program. The director reported that less than 10 percent of the high school foreign language teachers in attendance could carry on a simple conversation in the language they taught. This is not a reflection on the teachers so much as it is a reflection of our failure to foresee years ago the need for the quantity and quality of foreign language instruction which would be needed today. We should strive to forge ahead in this area—we certainly cannot do less than make a whole-hearted effort to overcome the existing deficiency.

The funds provided under this section of the National Defense Education Act have afforded unique opportunities to increase greatly both the scope and the quality of American education. You are already aware of the tremendous shortage of teachers in our schools. The development of new educational media is already helping teachers to improve their teaching skills, and is also providing more students with the opportunity of learning from some of the finest and most outstanding teachers we have. An example of work in this field is research on the use of educational television to reach gifted youngsters living in rural communities in Maine with special supplementary programs of instruction. Other studies now in progress include the development and testing of devices for self-instruction and the exploration of the use of audiovisual materials for improving parental attitudes toward educating deaf children. This program is designed to adapt the best of our scientific and technological progress to the improvement of the education of our children. This is no time for us to think in any terms other than focusing our efforts on providing the classroom with the same quality of technological improvements we are so eager to put in our homes and our automobiles and in our defense weapons.

When Congress passed the National Defense Education Act 2 years ago it was aware that advancing technology required even greater emphasis on the training and retraining of individuals for useful employment as technicians or skilled workers in areas needed for national defense. The program under this section of the act permits States, through area vocational education centers, to reach interested individuals in all parts of the State. About 60 percent of the present enrollment is in extension classes and two-thirds of the 300 programs are post-high-school level. The 130,000 students in such fields as electronics, electrical technology, mechanical drafting and design, chemistry, instrumentation, and electronic data programing will help meet the shortage of skilled workers in these critical fields. Of equal importance is the fact that this program is helping these 130,000 student to qualify for positions at higher pay levels in growing and expanding industries, thus providing benefits for their communities as well as the Nation.

In recent years we have become more and more aware of the fact that we need to know much more about our educational system from a national viewpoint as well as on a State and local level. Until this program was fostered by the National Defense Education Act, however, very little had been done to standardize the type, quantity, and quality of the statistical data accumulated by the various school districts throughout the country. Under this section of the act significant progress has been made in the adaption of standard terms, definitions, and units of measure to make State statistics more comparable on a national basis, as well as in the improvement of State systems for data gathering, accumulation, and reporting. This program is a real partnership between the States and the Federal Government in providing us with the information we need in the planning of programs to meet such problems as the classroom shortage and the teacher shortage. There is no substitute for timely, accurate, and understandable facts concerning the foundation of our society—our educational system.

In the Public Health Service, for the control of tuberculosis, the bill includes $5,930,000, an increase of $500,000 above the request, and $522,000 below the amount appropriated for 1960. All of the increase is earmarked for the very important work of casefinding under the grants to States which has been cut $1 million by the budget.

For communicable disease activities there is an increase of $400,000 which is the partial restoration of the cut of $700,000 in the venereal disease control program. This was cut from $700,000 at a time when the incidence of these diseases is on the increase, and especially so among teenagers.

For environmental health activities the bill includes $25,640,000, an increase of $2,290,000 above the request and $10 million above the amount appropriated for 1960.

Last year, the committee noted the increasing significance of environmental factors affecting health. It requested the Public Health Service to make a thorough study of environmental health problems and means of dealing with them, and to submit a report before the hearings on the 1961 budget. The committee has now reviewed this report and has held special hearings on this subject in which medical and engineering experts from various sections of the country participated.

The unanimity of scientific opinion has added to the committee's conviction that greater effort in controlling adverse factors in the environment is essential to the preservation of the health and well-being of the Nation's population. Technological development and increasing population are contributing greatly to economic growth and national income. At the same time they are threatening the environment with increasing concentrations of chemical and physical agents capable of inducing disease processes. The beneficial and the adverse effects of this technological development must be kept in balance.

Across the Nation, increased research effort is devoted each year to economic growth and the development of new and useful products, and a proportionate effort must be devoted to the control of the potentially harmful wastes produced from their manufacture and use. The Public Health Service has advised this committee that the two primary public health threats of today are, first, chronic diseases, and, second, health hazards of the environment. Indeed, it appears that these may be related and that environmental contaminants may contribute materially to the development of many chronic disease conditions.

The budget for 1961 was prepared well in advance of the completion of the Surgeon General's report and perhaps would have been more in conformity with it had the timing been different. The budget did indicate some progress in the fields of water-pollution control, air-pollution control, and radiological health, although practically every expert in these fields who testified before the committee pointed out that the amounts were inadequate to do the kind of job that needs to be done. However, the 1961 estimate as presented made no substantial provision toward meeting several of the most serious problems in the environmental health field which were brought to the attention of the committee in the Surgeon General's report and the special hearings on it. The principal serious omissions in this regard concern the fields of accident prevention, occupational health, and the program for milk, food, and general sanitation.

The Surgeon General's report on environmental health described the activities of official health agencies in the accident prevention field as falling "far short of meeting the need for effective measures to reduce the toll taken by accidents, particularly among children." This opinion received strong concurrence from an outstanding expert in the field who appeared before the committee. With accidents the No. 1 cause of death for children and young adults in the prime of life, the lack of emphasis in this field cannot be condoned. The bill, therefore, includes an increase of $1 million to permit the Public Health Service to initiate an effective, well-balanced program. On the basis of information submitted to the committee in the Surgeon General's report, such a program should include a national data collection and evaluation system; a comprehensive research program to determine the underlying causes of accidents which we need to know as a basis for more effective prevention and control activities; the development and application of better methods of prevention; and a vigorous effort to demonstrate tested control procedures to public officials, industry, and the general public.

Testimony was received to the effect that the occupational health program of the Public Health Service had been spread too thin to adequately fulfill its responsibilities and that the research activities, particularly in the toxicological field have lagged. With increasing levels of industrial activity resulting in a larger working force, the introduction of many new materials including toxic agents, more extensive automation and new and more widespread industrial hygiene hazards generally, the Committee believes that additional support is clearly indicated for this program and expects that a portion of the increase over the budget request be used for this purpose.

The newer environmental technology in connection with milk and food processing methods, sanitation problems related to air transportation, food service and sanitation facilities on bus lines, and problems in shellfish sanitation have all increased greatly in recent years to bring new and different burdens upon the public health agencies which must deal with them. A major lack, which has been demonstrated clearly to the committee in testimony presented to it, is research needed to develop improved methodologies to cope with these problems. In the areas of milk certification, shellfish certification, the maintenance of high standard of quality for food, drinking water and sanitation on interstate carriers, responsible health authorities urgently need new and more

effective tools to cope with the ever changing problems and so to protect the health of the public. However, the research effort has lagged badly in these particular areas. Last year at the prodding of the committee some corrections were made in the field operations but nothing has been done to improve the inadequate research backup. The bill provides for an increase of approximately $290,000 to provide for a more nearly adequate research effort in this basic area of environmental health.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Alabama.

Mr. ROBERTS. I would like to take this opportunity to congratulate the gentleman from Rhode Island and his splendid committee on providing some funds in the field of accident prevention. I think it is highly important, because we know that among children it is the No. 1 killer. I was delighted to see that these funds would be provided and that the work that has been going on in the Public Health Service can be expanded to some degree. It is still not enough, but it does offer some hope for the future. I think certainly the gentleman is to be congratulated, and in saying that I know I speak the sentiments of the members of my Health and Safety Subcommittee. We heartily endorse the appropriating of these additional funds.

Mr. FOGARTY. I thank the gentleman.

Mr. DENTON. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Indiana.

Mr. DENTON. I, too, want to congratulate the gentleman from Rhode Island on the way he has handled this bill. It is a pleasure to serve on this committee under his chairmanship, because this bill deals with so many things in which people are vitally interested, and because of the way the chairman handles the bill. He has an intimate knowledge of all the details that come before his committee. He is not only interested in the subject matter in the ordinary sense, but so much so that he forgets time; he forgets to take time to eat; all he can think of is the work on the bill; he drives on for weeks and weeks to get the best possible bill for these programs that are so important to the American people.

I think he has done a great work, he is an outstanding humanitarian, and I hope he will be able to carry out his new programs. I have served on this committee with the chairman several years. He has a nonpartisan bill which he is presenting today. There were cuts made in the administration budget which no one expected to stand up, and they had to be restored.

It would have been easy to make some phony cuts which would have resulted in a bill that was under the budget. The chairman of the committee did not do that. He has brought in here a fair bill and I say he is to be congratulated for bringing this bill before the Committee today.

Mr. GARY. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Virginia.

Mr. GARY. I rise to commend the gentleman and his committee for recommending for the various health research programs more than the President requested for those programs. These increases lead me to say that I think it is very important that we begin to look after this country to some extent. We are spending billions of dollars on various programs abroad, we are trying to look after the health of the entire world and, certainly, when we do that we do not want to neglect the health of the people here in the United States.

I may say to the gentleman, too, that I am not the least worried over the fact that he has increased the President's budget to some extent because I can assure him that our committee will recommend far more of a reduction in the foreign aid bill than he is adding to this bill. So far as the budget is concerned, I assure him that, if the House follows the recommendations of our committee on foreign operations, even with the additions in this bill, the President's budget will not be increased.

Mr. FOGARTY. For grants for waste treatment works construction the bill includes $45 million, an increase of $25 million above the request, and the same amount as was appropriated for 1960. The amount requested in the administration's budget is completely unrealistic in view of the urgency of need and the growing hazard of water pollution as it directly affects the safety of the Nation's drinking water supplies, and other legitimate uses of rivers and lakes. Nor does the argument that this is a local problem, and not a Federal responsibility, hold up under objective analysis. It is seldom that the locality which builds the waste treatment plant gains more than a small part of the advantages that result. It is other communities downstream and often even in a different State that really benefit.

The committee is deeply impressed by the widespread and complete support of outside citizens groups and national organizations in this field, and the stern warnings of professional individuals and groups, that the control of water pollution is the essential key to preserving our national water resources.

This grant program has provided significant stimulus to construction of essential waste treatment works. As of January 15, 1960, about 2,000 grants have been made for projects certified by the States and meeting the other requirements of the act. The average ratio has been one Federal grant dollar to 5 local dollars. The rate of construction of these municipal water pollution abatement works is now about $400 million per year compared to an average annual construction rate slightly over $200 million for the 5-year period 1952–56. In view of the fact that there is still a backlog of needs for sewage treatment plants exceeding $1,750 million, the committee feels that this is no time to reverse the progress being made.

Then for grants for hospital construction the bill includes $150 million, an increase of $23,800,000 above the request, and a decrease of $36,200,000 below the amount appropriated for 1960. Any doubts concerning the complete inadequacy of the budget can easily be resolved by a simple review of the statistics regarding this program.

As of January 1, 1960, plans submitted by the State agencies show need for 845,402 additional hospital beds and 257,030 additional nursing home beds or a total of 1,102,432. The funds requested in the budget, when combined with funds used for hospital and nursing home bed construction outside the program, will produce an estimated 43,628 beds, or less than 4 percent of the additional beds which States indicate are needed.

State agencies report that if there were no limitation on Federal funds they would have, during 1961, sufficient State and local matching funds to start work on 1,020 projects costing a total of $1.2 billion which would require Federal matching funds in the amount of $489 million.

While the amount recommended by the committee is not aimed at filling all the existing needs it will certainly do a better job than the woefully inadequate budget presented to Congress.

Under hospitals and medical care, the committee recommends a transfer of $2,819,000 from the appropriation "Employees' compensation claims and expenses," in the Department of Labor and we have allowed them $200,000 additional over the budget to give better service to the patients in these hospitals run by the Public Health Service. We also restored a $600,000 cut in long-term professional nursing training program.

In connection with Indian health activities the expert on the committee is the gentleman from Minnesota [Mr. MARSHALL], who has done such a wonderful work with the Indian program since we have had the responsibility of providing health services and health facilities for them. We have increased the health activities by $750,000 and the construction of Indian health facilities by $2 million on the basis of the recommendations made by the gentleman from Minnesota [Mr. MARSHALL] on the basis of his frequent visits to these areas and considerable study of the problems.

I shall turn now to the National Institutes of Health.

When the Budget was sent to Congress in January there were some who tried to show that a $400 million budget for the National Institutes of Health was a forward-looking budget that would allow greater progress in 1961. Before the hearings were concluded it was apparent that the budget did not provide for advances nor even for a leveling off of the NIH programs. It represented a retrenchment, a step backward, and it was so testified by the many public witnesses who appeared before the committee on this subject. These witnesses were eminent doctors and specialists in this field. Many are members of the advisory committees and study sections of the National Institutes of Health and so are not only experts in their professional field but quite knowledgable regarding the NIH, its current activities, and its needs for the future.

Just the fact that the budget was for exactly the same amount as the appropriation for 1960 makes it obvious that the administration simply picked an arbitrary figure rather than assessing the needs and gearing the budget to them.

The committee held long and exhaustive hearings on this subject with the Secretary, the Surgeon General, each of the Institute directors, and with many of the leading professional people in the field outside the Federal Government. The committee became more firmly convinced as the hearings progressed that the budget was completely inadequate and would be a real backward step in the field of medical research. After careful evaluation of the needs and availability of facilities and personnel the committee is recommending an increase of $55 million.

The House can take honest pride in acting over the years as the agent of our people in giving this Nation the strongest program in the world for a research attack on disease. This is one area in which the obligation of the Federal Government to translate the popular will into action is unchallenged. It is an activity whose return, in both humanitarian and economic terms, is as high as that resulting from any public expenditure. We have created, by deliberate action on the part of the Congress, the most effective means of fighting disease that has ever been known.

This is the best bargain the American people have bought since the Louisiana Purchase.

In the cancer field, the actual and possible advances are much greater than even the optimists expected a few years ago. It is possible, according to experts in the field, that there may soon be confirmation that some forms of human cancer are caused by viruses. Thus, it is not at all visionary to look forward to the development of new and powerful means of preventing cancer by attacking the viruses.

Cancer diagnosis is becoming more positive, particularly in the critical early stages.

The gigantic program of systematic search for chemicals that will attack cancer is proceeding well. At this time, 110 drugs have shown enough promise to be used in clinical trials. More than 8,000 patients are now being treated with these drugs.

These directly applicable studies are backed by the fundamental investigations that provide the base for future advances.

In mental health, the new drugs continue to produce results both for the sick individuals and their families, and for all citizens as taxpayers. Increasing numbers of mental patients are being discharged and kept out of mental hospitals through use of the drugs. Studies on means of caring for mentally ill patients is paying off. In demonstration, projects financed by Mental Health Institute grants, for example, many so-called backward patients—silent, withdrawn, emotionally dead—have been treated successfully and actually released through more intensive treatment.

In the heart-disease field, advances are being made on all fronts. Drugs to lower blood pressure are improved every year. A recent development is a drug that not only lowers blood pressure but does so without producing side effects like dizziness and nausea. Progress is being made toward more effective prevention of the blood clots, or dissolving them after they are formed. This will help in preventing coronary heart disease and strokes, and in treating these conditions.

Advances of comparable importance are being made in every medical field, and all of these are fully documented in the hearings of the committee.

These advances have been made by a total national medical research program which could not have existed in its present strength, vigor, and freedom without Federal funds.

Many people say, and honestly believe, that Federal funds are driving out private support for health and medical research. This is a strange notion, and one contradicted by the facts. Look at medical school construction, for example. An authoritative study by the Association of American Medical Colleges published in February 1960 shows that more than $1.6 billion has been spent since 1948 for construction of medical schools and affiliated institutions. Of this, $1.4 billion—about 80 percent—came from private sources. Under the Hill-Burton Act, the Research Facilities Construction Act and under special programs for construction of heart and cancer research facilities, about $200 million has been provided. But this relatively small Federal aid has been a potent means of attracting private money. More than $3 in private matching money has been produced for every $1 in Federal money.

Two things have happened: $200 million in Federal funds have drawn more than $700 million additional in private matching money; and then in addition, another $700 million has been given for medical schools in private gifts entirely apart from Federal construction aid.

In the face of these historical facts, how can anyone claim that the Federal construction funds have—as the saying goes—"driven out private money"?

The same things are true of support of research in progress—not construction, but equipment, animals, assistants, research materials, and so forth. Of course, Federal research aid has gone up. But so has private giving. In 1947, philanthropic support for medical research amounted to $15 million. By 1959, this had risen to $80 million.

The truth of the matter is that there has been a public awakening as to the meaning and potential of medical research. As a result, both private and public support has risen. Federal aid to medical research does not drive out private support. The two complement each other.

In the face of a clear need for medical research, the demonstrated capacity of the scientists to use the money effectively, and our ability to afford selective increases in our medical research expenditures, the administration followed the now familiar path. The budget proposed for fiscal year 1961 was $400 million—the same level as 1960.

There was a little clever accounting to make it appear that the program was moving forward. In fact, the President's budget stated an increase of $14 million for research. But training funds were actually cut back by $8 million, and an unprogramed reserve of $6 million in fiscal year 1960 was added to make up the research grant item.

The committee, on the other hand, recognized certain critical facts with respect to NIH research grants. The cost of conducting medical research is rising. These increased costs, even by the Department's own conservative estimates will amount to $15 million. So there is no doubt that less could have been accomplished with the administration's budget than we are doing this year. As to what the real needs for research grants are, conservative forecasts show that $45 million more than the $210 million proposed for research grants in the President's budget would be needed if all meritorious research projects submitted to the NIH were to be supported in fiscal year 1961. The committee recommends that the amount for research grants be increased by $29.6 million. This will not provide 100 percent financing of all approved applications, but it is another solid step forward.

In considering research support, the committee heard extensive testimony not only on the amounts of money needed, but also on the ways in which research and scientists can be aided most effectively.

Deliberate efforts are needed to provide in increasing measure the kinds of resources required for modern medical research. These include such resources as large facilities for provision of experimental animals, resources for clinical investigation, and large-scale equipment including computers and ancillary devices. Testimony from both official and unofficial witnesses stressed this continuing adaptation to new needs is an essential part of a sound system for support of medical research.

As a beginning the Congress directed the National Institutes of Health to initiate in 1960 a program of grants to create a limited number of therapeutic and metabolic research units for carefully controlled clinical studies in a wide range of diseases. Added funds in the amount of $3 million were provided for this purpose, with $500,000 contained in the appropriation of each of six Institutes. This is proving to be an extremely valuable program directed to a critical need, and funds are provided for its continuation in 1961.

The committee recognizes that in addition to these research centers which serve the generalized clinical research purposes of medical research institutions, needs for clinical and other research in the specific fields represented by the categorical Institutes should be met. If the Institutes and their advisers judge that a portion of the increases provided for the Institutes can best be used for the creation of such centers,

such action would be within the intent of the committee.

As a specific part of this program to establish research centers, the committee has received convincing evidence that there is a pressing need for the construction of facilities in a limited number of cancer research institutions. These institutions cannot compete on an equitable basis for the more general support provided under the health research facilities construction program. The committee believes that at least part of this need for construction of cancer research facilities must be met as soon as possible in the public interest. It therefore added to the appropriation request of the National Cancer Institute the sum of $5 million for this purpose, to be administered on a nonmatching basis.

Turning from research to training, the committee decided that the budget as submitted simply could not be accepted. There is in progress a perfectly logical 3-year program for shifting the time of payment of training grants so that the funds can be available before schools open in the fall. Under the President's budget this process would stop in midstream.

As things used to be, many colleges and graduate students would not know until late in the fall whether they would receive assistance, and, if so, how much. So over a 3-year period, it is planned to pay training grants for a given school year from the appropriation for the preceding fiscal year. The committee thinks this is a sensible, helpful move, and funds are provided for a further transition to the new basis. Moderate increases are provided for expansion of training grants.

Two particular programs of broad interest to the American people deserve special attention. The first of these relates to juvenile delinquency. Over the past years, the committee has actively pushed research in such areas as aging, mental retardation, alcoholism, and drug addiction. The existence of more active effort in these fields is the direct result of committee study and recommendations, and House action.

Now action is indicated on the especially troublesome and socially alarming problem of juvenile delinquency. Although the Nation has been alert to the dangers of juvenile delinquency for some time, no concerted efforts were being made and no coordinated program of activity was being developed. Last year, at the request of this committee, the National Institute of Mental Health took the lead in conducting, in cooperation with the Children's Bureau, a careful and thorough study of what can and should be done in the field of juvenile delinquency. This study has been completed and a comprehensive report has been submitted to us. The report includes, among other recommendations, careful forecasts about the needs for and the kinds of research and manpower that will be required to solve this devastating social problem. Accordingly, the committee has directed that $1 million of the increased funds provided in this bill be specifically set aside and used for the purpose of undertaking new programs and activities aimed at solving the problem of juvenile delinquency.

A second area of special effort is the use of scientists from other countries, and carrying out of research abroad, for a wider attack on disease problems of interest to this country. Scientists of the highest professional reputation have pointed out to the committee that many disease problems will require research that cannot effectively be carried on just within the boundaries of this country. Take, for example, the possible effect of diet—intake of various kinds of fats, formation of cholesterol, and so forth—on atherosclerosis. The best way to study this question is to study population groups with widely different dietary habits, and for this, groups in other countries must be studied. In the field of cancer, witnesses told the committee of unexplained and startling differences in the occurrence of different kinds of cancer in various parts of the world. To take one example, cancer of the liver is very frequently in many parts of Africa, in comparison with this country. Cancer of the stomach is much more frequent in Japan than in this country. These things should obviously be studied intensively.

The significance of research on an international scale was called sharply to my attention last May in Geneva, Switzerland. As chairman of the committee considering the health appropriation of the Department of Health, Education, and Welfare, I had an opportunity to attend the 12th World Health Assembly of the World Health Organization last May as a delegate of the United States.

This Assembly considered a comprehensive report on international medical research which recommended that WHO become much more active in stimulating and supporting medical research. With leadership provided by this country, WHO decided to expand its medical research efforts. We should certainly support this program, as well as our own international medical research activities.

Mr. Chairman, this has been an unusually difficult budget to deal with. The administration, by submitting a completely unrealistic budget and by minimizing the needs of medical research, placed the committee in the position of having to examine the needs of NIH with unusual care. The hearings were more extensive, detailed, and searching than in my 10 years of experiences as chairman of the committee. All of the members of the committee worked hard and effectively.

The next item is St. Elizabeths Hospital. We gave them an increase for much-needed additional personnel. We gave them $148,000 over the budget request, which, along with reimbursements, will allow for 150 additional positions.

We allowed the full amount of the increase of $60,000 requested in the budget for the Children's Bureau for additional activities in the field of juvenile delinquency.

Every outside witness who appeared before us this year regarding grants to States for maternal and child welfare, pleaded with us to appropriate the full authorization for the crippled children's program. We have increased that program by $3.333 million in order to bring it up to the full authorization.

The child population of the country today is the highest in our history. There has been an increase of over 10 million children in the last 10 years. Additional financial burdens have had to be assumed by many local governmental agencies due to the National Foundation withdrawing support for children crippled with polio. Yet in the last 5 years the Federal share of the crippled children's program has been increased by only $1 million. It is difficult to understand why the Budget proposed only an increase of $667,000 in view of the obvious great need. Even that amount can hardly be considered to be an increase in view of the fact that a special appropriation of $1,500,000 was made for fiscal years 1959 and 1960 for surgical correction of congenital heart defects. The committee will expect that part of the increase provided be used for that purpose.

We have given Howard University everything they asked for.

In the Office of the Secretary we made some minor cuts but have allowed for all mandatory increases in costs for next year.

All in all, the Department of Health, Education, and Welfare was increased by $197,400,550.

The related agencies, National Labor Relations Board, the Mediation Board, Railroad Retirement Board, the Mediation and Conciliation Service, and Soldiers' Home, with minor adjustments, have received about what they asked for.

The grand total of the bill is $4,184,022,731, an increase of $127,906,750 over 1959 and an increase of $183,938,750 over the budget.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. In the field of health, education, and welfare, most of the duties assigned to the Secretary are transferred to the regions, so to speak. We have a number of regions out West. Recently there was a plan advocated to coordinate those with the Office of Defense Administration and do away with one of them. Now, is there any plan in this appropriation bill to do away with any regional office?

Mr. FOGARTY. No. I will say to the gentleman that we had this problem last year, and we straightened it out in conference. The question was asked of the Secretary of Health, Education, and Welfare, and on page 134 of the hearings you will find the answer. The answer is "No."

Mr. ROGERS of Colorado. And I can be assured that we will get the service in the West, in the Mountain States, and have a continuation of our regional offices?

Mr. FOGARTY. That is right.

Mr. ROGERS of Colorado. I thank the gentleman.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I notice the committee recommends an increase of $2,070,000 for the National Labor Relations Board. I was wondering if the gentleman would be good enough to tell me whether the committee took into consideration the McKenzie report of last year, which contained, perhaps, the most devastating indictment against any agency of our Government, when it showed that the National Labor Relations Board was replete with inefficiency, and whether the committee had taken into consideration at all the American Bar Association resolution adopted at its meeting in February 1960, calling for a congressional investigation as to what is going on in the National Labor Relations Board.

Mr. FOGARTY. No; we did not take that into consideration. The committee did not increase their budget. This is what they asked for because of the backlog of cases, and because of the requests that we had from the union leaders and business that we do something about reducing this backlog of cases that exists today.

The CHAIRMAN. The time of the gentleman from Rhode Island has expired.

Mr. FOGARTY. Mr. Chairman, I yield myself 5 additional minutes.

Mr. PUCINSKI. The gentleman would be interested to know that I intend to offer a resolution calling for a congressional investigation of the NLRB, because last year, during the great debate on the labor bill, I said that we cannot and will not have management-labor peace in America until the National Labor Relations Board exercises the duties assigned to it by Congress, which it has not been doing. And I am delighted to know that the American Bar Association agrees with that position.

I thank the gentleman for yielding.

Mr. FARBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from New York.

Mr. FARBSTEIN. I want to compliment the gentleman and his subcommittee for the juvenile delinquency portion of his report and the appropriation that goes with it.

Recognizing the critical nature of the problem of juvenile delinquency in the country, the Henry Street Settlement, which is located in my congressional district and directed by Miss Helen Hall, a very fine person, well known for her great efforts in social and welfare work, commenced a project seeking to determine the causes and cure for this sorrowful situation existing among some of our young people. I am certain that the citizens of this Nation will applaud the action of this committee in recognizing the great need for Federal action in this situation and supporting the work of the settlement.

I can think of no better way for the Congress to recognize the need for research into the subject of juvenile delinquency than by passing the appropriation bill before us today. I shall be pleased to vote for it.

Mr. FOGARTY. I had occasion to visit the Henry Street Settlement a year ago, and I found it to be one of the best in the country. They have qualified for grants from the Institutes of Health for a 5-year program that they have undertaken. And, they are doing a real good job.

Mr. FARBSTEIN. I am certain they will, and I am sure the money will be used to very good advantage.

Mr. BECKWORTH. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Texas.

Mr. BECKWORTH. I want to commend the gentleman for the very wonderful job he has done on this piece of legislation. I have been interested in this aspect of the work dealing with the chance of older people to obtain employment. At times we have discovered in Government places where older people have difficulty obtaining work. I think you will find now, for example, that a deputy U.S. marshal cannot be hired if he is over 40 years of age. To what extent has the gentleman undertaken to review the policies of the Government itself with respect to hiring older people, if at all?

Mr. FOGARTY. In general the Government maximum is much higher.

Mr. BECKWORTH. Mr. Chairman, I speak of it, I might say, with reference to a division of the Department of Labor that is undertaking to study the problems of the aged in their efforts to get work. Is there such a division within the Department of Labor? Is there such an agency in that department?

Mr. FOGARTY. No; there is not. We have asked the Secretary of Labor over a period of 3 or 4 years to do some research in this area and to try to come up with some recommendations that would result in some real accomplishments in this field. But very little has been accomplished. We gave them money for research projects and demonstration projects 3 or 4 years ago. That is why we have stated in the report that we are not satisfied with the progress that has been made.

The employment services in the Department of Labor have done a fairly good job in trying to place people over 45 years of age in jobs, but not nearly enough.

The Women's Bureau in the Department of Labor made a survey a couple or 3 years ago and came up with some concrete findings such as that just because a stenographer might be 45 years of age did not mean that she was any less efficient than one who was 22 or 23 years of age. Through those studies and statistics they are trying to educate employers of our country to understand that the employment of a person over 45 years of age is not a risk; that in many areas they can do a better job because they are better trained and have better skills.

Mr. BECKWORTH. Mr. Chairman, what I would like to emphasize, if the gentleman will bear with me, is this; if there is a division within our Government that is studying methods by which older people may obtain work and be employed. Certainly that division should first begin with the Government itself, all aspects of it.

Mr. FOGARTY. I think the gentleman has made a very good suggestion and we shall keep that in mind.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentlelady from Missouri.

Mrs. SULLIVAN. I, too, want to compliment the gentleman from Rhode Island and his entire subcommittee for the excellent job they have done on this bill. At the proper time I intend to submit a proposal for a series of specific increases to the Food and Drug Administration for programs on which there is no disagreement or controversy but for which additional funds are desperately needed. I do not know whether the managers of the bill will support me on that, but I hope I can get some support.

Mr. FOGARTY. Mr. Chairman, I will have to answer the gentlelady from Missouri this way, that I am in here supporting the bill. As I have said, there are items I would like to have seen increased. One of them was the Food and Drug Administration. But it was not increased. There were others on my committee who thought some of the increases that we have suggested were too great. So the bill is the result of a compromise. As chairman of the committee I feel constrained to support the bill as is, although in my own heart I know more money could be used.

Mrs. SULLIVAN. Mr. Chairman, I thank the gentleman.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Chairman, I, too, want to commend the committee, particularly with respect to the comment that was made in the report on the $200 million of appropriated funds that have to go to the support of abandoned families.

Mr. FOGARTY. Mr. Chairman, may I say that the gentleman from Indiana [Mr. DENTON] has done an admirable job on that subject in the hearings. He is responsible for that section in the report to which the gentleman refers. He has had a bill in the Congress for some years to do something about it.

Mr. VANIK. I am aware of that. I wanted to call attention to the fact that this has gone up 67 percent in the last 2 years. I wonder if the gentleman can tell us at this time whether he feels that the Federal Government is making every effort to hold this cost in check.

Mr. FOGARTY. We think they could do a better job, but I should prefer to let the gentleman from Indiana, Mr. DENTON, answer that question more fully a little later. The gentleman from Indiana has been doing such a good job in this area. We think the Federal Government can do a better job and also that the local communities and the States can, in this particular area.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentlewoman.

Mrs. GREEN of Oregon. Mr. Chairman, I should like to commend the gentleman for his usual outstanding job.

I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD at the conclusion of the remarks of the gentleman from Rhode Island, Mr. FOGARTY.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Iowa.

Mr. KYL. May I ask for information, in the area of juvenile delinquency what is a demonstration project?

Mr. FOGARTY. A demonstration project may be similar to the one referred to by the gentleman from New York [Mr. FARBSTEIN], the Henry Street Settlement, where they have a 5-year program. I think the expression was that it was a saturation program. They take a 4- or 5-block square area and do everything they know how to in combating juvenile delinquency, to see whether or not they can eliminate it in that area. If that demonstration project works out, then it will be applied to other areas throughout the country.

Mr. HECHLER. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from West Virginia.

Mr. HECHLER. Mr. Chairman, as usual the gentleman from Rhode Island [Mr. FOGARTY] has done an outstanding job. I believe this Congress should declare war—war on the diseases which are cutting short the lives or productive capacities of thousands of American citizens every week.

I feel that the Federal Government is uniquely qualified to provide the massive assistance to launch all-out attacks on four major crippling diseases which must be stemmed now, for all four are advancing in frequency.

I refer to cancer, heart disease, arthritis, and mental disorders, two great killers and two great cripplers.

If we can succeed in setting up the research programs, control centers and therapy institutions to make full-scale attack on these four dread enemies of man, I predict that within a decade of such all-out war, we would have not only reversed the growing toll taken by all four, but would have succeeded in finding positive cures or effective measures for control of all of them.

I am pleased to note that the committee, reflecting the urgency for promoting these programs, has very wisely increased the administration's request for all four—adding $13.6 million to cancer research funds, $12.3 million for mental health studies, $8.6 million for heart research, and $5.3 million for arthritis and metabolic disease activities.

I am grateful that Congress is responding to public needs in this manner, and I strongly urge that these enlarged appropriations be approved without question.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Illinois.

Mr. GRAY. Mr. Chairman, I want to take this opportunity to congratulate my friend, the distinguished gentleman from Rhode Island, Mr. FOGARTY, and the members of his Subcommittee on Appropriations for their diligent work and the forthright manner in which they have proceeded on this bill. I know that all Americans join with me in saluting this committee for the humanitarian increases that have been made in the fields of health, education and welfare.

It is to be regretted that this administration has not seen fit to request adequate funds with which to carry on vital programs so necessary to the well-being of a growing population. I know of nothing more important than finding new ways of stamping out dread diseases, building more facilities, including hospitals and nursing homes for the care of our people and in appropriating more money for education in all fields. I am sure there will be stars in the crowns of our colleagues who had the wisdom and foresight to see the need of providing these facilities.

In closing, let me assure you that my people will readily and willingly share the cost of these increases because they realize they are so badly needed. The $180-million-plus increase over the President's recommendations will certainly be a meritorious expenditure of public funds and I deeply appreciate the fact that this Committee and this Congress recognized their responsibility and are doing something about it.

On behalf of my people, I again say thanks.

Mr. KIRWAN. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Ohio.

Mr. KIRWAN. I want to congratulate the members of the Labor and Health, Education, and Welfare Appropriations Subcommittee. It has been my privilege since I have been a member of the Committee on Appropriations to serve on four different committees, one of them has been this subcommitee to which I have referred. In my opinion, it is the most difficult committee in the Congress on which to serve. That committee is dealing with some of the most important problems that face mankind. I congratulate the gentleman and his committee on one of the finest jobs ever done in the Congress.

Mr. FOGARTY. I thank the gentleman.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, I want to commend the gentleman from Rhode Island [Mr. FOGARTY] and his Subcommittee on Appropriations for the positive action they have taken in the whole sweep of public health as reflected in the bill they bring to the floor this afternoon. I suppose there are few, if any, other appropriation bills that touch such a tremendous cross section of the American public as this bill does. The activities provided for by this legislation have a direct effect upon the health of the Nation. Of course, Mr. Chairman, this is an area that tugs at the minds and the heartstrings of the mass of our people.

I sympathize that the committee is trying to arrive at a dollar amount that will do the best job possible for the great programs that are in being and must continue in the field of public health. With the constant pressures from every direction, with enthusiasts demanding more for their particular activities, with special groups pushing their programs, with new challenges to be met—all of these, Mr. Chairman, make the job of this committee extremely difficult. Under these circumstances, I know that the committee has worked diligently to bring in a bill that will do the job that the American public wants based on real sense of responsibility.

Mr. Chairman, one area in which I have been extremely interested is that dealing with the problem of juvenile delinquency.

During the last decade, there has been a 50-percent increase in our population in the 10–17-year-age group and statisticians predict that by 1980 there will be another 50-percent increase in this age group. As is evident from recent outbreaks and upswings in the juvenile crime rate, some positive steps should and must be taken if this problem is to be effectively combated. I believe that this bill recognizes this problem and is an attempt to alleviate it.

I was extremely pleased to see that the committee has added $1 million to the appropriations for the National Institute of Mental Health, and has also approved an increase of $60,000 for the Children's Bureau for additional work in this field.

This appropriation comes at a particularly propitious time because the golden anniversary of the White House Conference on Children and Youth is presently considering the problems created by juvenile delinquency. Its members should be heartened by the actions of this committee.

Another field in which I have been intensely interested is that of mentally retarded children. The million dollars in this area was sorely needed and should be highly beneficial to an area which has been too long neglected.

The members of the committee should be congratulated. Congressman FOGARTY, subcommittee chairman, has worked long and hard to present an acceptable bill. He deserves the gratitude of millions of Americans whom this bill will assist, and which will better the health and welfare of this country.

Mr. EVINS. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Tennessee.

Mr. EVINS. The distinguished gentleman knows I have spoken with him in the past regarding the cut in the appropriations for vocational education particularly, and the agricultural agents and home demonstration agents. It is my understanding that the Bureau of the Budget cut this item and the gentleman and his committee have restored the fund.

Mr. FOGARTY. The $2-million cut has been restored in this bill, yes.

Mr. EVINS. I thank the gentleman.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Maryland.

Mr. FOLEY. I commend the chairman and the members of the subcommittee for restoring the funds under the aid-to-education program under Public Laws 815 and 874. We in Montgomery, Washington, and Frederick Counties in the Sixth District of Maryland are very happy to see this development.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Connecticut.

Mr. MONAGAN. Mr. Chairman, the chairman of this subcommittee, the gentleman from Rhode Island [Mr. FOGARTY] and the members of the subcommittee have done a wonderful job in connection with this bill.

I am particularly interested in the sections which concern the National Institutes of Health, and I have a particular interest in the National Institutes of Health because I have visited them in Bethesda, where they are located, and I have seen at first-hand the remarkable work that is being done there.

It is in these Institutes that dedicated scientists are working on medical problems which are on the frontiers of medical science. If they continue to work on them, there will be solutions which will have beneficial results for the health of the human race which cannot be calculated. In this field Government is doing, and doing superlatively well, a job which could not be done in any other way, and even though there are increases in this bill over the amounts previously expended and requested, I can think of no field in which such increases are more fully justified.

Mr. FOGARTY. I thank the gentleman very much. I am glad the gentleman from Connecticut brought this up. We have the National Institutes of Health at Bethesda. The clinical center cost $60 million to buil'd and equip. It is a 500-bed hospital with special research facilities. It is the greatest research facility in the world today. I am sure that the Institute directors would go out of their way if Members of Congress would go out there to see it and ask them questions about what they are doing. We have been convinced this is a great and good work. This project was started under the leadership of my predecessor on this committee, our former colleague, Mr. Keefe, of Wisconsin. He and I teamed up to get the original appropriation for this center back in 1947. Now they are in full operation. They are making wonderful headway. That is one of the reasons we have increased the expenditures for medical research in this bill.

May I make just one other point before I take my seat, Mr. Chairman. We do not increase these appropriations unless we have some pretty good advice. During the hearings this year, after we listened to all of the Government witnesses, we listened to about 100 outside witnesses. We had some of the greatest doctors in the world appear before our committee. Without exception, they have asked us to increase these expenditures for medical research. They gave us examples of some of the great gains that have been made in the past 2, 3, 4, and 5 years. I only wish all Members of the Congress could take the time to read the hearings, especially on the Public Health Service and the testimony of doctors who came from all sections of the country. They are world renowned experts in their respective fields. Then, I think most of our colleagues would agree we ought to be spending more money than we are recommending here today to be appropriated by the Congress.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield.

Mr. JUDD. Mr. Chairman, I want to confirm most heartily what the distinguished gentleman from Rhode Island has just said about the National Institutes of Health. When we embarked upon this great program in 1947, I frankly had some misgivings that it might become a somewhat mechanized agency without adequate imagination and flexibility to do the superior research we hoped for. I feared that the personal element might be submerged and that the highest grade scientific workers might not be attracted to work in it. But, I was completely wrong. The National Institutes of Health has no peer anywhere in the world to my knowledge, not only as to the magnitude, comprehensiveness, and variety of work being done, but most important of all, as to the superior quality and scientific excellence of the men and women who have given up lucrative private practice or resigned from university posts to come here to work in this magnificent institution where the best research in the world is being done on the difficult disease problems that so far have eluded solution by all the scientific brains that have been working on them in almost every country in the world today.

Mr. Chairman, nothing that any Members of this Congress have done during the time that I have been here is more important than what our former colleague, the gentleman from Wisconsin, Mr. Keefe, and the gentleman from Rhode Island have done in this field so vital to every human being, along with their many other excellent services to our people.

Mr. FOGARTY. I thank the gentleman very much, and I especially appreciate the remarks of my colleague, Dr. JUDD, who has been many places throughout the world as a medical missionary. I thank him very much.

Mr. O'NEILL. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield.

Mr. O'NEILL. Mr. Chairman, I, too, want to join my colleagues in congratulating the gentleman from Rhode Island [Mr. FOGARTY] for the magnificent job that he has done as chairman of this committee and, of course, also congratulate the committee for the splended work they have done. I commend the gentleman for the erudite and learned discussion of the bill today. In recent years I have noticed that the medical profession has given to our colleague, the gentleman from Rhode Island, some great honors. Mr. Chairman, I know of no man who is truly more worthy of the honors that they have thus bestowed. As we study the history of your particular bill here, we find the Federal Government was, indeed, lacking in its work in this field until such time as our colleague became chairman of the committee. Again, Mr. Chairman, the gentleman from Rhode Island and the entire staff and membership of the committee are to be congratulated upon the excellent job that they have done.

Mr. FOGARTY. May I just correct one statement that has been made. I have said this on the floor time and time again. I served my apprenticeship under our late colleague, Frank Keefe of Wisconsin, who was chairman of this committee when I was appointed to it. I do not know of a man who pioneered and worked in any field with more enthusiasm and with more respect from his fellow Members in the Congress than Frank Keefe. I said that when he left and I am very happy to say also that I could not do these things unless our committee was together with me. Our thanks should go to my fellow members on the committee—the gentleman from Indiana [Mr. DENTON], the gentleman from Wisconsin [Mr. LAIRD], the gentleman from Minnesota [Mr. MARSHALL], the gentleman from Michigan [Mr. CEDERBERG]—who are doing such a wonderful job. We have come to you with a unanimous report. It is not one sided. It is a compromise, but no one of us could do this alone.

Mr. JUDD. Mr. Chairman, will the gentleman yield further?

Mr. FOGARTY. I yield.

Mr. JUDD. Mr. Chairman, if our great friend, Frank Keefe, were alive and here today, nothing could give him greater and deeper satisfaction than to know how ably and devotedly the gentleman from Rhode Island has carried on extended and improved the work that they together pioneered. He would be properly proud of the great work the gentleman from Rhode Island has done and is doing.

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

Mrs. SULLIVAN. Mr. Chairman, once again the House Committee on Appropriations acting on the enlightened recommendations of the Fogarty subcommittee, has made a giant contribution to the health and welfare of the American people in the drafting of an appropriations bill for the agencies of Government which most directly touch the lives of all of the people. The committee has had the courage and the imagination to look behind the cold figures and statistics of a Presidential budget to find and expose flaws in logic and tragic failures in leadership in the enforcement

of laws which literally mean life or death for every citizen.

So, once again, the people of the United States can say a prayer of thankfulness for the fate which placed a JOHN FOGARTY in charge of appropriations for the public health and welfare. This bill now before us is, in itself, just a lot of figures on a balance sheet. But behind the bill is a committee report which is a remarkable piece of work—in the tradition of past accomplishments of the Fogarty subcommittee toward better health, improved educational opportunities, and a happier life for every man, woman, and child in this Nation. Most remarkable of all is the set of hearings of the subcommittee containing the encouraging and often amazing testimony on which the committee's recommendations are based. Truly this is an outstanding legislative achievement.

I cannot find words to express the depth of my personal appreciation for the subcommittee's painstaking investigation into our health and welfare needs, and for the political greatness its members have demonstrated in substituting compassion and imagination and vision for the cold bookkeeping approach the President has proposed for determining what we should spend in the coming year to improve the quality of living of the American people. Therefore, I take this opportunity to express the gratitude of the people I represent in the Third Congressional District of Missouri to the members of the Fogarty subcommittee—JOHN E. FOGARTY, of Rhode Island, WINFIELD K. DENTON, of Indiana, FRED MARSHALL, of Minnesota, MELVIN R. LAIRD, of Wisconsin, and ELFORD A. CEDERBERG, of Michigan—for their work in the development of this legislation now before us for debate and decision. And similar credit should go to all of the members of the full Committee on Appropriations who voted to uphold the judgment and recommendations of the Fogarty subcommittee in reporting this bill to the House.

EXPANSION OF MEDICAL RESEARCH

No one knows or can foretell how many lives will be saved in America and in the world by virtue of the greatly stepped-up research of the National Institutes of Health the bill makes possible into the crippling and killing diseases which plague mankind. Nor can we foresee the full extent of the consequences in the advancement of our way of life as the result of improvements recommended in this bill in programs of public health, sanitation, medical care, hospital construction, social security, education and educational research, and countless others administered by the newest of our Cabinet departments, that of Health, Education, and Welfare, and the vital programs of the Department of Labor as well.

Since last Friday, when this bill was reported out by the Appropriations Committee, it has been described in some quarters as a $4 billion budget buster, because it runs nearly $200 million over the President's budget. But I do not think the scare terminology worries anyone who bothers to read the committee report and to see where that extra money goes—most of it, $113 million to the Public Health Service, for such things as basic health research by the NIH, and for hospital construction under the Hill-Burton Act, and for waste treatment grants to the States, and so on.

For instance, this bill has in it $102,500,000 for the Cancer Institute, an increase of $13,500,000 over the budget; it has nearly $80 million in it for the Mental Health Institute, or $12 million over the budget; it has $71,500,000 for the Heart Institute, or $8,500,000 over the budget; with smaller but proportionate amounts and proportionate increases for the Dental Institute, Arthritis and Metabolic Diseases Institute, Allergy and Infectious Disease Institute, and the Neurological Diseases and Blindness Institute. So $55 million of the total increases in this bill goes directly to the National Institutes of Health, giving them a total of $455 million. Is this work worth such expense?

Well, let us put it this way: Can the money be spent efficiently and effectively to seek and perhaps to find answers to the riddles of mankind's worst ills? On the basis of the subcommittee's searching investigation and analysis, we can only reply "Yes." Again, we might ask whether as a Nation enjoying the highest national income in all history, and outstripping the whole world in comforts and amenities of life, we can afford such an outlay. The answer again is very definitely "Yes."

PROGRAMS FOR CHILDREN OF AMERICA

What is the dollar value of a child's life saved by research into leukemia or into new vaccines or into rheumatic fever or cystic fibrosis or any of the many areas of outstanding medical discovery which might be made possible under this section of the Federal budget? It is irreligious and profanely clumsy to put money values on such things, assuming even that it were fiscally possible to do so. Nevertheless, it takes money—and lots of it—to solve the mysteries and make the discoveries which mean life instead of death for otherwise doomed children, and it takes more money to make these discoveries medical practicabilities for the general public.

I cannot imagine anyone in the Congress wanting to prevent or delay such stepped-up research as proposed in this bill, but if it should be attempted here, I am sure the attempt would fail. Several years ago, it took a series of rollcall votes in which each of us had to stand up and be identified by name, to prevent an attempt of that nature from succeeding, and I trust that we will not have to go through that again for awhile, at least.

Therefore, since the increases proposed in this bill will no doubt enjoy widespread support in the House, I do not want to belabor their merits further, but rather I want to repeat here the gratitude I personally feel and which I know the people of St. Louis share in feeling for the truly magnificent strides to be made possible in our health and enjoyment of life because of the statesmanship and courage of Mr. FOGARTY and his colleagues in drafting this legislation.

In St. Louis, and in Missouri generally, we support and approve the additional $2 million above the budget request provided in the bill for vocational education, bringing the total up to last year's amount of $33,702,000; we appreciate the $24 million added for Hill-Burton funds and the $25 million added above the budget for waste treatment programs; the $3,333,000 added above the budget to the maternal and child health program to be used specifically for crippled children; the $1 million earmarked in the mental institute program for expanded research on juvenile delinquency and the $60,500 provided for the Children's Bureau for cooperative work in this field, to pick out just a few items in this huge $4 billion appropriation. I have mentioned mostly items on which the committee found the President's budget recommendations either silent or inadequate.

NEED FOR INCREASES FOR FOOD AND DRUG ADMINISTRATION

Now, however, after this sincere praise of the committee recommendations in this bill, I want to turn critically to one paragraph of the appropriation bill which makes me less than happy—and which I feel absolutely requires amendment if the spirit behind the recommendations for other major areas of public health work provided for in the bill is to be carried out also in one of the most vital public health watchdog programs of the Federal Government. I am referring to the appropriation for the Food and Drug Administration.

The bill calls for $16,852,000 for FDA, which is the exact amount suggested by the President. On the plus side is the fact that the proposed figure represents an increase of about $3 million over the amount provided a year ago for the current fiscal year. That would seem to be a good, substantial hike upward—an increase of more than 20 percent. But the committee report itself takes pains to point out that the amount requested by the administration is inadequate to maintain the minimum rate of expansion called for 5 years ago by a citizens' advisory committee at a time when the Food and Drug Administration's responsibilities were less than they are today. As we all know, Congress has enacted several new laws in this field in the interim.

The committee suggests that perhaps it is time to have a new citizens advisory committee survey the agency's needs. I say the needs are rather obvious—more money and still more money for staff, equipment, and other facilities. Of course, also, the agency needs some stronger teeth in some of the laws it enforces, but primarily it needs a lot more money than the President recommends and even a lot more than the citizens advisory committee of 4 years ago estimated FDA would need by now. That is because we have added new burdens on FDA since 1955.

NEGLECT OF FDA BY EISENHOWER ADMINISTRATION

We all know the history of the Food and Drug Administration's stepchild

treatment during the early days of this administration and for several years thereafter. The consequences of that neglect are still being felt, to the disadvantage of every consumer and of the health of our people. I think it might help if I briefly review the history of FDA appropriations since Mr. Eisenhower became President.

His first Secretary of Health, Education, and Welfare was not at first convinced of the importance of the FDA. It was not until the citizens' advisory committee appointed by that Secretary made its sensational report in 1955 that the departmental top command and the Bureau of the Budget began to appreciate the seriousness of FDA's situation. The advisory committee in June 1955, called for a three-to-four-fold expansion of FDA within 5 to 10 years. Its report frankly acknowledged that this agency was financially unable to carry out its minimum responsibilities to the public.

1955 ATTEMPT TO INCREASE FUNDS

Many of my colleagues here will remember, Mr. Chairman, that immediately after the citizens' advisory committee report was made public in June 1955, I introduced a supplemental appropriation bill to begin carrying out those recommendations. The HEW Secretary and the Budget Bureau, however, opposed any such action. It took us a full year thereafter to get any funds to begin to carry out the vast expansion program called for in the comprehensive report based on the advisory committee survey.

If we had started on this expansion program immediately, as I had hoped, and at the level proposed by the advisory committee, we could have completed the fourfold expansion of the agency by June of this year, within 5 years from the filing of the report in 1955. Instead of quadrupling FDA's size by June of this year, 1960, however, we can, under present proposals, expect only a doubling of the 1955 size by June 1961, and we are approaching that level only because the Appropriations Committee and the House last year disregarded the President's budget and threw an extra unbudgeted $2 million into the Food and Drug Administration's battle against filthy, adulterated, dangerous, misbranded, or fraudulent foods, drugs, and cosmetics.

SLOW RATE OF FDA EXPANSION

The agency had 877 people at the time of the citizens committee report in June 1955. The staff rose to 1,031 by June 1957, 2 years later; to 1,180 by June 1958; and to 1,312 by June of last year, when the Appropriations Committee decided it needed a much bigger push upward. Consequently by this June, the agency should have a total of 1,660 positions. Under the proposed budget, it could have 2,000 by June 1961. However, that is not maintaining the 15 percent per year rate of expansion necessary to complete the expansion program in even 10 years, because 147 of the 783 jobs added to FDA's rolls since the citizens committee report of 5 years ago have been required to carry out responsibilities added to the agency's workload after 1955, either by enactment of the Food Additives Act of 1958 or by the assignment to FDA of specialized responsibilities in connection with radioactive contamination of food. So actually, we have had very little done to expand the capabilities of the Food and Drug Administration to cope with its day-to-day routine work in protecting us against hazardous foods, drugs, and cosmetics.

CRANBERRY EPISODE A RESULT OF FUND SHORTAGE

This is a disgraceful record, it seems to me, and one for which the present administration deserves gloves-off condemnation. Considering the way the Federal Government can and does throw millions and billions into all sorts of projects and programs and experiments without having the least idea of whether the expenditures are going to turn out to be wise or foolish, it seems to me there is a valid reason to give the food, drug, and cosmetics watchdog agency enough money to determine whether the products we buy and consume are safe or poisonous, honestly or fraudulently represented, pure or adulterated.

Otherwise, we run into these periodic crises when agriculture and industry are thrown into turmoil, and the consuming public is scared to death. There would be no need for an episode such as occurred with the cranberries if the FDA had been able, as a continuing thing, to collect and test enough samples of various agriculture commodities to know where contaminated crops were coming from and to embargo them before they spread through the country, and before the whole industry must be turned upside down. This is just one illustration of what happens, and what could be prevented, if the FDA had the funds it needs for a real policing job.

AMENDMENT TO BE PROPOSED

I, for one, Mr. Chairman, think the agency should have the money it needs to do that kind of job. And I intend to do what I can in that direction in connection with this bill. When it is opened for amendment, I intend to submit a proposal for a series of specific increases to the Food and Drug Administration, for programs on which there is no disagreement or controversy, but for which added funds are desperately needed.

I do not know whether the managers of the bill will support me in this effort. I hope they will. I would appreciate their help. I say in all sincerity that the recommendations I will make for increases are based entirely on the evidence collected by Mr. FOGARTY and his subcommittee in their hearings—where the needs are spelled out in convincing detail.

RADIOLOGICAL MONITORING

I am going to ask for an additional $982,000 for the Food and Drug Administration for the specific purpose of acquiring necessary and highly specialized scientific equipment, and the people to operate it, for detection of foodstuffs contaminated by radioactivity. This is not something new I am proposing. The bill now contains about $1 million for this purpose. It is not enough—a fact the subcommittee's hearings have fully documented. Most of the additional $982,000 I will ask for is to cover the cost of buying scientific equipment for each of the 18 district offices of the FDA. The rest is for some additional manpower to use this equipment.

Why do I say "some additional manpower"? Because the bill now before us provides for the employment of 90 scientists, some in Washington and the rest in each of 10 of the 18 district offices, to carry on this radiological detection work. The subcommittee brought out in the testimony that the decision to employ experts in only 10 of the 18 districts was an arbitrary one made by budgeteers and not by scientists—that the need is clear for such experts in each of the 18 districts. I certainly know we need extensive work of this nature in the St. Louis district, located as we are in the area of highest radiative fallout in the country.

ST. LOUIS TO BE INCLUDED

Under the present budget we will be covered, so I am not making a narrow plea for my own city. St. Louis, Detroit, New York, San Francisco, Dallas—when it opens, Atlanta, Chicago, Denver, New Orleans, and Baltimore are to have experts in radiological detection under the bill as it now stands. But eight other offices—Philadelphia, Seattle, Minneapolis, Boston, Kansas City, Cincinnati, Buffalo, and Los Angeles—would not. I see no reason for such distinction, and I note from Mr. FOGARTY's questions that he did not either, and neither did the Commissioner of Food and Drugs, Mr. Larrick. This was a budget decision, I repeat. Mr. Larrick, in reply to questions, frankly said the work was needed in every district office—to locate batches of food contaminated from radiation and to monitor radioactivity of food. Some of it has been found to be highly radioactive. Only FDA does this monitoring—not Atomic Energy or Public Health Service—when it comes to food supplies.

Now I have discussed why more manpower is needed for this work—to cover the eight district offices now excluded. But let me tell you the further fact that as the bill now stands, none of the district offices—not one of them—will have the necessary scientific equipment to conduct the work for which they will have scientists assigned. You will have 90 experts on radiation in food sitting around without equipment they need for their work. How could that happen? It could and did happen as a result of the complexity of the appropriation process and the foot-dragging of the Bureau of the Budget. Let me explain:

MIX-UP IN APPROPRIATIONS PROCESS

The Budget Bureau allowed FDA to ask for $332,000 in a 1960 supplemental request for the scientific equipment to be used in the 1961 fiscal year by the 90 scientists programed in the 1961 budget for 10 district offices and the Washington headquarters for this radiological survey of food. However, the Appropriations Subcommittee handling the supplemental requests denied the request for $332,000 on the ground that this was a matter more properly to be considered in connection with the regular 1961 estimates by the subcommittee which would consider FDA's appropriation. But—and

this is incredible—the matter could not properly be placed before the Fogarty subcommittee by FDA at the time this bill was being prepared. The Budget Bureau hadn't cleared it. So we have the anomalous situation in this bill of providing for 90 jobs for scientists but neglecting to provide the equipment they will need to do their work.

As a minimum then, just to give the 90 scientists called for in this bill a chance to do the work they will be assigned, we would have to provide right now in this bill the $332,000 proposed as a 1960 supplemental but not included in the supplemental appropriation bill. If we did just that, we would be taking care of the needs of the 10 district offices I mentioned, including St. Louis.

But if we are to have a comprehensive nationwide program for detecting presence of radioactive contamination in food, we need staff and equipment in each district office—and I again mention those which have been left out by the budget: Philadelphia, Seattle, Minneapolis, Boston, Kansas City, Cincinnati, Buffalo, and Los Angeles. To equip all 18 offices with necessary scientific equipment—75 platinum dishes for $9,750; an isotope scaler for $5,000; a flame photometer for $1,000; about $8,000 worth of monitoring devices each, and so on, or a total of about $30,000 per district office—we would have to appropriate not $332,000 but about $570,000 for equipment alone. With the added staff which would be needed to cover all 18 districts, therefore, the total needed above and beyond what is already in this bill comes to $982,000. My amendment will specifically allocate an increase of that amount to work on detection of radioactive contamination of food. And I am sure that if the Members will just check the arithmetic—by asking the chairman of the subcommittee or by reading the hearings at page 222 and thereafter—they will recognize the absolute imperativeness of this increase.

RENOVATION OF FDA DISTRICT OFFICES

The next point my amendment will cover will apply to renovation and modernization of FDA's district offices. Three of them—Detroit, Dallas, and Atlanta—are new. Three others are in the process of modernization which will be completed by June 1961, under funds included in this bill. They are Los Angeles, Buffalo, and New York. Also, under the bill as now written, renovation and modernization of quarters and equipment are to be started in the coming year on a 2-year phased program at four more districts—Boston, Cincinnati, Minneapolis, and Kansas City. That leaves eight which will still be in deplorable condition, with their renovation delayed far into the future. That is because the Budget Bureau does not intend to spend any more money for this purpose in the short period remaining in this administration's term of office, despite the really desperate need for suitable space and equipment for the people who are being hired as a part of the agency's expansion program.

To complete the three offices whose renovation is now under way—that is, Los Angeles, Buffalo and New York—and to undertake the first part of a 2-year renovation program for all 12 old offices which now need modernization so badly, would require $1,650,000 more than this bill proposes for 1961. I intend to submit a request for that additional amount as part of my amendment of the bill. It will cover Boston, Cincinnati, Minneapolis, Kansas City, Denver, New Orleans, Philadelphia, Seattle, St. Louis, Baltimore, Chicago, and San Francisco. Members from those areas who have visited their district Food and Drug office, as I have occasionally visited the one in St. Louis, will certainly acknowledge the compelling need for modernization of facilities and equipment.

According to the information at page 234 of the hearings, the first year of a 2-year phased program would cost $140,000 and the second year $180,000 for Denver, New Orleans, Philadelphia, and St. Louis; and the figures for Baltimore, Chicago, San Francisco, and Seattle would be $210,000 the first year and $240,000 the second. The grand total for making all eight offices efficient and more effective within the next 2 years would be $3,080,000. My amendment will ask for about one-half of that for this coming year.

TESTING OF CROP SAMPLES FOR PESTICIDES RESIDUES

The last area to which my amendment will be directed is that of testing of crop samples for pesticides residue. This is the cranberry problem spread out over the entire agricultural economy. No farmer wants to poison the consumer and no agricultural organization believes really that foodstuffs should be sold containing illegal and poisonous residues of pesticides. However, some farmers fail to read the directions carefully, some are perhaps in a hurry, some perhaps are careless. It is up to FDA to spot contaminated food before it goes into the stores and before a national alarm has to be sounded. If FDA could spot test as little as 1 percent of raw agricultural shipments—just 25,000 a year out of 2½ million shipments—it would represent a tremendous expansion of the agency's activities in tracking down contaminated shipments. At present, it makes only about 4,000 to 6,000 such test samplings a year. It would cost nearly $1 million more a year to do a 1-percent sample than is provided in this bill. I am going to ask for that additional amount.

The vegetable growers of Missouri wrote me earlier this year expressing concern over the way the cranberry incident was handled, and when I asked how they thought a problem of this sort should be handled—certainly they did not think the consumer should buy food contaminated through illegal use of a weedkiller or pesticide—they replied that FDA should find these contaminated shipments before they reach the grocery shelves. I certainly agree. I think everyone does. The present rate of test samplings of raw agricultural shipments, however, is not adequate to bring about that desirable result. Do the farmers think it is worth $1 million more of Federal expenditures a year, as part of a $4 billion appropriation bill, to prevent future cranberry episodes in some other type of crop? I am sure they think so. And so do the consumers. I am not against use of these pesticides if it is done properly and legally. But we should not permit careless use of them to poison or harm the consumer.

NEED FOR GREATER INSPECTION FORCE

Mr. Chairman, I have listed three specific areas in which I intend to seek specified additional fund allocations for the Food and Drug Administration. The total added cost of my amendment will come to $3,591,000, raising the FDA total to $20,443,000.

I have picked out three desperate areas of need for this agency. I could have picked others—and more of them—for instance, the Food and Drug Administration can now inspect the factories under its jurisdiction only about once every 5½ years. This is ridiculous. In order to strike an average like that, it means the inspectors hit the frequent violators often, and the average well-run establishment practically never. Yet every plant should be looked into at least once a year if only to keep the officials responsible for sanitation and purity on their toes.

Yet to accomplish this modest goal, we would have to divert all of the inspection staff to this one assignment, and in addition hire 400 new inspectors each year for the 5 years, and increase the agency's budget each year for 5 years by about $3,500,000 a year so that at the end of those 5 years the staff would be doubled and the annual appropriation would also be doubled over the levels proposed for the coming year. Even then they could not visit every food processing plant every year. I call attention to the tabulation on page 249 of the hearings to bear me out on this.

I suggest that we should eventually build up FDA to the point where it can visit every food processing plant at least once a year. I heartily endorse the idea of having that effective an agency to protect our health from filthy, adulterated, misbranded, or fraudulently packaged or even dangerous foodstuffs. But I am afraid we must be realistic about this. Even if we gave FDA the money to begin such an expansion program, it could not hire and train the necessary staff immediately. We must, however, plan and proceed in that general direction, but at a practical and realistic rate.

NEW BURDENS PUT ON FDA, AND MORE TO BE ADDED

This bill before us now is a modest continuation of the slow rate of progress made up to now in building up FDA's resources and effectiveness. We have given the agency new duties in the Food Additives Act, and we may soon pass further legislation expanding their responsibilities in such areas as control of household poisons, pretesting of cosmetics for safety—a proposal very close to my heart—clearance of therapeutic devices, control of commerce in amphetamines and barbiturates, and so on. All of these things will carry a price tag in the agency's future appropriation requirements.

I am sure there will be some hand-wringing in some quarters over these added expenditures, as they become necessary, but I think we have to develop and maintain a sense of proportion about the comparatively few millions of dollars spent in this activity. Just look at what we are including in this bill for cancer research alone—more than $100 million—and we are all for it, as we should be. But if we could rid the market of contaminated foods which now cause untold misery as well as great economic harm, if we could more effectively protect the consumers from poisons in foodstuffs or cosmetics, if we could cut down on highway accidents caused by illicit use of pep pills, if we could reduce the deaths from barbiturate poisoning, if we could rid the market of quack nostrums and fraudulent devices alleged to be capable or producing magic cures for any and all illnesses, if we could be certain the food we eat and the drugs we purchase and the cosmetic preparations we use are truly pure as the law requires, would it not be worth about $20 million of our taxes this year? I think so. And I intend to ask for a total appropriation of about that amount for FDA—with the increases above the budget specifically allocated to the three areas I cited of greatest immediate and overriding need: that is, equipment and staff for detection of radioactivity in foodstuffs; renovation and modernization of all district FDA offices; and stepped-up sampling of raw agricultural shipments, up to a level of 1 percent of shipments, for detection of foodstuffs contaminated by improper or illegal use of pesticides or weedkillers.

Mrs. GREEN of Oregon. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mrs. GREEN of Oregon. Mr. Chairman, I rise to speak, for a very few moments, on the magnificent job that has been done this year—as it has been done every year since I first came to the House—by the Subcommittee on Labor-HEW Appropriations, under the courageous and farsighted leadership of the gentleman from Rhode Island [Mr. FOGARTY].

Historically, the budget process has been one in which the Congress, acting through its Appropriations Committees, has had to sift the requests sent down by the Departments, in the hope of separating the truly needed items from the padding put in by the Departments in the hope of getting a little extra.

Under this administration, this process, as it affects the Department of Health, Education, and Welfare, has been turned inside out.

Instead of the President, the Budget Bureau and the agency asking for as much as they can use, and the Appropriations Committee and the House cutting these requests to the bone, in order to save money, the committee has had to question the departmental witnesses carefully in order to determine how much money will really be needed to carry out the invaluable programs carried on by the Department, funds for which have already been pruned beyond the point of prudence by the President and the Budget Bureau.

The gentleman from Rhode Island and his distinguished colleagues on the subcommittee have always been able to find "fat" in this Department's budget, and they have always been willing to trim it. But, they have also had to examine carefully the needs of the programs involved and compare these needs with the often inadequate requests which the Budget Bureau and the President have allowed the Department to send to the House.

The schoolchildren of America and their parents—the patrons of our rural libraries—the men and women who are suffering from the dread diseases which the National Institutes of Health are trying to conquer—the recipients of social security benefits—the Mexican farm laborers who are brought in under Public Law 78, and the American farm laborers who must compete with them for subsistence—the blind, the deaf, the mute—all these people have cause to be eternally grateful that the gentleman from Rhode Island and his colleagues have not followed the lead of the administration and lumped them into the category of the unnecessary.

There are a few items in this bill in regard to which I would like to make some special comments, Mr. Chairman.

Above all other items, I am pleased to see the substantial increase in funds for the prevention and control of juvenile delinquency—funds to be used for the training of personnel and for research and demonstration projects.

I congratulate the gentleman from Rhode Island for his foresight, his understanding, his leadership.

In the money for the Office of Education, there is carried $7,500,000 for the operation of the Library Services Act of 1956. As it happened, the hearings on legislation to renew this act for another 5-year period began before my own Subcommittee on Special Education just this morning.

Among the facts brought out in that hearing was the amazing statistic that at no time has the full amount of money authorized under this act actually been appropriated, though the act has been on the books for 5 years, and has accomplished an incredible amount, even under short funds.

This is no reflection on the subcommittee. The administration has consistently requested far less than this program needed and could use. The committee has increased those requests, sometimes over the bitter opposition of the administration's friends in this body. This year, for the first time, the committee has felt able to increase the authorization to the full amount. I hope the House will support the committee's recommendations.

The administration, true to its philosophy in regard to education, has substantially reduced its requests for the impacted areas programs below last year's funds, and below the funds which will be needed to meet the entitlements under the acts. Again, the committee has had the courage and the foresight to increase the funds to meet the needs of our federally affected school districts, instead of the needs of the President's balanced budget.

The committee is to be especially commended for its grasp of real national needs in increasing the appropriations requested for the National Institutes of Health. These magnificent research centers are frontline installations in our warfare against our most deadly and relentless enemy—disease.

The $55 million which the committee has added to the President's inadequate requests for these activities is a tiny fraction of what it cost to develop new instruments of death. Yet the contribution which the NIH will make to human welfare, to the fight against the diseases which kill and cripple millions annually is, in my estimation, a far more important contribution to the history of the human race than is embodied in all the billions we are investing in weapons which will have failed in their mission if ever they have to be used.

Mr. Chairman, when the distinguished chairman of the Appropriations Committee, the gentleman from Missouri [Mr. CANNON] reports a public works money bill to this House, we know that his committee has very carefully examined the requests for these funds in the light of the useful device known as the benefit-to-cost ratio. Devised by persons who have examined minutely the good which a proposed project will bring to the community it serves, and to the people of the Nation, this ratio must demonstrate that such benefits outweigh several times the costs of the project before the project can be authorized or funded. This is a very wise procedure, Mr. Chairman, and the taxpayer is protected by it at the same time that the development of our natural resources is made possible.

We are willing to appropriate very great sums for resources development because we have been able to see, through the device of the benefit-to-cost ratio, how such expenditures are not simple outlays of nonrecoverable funds, but are, instead, investments, bringing to the Treasury and to the Nation income which eventually exceeds the cost.

I would like to suggest that we might learn to look upon the appropriations for the Department of Health, Education, and Welfare—or some of them—in terms of the benefit-to-cost ratio.

All too often we look upon appropriations for education, for health, for welfare as being money spent for which we will never see any return.

But this notion is at direct variance with the observable facts.

Mr. Chairman, how much is lost to the Nation's economy each year through the enforced idleness which major diseases imposes upon our labor force? How often has the Nation been denied the talents of great and good men through the sudden attack of cancer, or heart disease, or one of the other diseases which the NIH seek to fight? Just yesterday, this House lost a gallant Member to heart disease. Earlier this month my own State lost a great Senator as an aftermath to his fight against cancer. No year, no month, scarcely a week goes by without some man succumbing to one

of these dread killers—some man whose worth to the Nation is invaluable.

The benefits of the research and the activities of the National Institutes of Health are surely vastly greater than the cost.

What is the cost of inadequate education to this Nation, Mr. Chairman? To begin with, and only to begin with, the cost as of today has included our tremendous loss of prestige and of a sense of security because the Soviets have pulled ahead of us in scientific and technical education. But the cost to the community of substandard schools, of inadequate library service, of our shortcomings in the other areas in which the Department of Health, Education, and Welfare works, are far greater than this.

And the benefit to be gained from spending funds to improve local educational facilities are not limited to the local areas themselves.

The statistics of the Selective Service System show clearly the cost, in terms of the lives of young men, to communities which do have adequate schools, of those communities which do not. The latter send young men to the armed services, only to have them sent home for educational deficiencies. In wartime—in an emergency when the demands are great, the former must make up the slack. This is clearly a cost to the local communities which is far greater than their share of the cost of existing Federal programs for education. Here again we might well examine the ratio of benefits to costs, in order to determine whether the appropriations asked for in this bill are money out of the national pocket—or contributions to the national investment portfolio—gilt-edged investments in the country's future.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. LAIRD].

Mr. LAIRD. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, each year Congress is enacting new legislation which vastly affects the budgets of the Departments of Labor, and Health, Education, and Welfare. I often have the feeling that many Members of Congress, when called upon to vote on new programs which originate in the legislative committees dealing with these two departments, pay too little attention to the costs of new programs. These new programs come back to haunt our subcommittee after being enacted into law. The Department of Health, Education, and Welfare is concerned with programs of so many different aspects of our developing society that its budget is mushrooming from one year to the next. In this session of Congress, the legislative committees are considering over 30 new programs to be assigned to this Department. Attached to some of these programs are tremendous costs. I plead with this Congress to consider these costs at the same time authorization legislation is being considered and not pass the buck to the Appropriations Committee next year.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE BUDGET

This budget bill which is before you today contains several increases which are the direct result of legislative action by the Congress. One hundred and eighty-three million dollars of the increases provided for in this bill are in four programs. The programs are as follows:

[In thousands]

	Congressional authorization	President's 1961 budget	Increase in this bill
Sewer treatment	$50,000	$20,000	$25,000
Hospital construction aid	211,200	126,200	23,800
Impacted aid, school districts—payments and construction	250,702	171,085	79,617
Medical research	(1)	400,000	55,000

[1] Unlimited.

This table presents clearly the $183,417,000 in increases that were provided by the House Appropriations Committee. The largest increase is in the area of aids and construction funds under Public Laws 815 and 874 which provide assistance for educational purposes to areas of Federal impact. The Congress within the past 5 weeks, through its action on the supplemental appropriation bill for 1960, decided to fully fund these programs at 100 percent of entitlement. I was in the minority in taking this approach. I feel it is necessary that both Public Law 815 and Public Law 874 be modified, because the distribution formula in the present law is not equitable. This, however, is a matter for the legislative committee to change and cannot be changed through the appropriation process.

Those who would advocate that we should continue to provide for full entitlement authorization under present legislation for schools in federally impacted areas should give consideration to the nature and volume of expenditures that this program contemplates for the future. It was started on a modest basis to take care of a restricted and an immediate problem. In 1961 it will reach the staggering total of entitlements of at least $213 million for payment of operating expenses alone and an additional $63 million for aid in construction. Unless the law is changed, the present trends will require appropriations for these two programs by 1965 of almost $450 million.

It is obvious that the time has come to give serious consideration to the President's request for a modification in this legislation to discharge more appropriately the Federal Government's responsibility with respect to these school districts. Federal civilian employment in the United States has remained stable for the past several years and the number of military personnel in the United States has been reduced by over 200,000 since 1955. Yet, in spite of this situation, the cost of these programs has increased by amounts all out of proportion to changes in the size of the Federal establishment and will continue to increase by leaps and bounds because of increased costs and student-wage population unless corrective action is taken now to restrict Federal payments to areas of clear justification. This matter warrants immediate consideration and action by the Committee on Education and Labor.

The $25 million increase provided for sewer facility aid is merely a recognition of the feeling of a majority of the Members of Congress to fund this program. It will be recalled that during this session 62 percent of the House voted to override President Eisenhower's veto and increase the funding for sewer facilities to $70 million. The $45 million figure represents the lowest compromise that could be arrived at by the House Appropriations Committee in view of the vote earlier in this session on the President's veto.

The two examples pointed out above apply equally as well to the two other areas of increase contained in this bill. These increases are pointed out in an effort to call to the attention of the House the problems involved because of authorization legislation which has already been enacted into law. The same can be said for hospital construction and medical research.

Mr. Chairman, I am impressed with the fact that year after year approximately two-thirds of the budget of the appropriations for the Department of Health, Education, and Welfare, is in the area of grant and aid programs to the States. More than $2 billion goes for grants to States for public assistance. These funds are paid out on a formula basis enacted by this Congress, with an "open-end" appropriation, and constitute a clear obligation of the Federal Government. It would be an idle gesture to cut this appropriation since it would only mean a supplemental appropriation next year. Here is a table, in millions of dollars, of the grants and aids to States and local political subdivisions contained in this bill:

	Millions
Defense education	$171.0
Vocational education	33.0
Public assistance	2,083.0
Child welfare	51.8
Sewer facilities	45.0
Hospital construction	150.0
Vocational rehabilitation	54.0
Public health service	23.0
Library services	7.5
Impacted school aids	251.0
Colleges of agriculture and mechanical arts	2.5
Medical schools, grants and construction	110.0
Total grants and aids	2,981.8

From the above table, one can readily see that of the total budget of the Department of Health, Education, and Welfare, which is presented to you today for action in the amount of $3,619,044,531, only $637 million is appropriated for the carrying out of purely Federal activities.

DEPARTMENT OF LABOR BUDGET

In looking at the overall budget of the Department of Labor, the lack of flexibility and reducibility in this budget is even more evident. The total budget as presented you for the Department of Labor is $542,245,300. Of this amount, $428 million is made up in two areas. These two areas are: Grants to States, unemployment compensation, and employment service, $321 million; unemployment compensation for Federal employees and ex-servicemen, $107 million; making a total for these two appropriation items of $428 million. Both of the formulas under which these programs operate are definitely fixed by Congress and any reduction by the Appropriations Committee below the amount needed to carry the programs forward during fiscal year 1961 would have to be made up through a supplemental appropriation. From these figures, it can readily be seen that the balance provided for the Department of Labor, to carry on its particular Federal responsibilities under all other laws passed by Congress and covered by this budget, amounts to $114 million.

MEDICAL RESEARCH

Mr. Chairman, I would like to direct the attention of the House to the items covered in the area of medical research. I realize that within the next 2 months the Senate will act upon this appropriation bill. It has come to us on good authority that the Senate plans to add to this bill an additional $200 million over and above the appropriation provided for in our committee report. This large increase should be resisted by the House. The bill which we present to you in this area provides for a balanced program. It balances medical manpower, research facilities, and medical research needs for fiscal year 1961.

Mr. Chairman, I make this statement with a deep conviction that the Federal Government can and should act on behalf of the people in ways that recognize the increasing dependence of mankind without jeopardizing our basic freedoms and independence. It is also my conviction that the Federal activities can and must be governed by mature consideration of what the Nation can afford to invest in its future. It is my desire to see medical research make orderly progress in this country. This will and can be done under the figure established in this appropriation bill. The figure of $455 million for the National Institutes of Health should be maintained by the House of Representatives. The House should stand firm in its position in support of this figure. My conviction in support of the appropriation in the amount of $455 million for Federal activities in the field of medical research is based on careful study and consideration by our House Appropriations Committee.

This conviction is reflected in the appropriation measure that is now before the House of Representatives for action. It is apparent in its every provision, but it is nowhere more apparent than in its provision for sustaining and selectively broadening the programs of the Public Health Service.

I shall not comment here on the health problems with which we are today confronted as individuals, as families, as communities, and as a Nation that is a leader among nations. We have only to look about us, and to look at ourselves, to see the scope and urgency of these problems and to recognize the need for their speedy and orderly resolution.

Neither shall I comment on the progress that is now being made toward the control and eradication of disease in man. We see evidences of such progress on all sides; and although much remains to be done, there is abundant reason for the Congress to be proud of the role it has played in making the advances possible.

In urging support of the Labor-HEW appropriation bill as reported, however, I do wish to emphasize several additional factors that have significantly influenced those aspects of the measure having to do with the people's health.

WORLDWIDE IMPACT OF U.S. HEALTH PROGRAMS

My colleagues are fully aware that we live on a planet which has rapidly expanding populations and rapidly shrinking political, social, and economic dimensions. At this time in history, the profile of the world's population is being divided between two ideological camps, only one of which recognizes the freedom and dignity of man. Peoples and nations are struggling not merely for survival, but for positions of leadership in an ever more complex world society. Today, more than at any time in history, our actions must be taken in the light of their impact on those who share with us the occupancy of the planet called earth.

I shall not introduce into this discussion the question of how well the United States achieves its national and international objectives through programs of foreign aid, technical assistance, mutual security activities, and so on. Let me merely say that dollars and words are not likely to succeed in the achievement of these objectives in the absence of a sound example in our own programs here at home. And I know from my own experience that the people of other nations particularly expect us to set an example in forward-looking health programs.

My experiences at the World Health Assembly in Geneva last year made it clear that the United States is the acknowledged world leader in the field of health and that health issues provide a common bond that can forge understanding and cooperation among the nations of the world. Our image in this hemisphere and abroad is clarified and enhanced by what we do in our health programs here and by how we extend the benefit of our experience to the people of other lands. I believe we must continue to clarify and enhance that image. This is one reason why I rise to speak in support of the recommendations for strengthened health programs under the 1961 Labor-HEW appropriation bill as proposed by our committee.

PROVISION OF PUBLIC HEALTH SERVICES

One of the traditional and most important of the health activities encompassed within the Department of Health, Education, and Welfare relates to the more widespread and effective use of the knowledge now available for the prevention, treatment, and control of disease. The Public Health Service has special responsibilities to give leadership and stimulus in this field. The responsibilities for actually providing medical and public health services, however, rest with the professional groups and with State and community agencies. The role of the Federal Government diminishes in proportion to the effectiveness with which a given measure is put into medical or public health practice.

I mention this point because it is the reverse of a trend which, from my point of view, sees far too many activities increasingly focused in the Federal Government. It is one more reason for my support of the bill that is before you.

INCREASING KNOWLEDGE THROUGH RESEARCH

Another vitally important Public Health Service function is that of acquiring new knowledge through study and research in the health sciences. In recommending increases for this purpose, particularly for research appropriations to the various National Institutes of Health, the committee has been responsive to the evident and pressing need to accelerate the search for new weapons to bring heart disease, cancer, mental illness, and the other major diseases of today under control. It has also been responsive to the judgment of a large number of scientists who testified that there are needs and opportunities which require funds above the budget request. And it has reiterated its confidence that Public Health Service mechanisms for the support of medical research are sound and meet the needs of non-Federal scientists and scientific institutions.

PROGRESS AND ADVANCES

The dramatic advances, the promising new leads, and the new programs that are being fostered to strengthen the Nation's attack on disease and disability provide convincing evidence of the wisdom of investing public funds in medical research. At the risk of being unfair by excluding literally dozens of outstanding accomplishments in the field of medical research in the past year, I would like to mention briefly some of the specific gains that the committee was privileged to make a part of its record.

Although cancer continues to be the second leading cause of death from disease in the United States, research is making steady progress. One interesting aspect of this research is the evidence that viruses are associated with cancer in animals. Even though there is no direct evidence to make a similar association of viruses with human cancer, the experts in this field are more than ever optimistic that they can trace some forms of human cancer to a viral infection. During the search for the cause of cancer, we continue to see improved techniques in detecting cancer and in the improved approaches to treatment through surgery and chemicals. These approaches, according to a recent report of the Public Health Service, indicate an improvement in the cure rate over the

past 25 years from 1 in 4 to 1 in 3. In terms of people, this improvement means that thousands of people are alive today who otherwise would have died of cancer had the former rate continued.

Disorders of the brain and nervous system are not only the primary cause of crippling in the United States; they are also the No. 3 killer among the causes of death from disease. Despite these sobering facts, past research findings of the past are now making it possible to control several crippling neurological conditions. New surgical methods for the relief of involuntary movement have been refined. Techniques for precisely locating tumors within the brain have been simplified. And many persons who formerly would have faced years in darkness now have sight because of corneal transplants, increasing skill in cataract surgery, and new drug therapy for glaucoma.

There has been a steady decline in the number of patients in our big mental hospitals despite the fact that there has been a general increase in the admission rate to these hospitals. The experts tell us that this not only means that more people are getting the treatment they need and more of them are getting well, but also that we are now beginning to reap the dividends from past research that has developed these treatment methods.

Encouraging progress has been reported in the effort to solve the problem of high blood pressure, a condition which contributes a large percentage of deaths from all heart ailments. For example, scientists have found that certain agents that stop the action of enzymes, often referred to as the building blocks of life, can be used to lower blood pressure. This knowledge cannot be put to immediate use, but it will open up a new area of research which the committee has been assured is most promising. Another effort of high potential benefit is a program of collaborative research studies among the National Heart Institute, industry, universities, medical schools, and Public Health Service to evaluate drugs we now have that may be effective in the treatment of high blood pressure and other heart ailments.

When we consider the health and disease problems of today, we are somewhat prone to think of them in terms of the number of people they kill or disable. Yet the problems of dental and related diseases cost the people of this country almost $2 billion each year in dental services. Tooth decay, of course, leads today's list of dental problems, and laboratory and clinical research in the past year has provided new knowledge and concepts. The so-called resistance factor to tooth decay, for example, has been traced to a particular group of oral bacteria rather than being attributable to a genetic trait as formerly believed. These factors have been proved in laboratory animals and have given new impetus to the search for specific bacteria that cause tooth decay in humans.

One of the most interesting approaches in arthritis research is now going on under the theory that an allergic reaction may be a cause of rheumatoid arthritis. This implies that those who acquire the disease are overly sensitive to certain substances. Although the scientists still have no positive assurance that such is the case, we have been told that research on this line is increasingly promising and may eventually lead to the basic cause of this particular type of arthritis.

These few examples of the forward march of medical research are hardly representative of the entire field of medical and biological research being supported by the appropriations our committee has considered. But I believe that they are representative enough and significant enough to suggest that the future prospects for even greater advances are not only bright for the citizens of this country, but also rather convincing evidence of past investments of public funds in medical research.

I should like to point out to my colleagues in the House of Representatives, however, a little-known aspect of the rate of growth in Federal support of medical research.

We often hear a point made of the "explosive" increase in funds available for medical research. In point of fact, medical research support is keeping pace with the increases in support for research in all fields. Medical research represented about 5 percent of the Nation's total research and development effort a decade ago. It is a little over 5 percent of all research and development today. There has been no "explosion" in medical research per se, but there has been growth in all research, based on and derived from the productive capacity of our Nation during a period of rapid expansion in our economy.

When viewed in this context, the funds recommended for support of medical research in the Labor-HEW bill follow a pattern that has been consistent over a period of many years, and I urge the Members to support their committee's recommendations in this regard.

DEVELOPING MEDICAL RESEARCH RESOURCES FOR THE FUTURE

My final point for discussion in connection with the health aspects of the 1961 Labor-HEW appropriation has to do with the need to develop additional resources now to meet the greater needs of the future. We must not permit shortages of manpower and facilities to become acute in the years ahead.

In the manpower field, Public Health Service programs provide support for training in a wide range of disciplines and specialties. The bill that is before you will permit these programs to be continued, with selective expansion in critical areas.

I have found a shortage of facilities to be both a present deterrent and a future threat to the Nation's medical research effort. A present Public Health Service program of matching grants for research facilities meets some of the needs, but is far from adequate. There are, for example, a limited number of specialized research facilities which need and can effectively use additional research construction help; they cannot, however, compete equitably with other more general research institutions for matching grants. This inequity is corrected in part in the bill that is before you. This bill will provide funds to meet the highest priority needs which exist at two or three of these specialized cancer research institutions. The No. 1 priority exists at my own State university in Wisconsin. This bill will meet Wisconsin's needs. It is hoped that by next year the other seven or eight research institutions in this area will be in a position to submit construction grant applications for cancer research facilities under this new program.

In a somewhat similar vein, there are a number of other resources which need to be developed if our medical research programs are to press forward steadily and with maximum effectiveness. During the current year, the Public Health Service has established essentially experimental programs seeking to create facilities for carefully controlled clinical study and for primate colonies of several sorts. These resources were minimally supported in 1960 and are proposed at the same level in 1961, but can be expected to move ahead and broaden in years to come.

SUMMARY ON HEALTH

Illustrations such as those just cited serve as reminders that in dealing with the health aspects of Labor-HEW, we are making judgments in areas that can vitally affect every man, woman, and child alive today, as well as generations yet unborn.

As responsible legislators, we must be assured that the activities covered are appropriate in substance, effective in mechanics of administration, and adequately financed.

As legislators responsible to our constituencies, we must not fail to take every step forward that leads in the direction of the goals the people have very clearly in mind—victories, both partial and total, over diseases.

I believe that the appropriation level for medical research before us is a sound one in the light of all of the questions that have been and can be brought to bear upon it.

MEDICAL RESEARCH FACILITIES

Turning now to another aspect of this highly complex health problem, I should like to make special mention of the need for research facilities to keep pace with the growing promise of medical research. I have received a number of letters from reseach specialists outside Government, especially those interested in cancer research, indicating that universities and other research organizations feel an acute need in this area. I should like to quote briefly from a letter from Dr. Alfred Gellhorn, director of the Institute of Cancer Research, Columbia University, in this connection:

It is almost incredible that with the recognized urgency of making progress in the control of these major public health problems and with the large appropriations which are voted by Congress to foster and expedite research * * * and to train additional scientific personnel, practically nothing is done to increase the existing physical facilities where the research and training is carried out. This is a major bottleneck which has the potentiality of slowing the flow of results which will ultimately lead to effective control measures.

Other letters from such institutions as the University of Wisconsin, the University of Michigan, and a number of cancer research institutes, expressed similar concern and described the difficulties they are experiencing in raising matching funds to take advantage of the Federal funds available under the Health Research Facilities Construction Act.

This year for the first time our subcommittee was advised that legal authorization still exists for non-matching grants under section 433(a) of the Public Health Service Act for the construction of research facilities. Accordingly, in the light of what appears to be an urgent need, the bill provides for $5 million in nonmatching grants for the construction of cancer research facilities.

The testimony before our subcommittee on the budget request of the Department of Health, Education, and Welfare clearly indicated that at a time when 90 percent of the scientists who ever lived are at work, and when breathtaking progress is being made in medical research, it would be a great pity to put a drag on this progress simply through the lack of brick and mortar. The Federal Government is providing funds to carry out medical research under conditions which show that facilities are badly lacking. Scientists who have completed their research training often have had to move into other fields simply because there was no room available in laboratories. Over a year ago, I started correspondence with medical leaders in our country. I have found facilities, particularly in the area of cancer research, are badly needed if this progress is to go forward. There is a greater need for facilities than any other single thing as far as making progress on cancer goes. I would like to include at this point in the RECORD some of the correspondence which I have had with medical authorities in this particular area:

THE UNIVERSITY OF WISCONSIN,
THE MEDICAL SCHOOL,
Madison, June 15, 1959.

Congressman MELVIN R. LAIRD,
House of Representatives,
Congress of the United States,
Washington, D.C.

DEAR CONGRESSMAN LAIRD: The enclosed letter and statement are self-explanatory.

As a member of the subcommittee on the Departments of Labor and Health, Education, and Welfare, you are the best informed of all our Representatives from Wisconsin on the subject in question. This is an important proposal and is modest in amount, is nonrecurring, and can accomplish much good. I believe that this should be a popular bill.

Would you be willing to introduce a bill which would embody the ideas expressed in this proposal? If you are willing, we shall gladly furnish more detailed information which you may need to prepare a bill in proper form. I hope it is not too late to introduce such a measure as an amendment before the end of the present session.

Within the next couple of days, copies of this statement will also be sent to each Senator and each Member of the House of Representatives from the State of Wisconsin. In addition, because of their special interests, I will send copies to Senators Hill and Neuberger, Congressmen Fogarty and Meader, Drs. J. B. Heller, Director of the National Cancer Institute, Harry M. Weaver, vice president for Research of the American Cancer Society, Sidney Farber, director, Children's Cancer Research Hospital in Boston, and Mrs. Mary W. Lasker, head of the National Health Education Committee.

Sincerely yours,
H. P. RUSCH, M.D.,
Director.

THE UNIVERSITY OF WISCONSIN,
THE MEDICAL SCHOOL,
Madison, June 15, 1959.

Congressman MELVIN R. LAIRD,
House of Representatives,
Congress of the United States,
Washington, D.C.

DEAR CONGRESSMAN LAIRD: Recently Dr. C. A. Elvehjem, president of the University of Wisconsin called a meeting of several scientists from a number of departments to consider how progress on the cancer problem could be accelerated. The results of the discussion of this committee are summarized in the enclosed statement. We are convinced that the views expressed would receive the enthusiastic support and approval from other scientists both on our campus and at universities elsewhere. The statement has the full approval of Dr. Elvehjem and Dr. J. Z. Bowers, dean of our medical school.

It is my firm conviction that the need for more space for research in this country should be met before funds are provided for the support of research abroad.

A copy of the enclosed statement is being sent to each of the Representatives and Senators from Wisconsin, as well as to Senators Hill and Neuberger and to Congressman Fogarty. We hope that you will agree with our statement and give this matter your favorable support.

Respectfully yours,
H. P. RUSCH, M.D.,
Director.

THE UNIVERSITY OF WISCONSIN,
Madison, June 15, 1959.

Congressman MELVIN R. LAIRD,
Marshfield, Wis.

DEAR CONGRESSMAN LAIRD: President Eisenhower, in a talk before the American Medical Association on June 9, called for accelerated progress in the fight against cancer. It is our considered opinion that if cancer research is to move ahead, funds must be made available for the construction of research laboratories. We urge that the 86th Congress appropriate at least $20 million to be distributed to carefully selected cancer research laboratories for this purpose without the present requirement of matching funds.

Substantial financial support is being provided for cancer research by both public and private funds. As a result of this support, the number of research projects and trained personnel have steadily increased. We now face a critical shortage of laboratory space. In universities throughout the country, ideas are waiting to be tested and men are anxious to test them, but the ultimate victory over cancer will be postponed unless the needed space is provided.

At the present time funds are available for the construction of health research facilities but are granted only if matching funds are provided by the local institution. This places laboratories which are part of a university and which conduct full-time research concerning a specific disease, like cancer, in a serious dilemma. The pressures of increasing enrollments require that major emphasis at universities be given to the construction of teaching facilities; therefore, some research institutions at universities are being inadvertently handicapped because they cannot obtain the matching funds locally which are needed for expansion.

Some Members of Congress have recently proposed an increase in the expenditure for cancer research for the coming year. We strongly urge that a minimum of $20 million be made available for 1 year for the construction of facilities for cancer research and that such grants be without the requirement of matching funds. This minimum amount would, for example, provide approximately $2 million to each of 10 research centers. It is suggested that these funds be administered by the National Advisory Council of Health Research Facilities of the National Institutes of Health.

Respectfully yours,
Prof. Robert Bock, Prof. Robert Burris, Prof. A. R. Curreri, Prof. David Green, Prof. H. O. Halvorson, Prof. Marvin Johnson, Prof. J. A. Miller, Prof. V. R. Potter, Prof. J. Price, Prof. H. P. Rusch, Prof. F. Skoog.

THE UNIVERSITY OF WISCONSIN,
Madison, June 24, 1959.

Congressman MELVIN R. LAIRD,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN LAIRD: In reply to your letter of June 17, I am sending the following information to you:

The serious effort to settle the cancer problem began in this country shortly after World War II. At that time the space available for this purpose was critically short, and Congress appropriated funds for construction facilities for several years. In the intervening years the number of people engaged in cancer research has increased greatly, as can be seen from the fact that membership in the American Association for Cancer Research, which is limited to professional senior investigators with considerable experience in this field, has increased from 558 in 1949 to 1,028 in 1959. The construction of laboratories has not kept pace with the annual increase in trained investigators and assistants eager to work in this field.

Investigations on cancer are being conducted at a number of institutions in this country. The following list by States includes most of the laboratories engaged exclusively or primarily in cancer research:

Alabama: Kettering-Meyer Laboratory, Southern Research Institute, Birmingham.

California: Department of Pathology, University of Southern California Medical School, Los Angeles; Division of Cancer Research, University of California Medical School, San Francisco.

Florida: Cancer Research Laboratory, University of Florida, Gainesville; Medical Center, University of Miami, Miami.

Illinois: Ben May Laboratory for Cancer Research, University of Chicago, Chicago; Department of Cancer Research, Michael Reese Hospital, Chicago; Division of Oncology, Chicago Medical School, Chicago.

Kansas: Department of Oncology, University of Kansas Medical School, Kansas City.

Maine: Roscoe B. Jackson Memorial Laboratory, Bar Harbor.

Massachusetts: Children's Cancer Research Foundation, Boston; Huntington Laboratories, Massachusetts General Hospital, Boston.

Michigan: Detroit Cancer Institute, Wayne State University, Detroit.

Minnesota: Division of Cancer Biology, University of Minnesota Medical School, Minneapolis.

New York: Roswell Park Institute for Cancer Research, Buffalo; Institute of Cancer Research, College of Physicians and Surgeons,

Columbia University, New York; Sloan-Kettering Institute for Cancer Research, New York.

Oklahoma: Oklahoma Medical Research Foundation, University of Oklahoma, Oklahoma City.

Pennsylvania: Institute for Cancer Research, Philadelphia.

Texas: M. D. Anderson Hospital and Tumor Institute, University of Houston.

Wisconsin: McArdle Memorial Laboratory for Cancer Research and Cancer Research Hospital, University of Wisconsin Medical School, Madison.

U.S. Government: National Cancer Institute, Bethesda.

The above list is presented for your general information. It is as complete as I could make it at the moment, and several centers may have been inadvertently omitted. I am not suggesting all of the centers named above require additional space at this time. In a few cases the need for additional space has probably been alleviated by recent construction, and some of the institutions would not be eligible if the criteria set forth below were to apply. I am certain, however, that the limiting factor at this time in a number of these institutions is a critical shortage of research space.

Decisions concerning space requirements must be based solely on merit and need. To insure an impartial decision on this matter I urge that recommendations concerning the allocation of such funds be made by the Surgeon General of the Public Health Service on recommendation by the National Advisory Council of the Health Research Facilities of the National Institutes of Health. This organization would be in an excellent position to furnish a more detailed list and could certainly provide a more accurate estimate of the monetary value of existing facilities than is available to me. However, on the basis of my own contact with these institutions, I would say that the capital investment in the existing facilities listed above varies from about $100,000 to about $15 million. The total facilities represented by the list could be estimated at between $50 and $70 million.

As I pointed out in my earlier letter, a single appropriation of $20 million for 1 year would allow 10 institutions to expand their facilities by $2 million each, or, in terms of a total existing valuation of $60 million as listed above, this amounts to an increase of about 30 percent in available space specifically committed for cancer research.

In my opinion, the standards of eligibility for the proposed construction grants, which would not require matching funds, must be very high to assure that the money will be spent to the greatest advantage. The criteria for judging grant eligibility and priority should be even more exacting than is the case when matching funds are required.

It is, therefore, suggested that the allocation of funds for construction be based on the following criteria:

1. Eligible institutions should have an established record of outstanding work in cancer research.

2. Eligible institutions or key personnel therein should be affiliated with universities or colleges. Universities are responsible not only for a great deal of research, but it is here that our future investigators are trained, so that a shortage of space handicaps not only our present research progress but that for the future as well.

3. Institutions that should not be eligible for these construction facilities are industrial laboratories and Federal laboratories such as the National Institutes of Health, National Cancer Institute, Atomic Energy Commission, etc.

Sincerely yours,

H. P. RUSCH, M.D.,
Director.

COLUMBIA UNIVERSITY,
COLLEGE OF PHYSICIANS AND SURGEONS,
INSTITUTE OF CANCER RESEARCH,
New York, N.Y., February 18, 1960.

Hon. MELVIN LAIRD,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN LAIRD: It has come to my attention that you are considering the introduction of a bill in Congress which would provide emergency building funds for cancer and heart research laboratories. I am delighted that you recognize the great need which exists for this type of support and I sincerely hope that your efforts will be successful. It is almost incredible that with the recognized urgency of making progress in the control of these major public health problems and with the large appropriations which are voted by Congress to foster and expedite research on heart disease and cancer and to train additional scientific personnel, practically nothing is done to increase the existing physical facilities where the research and training is carried out. This is a major bottleneck which has the potentiality of slowing the flow of results which will ultimately lead to effective control measures.

At our institution a large scale and productive program of cancer research, training of laboratory scientists and physicians in this area and cancer patient care is in progress. On the basis of the work which has been done and which is ongoing, there has been little difficulty in securing adequate funds from governmental and private agencies to carry out our research. Now, however, we are in the position that it is impossible to pursue new avenues of investigation, to expand existing productive research or to train additional young M.D.'s and Ph. D's in the field of cancer because our laboratory facilities are already overcrowded.

The Institute of Cancer Research at Columbia University has a number of laboratories in the medical school proper. In addition there are research laboratories at the cancer research hospital affiliated with the College of Physicians and Surgeons, the Francis Delafield Hospital. This unit is professionally staffed by the Columbia-Presbyterian Medical Center although it is a New York City hospital administered by the New York Department of Hospitals. At a relatively small cost it would be possible to add one or two laboratory floors to the Delafield Hospital thereby more than doubling the currently available cancer research space. This very real need cannot be met in the foreseeable future by existing laboratory construction procedures since neither New York City nor Columbia University have funds for the Federal matching plan.

The following research programs in cancer research await additional laboratory space before they can be implemented:

(a) Cancer chemotherapy development through modification of quantitative biochemical differences between normal and tumor cells.

(b) The biological and biochemical mechanisms of resistance of cancer cells to chemotherapeutic agents.

(c) The application of biochemical genetics to cancer research.

(d) The study of the cancer cell membrane by biopsysical methods.

(e) The chemical characterization of the lipids of tumor cells.

(f) The neurological complications of neoplastic disease.

(g) The investigation of the causes of the terminal wasting of tumor-bearing animals and cancer patients.

(h) The physiological control mechanisms of enzyme synthesis and activity.

As you can see, the research productivity of our group could be increased significantly if additional laboratory space could be obtained. Similar space problems clearly plague a number of other institutions across the Nation. Your plan to enable hard-pressed research groups in cancer and heart disease to obtain Federal funds for construction without local matching funds is a most encouraging development in a difficult and frustrating situation.

Very sincerely yours,

ALFRED GELLHORN, M.D.,
Professor of Medicine; Director, Institute of Cancer Research.

UNIVERSITY OF CHICAGO,
DIVISION OF THE BIOLOGICAL SCIENCES,
Chicago, Ill., July 17, 1959.

Hon. MELVIN R. LAIRD,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN LAIRD: Dr. Harold P. Rusch, director of the McArdle Memorial Cancer Research Laboratory at the University of Wisconsin, has written his Senators and Congressmen to the effect that the number of trained personnel and research projects aimed at the control or eradication of cancer has steadily increased and states that the bottleneck at the present time is the absence of adequate laboratory space. I should like to support his request strongly that a minimum of $20 million be made available for construction of facilities for cancer research devoid of the present requirement for matching funds.

For example, at the University of Chicago, and we are not unique, we have planned an underground research laboratory, to be devoted primarily to the solution of the cancer and heart problems, for which we have had an approved Government fund in the amount of $750,000 for approximately 2 years. As yet we have been unable to raise our share and unless we are successful in the very near future—and there seems little prospect of this—we will have to release the funds and forego our plans. This will badly cripple our cancer research program.

The deficits we are incurring annually as a result of increasing costs of research plus inadequate research overhead are a real handicap. Some of the private universities are now planning medical student tuition of $1,500 within the next year or two and yet the tuition costs probably cover only about 20 percent of the universities' medical education program. The research fellowship program of the Public Health Service and the American Cancer Society has been successful in developing a large number of young scientists who cannot put their ideas into an active research program without some new facilities; and unless the universities get some relief in the form of operating expenses and more liberal arrangement for additional space, the problem will proceed from serious to critical in a very short time. I would urge these suggestions by the scientists of the University of Wisconsin receive your strong support because they clearly point out a national need for which the people of this country expect support in the interests of their better health.

Sincerely yours,

L. T. COGGESHALL, M.D.,
Dean.

UNIVERSITY OF MICHIGAN
MEDICAL SCHOOL,
DEPARTMENT OF BACTERIOLOGY,
Ann Arbor, Mich., January 4, 1960.

Hon. MELVIN LAIRD,
House of Representatives,
Congress of the United States,
Washington, D.C.

DEAR MR. LAIRD: Research on health problems in universities is often handicapped by lack of space. In fact, one can often obtain funds with which to hire technical help, such as research associates or technicians, or to employ graduate students or medical students on a part-time basis, but the lack of

physical facilities for such people offers a serious handicap in pushing programs of research as rapidly as the senior investigator would like. This handicap is so serious that, in my opinion, it is materially lengthening the time when significant advances will be made in conquering some of our serious diseases, such as cancer and some forms of heart disease. The crowded conditions in many university laboratories is almost unbelievable.

A solution to this problem would be for the Federal Government, which receives a fair share of the taxpayers' dollars at present, to turn back to the institutions of the several States funds for building adequate facilities for research and teaching. It is impossible to draw any sharp line between research and teaching in a university. The value that has come to the Nation from the training of graduate students with research funds supplied by the taxpayers through the Federal Government is tremendous. It is only when a graduate student can serve as an apprentice to an expert investigator having available adequate space and equipment that he will be properly trained.

If our Nation is to have available an adequate number of health scientists in the near future to meet the need for training more medical students and for solving some of our many serious health problems, such as cancer, heart diseases, infectious diseases, and mental health problems, we should now be in the process of giving the right kind of training to the teachers and investigators of 1965. The time is really later than one thinks. Hence it is impossible to wait for funds from the State legislatures to get on with this job.

At a recent committee meeting of the American Cancer Society in New York, Dr. Harold P. Rusch, of the University of Wisconsin, informed me of your enlightened interest in attempting to make available funds from Federal sources for capital outlays, such as would be needed for modernizing old structures so as to increase their effectiveness, or even building new ones to aid in the teaching and research responsibilities of the universities in the fields of cancer and heart disease.

The matching fund philosophy is quite ideal in many ways, but what is one to do when the States find themselves in a situation where matching funds are not available in adequate quantities? It seems to me that the logical thing to do would be for the Federal Government to turn back to the States some of the tax dollars which, because of diversion to the Federal treasuries for good and adequate reasons, makes these same dollars unavailable to the State administrations. Obviously, as a scientist, I have very little appreciation of the legal problems involved in these problems. I simply know that problems exist and are becoming more critical year by year as we are faced with the sharp population increase which obviously calls for more of everything. Certainly this is true in the health sciences.

In closing, I hope that you will accept my thanks and appreciation for your efforts in solving an important problem presented to you by Dr. Harold Rusch.

Sincerely yours,

W. J. NUNGESTER, M.D.,
Chairman.

CANCER RESEARCH INSTITUTE,
NEW ENGLAND DEACONESS HOSPITAL,
Boston, Mass., January 6, 1960.

Congressman MELVIN R. LAIRD,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN LAIRD: I have learned from my good friend Dr. Harold P. Rusch, the director of the McArdle Memorial Laboratory at the University of Wisconsin, of your effective interest in the provision of more adequate facilities for research. I believe that the present system of support for construction of research facilities used by the Public Health Service is an excellent one.

It has been a great advantage to have a number of added research facilities made available through the U.S. Public Health Service, the U.S. Atomic Energy Commission, the Department of Agriculture, and other agencies through their national and other laboratories, but there is still urgent need for provision of increased laboratory facilities all across the country. A good start has been made in meeting this increased need for facilities through the construction items in the research budgets of these agencies. The research construction program of the Public Health Service on a matching fund basis has proved to have many advantages.

I know personally of the fine work done at the McArdle Memorial Laboratory at Madison, work that would not have been done as effectively or as soon and perhaps would not have been done at all had it not been for the facilities of the laboratory. It is illogical to be confronted by a number of problems, some of them extremely urgent as in the case of cancer, to provide funds for the carrying on of research, provide funds for the training of research personnel, but not to have facilities in which the problems may be worked upon or the trained persons attack these urgent problems. In the past when scientists were few, laboratory space could be found. Now when 90 percent of the scientists that ever lived are working actively at the present time, now, when breathtaking progress is being made in medical research, it would be a great pity to put a drag on this progress simply through the lack of brick and mortar. However, local participation in construction costs is a valuable feature. It increases local interest, support, and understanding. It prevents waste.

I earnestly hope that you, together with Senator HILL, Congressman FOGARTY, and others of your colleagues who have made such outstanding contributions to progress in the field of cancer and public health in general through enlightened efforts, will continue to be successful in convincing the Congress that the splendid work so ably begun in the field of health must be continued and expanded.

Mathematicians can work with pencil, paper, and slide rule. A theoretical physicist needs calculating devices, a chemist needs laboratories, a cancer research worker, or indeed the research worker in any biomedical field, needs not only extensive laboratory facilities but needs in addition research wards where his discoveries may be applied for the benefit of patients or animal colonies where his hypothesis can be tested.

I am very pleased to learn of your enlightened approach to this problem, and I am deeply grateful to Dr. Rusch for bringing it to your attention.

Sincerely yours,

SHIELDS WARREN.

THE INSTITUTE FOR CANCER RESEARCH,
Philadelphia, Pa., January 15, 1960.

Hon. MELVIN R. LAIRD,
House of Representatives,
Washington, D.C.

MY DEAR CONGRESSMAN LAIRD: The enclosed copy of letter to the Surgeon General of the U.S. Public Health Service in support of the bill which you submitted is self-explanatory.

There is no doubt that your views are correct. We have immediate needs which, so far as we can determine, can be met only in this manner, and I am hopeful that the Congress will recognize the magnitude and the urgency of the problem by acting favorably on your proposal.

I am sending copies of this letter to Senators Neuberger and Hill and to Congressman Fogarty because of their interest in cancer research. There is also enclosed a copy of a letter which I have sent to Dr. J. R. Heller, and to which I referred in my letter to Dr. Burney.

Your own interest and efforts to help are deeply appreciated by all of us who are trying to establish cancer research centers of the highest caliber.

Sincerely yours,

T. R. TALBOT, Jr., M.D.,
Director.

THE INSTITUTE FOR CANCER RESEARCH,
Philadelphia, Pa., January 12, 1960.

Dr. L. E. BURNEY,
Surgeon General,
U.S. Public Health Service,
Washington, D.C.

DEAR DR. BURNEY: It has come to my attention that the CONGRESSIONAL RECORD, on July 30, 1959, contained a proposal for an amendment to title VII of the Public Health Service Act, to provide for an emergency program of Federal aid for the construction of cancer and heart disease research facilities. A bill was introduced by Congressman MELVIN R. LAIRD which would make it possible for making grants-in-aid for the construction of facilities for research relating to cancer and heart disease on a nonmatching basis.

There is no doubt that the availability of funds on a nonmatching basis would greatly accelerate what we are already planning to do, and that urgently needed research facilities could be created which would otherwise be either delayed or impossible.

For example, we have recently been notified that in August 1960 we will be awarded $750,000 from the Health Research Facilities Branch of the National Institutes of Health. We requested $1,125,900 and are now faced with the difficult task not only of matching the $750,000, but of raising an additional $725,000 in order to fulfill our immediate needs for laboratory facilities—the total cost of which will be at least $2.25 million.

In addition to this, the Institute for Cancer Research must find approximately $1 million for a clinical research unit, to be built as soon as possible.

One point that should be emphasized when one interprets the term "facilities for research relating to cancer," is that basic clinical investigation is just as important as laboratory research, especially in a cancer center such as we are creating here at the Institute for Cancer Research. I should like to urge, therefore, that special consideration be given to including clinical research facilities in this proposal, provided that it can be clearly demonstrated that such facilities are designed for this purpose.

In this connection it is appropriate to refer to a letter which I sent to Dr. J. R. Heller on December 1, 1959, copy of which is enclosed. This letter discusses "Report No. 309 to accompany H.R. 6769, 86th Congress, from the Committee on Appropriations;" and may have an important bearing on the bill which Mr. LAIRD has introduced.

I hope you will let me know if I can provide further information which will be helpful; and I should like to express my personal gratification with the manner in which the National Cancer Institute has attempted to fulfill its responsibilities.

Sincerely yours,

T. R. TALBOT, Jr., M.D.,
Director.

DECEMBER 1, 1959.

Dr. J. R. HELLER,
Director, National Cancer Institute,
Bethesda, Md.

DEAR ROD: I have read with interest the record of congressional committee hearings in which it was stated that consideration should be given to "the establishment of cancer centers in 10 or more places in the country" (Rept. No. 309 to accompany H.R. 6769; 86th Cong.; from the Committee on Appropriations).

I should like to register with you some of my views and hopes regarding this proposal. This question should be thoroughly discussed and I shall, therefore, do my best to analyze the various factors which should be understood if the best decisions are to be made.

Our first obligation is to make the best use of facilities which are already in existence. There are two aspects of this to be considered: (1) improving or supplementing existing physical facilities, and (2) providing increased as well as more flexible support of operating costs.

We must also define what is meant by the term "cancer center." I assume that this is intended to imply that the very best clinical care, clinical research, and laboratory research, all dedicated to the study of malignant disease, will be assembled at one location and under one administrative body. Thus, the term implies a large degree of autonomy in order that highly concentrated effort can be directed to the vast problem of cancer. Medical school affiliation or university affiliation is probably essential; but complete control by either of these is not. The main purpose of an institute within a cancer center is, or should be, research. The chief purpose of a medical school is teaching. We would all agree that there is considerable overlap in these functions, but the main emphases are clear.

If one lists the seven or eight largest cancer research laboratories it can be seen that most of them qualify to be called institutes on the basis of their functional autonomy. In some the major emphasis is clinical. Almost all of them have a hospital or are associated with a hospital out of which they grew or into which they were placed. The relationships between the clinical and the laboratory aspects of cancer research have created special problems for each of these institutions, and each will require an individualized type of support in order to round out their function as a cancer center. All of them, however, would benefit greatly from better and more flexible support of operating costs.

The Institute for Cancer Research should certainly be included in the list to which I referred above. The replacement value of our laboratories is about $6 million, and our budget is now about $1,300,000 per year.

Our plans for the future are the result of more than 2 years of intensive study and discussion with many experts in the field of cancer research. It has been agreed that we should proceed as rapidly as possible to (a) enlarge our laboratory facilities, and (b) create a clinical facility on our own campus.

We have recently learned that the Health Research Facilities Branch of the U.S. Public Health Service has awarded us $750,000 toward the completion of our laboratory expansion which, it is estimated, will cost about $2,200,000. This award will be announced in August 1960. We are now actively at work to find the remaining funds. We are also doing everything in our power to bring about a clinical unit which will be either affiliated with or will cooperate with other medical institutions in this city.

The Institute for Cancer Research, therefore, is in a unique position. It is one of the largest institutes in existence which is concerned with basic laboratory research in malignant disease; but it has no clinical facilities. This must be corrected, and I am confident that ultimately it will be.

It would be tragic if the large resources which we now have were not made the basis for creating a complete cancer center. With the availability of sufficient funds for a clinical unit this could be accomplished rapidly. If, on the other hand, a large cancer center were to be established elsewhere in this community, especially at this time, then much of what we now have here would be wasted. In addition, I cannot overlook my conviction that what is needed in America is not only more—but better. Any nation has just so much talent and ability. Our task should be to make what we have into the best, and to provide the finest facilities. In order to do this we must first complete what we have already started.

There is much more which could be said in support of our thesis that we have, at the Institute for Cancer Research, a valuable nucleus for a cancer center in the best sense of the word. I shall not burden you with further details at this time, but I hope that you will let we know if there is anything that I should do in order to provide more information.

With kind regards,

Sincerely yours,

T. R. TALBOT, Jr., M.D.,
Director.

THE WISTAR INSTITUTE,
Philadelphia, Pa., January 22, 1960.

Congressman MELVIN R. LAIRD,
House of Representatives, Congress of the United States, Washington, D.C.

DEAR CONGRESSMAN LAIRD: I have heard of your proposed bill entitled "Emergency Program for Cancer and Heart Disease Research Facilities" and should like to tell you how valuable I believe the passage of such a bill would be. One of the major problems facing investigators working on fundamental research is the shortage of building facilities and the difficulty in obtaining funds for such facilities. While many organizations are willing to contribute to supports of specific research programs, building funds are most difficult to obtain. The lack of space and facilities often result in curtailment of activity and delay in obtaining results.

In order to make progress which would lead to a more rapid solution to many of the problems of fundamental research, building facilities are urgently required. I should, therefore, like to tell of my strong support for your proposed bill.

Sincerely yours,

HILARY KOPROWSKI, M.D.,
Director.

The $5 million appropriation to the National Cancer Institute will start an effective program to meet the needs for cancer research facilities. This bill provides the funds to meet the highest priority needs which exist at two or three of these specialized cancer research institutions. The committee has agreed that the No. 1 priority happens to exist at my own State University of Wisconsin. This bill will meet Wisconsin's needs. It is hoped that by next year the other seven or eight research institutions in this area will be in a position to submit construction grant applications for cancer research facilities under this new program.

Mr. Chairman, I would like to include in the RECORD a story which appeared in the Wisconsin State Journal of Madison, Wis., under date of Friday, March 25, 1960. This article expresses in part some of the outstanding work being carried on at this important cancer research center.

U.W. STORY SHOWS GAINS ON DISEASE

(By John Newhouse)

Wisconsin's topflight cancer research team talked about its accomplishments Thursday, and it was an impressive story.

And it affects all of you who have only a 3-to-1 chance of living 5 cancer-free years once the disease has been discovered in your body.

They told a story that promises bettering of those odds—particularly in some forms of cancer where the odds are even longer.

FROM THEORY TO PROOF

One part of the team, that of basic research, was represented by Dr. Charles Heidelberger, whose salary has just been guaranteed for life by the American Cancer Society, so long as he stays in research.

He was the man who had the theory that a hungry cancer cell could be tricked into accepting a chemical that looked to it like food, but in reality was a poison.

He tailor made the chemical, in McArdle Institute, and distributed it to all the institutions in the country interested in trying it out.

The other half of the team—the clinical group interested in seeing if the drug would cure cancer in humans—was represented by Dr. Anthony Curreri, of the Cancer Research Hospital of the University of Wisconsin.

And his faith in the drug and his theories of how it should be administered—particularly at a time when discouraging reports were being made by others—finally proved its worth.

ADVANCES NOTED

"From 22 to 25 percent of colon cancers will respond to the drug, and about 30 percent of breast cancers," Dr. Curreri reported.

Further, now that the original 5-fluorouracil (5-FU for short) has proved its worth, another drug has been developed.

The new drug is called, for short, 5-FUDR. "With 5-FUDR, we get a response in about 40 percent of colon cancers, and even better in cancers of the breast," Dr. Curreri said.

One of the big problems of the latter drug, he said, is its cost.

"The first kilo or about 2¼ pounds, cost $65,000," he said. "Now the cost has dropped to about $350,000 for 10 kilos—or $35,000 a kilo. And there is a possibility that it will drop to around $10,000 a kilo ultimately." (About 1/100th of a kilo is needed to treat a patient over a course of four or five dosages.)

The new drug was developed by Dr. Heidelberger, along with Robert Duschinsky, of Hoffman-LaRoche Laboratories in Nutley, N.J.

CLUE TO COST

One of the ingredients for the first small amounts to be made was found in minute quantities in salmon semen, which gives a clue to the immense cost of making the drug.

The seriousness of the problem of cancer was outlined Thursday by Dr. Robert Samp, staff member of the research hospital.

"Sixty years ago, cancer was regarded as the black death," he said. "We had no weapons to fight it. Fifty years ago, the chances of living 5 years, free of the disease after discovery, were 10 to 1 against you. Twenty-five years ago, they were 5 to 1.

"Today, they're 1 to 3. Under the most favorable circumstances, with the tools in general use, 1 to 2 is about the best we could expect."

That meant, he said, that other tools had to be found. One of these, he said, was chemotherapy—or use of chemical compounds.

Dr. Heidelberger told of his interest in a clue from Jefferson Medical College, of Philadelphia. There they'd found that cancer cells used more of a basic food substance—uracil—than normal cells.

FOOLING THE CANCER

So he removed a hydrogen atom from the uracil molecule, and replaced it with a fluorine atom. He figured that the cancerous cells would eat the new molecule but—because it had been changed—be unable to make one of the products it needed for growth.

He made the new compound.

They tried it on mice, and rats, and dogs, over a long period. The drug looked promising. It was distributed all over the country, with Dr. Curreri getting his share.

There was one drawback which they had expected. This was that the drug would attack normal cells as well. But they depended upon the greedy cancer cells, most in need for food, to eat the most and die the first without reproducing.

And there was another drawback, too. That was that there were other "greedy" cells in the body. One spot was that of the bone marrow, where white corpuscles are made. Another was in the lining of the intestines, where cells take a terrific abuse from stomach fluids breaking down food and have to be replaced at a rapid rate.

And there was little percentage in killing the cancer cells if you killed the marrow cells and the cells which made up the protective mucous lining of the stomach as well.

PATIENTS HELP

Dr. Curreri was interested in finding where the new drug preferred to go in the human body. He found patients willing to take the drug, in combination with a radio isotope tracer, a few hours before surgery. Then, after the surgery the patients were due to get anyway, the drug was traced by the pathologist.

And it was found that the cancer cells absorbed most of the drug, bone marrow the next most, the intestine lining the third most, the liver fourth, and that there were negligible amounts in the rest of the body.

With this clue, cautious dosages were given to others who volunteered. By the end of 6 months, it was raised to what they felt were optimum levels. But they didn't get the results they wanted.

The reasoning then, by Dr. Curreri and Dr. Fred J. Ansfield, was that the levels would have to be raised to the point where beneficial cells would have to be made "sick" to kill the cancer cells.

It made for discomfort on the part of the patient. But, time after time, it caused a regression (or shrinking) of the cancer.

BIG BREAKTHROUGH

And they had made a big breakthrough in cancer research.

They know, at the university today, that they don't have the universal answer to the thousands of types of cancer.

Research is continuing. They're using the new drugs in combination with other drugs, or with X-ray, to get better results than using various methods singly.

And they are confident that some day more breakthroughs will come and that those odds—of 3 to 1—will be bettered immeasurably.

MEDICAL ECONOMICS

Mr. Chairman, I should like to make a few remarks in support of a portion of the present bill which applies to medical economics. I should like to call to your attention certain specific areas which strike me as being worthy of special interest in reviewing the responsibilities of the Federal Government relative to health.

One of these has to do with the rising costs of medical and hospital care, in relation to the general cost of living. It was brought out in the hearings that during a recent 10-year period while the general cost-of-living index was rising 22 percent, hospital costs rose 92 percent. There are a number of reasons underlying this disproportionate increase, some of which are well understood and some of which are not.

We were informed in the subcommittee that personnel costs account for the major portion of this increase; that, in effect, hospital salaries and wages have only recently risen to reasonable levels. It is also clear that there has been greatly increased utilization of hospitals, partly because of the fact that some two-thirds of the American people are now covered by some form of hospital insurance. Further, of course, thanks to advances in medical knowledge the patient is able to get better treatment, much of which depends on expensive equipment and the like.

But there are many unknowns still remaining in this field of hospital utilization and medical economics. I believe that the Nation should be able to turn to the Public Health Service for enlightenment in this field. Therefore, I am encouraged to note that the service as proposed in the President's budget is pursuing a number of studies—at a comparatively low cost—to elucidate the facts in this area. It is my personal belief that the Public Health Service could profitably devote more of its resources than are presently programed to the exploration of these factors which affect the availability of medical knowledge.

ENVIRONMENTAL HEALTH ACTIVITIES

All of you are well aware of the increasing potential hazards to human health in our environment—in air pollution, water pollution, radiation, and the like. I was pleased to see that the Public Health Service is planning within the budget as submitted to the Congress a consolidation of these activities under unified direction so that their various programs in these related fields will be mutually supporting. I am convinced that the increased appropriations recommended in this area by the President are of the utmost importance.

Two Public Health Service installations—the Communicable Disease Center in Atlanta and the Sanitary Engineering Center in Cincinnati—serve as bridges between the acquisition of fundamental knowledge and its application in the Nation's health programs. The Service conducts a large share of its applied research through these institutions, and most of its training courses for State and local health personnel and those from industry.

Both of these facilities have grown greatly, both in size and in national and international stature, within the past few years. Although both have recently moved into larger quarters, the Service has presented cogent reasons for the need for further physical expansion. Accordingly, funds were recommended by the President for planning future construction in connection with these facilities, and for other needed construction.

NATIONAL HEALTH SURVEY

I have been favorably impressed with the work done in the past 3 years by the National Health Survey in assessing the amount of illness and disability in the United States. The data developed by the survey, using interview methods with a selected sample of the population, show dimensions of our national health problem which are not revealed by a study of mortality figures alone. They show a staggering number of man-days lost through disability, through injuries and chronic diseases, through such things as relatively minor upper respiratory infections. This year the survey is beginning to collect complementary data through health examinations which will, among other things, indicate how much validity can be assumed for information gathered through interviews. I am confident that the expenditures necessary to mount this health examination program will yield a great deal of essential information as to the true nature and relative importance of our health problems.

It seems to me that in emphasizing medical research, and stimulating insofar as is practicable, we must also look with equal attention to the application of research results. There is nothing more tragic than lives lost and disabilities suffered through delay or failure to put into practice medical knowledge which has already been developed in the laboratory. It is balance between research and application, within the framework of economic feasibility, which must be sought in expenditures for public health.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. LAIRD. I yield to the gentleman.

Mr. GROSS. On page 28 of the bill, line 4, there is this language:

Including not to exceed $10,000 for temporary services at rates not to exceed $100 per diem—

Does this mean the hiring of more consultants at $100 a day?

Mr. LAIRD. This is the hiring of temporary consultants in the area of Indian health. They are medical technicians. I support the payment of up to $100 for these medical technicians.

Mr. GROSS. Elsewhere in Government we find consultants are paid $50, $75 per day and now today $100. Yesterday we had a bill before the House in which there was a variety of per diems for consultants with the top being $75. Today it is $100 per day.

Mr. LAIRD. I believe the gentleman will find that the language is "not to exceed $100." The people used in this work will have to be paid $100 in order to get an effective medical technician into these particular areas.

Mr. GROSS. Of course, the gentleman has been here long enough to know that when you say "not to exceed $100" that is the per diem that will be paid. To go further into the bill, on page 28 there is this language:

Payment for telephone service in private residences in the field, when authorized under regulations—

And so forth. Does this set a precedent for the installation of telephones in private residences, can the gentleman tell me?

Mr. LAIRD. I cannot answer the gentleman as to whether this sets a precedent. I believe it is necessary in the area of Indian health activities for these doctors to have a phone. I think the gentleman from Minnesota [Mr. MARSHALL] who went out and made an investigation of this problem can give the gentleman that information.

Mr. GROSS. I am of the opinion that these doctors can afford to pay for their own telephones.

Mr. LAIRD. The gentleman perhaps would favor spending funds to set up offices for these doctors in these areas?

Mr. GROSS. Not at all.

Mr. LAIRD. I am opposed to setting up separate offices.

Mr. GROSS. I would not be for that, either.

Mr. MARSHALL. Mr. Chairman, will the gentleman yield?

Mr. LAIRD. I yield to the gentleman from Minnesota.

Mr. MARSHALL. It must be borne in mind in the first place that many of these doctors are located in very remote areas. Also it must be borne in mind that because they are located in these remote areas they are faced with a great many emergency problems and on very short notice they must call and make arrangements to take care of these indigent patients in hospitals that may be far removed from their personal residence. It has been my privilege to visit some of these places where some of these doctors live. They are a really dedicated group of people. In my estimation the amount of money which we spend on this per diem for these specialists is returned manyfold in the services that they render to the Indians.

One of the real problems we have in connection with Indian health is that these people are not operating on a daily or hourly basis. They are on call you might say 24 hours a day. And with all of the problems of living in remote areas it seems to me that this is certainly an item which is justified.

Mr. LAIRD. And does not the gentleman from Minnesota agree that the effect of this provision is to give better service to these people and in the long run will save money, over a plan to set up a separate office which would cover service for a period of 8 or 10 hours a day. These people are giving 24 hours of service per day in this particular area.

Mr. MARSHALL. I certainly agree with the gentleman.

Mr. LAIRD. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. CEDERBERG].

Mr. CEDERBERG. Mr. Chairman, this appropriation bill, as usual, is one of the bills that we face every year that affects our health and many other activities. It touches all of our communities and all of our States.

During the discussion we have had here today we have been apprised of the dollars extended to the various areas by this legislation. However, I think any Member who takes the time to really look into the Federal activities covered in this legislation will readily find that the Federal Government is getting into practically every area that you can imagine. I think the Congress is going to come to the point where we are going to have to take one of two roads. We must decide whether the Federal Government is going to continue to get into various new programs, whatever they may be, or we must decide that there are certain things that are local and State in responsibility.

I recognize that as our economy has become more complex our Federal responsibilities certainly have become more numerous. You will find in this bill $45 million to assist communities in the construction of their sewage treatment facilities. This in my opinion is very definitely a local responsibility. However, I recognize that we do have a Federal responsibility in this area when it comes to water pollution research. I think the Federal Government can conduct research of this kind of problem much better than a given State can, but the application of the research, in my opinion, should be done solely by the local communities and States.

If the Federal Government is going to get into all these problems, whether in the field of health, education, or what not, then I just do not believe we can ever look forward again to any tax reduction at the Federal level. We ought to be willing, if we are going to get into these areas, to support increased Federal revenues to pay the bill. Our deficits are growing year after year. We are mortgaging the futures of our children and our grandchildren.

Therefore, if we in the Congress of the United States are going to continue to embark upon these new programs, some of them worthy, as they may be, then we also ought to be willing to stand up and raise revenue to pay the bill. I think it is foolhardy to increase appropriations year after year and also to advocate tax reduction.

The legislation we have here today is about the best we could expect to get. It touches many of the areas of vital concern to us all in the area of medical research. We are all interested in research in regard to cancer, heart disease, mental health, or whatever it may be. But looking over the past history of these appropriations, I wonder if we have not been increasing these a little faster than we are able to train the people adequately to carry on this research. If it takes $50 or $100 million to get real results, I think everyone would support it. But I cannot find that we can put a dollar sign on any of these research endeavors and say they are going to bring a given result, however desirable the purpose may be.

Considering Federal aid and the participation the Federal Government has in some of these areas, I would say the overwhelming majority of the medical schools in the United States would have to close their doors if the research funds in this appropriation bill were denied them.

I was interested some weeks ago when Dr. Harlan Hatcher, president of the University of Michigan, was in Washington and he made the statement that of the total budget of the University of Michigan, of some $92 million over $20 million is Federal money at this time. These Federal moneys are becoming so integrated in these institutions that to remove them or in any way to reduce them drastically would have an adverse effect on these institutions.

Mr. Chairman, I support this legislation although, frankly, there is some of the authorizing legislation that I opposed.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. CEDERBERG] has expired.

Mr. FOGARTY. Mr. Chairman, I yield such time as he may require to the gentleman from Indiana [Mr. DENTON].

Mr. DENTON. Mr. Chairman, I yield to my colleague, the gentleman from Indiana [Mr. BRADEMAS].

Mr. BRADEMAS. Mr. Chairman, from the 3d of April to the 9th of April of this year we are going to celebrate National Library Week in our country. That celebration will have a special significance in the State of Indiana this year because of the splendid action of both the Subcommittee on Appropriations and the full Committee on Appropriations in recommending that $7.5 million, the full authorization for the rural library service program, be included in the bill this year, rather than the $7.3 million recommended in the President's budget.

Mr. Chairman, I want to pay tribute to the distinguished chairman of the subcommittee, the gentleman from Rhode Island [Mr. FOGARTY], and my distinguished friend the gentleman from Indiana, a member of the subcommittee [Mr. DENTON], for their fine leadership in making possible the retention of these funds.

The fact of the matter is that the State of Indiana is the only one of the 50 States and 3 territories in this Nation that has steadfastly refused to accept any of the Federal funds that are available under the rural library service program. This refusal amounts to an obstinate, shortsighted, and willful giveaway by the Republican Governor of Indiana, Harold W. Handley, of the tax moneys of Hoosier taxpayers to the citizens of all the other 49 States which do benefit by participation in the program.

Mr. Chairman, it is ironical that recently Governor Handley proclaimed National Library Week in Indiana for April 3–9. Apparently he is willing to include the people of Indiana in Library Week but he is not very willing to see them in libraries.

The fact of the matter is that the public librarian in the Governor's own hometown of LaPorte, Ind., wrote to me the other day to give his full support to Indiana's participation in this program.

The newspaper published in Governor Handley's hometown, the LaPorte Herald-Argus, has editorially strongly endorsed the participation of Indiana in the program.

Seven Democratic Congressmen from Indiana and the distinguished junior Senator from Indiana, the Honorable R. VANCE HARTKE, as well as all four of the announced Democratic candidates for the nomination for Governor of our State and the speaker of the State House of Representatives, as well as the minority leader of the State Senate, have endorsed the participation of the State of Indiana in the rural library service program.

We in Indiana now have an opportunity, because of the action of the distinguished Committee on Appropriations, to make use of our share of the funds provided by this act, funds provided in part by the tax moneys of Hoosier citizens. I want again to congratulate the members of the committee and express once more my appreciation to my distinguished friend, the gentleman from Indiana [Mr. DENTON], for their leadership on this important matter.

The issue of participation in the rural library program is now squarely drawn. The people of Indiana will decide next the issue in November. The leaders of the Republican Party in Indiana are on record against our participation. All of the Democratic candidates for Governor favor our participation.

Mr. Chairman, I am confident the people of Indiana will choose wisely.

Mr. DENTON. Mr. Chairman, this is very largely an Indiana question. There are 800,000 people in the State of Indiana who are without library service and it is believed that for another million the library service is inadequate.

Mr. Chairman, of the 50 States in the Union, Indiana is the only one which has not taken advantage of the rural library program. For this reason, the Budget Director reduced this appropriation from $7.5 million to $7.3 million. Indiana's share is approximately $193,574. The gentleman from Indiana [Mr. BRADEMAS] has pointed out that we hope after the first of the year, when we have a new Governor, that Indiana will take advantage of this library program the same as the other States. I also want to thank the committee for restoring this money so that Indiana will be treated the same as other States in the Nation.

Mr. HECHLER. Mr. Chairman, will the gentleman yield?

Mr. DENTON. I yield.

Mr. HECHLER. Mr. Chairman, the library services program has meant a great deal to the State of West Virginia. More than 184,000 books, including basic reference collections, have been provided West Virginia libraries under this worthwhile program. I hope the State of Indiana will be able to take advantage of this program. Strengthening our public libraries where books are readily available to all of our citizens, regardless of their ability to pay, is one significant way to expand the educational frontier so vital to our national survival.

Mr. DENTON. Mr. Chairman, the Library Association, women's clubs, the Parent-Teachers Association, and the Farmers Union all appeared before our committee and asked to have this fund restored. I told them they were probably talking to the wrong people and that they ought to talk to the Governor of Indiana to get him to take advantage of the program. They said they would.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. DENTON. I yield to the gentleman from Ohio.

Mr. VANIK. I take this opportunity to congratulate the gentleman from Indiana [Mr. DENTON] for the splendid job he did in pointing up the recent increase in appropriations for aid to dependent children; $200 million in this budget, with an additional $100 million to be spent by the State and local agencies to provide for the care of families that are abandoned by parents that are living; I wonder if you could tell the committee what special efforts are being made by the Department of Health, Education, and Welfare to reduce this rising cost.

Mr. DENTON. We were assured by the Secretary that if the prosecutor would ask the welfare people they would work through the social security and locate these runaway fathers. This had been a working rule for some time, he said, but the Department had passed a regulation recently to that effect. A trial run was made in the city of Cleveland with great success. I served as a prosecuting attorney, and I know how hard it is to make these recalcitrant parents support their children. It is much easier to get the money from the welfare people. But it is an outrageous situation. I hope that the welfare will cooperate with the prosecution. I would ask that in those cases where there are fathers who are not supporting their children that welfare will turn over their reports to the law-enforcement officers to see that the men who are guilty are prosecuted.

Mr. VANIK. Does the gentleman feel that we should approach this problem solely in this way, or is there need for enacting a flight-from-family-responsibility law?

Mr. DENTON. Ever since I have been here I have had such a bill in the hopper. I got a hearing from a Judiciary Committee the first year, but nothing since. The FBI opposed it because they did not want to be operating as police court officers. I think a Federal so-called runaway-pappy bill should be enacted.

Mr. VANIK. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. VANIK. Mr. Chairman, I want to take this opportunity to commend this committee for its concern with the skyrocketing rise in the cost of the aid to dependent children program. It is shocking that $200 million in Federal funds plus an additional $100 million in State and local funds are paid to support children who have living runaway fathers who could and should support these children. Of the total number of dependent children cases, 90 percent have living fathers who dodge their family responsibilities.

Providing for abandoned children costs the Nation $800,000 a day, a 67-percent increase from the $540,000 per day cost of this program 2 years ago. At this rate of increase this item of public expense is rising more phenomenally than any other peacetime Government expense.

Our distinguished colleague, the gentleman from Indiana [Mr. DENTON], is absolutely correct when he stated during the hearings on February 4, 1960:

> There is no reason why men who bring children into the world should not support them, and that seems to be the terrible weakness, that nothing is done to require them to support their children.

In America it is relatively easy for a weak-willed father to abandon his children. He simply crosses the State line, moves to a new community, obtains a new job, and often creates a new family circle. There are times when he may obtain a new social security number through the use of an alias or fraudulent name and thereby shield himself from apprehension.

Secretary Flemming is to be commended for the modest relaxation of OASI records to locate runaway fathers of dependent children supported through Federal funds. Unfortunately, local agencies have not made full and complete use of these facilities, and this approach is of course ineffective where the runaway father uses an alias and establishes a new account number.

Last summer, at the request of Congressman WIDNALL and myself, the Department of Health, Education, and Welfare proceeded with a special survey study in three scattered communities in America including the Cleveland, Cuyahoga County, area. As a result of this special effort, in my community, of 290 errant fathers, 111 were located. Sixty-three were located with social security records as the chief source of this information. As a result of the special effort, 37 support orders were obtained, and 5 entered into voluntary agreements to support their children. The results of this special effort were not insignificant and point the way to saving hundreds of millions of dollars.

In my opinion, the only real solution to this problem would be the enactment of a law prohibiting interstate flight from family responsibility. The Attorney General does not desire the additional work that would be involved. The FBI undoubtedly feels it is already overburdened with its established responsibilities, while the Social Security Administration would undoubtedly resist a widescale opening of its records to permit the effective administration of such a law.

This problem is so grave and so vital to the national interest that it must be approached in a giant step. If runaway fathers are quickly apprehended, the word will pass like wildfire that this nation will not tolerate this escape from family responsibility. Not only will tremendous savings in public funds be effected, but family life will be made more stable.

It has also recently come to my attention that one government agency will be making payments of benefits to a runaway father, while at the same time another agency of the government will be making payments for the support of his neglected children. In my community I recently came upon a case in which the runaway father was receiving disability benefits from the Veterans' Administration while making absolutely no contribution to his abandoned family for a period in excess of 7 years. If this family were not sustained through the diligent efforts of the working mother, it would be eligible for aid to dependent children, while the government would be subsidizing the maintenance of the runaway father.

Certainly in these circumstances we should preclude the payment of any public benefits to a beneficiary who neglects his family obligation at the expense of the Federal Government, the

State and local governments, his family, and the entire community.

Mr. FOGARTY. Mr. Chairman, I yield such time as he may desire to the gentleman from Minnesota [Mr. MARSHALL].

Mr. MARSHALL. Mr. Chairman, it is a real pleasure to serve on the Subcommittee on Labor and Health, Education, and Welfare Appropriations under the leadership of our esteemed colleague, JOHN FOGARTY. He is a fair, considerate chairman who constantly strives to make an arduous task as pleasant as possible for his fellow members. He not only knows his subject but is genuinely interested in every phase of it. He has a sincere regard for his fellow man and puts his heart into his work.

ABLE COLLEAGUES

My colleague from Indiana, Congressman DENTON, shares this real interest. I know that his understanding of the many problems of labor and of people give him a fine insight into the programs with which we work. His knowledge and experience as a lawyer have been of great value to the committee.

On the other side, we have my good friend from the neighboring State of Wisconsin, Congressman LAIRD, who has the special ability of going directly to the heart of the problems before us. An able Representative; it is a pleasure to work with him.

Our colleague from Michigan, Congressman CEDERBERG, has a vast knowledge of the many special areas considered in our hearings. He is a diligent and conscientious worker who makes a genuine contribution to our proceedings.

A REWARDING EXPERIENCE

Because the programs with which we deal affect all of our people so intimately, our hearings are an unusually rewarding experience. Since we all share a desire to promote the welfare of our fellow citizens, cooperation comes easy. All of us are disappointed at times that we cannot move forward more rapidly in one area or another. We have tried to resolve these differences as reasonably as possible and within the limitations we know exist at a time when so much of our income is devoted to military defense.

I doubt, Mr. Chairman, if any other committee of the Congress enjoys so broad a view of American life as we do in our hearings. We can see the progress being made on many fronts to improve the daily lives of millions of our fellow citizens. The programs we discuss are concerned with their work, their health, their retirement years, and their community schools and hospitals.

DEPARTMENTS AFFECT EVERYONE

The Department of Labor and the Department of Health, Education, and Welfare, between them, touch the lives of every American at some point. There is no concern more properly a Representative's than the concern for human lives and human needs. For this reason, I will always be grateful for the opportunity to serve on this committee.

It is not enough to commend my colleagues for the fine working spirit of the committee because this can also be attributed to the witnesses who appear before us.

DEDICATED PUBLIC SERVANTS

For the most part, they are dedicated men and women determined to help improve the lot of their fellow citizens by carrying out the work of their agencies efficiently and effectively. Some of them have devoted a lifetime of service to the sick and needy. Some of them have made sacrifices to stay in Government service and many of them will leave their mark of accomplishment. Just as it is an inspiration to us, it must be a satisfaction to them to see the great accomplishments to which they have contributed over the years.

We are sometimes tempted to be discouraged by needs still unmet or jobs undone, but we can take hope in gairs we have made and are making in some vital areas covered by the bill before you.

SECRETARY LOOKS TO FUTURE

The future presents still new challenges. Some of these were outlined for us by the Secretary of Labor, one of the ablest men in the President's cabinet, in a discussion of the decade ahead.

The estimates of the Department of Labor have important meanings for our immediate future. The great and rapid change taking place around us is surely one of the big stories of our time. It has social and economic implications which by their very nature become political implications.

LABOR FORCE TO GROW

The Secretary says our labor force will increase by 20 percent between 1960 and 1970 and farm employment will decline at almost the same rate. Farm families, however, will remain one of the major sources of manpower in this continuing shift to a predominantly industrial economy.

According to the Secretary, the trend of the last century will be accelerated in the decade ahead. In 1910, one out of three persons lived on a farm. Now, 1 out of 10 lives on a farm. About 6 million people are actually employed in farming, almost the same number as there were in 1870.

MORE FOOD—FEWER FARMERS

There is no better testimony to the technological revolution in agriculture which has made the American farmer the most efficient producer in the world. While our population has grown by 141 million people in the last 90 years, its food and fiber needs are more than met by the same number of farmers.

As farm manpower requirements are reduced, there is a substantial increase in the number of people leaving farms. Young people, especially, are leaving the farms in greater proportion than any other age group.

JUMP IN 18-YEAR-OLDS

In the general population, birth rates are expected to remain high and death rates to decline. The number of young people reaching the age of 18 each year will hold at about 3 million until 1965 when it will jump to almost 4 million each year for the next half of the decade.

The total working force will increase by 13.5 million workers, the biggest 10-year jump in our history. Twelve million of these will come from the age groups under 25 and over 45. The only group to decline in both number and percentage will be the 35 to 44 group which includes the depression babies of the 1930's.

INCREASE IN SERVICE TRADES

Another historic change is taking place, the Secretary told us, in the kind of jobs available to these new workers. Since 1950, there are more people employed in providing services than in producing goods and this trend is continuing.

Scientific and technological advances in most industries will demand better education and training. Estimates are that 7 out of 10 people entering the labor force in the 1960's will be high school graduates or will have done some college work. Ten years ago, it was 6 out of 10.

SCHOOLING INCREASES EARNINGS

About seven and one-half million of the new workers, however, will not have completed high school and 2½ million of these will not have completed a grade school education. Thus, 30 percent of all young workers entering the labor force in the next 10 years will lack a high school education.

In general, the labor studies show that those with more schooling have higher earnings while unemployment is much higher among those with the least education.

NEED SKILLED WORKERS

To make best use of our manpower potential, we must give special thought to this part of the work force. There is sufficient emphasis on the highly specialized sciences as a result of the sputnik scare. Similar effort must now be directed to young workers with other abilities.

One important step is expansion and improvement of training on the job, including apprenticeships for the skilled trades. Every worker must be placed in a job that best fits his talents and he must be trained to make full use of these talents on the job.

UTILIZE FARM SKILLS

A highly mobile work force like ours presents new opportunities for those who are trained to accept them. Consequently, special attention should be directed to the young people leaving farms who already have skills that can be better developed and utilized.

Mr. Chairman, the Secretary of Labor should be commended for the foresight in studying the needs of the years immediately ahead. It gives us an opportunity to prepare in an orderly manner rather than be swept up in the current of change. Whether we like it or not, that change is taking place all around us and we must accept its challenges. There is no waste so tragic as the waste of human resources.

It is not my purpose to attempt to review in detail the work of all of the agencies for which funds are included in this bill. I do, however, want to call attention to some items which might be overlooked in a bill of such broad consequence and which deserve our attention because of their present or future implications.

LABOR REPORTS COST MONEY

One of the Department of Labor items which merits attention is the increased cost of administering the Bureau of Labor-Management Reports as the result of enactment of the so-called Griffin-Landrum bill. The budget request of the Bureau is for 620 positions at a cost of $5,500,000 to the taxpayers. We reduced the amount by $250,000 on top of an $835,000 reduction made in the Department's request by the Bureau of the Budget.

Neither of these reductions necessarily indicate true savings since the Department's original request was based on factual material about increased workloads under the new law. The reductions made by the Bureau and by our committee were made largely because it is a new program and it is wise to have some operating experience upon which to base appropriations. It is possible, however, that if the work is properly done, appropriations will have to be increased in the future.

REPORTS MEAN EMPLOYEES

The House will recall that another provision of this act calls for the reporting and disclosure of welfare and pension plan data. For administration of this provision, the Department requested 81 positions at a cost of $523,900.

To carry out its responsibilities under the new law, the National Labor Relations Board has asked for approximately $3 million which includes an additional 100 new job positions.

IMPOSES FUTURE OBLIGATIONS

This helps to point up one of the real problems we constantly face in the Committee on Appropriations. How can we accurately measure the future cost of Government on the basis of the obligations we assume in our legislative acts from day to day? True, these obligations are sometimes ignored but this does not solve the problem; it only postpones the day of reckoning.

An example is our failure to meet the cost of providing credit for military service for men covered under the Railroad Retirement Act. The Congress approved legislation providing credit for military service and the Federal contribution for this purpose totals $133,354,000 through December 31, 1958.

MOCKS DEBT LIMIT

When we pass over such obligations, we are contributing to an unsound fiscal policy which too often makes a mockery of the statutory debt limit. On behalf of our committee, it should be pointed out that we have consistently urged the administration and the Bureau of the Budget to resolve this matter once and for all. The legislation as now written is clear enough and the Bureau's delaying tactics are unjustified.

COMMEND GENERAL HAISLIP

It is not possible, Mr. Chairman, to single out all of the people who appear before us who do a particularly good job of administration. I do, however, wish to commend Gen. Wade H. Haislip, Governor of the U.S. Soldiers' Home. He is a capable administrator and a forthright witness. His clear and concise manner of testifying might well be an example to other witnesses.

There appears to be some reduction in the quantity of surplus agricultural commodities made available to the Soldiers' Home. It is my hope that this situation will be corrected.

INDIAN HEALTH PROGRESS

In turning to the Department of Health, Education, and Welfare, I want first to discuss some of the Indian health problems in which we have taken a special interest. We are beginning to make progress and this is always an interesting stage in the development of any program.

Much remains to be done, of course. It would be unfair to give the House the impression that the progress being made gives hope of immediate reduction of Federal expenditures. On the contrary, the current appropriation still falls considerably short of the estimated $60 to $65 million annually recommended in a comprehensive study of the problem.

DEATH RATES CUT

This year your committee is recommending $48,276,000 for Indian health activities and $8,965,000 for construction of Indian health facilities. We believe this will enable the Public Health Service to carry forward the essential efforts which have contributed to the progress.

This is again a program in which progress can be measured in terms of human lives. The low standard of health care available to Indians in many parts of our country was certainly a major contribution to the extraordinarily high death rate. It is most encouraging to see that the efforts of the past 5 years offer new hope and have already increased life expectancy.

TUBERCULOSIS DEATHS DOWN

Tuberculosis, once the No. 1 cause of death among Indians, today ranks eighth. In the 5 years, 1954 through 1958, the tuberculosis death rate dropped 42 percent among Indians. The drop among Alaska natives was even more spectacular—over 80 percent.

Reported new cases of tuberculosis have dropped 26 percent in the same 5 years among Indians and by 60 percent among Alaska natives.

INFANT MORTALITY CUT

Infant death rates have always been tragically excessive among Indians. Nearly one-fourth of all Indian children die in the first year, compared to only 7 percent in the general population. Indian mothers are being encouraged to seek medical assistance and more babies are being born in hospitals. As a result the Indian death rate for the first month now compares with the general population but the rate jumps to five times higher in the remaining 11 months.

Gastroenteric and other diseases due to inadequate sanitation on Indian reservations rank high as causes of sickness and health. Deaths from gastroenteric diseases are 10 times greater among Indians than among the general population, although there is evidence of a decline in the Indian rate.

TRACHOMA TREATMENT UP

Notable progress has been made against trachoma an eye disease that can cause blindness. It was found on most of the reservations in the Southwest and afflicted 10 to 25 percent of those examined. Subsequent treatment resulted in a reported cure rate of 85 to 95 percent.

These are some of the welcome signs of progress. Remember, we are not dealing in statistics here; we are dealing in human beings. These are lives saved or health restored to men, women, and children who are our fellow citizens.

DEATHS CAN BE REDUCED

More can and is being done. Indian health problems of today are much like those of our whole population a generation ago. Most illnesses and nearly a fifth of the deaths among Indians can be prevented.

Over half of the Indian population is under 20 years of age because of the high death rate. The average age of Indians at death is 40 years while it is 62 for all races. Deaths from influenza and pneumonia, tuberculosis, gastroenteritis and other communicable diseases are 3 to 10 times greater than in the general population.

MORE PREVENTIVE ACTIVITIES

To provide the kind of medical treatment and health services which makes this progress possible, we need to develop hospital and clinical facilities in many parts of the country. At the same time, we are moving into improved preventive activities designed to create more healthful living conditions.

At first glance, the budget request for a $2,026,000 increase in funds for health activities would appear to be an improvement in medical treatment. The Congress, however, has passed Public Law 86–121, the Indian Sanitation Facilities Act. Diversion of funds and personnel to implement the act would actually leave the health activities funds at last year's level. The committee fails to see how funds and personnel can be utilized in the sanitation program without an adverse effect on the medical and health programs.

New hospitals are coming into operation at Sells, Ariz., and Gallup, N. Mex.; approximately $735,600 is required to staff these hospitals.

INCREASED CONTRACT CARE

At the same time, funds have proven insufficient in some States to meet contract care needs. Your committee has provided an increase of $750,000 and our report expresses the desire that this increase be used primarily to meet contract care obligations.

Hopelessly inadequate sanitation facilities have long been recognized as source of much disease and poor health among Indians. Because it is so important that the worst of these sanitation deficiencies be eliminated, your committee is especially interested in the most effective and economical use of the funds available.

USE FUNDS WISELY

In our hearings, we discovered that despite the fact that Indians are required to provide all on-premise labor some of the projects cost up to $1,000 per family. These projects do include both development of sanitary water sources and a waste disposal system. Because of distances and circumstances involved, these costs may be justified.

However, we immediately face the question of whether such sums might not be better spent on other aspects of Indian health which yield yet greater results. Accordingly, we caution the Public Health Service to carefully analyze each project to prevent use of resources which might be more beneficial in another application.

STEADY PROGRESS IS GOAL

Considering the overall program for Indian health activities, there undoubtedly are members who feel that more funds might accelerate the progress we are witnessing. There are, however, administrative and personnel problems which must be met first if we are to insure the maximum benefit intended for the Indian families served by these programs.

The committee feels that a steady rate of progress will be of more lasting benefit and will prevent costly problems which can only result in poorer service to the very people we are trying to help.

HOUSING IS GREATEST PROBLEM

Nowhere is the seriousness of our problem better demonstrated than in the area of construction of Indian health facilities. The Public Health Service originally requested $11,388,000 which was reduced to $6,964,000 by the Bureau of the Budget.

The greatest single problem remains adequate housing. Without decent living quarters, it is impossible to recruit and retain the doctors and professional health personnel on whom the whole health program depends. When responsibility for health care was transferred from the Bureau of Indian Affairs to the Public Health Service, housing facilities were not included.

NEED IN ISOLATED AREAS

To relieve the immediate problem, so-called Picket housing was provided for temporary occupation. Deterioration has made many of these units unfit for human occupancy yet 301 are still in use. We are concerned about good facilities for the patients themselves; now we must also face up to the need for decent quarters for the dedicated men and women assigned to these isolated areas where acceptable housing is nonexistent.

The service's original request would have provided 236 units. The budget allowed 76 units, a cutback from last year's 88 units despite the growing need. The committee feels that there is no justification for falling farther behind and has provided funds for 49 additional units, or a total of 134. It would be desirable to move ahead even more rapidly but we are aware of the many demands on the limited funds available and feel that the recommendation before you at least represents steady and economical progress.

MOBILE HOUSING IS USEFUL

Public Law 85–241 requires that all public quarters for commissioned officers be made adequate by July 1, 1961, or else be demolished or otherwise disposed of. It is not my purpose to evaluate or criticize that legislation. We need to remember, however, that the very nature of Indian health activities results in housing requirements of both a temporary and permanent nature.

In some cases, the need will exist only for the next 5 to 10 years. To use permanent housing funds to meet temporary needs is to compound our problem. This is a problem still to be faced since the deadline date of July 1, 1961, was extended only 1 year.

Your committee has recommended, therefore, that some of the increased funds be used for a pilot program to determine if portable housing might be a satisfactory solution in such areas. The design and construction of house trailers or mobile homes has improved greatly in recent years and this possibility should certainly be considered at temporary posts. It would present advantages over the substandard housing now available in these areas and would permit more rapid improvement.

COMMUNITY COOPERATION NECESSARY

Necessity for some longer range planning seems indicated by the testimony before the committee so that goals can be established and available resources be efficiently used.

Community cooperation is to be earnestly solicited on the basis of well-formulated plans and well-defined responsibilities. In working out arrangements with States and local communities, the responsibilities of all parties should be clearly understood before funds are designated or commitments made.

NEED HOUSING IN GALLUP

The committee was disappointed to learn that adequate housing may not be available for the additional personnel needed to put the new hospital at Gallup, N. Mex., into operation in January 1961. The Public Health Service and the Congress had assurances that housing would be provided through local resources.

The community would benefit not only from the increased hospital payroll but in the sale and rental of housing. The hospital is much needed and failure to provide adequate housing would be a serious problem. It is hoped that the people of Gallup, N. Mex., recognize this so that the hospital may be put into operation without further delay.

NEW HOSPITALS OPEN

A new hospital at Eagle Butte, S. Dak., is scheduled to be opened this month and the Sells, Ariz., hospital is expected to be in operation in December of this year. The contract for a hospital at Keams Canyon, Ariz., is expected to be awarded this month.

The hospital at Shiprock, N. Mex., will soon be complete. There has been some delay in completion of the hospital at Kotzebue, Alaska, but it is hoped that the facility can be finished next year.

MODERNIZATION IN PROGRESS

By the end of this year, modernization of hospitals at Rosebud and Pine Ridge, S. Dak.; Browning, Mont.; and White River, Ariz., will be completed. The committee is pleased that the 15 authorized health centers and clinics have all been completed.

Funds are included in the bill before you for replacement hospitals at San Carlos, Ariz., and Barrow, Alaska. Major alterations are authorized in other locations in accordance with the budget requests.

JOINT CONSTRUCTION USEFUL

While no funds were budgeted for construction of joint hospital facilities under Public Law 85–151, the committee feels that the number of communities ready to build since the budget was prepared warrants reconsideration.

This obviously seems to be a more economical means of providing hospital facilities for Indians and we recommend that a part of the increased construction appropriation be devoted to this purpose. Indian beds in community hospitals are the best way to provide health services in many locations and the committee report urges that the program move ahead expeditiously.

DELAY CAN COST MONEY

The House can readily see that the health problems of Indian families are great. The steady progress being made warrants the relatively modest increases necessary to achievement of the goals anticipated in the survey mentioned earlier which estimated a required budget of $60 to $65 million.

Once we have repaired the damages of long neglect, we can hope to level off and finally reduce some of these expenditures. To ignore some of these needs any longer can only lead to more expensive programs in the years ahead while the ravages of disease and illness add to the untold human suffering.

VOCATIONAL EDUCATION ESSENTIAL

As our report states, everyone concerned must have anticipated our action in restoring funds for the promotion and further development of vocational education.

While the Secretary of Labor was warning us that young workers, farm and nonfarm, in the next decade must be better educated and better trained, the Secretary of Health, Education, and Welfare was asking for a cut in the very program designed to provide this training.

STRONG LOCAL SUPPORT

Under the provisions of the George-Barden Act, vocational education is being provided in the fields of agriculture, distributive occupations, home economics, trades and industry, practical nursing, and the fishery trades. Most of the programs are organized and operated by local school boards.

To insure the maximum of local control and local benefit, the operating educational agency determines the occupations for which training will be provided, as well as the curriculum and the content of the courses offered. About $4 of State and local funds are spent for every Federal dollar contributed.

MINNESOTA PROGRAM GROWS

As the program is made available to more and more young people, the share of Federal participation has declined. Mr. Harold M. Ostrem, chairman of the Minnesota Vocational Association Legislative Committee, has provided us with some valuable information on the development of the program in my State. Almost 100,000 persons are enrolled in Minnesota. The program is supported with 85 percent local and State funds as compared to 15 percent in Federal funds. Continuation of the technical education program is vital as the demand for skilled technicians increases. The demand is growing in both the manufacturing and service industries.

LOCAL AND STATE FUNDS

The following chart indicates the growth of the program in our State in the past 5 years:

Enrollments in Minnesota vocational education programs

Year	Agriculture	Distributive	Home economics	Trade and industrial	Total
1955	28,200	2,976	33,355	12,689	77,220
1956	26,742	3,273	34,154	14,987	79,156
1957	26,583	3,583	34,780	17,050	81,996
1958	27,964	3,897	37,160	20,408	89,429
1959	27,152	3,704	38,145	21,667	90,668

The following chart shows the amount and percent of funds provided by the local, State, and Federal Governments in support of vocational education programs in Minnesota:

Local, State, Federal funds for Minnesota vocational programs

Year	Local		State		Federal		Total
	Amount	Percent	Amount	Percent	Amount	Percent	
1955	$1,660,295.27	44.0	$1,433,476.04	37.9	$695,523.21	18.1	$3,839,294.52
1956	1,880,979.82	44.1	1,633,018.87	38.1	762,459.31	17.8	4,282,458.00
1957	2,111,204.15	43.6	1,885,495.03	38.9	846,377.50	17.5	4,843,076.68
1958	2,378,892.48	43.2	2,295,975.83	41.5	843,948.14	15.3	5,509,786.45
1959	2,293,311.54	42.3	2,281,070.72	42.1	841,479.45	15.6	5,415,861.71

Had the ill-timed budget reduction been permitted to stand, the contribution to Minnesota would have been reduced $49,240 in a year in which our legislature is not in session. Many States would have suffered the same problem. It is inconceivable that the officials responsible would expect the Congress to disrupt this important program at the very time it seems most needed.

RURAL LIBRARY SERVICE IMPROVING

Mr. Chairman, the Library Services Act was designed to promote free public library services in rural areas without such services or with inadequate services. This purpose is being achieved and your committee has recommended the authorized appropriation of $7,500,000 for the next fiscal year.

Testimony from the States indicates that county and regional libraries fostered under the program have brought free library service for the first time to over 1 million rural people and have substantially improved service to another 7½ million.

IMPORTANT AID TO EDUCATION

The State and local support given this program is witness to its importance to the rural community. Two dollars of State and local money were spent last year for every dollar of Federal money. On an overall basis, State appropriations have increased 54 percent since 1956 and local appropriations have risen 45 percent over the same period.

Regional libraries and bookmobiles in the rural areas of this country provide a ready and free source of the books and other informational material so important to continuing self-education and in supplementing formal education.

OPPORTUNITY FOR RURAL CHILDREN

To give rural children the benefit of library services already enjoyed by their city cousins is an important contribution to real education. The influence of good books is immeasurable. Certainly children should not be denied them because of isolation, the very condition in which books and informational material may be most useful.

Here again, the important thing is local acceptance of the program and local management for the maximum local benefit.

The thousands of citizens in rural counties who have joined together in county and regional efforts to provide library service for themselves and their families are to be commended for public service of the highest order.

POLLUTION CONTROL IMPROVES

The committee has allowed the same amount as was appropriated for 1960 to carry on the fight against the growing hazard of water pollution. Significant progress has been made under the Water Pollution Control Act in protecting our national water resources.

While the local community shares most of the burden, most often other communities and other States downstream receive the greater share of benefits in terms of unpolluted water. There is obviously some benefit to the community building its waste treatment plant, but the downstream benefits illustrate the cooperative nature of the program.

BLATNIK AUTHORED PROGRAM

Local support is again indicated by local expenditures of $5 for every dollar of Federal expenditure. Minnesota has been in the forefront of this program and properly so since it was the dedicated effort of my friend and colleague, JOHN BLATNIK, that initiated the program.

The magnitude of the task before us in protecting essential water supplies seems overwhelming but we are making steady progress.

HOSPITAL SPACE LAGS

Over the past 12 years, Mr. Chairman, the Hill-Burton program has played a major role in development of the Nation's hospital system. A concept of long-range planning has been fostered and widely applied. High standards of design and construction and promotion of improvements in hospital administration have improved hospital services.

During the past year alone, more than 26,000 hospital beds and nursing home beds were added to the Nation's health resources through construction grants.

CONSTRUCTION COSTS RISING

The committee is recommending $150 million, a reduction below the current appropriation, but certainly a more realistic figure than the budget offered.

Sharp population increases and the rising obsolescence of existing hospitals tends to offset the progress being made in reducing the deficit. But just to keep even with population increases and the replacement of obsolete facilities is preferable to an unwarranted cutback at this time. It must also be remembered that construction costs have increased by more than 50 percent since 1948.

NURSE TRAINING STEPPED UP

Mr. Chairman, we are all aware that the Nation is faced with a critical shortage of nurses. The program administered by the Division of Nursing Resources provides consultation to hospitals to improve efficiency of nursing services, develops new methods of providing nursing services, and provides scholarships for advanced training of nurses under the Health Amendments Act of 1956.

Assistance is provided both for short-term intensive training courses and long-term training for teaching, administrative, and supervisory positions. Your committee recommends an additional $600,000 in order that the long-term training program can be continued at present levels in view of the number of pending applications and the serious shortage of properly trained nurses in this field.

CRIPPLED CHILDREN SERVICES

I want to call attention now to a situation which has earned the special attention of the committee in providing services for crippled children. Grants are made to the States, as you know, to provide medical, surgical, corrective, and other care for children who are crippled or who are suffering from conditions which lead to crippling. The States participate in the program financially and develop the services to be provided by State and local agencies.

There has been an increase of over 10 million children in the last 10 years and the number requiring special assistance has increased accordingly. At the

same time, the National Polio Foundation has withdrawn support for children crippled with polio, imposing additional financial burdens on local governmental agencies.

HEART TREATMENT INCREASED

The committee recommends that the full increase of $3,333,000 in grants for maternal and child welfare be utilized in providing services for crippled children.

The House will recall that a supplemental appropriation was made last year for services to children with congenital heart disease. About 10,000 children received treatment last year and about 2,200 underwent necessary operations.

PROVIDE EXTRA CARE

The States have indicated that they would use increases to reduce waiting lists and to accept for care more children not only with orthopedic handicaps, but also with cerebral palsy, epilepsy, cystic fibrosis, hearing loss, and a wide variety of other handicapping conditions.

The primary aim is the saving of human life and giving handicapped children an opportunity to grow up as useful citizens. Vocational rehabilitation depends upon physical rehabilitation and corrective treatment of crippled children is surely an investment in our future.

MEDICAL RESEARCH ADVANCES

The capable chairman of our subcommittee has done his usual excellent job in presenting to the House the advances made by the National Institutes of Health. Here again, we need to think in terms of investment in our future and our children's future. The relentless fight against disease and illness is made up both of dramatic victories and long years of expensive and tireless research. The victories on every front are cause for continued hope.

If money alone could guarantee victory everywhere, I am sure we would all be willing to pay the cost. Unfortunately, money alone does not buy knowledge. We are limited by the number of trained men and women who alone can carry forward the patient and painstaking search for new knowledge. We are making impressive progress against the physical and mental afflictions so costly in lives and resources as more trained doctors, scientists, and technicians turn to the new frontiers.

URGE READING OF HEARINGS

The testimony of these experts presents a fascinating document of human endeavor and determination to conquer our age-old enemies. Sometimes progress is disappointingly slow, other times there are exciting breakthroughs that give new impetus to the efforts of these truly dedicated men and women. I would urge every Member and every interested citizen to read the testimony of the Institute's experts and of the outside medical and scientific experts who are the daily participants in this age of discovery.

In closing, Mr. Chairman, I repeat that the committee has attempted to bring out the best balanced bill possible within the limits of our financial commitments in all other areas of Government. We can and do disagree on individual items but the overall bill should give us an opportunity to make steady progress in the many areas of human endeavor so vital to all of our people. We are grateful for the courteous consideration with which our recommendations are received each year by our colleagues.

Mr. FOGARTY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CLEM MILLER].

Mr. CLEM MILLER. Mr. Chairman, this bill provides $2,290,000 for environmental health activities. It would be very appropriate if a portion of that amount were to be used to stamp out a very serious growing menace in northern California. This is the great infestation of our lakes, particularly prevalent at Clear Lake, where swarms of gnats by the billions create a severe health hazard, as well as grave economic consequences to the area. Local government and the State of California are both doing their part in eradicating this pest. It is now spreading to Federal reservoirs. Therefore it is appropriate that the Federal Government should assist in its control. I hope the Department will give careful consideration to allocating $65,000 to cooperate with other levels of government to conquer this problem.

On another part of this bill, as one who comes from an area with many Federal employees, this committee is to be commended for restoring funds for Public Laws 815 and 874. Recently, a school superintendent remarked to me that without the full implementation of these funds, it would be impossible for his district to operate.

Mr. LAIRD. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. BALDWIN].

Mr. BALDWIN. Mr. Chairman, I rise in support of H.R. 11390. I would like to congratulate the chairman and the members of this subcommittee for restoring the full 100-percent funds for payment to federally impacted school districts under Public Law 815 and 874.

These school districts must prepare their budgets a year in advance. The 32-percent deficit in the budget this year for Public Law 874 funds would have seriously crippled these school districts. There is one district in my congressional district that has 95 percent of its children from an airbase. To impose a 32-percent deficit on that school district would have been to saddle 32 percent of the cost of educating 95 percent of the children on the remaining 5 percent of the families who happened to be farmers adjoining the airbase. This would be an impossible burden, one that could not have been borne and one that should not have been borne because this is rightly an obligation of the Federal Government which deposited this 95 percent of the children on this school district, children who live on a Federal installation.

I want again to thank the chairman and members of the committee for their consideration of these school districts in restoring these funds.

Mr. LAIRD. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. GROSS.]

Mr. GROSS. Mr. Chairman, I am delighted that the political situation in the State of Indiana has been settled so swiftly and satisfactorily to all concerned on the floor of the House this afternoon.

With respect to this bill I doubt that in my short time as a Member of Congress I have seen more legislation written into one appropriation bill than this one carries, and at the proper time I expect to offer at least a point of order or two.

I want to address myself particularly to the so-called national defense education provision. I understand from the hearings, there was $5,294,000 available for this purpose in 1959; $12,800,000 in 1960; and in this bill some $20,750,000. Am I approximately correct?

Mr. FOGARTY. That is about it; yes.

Mr. GROSS. On page 429 of the hearings I note that fellowships have been given and Federal funds used for the study of subjects such as these: African studies, social welfare, political science, philosophy, behavioral psychology, psychology of classroom teaching, folklore, the theater, music, physiological psychology, entomology, and the ecology and economics of flowing waters. Perhaps I am not very intelligent, but under this National Defense Education Act what are these people supposed to be educated in? I wonder if someone on either side of the aisle could tell me; is it supposed to be in connection with defense or is it something else? Is this just a sugar-coated title such as we have had on other occasions?

Mr. LAIRD. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield, and I thank the gentleman from Wisconsin for giving me time on this bill.

Mr. LAIRD. Mr. Chairman, I believe the Defense Education Act is a sugar-coated title. I believe the word "defense" was included in the title by the legislative committee in order to sell it to the Congress. It does not seem to me that many of the purposes that are being served by the act are of a defense nature.

In discussing this matter with the people who administer the program my impression is that they do not feel the same urgency the members of the legislative committee felt as far as defense was concerned, because their action in the area of fellowships is certainly not in keeping with the title of the act. These titles I think are somewhat misleading.

Mr. GROSS. If the gentleman will permit me to interrupt him, do I understand correctly that these are simply a few of many other similar subjects of studies for which fellowships have been granted and for which substantial Federal funds are being expended?

Mr. LAIRD. Had I been administering the program I would not have selected these samples; I think better ones could have been selected.

Mr. GROSS. The gentleman does not deny that fellowships are being granted for the study of these subjects?

Mr. LAIRD. No, I cannot deny that.

Mr. GROSS. How much is being spent for this kind of boondoggling in the name of national defense?

Mr. FOGARTY. There was a table put in the RECORD. We asked the committee for it, and the head of that organization, for whom I have a great deal of admiration as an administrator in the Department of Education, furnished these tables and he has the figures which show total payments under title V. As the gentleman from Wisconsin [Mr. LAIRD] has said, this table 4 is a little misleading because it was not tied to just science, mathematics and foreign languages, but it was also applied to higher education in order to obtain teachers. They claimed at the time the bill was passed they faced a shortage of 40,000 teachers in the next 10 years. These subjects are taught in various schools and colleges throughout the country. The advisory board that has been set up consists of people who are, I understand, very learned on the problems of education and they approved these fellowship grants for the particular departments the gentleman has mentioned.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. LAIRD. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. GROSS. Mr. Chairman, does not the gentleman from Rhode Island think we ought to quit kidding the public in thinking that this is a national defense act when we permit them to give out these fellowships for the study of such things as "ecology and economics of flowing water?"

I had to go to the dictionary to find out what "ecology" means. I assume the rest of the Members of the House know.

Anyway let me give you the definition of "ecology":

"The branch of biology which deals with the mutual relations between organisms and their environment."

Why "ecology" is related to flowing water rather than stagnant water I do not know. Does not the gentleman think we ought to quit kidding ourselves and the public by calling this a national defense education act?

Mr. FOGARTY. I cannot argue with the gentleman on that. I think it was an aid to education bill, it is something that was needed, but I cannot argue with the gentleman on that.

Mr. GROSS. I imagine if we dug deep enough we would find fellowships in culture, dancing, jazz, and various and sundry other subjects?

Mr. FOGARTY. No; not under the leadership of such a man as we have at the head of this department. I think he is one of the best educated in our country, and he has bent backward to see to it that the act is administered in the right way.

Mr. GROSS. Well, he has approved fellowships for studies of the theater and music in this so-called Defense Education Act.

Mr. FOGARTY. Why not ask the gentleman from Alabama, who is chairman of the subcommittee on the legislation, that question? He knows much more about it than I do.

Mr. GROSS. I would be glad to have the gentleman from Alabama shed some light on this subject.

Mr. ELLIOTT. I call the gentleman's attention to the fact that this bill was in major proportions to begin with and is now a national defense education act. We found in our several years' study of this problem, for instance, that there was a very great shortage of laboratory equipment for the teaching of laboratory sciences in the high schools of America. We have appropriated to date many millions of dollars to try to remedy that deficiency. We found that about one-fourth of the best brains of America were not attending colleges because of the fact in most instances they were financially unable to do so. We provided a system of loans by which we gave them the opportunity.

Mr. GROSS. I am well aware of that because you have a good many millions in here for that purpose.

Mr. ELLIOTT. Yes; and we have 101,000 boys and girls going to college with the benefit of those loans.

Mr. GROSS. That is fine but tell us about the contribution to defense.

Mr. ELLIOTT. And the loans will be paid back.

Mr. GROSS. What did you mean when you labeled this as the "National Defense Education Act"?

Mr. ELLIOTT. We meant that in the national defense of this country, if we achieve everything that we must achieve, we must provide opportunities for the development of the young minds of America as rapidly as we can possibly do it. They are really our first line of defense in this age. We said in the act itself, "the defense of this Nation depends upon the mastery of modern techniques developed from complex scientific principles. It depends as well upon the discovery and development of new principles, new techniques, and new knowledge." In other words we were talking and thinking about the mental resources, and their development for defense. Of course, the gentleman recognizes that there must be some balance in the weight given the various subject matter fields. We put more restrictions into the National Defense Education Act than many people felt that we should. The gentleman evidently thinks we did not put enough. I call his attention to the fact that an engineer or scientist must study English, history, languages, and he is allowed to elect a certain number of subjects and I think young college students have always elected courses they considered easy. Now, let me say this to the gentleman. We found that in the field of the highest trained teachers, those with Ph. D. degrees, that instead of making progress in America, we were training fewer Ph. D.'s each year to fill the teaching spots in the colleges than we did the year before and that there was a very, very great backlog of need. Now, we provided for 1,500 fellowships; 1,000 the first year, this year 1,500. We tried to stimulate the colleges to expand their graduate schools, and I will say to the gentleman that we have, primarily as a result of the act, stimulated many colleges to expand their doctoral programs. We did not try to say to these particular people what fields they would have to teach in to qualify for the fellowship; or to put it another way, what fields they would have to study in, because the need in all fields was so great that we just left that open to the choice of the fellowship holder. And, I will say to the gentleman, in connection with the example that he has given, had I been administering the act, I doubt very seriously if I would have granted the fellowships that he complains of.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. LAIRD. Mr. Chairman, I yield 5 additional minutes to the gentleman from Iowa. I think he is serving a useful purpose in developing this point, particularly how the National Defense Education Act applies to folklore. And, he might also pursue the point on the fellowship programs on jazz.

Mr. GROSS. Yes. I wanted to ask the gentleman how he could warp this national defense title out of shape to include folklore, among several other subjects.

Mr. ELLIOTT. Well, may I say to the gentleman that I asked—and I am sure that this information may have been available to him—I asked the Commissioner of Education to give some information about that. And, here is what he said:

As to the approved program in folklore at Indiana University, this program was established in 1953 and is the first of its kind in the United States.

Mr. GROSS. Wait just a moment. When the gentleman speaks of Indiana, I recall the allegation just a few moments ago that Indiana was being shortchanged. Now I find that they are in the money again; is that correct?

Mr. ELLIOTT. I will say to the gentleman, my longtime friend, who came to the Congress at the same time I did, that I am not concerned with that feature. I am just trying to give the gentleman information.

Mr. GROSS. Go ahead, but please do not take quite all of my time.

Mr. ELLIOTT. Does the gentleman have any time?

Mr. GROSS. I yield to the gentleman. Go ahead.

Mr. ELLIOTT (continuing).

Among the faculty are a number of internationally distinguished folklore scholars. The doctoral program is designed so that the student is trained to teach in an English department or a department of anthropology. Courses include American Folklore, Russian Folklore, Ballads and Folk Poetry, Primitive Religion, African Folklore, The Theory of Myth in Modern Ethnology, and Folklore, Contemporary Problems and Issues in Ethnological Theory, Folk Culture of the Baltic Peoples, and Folklore of the Southern and Western Slavs.

It should be pointed out that the teaching and study of folklore at European universities have strong support. The vast folklore archives, the folklore institutes and

museums, the successful folklore congresses, and the highly coveted university chairs and professorships of folklore in European countries have placed Europe well ahead of the United States in this field. The academic study of folklore is particularly advanced in the Soviet Union, Germany, and the Scandinavian and Slavic countries. For us to match their efforts requires that we do far more than we are now doing in this field.

Mr. GROSS. Do I understand from what the gentleman has just said that we are shipping students overseas to foreign countries to study folklore?

Mr. ELLIOTT. No, sir; not under the National Defense Education Act.

Mr. GROSS. Because they have some excellent courses over there? Or is this peculiar to the University of Indiana?

Mr. ELLIOTT. Let me say to the gentleman as I have already said that the University of Indiana is the only university in the country, according to this information, that has been granted any fellowships in this field. I believe there were two or three of them out of a total of 1,500 fellowships. I do not have the figures; does the gentleman have that information?

Mr. GROSS. No, I am looking for information.

Mr. ELLIOTT. Does the committee have the exact number of fellowships out of the 1,500 that are in folklore?

Mr. FOGARTY. We have one program and five fellowships.

Mr. ELLIOTT. There is one program in the United States, and five fellowship holders under the NDEA. Let me say to my friend that this fellowship program is designed to train college and university teachers to help make up the woeful shortage existing today. Many of the world famous scientists who appeared before our committee urged that no restriction as to subject matter fields be written into the act, on the theory that the sciences would automatically draw a large percentage of the fellowship holders. That is exactly what has happened. Of the 2,500 fellowships granted to date, 982 of them have been in the sciences and engineering. Others have been in the social sciences, education, and the humanities. I think that makes a pretty well-rounded program.

Mr. GROSS. Does the gentleman mean to say there will be only one defense educated professor who will be capable of teaching folklore? What is the gentleman going to do about all the rest of the Nation and those who need defense education in folklore?

Mr. ELLIOTT. The gentleman, of course, is being facetious about that.

Mr. GROSS. I would not want to short-change the rest of the people of this country. Let me ask the gentleman about jazz? Was the gentleman aware that they were going to teach jazz when he sponsored this National Defense Education Bill?

Mr. ELLIOTT. No. I was aware that a Board of Advisers, acting with the Commissioner of Education, was going to select out of the people who applied for these fellowships a range of fellowships scattered over the whole field of learning. That is all I was aware of at the time. I said earlier I might not have granted all the fellowships that the Commissioner of Education and his advisors granted.

Mr. GROSS. The gentleman does not think that this has very much to do with national defense, does he?

Mr. ELLIOTT. I think that a large number of highly educated scholars has a great deal to do with defense. I think they will have more to do with it in the future.

Mr. GROSS. Mr. Chairman, before my time again expires, I call the attention of the gentleman from Rhode Island [Mr. FOGARTY], to the language contained in this national defense educational activity as set out on page 17:

> But allotments pursuant to section 302 or 305 of such act for the current fiscal year shall be made on the basis of the maximum amounts authorized to be appropriated under section 301 of such act.

Does not the gentleman agree with me that this is an open invitation to deficit spending?

Mr. FOGARTY. No. This has appeared in other acts over a period of years in order to make it possible for States that have put up their part of the money to take advantage of the allotments that have not been taken up by other States.

Mr. GROSS. But does not the gentleman think this is an invitation to deficit spending?

Mr. FOGARTY. No; I do not look at it that way. I do not agree with the gentleman. We have been doing this in other programs where States have going and good programs, where the State legislatures have appropriated funds to match funds, while other States have not put up such funds. We allow these States to take up the funds of those States that have not put up money to match; for instance, in vocational rehabilitation and other programs.

Mr. GROSS. Does not the gentleman think that this bill ought to have been cut to the extent that it would preclude the continuance of some of these activities that have been discussed here in the last few minutes.

Mr. FOGARTY. No; I bow to the men on this advisory board. We have a great need for additional teachers. I am not a teacher myself; I am not an expert in education. I do not want to be put in the position of saying what should be taught and what should not be taught in any school or college.

Mr. GROSS. I will say to the gentleman and to the other Members of the House that if we are going to engage in this sort of thing in the name of education, there is not very much hope of ever reducing the $292 billion of debt; and I think we had better begin to be concerned. If we are going to indulge in this kind of boondoggling we had better be honest and put a tax increase through the House of Representatives and this Congress, as the gentleman from Michigan suggested a little while ago. We had better have the courage to face up to this situation. We cannot go on indefinitely piling up the debt and never paying on it.

Mr. FOGARTY. I do not find fault with the gentleman. I believe that he believes in continuing appropriations for educational and medical research and the other things we have in this bill.

Mr. GROSS. I doubt if the taxpayers want to continue to pay through the nose for some of the things we have just been discussing.

Mr. LAIRD. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. HALEY].

Mr. HALEY. Mr. Chairman, I take this time to inquire of the chairman of the committee concerning Indian health facilities. I notice on page 26 of the bill, under "Construction of Indian Health Facilities" there is a total of $8,964,000. Is this money sufficient to complete the Indian hospital facilities at Shiprock, Eagle Butte, Gallup, and Sells?

Mr. FOGARTY. I would rather the gentleman from Minnesota [Mr. MARSHALL] would answer, because he has been out there.

Mr. MARSHALL. Actually for the hospitals the gentleman mentions those funds were made available for this fiscal year, not the coming fiscal year. With reference to Eagle Butte, that was opened this month. Shiprock will be completed soon. Sells will be open in December and Gallup in January. Those construction funds for the completion of these hospitals were appropriated in this fiscal year. I would say to the gentleman we are appropriating some money in this appropriation bill for the construction of a hospital at San Carlos, N. Mex., and the planning money for a hospital at Point Barrow, Alaska.

Mr. HALEY. I thank the distinguished gentleman for giving me these dates. I know he and the committee are aware of the fact that especially at Eagle Butte and Sells these facilities are very badly needed. Of course, they are in a rather isolated part of the country. I hope they will be completed as soon as possible because there is a dire need for these facilities.

Mr. EDMONDSON. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. EDMONDSON. Mr. Chairman, I appreciate very much the action of the subcommittee in recommending additional funds for Indian health.

The gentleman from Rhode Island, Mr. FOGARTY, has once again shown able leadership in support of a program to bring the health standards of the American Indian up to the levels of the general public. I support these needed increases.

The additional funds provided in the fields of medical research, mental health, and pollution control represent sound recognition of the urgent national problems in these fields, and are sure to meet with general public approval.

Increases granted for vocational education and rehabilitation, hospital construction and school construction are

also needed and thoroughly justified, and and I am glad to support these provisions of the bill.

On the other hand, I am pleased to see that the subcommittee has recommended reductions in the requests of the administration in a number of items, totaling more than $10 million, where justification for the requests was inadequate. I join the subcommittee in supporting these cuts in the appropriation requests, and urge passage of H.R. 11390.

Mr. RHODES of Pennsylvania. Mr. Chairman, I commend the gentleman from Rhode Island [Mr. FOGARTY] and the members of his subcommittee for their splendid job in handling this important appropriation bill.

A reading of the hearings demonstrates their diligence and the remarkable understanding which these gentlemen have in these complex and interrelated fields. This is particularly true in the public health field. The American people are fortunate indeed to have such able and devoted public servants as the gentleman from Rhode Island looking after the health needs of our Nation. It is with great pleasure that I rise in support of the amounts recommended in this bill by the committee.

I would like to comment briefly on the Public Law 85–544 grant program to assist schools of public health. Funds for this 2-year emergency program are not contained in this bill because the authorizing law is due to expire at the end of the present fiscal year, June 30, 1960.

Funds had previously been appropriated in fiscal 1959 and 1960 budgets to make possible the strengthening of public health training programs in the 11 schools of public health which train urgently needed personnel for Federal, State, and local public health positions. These schools are located at the following universities: Yale, Harvard, Columbia, Pittsburgh, North Carolina, Tulane, Minnesota, Michigan, California, Johns Hopkins, and the University of Puerto Rico.

During the subcommittee hearings, the chairman questioned Dr. James Shafer of the Public Health Service as to the effectiveness of the Public Law 85–544 program:

> Mr. FOGARTY. Have these grants been a good thing?
>
> Dr. SHAFER. We feel they have been used for very good purposes by the schools of public health. We have discussed the situation with schools in recent months and find that over 70 percent of the additional funds made available through the act have gone for new faculty. A small amount has gone for equipment and renovation of space.
>
> Another substantial part of the funds has gone to starting new teaching programs in some of the new fields in public health, so we feel the funds have been most effectively used.

Last June, hearings were held by the Health and Safety Subcommittee of the House Interstate and Foreign Commerce Committee on H.R. 6871 and companion bills to extend and broaden the public health training program along lines recommended by the report of the Surgeon General's National Conference on Public Health Training, as presented to Congress in January 1959. Unfortunately, there was not time to act on this bill in the first session because the expiration date of the related traineeship programs required that our committee report legislation extending those programs before considering overall public health training needs.

Mr. Chairman, it is vital that this needed public health training assistance be extended beyond its June 30 expiration date. The growing shortages of trained public health specialists are a threat to the health and safety of the American people. There were more than 2,500 budgeted, but unfilled vacancies in State and local public health agencies 2 years ago. It is even higher now.

There are new demands for skilled personnel throughout the country to deal with such problems as air pollution, water pollution, radiation hazards, mental and emotional illness, food additives, health needs of the aged, accident hazards in transportation, heart disease, and cancer.

Advanced training for these and other specialties is provided only in the 11 schools of public health, 5 of which are State-supported and 6 privately endowed. Each of the schools is and has been operating at a deficit for the past several years in providing such training facilities. The schools are, in effect, subsidizing the training of public health specialists for the Federal Government, for all 50 States, and many foreign countries as well. During the last year, these deficits amounted to nearly $4 million. Two-thirds of the students of these schools are sent by the Federal Government; almost all the graduates enter the public service at some level of government.

The gentleman from Rhode Island [Mr. FOGARTY] has been a stanch supporter of the Public Law 85–544 program since its inception. The original authorizing legislation was cosponsored in the Senate by the distinguished senior Senator from Alabama [Mr. HILL]. The able chairman of the Health and Safety Subcommittee, the gentleman from Alabama [Mr. ROBERTS] is also a cosponsor of H.R. 6871.

I trust that a way may be found to continue this effective and vitally needed public health training program this session and that funds may be included later in the year in a supplemental appropriation bill.

Mr. METCALF. Mr. Chairman, I, too, wish to congratulate the members of this committee for an excellent job in the public interest; for rejecting administration proposals to cripple, then end, programs to clean up our streams and lakes, help States and local communities build needed hospitals, and meet the Federal responsibility for schools in areas of Federal impact, such as a military base, other Federal installation, or an Indian reservation.

You also have earned the gratitude of millions of Americans with the increases you voted for vocational education, extension of rural library services, environmental and Indian health, tuberculosis control and the attacks by the National Institutes of Health on cripplers and killers such as arthritis, blindness, heart disease and cancer.

The only misgivings I have about the bill under consideration have to do with the appropriation for the Federal Mediation and Conciliation Service, which received a reduction of $187,600 from the budget request.

I became impressed with the ability and efficiency of the men of this Service during the recent strike, which shut down the copper mines in Montana for nearly 6 months.

After negotiations broke down completely, officials of both labor and management asked members of the Montana congressional delegation to do what we could to get bargaining resumed. In turn, Senator MURRAY, Senator MANSFIELD, and I asked the Mediation Service Director, Mr. Joseph F. Finnegan, to intervene. Soon after he did so, the strike was settled on terms satisfactory to both parties to the dispute.

When we were receiving conflicting information about offers and demands, we asked the Service's Great Falls, Mont., mediator, Bob McClellan, to give us a report. His objective report was of material assistance in the settlement, as also was the team of negotiators, including Deputy Director Robert H. Moore; Arthur C. Viat, the Service's San Francisco regional director; George Hillenbrand, San Francisco mediator, and Dan Edwards, Salt Lake City mediator, who helped bring about the settlement.

The appropriation request for the Service was for $4,093,000. The bulk of the $187,600 increase above the appropriation for fiscal 1960 was for 12 additional mediators, their training, transportation, and supporting clerical positions. This, the Service considers the minimum increase necessary to handle the workload increase.

The caseload now often requires the 200 mediators to work well beyond the 40-hour week. At Butte, the mediators started Saturday morning, worked through the weekend, and wound up with an all-night session Wednesday night. Because of other pending cases, these men could not be given compensatory time off—and they are not paid for overtime.

There is every reason to expect the present workload to increase. Many important contracts are open this year, among them airframe and most of the telephone contracts. Contract reopenings are permitted in rubber, petroleum, and shipping. Both General Electric and Westinghouse contracts expire in October.

In addition, the Service will need to be active in thousands of other contracts where the issues are becoming more complex.

I know the committee has thoroughly gone into the needs of the Service; and I hope funds will be provided to permit continuation of the worthwhile work of this agency.

And now, Mr. Chairman, I call attention to another matter. At his press conference on February 10, President Eisenhower was asked about the school support bill passed by the other body. His reply included these words:

"I do not believe the Federal Government ought to be in the business of paying a local official."

During debate on the Interior Department Appropriation bill, I pointed out that the measure under consideration provided money to help pay the salaries of at least 95,653 local officials, including State-employed farm foresters and other employees in the cooperative fire control program and in the State fish and game departments of all 50 States.

Under this bill before us today, Federal money would help pay the salaries of at least 562,000 State and local officials, including some 316,666 public elementary and secondary schoolteachers.

At least 48,903 are paid under three programs in the Labor Department. They include 48,713 man-years in employment security and unemployment compensation programs in all 50 States; 165 persons in cooperative employment statistics work in 41 States, and 25 in the wage-hour and public contracts North Carolina State agreement. For the purpose of this total, I have used 48,713 man-years to mean that many full-time jobs, although I understand it means up to 60,000 employees, many of whom are called in on a part-time basis as the workload increases, and are released when the workload decreases.

The incomplete list of such positions I have from the Department of Health, Education, and Welfare includes:

Office of Education—77,475—including 75,000 teachers, teacher trainers, supervisory and clerical staff, under "Grants for vocational education," including the "Area vocational program," 1,653 under "Defense educational activities," among them administrators, counselors, supervisors, secretarial and clerical staff members at the State and local level; 822 professional consultants, clerks, and bookmobile drivers in the library services program.

Office of Vocational Rehabilitation. Average employment of State vocational rehabilitation agencies during fiscal 1959 was 4,225.

Social Security Administration. It is estimated that 55,000 people are engaged full or part time in administering one or more of the federally aided public assistance programs.

Health programs. Federally aided State and local health departments were hiring 59,742 doctors, nurses, dentists, dental hygienists, engineers, sanitarians, laboratory personnel and health educators on December 31, 1957, the most recent date on which I have a report.

During fiscal 1959, Federal payments went direct to 3,762 local districts for maintenance and operation—including teachers' salaries—of schools in areas of Federal impact, such as a military or other Federal installation or an Indian reservation. Total enrollment of these districts was 9.5 million, or about one-fourth of all children attending public elementary and secondary schools in this Nation.

If those children were in classrooms averaging 30 pupils to a teacher, then Federal funds helped pay the salaries of 316,666 teachers.

As I have said before, I favor the use of Federal tax funds for paying these local officials, including schoolteachers. Before action on this bill in the other body, I hope someone will ask the President to make his position clear. Does he want these local officials, including hundreds of thousands of teachers, to continue to be paid in part with Federal funds, or does he want Federal support withdrawn from these programs?

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

REVISION OF THE CONSUMER PRICE INDEX

For expenses necessary to enable the Bureau of Labor Statistics to revise the Consumer Price Index, including temporary employees at rates to be fixed by the Secretary of Labor without regard to the civil service laws and Classification Act of 1949, as amended, $1,250,000, to remain available until June 30, 1964.

Mr. GROSS. Mr. Chairman, I make a point of order against the following language on page 11, line 15, "including temporary employees at rates to be fixed by the Secretary of Labor without regard to the civil service laws and Classification Act of 1949."

Mr. FOGARTY. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair recognizes the gentleman from Rhode Island.

Mr. FOGARTY. Mr. Chairman, I have to admit that this is legislation, but if the gentleman from Iowa insists upon the point of order, we are going to increase the cost of revising the Consumer Price Index. It is the desire of both labor and management that we keep this index current. We were informed that when temporary employees are hired for a few weeks at a time, it is inefficient and, at times, almost impossible to go through the civil service procedures to employ that kind of help. By striking out this language, it will increase the cost of this program.

The CHAIRMAN. The Chair would inquire of the gentleman from Iowa as to whether the point of order is directed to include the language appearing on page 11, lines 17 and 18, "and Classification Act of 1949, as amended."

Mr. GROSS. Mr. Chairman, the point of order applies to the language which reads as follows: "including temporary employees at rates to be fixed by the Secretary of Labor without regard to the civil service laws and Classification Act of 1949, as amended."

Mr. LAIRD. Mr. Chairman, may I be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Wisconsin [Mr. LAIRD].

Mr. LAIRD. Mr. Chairman, I hope the gentleman from Iowa will withdraw his point of order. I believe it is true that the point of order does lie against this particular section, but the provisions that are written in this section—lines 15, 16 and 17 merely apply to temporary employees. The particular language between the commas on line 15 down to the comma on line 18, if stricken from the bill would make the cost of this revision much higher. Mr. Chairman, it is necessary to hire these people on a temporary basis and the exemption applies merely to these temporary employees.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. LAIRD. I yield.

Mr. GROSS. Does the gentleman state unequivocally that this applies only to temporary employees? Does he state that this exclusion applies only to temporary employees?

Mr. LAIRD. That is correct. It is the intent of our committee that it apply only to temporary employees, and it will be so administered, I can assure the gentleman.

Mr. GROSS. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

FOOD AND DRUG ADMINISTRATION

Salaries and expenses

For necessary expenses not otherwise provided for, of the Food and Drug Administration, including not to exceed $80,000 for construction of a laboratory barn at the Agricultural Research Center, Beltsville, Maryland; reporting and illustrating the results of investigations; purchase of chemicals, apparatus, and scientific equipment; payment in advance for special tests and analyses by contract; and payment of fees, travel, and per diem in connection with studies of new developments pertinent to food and drug enforcement operations; $16,852,000.

Mrs. SULLIVAN. Mr. Chairman, I offer an amendment, which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mrs. SULLIVAN: Page 13, line 4, strike out "$16,852,000" and insert in lieu thereof "$20,443,000, of which not to exceed $1,982,000 shall be used for radiological monitoring and research, including purchase of equipment therefor, $2,550,000 shall be used for renovation and modernization of Food and Drug Administration district offices, and $1,500,000 shall be used for surveillance and enforcement activities with respect to permissible use of agricultural poisons and pesticides."

The CHAIRMAN. The gentlewoman from Missouri [Mrs. SULLIVAN] is recognized in support of her amendment.

Mrs. SULLIVAN. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

Mrs. SULLIVAN. Mr. Chairman, I have explained at some length during general debate the purpose and the scope of my amendment. It sounds much more extensive than it really is. The Members should note that the figures included in the amendment for outlays for certain activities are total amounts for those purposes, including, not only the increases I am proposing but also the amounts already in the bill for those purposes. The total of increases for the three programs comes to $3,591,000.

I am proposing an increase of $982,000 for radiological surveys. The bill already contains provision for $1 million for this purpose. The $1 million figure would permit hiring scientists for only 10 district offices instead of 18, and would not include necessary scientific equipment. Under my amendment, all 18 district offices would have staff scientists working on radiation contamination of food, and all 18 would be able to obtain the essential scientific equipment they need. That is No. 1 of the three proposals.

The second deals with renovation of district offices. The bill contains $900,000 for this purpose; I am adding, or seeking to add another $1,650,000 so as to include once again all 18 district offices in the modernization program. Otherwise the Denver, New Orleans, Philadelphia, Seattle, St. Louis, Baltimore, Chicago, and San Francisco offices would be left out of this modernization program for several more years, until 1964. The need for this modernization in equipment and facilities is now urgent in all district offices except the three new ones and three others at which modernization is halfway completed. But 12 old offices are a disgrace, and only 4 of them would be included in the modernization program in this coming year unless my amendment is accepted. It takes 2 years to set up these offices once the work begins. I am asking for enough money to start on the last eight offices.

Third, my amendment provides for an increase of $959,000 in funds available for test sampling of raw agricultural shipments for illegal residue of poisons. The bill contains only $541,000 for this purpose. Under the budget, FDA can make only about 4,000 to 6,000 tests a year. The testimony was they should test at least 1 percent of all shipments or 25,000 out of 2½ million shipments a year. To do that would take the $959,000 more a year that I am proposing. This is not a proposal to stop the use of pesticides—but to make sure they are not used improperly on food.

I emphasize, Mr. Chairman, that adding up the figures listed in my amendment would give a misleading impression. The totals seem to add up to more than $6 million because they include not only the increases I am proposing but the amounts already in the bill. The actual total of increase is $3,591,000 and it is urgently needed for the very specific purposes outlined in my amendment. We would be providing this money for definite requirements, not for a vague general account. I have fought for a more effective Food and Drug Administration for 8 years and with these added funds I feel we would be getting results. I urge its adoption.

SUBCOMMITTEE ESTABLISHED NEEDS IN TESTIMONY

The details on my amendment are clearly outlined in the committee's hearings. I have taken the areas which the subcommittee itself spotlighted as being of urgent importance and which the questioning of the subcommittee established as being inadequately covered in the budget.

On the question of radioactive contamination of food, this is work only the Food and Drug Administration does, under Presidential assignment within the Government, as well as under its basic law. Atomic Energy does not do this particular job; neither does the Public Health Service. FDA is supposed to find any contaminated radioactive food and to make the necessary tests to determine what is happening to food as a result of fallout and any other factor causing radioactive contamination of food supplies.

STRONTIUM 90 IN MILK IN ST. LOUIS

We have a great deal of concern in St. Louis, particularly about this problem. Milk supplies there have the highest strontium 90 content of any city in the country. This is indeed worrisome. The Public Health Service and our local health authorities are cooperating in a milkshed study to find out what environmental or other factors are causing the high strontium level in milk. But that is different from the work done under the Food and Drug Administration in checking food supplies across the country for evidence of radioactivity of any type. Of course, radiation is a cumulative thing, as we all know.

EIGHT DISTRICT OFFICES AND ALL EQUIPMENT OMITTED

There was a ridiculous mixup in the appropriation for scientific equipment for this radiological survey. The Budget Bureau put it into a supplemental request; the Supplemental Appropriations Subcommittee said, "No; it belonged in the regular estimate for 1961," but the Budget Bureau did not get around to clearing a request to the Fogarty subcommittee for the equipment in connection with this bill now before us. So none of the scientific equipment will be available to be put to use unless my amendment is agreed to. The Budget Bureau proposed only $332,000 for equipment, that is, for only 10 districts. All 18 need it. It runs to about $30,000 per district office. If my amendment is adopted, the eight district offices now left out of this study entirely would be included. They are Philadelphia, Seattle, Minneapolis, Boston, Kansas City, Cincinnati, Buffalo, and Los Angeles. Is there any reason why people served by those offices should eat radioactive foodstuffs merely because the Budget Bureau wants to include only 10 FDA district offices in the program? It does not make sense.

MODERNIZATION OF DISTRICT OFFICES

In renovating district offices, it is a 2-year program in each case. So unless my amendment is adopted, it will be years before the older offices are brought up to 20th century requirements. As I said, I want to include all of them, including Denver, New Orleans, Philadelphia, Seattle, St. Louis, Baltimore, Chicago, and San Francisco in the modernization program in the coming year so that they will not have to wait until 1964 as projected by the Budget Bureau's suggestions in this respect.

PESTICIDES RESIDUES

As to the pesticides residues, believe me, a stepped-up sampling and testing program would be the best thing that could happen to the agricultural chemicals industry. Right now they are on the defensive and making it sound as if a lot of so-called food faddists are forcing the Government to forbid use of all chemicals in agriculture. I am no food faddist or zealot but I do believe in keeping poisons out of the food we eat, if it is at all possible. If tolerances are set up, they should be adhered to and respected, or the shipment should be seized and destroyed. There can be no argument over that—the law is clear as to use of these chemicals and must be obeyed. Unless we give the FDA the funds to make a representative study of pesticide residue by testing a 1-percent sample of shipments a year, we encourage carelessness in the use of pesticides and the first thing the farmer knows is that the whole country is refusing to buy a particular vegetable or food because of the carelessness of a small group and the fact that the Government couldn't catch the bad shipments until they were already spread across the grocery stores of the Nation.

So if the Members want to restore calm on the pesticides residue front, and end these alarms, let the agency sample enough shipments to catch the bad ones in time.

All in all, my amendment is neither extreme nor extravagant but merely carries on and amplifies and makes stronger programs already under way but handicapped by insufficient money.

Mr. CHELF. Mr. Chairman, will the gentlewoman yield?

Mrs. SULLIVAN. I yield to the gentleman from Kentucky.

Mr. CHELF. Mr. Chairman, I want to commend the gentlewoman on her very fine presentation and on the contents of her proffered amendment. I think it is not only a reasonable one, but a fair and needed one. I agree with the gentlewoman that the people of America are certainly entitled to this protection. I think they are not only entitled to it but I think they ought to have it. If we had had your amendment last year the innocent public would not have suffered—they would not have been scared half to death. In addition the farmers who produced the product of cranberries would not have suffered severe financial loss. I am for opening up and staffing all 18 offices throughout the 50 States. The American public is entitled to this protection and assurance.

Mrs. SULLIVAN. I thank the gentleman from Kentucky and yield back the balance of my time.

Mr. DINGELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. FOGARTY. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Rhode Island.

Mr. FOGARTY. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. DINGELL. Mr. Chairman, I rise to discuss another part of this particular bill not having to do with the amendment before us. I was hoping that the distinguished chairman of the subcommittee would insert in the CONGRESSIONAL RECORD the amount contained in this bill for research on water pollution, for enforcement of water pollution laws, and for the collection of basic data on water

pollution, and the amount for construction grants.

Mr. FOGARTY. Those figures are not set forth in the budget, but I will be glad to get them and place them in the RECORD.

Mr. DINGELL. I would like to read several other things into the RECORD.

Mr. Chairman, recently the Department of Health, Education, and Welfare turned out a release on a meeting between Secretary Flemming, officials of the Public Health Service and the Water Pollution Control Advisory Board, in which there were a number of recommendations made. I want to again bring this to the attention of the subcommittee chairman. One of the recommendations was that:

In view of increased public and congressional awareness and interest in the Federal water pollution control program, and their consequent interest in appropriations for such program, the Board believes that the budget should contain a separate and distinct item for water pollution control activities so as to be readily identifiable at all stages of the budget and appropriation process.

I notice that along these lines the report of the committee on this particular piece of legislation appearing on page 14 includes some language reading as follows:

In last year's report, the committee suggested that serious consideration be given to consolidating and setting forth the activities in water pollution control, air pollution control, and other environmental health activities in a more clearcut manner.

The committee went on to say:

The committee gave serious consideration to setting these forth individually in the accompanying bill.

It continued a little further along:

In view of these uncertainties, the committee has deferred this matter, but will expect the 1962 budget to have like environmental health activities consolidated in the Bureau of State Services and the component parts set forth as separate appropriation items.

My question to the chairman of the subcommittee is this: In view of the remarks included on page 14 of the report, is it the intention of the subcommittee to insist that these items in the budget be set forth as separate items and not be lost in the shuffle as they have been in the past?

Mr. FOGARTY. I would not want to be in the position today to say that the committee will insist next year, because there was some problem still to be ironed out in the Public Health Service itself. That is one of the reasons we did not do anything about it this year. I might say most outside witnesses who appeared before our committee did advocate what the gentleman is advocating now and personally, I think it is a good idea, but I do not know what the committee will do.

Mr. DINGELL. I appreciate the gentleman's remarks. I would like to point out last year's report, page 10, to the following:

The committee also recommends that in the preparation of the budget for 1961 serious consideration be given to setting forth separately in the budget all water pollution control activities, and all air pollution control activities. This will give everyone concerned a much clearer picture of what is being spent on these activities than is shown when they are partially amalgamated under the general title "Sanitary Engineering Activities," and partially set out separately.

My question is, How long are we going to recommend this thing before we buckle down and get some action on it? Apparently the reports of your committee mean nothing to the Surgeon General and the Bureau of the Budget.

Mr. FOGARTY. We are making real good progress. We put that in the report last year. It was the unanimous feeling of the committee that something should be worked out. A report was issued by the committee on environmental problems. That report has been issued, but more problems have come up than we expected, and it was impossible to get that ironed out this year. We hope by next year that will be ironed out.

Mr. DINGELL. I commend the gentleman and I may say I am one of his most enthusiastic champions in the House of Representatives.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. FOGARTY. Mr. Chairman, I rise in opposition to the pending amendment, and I yield to the gentleman from Michigan.

Mr. DINGELL. I thank the gentleman. I just wanted to say that I recognize the difficulty and the problem. My criticism is not directed to the methods of the committee or the subcommittee, but I think it is high time that we insist that this legislation include a specific, an enunciated amount for these particular items, specifically for water pollution, because it has come to my attention that the very heavy cost of enforcement on this is probably as high or higher than any other item in the Federal budget today and that something on the order of 30 percent of the amount for enforcement is being drained off into other channels, in paying salaries in this and other departments of Health, Education, and Welfare, and that these same funds for water pollution control enforcement are being used for such noteworthy purposes as inspection of toilets on trains moving in interstate commerce and inspection of crabmeat and mussels. That is the reason I bring this to the attention of the House and to urge on the committee that these matters be set forth as separate items and be included in the recommendation of the committee in two separate reports.

Mr. FOGARTY. I thank the gentleman.

Mr. Chairman, I am very reluctant to rise in opposition to the amendment offered by my dear friend, the gentlewoman from Missouri [Mrs. SULLIVAN]. I do so because we have a unanimous report from our committee. And, as I tried to explain to the committee, there are some items that I thought should be raised that are not raised and some that my friends on the other side thought were too high. As a result we came out with this compromise bill, and I agreed, as chairman of the committee, to support the bill as is. As a result, I am rising in opposition to the amendment offered by my dear friend for these two reasons. I commend Mrs. Hobby, when she as the first Secretary of the Department of Health, Education, and Welfare, established a voluntary committee of experts in this field to determine what was needed in the area of personnel and facilities for the Food and Drug Administration to do a good job. We, as a committee, have been trying to keep up with the recommendations made by that committee. Last year the committee raised this appropriation by $2 million, because it was $2 million short of keeping pace with the recommendations of this committee. However, this year we have a $3 million increase in the budget to keep pace with those recommendations.

We say in the report, because of legislation passed by the Congress, because of additional responsibility placed on the Food and Drug Administration by the Congress, and the increase in population and expansion in the drug field and other new factors, that perhaps this committee should be reconstituted and another survey made. There is one item, however, in the gentlewoman's amendment amounting to $300,000 for equipment. I think perhaps that is needed, but our committee did not have the evidence before it; we did not have the justification, because this item was justified in a supplemental bill. It was not allowed in the supplemental bill that was passed by the House a few weeks ago. Because we did not have an opportunity to listen to the justifications, we did nothing about it, and I would prefer that we allow that to go to the Senate. I assume they will justify this at this time when they appear before the Senate committee. As far as the district laboratories are concerned, I agree with the gentlewoman there. We are trying to do everything we can to bring them up to date, to get up-to-date equipment. We are making headway, perhaps not as fast as some of us would like it, but we are progressing in that direction. And, this year's budget recommending a $3 million increase shows we are going in the right direction, and trying to do a good job. We sympathize with all that the gentlewoman has stated. I have been trying to get more money for the Food and Drug Administration for each of the last several years.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. I would like to ask the gentleman from Rhode Island this question. In the hearings, Mr. Larrick appeared before you, as I recall. On pages 228 and 230 you asked Mr. Larrick this question:

Mr. FOGARTY. How much do you think you need to do a good job?

Mr. LARRICK. About a million and a half dollars.

That does not include the $332,000 that was asked for in the supplemental for 1960 for equipment. The amendment that I have covers this $1 million already in the bill plus this $332,000 for the offices plus the additional, so that all the district offices could buy this equipment. I wanted to ask this question. The bill as it stands now does supply money to hire scientists in these districts, does it not?

Mr. FOGARTY. Yes.

Mrs. SULLIVAN. But, with the scientists hired, they will not have the equipment to make the study, unless the other body puts the money in.

Mr. FOGARTY. I thought it was necessary that the $300,000 be appropriated in the supplemental bill because they said that if they could receive it at that time they would save 90 days. If it goes into this bill now it will not be available until July 1 and there will be a 3-months delay, so they would not be able to put those scientists to work for 3 months.

The CHAIRMAN. The time of the gentleman from Rhode Island [Mr. FOGARTY] has expired.

The Chair recognizes the gentleman from Wisconsin [Mr. LAIRD].

Mr. LAIRD. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from Missouri [Mrs. SULLIVAN]. I know of her long interest in the work of the Food and Drug Administration, but I think if the Members will look for a few minutes at the record of increases for the Food and Drug Administration, during the 6 years that I have served on this committee, they will see that the amounts have gone from $6,779,000 in 1957, to $9,635,000 in 1958; $10,917,000 in 1959; $13,800,000 in 1960. And now we bring to you today a bill appropriating $16,852,000 for the activities of the Food and Drug Administration.

The chairman of our subcommittee, the gentleman from Rhode Island, has pointed out that last year the committee did add $2 million to this particular appropriation item for 1960 to keep up with the Citizens' Committee recommendation. The figure in this bill provides funds for 1961 to keep up with the Citizens' Committee recommendations.

I have worked closely with the Food and Drug Administration. I have great respect for the Commissioner, Mr. Larrick, and for his deputy, Mr. Harvey. These men are doing a fine job in the protection of the consumer, in other words the American people. They can do an efficient job with the amount recommended in the bill. In answer to the question which I asked them directly, they testified that real progress could be made with this budget for the Food and Drug Administration for the fiscal year 1961.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. LAIRD. I yield to the gentlewoman.

Mrs. SULLIVAN. Since the report that was made in 1955, has not the Food and Drug Administration been given added work to do, especially since the food additive amendment?

Mr. LAIRD. There has been an increase in the workload, but I would like to point out to the gentlewoman from Missouri that since 1959 we have increased the personnel for the Food and Drug Administration from approximately 1,300 to 2,000 employees. To keep this agency effective it should have a proper rate of progress in its growth. By adding $3,600,000, as proposed in the gentlelady's amendment, on top of the increase already provided in the bill, I believe would be going beyond that proper rate of growth. I doubt that they could train people efficiently to carry on this work at the rate proposed by this amendment.

Mrs. SULLIVAN. If the gentleman will yield for a short statement, all these years we have been very meager in the amount we have increased this department, saying that we have given them more money than they can absorb. If they know they have this money they can hire the needed scientists and get the needed equipment, and get their offices modernized as they should be to do the load of work that we put on their shoulders.

Mr. LAIRD. I believe the $3 million we have provided as an increase in this bill will carry out the type of program to which the gentlewoman refers.

Mr. FOGARTY. Mr. Chairman, will the gentleman yield?

Mr. LAIRD. I yield to the gentleman from Rhode Island.

Mr. FOGARTY. The budget this year allows for 136 positions for the food additives work and 116 for the radiological activities in the Food and Drug Administration in addition to keeping up with the minimum rate for basic activities as recommended by the Citizens' Committee. This is set forth on page 240 of our hearings.

Mr. LAIRD. That is correct, the bill will provide for meeting the requirements of the Citizens' Committee recommendations, taking into consideration these added responsibilities.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Missouri [Mrs. SULLIVAN].

The question was taken; and on a division (demanded by Mrs. SULLIVAN) there were—ayes 41, noes 83.

So the amendment was rejected.

Mrs. SULLIVAN. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

Amendment offered by Mrs. SULLIVAN: Page 13, line 4, strike out "$16,852,000" and insert "$17,184,000, of which not to exceed $332,000 shall be used for acquisition of equipment for radiological monitoring and research."

Mr. FOGARTY. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes, the last 5 minutes to be reserved to the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

PURCHASE OF NECESSARY EQUIPMENT

Mrs. SULLIVAN. Mr. Chairman, I will not take up the full 5 minutes for discussion of this amendment, since I covered it previously as part of my remarks on the amendment by which I attempted to add more than $3 million to the appropriations for the Food and Drug Administration. This amendment adds only $332,000, or the amount needed to purchase radiological monitoring equipment for the Washington office and for 10 of the 18 district offices of the Food and Drug Administration. Each of these 10 offices is to have a staff of scientists assigned to work on radioactive food.

As I said before, there was a ridiculous budgeting mixup over this $332,000. The Budget Bureau included the amount in a supplemental request for 1960; the Appropriations Subcommittee handling the second supplemental bill said no, it belonged instead in the regular estimates for 1961. But the Budget Bureau did not clear this request as part of the 1961 budget estimates, and so it was not presented to the Fogarty subcommittee when the bill now before us was being prepared.

BUDGET BUREAU MIXUP

Hence we have the situation shaping up of 90 scientists being hired to do radiological work in the coming fiscal year in Washington and in 10 district offices of FDA, but they will not have the necessary equipment to carry on their duties, unless this amendment is agreed to.

There is no question about the need. The whole thing is a case of fiscal confusion, nothing else. The money will have to be spent in the coming year because otherwise the staff assigned to do this work will not be able to do their jobs. The equipment in question is highly specialized and will take perhaps 6 months or more to purchase, being described as "long leadtime" equipment. I urge adoption of this amendment.

Mr. FOGARTY. Mr. Chairman, I again have to rise in opposition to the amendment offered by my friend, the gentlewoman from Missouri [Mrs. SULLIVAN]. The same argument applies to this amendment as applies to the other amendment. The House took action on this request only a few weeks ago. The other body took similar action, and the Food and Drug Administration is now before the committee of the other body on this particular bill. I would suggest, since we did not go into it thoroughly enough in our committee because it went to the Committee on Supplemental Appropriations, that we allow the other body to work its will and I am sure if it is put in by the Senate, it will receive favorable consideration from our side of the aisle.

Mr. LAIRD. Mr. Chairman, I concur with the views expressed by the chairman of our committee. Our committee will look very carefully into the matter, so that we may give it the proper consideration in conference if it is added by the other body. But we have had no hearings on this particular request before our subcommittee. I hope the amendment is defeated.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Missouri [Mrs. SULLIVAN].

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GRANTS FOR LIBRARY SERVICES

For grants to the States, under allotments for the current and prior fiscal year, pursuant to the Act of June 19, 1956, as amended (20 U.S.C. 351–358), $7,500,000, to remain available until expended: *Provided*, That the unobligated balances of appropritions granted under this heading for the fiscal year 1960 shall be merged with this appropriation.

Mr. GROSS. Mr. Chairman, I make a point of order against the language on page 16, beginning with the word "*Provided*" on line 12 and running through line 14 as follows:

Provided, That the unobligated balances of appropriations granted under this heading for the fiscal year 1960 shall be merged with this appropriation.

Mr. Chairman, I make the point of order that the said language is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Rhode Island [Mr. FOGARTY] desire to be heard on the point of order?

Mr. FOGARTY. Mr. Chairman, I will have to concede the point of order. But, this provision was to take care of some unobligated balances occurring in this program that could have helped other States that had matched or put up their money to match their part of the library services fund.

The CHAIRMAN. The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

DEFENSE EDUCATIONAL ACTIVITIES

For grants, loans, and payments under the National Defense Education Act of 1958 (72 Stat. 1580–1605), $171,000,000, of which $44,000,000 shall be for capital contributions to student loan funds and loans for non-Federal capital contributions to student loan funds, of which not to exceed $1,000,000 shall be for such loans for non-Federal capital contributions; $57,750,000 shall be for grants to States and loans to nonprofit private schools for science, mathematics, or modern foreign language equipment and minor remodeling of facilities and for grants to States for supervisory and other services, but allotments pursuant to section 302 or 305 of such Act for the current fiscal year shall be made on the basis of the maximum amounts authorized to be appropriated under section 301 of such Act; $9,000,000 shall be for grants to States for area vocational education programs; and $15,000,000 shall be for grants to States for testing, guidance, and counseling: *Provided further*, That no part of this appropriation shall be available for the purchase of science, mathematics, and modern language teaching equipment, or equipment suitable for use for teaching in such fields of education, which can be identified as originating in or having been exported from a Communist country, unless such equipment is unavailable from any other source.

Mr. MARSHALL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it has never been my pleasure to serve with a group of people on a committee that are more enjoyable to serve with than the members of the committee which reported this bill to you.

Furthermore, I want to say I do not have any quarrel with the people who have sincerely felt they were doing something for the educational system of this country when the National Defense Education Act was passed. I am prompted to make some remarks at this time, Mr. Chairman, because some of my questioning in the committee seemed to have generated quite a lot of conversation on this floor a few moments ago. I think we have reached a plateau in the National Defense Education Act, and I think we are now in the position where we should review some of the consequences of that act.

I am greatly disappointed in the act. I am greatly disappointed because it seems to me in the first place in connection with student loans we have done a terrible thing, in that we have separated citizens of this country and have permitted some to get some benefits and have left the rest out. We ought to do one of two things with the National Defense Education Act as far as student loans are concerned. We should not make loans available to anybody or else we should have them available to everybody. We ought to say to everybody, "Here is a check for your boy or girl to go to school." When we get away from that concept we permit the misuse of Federal funds. I think we are doing a great deal of damage to our educational system in this country that may take years to overcome. In many respects loans ought to be made only to students of financial need. At present, loans are not being made on that basis.

Further than that, Mr. Chairman, I have talked with university and college presidents, and they are greatly concerned about this program, because it puts them in the position of being a collection agency. They do not like features of this program. To my colleagues let me say when you go home you take an opportunity to visit with some of the college people and see what they think about it. Then next year perhaps we can take some action on these things.

Secondly, you will find as you go into your districts in connection with some of these college and school departments make use of the money simply because they are getting it from Uncle Sam. They do not feel it is of any material value or assistance to them or their problems.

Title IV is a small part of the National Defense Education Act, but I say to you that the Office of Education, which has paid no more attention to some of the things that have been done, approved those fellowships. They ought to have some of the other administrative features of their work gone into. It is my feeling that if you find out the neglect and careless operation on the part of one office of the program you will find it in other aspects.

I regret to say these things, because in connection with our educational program it is highly important that we give our children an opportunity for the best education available. It has been referred to that this is a milestone in education. To me this is a millstone of the worst possible kind. When you go home to your district make a study of this program and see what it means. More parents in this country should have the responsibility of the education of their children. I do not want we in Washington or anywhere else to dictate what the educational system of this country shall be. There are some damaging things along that line in this program. I say to you that those of you who believe that the Federal Government ought to do more in the field of education, let us review some of the programs that we have. Let us review some of the aids to Federal education, and we will find practically all of those programs have become involved in administrative redtape and bureaucracy. That small amount of the money goes to help the boy or girl who actually needs assistance to go through school. Federal aids to education based on past performances are uneconomical of expenditures and often waste of human resources. Parents with their interest in the education of their children are a bulwark of the strength of our progress and democracy. Let us never forget that.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. MARSHALL] has expired.

(By unanimous consent, at the request of Mr. GROSS, Mr. MARSHALL's time was extended 1 minute.)

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MARSHALL. I yield to the gentleman from Iowa.

Mr. GROSS. I want to commend the gentleman for the warning signals he has raised on the subject of the National Defense Education Act. I further want to commend him for his questioning in the committee which produced much of the information which has been discussed this afternoon.

Mr. GARY. Mr. Chairman, will the gentleman yield?

Mr. MARSHALL. I yield to the gentleman from Virginia.

Mr. GARY. I commend the gentleman for his remarks. I have the privilege of serving as a member of the board of trustees of the University of Richmond, and after careful study of this program our university refused to initiate a program in accordance with its provisions.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PELLY. Mr. Chairman, I rise in opposition to the pro forma amendment merely to say that I join with the previous speaker and agree with him. I think the Members of the House may well go home as he suggested and study this program. I commend the gentleman.

The Clerk read as follows:

Page 16, line 8, "Expansion of teaching and education of the mentally retarded."

Mr. GROSS. Mr. Chairman, should not the Clerk be reading on page 17? Fifty-seven million dollars, page 17, line 15?

The CHAIRMAN. The Clerk had read to line 8 on page 16.

Mr. GROSS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. GROSS. Mr. Chairman, I make a point of order against the language on page 17, line 19, which reads as follows:

But allotments pursuant to section 302 or 305 of such act for the current fiscal year shall be made on the basis of the maximum amounts authorized to be appropriated under section 301 of such act.

I make the point of order that this language constitutes legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Rhode Island care to be heard on the point of order?

Mr. FOGARTY. Mr. Chairman, I am in no other position than to concede that it is legislation on an appropriation bill; but it will change the basic effect of the act, throw it out of control. However, if the gentleman insists on his point of order, there is nothing else I can do.

Mr. GROSS. I insist on the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Iowa insists on his point of order.

The point of order is sustained.

Mr. GROSS. Mr. Chairman, I desire to reserve a point of order to the language on page 18, line 1, reading as follows:

Provided further, That no part of this appropriation shall be available for the purchase of science, mathematics, and modern language teaching equipment, or equipment suitable for use for teaching in such fields of education, which can be identified as originating in or having been exported from a Communist country, unless such equipment is unavailable from any other source.

I desire to reserve the point of order and ask for recognition.

The CHAIRMAN. The gentleman from Iowa is recognized on his reservation of a point of order.

Mr. GROSS. Mr. Chairman, I should like some explanation of this item. I am unable to understand what is proposed to be done in this language on page 18:

That no part of this appropriation shall be available for the purchase of science, mathematics, and modern language teaching equipment, or equipment suitable for use for teaching in such fields of education, which can be identified as originating in or having been exported from a Communist country, unless such equipment is unavailable from any other source.

Mr. FOGARTY. I will say to the gentleman that this amendment was added to this bill in the Senate, the so-called Bridges amendment. The language in the bill I think is self-explanatory, that no moneys appropriated in this bill shall be used for the purchase of equipment for these schools if it can be identified as coming from any Communist country, or country under a Communist regime.

Mr. GROSS. But it can be purchased if it is not available elsewhere; is that correct?

Mr. FOGARTY. That is correct.

Mr. LAIRD. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Gladly.

Mr. LAIRD. I think it is very important for the gentleman to realize that without this amendment the equipment that is available here could be purchased if made in Russia or any other Communist-dominated country. This is a limitation, and I believe that the limitation is an appropriate one. It is true that a point of order would lie against it in the House, but this was inserted in the Senate by the senior Senator from New Hampshire. I hope the gentleman will withdraw his point of order.

Mr. GROSS. Mr. Chairman, I withdraw the reservation of the point of order.

The Clerk read as follows:

ASSISTANCE TO STATES, GENERAL

To carry out the purposes, not otherwise specifically provided for, of section 314(c) of the Act; to provide consultative services to States pursuant to section 311 of the Act; to make field investigations and demonstrations pursuant to section 301 of the Act; to provide for collecting and compiling mortality, morbidity, and vital statistics; not to exceed $1,000 for entertainment of officials of other countries when specifically authorized by the Surgeon General; and to provide traineeships pursuant to section 306 of the Act; $22,620,000.

Mr. GROSS. Mr. Chairman, I make a point of order against the language to be found on page 23 of the bill, line 1, reading as follows: "not to exceed $1,000 for entertainment of officials of other countries when specifically authorized by the Surgeon General."

I make the point of order that this is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Rhode Island [Mr. FOGARTY] desire to be heard on the point of order?

Mr. FOGARTY. Mr. Chairman, as I read this language, it is just a limitation in this appropriation bill that they shall not exceed $1,000 for this purpose. We are more and more sending our people abroad and we exchange ideas, plans, and the know-how. It is unfair for us to expect our people working for a modest salary to pick up the check for entertainment that is expected when these foreign visitors come to this country. This is a very moderate amount, and I submit it is just a limitation on an appropriation bill and is germane.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. GROSS. Yes, Mr. Chairman; I insist on the point of order.

The CHAIRMAN (Mr. KEOGH). The Chair is ready to rule.

The gentleman from Iowa makes a point of order directed to the language appearing on page 22, line 25, beginning with the words "not to" and extending to page 23, to and through line 3, on the ground it is legislation on an appropriation bill.

It would appear to the Chair that this is language intended to permit of the making available of the sum of $1,000 for entertainment of officials of other countries. It is not in essence or in words a limitation on any appropriation made here. In the absence of the citation of any substantive authority for this, the Chair is compelled to sustain the point of order.

Mr. FOGARTY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FOGARTY. The Chair stated "through line 3." Does the Chair mean line 3 or line 2?

The CHAIRMAN. The Chair was in error. The point of order was directed to the language appearing on page 23, line 2, to and through the words "Surgeon General."

Mr. GROSS. Mr. Chairman, if the Chair will permit, the point of order begins at the bottom of page 22, line 25, including the words "not to."

The CHAIRMAN. The gentleman is correct.

The Clerk read as follows:

INDIAN HEALTH ACTIVITIES

For expenses necessary to enable the Surgeon General to carry out the purposes of the Act of August 5, 1954 (42 U.S.C. 2001) (including not to exceed $10,000 for temporary services at rates not to exceed $100 per diem for individuals, when authorized by the Surgeon General); purchase of not to exceed twenty-seven passenger motor vehicles, of which fourteen shall be for replacement only; hire of passenger motor vehicles and aircraft; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the purposes set forth in sections 321, 322(d), 324, and 509 of the Public Health Service Act, $48,276,000.

Mr. GROSS. Mr. Chairman, I make a point of order against the language on page 28 beginning in line 4 as follows: "(including not to exceed $10,000 for temporary services at rates not to exceed $100 per diem for individuals, when authorized by the Surgeon General)" on the ground that this is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Rhode Island desire to be heard?

Mr. FOGARTY. It is my understanding, Mr. Chairman, that this language is needed in order to get some of our best brains to go into remote areas of these Indian reservations. By not allowing the language to remain in the bill is doing a disservice to the Indian population. I do believe in the basic law there is authority permitting such language as this.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. LAIRD] desire to be heard?

Mr. LAIRD. Mr. Chairman, I am sure that a point of order does not lie against this language. This program is very badly needed.

The CHAIRMAN. Does the gentleman from Iowa insist on his point of order?

Mr. GROSS. Yes, Mr. Chairman.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

CONSTRUCTION OF INDIAN HEALTH FACILITIES

For construction, major repair, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites; purchase and erection of portable buildings; purchase of trailers; and provision of domestic and community sanitation facilities for Indians; $8,964,000, to remain available until expended: *Provided*, That such expenditures may be made through the Department of

the Interior at the option of the Secretary of the Department of Health, Education, and Welfare.

Mr. GROSS. Mr. Chairman, I make the point of order against the language on page 28, line 22, which reads "Provided, That such expenditures may be made through the Department of the Interior at the option of the Secretary of the Department of Health, Education, and Welfare" on the ground that that, too, is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Rhode Island desire to be heard on the point of order?

Mr. FOGARTY. Yes, Mr. Chairman. I rise in opposition to the point of order raised by the gentleman from Iowa. The gentleman from Iowa is having a wonderful day today on these points of order. Most of these language items have been carried in this bill for years, and the reason most of them have been carried is because they allow more efficient operations and are saving us money. This is one of the real good examples. The Public Health Service was given the job of providing health facilities for the Indians. The Department of the Interior have a larger construction program for their part of the Indian program and they have the setup now to handle this kind of a program, so we are providing that the Interior Department facilities be used to handle the health construction program. If the point of order is made we are going to have to set up an entirely new staff in the Public Health Service and it is going to cost, I do not know how many thousands of dollars more, to do the job. It is going to be done one way or the other. If the Public Health Service has to set up new facilities to handle this matter, I do not know how much more it is going to cost than go through the existing setup of the Department of the Interior.

Mr. GROSS. Mr. Chairman, further on the point of order, the gentleman from Rhode Island has addressed himself to everything but the point of order, and I would suggest to him that in future legislation he get some authorizing legislation for the things that he is attempting to do in this appropriation bill.

The CHAIRMAN. The Chair appreciates the helpful observation. Does the gentleman from Oklahoma desire to be heard on the point of order?

Mr. EDMONDSON. Yes, Mr. Chairman. It is my belief that at the time the health responsibility of the Department of the Interior was turned over to the Public Health Service in the Department of Health, Education, and Welfare there was a provision in that legislation at the time of the transfer of health responsibilities, which occurred just a very few years ago, that would make it possible for interim arrangements to be worked out in regard to plant and in regard to equipment. And, I think what we are facing here is the interim situation in which it may very well be that some authorizing legislation may be necessary for a permanent base. But, we are up against an interim situation in which the approach provided in the bill is absolutely essential to an efficient operation.

The CHAIRMAN. Does the gentleman from Wisconsin desire to be heard?

Mr. LAIRD. Mr. Chairman, I believe the gentleman from Oklahoma has stated correctly the situation that we face. I hope that the gentleman from Iowa will withdraw his point of order. I believe that the added expense involved in setting up such a facility in the Department of Health, Education, and Welfare at this time is not justified, and I hope that he will allow this language to continue in the bill.

The CHAIRMAN. Does the gentleman from Rhode Island desire to be heard further?

Mr. FOGARTY. Mr. Chairman, may I make this observation. In the 14 years I have been on this committee and in the 10 years that I have been chairman, we have never gone to the Committee on Rules to have them waive points of order on any appropriation bill that we have ever brought to the floor, and I do not intend to in the future. But most of these things are very minor and things that the legislative committees have not bothered to take up. As far as I am concerned I would much prefer that these things like adjustments in allotment formulas, that the Departments and majority of Congress want, and other items like that, be taken care of in legislation rather than our having to bother with them. Most of these things have been put in this bill at the request of others, not on the intiative of the committee.

Mr. LAIRD. Mr. Chairman, I do hope that the gentleman will reconsider his insistence upon the point of order. This particular item is carried in our bill as a temporary matter and I think it would be indeed a mistake to take it out of the bill.

Mr. JUDD. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will be pleased to hear the gentleman from Minnesota on the point of order.

Mr. JUDD. Mr. Chairman, I am sorry we do not have here the text of the law which transferred the medical care of our Indian population to the Public Health Service. As the author of the original bill, I am sure that it had language which authorized the Public Health Service to carry on medical care for the Indians through the Department of the Interior and its existing agencies when that could be done to greater advantage and without greater cost. Whether that language in the original bill was retained in the final law, I do not recall, and we do not have the text of it here.

The CHAIRMAN (Mr. KEOGH). The Chair is ready to rule. The gentleman from Iowa makes a point of order directed against the language appearing on page 28, line 22, beginning with "Provided" and running through line 25 on the ground that it is legislation on an appropriation bill.

The Chair is of the opinion that the language is obviously legislation on an appropriation bill and therefore sustains the point of order; making the observation with respect to the arguments raised by two of the gentlemen that if the language is in existing law then it is not necessary in this bill.

Mr. McGOVERN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am going to take just a moment of time to inquire of the Chairman relative to the contract medical care program for Indian citizens. I have received communications from my district, and I am sure that is true of some of the other Members, indicating that funds for this valuable program have been exhausted. I am wondering to what extent the committee has dealt with this problem in terms of providing funds for the coming fiscal year.

Mr. MARSHALL. Mr. Chairman, will the gentleman yield?

Mr. McGOVERN. I yield to the gentleman.

Mr. MARSHALL. In the first place, we are not dealing with the supplemental bill. It is my understanding that the other body has placed in the bill approximately $350,000 to carry on the work for the rest of this fiscal year. When our committee went over this item we felt that the contractual health item was one that was short, based upon the operation of this fiscal year. So we put in the bill for Indian health activities $750,000 above the budget, with the feeling that most of that would be used to take care of this contractual care. We thought that was the biggest need.

As the gentleman from South Dakota knows, it is hard to determine exactly how much money will be required for this particular item because in the first place we do not know how many epidemics we might have, we do not know what the health requirements will be. Our committee felt that the contractual care item is taken care of in this bill.

Mr. McGOVERN. I thank the gentleman for his explanation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GENERAL RESEARCH AND SERVICES, NATIONAL INSTITUTES OF HEALTH

For the activities of the National Institutes of Health, not otherwise provided for, including research fellowships and grants for research projects and training grants pursuant to section 301 of the Act; regulation and preparation of biologic products, and conduct of research related thereto; and grants of therapeutic and chemical substances for demonstrations and research; $52,660,000: *Provided*, That funds advanced to the National Institutes of Health management fund from appropriations included in this Act shall be available for purchase of not to exceed ten passenger motor vehicles for replacement only; not to exceed $2,500 for entertainment of visiting scientists when specifically approved by the Surgeon General; and erection of temporary structures: *Provided further*, That all appropriations made to the Public Health Service in this Act, and available for research or training projects, may be expended pursuant to contracts made on a cost or other basis for supplies and services, including indemnification of contractors to the extent and subject to the limitations provided in title 10, United States Code, section 2354, except that approval and certification required thereby shall be by the Surgeon General.

Mr. GROSS. Mr. Chairman, I make a point of order against the language on page 29, line 13, beginning with the words "not to exceed $2,500 for entertainment of visiting scientists when specifically approved by the Surgeon General."

I maintain that that is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Rhode Island desire to be heard on the point of order? If not, the point of order is sustained.

The Clerk read as follows:

DENTAL HEALTH ACTIVITIES

For expenses not otherwise provided for, necessary to enable the Surgeon General to carry out the purposes of the Act with respect to dental diseases and conditions, $12,604,000.

Mr. HALLECK. Mr. Chairman, I move to strike out the last word in order to inquire of the majority leader if he can give us the program for tomorrow and the balance of the week.

Mr. McCORMACK. I stated last week there would be several resolutions out of the House Committee on Administration. They are as follows:

House Resolution 472, to authorize printing as a House document a publication entitled "Sports-Fishing Industry in California and the Pacific Northwest," 1,500 copies.

House Concurrent Resolution 607, authorizing the printing as a House document of the pamphlet entitled "Our American Government. What Is It? How Does It Function?" and an additional 1,074,000 to be printed for congressional distribution.

Senate Concurrent Resolution 80, authorizing the printing of 1,000 additional copies of part 1 of the hearings on an inquiry into the satellite and missile programs.

H.R. 7923, to eliminate the fixed limit of authorization for expenditures of the Commission of Fine Arts.

House Joint Resolution 502, authorizing the erection in the District of Columbia of a memorial to Mary McLeod Bethune.

House Joint Resolution 546, authorizing the Architect of the Capitol to present to the Senators and Representative from Hawaii the first official flag of the United States bearing 50 stars which is flown over the west front of the Capitol.

Senate Joint Resolution 128, to establish a commission to formulate plans for a memorial to James Madison.

There were two rules adopted yesterday, and both the bills referred to therein will be brought up on tomorrow. They are on the program. The first is House Concurrent Resolution 582, referring to the disposal of rubber from stockpile, and the second, S. 1795, relating to Armed Forces promotion and retirement of certain officers. If those bills are passed tomorrow, there is no further legislation for the rest of the week.

M. HALLECK. I thank the gentleman.

The Clerk read as follows:

SALARIES AND EXPENSES

For the divisions and offices of the Office of the Surgeon General and for miscellaneous expenses of the Public Health Service not appropriated for elsewhere, including preparing information, articles, and publications related to public health; and conducting studies and demonstrations in public health methods, $6,800,000.

Mr. PUCINSKI. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this bill carries an appropriation of $4,095,000 for St. Elizabeths Hospital. I wish to congratulate the committee for including this appropriation and including also an increase of $148,000. Certainly we have every responsibility and humane obligation to help the poor patients at this hospital.

However, I could support this legislation a good deal more conscientiously if I were not confronted over the weekend with a statement made by the chief psychotherapist of this hospital. Quoting from the Evening Star of March 25, the story said:

The chief psychotherapist (at this hospital) said today that persons who distribute obscene material and those who condemn it are "brothers under the skin."

Mr. Benjamin Karpman, a goateed iconoclast who was an acquaintance of Freud, enlivened a panel discussion of "obscenity and censorship" at the National Civil Liberties Clearing House with his observations on human frailties.

He is quoted further as saying:

"You'll never be able to outlaw smut because there is a basic need in the human being to have smut," he warned after the issue of legal control of obscenity had been debated by several other speakers.

He said further:

The trouble, he said, lies in the fact that Americans are still overly puritanical in their attitudes toward sex and the way they raise their children. He also pointed a finger at the public schools.

"In order to do away with smut you will have to change the entire educational system," he said.

Dr. Karpman said pornophilia, which is obsessive interest in obscenity, may be covered up by a reaction formula.

"Crusading against obscenity has an unconscious interest at its base. In other words," he told the meeting at the Sheraton-Carleton Hotel, "those who like to distribute obscenity and those who condemn it are brothers under the skin."

Mr. Chairman, I was shocked to read the statement made by this psychotherapist, particularly when we consider that the House of Representatives overwhelmingly joined with the distinguished gentlewoman from Pennsylvania [Mrs. GRANAHAN] recently and, with only one dissenting vote, passed her bill, which would give the Postmaster General greater powers to eliminate this smut and pornographic literature from the mails. I am proud to say I was a cosponsor of this legislation. I understand the Postmaster General himself is in favor of this legislation. Many distinguished newspapers across the country have brought to the attention of the entire community the mounting torrent of filth, pornography, and smut that is going through the mails to our children. To hear this psychotherapist, the head of a psychotherapy clinic at a hospital which the Federal Government maintains, make this sort of statement, to me, is most disgusting. I hope the appropriate committee of this House, which has this particular hospital under its jurisdiction, will look further into the philosophy of this individual. I do not challenge his right to his professional opinion, but I certainly wonder, and wonder very loudly, whether he has the qualifications to serve in this very important position.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield.

Mr. POFF. First of all, let me commend the gentleman most wholeheartedly on the courageous statement he is making. Then, may I ask the gentleman, if it is true as the doctor said that those who condemn obscenity are brothers under the skin with those who purvey obscenity; does it not logically follow that those who condemn those who condemn obscenity are brothers under the skin?

Mr. PUCINSKI. Not being a psychotherapist, I am not in a position to answer that question.

Mr. TOLL. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield.

Mr. TOLL. I want to commend the gentleman for protecting the fair name and motives of the gentlewoman from Pennsylvania [Mrs. GRANAHAN].

Mr. PUCINSKI. I thank the gentleman.

The Clerk will read.

The Clerk read as follows:

SOCIAL SECURITY ADMINISTRATION

Limitation on salaries and expenses, Bureau of Old-Age and Survivors Insurance

For necessary expenses, not more than $203,200,000 may be expended from the Federal old-age and survivors insurance trust fund: *Provided*, That such amounts as are required shall be available to pay the cost of necessary travel incident to medical examinations for verifying disabilities of individuals who file applications for disability determinations under title II of the Social Security Act, as amended: *Provided further*, That $10,000,000 of the foregoing amount shall be apportioned for use pursuant to section 3679 of the Revised Statutes as amended (31 U.S.C. 665), only to the extent necessary to process claims workloads not anticipated in the budget estimates and after maximum absorption of the costs of such claims workload within the existing limitation has been achieved.

Mr. HARDY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do this to inquire of the gentleman from Rhode Island whether there was any request for an appropriation to reimburse the social security fund for expenditures in connection with veterans' benefits under the gratuitous coverage provided during World War II and the Korean war.

Mr. FOGARTY. No; there were not any requests and the committee did not go into it. But, we did go quite thoroughly into the lack of requested appropriations for the same reason in the railroad retirement board where, we understand, $133 million is due under the law. I do not think there is anyone in the House who is more familiar with the law than you because we were quoting you in the hearings, and we still assume the law is the law until it has been changed. It has not been changed yet.

and these funds are required to be appropriated into the railroad trust fund and also into the social security fund.

Mr. HARDY. I thank the gentleman.

I would like to call to the attention of the Committee what this situation is. I had the honor in the 84th Congress to be chairman of the Select Committee on Survivors' Benefits, which brought in a bill and a report which resulted in enactment of Public Law 881. At that time we pointed out that the social security trust fund had been depleted by some $250 million in making payments to survivors of service personnel who were covered by gratuitous wage credits. It was also pointed out that annually thereafter there would be payments aggregating about $20 million a year, which means that by now we have run up a total deficit in that fund of about $350 million. That is the amount which we owe to the social security trust fund. The trust fund belongs to the participants in that fund. The Bureau of the Budget has deleted the requests for appropriations to cover the depletion of the social security fund, ignoring completely the authority contained in Public Law 881 which specifically provided that the trust fund should be replenished out of the Federal Treasury. We set up a formula under that act to provide for the repayment in 10 years of the $250 million and for the repayment annually of future disbursements made pursuant to the gratuitous social security coverage. Action in this matter is long overdue. I can see no real reason for the elimination of these amounts and earnest inquiry reveals none. There is, of course, the possibility—which I hesitate to suggest—that this might have been one dubious device to protect the precarious balance of the administration's budget.

The gentleman from Rhode Island [Mr. FOGARTY] has confirmed my grapevine information to the effect that the requests for money to replenish the social security fund were stricken by the Bureau of the Budget. It is my understanding that the Social Security Administration, in compliance with section 406 of Public Law 881, has since 1958 included these funds in its budget submission. It is my further information that, each time, the Bureau of the Budget has arbitrarily stricken this item.

Now, Mr. Chairman, I think the Bureau of the Budget goes a little too far. It, in effect, is exercising an item veto. Moreover, it is violating the law which all Federal officials are sworn to enforce.

Let me repeat, the social security fund is a trust fund, and the U.S. Government administers that fund strictly in a fiduciary capacity. In paying claims based on the gratuitous coverage provided during the World War II and Korean periods there was a definite obligation on the part of the General Treasury to replenish the fund. That fund belongs to the participants who have contributed to it. Let me remind this House that beneficiaries under the gratuitous coverage made no contribution to this fund, but there was a commitment of our Government to pay the claims arising from wartime service. In effect, what we have done is to take money which belongs to the participants of the social security program and use it for general Government purposes, and if the fund is not replenished then we have condoned the misuse of funds entrusted to the administrative branch.

Serving with me on the Survivors Benefits Committee were four distinguished Members of this House. The gentleman from Texas [Mr. TEAGUE], the gentleman from Texas [Mr. KILDAY], the gentleman from Massachusetts [Mr. BATES], and the gentleman from New Jersey [Mr. KEAN]. We studied this matter thoroughly and it bothered us to find that the Government had so long neglected to replenish this fund. So, we recommended, and the Congress approved, section 406 of Public Law 881 which provided, in essence that the Social Security Administration was authorized to include in its annual appropriations for each of the next 10 fiscal years sums equal to one-tenth of the aggregate liability, plus accrued interest at the average rate of interest earned by the fund. At the time of our hearings the amount due the fund was estimated at $250 million. We also proposed, and Congress concurred, that annual appropriations should be made to cover benefits accruing in the future from the gratuitous coverage provided prior to the enactment of Public Law 881.

Mr. Chairman, perhaps I should have offered an amendment at this point, and if I had realized earlier what the situation is I would have gotten together the figures on the amount which would be required to make the social security fund whole. Let me express the hope that when this bill is considered by the Senate that body will add the amounts necessary to carry out the congressional will as expressed in Public Law 881.

Mr. Chairman, just as a rough calculation it looks as though the Treasury of the United States, as of now, owes the social security trust fund about $350 million. In essence, deletion of this item from the budget in prior years may have enabled the Treasury Department technically to avoid showing a violation of the statutory debt ceiling.

Mr. DONOHUE. Mr. Chairman, it was the unanimous judgment of our Original Thirteen States, as expressed in their Independence Declaration, that all men are endowed by their Creator with certain unalienable rights, among which are life, liberty, and the pursuit of happiness.

In my opinion there is no measure coming before this body, more fully designed to promote the enjoyment of these rights to American citizens than the appropriations bill, now under consideration, for the Departments of Labor and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1961. The basic units and activities of these executive departments are more closely connected with the lives of our citizens than any other agency of our Government "for the people."

That is why I would feel remiss in my duty if I did not urge you all to approve and accept the appropriation here unanimously reported and recommended to us by the distinguished Subcommittee on Appropriations directed by our esteemed colleague, the Honorable JOHN E. FOGARTY, of Rhode Island. The recommendations of the sucommittee are unanimous and represent the best compromise decision of reasonable and capable men.

There is no greater authority on this subject in this country than Representative FOGARTY. One of the greatest joys of my legislative experience here has been to listen to his clear, concise, and forthright explanation of the provisions of this bill, which he has been presenting annually to this House for the past 10 years. It is an everlasting tribute to his acknowledged integrity, scholarship, and leadership that the recommendations of his conscientious subcommittee have been so overwhelmingly and regularly adopted without prolonged debate or technical quibbling on such a vitally important measure.

Mr. Chairman, to attempt to either regulate or improve the health and happiness of human beings in terms of dollars and cents is a most difficult, if not impossible, task. We are all, I am certain, agreed on the necessity for practicing economy in Government expenditures and to preserve our financial stability and world position. However, I think we are further agreed that gestures of doubtful economy at the expense of lowering national standards of working conditions, health protection, and educational advancement is most unwise and impractical, more especially in these days of communistic competition.

For that fundamental reason, I most earnestly hope that no crippling reductions will be attempted during our action on this bill; indeed, it is my deepest hope that the moderate increases recommended by the subcommittee and the chairman, principally in the fields of hospital construction, vocational education, assistance to the schools in federally impacted areas, grants to States to build waste-treatment plants, and research at the National Institutes of Health will be unanimously accepted.

I would like to emphasize that the subcommittee has not advocated general increases in all the areas covered by this bill. The subcommittee adopted the very sensible approach that there are certain selective and essential areas of public need that can and must be met in the national interest. It would be most difficult to justify any wide disagreement on these specific activities the subcommittee has chosen for their special attention.

The fundamental objective of the subcommittee, so obviously and patriotically revealed in their report, was to keep all of the many and varied activities of these two major public service Departments of Government in operation at their highest economically efficient level while encouraging a selected few activities to moderately advance their scope of service in response to particular and proven expanding public needs.

Mr. Chairman, the appropriations we grant under this measure are designed to continuously improve the Christian, civilized working conditions of our people and to protect and advance the health of

all our citizens, particularly children, women, and the aged. It is obvious, therefore, that this appropriations bill is of the greatest importance to the progress of our national welfare and that is why each of us have the highest obligation to devote the most conscientious attention to it.

At a time when we are generously granting billions of dollars to aid our foreign allies, let us not be neglectful of our own citizens. At a time when we are telling the world of our better way of life, as opposed to Communist barbarism, let us not dangerously reduce any of these public services whose contributions to national progress have been universally acknowledged. At at time when we are engaged in a life-and-death struggle with the curse of communism, let us take no unwise chances of disrupting the high morale of our own good people. In conscience, let us vote in support of the continuing and full functioning of these units and agencies whose services are, indeed, in the national interest and emphatically good for all Americans.

Mr. BROYHILL. Mr. Chairman, I rise to endorse favorable action by the House by which the appropriation for aid to schools in federally impacted areas has been continued.

My position on Federal doles or gifts to the schools of our Nation to help them educate our children has been consistent throughout my terms in the Congress. I am firmly opposed to such aid. At first glance, it may seem, then, that my equally consistent stand in favor of full appropriations for the aid to federally affected areas programs is contradictory to my overall position on general Federal aid to education. I do not believe that it is. The federally affected areas programs have been incorrectly labeled "aid," "assistance," "grants"—connoting beneficence, good will, and charity on the part of the Federal Government toward these particular communities. If this were true, I would oppose the programs vigorously. But it is not true, as I propose to show.

The payments under these two programs are merely assumption by the Federal Government of its just responsibility to those communities in which it operates. The reason for this responsibility is twofold. First of all, the presence of Federal Government operations within a community tends to swell the public school enrollments in the community to a marked extent, thereby necessitating the construction of new facilities, as well as an increase in operation and maintenance costs. But the second side of the responsibility is yet more significant. Property owned by the Federal Government cannot be taxed. This means that at the same time that these activities of the Federal Government are adding enormously to the expense of operating the public school system, they are subtracting from the tax base upon which the school district can draw. When a private business moves into a community, it may produce a great swelling in school enrollment, but at the same time it swells the tax base.

Secretary Flemming, in his testimony last summer before a subcommittee of the Committee on Education and Labor, repeatedly and rightly labeled this assistance as "payments in lieu of taxes." In speaking on behalf of the President's proposals to cut payments under these two laws, Secretary Flemming described the philosophy behind these programs as follows:

> I believe that the Federal Government should provide assistance to those school districts whose school revenues are impaired by reason of the tax-exempt status of Federal property.
>
> I also believe that this assistance on the part of the Federal Government should be reasonably related to the school revenues actually lost by school districts by reason of the tax-exempt status of Federal property.

Since we are agreed that the payments under these programs are "payments in lieu of taxes," then it would seem logical, when debating the amount of appropriation, to consider just exactly how much is lost in taxes due to the presence of tax-exempt Federal property, and compare that to the amount received under these programs. If these payments really exceed the tax loss, then we must agree with Secretary Flemming and the President that the programs should be cut.

Last summer figures were compiled in my constituency, the 10th Congressional District of Virginia, to illustrate the impact of Federal Government activities on the operation of the public schools in the northern Virginia communities of Arlington County, Fairfax County, Alexandria, and Falls Church. It was estimated that almost $12 million would be added to local tax revenue if the federally owned land were privately owned. In these northern Virginia communities a very high proportion of local tax revenue is channeled into the public school systems. It therefore seems most apparent that the amounts these school districts would receive if this property were privately owned would be considerably in excess of the $4,138,255.28 now received each year under Public Law 874. Furthermore, almost $94 million has been spent in these communities since World War II on school construction. Unquestionably the primary cause of the vast increase in enrollment that necessitated this plant expansion was increased Federal Government activity. Yet the Federal Government payments under Public Law 815 have been only $17 million or 23.7 percent of the construction costs.

It seems obvious, then, that these communities are being underpaid rather than overpaid. It is hard for me to understand why Secretary Flemming, after so well describing the Federal responsibility to these communities, is recommending an appropriation that would cover only 68 percent of the entitlements under Public Law 874 and only 70 percent of the entitlements under Public Law 815 for fiscal year 1961. I hold that this is both illogical and unjust.

The people in my district have done an extraordinarily fine job of helping their school systems cope with the 338-percent increase in enrollment over the last 13 years. So large is the Federal impact on the area that 51 percent of the pupils in our public schools are federally connected, and payments under Public Law 874 comprise 11.8 percent of the school budgets. If the Federal payments were cut as drastically as Secretary Flemming recommends, the impact on our school districts would be disastrous.

Secretary Flemming has stated that the Federal Government has a responsibility to compensate "those school districts whose school revenues are impaired by reason of the tax-exempt status of Federal property." I agree with him completely. And I do not see how a reduction in the appropriation for these programs now or in the future can mean anything but a shirking of that responsibility.

Mr. Chairman, the payments under Public Laws 815 and 874 are not Government doles or gifts, but rather are "payments in lieu of taxes." It seems only just that we continue to appropriate the full amount authorized in these laws, thereby enabling the Federal Government to more adequately carry out and fulfill its responsibility to those communities in which it operates.

The Clerk concluded the reading of the bill.

Mr. FOGARTY. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House without amendment, with the recommendation that the bill be passed.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. KROCH, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11390) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1961, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mr. FOGARTY. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. PUCINSKI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 363, nays 10, not voting 57, as follows:

[Roll No. 38]

YEAS—363

Abernethy	Alford	Anfuso
Adair	Andersen, Minn.	Arends
Addonizio	Andrews	Ashley
Albert		Ashmore

Aspinall	Foley	Maillard
Auchincloss	Forand	Marshall
Avery	Ford	Matthews
Bailey	Forrester	May
Baker	Fountain	Merrow
Baldwin	Frazier	Metcalf
Baring	Friedel	Meyer
Barr	Fulton	Michel
Barrett	Gallagher	Miller, Clem
Bass, N.H.	Garmatz	Miller, N.Y.
Bass, Tenn.	Gary	Mills
Bates	Gathings	Minshall
Baumhart	George	Moeller
Becker	Giaimo	Monagan
Beckworth	Gilbert	Montoya
Belcher	Glenn	Moore
Bennett, Fla.	Goodell	Moorhead
Bennett, Mich.	Granahan	Morgan
Bentley	Gray	Morris, Okla.
Berry	Green, Oreg.	Moss
Betts	Green, Pa.	Moulder
Boggs	Griffin	Multer
Boland	Griffiths	Mumma
Bolling	Hagen	Murphy
Bolton	Haley	Murray
Bosch	Halleck	Natcher
Bow	Halpern	Nelsen
Bowles	Hardy	Nix
Brademas	Harmon	Norblad
Bray	Harris	Norrell
Breeding	Hays	O'Brien, Ill.
Brewster	Hesley	O'Brien, N.Y.
Brock	Hébert	O'Hara, Ill.
Brooks, La.	Hechler	O'Hara, Mich.
Brooks, Tex.	Hemphill	O'Konski
Broomfield	Henderson	O'Neill
Brown, Ga.	Herlong	Oliver
Brown, Mo.	Hess	Osmers
Brown, Ohio	Hiestand	Ostertag
Broyhill	Hoeven	Passman
Budge	Hoffman, Ill.	Pelly
Burke, Ky.	Hogan	Perkins
Burke, Mass.	Holifield	Pfost
Burleson	Holland	Philbin
Byrne, Pa.	Holt	Pilcher
Byrnes, Wis.	Holtzman	Pillion
Cahill	Horan	Pirnie
Canfield	Hosmer	Poage
Cannon	Huddleston	Poff
Carnahan	Hull	Porter
Casey	Ikard	Preston
Cederberg	Inouye	Price
Chamberlain	Irwin	Prokop
Chelf	Jarman	Pucinski
Chenoweth	Jennings	Quie
Church	Johnson, Calif.	Quigley
Clark	Johnson, Colo.	Rabaut
Coad	Johnson, Md.	Rains
Cohelan	Johnson, Wis.	Randall
Colmer	Jonas	Ray
Conte	Jones, Ala.	Reece, Tenn.
Cook	Jones, Mo.	Rees, Kans.
Cooley	Judd	Rhodes, Ariz.
Corbett	Karsten	Rhodes, Pa.
Cramer	Karth	Riehlman
Curtin	Kasem	Riley
Curtis, Mass.	Kastenmeier	Rivers, Alaska
Curtis, Mo.	Kee	Roberts
Daddario	Keith	Robison
Dague	Kelly	Rodino
Daniels	Keogh	Rogers, Colo.
Davis, Ga.	Kilday	Rogers, Fla.
Davis, Tenn.	Kilgore	Rogers, Mass.
Dawson	King, Calif.	Rogers, Tex.
Delaney	King, Utah	Rooney
Dent	Kirwan	Roosevelt
Denton	Kitchin	Rostenkowski
Derounian	Kluczynski	Roush
Derwinski	Knox	Rutherford
Devine	Kyl	St. George
Diggs	Laird	Santangelo
Dingell	Landrum	Saund
Dixon	Lane	Saylor
Donohue	Langen	Schenck
Dooley	Lankford	Scherer
Dorn, S.C.	Latta	Schwengel
Dowdy	Lennon	Scott
Downing	Lesinski	Selden
Doyle	Levering	Sheppard
Dulski	Libonati	Shipley
Durham	Lindsay	Sikes
Edmondson	Lipscomb	Siler
Elliott	McCormack	Simpson, Ill.
Everett	McCulloch	Sisk
Evins	McDonough	Slack
Fallon	McFall	Smith, Calif.
Farbstein	McGovern	Smith, Iowa
Fascell	McIntire	Smith, Miss.
Feighan	McMillan	Springer
Fenton	McSween	Staggers
Fino	Macdonald	Steed
Fisher	Machrowicz	Stratton
Flood	Mack, Ill.	Stubblefield
Flynn	Madden	Sullivan
Flynt	Magnuson	Teague, Calif.
Fogarty	Mahon	Teague, Tex.
Teller	Van Pelt	Wier
Thomas	Van Zandt	Williams
Thompson, La.	Walnwright	Wilson
Thompson, Tex.	Wallhauser	Winstead
Thomson, Wyo.	Walter	Wolf
Thornberry	Wampler	Wright
Toll	Watts	Yates
Trimble	Weis	Young
Udall	Westland	Younger
Ullman	Whitener	Zablocki
Utt	Whitten	
Vanik	Widnall	

NAYS—10

Abbitt	Hoffman, Mich.	Smith, Va.
Alger	Johansen	Tuck
Gross	Kilburn	
Harrison	Smith, Kans.	

NOT VOTING—57

Alexander	Frelinghuysen	Morris, N. Mex.
Allen	Gavin	Morrison
Anderson, Mont.	Grant	Patman
	Gubser	Powell
Ayres	Hargis	Reuss
Barden	Jackson	Rivers, S.C.
Barry	Jensen	Shelley
Blatnik	Kearns	Short
Blitch	Kowalski	Spence
Bonner	Lafore	Taber
Boykin	Loser	Taylor
Buckley	McDowell	Thompson, N.J.
Burdick	McGinley	Tollefson
Celler	Martin	Vinson
Chiperfield	Mason	Weaver
Coffin	Meader	Wharton
Collier	Miller,	Willis
Cunningham	George P.	Withrow
Dorn, N.Y.	Milliken	Zelenko
Dwyer	Mitchell	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Anderson of Montana with Mr. Allen.
Mr. McGinley with Mr. Martin.
Mr. Alexander with Mr. Jackson.
Mr. Vinson with Mr. Taylor.
Mr. Buckley with Mr. Taber.
Mr. Morris of New Mexico with Mr. Chiperfield.
Mr. Celler with Mr. Cunningham.
Mr. Kowalski with Mr. Ayres.
Mr. Shelley with Mr. Barry.
Mr. Reuss with Mr. Meader.
Mr. George P. Miller with Mr. Lafore.
Mr. Morrison with Mr. Kearns.
Mr. Zelenko with Mr. Dorn of New York.
Mr. Thompson of New Jersey with Mrs. Dwyer.
Mr. Powell with Mr. Collier.
Mr. Willis with Mr. Weaver.
Mr. Colin with Mr. Milliken.
Mr. Hargis with Mr. Gubser.
Mr. Bonner with Mr. Gavin.
Mr. Boykin with Mr. Frelinghuysen.
Mr. Loser with Mr. Jensen.
Mr. McDowell with Mr. Short.
Mr. Blatnik with Mr. Tollefson.
Mr. Barden with Mr. Withrow.
Mr. Patman with Mr. Wharton.
Mr. Burdick with Mr. Mason.

Mr. HOFFMAN of Michigan and Mr. JOHANSEN changed their vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. FOGARTY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

GENERAL LEAVE TO EXTEND REMARKS

Mr. FOGARTY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

BLACK ROCK CHANNEL AND TONAWANDA HARBOR

Mr. DULSKI Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DULSKI. Mr. Speaker, since the building of the St. Lawrence Seaway, Buffalo, N.Y., and the surrounding area need assistance. Under leave to extend my remarks, I include a statement of the Buffalo Chamber of Commerce, Buffalo N.Y., in support of improvements to Black Rock Channel and Tonawanda Harbor located in the Buffalo area.

The statement follows:

The Buffalo Chamber of Commerce reaffirms its longstanding position in favor of several much needed improvements to the Black Rock Channel and the Tonawanda Harbor. These facilities have always been an integral part of the overall system of navigable waterways on the Niagara Frontier, but are currently in need of modernization to meet the needs of the new St. Lawrence Seaway era.

The Black Rock Channel is the navigable channel in the upper 13½ miles of the Niagara River from its head in Lake Erie at Buffalo, to and including Tonawanda, N.Y., the western terminus of the New York State Barge Canal. The importance of this channel is clearly illustrated by the following table of tonnage handled over the past 10 years:

Year:	Tons
1949	3,637,612
1950	4,641,025
1951	4,244,990
1952	3,527,748
1953	4,385,256
1954	3,577,050
1955	4,363,617
1956	4,517,748
1957	4,645,443
1958	3,722,174

Over 4 million tons moved through the channel in 1959, and it has been estimated that its potential could easily reach 20 million tons per year if the Seaway depth of 27 feet were available.

In recent years a wide variety of industrial firms have invested heavily, both in land and in facilities, along the entire length of the Niagara River from Buffalo to Niagara Falls. During this period, however, the 46-year-old Black Rock Lock has gradually fallen into a state of obsolescence, the size of lake steamers has increased considerably, and the St. Lawrence Seaway has introduced oceangoing vessels to our waterways which are larger than ever before known.

In view of the obvious potential of this channel, the Buffalo Chamber of Commerce strongly urges that a study be progressed by the U.S. Army Corps of Engineers to determine the advisability of a Federal project for accomplishing the following improvements:

(1) Black Rock Lock: Replace with a modern lock capable of handling newer and bigger vessels of all types.

(2) Black Rock Channel: Deepen to at least 27 feet, realine and widen to 300 feet to accommodate two-way traffic, and extend beyond present turning basin past North Tonawanda.

(3) Tonawanda Harbor: Deepen to at least 27 feet.

After careful consideration, the chamber believes that these improvements would be in the public interest, and would do much to enhance the industrial growth of the Buffalo metropolitan area.

PLAZA OF THE AMERICAS

Mr. SELDEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. SELDEN. Mr. Speaker, yesterday I introduced a bill designed to create an enduring symbol of U.S. friendship for our Latin American neighbors. This measure, if enacted into law, would designate in the Nation's Capital an area which would be a fitting tribute and durable demonstration of the esteem in which we hold our sister republics.

Prior to the introduction of this legislation, I examined the ideas of designating a street as the "Avenue of the Americas," or a bridge as the "Bridge of the Americas." It soon became apparent that changing the name of a street of appropriate beauty and dignity poses real problems. Past experience in the District of Columbia has demonstrated that tampering with historic names of streets is looked upon with disfavor by many people who cherish the tradition and lore associated with the original names. The same applies to bridges. Moreover, on streets where there are many residences and businesses, the necessity to alter letterheads and inform clients, customers, and friends of the change has occasioned a storm of protests.

Further investigation has turned up what I believe to be an ideal solution, devoid of the problems inherent in changing street and bridge names.

The two blocks bounded by Constitution Avenue on the south, C Street NW. on the north, and running from 17th to 19th Streets, contain a number of reminders of inter-American friendship and cooperation. On the corner of 17th Street and Constitution Avenue, the District of Columbia is privileged to have the magnificent Pan American Union Building, seat of the Organization of American States and center of many of the dramas that have highlighted the American Republics' 70-year efforts to attain peace and justice in the Western Hemisphere through cooperative endeavors. Behind it stands the new Pan American Administration Building which houses the secretariat of the Organization of American States. Nearby are the statues of Simón Bolívar, great liberator of the northern states of South America; and José Artigas, the national hero of Uruguay.

The bill which I have introduced would designate that portion of Washington I have described as the Plaza of the Americas. The proposal has strong support from the Pan American Liaison Committee of Women's Organizations which is engaged in effectively furthering inter-American understanding and good will. I am confident that Congress will share my desire to christen so suitable an area in our Capital as a symbol of the friendship and common cause of the 21 American Republics.

ARE WE DOING RIGHT BY EDUCATION?

Mr. PORTER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. PORTER. Mr. Speaker, ours is an age of statistics, of figures, of debates about figures. The focal points of many of our current controversies about defense, outer space and disarmament, center around conflicting figures coming from different sources. It is often a bewildering task to attempt to determine which of these statistics are meaningful.

But one group of figures which stand out in my mind as being unquestionably meaningful are the figures recently released by the U.S. Office of Education pursuant to the problems of our educational system—figures for fall 1959; released December 1959. These statistics would be meaningful even if our world were at perfect peace, even if there were no cold war. We do not need to compare these figures with any for the Soviet Union; they are shocking just in themselves.

At the present time we need 132,400 additional classrooms—U.S. Office of Education.

This lack of classroom space means overcrowded classrooms or half-day sessions in some parts of every State in the Union. It has been estimated that some 10 million of our public-school children are being educationally handicapped by this overcrowding. Ten million is almost one-third of our entire public-school enrollment—total enrollment in public elementary and secondary schools in fall 1959 was 35,286,177, according to the U.S. Office of Education.

Our whole concept of public education for all is being challenged by this shortage. It has been a traditional American belief that each child has the right to free and equal education through grade 12. If we deny him equality of educational opportunity, we thereby deny him the equality of opportunity that we guaranteed in the Preamble to our Constitution.

I recently received letters from two school administrators in my home State of Oregon who have just returned from a trip to the Soviet Union. Both of these men were impressed with some facets of the Soviet educational system, but felt that in some respects it had been overrated. Both stressed that one of the great merits of our system as compared to the Russians' was our stress on the individual.

THE RIGHT TO BE FREE AND EQUAL

But are we providing free and equal education for each individual child when almost a third of our children are receiving inferior instruction because of the classroom shortage? I think not.

There is another facet to this inequity. Last fall we hired, in this Nation, 98,858 teachers with substandard credentials—U.S. Office of Education—teachers who are not fully prepared to teach, but who are teaching our children. When you consider that each of these teachers will probably teach an average of 30 children, the number of children penalized by the shortage of qualified teachers is high.

So not only is the classroom shortage causing a great injustice, but the shortage of qualified teachers is magnifying the inequity.

Many who look at these figures agree they are shocking, but they throw up their hands in a gesture of hopelessness. Others will shrug. They say that the States and local areas must handle the problem themselves.

But a long look at the causes of both shortages will serve to show the weaknesses of each of these reactions.

WHAT ARE THE REASONS?

First, what are the reasons behind the teacher shortage? Is it just that there are not enough qualified people interested in teaching? A major reason is that so many of the people interested in and qualified to teach either drop out of the profession or never even enter it. It has been estimated that 3 out of 10 college graduates qualified to teach, never do so. It is further estimated that each year 8 percent of our teachers leave the profession—National Education Association. Stop up this sieve.

Studies conducted to determine the reasons behind these dropouts find, first, dissatisfaction with the low salary received; second, disgust at overcrowded or otherwise unsatisfactory working conditions; and third, a general reaction against the low status level assigned to the teaching profession.

Many say that these are insoluble problems. But are they? Would not increases in salary eliminate problems one and three—in our society, status so heavily rests on salary earned—and could we not eliminate the largest cause of unsatisfactory working conditions by building those additional classrooms? It would seem that most of the problems causing a shortage of qualified teachers could be solved by an increase of funds.

WHAT CAUSES CLASSROOM SHORTAGES?

But what about the classroom shortage? Why does it exist at all? Why has it not been erased? Can it be erased? This giant backlog exists because of the cessation of classroom building during World War II followed by the unprecedented increases in enrollment that are still going on. Although the State and local areas have been making record-breaking school construction efforts for years, they are barely able to meet each year's new enrollment and replacement needs. But if we could eliminate the backlog, the construction figures of the

last few years indicate that the States and local communities could then meet the present and future needs that each year brings.

How can this backlog be eliminated? Most of the studies conducted on this problem indicate that the State and local communities cannot do it alone, or at least cannot close the gap for many, many years.

It seems apparent to me that this is a time when our principles of justice and equity for our individual citizens demand temporary financial assistance from the Federal Government. President Eisenhower himself explained the philosophy behind this approach in his special message to the Congress on education on January 12, 1956:

> The responsibility for public education rests with the States and the local communities. Federal action which infringes upon this principle is alien to our system. But our history has demonstrated that the Federal Government, in the interest of the whole people, can and should help with certain problems of nationwide scope and concern when States and communities—acting independently—cannot solve the full problem or solve it rapidly enough.
>
> Clearly, this is the kind of situation we face today in considering the school classroom shortage. (CONGRESSIONAL RECORD, vol. 102, pt. 1, p. 436.)

In that year, 1956, and in the following year, 1957, the President recommended temporary, large-scale Federal aid so that the backlog needs for classroom construction could be eliminated. The White House Conference which he had called in 1955 had recommended such action.

WHY DID THE PRESIDENT CHANGE HIS MIND?

Why the President has now changed his position when the same needs still exist, I cannot understand. His words in this year's state of the Union address seem to overlook the need for the direct approach which he formerly felt was so desirable. It seems most strange that the man who only 3 years ago was recommending a crash Federal program to eliminate this problem now claims:

> We cannot be complacent about educating our youth.
>
> But the route to better trained minds is not through the swift administration of a Federal hypodermic or sustained financial transfusion. The educational process, essentially a local and personal responsibility, cannot be made a leap ahead by crash, centralized governmental action.

It is my opinion that a "crash, centralized governmental action," or "Federal hypodermic," whichever phrase you wish to use, is indeed just what is needed and would certainly cause our educational process to leap ahead.

If we could eliminate the accumulated need for those 132,400 classrooms, and could temporarily assist in the raising of teachers' salaries, the State and local governments could then not only keep pace with future classroom needs, but would have funds left to channel into raising the salaries of their teachers.

A big step forward toward the solving of these problems is taken with the legislation proposed in H.R. 10128 which has been favorably reported by the Education and Labor Committee. This School Construction Assistance Act of 1960 would help individual States solve their classroom shortages. The State educational agency alone is responsible for administering the funds based on estimated school-age population.

The bugaboo of Federal control in this legislation is simply not there.

Of course, I would like to see Congress help school districts pay their teachers better salaries. We get what we pay for, and I think we may expect more men and women to leave the teaching field if more lucrative jobs are available. I know there are dedicated men and women who will remain in the field. I know also that we cannot always expect that devotion to hold the head of a family in a profession which does not offer sufficient financial reward to enable him to take care of his family.

I am hopeful that the 87th Congress will enact legislation providing Federal assistance for teachers' salaries. I would be delighted if the 86th Congress did. However, it is better to be realistic and seek what is obtainable. There is an old saying about half a loaf being better than none.

The nourishment to our children may not be what we would like, but at least there would be nourishment where there now is none.

THE FAIR LABOR STANDARDS TRADE AND FOREIGN SELF-ASSISTANCE ACT OF 1960—A BILL TO DEAL WITH THE THREAT OF FOREIGN IMPORTS

Mr. STRATTON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. STRATTON. Mr. Speaker, on yesterday I introduced for appropriate reference legislation designed to deal with the increasingly serious problem of foreign imports and the disastrous effect which these imports are having on employment in America and on the financial solvency of our domestic industries.

My bill, which has been entitled the "Fair Labor Standards Trade and Foreign Self-Assistance Act of 1960," and has been designated as H.R. 11418, is a fresh attempt to meet this serious problem with full recognition that events of the past few years, and indeed of the past few days, have demonstrated that existing provisions of law are wholly inadequate to meet it. As the recent decision of the Tariff Commission in connection with the glove industry in my district in Fulton County, N.Y., has demonstrated so tragically, the so-called escape clause procedure, under section 7 of the Reciprocal Trade Agreements Act of 1951, as amended, is completely inadequate to protect our industries, and it makes little difference from a practical point of view whether this inadequacy lies within the wording of the law itself or in the way in which it is being implemented and interpreted by the present members of the Tariff Commission. The fact is that domestic industry and American working men and women are without any effective protection from the devastating effects of these cheap foreign imports and we in this Congress have an urgent and solemn responsibility to adopt legislation to provide that needed protection. I believe that my bill meets that need.

My bill, Mr. Speaker, would accomplish two things. First of all it would open up a new opportunity for action to deal with the threat of cheap foreign imports by basing such action upon the existence, in those countries from which foreign imports come, of low wage rates or unsatisfactory working conditions which are so significantly below standards existing here in the United States as to give foreign manufacturers and producers a competitive advantage over American manufacturers or producers. Incidentally, my bill would place the power for making such a finding as well as for making appropriate recommendations to deal with it on the Secretary of Labor, thereby bypassing the present Tariff Commission which has failed so miserably to meet this present need itself.

May I say, Mr. Speaker, that this first portion of my bill follows closely legislation recently introduced in the other body by my distinguished colleague, the junior Senator from New York State, Mr. KEATING, in S. 2882. I believe that Senator KEATING's bill is a most significant piece of legislation in recognizing that corrective action against imports must be taken not merely on the basis of injury or threatened injury to a domestic industry, as provided for in the escape clause procedure, but also on the basis of the existence of a differential between wages and living standards here and those abroad, a differential which, in fact, lies at the heart of all competition from foreign countries. Incidentally, S. 2882 has received substantial support from a great number of manufacturers as well as many forward-looking and progressive labor organizations, and I believe that my colleague from New York is to be commended for having blazed this significant trail.

There are, however, in my judgment, one or two changes that need to be made in S. 2882, and these have been incorporated in H.R. 11418. For example, the language of S. 2882 is somewhat vague with regard to limitations placed upon the Secretary of Labor in recommending additional tariff restrictions or import quotas. I have attempted to eliminate any area of doubt by giving the Secretary of Labor a free hand in dealing with this matter so long as any proposed tariffs or import quota does not exceed what was in existence on July 1, 1934, the date on which the reciprocal trade program first became effective.

Secondly, S. 2882 continues to give the President of the United States the same kind of veto power over measures recommended for the relief of industries hard hit by foreign imports that is already contained in our present reciprocal trade legislation. Experience has amply demonstrated that as a result of this absolute presidential veto power it is almost impossible to get practical help for domestic industries, even in those cases where the Tariff Commission itself has made a favorable recommendation. My bill would remove this veto power and would require the President to put into effect the recommendations of the Secretary of Labor made pursuant to this legislation.

The second major objective of my bill, Mr. Speaker, is to chart a somewhat novel course in dealing with the foreign countries from which these imports come. It provides that in lieu of imposing any additional tariff levy against a foreign import, the President shall be empowered to enter into negotiations with the foreign countries concerned looking toward an agreement under which the foreign countries themselves would collect the increased tariff levy, rather than have it collected in the United States, provided these countries would first agree to utilize the funds thereby collected toward raising the wages and improving the working conditions of their own working men and women.

Mr. Speaker, it is my sincere conviction that the threat of foreign imports can never be fully eliminated until the gap between wages and working conditions in this country and those in countries abroad is eliminated. The legislation which I have introduced offers what I believe to be a reasonable and constructive step in the direction of eliminating that differential and thereby bringing more quickly into balance conditions in those countries who are now competing with us and who are experiencing a substantial competitive advantage over us as a result of their lower wages and lower working conditions. This legislation would make it clear to these countries that our increased tariff levies are not designed primarily to raise revenue for ourselves but are designed rather to achieving the elimination of these trade differentials. In this way we would be underlining to our foreign friends our desire to help in this constructive and positive development of their own country.

Of course, the establishment of equal conditions of this kind is one of the long-range objectives of our present foreign assistance program. But all too often we have seen that, in spite of the huge sums that we have sent abroad, these differentials have not been reduced. My legislation would certainly reduce to some extent the funds needed for foreign assistance. And while I realize that it would not replace the Mutual Security Program overnight, it would, in my judgment, be a very substantial step forward in the direction of encouraging foreign countries to help themselves rather than continuing to rely on old Uncle Sam.

Mr. Speaker, it may be that there are ramifications of this legislation which have not been fully explored or fully provided for. Certainly its approach is a novel one. Let me say that I would be most happy to have from my colleagues any comments or suggestions they might have on this legislation. This bill has been offered as one suggestion for dealing with an increasingly serious problem. Some legislation is desperately needed to meet this problem and to take this economic sword away from over the heads of the working men and women of America.

Under leave to extend my remarks, I include herewith the text of H.R. 11418:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fair Labor Standards Trade and Foreign Self-Assistance Act of 1960".

FINDINGS

SEC. 2. Sweatshop labor conditions are prohibited by law in the United States. The rapid expansion of American foreign trade in recent years, in effect, permits foreign industries in which wages and working conditions are below American standards to compete with domestic industries in which wages are significantly higher and in which minimum wages and working conditions are set by the laws of the United States and the several States. Many American industries, especially those in which labor costs constitute a high proportion of the total production cost, have been injured or are threatened with serious injury as a result of such competition. As a result of these conditions unemployment is sharply on the increase in areas where domestic industries are faced with such competition. Some American manufacturers, in an effort to compete, have curtailed domestic production thereby reducing domestic employment, and have either undertaken to import similar goods manufactured abroad or have replaced their domestic manufacturing facilities with facilities built in foreign countries, thereby still further reducing domestic employment. To provide relief for American industries so affected and to reduce unemployment among American men and women in such industries, steps must be taken (1) to equalize the conditions of competition between American industries and those operating in foreign countries with lower wages and working conditions; and (2) to encourage foreign governments to take action of their own to raise wages and working conditions in their respective countries. To accomplish these objectives the following procedures are established.

PROCEDURES

SEC. 3. (a) Upon the request of the President, or upon resolution of either House of Congress, or upon application of the representative of any domestic industry or employee organization in a domestic industry, or upon application of any interested party, or upon his own motion, the Secretary of Labor (hereinafter referred to as the "Secretary") or his designee shall make an investigation of any situation in which it is alleged that the differential in costs, due to the existence of wage rates and working conditions significantly below United States standards, gives foreign manufacturers or producers a competitive advantage over United States manufacturers or producers.

(b) In carrying out an investigation and hearings under the foregoing procedure, the Secretary shall to the extent practicable consider (among other factors): wages and all other forms of remuneration for work performed, labor productivity, production costs and the components thereof, levels of automation, working conditions, levels of unemployment, legislation or regulations pertaining to working conditions, and living standards in the United States and in the country or countries of origin of the imported article or articles under investigation.

(c) The Secretary shall request the views of the Tariff Commission in writing on relevant trade and international factors in all cases in which he deems such information necessary to the investigatory process under this Act. He may in addition request the views of any other interested agency or agencies.

(d) Should the Secretary find that a domestic industry is being or is likely to be injured by imports of goods which are produced in foreign countries under wages and working conditions below United States standards, or that serious unemployment exists in a domestic industry as a result of increased imports of such goods, he shall recommend to the President such new or additional duties, import quotas, or other remedies as he shall deem necessary or proper in each case, but—

(1) in no event shall the rate or rates of any such new or additional duty be higher than the rate or rates in effect on July 1, 1934, on the product in question or, if the rate is specific or compound, then higher, with respect to the specific rate or the specific part of the compound rate, than the ad valorem equivalent of such rate in effect on July 1, 1934, or, if the product was not imported in commercial quantities before July 1, 1934, then higher than the ad valorem equivalent of the specific or compound rate or rates applicable to the product when it was first imported in commercial quantities subsequent to that date; and

(2) in no event shall any such new or additional import quota reduce the import volume of the product in question (measured by quantity if satisfactory statistics are available, otherwise by value) to a share of the domestic market for the product less than the share of such market supplied by the imports of such product on July 1, 1934.

(e) Upon receipt of the Secretary's report and recommendations, the President shall by order impose such new or additional duties, import quotas, or other remedies as are recommended by the Secretary to be necessary to afford relief to the domestic industry involved; except that in the case of goods for which additional duties are recommended, he may, in lieu of imposing such duties, open or cause to be opened with the foreign country or countries concerned negotiations looking toward agreements with such country or countries under which such additional duties will be suspended by the United States provided the foreign government concerned agrees to levy on such goods (prior to their shipment out of the foreign country concerned) a tax in local currency equivalent to such additional recommended duty and further agrees that the receipts of such levy will be used by it in a manner satisfactory to the President to raise the level of wages, construct housing, or increase educational benefits or will be otherwise expended for purposes and projects designed to raise the level of wages and standard of living in the foreign country concerned.

(f) The Secretary shall make and publish, with dispatch and in no event more than six months after the request, application, or resolution is made, a report on each request, application, or resolution under this Act.

(g) Any order issued pursuant to this Act may be modified, suspended, or terminated under the procedures herein established.

(h) The new or additional duties or import quotas imposed by the President or other action taken by him under this Act and any modification, suspension, or termination thereof, shall become effective on such date as he shall specify in his order and shall be treated for administrative purposes as a part of the Tariff Act of 1930.

(i) The Secretary shall, within ninety days after the enactment of this Act, promulgate procedural regulations to give effect to the authority conferred upon him hereunder.

EFFECTIVE DATE

SEC. 4. This Act shall take effect as soon as practicable, on a date to be specified by the President in a notice to the Secretary of the Treasury, but in any event not later than ninety days after the date of enactment.

INTERNATIONAL EDUCATIONAL EXCHANGE PROGRAM

Mr. LANE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, the American people are waking up to the fact that we must give increasing assistance, recognition, and honor to education. Our survival and our progress depend upon it.

In legislating the Fulbright Act, the 79th Congress recognized that education is the greatest liberating influence in human experience. The community of knowledge has no political boundaries. Eventually, it will dissolve such artificial barriers as the Iron Curtain.

The U.S. Government has taken the leadership in promoting the international educational exchange program. Under it, Americans and nationals of other countries are awarded grants to teach, study, lecture, conduct research, act as consultants or engage in other educational projects.

The funds for carrying out the program under the Fulbright Act are certain foreign currencies or credits owed to, or owned by, the Treasury of the United States. Under executive agreements with foreign governments, programs involving American teachers are currently in effect in the following countries: Argentina, Australia, Austria, Belgium and Luxembourg, Burma, Chile, Colombia, Denmark, Finland, France, Germany, Greece, Iran, Italy, Japan, the Netherlands, New Zealand, Norway, Pakistan, Peru, Thailand, Turkey, and the United States.

It is a genuine distinction to be chosen for one of these grants.

The successful candidate must be recommended by the U.S. Office of Education to the Board of Foreign Scholarships which makes the final selection.

It is a privilege for me to announce that a constituent from my home city of Lawrence, Mass., has acquired the knowledge of her subject and the teaching skill to earn one of these awards.

Miss Justine Marcia Devlin, of 9 Allyn Terrace, Lawrence, has received a grant for the purpose of attending the summer seminar for American teachers of German at Goethe Institute, Munich, Germany.

Justine is the daughter of Mark H. Devlin, Jr., who was an athletic star at Holy Cross College, and went on to build a successful career as teacher, coach, and director of athletics at Lawrence high.

She is one of the 20 outstanding teachers in the Nation who were chosen from a list of highly qualified applicants for these grants.

This honor reflects credit on herself, her parents, and the teaching standards at Lawrence High where she is a member of the faculty.

Congratulations to Miss Devlin for a genuine achievement.

JAMES BRENDAN CONNOLLY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, the modern Olympic games after a period of about 1,500 years, during which no such international sports meetings were held, were instituted in 1896 in Athens, Greece, so that the present Olympic games, for all practical purposes, particularly in our day, started in 1896.

In the Olympic games held in Athens in 1896, 484 athletes from many nations participated. As an indication of the great international interest in the Olympic games, when they were held in Helsinki in 1952, 5,781 athletes participated. During the period between 1896 and 1952, at least 35,000 athletes have participated in this great international sport event.

In the 1896 games, the United States sent to Athens a small but able team of athletes as follows: James Brendan Connolly, Bob Garrett, Herbert B. Jamison, Francis A. Lane, Albert C. Tyler, Arthur Blake, Thomas E. Burke, Ellery H. Clark, Thomas P. Curtis, William H. Hoyt. Each and every one of these American representatives are outstanding athletes and at the Olympic games of 1896 brought honor and glory to the United States.

The question is often asked, "Who was the first winner and champion at the Olympic games of modern times?"

The answer to that question is that the winner of the first contest at the Olympic games in Athens in 1896 was James Brendan Connolly of Boston, Mass.

The day after the U.S. team arrived at Athens, Greece, the first contest of the Olympic games was the hop-step-jump, and Jim Connolly won this contest jumping a distance of 45 feet, a record that stood for the next 13 years. This victory of the late Jim Connolly took place on April 6, 1896. By the victory of Jim Connolly, the American flag was the first flag to fly from the Victory Pole.

In the Olympic games of 1896, Jim Connolly and the other nine members of the U.S. representatives at the Olympic games made outstanding history in the field of athletics, and Jim Connolly and the others brought honor and glory to the United States.

It is well that we pay tribute to these men and by doing so, keep alive in the minds of the youth of America the ambition to emulate their actions in the field of athletics and in future Olympic games, by their victories bring honor and glory to the United States.

In addition to his great athletic ability, Jim Connolly was a great American and one of the finest gentlemen that I have ever met. He was gifted in many other directions. Because of his knowledge of the sea and of seafaring men, based upon his own experiences in the North Atlantic, aboard oil tankers in the Gulf of Mexico, and whaling voyages with the great Capt. Morgan Ingrebicksen, and a member of the famous Massachusetts 9th Regiment in the Spanish-American War, and as a war correspondent in World War I, Jim Connolly is the author of a number of books, at least 25 books, for which he will always be remembered by all lovers of literature of the sea. He is the author of such books as "Out of Gloucester" and "Canton Captain." Among booklovers, and particularly those of books relating to the sea, Jim Connolly is one of their favorite authors.

If alive today, Jim Connolly would be 91 years old. He passed away only a few years ago, but his productive life, his noble outlook on life, his philosophical and kind mind has left its favorable impression for countless generations to come. He will not only always be remembered for the excellent books of which he is the author, but particularly as the winner of the first event in modern Olympic games, and the honor and glory that this victory brought to the United States.

SMALL BUSINESS COMMITTEE

Mr. MULTER. Mr. Speaker, I ask unanimous consent that Subcommittee No. 2 of the House Small Business Committee may sit during general debate during the session of the House tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

ATTACKS ON CHURCHES

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mrs. GREEN of Oregon. Mr. Speaker, the controversy over the recently exposed—and repudiated—Air Force manual continues. Some weeks ago, when the Air Force, in a moment of incredible carelessness, allowed a manual to be issued, containing long discredited and absurd charges against America's churches, it was assumed that the controversy would soon be settled. The Air Force's promptness in withdrawing the manual gave further room for hope that this tempest would soon be removed, even from the teapot in which it had arisen.

But the critics of the National Council of Churches have seized upon the publicity given to the manual to again sing their hymns of discord. In a recent article in the New York Times, the people who are leading this cantata of calumny are described, and the basis for their opposition to the National Council—indeed, to any church group or individual who disagrees with their particular ideology—is well summed up.

The article reads as follows:

EXTREMISTS TRY TO CURB CLERGY—MOVES TO BAN SOCIAL ISSUES CAUSING PROTESTANT RIFT

(By John Wicklein)

Protestant leaders in the Midwest and in Texas believe a concerted effort is being made by extreme economic and religious conservatives to keep ministers and church councils from speaking out on social issues and force them to "stick to the gospel."

The effort, they say, has intensified in the 6 weeks since an Air Force training manual drew attention to long-standing assertions by ultra-conservatives that Communists had infiltrated the major Protestant denominations and their federation, the National Council of Churches.

The council protested the manual, and the Defense Department withdrew it with apologies. The withdrawal incensed fundamentalists. They insisted in rallies that the charges were true, and demanded that the publication be reinstated.

This weekend the Reverend Dr. Roy G. Ross, general secretary, sent a letter to all Members of Congress stating that the council and its 33 constituent bodies "are and always have been unalterably opposed to communism."

But the council "insists not only on the right, but also on the duty of the churches and of religious communions and their members to study and comment upon issues, whether, political, economic, or social, which affect human relations," he went on.

It is on this point that liberal and moderate ministers run into violent disagreement from fundamentalist clergy. The conservatives insist that the church "preach the Bible and teach Sunday school," and keep out of social and political debates.

"The basic issue in the present controversy is still the old fundamentalist-modernist argument," the Rev. Dr. Roe Johnston, minister of the First Presbyterian Church in Indianapolis, said in an interview last week.

"The fundamentalists have found a new club in these Communist charges, and it gets them more publicity than they ever had before, and so they are going to flail away."

Ministers such as Dr. Johnston, a former football star at Annapolis, are not afraid to speak strongly on social issues. But many others, according to executives of local church councils, are afraid that if they do they will be attacked as Communist sympathizers or undercut financially.

INTIMIDATION SEEN

A Chicago denominational official saw the attacks as attempts at intimidation in the manner of the late Senator Joseph R. McCarthy, Republican, of Wisconsin, with guilt by association as the chief weapon.

"If we lose the freedom of the pulpit," he said, "then we're gone."

He noted that the attackers had not been able to name any incumbent official of a major denomination or the National Council as a Communist.

That moderate and liberal clergymen have genuine fears for this freedom was indicated in interviews last week in four areas, where pressure from ultra-conservative clergy and laymen had been reported—Cincinnati, Indianapolis, Chicago, and Houston.

The pressure, these men agreed, stems from two sources:

Wealthy laymen in and out of mainline denominations who object to social, economic, and political pronouncements by local ministers, denominational leaders and officers of the National Council.

Theological conservatives who object to liberalism in matters of belief, which predominates within the major denominations affiliated with the council.

The efforts of the one group, according to local church council executives, reinforce the efforts of the other.

Those opposing the council have found guidance in the nightly broadcasts of Fulton Lewis, Jr. For the last 3 weeks the commentator has devoted a third of his daily broadcasts on 310 stations across the country to attacks on the council and liberal clergy leaders.

LEWIS OFTEN QUOTED

Midwestern ministers say Mr. Lewis is the source most frequently quoted to them when their parishioners ask questions such as "What are you going to do about the Communists in our denomination?"

Mr. Lewis was asked whether he was making his attack on the council as a kind of crusade.

"Yes, I am," he replied. "I think that the National Council of Churches in many of its functions is a very fine organization. But it should not, however, be represented as the spokesman for 38 million Protestants when it is not the spokesman."

This objection was also heard across the Midwest. At the council's headquarters here, James G. Wine, associate general secretary, said the organization was aware of the criticism.

"Certainly we do not speak for 38 million people," he said. "No one could. And you'll note that pronouncements adopted by our General Assembly always say the delegates 'urge' the churches to do thus and so, never that they have to do it."

Mr. Lewis said he wanted to stress "that the Air Force manual told the truth and should never have been repudiated."

The council, he said, "should not speak out on political issues, and so far as they speak out on social issues, it should be from a religious standpoint."

WOULD WITHHOLD FUNDS

He has suggested his listeners write to J. Howard Pew, former president of the Sun Oil Co., and head of the United Presbyterian Foundation, for a report Mr. Pew wrote opposing the council's participation in "current secular affairs."

Mr. Pew, in a speech in Chicago a week ago, warned his denomination that men of wealth would continue to withhold contributions to the corporate church until it stopped making pronouncements on social issues, such as civil rights and collective bargaining. He has been supported by Gen. Robert E. Wood, former head of Sears, Roebuck & Co., and other affluent laymen.

In an interview Mr. Pew said:

"I would be just as much opposed to their making these pronouncements if they were enunciating my philosophy. These people do not have the knowledge and the competence in these areas. They should stick to ecclesiastical subjects."

The local minister, he said, has a responsibility in ethical and moral considerations that does not apply to the corporate church.

The Reverend Dr. Eugene Carson Black, chief executive officer of the United Presbyterian Church disagreed with Mr. Pew.

"In all my ministry," he commented, "I have never been criticized for meddling in political affairs by any church member who agreed with the views expressed.

"The stake that the Protestant churches have in this whole business is to keep themselves free to teach and preach the Gospel. Those who are pressing the church to keep out of economic and political areas, whether they know it or not, are attempting to make in this country a tame, kept church such as all totalitarian states attempt."

Support for slanderous accusations against liberal churchmen "normally comes from people who combine conservative theology with conservative economics and politics, specifically including worthy men of the far right," he declared.

He said he would not put it past the Communist Party to try to push this kind of confusion in the Protestant churches.

RAISES RED CONNECTION

"If there are Communists in this thing," he said, "I am sure they are using these extreme anti-Communists as their unwitting tools to try to destroy the Protestant churches, which have always been implacable foes of the Communist Party and ideology."

Dr. Blake and other major denominational officials listed these fundamentalists as chief sources of attacks on the more liberal clergy:

Maj. Edgar C. Bundy of the Air Force Reserve, chairman of the Church League of America in Wheaton, Ill., a lecturer and pamphleteer. He led the group in the Illinois Department of the American Legion that condemned the Girl Scout handbook as un-American.

Myers G. Lowman of Cincinnati, executive secretary of Circuit Riders, Inc., organized in 1951 by 33 Methodist laymen to oppose socialism and communism in the Methodist Church.

The Reverend Carl McIntire, of Collingswood, N.J., founder of the American Council of Churches, a small schismatic group, and editor of The Christian Beacon, which is devoted to attacks on the national council.

Verne P. Kaub of Madison, Wis., organizer of the American Council of Christian Laymen and a pamphleteer, who supports Mr. McIntire.

The Reverend Billy James Hargis of Tulsa, Okla., president of The Christian Crusade, lecturer and radio speaker. His pamphlet, "The National Council of Churches Indicts Itself on 50 Counts of Treason to God and Country," was cited as source material in the Air Force training manual.

HEAVY FINANCIAL BACKING

All these men have said they draw financial support from contributors to their organizations, or from lecture fees.

Church council executives say the major costs of their operations—the distribution of pamphlets and air time for radio programs—are underwritten by two independent oil operators in Dallas and a Philadelphia industrialist. Attempts to reach these men and their business offices for confirmation have proved unavailing.

The five appear to have strong financial backing. Several weeks ago a small radio station in Illinois was offered $5,000 a week to broadcast Mr. McIntire's "Reformation Hour." The clergyman is heard on 90 stations across the country.

After 1936, when the Presbyterian Church in the United States of America withdrew his ordination, Mr. McIntire concentrated his attack on that church. Later he shifted to attacks on the Roman Catholic Church, and more recently to the national council.

Material used over the years by the five antiliberals was quoted freely in the Air Force manual as proof that Communists were a guiding force in the council and major denominations.

Their chief sources of "documentation" are quotations from one another, information against clergymen in the "raw" files of the House Committee on Un-American Activities, unevaluated testimony (sometimes their own) before that committee, and writings by them inserted in the CONGRESSIONAL RECORD by ultraconservative Senators and Representatives.

OMISSION IN CHARGE

A charge circulated by these men and Mr. Lewis is that Bishop G. Bromley Oxnam spoke at a dinner of the Congress of American-Soviet Friendship.

Omitted from the charge is the fact that the time was November 8, 1942, when the United States was officially allied with the

Soviet Union, that those present included Owen D. Young, the late Cordell Hull, Lord Halifax, Edward Stettinius, Jr., and Senator Kenneth McKellar, Democrat of Tennessee, and that sponsors of the Congress included Senator Leverett Saltonstall, Republican of Massachusetts, and Christian A. Herter, now Secretary of State.

Charles P. Taft of Cincinnati, brother of the late Republican Senator Robert A. Taft and an Episcopal layman active in the National Council, called the charges "chiefly an anti-intellectual attack."

"They don't want to discuss the Communist conspiracy on any intellectual basis," he said, "because they don't show at all that ministers preach Communist doctrines. They always merge proposals for social welfare with communism, with an anti-intellectual refusal to make a discrimination between them. In a sense, it is the same sort of anti-intellectual attack that Senator McCarthy made on proposals for social welfare."

Churchgoers in Houston, Tex., seemed by far the most disturbed over the charges of communism. A council official described it as a "disaster area" for old-line protestantism.

This may be because the area mixes religion with conservative economic and social thought: A car parked outside a large Fundamentalist church has a sticker that reads "Constitution Party—Repeal the Income Tax"; a lighted sign in front of an insurance company division office says, "Joy shall be in heaven over one sinner that repenteth."

Independent, emotional-appeal churches are springing up all over the city in attractive contemporary buildings containing church schools, nurseries and air-conditioning.

At one, the Berachah Church, Major Bundy last Sunday, drew 4,000 persons to four rallies against the National Council.

"Moderns and liberals hate the word fundamentalist, because it deals with the fundamental teachings of the Bible and because it means the fundamentals on which this country was founded," he told them.

REFERS TO PROFESSOR HERE

Churchmen who do not agree with his definition of fundamentals, he implied, are soft on communism.

He said a retired professor at Union Theological Seminary in New York had been identified as a Communist. He charged that the professor had been active in the National Council, which was not true.

"The National Council of Churches is on the same block in New York City as Union Theological Seminary and Columbia University," Major Bundy observed, and added: "Birds of a feather, eh?" His audience laughed.

But officials of the Greater Houston Council of Churches think the situation is serious.

"There is a readiness of the people in this Bible belt to accept these charges," the Rev. Virgil E. Lowder, executive director, said. "Most pastors are being pretty cautious about saying anything in rebuttal, for fear of reprisals."

The council decided it had to reply, and it did in a television talk by the Reverend John D. Craig, a Presbyterian minister and former president of the Houston Association of Ministers.

"Of course the Communists have tried to infiltrate the churches, just as they have tried to infiltrate the business and professional groups," Mr. Craig declared. "But they have not been successful in the churches, because it is too hard for them to pretend to be Christians."

Criticism of the church councils comes from persons within as well as outside old-line churches.

W. Hume Everett, Houston division attorney for the Ohio Oil Co., has written to all vestrymen of St. John the Divine Episcopal Church asking them to withhold contributions from the local, State, and national councils so long as they speak out on social affairs.

"They don't speak for me," he said in an interview.

"They support, without exception, all socialistic laws. The primary purpose of the local, State, and national councils is not to promote the love of Jesus Christ, but more Government control."

Mr. Everett said he knew and had worked with Major Bundy.

"Bundy advises people to leave their churches, but I want to work inside the church. I want to persuade the pastors to leave us poor, dumb laymen to take care of politics, and take care of the spiritual guidance that will help us do this."

WIDENING EFFECTS

The attack has had an effect in other cities.

In Wichita, Kans., the board of deacons of the largest American Baptist church in the country voted to cut off the church's $33,000 contribution to the denomination in protest against its membership in the National Council.

While a reporter was in local church council offices in the Midwest, phone calls came in from ministers and laymen asking about the Communist charges and what would be done about them. Ministers reported their congregants confused and disturbed by the issue.

"This is the first time I've seen our clergy angry," the Reverend Laurence T. Hosie, executive secretary of the Greater Indianapolis Church Federation, said. "The whole American concept of the right to differ within your loyalty to the country is being challenged here."

The Indiana area of the Methodist Church reported that Communist charges concerning the authors of the revised standard version of the Bible had led members of the Central Avenue (Indianapolis) Methodist Church to ask the minister to stop using it. The members said they did not want any Red-oriented scripture.

American Legionnaires in a Presbyterian Church were reported to have asked that funds be withheld from the denomination until it dropped its affiliation with the National Council.

The Legion, which has its national headquarters in Indianapolis, has taken no official stand on the Air Force manual, but the charges have been discussed at meetings in local posts.

Neil E. Watterman, Americanism chairman of the Legion's Hamilton County (Cincinnati) Council, said the manual "certainly is an important part of the education concerning Communist infiltration, and we will be using it in lectures before the Kiwanis, PTA, and church groups."

He said he had used pamphlets by Mr. Lowman for reference when his committee had been asked if a person was a good individual to have as a speaker.

The Circuit Rider pamphlets, which Mr. Lowman says are devoted exclusively to listings of subversive affiliations of clergymen and laymen, are distributed widely in and outside the Methodist denomination.

Church leaders in Cincinnati, Mr. Lowman's home, say he has been able to keep the issue alive in the area.

In an interview Mr. Lowman said he was glad the manual issue had come up.

"I think this controversy is the best thing that ever happened for conservative religion in this country," he said. "It's brought it down to a matter of survival for the National Council of Churches."

He said his only concern was that church facilities not be used for subversion or socialistic purposes.

"My position is that the National Council of Churches and its program addresses itself in the main to the grievances and the animal appetites of man," he went on. "The program goes under the fancy title of 'social gospel.'

"We are for a minister speaking out on any issues except the promotion of socialism, communism, or pro-Communist activities."

Last year Mr. Lowman was paid $54,500 by the Georgia Commission on Education as a "secret investigator" in its efforts, according to Gov. Marvin Griffin, "to keep our educational institutions free and segregated."

Mr. Lowman has attacked leaders of the Greater Cincinnati Council of Churches as subversive. In 1952 he applied for a job as public relations director of the council. He was refused.

The Reverend Raoul C. Calkins, district superintendent of the Cincinnati area of the Methodist Church, commented:

"The whole implication that within Protestantism there is a lack of loyalty to the United States and a tendency to be loyal to communism is just ridiculous and unfounded."

Today, following the appearance of the article found above, the New York Times ran an excellent editorial on the subject. The editorial points out clearly, and without equivocation, that the attacks on our churches are attacks upon the basic freedom of the religious bodies of the Nation to speak out on subjects that concern them, as they concern us all. As this editorial points out, what we are witnessing in the attacks on the National Council, is an attack upon religion itself.

The editorial follows:

AN ATTACK ON RELIGION

Two thousand years ago the Christian religion was considered so subversive that its founder was put to death and its followers driven underground. Times have changed since then, except in some of the Communist areas. Yet, as John Wicklein wrote in this paper yesterday, a bitter and ignorant attack is now being made on a Protestant organization, the National Council of Churches, on the ground that it is infiltrated by Communists and other left-wingers. The attack was brought out into the open when the Air Force withdrew, with apologies, a training manual which made just these charges.

If anyone will take the trouble to read the New Testament, or certain parts of the Old Testament, he will find that the prophets, including the Man of Nazareth, had indeed little reverence for riches or the possessors of worldly power, and had, on the contrary, a deep pity for the poor and the afflicted. All through the centuries the Christian church in all its phases and divisions has had a social as well as a religious message. Like other great religions, Judaism included, it has been repeatedly stirred by social reform movements.

In this light we may look again at those fantastic mentalities who attack what one of Mr. Wicklein's informants called "the freedom of the pulpit." So far as there is anything beyond a moronic vacuum in these attacks, they are really directed at all efforts to reconcile our society with the Ten Commandments and the Sermon on the Mount. An intrachurch struggle is no doubt going on and in this dispute the general public outside the affected denominations need not take part. We have a right, however, to object to any attempts to intimidate the ministers of any religion. The symptoms of the present anticlerical campaign are recognizable in their similarity to other discreditable incidents over many decades and even generations. They are cheap, silly, and irreligious.

GRAIN STORAGE RATES REQUIRE ADDITIONAL STUDY

Mr. McGOVERN. Mr. Speaker, I ask unanimous consent to extend my remarks in the body of the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. McGOVERN. Mr. Speaker, recently the Department of Agriculture has announced a planned reduction of storage rates of approximately 19 percent on Government-owned grain.

I am convinced that such a drastic reduction would work a great hardship on many farmers, country elevators, and farmers' associations.

In a recent public meeting which I called to discuss storage rates, a group of 210 interested farmers and elevator storage men recommended that any reduction in storage rates or handling charges be postponed for further study. These responsible men meeting at Huron, S. Dak.; March 27, convinced me that existing rates are not too high. The services rendered by the country elevator and others who store a vital part of our Nation's food supply are services that for the most part are not being overpaid.

It is true that there are instances of profiteering and irregularity in the storage industry, and these cases should be met by vigorous Government action. Such special cases could be dealt with by granting recapture authority to the Department so that the Government could recover excess profits that might be made by certain storage interests.

I have today introduced legislation expressing the sense of Congress that the Department of Agriculture continue for an additional year existing storage rates and handling charges with the provision that authority for recapture of excessive profits be granted to the Department.

Under unanimous consent, I include my resolution and the resolution passed at the Huron meeting at this point in the RECORD:

HOUSE CONCURRENT RESOLUTION 651

Whereas the Department of Agriculture recently announced its intention to decrease by 19 percent the storage rates on Government-owned grain; and

Whereas a reduction in storage rates would affect and could be injurious to thousands of farmers, farmers' organizations, and country elevators who are presently operating under uniform storage agreements; and

Whereas in some cases existing rates may result in excessive profits, and the Government should be authorized to recapture such excessive profits; and

Whereas a determination and justification of changes in either storage rates or handling charges must be based upon an overall study of costs: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the Department of Agriculture rescind its recent proposal to decrease by 19 per centum grain storage rates on Government-owned grain, and continue for one year the uniform storage agreement contracts now in effect, including storage rates and handling charges, in order to provide time within which to negotiate any needed changes in rates and to provide a basis for recapture of excessive profits.

RESOLUTION PASSED AT HURON, S. DAK., MARCH 27, 1960

The following resolution was unanimously adopted on March 27, 1960, by 210 farmers, managers, directors, and representatives of farmers and country elevators meeting in the courtroom of the Beadle County Courthouse, Huron, S. Dak.:

"We earnestly recommend that the U.S. Department of Agriculture rescind its recent proposal to decrease by 19 percent grain storage rates on Government-owned grain.

"We recommend, instead, continuance for 1 year of the uniform storage agreement contracts now in effect, including existing storage rates and handling charges, so as to provide ample time to negotiate any needed changes in rates."

THE LATE HONORABLE RUSSELL V. MACK, REPRESENTATIVE FROM THE STATE OF WASHINGTON

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, it would take not one minute but hundreds of minutes, yes, thousands of minutes to pay real tribute to the late Judge Mack of Washington, who passed away literally in our very midst on the floor of Congress yesterday. Certainly, no man ever lived who deserves more justly the undying gratitude of the veterans of our country than Judge Mack of Washington. Judge Mack served on our Committee on Veterans' Affairs when I was chairman of it and he was a constant help and inspiration. He was very successful in securing passage of legislation. Great of stature he was great in heart and kindliness. Wholesome and enthusiastic, he made people realize the power and possibilities of America. Nothing was too small for his interest.

When I first met Judge and Mrs. Mack on their arrival in Washington I rejoiced that we would have their friendship and understanding.

They were not interested just in their State of Washington—but in the world. They traveled all over the United States. Able and fearless, Judge Mack fought for his country in peace as he did as a soldier in World War I. He died in the service of America. Beautiful Mrs. Mack, his beloved wife, has the comfort of knowing she was always by his side leading him on. May God grant her solace. I mourn with her deeply and with the State of Washington and the Nation.

FREEDOM OF THE PRESS AND THE TARIFF ISSUE

The SPEAKER. Under previous order of the House, the gentleman from West Virginia [Mr. BAILEY] is recognized for 30 minutes.

Mr. BAILEY. Mr. Speaker, on July 30 of the past year a protest was made on this floor against the press coverage of the tariff and trade issue. Half a dozen members joined me in expressing deep dissatisfaction over the manner in which the metropolitan press had treated the news relating to the so-called Reciprocal Trade Agreements Program and the tariff battle in general over the years. It was our opinion that a biased press had given very inadequate coverage to those who spoke for reasonable protection of American industry against destructive imports, while at the same time it gave full coverage to the statements, opinions, and views of those who, both in and out of the Government, advocated more tariff reductions.

In support of these views there was inserted in the RECORD an exchange of correspondence between Mr. O. R. Strackbein, Chairman of the Nationwide Committee on Import-Export Policy, and Mr. J. Russell Wiggins, president of the American Society of Newspaper Editors.

Subsequently as more material became available it was placed in the RECORD of September 9, 1959.

At that time Mr. Wiggins had agreed to lay before the board of directors of ASNE—American Society of Newspaper Editors—an offer of $2,000 in cash made by Mr. Strackbein to any ASNE member who could answer a series of questions on the tariff and trade developments of the past 25 years by reference to newspaper columns.

I am informed that no one took the trouble to make the effort to win the prize. At this point in the RECORD I wish to insert an article written by Mr. Strackbein published in the Bulletin of ASNE February 1, 1960. This will bring up to date some of the developments in this complaint:

THE PRESS IS IMPERFECT

(By O. R. Strackbein, chairman, National Committee on Industry, Agriculture, and Labor on Import-Export Policy)

On June 18, 1959, the writer sent a complaint against the character of newspaper coverage of the "protectionist" side of the tariff and trade question to the president of the American Society of Newspaper Editors, Mr. J. Russell Wiggins.

The essence of the grievance was that while the subject of tariffs and trade as a whole had been given publicity to the point of saturation over the years, the protectionist side had been systematically downgraded and badly slighted, particularly by the metropolitan press.

The complaint held that the newspapers were largely in support of the trade agreements program and in effect enlisted as partisans on the side of the Government and as such unabashedly used the news columns in the legislative tariff battles before Congress as pawns in the contest. The combination of newspapers and Government, the complaint indicated, produced an effect almost undistinguishable from the press in totalitarian countries. It was all but impossible for outsiders to break through this "cordon sanitaire."

The complaint also said that the metropolitan newspapers did not carry the rationale of the "protectionists" but confined themselves mostly to brief quotes of conclusions from protectionist spokesmen. In contrast the liberal trade position was spread before the public in its philosophical justification and in its practical political aspects in all detail. Generally the protectionist spokesmen were dismissed as "high-tariff" lobbyists or characterized as anachronistic throwbacks to William McKinley.

The president of ASNE replied that he did not agree with the indictment and that

there was therefore nothing to be discussed. Upon further insistence by the complainant the ASNE executive said there was no committee, board or group of the press that had powers of review to which such a complaint as the writer's could be submitted.

Yet further correspondence revealed the existence of the Freedom of Information Committee of ASNE but it was said that its function was to prevent or protect suppression of news not by newspapers but by National, State, and local governments. The writer felt incredulous over such a state of affairs and said so. He thought there "must be" some provision for the hearing of complaints.

In the end the president of ASNE agreed to lay the complaint together with any pertinent material before the society's board of directors which was to meet in October 1959.

The writer produced citations from the legislative history and various developments in the course of the past 4 or 5 years of the trade agreements program, together with observations on the treatment accorded these events by the press.

He listed five specific complaints among many other possible ones and supported them with exhibits and citations. While the exhibits were somewhat voluminous the volume was thought to be justified by the importance of the issue. This was also better than to err on the side of deficiency, particularly when earlier correspondence had produced the cry that the complaint was too general and lacked evidence.

Before the board of directors met, the writer made a cash offer of $2,000 to any member of the ASNE Freedom of Information Committee or board of directors who could achieve a grade of 75 percent or higher in answering some 75 questions on various aspects of the trade agreements program by consulting newspaper files and providing citations of newspaper, page and column. This offer was designed to test the news coverage by a method that might be vastly superior to a count of column inches.

The offer was received in complete silence by those who could have entered the contest. Perhaps $2,000 was a sum so small that no one was tempted. Not a single nibble was recorded.

The writer also asked permission to appear before the ASNE board; but the request was denied. The board met October 31 and disposed of the case with apparently little ceremony on the grounds that the ASNE could not tell any newspaper what to print or not to print. It said there was no board of review but even if there were one, in the opinion of the board, the complaint would be found to be without foundation. It also said that complaints of the kind before them should be made to individual newspapers.

The writer followed this admonition by directing another letter to Mr. Wiggins in the latter's capacity as executive editor of the Washington Post as well as president of ASNE. This complaint was no more productive than the first.

The author concluded that there was no avenue of reaching the press as an institution. It was an impenetrable monolithic exception to the democratic processes. The press, on the other hand, is rightly jealous of its constitutional safeguard; but it appeared to the writer that no human activity should be free of all accountability when such activity failed to fulfill the obligation that rests on it, as it does on all who exercise a privilege as vital in its impact on the public as news communication.

All other professions have established standards, including the law, medicine, and pharmacy. The public is protected against adulterated food, fraudulent weights and measures, and the principle of caveat emptor has been set aside in these fields. Those who teach our children must meet certain scholastic requirements as must those who look after our health. In journalism there are no such requirements even though the character of public enlightenment depends greatly on what people read in newspapers.

Beyond rising standards of education, training and competence, other professions have set up codes of ethics and proper practice.

The field of journalism has neither and seems to lie beyond the public conscience, headstrong and untouchable.

Such incorrigibility may arise in some degree from inability to find a means of discipline that would not impinge disastrously on the freedom of expression that should surround the press. That such means of discipline do exist, if a little positive rather than negative thought is given the subject, seems indisputable; and the need, as indicated in the complaint, is great indeed.

It will be noted from this article that Mr. Strackbein requested permission to appear in person before the ASNE's board which met on October 31, 1959, in order to present his documented complaint; and that his request was denied. In lieu of a personal appearance Mr. Strackbein filed a complaint under five headings, each supported by citations. This document, together with the citations, is offered for the RECORD at this point:

THE NATIONWIDE COMMITTEE
ON IMPORT-EXPORT POLICY,
Washington, D.C., October 28, 1959.

Members, the Board of Directors, American Society of Newspaper Editors.

GENTLEMEN: On June 18, I wrote to the president of your society complaining against the press coverage of the tariff and trade problem, alleging that while the "liberal" trade side of the issue had been fully publicized the "protectionist" side had been downgraded and only fragmentarily presented over a long period of years.

In that letter I presented no evidence to support the charge of bias and your president, Mr. J. Russell Wiggins, turned away on the grounds that I had provided no evidence.

Subsequently, on August 26, instead of presenting evidence I submitted a list of some 75 questions by which newspaper coverage of the subject could be tested. I offered a cash payment of $2,000 to Mr. Wiggins or to members of the ASNE Freedom of Information Committee who could make a passing grade of 75 percent in reply to the questions, provided that each answer were supported by a specific newspaper citation. This was not to be a test of knowledge but of newspaper coverage.

Mr. Wiggins agreed to lay my proposal before the board of directors of the society; and I subsequently extended the cash offer to members of the board and extended the expiration date of the offer.

I desire now to call attention to specific and serious failures of the metropolitan press to report on important aspects of the tariff and trade issue as it developed and how through these failures the country was left woefully uninformed or misinformed on the subject, and still remains so.

1. The trade agreements program was recommended to Congress and to the country under false pretenses, the record now demonstrates overwhelmingly.

The repeated Presidential and other executive assurances, including those of successive Secretaries and Assistant Secretaries of State and other Cabinet members, that the trade agreements program would not be allowed to injure American industry, were liberally disseminated to the public through the press.

Attached hereto as exhibit A is a partial record of direct quotations from three Presidents, several Secretaries of State, other Cabinet members, Under Secretaries, Assistant Secretaries, and others, who testified from 1934 to 1958 before congressional committees or issued statements and in all apparent sincerity plied assurance upon assurance that should serious injury occur to any domestic industry, as a result of error in tariff reductions or of unforeseen developments, a sure remedy was at hand in the escape clause. (See "Escape Clause Assurances and Interpretations," exhibit A, pp. 2, 3, 9, 11, 13–17, 19, 22, 24, 25.) Copies were sent to you on October 9.

COMPLAINT

Despite numerous charges that the administration of the trade agreements program, especially in the manner of negotiation and more particularly in the sterility of the escape clause of the Trade Agreements Act had failed to carry out the numerous executive avowals and assurances, the public and even Congress were left in almost complete ignorance of the facts. The newspapers, for reasons of their own, achieved an almost perfect record of failure to print the protests and statements of those who pointed to the vast discrepancy between assurances and performance.

Since the membership of Congress depends in great part upon the newspapers for its information, for the simple reason that Members can neither sit on all committees nor read all committee reports, the failure of the newspapers to print the complaints of those who were adversely affected by the trade agreements program created the impression not only in Congress but throughout the country that the Executive assurances were being carried out. At least, there was no reason to believe the contrary. This very state of ignorance permitted successive Presidents and other leading officials to continue to repeat the false assurances to Congress and to the public without fear of effective challenge from any quarter.

This type of failure to print replies to public officials whose very position makes news of their words goes to the very foundation of news judgment. The professional newsman's excuse is that the President's very position or that of any high government official automatically confers news value on his utterances.

This view and the practice flowing from it underlie much of the common complaint that we have a government of men and not of laws.

A public issue is a public issue. If it has national importance, as the amount of copy printed on the tariff and trade issue indicates this subject to have, then the newspapers that print only the one side of the news and suppress or neglect that of the opposition to the Government, are guilty either of implicitly conspiring with the Government or of abject failure to understand the basic principles that must guide the generation of sound public opinion.

Unquestionably guidelines could be established to serve under precisely such circumstances. These matters are entirely too serious to be left to the personal moods and prejudices or judgment of individual editors.

2. The record of Executive action under the power delegated to the President under the Trade Agreements Act has been a sharp variance from the Executive assurances.

The principal instruments for carrying into effect the numerous but false Executive assurances referred to in No. 1 above, are the Committee for Reciprocity Information, which guides the negotiators of trade agreements, and the escape clause which was designed to provide a remedy against serious injury from imports in keeping with the Executive assurances.

Exhibit B, attached hereto, is a record of Tariff Commission recommendations sent to the President and the President's disposition of the cases. The period covered ranged from September 1950 to September 1956.

The analysis sets forth the President's reasons for refusing to promulgate Tariff Commission recommendations. In a separate analysis the cases in which the President accepted the Commission's recommendations in whole or in part are compared with those that he rejected.

COMPLAINT

The entire record of Presidential rejection of Tariff Commission recommendations has on numerous occasions been set forth in speeches on the floor of Congress, in statements, speeches, and publications, but, with few exceptions, no account of this shocking record will be found in the press. Yet the record so obtrusively contradicts the long line of Presidential and Executive assurances that the very magnitude of the discrepancy should be newsworthy.

The Tariff Commission itself has found injury in less than half of the 80-odd cases that have come before it under the escape clause. The President in turn has accepted the Commission's recommendation in only 11 cases and diluted all but 2 of them. He has failed to put into effect 7 unanimous recommendations of the bipartisan Tariff Commission.

The failure of the press to expose this record to the public, whether deliberate or not, cannot be defended on the grounds that the subject itself was not newsworthy. Too many columns of praise, originating in great degree from Government handouts, have appeared in our newspapers to give color to such a defense. They have been quite uniform in extolling the supposed virtues of the trade agreements program. It has been a case of saturated reporting on one side and a virtual freezeout on the other.

3. Executive domination in the field of foreign trade. How the State Department enlarged a delegation of limited power from Congress to the President into an effective eviction of Congress from its post of constitutional authority.

An intense battle has raged for 10 years over the ousting of Congress by the State Department from the twin congressional functions of making the tariff and regulating foreign commerce. Exhibit C, attached hereto, traces the development in some detail chronologically. Copies were sent to you on October 14.

The question has been raised many times in Congress, in hearings, on the floors of both Houses, and in public statements and debates. Bitter complaints were made at the various stages by which the State Department, representing the President, tightened the noose around the congressional neck.

COMPLAINT

The complaint in this instance could best be expressed by asking a question:

Where was the free press of this country?

If the press cannot rise higher than the level of espousing favorite causes of the owner or editor of this or that newspaper, and, becoming totally submerged in its own quest, is wholly oblivious of the great principle embodied in the phrase "the right to know," how can it hope to be worthy of its privileged status?

If the press will not give currency to grievances, complaints, and exceptions to developments, such as the loss by Congress of its constitutional authority, while the developments are under way, it will have abdicated the most basic function that freedom of the press should fulfill. If it will uphold this freedom only when the suppressed ideas are those with which it agrees but is indifferent to or even conspires in, the suppression when the ideas are those with which it disagrees it will have sold its birthright for a beaker-ful of cynical brew.

There was much that was newsworthy along the winding way of trade agreement legislation and administration that led to the Laocoon-like fate of Congress at the hands of the State Department; but the newspapers generally not only did not themselves speak up; they did not echo those who did voice strong objections.

The late Senator Eugene D. Millikin, Republican, of Colorado, questioned the Department very closely and at great length in hearings before the Senate Finance Committee on the point of State Department usurpation of power through the proposed ITO charter and the General Agreement on Tariffs and Trade, both in 1947 and 1949. His penetration and perspicacity were extremely uncomfortable to those who so hungered for State Department domination of the field of tariffs and trade that they ran recklessly out of bounds in international commitments. Unfortunately, he might as well have saved his monumental effort so far as the press was concerned, and also so far as the contemporary philosophy was concerned, heady and ephemeral though it may have been. His thoughts were not in the jetstream of popularity. He was no faddist.

Other Senators and Members of the House battled vigorously along the same front, with results as bootless and echoless as greeted Senator Millikin.

The press was not interested. The effect was that of Ariel flapping his wings in a void. The American public is conditioned, somewhat after the manner of Pavlov's dogs, to believe that nothing can be important if the newspapers pass it by; and that was why Senator Millikin's inquiry did not prosper. The free-trade moon was in the ascendancy and romance will be served.

4. The United States is a low-tariff country today. Its duties have been shrunk an average of about 80 percent in their protective effect. Protectionists do not propose a high tariff nor do they seek to return to logrolling methods of the past.

The United States has been second to none in lowering its trade barriers. Protectionists have not advocated a return to the days of high tariffs during the past decade; nor do they advocate the old type of tariff revision by Congress.

COMPLAINT

The newspapers have generally been extremely backward in disseminating to the public the extent to which our tariff has been dismembered; possibly because the envisioned paradise of a peaceful world that was to be ushered in with free-flowing trade still seems some perceptible distance away. The United States until recently was still commonly referred to as a high-tariff country. Protectionist statements when given space in the usual bob-tailed form of a paragraph or two in the newspapers were attributed generally to high-tariff spokesmen. This was done quite consistently in news columns and was not at all confined to editorials.

Numerous editorials, on their part, often linked the protectionists with the Smoot-Hawley tariff, the better to discredit them, never mind how poorly the characterization fitted the facts. The great change that had taken place in the protectionist ranks, notably away from big business, was never reflected by the press. The logrolling days were exhumed and paraded as if there were any remote connection between them and the escape clause route.

This in itself was not necessarily objectionable and could be swallowed as a part of the American scene; but it did not belong in the American scene when it was accompanied by denial of an effective reply in the news columns to those who were misrepresented. It then became an obscene spectacle, representing the debauchery of a principle held to be sacred by many, including thousands of editors.

The only possible excuse is that we do not see ourselves as others see us; nor do we recognize injustice readily when we ourselves are the dispensers. The one who steps on another's foot is often unaware of his misstep; but he usually recognizes the other one's right of dissatisfaction with the offending stance. If, of course, the latter does not register any objection he has only himself to blame if his discomfiture continues.

Another excuse is given form in the assertion that the public is not interested in certain subjects and that the tariff is one of them. Why then would the public be interested in all the volume of pro freer trade copy that was pitched at it? Also newspapers are themselves capable of preventing the generation of public interest, if they are so minded. They can either build up a subject or impose a blight; and they know how to achieve either effect.

5. During congressional consideration of bills extending the trade agreements legislation and on other appropriate occasions information that was vital in weighing the merits of the issue did not gain currency because the press failed to carry it.

Executive lobbying became rampant in 1958 in the extension of the Trade Agreements Act. Exceedingly loose, unsupported and exaggerated estimates were made purporting to show how many people were employed in foreign trade pursuits. These estimates were given currency in the press, often as representing official figures, and nothing that was said to the contrary got off the ground. Estimates of the impact of imports on domestic employment seldom saw the light of day in news columns, unless the estimates greatly understated the effects. Contrary estimates were ignored almost completely.

The Department of Commerce rushed through 162 surveys on the meaning of foreign trade to congressional districts represented by Members of Congress thought to be doubtful in their stand. One hundred and fifty of these were released to Members of Congress. These surveys were a shocking array of half-truths, dubious projections, and interpolations, not worthy of the imprint of any Federal department. The protests that were issued against them by Members of Congress and others met the usual fate of outright dismissal by the press. The result was to encourage executive lobbying of a low order through the consent implied by silence.

While the trade bill was under active consideration in Congress in 1958 the administration also came forward with a mineral subsidy bill of scandalous proportions, considering the circumstance that it was timed to wean away votes from the opposition to the trade bill. In the end, after having served its purpose, the House killed the subsidy bill.

The silence of the press was phenomenal. The same press that played up the Dixon-Yates contract could find nothing to say about the minerals subsidy bill as a vote-purchasing maneuver. It was sharply denounced on the floor of the House. What happened to the copy if any was produced? Or did the reporters know that the man at the desk would merely yawn if he received the story? If so, why and how did the reporters know this?

A number of massive attacks have been made on the floor of the House against State Department domination of the tariff and trade field. The press, with minor exceptions, has been both deaf and mute. Were these attacks of no importance? Is Congress not a coordinate branch of the Government? Why then are the words of a Secretary of State or of the Vice President, or some private figure, important and newsworthy when they praise the trade agreement program, if what a number of Congressmen say on the floor is unworthy of printer's ink?

The Congress has a number of times declaimed heatedly over the fact that the General Agreement on Tariffs and Trade has never been submitted to Congress for ratification. The State Department refuses submittal, in the meantime tightening its control over the congressional function. Anyone may go through the files of our newspapers over the past 10 years and find little or no reflection of this contest. Why? Is GATT of such trivial moment that its legitimacy or illegitimacy is a matter of indifference?

When the ITO Charter failed in Congress and when the OTC went down, why was there little or no news about it? Certainly not because the subjects lacked news value. There was abundant news that had the effect of advocating these organizations.

Numerous other incidents that could have been as newsworthy as what did find its way into headlines and articles occurred but fell on sterile ground so far as the press was concerned. Was this accidental or was there some monitoring in the background?

The press does not always shape events and sometimes fails, as does other human endeavor, if it seeks to do so. It is, of course, not the function of the press to shape events but rather to supply the raw materials by the absorption of which the public itself will better know how to shape events—helped, of course, by editorial or commentators' interpretations.

Undoubtedly there is a great temptation, not always resisted, to mold this raw material to ends that will warm the heart of the molder; and perhaps beget him the name of kingmaker or possibly kingbreaker.

Yet, in other fields equal temptations are faced and surmounted. The banker learns how to swim in a medium of money without being corrupted. The policeman knows how to carry a gun or a truncheon without running amok. The military have become accustomed to keeping their powder dry.

None of this discipline was accomplished without the great service of the press itself. Even so there are still lapses. Bankers needed laws to tame them and prevent maneuvers behind the scenes that represented abuse of power. Police forces have had to be restrained; and the military have been subordinated, at least to a degree, to civil authority.

The press, however, has been left free and to its own devices, under constitutional guardianship. It itself wields the power of the word. Yet there is no visible mark of distinction that will set off the editor or publisher from his fellow man so that it might be said of the press, "This estate needs no surveillance, no accountability. It is a law unto itself, answerable to no one."

It is said that the pen is mightier than the sword, and this power may be wielded for good or for evil. Concern over the conduct of the press should therefore be no less urgent than vigilance over the military.

At this very time the position of the United States as a result of contradictory domestic and foreign economic policies is highly vulnerable to import competition. The 25-year-old policy of trade agreements has exhausted such benefits as lay in it. It has released foreign competitive forces against which we presently have virtually no defense in view of present executive hegemony in a legislative field.

Our technological lead over other countries is fast being dissipated and our Government can only juggle one policy against another, leaving the fallout to the Treasury. We subsidize cotton, wheat and other products to uphold exports. There is pressure to bail out economically distressed areas in this country; and this would again fall on the Treasury. Yet our Treasury is already in a very uncomfortable position. We are running heavy deficits in our foreign account. Gold is flowing out and our exports are falling while imports are rising. The comparative cost situation is such that an early reversal seems most unlikely.

Yet the necessary remedial steps are shunned. The longer they are shunned the worse will be inevitable adjustment. The newspapers will not give the space that is necessary to lift the subject from neglect to a forum. With few exceptions they will not print what goes against the official trade policy, after the manner of the press in totalitarian countries. In this case, however, the explanation is different. It is not fear of the President. It is because the press agrees with him. Yet, the effect is the same. As well jam the airwaves and draw the iron curtain. The effect is again the same.

The judgment here expressed about the position of the United States may or may not be unassailable. That is not the point. The point is that the people are entitled to know what the reasoning is, what the pros and cons are; and that is not what they have had in this field and not what they are now getting. That is the core of this complaint.

Sincerely,

O. R. STRACKBEIN,
Chairman.

Let me simply state the title of the five complaints contained in the foregoing document:

1. The trade agreements program was recommended to Congress and to the country under false pretenses, the record now demonstrates overwhelmingly.

2. The record of Executive action under the power delegated to the President under the Trade Agreements Act has been at sharp variance from the Executive assurances.

3. Executive domination in the field of foreign trade. How the State Department enlarged a delegation of limited power from Congress to the President (under the Trade Agreements Act) into an effective eviction of Congress from its post of constitutional authority.

4. The United States is a low tariff country today. Its duties have been shrunk an average of about 80 percent in their protective effect. Protectionists do not propose a high tariff nor do they seek to return to logrolling methods of the past.

5. During the congressional consideration of bills extending the trade agreements legislation and on other appropriate occasions information that was vital in weighing the merits of the issue did not gain currency because the press failed to carry it.

The burden of the complaint was, first, that the discrepancy between repeated Presidential and other high official assurances from Secretaries of State and other Cabinet members, namely, that no domestic industry was to be injured or jeopardized by the tariff reduction program, on the one hand, and the actual record in terms of rejection of Tariff Commission recommendations for tariff increases by the President, on the other, remained virtually unknown to the public. The press, despite many congressional references to the fact, failed to inform the public, thus allowing it to believe that the solemn official assurances had been kept.

Second. Another complaint was that because the public was not informed, the State Department was able to replace Congress as the branch of the Government that regulates our foreign commerce even though the Constitution clearly lodges this authority in Congress.

Third. The press also failed to disabuse the mind of the public of the notion that the United States is still a high tariff country. This failure was not because there was a lack of information on the subject. More than once it had been pointed out how drastically our tariff had been lowered. This was done successively on the floor and elsewhere, but reference to newspaper files would find little if any reflection of this highly significant fact.

Fourth. Also it was protested that while protectionist forces did not advocate tariffwriting by the Congress and did not seek return to logrolling, their position continued to be represented to the public as high tariff and as local selfish interests by the newspapers, thus holding aloft a false image to the public.

Fifth. Finally it was complained that the methods resorted to by the executive departments in lobbying for the passage of the trade agreements legislation in 1958 were condoned by the public only because the public was kept uninformed thereof. This was not because sharp protests were lacking. They were made clearly and in detail on the floor of this House.

Other vital information on the progress of the Trade Agreements Act—its maladministration, the increasingly untenable competitive position of the United States in international trade, and protests against the almost complete domination of the field by the State and Commerce Departments—have also not found their way into the metropolitan press.

Mr. Speaker, these are serious complaints and I may say that my own experience during the years of my close association with legislation on this subject and participation in many debates on the floor confirms the complaints. I think they are soundly based.

I was therefore deeply disappointed when the ASNE board of directors refused to hear Mr. Strackbein in person to present the complaint.

The next step in this controversy is represented by the reply of the secretary of ASNE to Mr. Strackbein after the meeting of its board on October 31. This letter follows:

AMERICAN SOCIETY OF NEWSPAPER EDITORS,
Detroit, Mich., November 2, 1959.

Mr. O. R. STRACKBEIN,
Chairman, The Nation-Wide Committee on Import-Export Policy, Washington, D.C.

DEAR MR. STRACKBEIN: In connection with your correspondence with Mr. J. R. Wiggins, I have been directed by the board of directors of the American Society of Newspaper Editors to advise you as follows:

"That the board of directors has no authority from the membership of the American Society of Newspaper Editors to sit in judgment on the performance of individual newspapers, or on the performance of the press as a whole, and that complaints about news coverage should be directed to the individual newspapers involved;

"And that the secretary be further directed to advise Mr. Strackbein that, notwithstanding the fact that they have neither the responsibility to pronounce judgment upon the press nor the authority to enforce any judgment they did pronounce, they have read his material because as individuals they are concerned with the good name of the press which he has attacked and have discovered no concrete charges of the sort that would warrant an investigation or inquiry by the sort of tribunal he advocates, even if such an agency did exist."

Sincerely,

LEE HILLS.

The secretary quoted the board of directors as saying that it had no authority to "sit in judgment on the performance of individual newspapers." Complaints should be "directed to the individual newspapers involved," it said further.

The board nevertheless said it had read the material submitted by Mr. Strackbein and while it had no authority in the premises, it "discovered no concrete charges of the sort that would warrant an investigation or inquiry by the sort of tribunal he—Mr. Strackbein—advocates, even if such an agency did exist."

It should be noted here that the board dodged all responsibility but yet pronounced judgment. This judgment was, of course, in the nature of a reaction of the accused against the accuser; and, under our concept of dissociation of the judge from participation in a judgment in which he has a stake, this is an odd expression indeed and seems to reflect the strange notion that the press is above the common rules and ethics that govern our society in all other spheres.

At this point I wish to insert into the RECORD the reply made by Mr. Strackbein to the members of the ASNE board of directors on November 24:

THE NATION-WIDE COMMITTEE ON IMPORT-EXPORT POLICY.
Washington, D.C., November 24, 1959.

Members, Board of Directors, American Society of Newspaper Editors.

DEAR MEMBER: I have been notified by the secretary of your board, Mr. Lee Hills, of the action taken on October 31 by your board in response to my complaints laid before Mr. Wiggins, your president, and yourselves as members of the board of ASNE.

Undoubtedly you have acted according to the best of your lights and therefore with sincerity.

I must, however, totally disagree with your disposition of the complaint, in the sense that you simply walked away from it back into the journalistic world where apparently neither law or discipline nor accountability prevails. You left the complainant the privilege of looking into a vacuum.

This vacuum is now visible in its totality. A complainant against the press has no recourse and there is not the slightest inclination to give even the least consideration to making provision for recourse or appeal. It is obvious that the board of directors of the American Society of Newspaper Editors views with the deepest contempt anyone who raises his voice in protest against newspaper practices.

It is noted that while you sidestepped any responsibility you nevertheless pronounced judgment on my complaint. You have here indulged the dubious luxury of judging without in any way exposing your judgment to review, appeal or counteraction.

The only theory by which your action could be justified is that freedom of the press cannot survive the discipline that is the foundation of civilized human society; or that any discipline must be self-administered by the press itself.

The latter view has real merit but the merit that it has is not enhanced by the kind of negative and petulant attitude that was predominant in the ASNE response in the course of the present complaint.

I am moved to say that as revealed up to now in this case "freedom of the press, American style" seems to mean repression, suppression, exaggeration, or distortion of the news by newspapers to suit themselves, with effective and practical recourse to none—in other words, "the public be damned."

Is that what the first amendment to our Constitution intended? Did it mean to free the press from all accountability except as it itself might deign to listen?

To hold that the right to determine what is and what is not to be printed is a matter for private decision by the editor is to say that the discretion of the editor is superior to the public's right to know. To accept this view would be to twist the first amendment into an instrument of protection for possible news manipulation. It would make of the editor the arbiter of public enlightenment. This would be more acceptable if newspapers could be called to account for biased reporting on controversial issues, judged by agreed standards of news measurement. Otherwise it is justifiable and acceptable only in fair weather; but not when the "chips are down."

I had asked to appear before your board to present my complaint. This request was denied. It is true that the request came late and your meeting had already been scheduled for a Saturday with little flexibility, if any, for unexpected business.

Because of the exceedingly important substance of the complaint I now make a request to be heard at your next meeting.

If ASNE has no guiding function with respect to its membership it would seem that it would at least wish to entertain suggestions and give consideration to them. Unless newspapers believe that what is fed into the minds of their readers is a matter of indifference, editors and publishers should be conterned as much about mental poisoning as they are about adulteration of food and the pollution of the water supply. They may indeed avow such concern; but what evidence can they adduce of a meaningful and practical concern?

Sincerely yours.

O. R. STRACKBEIN,
Chairman.

It will be noted that Mr. Strackbein renewed his request to appear before the ASNE board. On December 11 Mr. Wiggins informed Mr. Strackbein by letter that the board of directors of the society had no wish to conduct a hearing on the issues raised.

I wish to call particular attention in Mr. Strackbein's letter to the following passage:

The vacuum is now visible in its totality. A complainant against the press has no recourse and there is not the slightest inclination to give even the least consideration to making provision for recourse or appeal. It is obvious that the board of directors of the American Society of Newspaper Editors views with the deepest contempt anyone who raises his voice in protest against newspaper practices.

In recent times we have heard a great deal about the need for either self-regulation or public regulation of the radio and television industry. I can see no difference between these media of communication and the newspaper publishing industry. The public is as much at the mercy of newspaper editors and publishers as is the case with radio and television. Also, it is equally true that the latter media are covered as thoroughly by the first amendment to the Constitution—guaranteeing freedom of speech and freedom of the press—as are the newspapers.

Many newspapers have joined in condemnation of radio and TV practices and have called for self-regulation if not public regulation. What is it that sets the newspapers apart from the radio and TV?

I do not say that public regulation of the press is desirable at this point. I do say that the lack of self-regulation and the absence of any newspaper society to which complaints can be made with the hope that they will be entertained and investigated, is a serious shortcoming of the press and greatly reduces public confidence in its integrity.

The board of directors of ASNE, as already noted, informed Mr. Strackbein that "complaints about news coverage should be directed to the individual newspapers involved."

This rejoiner, of course, was merely another way of telling the complainant to go fly a kite, so far as seeking a response from the society itself was concerned or so far as hoping for a spark of collective responsibility was involved.

In pursuit of the society's stricture Mr. Strackbein called a press release issued by the Nation-Wide Committee on Import-Export Policy on November 18 to the attention of Mr. Wiggins, as executive editor of the Washington Post. I include this letter of notification at this point in the RECORD. The letter was dated November 27:

NOVEMBER 27, 1959.

Mr. J. RUSSELL WIGGINS,
Executive Editor, the Washington Post, Washington, D.C.

DEAR MR. WIGGINS: In my previous correspondence with you as president of the American Society of Newspaper Editors objection was made by you that my complaint about the press treatment of the "protectionist" side of the tariff and trade issue was too general. The ASNE board of directors came to the same conclusion.

Without agreeing in any way with these characterizations I shall now present one that will not lack in specifics and simplicity.

This complaint is directed to you in your capacity as executive editor of the Washington Post.

The facts are brief.

On November 18, 1959, the board of directors of the Nationwide Committee on Import-Export Policy held a meeting in Washington, D.C., and adopted a program relating to the tariff and trade policy of the United States during the coming year.

The reasons for the adopted position were set forth in a preamble. Among them were the new technological posture of other countries and the bearing of this on the competitive position of this country.

The Washington Post was notified by telephone of the meeting and told that a press release would be issued.

No report of the meeting or the statement of policy adopted appeared in the Washington Post. This is the basis of my protest.

ASNE has disavowed any right or authority to tell any newspaper what it should or should not print. I do not know who has suggested that the society has or should have such power. A code of fair journalistic practice would not tell any newspaper what it should print. It would simply provide rules for the judgment of newsworthiness of alleged news and fair play with respect to it.

Considering the reluctance of ASNE to go near the water there is no recourse other than to go directly to an individual newspaper.

Since I am a regular reader of the Post I know of no better medium to which to address my complaint.

So that you may have a basis of judgment I enclose a copy of the press release and the program aforementioned.

My protest arises as much from my interest as a reader as from my connection with the nationwide committee.

I think that as a reader of your newspaper I have a right to demand that you serve the news. The reader's right to know extends as much to failure to print as it does to false and distorted accounts of events.

You may feel constrained to say that if I do not like the Washington Post I am under no obligation to buy it. Is that the reply a grocery store can properly make if it is accused of selling adulterated or contaminated food? Is mental fare of a lower order than alimentary fare and therefore of no concern to anyone in point of accountability of the suppliers?

In order to forestall another round of letters I wonder if you would be good enough to set forth your justification for failure to report the news in your columns if you hold the failure to be justified.

Sincerely yours,

O. R. STRACKBEIN,
Chairman.

This letter speaks for itself. It called attention to the failure of the Washington Post to print a line from the release. Mr. Wiggins replied on December 2. His reply is printed below:

AMERICAN SOCIETY OF NEWSPAPER EDITORS,
Washington, D.C., December 2, 1959.

Mr. O. R. STRACKBEIN,
Chairman, the Nation-Wide Committee on Import-Export Policy, Washington, D.C.

DEAR MR. STRACKBEIN: Thank you for calling my attention to your release of November 18.

This has not come to my attention previously inasmuch as I was in Chicago at the time you put your release out.

Statements of various groups, as you know, must compete with each other for the attention of news editors and for space in newspapers on any given day, and the editors in charge apparently felt that the news value in this particular release was not as great as that in some other releases which we carried.

No newspaper pretends to carry in its columns all the matter that is offered to us for publication. Part of its service to its readers consists in selecting the statements which it deems to be newsworthy, based upon the position of the author, the substance of the matter offered, and its relation to other news in the day. The subject is an interesting and controversial one about which we have carried a great deal of matter on both sides, including statements recently by some very important persons as to the trade balance situation in particular.

Thank you very much for sending us your material which we shall always examine with interest and, we hope, that we will on occasion be able to use some of the releases which you offer.

Sincerely yours,

J. R. WIGGINS.

The principal explanation provided by Mr. Wiggins was contained in the one paragraph that said:

> Statements of various groups, as you know, must compete with each other for the attention of news editors and for space in newspapers on any given day, and the editors in charge apparently felt that the news value in this particular release was not as great as that in some other releases which we carried.

"The editors in charge apparently felt"—these words reflect the responsibility of the newspaper. The real question is why did the editors feel as they did? Is news a matter of such levity that no objective yardstick can be applied? Is an editor justified in passing over any news release that according to his whim or prejudice or according to the interest of his employer, should not see the light of day?

The press constantly rails at the failure of the Government to give out information; and the press is right in demanding the airing of governmental activities, this side of impairment of the national security. Why then should the press itself feel free to suppress news willy-nilly without any thought of justification other than to say "the editors in charge apparently felt" that the news value was not great enough?

Let me say that the press release in question came from an organization that represents 70 or more industries, agricultural and labor groups, that are associated on a national issue that is itself very much in the news. The author of the press release was the chairman of that organization. The organization has membership throughout the United States. The press release related to a meeting of its board of directors and the position it took in relation to a national issue. The position was a new one and represented an aspect that had not previously been given to the public. Two years ago the very subject of the release provided the occasion of perhaps the hardest fought issue in the 85th Congress, namely, the trade agreements extension bill.

Now, what is news? Is potential news subject to slaughter in the editorial rooms if its import runs contrary to the beliefs, philosophical, economic, political, or religious, of the editor and/or publisher? Is that what the first amendment meant to protect?

Is this practice any better than hiding behind a hood as a cowardly means of avoiding detection? Is no one entitled to ask any questions or to call for the credentials of the anonymous slaughterer of news?

Let me point out that Mr. Strackbein is not alone in his complaint. I have used his material because I am familiar with the field and with the circumstances. I repeat, he is not alone. I, together with many of my colleagues, have witnessed the same blackout of news time after time when a dozen or more Members have spoken on this floor on the same subject that interests him.

Newspapers may dismiss his case on the grounds that he represents special interests in the capacity of a lobbyist. That of itself should make no difference. The merits of the case rather than the question of advocacy should be the arbiter. Be that as it may, let me point out that when Members take the floor in bitter complaint against Executive policy, failure of the press to print the news is then no longer a matter that can be excused on the grounds that what a lobbyist says is not news.

Moreover, there are other lobbies that are very much in the news almost constantly. What is the ground of discrimination? What determines which lobbies are newsworthy and which are not? Some basis of objective judgment of news treatment assuredly could be found.

More than once when those who support the protectionist side of the trade issue have spoken out on the floor, the press gallery has been populated by a scattering of two or three reporters. On one occasion I called attention to the emptiness of the press gallery. Who assigns the reporters and who indicates to them that no matter what might be said in the course of the speeches on the floor nothing worth noting or reporting is about to occur? It can hardly be an accident that reporters stay away.

Is it the drabness of the subject? This is the excuse often used; but that cannot be the case because the newspapers carry many columns on the one side of the subject; nearly all of it reports of speeches, statements or outgivings by executive departments that happen to accord with the views of the newspapers on the subject.

Mr. Speaker, this is a very serious matter. It is not too much to say that Congress itself cannot legislate intelligently if the newspapers do not faithfully report the news and refuse to give the pros and cons of the arguments for and against particular points of view.

Members of Congress are diligent readers of newspapers. It is their business to keep in touch with sentiment, with information on subjects on which they are not and cannot be experts. They cannot read all committee reports and therefore lean heavily on newspapers to keep them informed. Unfortunately if the newspapers do as biased a job in other fields as they have done in that of tariffs and trade the Member who entrusts his knowledge of affairs to the news column will be badly deceived and misinformed. He could not possibly legislate properly and would do much better to drop his newspaper reading accordingly.

I do not believe that newspapers and news magazines, for that matter, have made as abominable a record in all other fields as they have perpetrated on the tariff and trade front in the past 10 or 12 years. I have had full opportunity to note the deficiencies and distortions, not necessarily in reporting, but in what has been printed. The record has been one wholly unworthy of the press and I am both surprised and saddened by the attitude exhibited by the American Society of Newspaper Editors as represented both by its president and its board of directors.

Nothing could have been more effective, beyond my own experience, in convincing me, than their action, that they have been guilty as charged; and that only because of their powerful position were they able to avoid answering and thus could duck their high responsibility to the public. It is quite evident that they were unable to refute the complaint on any fair basis; that is, by replying and agreeing to lay their reply along with the complaint before an impartial referee. This they haughtily and, I think, very culpably refused to do.

If the metropolitan press is to be worthy of its privilege under the Constitution it must, so far as reporting on

the tariff issue is concerned, change drastically its record of the past decade or two.

In order to round out this presentation I wish to insert in the RECORD the reaction of the dean of one of our leading schools of journalism. On November 25, 1959, he wrote a letter to Mr. James L. Gallagher, assistant to Mr. Strackbein. The letter follows:

UNIVERSITY OF MISSOURI,
Columbia, November 25, 1959.

Mr. JAMES L. GALLAGHER,
Assistant to the Chairman, Commission on Import-Export Policy, Washington, D.C.

DEAR MR. GALLAGHER: Thank you very much for sending me the kit of material covering the treatment of the press on the tariff and trade question.

The material provides excellent grist for discussion, and I shall also pass it along to our freedom of information center, in case it is not already in their files. We should like to reproduce Mr. Strackbein's paper as a bulletin in the FOI series which I hope you are familiar with. May we have that permission?

There are many points in Mr. Strackbein's speech of October 14 which I would like to discuss with him, point by point. I have been involved for many years with the problem of accreditation of schools of journalism and am now serving on a committee which is designing standards of evaluation for accrediting committees.

Critics of accreditation have accused me of preparing to license the press through licensing schools of journalism. Of course we cannot even consider licensing schools of journalism, the press, or individuals who speak or write in public, with or without press and broadcasting facilities.

The schools of journalism have the basic objective of attempting to inculcate professional standards in future journalism practitioners, to the end that the best interests of society will be served. I am sure most of our students and graduates would agree with Mr. Strackbein in his generalizations about what the press should be. These young journalists will someday be editors and publishers of the country's leading newspapers.

We hope that because of their adherence to what we teach in the way of ethics and principles of journalism men like Mr. Strackbein will not feel called upon to advocate press controls for the reasons he sets forth.

Sincerely yours,

EARL ENGLISH, *Dean.*

Dean English of the Missouri School of Journalism did not dismiss the complaint in as cavalier a manner as did Mr. Wiggins and other editors. He asked permission to reproduce Mr. Strackbein's paper.

In a letter from Prof. Quintus C. Wilson, head of the Department of Journalism, University of Utah, he said the kit containing the complaint and exchange of correspondence with Mr. Wiggins "will be used as required reading for students enrolled in those classes."

Dean W. C. Clark, of the School of Journalism at Syracuse University, said in a letter dated December 10, 1959:

> It seems to me that Mr. Strackbein has struck upon an interesting device for measuring newspaper coverage, and I am sure that the professors and students here will be interested.
>
> I hope you will keep me informed.

In fairness to Mr. Wiggins let me say that the tone in his latest letter changed considerably. This may be evidence of his recognition of the merits of the complaint. I do not know. In any event the exchange follows:

DECEMBER 8, 1959.

Mr. J. R. WIGGINS,
President, American Society of Newspaper Editors, Washington, D.C.

DEAR MR. WIGGINS: Your letter of December 2 in reply to my complaint about failure of the Washington Post to carry a report of this committee's program as adopted on November 8, was no doubt composed in a spirit of good will. At least it was verbally so arrayed.

Unfortunately it left us exactly where we were. Your powers of evasion border on the miraculous. An eel in a barrel of lubricant could do little better.

I asked you, in order not to lead into another round of correspondence, to set forth the reasons for the omission. The core of your reply was contained in the statement that "the editors in charge apparently felt that the news value in this particular release was not as great as that in some other releases we carried." I was asking for a yardstick. You gave me a coiled spring.

That is hardly an answer to my query. It is not a question of what the editors "apparently felt" that counts. What the editors felt is no justification unless you contend that the editor governs by divine right and cannot be questioned. I doubt that this notion, apparently so prevalent in the editorial world, is acceptable today or that it can stand the test of analysis. The intuitive powers and judgment of an editor may be great and entitled to respect; but editors, to repeat, are human and fallible, and therefore at times meritorious of challenge and inquiry.

That the assertion above quoted can be used as an answer to a serious complaint reflects nothing more clearly than the self-appointed and self-anointed guardianship set up by the press over the minds of the people, impenetrable to inquiry, contemptuous of grievances and free to pursue personal whims, aversions and aberrations.

What are the credentials of these demigods that presume to sit as tutelaries, arrogant, mediocre, or noble, as the case may be, over human destiny? What scrutiny have they survived on their way up?

In schools and colleges the work of pupils and students is graded. Certificates and diplomas are issued upon a showing of reasonable mastery and competence. Lawyers, physicians, pharmacists, veterinarians, nurses, and teachers are all subjected to certain requirements held by society to be minimum guarantees of quality of service. These requirements are laid down because what these practitioners do greatly affects other members of society.

But anybody can aspire to be an editor, schooled or unschooled, wise or unwise. A lawyer's and a doctor's license can be revoked upon showing of malfeasance, malpractice, etc.

Even judges of our highest courts can be removed for cause. Does this possibility then unbalance the delicate scale of justice? The Chief Executive can be impeached. Does this fact vitiate and subvert his power? But the editor is immune. The better he can fool the public the more secure his status; and he has the perfect instrument for fooling the public. He can smother back-talk and remonstrances if he is so minded, and mute the echoes of the cries raised by the distraught and the aggrieved. He has the instrument. Who will say that he will not upon occasion abuse it?

Is he entitled to this high berth?

Why would ultimate restraints and disciplines any more vitiate the freedom of the editor than they destroy the medical, legal, and similar professions or mutilate to any greater degree the hands of justice and the arms of the police? Discipline has precisely the opposite effect in these other fields.

In what respect, specifically, is the press different from these other lines of human endeavor? Is the doctor not free, is the lawyer not free, is the judge not free to do what is right, for being subject to discipline and restraint? Wherein does the editor differ? What makes the freedom of the press less sturdy under discipline than the administration of justice, for example? Is this freedom so delicate a flower that it will crumble under the least breath of adversity? No editor worthy of his name would make such a claim. Then this defense of freedom of the press with the response that nobody, but nobody, must have any power of surveillance over it, lest it wither and die, may be humbug and poppycock.

The refusal of editors to accept or approve responsiveness to complaints against their molding of the contents of the human mind may also represent nothing better than preference for freebootery or the resentment of the prima donna against interference.

As citizens we demand that the teachers of our children from the primary grades up through the secondary and college levels have a minimum of training and education as attested by certificates or degrees. Is this important? Why do we exact such evidence of competence and qualification? Evidently we are concerned about the training of the minds of our future citizens.

The journalistic field is apparently devoid of any requirements. Yet adult and voting citizens, those who run our affairs, are all subject to the influence of news as it comes to them through newspapers. Are their minds and what goes into them not also important?

Who are the reporters, the editors, the publishers who supply this news? Where are their certificates of competence, their licenses to mold public opinion? They should be subject to the highest requirements of all.

Politicians have to go before the people under conditions that allow them to be scrutinized. They must display their qualifications or lack of them so that the people may see. This is a part of their responsiveness; and later they must come up again for reindorsement or discard on their record. The people then have only themselves to blame if they are poorly represented.

Newspaper editors and publishers and reporters escape without such public accountability. To say that the buying of the newspapers creates such responsibility is not an acceptable answer. Opium peddlers would no doubt also like to rest their case on such a response.

It is obvious from your own response to my letter that there is no way to compel a reply on the merits of the case. The wholly subjective judgment to which you resort lies beyond any and all law other than that of the jungle. I think we newspaper readers, both as readers and as citizens, are entitled to something better.

Sincerely,

O. R. STRACKBEIN,
Chairman.

THE WASHINGTON POST AND TIMES HERALD,
Washington, D.C., December 10, 1959.

Mr. O. R. STRACKBEIN,
The Nationwide Committee on Import-Export Policy, Washington, D.C.

DEAR MR. STRACKBEIN: I am sorry that you found my letter of December 2 so unsatisfactory.

The Washington Post employs a staff of competent news editors who have no instruction from us other than that of judging the news on its merits. The releases which you submit to our newspaper and all of those submitted by others, are read with an open mind.

The judgments at which our news editors arrive certainly may be open to reproach from time to time. We have not been able to find anything better than human beings to staff the newspaper, and human beings are notoriously subject to error.

I am not sure what a jury of 12 good men and true would decide if they had before them the question of whether or not the news desk did or did not deal wisely with the release which you submitted.

In fairness to the news editors I think it must be said that their views as to what is newsworthy and the views of public relations persons who are employed by various interests to get their point of view into print are bound to differ. This is no reproach to the integrity of either one. There is here a conflict of interest. You and other persons with a propaganda message to get across have an honest and sincere belief that what you have to say is most important. News editors cannot be expected to view with the same eyes the question of whether or not your utterance has the highest news value.

I cannot promise you that this or any other newspaper, on any given day, will find what you have to say publishable by any ordinary standards of news judgment.

I can assure you that the information which you have to submit will always be received here with interest and the judgments which you have to offer will be read with respect.

On the next occasion when you have a news announcement from your group, expressing their point of view on a current development of any kind, I would appreciate it if, in addition to sending it through regular channels, you would direct a copy of it to me.

Sincerely yours,

J. R. WIGGINS.

THE NATIONWIDE COMMITTEE ON IMPORT-EXPORT POLICY,
Washington, D.C., March 1, 1960.

Mr. J. RUSSELL WIGGINS,
Executive Editor, the Washington Post and Times Herald, Washington, D.C.

DEAR MR. WIGGINS: This refers to your letter of December 10, 1959, in reply to mine of December 2.

I have not written sooner to thank you for your efforts in that letter to set forth the editor's position, both because of the press of other matters and because of your own extended absence abroad.

You will, however, pardon me, I hope, if I return to the subject of our previous correspondence. To be sure, this correspondence has already been prolonged but that is not a consideration where so much is at stake.

First, let me say that I appreciate your assurance of personal attention to any press release that we might have from time to time. In mid-January we did have one and it was sent to your managing editor in your absence. Your newspaper carried an account of it, which, while not very complete, was nevertheless a great improvement over previous coverage. For that, thank you.

Going back to your letter, however, I have some observations. You say "in fairness to news editors I think it must be said that their views as to what is newsworthy and the views of public relations persons who are employed by various interests to get their point of view into print are bound to differ. This is no reproach to either one."

With that statement I would not quarrel.

Then you say:

"There is a conflict of interest here. You and other persons with a propaganda message to get across have an honest and sincere belief that what you say is most important. News editors cannot be expected to view with the same eyes the question of whether or not your utterance has the highest news value."

Here is where much of the trouble will be found to lie. You seem to assume that news editors are objective while lobbyists cannot achieve such a state. I am not one who believes that any human being, including editors, can be wholly objective in a controversy that carries a high emotional charge. That is all the more reason, however, why objective measures should be established. Of course, even these would have to be judged and applied; but they could greatly improve the objectivity of editors, if only by making them conscious of subjective inclinations.

Also there should be a greater receptiveness by editors to complaints from the outside; and these should not be dismissed on the grounds that such complaints are necessarily merely self-serving. All complaints are self-serving, directly or indirectly, or a man would be a fool to lodge one, or a mere busybody. The courts, for example, do not entertain complaints that are devoid of substance and self-interest. Except for chronic cranks observers keep their tongue unless they have something concrete to complain about.

Here let me introduce a special point, one that may be overlooked very easily. I believe that newspapers fail to comprehend, except from their own point of view, what it means to be in competition with spokesmen of a governmental policy. Newspapers complain about the suppression of news by government, and rightly so; and they have undertaken to do something about it. Your Freedom of Information Committee was set up for the purpose of protesting undue secrecy of governmental agencies. This purpose is commendable.

What you should sometime contemplate is a news situation in which the newspapers agree with governmental policy. You speak of propagandists. Against Government public information handouts, official pronouncements, etc., the outsider has poor enough a standing. If the newspapers happen also to be ranged on the side of the Government, eagerly printing all that it and its supporters say, the outsider has about the chance of a tennis ball trying to bowl over the Washington Monument.

The indifference of editors to "freedom of information" under such circumstances inevitably leads the contemplator to conclude that might evidently does make right, for who could be more right than the editor when he has the Government back of him or vice versa?

The "Leviathan" of Hobbes (big government) grows bigger and more formidable as the years go by; and the newspapers are among its surest promoters. Big government is never quite so big as when it captures the press or dominates it. The effect is about the same.

I hope that you will give long and sober thought to this observation. Again let me point out that interested parties are not necessarily always wrong; and also let me add that I do not think that even you are wholly wrong.

Sincerely yours.

O. R. STRACKBEIN,
Chairman.

This exchange of letters comes much closer to recognition of the issue by the ASNE president who undertakes to explain in general the problem of editors in judging the news.

The question of an appeal from the newspapers to an impartial referee who might hear complaints and the establishment of a code of editorial practice still remain unanswered.

The schools of journalism throughout the country should be greatly interested in this question, as some of them have already shown themselves to be, much to their credit. I present here Mr. Strackbein's reply to Dean English of the University of Missouri School of Journalism, dated December 17, 1959:

DECEMBER 17, 1959.

Mr. EARL ENGLISH,
Dean, School of Journalism,
University of Missouri,
Columbus, Mo.

DEAR MR. ENGLISH: I have been greatly interested in your letter of November 25 to James Gallagher, of this office.

A reading of the letters enclosed herewith will illustrate the absence of any yardstick for judgment of news by editors. This lack of standards leave news development to a rule-of-thumb approach. This is a very loose process indeed and hardly in keeping with the weighty responsibility that rests on the press.

It is my belief that objective standards can be established in this field as a general guide to news editors; also that a code of journalistic practices can be set up, covering the ethical field and defining unfair practices as well as other malpractices.

This becomes all the more desirable because a smaller and smaller part of the total news can be printed as news coverage expands, and as foreign news begins to compete more and more with the domestic.

The interest of the reader as the consumer of news should be given greater weight, both in his capacity as a citizen who is entitled to be reliably informed by the media upon which he relies, and as a professional or business man, or politican or statesman, whose judgment could be misled by misinformation, by lack of information or by partial and distorted accounts of the news.

As a customer of newspapers and as one who needs them, reads them, relies on them and takes guidance from them, both personally and in carrying on my work, I believe that something vital is lacking in our journalistic efforts to cover the news and to fulfill the responsibility to the people envisioned by those who wrote the first amendment to our Constitution.

The question of judging news is not a simple one. It is quite complicated and should be approached from several directions. Without intending an exhaustive analysis several elements of inquiry are presented here as a preliminary probe or exploration:

1. The interest of newspapers as private enterprises carried on for profit:

(a) The treatment of news as merchandise and the shaping of it in a manner calculated to produce the greatest consumer interest and therefore the greatest circulation and monetary return through—

(1) Attraction of readers by special features catering to different groups: sports page, comics, women's section, society page, gardening, etc.

(2) Attraction of readers through sensational news items of crime, domestic relations, scandal, violence, fads, etc.

(b) The influence of these practices in crowding out or minimizing space devoted to other subjects on the grounds—

(1) That the latter are dry, prosaic, abstruse, too technical and do not attract readers.

(2) That they are beyond the common grasp and common interest.

(3) That circulation figures are the best test of whether the newspaper is providing what the readers want.

(4) That what the readers (customers) want represents the highest standard that can be found.

(c) Effect of advertising on news:

(1) News "plugs" favoring particular advertisers.

(2) News slanting to suit advertisers.

(3) News suppression to suit advertisers.

(4) Editorial favoritism to advertisers.

(5) Coldness or hostility toward nonadvertisers.

2. The right of the public, i.e., the readers, to unbiased information on local, State, national, and international events:

(a) As necessary for the exercise of sound judgment.

(b) As assurance against deception and misguidance—

(1) By suppression of news that is not favored;

(2) By falsification of news;

(3) By unequal treatment of news from opposing sources;

(4) By favoring some news through prominent display for reasons that may be subjective, arising possibly from personal predilections of the editor and/or publisher, but having no universal validity;

(5) By relegating other news of equal value to inconspicuous parts of the newspaper because of philosophical animosity toward the import of the news or an adverse material interest in its impact, if given currency.

3. Greater fidelity of the press to the public trust placed in newspapers as media of public enlightenment under the grace and protection of the first amendment of the Constitution, through—

(a) Judgment of news by objective standards, such as—

(1) Impact of an event, statement, opinion, action, announcement or development upon—

(A) The public, the Nation, the State, the locality.

(B) The course of foreign affairs.

(C) Political, educational, scientific, economic, religious, or similar thought.

(2) Actual newness of events, etc., under a(1):

(A) Completely fresh and new or unique.

(B) New facet of an old subject.

(C) New light on, or new development in, a controversial issue.

(b) Adoption and adherence to ethical standards set forth in a code designed to condemn practices that adulterate, distort, suppress or otherwise tamper with the purity of news.

(c) Avoidance of malpractices growing out of—

(1) Circulation rivalry among newspapers.

(2) Engagement in heated campaigns as partisans.

(3) Propagation of particular political or social philosophies.

(4) Use of newspaper ownership as an instrument of personal power or for the promotion of personal prejudices, ambitions, or phobias.

(d) Eschewal of practices such as—

(1) Character assassination.

(2) Consignment of personalities to oblivion by systematic failure to mention them if they advocate policies or programs that may be anathema to the particular newspaper or its editor.

(3) Building up by unduly favorable mention and headlining of personalities who do advocate and support policies or programs favored by the particular newspaper or its editor.

(4) Quotation out of context as a means of conveying a false impression.

(e) Greater responsiveness to charges of news bias, distortion, omission, etc.

COMMENTS

The operation of newspaper enterprises as business ventures for profit has in its favor the same factors that sustain private enterprise in general and need not be mentioned. They are quite substantial and stand on their own feet.

Such a setting for news gathering and dissemination does, however, create some side effects that give rise to many of the grievances and complaints that are constantly leveled at the press.

The remedy should not be elimination of private enterprise since no satisfactory substitute has been anywhere exhibited to date. This fact in no way excuses or justifies the abuses of the first amendment by the private-enterprising press. The newspapers should themselves adopt codes of ethics and fair practice and take steps to enforce them. The private press, for being private and therefore frequently reflecting individual personalities, has need for discipline of recalcitrant and offending practitioners. This need is reinforced by the position of vantage occupied by the press, which often has a virtual or actual monopoly of news dissemination.

It should not be more difficult to define malpractices and ethical standards in this field than in others, such as law, medicine, etc.

NEWS JUDGMENT

Standards for the judgment of news are not easily devised nor easily applied; but few worthy accomplishments are easily consummated.

Nothing, of course, is more obvious than the failure of physical measurement of space in a newspaper to reflect fidelity of coverage. Yet between the extremes of omission and saturated coverage must lie the bases of judging adequacy or inadequacy of coverage. A more effective technique is to inquire into what the public is entitled to know about a subject in which its knowledge must depend largely upon the newspapers and then to determine whether the minimum information has in fact been supplied by the press.

Failure to print proffered news, from whatever source, of ccurse, also needs justification. Since newspapers are in the nature of a public utility and often partake of certain features of monopoly and since obviously not everybody can equip himself with a newspaper to provide a medium of free speech, criteria of news rejection, or omission should be evolved and inculcated in the news profession.

CONVERSION OF NEWS INTO AN INSTRUMENT OF PROPAGANDA

If news on controversial issues obtains considerable space in the newspapers the most pertinent question would be how faithfully the opposing views are placed before the readers. This is not so much a matter of counting column inches as it calls for examination of news items for their content, particularly as they reflect or fail to reflect the rationale of the opposing forces and the views of the principal exponents. Public enlightenment requires equal exposure to opposing views.

It is hardly the function of newspapers to use their vast powers of building up or of blighting as a means of determining what personality is to prosper in the public eye and who is to be consigned to oblivion. This is perhaps one of the greatest temptations that face editors and also presents one of the greatest potential sources of injustice and rancor, bitterness, and hatred, in other words, perversion of the free-press principle.

Freedom of the press does not justify or condone character assassination. Certainly practices that produce such results are not entitled to the protection of the first amendment. Strict rules should govern in this field as a guide to editors.

Quoting out of context or quoting only such parts of statements or speeches as represent lapses or the weakest sample of a spokesman or candidate or public figure who is in the ill grace of an editor or publisher should be marked as malpractice and condemned.

CONCLUSION

Responsiveness of the press to the readers and to the public should be a first principle or even a condition precedent to enjoyment of the great freedom under which the press functions. There should be means of holding the press to its high responsibility. The first concern of the press should be fidelity to its privileged status.

Sincerely yours,

O. R. STRACKBEIN,
Chairman.

Mr. Speaker, this subject should be regarded as open until the newspapers do what so many of them are urging upon the radio and television companies, namely, adopt codes of ethics and rise to the level of their high privileges and responsibilities.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include certain related material.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

THE AGRICULTURAL SITUATION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois [Mr. SPRINGER] is recognized for 40 minutes.

Mr. SPRINGER. Mr. Speaker, my office adjoins that of the House Committee on Agriculture.

During the past several weeks, the committee has been meeting to hear from all segments of agriculture and from all national farm organizations as to what can be done to improve the present farm situation. The farmer is certainly deserving of, and entitled to, a fair share of the national income. Legislation is badly needed to help him implement his income and reverse the trend presently going on in agriculture throughout the United States.

During the fall of 1959, I traveled in my mobile office into 56 of the 72 communities of my district. I talked with farmers in the villages and on the farms. The farm population has been deeply disturbed that net farm income has declined substantially in the past few years while other sectors of our economy have gone on to new records. Loss of income has been felt by business in the towns and villages of the 22d District of Illinois that supply the needs of our farm population. If we had not had price supports, surplus removals, and marketing agreement programs, the farmers' income in 1959 would have been at least $3 billion lower or a net income of 25 percent less.

In 1959, the integrated program of price supports, surplus removals, and marketing agreements covered approximately 70 percent of the value of all crops produced, and livestock products. In 1959, between 90 and 95 percent of all farmers, producing crops and livestock for marketing, were directly or indirectly benefited by existing price stabilization and marketing agreement programs that prevented further impairment of agriculture income.

According to figures which I have been able to compile from the Department of

Agriculture, the average city worker spent only 25 cents out of every dollar for food for himself and his family. Before World War II, that same worker spent approximately 40 percent of his earnings on food. It is easily recognizable that the same worker could not have fed his family at the low prices of the last 5 years except for the improved efficiency and productivity of the farms of America. Since 1953, farming has almost gone through a revolution in production. By the addition of limestone, phosphates, and other fertilizers, we have increased productivity and efficiency by substantial amounts.

In recent months, I have read many newspapers and magazine articles from metropolitan publications of parity payments made to farmers. This has given a general impression that the farmer was the only person in America who has received a subsidy in recent years.

This is one of the greatest misconceptions that city people have with reference to American agriculture. There is an impression among city people that agriculture is subsidized to a much greater extent than other segments of our economy and that agriculture is being subsidized in vast amounts by the Federal Government. Some articles have pointed to substantial payments made to those farms beyond the Mississippi consisting of thousands of acres to a farm.

This is certainly not the true picture of agriculture as I find it in central Illinois.

The best and latest figures on that subject are found in the Federal budget and I would like to point out that the 1959 Federal budget, under "Special analysis and tables—Investment, operating, and other budget expenditures," lists actual expenses for 1958 for "Aids and special services," as follows:

Total agricultural aids and special services, $686,000,000.

Total business aids and special services, $1,251,000,000.

Total labor aids and special services, $363,000,000.

So, whatever may be said about subsidies in the Federal budget, it must be admitted that agriculture is not alone in this respect.

I have mentioned these misconceptions because there has never been a time in our history when it was more important for the average citizen—the consumer—to be informed on agricultural policies as today. It is most important that city people understand that the farm problem is their problem, too.

I think it is generally admitted that consumers get more and better foods today, with an expenditure of a smaller percentage of their total income, than in any other period in history.

Figures prepared by the Department of Agriculture economists show that in 1914—which is 1 of 3 years cited by the Department of Labor as being a year of the fairest exchange between labor and agriculture—the average factory employee could buy 3½ pounds of bread with an hour's earnings. In 1929 he could buy 6⅒ pounds with 1 hour's earnings; in 1953 he could buy 10⅞ pounds.

These economists have set up a table for other major foods showing what 1 hour's average factory pay bought in 1914, 1929, and 1953, as follows:

		1914	1929	1953
Round steak	Pounds	0.9	1.2	1.9
Pork chops	do	1.0	1.5	2.0
Butter	do	.6	1.0	2.2
Milk	Quarts	2.5	3.9	7.5
Eggs	Dozen	.6	1.1	2.5
Potatoes	Pounds	12.4	17.7	32.6
Oranges	Dozen		1.3	3.6
Bacon	Pounds	.8	1.3	2.2
Tomatoes	No. 2 cans		4.4	10.0
Cheese	Pounds	1.0	1.4	2.9

The largest reduction in the price of food in comparison with wages has occurred during the years of the development of the present program that had as its aim a parity income for agriculture. It is evident, therefore, that consumers have gotten their greatest concessions in prices of food and fiber at the time of the growth of farm income stability.

As farm income has declined, the prices of most things that farmers buy are going up. The farmer has found himself in a price squeeze. The individual farmer, in the middle, finds that he has less and less money remaining after paying expenses as time goes on. These weaknesses in farm prices show the working of supply and demand in the farm markets. Supplies of nearly everything that the farmer produces are huge, while the demand for them is going down. What has been said about the prices in this paragraph can also be said about farm labor, farm supplies, fertilizers, feeds, and seeds.

What is the solution for this squeeze between farm income and the price the farmer pays for what he uses? Mr. Speaker, I am one of those who understands that the agriculture problem is not one that can be easily solved in one piece of legislation or by one stroke of the pen. However, there is one thing for sure, we must not let farm income continue to drop.

For the first time in several years, the House Agriculture Committee is giving an examination to revision of legislation that would tend to do two things: First, stabilize prices; second, to remove surpluses hanging over the present market in the form of set-aside of grain now in Government storage bins. In addition, I believe we could administer present law with a more optimistic approach with respect to the future of agriculture. In this, it does not help by saying that barter is not practical; or objecting to selling our commodities on markets because other countries object; or by saying that it is not possible to remove unmanageable surpluses; or by failing to use research sufficiently to find uses for agricultural products; third, I believe we can administratively review and strengthen agriculture by not selling Government surpluses on the market when prices are abnormally depressed.

I trust also that the House Committee on Agriculture will press forward with legislation which can receive nonpartisan support on both sides of the aisle, and which we can pass at this session of the Congress. I emphasize, again, that such legislation must come in 1960 not in 1961 and 1962. The farmer needs assistance now.

I intend to do my best when such legislation reaches the floor to see that it does pass in 1960. All Congressmen who have the total welfare of this country at heart ought to resolve all questions of doubt in favor of farm legislation in 1960. The farmer is entitled to and asks for only a fair share of the national income, and, again, I don't believe reasonable people whether they are in the city or the country believe that American agriculture is entitled to any less.

Mr. SCHERER. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Ohio.

Mr. SCHERER. Mr. Speaker, I would like to take this opportunity to compliment my colleague from Illinois on his excellent and informative statement. I am sure some of the cogent arguments he has made will be helpful to us who represent industrial areas to better understand the acute problems which the farmer has in districts such as that represented by my able colleague insofar as solution of the farm problem is concerned.

Mr. SPRINGER. I thank the distinguished gentleman, who represents a purely city district, for his understanding of some of the farmer's problems.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Minnesota.

Mr. QUIE. I was in the gentleman's district a week or so ago and I might say that the gentleman's constituents with whom I spoke are well aware of the good job he is doing in representing them in Washington and the argument that the gentleman is presenting now speaks well of the concern he has for the income of the farmers in his district.

There is one question that comes to my mind. The gentleman spoke of the fact that when surpluses are sold back on the market at the time prices are depressed it results in a detriment to the income of the farmer. Does not the gentleman think it would be good if the price at which these surpluses were sold on the market were higher? They could be sold at 105 percent of parity.

Mr. SPRINGER. I do believe that the prices of Government-stored surpluses should be higher than they are at the present time. I say to the gentleman again that we have been selling on the open marketplace at times, for instance, corn, some 55 to 60 carloads per day. When prices are depressed it seems to me we ought to refrain from selling Government-owned surpluses, in an effort to recover a better price in the open marketplace for the farmer.

Mr. QUIE. I think the gentleman is absolutely correct. Any agricultural leader, and I think all farmers, recognize that this surplus is the biggest price deterrent that they have.

Mr. SPRINGER. I thank the gentleman. He is one of the ablest members of the Committee on Agriculture and his views are respected nationwide.

May I say with reference to his last statement, as one of the authors of 480, the Foreign Agricultural Trade and Development Act of 1954, it has been my privilege to have traveled over most of the world in an effort to dispose of many surpluses we have in America at the present time, especially soybeans and corn, under Public Law 480.

Mr. QUIE. I think the farmer can really give thanks to the gentleman for his foresight in helping to enact Public Law 480 which will allow surpluses to be used to feed needy people all over the world.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Minnesota.

Mr. NELSEN. I wish to thank the gentleman for his recognition of the farm problem, being a farmer myself. I think it is unfortunate that so many people in our populated areas are looking upon this program now with a great deal of criticism. The surpluses that have been built up and some of the costs involved in the farm program are sort of being laid in the laps of the farm people of the country when in reality a good deal of these costs cannot really be charged to them. We need a proper understanding of these things. The gentleman has called them to our attention today. As a farmer, I want to say that I appreciate very much his remarks.

I might call the attention of my colleagues to the fact that I will be introducing a bill—the gentleman from Minnesota [Mr. QUIE] has introduced one—that I think would do some good to the family farm operations of the country. I hope my colleague presently in the well of the House will examine the bill when it is introduced and will give us some help. I know he will. I thank him for his participation today. I believe it will be very helpful in bringing the story of the agricultural problems of our country to all of the people.

Mr. SPRINGER. I thank the distinguished gentleman from Minnesota knowing that he is a farmer and one who has been very much interested in the welfare of farmers generally. I will be glad to help him on any plan to improve the farmers' present situation.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Iowa.

Mr. KYL. I am interested in your comments regarding the attitude of city people toward the farmers. I especially appreciate this statement of yours, because it points up a source of help which we, from the farm States, need. This agricultural problem belongs to the city people as well as it does to the farm folks. There is not a single industry which buys more or sells more or borrows more money or pays more interest than does the farm industry. The farming industry requires a great deal more steel than does the entire auto industry; it uses a considerable percentage of the Nation's supply of tires each year, and so on down the line.

Mr. Speaker, I want to commend the gentleman for his very able statement and thank him for bringing this matter to our attention. This is everybody's problem; not just the problem of the farmers.

Mr. SPRINGER. I thank the gentleman from Iowa for his kind words.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter and tables.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

A BILL TO ESTABLISH A COMMISSION ON NOXIOUS PRINTED AND PICTURED MATERIAL

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Maine [Mr. OLIVER] is recognized for 45 minutes.

Mr. OLIVER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. OLIVER. Mr. Speaker, today I have introduced a resolution which is designed to authorize the spadework of research, necessary as a base for the enactment of legislation which will be really effective in stemming the overwhelming flood of noxious smut being produced, distributed, and sold to our people, especially our youth.

There is no necessity for me to advise the Members of this body of the urgency of the problem which is posed by the threat of this filthy sewage, infesting and poisoning the minds of our people. One does not have to be puritanical, Mr. Speaker, to shudder with revulsion as he, only casually, inspects the magazines, the paperback books, and the lurid advertising which accompanies them, which are now offered for sale to the American public.

The volume of this filth is increasing, not only through the mails, but through every medium of traffic in interstate commerce. As a corollary, which I believe is closely related, the volume of sex crimes and antisocial behavior is also increasing.

As a member of the House Post Office Subcommittee on Postal Operations, under the able leadership of our distinguished chairlady, the gentlewoman from Pennsylvania, KATHRYN GRANAHAN, I have been especially alerted to this distressing situation through the hearings and conferences which our committee has conducted during the past year, in several sections of the country, including Philadelphia, Los Angeles, San Francisco, Omaha, Chicago, and here in Washington, of course.

These activities of this committee, together with the reports of several similar committees of previous years indicate beyond any question of doubt that America is tolerating the existence of a cesspool of printed and pictured sewage which must be cleaned up. Pornography, obscenity, or smut, whatever you may choose to call it, which is produced, purveyed, distributed, and sold to our people for a "fast buck," regardless of its disastrous impact, is nothing other than an unconscionable exploitation for financial gain of the general welfare of this Nation. In my opinion, this characterization applies equally to the printer, producer, and the publisher, as well as the newsstand, theater, and store owner. The psychotic sick writer of this dirt is more to be pitied than blamed. He probably can find no other way to make a living. It might be profitable for the people of America to pension these so-called authors for retirement to some isolated island retreat where they might concoct their dirty brew only for each other's edification and quarantine them from contact with the majority of American people who are revolted by their offerings.

We know, Mr. Speaker, that the majority of the people do not condone the traffic in this objectionable and repulsive material. Our youth warn against it.

It was most gratifying and encouraging for me, this past week, to visit with one of Spingarn High School's representative young ladies, Miss Henrietta Johnson, of Washington, D.C., who prepared the following essay for me which is most pertinent to my remarks today. Henrietta symbolizes the protest of American youth against this un-American subversion of our standards of decency by those who produce, distribute, and sell this poison:

Ralph Waldo Emerson said, "The true test of civilization is not the census, nor the size of cities, nor the crops—no, but the kind of man the country turns out."

This, in truth, is America's mission, the building of worthy citizens. Our Constitution with its Bill of Rights furnishes us a unique framework for accomplishing this objective. Next in importance to "freedom of religion," I would certainly place "freedom of speech," and of the press. It is chiefly through these freedoms that American ideas and principles have spread and developed. Under the guise of this precious freedom, many peddlers of filth are carrying on a financially profitable business at the expense of America's most precious resources, her youth.

The situation is fast reaching alarming proportions. Many communities have been inundated by floods of material that are unquestionably obscene. This pornography has been incorporated into decks of cards, pictured in comic books, and often transmitted to films. We cannot expect our young to remain undefiled by such blatant portrayals. In the face of lowered standards of decency, it is not surprising that sex crimes have been steadily on the increase in recent years. According to figures compiled by the Federal Bureau of Investigation, more boys of 18 and 19 are committing more rapes today than males in any other age group. The percentage of rapists under 20 has gained alarmingly since 1940. Other signs of contamination of youth are the increase in perversions and the recent increase in venereal diseases. Over half such cases, according to authorities, are among teenagers and young adults.

It is sad to note that one of America's largest and wealthiest industries, the motion picture, must bear much of the blame for this letdown in morality. Both Protestant and Roman Catholic clergymen have decried the emphasis on sex evidenced by

the industry. Citizens are raising their voices and writing letters of complaint; newspapers are fretting over the conditions, and State legislatures are passing stiffer censorship laws. There seems but little being accomplished, however, beyond an awareness of the fact that pictures are becoming "frank," "adult," or "dirty," that morality is somehow slipping away, and that something ought to be done.

We must face the fact that nearly half of all moviegoers in this country are teenagers and to turn them away from a number of the films would mean turning away millions of dollars, which, after all, is the reason for movies.

These are the facts. Here we have a picture that is not pretty, but neither is it hopeless. Americans have a tradition of winning wars. This is but one more. Just what can we do to stamp out this nauseating evil of pornography?

The cure of this evil, like charity, also begins at home. Parents, whose chief business is the rearing of their children in ways of right thinking and right action, must face up to their responsibilities. They have the responsibility of setting good examples.

All citizens can do something. We can make an effort to keep communities free of printed filth. We can work through all possible agencies to clean up advertising that flaunt sex across billboards, newspapers, and magazines.

Whenever we come across smutty literature and pictures that arrive in the mail, we can send them to the U.S. Postal Inspection Service in Washington, D.C. Send along the envelopes in which they come, for these may give clues. Do not make the mistake that many parents have made—that of destroying the material in disgust. The Federal Government cannot eliminate pornographic activities without involvement of the mails. Adults can wage unceasing war against the evil by seeing that civic clubs wage unceasing attacks against filth vendors in school areas, candy stores, newsstands, and all likely places.

Lend your support to your law enforcement officials in their battle against filth. Help where possible to put teeth into laws to stamp out pornography. And finally, parents, see that your children receive sound and sensible education in sex so that they can withstand any perversion that they may meet at the hands of dirt peddlers. In the final analysis, there is but one real censor in the United States today, and his job grows heavier each hour. That censor is each parent. If, as Americans, we can take to heart this advice of churchmen, educators, and law enforcement officials, we can help make a real advance against the evil forces that threaten to destroy the younger generation.

As this intelligent and alert young student has indicated, Mr. Speaker, and as we all know, the legislative tools which we forge here in the Congress are so blunted and ineffective because of the cry of censorship which is raised, whenever an approach is suggested to meet this challenge, that the several committee reports resulting from congressional inquiries during these past several years in my opinion can never be effectively implemented.

Despite, Mr. Speaker, the resistance and the opposition of those who discredit and disparage any and all attempts to meet headon this critically increasing menace, it is my conviction that this war against the poison of smut must be relentlessly and even more aggressively accelerated. The defeats experienced through judicial decisions, recently, whereby local ordinances, State and Federal statutes and administrative decisions have been nullified, forcefully demonstrate that such must be the determination of those of us who are convinced that the problem is rapidly growing more acute.

During the past week, the editorial captioned "To the Impure," in the Washington Post, which reads as follows, illustrates the resistance to almost any approach, based on existing law:

TO THE IMPURE

The Post Office Department seems to have something of an obsession about obscenity. It has a responsibility under the law to keep obscene matter from flowing through the mails; and undoubtedly the traffic in obscenity is a serious national nuisance. We think there is indubitable truth, however, in the rather handsome and wholly creditable admission made the other day by the Department's General Counsel, Herbert Washburton, that "possibly due to zeal, we have gone too far to point up the problem. We may not have been as steadfast and as unbiased as our obligations called for."

The latest manifestation of the Department's zeal takes the form of a legend or admonition imprinted on envelopes by stamp canceling machines which says, "Report Obscene Mail to Your Postmaster." The legend fails, however, to define obscenity. No doubt this is because, as Mr. Washburton acknowledges, "It is a difficult problem, even under court holdings, to identify what obscenity is."

Postmaster General Summerfield has abundantly demonstrated that he doesn't know. He seems to think that anything that offends his personal canons of purity, including even so widely admired a work of literature as Lady Chatterley's Lover, is obscene. And it is unlikely that a horde of amateur Anthony Comstocks will sharpen his esthetic perceptions. Besides, there is an awkward big brotherliness about this kind of prying into the contents of mail pouches which most Americans, we surmise, will find thoroughly disquieting.

This editorial comment, Mr. Speaker, appeared to me to be so obviously unfair and irresponsible that I wrote the following protest to the editor of the Post, which was published in part:

MARCH 21, 1960.

EDITOR, THE WASHINGTON POST,
Washington, D.C.

TO THE EDITOR: Your editorial, captioned "To the Impure," which was published in the March 20 issue (Sunday) of your newspaper really hits below the belt, in my opinion. No person, particularly those of us in political life, denies to editorial writers the right to express opinion. But, it is appropriate and necessary, as I understand my public responsibility, to point out irresponsibility when, and if, it appears in editorial columns. Certainly, the editors of the Washington Post are among the most alert critics in the business whenever politicians become vulnerable because of any official irresponsibility, and, therefore, properly subject to intellectually honest criticism. By the same token, it seems only fair that your editorial opinion, in this instance, should be questioned.

As a member of the House Post Office Subcommittee on Postal Operations, I have been officially involved in the problem of sharpening the existing legislative tools as well as forging new tools for the Post Office Department in order that the frightening increase in volume of the nauseating and poisonous filth of obscene and pornographic material flowing through the U.S. mails may be stemmed. Certainly, you will agree that the privacy of the home should not be invaded with this unsolicited smut. Therefore, when the Postmaster General enlists the cooperation of the fathers and mothers of America through the authorization of the envelope imprint "Report obscene mail to your postmaster," it would appear that editorial responsibility by editors of the integrity such as yours should be exercised; if not in support of such constructive administrative efforts, then, in restraint of rather insidious criticism of the Postmaster General's constructive action.

You know very well that the postal laws prohibit prying into the contents of mail pouches. But, you have implied, through your comment, based upon the technique of guilt through association, which you have already been quick to condemn and, properly so, when used by others that "prying" is involved.

Furthermore, using the half quote and the lifting out of context techniques of those who would gain their own ends, without any semblance of fairness by giving the whole story, have again demonstrated editorial irresponsibility far beyond any conceivable call to duty even in the support of those who base their opposition to efforts to control this flood of printed, filmed, and photographed sewage on the self-serving cry of censorship.

The reported words of General Counsel Warburton, were not quoted, in full, by you but only the portions which served the purposes of your far from constructive editorial. Those of us in the political area label this "foul." Surely, even you editorial writers should call such obvious omissions irresponsible journalism.

We are all most conscious of the never-ending debate of the issue involved in censorship versus free speech; but, it seems to me that your editorial, in this instance, has utilized censorship in that you refused to use the complete text of the Warburton statement. Why censor the portion which would place an entirely different connotation upon his remarks? Your readers may well ask who is censoring whom?

The Department's banning of "Lady Chatterley's Lover" was entirely proper, in my opinion and, to use your own words, this decision of the Postmaster General was "widely admired" by those of us who do not consider it to be a classic but rather a menace to the basic requirements of our family life; namely, marital integrity under all circumstances. If your newspaper ever used the so-called four letter words, so generously poured into this classic, as you call it, you would lose a large portion of your circulation overnight and you very well know it. In other words, if it seems to be constitutional to protect the printing of such "gems" of the English langage in books, why do you defenders of unrestrained free speech not use them as frequently in your columns and editorials? If I, as a Member of Congress, attempted to read passages from "Lady Chatterley's Lover" from the well of the House Chamber, I would be declared out of order in less time than it would take to utter them. Would this be censorship?

If so, then, the greatest forum of free speech in the world must be as guilty of censorship according to your yardstick of unrestrained self-expression as is the Post Office Department in your opinion.

Perhaps, if you would refer, as quoted below, to these words of Norman Thomas, whom most unbiased persons recognize as one of the greatest defenders of the rights guaranteed by the first amendment to the Constitution, you may be persuaded to evaluate further your editorial position with regard to this issue of merchandising printed and pictured sewage versus censorship.

"An idea, even a wrong idea—a bad idea in economics—in politics, and so on, can be met in the marketplace by a true idea and history, at least in America, bears out this statement—that, on the whole, a true idea wins a victory * * *.

"The appeal that is then suggested by an idea is wholly different from the kind of thing about which you have just had testimony. To the unformed life of a child, the perversion of what, in itself, is a life-giving sexual instinct, is a terrible thing for society and does not fall in the class of ideas which were defended as able to win their own victories." (Hearings on Juvenile Delinquency, Obscene and Pornographic Materials, 1955, pursuant to S. Res. 62, 84th Cong.)

The proponents and exploiters of the cult of unrestrained self-expression gain great comfort and solace from editorials such as yours. Has society as a whole no rights to protect itself?

Your customary courtesy will be deeply appreciated if you may find the space to publish this statement.

Sincerely yours,

JAMES C. OLIVER,
Member of Congress.

Another illustration of the resistance to any action at all in this struggle against the sale of smut is found in the following excerpts from the speech of Dr. Karpman, chief psychotherapist, at St. Elizabeths Hospital of this city, as reported in the Washington News of last Saturday:

SMUT CRUSADERS MAY PROTEST TOO MUCH, DR. KARPMAN SAYS

Crusaders against pornography actually may be trying to cover up their own unconscious interest in lewd pictures and literature, Dr. Benjamin Karpman, chief psychotherapist at St. Elizabeths Hospital, said yesterday.

"You'll never be able to outlaw smut because everybody needs a certain amount of it. Our society is too puritanical," he told the National Civil Liberties Clearing House Conference here.

"Interest in obscenity * * * may be covered up by a reaction formation," he said.

"The interest may be denied by bitter opposition to all forms of obscenity, the same as a condemnation and attack against homosexuals may cover up * * * latent homosexuality. Crusading against obscenity has an unconscious interest at its base."

None of the speakers at the conference specifically mentioned Postmaster General Arthur E. Summerfield's drive against pornography or his ruling that D. H. Lawrence's novel "Lady Chatterley's Lover" was too obscene to be sent through the mails.

In a related development, a Federal court of appeals in New York yesterday unanimously ruled that the novel could be mailed. This upheld a lower court decision overturning the Summerfield ban.

Dr. Karpman said interest in pornographic material stems in part from the fact that "we are suffering from too much repression." He said the country needs "10 Freuds and 20 Kinseys to break down repression."

Interest in obscenity goes back to "early childhood" and is a "neurotic-manifestation," he said.

"Obscenity," he explained, "can make no appeal, exert no influence or power, nor make converts except in those cases of individuals whose phychological make-up has the necessary specific conditioning. Hence, obscenity cannot undermine public morals."

To have an effect, he said, smut must "fall on proper soil; it cannot manufacture this soil."

This expression of opinion of Dr. Karpman is not shared by all psychiatric doctors, Mr. Speaker, for which we thank God. But, the real point for the purpose of my discussion, here today, is that he admits in part that smut, falling upon the curious or receptive mind, which could be the unformed mind of the adolescent, or the sick psychotic mind, can have an effect which I assume that even the Doctor would admit would be a damaging effect, not only to the individual, but also to society, especially if that effect caused a brutal sex crime, which as a matter of record has happened in too many instances.

It seems to me, Mr. Speaker, that these words of Dr. Karpman indicate most emphatically that the research project which my resolution authorizes is urgently needed. Only through such a scientific and legal study, as this proposal establishes, will this Congress or any other Congress have the expert findings upon which effective legislation to reach the source of this poison may be based. I do not have the time to reply in detail to the points which Dr. Karpman made in his pertinent and timely speech, but I am appreciative of the contribution which he has made so far as pointing up the need for an authoritative research of the question of cause and effect in the relationship of smut to antisocial behavior.

Fully realizing these phases of the problem, therefore, I am attempting in this resolution, which I have introduced today, to make this, as yet, untried approach. I think that it makes sense and I hope that I may persuade the membership of this House to support me so that we may stop spinning our wheels, at least during this Congress, and start to make some progress basically toward the objective of winning the war against this pernicious and insidious poisoning of our people.

Following the suggestions of Mr. Kenyon of the Magazine Publishers Association, Dr. Carl Menninger, the eminent psychiatrist, and others who have advised me similarly that there has been no official scientific or legal determination of any causal relationship between exposure to pornographic, obscene, and smut material and antisocial behavior such as sex crime, brutality, bestiality, abuse, and so forth, it is my purpose through this resolution to authorize and direct such a research survey for the objective of making such a determination.

If this study is made and such a relationship established, it appears to me reasonably certain that really effective legislation, based upon such a finding, can be enacted and thusly, reach the source of this sewage without justifying the cry of censorship by those who now profit in dollars from poisoning society while demanding for their acts of license the protection of that same society on constitutional grounds.

This resolution is self-explanatory, as may be determined by a quick scanning of its provisions and is included herewith:

A BILL TO ESTABLISH A COMMISSION ON NOXIOUS PRINTED AND PICTURED MATERIAL

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS OF FACT AND DECLARATION OF POLICY

SECTION 1. The Congress finds that there is a rapidly increasing commercial traffic in noxious printed and pictured material dealing with acts or suggestive acts of sexuality and sexual deviations and perversions. Effective control of the flow of such material in commerce requires a scientific evaluation of the existence and extent of the causal relationship between the traffic in such material and criminal, delinquent, or other undesirable or antisocial behavior on the part of juveniles and the public generally. The magnitude of the problem is such that the full resources of the Federal Government are necessary to cope with it. The seriousness of the problem is such that adequate scientific information is required for a solution by which this social threat to the general welfare of our people (including our children) may be met.

ESTABLISHMENT OF THE COMMISSION ON NOXIOUS PRINTED AND PICTURED MATERIAL

SEC. 2. (a) For the purpose of carrying out the policy set forth in section 1 of this Act, there is hereby created a commission to be known as the Commission on Noxious Printed and Pictured Material (in this Act referred to as the "Commission").

(b) Service of an individual as a member of the Commission or employment of an individual by the Commission as an attorney or expert in any business or professional field, on a part-time or full-time basis, with or without compensation, shall not be considered as service or employment bringing such individual within the provisions of section 281, 283, 284, 434, or 1914 of title 18 of the United States Code, or section 190 of the Revised Statutes (5 U.S.C. 99).

MEMBERSHIP OF THE COMMISSION

SEC. 3. (a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 15 members, appointed by the President, as follows:

(1) One from the Senate;
(2) One from the House of Representatives;
(3) Two from the Post Office Department;
(4) Two from the Department of Justice, one of whom shall be from the Federal Bureau of Investigation;
(5) One from the Bureau of Customs, Department of the Treasury;
(6) Three from the clergy, of whom one shall be Protestant, one shall be Roman Catholic, and one shall be Jewish;
(7) One who shall be prominent in the field of psychiatry;
(8) One who shall be prominent in the field of psychology;
(9) One who shall be a prominent citizen who is a parent of a school-age child or children;
(10) One who shall be a responsible official in the publishing industry; and
(11) One who shall be a responsible official in the motion picture industry.

(b) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(c) CONTINUATION OF MEMBERSHIP UPON CHANGE OF STATUS.—A change in the status or employment of any person appointed to the Commission pursuant to subsection (a) of this section shall not affect his membership upon the Commission.

ORGANIZATION OF THE COMMISSION

SEC. 4. The Commission shall elect a Chairman and a Vice Chairman from among its members.

QUORUM

SEC. 5. Eight members of the Commission shall constitute a quorum.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 6. (a) MEMBERS OF CONGRESS.—Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence,

and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) MEMBERS FROM THE EXECUTIVE BRANCH.—The members of the Commission who are in the executive branch of the Government shall serve without compensation in addition to that received for their services in the executive branch, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(c) MEMBERS FROM PRIVATE LIFE.—The members from private life shall each receive $50 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

STAFF OF THE COMMISSION

SEC. 7. (a) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended.

(b) The Commission may procure, without regard to the civil service laws and the classification laws, temporary and intermittent services to the same extent as is authorized for the departments by section 15 of the Act of August 2, 1946 (60 Stat. 810), but at rates not to exceed $50 per diem for individuals.

EXPENSES OF THE COMMISSION

SEC. 8. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this Act.

DUTIES OF THE COMMISSION

SEC. 9. (a) INVESTIGATION AND ANALYSIS.—The Commission shall—

(1) conduct a scientific investigation of the relationship between the production, distribution, and sale and reading or viewing of noxious printed or pictured material dealing with acts or suggestive acts of sexuality, and sexual deviations or perversions, and the commission by the readers or viewers thereof of criminal, delinquent, or other antisocial acts; and

(2) analyze the law pertaining thereto, and recommend appropriate revisions to the Congress.

(b) REPORT.—The Commission shall report to the President and the Congress its findings and recommendations as soon as practicable and in no event later than June 30, 1961, at which date the Commission shall cease to exist.

POWERS OF THE COMMISSION

SEC. 10. (a) HEARINGS AND SESSIONS.—The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as the Commission or such subcommittee or member may deem advisable. Subpenas may be issued under the signature of the Chairman of the Commission, of such subcommittee, or any duly designated member, and may be served by any person designated by such Chairman or member. The provisions of sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C., secs. 192–194) shall apply in the case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this section.

(b) OBTAINING OFFICIAL DATA.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics for the purpose of this Act; and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

Mr. Speaker, I shall welcome any and all cosponsorship from my colleagues which may be extended for support of this resolution. Somebody has expressed himself as follows: "All that is necessary for the triumph of evil is for enough good men to do nothing."

This rapidly increasing traffic in smut is evil, Mr. Speaker. The preponderant majority of our people are good men, Mr. Speaker. More effort being extended by more good men is urgently needed. The adoption of this resolution will forge an effective weapon for good men to initiate action against this evil.

Mr. WIDNALL. Mr. Speaker, will the gentleman yield?

Mr. OLIVER. I am very glad to yield to my friend and distinguished colleague from New Jersey [Mr. WIDNALL].

Mr. WIDNALL. Mr. Speaker, I would like to commend the gentleman from Maine for the very pointed remarks that he has made. This is a subject on which much more than talk should take place within the Congress. I think it is particularly revolting and disgusting to find on newsstands within a block of the Capitol of the United States some of the worst types of magazines and booklets that can be found throughout the country.

I know that the gentleman knows, as a member of that special subcommittee, the efforts that have been made by Postmaster General Summerfield to alert the people of the United States to the serious problem that exists today with reference to obscene literature. I hope the gentleman is successful in the efforts that he is making and I want to assure him of my support.

Mr. OLIVER. I thank the gentleman very much for his comment. I would like to say to the gentleman further that I have already introduced, as I previously stated, a resolution which I hope may be effective in helping the Members of this and the other body to get legislation that will reach the situation concerning which he has just been speaking; namely, this borderline material that is on the shelves of our drugstores and newsstands in every section of this country. This is the kind of material it seems to me that existing law does not reach. When the gentleman referred to the Postmaster General, I want to say to him that I heartily concur in what he has said with respect to the efforts which he has made during the last several years to alert the American people to the menacing threat involved in this kind of material.

I would like also to say that in my remarks I have included a letter which I wrote to the editor of the Washington Post as a result of their editorial, to which I have referred. They chose to print this letter in part. I thought the more significant comments which I made in my letter to the editor were not included. I can understand why they were not, because they did not have the space. On the other hand, I think in the RECORD for today Members of Congress who are interested may read in full the reactions which I felt and in which letter I highly commended the Postmaster General for the work which he has been doing.

Mr. Speaker, I am very glad to have had the observations of the gentleman from New Jersey. I would like to say that it is beyond words that I can readily summon to express the feeling that I have with regard to this problem as a whole. It seems to me that it calls for the kind of action which not only Postmaster General Summerfield has been taking, but which every other executive or administrative head of this Government should follow through and cooperate with.

Mr. LEVERING. Mr. Speaker, will the gentleman yield?

Mr. OLIVER. I yield to the gentleman from Ohio.

Mr. LEVERING. I had the honor last year of serving on the committee to which the gentleman has just referred and had the opportunity to work on the matter to which the gentleman is so forcefully addressing himself today. I want the RECORD to show that I associate myself with the remarks of the gentleman from Maine on the question of obscenity, as it has a tendency to erode the moral fiber of our future citizens.

Mr. OLIVER. I thank the gentleman very much for his comment. I know the time the gentleman has served on that committee; as a matter of fact, I replaced the gentleman on that committee. I have a complete appreciation of the contribution he made during the time he was working with this subcommittee. I feel that the constituents of his State and his district must appreciate and will appreciate what he has done in this particular area.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. OLIVER. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I wish to commend the gentleman on his remarks today. I know the great struggle he is putting up to reduce the traffic in pornographic literature in this country. I am well aware of the many remarks the gentleman has made calling attention to the ultimate danger this practice will have on the young and the old people of America.

May I point out that the psychiatrist referred to in the article the gentleman mentioned earlier I believe is a psychotherapist. I think there is a distinction between the two.

Mr. OLIVER. I am very glad the gentleman called that to my attention. I think probably that is correct. I must confess I am not an expert with regard to these professional terms. I think the gentleman has made a very pertinent correction to my remarks, and I am very glad to accept it.

I also noted that the gentleman earlier in the afternoon called attention to the same newspaper story to which I have just called attention. It seems to me this has aroused more than just passing interest. I thank the gentleman for his comment.

Mr. PUCINSKI. The gentleman will recall that I had requested the appropriate committee of this Congress to look into this situation a little more deeply to see what are the motivating factors behind this kind of quiet campaign to overcome the work of the Congress to deal with this problem that confronts America today.

Mr. OLIVER. I thank the gentleman.

May I say further it seems to me it is a rather sad commentary that in the very appropriation bill which we have acted upon today, relating to the cost to this Government and to the taxpayers of this Nation of ours for the costs, so called, incident to juvenile delinquency. Trying to do something about this great problem of juvenile delinquency that confronts us we had to appropriate dollars which probably would double what they were even 4 or 5 years ago for this same purpose. I think the remarks of Dr. Karpman to which we have been referring are significant in the light of today's appropriations for delinquency. I think it is most timely that we have had these observations today.

Mr. PUCINSKI. I thank the gentleman.

WHO ARE WE DEFENDING?

The SPEAKER pro tempore (Mr. ASPINALL). Under previous order of the House, the gentleman from Ohio [Mr. LEVERING] is recognized for 30 minutes.

Mr. LEVERING. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter and also to include a table.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LEVERING. Mr. Speaker, day by day I am more and more appalled by the policies of our Government with reference to the protection of our American industry and our people against foreign competition. In the beginning I want to make it clear that I believe we must maintain a sound and sensible mutual security program, we must have world trade, but I also believe we must be careful not to kill the goose that laid the golden egg.

The American people, already laboring under a crushing burden of taxation, are willing to sacrifice further for defense, but, Mr. Speaker, I propound this question in all sincerity, "Who are we defending?"

Under the Buy American Act and the Small Business Act we ostensibly are concerned about the preservation of small business in this country—and we talk a great deal about giving this segment of our economy a fair share in defense contracts, but all too often and with increasing frequency of late I learn of some fine domestic industry losing out to a foreign bidder. I am very much concerned about the fact that prior to the executive order of December 17, 1954, a foreign bid had to be 25 percent below the domestic bid to be acceptable, but that under this order which is still in effect today, the percentage is changed for all practical purposes to 6 percent although under some conditions it can be 10 percent. Why?

Today I want to talk specifically about the case of Plymouth Locomotive Works of the Fate-Root-Heath Co. located in my congressional district—a fine small business concern employing less than 500 people, and the Mitsubishi Co. of Japan, one of the world's largest monopolies with one of the world's cheapest labor supplies. These two companies are now competing on bids to supply 39 or possibly 49 locomotives to the Panama Canal Company for towing ships through the locks as part of our defense program. Incidentally, Mr. Speaker, I can speak from personal knowledge about both of these companies. Plymouth Locomotive is an outstanding example of a small American industry which has for over 60 years contributed to the economic growth, prosperity, and overall betterment of the community of Plymouth, Ohio. It is the only company in this country which designs, engineers, and builds the size and type of industrial locomotives called for in the Panama Canal Company specifications. During World War II this company built large quantities of locomotives for the United States and her allies. At a most critical period, eighteen 6-ton locomotives were built in record time, knocked down and flown to Burma in the first airborne locomotive flight of its kind by the Air Transport Command. Crippled by a labor shortage and under adverse conditions over 200 Plymouth locomotives were delivered to Russia and 100 others went to France. In addition, many have been built for ordnance depots, naval bases, coastal defense, and for other purposes.

Now as to the Mitsubishi combine, if you will pardon a personal reference, Mr. Speaker, may I say that during World War II, I spent more than a year along with many other American prisoners of war as a kind of coolie slave in one of their factories shoveling slag on boxcars 10 hours a day, 7 days a week on a ration of two rice balls a day. The Japanese workers in the plant fared little better—they received an extra sweet potato now and then. I certainly hold nothing against the Japanese people, but I will leave it to the judgment of any man of reason, as to whether workmanship under such conditions can possibly match that in American industry.

Now, Mr. Speaker, at this very moment, the Secretary of the Army has under consideration the matter of awarding a bid to this foreign firm to supply the 39 locomotives for a total of $3,829,900. The Plymouth Co.'s bid is in the amount of $4,741,000.

Actually it appears that a fair and just analysis of these two low bids allowing the percentages which I believe justified for small business and critical labor, the foreign bid is 1.6 percent higher than the Plymouth bid.

Mr. Speaker, under unanimous consent I include a table to prove this point.

A suggested analysis is as follows:

Plymouth Locomotive	$4,741,867
Mitsubishi Shoji Kaisha Ltd.	3,829,900
Mitsubishi Shoji Kaisha Ltd. (19.2 percent low)	911,967
Mitsubishi bid	3,829,900
Additional for Panama Canal Co. expenses (to cover additional cost of Panama Canal Company's inspection at the foreign location and increased administrative costs)	115,000
Total Mitsubishi bid (16.8 percent low)	3,944,900
10 percent buy American	382,990
Total Mitsubishi bid (8.7 percent low)	4,327,890
Requested 6 percent small business	229,794
Total Mitsubishi bid (3.9 percent low)	4,557,684
Requested 5 percent critical labor	191,495
Total Mitsubishi bid (1.6 percent high)	4,749,179

I have been conferring with the Plymouth firm, the Small Business Administration, and officials of the Department of Defense for the past several weeks and for the life of me I cannot understand how the foreign company can be awarded this contract if we really mean what we say about protecting the national interest.

Why should we, in Heaven's name, give this defense contract to a foreign firm and deny employment and the profits from all the component parts that would be purchased in Ohio and other critical domestic surplus labor areas?

Of recent date, the Shelby Air Force Supply Depot in the area of Plymouth has been going through the process of phasing out its operation. This has placed a great number of people on an unemployment status.

Westinghouse Air Brake Co., Le Roi Division, is moving its plant out of nearby Greenwich, Ohio.

Republic Steel Co. in Canton, Ohio, has advised me that they are working only 4 days per week in some departments.

Fruehauf Trailer Co. has already laid off one-fourth of their employees. Myers Pump of Ashland has laid off a number of employees and the General Motors Fisher Body Plant in Mansfield is presently laying off a considerable number of workers.

The counties of Richland and Ashland alone, I am informed have an unemployment list of 2,893 which is fast approaching the figure considered by the Labor Department to be critical labor surplus.

We find that the total man-hours required per locomotive including processing and construction would be 26,660. With reference to the loss of revenues which would result from awarding this contract to the foreign bidder, Plymouth Locomotive last year paid in taxes the sum of $421,752. Considering the 2½ years it is contemplated it will take to deliver the order for the Panama Canal, the company estimates it will pay close to $500,000 in taxes to the Government

by reason of this particular contract alone while they are doing other business at the same time.

Then, there is the overriding question of our national security. How can we justify spending more than half our entire budget year after year for defense—for our national security—working tirelessly in this tension-laden era to achieve combat readiness and combat effectiveness and at the same time employ a company on the other side of the globe to supply equipment for one of the most vital defense areas in this hemisphere? What about the availability of spare parts and service in the event of an emergency?

As a matter of fact, Mr. Speaker, I wonder how long we can continue to meet our needs for defense and our commitments for foreign aid under the current expanding policy of preferring foreign nations to our own?

Mr. Speaker, I think the time has come to reverse this "anybody but America" fad.

On yesterday as Members of the House paid tribute to our distinguished colleague, the gentleman from Ohio [Mr. KIRWAN] on the occasion of his being honored by Oklahoma City University with an honorary degree of doctor of humanities, I could not help recalling the occasion in the well of this house on September 8th of last year when that gentleman said:

We must remember that we also have a responsibility to take care of our own country.

MITCHELL MAY

Mr. MULTER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MULTER. Mr. Speaker, I take this time to salute one of America's most distinguished citizens upon the celebration of his 90th birthday. I refer to none other than Mitchell May. Born in Brooklyn, N.Y., in 1870, he attended its public schools, Brooklyn Polytechnic Institute, and Columbia University Law School. He was admitted to the bar in 1893 and very soon was recognized as an outstanding and distinguished lawyer. He was elected as a Democrat to the 56th Congress and served from March 4, 1899, to March 3, 1901. He was not a candidate for reelection, preferring to devote himself to the service of his community by staying closer to home. He served on the New York City Board of Education, then as an assistant district attorney of Kings County, and was elected successively to the high offices of secretary of state of the State of New York, county judge of Kings County, and justice of the State supreme court.

After his retirement from the latter office because of the constitutional age limit, he resumed the practice of law as one of the most eminent members of the bar.

In every office that he graced, he served with honor and distinction. His genial personality, his scholarship, his practicality in dealing with everyday affairs and his love for his fellow man have been an inspiration beyond measure to all that have had the privilege to know him.

I am pleased to commend to the attention of our colleagues an editorial which appeared in the Brooklyn edition of the New York Journal American of March 24, 1960, as follows:

JUSTICE MAY

Mitchell May retired as a State supreme court justice 20 years ago, but the nonagenarian remains today as prominent in the Brooklyn community as he was during almost 50 years of public service.

His name has become synonymous with the compassion and understanding which exemplify a true champion of justice.

Justice May, born in the Williamburg section and a life-long resident of Brooklyn, recently attained his 90th year.

Fittingly, the Nestor of the Brooklyn bar will be tendered a testimonial dinner by the Brooklyn lawyers division of the United Jewish Appeal next Wednesday at the Park Manor, Brooklyn.

The dinner invitation reads:

"In the annals of men whose love of humanity makes the divine teachings a living faith, Judge Mitchell May has written a glorious page."

This is an apt description of Judge May's contribution to his fellow man, whom he began serving in 1898 as a Congressman at the age of 23.

During his years on the bench, his wisdom and scholarship made him one of the most beloved jurists in the city.

It is with pride that we join the United Jewish Appeal Lawyers Division in wishing Judge May a happy birthday and many more to come.

Our very best wishes go forward to Mr. Justice May.

EXTENSION OF REMARKS

Mr. ALBERT. Mr. Speaker, I had the privilege this morning of hearing Maj. Gen. Lionel C. McGarr, one of the great combat soldiers of our Army, and presently commandant, U.S. Army Command General Staff College, as he addressed the congressional command and operations group.

Mr. Speaker, I think this lecture is worthwhile reading for all Members of Congress as well as others, and I ask unanimous consent to extend it as a part of my remarks in the CONGRESSIONAL RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ESTABLISHMENT OF COUNTY INDUSTRIAL AGENT PROGRAM

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Iowa [Mr. WOLF] is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, two of the major socioeconomic problems facing the United States today are, first, the heavy movement away from rural areas; and second, as industries move from a community where they have been established for years, the community is faced with either an unemployment problem or a decrease in population.

Mr. Speaker, last summer I had the opportunity of visiting a town which was faced with this very problem. The total population numbered 35,000. The one dominant local industry was preparing to close its doors and move elsewhere. Thus, by the end of 1960, there will be 8,000 people unemployed in this community. Of course, there is another alternative—these 8,000 people and their families could move with the industry, thus leaving a population vacuum in the community which will have a serious effect upon the total economic life of the community.

With rapid industrialization in the 20th century, the constant shuffling of population has been a direct result. As industries relocate, families are forced to move with the industries in order to maintain their employment. This means leaving the small town or farm which, in many cases, has been the home of the family for generations.

For several years, and especially after visiting the community referred to above, I have been groping with the problem of how we can maintain a healthy rural and small urban community economy that has produced so many leaders in America and yet keep pace with the progressive industrialization pattern of the Nation.

What I am saying, Mr. Speaker, is that there must be a way whereby the family can continue to live in the small town, where kids can continue to watch life renewed on the family farm or can frolic in the swimming hole, spending many happy hours in the outdoors, whether it be on a farm or in the rural town.

For these reasons, I introduced today a bill which would establish a county industrial agent program. The prime function of this agent would be to create new employment opportunities in rural communities and depressed areas without substantially reducing employment in other areas of the United States.

The County Industrial Agent Act would be set up on the same basis as the county extension program which receives its financial support in equal shares from the county, State, and Federal Governments. I believe this bill proposes a program which will stimulate these areas to help themselves.

Mr. Speaker, it is my firm belief that the introduction of new industries and activities using new materials and processes and producing new products, or satisfying new industrial, consumer, and governmental desires, will stimulate many new employment opportunities for the young people who are leaving rural areas each year. Further, I believe it can be a great help in bridging the gap in areas depressed by the loss of industry.

If the present trend of these communities losing their populations is continued over a long period, it will mean the gradual disintegration of the community and all its physical resources built up over the years—schools, stores, hospitals, banks, office buildings, homes, churches, and all of the community services which were acquired at great expense and which are now wasting away.

All too often, the people of the area move away in search of jobs elsewhere because there is no work in their community. We have not even considered the great personal tragedies which loss of income can produce.

In a vast, expanding America, it is not right that these once proud communities with close family ties should be permitted to die upon the vine. It is far better that Congress meet the responsibility placed before it and take the positive type of action proposed in this County Industrial Agent Act. We are trying to reduce unnecessary blight and decay of the affected rural and small urban communities by maintaining the population through new employment opportunities.

On the basis of testimony presented at the hearings before the Senate Banking and Currency Committee, it is clear that the communities which have been hit by economic misfortune have not been content to sit idly by in the face of adversity. On the contrary, most of the communities have shown traditional American resourcefulness in efforts to achieve local economic rehabilitation. Local Chambers of Commerce and regional area redevelopment groups are in existence in practically all of the communities and have been working steadily for the past several years to solve their problems through local subscription, community development drives, and by the use of many other devices to raise funds. Courageous local efforts to bring in new industry or to expand existing businesses have been made, but these have, in the main, failed to meet the urgent needs. The conclusion is clear that these local communities are virtually powerless to reach a full solution of their problems without some type of outside economic assistance. Volunteer help must have full-time paid leadership to achieve quick and effective results.

The following are a few suggestions of what the county industrial agent's responsibilities might be:

First. Provide information such as market and industrial site research and other information to the Department of Commerce coordinating body and disseminate information and advice from various governmental agencies.

Second. Provide technical assistance, such as evaluating and helping to develop potentialities for economic growth, to community development organizations and the chambers of commerce.

Third. Provide extension-type night school training for potential industrial workers and for those forced to learn new skills as a result of a depressed area employment gap.

Fourth. Coordinate Federal and State assistance programs with local volunteer groups.

The text of my bill follows:

H.R. 11455

A bill to improve commerce and industrial development through the establishment of a county industrial agent program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS OF THE CONGRESS

SECTION 1. The Congress finds that there exists special circumstances in certain areas of the United States which cause such areas to be at a disadvantage insofar as economic development and social stability is concerned for the following reasons:

(1) Excessive concentration on one product or one nonbasic industry.

(2) Changing agricultural technology, which produces a need for fewer and fewer workers, combined with a significant drop in farm incomes has caused supportive towns and industries to become depressed areas.

(3) A nonintegrated approach to the problems of economic development in underdeveloped or depressed communities.

PURPOSE OF ACT

SEC. 2. The purpose of this Act is to:

(1) Promote the economic development of certain areas of this country which have been known as one-industry areas.

(2) Preserve, improve, and protect the sociological advantages of rural communities and family farm living through the creation of new economic opportunities.

(3) Reestablish as rapidly as possible the industrial and commercial bases of communities outlined in paragraphs (1) and (2) of this section, so that emigration to large urban areas will decrease.

(4) Establish extension-type education programs to teach alternative jobs and technical skills to residents of areas described in section 1 of this Act.

(5) Develop a well-organized and integrated approach to the problem of area economic development through Federal-State-local cooperation.

COUNTY INDUSTRIAL AGENT PROGRAM

SEC. 3. In order to carry out the purposes of this Act, the Secretary of Commerce is authorized to establish a County Industrial Agent Program as part of the Office of Area Development, and to appoint that number of industrial agents which he deems appropriate to carry out the purposes of this Act, but no fewer than one-half the number of county agricultural extension agents provided by the Department of Agriculture on the date of enactment of this Act.

COOPERATION WITH CERTAIN AGENCIES AND ORGANIZATIONS

SEC. 4. The Secretary of Commerce and the industrial agents are authorized to cooperate with government officers and agencies and commercial, agricultural, and labor organizations on a local, State, and national level for the purpose of receiving (1) support and assistance in the establishment of an area development program, and (2) support and assistance in training persons in alternative job skills.

APPROPRIATIONS AUTHORIZED

SEC. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

FORTY-SECOND ANNIVERSARY OF THE PROCLAMATION OF THE INDEPENDENT BYELORUSSIAN NATIONAL REPUBLIC

Mr. QUIE. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. BENTLEY] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. BENTLEY. Mr. Speaker, I understand that March 25 marked the 42d anniversary of the proclamation of the independent Byelorussian National Republic and that this date was traditionally observed by all Byelorussian communities throughout the country including the Byelorussian Association in Detroit. It was 42 years ago, in 1918, when the Russian Bolshevists, after seizing political power in the former Russian Empire, invaded with their armies the free Byelorussian Republic, violated the sovereignty of the newly formed state, committed atrocities against the people and forcibly overthrew the freely elected democratic government.

It continues to be our expressed hope that all captive peoples behind the Iron Curtain, including the Byelorussians, will one day again enjoy the God-given right of freedom and self-determination and it is certainly our hope that this day will come soon. I, therefore, take pleasure in joining in the observance of this memorable anniversary and congratulate the Byelorussian Association in Detroit for their part in this observance.

GREEK STRUGGLE FOR INDEPENDENCE FROM THE OTTOMAN EMPIRE

Mr. QUIE. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. BENTLEY] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. BENTLEY. Mr. Speaker, I understand that March 25 signified the anniversary of the success of the Greek struggle for independence from the Ottoman Empire and that this date is hailed as Greek Independence Day by American-Greek organizations throughout the country. As one who has applied for membership in the American Hellenic Educational Progressive Association, better known as AHEPA, it is a pleasure for me at this time to express the justified pride which the 1½ million Americans of Hellenic background feel as a result of the noteworthy contributions they have made in America in all major fields of endeavor, including architecture, communications, business, and government.

I wish to include herewith as part of my remarks a brief memorandum which I received regarding the significance of this memorable occasion:

The Americans of Greek origin and Greek peoples throughout the world celebrate March 25, which brought the end of suppression of the Greek nation by the Ottoman Empire.

Freedom-loving people throughout the world have drawn inspiration from the struggle of the Greek people for independence.

Ancient Greece was the cradle of liberty. Apostles of freedom still look to Greece, both ancient and modern. For it was there that the Western concepts of representative government and the rule of law were originated, and it was in classical Greece that political theories antagonistic to tyranny first were born, later to mature and inspire the great republican movements of modern civilization.

After World War II, when strong pressure was applied by the Soviet Union and subversion by the Communists had engulfed the country in civil war, the United States came to the aid of Greece. As a result of assistance from this country, the war-torn economy of Greece was reconstructed and the Communist insurrection was suppressed.

The continuing freedom and security of Greece is of great importance to the free world. At the same time, the security of

Greece as a free nation contiguous to the Soviet bloc is vitally dependent on the strength of the Western alliance. Greece is firmly associated with the North Atlantic Treaty Organization in planning for the defense of the Mediterranean.

ADDRESS OF CHARLES H. BROWER, PRESIDENT OF BATTEN, BARTON, DURSTINE & OSBORN, INC.

Mr. QUIE. Mr. Speaker, I ask unanimous consent that the gentlewoman from New York [Mrs. ST. GEORGE] may extend her remarks at this point in the RECORD and include an address.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mrs. ST. GEORGE. Mr. Speaker, the following address, delivered before the Advertising Federation of America, in Boston, on February 9, 1960, by Charles H. Brower, president of Batten, Barton, Durstine & Osborn, Inc., is a hard-hitting, hard-thinking talk on present day trends that is well worth our perusal, and may help in our work for the future of our country.

This speech is truthful and factual. We need more truth if we are to remain free, and we need more facts if we are to distinguish truth from falsehood:

THE YEAR OF THE RAT

(By Charles H. Brower)

Those people who believe in statistics tell us that things really boomed in the latter half of 1959. Car loadings were up. Retail sales were up. Dow-Jones averages were up. But the things that were really up were the production and use of rose-colored glasses. Rose-colored glasses were used in main for gazing happily into the golden haze that came to be known as the "soaring sixties." Rose-colored glasses are never made in bifocals, for nobody reads the small print in dreams, nor are they interested in handwriting on the wall, or clouds no bigger than a man's hand on the horizon.

There are, however, only two things that we really know about the sixties: First, they will not perform as advertised, for no decade ever has. Try it yourself—pick any decade. Did anyone call it in advance or even come close? Certainly not. The second thing that we know is that we are already in the sixties today—and they look very much like the same old neighborhood. Nothing has really happened to change things except that we have crossed a line which we ourselves have drawn in the sands of time. It is only 1960 because the Chinese have not yet been able to convince us that it is the year 4658, which they celebrated on January 28 as the year of the rat.

We have started out, for instance, by a wave of church desecrations—and by throwing a nice fresh billion dollars to the insatiable money eater. The money eater has eaten up half the value of the American dollar in the past 20 years. Each year in the past four he has eaten another penny.

We are not a nation that is enthusiastic about having its money eaten. So, from time to time, we have taken bold measures against the money eater. We have deplored him from the pulpit and caricatured him in the press. We have called upon our economic doctors and made big medicine. But no one can make the animal take the medicine.

It is not hard to see why. Hunting for the causes of inflation in the field of economics and finance is like hunting for crocodiles in Nome. For all I know, there may be a crocodile in Nome—but it's not the place to look when you find yourself suddenly short of crocodiles.

DISEASE OF THE BACKBONE

Economic phenomena do not cause inflation any more than high thermometers cause hot weather. Inflation is a disease of the American backbone and can be cured only by large and frequent doses of courage and unselfishness.

Traditionally the American dollar comes out of every war wearing wound strips, for war without conquest creates no wealth. There is a bill to be paid—but no one wants to pick up the check, and this is where the real trouble starts.

When any ship—except the ship of State—begins to founder at sea, certain traditions are observed: certain courtesies prevail. The captain stays on the bridge, pitting his authority against the tendency to panic. The crew man the pumps and help the women and children into the lifeboats. The strong give up their lifejackets to the weak.

But when our country begins to sink into the sea of inflation, a different picture is seen. The captain stays on the bridge all right, but his orders are unheard in the shouting as the lifejackets are wrested from the weak by the strong. The crew man the pumps, but more often than not they pump the sea in instead of out. Gangs of passengers band together with the silly, but desperate, conviction that they can keep their small part of the ship afloat, even though all the rest may sink. Labor seeks to keep its section afloat by ceaseless demands for more take-home and more fringe benefits. The farmer demands that his part of the deck be kept solid under him by price supports. Management has more than once left one part of the ship and set up in another where conditions seemed more favorable. Meanwhile Government, beset by scores of demands backed by the threat of political punishment, grabs everyone it can catch and holds him under a drowning tide of confiscatory taxes.

But it won't work. A bill that is owed cannot be paid by passing it around. It can't be paid by the natural, unorganized victims, the people on fixed incomes, for there are not enough of them. It can be paid by hard work, by devoted management—by returning an honest day's work for a full day's pay, by ending Government waste, by insisting on a balanced budget, by doing away with all needless jobs in every industry, by starting to reduce our almost $300 billion debt instead of buying a new roof for it each year. But who wants that?

WHAT INFLATION THRIVES ON

Inflation thrives on living it up. On getting more and spending more. And boy, do we love to do that. Inflation makes a $20,000 man out of a $10,000 man. It makes millionaires out of people who never could have been millionaires otherwise. It makes us all poor boys who made good because our fathers made so much less than we do. But it also saps and destroys all the good disciplines that made us great. Today, it seems, the only way to be penny-wise is to spend the penny—the only way to be pound-foolish is to save the pound. Smart people no longer pay debts; they incur them. For being in debt is another way of passing the bill to your neighbor. You don't have to borrow money, of course. You can borrow trips to Europe. Or anything you like. Name it, and you can have it now and pay later. And by lumping all of your small debts into one impossible total, you can get the finance company to do all your bookkeeping for you.

Even old familiar sayings take on new and sinister meanings. When we were taught that "God helps them that help themselves," it was an admonition to idlers and daydreamers. Nowadays it seems more of a divine go-ahead for the shrewd and the ruthless.

Nobody needs to be told today not to count his chickens before they hatch. Today people do not wait for the eggs to hatch. They eat the eggs, then borrow to buy chickens.

I have said that inflation is a disease of the American spinal column. What I have not said is that almost all of our troubles come as a result of the same disease. The disease might be called epidemic cynical selfishness—it is the healthy cells of rugged individualism gone wild.

Epidemic cynical selfishness. Or, E.C.S. It might be called "me-first-itis," or "make way for No. 1," or "what's in it for me?" or "good guys finish last," and it is about as far away from the Golden Rule as it is possible to get. And I do not think you can name a sickness of our modern society that does not go right straight back to that epidemic cynical selfishness.

Here are a few: juvenile delinquency, increasing divorce rate, death on the highways, the rising crime rate, church and synagogue desecrations, and the evils which have recently beset our own business—rigged quiz shows, payola, and TV commercials which are less than truthful.

Every one of those is directly related to our new cult of mass selfishness. And so, for that matter, are a lot of less dire habits—such as always getting away first at the traffic light, such as the Lower Slobovia school of teen-age dress, such as defacing our pleasant land with trash thrown from cars.

COAST-TO-COAST CHEATING

Suppose I take just one of the symptoms of our time: the rigged quiz show. We were all properly indignant about this spectacular form of coast-to-coast cheating. But we do not read the message right if we all decide to chop down our antennas, or even if we heap too much blame upon the young and uneasy industry in which it occurred. And it is not for Charles Van Doren that we should mourn. It is for the rich, the poor, the brilliant, the ordinary, the gifted, the unskilled, the taxi drivers and the professors—for all the people who took the fixing quite in stride and never complained until one man felt that he had not been paid enough.

There are plenty of rigged quizzes that are not on TV, you know. Take the one in which Uncle Sam asks us each year how much money we earned last year • • • and then hires 50,000 men to make sure that we do not cheat.

Consider the quiz held every second at the checkout counter of the supermarket. Executives of our large chainstores have decided that one-fourth of us will not steal under any circumstances; one-fourth of us will steal anything, especially if it's nailed down; and the other half of us vary according to the strength of the temptation and the chances of getting away with it.

Consider the quizzes held in our colleges. Twenty and thirty years ago the great hope was the honor system. This system exists in only a handful of colleges today, and in most cheating is an accepted practice—one professor estimating that one in every three students cheats regularly.

This country today is filled with men who always go first class on expense accounts but who happily adjust to tourist when on their own; with people who would never think of stealing from a wallet they found, but who almost always return a half-empty day to their employers.

Our business today is getting more than its share of the attention of those in the government. Certainly, anyone who attended our midwinter conference last Friday in Washington, or who read his Sunday morning papers, will find little difficulty in understanding that we, as an industry, are looked upon as transgressors. But let no one think that the root of all our country's evil has been belatedly discovered within our midst, or that we have cornered the market on deviousness. No, whatever evil there is in the advertising industry—and I for one am sure that we have even less than our share—is but a sign of our time.

SOMEBODY GOOFED

The trouble that epidemic cynical selfishness brings us may be great. For selfishness is not the path of democracy. Selfishness is the path of tyranny. In a dictatorship the strong and selfish subdue the others, and a government based on terror exists—but the very foundation of democracy is that each must sacrifice something for the good of all.

Just now the sputniks and luniks of tyranny seem to fly better than ours. This is not, I think, because the Russians are greater scientists, or because they captured the better Germans. It is because the launching of such a complicated mechanism requires the utmost teamwork by thousands of people. And thus far the threat of liquidation has been a better incentive to teamwork than the responsibility of the individual. It is the tiny things that fail with us—the average cost of failing components in recent rocket heartbreaks was around $2.60. As they say, "Somebody goofed"—someone who didn't realize perhaps how much democracy depended upon him that day. Indeed, the goof-off in this country has become a sort of status symbol—it takes a real he-man to let everyone else down and get away with it.

Now it is a fascinating characteristic of our people that we are greatest when we have a cause. Communities visited by storm and flood do not have time for selfishness or me-firstitis. And all of us were better, tougher, less selfish, and finer people when we had a Fascist empire to get off our backs. Today we seem to have nothing much to do. We are no longer building our house. We are not defending it. We are just living in it. And we are so bored with prosperity and happy-happy happiness that we hardly know what to do.

Of course, there is danger, perhaps the greatest that we have ever faced. But it is not too clear or too present. We don't really believe it. We can't visualize our daughters being carried off by Red invaders, or nuclear bombs actually falling in the streets of our cities. We cannot really believe that Mr. K., whose wife looks so much like somebody's mother, would ever be unkind with his nuclear weapons.

Besides, we can't depend upon disaster to pull us together this time, for if it strikes, we will have nothing left to pull together.

What else brings out greatness in people? Leaders. Yes, even in times of peace real leaders can set a nation aflame with enthusiasm. But in a democracy we don't want just one big man on horseback—we need a hundred thousand of them at all levels, in every village, town, school, factory, and farm.

THE WRONG PEOPLE

Which brings me back just for a moment so the disease analogy again. Medical science often studies healthy tissue to determine what elements fight disease and decay. Haven't we been spending too long a time studying the wrong people? What would happen if, for a while, we turned our microscopes away from studying the selfish, the crafty, the lazy and the morally weak, and focused them instead on the industrious, the honest and the morally strong?

What would happen if we stopped psychoanalyzing and dissecting the chicken-chested kids in leather jackets • • • and started to pay some real attention to the squares who have not yet stabbed a teacher or mugged an elderly woman?

Think of the millions and millions of dollars we have spent trying to find out what makes the delinquent delinquent. Think of the billions of hours that sociologists have spent trying to understand the criminal, to comprehend the urge to alcoholism, to analyze the broken home.

Is there any professor in any college across this land who has written, is now writing, or is even thinking of writing, a book on the noncriminal mind? Has there been a paper delivered in the past 20 years dealing with nonneurotics, nonalcoholics, nondelinquents, nonscrewballs? Has any great foundation offered a grant to promote the study of the simple, corny, honest, God-fearing American? You know the answer as well as I do.

Yet even the breeders of animals know better than this. Nobody tries to develop winning racehorses by studying the losers. Nobody even develops prize pigs by studying the runts.

We have taken the good guy for granted so long in this country that we know nothing whatever about him. Is he religious? Sometimes, but quite often not. Was he properly whaled by his parents when young? Again sometimes, but quite often not. Was he a delight to his teachers in school? Not always; often he was the lad who turned their hair gray.

But do we know about the bad guy? You bet we do. We know that he is misunderstood, misguided, misdirected, miserable, and a victim of his environment. We know that we must pity and pamper him, and pay for his rehabilitation. We must at all costs—and the costs are almost beyond measure—be nice to him.

I trust I will not be thought unsympathetic if I must say nuts to him—and to our national preoccupation with the overwrought and discontented • • • with the anxiety-ridden student who cannot afford premium gas for his Jaguar • • • with the neurotic personality, the disturbed psyche, and the complex complex.

Russia is not panting at our heels today. • • • Russia is walking all over our feet. Isn't this a sensible time to get our attention for the time being from the remedial and to the excellent?

SUGGESTION FOR SCHOOLS

Couldn't our grade schools somehow give as much extra time to the development of the gifted, the brilliant, and the natural leaders as they give to those who have not yet adjusted to group play?

Must our secondary schools continue to pump our colleges full of the well-off, the show-off, and the goof-off • • • along with the talented and the able and the devoted? According to Dr. James Conant, between 30 and 40 percent of our young people go to college today. But no one knows whether or not it is the right 30 or 40 percent. We think that if Mom and Dad were what used to be known as college material, Junior must be college material, too. Except that Junior may think that Mom and Dad and study are all from Squaresville, which I am told is no place. We have implicit trust in regents and college boards, even though we know that most teachers in junior and senior year have learned to predict the questions pretty well.

THE SEARCH FOR EXCELLENCE

I, for one, do not ask that we abandon the charitable instincts that mark us as Americans. I do not even suggest that we abandon our role as the feeder and father of the world's hungry and fatherless. I ask only that we look for talent and excellence as avidly as we look for uranium—and that we cherish it and cultivate it as thoughtfully as we do many of our less valuable natural resources.

If there were a suspected Communist in your neighborhood, you would know where to report him. If there were a good left-handed pitcher with a fast drop in your high school, the scouts from both leagues would be after him. But if you ran across a junior Einstein, would you know what to do about him?

It is true that the Ford Foundation is scratching at the surface of this problem. But this is not basically the Ford Foundation's problem. It is your problem. And it is my problem.

I think that our educators, our ministers, our editors, our businessmen, our unions, and our organizations like yours should join in a mammoth talent hunt to be sure that we are giving every gifted boy and girl as much attention as we give our better criminals. It could easily start right here. There have, from time to time, been some thrilling manhunts in our country—but there has never been one like this—in which a whole dedicated nation might work together to uncover this treasure of brains which Dr. Conant believes is hiding in unlikely places all over America.

Thus we might in time develop the leadership that a democracy needs—a leadership that would again give us the right to include that word "United" in the name United States of America—a leadership at all levels that would make it smart to be hard working, honest, and unselfish—that would point out the stupidity of inflation, laziness, moral weakness, delinquency, divorce, tax evasion goofing off, and freeloading.

It won't be done in a day, perhaps not in a decade.

Meanwhile, what can you and I do about ourselves?

WE CAN START TODAY

We can start taking our temperatures today, I think, and see whether or not we are victims of that American disaster disease—epidemic cynical selfishness. Let's let someone beat us at the light; let's let the other fellow win one argument; let's even let the wife have the last word—and see how much it hurts.

Our secret weapon as a nation was given us 1,700 years before we were a nation by a man who said, "Love thy neighbor as thyself."

Maybe we can't love our neighbors right at first, after so many years of loving ourselves. But we might start by treating them as allies at least.

When the management man hates the union man, when the city man hates the farmer, when the workingman hates the professor, when the white-collar man hates the blue-collar man, when the rich man hates the poor man, and everybody hates the Government, that is when the Kremlin rocks with laughter.

We may never learn to love the jolly folks in the Kremlin—but it doesn't seem fair to us to make them kill themselves with laughter.

You know about that tide in the affairs of men, which, taken at the flood, leads on to fortune.

There is also a tide in the affairs of nations—and this may be it for the United States.

If it is, let us pray that you and I will not be found wanting. Thank you.

THE LATE COLONEL FREDERICK H. PAYNE

Mr. QUIE. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. CONTE] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. CONTE. Mr. Speaker, I have received the sad news that an outstanding

American citizen, businessman, and public servant, Col. Frederick H. Payne has passed away.

A leader in the industry of Massachusetts, he was one of the organizers of the Greenfield Tap & Die Co., and was, concurrently, president of the Mechanics Trust Co. of Boston. Prior to World War I, he served as bank examiner for the State of Massachusetts.

During World War I, he served in the Army Ordnance branch and was in charge of procurement for an eastern sector of the United States. He rose from the rank of major to colonel. After the war, he continued to serve in the Ordnance branch as assistant chief of the Bridgeport Ordnance District.

In 1930 he served the Federal Government in the post of Assistant Secretary under Patrick J. Hurley, then Secretary of War. In this capacity he had the supervision over the procurement of all military supplies and in the preparation of American industry for war. He resigned his post at the end of President Hoover's term of office. In 1946, he was called by former President Truman to Washington for consultations on the problems of industry in preparedness for war.

A man of the highest integrity and of great ability, Colonel Payne dedicated himself with equal fervor to duties of business, government, and community welfare. In all he exemplified a charitable devotion which endeared him to those whom he knew and to those whom he served.

I know that my distinguished colleagues join me in extending, in this hour of bereavement, to the Payne family, our deep sympathies and profound condolences.

ONE HUNDRED AND TWENTY-NINTH ANNIVERSARY OF THE INDEPENDENCE OF GREECE

Mr. QUIE. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. CONTE] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. CONTE. Mr. Speaker, the kingdom of Greece, stanch friend of the United States and exemplary member among free nations, celebrates the 129th anniversary of its independence. On March 25, 1821, the Greek people asserted their right for freedom by rising up against the imposed rule of the Ottoman Empire. During the fierce and brave struggle, the famous British poet, Lord Byron, gave his life. The success of the brave Greek people in achieving independence won the admiration of freedom-loving men throughout the world.

Considering the incalculable debt which Western civilization owes to Greece, it is certainly fitting that we join with her in commemorating this important anniversary. The heritage and basic philosophy of democracy bequeathed by Greece to all men shall always remain the source for the immutable principles by which all peoples who are free and all those who aspire for freedom can hope and live.

THE LABOR BOSS VERSUS THE AGED

Mr. QUIE. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BOSCH] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. BOSCH. Mr. Speaker, yesterday I posed the question, "Is the labor boss for or against the aged?" Recent events suggest the question was somewhat rhetorical and that the answer is already known—the labor boss is opposed to the best interests of the aged citizens of our Nation.

The labor boss has consistently favored printing press money and extravagant Government spending schemes in total disregard of the inevitably inflationary consequences. Nothing more adversely affects the economic security of the aged who are living on fixed incomes than the ravages of inflation and spiraling prices.

The labor boss has negotiated compulsory retirement ages in industrial contracts so that workers are forced out of the labor market at an arbitrary chronological age without regard to the employment capabilities of the individuals involved.

Now the labor bosses have taken a new tack in their relentless endeavors to drive the aged from employment opportunities.

I have received a letter dated March 25, 1960, from the AFL–CIO opposing the more than 175 bills pending before the Committee on Ways and Means which would liberalize the retirement test so as to allow beneficiaries to earn more than the $1,200 yearly without loss of benefit entitlement. In its opposition to improving the economic opportunities for our aged, the AFL–CIO contends that this meritorious improvement would be discriminatory, costly, and counter to the basic purpose of the system. In short the AFL–CIO would deny to our aged citizens the right to work and would force them to rely solely on the bounty of the Federal, State, and local governments for their economic survival.

Mr. Speaker, this position of the AFL–CIO is completely contrary to the American way of life; this labor boss attempt to dictate to our aged should be resisted and rejected by all thinking Americans.

The AFL–CIO opposition to a liberalized retirement test ignores the needs and abilities of our aged. The problems confronting our senior citizens cannot be solved by Government handouts. Progress in medical science and improved health practices have added years of productivity to the lives of the aged. These people should be given maximum freedom in self-determination as to how the individual will spend those years. If the aged individual wants to retire immediately, he should be allowed to do so. If he desires to phase into his retirement gradually by maintaining a program of partial employment, he should be allowed to do that; or if he would retire for a period and then desire to return to work, he should be allowed to do so. In short, Mr. Speaker, the AFL–CIO should not be allowed to dictate the employment-retirement decisions of our aged through labor boss' resistance to warranted improvements in the retirement test under our social security program.

Mr. Speaker, as a part of my remarks I will include the letter dated March 25 which I received from the AFL–CIO opposing liberalization of the retirement test:

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, D.C., March 25, 1960.

Hon. ALBERT H. BOSCH,
Member, Ways and Means Committee,
House Office Building, Washington, D.C.

DEAR MR. BOSCH: As you know there are some 175 bills which have been referred to the Committee on Ways and Means which propose to modify the so-called retirement test in the Social Security Act.

Some of these propose simply to increase the amount which individuals can earn without forfeiting social security benefits; others propose to abolish the test altogether.

We have no doubt that these measures have been introduced with no other intention than to liberalize the conditions under which retired persons and surviving members of workers' families are eligible for monthly benefits. An examination of the practical effects such proposals would have if adopted, however, raises a serious question as to whether they would, in fact, be beneficial to the greater number of people who look to the social security system for their economic security.

There is attached a memorandum from the director of the AFL–CIO social security department which sets forth in some detail our reasons for not favoring these proposals. In brief summary they can be stated as follows:

1. The proposals would add substantially to the cost and benefit only a small minority. For the most part that minority would be made up of the people who least need social security benefits.

2. There are other improvements in the system that would help a vastly greater number of people—including those, such as widows with young children—who need benefits far more than the relatively well to do. These improvements can be obtained at the same or even less cost.

3. The retirement test proposals are not only costly in themselves, but would add to the cost of all future benefit improvements.

4. They go counter to the basic purpose of the system which is to replace a part of earned income lost on retirement, or because of the death of the family breadwinner.

To be sure there are anomalies in the present provision for determining retirement, and there are needed administrative improvements. We are glad that the Committee on Ways and Means has asked the Department of Health, Education, and Welfare to study this matter and report on possible changes. We in the AFL–CIO would certainly welcome improvements that would make the application of the test more equitable without adding to the cost of the system so as to jeopardize needed improvements for the great majority of social security beneficiaries now and in the future.

We would appreciate your keeping these points in mind as a member of the Ways and Means Committee while the committee is considering changes in the social security program this year.

Sincerely,

ANDREW J. BIEMILLER,
Director, Department of Legislation.

INTERNATIONAL DISARMAMENT

Mr. QUIE. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. HALPERN] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. HALPERN. Mr. Speaker, the recent convening of the 10-nation disarmament talks has stirred anticipation and hope throughout the world that a sound, enforceable agreement on the cessation of nuclear testing and the eventual destruction of armaments stockpiles can be negotiated. The terrible threat of nuclear annihilation can only lead reasonable men to make every effort, consistent with good faith, to come together and agree to the placing of a steel vise around nuclear weaponry.

The current negotiations have already produced agreement in principle on some of the major aspects of international disarmament. It is up to all of us to support the efforts of our negotiators to reduce such agreements to hard, binding, and enforceable provisions.

The nightmare over mankind must be dispersed by the calm intercession of reason at as early a date as possible.

Unreconciled speculations over the peril of fallout only increase the demand for an enforceable cessation of testing. Continued contamination of the atmosphere has been vigorously decried by experts without dissent.

The growing roster of nations which do or shortly shall possess the capacity for producing nuclear weapons makes it urgent that immediate agreement on weapons control be attained. Expansion of the nuclear club can only aggravate the opportunities for catastrophe.

Failure to reach an agreement on nuclear weapons will in turn, react disadvantageously on attempts to reach a workable resolution of the conventional disarmament problem.

Mr. Speaker, the American people are beginning to involve themselves more and more into this great matter. Knowledge and increased comprehension are leading to the realization that every effort, consistent with our national security, should be made to reach solid agreement on the cessation of testing and the commencement of disarmament, nuclear and conventional, under international controls.

Recently, typical I am sure of programs throughout the Nation, a series of seminars calling for sanity in nuclear policy were held in Queens, N.Y., for religious leaders on the subject of "The Responsibility of Man in the Nuclear Age." These seminars analyzed the biological, psychological, religious, and political aspects of the nuclear age.

Mr. Speaker, I am sure that the President has the prayers of these spiritual leaders as well as men of good will everywhere for the successful culmination of the efforts to secure the execution of agreements for the cessation of nuclear testing under adequate inspection and control systems, and, for the commencement of general disarmament.

EXPORTS, IMPORTS, AND THE U.S. BALANCE OF INTERNATIONAL PAYMENTS

Mr. QUIE. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. OSTERTAG] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OSTERTAG. Mr. Speaker, for the past year many of us have been concerned about certain developments in our international trade, our international balance of payments and their effect upon the economic development and progress of our Nation. Our traditional favorable balance of trade has narrowed in recent years and the deficit of our international payments has grown larger. In addition there have been expressions that some of our commodities are being priced out of world markets by wage and price movements, and that our foreign investment policies are causing us, in some cases, to export jobs instead of goods.

As a result I requested the Library of Congress last fall to undertake a study of the entire situation and to pull together in a single report all the information which reflected these developments. Such a report would bring more light to this difficult and many-sided problem, and put these developments into better perspective. The study was made by Dr. Howard S. Piquet, senior specialist in international trade and economics at the Library of Congress. The Legislative Reference Service has just released an 88-page report entitled "Exports, Imports, and the U.S. Balance of International Payments." It contains a great amount of information on the many aspects of this important situation.

The report covers the broad expanse of interwoven programs and policies which are a part of these developments. It illuminates many aspects of these programs on which there are often more opinions than facts. It contains a number of excellent charts which graphically illustrate the balance of payments situation of the last decade.

Many proposals have been advanced for strengthening our position on these matters and the report reviews them. Some already have been implemented by the administration, and others merit additional consideration. Not all of them will be embraced by everyone, of course.

Some of the proposals are these: Substitute in a number of ways "payments in kind" for unilateral dollar payments, transfer to our allies a larger share of the cost of military defense and economic aid, step up efforts to increase exports, and continue to oppose strongly any and all inflationary actions.

Some improvements already have been noted in our trade and payment balances in recent months, I am happy to say, and we are encouraged to believe that this trend will continue. Nevertheless, I would like all my colleagues to have the benefit of this Legislative Reference Service report and therefore will include the summary and conclusions of the report following these remarks. In addition, I would like to point out some other interesting and important data contained in the body of the report.

The United States has had a deficit in its international payments in every year except one, since 1950. The imbalance has only become alarming in the past 2 years when it exceeded $3 billion.

This worsening of the imbalance is attributed to two major changes. They are a lessening of the margin of our exports over imports—our trade balance was about $1 billion in 1959—and a large increase in the outflow of capital for foreign investment. Before 1956 the inflow of foreign investment into the country and the returns from our own foreign investments always exceeded the outflow of dollars for new U.S. investments and payments on foreign investments in the United States. Since then, more investment capital has been flowing out than coming into the country. It should be noted that much of the increase in our investment has been due to Government programs to finance the disposal of surplus agriculture products.

The study reveals that imports have increased somewhat faster than our gross national product during the last 5 years, but exports have failed to increase as rapidly as the gross national product. In the last 5 years, the gross national product has gained by 29 percent, our imports have grown by 37 percent, and exports by approximately 20 percent. Automobiles and iron and steel products have been largely responsible for the bulge in imports. Auto imports for example, have increased more than 11 times since 1954.

The narrowing of the margin of our exports over imports is a disturbing development under present conditions. New aggressive promotion of our exports has begun, and it is hoped that this will improve the situation. However, a careful review of our import policies also would be in order to strengthen our trade position.

Federal nonmilitary grant programs to foreign nations have remained quite stable in recent years at about $1.6 billion, but our costs abroad for maintaining our Armed Forces in foreign lands has risen considerably in recent years to more than $3 billion annually. This does not include military assistance in the form of equipment and services or dollar payments made to Americans. It includes only dollars which are paid to foreign nations for support of our forces.

We are already urging our allies, of course, to share a larger portion of the defense burden of the free world. The report contains a table which shows that the United States spends a greater share of its gross national product for defense than do any of our European allies. The United States spent more than 10 percent of its gross national product for defense in 1958; other nations show 7 percent for France and England; 5.4 for Canada; and 3.1 percent for West Germany.

The report points out, too, that our programs of economic assistance finance directly or indirectly, more than one-eighth of all U.S. exports of goods and

services. Agriculture exports are particularly aided in this fashion; Government programs financed about one-third of the total agriculture exports of $4 billion in 1958. It is clear that our present agriculture programs are costly on all sides; not only is the price support program costly, but it has resulted also in a substantial decrease in cotton exports and costly disposal programs for surplus crops.

Maintaining of stable prices and checking of inflation are just as important to foreign trade as they are to domestic economics. The report reveals that inflation in the United States during the present administration has been less than in most other countries. Prices of consumer goods in the United States have risen about 10 percent since 1953. In West Germany the increase in prices has been 14 percent; England and Sweden, 20 percent; Canada, 11 percent; and France, 31 percent.

This data supports some steps which have already been taken by the administration and suggests still other courses of action. I hope this report will prove to be helpful and will receive the consideration of all concerned with "Exports, imports, and the U.S. balance of international payments."

Following are the summary and conclusions of the report:

EXPORTS, IMPORTS, AND THE U.S. BALANCE OF INTERNATIONAL PAYMENTS

SUMMARY

The balance of international payments is nothing more than a two-sided statement showing the number of dollars entering, and the number leaving, the country for stated reasons over a given period of time. It should not be confused with the narrower concept of the balance of trade, or the more fundamental concept of a balance sheet of the Nation's economy. The fact that the United States currently has an excess of international dollar payments over receipts does not mean that its economy has become weak. On the contrary, it is stronger than ever.

The large increase in the excess of payments over receipts has resulted from the continued payment of between $4 and $5 billion a year to maintain the U.S. Military Establishment abroad and to pay for nonmilitary foreign aid, a large increase in U.S. foreign investment, and the fact that the economies of Western Europe and Japan have recovered from the war. For the first time those countries are able to compete in the world markets. Because of weakness in their reserve positions they have chosen to spend a large proportion of their dollar surpluses to build up their monetary and banking reserves. They have been doing this by accumulating dollar balances in the United States and, to a certain extent, by increasing their gold holdings. At what point they will stop building up the reserves and begin buying larger quantities of U.S. exports depends on relative prices, interest rates, national monetary policies and, above all else, relative inflation in their own countries and in the United States.

As long as the leading countries of the world were operating under the international free gold standard they were not conscious of any balance of payments problem because payments and receipts could not get far out of line with each other. Today, however, the correctives of the free gold standard are no longer operative and countries intervene whenever their international payments greatly exceed receipts.

Exports and imports of goods and services account for the great bulk of the international movement of dollars into, and out of, the United States. Although the United States has had an annual adverse balance in its international payments ever since 1950, it did not become large enough to occasion concern until 1958 when it suddenly increased from around $1.5 billion to $3.4 billion.

Two unilateral payment accounts—accounts that represent the payment of dollars without the direct receipt of anything in return—are the cost of maintaining the U.S. Military Establishment abroad and nonmilitary foreign aid that is given in dollars. In recent years the former has been increasing, while the latter has been decreasing. Together, they have been fairly constant, at between $4 and $5 billion per year.

It would be misleading to compare changes in the U.S. balance of international payments in 1958 or 1959 with 1957 or 1956 because of the Suez crisis that occurred in the autumn of 1956. That crisis occasioned such an abnormal increase in U.S. exports that in 1957 the excess of exports over imports reached a high point of $6.5 billion compared with the more normal excess in the years immediately preceding the crisis of about $3 billion. In 1958 the favorable trade balance receded to the more normal figure of $3.5 billion. In 1959, however, it narrowed to approximately $1 billion.

The most appropriate years for comparison are 1953–55 and 1958–59. The increase in the adverse balance of payments between 1954 and 1958 can be accounted for by increased capital outflow alone, while about 60 percent of the increase in the adverse balance in 1959 was caused by the narrowing of the favorable trade surplus and about one-third by the outflow of capital.

Merchandise exports

U.S. exports increased only slightly less than the gross national product between 1950 and 1959. There were two big bulges in exports, the first in 1951 during the Korean War, and the second in 1956–57, following the Suez crisis. The excess of merchandise exports over merchandise imports was actually greater in 1958 than in 1955. Most of the narrowing of the export surplus did not occur until 1959.

Between 1954–55 and 1959 (first 7 months) U.S. exports increased 20 percent, compared with an increase in gross national product of 29 percent. Most of the failure of exports to increase by as much as the gross national product can be accounted for by the falling off in the exports of raw cotton and iron and steel mill products. Most of the other decreases in exports, including cotton manufactures, nonferrous metals, civilian aircraft, petroleum and dairy products were offset by increases, including: industrial machinery, grains and grain preparations, chemical specialties, rubber products, oil seed and oils, industrial chemicals, radio and television apparatus and office machinery.

Exports as a whole in 1959 were still higher than exports in 1954–55 by $2.4 billion.

Merchandise imports

Although imports of certain consumer goods, such as automobiles and glass products, have increased greatly since 1954–55, total imports have increased by 37 percent, or 8 percentage points more than the increase in gross national product.

If the increased imports of automobiles, alone, are omitted from the picture the increase in imports is 30 percent, a rate only slightly higher than the increase in gross national product (29 percent). Except for automobiles, most of the increased imports in excess of the increase in gross national product have been offset by decreases in other lines. There have been substantial decreases in imports of: coffee, copper, cocoa, ferro-alloys, tin, wool, grains and feeds, and nickel. However, there have been important changes in the composition of imports. Imports of foodstuffs and beverages have fallen off, largely because of the big drop in the price of coffee. Other important declines have been in cooper, tin, wool, grains and feeds, nickel and sisal. The principal increases have been in petroleum, iron ore, aluminum and bauxite.

Imports of semi-processed materials show a substantial increase, principally because of increased imports of certain iron and steel mill products. Imports of consumer manufactured goods, particularly automobiles, have been increasing.

On balance, there is little evidence to support the assertion that the United States is "pricing itself out of world markets" in any general sense. The decline in the merchandise export surplus between 1954–55 and 1959 can be accounted for by the increased imports of automobiles and petroleum, together with the decreased exports of raw cotton. Generally speaking, increased imports have been more significant than decreased exports in the narrowing of the merchandise export surplus.

Capital movements

From 1951 to 1955 the inflow of earnings on U.S. investments abroad, together with the inflow of new foreign capital, exceeded the outflow of new U.S. foreign investment and payments of earnings on existing foreign investments in the United States, by as much as $1 billion a year. Since 1956, however, the net outflow of dollars on account of new investment and earnings on existing investment has exceeded the inflow by as much as $1.5 billion a year. The largest part of the earnings received from U.S. investments abroad have been earnings on direct investment. Such investment has been increasing in recent years largely because of the formation of the European Common Market and the European Free Trade Association, which have provided inducements for U.S. capital to establish production facilities within those free trade areas.

It is still too early to know whether the United States is entering a new phase in its international financial position. If there is to be a substantial and persistent increase in the net movement of U.S. capital abroad it is to be expected that there will be a changed relationship between exports and imports, with the latter eventually expanding, relative to the former.

Gold movements and dollar balances

The widening of the international payments deficit of the United States in 1958 and 1959 was accompanied by the loss of over $3 billion of monetary gold. Nevertheless, the United States still has ample gold reserves, even above the 25 percent legal minimum reserve against outstanding Federal Reserve notes and deposits. The United States still has over half the world's total monetary gold and foreign withdrawal of gold was considerably smaller in 1959 than in 1958. It is significant that the countries of Western Europe not only have slowed down their acquisition of gold, as they have succeeded in building up their own gold reserves, but that they have not withdrawn dollars. In fact, even while withdrawing gold, they have been adding substantially to their dollar reserves in U.S. banks, thereby demonstrating continued confidence in the U.S. dollar.

Areas in which action has been proposed

Some of the remedies that have been proposed to decrease the deficit in the balance of international payments would involve major changes in foreign policy. Since the balance of payments deficit is a superficial phenomenon, relative to foreign policy, it would seem short-sighted to allow important features of the latter to be

scrapped merely for the sake of balance in the former. The maintenance of the U.S. military establishment overseas and the rendering of non-military foreign aid either are essential to U.S. foreign policy, or they are not. If they are essential, they should not be abandoned merely for balance of payments reasons.

The same reasoning applies to restrictions against merchandise imports and the subsidization of exports, in view of the expressed liberal foreign trade policy of the United States.

Devaluation of the dollar would be evidence of a major departure from the policy of maintaining the dollar as an important international reserve currency, and could lead to disastrous competitive devaluation.

Among proposals that have been made that, for the most part, seem consistent with existing U.S. foreign policy objectives, are the following:

A. That payments "in kind" be substituted, wherever possible, for unilateral transfers, particularly for nonmilitary foreign aid and for the support of the U.S. military establishment abroad.

B. That the United States ask the Western European countries to assume a larger proportion of the cost of foreign aid to underdeveloped countries and of the cost of the common defense of the free world.

C. With respect to gold and the international payments system—

1. That assurance be given to other countries that the United States will maintain the price of gold at $35 per ounce, either by Presidential pronouncement or a declaration of Congress.

2. That the present 25 percent legal minimum gold reserve requirement against Federal Reserve notes and deposits be reduced, or eliminated, so as to free almost $12 billion of gold for the settlement of international accounts.

3. That steps be taken to establish an international reserve bank to serve the countries of the Atlantic Community or, alternatively, that the International Monetary Fund be expanded to perform this function for its entire membership.

D. That U.S. industry do a better job in exporting, with respect to selling methods, market research, product styling, etc., and that efforts to liberalize international trade not be further throttled.

E. That inflation not be permitted to get out of hand.

CONCLUSIONS

The fact that the United States has an adverse balance in its international payments is not a cause for alarm, as far as the basic economic strength of the country is concerned. However, it does present a problem with respect to gold and confidence in the dollar that cannot be ignored.

There is danger that solutions will be applied that go far beyond the area of money and finance, in which the problem lies, into the area of foreign policy. In particular, there is danger that the objectives of foreign policy may be sacrificed, unintentionally, because of preoccupation with the relatively superficial problem of maintaining balance between international monetary payments and receipts.

The balance of payments problem consists of two parts, the first, an explanation of what is happening with respect to the flow of dollars into, and out of the country, and the second an explanation of why receipts have failed to increase to balance the increased dollar outflow. Credit money (as opposed to the precious metals) is of ultimate value only in the country that issues it and there is an inexorable tendency for money to return to its home base. Thus, U.S. dollars tend to return to the United States, British pounds sterling tend to return to Great Britain, and so on.

An analysis of international dollar payments and receipts, in and of itself, does not constitute an explanation of why receipts are lagging behind payments. Under the old free gold standard, the unimpeded international movement of gold would have brought about adjustment of prices between countries, thereby effecting balance in international payments fairly quickly. In the absence of an automatic adjustment mechanism, there is in almost every country fear that the adjustment of its economy to the economies of other countries will have deflationary effects which all are loathe to face.

After World War II European countries were unable to generate sufficient exports to balance the aid payments that the United States was making to them under the Marshall plan. Indeed, it was because Europe lacked capacity that the Marshall plan was necessary in the first place. The monetary reserve positions of the European countries were weak and it was necessary for them to acquire gold or to build up their dollar balances in the United States. The fact that the United States maintained parity between the dollar and gold made it a matter of indifference to them whether they accumulated gold or dollar balances. The dollar had become the world's major international reserve currency.

All through the period of the dollar shortage, the United States was incurring a deficit in its balance of payments at the rate of about $1.5 billion a year, the amount by which other countries were increasing their dollar reserves. Unilateral dollar payments by the United States, for maintenance of its Military Establishment abroad and for nonmilitary grant aid, remained fairly constant throughout the 1949–59 decade at $4–$5 billion a year.

By 1958 the countries of Western Europe and Japan had become competitive in world markets and they were able to generate exports in volume. According to the theory of economic adjustment, the steady unilateral outflow of dollars from the United States should have stimulated a return of dollars in the form of demand for U.S. exports. Merchandise exports, in fact, did increase, relative to merchandise imports between 1950 and 1958 to the extent of 63 percent, compared with an increase of 44 percent in merchandise imports. Because of the sharp increase in imports in 1959, however, the increases in exports and imports in the 1950–59 period were 60 percent and 69 percent, respectively.

If services and merchandise trade are considered together, dollar receipts in the period 1950–58, including interest and other earnings on foreign investment, increased 69 percent, compared with an increase on the payments side of only 54 percent.[1] Thus, until 1958 there was a tendency for dollar receipts on current account to increase more rapidly than dollar payments.

However, the increase was not substantial enough to offset the unilateral transfers of approximately $5 billion a year, together with the large increase in U.S. foreign investment after 1955. The excess of dollar payments over dollar receipts loomed large in 1958 and 1959 because other countries did not spend enough dollars for U.S. merchandise and services. Instead, they chose to add to their monetary reserves in the form of dollar balances and, in 1958 as in 1953, to replenish their gold holdings. Commodity prices, interest rates, and national monetary policies all played a role. In 1959 they chose to curtail purchases of gold and again to add to their dollar balances.

[1] Because of the narrowing of the export trade surplus in 1959, dollar receipts on current account increased 66 percent, compared with an increase of 78 percent in dollar payments in the 1950–59 period.

Dollars have been returning to the United States, but not in the form of concentrated demand for U.S. merchandise and services. When it will become profitable for foreign holders of dollars to increase their purchases of U.S. merchandise remains to be seen. In large measure, it will depend on U.S. prices, relative to prices abroad. For this reason, among others, it is essential that inflation be restrained.

Although there is little evidence that the United States is being priced out of world markets, in any general sense, it is true that exports have not been increasing as rapidly as they should in view of the continued unilateral export of dollars. It is evident, furthermore, that national agricultural policy, particularly with respect to cotton, has had the effect of impeding U.S. exports at a time when foreign manufacturing industry has been becoming more competitive. As long as U.S. foreign policy calls for the unilateral outflow of $4 to $5 billion a year, it is essential that exports increase.

It is difficult to know to what extent it is safe to rely on the broad forces of economic adjustment. The increase of exports relative to imports in the fourth quarter of 1959 is encouraging in this regard and may signify that the forces of adjustment are already well under way.

If it is decided that the forces of economic adjustment are too sluggish, a further question arises as to whether intervention should try to assist the economic forces to adjust, or whether it should prevent them from doing so. Proposed solutions run all the way from those that would be inconsistent with major foreign policy objectives, such as severe cutbacks in the U.S. Military Establishment abroad and in foreign aid, to those that would assist the forces of adjustment within the framework of existing foreign policy, such as the encouragement of better exporting methods and procedures.

Areas in which action has been proposed

A. The substitution, wherever feasible, of payments "in kind" for unilateral dollar transfers: Since what is of concern is the excess of international dollar payments over receipts, a logical solution would be to substitute nondollar payments for dollar payments, wherever possible. The excess of payments over receipts does not signify any economic or financial incapacity within the United States. The close to $5 billion that is being paid abroad currently to maintain our oversea Military Establishment and for nonmilitary foreign aid exert no great strain on the country's domestic economy.

It would seem logical to substitute payments "in kind" for dollar payments to cover part of the cost of maintaining our troops and military installations abroad. It might even be feasible to persuade American oversea military personnel to accept part of their compensation, including a small premium, in the form of savings certificates that could be spent only in the United States.

No one seems to know how much of the $1.5 billion of nonmilitary grant aid is in the form of dollars. Offshore procurement, which in fiscal 1959 accounted for $500 million, clearly necessitates the use of dollars. Even some of the aid that is given in the form of surplus agricultural commodities involves dollars. The best available estimates indicate that approximately one-half of the $1.5 billion involves the transfer of dollars. It does not seem unreasonable to anticipate that perhaps $1 billion of the $5 billion now being spent to support the U.S. Military Establishment abroad and as nonmilitary grant aid, together, could be transferred from the "dollar" category to the "in kind" category.

The recent requirement that the proceeds of dollar loans granted by the Development Loan Fund be spent entirely in the United States was a step in this direction, although there is some question as to whether the

move was adequately explained to the public at the time it was announced.

A similar result could be achieved by reducing offshore procurement. Such a move, as well as the "Buy American" requirement of the Development Loan Fund, would add to the cost of foreign aid, although probably not substantially.

B. Transfer to our allies of a larger share of the cost of military defense and economic aid: The rapid economic recovery of Western Europe raises the question of whether those countries should not be called upon to pay a larger proportion of the cost of the common military defense and economic developmental aid. Immediately following World War II, when the Marshall plan was inaugurated and the North Atlantic Treaty Organization was formed, it was understood that Europe would not be expected to make huge dollar expenditures, because of the then worldwide dollar shortage.

In view of Europe's economic recovery and the disappearance of the dollar shortage, it has been suggested that Europe assume a larger share of these costs. Whether or not the Western European countries are bearing a fair share of the cost of military defense and economic developmental aid, it is clear that, as far as their balance of payments positions are concerned, they are now in a better position to pay than they were a few years ago.

The fact that the United States has been spending over $3 billion a year, for quite a few years, to maintain U.S. military bases throughout the world indicates that the American people believe the maintenance of an adequate global military posture is vital to this country's self-interest. If they do not believe this our foreign military establishment is wasteful and should have been cut back long ago.

If, however, the maintenance of U.S. military forces abroad is essential to world peace, it would be tragic to abandon the effort merely because of temporary international payments difficulty. The size of our foreign military establishment should be determined as part of the overall defense picture, not as an aspect of the balance of payments problem.

The same reasoning applies to nonmilitary foreign grants. Either such aid is essential to U.S. foreign policy, or the $1.5 billion per annum that it costs is being wasted.

Both types of expenditure have been justified by the administration and in Congress on the ground that they are vital to foreign policy. It would not be flattering to our good judgment as a nation if, at the first sign of a financial cloud on the horizon, we were to scrap our basic long-term objectives.

The military equipment and supplies that are being furnished to other countries under the mutual security program (military assistance) and which amount to between $2 and $2.5 billion a year, are not included in the expenditures herein referred to. Military assistance is given "in kind," rather than in dollars, and does not directly affect the balance of international payments.

C. Suggestions with respect to gold and the International Payments System: (1) Devaluation of the dollar in terms of gold: Many foreign countries maintain their reserves in both gold and dollars, with the result that the United States has become a major banker for the free world. International confidence in the dollar, therefore, is vital. Unless the dollar is maintained at its present parity with gold, foreigners will transfer much of their dollar holdings to gold. If the United States were to raise the price of gold above its present level of $35 an ounce it would undermine confidence and lead to a "run" on gold. Far from solving the problem of international imbalance, devaluation of the dollar would aggravate it and could particilpitate an international financial crisis.

2. Assurance that the $35 per ounce price of gold will be maintained: Such an assurance might be a good way to enhance confidence in the dollar among foreigners who hold a substantial proportion of their reserves in dollars. Assurance could be by Presidential pronouncement or by a declaration of Congress. Although it would afford no permanent guarantee against devaluation, it could allay the fear that a change is imminent.

3. Reduction, or elimination, of the 25-percent minimum gold reserve requirement: The present 25-percent legal gold reserve requirement against Federal Reserve notes and deposits is something of an anachronism, since neither notes nor deposits are any longer convertible into gold. Because of the requirement, approximately $12 billion of the $19.5 billion monetary gold stock of the United States is earmarked for this purpose and cannot be used to settle international balances. If the requirement were reduced, or abandoned, there would be considerable addition to the approximately $7.5 billion of "free gold" now available for the settlement of international balances.

Most countries have given up the gold reserve requirement for their central banks. In Europe, the only countries retaining a provision that their central banks hold a minimum gold reserve are Belgium and Switzerland.

Little concern was manifested, either in the United States or abroad, when Congress reduced the reserve requirement from 40 percent against Federal Reserve notes and 35 percent against deposit liabilities to 25 percent against both in the Gold Reserve Act of 1945. Further action would best be taken at a time when confidence in the dollar is unquestioned. Action taken at a time when there is concern over the dollar might have an unfortunate psychological effect.

4. International pooling of gold reserves: The centralization of gold reserves on a national basis, which the establishment of the Federal Reserve System in 1914 made possible, did much allay the fears of financial panic and was a vast improvement over the old National Banking System.

What applies within a country also could apply internationally if the political means for effecting it could be found. It has been suggested that the countries of the Atlantic Community—particularly the United States, Canada, and the United Kingdom—pool their gold reserves by forming an Atlantic Community Reserve Bank. As an alternative, the authority of the International Monetary Fund could be expanded to enable it to perform this function.

Economically, such a solution to the problem of "international liquidity" would be logical. The difficulties are essentially political and involve questions of national sovereignty as related to money.

D. Try to increase merchandise exports, relative to merchandise imports: Governmental restriction of imports would widen the export trade surplus by reducing imports. Within a short time, however, the effect would be to throttle exports also. For more than 25 years the United States has led the movement for the mutual reduction of tariffs and other trade barriers. It has done so through the reciprocal trade agreements program and by leadership in the formation of the General Agreement on Tariffs and Trade. At the moment, quite properly, it is urging other members of the GATT to eliminate whatever discriminatory quotas they still impose against U.S. exports. The strongest argument for such action is the disappearance of the dollar shortage.

The imposition of intensified restrictions against imports would be an announcement to the world that the United States had abandoned leadership with respect to international economic cooperation. Other countries would follow suit and world trade would become engulfed in a contracting spiral that would aggravate national economic problems everywhere.

American industry never has been particularly export minded. In the past, the home market has been so large that U.S. manufacturers have looked upon foreign markets as not much more than convenient sales outlets whenever, for one reason or another, there has been contraction in the home market. This has been the case especially since World War II, while dollars were in short supply and Europe was not able to compete internationally. Since U.S. production costs could not be seriously undercut by Europe, there was little reason for most U.S. producers to fear European competition.

Now, however, the situation is changing. European producers of manufactured goods not only have recovered from the war, but they have become competitive. It is important that U.S. exports increase, but if the increase is brought about by governmental subsidy, either direct or indirect, it will only aggravate the problem by inviting retaliation. Other governments can play the same game. Competitive export subsidization by all countries would lead to the intensification of barriers against imports everywhere and result in a contracting spiral of world trade. Only by improvements in productive efficiency, by the reduction of costs, and by better selling methods can exports be increased. It is particularly important that U.S. manufacturers style their products for export to satisfy the demands of foreign buyers.

Now that the Western European countries and Japan have improved their balance of payments positions, there is little reason for them to continue to discriminate against U.S. goods. Discrimination was tolerated during the period of the dollar shortage because other countries were not able to generate the exports needed to acquire dollars. This is no longer the case and the United States, quite appropriately, has appealed to other countries, particularly the members of GATT, to abandon their discriminatory import restrictions.

Response to the appeal has been gratifying. It is estimated that the reductions in dollar discrimination announced in 1959 will make possible an expansion of at least $300 million a year in U.S. exports. The movement needs to be continued and the United States Government should call attention to such barriers wherever they persist.

The European Common Market (Belgium, Netherlands, Luxembourg, France, West Germany and Italy) and the European Free Trade Association (United Kingdom, Norway, Sweden, Denmark, Switzerland, Austria and Portugal) are sympathetic with the idea of liberalizing trade and have announced their desire to negotiate with the United States for that purpose. As has been often stated, trade is not a one-way street. Once the discriminations against U.S. exports have been terminated, in accordance with the principles of the International Monetary Fund and the General Agreement on Tariffs and Trade, the next step is to seek the reduction of other trade barriers on a mutual basis.

E. Curb inflation: The importance of curbing inflation can hardly be over-emphasized in any analysis of the balance-of-payments problem. U.S. dollars that reach the hands of foreigners through the sale of merchandise, through investment, foreign aid or in any other way are of value, ultimately, only in the United States. The problem of the balance of payments is: Why are outstanding dollars so sluggish in returning to the United States, relative to the rate at which dollars are being paid out?

Fundamental to all economic analysis is the operation of compensatory, or corrective forces. In the absence of rigidities of one kind or another, dollars now extant will either return to the United States to purchase merchandise or services, or be accumulated in the form of dollar reserves. Clearly, there is a limit to the dollar reserves that are needed by other countries. If the forces of inflation should gather momentum the United States would become a poor place in which to buy because of high prices, and dollars would be converted into gold, even if gold reserves are accumulated to a greater degree than necessary.

It is important, therefore, that prices in the United States not rise too high relative to prices in other countries if U.S. exports are to increase. Fortunately, there is reason to believe that other countries, particularly in Europe, appreciate the nature of the gold and dollar problem and that they will not accumulate gold needlessly. Already there are signs that the forces of adjustment are at work. Preliminary figures for U.S. exports in the fourth quarter of 1959 showed improvement, relative to imports, compared with 1958 and there are signs that wages are rising faster in Western Europe than in the United States.

All this could be upset, however, if inflation in the United States should get out of hand.

BILL FOR SURVEY OF MERAMEC RIVER BASIN

Mr. QUIE. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, I have today introduced a bill calling for a review of the Corps of Engineers flood control survey of the Meramec River basin in which lie 24,000 acres of land available for development as part of the eastern Missouri-southern Illinois complex centered on the city of St. Louis.

The original survey of this valley, which includes parts of Franklin, Jefferson and St. Louis Counties in Missouri, was conducted by the Corps of Engineers in 1949. As a result of this survey there were authorized three dams, one upstream on the Meramec and one each on its two tributary streams, the Big and Bourbeuse Rivers. By the construction of these three dams it was shown that the flood problem which plagues the lower river valley and hinders its development could be relieved.

Following the survey and the authorization of the project, opposition to it arose which has since blocked any appropriation of funds for the completion of the plans, including bringing the survey up to date. This bill provides for bringing up to date the information that is available on this problem of flooding in the Meramec basin so that a proper plan may be drawn for flood protection and the prevention of the damage that accompanies flooding.

The Federal Government has quite properly taken the paramount role in controlling the problems of flooding on the navigable waterways of the United States and on those tributaries which, by their flooding, affect these navigable waterways. The relationship of the Meramec to the Mississippi is an example of such a situation. There is an important place, of course, for efforts on the part of State and governmental and private local groups.

Studies of this problem of flood control in the Meramec basin are now being conducted by Washington University of St. Louis and by other interested groups. I believe that by working in cooperation with the Corps of Engineers a plan can be formulated which will protect this area which is ripe for residential and industrial development. There is little question but the survey will show that flood damage caused by failure to protect against flooding is far in excess to the cost of adequate protection. The formula required by the Army Engineers must show a cost-benefit ratio which makes any project economically feasible.

GODIN DE LEPINAY: FORGOTTEN PRECURSOR OF THE PANAMA CANAL

Mr. LEVERING. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FLOOD] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FLOOD. Mr. Speaker, over a period of years I have addressed the House on various aspects of the Panama Canal question—historical, juridical, administrative, and the transcendent issue of type of canal for increased transit capacity. The preparation of my statements has involved many hours of critical examination of an extensive literature. Yet, despite the volume of source material that is available, the canal question is far from exhausted as a challenging opportunty for those who wish to grapple with it.

What is perhaps its most fascinating story is that of the plan under which the Panama Canal was constructed and has been subsequently operated. It appears in the mass of published material as rare nuggets of precious metal in a mine.

The plan traces back to the International Congress for Consideration of an Interoceanic Canal that assembled at Paris in 1879 under the leadership of Ferdinand de Lesseps, who applied the full force of his prestige and genius to secure approval by this Congress for a canal at Panama of sea level design.

Only one engineer in that Congress had adequately studied the problems involved. When he saw the trend toward a sea level decision, he rose in strong protest and proposed what he described as a practical plan.

Briefly stated, his plan provided for constructing terminal dams at Gatun and Miraflores to impound the waters of the Rio Chagres on the Atlantic side of the Continental Divide and the Rio Grande on the Pacific side to form two lakes about 80 feet high, joining the lakes thus created by a channel cut through the central mass, and connecting the lakes with the oceans by locks. This, he stated, was not only the best plan for engineering, but also best for navigation.

De Lepinay's brilliant idea was ignored and the great effort of France to build the Panama Canal tragically failed. Nevertheless, his conception of that plan and his dramatic presentation of it before the Paris Congress in 1879 established him as the architectural and engineering genius who originated the plan under which the Panama Canal was eventually constructed. His name was Adolphe Godin de Lepinay y de Brusly (1821–1898).

The next towering figure in Panama Canal history did not appear until 1905, after the United States had undertaken the task of its construction.

Possessing the ability to reduce problems to their simplest denominators, he soon recognized that the plan that utilized in the highest degree the forces of nature and did not go against nature was that providing a high-level lake and lock canal, hus converting the Rio Chagres into a beneficent agency and reducing the hazards involved in cutting through the Continental Divide.

After a memorable struggle in the Congress in 1906, known as the battle of the levels, he brought about, with the support of the Isthmian Canal Commission, Secretary of War Taft, and President Theodore Roosevelt, the great decision of the Congress for the high-level lake and lock plan—essentially the same plan urged by De Lepinay in 1879. This great engineering leader was John F. Stevens—1853–1943—who has won fame as the basic architect of the Panama Canal.

The full Stevens plan, approved by him on August 3, 1906, duplicated the De Lepinay proposal with the Atlantic locks at Gatun and Pacific locks at Aquadulce to provide two terminal lakes with uninterrupted summit navigation between the locks—an arrangement that would have provided the best operational canal practicable of achievement.

Unfortunately, Stevens' foundation investigations for the Pacific locks, which had to be made in haste, proved unsatisfactory and he felt constrained by political and economic forces clamoring for immediate action, which could not be ignored, to proceed with a Pacific lock plan that he did not approve.

Twenty days later, on August 23, 1906, still confident that this crucially important question would rise again, he voided his Pacific lock plan marking it, "not to be destroyed but kept in this office," and proceeded with the lake-lock plan that separated the Pacific locks into two sets.

In 1908, after Stevens had resigned his position as Chief Engineer of the Isthmian Canal Commission, Col. William L. Sibert—1860–1935—the Commission member then in charge of lock and dam construction, made further studies, discovered suitable foundations for consolidating the Pacific locks, and submitted a definite plan for building them at Miraflores to provide a summit level anchorage at the Pacific end of the canal to match that at the Atlantic end.

Regrettably, for reasons that do not seem valid, Sibert's recommendation was not adopted, and the Panama Canal was completed with what many years of experience has demonstrated as a fundamental error of operational design. This error was not understood in the

Congress in 1939 when it authorized construction of a third set of locks near the existing locks, which, if completed, would have greatly compounded the operational problems and navigational hazards in the Pacific sector of the canal.

Fortunately, the start of World War II served to stop construction on this project after an expenditure of only $75 million of its authorized $277 million. It also led Panama Canal officials, operating and engineering, to study the problems of operations as the true criteria for fundamental canal planning.

Out of these studies grew what is known today as the Terminal Lake-Third Locks Plan, which provides for the elimination of the bottleneck locks at Pedro Miguel and the consolidation of all Pacific locks near Aguadulce, which is south of Miraflores. Presented on May 20, 1943, by its author, Commander Miles P. DuVal, then captain of the post, Balboa, in charge of marine operations of the Pacific sector of the Panama Canal before the Panama section of the American Society of Civil Engineers, in a very important paper, "The Marine Operating Problems, Panama Canal, and the Solution," the question of increased trans-isthmian transit capacity has attracted world attention. Moreover, it has led students in various parts of the Nation to review Panama Canal history and to place into better perspective the contributions of its engineering leaders whom Sibert, Stevens, and De Lepinay stand out as men of great understanding and vision.

It was, therefore, with the greatest interest, Mr. Speaker, that I read in the December 1959 issue of the Panamanian magazine, Loteria, a fascinating article on Godin de Lepinay by Dr. Ricardo J. Alfara, an eminent student of Panama Canal history, distinguished jurist and diplomat, and former Minister of Foreign Relations and President of Panama, and now a member of the International Court of Justice at The Hague. In the course of his able and informative article, Dr. Alfara pays tribute to various persons identified with the development of the Panama Canal enterprise, including Pedro J. Sosa, distinguished Panamanian engineer, after whom Sosa Hill at the Pacific entrance of the Canal is named.

In order that Dr. Alfaro's timely contribution may be more widely distributed, especially to the Congress and other Government agencies, maritime interests, our colleges, and universities, I include it as part of these remarks.

The article follows:

GODIN DE LEPINAY, FORGOTTEN PRECURSOR OF THE PANAMA CANAL

(Lecture delivered by Dr. Ricardo J. Alfaro on February 20, 1953, in the auditorium of the Alliance Française de Panama)

The vistors, looking at the significant monument which was erected in our capital to the French pioneers of the interoceanic canal, have been able to admire on it the effigies of a group of famous men, whose positive merits and outstanding services had won for them the spot which they now occupy in this Valhalla of Science. Here we have, first of all, the noble figure of Fernando de Lesseps, who contributed to the Panama undertaking his dynamic force, his faith, and the awe-inspiring prestige of the Suez triumph. There is Navy Lt. Luciano Napoleon Bonaparte Wyse, his features revealing energy and talent, the indefatigable explorer of the American isthmuses, whose organizational genius had shaped the Panama project and unerringly had pointed to the site which nature and science had indicated for the consummation of the union of the oceans. There is Pedro J. Sosa, the meritorious Panamanian, who had began his magnificent career as Wyse's companion in his daring explorations of the plains, mountains, and rivers of our isthmus. Here is Armando Reclus who, following in the footsteps of Onésimo and Eliseo, had given lustre to a name which seems to symbolize modern geography. Over there is Leon Boyer, who had directed the effort of transposing into rock and soil the mathematical calculations on which the fundamental excavations of the gigantic project were based. And over to one side is the bust of a man who had not directly worked on the canal, but who had contributed indirectly to its realization because he was the originator of the scientific discovery which brought out one of the factors which had determined the French sacrifice, but which had at the same time guaranteed the American success. I refer to Carlos J. Finlay, the distinguished Cuban scientist, who had revealed to us the fact that the mosquito is the carrier of yellow fever.

But missing among the busts of the monument is that of an enlightened man whose name appears casually on Plaque VIII of the beautiful narrative of Octavio Méndez Pereira in which he masterfully traces the four-hundred year old saga of the Panama Canal. That man was the French engineer Adolphe Godin de Lépinay who, at the scientific congress held in Paris in 1879, had sketched with the vision of an eagle the plan of the canal which is now a reality, the project which time and nature were going to prove as the only one capable of transforming the French precursors into the final implementors of the great interoceanic waterway.

The role which Godin de Lépinay has played in the Panama Canal project is as candid as it is fundamental, and to fully grasp his merits we must delve into the background of the picture, the historic antecedents leading to his memorable oration at the Congress of Paris.

Those who have read about the canal know full well that the idea of linking the two oceans dates from the epoch of the first discoverers and conquerors, starting with Christopher Columbus who was eagerly searching for the strait which would clear the way to fabulous and distant lands. Since the first years of the Conquest, Alvaro de Saavedra and Andagoya, Pedrarias, and Antonelli, Hernán Cortes, and Balboa, Antonio de Galvano and López de Gómara had become identified with the great dream. The dream had never ceased to stir man's imagination in the 17th and 18th centuries, but early in the 19th century, Alexander von Humboldt stated that, from the kingdom of New Granada to the capital of Mexico, there was not a single mountain, not a single hill, not a single city, whose elevation above sea level was known with certainty. "Nor do we know today," he stated, "the altitude of the mountains which traverse the Isthmus of Panama." Based on this line of reasoning Baron von Humboldt advocated the need for conducting full explorations and taking exact measurements of all areas through which the construction of an interoceanic waterway would seem possible.

Notwithstanding this wise recommendation, Von Humboldt let his imagination soar to the point, no less, of formulating new projects for canals located all along the continental coastline from Canada to Patagonia including, among others, a route which incorporated the famous Cura de Nóvita Canal the grounds for which were more firmly anchored in fantasy and rumor than in geographic facts. Although Von Humboldt had not given priority to his project for the Panama isthmus, at least he was convinced that it was here where the two oceans were closest and the Andes mountain range lowest; but he was bemoaning the fact that the lowest elevation of the isthmus mountains was not actually known; and this uncertainty had possibly been the reason why he had refrained from advocating the Panama route in the first place.

Von Humboldt's clamor for topographic explorations was not to attain significance until 1844, when French engineer Napoleon Garella came to Panama to gather firsthand information and take measurements permitting him to formulate his canal project which, though not very practical because it required the construction of a tunnel and a large number of locks, had scientific value in view of the data which it contributed to the solution of the problem. Then came various explorations, studies, and plans in which the dreamers, speculators, and imposters were being confused with the authentic geographers and engineers. Into this group fell the projects of Cullen in 1850, of Gisborne in 1852, of Prevost in 1853, of Strain in 1854, of Airiau in 1860, and of Bourdiol in 1861. Projects were also formulated and important explorations conducted in that period by the American Antonio de Gogorza, who claimed to have discovered documentary evidence in the archives of Spain of the existence of a low-altitude opening in the San Blas region (or inlet) which would permit the easy construction of the waterway; by Flachet who, upon exploration of the terrain, disavowed the statements of Gogorza; and by De Lacharme and General Heine who corroborated them.

Of greater value were, undoubtedly, the expeditions during the administration of General Grant by U.S. Navy Commander Thomas O. Selfridge, with the assistance of Commander Edward P. Lull, in 1870, 1871, and 1873, and by Lt. Frederick Collins in 1875. Selfridge explored the San Blas region and also went to the Gulf of Urabá, with the intention of studying the possibilities of communication via the Atrato River. Selfridge's notes on his explorations, a copy of which he guarded like a nugget of gold, is a veritable arsenal (treasure-trove) of highly interesting facts, figures, and information on the geography, etnography, fauna, flora, and climatic conditions of Panama. He formulated several canal projects, some of which were among those considered by the Congress of Paris in 1879.

Meanwhile, other explorations were being carried on, and other projects emerged in Mexico and Central America. The Mexican territory narrows considerably on the Isthmus of Tehuantepec, while, at the same time, the altitude of the continental mountain range diminishes. But as compared with the Isthmus of Panama, neither the closeness of the oceans nor the orographic decline had appreciable value. The Isthmus of Tehuantepec is some 130 miles wide, whereas the distance between Panama and Colón is only some 50 miles; and the mountains, which in Panama had an approximate 330 feet altitude in the Culebra Cut, in Tehuantepec have a minimum elevation of 750 feet; hence, the projects outlined for communication by water through that region required an absurdly large number of locks and a prohibitive length of time for the transit. In 1842 the Mexican Governor granted José de Garay a concession for the construction of a canal or a railroad, and the latter put the Italian engineer Gaetano Moro in charge of the project studies. The Moro project, which partially made use of the Coatzaocalcos River, required 161 locks; the project of the American Schufeldt called for a 144-mile-wide canal with 140 locks. It is only natural that no major importance was given to the possibilities of Tehuantepec as a waterway. However, this route had the unequaled advantage for the United States that it was closest to its east and west coasts. For that reason thought continued to be given to the Tehuantepec scheme, and, in the face of the formidable excavation difficulties, a project emerged which provided for the transit of ships on enormous platforms, mounted on rails and pulled by locomotives, a device which the inventor Eads called "ship's railway," as a substitute for a maritime canal. The Nicaragua route had greater scientific and practical value. Extensive explorations had been made, and even American companies had set to work on the project. The basis of the Nicaragua Canal project was the existence of the big lake of the same name and of the San Juan River which carries the waters of the lake to the Caribbean Sea and a long section of which is navigable. To complete the interoceanic seaway one only had to cut through the slender strip of land, barely 12 miles wide in its narrowest part, which separates the waters of the lake from those of the Pacific Ocean. However, despite its apparent simplicity, the route presented serious difficulties. The meandering of the San Juan River produced many, and such pronounced, curves that, although the distance between its source in the lake and its mouth on the Caribbean 70 miles "as the crow flies," measured by the river course the distance is 122 miles. The total length of the canal itself, according to the terminal point chosen on the Pacific coast, varies between 278 miles by the Realejo route and 182 miles by the Rivas and Brito course. On this latter route no less than 21 locks would have been required.

Nevertheless, American public opinion openly favored the construction of the canal through Nicaragua, and this route was always regarded as the most formidable rival of the Panama Canal. That alternative had been supported by the Spooner Act and was not considered finally abandoned until the Treaty of November 18, 1903, was ratified.

The explorations which Wyse, Reclus, Sosa, and Verbrugghe had been carrying on between 1876 and 1878 on the Isthmus of Panama were the point of departure for the Panama Canal's march to victory. A scientific congress held in Antwerp in 1871, and another, held in Paris in 1875, put in evidence the enormous interest of the world of commerce and politics in the interoceanic canal project. A corporation, International Civil Inter-oceanic Canal Society, was formed in Paris; its president was Gen. Etienne Turr, and it included among its officers the most prominent figures of that period, such as the scholar Littré, Octavio Feuillet, General Davoust, the Duke of Auerstadt, Isaac Pereire, and various engineers of repute. This corporation underwrote the studies which were made on the ground by a commission headed by Luciano Bonaparte Wyse and including among its membership the naval officers Reclus, Bixio, and Pouydesseau, the prominent engineers Sosa, Celler, Lacharme, Millat, Barbier, Baudoin, the Italian Musso, the Austro-Hungarian Gerster, and the Englishman Brooks whose life history, like Bixio's, was one of heroic achievement. Two Panamanian pilots, Caranza and Recuero, because of their knowledge of the native language, besides serving as guides acted as interpreters and were in command of the native labor force.

The commission traveled through the isthmus, from the regions adjacent to the Panama-Colón line to the virgin forests of Darién, and accomplished its mission amid innumerable hardships. The fruit of its labors and studies were five different projects, all bearing the distinguished signatures of Wyse, Sosa, and Reclus. Naturally, among those projects, the authors gave priority to the sea-level canal extending from the Bay of Limón to the piers of Panama, following the valleys of the Chagres and the Río Grande Rivers, and approximately 47 miles long.

In February 1878, Wyse went to Bogotá and obtained from the Colombian Government a concession for the construction of the canal, by virtue of a contract which he signed on March 20 with the Minister of Foreign Relations of the Union, General Eustorgio Salgar, and which was approved by act of Congress, bill [joint resolution?] No. 28 of May 18 of that year.

A year later, on May 15, 1879, an International Congress on Interoceanic Canal Studies was held, organized by the Geographic Society of Paris and Fernando de Lesseps, whose interest in the undertaking had been successfully enlisted. Presided over by Admiral de la Roncière-Le Noury, the Congress was to decide on the plan which it considered most workable insofar as the interoceanic canal was concerned.

Twenty-two countries were represented at the Congress, which were, listed in alphabetical order [in Spanish], the following: Germany, Austria-Hungary, Belgium, China, Colombia, Costa Rica, El Salvador, Spain, United States, Great Britain, Guatemala, the then Kingdom of Hawaii, the Netherlands, Italy, Mexico, Nicaragua, Norway, Peru, Portugal, Russia, Sweden, and Switzerland. The Colombian delegation included, naturally, our great Pedro J. Sosa. The French representation, as was to be expected, had the majority and was divided into two groups; one called Committee, and the other called Delegation. Members of the second group were Abel Couvreux, the former builder of the Suez Canal; Gustave Eiffel, the creator in later years of the famous tower which bears his name; Flachat, the explorer of the Darién; and Adolfo Godin de Lépinay, chief engineer of bridges and highways.

Without going into further detail regarding the notables who attended the Congress or had to do with its organization and operation, I shall limit myself to mentioning that the battle of the canal routes was being fought at the meetings of that Areopagus of explorers, navy men, engineers, promoters, and geographers. Ammen and Menocal advocated the Nicaragua Canal. Commander Selfridge warmly supported his Atrato and Napipi River project. The Tehuantepec route was defended by the Mexican Garay, the son of the man who had obtained the concession in 1842. Wyse presented his projects: That from Acanti to the Gulf of San Miguel via the Tiati, Tupisa, Chucunaque, and Tuira Rivers, a sea-level project, with 22 locks and 1 tunnel; that from the Bay of San Blas at the mouth of the Bayano River, at sea level and also with tunnel; that from the Bay of Limón to the Bay of Panama via the Chagres River Valley, at sea level and an open cut, as specified in the sketch of this plan.

One of the last speakers was Godin de Lépinay. The biographical data which I have of the famous engineer indicate that he was born in 1821. He entered the School of Bridges and Highways in 1842, and 4 years later graduated as aspirant, engineer, class III. The following year he was already ordinary engineer, class II. He distinguished himself in various jobs, chiefly in connection with railroads, and in 1860 was nominated Chevalier of the Legion of Honor and appointed chief engineer, class II. Ten years later he had risen, in the same post, to class I, and in 1879 he revealed his scientific genius in his study of the Panama problem. He wrote books and performed work of outstanding value. Thus a career was consummated which found him rising, step by step, to prominence and honors and standing out in his professional life with the firmness of a block of granite.[1] This was the man who stood up at the Congress of Paris to outline a project which, at the time rejected by his contemporaries, was going to be acclaimed by posterity 35 years later.

De Lépinay examined the problem in all its aspects—the financial, the technical, the time of transit, the distance, and even the human aspect—and then, referring to Tehuantepec, Nicaragua, and Panama, separately, stated: "It seems clear, therefore, that all geographic reasons are in favor of Panama." But on the Colón-Panama route via the Chagres and Río Grande River valleys, he proposed a substantial modification: He advocated a canal with locks, with a big artificial feeder lake. His conception, as Bonaparte Wyse described it in his book entitled "The Panama Canal," was the following: "The two mountain ranges, between which the Valley of Chagres is situated, in certain points forming narrow canyons, would be utilized to close off the valley at one of those points and thus to raise the surface of the waters of the river. This would create an artificial lake, a kind of central reservoir, which would cut in half the bulk of the excavation work, preserving all the advantages which the Colón-Panama line offers." The level of the lake would be raised by a set of locks, and the descent to the Pacific would be effected by means of another set of locks so designed as to make it possible to solve the problem of the tides. In support of this project, more economical and to be realized in much less time, Godin de Lépinay pointed out the great financial and technical difficulties of the sea level canal and said:[2]

"One considerable objection is the price, which is such that it makes impossible, under the terms of execution which have been imposed, to provide a sufficient reward for the capital invested. The Americans, who have made a special study of this question, have recognized that the project is financially impracticable if the cost goes much above $100 million (534 million francs).

"We are therefore fully qualified to arrive at the conclusion that the cost should not exceed the indicated figure, so that the capital may be safely invested.

"The Panama sea-level project involves an expenditure of more than 1 billion (francs). The reason for this high figure resides in the fact that a project of the Suez Canal type is being presented here; i.e., without locks, although the natural conditions are [Nature is] absolutely opposed to it. To work in that manner, under such adverse conditions, is to want to do violence to Nature instead of making use of it, which is the first principle of the engineering profession."

How simple, how profound, and how convincing is Godin de Lépinay's line of thinking. Then he continued:

"What does a lock represent? A loss of 36 minutes when hand operated, of a quarter of an hour when moved by mechanical devices, like in Liverpool. Putting it at half an hour, which is still beyond reality, would mean that for the traffic through the canal in which the locks reduce the average speed to 7 kilometers, a pair of locks represents, in [terms of] time, at best, 7 kilometers of travel.

"Supposing that there are 5,000 ships in transit, it will mean 5,000 hours for the navigation of the entire world, i.e., an annual loss of 100,000 francs, if we compute 1 hour at 20 francs, which represents a capital of 2 million.

"In order to obviate the nuisance which this insignificant figure represents, it is being proposed to expend 120 million, the approximate total average savings which the installation of a pair of locks would mean for the construction job.

[1] "Like the Rock of Gibraltar" (translator).

[2] It should be borne in mind that all of the quotes are re-retranslations of the original; some of the flavor may have been lost somewhere along the way (translator).

"The creation of an artificial lake at the height of the locks would do away with all these inconveniences (raising the level of the watershed, soil excavation, etc.), while it would replace, at the same time and to a large extent, a narrow canal waterway of a minimum width of 1,000 meters, through which vessels will be able to travel rapidly and to meet and pass without having to stop.

"There will thus be, at this low height, a veritable bosphorus, extending from one ocean to the other, which would be accomplished by way of steps of minor length and adjustable locks, possible of easy and rapid clearance.

"It is, I repeat, the natural medium ["site"], because it does away with the [excavation] work, the unhealthiness of the soil, and is of greater advantage to navigation."

De Lépinay presented still other arguments, which I am not quoting to avoid boring you, but fate was against him. Irrespective of the pertinency of his observations, of his canal project with locks and a big artificial lake, which today exists as a splendid reality, the project was not accepted. The idea of a sea-level canal dominated the Congress. It was endorsed by the great De Lesseps who was fascinated by the perspective of repeating his Suez feat on the American isthmus. It also had the decided support of Wyse, the soul and muscle of the undertaking. Since the beginning of his explorations in 1876, Wyse had been voicing that conviction and that idea. On page 123 of his book he writes:

"Among the known projects we first discarded those requiring locks. Therefore, we did not feel compelled to occupy ourselves with only the territory of the United States of Colombia, where one could still expect to find a route for a sea-level canal. Only in the case of having to recognize the absolute impossibility of such a route would we have contented ourselves with a canal with locks."

On May 26, the Fourth Committee of the Congress declared itself in favor of the sea-level canal, and the following day, the plenum of the Congress, by rollcall, gave the majority of votes to the resolution proposed by De Lesseps, which read as follows:

"It is the understanding of the Congress that the excavation of an interoceanic canal at sea-level, so desirable in the interest of commerce and navigation, is feasible; and that, in order to make use of the indispensable facilities of access and control which a waterway of that nature should afford, above all, the canal should extend from the Bay of Limón to the Bay of Panama."

The sea-level canal project thus having been approved, De Lesseps acquired, by way of transfer, the concession which Colombia had given to Wyse. Thereupon he went to Panama for the solemn inauguration of the implementation of the project on January 1, 1880. The following year the "Compañía Universal del Canal Interoceánico" [Universal Interoceanic Canal Co.] was constituted.

It would not respond to the purpose of this brief dissertation if I were to enter into the details of the operations carried out by the French company, nor to narrate the technical, sanitary, and, particularly, the financial difficulties which had at the end of 9 years led the company into bankruptcy. This matter had caused a great deal of debate, since it was proved that, with reference to the causes of the French disaster in Panama, there had been much slander, exaggeration, malice, and error.

But after examining all the circumstances, evaluating all the facts and dissipating the passions of yore, it may be stated that the main reason underlying the catastrophe had been the insistence on building a canal at sea level. If there had been unlimited funds and unlimited time the canal could have been built. But for a private company, which had to produce profits for its stockholders, the time element was responsible for demonstrating that there was no possible hope for success.

Commenting on the idea advocated by Godin de Lépinay, the engineer A. Dumas, in an article on the Panama Canal published in 1905 in Le Génie Civil, observed:

"The altitude of the body of water [waterway?] so obtained not only makes possible the diminution in equal volume of the depth of the excavations which must be cut through the mountains, but that enormous spillway could accommodate without trouble the fluvial waters which it would be extremely dangerous to have flow into the trench of an ordinary canal. Unfortunately this solution did not in the Congress of 1879 receive the welcome that it would have deserved—because its adoption would have been able to prevent the disaster to which the selection of the sea-level canal had led."

Godin de Lépinay's triumph came after the Congress. In his book of 1886 Bonaparte Wyse endorsed his project and praised it in these terms:

"This solution, so brilliant and so well adapted to the meteorological and hygienic [sanitary] conditions of the tropical countries, must, however, indispensably be endorsed if the errors, waste, and loss of time which render, from a financial point of view, more difficult every day the termination of the sea-level canal which would constitute a radical, and therefore, the best solution. This project, much more economical than all of those that have been proposed, has the merit that it aids nature rather than opposes it, and from this point of view it conforms to the true principles of the engineering profession."

Later on Wyse, Sosa, Jacquemin, Rivas, and Sautereau, expressed themselves in favor of de Lépinay's plan, with modification, as to detail. When the Universal Co. went bankrupt, the Guillemain committee adopted the plan which provided for a canal with locks. Finally, when the Government of the United States had to decide on the transcendental alternatives of a sea-level canal or a canal with locks, it decided in favor of it, and posterity give the idea of Godin de Lépinay the final OK on August 15, 1914, when the SS *Ancon* traveled from the Atlantic to the Pacific through the waters of the canal, and so the realization of the grandiose 4-century-old dream was announced to the commerce of the world.

In any case, there was glory for France's scientific know-how and spirit in the achievement of the canal. In the exploration, in the studies, in the organization, and in the initiation of the work, the French pioneers of interoceanic communication had written pages [made history] and nothing could dull its splendor. The canal is a reality today, due to the organizational and scientific genius of the American administration which has won, with insuperable energy, efficiency, and ability, the enormous distinction of successfully completing the greatest feat accomplished by the science of engineering. But to the eight wonders of the canal being in operation, through which today more than 6,000 ships per year pass every year, and looking at that prodigious achievement, with its giant Gatún lock, with its imposing 165 square mile lake which tamed the wild Chagres and transformed the fearful menace that it had been into a docile servant; and with its locks and marvelous hydraulic escalator on which the vessels ascend and descend easily and rapidly in their transit from ocean to ocean; it is only fair to add for the record that the idea of the canal was conceived 74 years ago in the brilliant mind of a man of genius whose name was Adolphe Godin de Lépinay.

(Source: Loteria (Panama), December 1959, pp. 80–91.)

EDUCATION OF THE BLIND

Mr. LEVERING. Mr. Speaker, I ask unanimous consent that the gentleman from Kentucky [Mr. BURKE] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BURKE of Kentucky. Mr. Speaker, on yesterday I introduced the bill H.R. 11393 which concerns the education of the blind, the wider distribution of books and other special instruction materials for the blind, and would increase the appropriation authorized for these purposes, and otherwise improve the educational and instructional services available to the blind through the American Printing House for the Blind.

Although this splendid institution is located in Louisville, Ky., the importance of its work is felt in every State and in every congressional district in the United States. The American Printing House for the Blind is the source not only of important braille material and teaching devices for blind persons, but in that place there also originate the "talking books" and many other audio devices which have made the education of blind persons education in a true sense.

The American Printing House for the Blind was chartered in 1858 by the Kentucky Legislature, and for more than a century it has been internationally renowned for its activities in furnishing books and other educational material to blind persons. Beginning in 1879 the Federal Government has participated in the distribution of books and tangible apparatus to all blind children throughout the United States through the activities of the American Printing House for the Blind. From time to time the authorized appropriations have been increased.

In the late 19th century, when this important work began, practically all blind children who were attempted to be educated were residents of institutions for the blind. Now, in 1960, more than half of the blind children of school age in this country are being educated in programs with sighted children; that is to say they are attending the common schools. Therefore, the inadequacy of the act of 1879 to provide books and other teaching material and apparatus to the blind children of the United States has become generally apparent. The bill, H.R. 11393 is intended to revise the act of 1879 to equate the program with 1960 needs. The principal purpose of the bill is to provide for maximum selection, use, and distribution of federally provided material in each State to meet the needs of all blind children wherever they may be educated. The bill H.R. 11393 will, by including the various State departments of education among the approved recipients of books and materials from the American Printing House for the Blind, go a long way toward assuring distribution under proper auspices of the material to all blind children. The bill also proposes so to amend the act as to allow the trustees of the American Printing House for the Blind to establish advisory committees on publications, tangible apparatus, research and other important fields of activities. The members of these advisory committees would be selected from the trustees of the American Printing House for the Blind, the various State superintendents of public instruction and the various superintendents of public institutions for the education of the blind.

Mr. Speaker, education of the blind in the United States has progressed wonderfully over the past few years. Not the least among the factors in this improvement has been the continuing excellence of the activities of the American Printing House for the Blind. The demands for educational material for the blind have so increased by virtue of improvements in techniques, that the bill H.R. 11393 would seek to permit the need better to be met by increasing the authorized annual appropriation for the distribution of books and other material by the American Printing House for the Blind from the present $400,000 to $1 million. The fact that the amount of Federal funds herein involved is as small as it is, is, I submit, a tribute to the dedicated and heroic work which has been done under the educational programs for the blind over the years.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. VINSON, on account of official business.

Mr. SHELLEY (at the request of Mr. DOYLE), for the balance of the week, on account of official business.

Mr. CUNNINGHAM (at the request of Mr. ARENDS), for March 30, 1960, on account of official business.

Mrs. DWYER (at the request of Mr. ARENDS), for March 30 to April 4, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. OLIVER, for 45 minutes, today.

Mr. LEVERING, for 30 minutes, today.

Mr. WOLF, for 5 minutes, today.

Mr. SPRINGER, for 40 minutes, today.

Mrs. GREEN of Oregon, for 1 hour on Wednesday, April 6.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. LEVERING and to include extraneous matter.

Mr. STRATTON and to include extraneous matter.

Mr. JOHNSON of Colorado and to include extraneous material.

Mr. PHILBIN.

(The following Members (at the request of Mr. QUIE) and to include extraneous matter:)

Mr. AUCHINCLOSS.

Mr. MILLER of New York.

Mr. BENTLEY.

Mr. WALLHAUSER.

Mr. BERRY.

Mr. ROBISON.

(At the request of Mr. LEVERING, and to include extraneous matter, the following:)

Mr. DINGELL.

Mr. WOLF, to revise and extend his remarks in the special order today and to include extraneous matter.

SENATE BILLS, JOINT RESOLUTION, AND CONCURRENT RESOLUTIONS REFERRED

Bills, a joint resolution, and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 68. An act to provide for continued delivery of water under the Federal reclamation laws to lands held by husband and wife and upon the death of either; to the Committee on Interior and Insular Affairs.

S. 111. An act for the relief of Aristogiton Zahariadis; to the Committee on the Judiciary.

S. 247. An act for the relief of Emil Milan Preseren; to the Committee on the Judiciary.

S. 382. An act for the relief of John P. Vournas, Gus E. Vournas, and John E. Vournas; to the Committee on the Judiciary.

S. 1223. An act for the relief of Alan John Coombs; to the Committee on the Judiciary.

S. 1328. An act for the relief of Parker E. Dragoo; to the Committee on the Judiciary.

S. 1408. An act for the relief of Ronald R. Dagon and Richard J. Hensel; to the Committee on the Judiciary.

S. 1410. An act for the relief of Jay R. Melville and Peter E. K. Shepherd; to the Committee on the Judiciary.

S. 1720. An act for the relief of Perry Lee Gorman; to the Committee on the Judiciary.

S. 1752. An act for the relief of Stamatina Kalpaka; to the Committee on the Judiciary.

S. 1765. An act to authorize and direct the Treasury to cause the vessel *Edith Q.*, owned by James O. Quinn, of Sunset, Maine, to be documented as a vessel of the United States with full coastwise privileges; to the Committee on Merchant Marine and Fisheries.

S. 1909. An act for the relief of John Gelbert (alias Max Theodore Gelbert); to the Committee on the Judiciary.

S. 1912. An act for the relief of Timmy Kim Smith; to the Committee on the Judiciary.

S. 1913. An act for the relief of Evagelos Mablekos; to the Committee on the Judiciary.

S. 2142. An act for the relief of George C. McKinney; to the Committee on the Judiciary.

S. 2164. An act for the relief of Osvalda Riva Coolidge; to the Committee on the Judiciary.

S. 2165. An act for the relief of Erica Barth; to the Committee on the Judiciary.

S. 2173. An act for the relief of Mrs. John Slingsby, Lena Slingsby, Alice V. Slingsby, and Harry Slingsby; to the Committee on the Judiciary.

S. 2177. An act for the relief of Peter J. Waterton; to the Committee on the Judiciary.

S. 2234. An act for the relief of the estate of Hilma Claxton; to the Committee on the Judiciary.

S. 2247. An act for the relief of Wong Gim Chung; to the Committee on the Judiciary.

S. 2271. An act for the relief of Dimitri Yorgiadis; to the Committee on the Judiciary.

S. 2317. An act for the relief of Mary Alice Clements; to the Committee on the Judiciary.

S. 2330. An act for the relief of John B. Manthey; to the Committee on the Judiciary.

S. 2331. An act to provide for the hospitalization, at Saint Elizabeths Hospital in the District of Columbia, or elsewhere, of certain nationals of the United States adjudged insane or otherwise found mentally ill in foreign countries, and for other purposes; to the Committee on Education and Labor.

S. 2333. An act for the relief of the heirs of Caroline Henkel, William Henkel (now deceased), and George Henkel (presently residing at Babb, Mont.), and for other purposes; to the Committee on the Judiciary.

S. 2352. An act for the relief of Chaim (Hyman) Eidlisz; to the Committee on the Judiciary.

S. 2361. An act for the relief of Andros Szasz; to the Committee on the Judiciary.

S. 2384. An act for the relief of Tommy Tadayoshi Shuto (Tadayoshi Takeda); to the Committee on the Judiciary.

S. 2406. An act for the relief of Matias T. Falcasantos; to the Committee on the Judiciary.

S. 2418. An act for the relief of Junko Hosaka Jordan; to the Committee on the Judiciary.

S. 2419. An act for the relief of Inez Gonzalez Abilez; to the Committee on the Judiciary.

S. 2443. An act for the relief of Edgar Harold Bradley; to the Committee on the Judiciary.

S. 2456. An act to amend the act of April 19, 1950 (64 Stat. 44; 25 U.S.C. 635), to better promote the rehabilitation of the Navajo and Hopi Tribes of Indians, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 2486. An act for the relief of Nobuko Stickels; to the Committee on the Judiciary.

S. 2507. An act for the relief of Joe Keller and H. E. Piper from 1958 wheat marketing penalties and loss of soil bank benefits; to the Committee on the Judiciary.

S. 2520. An act for the relief of Shin Moriyoshi; to the Committee on the Judiciary.

S. 2523. An act for the relief of Harry L. Arkin; to the Committee on the Judiciary.

S. 2532. An act for the relief of Margherita Pino Zordan; to the Committee on the Judiciary.

S. 2541. An act for the relief of Maria Vittone and Rosa Fostina; to the Committee on the Judiciary.

S. 2552. An act for the relief of Pietro Capici Cordaro; to the Committee on the Judiciary.

S. 2554. An act for the relief of Leila Finlay Bohin; to the Committee on the Judiciary.

S. 2566. An act for the relief of Peter Leo Bahr; to the Committee on the Judiciary.

S. 2607. An act for the relief of Krste Angeloff; to the Committee on the Judiciary.

S. 2619. An act for the relief of Maria Critelli Ventura; to the Committee on the Judiciary.

S. 2669. An act to extend the period of exemption from inspection under the provisions of section 4426 of the Revised Statutes granted certain small vessels carrying freight to and from places on the inland waters of southeastern Alaska; to the Committee of Merchant Marine and Fisheries.

S. 2778. An act to amend the act relating to the Commission of Fine Arts; to the Committee of House Administration.

S. 2779. An act relating to the election under section 1372 of the Internal Revenue

Code of 1954 by the Augusta Furniture Co., Inc., of Staunton, Va.; to the Committee on the Judiciary.

S. 2804. An act to donate to the Keweenaw Bay Indian Tribe, L'Anse Reservation of Michigan, a certain tract of Federal land with improvements located thereon; to the Committee on Interior and Insular Affairs.

S. 2812. An act to amend the Communications Act of 1934 with respect to the painting and illumination of radio towers; to the Committee on Interstate and Foreign Commerce.

S. 2962. An act to grant 81 acres of public domain to the Cocopah Indians in Arizona; to the Committee on Interior and Insular Affairs.

S. 3005. An act to amend the act of March 3, 1933 (47 Stat. 1426), relating to the length of time by which the Federal Maritime Board may suspend tariff schedules; to the Committee on Merchant Marine and Fisheries.

S.J. Res. 150. Joint resolution permitting the Secretary of the Interior to continue to deliver water to lands in the Third Division, Riverton Federal reclamation project, Wyoming; to the Committee on Interior and Insular Affairs.

S. Con. Res. 86. Concurrent resolution authorizing the printing of additional copies of the hearings on employment, growth, and price levels; to the Committee on House Administration.

S. Con. Res. 87. Concurrent resolution authorizing the printing of additional copies of the report on employment, growth, and price levels; to the Committee on House Administration.

S. Con. Res. 88. Concurrent resolution authorizing the printing of additional copies of the hearings on energy resources and technology; to the Committee on House Administration.

S. Con. Res. 89. Concurrent resolution authorizing the printing of additional copies of the studies on comparison of United States and Soviet economies; to the Committee on House Administration.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1159. An act to facilitate the acquisition of real property under the District of Columbia Alley Dwelling Act.

S. 2482. An act to remove geographical limitations on activities of the Coast and Geodetic Survey, and for other purposes.

ADJOURNMENT

Mr. LEVERING. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 13 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 30, 1960, at 12 o'clock noon.

CONTRACTUAL ACTIONS, CALENDAR YEAR 1959, TO FACILITATE NATIONAL DEFENSE

The Clerk of the House of Representatives submits the following report for printing in the CONGRESSIONAL RECORD pursuant to section 4(b) of Public Law 85-804:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., March 15, 1960.

Hon. SAM RAYBURN,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: In compliance with section 4(a) of Public Law 85-804, reports of contractual actions taken in calendar year 1959 to facilitate the national defense are enclosed herewith.

Table I shows that 243 actions with an estimated cost of $8,261,000 were approved under the authority of this act. Included in this number are 19 actions for which the cost cannot be estimated because the Government's liability is contingent on the occurrence of an accident, such as a nuclear mishap. Of the amount originally requested or claimed by contractors on approved actions $877,000 or 9.6 percent were disapproved. In addition, 134 cases in which claimants had requested $7,830,000 were denied in their entirety.

Included in the summary table and listed separately in table II are actions involving an estimated or potential cost of more than $50,000. Although it is not possible to estimate the cost of the contingent liability cases, for the purpose of this table, each such case is assumed to have a potential cost of more than $50,000. The 30 actions listed in table II account for $7,398,000, or 90 percent of the total cost of all cases that were approved in calendar year 1959.

Sincerely yours,

PERKINS MCGUIRE,
Assistant Secretary of Defense (Supply and Logistics).

TABLE I.—*Summary report of contractual actions taken pursuant to Public Law 85-804 to facilitate the national defense, January–December 1959*

[Dollar amounts in thousands]

Department and type of action	Actions approved			Actions denied	
	Number	Amount requested	Amount approved	Number	Amount
Department of Defense, total	243	$9,138	$8,261	134	$7,830
Amendments without consideration	6	6,149	6,087	25	5,189
Correction of mistakes	153	1,337	833	77	2,770
Formalization of informal commitments	59	1,308	1,267	32	371
Contingent liabilities	19				
Disposition of property	2				
Advance payments	3				
Other	1	74	74		
Army, total	18	6,288	5,980	7	2,833
Amendments without consideration	2	6,144	5,850	5	2,696
Correction of mistakes	7	39	25	2	137
Formalization of informal commitments	6	31	31		
Disposition of property	2				
Other	1	74	74		
Navy, total	120	$1,576	$1,485	14	$302
Amendments without consideration	2	76	38	1	51
Correction of mistakes	73	417	403	13	251
Formalization of informal commitments	29	1,083	1,044		
Contingent liabilities	16				
Air Force, total	105	1,274	796	113	4,695
Amendments without consideration	2	199	199	19	2,442
Correction of mistakes	73	881	405	62	1,882
Formalization of informal commitments	24	194	192	32	371
Contingent liabilities	3				
Advance payments	3				

Source: Office of the Secretary of Defense, Mar. 4, 1960.

TABLE II.—*List of contractual actions with actual or potential cost of $50,000 or more taken pursuant to Public Law 85-804 to facilitate the national defense, January–December 1959*

Name and location of contractor	Actual or estimated potential cost	Description of property or service	Justification
Amendments without consideration:			
Army:			
Iceland prime contractor, Keflavik, Iceland.	$330,000	Construction of 32 military facilities	To grant relief to contractor for loss incurred and thereby to insure continuation of contractor in essential work of defense program.
CIMR, Paris, France	5,519,691	Construction of 2,403 housing units in France from funds made available pursuant to Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 83-480).	To prevent default on part of contractor which would result in estimated delay of 6 months in availability of vitally needed housing for military personnel, and in a cost increase far in excess of amount approved for this contractor.
Air Force: Trad Electronics Corp., Asbury Park, N.J.	198,890	Signal generators, headset adapters, and oscilloscopes.	To prevent delay of 9 to 12 months in delivery of items essential to Air Force instrument landing system program. This delay would have resulted from contractor's inability to proceed with work because of lack of funds, and time required for a new contractor to complete work.

TABLE II.—*List of contractual actions with actual or potential cost of $50,000 or more taken pursuant to Public Law 85-804 to facilitate the national defense, January–December 1959*—Continued

Name and location of contractor	Actual or estimated potential cost	Description of property or service	Justification
Correction of mistakes:			
Navy:			
Holley Carburetor Co., Warren, Mich.	54,020	Repair kits	Contractor failed to itemize cost of 39 out of 85 parts included in this kit. Mistake was obvious and should have been apparent to contracting officer.
Esso Export Corp., New York, N.Y.	170,880	Storage of Government-owned petroleum products at Reykjavik, Iceland.	Contractor omitted use charge which it paid to the Icelandic subcontractor for year ending June 30, 1959. Mistake should have been apparent to contracting officer.
Air Force:			
Aki Corp., Clayton, Ga.	92,422	Nacelle intake heater adapter shields	To correct errors in engineering drawings supplied by Government.
Aerojet-General Corp., Sacramento, Calif.	110,609	Training program for weapons system engine	To include anticipatory cost provision for training program which was omitted from amendment to basic contract for developing an engine.
Formalization of informal commitments:			
Navy:			
Sperry Rand Corp. (Sperry Gyroscope Division), Long Island, N.Y.	400,983	Test equipment for Sparrow missile	To reimburse contractor for tools and test equipment used in Sparrow program, on basis of letters of intent and informal commitment issued during Korean war.
Chrysler Corp., Detroit, Mich.	161,567	Protection, maintenance, and repair of Government-owned Naval Industrial Reserve Aircraft Plant, Warren, Mich.	To reimburse contractor for cost of services furnished after expiration of existing contract on June 30, 1957, until new agreement could be consummated on Oct. 31, 1957.
Shell Oil Co., New York, N.Y.	280,588	Aviation fuel and lubricants	To reimburse contractor who, acting in good faith on apparent authority of Air Force officers ordering supplies, furnished such supplies without contractual coverage.
Contingent liabilities:			
Navy (15 cases):			
General Dynamics Corp., Electric Boat Division, Groton, Conn.			
New York Shipbuilding Co., Camden, N.J.			
Ingalls Shipbuilding Co., Pascagoula, Miss.			
Atomic Energy Commission, Washington, D.C.	(1)	Work on nuclear-propelled vessels	To indemnify the contractor against liability on account of claims for death or injury or property damage arising out of nuclear radiation connected with contract work.
University of California, Berkeley, Calif.			
Newport News Shipbuilding & Dry Dock Co., Newport News, Va.			
Bethlehem Steel, Shipbuilding Division, Quincy, Mass.			
Lockheed Aircraft Co., Marietta, Ga.	(2)	CV-1 aircraft	To insure contractor against loss of his personal property by fire. Because of size of Government-owned plant and wooden roof construction, contractor is unable to obtain adequate fire insurance.
Air Force:			
Lockheed Aircraft Co., Marietta, Ga.	(2)	C-130B aircraft	To insure contractor against loss by fire of personal property at Government-owned plant. Because of wooden roof, contractor is unable to obtain adequate fire insurance.
All participants in CRAF program	(2)	Civil reserve air fleet program standby contract for furnishing by contractor of aircraft and services in emergency.	To indemnify contractors participating in this program against any exclusions under carriers' insurance program not covered by war risk insurance pursuant to title XIII of Federal Aviation Act of 1958.
Astrodyne, Inc., McGregor, Tex.	(2)	Facilities contract	Government wished to use for rocket storage certain areas of Air Force Plant No. 66 previously furnished to contractor. This action is to indemnify contractor for any liability incident to rocket storage.
Other: Army: Societe Nationale des Chemins de Fer Francais (SNCF), Paris, France.	73,603	⅓ cost (exclusive taxes) of reconstructing bridge at Revigny and rehabilitating spur line between Revigny and Magneville.	To permit shipments from U.S. Army Ordnance Depot to be made by direct route at annual savings of $25,000 to $30,000 and to permit additional annual savings of $15,000 by discontinuing operation of 6 buses now needed to transport indigenous depot employees.

[1] The amount of this liability cannot be estimated, since it is contingent on the happening of the event described in justification column.

[2] Not possible to determine.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1995. A letter from the Assistant Secretary of Agriculture, transmitting a report for the month of December 1959 relating to all sales and disposals with regard to each commodity which the Commodity Credit Corporation owns or which it is directed to support; to the Committee on Appropriations.

1996. A letter from the Secretary of the Army, transmitting the semiannual report of the Department of the Army on contracts for military construction awarded without formal advertisement covering the period July 1 through December 31, 1959, pursuant to Public Law 86-149; to the Committee on Armed Services.

1997. A letter from the Comptroller General of the United States, transmitting a copy of a report on the audits of Government Services, Inc., and its employee retirement and benefit trust fund and supplemental pension plan for the year ended December 31, 1959; to the Committee on Government Operations.

1998. A letter from the Chairman, Federal Communications Commission, transmitting a draft of proposed legislation entitled "A bill to amend the Communications Act of 1934, as amended, to authorize control over the installation, height, and location of receiving antenna towers"; to the Committee on Interstate and Foreign Commerce.

1999. A letter from the Director, Administrative Office, U.S. Courts, transmitting a draft of proposed legislation entitled "A bill to clarify the status of circuit and district judges retired from regular active service"; to the Committee on the Judiciary.

2000. A letter from the Assistant Secretary of the Navy (Personnel and Reserve Forces), transmitting additional material relating to a letter dated May 1, 1959, and recorded as executive communication No. 935, which related to the Department of the Navy's position on paying its ungraded employees on a weekly basis; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SISK: Committee on Interior and Insular Affairs. H.R. 9142. A bill to provide for payment for lands heretofore conveyed to the United States as a basis for lieu selections from the public domain, and for other purposes; with amendment (Rept. No. 1431). Referred to the Committee of the Whole House on the State of the Union.

Mrs. PFOST: Committee on Interior and Insular Affairs. H.R. 8567. A bill to revise the boundaries and change the name of the Fort Laramie National Monument, Wyo., and for other purposes; without amendment (Rept. No. 1432). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of California: Committee on the Judiciary. House Joint Resolution 397. Joint resolution to enable the United States to participate in the resettlement of certain

refugees; with amendment (Rept. No. 1433). Referred to the Committee of the Whole House on the State of the Union.

Mr. RABAUT: Committee of conference. H.R. 10233. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes (Rept. No. 1434). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY:

H.R. 11423. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. BARING:

H.R. 11424. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. BOGGS:

H.R. 11425. A bill to amend section 302(b)(1) of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. BRADEMAS:

H.R. 11426. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. CLARK:

H.R. 11427. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. DENT:

H.R. 11428. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving services in metropolitan areas; to the Committee on Banking and Currency.

H.R. 11429. A bill to amend title V of the Agricultural Act of 1949, as amended, to provide, in connection with the employment of workers from Mexico, protection against unfair competition from corporate agriculture to the American family farm, and protection for the employment opportunities of domestic agricultural workers in the United States, and for other purposes; to the Committee on Agriculture.

By Mr. DINGELL:

H.R. 11430. A bill to amend the Migratory Bird Treaty Act to increase the penalties for violation of such act, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GALLAGHER:

H.R. 11431. A bill to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes; to the Committee on Education and Labor.

By Mr. HARMON:

H.R. 11432. A bill to amend title II of the Social Security Act to increase all benefits thereunder by 25 percent and to provide that full benefits (when based on attainment of retirement age) will be payable to both men and women at age 60, and for other purposes; to the Committee on Ways and Means.

By Mr. INOUYE:

H.R. 11433. A bill to provide for the conveyance of certain real property of the United States situated in Hawaii to the city and county of Honolulu, Hawaii; to the Committee on Armed Services.

By Mr. KARTH:

H.R. 11434. A bill to create and prescribe the functions of a National Peace Agency; to the Committee on Foreign Affairs.

By Mr. KNOX:

H.R. 11435. A bill to provide for equalizing the conditions of competition between domestic industries and foreign industries with respect to the level of wages and the working conditions in the production of articles imported into the United States; to the Committee on Ways and Means.

By Mr. McGINLEY:

H.R. 11436. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. MONAGAN:

H.R. 11437. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit the donation of foreign excess property to medical institutions, hospitals, clinics, health centers, schools, colleges, and universities; to the Committee on Government Operations.

By Mr. WESTLAND:

H.R. 11438. A bill to readjust postal rates, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WINSTEAD:

H.R. 11439. A bill to authorize and direct the transfer of certain personal property to State and county agencies engaged in cooperative agricultural extension work; to the Committee on Government Operations.

By Mr. BURKE of Massachusetts:

H.R. 11440. A bill to provide an allowance for work clothing for certain postal field service employees; to the Committee on Post Office and Civil Service.

By Mr. HEMPHILL:

H.R. 11441. A bill to amend section 610 of the Federal Aviation Act of 1958 so as to prohibit the sale or consumption of alcoholic beverages aboard certain commercial aircraft operating within the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. JENNINGS:

H.R. 11442. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. KING of California:

H.R. 11443. A bill to amend the Internal Revenue Code of 1954 to grant an additional income tax exemption for a taxpayer supporting a dependent who is blind; to the Committee on Ways and Means.

By Mr. MORRIS of Oklahoma:

H.R. 11444. A bill to change the method of payment of Federal aid to State or territorial homes for the support of disabled soldiers, sailors, airmen, and marines of the United States; to the Committee on Veterans' Affairs.

By Mr. RIVERS of Alaska:

H.R. 11445. A bill to amend the Act of August 1, 1956 (70 Stat. 898); to the Committee on Interior and Insular Affairs.

By Mr. ASPINALL:

H.R. 11446. A bill to authorize Federal assistance to Guam, American Samoa, and the Trust Territory of the Pacific Islands in major disasters; to the Committee on Public Works.

By Mr. McGINLEY:

H.R. 11447. A bill to authorize Federal assistance to Guam, American Samoa, and the Trust Territory of the Pacific Islands in major disasters; to the Committee on Public Works.

By Mr. O'BRIEN of New York:

H.R. 11448. A bill to authorize Federal assistance to Guam, American Samoa, and the Trust Territory of the Pacific Islands in major disasters; to the Committee on Public Works.

By Mr. SISK:

H.R. 11449. A bill to authorize Federal assistance to Guam, American Samoa, and the Trust Territory of the Pacific Islands in major disasters; to the Committee on Public Works.

By Mr. SAYLOR:

H.R. 11450. A bill to authorize Federal assistance to Guam and American Samoa in major disasters; to the Committee on Public Works.

By Mr. WESTLAND:

H.R. 11451. A bill to authorize Federal assistance to Guam and American Samoa in major disasters; to the Committee on Public Works.

By Mr. CURTIS of Missouri:

H.R. 11452. A bill to provide for a survey of the Meramec Basin, Mo.; to the Committee on Public Works.

By Mr. HOLLAND:

H.R. 11453. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. OLIVER:

H.R. 11454. A bill to establish a Commission on Noxious Printed and Pictured Material; to the Committee on Education and Labor.

By Mr. WOLF:

H.R. 11455. A bill to improve commerce and industrial development through the establishment of a county industrial agent program; to the Committee on Interstate and Foreign Commerce.

By Mr. JENSEN:

H.J. Res. 665. Joint resolution proposing an amendment to the Constitution of the United States relative to the balancing of the budget; to the Committee on the Judiciary.

By Mr. PERKINS:

H.J. Res. 666. Joint resolution providing for the establishment of a National Children's Day; to the Committee on the Judiciary.

By Mr. HARMON:

H. Con. Res. 649. Concurrent resolution expressing the sense of the Congress with respect to the distribution of nuclear weapons and nuclear weapons secrets to other nations; to the Joint Committee on Atomic Energy.

By Mr. KARTH:

H. Con. Res. 650. Concurrent resolution expressing the sense of the Congress with respect to the distribution of nuclear weapons and nuclear weapons secrets to other nations; to the Joint Committee on Atomic Energy.

By Mr. McGOVERN:

H. Con. Res. 651. Concurrent resolution that it is the sense of the Congress that the Department of Agriculture continue for 1 year the uniform storage agreement contracts now in effect and also provide a basis for recapture of excessive profits; to the Committee on Agriculture.

By Mr. BURDICK:

H. Con. Res. 652. Concurrent resolution that it is the sense of the Congress that the Department of Agriculture continue for 1 year the uniform storage agreement contracts now in effect and also provide a basis for recapture of excessive profits; to the Committee on Agriculture.

By Mr. DENT:

H. Res. 492. Resolution to authorize the Committee on Interstate and Foreign Commerce to conduct an investigation and study of the Federal Power Commission; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By Mr. BARING: Joint Resolution No. 5 of the Nevada State Senate memorializing the Congress of the United States to permit the Director of the Mint to furnish blueprints or parts to put Carson City Mint press in operable condition to strike silver medallions; to the Committee on Banking and Currency.

Also, Joint Resolution No. 6 of the Nevada State Senate memorializing Nevada congressional delegation to oppose legislation providing for the continuance of the Federal tax on local telephone service; to the Committee on Ways and Means.

Also, Joint Resolution No. 1 of the Nevada State Assembly memorializing the Congress of the United States, Nevada's congressional delegation and the Bureau of Indian Affairs of the U.S. Department of the Interior to continue aid to American Indians; to the Committee on Interior and Insular Affairs.

Also, Joint Resolution No. 2 of the Nevada State Assembly memorializing Nevada's congressional delegation to take action to obtain funds for the paving of the road into Kings River Valley, Humboldt County; to the Committee on Public Works.

By the SPEAKER: Memorial of the Legislature of the State of South Carolina, memorializing the President and the Congress of the United States to take favorable action on H.R. 9336, which provides for pensions of veterans of World War I; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DORN of New York:

H.R. 11456. A bill for the relief of Rosario LaRosa; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 11457. A bill to authorize the Honorable Albert P. Morano, a former Member of Congress, to accept and wear the awards of Commendatore dell' Ordine Al Merito della Repubblica Italiana tendered him by the Government of Italy and the Cross of Commander of the Royal Order of the Phoenix conferred upon him by His Majesty the King of the Hellenes; to the Committee on Foreign Affairs.

By Mr. FRIEDEL:

H.R. 11458. A bill for the relief of Chan Jung Yee; to the Committee on the Judiciary.

By Mr. GILBERT:

H.R. 11459. A bill for the relief of Mrs. Elethia Louise Rawlins; to the Committee on the Judiciary.

By Mr. SCHENCK:

H.R. 11460. A bill for the relief of Edouard E. Perret; to the Committee on the Judiciary.

By Mr. THOMSON of Wyoming:

H.R. 11461. A bill for the relief of Vincent F. Bassin; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

399. By Mr. GIAIMO: Petition of Mr. and Mrs. Jerome Mandelowitz and 71 other residents of the State of Connecticut pertaining to the late Senator Richard L. Neuberger's program to combat the disease of cancer; to the Committee on Interstate and Foreign Commerce.

400. By Mr. GROSS: Petition of 53 residents of Waterloo, Iowa, and vicinity in support of H.R. 4483, to raise the minimum wage to $1.25 per hour and extend minimum wage coverage to include retail and service employees; to the Committee on Education and Labor.

401. Also, petition of 15 residents of Mason City, Iowa, in favor of payment of a pension to veterans of World War I, as stipulated in H.R. 9336; to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

He Wants To Go in Business

EXTENSION OF REMARKS
OF
HON. ROBERT W. LEVERING
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 29, 1960

Mr. LEVERING. Mr. Speaker, the Centerburg Gazette, one of the fine weekly newspapers in the congressional district it is my honor to represent, carried an editorial comment in its March 24, 1960, edition which points up one of the reasons why the conservation reserve, a new version of the soil bank, as proposed by Secretary of Agriculture Benson and the Farm Bureau Federation is unacceptable to farmers, businessmen, and consumer alike. I make this statement even though I believe there is merit in the conservation reserve idea, providing it is properly designed and programed.

The Farm Bureau-Benson bill suggests amending the Soil Bank Act by taking some 60 million acres out of production over a 3-year period by authorizing payments in cash by the Government of $400 million for 1961, $465 million in 1962, and $530 million in 1963. Many businessmen on Main Street and particularly those who deal in farm implements, fertilizer, seed, insecticides, gasoline, oil, and other goods and services required by farmers, are strenuously opposed to this proposed legislation because it permits the taking of entire farms out of production. Some have gone so far as to suggest that such a law would make "ghost towns" of many small cities in rural areas. It is also believed by those who have carefully studied the Farm Bureau-Benson's proposal that it would have little or no effect on the most serious aspect of the present farm problem—that of the huge stocks of surplus commodities now held in ships, bins, and warehouses all over the country and in the case of wheat alone, costing the taxpayers a thousand dollars a minute. One of the reasons for this conclusion arises out of the fact this proposal provides for payments in cash, instead of in kind as provided by the Levering bill. Payment in kind, as you know, refers to payments in grain and other commodities out of surplus stocks.

Mr. Speaker, it appears to be agreed on both sides of the aisle that by reason of the dire situation in agriculture, particularly among the family type operators, a new bold and realistic farm program should be adopted promptly to reverse the present trends under existing programs which are fast leading us to conditions as bad or worse than those we experienced in the 1930's. We need to take action now before the distress in agriculture takes a greater toll on the general economy. But we also know as a practical matter that we must have a bill which will merit the support of all the people—the consumers, which of course includes farmers. In this connection many of our colleagues have frankly stated they cannot get backing from their constituents to vote for the conservation reserve if payments thereunder are to be made in cash, and particularly if the program does not effectively come to grips with the problem of cutting the outrageous cost of storage by disposing of present stockpiles.

Mr. Speaker, under leave to extend my remarks in the RECORD, I include the editorial comment from the Centerburg Gazette which dramatizes the policy of paying money to landowners be they farmers or whatever, for doing nothing. The item follows:

HE WANTS TO GO IN BUSINESS

(A reader gave us the following letter that some of you may find amusing.)

To the SECRETARY OF AGRICULTURE.

DEAR MR. SECRETARY: My friend Smith received a check for $1,000 from the Government for not raising hogs. So I am also going into the not-raising-hogs business. What I want to know is: What is the best kind of hogs not to raise? I would prefer not to raise razorbacks, but if necessary will just as gladly not raise Poland Chinas or Durocs.

How much will you pay me for not raising 100 hogs? And will the same rate apply if I increase my nonraising capacity to 1,000? Also, will you pay me for not raising 10,000 bushels of corn, which I will not feed to the hogs which I am not raising? Please answer soon, as this looks like a fine year for not raising hogs. By the way, can I raise a couple of hogs on the side, so we can have a little ham and bacon to eat?

Bishop Walsh

EXTENSION OF REMARKS
OF
HON. GEORGE M. WALLHAUSER
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 29, 1960

Mr. WALLHAUSER. Mr. Speaker, the entire free world is shocked at the

action of the Chinese Communist regime in incarcerating Bishop James Edward Walsh.

We have made strong protests, including a statement by Secretary of State Herter, and I understand that our Government made the strongest possible protest to the Chinese Communist represenative at the meeting of March 22 at Warsaw.

The Communist ideology does not permit any opposition. This brave and sincere disciple of the church, by remaining loyal to his flock, has become an inspiration to all who are true to their ideals. He is a man of the greatest integrity and has gained the widest recognition through his 30 years in China. He has become a symbol, because the citizens of the free world are being made increasingly aware of the Communist theory of destroying that with which they disagree.

It is my hope and prayer that his sacrifice of personal safety will not be in vain, and that he will be released in good health to continue his dedicated service.

Byelorussian Independence Day

EXTENSION OF REMARKS
OF
HON. JOHN D. DINGELL
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 29, 1960

Mr. DINGELL. Mr. Speaker, Byelorussia is the vast country extending from the eastern borders of Poland to the approaches of Moscow. It is a cold, but fertile, land and its inhabitants are rugged and rustic rural workers. These people, though numbering a bare 10 million today, have been living in that country from time immemorial. There they led a simple life and were fairly content with their lot, until several centuries ago their country was overrun by the Moscovites, as the Russians were then called. They were brought, much against their will, under the rule of autocratic Russian czars. During that time they were neither free nor happy. They were oppressed, and the czarist government did its best to obliterate all traits of nationalism or national feeling among them, but the Byelorussians persisted in their opposition. They struggled against that regime with all the means at their disposal, and successfully maintained their national identity. And, in 1918, when the czar's government was overthrown, they had their chance for freedom and independence.

Byelorussian leaders seized upon this opportunity and in March of that year proclaimed their independence and established the Byelorussian Republic. Then for about 2 years these unfortunate but brave souls waged wars on many fronts for the preservation of their independence and for their national existence. But the forces opposing them were formidable. Even if they could settle their differences with the Poles on the west and others on the south, they could not cope with the aggressive and constantly advancing Red army of the Soviet Union. In 1921 the country was overrun by Communist Russian forces and it was made part of the Soviet Union. Thus came to an end the free and independent Byelorussia after a brief and precarious existence of about 2 years.

Today these struggling and hard-working Byelorussians are held down in their homeland by Communist totalitarian regime and do not enjoy any of the freedoms which many of them regard as their hard-earned reward, a reward which was taken away from them by heartless Russian Communists 39 years ago. On the observance of the 42d anniversary of Byelorussian Independence Day, one can ardently hope that these deserving people will once more regain their freedom and enjoy it in their homeland.

Import Quota To Control the Import of Lamb

EXTENSION OF REMARKS
OF
HON. FRANK CHURCH
OF IDAHO
IN THE SENATE OF THE UNITED STATES
Tuesday, March 29, 1960

Mr. CHURCH. Mr. President, the distinguished junior Senator from Wyoming [Mr. McGEE] ably represented his State at a hearing of the U.S. Tariff Commission on March 22, 1960. Much of what he said concerning the sheep industry in Wyoming is applicable also to the sheep industry in Idaho, and I have vigorously joined with him in urging the Tariff Commission to adopt an import quota to control the import of lamb, mutton, and live animals which is threatening to ruin the domestic industry.

I ask unanimous consent that Senator McGEE's statement to the Tariff Commission may be printed in the CONGRESSIONAL RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR GALE W. MCGEE, OF WYOMING, TO THE U.S. TARIFF COMMISSION, MARCH 22, 1960

Mr. Chairman and members of the Commission, I am here today to support the action of the sheep industry in seeking relief from certain foreign imports of lamb, mutton, and live animals. These imports have reached the point where they are causing considerable distress to the sheep industry, a very vital industry to my State. I feel confident the position of the industry as a whole has been or will be adequately reflected by representatives of the national associations. Therefore, I should like to confine my remarks today to the problem which is facing our people in Wyoming.

Eighty-five to ninety percent of the lambs produced in our State are feeder lambs. The general market for these lambs tends to be the west coast for the lambs produced in the western part of the State; while those produced in the eastern part of the State are generally shipped into the areas of Colorado, Nebraska, Iowa, and Kansas.

Last July the price for feeder lambs in Wyoming was 19 cents per pound. When it was announced the Delfino interests were importing sheep into the California area, the price of feeder lambs in western Wyoming immediately dropped to 17 cents a pound. If we compute an average weight of 70 pounds per feeder lamb, this means there was an immediate loss to the producer of $1.40 per animal. For a grower selling 1,200 lambs, the size of an average band, this means a loss of $1,680. This price drop was also reflected in the lambs grown in the eastern part of my State, and it was extremely detrimental to the economy of the State of Wyoming.

Let us next consider the old ewe market. In 1958 old ewes sold for an average price of $10 per head. Last year because of imports, the price was $5 to $7 per head with very little market for old ewes. When we consider the fact that 70 percent of our mutton which is used in manufacturing meat was imported, it is quite easy to ascertain why the old ewe market suffered extremely in 1959.

On the dressed lamb market, there were many instances where lambs imported from Iceland were retailed on the east coast for 39 cents per pound. The wholesale price in most other areas amounted to at least 39 cents per pound; and considering a 30-percent gross markup for retail, the effect on the domestic price was quite drastic.

The announced price for New Zealand and Australian dressed lambs has ranged from 25.5 cents to 38 cents per pound, with the majority being in the area of 27 cents to 28 cents. At the same time, because of increased costs of production in the United States, the price per pound of a dressed domestic lamb ranged from 37 cents to 50 cents. Since a price of 47 cents to 50 cents for the domestic lamb is required in order to show a profit for the producer, the American grower is in an extremely unfavorable position.

The Congress has recognized the problem facing the domestic sheep industry by passing the National Wool Act. Notwithstanding this and other congressional action, it is my feeling the industry is still in jeopardy.

The alternatives with which we are faced at the present time are to increase the tariff on imports or to provide for import quotas. I feel that a certain amount of imports could properly supplement the domestic industry by sustaining a year-round market for lamb and allowing the people of the United States to eat this delicacy at all times of the year rather than the various seasons as it has been so often in the past. These imports, however, should not be allowed to the extent where they completely ruin the domestic industry; and for this reason, I would like to recommend the adoption of an import quota based upon some historical volume of imports, such as an average for the past 5 years. This would include years of low import, such as 1956, and also years of high import, such as 1959; and I believe that would be a good balancing factor. I hope the members of this Commission can approve an action of this type.

I appreciate the opportunity to appear before you today to express my views on this very important subject.

The Bishop James Edward Walsh Case

EXTENSION OF REMARKS
OF
HON. JAMES C. AUCHINCLOSS
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 29, 1960

Mr. AUCHINCLOSS. Mr. Speaker, I am pleased to read in the papers that

the United States has delivered through the appropriate channels a definite and strong diplomatic note to Red China protesting the imprisonment of that great humanitarian, Bishop James Edward Walsh, of the Roman Catholic faith. This man, who has devoted much of his lifetime to the relief of suffering and distress among the Chinese people, has been rewarded by the brutal Communists with contempt and unspeakable human treatment. It is only one more incident in the indictment against Red China in their desire for admission to the community of the United Nations. This is proof of their insensibility to the cause of justice and as the note of the State Department says, it is a showing of their "complete indifference to humanitarian principles and callous disregard of universally accepted standards of international law and behavior among civilized nations."

It is to be greatly regretted that the Governor of my State of New Jersey, Robert E. Meyner, recently advocated the admission of this international pirate, Red China, into the fellowship of the United Nations. I submit that this is a realm of internationalism where a politician, ambitious for high office, had better keep out until he matures and has a wiser and better appreciation of the differences between "humanitarian principles and callous disregard of universally accepted standards of international law."

Forty-second Anniversary of the Independence of the Byelorussian Democratic Republic

EXTENSION OF REMARKS
OF
HON. SAMUEL S. STRATTON
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 29, 1960

Mr. STRATTON. Mr. Speaker, last Sunday, March 27, marked the 42d anniversary of the independence of the Byelorussian Democratic Republic. This occasion is important for many reasons, but especially because it serves to remind us once again, as we always need to be reminded, that the Soviet Union continues to hold in subjection millions on millions of people who deserve to be free and have a right to be free, and in whose freedom we in America have a deep and abiding stake.

Although the Soviet Union has paid lipservice to this burning desire for independence on the part of 10 million people of Byelorussia by incorporating them into the Soviet Union as a separate republic, no one of course is fooled into thinking that this procedure really represents anything but complete subjection to the Communist dictatorship.

Forty-two years ago, on March 25, 1918, the people of Byelorussia first tasted freedom after decades of oppression and tyranny under the czars. But this freedom was short lived. After 2 short years the flame of freedom was extinguished and the earlier tyranny of the czars was replaced by the darkness of an ever more vicious tyranny of Soviet communism.

Mr. Speaker, in spite of these unhappy events, the hope of freedom still lives on in the memory of the people of Byelorussia and I join with them today on this 42d anniversary in hoping that the day will not be far away when freedom will come again to the Byelorussian people.

Crowdus Baker, Great American

EXTENSION OF REMARKS
OF
HON. PHILIP J. PHILBIN
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 29, 1960

Mr. PHILBIN. Mr. Speaker, in common with many citizens of Massachusetts, and in particular Greater Boston, I was delighted and truly gratified to learn of the recent election of the distinguished Mr. Crowdus Baker to be president of the world-renowned business and merchandising establishment of Sears, Roebuck & Co.

The selection of Mr. Baker to this high and honorable post is not only a most impressive tribute of confidence by the leaders of this great firm in his character, ability, and his superlative qualifications, but it is another striking example of the opportunities for advancement to highest posts of responsibility in the business affairs of our Nation which are implicit in our great and incomparable free enterprise system.

Mr. Baker's brilliant career is another very impressive and striking instance of steady rise from the ranks by dint of great ability, industry, devotion to duty, and superlative general qualifications, to top leadership in one of the greatest business organizations in the world.

Born in Dallas, Tex., February 27, 1906, of stalwart American folks, Crowdus Baker was graduated from Terrell Preparatory School in that beautiful city and later from the famous Austin College in Sherman, Tex., class of 1928.

Setting his sights on loftiest peaks of achievement and willing to work hard in order to gain his objective, he joined the Sears company in 1929.

It was not long before his industrious habits, fine traits of character, winning personality, agile mind, and fine qualities of leadership deeply impressed his superiors and in 1935, he was assigned as operating superintendent of the large Sears mail-order house at Seattle.

From that time on, Baker's promotion to more and more responsible posts was surprisingly rapid. The company came to regard him as one of its most able and promising young executives and in 1939, named him to become superintendent of the huge Boston mail-order house which covers the entire Northeast section of the country. In 1945, so well had he handled his assignments and duties, he was designated general manager of Sears operations in Boston, after having served as operating superintendent of a similar unit in Philadelphia.

It was here in our great Massachusetts city of Boston that I first had the privilege and pleasure of knowing this great American and watching his unusual and outstanding work in his own company and his remarkable contributions, far beyond the call of duty, to many worthwhile activities in the civic, charitable, and business-development life of our historic capital city. His tireless energy and his ever-willing and ever-ready response to many demands made upon him to take part in community betterment projects became a source of wonder and admiration to those of us familiar with the many facets of his very busy life.

In a sense, the progress which Crowdus Baker has made in his career has been truly phenomenal. But it certainly comes as no surprise to those of us who were in a position to observe and note the broad sweep of his talents, the obvious and outstanding qualities of leadership he possesses, and his special aptitude for inspiring confidence and making friends wherever he went.

Crowdus Baker is a man of exceptionally broad horizons, possessed of the drive, spirit of determination and resourcefulness, adaptability, so often necessarily a part of the makeup and attributes of leaders in every field.

Kindly and generous of impulse, warm and sympathetic in nature, he never hesitates to join with others in improving the opportunities and bettering the lot of those who struggle and toil.

He is endowed with practical vision and marked powers of decisive action and is known for his sense of fairness and his ability to make sound judgments.

All these qualities admirably equip him for the high post of responsibility he has assumed because they mark him indelibly as a man who has his feet on the ground and who knows how to deliver the goods in the literal, as well as the figurative, sense.

The famous firm of Sears, Roebuck has not only made a wise choice but it deserves to be heartily congratulated for recognizing merit, character, and ability in making this appointment. It is in instances like this one where young men starting at the bottom can by their own powers and industry work their way to the top that the American people are constantly refortified in their faith in our great productive economic system. This particular appointment is notice to the world that there are no frontiers of opportunity in this country, that everyone who has the ability and is willing to work can reach highest levels in American business life.

Of course, everyone cannot be president of Sears, Roebuck, and everyone possessed of gifts and talents cannot necessarily attain highest leadership. There are unpredictable elements of chance, fortune, personality, and other factors that come into advancement and progress in any field. But it is very refreshing to know that in the main, American boys starting from scratch can and do work their way to the top by virtue of their own gifts, their own spirit of resolution, and their own hard work.

The many friends of Crowdus Baker in the business, civic, and social community of Boston join me, I am sure, in rejoicing with him in this well-deserved recognition of Crowdus Baker's outstanding abilities. And we hail him, not only as an outstanding business leader, who has demonstrated his capacity for getting things done, but as a warm, considerate, and generous friend, a humane personality, vitally interested in American life, in the American people, and in helping to solve the great problems of the hour.

I am happy indeed to extend my heartiest congratulations to him, to his family, and to his company, which I think has demonstrated great wisdom in making this appointment. In succeeding President Charles A. Kellstadt, Mr. Baker will have no easy task. He will have to live up to a very high standard of performance indeed, one that has deeply impressed the Nation and that portion of the world familiar with it. He is succeeding a great, a worthy, and another distinguished business leader who has left a proud and indelible imprint upon his company and the history of our times.

I wish for Crowdus Baker long life and continued good health, great and steadily increasing success in his vital work, and all those choice blessings of the Lord which come from family, friendship, and the joys of sincere loyal living. And I wish for him and his dear ones most abundant measures of happiness in the years to come.

Address by Hon. A. S. Mike Monroney, of Oklahoma, at the 60th Annual Dinner of the Society of the Friendly Sons of Providence, R.I.

EXTENSION OF REMARKS
OF
HON. JOHN O. PASTORE
OF RHODE ISLAND
IN THE SENATE OF THE UNITED STATES
Tuesday, March 29, 1960

Mr. PASTORE. Mr. President, on Thursday evening, March 17, 1960, the Society of Friendly Sons of Providence, R.I., gathered for its 60th annual dinner. This dinner is the central secular function of St. Patrick's Day, always religiously and enthusiastically observed in the State of Rhode Island.

The society's toast to the United States indicates the patriotic tone of the dinner; and from this U.S. Senate in years past have gone our colleagues to add luster to the night, and oratory to this toast to our Nation.

To call the roll of only a few, the names of Senators Kennedy, Symington, Mansfield, McNamara, O'Mahoney, and Truman come to mind. Glowing comments on the appearance this year of the junior Senator from Oklahoma are summed up in the delighted expression of the president of the Society of the Friendly Sons, Mr. Nelson G. Burke. "The address of Senator A. S. MIKE MONRONEY," President Burke writes, "was most inspiring and the rapt attention of his audience was in itself a tribute."

As if it had been planned that way, the Senator from Oklahoma's emphasis on our weapon of faith in this nuclear age was in perfect balance with the address of the Most Reverend Paul Hagarty, bishop of the Bahamas.

Bishop Hagarty spoke of the world revolt of the underprivileged, seeking freedom from ignorance, freedom from starvation, freedom from the tyranny of economic pressure. The Senator from Oklahoma [Mr. MONRONEY] spoke of the material power of "the scientific sixties" to lift the underprivileged—fortified by our religious faith to win the confidence, the minds, and hearts of men.

I request that the address by the Senator from Oklahoma [Mr. MONRONEY] be printed in the CONGRESSIONAL RECORD as a document of encouraging science, sound economy, and inspiring philosophy.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR A. S. MIKE MONRONEY BEFORE FRIENDLY SONS OF ST. PATRICK, PROVIDENCE, R.I., MARCH 17, 1960

What an honor it is to be chosen as the one to respond to the traditional toast of the Friendly Sons of St. Patrick to our own United States.

What an additional honor it is to be chosen as one of the members of such a distinguished panel of participants as the Most Reverend Paul Hagarty, bishop of the Bahamas; the Most Reverend Russell J. McVinney; Rev. Francis P. Brady; Hon. John P. Hartigan, judge of the U.S. Court of Appeals; Hon. Edward B. Hanify, attorney and corporation counsel; and your many other distinguished guests.

Sixty years, aure; and 'tis a long, long time for the Irish to be getting along together. And it is as significant a milestone in the history of the United States as it is in the history of your fine association of Friendly Sons. It runs the gamut of life in these United States. Your 60 years parallel the milestones of our Nation's great progress—from shillelaghs to Chevrolets—from leprechauns to lace curtains—from Shamrocks to solar space.

I am so glad to be in home State of two of our greatest and friendliest Senators: Senator THEODORE FRANCIS GREEN and Senator JOHN "O'PASTORE." Theodore's great good humor and the sharp, inclusive wit and eloquence of Johnny make them the Senate's top Democratic team.

Sixty years—a fabulous 60 years in the life of the United States and of the Friendly Sons of St. Patrick—is but a tiny dot over the centuries of recorded history. But in these 60 years which you celebrate tonight the dot of the 60 years in history's span is as huge as our planet itself in our progress.

Frontiers of which your founders never dreamed are crossed every hour on the hour. From terrestrial to celestial is the signet of the scientific sixties. Traffic is getting so heavy in outer space that they'll be wanting traffic lights between the moon and the sun and the stars to avoid disastrous collisions.

Your founders, all progressive men, could not be heard in voice beyond this room. Tonight we hear the "beep beep" of Pioneer V's voice from 675,000 miles away—in a few months, perhaps, from the far side of the sun.

The vision of your founders—seafaring men though they might have been—was limited on a clear day to Martha's Vineyard or Nantucket from a few miles offshore. Today we can see from the dark side of Tombstone, Ariz., on our TV or to the dark side of the moon.

Mankind is on the move. We are breaking out of our two-dimensional world and into the third dimension—that of the vertical. For the tens of thousands of years of man's progress from his caves, he has spread out to find new paths to faraway points, as our Pilgrim Fathers did in settling a new continent. As transportation from the covered wagon grew to the train and steamship, his world widened.

With the crossing of each new frontier they sought out the new. That was the spirit that our forefathers brought to this coast and carried on the whaling ships that sailed the Straits of Magellan as they rounded the Horn to the broad Pacific.

Their sons kept on until all the oceans were charted and explored—and then started to explore the jungles, the swamps, and the poles. We've climbed the highest mountains in the world, gone up the Amazon, reached the darkest of Africa. We've crossed the North and South Poles so often that the path looks like a superhighway.

Progress in the pioneer spirit is the stuff of which America is made. But in reality, until the past two decades, with all his travels and explorations, man had scarcely gone farther in one direction than his caveman ancestor. That was in the direction of the third dimension—the vertical.

Since the Wright brothers first powered flight in 1903 at Kitty Hawk, that dimension has been expanding—first, timidly, to 100 feet—to 500 feet. And now we see at long last man challenging the voids and the vacuums of outer space—venturing into a new dimension with courage and ingenuity.

In the last year we have seen spectacular new things happen in the field of the vertical: referring to Z-52, KC-135, X-15 (Scottie Crossfield—150 miles into outer space), and B-70.

And now we train the astronauts for space. This is not an idle jest or something out of the science comics. It is real. Today we know—or soon will know—more about what man will meet in outer space than Columbus knew about what he would meet as he sailed westward across the Atlantic.

But as we get the signal loud and clear of the scientific sixties, it is not—we are finding—entirely a blessing. Electronics have shrunk distances and put the whole world within range of voice, sound, and sight. I could have flown to Paris and back to Newfoundland by jet in the span of time I took to come from Washington to Providence by train today.

And with this constantly shrinking globe have come to mankind powers from new energy sources undreamed of 15 years ago. Rockets with thrust to reach the moon and the sun and the stars. Explosives that can annihilate entire States with their blast. Speeds of ICBM's from outer space that can reach Providence from Moscow—or from the United States to Moscow (it's as short either way) in 19 minutes. These fantastic speeds make interception or defense unlikely, and only by equal power of destruction through retaliation can we make reasonably certain that this catastrophic attack by thermonuclear warfare does not occur.

To be prepared requires our Nation to have the ability to retaliate in equal and certain destructive capacity. Then, and only then, can we feel any sense of security from attack.

Thus, in the dawn of the scientific sixties we find as our forefathers found when they landed on this continent that only the strong can be secure. Then it meant survival of a few dozen lives from Indian attack. Today it means the survival of tens of millions from destruction in the first 10 hours of an atomic war.

I do not mean to make this speech a grim one. I would be less than frank if I did not remind you that at no previous time in our great history have we been as vulnerable to a catastrophic attack if we let weakness erode our strength or our position of leadership in the free world.

This is the challenge to this generation. One-third of the world's people are behind the Communist Iron Curtain. They total slightly over 1 billion. One-third (another billion) are in the neutral area of the world. And slightly less than one-third reside in the free world.

Both the free world and the neutral world depend perforce upon the leadership of the United States. If we fail ourselves—we fail them as well.

As I see it, we cannot win the cold war with arms—atomic or conventional. We might—yes, we must—prevent it from becoming an atomic world war III. Our decisive strength in weapons alone will not be enough, however, either to prevent the shooting war or win the cold war.

It seems to me that we have one weapon that the Communists can never have. It is the weapon to bridge the chasm between the destructive side of science and the hope for the best era of Christendom. This is the weapon of our faith—of our belief in an Almighty and Divine Power—and that mankind was made in the image of this holy and Supreme Being. It is the belief that we are our brother's keeper. It is our belief in "right makes might" and not in "might makes right." Without that faith, a godless, materialistic power, even with modern arms, cannot achieve a victory. The mind, morals, and spirit of man must control science or else a Frankenstein of science will destroy us.

Given the strength and courage to hold off the destruction of nations by atomic war, we can change the headlong emphasis of "science for death" into "science for life." If we have the faith and the determination to serve—as this generation must serve the peoples of the world—we can and will win.

Instead of beating our swords into plowshares we must beat the atom bomb into mankind's greatest servant. Today more than 100 diseases which have plagued mankind since history began are yielding to diagnosis and treatment with atomic isotopes. Through our research in "science for life" we are attacking cancer and other killers that have heretofore been called incurable.

In the field of agriculture, experiments are under way that may produce entirely new food products, through the use of atomic isotopes. New fruits, vegetables, even superior breeds of livestock, may result from these agricultural experiments in changing nature to work better for mankind.

Engineering uses may revolutionize recovery of energy from coal and oil veins through controlled underground explosions of small atomic bombs. Harbors can be opened in many parts of the world, such as South America and Africa, where no ports are available today, through gigantic underground blasts of atomic energy. Canals or reservoir sites likewise may one day yield huge benefits from the conversion of atomic energy from war to peace.

This one-third of the world that is neutral—looking either to the Communist way of life or at our free way—today is in the darkness of the 18th or 19th century. Ordinary fuel such as coal or oil must be shipped halfway around the world to supply the fuel for electrical generators. Consequently, in such countries as Thailand I have seen them burning teakwood and mahogany beneath the boilers of their generators to supply the low current to burn the electric lightbulbs in the tourist hotels. The people there have thus far missed this 20th century.

But with the magic of atomic energy, low-cost atomic reactors can, and someday will be built that can bring an electrical world to the darkest of Africa and to the villages of India. No longer will it be impossible to generate electricity because of the high cost of shipping fuel halfway around the world. A package of uranium, no larger than a package of cigarettes, can light and heat a village of 5,000 for an entire year.

Yes, even the miracle of fresh, pure water may be created by breakthroughs with atomic energy. Millions of acres today are desert because the scant supply of surface water is insufficient or out of reach of irrigation works. Yet I have seen the desert of the Middle East transformed in Israel by irrigation into a land as fertile as the Garden of Eden. The magic of water can make the desert bloom and can offer hope for the tens of millions of hungry people who now barely subsist.

Yet at the shoreline of the oceans, the Mediterranean, the Red Sea, the Pacific, and the Atlantic is the world's largest storehouse of water. Its salt content makes it kill instead of grow the produce of the land.

We are nearing breakthroughs with conventional fuels on desalination of this sea water at costs comparable with surface irrigation. When this is achieved, and it is not far away, we can hold out hope to these millions that low-cost machinery either with conventional or atomic power can bring them the water they need to turn their dry, parched lands into rich orange groves and fertile acres to produce food in abundance.

These are but a few of the things that the scientific sixties hold out for us to do. We must retain the faith of our forefathers to pioneer, to show the true and kindly face of Uncle Sam, and to carry our message of faith and good will to the underprivileged people of the world.

This we can do with the same kind of courage, hard work, and sacrifice that America has shown through our long history. The oppression of hate, of distrust, and destruction can be conquered if we use the tools of the scientific sixties as well as our pioneering forebears used the crude tools of their day. Victory will come when we win the hearts and minds of the men of the world, and only faith in our religious life, in our tools, and in ourselves will bring it.

To cry out that we must draw back—to be too timid to dare to risk some of our substance for spectacular new gains tomorrow—will mark us, as it has marked many nations during the past 60 years of this society's existence, as powers of the past and not as world powers of tomorrow.

Faith, courage, and work hold out to a nation—willing to strive hard enough for the goal—the eternal blessings of the world's people.

May they say of this generation of Americans that—

We kept the peace through strength and courage.

We lit the lamp of science to shed its brilliance for all mankind.

And thus we blazed the path to a better life for all of the world's people.

Poll Results

EXTENSION OF REMARKS
OF
HON. ALVIN M. BENTLEY
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 29, 1960

Mr. BENTLEY. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following results of my annual questionnaire as well as certain charts showing the occupational breakdowns which should be of interest to Members of this body:

POLL RESULTS

(By ALVIN M. BENTLEY, Congressman, Eighth District, Mich.)

Out of some 30,000 questionnaires which were sent out in January, 7,632 were returned for a gratifying percentage of 25.4 percent. Here is the way the eighth district voted:

1. The problem of labor-management conflict, resulting in situations such as the steel strike should be dealt with by the Congress. Along which of these lines do you think the Congress should consider legislation. (1) Compulsory arbitration, 12.7 percent; (2) prohibition of industry-wide strikes, 17.4 percent; (3) factfinding boards with power to make recommendations, 19.6 percent; (4) application of antitrust laws to big labor, 27.9 percent; (5) Government regulations of both wages and prices, 10.9 percent.

2. The question of a continued deficit in our international balance of payments and the resulting loss of gold and dollars is one of the most serious problems that faces the new Congress. One aspect is the low-cost foreign competition which we face at home, as well as abroad. What alternatives would you suggest to meet this situation: (1) Subsidize American exporters to meet the difference in labor costs, 3.9 percent; (2) raise tariffs and impose import quotas to protect our industries against low-cost foreign goods, 33.8 percent; (3) prevent U.S. companies located abroad from exporting their products here, 37.2 percent; (4) reduce dollar expenditures overseas by cutting back on our troop commitments abroad and limiting foreign aid, 33.5 percent; (5) require dollar loans and grants abroad to be spent in the United States, 45.5 percent.

3. The problem of our defense effort being behind the Soviet Russians in certain aspects concerns many people greatly. Do you think we should: (1) Go all out to match the Russians in every phase of defense regardless of cost even if it means higher taxes, 11 percent; (2) continue our present levels of defense spending for a balanced program, 37.6 percent; (3) make every effort to reach a workable agreement with the Russians for disarmament, 38.2 percent.

4. The social security tax rose to 3 percent on employers and employees alike on January 1 and is scheduled to reach 4.5 percent by 1969. Should the program be amended to include the following benefits even if higher taxes are required: (1) Lowering the retirement age, 32.7 percent; (2) increasing the present limit of $1,200 on outside earned income, 44.9 percent; (3) providing hospital, nursing care and surgical benefits to eligible persons, 32 percent; (4) tying social security benefits to living costs, 37.2 percent.

5. Consideration is being given in Congress to eliminate all present tax deductions (except the $600 exemption) and then reducing the present rates about 40 percent with the minimum rate at 12 percent, and the maximum at 55 percent. Some of the deductions which might be removed include expense accounts, long-term capital gains, local and State taxes, interest payments, income splitting for married couples, tax-free interest on bonds of States and cities and charitable contributions. Social security benefits might be taxed and personal exemptions for old and disabled persons would disappear. Depreciation allowances would end but corporation taxes might be cut to 44 percent. Net rental value of house would be treated as income. Would you favor eliminating all these de-

ductions in return for lower tax rates: Yes, 23.2 percent; no, 64.9 percent.

6. Are you in favor of: (1) More Federal aid for education and to boost teachers' pay, 15.6 percent; (2) Federal aid to local public works, 4.1 percent; (3) Federal aid for depressed areas, 28.4 percent.

7. Do you think that Federal credit should be extended to veterans, 12.3 percent; farmers, 5 percent; small businessmen 12.7 percent.

8. What should Congress do to solve the farm problem: (1) Raise supports and tighten production controls, 2.3 percent; (2) gradually decrease supports and controls, 41.7 percent; (3) eliminate all supports and controls at once, 28.2 percent; pay farmers the difference between the market price and the support price with production controls, 4.2 percent; (5) gear supports to farm production costs, 10.9 percent.

Question 1

	Total	No answer		(1)		(2)		(3)		(4)		(5)	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Farmer	1,219	141	11.6	106	8.7	279	22.9	205	16.8	311	25.5	177	14.5
Worker	2,023	194	9.6	319	15.8	278	13.7	563	27.8	399	19.7	270	13.3
Business	866	115	13.3	91	10.5	151	17.4	119	13.7	325	37.5	65	7.5
Profession	972	94	9.7	125	12.9	130	13.4	167	17.2	419	43.1	37	3.8
Housewife	448	60	13.4	56	12.5	92	20.5	103	23.0	96	21.4	41	9.2
Officeworker	719	67	9.3	103	14.3	124	17.2	149	20.7	218	30.3	58	8.1
Other	1,385	205	14.8	166	12.0	274	19.8	192	13.9	359	25.9	189	13.6
Total	7,632	876	11.5	966	12.7	1,328	17.4	1,498	19.6	2,127	27.9	837	10.9

Question 2

	Total	No answer		(1)		(2)		(3)		(4)		(5)	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Farmer	1,219	157	12.9	61	5.0	328	26.9	498	40.9	376	30.8	550	45.1
Worker	2,023	148	7.3	82	4.1	804	39.7	897	44.3	652	32.2	938	46.4
Business	866	111	12.8	23	2.7	297	34.3	248	28.6	312	36.0	396	45.7
Profession	972	153	15.7	11	1.1	218	22.4	261	26.9	368	37.9	418	43.0
Housewife	448	59	13.2	17	3.8	173	38.6	148	33.0	115	25.7	184	41.1
Officeworker	719	67	9.3	25	3.5	268	37.3	239	33.2	254	35.3	314	43.7
Other	1,385	164	11.8	75	5.4	488	35.2	549	39.6	483	34.9	675	48.7
Total	7,632	858	11.1	294	3.9	2,576	33.8	2,840	37.2	2,560	33.5	3,475	45.5

Question 3

	Total	No answer		(1)		(2)		(3)	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
Farmer	1,219	173	14.2	96	7.9	464	38.1	486	39.9
Worker	2,023	247	12.2	281	13.9	746	36.9	749	37.0
Business	866	118	13.6	78	9.0	341	39.4	329	38.0
Profession	972	107	11.0	114	11.7	403	41.5	34	35.8
Housewife	448	62	13.8	49	10.9	157	35.0	180	40.2
Officeworker	719	81	11.3	86	12.0	280	40.2	263	36.6
Other	1,385	226	16.3	133	9.6	468	33.8	558	40.3
Total	7,632	1,014	13.2	837	11.0	2,868	37.6	2,913	38.2

Question 4–A

	Total	No answer		(1)		(2)		(3)		(4)	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Farmer	1,219	230	18.9	315	25.8	497	40.8	313	25.7	395	32.4
Worker	2,023	164	8.1	1,056	52.2	828	40.9	739	36.5	723	35.7
Business	866	123	14.2	240	27.7	466	53.8	204	23.6	268	30.9
Profession	972	117	12.0	218	22.4	523	53.8	234	24.1	381	39.2
Housewife	448	54	12.1	113	25.2	205	45.8	174	38.8	170	37.9
Office worker	719	69	9.6	233	32.4	377	52.4	207	28.8	295	41.0
Other	1,385	221	16.0	321	23.2	534	38.6	575	41.5	606	43.8
Total	7,632	978	12.8	2,496	32.7	3,430	44.9	2,446	32.0	2,838	37.2

Question 4–B

	Total	No answer		I am		I am not	
		Number	Percent	Number	Percent	Number	Percent
Farmer	1,219	164	13.5	167	13.7	888	72.8
Worker	2,023	210	10.4	97	4.8	1,716	84.8
Business	866	80	9.2	45	5.2	741	85.6
Profession	972	83	8.5	42	4.3	847	87.1
Housewife	448	49	10.9	96	21.4	303	67.6
Officeworker	719	60	8.3	57	7.9	602	83.7
Other	1,386	194	14.0	702	50.7	489	35.3
Total	7,632	840	11.0	1,206	15.8	5,586	73.2

Question 5

	Total	No answer		Yes		No	
		Number	Percent	Number	Percent	Number	Percent
Farmer	1,219	148	12.1	186	15.3	885	72.6
Worker	2,023	223	11.0	495	24.5	1,305	64.5
Business	866	69	8.0	230	26.6	567	65.5
Profession	972	77	7.9	306	31.5	589	60.6
Housewife	448	73	16.3	96	21.4	279	62.3
Office worker	719	74	10.3	217	30.2	428	59.5
Other	1,385	241	17.4	244	17.6	900	65.0
Total	7,632	905	11.9	1,774	23.2	4,953	64.9

Question 6

	Total	No answer		(1)		(2)		(3)	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
Farmer	1,219	641	52.6	124	10.2	48	3.9	406	33.3
Worker	2,023	966	47.8	380	18.8	93	4.6	584	28.9
Business	866	504	58.2	136	15.7	41	4.7	185	21.4
Profession	972	523	53.8	181	18.6	33	3.4	235	24.2
Housewife	448	212	47.3	72	16.1	16	3.6	148	33.0
Officeworker	719	338	47.0	121	16.8	32	4.5	228	31.7
Other	1,385	776	56.0	174	12.6	50	3.6	385	27.8
Total	7,632	3,960	51.9	1,188	15.6	313	4.1	2,171	28.4

Question 7

	Total	No answer		Veterans		Farmers		Small businessmen	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
Farmer	1,219	879	72.1	148	12.1	123	10.1	69	5.7
Worker	2,023	1,324	65.4	333	16.5	91	4.5	275	13.6
Business	866	647	74.7	47	5.4	21	2.4	151	17.4
Profession	972	752	77.4	56	5.8	32	3.3	132	13.6
Housewife	448	309	69.0	68	15.2	18	4.0	53	11.8
Officeworker	719	438	60.9	118	16.4	36	5.0	127	17.7
Other	1,385	997	72.0	170	12.3	57	4.1	161	11.6
Total	7,632	5,346	70.0	940	12.3	378	5.0	968	12.7

Question 8

	Total	No answer		(1)		(2)		(3)		(4)		(5)	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Farmer	1,219	164	13.5	55	4.5	352	28.9	280	23.0	84	6.9	284	23.3
Worker	2,023	243	12.0	53	2.6	791	39.1	646	31.9	85	4.2	205	10.1
Business	866	75	8.7	9	1.0	423	48.8	290	33.5	16	1.8	53	6.1
Profession	972	94	9.7	16	1.6	551	56.7	221	22.7	27	2.8	63	6.5
Housewife	448	69	15.4	11	2.5	197	44.0	103	23.0	26	5.8	42	9.4
Officeworker	719	76	10.6	9	1.3	338	47.0	203	28.2	31	4.3	62	8.6
Other	1,385	248	18.0	20	1.4	535	38.6	410	29.6	49	3.5	123	8.9
Total	7,632	969	12.7	173	2.3	3,187	41.7	2,153	28.2	318	4.2	832	10.9

Tabulation of Poll

EXTENSION OF REMARKS

OF

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 29, 1960

Mr. BERRY. Mr. Speaker, I have just completed the tabulation on a questionnaire which I mailed to every boxholder outside of first-class postoffices and to all addressees receiving their mail in first-class offices in my congressional district. I am inserting the results in the RECORD in order that all Members of Congress and others reading the RECORD may know how the people of western South Dakota feel on some of the most important issues.

Not only, Mr. Speaker, did about 8 percent complete their returns, but most of them took advantage of space provided in the questionnaire to express their opinions and to explain their stand on specific questions and issues.

I have saved for future reference many quotes from these comments, a few of which I should like to pass on. For instance, a number questioned why we should spend such large sums on the space program, one said, "We don't need another planet to subsidize."

There were a large number of farmers who demanded a repeal of the present farm program, saying "It is only making the large farmers larger and the small farmer smaller," or "What chance does a young man have to get a start under the present program?" Another said it this way, "Neither the Middlewest nor the Nation can afford to experience a serious depression resulting from low farm prices, and we cannot afford to continue to build up surpluses and spend billions in storage. No fair-minded foreign nation should complain if we put our house in order by using tariffs and quotas."

On the subject of foreign aid, one man said, "Christ performed miracles to teach the people to care for themselves, but he did not start feeding all the hungry people of the world."

On the subject of small business one man said, "The small businessman is being put out of business with high taxes—yet he is the backbone of the Nation." Another said, "The small businessman can work out his own problems if he is not taxed to death."

On the need for a balanced budget and reducing Federal regulation and control, one said, "It seems that our people

have been convinced that the only way they can be prosperous is to gradually surrender their freedoms to Government control." Another said, "If the present rate of Federal expenditures continues, our children will see the day when the Government is taking their entire income and giving them a planned program from the cradle to the grave; all that then remains is to deny them the right to vote and they have had it."

The same thought was said this way, "I am for balancing the budget. I am against spending money we do not have. for benefits that do not benefit." Another said, "If you want your father to take care of you, that is paternalism; if you want your mother to take care of you, that is maternalism; if you want Uncle Sam to take care of you, that is socialism; if you can take care of yourself, that is Americanism."

On Federal aid to education one said, "The farther money gets away from home, the less comes back." Another said, "The States and local governments should handle their own problems rather than crying for Federal help for every project that arises." Another put it this way, "Federal aid is inherently dangerous and absolutely unnecessary. The States can and will take care of their own school problems if left alone. The United States of America has the best all-around educated population in the world—what more do we want?"

I would close the quotations with this final shot, "A citizen's only recourse is profanity and a letter to his Congressman; the Congressman's only recourse is profanity and the burden of writing a sympathy letter back to the citizen."

Following, Mr. Speaker, is a complete tabulation on a percentage basis of the answers to the questions asked:

[Percent]

	Yes	No	Not certain
1. Do you believe sufficient emphasis is placed on our missile and space programs?	59	19	22
2. Do you consider our defense budget to be adequate?	64	11	25
3. Should we continue our mutual security military and economic aid to friendly nations?	62	13	25
4. To bolster farm income do you favor—			
Increased crop supports and controls?	15	62	23
Enactment of domestic parity program for wheat with allotment based on bushel rather than acreage quotas?	43	25	32
Preventing foreign competition with tariffs and quotas?	50	24	26
5. Do you favor an increase in gasoline tax even though failure to pass would slow down the interstate highway program?	37	52	11
6. Has the Federal Government given sufficient attention to the problems of the small businessman? (Please comment)	20	35	45
7. Do you believe the Federal minimum wage should be raised?	22	65	13
8. Should labor unions be brought under the antitrust laws?	79	8	13
9. Do you favor reducing the national debt before tax cuts are made?	78	12	10
10. Do you favor legislation to tighten taxation on cooperatives?	61	20	19
11. With respect to education should the Federal Government:			
Consider it a local and State problem?	68	19	13
Give aid for school construction?	43	43	14
Help pay teachers' salaries?	22	61	17
If you favor Federal aid should a tax levy be made to cover the cost rather than add it to the national debt?	48	17	35

Those who indicated their business as farming answered question 4 as follows: 4(a) 35 percent said "yes," 55 percent said "no," and 11 percent "uncertain"; 4(b) there were 68 percent who said "yes," 21 percent "no," and 11 percent "uncertain"; on 4(c) 66 percent said "yes," 14 percent said "no," and 20 percent "uncertain." On question 9, 87 percent said "yes," 7 percent "no," and 6 percent "uncertain."

The ranchers were even more definite on question 4 with only 13 percent answering "yes" on 4(a), 79 percent saying "no," and 8 percent "uncertain"; on 4 (b) there were 49 percent answering "yes," 34 percent "no," and 17 percent "uncertain"; and on 4(c) there were 73 percent who said "yes," 10 percent "no," and 17 percent "uncertain." On question 9 there were 86 percent who said "yes," 11 percent "no," and 3 percent "uncertain."

Of those who classified themselves as farmer-rancher, on 4(a) there were 37 percent answering "yes," 49 percent "no," and 24 percent "uncertain"; on 4(b) a total of 55 percent said "yes," 21 percent "no," and 24 percent "uncertain"; and 4(c) found 64 percent answering "yes," 10 percent "no," and 26 percent "uncertain." On question 9 there were 72 percent answering "yes," 18 percent "no," and 10 percent "uncertain."

An interesting category was the teachers on question 11. On 11(a) there were 37 percent answering "yes," 38 percent saying "no," and 24 percent "uncertain"; on 11(b) there were 63 percent answering "yes," 18 percent "no," and 19 percent "uncertain"; on 11(c) there were 48 percent answering "yes," 34 percent answering "no," and 18 percent "uncertain"; while on 11(d) there were 66 percent of the teachers answering "yes," 8 percent "no," and 32 percent "uncertain." These returns indicate that the teachers themselves are divided on the subject of Federal aid to education and a large majority feeling that if any such program is instituted there should be a tax levy to cover the cost.

Let's Not Strangle Our Poultrymen

EXTENSION OF REMARKS
OF
HON. WILLIAM E. MILLER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 29, 1960

Mr. MILLER of New York. Mr. Speaker, some 20 bills have been introduced in this House that would have the effect of strangling many of the poultrymen of my State and the rest of the country in a chicken-wire labyrinth of Government controls.

The sponsors call these bills the Family Farm Income Act of 1960 but I have a feeling their definition of income and the definition the free farmers of my State place on income are quite at variance.

Poultrymen have repeatedly resisted attempts to impose Government production control on their industry. These bills provide for such controls whether the poultrymen of my State want them or not. If two-thirds of the poultry producers in the Nation decided they wanted regimentation by government, it wouldn't matter what the local and regional wishes of large numbers of poultrymen, hatcherymen, feed suppliers, processors, marketing agencies, and consumers thought was best.

For instance, the act specifies a price target for eggs. At present, in order to achieve this target, about 50 percent above current levels, egg production would have to be cut back 40 percent on a farm-by-farm, producer-by-producer basis.

The poultry industry, by resourcefulness and ingenuity, has greatly expanded its market. The industry has greatly increased the consumption of poultry meat and of eggs by putting on the market a high-quality product at a reasonable price. By so doing, the industry has greatly increased its own income and much improved the diet of the American consumer.

The proposal in the family farm income bill would turn back the clock and put this industry on the basis of scarcity rather than abundance. It would curtail the income of the industry, reduce the quality of the American diet, and increase the costs of doing business. All of this would be contrary to the often-stated preference of the people in the poultry industry themselves.

It is clear that those who framed the family farm income bill of 1960 were either unaware of the facts regarding this industry, or they have deliberately set about to regiment a group of people who have steadfastly adhered to the principle of freedom and responsibility.

Why We Must Abolish the Army, Navy, and Air Force

EXTENSION OF REMARKS
OF
HON. BYRON L. JOHNSON
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 29, 1960

Mr. JOHNSON of Colorado. Mr. Speaker, at the time the Congress presumably unified the Armed Forces to get rid of duplication it achieved something else. It got triplication and quadruplication instead of unification.

Our colleague from Connecticut—Representative FRANK KOWALSKI, a retired U.S. Army colonel with 33 years of continuous service as infantry commander, battalion and regimental commander, Chief of Training, G–3, European theater, and later Deputy Military Governor of Japan under General MacArthur, first commandant of the Army Command Management School until his retirement in 1958—has written an excellent statement of the case for true unification. I have found both junior and senior officers of the Armed Forces, as well as numerous enlisted men, firmly convinced that only a complete unification will be adequate to meet the needs of the American people for a unified defense force. The next President, whatever his name, will certainly want to reexamine the organization of the Department of Defense.

I believe that Congressman KOWALSKI has made a brilliant contribution to this reexamination, not only in his bill, H.R. 9874, but in an article appearing in the April 1960 issue of True, written in cooperation with Martin L. Gross, which I commend to the attention of the Members. He writes:

WASHINGTON, D.C.—If war should erupt tomorrow, the Army's crack airborne divisions at Fort Bragg, N.C., and Fort Campbell, Ky., are poised and ready for combat anywhere in the world on 2-hour notice. There is only one drawback; they don't have enough planes.

Repeated Army requests to the Air Force to equip these units with transport planes have been turned down, as have their pleas to at least earmark specific planes for emergency call. According to testimony before the House Appropriations Subcommittee, the planes available now could airlift only one of the three strategic divisions.

To the Army, the additional planes would mean the difference between a crippled outfit and a fully integrated fighting force; the Air Force, however, sees the Army request as an attempt to usurp their hard-won status as an independent service. This Army-Air Force battle is, at present a stalemate.

This type of pettiness between the armed services has contaminated almost every aspect of our defense structure, from budget to Reserve training, supply, missile warfare, and even air defense. In fact, the independent existence of our three major fighting forces—the Army, Navy, and Air Force—has created a meaningless miasma of waste, rivalry, inefficiency, and duplication that is uselessly devouring a huge chunk of our $41 billion defense budget, and could eventually destroy us.

In the Mediterranean area, which I visited last summer, the Navy has built two air bases of its own—Rota Naval Air Base in Spain and Port Lyautey in Morocco—while several Air Force bases in the sector, equipped to handle the same planes, are often half used. In fact, one giant base in Morocco is completely deserted.

Not long ago, the Air Force initiated a frantic and expensive campaign to recruit and train fighter pilots for air defense, while at the same time the Navy and marines were discharging some of their trained pilots as part of a reduction in force.

The waste, in men and money, is often patently ridiculous. At the Middletown air materiel area, the Air Force had accumulated $8,400,000 of excess helicopter parts, which they planned to sell off as surplus at a fraction of the original cost. Meanwhile, the Army was placing new orders for the same parts, with the same manufacturer, for the same model helicopter. Only the fortunate interference of the General Accounting Office helped salvage part of this amazing fiasco.

In the missile field, after wasting half a billion dollars and perhaps a year's time by producing duplicate IRBM's—the Air Force Thor and Army Jupiter—we have now learned that, desipte the well-meaning last minute intervention by the Defense Department, not even the rocket engines are interchangeable.

During the development of the rockets, according to congressional reports I have secured, both the Air Force and Army hoarded scientific information from each other almost as scrupulously as from the Soviets. When the Defense Department ordered the rocket engines made by the same contractor (the Rocketdyne Division of North American Aviation) the two services jealously insisted on making individual minor design changes. The contractor was simultaneously—and expensively—making two different rocket engines for the Government for the same job.

Neither are the men interchangeable. Now that operational control of the Jupiter has been shifted to the Air Force, trained Army missile artillerymen at Huntsville, expert in Jupiter firings, have been replaced simply because they wear the Army's olive green instead of the Air Force's blue.

And, to take an even more ridiculous example, the Air Force is now claiming that Air Force personnel should be stationed aboard the Navy's new ballistic-missile submarines in order to shoot off the Polaris missile. "Anything that flies belongs in the Air Force" seems to be their theory.

Another scene of the interservice battle is Fort Hamilton, an Army base in Brooklyn, where duplication is costing the taxpayers a cool $10 million a year. Four hundred soldiers, 50 officers, and 400 civilians operate the fort for the sole purpose of processing Army men coming in and leaving the country by air—a job which was already being done efficiently for the other services at McGuire Air Force Base in nearby New Jersey.

In addition to paying for the useless Hamilton; the Government is also forced to maintain a special Military Air Transport lounge at Idlewild ($18,000 a year) for these men, bus service from Hamilton to the airport, and a duplicate force of 23 airmen at Idlewild to reprocess this separate Army shipment.

The Army's arguments for this $10 million pork barrel are transparently thin—the lack of sufficient transient space at McGuire (even though Fort Dix is next door) and the statement that Air Force doctors do not require medical exams prior to takeoff, while the Army does. Even a former commanding officer of Hamilton recently told me that he considered the fort to be a complete waste of money and manpower.

During the last 3 years, the three services have avariciously fought each other for the lion's share of almost $200 billion spent in defense funds—each firmly convinced that the Nation would be completely secure if only their individual projects could be accomplished.

The combined result of their efforts is easy to state, but difficult to swallow: (1) an ill-equipped miniature Army of 14 divisions; (2) a Navy—whose only modern weapons are a few nuclear-powered submarines—weighted down with the outmoded concept of surface ships and outnumbered 4 to 1 by the Soviet sub fleet; and (3) an Air Force of relatively slow SAC bombers vulnerable to fighter plane and antiaircraft attack, and 40 exposed SAC bases lacking even a system for keeping bombers in the air around-the-clock.

Our meager supply of ICBM missiles (three at this writing) are stretched skyward at Vandenburg Air Force Base in California unable to fire without a 15-minute leadtime and vulnerable to a nuclear hit even a hundred miles away. "Hard" (concrete-emplaced, underground stored) solid-fuel ICBM's are still years away, even though we have already sunk billions into the missile program.

The answer to the riddle of how to extricate the world's leading power from so mismanaged a defense picture—an answer that unfortunately has vociferously been blocked by certain nearsighted admirals, generals, powerful lobbyists for retired officer groups, administration leaders, and even some Congressmen—is the complete unification of our three services into one U.S. Armed Forces, with one job and one uniform.

I have recently introduced a House bill, H.R. 9874, that will eliminate the three services and reorganize the new Armed Forces along the lines of "function" instead of the outmoded concepts of land, sea and air, which have become ridiculous in an era of missile-launching submarines and paratroop infantry.

In dollars and cents, I believe full unification could mean a saving of $7 billion a year—a straight 15 percent of last year's $46 billion defense expenditure.

"The interservice rivalries are worse than before," the head of the Defense Appropriation Subcommittee recently commented. The reason, one of the best arguments for unification now, is the shameless battle for the defense dollar and control of sophisticated weapons—part of each service's strategy to make themselves indispensable, and immune to destruction by the others.

As a result, instead of three services, we have more like a dozen, each with its own costly overhead. Each service flies combat planes, each has missile arms, and the prime offender—the Navy—has its own surface fleet, its own missile service both above and under water, its own army (the Marines), and its own Air Force, both land and sea based.

My bill will unite these diverse groups into one, with branches logically organized according to jobs that have to be done. One of the two major branches would be planning, staffed by professional military planners trained from college on. They will develop military plans for the entire Armed Forces on every level for today, 5, 10, even 25 years ahead.

The second branch would be combat, in charge of the operations of all field units, whether they are surface vessels, land troops, or ICBMs. Assisting these two major groups would be seven military agencies—Research and Development, Training, Personnel, Procurement, Transportation, Service, and Inspection, all of which might be incorporated into a third major group support.

In a typical military situation—air defense, for instance—the planning group would determine what was required in terms of men, weapons, and strategy. Research and development, in coordination with procurement, would have the weapons designed and built. Personnel and training would provide the skilled men who, together with the weapons, would then be delivered to combat for operational use.

Compare this with the circuslike squabble between the Air Force and Army that is now fouling up our weak air defense capability; a power struggle that vividly dramatizes the tragic failings of our present military organization. Air defense has historically been divided between Army antiaircraft and Air Force fighter planes. However since missiles have replaced both of these techniques, both services have been building parallel antiaircraft missile systems that have thus far cost us $3 billion and have still not provided us with proper air defense.

The still-unresolved tussle revolves around the Air Force Bomarc, an expensive, long-range (400 mile), quick-firing (30 missiles in 2 minutes), 2,000-mile-per-hour ground-to-air missile, and the Army's Nike-Hercules,

a shorter range (75 miles), relatively inexpensive, but slower firing (one-third of a squadron in 15 minutes) weapon. At the height of the fight, the opposing contractors—Western Electric for Nike, and Boeing for Bomarc—took full page newspaper ads on the virtue of their system, while the services slugged it out in congressional halls. The Army sent Congress a strong memo while the Air Force leaked the top secret—and unfavorable—results of a Nike-simulated-combat test.

A controversy that would have been settled in planning in a unified service has now split the U.S. Congress and even reached the White House. The Senate Armed Services Committee recently declared that the Nike was virtually obsolete, while the House decided that the Army plan was cheaper and slashed the Bomarc budget. The dilemma was thrown into the lap of the President who has announced a now common, but potentially dangerous military compromise—a little of each.

Service bickering touched the ridiculous recently when Army suggestions to build the $10 billion Zeus antimissile missile were pooh-poohed by the Air Force as visionary—only to have a top Air Force general back the Army's argument. Lt. Gen. Laurence S. Kuter, Air Force head of the North American Air Defense Command, states that he has an urgent requirement for the Army's anti-ICBM Zeus, and has asked the Pentagon and the Joint Chiefs to reverse their stand against developing the weapon.

The missile war between the services points up the gain unification would make by creating a single research and development division, headed either by a civilian or military man. (In the new Armed Forces I am proposing, only combat and training groups need be uniformed military men.) R. & D. is a $14.5 billion a year weapons business, spurred on by private contractors who supply 70 percent of the weapons ideas and who help the competing services multiply the number and duplication of projects.

The waste is monumental. According to the House Committee on Government Operations, $2.3 billion was spent last year on antiquated weapons projects. Services start, then phase out before completion, projects that probably would never have been initiated under a unified R. & D. setup—follies like the quarter-of-a-billion-dollar Navy jet seaplane, the P6M. Its sole memorials are six delivered airplanes and a $12 million base in North Carolina.

Recently the Air Force and Navy eliminated overlapping projects to develop high energy boron aircraft fuels—after spending $232 million. At the same time, the Air Force was being refused—on the grounds of economy—an equivalent amount needed to keep 66 SAC bombers in the air around the clock to prevent total destruction of our retaliatory forces while still on the ground.

A single efficient procurement and supply department, instead of our present three agencies, would save more millions. Twenty-six recent contracts of the Navy and Air Force analyzed by the General Accounting Office showed Uncle Sam had been overcharged $42 million. In the Air Force cases, the Accounting Office placed the blame at their procurement group's "inadequate analysis of contractor's figures" and a naive tendency to accept their word for fact.

The mere existence of separate supply agencies, reluctant to talk to one another, has created some ludicrous examples of not only duplication but even hoarding of supplies. In one case the Navy was able to ship JP-4 fuel from Perth Amboy, N.J., to Florida while the Air Force planned a shipment of the same fuel from South America to New England. When they learned of the comical situation they attempted to make an exchange, but negotiations finally broke down. The two ships sailed in opposite directions on a $33,000 nonpleasure voyage for the American taxpayer.

The lack of liaison is unbelievable. Once when the Federal Government was disposing of a mass of hacksaws and frames at a fraction of cost the Navy was buying thousands of new hasksaws from the same manufacturer at full price. Army supply then graciously repeated the incident, this time with hammers. In addition, each of the services insist on minute differences in "specs," even on such things as folding chairs, needlessly raising the cost for all.

A new byproduct of the supply snafu has been a tendency by the services to hoard—to buy more than they need as a possible hedge against lean budget days for their branch. A Department of Defense survey of supply management recently found that inventory of general items was "long" by 34 percent—or $100 million worth. There is an overlap in distribution patterns, duplicate items stockage, and cross backhaul, the report states unemotionally.

Two dramatic cases of hoarding were uncovered. The Air Force promptly canceled $46 million in contracts when millions of dollars in excess electronic equipment were found in four supply bases, including ones in San Antonio and Oklahoma City. The Navy was found "collecting" a surplus of 793 spare aircraft engines, at a cost of $68 million, yet they had orders in for 204 more.

To their credit, the Defense Department has recently attempted to make the services coordinate their supply efforts—but without success. As of today, only 20 percent of our defense needs are being supplied through centralized procurement.

Unfortunately, the waste can be tallied in more than money and missiles. Our lack of unification has been equally harsh with vital manpower, often doing the same job in three different services.

In all, I estimate that total unification of the services would release 500,000 "duplicate" and useless servicemen who could make up the enlarged muscle of a single fighting force.

In post offices and stores throughout the country 7,000 recruiting personnel from four services (counting Marines) are doing a job 2,000 could handle in a unified service. Thousands of more men operate three entirely separate communications networks in Europe, Africa, and the Mediterranean. The Navy, when queried by me on this, merely stated that they "were studying it."

I have received letters from our security agents, especially CIC men in Japan, complaining that they were doing the same work—often on the same case—as Air Force Intelligence. The reserve situation is equally befuddled. Each service maintains staffed but only partially used armories and reserve training centers in almost every major city—instead of a single civilian training facility.

In Europe, I visited large hospitals for servicemen and their dependents, each operated by separate services with its own administration—and each ultimately headed by a different two-star surgeon general and his staff in the Pentagon. The waste of trained enlisted men and officers in the administration of three separate transportation, judge advocate, special services, engineers, ordnance, finance, and other groups, is virtually unbelievable.

If unification is so desirable, why hasn't it been accomplished heretofore? The answer, I believe, is the false confidence the Nation has gained from a series of phony plans in the name of unification. One of the greatest obstacles has been the creation—and failure—of the Joint Chiefs of Staff idea.

"It seems quite apparent in this regard," says a House Committee on Appropriations report, "(that) the Joint Chiefs of Staff, as a corporate body, is not providing the kind of advice and leadership which this country requires." Gen. Maxwell Taylor, former Army Chief of Staff, reiterates this, pointing out the Joint Chiefs spend much of their time in useless and wasteful fighting for their individual services.

My unification bill, by eliminating the separate services, dissolves the Joint Chiefs. Instead, the Secretary of Defense, a civilian, will be aided by a deputy secretary chosen from among the Armed Forces and limited to a 4-year term. Their council of war will be made up of the chief of planning, the chief of combat, and either the chief of support or any of the seven chiefs of the supporting groups—training, procurement, transportation, R. & D., service, personnel, inspection—whose advice is needed.

The chiefs of combat and training will necessarily be commissioned officers, but all other chiefs may be career civilians with years of experience in their specialty. All chiefs shall be appointed by the President, with the consent of the Senate, and shall serve 4 years unless reappointed. The combat chief, however, shall not be reappointed. All deputy chiefs shall be chosen from the ranks of commissioned officers.

In my bill I have carefully avoided the establishment of a single, all powerful Chief of Staff as proposed by General Taylor and other fellow critics of our military organization. Not only is it uncalled for in a single service dominated by a Secretary of Defense and chiefs of functions—but we should be wary of creating a potential "man on horseback" who might overshadow the President and possibly seize power in an emergency.

Specialization will be a key factor in the new U.S. Armed Forces. Unlike World War II when, according to a Pentagon-supported study, "The Ineffective Soldier," whole divisions were lost because of misuse of skills, the new service will train men in a specialty and try to keep him there with proper incentives. Although combat and training groups will be uniformed, career civilians will be used whenever possible—especially since they ultimately cost less, are often better trained, and can have a lower turnover rate.

Interservice fights, now the bane of our system, will be eliminated. Strategy conflicts—say between air-to-ground missiles and conventional nuclear bombs—will be decided by the Chief of Planning, while operational clashes will be arbited by the Chief of Combat. To them it will be an objective military problem, not an emotional defense of a partisan service viewpoint.

"We'd be better off if we all wore the same uniform," Vice Adm. Hyman Rickover, father of the atomic submarine, reportedly stated. I concur and will suggest to Congress that a unified service be outfitted in a single new uniform, a symbol of the discarding of old loyalties. We should also eliminate two other divisive elements, the separate promotion lists and the separate service academies. The present promotion system makes it imperative for an ambitious young officer to agree with his service viewpoint, even if he is not convinced it is in the national interest.

The three service academies—West Point, Annapolis, and Colorado Springs—should properly be campuses of the same Armed Forces Academy. New traditions, common to all three, should be developed and the curriculum of future officers revamped from its archaic emphasis on naval boiler-room engineering or the strategy of General von Clausewitz. Whenever possible we should use civilian campuses to train cadets in electronics, geopolitics, business administration, and missile engineering.

In my 33 years of Army service, I have spoken to hundreds of career men who agree on the urgent need for total unification. Public opinion polls show the majority of Americans have a similar viewpoint. Yet all unification attempts have been thwarted—mainly by a skillful clique of men that centers around the U.S. Navy. After playing such an important role in World War II, the tradition-laden Navy is deathly afraid they will be overpowered under full unification and loose control of the Marines and Navy air groups.

Former head of the Joint Chiefs, Admiral Radford, was an outspoken foe of unification, and current attempts to block unification are being aided by powerful lobbyists including the Navy League, a pressure group of retired naval officers and businessmen, and by a group of powerful pro-Navy Congressmen on key committees.

Back in June 1941, a proposal to unify the services because of impending war was vigorously opposed by the Navy. In 1944, the Richardson Committee recommended one Defense Department with a general staff and a single commander, but it was vetoed by Admiral King, then Joint Chief of Staff, despite support by the Army and Air Corps. Since then, the Navy stand on unification has not varied.

There have been a series of paper reforms drafted since World War II, which have actually delayed effective unification. In 1956, the Military Air Transport Service was ordered to become the central transport group for all services. But today, the Navy, SAC, and others still run their own transport planes.

In 1958, Congress—at the President's request—passed the Defense Reorganization Act which reshuffled some of the Pentagon chain of command and further entrenched the Joint Chiefs. During 1959, when the act was supposed to reduce interservice squabbles, fights like the Bomarc-Hercules tiff ranged louder than ever before. These have undoubtedly been honest attempts to improve the situation, but I believe time has shown that patchwork reforms only further delay the creation of a unified Armed Forces.

Eliminating the Army and Navy—gallant services that have existed since the founding of the Republic—is not a trivial task. But replacing them, and the Air Force, with a single modern integrated fighting force—stronger and larger and richer at its very birth than its combined predecessors—may well be the one stoke of action that will insure our Nation's survival.

We Challenge the Future With the Lessons of the Past

EXTENSION OF REMARKS
OF
HON. HOWARD W. ROBISON
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 29, 1960

Mr. ROBISON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following speech which I delivered at the dinner meeting of the board of governors of the New York State Association of Young Republican Clubs, Saturday, March 26, 1960, at the Sheraton Inn, Binghamton, N.Y.:

WE CHALLENGE THE FUTURE WITH THE LESSONS OF THE PAST

It is a distinct pleasure and privilege for this middle-aged Republican to be asked to speak to this fine gathering of young Republicans from all over the Empire State. The abundance of enthusiasm and spirit that is evidenced here tonight bodes well for the cause of Republicanism in this crucial presidential election year as well as for the future.

It is my understanding that this year also marks the silver anniversary of the young Republican organization. My congratulations to you. Seldom has a fledgling political organization come into existence with less favorable prospects than did yours. Twenty-five years ago, the New Deal and the man who was its chief symbol were indeeed riding high. It even looked for a time—when "as Maine went so went Vermont"—as though the Grand Old Party might be headed for extinction. Happily, however, that did not come to pass and one of the salient reasons why it did not was the tenacity and dauntless enthusiasm of those early young Republican founders and members who nurtured this organization into the thriving operation it now is. By their example, they proved to their elders that there was still plenty of life left in our party, plus the resiliency to come back again and again despite repeated maulings by F.D.R. and the divergent groups he managed to hold together within the Democratic Party.

Now, as you young Republicans pass your 25th birthday and move into your second quarter century, your Nation is also entering into a new decade—one that promises to be even more changeable and challenging than the last. In a few months, we Republicans will be asking the people to give our candidate for President a new 4-year lease on the Executive leadership of this country, and to return the Federal legislative processes to Republican guidance. I do not think it out of place to say that the very survival of this Nation may well depend upon the success of our appeal.

The major challenge confronting us today is, of course, the persistent and relentless drive of communism toward an unchanged goal—a Communist-controlled world. This threat is real and formidable. It encompasses all fields of human endeavor. It is military, political, economic, and psychological.

Last fall the chief spokesman for the Soviet Union boldly and brazenly presented the nature of this challenge to us as one would throw a gantlet at a rival's feet. His words were backed by the force of some rather spectacular achievements. This experience undoubtedly served to help shake all of us out of a mood of something closely akin to apathy, and to replace such a mood with one of critical self-analysis, in a too-long-delayed attempt to find out not only where we stood, as a nation, but whither we were going.

Although the first half of that double-barreled question should be the easiest area in which to find common agreement, one will find considerable difference of opinion even as to where we are. From a purely materialistic standpoint, it would seem as though we are in a rather enviable position.

As a people, we have more of almost everything than anyone else, whether we are talking about bathtubs, telephones, or even debts, both public and personal. From a spiritual standpoint, however, I have confessed to a considerable sense of uneasiness, along with many others, when such vexing problems as racial discrimination and juvenile delinquency are viewed by far too many Americans as things we can worry about tomorrow; when the philosophy of a womb-to-tomb security has quite common acceptance as a proper national goal, and when many of our citizens seem more interested in television scandals and tailfins than in such obvious essentials as education and scientific and medical research.

And yet, for all of the more obvious defects that may exist in our way of life, America, with less than 7 percent of the world's population, is looked to for protection, aid, and leadership by almost every other nation on earth—both inside and outside the Iron Curtain.

In 1858, Abraham Lincoln referred to America as "the last, best hope of mankind." If that was true a century and more ago, what would Lincoln say today, as he would see, with us, the growing threat of communism, a billion people under the iron heel of Communist oppressors, and the ravages of socialistic experiments in Great Britain, France, and Italy, to say nothing of the United States.

It is human to pause in gratitude for the blessings that have flowed from our American heritage. In some 183 years, we have managed to attain a greater degree of freedom and a higher standard of living for the great mass of our people than was ever dreamed possible in 10,000 years of recorded history. Our wealth and our industrial capacity have been the deciding factor in two world wars, though other nations have had as much or more territory, and many nations have had greater natural resources.

What, then, caused this miracle that has been America?

I believe it was due to the vision of the men and women who founded this Republic, and to the free enterprise system of government that they created—a republican representative government unique in all history. Regardless of the commonly accepted definition of a liberal today, I also believe that those early geniuses were the true liberals of the ages—that they were as God inspired as the prophets of the Bible, and that their concepts of Government are as true and as binding today as they were in 1776 and 1789.

Is there an epoch in human history more inspiring or more intellectually absorbing than that in which freedom was launched in our American experiment? Through it we broke the authority of the church over the state, and kept the human mind free to find its own approach to God. We denied the right of the state to tax without the consent of the taxed. We drew a fine line of distinction between the freedom of the individual and the authority granted to his chosen representative. "Freedom is to be a slave to nothing," was the overzealous ambition of the Founding Fathers. Out of it all we set about to place in the hands of Government a minimum of power, and authority only to establish rules of the road over which we were to travel. In no case did we consent to become slaves or wards of Government. The very heart of our delegation of authority was limited to the "consent of the governed." We were consciously concerned with that critical point where our representatives might take over the authority vested only in the voters. This was, in truth, an obsession in the minds of the men who fashioned the Articles of Confederation, and later the Constitution itself. "That government is best which governs least," and "the closer government stays to the people the better the government," was the epitome of their plan, and in their minds such a premise was strong enough to endure the test of time.

These things, plus a belief that individual responsibility is a corollary of individual freedom, are our heritage, and now is a timely moment to stop and ask ourselves if we are worthy of it.

These concepts of government brought to our shores men and women who wanted opportunity rather than security. They still do, even though to many Americans our heritage has become only a cloak of respectability and decency which we wrap around our frailties and our selfishness. These concepts of government, together with the incentive for a man to retain for himself and his children, in the Horatio Alger tradition, the wealth he created, brought forth this hitherto dynamic society of ours and opened new horizons for civilization. They can continue to do so, unless we forget that such ideals, if not zealously maintained, will drift into impotence or even destruction.

The ironic fact today is that we Republicans who would hold fast to these principles—truly the most "liberal" in history—are frequently labeled "reactionaries" by self-styled "liberals"; whereas many of these "pseudoliberals" are diametrically opposed to most of the basic concepts of Washington, Jefferson, Franklin, and the other Founding Fathers.

It is no coincidence that during the past 26 years of which 22 have seen the Democratic Party firmly in control of Congress, we have traveled back a long way toward European paternalism and collectivism, and the farther we travel that road the more impossible it becomes to turn back.

I see this reflected in many of the letters I am receiving from my own constituents, even though they are, I think, by tradition more conservative in their thinking than people from many similar areas. Taken by and large, it seems quite obvious that to more and more of our citizens Uncle Sam is taking on what a psychologist would call a "father image"—that, to them, our Federal Government should be, and was meant to be, not only the "great protector" but also the "great provider." Riding the crest of this trend, the Democrat majority in this, the 86th Congress, is striving to further expand such a governmental role into areas wherein, no matter how acute the seeming need, we would be creating new Federal responsibilities. I am thinking here of such things as Aid to Depressed Areas; Federal Aid for Education, not just for construction purposes where there is a demonstrable financial need, but for across-the-board construction and even, perhaps, to subsidize teacher salaries; acceptance of the responsibility to pay hospital, surgical, and nursing-home costs for social security retirees, and so on. To the proponents of such legislation, the idea that private enterprise or local government has either the incentive or the capability to solve any of such problems is unthinkable.

At the same time, in the field of business, that same Democrat majority seeks to further push the long nose of Government into new areas of decision and control. I am thinking here of such things as a broad extension of minimum wage-and-hours laws far beyond the original intent and meaning of the "Interstate Commerce" clause of the Constitution, establishment of Federal standards for unemployment insurance which responsibility more appropriately belongs to the several States that are cognizant of their own local conditions, and so on. It is as if the proponents of such legislation have forgotten what our forebears knew so well: That any government can become a dictator, not just an umpire, when it tries too hard to control our lives.

Many of the decisions that this and future Congresses will be making will be motivated by a desire to insure our survival—not only our physical survival in this Atomic Age, which is a story in itself—but our economic survival, and by a desire to "guarantee," as if that were possible by governmental dictate, a rate of economic growth that will exceed or outstrip that of the enemy that has boasted it will "bury" us.

Now survival is not a partisan issue but it is up to the people to decide which of the two approaches toward that goal offers the best hope of long-lasting success. In considering such a decision, I submit that the people should take note of the fact that, while we used to refer to ourselves as a free people, we now customarily refer to ourselves as a free Nation. This must mean that, without even realizing it, we have been taking incentive and freedom from the individual and nationalizing those qualities, in a selfish effort to meet our wants as well as our needs, in what may well prove to be a vain grasping for security rather than survival.

The difference between the two major political parties, although blurred at times in military or foreign policy areas, has never been more apparent that it is on this particular subject. I have briefly mentioned the Democratic approach. The Republican Party, on the other hand, stands four-square behind the proposition that this Nation's greatness has come, and can only continue to come, from the tremendous God-given strength in each of us that is unlocked when a man is his own master, reaching for his own destiny, with the opportunity to move constantly toward a better life. To restore the American principle of individual and community incentive and thus to mobilize that strength for the Nation's good is the Republican road to a stronger America.

In a sense this means that we must urge the people to consider the Nation's need for a concept of self-denial, something that, admittedly, has no more political appeal than does a snowball in this community that has seen altogether enough snow to last it until next winter. But aren't you growing a little tired of watching too many of the various segments of our economy, of late, led to the top of "Democrat hill" and shown the "promised land" which will be theirs—at the expense of every other segment of the economy—if only they will vote right next November?

There are side aspects of this Democratic approach that likewise cause me concern. During my 3 years in Congress I have seen very few of my Democratic colleagues from areas other than the South who seem to have the slightest awarness of the fact that our national debt is in the neighborhood of $300 billion and that other built-in obligations of the Federal Government, which will fall due automatically in the not-too-far-distant future, boost that indebtedness to close to three-quarters of a trillion dollars.

And yet how can any legislator who calls himself responsible ignore the fact that the interest on that public debt alone now amounts to over $8 billion a year—a sum greater than all the income that came into the Federal Treasury as late as 1941 and all Federal expenditures as late as 1936.

In seeking to promote economic growth by the magic of massive injections of Federal moneys into our economy, as most of these same Democratic colleagues of mine say they are willing to do at the risk of creeping inflation, they seem totally unaware of the historically proven fact that inflation is like an opiate that, in its early stages, may produce a sense of well-being and prosperity but, like any other drug, also requires increasingly large dosages to produce the same stimulation and, after continued usage, produces moral decay, social injustice, and eventual economic stagnation. One of the better examples of that sort of social injustice is cheerfully ignored by those who now promote the extension of hospital, surgical, and nursing home benefits through the social security system for a minority of our senior citizens, as if that was the sole problem those citizens face, when, in fact, their real problem is how to maintain any sort of a decent standard of living in the face of increasing costs not only for those items but for housing, food, clothing, and a modicum of entertainment, under the damper of steadily higher tax rates, Federal, State, and local. Of course, there is a genuine crisis in providing health services to retired persons, but, in treating that alone, we would be seeking only to alleviate one of the many effects of deficit financing rather than trying to diagnose and cure the cause thereof. It's a little like taking aspirin for a cold—the cold sufferer may feel better for awhile, but he still has his cold.

That same Democratic majority in Congress also clings to the obsolete failure of a grim fairytale that is our farm-subsidy program, under which the American taxpayer shells out over a million and a half dollars every day just to store our harvests of insanity, because to eliminate it and liberate the farmer might be a costly political action.

Did you know that, under this wasteful hodgepodge, your family and mine each owns surplus products worth an estimated $233.33, including 60 pounds of cotton, 14 bushels of wheat, 21 bushels of corn, 300 pounds of grain sorghum, a fifth of a pound of tobacco, a peck of soybeans, 4 pounds of resin, nearly 5 pounds of assorted dairy products, and 1½ pounds of shelled peanuts?

So you see, the more we lean on Uncle Sam, the greater the habit becomes. All of our Federal programs to "help" someone, or to meet a need that is more fancied than real, start small and end big, and the bureaus set up to administer them multiply like rabbits and are even harder to kill off.

These are but a few examples of the signposts along the road that we have been following under Democratic guidance since the organization of the Young Republicans 25 years ago. To a considerable extent, each of us, through our own apathy and selfishness may have contributed to our movement down that road, but with courage and sacrifice for the things we believe in we can still reverse our direction.

We can help America reject self-indulgence and demand self-sufficiency.

We can help America return to those principles of thrift, industry, incentive, and person-to-person charity which conquered this once hostile continent and made America the goal and the beacon-light for all free men and women, everywhere.

This is your challenge as well as mine. As interested and spirited young Republicans it will be your job to carry a portion of the campaign for Republican candidates this fall. The aid of your feminine members can be most effective not only because they are the best salesman our party has, but also because, for the first time in our history, the women's vote perhaps will outnumber that of men.

This will be a soul-searching year of debate and decision for all Americans. The future of this Nation belongs to you, even as does the future of this party. You will play a great part in shaping both.

Near the beginning of my remarks, I gave you a quotation from Lincoln. I would like to close with another. In an earlier time of decision, not unlike that we now face, he said to the Americans of his day: "It is your business to rise up and preserve the Union and liberty for yourselves, and not for me. I appeal to you again (he said) to constantly bear in mind that not with politicians, not with Presidents, not with office seekers, but with you (the people) is the question: Shall the Union and the liberties of this country be preserved to the latest generation?"

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PROCEEDINGS AND DEBATES OF THE 86th CONGRESS, SECOND SESSION

SENATE

WEDNESDAY, MARCH 30, 1960

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

Archbishop Iakovos of the Greek Orthodox Church in North and South America offered the following prayer:

Blessed be the name of the Lord, now and evermore. Amen.

God of our fathers and of all nations, Governor and Lord of the universe: It is to Thee that we offer our petitions and supplications at all times. Inspire, we beseech Thee, and illumine the minds and the hearts of our Senators, so that they may perceive in clarity and in its fullness Thy will, and may conform themselves and their will to Thine. Guide them through the political and spiritual confusion of our times, lest they fall short of Thy commandments and of the trust and expectations of our people. Fortify them in their continuous struggle for the prevalence of justice and peace at home and abroad. Strengthen them, so that they may act and may legislate in prudence, in wisdom, and in full accordance with Thy statutes and with the Constitution of our Nation. Be ever with them, and enable them to serve our country and our people to the best of their ability and of their judgment.

Omnipotent and omniscient Lord, bless Thou the sessions of this Senate, so that the deliberations herein may be fruitful, salutary, and ever-edifying for the prestige of our Nation, whose trust is in Thee.

For Thou art the Master of masters and the Ruler of rulers, and to Thee we ascribe all glory, honor, and adoration, now and evermore. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, March 29, 1960, was dispensed with.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Pursuant to the order of the Senate of March 29, 1960,

Mr. HENNINGS, from the Committee on the Judiciary, to which was referred the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, reported the bill, on March 29, 1960, with amendments, and submitted a report (No. 1205) thereon.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 128) to establish a commission to formulate plans for a memorial to James Madison.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 80) authorizing the printing of additional copies of part 1 of the hearings on an inquiry into the satellite and missile programs.

The message further announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10233) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes; that the House receded from its disagreement to the amendment of the Senate numbered 26, to the bill, and concurred therein, and that the House insisted upon its disagreement to the amendment of the Senate numbered 1 to the bill.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 8251) for the relief of Tatsumi Ajisaka and others.

The message further announced that the House had agreed to the amendment of the Senate to the joint resolution (H.J. Res. 283) to authorize participation by the United States in parliamentary conferences with Mexico.

The message also announced that the House had passed a bill (H.R. 10683) to provide for the regulation of finance charges for retail installment sales of motor vehicles in the District of Columbia, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 2220. An act to strengthen the Commissioned Corps of the Public Health Service through revision and extension of some of the provisions relating to retirement, appointment of personnel, and other related personnel matters, and for other purposes;

H.R. 24. An act to provide that certain real property of the United States situated in the State of Nevada shall be held in trust for members of the Fort McDermitt Paiute and Shoshone Tribe of Indians of the Fort McDermitt Indian Reservation, Nevada;

H.R. 1540. An act for the relief of the estate of John Steve;

H.R. 2164. An act to reduce the cabaret tax from 20 percent to 10 percent;

H.R. 2740. An act to amend section 2734 of title 10, United States Code, to extend the statute of limitations in the case of certain foreign claims;

H.R. 2849. An act for the relief of Oscar A. LaBranche;

H.R. 4483. An act to amend the act of December 24, 1942 (56 Stat. 1086, 43 U.S.C., 36b), entitled "An act to authorize the Secretary of the Interior to acquire lands or interest in lands for the Geological Survey.";

H.R. 4586. An act to amend section 4021 of the Internal Revenue Code of 1954;

H.R. 5270. An act to authorize the Secretary of the Interior to convey to the Metropolitan Water District of Salt Lake City, Utah, all right, title, and interest of the United States in certain lands located in Salt Lake County, Utah;

H.R. 5301. An act for the relief of Harry E. Nelson;

H.R. 5887. An act to amend the Tariff Act of 1930 to place ground, powdered, or granulated seaweeds on the free list;

H.R. 6023. An act for the relief of William J. Kaiser;

H.R. 6027. An act for the relief of Joseph J. O'Loughlin;

H.R. 6132. An act relating to the rate of tax on the issuance of shares or certificates of stock by regulated investment companies;

H.R. 6136. An act to authorize the sale of certain tribal land of the Lac du Flambeau Band of Lake Superior Chippewa Indians, Wisconsin;

H.R. 6402. An act for the relief of Victor Stiglic;

H.R. 6516. An act to approve a contract with the Conejos Water Conservancy District, Colorado, to ratify its execution, and for other purposes;

H.R. 6885. An act for the relief of Neal E. Andersen;

H.R. 6948. An act for the relief of Miss Marion A. Cramer;

H.R. 7037. An act for the relief of Carl J. Fisher, captain, U.S. Army, retired;

H.R. 7079. An act for the relief of Don L. Herring;

H.R. 7116. An act for the relief of George W. Gibson;

H.R. 7365. An act for the relief of Mrs. Nell C. Player;

H.R. 7447. An act for the relief of Paul Levitt;

H.R. 7636. An act for the relief of Mrs. Viola H. Rooks;

H.R. 7889. An act to require marketing quotas for rice when the total supply exceeds the normal supply;

H.R. 7933. An act for the relief of Mrs. Virginia Bond;

H.R. 8106. An act to provide for the relief of certain members and former members of the Department of the Navy for the expenses of temporary storage of household effects;

H.R. 8318. An act to amend the Internal Revenue Code of 1954 to exempt bicycle tires and tubes used in the manufacture or production of new bicycles from the manufacturers excise tax on tires and tubes;

H.R. 8801. An act for the relief of the Maco Warehouse Co.; and

H.R. 9599. An act to provide transportation on Canadian vessels between ports in southeastern Alaska, and between Hyder, Alaska, and other points in southeastern Alaska, and between Hyder, Alaska, and other points in the United States outside Alaska, either directly or via a foreign port, or for any part of the transportation.

HOUSE BILL REFERRED

The bill (H.R. 10683) to provide for the regulation of finance charges for retail installment sales of motor vehicles in the District of Columbia, and for other purposes, was read twice by its title and referred to the Committee on the District of Columbia.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour; and I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

AUDIT REPORT ON FOUNDATION OF FEDERAL BAR ASSOCIATION

The VICE PRESIDENT laid before the Senate a letter from the president, the Foundation of the Federal Bar Association, Washington, D.C., transmitting, pursuant to law, an audit report of the financial transactions of that association for the fiscal year ended September 30, 1959, which, with the accompanying report, was referred to the Committee on the Judiciary.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. HENNINGS, from the Committee on Rules and Administration, without amendment:

S. Res. 282. Resolution to provide additional funds for the Committee on Appropriations; and

S. Res. 289. Resolution to pay certain funeral expenses of the late Senator Richard L. Neuberger, of Oregon.

By Mr. HAYDEN, from the Committee on Rules and Administration, with an amendment:

S. Res. 294. Resolution extending the time for filing the final report of the Select Committee on Improper Activities in the Labor or Management Field and continuing its authority (Rept. No. 1207).

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNAMARA (for himself and Mr. HART):

S. 3293. A bill to amend section 5701 of the Internal Revenue Code of 1954 with respect to the excise tax upon cigars; to the Committee on Finance.

By Mr. GOLDWATER:

S. 3294. A bill to extend the minimum national marketing quota for Extra Long Staple cotton to the 1961 crop; to the Committee on Agriculture and Forestry.

By Mr. JOHNSTON of South Carolina:

S. 3295. A bill to amend section 6 of the act of August 24, 1912, with respect to the recognition of organizations of employees in the Federal civil service; to the Committee on Post Office and Civil Service.

By Mr. CARROLL:

S. 3296. A bill for the relief of LeRoy Howard Drayer, chief petty officer, U.S. Navy; to the Committee on the Judiciary.

By Mr. ANDERSON (by request):

S. 3297. A bill to donate to the pueblos of Zia and Jemez a tract of land in the Ojo Expiritu Santo Grant, N. Mex.; to the Committee on Interior and Insular Affairs.

By Mr. MAGNUSON:

S. 3298. A bill to confer on the Federal Maritime Board the authority to determine postal rates for ocean mail transportation; to the Committee on Interstate and Foreign Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bill, which appear under a separate heading.)

By Mrs. SMITH:

S. 3299. A bill to provide for the conveyance to the State of Maine of certain lands located in such State; to the Committee on Armed Services.

By Mr. HOLLAND:

S. 3300. A bill to require the Secretary of the Interior to issue new or supplemental patents in certain cases where lands have been classified as nonphosphate in character; to the Committee on Interior and Insular Affairs.

By Mr. GOLDWATER:

S. 3301. A bill to amend the Federal Unemployment Tax Act so as to exclude therefrom service performed in the employment of certain political committees; to the Committee on Finance.

By Mr. LONG of Louisiana (for himself and Mr. ELLENDER):

S. 3302. A bill to amend the River and Harbor Act of 1945; to the Committee on Public Works.

(See the remarks of Mr. LONG of Louisiana when he introduced the above bill, which appear under a separate heading.)

By Mr. KEATING (for himself, Mr. BENNETT, Mr. BRIDGES, Mr. JAVITS, Mr. PROUTY, and Mr. SCOTT):

S.J. Res. 181. A joint resolution providing for the establishment of an Annual Youth Appreciation Week; to the Committee on the Judiciary.

(See the remarks of Mr. KEATING when he introduced the above joint resolution, which appear under a separate heading.)

DETERMINATION OF POSTAL RATES FOR OCEAN MAIL TRANSPORTATION BY FEDERAL MARITIME BOARD

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill to confer on the Federal Maritime Board the authority to determine postal rates for ocean mail transportation.

The determination of the compensation for United States airlines in carrying the mail is made by the Civil Aeronautics Board. In similar fashion the Interstate Commerce Commission determines the compensation of our railroads for carrying mail. These agencies are vested with these responsibilities because it was felt that with regard to U.S. mail transportation, it is proper to place compensation therefor in the jurisdiction of an independent third party rather than leave it unilaterally in the hands of the post office or the carrier.

In regard to ocean transportation, however, there remains a vestige of the old method of doing things, since under present law the Postmaster General has the responsibility for unilaterally determining a fair and reasonable rate for the maritime transportation of U.S. international mails.

The purpose of the bill which I introduce is to vest this jurisdiction in the Federal Maritime Board for ships, precisely as our Government has vested it with the Civil Aeronautics Board for airlines and the Interstate Commerce Commission for railroads.

I request unanimous consent to have the bill printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3298) to confer on the Federal Maritime Board the authority to determine postal rates for ocean mail transportation, introduced by Mr. MAGNUSON, was received, read twice by its title, referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 24 of the Merchant Marine Act, 1920, as amended (46 U.S.C. 880), is hereby further amended by inserting after the first sentence thereof the following: "Fair and reasonable rates and conditions of compensation shall be determined annually by the Federal Maritime Board and shall be paid by the Post Office Department for the carriage of such mails on vessels of United States registry."

SEC. 2. Section 405(a) of the Merchant Marine Act, 1936, is hereby amended by inserting after the first sentence thereof the following: "Fair and reasonable rates and conditions of compensation shall be determined annually by the Federal Maritime Board and shall be paid by the Post Office Department for the carriage of such mails on vessels of United States registry."

AMENDMENT OF RIVER AND HARBOR ACT OF 1945

Mr. LONG of Louisiana. Mr. President, I introduce, for appropriate reference, on behalf of my colleague, the senior Senator from Louisiana [Mr. ELLENDER], and myself, a bill to amend the River and Harbor Act of 1945 to provide for the construction of a high level fixed bridge on Louisiana State Highway No. C-1460 over the Algiers Canal at an estimated cost of $900,000. This bill is being introduced because it it our feeling that the structure it covers is necessary in order to complete the work that was envisioned by the 1945 law.

For some time the question of this project has been studied by engineers in the State of Louisiana and, as a result of these studies, they have arrived at the conclusion that the authorizing legislation for the Algiers lock and canal project, which was adopted in 1945 during the war effort, did not receive the full consideration that it would otherwise have had in peacetime and, as a result, a bridge that was a necessary adjunct to this project was overlooked. It is the general feeling that the United States should assume the responsibility for constructing this bridge.

Prior to the construction of the Algiers Canal, Highway No. C-1460 provided a direct route between the Harvey, La., industrial district and the lower Louisiana coast. This route was severed by the U.S. Government in connection with the construction of this waterway. As the result of this, traffic between the Harvey, La., industrial district and the lower Louisiana coast is forced to detour through the heavy traffic areas to Harvey, La., Gretna, La., and Belle Chasse, La., an average of about 7 miles. If the commodity transported is gasoline or other combustibles or if the vehicle is extra large, it is unable to use the Belle Chasse, La., tunnel and must detour through Algiers, La., an average of about 15 miles. The vehicles from the Harvey, La., industrial district which use the detour are essentially heavy trucks and trailers, which are causing traffic congestion and considerable damage to the highways of the towns and cities through which they are forced to pass.

Because of this and the fact that Highway No. C-1460 previously served and should in the future serve as a direct road between the areas to the left of Harvey, La., the areas served by U.S. Highway 90, and other facilities, the closing off of this road is causing a detour of traffic through Gretna, La., that is further adding to the congestion of this area.

The importance of this highway to the traffic of the area can now be more fully realized than it could at the time that authorizing legislation was passed. It is our belief that this bill should be passed as an adjunct to the 1945 authorizing legislation and permit the construction of the bridge that would have been originally contemplated had this project been undertaken at a time when normal conditions prevailed.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3302) to amend the River and Harbor Act of 1945, introduced by Mr. LONG of Louisiana (for himself and Mr. ELLENDER), was received, read twice by its title, and referred to the Committee on Public Works.

YOUTH APPRECIATION WEEK

Mr. KEATING. Mr. President, on behalf of myself and Senators BENNETT, BRIDGES, JAVITS, PROUTY, and SCOTT, I introduce, for appropriate reference, a joint resolution to designate the week beginning with the second Monday in November as Youth Appreciation Week. I believe by this means we can fittingly honor the overwhelming majority of our young people who are growing into useful and good citizens. We can demonstrate that juvenile delinquents, in spite of all the publicity about them, are very much the exception, rather than the rule, among our youth. We can focus attention on the positive means by which various civic, fraternal, religious, and other groups are helping our young people to mature into fine citizens in these troubling and complex times.

It is particularly appropriate that this proposal be introduced during the White House Conference on Children and Youth. This important conference is the sixth decennial meeting to be called by a President of the United States to consider the needs, problems, and future welfare of the children of this Nation.

Millions of citizens all across the land, representing more than 500 national organizations, State and local committees on children and youth, and 34 agencies of the Federal Government, have answered President Eisenhower's call to action. They are proceeding to pool their information and best thinking, so that this conference, like its predecessors, can produce substantial gains for our young people. I am confident that great progress in charting the future course of our children and youth will result from this convocation of experts and interested parties.

I am, however, somewhat concerned about the means by which the findings and recommendations of the Conference can be followed up. It strikes me that one simple way to give the White House Conference future meaning is each year to set aside a week during which we can pay tribute to our young people and to those who are helping them through their difficult formative years. Youth Appreciation Week represents an appropriate vehicle for doing this.

During its observance, we can strike back at juvenile delinquency, and can show our appreciation for the positive accomplishments of American youth. We can stimulate more active participation of young people and their families in religious and civic activities. We can encourage greater interest in providing wholesome recreational and social activities for our youth, and we can work for freer interchange between adults and young people of ideas about mutual problems.

Mr. President, the task of building fine and useful citizens for tomorrow will not be accomplished solely by conferences, nor will it be completed by yearly observances of events in honor of our young people. But these activities are vital links in what must be a determined and sustained national effort to help our young people as they move forward in our complex world. I feel that the designation of a Youth Appreciation Week, when headlines can tell about the good things our young people are doing, rather than concentrate on the few who go astray, should be an integral part of this effort. I therefore hope this joint resolution will receive prompt and favorable consideration by the Congress.

Mr. President, I ask unanimous consent that the full text of this resolution be printed in the RECORD at the conclusion of my remarks, and that it lie on the table for 3 days, so that other Senators who may wish to cosponsor this measure may do so.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD, and lie on the desk, as requested by the Senator from New York.

The joint resolution (S.J. Res. 181) providing for the establishment of an Annual Youth Appreciation Week, introduced by Mr. KEATING (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

SENATE JOINT RESOLUTION 181

Whereas the great majority of our young people are good citizens living decent, upstanding, honest lives, and contributing generously to the heritage of our Nation and to the home, church, school, and community, and all citizens should show their appreciation to our youth for their positive accomplishments; and

Whereas in order to promote a more active participation of families in family affairs, to stimulate civic organizations and other groups to show publicly their respect for the great majority of our young people who are good citizens, to encourage all communications media to recognize youth through regular and special features and programs, to stimulate greater interest among people everywhere in providing wholesome recreational and social activities for youth, to illustrate the great influence religion has on the lives of young people and to encourage their active participation in religious activities, to encourage parents to rededicate themselves to the responsibilities of parenthood, and to encourage a greater interchange of ideas between adults and young people leading to a broader understanding of their mutual problems: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the seven-day period beginning on the second Monday of November in each year is hereby designated as Youth Appreciation Week, and the President is requested to issue annually a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

DESIGNATION OF DOUGLAS McKAY DAM AND RESERVOIR, OREG., AND JOHN A. BLATNIK LOCK, MICHIGAN—AMENDMENTS

Mr. CASE of South Dakota submitted amendments, intended to be proposed by him, to the House engrossed amendment to the bill (S. 2440) to designate the Green Peter Dam and Reservoir on Middle Santiam River, Oreg., as the Douglas McKay Dam and Reservoir, which were referred to the Committee on Public Works, and ordered to be printed.

CIVIL RIGHTS ACT OF 1960—AMENDMENTS

Mr. ERVIN submitted amendments, intended to be proposed by him, to the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, which were ordered to lie on the table and to be printed.

Mr. CARROLL submitted amendments, intended to be proposed by him to House bill 8601, supra, which were ordered to lie on the table and be printed.

U.S. TRAVEL COMMISSION AND U.S. OFFICE OF INTERNATIONAL TRAVEL—CHANGE OF REFERENCE

Mr. MAGNUSON. Mr. President, on March 10, the distinguished senior Senator from New York [Mr. JAVITS] introduced the bill (S. 3162) to establish a

U.S. Travel Commission and a U.S. Office of International Travel. The bill was referred to the Committee on Foreign Relations.

On February 25 I introduced a bill S. 3102, which has as its principal objective the establishment of an Office of International Travel and Tourism and a Travel Advisory Board. The bill was referred to the Committee on Interstate and Foreign Commerce, and, as a part of our overall foreign commerce and foreign trade study pursuant to Senate Resolution 243, hearings have been scheduled for May 2 and 3 on S. 3102.

Because S. 3102 and S. 3162 have a common purpose—the stimulation of international travel—it has been suggested by the Senator from New York [Mr. JAVITS] that they be considered together. I understand that the distinguished chairman of the Foreign Relations Committee [Mr. FULBRIGHT], in view of the circumstances I have outlined, would interpose no objection to a rereferral of S. 3162 to the Committee on Interstate and Foreign Commerce.

Therefore, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. 3162, and that it be referred to the Committee on Interstate and Foreign Commerce.

The VICE PRESIDENT. Without objection, the Committee on Foreign Relations will be discharged from further consideration of the bill, and the bill will be referred to the Committee on Interstate and Foreign Commerce.

CURRENT NEGOTIATIONS AT CONFERENCE ON DISCONTINUANCE OF NUCLEAR WEAPONS TESTS

Mr. GORE. Mr. President, in their joint statement issued late yesterday afternoon, President Eisenhower and Prime Minister Macmillan have placed in proper perspective the issues of the current negotiations at the Conference on the Discontinuance of Nuclear Weapons Tests. I congratulate them.

Following the submission to the Conference of a proposal by the Soviet Union on March 19, there was allowed to be created the impression that this Russian proposal constituted an acceptance of the U.S. proposal for a limited treaty ban, which was submitted on February 11, and that the only difference between the two proposals was the Russian suggestion of a moratorium on the conduct of small underground tests which would not be banned by the treaty provisions, with the moratorium to run during a period of joint international research designed to improve detection techniques and equipment.

As I stated to the Senate on Monday of this week, that impression was wholly erroneous, because there were a number of basic differences between the two proposals.

Perhaps the most important difference lay in the fact that the U.S. proposal contemplated and was conditioned upon the establishment of an adequate inspection and control system, including specific authorization of onsite inspections. The Russians have thus far refused to accept workable arrangements for an international control agency to accomplish effective inspection, and no change whatever in their position in this regard was contained in their proposal of March 19.

Any treaty prohibiting the conduct of nuclear tests, whatever may be its scope, must include inspection and control provisions adequate to insure verification of the treaty provisions. The inspection and control provisions of a treaty arrangement are far more important than is the question of a moratorium for a specified period on the conduct of small tests not covered by the treaty.

The statement of President Eisenhower and Prime Minister Macmillan recognizes this essential fact, by making it clear that a further moratorium on relatively small underground tests may be in order after a treaty has been concluded on stoppage of nuclear tests in other media and magnitude, with adequate inspection provisions, and upon the establishment and development of a joint research and testing program to ascertain and explore methods of detecting and evaluating nuclear explosions.

By their statement issued on yesterday, the President and the Prime Minister have steered the ship of negotiations back into the channel, by putting first things first. I am gratified that this has been done; and I urge that the negotiations be continued in an effort to reach an effective agreement as an important and essential first step toward peace and disarmament, and in a manner fully compatible with our national security.

Mr. President, one thing more is needed to make the record completely clear and to insure that the American people are fully informed. On yesterday, I sent to the Secretary of State a telegram urging him to make public, in full detail the provisions and qualification of the proposals recently submitted to the Conference by the United States and by Russia. I ask unanimous consent that a copy of this telegram be printed at this point in the RECORD, in connection with my remarks.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

MARCH 29, 1960.

The Geneva Conference on Discontinuance of Nuclear Weapons Tests involves a matter of the gravest importance, not only to the United States but to the whole world. World attention is rivited upon the problem and the position of the respective countries party to the Conference. Unfortunately, the people of the United States and of the world have been only partially informed and in important respects misinformed about the current status of negotiations at this Conference. This especially pertains to the details of the recent Russian proposal as related to the proposal made by the United States on February 11. It is my understanding that there are basic differences between President Eisenhower's proposal, submitted to the Conference on February 11, and the Russian proposal of March 19, aside from the question of a moratorium on relatively small underground tests. Since the official communique from the Conference on March 19 was misleading and since the Russian Embassy in Washington released a partial—and only a partial—text of the Russian proposal and statement, and since no text of President Eisenhower's proposal has been published, I respectfully suggest that in the interest of clarity and public understanding of this vitally important question that you make public the full text of the U.S. statement and proposal of February 11 together with the clarifying questions and answers with respect thereto and also make public the full text of the Russian statement and proposal of March 19 and the clarifying questions and answers with respect thereto of March 19 and March 21.

CIVIL RIGHTS LEGISLATION

Mr. KEATING. Mr. President, last evening the Committee on the Judiciary, in what was approaching the wee, small hours, completed their surgical operation upon H.R. 8601, the civil rights bill which came over from the House of Representatives. Some 15 amendments were adopted. Some 17 were rejected.

The amendments certainly did not do much to strengthen the civil rights of our citizens beyond what the House bill did; but, by all odds, the most serious amendment which was adopted, offered by the distinguished Senator from Tennessee [Mr. KEFAUVER], had to do with the referee proceeding.

In the bill as it originally came over from the House, as prepared and submitted to the Senate by the administration, through the Attorney General, and in the referee procedure set up in that bill, it was intended that after the finding of a pattern or practice of discrimination was made by a court, then there would be a simple proceeding for those against whom discrimination was attempted to be practiced to get their names on the books.

Thereafter the referee who was appointed would conduct his proceeding ex parte. After that was done, there would be a full opportunity for State registrants and others to interpose their case. But the amendment of the distinguished Senator would change the procedure from an ex parte proceeding to provide that the hearing shall be held in a public place and the referee shall give the county or State registrar 2 days' written notice of the time and place of the hearing, and the State or county registrar or his counsel shall have a right to appear and have a transcript made of the proceeding.

I apprehend that the State registrar or his counsel would have considerable to say on this appearance, and it would be very doubtful that more than one person could be registered in 1 day. As I calculate it, if 2 days' notice were required, it would take 400 days to register 200 persons.

In addition to that, to require this action to be held in a public place would be a simple invitation to intervention. We know the reason why Negroes have not voted in some places is that they do not dare to vote, and they do not dare to attempt to vote because of economic and other retaliatory measures. This provision certainly would not help in that case.

The provision would require the registrant to appear in a room, in a public place, with a room full of people, who, even if they said nothing, might, by their demeanor, make it very discouraging to him to endeavor to register.

I do not know what the procedures here will be, but if this amendment is accepted as a part of an original bill, I shall move to strike it out. If we take up the bill and require resubmission of these amendments, and the amendment is offered again, I hope it will be overwhelmingly defeated. I believe no American should be forced to apply for his right to vote in a public arena filled with hostile spectators.

Mr. KUCHEL and Mr. MORSE addressed the Chair.

Mr. KEATING. I am happy to yield to the distinguished Senator from California.

The VICE PRESIDENT. The time of the Senator from New York has expired.

Mr. KUCHEL. Mr. President, I ask unanimous consent to have 2 additional minutes.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator may proceed for 2 minutes.

Mr. KUCHEL. Mr. President, I want to say the able junior Senator from New York and those Senators who voted with him last night, with respect to the amendment he has just described, performed a splendid service in the position they took.

This highly regrettable and unfortunate amendment will effectively prevent any assistance to those qualified citizens in America who are denied, illegally, the right of franchise because of race or color. It demonstrates very conclusively where the right is and the wrong is in this debate. I congratulate the Senator. He performed a statesmanlike act in taking the position he did.

Mr. KEATING. I appreciate the remarks of the Senator from California.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. KEATING. I am happy to yield to the Senator from Oregon.

Mr. MORSE. I wish to commend the Senator from New York and to assure him I will stand shoulder to shoulder with him in the action he has suggested.

Mr. KEATING. I appreciate that assurance from the Senator from Oregon. I was sure the Senator from Oregon, entertaining the views he does with respect to the civil rights issue, would be found in opposition to the amendment.

PERSONAL STATEMENT BY SENATOR MORSE—NOMINATION OF A QUALIFIED NEGRO AS DEMOCRATIC NATIONAL COMMITTEEMAN FOR THE DISTRICT OF COLUMBIA

Mr. MORSE. Mr. President, I have long since given up hope of having my position on controversial issues fairly and accurately reported in the press of the country. Therefore I find it necessary, from time to time, to use the floor of the Senate in order to make an official and accurate record of my position on some controversial issue in which I may be involved.

Yesterday I received a telegram from a group of very fine citizens in Washington, D.C. The press urged me last night, when they got in touch with me, to give them a reply to the telegram, which I did. Although the telegram I received was reported in substance in the press, my reply was given only a cursory treatment. Therefore I shall read the telegram I received, and then ask that the total message, including its several signatories, be printed in the RECORD:

The undersigned interested citizens of the District of Columbia, being cognizant of the lack of adequate representation of the Negro people on the Democratic National Committee, strongly urge you in your capacity of candidate for the Presidency of the United States to insist that your supporters nominate and elect a qualified Negro as Democratic national committeeman for the District of Columbia. We believe that such action will not only further demonstrate the excellence of your commendable effort to bring full democracy to the people of the District of Columbia but it will greatly assist all of us in our own effort to create a more realistic and equitable representation of all segments of the population of this Nation's Capital. Since time is of the essence, your immediate consideration and action would be most important and very highly appreciated. A similar request is being made of your opponent in the District of Columbia primary.

I ask unanimous consent that the entire telegram and the many signatories thereto be printed in the RECORD at this point.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

MARCH 28, 1960.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

The undersigned interested citizens of the District of Columbia, being cognizant of the lack of adequate representation of the Negro people on the Democratic National Committee, strongly urge you in your capacity of candidate for the Presidency of the United States to insist that your supporters nominate and elect a qualified Negro as Democratic national committeeman for the District of Columbia. We believe that such action will not only further demonstrate the excellence of your commendable effort to bring full democracy to the people of the District of Columbia but it will greatly assist all of us in our own effort to create a more realistic and equitable representation of all segments of the population of this Nation's Capital. Since time is of the essence, your immediate consideration and action would be most important and very highly appreciated. A similar request is being made of your opponent in the District of Columbia primary.

Dr. Stephen Gill Spottswood, Bishop, AME Zion Church; Rev. Samuel Kelsey, Bishop, Church of God in Christ; Dr. H. T. Medford, Bishop, AME Zion Church; Rev. Edward D. McGowan, Pastor, Mount Zion Methodist Church; Dr. E. Franklin Jackson, Pastor, John Wesley AME Zion Church, and President, District of Columbia Branch, NAACP; Rev. S. Everette Guiles, President, Interdenominational Ministerial Alliance of Washington and Vicinity; Rev. Dillard H. Brown, Rector, St. Luke's Episcopal Church; Miss Flaxie M. Pinkett, President, John R. Pinkett, Inc.; and George L. P. Weaver, Director, Political Education, IUE.

Mr. MORSE. Mr. President, I replied to the telegram as follows:

MARCH 29, 1960.

Appreciate your wire recommending that I insist that my supporters nominate and elect a qualified Negro as Democratic national committeeman for District of Columbia. I shall always welcome and endorse the sound principle that qualified candidates for any elective office be both free and encouraged to stand for election irrespective of race, color, or creed. However, I think it is an unsound principle involving discrimination itself to recommend that one should be elected to office because he or she is a Negro, a white, a Catholic, a Protestant, a Jew, or a member of any other race, color, or religious faith group. In other words, I think the principle of discrimination which you ask me to endorse would be inconsistent with my very consistent record of 16 years in the Senate of fighting against discrimination based upon race, color or creed. A qualified candidate should be elected to office not because he or she is a Negro or a white, or believes in some particular religious faith or is a member of some particular race but rather the candidate should be elected because a majority of the voters consider the candidate the one best qualified for the job.

I would welcome any one of a number of qualified Negro men who could be mentioned becoming a candidate for Democratic national committeeman or any one of a number of qualified Negro women becoming a candidate for Democratic national committeewoman, but I would not recommend that they be elected on the basis of a discrimination principle based on their race, color, or creed. For years I have fought for a home rule bill containing a provision for the election of a mayor, thus giving the Negroes of the District of Columbia protection from a discriminatory policy inherent in any proposal that authorizes the appointment rather than the election of the chief executive of the city. It is because of the fact that I believe so strongly in electing people to office based entirely upon the merits of their ability and qualifications for the job irrespective of the color of their skin or of their religion or their race that I cannot as a matter of my dedication to the principle of nondiscrimination comply with your request. With kindest regards.

WAYNE MORSE.

Mr. President, there was published in the Washington Post and Times Herald this morning——

The VICE PRESIDENT. The time of the Senator from Oregon has expired.

Mr. MORSE. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state it.

Mr. MORSE. I have offered two insertions for the RECORD, and I am about to offer a third insertion. I thought I was entitled to discuss each matter, under the rule.

The VICE PRESIDENT. The Senator is entitled to 3 minutes on one subject. Each insertion dealt with the same subject.

Mr. MORSE. Does the Presiding Officer take the position that when I proceed to discuss an article in the Washington Post and Times Herald which deals, probably, with the same subject matter, but with a definitely different facet——

The VICE PRESIDENT. The Senator, I am sure, can find ways to change the subject, to obtain 3 minutes.

Mr. HOLLAND. Mr. President, I ask unanimous consent that the Senator from Oregon be given an additional 3 minutes.

The VICE PRESIDENT. The Senator is recognized for 3 minutes.

Mr. MORSE. Mr. President, I have always cooperated with the Senate on these matters. I see the Senator from Maryland is standing. I am perfectly willing to yield the floor, with the understanding that when I renew the discussion, after other Senators have used time, my remarks will be printed in the RECORD at this point, to have continuity.

The VICE PRESIDENT. As the Senator is aware, the Chair has been requested to enforce the 3-minute rule strictly.

Mr. HOLLAND. Mr. President, did the Presiding Officer put the unanimous consent request made by the Senator from Florida?

The VICE PRESIDENT. The Chair will put that request at this time. Is there objection? The Chair hears none, and the Senator from Oregon may proceed.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a news article which was published in the Washington Post and Times Herald on this general subject matter.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIRST NEGRO BACKED FOR PARTY POST—HUMPHREY GROUP NOMINATES REEVES AS COMMITTEEMAN

(By Julius Duscha)

The District committee for HUMPHREY announced yesterday that its candidate for District Democratic national committeeman is Frank D. Reeves, a Negro attorney.

If Reeves is elected in the District primary on May 3 he would be the first Negro to serve as a Democratic national committeeman from the District or from any State. Representative WILLIAM L. DAWSON (Democrat, of Illinois), a Negro, is a vice chairman of the Democratic National Committee, but is not the committeeman from his State.

Several Negroes have been members of the Republican National Committee.

OTHER DEVELOPMENTS

In other District political developments yesterday:

The District MORSE-for-President Club made public the names of its candidates for the District delegation to the Democratic National Convention. Nine of the sixteen delegates and eight alternate delegate candidates were members of the 1956 District delegation which was pledged to vote for Adlai E. Stevenson.

The Humphrey committee also announced its candidates for the District Democratic central committee.

George P. Lamb, a Republican opposed to the leadership of the District Republican committee, filed his nominating petition with the District Board of Elections. He is running for delegate to the Republican National Convention and for membership on the District Republican committee in the only contests on the Republican ballot.

The board of elections decided to hold a public hearing at 9:30 a.m. today in room 527 of the District Building, 14th and E Streets NW., to hear suggestions from District Democratic leaders for resolving the conflict over the counting of negative votes cast in the presidential preference section of the District Democratic ballot.

NEGROES SENT WIRES

On Monday nine Washington Negroes sent telegrams to Senator WAYNE MORSE, Democrat of Oregon, and Senator HUBERT H. HUMPHREY, Democrat, of Minnesota, urging them "to insist that your supporters nominate and elect a qualified Negro to the Democratic National Committee for the District of Columbia."

In reply HUMPHREY said, "I heartily concur that the time has come for more adequate representation of the Negro community on the Democratic National Committee."

MORSE replied it would be "an unsound principle involving discrimination itself" to recommend a candidate strictly on the basis of race, color or creed and would be against "my very consistent record of 16 years in the Senate of fighting against discrimination."

Jay C. Turner, who was appointed national committeeman in January following the death of Melvin D. Hildreth, has been endorsed for election to the post by the District Stevenson-for-President draft committee.

The MORSE-for-President Club has not announced its candidate for national committeeman.

Reeves is Washington representative for the legal defense and education fund of the National Association for the Advancement of Colored People.

In announcing the Morse committee's delegate candidates, A. L. Wheeler, chairman of both the Democratic central committee and the District Morse committee, said that Stevenson is the second presidential choice of both MORSE and the delegation.

The Morse committee candidates for the 16 delegate position are: Wheeler, Margaret Just Butcher, Herbert P. Leeman, Robert Mars, Dr. Edward C. Mazique, Bishop Smallwood Williams, Herbert J. Jacobi, Joseph A. Beavers, Theodore Prahinski, John L. Monaghan, Oliver Palmer, Bernice Ross, Rev. Edward Thomas, Robert L. Wearring, Edward Williams and Charles F. Wilson.

The eight candidates for alternate delegate are: Helen Boyle, Bernard Chapman, Myron G. Ehrlich, Woolsey W. Hall, Rev. Charles H. Hamilton, John R. Holden, Rev. R. D. Jackson, and David E. Sloan.

The Humphrey committee candidates for the 26-member District Democratic central committee are: David C. Acheson, Dorothy W. Atkinson, George J. Boden, Harriet Cipriani, Leroy Coad, Rev. W. C. Cole, F. Joseph (Jiggs) Donohue, Tilford E. Dudley, Charles T. Duncan, Mrs. Todd Duncan, Mrs. Milton Dunn.

Also, Doris G. Foster, Elizabeth A. Hawes, Rev. E. Franklin Jackson, W. John Kenney, Laurence A. Knapp, Rev. Theodore S. Ledbetter, Mrs. Ernest K. Lindley, Robert R. Nathan, Betty Randall, Joseph L. Rauh, Polly Shackleton, Mrs. Robert Sher, Arnold Sternberg, Walter N. Tobriner and George Weaver.

The Humphrey committee candidate for Democratic national committeewoman is Katie Loucheim, the incumbent. Dudley is the Humphrey committee's candidate for alternate national committeeman and Mrs. Shackleton is its choice for alternate committeewoman.

Mr. MORSE. Mr. President, I desire to make some comments on this proposal that urges the election of a candidate for Democratic committeeman because of the fact that he is a Negro. I think it will be a sad day in America if there is any Negro group in this country which ever takes the position that some candidate ought to be elected to a political office solely because he is a member of that particular minority group. Likewise I think it will be a sad day in this country if the Catholics as a group ever take the position that a man ought to be elected President of the United States because he is a Catholic. Also I think it will be a sad day in this country if the Protestants ever take the position that a man should not be elected President of the United States because he is a Catholic.

This matter of prejudice, bigotry, and bias in regard to the political qualifications of candidates based upon race, color, or creed is a threat to clean and fair elections in our country. The religion, color of skin, or race of a candidate for office should be excluded entirely from any consideration of his qualification to hold office.

It will be a sad day in America if the Negroes ever take the position that a Negro ought to be elected to political office just because he is a Negro rather than because he has qualifications, based upon his merits to be an officeholder.

Mr. President, I am fully aware of what is probably the political motivating purpose of sending me the telegram yesterday. I stand on the floor of the Senate today and answer it on the basis of principles I have fought for during my 16 years in the Senate. I do not intend to ever become a party to bigotry or racial prejudice, or discrimination based on race or religion. I am for the election of people to public office based upon their merits, irrespective of the color of their skin, irrespective of their religious faith, and irrespective of their race.

There are many highly qualified people eligible for election to office in the District of Columbia who are Negroes. I think offhand, for example, of Dr. Margaret Butcher. I cannot imagine anyone who would make a finer Democratic national committeewoman than this great Negro leader. Dr. Butcher is a distinguished author, a great humanitarian, and a wonderful woman. But, Mr. President, I would not suggest that she be elected to office just because she is a Negro woman. She is deserving of election to office without any reference to the color of her skin. She would make a fine national Democratic committeewoman or Member of Congress because of her brilliant mind, her integrity, her record of dedicated public service, and her many other fine qualities. The point I want to stress is that I think it is a great mistake to recommend that voters should elect anyone to public office on the basis of the fact that they may be a Negro, a Catholic, a Jew, or a Protestant. Race, color, or creed must be ruled out of this matter if we are not to feed the flames of racial and religious discrimination in our land.

I have made these brief comments because I think the time is overdue when someone in American public life on the floor of the Senate should service notice upon racial groups, upon religious groups, and upon all other groups that they make a great mistake if they ask for the election of people to office, or oppose the election of people to office, because they are Catholics, because they are Jews, because they are Negroes, or because they are Protestants.

I hope I have made myself crystal clear, Mr. President, on this issue of discrimination.

WALL STREET JOURNAL REVIEWS MORAL FLABBINESS IN BUSINESS

Mr. PROXMIRE. Mr. President, the most significant gap in the defense of our Nation is not the missile gap or the military production gap or even the developing education and research gap; it is the moral gap.

The basic strength of our Nation depends on the character of our people—their moral strength. The prime prerequisite for our doing something about this gap is, first, to have the realism and sense of responsibility to open our eyes and recognize it.

A recent book entitled "Thief in the White Collar," by Norman Jaspan, discloses that the magnitude of white-collar crime is as the Wall Street Journal points out, appalling; that as a matter of fact embezzlement exceeds all kinds of ordinarily punished theft by a huge 100 percent—a "cool" $1 billion for embezzlement compared to one-half billion for all kinds of thievery from burglary and safecracking to armed robbery. What is more, Jaspan argues that illegal business payoffs, including kickbacks, payoffs, and bribes, amount to a huge $5 billion.

The point of the Jaspan book is that what he calls "preventive management" can immensely reduce this corruption. Jaspan argues very convincingly for the thesis that conscious human effort providing explicit ethical codes can, in fact, help reform human nature, or at least improve human conduct.

Recently, Mr. President, I suggested a tough ethical code for Government officials. It was derided by the experienced and influential columnist, William White, who argued that officials are either honest or dishonest. Laws, he argued, will not improve human conduct or human nature.

Mr. President, because this Wall Street Journal review of business ethics is such a substantial contribution to an understanding of the dimensions of the moral problem in America and because it proposes constructive action to solve the problem, I ask unanimous consent that the article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHITE-COLLAR CRIME

Amazing. Such was the reaction of most people to news that a brokerage's accounting vice president—a fast man with a computer—had clipped his firm for a quarter million dollars.

But it wasn't too amazing to Norman Jaspan, management consultant, head of Investigations, Inc., and professional criminologist on gray-flanneled wrongdoing. In his thoroughly provocative "Thief in the White Collar," cowritten with Hillel Black (Lippincott, 254 pages, $4.95), a book on embezzling and what preventive management can do about it, Mr. Jaspan makes the point that very little white-collar crime sees the light of public print.

Yet the magnitude of white-collar crime is appalling. What catches most of public and perhaps police attention is ordinary theft—burglary, safecracking, pickpockets, auto thefts, hijacking, armed robbery, etc.—which will amount to about a half billion in stolen goods and money in 1960. But embezzlement, the violation of an employer's trust, will account for a cool billion-dollar series of thefts in 1960. Mr. Jaspan estimates another $5 billion will change hands this year in kickbacks, payoffs, and bribes. And the Internal Revenue Service will collect some $1.7 billion in penalties, interest, and back taxes because of understated returns and tax evasions, if 1957 is any guide.

Comments the author: "The tragedy of white-collar crime is not just the cost in dollars and cents, but the corruption of our most respected citizens, the professional worker, the executive, the top government and union official."

What's behind the corruption? Personal factors—like the shipping manager who enjoys playing the horses with company funds, the secretary who acquires an irresistible fascination for mink and forges her boss' signature, or the incorrigible superoperator. Contributing factors include war and postwar upheaval, international tension, malfeasance in public office, general moral laxity, and a lack of preventive management.

Preventive management probably can never eliminate the embezzling and shakedown rackets 100 percent, given human nature as it is. And many of our laws are also conducive to corruption, as can be seen in Mr. Jaspan's discussion of the findings of the McClellan Committee on Improper Activities in the Labor or Management Field. But—and this is the big point of the book—solid preventive management can greatly cut down the size of the annual bite of white-collar crime.

For example, the author, whose clients include banks, manufacturers, hotels, airlines, mining companies, retailers, and Government agencies, advises a system of dual responsibility in sensitive work functions. Take payroll. Preparation of payroll and payment of employees should be handled by two different groups of workers. Again, persons who maintain inventory records should not be allowed to participate in the physical counting of inventory.

Mr. Jaspan also believes in occasional testing of the company's security program through "created errors." A created or controlled error is one that is deliberately inserted into an employee's or department's operation. The idea is to evaluate the accuracy and care with which personnel carry out their assigned tasks. A company, for instance, may arrange with a vendor to ship short or overship on a specific shipment to determine whether receiving personnel detect discrepancies in quality or quantity shipped.

Norman Jaspan concedes white-collar crime is a moral problem. But he insists that the businessman and executive in charge must bear some responsibility. For their vigilance can remove much of the temptation.

THE CONNALLY RESERVATION

Mr. CLARK. Mr. President, I rise to express my keen disappointment at the action of the Committee on Foreign Relations yesterday afternoon in postponing indefinitely consideration of the repeal of the so-called Connally amendment. This action was taken by the close vote of 9 to 8, and in effect it "pickles" indefinitely a subject which I believe deserves immediate, careful and long consideration by this body.

We purport to support the principle of world peace through world law, and yet the first practical step which is suggested to bring that principle into being is now apparently not to be considered by the Senate.

Let us take a look at the list of those who support the repeal of the Connally amendment.

First, there is the President of the United States. He said in his state of the Union message that he supported it.

Second, the present distinguished occupant of the chair, the Vice President of the United States.

Third, the chairman of the Foreign Relations Committee [Mr. FULBRIGHT] whose competence to speak in this area is well known.

Fourth, every serious announced candidate for the Presidency of the United States on the Democratic ticket—the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Missouri [Mr. SYMINGTON], the Senator from Oregon [Mr. MORSE], as well as our candidate in the past two campaigns, Adlai Stevenson. I know of no national leader of stature in the country today who stands up and argues strenuously in opposition to the repeal of the Connally amendment.

I hope very much that members of the committee who voted to report the amendment out for floor discussion, and to have it placed on the calendar, will not abandon their efforts, that another meeting of the committee will shortly be called, and that those who voted against reporting the amendment because of a certain poll taken of Senators, indicating that perhaps the necessary two-thirds majority could not be obtained for repeal, will change their view.

The time to determine whether or not the Connally amendment can be repealed is not when the proposal is before the committee. It is after it has been placed on the calendar and is brought to the floor for debate.

One thing the country needs is to place the isolationist groups which are opposed to this necessary measure of international progress in a position where their arguments can be met head on; this cannot be done unless the repealer is reported from the Foreign Relations Committee and subjected to debate on the floor of the Senate.

I hope very much that members of the Foreign Relations Committee will reconsider their vote, and report the repealer for action at this session of Congress.

FOUNDERS' DAY ADDRESS BY VICE PRESIDENT NIXON AT LINCOLN, NEBR.

Mr. CURTIS. Mr. President, on Monday, March 28, Nebraskans celebrated the 93d birthday of their State. On that day they held in Lincoln, Nebr., a Founders' Day banquet to commemorate Nebraska's admission into the Union on March 1, 1867, as the 37th State.

Our honor guest and principal speaker was Vice President NIXON. I ask unanimous consent that my remarks in introducing the Vice President be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Mr. Vice President, Mrs. Nixon, Secretary Seaton, Miss Pitts, Chairman Sutton and my fellow Nebraskans, there are some among mankind who are marked for destiny. No matter how humble their beginnings, they reveal their leadership, their grasp of events, and the way opens to them to fulfill that destiny.

It was the philosopher Nietzsche, who expressed it in this way:

"Our destiny exercises its influence over us even when, as yet, we have not learned its nature: it is our future that lays down the law of our today."

This has been the career and life of RICHARD NIXON, the Vice President of the United States—and the future President of this great Republic.

The son of hard-working parents, he, too, has known hard work from his childhood. To him it was a challenge, not a burden.

His leadership was evident in his early years. The president of his alma mater, Whittier College, said of him that he made a remarkable record as a student including holding the office of student body president. At Duke University Law School, he graduated as one of the three highest in his class and in his final year was elected president of the Duke Bar Association, considered the highest honor the students can confer upon one of their fellows. Already his capacity for leadership was making itself felt.

Like many young men of his time, he expected to go on with a law career, but World War II interrupted that career. After serving with distinction for over 2 years with the Navy in the Pacific Theater, he returned to civilian life.

Again destiny took a hand. A group of Republicans were looking for a young man of principle who would be willing to run for Congress in a heavily Democratic district in California. They spread the word they were on the lookout for a man who would take on this task. A friend called this to the attention of RICHARD NIXON. With his deep sense of civic duty, he answered that call.

He went into that election with all the drive for which he has since been noted. He was elected a Representative with 57.6 percent of the vote in a district which normally went Democratic by 13,000 or more.

He did such a good job for his constituents that, in the next election, he won both the Republican and Democratic nominations and was unopposed, receiving 141,509 favorable votes. Our man of destiny was on his way.

In the 1950 race for the Senate, RICHARD NIXON won his race with a victory of 59.2 percent in a State where registration was normally 3 to 2 Democratic. Destiny was marching on.

In 1952, RICHARD NIXON was elected Vice President. In 1956 the Eisenhower-Nixon ticket won by the largest popular vote in the history of our Nation.

Yes, there is a destiny that guides our lives.

From the obscurity of a small town, from humble surroundings, destiny dictated that RICHARD NIXON would some day lead this Nation through fateful times with that same earnestness of purpose and leadership with which he has tackled every challenge—and out of which he has emerged victorious.

America needs RICHARD NIXON. He will be our next President. I present to you the next President of the United States, RICHARD M. NIXON.

Mr. HRUSKA. Mr. President, as has been stated by my colleague, on Monday of this week Nebraskans celebrated the 93d birthday of their State at the 1960 Founders' Day in Lincoln, Nebr., our State having been admitted to the Union on March 1, 1867, as the 37th State. Our honor guest and principal speaker was the Honorable RICHARD M. NIXON, Vice President of the United States.

In 1931 the Nebraska Legislature voted to designate March 1 as Nebraska Day. In 1936 the Republican Party of Nebraska organized what is now known as Founders' Day in honor of those Nebraskans whose purpose in those early days was to see that Nebraska became a full partner in the Union.

Founders' Day observance is held each March under the leadership of a regular organization. This year the officers included Mr. Harold Sutton, of McCook, long time political and civic leader, as senior president; Mrs. Margaret Hasebroock, of West Point, as senior vice president; Mr. R. L. (Dick) Herman, of Omaha, junior president; and Mrs. Rosemary McCain, Gering, junior vice president.

My colleague Senator CURTIS introduced the Vice President. The text of the Senator's introduction has already been placed in the RECORD.

Vice President NIXON spoke to an enthusiastic crowd of over 8,000 people, 3,600 of them dinner guests, who jampacked the Lincoln Municipal Auditorium to listen to the Vice President's outline of the direction and nature of the presidential campaign this year.

It is heartening to consider the plane for this powerful campaign which the Vice President described.

Perhaps the core of his position is to be found in these words:

We owe it to the country, to our party, and to the principles we stand for, to put on a fighting, hard-hitting campaign on the great issues confronting the Nation. Our opponents have the responsibility to criticize our record when they think we are wrong. We have the responsibility to defend our record and to criticize theirs where we believe we are right. Each candidate has the right and responsibility to attack the record of his opponent in those respects where he believes it is wrong. But he should make no personal attacks and answer none.

He discarded the idea of any "safe" States for either party. He pledged to campaign "into every State, city, and town that the limitations of time, space, and physical endurance will permit."

The Vice President's remarks were pitched along the direction which would most properly honor the founders of the State of Nebraska, because they clearly indicated that the Vice President will head up the type of campaign which will result in the advance of the cause of good government. Clearly it will present to the American people an opportunity to choose between two basically different economic philosophies advanced and advocated by the two major political parties.

The Vice President's concluding sentence of his speech is very much in order when it says:

It is our responsibility to state the case for our philosophy as clearly and effectively as we can so that the American people will make the right choice.

Mr. President, this was Vice President NIXON's first extended public discussion of the type of campaign he expects to wage. In order that there may be a wider sharing of the Vice President's remarks, I ask unanimous consent that excerpts from his address be printed at this point in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM REMARKS OF THE VICE PRESIDENT OF THE UNITED STATES AT THE NEBRASKA 1960 FOUNDERS' DAY PROGRAM, LINCOLN, NEBR., MARCH 28, 1960

I think this is an appropriate occasion for me to lay to rest some stories which have been circulating to the effect that this campaign is going to be 1948 all over again; that I believe we should play it safe, not reply to attacks that are made upon us, and try to coast in.

I can best state my attitude in this way: With Republican Party strength in the Congress at its lowest level since 1936, anyone who does not recognize that we are in for the fight of our lives must be smoking opium.

Our opponents are having their differences now. But they have demonstrated a remarkable ability in the past to resolve their differences and to use the same hatchets on us in the final campaign that they tried out on each other in the primaries.

I believe we will win but we must expect this to be one of the closest and hardest fought campaigns in America's political history. Let me set forth the rules I believe we should follow in this campaign.

We owe it to the country, to our party, and to the principles we stand for, to put on a fighting, hard-hitting campaign on the great issues confronting the Nation. Our opponents have the responsibility to criticize our record when they think we are wrong. We have the responsibility to defend our record and to criticize theirs where we believe we are right. Each candidate has the right and responsibility to attack the record of his opponent in those respects where he believes it is wrong. But he should make no personal attacks and answer none.

We must not make the mistake of starting our campaign too early and having nothing left for the stretch. Once we begin our campaign after the convention, we must have the stamina to step up the tempo continuously until election day. If we are to win we must put on a campaign that covers this country as it has never been covered before.

I reject completely the advice of those public relations experts who believe that television has made person-to-person campaigning relatively obsolete and ineffective. If I become the Republican candidate, I intend to carry this campaign into every State, city, and town that limitations of time, space, and physical endurance will permit.

The day of "safe" States for either party is over. We do not intend to concede any States to our opponents or to take any usually Republican States for granted. If we are to out-vote our opponents, we must outwork, outwalk, and outfight them in the precincts. If our cause is as great as we believe it to be, it deserves the most intensive campaign in American political history and we must all pledge ourselves to that kind of an effort.

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What should the Republican Party stand for in this campaign? We will be proud to run on our record. But we must not stop there.

A record is something to build on, not to stand on. Stand-pat, hold-the-line thinking is not enough to meet the great challenges confronting the American people at home and abroad.

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I do not need to tell you here in Nebraska that the farm problem is one of our most

difficult issues. The only point on which there is unanimous agreement is that we cannot continue to tolerate programs under which the surpluses of basic farm commodities continue to pile up and the prices the farmer receives continue to go down. But while everyone agrees as to the need for a change in our present programs, we continue to be stuck with them because the administration and the Democratic Congress cannot agree on what changes should be made.

In order to break this stalemate, the President has taken the unprecedented action of sending a message to Congress in which he states that he will approve any bill the Congress passes if it meets certain broad standards he lays down.

It is time for the Democratic leadership of Congress to fish or cut bait on this problem. If they fail to act or act irresponsibly during this session of Congress, they will have made it clear that they prefer a farm issue to a farm solution. And it is high time that they quit treating the farmer as an issue and recognize him as a person who is not getting his fair share of America's increasing prosperity.

If this Congress fails to act, I believe it is the responsibility of the candidates of both parties to present to the voters for their decision, responsible new programs to deal with the farm problem. In this way the next President will have a clear mandate on the farm problem which he will need to assure action in the next Congress.

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One of the major issues in this campaign will be—What policy should the United States adopt to meet the challenge of Communist economic competition? Our opponents have had a great deal to say on this subject.

We have heard a lot of loose talk in the past few months to the effect that the American economy is fat, complacent, stagnant and on the downgrade. I believe it is time that we set the record straight.

This "stagnant" economy of ours today produces more jobs for more people at higher wages than any other country in history. More Americans own their own homes, drive their own cars, hold shares in American business and industry than ever before.

We are ahead of the Soviet Union in every major product. Our total production is more than double theirs. We have achieved in great measure the economic objective of abundance for all in a classless society that Communist theory merely promises.

This does not mean that there is any excuse for complacency. But on the other hand there is no reason for lack of confidence in our ability to stay ahead in this race if we remain true to our basic principles and do not fall for phony schemes for government promotion of economic growth.

We reject completely the theories of some of our political opponents that the way to insure a high rate of growth is through more planning and control by government, increased government spending, pegging interest rates at artificially low prices and allowing uncontrolled bank credit.

Those who favor these procedures admit that they would be inflationary but they contend that a little inflation is a cheap price to pay for an expanding economic system. But we say that this process in the long run would wreck the American economy, not expand it. No system of monetary gadgetry will substitute for real productivity.

The way to greater economic growth in peacetime is not through increasing the size of government but by expanding the opportunities for creative enterprise by millions of individual Americans. While government can and must play a supplemental role in creating the proper climate for economic growth, we must never forget that the primary source of our phenomenal economic progress has been and will continue to be private rather than government enterprise.

In the campaign of 1960, the American people will have an opportunity to choose between these two basically different economic philosophies. That choice could well determine the outcome of the economic competition between the United States and the Soviet Union. It is our responsibility to state the case for our philosophy as clearly and effectively as we can so that the American people will make the right choice.

Mr. HRUSKA. I congratulate the principal speaker on that occasion for a very fine presentation before an enthusiastic and spirited audience.

THE PANAMANIAN PROBLEM

Mr. BUTLER. Mr. President, I have for some time been concerned about conditions in Panama and that country's demands upon the United States which would, if granted, encroach upon, diminish and ultimately completely usurp U.S. sovereignty over the Canal Zone. Because of my concern over what I consider to be a grave situation, on February 16, 1960, I submitted S. Res. 275 which would declare it the sense of the U.S. Senate that there shall be no executive surrender of U.S. sovereignty over the Canal Zone by permitting the flying of the Panamanian flag over the zone or otherwise; and that since the sovereignty of the United States over the Canal Zone was created by treaty requiring the advice and consent of the U.S. Senate, that there should be no surrender of that sovereignty without a treaty of equal dignity.

My resolution is presently before the Foreign Relations Committee. Meanwhile I continue to hear rumblings and demands from Panama. As we all know the Canal Zone has always been a favorite target of Panamanian politicos. I, therefore, expect the demands will increase in tempo in the immediate future as this is a presidential election year in Panama as well as here.

I would like to call the attention of the Members of the Senate to an article appearing in the April issue of the American Legion magazine at page 18 entitled "Appeasement in Panama." I feel this story is very informative and covers the past and present situation in Panama extremely well. I recommend it as required reading for those not familiar with the background of the Panamanian problem.

Mr. President, I request unanimous consent that this article be printed in full at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

APPEASEMENT IN PANAMA

(By Edward Tomlinson)

The tide of anti-American propaganda in Panama has become a seething campaign to oust Uncle Sam from control of the Panama Canal.

It is being spearheaded by leftist university students, volatile nationalists, and Communists. It has the ardent support of the majority of the most prominent political leaders and the powerful merchants association of Panama City and Colon, as well as that of the leading newspapers and radio stations.

This campaign against what the extremists call "U.S. domination of Panamanian territory" started in the early thirties, when a group of intellectuals and antigringo elements set up an organization to "promote the internationalization of the canal."

The organization was called the Panamanian Society for International Action, and its founder was the late Dr. Rivera Reyes. In 1934 Dr. Reyes declared that the original treaty, granting the United States a 40-mile-long, 10-mile-wide strip of territory (known as the zone) through which the waterway extends from the Caribbean to the Pacific, "was born of fraud, perfidy and dishonor."

"This great waterway," the doctor said, "should be sold to an international corporation in which are represented all the nations of the world." Apparently at that time neither Dr. Reyes or any other prominent Panamanian had given any serious thought to nationalization of the "big ditch."

With the passing of Dr. Reyes, the movement for internationalization lost momentum; but demands for economic and financial concessions began to increase. In 1936 President Harmodio Arias came to Washington and got the first substantial treaty revision from the Roosevelt administration. In these negotiations little was said about political matters. President Arias seemed to be well satisfied with an increase in the annuity from $250,000 to $430,000, the ceding to the Republic of certain lands of the Caribbean coast, curtailment of commissary privileges to persons living outside of the Canal Zone, and other economic considerations.

Article III of the Isthmian Canal Convention between Panama and the United States, signed on November 18, 1903, states:

"The Republic of Panama grants to the United States all the rights, power and authority within the zone mentioned and described in article II of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said article II which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority."

Today Dr. Arias, through his newspapers, the Panama American and La Hora, is one of the leading spokesmen for zone sovereignty. A year and a half ago he declared to this writer: "I will never rest until I see the flag of my country flying over both the zone and the canal."

Agitation for the return to Panama of sovereignty over the zone began in earnest in 1939. Following the Spanish Civil War, which ended with the fall of Madrid to the Franco forces, many of Spain's liberal intellectuals and prominent Republicans migrated to the Americas. One group made its way to Panama, and there several of its members were employed as instructors in the newly reorganized National University.

Within weeks after they assumed their duties, they became involved in isthmian politics. They helped to organize the Partido del Pueblo, one of the first Communist political parties in the Caribbean. The PDP was made up of remnants of the old Rivera Reyes movement, radical professors and students, and a considerable number of leftist labor leaders. The party as such has not been too open in its activities, but its members and camp followers have consistently flailed away at the "Imperialist Yankees" for "forcibly occupying a part of our sacred territory."

In the early days of World War II the anti-U.S. movement got a powerful assist from Nazi-Fascist-leaning President Arnulfo Arias, a younger brother of Dr. Harmodio. Arnulfo, as he is popularly known in Panama, was

later overthrown and exiled for the duration of the conflict. But the moment the Axis Powers asked for an armistice, all the leftists and flaming nationalists, the students and the newspapers, along with the leading politicians, launched another drive against "U.S. disregard of Panamanian sovereignty."

They insisted that the Government expel U.S. forces from several wartime airfields and other military bases outside the Canal Zone; these had been leased to us during the emergency for the defense of the canal and the hemisphere. The National Congress sat in special session to condemn this further occupation.

After we had bowed to these condemnations, vacated the wartime bases, and withdrawn all our forces into the Canal Zone, there were still more demands for treaty revisions. In 1955 President Eisenhower invited Jose Antonio Remon to Washington and agreed to increase the annuity from $430,000 to $1,930,000 a year, gave over to the Republic some $25 million worth of real estate in Panama City and Colon, agreed to build a new $27 million bridge across the canal for the Republic's special use, and granted innumerable other financial and economical benefits.

But even these favors failed to satisfy the extremists. They have continued to demand political concessions, in fact, they led the Panamanian public to believe that Washington had agreed to recognize Panamanian sovereignty over the zone and to permit the flag of the Republic to fly there. Of course, no such promises were actually made.

Then in 1956 came the Suez incident. Nasser took over the Middle Eastern waterway. Even while the crisis was at its peak, and the French and English were attempting to drive the Egyptians out of Suez territory, university students whipped up frenzied anti-U.S. demonstrations in Panama City.

In July of 1958 the student unions issued a new manifesto, which was endorsed by most of the press and political firebrands, calling for liquidation of the Panama Canal Company and a 50–50 division of the gross (not the net) annual receipts of the canal. They further demanded that residents of the Canal Zone be compelled to speak Spanish instead of English and that "members of the U.S. Congress and citizens of the United States be prohibited from uttering uncomplimentary remarks against Panama's dignity."

In fact, from then on nationalization, not internationalization, became the chief goal of all the nationalist elements as well as that of the Reds and their dupes. Ever since then an enormous streamer bearing the slogan "The Canal is ours" has flown on the university campus.

Dr. Roberto Arias, Cambridge University graduate and son of Dr. Harmodio Arias, was then his country's youthful Ambassador in London, and he made himself spokesman in Europe for the nationalization movement. Later he resigned, largely because President Ernesto de la Guardia failed to back him up.

In April of 1959 young Arias enlisted the help of followers of Cuba's Fidel Castro in an attempt to overthrow the de la Guardia administration. Meantime, members of this ill-fated expedition revealed that in addition to ousting the government, they had been scheduled to make a token invasion of the Canal Zone. Apparently the purpose of this move was to create an international incident or an excuse to take the dispute to the United Nations. Had this been accomplished, the Russians and the Arab States would have been able to join openly in demands for "justice to Panama."

Although this strategem failed, the planners devised still other schemes to harass Uncle Sam. Drs. Aquilino Boyd and Ernesto Castillero, former Minister of Foreign Relations and Vice Minister of Foreign Relations respectively, announced plans to celebrate Panama's independence from Colombia on November 3, 1959, by a march on the Canal Zone. Boyd said this would be a peaceful demonstration, merely to show the flag in the zone.

Even if Boyd had been sincere, the Communists and extremists had other plans. When the march began, they sent their agitators and goons into the procession and turned it into a bloody riot in which at least 75 Americans—soldiers, police, and civilians—were injured. Plants in Government telephone exchanges and radio stations passed out word that the National Guard was to remain in barracks, which it did, leaving the Canal Zone police and military forces to battle the attackers alone.

When the American forces stood their ground—against degrading insults, threats, stone throwings, and foolhardy onslaughts against tear gas bombs—the rioters, like the immature kids they were, slunk away into Panama City and vented their angry emotions on U.S. business firms and properties. But the masterminds behind the scenes had not given up. Three weeks later they led another demonstration against the Canal Zone. This time the Panamanian National Guard managed to get on the job and quell the rioters.

Meantime, the State Department had sent Under Secretary of State Livingston T. Merchant to Panama City to confer with officials of the Republic and the Canal Company regarding the difficulties. Although Mr. Merchant insisted that Panamanian authorities maintain order and protect U.S. life and property in the Republic, he indicated that Panama is the titular sovereign over the Canal Zone, whatever that means.

Panamanians insist that the Under Secretary agreed that their flag might be displayed in the zone. In fact, it is the opinion of a number of people high in our own Government that this concession would not impair our rights.

Mr. Merchant had hardly arrived back in Washington when the Panamanian Foreign Minister, Miguel J. Moreno, Jr., complained to the press in Panama City that he had "not yet received any word from the U.S. Government that it intends to satisfy Panama's complaints." He expressed impatience that the State Department had not taken action to have the flag hoisted.

At the moment a hot presidential campaign is on, with elections scheduled to take place in early May. Meantime, no Panamanian official or politician is likely to counsel moderation, much less take a stand against anti-U.S. attacks.

Latin American diplomats in Panama City have reported to their governments that more violence and demonstrations are to be expected.

The most responsible Americans on the isthmus are agreed that the Panamanian politicians as well as the merchants will not only continue to insist upon but will take all the material concessions they can get and will encourage the Communist-nationalist groups to keep calling for nationalization.

The strategy now is evident, and it bears unmistakable Communist earmarks. First, keep stoking the propaganda mills, keep shouting about "injustices heapened upon helpless little Panama by the powerful Yankee colossus." Eventually a lot of people will begin to believe it.

Second, it may be possible somewhere along the line to create an incident, perhaps the accidental killing of a Panamanian student by a U.S. soldier or policeman. Then a wave of righteous wrath will sweep all Latin America. As one diplomat puts it: "There will be demands in the Organization of American States, the United Nations, and throughout the communist world for an end to unilateral domination of this world waterway."

Indeed, most Panamanians already are convinced that eventually they will be able to pressure us into sharing jurisdiction over the canal as well as the zone. We ourselves have given them good reason to believe their dream can come true. Their efforts so far have borne abundant fruit. We have yielded to pressure and have made two major revisions of the original treaty. Each time the Panamanians received more than any of them ever expected to get.

They consider our position regarding Suez as a precedent. In effect, we approved the nationalization of that waterway by Egypt.

Some of our most influential political leaders have come out for what they call a new approach to the canal question. Way back at the Potsdam Conference, President Harry S. Truman started the ball rolling. With "Old Joe" Stalin listening, Mr. Truman proposed that all strategic waterways be internationalized, and he has repeated the proposal.

A few weeks ago presidential hopeful Senator HUBERT HUMPHREY took up the idea. The Minnesota Senator said, in effect, that we have two alternatives in the Panama Canal Zone. We can work out a cooperative program with the Republic of Panama, giving Panama more voice and rights in the Canal Zone. Or we can go to the United Nations and offer to internationalize the canal, providing the same is done for other international waterways.

Senator WAYNE MORSE of Oregon, chairman of the Senate Foreign Relations Subcommittee on Latin America, recently hired a study group from Northwestern University, at the taxpayers' expense, to look into and recommend a plan for disposing of the Panama Canal question. The report recommends what it terms regionalization of the waterway; that is, giving the nations of this hemisphere some say in the affairs of the canal. The Northwestern University professors went on to say that the Council of the Organization of American States might establish an advisory canal commission, which would supervise traffic studies "including the long-range problem of arranging for a second canal across Nicaragua."

The group also said that later moves might include giving the Organization of American States representation on the Board of Directors of the Canal Company and the transfer of canal stock in small blocks to the hemisphere body. "By regionalizing the canal in this way," the professors concluded, "we avoid the political dilemma of internationalizing it through a divided United Nations, or having it eventually nationalized despite ourselves by the Panamanians."

Unfortunately, too few of our own people—those in authority as well as average citizens—seem to know the main facts about the Panama Canal, its origin, and purpose. The isthmus has always been a strategic artery of transportation. It was the route the Spanish conquerors took to western South America, to the riches of Peru, Bolivia, etc., in the 16th century.

In 1856, when our own people were pioneering to California, U.S. citizens built a railroad across the isthmus and thousands of settlers traveled to the Pacific coast by that route. In 1880 a French company headed by Ferdinand de Lesseps, who previously had dug the Suez Canal, attempted to build a canal across Panama. Lack of money, the ravages of disease, and innumerable difficulties and hardships forced De Lesseps to give up.

By then (1889) we were becoming a great naval power. During the Spanish-American War we had found it a hazardous undertaking to transfer our fleet from the Atlantic to the Pacific by way of Cape Horn. Also our Pacific coast and the new Territory of Alaska were practically undefended. It became a matter of the utmost strategic urgency to find a shorter route.

In 1899 the United States bought the French rights and holdings, but found objections from Colombia, of which Panama was then an isolated northern province. On November 3, 1903, the Panamanians seceded from Colombia, and President Theodore Roosevelt recognized the newly organized Panamanian Government on November 6. Twelve days later we signed a treaty with the new republic, which gave us the right to construct and operate the canal.

Article II of that document grants the United States in perpetuity complete jurisdiction over the 553 square miles that make up the zone. Article III further states that Panama grants to the United States all the rights, power, and authority within the zone mentioned and described in article II • • • to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority.

To seal the bargain, we paid the new government $10 million in cash and pledged ourselves to pay annually thereafter $250,000, which in 1955 was upped to $1,930,000. During Woodrow Wilson's administration we paid Colombia $25 million, as a friendly gesture and in token of damages it had sustained.

It probably is too much to expect even intelligent Panamanians to admit that what we actually got from them by treaty, and for which they received what then was a considerable sum of money, was a mere strip of sodden, disease-ridden jungle and marshland, most of it totally uninhabited.

Since 1903 we have built a canal that accommodates the ships of the whole world. Our scientists and doctors turned the swamps, as well as the two main Panamanian cities, into virtual health resorts. We have built hospitals, schools, homes, highways, stores, and shops, as modern as any in the world. We have also built all the facilities necessary to operate and defend the biggest single Government-operated industrial setup outside the United States itself.

Although we are accused of reaping billions from this project, to date U.S. taxpayers have spent more than a billion and a half dollars on its construction and maintenance; but they have received from it only a little over $965 million in tolls.

Meantime, the Panamanians who spent nothing to put it there, and who take no risks in making it function and pay its way, daily reap a windfall of benefits and profits from it.

But regardless of what happened in the past, and entirely aside from the question of whether this country has or has not been financially generous to the government and the people of Panama, the question now arises: What is for the ultimate best interests of all concerned in the operation and maintenance of this vital waterway?

Obviously it is of the utmost importance to the other nations of this hemisphere and to the world in general, as well as to our own country and to Panama, that it be maintained in perfect condition and operated by highly trained personnel and experienced directing heads. Those in charge should also be men of unusual economic and financial ability, if they are to make wise policies for a multimillion-dollar corporation that by law has to be self-supporting.

Anybody with even a cursory knowledge of the Panamanian population knows that the little Republic does not have the means or the know-how to do either. Even if enough Panamanians were technically trained to do the job, the instability of the country would be a danger to the safety and dependability of the canal's operation. From 1949 to 1959 there have been seven different Presidents, almost one a year, not one of whom served out his term. President de la Guardia may succeed in squeezing through until next May, although he already has experienced several close calls.

The Panamanians still insist that we do not pay their people the same wages that we pay North Americans. Of course, this is not true. It may have been in the past, but not since the last treaty revisions. Since then, a Panamanian who does the same job that a North American does gets the same pay, the same promotions, the same benefits.

Since so many Panamanians engaged in agitation against the United States, and participated in violent attacks on canal properties, the question of security of the installations becomes an all-important consideration. Those responsible for any organization as vital to national and hemisphere defense as the Panama Canal would hesitate to promote or put Panamanians or any other than U.S. citizens in charge of strategic posts.

The Panama Canal is not only a vital artery of transportation but also a critical link in our own national defense. It is equally important in the defense of all the southern republics. None of them likes to admit it, of course, but not one of the 20 countries could defend itself against an attack by modern weapons.

The United States is Latin America's sole defense in any major war. The canal is the sole means of shifting war vessels from one ocean to another quickly; it is also an indispensable supply line. Unless we control it, it would be of little use in any emergency.

Aside from the fact that nobody else put a penny into its construction, least of all the Panamanians, these were among the chief reasons for making a treaty which gave us complete jurisdiction over the zone in the first place. Divided authority and jurisdiction, which could cause disagreement and confusion at a critical moment, would give an enemy great advantage, and would kill the efficiency of the operations in normal times.

The very fact that we are committed to NATO, the Rio Defense Treaty, the Western Hemisphere and the southeast Asia alliances is a further reason for maintaining the political provisions of the 1903 treaty. Especially since we still are in the midst of a dangerous cold war with Communist nations.

Nor is the mere fact that Panamanian leaders have changed their minds and now want to revise the treaty, not to say nullify it, sufficient reason to go along with them. No doubt Mexicans would like to revise the treaty that ceded California to us, so that their flag might again fly over this rich territory. France might like to have the treaty by which we acquired Louisiana and the vast western territories that went with it overhauled.

The insistence upon flying the Panamanian flag in the zone, as a token of titular sovereignty, now the prime goal of the isthmian crusaders, is merely a ruse, a Trojan horse. Once there, it would be pointed to as an acknowledgment of total, not titular, sovereignty. It would be an excuse for the extremists to demand more tokens of Panamanian power. They could point to the flag as a supreme demonstration of U.S. deceit—"Washington admits the Canal is ours but won't let us rule over it."

Even if it were logical and wise to make political concessions, or if there were no threats of a future war, this is no time even to discuss the matter. You don't make concessions when an organized mob is converging on your house.

We have become the great Western power, but we don't act the part. We are still anxious to be loved by everybody. We cringe every time some government, even a shaky one, or some extremist group criticizes or throws spitballs at us.

Nobody loves a great power. Nobody loved England when Britannia ruled the waves. But they respected her. She went straight down the road of what she thought was her duty. She lived up to her treaties and obligations and expected others to do likewise.

The U.S. Government has the same right and the same obligation to demand that Panama, the other party to the treaty of 1903, live up to its obligations, to its word, its signature. That is what the treaty was for.

Finally, it is time for the administration and the Congress to stop trying to please everybody; such efforts mean that we usually end up pleasing nobody. It would be an innovation, and the people of the United States no doubt would shout "Hosanna," if the White House and Capitol Hill would act as the responsible protectors of American rights abroad that they are supposed to be.

One thing is certain: Our rights and our obligations in the matter of the Panama Canal and its operation and protection are at stake.

At least it is time for our leaders to speak with one voice, and not as if they were the inmates of a tower of Babel.

THE AMERICAN LEGION'S POSITION

At the 41st National Convention of the American Legion, August 25–27, 1959, the committee on foreign relations reported:

"1. We reaffirm our opposition to any proposal or effort to change, in any way, the status quo of the Panama Canal."

The convention adopted a resolution (No. 645) that called upon "our Government to promptly and vigorously use all means within our power to prevent the establishment or continuance of any Communist or Communist-controlled government within the Western Hemisphere," and urged "all American Republics to join with our Government in the elimination of this threat to the freedom of the peoples of the Western Hemisphere and of the world."

Mr. BUTLER. Mr. President, I also ask unanimous consent to have printed in the RECORD a resolution adopted by the Panama Canal Society of Washington, D.C., protesting against the flying of the Panamanian flag over the Canal Zone.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas the treaty of 1903 between the United States and Panama, under which the Panama Canal was constructed, and ever since has been maintained and operated, provided, for these purposes, the exclusive sovereignty, in perpetuity, over the Canal Zone by the United States; and

Whereas except for such exclusive sovereignty there could not have prevailed in the Canal Zone the conditions of political stability absolutely required to enable the United States to assume and discharge its solemn treaty obligations with respect to the canal; and

Whereas any dilution of U.S. sovereignty, or any duality of sovereignty, would render impossible the adequate maintenance and operation of the canal by the United States, with resulting loss and injury to the United States, Panama, and the entire world; and

Whereas the effort of radical leaders of Panama to raise and maintain in the Canal Zone—by force or otherwise—the Panamanian flag as an evidence of Panama's sovereignty over the zone—and, therefore, of the canal itself—if permitted to succeed, will constitute an avowed and all-important first step in the publicly proclaimed Panamanian goal of nationalization of the canal—and this without the slightest reimbursement to the United States and its taxpayers for the huge cost of construction involved, or any consideration of the vital treaty rights obtaining: Be it therefore

Resolved by the Panama Canal Society of Washington, D.C., on the 19th day of March, 1960, acting by and through its executive committee, under due authorization,

1. That the United States, except for the exclusive sovereignty over the Canal Zone conferred by the treaty of 1903, would not, and should not, have embarked on the great Isthmian enterprise; nor can it successfully maintain and operate the canal in the future except under conditions of exclusive sovereignty.

2. That the display of the Panamanian flag over the Canal Zone as an evidence or symbol of Panamanian sovereignty would not serve the best interests of either the United States or Panama, but would bring confusion and chaos to the maintenance and operation of this great agency, the Panama Canal, created for the progress, betterment, and peace of the entire world.

3. That, although desiring for Panama and its people the fullest measure of advancement and welfare, the society, whose membership is made up of survivors who were employed in the construction of the canal and others who have served in the forces engaged in its maintenance and operation, believes that the tragic incidents attending the recent efforts of mob invasion of the Canal Zone to bring about Panamanian sovereignty, instead of serving the best interests of Panama, have aided and abetted the long-maintained aim and policy of communism to wrest from the United States any and all control of the canal, with resulting internationalization; that all Panamanian efforts for nationalization only have the effect of furthering the cause of internationalization; and that the society strongly opposes such nationalization or any internationalization of the canal.

4. That so long as the United States maintains and operates the canal in conformity with the treaty provisions involved, Panama cannot justly claim or exercise any sovereignty over the Canal Zone or the canal; and only if and when the United States shall abandon the canal, or cease thus to maintain and operate it, can the "sleeping" or reversionary sovereignty of Panama be vitalized.

5. That for the reason now urged the society most earnestly protests against the flying of the Panamanian flag in and over the Canal Zone as an evidence of any claim of Panamanian sovereignty.

6. That copies of these resolutions be furnished the President of the United States, the Congress, the Secretary of State, the Secretary of the Army, and the other Panama Canal Societies.

FRANK M. HILL, *President.*

SEWARD'S DAY

Mr. BARTLETT. Mr. President, this is a very special day in Alaska. It is so because of law. It is so because of the personal desire of all Alaskans. For it was 93 years ago today, at 4 o'clock in the morning, that there was signed here in Washington, D.C., the treaty for the purchase of Alaska by the United States from the Imperial Government of Russia. Signing on behalf of the United States was William H. Seward.

By this act, consummating a plan he long since had conceived, Lincoln's great Secretary of State immortalized his place in history. It was not only that he arranged for a purchase price of $7,200,000—as every schoolchild knows—it was that this Russian land came into our posession. That it was the greatest real estate bargain in history with the 385 million acres that make up Alaska coming to the "marketplace" at about 2 cents an acre is obvious; it should be just as apparent that considerations other than money are far more important. In the troubled world we live in now, how would it be if the Soviet flag were planted on that land which has become the 49th State? Our defense position would be very seriously compromised indeed. Every military move we made would have to be far different than it is now. Our problems would be enormously complicated; the difficulty and cost of defense would be immeasurably increased.

So the homage we Alaskans pay Seward this day should be joined in by all Americans. Seward served them well in this instance, as in so many others. This son of New York was possessed of unusual foresight; he looked not only to the immediate future but to the welfare of his country years and even decades ahead. He was a great statesman.

The treaty was signed, as I have noted, 93 years ago this day. The Russian flag was lowered, the American flag raised, in October 1867. First it became the District of Alaska; then the Territory of Alaska; and now we proudly hail the 49th State of this Union.

It was Seward who first to my knowledge predicted ultimate statehood for Alaska. He was prophetic.

Many years ago the legislature of the Territory of Alaska set aside March 30 to be known as Seward's Day. Fittingly enough, the first legislature of the State of Alaska, meeting in 1959, reenacted the law conferring that designation and distinction upon March 30, which could also be known as Alaska Treaty Day.

I am proud to stand here in the Senate this day, almost 100 years from the time Seward signed the treaty to bring his dream to reality, and pay tribute to this American statesman whose deeds and memory will live and be remembered so long as the United States continues to exist. And that, Mr. President, will be a long time.

PLIGHT OF THE TELEVISION INDUSTRY

Mr. McGEE. Mr. President, my purpose in rising is to insert in the RECORD a couple of items which I did not have time to insert during the morning hour.

I refer to two more pieces of comment on the status of the television industry in this country at the present time. I have been placing in the RECORD a long succession of comments by individuals associated with that work, and I wish to add these two.

The first is an article entitled "Network Programing Continues To Favor Profits Over People," written by Harry Harris, and published in the Philadelphia Inquirer of March 22, 1960. The article reads, in part:

Now that Washington rumbles are growing fainter, it looks as if the networks are blithely proceeding with their same old pocketbook-over-people policies.

The conclusion is:

Since, in recent months, the networks' policymakers have again proved themselves incapable of functioning as public-minded statesmen, rather than as profit-minded pettyfoggers, we feel that legislation should be written to require that networks, like individual stations, be licensed by the Federal Communications Commission, subject to review of their frequently contradictory promises and projects.

The second piece is an article entitled "Networks on the Loose Again—For Now Anyway," written by Lawrence Laurent and published in the Washington Post of March 30, 1960.

The article by Mr. Laurent begins:

Suddenly, the heat is off and television networks are able to return to the old practices.

Mr. Laurent points out:

The force of the quiz show scandals has dissipated and outrage at payola is diminishing. If Congress intends to adjourn in July, there is not enough time in which to legislate new broadcasting rules. It would be unwise, however, for broadcasters to expect Congress to lose interest in radio and TV after the national elections.

Mr. President, I ask unanimous consent that these articles be printed in the RECORD at this point as a part of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer, Mar. 22, 1960]

NETWORK PROGRAMING CONTINUES TO FAVOR PROFITS OVER PEOPLE

(By Harry Harris)

Now that Washington rumbles are growing fainter, it looks as if the networks are blithely proceeding with their same old pocketbook-over-people policies.

Despite loud lip service, there have been no noticeable improvements in programing. A documentary sop here and there, often as ill conceived and executed as the shoddiest oater.

For next season, the prospects seem worse than ever: the present overabundance of westerns and whodunits, in spades, plus a generous dose of sound alike family style situation comedies.

There will be fewer specials, fewer dramas, fewer live enterprises of any kind. Not a single weekly hour or longer drama anthology is contemplated. Instead of an increase in public service offerings, there apparently will be a reshuffling of them.

Other network policies rate skepticism. Because CBS, NBC, and ABC, with suspicious alacrity and unanimity, turned down a prize-winning, independently produced documentary, "The Race for Space," containing startling footage of U.S. and U.S.S.R. missile shots, even though a sponsor was eager to foot the bill, a makeshift network of at least 95 stations has been assembled to air the program April 24.

The basis of the networks' refusal to present the show, it seems, is their feeling that public service attractions involving areas of controversy should be prepared under their own auspices and not delegated to outside producers or sponsors.

Such a definition of network responsibility conceivably could require the Republican and Democratic Parties to permit network supervision of the content of campaign telecasts.

Other recently—and hastily—concocted network policies in connection with the sale of time to political parties on the eve of election day have also sparked protests.

With specials of appeal to more discriminating viewers in short supply at any time, the networks again seem launched on a de-

liberate policy of scheduling these rare items at conflicting hours.

CBS' "Playhouse 90," progressively reduced from weekly, to biweekly, to occasional, seems to have been particularly picked for such nuisance bookings. The scheduling of "The Hiding Place" against Rex Harrison's starring vehicle, "Dear Arthur," Tuesday night, is a case in point. Another instance will occur April 3, when "Alas, Babylon" will vie with a satirical revue, "Hollywood Sings," on NBC's "Sunday Showcase."

Two other irksome examples of special versus special: CBS' Hemingway drama, "The Snows of Kilimanjaro," against NBC's "TV Guide Award Show," Friday at 8:30 p.m.; CBS' encore of the eminently worthwhile "Salute to the American Theater" against NBC's production of Joseph Conrad's "Victory," starring Art Carney, April 8.

This kind of scheduling, to our mind, reflects a deplorable irresponsibility on the part of the networks. Ratings still rate, obviously, above the public good.

In the face of all this, the networks continue to lobby energetically for immunity from governmental control, trying to equate their nearsighted, money-grabbing shenanigans with such lofty principles as freedom of speech.

We're not in favor of censorship or other bureaucratic control, but are these inevitable concomitants of the establishment of certain safeguards that the networks toe some sort of reasonable line in their profitable use of the public's air?

Since, in recent months, the networks' policymakers have again proved themselves incapable of functioning as public-minded statesmen, rather than as profit-minded pettifoggers, we feel that legislation should be written to require that networks, like individual stations, be licensed by the Federal Communications Commission, subject to review of their frequently contradictory promises and projects.

[From the Washington Post, Mar. 30, 1960]

NETWORKS ON THE LOOSE AGAIN—FOR NOW ANYWAY

(By Lawrence Laurent)

Suddenly, the heat is off and television networks are able to return to the old practices. CBS-TV which brought in a new wave of honesty last December has decided its announcements about "audience reaction technically augmented" are no longer needed. Said CBS Vice President Joseph H. Ream: "We think that after 3 months the TV audience is educated to many basic production techniques and there's not much use in cluttering up shows with labels that no longer serve a purpose."

Open up a new can of laughter.

NBC-TV never did adopt rules for telling the people how they were being fooled. ABC-TV fills its schedule of programs by Hollywood sublease and it couldn't have put any new ideas into practice until Warner Bros. was ready.

The force of the quiz show scandals has dissipated and the outrage at payola is diminishing. If Congress intends to adjourn in July, there is not enough time in which to legislate new broadcasting rules. It would be unwise, however, for broadcasters to expect Congress to lose interest in radio and TV after the national elections.

The VICE PRESIDENT. Is there further morning business? If not, morning business is concluded.

CIVIL RIGHTS ACT OF 1960

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Order No. 1241, House bill 8601.

The VICE PRESIDENT. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. JOHNSON of Texas. Mr. President, I ask for the yeas and nays on my motion.

The yeas and nays were ordered.

Mr. JOHNSON of Texas. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BIBLE in the chair). Without objection, it is so ordered. The question is on agreeing to the motion of the Senator from Texas. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MUSKIE (when his name was called). On this vote I have a pair with the senior Senator from Louisiana. If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from Connecticut [Mr. DODD] and the Senator from Louisiana [Mr. ELLENDER] are absent because of illness.

I also announce that the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oregon [Mr. LUSK], and the Senator from Wyoming [Mr. O'MAHONEY] are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oregon [Mr. LUSK], and the Senator from Wyoming [Mr. O'MAHONEY] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART], the Senator from Iowa [Mr. HICKENLOOPER], and the Senator from North Dakota [Mr. YOUNG] are absent by leave of the Senate.

The Senator from New Hampshire [Mr. BRIDGES] and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

If present and voting, the Senator from Kentucky [Mr. MORTON] and the Senator from Indiana [Mr. CAPEHART] would each vote "yea."

The result was announced—yeas 71, nays 17.

[No. 142]

YEAS—71

Aiken	Carroll	Fong
Allott	Case, N.J.	Frear
Anderson	Case, S. Dak.	Goldwater
Bartlett	Chavez	Gore
Beall	Church	Green
Bennett	Clark	Gruening
Bible	Cooper	Hart
Brunsdale	Cotton	Hartke
Bush	Curtis	Hayden
Butler	Dirksen	Hennings
Byrd, W. Va.	Douglas	Hruska
Cannon	Dworshak	Jackson
Carlson	Engle	Javits
Johnson, Tex.	Mansfield	Saltonstall
Keating	Martin	Schoeppel
Kefauver	Monroney	Scott
Kerr	Morse	Smith
Kuchel	Moss	Symington
Lausche	Mundt	Wiley
Long, Hawaii	Murray	Williams, Del.
McCarthy	Pastore	Williams, N.J.
McGee	Prouty	Yarborough
McNamara	Proxmire	Young, Ohio
Magnuson	Randolph	

NAYS—17

Byrd, Va.	Johnston, S.C.	Smathers
Eastland	Jordan	Sparkman
Ervin	Long, La.	Stennis
Fulbright	McClellan	Talmadge
Hill	Robertson	Thurmond
Holland	Russell	

NOT VOTING—12

Bridges	Hickenlooper	Morton
Capehart	Humphrey	Muskie
Dodd	Kennedy	O'Mahoney
Ellender	Lusk	Young, N. Dak.

So the motion of the Senator from Texas [Mr. JOHNSON] was agreed to.

Mr. MANSFIELD. Mr. President, I move that the vote by which the motion to take up H.R. 8601 was agreed to be reconsidered.

Mr. KUCHEL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CASE of South Dakota. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from South Dakota will state it.

Mr. CASE of South Dakota. Mr. President, do I correctly understand that there is no unfinished business, and that now that the civil rights bill is made the pending business by motion during the morning hour, and before the hour of 2 o'clock, it will continue to be the pending business unless it is displaced by motion?

The PRESIDING OFFICER (Mr. FREAR in the chair). The Senator is correct.

OPPOSITION TO CIVIL RIGHTS PROPOSALS

Mr. RUSSELL. Mr. President, those of us who have undertaken to oppose the vicious proposals that have been paraded here under the false banner of "civil rights" have done so under great handicaps.

Our numbers admittedly are small. The leadership is determined to pass a bill. Many of the country's largest and most influential newspapers, magazines, and other media of communication gave their support in advance of blank-check legislation in this field. As a result, great sentiment has been created against the people of the South, and in favor of all legislation bearing the title "Civil Rights."

We have carried on in spite of the odds. To the best of our ability, we have used the limited means available to us to warn the country of the dangers and inequities contained in these proposals.

Mr. President, no Member of this body has fought more tirelessly or more effectively in this great cause than has my distinguished colleague, Senator TALMADGE. He has made a number of extremely able speeches on the floor of the Senate in defense of constitutional government, and has built an unassailable case against the multitude of unconstitutional proposals that have been advanced here.

But my colleague has by no means limited his efforts against these measures to the making of speeches on the floor of the Senate. Despite his heavy schedule, he has found time to participate in a number of nationwide radio and television programs, in the interest of presenting our cause to the people in every State and section of the Nation.

His most recent such appearance was on last Sunday, when he debated the so-called civil rights bills with the Senator from New York [Mr. KEATING]. Without in the slightest disparaging the Senator from New York, I wish to say that I think that all who saw that program will agree that my colleague, Senator TALMADGE, gave an excellent account of himself and made an eloquent presentation of the case for the South, and against the proposed legislation.

Mr. President, the Atlanta Journal, in an editorial which was published last Monday, commended my colleague for the ability he displayed in his television appearance and for the clarity and force of his presentation. I ask unanimous consent that the editorial be printed in the body of the RECORD at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Atlanta Journal, Mar. 28, 1960]

DEBATE SERVES THE SOUTH

The civil rights debate over television Sunday between Democratic Senator TALMADGE, of Georgia, and Republican Senator KEATING, of New York, demonstrated once more that the South has a case to present if it can just get the rest of the country to listen.

Those who tangle with Senator TALMADGE in the forensic art are learning what fellow students at the University of Georgia learned a long time ago—that he is an able debater who gives no quarter.

The two Senators were well matched and they presented their arguments so forcefully that the 30-minute program seemed to pass all too quickly.

And while there was heat, there also was light. Both were well armed with facts and they showed no hesitancy in interrupting each other to clarify points they feared might be misinterpreted.

Senator TALMADGE pressed Senator KEATING pretty hard on the matter of sit-down demonstrations that have swept through the South in recent weeks. Senator KEATING kept saying that he approved of peaceful demonstrations so long as they violated no law. But the Georgia Senator insisted that was just the point—they constituted trespassing on private property and were therefore illegal.

The two were in agreement on one point: that they would both support legislation making it a crime to obstruct any court order by force and violence.

Senator TALMADGE makes a good impression in his defense of the South, and it is hoped that his message is getting through to the rest of the country. The response he received from a recent nationwide television appearance indicates that it is.

CIVIL RIGHTS AND THE DISTRICT OF COLUMBIA

Mr. RUSSELL. Mr. President, this morning there came to my attention the "Report From Washington" column, published in the Chicago Daily Tribune of March 30, written by Mr. Walter Trohan, chief of the Chicago Tribune's Washington bureau. His column deals with conditions here in the District of Columbia.

The first sentence of the article reads as follows:

There is more hypocrisy than honor among northern bleeding hearts on the question of integration in the South.

Mr. President, I ask unanimous consent that the entire article be printed at this point in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chicago Daily Tribune, Mar. 30, 1960]

REPORT FROM WASHINGTON

(By Walter Trohan)

WASHINGTON, March 29.—There is more hypocrisy than honor among northern bleeding hearts on the question of integration in the South. Nowhere is this more vividly demonstrated than in the National Capital, which lies below the Mason-Dixon line but has long ago been captured by various shades of do-gooders from New Dealers to one worlders.

Nowhere has there been more verbal agony shed over Negroes and less practice of the preached word. Since the Supreme Court decisions on civil rights, there has been a tremendous exodus from the Capital into segregated Virginia and outlying Maryland by those who agitated for the rulings.

Since the High Court decisions Washington has become a Negro city. Fifty-five percent of the population of the Capital is Negro. Three out of four pupils in District public schools are Negro. In the first grade almost 85 percent of the students are Negro.

This means simply that the white people who have been agitating for integration in the South have been moving away from Negroes in the Capital to suburbs which are white. The percentage of white population in the Capital is dropping while the percentage is rising rapidly in suburban areas.

WHITE STUDENTS ATTEND PRIVATE SCHOOLS

To too many bleeding hearts the Negro is good enough to fight for far away but not good enough to live with or go to school with in the North. Most northern cities are showing marked rises in suburban population, but nowhere so much as in the Capital, where integration was enforced.

Man has always found it easier to adopt a cause far from home, especially when he could escape from the consequences of his own crusading. In the days before the Civil War, abolitionists in New England found it easy to close their eyes to child labor in cotton factories, which was a more cruel and heartless form of slavery than they battled in the cotton fields of the South.

Most of the more prosperous white people with children of school age who continue to live in the Capital send their children to private schools. Some did before the integration decision, but more do now that 96 of the District of Columbia's 165 schools are 90 percent Negro or over. Twenty-one schools are 100 percent Negro in enrollment.

Supreme Court Justice William J. Brennan, Jr., the only jurist with schoolchildren at the time of the Court's decision in the school cases, sent his children to private schools. Some of these schools take Negroes but few Negro parents are able to meet costly tuition charges. In the case of at least one of these private institutions, one of the loudest voices for integration was privately plotting with his trustees on means of keeping Negro students out of his institution's classrooms.

VOTE AT HOME TO KEEP FEDERAL JOBS

More recently the do-gooders in the National Capital have revived another of their causes—home rule and the vote for the Capital. Most of the agitators vote in other States, where they maintain legal homes even though they spend considerable time here.

Many of the white people living in the Capital vote at home to keep their Federal jobs. If the District of Columbia should get home rule, the Negroes would have an even greater majority at the ballot box than the 55 percent of the population they have.

Undoubtedly Washington would elect a Negro mayor and other Negro officials in a matter of time. The majority at the ballot box was an actuality when the District did vote before the turn of the century and is the reason why the vote was taken from residents of the Capital. No doubt more bleeding hearts would move out if the District should win the right to vote. All this serves to indicate that if the bleeding hearts weep, they weep crocodile tears except when their own selfish interests are involved.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the first committee amendment.

Mr. McCARTHY obtained the floor.

AMENDMENT OF THE SUGAR ACT

Mr. CHURCH. Mr. President, will the Senator from Minnesota yield to me?

Mr. McCARTHY. I yield.

Mr. CHURCH. Mr. President, heretofore I joined with other Senators in the sponsorship of S. 3210, a bill to amend and extend the Sugar Act of 1948, as amended. This is a revenue measure in form, and in all probability it will be considered by the House of Representatives before it is taken up in the Senate.

Nevertheless, this is an extremely important legislative problem for consideration in this Congress, and the time is getting late. The Sugar Act expires at the end of this year; and unless an extension of some kind is agreed upon before Congress adjourns, there will be chaos in a vital segment of our economy, the sugar industry.

It is for this reason that I desire to explain my position as to the kind of sugar legislation we ought to have, and to submit an amendment I have prepared.

This Congress is apparently to be offered a choice between a simple extension for 1 year of the existing law, and S. 3210, which amends the Sugar Act in certain important particulars, and extends it for 4 more years.

I favor the latter course for a number of reasons. First, there is the time element itself. Sugar is not the kind of crop, and not the kind of industry, which can successfully operate on a year-to-year basis. The crop periods overlap in the different producing areas, processing and marketing plans have to be made more than 1 year in the future, and the threat or prospect of legislative "tinkering" on a year-to-year basis is not conducive to sound management. Unsound management means higher costs.

Second, I believe S. 3210 makes some desirable changes in the law. One of

these, from the point of view of the sugar-beet States, gives to beetgrowers 150,000 tons additional quota, as a substitute for the variable prospects of sharing in the deficits which arise from time to time in Puerto Rico's quota.

Additionally, S. 3210 takes a realistic look at the situation in Cuba, and gives the President the right to cut Cuba's quota on a 1-year basis, when in his judgment such action should be taken. A 1-year extension of the present law, without changing it, would amount to a favor to the Cuban Premier which I do not think he deserves. I believe it better to empower the President to cut the Cuban quota, when he believes it to be warranted, rather than to countenance Castro's conduct by continuing the present law, which guarantees him a lucrative share of the U.S. market, regardless of his conduct, past, present, or future.

The Sugar Act is an immensely complex piece of legislation, but it has worked well. It has stabilized the sugar market, once subject to violent fluctuations; and the rise in the cost of sugar to American consumers is much less on a percentage basis since the Sugar Act was first passed than the rise in the cost of other commodities. By comparison, the average American worker works less than 3 minutes to earn enough to buy a pound of white granulated sugar, while in Russia a worker must work more than 2 hours to earn enough to buy the same amount of sugar.

An efficient domestic and mainland sugar industry must be maintained if a reasonable degree of national self-sufficiency is to be provided. Our sugar program assures the American consumers an adequate supply of sugar at reasonable prices, maintains and protects the welfare of the domestic sugar industry, and promotes the export trade of the United States.

This program cannot be permitted to come to an end, and it must not be tampered with indiscriminately.

But, Mr. President, I believe that a principle long incorporated in the act could well be extended. This is the principle that new and small producers ought to receive special consideration.

After World War II, returning veterans and others who then established themselves on homesteads and other farms without beet acreage allotments, have sought to participate in this program. The act directs the Secretary of Agriculture to give a preference to this type of grower; but, as a practical matter, the amounts available have been too small to be useful.

Yet sugar is a most attractive cash crop, and without it the new farmers are at a great disadvantage in their communities

Sugar beets return what they take from the soil. They promote soil equilibrium, when grown in rotation with hay, grains, and legumes. A ton per acre of their extensive root systems is left in the soil, to rebuild it.

The byproducts of beet sugar—tops, molasses, and pulp—provide a rich and necessary source of supplement feed for livestock. Proper feeding of these by-products will produce 300 pounds of meat for each acre of beets.

If the new farmers could be helped, without doing violence to the traditional beet planting patterns, it would be a good thing for Idaho and other beet areas.

I think this can be done. That is the purpose of an amendment which I intend to offer to S. 3210, and which I send to the desk, with the request that it be printed.

At the present time, there is consumed in the United States, each year, about 150,000 tons more sugare than that consumed in the preceding year. This growth, which results from the increase in our population, and also from a growth in the per capita rate of sugar consumption, is now allocated between our domestic producers, on the one hand, and Cuba and other foreign producers, on the other, in the ratio of 55 to 45. Cuba's share of this growth is about 30 percent of the total; and the other foreign countries, except the Philippines, have about 15 percent of the total. The Philippines have a fixed annual quota, and that country does not share in additional allocations arising from the growth in our market.

My amendment would reassign to our domestic producers the Cuban quota of the annual growth increment.

Under the Sugar Act, the domestic beet sugar areas are allocated about 40 percent of new domestic quotas. Forty percent of the amount reassigned from Cuba would furnish increased acreage in significant proportions. Under the second part of my amendment, the Secretary of Agriculture would be required to give to new and small producers a preference as to any increased acreage resulting from this reassignment.

Thus, on a progressive basis, each year more acreage would be available to help these new and small growers. They have had a preference in the past; but, as I have pointed out, the added acreage has been too small to be of help to them.

I think it eminently fair that the part of the new acreage which, under my amendment, would be reassigned from Cuba, should be subject to this preference for new and small producers. This would take a sound and constructive step to meet the need of this particular group, without disturbing the balance of the Sugar Act's operation or violating its spirit.

I ask unanimous consent that my amendment, with the changes in the present law indicated, be printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER. The amendment will be received, appropriately referred, and printed; and, without objection, the amendment will be printed in the RECORD.

The amendment was referred to the Committee on Finance, as follows:

On page 1, after line 11, insert the following:

"SEC. 2. Section 202 of the Sugar Act of 1948, as amended, is amended by adding at the end thereof the following new subsection:

"'(f) Notwithstanding the foregoing provisions of this section, effective with the calendar year 1961, no part of any increase in quotas arising from a determination made by the Secretary under section 201 in excess of 9,400,000 short tons, raw value, which would otherwise be prorated under the provisions of subsection (c)(2)(B) shall be apportioned to Cuba, and the percentage thereof which would otherwise be apportioned to Cuba shall be apportioned to domestic producers.'

"SEC. 3. Section 302(b) of the Sugar Act of 1948, as amended, is amended to read as follows:

"'(b) In determining the proportionate shares with respect to a farm, the Secretary may take into consideration the past production on the farm of sugar beets and sugarcane marketed (or processed) within the proportionate share for the extraction of sugar or liquid sugar and the ability to produce such sugar beets or sugarcane, and the Secretary shall, insofar as practicable, protect the interests of new producers and small producers and the interests of producers who are cash tenants, share tenants, adherent planters, or sharecroppers and of the producers in any local producing area whose past production has been adversely, seriously, and generally affected by drought, storm, flood, freeze, disease, insects, or other similar abnormal and uncontrollable conditions. To the extent that an increased acreage shall be allocated to beet sugar areas by reason of the enactment of the amendment adding section 202(f) such increased acreage shall be allocated by the Secretary, insofar as practicable, to protect the interests of new producers and small producers. For the purposes of establishing proportionate shares hereunder and in order to encourage wise use of land resources, foster greater diversification of agricultural production, and promote the conservation of soil and water resources in Puerto Rico, the Secretary, on application of any owner of a farm in Puerto Rico, is hereby authorized, whenever he determines it to be in the public interest and to facilitate the sale or rental of land for other productive purposes, to transfer the sugarcane production record for any parcel or parcels of land in Puerto Rico owned by the applicant to any other parcel or parcels of land owned by such applicant in Puerto Rico.'"

On page 2, line 1, renumber "SEC. 2." to read "SEC. 4.".

On page 6, line 15, renumber "SEC. 3." to read "SEC. 5.".

On page 7, line 19, renumber "SEC. 4." to read "SEC. 6.".

On page 7, line 22, renumber "SEC. 5." to read "SEC. 7.".

On page 8, line 1, renumber "SEC. 6." to read "SEC. 8."

Mr. YARBOROUGH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Minnesota [Mr. MCCARTHY] has the floor.

Mr. YARBOROUGH. Mr. President, will the Senator from Idaho yield?

The PRESIDING OFFICER. Does the Senator from Minnesota yield for that purpose?

Mr. MCCARTHY. Yes.

Mr. YARBOROUGH. I desire to ask the Senator from Idaho a question. Under this proposed amendment, what new acreage would be granted to American growers?

Mr. CHURCH. Under my proposed amendment, the Cuban share of the added increment in the total sugar quota that results from the annual growth of the American market, would be reserved to domestic producers.

Mr. YARBOROUGH. I desire to say to the distinguished Senator from Idaho that my State has a quota for sugar beet

production of about 1,800 acres, a little less than 3 square miles. That is an area 1 mile wide and 3 miles long for the entire State of Texas. In the high plains area, sugar beets are the most valuable crop per acre that can be produced. The former quota of 2,200 acres has been cut to 1,800 acres. For 20 years the sugar beet producers in that high plains area of Texas have sought to get a reasonable sugar beet acreage quota, but they now have a quota of only 3 measly square miles for the whole State of Texas. I think the Sugar Act should be amended so that American producers who have the land and the labor available can grow more sugar beets, in view of the fact that domestic producers grow only about 27 percent of the sugar consumed in this country, and we import approximately 73 percent.

Is it not a fact that we import about 73 percent and produce only about 27 percent of our sugar needs?

Mr. CHURCH. It is true that the amount imported exceeds the amount that is domestically produced.

Mr. YARBOROUGH. That is undoubtedly the reason why the President of the United States recently recommended new sugar legislation. He recommended it partly on the ground of national security and defense. He did not state specific percentages, but he pointed out that we produce only a fraction of what we consume. Actually we produce 27 percent of the sugar consumed in this country. In view of the price that Americans pay for sugar and the widespread consumption of that commodity, it does not make sense to limit American farmers so that they are permitted to produce only 27 percent of the sugar needed in this country, while we force off the farms those who are raising grain sorghums or wheat, for example, the further production of which is not needed. Sugar is needed.

The entire State of Texas, with an area of 267,000 square miles, is allowed to produce sugar beets only in a little strip of land 1 mile wide by 3 miles long, when it has been demonstrated for more than 20 years that sugar beets form a very valuable crop in the high plains area, where the production is worth from $100 to $150 an acre per year. This is the most valuable crop that can be grown in that area, where beets with a very high sugar content are grown, when compared with the sugar content of sugar beets grown elsewhere.

I ask the Senator from Idaho what acreage is provided for the State of Texas under the amendment he has submitted.

Mr. CHURCH. Under the amendment I have proposed, no specific acreage allocations are made. The pattern of the present Sugar Act is retained, but domestic producers are favored—and new and small domestic producers are given special preference—with respect to the Cuban share of the increased increment in the sugar quota that results from the growing population of this country, from year to year.

I think the effect of my amendment would be to give added acreage to domestic producers, wherever sugar is now being produced; and, in addition, the new and small producers would be given a special preference to which they are entitled.

It may be that the distinguished Senator from Texas would want to see the Sugar Act amended in other particulars, but I think the objective of better serving domestic producers is one advanced by this amendment, and, to this extent, I am sure the Senator from Texas would want to support it.

Mr. YARBOROUGH. I commend the distinguished Senator from Idaho for this step in the right direction. It is only a step, however. I point out that under 8 years of Bensonism, in one State acreage was increased by 30,000 acres, while in my State in that period acreage was reduced from 2,200 to 1,800 acres. I think we ought to look at the matter from the domestic as well as the standpoint of foreign production.

THE LATE PRINCE JONAH KUHIO KALANIANAOLE

Mr. FONG. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Hawaii?

Mr. McCARTHY. Yes.

Mr. FONG. Mr. President, last Saturday, in my State of Hawaii, a holiday marked the birthday anniversary of a great Hawaiian statesman and Republican—the late Prince Jonah Kuhio Kalanianaole. This Prince of Hawaiian royalty was the second Delegate to the Congress of the United States from the then new Territory of Hawaii. He served his Hawaii and the United States in the House of Representatives from 1902 until his death in 1922.

On the occasion of the celebration of Prince Kuhio Day in Hawaii, Riley H. Allen, editor of the Honolulu Star-Bulletin, wrote an editorial in the March 26 issue of that newspaper. Mr. President, I ask unanimous consent that this testimonial to a great Hawaiian statesman be printed in the body of the RECORD following my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Honolulu Star-Bulletin, Mar. 26, 1960]

A GREAT HAWAIIAN, A PATRIOTIC AMERICAN

On March 26, 1871, near Koloa on Kauai, a son was born to the High Chief David Kanalepouli Piikoi and the Princess Kinoiki Kekaulike. He grew up to become Prince Jonah Kuhio Kalanianaole, one of the most illustrious figures in Hawaiian history during the transition from monarchy to republic and into the first two decades of territorial status.

He was brought up, with his brother David, in the court of Kalakaua. When Liliuokalani was overthrown, his understandable monarchist sentiments got him in trouble with the officials of the republic and he was sentenced to a year in prison in connection with the abortive revolt which sought to restore Liliuokalani to the throne.

For a time, the brothers Kuhio and David floundered in the political turmoil of their times. Finally, however, they realized that their royal training in service to their people could best be put to use in the new framework of the territorial government.

David became a Democrat, and Kuhio a Republican. David was not successful politically, and died in 1908. Kuhio, on the other hand, was a favorite with the electorate and after his first election as Delegate to Congress in 1902, he was unfailingly reelected for 10 terms, still a record. He died on January 7, 1922, nearly 19 years after entering Congress.

The crowning act of his political career was the Hawaiian homes program, to take his people out of the city slums and to give them land in perpetuity to insure perpetuation of the race. Gov. Wallace R. Farrington appointed him to the first homes commission and it was a source of gratification to Prince Kuhio to see the commission plunge rapidly and effectively into its work.

And it was Governor Farrington who paid one of the finest tributes to Kuhio:

"Prince Jonah Kuhio Kalanianaole was sincere, loyal, and courageous, and he possessed the peculiar kindness of heart distinctly Hawaiian that is identified, interpreted, and glorified in Hawaii's aloha. He made friends and his opponents were never enemies. Through his friendly personality he rallied national leaders to his support, not only through the justice of the cause he represented but also because 'we like the prince.'

"As a member of the royal family of Hawaii he maintained the dignity of his station and with refined freedom from ostentation. He understood the developing forces of the Pacific and was solicitous for the welfare and the highest type of progress for his people.

"Without sacrificing his pride of race or of nationality that had been merged in the great union of States, he was a whole-souled American."

Today Hawaii observes the 89th anniversary of Kuhio's birth. Though the number who knew him personally dwindles, his spirit lives on in his achievements and in the legacy he left his people. He was a son of whom all Hawaii is proud.

THE DILLON PLAN

Mr. JAVITS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Minnesota [Mr. McCARTHY] yield to the Senator from New York?

Mr. McCARTHY. I yield.

Mr. JAVITS. Mr. President, U.S. free world leadership is facing difficult tasks in attempting to unite the economic potential of the Western industrial powers and bring this great potential to bear upon the epic economic challenge posed by the need of the less-developed areas of the world which must be helped to achieve economic progress in a framework of free institutions. The urgency of meeting these tests and of helping the emerging nations along the road of economic development is greatly intensified by the existence of Soviet power, offering assistance to the developing nations on terms which are vague but generally spell Communist domination.

The free world effort is being made within the framework of the Dillon plan, excellently set forth in an editorial of today's New York Times, which I ask unanimous consent to insert in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 30, 1960]

THE DILLON ERA

Two separate groups are now meeting in Europe to consider plans for replacing the

Marshall era of American aid to Europe with the Dillon era of American-European partnership in trade. The term "Dillon era" was coined by President Hallstein of the Administrative Commission of the European Economic Community in honor of American Under Secretary of State Douglas Dillon. It is intended to denote the new phase of Western economic development symbolized by the American plan presented by Mr. Dillon at an economic meeting in Paris in January and approved by 20 nations. Under this plan the United States and Canada would join a dollar-strong Western Europe in a new trans-Atlantic organization for greater and economic cooperation and joint aid to underdeveloped countries.

A detailed blueprint for this new organization is now being worked out by a committee for presentation to a meeting of the 20 nations in Paris April 19. But these nations have found it advisable to meet in Paris at once in an effort to head off a threatened trade war between the European Economic Community of the "inner six," headed by France and Germany, and the European Free Trade Association of the "outer seven," headed by Britain. Such a clash would create a most unhappy initiation of the Dillon era.

This issue is also being considered by the European Parliamentary Assembly, the precursor of a parliament of a united Europe, now meeting in Strasbourg. It has before it a plan to speed up both the reduction of trade barriers between members of the Community and the formation of their customs union by an early start of their common tariff toward others on the basis of reduced rates. The United States has endorsed this plan for both its political significance and as a step toward trade liberalizations, even though it may initially discriminate against American trade. But the "outer seven," whose free trade association, of course, also discriminates against outsiders, including the United States, see in the Community's move only discrimination against themselves and threaten reprisals. It must be hoped that the assurances given Prime Minister Macmillan by Secretary Herter and Mr. Dillon will help to prevent a development that could seriously impair Western solidarity.

PROPOSED CIVIL RIGHTS LEGISLATION

Mr. JAVITS. Mr. President, upon the pending civil rights bill, I wish to state I have heard this morning with the greatest of pleasure and gratification the compliments paid to my junior colleague from New York [Mr. KEATING] upon the fight which he made last night in the Committee on the Judiciary against the so-called Kefauver amendment.

Mr. President, these fine tributes are thoroughly well deserved. My colleague has rendered us all a service in being alert to the implications of the amendment. I am sure that his own dedicated opposition, together with the opposition of many of us who feel exactly as he does on this subject, will result in its excision from the bill.

Mr. KEATING. Mr. President, will the Senator from Minnesota yield to me for a slight comment?

Mr. McCARTHY. I yield to the Senator from New York.

Mr. KEATING. I thank my colleague from New York for his very kind comments. I appreciate them very much indeed. I know the senior Senator from New York stands with those of us who feel that this is a devastating amendment to the bill and that we must do everything in our power to have it eliminated.

Mr. JAVITS. I thank my colleague.

Mr. SCOTT. Mr. President, will the Senator from Minnesota permit me to address a question or a comment to the Senator from New York?

Mr. McCARTHY. Mr. President, I yield to the Senator from Pennsylvania.

Mr. SCOTT. I desire to underscore what has been said by both Senators from New York. The Kefauver amendment, which was adopted by a vote of only 7 to 6 in the committee, is an amendment which would do more to assure the intimidation of persons wishing to be recognized as seeking the right to register and to vote than any proposal I have heard of yet. This amendment could fill the room, where the application is being considered, with people hostile to the man or the woman who feels he or she has been deprived of the right to vote or who seeks in the first instance to attain that right.

There was nothing in the bill heretofore which pertained to hearings. The amendment refers to a hearing.

I hope the Senator will agree with me when I say that there ought not to be anything in the provision which would make more difficult the right to register through a voting referee than the ordinary right to register. If this procedure is to be in a hearing and in the presence of a room full of a great many people, most of whom would be hostile to the applicant, the effect of the amendment will be to create a climate of intimidation, and to prevent people from exercising their right to register and to vote.

Does the Senator from New York agree with me?

Mr. JAVITS. Of course the Senator agrees with his colleague from Pennsylvania and with his colleague from New York.

After all, the reason the voting has been frustrated in the South has been the climate of intimidation, implemented every once in a while by some act of violence, which shows they really mean it. The mere presence of the kind of attitude which has been shown on the part of white citizens—the White Citizens Councils, for example—would be enough to frustrate the very thing we are trying to accomplish.

This is a matter which should be left to each court, seeking in good faith to carry out what is intended; to wit, to put the Negro on terms of perfect equality with any white voter. The white voter does not have to have a hearing. He does not have to have evidence presented. He does not have to have a proceeding with a lot of witnesses and a lot of lawyers when he goes in to register to vote. Neither should a Negro have to do so. That is the essence of what we are talking about.

We are all gratified that our colleague [Mr. KEATING], who is an able lawyer, faced with this matter as a first impression, immediately perceived its implications and helped us all by interposing his objections to the amendment and by now ringing the alarm bell for all of us.

Mr. SCOTT. Mr. President, I should like very much to join in the praise for my colleague from New York for his alertness, for his courage and determination, and for being prepared at all times to detect these "gimmicks" in proposed legislation which are designed to defeat the purpose of the legislation itself.

I am very happy that every Republican Senator, every Senator on this side of the aisle, who is a member of the Committee on the Judiciary, voted against the Kefauver amendment. This cannot be said with respect to the other side of the aisle, whether we are speaking in terms of one section of the country or another.

Mr. JAVITS. Mr. President, I did not want to intrude upon the time of my colleague for very long.

I take my text from what has occurred this morning with respect to making the civil rights bill the pending business. I say this: Mr. President, the illusion that we are going to have an agreed-upon civil rights bill in the Senate which could move over to the other body, which was an illusion which was prevalent for a very considerable time in the Senate, is gone.

Now we know we are going to have a bill which is going to be a Senate bill. I regret very much that we did not make it the Senate bill based upon the Dirksen substitute, the administration program. That is water over the dam, of course.

The point I want to make now is that we are face to face with every issue. The technique of making a motion to table an amendment has changed in implication. We are faced with the issues, and we have to decide them substantively. Every Member of the Senate should know that he is now to vote for or against the issues. If any Senator votes against an issue by voting to table, that will be the end of it. We will not have another chance, as we had with respect to the Dirksen substitute, since there was a House bill.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. JAVITS. Not yet.

That is point No. 1. The illusion of an agreed-upon bill is gone. We are going to have to fashion a Senate bill.

Point No. 2 is that every Member of the Senate who votes on any of these provisions, whether it be to table or to vote substantively, is now voting definitively.

Point No. 3, which is very important, Mr. President, is that I hope very much we will submit to the conscience of the Senate and to the vote of the Senate each one of the two propositions which are omitted from the bill; to wit, the proposition for technical aid to school desegregation, and the proposition for recognition of the government contracts employment committee. Mr. President, these are two essences of any intelligent and meaningful civil rights program. The Senate should pass upon them. Those provisions should not simply go down the drain at this last stage in these proceedings.

Mr. President, I bring those things to the attention of all of our colleagues, because we have to know that we are up against a substantive question now. Shall we have a civil rights bill which is adequate for the world in which we live? This is a world in which there are devastating, horrible and bloody riots in one part of the world—in South Africa—based upon this issue of race and color; a world in which we have serious questions raised with regard to law and order and the rights of peaceful assemblage in our own States. This should impress us all with the simmering caldron upon which we sit, and therefore of the necessity of not being overtaken by events but instead of being ahead of events, by the use of intelligent legislation in terms of the contribution of the Federal Congress.

Mr. HOLLAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Does the Senator from New York yield to the Senator from Florida?

Mr. JAVITS. I cannot. The Senator from Minnesota [Mr. MCCARTHY] has the floor.

Mr. HOLLAND. Mr. President, will the Senator from Minnesota yield to me briefly so that I may reply to the Senator from New York?

Mr. MCCARTHY. Mr. President, I should like very much to yield. I have made commitments to other Senators. I understand the proceedings of the Senate will be interrupted at 2:30 this afternoon.

Mr. President, I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, I appreciate that courtesy.

I simply wanted to say I was a little bit intrigued by the position of the Senator from New York, when the Senator claimed we were almost in sight of adopting what he referred to as the Dirksen substitute amendment, whereas the RECORD shows that my distinguished friend from New York offered more amendments to the Dirksen substitute than anybody else in the Senate, which apparently indicated that the Senator thought very little of the Dirksen substitute amendment at the time the debate on the amendment was under way.

I thank my distinguished friend for yielding.

Mr. JAVITS. Mr. President, if the Senator will give me one minute I should like to reply.

I have had something next to my desk for a long time which I have wanted to use, and I think this is the time to use it.

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from New York?

Mr. MCCARTHY. Mr. President, I yield to the Senator from New York for a short statement.

Mr. JAVITS. It appears, Mr. President, considering all the conversation we have had about the number and weight of the amendments to the Dirksen substitute, which were said to weigh 5 pounds, we should consider the other side of the case.

Mr. President, we weighed all the statutes passed in the South to thwart and to destroy the fundamental civil rights of American citizens in the South, and we find they weigh 10 pounds 12 ounces. [Laughter.]

Mr. President, I think that is about the character of this debate; in short, twice as much effort and weight goes into efforts in the States in the South to thwart these civil rights as goes into the Congress of the United States, for the whole United States, to endeavor to retain them.

Mr. President, I am very grateful to my colleague for yielding to me, and for his patience.

Mr. CARROLL. Mr. President, will the Senator from Minnesota yield to me?

Mr. MCCARTHY. I yield.

Mr. CARROLL. Mr. President, I was surprised this morning to read in the newspaper the interpretation given to the action taken by members of the Senate Judiciary Committee. The Senator from New York is in the Chamber. I should like to have his attention.

I heard the remarks of the junior Senator from Pennsylvania. Now I think the time has come to set the record straight as to what happened with respect to the Kefauver amendment, according to the memory and judgment of the junior Senator from Colorado.

I should like to read from page 46 of the hearings before the Senate Judiciary Committee on House bill 8601. The Attorney General of the United States was before the committee in executive session. Questions were propounded to the Attorney General as to what was the meaning of "ex parte." There was considerable concern on the part of some members of the Judiciary Committee about the meaning of "ex parte." There were unfounded apprehensions that it was intended to authorize "secret" meetings or midnight, closed-door hearings. There was discussion as to whether or not the voting referee could proceed in the dark of the night, in some secret, clandestine meeting, to register a person who was of the class of persons against whom it was found there was a pattern and practice of discrimination. The Attorney General was pressed on this question. He was asked, "Why do you need to have an ex parte hearing?" He was asked in effect, "The pattern and practice having once been found by the court, why do you need to have an ex parte hearing?"

All we have been seeking to do is expedite voting registration. But an attempt was made to press the Attorney General into a corner and bring out of him evidence that this ex parte hearing was to be a secret meeting, conducted in a basement, or in some other sinister and mysterious manner. The junior Senator from Colorado put this question to the Attorney General as he was being pressed in committee:

Senator CARROLL. This is not a star chamber session?

Mr. ROGERS. Not at all.

Senator CARROLL. This is a session that people can come and take a transcript and hear the testimony.

I wish to repeat that. I think this will eliminate some of the confusion in the press, because the press has not been given the whole story.

This is a session where people can come and take a transcript and hear the testimony.

It is one thing to take a transcript. It is another thing to hear the testimony; and it is quite another thing, in law, to participate in the hearing.

I continue reading from page 46:

The real question, as I understand the able Senator from North Carolina in raising the question, is how can they attack the evidence that comes, but there is nothing secret about this hearing.

Mr. ROGERS. No. The referee acts just the way a registrar would act, a State registrar, and then he presents everything to the judge, and then the attack made on his decision is made before the judge, and there is a full hearing before the judge.

The real reason I wished to point up this discussion is to show what happened, according to the recollection of the junior Senator from Colorado. The able Senator from Tennessee [Mr. KEFAUVER] presented an amendment. I have not talked with the Senator from Tennessee since the hearing. However, as I recall, the Senator from Tennessee said, "We think these hearings ought to be held in public."

I had previously made that suggestion to the Attorney General. The Attorney General thought the hearings should be public. So that part of the amendment struck me as being pretty fair.

Mr. KEATING. Mr. President, will the Senator yield to me for the purpose of a correction?

Mr. MCCARTHY. Mr. President, I regret very much that I cannot yield any additional time. This subject has been under discussion for a considerable time, and I have been asked to yield by a number of Senators. I should be very glad to yield, but because of previous commitments, I will say to the Senator from Colorado, I must make my presentation now in order to honor those commitments.

Mr. CARROLL. Mr. President, will the Senator yield for another 2 or 3 minutes?

Mr. MCCARTHY. I yield the Senator 3 minutes.

Mr. CARROLL. We must get the record straight.

Mr. KEATING. Inasmuch as the Senator has been yielded 3 minutes, will he yield to me for a correction?

Mr. MCCARTHY. I yielded 3 minutes to the Senator from Colorado.

Mr. CARROLL. I should like to make a record. I shall be glad to yield if there is time. There will be ample time to debate this subject.

The Senator from Tennessee wanted the hearings to be made public. The Attorney General said they should be public. The junior Senator from Colorado believes the hearings should be public. I am against secret hearings.

The Senator from Tennessee felt that the State registrar or county registrar should be given 2 days' notice and should have an opportunity to bring in

his own stenographer to take down a report of the proceedings.

The junior Senator from Colorado did not agree with that, because he felt that it would be one more stumbling block, another roadblock in the way of the individual seeking to register. I offered an amendment to the Kefauver amendment to strike out that provision. I am perfectly willing to have public hearings, but I did not want in the amendment a provision for 2 days' notice. I did not receive one Republican vote on my amendment.

Mr. JOHNSTON of South Carolina. Mr. President, let us keep the record straight. There is already in the law a provision for 2 days' notice. The amendment did not change that provision one iota.

Mr. KEATING. Mr. President, will the Senator yield for a correction?

Mr. CARROLL. If I may, I should like to follow through with this presentation, then if I have remaining time I shall be glad to yield. I think we can clear up a great deal of misinformation which has gone to the press.

My amendment to the Kefauver amendment failed. Then there came the question of public hearings including a 2-day notice. That was the Kefauver amendment and it included the material which I moved to strike out. A vote was taken on that amendment.

I think the junior Senator from Colorado has been as active in connection with this bill as any Republican or Democrat, and more active than some of my southern friends would like me to be.

The junior Senator from Colorado will offer an amendment, if it is in order, to strike out the part which was approved by the Senate Judiciary Committee. I prefer the wording of the House bill. However I still think it is a mistake to leave the impression with the public that a voting referee is going to operate in secret, in a clandestine manner, registering people in the dark of night. I believe that after we make a record, and let a court of equity know our position, a court of equity will not permit a voting referee to take such action.

An amendment such as I have described will be offered by me, and I trust that it will be supported by Senators who are interested in a good bill.

I close with the following statement: I observe on page 17, line 20 of the bill, that the language "the applicant shall be heard ex parte" is stricken out. According to the memory of the junior Senator from Colorado, this was not the amendment of the Senator from Tennessee [Mr. KEFAUVER].

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). The time of the Senator has expired.

Mr. CARROLL. Mr. President, may I have an additional 30 seconds from the Senator from Minnesota?

Mr. MCCARTHY. I yield 30 seconds.

The PRESIDING OFFICER. Without objection, the Senator from Colorado is recognized for 30 seconds.

Mr. CARROLL. There may have been a mistake in the marking up of the bill in the committee. However, I have not talked with the Senator from Tennessee with regard to his intentions toward striking out the language, "the applicant shall be heard ex parte."

I agree with both Senators from New York that leaving in the bill the present language would gut the bill. But we are not going to gut the bill. Certain language has been stricken out, which I am confident will be restored. There is no necessity for all the furor over what happened in the committee.

I thank the Senator from Minnesota.

REPORT OF SPECIAL COMMITTEE ON UNEMPLOYMENT PROBLEMS—MINORITY AND ADDITIONAL VIEWS (S. REPT. 1206)

Mr. MCCARTHY. Mr. President, as chairman of the special Committee on Unemployment Problems, pursuant to Senate Resolution 196, 86th Congress, I submit the final report of the committee. With the filing of this report, the committee concludes the major portion of its work.

The Committee on Unemployment Problems was established in the closing days of the last session of Congress, with the following Senators appointed to it: Senators MCNAMARA, CLARK, RANDOLPH, HARTKE, MCGEE, COOPER, PROUTY, SCOTT, and myself.

We were directed to "make a full and complete investigation and study of unemployment conditions in the United States, giving particular consideration to areas of critical unemployment for the purpose of determining what can be done to alleviate such conditions and to report its findings and recommendations to the Senate"—S. Res. 196.

The Senate resolution was introduced jointly by the majority leader and the minority leader and was approved without opposition. The decision to establish this committee reflected the judgment of Senators that unemployment is a serious problem. There are nearly 4 million unemployed persons in the Nation today. The rate of unemployment has been 5 percent or above for 26 of the past 28 months. The overall trend has been one which indicates that the problem is increasing. For instance, after each of the last three recessions, the rate has been above what it was before the recession.

Unemployment is, first of all, a human and social problem. Its direct effect is to bring fear, insecurity, and a lowered standard of living to individuals and their families, and frequently it is accompanied by unfortunate psychological and moral disturbance. It is, second, an economic problem, involving the loss of purchasing power to the worker and loss of production for the Nation.

Unemployment is not a new problem. It has been characteristic of advanced societies even in ancient times. The Roman Senate and the tribunes attempted to deal with it, not altogether successfully. There have been times, of course, when the central problem was not unemployment but what might be called overemployment, when men have been forced to work excessive hours to maintain themselves. We have legislation which generally curbs this abuse, but unemployment and underemployment continue to harass our economy.

The members of the Committee on Unemployment Problems did not set out believing that they could discover a single solution which would eliminate unemployment. Our conclusions and recommendations do not suggest that the problem can be solved by legislation alone. Rather, the committee has attempted to analyze the problem and to discover the practical means by which it can be reduced.

We first scheduled field hearings and invited witnesses from various groups in the economy to testify. Between October 5, 1959, and January 11, 1960, the committee held 27 days of hearings in representative regions across the Nation. Testimony was taken in 24 cities, located in the following States: West Virginia, Pennsylvania, New York, Massachusetts, Illinois, Indiana, Michigan, Minnesota, Kentucky, Louisiana, Wyoming, and Oregon and in the District of Columbia. In several instances, official representatives from nearby States also appeared before the committee.

During the course of its hearings the committee took testimony from 538 witnesses and received 130 additional statements. The testimony has been published in 9 volumes, totaling over 4,100 pages. It represents, I believe, a most comprehensive survey of unemployment problems. Among those participating in the hearings were 23 U.S. Senators and Representatives, 9 Governors, 59 mayors, 55 professors and educators, representatives from 37 State employment security systems and from 35 local chambers of commerce. Testimony was also heard from officials representing the Departments of Labor, Commerce, and Defense, and from national representatives of the U.S. Chamber of Commerce, the National Association of Manufacturers, the AFL–CIO, and several national unions. All the major economic and civic groups had an opportunity to be heard, and the testimony reflects a cross section of views in American society.

The public hearings afforded the committee a wide base from which to draw conclusions and make its recommendations. Valuable suggestions were made by witnesses, but more impressive was the cumulative effect of the testimony in revealing the extent and depth of the problem. The relative prosperity of the Nation as a whole has tended to hide the social and economic costs of unemployment to the approximately 4 million unemployed, over 900,000 of whom have been unemployed 15 weeks or longer. Neither do statistics reveal the deteriorating effects of unemployment upon communities in areas which suffer from chronic unemployment. It is my hope that the committee's work will bring the costs of unemployment into the open and alert the American public to the necessity for decisive action to deal with it.

Unemployment is not the result of lack of ambition on the part of the unemployed or caused by calculated indifference by employers. At the local level where business, labor, and civic leaders have to deal firsthand with unemployment problems, there are few who view the problem lightly or who assume it arises from character defects of the unemployed. On the contrary, local community leaders were greatly concerned with the problem. They were very cooperative in testifying and were generally most emphatic in pointing out the need for Government assistance. The committee members were impressed by the efforts made by local leaders, but in most cases the causes and solutions of their problems involve factors which they cannot control by themselves. For particular industries, areas and individuals, unemployment problems are the consequence of swings in the business cycle, changes in Government policies, technological advances, business decisions made in offices remote from the local workers and factories. Change is inevitable if the economy is to grow and expand and dislocations cannot be wholly eliminated, but their effects can largely be offset by positive private and public policies.

The committee also gathered additional information from sources other than the hearings. The staff compiled a representative selection of factual data and papers dealing with the nature and history of unemployment, with its social and economic effects, and with solutions to the problems. This volume of more than 1,700 pages constitutes a useful reference to unemployment problems.

Unemployment problems today, like the economy from which they arise, are more complex and subtle than in previous eras. For some time the opinion was held that unemployment was a necessary byproduct of the economy. It was an unpleasant fact but it could not be avoided. The growth of the science of economics has given us more knowledge of the causes of unemployment, more data for analyzing it, a better basis upon which to establish programs and policies to reduce it. As we have come to rely upon the judgment of experts in medicine and chemistry, so we have learned the value of analysis in economics. The committee, therefore, requested experts in labor economics and related social sciences to write original papers to assist the committee in its study. These papers have been published in a separate volume "Studies in Unemployment."

The committee has now brought its findings together in the report which has been filed today. The body of the report is, I believe, a careful analysis of the problem. It points out the economic and social costs of unemployment. It describes the principal types of unemployment—frictional, structural, and cyclical—and it discusses the effect of special factors such as automation and Government trade and procurement policies. It presents the unemployment problems of special groups: the young, older workers, women, and racial minorities. Emphasis is placed throughout the report on a most serious consideration, that is, the reasons why unemployment is likely to increase sharply during the next decade unless positive steps are taken: automation is increasing; the number of young workers entering the labor force will be 26 million, an increase of 46 percent over the number in the past 10 years; the average rate of growth over the past few years has not been sufficiently high to reduce unemployment. The report also contains an evaluation of the various Federal-State programs which have been initiated over the last 20 years, with particular attention being given to the unemployment insurance systems and to public assistance programs.

The Committee on Unemployment Problems is not empowered to report bills for action by the Senate. Its principal function has been to make a study which can be used as a guide to action by the appropriate standing committees.

However, we were directed to make recommendations to the Senate. This is an area in which one expects some disagreements and reservations. The majority agreed upon a set of conclusions and recommendations, and I ask unanimous consent that they be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCARTHY. Mr. President, the three Republican members of the committee have written minority views and also included recommendations.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. SCOTT. I am not certain whether the Senator, in making reference to the minority views, had asked that they be included in the RECORD also.

Mr. McCARTHY. I did not. I assumed that the minority members of the committee would ask for that inclusion. If the Senator wishes me to do so——

Mr. SCOTT. I do not suggest that the Senator do so. I will make the request.

Mr. McCARTHY. I did not know how much of the report it would be desired to have included. Therefore I asked only that the conclusions and recommendations be included.

Mr. SCOTT. I thank the Senator.

Mr. McCARTHY. Mr. President, in conclusion, I thank the members of the committee and their staffs and the members of the committee staff for their cooperation and diligence in making this study of unemployment problems. The assignment came unexpectedly to all of us. Members of the committee had to revise their heavy fall schedules and make personal sacrifices to participate in field hearings. The committee was organized, made its study and submitted its report within a space of 6 months, and I again wish to commend the members for their cooperation in making this possible.

Mr. President, I should like to summarize two of the most important recommendations made by the committee:

The first is that relating to the establishment of national minimum standards for unemployment insurance. I do not intend at this time to go into details on the reasons for our recommendation, except to point out that the record is clear that the unemployment compensation systems are inadequate to meet today's problems. The coverage at present includes only about 46 million of the 72 million persons in the labor force. Maximum benefits, as a percentage of the average weekly wage in covered employment, are smaller now than 20 years ago. Maximum benefits of 60 percent or more of average weekly wages were paid by 32 States in 1939, compared with 1 State today. The duration of benefits also varies widely. The maximum in a majority of States is most commonly set at 26 weeks, but workers in some States may be entitled to benefits for as few as 5 or 6 weeks. The financing has also dropped behind. The committee, therefore, recommends a number of changes, which appear at page 123 of the report.

Mr. President, I ask unanimous consent that the recommendations with respect to the establishment of national standards for unemployment insurance be printed at this point in my remarks.

There being no objection, the recommendations were ordered to be printed in the RECORD, as follows:

ESTABLISHMENT OF NATIONAL STANDARDS FOR UNEMPLOYMENT INSURANCE

The committee recommends the establishment of minimum national standards for unemployment insurance systems. The committee believes that revision of the program should include the following provisions:

(a) Removal of restrictions on coverage based on size of firm and type of employment.

(b) Maximum benefit formulas high enough to assure the great majority of covered employees in each State at least 50 percent of their regular weekly earnings.

(c) Benefits for 39 weeks in all States for all eligible persons.

(d) A permanent federally financed, State-administered system for 13 weeks of supplementary insurance benefits for the long-term unemployed who have exhausted benefits under State coverage.

(e) Revision of methods of financing the program:

(1) The taxable wage base should be increased from the present $3,000 to the $4,800 figure currently used in the old-age and survivors insurance system.

(2) States whose reserves fall below a determined level in relation to pass benefit costs should be required to suspend experience rating or otherwise to assure a sufficient statewide yield.

(3) Present Federal law should be amended to permit States to modify employer tax rates on a statewide basis as well as on the present individual-employer basis, as the States find best suited to their needs.

(4) A nationwide reinsurance fund should be established to make grants to States with prolonged duration and high rates of unemployment.

Mr. McCARTHY. Mr. President, a second important area in which the committee found need for major change is that of public assistance. Again, time does not permit a full development of the

reasons for the proposed changes; but the principal defect is that at present there is no Federal assistance program for the unemployed person, and in practice the States and local governments have not assumed full responsibility for assisting the unemployed. Fourteen States and the District of Columbia exclude unemployed persons from eligibility for general assistance if the family has an employable member. In other States, the level of benefits is generally inadequate and residence requirements impose further limitations. The human suffering and distress of the unemployed who have exhausted their unemployment compensation and of those who are not covered, is great.

Mr. President, the committee made recommendations with respect to the extension of Federal grants to cover public assistance to the unemployed, and I ask unanimous consent that this part of the report be printed at this point in the RECORD.

There being no objection, the recommendations were ordered to be printed in the RECORD, as follows:

EXTENSION OF FEDERAL GRANTS TO COVER PUBLIC ASSISTANCE TO THE UNEMPLOYED

The committee recommends that the Federal public assistance program be amended to include the following provisions:

(a) Extension of Federal grants-in-aid to the States for financial assistance to all needy persons including the unemployed and underemployed.

(b) Broadening of eligibility for aid to dependent children to cover children deprived of support or care because of the unemployment of their parents.

(c) Limitation of Federal grants-in-aid to those States which impose no residence requirements denying any needy person help to which he otherwise would be entitled.

(d) Raising of assistance payments to a level adequate for health and well-being.

EXHIBIT 1

CHAPTER IX: MAJOR CONCLUSIONS AND RECOMMENDATIONS

The Committee on Unemployment Problems was directed by the Senate to study unemployment conditions in the United States and to recommend ways of reducing unemployment and alleviating its effects.

CONCLUSIONS

The committee concludes:

1. Unemployment is a serious and continuing problem. Five percent or more of the labor force has been unemployed in 26 of the past 28 months. In some areas of chronic unemployment, the rate has exceeded 25 percent. Underemployment and "hidden" unemployment, which are not measured in current unemployment statistics, would increase the total.

2. The greatest cost of unemployment is in the suffering of individuals and their families. Present systems of unemployment insurance and general assistance are inadequate to relieve this suffering.

3. Unemployment is costly also in the loss of potential production. If 1 million additional persons had been employed annually in the past decade, the gross national product would have been increased by an estimated $70 billion. The need to make full use of our manpower resources becomes more urgent as a consequence of the economic challenge of the Soviet Union.

4. The problem of unemployment will assume far greater proportions in the next 10 years unless decisive action is taken. After each of the last three recessions the rate of unemployment was higher than it had been before the recession. In the next decade the number of youths entering the labor market will increase by 46 percent. Dislocations caused by automation and technological change will increase. A sharp increase in unemployment will take place unless private and public measures are taken to absorb the increased manpower.

5. Unemployment is a national problem resulting from complex forces, most of them national in origin. Every section of the country has suffered from the effects of unemployment and the decreased purchasing power of the unemployed. Local communities with the highest rates are often those with the fewest tax resources. The unemployed are anxious to find work, and local communities have made extraordinary efforts to create jobs, but community leaders in the distressed areas are in agreement on the need for national assistance.

6. Unemployment has no single cause nor single remedy. Unemployment may be cyclical, structural, or frictional. The extent of cyclical unemployment varies with the state of the economy. Structural unemployment is largely a problem of distressed urban areas and rural areas with large numbers of underemployed workers. Some frictional unemployment, or unemployment between jobs, appears inevitable but can be reduced by administrative measures.

7. "Class" rather than "mass" unemployment has characterized the past decade. Unemployment is highest for young people, older workers, nonwhites, women, the unskilled, and the least educated. Improved vocational training and retraining programs are needed to help these groups.

8. High rates of unemployment are not a necessary part of the private enterprise system. Unemployment can be reduced by reasonable private and public policies, as demonstrated by the experience of Great Britain, Sweden, Norway, Finland, the Netherlands, Switzerland, and France. The unemployment rates in these countries are considerably lower than those in the United States.

9. The reduction of unemployment and underemployment requires an increase in the rate of national economic growth. Fiscal, budgetary, and monetary policies are important elements in the achievement of a higher growth rate.

RECOMMENDATIONS

Since the committee is not empowered to report legislation, its recommendations have been made in general terms. The committee has attempted to point out areas needing attention and to suggest attainable standards. The members are not necessarily committed to all details of the specific proposals.

Increased rate of growth and maximum employment

The committee recommends:

(a) Increased emphasis on the objective of "maximum employment" set forth in the Employment Act of 1946 in the formation of national policy.

(b) Policies to attain a rate of national economic growth high enough to provide employment opportunities for the nearly 4 million men and women now unemployed and the 26 million young people who will enter the labor force in the next decade. Recommendations for promoting this economic growth were made by the Joint Economic Committee in its report on "Employment, Growth, and Price Levels," published earlier this year. Among those recommendations were the following: (1) Monetary policies to permit the money supply to expand in line with the growth in total output, (2) measures to reduce fluctuations in defense orders, (3) Federal aid to education in order to improve the quantity and quality of education required for a more productive labor force, (4) reform of the Federal tax system, and (5) improvement of our foreign trade position.

Assistance to distressed areas

The committee recommends that:

(a) Highest priority be given to the enactment of an effective area redevelopment program.

(b) A coal research and development agency be established as a step toward restoration of a strong economy in the coal regions of the Nation.

(c) A tax program be developed to provide concessions to plants locating or expanding in distressed areas.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. McGEE. As a member of the committee, I should like to congratulate our chairman for the even-handed manner in which he presided over our sometimes tortuous deliberations. I think that, he through his leadership, commanded all fair levels of intelligent opinion to testify in the study of this extremely perplexing question, one that persists and remains with us year after year. I think he approached the matter properly, as he has explained here this afternoon, in suggesting that we study this problem as we would study some kind of physical disease, so that we not only are interested in rescuing people or correcting an ill, but to prevent its recurrence. This theme came out over and over again during the hearings in which the Senator from Minnesota presided throughout the country.

In my own State, for example, we held one of the hearings in Rock Springs, Wyo. There we brought into focus an aspect of this question which sometimes has been easily overlooked; that is, the impact of unemployment on a very small community. In general, we associate the problem of unemployment with large urban centers and the industrial areas of America. But unemployment is not only devastating in the large cities; it may be even more so in small communities, because there are fewer alternatives in the economy of small towns to absorb the shock of a sudden depression of purchasing power in that area.

The hearings in Wyoming brought back into focus the total question; the fact that the crossroads towns of America have an equal stake in the problem which is as moving as the national unemployment picture.

It likewise brought home a second point, namely, that in towns which are committed to one industry, as Rock Springs was committed to coal mining, a professional group is developed, such as the coal miners of Rock Springs, who built their homes and resided there as families who had dedicated their lives to one locale.

Again, it brought into the picture the conflict between the moral obligation which a man has to maintain his home and the economic pressure he may receive to pull up his roots from that home and move into areas where other jobs might be available. I think the point was well made by those who joined in the hearings that there is an obligation to protect a man and his home; that it is

not always right to insist that he abandon his surroundings and go elsewhere to take a new job.

Finally, I think that people who are able to help themselves, as the people of Rock Springs did, and who could fight their way back from the depths of severe unemployment only 3 or 4 years ago to where their chins are now even with the levels of the water—that the desperation of doing something now, before they go under again, is all the more paramount, in the view of the committee.

For that reason, we hope that from this rather monumental study in a very brief period of time the country as a whole will profit from the unselfish deliberations of these gentlemen.

Mr. McCARTHY. I thank the Senator from Wyoming for his remarks; and I thank him again for the part he played in the conduct of the hearings and the preparation of the report.

Mr. RANDOLPH. Mr. President, I wish to associate myself with the remarks of the distinguished Senator from Wyoming in expressing appreciation for the capability and the diligent application to a necessary effort which was carried forward by the chairman of the special Committee on Unemployment Problems. I am certain that the members of our committee, both the majority and the minority, indorse the statement so vigorously made by the Senator from Wyoming [Mr. McGEE].

Mr. President, it seems appropriate that there be an underlining of the emphasis placed upon the problems of distressed areas and their relationship to unemployment, both in the majority report and the minority views.

The report points out that about 20 major labor market areas and some 50 smaller areas in all parts of the United States have had high rates of unemployment during most of the past 8 years.

Changes in consumer demand, depletion of resources, changes in defense procurement or in location of defense facilities, decentralization of production, lack of industrial diversification, and technological flux are the most important causes of the depressed economic conditions in the surplus labor areas of the United States.

I call attention to the 70 labor market areas with excessive chronic unemployment, numerous rural sections may be considered problem areas, as well as metropolitan areas, of which the Senator from Wyoming spoke, in contrast with or as a corollary of the rural area problem. The difficulty in low-income rural areas is underemployment, caused by surplus population, depletion of resources, uneconomic size of farm units, technological advances, inadequate nonfarm employment opportunities, and inadequate educational and vocational training.

I associate myself with the majority viewpoint that the several Federal programs in existence extend only limited aid to labor-surplus areas, and that postwar experience has demonstrated that existing local, State, and Federal programs are inadequate to cope with the serious problems of chronic unemployment and underemployment.

Our committee has received convincing testimony that communities subject to chronic unemployment cannot solve their problems in themselves. Most local leaders of business and labor agreed on the need for Federal action to assist distressed areas of the Republic.

With few exceptions, the mayors and civic leaders of distressed areas testified to the inability of their communities to solve the problem of chronic unemployment. I add that in this instance there was no disregard of the responsibilities of the local communities, but there is a very real need for other political subdivisions of Government to join with those at the local level of Government in bringing about programs for the alleviation of distress and for the employment of men and women who now are out of work.

I emphasize the part of the report in which it is declared that a program to help economically distressed areas does not constitute a new area of Federal activity. Such a program is, indeed, consistent with the spirit and intent of the Employment Act of 1946, and with established Federal policies of helping selected industries in this land. Traditionally, the Federal Government has been active in developing and fostering industries through tariff, even through subsidies, and by certain tax policies. I believe it is cogent to point out, too, that the 1956 platforms of both major political parties called in unmistakable terms for Federal legislation to aid the economically depressed areas of our country.

Our majority report appropriately states that no single remedy will cure the deep-rooted problems of chronic unemployment and underdevelopment, and adds that a Federal program must offer various forms of assistance adaptable to the multiple needs of the depressed areas. These forms include direct financial aid, technical assistance, training, and retraining facilities, urban renewal programs, homebuilding incentives, Government contract preference, a Youth Conservation Corps, and community facilities programs, as well as standby programs of public works.

Our report further notes that in the 86th Congress the Senate has already passed a comprehensive area redevelopment bill, and that it is now before the House of Representatives. It is appropriate for me to state that the present occupant of the chair, my colleague from West Virginia [Mr. BYRD], was one of the most influential Members of this body, not only in connection with the conduct of the hearings by the Senate Banking and Currency Committee and its subcommittees, but also in the espousal of this legislation and in his very effective arguments for the measure on the floor of the Senate. What was done in the first session of the 86th Congress in the matter of legislation of an area redevelopment nature was, frankly, supplemental to action taken in the 85th Congress. We know that the area redevelopment bill which was passed by both Houses in the 85th Congress was vetoed by the President of the United States.

Mr. President, I would underscore other legislation, as pointed out in the majority report, which is before Congress and which would by indirection, rather than, perhaps, directly assist the distressed areas. One measure calls for the establishment of a coal research and development agency. Our committee heard testimony in West Virginia and several other States on the need for finding new uses for coal. A bill which would have provided Federal implementation in this field was vetoed by the President last year. During this session the House has passed and sent to this body a new version of a coal research bill, which presently is pending in committee.

Members of the Committee on Unemployment Problems and its staff observed directly the suffering and distress of people in depressed areas and were deeply impressed with the need for immediate action.

Mr. President, I wish to commend most warmly—and this is not a gratuitous statement—the diligence with which our staff members have worked. Frankly, Mr. President, all of us—the majority members of the committee, the minority members of the committee, and the members of the committee's staff—have been deeply impressed with the necessity for immediate action. In working toward that objective, no partisanship has been shown by the members of this committee or its staff.

Because it is consistent with what I have been advocating for many months, I stress the committee pronouncement that it recommends the highest priority be given to enactment into law in this session of an effective area redevelopment bill, and further recommends the creation by law of a coal research and development agency, and the adoption of other measures which would help restore, insofar as possible, the economic health of the distressed areas of the United States.

Mr. President, once erosion sets in and has an impact upon a small area of a State, it then begins to embrace other areas; and what was at first a small segment of people or a small area thus affected begins to be a wider and wider segment or area of erosion. So I say to you, Mr. President, with all the strength of my being, that when we consider a distressed area in any State, we are per se considering the possible deterioration of an adjoining area or of a contiguous State. Therefore, when we attempt to focus attention upon distressed areas in the United States, we are turning the spotlight on a cancerous condition in the economy of the Republic of which we are members.

Mr. President, in conclusion, I wish to state that it is my sincere hope that both the majority leadership and the minority leadership of the other body in which our Senate-passed area redevelopment bill continues to repose, not only will note the recommendations which have been made in this report

by the majority, but also will give credence to the views of the minority membership of this committee, which I quote in part as follows:

> Depressed areas are an expensive burden which our country cannot afford to carry. A greater part of our country is enjoying a high degree of prosperity—

And the minority views—not the majority report—continue as follows:

> For certain areas and communities to be caught in the backwash of this tide, through no fault of their own, is a national hazard.
>
> We must extend to these areas of continued depressed conditions the financial and technical assistance needed to put them back on the track. It is a matter of prime importance to the work of this committee that an area redevelopment bill be enacted and the program launched this year with sufficient means for stimulating local effort.

The minority certainly did not need to express those views separately because I am sure they are subscribed to in the majority report and would have been added as emphasis by the majority membership if the minority would have proposed such language for inclusion in the text of the committee report.

The consideration of prime importance, however, is that both the majority and the minority membership of the Special Committee on Unemployment Problems recognize the continued prevalence of depressed areas and consider them to be the equivalent of malignant infections on the national economic structure which must be eliminated—and eliminated as quickly and effectively as possible.

Although the distressed area discussions, conclusions, and recommendations in both the majority report and minority views are of prime interest to me as a Senator from West Virginia, I wish to say that, as a Senator and member of the committee, I am in general agreement with the report in its numerous other aspects as it affects the people of other sections of the country.

I desire especially to associate myself with the progressive thinking of the committee and with the remarks made to me by the very able senior Senator from Pennsylvania [Mr. CLARK] concerning the need for the Federal Government to maintain a continuing concern for the Nation's overall manpower resources, requirements, and utilization, including the problem of underemployment.

Mr. SCOTT. Mr. President, will the Senator from Minnesota yield?

Mr. McCARTHY. I yield to the Senator from Michigan [Mr. McNAMARA].

The PRESIDING OFFICER. Does the Senator from Minnesota care to submit his report before yielding further?

Mr. McCARTHY. I yield to the Senator from Michigan.

Mr. McNAMARA. Mr. President——

Mr. SCOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SCOTT. To keep the record straight, I have no objection if the Senator from Minnesota is submitting the report with both majority and minority views and conclusions and recommendations. My inquiry is simply if it is being done.

Mr. McCARTHY. Yes, I am submitting the report with the majority and minority views.

The PRESIDING OFFICER. Without objection, the report will be received and printed, together with minority and additional views.

Does the Senator from Minnesota yield to the Senator from Michigan?

Mr. McCARTHY. I yield to the Senator from Michigan.

Mr. McNAMARA. Mr. President, the report of the Special Committee on Unemployment Problems has been filed at a time when its contents should be of interest to every Member of the Senate.

For it is my belief—one which I think can be well documented—that we have every reason to be concerned about the health of our economy and the prospects of maintaining high levels of employment in the immediate future.

I find it difficult to join in the breast-beating summaries of the Nation's economic health that have been made by administration spokesmen in recent months.

First of all, there are too many able-bodied and willing Americans out of work at present.

As of February of this year, 4.8 percent of the Nation's work force was idle—in other words, almost 4 million people were unemployed.

I mean to cast no shadow on terms which are necessary to use if we are to get at this problem, but it is of no help to these people to learn that they are among the cyclically, structurally, or frictionally unemployed.

The simple fact is that this mighty Nation has no work for them, and they are subject to all the misery, frustration, and privation that enforced idleness brings.

Second, all too many people who are listed as employed do not work sufficient hours to maintain even a minimum standard of living. The special committee's report indicates that more than 2 million persons fall into this category of unemployment.

Or one can express it differently and say that the enforced partial idleness of these workers adds up to the equivalent of another 1 million persons totally unemployed.

Third, there are many current economic trends which foretell another serious recession—trends which can only be overcome by enlightened, vigorous Federal action.

One of these trends is of particular concern to the people of Michigan and other major auto producing States.

At present, unsold autos in the hands of dealers total almost a million—a figure which I believe is the highest in the history of the industry.

There is no need for me to cite ancient history in recalling to this Senate what happens to the rest of the economy when the auto industry slumps.

The economic burdens of such a huge backlog of unsold cars can only be supported by one management response—a cutback in the production force.

This cutback has already begun in Michigan, Mr. President, and will soon be mirrored in other auto States.

And such cutbacks inevitably bring similar work force reductions in allied industries—textile, steel, rubber, glass and the like.

Other developments which are disconcerting to me can be seen in the rapid growth of short-term credit, the decline in housing starts, the rising inventories in many commercial fields and the recent gyrations of the stock market.

An excellent summation of these somewhat ominous facts appeared in the Washington Post and Times Herald for Monday, March 28. I ask unanimous consent that the pertinent parts of the article by Phillip Stoddard Brown be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Michigan? The Chair hears none, and it is so ordered.

Mr. McNAMARA. Mr. President, these remarks of mine are not intended to herald another recession. I share what I know is the hope of every Member of this body that we will avoid such disasters in the future.

But our experience in the postwar period should have taught us one lesson. While we have, through halfway governmental measures, managed to reduce the tragic impact of the economic cycle, we have not abolished that cycle.

That is why I want to give particular attention today to two sections of the special committee report.

One compelling set of recommendations in the report refers to so-called standby antirecession legislation, which can be found on page 125.

Specifically the report calls for the enactment of three standby measures to be invoked when rising unemployment points to the onset of a recession:

First. Advance authorization for a program of Federal public works.

Second. A ready program of loans for community facilities.

Third. An emergency housing program that can be started immediately upon the appearance of these signs.

There is nothing in these recommendations that should startle any Senator because of their unfamiliarity. Each of them, in one form or another, has been before the Congress for more than two decades.

But their adoption would provide us with valuable insurance—insurance that devices we have used several times in the past to counter unemployment will be automatically used again.

We have used such pump-priming devices before. Unfortunately, a good bit of the value of such programs has been lost because of the delay involved in enacting them at a given time.

If they can be used at once—when danger first threatens—we can avoid many of the problems which we inevitably encounter later in the recession.

Most economists agree that prompt action at the begininng of an economic downturn is the most effective weapon we can use.

Delay only heightens the problem, and delay has been the partner in all of our past efforts to stem past recessions.

I intend to press for the adoption, in this session of Congress, of these important recommendations.

These suggestions require little or no additional study. They are familiar to all of us.

The legislation is ready; awaiting only approval by appropriate committees and the respective Chambers.

And this report provides us with overwhelming evidence as to the necessity of immediate action.

I should like to highlight another section of the report, that dealing with the "Elimination of Discrimination in Employment," to be found on page 124.

I ask unanimous consent that these recommendations be printed at this point in my remarks.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

ELIMINATION OF DISCRIMINATION IN EMPLOYMENT

The committee recommends that all levels of government, as well as unions and employers, extend their efforts to end discriminatory practices in hiring workers.

(a) The Bureau of Employment Security should expand its programs to reduce discrimination in employment against young

tailed the subtle barriers they face when they seek work.

I want to emphasize that I am not talking primarily about discrimination against those who are over 65. The real tragedy is that it is applied to people who have only recently passed their 40th year.

I can think of no more frustrating experience than to be turned down for work, not because one could not produce but because someone had set up an arbitrary age barrier.

The same holds for those barriers that are erected in the name of race, creed, sex, or other prejudices.

The recommendations of the special committee to combat these instances of discrimination are moderate. They mostly involve the expansion of existing Government services.

None of them could be described as coercive in any sense; they are far more in the nature of conciliatory programs designed to eliminate discrimination through education and Government leadership.

If we do take action on these recommendations we will have done much to bring about the equality of employment opportunity which has been cited by both political parties as one of our national goals.

terns and that what's ahead can be foretold—not by tea leaves, entrails or the position of the stars—but by the crossing of lines. So let me be a chartist for a moment (only).

In February 1957, personal income was the highest it had ever been and the Government's annual survey showed businessmen confident of much higher sales. But, their expectations weren't fully realized and the February rate of industrial production was not exceeded until 2 years later (after a period of recession) even though plant and equipment expenditures continued to increase until late summer. Twenty-one months is indeed a short recovery but there have been other periods as short. "Normal" is often simply an average of what is abnormal.

More significant are observations of what gives, even though they (like Galileo's cannon balls) violate the expectations of academicians and are ignored.

POINT BY POINT

The number of persons receiving unemployment benefits in early March had risen to 2½ million, higher than a year ago.

The steel industry has been curtailing operations. Even so, output is greatly in excess of consumption. Mills could operate at about 75 percent, instead of 90 percent, of capacity and satisfy the current demands of fabricators. These current demands, in turn, are geared to a build-up of trade inventories.

The output of automobiles far exceeds sales. The latter, by the way, are continuals-

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ELIMINATION OF DISCRIMINATION IN EMPLOYMENT

The committee recommends that all levels of government, as well as unions and employers, extend their efforts to end discriminatory practices in hiring workers.

(a) The Bureau of Employment Security should expand its programs to reduce discrimination in employment against young people, older workers, nonwhites, women, the handicapped, and other groups.

(b) Increased opportunities for participation in vocational training and the apprenticeship training program promoted by the Bureau of Apprenticeship and Training should be assured.

(c) An agency of the Federal Government should be established by legislation to combat discrimination and promote fair employment practices. Legislation such as that recommended by the Subcommittee on the Aged and the Aging should be enacted to require contractors and subcontractors of the Government to eliminate employment discrimination based on age.

Mr. McNAMARA. Mr. President, the text material on which the recommendations are based deals with all of the groups in our society—who face the problem of discrimination when they seek work. These include Negroes, young and older workers, women, the handicapped, and others.

I have yet to hear a responsible citizen state his approval of any form of employment discrimination. We all unite in opposition, but we are all quite adept at explanation of why discrimination exists.

We are told about the lack of skills of Negroes and other minority groups.

We are told about the high fringe costs which accompany attempts to employ older workers.

We are told about the instability of younger workers, the frailty of women, the hazards that accompany the employment of the handicapped.

Each of these explanations add up to one major conclusion, that employment discrimination does exist and that we are doing precious little about it.

I became particularly aware of the difficulties faced by older workers in the course of hearings of the Subcommittee on the Problems of the Aged and Aging.

Many ablebodied men and women came before our subcommittee and detailed the subtle barriers they face when they seek work.

I want to emphasize that I am not talking primarily about discrimination against those who are over 65. The real tragedy is that it is applied to people who have only recently passed their 40th year.

I can think of no more frustrating experience than to be turned down for work, not because one could not produce but because someone had set up an arbitrary age barrier.

The same holds for those barriers that are erected in the name of race, creed, sex, or other prejudices.

The recommendations of the special committee to combat these instances of discrimination are moderate. They mostly involve the expansion of existing Government services.

None of them could be described as coercive in any sense; they are far more in the nature of conciliatory programs designed to eliminate discrimination through education and Government leadership.

If we do take action on these recommendations we will have done much to bring about the equality of employment opportunity which has been cited by both political parties as one of our national goals.

I want to congratulate the junior Senator from Minnesota [Mr. MCCARTHY] for the leadership he provided as chairman of the special committee.

It was my privilege to serve as a member of this committee. I believe that the report is one of the finest ever presented to the Senate.

It will become an essential document for further consideration of the problems of unemployment.

If only half of the recommendations it contains are enacted, I am convinced that our economy would be equal to the demands of the present.

In closing, I offer one word of warning. This report, by itself, is not an achievement of the 86th Congress. Unless its recommendations are implemented by legislative action it will remain only an empty gesture to the millions of Americans who do not now enjoy a fair share of the Nation's wealth.

I trust that the same high purpose which motivated the creation of the special committee will result in the action which the committee believes essential for future prosperity.

EXHIBIT I

OUR CHANGING ECONOMY—RECESSION OPINION IS NOT A FORECAST

(By Phillip Stoddard Brown)

Some weeks ago, I said I thought that the next recession had begun—that the cyclical peak of business activity had been passed. What I regarded as an observation was taken by many as a brash forecast.

My economist friends criticized me, chiefly on two counts: one, that 21 months (from April 1958 to January 1960) is too short a time for completion of the up-phase of a business cycle; two, that a continuation of the upturn is indicated by the fact that personal income is the highest it's ever been and a recent survey shows businessmen expect higher sales this year than last and intend to spend more for new plants and equipment.

Most economists are chartists at heart; they believe in the repetition of past patterns and that what's ahead can be foretold—not by tea leaves, entrails or the position of the stars—but by the crossing of lines. So let me be a chartist for a moment (only).

In February 1957, personal income was the highest it had ever been and the Government's annual survey showed businessmen confident of much higher sales. But, their expectations weren't fully realized and the February rate of industrial production was not exceeded until 2 years later (after a period of recession) even though plant and equipment expenditures continued to increase until late summer. Twenty-one months is indeed a short recovery but there have been other periods as short. "Normal" is often simply an average of what is abnormal.

More significant are observations of what gives, even though they (like Galileo's cannon balls) violate the expectations of academicians and are ignored.

POINT BY POINT

The number of persons receiving unemployment benefits in early March had risen to 2½ million, higher than a year ago.

The steel industry has been curtailing operations. Even so, output is greatly in excess of consumption. Mills could operate at about 75 percent, instead of 90 percent, of capacity and satisfy the current demands of fabricators. These current demands, in turn, are geared to a build-up of trade inventories.

The output of automobiles far exceeds sales. The latter, by the way, are continually exaggerated by those much publicized 10-day sales reports of manufacturers. For January, these reports indicate retail deliveries of 455,000 new cars, but a subsequent tally of registrations shows that only 390,000 were sold.)

In 1959, short-term consumer credit increased by $6½ billion, more even than in 1955 when "easy credit" and the razzle-dazzle selling of cars led to excessive borrowing. Mortgage credit increased by $13½ billion, also more than in any previous year. This going-into-debt rate could continue a little longer but not, I think, for long. Repayments on instalment credit alone are approaching $4 billion a month.

Housing starts declined again in February and contract awards for all construction were less than a year ago for the seventh consecutive month.

Order backlogs in industries other than construction are also declining—and business inventories, rising—or so it would appear from such reports as are available. Even in the booming textile industry, there has been a marked decline in unfilled orders.

All these observations I set down without daring to suggest that they confirm my earlier opinion because, since then, the President of the United States has spoken. Asked for his assessment of the business outlook, he replied: "I think it is very healthy and very fine."

ANNOUNCEMENT CONCERNING THE VISIT TO THE SENATE BY HON. HAROLD MACMILLAN, PRIME MINISTER OF GREAT BRITAIN

Mr. MAGNUSON. Mr. President, I wish to announce that we have a distinguished visitor in the Capitol this afternoon, who has kindly consented to meet with the Senate and to say a few words at 2:30. I refer to the Prime Minister of Great Britain, Harold Macmillan.

I am certain that all Senators would desire to be present to see and hear the Prime Minister, and to extend him every courtesy; therefore I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

VISIT TO THE SENATE BY THE RIGHT HONORABLE HAROLD MACMILLAN, PRIME MINISTER OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I move that the Senate stand in recess subject to the call of the Chair, and that the Chair appoint a committee to escort the distinguished Prime Minister of Great Britain to the Chamber.

The PRESIDING OFFICER. Without objection, the Chair appoints as the committee to escort the distinguished visitor to the rostrum the Senator from Texas [Mr. JOHNSON], the Senator from Illinois [Mr. DIRKSEN], the Senator from Arkansas [Mr. FULBRIGHT], and the Senator from Wisconsin [Mr. WILEY].

Without objection, the Senate will stand in recess subject to the call of the Chair.

Thereupon, at 2 o'clock and 41 minutes p.m., the Senate took a recess, subject to the call of the Chair.

The Prime Minister of Great Britain, escorted by Sir Harold Caccia, Ambassador Extraordinary and Plenipotentiary of Great Britain, entered the Chamber and was greeted with prolonged applause.

The Prime Minister took a seat immediately in front of the Vice President.

The VICE PRESIDENT. Members of the Senate, it is my great privilege and honor again to present to this body one of the world's greatest statesmen, the Prime Minister of the United Kingdom.

[Applause, Senators rising.]

Prime Minister MACMILLAN. Mr. Vice President, gentlemen, it is a very great honor that you are paying me today, and, through me, to the people of Great Britain. I feel it to be an act of real friendship. [Applause.]

You gave me a similar privilege only a few years ago, and I remember making, in the same way, without notes, as I must do again today, a short speech to you.

Fortunately, both you and I have forgotten what I then said. [Laughter.] Therefore, if I should repeat it in any way, nobody will be any the worse.

I was brought up by my mother to regard a Senator of the United States as the highest point of human felicity and dignity that it is possible to attain. I am bound to say that as children we were rather skeptical about this view which she expressed. But having had for the second time the honor of being received by you, I realize that in this, as in so many other things, my dear mother was right. [Laughter.]

As we look back upon the history of our countries, with the deep roots from which we are sprung—the literature, the language, the struggle, and the strife—it is deeply moving to me to come here once more and to speak in this august assembly.

I am not, of course, in any way an Englishman. I think I have no English blood. I am half Scot and half American. Well, that is a very good mixture. [Laughter.] But the English people have their merits, too. They are tolerant. They allow themselves to be governed by the Scots. [Laughter.] They are patient, and they are loyal.

In my lifetime your country and mine have suffered together, fought side by side, and are more determined than ever to work together for the peace and happiness of all the world. [Applause.]

It is for me a very happy feeling that I am able to make occasional visits here without all the paraphernalia of a formal visit. Those are very agreeable, too, only rather exhausting. But I can come and see the heads of your Government and your ministers and be introduced here. It is rather like dropping in as a friend. It is that relationship between your administration and ours which it is so necessary to maintain, and even to improve and strengthen.

Of course, there will be disagreements of emphasis and different points of view. I am told that even in this Chamber and in this Congress there are different points of view about a large number of questions. I shall not attempt to talk out any question or speak so long upon it that it would be disagreeable to you, and remind you, perhaps, of a procedure that I rather wish we had at home. It is a good idea.

But I would just say this. I have the feeling that we do not negotiate. Our governments negotiate hardly at all. We try to sit as if we were partners in an enterprise, each giving our view as to the best course to follow; not negotiate, to gain an advantage here or there, but to sit genuinely as partners might in a big business or other enterprise, to pool our ideas for a common purpose.

You know and I know that the world has many troubles and many dangers. I feel frankly that there has been in the last year some improvement and some relaxation of tension between the great groupings of the Eastern and Western Powers.

It was just about a year ago, I think, that I went with the Foreign Secretary of my Government to Moscow. I did this, of course, upon my own responsibility. Such visiting was not always quite popular at the moment; but really, while this was then thought to be a little novel, it has become very fashionable, and all the heads of government visit one another almost all the time. They go from one country to the other. I think it is a good thing, because the more there is of this contact between governments, even of powers grouped upon different sides, the less likely, I think, that, either by mischance, mistake, folly, or malice, any of them would commit the atrocious act of bringing upon the world a third war, which we all know in our hearts would be destructive of everything that we cherish, and of everything in which we believe—destructive, almost, of the very existence of human life on earth.

I feel, therefore, that there has been some improvement, and that while we must walk warily, while we must not be caught or trapped into some agreements which are not to our advantage, yet we must also have some faith in the future. We must have our feet upon the ground of course; but we must also have our eyes upon the horizon.

It is in that spirit that I feel our countries work together. It is because, through the history of your struggles—whether internal or external—and our struggles, those struggles have been fought by men and won by men who had the combination of faith, without which they could not succeed, of courage, and of skill.

We need such men now. We will not be deceived. We will not be caught or entrapped or entangled; we must not be caught in our own traps, entangled in nets of our own making. We must try to cut through the jungle and go forward with faith.

Mr. Vice President, once again I should like to thank all the Senate, through you, for this high privilege you have accorded me. Yours is a country of immense strength, vast area, and great population. But at heart, as I know well, your people, like ours, are simple people. Most of us come to cherish the homes, the upbringing, and the faith in which we were reared. I regard it as a great moment when I, the grandson of a Scottish crofter and and of a settler who went out to Indiana, am allowed to address the Senate of the United States.

[Applause, Senators rising.]

Mr. HARTKE subsequently said: Mr. President, I was delighted to hear the Prime Minister of the United Kingdom speak, particularly in view of the fact that his mother lived in Spencer, Ind. We in Indiana are quite proud of that fact. I was honored today to hear someone speak whose ancestors had spent some time in Indiana, and who has obtained such a high and respected position in a leading nation of the world.

At 2 o'clock and 54 minutes p.m. the Senate reassembled, when called to order by the Vice President.

TROUBLED ECONOMIC RELATIONS WITH CUBA

Mr. MAGNUSON. Mr. President, I call the attention of the Senate to a pressing matter, one which concerns our troubled relations with the Republic of Cuba. We have heard much said about sugar and other matters of interest to the economy of Cuba and the United States. The latest move by Cuba is to refuse to give licenses to exporters and importers in Cuba for the importation of fruit into Cuba.

I call this matter to the special attention of the distinguished Senator from Florida [Mr. HOLLAND]. I do not know whether this latest move includes the importation by Cuba of citrus fruits, but I suspect it does. I should like to read from a letter written by one of the operators in Havana, who has for a

long time been an exporter of fruits of all kinds, other than an exporter of fruits which are grown in Cuba. He exports from Cuba a large amount of various kinds of fruit grown elsewhere.

Mr. HOLLAND. From whom is the letter?

Mr. MAGNUSON. The letter is from an exporter and importer in Cuba to his correspondent importer-exporter and broker in the State of Washington, whence the fruits are exported. I read:

We are sorry to advise you that in spite of our efforts we have not been able to get any licenses for fruits.

One of our customers delivered us the enclosed list of exporters of Cuban fruits and vegetables during the first part of last year, and he explained that this year the exports had been heavier, and he added that he could not understand not giving us licenses for American fruits, of which we never import over a half-million packages. This certainly sounds very tough, but it is a real fact.

This market is completely out of apples, the last few boxes were sold in the market last week at prices ranging from $15 to $20 per box.

We asked the National Bank of Cuba about your proposed exchange of apples by Cuban fruits but they said that they were not interested in this deal, that the Government agency was exporting lots of fruits and vegetables and were getting paid in dollars for them, and that we did not need importing apples as we have lots of tropical fruits which the people can eat in place of apples.

Should there be any change I will immediately get in touch with you.

I interpret this, as do the people of my State, to be a temporary ban, at least, upon the issuing of any license by Cuba for the importation into Cuba of apples, pears, and citrus fruits. I desired to call this matter to the attention of the Senator from Florida.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a list of exports of Cuban fruits and vegetables from January 1 to August 31, 1959, fruits and vegetables which we are asked to buy from Cuba.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

EXPORTS OF CUBAN FRUITS AND VEGETABLES FROM JANUARY 1 TO AUGUST 31, 1959 [1]

Pineapples, 1,434,977 half crates of 40 pounds.
Pineapples, 157,176 dozens in bulk of 12 pounds.
Tomatoes, 496,443 crates of 40 pounds.
Cucumbers, 432,782 baskets of 60 pounds.
Oranges, 246,017 bags of 50 pounds.
Avocados, 215,187 crates of 40 pounds.
Bananas, 145,918 crates of 60 pounds.
Bananas, 26,354 bunches of 30 pounds.
Mangos, 55,280 crates of 40 pounds.
Malangas, 54,066 bags of 50 pounds.
Eggplant, 44,360 crates of 50 pounds.
Okra, 38,203 crates of 35 pounds.
Peppers, 23,033 crates of 45 pounds.
Pumpkin, 20,615 bags of 100 pounds.
Papaya, 15,479 crates of 80 pounds.
Yucca, 15,107 barrels of 80 pounds.
Watermelon, 8,880 units of 20 pounds.
Cantaloup melons, 1,463 crates of 40 pounds.
Cachucha peppers, 6,544 crates of 35 pounds.
Mamoncillos, 4,073 crates of 35 pounds.
Chayotes, 3,240 baskets of 50 pounds.
Ginger, 2,861 crates of 50 pounds.
Grapefruit, 1,726 crates of 80 pounds.
Names, 1,125 crates of 40 pounds.

[1] Although some of these products are exported in different kinds of packings than those above mentioned, it has been figured on basis of the equivalent in the most usual packings.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. HOLLAND. I am distressed to hear of that shortsighted policy which apparently is now prevailing in Cuba, and which will adversely affect the producers of deciduous fruits and perhaps of other perishable products in our Nation.

So far as my State of Florida is concerned, it happens that we produce much the same type of fruits and vegetables as are produced in Cuba, and we and the Nation generally are large users of their fruits and vegetables before ours get on the market.

I understand that Cuba's shipments of tomatoes before our fall and winter tomatoes come on the market constitute one of Cuba's most valuable exports of perishable products.

Mr. MAGNUSON. Yes.

Mr. HOLLAND. Similarly, in the case of citrus fruits, we cannot—because of the fact that our fruit is not mature until late September or early October—at that season supply the markets of this country with citrus fruits, whereas citrus fruits from the Isle of Pines and from Cuba itself come on the market in late August. We have no objection to that; in fact, we even use some of those fruits ourselves.

So far as tobacco is concerned, the number of Havana cigars manufactured in Tampa is greater than the total number manufactured in all of Cuba; and our cigar manufacturers purchase Cuban tobacco for that purpose.

So by adopting the policy mentioned Cuba is doing something which may hurt herself very badly. Her geographical position and her early seasons enable her to produce perishable commodities earlier in the season than they can be produced in the United States—and, particularly, in the early fall and winter; and those perishable commodities constitute Cuba's greatest agricultural production, aside from her production of tobacco and sugar.

So I am glad the Senator from Washington has called attention to this matter and has placed the letter in the RECORD; and I hope it will be productive of immediate negotiations between our State Department and the Cubans, and will result in calling their attention to the fact that the Cubans are asking for reprisals which in the long run would hurt them, rather than help them.

Mr. MAGNUSON. Yes.

Of course the list includes many of the commodities that are consumed in the area from which the Senator comes. For instance, for the 6 months' period, we find listed 496,443 40-pound crates of tomatoes.

I understand that the section from which the Senator comes also buys oranges from Cuba.

Mr. HOLLAND. Yes. In fact, the entire United States does.

Mr. MAGNUSON. Yes.

This long list includes many other items, such as peppers, ginger, and papaya, all of which are needed by the people of the United States.

But what distresses me is the statement that the National Bank of Cuba—which, I understand, is run by the Cuban Government—has said that the Cuban people do not need any more imports of this sort from the United States, but, instead, can eat the many tropical fruits which are available in Cuba.

I hope cooler heads will consider this matter, because one development of this sort could easily lead to another, and then the relationships between the United States and Cuba would be at a complete impasse.

Mr. HOLLAND. Mr. President, the Senator from Washington is entirely correct. I hope all the people of Cuba will realize—and I think most of them will, because most of them are very sensible—that our Nation of 180 million people is Cuba's best market, and that Cuba, with only 6½ million people, is—because of the seasons—unable to produce such fruits and vegetables all the year round. So the Cubans have everything to gain by continuing their trade relations on perishable commodities with the United States.

Mr. MAGNUSON. Yes.

Mr. HOLLAND. I cannot conceive that the people of Cuba would be so blind as to cut off or reduce their friendly relationships with the United States.

Mr. YARBOROUGH. Mr. President, if the Senator will yield, I desire to ask him whether the release—which states that the people of Cuba have available other food instead of apples grown in the State of Washington—states whether the people of Cuba are also counting on eating the cattle the Cuban Government has confiscated from American owners.

Mr. MAGNUSON. The statement does not refer to that, but I should think that would be a possibility if this trend continues.

Mr. President, I do not have available all the facts in connection with this matter. But the other day I saw in the newspapers a statement that the Cubans have taken over the nickel mines. Quite a few million dollars of the funds of the U.S. taxpayers have been spent to develop those nickel properties and those nickel mines. That has been done because of the shortage of nickel. So the recent developments come very close to taking over the property of the U.S. Government.

Mr. HOLLAND. Mr. President, let me say that this Congress has treated Cuba and Cuban producers extremely well. For instance, in connection with rice, Cuba has to import, for the food of the 6.5 million Cuban people, large quantities of rice produced in the States of Texas, Louisiana, and Arkansas. Because of the fact that that trade upon which the people of Cuba must rely, is an established one, the Senate Committee on Agriculture and Forestry bracketed the Cuban market with the rest of our domestic market; and it is by law not considered a part of the foreign trade in rice, at all. I see the Senator from South Carolina nod his head. He recalls that. We have no regrets about it, because that is one of the sources of food upon which Cuba relies. A similar situation exists with respect to many, many other particulars I could mention. Sometime the good people of Cuba will assert themselves, and will remember that the United States gave Cuba her freedom, and has protected Cuba in her freedom. We made Cuba the most favored nation under our reciprocal trade arrangements, and buy most of the tobacco that is produced in Cuba, and buy most of the early fruits and vegetables that are produced in Cuba, and supply Cuba with a favored market for most of the sugar produced in Cuba—a market at a price generally well above the world-market price—and we supply Cuba with nine-tenths of the tourists who go there, and give the Cuban people the right, in normal times, to travel to and from the United States without having to obtain visas or without having to observe other time-consuming regulations.

How in the world the Government of Cuba could continue to foster or to create among the people of Cuba a general feeling of hostility toward the United States, which is their best friend, and always has been, I cannot understand.

I believe that in connection with the matter which the Senator from Washington has so properly called to our attention, good sense will prevail, and the regular, normal course of the supply of deciduous fruits which are not produced in Cuba will again prevail, before long.

Mr. HARTKE obtained the floor.

CIVIL RIGHTS ACT OF 1960

Mr. JAVITS. Mr. President, will the Senator from Indiana yield to me, if it is understood that in yielding to me he will not lose his right to the floor?

Mr. HARTKE. Mr. President, with that understanding, I yield.

The PRESIDING OFFICER (Mr. BUSH in the chair). Is there objection? Without objection, it is so ordered.

Mr. JAVITS. Mr. President, in order to ascertain the present parliamentary situation in regard to amendments to House bill 8601, I propound the following parliamentary inquiry: Is it a fact that, first, the Senate must take action on the committee amendments?

The PRESIDING OFFICER. All committee amendments must first be disposed of; but each committee amendment, when called up, will be open to amendment.

Mr. JAVITS. Therefore, do I correctly understand that the first vote will come on the question of striking out the material which is to be found on page 1, in line 4—to change the date in the title of the bill?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. I understand that the second vote will occur on the question of agreeing to the amendment to strike out the portion of the bill beginning on page 2, in line 6, and continuing through line 8, on page 3, and to substitute therefor the material set forth on page 3, in lines 9 to 19; or will there be separate votes on those two matters?

The PRESIDING OFFICER. There will be one vote on the question of striking out the first words and inserting the second group of words.

Mr. JAVITS. I understand that is the so-called Lausche amendment.

In other words, none of the committee amendments has yet been adopted by the Senate; and thus far House bill 8601 has not been amended by the Senate; and the Senate must either vote up or vote down each amendment which has been reported by the committee. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. That will be the order of business before amendments may be called up either by me or by other Senators, will it?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. Therefore, Mr. President, I respectfully request that, as soon as possible, the leadership apprise us of the particular amendment on which the first yea-and-nay vote will be taken.

I make that suggestion most respectfully because in that way it may be possible to channel our debate to a specific purpose at a specific time. It seems to me the first substantive amendment will come on page 2, after line 5, the so-called Lausche amendment.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. JAVITS. The Senator from Indiana [Mr. HARTKE] has the floor.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Indiana yield to me, with the understanding that he will not lose the floor?

Mr. HARTKE. Yes.

Mr. JOHNSON of Texas. I want to be responsive to the inquiry of the Senator from New York. The best way to be fully responsive is to suggest that he get a copy of the bill and see the amendments the committee has made. The first amendment the committee made is on page 1, line 4, so as to make the language read, "That this act may be cited as the Civil Rights Act of 1960'." The committee struck out "1959" and inserted "1960." So the question will be on the committee language.

Then we will turn to page 2, beginning on line 6. The committee struck out all of the language beginning on line 6, page 2, through line 8, on page 3.

Mr. JAVITS. Mr. President, if the Senator from Indiana will yield to me further, would the majority leader entertain the suggestion that we adopt the first amendment, on page 1, line 4, and perhaps the majority leader would consider seriously getting a record vote on the second amendment, which is the first substantive amendment? Then we will have the debate pointed toward a specific proposition. I do not ask for it; I simply ask for the majority leader's ideas on that subject.

Mr. JOHNSON of Texas. I do not want to pass judgment on what the Senate will be willing to do in the way of a record vote. That is a matter for 20 percent of the Senators present to determine. But I think it would be purely a formality to act on the first amendment, and if the clerk will state the first amendment, I think we can get at it.

Mr. JAVITS. Mr. President, will the Senator from Indiana yield for that purpose?

Mr. HARTKE. Yes.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Indiana may yield for the purpose of getting action on the first amendment, with the understanding that he will not lose the floor by so doing.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will state the first committee amendment.

The LEGISLATIVE CLERK. The first committee amendment is, on page 1, line 4, to strike out "1959" and insert "1960."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The LEGISLATIVE CLERK. It is proposed on page 2, after line 5, to strike out:

§ 1509. Obstruction of certain court orders

Whoever corruptly, or by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes, or interferes with or willfully endeavors to prevent, obstruct, impede, or interfere with the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States which (1) directs that any person or class of persons shall be admitted to any public school, or (2) directs that any person or class of persons shall not be denied admission to any public school because of race or color, or (3) approves any plan of any State or local agency the effect of which is or will be to permit any person or class of persons to be admitted to any public school, shall be fined not more than $1,000 or imprisoned not more than sixty days, or both.

No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime; provided that any such fine or imprisonment imposed for violation of such injunction shall be concurrent with and not consecutive or supplemental to any criminal penalty imposed hereunder.

This section shall not apply to an act of a student, officer, or employee of a school if such act is done pursuant to the direction of, or is subject to disciplinary action by, an officer of such school.

And in lieu thereof to insert:

§ 1509. Obstruction of court orders

Whoever, by threats or force, willfully prevents, obstructs, impedes, or interferes with, or willfully attempts to prevent, obstruct, impede, or interfere with, the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DIRKSEN. Mr. President, I ask for the yeas and nays on that amendment.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I am very grateful to the Senator.

LENTEN THOUGHT BY SENATOR RANDOLPH, OF WEST VIRGINIA

Mr. MOSS. Mr. President, will the Senator yield, with the understanding that he will not lose the floor?

Mr. HARTKE. I yield with that understanding.

Mr. MOSS. Mr. President, one of the distinguished Members of this body is Senator JENNINGS RANDOLPH, of West Virginia. In today's Washington Evening Star there appears, under the column "Lenten Thoughts," a contribution submitted to that newspaper by the Senator from West Virginia. I commend this thought to the Senate for consideration and reading, and I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Evening Star, Mar. 30, 1960]

LENTEN THOUGHTS—THE INCIDENT THAT GAVE ME AN APPRECIATION OF THE BIBLE

(By JENNINGS RANDOLPH, U.S. Senator from West Virginia)

"Each for the other and both for God."

Those words, inscribed by my mother on the flyleaf of the Bible she gave me as a graduation gift, strengthened the meaning which the Book had always held for me.

In this brief entreaty she crystallized in my thinking its two most basic teachings—the brotherhood of man and the fatherhood of God.

The Bible has supplied this understanding since I first came to it in my youth. Therefore, it is difficult to isolate one event in the process of growing awareness when the Book as a whole came to convey more to me.

However, the day my mother penned those beautiful and reassuring words was a memorable one.

I recall, too, when the certain guidance in the Bible heightened my consciousness of life and of the application of the Scriptures to living. It was unfolded when reading the Proverbs as a young man, in the truth of the passage, "Pleasant words are as an honeycomb, sweet to the soul, and health to the bones" (Proverbs 16: 24).

I believed this and have since attempted to apply it in my life, that one should search out the worthwhile qualities in our fellow citizens, rather than play the role of detractor and faultfinder. This does not imply a surrender of one's values to mere flattery; it does not deny the existence of injustices that must be redressed.

It states simply a rule of life: That religious and ethical ideals will best be served by appealing to the infinite good in men and women instead of flaying what we presume to be or hear to be their faults. For "he shall not judge after the sight of his eyes, neither reprove after the hearing of his ears: But with righteousness shall he judge the poor, and reprove with equity for the meek of the earth" (Isaiah 11: 3, 4).

REPORT OF SPECIAL COMMITTEE ON UNEMPLOYMENT PROBLEMS

Mr. SCOTT. Mr. President, I rise, first of all, to pay tribute to the chairman of the Special Committee on Unemployment Problems for his courtesy, patience, and fairness throughout the proceedings.

I call attention to the fact that a report has been ordered printed today, which includes the majority and minority views and the additional views of the Senator from Kentucky [Mr. COOPER].

I should like to call particular attention to that part of the report which begins on page 127 and includes comments of the minority, and continues, beginning on page 181, with a summary of recommendations of the minority.

I ask unanimous consent that there be inserted at this point in the RECORD a statement released by the minority, entitled, "A Summary of the Views of the Minority of the Senate Special Committee on Unemployment Problems."

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A SUMMARY OF THE VIEWS OF THE MINORITY OF THE SENATE SPECIAL COMMITTEE ON UNEMPLOYMENT PROBLEMS

Under the title "People and Jobs—A Program for the Prevention of Unemployment and the Alleviation of Its Effects," the Republican members of the Senate Special Committee on Unemployment Problems present their own program.

These members: Senators JOHN SHERMAN COOPER, of Kentucky, WINSTON L. PROUTY, of Vermont, and HUGH SCOTT, of Pennsylvania, regret a disagreement within the special committee on specific measures which should be recommended at this time. To a lesser extent there is also disagreement on the interpretation of certain facts presented to the committee. The result is a difference in approach to the problems facing this country as a result of unemployment.

"In the midst of unprecedented prosperity in the United States," the minority members state in the introduction to their views published today in the committee report, "unemployment continues to plague certain areas and certain groups of our population, as it has done for many years.

"This inquiry deserves to have been nonpartisan. The minority members feel they have done their best to make it so.

"Both the majority and minority committee members are unanimous in their great concern for the problem of unemployment and in their desire for effective and workable measures to alleviate chronic unemployment.

"Quite understandably there is disagreement within the special committee on specific measures which should be recommended at this time.

"There is also, to a lesser extent, a difference in views on the interpretation of certain facts presented to the committee.

"Because we differ in several respects from the majority in our approach to this problem we present our own program.

"We have tried to look ahead to the needs of the future and to propose measures which would bear fruit over a long time.

"The minority believes that its program is possible of accomplishment and that it will reduce chronic unemployment. We believe many of our proposals would strike at the causes of chronic unemployment.

"But the minority," assert the Republican Senators, "have tried not to imply that there is any magic formula for quickly curing all the ills of chronic unemployment.

"What is desperately needed in areas of chronic unemployment is jobs—and jobs come from many sources, chiefly private, but also public; State, local, national. They come from the initiative of individuals, corporations, Government, and many other groups.

"The largest single factor in providing jobs of the kind that people want is private enterprise. The most important problem is how to stimulate private businesses to meet most of these needs. Government can and should aid in every way which promises effective results and it is to this end that we have formulated our proposals."

An analysis by the minority of some of the major conclusions of the majority will be found in the body of the minority report.

A condensation of some of the recommendations for action offered in their program by the Republican members of the committee follows:

A. PREVENTING UNEMPLOYMENT

1. Economic aid to distressed areas

(a) It is a matter of prime importance that an area redevelopment bill be enacted and that it contain means for stimulating local effort. Our task is to evolve a practical program which will be assured of approval at this session of Congress.

Such legislation should—

1. Authorize more than $50 million for loans for the construction of industrial facilities.

2. Provide an additional $1,500,000 for vocational training purposes including apprenticeship and on-the-job training.

3. Authorize funds on the order of $5 million for retraining subsistence payments and grants to States for administering the program.

4. Allot funds for needed vocational training facilities through grants to agencies operating the local programs.

5. Specify that at the Federal level, the Department of HEW administer the financial aid for training purposes after consultation with the Department of Labor on kinds of training needed.

6. Further specify that a local authority (preferably an educational authority or the local director of the redevelopment program, rather than the unemployment compensation system) administer grants to States for subsistence payments to unemployed persons not receiving unemployment insurance benefits but certified as undergoing vocational training or retraining.

7. Indicate that such grants should be related in amount to what would be received under the State unemployment compensation system.

8. Place great stress on technical assistance programs, especially for rural areas and small communities.

9. Provide aid for needed public facilities such as water supply, sewers, and access roads, particularly in the rural program, although it must be emphasized that more should be done by the States.

10. Utilize the existing facilities of the Housing and Home Finance Agency for such loans instead of establishing still another Federal lending agency.

11. Provide for loans for industrial development of rural areas suffering from chronic unemployment or underemployment. Many coal mining areas fall into this category.

12. Restrict Federal aid to areas with truly chronic unemployment, including rural areas, so that the aid which can be given will be effective rather than spread so thinly as to be wasted. In urban areas the criteria for eligibility for industrial loans should be flexible, dependent on the national level of unemployment.

13. For the identification of chronically depressed rural areas, the Secretary of Agri-

culture and the Secretary of Labor should be authorized to develop more effective measures for such identification. There should be a broad provision that they are to be selected from low-income areas with high levels of unemployment and underemployment.

14. Give statutory authority to the Interdepartmental Committee To Coordinate Federal Area Assistance Programs.

15. Enactment of legislation to create a coal research and development commission.

(b) Small Business Administration: We urge increased activity by the Small Business Administration in its community development program.

(c) Federal procurement to aid distressed areas:

1. We recommend that the Federal Government direct all Federal agencies, defense and nondefense, to give preferential treatment to areas of substantial labor surplus in their purchasing and contracting.

2. The Secretary of Labor should be asked to give consideration to changing the present definition of "labor surplus areas" to make more restrictive the list of areas qualified to receive preference in Federal purchases so that a larger share of purchases will be made in areas of truly chronic unemployment.

3. A special study should be made to bring about this change in a period of prosperity such as the present, so that regulations will be well understood in advance of any possible rise in unemployment in the future.

(d) Decentralization to aid distressed areas:

1. Programs of decentralization should be pursued more systematically by the Federal Government and especially by the Department of Defense and should give special consideration to areas of substantial labor surplus.

2. All Government agencies, both defense and nondefense, should be directed to give special consideration to areas of substantial labor surplus.

3. Since new defense installations and special installations for manufacture of new weapons are now being dispersed, such installations should be placed, when possible, where there is surplus civilian labor to aid in their construction and to man the civilian-type services.

4. It should be declared "good policy" to decentralize certain civilian functions, notably clerical functions, outside the Nation's Capital and to relocate them in low-cost areas where labor is available.

5. More can and should be done to alleviate the economic impact on adjacent communities of the abandonment or curtailment of military installations. Positive action to explore more vigorously other governmental uses of these facilities should be taken prior to announcement of decision to abandon or curtail.

II. Foreign competition

(a) Increased international trade is essential to the United States and to the free world.

(b) The Federal Government should assist those who are injured, through loans, tax concessions, or other forms of assistance to adjust to new lines of production.

(c) Older workers adversely affected by national trade policies should be aided in moving to other jobs through a special program operated by the U.S. Employment Service and through other means.

(d) The transfer of younger workers should be facilitated through such means as the payment of moving costs or Federal assistance to help them develop new skills.

(e) If trade adjustment policies are not enacted, then Congress may wish to consider developing some form of protection that will narrow wide discrepancies between high American wage levels and the low wage levels of other industrialized areas of the world. (Senator COOPER does not agree with this paragraph.)

III. Strengthening employment services

(a) We recommend expansion of a basic research program to secure current information designed to match men with jobs, and urge the States to review their programs to keep them in tune with changing demands.

(b) We believe Congress should increase appropriations for strengthening and expanding the U.S. Employment Service because in the past emphasis has been placed by the legislative branch on alleviating the effects of unemployment rather than on preventing it.

(c) Because demand for highly skilled workers is on the increase, we urge additional appropriations for work in the counseling field.

IV. Jobs for minorities and other special groups

(a) Unemployment among Negroes:

1. We recommend legislation to establist a Commission on Equal Job Opportunity Under Government Contracts.

2. We urge the executive branch to explore the possibility of instituting administrative measures to extend the present Federal policy of nondiscriminatory employment on Federal contracts to other federally financed projects.

3. We believe that a full-scale investigation of racial discriminatory practices by both management and labor is warranted, and we recommend that the Senate Committee on Labor and Public Welfare establish a standing subcommittee to study racial patterns in employment.

4. We urge that the Bureau of Apprenticeship and Training make expanded effort to assure greater opportunities to all qualified individuals to participate in vocational and apprenticeship training programs.

5. We recommend that the Bureau of Employment Security's programs to reduce discrimination in employment be strengthened and enlarged to include all forms of discrimination.

6. We further recommend that the Commission which the President wants established be empowered to further educational programs by employer, labor, civic, educational, religious, and other nongovernmental groups in order that discrimination in employment may be eliminated.

7. We urge that the President's suggestion for biracial conferences in every city and town in the South be adopted and that such conferences give special consideration to the question of job opportunities for Negroes.

(b) Jobs for older workers:

1. We advocate Federal legislation looking toward reducing age discrimination in employment. Such legislation should deal with at least some of the following issues:

(A) Prohibition of age discrimination by contractors and subcontractors of the Federal Government.

(B) An expression of public policy to the effect that hiring should be on the basis of individual merit and ability to do a given job irrespective of age.

(C) Provision of a more extensive mechanism and budget than now exist in Federal agencies for carrying on a continuing nationwide educational program to overcome age biases.

(D) We question the advisability of legislation to provide tax incentives to encourage hiring of older workers since such special treatment would seem to classify older persons as inferior workers; a position controverted by well-documented facts.

(E) We recommend retraining allowances for those who are able to take advantage of retraining opportunities and to maximize such opportunities we recommend that facilities for the retraining of older workers be established where needed.

(F) An educational program could be established through a joint resolution of Congress vesting this responsibility in the Federal Council on Aging or in some other executive agency.

(G) Some of these objectives could be achieved by other than legislative means. Age discrimination by Government contractors, for example, could be prohibited by adding age to the existing Executive order covering discrimination on account of race, creed, color, and national origin.

(c) Jobs for youth: We feel that vigorous action on such proposals as the following will do far more to get young people into the kind of work they want than many multimillion-dollar proposals which have been advanced for legislative consideration:

1. Guidance services should be stepped up to take care of the increasing teenage population in the next decade.

2. Vocational training should be broadened.

3. More trained counselors should be secured for schools and other community groups.

4. Information about services obtainable through the U.S. Employment Service should be made more widely available.

5. Procedures should be worked out to reach high school dropouts in rural areas where referral from the school to the local employment office is difficult.

6. States should be encouraged to adequately finance services for youth.

7. Libraries of current publications about jobs and professions should be set up in each community, and trained staffs should be available to help young people sift and weigh this information.

8. While we believe that the Youth Conservation Corps proposal has some desirable aspects, we feel that funds could more properly be channeled into other areas which strike at the heart of unemployment among the young.

(d) Unemployment among women:

1. Because of the growing importance of women workers to the national economy and because they constitute a valuable labor reserve, more data should be compiled as to the trends of their employment and unemployment and the economic impact of these trends.

2. We also believe that suggestions for stiffer eligibility requirements for unemployment insurance for workers with no dependents (which would affect a large proportion of women workers) and for supplementary payments to unemployed persons with dependents, should be studied most carefully before action is taken in this direction.

3. Protection of farm workers.

(A) A subcommittee of the Senate Labor and Public Welfare Committee is now studying the problems of migratory laborers. We urge that this subcommittee recommend the enactment of legislation for crew leader registration and other measures to relieve exploitation of migrants.

(B) We strongly urge Congress to take action to protect domestic farmworkers and to consider, before extending Public Law 78 dealing with the importation of farm labor, the recommendations made by the consultants to the Secretary of Labor. These recommendations are set forth in detail in the minority's section on the "Protection of Domestic Farm Workers."

(e) Work opportunities for American Indians:

1. We believe that the appropriate congressional committees should study very closely the work opportunities of Indians in an effort to provide some solutions which would improve existing conditions.

(f) Jobs for the handicapped:

1. There is almost unanimous agreement in Congress and in the administration that the vocational rehabilitation program has

been one of the soundest investments of public funds.

2. The Office of Vocational Rehabilitation is now in the midst of plans to secure some significant improvements in the operation of the program, both among the State agencies and within the Federal Office of Vocational Rehabilitation. We urge continued efforts to improve the operation.

3. We congratulate the administration on the fine progress it is making in rehabilitation of the disabled, and we recommend that Congress provide full cooperation by appropriating funds to carry out the plans for the future developed by the executive branch.

V. Unemployment resulting from automation

1. We recommend that the Senate Committee on Labor and Public Welfare establish a special subcommittee in the 87th Congress for the purpose of making a comprehensive study of the problem and proposing further action.

2. We further recommend that active consideration be given to the establishment, either in the Department of Labor or in connection with the Executive Office, of a Commission to coorinate efforts and encourage cooperation among the economic and social groups concerned with the effects of automation and to propose solutions to the human problems created by the advance of industrialization. Labor, industry, and the consuming public should be represented on this Commission.

B. ALLEVIATING THE EFFECTS OF UNEMPLOYMENT

I. Unemployment insurance

(a) We believe that a number of amendments in Federal unemployment insurance legislation are essential or important at this time.

(b) We believe the amendments we are suggesting would strengthen the regular system without invading State prerogatives and would provide direct response to that special type of unemployment created by recessions with which the regular program was not designed to deal.

We recommend the following:

1. The extension of coverage to an added 3,100,000 persons to whom unemployment insurance can logically be applied, as recommended in the administration proposal. No new curtailment of State prerogatives would be involved.

2. A substantial increase in the tax base against which the unemployment insurance taxes are levied, both Federal and State, in the interest of financial soundness.

3. That Congress gives serious consideration to administration proposals for shoring up the administrative financing aspects of the program. Most particularly we call attention to that proposal which would authorize an increase in the funds available for loans to States in temporary difficulty from $200 million to approximately $550 million.

4. The question of reasonably assuring State solvency should be handled through the device of making loans from the Reed Fund more difficult to obtain and repayment conditions tighter, rather than through the drastic remedy of Federal solvency standards as recommended by the majority of the Special Committee on Unemployment Problems.

5. A Federal program which might be described as "compensation for high-level unemployment." We believe that in the light of recent experience it is a matter of elementary prudence to deliberately design and permanently incorporate into the laws of the country a program to supplement the regular program whenever national unemployment increases beyond the level for which the regular program should be responsible.

Such a program should include the following features:

(A) Grants from the Federal Government to the States to pay for supplementary benefits during periods of national high-level unemployment.

(B) The period during which extra benefits would be paid should be half as long as the duration to which the individual is entitled under a State law, or 13 weeks, whichever is longer.

(C) The criteria for triggering the program should be carefully worked out to avoid its use except when clearly needed.

6. We also suggest careful exploration of a modification of the above proposal which would incorporate these features:

(A) A Federal program which would be available to States, even in good times, where unemployment was very substantially higher than the national average and either was or could be expected to be chronic in nature.

(B) A Federal limit on the States which could avail themselves of a "standby" unemployment compensation program, in a recession. This limit should be based on the relationship of the State's unemployment to the national average.

(c) Labor market areas:

1. We have given serious consideration to the possibilities of applying a standby temporary unemployment compensation program to labor market areas as distinguished from States. It appears to us that more study is needed before such a program can be devised.

2. We urge the Department of Labor to work on the problems we have outlined and to investigate the feasibility of applying a supplementary unemployment compensation program to labor market areas as distinguished from States.

(d) Elimination of abuses: There have been abuses in the unemployment compensation programs in the various States. We urge strongly that these be eliminated and that unemployment compensation be made available only to those who are actively seeking employment and are truly ready, willing, and able to go to work.

II. Public assistance

(a) We share the belief of the Advisory Council on Government Assistance that "'the primary criterion for financial assistance to a needy child should be his need."

(b) We are opposed to public assistance provisions that seem to put a premium on broken homes.

(c) We recommend that the aid to dependent children program be broadened so that all needy children outside foster homes and institutions would qualify for assistance.

(d) We believe the Social Security Act should be amended to give impetus to the States to establish or improve programs of public assistance for needy adults. We recommend that provision be made for Federal grants-in-aid to the States for this purpose.

(e) We endorse the proposal advanced by the 1959 Governors' Conference that residence requirements for federally aided public assistance permitted to the States under the Social Security Act be reduced to 1 year.

(f) We recommend that Congress give some real meaning to the law approved in 1956 authorizing grants for research and demonstration projects, with the purpose of finding out more about ways of preventing and reducing dependency, by appropriating funds for such research.

(g) We believe that improved cooperation among State, local and voluntary agencies would tend to prevent the breaking up of families and would thereby reduce the cost of public assistance activities. We strongly urge such increased cooperation.

(h) To provide Federal leadership in assuring that assistance programs are maintained at levels compatible with health and well-being, we suggest that scientific budgets be made available to State and local welfare agencies. We think that information contained in these budgets would encourage States to raise standards of assistance in categories where they are at a low level.

(i) We believe that States know best how to operate their public assistance functions, and we approve the suggestions of the Advisory Council on Public Assistance which would allow the States to organize and reorganize their public assistance programs as they see fit.

(j) Our proposals would be an offer of help from the Federal Government to the States which they could accept or reject. However, it is our hope and belief that all the States will want to extend assistance to many people in dire need who now are not eligible for Federal aid.

(k) We are confident that, given encouragement, States will do away with many harsh restrictions in existing programs.

Mr. HARTKE. Mr. President, I want to talk for a few minutes on the report of the Special Committee on Unemployment Problems. I wish to join with my colleagues in commending the distinguished Senator from Minnesota [Mr. McCARTHY] for the fine manner in which he conducted the proceedings of the Special Committee on Unemployment Problems, and also to commend the staff of the committee.

Many hours were spent on those problems. The problems involved were not easy of definition, and it was very difficult to come to conclusions without talking about specific legislation.

I think a searching and thorough examination of the problems of unemployment will demonstrate that we cannot have merely complacent thinking or sweep these problems under the rug.

The truth of the matter is that today in the United States, in the height of what some people like to call prosperity, because we have a national income of about $375 billion, because we have rising productivity, unemployment in the United States is almost equal to what it was in the depth of the recession in 1954. These are facts and evidence that cannot be ignored.

There is no way under the sun that we can say we have true prosperity when there are 4 million people who cannot find work, although they are willing and able to work.

There are probably another 4 million people who are living on a bare-existence income or who are otherwise not employed in the true sense of the word.

I personally participated in about six of the nine parts of the field hearings in this regard. I had an opportunity to witness at firsthand the misery and psychological effects of men out of work and the effects on their families.

Frequently, I read newspaper accounts and reports of the high number of people who are working, with the intent, to my mind, more or less to hide from the public this cancerous growth on the future of American productivity.

We have just heard a leader of another nation, the United Kingdom. The truth of the matter is that today in Great Britain less than 1 percent of their people are out of work. When the number of unemployed goes to approximately 2 percent, it results in toppling their government.

In America today 5 percent of our people are out of work; yet no one is saying

it is a national problem, particularly on the administration level.

There are other countries—Sweden, Norway, Finland, the Netherlands, Switzerland, and France—which, since the end of World War II, have never had a period of unemployment which has reached up to the high percentage of unemployment we have in the United States. This does not mean there are not nations in Western Europe which have had higher rates of unemployment than the United States, but the truth of the matter is that if these countries had the same percentage of the people out of work which we have today, the very structure on which the governments are presently based would probably fall, from the sheer weight of that problem alone.

I went to West Germany. I saw at that time that West Germany had less than 2 percent of the people out of work. I saw the yielding which the Government of West Germany did because of unemployment in the coal mines, yet we in America had unemployment in respect to our coal mines. We saw at that time that the Germans put on a strict quota as to the amount of coal which could come to Germany from the United States, despite the fact that we in the United States, even with the high wages which we pay, are able to ship coal across the Atlantic Ocean and to deliver it on the banks of the Rhine River cheaper than the Germans are able to produce their own coal.

These things are all important, because we are in a giant economic struggle against the atheistic, communistic way of government. If we are not able to take care of these unfortunate people in our own country, they will probably look for some other method of taking care of these problems.

I think it is very important that we think in terms of some of the things which can be done to alleviate the problem. Some of these subjects have been covered, but we have not given attention to the tremendous effect, for example, of suddenly yanking a defense plant out of an area. This happened in La Porte, Ind., where I conducted the hearings.

We also had the situation in Evansville, Ind., in my home city, where industry moved out and went to another locality.

We observed the effects of another type of unemployment in my home State of Indiana, in Terre Haute, where there was a decline in the number of people the coal mining industry was using.

As shown in part 9 of the hearings, we saw the need for strengthening the employment services. This is important. It is important in two ways. One of them is that there must be a clear definition, with the feeling that a man, when he goes out to look for work, should not be faced with other people who are looking for unemployment checks. For the man who goes out to look for work there is a psychological feeling, when he wants to go to work, that he is looking for somebody to help him find work, to give him direction and service. That man does not want to face at the same time the very specter of unemployment, by looking at other people who are looking for unemployment checks.

As is pointed out in part 11, we will have to improve the measurement of our unemployed people. I invite the attention of the minority to the fact that, in regard to one of their own requests, Dr. Long, from Johns Hopkins University, who asked to testify in the hearings in Washington, D.C., recently stated that the estimate of 4 million people out of work in the United States is probably far too low, and that a more nearly accurate picture of the number of people who want to work, who are looking for jobs to support their families, their wives and children, would probably be 8 million people.

What is the effect of all of this upon society? We saw the effects once in the great depression. These people have learned that they do not have to go "through the wringer." They have learned, so far as they are concerned, there are people in top administrative positions who are willing to look out for their welfare. They have learned that there are certain things which can be done to alleviate these severe problems.

We know of an administration which went to work on some of these problems. Some of the problems were never completely solved, of course. Some will have to be solved yet. Some of the problems were solved. Some of these people can look forward to useful lives and to taking care of their families in a proper manner.

This is the thing which must be done today. There must be a greater definition of concern and a greater attention to the problems. This must be done not only in the legislative field at the national level, but also in the local communities at the local level, and on the basis of a State agency, in a giant cooperative venture by all of us.

I have talked to a number of people. I have asked them, "Why do you not talk more about unemployment?" They tell me, "Unemployment is not really a problem."

I wish that some of the people who tell us this had gone out into the field and had heard exactly what is involved in unemployment.

Mr. President, I should like to read an excerpt from the unemployment hearings which were conducted in Pennsylvania with my distinguished colleague, the Senator from Pennsylvania [Mr. CLARK]. I should like to read from page 442 of that report, in regard to the situation we learned about when we were at Brier Hill, as the Senator from Pennsylvania well remembers. We were talking to the people there who had been out of work for years in the coal-mining industry.

I happened to meet with the parish priest. He said, "I do not want to give my name, because I think it might embarrass this community." He also said, "It is all right for you to tell the people in the U.S. Senate what the situation is, however."

These are the remarks:

Father, thanks a lot. Senator CLARK, I'd like to say here for the record, I was talking to the priest here of the local parish and he frankly tells me that they don't have the money to pay the necessaries to keep the church going here. They just don't have enough to keep things going here, it's that rough.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. HARTKE. I am delighted to yield.

Mr. CLARK. I am very glad that my friend from Indiana has brought up the situation at Brier Hill. I ask the Senator if his recollection is in accord with mine, that the little community of Brier Hill was located on the top of an abandoned bituminous coal mine, that the population of the village was approximately 1,000, and that there was not a single man or woman in that village who had a job. They were all out of work.

Mr. HARTKE. They were all out of work. The Senator is absolutely correct in his statement. Not only that, but the people had searched for work, and almost in a chorus, when we asked them, "Do you want work?" they said, "Yes; we will work at anything."

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. HARTKE. I yield.

Mr. CLARK. Was it not the case that some of those men told us they had driven as far as Detroit, Mich., looking for work and had to return without finding work?

Mr. HARTKE. Not only had they driven to Detroit, but they had also gone to Cleveland, Ohio, and to Baltimore, Md., and up and down the Ohio River looking for work.

Mr. CLARK. Is it not also true that man after man in that village told us when he sought employment he was told he was too old for the job, even though some of the men were still in their thirties?

Mr. HARTKE. The Senator is exactly correct. As one man said, "I am too old to work, but I am too young to draw my old age pension."

I should also like to bring to the attention of the Senate something else concerning the psychological effects of unemployment. This occurred in the Evansville, Ind., hearing. A statement was made at that time, without any reference to the man's name:

I know all morning you have heard quite a bit about the financial status of the unemployed, but I would like to say a few words about the emotional status of the people that are unemployed. There is a social aspect to unemployment that arises from the ties and bonds of group relations and friends and neighbors and so on. Everybody wants to be recognized socially, and while I was unemployed, emotional problems did arise: for instance, with my friends, they knew I was unemployed and knew I could not afford to entertain, they didn't think I could afford it, and rather than ask us to go places with them, they wanted to save us the embarrassment and that leaves quite a problem of being under the pressure that we were under. I say "we"—my whole family was involved. It made us wonder if we were actually forsaken by our friends or if this was true friendship to ignore this. The children naturally, the family was under tension and worried all the time. The little girl was 2 years old and she began to have nightmares.

She tended to be disobedient and just completely frustrated and to just be honest, she just didn't know who was mama around the house.

I should like to take another moment to give the human side of this problem. It cannot be ignored for the 4 million people in the great United States of America. This is an insult to our national pride.

I should like to quote from the unemployment hearings taken in Kentucky, the statement of William D. Gorman, president, Buckhorn Watershed Association, president, North Fork Flood Control Association, and director, Hazard Chamber of Commerce.

He said:

Not long ago I met a man on the streets of Hazard. It was late at night, snow was on the ground, and he was crying, sobbing. The editor of the local paper there and myself asked him what was wrong. He told us that he had gone to the county jail to try to get in, he was freezing to death. He had no money, his family was starving, he had gone north seeking employment; he had been promised a job.

He had left his wife and small children at home. And after waiting 2 weeks and not being able to qualify for the job, he had turned toward home to try to get to his family to at least keep them warm. He hitchhiked from Cincinnati into Hazard.

And we took him in and bought him something to eat and talked the turnkey of the jail into letting him sleep where it was warm.

And this man and his family had enjoyed a fairly good standard of living until the bottom had fallen out of the coal industry.

I am a deacon in the Hazard Presbyterian Church. Only last Sunday night at our monthly deacons' meeting we were told that the people in our congregation were not coming to church because they didn't have clothes to wear or food to eat.

This occurred, as the distinguished Presiding Officer [Mr. COOPER] knows, in 1960, and not in 1932.

He said further:

We are thankful in eastern Kentucky for the food that the Federal Government has sent to our people. It has helped. But, my friends, there are people in our region who are too proud to stand in breadlines. They would starve to death first.

The most pathetic sight a person can see is a child with a bloated stomach from starvation. But if you will only look through our coal camps you will find plenty of them.

Constantly we find this question asked of us, "Why do we send money, food, and other things to starving people all over the world when we have starving people at home?"

I say quite seriously that this is a question which must be answered by this body. We must be able to make up our minds whether or not we are going to answer to our people at home first. If we do not, we shall hear cries louder and louder, until very few Members of this body will be able to support a program for feeding starving people in other countries.

I close by reading a most pathetic and stirring story, which has shocked me ever since I read it, and which would cause almost any other Member of this body to sleep with a heavy heart—if he could sleep at all—if he feels that he could ignore these problems and not do something about them immediately.

I read from page 1994 of the hearings, a portion of the statement of Thomas E. Gish, editor of the Mountain Eagle of Whitesburg, Ky.:

I have a little statement, as everyone else. And I want to start by telling you of a true happening which I think sums up the entire situation better than any words that might be used.

At about this time last year—2 weeks before Christmas—an unemployed coal miner in Letcher County whom I have known all my life shot and killed himself.

The man was the father of eight children, stair-stepped from age 14 down to age 2.

This man had been out of work for some 3 years. He had been laid off at one of those times when a mine gets new equipment—lessening its need for men. I know that this man made every possible effort to find employment for himself. He made several trips into Ohio and Michigan, looking for work. But he was 55 years old, and he simply couldn't find a job. Well, he drew unemployment insurance as long as he could—but soon that was exhausted. And for some 2 years, he was forced to sit in idleness at home, watching the health of his children deteriorate from lack of enough food—watching their clothes wear out—with no money to replace them. The family lived during this period on money earned by the wife—who cooked in a restaurant for 25 cents an hour. She was and is a good woman and often she worked 18 hours a day to get enough money to keep her family alive. They couldn't really live on what she earned—they could just stay alive.

The man watched this for some 2 years. He got to thinking about the situation and realized that if he were dead, then his wife and children could draw social security benefits. They would be assured of enough money to maintain a decent standard of living. They could eat, and they could buy clothes.

And so, as a Christmas present to his wife and his eight children, the man took out his shotgun and calmly shot and killed himself. It was the best Christmas present he knew how to give. Living he was no help to his family. By dying he could feed them.

This is a sad commentary on American prosperity today.

Mr. McGEE. Mr. President, I commend the Senator from Indiana on the fortitude which he has displayed in nailing down a very human question which some people have been trying to duck for altogether too long.

Mr. CLARK. Mr. President, I should like to take the next few minutes to discuss the report of the Special Committee on Unemployment Problems.

I join my colleagues on the committee in paying tribute to the fine work done by our chairman, the Senator from Minnesota [Mr. MCCARTHY]. He was patient; he worked hard; he worked with intelligence; and this report is a monument to his ability to bring nine men of good will together. Although both a majority and a minority report have been filed, they agree to an extraordinary extent in their major conclusions and recommendations.

This is an extraordinary committee. Of the nine members, six are not only serving their first term, but were elected to the Senate as recently as 1958. Two other members are still in their first 6-year term. Only the distinguished occupant of the chair, the Senator from Kentucky [Mr. COOPER], has been in the Senate for more than one term, and his service, as I know he will recall, has not included, as yet, a full 6-year term.

So every member of the committee comes fresh from the people. I think it is a great tribute to both the majority leader and the minority leader that they were willing to vest in Senators with so little seniority the important responsibility of preparing this report.

Mr. President, this is a good report. I hope that the lack of seniority on the part of members of the committee will not deter the Senate from giving it the attention which I for one think it so richly deserves.

I would not be fair to the able staff members who worked so hard in the conduct of the hearings and in the preparation of the report if I did not mention the extraordinary and effective work which was done by the staff, particularly by Mr. Lawrence C. Merthan, staff director; Mr. Samuel V. Merrick, counsel for the committee, Mr. Emerson Hynes, legislative assistant to the chairman; and Mr. Harold L. Brown, who was lent to the committee by the Senator from Illinois [Mr. DOUGLAS] to help make the field arrangements for our hearings. These men, too, labored arduously and well, and the report reflects their findings and intelligent analysis of the testimony to the same extent, almost, as it reflects the judgment of the members of the committee themselves.

I should like to note also the fine contribution which has been made to the report by the minority members of the committee. The three Republican members met with the majority in a spirit of good will. We find, as we read through the report, that while their views differ on one or two major matters of substance and on some additional details, it is an extraordinary thing how close together the basic conclusions and recommendations of the majority and minority are.

I suggest that for this reason the report should have an even greater impact on the Senate and on the country than would otherwise be the case.

I should like to discuss briefly the major conclusions of the committee, because I believe them to be important conclusions. They are conclusions which are not generally recognized either in the Senate or throughout the country. They are conclusions which deserve the greatest consideration by all American citizens.

The first conclusion is one to which there is no serious dissent. I read it:

1. Unemployment is a serious and continuing problem. Five percent or more of the labor force has been unemployed in 26 of the past 28 months. In some areas of chronic unemployment, the rate has exceeded 25 percent. Underemployment and "hidden" unemployment, which are not measured in current unemployment statistics, would increase the total.

The minority to some extent dissented to the statistical statement contained in that conclusion, but they do not dissent from the conclusion itself, and they agree that unemployment is a serious and continuing problem. The seriousness of the unemployment problem is

not generally understood throughout the country. It is not understood in Wall Street. It is not understood in many areas of our Government. It is not understood among the many millions of American citizens who are employed and who do not know what unemployment means. This is a chronic national problem which we cannot sweep under the rug.

The second conclusion is in many ways even more important than the first, and to this conclusion there is no dissent on the part of the minority. No one has stated the impact of the second conclusion with more eloquence than the distinguished Senator from Indiana [Mr. HARTKE], who has just yielded the floor. The second conclusion reads:

2. The greatest cost of unemployment is in the suffering of individuals and their families. Present systems of unemployment insurance and general assistance are inadequate to relieve this suffering.

Mr. President, if this report contained nothing beyond that one conclusion, it would call for action by the people of America in general and by the Senate in particular, to take prompt steps to remedy, to alleviate, and to eliminate this widespread human suffering in the richest country the world has ever known. This conclusion is one which casts shame on the governmental structure and, to some extent, the private economic structure of the United States, that we permit misery to continue in the midst of plenty.

The third conclusion deals with an economic matter of great importance. I read it:

3. Unemployment is costly also in the loss of potential production. If 1 million additional persons had been employed annually in the past decade, the gross national product would have been increased by an estimated $70 billion. The need to make full use of our manpower resources becomes more urgent as a consequence of the economic challenge of the Soviet Union.

Mr. President, again the minority dissents from the particular statistics used, but it concurs in the conclusion itself. This loss of untold billions of productive capacity and this failure to put our best foot forward in the economic struggle with the Soviet Union are matters which require the urgent and immediate attention of the people and of the Senate.

The fourth conclusion, to which there is no dissent, is of equal importance to everyone in this country. I read it:

4. The problem of unemployment will assume far greater proportions in the next 10 years unless decisive action is taken. After each of the last three recessions the rate of unemployment was higher than it had been before the recession. In the next decade the number of youths entering the labor market will increase by 46 percent. Dislocations caused by automation and technological change will increase. A sharp increase in unemployment will take place unless private and public measures are taken to absorb the increased manpower.

That recommendation is unanimous. It is concurred in by all nine members of the special committee. I believe it deserves, indeed it requires, the careful attention of all Members of the Senate.

Mr. President, I turn to the fifth conclusion. It begins:

Unemployment is a national problem resulting from complex forces, most of them national in origin.

The only dissent on the part of the minority is that they would like to have the word "most" changed to "many." Very well, let us change it, in the interest of unanimity. The conclusion is nonetheless important even with that change. It continues:

Every section of the country has suffered from the effects of unemployment and the decreased purchasing power of the unemployed. Local communities with the highest rates are often those with the fewest tax resources. The unemployed are anxious to find work—

Let us mark that well, against those who say that it is only the lazy and the shiftless who are among the unemployed. This is the unanimous conclusion of this bipartisan special committee. I continue to quote:

The unemployed are anxious to find work, and local communities have made extraordinary efforts to create jobs, but community leaders in the distressed areas are in agreement on the need for national assistance.

This conclusion likewise deserves the careful and immediate, and indeed the prayerful consideration of the people of this country and the Members of this body.

The sixth conclusion, which I will not stress by reading it, is nonetheless important. It recites that unemployment is of three kinds: cyclical, structural, and frictional. It points out that cyclical unemployment fluctuates with the state of the economy. It is worse when times are bad; it is less when times are good.

Structural unemployment is largely the problem of distressed urban areas and low-income rural areas. While it gets worse when times are bad, it does not get much better when times are good.

The report points out that a certain amount of frictional unemployment, or unemployment between jobs, is inevitable, but that it can be reduced by wise governmental measures and by wise private practices.

The seventh conclusion points out a basic and important fact; therefore, I shall read it:

"Class" rather than "mass" unemployment has characterized the past decade. Unemployment is highest for young people, older workers, nonwhites, women, the unskilled, and the least educated. Improved vocational training and retraining programs are needed to help these groups.

This conclusion also is unanimous. All nine of us agreed to this conclusion. I point out that this finding coincides with the finding of the Subcommittee on the Aged and Aging, so ably headed by the distinguished senior Senator from Michigan [Mr. MCNAMARA], who also served on our committee. I have the honor to serve on his subcommittee, and I can attest to the fact that the unemployment situation among older workers is indeed a serious one, but no more serious, perhaps, than that of the other classes and groups mentioned in conclusion No. 7, apparently those who do not get a fair shake when men and women are hired and fired.

The eighth conclusion I find to be of great importance. Here the minority has filed a dissent. In my humble opinion, the dissent has some merit, but not much. I shall comment on it after reading the conclusion:

High rates of unemployment are not a necessary part of the private enterprise system.

With this statement the minority agrees. I continue:

Unemployment can be reduced by reasonable private and public policies, as demonstrated by the experience of Great Britain, Sweden, Norway, Finland, the Netherlands, Switzerland, and France. The unemployment rates in these countries are considerably lower than those in the United States.

The quarrel of the minority with this conclusion is merely that they believe the statistics are not comparable; that perhaps the published rates in those countries are not as high as those in this country because the figures are kept in a different way. Yet I feel certain that the three members of the minority would agree that each of those countries has done a better job, overall, in dealing with the problem of unemployment than has the United States.

Mr. President, there is an unseen sentence in that section, a sentence which does not appear in the report. It is that in Soviet Russia and in Communist China, and in the countries behind the Iron Curtain, there is no unemployment. The problem does not even exist. This we thought so well known as not to justify stressing. Some of us perhaps felt that if we pointed it out, we might be considered un-American; that someone might say, "Well, those fellows are really off base; they defend communism and totalitarianism." Far from it.

But we who are engaged in deadly combat for the thoughts and minds of the uncommitted peoples of the world would do well to recognize and to stress that one of the ways—one of the few ways, in fact, almost the only way—in which a case can be made for the Communist system ahead of our own is that in Communist countries every man and woman has a job. There is no unemployment in Russia and China. The price they pay is of course, fantastic. It is a price we would never consider paying. However, we ought to face the fact that if we expect to compete economically in the future with those countries which desire to destroy our system, we had better cease this immense waste of manpower which is slowing down the rate of growth of our economy and causing such untold human suffering.

I turn to the ninth conclusion, and shall read it:

The reduction of unemployment and underemployment requires an increase in the rate of national economic growth. Fiscal, budgetary, and monetary policies are important elements in the achievement of a higher growth rate.

This conclusion also is unanimous. It is concurred in by all nine members of the committee. We had a little quarrel

as to whether we should specify a recommended rate of growth. In order to achieve unanimity, the majority was willing to eliminate a specific figure. So the general principle stated in that section represents the unanimous view of the nine members of the committee.

Mr. President, I shall turn now from the conclusions of the committee to the recommendations and discuss some of those which my colleagues did not emphasize in their talks to the Senate earlier today.

I point out, so that the record may be clear, and that those who seek comments on the recommendations may know where to turn, that the Senator from West Virginia [Mr. RANDOLPH] discussed recommendation No. 2, "Assistance to Distressed Areas"; that the Senator from Minnesota [Mr. MCCARTHY] discussed recommendation No. 3, "Establishment of National Standards for Unemployment Insurance," and recommendation No. 4, "Extension of Federal Grants To Cover Public Assistance to the Unemployed"; that the Senator from Michigan [Mr. MCNAMARA] discussed recommendation No. 7, "Elimination of Discrimination in Employment," and also recommendation No. 10, "Standby Antirecession Legislation"; and that the Senator from Indiana [Mr. HARTKE], in addition to his moving statement on the human aspects of unemployment, discussed recommendation No. 9, "Strengthening the Employment Services."

I should like to discuss the other recommendations of the committee. The first one, I believe, is important. It is entitled, "Increased Rate of Growth and Maximum Employment." I read:

> The committee recommends:
> (a) Increased emphasis on the objective of "maximum employment" set forth in the Employment Act of 1946 in the formation of national policy.

Mr. President, this recommendation is in accord with the recommendations made by the majority of the Joint Economic Committee in their extremely important document entitled "Employment, Growth, and Price Levels," with which all Members of the Senate are familiar.

I think it important to stress the cross-fertilization of studies. Just as the study of the Subcommittee on the Aged and Aging crosses the field of unemployment, so do the economic studies of the Joint Economic Committee cross our studies of cyclical unemployment, which in many ways is our most basic problem, because unless we can sharply reduce cyclical unemployment we cannot make much headway in dealing with structural and fictional unemployment. I heartily commend to the other Members of the Senate that portion of the report of the Joint Economic Committee which deals with the question of employment and growth.

There can, of course, be two schools of thought about this question, and there is an able minority view which has been published as a part of the Joint Economic Committee's report. For myself, I go along with the majority. I think the conclusion of that committee, of which the distinguished senior Senator from Illinois [Mr. DOUGLAS] is the able chairman, are worthy of even greater attention than they have received.

In the report of the Special Committee on Unemployment we recommend:

> Policies to attain a rate of national economic growth high enough to provide employment opportunities for the nearly 4 million men and women now unemployed and the 26 million young people who will enter the labor force in the next decade. Recommendations for promoting this economic growth were made by the Joint Economic Committee in its report on "Employment, Growth, and Price Levels," published earlier this year.

Mr. President, before I read those recommendations, let me stress again that unemployment cannot be considered as existing in a vacuum; we cannot put blinders on, and consider unemployment without at the same time considering the other factors which bear upon the growth and prosperity of the economy as a whole.

As a result, the majority of the committee concurred in the recommendations of the Joint Economic Committee, which were:

> (1) Monetary policies to permit the money supply to expand in line with the growth in total output, (2) measures to reduce fluctuations in defense orders, (3) Federal aid to education in order to improve the quantity and quality of education required for a more productive labor force, (4) reform of the Federal tax system, and (5) improvement of our foreign trade position.

Each one of those recommendations of the Joint Economic Committee—seemingly so divorced from any question of unemployment—is vitally connected with the unemployment problem; and we can never solve the grave question of recessions, booms, and depressions unless we succeed in using monetary, fiscal, educational, tax, and trade policies to create the maximium employment which is the objective of the Employment Act of 1946.

Now I turn to recommendation No. 5, which is closely related to the recommendation regarding economic growth that I have been discussing. Recommendation No. 5 is for "increased educational services, especially for vocational education, and assistance to special groups."

Mr. President, if one thing is clear as a result of our serious study of the unemployment problem, it is that the educational level required in order to obtain and to keep a job is constantly increasing. The day of the strong back and the weak mind is passing. Tomorrow, the man or the woman who is without at least a high school education will find serious difficulty in obtaining employment. The level of education necessary for those who in the days to come will seek employment will rise; and with it the caliber of our educational institutions must rise.

It is my view that we cannot obtain the necessary improvements in the stature of our educational institutions and in their ability to train young men and young women for the tasks of tomorrow unless there is massive Federal aid to education. I have spoken at length on this subject heretofore on the floor of the Senate, and I shall not do so again at this time. Of course, this is a controversial question; but I believe that the research and the hearings of our committee establish beyond doubt that the Joint Economic Committee was correct when it advocated substantial Federal aid to education in order to achieve maximum growth and maximum employment in the United States.

Mr. President, I shall not comment about the other detailed recommendations which are listed as subdivisions of recommendation No. 5, except to say that I concur thoroughly in them, and I believe they deserve the pressing, immediate, and careful attention of the appropriate committees of the Senate and the House of Representatives.

I turn now to recommendation No. 6 and recommendation No. 8, on which I shall comment briefly. Recommendation No. 6, which is in two parts, proposes a study, by an appropriate committee, of the impact of military procurement and deployment policies upon employment stability and unemployment, and consideration of measures to ease resulting dislocations; and "enactment of adjustment legislation to relieve the impact of international trade policies on employees, businesses, and communities adversely affected."

Again the minority is in accord with the objective of that recommendation. It is only with respect to certain details with regard to its implementation that there is even minor disagreement among the committee members. Again I think the substantial unanimity of opinion on the part of the nine members of the committee is noteworthy.

Mr. HART. Mr. President, on this point will the Senator from Pennsylvania yield?

The PRESIDING OFFICER (Mr. COOPER in the chair). Does the Senator from Pennsylvania yield to the Senator from Michigan?

Mr. CLARK. I am very happy to yield to my friend, the Senator from Michigan.

Mr. HART. Mr. President, I concur in the commendation which other Senators have expressed in commenting on the excellent work done by the committee of which the distinguished Senator from Pennsylvania is a member. The report is a very significant one. I rise only to comment in regard to recommendation No. 6, which has just now been referred to by the Senator from Pennsylvania.

Earlier in the report—at page 49 and following—there is a very vivid explanation of some of the economic effects which flow from changes in Government procurement policies in connection with defense industries. The point is made that when $40 billion a year for defense procurement is pumped into the economy, there is an enormous impact, and that it is the most important single element in the determination of our economic health or our economic sickness, as the case may be. The report cites examples of what happens when a Government contract is terminated, after

it has been a principal source of employment in a community. At that time the community discovers what the entire Nation will discover if we are able—as all of us hope we shall one day be able—to disarm. However, we are not planning for that time; and recommendation No. 6 suggests that an appropriate committee be appointed to study the effect of defense procurement on our economy.

I should like to point out that last year I submitted Senate Resolution 150, which called for the establishment of a select committee to study the economic impact of defense procurement, and to make blueprints with respect to the day when we might proceed to disarm and might be able to reduce to a lesser amount the $40 billion of expenditures we make for defense purposes.

I am delighted that the committee recommends the appointment of a committee to achieve that basic purpose, as called for in Senate Resolution 150. Certainly I have no quarrel with the committee for recommending the appointment of "an appropriate committee," rather than a select committee. I am delighted that the committee makes a specific recommendation for the making of some such blueprint in regard to the situation when the United States is able to proceed to disarm and is able to persuade the rest of the world that we seek to achieve disarmament.

Mr. CLARK. I thank the Senator for his suggestion. I am sure all members of the committee were aware of the resolution he submitted. Many of us, including myself, were prepared to support it specifically. However, we felt that there was great merit in unanimity; and inasmuch as certain members of the committee wished to handle some matters a little differently, we refrained from specifically endorsing the suggestion the Senator from Michigan had made. But I assure him that all members of the committee believe that something in this area must be done. So Senators who do not like the suggestion the Senator from Michigan has made must bear the burden of coming forward with a better suggestion, if such there be. Certainly we must not sweep this problem under the rug.

Mr. President, I turn to recommendatoin No. 8, which deals with the question of the extension of unemployment benefits to domestic migratory farm laborers. I shall not long detain the Senate in discussing this subject, because the distinguished junior Senator from New Jersey [Mr. WILLIAMS] is presently engaged in investigating the entire subject of migratory labor, as chairman of a subcommittee of the Senate Committee on Labor and Public Welfare. The lot of migratory farm laborers, domestic and imported, is indeed disheartening. It deserves national attention. Our effort is intended to focus our view on this problem and to assert that something important should be done about it in the near future.

So, Mr. President, I come to the last two recommendations of the report, which are of peculiar interest to me personally.

The 12th recommendation is entitled, "Continuing Attention to Manpower Resources and Utilization," and it reads:

As a result of its study the committee believes that the Federal Government should maintain a continuing concern for the Nation's overall manpower resources, requirements, and utilization, including the problem of underemployment. Both the legislative and executive branches should be concerned with prospective manpower dislocations resulting from automation and technological change and with the manpower needs which must be determined as a basis for training and counseling programs. The committee therefore recommends that:

(a) A permanent subcommittee within the appropriate standing committee of the Senate be established with responsibility for consideration of manpower requirements, resources, and utilization at all levels of employment, and for legislation related to these areas.

I interrupt that quotation, having seen my distinguished colleague from West Virginia [Mr. RANDOLPH] in the Chamber, and I call his attention to that recommendation, which appears on page 126 of our report.

As he knows, I will be only too happy to join with him in a request of the distinguished chairman of the Committee on Labor and Public Welfare [Mr. HILL] to set up the special subcommittee referred to in this recommendation.

We have reason to believe, I think, that the chairman of the committee, the distinguished senior Senator from Alabama [Mr. HILL], will look with favor on this recommendation by the Special Committee on Unemployment Problems. I hope that the proposed subcommittee can be set up, staffed, and adequately financed in the reasonably near, if not immediate future. I know my good friend from West Virginia will join me in trying to get that subcommittee on its way in order to complete the work which our committee thinks should be done.

I return to the second subsection of recommendation No. 12, namely (b), and I read:

(b) A National Manpower Planning Commission be established in the Executive Office of the President with corresponding responsibility; or, alternatively, that an existing agency of the Government be assigned such responsibility.

Mr. President, I call recommendation No. 12 "staffing freedom." Our job on behalf of freedom is not done when, in the absence of national planning, the abilities of our young men and women coming out of school are not directed into careers where they will do the greatest good to achieve our national goals. What we must do by persuasion, our Communist enemies achieve by compulsion. Indeed, we achieved this purpose by compulsion, operating through the draft, in World War II. At that time every individual drafted into the Armed Services was given a military occupation speciality, an MOS. He was put where it was thought by those in authority he would do the most good.

This, obviously, we should not and will not do in peacetime, but I am firmly of the belief that we ought to have a national inventory of jobs, and of useful jobs. We ought to make serious planning efforts to persuade young men and women coming out of our schools and colleges to go into those occupations where they will make the greatest contribution to the national well-being.

I further believe that we have to increase the rewards and decrease the punishments in those areas of employment which men and women of good conscience will agree are most essential to our national existence and well-being.

So, in my judgment, recommendation No. 12 is one of the most important our committee has made. I hope it will be implemented, and implemented soon. I look forward to the day when we will have a White House conference on careers, or a White House conference on employment, like the conference we had recently on education, and the one now under way on children and youth.

I believe we should have a national manpower planning commission on a level equal to the President's Council of Economic Advisers. I believe the President's Council of Economic Advisers, under the next administration, should undertake long-range economic planning. I believe that as that long-range economic planning proceeds, the personnel implications of the planning should be considered by a national manpower planning commission. I believe that such a commission should make recommendations to the homes, the churches, the schools, and all agencies in America which deal with employment, so that efforts can be made, through counselors at the schools, through the advice of parents in the homes, and through spiritual guidance at the churches, to persuade young men and women to select those careers which are most useful to the national interest. This applies to the lowest employment and educational levels, just as it does to the highest.

I give my wholehearted support to this recommendation.

The final recommendation, which is No. 13, deals with financing the committee's recommendations. I take some credit for this recommendation, because I strongly urged that it be included. I am happy to say I was able to persuade my colleagues.

I think that too often Americans are prone to meet in a committee, or in a White House conference, or under some other auspices, and decide that much has to be done to remedy a particular condition, be it in education, stream pollution, highways, juvenile delinquency, hospitals, welfare, or unemployment, and, having arrived at resounding conclusions and recommendations, disband and go home, thinking they have done a grand job.

So this 13th recommendation, which I think is the binding which ties together the philosophy which I believe is represented by all nine members of the committee, the minority as well as the majority, reads:

Insofar as this committee recommends increases in budget expenditures, we believe that revenues to offset these expenditures can and should be obtained. The committee believes that its recommendations are

realistic. The cost of these proposals will be much less than the cost of continuing high levels of unemployment, and will represent a small fraction of the gains in production in gross national product and in tax yield.

I have already outlined on the floor of the Senate, this year, last year, and the year before, my own recommendations for obtaining the additional revenue necessary to assure the domestic well-being and the national and international security of the United States of America. I shall not reiterate them now other than to prod my colleagues' memories to return to them and see if they cannot get some guidance.

I also say to my colleagues, "If you have a better plan, let us hear it." What is very clear indeed is that, if America is going to fulfill its manifest destiny, we have to have more revenues to take care of the crying needs of this country at home and the crying needs and miseries in the underdeveloped and uncommitted areas of the world whose friendship we seek.

Mr. President, I conclude as I began. This report is a good report. I hope it will receive the attention it deserves.

Mr. President, this report must not be filed away to gather dust. It is a living, speaking document, speaking of human distress, speaking of man's inhumanity to man, speaking of a callous disregard of the suffering of millions of American citizens by other American citizens living in the richest country the world has ever known.

This report, I hope, Mr. President, will rest heavily upon the conscience of the Senate until its recommendations are implemented by the recommended legislation.

Mr. RANDOLPH. Mr. President, will my colleague yield to me?

Mr. CLARK. I am happy to yield to my colleague from West Virginia. Indeed, I am perfectly willing to yield the floor, if the Senator desires to have me do so, so that he may speak.

Mr. RANDOLPH. No; I would not want to ask the Senator to yield the floor. Earlier in the afternoon I presented my comments on the majority report and the minority views.

Mr. CLARK. I will say that the Senator presented them most ably, indeed.

Mr. RANDOLPH. I thank the Senator from Pennsylvania.

Mr. President, I am sorry I was unable to be present in the Chamber for the earlier portion of the remarks of the Senator from Pennsylvania. I know of the Senator's careful and thoughtful attention to the matter. I would like to ask the Senator a question, which would be almost a supplement, as it were, to the thought of my colleague.

If we were to carry out these programs, at least in part, and were to provide the funds with which they could be carried forward, would we not spend 100 cents on the dollar but receive in return not only the 100 cents but also an investment or a dividend for the country as well?

Mr. CLARK. I have no doubt that my friend is correct. This would be a bold approach, one which I think is justified. It is conceivable that we might have to spend a little money quickly in order to get a lot more money back later, for future progress.

My philosophy in that regard I am sure is identical with that of my friend from West Virginia.

Mr. RANDOLPH. I thank the Senator.

POSTAL RATE INCREASE

Mr. CLARK. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial published in the Pittsburgh Sun-Telegraph dealing with the subject of "Postal Facts"; and I express myself as being in substantial accord with the point of view set forth in the editorial.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

POSTAL FACTS

President Eisenhower's special message to Congress urging another postal rate increase presents one of those seemingly plausible arguments which is easily demolished by facts. Let's consider the facts.

In essence the President says the post office is losing a lot of money. Therefore mail rates should be raised to wipe out the loss, or at least come close.

This position, which apparently came to the President special delivery from Postmaster General Summerfield, is based on a fallacy.

It is the error of assuming the post office is a business. In reality, in historical precedent, and in every day fact, it is a public service. It can't be both.

It is true it costs taxpayers money to run the Post Office Department. It also costs taxpayers money to run the White House, the Commerce Department, the Federal judiciary system, the FBI, and so on.

The costs of such public services are taken for granted. But the costs of the postal service are labeled deficit and become an issue.

Why should this occur?

The answer is that the post office takes in a great deal of money, about $2½ billion a year. No other department produces as much revenue.

But because the postal establishment costs more to operate than it takes in, and because a law requires annual reports comparing receipts with costs, the post office is singled out and accused of operating at a loss.

Postal rates actually are a form of taxes. The post office does not keep the money it gets for selling stamps, but turns it into the Treasury. Thus in urging a postal rate increase, the administration is seeking an indirect tax increase.

Finally, the theory that the post office is a business doesn't make sense.

Would a business charge the same fee to deliver a message across the street as from Florida to Alaska?

Would a business operate a branch office in every hamlet in the Nation, most of them losing money because of slight patronage?

Would a business take on sideline jobs without pay, like selling duck stamps or registering aliens?

The post office is an essential public service, worth what it costs to operate.

We suggest Mr. Summerfield ought to stop proclaiming (and complaining) how much his department has lost and concentrate on getting the mails delivered.

And Congress ought to ignore the request for another boost in rates.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. ROBERTSON. Mr. President, I am glad that the Senate has finally decided to follow the regular committee procedures of sending bills to committee. I am glad that the House civil rights bill, H.R. 8601, was sent to the Judiciary Committee, and that the committee has had a chance to consider and recommend amendments.

I regret that the Senate Judiciary Committee was subjected to such unreasonable restrictions in its consideration of the bill. With less than a week to consider a bill of this importance, including a Saturday and a Sunday, the Judiciary Committee has done a magnificent job to get extensive testimony from the Justice Department and from one of the best informed lawyers on the other side.

I regret, of course, that the many others who would have liked to testify, including Senators, Governors, State attorneys general, and others, were not able to testify, and I am sorry that we are not able to have the benefit of an extensive discussion of the bill and the amendments, which might have been set forth in the committee's report. I do not blame the committee, of course, for this, because with the instructions given to them, they have done more than can be expected of them.

The so-called civil rights bill, as it passed the House, contained a provision making obstruction of certain court orders a crime, but it did not make the obstruction of all court orders a crime. Instead, the provision was limited to the obstruction of court orders dealing with the admission of persons to public schools, in other words, public school desegregation and integration orders.

When the corresponding section of the Senate civil rights bill was before the Senate, we adopted the Lausche amendment which made the prohibition on the obstruction of court orders applicable to all court orders, not just school desegregation orders. The Senate took this action on March 11, 1960, by a vote of 65 to 19, more than two-thirds of those voting, and only 2 votes short of two-thirds of the entire Senate.

I am glad to see that the Senate Judiciary Committee has adopted the Lausche amendment in reporting out the House civil rights bill. I supported the Lausche amendment before, and I shall support it again.

A court order forbidding labor or management misconduct in the course of a labor dispute, a court order forbidding any other illegal conduct is just as sacred, just as deserving of obedience, just as important as a court order integrating a public school.

If it is necessary, if it is proper, if it is desirable to pass a new criminal law prohibiting the obstruction of court orders, there is no conceivable reason for picking and choosing between one kind of court order and another kind; there is no conceivable reason to say that it is a crime to disobey Judge A when he tells a person not to do one thing, but it is not a crime to disobey Judge B when he tells a person not to do another thing.

The Senate discussion of the Lausche amendment on March 11 was quite ex-

tensive. It occupies many pages of the CONGRESSIONAL RECORD. And the overwhelming vote by which it was adopted shows clearly the strength of the arguments in favor of the amendment.

Basically, of course, these arguments can all be summed up with the old, old principle of equal treatment for all, which has been expressed in widely different sayings—"What's sauce for the goose is sauce for the gander", or "Do unto others as you would have others do unto you".

The Lausche amendment makes this provision of the House civil rights bill consistent and fair to all. Accordingly, I support it strongly.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COOPER in the chair). Without objection, it is so ordered.

Mr. JAVITS and Mr. JOHNSON of Texas addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. JOHNSON of Texas. Mr. President, I addressed the Chair.

Mr. JAVITS. I yield, of course, to the majority leader.

Mr. JOHNSON of Texas. No, I do not want recognition under those circumstances.

Mr. JAVITS. Mr. President, in view of the fact that the majority leader was seeking recognition, I will yield the floor, so that he may be recognized.

Mr. JOHNSON of Texas. I was on the floor and I was addressing the Chair. I looked at the Chair and addressed the Chair in a loud voice. The Chair did not choose to recognize me, but recognized the Senator from New York.

The PRESIDING OFFICER. The Chair will state that he heard two requests for recognition. The Chair heard first the voice of the Senator from New York. Then he heard the voice of the Senator from Texas. The Chair assures the Senate that that was his understanding. There is no other reason involved at all.

Mr. JAVITS. If the Senator from Texas desires to be recognized, I will yield the floor so that he may be recognized in his own right.

Inasmuch as he does not wish to be recognized at this time, I shall say that I shall detain the Senate only a few minutes. We had very extended debate on this question of the so-called Lausche amendment, and I shall not make any extended remarks on it.

The Judiciary Committee has seen fit to write into the bill what is for all practical purposes the Lausche amendment.

In the event that upon this vote the amendment recommended by the committee is rejected, we will be back to the original language requested by the Department of Justice, as recommended in the administration's bill. It seems to me that this is the path that is absolutely dictated by the fact that when we adopted the Lausche amendment before it resulted in the destruction of section 1 of the bill, because promptly after its adoption a motion was made to strike out the whole section, and the whole section was thereupon rejected.

This section of the bill is essential. It it just about the most minimal thing we can do in respect of this whole school desegregation crisis. If we have learned anything from current events it is that if we do not permit the law to accommodate itself to the pressures which are under the surface of particular situations which deserve to have the law accommodated to them, these pressures find some other method of expression which is not lawful. We see that happening in this country, and we see it happening in other countries also.

Therefore it seems to me that the Department of Justice, having advised us in the most considered way that this is the very minimal kind of provision which ought to be adopted with respect to court orders in school segregation cases, pointing out that it is necessary in order to be able to deal with cases like those at Little Rock, which resulted in the calling out of Federal troops and widespread anarchy, and that they are trying to tailor the remedy to the difficulty, and are trying accurately and exactly to get at the area which needs attention, it seems to me that it would be very unwise for us now to pass sweeping legislation, covering orders in a broad field, instead of confining legislation to the particular difficulties which we face.

Mr. President, when I served in the House of Representatives a few years ago, I used the phrase with respect to the original Taft-Hartley law that it was our responsibility to legislate not with a cutlass but with a scalpel.

It seems to me that if we should adopt this committee amendment at this stage we would be flying in the face of that very elementary aspect of congressional action and legislation.

I emphasize again that this is the administration's position. This is a question of law enforcement. This is the Department of Justice's own request. As a matter of fact, the Department says, "This is what we need. If you go further than that you are giving us things that we do not need and creating problems which we are not inviting."

Why is this necessary in situations such as Little Rock? It is necessary because the technical definition of contempt requires either a conspiracy between a person charged with contempt and the one who has notice of the order, or it requires direct notice of the order, so as to, for all practical purposes, have the contempt proceeding create the one charged with contempt as a party to the proceeding.

When we deal with mob action, that is practically impossible. Hence the Department of Justice felt that by invoking this kind of provision, making the violation of such orders by force or threats a crime, they would be heading off anarchial situations in school segregation cases such as the situation they faced in Little Rock.

I realize that the Senate has voted on this matter. I realize that the Senate by an overwhelming vote adopted the Lausche amendment. But I point out that there is a vital difference between the situation which faced us then and the situation which faces us now. When the Senate had adopted the Lausche amendment, it did not know that the whole of the section with the Lausche amendment would fall by virtue of the fact that it had adopted that amendment. This is something the Senate knew only after the event.

Accordingly, now that we know that that is the result of the adoption of the Lausche amendment—and we have had that experience before—it seems to me we have a right to be concerned about the fact that if we should adopt the committee amendment there is the possibility that the whole section may fall by subsequent amendment, and we would repeat history, from which we should have learned in respect of the preceding experience.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. JAVITS. I am glad to yield.

Mr. HOLLAND. Is the Senator from New York overlooking the fact that now we have a committee report, a committee recommendation, and a committee amendment, which we did not have before? The Senator from Florida voted for the Lausche amendment, and then voted to cut out all of section 1 as modified, because he questioned its wisdom.

Now the matter has been for 5 days in the lap of the committee. It has come back with a committee amendment. It has, incidentally, cut out two or three words to which the Senator from New York objected and to which the Senator from Florida objected very strenuously. So far as the Senator from Florida is concerned, he will vote for the committee amendment, and then for the retention of the section, because now it bears the approval of the committee, which was not the case before.

Mr. JAVITS. The Senator from Florida makes a fair point, which must be placed into the balance of consideration in respect of this matter. I believe I, too, make a fair point. Individual Members of the Senate who want this section, whatever may be its form, must make up their minds whether they will jeopardize the whole section once the Lausche amendment is adopted, as against what the Senator says, that the committee has now brought in a report in such a way that the Senator feels differently about the whole situation.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. HOLLAND. The Senator from New York recognizes, too, does he not, that in the omission of the reference to letters and threatening expressions of that kind, the committee has done something which both the Senator from New York and the Senator from Florida had been anxious to have done before?

Mr. JAVITS. I would not say that that was particularly true of the Senator from New York. I said at the time, and I say again, that I did not think

that the matter of threatening letters involved quite the dangers which some people saw in it. But I think the main point is that neither the Senator from Florida nor I can foretell whether, if the Lausche amendment is adopted, we will have the same experience we had before. With all due respect, the changing of one vote, to wit, the vote of the senior Senator from Florida, does not prove the case, because we did not have this damaging experience before.

Mr. President, I know this matter has been thoroughly debated, but I felt that these were new and added facts which we had not debated before, so I thought the Senate should be apprised of the situation before voting.

I hope very much that we will minimize, rather than maximize, our points of difference with the other body. It is obvious now that we are to have a new bill. Nevertheless, we should not go reaching out for differences where, if we do reach out, we will be jeopardizing important sections of the bill. I think this is a vital section of the bill. Accordingly, I hope very much that the Senate will now see fit to reject the committee amendment, which is, in effect, the Lausche amendment, proving from its previous experience that this will be excessive force under what is known as section 1 of the bill, to wit, making a crime of the effort to nullify court orders in school desegregation cases by force or threats of force.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARROLL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Colorado will state it.

Mr. CARROLL. What is the pending question?

The PRESIDING OFFICER. The question is on agreeing to the committee amendment to section 101.

Mr. CARROLL. I understand that this is the so-called Lausche amendment. A few days ago, when the matter came before the Senate, there was considerable debate on the effect of the amendment. The Senate proceeded to adopt the amendment, and then the Senate struck out the entire title I of the so-called Dirksen amendment, which included the Lausche amendment.

The Attorney General of the United States and the Deputy Attorney General appeared before the Senate Committee on the Judiciary yesterday and Monday. The Attorney General stated to the committee, in clear and no uncertain terms, that he hoped the Senate would not put the Lausche amendment into the section on obstruction of court orders.

I may say that previously I had argued that, in my opinion, section 1503 of the Judicial Code, which has to do with the obstruction of court orders, was sufficiently comprehensive to achieve the result desired by the Department of Justice. However, the Attorney General has convinced me that what he sought, and what he seeks now in the present bill, is a criminal statute authorizing the Department of Justice to reach into mobs that are acting in violation of and are obstructing court orders having to do with desegregation cases.

I believe the evidence before the committee shows that about 40 court orders are now in existence as a result of the so-called desegregation program. In any event, the Attorney General says he would like to have a criminal statute which will provide that if the mob leaders are obstructing desegregation court order, he will be in a position, or the Department of Justice will be in a position, to arrest forthwith the mob leaders.

The question was asked of the Attorney General: Do you need the broad power which is given by the Lausche amendment? I think the record before the subcommittee will show that the junior Senator from Colorado asked the question: How many court orders are entered daily in Federal courts?

I now read from the hearing:

Senator CARROLL. If I may say, I think you used some unhappy language, at least as a result of what happened in the Senate, where you had no objection to broadening this obstruction of court orders, and this is what they did in the Senate, they broadened it, and then they wiped it out because they felt that the application of this was so broad, and there had not been any testimony taken on the effect of a general broad obstruction law or statute involving the obstruction of court orders, because the Federal courts enter thousands of orders, I assume, every day; is that not right, Judge Walsh?

Mr. WALSH. Yes, I think you could say that 335 judges enter more than an average of 3 a day.

Senator CARROLL. And this is what concerned many folks, many people about this thing, that they thought this was so broad and so comprehensive, so sweeping, they did not know the extent of it.

Mr. ROGERS. Well, I made very clear——

Senator CARROLL. Do you still take the position—are you willing to modify your stand, that you want to hold it to this alone?

Mr. ROGERS. Yes, Senator. I testified that way in the House. I testified that this was a particular statute to deal with a particularly serious aggravated situation that we might be faced with in the future, that it was to correct the weakness in the present statute dealing with this particular kind of case, that we did not need it in any other field. I do not know of any other field where we have any difficulty in enforcing court orders.

We could have serious difficulty with mob violence in the future, and I pointed out that we needed this as an alternative to the use of Federal troops.

If Congress passes this statute, I am reasonably confident that the Government can enforce court orders in school cases without the use of Federal troops.

If we do not have a statute like this, which gives the Government some authority, to break up a mob which is trying to obstruct a court order in school cases, then we have no power.

We have a solemn duty to enforce court orders, to support them, to see that they are carried out, and yet under the present law in the school cases, we have no way of doing it effectively, short of the use of troops, and I deplore the use of troops as much as anyone on this committee, and I think if we have this statute we can avoid it, and it is for that reason that we strongly support this statute, and urge Congress to pass it in its present form.

Senator CARROLL. You know the old rule of law, sort of Hornbook law, that you cannot normally get an injunction to prevent the commission of a criminal act. Do you think that this statute remedies that? Do you think the statute would be binding on a court of equity where it says that no injuctive or other civil relief against the conduct made criminal by this section shall be denied, on the ground that such conduct is a crime? Do you think that is adequate? Do you think a court of equity will pay atention to that?

Mr. ROGERS. Yes. I do not think that is a problem, as I think I said to Senator O'MAHONEY.

In other words, the Attorney General said that with more than 300 Federal judges grinding out court orders, thousands of such orders would be involved. No one knows the extent of the Lausche amendment, and therefore the Attorney General felt that it would be better not to include the amendment at this time. He said that if he needed more power or if the executive branch of the Government needed more power, he would be happy to request it of the Congress.

Mr. President, we realize what will happen in the case of this amendment. However, I think we should make a record in this connection. The House did not include such an amendment in the bill. If the Senate now includes in the bill the so-called Lausche amendment, the bill will have to go to conference, and there will be great difficulty.

This issue is now well understood by all Senators. The able Senator from Ohio has made a brilliant presentation of his amendment and of the reasons for it.

I see the able senior Senator from New York [Mr. JAVITS] on the floor; and I ask him whether the Attorney General is asking for the authority or the power the Lausche amendment would provide.

Mr. JAVITS. Mr. President, will the Senator from Colorado yield?

Mr. CARROLL. I yield.

Mr. JAVITS. Let me say that I understand that the Attorney General is not requesting this power. However, I understand that in his testimony before the committee he said that if the Senate in its wisdom decided that it wished to include this amendment, he could live with it.

Just before the Senator entered the Chamber, I said that once before we had the experience of adopting the Lausche amendment, and thereafter finding that many Senators who had voted for the Lausche amendment subsequently voted against the entire section; and the elimination of the entire section would be very damaging, because the Attorney General needs the authority it provides, in order to head off mob situations or to deal with them if they arise.

Let me ask the Senator from Colorado whether he feels that if the Senate now adopts the Lausche amendment, the Senate will run the risk of again facing the situation it faced before—namely, the risk of having this entire section of the bill stricken out.

Mr. CARROLL. Of course, I cannot predict what the Senate will do. On the other hand, the Senator from New York correctly recalls the situation the Senate faced when some Senators marched up the hill, and thereafter marched down again, with the result that the entire section was stricken out.

But I seriously question whether similar action will be taken this time. I sincerely hope that Senators on the other side of the aisle will pay some attention—as they should—to what the Attorney General stated he needs to have done in this connection. Certainly those of us on this side of the aisle do not believe the matter has been properly handled.

Mr. President, I think the Senate is ready to vote on this issue. All Senators know what it is. When the vote is taken, I shall vote against the Lausche amendment.

The PRESIDING OFFICER. The question is on agreeing to the second committee amendment.

On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Tennessee [Mr. KEFAUVER] and the Senator from Oregon [Mr. MORSE] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD] and the Senator from Louisiana [Mr. ELLENDER] are absent because of illness.

I further announce that the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Wyoming [Mr. O'MAHONEY] are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY] would vote "yea."

On this vote, the Senator from Louisiana [Mr. ELLENDER] is paired with the Senator from New Jersey [Mr. CASE]. If present and voting, the Senator from Louisiana would vote "yea" and the Senator from New Jersey would vote "nay."

On this vote, the Senator from Connecticut [Mr. DODD] is paired with the Senator from Minnesota [Mr. HUMPHREY]. If present and voting, the Senator from Connecticut would vote "yea" and the Senator from Minnesota would vote "nay."

On this vote, the Senator from Tennessee [Mr. KEFAUVER] is paired with the Senator from Oregon [Mr. MORSE]. If present and voting, the Senator from Tennessee would vote "yea" and the Senator from Oregon would vote "nay."

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. BRIDGES], the Senator from New Jersey [Mr. CASE], and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from Indiana [Mr. CAPEHART] and the Senator from Iowa [Mr. HICKENLOOPER] are absent by leave of the Senate.

On this vote the Senator from New Jersey [Mr. CASE] is paired with the Senator from Louisiana [Mr. ELLENDER]. If present and voting, the Senator from New Jersey would vote "nay" and the Senator from Louisiana would vote "yea."

The result was announced—yeas 68, nays 20, as follows:

[No. 143]

YEAS—68

Aiken	Frear	Mundt
Anderson	Fulbright	Murray
Bartlett	Goldwater	Pastore
Beall	Gore	Prouty
Bennett	Green	Proxmire
Bible	Hartke	Randolph
Brunsdale	Hennings	Robertson
Bush	Hill	Russell
Butler	Holland	Saltonstall
Byrd, Va.	Hruska	Schoeppel
Byrd, W. Va.	Johnson, Tex.	Scott
Cannon	Johnston, S.C.	Smathers
Carlson	Jordan	Sparkman
Case, S. Dak.	Kerr	Stennis
Church	Kuchel	Symington
Cotton	Lausche	Talmadge
Curtis	Long, La.	Thurmond
Dirksen	Lusk	Wiley
Dworshak	McClellan	Williams, Del.
Eastland	Mansfield	Yarborough
Engle	Martin	Young, N. Dak.
Ervin	Monroney	Young, Ohio
Fong	Moss	

NAYS—20

Allott	Hart	McGee
Carroll	Hayden	McNamara
Chavez	Jackson	Magnuson
Clark	Javits	Muskie
Cooper	Keating	Smith
Douglas	Long, Hawaii	Williams, N.J.
Gruening	McCarthy	

NOT VOTING—12

Bridges	Ellender	Kennedy
Capehart	Hickenlooper	Morse
Case, N.J.	Humphrey	Morton
Dodd	Kefauver	O'Mahoney

So the amendment was agreed to.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas to lay on the table the motion of the Senator from Illinois to reconsider.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The CHIEF CLERK. On page 3, after line 21, and after the word "of", it is proposed to strike out "certain".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The CHIEF CLERK. On page 4, line 4, in the subhead, after the word "property", it is proposed to strike out "or to avoid prosecution for communicating any threat or false information with respect to any attempt to commit such an act" and insert "and, illegal transportation, use or possession of explosives; and, threats or false information concerning attempts to damage or destroy real or personal property by fire or explosives".

Mr. DIRKSEN. Mr. President, that is only a change in titling. It is purely a technical matter, and should require no discussion.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The CHIEF CLERK. On page 4, line 17, after the word "property", it is proposed to strike out "or to avoid prosecution for communicating any threat or false information with respect to any attempt to commit such an act".

Mr. DIRKSEN. This is also a change in titling, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The CHIEF CLERK. On page 5, after line 4, it is proposed to strike out:

(b) Whoever moves or travels in interstate or foreign commerce with intent either, (1) to avoid prosecution, or custody, or confinement after conviction, under the laws of the place from which he flees, for willfully imparting or conveying, or causing to be imparted or conveyed, through the use of the mail, telephone, telegraph, or other instrument of commerce, or any other mode of communication, any threat or false information, knowing the same to be false, concerning an attempt or alleged attempt being made or to be made, to perform any act to damage or destroy by fire or explosive any building, structure, facility, vehicle, dwelling house, synagogue, church, religious center or educational institution, public or private, or, (2) to avoid giving testimony in any criminal proceeding relating to such an offense, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

Mr. DIRKSEN. Mr. President, this was a floor amendment to the bill which was offered in the House, which deals generally with tipping and anonymous information, whether conveyed by telephone, telegraph, or otherwise. It was opposed by the Department of Justice on the grounds that perhaps it would require running down 8,000 or 10,000 communications to the Department only because they were tips. Obviously, it would make a national police force of the FBI, and they themselves were opposed to the inclusion of this language.

The committee by a very round vote supported the motion to strike this language from the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The CHIEF CLERK. On page 5, line 21, it is proposed to strike out "(c)" and insert "(b)".

Mr. DIRKSEN. That is only titling, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

that the matter of threatening letters involved quite the dangers which some people saw in it. But I think the main point is that neither the Senator from Florida nor I can foretell whether, if the Lausche amendment is adopted, we will have the same experience we had before. With all due respect, the changing of one vote, to wit, the vote of the senior Senator from Florida, does not prove the case, because we did not have this damaging experience before.

Mr. President, I know this matter has been thoroughly debated, but I felt that these were new and added facts which we had not debated before, so I thought the Senate should be apprised of the situation before voting.

I hope very much that we will minimize, rather than maximize, our points of difference with the other body. It is obvious now that we are to have a new bill. Nevertheless, we should not go

the obstruction of court orders, was sufficiently comprehensive to achieve the result desired by the Department of Justice. However, the Attorney General has convinced me that what he sought, and what he seeks now in the present bill, is a criminal statute authorizing the Department of Justice to reach into mobs that are acting in violation of and are obstructing court orders having to do with desegregation cases.

I believe the evidence before the committee shows that about 40 court orders are now in existence as a result of the so-called desegregation program. In any event, the Attorney General says he would like to have a criminal statute which will provide that if the mob leaders are obstructing desegregation court order, he will be in a position, or the Department of Justice will be in a position, to arrest forthwith the mob leaders.

The question was asked of the Attor-

troops, and I deplore the use of troops as much as anyone on this committee, and I think if we have this statute we can avoid it, and it is for that reason that we strongly support this statute, and urge Congress to pass it in its present form.

Senator CARROLL. You know the old rule of law, sort of Hornbook law, that you cannot normally get an injunction to prevent the commission of a criminal act. Do you think that this statute remedies that? Do you think the statute would be binding on a court of equity where it says that no injuctive or other civil relief against the conduct made criminal by this section shall be denied, on the ground that such conduct is a crime? Do you think that is adequate? Do you think a court of equity will pay atention to that?

Mr. ROGERS. Yes. I do not think that is a problem, as I think I said to Senator O'MAHONEY.

In other words, the Attorney General said that with more than 300 Federal judges grinding out court orders, thou-

The CHIEF CLERK. On page 6, after line 6, in the second line of the matter beginning "1074", after the word "property" it is proposed to strike out "or to avoid prosecution for communicating any threat or false information with respect to any attempt to commit such an act".

Mr. DIRKSEN. Mr. President, the amendment would only change the title of the statute.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The CHIEF CLERK. On page 6, beginning on line 7, it is proposed to insert a new section, as follows:

SEC. 203. Chapter 39 of title 18 of the United States Code is amended by adding at the end thereof the following new section:

"§ 837. Explosives; illegal use or possession; and, threats or false information concerning attempts to damage or destroy real or personal property by fire or explosives

"(a) As used in this section—

"'commerce' means commerce between any State, Territory, Commonwealth, District, or possession of the United States, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory, or possession of the United States, or the District of Columbia;

"'explosive' means gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuzes (other than electric circuit breakers), detonators, and other detonating agents, smokeless powders, and any chemical compounds or mechanical mixture that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound or mixture or any part thereof may cause an explosion.

"(b) Whoever transports or aids and abets another in transporting in interstate or foreign commerce any explosive, with the knowledge or intent that it will be used to damage or destroy any building or other real or personal property for the purpose of interfering with its use for educational, religious, charitable, residential, business, or civic objectives or of intimidating any person pursuing such objectives, shall be subject to imprisonment for not more than one year, or a fine of not more than $1,000, or both; and if personal injury results shall be subject to imprisonment for not more than ten years or a fine of not more than $10,000, or both; and if death results shall be subject to imprisonment for any term of years or for life, but the court may impose the death penalty if the jury so recommends.

"(c) The possession of an explosive in such a manner as to evince an intent to use, or the use of, such explosive, to damage or destroy any building or other real or personal property used for educational, religious, charitable, residential, business, or civic objectives or to intimidate any person pursuing such objectives, creates rebuttable presumptions that the explosive was transported in interstate or foreign commerce or caused to be transported in interstate or foreign commerce by the person so possessing or using it, or by a person aiding or abetting the person so possessing or using it: *Provided, however,* That no person may be convicted under this section unless there is evidence independent of the presumption that this section has been violated.

"(d) Whoever, through the use of the mail, telephone, telegraph, or other instrument of commerce, willfully imparts or conveys, or causes to be imparted or conveyed, any threat, or false information knowing the same to be false, concerning an attempt or alleged attempt being made, or to be made, to damage or destroy any building or other real or personal property for the purpose of interfering with its use for educational, religious, charitable, residential, business, or civic objectives, or of intimidating any person pursuing such objectives, shall be subject to imprisonment for not more than one year or a fine of not more than $1,000, or both.

"(e) This section shall not be construed as indicating on intent on the part of Congress to occupy the field in which this section operates to the exclusion of a law of any State, Territory, Commonwealth, or possession of the United States, and no law of any State, Territory, Commonwealth, or possession of the United States which would be valid in the absence of the section shall be declared invalid, and no local authorities shall be deprived of any jurisdiction over any offense over which they would have jurisdiction in the absence of this section."

Mr. KEATING. Mr. President, I should like to briefly explain this amendment. This is the so-called antibombing amendment which was adopted by a yea and nay vote unanimously when we were considering the Dirksen substitute amendment. It would make a substantive crime of the transportation, in interstate or foreign commerce, of an explosive with the knowledge that it was to be used to damage or to destroy a building.

The amendment is designed to provide the tools for a complete counteroffensive against the vicious criminals who have destroyed schools, places of worship, and homes in their fight against law and order.

Its approval will demonstrate the complete abhorrence all Americans have for such shocking acts of violence.

It will remove the stain these depraved hoodlums have placed on the reputation of America.

At the time this amendment was previously considered, I had printed in the RECORD a list of 88 bombing incidents with racial overtones which have occurred in recent years. I hope that we have seen the last of these outrages, and that the authority provided by this amendment will never have to be invoked. But if another such case should occur, under this amendment we would be certain that the full resources of the FBI would be brought into action against the offenders in whatever community such an incident occurred.

There is no reason to limit Federal action to cases in which the bombers have attempted to escape from the place of bombing and have crossed State lines. There is no reason to exclude from Federal prosecution those culprits who never flee the jurisdiction if they have, by other deeds, brought themselves within the range of Federal authority. There is no reason to exclude from the law cases in which the felons can be caught by the FBI before their acts reach fruition.

Provisions similar to this amendment have been offered by 45 Senators, including the distinguished majority leader, the distinguished majority whip, and the distinguished minority whip. This is almost half of the full membership of the Senate. Most of these favor a bill which contains the very same dual approach to this problem which my amendment would accomplish. No reason has been given to backtrack from this objective.

I hope this amendment will be approved by an overwhelming vote.

I think in view of the action of the Senate previously it is not necessary to go into more detail, unless there are questions.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. MUNDT. Does the amendment leave in the bill the expanded interpretation of the type of property which might be bombed, in conformity with the Goldwater amendment which was adopted in the Senate?

Mr. KEATING. It is very broad. It says "property used for educational, religious, charitable, residential, business, or civic objectives."

That covers just about everything possible, although I will say to my friend from South Dakota, the Goldwater amendment did not apply to this section, but applied to another section.

Mr. MUNDT. My question is as to whether the amendment in any way changes the Goldwater amendment. Apparently it does not.

Mr. KEATING. The language does not alter the language of the Goldwater amendment, which was adopted with respect to the flight section.

Mr. DIRKSEN. It has no relation to the Goldwater amendment.

Mr. KEATING. It has no relation to the Goldwater amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The CHIEF CLERK. On page 9, after line 7, it is proposed to insert a new section, as follows:

SEC. 204. The analysis of chapter 39 of title 18 is amended by adding thereto the following:

"837. Explosives; illegal use or possession; and threats or false information concerning attempts to damage or destroy real or personal property by fire or explosives."

Mr. DIRKSEN. Mr. President, that is only a change in reference to the statute, and is technical.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The CHIEF CLERK. On page 9, line 13, after the word "of", it is proposed to

strike out "two years" and insert "twenty-two months."

Mr. JAVITS. Mr. President, may we have an explanation of the reason for that change?

Mr. HRUSKA. Mr. President, the original proposal for the preservation of election records provided for preservation for 2 years. It was pointed out in the hearings, as well as in the discussion in committee, that if that provision for 2 years were retained, it would involve the purchase by election boards virtually the Nation over of ballot boxes to retain the ballots and store them, which would be equivalent in number to those already in use, because elections are held every 2 years. By reducing the number of months from 24 to 22, we would enable the election boards to have 60 days in which to dispose of the ballots and make their containers available for use in the impending election. The difference is only 60 days. That was not considered a sufficiently substantial length of time to impede the Department of Justice in any way, for the purposes it had in mind.

Mr. JAVITS. Will the author of the amendment tell us whether the Department of Justice found this amendment acceptable?

Mr. HRUSKA. It did not find it objectionable. We were informed that it would be adequate for the purposes of the Department.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. KEATING. As the Senator may remember, the Department of Justice, in the recommendation which it made in the so-called administration package, provided for a period of 3 years instead of 2. Personally I would like to have seen the 3 years retained. However, one of the members of our committee who sincerely opposes all civil rights legislation offered an amendment to make the time 4 months. My distinguished colleague from Nebraska offered an amendment to make it 22 months, which I know my friend from New York would consider quite an improvement over 4 months. As to the difference between 24 months and 22 months, there were some practical difficulties involved in the 60-day period.

Mr. JAVITS. Many amendments are offered in committee and turned down. They do not have to be compromised because they are offered. However, I feel that if the Department of Justice finds this amendment acceptable, there is some basis for the point made by my colleague from Nebraska, for the preservation of 2 successive years of voting records. As for myself, I shall interpose no objection.

Mr. ERVIN. Mr. President, to show the wisdom of the amendment offered by the able Senator from Nebraska, reducing the period from 2 years to 22 months, the Legislative Reference Service of the Library of Congress has advised me that in 1958, the last year for which it has figures, there were 165,115 voting districts in the United States which would have to buy a second set of ballot boxes.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The CHIEF CLERK. On page 10, line 21, after the word "copying", it is proposed to insert "at the principal office of such custodian".

Mr. JAVITS. Mr. President, I should like to know the reason for this amendment. I may point out, in order that the Senate may be apprised of the import of this particular amendment, that it means that the only place at which voting records may be inspected by the Attorney General or his representatives will be the State place of their deposit, namely, the registrar's office or the courthouse, or wherever they may be.

This amendment must be read in the light of the fact that the committee struck out section 304, which would make it possible to produce the records at the office of the United States attorney in the district in which such records or papers are located.

It is traditional in election cases that records are produced in court, and that records may be produced in response to a subpena.

There is a very marked difference between the normal practice in election cases and what is provided for in this bill with respect to the preservation of voting records. I would appreciate it very much if the sponsor of the amendment would state his reasons for adopting it.

Mr. HRUSKA. Mr. President, the object of the provision found in section 304 is achieved by inserting in line 21, after "copying" the words "at the principal office of such custodian."

Section 304 also authorizes production of these records at the office of the United States Attorney in the district in which such records or papers are located. It was pointed out during our discussion of this section that in some areas the district of the Federal court is extensive. Sometimes it covers as much as a State, or a goodly portion thereof.

It would entail a great deal of expense and responsibility on the part of local election officers if they were to be responsible for transportation of the records from their particular precinct to the Office of the U.S. District Attorney.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HRUSKA. I am glad to yield.

Mr. HOLLAND. Section 305 clearly provides that in the event the files or records are needed by the court itself, they may be required to be produced by appropriate process. Is not that correct?

Mr. HRUSKA. Exactly; and that is merely a restatement of court powers which now exist and which would exist even if the present section 305 were not enacted into law. In other words, the production of the records at the principal office of the custodian thereof as provided in section 303 would merely be in response to an informal request, upon a written statement containing the basis and purpose of the inspection, made by the Attorney General or one of his representatives. It would not be in the nature of a formal court application. A formal court application, and any order which might flow from the court, would still remain unimpaired and without diminution.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. JAVITS. As I understand the Senator from Nebraska, he desires to convey to the Senate the legislative purpose that, if the court orders production of the papers, they must be produced at the place where the court orders, not necessarily at the principal office of such custodian. In short, notwithstanding the use of the language in section 303, "at the principal office of such custodian," the court may order the production of the very same papers in court, or at some other place, in accordance with the order of the court, notwithstanding the words in section 303, "at the principal office of such custodian."

Mr. HRUSKA. The Senator is correct. In other words, the designation "at the principal office of such custodian" is only for the limited purpose which I explained, which would be in the normal routine of investigation, and not in response to a court order.

Mr. JAVITS. Would the Senator from Nebraska object if we inserted, at the end of line 17, "to compel the production of such record or paper in accordance with the order of the court," to negate any interpretation that, having stated specifically that we want to limit inspection at the principal office of such custodian, that could conceivably extend to the orders of the court as well, because this is a statute, and therefore superior to any order of the court, if the statute regulated that question?

Mr. HRUSKA. It is not subject to that interpretation, because in section 305 we have spelled out expressly what the Senator has in mind, and I am sure there could be no construction such as he describes.

Mr. JAVITS. So the author of the amendment represents to us, in connection with the adoption of the amendment, that a court may, by process, compel production of a paper or record covered by section 305 in court, or in a place other than the principal office of such custodian.

Mr. HRUSKA. That is correct.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move to reconsider, en bloc, the votes by which certain committee amendments were adopted by voice vote.

Mr. DIRKSEN. Mr. President, I move to lay that motion on the table.

The motion to reconsider was laid on the table.

The PRESIDING OFFICER. The clerk will state the next amendment.

The CHIEF CLERK. On page 10, after line 23, it is proposed to strike out:

SEC. 304. Any record or paper demanded pursuant to section 303 shall be produced

for inspection, reproduction, and copying at the principal office of the person upon whom such demand is made or at an office of the United States attorney in the district in which such records or papers are located.

Mr. DIRKSEN. Mr. President, that merely changes the section number.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HRUSKA. That was covered by our colloquy.

Mr. DIRKSEN. That was taken care of in the discussion which related to the language discussed in the previous colloquy.

Mr. JOHNSON of Texas. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIRKSEN. I move to lay that motion on the table.

The motion to table was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The CHIEF CLERK. On page 11, line 5, it is proposed to change the section number from "305" to "304".

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The CHIEF CLERK. On page 11, line 13, it is proposed to change the section number from "306" to "305".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment will be stated.

The CHIEF CLERK. On page 11, line 18, it is proposed to change the section number from "307" to "306".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment.

The CHIEF CLERK. On page 12, line 6, in the subhead, it is proposed to strike out "Civil Rights Commission Extended for Two Years" and insert "Extension of Powers of the Civil Rights Commission".

Mr. DIRKSEN. That is only a change in the title, to make it responsive to the text.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The next committee amendment will be stated.

The CHIEF CLERK. On page 12, after line 14, it is proposed to strike out:

SEC. 402. Section 105(a) of the Civil Rights Act of 1957 (42 U.S.C. Supp. V 1975d(a)) (71 Stat. 635) is amended by striking out the words "in accordance with the civil service and classification laws," and inserting in lieu thereof the words "without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended."

Mr. DIRKSEN. Mr. President, I should like to be heard on that for a minute. There never was, originally, a request to take the Civil Rights Commission out from under the requirements of the Civil Service Classification Act. The President of the United States made no such request in connection with the bill. This language was evidently inserted in the House, to exclude the Civil Rights Commission from conforming to the Classification Act. Hence, in committee is was moved that it be stricken out.

Mr. JOHNSTON of South Carolina. Mr. President, I ask unanimous consent to have printed at this point an explanation of the section.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

Section 105(a) of the Civil Rights Act of 1957 provides that employees of the Civil Rights Commission be appointed "in accordance with the civil service and classification laws."

H.R. 8601, as it came to us from the House, amended this section to provide that employees may be employed "without regard to the provisions of the civil service laws and the Classification Act of 1949 as amended." Thus, if this amendment were to be adopted, the Civil Rights Commission could employ personnel without regard to qualifications and there would be no ceiling on the pay of such employees.

It is not uncommon for the pay of certain types of employees to be fixed without regard to the Classification Act; but in every such instance, it is common to establish the manner in which their pay is to be fixed and to provide a statutory ceiling on their pay. In some instances, the pay of such employees is fixed by a statute and in other instances the method by which the pay is to be determined is set forth in the statute. For example, in the TVA the statutes establish a ceiling on the salary that may be given to any employee, whereas in the Atomic Energy Commission the statute provides that the salary may be fixed administratively but at rates not in excess of those set forth in the Classification Act.

It seems highly strange to me that over two million Federal employees in hundreds of different types of jobs are subject to competitive tests or measurements against some qualification standard in order to obtain their positions but that all this should be waived in the case of the Civil Rights Commission. By the same token, it seems equally strange that the pay of these two-million-plus employees should be fixed or controlled in a specified manner but the sky becomes the limit with no controls of any kind in the case of employees of this commission.

I feel strongly that the amendment adopted by the Judiciary Committee, which has the effect of leaving the law exactly as it now is, should be upheld by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIRKSEN. I move to lay that motion on the table.

The motion to table was agreed to.

The PRESIDING OFFICER. The next amendment will be stated.

The CHIEF CLERK. On Page 14, line 1, after "SEC. 502.", it is proposed to strike out "(a)".

Mr. DIRKSEN. Mr. President, that is only a change in section numbers.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment will be stated.

The CHIEF CLERK. On page 14, after line 16, it is proposed to strike out:

(b) Section 10 of such Act is further amended by inserting "(a)" after "SEC. 10.", and by adding at the end thereof the following new subsection:

"(b) Whenever the Commissioner determines that—

"(1) any school facility with respect to which payments were made under section 7 of this Act, pursuant to an application approved under section 6 after the enactment of this subsection, are not being used by a local educational agency for the provision of free public education, and if it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide such free public education, and

"(2) such facilities are needed in the provision of minimum facilities under subsection (a),

he shall notify such agencies of such determination and shall thereupon have authority to secure possession and use such facilities for the purposes of subsection (a) pursuant to an agreement between such agencies and the Commissioner which includes such terms and conditions as the Commissioner may determine to be necessary to carry out the provisions of this section."

Mr. JAVITS. Mr. President, may we have an explanation of that amendment?

Mr. KEATING. Mr. President, the amendment, to which I am opposed, and which I hope will not be accepted, strikes out the provision under which the Commissioner may make arrangements for school facilities for the education of military personnel when the State or school district where the military base is located has closed the school because of an effort to not comply with the Supreme Court decision in the Brown case.

This language represents a very great watering down of the language recommended in the administration bill. The administration bill permitted the Commissioner to use the property for a fair rental value if the Federal Government had contributed to the construction of the school as one of the schools in an impacted area, but this language requires that an agreement be entered into. I call the Senate's attention to the language at lines 7 and 8, of page 13 and also lines 9 and 10, under which an agreement must be entered into between the school district and the Commissioner before any property can be taken over. That very largely vitiates the original proposal made in the administration bill, because an agreement in many of these cases would be extremely difficult to come by.

I want to say in all candor, however, that we received from the Secretary of Health, Education, and Welfare a letter which perhaps will be read into the debate, in which he expresses his agreement with the elimination of this section. I still favor the retention of the section and am opposed to this amendment.

Mr. CASE of South Dakota. Mr. President, will the Senator yield for a question?

Mr. JAVITS. I have the floor.

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. JAVITS. I wish to state, first, that I am opposed to the amendment. I think it waters down what already has been watered down considerably. It is axiomatic that children of our armed service personnel should not be required to undergo this kind of situation in a community in which they are located only because the United States sends them there. They should have the same rights and privileges and opportunities that they would enjoy anywhere else in the United States where this type of local resistance which goes to the extent of closing schools does not exist.

I respectfully submit that this is not the situation in which we must be sympathetic with what is occurring in that community. To the contrary, it is a matter of dignity for the United States to provide for the education of the children of its armed personnel and to protect the children from this kind of situation.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to the Senator from Illinois.

Mr. DIRKSEN. Mr. President, when this matter was before the committee on yesterday, I inquired of the Deputy Attorney General, Judge Walsh, with respect to two points in the language. The first one was with respect to the subsection written in on the House floor which for the first time brings into play Federal control over educational facilities. The second question related to whether the language would jeopardize the Senate-passed bill for Federal aid to school construction, which bill is now pending in the House.

Judge Walsh said he would prefer to secure a memorandum from the Secretary of Labor, Health, and Welfare on those two points. The memorandum appears in the record of the hearing, and I ask unanimous consent that his letter of March 29 be made a part of my remarks. First, I shall read one or two sentences from page 2 of the letter, which was addressed to the distinguished chairman of the Judiciary Committee, the Senator from Mississippi [Mr. EASTLAND]. The letter states:

> From the standpoint of our Department, we would prefer the deletion of section 502 (b) of H.R. 8601 as passed by the House—that is, the portion of the bill referred to above beginning at line 13 of page 10 and ending at line 9 of page 11—because we believe it unnecessarily limits the broader and more flexible authority which section 502(a) of the bill would confer upon the Federal Government to provide on a temporary basis the minimum school facilities for children of members of the Armed Forces in school closure situations.

That is the pertinent sentence, and that comes from the Secretary of Health, Education, and Welfare, who in the first instance submitted a separate bill covering this item which first went to the Committee on Labor and Public Welfare and then was subsequently referred to the Committee on the Judiciary. So on the basis of the Secretary's own statement there was no objection when the motion was made to strike this language on the ground that it impaired flexibility. Therefore, I think the amendment to strike should be adopted.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to the Senator from South Dakota.

Mr. CASE of South Dakota. The point which came up in the letter which the Senator from Illinois has read, that paragraph (b) might seem to modify or limit the broad authority for arrangements, is probably well taken. There is another angle to the inclusion of (b), and I should like to ask the opinion of the Senator from New York on it. It seems to me to read that whenever the Commissioner on his own makes a determination, and is given authority to secure the possession of certain facilities, upon his own determination he could seize a building which had been constructed partly with funds which had been provided by the United States and also partly with funds provided by the local school district with whom the contract was originally made. I am not aware as to whether that contract between the Commissioner and the State or local school district provides for forfeiture of a building if it ceases to be used for the purpose for which the grant was made. But it does more, in my opinion. It gives a broad power of seizure to the Commissioner, for on his own determination he can make a finding, and thereupon have the authority to secure possession and use facilities which were provided, in part, by local contributions.

Mr. JAVITS. I do not read the amendment in that way at all. That is language inserted by the House. It gives authority to secure possession only pursuant to agreement between such an agency and the Commission. Therefore, I cannot see that it gives any power of seizure of power of eminent domain unless it is by agreement.

What I say it does is to give the Commissioner, upon his own motion, the authority to seek to effectuate such an agreement with respect to specific property of his choice, whenever he makes the determination which is called for in the amendment.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. ALLOTT. On page 15, lines 8 and 9, the language which is stricken by the committee amendment reads "thereupon have authority to secure possession."

I do not know how such possession would be secured. There may be a school building the title to which is in the school district. How can Congress, if title is vested in the school district, even though Federal funds have gone into the building, permit the Secretary, or the Commissioner, to be specific, to secure possession of a building which belongs to the school district?

Mr. JAVITS. If the Senator will read the next line, it reads "have authority to secure possession and use such facilities"—and I leave out the unnecessary words—"pursuant to an agreement."

So the Commissioner would not have authority to seize; he would only be able to make an agreement. Then he could take possession under that agreement, if he obtained possession. But I do not see how this provision gives any right of eminent domain or seizure, absent such an agreement.

Mr. ALLOTT. Then paragraph (a) should be eliminated.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. BUTLER. I point out that in line 11 the language reads "such terms and conditions as the Commission may determine to be necessary to carry out the provisions of this section." That is the seizure. Why is not that an absolute power of seizure?

Mr. JAVITS. Because the minute we provide that possession shall be pursuant to agreement, it takes two parties to make an agreement. Whether the Commissioner chooses the terms and conditions under which he will agree, it still takes the other side to agree. I cannot conceive of any court interpreting the language in any other way. In other words, the court would interpret most strongly, it seems to me, against the power of seizure, rather than for it.

The language is "pursuant to an agreement." I think those words are very clear. I do not see any danger that we would be giving power to seize or to grant the right of eminent domain, absent an agreement between the Commissioner and the parties who are turning over title.

Mr. BUTLER. I do not like to disagree with the Senator from New York, but line 7 reads:

> He shall notify such agencies of such determination and shall thereupon have authority—

To do what—

> to secure possession.

Mr. JAVITS. "Pursuant to an agreement."

Mr. BUTLER. I think that under this language it could be fairly stated that when the Commissioner makes the determination, then the bill gives him authority, after notification, to take possession. He can dictate the terms under which he will take it.

Mr. JAVITS. I myself find no such construction whatever in that language.

Mr. KEATING. Mr. President, will my colleague yield?

Mr. JAVITS. I yield.

Mr. KEATING. If the Senator from Maryland will give me his attention, perhaps I might be able to convince him of the merit of my point of view.

The language of the administration bill, if the Senator will forget for a moment the language of this bill, provided that the Commissioner would notify the agency, meaning the school district. The administration bill provided that if the Commissioner should notify the school district of his determination to take the properties, and should thereupon be entitled to possession of such facilities on

such terms and conditions as he may prescribe in regulations of the Commission, that was an authority to take over vacant premises which would no longer be used for the purposes envisioned in the bill.

The House, in their change of the bill, inserted this language, which provides that the Commissioner shall notify the school district of his determination, and thereupon shall have authority to secure possession and use of the facilities under subsection (a); not, as was said originally, on such terms and conditions as may be prescribed in the regulations of the Commissioner, but pursuant to an agreement between the school districts and the Commissioner, which would include the terms and conditions which the Commissioner might determine to be necessary to carry out the provisions of the section. Therefore, there would not be any authority unless an agreement could be entered into. If it were impossible to reach an agreement, there would not be any authority to take over the premises.

I myself prefer the language in the administration bill, but I am trying to convince an able, distinguished, alert lawyer, representing the great State of Maryland, of the merit, as a legal matter, of my position.

Mr. BUTLER. I thank the Senator from New York. If that is the purpose of the section, why could not everything sought to be done by this section be done by the language contained in section 502(a)? Is that a proper question?

Mr. JAVITS. May I answer the Senator? I think it is a very proper question. I think the reason which can be assigned is that we are dealing here with State authorities who are tied into the Federal system with respect to federally impacted schools. The effort is not to discourage, but to encourage, those authorities to deal with the particular Federal Government official who is involved in the effort to resolve this situation locally. It was felt—this was my understanding of the original provision—that by incorporating the provision directly into the law, Congress would be exercising its prerogative of making clear that if this action can be taken, this is the way to do it, thereby encouraging agreements, rather than leaving the matter completely up in the air, thus enabling a particular local school official, in a very trying situation like this—and everyone understands the tensions which are involved—can turn to a Federal statute and say, "Well, there is a particular provision which invites the Commissioner to talk to us about the matter and try to negotiate it. Therefore, I am not doing this on my own motion; I am not running afoul of local public opinion. There is a statutory reason for my action."

Mr. BUTLER. That satisfies my query. But if the Senator from New York, being a careful lawyer, was drawing this section of the bill and did not want any intimation or any indicia of pride of authorship, I know he would not have used this language.

Mr. COTTON. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. COTTON. I should like to suggest to the distinguished Senator from New York a matter which had some discussion in the committee, and which I believe should be thoroughly understood by the Senate. Section 502 is distinctly limited to the use of facilities for the education of the children of personnel of the armed services. I refer the Senator to lines 9, 10, 11, 12, and 13, on page 15, which read "pursuant to an agreement between such agencies and the Commissioner which includes"—get this—"such terms and conditions as the Commissioner may determine to be necessary to carry out the provisions of this section."

It is my opinion, and it was the opinion of other Senators, that under this provision—and let us forget for a moment the question of action by the Commissioner in forcibly taking school property—the Commissioner could make an agreement with school boards or with school officials, in localities in which the schools were closed because of integration difficulties, and as part of the agreement he could take over the property; and—because this provision specifically uses the words "which includes such terms and conditions as the Commissioner may determine"—the Commissioner not only could agree to use the property for the education of the children of personnel of the Armed Forces, but he could also have the property used for educational purposes for all the children in the district, and could set up an integrated school. In that event, the Federal Government would be setting up and controlling a school in a local community, and that would be the entering wedge of Federal control of education; and that is the sum and substance of the thing we have fought against in the Congress for years.

That is the situation in this case; and that is why we believe that section 502 (a), which is confined to the children of personnel of the Armed Forces, is safe, sure, and clear, and that, on the contrary, subsection (b) is extremely dangerous.

Mr. JAVITS. Mr. President, in answer to the Senator from New Hampshire, I point out that the subsection under debate, which the committee has voted to strike out, provides, in line 9 "for the purposes of subsection (a)." And by referring to subsection (a), on page 14, in line 9, we find that it refers to "children of members of the Armed Forces on active duty." So I respectfully submit that that limitation will dispose of this difficulty.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MONRONEY. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. MONRONEY. I was originally the author of this amendment recommended by the committee, when it was previously before the Senate. An amendment similar to mine was brought up and was amended and then adopted on the floor of the House. If we read the debate which occurred at that time, we find that the authors of the amendment, which was adopted by the House, intended to do exactly what the Senate committee believes its amendment will insure. This provision has no relationship to civil rights or to the purpose of admitting the children of all races to the public schools. This provision deals with defense-impacted schools, for which there has long been a program of Federal assistance.

This provision does not involve an effort to water down the civil rights bill. The Attorney General has indicated that this provision has no connection with the civil rights bill.

The Secretary of Health, Education, and Welfare, who administers the program for the defense-impacted schools, says he does not want this provision. He wants the language that is left in the bill by the committee amendment, because it can be administered.

The schools do not wish to have this provision enacted into law, because it might be interpreted as demonstrating that with Federal funds goes Federal control of local school districts; and that is the heart and core of the issue.

Furthermore, this provision has no bearing on schools which already have been constructed, because the language on page 14, in lines 23 and 24, shows that this provision applies only to facilities for construction of which applications for funds are made after the enactment of this subsection, which means that under this law schools already constructed could not be used by the Commissioner even pursuant to an agreement.

Many school districts which, after the passage of this measure, would apply for defense-impact funds for the construction of school buildings, operate under State laws which might preclude the school boards agreeing to terms which the Commissioner might specify as a condition precedent to a grant. They would have to stay out of the program.

The only effect of modifying the bill as recommended by the committee would be to prove that Federal funds will not result in Federal control. The issue is as simple as that. Nothing would be lost in any way.

This amendment has been carefully drawn and carefully considered; and if we reject it, we shall wind up with the provision of the House amendment which many Senators believe might be given a different construction than the House intended. By providing for agreement with the local school authorities, but also providing that it relates only to future applications and that the Commissioner shall fix the terms he may feel are necessary in respect to the use of the school properties, we may raise the specter of agreements as a condition precedent to a grant—a result which clearly was not intended by the distinguished House Members who fought to eliminate any possibility of Federal seizure.

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. Mr. President, the Senator from Oklahoma is very eloquent, but I regret to say that I do not believe his points are persuasive, for this reason: In the first place, the Department of Health, Education, and Welfare itself,

in answer to the question of whether the new subsection will for the first time bring into play Federal control over educational facilities, has said that that question must be answered in the negative. There is no question of Federal control in this case, because this matter must be subject to agreement.

Second, there is no question of seizure, and therefore there is no question of discouraging the local officials from proceeding along this line; and that is also for the reason that there must be an agreement. Therefore, I do not believe the fears of the Senator from Oklahoma are warranted.

Furthermore, Mr. President, this is a matter of civil rights; I think it very clearly is a matter of civil rights, because the only thing that will bring into action any of this section is the closing of schools in districts or States in order to avoid school desegregation orders. That is what has happened, and that is why any part of this provision is needed.

If the Senator from Oklahoma is correct, the entire title should be stricken out. But this title is in the bill because the Secretary of Health, Education, and Welfare faces a real problem. School districts have been closed, and schools in school districts have been closed; and there is danger that more will be closed.

Under these circumstances, I certainly believe that the most flexible, rather than the most limited, authority is desirable.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

Mr. JAVITS. Mr. President, I ask for a division.

Mr. DOUGLAS. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DOUGLAS. Do I correctly understand that the question now is on agreeing to the committee amendment which calls for striking out lines 17 through 25 on page 14, and lines 1 to 13 on page 15?

The PRESIDING OFFICER. That is correct.

On this question, a division has been requested; and the Senate will proceed to divide.

On a division, the amendment was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. DIRKSEN. Mr. President, I move to lay on the table the motion to reconsider.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The next committee amendment will be stated.

The next amendment was on page 17, line 9, after the word "referees," to insert "who shall subscribe to the oath of office required by Revised Statutes, section 1757 (5 U.S.C. 16)."

Mr. DIRKSEN. Mr. President, none of the measures offered called for the taking of an oath by the referee; and this reference to the statute means that the referee shall take the same oath that is provided in the case of a master of chancery appointed by a Federal court.

The PRESDIING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. DOUGLAS. Mr. President, does this amendment cover lines 20 to 25, on page 17?

The PRESIDING OFFICER. No; the amendment which has just been agreed to relates to lines 9 and 10, on page 17.

The next committee amendment will be stated.

The next amendment was on page 17, line 20, after the word "referee", to strike out "the applicant shall be heard ex parte" and insert:

The hearing shall be held in a public office. The referee shall give the county or State registrar two days' written notice of the time and place of the hearing and such State or county registrar, or his counsel, shall have the right to appear and to make a transcript of the proceedings.

Mr. CARROLL. Mr. President, to the pending committee amendment, I offer the amendment which I send to the desk and ask to have it stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. In lieu of the language proposed to be inserted by the committee amendment, it is proposed to insert the following:

The applicant shall be heard ex parte, and all hearings conducted as a part of any such proceeding shall be open to the public.

The PRESIDING OFFICER. The Senate will be in order.

Mr. CARROLL. Mr. President, except for one other amendment, this is perhaps the most important amendment in the entire bill.

It was reported in the morning press that the so-called Kefauver amendment had done great harm to this bill. I want to say, in all fairness to the Senator from Tennessee [Mr. KEFAUVER], that when his amendment came up before the Senate Judiciary Committee, we had been laboring for hours in that committee. Some of the times perhaps we did not hear clearly all that had gone on. But I want to say, for the able Senator from Tennessee, that I do not believe he had an intention, when he submitted his amendment, of excluding the ex parte character of the proceedings with regard to an applicant who was seeking to be registered.

Specifically, I have talked with the Senator from Tennessee. As a matter of fact, he was going to make a speech. I do not think he has yet made his speech, but I know what is contained in the statement he has issued. He did not intend by his amendment to make the proceedings before voting referees adversary proceedings. It was merely his intention to provide the State or local registrar with the right to be present as an observer and to make a transcript of the proceedings.

Mr. President, this is, of course, a very vital part of the bill, and I hope my friends on the other side of the aisle will pay attention to this——

Mr. DOUGLAS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. CARROLL. This is a very important part of the administration bill. Why is it important?

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. CARROLL. I shall be happy to yield if I do not lose the floor.

Mr. KUCHEL. I ask for order, Mr. President.

The PRESIDING OFFICER. Senators will be in order. It is difficult to hear the Senator.

Mr. EASTLAND. Did I understand the distinguished Senator from Colorado to say that the Senator from Tennessee did not move last night to strike, on line 20 of page 17, the words "the applicant shall be heard ex parte"?

Mr. CARROLL. I was present, and I did not hear him make such a motion. It was my understanding, I may say to the chairman of the committee that he said two things. The Senator from Tennessee desired—may we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order. Will the Senator from Colorado suspend until the Senate is in order? Senators will be in order. The Senator from Colorado has asked for order several times. He cannot be heard. We cannot hear the Senator from Mississippi.

Mr. CARROLL. This I know: The Senator from Tennessee desired two things. He first desired that there be no secret hearings, no star chamber sessions. He felt that in an ex parte proceeding before the referee, the applicant could present himself and present certain evidence. Provision for it was contained in the House bill and was contained in the so-called Dirksen bill. I refer to the so-called ex parte proceeding.

I may have been mistaken, but as the junior Senator from Colorado understood the Senator from Tennessee, first of all he said, "We do not want any secret meetings." The second thing he said was that there should be 2 days' notice given by the voting referee to the local registrar——

Mr. EASTLAND. That is all correct——

Mr. CARROLL. If the Senator will permit me to continue—he asked that 2 days' notice be given.

Mr. HOLLAND. Mr. President, may we have order? We cannot hear.

The PRESIDING OFFICER. The Senator from Colorado will not proceed. There have been six or seven requests for order. Will Senators take their seats and remain in their seats? The attendants will take seats. Let us have order.

The Senator from Colorado may proceed.

Mr. CARROLL. The Senator from Tennessee sought to get provision for 2 days' notice to the local registrar so the local registrar would know what was going on.

As the junior Senator from Colorado understands the amendment of the Senator from Tennessee, it would permit the local registrar, personally, or he could bring in a stenographer, to take a transcript of the proceedings, but not to participate in the hearings, not to change an ex parte proceeding into an adversary contest. That was the concept of the junior Senator from Colorado as he understood the amendment of the able Senator from Tennessee.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. CARROLL. I yield if I do not lose the floor.

Mr. EASTLAND. Of course, the Senator will not lose the floor if he yields for a question.

What the Senator from Colorado has said about the amendment is absolutely correct. Part of the motion, as the chairman understood it, was to strike, after the comma on line 20 of page 17, the words "the applicant shall be heard ex parte," and insert the words:

> The hearing shall be held in a public office. The referee shall give the county or State registrar 2 days' written notice of the time and place of the hearing and such State or county registrar, or his counsel, shall have the right to appear and to make a transcript of the proceedings.

Let me say that the county or State registrar is not a party. He does not have the right to cross-examine witnesses. He does not have the right to introduce testimony. But he does have a right to make a transcript of the proceedings. And the Senator from Mississippi says that unless we adopt that language, we are putting a premium on perjury.

Mr. CARROLL. The Senator from Mississippi has in large part sustained my understanding of the amendment, with this very important exception, and I do not challenge the accuracy of the statement made by the able chairman of the Senate Judiciary Committee——

Mr. EASTLAND. If the Senator will yield, the amendment was in the writing of the distinguished Senator from Tennessee. I am sending to get it.

Mr. CARROLL. I am perfectly willing to put it in the RECORD at this time, but the junior Senator from Colorado is attempting to give his interpretation, because, for the first time, today, as I received this printed bill, I find the words lined out, "the applicant shall be heard ex parte."

I say to the Members of this body who believe in a workable civil rights bill—as soft and as weak as this bill is—we should not permit the words "the applicant shall be heard ex parte" to be stricken. Let me read the rest of the language. This is a very ingenious amendment, and I have never, in all my experience with the Senator from Tennessee, found a time when he would do anything except in a straightforward manner. I am confident he did not understand, at least, the legal interpretation the junior Senator from Colorado places on the amendment.

Let me read this language:

> The applicant shall be heard ex parte.

That language is stricken. Listen to the rest of the language:

> The hearing shall be held in a public office.

I guess that is not too bad. We do not mind that it shall be held in a public office. It ought to be a public hearing. We do not want any star chamber sessions. We are not asking a voting referee to work in a basement or in an alley at nighttime. No court of equity who has any conscience as a judge, in fulfillment of his oath, would permit such an operation. I covered that in my amendment. I said the hearings shall be open to the public.

Let me read the rest of the language:

> The referee shall give the county or State registrar 2 days' written notice of the time and place of the hearing.

I objected vigorously and bitterly to this language in the Senate Judiciary Committee, because, as I said, if we provide for the giving of 2 days' notice we are building up more obstacles and hurdles to interfere with the lone individual who has been discriminated against, and we ought not to provide for the 2 days' notice.

My amendment was knocked down. Let us read the rest of the language. It says, "of the time and place of the hearing."

I ask Senators to understand this. These are the key words, "the time and place of the hearing and such State or county registrar, or his counsel, shall have the right to appear."

The language does not say there shall be the right to attend, but it says, "shall have the right to appear" If these people have the right to appear, it is an adversary proceeding. No matter what anybody says in an interpretation of the language on the Senate floor, if the man is given notice and has a right to appear we have created an adversary proceeding instead of an ex parte proceeding.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. CARROLL. I am glad to yield.

Mr. EASTLAND. Would the Senator object to having the referee take testimony to bring out what is the truth with respect to an applicant's qualifications to vote? Is that the point the Senator makes?

Mr. CARROLL. Do I correctly understand that the able Senator from Mississippi is now changing his position, to say that the registrar has the right to cross-examine the applicant at this proceeding?

Mr. EASTLAND. No. I do not think that is intended by the amendment.

Mr. CARROLL. What is the point the able chairman seeks to make?

Mr. EASTLAND. The point I make is simply this: The Senator from Mississippi thinks, as the Senator from Tennessee stated last night, this was not covered in the amendment, but that the person should be an adversary party, should have the right of cross-examination, should have the right to introduce evidence, because what the referee is to bring out is the truth.

Mr. CARROLL. Is the Senator now saying——

Mr. EASTLAND. I said that was my position.

Mr. CARROLL. Does the Senator now say——

Mr. EASTLAND. I did not say that was what was contained in the amendment. It is not contained in the amendment.

Mr. CARROLL. Does the Senator say——

Mr. EASTLAND. I do not see how my distinguished friend from Colorado can stand on the floor and take the position which would deny people the right to present their case, and, if perjury is being committed by an applicant to vote, not let it be proved to let the truth prevail.

Mr. CARROLL. Mr. President, I think we had better get this issue clarified right now.

The junior Senator from Colorado is not trying to shut off anybody from a proper hearing, with due process, under the Constitution, but we are now talking about a specific amendment. We are now talking about a provision which was contained in the House bill, a provision which was contained in the so-called Dirksen substitute, which has now been changed materially.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. CARROLL. May I finish this one point first, and then I shall be happy to yield to the Senator.

The argument of the able and learned lawyer, the chairman of the Senate Committee on the Judiciary, I think sustains the point I have been trying to make, that the amendment is designed to create an adversary proceeding. This is what we ought to understand when we vote upon this issue.

I am perfectly willing to be critical of myself and my understanding last evening. The junior Senator from Colorado, I repeat, did not know until he got the printed copy that the words "the applicant shall be heard ex parte" were stricken.

Mr. President, I now yield to the Senator from New York.

Mr. JAVITS. Mr. President, even if I may not agree with the Senator's amendment—and I do not—it is a completely separated question from the legislative scheme which is involved. Hence, I should like to ask the Senator a question.

Is it not a fact that the legislative scheme which we are seeking to legislate involves giving to the applicant who has been denied his right to register under State law the same right he would have had if he had been granted the right to register under State law; and, therefore, no citizen who comes to the registrar to register is at that particular point in an adversary proceeding, with cross-examination, and an oath, et cetera, except as prescribed by State law for everybody, white and colored alike?

I will ask the Senator a further question. Is it not a fact also that the bill we have before us, quite aside from the amendments, provides, as we provide in ordinary registrar proceedings, that when there is a challenge and a court proceeding as a result of that challenge, if there is a material question of fact there will be a hearing on the issue? As a matter of fact, the amendment exactly provides to that effect, beginning at the bottom of page 18 of the bill, when it is stated:

> The issues of fact and law raised by such exceptions shall be determined by the court. • • • A hearing as to an issue of fact shall be held only in the event that the proof in support of the exception disclose the existence of a genuine issue of material fact.

In other words, first we have to get the legislative scheme clear in our minds, so that we will be able to decide—those of us who are for securing the voting right—what amendment is proper within the scheme. The legislative scheme is, is it not, to give the voter the same right he would have if the registrar under ordinary State law had received and registered him? Then, as is true in every registration, if there is a challenge and a legal proceeding incident to that challenge, and a substantive question of law or fact is raised, the court will order a hearing. Is that not what we are trying to do by this particular provision, which would be negated by bringing in the adversary proceeding in the earlier stage, when the man is only getting equal treatment with any white applicant for registration?

Mr. CARROLL. The Senator has stated it very well.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. CARROLL. May I respond first. I think we have to narrow this down.

This is a very complicated question. I want to make it so simple that even the lawyers will understand. [Laughter.]

Under existing law we do not need the Attorney General's proposal if we want an adversary proceeding. We have provisions for that under existing law. Every American has the right to go into a Federal court if somebody is violating his constitutional rights. In 1957 we gave the Attorney General power to institute suits.

Let us assume that there may be 20 or 25 individuals involved and that the Attorney General goes into a court and says to the court, "They are violating these people's constitutional rights." That would be an adversary proceeding. There would be a hearing. The court could entertain that, without passage of this bill. We do not need to pass this bill for that. Let us talk about this bill.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. CARROLL. May I finish this point, and then I shall be happy to yield.

Actually there is a new concept involved. It is very simple. We are now seeking to permit a court of equity to broaden its scope and jurisdiction into the voting field. We are seeking to change rule 53. We are asking the court to find a pattern or practice of discrimination. Once the court finds that, we provide for broadening rule 53 so that he can set up voting referees.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. CARROLL. May I finish first? I want to follow through on this in logical sequence. Then I shall be happy to yield. My chairman knows I am not trying to hold him off.

After the voting referee has been created under the court decree, that voting referee will have no greater power than the court which created him. The court is bound by the Constitution and bound to afford due process.

What will happen after the voting referee is appointed? The individual will come in. What will the individual have to prove? He will have to prove that he is qualified under the laws of the State to vote. What else will he have to prove under the bill as sent to us from the House?

If the individual has been denied the right to register or the opportunity to register, or, after having been given the right to register is later found to be unfit, he will have to go back to the registrar to prove his case. This is the point I want to make about the applicant. When the applicant first comes before the voting referee we do not intend to have a secret hearing in a basement or in an alley. This is why I sustained the concept of a public hearing in the Kefauver amendment.

Mr. EASTLAND. Mr. President, will the Senator yield for a question on that point?

Mr. CARROLL. I will yield in just a moment.

Mr. EASTLAND. The question is on that point exactly.

Mr. CARROLL. I will yield in a moment.

Mr. EASTLAND. Right on that point.

Mr. CARROLL. I will not yield at this time. I want to finish my remarks.

When the applicant comes in the voting referee will be seated with a court reporter or a stenographer. He has to give a transcript to the court. Why is that? He has to do so because he does not issue the certificate, but he merely takes the evidence. He makes a report back to the court. Can the court then issue a certificate? Not under this bill. Do Senators know what the court has to do? The court causes the Attorney General to send copies of the report to the State attorney general, and the registrar, as well as all the evidence on the particular individual. These are serious steps in law that must be taken.

Let us assume that the applicant has lied about his age. Age is a very important qualification under State law. If he has lied, he can be challenged in court. If he has since become a convict, or has since been adjudicated mentally incompetent, that can be contested in court.

The court can go into all of these questions. What are we trying to do? As the Attorney General said, we are trying to expedite the procedure. This is why I have agreed with some of my friends. I have gone along with them on other legislation. This is a laborious, tedious, legal process, but it is the best we have in this imperfect system. It is the best of all systems, but it has many imperfections.

I do not believe I have misstated the case. What do I say about the amendment? If we eliminate the words "the applicant shall be heard ex parte" we open the case up to another adversary proceeding, and the poor colored person we are trying to help will not be registered for another 25 or 30 years.

The question as to whether this provision is constitutional will be tried in the courts. The courts have now ruled in two cases. I can remember all the arguments by learned lawyers in this body to the effect that the 1957 act would not be sustained. But it has been sustained; and I say that the court will sustain the concept that is written into this bill.

I now yield to the chairman of our committee, who has been pressing me to yield.

Mr. EASTLAND. The distinguished Senator from Colorado favors the 2 days' notice, does he not?

Mr. CARROLL. I was the one who offered the amendment to strike that provision.

Mr. EASTLAND. The provision for 2 days' notice.

Mr. CARROLL. The provision for 2 days' notice—for this reason: I felt that when the voting referee came into an area, and he had to give 2 days' notice, the 2 days' notice would be required upon each application. Being a lawyer, and on the "slow" side of a case, if I wanted to block something, I would have another tool in my hand to block a proceeding. I felt that such a provision was not in the interest of the applicant who stood there alone.

Mr. EASTLAND. That amendment was defeated in the committee.

Mr. CARROLL. That amendment was defeated in the committee. My amendment was stricken down.

Mr. EASTLAND. The Senator believes that the hearings should be held in a public place.

Mr. CARROLL. I believe that they should be open public hearings. There is a difference between that and "in a public place." In other words, I want the hearings open to the public. I would not insist on confining this proceeding to a public place, because in some areas a public place might not be available. I want an open hearing.

Mr. EASTLAND. The Senator realizes that under this amendment the county registrar or his attorney, or whoever the proper official is, is not a party in interest. He cannot offer testimony. He cannot cross examine witnesses, but he can make a transcript of the proceedings.

Mr. CARROLL. He could do that under my amendment.

Mr. DOUGLAS. Mr. President, I should like to ask the Senator from Colorado a question which bears directly on this point.

Mr. CARROLL. I now yield to the Senator from Illinois for a question.

Mr. DOUGLAS. It is not true that the verb "to appear" has at least a double meaning? There is an ordinary, nonlegal meaning—"to appear"— which is identical with that which the Senator from Mississippi has advanced. Concerning this first meaning I read from Webster's New International Dictionary, at page 129:

Appear: To come or be in sight; to be in view; to become visible.

That involves a mere physical presence, so that one can be seen by others.

But the words "to appear" or "appearance" has also a legal meaning. I read from Bouvier's Law Dictionary, which I suppose is a classic, volume 1, page 212:

Appearance: A coming into court as party to a suit, whether as plaintiff or defendant.

Mr. EASTLAND. Exactly.

Mr. DOUGLAS. Whether as plaintiff or defendant. Now, since this is a law——

Mr. EASTLAND. Let me ask the Senator——

Mr. DOUGLAS. Just a moment. Since this is a law, would not the legal definition of "to appear" prevail or hold? And if the legal definition holds, it means that the local registrar or his counsel would have the right to be a party to the suit.

Mr. CARROLL. I will say to the Senator from Illinois that this is the very point I have been trying to make, for this reason——

Mr. EASTLAND. I understand that the Senator——

Mr. CARROLL. I do not yield at this time to the Senator from Mississippi. I wish to respond to the Senator from Illinois, if I may.

Mr. EASTLAND. That is all right.

Mr. CARROLL. I shall be happy to yield to the Senator from Mississippi a little later, if he will only be patient and give us an opportunity to drive our point home.

When we read the very able presentation made by the Senator from Illinois, and when we read the language "shall have the right to appear" in connection with the words which have been stricken out, namely, "the applicant shall be heard ex parte" beyond the shadow of a doubt, in my opinion, the court will say that it is obvious that an adversary proceeding was intended, or that it is obvious that the right to appear and to make a transcript means the right to appear, the right to testify, and the right to cross-examine.

Mr. EASTLAND. If that is true, why did the Senator vote for the amendment?

Mr. CARROLL. I tried to explain to the Senator from Mississippi a little while ago that I did not know until today that the language "the applicant shall be heard ex parte" was stricken from the bill. The junior Senator from Colorado is perfectly willing to accept any blame or fault, but the chairman of the committee knows the confusion which prevails in that committee at times. He ought to know it, because, along with some of the rest of us, he contributes to some of it.

Mr. EASTLAND. Here is the amendment, in the handwriting of the distinguished Senator from Tennessee. I read:

On page 13, line 14, strike out comma and rest of sentence and insert in lieu thereof—

And the amendment was written in the handwriting of the distinguished Senator from Tennessee.

I think my friend from Colorado is placing the wrong construction on the entire amendment.

Mr. CARROLL. I respect the opinion of the Senator from Mississippi.

Mr. EASTLAND. The transcript of what happened in the committee will show that the Senator from Tennessee desired that the State registrar have 2 days' notice; that he be permitted to attend; and that he should not be a party. The Senator from Tennessee stated that he personally favored the right of cross-examination, but that he would not have it under his amendment, but that he could make a transcript of the testimony.

The Senator from Tennessee further stated that the amendment would expedite the procedure, because if it were shown that the applicant was entitled to register, the State official would register him.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. CARROLL. I should like to respond to the Senator from Mississippi.

Assuming that to be true, the question before us now is the effect of this amendment. Whatever our previous misunderstandings may have been, we have all now been put on notice.

Let me read from an old law book what is meant by "appearance."

"Appearance" anciently meant an actual coming into court, either in person or by an attorney.

There is not the slightest doubt in my mind as to what the courts would hold if we were to strike out the words "the applicant shall be heard ex parte," and use the words "the right to appear." I am not going to argue this point at length. The able chairman of the committee knows that what I have stated is true. He is a very able lawyer.

I now yield to the Senator from Florida.

Mr. HOLLAND. It seems to me that perhaps the semantics involved in this amendment may be causing trouble, and that it might take care of the difficulty which is disturbing the Senator from Colorado if the word "appear" were changed to the words "be present."

Mr. EASTLAND. That is correct. I do not think we are far apart as to the meaning.

Mr. HOLLAND. If I correctly understand the chairman of the committee, he understood it to mean that the officer, by himself or through counsel, could be present and take a transcript, but would not have the right to cross examine. He would not have the right to present witnesses or produce testimony. He would simply have the right to be present.

Mr. EASTLAND. I do not believe that the Senator from Colorado and I are very far apart.

Mr. DOUGLAS. Mr. President——

Mr. HOLLAND. Mr. President——

Mr. CARROLL. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. CARROLL. I wish to say to the Senator from Florida that the right to appear——

Mr. HOLLAND. To be present.

Mr. CARROLL. I am trying to say what someone did. At least the junior Senator from Colorado did not know it was done until he saw the printed bill for the first time. What was done was that the words "the applicant shall be heard ex parte" had been stricken. That is what I am objecting to. When I read that language in relation to the whole bill, I saw that we had better adopt an amendment to the amendment.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. CARROLL. I yield to the Senator from South Carolina.

Mr. JOHNSTON of South Carolina. As I remember the discussion, the Senator raised more objection to the 2 days' written notice than to anything else.

Mr. CARROLL. I should like to tell my friend how this all arose. The Attorney General was being cross-examined very sharply by some able lawyers in the Senate Committee on the Judiciary. The question arose as to whether the voting referee was going to operate in secret. The record will show that I asked these questions of the Attorney General. I asked him, "Is this going to be a star chamber session?" He said, "No."

I said, "Are you going to hold secret, clandestine hearings? Is this the concept of the voting referee?"

He said, "No."

I asked him, "Do you anticipate that this will be a public hearing?"

He said, "No."

This is where the junior Senator from Colorado may have been misled. My able friend from Tennessee began to talk about holding public hearings, and he said he felt the registrar ought to have a transcript of the testimony. I think that is all right. There is nothing wrong with that. What I objected to was not that. I do not mind the holding of open, public hearings. I do not mind the registrar's having a transcript of the proceedings. What I do mind is that he must not be permitted to participate then. Secondly, I object to having 2 days' notice.

Mr. JOHNSTON of South Carolina. I do not believe that anyone in the committee disagrees so far as that is concerned. I do say that, after discussing the 2 days' notice, when it covers a whole judicial district, and sometimes a few hundred miles, it was felt that 2 days was a small amount of time to give people to get to a place if they wanted to be present.

He wrote out the amendment while we were talking. I was sitting by him at the time.

Mr. CARROLL. I wonder whether my able friend can tell me why, if that is all they wanted in the bill, they struck out the words "the applicant shall be heard ex parte"?

Mr. JOHNSTON of South Carolina. That was stricken because they were giving them the right to appear and be present.

Mr. CARROLL. The right to appear and be present; yes.

Mr. JOHNSTON of South Carolina. Personally I think he would have been glad to word it that way, "shall have the right to be present, and to make a transcript of the proceedings." I think that is what he wanted. That is all he wanted. I think that is all that those who voted for the amendment wanted.

The Senator is making a record of all this in the Senate at the present time. That will be used, probably, if anything comes up when anything is tried to be done that the Senator thinks will be done.

Mr. CARROLL. The Senator from South Carolina knows that on many occasions in committee I have said that as long as we are broadening the power of a court of equity to bring it into an area which in 1903 Oliver Wendell Holmes said we should not bring it into, although we did it in the 1957 act; and as the Supreme Court has said that it is the guardian of the fundamental rights of the people, and as we do broaden the equity powers, we have too many restrictions in the bill. I do not want to put handcuffs on the court. I have enough confidence in the Federal judges to see to it that if the registrar wants to come in and sit down and take a transcript, he can do it.

Mr. JOHNSTON of South Carolina. That is all the amendment does.

Mr. CARROLL. The Senator has not yet explained to the junior Senator from Colorado why they struck out the words "the applicant shall be heard ex parte."

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. CARROLL. I yield.

Mr. ERVIN. I should like to ask the able and distinguished Senator from Colorado what his objection is to allowing the registrar to find out what the case against him is.

Mr. CARROLL. The junior Senator from Colorado has said that there is no objection to that. That is not the purpose of the amendment.

Mr. ERVIN. The purpose of the amendment, I believe, is this: The Senator from Tennessee [Mr. KEFAUVER] had no doubt read a legal dictionary, and he found out what ex parte means. He probably read the case of *Lincoln* v. *Cook* (3 Ill. (2 Scam.) 61, 62), which states:

> "Ex parte," as used when speaking of an ex parte examination of witnesses, implies an examination in the presence of one of the parties and in the absence of the other.

If the Senator from Tennessee did not read that case, he probably read the Tennessee case of *Rodgers* v. *Unborn Child of Rodgers* (Tennessee, 315 SW 2d. 521, 525), which states:

> "Ex parte" as used with reference to a judicial proceeding means an action of some sort taken at the instance of or for the benefit of one side only without notice to or contest by any person adversely interested, or at least without an opportunity to be heard.

He probably read the Tennessee case. He probably thought that a man ought to have a right to come to a hearing to find out what the case against him was all about. I do not see why anyone should object to that.

Mr. CARROLL. I am sure the Senator will agree that the able and distinguished Senator from Tennessee never moves in a circuitous fashion. He is very open and frank. He does not do anything that could be considered to be legal legerdemain. I believe he did not know the effect of what he was doing by striking out those words.

Mr. ERVIN. He certainly knew what ex parte meant, because he struck out the words "ex parte."

Mr. CARROLL. The Senator believes that I have criticized the Senator from Tennessee. I am criticizing myself. I did not realize what was happening, and I am willing to assume responsibility for not knowing.

I yield now to the Senator from Illinois, because he has a book, too. [Laughter.]

Mr. DOUGLAS. I am somewhat overwhelmed by my legal surroundings. I am no lawyer. However, when these two changes were made by the committee; first, when the ex parte phrase was struck out, and then when it was provided that the State or county registrar or his counsel shall have the right "to appear," naturally, it raised in my mind a question about the meaning of the word "appear." The Senator from Mississippi was using a nonlegal interpretation of that term. So I looked up the term in Webster's Dictionary, I found it on page 129 of Webster's Unabridged Dictionary.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. Not at the moment. The dictionary gives the definition "to appear" as "to come forth, to be visible."

Mr. EASTLAND. The Senator from Illinois has used my name. He should yield to me.

Mr. DOUGLAS. I wish to finish first.

Mr. EASTLAND. The Senator used my name.

Mr. CARROLL. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The Senator from Colorado has yielded to the Senator from Illinois.

Mr. EASTLAND. The Senator has used my name. He should yield to me.

Mr. DOUGLAS. I will yield to the Senator later.

Then I thought it might be well to check that definition with the legal definition of "appearance" or "appear." So I sent for what I believe is the classic dictionary, "Bouvier's Law Dictionary," and there at page 212 I found the definition of "appearance." I assume that the verb "to appear," is identical in legal meaning with the noun "appearance." I wish to emphasize that this is Bouvier's definition: "A coming into court as party to a suit, whether as plaintiff or defendant."

Therefore, if we strike out "ex parte," and if we say that the local registrar or his counsel shall have the right to appear, inevitably it will be the interpretation of a court, using the legal definition, that the language therefore permits the registrar or his counsel to come in before the referee and oppose the application of a Negro to be registered. Is that not correct?

Mr. CARROLL. Not only is the Senator from Illinois a great economist; he is also a great lawyer.

Mr. DOUGLAS. I never studied law formally in my life; but this would seem to me to be apparent.

Mr. CARROLL. Law is simply a matter of commonsense; and the Senator from Illinois has presented not the slightest doubt in the mind of the junior Senator from Colorado that the definition which has just been read is applicable to this amendment. In my own opinion, this was not done deliberately at all. However it was done, it was badly done, from the standpoint of those who want an effective bill.

Mr. DOUGLAS. Is not this merely another hurdle in the long obstacle course which is being erected against making it possible for disfranchised Negroes to register and vote?

Mr. CARROLL. Not only is it another hurdle, but there is no reason for the passage of the bill, because he can do this under present law.

Mr. DOUGLAS. Is it not true that every case will really have to be heard first by the court, before the court can determine whether there is a pattern or a practice of discrimination?

Mr. CARROLL. That is true.

Mr. DOUGLAS. The applicants in whose behalf the Attorney General files the suit will be exposed to all the pressures of the local community when this first case is before the court.

Mr. CARROLL. Not only will they be exposed to pressures, but we can rest assured that when the Attorney General brings his suits in the name of the United States of America, he will have to set forth in his pleadings what he expects to prove—and this will not be an easy process—he will have to conduct days or weeks of investigations before he brings the suit. When he brings the suit, and he has 15, 20, or 30 American citizens to prove his case, then the court will enter an order.

If the Attorney General in his pleadings prays for what we call a pattern or a practice of discrimination, this is not left to the mind of the judge; it will have to be in the evidence. If it is in the evidence, the court will make a finding of fact and a conclusion of law. Then the court will issue its decree. The individual Negroes who are in this case can be adjudicated; but the others, who are a part of the pattern or practice, will have to go through a different procedure.

Mr. DOUGLAS. After there has been a finding by the court of a pattern or a practice of discrimination, will it not be necessary for the Negroes—at least all those not named in the first decree—

who have been disfranchised to go back to the very registrars who have previously disqualified them, and once again apply for registration?

Mr. CARROLL. That is true. That is provided in the House bill. As soon as there has been a finding by the court, the disfranchised person will have to go back and offer himself to the registrar. It is a matter of proof.

Mr. DOUGLAS. He cannot go to the referee until he has done that.

Mr. CARROLL. That is correct.

Mr. DOUGLAS. But only after he has taken his second hurdle and gone to the local registrars and has been turned down, with all the pressures operating on him, can he go to the referee. But now, under this language in the committee amendment, the local registrars or their counsel can carry on the fight against such registration before the court-appointed referee as a party to the suit.

Mr. CARROLL. That is true.

Mr. DOUGLAS. So there is a third legal hurdle which he must jump in order to get by the referee.

Mr. ERVIN. He does not go in the first instance.

Mr. CARROLL. I did not say that at all. I said that if there are 10, 15, 20, or 30 people who are in the main suit, those people, if the court passed upon them, do not have to go to the voting referee. Does the Senator agree with that?

Mr. ERVIN. Yes. I did not say that the Senator from Colorado had said that. I inferred from the remarks of the Senator from Illinois that the Senator from Illinois thought the man had already been before the court in the proceeding where the pattern was found.

Mr. CARROLL. No. As I understood the remarks of the Senator from Illinois, he said that those who came under the umbrella—I have used this term—of the pattern or practice of discrimination need not have been in the main suit.

The court may make a finding of the pattern or the practice of discrimination. That is followed by the appointment of a voting referee.

They have to provide constitutional safeguards. It will be necessary for them to meet the State's qualifications for voters, the same as white people, but they should not be put to any greater advantage. It is very hard to keep this matter in proper perspective.

What the Senator from Illinois said was that after the court's finding, the applicant has to go back to give the local registrar a chance to either register him or turn him down. Then he has to come to the voting referee and prove that.

It is at this point that the Senator from Illinois said there was a third step. This is now an adversary proceeding.

Mr. DOUGLAS. The hearings before the referee can be drawn out with arguments, under the committee amendment, because the local registrar is given the right to become a party to the suit. Is not that correct?

Mr. CARROLL. Under this provision, yes.

Mr. DOUGLAS. Then when the referee makes a finding, it is subject to review by a Federal district court.

Mr. CARROLL. That is correct.

Mr. DOUGLAS. In hearings before the Federal district judge, the local officials must be notified, and they have the right to file a memorandum dealing with the law. Is not that correct?

Mr. CARROLL. Yes; but more than that, if there is a genuine issue of material fact, they can now go back into an adversary proceeding.

Mr. DOUGLAS. In effect, there are then at least four legal hurdles or four legal appearances which the disfranchised Negro must pass.

Mr. CARROLL. I should say at least three.

Mr. DOUGLAS. Possibly four.

Mr. CARROLL. The statement of the Attorney General in the record is that this bill is to expedite registration. But if we continue to throw up legal hurdles and obstacles, we might as well wash out the bill.

Mr. DOUGLAS. In view of the pressures—economic, social, and at times physical—which we know operate against Negroes in large portions of the South, particularly in the rural areas of the South, how many Negroes does the Senator think will have the patience, the courage, and the resources to go through these repeated appearances and these repeated trials?

Mr. CARROLL. Of course, we know the answer to that from long experience. All we have to do is to read the history of the last 70 or 80 years. We know of the great number of lawsuits on this question which have reached the Supreme Court and which are just beginning to emerge.

I may say to the able Senator from Illinois that we—I do not mean "we" personally; I mean "we" collectively—the administration and Congress—have an opportunity to take a great forward step into a most difficult field. With this amendment, the bill is crippled. To use a vulgar expression, this is a good way to "gut" a good piece of legislation.

The other point I make is that under the most favorable conditions it will be years before hundreds of thousands of citizens will achieve their fundamental right to vote.

Mr. McNAMARA. Mr. President, will the Senator yield?

Mr. CARROLL. I yield.

Mr. McNAMARA. Can the Senator tell me at this point who is on first?

Mr. CARROLL. That is not important. The question is, Is the Senator from Michigan in the hole?

Mr. McNAMARA. Yes.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. CARROLL. I yield.

Mr. KEATING. I preface my question by the statement that we all know that the junior Senator from Colorado is a vigorous advocate of civil rights.

Mr. DOUGLAS. Mr. President, I reluctantly ask for order in the Chamber.

The PRESIDING OFFICER. The Senate will be in order.

Mr. KEATING. I know that the distinguished junior Senator from Colorado is an advocate of a meaningful civil rights bill. It is perfectly understandable that in the confusion when we were considering amendments, that he understood that the words "the applicant shall be heard ex parte" were an integral part of the so-called Kefauver amendment and that in his support of the Kefauver amendment, he did not realize that those words had been taken out.

Now I wish to address to him a question which relates to the substitute amendment which the Senator has offered. This substitute reinstates the words "the applicant shall be heard ex parte," but then provides that all hearings shall be open to the public.

Does the Senator share my apprehension that if that language is adopted, it may require a public hearing before the referee when the one who has been disfranchised comes in to file his application. Any number of persons could be present at a public hearing. Perhaps there would even be a room full of people, all of whom would be antagonistic to the applicant. Does not the Senator fear that would be the result of the amendment he proposes to the committee amendment?

Mr. CARROLL. Let me say to the Senator from New York that if I were able, parliamentary-wise, to restore the House language at this point, I would do so. But I do not believe that is possible in this situation. Therefore, I have submitted an amendment in the second degree. Certainly all of us believe that the hearings should be open to the public.

Mr. KEATING. Mr. President, will the Senator yield, to permit me to propound a parliamentary inquiry?

Mr. CARROLL. Yes.

Mr. KEATING. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER (Mr. Moss in the chair). The Senator from New York will state it.

Mr. KEATING. If the so-called Kefauver amendment, which includes the words set forth in italics in lines 20 to 25, is rejected, will not that automatically restore the words "the applicant shall be heard ex parte"?

The PRESIDING OFFICER. That is correct; that would restore those words.

Mr. CARROLL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Colorado will state it.

Mr. CARROLL. If I had offered an amendment merely to reinsert the words "the applicant shall be heard ex parte," then what would be the situation?

The PRESIDING OFFICER. It would be necessary to vote first on the committee amendment; and if the committee amendment were rejected, the words in question, which were in the bill as it came to the Senate from the House, would remain in the bill.

Mr. CARROLL. Perhaps I do not correctly understand the situation. I believe the hearing should be open to the public, although I do not believe it should be an adversary hearing. So I think

the Senator from New York has gone too far in his description of the effect of my amendment. Certainly no such hearing should be secret. Any such hearing certainly should be subject to being attended in the way that other court proceedings are subject to being attended.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CARROLL. I yield.

Mr. JAVITS. These are to be court proceedings. Unless the court is given authority to seal the papers in these cases, the proceedings will be public proceedings.

So, as my colleague [Mr. KEATING] has so often stated, I believe we should leave this part of the House bill alone, and should permit the local courts to handle this situation.

In short, simply by rejecting this committee amendment we shall put ourselves in the very best position.

Have not both the opponents and the proponents brought out the fact that that is really the way to handle this matter?

Mr. CARROLL. But if the hearings are to be held openly—I am not talking about adversary hearings—what is the harm in so stating in the law?

Mr. JAVITS. Because the minute the word "hearings" is used—and now I am addressing myself to the Senator's amendment to the committee amendment, which I did not desire to do tonight. However, I shall do so because of my great respect for anything the Senator from Colorado proposes. The minute the word "hearings" is inserted, I believe the court will be placed in a situation in which the court will face the same kind of adversary proceeding to which we previously referred.

If the Senator would eliminate from his proposal the part which begins with the words "and all hearings," I would say his amendment would simply restate what is already in the House version of the bill.

A lawyer will often say to his client, "What do you want to accomplish? Once I know what you want to accomplish, I will write language which will accomplish it."

So, Mr. President, if the Senator from Colorado asks me what I want to accomplish as a Senator, I will say that when the court appoints a referee, I want the referee to function in the way that an ordinary State registrar would function, at that point.

Based on the local situation—regardless of whether the proceeding is in his office or is in the courthouse or is elsewhere; and that may vary, in the various situations—the point is that—as will a registrar under State law—he will register the applicant. At that point there will be no adversary proceeding or hearing, in the sense of a demonstration before the public. It will not be secret; anyone will be able to come there. But no notice will be given. No notice would have to be given.

Anyone who was interested would be able to attend and to ask questions in regard to the facts or the law; and the court could order a hearing.

But we know that the real reason why many persons have not registered has been the slightest hint of intimidation. Incidentally, today is the 90th birthday of the 15th amendment, which is backed up by nine decades of intimidation and threats to use force, all of which demonstrate that when there is an intention to intimidate, intimidation has resulted. So this is what troubles me about the Senator's amendment.

Mr. CARROLL. Mr. President, I am a little surprised that the Senators from New York would devote so much time to questioning whether my amendment should include the word "hearings." If they do not like that word, then let us use the word "proceeding"; and if that word would be meaningless at this point in the bill, why have the committee amendment at all? Does the Senator agree with me that this amendment guts the bill?

Mr. JAVITS. The Kefauver amendment unquestionably does.

Mr. CARROLL. I mean to say, if we eliminate the words "the applicant shall be heard ex parte," and if we use the words "shall have the right to appear," will not this part of the bill become meaningless?

Mr. JAVITS. Completely.

Mr. CARROLL. Does the junior Senator from New York agree?

Mr. KEATING. Completely. I say that if the amendment offered by the Senator from Colorado to the committee amendment does not gut the bill, at least it gives it a serious blow in a vital region.

Mr. CARROLL. Does the Senator from New York refer to my amendment?

Mr. KEATING. Yes.

Mr. CARROLL. Mr. President, I know that the junior Senator from New York is prone to use fanciful expressions in connection with public utterances. But when he makes such a statement about my amendment, when all I seek to do is to hold the proceeding open to the public——

Mr. KEATING. The junior Senator from Colorado proposes that all such hearings shall be open to the public. Such a provision strikes me as being an invitation to intimidation of the applicant who attempts to be registered.

Mr. CARROLL. But, Mr. President, as the able Senator from New York has said, no court of equity would permit secret meetings to be held. They must be open to the public.

Mr. KEATING. They would not be secret. But the Chair has stated that if the Kefauver amendment is rejected, we shall return to the original language, which the Senator from Colorado now says he likes—in other words, the words "the applicant shall be heard ex parte."

I suggest that the Senator think this matter over tonight, and carefully consider whether it would be desirable for him to join forces with us in defeating the Kefauver amendment. I hope the Senator from Colorado will agree to withdraw the amendment he has offered to the committee amendment.

Mr. CARROLL. Mr. President, if the majority leader will respond to a question, does the majority leader have any idea how long he wants to continue with this discussion?

Mr. JOHNSON of Texas. That would depend largely on how long Senators desire to talk.

Mr. CARROLL. The Senator from Colorado is ready to yield the floor, unless a Senator desires to put further questions to him. I have really been waiting for the majority leader to indicate whether there will be a vote on this amendment. It will not be voted on this evening, will it?

Mr. JOHNSON of Texas. I indicated that some time ago to the Senator from Pennsylvania.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. CARROLL. I yield to the Senator from Illinois.

Mr. DOUGLAS. Let me commend the Senator from Colorado for the way he has battled for his amendment. I know he is trying to correct the mistakes which occurred last night with regard to knocking out the provision for an ex parte proceeding, and inserting the provision permitting the local registrars to appear as parties to the suit in the proceedings before the referee. The Senator from Colorado is performing a great public service, and I personally wish to commend him for what he has done.

Mr. CARROLL. I thank the Senator from Illinois.

Mr. JAVITS. Mr. President, I send to the desk three amendments to the bill which is now before the Senate. I ask unanimous consent that they may be held to comply with rule XXII, but that the reading of them be waived, and also that they be printed in the RECORD.

The PRESIDING OFFICER (Mr. Moss in the chair). The amendments will be received, printed, and lie on the table; and, without objection, the amendments will be printed in the RECORD.

The amendments are as follows:

On page 17, beginning on line 14, down to the period on line 19, strike out everything and insert in lieu thereof: "any such applicant is qualified under State law to vote."

On page 21, between lines 12 and 13, insert the following:

"TITLE VII

"Intervention by the United States

"SEC. 701. (a) Chapter 161 of title 28 of the United States Code is amended by inserting a new section immediately following section 2403 as follows:

"'§ 2403A. Intervention by United States: Loss or threat of loss of equal protection of the laws.

"'In any action, suit, or proceeding in a court of the United States to which the United States or any agency, officer, or employee thereof is not a party, wherein any person alleges on oath or affirmation that he is subject to or threatened with loss of his rights under the Constitution of the United States to equal protection of the laws by reason of race, color, religion, or national origin, the court shall certify such fact to the Attorney General, and shall permit the United States to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of whether such person is subject to or threatened with loss of his right

to equal protection of the laws and the relief to be granted. The United States shall, subject to the applicable provisions of law, have all the rights of a party and be subject to all liabilities of a party as to court costs to the extent necessary for proper presentation of the facts and law relating to the questions of whether such person is subjected to or threatened with loss of his right to equal protection of the laws and the relief granted by the court'.

"(b) Such chapter is further amended by inserting in the analysis at the beginning of such chapter, immediately following section 2403, the following:

"'2403A. Intervention by United States: Loss or threat of loss of equal protection of the laws.'"

Renumber the succeeding title and section appropriately.

On page 21, between lines 12 and 13, insert the following:

"(c) Add the following at the end of the section:

"'(g)(1) The Congress finds that the requirement that a poll tax or other tax be paid, or that any property qualification be met, as a prerequisite for voting or registering to vote at primaries or other elections for President, Vice President, elector for President or Vice President, or for Senator or Member of the House of Representatives is not and shall not be deemed a qualification of voters or electors voting or registering to vote at primaries or other elections for said officers, within the meaning of the Constitution, but is and shall be deemed an interference with the manner of holding primaries and elections for said national officers, an abridgment of the rights and privileges of citizens of the United States, a tax on such rights and privileges, and an obstruction of the operations of the Federal Government.

"'(2) It shall be unlawful for any State, municipality, or other governmental authority or any subdivision thereof, or for any person, whether or not acting on behalf of any State, municipality, other governmental authority or subdivision thereof, to levy, collect, or require the payment of any poll tax or other tax or to impose a property qualification as a prerequisite for registering to vote or voting in any primary or other election for President, Vice President, elector for President or Vice President, or Senator or Member of the House of Representatives, or otherwise to interfere with or prevent any person from registering to vote or voting in any such election by reason of such person's failure or refusal to pay or assume the obligation of paying any poll tax or other such tax or meeting any property qualification.

"'(3) The provisions of this subsection shall become effective on December 31, 1962, unless, prior to that date, the proposed constitutional amendment approved by the Senate as part of S.J. Res. 39 of the Eighty-sixth Congress or another constitutional amendment substantially to the same effect, shall have become part of the Constitution of the United States on such date in which case this subsection shall be without effect.'"

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, March 30, 1960, he presented to the President of the United States the following enrolled bills:

S. 1159. An act to facilitate the acquisition of real property under the District of Columbia Alley Dwelling Act; and

S. 2220. An act to strengthen the Commissioned Corps of the Public Health Service through revision and extension of some of the provisions relating to retirement, appointment of personnel, and other related personnel matters, and for other purposes.

RECESS TO 10 O'CLOCK A.M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, I move that the Senate stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 7 o'clock and 13 minutes p.m.) the Senate took a recess until tomorrow, Thursday, March 31, 1960, at 10 o'clock a.m.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MARCH 30, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Mark 4: 9: *He that hath ears to hear, let him hear.*

Eternal and ever-blessed God, inspire us during this day with a faith, hope, and love more wonderful than we have ever dreamed or experienced, lifting us out of the dark welter of fear and anxiety to the lofty and radiant heights of peace and joy.

Grant that, amid the world's confused cries and hysteria of wild alarms, we may have ears that hear and heed Thy voice of gentle stillness teaching us the meaning of life and those noble things that belong to our peace and which we can only learn as we listen in an attitude of faith and humility.

Help us also to lay our ears to the heartbeat of humanity that we may listen and learn that far below the ferment, the friction, and feuds, which divide the members of the human family and mar our fellowship, we are all akin in our needs and longings.

Teach us that we can only help to establish a finer social order by striving to be more sympathetic and tolerant and patient toward one another and all mankind.

Hear us in the name of Him who came to tell us that Thou art love. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 2164. An act to reduce the cabaret tax from 20 percent to 10 percent; and

H.R. 6132. An act relating to the rate of tax on the issuance of shares or certificates of stock by regulated investment companies.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 9331. An act to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children; and

H.R. 9660. An act to amend section 6659 (b) of the Internal Revenue Code of 1954 with respect to the procedure for assessing certain additions to tax.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 10401. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1961, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HAYDEN, Mr. CHAVEZ, Mr. KEFAUVER, Mr. BIBLE, Mr. MUNDT, and Mr. YOUNG of North Dakota to be the conferees on the part of the Senate.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 10234. An act making appropriations for the Department of Commerce and related agencies for the fiscal year ending June 30, 1961, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HOLLAND, Mr. ELLENDER, Mr. MAGNUSON, Mr. KEFAUVER, Mr. HAYDEN, Mrs. SMITH, Mr. BRIDGES, and Mr. SALTONSTALL to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1283. An act to regulate the interstate distribution and sale of packages of hazardous substances intended or suitable for household use;

S. 2046. An act for the relief of Max Kotscha;

S. 2430. An act for the relief of certain employees of the General Services Administration;

S. 2538. An act for the relief of Kim Yong Cha, fiance of Cpl. LeMaine Ellingson, RA55280245;

S. 2877. An act to authorize the reconveyance of tribally owned land by the Muckleshoot Indian Tribe of the State of Washington to the original allottees, their heirs, devisees, or assigns; and

S. 2878. An act to convey certain federally owned lands in New Mexico to the Navajo Tribe of Indians, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 2220. An act to strengthen the Commissioned Corps of the Public Health Service through revision and extension of some of the provisions relating to retirement, appointment of personnel, and other related personnel matters, and for other purposes.

DISPENSING WITH CALENDAR WEDNESDAY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that Calendar Wednesday of next week and the following week be dispensed with.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

JOINT MEETING TO RECEIVE PRESIDENT OF REPUBLIC OF COLOMBIA

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, April 6, 1960, for the Speaker to declare a recess for the purpose of receiving in joint meeting the President of the Republic of Colombia.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

OFFICE OF THE ATTENDING PHYSICIAN

Mr. McCORMACK. Mr. Speaker, I offer a resolution and ask for its immediate consideration.

The Clerk read as follows:

HOUSE RESOLUTION 493

Resolved by the House of Representatives, That, effective April 1, 1960, there shall be paid out of the contingent fund of the House, until otherwise provided by law, additional compensation payable monthly to the Technical Assistant, Office of the Attending Physician, at the basic salary rate of $1,200 per annum.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE ON SCIENCE AND ASTRONAUTICS

Mr. KING of Utah. Mr. Speaker, on behalf of the House Committee on Science and Astronautics, I ask unanimous consent that that committee be allowed to sit this afternoon during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1961

Mr. RABAUT. Mr. Speaker, I call up the conference report on the bill (H.R. 10233) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1434)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10233) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9 and 25.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, 7, 12, 13, 14, 15, 19 and 22, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$599,260"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,629,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$23,517,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$90,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$5,633,600"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,465,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$8,441,000"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$5,168,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,291,600"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$1,250,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$5,773,000"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,400,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1 and 26.

LOUIS C. RABAUT,
WILLIAM H. NATCHER,
CLARENCE CANNON,
JOHN J. RHODES,
JOHN TABER,
Managers on the Part of the House.

JOHN O. PASTORE,
CARL HAYDEN,
ESTES KEFAUVER,
ALLEN J. FREAR, Jr.,
ALAN BIBLE,
MILTON R. YOUNG,
ROMAN L. HRUSKA,
J. GLENN BEALL,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10233) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

Amendment No. 1: Reported in disagreement.

Amendments Nos. 2 and 3: Authorize a total of $20,100,000 to be borrowed from the Federal Treasury as proposed by the Senate instead of $18,700,000 as proposed by the House of which $15,900,000 is for the general fund as proposed by the Senate instead of $14,500,000 as proposed by the House.

OPERATING EXPENSES

Amendment No. 4—Executive Office: Appropriates $599,260 instead of $576,300 as proposed by the House and $609,259 as proposed by the Senate. The increase allowed will provide $500 for the Information Unit, $14,460 for the Office of Urban Renewal, and $8,000 for the Council on Human Relations.

Amendment No. 5—Department of General Administration: Earmarks $230,000 of the funds approved for District of Columbia employees' disability compensation as proposed by the Senate.

Amendment No. 6—Regulatory agencies: Appropriates $1,629,000 instead of $1,621,000 as proposed by the House and $1,639,600 as proposed by the Senate.

Amendment No. 7—Department of Occupations and Professions: Appropriates $342,000 as proposed by the Senate instead of $337,600 as proposed by the House.

Amendment No. 8—Metropolitan Police: Appropriates $23,517,000 instead of $23,217,000 as proposed by the House and $23,748,100 as proposed by the Senate. In recommending the approved amount, the Conferees took into consideration the present fifty-four vacancies in the Department. The conference committee agreed that the increase allowed is solely for recruitment of additional police officers and not for a sixth day of work. In addition, the Conferees agreed that there should be no relaxation of the standards for selection of new officers and that the recruitment policy of the department will be kept under continuing review. The conferees have no objection to the financing of the pilot two-way radio program and the rental of towing cranes within available funds.

Amendment No. 9—Fire Department: Appropriates $10,940,000 as proposed by the House instead of $10,948,000 as proposed by the Senate. The conferees agree to permit the employment of a psychiatrist within available funds.

Amendment No. 10—Office of Civil Defense: Appropriates $90,000 instead of $60,000 as proposed by the House and $107,000 as proposed by the Senate.

Amendment No. 11—Courts: Appropriates $5,633,600 instead of $5,627,900 as proposed by the House and $5,645,320 as proposed by the Senate. The increase allowed will provide one additional court reporter for the juvenile court.

Amendments Nos. 12, 13, and 14—Department of Public Health: Appropriates $36,910,473 as proposed by the Senate instead of $36,551,476 as proposed by the House; and provide a per diem rate of $25 inpatient care and $4 per visit for outpatient care, as proposed by the Senate instead of $21.20 and $3.50, respectively, as proposed by the House.

Amendment No. 15—Department of Public Welfare: Appropriates $19,145,000 as proposed by the Senate instead of $19,000,000 as proposed by the House.

Amendment No. 16—Department of Licenses and Inspections: Appropriates $2,465,000 instead of $2,460,900 as proposed by the House and $2,269,800 as proposed by the Senate.

Amendments Nos. 17 and 18—Department of Highways and Traffic: Appropriate $8,441,000 instead of $8,415,000 as proposed by the House and $8,489,600 as proposed by the Senate; and provided that $5,168,000 shall be payable from the highway fund.

Amendments Nos. 19 and 20—Department of Motor Vehicles: Appropriate $1,291,600 instead of $1,270,600 as proposed by the House and $1,296,500 as proposed by the Senate; and provide $61,000 for traffic safety education as proposed by the Senate instead of $40,000 as proposed by the House.

Amendment No. 21—National Zoological Park: Appropriates $1,250,000 instead of $1,228,000 as proposed by the House and $1,272,000 as proposed by the Senate.

CAPITAL OUTLAY

Amendment No. 22—Public Building Construction: Inserts language for construction of new elementary school at 4th and W, and Benning Branch Library, as proposed by the Senate.

Amendments Nos. 23, 24, and 25—Public Building Construction: Appropriate $5,773,000 instead of $4,860,000 as proposed by the House and $6,023,000 as proposed by the Senate; of which $1,400,000 shall not become available for expenditure until July 1, 1961, instead of $800,000 as proposed by the House and $1,600,000 as proposed by the Senate; and provide that $628,000 shall be available for construction services as proposed by the House instead of $632,000 as proposed by the Senate.

Amendment No. 26—General provisions: Reported in disagreement.

LOUIS C. RABAUT,
WILLIAM H. NATCHER,
CLARENCE CANNON,
JOHN J. RHODES,
JOHN TABER,
Managers on the Part of the House.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. RABAUT. I yield.

Mr. GROSS. The gentleman is going to explain the conference report, is he not?

Mr. RABAUT. I am.

Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the conference report total is $239,470,433, an increase of $2,352,157 above the bill as it passed the House and $618,719 below the Senate bill. For comparative purposes, the conference bill is $2,225,643 below the 1960 appropriations to date.

The major items of increase above the House bill are for the Police Department, the Health Department, the Welfare Department and two capital outlay projects—a new elementary school and a new branch library.

The Federal payment to the general fund—amendment No. 1—is in actual disagreement. The House figure is $25 million and the Senate wants $26 million. The House position is that there is no sense in appropriating money from a Treasury which has a debt of over $280 billion to a Treasury which has a surplus.

Mr. GROSS. Mr. Speaker, will the gentleman yield for a correction?

Mr. RABAUT. I yield to the gentleman from Iowa.

Mr. GROSS. The Federal debt is approximately $292 billion.

I wish to commend the gentleman for opposing the proposed $1 million increase in the Federal contribution to the District of Columbia Government, and I certainly support the position of the House conferees.

Mr. RHODES of Arizona. Mr. Speaker, will the gentleman yield?

Mr. RABAUT. I yield.

Mr. RHODES of Arizona. I am in absolute agreement with the chairman of the subcommittee, the gentleman from Michigan. I think the conference report is a good report. The Federal payment which was provided in the House bill allowed the District of Columbia to have, I think, a good operating budget and still come out at the end of the fiscal year with a small surplus. I ask that the House uphold the conference committee and adopt the conference report.

Mr. RABAUT. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Page 2, line 1, strike out "$25,000,000" and insert "$26,000,000."

Mr. RABAUT. Mr. Speaker, I offer a motion which is at the desk.

The Clerk read as follows:

Mr. RABAUT moves that the House insist upon its disagreement to the amendment of the Senate numbered 1.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 26: Page 36, line 3, insert: "SEC. 15. Section 5 of the District of Columbia Appropriation Act, 1955, is amended to read as follows: 'Hereafter work performed for repairs and improvements may be by contract or otherwise, except for amounts exceeding $5,000 which shall be determined by the Commissioners; and the Commissioners are authorized to establish a working fund for such purposes without fiscal year limitation, said fund to be reimbursed for repairs and improvements performed under that fund from funds available for these purposes, and payments are authorized to be made to said fund in advance if required by the Director of Buildings and Grounds, subject to subsequent adjustments, from funds available for necessary expenses, including allowances for privately owned automobiles.'"

Mr. RABAUT. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate numbered 26 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

BIRTHDAY ANNIVERSARY OF HON. PAUL BROWN, OF GEORGIA

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. RABAUT. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. Mr. Speaker, one of the finest gentlemen I have ever met, truly one of God's noblemen, is our distinguished friend from Georgia [PAUL BROWN]. He enjoys the affection of the people of his district, as he properly should, but the people of his district I know would be very proud to know that he enjoys the affection and the respect of all Members of the House of Representatives without regard to party.

My friendship with him is one that I treasure and value very much. His fine nobility of character, his dedicated service in this body, and his love of America, have always been an inspiration to me as well as to countless others. He has had a remarkable record in the Halls of Congress, dating back to July 5, 1933, when he was sworn in as a Member of the Congress of the United States.

During the past 17 years, with the exception of a few weeks when he was in the hospital as the result of an attack of pneumonia, he has never missed a rollcall, a quorum call nor a committee meeting. This is a remarkable record. It shows his devotion to duty and his dedication to the responsibilities of his high office. Now, why am I making these few remarks about this fine gentleman, this great American but yet this humble man for whom we all have a great affection? It happens I will not be here tomorrow, but tomorrow, Mr. Speaker, is the birthday anniversary of our colleague, PAUL BROWN.

Mr. Speaker, strong bonds of friendship impel me to make these remarks today for I want our friend to know that on tomorrow while I may be physically absent, I will be with him in spirit.

So, Mr. Speaker, I am compelled to make these few remarks today. God has been very good to PAUL BROWN and by PAUL BROWN's thoughts and deeds, he shows to everyone that he appreciates God's goodness to him because if any man in his journey through life exemplifies by his actions the spiritual truths that we receive from God, and if anyone exemplifies the high ideals that flow therefrom to the highest extent humanly possible, it is PAUL BROWN of Georgia. I extend to our colleague my hearty congratulations on the occasion of his birthday anniversary on tomorrow, and in

doing so, Mr. Speaker, I know I express the sentiments of all our colleagues without regard to party. My sincere hope and prayers are that God will continue to shower on PAUL BROWN for countless years to come an abundance of his choicest blessings.

Mr. PRESTON. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. PRESTON. Mr. Speaker, in the absence of the distinguished dean of our Georgia delegation, Hon. CARL VINSON, I would like to express to the distinguished majority leader the appreciation of the members of the Georgia delegation for his kind and appropriate remarks today concerning our most beloved colleague and fellow Member of our delegation. In terms of devotion to duty, he is, indeed, Mr. Speaker, one of the youngest Members in the House of Representatives. His ardor in performing his responsibilities in the most proficient and acceptable way has not diminished through the years. His attendance upon the floor of the House is constant—and is something I have often heard our distinguished Speaker say, that Members should do more often and, that is, to be present when the House of Representatives is in session. Our beloved colleague [PAUL BROWN] is always present on the floor of the House because he feels it is his duty to be here as long as the House is in session. I recall, when I first came to the Congress in 1947, PAUL BROWN became my counselor. Even today, after 14 years of service, I find it helpful to seek his advice and counsel on many matters that perplex me and cause me to seek advice.

So we join here today, I say to the gentleman from Massachusetts, in expressing the hope that our beloved colleague who unquestionably is one of the most well liked and most highly esteemed Members of this body, will enjoy many more happy birthdays and that life will continue to hold for him an abundance of all those things that go to make up a full and well-rounded life—the kind of life that our beloved colleague has enjoyed through the years.

Mr. McCORMACK. Mr. Speaker, I yield to the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Speaker, I just want the RECORD to show at this point that we on our side of the aisle have the same deep affection and high regard for the gentleman from Georgia [Mr. BROWN] as has been so ably expressed.

I have known PAUL BROWN for a long, long time and never has he been anything but a gentleman of the first order. Never have I heard him say an unkind word about anyone, and I suspect that any Member here today could say the same thing about PAUL.

He carries the burdens of his responsibilities in this body with an unassuming grace and is never too busy to lend a helping hand or a word of encouragement to others.

It occurs to me that as this tribute here today is a reflection of the esteem in which we hold him, the fact that his constituents in Georgia have seen fit to return him to the Congress for 14 consecutive terms is likewise a mark of their affection and confidence in our colleague.

To know PAUL BROWN is to admire him and love him, and so happy am I, on this occasion, to join in the best wishes to him for many more happy birthday anniversaries in the years to come.

Mr. McCORMACK. Mr. Speaker, I yield to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, PAUL BROWN and I, and our families, lived in the same apartment building for a great many years. Each morning we rode to the Capitol together. I always found him to be a kindly gentleman and a true southern gentleman. We discussed many things. We did not always agree on political matters, of course, but PAUL BROWN is one of the best friends I have had during all these years.

On behalf of my family, as well as myself, I wish to join with the distinguished majority leader and the equally distinguished minority leader in extending felicitations to PAUL BROWN on his birthday and to wish him many more happy birthday anniversaries.

Mr. McCORMACK. Mr. Speaker, I yield to the gentleman from Texas [Mr. PATMAN].

Mr. PATMAN. Mr. Speaker, I have been closely associated with PAUL BROWN over a long period of time. I want to endorse 100 percent everything that our able and distinguished majority leader has said concerning him. I consider PAUL BROWN one of the most valuable Members of this House.

Mr. McCORMACK. Mr. Speaker, I yield to the gentleman from Indiana [Mr. BARR].

Mr. BARR. Mr. Speaker, I think this body should know that Mr. BROWN has one characteristic that is perhaps not well known to all the Members. He is highly expert at training freshman Congressmen. He happens to be my subcommittee chairman. If I have been of any value to this body or this Nation, it is due in large measure to the careful training that Mr. BROWN has devoted to new Members.

Mr. McCORMACK. Mr. Speaker, I yield to the gentleman from Illinois [Mr. O'HARA].

Mr. O'HARA of Illinois. Mr. Speaker, I know that the beloved dean of the Illinois delegation would wish me to speak. When I came here as a freshman TOM O'BRIEN told me that one of the finest gentlemen he had even known was PAUL BROWN, who was the ranking majority member of the Banking and Currency Committee to which I had been assigned. He introduced me to him. Because of PAUL BROWN's affection for TOM O'BRIEN, I never had a better friend. He accepted me on the word of his friend. I wish that every freshman could be equally blessed. I know TOM O'BRIEN would wish me to express to PAUL BROWN on the eve of his birthday the deep personal love of him in the hearts of all of the Illinois delegation.

Mr. McCORMACK. Mr. Speaker, I yield to the gentlewoman from Michigan [Mrs. GRIFFITHS].

Mrs. GRIFFITHS. Mr. Speaker, as a member of the Banking and Currency Committee, I owe a deep debt of gratitude for the kindness and courtesy with which the gentleman from Georgia, Mr. PAUL BROWN, has treated me and other members of that committee.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that all Members who may care to do so may extend their remarks at this point, and that they may have 5 legislative days in which to do so, in relation to our dear colleague from Georgia, PAUL BROWN.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. VANIK. Mr. Speaker, I want to join in this tribute to our distinguished colleague, the gentleman from Georgia, Mr. PAUL BROWN. As a member of the Banking and Currency Committee and a member of the subcommittee of which the gentleman is chairman, I have had a splendid opportunity to enjoy his warm friendship and his good counsel.

PAUL BROWN is taking his birthdays with grace and with dignity.

Mr. SPENCE. Mr. Speaker, I want to add my small tribute of affection and esteem. PAUL BROWN has served on the Banking and Currency Committee with me for 25 years and for the last 15 years has sat next to me as the senior Democratic member. During that time I have been deeply impressed with his fine character, his genial friendly nature and his devotion to duty. The committee has always been anxious for his council and advice because of his good judgment and sincerity. I know the Members join with me in expressing the wish that PAUL BROWN may have many years of service to his district, his State, and the Nation. His constituents have always held him in deep affection and I am sure they wish him to represent them as long as he desires.

I hope he may have health and happiness and a just reward for all his faithful service.

PARTICIPATION BY THE UNITED STATES IN PARLIAMENTARY CONFERENCES WITH MEXICO

Mr. SELDEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the resolution (H.J. Res. 283) to authorize participation by the United States in parliamentary conferences with Mexico, with a Senate amendment thereto and concur in the Senate amendment.

The Clerk read the title of the resolution and the Senate amendment, as follows:

Page 1, line 4, strike out all after "annually" down to and including "States)" in line 7.

The Senate amendment was concurred in.

A motion to reconsider was laid on the the table.

SPORTS-FISHING INDUSTRY OF CALIFORNIA AND PACIFIC NORTHWEST

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I offer a privileged resolution (H. Res. 472) to authorize printing as a House document a publication entitled "Sports-Fishing Industry in California and the Pacific Northwest," and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That pertinent testimony and research material developed in connection with current problems of the sports-fishing industry of California and the Pacific Northwest be printed as a House document.

The resolution was agreed to.

A motion to reconsider was laid on the table.

OUR AMERICAN GOVERNMENT: WHAT IS IT? HOW DOES IT FUNCTION?

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I offer a privileged resolution (H. Con. Res. 607) authorizing the printing as a House document of the pamphlet entitled "Our American Government: What is it? How Does It Function?" and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That, (a) with the permission of the copyright owner of the book "Our American Government—1,001 Questions on How It Works," with answers by Wright Patman, published by Scholastic Magazines, Inc., there shall be printed as a House document the pamphlet entitled "Our American Government: What Is it? How Does It Function?". In addition to the usual number there shall be printed 2,000 copies for use and distribution by each Member of Congress.

(b) As used in this concurrent resolution the term "Member of Congress" includes a Member of the Senate, a Member of the House of Representatives, and the Resident Commissioner from Puerto Rico.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ADDITIONAL COPIES OF HEARINGS ON SATELLITE AND MISSILE PROGRAMS

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration I offer a resolution (S. Con. Res. 80) authorizing the printing of additional copies of part 1 of the hearings on an inquiry into the satellite and missile programs, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Committee on Armed Services one thousand additional copies of part 1 of the hearings held by that committee on an inquiry into the satellite and missile programs.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING ERECTION IN THE DISTRICT OF COLUMBIA OF A MEMORIAL TO MARY McLEOD BETHUNE

Mr. JONES of Missouri. Mr. Speaker, by direction of the Committee on House Administration I ask unanimous consent for the immediate consideration of House Joint Resolution 502, authorizing the erection in the District of Columbia of a memorial to Mary McLeod Bethune.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There being no objection, the Clerk read the House joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to grant authority to the National Council of Negro Women to erect, on public grounds in the District of Columbia owned by the United States on the date of enactment of this joint resolution, a memorial in honor of Mary McLeod Bethune and in commemoration of the one hundredth anniversary of the signing of the Emancipation Proclamation. The design and location of the memorial shall be approved by the Secretary of the Interior, the Commission of Fine Arts, and the National Capital Planning Commission. The United States shall be put to no expense in or by the erection of this memorial. Unless funds in an amount which the Secretary of the Interior determines sufficient to insure completion of the memorial are certified available, and the erection of the memorial is begun within five years from the date of enactment of this joint resolution, the authorization granted by this joint resolution is revoked.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

Mr. SCHENCK. Mr. Speaker, I ask unanimous consent that the gentlewoman from Ohio [Mrs. BOLTON] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mrs. BOLTON. Mr. Speaker, this resolution authorizes and directs the Secretary of the Interior to grant authority to the National Council of Negro Women to erect a memorial in honor of Mrs. Bethune and the commemoration of the 100th anniversary of the signing of the Emancipation Proclamation. The resolution provides that the memorial shall be located on public grounds in the District of Columbia and that the design and location of the memorial shall be approved by the Secretary of the Interior, the Commission of Fine Arts, and the National Capital Planning Commission, and that the United States shall be put to no expense in the erection of this memorial. Furthermore, there is a provision that unless funds, which in the estimation of the Secretary of the Interior are sufficient to insure the completion of the memorial, are certified available, and the erection of this memorial begun within 5 years from and after the date of passage of this joint resolution, the authorization granted will be revoked. I am happy to say that House Joint Resolution 502 has the support of the Department of the Interior in a report sent to Hon. OMAR BURLESON, chairman of this committee.

Among the Negro people who have truly shared the American dream of freedom none stands higher than the late Mary McLeod Bethune. Rightly called the "first woman of her race," her life work stands as a testimonial to selfless dedication in behalf of her people. She is best known as a founder of the Bethune-Cookman College at Daytona Beach, Fla. In addition to her work in the field of education she responded to the call for service in the Government and occupied many important posts including service under Presidents Coolidge and Hoover as a member of the National Commission for Child Welfare. During the administration of Franklin D. Roosevelt, she was Director of the Office of Negro Affairs, National Youth Administration. Next to building Bethune-Cookman College into a million-dollar coeducational institution, her greatest interest was in founding the National Council of Negro Women. Her dream was accomplished in 1935 and she became the Council's first president, a position she held for 14 years, at which time she became president emeritus. Untimely though her passing was on May 18, 1955, her memory is enriched by her works and her rare spirit.

Mr. Chairman, this is a moment of great significance in the history of mankind's progress toward social justice. Adoption of this resolution will demonstrate that America is taking a further step in keeping faith with its destiny, and will provide renewed inspiration to free peoples throughout the world. It is my hope that the Committee will report House Joint Resolution 502 favorably and that the House will pass it without delay.

In addition to my own remarks, I want to read into the RECORD the testimony of Dorothy I. Height, president of the National Council of Negro Women, who appeared before the Committee on House Administration in support of the joint resolution to authorize the Secretary of the Interior to grant authority to the National Council of Negro Women to erect in the District of Columbia a memorial in honor of their distinguished founder, the late Mary McLeod Bethune:

The National Council of Negro Women is a council of 22 national women's organizations which embrace 850,000 women in all walks of life. Our local councils across the country unite women in religious, social, fraternal, business, and professional groups. We are affiliated with the National Council of Women of the United States and the International Council of Women.

We are a primary source for interpreting the needs, aspirations and contributions of our women at home and abroad. In the summer of 1959, 96 of our representatives toured Western Europe with the blessing of our State Department. In every contact with the councils of women in the European countries we were made aware of the significance of every effort that shares with a sensitive world not only the story of problems but the evidence of the progress and the positive contributions of the darker citizen in American life.

A memorial to honor Mary McLeod Bethune will have significance for people in every segment of American life and in every section of our country. An American of the pioneering tradition, Mary McLeod Bethune meets every ideal as a focus for the recognition of the finest and best in our democracy.

She was born of slave parents in 1875 but lived to counsel Presidents and to see opportunity in an expanding economy unfold for her people. She was a resolute leader with vision and patience. She was a dreamer who translated ideals into action. Her Christian faith gave root to her love for all people. Her faith in youth and in America knew no bounds.

At a time when millions of uncommitted peoples in Asia and Africa have their eyes on the United States it would be a positive demonstration of our country's recognition that whatever one's background, the individual can make a contribution to the American way of life.

At best the problems of daily living take their toll on the human body, mind and spirit. Therefore every individual, every group needs the reassurance of their creative potential that comes from the recognition of one who is a worthy example. In planning this historic honor we sought the thinking of hundreds of citizens and without a dissenting voice the name of Mary McLeod Bethune came thundering back. Leaders at various governmental levels likewise have responded that Mary McLeod Bethune, who herself was a governmental official, is symbolic of the Negro in America. No one would be found more of a unifying figure because of the quality of her life and work.

Nineteen hundred and sixty is the silver anniversary year of the founding of the National Council of Negro Women by Mary McLeod Bethune. During this year our women across the country are rededicating their efforts to giving to America and the world their talents, their time and their resources. We are pledged to recapture the faith of Mary McLeod Bethune who started a school in Florida with $1.50 and five students. Today, Bethune-Cookman College is a multimillion-dollar project.

Mr. Chairman and members of the committee, we not only request that you approve the resolution but we urge your support until the final passage has been accomplished.

As women, we are so caught up in the stream of the life of our country; in home and family; in church and in every facet of the community, both rural and urban, that we believe, and modesty suggests, that this resolution introduced jointly by Congressman BOLTON and Senator MURRAY has significance not only for us but for the whole of our great Nation.

The erection of the first memorial to a citizen of Negro background in the Nation's Capital would be another indication that America as the citadel of democracy expresses her concepts of freedom not only in writing but in giving recognition to the true worth in the individual whatever the individual's background.

In some quarters there is belief that in the decade of the sixties there will be conflict and crisis. We of the National Council of Negro Women believe that so long as we consider our country's history which includes Abraham Lincoln and Mary McLeod Bethune, the future is secure for free men.

Already established in Lincoln Park in the Nation's Capital there is the Emancipation Group Statue which was constructed solely by contributions from emancipated citizens. This monument was initiated by Charlotte Scott, a Negro woman who gave the first $5 she had earned in freedom to establish a monument when she learned of Abraham Lincoln's death.

The Congress in 1875, the year Mrs. Bethune was born, authorized those citizens to erect the existing statue. We believe that an important aspect of the story can be told best by the descendents of those emancipated citizens and others who may seek to join them if there could be erected another memorial which lifts up for all to see a symbol of the progress and contribution which has been made in American life during the 100 years since the signing of the Emancipation Proclamation, a "Century of Freedom" given vitality, strength, and hope through a human being like Mary McLeod Bethune.

Even the preliminary planning for the development of this project has been met with enthusiastic response all over the country. The file of letters and wires of endorsement, the inquiries of individuals, young and old, whose lives Mrs. Bethune influenced, the stream of interest expressed by community leaders all continue to come as if millions of people were waiting for a suitable means to give tangible expression to the unparalleled leadership of Mrs. Bethune and a positive focus to the commemoration in 1963, of the Century of Freedom.

Mr. Chairman, on behalf of the National Council of Negro Women, I want to thank you for giving us the opportunity to present our testimony.

Mr. Speaker, the action of the House today is a most constructive one which will bring deep satisfaction to many millions of our citizenry.

THE FIRST OFFICIAL FLAG OF THE UNITED STATES BEARING 50 STARS

Mr. JONES of Missouri. Mr. Speaker, by direction of the Committee on House Administration, I ask unanimous consent for the immediate consideration of House Joint Resolution 546, authorizing the Architect of the Capitol to present to the Senators and Representative in the Congress from the State of Hawaii the first official flag of the United States bearing 50 stars and which is flown over the west front of the U.S. Capitol.

The Clerk read the title of the House joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. JONES]?

There being no objection, the Clerk read the House joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Architect of the Capitol is hereby authorized and directed to present to the Senators and Representative in Congress from the State of Hawaii the first official flag of the United States bearing fifty stars, and which is flown over the west front of the United States Capitol, for presentation by such Senators and Representative to the Pacific National Memorial Cemetery in Puowaina (Punchbowl) in honor and memory of the men and women of Hawaii who made the supreme sacrifice in the defense of the United States of America.

With the following committee amendments:

Page 1, line 5, strike out the word "first".

Page 1, line 6, strike out the word "and"; and following the word "is" insert "first".

The committee amendments were agreed to.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "Authorizing the Architect of the Capitol to present to the Senators and Representative in the Congress from the State of Hawaii the official flag of the United States bearing fifty stars which is first flown over the west front of the U.S. Capitol."

A motion to reconsider was laid on the table.

Mr. JONES of Missouri. Mr. Speaker, I ask unanimous consent that the gentleman from Hawaii [Mr. INOUYE] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. INOUYE. Mr. Speaker, much has been said and much has been done to eulogize and honor the memory of our men and women who gave so gallantly of their lives in defense of our Nation. Try as we might, every effort on the part of those now living to pay tribute to their sacrifice appears to be an almost insignificant gesture. There seems to little we can do and give which can and will measure up to that which they have done and given for us and our Nation; nothing, however, will prevent us from trying, and I know that no matter where our revered dead may lie, our sincere efforts, small as they may be, to perpetuate their memory and above all rededicate ourselves to those ideals for which they gave of themselves, goes not unnoticed.

When the call to battle was sounded, the men and women of Hawaii responded as did the sons and daughters of our then 48 States. American in every respect, save and except for political equality by virtue of its then territorial status, Hawaii was then and prior thereto engaged in a different kind of battle—the fight to attain equal status with the 48 States of the Union and the right to be included within the sisterhood of States. This desire to become a part of the Union transcended the mere acquisition of prestige; it was a fulfillment, a recognition of that which every American is entitled to—first-class citizenship in the United States of America.

Hawaii's men and women, though denied this fulfillment for many years, nevertheless acted in concert and in the spirit that is wholly and commendably American. At a time when the loyalty of a segment of Hawaii's population was suspect, and at a time when it would

summer of 1959, 96 of our representatives toured Western Europe with the blessing of our State Department. In every contact with the councils of women in the European countries we were made aware of the significance of every effort that shares with a sensitive world not only the story of problems but the evidence of the progress and the positive contributions of the darker citizen in American life.

A memorial to honor Mary McLeod Bethune will have significance for people in every segment of American life and in every section of our country. An American of the pioneering tradition, Mary McLeod Bethune meets every ideal as a focus for the recognition of the finest and best in our democracy.

She was born of slave parents in 1875 but lived to counsel Presidents and to see opportunity in an expanding economy unfold for her people. She was a resolute leader with vision and patience. She was a dreamer who translated ideals into action. Her Christian faith gave root to her love for all people. Her faith in youth and in America knew no bounds.

At a time when millions of uncommitted peoples in Asia and Africa have their eyes on the United States it would be a positive demonstration of our country's recognition that whatever one's background, the individual can make a contribution to the American way of life.

At best the problems of daily living take their toll on the human body, mind and spirit. Therefore every individual, every group needs the reassurance of their creative potential that comes from the recognition of one who is a worthy example. In planning this historic honor we sought the thinking of hundreds of citizens and without a dissenting voice the name of Mary McLeod Bethune came thundering back. Leaders at various governmental levels likewise have responded that Mary McLeod Bethune, who herself was a governmental official, is symbolic of the Negro in America. No one would be found more of a unifying figure because of the quality of her life and work.

Nineteen hundred and sixty is the silver anniversary year of the founding of the National Council of Negro Women by Mary McLeod Bethune. During this year our women across the country are rededicating their efforts to giving to America and the world their talents, their time and their resources. We are pledged to recapture the faith of Mary McLeod Bethune who started a school in Florida with $1.50 and five students. Today, Bethune-Cookman College is a multimillion-dollar project.

Mr. Chairman and members of the committee, we not only request that you approve the resolution but we urge your support until the final passage has been accomplished.

As women, we are so caught up in the stream of the life of our country; in home and family; in church and in every facet of the community, both rural and urban, that we believe, and modesty suggests, that this resolution introduced jointly by Congressman BOLTON and Senator MURRAY has significance not only for us but for the whole of our great Nation.

The erection of the first memorial to a citizen of Negro background in the Nation's Capital would be another indication that America as the citadel of democracy expresses her concepts of freedom not only in

consider our country's history which includes Abraham Lincoln and Mary McLeod Bethune, the future is secure for free men.

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The Congress in 1878, the year Mrs. Bethune was born, authorized those citizens to erect the existing statue. We believe that an important aspect of the story can be told best by the descendents of those emancipated citizens and others who may seek to join them if there could be erected another memorial which lifts up for all to see a symbol of the progress and contribution which has been made in American life during the 100 years since the signing of the Emancipation Proclamation, a "Century of Freedom" given vitality, strength, and hope through a human being like Mary McLeod Bethune.

Even the preliminary planning for the development of this project has been met with enthusiastic response all over the country. The file of letters and wires of endorsement, the inquiries of individuals, young and old, whose lives Mrs. Bethune influenced, the stream of interest expressed by community leaders all continue to come as if millions of people were waiting for a suitable means to give tangible expression to the unparalleled leadership of Mrs. Bethune and a positive focus to the commemoration in 1963, of the Century of Freedom.

Mr. Chairman, on behalf of the National Council of Negro Women, I want to thank you for giving us the opportunity to present our testimony.

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The Clerk read the title of the House joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. JONES]?

There being no objection, the Clerk read the House joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Architect of the Capitol is hereby authorized and directed to present to the Senators and Rep-

bowl) in honor and memory of the men and women of Hawaii who made the supreme sacrifice in the defense of the United States of America.

With the following committee amendments:

Page 1, line 5, strike out the word "first".
Page 1, line 6, strike out the word "and"; and following the word "is" insert "first".

The committee amendments were agreed to.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "Authorizing the Architect of the Capitol to present to the Senators and Representative in the Congress from the State of Hawaii the official flag of the United States bearing fifty stars which is first flown over the west front of the U.S. Capitol."

A motion to reconsider was laid on the table.

Mr. JONES of Missouri. Mr. Speaker, I ask unanimous consent that the gentleman from Hawaii [Mr. INOUYE] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. INOUYE. Mr. Speaker, much has been said and much has been done to eulogize and honor the memory of our men and women who gave so gallantly of their lives in defense of our Nation. Try as we might, every effort on the part of those now living to pay tribute to their sacrifice appears to be an almost insignificant gesture. There seems to little we can do and give which can and will measure up to that which they have done and given for us and our Nation; nothing, however, will prevent us from trying, and I know that no matter where our revered dead may lie, our sincere efforts, small as they may be, to perpetuate their memory and above all rededicate ourselves to those ideals for which they gave of themselves, goes not unnoticed.

When the call to battle was sounded, the men and women of Hawaii responded as did the sons and daughters of our then 48 States. American in every respect, save and except for political equality by virtue of its then territorial status, Hawaii was then and prior thereto engaged in a different kind of battle—the fight to attain equal status with the 48 States of the Union and the right to be included within the sisterhood of States. This desire to become a part of the Union transcended the mere acquisition of prestige; it was a fulfillment, a recognition of that which every American is entitled to—first-class citizenship in the United States of America.

Hawaii's men and women, though

have been understandable for this suspect group to sit back and take a neutral attitude, the ingrained Americanism of these people, in fact of all the people in Hawaii, could not be contained. There was a unified cry for the opportunity to show their loyalty, their faith, their Americanism.

On January 23, 1943, Franklin D. Roosevelt, then President of the United States said:

> No loyal citizen of the United States should be denied the democratic right to exercise the responsibilities of his citizenship regardless of his ancestry. The principle on which this country was founded and by which it has always been governed is that Americanism is a matter of the mind and heart; Americanism is not, and never was, a matter of race or ancestry. A good American is one which is loyal to this country and to our creed of liberty and democracy. Every loyal American citizen should be given an opportunity to serve this country wherever his skills will make the greatest contribution—whether it be in the ranks of our Armed Forces, war production, agriculture, Government service, or other work essential to the war effort.

And Hawaii's men and women, given the opportunity, did just that.

Those who joined our Armed Forces vindicated themselves admirably. Their record shows that no son of Hawaii ever became a traitor, deserter, or turncoat during World War II or the Korean conflict; they had the lowest a.w.o.l. rating and most of the men who did absent themselves without proper leave absented themselves from the hospitals to return to the front lines; they had one of the lowest prisoner of war ratings; they suffered the highest casualty rate per capita in the United States and more Hawaiians were killed or wounded in these two wars, per capita, than any other State in the Union.

Loyalty? Faith? Americanism?

Those who died in battle never saw the fruition of their efforts. True, they may not have given their lives merely to achieve statehood for Hawaii, but it can never be said that their sacrifice did not tip the balance which finally gave to Hawaii its long cherished goal of statehood. Gone were the doubts of Hawaii's loyalty, and Hawaii's gratefulness to its men and women who died to prove this knows no end.

On August 21, 1959, Hawaii became officially the 50th State of the Union. On July 4, 1960, the flag of the United States will fly with greater glory over the Capitol of this our United States, and on this flag, Hawaii will be sharing its rightful place on the field of blue as the 50th star. Where else could this historic flag continue to fly than over the final resting place of our honored dead who gave so much to make the 50-star flag of the United States a reality?

To this end, Mr. Speaker, I and the people of Hawaii are grateful to the House of Representatives of the Congress of the United States, for adopting my bill, House Joint Resolution 546, authorizing the Architect of the Capitol to present to the Senators and Representative in Congress from the State of Hawaii the first official flag of the United States bearing 50 stars and which is flown over the west front of the U.S. Capitol. This flag will be presented by the Senators and Representative to the Pacific National Memorial Cemetery in Puowains—Punchbowl—in memory of the men and women of Hawaii who made the supreme sacrifice in defense of the United States of America.

It is but another small token to our honored dead to whom we of Hawaii owe so much.

COMMISSION TO FORMULATE PLANS FOR A MEMORIAL TO JAMES MADISON

Mr. JONES of Missouri. Mr. Speaker, by direction of the Committee on House Administration, I ask unanimous consent for the immediate consideration of Senate Joint Resolution 128 to establish a commission to formulate plans for a memorial to James Madison.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. JONES]?

There being no objection, the Clerk read the Senate joint resolution, as follows:

Whereas the most precious possession of our people is the rights and liberties which were obtained and insured for them when our Nation was founded; and

Whereas James Madison played a leading role in the formulation and adoption of our Constitution and Bill of Rights, the source and bulwark of these rights and liberties; and

Whereas he further served our Nation with dedication as Secretary of State under Thomas Jefferson and as our fourth President: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a commission, to be known as the "James Madison Memorial Commission" (hereinafter referred to as the "Commission"), for the purpose of considering and formulating plans for the design, construction, and location of a permanent memorial to James Madison in the city of Washington, District of Columbia, or in its immediate environs. The Commission shall be composed of twelve Commissioners appointed as follows: Four persons to be appointed by the President of the United States, four Senators by the President of the Senate, and four Members of the House of Representatives by the Speaker of the House of Representatives. The Commissioners shall serve without compensation, but may be reimbursed for expenses incurred by them in carrying out the duties of the Commission. The Commission shall report such plans, together with its recommendations, to the President and Congress at the earliest practicable date, and in the interim shall make annual reports of its progress to the President and Congress.

Sec. 2. The Commission is authorized to—

(a) make such expenditures for personal services and otherwise for the purpose of carrying out the provisions of this joint resolution as it may deem advisable from funds appropriated or received as gifts for such purpose;

(b) accept gifts to be used in carrying out the provisions of this joint resolution or to be used in connection with the construction or other expenses of such memorial;

(c) hold hearings, organize contests, enter into contracts for personal services and otherwise, and do such other things as may be necessary to carry out the provisions of this joint resolution; and

(d) avail itself of the assistance and advice of the Commission of Fine Arts, the National Capital Planning Commission, and the National Capital Region Planning Council, and such Commissions and Council shall, upon request, render such assistance and advice.

Sec. 3. The Commission shall give particular study to the feasibility of utilizing the columns taken from the old East Front of the Capitol in formulating plans for such memorial.

Sec. 4. There is authorized to be appropriated not more than $10,000 to carry out the provisions of this joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE DISPOSAL OF NATURAL RUBBER FROM THE NATIONAL STOCKPILE

Mr. KILDAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of House Concurrent Resolution 582.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of House Concurrent Resolution 582, with Mr. HAYS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. KILDAY. Mr. Chairman, I yield myself 10 minutes.

Mr. KILDAY. Mr. Chairman, the concurrent resolutions which the House has before it today is quite simple.

As I am sure you are aware, many items in the stockpile are disposed of from time to time without congressional approval. In this connection, perhaps I should refer briefly to the basic law on the subject in order that there may be a clear understanding of when congressional approval is required for the disposition of materials in the national stockpile and when congressional approval is not required.

The basic law which is the Strategic and Critical Materials Stockpiling Act originally enacted in 1946 places the responsibility in the Director of the Office of Civil and Defense Mobilization "to determine, from time to time, which materials are strategic and critical under the provisions of this act and to determine, from time to time, the quality and quantities of such materials which shall be stockpiled under the provisions of this act."

Another section of the act provides that the Director of OCDM shall direct the Administrator of General Services Administration to dispose of materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to the act. the law states that no disposition shall be made until 6 months after publication in the Federal Register and transmission of a notice of the proposed disposition to the Congress and to the Armed Services Committee of each House.

This publication in the Federal Register and the notification to the committees must state the reasons for the revised determination, the amount of material to be released, the plan of disposition proposed to be followed, and the date upon which the material is to become available for sale or transfer.

Provision is also made that the plan and date of disposition shall be fixed with proper regard to the protection of the United States against avoidable loss on the sale of materials, and also for the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

This portion of the law contains a proviso which is of particular importance in the light of the resolution which the House has before it. This proviso reads as follows:

> *Provided*, That no material constituting a part of the stockpiles may be disposed of without the express approval of the Congress except where the revised determination is by reason of obsolescence of that material for use in time of war.
>
> For the purposes of this paragraph a revised determination is by reason of obsolescence if such determination is on account of (1) deterioration, (2) development or discovery of a new or better material or materials, or (3) no further usefulness for use in time of war.

The natural rubber which is the subject of this resolution has not as of this time deteriorated and it is for this reason that its disposal requires the approval of the Congress.

Actually the amount of rubber which would be disposed of pursuant to this resolution would be something less than 470,000 tons since already some rubber has been disposed of to prevent deterioration and, depending on how much rubber is sold each year during the period of this disposal plan, additional rubber which is about to deteriorate may well be sold. All of this rubber together will total 470,000 long tons. But no authority would be required for that rubber which was about to deteriorate.

The question naturally arises as to why the Government should dispose of this rubber. Why not just keep it? The reasons are several. The most important of them are three.

First. The rubber stockpile was based until recently on a 5-year emergency period. The National Security Council, the Joint Chiefs of Staff, and the Office of Civil and Defense Mobilization arrived at a common agreement that a 3-year supply of natural rubber would be adequate for our purposes. This in itself immediately created a surplus of rubber in the stockpile.

A second prime reason is the lower requirements of the military for natural rubber. This lower requirement in itself contains several elements. One of them is that the actual use of rubber by our military in connection with modern weapons systems is less than it was before. An easily comprehended example of this is the change from aircraft to missiles.

Third, and last among the prime reasons supporting the disposal of this rubber is the development of synthetic rubber.

Where once we were almost entirely dependent on natural rubber—and on natural rubber which came to us from Indonesia and Malaya—we now have a synthetic rubber industry which today supplies over 65 percent of all new rubber consumed.

In other words, the whole situation is changed: the emergency period has been revised by responsible officials, the military actually uses less rubber today than it formerly used, and the synthetic rubber industry is now an evergrowing source of rubber.

The next question that naturally arises is why the rubber should be disposed of at this time. The principal reason is that there is a shortage of natural rubber in the world today. The production of natural rubber throughout the world is somewhat less than the consumption and this will continue at least through 1965.

For example, the average acquisition cost of natural rubber acquired for the national stockpile was 34½ cents a pound. On January 26, 1960, the best grade of natural rubber was selling in New York at 40 cents a pound. Prior to this time, the price has been less than the average purchase price and this clearly indicates that this is the time to sell.

And from this arises still another question as to whether this disposal of rubber will not upset the market.

In the first place, the disposal will be over a period of 9 years with about 50,000 tons a year being sold.

Sales of this amount will not exceed 2.5 percent of total world consumption and would be approximately 9 percent of domestic consumption. So I believe I can say with complete accuracy that there is not going to be any effect on the rubber market itself.

As a matter of fact, the Director of the Office of Civil and Defense Mobilization has conferred with all the big rubber users and, with representatives of foreign governments and the committee was assured that the general reaction has been favorable. Also, both the Department of State and the Department of Commerce feel that this disposal is a proper thing to do.

I want to mention the economics of this disposal plan. The total amount of rubber to be sold is worth today something in the order of $400 million. And we can expect that this figure would represent the total recovery by the Government over the 9-year period.

In view of the difference in price between the cost of the rubber originally and what we expect will be the selling price, we should recover a profit of somewhere between $25 million and $30 million.

In addition to this anticipated profit, I want to point out that very substantial savings would be achieved over the years by reason of the fact that this rubber would not require warehousing and would not require rotation of the rubber with all of its attendant costs. The computation of these savings is a rather technical matter and one which I have had carefully checked by the General Services Administration.

First, if we assume an average sale of 50,000 long tons of rubber per year over a 9-year period, the total storage cost saving to the Government would approximate $7.4 million.

This figure is arrived at by applying an average annual storage cost of $3.20 per long ton on a cumulative basis over the life of the proposed disposal plan.

This $3.20 per ton represents only actual storage charges and does not include transportation or other charges. It was arrived at by averaging charges at commercial, General Services Administration, and military warehouses.

Incidentally, I should note at this time that rubber is not stored under refrigeration. However, natural rubber becomes frozen when exposed to a temperature below 40° with the result that substantial quantities of the rubber in the stockpile is in a frozen state. I mention this fact only because it is generally known that much rubber in the stockpile is frozen and I feel that the impression may have arisen that it is stored in refrigerated warehouses.

If the disposal plan is accepted and carried through, there of course would be no necessity for rotating stockpile rubber to prevent deterioration. Long-range estimates indicate that approximately 40,000 long tons of rubber would have to be rotated annually at a cost of $83.55 per long ton. By eliminating the necessity for this rotation, the Government will realize an annual saving of some $3,342,000 or a total saving over the 9-year period in excess of $30 million.

I feel I should explain this rotation figure of $83.55 per ton. It is broken down as follows:

Transportation (per long ton)	$16.20
Handling (per ton)	7.84
Weighing and opening for inspection (per ton)	5.60
Quality and condition allowances (per ton)	53.91
Total	83.55

The largest element of this is quality and condition allowances, which refers to general practice in the trade, including the international trade whereby the seller of rubber guarantees that the rubber will meet a certain standard. If the standard is not met, the seller must permit an allowance for the difference between the rubber represented and the rubber which was actually sold. This can cause a variation of several cents per pound and $53.91 per ton, the figure that I have used, would represent about 2½ cents per pound.

These figures alone represent a savings over the 9-year period of something in excess of about $37.4 million.

On the basis of this I feel that the House will agree, all factors taken into consideration—military considerations, economics, and the market itself, all indicate that this rubber should be sold and should be sold at this time.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield.

Mr. MONAGAN. Mr. Chairman, I think the gentleman has made a most interesting statement of a situation which is very unusual in governmental experience, one in which we are selling a product that we have accumulated, not only at the original price, in a sense, but at a profit. Certainly he is to be complimented for that.

Mr. KILDAY. I might say in that connection that this is my first experience of that kind, also.

Mr. MONAGAN. Mr. Chairman, I would like to ask the gentleman if he can tell us a little bit more about the method of the disposal of this rubber.

Mr. KILDAY. The rubber is to be sold on the market; not by competitive bid but at the market price in existence. Of course, the General Services Administration will act as the disposal agent. I should say first that the concurrent resolution before us simply gives the express approval of the Congress to the disposition, but states "in accordance with the plan of disposal published by General Services Administration in the Federal Register." That indicates it will be over a 9-year period, which would automatically set, more or less, 50,000 tons per year sold in the open market, not by aid.

Mr. MONAGAN. This would not be true surplus property?

Mr. KILDAY. That is true. It would be under the management powers of the OCDM as exercised by GSA under the General Stockpiling Act.

Mr. MONAGAN. I thank the gentleman.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield to the gentleman from Iowa.

Mr. GROSS. I still am not clear as to the necessity for this concurrent resolution. The proposal was published in the Federal Register on September 15, 1959, to take effect 6 months thereafter, and therefore I assume the sales program is already underway. Is this resolution designed to accelerate the selling?

Mr. KILDAY. I will say to the gentleman from Iowa that the basic law, the Stockpiling Act, itself contains provision for the publication of a plan in the Federal Register. Then it contains an additional proviso which I quoted a moment ago:

Provided, That no material constituting a part of the stockpiles may be disposed of without the express approval of the Congress except where the revised determination is by reason of obsolescence of that material for use in time of war.

So as a double safeguard, it was provided they could dispose of this material only after publication for 6 months in the Federal Register, and after a specific approval by the Congress, whichever is the later.

Mr. GROSS. The thing that prompts my curiosity is that last summer a bill came out of the gentleman's committee, the House Committee on Armed Services, for the disposal of a large amount of coconut oil which had been imported from the Philippines and stockpiled for defense. I stopped the bill on the Consent Calendar for the reason that the General Services Administration had printed in the Federal Register last June a plan for disposal to become effective 6 months thereafter. I further objected to the bill on the ground that accelerating the disposal would endanger the orderly marketing of domestically produced soybeans and soybean products last fall, because there had been no previous warning to American farmers and the processors of soybeans that a plan for disposal of coconut oil was even being contemplated. The bill from the gentleman's committee last year was designed to accelerate the sale.

Mr. KILDAY. My understanding is that acceleration was the basis for the resolution in the instance the gentleman mentions, but that is not true in this instance. I might say that we probably learned our lesson from the gentleman from Iowa last fall.

Mr. ARENDS. Mr. Chairman, I yield myself such time as I may desire.

Mr. Chairman, the gentleman from Texas [Mr. KILDAY] has stated in clear and convincing terms all of the facts concerning this rubber disposal plan.

The facts speak for themselves. Simply stated, we have a great deal more natural rubber in the national stockpile than we need. Requirement changes of the military, a reduction of the emergency period from 5 years to 3 years, the ever-growing synthetic rubber industry, and the condition of the rubber market generally—all dictate that the sensible course for us to pursue is to sell this rubber as the resolution provides.

In addition to the lack of need for the rubber which in itself would be sufficient reason for its disposal, we will recover very substantial profits from the sale and effect quite considerable savings by reason of our not having to warehouse and rotate the rubber.

This disposal plan has been carefully thought out. All of the Government agencies concerned have been consulted and have expressed their agreement. Even the rubber industry itself in the United States is in accord with this plan.

I think that we can feel assured that the disposal will be carried out in an orderly, efficient, and wholly productive manner with all of the safeguards attendant on a program of this kind clearly anticipated by the General Services Administration.

In this connection, I would point out that the General Services Administration has established an interagency group which will provide it with current advice and recommendations in regard to the quantities that should be sold from time to time in the light of market conditions at those particular times. As the report on the resolution notes, this committee consists of representatives from the Office of Civil and Defense Mobilization, the Departments of State and Commerce, and the General Services Administration.

One concluding thought. The decision to sell this rubber has not been made by any one agency of the executive branch but is the result of the combined thinking of all of the responsible agencies—military and civilian—within the executive branch.

I believe it was mentioned that the decision to lower the emergency period from 5 to 3 years, which actually is the greatest contributing factor to the existence of the surplus of rubber in the national stockpile was a decision participated in by the National Security Council, the Joint Chiefs of Staff, and the military heads of our Department of Defense.

To me, this is a clear indication of a well coordinated, well thought out plan and one which both sides of the aisle can support without hesitation.

Mr. KILDAY. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia [Mr. BROWN].

Mr. BROWN of Georgia. Mr. Chairman, House Concurrent Resolution 582 would authorize the disposal of approximately 470,000 long tons of natural rubber from the stockpile in accordance with a plan of the General Services Administration.

Under the Strategic and Critical Materials Stockpiling Act the Director of the Office of Civil and Defense Mobilization is authorized and directed to determine from time to time which materials are strategic and critical and the quality and quantity of the materials which should be stockpiled.

The act also provides that the Director of OCDM shall direct the Administrator of GSA to dispose of any materials held which are no longer needed because of any revised determination made under the act. No material constituting a part of the stockpile may be disposed of without the express approval of the Congress except by reason of obsolescence. Obsolescence includes, first, deterioration; second, development or discovery of a new or better material; or third, no further usefulness in time of war.

House Report No. 1260 states that congressional action is required for the disposal of this rubber since this material has not deteriorated and is not obsolescent.

OCDM has determined that there is no longer any need for stockpiling the 470,000 long tons of rubber covered by the resolution. The revised determination of OCDM was by reason of lower military requirements, technological advances, and a reduction of the planning basis from a 5-year war to a 3-year war.

The objective of GSA is to dispose of the 470,000 long tons of rubber over a period of 9 years. The sales are to be made in such manner as to not disrupt markets.

The report states that there is now a strong demand for natural rubber which the rubber consuming industries feel will continue for several years. The rubber consuming industries were consulted, and the report states that they agree with the broad features of the plan.

The report also states that the rapid advances of the synthetic rubber industry are expected to continue and to make further inroads on the proportion of natural rubber to total rubber consumed. It is also stated that as the industry continues to increase its productive capacity for synthetics the need for stockpiling rubber will decline.

The report states that natural rubber is no longer a unique product, and that the consumption of synthetic rubber has increased so substantially that it is now the dominant factor in the market. Recent developments have resulted in a synthetic product which can be completely substituted for natural rubber in the production of truck tires, where natural rubber previously had to be used in combination with synthetic rubber. Continued research promises the development of new synthetics with properties superior to those of natural rubber.

The report indicates that the sale of natural rubber would probably relieve a shortage in the civilian market until about 1965. It is also indicated that the natural rubber could be disposed of at prices advantageous to the Government, since natural rubber prices are now at high levels.

In summary, the report indicates that the quantity of 470,000 long tons of natural rubber which would be sold from the stockpile is not needed for defense purposes, that natural rubber is now less important to defense than in previous years, that the sale of the 470,000 tons of natural rubber would be carried out over a period of 9 years, that the rubber consuming industries agree with the broad objectives of the proposal, that the anticipated prices to be received are advantageous to the Government in comparison with the cost, that stockpiling requirements are now less because of planning based on a 3-year war rather than a 5-year war, and that natural rubber is no longer a unique product.

Mr. HOFFMAN of Michigan. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Obviously a quorum is not present.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 39]

Alexander	Dwyer	Mills
Anderson, Mont.	Evins	Mitchell
Auchincloss	Flynn	Morgan
Ayres	Gavin	Morris, N. Mex.
Barden	Grant	Moulder
Barry	Hargis	Powell
Baumhart	Holifield	Rains
Blatnik	Jackson	Reece, Tenn.
Blitch	Kearns	Reuss
Bolling	Keogh	Rivers, S.C.
Bonner	Kilburn	Shelley
Breeding	Loser	Sheppard
Brewster	McDowell	Short
Buckley	McIntire	Spence
Canfield	McMillan	Taber
Celler	Macdonald	Taylor
Chiperfield	Magnuson	Thompson, N.J.
Cunningham	Martin	Tollefson
Dent	Mason	Vinson
Dowdy	Miller, George P.	Walter
Durham	Milliken	Weaver
		Willis

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. HAYS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the resolution House Concurrent Resolution 582, and finding itself without a quorum, he had directed the roll to be called, when 366 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. ARENDS. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. AVERY].

Mr. AVERY. Mr. Chairman, I have requested this time that I may ask a question or two of the chairman of the subcommittee bringing this concurrent resolution to the floor today. I have read the committee report and I find no reference as to where this supply of rubber is stored. I know that part of it is stored in a Government warehouse. Is it all in Government-owned warehouses, or is some of this stored in private warehouses as well?

Mr. KILDAY. The rubber in the stockpile is stored in many individual warehouses. There are three categories of warehouses: the regular commercial warehouse, military-government warehouse, and Government warehouse. It is stored in all three.

Mr. AVERY. I would like to ask another question of the gentleman from Texas. Is there anything in the legislative history as to the priority in the disposal of the rubber? This could get to be quite an item. I notice that the cost of storing the rubber is $3.20 a ton per year plus the cost of rotating. The order of disposal could involve considerable cost differential as far as the warehousing is concerned.

Mr. KILDAY. Of course, there is the element of deterioration that comes in; not actual deterioration but the likelihood of deterioration. So, in the disposition of this rubber, as well as under the general powers of the Stockpiling Act, it has been suggested that that rubber most likely to enter a stage of deterioration be disposed of first. Thereafter it would be within the management powers of the OCDM or the General Services Administration, acting as the disposal agent to dispose of it, to determine which warehouse stock should be disposed of next. I should think there would be a number of things to be taken into consideration: geographical location, availability of markets and the cost of warehousing, also, would be an element.

Mr. AVERY. Would the gentleman from Texas agree with me then, if I have understood his response and interpreted it correctly, that assuming the factor of deterioration would be equal and the other matters he mentioned being equal, then the rubber should first be disposed of out of a commercial warehouse, leaving it stored for a longer length of time in the Government warehouse at a less cost to the Government?

Mr. KILDAY. May I point this out in that connection. The cost of storing a long ton of rubber in a commercial warehouse is $10.50 per year.

Mr. AVERY. Does that include rotating?

Mr. KILDAY. No, that is storage. The $3.20, the figure the gentleman just used and which I used in the statement I made a moment ago, is the average of all warehouses; so that the economic factor the gentleman mentions is certainly present, that in the commercial warehouse it costs a good deal more than in the Government warehouse. I might remark that $10.50 would probably seem high unless we bear in mind, for instance, that a short ton of cotton costs $10.25; so that the cost is comparable.

Mr. AVERY. I thank the gentleman from Texas. I should like to add this one note: Certainly I am not one who would want to encourage the Government to get into competition with private industry; in fact, I would like to oppose it at every opportunity. But since we have already built these warehouses at public expense and they are under the ownership and direction of the General Services Administration, certainly I think we ought to utilize them rather than pay a commercial warehouse a higher fee for storing it outside the Government facility.

Mr. KILDAY. I agree with the gentleman, and I am sure the General Services Administration will take that into consideration.

Mr. ARENDS. Mr. Chairman, I have no more requests for time.

Mr. KILDAY. Mr. Chairman, I yield 15 minutes to the gentleman from Virginia [Mr. HARDY].

Mr. HARDY. Mr. Chairman, I wish I could really be sure what the situation is concerning the adequacy of the rubber stockpile. The request for this resolution was supported by testimony before the committee of Mr. J. Roy Price from the Office of Civil and Defense Mobilization. Basically, it is contended that we have more rubber in the stockpile than we need. If this is so, then certainly the excess should be disposed of.

I recall so well the situation we faced because of rubber shortage during the World War II period. We ought to make certain now that our stocks of natural rubber in the stockpile are sufficient to meet the needs of defense in case the cold war should erupt into a hot one.

Now I do not profess to be an expert on defense requirements for natural rubber, but I do know that our present inventory was built up to meet the Nation's needs, carefully worked out by persons who were supposed to be expert in this field. It is now stated that requirements have changed, but we are not given a very clear idea of just what factors have changed and the extent to which defense requirements for rubber, in the event of war, have been reduced.

The resolution before us anticipates that there will be sold from the stockpile approximately 470,000 tons of natural rubber. This represents a lot of money—about $400 million. This rubber is supposed to be surplus to our requirements, but just exactly how this figure was arrived at is unclear, except that it was based upon lower military requirements, technological advance, and a reduction in the planning basis for stockpiling from a 5-year to a 3-year potential emergency. Apparently this reduction in the length of the expected emergency is the main basis for the reduction.

While I am not expert in this matter I shall accept OCDM's determination only with misgivings. And I say that

because if we are to err in this I would much prefer that it be on the high side instead of the low side. Moreover, since we already have accumulated this stockpile, it might be wiser to proceed slowly with reductions and sell without replacement only that amount required to keep our stockpile of high quality and good condition.

I am also disturbed by certain recent occurrences in connection with the program of disposal. For some time now, I have observed a growing tendency of the administration to withhold information, not only from the public, but also from the Congress. In this matter of disposal of rubber the same old problem has arisen again. Now I do not want to be misunderstood. I thoroughly subscribe to the principle that information which affects security interests of the United States cannot and should not be disclosed, but I think that clearly is not the situation in the instant case.

When representatives of OCDM testified before the Armed Services Committee concerning this matter they were very reluctant to admit that a plan for disposing of this rubber had been worked out and submitted by OCDM to GSA last September. In the appropriations bill last year there was a little legislation which authorized GSA to dispose of natural rubber, without replacement, to prevent deterioration. Previously it was required that a like amount be purchased in order to keep the stockpile at its objective. In testifying to the Appropriations Committee last year GSA represented that 40,000 long tons should be rotated during fiscal 1960. The Appropriations Committee recommended that this withdrawal not be replaced and the Congress approved that language. The language in the appropriations act did not limit the amount which could be disposed of, but as I read the hearing the inference is clear that the amount which would be sold was 40,000 tons.

On October 2, 1959, GSA issued a press release announcing that it would begin the sale on October 16, 1959, without replacement of "the natural rubber required to be rotated during fiscal year ending June 30, 1960." We now know that as of that date plans were being worked out, and in fact had been pretty well completed for the disposal of the amounts proposed to be sold under this resolution.

Now on this matter of secrecy. I questioned Mr. Price when he was before our committee about the procedure which would be employed and about instructions which he had issued to GSA. He said those instructions were secret, but in the course of testimony he admitted that they had been the subject of negotiation with many foreign governments, and so only the U.S. taxpayers, including the rubber industry and the Congress, were uninformed. I felt very keenly that certainly the committee was entitled to the information, and finally Mr. Price agreed to send to the committee copies of the letters in question. They were sent up a day or two later, but the classification which I had understood was "secret" had been changed to "for official use only." Frankly after reading the letters I could not understand any reason why the information should not be made available to the general public, but this was beyond my authority so I just sent the letters back to the chairman of our committee.

I had stated at the time of our hearings that I intended to talk about this matter when the resolution was being considered on the floor, and I understood that other Members of Congress, who were familiar with the content of the letters, had expressed doubt about the propriety of continuing to conceal it, especially after it was reasonably assumed that the matter was well known among interested people in foreign countries. I wonder whether it is pure coincidence that after the rule had been granted—that very day—a letter from OCDM came up to the chairman of our committee stating that the classification had been lifted from the three letters involved. These letters are as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF CIVIL DEFENSE MOBILIZATION,
Washington, D.C., September 2, 1959.

Hon. FRANKLIN G. FLOETE,
Administrator, General Services Administration, Washington, D.C.

DEAR MR. FLOETE: On May 18, 1959, you sent me a proposed plan for the disposal of surplus natural rubber, in response to my authorization to you of March 25, 1959, to prepare such a plan.

We have recently concluded discussions with the Department of State and others interested in the disposal plan. As a result, I now authorize you to proceed with the final preparation of the plan, to be sent to Congress, and publicized in the Federal Register on September 15, 1959.

You will, of course, want to consider whether developments since the preparation of your plan would require changes in the presentation. Specifically, the plan should be prepared so as not to require classification and to incorporate the following modifications:

Section III—Quantity for disposal: Make last sentence read as follows:

"By selling each year the deteriorated rubber without replacing it with new purchases, the General Services Administration could, to a considerable extent, accomplish the disposal program."

Section VI—Prices: Bring up to date, with emphasis on the recent strong market.

Section VIII—Method of disposal: Substitute the following:

"The 470,000 long tons of natural rubber which have been determined to be in excess of national stockpile needs are to be disposed of by the General Services Administration over a period of up to 9 years in such a manner as to protect the United States against avoidable loss and to protect producers, processors, and consumers against avoidable disruption of their usual markets. In order to assist the Administrator to accomplish the latter objective, an interagency committee shall be formed to advise and assist him concerning quantity, price, and time of sales. This committee will include representatives of the Office of Civil and Defense Mobilization, the General Services Administration, and the Departments of State and Commerce.

"The General Services Administration shall keep the interested agencies currently informed of its plans concerning quantities, price, and time of sales. The chairman of the committee, who shall be the General Services Administration representative, shall promptly call a meeting of the committee at the request of any member agency.

"Deteriorated rubber which would have been sold and replaced under past rotation practices may be sold without replacement and such sales will be included as disposals under this plan."

It is my understanding that you will put the plan in final form, prepare the necessary notice of disposal to be published in the Federal Register, and also prepare a press release. I would like to review these documents before they are released on September 15, 1959.

Sincerely,

LEO A. HOEGH.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF CIVIL AND DEFENSE MOBILIZATION,
Washington, D.C., October 13, 1959.

Hon. FRANKLIN G. FLOETE,
Administrator,
General Services Administration,
Washington, D.C.

DEAR MR. FLOETE: You are hereby directed to proceed with the disposal of deteriorating stockpile rubber without replacement, beginning October 16, 1959, in accordance with the provisions of Public Law 86–255, and my letter of September 2, 1959. It is understood that no sales of rubber will be made at under 30 cents per pound and that not more than approximately 50,000 long tons of deteriorated natural rubber will be disposed of per year.

This directive is effective for the balance of this fiscal year.

Sincerely,

LEO A. HOEGH.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF CIVIL AND DEFENSE MOBILIZATION,
Washington, D.C., October 30, 1959.

Hon. FRANKLIN G. FLOETE,
Administrator,
General Services Administration,
Washington, D.C.

DEAR MR. FLOETE: Under the policy for disposal of excess materials in the stockpile, that the disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors and consumers against avoidable disruption of their usual markets, and consistent with our foreign policy as related to the disposal of excess natural rubber, a flexible plan of quantities depending upon prices should be followed.

You are hereby directed in the sale of excess rubber under the long-range disposal plan authorized in my letter of September 2, 1959, not to exceed the following graduated scale of quantity limits and prices:

Maximum disposal per calendar quarter
(long tons)

Price range (U.S. cents per pound):	
Under 30	(1)
30 up to but not including 32	9,000
32 up to but not including 34	18,000
34 up to but not including 36	27,000
36 and above	(2)

[1] No disposals.
[2] No limit.

These quantity limits have been fixed on a quarterly basis to provide flexibility. Please endeavor, as far as may be consistent with commercial feasibility, to sell at even monthly rates (i.e., 3,000, 6,000 and 9,000 long tons per month). However, in the 30–32 cents range if you are unable to make any disposals in the first 2 months of any quarter, the limit for the third month will be 6,000 long tons. Sales shall be made for delivery within the current month or the 3 succeeding calendar months. In the event any seriously deteriorated rubber is in the stockpile, it may be sold without restriction.

The Interagency Advisory Committee on Disposal of Natural Rubber, established to advise and assist the Commissioner, Defense Materials Service, General Services Administration, concerning the quantity, price and time of sales of natural rubber, may as circumstances warrant, recommend

altering the above flexible quantity and price arrangements.

With respect to sales without replacement to prevent deterioration, as authorized by the Independent Offices Appropriation Act of 1960, the quantity-price limitations above stated shall apply, in addition to the 50,000-ton limitation stated in my letter of October 13, 1959.

It is thought desirable, and you are authorized, to make public a monthly statement of sales in the preceding month.

Sincerely,

LEO A. HOEGH.

I am glad the letters have been released. Although I am no market expert, I am sure everyone realizes that nothing can disrupt a market operation more effectively than an atmosphere of uncertainty—and when we consider the size of the operation proposed by GSA in the sale of natural rubber we can readily understand that a wide effect on the market could result. In testifying before our committee, Mr. Price of the OCDM stated that the disposal plan had not been made public because it would affect the market. But I submit that its secrecy could be more disruptive than full knowledge of the plan. Moreover, I think it might be contended that the plan could be used to fix the price of rubber between 30 and 36 cents per pound. Let me read a part of the letter of October 30, 1959:

You are hereby directed in the sale of excess rubber under the long-range disposal plan authorized in my letter of September 2, 1959, not to exceed the following graduated scale of quantity limits and prices:

Maximum disposal per calendar quarter
(long tons)

Price range (U.S. cents per pound):	
Under 30	(1)
30 up to but not including 32	9,000
32 up to but not including 34	18,000
34 up to but not including 36	27,000
36 and above	(2)

[1] No disposals.
[2] No limit.

Since our hearings there has been another instance of withholding information from the Congress, or at least not giving us the full benefit of the facts. Based on testimony before the Appropriations Committee last year we had supposed that 40,000 tons of rubber would be disposed of in fiscal 1960 and that any additional quantities would have to await adoption of this resolution. How wrong we were. 40,000 tons was the rotation program, but now we learn that more than 32,000 tons had been sold before committee hearings were held on this resolution. On March 2, a few weeks ago, GSA issued a press release announcing total sales to that date of 47,556 tons, and it also listed an additional 72,966 tons scheduled for disposal. The total of these two items is 120,522 long tons, or three times the 40,000 long tons which the Congress had a reason to expect would be sold—or would need to be rotated—pursuant to the appropriations bill. This amount represents almost one-fourth of the total so-called surplus which the resolution before us would authorize. Already 47,000 tons have been sold and GSA plans to sell 36,500 tons under the authority contained in the present appropriations act.

Please bear in mind that when the testimony was given to the Appropriations Committee last year there was nothing to indicate that more than 40,000 tons would be deteriorating during fiscal year 1960. Now let me read to you a paragraph from the letter to Mr. VINSON dated March 25:

The authority requested for disposition of 40,000 long tons of rubber was based on estimates made 18 months prior to the Appropriation Hearings of the amount of rubber that would require rotation in fiscal year 1960.

Since that time routine quarterly inspections of stockpile rubber have continued and disclose additional quantities of rubber showing evidence of deterioration. The quantity sold to date plus that still available for sale is based on recommendations resulting from the quarterly physical inspections of all stockpile rubber.

Please note that Mr. Price of the OCDM contends that the testimony to the Appropriations Committe was based on information 18 months old, but in that same paragraph he refers to routine quarterly inspections made regularly by experienced inspectors as the basis for now determining that more than 120,000 tons were deteriorated in fiscal 1960. If routine reports were made quarterly, why did not the witnesses give current information to the Appropriations Committee? How does it happen that they can make sales on the basis of current information, but requested authority based on ancient information?

At my request Chairman VINSON on March 24 last wrote to the OCDM requesting certain specific information. The exchange of correspondence is as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF CIVIL AND DEFENSE MOBILIZATION,
Washington, D.C., March 1, 1960.

Hon. FRANKLIN G. FLOETE,
Administrator, General Services Administration, Washington, D.C.

DEAR MR. FLOETE: This is in reply to Commissioner Harold F. Holtz' letter of March 1, 1960, advising that as of February 29, 1960, 47,556 long tons of deteriorating natural rubber had been disposed of without replacement. You also state field inspections have identified an additional 72,966 long tons of natural rubber which should be rotated to prevent deterioration, of which approximately 50 percent already shows evidence of deterioration.

You are hereby authorized to sell, during the balance of the current fiscal year, approximately 36,500 long tons of this deteriorating natural rubber from the stockpile in addition to that presently authorized for sale in my letter of October 13, 1959.

To avoid undue impact on the market pending approval by the Congress of the long-range rubber disposal plan, we think it desirable to advise the public that sales of deteriorating rubber without replacement will continue.

Sincerely,

LEO A. HOEGH.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., March 24, 1960.

Hon. J. ROY PRICE,
Assistant Director of Resources and Production, Office of Civil and Defense Mobilization, Washington, D.C.

DEAR MR. PRICE: I have your letter of March 23, 1960, in which you indicate that you propose to publicize as fully as possible the details of the rubber-disposal program.

Let me say that I think you have adopted the right course in this respect and I think the interests of all concerned will be best served by your decision. I do have a few questions with respect to this whole matter and I would like to ask for your assistance in obtaining answers to them.

First, I would like to refer to the General Services Administration press release of March 2, 1960, announcing that the February sales of crude natural rubber from the national stockpile totaled 18,396 long tons and that these sales brought to 47,556 long tons the quantity of rubber sold by General Services Administration between October 16, 1959, and February 29, 1960. I would like to be informed with respect to these sales as to whether they were on a negotiated basis or on a bid basis. Second, I would like to know the price received by the Government from these sales and I will ask that this information be set out in such fashion as to be wholly understandable to the layman. By this I mean if an answer would be more responsive which indicates sales by grade, in addition to the total price received, then I will ask that this be done.

I would also like to be advised as to why, if my understanding is correct, the attitude of your Agency has changed since the time of the Appropriations Act hearings of last year when, it appears, you sought authority for the disposition of only some 40,000 tons for the then coming year while already to date you have exceeded this amount and proposed to sell a total of almost 73,000 long tons.

Next, I would like to be informed in detail as to how it is determined that rubber is, in fact, deteriorated or is about to deteriorate. By this I mean is there a clear, precise, and accurate means of determining actual and anticipated deterioration. In this same connection, I would like to be informed as to who specifically makes the determination that rubber has or is about to deteriorate, how many individuals are engaged in this activity, and the qualifications of these individuals to make these determinations.

I feel that the answers to these questions will be of considerable importance when House Concurrent Resolution 582 is debated on the floor of the House. Since it is possible that this debate may take place as early as Monday afternoon, March 28, I will ask that this information be furnished not later than 11 o'clock on that day and also that it be hand delivered to Mr. Philip W. Kelleher, committee counsel, not later than that time.

Sincerely,

CARL VINSON, *Chairman.*

EXECUTIVE OFFICE
OF THE PRESIDENT,
OFFICE OF CIVIL AND
DEFENSE MOBILIZATION,
Washington, D.C., March 25, 1960.

Hon. CARL VINSON,
Chairman, Committee on Armed Services,
House of Representatives, Washington, D.C.

DEAR MR. VINSON: This is in reply to your letter of March 24 requesting certain information with regard to the disposal of natural rubber.

The answers to your questions are as follows:

1. All sales are based on current market prices and are negotiated as to quantity, time, and place of delivery. This is customary throughout all rubber markets of the world.

2. The total contract value for the 47,556 long tons sold is $40,936,678. This amount equals 38 ⅛ cents per pound average for the total quantity. The highest price received on any contract was 46½ cents per pound for one thin pale crepe and the lowest price

was 35% cents per pound for No. 3 ribbed smoked sheets.

3. The authority requested for disposition of 40,000 long tons of rubber was based on estimates made 18 months prior to the appropriation hearings of the amount of rubber that would require rotation in fiscal year 1960.

Since that time routine quarterly inspections of stockpile rubber have continued and disclose additional quantities of rubber showing evidence of deterioration. The quantitity sold to date plus that still available for sale is based on recommendations resulting from the quarterly physical inspections of all stockpile rubber.

4. Deterioration of rubber is determined by qualified technical men who conduct the quarterly inspections. There is no precise means of determining deterioration other than the opinions of the inspectors who have had considerable experience in this field. The Government employs the same visual inspection procedure in its quarterly reviews as is employed throughout the world for determining whether rubber is deteriorated or about to deteriorate. Evidence of deterioration is indicated by the presence of mold, moisture, heat spots, contamination, etc. The inspectors who conduct these quarterly reviews and their years of experience as qualified rubber inspectors are as follows:

Inspector	Entered Government service	Number of years' experience as rubber inspector
C. L. Armstrong	Mar. 1, 1943	18
Harry Howe	Mar. 8, 1943	20
Alex Kerr	Apr. 5, 1943	18
Ben Bryan	Oct. 11, 1942	19
Harold Barnett	Aug. 30, 1948	18
Edward Schumacher	Jan. 19, 1949	45
George H. Kierstead	May 11, 1941	40

In addition, Mr. Kelleher telephoned one additional question and asked that the answer be incorporated in this letter. He referred to the three letters about which we wrote you on March 28 that the designation "For Official Use Only" had been removed, and asked if there was a subsequent letter similar to those, designed for the same purpose as those, which either has already been issued or is proposed for issuance. There are no letters of this type which have been issued and we see no need to issue any further letter along this line. In order to be sure, however, that you have all correspondence, I am enclosing a copy of a letter dated March 4, 1960, relating to the increase in authorization for the disposal of deteriorating rubber under the Appropriations Act of 1960.

Sincerely,

J. ROY PIERCE.

Frankly, Mr. Chairman, I am very disappointed in the kind of information submitted and that is why I shall vote against this resolution. I sincerely hope that in the other body the agencies will be required to furnish full and complete information, including actual inspection reports, to substantiate the figures which they have lately submitted to justify the request for the disposal of so much rubber which is alleged to be deteriorating.

Mr. HESS. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN of Michigan. Mr. Chairman, one of the first committees on which it was my privilege to serve when I came here years ago, had before it the question of how we were to dispose of a million bridles, I think it was. We bought them in fear of some war or because of some war, and from that time on that question of how to get rid of things we are forced to buy—apparently forced to buy—has been troubling me.

I have a personal interest in this rubber business, because since the papers recently published the incident up in Canada, where our Government buried some surplus, I have been called on the carpet by my constituents who want to know how that came about.

I have known the gentleman from Virginia [Mr. HARDY] for a number of years, and I am familiar with the hearings that he has held as a member of the Committee on Government Operations. They have been very, very helpful and have given us some interesting information from time to time.

I recall that after one of the wars there was a controversy as to whether we should bring the surplus back to America or dump it in the ocean. Those who wanted to help industry wanted it dumped in the ocean and not brought back here in competition with what we were making.

What I am troubled about now is, how shall I answer? I ask the gentleman, how shall I answer my folks who are writing me wanting to know how all this came about?

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentleman from Virginia.

Mr. HARDY. Does the gentleman mean how this surplus came about?

Mr. HOFFMAN of Michigan. Why did we buy so much? Did we get frightened and buy more than we needed?

Mr. HARDY. That is a question I have not been able to determine fully. Actually the stockpile contains the amount of rubber we originally planned for. Now the planning basis has been changed to provide a stockpile for a 3-year emergency whereas originally we planned for a 5-year emergency. I do not know for how long we may need the rubber. My contention is we should have had more information to support a planning reduction to the 3-year emergency before we voted the resolution out of committee.

Mr. HOFFMAN of Michigan. Is there anything in here about surplus wheat?

Most of us know how that came about. Were there any rubber dealers around that wanted a subsidy?

Mr. HARDY. I do not know that that element arises in this matter.

Mr. HOFFMAN of Michigan. When the House was all hot and bothered over the problem of where we were going to get the rubber we had to have, it was stated that some nation was going to wipe us off the map if we did not have the rubber. Apparently we bought too much. Has the gentleman any suggestion as to what I should tell my people when they ask me about this?

Mr. HARDY. I am going to tell my people I do not think we have enough information to pass this resolution.

Mr. HOFFMAN of Michigan. It is your business to get it.

Mr. HARDY. That is my opinion. I have done the best I could.

Mr. HOFFMAN of Michigan. Unless we do better for some of these folks, we are not going to be here long.

Mr. HARDY. From the gentleman's standpoint and mine it would be tragic, I am sure.

Mr. HOFFMAN of Michigan. In the meantime the only answer I have been able to get is that these emergencies arise from time to time, we do not know just what to do, or we make a mistake, maybe we get too much, then we give it away or sell it to the highest bidder.

If the gentleman from Texas who is in charge of this bill has any answer I would like to have it. Come this November, I would like to have a plausible answer as to how we get into this kind of a situation.

Mr. KILDAY. I may say to the gentleman that I propose to take a little time in my next opportunity to yield time, and I will go into that situation.

Mr. HOFFMAN of Michigan. Will the gentleman tell me now?

Mr. KILDAY. I would like to develop fully in my own time and when I attempt to do this I must go back 21 years because the efforts at accumulation of a stockpile of strategic materials, of which rubber was one of the most critical, goes back to my first weeks in the Congress. I was never as bored in my life as when we met and the Military Affairs Committee considered stockpiling. That came first to my attention in those days. At that time we would have taken all of the natural rubber wherever we could have secured it. Jesse Jones, head of the RFC, used to come before us periodically and state that he had rubber on the wharves of Malay or Indonesia and the Maritime Commission did not give him the ships. We made every effort to get all of the natural rubber we could, and we continued that over a long period of years.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. ARENDS. Mr. Chairman, I yield the gentleman from Michigan 5 additional minutes.

Mr. KILDAY. I know that the concept of war has changed tremendously since World War II, and since Korea. We created by law the National Security Council at the level of the Presidency and provided the people who were to sit on that council. We provided by law it should be the obligation of that highest ranking organization within our Government to make estimates of what would be needed in the event of war and, upon its certification as to the general outline of what might be anticipated for the security of the United States, we then imposed upon the Office of Civil and Defense Mobilization the requirement to implement those plans, among others, by acquiring strategic materials. We placed upon the Chiefs of Staff and the Secretary of Defense, and the military, the obligation of providing the military force and materials to meet the threat which the National Security Council supposes might happen. At one time the National Security Council and the Joint Chiefs of Staff said we should plan for a 5-year emergency period if war should come.

Later, operating within the obligation that we placed upon them, they reduced that from a 5-year emergency period to 3 years. If you go over to the Pentagon, you can find men arguing that a war would last anywhere from 20 minutes to 3 years, but 3 years is the period of time of emergency that has been established by those who have the responsibility of establishing that fact. So, we having heretofore planned on rubber necessary for a 5-year period, we now find it necessary to maintain rubber for a 3-year period.

In addition to that, we know that whereas just before World War II in the United States our production of synthetic rubber was practically nil, we know now that we produce synthetic rubber to fill 65 percent of all the uses of natural rubber in the United States. As a consequence, the reliance on the stockpile of natural rubber has been reduced. We know also that things for which synthetic rubber was not adaptable a short time ago, that it now fulfills that purpose adequately. I might mention in that connection such things as truck tires and airplane tires of the heavier weights, where it was thought, at least, that a high proportion of natural rubber was necessary, but we now find that synthetic rubber fulfills the situation adequately.

So, because of all of these things that I have tried to explain in the short rendition of my opening statement, the uses have changed, the period of time has changed, and the necessary production of synthetics has changed. I hope that answers the question.

Mr. HOFFMAN of Michigan. I thank the gentleman for the answer, which, to me, seems to be adequate, with all due respect to my friend from Virginia.

Apparently the answer I can give my folks is, in the necessity of providing for any threatened danger, we sometimes overpurchase. Is that what it boils down to? Is that where we are now?

Mr. KILDAY. That could be one phase of it. We have overpurchased as far as today's requirements are concerned, because we are now planning for no longer than a 3-year period of emergency whereas we previously planned for a 5-year period of emergency. Instead of a 5-year requirement, we now have 3.

Mr. HOFFMAN of Michigan. And also our increased ability to produce.

Mr. KILDAY. Actually, I think that is the major issue here, our ability to produce synthetic rubber and the importance of synthetic rubber. The two of them, I think, are more important, even, in filling the gap than the fact that we are reducing to a 3-year period. The industry has just progressed so tremendously and they have produced such a fine synthetic product that we do not any longer have to rely on the same amount of natural rubber.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. Yes; I yield.

Mr. HARDY. I am very glad to have the explanation of the gentleman from Texas. He has given the House a lot more information than was given in the testimony to the Armed Services Committee. It may be that some members of the committee had information more complete than that adduced in the hearing.

Mr. HOFFMAN of Michigan. I will say to the gentleman from Virginia, does that change your opinion on how I should vote on this bill?

Mr. HARDY. I shall not undertake to advise the gentleman on that score.

Mr. HOFFMAN of Michigan. Ordinarily, on a matter of this kind, I would be glad to follow the gentleman from Virginia [Mr. HARDY], for he is an expert and well advised.

Mr. HARDY. I am deeply grateful for my friend's overgenerous remarks.

Mr. HOFFMAN of Michigan. Let me see, "HARDY." Your name is called before mine.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. KILDAY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I claim no competency as a rubber expert. The only slight competency that I claim for myself is some experience in analyzing facts that are submitted to a committee of the Congress. We have here a situation in which the National Security Council, the Office of Civil Defense Mobilization, the General Services Administration, and the Department of Defense are all agreed with reference to the sale of this rubber.

I agree with the gentleman from Virginia in the position he takes that in submitting this matter to the committee the Office of Civil Defense Mobilization unnecessarily complicated the matter and unnecessarily classified certain information which they had. However, the gentleman from Virginia [Mr. HARDY] insisted that that information should be made public. As the gentleman has stated it was made public after a rule was granted. There was the inquiry whether that was only by coincidence. I do not think it was only by coincidence at all. I think OCDM saw the light, because of the effort that the gentleman from Virginia [Mr. HARDY] had made in connection with securing the release of that information. So that the gentleman from Virginia has performed a very worthwhile and a very commendable service in forcing the release of all of this information. I feel, however, that the gentleman has accomplished all that he desired in the beginning and I must expressly state that the gentleman from Virginia has every particle of information which I have. I have nothing that was delivered to me either before the hearing or after the hearing or during the hearing that the gentleman does not have. And in the last few days everything, I think, including a copy of the speech that I read here, was supplied to the gentleman from Virginia. I know no more about it than he does and, in many respects, a great deal less.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield.

Mr. HARDY. Mr. Chairman, I want to assure the gentleman that I did not have any idea what he was going to say until I heard him make his speech.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield.

Mr. WOLF. I would like to ask what is the mechanism of disposing of this rubber, the actual down-to-the-ground mechanism; how it is going to be offered, and who will be able to buy?

Mr. KILDAY. The price of rubber is quoted daily on the market, and it fluctuates even during the day or maybe by the hour or the half hour. The sale of rubber in the open market is a well-understood procedure and the prices are daily as other commodities are quoted.

Under the plan which has been published in the Federal Register as required by law, and which this resolution is to supplement, as required by the Stockpiling Act, it is proposed that the rubber be sold on the open market at the then existing market price. The resolution does not so state, but the plan of disposal which is approved specifically by the resolution says that it shall be sold over a period of 8 years. So that it just figures out at an average of 50,000 tons a year. But it may vary depending upon the market, upon whether the market would be disturbed by selling more or less, and other considerations of that kind. But it is going to be sold in the due course of trade.

The gentleman from Virginia stated that it might be possible to control the price of rubber. That may be; and it may be that had not all of the facts been developed, as was forced by the gentleman from Virginia, that the opportunity to do that would have been enhanced. But with all that we have in the RECORD and including the plan of disposal published in the Federal Register, the testimony before the committee, the correspondence back and forth with the committee that the gentleman from Virginia has made a part of the CONGRESSIONAL RECORD today, I do not see how it would be possible for anyone to proceed to rig the market under this plan. It may have been possible had all of the secrecy been maintained. But after all, somebody has got to manage, somebody has got to handle the stockpile, rotate it and now sell that which is deteriorating. Sometimes, maybe too often, executive officials violate their trust, but we are never going to change that, I suppose, except by keeping after them. I think this machinery is as adequate as we can make it.

Mr. HARDY. Mr. Chairman, will the gentleman yield further?

Mr. KILDAY. I yield.

Mr. HARDY. I just wanted to make this observation, that I am glad the gentleman brought out this matter about rigging the market, because I do think now, with all of this disposal plan made public, there will be very little likelihood that it can be done. I think to that extent we have accomplished a great deal.

Mr. KILDAY. And I compliment the gentleman from Virginia for having brought that about.

Mr. HARDY. I thank the gentleman for that. The only other point I want

to make is this. I think there may be complete justification for the sale of this amount of rubber. The only thing about it is, I do not think adequate facts have as yet been presented to the committee. I think factual evidence as to the amount of surplus rubber we have on hand should have been presented to support the opinion of OCDM.

Mr. KILDAY. I understand the gentleman's position; I just do not happen to agree with him in his final conclusion. I feel we should go ahead and approve the resolution which would permit the sale of this amount of rubber which is certified by all of those charged with the obligation of determining the matter that it is no longer needed in the stockpile. And I think this $400 million should be covered into the Treasury.

Mr. YATES. Mr. Chairman, will the gentleman yield on that point?

Mr. KILDAY. I yield to the gentleman from Illinois.

Mr. YATES. There is no assurance that the $400 million will be received by the Treasury, is there? Is not this the fact, that the rubber will be sold at the prevailing market price and the Administrator may sell it at a price below what he paid for it originally and below a price which would bring the $400 million to the Treasury?

Mr. KILDAY. As I pointed out in my opening statement, this was bought at 34½ cents per pound. The price in January was 40 and a fraction cents per pound. We propose that the General Services Administration watch the daily quotations and sell it at the best price obtainable.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield to the gentleman from Iowa.

Mr. WOLF. I am not critical of the method of disposal, and I thank the gentleman for his comment there, but my question is, if the gentleman would like to develop it a little further, do we need a 3- or 5-year supply? How did you arrive at the fact we need only a 3-year supply today, when it was formerly a 5-year supply?

Mr. KILDAY. By law the National Security Council, which consists of the President, the Vice President, the Secretary of State, the Secretary of Defense, and the Director, Office of Civil and Defense Mobilization. By law they are designated as the National Security Council, and the Council has the responsibility placed upon it to pass upon the national security questions confronting the Nation. The first of these is an adequate defense for the Nation, and then of course, the supply of those things to be needed in the event of an emergency. At one time their decision was that we should plan for an emergency extending over a period of 5 years. Since that time they have decided that the emergency to be planned for should be 3 rather than 5 years. So that we are controlled by the decision made by the National Security Council and implemented by OCDM.

Mr. Chairman, I hope the resolution will be adopted.

The CHAIRMAN. The Clerk will read the concurrent resolution for amendment.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Congress expressly approves, pursuant to section 3(e) of the Strategic and Critical Materials Stock Piling Act (53 Stat. 811, as amended; 50 U.S.C. 98b(e)), the disposal from the national stockpile of approximately 470,000 long tons of natural rubber in accordance with the plan of disposal published by General Services Administration in the Federal Register of September 15, 1959 (24 F.R. 7430).

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. HAYS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 582) providing under section 3(e) of the Strategic and Critical Materials Stock Piling Act, the express approval of the Congress for the disposal from the national stockpile of approximatly 470,000 long tons of natural rubber, pursuant to House Resolution 486, he reported the concurrent resolution back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ELIMINATION OF CERTAIN OFFICERS OF THE REGULAR ARMY AND REGULAR AIR FORCE

Mr. KILDAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 1795) to amend title 10, United States Code, to revise certain provisions relating to the promotion and involuntary retirement of officers of the Regular components of the Armed Forces.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, S. 1795, with Mr. DORN of South Carolina in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas [Mr. KILDAY] will be recognized for 1 hour, and the gentleman from Illinois [Mr. ARENDS] will be recognized for 1 hour.

The Chair recognizes the gentleman from Texas [Mr. KILDAY].

Mr. KILDAY. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the bill, S. 1795, is entitled "an act to amend title 10, United States Code, to revise certain provisions relating to the promotion and involuntary retirement of officers of the Regular components of the Armed Forces." I call your attention to the fact that this bill was passed by the other body in July of last year. The bill, as it comes before us here today is a complete rewrite. The subcommittee and later the full Committee on Armed Services struck out all after the enacting clause and rewrote the bill. I would say that the Senate version of the bill envisioned a very broad gage concept of personnel management much broader than the Committee on Armed Services felt it should be. Under the Senate version, it was to be permanent legislation in all of its phases. Our committee felt a portion or it should only be for a limited period of time.

Mr. Chairman, there are two purposes in the bill and I will discuss them separately. The first is authority for the Army and for the Air Force, for a period of 5 years, to involuntarily retire from those services certain lieutenant colonels and colonels. Here I want to explain that under existing law, an officer of the Army and the Air Force who has reached the grade of lieutenant colonel and has completed 20 years of service is permitted to remain on active duty until he has completed 28 years of service, even though he not be selected for promotion to the rank of colonel. An officer of the Army or Air Force who has completed 20 years of service and has completed 20 years of service and has reached the grade of colonel is permitted to remain on active duty until he has completed 30 years of service even though he not be selected for promotion to general.

The bill, as drawn, grants this temporary authority to both the Army and the Air Force. The Army at this time does not intend to use the powers granted to it under this provision. The Air Force intends to use this authority. The situation is this. The Air Force finds that due to a number of factors, it must involuntarily retire from active duty a group of lieutenant colonels and colonels who, in the past, have been very fine officers of the Air Force. Many of them are pilots. They were promoted very rapidly because of the creation of the Air Force as a separate service, followed by the Korean war. While those men have been excellent officers, they evidently have reached the limit of their capabilities, and they have not been able to keep pace with the rapidly developing type of warfare for which the Air Force must prepare. This bill would give authority for those colonels and lieutenant colonels to be retired earlier than the present 28 and 30 years points. It is anticipated that approximately 200 colonels and 500 lieutenant colonels of the Air Force will be retired at a date earlier than they had expected to be retired. No one will be retired who has not accumulated 20 years of service and thus entitled to retirement. Having completed 20 years of service he is entitled to retire at 2½ percent times the years of service.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. Does this apply to all branches of the service?

Mr. KILDAY. This applies to the Army and the Air Force. The Army does not have this identical situation. It is not intended to use it, although within 5 years a situation may present itself where the Army might want to use it. The Navy already has authority to take care of a problem which it had, not identical to this, so that everyone who retires will be retired at his retired pay, as established by law.

This procedure is restricted to those who have failed of promotion three times or more. These officers are only going to be exposed to noncontinuation once during this 5-year period. It is not going to be a situation of a man remaining on active duty expecting at any minute during the next 5 years that he may be relieved from active duty and placed on the retired list. He will be vulnerable only once.

On the first selection of those to be noncontinued there is no limitation on the number who may be retired. In the 4 subsequent years, only 20 percent may be nonselected. Eighty percent will remain on active duty. This is a situation which has developed in the Air Force.

In the last session we had a bill to correct a situation which had arisen in the Navy. The first provision which I am discussing is a temporary measure to remain in effect for 5 years, to retire a number of colonels and lieutenant colonels, some of whom have been passed over as many as 11 times for promotion, and still remain on active duty. To that extent it will vitalize those two grades.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Chapter 859 on page 34 of the bill is that portion which deals with the Air Force and is described as the chapter dealing with the separation from the Regular Air Force for substandard performance of duty. As I understood the explanation of the gentleman, that is not exactly right.

Mr. KILDAY. May I say to the gentleman from Oklahoma that the gentleman is reading from a portion of the bill I am going to discuss next. The portion which I have just discussed appears at page 45 and is known as section 10. For no good reason at all I decided to discuss the bill in reverse. The one part is temporary, the other permanent.

Mr. ALBERT. As I understand it, the Air Force intends to use the authority the gentleman has been describing, but the Army does not intend to use it, at least for the time being. In the Air Force if an officer has been passed over for promotion, regardless of whether or not he has had outstanding efficiency ratings for the past several years, he may be separated; is that true?

Mr. KILDAY. Under the language of the bill, that would be possible; under the proceeding which can be anticipated, that will not happen.

Mr. ALBERT. The gentleman does not anticipate that that will happen?

Mr. KILDAY. I do not.

Mr. ALBERT. In the ratings of Air Force officers there are grades of "outstanding" and "very fine." Are officers in those categories apt to be subject to this language or not?

Mr. KILDAY. I am sure the gentleman will also remember that they carry out a graph of efficiency indexes. You would plot his continuing performance on a graph. There is nothing in the bill to say at which portion he would be likely to go out, but with a plan for the release of 200 colonels and 500 lieutenant colonels over the next 5 years and only releasing those men who have been three times or more passed over, the man with a pretty good record is going to be safe.

Mr. ALBERT. Does it make any difference how many times an officer has been passed over before this law becomes applicable?

Mr. KILDAY. No; but I would think in the very nature of things they would proceed with the one with the most numerous pass overs—in that order, the most numerous first. The man who has had 11 opportunities to be promoted and has not been promoted certainly has less complaint.

Mr. ALBERT. And although the Air Force which has boards established under this procedure would have final and absolute authority to separate officers regardless of how they stood on efficiency reports; it is not intended, as I understand, that it will be arbitrarily used in that manner.

Mr. KILDAY. It is not so intended, and I believe we have adequate assurance from the high-ranking staff officers of the Air Force to assure that that will not happen.

Mr. ALBERT. May I ask just one further question? The gentleman knows that only flying officers have been eligible to command flying units in the Air Force; and most of the high-ranking officers of the Air Force are flying officers. Can this be considered a device to get rid of nonflying or nonrated officers to make way for the appointment of flying officers to administrative and other nonflying positions?

Mr. KILDAY. It is not so intended, and I do not think it will be so used.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Do I understand from the gentleman's explanation that this has no application to officers who may have less than 20 years of actual service?

Mr. KILDAY. That is true, with regard to the noncontinuation boards.

Mr. ROGERS of Colorado. And that the present method of elimination or dismissal from the service of those with less than 20 years' service still applies? This does not affect that?

Mr. KILDAY. That is true. There is another section of the bill, which I shall explain later, which covers a great many of those items.

Mr. HOFFMAN of Michigan. One more question, if the gentleman will yield.

Mr. KILDAY. I yield.

Mr. HOFFMAN of Michigan. Is there anything anywhere in this bill which by implication even of a court could be construed as applying to Congressmen?

Mr. KILDAY. No.

Mr. HOFFMAN of Michigan. We do not have to retire after 20 years?

Mr. KILDAY. No; but I think it may still be required of us that we go back to our constituents for endorsement every 2 years.

Mr. MEYER. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield to the gentleman from Vermont.

Mr. MEYER. Is it proper to bring up a question at this time in reference to page 27, starting at line 3, where it is stated: "Separation from Regular Army for moral or professional dereliction or in interest of national security."

Mr. KILDAY. That is the portion I was about to explain at this time. I had explained the portion that is temporary legislation. It will expire in 5 years. I am now going to the other portion of the bill which is permanent law.

Under existing law, and going back as far as I am acquainted with the laws affecting the Military Establishment, the National Defense Act of 1916 and 1921, down now into title X of the code, there has always been a provision for the elimination from active duty of Regular officers whose performance of duty is below the average of efficiency to be expected of an officer of his grade and years of service. That provision now exists in the code.

In practice it has been found to be a very poor instrument to carry out the purpose for which it was designed because it has built into it a number of delays, redtape, and things of that kind, which make it difficult to use it effectively.

The provision which we have brought in is one under which the Secretary is given certain power. This is written, of course, for the Air Force separately because we are fitting it into the United States Code.

> The Secretary of the Army may at any time convene a board of general officers to review the record of any commissioned officer on the active list of the Regular Army to determine whether he shall be required, because of moral dereliction, professional dereliction, or because his retention is not clearly consistent with the interests of national security, to show cause for his retention on the active list.

There is a counterpart to that in the permanent legislation, which you will find on page 22:

> The Secretary of the Army may at any time convene a board of officers to review the record of any commissioned officer on the active list of the Regular Army to determine whether he shall be required, because his performance of duty has fallen below standards prescribed by the Secretary, to show cause for his retention on the active list.

We are providing now for two separate boards of officers to be convened. We believe this will cure one of the difficulties which has been encountered under the present provisions of the Code. The present provision of the Code is so worded as to apply to the officer who

has fallen below the standards of efficiency which should be required of him as well as the officer who has been guilty of some dereliction. In practice, and because of the language used over a period of years in the regulations, the existing provision has been used mostly in those cases of dereliction such as chronic alcoholism, homosexuality, addiction to drugs, and things of that kind. So that for practical purposes when you come to the fellow who is not quite giving the performance we ought to get from a man of his rank, there has been great reluctance to bring him before the board because if he is thrown out he has the same stigma attached to him as the one who has been thrown out because of some dereliction. In the case of one who is discharged because of inefficiency, it is usually because he is just shiftless.

We have changed this to provide two different forms of boards, one for the fellow who falls below the required efficiency; the other one for the one who ought to be turned out of the service, yet he is not guilty enough to be court-martialed for a specific crime. It is in that area.

Mr. MEYER. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield to the gentleman from Vermont.

Mr. MEYER. That is the point of my real question, where it says "or because his retention is not clearly consistent with the interest of national security to show cause for his retention on the active list."

It seems to me that this is in direct opposition to the general principles of American law, in which a man is innocent until he is proven guilty. He should not have to show cause for his retention, those who want to have him leave should themselves show the reasons why he should leave.

Mr. KILDAY. I will say to the gentleman that this provision was written after a careful reading of the latest decisions of the Supreme Court with reference to security cases. I grant you that this is a very difficult area. I grant you that it is not entirely consistent with the principles of justice as we know it in the United States, that the man is not confronted by witnesses and is not granted the right of cross-examination. However, by law and by Executive order there have been provisions made applicable to civilian employees. We are faced with a practical situation. Should we retain in the Military Establishment the fellow who is a poor security risk until we catch him in an overt act, or would we then have to wait so long that there is no point of getting him after the overt act has been committed?

Mr. MEYER. Mr. Chairman, will the gentleman yield further?

Mr. KILDAY. I yield.

Mr. MEYER. My concern goes a little bit further than that. What assurance do we have that a man could not be retired under this clause merely because he expressed an opinion, which his supervisors disagreed with, or because he had opinions that were contrary to theirs, when really it was not because of security reasons that followed the disagreement, particularly because he has no right to see the records that the Secretary uses?

Mr. KILDAY. I will say to the gentleman, realizing the difficult operation in this field, that I think his protection is the same as it is elsewhere, except that experience seems to show that the one whose security is at least suspect becomes the hardest of all to eliminate from the service or to do anything about.

Mr. MEYER. I can only say to the gentleman that I am opposed to any legislation of this type. I think we are going pretty far, particularly when a man devotes his entire life to the service of his country that he does not even have a complete opportunity to defend his honor.

Mr. KILDAY. I understand the gentleman's position.

Mrs. GRIFFITHS. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I will be happy to.

Mrs. GRIFFITHS. I would like to ask the gentleman why you are exempting women officers from the provisions of this act.

Mr. KILDAY. With reference to elimination—because we do not have any of them who are in this category.

Mrs. GRIFFITHS. You do not?

Mr. KILDAY. That is right. This is the category of people who have served for over 20 years in the grade of lieutenant colonel and colonel and have been passed over. And, if there are, there are only one or two, at most, and it would just complicate the situation with reference to nurses and so on. We do not want to lose any of the nurses. We have too much trouble getting nurses as it is.

Mrs. GRIFFITHS. I was afraid you were exempting the women officers.

Mr. KILDAY. We just do not have any that have fallen into this category. I have reached the point in the discussion where I mentioned two procedures whereas today we have only one board procedure. In the instance of the one guilty of some conduct that would constitute more or less dereliction, we have made the proceedings a great deal tighter. We have surrounded him with more safeguards than we have for the one where he is just a little substandard or failing to perform with the efficiency that is necessary for a continuing military career. We have done this by providing that a board of general officers should pass on it. Under the existing provisions, the officer who is chosen to show cause has a right to appear before a board of inquiry in person and by counsel. We continue that right to appear in person and by counsel. Heretofore the provision has been such as to grant interminable delays before that board, in some instances to just wear the case out. Under the existing provision of law, that case must go before a board of review where the individual again appears in person and by counsel.

We continue the Board of Review but we eliminate his personal appearance before the Board of Review. Of course, in many proceedings, judicial or quasi-judicial, before the Court or the Board in the first instance, the man should be present and be present with his counsel. But I know of no review or appellate procedure where there is the right to appear in person before the Review Board. So that in instances of that kind we have streamlined the procedure under the existing law so that we believe it will be more effective than previously.

I stated in opening this discussion that the Senate passed a broad all-inclusive bill referred to generally under the project name of White Charger and generally known within the services and publications as the White Charger proposal. Some of the idea of such a revision of the laws had its beginning in the report of the Cordiner Commission which also recommended the pay which we enacted into law in 1958. I believe that there was too broad an approach of what needed to be done in this area.

These officers of the services, until they reach 20 years of service, are subject to selection for promotion and upon failure of selection two times then, of course, they must be eliminated from the service. So that we do have a pretty good check from year to year to make sure the man is doing his part and is performing efficiently.

So your committee felt that there was no justification for a bill as broad as that passed by the Senate which would have granted permanent authority for what we call "plucking out" of the services certain individuals. We have brought in a much narrower bill, one that has been thoroughly well considered. It adequately meets the emergency situation which exists in the Air Force and in the opinion of the Committee on Armed Services adequately meets the permanent situation. I hope that it will be adopted by the House.

Mr. BATES. Mr. Chairman, I yield myself such time as I may consume.

Mr. BATES. Mr. Chairman, other members of the committee have informed you of the changes in the bill with regard to the improvement of the quality of the Regular officer corps of the Army and the Air Force.

I would like to take a short time to discuss some of the provisions in this bill which related to other methods of quality control.

First of all, the bill provides that officers recommended for permanent promotion who were considered to be the best qualified must also be considered to be fully qualified. This amendment is very desirable because, at the present time, it is technically possible, particularly when a small number of officers is being considered for promotion, that the selection board may select a certain number of officers who are the best qualified without, however, these officers in fact being considered fully qualified. This amendment will provide the necessary language to prevent this happening in the future.

Second. The bill provides that the number of officers prescribed by the Secretary of the Air Force to be recommended for permanent promotion, under the best qualified basis, must be 80 per-

cent of those who are listed for consideration for the first time. At the present time, the authority to pass over 20 percent of the officers being considered applies to all officers considered by the board, including those who have already been passed over once, thereby precluding the possibility of a true 20-percent attrition by the board.

Third. The bill provides that certain officers who have been passed over twice for promotion, and who must be separated from the service with severance pay, can be released at any time with their consent and the consent of the Secretary concerned. Under an existing ruling of the Comptroller General, these officers, in order to qualify for their severance pay, must be kept on active duty after twice failing of promotion for the minimum period of 9 months and for a maximum period that might extend to 21 months. This is obviously an undesirable situation, and the Committee's action will correct it for all of the armed services. Thus the bill will insure that an officer who has been identified for elimination will not be kept on active duty for excessive periods of time.

All of the above modifications of existing law contained in this bill are explained in detail in the committee report. I would like to state, however, that it is my firm belief that the effect of these changes will be to bring the promotion laws of all the services into greater uniformity.

There are two provisions in S. 1795, as it passed the Senate, which are not included in the bill before you today.

First. One of those provisions would authorize the selection of a limited number of Army and Air Force officers for permanent promotion who are below the normal zone of consideration. The number who could be promoted would be limited to 5 percent of the number of officers to be promoted. The object of this provision is to permit promotion of outstanding officers before their contemporaries. However, through the use of temporary promotions, those few outstanding officers can be accorded the recognition of promotion before their contemporaries. Accordingly, since the objective of this provision can be attained under present law, this provision has been eliminated by the committee.

Second. The bill does not subject female officers in the grade of major to possible involuntary retirement. The reason for inclusion of officers in this category, in the Senate-passed version, was that these officers are not subject to elimination for failure of selection to the grade of lieutenant colonel, and, in this respect, are comparable to male permanent lieutenant colonels. However, in view of the small numbers involved and the lack of any problems with respect to this category of personnel, the committee has excluded them from this proposal.

I urge the adoption of S. 1795, as amended.

Mr. KILDAY. Mr. Chairman, I yield such time as he may require to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT of Florida. Mr. Chairman, as a member of the subcommittee that considered this bill, I would like to emphasize the safeguards we included in the bill against any unwarranted elimination of capable officers.

Section 10 of the bill, as amended, provides for the elimination by retirement with pay, of certain colonels and lieutenant colonels of the Air Force who have more than 20 years of service who have failed three or more times of selection to the next higher permanent grade. As stated before, while the legislation is applicable to both the Army and Air Force, only the Air Force expects to use the authority extensively.

Like the Navy "hump" legislation passed last August, this is a temporary provision and will expire June 30, 1965. It will provide the Air Force with authority to eliminate several hundred officers over the next 5 years who are not performing up to the standards which the Air Force needs. The actual selections for elimination will be made by a board of general officers. Authority already exists which could be used for this purpose, but if used, the traditional use of this existing law in practice by the Air Force would cast an unwarranted stigma on those eliminated.

It should be emphasized that all of these officers will be entitled to retirement pay following their elimination.

In order to prevent them from being repeatedly subject to possible elimination, we amended the Senate bill to provide that no officer may be screened for continuation more than once.

Once a board has selected an officer for continuation, he cannot again be screened for elimination under this section.

In addition, except for the first board convened under this authority, at least 80 percent of those considered must be retained. There is no percentage limitation on the number of officers who may be eliminated by the first board, since that board will consider officers who have failed of selection many times, in fact, as many as 11 times in some cases.

The other major provision of the bill amends existing authority which the Army and Air Force now have to eliminate those Regular officers whose performance of duty is not of the quality desired, or who have demonstrated moral or professional dereliction of such a nature that their continuation in service cannot be tolerated.

In the Air Force, existing law has been utilized only in the more serious cases, and, as a result, a stigma has come to be associated with elimination under that law. As a result, it is extremely difficult to release, under this authority, an officer whose sole deficiency is his inability to perform adequately.

Because of this, I was particularly impressed with the necessity for providing permanent authority to remove Regular officers whose sole deficiency is inability to perform adequately and to do this in a manner which would not cost an unwarranted stigma on the eliminated officer.

Thirteen general officers and three separate boards are currently required to remove a Regular officer for inefficiency.

Current law also provides two "full and fair hearings" for an officer whose removal is under consideration. One such hearing is all that is required to insure justice. Existing law also guarantees, in every case, that the officer being eliminated must be honorably discharged even though the facts warranting his separation might not justify such a designation.

I believe that the bill as reported by our subcommittee, and approved by the committee, is a substantial improvement over present law. While the legislation will provide an effective instrument for eliminating substandard officers, we have not lost sight of the need for protecting officers of the Army and Air Force from arbitrary and capricious action on the part of military commanders or the Secretary.

Each officer being considered for removal under the permanent part of this law is guaranteed the opportunity of a "full and fair hearing" and a review by a subsequent and disinterested board, with final approval authority invested in the Secretary. No officer can be removed unless his removal is recommended by both boards and approved by the Secretary. The right of confrontation and access to all evidence considered by the board is guaranteed in every case except in those few instances where an officer is being considered for removal because his continued retention would endanger the national security. In these cases, it is specifically required that the officer be furnished a summary of any information or evidence which is withheld from him.

In conclusion, I want to emphasize again that this bill, which has the unanimous support of all members of the committee, is the product of many hours of careful study and deliberation, and is, I believe, an urgently required beneficial piece of legislation.

The CHAIRMAN. The Clerk will read the committee substitute for the bill for amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

"That chapter 335 of title 10, United States Code, is amended—

"(1) by adding the following new sentence at the end of section 3297(d): 'Notwithstanding any other provision of law, a board that is to recommend officers for promotion whom it considers to be the best qualified may recommend only those officers whom it also considers to be fully qualified.';

"(2) by amending the last sentence of section 3300(c) to read as follows: 'However, the number prescribed by the Secretary for recommendation must be at least 80 percent of those listed for consideration for the first time.'; and

"(3) by amending section 3303(d)(3) by striking out the words 'the date he would have been retired under section 3913 of this title if he were eligible' and inserting the words 'such date as may be requested by him and approved under regulations to be prescribed by the Secretary of the Army, but not later than the first day of the seventh calendar month after the Secretary approves the report of that board' in place thereof.

"SEC. 2. (a) Chapter 359 of title 10, United States Code, is amended to read as follows:

"'CHAPTER 359—SEPARATION FROM REGULAR ARMY FOR SUBSTANDARD PERFORMANCE OF DUTY

"'Sec.
"'3781. Selection boards: composition; duties.
"'3782. Boards of inquiry: composition; duties.
"'3783. Boards of review: composition; duties.
"'3784. Removal of officer: action by Secretary of the Army upon recommendation.
"'3785. Rights and procedures.
"'3786. Officer considered for removal: voluntary retirement or honorable discharge; severance benefits.
"'3787. Officers eligible to serve on boards.

"'§ 3781. Selection boards: composition; duties

"'The Secretary of the Army may at any time convene a board of officers to review the record of any commissioned officer on the active list of the Regular Army to determine whether he shall be required, because his performance of duty has fallen below standards prescribed by the Secretary, to show cause for his retention on the active list.

"'§ 3782. Boards of inquiry: composition; duties

"'(a) Boards of inquiry, each composed of three or more officers, shall be convened, at such places as the Secretary of the Army may prescribe, to receive evidence and make findings and recommendtaions whether an officer, required to show cause under section 3781 of this title, shall be retained on the active list of the Regular Army.

"'(b) A fair and impartial hearing before a board of inquiry shall be given to each officer so required to show cause for retention.

"'(c) If a board of inquiry determines that the officer has failed to establish that he should be retained on the active list, it shall send the record of its proceedings to a board of review.

"'(d) If a board of inquiry determines that the officer has established that he should be retained on the active list, his case is closed. However, at any time after one year from the date of that determination, he may be again required to show cause for retention under section 3781 of this title.

"'§ 3783. Boards of review: composition; duties

"'(a) Boards of review, each composed of three or more officers, shall be convened by the Secretary of the Army, at such times as he may prescribe, to review the records of cases of officers recommended by boards of inquiry for removal from the active list of the Regular Army under section 3782 of this title.

"'(b) If, after reviewing the record of the case, a board of review determines that the officer has failed to establish that he should be retained on the active list, it shall send its recommendations to the Secretary for his action.

"'(c) If, after reviewing the record of the case, a board of review determines that the officer has established that he should be retained on the active list, his case is closed. However, at any time after one year from the date of that determination, he may be again required to show cause for retention under section 3781 of this title.

"'§ 3784. Removal of officer: action by Secretary of the Army upon recommendation

"'The Secretary of the Army may remove an officer from the active list of the Regular Army if his removal is recommended by a board of review under this chapter. The Secretary's action in such a case is final and conclusive.

"'§ 3785. Rights and procedures

"'Each officer under consideration for removal from the active list of the Regular Army under this chapter shall be—

"'(1) notified in writing, at least 30 days before the hearing of his case by a board of inquiry, that he is being required to show cause for retention on the active list;

"'(2) allowed reasonable time, as determined by the board of inquiry under regulations of the Secretary of the Army, to prepare his defense;

"'(3) allowed to appear in person and by counsel at proceedings before a board of inquiry; and

"'(4) allowed full access to, and furnished copies of, records relevant to his case at all stages of the proceeding.

"'§ 3786. Officer considered for removal: voluntary retirement or honorable discharge; severance benefits

"'(a) At any time during proceedings under this chapter and before the removal of an officer from the active list of the Regular Army, the Secretary of the Army may grant his request—

"'(1) for voluntary retirement, if he is otherwise qualified therefor; or

"'(2) for honorable discharge with severance benefits under subsection (b).

"'(b) Each officer removed from the active list of the Regular Army under this chapter shall—

"'(1) if on the date of removal he is eligible for voluntary retirement under any law, be retired in the grade and with the pay for which he would be eligible if retired at his request; or

"'(2) if on that date he is ineligible for voluntary retirement under any law, be honorably discharged in the grade then held with severance pay computed by multiplying his years of active commissioned service, but not more than 12, by one month's basic pay of that grade.

"'(c) For the purposes of subsection (b) (2), a part of a year that is six months or more is counted as a whole year, and a part of a year that is less than six months is disregarded.

"'§ 3787. Officers eligible to serve on boards

"'(a) No officer may serve on a board under this chapter unless he holds a regular or temporary grade above lieutenant colonel, and is senior in regular grade to, and outranks, any officer considered by that board.

"'(b) No person may be a member of more than one board convened under this chapter for the same officer.'

"(b) The analysis of subtitle B and the analysis of part II of subtitle B are each amended by striking out the following item:

"'359. Separation from Regular Army for Failure to Meet Standards ..... 3781'

and inserting the following item in place thereof:

"'359. Separation from Regular Army for Substandard Performance of Duty ..... 3781'

"(c) The amendments made by this section do not apply to any proceedings begun under chapter 359 of title 10, United States Code, before the enactment of this section.

"SEC. 3. (a) Subtitle B of title 10, United States Code, is amended by inserting the following new chapter after chapter 359:

"'CHAPTER 360—SEPARATION FROM REGULAR ARMY FOR MORAL OR PROFESSIONAL DERELICTION OR IN INTERESTS OF NATIONAL SECURITY

"'Sec.
"'3791. Selection boards: composition; duties.
"'3792. Boards of inquiry: composition; duties.
"'3793. Boards of review: composition; duties.
"'3794. Removal of officer: action by Secretary of the Army upon recommendation.
"'3795. Rights and procedures.
"'3796. Officers considered for removal: retirement or discharge.
"'3797. Officers eligible to serve on boards.

"'§ 3791. Selection boards: composition; duties

"'The Secretary of the Army may at any time convene a board of general officers to review the record of any commissioned officer on the active list of the Regular Army to determine whether he shall be required, because of moral dereliction, professional dereliction, or because his retention is not clearly consistent with the interests of national security, to show cause for his retention on the active list.

"'§ 3792. Boards of inquiry; composition; duties

"'(a) Boards of inquiry, each composed of three or more general officers, shall be convened at such places as the Secretary of the Army may prescribe, to receive evidence and make findings and recommendations whether an officer, required to show cause under section 3791 of this title, shall be retained on the active list of the Regular Army.

"'(b) A fair and impartial hearing before a board of inquiry shall be given to each officer so required to show cause for retention.

"'(c) If a board of inquiry determines that the officer has failed to establish that he should be retained on the active list, it shall send the record of its proceedings to a board of review.

"'(d) If a board of inquiry determines that the officer has established that he should be retained on the active list, his case is closed. However, at any future time, he may be again required to show cause for retention under section 3791 of this title.

"'§ 3793. Boards of review: composition; duties

"'(a) Boards of review, each composed of three or more general officers, shall be convened by the Secretary of the Army, at such times as he may prescribe, to review the records of cases of officers recommended by boards of inquiry for removal from the active list of the Regular Army under section 3792 of this title.

"'(b) If, after reviewing the record of the case, a board of review determines that the officer has failed to establish that he should be retained on the active list, it shall send its recommendation to the Secretary for his action.

"'(c) If, after reviewing the record of the case, a board of review determines that the officer has established that he should be retained on the active list, his case is closed. However, at any future time, he may be again required to show cause for retention under section 3791 of this title.

"'§ 3794. Removal of officer: action by Secretary of the Army upon recommendation

"'The Secretary of the Army may remove an officer from the active list of the Regular Army if his removal is recommended by a board of review under this chapter. The Secretary's action in such a case is final and conclusive.

"'§ 3795. Rights and procedures

"'Each officer under consideration for removal from the active list of the Regular Army under this chapter shall be—

"'(1) notified in writing of the charges against him, at least 30 days before the hearing of his case by a board of inquiry, for

which he is being required to show cause for retention on the active list;

"'(2) allowed reasonable time, as determined by the board of inquiry under regulations of the Secretary of the Army, to prepare his defense;

"'(3) allowed to appear in person and by cousel at proceedings before a board of inquiry; and

"'(4) allowed full access to, and furnished copies of, records relevant to his case at all stages of the proceeding, except that a board shall withhold any records that the Secretary determines should be withheld in the interests of national security.

In any case where any records are withheld under clause (4), the officer whose case is under consideration shall, to the extent that the national security permits, be furnished a summary of the records so withheld.

"'§ 3796. Officers considered for removal: retirement or discharge

"'(a) At any time during proceedings under this chapter and before the removal of an officer from the active list of the Regular Army, the Secretary of the Army may grant his request—

"'(1) for voluntary retirement, if he is otherwise qualified therefor; or

"'(2) for discharge under subsection (b).

"'(b) Each officer removed from the active list of the Regular Army under this chapter shall—

"'(1) if on the date of removal he is eligible for voluntary retirement under any law, be retired in the grade and with the pay for which he would be eligible if retired at his request; or

"'(2) if on that date he is ineligible for voluntary retirement under any law, be discharged in the grade then held with severance pay computed by multiplying his years of active commissioned service, but not more than 12, by one month's basic pay of that grade.

"'(c) For the purposes of subsection (b)(2), a part of a year that is six months or more is counted as a whole year, and a part of a year that is less than six months is disregarded.

"'§ 3797. Officers eligible to serve on boards

"'(a) No officer may serve on a board under this chapter unless he is senior in regular grade to, and outranks, any officer considered by that board.

"'(b) No person may be a member of more than one board convened under this chapter for the same officer.'

"(b) The analysis of subtitle B and the analysis of part II of subtitle B are each amended by inserting the following new item:

"'360. Separation From Regular Army for Moral or Professional Dereliction or in Interests of National Security..... 3791'.

"SEC. 4. Section 3913 of title 10, United States Code, is amended—

"(1) by amending subsection (a) to read as follows:

"'(a) A deferred officer who is not recommended for promotion under section 3303(c) of this title, or an officer who is found disqualified for promotion under section 3302(f) of this title, shall, if he has at least 20 years of service computed under section 3927(a) of this title, be retired, except as provided by section 47a of title 5, on such date as may be requested by him and approved under regulations to be prescribed by the Secretary of the Army, but not later than the first day of the seventh calendar month after the Secretary approves the report of the last board that did not recommend him for promotion to the grade concerned.'; and

"(2) by amending subsection (b) by striking out the words 'so entitled to retire' and inserting the words 'the date he completes 20 years of service computed under section 3927(a) of this title, or the first day of the seventh calendar month after the Secretary approves the report of the last board that did not recommend him for promotion to the grade concerned, whichever is later' in place thereof.

"SEC. 5. Chapter 573 of title 10, United States Code, is amended—

"(1) by adding the following new sentence at the end of each of subsections (a) and (b) of section 6382: 'However, if he so requests, he may be honorably discharged at any time during that fiscal year.';

"(2) by adding the following new sentence at the end of each of subsections (d) and (e) of section 6333: 'However, if he so requests, he may be honorably discharged at any time during that fiscal year.';

"(3) by inserting the words 'or, in the discretion of the Secretary of the Navy, on any earlier date if the officer so requests' after the words 'his name is so reported' in section 6384(b);

"(4) by adding the following new sentence at the end of section 6401(a): 'However, if she so requests, she may be honorably discharged at any time during that fiscal year.'; and

"(5) by adding the following new sentence at the end of section 6402(a): 'However, if she so requests, she may be honorably discharged at any time during that fiscal year.'

"SEC. 6. Chapter 835 of title 10, United States Code, is amended—

"(1) by adding the following new sentence at the end of section 8297(d): 'Notwithstanding any other provision of law, a board that is to recommend officers for promotion whom it considers to be the best qualified may recommend only those officers whom it also considers to be fully qualified.';

"(2) by amending the last sentence of section 8300(c) to read as follows: 'However, the number prescribed by the Secretary for recommendation must be at least 80 percent of those listed for consideration for the first time.'; and

"(3) by amending section 8303(d)(3) by striking out the words 'the date he would have been retired under section 8913 of this title if he were eligible' and inserting the words 'such date as may be requested by him and approved under regulations to be prescribed by the Secretary of the Air Force, but not later than the first day of the seventh calendar month after the Secretary approves the report of that board' in place thereof.

"SEC. 7. (a) Chapter 859 of title 10, United States Code, is amended to read as follows:

"'CHAPTER 859—SEPARATION FROM REGULAR AIR FORCE FOR SUBSTANDARD PERFORMANCE OF DUTY

"'Sec.

"'8781. Selection boards: composition; duties.

"'8782. Boards of inquiry: composition; duties.

"'8783. Boards of review; composition; duties.

"'8784. Removal of officer: action by Secretary of the Air Force upon recommendation.

"'8785. Rights and procedures.

"'8786. Officer considered for removal: voluntary retirement or honorable discharge; severance benefits.

"'8787. Officers eligible to serve on boards.

"'§ 8781. Selection boards: composition; duties

"'The Secretary of the Air Force may at any time convene a board of officers to review the record of any commissioned officer on the active list of the Regular Air Force to determine whether he shall be required, because his performance of duty has fallen below standards prescribed by the Secretary, to show cause for his retention on the active list.

"'§ 8782. Boards of inquiry: composition; duties

"'(a) Boards of inquiry, each composed of three or more officers, shall be convened, at such places as the Secretary of the Air Force may prescribe, to receive evidence and make findings and recommendations whether an officer, required to show cause under section 8781 of this title, shall be retained on the active list of the Regular Air Force.

"'(b) A fair and impartial hearing before a board of inquiry shall be given to each officer so required to show cause for retention.

"'(c) If a board of inquiry determines that the officer has failed to establish that he should be retained on the active list, it shall send the record of its proceedings to a board of review.

"'(d) If a board of inquiry determines that the officer has established that he should be retained on the active list, his case is closed. However, at any time after one year from the date of that determination, he may be again required to show cause for retention under section 8781 of this title.

"'§ 8783. Boards of review: composition; duties

"'(a) Boards of review, each composed of three or more officers, shall be convened by the Secretary of the Air Force, at such times as he may prescribe, to review the records of cases of officers recommended by boards of inquiry for removal from the active list of the Regular Air Force under section 8782 of this title.

"'(b) If, after reviewing the record of the case, a board of review determines that the officer has failed to establish that he should be retained on the active list, it shall send its recommendation to the Secretary for his action.

"'(c) If, after reviewing the record of the case, a board of review determines that the officer has established that he should be retained on the active list, his case is closed. However, at any time after one year from the date of that determination, he may be again required to show cause for retention under section 8781 of this title.

"'§ 8784. Removal of officer: action by Secretary of the Air Force upon recommendation

"'The Secretary of the Air Force may remove an officer from the active list of the Regular Air Force if his removal is recommended by a board of review under this chapter. The Secretary's action in such a case is final and conclusive.

"'§ 8785. Rights and procedures

"'Each officer under consideration for removal from the active list of the Regular Air Force under this chapter shall be—

"'(1) notified in writing, at least 30 days before the hearing of his case by a board of inquiry, that he is being required to show cause for retention on the active list;

"'(2) allowed reasonable time, as determined by the board of inquiry under regulations of the Secretary of the Air Force, to prepare his defense;

"'(3) allowed to appear in person and by counsel at proceedings before a board of inquiry; and

"'(4) allowed full access to, and furnished copies of, records relevant to his case at all stages of the proceeding.

"'§ 8786. Officer considered for removal: voluntary retirement or honorable discharge; severance benefits

"'(a) At any time during proceedings under this chapter and before the removal of an officer from the active list of the Regular Air Force, the Secretary of the Air Force may grant his request—

"'(1) for voluntary retirement, if he is otherwise qualified therefor; or

"'(2) for honorable discharge with severance benefits under subsection (b).

"'(b) Each officer removed from the active list of the Regular Air Force under this chapter shall—

"'(1) if on the date of removal he is eligible for voluntary retirement under any law, be retired in the grade and with the pay for which he would be eligible if retired at his request; or

"'(2) if on that date he is ineligible for voluntary retirement under any law, be honorably discharged in the grade then held with severance pay computed by multiplying his years of active commissioned service, but not more than 12, by one month's basic pay of that grade.

"'(c) For the purposes of subsection (b)(2), a part of a year that is six months or more is counted as a whole year, and a part of a year that is less than six months is disregarded.

"'§ 8787. Officers eligible to serve on boards

"'(a) No officer may serve on a board under this chapter unless he holds a regular or temporary grade above lieutenant colonel, and is senior in regular grade to, and outranks, any officer considered by that board.

"'(b) No person may be a member of more than one board convened under this chapter for the same officer.'

"(b) The analysis of subtitle D and the analysis of part II of subtitle D are each amended by striking out the following item:

"'859. Separation from Regular Air Force for Failure to Meet Standards ..... 8781'

and inserting the following item in place thereof:

"'859. Separation from Regular Air Force for Substandard Performance of Duty..... 8781'.

"(c) The amendments made by this section do not apply to any proceedings begun under chapter 859 of title 10, United States Code, before the enactment of this section.

"SEC. 8. (a) Subtitle D of title 10, United States Code, is amended by inserting the following new chapter after chapter 859:

"'CHAPTER 860.—SEPARATION FROM REGULAR AIR FORCE FOR MORAL OR PROFESSIONAL DERELICTION OR IN INTERESTS OF NATIONAL SECURITY

"'Sec.
"'8791. Selection boards: composition; duties.
"'8792. Boards of inquiry: composition; duties.
"'8793. Boards of review: composition; duties.
"'8794. Removal of officer: action by Secretary of the Air Force upon recommendation.
"'8795. Rights and procedures.
"'8796. Officers considered for removal: retirement or discharge.
"'8797. Officers eligible to serve on boards.

"'§ 8791. Selection boards: composition; duties

"'The Secretary of the Air Force may at any time convene a board of general officers to review the record of any commissioned officer on the active list of the Regular Air Force to determine whether he shall be required, because of moral dereliction, professional dereliction, or because his retention is not clearly consistent with the interests of national security, to show cause for his retention on the active list.

"'§ 8792. Boards of inquiry: composition; duties

"'(a) Boards of inquiry, each composed of three or more general officers, shall be convened at such places as the Secretary of the Air Force may prescribe, to receive evidence and make findings and recommendations whether an officer, required to show cause under section 8791 of this title, shall be retained on the active list of the Regular Air Force.

"'(b) A fair and impartial hearing before a board of inquiry shall be given to each officer so required to show cause for retention.

"'(c) If a board of inquiry determines that the officer has failed to establish that he should be retained on the active list, it shall send the record of its proceedings to a board of review.

"'(d) If a board of inquiry determines that the officer has established that he should be retained on the active list, his case is closed. However, at any future time, he may be again required to show cause for retention under section 8791 of this title.

"'§ 8793. Boards of review: composition; duties

"'(a) Boards of review, each composed of three or more general officers, shall be convened by the Secretary of the Air Force, at such times as he may prescribe, to review the records of cases of officers recommended by boards of inquiry for removal from the active list of the Regular Air Force under section 8792 of this title.

"'(b) If, after reviewing the record of the case, a board of review determines that the officer has failed to establish that he should be retained on the active list, it shall send its recommendation to the Secretary for his action.

"'(c) If, after reviewing the record of the case, a board of review determines that the officer has established that he shoud be retained on the active list, his case is closed. However, at any future time, he may be again required to show cause for retention under section 8791 of this title.

"'§ 8794. Removal of officer: action by Secretary of the Air Force upon recommendation

"'The Secretary of the Air Force may remove an officer from the active list of the Regular Air Force if his removal is recommended by a board of review under this chapter. The Secretary's action in such a case is final and conclusive.

"'§ 8795. Rights and procedures

"'Each officer under consideration for removal from the active list of the Regular Air Force under this chapter shall be—

"'(1) notified in writing of the charges against him, at least 30 days before the hearing of his case by a board of inquiry, for which he is being required to show cause for retention on the active list;

"'(2) allowed reasonable time, as determined by the board of inquiry under regulations of the Secretary of the Air Force, to prepare his defense;

"'(3) allowed to appear in person and by counsel at proceedings before a board of inquiry; and

"'(4) allowed full access to, and furnished copies of, records relevant to his case at all stages of the proceeding, except that a board shall withhold any records that the Secretary determines should be withheld in the interests of national security.

In any case where any records are withheld under clause (4), the officer whose case is under consideration shall, to the extent that the national security permits, be furnished a summary of the records so withheld.

"'§ 8796. Officers considered for removal: retirement or discharge

"'(a) At any time during proceedings under this chapter and before the removal of an officer from the active list of the Regular Air Force, the Secretary of the Air Force may grant his request—

"'(1) for voluntary retirement, if he is otherwise qualified therefor; or

"'(2) for discharge under subsection (b).

"'(b) Each officer removed from the active list of the Regular Air Force under this chapter shall—

"'(1) if on the date of removal he is eligible for voluntary retirement under any law, be retired in the grade and with the pay for which he would be eligible if retired at his request; or

"'(2) if on that date he is ineligible for voluntary retirement under any law, be discharged in the grade then held with severance pay computed by multiplying his years of active commissioned service, but not more than 12, by one months' basic pay of that grade.

"'(c) For the purposes of subsection (b)(2), a part of a year that is six months or more is counted as a whole year, and a part of a year that is less than six months is disregarded.

"'§ 8797. Officers eligible to serve on boards

"'(a) No officer may serve on a board under this chapter unless he is senior in regular grade to, and outranks, any officer considered by that board.

"'(b) No person may be a member of more than one board convened under this chapter for the same officer.'

"(b) The analysis of subtitle D and the analysis of part II of subtitle D are each amended by inserting the following new item:

"'860. Separation from Regular Air Force for Moral or Professional Dereliction or in Interests of National Security... 8791.'

"SEC. 9. Section 8913 of title 10, United States Code, is amended—

"(1) by amending subsection (a) to read as follows:

"'(a) A deferred officer who is not recommended for promotion under section 8303(c) of this title, or an officer who is found disqualified for promotion under section 8302(f) of this title, shall, if he has at least twenty years of service computed under section 8927(a) of this title, be retired, except as provided by section 47a of title 5, on such date as may be requested by him and approved under regulations to be prescribed by the Secretary of the Air Force, but not later than the first day of the seventh calendar month after the Secretary approves the report of the last board that did not recommend him for promotion to the grade concerned.'; and

"(2) by amending subsection (b) by striking out the words "so entitled to retire" and inserting the words "the date he completes twenty years of service computed under section 8927(a) of this title, or the first day of the seventh calendar month after the Secretary approves the report of the last board that did not recommend him for promotion to the grade concerned, whichever is later" in place thereof.

"SEC. 10. (a) Not more than once in each fiscal year, the Secretary of the Army and the Secretary of the Air Force may convene one or more boards, each consisting of at least five officers of the Regular Army or the Regular Air Force, as the case may be, in a grade above colonel, to review the records of, and recommend for continuation on the active list, officers of that component on the active list in the regular grade of colonel or lieutenant colonel who have at least 20 years of service computed under section 3927(a) or 8927(a) of title 10, United States Code, whichever applies, and who have been considered more than twice but not recommended for promotion to the next higher regular grade.

"(b) A board convened under this section shall recommend officers for continuation on the active list in the number specified by the Secretary. The Secretary may specify separate numbers for particular categories of officers. However, except with respect to

the first board convened under this section in the Army and in the Air Force, the number specified by him for officers in any category must be at least 80 percent of the officers in that category being considered. An officer may be considered for continuation on the active list under this section only once while serving in the regular grade of colonel and only once while serving in the regular grade of lieutenant colonel.

"(c) Except as provided by section 1 of the Act of April 23, 1930, ch. 209, as amended (5 U.S.C. 47a), if the Secretary approves the report of a board, he shall, not later than the first day of the seventh calendar month beginning after he approves that report, retire each officer who is considered but not recommended for continuation.

"(d) A member of the Army or the Air Force who is retired under this section is entitled to retired pay computed under formula A of section 3991 or 8991, respectively, of title 10.

"(e) This section does not apply to—

"(1) members of the Army Nurse Corps, Army Medical Specialist Corps, or Women's Army Corps;

"(2) Air Force nurses or medical specialists; or

"(3) female members of the Air Force who are not designated under section 8067(a)–(d) or (g)–(i) of title 10.

"(f) This section is not effective after June 30, 1965.

"SEC. 11. Notwithstanding section 1431 of title 10, United States Code, a change or revocation of an election made under that section by an officer who is retired under section 10 of this Act is effective if made at such a time that it would have been effective had he been retired on the earliest date prescribed for an officer of his kind by section 3916, 3921, 8916, or 8921 of title 10, as appropriate.

"SEC. 12. Effective as of August 11, 1959, section 3 of the Act of August 11, 1959, Public Law 86–155 (73 Stat. 336), is amended to read as follows:

"'SEC. 3. Notwithstanding section 1432 of title 10, United States Code, a change or revocation of an election made under that section by—

"'(1) an officer who is retired under this Act; or

"'(2) an officer who has been considered but not recommended for continuation on the active list under section 1 of this Act and who hereafter retires voluntarily before the date specified for his retirement under this Act;

is effective if made at such a time that it would have been effective had he been retired on the date prescribed by section 6376, 6377, or 6379 of title 10, United States Code, as appropriate.'

"SEC. 13. An officer who has been considered but not recommended for continuation on the active list under section 1 of the Act of August 11, 1959, Public Law 86–155 (73 Stat. 333), and who retired or retires voluntarily before the second day of the month following the month in which this Act is enacted, may, within six months following the enactment of this Act, affirm a change or revocation of an election made under section 1431 of title 10, United States Code, before his retirement, if the change or revocation would have been effective under section 3 of the Act of August 11, 1959, Public Law 86–155, as amended by this Act, but for his voluntary retirement. If an officer takes no action under this section, his currently valid election under section 1431 of title 10, United States Code, shall remain unchanged. The computation of the revised reduction in retired pay in the case of an officer who affirms a change of election under this section shall be in accordance with section 1436 of title 10, United States Code, and according to the conditions that existed on the day the officer became eligible for retired pay. An affirmation or revocation made under this section is effective on the first day of the month in which made. No refund may be made and no additional payment may be required with respect to any period before that date."

Mr. KILDAY (interrupting the reading of the committee substitute). Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with and that it be open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. DORN of South Carolina, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (S. 1795) to amend title 10, United States Code, to revise certain provisions relating to the promotion and involuntary retirement of officers of the regular components of the Armed Forces, pursuant to House Resolution 485, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous qestion is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

The title was amended so as to read: "An act relating to the promotion and separation of certain officers of the regular components of the armed forces."

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. KILDAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the two bills reported by the Committee on Armed Service and considered today.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

TATSUMI AJISAKA AND OTHERS

Mr. LANE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8251) for the relief of Tatsumi Ajisaka and others, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 10, strike out "Civil Aero Club, $2,505.50;".

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

FEDERAL LOANS TO THE MENOMINEE INDIAN TRIBE OF WISCONSIN

Mr. LAIRD. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. LAIRD. Mr. Speaker, the Menominee Indian Tribe, located in my congressional district of Wisconsin, as you are aware, will be terminated from Federal supervision on December 31, 1960, under the provisions of Public Law 399, 83d Congress, as amended by Public Law 488, 85th Congress. These specific acts have created numerous new problems for the tribe, the Secretary of the Interior, and the State of Wisconsin. One of the more important issues at hand involves the element of post-termination financing.

Today I have introduced legislation to authorize Federal loans to the Menominees. The bill now requested by the tribe is designed to assist the new tribal corporation to secure Federal loans for improvement and modernization of existing tribal plants as well as the development of new related industries. It is an absolute necessity that a favorable lending hand be afforded this terminating tribe for its organization to grow and expand industrially for any assurance of success in strengthening their economy.

Under the plan submitted to the Secretary of the Interior by the Menominee Tribe, there will be created a corporation—Menominee Enterprises, Inc.—organized under the laws of the State of Wisconsin, which will take title to all Menominee Indian forest lands and other properties, as the Secretary divests his responsibility as a trustee, under the Menominee Termination Act. Since the plan also provides among other provisions, a plan of local government under State statutes, especially as such pertains to the new county created out of the Menominee Indian Reservation by the recent session of the Legislature of Wisconsin, the improvement of the economy of the Menominee Indians becomes very essential in order to overcome the impact of taxation for the initial years of transition.

It is believed this legislation requested is not inconsistent with the established policy in granting independence to Indians and it represents a fair approach by the Congress in assisting such groups for equal opportunity to achieve economic stability.

The Wisconsin State Senate in a joint resolution, S. 62, memoralized Congress on May 21, 1959, and section 4 of such resolution provides "that the Bureau of Indian Affairs of the Department of

Interior, and the Congress of the United States, should provide avenues through which Menominee Enterprises, Inc., created in the tribal termination plan, can obtain funds from Federal lending agencies on favorable terms so that the economy of the reservation area will prosper."

COMMEMORATIVE TRAFFIC SAFETY STAMP

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. FRIEDEL. Mr. Speaker, on several occasions in the past I have called to the attention of the House the fine work being done by the Safety First Club of Maryland. This nonprofit organization is now spearheading a nationwide drive for the issuance of a commemorative traffic safety postage stamp to serve as a daily reminder that traffic safety is everybody's business.

Realizing the need to stop the slaughter on our streets and highways, the Governors of 40 States have endorsed this project. Due to the tremendous backing of our many State leaders, I strongly believe that this project has now reached a point where it merits national attention. Since traffic safety is a problem confronting each and every one of us, I urge that all of my colleagues here in the House communicate with the Postmaster General requesting him to issue a commemorative traffic safety postage stamp.

The following is a report submitted by Mr. Maurice R. Schochatt, executive secretary, Safety First Club of Maryland, which I feel sure would be of interest to all the Members of this body.

The Safety First Club of Maryland, a nonprofit organization crusading for safety on our streets and highways, is proud of the fact that its nationwide project for the issuance of a commemorative traffic safety postage stamp has been endorsed, to date, by the Governors of 40 States.

Gov. J. Millard Tawes, of Maryland, is the national honorary chairman of this campaign; and Congressman SAMUEL N. FRIEDEL is national honorary associate chairman. Harry Abell, a member of the Safety First Club's administrative board, is nationwide chairman of the drive.

The executive committee for the commemorative traffic safety postage stamp includes the following officers of the Safety First Club of Maryland:

J. O. Shuger, president; Morris A. Kasoff, senior vice president; Maurice R. Schochatt, executive secretary; Samuel T. Abrams, treasurer; and Dr. Leo Klein, associate chairman of the communications committee.

The list of Governors who have endorsed this program includes John Patterson, Alabama; William A. Egan, Alaska; Orval E. Faubus, Arkansas; Edmund G. Brown, California; Abraham A. Ribicoff, Connecticut; J. Caleb Boggs, Delaware; Leroy Collins, Florida; William F. Quinn, Hawaii; William G. Stratton, Illinois; Herschel C. Loveless, Iowa; George Docking, Kansas; Bert Thomas Combs, Kentucky; John H. Reed, Maine; J. Millard Tawes, Maryland; Foster Furcolo, Massachusetts; G. Mennen Williams, Michigan; James T. Blair, Jr., Missouri; J. Hugo Aronson, Montana; Ralph G. Brooks, Nebraska; Grant Sawyer, Nevada; Wesley Powell, New Hampshire; Robert B. Meyner, New Jersey; John Burroughs, New Mexico; Nelson A. Rockefeller, New York; Luther H. Hodges, North Carolina; John E. Davis, North Dakota; J. Howard Edmondson, Oklahoma; David L. Lawrence, Pennsylvania; Christopher Del Sesto, Rhode Island; Ernest F. Hollings, South Carolina; Ralph Herseth, South Dakota; Buford Ellington, Tennessee; Price Daniel, Texas; Robert T. Stafford, Vermont; J. Lindsay Almond, Jr., Virginia; Cecil H. Underwood, West Virginia; Gaylord A. Nelson, Wisconsin; and J. J. Hickey, Wyoming.

Gov. Abraham A. Ribicoff, of Connecticut, who has received national recognition for his vigorous traffic safety program which has led to the saving of many lives, advised the Safety First Club:

Traffic safety is everybody's business, and this must be called to everybody's attention by all possible means. I hope, therefore, that your campaign for a commemorative traffic safety postage stamp will be a success.

Gov. Foster Furcolo, of Massachusetts, noted:

Traffic accident prevention continues to be one of our unsolved social problems. It is national in scope and I believe a commemorative postage stamp emphasizing highway accident prevention would be helpful as a daily reminder to the motoring public to always drive in a reasonable way and avoid highway traffic accidents.

Gov. Nelson A. Rockefeller, of New York, replied:

Your campaign for the issuance of a traffic safety stamp is commendable. Our highway traffic toll today is a national scandal. The cost in human misery and in needless financial burdens is reaching staggering proportions. A traffic safety postage stamp should serve as an effective and continuing reminder that this highway accident problem can also be licked—if we have the will to do so. I'm for it.

Gov. LeRoy Collins, of Florida, stated:

I am happy to learn of the Safety First Club of Maryland's effort to obtain the issuance of a traffic safety postage stamp. The need for traffic safety cannot be brought too often to the attention of the American people. Wide circulation of a traffic safety postage stamp could be very useful in the overall campaign to reduce the number of fatalities on our highways.

Gov. John H. Reed, of Maine, stated:

The State of Maine is gravely concerned with the needless loss of life which occurs on our highways, and I feel that a concentrated effort should be made to lessen these tragic accidents.

Gov. Robert T. Stafford, of Vermont, declared:

Vermont is vitally interested in the promotion of highway safety and congratulates you on your work to improve safety in the State of Maryland.

Gov. Herschel C. Loveless, of Iowa, advised:

My heartiest congratulations on your constructive work in the public safety field. It is a privilege to be associated in any way with this worthwhile effort. I wish you continued success in meeting America's major needs—traffic safety.

Gov. John Patterson, of Alabama, wrote:

The nationwide campaign of the Safety First Club of Maryland to secure the issuance of a commemorative traffic safety postage stamp certainly impresses me as a splendid idea; and I hope that your campaign is successful.

Gov. Luther H. Hodges, of North Carolina, advised:

It is a pleasure to commend the Safety First Club of Maryland on its energetic program of traffic safety and to endorse the club's efforts to promote the issuance of a commemorative traffic safety postage stamp. The tragic loss of life that occurs annually on the streets and highways of this Nation is shocking and no effort should be spared in making the American public fully aware of its responsibility in meeting the challenge imposed by this serious situation.

Gov. James T. Blair, Jr., of Missouri, replied:

If traffic safety is to become a reality the public must be educated to the rules of the road to the end that they develop strong attitudes of social responsibility bringing respect for the rights of others. I heartily endorse the issuance of a commemorative traffic safety postage stamp which would bring an awareness of the need for highway safety into the homes of citizens across this great Nation.

Gov. William G. Stratton, of Illinois, noted:

Please accept my endorsement of the program for the issuance of a commemorative traffic safety postage stamp. We have found, in conducting our traffic safety program in Illinois, that a key factor is the individual awareness of responsibility. The issuance and use of a traffic safety stamp would provide a daily reminder of this factor.

Gov. Price Daniel, of Texas, stated:

Thanks for your letter concerning the nationwide campaign for issuance of a commemorative traffic safety postage stamp. I am glad to endorse this campaign, as I feel such a stamp would contribute a great deal toward increasing public awareness of the traffic safety problem.

Gov. Paul Fannin, of Arizona, noted:

Your organization is to be commended for your leadership in a unique plan to further publicize safe driving. The safety program is receiving top priority in Arizona, both in governmental action as well as in citizen participation. We of Arizona welcome the opportunity to support the Safety First Club of Maryland in its campaign urging the issuance of a commemorative traffic safety postage stamp.

In material inserted by me in the CONGRESSIONAL RECORD of August 20, 1959, I said:

The Safety First Club of Maryland, a nonprofit organization dedicated to traffic safety, consists of a group of citizens and officials of Maryland who are doing an excellent job of making people conscious of the need to stop the slaughter on our highways.

However, traffic safety is not just a Maryland problem. We need to make each and every automobile driver conscious of the fact that it is his personal responsibility to drive safely for the protection of himself and his fellow citizens.

The Safety First Club of Maryland has adopted a resolution urging that a commemorative traffic safety stamp be issued to focus the attention of the Nation on the need for safety on our streets and highways. I heartily concur in this idea and urge that the Postmaster General give this matter serious consideration. I would like to point out that a special stamp was issued to promote wildlife conservation, and certainly human life is of even greater importance.

In the same article I also noted:

Grim statistics show that 1,081,600 people lost their lives in the United States of America between January 1, 1925, and January 1, 1958, according to the National Safety Council; and the tragic traffic toll for 1958 comprised 36,700 fatalities, 2,625,000 injuries, with 1 out of every 61 Americans killed or injured on the highway.

The Safety First Club of Maryland is 1 of 11 organizations that recently received the National Safety Council plaque "For outstanding contributions to traffic safety."

An editorial devoted to this subject, entitled "Special Traffic Stamp Drive Gains Support," and published in the Baltimore News-Post of March 19, 1960, is as follows:

The campaign for issuance of a commemorative traffic safety postage stamp, spearheaded by the Safety First Club of Maryland, seems an enterprise worth the effort.

As Representative SAMUEL N. FRIEDEL, Democrat of Maryland, said in an article inserted in the CONGRESSIONAL RECORD:

"A special stamp was issued to promote wildlife conservation. Certainly human life is of even greater importance."

The project has made much progress. It has been endorsed by the Governors of 39 States, including Gov. Abraham A. Ribicoff, of Connecticut, noted for his vigorous traffic safety program.

Gov. Tawes, of Maryland, is the national honorary chairman, Harry Abell, a member of the Safety First Club's board, is nationwide campaign chairman.

The stamp campaign will be highlighted at the fourth annual banquet of the club April 6 in the Southern Hotel.

Since publication of the editorial, the number of Governors favoring this project has increased to 40.

MANAGEMENT OF THE CAPITAL AIRLINES

Mr. VANIK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. VANIK. Mr. Speaker, it has come to my attention that Capital Airlines recently appeared before the Civil Aeronautics Board and requested subsidy payments in the sum of $12,949,000 for the 12-month period commencing March 15, 1960. This request makes Capital Airlines the first trunk carrier to request subsidies since 1951.

The time has passed when any subsidies should be paid to trunk carriers. The payment of any subsidy to Capital Airlines, however, would constitute an unwarranted dissipation of public funds and provide a reward for stupid mismanagement. The routes on which Capital Airlines is authorized should have provided adequate revenues in any efficient type of operation. Recent route additions provided access to the generally lucrative Florida traffic in the winter months. The coastal and Midwest cities on Capital's present routes are the envy of most of the other trunk carriers.

The cruel fact is that Capital Airlines provides an inefficient operation which should be transferred over to another carrier or two other operators who can approach the airline operation with zeal. Federal money should not be wasted to promote sloppy business practices.

Capital blames its problems on extremely bad weather over Capital routes and the bomb scare threats which have affected all air travel. These two problems affected the entire industry in an equal way, and Capital cannot prove it suffered any singular or special losses uncharacteristic of those suffered by other carriers.

As one who is forced to fly Capital a good part of the time in my travel between Washington and Cleveland, I have compounded records of experience which have established:

First. The chronic oversale of space because of faulty traffic controls.

Second. Flight cancellations resulting from overscheduling of equipment and provisions for no contingency reserve.

Third. Heavy cancellations resulting from the channeling of equipment into the more lucrative New York, Chicago, and Florida runs to the detriment of local traffic which would have provided encouraging revenues.

I seriously doubt if any amount of subsidy can save Capital. Its management has muffed an enviable opportunity. Its reputation as a carrier has been shattered. It is not unusual to see Cleveland passengers call at Capital's Washington ticket counter and order "two chances" for Cleveland. They are brave hardy souls who are not so much concerned with the risk of aircraft disaster as they are of trip cancellation or extended trip delays for any of a number of reasons.

No useful public purpose will be served by providing this mismanaged carrier with public moneys to stay in business in this fashion.

CAPITAL AIRLINES SUBSIDY

Mr. PROKOP. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHLEY] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ASHLEY. Mr. Speaker, there are a number of things that are interesting about the request which Capital Airlines has made to the Civil Aeronautics Board for subsidy payments amounting to $12,949,000 for a 12-month period beginning March 16, 1960.

One of these points is, as my colleague has indicated, that Capital is the first trunk carrier to request a subsidy since 1951. Another is that Capital was the last trunk carrier to go off subsidy back in 1951.

Capital Airlines also has the distinction of being the only carrier in the 22-year history of the Federal Aviation Act to receive an order from the Civil Aeronautics Board compelling a company to improve its service. This order which was issued in 1959 had to do with Capital's service to Toledo, Ohio, the district which I represent.

The history of this order is very much the same as the history of Capital's entire Toledo operation. It started nearly 5 years ago with the gradual disintegration in Capital's service from eight flights a day down to two per day. On November 13, 1956, after repeated requests for improved service, Capital's president, J. H. Carmichael, promised that Capital would inaugurate Viscount service into Toledo on or before May 1, 1957, with two round trip schedules between New York and Chicago.

This promise was never kept and it then became necessary for the city of Toledo to institute a proceeding before the Board to compel Capital to provide good service. This proceeding was fought every step of the way but the Board finally issued an order directing Capital to put in two daily coach flights. Capital tried to get a stay in the court of appeals which was unsuccessful, as well as a stay by the Board which was also unsuccessful. It is my understanding that the matter is still being litigated.

What this means, quite clearly, is that taxpaying residents of the Toledo area have been compelled to spend tens of thousands of dollars in legal expenses in order to force Capital to provide minimum—if not substandard—service to the community.

This strikes me as being a dismal record for any carrier, Mr. Speaker, and about as poor a justification for subsidy as they could possibly come up with. I am sure I speak for the entire community I represent when I suggest that there be a careful study of the caliber of Capital's top management before a decision is made to send this airline a million dollar check every month at the taxpayers' expense. I feel certain the results will show conclusively that there is nothing to warrant such investment of public moneys.

CENTENNIAL CELEBRATION OF THE ANNIVERSARY OF THE BIRTH OF LAURA JANE ADDAMS, FOUNDER OF HULL HOUSE, CHICAGO, ILL.

The SPEAKER. Under previous order of the House, the gentleman from Illinois [Mr. LIBONATI] is recognized for 60 minutes.

Mr. LIBONATI. Mr. Speaker, the centennial celebration of the anniversary of the birth of Laura Jane Addams will be September 6, 1960.

There was never a woman in the history of our Nation who throughout her entire life taught to the unfortunate of the slums the American symbol of culture and refinement. Her inherent love

for human beings living in squalor and filth instilled in humankind a will to live again with revitalized hope and a new dignity. Her counsel and advice together with the introduction of educational and vocational training programs at Hull House opened a new horizon for the thousands of immigrant populations. She gave them an opportunity through civic courses to train themselves in their understanding of the values of American citizenship.

Laura Jane Addams was born at Cedarville, Ill., September 6, 1860, a member of a large family. Her mother died when she was still a baby. Her father's second marriage occurred when she was 8 years old. The Addams family in Colonial times, 1681, was granted 500 acres by William Penn.

John Hay Addams—Jane's father—was born in 1822 at Sinking Springs, Pa. In 1844 he married Sarah Weber, whose father George Weber was one of the founders of Lafayette College, and purchased property—sawmill and a gristmill—near Freeport, Ill. Ten years later he bought the homestead in which Jane was born. He was elected to the State senate for 16 years—1854–70—a close friend of Lincoln.

Jane Addams writes:

As a child I was dimly conscious of the grave march of public affairs in his comings and goings at the State capitol.

It is said that in her visits to Freeport with her dad, passing through the poorer section she became interested in the plight of the unfortunates forced to live under slum conditions.

At the age of 17 she entered Rockford Seminary near home in accordance with her father's wishes. She was really devoted to him. She said:

I tremendously admired his scrupulous morality, integrity, and sense of honor.

Jane Addams was graduated in June 1881 as president and valedictorian of her class, delivering her oration in Greek, receiving her bachelor of arts degree the following June 1882.

The greatest sorrow of her life was the death of her father at the end of summer. She sailed to Europe in August 1883 with her stepmother and friends, remaining abroad 2 years. She was a great lover of all the arts and developed deep interests and wide knowledge, which later she utilized so successfully in the development of her work at Hull House. She was a student of humanities and in London was impressed by the poverty of the east Londoners and in resentment and despair weighed the poverty of her own accomplishments.

She returned to Baltimore, enjoyed the social life and in the spring returned to Cedarville. She returned to England in December 1888, accompanied by Sarah Anderson, to join her classmate, the gifted artist Ellen Gates Starr. It was in Germany at the cathedral at Ulm, after viewing the carved choir stalls, depicting Hebrew prophets, Christian disciples and saints, Greek philosophers, the discoverer of music, and the builders of pagan temples, that as a result of this experience she wrote half the night in a fever of composition, setting forth her hope of a "cathedral of humanity large enough to house a fellowship of common purpose and beautiful enough to persuade men to hold fast to the vision of human solidarity."

After joining Ellen Starr in Munich they journeyed to Rome, remaining the balance of the winter. In the spring they went to Spain. Attending a bullfight, she remained throughout the gory spectacle, the other American women leaving the unbearable scene faint and disgusted at the brutal spectacle. She determined then and there to wage combat with all her strength against the wild animals, the dragons of injustice, ignorance, poverty, and inequality of society. She will be an onlooker of life no longer. She had a complete awakening. Ellen Starr understood. Back to London's East End to learn the objects of the Settlement Association and the incentives and accomplishments of the great man, noble and self-sacrificing Arnold Toynbee and Toynbee Hall.

Mr. Barnett, the warden, gave her the objects of the founders:

To provide education and the means of recreation and enjoyment for the people of the poorer districts of London; to inquire into the conditions; to consider plans • • • to promote the welfare of the people.

As was told to the Oxford students—

Come and live among the people • • • and give them your friendship, learn from them and share with them some of the rich things of life which you enjoy • • • this will bring classes into relation.

There were critics too because of the secular basis of Toynbee Hall that called it a Godless Institution. Jane Addams was to encounter the same criticism because of the nonsectarian basis of Hull House.

Having completed her study and bid farewell with the comment:

As you have proven here, so many American college women live happily and usefully in the West Side slums of Chicago. So many of them are smothered with advantages—yet without responsibilities. To such she announces, I mean to give an "opportunity." You Mr. Barnett, and your cultivated young university men have found a way to utilize your advantages and to satisfy your own deepest opportunities.

Mr. Barnett responded:

If we have been of service as a precedent for your deep longings for usefulness in your own American city, this will be one of the causes for rejoicing in Toynbee Hall.

To which she answered:

As I have learned how much your group has been enabled to accomplish in dissipating the atmosphere of gloom and misery in turning your dreams into realities, activities, I feel that I too have found "the way." At last I have finished with the "everlasting preparation for life." In saying farewell to London and Toynbee Hall, I go to look for a place in my own city in America.

And so in September 1889 Jane Addams, Ellen Gates Starr, Mary Keyser—housekeeper—together with Pond & Pond, distinguished architects, met at Hull House—Polk and Halsted Streets—surrounded by neighbors and invited guests, discussed the purposes of the greatest venture into social activities that the city had ever known. The objects of the incorporation were listed in the charter as follows:

To provide a center for a higher civic and social life; to institute and maintain educational and philanthropic enterprises, and to investigate and improve the conditions in the industrial districts of Chicago. The visitors admired the homelike appearance and atmosphere of the house.

Jane Addams said:

Yet in our neighborhood are people of education and refinement who have moved into this cheaper section for various reasons. In spite of untoward circumstance—they keep up some sort of intellectual life. We hope that to such as these, also, the settlement may prove a refuge and solace.

The expansion program was augmented by the donation of dilapidated buildings owned by William Kent in the immediate vicinity of Hull House; and on May 1, 1892, the first public playground in Chicago was opened to children on Kent's lots. Her love of children was tender and consuming. Later the day nursery, the gymnasium, the Bowen Campe at Waukegan. Young men and women of the best families came to Hull House to receive training in social work. Some became residents and supervised the classes of instruction of youth and adult groups. Professional men formed literary societies, age group athletic and social clubs. The institution became famous throughout the world and Jane Addams became a renowned leader in her field.

John Addams, her father, had been a miller and banker, the largest landowner in Stephenson County, a State senator seven terms and refused the Republican nomination for Governor, and had left a big estate, Jane's own income was $3,000 a year, quite a tidy sum in the eighties. But it would have been far too short a sum to operate Hull House, had fate not favored her. Charles Hull, the real estate operator, had built the House on Halsted Street and left it to his secretary, Helen Culver. She became an enthusiastic supporter of the enterprise. She turned over the House and lots to Jane Addams. Other donations came in and Hull House prospered.

Twenty volunteer workers joined the staff the first year. The roster of Jane Addams' colleagues in the nineties included many names that were to become famed in the world of practical sociology—Julia Lathrop, Florence Kelley, Alice Hamilton, were among the residents; Mrs. Joseph T. Bowen, Mary Rozet Smith, and others were active supporters with donations and time and effort.

The teeming West Side of the nineties had more problems than any woman—excepting Jane Addams—would try to cope with. But she plunged into one forlorn cause after another. She did not always win, but she never stopped trying.

Investigating, she found that milk was not kept sanitarily. With H. S. Grindley, of the University of Illinois College of Agriculture, she wrote a circular, "A Study of the Milk Supply of Chicago." The bulletin led to further investigations, and to better milk producing and handling standards.

With Lucy Flower, Miss Lathop, and Mrs. Bowen, she worked successfully for the establishment of a juvenile court to handle youthful delinquents and treat them like new offenders instead of like hardened criminals. Chicago's was the first juvenile court in the country.

Children in the neighborhood were being paid 4 cents an hour for sewing together, at home, expensive garments which had been precut in unsafe factories with terrible working conditions. Miss Kelley did the investigating which provided material on which an antisweatshop bill was projected. Jane Addams spoke and lobbied for it, and it was made a law in 1893, but the Illinois Supreme Court ruled its 8-hour day provision unconstitutional. Not until 1903 did Illinois get modern child labor and factory safety laws.

She became secretary of the Civic Federation Committee on Industrial Arbitration, but the civic federation just was not effective in settling labor disputes. She was appointed an arbitrator in the Pullman strike of 1894, the Teamsters' strike of 1905, the Garment Workers' strike of 1910, and a dozen lesser embroilments.

From 1905 to 1909 Jane Addams was a member of the Chicago School Board.

She was one of the founders of the Women's International League for Peace and Freedom and its president for many years. She became a world-girdling delegate to antiwar congresses, a lecturer, and writer.

When she was awarded the Nobel Peace Prize in 1931—sharing the award for that year with Dr. Nicholas Murray Butler—she turned over her share, about $16,000, to the Women's International League.

She grew discouraged, as well she might, with the campaign for international peace, but she remained active in it until the day she died, of cancer, on May 21, 1935. A sickly woman who had more than her share of operations and lengthy illnesses, Jane Addams never was too weary to fight for what she believed in.

She was a good labor mediator because she always could see both sides of the quarrel. She could put herself in the place of her neighbors around Hull House when they got into trouble. She did not think the saloons of Halsted Street were a good influence, but she refused to attack them because their opponents could not proffer something else to take their place.

In this new field came many who contributed so much to the renown of Hull House throughout the world. The careers of Harriet Vitum, Lillian Wald, Mary McDowell, Mr. Butler, who donated the Art Museum building; and above all in the early days of Hull House the contributions and services by Grace Abbott and her sister, school chums of our beloved Jane.

She was godmother of the Children's Bureau, which was the first effort on the part of the Government in the social work field. The first Bureau Chief, Julia Lathrop, and the second Bureau Chief, Grace Abbott, were residents of Hull House.

Many loyal advisers and volunteer workers joined her staff, some becoming residents. Alice Hamilton became a resident in 1898. She had studied medicine here and abroad. She was made professor of industrial medicine at Harvard in 1919, but came back and forth frequently.

Miss Frances Mollinaro, who herself is presently at Hull House, was a resident since childhood and later served in a secretarial capacity to Jane Addams and others, was preceded by her mother, deceased, Mrs. Mollinaro who, at the beginning and for many years, taught vocational classes.

Lawyer Eagle Brown, instructor of boys' clubs Latin, and a distinguished banker as president of the First National Bank of Chicago, and chairman, until his death last year, of the board of directors.

One of the most indefatigable Hull House officials in the protection work for young girls, is Jesse Binford, now retired. Judges, lawyers, and courtroom officials held her in high esteem. She was fair and honorable in all her presentments to the court as a witness or as a party in interest. She is a wonderful person and served with honor in her official capacity. May God bless her.

Jenney Dow Harvey, an early volunteer worker, was a charming, eager, young girl. She was daily with the little children of humble people. She was a splendid teacher of noble simplicity and was undismayed by the most complicated situations.

Of the talented Alice Kellogg Tyler, whose many paintings adorn the walls of Hull House, Jane Addams said in her book, "The Excellent Becomes the Permanent," that "she developed power as an artist because she craved life and more abundantly."

Miss Addams had this to say of Sarah Rozet Smith, at the dedication of the Hull House organ:

> Because of her interest in the little children of the Hull House nursery, because of her concern for the education and training of the young people who form classes here, because of her readiness to send comfort and succor when special distress was in our midst, the organ which we dedicate today has been built in this room by her husband and her children.

Others associated with Jane Addams were Charles Beard, who developed the coordination of settlement and university integration activities.

Nora Hamilton, the head of an art school.

Mrs. Wilmarth, a close associate and active in Hull House, was also a resident. She was a woman of great influence and wisdom and a leader in Chicago.

Dr. Rachel Yarros was an adviser at Hull House.

Edith DeNancrede was a gifted director of dramatic art. Her talented youngsters were trained by her, through their childhood, adolescent, and mature years. Many of them entered the professional field and became great artists.

Professor Sylvester was a band leader, who trained many musicians through the years at Hull House, some of whom became great orchestra leaders, such as the Petrillos, Panico, Schwartz, Mangano, Tortoriello, Turk, Napoli, and Cavallo. All of them were his students.

Dr. James Britton, the distinguished physican, was a resident who performed his good services at Hull House.

Mrs. Kenneth Rich was a valuable director and leader at Hull House.

Miss Dennison was a loyal and dedicated official of Hull House, who directed many activities during Jane Addams' many trips to foreign lands, or during her absences because of her many illnesses. Miss Addams traveled extensively for approximately one-tenth of the period of her operations at Hull House.

Mr. Hicks, director of gymnasium and club activities, was a wonderful leader; and Mr. Firman a great benefactor of Hull House.

No one can realize the social impact for good that resulted from the activities at Hull House. Politics in the practical acceptance of the term was banned. Jane Addams almost forgiving to a fault with first offenders in the field of passive crimes never raised her finger to help a second departure on the part of the culprit. If I may inject myself into the aura of her greatness—as a boy and young man I was very active at Hull House, both on the athletic teams and West Side Sportsman Club, I consulted with the great lady many times as a member of the Panhellenic Council of Clubs at Hull House. She was very adamant in disciplinary cases of a second offender brought before our committee. She was fair but strict on morals—it was to her credit that this rigid policy was pursued without exception in such matters. The prevention of the contamination of others by association was of tremendous importance to her.

Jane Addams was honored with more honorary degrees and awards than any other woman.

The M. Carey Thomas Prize from Bryn Mawr College—called the Bryn Mawr Achievement Award—was bestowed upon her in 1931.

Crowning them all came the Nobel Peace Prize, shared with Dr. Nicholas Murray Butler, for 1931.

The honorary degree of LL.D. from Swarthmore College was conferred in October 1932, the 250th anniversary of the landing of William Penn.

In February 1935 she received the American Education Award for her "importance as an educator by example and precept."

In 1932 the National Council of Women together with the Ladies Home Journal asked for a poll of the 12 greatest women leaders America had produced in the past 100 years, whose portraits were to be placed in the hall of social science at the Century of Progress Exhibition in Chicago the following summer, 1933, and in 1934.

Jane Addams was second on that historic list; but Mary Baker Eddy, discoverer and founder of Christian Science, led the poll. The others, in their order, were Clara Barton, founder of the Red Cross; Frances Willard, founder of the Woman's Christian Temperance Union; Susan B. Anthony, woman's suffrage leader; Helen Keller, deaf and blind lecturer; Harriet Beecher Stowe, author of "Uncle Tom's Cabin"; Julia Ward Howe, composer of the "Battle Hymn of the

Republic"; Carrier Chapman Catt, woman's suffrage leader; Amelia Earhart Putnam, aviator; Mary Lyon, founder of Mount Holyoke College; Mary E. Woolley, president of Mount Holyoke and delegate to the Disarmament Conference, Geneva.

In addition to the Swarthmore College degree, five more LL.D. degrees were conferred by the University of Wisconsin, 1904; Smith College, 1910; Tufts College, 1923; University of Chicago, 1930; University of California, 1934.

The degree of A.M. was conferred in 1910 by Yale University, and the degree of doctor of human letters by Northwestern University in 1929.

And in May 1935 came the great and unparalleled triumphant tribute in the city of Washington and from around the world.

Jane Addams had become well known as a speaker, but after 10 years at Hull House she became even more widely known and revered through her writings. She was considered to be on a par with the great William James.

A list of merely the titles of her books reveals the progress of her thinking and throws light on her amazingly widening influence. The list follows: "Democracy and Social Ethics"; "Newer Ideals of Peace"; "The Spirit of Youth and the City Streets"; "Twenty Years at Hull House"; "A New Conscience and an Ancient Evil"; "The Long Road of Woman's Memory"; "Peace and Bread in Time of War"; "My Friend Julia Lathrop"; "The Second Twenty Years at Hull House"; "The Excellent Becomes the Permanent"; and "Women at The Hague," written in collaboration with Dr. Alice Hamilton and Emily Greene Balch. Also "International Congress Reports," published by the Women's International League for Peace and Freedom at Geneva.

Her openmindedness may be noted in relation to her own voting record when women sufferage finally became a fact. She voted in five Presidential elections from 1916 to 1932, and her five ballots were cast for two Republicans, one Democrat, one Socialist, and one Progressive.

Jane Addams was interested in issues, not in party banners.

She was interested in providing help for a living individual who needed it, not in sociological theories and statistics devised by scholars in the library.

After Miss Addams' death, Mrs. Kenneth Rich took over as interim director of Hull House, until 1936, when she was succeeded by Miss Charlotte Carr. Russell W. Ballard has served since 1943.

Hull House is her official monument, but the work and the memory of Jane Addams are a worldwide monument.

Miss Addams was intensely interested in children. She never talked piously to them, but she got them interested into something that was fine. I remember every Christmas afternoon I saw her sitting on the stage of the Hull House theater, the room crowded with children. They were all looking up at her with eager interest and bated breath as she told them the story of the Resurrection and life to come.

The question was always asked of Miss Addams why religious services were not held at Hull House on Sunday morning and her reply was, "What kind of service? Episcopal, Presbyterian, Catholic, Congregational, or what?" She said it was impossible to please all residents, and there was no more reason for having such services at Hull House than in hotels or boarding houses. There were plenty of churches, open to all comers.

She was a Quaker. She went to church frequently, sometimes to one church, sometimes to another.

She believed in God and talked a great deal about Him. But she felt the best way to practice her religion was to live it. She was trying to do just that by living in a neighborhood where there was little comfort and much poverty.

She had many operations in her life. She never complained of pain or illness. She would say, "I'm not afraid to die; I know I'll go on living and I want to know what it's going to be like." She was not only curious, but eager to know what was beyond this life.

She talked about death many times with her friend of 50 years, Louise deKoven Bowen.

She contemplated death as analogous to birth; that is only a change of form; that like birth it brings us into a higher and more perfect state of existence. As an entrance into a state of freedom of the soul, whose powers will be infinitely expanded into loftier and nobler ideas, better able to study the truths of life. She had no fear of death—her great curiosity about it and high spiritual acceptance of Christ's teachings in her life's work fortified her with Christian hope that death meant a new chance, a new experience—releasing the soul to the enjoyment of heavenly bliss—blessed by our Saviour. The pallor of death she felt does not becloud the good spirit with seizures of terror.

She was a woman without fear of anyone or anything—except that, perhaps, she would not do the right thing.

Jane Addams died on May 21, 1935.

Her sympathy with the sorrows of others did not make her miserable. She put forth enabling efforts to alleviate the conditions that contributed to the suffering of humanity. She was not insensible to grief but having such a great capacity of love for her neighbors she enriched their lives by organizing cultural classes of many kinds at Hull House.

One has only to read her writings to realize that the dominating force that propelled her every act of service was the driving force of compassionate love.

She herself has written:

> The passion to serve mankind may be as imperative as any other, and sufficiently powerful to inhibit egotistic impulses and ambitions.

In a speech at Plymouth in 1892 she said:

> The good we secure for ourselves is precarious and uncertain • • • until it is secured for all of us and incorporated in our common life.

> The early Christians added a new treasure to the sum of all treasures, a joy hitherto unknown to the world—the job of finding the Christ which lives in each man, but which no man can unfold save in fellowship.

She was the first real adventurer in the unexplored country of social amelioration in America. It was not the common longing for peace on earth, but the splendor of her longing that set her apart.

The tribute of Northwestern University, in conferring upon her the honorary degree of doctor of humane letters, pronounced her to be "A profound student, a great teacher in the university of actual life, a promoter of interracial comradeship and understanding which is the only foundation of peace, a teacher of the great science of applied Christianity."

In May 1935 Walter Lippmann wrote:

> No one will ever be able to put into words the whole long record of the goodness of Jane Addams. All the world knows that she made of Hull House a citadel of compassion. Yet there is something else, which was visible in the beauty of her countenance, was audible in her unaffected voice, is in the style of her writings and was the special element in her influence. It was the quality within her which made it possible for her to descend into the pits of squalor and meanness and cruelty and evil, and yet never to lose • • • the distinctions that are precious to a maturely civilized being.
>
> She had compassion without condescension, • • • infinite sympathy for common things without forgetfulness for those that are uncommon. • • •
>
> This blend of sympathy with distinction, of common humanity with a noble style, is the quality which reached its highest expression in Lincoln. • • •
>
> It is to renew men's faith, so hard to hold, so easy to lose, that saints are born as witnesses and as examples.
>
> Jane Addams was a witness to the ancient American faith that a democracy can be noble, and that serenity and pity and understanding • • • can pervade the spirit of a strong and a proud people.

For 2 days she lay in state in Bowen Hall at Hull House, and from morning to night thousands of people passed through the hall to pay reverence to her in death who in life had done so much and had meant so much for Chicago, for America: Workmen at dawn, with their dinner pails, on the way to the job, kneeling to offer a mute prayer by her casket, children in weeping groups, people of every class and race, people who had known her, whom she had befriended, others, throngs of others who only knew that she was a friend of everyone, that precious thing, a good neighbor, a good citizen, a good American.

One old Greek, gazing upon her lovely face, turned to a resident standing near. "She Catholic?" he asked. "She Orthodox? She Jewish?" To each question the resident said: "No." Whereupon the old Greek said, smiling: "Oh, I see. She all religions."

The funeral, held in the Hull House courtyard, with the soft May sunshine flooding down upon "the flowers that banked the terrace and covered every window ledge and arched doorway" and upon the upturned faces of the hundreds of people who had stood for hours patiently waiting, was a very beautiful occasion. Charles Gilkey, of the University of Chicago, who led the service, read two passages from her book, "The Excellent Becomes the Permanent":

> Progress is not automatic; the world grows better because people wish that it should and take the right steps to make it better.

And secondly:

> The life we mourn today has given an added quality and worth to existence. • • • There was in it no confusion, no uncertainty. • • • Our belief in the life to come is for the moment made secure because one personality is so sincere that it has become a verity and a reality.

These words, written by Jane Addams years before as a tribute to a friend she loved, seemed peculiarly apt when spoken of her.

The benediction, fittingly, touchingly, was spoken by her old friend Graham Taylor. Even after the service was over, the people in the courtyard lingered, gazing at the casket that held all that was mortal of her. They were reluctant to say the final farewell.

There was a suggestion that she be buried in the National Cathedral at Washington, and no American could more have deserved such a national honor; yet her friends felt that she would prefer to rest in her childhood home, Cedarville, Ill. The next morning she was taken there, and, as the hearse bearing her went through the town of Freeport, a few miles from Cedarville, all the bells were tolling, and to the grave the entire way was lined on both sides of the road with children clasping hands and singing "America, the Beautiful."

Within the next few days memorial services were held in many other American cities and in Canada and England. Her death was, in truth, an occasion of international sorrow, and she is sure to live forever in the memories of her countrymen. On September 6 Jane Addams' birthday was commemorated throughout the world by the planting of trees, by international radio broadcasts by distinguished speakers, and by many meetings. It is anticipated that her birthday will become an annual commemoration in the interest of peace and the abolition of war.

Those who knew her and cared for her felt that, since death must come to her, it was supremely fortunate that it came when it did, at the zenith of her career, almost immediately after the unprecedented international tribute to her. There could have been no anticlimax in the life of Jane Addams, however long she might have lived, but to her friends a deeper sorrow than death would have been to see her condemned to years of suffering and enforced inactivity. It was a last kindness to her who had been kind to so many others.

It was her great happiness to witness the passage of regulatory laws protecting the freedom of children from many of the social and economic ills. She had been in the forefront in this struggle.

She also saw the acceptance of the equality of women enacted in State legislatures and the Congress of the United States, for which she had so bitterly fought.

Unfortunately, the road to peace among nations for which she had traveled all over the world, passionately advocating reason and laws to outlaw war is still today the greatest threat to civilized nations and liberty loving peoples.

On the morning of the Resurrection, the redeemed of the Lord shall appear and the pure spirit of Jane Addams, the "Angel of Halsted Street" shall shine in unfading loveliness and the beauty of holiness fill her blessed soul.

Mr. Speaker, the following is the resolution—House Joint Resolution 663—introduced in commemoration of the celebration of the centennial anniversary of her birthday:

H.J. Res. 663

Joint resolution authorizing and directing the President to designate September 6, 1960, as Jane Addams Day

Whereas Laura Jane Addams was born at Cedarville, Illinois, on September 6, 1860, and the world was to know her in after years as Jane Addams of Hull House; and

Whereas the people of the city of Chicago and the State of Illinois are celebrating this year the centennial of her birth; and

Whereas there never was a woman in the history of our Nation, who throughout her entire life so taught to the unfortunate of the slums, the American symbol of culture and refinement; and

Whereas her inherent love for human beings, living in squalor and filth, instilled by her kindly acts gave humankind a will to relive their lives with revitalized hope and a new dignity; and

Whereas her counsel and advice, together with the introduction of educational and vocational training programs at Hull House, opened a new horizon for the thousands of immigrant populations in her area; and

Whereas she further gave the immigrant masses an opportunity through civil courses to train themselves in their understandings of the value of American citizenship; and

Whereas her activities in legislative fields resulted in many reforms in the field of labor, including child labor laws and remedial sweatshop legislation, together with minimum wage laws; and

Whereas her exhaustive efforts in the field of international peace won for her international recognition among the leaders of nations in her travels throughout the world for the realization of her sacred principles of peace and dream to outlaw war, by the common consent of all by establishing the League of Nations, which was the forerunner of the present United Nations Organization; and

Whereas her treatment of social problems opened new vistas of study and resulted in new schools of thought in the treatment of these problems: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and directed to issue a proclamation designating September 6, 1960, the one hundredth anniversary of the birth of Jane Addams, as Jane Addams Day, and calling upon the people of the United States to celebrate such day with appropriate ceremonies and activities.

Mr. O'HARA of Illinois. Mr. Speaker, will the gentleman yield?

Mr. LIBONATI. I yield to the gentleman from Illinois.

Mr. O'HARA of Illinois. Mr. Speaker, in his proclamation of January 26, 1960, Mayor Richard J. Daley, of Chicago, described Jane Addams as "one of the world's most revered women."

This old world of ours has been in business a great many years, a countless number of centuries, and in every generation there have been women nobly and often with heroic self-sacrifice working out the mission of their creation in humble places and others with the trappings of their high stations in places of regal power and of publicized renown.

History is replete with the names of women, women for love of whom men fought in wars that determined the survival of nations, women who headed great nations that under their reigns reached high for world power, women who by their martyrdom gave strength to the faith that is innate in all of us, women who added to the lustre of poetry, music, the arts, and the graces. Unfortunately, for the many women in every generation, the housewives and the mothers, the women who humbly carried the burdens, who in hunger feigned lack of appetite that their shares of the daily meals could supplement the meager fare of their children, for these women who in every generation constituted the backbone of the social order and the State history has little if any record.

When Mayor Daley, of Chicago, than whom no man in high public position in my lifetime has more accurately placed the measure of human evaluations, proclaims Jane Addams "one of the world's most revered women" the appraisement of this remarkable woman whose centennial birthday we now are approaching will universally be accepted.

NOBILITY IN HUMBLE PLACES

Jane Addams labored in humble places. She reached out for men and women who had no hope and gave them hope. To those deadened by the dull routine of tireless chores she brought the inspiration that theirs too was a mission given to perform and in the faithful performance of that mission could be a glow of happy satisfaction beyond the power of wealth or position to buy. To those of good hearts but of happier physical environment she set the example, not of viewing from afar, but actually of sharing their lives by living in the true spirit of brotherhood and in daily association with those to whom they sought to give example and to impart inspiration.

She broadened the horizons of life for the men and women and children of her generation in humble places. Hull House in Chicago under her dedication became a castle of humanity where persons of good hearts and good fortunes worked with persons of good hearts but unhappier fortunes in fixing the real evaluations of human existence. Hull House under Jane Addams, as it remains today, was a castle of simplicity in a humble neighborhood, where there were no pretenses but all the grim realities. It ushered in a new social consciousness. It gave to mankind a push forward to the reaching of higher and yet higher plateaus. This year of 1960, the centennial birth year of Jane Addams, the influence of Hull House, instead of showing diminution, is everywhere growing and expanding.

Truly, Mr. Speaker, as Mayor Daley well said, Jane Addams is "one of the world's most revered women."

FROM HULL HOUSE TO THE CONGRESS

I am happy to join with my distinguished colleague and friend, the gentleman from Illinois [Mr. LIBONATI], and my other colleagues from the Chicago area in support of Mr. LIBONATI's joint resolution requesting the President to design September 6, 1960, as "Jane Addams Day." Hull House is in the district so ably represented in this body by the distinguished gentleman. He has rendered a great service to his district, his city, his country, and all mankind by his introduction of this joint resolution, which has the support of the solid Illinois delegation and will, I am sure, be adopted by a unanimous vote in this and the other body.

I listened with rapt attention to the eloquent remarks of my colleague, the gentleman from Illinois [Mr. LIBONATI], moved not only by the beauty of his words of tribute to the memory of one of the world's most revered women but as well by the emotion it was clearly evident the speaker was experiencing. No words ever were more sincerely spoken. The words of my colleague, Mr. LIBONATI, were in the language of the heart. While in his modesty he made no mention of the fact, Jane Addams was a strengthening source of inspiration to ROLAND LIBONATI in his boyhood and from her counsel and in the associations of Hull House came the urge for useful service that carried him eventually, and more than two decades after his mentor's death, to the Congress of the United States. So, Mr. Speaker, I understood the emotion with which he was possessed as he spoke today.

JANE ADDAMS AT WOMEN'S CONGRESS

Jane Addams died in 1935. She then was 75. It is hard for me to realize that she is gone, hard to think of her even as an aged or aging woman. I remember her so vividly in the years of her prime, in my mind can see her entering the large hall at the old Congress Hotel in Chicago to participate in the First Woman's Legislative Congress in Illinois, which I, as Lieutenant Governor and chairman of a State committee, had been instrumental in calling that representatives of organizations and groups active in social welfare work might present to the next General Assembly of Illinois a program of legislation of need and of interest to womanhood.

Harriet Taylor Treadwell was the chairman of that congress of over 600 representative women of Illinois that met on December 10, 11, and 12, 1914, and set a new pattern for woman's approach to the attainment of legislation needed for womanhood and childhood. Jane Addams, then in her early 50's, with her quiet dignity and the persuasive force of a power that combined brain and drive and dedication, was a tremendous influence in that 3-day congress of women that first set the path for feminine participation in a practical way in mass drives for legislation for the protection of the home and the welfare of the State.

It is to be noted that most of the recommendations of that First Woman's Legislative Congress, of which minimum wage was one, long since have been enacted into laws.

Catherine Waugh McCullough, mother of the present administrative assistant of the senior Senator from Illinois, PAUL DOUGLAS, was among the noble and dedicated women associated with Jane Addams at that congress.

I seem to see again the faces of the women at that Congress, contemporaries of Jane Addams and associates in the pioneering tasks of laying strong and well the foundations of social welfare. I mention only a few of the names for lack of time—Kate Adams, Helen Hefferan, Grace Wilbur Tront, Maud Cain Taylor, Alice Bradford Wiles, Edith Abbott, Gertrude Howe Britton, Sophonisba Breckenridge, Mary Bartelme, Helen Bennett, Esther Falkenstein, Alice Greenacre, Margaret Haley, Mrs. Harold L. Ickes, Florence King, Judith Loewenthal, Julia Lathrop, Mary McEnerney, Mrs. Charles E. Merriam, Mary McDowell, Leonora Z. Meder, Agnes Nestor, Kate O'Connor, Ellia Peattie, Mrs. Julius Rosenwald, Harriet Vittum, Mary Wilmarth, Edith Wyatt, and Ella Flagg Young, then superintendent of schools of the city of Chicago. I have omitted two names very dear to me that those still surviving of that era when women were on the eve of their political emancipation may know that my mention of a few names from more than 600 was illustrative and not intended as all-inclusive. It was an era of great and strong women.

DEEP INTEREST OF SECOND DISTRICT

The centennial birthday of Jane Addams holds an especially deep and warm interest to the men and women of the Second District of Illinois that I have the honor to represent in this Chamber.

Miss Malvin Morton, the dedicated and dynamic executive director of the Chicago Federation of Settlements and Neighborhood Centers, is of our district. A total of 33 neighborhood houses in the Chicago area, including Hull House, are members of the federation. Miss Morton carries on in the great work of social welfare in the true spirit and noble tradition of Jane Addams.

The late Prof. James Weber Linn, one of the most beloved members of the faculty of the University of Chicago in the history of that great institution, was a nephew of Jane Addams, and his daughter, Mrs. John Allen, a grandniece of Jane Addams, is now a member of the board of education of the city of Chicago.

Mr. Speaker, again I commend the gentleman from Illinois [Mr. LIBONATI], who represents the district in which Hull House is located and where Jane Addams gave of her heart and her genius to a labor stamping her in the words of Mayor Daley as "one of the world's most revered women," for this opportunity to join with him in having September 6, 1960, proclaimed and observed throughout this land of ours as Jane Addams Day.

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. MURPHY] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MURPHY. Mr. Speaker, this is the centennial of the birth of one of the great women of American history, and a woman very dear in the thoughts and memories of the people of Chicago.

Jane Addams, who founded Chicago's Hull House, once addressed a gathering with these words:

> The good we secure for ourselves is precarious and uncertain • • • until it is secured for all of us and incorporated into our common life.

This woman, with her passion to serve mankind, spent her life working for the good of all the people both here and abroad, whom she could reach.

I share the belief of many of my countrymen that Jane Addams personified the best qualities of the American people. Few have contributed so generously of their strength, their time, and their thoughts to the bettering of the lives of others. Because of this, I join with my colleagues of Illinois in urging passage of a joint resolution to authorize and request the President to issue a proclamation in connection with the centennial of her birth.

Miss Addams helped the people of Chicago, of all nationalities and backgrounds, through her work at Hull House, which spanned a period of 40 years. Her contributions to humanity broadened during these years, as she participated in hundreds of movements which she believed to be worth while. In 1915, for example, she was elected president of the International Congress of Women at The Hague in Holland, and during World War I she traveled from one warring country to another, urging negotiations to end the war. In 1913 she won one of the world's highest honors, the Nobel Peace Prize. On the occasion of the presentation, the chairman addressed her as "America's Uncrowned Queen." Another European has referred to her as "the one saint that America has produced."

This week in Washington are assembled some 7,000 people from all over the world at the golden anniversary White House Conference on Children and Youth. The delegates are concerned with the very problems which were the concern of the dedicated founders of Hull House—with the need for strengthening family life; the need for creating a feeling of neighborliness by helping individuals and groups to know and understand each other; the need for integrating a local neighborhood with its city, its State, our country and, indeed, with the world. It was, it seems to me, never more vital that we carry out these objections in the spirit of the neighborhood center which works with a cross section of all cultural, racial, religious, and age groups in its neighborhoods.

Today there are about 800 neighborhood centers scattered across the United States. We find them helping to relocate families in areas where cities are being rebuilt through slum clearance, urban renewal, and highway programs, or operating in the public housing projects into which evicted families have been moved. We find them in neighborhoods where newcomers—the Puerto Rican, the mountain white, and the

Mexican family—need help in the process of assimilation.

Under the very appropriate title, "Neighborhood Goals in a Rapidly Changing World," the National Federation of Settlements recently—1957—named the following six-point goals as describing the general focus of the settlement house today:

1. To serve as one of the few agencies in contemporary society that is not "wholly formalized, bureaucratized, channelized" that offers a personal, face-to-face relationship in which a whole human being can be seen and talked to in something like his entire life situation.

2. To help give people roots, a sense of identification with a place, other people, existing agencies of their society, and, if they stay long enough, with the ongoing good and traditions and obligations of that society.

3. To experiment in using new knowledge and social techniques for dealing with human problems.

4. To provide decentralized service to people who need help in areas close to their homes.

5. To help promote cultural activities, "an active participant culture," countering pressures toward passivity in American life, helping to develop ways of using our increasing leisure for creative activities.

6. To provide important services in the planning and execution of programs for urban renewal.

Walter Lippmann wrote of her a quarter of a century ago:

No one will ever be able to put into words the whole long record of the goodness of Jane Addams. All the world knows that she made a Hull House a citadel of compassion.

He stated further:

Jane Addams was a witness to the ancient American faith that a democracy can be noble, and that serenity and pity and understanding • • • can pervade the spirit of a strong and a proud people.

Mr. COLLIER. Mr. Speaker, will the gentleman yield?

Mr. LIBONATI. I yield to the gentleman from Illinois.

Mr. COLLIER. Mr. Speaker, I, too, would like to compliment my friend and colleague from Illinois on his address here today, one that is both timely and significant. Hull House today stands in Chicago as a memorial to the great humanitarianism of Jane Addams. I know, too, that my colleague from Illinois in his many years of public service has contributed a great deal in his own way to the less fortunate people not only of his district, but of the State of Illinois and the Nation.

Mr. MEYER. Mr. Speaker, will the gentleman yield?

Mr. LIBONATI. I yield to the gentleman from Vermont.

Mr. MEYER. Mr. Speaker, I would like to associate myself with the fine remarks that the gentleman from Illinois had made, partly because I have been a great admirer of Jane Addams myself, and the work she has done, and also because my daughter is preparing herself for this type of work. I have a son who has done work in the slums in New York and Washington and is now in Chicago in his own way trying to do this work.

I certainly join in everything that the gentleman from Illinois has said and compliment him very highly for the statement he has just made.

Mr. LIBONATI. I thank the gentleman.

Mr. PUCINSKI. Mr. Speaker, this year marks the centennial of the birth of a great and dedicated woman whom Chicago claims as its very own—Jane Addams of Hull House.

I am proud to join with my colleagues in Congress today in paying tribute to this remarkable woman who made such a significant contribution in the field of social welfare when she pioneered many social reforms for the aid and assistance of the indigent and the unfortunate.

Hull House, on the near West Side of Chicago, stands today as a memorial to this woman's deep understanding of the problems confronting our society. Miss Addams had charted a new concept in the field of social welfare and has brought living meaning to the gallant people of her profession who are making such a profound contribution, particularly in the field of human relations.

Her name has become a symbol of social reform throughout the world. Her followers are legion and her philosophy has become an inspiration for this growing profession of social workers.

Jane Addams had the unique faculty of analyzing human frailties and she possessed the bold determination to do something about those frailties.

Miss Addams confronted our society with new concepts of social conscience at a time when too many people had looked upon social workers as strange phenomena that should be judged with extreme care and caution. She made her mark at a time in our history when a large segment of our society insisted upon viewing the problems of the indigent as a natural order of things. It was through her stubborn insistence that organized society finally began to recognize the needs of its less fortunate neighbors and developed concepts reflecting a social conscience and moral awakening in America.

Miss Addams was born in Cedarville, Ill., on September 6, 1860. Since Congress will not be in session on the actual date marking her birth, I think it is fitting that we pay tribute to her great contribution at this time.

Early in life, Miss Addams was exposed to the social injustice of slavery through her father's active participation in the abolitionist movement.

It was this personal contact with one of the most inhuman practices of our history that inspired Miss Addams to heights of social reform equalled only infrequently by her contemporaries.

Her many years of dedicated work in Chicago in developing programs to deal with juvenile delinquency; programs designed to help immigrants understand the concepts of democracy; projects which to this day are helping those from broken homes, and many other endeavors, have won her the eternal gratitude of the people of Chicago.

When Hull House opened in 1889, at the corner of Polk and Halstead Streets, it was Jane Addams who provided the inspiration and guidance to bring together the polyglot community of immigrants into a unified area of Americans. She knew well the problems that these immigrants encountered in trying to adjust themselves to their new way of life. Moreover, she knew the great difficulties that had to be overcome because of language barriers. Through prodigious patience, Jane Addams welded all of these people into an inspiring community of Americans determined to make their own children produce a worthwhile contribution to this Nation.

It is fitting that we should pay tribute to Miss Addams today when the White House Conference on Children and Youth is being held in the Nation's Capital.

The fact that more than 7,000 social workers and others dedicated to the field of social welfare are meeting here in Washington this week, the largest number ever to attend such a conference on youth, serves to reflect on the impressive contributions which Miss Addams herself brought to the social workers' profession.

Thousands of Americans are today proudly carrying the banner as social workers because of the high esteem that Miss Addams has won for their profession.

The social worker of the past, frequently insecure and unjustly misunderstood, today can take pride in his profession because of people like Jane Addams who had elevated this profession to a new standard of respect for all America.

We in Chicago are proud to be able to claim Miss Addams for our very own. May the principles and dedication which she made so thoroughly a part of her life, long serve as a symbol of inspiration to those who are carrying on her magnificent ideals today.

GENERAL LEAVE TO EXTEND REMARKS

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have 5 days in which to extend their remarks in the RECORD on the life and character of Jane Addams.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the remarks concerning the gentleman from Georgia [Mr. BROWN] today appear in the RECORD following consideration of conference report.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ANNOUNCEMENT

Mr. COLLIER. Mr. Speaker, when the rollcall vote was taken yesterday on the Health, Education, and Welfare appropriation bill I was not in the Chamber through no fault of my own. Had I been present I would have voted "yea."

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL

RECORD, or to revise and extend remarks, was granted to:

Mr. DAGUE.

Mr. HARDY, the remarks he expects to make in Committee of the Whole and to include certain communications and extraneous matter.

Mr. CURTIS of Missouri.

Mr. COOK.

(The following Members (at the request of Mr. PROKOP) and to include extraneous matter:)

Mr. ANFUSO.

Mr. FLOOD.

Mr. EVINS.

Mr. ROONEY.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1283. An act to regulate the interstate distribution and sale of packages of hazardous substances intended or suitable for household use; to the Committee on Interstate and Foreign Commerce.

S. 2046. An act for the relief of Max Kotscha; to the Committee on the Judiciary.

S. 2430. An act for the relief of certain employees of the General Services Administration; to the Committee on the Judiciary.

S. 2538. An act for the relief of Kim Yong Cha, fiance of Cpl. LeMaine Ellingson, RA55280245; to the Committee on the Judiciary.

S. 2877. An act to authorize the reconveyance of tribally owned lands by the Muckleshoot Indian Tribe of the State of Washington to the original allottees, their heirs, devisees, or assigns; to the Committee on Interior and Insular Affairs.

S. 2878. An act to convey certain federally owned lands in New Mexico to the Navajo Tribe of Indians and for other purposes; to the Committee on Interior and Insular Affairs.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 24. An act to provide that certain real property of the United States situated in the State of Nevada shall be held in trust for members of the Fort McDermitt Paiute and Shoshone Tribe of Indians of the Fort McDermitt Indian Reservation, Nevada;

H.R. 1540. An act for the relief of the estate of John Steve;

H.R. 2164. An act to reduce the cabaret tax from 20 percent to 10 percent;

H.R. 2740. An act to amend section 2734 of title 10, United States Code, to extend the statute of limitations in the case of certain foreign claims;

H.R. 2849. An act for the relief of Oscar A. LaBranche;

H.R. 4483. An act to amend the act of December 24, 1942 (56 Stat. 1086, 43 U.S.C., 36b), entitled "An act to authorize the Secretary of the Interior to acquire lands or interest in lands for the Geological Survey";

H.R. 4586. An act to amend section 4021 of the Internal Revenue Code of 1954;

H.R. 5270. An act to authorize the Secretary of the Interior to convey to the Metropolitan Water District of Salt Lake City, Utah, all right, title, and interest of the United States in certain lands located in Salt Lake County, Utah;

H.R. 5301. An act for the relief of Harry E. Nelson;

H.R. 5887. An act to amend the Tariff Act of 1930 to place ground, powdered, or granulated seaweeds on the free list;

H.R. 6023. An act for the relief of William J. Kaiser;

H.R. 6027. An act for the relief of Joseph J. O'Loughlin;

H.R. 6132. An act relating to the rate of tax on the issuance of shares or certificates of stock by regulated investment companies;

H.R. 6136. An act to authorize the sale of certain tribal land of the Lac du Flambeau Band of Lake Superior Chippewa Indians, Wisconsin;

H.R. 6402. An act for the relief of Victor Stiglic;

H.R. 6516. An act to approve a contract with the Conejos Water Conservancy District, Colorado, to ratify its execution, and for other purposes;

H.R. 6885. An act for the relief of Neal E. Andersen;

H.R. 6948. An act for the relief of Miss Marion A. Cramer;

H.R. 7037. An act for the relief of Carl J. Fisher, captain, U.S. Army, retired;

H.R. 7079. An act for the relief of Don L. Herring;

H.R. 7116. An act for the relief of George W. Gibson;

H.R. 7365. An act for the relief of Mrs. Nell C. Player;

H.R. 7447. An act for the relief of Paul Levitt;

H.R. 7636. An act for the relief of Mrs. Viola H. Rooks;

H.R. 7889. An act to require marketing quotas for rice when the total supply exceeds the normal supply;

H.R. 7933. An act for the relief of Mrs. Virginia Bond;

H.R. 8106. An act to provide for the relief of certain members and former members of the Department of the Navy for the expenses of temporary storage of household effects;

H.R. 8318. An act to amend the Internal Revenue Code of 1954 to exempt bicycle tires and tubes used in the manufacture or production of new bicycles from the manufacturers' excise tax on tires and tubes;

H.R. 8801. An act for the relief of the Maco Warehouse Co.; and

H.R. 9599. An act to provide transportation on Canadian vessels between ports in southeastern Alaska, and between Hyder, Alaska, and other points in southeastern Alaska and between Hyder, Alaska, and other points in the United States outside Alaska, either directly or via a foreign port, or for any part of the transportation.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2220. An act to strengthen the Commissioned Corps of the Public Health Service through revision and extension of some of the provisions relating to retirement, appointment of personnel, and other related personnel matter, and for other purposes.

ADJOURNMENT

Mr. PROKOP. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 49 minutes p.m.) the House adjourned until tomorrow, Thursday, March 31, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2001. A letter from the Assistant Secretary of State, transmitting texts of the following: (1) ILO Convention (No. 112) concerning the minimum age for admission to employment as fishermen, (2) ILO Convention (No. 113) concerning the medical examination of fishermen, and (3) ILO recommendation (No. 112) concerning occupational health services in places of employment, adopted by the International Labor Conference at its 43d session, at Geneva, June 19, 1959, pursuant to article 19 of the Constitution of the ILO (H. Doc. No. 365); to the Committee on Foreign Affairs and ordered to be printed.

2002. A letter from the Secretary of Commerce, transmitting a report of the activities pertaining to aviation war risk insurance as of December 31, 1959, pursuant to title XIII of the Federal Aviation Act of 1958; to the Committee on Interstate and Foreign Commerce.

2003. A letter from the Acting Postmaster General, transmitting a draft of proposed legislation entitled "A bill to amend the act entitled 'An act authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty', approved March 17, 1882, as amended, and for other purposes"; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEE ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of Missouri: Committee on House Administration, H.R. 7923. A bill to eliminate the fixed limit of authorization for expenditures of the Commission of Fine Arts; without amendment (Rept. No. 1435). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAYS: Committee on House Administration. House Resolution 472. Resolution to authorize printing as a House document a publication entitled "Sports-Fishing Industry in California and the Pacific Northwest"; without amendment (Rept. No. 1436). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Concurrent Resolution 607. Concurrent resolution authorizing the printing as a House document of the pamphlet entitled "Our American Government: What Is It? How Does it Function?"; without amendment (Rept. No. 1437). Ordered to be printed.

Mr. HAYS: Committee on House Administration. Senate Concurrent Resolution 80. Concurrent resolution authorizing the printing of additional copies of part 1 of the hearings on an inquiry into the satellite and missile programs; without amendment (Rept. No. 1438). Ordered to be printed.

Mr. JONES of Missouri: Committee on House Administration. House Joint Resolution 502. Joint resolution authorizing the erection in the District of Columbia of a memorial to Mary McLeod Bethune; without amendment (Rept. No. 1439). Ordered to be printed.

Mr. JONES of Missouri: Committee on House Administration. House Joint Resolution 546. Joint resolution authorizing the architect of the Capitol to present to the Senators and Representative in the Congress from the State of Hawaii the first official flag of the United States bearing 50 stars and which is flown over the west front of the U.S. Capitol; without amendment (Rept. No. 1440). Ordered to be printed.

Mr. JONES of Missouri: Committee on House Administration. Senate Joint Resolu-

tion 128. Joint resolution to establish a commission to formulate plans for a memorial to James Madison; with amendment (Rept. No. 1441). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANFUSO:

H.R. 11462. A bill to establish a program to foster and promote the conduct of basic and supporting scientific research through contracts entered into by the United States; to the Committee on Science and Astronautics.

By Mr. BARRY:

H.R. 11463. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit the donation of foreign excess property to medical institutions, hospitals, clinics, health centers, schools, colleges, and universities; to the Committee on Government Operations.

By Mr. CURTIN:

H.R. 11464. A bill to amend section 744 of title 38, United States Code, to provide that where a veteran has paid in premiums an amount equal to or greater than the face value of a policy of U.S. Government life insurance, the policy of such insurance shall be paid up; to the Committee on Veterans' Affairs.

By Mr. DAWSON (by request):

H.R. 11465. A bill to amend the "anti-kickback statute" to extend it to all negotiated contracts; to the Committee on Government Operations.

By Mr. FOLEY (by request):

H.R. 11466. A bill to modernize certain provisions of the Civil Service Retirement Act relating to immediate retirement; to the Committee on Post Office and Civil Service.

By Mr. MORGAN:

H.R. 11467. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. NIX:

H.R. 11468. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ROBERTS:

H.R. 11469. A bill to amend the Natural Gas Act to prohibit a rate increase from becoming effective, subject to bond, before a pending rate increase proceeding has been finally determined; to the Committee on Interstate and Foreign Commerce.

By Mr. BOLAND:

H.R. 11470. A bill providing flood control activities in the Chicopee River Basin; to the Committee on Public Works.

By Mr. CELLER:

H.R. 11471. A bill to prohibit the Development Loan Fund from making loans to nations in default; to the Committee on Foreign Affairs.

H.R. 11472. A bill to amend section 1871 of title 28, United States Code, to increase the mileage and subsistence allowances of grand and petit jurors; to the Committee on the Judiciary.

By Mr. CORBETT:

H.R. 11473. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. HÉBERT:

H.R. 11474. A bill relating to the employment of retired commissioned officers by contractors of the Department of Defense and the Armed Forces and for other purposes; to the Committee on Armed Services.

By Mrs. KEE:

H.R. 11475. A bill to amend the Internal Revenue Code of 1954 to repeal the excise taxes presently imposed on communications and on the transportation of persons; to the Committee on Ways and Means.

By Mr. LAIRD:

H.R. 11476. A bill to authorize Federal loans to assist the Menominee Indian Tribe of Wisconsin, or its successor entity, in the conduct of its affairs; to the Committee on Interior and Insular Affairs.

By Mr. PORTER:

H.R. 11477. A bill to amend the Labor-Management Relations Act, 1947, and for other purposes; to the Committee on Education and Labor.

H.R. 11478. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959; to the Committee on Education and Labor.

By Mr. EDMONDSON:

H.R. 11479. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. HOLLAND:

H.R. 11480. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. O'HARA of Michigan:

H.R. 11481. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. ROOSEVELT:

H.R. 11482. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. SANTANGELO:

H.R. 11483. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. UDALL:

H.R. 11484. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. WIER:

H.R. 11485. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. FARBSTEIN:

H.J. Res. 667. Joint resolution to provide for the establishment of the Office of Inter-American Affairs; to the Committee on Foreign Affairs.

By Mr. JOHNSON of Maryland:

H.J. Res. 668. Joint resolution establishing a joint committee to investigate the cost of living and the widening spread between retail prices and prices paid to farmers; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of Ohio:

H.R. 11486. A bill for the relief of Richard J. Power; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 11487. A bill for the relief of Gino Forato; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 11488. A bill for the relief of Earl P. Garoutte; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

402. Mr. ULLMAN presented a petition of the Public Forum of Spokane and the Inland Empire, Spokane, Wash., in favor of a 4-cent commemorative stamp in honor of Thomas Paine, which was referred to the Committee on Post Office and Civil Service.

EXTENSIONS OF REMARKS

White House Conference on Dependent Children

EXTENSION OF REMARKS

OF

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1960

Mr. ROONEY. Mr. Speaker, this year will mark the 50th anniversary of the First White House Conference on Dependent Children which was called by President Theodore Roosevelt in 1909.

This anniversary provides an opportunity to recall the contributions to American social work of one of the men selected by President Roosevelt to be a vice chairman of the 1909 conference, the late Thomas M. Mulry, of New York City, who was the maternal grandfather of our distinguished colleague, the gentleman from Connecticut [Mr. MONAGAN].

Mr. Mulry was an unusual man. He was a banker and at his death was president of the Emigrant Industrial Savings Bank in New York City. He was also a devoted and unselfish worker in charitable causes, devoting the major portion of his efforts to the cause of Catholic charities in general and the St. Vincent de Paul Society in particular.

This society was and is devoted to aiding the poor and the unfortunate and Mr. Mulry from the days of his youth gave his principal efforts to the success of this organization. So successful were his labors that he rose to become national president of the society and for his efforts was made a Knight of St. Gregory, was given an honorary degree of doctor of laws by Catholic University, and was awarded the famous Laetare Medal by the University of Notre Dame.

In a time when publicly financed welfare institutions had scarcely begun to develop, Mr. Mulry did yeoman work

in developing cooperation between the many private charitable organizations which had hitherto pursued their independent courses. He worked for and developed joint efforts by groups of differing religions and between religious and nonsectarian societies. He was a leading figure in the movement to remove dependent children from the alms houses to which they were then sent, to proper child-caring institutions.

Mr. Mulry was one of the founders of the National Conference of Catholic Charities and one of the organizers of the New York State Conference of Charities and Corrections. He served as a member of the Conference of Charities of the City of New York, the Charity Organization Society, the State Board of Charities and the Commission of Public Hospitals of the City of New York. He was one of the moving spirits in the founding of the School of Social Science and Fordham University where his brother, Rev. Joseph A. Mulry, S.J., was president.

Mr. Mulry was essentially a simple man. He was a man of strong religious faith and of exemplary life. He and his talented wife, who was a graduate of Hunter College and an accomplished linguist, were the parents of 13 children. Mr. Mulry served his God in serving his fellow man and his interest was ever given to those who were least fortunate and least influential—the outcast children.

Mr. Mulry's life and accomplishments are in the best American tradition. They set a high standard of performance for those who come after him in the field of social service and this anniversary of the conference which he helped to organize is an appropriate time to recall them to mind.

Federal Pay Increases

EXTENSION OF REMARKS
OF
HON. ROBERT E. COOK
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 30, 1960

Mr. COOK. Mr. Speaker, I have presented the following statement to the Post Office and Civil Service Committee in support of legislation which would provide a pay raise for postal workers and other Federal employees:

STATEMENT OF CONGRESSMAN ROBERT E. COOK, BEFORE THE HOUSE COMMITTEE ON POST OFFICE AND CIVIL SERVICE IN BEHALF OF POSTAL PAY INCREASE LEGISLATION

Mr. Chairman, I am in favor of the enactment of legislation in the present session of Congress to provide a pay raise for our postal and other Federal employees. Such a raise is long overdue. It would raise the wages of these employees to the level of wages in private industry.

The correspondence from my district reveals instance after instance of financial hardship for these local representatives of our Federal Government. The average letter carrier's salary of $4,640 is hardly enough to meet the present-day high costs of food, clothing, shelter, and medical expenses.

If we expect these trained workers to remain in Federal service, this Congress must face up to their financial problems and vote them a needed pay increase.

I have introduced H.R. 11231 calling for these needed increases. It is similar to the so-called Morrison bill, and I hope its principles will receive the favorable consideration of your committee.

Sgt. Alvin C. York Still a Hero—Still a Fighter

EXTENSION OF REMARKS
OF
HON. JOE L. EVINS
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 30, 1960

Mr. EVINS. Mr. Speaker, Sgt. Alvin C. York is one of America's greatest living war heroes. Perhaps no American fighting man ever displayed greater personal courage or made a greater single-handed contribution to the country for which he fought than did Sergeant York—the greatest hero of World War I.

Alvin York grew up in the hill country of Tennessee, near Jamestown, in Fentress County, which I have the honor to represent in the Congress. On returning from Europe and the battleground where he single-handedly killed 25 and captured 125 of the enemy, he received a befitting hero's welcome. The Tennessee sergeant could have turned his war deeds into a huge fortune but rather than accept the many glamorous offers which were urged upon him, Sergeant York chose to return to Fentress County and to settle on a small farm there and to make his contributions to his home community.

He helped to start two schools in the community where he lived, and more than 20 years after the war, when he was convinced that the story of his life and military career would be treated with proper dignity, he sold his rights to the books written about him and consented to have his life story filmed. He gave the proceeds from the sale of these rights to one of the schools which he started—a Bible school for youth—York Institute. He has continued to live on his farm and enjoy the rural life which he had always known. After the sergeant had donated the money he received from the filming of his life story, the Internal Revenue Service asserted that he owed $85,442 in income taxes as a result of the movie, even though in other cases the Internal Revenue Service has allowed capital gains tax and other benefits for those who have received sizable amounts from film rights or from books.

Mr. Speaker, it should be pointed out that a rule or a law is not fair if it applies to one citizen and not to all citizens alike. I am informed that while Sergeant York was denied the right to count his income from the filming of his life story as capital gains President Eisenhower was allowed to count his income from the sale of his book, "Crusade in Europe," as capital gains and thus pay much less in taxes than if counted as straight income. Here we have a law interpreted by Tax Bureau officials one way for a general of World War II and the same law interpreted in another way for a sergeant of World War I.

Sergeant York has never been able to meet the demands of the Internal Revenue Service and his present financial status indicates that he will never be able to pay this back tax without selling his farm and perhaps bankrupting this citizen-soldier. He recently has been granted social security benefits. His income, I understand, includes $32 monthly social security benefits, a $60 monthly disability pension, and a $10 monthly payment as a Medal of Honor winner, plus a small income from his farm.

Although stricken and ill and confined to bed and wheelchair, this great Tennessean is still bright, cheerful, and still a hero.

Mr. Speaker, it should be made clear that neither Sergeant York nor any member of his family has requested that I assist him in any way and that my remarks on behalf of Sergeant York is entirely voluntary. Just as he requested no help in fighting the battles of World War I, he has requested no help in fighting the tax battles since his return. Others feel, however, that the Internal Revenue Bureau is unusually severe in handling his case.

In this connection, Mr. Speaker, Inez Robb, a columnist for the Scripps-Howard newspapers, has written a column pointing out Sergeant York's present plight and urging that his so-called taxes should be forgiven.

Mr. Speaker, I ask unanimous consent that this writing, which appeared in the Washington Daily News of March 29, last, be reproduced in the RECORD.

The article follows:

SERGEANT YORK'S TAXES SHOULD BE FORGIVEN
(By Inez Robb)

It is with real sorrow that I read that Sgt. Alvin Cullum York, superhero of World War I, old and ill, has at last been forced by circumstances to apply for such social security benefits as are due him as a self-employed farmer.

For the past 6 years the sergeant, 72, has been bedfast, following a stroke. And it has been hard for him to farm the 400 acres in Fentress County, Tenn., given him by a grateful State when he returned from World War I, the outstanding popular hero of that conflict. The Medal of Honor was tucked away in his luggage, and so were decorations from a half dozen other governments.

Sergeant York became the darling of the Nation, as no man has since, with the possible exception of Charles A. Lindbergh. Singlehandedly, the sergeant put a German machinegun battalion out of action, killed 25 of the enemy, captured 125 Germans and marched them back to the allied lines.

RETURNED

He returned from the war to a hero's adulatory welcome. On the pier to meet him was a covey of business representatives, waving fat contracts under his nose. The sergeant could have cashed in for a fortune if he had been willing to exploit his heroism. The sergeant said, with finality and the instinctive good taste that marks him, that his services to his country were not for sale.

So the hero went back to the hill country of Tennessee to his old home in Fentress County.

He made some money by occasional dignified lectures and by writing. With the proceeds he started a school where the boys in the district would learn not only to read and write, but improved agricultural methods and the girls the latest in domestic science.

And he started a second school, dear to his heart, a Bible school. Hollywood kept trying to buy his life story. But it was not until 1940–41, when he was convinced that the story would be treated with dignity, that he consented to its filming. And that is the juncture at which Sergeant York began having trouble with Uncle Sam.

All the proceeds of the film about the man the late General Pershing described as "the greatest civilian soldier" in World War I were devoted by that civilian to his Bible school. He and his family continued to live with their usual simplicity on the farm. He was still unwilling to make money for himself out of his service to his Government.

But now Uncle Sam says the older sergeant owes $85,442 in income taxes as a result of the movie. Like another ex-soldier, this time of World War II, Joe Louis, the sergeant just hasn't got it. And now, he has applied for social security benefits

I wish Uncle Sam could find it in his heart to forgive him his alleged tax indebtedness, a sum the Government doesn't really need, and let the old hero end his days in peace and honor.

White House Conference on Children and Youth

EXTENSION OF REMARKS
OF
HON. PAUL B. DAGUE
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 30, 1960

Mr. DAGUE. Mr. Speaker, the White House Conference on Children and Youth, presently in convention here in the Capital City, is in my opinion something of a misnomer, if I read the newspaper accounts correctly. In the first instance reference to the White House has only served to arouse Messrs. Meaney and Carey of the CIO and their ilk to launch a series of diatribes at the administration and by indirection to accuse the occupant of the White House of gross dereliction in his duty. In the second instance, the presumably basic concern for children and youth is almost lost in the raucous clamor for such things as expanded public housing, urban renewal, Federal aid to education, to name a few, which are related to juvenile welfare only in the abstract.

The bleeding heart volunteers and the hard-boiled professionals who sit up nights trying to drum up new apologies for wayward juveniles are met here to talk interminably all around the subject and with a careful avoidance of truly corrective measures which can only be effectively applied in the home and by the youngster's parental mentors.

This business of thinking up excuses for delinquent youth was met head on yesterday by the Reverend Daniel Eagan, a Catholic priest from New York. Father Eagan lead off with the observation that teenagers are being encouraged to say, "It's not my fault" and then made the further comment that, "The young people are excusing themselves because we are excusing them too easily."

A representative of the National Probation and Parole Association challenged Father Eagan with this specious argument:

Few of these kids decided where they were to be born, where they would be brought up, what churches they would be brought up in.

To this Reverend Eagan replied:

You are suggesting that a 16-year-old boy who knifes someone is not responsible because he has a drunken father. This philosophy of excuse is * * * encouraging youth to say, "It's not my fault."

And then Father Eagan went on to comment:

I favor every type of treatment, but boys and girls have free will to do right and wrong. They are responsible for their actions.

This leads me to observe—as a former sheriff who has had some acquaintance with delinquent juveniles—that our primary concern should be directed toward delinquent parents and that there is no substitute for parental failure to set the proper example and take corrective measures. And in that observation I am referring only to those homes which are neither broken by divorce nor menaced by adult derelection, but from which come so many young people who end up on the wrong side of the law. And as corollary to that observation I think it is high time that we abandon this silly business of refusing to identify by name and family these teenagers who are detected in crime, thereby condoning the crime and encouraging its reputation.

March 25: Greek Independence Day

EXTENSION OF REMARKS
OF
HON. THOMAS B. CURTIS
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 30, 1960

Mr. CURTIS of Missouri. Mr. Speaker, March 25 is celebrated in this country and throughout the world as the anniversary of Greek independence. The struggle waged by the people of Greece over a century ago to free themselves from the oppressive rule of the Ottoman Empire served to inspire the hearts and pens of the day; their victorious struggle presaged the wave of liberal revolution that swept the continent of Europe in the first half of the 19th century. It also inspired the genius of Lord Byron, who took the struggle of the Greeks as his own.

The inspiration of that valiant people should not be lost on us today. The blessings of independence, for which they were willing to fight and die, are as real today as then. And they are as well worth fighting for now as then.

We may count this spirit of independence among the many invaluable contributions that have come to the world from Greece, contributions that span the breadth of human activity, contributions from its glorious past and from its equally illustrious present.

Roll Call Conducts Poll on Presidency

EXTENSION OF REMARKS
OF
HON. VICTOR L. ANFUSO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 30, 1960

Mr. ANFUSO. Mr. Speaker, today's issue of Roll Call, the newspaper of Capitol Hill, has on its front page my article entitled "Congress Seen As Best Judge of Candidates' Qualifications." In this article I discuss the qualifications we look for in a candidate who seeks the Presidency and I then propose a poll of all those on Capitol Hill, including Senators, Representatives, and Hill employees, to cast their ballot since they are best able to judge the candidates and their qualifications on the basis of firsthand knowledge and association with them.

Mr. Sidney Yudain, the very capable editor and publisher of Roll Call, has taken up my proposal for such a poll to determine the ideal presidential candidate among the present group seeking the nomination in both parties. I wish to call this poll to the attention of all Members and their staffs, as well as committee staffs.

On its last page, Roll Call publishes ballots marked for Senators, Representatives, and Hill employees. The poll will be secret, only the total vote will be disclosed. No one need sign the ballot. Merely fill in the name of the candidate who, in your opinion, possesses the necessary qualifications for President, then check the ballot which applies to you—Senator, Representative, or congressional aid—and mail it to Roll Call, 433 New Jersey Avenue SE., Washington, D.C.

Mr. Speaker, under leave to extend my remarks, I wish to insert into the RECORD my article as published in Roll Call and also a news story from the same issue of March 30 announcing the congressional poll:

CONGRESS SEEN AS BEST JUDGE OF CANDIDATES' QUALIFICATIONS
(By Representative VICTOR ANFUSO)

At the moment the question uppermost in many minds—and probably next in importance to the question as to who will succeed Mr. Eisenhower in the White House next January—is this: What qualifications should a candidate for the Presidency possess? Or to put it in another way, What kind of a President do we want?

Our history can point to strong men in the White House and to weak men; to men who rose above partisan considerations, and those who pursued a strong partisan course during their incumbency; to men who were eloquent speakers and able administrators; and men who did not cherish being too much in the public eye and preferred to leave matters of administration in the hands of trusted assistants; to men who were forward looking and progressive in their approach to dealing with the Nation's problems, and men who were satisfied not to "rock the boat" and merely drift along.

What kind of qualifications in a President does the Nation seek in 1960?

Life magazine recently conducted a poll on the qualifications for the Presidency and came up with the following list:

1. He must be a man of conviction who is willing to fight for his principles, but at the same time he must be able by conciliation and compromise to avoid fights.

2. He must be a man who is above partisan considerations.

3. He must be a man with a common touch.

4. He must be a vigorous and decisive man who can make up his mind, one who can get things done, and who will not be pushed around by other people, especially by the Russians.

5. He must be a man with wide experience of foreign affairs.

This is a good list to begin with. Surely, there are other qualifications which are no doubt equally important. In his book "The Splendid Misery," Jack Bell writes that "fundamentally the people want a President with the integrity of Washington, the guts of Jackson, the unwavering purpose of Lincoln, the energy of Theodore Roosevelt, and the flexibility of Franklin Roosevelt."

We could perhaps add a few other qualifications in determining a person's fitness for the highest office in the land, for example, his capability as a leader of men, his mature judgment of public affairs, his assumption of duties and the fulfillment of responsibilities entrusted to him. He must be able to forge unity of the Nation, rather than division of forces. He must believe in progress and continued growth in every phase of our national life, for to believe otherwise would mean stagnation, loss of our moral, political and economic positions in the world, and our retrogression to a second-rate power.

At the same time, the American people are mature enough by this time to avoid such dubious qualifications as the place of a potential candidate's birth or his religious convictions. His creed or his birth above or below a certain imaginary border should not be factors in determining qualifications, for these are sectional and divisive factors.

The candidates for the Presidency in both major political parties this year appear to be endowed with many of the qualifications listed above. With the exception of possibly one or two, the public is not yet fully acquainted with all of the candidates to be able to judge which one of them possesses the best qualifications. Under those circumstances it would be almost an impossible task to pinpoint the results of such a poll or to establish the image of the one candidate who above all others possesses the necessary qualifications to succeed Mr. Eisenhower in the White House.

The people who, at the present state of affairs, would seem best to know the qualifications of the various candidates are those who are working on Capitol Hill. Senators, Congressmen, and employees of the legislative branch of the Government know the men seeking the Presidency, they know their qualifications. They observe them at close range, their approach to people, their tactics, their viewpoints. They know what political campaigning represents since they live and breathe politics every day in the year.

If so happens that practically all candidates aspiring for the Presidency in 1960 are from Capitol Hill as Members of the Senate, or in Mr. NIXON's case as presiding officer of the Senate. One of the leading darkhorse candidates is a Member of the House.

It would seem then that the most logical, because it could prove to be the most accurate, poll of the candidates possessing the best qualifications for the Presidency would be right here on Capitol Hill. A poll of this type should be conducted in an objective manner, the individual preferences or opinions should not be disclosed, and the emphasis should be strictly on qualifications. The results of such a poll would be most interesting and arouse considerable attention throughout the country.

CONGRESSIONAL POLL ON PRESIDENCY BEGINS

Representative VICTOR ANFUSO's article on page 1 today has prompted Roll Call to undertake a vast poll of the Congress to determine the ideal presidential candidate.

Senators, Representatives, aides, secretaries, and committee staff members will be eligible to vote for the man who in their opinion embraces the five qualities listed on page 1 as most desirable in a President.

Ballots appear today on page 12. No names are required on the ballot, but voters are asked to enter no more than one ballot each.

Ballots are categorized into three divisions: Senators, Representatives, and staff members. Voters are asked to use the ballot which represents their status.

Votes should be cast only for nationally acclaimed candidates including: Vice President NIXON, Senator LYNDON JOHNSON, Senator JOHN KENNEDY, Senator HUBERT HUMPHREY, Senator STUART SYMINGTON. Although Adlai Stevenson and Nelson Rockefeller have flatly declared they are not candidates their names will be acceptable.

Voting is restricted to Congressmen and staff members.

Ballots should be sent to Roll Call Poll, 433 New Jersey Avenue SE.

Since all of the major potential candidates emanate from the Congress, the Roll Call poll takes on added importance, since the vote will reflect the opinions of voters personally acquainted with the gentlemen and who have seen them in action over a long period of years.

It is hoped that the votes will be based on the five qualifications which, according to the Life magazine poll, the ideal President would possess.

Hemispheric Security—Congress Must Reaffirm Our Historic Policies

EXTENSION OF REMARKS
OF
HON. DANIEL J. FLOOD
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 30, 1960

Mr. FLOOD. Mr. Speaker, the recent tour by the President to Latin America has focused national attention on the rising dangers to the south, especially in the Caribbean. In that area the great island of Cuba, close to the United States and located on the northern Atlantic approach to the Panama Canal, have become a Soviet satellite and its Government an articulate instrument for Communist subversion in other Latin countries.

The situation thus presented has been noted and understood in high circles in our Government. This is shown by statements of the President of the United States in his address on February 24, 1960, before the Congress of Brazil at Rio de Janeiro.

In that speech he emphasized the great issue of our time, freedom or slavery and warned against return to the unenlightened system of tryranny of what he called the age-old fatalistic concept of the omnipotent state and omnipotent fate.

Then in an obvious appeal to all nations of this hemisphere, he stated that the people of the United States would consider it intervention in the internal affairs of an American state if any power, whether by invasion, coercion or subversion, succeeded in denying freedom of choice to the people of any of our sister republics. These ringing words, clearly implying a reaffirmation of the Monroe Doctrine, evoked sympathetic notes among all free peoples.

However favorably this appeal may have been interpreted, a Presidential statement to the Congress of another country is not sufficient. To be effective a declaration of such significance must be made to the Congress of the United States with a call for congressional action, and in words so clear that the entire world will know that our country is dedicated to the principles of constitutional liberty and opposed to those of the conspiratorial movement known as international communism. In default of this initiative by the President, the Congress should not wait but should give its serious consideration toward taking declaratory action in this grave matter.

Launched in 1917 in the territory of Russia by invaders from Western Europe and elsewhere, international communism has used that unfortunately dominated country as a base of operations for promotion of world revolution. It also employs the national territory of Russia as a testing ground for criminal, social, and economic experiments that this system of Asiatic despotism intends to impose on the entire world.

The operations of this diabolical conspiracy are planned many years in advance by what might be called a general staff, and it is one of outstanding ability.

Applying the time-tested lessons of warfare, its strategists use the combination of hanking and conquest through subversion as the prime method for gaining power over vast areas without actual warfare. Its ultimate aim is global domination.

To illustrate, it seeks to gain control of strategic routes and areas such as the Dardanelles, the Suez, and Panama Canals, the southwest Pacific, the Near East, northern Africa, and the Caribbean.

The increased Soviet influence over the Dardanelles and Suez Canal areas was fostered by the eviction of British forces from the Suez Canal Zone and establishment of regimes in Egypt and other Near Eastern and north African countries more friendly to the Bolshevik Revolution.

In the southwest Pacific, the setting up on Amboina Island in Indonesia of a major Soviet naval intelligence base is suggestive of the famous maritime plan of the Japanese prior to World War II. It can be expected that these Soviet operators will be helping to alienate the Papuans of New Guinea from the Dutch toward Communist oriented Indonesia. The same plan of revolution will be applied to the Maoris of Tasmania and New Zealand.

These and other subversive activities in the southwest Pacific are obviously aimed at erecting a Communist controlled island barrier southeastward from Asia to separate the Pacific and Indian oceans, and toward the ultimate conquest of Australia.

In Cuba, the Communist conspiracy has secured a strategic beachhead convenient for attacks on the United States. Moreover, this was accomplished under the leadership of a man who owes his freedom to the Secretary of State of the United States who intervened in his behalf under pressures from sources not yet explained. Its purpose is the creation of more and more trouble throughout Latin America, especially in the Caribbean, and Central American countries. This we recognize as part of the often mentioned program for obtaining control of the Panama Canal.

Procurement planners tasted blood at Suez. They have now made the Panama Canal a key target for another propaganda offensive against continued U.S. sovereignty over the Canal Zone.

It thus becomes imperative that the Congress, as the ultimate authority under our constitutional system in questions of national policy, should exercise without further delay its legislative powers to promote the safety of the continental United States and, by so doing, of the entire Western Hemisphere.

The situation in the Caribbean, on which I have addressed the House many times, becomes more critical every day. There is no time to be lost. Hence, I urge, in line with the President's declaration at Rio de Janeiro, that the Congress pass the resolutions now pending to extend the Monroe Doctrine and to reaffirm our Isthmian Canal policies.

Again I ask: "Why wait for new blows to fall?"

The indicated resolutions follow:

HOUSE CONCURRENT RESOLUTION 445

Whereas the subversive forces known as international communism, operating secretly and openly, directly and indirectly, threaten the sovereignty and political independence of all the Western Hemisphere nations; and

Whereas the American continents, by the free and independent position which they have assumed and maintained, are not subject to colonization or domination by any power; and

Whereas the intervention of international communism, directly or indirectly, or however disguised, in any American state, conflicts with the established policy of the American Republics for the protection of the sovereignty of the peoples of such states and the political independence of their governments; and

Whereas such a situation extended to any portions of the Western Hemisphere is dangerous to the peace and safety of the whole of it, including the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), (1) That any such subversive domination or threat of it violates the principles of the Monroe Doctrine, and of collective security as set forth in the acts and resolutions heretofore adopted by the American Republics; and

(2) That in any such situation any one or more of the high contracting parties to the Inter-American Treaty of Reciprocal Assistance may, in the exercise of individual or collective self-defense, and in accordance with the declarations and principles above stated, take steps to forestall or combat intervention, domination, control, and colonization in whatever form, by the subversive forces known as international communism and its agencies in the Western Hemisphere.

HOUSE CONCURRENT RESOLUTION 450

Whereas the United States, under the Hay-Bunau-Varilla Treaty of 1903 with Panama, acquired complete and exclusive sovereignty over the Canal Zone in perpetuity for construction of the Panama Canal and its perpetual maintenance, operation, sanitation, and protection; and

Whereas all jurisdiction of the Republic of Panama over the Canal Zone ceased on exchange of ratifications of the 1903 treaty on February 26, 1904; and

Whereas since that time the United States has continuously exercised exclusive sovereignty and control over the Canal Zone and Panama Canal; and

Whereas where responsibility is imposed there must be given for its effectuation adequate authority; and with respect to the Panama Canal the treaty of 1903 so provided; and

Whereas the United States has fully and effectively discharged all its treaty obligations with respect to the Panama Canal and the only legitimate interest that Panama can have in the sovereignty of the Canal Zone is one of reversionary character that can never become operative unless the United States should abandon the canal enterprise; and

Whereas the policy of the United States since President Hayes' message to the Congress on March 8, 1880, has been for an interoceanic canal "under American control," that is to say, under the control of the United States; and

Whereas the grant by Panama to the United States of exclusive sovereignty over the Canal Zone for the aforesaid purposes was an absolute, indispensable condition precedent to the great task undertaken by the United States in the construction and perpetual maintenance, operation, sanitation, and protection of the Panama Canal, for the benefit of the entire world: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), (1) That the United States, under treaty provisions, constitutionally acquired, and holds, in perpetuity, exclusive sovereignty and control over the Canal Zone for the construction of the Panama Canal and its perpetual maintenance, operation, sanitation, and protection; and

(2) That there can be no just claim by the Republic of Panama for the exercise of any sovereignty of whatever character over the Canal Zone so long as the United States discharges its duties and obligations with respect to the canal; and

(3) That the formal display of any official flag over the Canal Zone other than that of the United States is violative of law, treaty, international usage, and the historic canal policy of the United States as fully upheld by its highest courts and administrative officials; and would lead to confusion and chaos in the administration of the Panama Canal enterprise.

HOUSE CONCURRENT RESOLUTION 33

Whereas there is now being strongly urged in certain quarters of the world the surrender, by the United States, without reimbursement, of the Panama Canal, to the United Nations or to some other international organization for the ownership and operation of the canal; and

Whereas the United States, at the expense of its taxpayers and under, and fully relying on, treaty agreements, constructed the canal, and since its completion, at large expenditure, has maintained and operated it and provided for its protection and defense; and

Whereas the United States, following the construction of the canal, has since maintained, operated, and protected it in strict conformity with treaty requirements and agreements, and has thus made it free, without restriction or qualification, for the shipping of the entire world; and, in consequence of which, with respect to the canal and the Canal Zone, every just and equitable consideration favors the continuance of the United States in the exercise of all the rights and authority by treaty provided, and in the discharge of the duties by treaty imposed: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That (1) it is the sense and judgment of the Congress that the United States should not, in any wise, surrender to any other government or authority its jurisdiction over, and control of, the Canal Zone, and its ownership, control, management, maintenance, operation, and protection of the Panama Canal, in accordance with existing treaty provisions; and that (2) it is to the best interests—not only to the United States, but, as well, of all nations and peoples—that all the powers, duties, authority, and obligations of the United States in the premises be continued in accordance with existing treaty provisions.

SENATE

THURSDAY, MARCH 31, 1960

(Legislative day of Wednesday, March 30, 1960)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore.

Rev. Winfrey C. Link, minister, Glendale Methodist Church, Nashville, Tenn., offered the following prayer:

O eternal God, Thou hast been good to our Nation. Grant that we, in turn, may be obedient to Thy will. Thou hast given us a rich heritage and a great future in our children and our youth. May those here in Washington who are studying the needs of children and youth receive wisdom from Thee.

Visit these hallowed Chambers with Thy presence, we pray. Bring to the minds of these Senators the wisdom which can come only from Thee. Grant to them strength sufficient for their tasks. Endue them with courage to act on moral principle, above any personal or political influence. Inspire all who this day participate in the debate in this legislative body.

In the name of Jesus, our Saviour, who surpassed all in conviction and courage, we pray. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, March 30, 1960, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one

of his secretaries, and he announced that on March 28, 1960, the President had approved and signed the act (S. 2483) to provide flexibility in the performance of certain functions of the Coast and Geodetic Survey and of the Weather Bureau.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the bill (S. 1795) to amend title 10, United States Code, to revise certain provisions relating to the promotion and involuntary retirement of officers of the regular components of the Armed Forces, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H.R. 11390. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1961, and for other purposes;

H.J. Res. 502. Joint resolution authorizing the erection in the District of Columbia of a memorial to Mary McLeod Bethune; and

H.J. Res. 546. Joint resolution authorizing the Architect of the Capitol to present to the Senators and Representative in the Congress from the State of Hawaii the official flag of the United States bearing 50 stars which is first flown over the west front of the United States Capitol.

The message further announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 582. Concurrent resolution providing under section 3(e) of the Strategic and Critical Materials Stock Piling Act, the express approval of the Congress for the disposal from the national stockpile of approximately 470,000 long tons of natural rubber; and

H. Con. Res. 607. Concurrent resolution authorizing the printing of a House document of the pamphlet entitled "Our American Government: What Is It? How Does It Function?"

HOUSE BILL AND JOINT RESOLUTIONS REFERRED

The following bill and joint resolutions were severally read twice by their titles and referred, as indicated:

H.R. 11390. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1961, and for other purposes; to the Committee on Appropriations.

H.J. Res. 502. Joint resolution authorizing the erection in the District of Columbia of a memorial to Mary McLeod Bethune; and

H.J. Res. 546. Joint resolution authorizing the Architect of the Capitol to present to the Senators and Representative in the Congress from the State of Hawaii the official flag of the United States bearing 50 stars which is first flown over the west front of the U.S. Capitol; to the Committee on Rules and Administration.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The concurrent resolution (H. Con. Res. 582) providing under section 3(e) of the Strategic and Critical Materials Stock Piling Act, the express approval of the Congress for the disposal from the national stockpile of approximately 470,000 long tons of natural rubber, was referred to the Committee on Armed Services, as follows:

Resolved by the House of Representatives (the Senate concurring), That the Congress expressly approves, pursuant to section 3(e) of the Strategic and Critical Materials Stock Piling Act (53 Stat. 811, as amended; 50 U.S.C. 98b(e)), the disposal from the national stockpile of approximately four hundred and seventy thousand long tons of natural rubber in accordance with the plan of disposal published by General Services Administration in the Federal Register of September 15, 1959 (24 F.R. 7430).

The concurrent resolution (H. Con. Res. 607) authorizing the printing as a House document of the pamphlet entitled "Our American Government: What Is It? How Does It Function?" was referred to the Committee on Rules and Administration, as follows:

Resolved by the House of Representatives (the Senate concurring), That (a) with the permission of the copyright owner of the book "Our American Government—1,001 Questions on How It Works", with answers by WRIGHT PATMAN, published by Scholastic Magazines, Incorporated, there shall be printed as a House document the pamphlet entitled "Our American Government: What Is It? How Does It Function?" In addition to the usual number there shall be printed 2,000 copies for use and distribution by each Member of Congress.

(b) As used in this concurrent resolution the term "Member of Congress" includes a Member of the Senate, a Member of the House of Representatives, and the Resident Commissioner from Puerto Rico.

TRANSACTION OF ROUTINE BUSINESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that there may be the usual morning hour, subject to a 3-minute limitation on statements.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CIVIL RIGHTS BILL

Mr. JOHNSON of Texas. Mr. President, I think the progress the Senate made yesterday with the civil rights bill is indicative of the fact that the Senate is proceeding in good time. Of course, we still have a long way to go; but I think the Senate should have an opportunity to pass upon all the proposals made and to discuss them at length. I have always thought it essential that proposed legislation be considered from every aspect.

It is extremely encouraging to me that we have gone as far as we have, as quickly as we have. I hope we shall continue to proceed in good order and good humor, with good results.

MEMORIALS

The PRESIDENT pro tempore laid before the Senate memorials signed by John D. Schneider, and sundry other citizens of the State of Wisconsin, remonstrating against the adoption of the resolution (S. Res. 94) relating to the recognition of the jurisdiction of the International Court of Justice in certain disputes hereafter arising, which were referred to the Committee on Foreign Relations.

RESOLUTIONS OF COFFEY COUNTY, KANS., FARMERS UNION

Mr. CARLSON. Mr. President, the Coffey County Farmers Union at a recent meeting adopted resolutions in regard to the Federal farm program and the Farmers Union educational program.

These resolutions stress the need for farm legislation that will assure the American farmer of his fair share of the national income.

I ask unanimous consent that the resolutions be printed in the RECORD, and referred to the appropriate committees.

There being no objection, the resolutions were received, referred, as indicated, and ordered to be printed in the RECORD, as follows:

To the Committee on Agriculture and Forestry:

"FARMERS UNION RESOLUTION ON FEDERAL FARM PROGRAM

"Whereas annual net farm income has fallen from $15.3 billion in 1952 to $10.3 billion in 1959; and

"Whereas, the 1959 prices received by farmers for their output were 16 percent below the 1952 level, and prices paid by farmers rose nearly 11 percent during the same period, and

"Whereas since the administration has lowered support prices, surpluses have increased which indicate that the present administration policies are a huge failure; and

"Whereas USDA economists predict net farm income will fall to $7 billion in next few years, less than half that of 1952 level, if price supports are withdrawn, as the present administration and a few others advocate which, we believe, would wreck our total economy as in 1930's: Therefore be it

"*Resolved*, That we, the Coffey County Farmers Union in session this 11th day of March 1960 at Burlington, Kans., favor a Federal farm price support bill, that provides:

"1. Farmer elected committees from county to national levels, with requirements that actual farmers have control.

"2. A national food use program, which would bring domestic consumption and foreign surplus utilization programs, into gear with the price support program.

"3. Support level at not less than 90 percent of current parity for any commodity, whose producers have not disapproved a market supply adjustment program as worked out by the Secretary of Agriculture, and submitted to a two-thirds referendum.

"4. A wide variety of methods to carry out these programs, including Government loans, marketing orders, allotments, incentive payments, and a strong soil conservation program; be it further

"*Resolved*, That a copy of these resolutions be sent to the Secretary of Agriculture, chairman of the Senate and House Agriculture Committees, Senators SCHOEPPEL and CARLSON, Congressman ED REES, and that a copy be spread on the minutes of this meeting.

"H. A. DRESSLER,
"President."

To the Committee on Labor and Public Welfare:

"FARMERS UNION RESOLUTION ON EDUCATIONAL PROGRAM

"Whereas according to the National Education Association and other study groups' reports, U.S. expenditures for public schools during the school year 1958–59 totaled $14.5 billion; and at this same time our expenditures for alcoholic beverages and tobacco were $15.5 billion; and

"Whereas according to these same study groups, 56 percent of the cost of public education is paid by local government, 40 percent by State government, and only 4 percent by Federal Government; and

"Whereas a big increase in taxes will be necessary if we are to develop an adequate and effective educational program; and

"Whereas most all local school and some State taxes are raised by a tax levy on real and personal property; and

"Whereas farmers cannot add the cost of taxes to the price of their products and pass them on to consumers, as industrial enterprises do; and, since an increase in local school taxes would be a great burden on farmers: Therefore be it

"*Resolved*, That we, the Coffey County Farmers Union, in session this 11th day of March 1960 at Burlington, Kans., favor a substantial increase in Federal aid to public elementary and secondary schools for school construction, and Federal aid for school instruction, to at least $25 per child of school age, in these same schools, as provided in bill H.R. 22, by Representative METCALF; be it further

"*Resolved*, That a copy of these resolutions be sent to the Secretary of the U.S. Department of Health, Education, and Welfare; a copy to each, Senators SCHOEPPEL and CARLSON; Congressman E. H. REES, and to the local papers for publication; also, that a copy be spread on the minutes of this meeting.

"H. A. DRESSLER,
"President."

RESOLUTION OF SOUTH CAROLINA DEMOCRATIC STATE CONVENTION

Mr. JOHNSTON of South Carolina. Mr. President, I present a resolution adopted at the South Carolina Democratic State Convention. The resolution calls attention to the danger in striking out what is known as the Connally amendment. I ask that the resolution be printed in the RECORD and be referred to the committee which deals with this matter.

There being no objection, the resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Whereas the World Court was established by the United Nations with the intent that it should be superior to all domestic courts of each participating nation in those matters within its jurisdiction; and

Whereas in adopting the resolution committing and binding the United States to participate in and accept the jurisdiction of the World Court, the Congress of the United States wisely protected the sovereignty of this nation by providing that this World Court would have no jurisdiction over "disputes with respect to matters which are essentially within the domestic jurisdiction of the United States as determined by the United States," and

Whereas Senator HUMPHREY, of Minnesota, has introduced Senate Resolution 94, calling for the elimination of the words "as determined by the United States," which words are known as the Connally amendment; and

Whereas if these words, "as determined by the United States," are eliminated from the agreement of this Government to accept the jurisdiction of this World Court, the United States will have virtually surrendered its Constitution and its national sovereignty and accepted the dictation and control by foreign governments of its internal affairs: Now, therefore, be it

Resolved by the State Democratic convention in regular convention assembled, this 16th day of March A.D. 1960:

1. That this convention urges the Senators representing the State of South Carolina in the United States Senate, and the Foreign Affairs Committee of the United States Senate to oppose repeal of the Connally amendment and to defeat Senate Resolution No. 94 as mentioned.

2. That a copy of this resolution be forthwith transmitted by the secretary of this convention to U.S. Senators OLIN D. JOHNSTON and J. STROM THURMOND, and to the chairman of the Foreign Relations Committee of the U.S. Senate with the request that it be called to the attention of the whole committee.

Mr. JOHNSTON of South Carolina. Mr. President, I also present a resolution which was adopted at the South Carolina Democratic State Convention. The resolution deals with matters pertaining to the antitrust laws. I ask that the resolution be printed in the RECORD and appropriately referred.

There being no objection, the resolution was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

Whereas during certain periods in the history of the United States the Federal Government has used its powers to enforce its laws on some groups promptly and severely, while at other times such laws have been very loosely enforced against certain other groups: Now, therefore, be it

Resolved by the State Democratic Convention, That the U. S. Government is hereby requested to apply all Federal laws, particularly the antitrust laws, in a similar manner and with equal force to business, unions, or any other groups or persons that may affect the life or welfare of our Nation; and be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States, the Attorney General of the United States, and to each Congressman and Senator from South Carolina.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HENNINGS, from the Committee on Rules and Administration, without amendment:

S.J. Res. 178. Joint resolution relating to the payment of salaries of employees of the Senate (Rept. No. 1208).

FINAL REPORT OF SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD (PT. 4 OF S. REPT. NO. 1139)

Mr. MCCLELLAN. Mr. President, as chairman and on behalf of the Senate Select Committee on Improper Activities in the Labor or Management Field, pursuant to Senate Resolution 44 and Senate Resolution 249 of the 86th Congress, I submit part IV of the report of this committee, unanimously approved by all its members.

This part of the report contains a summary of the testimony and of the findings of the committee relating to the coin-operated music, amusement, and cigarette vending machine industry.

Included in this report is a summary of the select committee's activities and achievements during the past 3 years, as well as the committee's acknowledgment of the fine cooperation it received from other branches of the Government, from local law enforcement agencies, and from its own staff.

I respectfully urge that Senators read at least the summary in this report, showing the work of the committee, some of its accomplishments and some of the results that have come about by reason of the work the committee has performed.

I shall release, upon filing this report, a statement to the press in which I have commented upon the work of the committee. I ask unanimous consent to have this press release printed in the body of the RECORD at this point as a part of my remarks.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

PRESS RELEASE BY SENATE SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

Senator JOHN L. MCCLELLAN, Democrat, of Arkansas, chairman of the Senate Select Committee on Improper Activities in the Labor or Management Field, today filed the last of four volumes comprising the final report of the committee.

In this fourth volume the committee draws attention to the widespread infiltration of coin-operated machine business by hoodlums. The committee indicates that this infiltration is so extensive as to constitute a national problem.

The report also recounts the history of the committee and enumerates the results forthcoming from its activity, principally the passage of the Labor-Management Reporting and Disclosure Act of 1959.

The committee describes the great increase of the use of coin-operated machines into the multi-million dollar enterprise which exists today. The half-million jukeboxes in the United States have brought in over $300 million, in cash, over each of the last several years. Concerning this section of the coin-machine industry, the committee report states:

"Every area of committee inquiry showed collusive ventures by racketeers in operator associations and union locals to repress competition for that revenue."

The amusement-type machine are another class discussed by the committee. These constitute a major problem only when merged with the payoff type, which are gambling devices.

The committee report describes hoodlums infiltration or coercion at every level of the coin-machine industry from the manufacturers through the distributors, the operators, and the location owners.

The evils of this situation are compounded by the perversion of union labels for coercive purposes. The person controlling the issuance of the labels controlled the coin-machine business, according to witnesses. The committee report goes on to state:

"An outstanding proportion of known criminals were found with controlling interests over either—and sometimes both—union or employer groups."

The ease of control by collusion or coercion has attracted many hoodlums to the coin-operated machine business, to the detriment of the legitimate operators.

The prominence of William Bufalino, a Teamster official, in the racket-infested coin machine business in Detroit not only illustrates the extent of the problem there, but also demonstrates the incongruity of his recent nomination by James R. Hoffa to be a

member of the board of monitors of the Teamsters Union.

In its report the committee describes its beginnings as an outgrowth of work begun by the Permanent Subcommittee on Investigations of the Senate Committee on Government Operations. It sets forth figures to show that its staff members have traveled extensively (2½ million miles), and that the transcript of testimony heard before the committee reached the staggering total of 46,150 pages. The report also discloses that 343 witnesses out of a total of 1,526 (about one-fifth) pleaded the fifth amendment.

The committee points out that the facts exposed and the information gained through its hearings were probably the greatest single element resulting in the eventual passage of the Labor-Management Reporting and Disclosure Act of 1959.

In its report the committee recounts the cooperation of many persons, expressing its gratitude to many public officials throughout the United States for their wholehearted cooperation and assistance over the past 3 years. It also reveals that it has received approximately 150,000 unsolicited communications, most of which were from members of labor unions, and the vast majority of which commended the work of the committee.

Included in this report is a long list of persons indicted, convicted, and ousted from office as a result of public disclosure of their misdeeds. The report points out that the committee itself has no prosecutive function, but that prosecution by law enforcement officials has resulted from committee revelations.

At the end of the report, Chairman McCLELLAN expresses his appreciation to the "able staff, whose complete loyalty and dedicated service have enabled the committee to fulfill its task so well."

Mr. McCLELLAN. Mr. President, I ask that the report be printed.

The PRESIDENT pro tempore. The report will be received and printed, as requested by the Senator from Arkansas.

PUBLIC HEARINGS ON SENATE BILL 3193 AND HOUSE BILL 11135 BY JOINT COMMITTEE ON WASHINGTON METROPOLITAN PROBLEMS

Mr. BIBLE, from the Committee on the District of Columbia, reported an original concurrent resolution (S. Con. Res. 101) authorizing public hearings and recommendations on the bills S. 3193 and H.R. 11135, by the Joint Committee on Washington Metropolitan Problems, and submitted a report (No. 1209) thereon; which concurrent resolution was placed on the calendar, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Joint Committee on Washington Metropolitan Problems, created by House Concurrent Resolution 172, agreed to August 29, 1957, is hereby authorized to hold public hearings on the bills S. 3193 and H.R. 11135, and to furnish transcripts of such hearings, and make such recommendations as it sees fit, to the Committees on the District of Columbia of the Senate and House of Representatives, respectively.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. WILEY (for himself and Mr. PROXMIRE):

S. 3303. A bill to authorize Federal loans to assist the Menominee Indian Tribe of Wisconsin, or its successor entity, in the conduct of its affairs; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. WILEY when he introduced the above bill, which appear under a separate heading.)

By Mr. BIBLE (by request):

S. 3304. A bill to amend the act relating to the small claims and conciliation branch of the municipal court of the District of Columbia, and for other purposes; and

S. 3305. A bill to amend the District of Columbia Traffic Act, 1925, as amended; to the Committee on the District of Columbia.

CONCURRENT RESOLUTION

PUBLIC HEARINGS ON SENATE BILL 3193 AND HOUSE BILL 11135 BY JOINT COMMITTEE ON WASHINGTON METROPOLITAN PROBLEMS

Mr. BIBLE, from the Committee on the District of Columbia, reported an original concurrent resolution (S. Con. Res. 101) authorizing public hearings and recommendations on the bills S. 3193 and H.R. 11135, by the Joint Committee on Washington Metropolitan Problems, which was placed on the calendar.

(See the above concurrent resolution printed in full when reported by Mr. BIBLE, which appears under the heading "Reports of Committees.")

FEDERAL LOANS FOR MENOMINEE INDIAN TRIBE IN WISCONSIN

Mr. WILEY. Mr. President, on behalf of myself and my colleague, the junior Senator from Wisconsin [Mr. PROXMIRE] I introduce, for appropriate reference, a bill to authorize Federal loans to assist the Menominee Indian Tribe of Wisconsin in establishing sound financing for tribal enterprises upon termination of Federal control over the tribe.

As provided by Congress, Federal control over the tribe will terminate on December 31, 1960.

To assure protection, and best utilization of the assets of the tribe, plans have been submitted to the Secretary of Interior, for among other things, creating a corporation under the laws of the State of Wisconsin that will take title to all Menominee Indian forest lands and other property.

The plan provides for local government, under State statutes. To accommodate the changed status of the Indians, Wisconsin has created a new—incidentally, its 72d—county for the Menominee Indian Reservation.

Upon lifting Federal control over tribal affairs, however, one of the most serious problems confronting the Menominee will be that of meeting post-termination financial obligations.

In the past, other tribes of American Indians have faced similar, or related, problems. To help such tribes, special programs have been necessary, from time to time, both in the interests of the Indians, themselves, the surrounding community, and the country.

In the light of this history, I believe that it would not be inconsistent policy-wise, now, to make special provisions to help the Menominee Tribe meet its financing problems.

As introduced, the proposal would authorize a $2.5 million loan to the tribe under such conditions as shall be established by the Secretary of Interior. We recall, of course, that the Secretary also has the responsibility for approving termination plans and the postermination setup for handling of tribal assets.

The approval of this loan authorization, in the light of these factors, would be, I believe, in the best interests both of the tribe and the economy of the State, as well as the Nation.

I ask unanimous consent to have a copy of this bill printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred and, without objection, the bill will be printed in the RECORD.

The bill (S. 3303) to authorize Federal loans to assist the Menominee Indian Tribe of Wisconsin, or its successor entity, in the conduct of its affairs, introduced by Mr. WILEY (for himself and Mr. PROXMIRE), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Act entitled "An Act to provide for a per capita distribution of Menominee tribal funds and authorize the withdrawal of the Menominee Tribe from Federal jurisdiction", approved June 17, 1954, as amended (68 Stat. 250, 252; 70 Stat. 550; 72 Stat. 291; 25 U.S.C. 897), is amended by inserting "(a)" immediately following "SEC. 8." and by adding at the end thereof the following:

"(b) In order to provide assistance in the establishment by the tribe or its successor entity of a program of sound financing of its business operations for the expansion and modernization of existing tribal enterprises and for the development of tribal resources, and in order to facilitate the complete accomplishment of the purpose of this Act, the Secretary is authorized to make loans to the tribe or its successor entity at such times, in such amounts, at such rates of interest not in excess of 4 per centum per annum, and subject to such terms and conditions, as he deems appropriate. The aggregate amount of all such loans shall not exceed $2,500,000. There are hereby authorized to be appropriated, to remain available until expended, such sums, not to exceed $2,500,000 in the aggregate, as may be necessary to carry out this subsection."

CIVIL RIGHTS ACT OF 1960—AMENDMENTS

Mr. JAVITS. Mr. President, I submit an amendment to the pending bill, H.R. 8601 the Civil Rights Act of 1960, and ask that it may be presented and read under the rule.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). Is there objection?

Mr. JAVITS. Before taking the time of the Senate, I ask unanimous consent that the reading of the amendment be dispensed with, on the ground that this is an amendment which was contained in the Dirksen substitute as the Government's contracts committee section.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be received, printed, and lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 21, after line 12, insert the following new title and renumber the succeeding title and section:

"TITLE VII

"SEC. 701. (a) There is hereby created a Commission to be known as the 'Commission on Equal Job Opportunity Under Government Contracts', hereinafter referred to as the Commission.

"(b) (1) The Commission shall consist of fifteen members appointed by and serving at the pleasure of the President. The Chairman and Vice Chairman shall be designated by the President.

"(2) Members of the Commission who are officers or employees of the United States shall serve the Commission without additional compensation. Members of the Commission who are not officers or employees of the United States shall each receive fifty dollars per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other expenses incurred by them in the performance of such duties.

"(3) Service of an individual as a member of the Commission shall not be considered to be service or employment bringing such individual within the provisions of sections 281, 283, 284, 434, or 1914 of title 18 of the United States Code, or section 190 of the Revised Statutes (5 U.S.C. 99).

"(c) (1) The Commission shall make investigations, studies, and surveys, and shall conduct such hearings, as may be necessary or appropriate in the discharge of its duties under this section.

"(2) To implement the policy of the United States Government to eliminate discrimination because of race, creed, color or national origin in the employment of persons in the performance of contracts or subcontracts to provide the Government with goods or services, the Commission shall make recommendations to the President and to Government contracting agencies with respect to the preparation, revision, execution, and enforcement of contract provisions relating to such nondiscrimination in employment.

"(3) The Government agencies contracting for goods or services to be furnished the Government shall perform such duties as may be requested of them by the President to cooperate with the Commission.

"(4) The Commission shall also encourage, by the development and distribution of pertinent information and by other appropriate means, the furtherance of educational programs by employer, labor, civic, educational, religious, and other nongovernmental groups in order to eliminate discrimination in employment.

"(5) The Commission is authorized to establish and maintain cooperative relationships with agencies of State and local governments, as well as with nongovernmental bodies, to assist in achieving the purposes of this section.

"(d) The Commission may employ such personnel as may be required for the effective performance of its duties.

"(e) The Commission shall render to the President annual reports for transmission to the Congress.

"(f) There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions of this section."

Mr. ERVIN submitted amendments, intended to be proposed by him, to House bill 8601, supra, which were ordered to lie on the table and to be printed.

Mr. KEATING submitted amendments, intended to be proposed by him, to House bill 8601, supra, which were ordered to lie on the table and to be printed.

MASS TRANSPORTATION SERVICES IN METROPOLITAN AREAS—ADDITIONAL COSPONSOR OF BILL

Mr. WILLIAMS of New Jersey. Mr. President, at the request of the Senator from Maryland [Mr. BEALL], I ask unanimous consent that his name may be added as a cosponsor of the bill (S. 3278) to amend section 701 of the Housing Act of 1954 and title II of the Housing Amendments of 1955 to help improve mass transportation services in metropolitan areas, which I introduced March 24 for myself and Senators CLARK, JAVITS, KEATING, ENGLE, HUMPHREY, SYMINGTON, MORSE, HENNINGS, HARTKE, YOUNG of Ohio, and BRIDGES.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF HOUSING AND METROPOLITAN AFFAIRS—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of March 29, 1960, the names of Senators MURRAY, JAVITS, and WILLIAMS of New Jersey were added as additional cosponsors of the bill (S. 3292) to provide for the establishment of a Department of Housing and Metropolitan Affairs, and for other purposes, introduced by Mr. CLARK on March 29, 1960.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. WILEY:

Address by him entitled "A Blueprint for American Space Leadership: Rockets for Peace," delivered before the American Rocket Society, National Capital section, March 31, 1960.

By Mr. DIRKSEN:

Address entitled "The Truth Gap," delivered by Secretary of Commerce Frederick H. Mueller before the Executives Club of Chicago, on March 25, 1960.

By Mr. PROXMIRE:

Article entitled "Pulaski Group Pays Tribute to ZABLOCKI," published in the Milwaukee (Wis.) Journal.

THE 139TH ANNIVERSARY OF GREEK INDEPENDENCE DAY

Mr. DIRKSEN. Mr. President, March 25 was the 139th anniversary of Greek Independence Day. Independence day commemorations have deep-rooted significance to the peoples of each nation, and their celebrations have become like sacred national festivities.

History reflects that three great revolutions occurred within the same era, each having a significant effect on the others: The American Revolution by the Colonists, the French Revolution, and the revolution by the Greeks against the Ottoman Empire. The way of freedom and democracy was shown to the world.

Greece has for centuries fought against repressors, and in ancient days saved the European civilization from the attackers of the East. In the 15th century the Greeks were again called upon to stop the Ottoman Empire from spreading throughout Europe. Although they were not successful in protecting their own homeland, they did retard the spread of the Ottoman Empire in Western Europe.

One hundred and thirty-nine years ago, in 1821, the brave and heroic Greek people began their revolution against the Ottoman Empire; and after 6 long years of fighting for freedom, against heavy odds, with the aid of their friends they succeeded in attaining their goal.

Within the present era the Greeks were again called upon to fight to protect their independence; and they withstood the thrusts of fascism, nazism, and communism in the 1940's. Hardly had those battles subsided when the freedom-loving Greeks sent troops to South Korea, to aid those people in their fight against communism.

Mr. President, this day is also symbolic to the Americans of Greek descent, since it is a focal day for the consideration of many notable projects that Americans of Greek descent are undertaking for the good of our country, in general, and for the American-Greek Orthodox, in particular. I have reference to the energetic projects such as the American Hellenic University, which is planned for the Boston, Mass., area, under the leadership of His Eminence, Archbishop Iakovos, Mr. Spyros Skouras, Judge John Pappas, and Ambassador Tom A. Pappas, and numerous members of the executive committee from my State of Illinois, and throughout the United States. Another significant project is the formation of the American Hellenic Congress, a union for specific projects of all Greek-American national organizations in the United States.

Since March 25 was also a religious day, it was fitting that a clergyman of the Greek Orthodox faith should be invited to offer a prayer before the U.S. Senate and the House of Representatives, a practice which is accorded to the clergymen of the Catholic, Protestant, Eastern Orthodox, Jewish, and other religious faiths. I am happy to have had the privilege of extending such invitations in the past.

Today Greece still clings to the independence regained 139 years ago; and all Greeks stand guard in their beleaguered homeland against Communist totalitarianism. In connection with the celebration of their Independence Day, I wish them power, peace, and prosperity, and a firm resolution to fight the forces of evil as manifested by totalitarianism.

THE 42D ANNIVERSARY OF DECLARATION OF INDEPENDENCE OF BYELORUSSIA

Mr. DIRKSEN. Mr. President, on March 25 the Byelorussians in the free world commemorated the 42d anniversary of the declaration of independence of Byelorussia.

It was on March 25, 1918, that the people of Byelorussia, after ridding themselves of some two-centuries-long domination by Russia, made the world aware of their fate, by proclaiming their land the free and independent Republic of Byelorussia. Unfortunately, the young Byelorussian National Republic could not enjoy her freedom and sovereignty for long. Soon thereafter her entire territory was turned into a battlefield, first between the forces of Russia and Germany, and then between the forces of Russia and Poland; and the tragedy befell again. The Byelorussian land was conquered, and the people found themselves in captivity. At the Treaty of Riga in 1921, Russia had claimed the eastern two-thirds of Byelorussia's territory, and Poland annexed the remaining western one-third to her state. Those nations held these territories until 1939. Since World War II, Byelorussia has been again occupied by Russia; one-half of her ethnographical territories has been incorporated in the Byelorussian Soviet Socialist Republic and the remaining one-half was shamelessly distributed by Russia among the Peoples Republic of Poland, the Soviet Socialist Republics of Lithuania, Latvia, and the Ukraine, and her own Soviet Federated Republic of Russia.

Regardless of where the Byelorussian people live today, in the U.S.S.R. proper or in other Communist-dominated republics, they have been denied equal rights and political, economic, religious, and personal freedoms, and they are subjected to undisguised abuse and oppression. The Russians have carried out unheard of exploitations, discriminations, and persecutions against the Byelorussian people in every phase of their national life. Not only have the Russians attempted to erase from the minds of the Byelorussians their national heritage, but Russia has also attempted to eradicate them as a nation.

I join my many colleagues in the Senate who offer best wishes to the Byelorussian people everywhere.

Mr. President, the Byelorussian-American Youth Organization in the State of Illinois has submitted an interesting statement to me, which I would like to have placed in the RECORD at this point, as follows:

According to the Soviet census of population of 1959, the number of the Byelorussians decreased from 9,300,000 to 8 million people and the question remains unanswered as to what happened to the 1,300,000 people. There was no epidemic and it would be impossible for 1,300,000 people to die from natural causes during the course of 9 years. Our guess is that they either were forced to renounce their Byelorussian nationality for Russia or killed in the forced labor camps. Not only have the Byelorussians been forbidden to observe their national holidays but also their native language has been denied equal right and the Russian language is being imposed upon them. Their many outstanding talents have been forced to abuse the famous past of the Byelorussian nation and to glorify its bloodthirsty tyrants. Their writers and poets have been forbidden to mention famous old Byelorussian culture and forced to glorify only the "genius" and exploits of "the elder brother—the great Russian people." Their rural population has been deprived of their right of tilling their own soil and, while millions of acres of arable fertile land have remained unplowed and while misery and hunger threaten the entire country of Byelorussia, the young people from those areas instead of being allowed to develop and to improve the economy of their own republic are being forced by the tens of thousands to move away from their native land and settle down in the regions of Kazakhstan to upturn the virgin land there. Their industry and particularly the farm machinery is made not for the use of the Byelorussian people themselves but to aid Moscow in widening her horizons of influence in the worldwide trade-and-aid war. While the Byelorussian-made machinery is being shipped to Egypt and other countries in the free world, the same machinery is not in sight in Byelorussia.

Despite all the horrible treatment and unheard of exploitation by Russia, the Byelorussian people never broke down morally. The love of liberty still burns in their hearts and they only hope the free world would come to understand their desires, sympathize with them, and give them encouragement until the day when they again will become free and masters of their own country.

To commemorate the 42d anniversary of the declaration of independence of Byelorussia and to help keep alive the spirit of freedom of the Byelorussian people in their occupied homeland, this year as in the past, the American citizens of Byelorussian descent in Illinois will again join with other American citizens of Byelorussian descent in the United States as well as all other Byelorussians in the free world in observing this day with prayers and special programs. We feel that, as long as the people of Byelorussia are kept in bondage, it is our obligation, as their descendants, to raise complaints and express opinions in their defense.

GOOD DEMOCRATIC NEWS FROM WISCONSIN

Mr. PROXMIRE. Mr. President, from Wisconsin there comes extremely good news for the Democratic Party. While the eyes of almost every newspaper reporter who has been covering our State have been focused on the red-hot HUMPHREY-KENNEDY primary race, the Wall Street Journal's enterprising reporters, Allan Otten and Robert Novak, have probed deeper. They have asked the people of my State how they would vote in November, as between NIXON and any Democratic nominee. The answer was emphatically that they would vote for the Democratic nominee.

In view of the fact that Wisconsin has voted for the nationally victorious candidate in seven of the last eight presidential elections, the Wisconsin response was good Democratic news.

It was also very reassuring to those of us who have been deeply concerned that the unusual vigor of the intraparty primary struggle might seriously damage Democrats in Wisconsin. Incidentally, the article suggests that there are really solid values in primary contests for the party that holds them. The party that goes through the fire and anguish of the struggle seems to win adherents as the Democratic Party appears—according to the Wall Street Journal—to be winning adherents in Wisconsin today.

Mr. President, I ask unanimous consent that this article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal]

NIXON'S CHANCES—HE FACES UPHILL FIGHT FOR PRESIDENCY, A POLL IN WISCONSIN INDICATES—VICE PRESIDENT LOSES MANY INDEPENDENT IKE BACKERS; SOME REPUBLICANS ARE COOL—MR. NIXON SOUNDS A WARNING

(By Alan L. Otten and Robert O. Novak)

MADISON, WIS.—Republican Presidential Candidate RICHARD M. NIXON appears to be in serious political trouble.

Talks with hundreds of Wisconsin voters turn up an astonishingly large number of 1952 and 1956 Eisenhower fans who say that, as of now, they don't plan to vote for the Vice President this November. Democrats and independents of this State who were charmed by Mr. Eisenhower's personality or won over by his views just don't feel the same way about the man he now wants to follow him into the White House. Most say they'll vote Democratic this fall—no matter who the Democratic nominee may be.

And while Mr. NIXON clearly will get the votes of almost all hard-core Wisconsin Republicans, some are supporting him with a lack of enthusiasm that could cost him money and volunteer effort in the coming campaign.

"Vote for NIXON? I just don't hardly think so," says Milwaukee carpenter Emil Loves, who voted for Ike both times. "I just don't feel good about him." Declares Mrs. Ray Ashbacher, Prairie du Chien librarian: "Mr. NIXON disturbs me. I think I'll go Democratic this time." She, too, voted for Eisenhower in both his races.

VAGUE BUT EMPHATIC

Such sentiments are repeated to the point of monotony, and are all the more monotonous because they usually are vague, cloudy, unspecific and yet emphatic. Many folks who liked Ike say firmly, in varying words, "There's just something about NIXON I don't like." In addition to these are some who have soured on the Republican Party for economic and other reasons. And a few who rallied to the GOP "time for a change" theme in 1952 are now turning it against the Republicans.

Two questions may properly be asked about these findings.

First, Is Wisconsin sentiment typical of that in the Nation?

Second, If so, will it still prevail by November election time?

Wisconsin was surveyed by the Wall Street Journal primarily to test voter reaction to Senators KENNEDY and HUMPHREY, confronting each other in the Democratic primary next Tuesday. (Findings on this were printed on this page yesterday.) But each voter, interviewed at length, was also questioned about his voting plans or inclinations for the November election. And this disclosed the anti-Nixon feeling in strikingly large dimensions.

It is possible that the uproar of the Democratic primary campaign has in fact twisted Wisconsin voter ideas somewhat out of the national pattern. Senators HUMPHREY and KENNEDY have been needling each other, but they also have both been flailing at Mr. NIXON. The Vice President, unopposed in the GOP primary, has stayed out of the State since February: The Republican case has rested in near silence.

LONG-HELD DOUBTS

For Republicans to brush aside Wisconsin coolness toward NIXON, therefore, would be easy, but perhaps dangerous. Voters swinging away from the Republican ticket seem to be deciding not on the basis of current campaigning, so far as earnest reporting can measure motivation, but rather on the grounds of long-held personal doubts.

In other respects, Wisconsin would seem to be a fair enough State to sample. In recent presidential elect'ons it has backed the winner. It offers a mixture of big city, town and farm areas. Although the Democrats recently have elected a Governor and a U.S. Senator, Republicans still hold most county and local offices. While Wisconsin's high percentage of Catholics (30 percent, against about 25 percent for the Nation) might work in the Democrats' favor right now with Senator KENNEDY's Catholicism a major issue, the fact is that widespread opposition to Mr. NIXON is found among Wisconsin Protestants as well.

So there is every reason to suspect that the trend so apparent here may well exist elsewhere.

Of course, no one ever thought Mr. NIXON could win all the Eisenhower voters, and he can afford to lose some of them. The President won so overwhelmingly in 1952 and 1956 that many of his supporters could vote Democratic this time and still leave a Republican victory margin. But not if the switch is on the scale indicated here.

CHANGING VOTERS' MINDS

The Vice President, naturally, can change the minds of many voters between now and November. Already, some Wisconsinites say he has converted them from hostility to friendship in the past few years. As his campaign moves out of quiescence into high gear—and Mr. NIXON is a vigorous campaigner—many more conversions may be made. When the Democrats pick their nominee in July, some voters now cool to the Vice President will decide they dislike that particular Democrat more.

When all that is granted, however, the picture turned up in treks through the Wisconsin towns and countryside still is sharply out of line with the rosy NIXON outlook that most politicians and pundits have been seeing ever since Mr. NIXON's stock shot up after his 1959 summer trip to Russia.

One GOP politician, significantly, has refused to look at the situation so glowingly. He is Mr. NIXON. With access to confidential surveys of his own, he has been taking a far grimmer view. And this week, speaking in Nebraska, he brought it out into the open.

"Anyone who does not recognize that we are in the fight of our lives must be smoking opium," he declared. "We must expect this to be one of the closest and hardest fought campaigns in America's political history." This statement was discounted by some politicians as mere pep talks intended to keep party workers on their toes. But Mr. NIXON meant it literally; he is a realist and he was shouting a warning.

His own campaign strategy in recent months has been based on recognition that an unfavorable image of him may be lingering in the minds of independents and Democrats, and that he must erase it. All his efforts have been aimed at staying in the public eye as a man who does a good job, talks the issues and ignores personalities. This will continue: President Eisenhower will be helping with gestures such as this week's invitation for the Vice President to sit in on talks with British Prime Minister Macmillan.

The picture of Mr. NIXON that turns up in voter interviews runs surprisingly the same in city, town, and farm areas across Wisconsin. It is a picture of Democrats and independents who liked Ike but are not liking DICK. Frustratingly for NIXON efforts to win them back, many of them can't even analyze why they don't like him. "I don't know why I don't love you like I do," could well be their theme song.

"I don't have anything against NIXON on his record; I just don't like the man," says Martin Maider, who farms just outside Chippewa Falls and is a Democrat who voted for Mr. Eisenhower. Mrs. William King, a New Berlin housewife whose husband works in Allis Chalmers' export office in Milwaukee, voted for Ike but declares: "I won't vote for NIXON. There's just something about the way he acts that I can't stand."

Jim Zwick, a young Milwaukee insurance agent, cast his first presidential vote for Mr. Eisenhower in 1956, but will go Democratic this time. "I've been out in California," he says, "and there are a lot of stories about the way he operates. There's just something about him I don't like." Racine leather worker Edward Laznicka contends Mr. NIXON "just talks and never does anything."

Even when the anti-NIXON voters get more precise, their reasons are frequently of a type that could well be rationalization of a more personal subconscious dislike.

"NIXON's too hotheaded," argues Theodore Wiczek, Stevens Point punch press operator. "You need a cool head like Ike's with the world the way it is." Milwaukee I.B.M. machine operator Al Muckerheide declares Mr. NIXON "hasn't done very much as Vice President. He's just been a figurehead." A Watertown highway official objects to Mr. NIXON's extensive foreign travels. "His job back here is more important," he maintains.

However, some of the Eisenhower voters Mr. NIXON seems to be losing are turning against the party rather than the candidate. Sheboygan schoolteacher Bob Sang is "fed up with the lackadaisical attitude of this administration. The President is preoccupied with his budget, and that's all he worries about instead of the great world problems."

Earl Tesch, Hustisford dairy farmer, voted for Ike but will go Democratic this time because "things could be better" for farmers. Art Meyers, who farms outside Elkhorn, has been Republican but now concludes "the Republicans have been too much for big business and the big farmer."

"NIXON's OK, but I think we need a change every once in a while," asserts Viroqua housepainter Sam Orvald. Russell D. Eisenman, Wausau salesman, agrees. "NIXON's a good man, but I think we need some new blood," he declares.

No voter interviewed who called himself an Eisenhower Democrat indicates a possibility of voting for Mr. NIXON this fall—unless Mr. KENNEDY is the Democratic nominee. In that event, some say they'll hesitate about voting for Catholic KENNEDY. Though they deny religion is the reason, all in this group are in fact Protestants.

Democrat Lloyd Lambert, part owner of a La Crosse taxicab company, contends: "I just don't like NIXON, but I'd vote for him over KENNEDY." Eau Claire farmer Gale Kircheff, a Democrat who voted for Adlai Stevenson in 1956, says of a NIXON-KENNEDY race: "That would be a tough one to decide."

Finally, the voter interviews suggest Mr. NIXON must kindle greater enthusiasm among some Republicans who promise to vote for him only rather reluctantly. "I think there's a better man—I don't know just who," says Oxford building contractor John Hamilton.

Mr. NIXON can, of course, kindle enthusiasm and win converts. A number of voters, mostly Republican, say frankly they are going to vote for him and would not have done so 2, 3, or 4 years ago. "I didn't care for him much at all when he first came in," says a Wisconsin Rapids paint store owner. "I think he's come along real well the last 8 years."

The Vice President does, naturally, have many enthusiastic Wisconsin admirers—but almost entirely among year-in, year-out Republican voters. "He's groomed for the job," contends Port Edwards grocery store owner George Klemont. "He knows the Russians. He knows the South Americans. I think in a lot of ways he'd do a better job than Eisenhower." Mrs. Germaine Thompson, wife of a Nekoosa physician, declares, "The fact he's had all that experience certainly qualifies him for the job."

SUPPORT FOR PRESIDENT'S POSITION ON TREATY TO SUSPEND NUCLEAR TESTING

Mr. PROXMIRE. Mr. President, the case for the President's sensible decision to work for a treaty to suspend nuclear testing, based on the recent Russian concessions, is argued with devastating logic by Walter Lippmann in today's newspapers.

Mr. Lippmann knocks down one argument after another of those who oppose such a treaty. He points out that continued testing could be as valuable to Russia as to America—with no net gain for us, and terrible loss to the prospects of human survival. He nails down the deep and troublesome question of secret Russian testing in violation of the moratorium on below-threshold explosions, by pointing out how foolish and self-defeating such tests would be likely to be, even for the Russians.

He concludes with this wise warning:

The alternative to the treaty and agreement which the President favors is to break up the stalemate upon which precarious peace now rests, and to carry the nuclear competition forward—not only in a few caverns in Nevada, but over the whole field of rivalry between the two great world coalitions.

Mr. President, I ask unanimous consent that this article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRELUDE TO THE DEBATE

(By Walter Lippmann)

There is a saying that to govern is to choose, and when we discuss the President's decision on nuclear testing, we must be sure not to lose sight of the fact that he is confronted with choices. If he does not offer the Russians a moratorium which they will accept, there will be no treaty. If there is no treaty, the race in nuclear armaments will be wide open, not only as between the Russians, the British, and ourselves but also for China and the East European satellites.

Much of the opposition, as it issues from the Atomic Energy Commission and the Pentagon, is based on the assumption that if we resume the race in the development of nuclear weapons, the United States will surely be the winner of the race. But have we the right to make this optimistic assumption?

There was no suspension of testing until 17 months ago. From the first test explosion in 1945 until the summer of 1958 we were quite free to do all the testing we wanted to do. But so, too, were the Russians free to do their testing.

In the course of those 13 years of an open race, the Soviet Union caught up with us and became a first-class nuclear power. Why, then, should we take it for granted that another 10 years of an open race will see us the winners, way out in front?

The real question is whether the Russians, testing in secret, may continue the race while we have stopped. This is a theoretical

possibility. But how much of a probability is it? Not very much, it seems to me, because the rewards of secret testing are not very great while the penalties of being caught are very great indeed. The Soviet dictator who ordered secret testing in violation of the moratorium would be making a gamble at very bad odds.

For while there is no certainty that cheating will be detected, there is no certainty that it can be concealed. There are a good many holes in the Iron Curtain. In a matter of this sort not only the intelligence organizations of the United States and Great Britain and of all the Western Alliance but also organizations of the neutrals and indeed of the satellites would be sensitive and alert. A sneak test might be carried out. But what a mess if the cheater were caught. It would not take more than one defector to give him away and, once caught, the damage to the cheater's influence would be tremendous. Theoretically, it is no doubt possible to cheat successfully. There are no doubt instances where men have committed the perfect crime. But everything has to go right and nothing must go wrong if the perfect crime is to be committed.

There is a risk that there might be a perfect crime, that a sneak test could be pulled off. But as compared with the other risks we have to live with, this is not a big risk. As I see the problem, the greatest risk is that if we resume the race and step it up, the Soviet Union will, despite the risks to itself, make China a nuclear power. Almost inevitably we, in our turn, will feel compelled to make Germany a nuclear power. After that, anything can happen because neither the Russians nor we will have control over the issues of war and peace.

For this reason the proposed treaty and agreement mark a critical point in the history of our times. If they can be put into effect, the U.S.S.R. and the United States of America will have established a very powerful common interest, which is to arrest the spread of nuclear weapons to other countries and to keep control of the capacity to wage nuclear war.

The alternative to the treaty and agreement which the President favors is to break up the stalemate upon which our precarious peace now rests, and to carry the nuclear competition forward—not only in a few caverns in Nevada but over the whole field of rivalry between the two great world coalitions.

CIVIL RIGHTS LEGISLATION

Mr. JOHNSTON of South Carolina. Mr. President, an editorial which appeared in the Sunday, March 27, 1960, issue of the Anderson Independent, of Anderson, S.C., entitled "One Side of Civil Rights Picture Has Been Turned to the Wall," has been brought to my attention.

My first inclination was to place this editorial in the RECORD, for I thought it was one that should certainly be brought to the attention of every Member of the Senate and to others who read the RECORD.

On second thought, instead of placing the editorial in the RECORD, I decided to read it to the Senate. It is the most outstanding piece of journalistic analysis that I have seen on this subject in a long, long time. It is obvious that the editor has gone to a great deal of pains to assemble all of his facts, and I feel no one could do this editorial justice by simply describing it. With that thought in mind, I shall now read the editorial:

ONE SIDE OF CIVIL RIGHTS PICTURE HAS BEEN TURNED TO THE WALL

Some national figure warned long ago—it might have been the late Huey Long, of Louisiana—that if fascism ever came to the United States it would arise under the name of "Americanism" or some other flag-waving word.

If he had lived he could have seen it arriving under the term "Civil Rights."

And he would have seen it make its greatest strides during the administration of a great military hero who gave lip service to States rights out of the same mouth that ordered storm troopers to bayonet peaceful citizens in the city of Little Rock.

The civil rights legislation pending in Congress is but another milestone in the American march toward enslavement under fascism, by whatever name it is called.

The racial issue is being used by the Fascist-minded to win huge blocs of Negro votes in the big cities.

The votes are needed to maintain in office those who are dedicated to big business, big money, and big labor.

During the Ike regime big business has been growing bigger through mergers and big labor has been growing daily in power. It should not be forgotten that Teamster Union bigwigs, for example, have been in the "I like Ike" corner, and that outfit is a genuine threat to our national safety and progress.

When big business and big labor become allied—and there already are tacit working agreements—then liberty of the individual is headed down cripple creek. That already is happening here in our beloved United States.

This is what is going on in the back of the store while the integration politicians make window displays of civil rights legislation.

Is the bleeding-heart majority in Congress really interested in the rights of citizens—all citizens?

Or is their concern limited to the rights, real or imagined, of the militant Negro and other pressure groups?

Is there left among the do-good contingent the slightest regard for the fate of a lone individual?

Is the Ike-Nixon-NAACP axis interested, for example, in the fate of the Reverend Early James Mattox of Atlanta, Ga.?

Mattox is a Negro minister who is a veteran of the Korean war, but in the past few days he has been forced to ask police protection against stonings, shootings, and threats on his life.

Both his church and his home have been stoned. The windows have been shot out of his automobile. His life has been threatened.

Why is Mattox being persecuted? He simply has the courage and good sense to voice opposition to mixing of the races in schools or anywhere else at this time.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). The time of the Senator has expired.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from South Carolina may have 3 additional minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JOHNSTON of South Carolina. I continue to read from the editorial:

If this had been happening to the Reverend Luther King, the integrationist agitator who has set up headquarters in Atlanta, headlines in the northern press would be a foot high and the mixer Congressmen would be screaming to high heaven.

Out in Cincinnati, Ohio, one Lawrence Ashcraft, a 30-year-old white insurance salesman, has been slapped into jail. His crime? He has refused to send his children to a school dominated by Negroes.

Ashcraft declared he will remain in jail forever rather than expose his children to the alarming conditions that prevail in schools in big cities where white pupils are heavily outnumbered, as they would be in Charleston and several other counties in South Carolina.

Has any bleeding heart arisen in the U.S. Senate to protest against the violation of the civil rights of either Mattox, a Negro, or Ashcraft, a white man—both of whom are being victimized?

At High Point, N.C., a trucking firm was struck last November because it could not come to terms with the Teamsters Union.

Last week a stick of dynamite was thrown through the company's offices in Charlotte. A day or so later, a dynamite bombing wrecked three offices of the company at High Point.

Have any of the integrationists who foam at the mouth over bombings involving racial conflict arisen to demand a Federal law to curb the bombing of business property, or homes of individuals who are targets of unioneers and their goons?

The all-out drive to force the races to integrate in the United States, as coldblooded and corrupt a conspiracy as any ever concocted in this land, also is being carried out in the sacred name of "national security"—the idea being that unless races are mixed in the United States we will lose friends in Africa and Asia to the Commies.

This shoddy argument is the fruit of a policy of appeasement and abject kowtowing to foreign opinion.

Not only is it undermining American unity in a time of crisis but it also is weakening the structure of the Armed Forces as well, the latest example of this being a race riot at an Air Force radar station at Albuquerque, N. Mex.

What happened there? It is the same situation that develops any place and any time where the races mingle socially. The occasion was an NCO club dance. A Negro airman tried to barge in on a white airman and his date, seated at a table. A fight resulted, and from then on things got out of hand.

Yes, we are on the high road to fascism—by whatever name it's called—on skids greased by the civil righters, the race mixers, and the voracious politicians who profit. Those who disagree with them are being persecuted and jailed for exercising their real rights as U.S. citizens while the do-gooders wail about Bible-toting bums being fined for arrogantly defying and breaking the law.

When you pray, include your country today. It needs it. If you haven't been praying, it's time to start.

Mr. President, as an individual citizen, as well as a Senator, I reecho what this editorial has said: "When you pray, include your country, for it certainly needs help."

ADDRESS BY THE VERY REVEREND E. J. O'DONNELL, S.J.

Mr. DIRKSEN. Mr. President, every year the meeting of the Irish Fellowship Club of Chicago becomes, on the 17th of March, a truly significant event; and every year they have a distinguished speaker. This year the address was delivered by the Very Reverend E. J. O'Donnell, president of Marquette University, of Wisconsin. It was a very significant statement, and I ask unanimous consent that it be included in the RECORD as a part of my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE HARP THAT ONCE AND WILL

(Address delivered by the Very Reverend E. J. O'Donnell, S.J., at the Irish Fellowship Club of Chicago, Mar. 17, 1960)

There are, it seems, many Irelands, including those that don't exist, save in the extraordinary Irish imagination. Most of them, I am sure, have been described at one or other of the 58 previous banquets of the Irish Fellowship Club of Chicago.

I don't know whether the fairies and lepprechauns have ever been discussed at these meetings. For a while, I thought this might be an interesting topic for the 59th annual banquet, that is, until I heard of the harrowing experience of a certain American moving picture producer who went to Ireland recently in search of some genuine "little people." He vowed he would never try it again. The producer later summed the whole matter up in the words of an old Irish countrywoman who was asked whether she believed in fairies and who gave the only possible answer, "Of course not, but they're there."

And, indeed they are—like the stories about the snakes and the Scandinavians (from whom, they say, we get most of our faults) and the great wish of St. Patrick that Almighty God would allow him on the last day to judge the Irish because they need such understanding. These stories are, of course, not true, but some among us believe them, and therein lies the hope for our salvation.

The theme of Ireland is a strong one and a sad one, and perhaps it should be recalled—but without the bunting and ribbons and the green with which we bedeck it—for the breath of fresh air it will bring to our world preoccupied by notions of progress, screened from death, if not from life, by a thousand chromium-plated material possessions, and tormented by threats of extinction from the slow corrosion of luxury from within and the manifest challenge of weaponry from without. This land, this Ireland where time stands still and most "getting ahead" is to be done in the next world, may have something to offer us as we seek a new sense of national purpose, a new intellectual commitment, a new spiritual dedication, worldly so as to reach the measure of the world, and even more truly divine to answer the world's needs.

We all know that poet Thomas Moore's song about his native land, "The Harp That Once Through Tara's Halls":

"The harp that once through Tara's Halls
The soul of music shed,
Now hangs as mute as Tara's walls
As if that soul were fled.
So sleeps the pride of former days
So glory's thrill is o'er,
And hearts that once beat high for praise,
Now feel that pulse no more."

We all remember that song, which we have sung or heard all our lives. Its threnody pursues us, and perhaps deludes us into an appreciation that is false and beguiling. There was a time, even in our remembrance, wherein in a happy and holy ignorance, or in order to keep our spirits up as we sailed away from the gibbets and jails of our land, we boasted of how great we were and how we could put down those sent against us with our fists and shillelaghs. But really, then, these were whistles past the graveyard putting a bold face on sorrow as in those heart-rending songs of immigrations, the songs like "Off to Philadelphia" which our forebears sang as they faced the wild Atlantic and the heaving mystery of the crossing in the worse than cattleboats.

Yet, there was a time when Ireland was the miracle of the world. When the harp sang through Tara's Halls not a threnody but a paean of praise to the wandering Irishmen who set their stamps upon the western world and brought civilization back where it had gone under with the fall of Rome and into regions, the lands of the men of the north, where it had never been.

Iceland they colonized, so that when the Norsemen reached there in the seventh century they were to find the island Christian and dotted with the beehive shaped cells of the Irish monks. The Welsh, in Bangor and Chester, knew them well, and most of all, perhaps, the Scots learned of their quality through the genius of Columban from his new home on Iona Isle. The place names in Brittany today attest to the virtue and vigor of these Irishmen, who brought learning and a good way of life that were completely original to this great province of France. There is barely a town in Brittany that does not claim an Irish Saint for patron, among them St. Malo, the disciple of that most seaworthy of the Irish saints, Brendan, the navigator. Paris is circled by a wreath of towns bearing Irish names and in 1639 a professor of Louvain claimed for Belgium in her early days of Christianity 40 saints, men and women, from Ireland. While the bold, roaming men from Ireland were planting civilization like crosses all over the west of Europe and north into Scandinavia and south into Spain, giving an Irish lilt and twist forever to these nations, the most notable of them all, Brendan, was ploughing the seas to Hy-Brasil. The rich legends about the saint are so full of joy and terror, of his discovery of this land of ours centuries before a Scandinavian, of his church service on the back of a whale, thinking it to be an island, of his colloquium with Judas chained to a rock on the high seas somewhere off Long Island. All these great tales, wonders and travels come from the heart and the mind of one man, Patrick, whose feast we celebrate today.

It is pleasant, endearing to think of him as we see him in the pictures in the churches and the homes with his foot on the serpent, his crosier in one hand and the shamrock in the other, his white beard waving in the breeze as he excoriates and blesses the Irish Nation. But he was much more than his traditional figure of piety. He was, in fact, one of the great leaders of the West, greater than Charlemagne, Roland, or Don John of Austria. Rustled from his home in Wales and brought as a slave to Ireland, he grew up learning Gaelic and tending swine; his master a wizard, one of the Druids. From childhood through youth and early manhood with the blue-green mountains of Mourne behind him, he learned to love that land in a way that only a great soul could encompass. Eventually, this young Briton won his freedom and returned to where his lovely home had been; nothing was there but dust and ashes.

His father, a Romano-Celt, had gone down to disaster when the last of the legions fell back on Rome. And fall back to it did Patrick, to Europe to St. Martin's Abbey in Tours, and under the guidance of the great St. Germaine, he became a man of note in the church, the only coalescence left in Europe at that time. Now all the time he had been growing in wisdom and grace and learning, the story goes—and there are many stories of Patrick, far more in German and French scholarly journals than Irish popular tales—he was disturbed in his sleep by a babel of sound and a muddle of face.

But when he had become a full man in his prime, one night as he was sleeping, the sound and face came back to him, but now there was no more babel but the voice of Ireland, and instead of muddle there was the face of the Gael crying, "Patrick, come back to Ireland." And he arose and went to see the Holy Father, Pope St. Celestine I, and told him that he was off to Ireland, a hazardous task in those days when Ireland was the end of the world. Yet he made the journey with some dauntless companions and fifteen hundred and more years ago he brought to the assembled high king and lords of Ireland with their Druids, wizards, and fighting men the lessons of the solicitude of created love and the exacting promises of the redemption.

What Patrick accomplished was unique in the history of western Christendom, for as Daniel-Rops of the Academie Française, Dubois, Masseron and le Brach have pointed out, he did what had never been done before. He showed that the Greek-Roman Civilization that is the civilization of the West was meant not only for the lands that were territorially bounded by Greece and Rome or by those lands that they had subjugated but was for the whole wide world. Thanks to the tireless scholarship and wisdom of the German and French patrician exegetes of our day, we are only just beginning to understand the full significance of this grand and glorious plan and indeed to realize it on a scale comparable to that which Patrick envisioned.

For Patrick's Ireland was darker and more mysterious than Africa is today, than is Siam or the Pleiades. Yet Patrick made of Ireland a western nation, brought its people from the jungle of their wizard beliefs against the wills of their witch doctors, the Druids. By his sermons and incessant missionary effort he succeeded without a blow being struck in substituting Christianity for the old pagan Celtic religion. He made the great experiment that our way of life, in which even then were the seeds of our present democracy and legal development, was not only destined for the elect of Greece and Rome, but could be adapted and embraced by all peoples into their own substance and given a fresh force and vitality as the Irish gave to Christianity. Patrick did this by Irish means. He took what was available to show how good was his way, like the humble three-leafed plant, the Shamrock on the Rock of Cashel, whereby he taught the doctrine of the Trinity.

This, I think, is a lesson we can learn from Patrick today that the harp that once, and the harp I speak of is more than a harp, it is the symbol of Ireland itself, will once again sound through the world a clarion cry, the deep cry that once pushed back the dark from the world in times that were darker than these. This call transcends race or nation and has nothing to do with those murky calls to race that have led us in the century to such grave tragedy and horror. To be Irish is but to possess a state of mind, a strong feeling of religion and the supernatural, a recognition of tragedy, sorrow, and death as man's lot, and never very far away at that. In the true Irish spirit there is no turning away from the great concerns of humanity, no deadening of the human sympathies which keep reason and imagination alert. Through Patrick, God has piled up in our hands the means, the gifts of grace, to solve the grave problems of our lifetime. But we must awaken our sleeping powers in order that, imbued with the Christian ideology and the Christian spirit, we may through our personal and corporate efforts and with a resolution worthy of the great apostle of Ireland, achieve the Christian dedication in its essential form.

It is upon this theme, I think, of hope for the future and reflection of the past that

we can best honor Patrick whose festival we celebrate today. We stand on the threshold of an age, fraught as his was, with great perils and dangers to the church and state. At stake today is not only the preservation of the West against the incursion of the foe, but the winning or the losing of the uncommitted nations of the world which lie beyond the barricades of our way of life and of our institutions. By calling up the memory of Patrick and his Ireland as we have done here tonight, we also call upon him to inspire us to respond with new vigor and generosity to the requirements of our citizenship, our faith, and our Christian life. That this case of ours may be heard by every member of the Irish Fellowship Club of Chicago, is the dearest blessing and best wish I can bring you.

Mr. DIRKSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of executive business, and take up the nomination on the Executive Calendar under "New Report."

The motion was agreed to; and the Senate proceeded to consider executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

The PRESIDING OFFICER. If there be no reports of committees, the clerk will state the nomination on the Executive Calendar under "New Report."

AN ASSISTANT POSTMASTER GENERAL

The Chief Clerk read the nomination of Frank E. Barr, of Kansas, to be an Assistant Postmaster General.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. JOHNSON of Texas. Mr. President, I ask that the President be notified immediately of the nomination confirmed.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

The PRESIDING OFFICER. Is there further morning business?

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. KEFAUVER. Mr. President, I object.

The PRESIDING OFFICER. There is objection.

Mr. DIRKSEN. Mr. President, we will renew the suggestion of the absence of a quorum later. We have a little morning business.

Mr. KEFAUVER. Mr. President, I withdraw my objection.

The PRESIDING OFFICER. Without objection, further proceedings under the quorum call will be dispensed with.

AMBASSADOR WIGGLESWORTH SPEAKS ON CANADIAN-AMERICAN INTERDEPENDENCE

Mr. KEATING. Mr. President, the close bonds of friendship and cooperation which exist between the United States and Canada are a source of pride to citizens of both countries. This interdependence was recently discussed in a most interesting address by our Ambassador to Canada, Richard B. Wigglesworth.

Speaking before the Massena (N.Y.) Chamber of Commerce, Ambassador Wigglesworth pointed up the practical and equitable manner in which these two neighbors work together for common goals and to solve mutual problems. He noted that relations between Canada and the United States "should continue to be an example to the entire world of good neighbors living peacefully and profitably next to each other, of good neighbors facing the world overseas with determination to assure the acceptance of the values of democracy and free institutions which both countries cherish in common."

Mr. President, the recent resurgence of interest in bettering relations between Canada and the United States is particularly gratifying to the people of my State because of our longstanding close ties of friendship with our neighbors to the north. Just because our dealings with Canada have always been so amicable is no reason to take them for granted or to overlook the need for treating that country as an equal partner in our cooperative ventures. We must always recognize the pride and independence with which Canadians regard their status and their standing in the world community.

A moving force in improving and strengthening Canadian-American relations has been the work of my good friend, Dick Wigglesworth. Having known him for many years in the House of Representatives, I am not surprised at the effective and able manner in which he is representing us in Canada. I have seen him in action there and can testify personally to the fine job he is doing as Ambassador.

Mr. President, in order that a wider readership may be benefited from Ambassador Wigglesworth's interesting exposition of Canadian-American interdependence, I ask unanimous consent that his recent address in Massena be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

(Address by the Honorable Richard B. Wigglesworth, U.S. Ambassador to Canada, Massena, N.Y., March 23, 1960)

CANADIAN-AMERICAN RELATIONS

I. INTRODUCTION

The Massena Chamber of Commerce has been most kind in inviting me to be present this evening, and in giving me an opportunity to discuss with you the state of our relations with Canada. Obviously, Massena is very much interested in what happens in Canada, because of its proximity and because it draws so much electric power from the St. Lawrence Seaway project. For Massena, as for Canada, the Seaway has opened vistas of industrial and commercial development, and the future prosperity of Massena and of other parts of New York State is closely linked with the future prosperity and growth of Canada, your near neighbor to the north.

As you are perhaps aware, I assumed my present responsibilities about 15 months ago. In connection with my duties I have traveled in the past year from Newfoundland to British Columbia, from southern Ontario to the Arctic, for a total of well over 25,000 miles. In the course of my travels I have become acquainted with large numbers of Canadians. I have found certain initial impressions well confirmed, and my high respect for Canada and Canadians has grown steadily.

I am sure that I do not need to tell you much about Canadians, because you live very near to them, and you see a lot of them. You know as well as I that they are fine and friendly people, warmhearted and hospitable to strangers, and undaunted by the problems of developing a thriving country in the midst of what is sometimes a climatically hostile and difficult environment. They work hard, and they have accomplished great things in achieving national unity amid local diversity, always guided by the principles of representative government and a strong sense of dignified independence.

You no doubt are familiar with work done by Canadian organizations, both public and private, in the construction of the St. Lawrence Seaway. I am sure that the organizational efficiency of Canada was apparent in this great venture, as it is in other fields. In my position in Ottawa I have an opportunity to observe the Canadian Government at work. I have always admired the high level of ability in the Canadian Government. Within the past year or so I have become impressed anew by the competence and diligence of Canadian ministers and officials, and by the effectiveness with which Canadians handle their affairs, both domestic and international. The Canadians have a very fine civil service, which has been successful in attracting to it people of a very high level of talent. Canadian political life offers many opportunities for leadership to people from all parts of Canada and from all types of background.

Again to touch on matters which are pretty obvious, Canada has made tremendous economic progress in the past 25 years. Its gross national product has increased 800 percent; it has become the fourth most important nation in international trade in the world; it has played an increasingly important role in international economic and political affairs. Canada has tremendous future possibilities in the development of its resources. It has a huge territory and a relatively small population which, however, is growing rapidly. Canada attracts investment at a high rate and is steadily forging ahead to improve the standard of living of its people, now second only to that of the United States. We tend to forget, perhaps, how vast is Canada's territory—six of the Provinces are larger than Texas, which we all know is a land without observable limits.

Americans often do not appreciate the very close and continuing interdependence of Canada and the United States, although I am sure that you in Massena, close to the Canadian border, need no proof of this fact. Our two countries are tremendously important to each other. They do more trading with each other than with any other countries in the world. Canadians use more American goods than any other people, and we are Canada's best customer. This trade between our two countries is, of course conducted by private citizens acting in their own interest in accordance with their judgment of commercial prospects. Very little trade occurs for sentimental reasons, but interdependence is not necessarily based on sentiment, although in the case of Canada and the United States there is a strong friendly sentiment and a habit of doing business in accordance with the same high standards.

Canada's recent extraordinary growth and economic development is attributable in large part to the investment of private funds from the United States in mining, oil, and gas, manufacturing, services, and trade. The Canadian economy is growing rapidly, and it imports more goods and services than it exports, thus incurring a balance of payments deficit. This deficit is, in fact, covered by a continued flow of capital funds from the United States to Canada for investment or for lending.

Some Canadians worry about this because they do not like the idea that their country is so to speak in debt to another country on so large a scale. But when they think further about the matter they realize that the capital makes Canada grow, and provides new employment and other opportunities for Canadians, without interfering in any way in the internal or domestic society of Canada. Consequently Canada remains receptive to new investment and offers good opportunities to the American investor.

Most Americans know that a good deal of American money is invested in Canada, but they may not know that a good deal of Canadian money is invested in the United States. On a per capita basis Canadians invest more in the United States than Americans do in Canada. Canadian savings are frequently directed into American securities, some of them representing equities in both the United States and Canada. And I do not need to tell the people in northern New York State that Canadian firms have subsidiaries in the United States. The Loblaw sign is not unfamiliar to people here, and Massey-Ferguson farm equipment and Moore business forms are also well known.

The main point about investment is that we have in our two countries a common market for investment funds, and these funds move freely from one country to the other depending on the judgment of the investor. This is usually made without much reference to national boundaries, and the investor makes no distinction in his mind between investment in one country or the other in terms of the nature or attitude of its government.

Canadian-American interdependence in trade and investment is closely paralleled by interdependence in defense. In the air age, national boundaries are quickly crossed, and the basic hostility of the Soviet Communist world toward the free world requires appropriate mutual security arrangements with each nation contributing to the common defense. Canada and the United States are allies in the North Atlantic Treaty Organization, or NATO, and are closely linked bilaterally by the North American Air Defense Command, or Norad. In NATO the Canadians and the United States share their defense problems with their European and other North Atlantic allies. In Norad the Canadians and the United States have an integrated air defense system in which a combination of Canadian and U.S. officers are in command over all forms of air defense, and in which our planes and Canadian planes fly wing to wing in unity. The commander of Norad is an American, General Kuter. His deputy is a Canadian, Air Marshal Slemon. When General Kuter is at headquarters, RCAF units in Norad are under U.S. command, and when General Kuter is away—as his duties often require—USAF units are under the command of a Canadian.

This is as it should be, because only through unity in the face of aggression can we maintain our separate national lives and independence.

II

In an interdependent environment in economic and defense affairs, the relations between the two governments ought to be good. I am glad to be able to tell you that they are fundamentally healthy, steadily improving, and moving in the right direction. I do not wish to give you the impression that good relations are automatic or easy. The two countries are interdependent, but they also compete. For example, both countries sell wheat on world markets. There is competition in metals, petroleum, other fuels, and in manufactured goods. There are instances where people on one side of the boundary wish to use certain natural resources to their own advantage, and possibly to the disadvantage of people on the other side of the boundary. Care and attention to relations is essential if fair dealing, cooperation, and understanding are to be achieved.

We have an elaborate set of arrangements for keeping the two governments and peoples in touch with each other, and we are constantly seeking new ways of improving understanding and of finding solutions to problems as they develop. The Canadians have an able and effective Embassy in Washington, headed by a distinguished Canadian, Ambassador Arnold Heeney. Through this channel the Canadian Government can bring directly to the attention of the U.S. Government its views on any problem. Our Embassy in Ottawa is constantly in touch with various departments of the Canadian Government. Our 11 consulates in Canada, from St. John's to Vancouver, are there to represent the United States in dealing with the problems of individual Americans or Canadians, and in handling commercial and other types of representation.

In addition to the normal diplomatic and consular channels, there are certain special joint boards and commissions which handle business between the two countries. There is the International Joint Commission which is responsible for dealing with problems of water and waterways along the boundary. Over the years the International Joint Commission has painstakingly and carefully solved many knotty and difficult problems relating to the use of water resources which our countries cannot help but share as a result of our geographical environment.

We also have a Joint Board on Defense which exists to resolve many detailed problems of defense relationships. This is supplemented by an extensive interchange of officers from the armed services of both countries and by special armed forces missions.

A new type of arrangement was established at the suggestion of President Eisenhower in 1953. At that time it was agreed to set up a Joint Canadian-United States Committee on Trade and Economic Affairs. It was to consist of the Ministers of External Affairs, Finance, Trade, and Commerce, and Agriculture on the Canadian side, and of the Secretaries of State, Treasury, Agriculture, and Commerce on the United States side. This committee meets periodically. The last session was in Washington in the middle of February, and the immediately preceding session was in Ottawa a year ago January. I had the privilege of attending both of these sessions, and I can give direct testimony on the usefulness of this committee as a means for establishing close personal relationship between high level officers of the two Governments. Out of this can grow a clear and reciprocal understanding, a great tolerance, and determination to work cooperatively. The Committee on Economic Affairs is paralleled by a newer committee established when President Eisenhower was in Ottawa in July 1958. This is the Joint Cabinet Committee on Defense, and it considers at a Cabinet level a number of the important defense problems which our two countries face. The last session of this committee took place in Washington at Camp David during the autumn, and again I am able to give direct testimony on how useful and effective this committee is for developing common understanding and effective working relationships between the two countries.

In 1958 two Members of the U.S. House of Representatives, Brooks Hays, of Arkansas, and FRANK COFFIN, of Maine, made two tours across Canada discussing with leaders of Government, industry, and labor all sorts of questions arising out of Canadian-American relations. One of the recommendations in their first report called for personal visits to each country by members of the National Legislature of the other. Out of this grew the Canadian-United States Interparliamentary Group, which has met twice, and which is now scheduled to meet this spring. A typical meeting consists of a visit to Washington by a group of the Members of the Canadian Parliament, selected to give broad representation politically and geographically. In Washington they meet a selected group of Members of the U.S. Congress, and they have an opportunity to discuss common problems and to compare notes on the operations of the two Legislatures and on a variety of international and domestic questions. I was present at Montreal and Ottawa when Members of the American Congress came to visit the Canadians and again I can assure you of the importance of these contacts, both official and unofficial, as a means of increasing understanding and promoting cooperation.

The Financial Post of Toronto has called the permanent establishment of this Interparliamentary Group "one of the outstanding actions of the 1959 session of Congress" and given it great credit for improved relations.

But it is not only in Government channels that we find increased means for promoting close contact between the two peoples. In recent years a new institution has appeared on the horizon. This is the Canadian-American Committee which is made up of business, labor, and farm leaders on both sides of the boundary. Many distinguished Americans and Canadians are members of this committee. It has a staff which prepares studies on questions important to our two economies. It has done much to contribute to public understanding of problems, and of attitudes in both

countries concerning such important questions as oil and gas, wheat, and the Columbia River.

In addition to such contacts between Governments, Legislatures, and private groups, there are of course countless professional organizations which have members in both countries, or which are in close contact with each other, so that in almost any field of endeavor Canadians and their American counterparts share common experiences. Many of the most important labor unions are in fact international unions and have Canadian units which are quite autonomous and independent, but which are nevertheless finding increased strength through unity with workers in the same trade in the United States.

III

Against this background of organizational relationships, and in the context of a very high level of interdependence, I should perhaps mention a few of the questions which have received attention by the two Governments, and which have sometimes appeared to be problems between us. An outstanding example is wheat. Both countries produce more wheat than they can sell, and the United States has adopted certain kinds of disposal on easy terms. Canadians have objected in the past because they were afraid that such noncommercial disposal would injure their commercial markets and the sale of wheat is very much more important to the Canadian economy as a whole than it is to that of the United States. We have carefully modified our disposal methods in the United States and have made sure that we do not injure commercial markets. We still are able to dispose of large quantities of wheat for humanitarian purposes, on easy terms, but we do this with the tacit consent of the Canadians as a result of a system of consultation. The press release following the Cabinet committee meeting in February reflected a fine level of understanding between the two Governments.

The sale of energy from one country to the other sometimes produces problems. In Massena you have large supplies of electric power derived from the seaway project. Other parts of the United States also benefit from such hydropower. Other forms of energy such as oil and gas have more recently entered the economic picture in Canadian-American relations. Tremendous development of oil and gas fields in Alberta and Saskatchewan has occurred in recent years, and is a major factor in trade between the two countries. In the spring of 1959 the United States exempted Canadian oil from import restrictions and the reaction of the Canadian Government and industry was very favorable. The exemption of Canadian oil from import restrictions reflected the importance which these supplies might have to us in time of emergency as well as the fact that they normally flow into markets which are essentially not available to domestically produced oil.

At the moment questions of the movement of natural gas from Canada to the United States are being considered by the Federal Power Commission in Washington and the National Energy Board in Ottawa. It is to be hoped that mutually satisfactory arrangements can be worked out for the best possible utilization of these great resources. Canadians have been in the past disturbed over restrictions which the United States has imposed on the importation of lead and zinc. As I am sure you are aware, the lead and zinc industry in the United States has had serious troubles for the past several years, and the U.S. Government tried a number of measures to alleviate this distress. The effort was always to find means which did not involve restrictions on imports from friendly countries such as Canada, Mexico, and Peru, but finally the United States found it necessary to impose import quotas. These quotas have not been particularly harmful in their application to Canada, but the Canadian Government has understandably been disturbed over the principle of U.S. quotas on this type of import. The quotas were imposed and Canada has continued to sell substantial quantities of lead and zinc in the United States and continued contact between the Governments in this connection tends to promote better understanding if not complete agreement.

Both countries maintain systems of government support for agriculture. In both cases the support of domestic agriculture sometimes makes it necessary to establish restrictions against agricultural imports. Thus Canada has maintained import restrictions, for example, on turkeys from the United States, so as to assure the successful development of its own turkey support program. The United States has maintained limitations on the import of flaxseed, linseed oil, and cheddar cheese, for example, for the same reasons. The Canadians have recently started a system of deficiency payments on eggs and hogs, and careful consideration between our two Departments of Agriculture has minimized the impact of these programs on our international trade. Thus the two Governments understand each other pretty well on such questions, even though they do not always see eye to eye on the precise solutions. Again in this field I can assure you relations are good and are improving.

A current problem of considerable importance is the question of the development of the Columbia River Basin. This is actually and potentially a tremendous resource for western Canada as well as for the northwestern part of the United States. Arriving at an agreement as to the best way to use the resources of the Columbia River Basin to benefit both countries and to avoid damage to either is extremely complicated and difficult. Negotiations are now under way, and no one expects them to be easy. Nevertheless with good will and a proper spirit of give and take, a solution to the Columbia River Basin problem can be found.

This catalog of problems which we consider bilaterally with Canada may distort the basic perspective if I do not touch on a few other matters as well. A great deal of our business with the Canadian Government deals with problems which both our countries face in the world overseas. If you look, for example, at the press release issued after the Joint Cabinet Committee meeting in Washington in February you will find that the Canadian Ministers and the American Cabinet officers spent a good part of their time in this field. They discussed questions of European trade; the principle of international trade expressed in GATT, or the General Agreement on Tariffs and Trade, to which both Canada and the United States subscribe; and questions of economic aid for underdeveloped countries, an area in which both our countries have programs. You will find in the press release a reference to consideration of problems caused for both countries by the economic activities of the Soviet bloc.

Thus a proper view of Canadian-American relations must encompass the problems which we consider together, problems which we face in other parts of the world. These problems do not separate us; rather they bring us together, because our interests and our objectives and our policies are parallel. Both countries want a world in which trade may occur without discrimination and in accordance with sound economics. Both countries want effective programs of aid for underdeveloped areas. Both countries are disturbed over the threat to the economy and peoples of the free world represented by the state monopoly system of the U.S.S.R. Both countries need each other in terms of mutual security and defense.

IV. CONCLUSION

I have tried to convey some sense of the enormously complicated range of topics with which the Canadian and United States Governments have to deal. I have tried to note the numerous channels and instrumentalities through which it is possible for our two peoples to communicate. We cannot, of course, expect to have all problems quickly and easily settled, nor can we expect to find a time when there are no outstanding problems between the two countries. They occur in the best families. The main point is to emphasize that most problems are solved, in a practical and equitable fashion. When there is a will on both sides to examine any question and to discuss it with a view to finding a mutually satisfactory answer, then close and good relations between the two governments and a spirit of cooperation will prevail. Relations between Canada and the United States should continue to be an example to the entire world of good neighbors living peacefully and profitably next to each other, of good neighbors facing the world overseas with determination to assure the acceptance of the values of democracy and free institutions which both countries cherish in common.

As the Washington Post said after the Cabinet Committee meeting in February, the signal improvement in Canadian-American relations resulted in little page 1 news. This, said the Post, reflected a fundamental awakening on the part of the United States to a record of some neglect of our relations with Canada. The editorial concluded:

"The Joint Cabinet-level meetings initiated by President Eisenhower are at last bearing fruit and they ought to become a permanent feature of Canadian-American relations."

When President Eisenhower visited Ottawa a year or so ago he said: "By mutual respect, understanding, and with good will we can find solutions to any problems which exist or which may arise between us." Here is the key to good Canadian-United States relations.

Thank you for this opportunity to talk with you.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection is so ordered.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. Is the Senate still in the morning hour?

The PRESIDING OFFICER. The Senate is still in the morning hour.

RURAL DEVELOPMENT PROGRAM OF THE DEPARTMENT OF AGRICULTURE

Mr. BENNETT. Mr. President, one of the soundest and most promising farm programs instituted during recent years, and one which is unfortunately receiving far less public attention than it deserves, is the rural development program.

Everyone knows that during the past several decades there has been a migration from farm to city. This has created some serious problems in many areas, and to cope with these problems Secretary Benson began this program in 1955. Since that time it has done an outstanding job of aiding these rural farming areas in making necessary economic readjustments.

The rural development program provides for Federal-State-local cooperation designed to promote and encourage the economic development of low-income counties. The program is now going forward in 30 States, including some 200 counties. The specific aims of the program as outlined by Secretary Benson are: First, to expand industry and widen the range of off-farm jobs in areas with many small, low-production farms; second, to help families having the desire and ability to stay in farming gain necessary land, tools, and skills; and, third, to help younger rural people obtain adequate education and, especially, improved job skills.

The program has been implemented within the framework of existing agricultural and other agencies, and it has not required the establishment of a new agency. The added financial burden to the Department of Agriculture is slight.

The rural development program is administered at the county level by a committee of citizen volunteers. Such committees draw on experts from farming and marketing, industry, welfare, and education. The committees work under the general direction of county extension personnel under the existing Extension Service.

This program could well be the answer to the problem we are facing in my own State of Utah, and I am sure in many other States—that is, the large-scale migration of our citizens to the cities, producing dying communities in some of our rural areas.

In Utah, for example, 13 of our 29 counties have lost population since 1950. This has come at a time when our total State population has increased nearly 30 percent. Every one of the Utah counties showing population declines is a rural area.

I am convinced that the greatest hope of salvaging these dying communities is through the rural development program.

As listed above in the aims of the program, one key objective is the promotion of industries and other enterprises in rural areas. Some have expressed concern over the establishment of industry in rural areas because of the possible upsetting effect on community morals and community spirit. But studies show that such concern is unfounded.

The U.S. Department of Agriculture is presently working with State experiment stations on some interesting and important pilot research projects on the industrialization of rural farming communities. These pilot projects are being conducted in five States—Utah, Iowa, Ohio, Louisiana, and Mississippi—and cover 22 counties.

As we all know, industry—both large and small—is now moving into farming communities all over the country to take advantage of abundant manpower and natural resources, especially water and space. We should encourage this trend. Thus, this program of special pilot studies on the impact of industry on rural people and on farming areas generally is most significant. One important phase of the rural development program is to provide technical training to the available manpower in these communities in order to meet the needs of new industry for skilled workers.

I am sure all of my colleagues representing farming States which are experiencing the growing pains of industrialization will be interested in a recent committee for rural development program press release which summarizes the findings of specialists studying the changes resulting from industrial growth in selected rural areas. I am happy to note that one of these studies covers two counties in my own State of Utah—Sanpete and Juab Counties.

These findings, I am happy to say, refute the common misconception that industrialization weakens community spirit and breeds conflicts. On the contrary, according to these studies, industry seems to strengthen the community by placing it on a firmer economic footing.

I ask unanimous consent to insert in the RECORD the press release of the committee for the rural development program which comments on these pilot research projects.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

Committee for Rural Development Program: Under Secretary, Department of the Interior; Under Secretary, Department of Agriculture (Chairman); Under Secretary, Department of Commerce; Under Secretary, Department of Labor; Under Secretary, Department of Health, Education, and Welfare; Administrator, Small Business Administration; member, Council of Economic Advisers.

USDA studies industry impact in rural areas: What happens when industry moves to the country?

The Agricultural Marketing Service of the U.S. Department of Agriculture is finding the answer through a series of cooperative studies in five representative States, according to Nathan M. Koffsky, Deputy Administrator of the agency.

Mr. Koffsky reported on the project at a meeting today with Under Secretary of Agriculture True D. Morse, Chairman of the Committee for Rural Development Program. The special research project is going forward in connection with this program.

States included are Louisiana, Mississippi, Iowa, Utah, and Ohio. In these five States, studies in selected rural areas with new industrial plants have turned up some significant findings, Mr. Koffsky reported. For example:

Rural people who obtain jobs in the new factories moving into their area are much younger than average residents of employable age. The average factory worker in the areas under study is about 30 years old. This compares with an average of 50 years for heads of farm families in the same area.

Industry also increases the income of many rural people, Mr. Koffsky observed. The living standard of those who find jobs in the new plants has gone up at a faster rate than that of other rural residents. Incomes of plant workers equal, and in many cases exceed, incomes of average families in the same community.

Plant workers were found to be among the leaders in rural community organizations and groups, Mr. Koffsky said. Rural residents who find jobs in local industry continue to take an active part in community and religious affairs, the studies indicate.

About one in four plant workers in areas studied operate farms.

Their farms are usually smaller than the average in the community.

Farmers usually reduce their operations after taking an industry job. Farmers working in plants studied had reduced the number of days they farmed as much as 50 percent, Mr. Koffsky said.

A common misconception that industries have an unfavorable impact on rural areas is not borne out by the studies of the Agricultural Marketing Service.

Almost all rural people working in the new plants and most other residents agreed that industry has benefited their communities. The reason most often given was simple—more money and jobs in the community.

Findings cited by Mr. Koffsky are based on studies already published in the series, plus information now being assembled.

The following reports have been published to date:

"A Study of Plant Workers, Industrialization in Chickasaw County, Miss.," Mississippi State University, Agricultural Experiment Station, Bulletin 566, September 1958.

"Rural Industrialization in a Louisiana Community," Louisiana State University, Agricultural Experiment Station, Bulletin 524, June 1959.

"Industrialization and Rural Life in Two Central Utah Counties" (San Pete and Juab), Utah State University, Agricultural Experiment Station, Bulletin 416.

Copies may be obtained by writing the appropriate agricultural experiment station.

Mr. BENNETT. I also ask permission to have printed in the RECORD, an article which appeared in the February 1960, issue of County Officer, official publication of the National Association of County Officials. This article outlines the operation of the rural development program.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From County Officer, February 1960]

THE RURAL DEVELOPMENT PROGRAM

A little-known national program coordinated by the U.S. Department of Agriculture is beginning to take hold in rural counties around the country and to gain some attention in nonfarm circles.

Called the rural development program, it involves special Federal Government assistance plus local citizen action. The aim is to increase opportunities in rural counties, especially those where low-income groups live.

The program could be a forerunner of new types of Federal-State-local cooperation to promote and encourage long-term economic planning and development.

Thirty States now cooperate with the Department of Agriculture and other Federal departments in the rural development program. Some 200 counties are included. Not all, however, have a full-scale operation under way.

COMBINED EFFORT NEEDED

Blueprint for the program was drawn up in the summer of 1955. At that time, the Department of Agriculture released a report on U.S. low-income farming areas. Briefly, the Department's report stated that a combined farm, industry, and community development effort would be necessary if the problems were to be solved.

Soon after issuance of this report, Federal Government and State agricultural extension officials met to outline cooperative work in a few pilot areas.

However, the usual lag between agency planning and obtaining legislation and appropriations held up the work during the first year or so. Most pilot programs didn't get started at the county level until mid-1957.

Core of rural development program organization at the county level is a committee of citizen volunteers representing various fields—principally farming and marketing, industry, welfare, education. This "resource development committee" receives technical aid and guidance from Government and educational agencies working in the area.

USE COUNTY EXTENSION PERSONNEL

In addition, a big innovation in most program areas is assignment of special county extension personnel to work directly with the resource committee. Salary of these workers is financed entirely by the U.S. Department of Agriculture. In a few States, full-time extension workers employed under the arrangement help coordinate and manage the program on an areawide or statewide basis.

In some local program areas, other Federal and State agencies, such as the Soil Conservation Service, have also assigned technicians to work with development committees.

MAJOR AIMS

In a recent speech before county rural development workers, Secretary Benson outlined the specific aims of the rural development program:

Encouragement of economic family farm units. Thousands of families in these areas still try to make a living on poor soil with poor equipment.

Promotion of industries and other enterprises in rural areas.

Career counseling and vocational training for young people. In some of these low income farming areas, 9 out of 10 farm boys never go into farming as a career.

Zoning and land planning leading to more efficient land use.

Certainly, these are objectives of county governments, planning commissions, education departments, chambers of commerce and similar agencies throughout the country. But in disadvantaged rural communities, problems are often acute, funds severely limited, and public interest small or nonexistent. The rural development program attempts to supply the initiative, drive, and new organization to at least make a start on the solvable problems.

SUCCESSFUL BEGINNING

As an experiment the program has been a success. No doubt, the work has not gotten off the ground in some counties. But in others, local people have taken hold of the idea with genuine interest and enthusiasm. And Government agency representatives have established much closer planning and working relations with them. Secretary Benson calls the record "remarkable in just a few short years in relation to the difficult problems involved."

What is this record?

A recent Department of Agriculture report sums it up as follows: The program "has stimulated more job opportunities, better farming methods, young people's educational and guidance programs, and home and community betterment."

The big question is, of course, how much of this progress would have been made without a rural development program? This is difficult to determine. However, a surprising number of local leaders in rural development counties give the program credit for starting important projects.

A new vegetable marketing center in Bertie County, N.C., is a good example. Businessmen-members of the resource development committee took the lead in forming a company and selling stock to build market and packing facilities. Extension service workers assigned to the program supplied technical information on area market trends. They helped promote interest in the project. They assisted farmers in supplying more of the right kind of produce for the market. All in all, Bertie Countians have put $70,000 into the project. And in 1959 county growers found a ready market for some $140,000 worth of produce.

Makeup of the county resource committees varies from one place to another—the idea being a maximum of flexibility to develop programs that are adapted to local conditions. As a general rule, successful programs have a large measure of local government participation. County officials, interested in this experiment in Federal-State-local cooperation, are working closely with program leaders.

OFFICIAL COUNTY GOVERNMENT PARTICIPATION

County commissioners, county court officials, or other local government representatives annually attend meetings of resource committees, as participants or observers.

In many cases, they've put county funds into the program.

For example, in a Louisiana rural development parish the office and expenses of extension workers assigned to the program are financed through the parish budget.

The health department in an Indiana county supplied its resource committee with a full-time worker to help them make a survey of health problems.

Commissioners in a Florida county authorized the use of county funds to cover expenses of the "rural development office."

AID AVAILABLE—IF

After 2 years of grassroots operation, the rural development program does show that people in disadvantaged, low income rural counties can do a great deal to help themselves if—

They get sound outside technical help in planning and organizing a program.

They face their problems realistically.

They have a few energetic, imaginative, and experienced citizen-leaders.

Federal, State, and local agencies working in the area can develop closer relationships in solving problems that cut across different fields.

The whole experimental project has received too little attention, especially among students of government. Rural development could be a testing ground for new ways of using Federal Government services to help meet fast-changing, often painfully complex local problems; of stimulating economic development while maintaining all-important local initiative and control.

Mr. BENNETT. Only yesterday I received in the mail a Department of Agriculture release indicating that our neighbor to the north has asked two U.S. Agriculture officials to discuss this successful program with a special committee of the Canadian Senate. I ask permission to have this release printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE, WASHINGTON, MARCH 29, 1960

Canadian and United States officials discuss rural development program:

A committee of the Canadian Senate has called on two U.S. Agriculture officials to discuss the cooperative Federal-State rural development program now going forward in 30 States, Under Secretary of Agriculture True D. Morse announced today.

Based on U.S. experience with the program during the past 3 years, the Canadian Government is considering similar work for low income areas in that country.

The two officials—Paul V. Kepner, Deputy Administrator of Federal Extension Service, and Sherman Weiss, resource development specialist with the Wisconsin Extension Service—will meet tomorrow (March 31) in Ottawa with the Special Committee of the Senate on Land Use in Canada.

This committee has been studying the problems of small farmers on low production units in Canada.

Last month the Canadian Minister of Agriculture Douglas F. Harkness in a speech prepared for the National Farm Institute in Des Moines, Iowa, announced that Canada would inaugurate, "a rural development, or redevelopment program," as a major part of its long term agriculture policy.

"The situation in Canada," he said, "is that just over one-third of what were listed as farms in 1951 census showed a cash income of less than $1,200 a year."

At the request of the Canadian Senate Land Use Committee, a delegation of farm specialists met last September in Washington with representatives of U.S. Government departments to review the rural development program in the United States. Later they toured program areas in Kentucky, Wisconsin, Minnesota, Michigan, Maine, Montana, and Washington. The group was headed by Dr. J. F. Booth, Director of the Economics Division of the Canadian Department of Agriculture.

In presenting the report last month to the Canadian Senate committee, Dr. Booth said that the rural development program in the United States had given impetus to solving the problems of low incomes in certain rural areas.

"As our report states," he commented, "the program has galvanized institutions and people into action and has helped to mobilize human and other resources to meet the problem." Commenting on the fact that the rural development process was aided in the United States by a long tradition of Federal-State and local cooperation, Dr. Booth said that this has made its acceptance easier than otherwise would have been the case.

"The rural development program is a means of organizing people in rural areas for a team effort and directing the weight of the whole community behind improvement projects," Dr. Booth said in presenting his report.

The two U.S. agriculture officials, it is expected, will present further data on the program to the committee tomorrow.

As Deputy Administrator of the Federal Extension Service, Mr. Kepner has assisted in national administration of the new program. Mr. Weiss is working as a rural area resource development specialist.

In announcing the meeting with Canadian officials, Under Secretary Morse, who is also chairman of the committee for rural development program, said, "We are, of course, deeply gratified by Dr. Booth's comprehensive report on the rural development program in the United States.

"Dr. Booth and his colleagues visited a variety of U.S. areas participating in this work, talked with local leaders and viewed progress they had made.

"The Canadian Senate committee's request for the counsel of these two officials is further proof of their intense interest in the rural development program.

"Here is a fine example of two good neighbors sharing their knowledge and experience."

The rural development program was started locally in 1956 to promote farm, industry, and community development in U.S. areas with small low production farms. It is now going forward in some 200 counties and 30 States and Puerto Rico. President Eisenhower in the 1961 budget has asked Congress for more funds which will enable extension of the program to all States.

Mr. BENNETT. Finally, I ask permission to insert a recent statement by President Eisenhower on the Fourth Annual Report of the Rural Development Program.

I urge Congress to lend its support to this excellent program.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY PRESIDENT EISENHOWER ON THE FOURTH ANNUAL REPORT OF THE RURAL DEVELOPMENT PROGRAM

I have received and reviewed the Fourth Annual Report on the Rural Development Program from the Department of Agriculture. The report again indicates progress in aid to small and low-income farm families and other rural people.

The report shows for the year: hundreds of projects to improve farms and farming, new marketing facilities constructed and more profitable market outlets established, forests improved, wood finishing and processing industries expanded, thousands of new jobs due to industry growth, and more income from a variety of other activities.

Activities are spreading beyond the initial pilot or demonstration areas. The program now includes 30 States and Puerto Rico.

This is essentially a peoples program. State and local people agree upon objectives and then move forward together. The programs are managed by State and local area committees—not from Washington. This is as it should be.

Particularly impressive are the initiative, leadership, and hard work of various groups—farm, business, industry, civic, school, church, service clubs, and others.

Existing State and Federal departments and agencies, with their existing authorities and responsibilities, lend their counsel and support. No new agency is required.

To expedite progress, I issued on October 12 Executive Order No. 10847 officially establishing the Committee for Rural Development Program, which has been functioning from the start. The order calls upon the various Federal departments and agencies to make the fullest possible contributions to area development programs and related activities.

The program is hitting at areas of greatest need. As the report states, 80 percent of farm families in typical rural development counties have yearly farm sales valued at $2,500 or less. Most farms in these communities gain little, if any, benefit from governmental farm price-support activities.

Major emphasis has been placed on the future of rural youth through vocational training, new education courses, stay-in-school, and education beyond the high school.

This program is successfully attacking the age-old and chronic problem of low incomes in widespread rural areas where there are fine farm families on small farms and poor soils. Rural families of such areas—nonfarm and farm alike—need, and we are determined must have, more adequate incomes and greater opportunities.

INDEMNITY PAYMENTS TO CRANBERRY GROWERS

Mr. WILEY. Mr. President, I was extremely gratified last evening to hear the announcement made by the White House that the Department of Agriculture will offer to make indemnity payments to cranberry growers who—through no fault of their own—sustained losses on berries harvested in 1959.

Most of us recall the unfortunate situation which occurred last November when lots of cranberries containing residues of the chemical weedkiller, aminotriazole, were seized by the Food and Drug Administration, resulting in a serious impairment to the cranberry market. My own State of Wisconsin, responsible for approximately one-third the Nation's supply of this excellent and healthful fruit, was forced to dump almost 150,000 barrels of cranberries due to the destruction of the public's confidence in this traditional holiday food shortly before Thanksgiving last year. Retail and wholesale outlets all over the Nation, including military establishments, temporarily tied up all cranberry products, and an economic effect was felt by the industry which could well carry over for several years.

In order to attempt to correct, as speedily as possible, an injustice to the vast majority of cranberry growers who had not used the chemical weedkiller, or had used it according to instructions issued by the Department of Agriculture—and in order to thoroughly safeguard the health of the public—I was happy to immediately confer with the Secretary of Health, Education, and Welfare; as well as representatives of the cranberry industry. Fortunately, we were able to complete arrangements for a prompt program of certification and testing of cranberries so that lots were cleared in time for the Thanksgiving table.

At this point, I would like to heartily commend the fine efforts which were made by the Department of Agriculture in a valiant attempt to restore consumer confidence in the product and to assure the wholesomeness of all cranberries offered to the public. Later, in January, 3-percent loans from the President's emergency revolving fund were made available by the Department to cranberry growers who suffered losses as a result of this crisis in the industry.

Now, after the exploration of various alternative methods to assist our Nation's growers, this indemnification procedure has been chosen as the only satisfactory approach and has been found to be legally appropriate by the Comptroller General of the United States. Payments to the growers will approximate $8 per barrel of cleaned, marketable cranberries and will be made pursuant to the authority conferred by section 32 of Public Law 320, of the 74th Congress, as amended. Details of this offer to make such payments are expected to be forthcoming from the Department of Agriculture shortly.

I believe that this is another constructive step toward resolving the problem of our many thousands of cranberry growers across the Nation who have suffered as a result of the impairment to their market. In addition, I would urge—and sincerely hope—that continuing efforts be made to restore the public's confidence so that the American housewife will not hesitate to unreservedly serve this delectable item on her family table.

THE POLARIS PROGRAM

Mr. SCOTT. Mr. President, 2 days ago a recently resigned official of a company which makes Polaris missile-firing submarines under contract with the United States—Mr. Thomas G. Lanphier, Jr.—made a speech at the National Press Club, in Washington, D.C.; and in the course of the speech he made an assertion which should cause great concern if it were accurate.

I now read the press account:

POLARIS SUB SEEN 2 YEARS AWAY.—LANPHIER CONTRADICTS DEFENSE DEPARTMENT'S WORD

(By Howard Norton)

WASHINGTON, March 29.—A recently resigned official of the company that makes the Polaris missile-firing submarines declared here today that the first of these superweapons will not be in operation for at least 2 more years.

This is a flat contradiction of the Defense Department's repeated testimony in Congress that it expects to have possibly three Polaris subs in the U.S. fleet before the end of this year.

ATTACKS EISENHOWER

The same civilian official—Thomas G. Lanphier, Jr.—whose former employer also makes the Atlas intercontinental ballistic missile, charged that Russia's missile lead over the United States now is several times greater than the 3-to-1 ratio advertised by the Defense Department.

Lanphier resigned a $60,000-a-year job as vice president of the Convair Division of the General Dynamics Corp. so he would be free to speak his mind.

And he spoke his mind today in a speech to a National Press Club luncheon.

He accused President Eisenhower of leading the Nation incompetently for the last 3 years to a point where we are in jeopardy of our national life.

UNFAIR OF PRESIDENT

Lanphier said it was "unfair of the President" to select two former Secretaries of Defense, Charles Wilson and Neil McElroy, for the post.

He said: "Wilson by his lack of recognitions of the bursting power of science * * * was a detriment to our defense effort," and McElroy was "simply lazy."

"I believe President Eisenhower to be an honorable, well-intentioned and amiable man, historically deserving of America's homage for services rendered in other years and other wars," Lanphier said.

OUT OF TEMPO

"I also believe him to be mortal, fallible, and culpable, if he has not competently led us to this point in history. And I do not think he has.

"Generally, I believe he has listened to the drums of a bygone day—out of tempo with the space age."

He told an audience of about 300 that many business leaders, as well as military leaders, know all these facts but are unable to speak out for fear of being called munitions mongers.

He added: "Critics in uniform, like Generals Ridgway, Gavin, Medaris, Taylor, and, perhaps, Admiral Carney, find themselves undecorated casualties of a war their fellow citizens don't even recognize. And officers like LeMay, Hayward, Shriever, and Power, while not yet casualties, certainly must be listed among the walking wounded."

PREFERS SYMINGTON

He said he quit his job voluntarily because his outspoken criticism was causing some nervousness within his firm.

In reply to questions, he declared his favorite presidential candidate to be Senator

SYMINGTON, Democrat, of Missouri, because he feels SYMINGTON can give the country the kind of Defense Establishment it needs.

He denied that he is an advance man for SYMINGTON, or has any connection with the Missouri Senator's presidential campaign organization.

But he said that if SYMINGTON should ask him to help, he would be more than glad to do so.

Lanphier was Symington's assistant when the Senator was Secretary of the Air Force in the Truman administration. He also was a World War II Air Force pilot.

He told the Press Club group that defense spending should be boosted by $4 billion to $5 billion in the next budget, and $6 billion to $10 billion in the following one, if the United States is to regain its power.

VIEWS TITAN MISSILE

Lanphier gave it as his view that the Titan missile, made by the Martin Co., will be as effective as the Atlas when it is perfected, but said it was about a year behind the Atlas.

He pictured the more mobile ICBM's—the Polaris and the Minuteman—as "highly desirable when they are finally available," but insisted their performance would be limited so long as the United States restricts itself from underground testing.

Then he added:

"These mobile systems will not, by the way, be operational at the early dates advertised for them.

"For instance, to say that the Polaris weapon system, complete with submarine, crew, missiles, and assigned target, will be operational this year, barely 4 years after acceleration—is well known to Soviet and American missile professionals to be optimistic by at least 2 years."

Lanphier charged that in estimating the Soviet missile strength, the Americans have been using the U.S. "peacetime rate of effort or less" as a basis "with resultant intelligence estimates far lower than hardheaded logic should give the enemy."

Lanphier said that McElroy last year "downgraded Soviet production and operational training capabilities to a degree startling to any professional in the missile business."

He referred specifically to McElroy's estimate that the Russians would have this year and for the next 2 years only three times as many ICBM's as the United States.

"It is more likely," Lanphier declared, "their lead in ICBM's this year is several times a ratio of 3 to 1.

"It could well exceed the 160 ICBM's Gen. Thomas S. Power has conservatively estimated is all they need to wipe out our Strategic Air Command."

Lanphier said he intends to go around the country for the next few months repeating this story to all who will listen.

Upon learning of that statement, Mr. President, it seemed to me to be incredible, inasmuch as earlier I had received information from the highest possible naval sources as to the correctness of the timing of the availability and the operational conditions of the Polaris missile.

This morning I made a request of the Navy Department. I have now received a report which constitutes a complete refutation of Mr. Lanphier's statement; and, in my judgment, Mr. Lanphier's statement can be justified only either by ignorance of the facts or unwillingness to face them; or possibly because of his assumption that the development of the Polaris would take longer than it did, he cannot believe that it took as short a time as it did to enter the operational phase.

At a naval briefing, I requested information of the Navy; and I am now in receipt of the following statement:

To: Senator SCOTT.
Subject: Polaris information.

1. As directed, the Polaris information you requested this morning after the briefing follows: I have arranged it as facts bearing on each of Mr. Lanphier's pertinent statements:

Statement: "These mobile systems (Polaris and Minuteman) will not, by the way, be operational at the early dates advertised for them. For instance, to say that the Polaris weapon system, complete with submarine, crew, missiles, and assigned targets, will be operational this year, barely 4 years after acceleration, is well known by Soviet and American missile professionals to be optimistic by at least 2 years."

Facts: (a) The first Polaris submarine, the *George Washington*, was commissioned on December 30, 1959, and has been operating with a full Navy crew since, undergoing basic training and final checkout of the ship and all of her equipment. No problems which will interfere with the planned operational date (late 1960) have been encountered.

The second Polaris submarine, the *Patrick Henry*, will be commissioned April 9, 1960. Her regular Navy crew has been organized and with the ship in New London since December 28, 1959. This crew has taken the ship to sea several times during builder's trials. All phases of *Patrick Henry's* progress are on schedule and no problems have been encountered which will interfere with the planned operational date (late 1960).

The Naval Weapons Annex, at Charleston, S.C., which has been specifically designed for missile support to Polaris submarines, was commissioned and became operational on March 29, 1960.

The submarine tender U.S.S. *Proteus* which has been redesigned and configured specifically for support of Polaris submarines will be recommissioned in June 1960 and will be operational in time for deployment in late 1960. This tender will be capable of supporting the first squadron (nine ships) of Polaris submarines.

Sixteen fully ready Polaris missiles, armed with nuclear warheads, will be available for loading on each Polaris submarine as it becomes operational. Ten out of the last eleven flight tests of the missile have been fully successful. Of the missiles which have been inertially guided to the impact point, accuracies have been well within design specifications. (Exact accuracy figures are classified.)

The designed flexibility of the missile and its fire control system coupled with the inherent mobility and relative invulnerability of the submerged submarine permits target assignment to be made and changed without delay as the current strategic situation dictates.

Mr. President, in conclusion let me say that two Navy Polaris submarines will be operational, with full crews, with full warhead and other military equipment, and will be available at sea to direct nuclear warhead missiles at any given target, as demanded by any crisis or emergency. Each of those two or three dozen missiles—half in each submarine—packs a capacity for destruction very, very much greater—infinitely greater—than the explosive power of the Hiroshima bomb and the Nagasaki bomb, combined. I may state that the exact power is a classified matter. So, Mr. President, to say that the Polaris submarine will not be operational for at least 2 years, in the face of the fact that two subs carrying between them a total of two or three dozen of such missiles, with such awesome power, will so soon be ready, makes one wonder exactly what Mr. Lanphier is getting at, why he persists in making inaccurate statements, why he does not bother to find out for himself the correct facts, and, in fact, why Mr. Lanphier is so active in clouding up and raining all over this issue.

HOW THE GREAT GUEST CAME

Mr. BYRD of West Virginia. Mr. President, Henry van Dyke once wrote a moving and unforgettable story "The Story of the Other Wise Man." It was about Artaban, the fourth wise man, who reached Bethlehem too late to pay homage to the Christ child, but who devoted the rest of his life to searching for Him. Arteban finally gave away all of the gifts he intended for the Son of God to the sons of men, but always for the benefit of the sick, the needy, or the fatherless. After years of wandering he found the Saviour, and he died with the sweep and the majesty of the now familiar words in his ears:

Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me.

The same lesson is presented by Edwin Markham in his beautiful poem, "How the Great Guest Came." I offer it hoping that others will be inspired as I have been inspired by it.

Before the cathedral in grandeur rose,
At Ingelburg where the Danube goes;
Before its forest of silver spires
Went airily up to the clouds and fires;
Before the oak had ready a beam,
While yet the arch was stone and dream—
There where the altar was later laid,
Conrad the cobbler plied his trade.

Doubled all day on his busy bench,
Hard at his cobbling for matter and hench,
He pounded away at a brisk rat-tat,
Shearing and shaping with pull and pat,
Hide well hammered and pegs sent home,
Till the shoe was fit for the Prince of Rome.
And he sang as the threads went to and fro:
"Whether 'tis hidden or whether it show,
Let the work be sound, for the Lord will know."

Tall was the cobbler, and gray and thin,
And a full moon shone where the hair had been.
His eyes peered out, intent and afar,
As looking beyond the things that are.
He walked as one who is done with fear,
Knowing at last that God is near.
Only the half of him cobbled the shoes:
The rest was away for the heavenly news.
Indeed, so thin was the mystic screen
That parted the unseen from the seen,
You could not tell, from the cobbler's theme
If his dream were truth or his truth were dream.

It happened one day at the year's white end,
Two neighbors called on their old-time friend:
And they found the shop, so meagre and mean,
Made gay with a hundred boughs of green.
Conrad was stitching with face ashine,
But suddenly stopped as he twitched a twine:
"Old friends, good news! At dawn today,
As the cocks were scaring the night away,
The Lord appeared in a dream to me,
And said, 'I am coming your Guest to be!'
So I've been busy with feet astir,
Strewing the floor with branches of fir.

The wall is washed and the shelf is shined,
And over the rafter the holly twined.
He comes today, and the table is spread
With milk and honey and wheaten bread."
His friends went home; and his face grew still
As he watched for the shadow across the sill.
He lived all the moments o'er and o'er,
When the Lord should enter the lowly door—
The knock, the call, the latch pulled up,
The lighted face, the offered cup.
He would wash the feet where the spikes had been;
He would kiss the hands where the nails went in;
And then at the last would sit with Him
And break the bread as the day grew dim.
While the cobbler mused, there passed his pane
A beggar drenched by the driving rain.
He called him in from the stony street
And gave him shoes for his bruised feet.
The beggar went and there came a crone,
Her face with wrinkles of sorrow sown.
A bundle of fagots bowed her back,
And she was spent with the wrench and rack.
He gave her his loaf and steadied her load
As she took her way on the weary road.
Then to his door came a little child,
Lost and afraid in the world so wild,
In the big, dark world. Catching it up,
He gave it the milk in the waiting cup,
And led it home to its mother's arms,
Out of the reach of the world's alarms.
The day went down in the crimson west,
And with it the hope of the blessed Guest,
And Conrad sighed as the world turned gray:
"Why is it, Lord, that your feet delay?
Did You forget that this was the day?"
Then soft in the silence a Voice he heard:
"Lift up your heart, for I kept my word.
Three times I came to your friendly door;
Three times my shadow was on your floor.
I was the beggar with bruised feet;
I was the woman you gave to eat;
I was the child on the homeless street!"

THE NATIONAL COAL POLICY CONFERENCE: A DYNAMIC VOICE FOR THE MIGHTY COMPLEX OF INDUSTRIES AND UTILITIES CLOSELY INTERLOCKED WITH COAL

Mr. RANDOLPH. Mr. President, a substantial number of my colleagues in the 86th Congress attended, as I did, the second annual dinner sponsored by the National Coal Policy Conference last night at the Statler-Hilton Hotel in the Nation's Capital City.

It was a most interesting and significant event, marked especially by Chairman George H. Love's report on "The First Year of the National Coal Policy Conference," and the presentation of a 1793 edition of Shakespeare's plays to President Emeritus John L. Lewis of the United Mine Workers of America in honor of his leadership in the formation of the conference.

Walter Kiernan, radio personality and one of America's finest wits and commentators, was outstanding as master of ceremonies for the evening program, the entertainment features of which were selections from "South Pacific" by Miss Victoria Sherry, leading soprano of the St. Louis Municipal Opera and the Pittsburgh Civic Symphony, and Earl Wrightson, recording artist and musical star of radio and television, accompanied by Roland Fiore, conductor of the Philadelphia Lyric Opera and the Starlight Theater Association of Kansas City, Mo.

Mr. Wrightson also was heard in a dramatic presentation of "Coal Powers America's Future," a song written especially for last night's occasion by Justin Herman.

Comments on the Shakespeare edition presented to Mr. Lewis were made by Dr. Giles E. Dawson, curator of books and manuscripts of the Folger Shakespeare Library in Washington, D.C.

Dr. Joseph L. Fisher, president and director of Resources for the Future, Inc., delivered a learned and penetrating address on "Energy for an Expanding Economy."

The invocation was offered by Dr. W. Paul Ludwig, pastor of the Chevy Chase Presbyterian Church, and the benediction was given by the Very Reverend Edward B. Bunn, S.J., president of Georgetown University.

The National Coal Policy Conference, one of the goals of which is to provide a dynamic voice for the mighty complex of industries and utilities so closely interlocked with coal, received a telegram from the President of the United States, among other tributes.

Mr. President, I ask unanimous consent to have printed in the RECORD the telegram received by NCPC President Joseph E. Moody.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, D.C., March 30, 1960.

JOSEPH E. MOODY,
President, National Coal Policy Conference, Inc., Washington, D.C.:

It is a pleasure to send greetings to those attending the congressional dinner of the National Coal Policy Conference. The great and essential task before the peoples of the world today is the achievement of a just and lasting peace. That achievement in turn depends upon many factors. Foremost among these is economic progress not only in the industrialized centers but also among the peoples of the less developed areas. Members of the National Coal Policy Conference know full well that there can be no economic progress without an abundance of energy. If the free world is to realize its potential in improved standards of living we must draw heavily upon all fuel supplies. This holds out both a promise and a challenge to the coal producing, transporting, and consuming industries. That the management and labor of these industries have joined hands in this effort is a testimony to the intelligence and vigor of America's system of free institutions and shared responsibility.

I congratulate your conference and wish you all success.

DWIGHT D. EISENHOWER.

Mr. RANDOLPH. President Emeritus Lewis, of the United Mine Workers, who had sparked the founding of the National Coal Policy Conference and had said that its formation "can only be considered as among the most gigantic forward strides taken by the American coal industry in its long and proud history," was unable to be present for the notable event. But he sent a telegram, and, Mr. President, I ask unanimous consent to have this message printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C., *March 30, 1960.*

GEORGE H. LOVE,
Chairman,
JOSEPH E. MOODY,
President,
National Coal Policy Conference, Inc.,
Washington, D.C.:

Untoward circumstances prevent my attendance. I extend personal salute to associate members of conference and distinguished guests in attendance at dinner. Your program tonight should aid greatly in improved understanding of the pressing need for a national fuels policy.

JOHN L. LEWIS.

Mr. RANDOLPH. Mr. President, having introduced a resolution, now pending in the Senate Committee on Interior and Insular Affairs, to create a joint committee to study the need for a national fuels policy, and knowing that this resolution is intended to bring about appropriate inquiries concerning all energy fuels, I was especially gratified to hear the National Coal Policy Conference chairman, Mr. Love, emphasize in his address that there are no fundamental differences between the coal industry and domestic oil and gas producers, as all are an integral and essential part of our country's fuel economy.

Mr. Love, who is also chairman of Consolidation Coal Co. of Pittsburgh, the Nation's largest producer of bituminous coal, said that if any disagreement exists it is only with four or five large international oil companies which are severely injuring the coal and railroad industries by greatly increased imports of residual oil.

I join Mr. Love in urging that Congress set up a study of the need for a national fuels policy which would be in the best interest of all domestic fuels.

Likewise, I associate myself with Mr. Love's declaration that there are certain practices which cause serious dislocation among the fuels and are injurious to the Nation's welfare, namely, the excessive imports of residual oil and the dumping of natural gas for uneconomic use in steamplants at below-cost prices.

Mr. President, I believe the chairman of the National Coal Policy Conference issued a report in his keynote address last night which is thoroughly worthy of the attention of my colleagues who were unable to be present for the event last night and thus did not have the opportunity to hear him. I ask unanimous consent, therefore, to have printed in the RECORD Mr. Love's speech.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE NATIONAL COAL POLICY CONFERENCE: ITS FIRST YEAR

(Address by Mr. George H. Love, chairman of the board, Consolidation Coal Co., and chairman of the board, National Coal Policy Conference, Inc., before the national dinner, National Coal Policy Conference, Washington, D.C., March 30, 1960)

Eleven months ago, many of us met together in a similar meeting to mark the inauguration of a new organization known as the National Coal Policy Conference. This was and is a unique organization composed of coal operators and owners, United

Mine Workers representing the men who work in the mines, all the railroads which carry coal in volume, utilities that use the coal, and manufacturers who make the great machines we use in mining today. This was certainly a heterogeneous group pioneering in inter-industry and labor management cooperation. The coal operators had fought the railroads on freight rates, the United Mine Workers had opposed the operators on wages, the utilities had fought the operators on coal prices, the manufacturers of equipment and operators had argued prices on machinery, so there were many skeptics who wondered how this organization could possibly survive. However, this group was united in one common cause, and that was to find a solution in the national interest to their common problem—a revitalization of the essential coal industry. Because that was their one common aim, and because it was so vitally essential for each group in the conference, and for the Nation itself, this organization has continued through its first year and can show significant and important gains.

Tonight, for the purpose of my remarks, please think of coal as energy, as a substance which brings you your TV show or runs your washing machine; as a great source of power producing steel and aluminum; as a primary source of energy in this great industrial Nation, and not as a black substance that somebody puts in a furnace to heat a particular house. Think of coal as being by far the most abundant source of energy for this country of ours, and, in addition, being located throughout most of our industrial area. Think of it on the basis that you were seeking the best location for a new enterprise needing large quantities of energy and you would find that coal near the mine mouth could furnish you that energy cheaper than it could be furnished by any other fuel anywhere in this country.

Think of coal as an industry with a billion dollar payroll for the men who go underground and as an industry which creates a half-billion-dollar payroll on the railroads. Think of it as the source of energy which has been able to expand in every national emergency to take care of the great needs of this country when other sources of energy had either to go to war, or were prevented from reaching our shores by enemy submarine action. Finally, think of coal as an industry which, by the cooperation of the owners, workers and manufacturers, has shown greater increases in productivity output, per man-hour, than any other major segment of our industrial Nation.

If all this is true, why the National Coal Policy Conference? Why do these various segments of our country have to combine to revitalize the coal industry, and furthermore, why is revitalization essential in the public interest? Finally, what has the National Coal Policy Conference done about it, and what does it seek to do?

In answer to the first question, we point out that owing to a great many factors, the coal industry is running on the irreducible minimum basis that will enable it to carry out its future essential role of producing energy for the Nation in peace, or in war. It can go no lower. Many experts have felt that an annual production level of at least 500 million tons is necessary to insure a vigorous and healthy industry capable of meeting the expanding demands of an emergency. Production in 1959 was only 410 million tons. In 1939, 20 years ago, when we produced about the same amount of coal as last year, there were 422,000 American workers employed in the mines. Today there are 180,000. When war came to this country in 1941, these more than 400,000 workers were able to increase coal production by almost two-thirds, but could 180,000 men do the same thing today? We hope so, but certainly we must let employment go no lower in our coal mines. The coal carrying railroads must be kept strong too, so that they can repeat their wartime performance. But in 1939 these railroads had some 50 percent more hopper cars to transport coal to market than they have today. Last Sunday's Pittsburgh Press, on its front page carried this headline "Starvation Stalks West Virginia Coal Towns." This is a pitiful situation in a nation as great as this one in a period of unusual industrial activity. These men will face starvation for a time while waiting for job opportunities in the mines, but eventually they will move to other centers. It takes years to train a modern coal miner or create and develop a modern coal mine. If older men are leaving the mining communities, certainly the young men we need will not seek employment there.

Why this slump in coal when the rest of the industrial Nation seems to be running at least moderately well and is showing gains year after year? Some of the reasons for coal's difficulties are proper and merely show economic progress, such as dieselization, which gives the railroads more efficient operation, and the substitution of natural gas for coal in heating homes, as it is a far more convenient fuel. Again, the great economies in the use of coal for power production is a forward step, but does decrease total coal consumption. These changes are good ones and to be expected. On the other hand, because these advances have affected coal so drastically, we cannot pile on top of them further losses caused by competitive fuels being temporarily dumped on an uneconomic basis—and these I will talk about a little later.

The next question which might be asked is—granting that the coal industry is operating at an irreducible rate, why save the industry at all? The answer to that is obvious. Any country, every nation, protects its most abundant source of energy—particularly when energy from that source may be produced cheaper than from any other source in its most important industrial areas. Any country would protect the only source of energy which could do the job of powering the Nation if submarines, as they have done before, stopped the flow of foreign oil into this country. Remember that Germany had some 75 submarines in 1941 compared to the fleet of some 500 modern deadly ones in Russia's possession today. Even if there were a question as to coal's essentiality, which certainly no one raises today, consumers of energy should be interested in keeping it as a healthy competitive force fighting with the other fuels for a share of the market, for the price effect alone it may have on these other fuels.

We have tried to show that coal is operating on the lowest basis which allows it to continue, and that it is an essential business. Now let us turn to what NCPC has done and what it proposes to do. I think, in these 11 months, NCPC, with the full cooperation of the mine workers and the railroads and its other component parts, has had considerable success in rebuilding the public awareness of coal as an essential segment of our economic structure. People in government who, a very short time ago, were wondering if the coal industry was even worth saving, are now rallying to its support. The Congress, and the Government are all thinking of coal in an entirely different way than they did a few short months ago. Public officials have seen that it is just as essential to protect the domestic coal industry as to protect the domestic oil industry.

In addition, our officers have worked with the Department of the Interior in many different ways, but particularly in regard to import quotas on residual oil. They have pointed out, for example, that during January and February, 54 percent of the entire first half year's quota for 1960 was imported, which could cause a breakdown of the whole quota system; however we have received written communication from the Department that there is no evidence available to justify an increase in the quota levels for this period.

In the last session, as you gentlemen in Congress know, 43 Members of the Senate joined in sponsoring a joint resolution to study the need of a fuels policy for the Nation, and 29 Members of the House of Representatives introduced individual resolutions for the same purpose. This brings me to my final topic, which is this: What does NCPC hope to accomplish in the next 12 months?

We believe, with your help, that we can convince the people of this country that it is in the public interest to establish a national fuels policy, so that all our fuels—oil, gas, atomic energy and coal will play their proper places in energizing this great Nation. We are not interested in "end-use" control. We fundamentally believe we can show any congressional committee that all these domestic fuels should be maintained on some minimum basis free to compete fairly in any market, and with the consumer making the final choice. We are equally confident we can show that certain practices, which are generally temporary expedients which cause serious dislocation among the fuels are injurious to the Nation's welfare. We are anxious to put our case before such a congressional committee, and we will abide by its decision.

We have no quarrel with the great domestic oil industry of this country. All the thousands of domestic producers agree with us that in order to maintain a healthy expanding domestic oil industry, there must be some control of oil imports when there is a world surplus as exists today. We believe that such protection provided by the limitation of foreign crude imports is essential to protect and foster our Nation's oil industry. Similarly, and for exactly the same reasons, we believe there should be some limitation in the amount of residual oil which may be brought into our eastern shore. Thus our disagreement, if any, is not with the American oil producers, but with four or five international companies which would flood this country with residual oil from foreign sources permanently, and thus make this great eastern seacoast of ours completely dependent on such importation. The coal industry does not seek to shut off these foreign residual oil imports, but we ask that they be maintained on some normal basis. We have suggested that residual oil imports be limited to the amount brought into the country in 1957 which was a year of great industrial activity here, and a year during which more residual was brought to our shores than ever before. This seems like a reasonable base.

To bring in more would tend to put the coal industry and railroads on a standby basis, and on such a basis there is no way to maintain either of them. Certainly the threat of war prevents us from letting our country become dependent on these importations, but even without war, governments and circumstances can change and foreign oil sources be cut off. I call your attention to Iran, to the Suez Canal situation, to a change of government in another country recently which meant changing the economic basis for producing oil in that country. Can we let the industrial eastern part of the country be dependent on such sources of oil when we have such an abundance of fossil fuels within our own borders? If we become wholly dependent on foreign oil, do dictators become more or less arbitrary? Should we let starvation continue for railroad workers and coal workers in order to let this country be a dumping ground for a temporary world surplus of residual oil?

Turning to the natural gas industry, I believe we, as coal producers, railroad and mine workers, are in essential agreement with most of the gas producers in this country. We believe these producers should be permitted to receive a fair price for their product based on competitive forces rather than regulation. We believe the public should have a free choice to use gas, oil or coal, if these fuels are offered on a fair competitive economic basis. There is, however, a very small percentage of the total natural gas produced, so-called dumped gas, which is offered to large industrial users and utilities during certain periods of the year at far less than cost, which has the effect of temporarily replacing coal until a higher price for the gas may be found. Now if such gas were to offered to these same users on a permanent basis at these temporary dumped prices, our coal industry could not complain; but when it is offered only for short periods, it does tremendous damage to the coal and railroad industries. This damage, by slowing up or stopping progress in mining and railroading could cause the consumers to pay far more for their energy requirements throughout the years to come. This natural gas is too valuable to the public to be temporarily used for these inferior purposes and sold for as little as one-third the price you and I pay for the gas that heats our homes, merely to give a few pipelines 100-percent load factor.

In conclusion, it should be reassuring to you in government to know that these three competitive domestic fuels—oil, gas, and coal—are essentially and fundamentally in agreement. We all believe that the consumer should have a free choice. Coal, through a proper congressional hearing, seeks to show the people of this country that the methods of marketing a very small fraction of the total oil and gas used here can irretrievably injure the coal and railroad industries and raise grave questions as to their survival. When you are operating at as low a level as we are today, a few million tons of coal makes a great deal of difference and we believe we can convince the public that these temporary expedient dumping practices are not in the public interest. In 1954, a Cabinet Committee studying the energy picture, made a report to the President in accord with this view. We now ask Congress to make a determination and if it agrees, to implement its findings by law, if necessary.

America is on the threshold of its greatest era of growth and expansion. Energy demands in the foreseeable future almost stagger the imagination, and it will mean we must have available unprecedented quantities of dependable fuel to meet them. This fuel cannot be coal alone, neither can it be exclusively gas or oil. All these great natural resources must make their proper contribution toward the greatest national good under a sound, farseeing national fuels policy. It is to this end that the efforts of the National Coal Policy Conference are dedicated.

CIVIL RIGHTS ACT OF 1960

Mr. MANSFIELD. Mr. President, has morning business been concluded?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

The Chair lays before the Senate the unfinished business, which is H.R. 8601.

The Senate resumed the consideration of the bill (H.R. 8601), to enforce constitutional rights, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. CARROLL] proposing a substitute for the language proposed to be inserted by the Committee on the Judiciary on page 17 beginning in line 20 and extending down to and including the word "proceedings" in line 25.

Mr. KEFAUVER obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield, without losing his right to the floor?

Mr. KEFAUVER. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum. I request the attachés on both sides to inform Members of the Senate that this will be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Mr. MANSFIELD. I announce that the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Wyoming [Mr. O'MAHONEY] are necessarily absent.

I further announce that the Senator from Connecticut [Mr. DODD] and the Senator from Louisiana [Mr. ELLENDER] are absent because of illness.

[No. 144]

Aiken	Frear	Mansfield
Allott	Fulbright	Martin
Anderson	Goldwater	Monroney
Bartlett	Gore	Morse
Beall	Green	Morton
Bennett	Gruening	Moss
Bible	Hart	Mundt
Bridges	Hartke	Murray
Brunsdale	Hayden	Muskie
Bush	Hennings	Pastore
Butler	Hickenlooper	Prouty
Byrd, Va.	Hill	Proxmire
Byrd, W. Va.	Holland	Randolph
Cannon	Hruska	Robertson
Capehart	Jackson	Russell
Carlson	Javits	Saltonstall
Carroll	Johnson, Tex.	Schoeppel
Case, N.J.	Johnston, S.C.	Scott
Case, S. Dak.	Jordan	Smathers
Chavez	Keating	Smith
Church	Kefauver	Sparkman
Clark	Kerr	Stennis
Cooper	Kuchel	Symington
Cotton	Lausche	Talmadge
Curtis	Long, Hawaii	Thurmond
Dirksen	Long, La.	Wiley
Douglas	Lusk	Williams, Del.
Dworshak	McCarthy	Williams, N.J.
Eastland	McClellan	Yarborough
Engle	McGee	Young, N. Dak.
Ervin	McNamara	Young, Ohio
Fong	Magnuson	

The PRESIDING OFFICER. A quorum is present. The Senator from Tennessee has the floor.

Mr. ERVIN. Mr. President, will the distinguished Senator from Tennessee yield, without losing his right to the floor, to enable me to offer amendments?

Mr. KEFAUVER. I yield for that purpose.

Mr. ERVIN. Mr. President, I offer amendments to the pending bill and ask that they be read and printed, and that they lie on the desk until they are called up.

The PRESIDING OFFICER. The amendments will be received, printed, and will lie on the table; and without objection, the amendments will be read.

The Chief Clerk read as follows:

On pages 20 and 21, it is proposed to insert an additional paragraph between line 25 on page 20 and line 1 on page 21 reading as follows:

"The provisions of this subsection shall apply only to an election at which a candidate for the Senate of the United States or for the House of Representatives of the United States or for Resident Commissioner of Puerto Rico is voted for, and the words 'election' or 'elections' as used in this subsection shall be construed accordingly."

On page 16, line 12, it is proposed to:

1. Change the period on line 12 to a colon.

2. Insert between such colon and the word "such" on line 12 these words: "*Provided, however*, the court shall hear and determine such application in accordance with the Rules of Civil Procedure for the United States District Courts."

On page 17, lines 20 and 21, strike out the words "In a proceeding before a voting referee, the applicant shall be heard ex parte," and insert the following in lieu thereof: "The proceeding before the voting referee shall be conducted according to the provisions of rule 53 of 'The Rules of Civil Procedure for the United States District Court.'"

On page 19, line 14, strike out "(c)".

On page 18, lines 24 and 25, and page 19, lines 1 and 2, strike out these words: "Or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court."

On page 16, lines 3 and 4, strike out these words: "for one year and thereafter."

On page 16, insert an additional paragraph between line 16 and line 17 reading as follows: "The provisions of this subsection shall apply only to an election at which a candidate for the office of President, Vice President, Presidential elector, member of the Senate or member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico is voted for, and the words 'election' or 'elections' as used in this subsection shall be construed accordingly."

Mr. KEFAUVER. Mr. President——

Mr. KEATING. Mr. President, will the Senator from Tennessee yield to me?

Mr. KEFAUVER. I yield briefly to the Senator from New York.

Mr. KEATING. Mr. President, I send to the desk an amendment to the bill. The amendment is the original part 4, dealing with technical assistance to school districts. I ask unanimous consent that the amendment be ordered to be printed and to lie on the table, and be read; and then I ask unanimous consent—inasmuch as I have explained the amendment—that the reading of the amendment, under the rule, be dispensed with, but that the amendment be considered to have been read under the requirements of rule XXII.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KEATING. I thank my friend, the Senator from Tennessee, for yielding to me.

The amendment submitted by Mr. KEATING is as follows:

On page 2, line 3, after the number "101.", insert "(a)."

On page 3, after line 19, insert the following:

"(b) Technical assistance. Section 104 of the Civil Rights Act of 1957 (71 Stat. 635) is amended by adding the following new subsections at the end thereof:

"(d)(1) The Congress recognizes that (A) prior to May 17, 1954, the Constitution of the United States had been interpreted as permitting public schools to be segregated on racial grounds provided such schools afforded equal educational opportunities; (B) on May 17, 1954, the Supreme Court of the United States ruled that under the fourteenth amendment to the Constitution segregated education is inherently unequal; (C) the Constitution as interpreted by the Supreme Court of the United States is the supreme law of the land; (D) State and local governments and agencies which had relied upon the 'separate but equal' doctrine are now obligated to take steps toward the elimination of segregation in their public schools; and (E) many of these governments and agencies are faced with serious financial and educational problems in making the necessary adjustments in their existing school systems.

"(2) It is therefore the intent of Congress and the purpose of this section to assist State and local governments and agencies in carrying out their constitutional obligations by sharing certain of the additional expenditures directly occasioned by desegregation programs and by providing information and technical assistance in connection therewith.

"(e)(1) For the purpose of assisting State and local educational agencies which, on May 17, 1954, maintained segregated public schools to effectuate desegregation in such schools in a manner consistent with pertinent Federal court decisions, there are hereby authorized to be appropriated for each fiscal year such sums as the Congress may determine.

"(2) Appropriations under this subsection shall be available for grants to help finance—

"(A) costs incurred by local educational agencies in the provision of supervisory or administrative services, pupil placement, school social worker, or visiting teacher services, and other special, nonteaching, professional services, the need for which is occasioned by the desegregation of their public schools, and

"(B) costs incurred by State agencies in developing and carrying out State policies and programs for desegregation in public schools, including technical assistance to local educational agencies in connection therewith.

"(f)(1) The Commissioner of Education (hereinafter called the 'Commissioner') shall for each fiscal year allot to each State, from the sums appropriated pursuant to subsection (b) for such year, an amount which bears the same ratio to such sums (or to such larger sum as may be specified in the Act making the appropriation) as the number of students who attended segregated public schools in such State during the school year 1953–1954 bears to the number of students who attended such schools during such year in all the States. The number of students who attended segregated public schools in each State during the school year 1953–1954 shall be estimated by the Commissioner on the basis of the best available data on the average daily attendance of local educational agencies during such school year.

"(2) From a State's allotment under paragraph (1) for a fiscal year, the Commissioner shall, except as otherwise provided in subsection (e), pay to such State an amount equal to one-half of the expenditures of local educational agencies in carrying out the purposes specified in subsection (b)(2)(A) under applications approved by the State agency (designated as provided in subsection (d)(1)(A)) pursuant to the State plan approved under subsection (d), and one-half of the expenditures of such State agency in carrying out the purposes specified in subsection (b)(2)(B) under such plan, including its expenditures in administering the State plan. Payments under this subsection and subsection (e) shall be made from time to time by the Commissioner on the basis of estimates of amounts to be expended in a quarter or other period or periods determined by him, with necessary adjustments on account of any overpayment or underpayment for any prior period or periods.

"(g)(1) A State plan shall be approved by the Commissioner for purposes of this section if such plan—

"(A) designates the State educational agency to administer or supervise the administration of the plan, or designates another single agency of the State for such purpose and in such case provides methods for effective coordination between such agency and the State education, and

"(B) sets forth the methods and criteria for approving applications of local educational agencies for funds under this section, and describes the activities to be carried on by the State agency with the aid of funds under this section;

"(C) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the State plan;

"(D) provides that the State agency will make such reports to the Commissioner, in such form and containing such information, as are reasonably necessary to enable the Commissioner to assure expenditure of grants under this section solely for the purposes for which made and otherwise to perform his functions under this section.

"(2) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering or supervising administration of the State plan approved under paragraph (1), finds that—

"(A) the State plan has been so changed that it no longer complies with any of the requirements of paragraph (1), or

"(B) in the administration of the plan there is a failure to comply substantially with any such requirement,

the Commissioner shall notify such State agency that no further payments will be made to the State under this section (or, in his discretion, that further payments to the State will be limited to parts of or programs under the plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, the Commissioner shall make no further payments to such State under this section (or shall limit payments to parts of or programs under the State plan not affected by such failure).

"(h) If the Commissioner determines, with respect to any State for which an allotment has been made under subsection (c)(1) for any fiscal year, that such State will not for such year submit and have approved a State plan under subsection (d), and either (1) that such State has consented to the making of applications by local educational agencies pursuant to this subsection, or (2) that such State has indicated that it assumes no responsibility with respect to the desegregation of public schools, the Commissioner shall, notwithstanding the provisions of subsection (c)(2), pay to local educational agencies, with applications approved by him under this subsection, one-half of the expenditures of such agencies during such year in carrying out the purposes of subsection (b)(2)(A), but such payments may not exceed, in the aggregate, the State's allotment for such year. The Commissioner shall by regulation prescribe criteria and procedures, for approval and withdrawal of approval of applications under this subsection, which will, in his judgment, best effectuate the purposes of this section.

"(i) For purposes of this section—

"(1) The term 'public school' means a public school which provides elementary or secondary education, as determined under State law, but does not include a school of any agency of the United States.

"(2) The term 'segregated public school' means a public school to which students on May 17, 1954, could not, under the constitution or laws of the State in which such schools are located or under ordinances or rulings of the appropriate local educational agency pursuant to such constitution or laws, be admitted without regard to race or color.

"(3) The term 'State educational agency' means the State board of education or other agency or officer primarily responsible for the State supervision of public schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

"(4) The term 'local educational agency' means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a city, county, township, school district, or political subdivision in a State; and includes any State agency which directly operates and maintains public schools.

"(j)(1) The Commissioner shall collect and disseminate such information on the progress of desegregation in the public schools in the several States as may be useful to educational and other public officials, agencies, and organizations in effecting desegregation in such schools.

"(2) The Commissioner shall, upon request, provide information and technical assistance to State or local officials, which will aid them in developing plans and programs for effecting desegregation in public schools, and, upon request of such officials, shall initiate or participate in conferences dealing with the educational aspects of problems arising in connection with efforts to comply with applicable court desegregation decisions or decrees.

"(3) The Commissioner may delegate to any officer or employee of the Office of Education any of its powers and duties under this section, except the promulgation of regulations.

"(4) No appropriations may be made pursuant to subsection (b) for any fiscal year ending after June 30, 1961. Prior to the close of January 1961, the Secretary of Health, Education, and Welfare shall submit to the Congress a full report of the administration of this section, together with his recommendations as to whether it should be extended and as to any modification of its provisions he deems appropriate.

"(5) There are hereby authorized to be appropriated such sums as may be necessary to administer the provisions of this section."

Mr. KEFAUVER. Mr. President, I address my remarks to the amendment which I presented in the Judiciary Committee on Tuesday night, when the bill was being considered by the committee. The amendment appears on page 17 of the amended bill which now is before the Senate.

In the first place, I wish to make clear that this amendment was written by me, and it was not inspired or drafted by anyone else. I wrote the amendment as a result of study of the bill and after listening to the presentations made by Mr. Rogers, Judge Walsh, and members of the committee.

The purpose I had in mind in offering the amendment was to improve and make more acceptable the referee provision, and possibly to eliminate much of the redtape which would have to be gone through in connection with this part of the bill.

The whole proceeding under this part of the bill is termed a judicial proceeding. But after hearing it described as a judicial proceeding, I was literally amazed when members of the committee who are lawyers, and particularly my friend, the junior Senator from New York [Mr. KEATING], called this amendment a scuttling amendment, when the only purpose was to try to give this part of the bill some vestige of a judicial process.

Mr. President, much can be said about the desirability of making this referee proceeding and adversary proceeding. But that was not my intention, and the amendment does not so provide. My intention was only to do what is right and fair and what I think any proceeding under a district court should provide for, namely, that the proceeding be right and fair and in keeping with the dignity of the district court.

My only purpose was to have the very important hearing at which information would be taken by the Federal Government held in a public office. It is important Mr. President, that the hearing be held in a public office. A little later I shall discuss in more detail that phase of the matter.

It was also my intention to try to have it be an open hearing, a public hearing—as all hearings should be—and not have it be a star chamber hearing. I wished the State and county registrars who would be charged with the responsibility in the first place to have an opportunity to be present. In the amendment I use the words "to appear." However, it is immaterial to me whether the words "to appear" or the words "to be present" are used. In any event, my purpose was to have the registrars given a right to "appear" for the limited purpose of making a transcript of the proceeding. That is all the amendment would do. How anyone who wants to have a fair proceeding and an open proceeding and wants to avoid something which would be repugnant to our entire judicial system of procedure—to wit, star chamber proceedings—can object to this amendment is beyond my understanding.

Mr. President, there will be enough trouble with a proceeding of this kind in any event. So I believe we should include in the bill language which will give the proceeding some status as a judicial proceeding, which it is said to be. We do not want, and I am sure the opponents of my amendment do not want, to have star chamber proceedings. Such proceedings are in conflict with the fundamental notions of democratic procedure.

Now let us consider what could happen under the bill in the absence of this amendment. A Federal voting referee would be appointed in a judicial district, and he could hold a meeting anywhere in the district. He could go from house to house, and could register anyone whom he might feel was entitled to be registered. He could drive through the judicial district in his automobile, and could pick up any citizen—for the bill as it now stands does not provide that the referee must do this work only while he is in his office—and could make a record of what that person had to say; and that would be the basis for registering him.

The referee could hold proceedings in the middle of the night, and he could hold them in his own home or while he was walking down a street or while he was walking in the fields. Under any of those circumstances, if the referee met a person, he could say to him, "You are entitled to be registered, and I will make a record of your case and will send you to the district judge."

Mr. President, to the distinguished lawyers who proposed such procedure, I say it would arouse all sorts of indignation. There must be some rules and regulations at least in line with my amendment.

If some wish to be certain that there will be indignation and a great deal of opposition to the voting referee procedure, then just let the Senate omit from the bill any limitations in regard to how the meetings shall be held or where they shall be held, and omit from the bill any provisions in regard to notice or any other provisions in regard to regulations pertaining to the meeting. I am sure the Senator from New York would say that would not happen. I am sure he would say that the meetings would be held in the daytime, and in the proper office in Federal buildings. If that be true—and I am sure that most referees would feel that way about the matter, and I hope that all of them would—why is there objection to including in the bill a provision that the hearing must be held in a public office?

Mr. President, public business should be conducted in a public office. Public officials should not be allowed to conduct public business wherever they might wish to conduct it, at any hour of the day or night. The public would not long stand for such procedure.

We are told that a referee would not proceed under such circumstances. In any event, this amendment is offered for the purpose of providing some protection to the referee himself.

All of us know that in voting matters there is naturally some political pressure here or there, at one time or another. Suppose an effort were made by a political leader to get the Federal referee to go to someone's home, to register him, and to meet him there at night, a star-chamber proceeding. The pressure would be great. So this provision that the meeting must be held in a public office is for the protection of the referee himself.

Mr. EASTLAND. Mr. President, will the Senator from Tennessee yield?

Mr. KEFAUVER. I yield.

Mr. EASTLAND. Does not the history of the old registrar system show us that the registrars would go forth in the very late hours of the night and would register applicants in their homes?

Mr. KEFAUVER. Yes; frequently that happened, and it was a cause of great indignation, not only in the South, but also in other parts of the Nation, against the registrar system.

Mr. EASTLAND. Is there any reason why that same condition could not occur again?

Mr. KEFAUVER. Well, I hope there will never be a repetition of the kind of thing that happened in days long ago. There was great political pressure in some presidential campaigns, and in other elections, in various States, to get people registered. The referees or registrars went to peoples' homes and engaged in star chamber proceedings, in which nobody could be present to make his own record. That happened. It was in many cases the rule rather than the exception. There is no protection in the bill as it stands, without the suggested language, to prevent that condition from happening again.

Mr. EASTLAND. Mr. President, will the Senator yield further?

Mr. KEFAUVER. I yield.

Mr. EASTLAND. Will we not have the same pressures in the future in presidential and State elections?

Mr. KEFAUVER. I certainly hope they will not be as intense and charged with as much bitterness as existed in the days after the War Between the States; but certainly those same types of pressures, perhaps to a lesser degree, will be present. It would be mighty easy, in a close election, for the party in power to insist that referees go around the country, travel all over judicial districts, and meet people in secret.

Mr. EASTLAND. And register members of the candidate's party.

Mr. KEFAUVER. That is correct.

Mr. EASTLAND. Does the Senator know of any reason why those same deplorable conditions would not exist in the future?

Mr. KEFAUVER. I know of no reason why they would not exist. I hope they will not exist, but, in the light of the experience we had at one time in the history of this Nation, I think the public will want a plan similar to mine, and are certainly entitled to the very mild protection I am attempting to give.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield to the Senator from North Carolina.

Mr. ERVIN. Does not the Senator from Tennessee know that history attributes to the words "star-chamber proceeding" one of its most hateful connotations?

Mr. KEFAUVER. That is right. It is repugnant to our judicial procedures and the rights we like to think we have under the Constitution of the United States.

Mr. ERVIN. I will ask the Senator from Tennessee if even the star-chamber proceedings under the English law were not in one sense an improvement over the provision in the bill, in its original form, in that, in a star-chamber proceeding, while the English law excluded the public, it did permit and require the man who was being prosecuted, and whose conduct was being inquired into, to be present.

Mr. KEFAUVER. Yes. Even in cases in which the loyalty of Government employees is questioned, when they are being tried by an agency of Government, under some kind of process, I have always insisted on their right to be present. When the Mundt bill was passed in the House of Representatives, my colleague from Missouri [Mr. HENNINGS] fought for the right of the accused to have some kind of judicial hearing and to have the opportunity of confronting his accusers. I spoke against star-chamber proceedings in loyalty cases away back in the 1940's. I am glad to say that judicial students, lawmakers, and members of the Supreme Court, have said the proceedings which have been held in those cases are repugnant to our concept of constitutional rights and jurisprudence.

If the opponents of my amendment do not want star-chamber proceedings, if they do not want a repetition of what happened after the War Between the States, if they do not want a registrar to be made a political tool for the party which may be in power, if they want to give him some protection against the political pressures that are bound to be brought against him, then I think the first thing to do is to provide that the hearing shall be held in a public place or public office, as is provided in the amendment.

Mr. President, so much for that part of the amendment which provides "the hearing shall be held in a public office."

I have read in the papers, and I have heard a great deal of discussion about the point, that the amendment I presented in the Judiciary Committee striking out, on line 20 of page 17, the words "the applicant shall be heard ex parte." I felt that amendment was necessary, or at least, desirable, because I have always been led to believe, and it has always been my conception, that "ex parte" meant a hearing in the absence of the other side. I know Bouvier's Law Dictionary has been cited, but I should like to read the meaning of "ex parte" once again. One of the definitions as contained in that dictionary is:

> The term "ex parte" implies an examination in the presence of one party and in the absence of the other.

I have always understood the term "ex parte" to mean that the proceeding could be secret, need not be held in public, that the other parties who might have an interest in it might not have the opportunity of being present. So I thought it was desirable to strike out the words "ex parte" and specify exactly what should happen. I thought that the words "ex parte" standing in the clause, with the qualification of the term "public officer," and providing for notice, contradicted the term, so that, in order to make it grammatically clear, the words "ex parte" should be stricken out.

If the Senate wants to leave in the words "ex parte" and add the language, "*Provided, however,* That the hearing shall be held in a public office, and provided, that the referee shall give notice." and so forth, it would mean exactly the same thing.

As desirable as it might be to have adversary proceedings before the referee, it was not my intention to make these proceedings adversary. It was not my intention to give State registrars or their attorneys the right to cross-examine, to testify, to harass, to take any part in the proceeding, unless the referee called upon them and asked them to do so.

I want to state my intention very clearly. The Senator from New York and others who have read something else into the words of this amendment have been drawing on their imagination. The amendment provides that they can appear for only one purpose; namely, being there and making a transcript of the proceedings.

We come now to the second part.

Mr. HOLLAND. Mr. President, will the Senator yield at that point?

Mr. KEFAUVER. Yes.

Mr. HOLLAND. I think I understand exactly what the distinguished Senator was trying to do, and I commend him for it. If there is anything that could be un-American, in the opinion of the Senator from Florida, it would be to displace a duly elected local official charged with a responsibility and a duty of importance to the public, without even allowing him to be present and hear what transpired.

I think the Senator not only was within his rights but also was insisting upon a change in the law which would be beneficial from the standpoint of fairness and justice to all concerned.

Mr. KEFAUVER. I thank the Senator very much.

In the first place, Mr. President, if this is going to be a judicial proceeding there should be some vestige of judicial procedure about it. It should be public. It should be held in a public place. The parties who are being talked about ought to have an opportunity to be present.

I think probably the Senator from New York [Mr. KEATING] has been arguing for that same right in connection with loyalty cases. I refer to the right to be present.

This is no reversal of my position. I have always insisted, sometimes unpopularly so, that when a person's job is being put in jeopardy by some secret witness in a star chamber proceeding he ought to have the right to be present. I think that is being recognized more and more.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. EASTLAND. Is not the basis of the applicant's going to a Federal referee the fact that he would be discriminated against by the State registrar and the State registrar would violate the law? Is that not what is basic?

Mr. KEFAUVER. Yes. That is set forth on page 16.

Mr. EASTLAND. That being true, why is it that the man who is charged with having violated the law, with having been guilty of discrimination, is not to be given the opportunity to have a transcript of the record?

Mr. KEFAUVER. There is no reason why he should not have it. I will set out other reasons why he should.

Mr. President, let us consider this matter a little further. Let us consider why the State and county registrar should be given 2 days' notice and should have an opportunity to be present.

There may be some misunderstanding about this. I am sure there have been many changes in the points of procedure, so I may not have them all clear.

In the first place, if any person feels, or if several people feel, that he or they have been discriminated against in connection with our constitutional right to vote, an action may be brought in the district court by the Attorney General. Of course, the person or people could bring the action himself or themselves. This action would be by John Smith, John Jones, and perhaps two or three other people, against the registrar of the county or the State, as the case may be. At that time there would be a hearing. If these people proved their case they would be automatically registered to vote by the district judge of the court. That is set forth on page 16 of the bill.

Mr. JOHNSTON of South Carolina. Mr. President, something has been said about the 2 days allowed.

Mr. KEFAUVER. If the Senator will permit me to continue, I will come to that in just a minute.

Mr. JOHNSTON of South Carolina. Very well.

Mr. KEFAUVER. Thereafter, if the judge found that there was a pattern of discrimination, he would appoint a Federal referee. This Federal referee then would not hear the people who had been ordered to be registered by the judge himself. He would hear anyone else whom he might see, or who might come to see him, or whom he might go to see, as the case might be. That is set forth on page 17, in the language:

> He has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law.

The important thing I want to point out is that the people who will come to the referee, to say that they have been denied the right to vote or that they have been found not qualified to vote, will not be the people who presented themselves in court in the original proceeding, who had been ordered to be registered.

It will be seen, Mr. President, that these people who will later come before the referee do not have to make any showing that they were deprived of the right to vote because of something covered by the provisions in the 15th amendment; race, color, or previous condition of servitude. It is simply the fact that they have been denied the opportunity to vote or—not "and"—or found not qualified to vote, which gives them the right to come before the referee. The referee may then make a record and send it to the judge, and the proceeding goes on from there.

Mr. President, for several reasons I think it is important for the State and country registrar to have an opportunity to be present. First, it is some kind of dereliction of duty on the registrar's part which is being talked about. That is the reason why the referee has gone to the person or the person has gone to the referee.

I think it is simply a matter of basic right that in any proceeding the person who is being accused of not having fulfilled his sworn obligation ought to have a right to at least be present. Much argument can be made to the effect that such a person ought to have the right to present evidence, or to cross-examine witnesses; but at least he ought to have the right to be present and to hear what somebody says about him. He should be able to hear the dereliction of duty of which he is charged with being guilty. What are the accusations being made against him? Was it a dereliction of duty by him? By some clerk? By some underling? By somebody who might have been in his office, when he did not know anything about it? Before a person can be, in a judicial proceeding, tried for any violation of law, I think he ought to at least have the right to be present.

There is another reason why he ought to at least have the right to be present. It will be seen that all the applicant has to show is that he has been found not qualified to vote. It may be that the applicant was found not qualified to vote because of failure to pass a reasonable literacy test, because he was guilty of committing a felony, because he was an alien, because he was under the voting age, or for any of a number of reasons, whatever the reasons might be. It would seem to me, Mr. President, that the Federal referee would want to have the State registrar present. If the applicant made a good showing—if he showed he was of age, that he was literate, that a mistake was made by some underling—I think we can assume that people will do their duty, in most cases; certainly I hope that in most cases they would do so. I think the registrar might say, "Well, a mistake was made in this case. I will register the man." In such case the whole tedious procedure of going through the Federal judge, the exceptions, the waiting period and all the long, tedious machinery, would be obviated.

Suppose the applicant was before the voting referee and was talking about literacy. If the State registrar was there he might say, "There is no question about the literacy of this man." If the referee called on the registrar to say anything, he might say, "I did not question his literacy. He was not registered because he was an alien." That is something the Federal referee ought to want to know, even though he is not under any obligation to ask the State registrar anything. The State registrar cannot say anything unless he is invited by the referee to do so. But that procedure would certainly obviate a great deal of lost time and effort.

I think this amendment is not only fair, but it is just, and in keeping with our American traditions to have present the one who is accused of some wrongdoing. I think in many cases it would help the Federal referee. It would expedite the process. If everyone were acting in good faith, the proceeding could be concluded without having to go through a tedious court procedure.

In the amendment which I drafted and presented to the committee occur the words "the right to appear." My conception of "the right to appear" was that it meant to appear for the limited purposes set out in the amendment—that is, the right to make a transcript of the proceedings, and nothing else. To me the word "appear" means to be present, to have an opportunity of being there. Some technical lawyers may say that an appearance has some other meaning, but if it has some other meaning, it is always specified as to what that meaning is. So far as I am concerned, the only connotation that I gave to the word "appear" was the right to be present; and if the words "be present" take away some of the objections, or make anyone feel better, well and good, I want it to be known what my intention was, and what meaning I had in mind.

Mr. HENNINGS. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. HENNINGS. I have been listening with great interest to the Senator, as I did in committee, when he described his amendment.

Does not the Senator feel that the use of the word "appear" would be very cumbersome, because, as the Senator says, technical lawyers might construe the word "appear" to mean "to represent." Is not that our general understanding when it is said that "so and so appeared" for a given party to a lawsuit, or a legal proceeding? That is the very common connotation and meaning. When one appears, he appears for a purpose, and that purpose is to protect or advance—as the case may be—the rights of the individual whom the lawyer represents. "Appear" is a rather unhappy word.

Mr. KEFAUVER. In Webster's Dictionary, and in the legal dictionaries, the word "appear" has many different meanings. In certain cases it means "to be present." In other cases it means to file a paper on behalf of someone. Sometimes when one goes to a gathering and presents himself, and leaves immediately, in ordinary parlance we talk about "making an appearance." It means going there and leaving immediately.

Mr. HENNINGS. According to Bouvier's Law Dictionary, an appearance by counsel means that counsel is there representing a party.

Mr. KEFAUVER. That is one of the definitions.

Mr. HENNINGS. In order to represent a party to a proceeding, counsel does not sit mute and do nothing. Counsel is there to "appear." I do not think that is a technical understanding of the word. I am sure that my friend from Tennessee is very sincere about his amendment. I believe that superficially it has some merit. But on the other hand, when we discuss an "appearance" we mean activity. A transcript can be furnished to anyone without his being present, because it is a very simple matter for a transcript to be made and given to the party in interest after the proceedings have terminated.

Mr. KEFAUVER. I have explained what I had in mind. As I say, this amendment was not drafted by the legislative counsel, or the Department of Justice. It was written out in longhand with a pencil on a tablet in the committee.

Mr. HENNINGS. I was seated near the Senator in the committee, and I saw the amendment written out in longhand.

Mr. KEFAUVER. My intention as to the meaning of the words was that county or State registrars or their counsel should have the right to be present and to make a transcript; and that the word "appear" was proper as used, because the representative's right to appear was limited to the purpose of making a transcript if he wishes to do so. If we say "appear" meaning to appear for the purpose of entering one's name on the docket, or for the purpose of making a bond, that is something else. If that is what is bothering the Senator, that can easily be cleared up. I wished to explain what I meant.

Mr. HENNINGS. I am sure the learned Senator from Tennessee, whether he means "appear" in the sense in which lawyers understand it or not, will recognize the fact that there is ambiguity about the word, in the light of the Senator's explanation of his intention.

Mr. KEFAUVER. If there is any ambiguity, I am sorry. There is no ambiguity in my mind. My intention was that the word meant appearance for the single purpose of hearing what was going on and making a transcript of the proceedings. That is a kind of appearance. If I had wanted to specify that he should have the right of cross-examination, or the right to enter into the case, I would certainly have specified it.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. ERVIN. When the Senator proposed his amendment and said that the State or county registrar, or his counsel, shall have the right to appear, the Senator added the words "and to make a transcript of the proceedings."

Mr. KEFAUVER. That is correct.

Mr. ERVIN. I ask the Senator from Tennessee if it is not perhaps the most fundamental rule for construing a statute that the expression of one thing is the exclusion of another?

Mr. KEFAUVER. I thought so. I thought that by saying what the purpose of the appearance was, anything else that might be done by an appearance would be excluded.

Mr. ERVIN. Does not the Senator from Tennessee agree with me that the fact that he has stated what the man or his counsel is to appear for, namely, to make a transcript of the proceedings, would exclude any possibility that he had any other authority?

Mr. KEFAUVER. That is a well-settled principle, and I have always understood it to be fully established.

Mr. HENNINGS. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. HENNINGS. This language is in the subjunctive, which indicates that the person is to appear and make a transcript. It would be comparable, I think, to say that he may appear and take notes, or he may appear and do thus and so. But I would not concede that under that language, the subjunctive word "and" would indicate that anything else is excluded. The Senator does not say "solely for the purpose of preparing a transcript," or "for the purpose of preparing a transcript." The Senator's amendment says that the county or State registrar, or his counsel, "shall have the right to appear and to make a transcript of the proceedings." Obviously he could not make a transcript unless he appeared.

Mr. KEFAUVER. I appreciate the observation of my colleague.

Mr. HENNINGS. I make no quibble about it, but I think it is a rather fundamental point.

Mr. KEFAUVER. The Senator is one of the very great lawyers in the Senate. If it had been my intention to give the registrar additional rights, such as the right of cross-examination, the right to testify, or the right to object to any proceedings, I would have set them out.

I set forth one right he had, and that is the right to make a transcript. I thought that by not setting forth other rights, it would be clear that he did not have those others. However, if the word "appear" troubles any Member of the Senate, I wish the RECORD to show what I have in mind, that I meant him to be present. If that is troubling anyone, we can clear it up quickly.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. JAVITS. Should the Senate believe that what the Senator's amendment has done is to make the proceeding at this stage an adversary proceeding, would the Senator then feel his amendment has miscarried? In other words, would he feel that it was doing something that he had no intention of doing?

Mr. KEFAUVER. It was not my intention to make the proceeding an adversary proceeding. I felt that "ex parte" largely meant, in the general sense—and looking it up in legal dictionaries also showed it usually means—without the other side being present. I thought that since we were going to give the other side the right to be present, "ex parte" should come out. However, if it is felt that "ex parte" should remain in the text, that is all right with me, if we provide that the hearing shall be held in a public office, and further say that so-and-so shall take place. It is certainly not my intention with this amendment to make it an adversary proceeding.

Mr. JAVITS. If the Senator's amendment should be adopted, and, as a matter of fact, if the court should construe this to mean an adversary proceeding, what would the Senator say to the fact that on page 18, at the bottom of that page, there appear the following words:

> The issues of fact and law raised by such exceptions shall be determined by the court or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by law?

In other words, what would the Senator say should happen at that point, which is an adversary proceeding?

Mr. KEFAUVER. That is clearly an adversary proceeding. The State or county registrar would have the right to file exceptions, and the court could hear the case on the exceptions, or refer it to the referee. That is clearly an adversary proceeding.

Mr. JAVITS. If the court should construe the Senator's amendment to provide for an adversary proceeding, we would then have two adversary proceedings, or at least one sure and one maybe. Is that correct?

Mr. KEFAUVER. I want to be as certain as I can make it with my statement here, which I have repeated several times, that by this language I mean to make it very clear—or by putting in necessary words into the amendment—that it was not intended to be an adversary proceeding, and is not an adversary proceeding. So I do not believe there is any possibility under those circumstances, if that is done, that it will be considered an adversary proceeding.

Mr. JAVITS. Does the Senator take cognizance of the fact that we do have before us a report which indicates that there has been, because of the physical circumstances of registration, restraint or even intimidation in some places with respect to those who wish to try to register at the court house or central place under State law?

Mr. KEFAUVER. Yes, I understand that the report of the Civil Rights Commission does make that statement.

Mr. JAVITS. So that we should have a solicitude and a respect for that situation which has been reported to us, should we not?

Mr. KEFAUVER. Well, this is a Federal statute, and the power of the Federal Government is substantial. It is made very substantial by some provisions in the bill. I assume that a public office would be a Federal building. I would assume that that is where the referee would have his office, although he may have it in another place. Of course there would be some objection in some places to registration, but I do not feel that the power of the Federal Government is going to be thwarted. Sooner or later the identity of those who are applying to vote has got to be known. If it is not known when the referee holds a hearing, or a star chamber hearing, if we exclude the public—which I am sure the Senator does not wish to do—it is going to be known when the referee files the report and when the State registrars have the right to file exceptions.

Therefore, if the success of this statute is to be based on that circumstance, it will be necessary to hide the fact about who is applying to register. First, I do not know that that will be the case. In the second place, if it is based on that circumstance, it will not be successful.

Mr. JAVITS. Of course the Senator is a very distinguished lawyer and one of our most valued colleagues.

Mr. KEFAUVER. After that statement I am ready for almost any kind of comment. [Laughter.]

Mr. JAVITS. Of course all legal proceedings are public proceedings unless there is a special statutory or legal right given for the court to impound or seal the proceeding. We give no such right here.

Mr. KEFAUVER. I think the right is given in the bill. It is very clearly stated in the bill on page 17: "In a proceeding before a voting referee, the applicant shall be heard ex parte." That gives the right to hear the applicant anywhere at any time under any circumstances and any place. I do not believe that the Senator, with his desire for orderly proceeding, in compliance with the intention of our Constitution, would want that to happen.

Mr. JAVITS. It does not give him the right to hear it secretly.

Mr. KEFAUVER. It certainly does. It says "ex parte."

Mr. JAVITS. I do not agree with that.

Mr. KEFAUVER. If the Senator does not agree, why does he object to having an open hearing?

Mr. JAVITS. I am coming to that. Suppose we wrote into the bill that the applicant shall be heard ex parte. Is it not a fact that the court would have the authority to make any such provision as the Senator recommends, or different provisions, and that the action of that court would be subject to review on appeal?

Mr. KEFAUVER. Perhaps, although I am not certain about it. I do not see how a court directive could change a statute which states very clearly that it is an ex parte proceeding, and where particularly the proponents of the bill have been fighting an amendment which would make it a public hearing.

Mr. JAVITS. I disagree that the proponents of the bill have been fighting an amendment which would make it a public hearing. I think that what we are fighting for is the fact that we shall not stratify a situation which has resulted in intimidation.

Mr. KEFAUVER. I can only say to the Senator that after the 15th amendment to the Constitution was adopted voting referees were appointed, and that fact constituted a very unpleasant phase in the history of our Nation. These referees went all over the countryside and held secret, star chamber proceedings, under pressure by one political party.

If that happens again, then this section will not find much public acceptance. It would be a good idea to tie it down so that the referee himself would be protected.

Mr. JAVITS. I think that what we are worried about is tying it down so as to nullify it. However, let me ask the Senator from New York what he thinks it does.

Mr. JAVITS. I will be glad to tell the Senator now, or I shall be glad to on my own time. What I think it does is to make two adversary proceedings in this situation. I say that because when we couple the striking out of the words "ex parte" with the use of the word "hearing," the use of the word "appearance," and giving notice, I cannot see how any court could construe it as being other than the right to examine, cross-examine, or contest at that particular point, and consider it to be a hearing before the official referee. I cannot see any other construction.

Mr. KEFAUVER. The Senator was probably not present to hear my original explanation. I said that when I prepared the amendment and when I explained the purpose of it after the committee hearing on Tuesday night, I stated it was not my purpose to take away the ex parte provision of the hearing except insofar as to provide that it shall be held in a public office. Certainly notice that it should be an open hearing; certainly notice should be given that the right to make a transcript should accrue. Ex parte is limited to those provisions.

If it will make the Senator from New York any happier, and if he wants to have the language read that the applicant shall be heard ex parte provided the hearing shall be held in a public office, and then change the word "appear" to "to be present," that is what I had in mind, and that is all I had in mind. That does not constitute an adversary proceeding.

Mr. JAVITS. I am opposed to the whole amendment. I think it creates an adversary proceeding. I think the court has full authority to do anything which is required under the legal situation to assure this right without making the proceedings secret.

The Senator from Tennessee has been a lawyer for a long time, as have I. I have applied for thousands of ex parte orders, and so, I feel certain, has the Senator from Tennessee. The court then often will say, "Give your opponents 2 days' notice," or 3 or 4 days, or even 10 hours. The court will call counsel into chambers, or he might even consider an ex parte motion in open court as to whether the judge will or will not sign some preliminary order to show cause, or some preliminary suit or injunction. It gives the court a kind of flexibility, particularly as all of the court's actions are subject to review on appeal.

I must say to the Senator from Tennessee that I hope he does not assume I am flattering him simply because I am trying to knock down his amendment. I do not feel that way, because I have great personal affection and regard for him.

Mr. KEFAUVER. I assure the Senator from New York that his sentiment is reciprocated fully.

Mr. JAVITS. I thank the Senator. What we are concerned about is trying to reach some end point.

If the Senator really feels that something must be done about voting, it would be wrong for us in the course of strengthening the due process feature to really nullify the whole operation in an area where it has been shown to require strengthening. It is a climatic situation, which inhibits and frustrates, especially where it is backed up by traveling the hard road of the record of some violence. Then a threat becomes the real thing to a person who has been living with the situation for 80 or 90 years. I am certain the Senator from Tennessee feels as the rest of us do. It is simply a question as to whether, quite unwittingly, out of the very desire for due process, something is being inserted which will nullify what we are trying to get in terms of making these people feel like any other persons, that they can and should register.

Mr. KEFAUVER. If the Senator's argument is valid, that the whole situation of what is right in connection with our judicial procedure and our constitutional processes of trying to have hearings, and at least give a person a hearing, and enable him to have his right to be present and make a transcript, this is at variance with what we have been talking about under our judicial system all of these years.

This is said to be a judicial process. I think it ought to be. Yet when an amendment is offered which provides some vestiges of making it a judicial process, and for providing a hearing at a public place or a public office, so as to at least give the people talked about a chance to be there, which is as American as it can be, then to hear distinguished lawyers argue against something so obviously fair and reasonable shocks me no end.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. JAVITS. I am one of the lawyers about whom the Senator is talking. Is it not true that upon the filing of exceptions, every one of the things to which the Senator has referred could happen? A person can be an applicant in open court; and he can contest the ruling all the way to the Supreme Court of the United States in the very same situation. What we are talking about is the initial entry, the first time a person crosses the threshold in an effort to register, from which he has been inhibited for years. That is what we are talking about; not the fact that there is an adversary proceeding in the wings. Surely that hearing can be held. We do not want to encumber the first entry over the threshold with anything more than we have to.

Mr. KEFAUVER. I appreciate the Senator's observation that there will later be an adversary proceeding. If the Senator will refer to page 18, line 11, if we leave out the amendment I have filed, where the Federal referee can go around in the quiet of night, as was done years ago, or can go to the houses of people to register them and make a report, and then he files that report with the judge, no one has any notice of the action up to that point. It has been entirely ex parte. I hope it will not have been a star chamber proceeding. However, judging from the past, it might be a star chamber proceeding. Then he files it with the U.S. district judge.

The Senator from New York says that then there is an opportunity to have an adversary proceeding. Let us see the kind of adversary proceeding he might have. I read from line 8, page 18:

> Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceeding together with an order to show cause within 10 days, or such shorter time as the court may fix, why an order of the court should not be entered in acordance with such report.

In other words, it is within the power of the court to fix one day or one-half a day in which to show cause why an order should not be issued in accordance with the report. How in the world is the State attorney general or the county or State registrar going to file his exceptions unless he has a transcript of the proceeding? He would not even have time to get to the district court within the shorter time the judge may fix. He would not be able to obtain a transcript of the proceeding. He would not know what to file his exceptions to. So while theoretically there might be a chance, the practical effect is that the opportunity might be entirely eliminated.

Mr. KEATING. Mr. President, will the Senator yield for a correction on that point?

Mr. KEFAUVER. I yield.

Mr. JAVITS. I had not quite finished my reply to the Senator from Tennessee, but I will defer to my colleague.

Mr. KEATING. I call the Senator's attention to the language on page 18 above that which he has just read, which provides that—

> The answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

Mr. KEFAUVER. That is only as to literacy. Let us read all of the language. Let us keep it clear. What I have said is true. The referee may hear the applicant in a star chamber proceeding and make his report then. Then he might have 1 hour or 1 day in which to file exceptions. The other side would not even have a transcript, and the order would be entered without the State ever having had a chance to come in. Let us read the entire language, beginning on line 8, page 18.

> Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceeding with an order to show cause within 10 days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report.

Suppose the court fixes 1 day.

> Upon the expiration of such period, such order shall be entered unless prior to that time—

I interpolate—1 day—

> there has been filed with the court and served upon all parties a statement of exceptions to such report.

How in the world could anybody file exceptions when he had to show cause in 1 day? He would have had no opportunity to get a transcript. He would

not know what to file his exceptions to or what order would be entered.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. ERVIN. I call the attention of the able Senator from Tennessee to the following provision at the top of page 18:

Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court.

Does not the Senator from Tennessee agree with me, that manifestly, if the situation involved a question of the residence of the applicant, his age, whether he had been convicted of a felony, or whether he was mentally capable of voting, in States which have laws barring lunatics and idiots, the testimony necessarily would be oral?

Mr. KEFAUVER. Or whether he was an alien in the United States.

Mr. ERVIN. The bill itself provides that the only thing required to be taken down is the oral testimony of the applicant concerning his literacy or his understanding of other subjects.

And there is no requirement that any of the evidence on any other phase of the investigation be taken down.

Mr. KEFAUVER. That is correct.

Mr. ERVIN. So no transcript would be made at a later time; and unless the applicant's counsel were permitted to go there and make a transcript, there would be no transcript.

Mr. KEFAUVER. That is entirely correct. Except in regard to matters of literacy, the referee would, presumably, make his report on the basis of an oral examination of the applicant. For instance, there would be an oral examination as to whether the applicant had been convicted of a felony, whether he was a citizen, or whether he was of voting age. The only exception would be as to literacy. There is no requirement that the questions and answers in regard to the other matters be taken down.

Suppose the applicant were turned down because he was an alien or because he had been convicted of a felony: How would there ever be an opportunity to present that matter to a court, unless there had been an opportunity to be present and to make a transcript?

Mr. JAVITS. Mr. President, will the Senator from Tennessee yield?

The PRESIDING OFFICER (Mr. LUSK in the chair). Does the Senator from Tennessee yield to the Senator from New York?

Mr. KEFAUVER. I yield.

Mr. JAVITS. I believe that when we deal with matters of age or residence or conviction of crime, all such matters are matters of public record, and would be picked up and used by way of challenge. As a matter of fact, when a person asks to be registered to vote in my State, he is not asked whether he was ever convicted of a felony. These matters are subjects of challenge.

Mr. KEFAUVER. Who would be there, before the Federal referee, to do any challenging?

Mr. JAVITS. Why should the applicant be subjected to a different type of proceeding, when he appears to be registered to vote? Why should such an applicant be subjected to treatment different from that accorded any other citizen?

Mr. KEFAUVER. This amendment would not subject him to different treatment. This would take him out of the ordinary proceeding for registration.

Mr. JAVITS. Does any other citizen have an adversary proceeding, with lawyers present, and 2 days' notice, and opportunity to be examined?

Mr. KEFAUVER. In Tennessee, when citizens go through the very important function of registering to vote, they go to a public office, and appear in the presence of whoever wishes to be there. If at that time someone—and anyone would have a right to do so—questions the applicant's citizenship or whether he had been convicted of a felony, or wishes to ask any other pertinent questions, the entire procedure is in public.

But this part of the bill would make an exception. This part of the bill provides that if the applicant was turned down because of having been convicted of a felony or because he was not a citizen of the United States, it would be possible for him to go to the voting referee; and the referee, in the dark of night, in a secret place, could talk to the applicant; and the referee would not have to make a written transcript of the conversation. Instead, the referee could simply report to the judge that the applicant was qualified to vote; and that would be the end of the matter.

Mr. ERVIN. Mr. President, will the Senator from Tennessee yield to me?

Mr. KEFAUVER. I yield.

Mr. ERVIN. I wish to call attention to a statute—in view of the statement of the Senator from New York that matters about residence, age, conviction, and so forth, would be only matters of challenge, and would not go——

Mr. JAVITS. I did not say age or residence; I said conviction of a crime.

Mr. ERVIN. Then I ask the Senator from Tennessee whether the laws of many States are in substantial accord with the following law of the State of North Carolina, which appears in the North Carolina general statutes, section 163–24, and reads as follows:

The following classes of persons shall not be allowed to register or vote—

That is to say, either register or vote—

in this State: to wit, (1) persons under 21 years of age; (2) idiots and lunatics; (3) persons who have been convicted or have confessed their guilt in open court, upon indictment, of any crime, the punishment of which is now, or may hereafter be, imprisonment in the State's prison, unless such persons shall have been restored to citizenship in the manner prescribed by law.

I ask the Senator from Tennessee whether under statutes of that nature it would be the duty of the voting referee, when sitting in North Carolina, to make inquiry of the applicant concerning all those matters, and to take his testimony concerning them?

Mr. KEFAUVER. It would be; and that North Carolina law is substantially the law of the State of Tennessee. I think all the States have laws similar to the North Carolina law to which reference has now been made.

So, in the absence of my amendment or a similar amendment, this bill would permit these applicants to proceed completely without regard to that law.

Mr. JAVITS. Mr. President, will the Senator from Tennessee yield again to me?

Mr. KEFAUVER. I yield.

Mr. JAVITS. Is it not a fact that the proceeding we are now discussing would follow a proceeding in which the court would make an order that people were being discriminated against unlawfully because of their race or color and were being prevented from voting or registering; and that when that order had been issued, this proposed law would apply only to those who had been discriminated against; and even as to them, it would have to be stated that the applicant was qualified under State law to vote? In other words, there would previously have been made a finding that a wrong had been done in that case.

Mr. KEFAUVER. Some persons have the idea that there would be a double trial—in other words, that such persons would first present themselves in court, to establish a pattern of discrimination, and thereafter they would have to appear before a voting referee. But that is incorrect; the judge would proceed to register them, himself.

But now we are talking about those who did not appear in court. We must always keep in mind that such persons would not have to show to the referee that they had been discriminated against because of race, color, or previous condition of servitude. All they would have to do would be to show that they had been—

(a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or—

And the word is "or", not "and"—

or (b) found not qualified to vote by any person acting under color of law.

So, in contradiction of the laws of North Carolina and of practically every other State I know of, if such a person were turned down by a voting registrar in a State because the applicant was a felon, because he was not a citizen, because he was a lunatic, or because he was under age, the applicant could go to the voting referee, and nothing would need be said about racial discrimination; and the voting referee could then secretly, without recording any questions and answers, question the applicant, and could then certify the matter to the court; and the court could issue an order in half a day or in 1 day or in 10 days to show exceptions, if any there might be. Under such circumstances, how could the facts be ascertained by the State?

Mr. JAVITS. Mr. President, I think there seems to be a fundamental point of disagreement which I do not quite follow. Does the Senator from Tennessee say that those who would appear

before the voting referee ex parte—if this part of the bill as passed by the House remains in the bill—would be of a class of people who, because of their race or color, the court would find had been discriminated against with respect to voting? If the Senator from Tennessee denies that, then there is no use in my questioning him, because in my opinion this measure applies only to people in that class, as to whom the court would have found that they were being discriminated against because of their race or color.

Mr. KEFAUVER. If the Senator wants to stake his position on this amendment on that assertion, I will withdraw the amendment if he is correct. But I am certain that he is absolutely wrong. As a matter of fact, Judge Walsh said, in testifying before the committee, that there would not even be any inquiry, when such persons were before the voting referee, about their race or color.

On page 17, the Senator will find what they would be asked about. Of course, previously a pattern of discrimination would have had to be found—but not as to this applicant. That finding would have been made generally, and this particular applicant would not then have been in court.

Mr. JAVITS. If the Senator will allow me to interrupt, just so we get ourselves straight, has a pattern of discrimination, because of race or color, been found in the class to which this amendment applies?

Mr. KEFAUVER. I do not know.

Mr. JAVITS. If it has not been, the applicant is not in court.

Mr. KEFAUVER. All he needs to show a voting referee is that he has been—

(a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote—

That language appears on page 17, lines 16 through 18—

or—

Not the conjunctive, but the disjunctive—

(b) found not qualified to vote by any person acting under color of law.

He does not have to show that pattern; and, indeed, Judge Walsh said it would not be pertinent for him to show it in these proceedings.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield to the Senator from North Carolina.

Mr. ERVIN. I will ask the Senator from Tennessee if he did not hear me ask a question, substantially in these words, to Judge Walsh. I asked him if the people who came before the voting referee would be the parties in the original proceeding in which the pattern or practice of discrimination had been found. He said, "No."

Mr. JAVITS. Of course not.

Will the Senator yield?

Mr. KEFAUVER. In just a moment. The Senator from New York has asserted these people had already been found to have been discriminated against. He has stated his position on that. I think he now admits he is wrong. We will certainly give him a chance to be heard in a moment.

Mr. ERVIN. I will ask the Senator from Tennessee if Judge Walsh did not testify before the committee, in substance, that even if the State fired the misbehaving voting official, because of a pattern or practice of discrimination, and even though evidence available at that time showed there was no longer any discrimination, still these registrations could be made for a period of at least 1 year, in which time the State could not contest that point, and the only question that could be gone into was whether or not the applicant was qualified under State law or whether he could show the conditions which the Senator from Tennessee has just stated.

Mr. KEFAUVER. Yes. That is the way I remember his testimony.

Mr. ERVIN. That is, the question whether these applicants who applied to the voting referee had been discriminated against, under the 14th amendment, because of color or race, was not in issue.

Mr. KEFAUVER. According to Judge Walsh, that question was not in issue.

Mr. ERVIN. The only question that the voting referee would be allowed to pass on was whether the State election official made a mistake, on the basis of lack of qualifications, when he denied the applicant the right to register or to vote.

Mr. KEFAUVER. That is the only question. That language appears on page 16 of the bill, beginning on line 1:

If the court finds such pattern or practice, any person of such rate or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote—

And so forth. So the order must last for 1 year, even though that practice ceased a month or 6 weeks after.

One of the main reasons why it should be an open hearing and why the State or local registrar should have an opportunity of attending is that the person who appears before the referee will not have been in court before. All he will have to show is that he has been refused registration, whether it be upon grounds of literacy, residence, or anything else. The referee need not make any record as to substance, or questions and answers, except on the matter of literacy, which is taken to the district judge, without the right of the other side to have a transcript of the proceeding. I do not believe the Senator from New York thinks that is right or fair.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KEFAUVER. Yes.

Mr. JAVITS. We have gotten far from the fundamental question.

Mr. KEFAUVER. Does the Senator think it is right or fair?

Mr. JAVITS. Yes; it is, because there is an adversary proceeding provided, and to provide two adversary proceedings would frustrate what we are trying to do.

Let me ask the Senator from Tennessee this question: Does the Senator contend that a person who is not of the race or color with respect to which a pattern or practice of discrimination was found can come to the voting referee and be registered? Does the Senator contend that?

Mr. KEFAUVER. I am sorry. I was reading something.

Mr. JAVITS. Let me repeat my question. Does the Senator contend that a person who is not of the race or color with respect to which a pattern or practice of discrimination in respect to voting was found can come to the voting referee and be registered?

Mr. KEFAUVER. That is set forth very precisely on page 17. I think we may as well read it, beginning on line 7:

The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, who shall subscribe to the oath of office required by Revised Statutes * * * to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has since the findings by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law.

I think I should read to the Senator what Mr. Walsh said about it, as appears at page 80 of the hearings of March 28 and 29, 1960:

Senator ERVIN. In other words, under this proceeding, voting referees, the State and the State officers are absolutely precluded from even litigating the question that the denial was not on account of race or color?

Mr. WALSH. That is correct.

So it is my contention that, under this provision, if there is to be an order pending for 1 year after a finding of a pattern of discrimination, anyone can appear and contend that he was qualified to vote and was not given the right to register.

Mr. JAVITS. Will the Senator allow me to finish my point? I think, in view of that very fundamental difference between us—and I am very grateful to my colleague for being so courteous and for yielding—I shall go into the question on my own time, because I am firmly convinced that the only one who can appear before the voting referee is one of a class of race or color against which has been found this pattern of discrimination.

Mr. KEFAUVER. Where does the Senator find that?

Mr. JAVITS. I find, on line 12, page 17, the word "applications." I cannot see that it means anything else. If so, I do not think we have the right to legislate about it.

Mr. STENNIS. Mr. President, will the Senator yield, or does the Senator wish to complete the colloquy? Otherwise, before he concludes, will he yield to me?

Mr. KEFAUVER. Yes; I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I highly commend the Senator from Tennessee for the very worthy and very fine amendment which he has offered. I have heard

most of the Senator's explanation of the amendment. It has certainly been clear, and is a contribution to the debate.

This amendment relates to one of the very vitals of the whole concept of the bill which, in the opinion of the Senator from Mississippi, is extremely important. Without the amendment by the Senator from Tennessee on this point, the bill will not only be without due process of law as to this part of the procedure but it will be directly contrary to due process of law.

I invite the Senator's attention to page 17, lines 20 and 21. The italicised words are, "the hearing shall be held in a public office."

That is also a part of the Senator's amendment, is it not?

Mr. KEFAUVER. The Senator is correct.

Mr. STENNIS. It certainly is a very material part, without any reference to the other very far-reaching and effective parts of the amendment. The whole concept of American justice, American judicial procedure, and the determination of any right where parties are involved as adversaries, including the determination of officers' functions, if the hearing is not held in a public place, would be overturned. If we abandon the idea of the proceeding being open or having a hearing in some kind of public office, then we go contrary to the fundamental concept of American justice.

I want to commend the Senator very highly for working this out. Otherwise, the way the bill is written, unless the Senator's amendment is included, the referee would be able to go up and down the back alleys, or go to picnics or church gatherings or every place else, to take on all comers, and say, "Everyone sign on the line," and they would have membership in the movement; is that correct?

Mr. KEFAUVER. That is correct. It may be said by the other side that the referee would not do that, but, if the referee would not do it, I do not see why we should not write in the provision that the proceeding should be in a public office. We should have some safeguard.

Mr. STENNIS. We always find that if loopholes are left there is always someone who will move in to take advantage of the situation; and the practice which such a person starts becomes more or less a pattern itself.

Mr. KEFAUVER. The Senator is correct. I pointed out also that this amendment is for the protection of the referee himself. Assuming the referee wants to hold hearings properly, though there are pressures for him to go here and there to register people, some safeguard ought to be spelled out in the law.

Mr. STENNIS. The Senator's amendment covers that point.

Mr. KEFAUVER. The Senator is correct.

Mr. STENNIS. I invite the Senator's attention to the bottom of page 18, to line 23. What I want to point out is that without the Senator's amendment, as the bill is written it would be possible to take ex parte statements any and everywhere, and to use them to form the basis of a solemn judicial determination, wherein it would not be necessary to any future step for any judge or judicial officer to really make a determination, or to reach a conclusion, or to render a judgment.

I invite the Senator's attention to the language on page 18, beginning on line 23, which says:

> The issues of fact and law raised by such exceptions shall be determined by the court or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court.

In other words, does the language not mean that if for any reason the judge can say he is busy, has other matters to attend to, cannot get to a consideration of the matter, and he thinks it ought to be decided more promptly than he can get to it, whether it be days or even months, he can refer it back to the same referee, who would render, in effect, a final judgment or decision? Is that not correct?

Mr. KEFAUVER. That is correct. If the judge wishes to refer the matter to a referee, after the exceptions have been filed, he may refer it back, and he may refer it to the same referee. I think it should be pointed out that that would be an adversary proceeding.

Mr. STENNIS. Yes.

Mr. KEFAUVER. It would necessarily be public.

Mr. STENNIS. This is away from the question of being public.

Mr. KEFAUVER. Yes.

Mr. STENNIS. My point is that under the language of the bill as written it would not require the judge to actually hear the exceptions and the adversary proceeding and to reach a judicial determination himself. The judge could refer it to the referee.

Mr. KEFAUVER. I assume, however, that the referee would have to report to the judge, and the judge would finally have to act on the matter. I do not see that provision in the language, but I assume that would be the case.

Mr. STENNIS. I submit to the Senator from Tennessee that the bill does not have such a requirement. It merely says:

> They may be referred to the voting referee to determine in accordance with procedures prescribed by the court.

Of course, the matter would doubtless go back to the judge for signature, if it were going to become an adjudication. My point is that there does not have to be a judicial hearing by a judicial officer and a determination by a man learned in the law. Is that not correct, under the language of the bill as written?

Mr. KEFAUVER. That is correct, although I think somewhere along the line the judge would have to approve the final decision of the referee. I do not see that written out, but it must be true.

Mr. STENNIS. It certainly should be spelled out.

The point is that the hearing does not have to be held by the judge, and no judicial determination has to be concluded by him. This makes the Senator's amendment all the more necessary as an additional safeguard against a possible and probable abuse; is that not correct?

Mr. KEFAUVER. I think that is quite true. I think the amendment is fair. I think it is proper. I think it is in accordance with our long established methods and concepts of judicial procedure.

I thank the Senator from Mississippi very much.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. KEFAUVER. Mr. President, I would like to have the attention of the senior Senator from New York [Mr. JAVITS].

I wanted to make clear the point we were talking about a little while ago. My conception is that under the bill the person who presents himself to the referee has to be of the race to which reference is made. However, that person does not have to have been of the class which was before the court in the first instance.

It is my conception of lines 16 through 19 on page 17 that if the person is of that race, and if he shows that he has been denied under color of law the opportunity to register, or found not qualified to vote by any person, then that is all he must show, assuming he is of the race to which reference is made in the first instance.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. KEATING. I think clearly such a person must be of the race concerned. I was trying to interrupt the colloquy to state that at the top of page 16, beginning in line 2, it is stated:

> Any person of such race or color resident within the effected area shall, * * * be entitled, upon his application therefor, to an order—

Mr. KEFAUVER. Yes.

Mr. KEATING. Later comes the application.

Mr. KEFAUVER. That is what I was trying to make clear.

Mr. KEATING. Mr. President, I shall speak briefly on the whole subject, but specifically I should like to ask my distinguished friend from Tennessee whether this is an adversary proceeding. I think clearly, under the wording as it is now phrased, it is an adversary proceeding.

Mr. KEFAUVER. I do not think I can make it any clearer than I have in my past statements. The Senator may have that opinion about it. I have a different opinion. Anyway, my intention was that it not be an adversary proceeding. If the Senator has any question about this language making it so, I shall be very happy to work out satisfactory language which would remove any doubt whatsoever.

Mr. KEATING. Apart from that question, I invite the Senator's attention to the requirement for two days' written notice to a county registrar of the time and place of the hearing. Does not the Senator envision the possibility—having served in the Senate—of some considerable delay in the registration of these people by reason of the requirement for two days' notice?

Mr. KEFAUVER. Frankly, I will say to the Senator that I think the actual working out of this amendment would in many cases cut out the long route through the courts, and the tortuous procedure provided for in the bill. As I have said before, if some error had been made by an underling, or by the registrar himself—we all make errors—and if a showing were made that the referee had the opportunity to be present, that might eliminate the route through the court.

I believe also that if the reason the person was not registered was because of conviction of a felony, because of being an alien, or because of being a lunatic, if the State registrar were present and the Federal referee should say, "What was your objection to this person?", the registrar might say, "I objected to him because he was convicted of a felony." That might expedite the proceeding. In any event, I cannot see that the two days' delay is substantial. I made it two days for the reason that I assume that the Federal referee may hold much of his registration, if he does not wish to travel over all parts of the district, in the Federal building where the district court is held. In some States it is a good distance from the remote parts of the Federal district to where the court is held.

Mr. KEATING. I am afraid perhaps the Senator did not understand the significance of my question. Perhaps I did not phrase it as well as I might have.

Does the Senator envision that the State registrar and his counsel, who are entitled to be present, will have nothing at all to say?

Mr. KEFAUVER. I envision that they would have nothing to say at all unless called upon to speak.

Mr. KEATING. Does not the Senator think that they would seek to talk, as we do in the Senate?

Mr. KEFAUVER. They might; but this is a matter entirely within the control of the referee.

Mr. KEATING. But the referee is presumably, in most instances, a lawyer, drawn from the particular community. He would not be inclined to shut anyone off if he desired to present a few remarks about the registration of a particular individual. I would envision the likelihood that it would require all of 1 working day, in many instances, to register one person.

Mr. KEFAUVER. The registrar and his attorneys would have no more rights than any other members of the audience, except that they would have the right to bring in a stenographer and make a transcript of the proceedings. If the argument of the Senator holds water, he must be against all public meetings, because at any public meeting someone may speak up and try to be heard. The presiding officer would, of course, have to preserve order.

Mr. KEATING. No; the Senator from New York is very much in favor of public meetings. But what he is seeking to bring about is no more formality with reference to the registration of people under this bill than takes place with regard to any other registrant who walks in and tries to vote. I do not think we should seek to make the procedure any more complicated for the individual dealt with in this bill than for anyone else. It is necessarily more complicated, but we should come as close as we can to fitting this procedure into the procedure in the case of anyone who walks in and wishes to vote.

Mr. KEFAUVER. I agree with the Senator that we ought to try to follow as closely as possible the regularly established registration rules set up in the various States, and have the Federal referee follow as closely as possible the same procedure.

I know of no State in which a registrar can go anywhere he wishes and register anyone ex parte. He must have an office. The Senator would allow the registrar to go anywhere he wished to go. He would not be tied down to any public office. In my State, and in most other States, the law provides certain requirements for registration. The public is present. The county attorney or the registrar can question the applicant about his qualifications under the statute. Under the terms of this bill there could be a star chamber proceeding. I know of no county office with respect to which there is a prohibition against people coming in and observing while other people are being registered. When people are registered, they are not registered ex parte.

Mr. KEATING. I have no reason to think that people could not casually walk in while the person was being registered; but I do not know of any county in which those who are seeking to prevent the registration are entitled to have counsel present to protect their rights against having a man registered when he is trying to exercise the franchise.

Mr. KEFAUVER. I know of no State law under which a registrar of a county or a State cannot be present with his counsel when the regular registration process is being followed. That is all we are asking here. Under some State laws the applicant can be required to take an oath in public. He can be examined. No power of examination or of asking questions on the part of the registrar or his attorney is given here.

The junior Senator of New York is asking something entirely different, separate, and apart from the usual registration procedure in the various States and counties.

He is asking that the registrar be given the power to repeat what happened in a very dark period in our history; namely, a situation in which a man does not do his work in a public office, but goes around registering people on the quiet, under political pressure, and making no report to the district judge of anything except questions and answers bearing on literacy; and a situation in which no one else can be present unless the referee wants him to be.

Mr. KEATING. Does not the Senator concede that normally such a voting referee, appointed by the Federal court, would be some lawyer in the community affected?

Mr. KEFAUVER. It might be any person. I don't know who it might be.

Mr. KEATING. The referee is appointed by the court. Generally speaking referees are lawyers.

Mr. KEFAUVER. I think most of them are, although I know some commissioners who are not lawyers.

Mr. KEATING. That is true so far as commissioners are concerned; but so far as my experience goes, any referee who is appointed is a lawyer.

Let me ask the Senator another question. The Senator spoke about registration in the dead of the night, and so forth. Suppose a voting referee received a telephone call from Mr. X, who said, "I would like to come down to your office and register, but I have been told that if I am seen around your place people will stop trading at my store, or I will lose my job." Does the Senator think it would be improper for the voting referee to go to the man's home and register him there?

Mr. KEFAUVER. His name must come out at some time or other. If it does not come out when he goes to the Federal building to register, it will have to come out when the matter is presented to the court, which may be within 10 days or less.

I really think that the referee would be in a Federal building; I mean, that is where his office would be, and I think that the people would be protected in the Federal buildings.

Mr. KEATING. I will speak briefly on the issue, and I will not take any more of the Senator's time.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield to the distinguished Senator from Florida.

Mr. HOLLAND. I should like to ask the distinguished Senator from Tennessee if it is not true that normally a registration officer under the law must publish clear notice to the public as to the place where the registration books are open and as to the dates and hours they are open, so that the public is advised when and where they can register?

Mr. KEFAUVER. Yes; I think that is done in all States.

Mr. HOLLAND. In my State that is required; namely, that the public shall be advised as to when the books are open at the courthouse, which is for a good long period of time, and when they are taken to the various precincts in the county, which is for a limited period of time, and it is required that public notice be given as to the time and place, so that citizens may know where and when they may register.

Is there any possible reason why this extralegal registrar, who is provided for in the bill, should not give such public notice and a chance for citizens who might be interested to appear at a fixed time and place in order that they may register?

Mr. KEFAUVER. I see no reason whatever.

I should call to the attention of the Senator from New York [Mr. KEATING] this fact. If he will read the amendment again, he will see that on page 17 there is the requirement stated that the Federal referee shall give notice of who

is going to apply to be registered. It is just a general registration. It might be notice with respect to 10 o'clock during a certain week. The argument about somebody not being able to be registered because he might be frightened, does not have much merit to it.

Mr. HOLLAND. I am glad the Senator has brought out that point. I noticed in the local press last night a statement, attributed to the Department of Justice, to the effect that it might take 400 days to register 200 people. If I understand the situation, those 200 people could register in one day, at one place, at one time, and the notice given would open the door for that, if the court-appointed registrar wanted to operate that way. Is that not correct?

Mr. KEFAUVER. That is certainly correct. That could be done. As quickly as the referee could satisfy himself, he could register the people, and no one could interfere. He could register them as fast as they could furnish the necessary information. I cannot see that somebody's presence at that public place would make any difference one way or another.

Mr. HOLLAND. Then the real point of the Senator's amendment is this, is it not? The Senator thinks that this registration by the referee should be at a public place, and after adequate public notice, with a chance for the duly elected officer, who is being displaced every time an additional person seeks to register, at least to be there, though silently, and hear what is said and to make a transcript if he wishes to do so of the statement made by the person applying to register?

Mr. KEFAUVER. Yes, to know what is going on.

Mr. HOLLAND. I thank the Senator. He is providing machinery which is in the finest American tradition. I cannot see how anyone can possibly oppose it.

Mr. KEFAUVER. I thank the Senator. Our Founding Fathers fought for just these principles, the right of public business being done in public, the right of somebody being entitled to be present, the right of the public to see what is going on. I do not know of any star chamber proceeding such as is proposed here which has not eventually brought disrepute on the very law that is intended to carry it out.

I say in that connection that unless some safeguards are put upon this procedure, and that if we should provide for star chamber proceedings, as someone apparently in this Senate is trying to make possible, there is going to be a great revulsion against this procedure in the days to come, and the procedure will not be successful.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. KEATING. Apropos the statement made by the distinguished Senator from Florida about taking 400 days to register 200 people, I think that statement was made on the assumption that it might be impossible, because of the great forensic eloquence of counsel for the registrar, to register more than one a day. Having heard my distinguished colleagues in this body, many of whom are lawyers of great ability and great eloquence, I can understand the apprehension that was felt over the fact that this might result in being a rather—I will not say tedious—deliberative procedure, and I think that should be said in explanation of the statement that was made on that point.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. HOLLAND. My statement was made, I will say to the distinguished Senator from New York, upon the basis of my understanding, which has already been stated by the Senator from Tennessee as being his understanding also, that if the registration official has his counsel there, that does not mean that he is to be heard; that does not mean that he has a right to be heard. It means only that he is there to advise the registration officers and also, if the referee wishes to ask a question, to reply to that question. My understanding is very far from being that Senators are trying to prescribe a type of filibuster which would go on in every county in the Southland. One is enough for the Nation. [Laughter.]

Mr. KEFAUVER. I thank the Senator from Florida. Let me say that I am surprised that the Attorney General should get that impression, and that I am surprised that the Senator from New York should get that impression, because immediately after the conclusion of the hearing of the Judiciary Committee on Tuesday night, I said to the press that it was not my intention to make this a proceeding in which they could ask questions. Then, the very next day, I wrote a statement which I intended to give yesterday on the Senate floor, but which I was prevented from giving because I had to make a trip to Memphis. And I have just returned from there.

Mr. KEATING. I am glad to see the Senator back here.

Mr. KEFAUVER. I thank the Senator. In the statement which I gave to the press yesterday, I said that it was not my intention to make the proceeding an adversary proceeding, but that it was my intention to provide merely that the State or local registrar or his counsel should have the right to be present as an observer and to make a transcript of the proceeding.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. KEATING. What would the Senator from Tennessee or, indeed, the Senator from Florida think would happen if counsel for the registrar said to the referee, "Now, I would like to be heard briefly on this matter at this time?" Do not the Senators feel that the referee would be lenient in that respect, being presumably a lawyer from that judicial district?

Mr. KEFAUVER. Is the Senator asking me?

Mr. KEATING. Yes.

Mr. KEFAUVER. I think the referee would know the purpose for which the attorney was there, whether it was to be useful or whether it was to heckle him. I think he would size up the situation as he saw it. I would think that in many cases, if the attorney for the registrar or any interested citizen said he wished to make a point as to whether the applicant was a citizen, and if he said, "I have information about it," and if he asked the referee to give him a chance to make an observation or statement, I think that probably the referee would let him do so. That is entirely a matter within his discretion.

Mr. KEATING. If it were, I would be afraid that it might involve a rather extended dissertation. After all, counsel for the registrant might be employed on a per diem basis, and he might feel that he had to earn his money, so for that and other reasons he might take some time to state his views.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. HOLLAND. It seems to me that the Senator from New York is assuming, first, that the referee will make a mistake twice. If he calls in an attorney and finds that he is longwinded, I do not think he would ever open the door to him again. Second, the Senator from New York is making a mistake, I think—and I humbly suggest this to him—in having the record appear that he does not think the referee would be interested in hearing some real reasons for the disqualification of a person who was applying. I am certain he did not mean that. My own feeling is that no one has a right to control the hearing except the referee.

Mr. KEFAUVER. That is correct.

Mr. HOLLAND. And that the referee may make the hearing move just as fast as he wants to make it move, and there is no right of either the registration officer or his counsel to be other than present and to make a transcript.

Mr. KEFAUVER. That is correct.

Mr. KEATING. Abhorrent as it may seem to the Senator from Florida, I meant very nearly that, because the time when the registrant and his counsel will have the opportunity to be heard will be when the case reaches the court and exceptions are filed to the report of the referee. Then will be the time when the issue will be tried—not before the referee, under the proposal here.

Mr. HOLLAND. The referee certainly will know that fact; and knowing that fact, and advising any person that that is the fact, he certainly will not waste time in allowing a longwinded lawyer to take a lot of time more than once. He may allow it one time, as a matter of custom and courtesy. But I cannot see any timewasting matter here. To the contrary, I see some safeguards which I think every honest referee—and I hope they will all be honest—would want to have. If a person is present who knows, for instance, that the applicant is not a resident of the State; or that he was convicted of a robbery not long ago, and had not told that fact to the referee; or that the person had been committed to the State insane asylum not long ago and had just been released, but had not had his civil rights restored; or if the person knew any of the many things which

would disqualify the registrant, I think the referee would want to have those facts before him, and he very quickly could get them. Nothing is provided in the bill which opens the door any wider than the referee will want it opened. We will assume that persons of discretion will be named by the district judges.

Mr. KEATING. I hope the confidence of the Senator from Florida in the expedition of such a proceeding is well founded, if the amendment should succeed, as I hope it will not.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator from Tennessee yield?

Mr. KEFAUVER. I yield.

Mr. JOHNSTON of South Carolina. I have just been reading the law we are amending. We are amending the law which was passed in regard to the same matter in 1957. The law which was passed then provides criminal contempt penalties if the order which is issued is not carried out.

Let us assume that a Federal judge orders a person's name to be put on the register, which will entitle the person to vote as a result of a court order.

Let us assume further that the registrant did not appear because he did not know what had taken place and did not have an opportunity to defend himself, but that he then proceeds to register along the lines the court has ordered.

In many States it is a criminal offense—it is malfeasance in office—for a registrar to register anyone if the registrar knows that the person should not be registered, or if he knows that the person seeking to be registered has committed a crime. That might be a case to come before a judge. Such a State law makes the person ineligible to vote in that particular State. But could it not happen that a Federal court might register such a person, while the State, on the other hand, has a criminal offense pending against him? Could not that happen?

Mr. KEFAUVER. I think it could happen.

Mr. JOHNSTON of South Carolina. The person might get caught anyway. If he did not register, the Federal court might get him. If he registers, the State court might get him.

Mr. KEFAUVER. That is all the more reason why we should provide for a public hearing.

Mr. JOHNSTON of South Carolina. He ought to be given the privilege to know what the testimony is in the case, so that he can defend himself.

Mr. KEFAUVER. That is plain American justice. If one is being charged with failure to obey the law, he ought to be able to hear what people say about him.

Mr. President, my colleague from Tennessee has asked me to yield to him.

Mr. GORE. Mr. President, with the enactment of the bill, and the appointment of a referee in pursuance thereof, will not the referee so appointed be a public official?

Mr. KEFAUVER. Yes. The whole basis of the measure is that what is proposed will be a judicial proceeding, and the referee will be a public official, serving as a Federal public official.

Mr. GORE. Will not the function which the referee will perform be a public function?

Mr. KEFAUVER. It will be a public function, which ordinarily would be carried out by a State or county registrar. Under the circumstances set forth in the bill the referee is to supersede and take over that public function.

Mr. GORE. Is it not customary in our system of society that public officials performing public functions act in public places, and that the public is permitted to witness their performance?

Mr. KEFAUVER. That is a basic principle which has always been fought for and won. In my opinion any kind of procedure which is followed in violation of that basic system usually comes to a bad ending.

Mr. GORE. Should not a public official charged by law with the performance of a public function be facilitated in the proper performance of that function?

Mr. KEFAUVER. He certainly should be; and the public official charged with the performance of that function should want to be facilitated and helped.

Mr. GORE. If the public official in the performance of the public function should have thrown about his function the veil of secrecy, to which the junior Senator from New York [Mr. KEATING] has referred, would that facilitate or encumber the equitable and fair determination of the qualification of a citizen to vote?

Mr. KEFAUVER. It would encumber his qualification. I think also that proceedings of that kind would arouse such indignation that they would not be allowed to stand very long.

Mr. GORE. I thank my colleague.

Mr. KEFAUVER. I thank my colleague from Tennessee. As usual, he very briefly, and to the point, has put his finger upon the important issues, the important matters, which are concerned in legislation. He has certainly done so in this case today.

There is one other reason why this should be a public hearing, and why the county registrar should have the opportunity to make a transcription. This is a very important reason. We have pointed out that as to any matters not appertaining to the literacy of the applicant—matters of age, residence, whether he is a citizen, and so forth—the referee does not have to make a transcript or report of the questions and answers.

The fact that the judge may issue a show cause order within a very limited time is a reason why, I believe, the proceeding ought to be subject to open scrutiny.

On page 18, we find the following in lines 2 through 6:

> Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court.

Unless the county registrar had a chance to obtain a transcript, how could it be known whether the report made by the stenographer, under the direction of the referee, was accurate, and how could the county registrar have anything on which to base his exceptions?

Mr. President, I have stated the purpose of this amendment. I sincerely believe that the amendment will strengthen the bill and will put it in line with our judicial concepts.

To leave the referee in the position he otherwise would occupy—in other words, ex parte, without any requirement of notice—certainly would be an error, certainly should be corrected, and cannot be defended.

Mr. President, I yield the floor.

Mr. KEATING. Mr. President, we repeatedly hear it said that there would be some sort of star-chamber proceeding and that registrars who would want to register applicants for either valid or invalid reasons would not have an opportunity to be heard under this section.

These statements are without foundation. First, there would be a court proceeding in which any party, including the registrar could be heard. Only if a pattern or practice of discrimination were then found could the applicant go to the referee; and only when the applicant showed the referee that he was qualified under State law, and had gone back again to register and had been denied or deprived of the opportunity to register to vote or had been found not qualified, would the applicant state his case to the referee.

As originally presented, the House bill provided that the applicant would be heard ex parte. Then the referee would make his findings, and would report them to the court; and there could be another adversary proceeding, at which the registrar or his counsel would have full opportunity to file exceptions and to be heard; and the issue could be considered on its merits.

Mr. President, I am opposed to the amendment offered by the distinguished Senator from Tennessee [Mr. KEFAUVER]. Indeed, I am opposed to the substitute amendment offered by the distinguished Senator from Colorado [Mr. CARROLL]. In my opinion, neither of those amendments is necessary for the protection of the legitimate interests of anyone; and I believe that both amendments, although admittedly this comment applies more especially to the amendment offered by the Senator from Tennessee, offer an invitation to harassment, intimidation, and reprisals against Negroes who would attempt to vote.

Mr. EASTLAND. Mr. President, will the Senator from New York yield?

The PRESIDING OFFICER (Mr. ENGLE in the chair). Does the Senator from New York yield to the Senator from Mississippi?

Mr. KEATING. I yield.

Mr. EASTLAND. When an applicant goes to a referee to register, would a record of the proceedings be kept?

Mr. KEATING. Yes; the referee would have to keep a record of the proceedings, because he would have to make a report to the court.

Mr. EASTLAND. Very well. Suppose a State law provides forms which must be filled out and questions which must be answered in writing, and suppose the

State law also provides that a public record be kept. Would those laws apply to the referee?

Mr. KEATING. The referee would have to have a written record of those proceedings because he would have to make a report as to each applicant. That report would be made to the court, in connection with the recommendation that the applicant be registered.

Mr. EASTLAND. But under the law of a number of States, an applicant who goes to the State election registrar must answer, in writing, certain questions, on a form submitted by the State, and that must be done before the person can qualify. Would the referee have to ask those questions and reduce to writing the answers which would be given?

Mr. KEATING. Yes, if that were a valid provision of State law. The referee would have to report to the court, among other things, the fact that the applicant was qualified under State law to vote.

Mr. EASTLAND. But would the applicant have to answer in writing all the questions on the form, as required by the State registration law?

Mr. KEATING. I would think the referee—subject to later approval by the court—could dispense with a requirement which he believed to be invalid and unconstitutional. But generally speaking, I would think that questions required to be answered under State law would have to be answered by the applicant, because the referee would have to find that the applicant was qualified under State law to vote.

Mr. EASTLAND. If he did not, there would be discrimination against the members of the white race, if that procedure were followed when discrimination against the Negro race were assumed; is not that correct?

Mr. KEATING. I would think the applicant would have to answer the same questions which anyone else would have to answer, when a person tried to register, under State law—subject, perhaps, to the probably unlikely event that a referee might say, "This particular question results in a denial of the right to vote," or something of that kind, "and therefore I will, subject to a later review by the court, not require the applicant to answer this question."

But I cannot imagine that that would happen very often. So, in general, I would say that the answer to the Senator's question is "Yes"; the applicant would have to meet the same rules that would apply to all other residents of that State.

Mr. EASTLAND. The applicant would have to meet the identical tests would he?

Mr. KEATING. I would think so.

Mr. President, I would have no objection to an order by the court, in a voting rights case, requiring registration in a place open to the public. But it seems to me much sounder practice to leave this matter to the judge in each case, rather than to try to write an inflexible requirement into the basic statute. That is why I am also opposed to the amendment in the nature of a substitute which has been offered by the Senator from Colorado [Mr. CARROLL] to the amendment of the Senator from Tennessee.

Certainly, we cannot legislate on this subject in a vacuum. We cannot overlook, in our deliberations here, the findings of the Commission on Civil Rights with respect to conditions in the field of voting. We cannot assume these cases will proceed in a calm, dispassionate, unimpeded manner. We know that every possible obstacle may be placed in the way of the exercise of rights by those disfranchised Americans.

Due process for the State registration officials is guaranteed by any number of provisions in the voting referee section. The amendment offered by the distinguished Senator from Tennessee simply goes too far in its concern for the authorities of the State. While I know it was offered in the utmost good faith, the amendment reflects too little interest, in the plight of the victims of the State's discrimination.

This amendment could, in practice, virtually nullify the objectives of the voting referee section. It could operate, as do so many of these little understood provisions in the other laws on this subject, as a device for defeating the whole purpose of the law.

There are two ways to kill a bill. One is to vote against it, and the other is to insert four or five lines which simply cripple its operation and are tantamount to elimination of the provision.

We need more than paper protections for the victims of voting denials. More than 90 years have passed since ratification of the 15th amendment. We must now do something effective to implement the eloquent provisions of that amendment.

As I said yesterday, no American should be forced to apply for a ballot in a public arena filled with hostile spectators. And that is exactly what could happen under the provisions of these amendments.

In my opinion, the suggestion made by my friend from Tennessee and others, that a nonpublic hearing would resemble a star chamber proceeding, is approaching very closely to the absurd. Well, let me point out what the meaning of a star chamber proceeding is and what its vice is. We bruit that word about, sometimes, rather loosely.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. KEATING. I yield to the Senator from South Carolina.

Mr. JOHNSTON of South Carolina. Has the Senator from New York studied the history of this Government of ours? The Senator will recall that a law somewhat similar to the one now proposed was in effect until 1894. I notice the Senator used the word "90 years." Does the Senator recall that there was a similar law to this, and they had a good deal of trouble with it in New York?

Mr. KEATING. I am not the student of history that my friend from South Carolina is, but I am familiar with some of the history of the country.

Mr. JOHNSTON of South Carolina. The Senator will recall that in the Reconstruction days the colored people took over in South Carolina.

Mr. KEATING. I was not here during Reconstruction days.

Mr. JOHNSTON of South Carolina. I know, but the Senator has studied history.

Mr. KEATING. As I have said, I do not pretend to be the expert in that field which my friend from South Carolina is.

Mr. JOHNSTON of South Carolina. I do not pretend to be an expert, but I know what the conditions were immediately after the War Between the States. I know what laws were passed, which had to be repealed in 1894, and they were somewhat similar to the one which is proposed.

Mr. KEATING. I certainly do not want to see a return to Reconstruction days or to conditions prior to the Civil War. This proposal has no similarity at all to the laws repealed in the 1890's. That question was dealt with in the hearings by the Attorney General. He pointed out the very complete differences between this proposal and the law which was passed in the so-called Reconstruction days, and which was repealed in the 1890's.

Mr. JOHNSTON of South Carolina. I know he tries to deny they are the same, but the laws which were on the statute books were very similar to the ones certain Senators are trying to have passed at the present time.

Mr. KEATING. We are dealing with the present situation, in 1960, in which American citizens in wide areas are denied the right to vote because of race or color, according to the finding of the Commission on Civil Rights, composed of six distinguished men, three from the North and three from the South, three Democrats and three Republicans; and that is the situation with which we are faced today and on which we are seeking legislation.

Mr. JOHNSTON of South Carolina. Let us speak of my State, now, and of local conditions. How many does the Senator think have been registered in South Carolina?

Mr. KEATING. The report of the Civil Rights Commission is right in front of me. I do not see any useful purpose in going over those figures.

Mr. JOHNSTON of South Carolina. I want the public to know the facts. In 1957 and 1958 in South Carolina 160,000 colored people were registered to vote, and I want the public to know that.

Mr. KEATING. The Senator from South Carolina is an eloquent spokesman for his State. I have no doubt that, in his own time, he will point out the large number who are allowed to vote there. He may not refer to the areas where they do not vote. But the summary is that in South Carolina, in one county no Negroes are registered; in 6 counties, less than 5 percent are; in 40 counties, from 5 to 25 percent; and in no county more than 25 percent.

Mr. JOHNSTON of South Carolina. Did the Commission give the number of whites registered in those counties, too? I think the Senator will find the percentage was down in some of them, too.

Mr. KEATING. I am reading from page 47 of the report of the U.S. Commission on Civil Rights. Of the total voting-age population of the State of South Carolina, 760,000 are white and 390,000 are nonwhite. The nonwhites are 33.9 percent of the total voting-age population. The number of registered voters in South Carolina in 1958 was 537,000. Of this total, 479,000 were white and 57,000 were nonwhite. Thus, the nonwhites were 10.8 percent of all registered voters, and the whites 89.2 percent of all registered voters.

Mr. JOHNSTON of South Carolina. Mr. President, let the facts be spoken truly. This Commission, which was unfair, went into South Carolina and took the figure of 57,000 after the new law went into effect, before the people had time for registration and before we had any election whatsoever to entice them to come in to enroll. The Commission will tell the Senator that, if they tell him the truth.

How many counties did the Commission say South Carolina has? It was 47, was it not?

Mr. KEATING. That is the statement on page 47.

Mr. JOHNSTON of South Carolina. Forty-seven. In every statement the Commission says "47." We have only 46 counties in South Carolina. I should like to know where they found the extra county.

Mr. KEATING. That is a considerably greater error, I concede, than the error made by the lady who was asked, when she came in to register to vote, how old she was. She gave the years and months and days, and missed by 1 day, so she was denied the privilege of voting. I concede that this error on the part of the Commission on Civil Rights is in excess of that error, and on their behalf I apologize to my friend from South Carolina for overstating the number of counties in his State.

Mr. President, if the opposition to this bill comes unanimously from 46 counties of South Carolina, I am glad South Carolina does not have 47.

Mr. JOHNSTON of South Carolina. I am trying to find that other county, to see where it is.

Mr. KEATING. I will try to help my friend find it.

Mr. JOHNSTON of South Carolina. I should like to know. I want to go into the county the next time I am seeking to be reelected, to get some votes.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. KEATING. I yield to my chairman.

Mr. EASTLAND. I understand the distinguished Senator from New York said a few minutes ago that the referee will pass upon the constitutionality of voting qualifications of a State.

Mr. KEATING. I think it would have been simpler if I had simply replied "Yes," when the chairman asked me if the voting referee would require the persons to answer the questions which are required by the State. In an abundance of caution I added that in my opinion, since the referee would be a judicial officer, if there were some provision of the local law which appeared to him to impose an obligation which was tantamount to a denial of the right to vote, the referee would be able to eliminate any such question; subject, of course, to the later action by the court, and on up through the court of appeals and the Supreme Court. I would not anticipate that any referee acting in that capacity would ever take such a burden on his shoulders but I think he might have that power.

Mr. EASTLAND. The Senator does think he would have that power?

Mr. KEATING. I would be inclined to think, this being a judicial proceeding, that he would have the power, exactly as any State election law could be stricken down by the Supreme Court of the United States on the ground that it was unconstitutional.

Mr. EASTLAND. Of course it is a judicial proceeding. Is it not something entirely new——

Mr. KEATING. Yes.

Mr. EASTLAND. In American history——

Mr. KEATING. Not according to the Senator from South Carolina.

Mr. EASTLAND. Let me finish my question.

And in English jurisprudence, that we have a judicial hearing where the other parties are not permitted to be present, are not permitted to cross-examine witnesses, and are not permitted to offer evidence, and the court, or the judicial officer, has his hands bound so that he cannot arrive at the truth? Is that not something entirely new in American jurisprudence or in British jurisprudence?

Mr. KEATING. This procedure involves nothing new. In many proceedings we have referees or commissioners who have ex parte appearances before them. They make findings. Later, as would be the case in this instance, those are passed upon in an adversary proceeding by the court.

I should like to invite the attention of the chairman—I know he does not need to have this brought to his attention, because he is a student of the bill—to the bottom of page 18 of the bill, where it is stated:

> The issues of fact and law raised by such exceptions—
>
> To the refcree's report—
>
> shall be determined by the court.

Mr. EASTLAND. I understand that. If we are to give a man the right to vote, or are going to qualify him to vote, he could cast a ballot which would affect the outcome of an election before the referee's report went to the judge.

Mr. KEATING. I do not like to see my chairman vie with the distinguished Senator from Tennessee, when they stood together so well throughout these hearings on these matters. The Senator from Mississippi, then, feels that this should be an adversary proceeding before the referee?

Mr. EASTLAND. Yes, I think it should be, but it is not that.

Mr. KEATING. The Senator from Tennessee says his amendment does not intend to do that.

Mr. EASTLAND. I understand that the Senator from Tennessee makes that statement, and his amendment does not do that. I said in my judgment it should.

I ask the Senator this question: Does not the Senator think that when the outcome of an election can be affected by people who are registered, before the referee's report goes to the judge, it would be a proper thing to have the facts come out, with all the great Anglo-Saxon safeguards of the right of cross-examination, of presenting adverse testimony, at the initial stage?

Mr. KEATING. We shall have had an initial hearing prior to this, and a finding of a pattern or practice of discrimination. We shall have had a lawsuit, where the finding has been made in an adversary proceeding.

Mr. EASTLAND. That does not involve the particular applicant who can affect the outcome of an election. The court, when he considers the referee's report, can rule these people ineligible to vote. They will have voted already. They will have affected the outcome of the election, and the man who was then elected by people not qualified to vote will be in office. There would be no way to remove him from office. Would that be justice?

Mr. KEATING. After the original adversary proceeding, the only persons covered by the language of the bill would be those of the race or color with regard to whom the pattern or practice of discrimination had been found to exist.

Mr. EASTLAND. Of course that is true.

Mr. KEATING. They would then go to the referee and would try to get their names put on the rolls.

Under the language of the bill, as the bill is worded now, these people would have to go back to the registrar and ask him again to put them on the rolls. I hope that provision will be eliminated. Then these people would go to the referee. He would put them on the roll if they were qualified under State law.

Mr. EASTLAND. Very well. He puts them on the roll.

Mr. KEATING. He then reports to the court. Again there is a lawsuit.

Mr. EASTLAND. Very well. He puts them on the roll.

Mr. KEATING. There is a lawsuit with regard to those individuals, over whether they should be on the roll or not.

Mr. EASTLAND. That is the procedure.

Mr. KEATING. I think that is an adequate, full, and complete protection.

Mr. EASTLAND. That is the procedure. The referee qualifies them to vote, does he not?

Mr. KEATING. Subject to the——

Mr. EASTLAND. Wait a minute. These people are qualified to vote subject to the court's decision on the exceptions.

Mr. KEATING. First they have to be qualified under State law.

Mr. EASTLAND. Very well. Then they vote. They vote in an election. Then the court allows the exceptions and says these people are not qualified to vote. They have already influenced the outcome of an election.

Mr. KEATING. Presumably that would not be the chronology.

Mr. EASTLAND. Why would it not?

Mr. KEATING. In most cases the report of the referee would come before any election. There is a provision, in order to avoid undue delay, that on the eve of an election registrants may vote provisionally. Their votes are handled in the same way any other vote which is challenged is handled. We have challenges in every State of the Union at every election. If those challenges are sustained, those votes are not counted. Everyone is taken care of. Everyone in the State of Mississippi, South Carolina, Tennessee, New York, California, or any other State, is taken care of. Everyone is protected under the provisions of the bill. So I see nothing to worry about whatever.

Mr. EASTLAND. The Senator does not want to see anything to worry about.

Mr. KEATING. I should like to see it if there were something to worry about.

Mr. EASTLAND. The Senator is sincere in his position, but the Senator is bound to know that there might be qualification of great numbers of voters by the referee. They might cast their ballots in a primary or in an election, and the court, when it considered the exceptions, might find that they were fraudulent applicants. It seems to me that we are opening the door to fraud, and that under this proposal we would permit people to be elected and to hold office by fraudulent means.

Mr. KEATING. If the court finds fraud, the applicant's vote is thrown out.

Mr. EASTLAND. How is it thrown out after he has voted and the candidate for whom he voted is in office?

Mr. KEATING. Because under the provisions of the bill, if objection is made to his vote there is an impounding of his ballot.

Mr. EASTLAND. Suppose no objection is made?

Mr. KEATING. If no objection is made, it never comes to the attention of anyone. In any case in which someone votes fraudulently, if no one objected and it is not uncovered, there would be no way of stopping it. There have been cases of people voting fraudulently, which have never come to the attention of anyone. In other cases, such people have been prosecuted under other laws.

Mr. EASTLAND. Would not we be on sounder ground if we provided in the bill that notice be given to the county registrar, and that he be permitted to appear with counsel, cross-examine witnesses, and offer testimony, if this is a judicial proceeding? Then the referee would be in a position to find out the truth, instead of having his hands tied as to what the truth is.

Mr. KEATING. I will say, in answer to my friend, that he may be on sounder ground, from the standpoint of the views he holds with regard to the proposed legislation; but those of us who favor strengthening the voting rights of all Americans would certainly not be on sounder ground by making this proceeding an adversary proceeding, and making it even more stringent than our friend from Tennessee is seeking to do by his amendment.

Mr. EASTLAND. Let me see if I understand the Senator from New York correctly. He says this is a judicial proceeding, and the referee is a judicial officer; but he says we would be on weaker ground by permitting the county officer who is charged with discrimination and with violating the law to appear and permitting him to cross-examine witnesses and bring out the truth as to the applicant's qualifications, or to offer evidence to show that the applicant had committed perjury, if he had, so as to permit the decision to be made at that stage. If we do not do that, there may be elections in the Southern States that will be decided on the basis of perjured applications to vote.

Mr. KEATING. If the Senator favors registration by ordeal, I would probably have to say "Yes" to that question.

Mr. EASTLAND. Where is the ordeal?

Mr. KEATING. The registering authority, whatever he may be called, has full opportunity to present his case in court when the referee makes his finding.

Mr. EASTLAND. That is after the man has voted, and after the candidate is in office, after fraud is committed.

Mr. KEATING. In most cases it is before he has voted. In the few cases in which the election is impending, if there is an election even before the court passes upon the question, which is a matter of days, there is specific provision for the impounding of the applicant's ballot pending determination of the application, and his ballot, if thrown out, would not be counted, any more than would the ballot of any other person whose vote might be challenged. As we know, there are challenges in every State at every election.

Mr. EASTLAND. Mr. President, will the Senator yield for another question?

Mr. KEATING. I yield.

Mr. EASTLAND. How long before a primary could an applicant be qualified?

Mr. KEATING. That depends entirely on State law. The bill provides that in the case of an application filed within 20 days prior to an election, the court may make an order for provisional voting, but this does not affect State qualifications for voting.

Mr. EASTLAND. I cannot hear the Senator.

Mr. KEATING. I refer to the provision at the bottom of page 19, which reads as follows:

> Applications pursuant to this subsection shall be determined expeditiously. In the case of any application filed twenty or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally. In the case of an application filed within twenty days prior to an election, the court, in its discretion, may make such an order. In either case the order shall make appropriate provision for the impounding of the applicant's ballot pending determination of the application.

Mr. EASTLAND. He could be qualified 20 days before a primary, or before a general election.

Mr. KEATING. The word "primary" is not used, but I believe that "election" includes primaries. In the basic Civil Rights Act "election" includes primaries.

Mr. EASTLAND. To begin with, that provision would repeal the State statute.

Mr. KEATING. No.

Mr. EASTLAND. Of course it would.

Mr. KEATING. The Federal Government has no power to repeal valid State qualifications, nor does the Senator from New York claim that it should have.

Mr. EASTLAND. When the State provides that an applicant must register 6 months before the primary, is not the 20-day provision a repeal of the State statute?

Mr. KEATING. He must be fully qualified under State law. That is set out in the document which I hold in my hand, known as House bill 8061.

Mr. EASTLAND. Where the State statute provides for a period of 6 months, the period would be 6 months.

Mr. KEATING. That would be in reference to qualifications.

Mr. EASTLAND. With respect to the 20-day period provided in the bill, does the Senator think that is adequate time for a referee to make his report, to allow exceptions to be filed, and to have a decision by the court?

Mr. KEATING. The court decision affirming or modifying the action of the referee has come ahead of that. It is only in rare cases that an application is filed 20 or more days prior to an election, which application is undetermined by the time of such election.

Mr. EASTLAND. Where is the provision with respect to 20 or more days?

Mr. KEATING. It is found on page 19, line 20.

Mr. EASTLAND. Under the proposed statute could not an application be filed in less than 20 days?

Mr. KEATING. As I understand, the applicant cannot get the provisional voting right if his application is filed within less than 20 days, except by special order of the court.

Mr. EASTLAND. Could he get it within 5 days?

Mr. KEATING. There is a provision which states:

> In the case of an application filed within 20 days prior to an election, the court, in its discretion, may make such an order.

That is right.

Mr. EASTLAND. We have some very highly contested elections in counties in Mississippi. The same is true in other States, I am sure. In such a case only a few votes determine the winner. In my State, for example, in a supervisor election, it would be possible to swing an election by a few votes, by registering people 4 or 5 days before the election. The Senator does not mean to tell the Senate, does he, that the referee would make his report, the exceptions could be filed, and the court could decide the case within that period of time?

Mr. KEATING. Any applicants for registration must be qualified to vote under the State law. That includes their residence and other things.

Mr. EASTLAND. Suppose the registrar says a voter is qualified. Then let us suppose that a man is elected to office. The judge could then say, "The election is fraudulent," and allow exceptions. That is the box the Senator has put himself into.

Mr. KEATING. I do not consider that the Senator from New York is in any box. If the Senator from Mississippi will let him answer the questions which he has been putting to him, the Senator from New York will try to show that there is no box here that anybody is in. The applicants must be qualified under State law as to residence and other things. If an applicant comes under this law and he is held by the referee to be entitled to vote, and this has been confirmed by the court—and there is a provision that this must be determined expeditiously——

Mr. EASTLAND. Suppose it is not determined by the court?

Mr. KEATING. There is a provision which says:

> In the case of any application filed 20 or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally.

Then it says:

> In the case of an application filed within 20 days prior to an election, the court, in its discretion, may make such an order.

In other words, it gives to the court discretion in that case as to whether it will make an order to authorize the applicant to vote provisionally. We must reside some confidence in our Federal judges that they will make only such order as will be appropriate. If it is an appropriate case, then the applicant will be allowed to vote provisionally, even though he did not file his application until less than 20 days prior to the election. Then the bill provides: "in either case the order shall make appropriate provision for the impounding of the applicant's ballot pending determination of the application."

If there is anything fraudulent or improper about the action of the referee in having allowed the applicant to vote, that will all be determined after the election, and the votes will be eliminated. If the Senator's opponent, for example, has been elected by this improper voting, and it is found that the difference is three or four votes, which should be thrown out, he will be unseated and the Senator from Mississippi will be seated, although I know that the Senator from Mississippi has such a hold on the voting people of the State of Mississippi, that such a close election in his case is unthinkable.

Mr. EASTLAND. No; it is left discretionary with the Federal judge.

Mr. KEATING. In cases of under 20 days.

Mr. EASTLAND. Yes. The Senator from Mississippi maintains that that is too much discretion to place in any man's hands, because the thing sticks out so that it would be possible to elect people to office by fraudulent ballots, by ballots that are found to be fraudulent by the U.S. district court.

Mr. KEATING. If I might reply to my friend, I would say there is no discretion about the impounding of the ballots. They must all be impounded. If they are found to be improperly counted, then they are thrown out, and we are back where we started. I say to the Senator, however, that this discussion relates to a section which I am not now discussing, although I am happy to respond to my chairman's inquiries. When we get to that section, I presume my friend from Mississippi will have an amendment to change the 20 days. So we can meet that situation in due course. We are now involved with an entirely different part of the bill. If I am permitted to do so, I should like to proceed with my presentation.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. KEATING. I am happy to yield to the Senator from Florida.

Mr. HOLLAND. I just heard that part of the colloquy which related to the possible outcome of an election involving the Senator from Mississippi [Mr. EASTLAND] in which improper votes were cast against him and then those votes were cast out later by the court. I wish to remind my distinguished friend from New York that the question would not be determined there, because under the Constitution, as applicable to both the Senate and the House, the two Houses are the last judge of the election of their Members. It presents a great deal more than the hazard of the question of whether a few votes were legally or illegally cast. It would throw the matter into the lap of the Senate or the House, as the case may be, that is, whether the candidate was a candidate for the Senate or a candidate for the House. It would bring about complications much vaster than the matter of an attack in the local courts as to the eligibility of four or five voters who had cast their votes.

Mr. KEATING. I am grateful to my friend from Florida for calling my attention to the inapplicability of the illustration which I unfortunately used. I entirely agree that the House and the Senate are the last judge of the qualifications of their own Members. Rather than using the example of our distinguished colleague from Mississippi, I should have used as an illustration the sheriff of one of the counties, or someone like that, rather than a Senator or Representative in Congress.

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. KEATING. I am happy to yield to my friend from Tennessee.

Mr. KEFAUVER. I should like to show my good faith in what I said I meant by my amendment, which I wrote out in longhand in the Committee on the Judiciary, and what the intention of it was. So that there can be no misunderstanding about it, I have a newly worded amendment which I should like to ask unanimous consent to file and to have lie at the desk subject to being called up at the appropriate time. I believe it means exactly the same thing, but it may clarify some of the misgivings of the Senator from New York and others about certain language.

I stated in our colloquy that it would be satisfactory to me to change the wording in the committee amendment in order to carry out the intention. I offer this new amendment and ask that it be printed, lie on the desk, and be read.

The PRESIDING OFFICER (Mr. McGEE in the chair). The amendment will be received, printed, and will lie on the table; and without objection, the amendment will be read.

The LEGISLATIVE CLERK. On page 17, lines 19 to 25, it is proposed to strike out everything between the word "law" on the line 19 down to and including the word "Proceedings" on line 25, and insert the following in the place thereof: "In a proceeding before a voting referee, the applicant shall be heard ex parte: *Provided, however*, notice of the proceeding shall be given, the proceeding shall be held in a public office, and the State or county registrar or his counsel shall have the right to be present and make a transcript of the proceeding."

Mr. KEATING. Mr. President, the Senator from Tennessee heard the colloquy with the Senator from Mississippi, who, I am certain, will be as unhappy about this amendment, or proposed change, as I am, but for differing reasons. The Senator from Mississippi felt that this should be an adversary proceeding before the referee.

Mr. KEFAUVER. I heard the colloquy.

Mr. KEATING. I think the amendment is an improvement over the original wording, because it provides that the proceeding shall be ex parte. It does not leave that wording out. But I still oppose the amendment because of the other provisions.

Mr. KEFAUVER. I understand the position of the Senator from New York; but I wanted to show that this was what I meant, in better language, I assume.

I may state also that this is a matter of fundamental importance to a great many of us. I assure the Senator from New York that my offering of the amendment was not for the purpose of impeding, holding back, or trying to scuttle the bill. During the 21 years I have been in Congress, I have always taken the position— as I am certain the Senator from New York has—that proceedings where the public could not be present, particularly where the person who was being talked about was not present, were not proper. I have taken that position in security cases which involved the discharge of employees as a result of information filed against them.

I call the Senator's attention to a very recent statement of the general principle of American jurisprudence on this very subject. I am certain the Senator knows well the case of Wiliam L. Greene against Neil M. McElroy and others, decided by the Supreme Court of the United States on June 29, 1959, in which the opinion was delivered by Chief Justice Warren. This was an industrial security case, and the question was whether persons should have the right to be present.

I should like to read one paragraph from the decision:

> Certain principles have remained relatively immutable in our jurisprudence. One of these is that where governmental action seriously injures an individual, and the reasonableness of the action depends on fact findings, the evidence used to prove the Government's case must be disclosed to the individual so that he has an opportunity to show that it is untrue. While this is important in the case of documentary evidence, it is even more important where the

evidence consists of the testimony of individuals whose memory might be faulty or who, in fact, might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice, or jealousy. We have formalized these protections in the requirements of confrontation and cross-examination. They have ancient roots. They find expression in the sixth amendment which provides that in all criminal cases the accused shall enjoy the right "to be confronted with the witnesses against him." This Court has been zealous to protect these rights from erosion. It has spoken out not only in criminal cases, e.g., *Mattox* v. *United States* (156 U.S. 237, 242–244); *Kirby* v. *United States* (174 U.S. 47); *Motes* v. *United States* (178 U.S. 458, 474); *In re Oliver* (333 U.S. 257, 273), but also in all types of cases where administrative and regulatory action were under scrutiny. E.g., *Southern R. Co.* v. *Virginia* (290 U.S. 190); *Ohio Bell Telephone Co.* v. *Commission* (301 U.S. 292); *Morgan* v. *United States* (304 U.S. 1, 19); *Carter* v. *Kubler* (320 U.S. 243); *Reilly* v. *Pinkus* (338 U.S. 269). Nor, as it has been pointed out, has Congress ignored these fundamental requirements in enacting regulatory legislation. *Joint Anti-Fascist Committee* v. *McGrath* (341 U.S. 168–169 (concurring opinion)).

I know that the factual situations are not the same; but I refer to the statement of the general trend in our jurisprudence to try to have public hearings in public offices; and if someone's dereliction is being talked about, then to give him at least an opportunity to be present.

Chief Justice Warren also said, that there should be the right of cross-examination. Of course, that is a right we have not asked for in the nonadversary proceeding which was sought in the amendment.

Mr. KEATING. I assure the Senator from Tennessee that my views on the right of due process are firm and in that respect, the Senator from Tennessee and I are in complete agreement. However, the bill as drawn, I reiterate, gives to everyone the opportunity to be heard and to have his case presented when the matter is passed upon by the court. It is not necessary to go through that procedure twice. It is not only not necessary; it is not desirable. It would frustrate the purpose of the entire voting referee provisions and would lead to possible serious abuses of this provision of the law.

Mr. KEFAUVER. Mr. President, will the Senator further yield?

Mr. KEATING. I yield.

Mr. KEFAUVER. I have heard the Senator from New York say on a number of occasions that the applicant will be going through the procedure twice. I think the Senator must have something else in mind. The Senator does not contend that the person who presents himself before a Federal referee for the purpose of registering will be the person who has gone through the original case upon which the pattern of discrimination has been found.

Mr. KEATING. No; these are separate people of the same race or color as those involved in the original suit, where the pattern or practice of discrimination was found to exist.

Mr. KEFAUVER. But is it not true that the particular applicant who is seeking to be registered goes through the judicial procedure only once?

Mr. KEATING. Yes. He must have already tried to register, but without success.

Mr. KEFAUVER. Yes, that is true; but he does not go through the court twice, as the Senator's remarks might be interpreted.

Mr. KEATING. Under the Senator's amendment, the applicant goes through two proceedings, one of which is now designated by the Senator's revised amendment as a nonadversary proceeding, and then through the court proceeding, which, of course, is an adversary proceeding. Only one trial is required by due process in any case. Perhaps he would not actually try his case under the amendment the Senator has now placed on the desk. But the applicant would be confronted by the fellow who refused to register him previously, and that man's lawyer would be there breathing down his neck in a nonadversary proceeding, with most of those in the streets outside and in the room where the case is being heard, while not adversary in the sense we use it in the law, would, in fact, be adverse to the registration of the particular individual.

Mr. KEFAUVER. Ordinarily, State officials give notice that registration will start at, say, 9 o'clock on April 10, and continue at 9 o'clock on every day thereafter. That is the kind of notice I had in mind. But I think we ought to make it clear that, for instance, in the Senator's State four Puerto Ricans might bring suit against the election commissioners, claiming that as a class or as a race they were denied the right to vote. In the original proceeding, if they were qualified, the judge would register them at that time. Then any other Puerto Rican who might be denied the right to vote, because he could not speak English or because of his age, or whatever the reason might be—I believe the ability to speak English is a requirement in the State of New York—would not have to go into court; he would go to the referee, and the referee would take the information. Then a report would be made to the court; exceptions might be made; and the court would have to make a finding in those proceedings.

Mr. KEATING. That is not true in the case to which the Senator has referred, which is a case in court. The Senator from Tennessee is joining the chorus of those who would try to draw a comparison between the denial of the right of a person to vote on the ground of race or color and the case of the Puerto Ricans in New York. I remind the Senator from Tennessee that in the New York case, the Puerto Ricans are claiming that the State law which requires that a person be able to read or write English in order to vote is unconstitutional. I assure the Senator from Tennessee, knowing the State officials of New York as I do, that if the Supreme Court held that such a requirement was not within the confines of the Constitution, the laws of the State of New York would be changed to conform with the decree of the Supreme Court. Anyone who has been deprived of the right to vote by illegal means will, when that fact has been ascertained by the Supreme Court, be given the right to vote. There is no parallel between the case of Puerto Ricans in New York and citizens in other States who are denied the right to vote on account of race or color. In the Puerto Rican case there is no allegation that there was a denial of the right to vote on account of race or color.

Mr. KEFAUVER. So far as I am concerned, I think every qualified citizen—whether he be of Puerto Rican ancestry or of any other ancestry should be allowed to vote. But, if a pattern of discrimination against Puerto Ricans can be shown—although I am glad to hear the Senator from New York say he believes no such discrimination can be shown, this provision would apply as to them.

Mr. KEATING. There is an allegation that the New York statute which requires that a citizen who wishes to vote must be able to read and write English is unconstitutional.

Mr. ALLOTT. Mr. President, will the Senator from New York yield to me?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Colorado?

Mr. KEATING. I yield.

Mr. ALLOTT. I have been examining the new amendment the Senator from Tennessee has submitted. First of all, I wish to state that I am opposed to the so-called Kefauver amendment which previously was before the Senate.

The new Kefauver amendment raises two questions in my mind. One of the questions is purely legal, and the other is partly legal and partly philosophical.

Mr. KEATING. The Senator from Colorado is an expert in both law and philosophy, Mr. President.

Mr. ALLOTT. Mr. President, I appreciate the kind words of the Senator from New York, but I am not entitled to them.

The new Kefauver amendment provides:

> In a proceeding before a voting referee, the applicant shall be heard ex parte; provided, however, notice of the proceeding shall be given, the proceeding shall be in a public office.

In his previous amendment, the Senator from Tennessee called for 2 days' notice, did he not?

Mr. KEATING. Yes.

Mr. ALLOTT. What would be the Senator's opinion with respect to the clause of the new amendment of the Senator from Tennessee "notice of the proceeding shall be given"?

The only interpretation I can make of it is that it would be necessary to hark back to the Federal code of civil procedure, in order to determine what was "notice." Does the Senator from New York have any different idea on that point?

Mr. KEATING. I think a court might well adhere to the rules of procedure, which of course would require much more than 2 days' notice—if that is the point the Senator from Colorado has in mind.

Mr. ALLOTT. Yes; that is exactly the point.

I am not sure what the Federal law on this point is. I know that in Colorado we have statutes which simply require that notice be given. Our Supreme Court has held again and again that "notice" refers to the notice which is required under the code of civil procedure. And since the amendment follows rather closely the Federal statute as to procedure, I assume that the "notice" referred to in the amendment can be interpreted only in light of the requirement of the Federal code.

Mr. KEATING. I do not know that the court would be limited to the Federal Code requirement. I would think that if we did not prescribe the length of notice, the amount of notice required would presuably be more than 2 days' notice—sufficient notice to afford ample time to "get out the band" and all the other paraphernalia which would accompany a proceeding in connection with the registering of such an applicant.

Mr. ALLOTT. I am inclined to believe that under this interpretation, the referee in such a case would have no freedom of choice at all, but would be required to give the notice called for by the Federal Code.

Mr. KEATING. That might well be.

Mr. ALLOTT. The other matter which bothers me somewhat, in connection with the new amendment of the Senator from Tennessee, is in connection with the following part of it:

> And the State or county registrar or his counsel shall have the right to be present and make a transcript of the proceeding.

We understand what is meant by the words "and the State or county registrar or his counsel shall have the right to be present." I do not think that provision would give them the right to an "appearance," as that is known in the law.

But I wonder whether the purpose of this part of the amendment would be just as well met if the amendment were to read "shall have the right to be present and shall be provided with a transcript of the proceeding."

I wonder why this amendment would give the State or the county registrar or his counsel "the right to be present and make a transcript of the proceeding" himself.

Mr. KEATING. I do not know why the amendment is worded in that way. However, that part of it is worded in the same way as the original amendment of the Senator from Tennessee.

Let me say that I do not agree with my friend, the Senator from North Carolina [Mr. ERVIN], who invoked the well known maxim expressio unius est exclusio alterius with regard to making a transcript of the proceeding. I do not think that provision would require the registrar or his counsel to sit there like a bump on a log and not say a word, if the referee thought best to hear him in extenso.

Mr. ERVIN. Mr. President, will the Senator from New York yield?

Mr. KEATING. Mr. President, I have mentioned by name my distinguished friend, the Senator from North Carolina; therefore, I now yield to him.

Mr. ERVIN. Will the Senator from New York agree with me on the proposition that in this entire bill of 21 pages, the only provision which requires the taking down of any oral testimony before a voting referee is the one to be found in lines 6 and 7, on page 18, reading as follows:

> If—
>
> The testimony of the applicant is—
>
> oral, it shall be taken down stenographically and a transcription included in such report to the court.

Mr. KEATING. That is the normal procedure. The referee would then report to the court; and the court could either accept or modify or refuse to accept the report of the referee.

Mr. ERVIN. But my question is whether the Senator from New York will agree with me when I say that those are the only words in all the 21 pages of the bill that require the referee to take down any oral testimony whatsoever, and when I also say that those words are restricted to the oral testimony of the applicant solely in connection with a literacy test or an understanding of other subjects.

Mr. KEATING. Well, the report would not be made by the referee by whispering into the ear of the court. The report must be made in writing.

The requirement does not have to be put in any law that the report of the referee upon which the courts acts must be a written document; and he cannot make a written document unless he has written down the answers of each one of the persons who has come before him.

Mr. ERVIN. Mr. President, everyone is entitled to three strikes at bat. I will ask the Senator a third time if he will not agree with the Senator from North Carolina that the words in reference to the oral testimony of the applicant concerning the literacy test are the only words in this entire bill which require the referee to take down any testimony that is given orally.

Mr. KEATING. I do not think this bill purports to completely cover everything that any judicial officer shall do. Title VI is the only part relating to referees. The rest of it has nothing to do with the referee section. Title VI sets forth in full what he will do, which is to make a report to the court; and he cannot make a report to the court unless he knows what he is reporting. He has to have in his report all the details which show that the applicant has qualified under State law, and all the details of age, residence, and prior efforts to register—which is another requirement. Then the section provides the answer of the applicant as to proof of literacy or understanding of other subjects—whatever that means—shall be included in the report. And if he has taken it orally in his office, he must have a stenographic transcription of it. It is not necessary to have a stenographic transcript of what the man told him as to age, residence, and prior efforts to register. Therefore, he can write down, in his own handwriting, his answers to those questions.

Mr. ERVIN. Since I have pitched to the Senator from New York three times, and he has hit three fouls, I am going to pitch to him a fourth time.

Mr. KEATING. That is not permitted under baseball rules.

The PRESIDING OFFICER. The Chair rules that the baseball season has not officially opened. [Laughter.]

Mr. ERVIN. I should like to ask the Senator from New York, for the fourth time, whether or not he will agree with the Senator from North Carolina that the only provision in this bill requiring a voting referee to take down any oral testimony given before him is the provision contained on lines 6 and 7 of page 18, which merely requires him to take down the oral testimony of the applicant concerning a literacy test.

Mr. KEATING. Is the Senator referring to the bill with or without the Kefauver amendment?

Mr. ERVIN. I am referring to the bill which the Senator has in his hand and which I have in my hand.

Mr. KEATING. The bill in my hand contains the Kefauver amendment, which I hope we are going to strike out.

Mr. ERVIN. I assure the Senator from New York I am not asking him about the Kefauver amendment right now, but I am asking him, for the fifth time, if he does not agree with the Senator from North Carolina that the only provision in this bill which requires the voting referee to preserve any oral testimony is the provision of lines 6 and 7 on page 18, and I will ask him if that provision is not restricted solely to the oral testimony of the applicant concerning a literacy test and his knowledge required of other subjects.

Mr. KEATING. The Senator from North Carolina is greatly worried about the amount of writing which a referee has to do. The referee has to write out, under the Kefauver amendment, notice of the time and place of hearing. It says "written notice." He has to write out the age, residence, and prior efforts of the applicant to register. Any referee who was in full possession of his faculties would not try to register these people without making a record of what they told him about their age, residence, and prior efforts to register.

One of the other qualifications which some of the States require is proof of literacy, and some of them require understanding of other subjects. I do not know exactly what is meant by that, but I assume it has some meaning. But if the latter qualifications, literacy and understanding of other subjects, are required and are valid provisions of State law, then the answers of the applicant must be taken down either in writing or by stenographic transcription, and the stenographic transcription in that event must be included in the report to the court.

If the Senator from North Carolina would be made happier by a statement from me that I do not observe any other point in this bill where the referee is required to pull out his pen or his pencil and write down anything, I shall be happy to make that concession to my friend from North Carolina.

Mr. ERVIN. I would like to have the Senator from New York show me anywhere in this bill where it says the referee has to take down any of the testimony of anybody except the testimony of the applicant, and where the referee is not restricted solely to the testimony of the applicant concerning his literacy test or knowledge of other matter required.

Mr. KEATING. I can assure my friend from North Carolina that if a referee is appointed in the State of New York, and is required to be appointed under this law, he will write down all of these things in order to make a proper report to the court; and I concede to the referees of the great State of North Carolina the same amount and degree of intelligence and fidelity to their task that I do to the referees who will be appointed in the State of New York.

Mr. ERVIN. My good friend from Colorado likes to use the words "vain and futile," and having found it vain and futile to get an answer from the Senator from New York to the question which I have put to him six times, I will ask him no longer.

Mr. KEATING. That is certainly a great relief to the Senator from New York, who does not wish to engage in or be a party to any delaying proceedings. There is a desire to get to a vote, and I shall not yield any further until I have completed my remarks.

Mr. President, we were discussing the allegation that this proceeding before a referee is a star chamber proceeding. The vices of a star chamber proceeding are well known. They are, first, that the defendant was forcibly brought before a secret tribunal. Second, that the defendant could then be sentenced to imprisonment or death. Third, that the defendant had no right to appeal from the decision of the secret tribunal.

There is no possible comparison between a star chamber proceeding and the ex parte hearing before a voting referee—with which we are dealing here. First, the Negro applicant has applied voluntarily for relief. Second, if the referee finds against him, the applicant is certainly no worse off than he was before he made his application. Third, exceptions to the findings of the referee may be taken by any party to the litigation, and any party taking such exceptions will receive a hearing thereon in open court.

The Senator from Tennessee has now eliminated the word "appear," which is pretty much a word of art and, in my judgment, would have made the original proceeding an adversary proceeding, as the distinguished Senator from Mississippi has said he thinks it should be. It is now said by the Senator from Tennessee to be a nonadversary proceeding. Certainly the original language was, at best, ambiguous.

The narrow meaning of the language as it now appears is that State officials are to be given the right to be present in the hearing in the narrowest sense. I do not accept this as the probable meaning, but even if we put in the words "but only to make a transcript," their presence would be for the sole purpose of making a transcript of the proceeding. If this is all that is intended, the amendment is wholly unnecessary, since under the bill before us, which came from the other body, a report of the proceedings is to be made to the court and the proceedings as to literacy and as to this understanding of other subjects are to be actually written down.

If the remarks are taken down stenographically and transcribed they must be transmitted to the court in that form in the referee's report, and they must be served on the chief legal officer of the State and each party defendant. Thus, the only effect of permitting State officials to be present at such a hearing would be to contribute to the official pressures which have already been found by the court to have deprived persons of that race or color of their constitutional rights.

The House bill fully protects the rights of the State and of its officials.

This may be repetitious, but it cannot be said too often, in the light of some of the allegations made by those who support these amendments: A referee cannot even be appointed until there has been a full judicial proceeding in which it has been found that persons have been deprived of their rights under the 15th amendment and that such denials have been a part of or pursuant to a pattern or practice. Moreover, the State and its officials are to be afforded an opportunity to take exceptions to the legal and factual bases for the referees findings and to receive a hearing before the court on those exceptions if they raise a material issue.

To permit another proceeding before the referee as well would clearly provide another opportunity to bring about harassment and trouble for this lone individual who is seeking to get the right to cast his vote, guaranteed to him by the Constitution of the United States. It would delay, obstruct and harass the entire operation of the voting referee provision.

Even assuming the utmost good faith on the part of State officials, such a proceeding would certainly be completely unnecessary. If those State officials or those acting in concert with them were in a particular instance not acting in good faith, this could result in a complete frustration of the proceedings under this section. That is the reason why the Attorney General who has been so interested in working out a plan for the enfranchisement of those who have been denied in so many areas the right to vote, is so emphatic in his statement that the language in line 20 on page 17, the original language, which says that "the applicant shall be heard ex parte," should be retained. Regardless of the meaning of the ambiguous portion of the amendment, which, as I concede, has largely been cleared up by the revision, in any event it would force the individual who is trying to vote to take three steps to qualify to vote.

First, he would have to try to qualify before the State official. Then he would have to apply to the Federal court. Then he would have to return to the referee for the hearing.

The two-step procedure under the House bill may be justified, although I hope that it will be the subject of modification by another amendment.

The three steps required by the Kefauver amendment certainly constitute a wholly unreasonable prerequisite to the exercise of the right to vote.

Mr. President, one sure means of discouraging Negroes from even attempting to avail themselves of this legislation, if it shall be enacted, would be to announce that before they can hope to vote they will be subjected to a number of trials and hearings, with repeated cross-examination, while other citizens continue to be allowed to vote simply by presenting themselves to the State registrar. In other words, these people are required to appear, whether or not they are subjected to cross-examination, in a room full of people who may well be hostile to what they are seeking to accomplish and who may have, by concert outside, banners indicating it is not desirable for these people in their own best interests to try to register, they would be subjected to a kind of harassment which is certainly not in conformity with what was intended by the voting referee provision. It is unequal treatment. It is not the treatment accorded to others who seek to vote. The kind of unequal treatment, in my judgment, envisioned by the amendment, is completely intolerable. I hope the amendment will be rejected.

Mr. HART. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. CARROLL].

Mr. ERVIN. Mr. President, when I hear all the argument from lawyers who oppose letting a litigant be present when the case against him is tried, I am reminded of an event which is reputed to have happened in Mecklenburg County N.C., many years ago.

One of the most famous lawyers in Mecklenburg County was a Mr. Charles W. Tillett. A young lawyer whom I shall call John Doe brought a suit against the Western Union Telegraph Co., which was one of Mr. Tillett's clients. The young lawyer, John Doe, filed a somewhat vague complaint against the Western Union Telegraph Co., and Mr. Tillett applied to the judge for an order requiring the plaintiff to appear and show cause why he should not make his complaint specific in several respects.

After he issued a notice to show cause, the judge happened to meet the plaintiff's lawyer, John Doe, and he said. "John, why don't you go ahead without putting me to the necessity of having a hearing, and amend your complaint in the specific ways in which Mr. Tillett wants it amended?"

Whereupon, John Doe said, "Judge, if old man Tillett thinks I am going to tell him what this lawsuit is about, he is a blamed fool." [Laughter.]

This is the most unusual argument I have ever listened to from lawyers, and especially from lawyers who profess to have some reverence for the concept of due process of law. They oppose giving the State election official who is being tried an opportunity even to be present at a hearing and to take down the evidence against him, so that he may know what it is that he has to answer.

This is another illustration of what virtually always characterizes the legislative proposals of those who advocate civil rights bills. The first thing they do is to adopt a general presumption that every member of the Caucasian race who happens to reside below the Mason-Dixon line is a dishonorable character, and that the southern people are so dishonorable that they should be denied basic constitutional and legal rights guaranteed to all other Americans.

I have heard the people of the South described by Senators who have spoken here today, and I can truthfully say that the description they gave of those people does not fit any of the constituents I have the honor to represent in the Senate with my colleague. I cannot identify them by such descriptions.

But, having come to the conclusion that all the members of the Caucasian race residing below the Mason-Dixon line are such disreputable and dishonorable people, the proponents of civil rights legislation then take the next step and say that they are not even entitled to the basic constitutional and legal safeguards guaranteed to all Americans, and which we are willing to accord to murderers, dope peddlers, smugglers, kidnappers, and everyone else charged with any other offense against the laws of this country.

I challenge anyone to deny the statement that there is not a single Member of the Senate seeking to strike out the Kefauver amendment to the bill who would be willing to take that position if the only question involved was the guilt or innocence of crapshooters in a 15-cent crap game. They would concede that the crapshooters were entitled to the benefit of due process of law. They would concede that the crapshooters were entitled to know what the accusation against them was. And yet they stand on the floor of the Senate and say that the rights which they would give to murderers, dope peddlers, robbers, burglars, thieves, and crapshooters should be taken away from State and local officials in the South, and presumably nowhere else—because this is pictured as a sectional bill.

I am glad that we have a Constitution; and I am glad that one of the principles laid down in that Constitution is the principle which is found in the fifth amendment:

> No person shall be deprived of life, liberty, or property, without due process of law.

That is the constitutional provision which is binding upon the Federal Government and is binding on Congress when Congress undertakes to exercise the legislative power of the Federal Government.

Let us see what is meant by the expression "due process of law," which the Fifth amendment requires the Federal Government and Congress, when Congress is exercising the legislative power of the Federal Government, to observe in respect to all persons.

The essential elements of due process of law are notice and an opportunity to be heard and to defend in an orderly proceeding adapted to the nature of the case before a tribunal having jurisdiction of the cause.

What is involved in the Kefauver amendment is the question of whether we are going to pay lip service to the due process clause of the Fifth amendment, or whether we are going actually to make the due process clause a living force in the enforcement in this particular bill in respect of the provisions dealing with voting referees, and, I might add, with respect to the provision dealing with those instances where the applications are passed on by the court rather than the referee.

In so far as the proceeding before a voting referee is concerned, we have a very peculiar provision. There are these stages in the proceedings before the referee:

First, a voter of the race of those who have been found to be discriminated against, but who has not been discriminated against himself because of his race or color, must make an application to the referee.

Second, the referee must conduct a hearing on the application. However, under the terms of the original bill this hearing is to be ex parte.

Third, after the referee has conducted this ex parte proceeding, he makes a report to the court, which report is in effect the judgment of the referee.

Fourth, the court thereupon issues a notice to show cause to the State official, which notice to show cause for the first time acquaints the State official with the judgment of the referee.

Fifth, the State official is then permitted to file exceptions to the referee's report and have a hearing before a judge, unless the judge takes the peculiar action which is authorized by this provision of the bill—and I read from line 23 on page 18 to line 2 on page 19:

> The issues of fact and law raised by such exceptions shall be determined by the court or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court.

Under that provision of the bill it is quite possible that the State official never does have a hearing before the judge. This is true because this provision of the bill authorizes the judge to send the matter back to the referee and to let the referee pass on the question of whether he, the referee, has committed an error of law. I would dislike to have to try a case before a man who had already decided the case, when the only chance I would have of winning the case would be the finding by that man that he had made a mistake when he tried the case in the first place. Yet that is the procedure that is possible under the pending bill.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. ERVIN. I am glad to yield to the distinguished Senator from Mississippi.

Mr. EASTLAND. When an applicant is registered by the referee, he can vote, can he not?

Mr. ERVIN. Oh, yes. That is, the bill provides that he has to get an order which entitles him to vote, which the State officials must recognize and abide by. This order can be issued by either the judge or the referee, if the judge permits it.

Mr. EASTLAND. Is it not correct to say that the first time it can be challenged is when the exceptions are filed to the referee's report?

Mr. ERVIN. Yes; that is the first time the State officials know that there is any proceeding at all in existence.

Mr. EASTLAND. That is correct. That could be after the election, or after the primary, or after the person who was registered had voted, and his vote had been counted.

Mr. ERVIN. That is correct.

Mr. EASTLAND. Is it not true, then, that in a close election, which frequently takes place for county and district offices in the various States, a judge could hold that the testimony was perjured and rule that the voter was ineligible, yet the person could have been elected to office by voters who were not qualified?

Mr. ERVIN. That is correct.

Mr. EASTLAND. In fact, a person could be elected to office and could hold office, although he had secured the office by virtue of perjury.

Mr. ERVIN. That is entirely possible.

Mr. HART. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. HART. I should like to ask the distinguished Senator from North Carolina how he interprets the language at the bottom of page 19 and the top of page 20, which, in brief, provides that if an application is filed 20 or more days before an election, but is not determined at the time of the election, the applicant is permitted to vote provisionally; and that in the case of an application filed less than 20 days before an election, the court may make such an order provisionally. Then the language beginning on line 25, page 19, reads:

> In either case the order shall make appropriate provision for the impounding of the applicant's ballot pending determination of the application.

Am I wrong in assuming that the vote would be set aside pending a decision as to whether it was or was not cast by a qualified voter?

Mr. ERVIN. I think that under this provision, after the election was over, there could be a contest of the vote. The voter having voted, there could be a controversy. However, under the existing State law, the right of a voter to vote is finally determined before election day rolls around.

What I have said about the different steps in this procedure makes this clear: The application is filed with the referee; a hearing is held by the referee in the absence of the party who is charged with having violated the law; the referee makes his decision and sends his decision to the judge before the State election official even knows that the proceeding has been brought. That is absolutely antagonistic to any sense of the due process of law. It is almost like saying that after the horse has been stolen from the stable, the State election official can come and look in and see the empty stall.

The Senator from Tennessee [Mr. KEFAUVER] made a very able argument for his amendment. During the course of his argument, he said, I believe, that public business ought to be transacted in public. That is all that the Kefauver amendment undertakes to do. It merely provides for a hearing to be held in a public office.

Why does anyone object to having a hearing concerning a public matter held in a public office? I should think that every Member of the Senate would favor the proposition that the public business ought to be transacted in public, and that any hearing affecting a public matter should be held in a public office.

The constitution of North Carolina, in section 35, article 1, provides: "All courts shall be open."

A similar provision is contained in the constitutions of virtually all the States of the Union. The people who drew the constitution of North Carolina and the people who drew the constitutions of the other States said that all judicial proceedings should be conducted in courts, and that the courts should be open to everybody.

The reason why provisions of this character were incorporated in the constitutions of virtually all the States of the Union comes out of history. It comes out of the history of the English-speaking race. The men who drew the constitutions of the States knew that there had been at one time in England a court of star chamber, in which the proceedings were conducted in secret, and to which the public was denied admittance.

The persons who drew the constitutional provisions knew that tyranny uses the forms of law to destroy those who oppose her will, and they were determined that the courts should be open to the public, and that judicial proceedings should not be conducted in secret.

But those who operated the star chamber court in England were not quite so inimical in their attitude toward the administration of justice as are those who insist on the enactment of this bill in its original phraseology. This is true because those who operated the star chamber courts in England allowed those who were being tried to come into court and be present.

When the Deputy Attorney General of the United States, Judge Walsh, was before our committee, I put to him a question concerning the following provision of the bill:

> In a proceeding before a voting referee, the applicant shall be heard ex parte.

I asked the Deputy Attorney General of the United States if under that provision of the bill it was not true that only three persons would have to be present: First, the voting referee; second, the applicant; and third, the stenographer.

Judge Walsh said that that was a correct interpretation of that clause. Why should anyone object to a person who has been charged with misconduct being present when the charge is made against him? Why should anyone who believes in justice say that the man should not even be allowed to know what charge was pending against him, until the case had been tried by the referee and until the referee had filed his report?

Mr. President, I insist that the public's business should be transacted in public. I insist that it should be transacted in a public place. I insist that in any system of justice which conforms to the due process clause, those who are to be affected by a judicial proceeding shall have an opportunity to be present when the evidence against them is taken and when the decision against them is made. That is all that the Kefauver amendment provides for. It does not even give the State election official the right to cross-examine the witnesses or to present evidence. It merely gives him the right to insist that he shall be notified, that the hearing shall be conducted in a public place, and that he may make a transcript of what happens at that place.

Mr. President, I have discussed at some length the fact that all the Kefauver amendment does is try to require that the business of the public be transacted in public and at a public place, and that the party who is to be affected by the judgment be allowed to find out what the business is about.

Mr. KUCHEL. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I yield.

Mr. KUCHEL. I wonder if the Senator will tell us what the bill provides shall be done with the report made by the referee, with or without the Kefauver amendment.

Mr. ERVIN. Yes. I have already told the Senate.

Mr. KUCHEL. I want to be sure I understand it. Will the Senator indicate what happens to that report?

Mr. ERVIN. The first thing that happens is that an application is filed by the person who wishes to vote. There is a hearing on that application held by the voting referee, which hearing is held ex parte. That means the only people who have the right to be there are the referee, the applicant, and the stenographer. The third thing that happens is that the referee makes his decision, puts it in his report, and files the report with the judge. The fourth thing that happens is that the judge issues, to the State official and the attorney general of the State, a notice to show cause, and gives them the opportunity to be heard, either before himself, or he may send it back to the same voting referee, and let him pass on the question whether he has committed an error.

Mr. KUCHEL. My friend certainly has a right to his opinion with respect to the validity of the Kefauver amendment, but I respectfully differ with him. The point I make is, that after the referee's report is made, with or without the Kefauver amendment, there is adequate opportunity, is there not, for any parties to the dispute to be heard?

Mr. ERVIN. There is no adequate opportunity. There is a pretended opportunity to be heard on the report of the referee, but the man does not have the evidence that was taken before the referee and he does not know what the evidence is, and he cannot contest it, not knowing it, because there is no requirement in the bill that when the referee takes the evidence he shall have any of the evidence reduced to writing, except the oral evidence of the applicant concerning his literacy or his understanding of other subjects. That provision appears clearly on lines 2 through 7 on page 18 of the bill. That is the only thing taken down. In other words, the case is tried on oral evidence, and none of the oral evidence is taken down except the oral evidence on this one point.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. EASTLAND. After hundreds of people had voted, the court could find they had voted illegally. Is that correct?

Mr. ERVIN. That is correct. One of the most crucial questions under this bill has to be determined solely upon the basis of the evidence of the applicant. This is the first time in my experience, since I started to study law, it has ever been suggested that when we start to decide a matter in controversy, we shall hear the evidence only of one side, and that the other side shall not have the privilege of introducing any evidence whatsoever. That is provided with respect to the applicant's literacy qualification, as appears on lines 5 to 7 of page 19, which reads:

> The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

In other words, on a most crucial phase of the controversy, the only evidence that can be considered—the court cannot hear any more evidence—is the evidence of the applicant which is taken down ex parte by the stenographer at the hearing, from which the State election official is excluded.

Is not that a proposition? What would anybody think or say if I were to introduce a bill providing that, in any suit for libel against a newspaper in the District of Columbia, the evidence of the people suing the newspaper for damages for libel should be taken down in secret, at a meeting from which the newspaper and its lawyers were excluded, and providing further—since the truth is a defense to libel—that the truth or falsity of the libel should be determined solely on the basis of the testimony of the people suing, taken in secret or at an ex parte hearing, and that a newspaper would not be allowed to introduce any evidence on that point?

Yet, that is precisely what this bill does so far as election officials are concerned. I can imagine what a newspaper would say about a bill of the character I have outlined. Yet that is precisely the effect of the pending bill with respect to election officials. The only thing I can hope is that if such a provision as that becomes law, what the courts have said in the past about matters of this kind will be said in the future.

State election officials would not be allowed to introduce any evidence whatsoever on the question of applicant's literacy qualifications or matters of that nature.

I wish to read to the Senate from 12 American Jurisprudence, Constitutional Law, section 621, at pages 313 and 314:

> The right under the due process clause to a full hearing includes the right on the part of the party whose rights are sought to be affected to introduce evidence and have judicial findings based on it. A party has the right to the opportunity, when in court, to establish any fact, which, according to the usages of the common law or provisions of the Constitution, would be a protection to his property or his liberty.

Notwithstanding the fact that the courts have held that the due process clause entitles a litigant to the right to introduce evidence on any issue in the case, this bill provides that the State election official shall not be allowed to introduce any evidence whatever on the question of the applicant's possession of literacy qualifications, and qualifications of that kind; but that, on the contrary, the issue shall be determined solely on the basis of the applicant's evidence.

While I am not going to discuss at length the violation of the due process clause of the fifth amendment by the provisions of this bill which begin on line 1 at the top of page 16 and go through line 12 on the same page, I wish to point out that after the adversary proceeding is heard and after an adjudication of a pattern or practice of discrimination has been found, then the judge can proceed to act as a registration official and order persons registered to vote without giving any notice whatever to the State election officials and without giving them any opportunity to be heard, and the violation of the due process clause of the fifth amendment in this respect is even more flagrant than it is with respect to the proceeding before the voting referee.

It was contended by the Deputy Attorney General before the committee that the Federal rules of civil procedure, binding on the Federal courts, would be applicable to this hearing before the judge. I deny that. The provisions of the rules of civil procedure for the Federal district courts are wholly incompatible with the provisions of this bill in respect to the power of the judge to pass on applications after the rendition of the judgment in the adversary proceeding. This is true, among other things, because there is no provision for any summons. There is no provision for any notice. Furthermore, the judge is required by the bill to make a final decision on an application before the time of the defendant for answering expires under the rules of civil procedure governing the Federal district courts.

This is not a civil case under the rules of Federal procedure. It is not a civil case and it is not a civil controversy under section 2 of article III of the Constitution, which says that the judicial power of the United States can only be exercised in civil cases or controversies. Civil cases or civil controversies have been interpreted by the courts to be cases or controversies where there are adverse parties litigant.

One of the parties litigant in this case, under part of the procedure set up with respect to the judge passing on applications, would not be permitted even to know that the applications were filed.

Mr. President, I could argue the point for an hour, but I shall not do so at this particular time. I could show at least 20 different reasons why the Deputy Attorney General is necessarily wrong in expressing the view that the rules which govern the Federal district courts in civil cases apply to the hearings before the judge upon applications. They cannot possibly apply.

It is well established by the decisions of the Supreme Court of the United States that whenever we establish a new kind of procedure we have to provide for notice and an opportunity to be heard, in order to comply with the provisions of the due process clause; in the case of the States of the 14th amendment, and in the case of the Federal Government of the fifth amendment.

Mr. President, I read, on this point, the following from the case of *Coe* v. *Armour Fertilizer Works* (237 U.S.), at pages 424 and 425:

> Nor can extra-official or casual notice, or a hearing granted as a matter of favor or discretion, be deemed a substantial substitute for the due process of law that the Constitution requires. In *Stuart* v. *Palmer* (74 N.Y. 183, 188), which involved the validity of a statute providing for assessing the expense of a local improvement upon the lands benefited, but without notice to the owner, the court said: "It is not enough that the owners may by chance have notice, or that they may as a matter of favor have a hearing. The law must require notice to them, and give them the right to a hearing and an opportunity to be heard." The soundness of this doctrine has repeatedly been recognized by this court. Thus, in *Security Trust Co.* v. *Lexington* (203 U.S. 323, 333), the court, by Mr. Justice Peckham, said, with respect to an assessment for back taxes: "If the statute did not provide for a notice in any form, it is not material that as a matter of grace or favor notice may have been given of the proposed assessment. It is not what notice, uncalled for by the statute, the taxpayer may have received in a particular case that is material, but the question is, whether any notice is provided for by the statute" (citing the New York case). So, in *Central of Georgia Ry.* v. *Wright* (207 U.S. 127, 138), the court said: "This notice must be provided as an essential part of the statutory provision and not awarded as a mere matter of favor or grace." In *Roller* v. *Holly* (176 U.S. 398, 409), the court declared: "The right of a citizen to due process of law must rest upon a basis more substantial than favor or discretion." And in *Louis. & Nash. R.R.* v. *Stock Yards Co.* (212 U.S. 132, 144), it was said: "The law itself must save the parties' rights, and not leave them to the discretion of the courts as such."

Mr. President, under this new procedure, whereby the Federal judge can pass upon applications after the rendition of the final judgment in the adversary proceeding, there is no provision for notice or an opportunity to be heard whatever. Under these decisions of the court, such provisions are clearly violative of the due process clause of the fifth amendment, which binds and operates upon congressional enactments.

There is another strange provision in this bill. The writer of the Book of Ecclesiastes said:

> There is no new thing under the sun.

If he had to write that book today he would have to omit that statement, because there is certainly something new under the sun in this bill.

I wish to invite Senators' attention to lines 18 through 25 on page 20. These lines are couched in legalistic language. This is the way they read, in such language:

> The words "qualified under State law" shall mean qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent that those used by the persons found in the proceeding to have violated subsection (a) in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist.

That is the legal "gobbledygook." Let me tell Senators what that means in plain English.

It says that although the State law may provide one thing, that is, the statutes enacted by the State legislature may provide one thing, the State law to be administered by the voting referee is not that State law, but it is the practice which the misbehaving State election official followed in passing upon the voting qualifications of persons of the other race, the race other than the one alleged to have been discriminated against.

This is a novel proposition. This provision says that a misbehaving State election official who refuses to abide by the law of the State, and who violates the law of the State, by his mere violation of the law of the State actually amends the State laws to make them conform to his illegal action. If such a provision can be upheld, I am bound to say that the American people no longer have the protection of a written constitution; and I am bound to say that the States of the Union no longer really have any existence. That is the most astounding proposition I have ever seen embodied in any legislative proposal.

To reiterate that proposition in plain English, it is this: When a State election official disobeys the laws of the State in passing upon the qualifications of voters of the other race, the violations of the State law by the State election official become the law of the State.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. ERVIN. I am glad to yield to the able and distinguished Senator from Louisiana.

Mr. LONG of Louisiana. Is not the obvious answer to a case in which there is a person on the rolls who is not at all qualified for one reason or another

to remove him from the rolls, rather than to put other unqualified voters on the rolls because there is an unqualified voter on the roll already? In other words, does not the language to which the Senator refers suggest the doctrine that two wrongs make a right?

Mr. ERVIN. It certainly is the most unusual proposition I have ever seen. As the Senator says, because, forsooth, an election official has qualified someone who has been convicted of a felony in violation of State laws, he then must admit to registration people of the other race who have also committed felonies in violation of State laws. That is the provision.

Mr. LONG of Louisiana. Mr. President, will the Senator further yield?

Mr. ERVIN. I yield.

Mr. LONG of Louisiana. I do not know the situation in North Carolina, but in Louisiana most of the inmates of the State penitentiary are located in one particular parish. So it would seem, then, that if the registrar permitted a convicted felon to be on the rolls in the parish where the State penitentiary is located, it would then be the duty of the voting referee to go to the State penitentiary and register all the inmates.

Mr. ERVIN. That is true, except that inmates of the penitentiary would not have a legal residence in the parish. If it were not for that qualification, the situation would be exactly as the Senator from Louisiana has described.

The provision is, in effect, that if the registrar has registered disqualified white persons, thereafter the voting referee must register all disqualified colored people who are disqualified on the same grounds.

Mr. LONG of Louisiana. To go one step further, if the registrar were to register a convicted felon who was not a resident of that particular parish, then, by virtue of the first error, it would be necessary to permit all the inmates of the State penitentiary to register and vote.

Mr. ERVIN. That is exactly what the provision I have just read provides, when stripped of its legalistic verbiage and put in plain English.

When the registrar, in the hypothetical case put by the Senator from Louisiana, registers a convicted felon who does not reside in his voting district, the voting referee thereafter is empowered to register all other nonresident felons he can find in his district, if they are colored. He could not register a white man. He would have to exclude the white man who was also a convicted felon, but he would have to register colored men who were convicted felons. That is what the bill provides.

Mr. LONG of Louisiana. I must say to the Senator that if the law were to operate in that fashion, there could be danger in Louisiana that the sheriff of West Feliciana Parish would be elected by the inmates of the State penitentiary located in that parish.

Mr. ERVIN. I asked the Attorney General what his justification for this provision was. He said that under the equal protection of the laws clause everyone would have to be treated alike; and this is the way of treating everyone alike.

Under the equal protection of the laws clause, according to the decisions I have read, we do not change State laws to conform to the standards of a misbehaving official, but we require him to administer the laws fairly.

Mr. LONG of Louisiana. Mr. President, will the Senator further yield?

Mr. ERVIN. I yield.

Mr. LONG of Louisiana. I know that under the laws of Louisiana a citizen does not even have to reside in a parish in order to challenge the qualifications of anyone who is improperly on the rolls in some other parish.

A citizen of one parish can challenge persons improperly registered in any other parish in the entire State. That is based upon the theory that honest elections require that persons not properly qualified should not be voting in elections. This bill apparently proceeds on the opposite theory, that once unqualified people are placed on the rolls, we should permit unqualified people throughout the entire State to register and vote. That would make it impossible to uphold any kind of standards.

Mr. ERVIN. If this bill is enacted into law with the clause I have read verbatim to the Senate in the past few minutes, we shall no longer have the laws of the State made by the State legislatures, but they will be made, so far as election laws are concerned, by those who violate the election laws of the State.

Mr. LONG of Louisiana. I ask the Senator if the section to which he is referring could not be used to put both unqualified white and colored voters on the rolls, in this respect: If we start by finding a single white person who is not qualified—let us say he is a convicted felon and the law does not permit him to vote for that reason—once the registrar proceeds to put all the Negroes on the rolls who are also convicted felons, the remaining whites who are convicted felons are in a position to contend that they are discriminated against, because once all the convicted felons who are Negroes have been placed on the rolls, the whites are thereby discriminated against, and it would appear that they would then be in a position to go into court and say that all of them should be placed on the rolls.

Mr. ERVIN. The Senator is correct. Let us see how absurd this proposal is. Suppose State X, like North Carolina, has 2,300 different voting districts. Suppose that all the State election officials discriminated against colored people because of their race and color, and the Federal Government should take over under the voting referee provision of the bill. Suppose also that a State official who had been guilty of discrimination had discriminated in different areas. The State election laws to be enforced by the voting referee would be different in each one of the 2,300 precincts of the same State, which shows how absurd this provision is when we start to analyze it and see what its practical application would be. The election law would be one thing in one precinct, another thing in the next precinct, and a third thing in the third precinct, and so on throughout the 2,300 precincts. That is nothing fanciful on my part. That is a simple interpretation in plain English of the meaning of this particular provision of the proposed law.

Today the distinguished senior Senator from Tennessee [Mr. KEFAUVER] made an exceedingly able argument, in which he pointed out that permitting the State election official or his counsel to be present and to hear the testimony given by the applicant at a hearing before the voting referee might result in putting an end to a great deal of controversy and litigation, and might result in the applicant being speedily registered, and might also result in the attainment of the objectives of those who urge the passage of this bill.

I believe that is made very plain when we stop to consider what is the issue that comes up on the application that is heard by the voting referee.

I can illustrate that better by taking a concrete law in the State of North Carolina. The law in North Carolina provides that a man is not allowed to register and vote in North Carolina under any of the following conditions: First, if he is under 21 years of age; second, if he is an idiot or a lunatic; third, if he has been convicted of a felony and has not had his citizenship restored in the manner prescribed by law; fourth, if he is not either a native-born or naturalized citizen of the United States; fifth, if he has not resided in the State of North Carolina for 1 year; sixth, if he has not resided in the precinct, ward, or other election district in which he offers to register or vote for 30 days next preceding the election; seventh, if he is unable to read and write a section of the Constitution in the English language.

This is a very peculiar bill, Mr. President, because it is based upon the 15th amendment only. Under the 15th amendment the Federal Government has no power to take any action whatever unless a State, in a case involving a State election, has denied or abridged the right of a citizen of the United States to vote on account of his race or color.

The pending bill, notwithstanding the fact that that is the only condition upon which the Federal Government would have any jurisdiction whatever, does not allow the voting referee to pass on that question. Instead, it requires him to pass on the question, first, whether the voter is qualified under State law; second, whether he has been denied the right to register and vote or been denied the opportunity to register.

So, in North Carolina, and in most States, because most States have similar laws, there would be this number of questions of fact which would have to be passed upon by the voting referee.

If the State election official who has denied a man the privilege of registering could be present, he might simplify the matter by showing on what ground the man was denied the right to register, and he might be convinced of the error of his judgment, or the voting referee might be convinced of the rightness of the State official's judgment, and that might end the matter then and there.

It would certainly simplify the matter pending before the voting referee. That is one advantage of all codes of procedure which require written pleadings, because then it is possible to find out from the written pleadings what is covered, and it is possible to narrow the issue to the only question that is in controversy.

Under the proposed proceeding, where no adversary pleadings are allowed and no notice is given until after the case has been decided by the voting referee, there is no way in the world except by the presence of the State official or his counsel before the voting referee whereby the issues can be narrowed and settled in an amicable fashion, as the Senator from Tennessee has pointed out this morning.

Mr. President, I shall take this occasion to speak on the other provisions of the bill. I should like to point out that Congress has two separate and distinct powers to legislate in respect to voting. One of these powers is restricted to voting for candidates for the Senate and candidates for the House of Representatives; the other is in respect to voting in State and local elections. The distinction between the power of Congress in one case and its power in the other is as wide as the gulf which yawns between Lazarus in Abraham's bosom and Dives in hell, to state it emphatically.

The power of Congress to legislate in respect to elections for Senators and Representatives is found in article I of the Constitution and in the 17th amendment. The power is found in the following provisions: Article I, section 2, provides:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Article I, section 4, provides:

> The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to places of choosing Senators.

I read amendment No. 17:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

The three clauses which I have just read confer upon Congress the power to make or alter acts of State legislatures in respect of the time, the place, and the manner of holding elections for U.S. Senators and U.S. Representatives.

The pending bill is not based upon those provisions of the Constitution; it is based upon the 15th amendment. The 15th amendment contains two sections, the first of which reads as follows:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

The second section of the 15th amendment provides:

> The Congress shall have power to enforce this article by appropriate legislation.

The second section of the 15th amendment is virtually identical with the 5th section of the 14th amendment. The meaning of the two sections is exactly the same. There is a very slight difference in phraseology, however. Section 5 of the 14th amendment provides:

> The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Owing to the similarity of these two provisions of the Constitution, decisions under the 14th amendment as to what legislation is appropriate to enforce the 14th amendment are applicable to the question as to what legislation is appropriate to enforce the provisions of the 15th amendment. This is true not only because of the similarity of the two enforcement clauses but also because the 1st section of the 14th amendment, like the 1st section of the 15th amendment, is a prohibition upon the action of States, insofar as is relevant here.

It is well to remember that there is a great difference between legislation on the part of Congress which is appropriate to enforce an affirmative grant of power to Congress and legislation which is appropriate to enforce merely a prohibition on State action.

I call attention to a few decisions which make it plain that Congress has no power to enact any legislation to control State and local elections except, to some extent, under the equal-protection-of-the-law clause, which power is only the power to prevent treating one group of citizens differently from another group of citizens in the same circumstances or under the 15th amendment.

As a consequence, so far as the legislation is designed to prohibit a State preventing any man or woman who is a citizen of the United States from voting on account of race or color, the 15th amendment is controlling.

One of the early cases on the 15th amendment is that of *United States* v. *Belvin* (46 Federal 381), the decision which was handed down in 1891. In his opinion in that case, Judge Hughes, of the Circuit Court for the Eastern District of Virginia, said:

> No constitutional statute could be passed by Congress relating to State and municipal elections, except for the express purpose of protecting voters from being hindered or prevented from voting on account of their race, color, or former slavery.

One of the greatest judges which the Nation has known was Judge Lurton, who was for many years a circuit judge for the sixth circuit. In the case of Lackey against United States, Judge Lurton had occasion to interpret the 15th amendment. On this point the judge said:

> But whether the power of Congress to legislate in respect to congressional elections depends upon the effect of the second and fourth sections of article I of the Constitution, or arises out of the implied power to protect such elections against violence and fraud because they are Federal elections so far as Federal officials are thereby directly chosen, it is very obvious that, whether such power be attributed to either the one or the other source, it furnishes no reason for any interference at a purely State election.

A little further, at page 118 of No. 107 "Federal Reporter," Judge Lurton said:

> That amendment—

Referring to the 15th amendment—

> does not confer a right of suffrage upon anyone, nor does it secure or guarantee any right of suffrage to any class of citizens. It has no other force or effect than to prohibit discrimination by the United States and by the States "on account of race, color, or previous condition of servitude."

Then on page 119, Judge Lurton said:

> Having held that Congress was only authorized to interfere with the voting at a State election when the wrongful refusal to receive and count a vote is because of race, color, or previous condition of servitude, the court held that the two sections—

That is, the two sections of the Enforcement Act of 1870—

> were beyond the limit authorized by the 15th amendment.

Then on page 120 of the decision in the Lackey case, Judge Lurton said:

> If the right conferred, secured, or guaranteed by the 15th amendment is not the right of suffrage, but the right of exemption from discrimination in the exercise of the elective franchise on account of race, color, etc., then the legislation which Congress is authorized to enact in respect of voting at State elections by that amendment must be limited to acts which prevent or punish the discrimination therein forbidden.

The same great judge wrote another leading opinion on this question in the case of Karem against United States, which is reported in 121 Federal 250. I read from page 254:

> But the power of Congress to legislate at all upon the subject of voting at purely State elections is entirely dependent upon the 15th amendment.

Then he quoted from the Cruikshank case as follows:

> The right to vote in the States comes from the States, but the right of exemption from the prohibited discrimination comes from the United States. The first has not been granted or secured by the Constitution of the United States, but the last has been.

Then he proceeded as follows, as appears on page 255:

> The 15th amendment is therefore a limitation upon the powers of the States in the execution of their otherwise unlimited right to prescribe the qualification of voters in their own elections, and the power of Congress to enforce this limitation is necessarily limited to legislation appropriate to the correction of any discrimination on account of race, color, or condition. The affirmative right to vote in such elections is still dependent upon and secured by the Constitution and laws of the State, the power of the State to prescribe qualification being limited in only one particular. The right of the voter not to be discriminated against at such elections on account of race or color is the only right protected by this amendment, and that right is a very different right from the affirmative right to vote.

There are certain very obvious limitations upon the power of Congress to legislate for the enforcement of this article: First, legislation authorized by the amendment must be addressed to State action in some form, or through some agency; second, it must be limited to dealing with discrimination on account of race, color, or condition.

In the same opinion, Judge Lurton stated as follows, as appears on page 258:

Appropriate legislation grounded on this amendment is legislation which is limited to the subject of discrimination on account of race, color, or condition.

And now I read from page 261, where we find that Judge Lurton said, also on this subject:

Assuming that exemption from discrimination at a State election is a "right or privilege secured by the Constitution or laws of the United States," it is a right which originates only in the 15th amendment, and can only be enforced by legislation directed to State action in some form, by which otherwise qualified voters are denied the elective franchise on account of race or color. This is the limit of the power of Congress under the article.

Mr. KEATING. Mr. President, will the Senator from North Carolina yield, to permit me to propound a parliamentary inquiry?

Mr. ERVIN. I yield for that purpose, if it is understood that in doing so I shall not lose the privilege of the floor.

Mr. KEATING. Mr. President, I so request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KEATING. Then, Mr. President, I rise to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. KEATING. What is the pending question?

The PRESIDING OFFICER. The pending question is on agreeing to the Carroll amendment.

Mr. KEATING. I thank the Chair.

Mr. MANSFIELD. Mr. President, with the same understanding, will the Senator from North Carolina yield to me, to permit me to propound a parliamentary inquiry?

Mr. ERVIN. Yes, with the same understanding.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I now rise to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Montana will state it.

Mr. MANSFIELD. May the Carroll amendment be read at this time?

The PRESIDING OFFICER. Without objection, the Carroll amendment will be read at this time.

The LEGISLATIVE CLERK. On page 17, in lines 20 through 25, in lieu of the language proposed to be inserted by the committee, it is proposed to insert the following:

The applicant shall be heard ex parte, and and all hearings conducted as a part of any such proceeding shall be open to the public.

Mr. MANSFIELD. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Montana will state it.

Mr. MANSFIELD. Is this the same amendment as the one which was submitted on yesterday?

The PRESIDING OFFICER. It is.

Mr. MANSFIELD. Does the amendment have any cosponsors?

The PRESIDING OFFICER. Not to the knowledge of the Chair.

Mr. MANSFIELD. Then I understand that this is the original Carroll amendment.

Mr. KEATING. Mr. President, will the Senator from North Carolina yield again to me, to permit me to propound a further parliamentary inquiry?

Mr. ERVIN. Yes, if it is understood that in yielding for that purpose, I shall not lose the privilege of the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KEATING. Mr. President, my parliamentary inquiry is as follows: Is the pending amendment to the Kefauver amendment number one or number two?

The PRESIDING OFFICER. The Chair is advised that until the committee amendment appears in the bill, following adoption of the amendment by the Senate, the amendment does not have a specific designation.

The Carroll amendment pertains to page 17 of the bill as printed, in lines 20 through 25.

Mr. KEATING. But the Senator from Tennessee modified his amendment. My question is whether the Carroll amendment is addressed to the original Kefauver amendment or to the modified Kefauver amendment.

The PRESIDING OFFICER. The Chair is advised that although a modification has been suggested, it has not yet been made a part of the amendment.

Mr. KEATING. Then am I to understand that the Senator from Tennessee has not formally modified his amendment?

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. JOHNSTON of South Carolina. Mr. President, in order to clarify this matter, I believe it would be well—without causing the Senator from North Carolina to lose the floor—to suggest the absence of a quorum, and thus permit the Senator from Tennessee [Mr. KEFAUVER] to come to the Chamber, to clarify this situation.

Mr. KEATING. I think clarification is much needed.

Mr. ERVIN. Mr. President, I ask unanimous consent that I may permit this colloquy to continue without losing my right to the floor; otherwise, I shall have to ask the Chair to protect me in my right to the floor.

The PRESIDING OFFICER. The Senator from North Carolina has the floor, and is protected in his rights to it.

Mr. ERVIN. I thank the Chair. Under these circumstances, Mr. President, if either Senator wishes me to yield—without causing me to lose my right to the floor—I shall be glad to yield.

The PRESIDING OFFICER. The Chair is advised that what has been referred to as the Kefauver amendment is a committee amendment, and is not the pending question.

The pending question is on agreeing to the Carroll amendment.

Mr. JOHNSTON of South Carolina. Mr. President, that is one reason why I want the Senator from Tennessee [Mr. KEFAUVER] to be in the Chamber at this time—to clarify the parliamentary situation in which we now find ourselves. I think both the Senator from Tennessee [Mr. KEFAUVER] and the Senator from Colorado [Mr. CARROLL] should be present at this time.

Mr. KEATING. I am afraid that would only complicate the matter even more, rather than clarify it.

Inasmuch as I have been in the Chamber throughout the proceedings, I feel certain that the amendment offered by the Senator from Colorado was offered to the committee amendment.

The PRESIDING OFFICER. That is correct.

Mr. KEATING. And that the committee amendment was offered in the committee by the Senator from Tennessee [Mr. KEFAUVER], and that he endeavored—although perhaps unsuccessfully—to modify his amendment here on the floor.

The PRESIDING OFFICER. There has been no modification made on the floor. It was an amendment to the committee amendment.

Mr. JOHNSTON of South Carolina. Mr. President——

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. JOHNSTON of South Carolina. Mr. President, I ask unanimous consent that the Senator from North Carolina may yield to me for the purpose of propounding a suggestion at this time, with the understanding that it will not interfere with the Senator's right to the floor when we finish with it. I should like to raise the point of no quorum, if it does not interfere with the Senator's right to the floor. I ask unanimous consent that I may do so.

The PRESIDING OFFICER. Does the Senator from North Carolina wish to yield for that purpose?

Mr. ERVIN. If I can yield for that purpose without losing my right to the floor, I will do so.

The PRESIDING OFFICER. Under those conditions it is in order. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 10 O'CLOCK A.M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 9331) to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. COOLEY, Mr. POAGE, Mr. ABERNETHY, Mr. JOHNSON of Wisconsin, Mr. HOEVEN, Mr. DAGUE, and Mr. MCINTIRE were appointed managers on the part of the House at the conference.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (S.J. Res. 128) to establish a commission to formulate plans for a memorial to James Madison, and it was signed by the President pro tempore.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. JOHNSON of Texas. Mr. President, I am informed that there are enough speakers today so that we do not expect to have a yea-and-nay vote on any amendments, and we shall probably adjourn at about 7 o'clock. So, in order that the attachés of the Senate and Senators may make their plans accordingly, I think they can understand we do not expect any rollcalls today. We hope we shall be able to get a vote tomorrow. It may be that the Carroll amendment will be modified, and that will be the amendment we shall have our first vote on. I expect the Senate to remain in session as late as possible tomorrow evening, so long as any action can be taken. If it appears tomorrow evening that Senators do not care to vote, I shall not desire to ask the Senate to stay in session when nothing can be accomplished. But Senators can make their plans not to expect any rollcalls between now and 7 o'clock. Sometime in the vicinity of 7 o'clock, either a little before or a little afterward, we will adjourn pursuant to the order entered.

Now I suggest the absence of a quorum——

Mr. PASTORE. Mr. President, will the Senator withhold that request?

Mr. JOHNSON of Texas. Yes.

Mr. PASTORE. Does the Senator expect to have a Saturday session? Can he say at this time?

Mr. JOHNSON of Texas. No, I cannot. If I can accomplish anything by having a Saturday session, I will have one. We shall see tomorrow how things go.

LEAVE OF ABSENCE

Mr. PASTORE. Mr. President, will the Senator yield further?

Mr. JOHNSON of Texas. Yes.

Mr. PASTORE. Mr. President, I ask unanimous consent to be officially excused from attending the sessions of the Senate until Monday next, in order to discharge my obligations in matters very important in my own State of Rhode Island.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PASTORE. Mr. President, I should like to have the RECORD show that I am opposed to the Kefauver amendment to the pending civil rights bill (H.R. 8601).

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. JOHNSON of Texas. Mr. President, is it agreeable to the Senator from North Carolina for me to suggest the absence of a quorum?

Mr. ERVIN. Yes.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1961—CONFERENCE REPORT

Mr. JOHNSON of Texas. Mr. President, I am informed that we have a conference report on the important District of Columbia appropriation bill, and that there is no controversy involved in it.

I ask unanimous consent that the Senator from Rhode Island [Mr. PASTORE] be recognized to present that report and that, when the Senate shall have concluded action on it, the Senator from North Carolina [Mr. ERVIN] be recognized.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Rhode Island.

Mr. PASTORE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10233) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report. (For conference report, see House proceedings of Mar. 30, 1960, pp. 6971–6972, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. PASTORE. Mr. President, the conference report provides for appropriation of a total of $239,470,433. This sum is $618,719 less than the amount recommended in the Senate bill; is $2,352,157 above the amount proposed in the House bill; and is $2,932,567 less than the total budget estimates.

In order that Members of the Senate and other interested persons may know the appropriation details, I ask unanimous consent to have printed at this point in the RECORD a summary of the 1961 appropriation bill for the District of Columbia.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

District of Columbia—Summary of bill

FEDERAL PAYMENT

(Out of the general revenues of the Federal Treasury)

Item	Appropriations, 1960	Budget estimates, 1961	House bill, 1961	Senate bill, 1961	Conference action
Federal payment to District of Columbia (general fund)	$25,000,000	$32,000,000	$25,000,000	$26,000,000	$25,000,000
Federal payment to District of Columbia (water fund)	1,532,000	1,661,000	1,661,000	1,661,000	1,661,000
Federal payment to District of Columbia (sanitary sewage works fund)	686,000	872,000	872,000	872,000	872,000
Total, Federal payment	27,218,000	34,533,000	27,533,000	28,533,000	27,533,000

District of Columbia—Summary of bill—Continued

LOAN AUTHORIZATIONS

(Out of the general revenues of the Federal Treasury)

Item	Authorizations, 1960	Budget estimates, 1961	House bill, 1961	Senate bill, 1961	Conference action
Loans to District of Columbia for capital outlay, general fund	$20,000,000	$14,500,000	$14,500,000	$15,900,000	$15,900,000
Loans to District of Columbia for capital outlay, highway fund	13,100,000	3,500,000	3,500,000	3,500,000	3,500,000
Loans to District of Columbia for capital outlay, water fund	1,200,000				
Loans to District of Columbia for capital outlay, sanitary sewage works fund		700,000	700,000	700,000	700,000
Total, loan authorizations	34,300,000	18,700,000	18,700,000	20,100,000	20,100,000

APPROPRIATIONS

(Out of the revenues of the District of Columbia)

Item	Appropriations, 1960	Budget estimates, 1961	House bill, 1961	Senate bill, 1961	Conference action
OPERATING EXPENSES					
Executive Office	$590,000	$624,000	$576,300	$609,259	$599,260
Department of General Administration	5,119,000	5,831,000	5,719,500	5,719,500	5,719,500
Office of Corporation Counsel	755,000	823,000	798,500	798,500	798,500
Regulatory agencies	1,570,500	1,665,500	1,621,000	1,639,000	1,639,000
Department of Occupations and Professions	327,000	345,000	337,600	342,000	342,000
Public schools	46,882,000	49,115,000	49,232,700	49,232,700	49,232,700
Public Library	2,478,000	2,698,000	2,688,000	2,688,000	2,688,000
Recreation Department	2,647,100	2,994,000	2,855,600	2,855,600	2,855,600

(Out of the general revenues of the Federal Treasury)

Item	Appropriations, 1960	Budget estimates, 1961	House bill, 1961	Senate bill, 1961	Conference action
Metropolitan Police	$22,158,000	$23,600,000	$23,217,000	$23,748,100	$23,517,000
Additional municipal services, inaugural ceremonies		229,000	200,000	200,000	200,000
Fire Department	10,547,000	19,959,000	10,940,000	10,948,000	10,940,000
Department of Veterans' Affairs	107,000	109,500	109,500	109,500	109,500
Office of Civil Defense	60,000	136,000	60,000	107,000	90,000
Department of Vocational Rehabilitation	247,000	304,000	300,000	300,000	300,000
Courts	5,398,000	5,675,000	5,627,900	5,645,320	5,633,600
Department of Public Health	34,883,076	37,319,000	36,351,475	36,910,473	36,910,473
Department of Corrections	6,000,000	7,008,000	7,000,000	7,000,000	7,000,000
Department of Public Welfare	17,370,000	19,508,000	19,000,000	19,145,000	19,145,000
Department of Buildings and Grounds	2,435,000	2,548,000	2,538,000	2,538,000	2,538,000
Office of Surveyor	200,000	205,000	205,000	205,000	206,000
Department of Licenses and Inspections	2,294,000	2,487,000	2,460,900	2,469,800	2,465,000
Department of Highways and Traffic	8,045,000	8,515,000	8,415,000	8,480,000	8,441,000
Department of Motor Vehicles	1,292,000	1,305,000	1,270,600	1,295,500	1,291,600
Motor Vehicle Parking Agency	230,000	187,000	187,000	187,000	187,000
Department of Sanitary Engineering	15,080,000	15,880,000	15,860,000	15,860,000	15,860,000
Washington aqueduct	2,480,000	2,636,000	2,616,000	2,616,000	2,616,000
National Guard	168,000	171,000	172,700	172,700	172,700
National Capital Parks	3,074,000	3,275,000	3,200,000	3,200,000	3,200,000
National Zoological Park	1,125,000	1,272,000	1,228,000	1,272,000	1,250,000
Personal services, wage-scale employees	1,543,000				
Total, operating expenses	[1] 193,010,676	207,684,000	205,048,276	206,365,152	205,996,433
CAPITAL OUTLAY					
District Debt Service	939,000	1,577,000	1,577,000	1,577,000	1,577,000
Public building construction	13,856,400	6,393,000	4,369,000	6,023,000	5,773,000
Department of Highways and Traffic	18,639,000	13,516,000	13,100,000	13,100,000	13,100,000
Department of Sanitary Engineering	10,215,000	13,059,000	12,900,000	12,900,000	12,900,000
Washington aqueduct	3,500,000	100,000	50,000	50,000	50,000
Motor Vehicle Parking Agency	125,000	74,000	74,000	74,000	74,000
Total, capital outlay	46,684,400	34,719,000	32,070,000	33,724,000	33,474,000
Grand total	[1] 241,695,076	242,403,000	237,118,276	240,089,152	239,470,433

[1] In addition, $10,602 was appropriated for settlement of claims and suits.

Mr. PASTORE. Mr. President, if there are any questions with regard to the conference report, I shall be glad to try to answer them at this time.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. MANSFIELD. What is the status of the item which deals with the increase for the police force for the District of Columbia?

Mr. PASTORE. The House of Representatives originally allowed 50 patrolmen, of the 150 asked by the District Commissioners. We restored the other 100, through an item of $531,000. In conference we agreed to the sum of $300,000, which will allow an increase of 56 new police officers over the number allowed by the House.

Mr. MANSFIELD. I thank the Senator. I express the hope that if Chief Murray and the District Commissioners find it advisable, and they feel they need more police officers for the District of Columbia, they will come to the Congress with a supplemental request later.

Mr. PASTORE. We discussed that matter in quite some detail in conference. The House conferees were of the feeling, since there were 54 vacancies at the present time, of the 100 we allowed last year, as the Senator from Montana will recall, that the police department would have a difficult task recruiting the full contingent. We agreed in conference that we would watch this item very, very closely.

While there is no binding agreement to that effect, if it should arise that the full number of police officers is recruited and there is found to be a further need for the difference between the 56 and the 100, that might be provided for through some supplemental budget in the future.

Mr. President, if there are no further questions I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 10233, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, U.S.,
March 30, 1960.

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10233) entitled "An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes."

That the House recede from its disagreement to the amendment of the Senate numbered 26, and concur therein.

That the House insist upon its disagreement to the amendment of the Senate numbered 1.

Mr. PASTORE. Mr. President, I move that the Senate recede from its amendment No. 1.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island.

The motion was agreed to.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 3601) to enforce constitutional rights, and for other purposes.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). The Senator from North Carolina has the floor.

Mr. STENNIS. Mr. President, will the Senator yield to me so that I may make an insertion in the RECORD with respect to the distinguished senior Senator from Georgia?

Mr. ERVIN. I shall be happy to yield to the Senator for that purpose. Mr. President, I ask unanimous consent that I may do so without losing my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina? The Chair hears none, and it is so ordered.

TRIBUTE TO SENATOR RUSSELL

Mr. STENNIS. Mr. President, recognition for one's abilities and achievements may come in several ways. It may be evinced by awards, plaques, or other tangible tokens. It may come in a kindly and affectionate feeling from one's associates and colleagues. It may also come in the form of admiration from an adversary.

Certainly no one in the Senate is held in higher esteem than the senior Senator from Georgia [Mr. RUSSELL]. Many of our truly worthwhile programs had their chance because of his legislative efforts. His influence in matters of national defense, the life of our farmers, and of all Americans everywhere, has been enormous, and it has been an influence born of true statesmanship.

The senior Senator from Georgia is also a constitutionalist. He has demonstrated time and again his love for our Constitution, our State-Federal union and the form of government that has led this Nation to a position of world leadership.

He has been consistent in his support of constitutional government and of the separation of powers among the branches of the Federal Government. Because of his dedication to our form of Government, and because he is a student of our Constitution and our laws, he has risen to a position of leadership in the Senate and has become the vanguard of those among us here who are seriously concerned about the so-called civil rights bills introduced in great quantities annually.

From the standpoint of the national press the position he has taken is unpopular. Nevertheless, on at least two occasions recently he has been the main subject of feature articles in papers whose position on this question is contrary to his own. This is admiration from the adversary.

Mr. President, I think two recent newspaper articles should be perpetuated and also should have further distribution. Therefore, I ask unanimous consent that these two articles—one from the Washington Post and Times Herald of March 6, 1960, and the other from the New York Post of March 11, 1960—be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 6, 1960]

THIS "TALKIE" PLANNED LIKE LEE'S BATTLES

(By Robert C. Albright)

When the Senate last Monday deliberately set out to talk its way around the clock for as many hours, days, or weeks as were needed to resolve pent-up civil rights issues, there was something remarkably different about its approach.

Here was not the sudden welling up of the emotions of an oppressed Senate minority, or a play to the grandstand by an individual prima donna, such as marked the many talkathons of the past.

Instead, the Senate knew exactly what it was doing. This was a cold, calculated effort undertaken after 5 months' notice to all parties. It was planned with the precision of a military campaign.

About the only thing still uncertain is how it all will come out.

A SIMPLE PROBLEM

What it gets down to is this: A large majority of the Senate wants to do something about civil rights problems, particularly the basic issue of Negro suffrage in the South. The only way these Members can get to a vote on those problems is by wearing down physically the 18-member southern opposition or by mustering a two-thirds majority of Senators present to shut off their talk.

Every circumstance would seem propitious to reasonable success of the effort.

Senate Majority Leader LYNDON B. JOHNSON, though hailing from Texas, called up the issue and pledged himself to do all in his power to give the Senate an opportunity to vote.

The Senate Republican leader, EVERETT M. DIRKSEN, of Illinois, worked with him. In fact, the administration civil rights proposals sponsored by DIRKSEN just happen to be the Senate's pending business.

The Senate's unwieldy cloture (debate shutoff) rule was changed at the start of the last session, on JOHNSON's motion, to require the approval of only two-thirds of those present and voting, instead of two-thirds of the entire Senate, to silence the talk.

Addition of the two stars to the flag since the last southern filibuster seemed to add to the accumulating evidence that the old-fashioned Dixie talkathons were doomed. With two Senators each from Alaska and Hawaii, Senate membership increased from 96 to 100 while all-out southern opposition to civil rights dropped from 22 and more in another era to 17 or 18.

For months now, stories have been written about the deteriorated position of the southern minority in the Senate. But they may have reckoned without Senator RICHARD BREVARD RUSSELL (Democrat, Georgia), the man deploying his thin southern forces much as Lee did in the Wilderness.

A WIDESPREAD TALENT

The lone "filibustero" (a word cribbed from West Indian buccaneers) has long had his occasional place in the sun. Iron-lunged Huey Long was one of them. His 15½-hour speech about how to make potlikker, fry oysters, and mix Roquefort cheese dressing became folklore. But it failed to make a dent in the NIRA Act of 1935.

Senator STROM THURMOND (Democrat, of South Carolina) lost the sympathy of his own southern colleagues when he walked off with the alltime filibuster record of 24 hours 18 minutes against the 1957 civil rights bill. Why did the southerners snoot THURMOND? Because his was strictly a one-man show and not a team effort. The southerners, by and large, went along with the 1957 civil rights compromise.

Before THURMOND captured the individual title, a couple of nonsouthern independents had proved that no section has a monopoly on long talk.

The late Senator Robert M. La Follette, Sr. (Wisconsin) once held the floor for 18 hours 23 minutes against the Aldrich-Vreeland financial bill, sustained by drinking a punch of milk and eggs and demanding frequent quorum calls.

And Oregon's Senator WAYNE MORSE, while on the way to becoming a Democrat, ticked off 22 hours 26 minutes, fruitlessly as it turned out, against the tidelands offshore bill of 1953.

These were all legendary, windmill-charging achievements somehow brought off by lone men before Senator RUSSELL perfected the art of the really organized filibuster.

During the nearly three decades RUSSELL has served in the Senate, he has become an authority on agricultural and armed service problems. He has a quick tongue and one of the best minds in the Senate. The Senate listens when he speaks. But for most of those years, RUSSELL's great talents have been funneled into one extracurricular activity—frustrating the wishes of the northern Democratic majority.

THEY SHALL NOT PASS

Who at this hour is the Senate's Ulysses S. Grant may be open to question, but there never has been any doubt who is the Senate's Lee. As chairman of the southern Democratic caucus, he has mounted guard in the Senate, or posted sentinels in his absence, to see that no civil rights bill ever slipped through. The lone exception was the 1957 civil rights bill, and he helped determine the shape of that.

Some have suggested, not unkindly, that had RUSSELL directed the same energy and parliamentary skills into other channels, he would rank with the Senate's alltime great.

As it is, he will go down in Capitol Hill lore as the man who made an indelible print on Senate cloture history and coached the humdinger of all southern filibusters—the coldly methodical blocking action now in progress.

In its early years, the Senate had no cloture rule. It had no filibusters, either. From 1789 to 1806, debate could be ended abruptly by calling for the previous question.

From 1806 to 1917, there was no limit on talk at all. But the filibuster-to-the-death of President Wilson's armed neutrality bill by "a little group of willful men" who, Wilson said, "have rendered the great Government of the United States helpless and contemptible," ended that era of unlimited debate.

The result was the Senate's famed rule XXII, permitting two-thirds of the Senators present and voting to cut off debate.

When the Senate in 1949 tried to forge the rule into a stronger antifilibuster weapon, it was Georgia's RUSSELL, skillfully parrying every liberal move, who turned it instead into reinforced protection for the southerners.

When the revision was completed, cloture not only required the approval of two-thirds of the entire Senate (a so-called constitutional two-thirds), but a clause had been added permitting unlimited talk on a motion to change the rules.

In fact, RUSSELL did so good a job (for the southerners) that the Senate turned out in full voice at the start of the 1959 session in an effort to loosen the rule. What it finally adopted was an amendment by JOHNSON restoring the simple two-thirds of those present and voting requirement.

JOHNSON, therefore, is facing a double hazard in the present civil rights test. Not only is he virtually bound, by 1959 commitments, to put a civil rights bill through Congress. But if he tries and fails to muster the 67 votes needed for cloture, his prestige almost certainly will take a drop.

It was JOHNSON'S amendment which modified the rule, so colleagues say it is now up to JOHNSON to show that it will work.

As for the prematurely "doomed" southern filibuster, RUSSELL, too, has much to gain, more to lose, in the present Senate marathon.

If the around-the-clock southern wordwielders are beaten down physically, weakened by attrition or stopped short it could lead to the end of southern filibusters.

But if the "filibusteros" win this one, RUSSELL'S new three-shift technique (speak 1 day and rest 2) could pave the way for many another victory for the RUSSELL-disciplined, 18-man southern army.

Once again, northern Democrats could be learning to their sorrow that it isn't who gets there fustest with the mostest, but who gets there last with the mostest words.

At the Capitol, some Democrats dream fondly, however, of the day when the civil rights blemish which now splits their party will be an unlovely memory. For a time, they thought they had a possible answer in the 1957 voting rights bill.

If Negroes could and would exercise their franchise as citizens, it was argued that, through the process of the ballot, all the other civil rights would come in good time.

This is still the hope of many of those at the center of the battle to write a more effective voting rights bill. But in every cold dawn of a filibuster, it seems a bleak hope indeed.

[From the New York Post, Mar. 11, 1960]

GEORGIA'S SENATOR RUSSELL: LEADER OF THE FILIBUSTER

(By William V. Shannon)

Roy Wilkins, of the National Association for the Advancement of Colored People, said the other day, in the course of an attack on the leadership of both parties in the Senate, that "the real leader in the Senate, the real 'man who gets things done,' is Senator RUSSELL, of Georgia."

This is one of those statements that is both true and not true. It is true in the sense that RUSSELL commands great power and that he is often in the position of making other Senators, including the majority and minority leaders, come to him and settle on his terms.

However, in another sense, it is untrue because in the field of civil rights, which currently preoccupies him, all that RUSSELL can dictate are the terms under which he will retreat.

He can slow the onward course of the opposition. He can avoid surrender. But he cannot ultimately win a total victory.

This is not to say that he concedes anything. RICHARD BREVARD RUSSELL at 62 has served in the Senate for 27 years and for more than a decade has been the unchallenged boss of the southern bloc. Although "speechifying" is not his strong point, he knows how to put a good face on any case. "I have hopes that the country is going to get the truth about this so-called civil rights bill," he said this week.

"This is a bogus issue. It is tailored by political organizations who are out to get the votes of Negroes in New York and other Northern States."

RUSSELL has no new or uniquely personal arguments to contribute to the controversy over civil rights. He offers what might be called the time-tested, standard white Southern arguments. Thus, he describes cloture as "a gag rule." He defines the filibuster as the "exercise of the right of free speech in the Senate of the United States." He regards the NAACP and other Negro organizations as "stirring up race haters and bad feeling." He denies categorically that Southern Negroes are denied the right to vote or otherwise discriminated against.

What of the lunchroom sit-ins and other evidences of Negro unrest in the South?

"No one should try to change the customs of the community by force," RUSSELL said. "I know the Negro people of my State. I have worked with them and understand them. There is no ill will between the white and colored races and no problem that cannot be worked out if the people of each State are left to take care of their own affairs."

Then he added: "Force bills and Federal interference are not going to solve anything."

Behind the stock arguments and the somewhat mangy rhetoric, what kind of a man is RICHARD RUSSELL? Newspaper accounts in recent weeks have compared him to Lee leading the thin, wavering line of Confederate troops in a final defense of the Old South. The defect in this analogy is that it suggests that RUSSELL and his cohorts are full of militancy and eagerness.

RUSSELL actually communicates a kind of weariness and stoicism. This is expressed not in his words but in his tone of voice, his gestures, his general demeanor. His racial views are sincerely held; he is not, for example, like Senator FULBRIGHT, Democrat, of Arkansas, who detests the whole issue and who could just as easily represent Connecticut if that were possible. RUSSELL believes in segregation and when he defends it on the floor or in private conversation a note of authentic passion comes into his voice as he gets worked up.

But once the argument has died away, he turns quickly and easily to other subjects. He is not obsessed by this problem.

According to a fellow southern Senator, RUSSELL remarked privately the other day: "It will be a relief to get away from this and back to working on the real business of the country."

RUSSELL, in his strengths and weaknesses and limitations, is an almost exactly typical representative of the white southern middle class. He was born and still lives in Winder, a small, prosperous town in northeast Georgia.

This part of the State is just south of the Blue Ridge Mountains in the rolling, hilly country of the lower Piedmont. The rich, cotton "black belt" lies a short distance to the south. Lumbering and the large-scale raising of chicks (broilers and fryers) have replaced cotton as the leading cash "crops" in RUSSELL'S home area. Winder has mills which are the largest manufacturers of work clothes in the country.

This area has somewhat fewer Negroes than central and south Georgia. The surrounding county in the last census had 10,500 whites and only 2,500 Negroes.

RUSSELL was born on November 2, 1897, the fourth of 15 children. His father was a self-made lawyer of humble background who worked himself up to become chief justice of the State supreme court. RUSSELL followed the classic lawyer-politician route. He attended the local public schools, earned his bachelor of laws degree from the University of Georgia, served 7 months as a naval reservist, and then hung out his shingle.

In 1920, at 23, he was elected to the lower house of the State legislature. Six years later, at 29, he became speaker and in another 4 years at 33, Governor.

He served one term, from 1930 to 1932. It was the bottom of the depression and he was a balance-the-budget, economy-first Governor. He cut State salaries, including his own, and reorganized the State government, reducing the number of departments, bureaus, and commissions from 102 to 17.

During RUSSELL'S second year in office, an incumbent U.S. Senator died. RUSSELL ran for the unexpired portion of his term, was elected, and took his seat in January 1933. At 35, he was the "baby" of the Senate. He faced a tough struggle for reelection in 1936, when he was opposed by Gov. Eugene Talmadge, father of HERMAN, who is now RUSSELL'S colleague in the Senate. RUSSELL defeated "Ole Gene" handily and has never since had serious opposition in the Democratic primary. He is expected to be routinely reelected this year for another 6-year term.

Over the years, RUSSELL has climbed the Senate seniority ladder to a position of enormous power.

He is chairman of the Armed Services Committee. He is second to Senator HAYDEN, Democrat, of Arizona, on the Appropriations Committee. When the aged HAYDEN retires, RUSSELL will succeed him in the honorific post of President pro tempore of the Senate. As chairman of the Agriculture Appropriations Subcommittee, RUSSELL is a power on all farm programs.

He is also a member of the Joint Committee on Aeronautics and Space and the Joint Committee on Atomic Energy. Within the Democratic Party hierarchy in the Senate, he is a member of the party's policy and steering committees.

RUSSELL is not only the senior member of the "inner club" of the Senate. He is practically Mr. Club.

The question is often asked why RUSSELL is held in such high personal esteem by leaders of the Democratic Party who disagree with him completely on the critical issue of civil rights. Adlai Stevenson, for example, has always maintained friendly relations with him. Harry Truman wrote in his memoirs: "I believe that if RUSSELL had been from Indiana or Missouri or Kentucky he may very well have been the President of the United States."

There are several reasons for this high standing. One is that he campaigned for Al Smith in 1928. He was for Roosevelt in 1932 and stayed on good terms with him throughout his time in the White House. He was the southern candidate against Truman at the 1948 convention, polling 263 votes. But when Truman was renominated, RUSSELL refused to have anything to do with the Dixiecrat bolt.

RUSSELL also has a liberal record on many domestic issues. He voted for almost all of the basic New Deal legislation. He was the legislative sponsor of the school-lunch program. Because of his strategic position on the Appropriations Committee, he was instrumental in sustaining certain Roosevelt-Truman programs such as rural electrification, soil conservation, and the TVA.

Through most of his career in the Senate, RUSSELL has also had a good record in foreign affairs. He supported Roosevelt before Pearl Harbor. After the war, he consistently voted for the United Nations, the North Atlantic Treaty, and the Marshall plan. In recent years, he has soured on foreign aid and voted to cut it.

RUSSELL'S record on many matters is creditable. Truman has reason to recall him with gratitude because RUSSELL was of great help in getting through the armed services unification law in 1947 and as chairman of the committee conducting the MacArthur hearings in 1951, was of invaluable assistance in sustaining Truman's Korean policy in Congress.

If a liberal Democrat is elected to the White House this fall, much as he would dislike RUSSELL'S civil rights views, he could scarcely transact the affairs of the Government in the military and agricultural fields without enlisting RUSSELL'S cooperation.

It is also important to note in understanding RUSSELL'S power that he usually keeps his strong opinions under control. He rarely indulges in wounding personal remarks. And it would be almost impossible to conceive of him saying, as Senator EASTLAND, Democrat, of Mississippi, did last week, that a Supreme Court decision was "crap."

RUSSELL is usually suave and courteous even with those he distrusts. He is the old school politician who "demagogs a bit," as one southern newspaperman put it, "but who is basically a serious fellow." This scarcely endears him to Negroes or liberals, but it makes his political strength comprehensible.

Mr. STENNIS. I thank the Senator from North Carolina.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

THE PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. ERVIN. Mr. President, I have read to the Senate some decisions of the Federal courts holding, in effect, that the power of Congress to legislate in respect to State and local elections is derived from the 15th amendment; that the 15th amendment is a prohibition upon State action and not an affirmative grant of power to Congress; and that, in consequence, the only legislation by Congress appropriate to enforce the 15th amendment is legislation which merely enforces a prohibition; that is, which prevents a State from denying or abridging the right of any citizen of the United States to vote on account of race or color.

As I have stated before, the first section of the 14th amendment, like the 15th amendment, is a prohibition upon State action and not an affirmative grant of power to Congress. Decisions under the 5th section of the 14th amendment, are relevant in determining the proper interpretation to be placed upon the 2d section of the 15th amendment.

I should like to invite attention to certain decisions of the Supreme Court in respect to the 5th section of the 14th amendment. Before I do so, however, I should like to invite the attention of the Senate to a decision of the Supreme Court of the United States which relates in part to the privilege of voting.

I refer to the case of the *United States* v. *Reese*, 92 U.S. 214. I wish to read a passage which appears upon page 318:

> The 15th amendment does not confer the right of suffrage upon anyone. It prevents the States, or the United States, however, from giving preference, in this particular, to one citizen of the United States over another, on account of race, color, or previous condition of servitude. Before its adoption, this could be done. It was as much within the power of a State to exclude citizens of the United States from voting on account of race, etc., as it was on account of age, property, or education. If citizens of one race having certain qualifications are permitted by law to vote, those of another having the same qualifications must be. Previous to this amendment, there was no constitutional guaranty against this discrimination; now there is. It follows that the amendment has invested the citizens of the United States with a new constitutional right which is within the protecting power of Congress. That right is exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous conditions of servitude. This, under the express provisions of the second section of the amendment, Congress may enforce by "appropriate legislation."

This leads us to inquire whether the act now under consideration is "appropriate legislation" for that purpose. The power of Congress to legislate at all upon the subject of voting at State elections rests upon this amendment. The effect of article 1, section 4, of the Constitution, in respect to elections for Senators and Representatives, is not now under consideration. It has not been contended, nor can it be, that the amendment confers authority to impose penalties for every wrongful refusal to receive the vote of a qualified elector at State elections. It is only when the wrongful refusal at such an election is because of race, color, or previous condition of servitude, that Congress can interfere, and provide for its punishment. If, therefore, the third and fourth sections of the act are beyond that limit, they are unauthorized.

In the Reese case, from which I have just read, the court proceeded further and held that the statute involved in that case, which undertook to compel a State election official to permit a citizen to vote upon his affidavit as to his own qualifications was unconstitutional under the the fifth amendment, because the statute did not make a condition precedent that the voter had been deprived of the right to vote on account of his race, color, or previous condition of servitude. I cite this case because it shows that any act of Congress which undertakes to control in any way the right to vote in a State election, as distinguished from an election for Senators or Representatives, is necessarily unconstitutional unless it is based upon the condition precedent that the voter in question has been denied the right to vote because of his race, color, or previous condition of servitude.

Mr. McNAMARA. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I am glad to yield to the able and distinguished Senator from Michigan for a question.

Mr. McNAMARA. I thank the Senator.

The Senator makes reference to the 14th amendment, and he points out over and over that this is a negative or restrictive amendment. Section 2 of the 14th amendment is a positive section, is it not?

Mr. ERVIN. Yes.

Mr. McNAMARA. It states that positive action shall be taken if people are denied the right to vote.

Mr. ERVIN. That is why I specifically referred to the first section of the 14th amendment rather than the second section.

Mr. McNAMARA. I presume we must take into consideration that section 2 is a part of the 14th amendment.

Mr. ERVIN. Of course section 2 is a part of the 14th amendment, but the point I am making is that the first section of the 14th amendment, like the first section of the 15th amendment, is a section which operates only by way of prohibition against certain actions.

Mr. McNAMARA. I agree with the Senator; yet the way he phrased it, it would seem that the whole section was negative. However, the language indicates that—

> the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

That is a positive section.

Mr. ERVIN. It is certainly not merely a prohibition on State action. The Senator from Michigan is correct. I agree with his observation. I make the further observation that the pending bill is not in any wise based upon the second section of the 14th amendment.

Mr. McNAMARA. But such an amendment may be offered.

Mr. ERVIN. It may be offered; and I agree with the Senator from Michigan that it would not be covered by my argument dealing only with a prohibition upon actions, as distinct from an affirmative grant of power.

Mr. McNAMARA. I thank the Senator.

Mr. ERVIN. There is a summation of the power of Congress in respect to elections in 18 American Jurisprudence, under the heading "Elections," section 8, pages 185, 186, and 187. I wish to read this sentence from that statement:

> The power of Congress to legislate at all upon the subject of voting at State elections, unless it may be with respect to elections for Senators and Representatives, rests upon the 15th amendment. The legislation authorized by this amendment is restricted; it extends only to the prevention by appropriate legislation of the discrimination which is forbidden by the provision. Congress has no power to punish the intimidation of voters at purely State elections where the conduct complained of is not grounded upon race, color, or previous condition of servitude.

One of the great cases on the question of what kind of legislation is appropriate to enforce a prohibition upon such action is *United States* v. *Cruikshank* (92 U.S., pp. 553–554). It was said in this case:

> The 14th amendment prohibits a State from depriving any person of life, liberty, or property, without due process of law; but this adds nothing to the rights of one citizen as against another. It simply furnishes an additional guaranty against any encroachment by the States upon the fundamental rights which belong to every citizen as a member of society. As was said by Mr. Justice Johnson, in *Bank of Columbia* v. *Okely* (4 Wheat. 244), it secures "the individual from the arbitrary exercise of the powers of government, unrestrained by the

established principles of private rights and distributive justice." These counts in the indictment—

Referring to the indictment under consideration—

do not call for the exercise of any of the powers conferred by this provision in the amendment.

In discussing this matter further in the same opinion, at pages 554 and 555, the Court had this further to say:

The 14th amendment prohibits a State from denying to any person within its jurisdiction the equal protection of the laws; but this provision does not, any more than the one which precedes it, and which we have just considered, add anything to the rights which one citizen has under the Constitution against another. The equality of the rights of citizens is a principle of republicanism. Every republican government is in duty bound to protect all its citizens in the enjoyment of this principle, if within its power. That duty was originally assumed by the States; and it still remains there. The only obligation resting upon the United States is to see that the States do not deny the right. This the amendment guarantees, but no more. The power of the National Government is limited to the enforcement of this guarantee.

Mr. President, I wish to emphasize one of these statements:

That duty—

That is, the duty to accord to all persons the equal protection of the laws—

was originally assumed by the States; and it still remains there. The only obligation resting upon the United States is to see that the States do not deny the right. This the amendment guarantees, but no more. The power of the National Government is limited to the enforcement of this guarantee.

Mr. President, I argue upon the basis of that decision, and numerous other decisions of the Supreme Court, that Congress has no right under the 2d section of the 15th amendment to register voters or to undertake to pass upon the qualifications of voters to vote in State elections. I argue that under that decision and other decisions of the Supreme Court the only kind of statute which Congress can pass under the 14th amendment is a statute that carries into effect the prohibition against the State denying to a citizen of the United States the right to vote on account of race or color.

Congress does not have the power under the 2d section of the 15th amendment to take charge of the administration of voting laws of the State, or to take charge of the registration of voters, or to take charge of the passing upon the qualifications of voters. This is true because Congress has no affirmative grant of power here. All it can do by way of appropriate legislation is to compel the States to refrain from denying the right to vote to any citizen of the United States on account of race or color. For this reason I argue that the voting rights section of this bill now under consideration cannot be reconciled with appropriate legislation under the 2d section of the 15th amendment, particularly because the Federal Government under the pending bill would step in and by affirmative acts undertake to do what the State itself is required to do in the matter.

In this connection I wish to call attention to another decision of the Supreme Court of the United States, United States against Harris, which is reported at 106 U.S. 637. The Supreme Court said in that opinion:

It is clear that the 15th amendment can have no application. That amendment, as was said by this Court in the case of *United States* v. *Reese*, (92 U.S. 214)," relates to the right of citizens of the United States to vote. It does not confer the right of suffrage on anyone. It merely invests citizens of the United States with the constitutional right of exemption from discrimination in the enjoyment of the elective franchise on account of race, color, or previous condition of servitude.

In a further portion of the opinion, namely, the part on pages 637 to 639, the Court had this to say:

It is, however, strenuously insisted that the legislation under consideration finds its warrant in the 1st and 5th sections of the 14th amendment. The 1st section declares "all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

The fifth section declares "the Congress shall have power to enforce by appropriate legislation the provisions of this amendment."

It is perfectly clear from the language of the first section that its purpose also was to place a restraint upon the action of the States. In *Slaughter-House* cases (16 Wall. 36), it was held by the majority of the Court, speaking by Mr. Justice Miller, that the object of the 2d clause of the 1st section of the 14th amendment was to protect from the hostile legislation of the States the privileges and immunities of citizens of the United States; and this was conceded by Mr. Justice Field, who expressed the views of the dissenting justices in that case. In the same case the Court, referring to the 14th amendment, said that "if the States do not conform their laws to its requirements, then by the fifth section of the article of amendment Congress was authorized to enforce it by suitable legislation."

The purpose and effect of the two sections of the 14th amendment above quoted were clearly defined by Mr. Justice Bradley in the case of *United States* v. *Cruikshank* (1 Woods, 308), as follows: "It is a guaranty of protection against the acts of the State government itself. It is a guaranty against the exertion of arbitrary and tyrannical power on the part of the government and legislature of the State, not a guaranty against the commission of individual offences; and the power of Congress, whether express or implied, to legislate for the enforcement of such a guaranty does not extend to the passage of laws for the suppression of crime within the States. The enforcement of the guaranty does not require or authorize Congress to perform 'the duty that the guaranty itself supposes it to be the duty of the State to perform, and which it requires the State to perform.'"

When the case of *United States* v. *Cruikshank* came to this Court, the same view was taken here. The Chief Justice, delivering the opinion of the Court in that case, said: "The 14th amendment prohibits a State from depriving any person of life, liberty, or property without due process of law, or from denying to any person the equal protection of the laws; but this provision does not add anything to the rights of one citizen as against another. It simply furnishes an additional guarantee against any encroachment by the States upon the fundamental rights which belong to every citizen as a member of society. The duty of protecting all its citizens in the enjoyment of an equality of rights was originally assumed by the States, and it remains there. The only obligation resting upon the United States is to see that the States do not deny the right. This the amendment guarantees, and no more. The power of the National Government is limited to this guarantee." 92 U.S. 542.

I wish to emphasize one sentence from the portion of the opinion which I have just read. That sentence reads:

The enforcement of the guarantee does not require or authorize Congress to perform "the duty that the guaranty itself supposes it to be the duty of the State to perform, and which it requires the State to perform."

That statement shows that the bill now before the Senate is beyond the power of Congress to enact, because it undertakes to authorize the Federal Government to perform the duty which the State owes under the 1st section of the 15th amendment. That being true, the bill goes beyond the power of Congress and cannot be sustained as appropriate legislation.

I should like to call attention to one more of the great decisions on this point under the 5th section of the 14th amendment, the case of *In re Rahrer* (140 U.S.), where the Court said, at pages 554 and 555:

The 14th amendment, in forbidding a State to make or enforce any law abridging the privileges or immunities of citizens of the United States, or to deprive any person of life, liberty, or property without due process of law, or to deny to any person within its jurisdiction the equal protection of the laws, did not invest, and did not attempt to invest, Congress with power to legislate upon subjects which are within the domain of State legislation.

As observed by Mr. Justice Bradley, delivering the opinion of the Court in the *Civil Rights* cases (109 U.S. 3, 13), the legislation under that amendment cannot "properly cover the whole domain of rights appertaining to life, liberty, and property, defining them and providing for their vindication. That would be to establish a code of municipal law regulative of all private rights between man and man in society. It would be to make Congress take the place of the State legislatures and to supersede them. It is absurd to affirm that, because the rights of life, liberty, and property (which include all civil rights that men have) are by the amendment sought to be protected against invasion on the part of the State without due process of law, Congress may therefore provide due process of law for their vindication in every case; and that, because the denial by a State to any persons, of the equal protection of the laws, is prohibited by the amendment, therefore Congress may establish laws for their equal protection."

Mr. President, I wish to emphasize the statement that the prohibitions of the 14th amendment "did not attempt to invest Congress with power to legislate upon subjects which are within the domain of State legislation."

Yet that is precisely what the bill undertakes to do in respect to voting rights in State and local elections. No one can gainsay that the States have complete rights in this field, subject only to the limitation of the 15th amendment that they are prohibited from denying to any citizen of the United States the right to vote on account of race or color.

The bill transgresses the second section of the 15th amendment because, if the bill were enacted, it would represent an effort on the part of Congress to legislate upon subjects which are within the domain of State legislation.

Another great set of decisions on this point are the civil rights decisions of 1883. I shall not undertake to read extracts from them, but I commend their reading to every Member of the Senate before the vote on this particular bill, because the civil rights cases of 1883 make it clear that Congress, under the guise that it is enforcing a prohibition against State action, does not have the power to invade the province committed by the Federal Constitution to the States.

All that Congress can do is to enact legislation which is appropriate to compel a State, as distinguished from the Federal Government, to perform the duty of the State under the 15th amendment. That duty is simply to refrain from denying or abridging the right of any citizen of the United States to vote on account of race or color.

There are many strange provisions in the bill. To my mind, one of the strangest is that upon which the whole voting referee provision rests. That provision is found in lines 20, 21, 22, 23, 24, and 25, on page 15, and line 1 on page 16. That language reads:

In any proceeding instituted pursuant to subsection (c) in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall upon request of the Attorney General and after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice.

That provision is the only one in the entire voting rights section which makes any requirement that any court or any referee shall make any finding as to whether or not any person has been denied the right to register or to vote on account of race or color in violation of the 15th amendment. If that finding is made, according to the provisions of the bill, any person of the same race covered by the pattern or practice found can apply to the court or to a voting referee and can ask the court or the voting referee to adjudge that he is entitled to an order to vote in any election conducted anywhere, for any purpose, in the State in which the application is made.

There is no requirement that persons applying to the court or applying to the voting referee for such an order subsequent to the time of the finding in the original case shall be denied the right to register or to vote on account of his race or color. As a matter of fact, the bill does not permit anyone to call this matter into question under any circumstances, because the bill provides, in lines 1 to 12 on page 16:

If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has since such finding by the court been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law.

There is no requirement that a person who applies to a court or to a voting referee after the original finding is made shall prove the existence of the only condition upon which the power of the Federal Government to act at all in such cases depends, namely, that he has been deprived of the right to vote by State action because of his race or color.

That is certainly a strange provision, Mr. President—that a man should have his right to vote determined by the Federal Government, without first showing that the only condition upon which the Federal Government could act did exist. As a matter of fact, not only does this provision not require that the applicant to the judge or to the voting referee show the existence of the only condition under which that official could possibly act under the provisions of the 15th amendment, but the bill provides, in effect, that such an official could not even question that matter, that it could not even be put in issue.

In this connection, I should like to read certain questions asked by me of the Deputy Attorney General of the United States, Judge Walsh, and certain answers given by him in response to my questions, at the hearing before the Judiciary Committee. I read now from page 80 of those hearings:

Senator ERVIN. Suppose a man has gone before the referee and the referee relates to the judge he has found in his report that he is qualified to vote under State law and he has applied for registration and been denied.

Mr. WALSH. Yes, sir.

Senator ERVIN. And makes, of course, no finding at all about the question of whether the denial was on the basis of race or color.

Suppose the State attorney general or the State election officer files an exception. Can he put in issue the question of whether the applicant was not denied his right to register and vote on account of his race and color but was denied on other grounds?

Mr. WALSH. He can show, he can put in issue, his qualification to vote or the fact of prior application. Those would be the only two issues.

Senator ERVIN. In other words, he is denied the right to put in issue that the denial was not on account of race or color, and, therefore, that the Federal Government had no jurisdiction at all?

Mr. WALSH. That is right. In other words, he cannot come in and say that "This man is not entitled to vote. I won't let him vote, but it was for some other reason."

Senator ERVIN. In other words, under this proceeding, voting referees, the State and the State officers are absolutely precluded from even litigating the question that the denial was not on account of race or color?

Mr. WALSH. That is correct.

The only question is whether the man is qualified to vote, and whether he has applied to the Satte registrar for that purpose and tried to vote through the State machinery.

Senator ERVIN. Even if the truth were that the denial was not on account of his race or color, but on some other ground?

Mr. WALSH. Some other erroneous ground.

Senator ERVIN. Then the State would not be allowed to contest the very condition on which the power of the Federal Government to act at all would depend.

Mr. WALSH. In this phase of the proceeding, that is correct.

Senator ERVIN. Well, can he do it before the judge?

Mr. WALSH. No. The only two times, the only places, I mean the only opportunity for that would be if the State registrar wanted to prove that the pattern or the practice of discrimination had ceased, then he could litigate that before the judge, and ask him to vacate the whole referee setup.

Mr. President, that statement by Judge Walsh is correct, under the bill. But in this connection I should like to point out that the State would be denied the right to raise that question, and so would the State official, for at least 1 year after the finding made in that case.

I now read from page 81 of the hearings:

Senator ERVIN. Well, that is certainly a remarkable thing to me because if there had not been a denial on the basis of race or color the Federal Government would have no power whatever as to this.

Mr. WALSH. This whole machinery would not have been set up if there had not been proof of a pattern of racial discrimination.

Senator ERVIN. Yet under this finding of practice or pattern, it would become conclusive, and not only conclusive, but it would deny to a State the right to even contest it thereafter.

Mr. WALSH. No, Senator, just—the State or anyone else could contest it whenever they wished to prove that the pattern or practice of discrimination had ceased, but there is a 1-year period intervening.

Senator ERVIN. For a year they could not even question it?

Mr. WALSH. Yes, because otherwise you would be trying the same thing over again tomorrow that you just tried yesterday.

Senator ERVIN. No, you are not, because you have somebody coming in before the voting referee who was not a party to the original case, and who was not even a beneficiary of the original case in that he was relied upon as being one of those who was deprived of his rights. And here for a year, even though the truth might be that there was no denial in the case of the people who come before the referee for the first time, on the basis of race or color, yet the State could not contest that for a year, although that would be the only basis on which the Federal Government would have any power whatever to act.

Mr. WALSH. The State would lose the right to raise the issue that this man was turned down erroneously, but on some other theory.

Senator ERVIN. In other words, the 15th amendment, the provisions of the 15th amendment, would, in effect, be suspended?

Mr. WALSH. For that period.

Senator ERVIN. For a period of a year.

Mr. WALSH. No. The theory of the bill is that if you prove an underlying practice of discrimination, and then you prove they have turned down a qualified voter of the race that was discriminated against, that is enough for a year or until they prove that this pattern of discrimination has ceased.

Senator ERVIN. In other words, even though the discrimination ceased as far as the State officials are concerned 1 minute after the adjudication as to pattern or practice as to other people, even though it ceased, they could not even show that fact.

Mr. WALSH. We risk this danger of coincidence that where a pattern of racial discrimination existed——

Senator ERVIN. If that is not nullifying the provisions of the 15th amendment for a period of a year, at least, I do not comprehend what nullification is.

Mr. WALSH. I recognize the point which you are driving at, Senator. It seems to us this came within the 15th amendment.

Senator ERVIN. In other words, on the basis of the finding of the denial of the rights of somebody else, some other men, other than the applicant who presents himself to the voting referee. The bill provides that the State cannot even show the next day that the election officer has ceased to discriminate, but there is a conclusive assumption, or presumption, or whatever you call it, which has to last for at least a year, under which the State cannot show that it has ceased.

Mr. WALSH. In other words, the presumption is that the election officer, if he turns down a man who is qualified to vote for that reason and not for some other erroneous reason, that is all he gives up is the right to turn him down for some other erroneous reason.

Senator ERVIN. The assumption is so strong that it cannot even be litigated and cannot be nullified or disproved by truth for a year.

That interpretation placed upon this bill by the Deputy Attorney General is a correct interpretation. In other words, when there is a finding by the court in the original case that there has been a practice or pattern of discrimination on the basis of race or color as to persons involved in the original case, then a conclusive assumption or presumption arises, which lasts for at least a year, that everybody else of that race who is turned down by the State officer, on any ground, has been turned down because of his race or his color.

What does that mean in plain English? It means what this proposal sets up is a procedure under which it not only denies a State the right to be heard and to establish the truth for a year, but sets up a procedure whereby all the Federal court or voting referee does is merely overrule the finding of a State officer on the question of whether a person who applies to the court or the voting referee possesses the qualifications prescribed by State law. The proposal makes the finding of the Federal court or Federal voting referee supreme, and denies the State the right to reject the application of a person of a particular race for any kind of disqualification he may have under State law.

Mr. LONG of Louisiana. Mr. President, will the Senator yield at that point?

Mr. ERVIN. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. In the State of Louisiana the registrars are appointed by what is called the police jury of a parish, which is the local governing body.

If one registrar was discriminating against colored persons, and the Federal court appointed a registrar, and the police jury, because of the discrimination, proceeded to fire that registrar and hired one who was pledged not to discriminate in any fashion at all, if I understand the provisions of this bill, the Federal registrar would continue to serve and to undertake to put people on the rolls even if they were not qualified, although the previous registrar might have been fired by the local governing body for the very reason for which another registrar was put in office, to see that colored persons got on the rolls.

Mr. ERVIN. The Senator is exactly correct. If, the day after, or 1 minute after, the court had made a finding of a pattern or practice of discrimination in the original case, the State election officials removed the misbehaving State registrar and replaced him with a man who did not practice any discrimination whatever, the Federal court or the Federal referee would continue to have the power, for at least one year, to pass on the qualifications of State voters and to overrule every honest and bona fide decision made by the State registrar who was practicing no discrimination as to any member of the race concerned.

Someone in Scripture, in the Old Testament, said he could find no place for repentance, even though he sought to find it. Here a State is denied any place for repentance. The State is placed in a subsidiary position to the Federal court and to the Federal voting referee, because the Federal court or the Federal voting referee will act thereafter, and the only thing they are allowed to do under this bill is to pass on the question whether the State registrar made a mistake when he adjudged that a particular man of a particular race was not qualified to vote, either because he had not lived in the State long enough, or in the voting district long enough, or because he had been convicted of a disabling felony, or because he was a lunatic, or because he was an idiot, or because he did not meet a literacy test.

Under the bill neither the Federal court nor the Federal referee could pass on the question whether this man had been denied the right to register or vote because of his race or color.

The result is that the Federal court and the Federal voting referee become, in effect, administrators of State law, to the exclusion of the State official with whom they disagree, even though the State official has exercised no discrimination and has made bona fide decisions on matters committed to him by the law of the States.

Mr. LONG of Louisiana. If the previous misbehaving registrar had permitted a large number of persons to be placed on the rolls who had no business being there, and if, after he was fired, a proper registrar proceeded to register everyone who was qualified, would it not be true that under this proposal the Federal registrar would still be registering persons who were not qualified because they contended they had been discriminated against, although they should never have been on the rolls in the first place?

Mr. ERVIN. The Senator from Louisiana is correct. That occurs by virtue of another provision of the bill, which the Senator from Louisiana and I have discussed previously. In other words, even though as the Senator from Louisiana has said, the State registrar enforces the law of the State and determines the qualifications of the applicant in a correct manner, and without any racial discrimination whatever, the Federal voting referee or the Federal judge would have the power to overrule the decision of the State registrar, on the ground that the State registrar had not applied to the applicant the rules which his predecessor as State registrar had established in violation of the law of the State.

Mr. LONG of Louisiana. Therefore, we could see people who did not belong on the rolls put on the rolls by the Federal referee at the same time that a successor to the previous registrar was striking off the rolls those who had no place on the rolls in the first instance.

Mr. ERVIN. The Senator is correct.

The period of 1 year is applied, in which the State cannot contest the finding with reference to a pattern or practice. This creates what lawyers would call "a conclusive presumption."

It has been held—and held correctly—that the due process of law clause prohibits the creation of a conclusive presumption.

Mr. President, I read from 12 American Jurisprudence, Constitutional Law, section 625, pages 317 and 318, the following:

> A conclusive presumption, or a presumption that operates to deny a fair opportunity to repel it, violates the due process clause.

I argue that the bill, if enacted into law, would create a conclusive presumption against the State and the State election officials and not only would deny to the State and to the State election officials a fair opportunity to repel that conclusive presumption but also would deny to the State and to the State election officials any opportunity whatever to repel the conclusive presumption for the period of at least 1 year. I argue that is contrary not only to fair play and not only to justice but also to the due process clause of the fifth amendment, which prohibits the Congress of the United States from creating any such conclusive presumption.

Mr. President, this provision would do more than that. It would do something which cannot be reconciled with any proper consideration of desirable Federal-State relations.

Most of the States of the Union have laws which provide certain definite times for the registration of voters.

In my State of North Carolina we have a provision to the effect that in every election year there will be a registration of voters beginning in May for a period of 4 or 5 weeks to enable those who desire to vote in the forthcoming primaries to vote in such primaries if they are adjudged qualified.

We have another provision which sets aside a certain period of 4 or 5 weeks preceding the general election, for another registration of voters and for passing upon challenges to registered voters, so that the processes may be completed in time to have everyone's right to vote adjudged before the general election is held.

We have similar provisions with respect to registration of voters for municipal elections, for school elections, and in some instances for elections in sanitary districts.

This bill contains the provision:

> If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has since such finding by the court been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law.

I read that provision again, Mr. President, for the purpose of pointing out that although under the laws of most States there are limited periods of time set forth in which persons must register to vote, this bill would step in to say that one of these persons authorized to apply to the Federal court or to the Federal voting referee is not bound by those State laws. Instead of having to prove his eligibility to vote under the law of the State within the limited period of time stipulated by the legislature of the State, such a person could apply to the Federal court or to the voting referee to have his qualifications to vote passed on at any time within a period of a year, and subsequently thereafter, under certain circumstances, even though all other people of the State of the other race would have to register and to prove their qualifications within the limited period of time established by State law. If this is not violative of the principle enunciated by the decisions, which said that the Federal Government could not undertake to enforce prohibitions against State action by legislating in the field committed to the States, I cannot imagine what it would take for the Federal Government to invade that field in violation of these decisions.

Mr. LONG of Louisiana. Mr. President, may I ask the Senator a question at that point?

The PRESIDING OFFICER. Does the Senator from North Carolina yield?

Mr. ERVIN. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Would this have anything to do with the situation in which a State requires the registration books to be closed 30 days before an election, in order that the poll list may be compiled for each precinct, for the benefit of all the commissioners?

Mr. ERVIN. It would absolutely nullify that law of the State in any voting districts in which it had been found that a pattern or practice of discrimination existed. While members of the other race would be bound by that law, members of the race covered by the pattern or practice would not be. In other words, we would have one law for one race and another law for another race, in a country where all laws are supposed to apply alike to all men in like circumstances.

Mr. LONG of Louisiana. Do I correctly understand that under the provisions of the bill as presented, even if the State law said the registration books would be closed for the last 30 days prior to an election, a person of a minority race who claimed he had been discriminated against could be registered by a Federal referee within that 30-day period?

Mr. ERVIN. If he lived in a voting precinct in which it had been found, in an action to which he was not a party, that there had been a pattern or practice of discrimination against members of his race.

Mr. LONG of Louisiana. How, under those circumstances, could we expect the commissioners working at the polls and trying to conduct the elections to know who was registered and who was not registered by the voting referees?

Mr. ERVIN. They would be sent a copy of the order. But that is one of the great defects of the provision. As I see it, it violates the 15th amendment. The Congress is empowered by the second section of the 15th amendment to enforce only a prohibition against State action; and yet under the terms of this bill it not only would undertake to act in place of the State, but it would absolutely nullify the laws of the State as to one race of people, laws which are designed to apply to all the people of the State.

Mr. LONG of Louisiana. Am I to understand that even if those particular colored people had never been discriminated against at all, they could still register during the last 30 days before an election, at a time when the white people would be prohibited from registering?

Mr. ERVIN. Except that the colored person would have to show that he made an effort to register. But he would not have to be a party to the suit, and he would not have to be one of those for whose benefit the suit was brought. But he would have to show that he did go before the State official. However, if he was able to show the Federal judge or the Federal voting referee that he had applied to the State official and that he had been turned down by the State official, the Federal judge or the Federal voting referee, at any time within a year, even though the registration books were closed to everyone else, would have the right to give this man an order that he was entitled to vote.

Mr. LONG of Louisiana. Would that be the case even though there had been no opportunity for the local registrar to test the correctness of his original decision not to register the person?

Mr. ERVIN. He has a sort of knock-kneed, bald-headed, spavined right to test that question after the case is tried by the referee. He has the right to come in after the referee has made the decision, and take an exception to his report, and have a hearing before the judge. But the trouble is that he does not have that right when the judge himself passes upon the question. He has no right whatever to have the decision reviewed if the judge passes on the case; and even in a case in which the referee passes on the question, the judge has the power to send the exceptions to the referee's report back to the referee to let the referee pass on the question as to whether he, the referee, had made a mistake.

Mr. LONG of Louisiana. I thank the Senator.

Mr. ERVIN. I respectfully submit that this bill contains many provisions inconsistent with a proper conception of what is desirable in Federal-State relations. Also I think it violates the provisions of the Constitution by providing that only the evidence of the applicant shall be considered, on the question as to whether the applicant is qualified under the literacy law to vote. I think that violates the due process clause of the fifth amendment, because the due process clause of the fifth amendment says that the right to a hearing secured by due process of law entitles a litigant to the right to present evidence to sustain his allegations.

Mr. LONG of Louisiana. Mr. President, will the Senator further yield?

Mr. ERVIN. I am glad to yield.

Mr. LONG of Louisiana. With regard to law enforcement, the Senator does believe, does he not, that when States enact laws they should be enforced; otherwise they should never have been enacted in the first instance?

Mr. ERVIN. I certainly agree with the Senator; and I think the laws of a State in a field which is committed by our constitutional system of government to the State, are laws which should not only be obeyed by the State, but respected by the Federal Government and the Congress. If this bill were to be enacted into law, it would show that the Congress has scant respect for the constitutional laws of the States, because, as I have pointed out before, it provides that those laws would be amended by the violation of a misbehaving election official.

Mr. LONG of Louisiana. If a State provides that voters must be able to read and write, or if it provides that idiots or morons should not be permitted to vote, or that convicted felons should not be permitted to vote, would it not be a better remedy, rather than finding that some idiots were on the rolls, and therefore putting more of them on, to take off those who should not have been permitted to be on the rolls in the first instance?

Mr. ERVIN. I think that would be the sensible thing to do, but that is not the thesis on which the bill rests. The bill rests on the thesis that if some white idiots have been placed on the rolls, the voting referee or the court should place some colored idiots on, too.

Mr. LONG of Louisiana. To pursue the thought we discussed earlier, if a registrar unwittingly and unknowingly had permitted a number of persons improperly qualified for any one of a number of reasons to be on the rolls, and that registrar came to the conclusion, when his attention was called to it, that those persons did not belong on the rolls, and proceeded to do his duty by striking off the rolls the idiots, morons, and criminals that had no business being

there in the first instance, is there any provision in the bill to require the Federal referee to take off the rolls the idiots, morons, and criminals whom he put on his part of the rolls?

Mr. ERVIN. No. He would be required to put them on the rolls if the State officials put them on.

Mr. LONG of Louisiana. If a Good Government League, for example, in any parish or county in which discrimination had been alleged, and where a Federal referee had been appointed, proceeded, on a nondiscriminatory basis, to have stricken from the rolls all those who had been unlawfully placed there, there would be no provision whereby they could get at the criminals, morons, and idiots that the Federal referee had on his rolls. Therefore, that part of the rolls could not be cleaned up.

Mr. ERVIN. The State would have nothing to do with it, because the Federal Government would entirely supersede the States. It would take the place of the States, and the States could not make any decision which the Federal officials would be bound to respect, for a period of at least a year. During that year the Federal court would not even hear any evidence. I have always seen the picture of justice represented by a blindfolded woman. I have always been told that justice is blind. Under the terms of this bill, justice would be not only blind, but deaf, because it could not listen to the truth for a year, and it could not listen to the defendant's testimony.

Mr. LONG of Louisiana. Would it not seem proper that, if the standards were such that the local registrar either voluntarily or by reason of pressure from local citizenry, cleaned the rolls of irregularities and took from the rolls those people who had been placed there illegally and improperly, at least the Federal registrar should be required to clean up his rolls? Is there anything in this provision to require or enable the Federal registrar to clean up his rolls when the local citizenry had cleaned up theirs?

Mr. ERVIN. We must make a distinction between whether they are adjudged entitled to vote by the judge, or adjudged entitled to vote in a proceeding before the voting referee. If they are adjudged entitled to vote on application to the judge after the original decision, there is no provision whatever for anyone to have any opportunity to challenge them. The judge's decision apparently becomes final, because he is not required to give any notice to anyone. He is not required to give anyone any opportunity to be heard. Therefore there is no opportunity to be heard in a case in which the judge himself passes on the question, as he is authorized to do on an application subsequent to the final judgment in the original case.

There is a provision which states that a State election official or the State attorney general can, in a sort of weak-kneed kind of way, challenge any person who has been adjudged by the voting referee to be entitled to vote. After the referee has concluded his hearing, taken the evidence orally, without reducing it to writing, except in one instance, and in the absence of the State official, and after he has made his decision and reported it to the judge, without the State official having any notice of or any opportunity to argue the matter, the provision states that the judge shall issue a notice to show cause, which can be returned at any time, not exceeding 10 days. Then he issues a copy of the report to the official, who does not have an opportunity to know what that report is based on, except in one respect, namely, with reference to the literacy test, and then he is given an opportunity to appear before the judge to show that the decision of the voting referee was erroneous. However, he does not necessarily get that opportunity, because the judge can refer the matter back to the voting referee himself for decision, and the judge does not have to give him an adequate opportunity to investigate the matter, because he must act in not more than 10 days, and he can even shorten the period.

Mr. LONG of Louisiana. Looking at the definition of "qualified under State law," it would seem to mean, in effect, that the definition would be the legal practice at the time rather than the actual law. Is there any provision in the bill that if, by pursuing that standard in violation of the law, the registrar places a person on the rolls, and he belong there, and the Federal registrar follows the same standard, if the State proceeds to enforce the law properly under State law, the Federal referee shall conform to the same standard as originally intended by the law?

Mr. ERVIN. The question asked by the Senator from Louisiana illustrates the absurdity of the bill. This bill says that when the hearing has been held before the voting referee, and he has made his report to the judge, and the judge issues his notice to show cause, the State election official or the Attorney General can file exceptions, and if he excepts on a matter of law he must submit a memorandum as to the law.

How can the State authorities know what the law is that they are talking about and what law is being applied? It is not the law made by the legislature of the State, but it is the law made by the misbehavior of the misbehaving election official. How can anybody know, since the law varies from one precinct to another, what supposed rules of law apply?

Mr. LONG of Louisiana. In effect, the proposed statute, at page 20, by definition makes law violations the law of the State. Is that correct?

Mr. ERVIN. That is right. That is exactly what the situation is and what the effect of the bill would be. That is something nobody has ever attempted to do before.

Mr. LONG of Louisiana. In other words, criminality becomes the law, under this provision of the bill.

Mr. ERVIN. Yes; whatever illegal standard the misbehaving State election officer sets up in his maladministration of the law becomes the law of the State, insofar as the voting referee and the Federal judge are concerned.

Mr. LONG of Louisiana. In other words, if there is a State law making it a crime for the registrar to permit certain types of people to be on the registration rolls, and he proceeds to commit that crime, then that criminal act becomes the law of the State by Federal definition, does it?

Mr. ERVIN. It becomes the legal standard by which the Federal judge and the Federal voting referee determine the qualifications of the persons who seek to vote, provided that the standard is less stringent than that established by the legislature of the State.

If the standard is more stringent than the State law which has been enacted by the State legislature, then the standard found in State law prevails. However, if the standard is less stringent, then the criminal conduct determines what the law is with respect to people belonging to the same race with respect to which a pattern of discrimination has been found to exist.

Mr. LONG of Louisiana. The words "qualified under State law" are given a definition which could make a State law a crime under State law.

Mr. ERVIN. Exactly. In other words, if the conduct of the misbehaving election official, manifested by his illegal conduct, is less stringent than the law enacted by the State legislature, the standard fixed by his criminal conduct becomes the State law instead of the law enacted by the State legislature.

That is one reason why this bill should not be enacted. Instead of being enacted into law, it should be transferred to the Smithsonian Institution and placed among the other curiosities there.

Mr. HART. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. HART. The distinguished and extremely able Senator from North Carolina developed at some length in the hearing a point which leads me to make a suggestion. I wonder if he would object if I inserted at this point in the RECORD the ultimate reply made to his series of questions by the Deputy Attorney General. I think it would give point to the view of those of us who feel that this bill should not go to the Smithsonian Institution.

Mr. ERVIN. I shall be glad to have the Senator do that, provided I do not lose the floor. I attempted to paraphrase the justification made by the Deputy Attorney General. I shall be glad to have the Senator make the insertion. In fact, I will do it myself.

Mr. HART. I did not intend to test the Senator's memory. I was not on the floor during all his address, and I did not know that he had made that comment.

Mr. ERVIN. I understand. However, I will insert in the RECORD at this point the statement made by Deputy Attorney General Walsh, which appears at page 113 of the hearings before the Committee on the Judiciary:

Well, whatever, however you want to characterize it, it certainly is the purpose of this definition to see that the races are treated equally and that one is not submitted to, subjected to a more difficult test than the other. I think that is about where we come out.

That statement was made, if I may be permitted to say so, in response to this observation on my part, which appears at the bottom of page 112:

Senator ERVIN. But this is a different point, I think. In other words, it says that this is the State law, but it cannot be more stringent than the course of conduct followed by the misbehaving State official in passing upon qualifications of the other race and that is letting the Federal law amend the State law to conform to the misbehavior of the misbehaving officer when the Federal Government acting through the voting referee administers the State law.

The response of the Deputy Attorney General was what I have just read. That is exactly what I said Mr. Walsh had said. I did not repeat it verbatim, but I said that the effect of what the Deputy Attorney General had said was that the State law should be amended by the misbehavior of the misbehaving State election official if the standard created by such misbehavior was less stringent than State law.

He said he thought that was justified because the State ought to treat people of both races alike.

I agree with him that the State should treat its citizens alike regardless of their race. However, I think that when we start to legislate in Congress we ought to observe the Constitution, and Congress should pass laws which would compel the States or State officials to observe the prohibition against State action.

The way to do that is illustrated in acts which have already been passed. For example, title 18, section 242, of the United States Code, makes it a crime for a State election official to deny to any citizen of the United States any right which he has under the Constitution and laws of the United States.

Under this proposal, any State election official who wrongfully or willfully denies any person the right to register and vote under the Constitution can be punished by a fine or imprisonment or both. That is the direct way to enforce the prohibition of the 15th amendment.

Then there is a provision in the Civil Rights Act of 1957 under which the Attorney General can sue at the expense of the taxpayers in behalf of any person wrongfully denied the right to register and vote on account of his race or color. Under that procedure, the court can perform a judicial act and order the State election officials to register the person. If the officials fail to do so, they can be fined or imprisoned for contempt of court.

Legislation of that kind is appropriate, in my judgment, to enforce the prohibition of the 15th amendment, because it is calculated to compel the State to perform its duty. It does not undertake to let the Federal Government do it.

The reason for the opposition to the Kefauver amendment is that it attempts to make an ex parte hearing before a voting referee a judicial proceeding. Those who advocate the bill and oppose the Kefauver amendment say, in effect, that they want the Federal voting referee to act just as a State registrar would act. In other words, they are here converting the Federal courts into registration boards. They are converting them into something other than judicial bodies. That is one of the fatal defects of the entire bill, as I see it.

It has been decided by the Supreme Court of the United States and by virtually every State court in which the question has ever been raised that the act of passing upon the qualifications of a voter is not a judicial act, but, on the contrary, is an executive act. The registration of voters is an executive function. The bill attempts to make the Federal courts, which are supposed to be judicial bodies, registration boards for State and local elections as well as for Federal elections. That is one thing which cannot be done under the U.S. Constitution.

The men who drew our Constitution had studied the history of the past and had found that the surest way to destroy liberty and to establish tyrannical government was to concentrate all the powers of government in one individual or in one body. So when they drafted the Constitution of the United States, they divided all the governmental powers on the Federal level among the legislative branch of the Government, which is Congress; the executive branch of the Government, which is the President, and the judicial branch of the Government, which consists of the Supreme Court and such courts inferior to the Supreme Court as Congress may from time to time establish.

In one of the greatest decisions of all time in the Supreme Court of the United States, the case of Martin against Hunter, reported in 1 Wheaton, at page 304, Justice Story, one of the greatest men ever to adorn that tribunal, said:

The object of the Constitution was to establish three great departments of government; the legislative, the executive, and the judicial departments. The first was to pass laws, the second, to approve and execute them, and the third, to expound and enforce them.

I shall not undertake to read the entire opinion, but Judge Story said, in effect, that it was not possible to vest the powers of one Federal department in another. That is precisely what the bill undertakes to do, except that it goes beyond that point and attempts to vest the powers of the States in one of the departments of the Federal Government, which under the Constitution cannot exercise those powers.

The bill undertakes to convert the Federal courts and the voting referees created by the bill into registration officers for all elections, both elections for Senators and Representatives and elections of officers of State and local governments.

Passing upon the qualifications of voters is an executive function. The bill undertakes to confer upon the Federal courts, which are judicial bodies, empowered only to exercise the judicial power of the United States, the power to execute and to discharge the executive function; that is, to determine the qualifications of voters in all elections of all kinds. I submit that that cannot be done, and that the bill transgresses that constitutional principle.

I had hoped to discuss at a later time the proposition that the bill not only violates the provisions of the Constitution in the respects in which I have stated, but I wish to elaborate upon the contention that the procedure created by the bill in respect of the action of the Federal court and the action of the voting referee subsequent to the adjudication of the original case is not a case or a controversy within the purview of the second section of the Third Article of the Constitution of the United States, and that since the Federal courts can only exercise judicial powers, and since the proceeding established by the voting referee section lies outside the domain of the judicial power and is not a case or controversy under the Constitution, therefore the bill is void.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. JOHNSTON of South Carolina. Mr. President, I should like to ask the Senator from North Carolina a few questions, to show how confusing the bill actually is. I read from page 17 of the bill:

The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, who shall subscribe to the oath of office required by Revised Statutes, section 1757 (5 U.S.C. 16) to serve for such a period as the court shall determine. • • •

Now listen to what the referees are required to do:

To receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections—

Then the bill recites what the referees are to do. One is led to believe that they are to get evidence; that they will be glad to have everybody come in and give them evidence on both sides. One would think that, would he not? But we have heard the argument made on the floor that the referees want evidence only from one side.

Mr. ERVIN. Oh, yes. As a matter of fact, the bill itself provides that on one aspect of the case the referee is not to take evidence except on one side.

Mr. JOHNSTON of South Carolina. That is correct. But what I have just read would lead one to believe that the referees are to take evidence and report to the court their findings as to whether at any election or elections—

(1) Any applicant is qualified under State law to vote, and (2) he has since the finding by the court heretofore specific been (a) deprived or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law.

Up to that point, one would believe they would be seeking the true evidence from both sides, would he not?

Mr. ERVIN. That provision would certainly lead one to believe that was true.

Mr. JOHNSTON of South Carolina. I read further:

In a proceeding before a voting referee, the hearing shall be held in a public office. The referee shall give the county or State registrar 2 days' written notice of the time and place of the hearing and such State or county registrar, or his counsel, shall have the right to appear and to make a transcript of the proceedings.

But, as was brought out, the last amendment would strike out the words "the applicant shall be heard ex parte." Before that amendment was submitted, one would have believed that both sides would be heard. But when that amendment was submitted, one would begin to have a different opinion; is that not so?

Mr. ERVIN. Of course, under the original form of the provision, which included the words "ex parte," the applicant could do as old Nicodemus did. Nicodemus went to the Lord by night; and under that provision, the applicant could go to the referee by night.

Mr. JOHNSTON of South Carolina. Nicodemus probably did not want to let all the people he had done harm to know about that.

I read further:

His statement under oath shall be prima facie evidence as to his age, residence, and his prior efforts to register or otherwise qualify to vote.

Mr. ERVIN. You see, under that provision, they are not required to take down the evidence on that point. So such evidence could be given orally; and then there would be no way in the world for a person to contest it, thereafter, inasmuch as he would have no way of knowing what the evidence had been and whether it was valid or otherwise. That provision would make unreported evidence, which could be concealed, prima facie evidence of the truthfulness of the applicant.

Mr. JOHNSTON of South Carolina. In other words, behind closed doors the official could be condemned, and he would not have an opportunity to know what he was condemned for or what he was charged with or by whom he was condemned.

Mr. ERVIN. And he would not even be informed that anyone was accusing him of having done anything improper.

Mr. JOHNSTON of South Carolina. On page 19, beginning in line 11, we find the following:

Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(c) of the Federal Rules of Civil Procedure.

Mr. ERVIN. You see, those who drafted that language did not want that official to have any of the powers provided under the other subsections of rule 53, because if the official had the powers provided by the other subsections of rule 53, notice would have to be given—just as would have to be given by a master.

Mr. JOHNSTON of South Carolina. That is true.

When we read rule 53(c), we find that it goes into detail and states just what can be covered. But the fact is that according to this proposal, the judge could confine them to certain things, and they could go into only those things. Is that not true?

Mr. ERVIN. Certainly he could confine them to the things listed there—which do not cover the only condition under which the Federal government would have any power to take any action at all in such cases.

Mr. JOHNSTON of South Carolina. Now I should like to read rule 53(c):

The order of reference to the master—

And this is inserted by reference, the same as in the bill—

may specify or limit his powers and may direct him to report only upon particular issues or to do or perform particular acts or to receive and report evidence only and may fix the time and place for beginning and closing the hearing and for the filing of the master's report. Subject to the specifications and limitations stated in the order, the master has and shall exercise the power to regulate all proceedings in every hearing before him and to do all acts and take all measures necessary or proper for the efficient performance of his duties under the order.

Mr. ERVIN. That makes it clear that the Senator from South Carolina was correct when, a moment ago, he suggested that the judge could place limitations on and could give directions to the voting referee.

Mr. JOHNSTON of South Carolina. That is true; under this order, the judge could do as he might see fit.

Mr. ERVIN. Mr. President, I yield the floor.

Mr. JOHNSTON of South Carolina. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON of South Carolina. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CONNALLY RESERVATION

Mr. EASTLAND. Mr. President, before the debate is over, I am going to speak at some length on title VI and the pending amendment to the civil rights bill. At this time I wish to discuss briefly a question which I consider to be of grave importance to the United States, namely, the proposal of the Vice President and of the Eisenhower administration to repeal the Connally reservation, and leave our country at the mercy of an international court on which Communists have more representation and more influence than has the United States of America.

Almost a year ago, in speaking to the Memphis Bar Association about this proposal, I went on record in opposition to it. As I said then, the proposal is clearly so fundamental that though it may emanate from the White House, it will be decided in the precincts of the country.

I do not know that I was the first to raise my voice against this proposal, but certainly I was one of the first. I think what I said in Memphis on May 1, 1959, has been proven true. The people of this country have learned about this proposal, and are learning more about it all the time; and the more they learn about it, the less they like it. Senators are hearing from their constituents on this matter. And I venture to predict, Mr. President, that what we have heard so far is not a patch on what we shall hear if a bill to repeal the Connally reservation should be reported favorably from the Committee on Foreign Relations and come before the Senate for action.

The essence of the proposal to repeal the Connally reservation is that we surrender one of the most important attributes of sovereignty—the right of a sovereign nation not to be sued without its own consent—and, instead, grant blanket authority for the United States of America to be sued on occasions we cannot control and with regard to questions about which we have not been informed in advance.

The drive to repeal the Connally reservation is basically a movement for world government. World order and world peace under law must mean world government to mean anything at all.

Senator Tom Connally of Texas was a realist. He knew that the vision of world law was a mirage, and will remain a mirage, unless the day comes when world law is backed up by the power of a world government. He believed in putting the interest of this country first. He knew that labels mean nothing when the other fellow has the right to apply his own label. He was not satisfied to leave the definition of what constitutes the domestic affairs of the United States to any arbiter but the Government of the United States. He knew it would do us no good to call a spade a spade as long as pro-Communist judges, constituting a majority of a nine-man panel of an international court, could call it an instrument for the interment of bourgeois and capitalistic fallacies, and make their definition stick.

The phrase "world peace through world law" has a high semantic value, especially to Americans who have a tradition of respect for law and order and courts.

But law can only bring peace where it is either accepted voluntarily or enforced adequately. In the international community today, the great threat to world peace is a bloc of outlaw nations. These nations will not accept any law but their own power. They do not even regard their pledged promises, made in solemn treaties, as binding upon them if their own interest will be served by breaking the pledges.

Mr. President, I ask unanimous consent that this speech be not considered one speech against the pending amendment.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Is there objection to the request of the Senator from Mississippi?

Mr. KUCHEL. Mr. President, reserving the right to object, I did not hear the unanimous-consent request.

The PRESIDING OFFICER. Will the Senator from Mississippi repeat his request?

Mr. EASTLAND. Mr. President, I ask unanimous consent that this speech be not counted as one speech against the pending amendment.

The PRESIDING OFFICER. Is there objection?

Mr. KUCHEL. Yes, Mr. President; I object.

The PRESIDING OFFICER. Objection is heard.

Mr. EASTLAND. Mr. President, the suggestion that we create a world law-enforcement agency means, in the last analysis, a superarmy under the control of an international organization. To put such an army under U.N. control would be to make it subject to Communist manipulation, for the Communists have far more power and influence in the United Nations' administration than any other nation or associated group of nations.

This is what we are moving toward when we accept the "world law" concept as the road to "world peace." Greatly as we desire peace, we must not allow ourselves, in the name of peace, to be drawn into a scheme whose only hope for peace would be in the Communist connotation of that word—which means a world in which there is no longer any effective opposition to communism.

We are told to give up a portion of our national sovereignty, to relinquish it to the International Court, and that this will shame the U.S.S.R. into doing likewise. Mr. President, assuming this were true, I am not sure it would be a sound goal; for if both the U.S.S.R. and the United States were to surrender sovereignty to a body upon which the U.S.S.R. has at least two votes and the United States has one as an absolute maximum, I think we might not find we had gained very much.

As for shaming the U.S.S.R. into doing anything, this is a childish suggestion. Why, Mr. President, not even the revulsion of the whole civilized world could shame the U.S.S.R. into stopping the slaughter of Hungarian patriots.

Perhaps a brief history of the International Court of Justice would be helpful in bringing us to an understanding of the questions which are involved in the proposal to repeal the Connally reservation.

The Court now known as the International Court of Justice was not created by the United Nations Charter. It got its present name from that Charter, and the United States became associated with the International Court, for the first time, by signing that Charter; but the Court itself was created 25 years earlier by the statute of the League of Nations.

Although the United States was not a member of the League of Nations, and had not adhered to the statute of the International Court, we had one of the first judges on the Court; because the statute permitted citizens of nonmember states to be chosen as judges. The first U.S. judge was John Bassett Moore, who was picked after Elihu Root, one of the drafters of the Court statute, declined to serve on the new Court because of his age.

John Bassett Moore was, at the time of his appointment to the World Court, the outstanding U.S. authority in the field of international law. He was the author of the "Digest of International Law," which had been the recognized authority in its field for some 20 years. He had served in the U.S. State Department since the first administration of Grover Cleveland; and had been one of the foremost advocates of the settlement of disputes between nations by international arbitration.

Judge Moore took his place as a judge of the International Court in 1922, and served until 1928, when he refuse to accept reelection. Charles Evans Huges took his place on the Court, and when Hughes was named Chief Justice of the United States, his place was taken by Frank B. Kellogg, ex-Secretary of State of the United States.

During all this time, however, the Senate resisted proposals that it take action to adhere to the statute of the World Court; and this situation continued right down to the time the United Nations was formed.

When the United Nations Charter was being framed in San Francisco in 1945, it was obvious no agreement could be reached for the establishment of a World Court which would involve compulsory jurisdiction. In order to have a World Court at all, a compromise was worked out which established the International Court of Justice as a principal organ of the United Nations, but to function only in accordance with a so-called statute of the Court. The U.N. Charter declared that all members of the United Nations were ipso facto parties to this statute; but no nation was made subject to the compulsory jurisdiction of the Court without its own express consent, evidenced in a formal declaration transmitted to the United Nations.

When the United States joined the United Nations, we adhered to the statute of the International Court of Justice, thus becoming associated with the Court for the first time. But we did not accept the compulsory jurisdiction of the Court, and thus the consent of the United States was required, in every case involving this Nation, before the Court could assert jurisdiction to decide the case and have its decision binding upon this country in any way.

The ink was hardly dry on the signatures to the United Nations Charter before the campaign started to get the United States to accept the compulsory jurisdiction of the Court of International Justice.

This drive was successful, in the atmosphere of one-worldism which surrounded the formation of the United Nations; and on August 14, 1946, the Senate consented to the "compulsory jurisdiction" of the Court of International Justice with respect to any purely legal dispute with any nation which had accepted the same jurisdiction in advance.

As it came from the Foreign Relations Committee, the resolution of acceptance provided:

That the United States of America recognizes as compulsory ipso facto and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes hereafter arising concerning—

(a) the interpretation of a treaty;

(b) any question of international law;

(c) the existence of any fact which, if established, would constitute a breach of an international obligation;

(d) the nature or extent of the reparation to be made for the breach of an international obligation;

Provided, That this declaration shall not apply to—

(a) disputes the solution of which the parties shall entrust to other tribunals by virtue of agreements already in existence or which may be concluded in the future; or

(b) disputes with regard to matters which are essentially within the domestic jurisdiction of the United States of America; or

(c) disputes arising under a multilateral treaty, unless (1) all parties to the treaty affected by the decision are also parties to the case before the Court, or (2) the United States of America specially agrees to jurisdiction; and

Provided further, That this declaration shall remain in force for a period of five years and thereafter until the expiration of six months after notice may be given to terminate this declaration.

On the floor of the Senate, on motion of the then senior Senator from Texas, Tom Connally, eight words were added to the reservation respecting domestic jurisdiction: "as determined by the United States of America."

Formal notification of this country's acceptance of the compulsory jurisdiction of the International Court subject to the reservation noted was signed by President Truman on August 14, 1946, and was deposited with the Court on August 26, 1946.

The reason for the Connally reservation was that under the statute of the International Court of Justice, the Court itself is given the power to make final decision with respect to questions of its own jurisdiction. The Senate Foreign Relations Committee had, as I have explained, placed in the resolution of acceptance of the Court's compulsory jurisdiction a reservation with regard to matters essentially within the domestic jurisdiction of the United States. Debate on the floor of the Senate developed the fact that under the statute of the International Court, the Court would have the right to decide, in case of a dispute, whether any particular matter lay within the domestic jurisdiction of the United States. The whole purpose of the Connally reservation was to make certain that the International Court of Justice may never have the right to claim and exercise jurisdiction over any matter which the United States considers to be essentially within the domestic jurisdiction of this country.

As the Senator from West Virginia, Mr. Revercomb, expressed it on the floor of the Senate at the time, the purpose of the Connally reservation was to "clarify the situation so that we can say, under our Constitution, 'this is a domestic matter'."

The absolute essentiality of such a saving clause should be apparent to everyone. The very first area in which the International Court of Justice is given jurisdiction over disputes is with respect to the interpretation of a treaty. I mention one treaty that would fall within this jurisdiction—the United Nations Charter. Under this charter it would be possible—as Senators pointed out here in this Chamber in 1946—for questions to arise which might affect immigration to the United States, with respect to tariffs and duties, with respect to navigation in the Panama Canal, or with respect to any other subject under the sun which the mind of man might conceive which some foreign nation might consider to be a question of interpretation of a treaty, but which this country might regard as a domestic matter.

There are in the Senate today 12 Senators who voted for the Connally reservation. I refer to the Senator from New Hampshire [Mr. BRIDGES]; the Senator from New Mexico [Mr. CHAVEZ]; the Senator from Rhode Island [Mr. GREEN]; the Senator from Arizona [Mr. HAYDEN]; the Senator from Alabama [Mr. HILL]; the Senator from South Carolina [Mr. JOHNSTON]; the Senator from Arkansas [Mr. MCCLELLAN]; the Senator from Washington [Mr. MAGNUSON]; the Senator from Montana [Mr. MURRAY]; the Senator from Wyoming [Mr. O'MAHONEY]; the Senator from Georgia [Mr. RUSSELL]; and the Senator from Wisconsin [Mr. WILEY]. Among the great Senators who voted for this reservation, and who are no longer with us, were Senator Austin, of Vermont; Senator George, of Georgia; Senator Knowland, of California; Senator La Follette, of Wisconsin; Senator Langer, of North Dakota; Senator Millikin, of Colorado; Senator Revercomb, of West Virginia; Senator Taft, of Ohio; Senator Vandenberg, of Michigan; Senator Walsh, of Massachusetts; Senator Wheeler, of Montana; and Senator Wherry, of Nebraska.

There were 12 votes against the Connally reservation. They were cast by Senator Cordon, of Oregon; Senator Downey, of California; Senator Fulbright, of Arkansas; Senator Guffey, of Pennsylvania; Senator McMahon, of Connecticut; Senator Mead, of New York; Senator Morse, of Oregon; Senator Murdock, of Utah; Senator Pepper, of Florida; Senator Taylor, of Idaho; Senator Thomas, of Utah; and Senator Wagner, of New York.

It is my considered judgment that had there been no Connally reservation to the original agreement of the United States to participate in the International Court, that agreement never would have been approved by the Senate.

Only four nations have accepted the compulsory jurisdiction of the International Court unconditionally and without reservations. These four nations are Finland, Haiti, Nicaragua, and Paraguay. Soviet Russia has not accepted the compulsory jurisdiction of the Court at all, nor has any other Communist country. No Communist country ever will accept this; and I do not believe the Senate of the United States ever will accept it. No leading nation of the world has surrendered its sovereignty in this way; and there is no reason to believe any of them will, no matter what we do.

There are some things we must keep in mind at all times, in considering this question of the jurisdiction of the World Court, and the extent to which we as a nation want to be subjected to that jurisdiction.

This Court is composed of 15 judges, and it is provided that there may be not more than one judge from any one country.

Already, the spirit of this provision has been violated because the Communists have two judges today, one from the Soviet Union and one from Poland; technically from different countries but actually both controlled from Moscow. Nine of the fifteen judges constitute a quorum to decide a case; therefore, any five judges could constitute a majority.

There is no possible appeal from a decision of the World Court, since there is no higher authority to which an appeal could be taken.

Judges of the International Court are named by majority vote in both the General Assembly and the Security Council of the United Nations; but the United Nations has no uniform qualifications for these judges. There is not even a requirement that a judge of this World Court be a lawyer, or skilled in the law. The election of these judges is, therefore, wholly political. And when a judge has been elected, he takes no oath of office, he is not required to commit himself to any principle or set of principles.

Judges of the International Court of Justice serve for 9-year terms. The single U.S. judge will go out of office on February 6, 1961, and we have no way of knowing whether there will be even one U.S. judge on the International Court after February 6, 1961. The chances are good that the post which becomes vacant when the term of the U.S. judge expires next February will be filled by a national of another country, and that for many years thereafter the United States will not be represented among the Judges on the International Court.

As I have pointed out, the Communists have two judges, in spite of the stipulation that no two judges can be nationals of the same State; because Soviet Russia has one judge and Poland has another judge. In any dispute involving the United States, it is a safe bet that the two Communist judges, if they were on the panel considering the case, would vote against the United States. If there should be three other judges on the panel who were inclined against the United States, then we would lose the case.

I will not give specific examples of this nature. I do not wish to impugn the good faith of any judge, except to declare that the judges representing the U.S.S.R. and Poland undoubtedly would act in any case in accordance with good Communist theory, and good Communist theory regards "bourgeois courts" as forums for waging the world struggle against what the U.S.S.R. calls the capitalistic countries, which means us and the rest of the world. But it can do no harm to call attention to the present composition of the Court. As I have pointed out, there is one vacancy. The United States has a judge; Soviet Russia has a judge; Poland has a judge; the others are respectively from Norway, Pakistan, France, the United Arab Republic, Uruguay, the United Kingdom, Argentina, Mexico, China, Greece, and Australia.

In the absence of an accepted body of law to interpret and apply, the judges of the International Court in any particular case necessarily must decide on the basis of their own concepts. A majority of the judges on the International Court come from countries having many legal concepts quite different from ours. To say that when required to decide a case without the guidelines of accepted law, the judges would follow their own concepts rather than ours, is not to impugn the honesty of any judge, or to demean any country. It is just being realistic.

But it is important that we recognize this, and understand that because the International Court considers itself "above" national law, it could not and would not recognize as binding upon it any of the guarantees of the United States Constitution's Bill of Rights.

Questions involving the rights of U.S. citizens must be kept "domestic affairs" to insure that they will be decided according to our constitutional heritage. Many of the rights our citizens prize are unrecognized by a majority of other nations—and by a majority of the nations which are represented by judges on the International Court. Most of the Court's judges come from countries which completely fail to recognize legal concepts that are essential domestic matters to us. For example, most of these countries recognize no individual right to own private property, and to hold it against arbitrary government seizure. This is why the United Nations Covenant on Human Rights failed to recognize this basic property right. The whole United Nations concept of "human rights" is that people have rights granted to them by their governments. But this is a concept which denies our own credo of "unalienable rights" in the people, and limited powers conditionally by the people to the government.

It has been argued that we should not retain the power to say, when the chips are down, what constitutes our strictly domestic affairs, because we cannot be trusted to use this power honestly and fairly. On the other hand, it is contended, the International Court of Justice can be trusted to respect our institutions and to do justice in every instance.

How, Mr. President, can we trust an international court to protect our rights and the rights of the States from the constantly growing power of centralized government, when we cannot even trust the Supreme Court of the United States to do it?

As the Indianapolis Star reported:

The cynical use of the treaty power to enable the Federal Government to evade the Constitution has been established by precedent and upheld by the Supreme Court. Blanket submission to International Court jurisdiction would place this same tool for nullifying the American Constitution in the hands of forces totally outside the United States.

There is no subject of domestic concern with respect to which this country could not enter into a treaty with some other nation. Under the developed doctrine of executive agreements, what can be done by treaty can be done by the President alone, on behalf of the Nation, and an executive agreement thus concluded binds the Nation, as part of the supreme law of the land, without even being submitted to the Senate.

Mr. President, I shall conclude my address at a later time. I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARROLL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. EASTLAND. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator cannot reserve the right to object. Objection must be made, or the call must continue. Is there objection? The Chair hears none, and further proceedings under the quorum call will be dispensed with.

Mr. CARROLL. Mr. President, I think the debate which has been conducted yesterday and today has certainly clarified the amendment which the distinguished Senator from Tennessee [Mr. KEFAUVER] presented to the Committee on the Judiciary. I was not on the floor all of the time the able Senator from Tennessee was stating his reasons for presenting his amendment to the Committee on the Judiciary. But I am led to believe that the position taken in the debate by the junior Senator from Colorado has been sustained by the position taken today by the able Senator from Tennessee.

Yesterday I said I thought it was the purpose of the Senator from Tennessee, during the executive session of the Committee on the Judiciary, when he presented his amendment to that committee, that there be no secret, clandestine, star chamber meetings held by a voting referee under the bill now being considered.

Second, I thought that the Senator from Tennessee not only demanded a public hearing, but wanted an opportunity for the local registrar to be able to obtain a transcript of the proceedings.

Third, it was my impression—and I think it has been sustained today—that the Senator from Tennessee did not intend to transform the ex parte proceeding into an adversary proceeding. I believe I am correct in assuming that the interpretation of the Senator from Colorado of what the Senator from Tennessee sought to achieve before the Committee on the Judiciary, in executive session, is borne out by my remarks this evening, as will be shown in the RECORD tomorrow morning.

Mr. President, I now pose a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Colorado will state it.

Mr. CARROLL. What is the pending business before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. CARROLL].

Mr. CARROLL. I thank the Chair.

I observe on the floor this evening the distinguished chairman of the Committee on the Judiciary [Mr. EASTLAND], another member of the Committee on the Judiciary, the distinguished senior Senator from North Carolina [Mr. ERVIN], and also the distinguished senior Senator from California [Mr. KUCHEL]. I serve notice this evening that tomorrow at the appropriate time I shall in all probability, if I am permitted to do so, propose a modification to the amendment which I have submitted, and which is now the pending business before the Senate. I trust the modification will be acceptable to all sides because the first thing I seek to achieve is that there will be no secret, clandestine, star-chamber proceedings on the part of the voting referee. Second, I seek to achieve ex parte hearings according to the concept and precept of due process.

Third, I want the RECORD clearly to show that the voting referee has no rights which are superior to those of the court which has appointed the voting referee. To state it differently, if the court breathes life into the voting referee, the voting referee will not have power greater than that of the court which created the office itself.

I think the modification I shall present tomorrow will preserve the constitutional rights of the State and the applicant, and will preserve the constitutional right of the court to function, because some of the words I have used in the modification come from the Constitution itself. I shall not at this time further elaborate my modification, but I hope that all reasonable persons who are interested in the passage of the bill will accept the modification. I may say that it has been presented to both sides of the aisle. There is nothing startling about it. There is nothing which really changes the concept or enlarges the powers already contained in H.R. 8601. The modification is simply a reaffirmation of constitutional principles and of due process. I trust it will be acceptable to both sides.

Mr. President, if there are no other questions to be asked of me at this time, I yield the floor.

TRIBUTE TO MRS. BONY HAMPTON PEACE

Mr. THURMOND. Mr. President, on Monday night, March 28, 1960, the head of one of South Carolina's most distinguished and successful families, Mrs. Bony Hampton Peace, passed away at her home in Greenville, S.C. Mrs. Peace was the wife of the late B. H. Peace, who rose from the position of a journeyman printer to become publisher of two of South Carolina's largest and most widely read newspapers, the Greenville News and the Greenville Piedmont

Together, Mr. and Mrs. Peace reared a fine family of six children, who have reflected much credit and honor on their parents.

One of their children, Mr. Charlie Peace, died in 1958, after serving as vice president and general manager of the Greenville newspapers and as president of the Asheville, N.C., newspapers. The other five children are all living. They are: Mr. Roger C. Peace, now chairman of the board of the News-Piedmont Co., and formerly a distinguished Member of the U.S. Senate; Mr. B. H. Peace, Jr., executive vice president of the News-Piedmont Co.; Mrs. George G. Leake; Mrs. Clarence T. Echols; and Mrs. Allen J. Graham, Jr.

"Mother" Peace, as she was known by so many, was a very gracious lady of high principles and lofty ideals who will be missed by many friends and loved ones. She was truly one of South Carolina's grandest ladies.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks two newspaper articles, one of which is a very beautiful editorial tribute to her memory by the very able editorial writer, Mr. Wayne F. Freeman.

There being no objection, the editorial and the article were ordered to be printed in the RECORD, as follows:

[From the Greenville (S.C.) News, Mar. 30, 1960]

A LONG LIFE WELL LIVED

Mrs. Laura Estelle Chandler Peace was a noble and gracious lady who lived a good life and a long one. She devoted all of it to her family and her friends.

And she had a large family and countless friends in the growing city in which she lived out her 86 years and throughout the United States and part of Canada wherever there were people connected with the newspaper industry.

Mrs. Peace may never have had printer's ink on her hands (we can't be sure, because she was no stranger to the job shop or the composing room during her more active years) but she certainly had it in her blood.

At the age of 20 she married the late Bony Hampton Peace, a journeyman printer. While they reared their family, Mr. Peace started his commercial printing business and went on to purchase the Greenville News in 1914 and the Greenville Piedmont in 1927 to found the Greenville News-Piedmont Co. In the early thirties the family entered another field of communications, radio, and still later, television.

Through the years, Mrs. Peace made friends among people in every phase of the printing and publishing industry. She was equally at home with editors and publishers and printers and suppliers of publishing materials from ink to paper and syndicated columns.

For more than 50 years as the wife, mother, and friend of newspapermen she was a part of what is both a profession and an industry. Until the last few years she was a regular attendant at the meetings of the South Carolina Press Association.

She lived to know and understand more than two generations of writers, editors and printers. Only last fall, even as her final illness was upon her, she pushed the button to start the magnificent new News-Piedmont presses on their first formal run.

She saw the Greenville newspapers, and the entire press of South Carolina, grow from a struggle to recover from an impoverished era to burgeoning maturity.

That was the public side of her life, part of a saga of the growth of a State and region. Her greatest role was in her private life which was an example and an inspiration to all who knew her. The keynotes of that life were strength, faith and serenity.

As the wife and mother of successful men she knew good fortune. But she also knew tragedy. She accepted both with the equanimity that can come only from a combination of strength of character, faith in her God whom she served and worshipped and a serenity of spirit which seldom if ever let her show signs of upset.

To the present News-Piedmont generation she was "Mother Peace," a term which to us designated true royalty.—W.W.F.

[From the Greenville (S.C.) Piedmont, Mar. 29, 1960]

MRS. B. H. PEACE DIES; RITES ARE TOMORROW

Mrs. Bony Hampton Peace, 86, wife of the late publisher of the Greenville News-Piedmont Co., died at the family home, 230 West Mountain View Avenue, at 10:35 p.m. yesterday.

Funeral services will be conducted tomorrow at 4 p.m. at the Mackey Mortuary. Interment will be in Springwood Cemetery. Services will be conducted by Dr. Dotson M. Nelson, Jr. and Dr. Leon M. Latimer.

Pallbearers will be John Sakas, John Harris, E. A. Ramsaur, James Johnston, Robert DeLapp, Charles Sterling, Edward Stall, Norfleet Harte, and Salters McClary.

The body will remain at the mortuary. The family is at the home, 230 West Mountain View Avenue.

Mrs. Peace had been ill for several weeks. She was seriously ill in February 1959, but recovered and was relatively active until recently. Last November she visited the News Building and pushed the button that started the News-Piedmont's new $1 million press on its first actual run.

Mrs. Peace was the former Laura Estelle Chandler, and was born March 12, 1874, the daughter of William and Martha Chandler. She and the late Mr. Peace were married November 28, 1894.

Although she stayed in the background, she was ever helpful to her husband in his rising career as journeyman printer, operator of a commercial printing business, and later as the publisher of Greenville's growing newspapers and operator of Greenville's first radio station, WFBC.

After the death of Mr. Peace, January 24, 1934, at West Palm Beach, Fla., Mrs. Peace continued to give her guidance to her sons as they directed the Greenville papers, the radio station, and other Peace properties.

Thus she had a direct part in the fabulous growth of the Greenville papers. When Mr. Peace acquired the News in 1916, it had a circulation of 5,000. Today the two papers (the Piedmont was acquired in 1927) have a combined circulation of more than 107,000 and are read throughout upper South Carolina.

In 1941 Mrs. Peace saw her eldest son become a U.S. Senator when then Gov. Burnet R. Maybank appointed Roger Craft Peace to fill a vacancy in the Senate. Roger Peace had succeeded his father as publisher of the Greenville papers and is now chairman of the board.

Another son, Charlie Peace, was vice president and general manager of the Greenville papers and president of the Asheville, N.C., newspapers until his death in May 1958.

A third son, B. H. Peace, Jr., is now executive vice president of the News-Piedmont Co.

Other survivors are three daughters, Mrs. George G. Leake, Mrs. Clarence T. Echols, and Mrs. Allen J. Graham, Jr.; 11 grandchildren, and 18 great-grandchildren.

Members of her family were constant visitors at the home of "Mother Peace" in Greenville, at the family's summer home at Caesar's Head, and at the Peace cottage at Pawleys Island. These were places both Mr. and Mrs. Peace loved.

It was a family tradition to keep a standing engagement for Christmas Eve dinner at the Peace home on Mountain View Avenue.

Mrs. Peace was a member of the First Baptist Church and of the Hoyt Bible Class of the Sunday school. She was active in church work in earlier years, and maintained a loving interest in the church during her later years.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, March 31, 1960, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 128) to establish a commission to formulate plans for a memorial to James Madison.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. EASTLAND. Mr. President, under the order previously entered, I move that the Senate do now adjourn until tomorrow at 10 o'clock a.m.

The motion was agreed to; and (at 7 o'clock and 2 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Friday, April 1, 1960, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate March 31 (legislative day of March 30), 1960:

FARM CREDIT ADMINISTRATION

The following-named persons to be members of the Federal Farm Credit Board, Farm Credit Administration, for terms expiring March 31, 1966:

Lester Clyde Carter, of Arkansas.
Robert T. Lister, of Oregon.

CALIFORNIA DEBRIS COMMISSION

Col. John A. Morrison, Corps of Engineers, to be a member of the California Debris Commission, under the provisions of section 1 of the act of Congress approved March 1, 1893 (27 Stat. 507) (33 U.S.C. 661), vice Col. John S. Harnett, Corps of Engineers, to be reassigned.

U.S. PUBLIC HEALTH SERVICE

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by laws and regulations:

I. FOR APPOINTMENT

To be senior surgeons

David Brand
Louis S. Gerber

To be senior assistant surgeon

George W. Douglas, Jr.

To be senior sanitary engineer

Edwin L. Ruppert

To be senior assistant sanitary engineer

Leo Weaver

To be senior scientists

Alfred S. Lazarus
Olaf Mickelsen

To be scientists

Herbert T. Dalmat
John E. Porter

To be veterinary officer

James Lieberman

To be nurse officer

Marie H. Van Son

To be health services officer

Claudia B. Gaither

II. FOR PERMANENT PROMOTION

To be senior assistant surgeons

John W. Dickson
S. Paul Ehrlich, Jr.

To be senior assistant sanitary engineers

Delbert A. Larson
Thomas N. Hushower

To be assistant sanitary engineer

Joseph H. Meier

To be senior assistant pharmacist

Donald B. Hare

To be senior assistant nurse officer

Marie Herold

IN THE REGULAR ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3298. All officers are subject to physical examination required by law:

To be first lieutenants

Adams, Jack E., O75478.
Adcock, Thomas G., O75479.
Addicott, Charles W., O75451.
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Stinson, Kenneth B., O76669.
Stipe, Aquila E., O76670.
Stockhausen, William T., O85803.
Stokes, John H., 3d., O75823.
Stone, Charles B., 4th, O75824.
Stout, Bruce F., O75825
Sturgis, Barry B., O75826.
Sullivan, Garland W., O76677.
Summers, Wallen M., O75827.
Swann, Roscoe A., Jr., O77946.
Swenson, James A., O75828.
Swindler, Murray G., O75829.
Szvetecz, Edward, O75830.
Takenaka, Harold H., O76685.
Tate, Lester B., O75831.
Taylor, James Van P., O75832.
Teale, Willis E., Jr., O75833.
Tedeschi, Joseph R., O75834.
Tener, Robert K., O75835.
Tengan, James T., O76690.
Thomas, David N., O75836.
Thomas, Robert W., O87640.
Thompson, Chadwick C., O76695.
Thompson, Ross E. G., O87946.
Thompson, Thomas G., O75837.
Thompson, William R., O75838.
Tilton, Robert C., O75839.
Timmons, Robert W., Jr., O76698.
Tobin, Kenneth D., O75840.
Tomaka, Karl S., O87950.
Toole, Jay C., O75842.
Traficante, Anthony J., O76703.
Trainor, James L., O75843.
Trees, Lester W., Jr., O76704.
Tribe, Donald S., O75844.
Tullington, Bernard J., Jr., O75845.
Turnbull, Robert B., O75846.
Tweddell, Johnny B., O76711.
Tynes, Theodore R., Jr., O77953.
Vail, Robert B., O76714.
Vaille, John D., O76715.
Van Buskirk, Kenneth C., Jr., O76717.
Van Cleave, Henry D., Jr., O78141.
Vanden Boom, James R., O76718.
Vardamis, Alexandera, Jr., O75847.
Varner, VeLoy J., O75848.
Vaughan, William A., O76719.
Vaughn, Norman M., Jr., O75849.
Vermillion, Robert V., O75850.
Vickers, John H., O75851.
Vockery, William L., O76722.
Voorhees, Theodore B., O75852.
Vuono, Carl E., O75853.
Waldenmaier, Carl H., O75854.
Walker, Jack E., O76726.
Wallace, Guy E., O75855.
Walsh, Fenwick A., Jr., O76729.
Walton, Clifford A., Jr., O75856.
Ward, William A., O77958.
Waters, John L., O75857.
Watson, Gerald G., O76734.
Weber, Andrew M., Jr., O75858.
Webster, Howard E., Jr., O75859.
Wells, David K., O85697.
Wells, Donald G., O75860.
Westerfeldt, Robert C., O75861.
Weston, Ray D., O76741.
Whalen, Donald P., O75862.
Wheatley, Charles W., O75863.
White, Lofton H., O75864.
White, Stanley Z., O76748.
Wilhelm, Edmund A., O75865.
Wilkinson, John C., O75866.
Willett, Frank W., O75867.
Williams, Charles L., 3d, O75868.
Williams, Graybill E., O76753.
Williams, Jerry R., O77964.
Williams, Ross S., O87972.
Williamson, Duane E., O76756.
Williamson, James C., O76757.
Wilson, Albert H., 3d, O76759.
Wilson, Gordon E., O76760.
Wilson, Nicholas B., O75869.
Winters, Donald L., O75870.
Winters, Robert E., O75871.
Wise, Joseph R., O88233.
Wishart, Leonard P., 3d, O75872.
Witbrodt, Donald J., O76762.
Witherow, John M., O75873.
Witmer, John A., O75874.
Wittman, Clarence E., O75875.
Wolff, Robert A., O76763.
Wood, James G., Jr., O75876.
Wood, Peter W., O76765.
Woolnough, James P., O75877.
Wright, Stuart E., O75878.
Wright, William K., O75879.
Wynd, William R., O87983.
Yates, William E., O75880.
Young, Lloyd D., O76775.
Yuhn, John T., O76777.
Yuill, Stuart J., O85710.
Zabriskie, Cedric J., O75881.
Zachgo, Durl D., O75882.
Zirkle, Michael N., O77966.
Zoeller, Robert J., O88236.

To be first lieutenants, Women's Army Corps

Clifford, Margaret F., L570.
Raines, Ruth D., L573.

To be first lieutenants, Medical Service Corps

Bowen, Carl L., O75943.
Fisher, George A., O76124.
Geringer, Gerald G., O86179.
Gourley, John H., O85754.
Herndon, Joseph E., Jr., O85765.
Merten, George D., O76386.
Mills, Freddie J., O76430.
Muglia, Joseph R., O84234.
Naylor, Donald L., O76460.
Oliger, Raymond S., O76479.
Reue, David N., O76547.
Santori, Luis A., O76588.
Schulze, Howard D., O84266.
Starr, Jon L., O76665.
Turner, James G., O76708.

The following-named persons for appointment in the Regular Army of the United States, in the grades specified under the provisions of title 10, United States Code, sections 3285, 3286, 3287, and 3288:

To be majors

Cichanski, William Joseph, O411005.
Graham, James Elliott, O825838.
McDugald, Lunsford Vaughn, O796409.
Meyers, Lowell Jerome, O2029525.
Olson, Charles Marshall, O678561.

To be captains

Bourgeois, Randolph Cosmos, O1886033.
Brown, Jack Walter, O996293.
Cain, Robert Osborne, O985257.
Ciolek, Robert Walter, O1883670.
Duke, Richard John, O2014800.
Fox, Lothar, O1937701.
Frank, Edward Roy, Sr., O1936769.
Howell, William Caudy, O990058.
Katt, Beaufort Charles, O1937618.
Koen, Clyde Hall, Jr., O1932508.
Lupton, Johnnie Edward, O1924861.
McDowell, Chester Woodford, Jr., O1886299.
Needles, Paul Edward, O2097757.
Rosenstein, Marvin, O4005147.
Schnepp, William H., O67606.
Thomas, Monroe Glenn, O989738.
Tisch, Donald Calvin, O1885187.
White, Richard Roland, O87665.
Wisyanski, David Anthony, Jr., O4018694.
Young, Clarence Joseph, O1879319.

To be first lieutenants

Abramoski, Leo Bert, O4083174.
Branch, John Henry, Jr., O4036541.
Gruber, Robert Eugene, O2269592.
Hammond, Robert Dale, O2298558.
Hartsock, Frank Eugene, Sr., O1926745.
Hermes, George Albert, O997205.
Hesson, James Marsh, O1931838.
Hunter, Joseph Louis, O4035624.
Lee, Curtis Don, O4057802.
Lopes, Francis Joseph, O1924814.
Lyle, John Allen, O4077796.
McCormick, James Cale, O1933747.
McGowan, Richard Milton, O4071807.
McKinley, Martin Ellsworth, O4052722.
McNider, Henry Bennett, III, O4030925.
Morrell, Richard Stuart, O4058051.
Moscovic, Paul Stephen, O4031622.
Ruttman, Lloyd Jewell, O4026290.
Schneeman, Douglas, O4074548.
Shaylor, Thomas Clyburn, O4030840.
Smith, Laurence Dale, O4030252.
Spence, John Dwight, O1933553.
Timlin, Jerome Paul, O4047446.
Walker, Travis Lloyd, O4026754.
Woods, Robert Paul, O4065585.

To be second lieutenants

Allingham, Edgar Robert, O2298500.
Amazeen, Charle Porter, Jr., O5701164.
Anderson, James Carl, O4042220.
Ashley, Alvie Owen, O5401060.
Avillar, Frank Manuel, O5002626.
Barge, Walter Shepherd, O5302070.
Barnebey, Hoyt Warren, O5701805.
Bayha, William Thomas, O5307173.
Bloedorn, Gary Warren, O5301832.
Brown, Oreal Lynnwood, O5502483.
Butcher, Robert Paul, O5210069.
Callahan, Donald Joseph, O5302909.
Carbone, Anthony Joseph, O5001027.
Carlson, Carl Emil, O5210071.
Chapple, Gerald Richard, O5400105.
Collamore, Jerry Allan, O5001320.
Cook, Kenneth Julian, O5303758.
Correa, Manuel, Jr., O5700944.
Courtney, Clayton Albert, O5209356.
Dardy, Leo Joseph, O5200656.
Davis, Billy Gene, O5400020.
Dearing, David Palmer, RA17517767.
Distefano, Herbert Cole, Jr., O5401358.
Eggleston, Howard Carpenter, O5509384.
Goodman, Donald Wayne, O5305783.
Greer, Robert Bunn, O4025806.
Hair, Henry Horry, III, O5303814.
Heinmiller, Arthur Edwin, O4084475.
Hill, Frederick Panknin, Jr., O5301975.
Hodges, Harvey Duane, O5509692.
Hollingsworth, Lindy Edison, O4076117.
Holm, Duane Arlo, O5700950.
Hubbard, Robert Vernon, O5502178.
Jameson, Gene Lanier, O5401395.
Jennings, Gerald Richie, O5702418.
Keller, Nicholas Michael, O5505061.
Liepins, George, O5405251.
Lindsey, Charles Ruben, O5205167.
Lord, Frederick John, Jr., O5304358.
Mahalko, Gerald John, O5503788.
Massey, Lee Thompson, O5400112.
McCann, Thomas Patrick, O5503118.
McCarthy, Patrick Francis, O5200339.
McDonough, John Martin, O5405322.
Miller, Charles Edgar, O5200340.
NeeSmith, Delmus Morrison, W3150372.
Norton, Graham James, Jr., O5000320.
Oliva, Albert John, Jr., O5302998.
Parkhurst, Henry Adams, O5304148.
Pendarvis, Donald Ray, O2298130.
Richards, Gene Max, O5401226.
Rochester, James Virgil, O5403893.
Rougeau, James Louis, O5402967.
Sambol, Donald George, O5507648.
Schultz, Kenneth Redmore, O5506647.
Skelly, James George, O4059601.

Skidmore, John Don, O5402282.
Spaulding, Richard Alden, O4064688.
Strandes, Peter Kurnik, O5001468.
Talbot, Ralph, IV, O5304271.
Thomas, Ronald Elayne, O5700362.
Tucker, Woodson Coleman, III, O5304934.
Valimont, Benjamin Franklin, O5506359.
Wilkins, Jesse Bradsher, Jr., O5303376.
Williams, Michael Kent, O5704557.
Wilmot, Richard Wayne, O5503021.

The following-named persons for appointment in the Regular Army of the United States, in the grades and corps specified, under the provisions of title 10, United States Code, sections 3285, 3286, 3287, 3288, 3291, 3292, and 3294:

To be captain, Army Nurse Corps

Lewis, Agnes Katherine, N776827.

To be captains, Medical Corps

Blackburn, Dwight Leroy, O4043780.
Carter, Samuel Chase, O5202327.
Chollet, Hillary Anthony, O4039801.
Knight, Lee Roger, O2282869.
Peterson, Karl Ralph, O5202370.
Pyke, Thomas Walter, O1931162.
Wiese, Lowell Merton, 980655.
Wilson, William Berry, Jr., O2295812.

To be captain, Medical Service Corps

Meadows, James Herman, O967618.

To be captain, Veterinary Corps

Eckermann, Edgar Hugh, O1941806.

To be first lieutenants, Army Nurse Corps

Farrell, Joanne Teresa, N902698.
McLeod, Alva Juanita, N902535.

To be first lieutenants, Dental Corps

Allwein, John Bowman, O5206525.
Bass, Kenneth David, O52011340.
Beachum, Jerry Robert, O1942315.
Haden, Jackie Lee, O2295613.

To be first lieutenants, Judge Advocate General's Corps

Davis, Alonzo Franklin, O5704086.
Radosh, Burnett H., O2297121.

To be first lieutenants, Medical Corps

Anderson, Carl Andre.
Bezreh, Anthony Andrew, O2295791.
Brott, Walter Howard, O2297900.
Downes, Hall, O4053465.
Grauman, David Willis, A2297945.
Hardy, David Lopp, O4057775.
Libcke, John Hanson, O2295535.
McAndrew, John Burton, O2295418.
McCaffery, James Michael, O2297985.
Rudman, Harold Leon, O4051957.
Vines, Donald Hoyt, O2295471.
Vuksinick, Louis Martin.
Ylitalo, Elmer Waldemar, O2297991.

To be first lieutenants, Medical Service Corps

Collins, William Stanley II, O1929615.
Crosley, John Kenneth, O2285021.
Eldridge, Bruce Frederick, O2284222.
Wilson, Robert Geoffrey, O2287523.

To be second lieutenant, Army Nurse Corps

Kingsbury, Betty Jane, N2295424.

To be second lieutenants, Medical Service Corps

Brown, Thomas Joseph, O2299078.
Mendell, James Martin, RO10736281.
Miller, Roger Curtis, O2299094.
Nelson, Jerald Oliver, O5509914.
Pedersen, Edward Robert, O2279251.
Thompson, George Edwin, O2298436.

The following-named person for appointment in the Regular Army by transfer in the grade and corps specified, under the provisions of title 10, United States Code, sections 3285, 3286, 3287, 3288, and 3292:

To be first lieutenant, Judge Advocate General's Corps

Poydasheff, Robert Stephen, O71856.

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade and corps specified, under the provisions of title 10, United States Code, sections 3285, 3286, 3287, and 3288.

To be second lieutenants, Medical Service Corps

Neal David Beinhacker
Veltin Joseph Boudreaux, Jr.
Raymond Lee Brown, Jr.
Billy Ray Caldwell
John Robert Cauble
Rogers Leon Coats
Ralph Donald Coffey, Jr.
Charles Edwin Delane
Dennis Blaine Forrer
James Lawrence Gore
Fredrick Lynn Greene
John Crawford Hamilton
Carlos Harris
Cecil Bernard Harris
Phillip Frank Hudson
Johnnie Ray Jackson
John Joseph Kilfoil
Charles Dean Larsen
Wayne Miller McLaughlin
John William McNeil
William Joseph Mullins, Jr.
William Duncan Oswald
Ronald Crandall Payette
Larry Gene Powell
Russell Edward Prescott, Jr.
Roy Stephen Roach
Michael James Rudick, Jr.
Calvin Philip Sandifer VI
Dyre Frederick Sibrans
Robert David Snoddy
Horace Grady Taylor
Leonard Joseph Timpone
John Wesley Turner, Jr.

The following-named distinguished military students for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 3285, 3286, 3287, and 3288:

Donald Bruce Abel, Jr.
Robert Benjamin Adair
Frank Sidney Adams
Glen Thomas Adams
Roy Bernard Adams
Stewart Edward Adams
Jerry Wayne Adcock
David Lawrence Adderley
Thomas Henry Agamenoni
Larry Pat Aikman
Jesse Calvin Aldridge
Joseph Daniel Alexander
Robert Thornton Alguire
James Evans Alling
William Thomas Allison
Luis Alvarez-Garcia
Robert Joseph Amirault
Anthony John Anastation
Donald Anthony Anchors
James Young Anderson, Jr.
Powell Robins Anderson
Robert Alexander Anderson
Warren Hargis Anderson
William Campbell Andrews
Michael Neil Appell
Donald Lee Applegarth
C. A. Archer
Robert Farr Armstrong
Dixon Arnett
Warren Austin Arthur
Edward Barrett Atwood, Jr.
Douglass Bradford Auer
George Robert Ax
Wallace Riddick Baker, Jr.
Richard Arnold Baldwin
Richard Stewart Bartlett
Stephen Ralph Bartlett
James Francis Baur
George John Baxter
Robert Carleton Bearse
Ronald Andrew Beauchamp
Lawrence Alphonse Beaudin, Jr.
George Wood Beeler, Jr.
William Henry Beird
Gary Lee Beiswanger
David Paul Belanger
Donald David Belcher
Alexander Bernard Belenski
Philip Robert Belisle
Thomas Jon Belzer
Louis Joseph Benedict
Carl Alton Benner, Jr.
Hugh Clements Bennett, Jr.
James Lineau Bennett
David Italo Bertocci
David Arnold Bevis
James Humbert Bianchi
Randolph Tracy Bibb, Jr.
Alvin Arthur Bicker
Barry Basil Billings
Ronald Eugene Bilyeu
James Willis Bingham
Hugh Hamlett Blackwell
Milton Pearce Blake
William Benjamin Blake
John Howard Blewett
Harold Hersey Bloch
William Vande Bogart
Joseph Paul Bohn
Phil Knox Bomersheim
Leslie Randolph Borland, Jr.
Kenneth Cobb Bowden
Joseph Milton Bowers, Jr.
William Hampton Bowers
Wilbur Grant Bowersox
Joseph Raphael Bowling, II
Albert Julian Boyer
Harry Ward Boyles, Jr.
Marvin Preston Braden
Larry Newell Bradford
Marvin Delano Brailsford
Harold James Brand, Jr.
Gordon Taylor Bratz
William Waddell Brett
Orlan Hiers Briant
Patrick Joseph Briody
Charles Christian Brown, Jr.
George Newell Brown, Jr.
James Harrison Brown
James Peter Brown
Samuel Lee Brown
Shirley Maurice Brown, Jr.
William Kenneth Brown, Jr.
Willie Claiborne Brown
Larry Don Brugh
Robert Hal Brumbley
Joe Stephens Bryan
Robert Louis Bryant
James Ansel Buford, Jr.
William Henry Bumgardner
Ralph Thorne Bunten, Jr.
Raymond Clarence Burdick, Jr.
George Winburn Burkley
John William Burns
Timothy Frederic Burns
Alan Archer Butchman
Billy Carl Butler
Michael Anderson Butterworth
Kenneth Arnold Byrd
John Joseph Byrne
Robert William Byron, Jr.
James Wright Cafky
Eugene Joseph Callahan
Joseph Charles Callahan
William Edward Callender
Jack Arnold Campbell
Terry Marcus Carlton
Roger Francis Xavier Carney
John Michael Carr
Milton Baxter Carr
Louis Arthur Carville III
John Barry Cary, Jr.
Joseph Glen Casanova
Thomas Aquinas Cavanaugh
Gordon Harrison Chader
Harry Chaffin, Jr.
Robert Lyman Chick
Robert Mahlon Chiles
James Ralph Choplick
Frederick Nels Christophersen
Herbert Nathaniel Clark
Jack Lee Clark
Thomas Campbell Clay
Conrad Stephen Cleale
Donald Edward Cleaver
Donald Francis Clement
David Garrett Cleveland

Corwyn Milton Cline
Keith Edward Clum
Robert Haslup Cole
Theodore Robert Cole
Barry Smith Collins
Conrad Green Collins, Jr.
Francis Chandler Collins
Anthony Peter Combriato, Jr.
Jon David Cook
Clinso Copeland, Jr.
Thomas Henry Cornick
Neil Laird Corry
Joseph Costa, Jr.
Louis Philip Costa
Emile Pierre Coulon
James Eugene Covan
Jerry Gordon Crampe
Robert Philip Crandall
William Sherman Creighton, Jr.
William Frank Cressall
Raymond Francis Crickenberger
James Raymond Crinan
Don Warren Crockett
Ross William Crossley
Ralph Lerance Crutchfield, Jr.
Joseph Cuccaro
William John Cully
Clovis Ray Culp
Richard Berg Culp
Emmitt Lee Curry
Weldon Kennerly Curry
James McRee Cushman
William David Cutler
Jerry Robert Daily
Robert Henry Damm
James Patrick Daniel
Harold W. Darden, Jr.
Jimmie Solomon Daughtry
Joseph D'Auleric, Jr.
Robert Matthew Davidson
Lynn Evan Davis
Voy Leland Davis
Jerry Avery Day
Richard John Day
James Welborne Dearlove
Jones Thomas Deaton, Jr.
Roger Berryl Decker
Wellington Paul Degener
Javan Michael DeLoach
Louis Joseph Demarest
J. Thomas Heflin Denney
Edward Cornelis de Vente
Samson S. Dickens
Myron Diduryk
Joseph Andrew Dion
Eugene Joseph Dobrzeleckl, Jr.
Paul Sargent Donahue
Benjamin Lewis Donaldson
Daniel Joseph Dorf
Hunter Riley Douglas
Joel Melvin Douglas
William James Doyle
Earle Avon Drake
Warren Edgar Drew
Lewis Frazer Driver
Ronald Edward Drumheller
Larry Carl Dubberly
John A. Duff
Jerry Gene Duncan
John Malloy Dunham
Rockwood Sweeney Dunham
Gerald Dwight Dupree
Ronald Samuel Durian
George James Dwyer
Robert Emerson Dyer
John Howard Dynes
Curtis Duncan Earp, Jr.
William Richard Easterling
Charles William Edgette
George Victor Edwards
Robert Henry Edwards
Harvey Leonard Eidinoff
Robert Eller
David Edward Ellis
Bruce Blake Ellsworth
Jerry Lee Endsley
Richard Alan Erickson
William Christian Erickson
Lester Andrew Eriemeier
Bobby Glenn Estep
David Owen Faist
Paul Wayne Falls
Jack Arthur Fecht
Robert John Federico
Raymond Eugene Fedynak
George Wood Feisthamel
Harlin LaVern Fenn, Jr.
George Albert Ferguson, Jr.
Robert Valentine Fernandes
Paul Frederick Ferrence
James Cecil Fields
Michael Joseph Finn
John William Fisher
Thomas Patrick Flanagan, Jr.
Thomas Whitney Flood
John Gerald Flora
Wilbert Flowers
Howard Joseph Floyd
George Quitman Flynn
John Michael Flynn
Stanley Lee Fonken
Philip Albert Forbes
Franz Josef Forster
Thomas Harman Foster
Willard Blake Foster
Donald Eugene Fowler
Robert Gary Francis
Charles Edward Frankenberger, Jr.
Weldon Clifford Franklin
Louis Dean Frederic Frasche
Howard Daniel Fraser
William Walter Freitag
William Carter French
Joe Allen Frerking
George Chisholm Frigard
Robert Craig Fulton
Robert Edward Gale
Robert Francis Galgano
Dwight Fred Garner
Gordon Gilbert Garney
Edward James Garrigan
John Raymond Garrison
Larry Daniel Gedney
Richard Stockwell Geehr
Thomas Lee Gensman
Barry Frederick Gentzler
Sabin Joseph Gianelloni III
Jerry Budinger Gibbs
John James Gibbs
George Peter Gick
Jerrold Lee Gilliland
Marco Louis Patrick Gilliam
Kenneth Robert Glaser
Francisco Gonzalez-Cruz
Eldon Byron Good
Arnold Jacob Gordon
Dewitt Farr Gordon, Jr.
Arthur Kazuo Goto
Brian Thomas Grattan
Bernard William Gratzer III
Edward Robert Green
Grant Sherle Green, Jr.
Jimmy Wayne Green
Norris Barratt Green, Jr.
William John Greif
Norman Dale Grimmett
Douglas Lamar Grindle
Frederick Dudley Griswold
Kenneth Dudley Grundborg
James Adrian Guest
Charles Emil Guetle
William Robert Guffey
Max Guggenheimer, Jr.
Douglas Carew Guiler, Jr.
Richard George Guindon
Lars Bernt Hagen, Jr.
Charles Aloysius Hall
James John Hallihan, Jr.
George Arthur Hamilton
William Louis Hamilton
Frederick Reid Harder
Alva Valdora Hardin, Jr.
Albert Sidney Hardy III
William Elmont Harmon
James Adam Harper
Ernest Lee Harrison, Jr.
Joseph James Harrison, Jr.
Kent Edwin Harrison
Robert Bradley Harrison
Donald Scott Edward Hart
Edward Donald Hart
George Washington Hart
Trapier Keith Hart
William Francis Harvey III
Kenneth Charles Haupt
Richard Burdette Hawkins
Ralph Eugene Hayes
Frederick Leslie Haynes
Frederick Joseph Hebert
Roland Charles Hebert
Richard Adolf Hein
Arthur Larry Henderson
Robert Gray Henderson
Christopher Patrick Hendrickson
David Neuman Henigsman
Charles Whitney Henry
George Edley Henry, Jr.
John Franklin Henry III
George Albert Herbster
Alfonso Manuel Hernais
Joseph Henry Herold
Curtis James Hermak, Jr.
John Peter Herring
Gerald Edward Herrmann
Charles William Herzig
George Philip Higdon, Jr.
James Linton Higginbotham
John Clark Higley
Robert Edwin Hoffman
Ludwig Carl Hoffman III
Donal Doris Hogan
Roger Deane Hohman
Billy Wayne Holbert
Robert William Holcomb
Allyn Adelbert Holland
James Clarence Holland
William Russell Holland
Peter Harvey Hollister
Allen Eldridge Holmes
Artemas Lawrance Holmes, Jr.
Simon Howard Holmes
Robert Page Holton
Harry Takeshi Honda
Samuel Wallace Hopkins, Jr.
Clifford Charles Horstman, Jr.
Leland Hollis Horton
Charles Edward House
Donald Eugene Houston
John Joseph Hovan
James Ralph Howard
Sherwin Ward Howard
Marvin Eugene Howell
Orvil Glade Hunsaker
William Homer Hunscher
John Woodrow Hunt
Robert Lance Hunter
Thomas Weston Hutchinson
Charles Albert Hutz
Ronald Shinichi Ichiyama
Anthony Edward Infantolino
Joseph Freeman Isenstein
Charles Henry Jackson, Sr.
Richard Michael Jacobson
Joseph Normand Jacques, Jr.
Robert Camille Jacquet
Ronald Richard Jalbert
Carlton Mize James, Jr.
Stephen Janowitz
Edward Roman Januszkiewicz
Jay Henry Jarrett
Charles William Jarvis
Clarence Edward Jewett, Jr.
James Gregory Johnson
Robert Bruce Johnson
Ronald Dale Johnson
Thomas Mee Johnson
Donald Houston Jolly
Arland Arthur Jones
Arthur Murlin Jones
James Charles Jones
Robert Ernest Jones
Paul George Jordan, Jr.
William James Jordan
Ernest Francis Jost
Meyer Kabot
Harold Frederick Kaiser, Jr.
George Robert Kane
Peter Paul Karabashian
James Walter Karaman
Kurt Lee Keene
John Thomas Keller
Richard Renker Keller
Robert Roy Kelly

Richard Herbert Kenyon
Bobby Gray Kiger
Harold Gene Kimes
Jack Junior King
James Roland King
Robert Allen Kirchgraber
Francis Bernard Kish
David Julian Klock
Douglas Frank Klosen
Bruce Evans Kniskern
Lawrence Rowland Knowles
Norman Tsutomu Kobayashi
John Kocis, Jr.
Richard Oscar Koford
Anthony James Kolodziejski, Jr.
Theodore Phineas Konkle
Robert Joseph Kopecky
Dale Michael Kopinski
Francis Stanislaus Kowalczyk
Francis Xavier Krahe
Gerald Kroll
Wayne Bellinger Kuhn
Jon Nicholas Kulish
William David Kutac
Simmin Nell Labell
George Thomas LaBlonde, Jr.
Salvatore Francis LaForgia
Nicholas Mathew Legattuta
William Richard Laird
Joseph Robert Lambert
Walter Kraft Lambert
Joseph Samuel Laposata
Aaron Jerome Larkins
Robert Alton Larson
Gerald Don Lasater
Billy Ray Lawson
Edward Kirby Lawson III
Samuel Murray Learned, Jr.
Charles William Lechner
Gene Harvey Lee
Stanley Martin Lee
Charles Stuart Lehrer
Charles Frederick Leonard III
Theodore J. Leonard
Ray Stewart Leuty
Stanley Burton Levy
John Meade Linebaugh
Stephen David Linn
James Earl Linton
Arthur Robinson Littlewood III
James Kerr Lloyd
George Joseph Logan, Jr.
Richard Allen Lohr
Russell Charles Lohrman
Roy Stephen Lombardo, Jr.
George Burnham Lott, Jr.
Reinhard Mann Lotz
Max Jay Loudenslager
Daniel Joseph Loughery
Neal Wallace Lovanes, Jr.
Gary Oscar Lozier
Martin Lu
Ira Talmadge Luster, Jr.
David Bertram Lutton
David Francis Lynch
Robert Carlo Maccarini
James Craft Maccracken III
Joseph John Machado
James Anthony Macinko
David Maddox
Edward Reeves Maddox, Jr.
James John Mahoney
Ferdinand Maksimowski, Jr.
Carlton Alvin Mallory
Edward Joseph Manley, Jr.
Lawrence Michael Marafka
Joseph Richard Marotta
Dahl Marshall
Marion Howard Marshall
Stanley Joseph Martin
Patrick Nicholas Martone
Richard Mashburn, Jr.
John Thomas Mason III
Linn Hindman Matthews
Richard Jordan Matusoff
James Joseph Maul
Antonio Michael Mavroudis
John Oscar Mayo, Jr.
John Bernard McBennett
John Patrick McBennett, Jr.
Alan Robert McCahan
Francis Daniel McCann, Jr.
Daniel Joseph McCarthy
William John McCarthy
Clyde Robert McClelland
Michael Joseph McCollum
Michael Henry McCormick
John Edington McCown
Francis Benedict McCullough
Richard Raymond McDade
John Frederick McDermott
James Isaac McDowell
Martin Nelson McGeary, Jr.
James Byrne McGough, Jr.
Edward Francis McGushin
Frederick Stroman McKay
Michael Rudd McKee
Horace McKenzie
Wesley Garner McNett, Jr.
James Thomas McWain
Gerald Vernon McWilliams
Jay Bonnett Meador
Kenneth Ray Mechling
Philip Clarke Medenbach
John Frederic Melcher, Jr.
Roger Lynn Menchinger
Joseph Anthony Mercurio
Joseph Henry Mergler
Richard Dean Meriaux
Carroll Wayne Merlick
Leon Benjamin Metz, Jr.
David Kent Meyers
Robert Wesley Meyers, Jr.
Raymond David Michels
Robert Dent Middleton
John Lawrence Miles
George Patrick Miller
Gerald Cree Miller
Richard Sidney Miller
John Martin Minick
Keith Camden Molohan
Thomas Shannon Moloskow
Lawrence Anthony Monaco, Jr.
John Paul Montgomery
Frederick Thompson Moore, III
Thomas Peter Moore, Jr.
Jon Ralph Morgan
Kearney Hall Morgan, Jr.
Jimmy Ray Morris
Thomas McNamara Morse
John Ashby Morton
Albert Anthony Muehlberger
Robert Bruce Mulholland, Jr.
John Francis Mullen, Jr.
William Joseph Mullen
William Ronald Mullins
James Thomas Munsch
Don Black Munson
Fredrik Hugh Murrill
Robert Myers
Clarence Siefert Naatjes
Joseph Eugene Nadeau
Brian Thomas Napier
Richard Livingston Naughton
Robert Bell Neal, Jr.
Richard Hartwell Negus
Karl Franz Nehammer
John Robert Newman
John Franklin Niblack
James Albert Nicholas, Jr.
Lester Doyle Nichols
George Pleasants Noble III
Howard Joseph Nolan
Dale Frank Norton
Joel Thomas O'Brien
Richard John O'Brien
Thomas Francis O'Brien III
Danny Edward O'Connor
William Donald O'Hara, Jr.
George Werner Ohlendorf
Michael Lee O'Kane
William Duncan O'Neill
Edward James Osborne
Douglas Bruce Ostlen
Matthew Henry Pachosa
Donald Edward Painter
William Lee Painter, Jr.
Lawrence Henry Palletti
Larry Brien Palm
Michael Anthony Paolino
Frank Ward Parker
Henry Bennett Parker
Jerry Wayne Patten
Kenneth Paulin
Hans Werner Paulsen
Larry Carmon Payne
Carl Alan Peabody
David Lee Pearce
Michael James Pepe
Whitman Coolidge Perham II
Alfred George Peterson
Levi Arnold Peterson
John O'Keefe Phelps
Paul Lawrence Pilanski
Rudolph Alton Pitcher, Jr.
Thomas Benton Pitcher
Arnold Ray Pleasant
Robert Charles Poe
Fred Rooks Pope
Edward Glenn Porterfield
Sidney Harold Powers
Eric Leroy Prall
Robert Roland Prevost
Howard George Pugh
Terry Clyde Pursel
Marida Ray Purvis
Richard Granville Pyle
John Anthony Quadrini
David Norwood Radike
Emile Anton Rainold III
Franklin Delanor Rains
Edward Lewis Ramsey III
Charles Gustav Rapp
Edward Gerard Rapp
Arthur Norman Rappaport
Ernest Herman Rautter
Charles Walker Raymond 3d
Fred Eric Redd III
Forrest Richard Redden, Jr.
Frank Siddall Reece
Alan Trask Reed
Henry McDavid Reed II
Clyde Milstead Reedy
Robert Willard Reese
Patrick Lambert Regan
Birge Douthitt Reichard, Jr.
Jonathan Drake Reiff
George Adam Rentschler, Jr.
Joseph Christian Reynolds
Richard Gardner Rhoades
Max Charles Richards
Jack Richens
Paul Kenneth Riley
James Lewis Rivers, Jr.
Edward Herndon Robertson, Jr.
Lawrence Lee Robertson
John Sanborn Rogers
Louis Rose
Richard Grayson Rose
Thomas Lee Rose
Arnold Louis Ross
Kenneth Lee Ross
William Paul Rovan
Christopher Charles Rudolph
Lawrence Glenn Runnion
Edward John Russell
Jerry William Russell
Francis John Russo
Joseph Edward Ryan
Michael Francis Ryan
William Joseph Ryland
Donald Bailey Safford
Clyde Frederic Saum
Charles Andrew Sawicki
James Christian Schaaf, Jr.
Robert Joseph Schaffhauser
Richard Riordan Schalk
Lynn William Scheirer
Paul Joseph Schmeizer
Michael Carl Schmidtman
David John Schneider
Frank Andrew Schollett
Roger Hart Schonning
Bruce Edward Schoppe
John Henry Schreiber, Jr.
Robert Charles Schroeder
David Brian Schuler
Richard Stephen Schultz
Lawrence John Schumann
Gilbert H. Schumpert, Jr.
Peter Milton Schuyler
Sheldon Alan Schwartz
Malcolm Paul Schwarzenbach, Jr.

William John Schweickert, Jr.
Carroll Thomas Sciance
Eric Harry Seagren
Richard Francis Sette
Donald Eugene Sexton
Billy Jack Shepherd
George Leo Shevlin, Jr.
James Gerard Shields
Richard Samuel Shumway
Edward Gresham Sills
Gerald W. Silver
Denis LeRoy Simmons
Kenneth Eugene Simmons
Andrew Robertson Simpson
William Caroll Simpson
James Lister Skinner
Stephen McLean Slattery
Anthony Stephen Slovacek
Sam Taylor Smathers
Peter John Smillkis
Don Allen Smith
Irving Benedict Smith
James Charles Smith
Stewart Edward Smith
William Henry Smith
Jerry Patrick Soderberg
Myron Bernard Sokolowski
James Lewis Sowell
Joel Charles Spaeth
William Herbert Spain, Jr.
Raymond Fasho Spigarelli
Michael Francis Spigelmire
William Allan Spin
Joseph Franklin Spitz
Allen Peterjohn Splete
Raymond Anthony Spunzo
Donald Leigh State
Gordon Stewart Steadman
Marion Archibald Steele, Jr.
Robert Jules Steffen
Kenneth Edward Steppe
William Lamson Stockman III
Gerald Benton Stofer
Rayburn Clifton Stovall
William Mitchell Strother
Carl Albert Strunk
Leonard Stanley Strzelecki
Walter Beynon Sturek
William Frederick Sturm
Barney Alan Sugg
Anthony Dwyer Sullivan
James Arnold Sullivan, Jr.
Richard Parker Sullivan
Robert Charles Swedberg
Richard David Sweeney
Homer George Taggart
Roger Jerome Tancreti, Jr.
Frank Andrew Tapparo
Harry Inett Taylor
Hurl Richmond Taylor, Jr.
James Franklin Thacker
Tommy Lennard Thorne
William Furman Thornton
James Doc Thurman
Joseph Leo Tierney
Clifford Richard Tillman
Henry Young Tillman, III
Felix Alberto Torres, Jr.
Ronald Alan Tourgee
Eugene Otto Trautmann
John Peter Trombino, Jr.
Robert Symons Troth
dePaul Richard Trunk
Richard Wesley Tuttll
David Harold Tyre
Richard Lee Tyson
James Girard Unger
Raymond Charles Valentine
Gordon David Van Amburgh
Bela Jozsef Vasvary
Herbert Edward Vaughan
Carl Parker Vermilyea
Anthony Michael Vickers
Ralph Lewis Waddell
Richard Ward Wagner
Louis Gregory Waldhour
William Roger Waldrop
James Henry Walker
Hubert Dalton Wallace
Bobbie Jack Waller
Charles Cornelius Washington
Robert Lee Waters
James Elwyn Watson, Jr.
Pitt Marvin Watts III
William Cleon Weathersby
James Howard Weaver
Gerald Edwin Webb
Richard Olin Webb
Faustin Neff Weber
Gerard Jenson Weber
Richard Ross Weisner
Michael Norton Welch
Herbert Daniel Wells
True Franklin Wells
Anthony Daniel Weyland
Gene Child Whaples
J. Dee Whisenhunt
Jerry Donald White
Berkley Allan Whipple
Basil John Whiting, Jr.
Lee Roy Whitley
Nathaniel Olmstead Whitlaw, Jr.
Rush Robert Wicker, Jr.
Thomas John Wilbanks
Charles Earl Williams
Samuel Douglas Williams
Stephen Beryle Williams
Charles Cole Wing, Jr.
Lawrence Jerome Winston
David Bitner Wirthlin
James Michael Wisby
Gerald Smithers Wolf
Robert Raymond Wolff
Larry Wayne Wood
George Satterwhite, Jr.
Thomas John Woodall
Lawrence Leonard Woodman, Jr.
Edward Richard Wynn
Phillip Takeshi Yamaguchi
Joseph Paul Yannuzzi
Donald York
Robert Laverne Yoxtheimer
Lawrence Paul Zaborowski
John Zebrowski, Jr.
William James Zimmer
Carl Edward Zoubra
Ervan Eugene Zouzalik

CONFIRMATION

Executive nomination confirmed by the Senate March 31 (legislative day of March 30), 1960:

POST OFFICE DEPARTMENT

Frank E. Barr, of Kansas, to be an Assistant Postmaster General.

HOUSE OF REPRESENTATIVES

THURSDAY, MARCH 31, 1960

The House met at 12 o'clock noon.

Rev. Clark Robbins, First Methodist Church, Huntington Park, Calif., offered the following prayer:

Almighty God, our Father, Thou who art the way, the truth, and the life, come close to us each one in these quiet moments that we share together. Remind us that we are debtors to the past, to giant souls who have labored in these Halls and throughout the Nation. Remind us and help us to a larger love for freedom and for liberty. Save us from blindness to sins at home while we ask for reforms abroad. Make straight in the deserts of our time a highway of righteousness and peace and help us to walk thereon.

We ask these things in the name of Jesus Christ, our Lord and our Saviour. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

NAVAJO TRIBE OF INDIANS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 6329) to set aside permanently certain land in McKinley County, N. Mex., for use of the Navajo Tribe of Indians, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Amend the title so as to read: "An act to convey certain land in McKinley County, New Mexico, to the Navajo Tribe of Indians."

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PROGRAM FOR NEXT WEEK

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HALLECK. Mr. Speaker, I take this time for the purpose of inquiring of the acting majority leader as to the program for the balance of the week and for next week.

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, in response to the distinguished minority leader, Monday is Consent Calendar day. Then there are five suspensions: H.R. 10550, extend Export Control Act of 1949; S. 1062, mergers, Federal Deposit Insurance Act; House Joint Resolution 397, resettlement of refugees; House Resolution 431, White House Conference on Narcotics; H.R. 10087, taxes, foreign tax credit.

On Tuesday the Private Calendar will be called. Any rollcalls on Monday or Tuesday, except on rules, will go over until Wednesday, due to the Wisconsin primaries.

On Wednesday there will be a joint meeting for the purpose of receiving the President of Colombia as a distinguished guest of the Congress, and also H.R. 10959, employment retired commissioned officers.

Thursday and the balance of the week is undetermined. Then there are the usual reservations that any further program will be announced later, and conference reports may be brought up at any time.

Mr. HALLECK. I thank the gentleman.

HSIAO-LI LINDSAY

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the

Speaker's desk the bill (H.R. 9444) for the relief of Hsiao-li Lindsay—nee Li-Hsiao-li—with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Lines 5 and 6, strike out "notwithstanding the provisions of section 202(a) and 202(b) of that Act" and insert "and the provisions of section 201(a), 202(a)(5), and 202(b)(2) of that Act shall not be applicable in this case".

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ADJOURNMENT UNTIL MONDAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that, when the House adjourns today, it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

SUSPENSION OF DUTY ON IMPORTS OF CASEIN

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 7456) to extend for 3 years the suspension of duty on imports of casein, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

(1) Line 7, strike out "'1960'" and insert "'March 31, 1960'".

(2) Line 7, strike out "'1963'" and insert "'July 1, 1960'".

Amend the title so as to read: "An Act to extend until July 1, 1960, the suspension of duty on imports of casein."

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, as the Members of the House will recall, as it passed the House H.R. 7456 provided for an extension of 3 years, until the close of March 31, 1963, of the existing suspension of import duties on casein. The Senate has amended the bill to provide that the suspension be continued for 3 months only, until July 1, 1960.

The Senate Finance Committee has scheduled a hearing to be held on this bill today, March 31, 1960. By extending the existing suspension for 3 months, ample time will be afforded for all interested parties to be heard, and at the same time the suspension will not lapse before appropriate action can be taken.

I urge that the House accept the amendment of the Senate.

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BYRNES of Wisconsin. Mr. Speaker, I have concurred in the action in agreeing to the Senate amendment to H.R. 7456.

It will be recalled that the House passed version of this legislation would have continued for an additional 3 years to April 1, 1963, the existing law suspension of import duty on casein. The Senate-approved amendment would continue the suspension for 3 months to July 1, 1960. Under present law this suspension is scheduled to terminate tomorrow April 1, 1960.

The original legislative action suspending the duty on casein occurred in 1957. The duty has been suspended for the entire period from September 3, 1957, to the present time.

In anticipation of the scheduled expiration of this suspension at the end of the current month, the Committee on Ways and Means on August 10, 1959, unanimously reported to the House legislation which had been introduced June 1, 1959, to continue the suspension for 3 additional years. On August 18, 1959, the House unanimously passed this bill and sent it to the other body.

To my knowledge no objection has ever previously been raised to the suspension of the import duty on casein during the time the suspension has been in effect. Recently an objection was made in the other body after the Senate Finance Committee had favorably reported H.R. 7456 to the Senate without amendment. This objection resulted in a Senate floor amendment to the legislation so as to provide the 3-month continuation of the suspension of duty to July 1, 1960. A 3-month extension of the suspension will give opportunity for public hearings on this matter to ascertain the merit of the objection. It is my understanding that the Senate Finance Committee has scheduled such public hearings. The interim 3-month suspension will alleviate to some extent the disruption of procurement practices of casein users.

I have agreed to concur in the Senate amendment so as to allow such public hearings to be held with the understanding that a more realistic extension of the suspension will receive congressional action during the present session of Congress.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

COMMISSION OF FINE ARTS

Mr. JONES of Missouri. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the bill (S. 2778) to amend the act relating to the Commission of Fine Arts and for the immediate consideration therof.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. GROSS. Mr. Speaker, reserving the right to object, what bill are we considering, S. 2778 or H.R. 7923, under this procedure?

Mr. JONES of Missouri. We are considering S. 2778, which I hope to amend by inserting language of H.R. 7923 which was reported unanimously from the House Committee on Administration.

Mr. GROSS. The gentleman intends to take some time to explain the bill and will yield for questions?

Mr. JONES of Missouri. When we get down to the amendment, I shall be glad to.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act Establishing a Commission of Fine Arts," as amended (40 U.S.C. 106), is amended to read as follows:

"SEC. 2. That to meet the expenses made necessary by this Act an expenditure of not exceeding $100,000 a year is hereby authorized."

Mr. JONES of Missouri. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES of Missouri: On page 1, strike out lines 6, 7, and 8 and insert:

"SEC. 2. There are hereby authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act."

Mr. JONES of Missouri. Mr. Speaker, I am now glad to yield to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. What is this bill going to cost under the amended version?

Mr. JONES of Missouri. I would say to the gentleman from Iowa that whereas there is a present limitation of $35,000 for appropriations to the Commission of Fine Arts, this would lift that limitation. I might say that for the past 3 years that limitation has not been adhered to in the appropriations that have been made. We feel that that limitation was set many years ago and is not now a realistic figure. Rather than accept the limitation fixed by the other body at $100,000, which we felt might be used as a goal for them to shoot at, we think that the House language with the limitation as reported by our committee would be more practical. The members of the committee felt that there would be less money spent in that way.

Mr. GROSS. I think the gentleman is correct in assuming that adoption of the Senate provision would mean the Fine Arts Commission attempt to obtain the full $100,000. The limitation now is $35,000.

Mr. JONES of Missouri. We are taking off all the ceiling.

Mr. GROSS. There is no limitation in the language which the gentleman would insert in the bill.

Mr. JONES of Missouri. I agree with the gentleman that there is no limitation, but it was the opinion of the committee, in which I concur, that in this case the ceiling of $100,000 would encourage the spending of more money than by taking off the ceiling entirely, because justifications would have to be made before the Committee on Appropriations.

Mr. GROSS. What does the gentleman think this Fine Arts Commission ought to have by way of an increase?

Mr. JONES of Missouri. I will say to the gentleman from Iowa this is like many other things in our Government. I feel that at least with the present makeup of the Commission they would spend probably in the neighborhood of $45,000.

Mr. GROSS. A $10,000 annual increase, in other words.

Mr. JONES of Missouri. It would be approximately that, I would think.

Mr. GROSS. What has the Committee on Appropriations been giving them up to this point?

Mr. JONES of Missouri. The highest figure, as I recall, and I would not want to be held to it, is in the neighborhood of $45,000.

Mr. GROSS. So the Appropriations Committees of the House and Senate have been violating the law to the extent of $10,000 a year?

Mr. JONES of Missouri. I would not want to comment on that.

Mr. GROSS. The limitation was $35,000, was it not?

Mr. JONES of Missouri. I think the gentleman is correct.

Mr. GROSS. And if the committees have been giving them $45,000, they have been bending the law pretty much out of shape, have they not?

Mr. JONES of Missouri. The gentleman can draw his own conclusion as to that.

Mr. GROSS. Does this have anything to do with the cultural center that is to be built down in Foggy Bottom?

Mr. JONES of Missouri. I am sorry; I cannot answer the gentleman's question about that. Foggy Bottom was not discussed in connection with this bill.

Mr. GROSS. What does this Fine Arts Commission do?

Mr. JONES of Missouri. It is the official advisory body of Government upon matters of art. It makes recommendations concerning the artistic aspects of design and location of public statues, fountains, monuments, buildings, and similar Federal projects, within the District of Columbia. I would say it is solely an advisory commission. I would also state to the gentleman that many of the people who serve on the Commission are serving without any compensation. They do have employees, a staff who draw salaries, but our committee felt that they were not being overpaid. They felt it was a necessary function to have such a commission.

Mr. GROSS. The appropriation has not been made for this year?

Mr. JONES of Missouri. I could not answer the gentleman's question.

Mr. GROSS. I am confident that I cannot stop the passage of this legislation, but I am opposed to it and I am certainly going to be watching for the appropriation when it comes in.

Mr. JONES of Missouri. As the gentleman well knows, I am only representing our committee here.

The SPEAKER. The question is on the amendment offered by the gentleman from Missouri.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 7923) was laid on the table.

Mr. JONES of Missouri. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. THOMPSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, as author of H.R. 7923, I wish to take this opportunity to express myself on its behalf. I also desire to present a brief explanation of its real objective. The bill simply seeks the removal of a fixed limit of $35,000 for fiscal expenditures by the Commission of Fine Arts. This limitation of authorization was established in May 1955 and after 5 years of very difficult financial programing the officials of that great Commission are now seeking permission to have its necessary activities annually reviewed, and its estimates justified, by the Committee on Appropriations in both Houses. They made an excellent case before our committee, pointing up the extensive work being done in our country's ever-growing demand for the fine arts and the importance of such a public service. The committee was unanimous in its endorsement of the proposal.

I compliment the course taken by the gentleman from Missouri [Mr. JONES] who recommended passage of a similar Senate bill, S. 2778, and amended it so as to include the provisions of H.R. 7923. The Senate-passed measure would limit the Commission's authorization to $100,000 instead of the present $35,000. The gentleman from Missouri [Mr. JONES], who is chairman of the Subcommittee on Library and Memorials, carefully followed the views of our committee, which was advised by the distinguished Chairman of the Commission, Dr. David E. Finley, who stated:

As it is not possible to anticipate what the workload will be several years from now, or to foresee what legislation there may be which will affect the workload or the costs, the Commission hesitates to recommend a specific limitation amount.

The Bureau of the Budget has approved H.R. 7923, and has concurred in the views expressed by Dr. Finley as to the necessity of enactment of this legislation as being in the best interests of the Commission of Fine Arts and the Nation.

The Commission of Fine Arts has been very careful in its expenditures of Government funds over the 49 years of its existence but it has found that its actual operating expenses have increased to a degree which makes it impossible adequately to discharge its functions within the $35,000 limit.

In fact, the appropriations for the Commission have exceeded the $35,000 limitation for the last 3 years. The excess for 1958 and 1959 and a portion of that for 1960 was required by the Federal Employees Salary Increase Act of 1958—Public Law 85-462. An additional $4,600 was requested and appropriated for the fiscal year 1960 to cover additional travel costs by reason of the appointment of a member from New Mexico to the Commission by President Eisenhower.

During fiscal year 1959, it was necessary for the Commission of Fine Arts to hold three extra meetings of the architect and landscape architect members of the Commission with the Executive Secretary, outside of Washington, D.C., in order to develop acceptable designs for the Theodore Roosevelt Memorial Bridge and for the exterior and interior of the addition to the Department of State. The cost of these three meetings, plus the cost of travel for the new member of the Commission appointed from New Mexico, together with the in-grade salary raises made mandatory by law, made it impossible for the Commission to hold the regular monthly meetings scheduled for May and June 1959.

It is important to point out that the Commission of Fine Arts will complete 50 years of service to the Federal Government and to the Nation in 1960. During these 50 years the Government has had the benefit of services, free of charge, of more than 60 of the country's most distinguished architects, landscape architects, painters, sculptors, and distinguished judges of the fine arts.

I would agree with Dr. David E. Finley in his statement that—

It would be fair to say that from no other agency has the Government received so much in the way of expert services for so small an outlay of funds.

If, today, the Nation's Capital is one of the most beautiful and impressive cities in the world, far outweighing many European capital cities, particularly Moscow and the provincial capitals of the Soviet Union, it is due to the devoted services of the members of the Commission of Fine Arts.

Among the great Americans who have contributed their services to the work of the Commission of Fine Arts are the following:

Daniel H. Burnham, architect, Chairman; appointed June 15, 1910; died June 1, 1912.

Frederick Law Olmsted, landscape architect; appointed June 15, 1910; reappointed June 15, 1914. Term of service expired September 11, 1918.

Thomas Hastings, architect; appointed June 15, 1910; reappointed June 15, 1914. Term of service expired September 21, 1917.

Daniel Chester French, sculptor; appointed June 15, 1910; appointed Chairman July 5, 1912; resigned June 15, 1915.

Francis D. Millet, painter; appointed June 15, 1910; died April 5, 1912.

Cass Gilbert, architect; appointed June 15, 1910; reappointed June 15, 1914; resigned September 20, 1916.

Charles Moore; appointed June 15, 1910; reappointed June 15, 1914; elected Chairman July 29, 1915; reappointed for third term September 11, 1918; reelected Chairman October 4, 1918; reappointed for fourth term November 3, 1922; reelected Chairman December 18, 1922; reappointed for fifth term December 9, 1926; reelected Chairman January 6, 1927; reappointed for sixth term December 8, 1930; reelected Chairman January 6, 1931; reappointed for seventh term December 18, 1934; reelected Chairman; resigned as Chairman September 29, 1937. The term of service of Mr. Moore expired January 18, 1940. Mr. Moore died September 25, 1942.

Edwin H. Blashfield, painter; appointed May 31, 1912, to fill the vacancy caused by the death of Francis D. Millet. Term of service expired September 1, 1916.

Pierce Anderson, architect; appointed July 5, 1912, to fill vacancy caused by the death of Daniel H. Burnham. Term of service expired September 1, 1916.

Herbert Adams, sculptor; appointed June 15, 1915, to fill the vacancy caused by the resignation of Daniel Chester French.

J. Alden Weir, painter; appointed September 1, 1916, to fill vacancy caused by termination of term of service of Mr. Blashfield. Mr. Weir died December 8, 1919.

Charles A. Platt, architect; appointed September 1, 1916, to fill vacancy caused by termination of term of service of Mr. Anderson.

William Mitchell Kendall, architect; appointed September 20, 1916, to fill vacancy caused by resignation of Mr. Gilbert.

John Russell Pope, architect; appointed September 21, 1917, to fill vacancy caused by termination of term of service of Mr. Hastings.

James L. Greenleaf, landscape architect; appointed September 11, 1918, to fill vacancy caused by termination of term of service of Frederick Law Olmsted; reappointed February 1, 1923.

William Sergeant Kendall, painter; appointed April 10, 1920, to fill vacancy caused by the death of J. Alden Weir.

James E. Fraser, sculptor; appointed May 7, 1920, to fill vacancy caused by termination of service of Mr. Adams.

Louis Ayres, architect; appointed February 19, 1921, to fill vacancy caused by termination of service of William Mitchell Kendall.

Henry Bacon, architect; appointed February 21, 1921, to fill vacancy caused by termination of service of Charles A. Platt. Mr. Bacon died February 16, 1924.

H. Siddons Mowbray, painter; appointed February 24, 1921, to fill vacancy caused by resignation of William Sergeant Kendall. Mr. Mowbray died January 13, 1923.

Milton B. Medary, Jr., architect; appointed December 2, 1922, to fill vacancy caused by termination of service of John Russell Pope.

William Adams Delano, architect; appointed April 8, 1924, to fill vacancy caused by the death of Henry Bacon.

Lorado Taft, sculptor; appointed February 14, 1925, to fill vacancy caused by termination of service of James E. Fraser.

Abram Garfield, architect; appointed November 2, 1925, to fill vacancy caused by termination of service of Louis Ayres.

Benjamin W. Morris, architect; appointed January 7, 1927, to fill vacancy caused by termination of service of Milton B. Medary, Jr.

Ferruccio Vitale, landscape architect; appointed September 28, 1927, to fill vacancy caused by termination of service of James L. Greenleaf.

Ezra Winter, painter; appointed June 6, 1928, to fill vacancy caused by the death of H. Siddons Mowbray.

John W. Cross, architect; appointed October 25, 1928, to fill vacancy caused by termination of service of William Adams Delano.

Adolph A. Weinman, sculptor; appointed February 23, 1929, to fill vacancy caused by termination of service of Lorado Taft.

John L. Mauran, architect; appointed October 22, 1930, to fill the vacancy caused by the termination of service of Abram Garfield. Mr. Mauran died September 23, 1933.

Egerton Swartwout, architect; appointed August 10, 1931, to fill the vacancy caused by the termination of service of Benjamin W. Morris.

Gilmore D. Clarke, landscape architect; appointed April 21, 1932, to fill vacancy caused by the termination of service of Ferruccio Vitale; reappointed April 18, 1936; elected Vice Chairman May 1, 1936; elected Chairman September 29, 1937; reappointed and elected Chairman April 18, 1940; reappointed and elected Chairman March 16, 1945.

Lee Lawrie, sculptor; appointed January 18, 1933, to fill the vacancy caused by the termination of service of Adolph A. Weinman.

John Mead Howells, architect; appointed January 25, 1933, to fill the vacancy caused by the termination of service of John W. Cross.

Eugene F. Savage, painter; appointed February 11, 1933, to fill the vacancy caused by the termination of service of Ezra Winter; reappointed January 26, 1937, and term of service expired March 28, 1941.

Charles A. Coolidge, architect; appointed December 14, 1933, to fill the vacancy caused by the death of John L. Mauran. Mr. Coolidge died April 1, 1936.

Charles L. Borie, Jr., architect; appointed February 17, 1936, to fill the vacancy caused by the termination of service of Egerton Swartwout.

Henry R. Shepley, architect; appointed April 28, 1936, to fill the vacancy caused by the death of Mr. Coolidge; elected Vice Chairman August 10, 1938.

William F. Lamb, architect; appointed January 19, 1937, to fill the vacancy caused by the termination of service of Mr. Howells; reappointed March 24, 1941; elected Vice Chairman May 9, 1941.

Paul Manship, sculptor; appointed January 22, 1937, to fill the vacancy caused by the termination of service of Mr. Lawrie.

Edward Bruce, art critic; appointed January 19, 1940, to fill the vacancy caused by the termination of service of Mr. Moore. Mr. Bruce died January 26, 1943.

Paul P. Cret, architect; appointed April 25, 1940, to fill the vacancy caused by the termination of service of Mr. Borie. Reappointed March 17, 1945. Dr. Cret died September 8, 1945.

John A. Holabird, architect; appointed May 3, 1940, to fill the vacancy caused by the termination of service of Mr. Shepley. Reappointed March 19, 1945. Mr. Holabird died May 4, 1945.

Henry V. Poor, painter; appointed March 29, 1941, to fill the vacancy caused by the termination of service of Mr. Savage.

Ralph Stackpole, sculptor; appointed October 6, 1941, to fill the vacancy caused by the termination of service of Mr. Manship.

David E. Finley, museum director; appointed May 11, 1943, to fill the vacancy caused by the death of Mr. Bruce; reappointed May 16, 1947; reappointed June 4, 1951.

William T. Aldrich, architect; appointed August 30, 1945, to fill the vacancy caused by the death of Mr. Holabird.

L. Andrew Reinhard, architect; appointed August 31, 1945, to fill the vacancy caused by the termination of service of Mr. Lamb.

Maurice Sterne, painter; appointed September 4, 1945, to fill the vacancy caused by the termination of service of Mr. Poor.

Frederick V. Murphy, architect; appointed November 30, 1945, to fill the vacancy caused by the death of Dr. Cret.

Lee Lawrie, sculptor; appointed December 5, 1945, to fill the vacancy caused by the termination of service of Mr. Stackpole.

Joseph Hudnut, architect; appointed June 28, 1950, to fill the vacancy caused by the termination of service of Mr. Clarke.

Edward F. Neild, Sr., architect; appointed June 26, 1950, to fill the vacancy caused by the termination of service of Mr. Aldrich.

Felix W. deWeldon, sculptor; appointed June 26, 1950, to fill the vacancy caused by the termination of service of Mr. Lawrie.

Pietro Belluschi, architect; appointed June 30, 1950, to fill the vacancy caused by the termination of service of Mr. Reinhard.

Elbert Peets, landscape architect and city planner; appointed August 4, 1950, to fill the vacancy caused by the termination of service of Mr. Murphy.

George Biddle, painter; appointed August 8, 1950, resigned August 19, 1951; reappointed to succeed himself January 20, 1953.

SECRETARIES AND EXECUTIVE OFFICERS

The officer in charge of public buildings and grounds, ex officio.

Col. Spencer Cosby, U.S. Army, 1910–13; served until detailed as military attaché at the American Embassy, France.

Col. William W. Harts, U.S. Army, 1913–17; served until relieved and assigned for military duty in France.

Maj. C. S. Ridley, U.S. Army, 1917–21.

Lt. Col. C. A. Sherrill, U.S. Army, 1921–22.

H. P. Caemmerer, 1922–54.

Linton R. Wilson, 1954 to date.

SIGNING OF ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Monday, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

SPECIAL MILK PROGRAM FOR CHILDREN

Mr. COOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9331) to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. COOLEY, POAGE, ABERNETHY, JOHNSON of Wisconsin, HOEVEN, DAGUE, and MCINTIRE.

FARM MARKETING EXCESS OF WHEAT

Mr. COOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4874) to amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: "That section 334 of the Agricultural Adjustment Act of 1938, as amended, is further amended by inserting a new subsection (d) between subsections (c) and (e) to read as follows:

"'(d) For the purposes of subsections (a), (b), and (c) of this section, any farm—

"'(1) to which a wheat marketing quota is applicable; and

"'(2) on which the acreage planted to wheat exceeds the farm wheat acreage allotment; and

"'(3) on which the marketing excess is zero

shall be regarded as a farm on which the entire amount of the farm marketing excess has been delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone the payment of the penalty. This subsection shall be applicable in establishing the acreage seeded and diverted and the past acreage of wheat for 1959 and subsequent years in the apportionment of allotments beginning with the 1961 crop of wheat. For the purpose of clause (1) of this subsection, a farm with respect to which an exemption has been granted under section 335(f) for any year shall not be regarded as a farm to which a wheat marketing quota is applicable for such year, even though such exemption should become null and void because of a violation of the conditions of the exemption.'"

The SPEAKER. Is there objection to the request of the gentleman from North Carolina [Mr. COOLEY]?

Mr. HOEVEN. Mr. Speaker, reserving the right to object, would the gentleman from North Carolina explain the nature of the Senate amendment?

Mr. COOLEY. Mr. Speaker, the Senate amendment is technical. It does not change the substance of the bill, but merely makes it clear that the bill does not apply to those farms which are exempt from the quotas, that is, the 15-acre feed wheat exemption. It clarifies the effective date of the legislation.

Mr. HOEVEN. And it does not change the substance of the bill whatsoever?

Mr. COOLEY. It does not change the substance of the bill one bit.

Mr. HOEVEN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PRESERVING ACREAGE ALLOTMENTS ON CERTAIN LAND TAKEN UNDER EMINENT DOMAIN

Mr. COOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 8343) relating to the preservation of acreage allotments on land from which the owner is displaced by reason of the acquisition thereof by a Government agency in the exercise of the right of eminent domain, with an amendment of the Senate thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 7, strike out "one year" and insert "two years".

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. HOEVEN. Mr. Speaker, reserving the right to object, will the chairman explain the nature of the Senate amendment?

Mr. COOLEY. Mr. Speaker, I have a brief explanation prepared which I will be glad to read.

Mr. Speaker, in 1958, Congress enacted a law—Public Law 85–835—providing a uniform policy for the transfer of acreage allotments to new farms when a farm having such an allotment is taken by a public agency having the power of eminent domain. By oversight, no provision was made for instances, which are becoming increasingly common, where the previous owner is permitted to occupy and operate the land under lease until it is actually needed for the purpose for which it was taken.

This bill takes care of such situations by providing that if the former owner is permitted by the acquiring agency to continue to operate the land under lease for some period of time, he will be permitted to grow crops subject to allotment at the time title was acquired by the public agency.

The House bill gave former owners 1 year after the enactment of this bill in which to make such a lease and have their allotment returned. The Senate amendment changes this to 2 years. It is the only change in the bill.

Mr. HOEVEN. Then, Mr. Speaker, my understanding is the Senate amendment only makes this one change, from 1 year to 2 years?

Mr. COOLEY. That is right.

Mr. HOEVEN. Mr. Speaker, I have consulted with the gentleman from Kansas [Mr. SMITH] who is interested in this legislation and he agrees to the amendment.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

THE LATE HARRY S. TANSEY

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, it is my sad duty to inform the House of the death of Harry S. Tansey. For 23 years he served the House faithfully, many years as one of our doorkeepers. During this long period of loyal service he endeared himself to all the Members. There is deep grief in this Chamber at his passing. His heart was in this House, and now that he has left us the hearts of all are deeply touched. To his wife, his daughter, and his sisters flows our sympathy.

Harry Tansey came from the district that I have the honor to represent and from the ward in Chicago in which for many decades I have had my home. During these years Harry Tansey has been my valued friend, and his brother, the late John P. Tansey, was one of my closest and dearest friends for over half a century.

Last night I visited the funeral home to say my last farewell. Today in Chicago a multitude of men and women in the Second District will be paying the last homage to his memory. He will be missed there, sadly missed, and he will be missed so very much here.

We in this House, in a personal sense, are one family that embraces in a family affection both the Members and those who work in our offices and work with us here in the Capitol. Together we do the work of the Congress. Harry Tansey long was of that family, and long will he be missed.

I yield to the gentleman from Illinois [Mr. KLUCZYNSKI].

Mr. KLUCZYNSKI. Mr. Speaker, it is with a truly heavy heart that I rise today and attempt to express with mere words my genuine sorrow at the death of a longtime and valued friend, Harry S. Tansey. He was a kind and gentle person who loved his fellow man. He served as a Doorkeeper in the House of Representatives for many years and was the senior man in point of service in the House gallery. He also served with the Capitol Police force in the document room and folding room. During his period of service there never was a complaint of any kind ever registered against him as he knew well how to be kind to people.

To his bereaved widow Catherine, to his daughter, Mrs. Catherine Tanner, and family, and to his sisters, Mrs. Kluczynski and myself offer our heartfelt sympathy and condolence.

Mr. O'HARA of Illinois. Mr. Speaker, I yield to the gentleman from Illinois [Mr. MURPHY].

Mr. MURPHY. Mr. Speaker, I rise with a great deal of emotion today to pay my respects to the late Harry Tansey. It was just a week ago Sunday that I attended church with him and escorted him for several blocks in a walk toward his home. I feel that with 20 years' service in this body as doorkeeper, and my acquaintanceship with the gentleman during that period and also my friendship with him in the city of Chicago, it was a great shock to learn of his death. I want to extend to his bereaved wife and daughter my heartfelt sympathy.

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have 5 legislative days in which to extend their remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to take this time to extend my condolences to the widow of Harry Tansey and his daughter and family. Harry was very well liked by all of us here in the Congress and I know that he was very helpful to many of my constituents from Massachusetts. Always very kind and courteous and with a kind word each day to those who visited in the gallery, he will be greatly missed by me and many other Congressmen here in the House.

Mr. O'BRIEN of Illinois. Mr. Speaker, in the death of Harry S. Tansey I have lost a friend of many years. His elder brother, John P. Tansey, was one of the leaders of the Democratic Party in Cook County when I was a young man and our friendship had continued until his death not many months ago. Harry Tansey was a good man and in his 23 years of service with the House he was faithful in the performance of his duty and won the respect and affection of the Members and his fellowworkers.

Mrs. O'Brien joins me in expression of deep sympathy to his wife, his daughter, and his sisters.

Mr. PUCINSKI. Mr. Speaker, I would like to join in the tribute being paid to the late Harry Tansey, a native of Chicago, who for the last 23 years has been one of the most devoted employees in the Congress of the United States.

Mr. Tansey's untimely death will indeed leave a most saddened void in Gallery C, where this kind and gentle employee had served as doorkeeper, of the House of Representatives.

Mr. Speaker, it would be difficult to estimate the thousands upon thousands of people who had occasion to ask Mr. Tansey for guidance during these past 23 years when they made their visits to this Chamber. But I can assure you and my colleagues that no one would find any difficulty in assessing the high regard and respect these people engendered as a result of their meeting Mr. Tansey. He had a unique ability to make strangers feel completely at ease and at home in this austere Chamber. In his quiet and gentle way, he made every American who had occasion to pass through the door of Gallery C feel at once proud of his Government and the principles for which it stands.

Mr. Tansey reflected the high caliber of those thousands upon thousands of dedicated Government employees who, day in and day out, in their own quiet and obscure way, make such a profound contribution toward the operation of our Republic.

We will all feel his loss deeply. To his family, I extend my most sincere condolences.

CHEMICAL PESTICIDES COORDINATION ACT

Mr. WOLF. Mr. Speaker, I ask unanimous consent to extend my remarks in the body of the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. WOLF. Mr. Speaker, I have today introduced a bill to avert the serious and unnecessary losses of fish and wildlife that have occurred in many areas as a result of the careless or uninformed use of chemical pesticides. The principle of my bill is simple. It would merely require any Federal department or bureau engaged in, or planning to engage in, a program or operation utilizing insecticides, herbicides or other chemicals designed for mass biological controls, to consult in advance with the U.S. Fish and Wildlife Service and the appropriate State wildlife authorities. Through such advance consultation, the probable effects upon wildlife resources can be studied and techniques devised to minimize losses.

This would be a Chemical Pesticides Coordination Act. The principle of such legislation has already been firmly established by the Congress. Our precedent is to be found in the Fish and Wildlife Coordination Act (60 Stat. 1080) passed in 1946 and strengthened only 2 years ago by the adoption of modernizing amendments. This earlier and highly successful Coordination Act has to do with water development projects. It assures that before a stream is dammed, dredged or otherwise manipulated, there shall be advance study of the effects upon fish and wildlife, and advance planning coincident with the blueprinting of the project, to mitigate wildlife losses or, as is frequently possible, actually to enhance wildlife resources. The results have included a vast expansion of recreational opportunities for sportsmen and for the millions of others who enjoy the music and beauty of wild things. Impoundments and the streams below them have been turned into good fish producers, and new waterfowl marshes have been created, as a result of the law permitting—nay, requiring—the wildlife experts to get in on the ground floor with the engineers in planning our flood-control, reclamation, and watershed projects.

I am confident that in many operations involving chemical controls, benefits rather than damages will accrue to wildlife if there is proper coordination between the pest-control agency and the agencies responsible for wildlife conservation. Biologists on the King Ranch in Texas, for example, have shown that brush removal, while detrimental to wildlife if applied uniformly across thousands of acres, can actually benefit deer and other game if applied in alternate strips with intermediate strips left to supply cover.

The need for coordination in the use of pesticides has been amply demonstrated, Mr. Speaker. This is but another example of the problems we encounter in this age of technology when man's invention of new tools frequently outruns his wisdom in using them. In his effective work to secure larger appropriations for research into the fish and wildlife effects of chemical pesticides, the gentleman from Montana [Mr. METCALF] has told the House how careless use of DDT in the forested watersheds of Montana resulted in serious and prolonged damage to famous trout streams of that State.

Serious wildlife damages resulted from the hasty and large-scale aerial application of toxic chemicals in the fire ant control program carried out in certain Southeastern States by the U.S. Department of Agriculture. These losses have been carefully and irrefutably documented by Federal and State research biologists.

The Southeastern Association of Fish and Game Commissioners reported in a statement dated February 25, 1960, for example:

In an east Texas area bird life decreased 92 to 97 percent in 2 weeks along ranch roads in treated areas. In acre plots studied, bird populations were reduced 85 percent and nesting success 89 percent. An Alabama 9,000-acre area experienced an 88 percent decrease in its quail population following treatment and a Georgia area, even after two breeding seasons following poisoning, showed considerably less than half the normal number of quail found on adjacent and comparable untreated land.

Numerous other instances of fish and wildlife losses can be cited.

That the fire ant program was ill-planned and carelessly executed has now been admitted in actions, if not conceded in words, by the U.S. Department of Agriculture Plant Pest Control Division. After tens of thousands of acres had been treated with 2 pounds per acre of heptachlor or dieldrin—both chlorinated hydrocarbons highly toxic to warm-blooded animals as well as to insects—and in the face of mounting protests against the damages to wildlife, the Division reduced the recommended rate to 1¼ pounds per acre. Still later the method was changed to one-fourth pound per acre in each of two applications, spaced 3 to 4 months apart.

The point is this: Needless kills of game birds, furbearers, songbirds, fish and other valuable wildlife could have been avoided, while the nuisance aspects of the imported fire ant were controlled, if the research, experimentation and consultation had been carried out in advance of large-scale operations. My bill would assure that in any program proposing to drench the land with powerfully toxic chemicals, we know what we are doing before we expose wildlife, domestic animals—and man himself—to unknown hazards.

The hazards to human health, although not so well understood nor so amply demonstrated to date as those to wildlife, are no less important. It will be more practical, I think, to deal with the human health problems in a separate bill. For this reason my present introduction deals only with the wildlife problem. Suffice it to say here, with respect to the overlapping questions of human health, the chemical heptachlor, already spread over hundreds of thousands of acres of farmland in the fire ant program, has been shown in laboratory tests to be highly hazardous to human health. Accordingly, the Pure Food and Drug Administration has declared a zero tolerance for heptachlor and the epoxides of heptachlor in foodstuffs. Fish and wildlife research has discovered that heptachlor and its epoxides are stored in the tissues of wild birds, such as quail and pheasants, that pick up insufficient quantities to be fatally affected.

I raise this question: In view of the zero tolerance for heptachlor in farm-produced foodstuffs, what about the health of the sportsmen-hunter and his family who will dine on the quail carrying this poison in their otherwise delectably edible breasts?

The chemical manufacturers probably will oppose my bill, because they fear any control that might affect the fast-growing pesticide market. However, unless reasonable control procedures are established, like the simple one proposed here, an indignant public will demand and get rigid controls.

Control entomologists will argue that a law requiring advance consultation and coordination with wildlife agencies is impractical because insect outbreaks often occur suddenly and without warning. Before interdepartmental redtape could be cleared, they will say, many farmers would be seriously hurt by an outbreak of army worms, for example, or of grasshoppers, or Japanese beetles. This is not a valid objection, Mr. Speaker, because under my bill the control procedures, the materials to be used, the methods and rates of application, and so forth, all could be worked out with the Fish and Wildlife Service in advance of actual outbreaks with respect to any of the common insect pests. Once the approved procedure for Japanese beetles has been agreed to, for example, subject to later modification as research finds better methods, those procedures could be applied immediately by the control agency whenever and wherever a new outbreak occurs. The same would be true of any of the common economic insect pests.

The problem of the imported fire ant in the Southeastern States was no sudden crisis. Believed to have become established in the Mobile area as long as 40 years ago, this South American import has been slowly spreading its infested area through Alabama and adjoining States. Alabama farmers have been using cultural methods effectively to control the fire ant nuisance for a generation.

The commonsense approach would have been to research the fire ant and its life-cycle weaknesses carefully, and to test various control methods thoroughly, utilizing the contributions of wildlife and soil scientists as well as entomologists, instead of plunging headlong into a large-scale spraying program using powerfully poisonous chemicals that were largely untested under field conditions.

My bill, of course, would apply only to Federal control programs. It would not affect activities by State control agencies or by private individuals on private lands, except indirectly by example. However, Uncle Sam cannot do everything. The States and local agencies must accept some of the responsibility. The fact that most of the States have not as yet enacted controls in this area is no reason why Congress should not require desirable coordination among the Federal agencies.

Mr. Speaker, I am not wedded to the specific language of my bill. I do believe it proposes a sensible solution to a problem of increasing urgency. I hope it may serve as the vehicle for early committee hearings and lead to enactment of a workable Chemical Pesticides Coordination Act.

The text of the bill follows:

H.R. 11502

A bill to provide for advance consultation with the Fish and Wildlife Service and with State wildlife agencies before the beginning of any Federal program involving the use of pesticides or other chemicals designed for mass biological controls.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Chemical Pesticides Coordination Act."

SEC. 2. No officer or agency of the Federal Government shall initiate, or provide any financial or other assistance for, any program involving the use of any chemical insecticide, herbicide, fungicide, rodenticide, or other chemical used in biological control until such officer or agency has consulted with the United States Fish and Wildlife Service and with the head of the agency exercising administration over the wildlife resources of each State to be affected by the program. Before such consultation occurs, the Federal officer or agency concerned shall furnish the United States Fish and Wildlife Service and each such State agency with complete information about the proposed program.

SEC. 3. The United States Fish and Wildlife Service shall advise the officers and agencies consulting with it, as required by section 2, of the damage to wildlife resources which might result from any proposed program. Such Service shall cooperate with such Federal officer and agencies in developing programs involving the use of chemical insecticides, herbicides, fungicides, rodenticides, and other chemicals used in mass biological controls, or other methods with a view to achieving the results desired while minimizing the undesirable effects of the program on the wildlife resources of the area. In the event any Federal officer or agency shall fail to take any action recommended by the United States Fish and Wildlife Service, such Service shall make a report thereof without delay to the Congress for referral to the appropriate committees.

SEC. 4. The Secretary of the Interior may, by regulations, make exceptions from the application of this Act where, by reason of the limited nature of the program or by reason of the proved harmlessness of the chemical involved, little or no damage to wildlife resources could result from the program.

THE REPUBLICANS AND HOME RULE FOR WASHINGTON, D.C.

Mr. WOLF. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. WOLF. Mr. Speaker, this morning the Washington Post carried an editorial entitled "Hazard for the GOP." I hope my Republican friends will not take kindly the following editorial and will prove the falsity of its charges by immediately signing the discharge petition for home rule.

The editorial reads as follows:

HAZARD FOR THE GOP

Whether or not they intend to do so, Republican Members of the House are strangling the local home-rule movement. More than 180 signatures have now been obtained to the petition to release the District self-government bill from the death grip of the House District Committee, but only 40 of these have been provided by Republican legislators. The recent drive for signatures resulted in the addition of 43 names to the home-rule honor roll, but only 7 of these legislators wear the GOP label.

This ought to be a matter of grave concern to President Eisenhower and Vice President NIXON as well as to the voteless residents of the District. The restoration of voting rights to 870,000 citizens of the District—through the home-rule bill as well as

through the proposed constitutional amendment to permit voting for President and for Delegates in Congress—is a civil rights project of foremost importance. Editors, lecturers, public servants, and a vast number of other persons have come to recognize that elimination of this blot of disfranchisement is essential to the good standing of the United States among the free peoples of the earth. The Republican Party cannot be indifferent to this local demand for justice and democracy without condemning itself in the eyes of mankind.

This throttling operation is the more amazing because it is the administration's bill that is being done in. How can Republican legislators stand by and watch their Democratic rivals claim nearly all the credit for advancing this vital civil rights measure? The situation ought to be of special concern to Vice President NIXON in his capacity as the prospective Republican presidential candidate in the forthcoming campaign. A few words from the Vice President should be enough to make Minority Leader HALLECK see the handicap that the Republicans in the House are creating for themselves.

It is said that about 25 additional Republican signatures are needed to dislodge the discharge petition and make home rule here a reality. The Democrats have done their part well. It is difficult to believe that the Republican leaders in and out of Congress will permit this civil rights venture to topple on their own heads on the eve of an election.

ESTABLISHMENT OF COMMISSION ON NOXIOUS PRINTED AND PICTURED MATERIAL

Mr. DEVINE. Mr. Speaker, I ask unanimous consent that the gentlewoman from New York [Mrs. ST. GEORGE] may extend her remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mrs. ST. GEORGE. Mr. Speaker, on Tuesday, March 29, my colleague, the gentleman from Maine [Mr. OLIVER], introduced a resolution entitled "A bill to establish a Commission on Noxious Printed and Pictured Material."

Mr. Speaker, I was unfortunately not on the floor when the gentleman from Maine spoke to his resolution. I want to take this time to commend the gentleman for doing something concrete and constructive in this very difficult and controversial field. I think his idea of a commission of experts to deliberate on, and finally settle, what harm this flood of pornography does to our people as a whole, and our youth in particular, is excellent. I am also glad to see that this resolution calls for a terminal date, June 30, 1961, for the labors of this Commission, so that in this case we will not be appointing another merry little band that will meander on and on, like the proverbial brook, accomplishing far less than said brook, and making far more noise.

I would like to associate myself with the gentleman from Maine, as I have worked with him on the subcommittee that has been handling this problem under the able chairmanship of the gentlewoman from Pennsylvania [Mrs. GRANAHAN].

I have only one suggestion; that is, that I hope that in naming "one who shall be a prominent citizen who is a parent of a school-age child or children"—section 3(a)(9)—he will specify that this citizen be a woman and, therefore, a mother.

FINANCING OF NURSING EDUCATION

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. ROBERTS. Mr. Speaker, the nurses of the country are essential members of the health team. We know of their importance in times of peace and we know of their services in times of war. It is imperative that we have adequate numbers of well-trained nurses if we are to continue our progress on the road to good health.

Today we do not have enough nurses, and the means for their education and training are increasingly inadequate; we must enable our schools of nursing to prepare a greatly increased number of our young women to serve in this essential profession. The cost of nurse education constitutes at present a heavy burden on hospital services because such education is provided mainly in nonprofit voluntary hospitals and the cost of the education is a charge upon the patients cared for in these institutions.

I am convinced that the problem is of such magnitude and of such a serious nature as to be of direct national concern, and that the Congress should at this time make a beginning toward dealing with it. This Federal concern is in keeping with the thinking which we have followed on numerous other important national matters in the health field. I am, therefore, introducing a bill which I believe recognizes the essential elements of the problem. Through hearings on this bill, and on the subject in general, I would hope that we may agree upon a program of action, and thus assist in assuring the increased numbers of well-trained nurses which we need.

In 1957, the latest year for which comprehensive facts about nursing are available, there were about 837,000 graduate nurses living in the United States, 460,000 of whom were in active practice in their profession. There were approximately 113,000 student nurses in training, and 30,523 nurses graduated from nursing schools that year. There were 44,281 new students enrolled that year.

If we are to keep pace with the growing population and its need for nurses, as well as the increasing demands of more intensive health care, it is estimated we should have a 1956–70 annual average admission of 57,000 new students, as compared with the current annual rate of about 44,000, or 5 new students for every 4 currently admitted. About 15 percent of students in nursing are enrolled on collegiate programs, and the other 85 percent are in programs conducted by hospitals. Students enrolled in the collegiate programs, of course, are dependent upon their training in hospitals also for a large part of their education.

About 900 of the Nation's hospitals conduct programs of nurse education. The graduates from these schools constitute the major part of our single nationwide pool of professional nurses, from which the needs of Federal, State, and local governments, those of industry and other private nonhospital employers, as well as those of the thousands of hospitals which do not operate schools of nursing, all must be supplied. The financial burden imposed on the 900 hospitals conducting schools of nursing is borne by the sick who use the hospitals. This deficit now runs as high as $1,000 per nurse trainee per year, and the cost of the education is increasing as the standards are improved.

Because of the continually increased pressure hospitals feel with respect to rising costs of hospital care, many boards of trustees are seriously concerned about their ability to continue their nursing schools. A good many schools have already closed. It is unlikely that many hospitals which do not now have nursing schools will open such schools under these circumstances. Without some new source of financing nurse education, there is no prospect of our having the increased numbers of nurses needed for the future.

The problem for hospitals which conduct schools of nursing has another aspect. The distribution of schools of nursing is very uneven geographically across the country. There are a few States which contribute a major proportion of nurses to the national pool. There are many other States which contribute very little to the Nation's need, and where nurse educational programs are far below the needs of these States alone. It is very frustrating, for example, for hospitals in the State of Massachusetts to educate a large body of nurses, as they do, only to have most of them move to other parts of the country. It is difficult for these hospitals to justify the charge which must be borne by their patients.

Federal, State, and local governments are involved in varying degrees in health matters and in the operation of hospitals which require the services of graduate nurses. About 25 percent of all nurses active in their profession are employed by government. In the main, the education of nurses required by government is not carried on in educational institutions supported by government. Whereas State and local governments participate to a limited extent in nurse education, the Federal Government is a user of nurses completely provided by others, and does not itself participate in meeting the cost of the basic training of professional nurses. This, I believe, ought to be corrected.

It is true that the Federal Government is supporting scholarships for advanced training of nurse educators, administrators, and supervisors. It is also true that the Federal Government is participating in the financing of training programs for practical nurses through the vocational educational system. But it is doing nothing with respect to the basic education of the graduate professional nurse. This is the great area of need.

We are now seeing greatly increased numbers of young people coming out of our high schools as a result of the increase in the number of births in recent years. We, therefore, have available a much larger group of potential candidates who might enter the field of nursing, and I believe we must plan now so that they are enabled to do so.

THE PROPOSED LEGISLATION

In considering the problem, it has seemed to me that there are certain principles which should guide any Federal action in this area. These principles, I may add, are in accord with views which have been developed by the American Hospital Association in its studies of this problem over a number of years.

The first of these principles is that aid in meeting the problem is a joint responsibility of National and State Governments, and one altogether appropriate for the traditional pattern of Federal grant-in-aid to be matched by the respective States.

The second basic principle is that the aid must be so designed that it will effectively assist the schools themselves, and thus the hospital patients who are now carrying the burden; it is not enough to grant scholarships to selected students, since the essential problem is not a dearth of candidates but the financial burden upon the institutions and their patients.

The third basic principle is that the aid should be made as widely and equally available as possible to all of the schools, so that it will help to meet the problem as it exists on a broad front.

The bill I am introducing would provide Federal grants of $200 per student per year, provided that the States matched these grants with amounts ranging from $50 to $100, depending upon the wealth of the State.

The program would be administered by the Surgeon General of the Public Health Service, who would approve plans for participating States. If an entire State did not wish to participate, it could permit participation by localities which might choose to do so. The aid would be limited to schools licensed or approved by the State, and so far as possible would be made available to all such schools within the State or the locality.

My proposal would assist the degree-granting collegiate schools as well as the diploma-granting hospital schools. Both types of schools are essential and both need assistance.

The proposal is limited to the financing of the education. I felt it was unnecessary to include any provisions for the construction of schools of nursing because I believe this would complicate the proposal, and more importantly, because the Federal Government through the Hill-Burton grant-in-aid program is already assisting in the construction of facilities needed by such schools.

I also thought it unnecessary to provide any funds for scholarships to students on the basis either of individual merit or individual need, since the problem is one of the cost to the institution rather than any lack of applicants for the courses.

I present this bill as a basis for discussion, and I hope that hearings may more fully acquaint Congress with the problem and enable us to develop legislation which may soon be enacted.

WHAT ARE WE WAITING FOR?

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FASCELL. Mr. Speaker, the subject of the Federal Government's role in transportation is one of continuing interest and concern. It is a subject of such complexity and importance as to be deserving of serious study and evaluation by each of us.

Recently, Mr. Anthony Arpaia, an extremely able public servant, retired from membership on the Interstate Commerce Commission after 8 years of service. Mr. Arpaia, who at one time served as Chairman of the Commission, is recognized for his knowledge of, and ability to penetrate, the problems related to this complex field.

On March 11, 1960, Mr. Arpaia made his last speech as a member of the Commission. Speaking before the Chicago chapter of ICC Practitioners at the Palmer House Hotel, Chicago, Ill., he outlined his thoughts on the problems facing public transportation and his ideas about what should be done to solve them.

This was an important speech, Mr. Speaker, because in it Mr. Arpaia brought together the experiences and observations of almost a decade of active participation in the government-transportation relationship. This speech capsulized the ideas of a very competent person on what we are and are not doing and what we should do to permit the full realization of the public transportation potential.

It is unfortunate that this was Mr. Arpaia's final speech as a member of the Commission. He was a fine and able public servant. He had a particular ability for cutting through irrelevancy to find the heart of a problem. A keen mind, equipped with a thorough knowledge of transportation, made Mr. Arpaia a real asset to the Commission and to the Nation. We all will miss him, but he has our gratitude for a job well done.

At this point in the RECORD, I would like to insert Mr. Arpaia's speech, "What Are We Waiting For?" I recommend it to all Americans as a remarkable analysis of public transportation and government regulation of it. A provocative document, indeed.

The speech follows:

WHAT ARE WE WAITING FOR?

(Address of Anthony Arpaia, member, Interstate Commerce Commission, before the Chicago chapter of ICC Practitioners, Palmer House Hotel, Chicago, Ill., March 11, 1960)

Because of my experience of only 2 months as a Commissioner, when I made my first talk before the New York chapter of the Practitioners' Association on September 17, 1952, I chose to speak in the capacity of a dues-paying member of your association. Now I shall summarize some previously expressed views as a Commissioner. It will be my last occasion to talk in that capacity. Beginning next Wednesday, whenever I stay up until the wee hours of the morning, it will be because I am engaged in a hot game of cribbage, hearts, or gin rummy; and, if I work on weekends, it will be in my garden.

As I look back and review the past 8 years, it seems to me that substantially the same problems that were with us then are still with us. I won't catalog them. You know them as well as I do. First I shall ask: Hasn't the Government itself contributed to the exercise in frustration which characterizes some aspects of public transportation? If so, what can be done to help develop a system of public transportation in this country which serves the public and national interest?

I shall state some basic premises:

1. That transportation from a public aspect is a single problem although made up of many parts and it should be treated in a unified manner by the Government.

2. That the economic regulation of transportation by the Federal Government should be correlated so that there will be a single direction and policy by the major regulatory agencies. It is now divided principally between the ICC, the CAB, and the Maritime Board.

3. That all other Government nonregulatory activities affecting transportation, such as location and construction of facilities and other Federal assistance programs, should conform to a basic, overall, coordinated plan, whether applicable to air transportation, railroads, highways, rivers, and harbors.

4. That the responsibility and action in the various committees of the Congress should be likewise correlated.

5. That the collection of data and statistics should be organized and centralized. One of the principal deficiencies to appropriate Government action at any level is lack of sufficient information. There is a vital need for research and statistics to provide the basic facts and figures so that the regulatory, planning, administrative, and enforcement job can be performed with a sense of direction and without waste. In this connection allow me to point out that, at present, at least 40 different Government agencies are engaged in some kind of transportation research and compilation of data and we still don't have all the facts and statistics which are needed.

6. That the structure and procedures of the independent agencies affecting transportation should be reformed so that they can perform their proper functions with consistency, efficiency, and expedition.

7. That the cost to the taxpayer to support such amorphous, confusing, ineffectual, and duplicative Government activities, and the direct expense to individual parties who must deal with the present conglomeration of agencies, should be reduced without delay by grouping these activities into three separate agencies with the scope of their activities and jurisdiction clearly defined: (1) Planning, (2) economic regulation, and (3) administrative or executive.

8. That the functions of Government in the economic regulatory area properly belong to the Congress and should be exercised through an independent instrumentality which would continue to report directly to the Congress without executive interference and influence. As Justice Holmes pointed out, ratemaking is legislative in kind.

There may be some who will disagree with these general propositions, but I doubt that they are familiar or close to the contemporary problems of transportation. If I had time I could again document each one of

them in more detail. However, within the limits of time available to me, I will develop as far as I can the general thesis that, to the extent that Government participation may be necessary, transportation should be treated as a unified whole. The present methods obviously have proved to be wasteful and ineffectual.

A good place to start is with the Interstate Commerce Act itself, which covers the large field of surface transportation, since, in my opinion, the structure of the law as presently constituted may be partly responsible for the divisive forces which weaken transportation. I don't mean by this that the act has not been changed in an attempt to meet new developments as they arose. In fact, it has been amended about 200 times since its origin. Nevertheless, the Interstate Commerce Act as it is now constituted resembles a patchwork quilt. The reason is that, in the last 40 years, practically every amendment has been made under the stress of emergency. Pieces were added to meet the problems of the moment, with little regard for consistency, uniformity, and harmony. There was no opportunity for the development of a congruous plan of legislation.

This was not true in the beginning. To use a simile—a structure was engineered in the 1880's to fit the conditions which existed at that time. After several years of careful evaluation of conditions, circumstances, and needs of the public, a plan of regulation was devised. The shell of the structure was finally erected in 1887. It was perfected by subsequent legislation, without disturbing the original design, up until the First World War.

Since 1920, a job of patching has been performed, when changed conditions required. The present law, therefore, is a bizarre accumulation of additions to the structure. As you know, the law now consists of five parts, four of which separately treat a major segment of transportation. Some parts don't fit the original design at all. A few pieces are modern and useful, others have become obsolete and unnecessary. I think the lack of a single basic uniform law has heightened the difficulties facing public transportation ever since competitive forms of transportation were brought under regulation. If there was justification for separate treatment then, times have changed.

Some of the inequalities in the law are not of major consequence. Nevertheless, they psychologically operate to create a feeling of unfairness, part real, and part fancied. There are other inconsistencies and inequalities which are more fundamental and which do not foster the public purposes of regulation. I won't list them but will give a ready example or two insofar as they unequally affect the public: It is difficult to justify affording no redress to a shipper for past unlawful charges merely because he uses a motor carrier, while giving a rail shipper the right of reparation for unreasonable charges on past shipments; or to permit a motor carrier to be free to route traffic on interline movements over a more expensive route, contrary to shipper's routing instructions, while a rail carrier who does not follow routing instructions of a shipper does so at his peril.

We talk about integration or coordination of the various kinds of transportation, but a prerequisite is the integration of the laws affecting them. I think the time is overdue for a comprehensive overhaul of the act. Transportation in all of its forms is a single fabric and presents but a major single problem.

The entire law should be reviewed and rewritten with an eye to formulating a practical and workable scheme for the regulation of all transportation, including air. There may still be sound reasons for some separate treatment of each form, but each such deviation should be justified. The present parts of the law are unrelated to the other. They were written almost as if the other forms of transportation did not exist. Realities of the transportation requirements of our economy do not permit regulating transportation in isolation, and that is what we have now.

There are many worshippers of the status quo. They will not concede that in the long run they and the country and the economy might be better off with some reorientation of the Government's role in transportation. They insist that established patterns are safe. Safe for whom? Those who resist any improvement or change resort to the convenient escape: "In spite of defects, things are not too bad—freight and people are being moved and the economy of the country has not suffered." The need for improvement becomes obscured by the attitude of self-interest groups, competitive tensions, and political pressures against a background of public apathy.

But Government action in the field of regulation, if it is to be continued at all, is serious business and has a vital purpose.

The fact that the use of public transportation is not proportionate to the quantity of freight moved in this country is a danger sign for all forms of regulated transportation. To the extent that the law is responsible, however slightly, it ought to be corrected if we are to preserve and encourage economic stability for public transportation as one of the basic segments of our economy.

Government interest is not intended to comfort the afflicted or afflict the comfortable. It is to provide an efficient and economical transportation system to meet the commercial and defense needs in this country. Perhaps an ideally perfect law will not result but the force of common sense could supplement its inadequacies as time goes on. Unless the beginning is made soon, the deterioration of public transportation may become so aggravated that more drastic measures will follow.

The present attitude of the carrier industry toward competition is truly unique. It is fostered by the law itself. The big central problem is hidden by the emotional and spontaneous outcries of self-interest which the law itself engenders. Competition normally means that one tries to develop a service or a product which is better than that of its competitor at the lowest possible price. The normal aim is to obtain consumer satisfaction and to produce a profit. In transportation, competitors, following the alinement they are given in the law, have placed less emphasis on improving service and more emphasis on impeding, obstructing and defeating any such purpose or ambition on the part of a competitor. It is unnecessary to point out that such obstructionism has proved to be of no productive value to either the participants, the general public, or the economy.

There should be competition because it is necessary for progress and is in the public interest. But the competition must be such as to preserve competitors, not efface them. The millennium will come when one combination of services of various forms will compete with another such combination. I was hoping to see this happen before I left the Commission, but I have been disappointed.

At present the problem has always struck me as a curious and explosive mixture of unscientific economics and human relations. Any step which can eliminate frictions and dissension should be undertaken. Setting up an appropriate governmental structure to handle the several aspects of the problem, as I shall point out later, and creating more perspective by means of a basic law affecting all of them equally to the extent possible will help.

Regardless of whether or how soon the law is restated and reformed, the machinery of regulation should be improved as soon as possible.

As far back as 1941, the Commission, in its annual report, said:

"So great is the volume of business to be transacted by a Federal administrative agency like the Commission that extensive delegation of authority is an obvious necessity. * * * More and more it is becoming difficult for members of the Commission to avoid becoming buried in an avalanche of detail and to find time for the thorough study and constructive thought which ought to be given to the major issues which come before it."

I only ask: How many times greater is the mass of detail borne by Commissioners today?

The Commission's organization should be geared to handle the economic problems of transportation expeditiously and well. To do so Commissioners must be relieved of trivia, in addition to duties which are inconsistent with the performance of the Commission's real mission as stated in the national transportation policy. It should stop treating every matter, however insignificant, with the same time-consuming formalism which it should accord only to matters of policy and major importance. There are several procedural changes which can be made to decrease delay. These are now and have been under study. The practitioners, through their advisory council, can give them a push.

Furthermore, many more specific functions could be delegated to boards of employees, or even to single employees if section 17 of the Interstate Commerce Act were amended to so provide. Besides staff-processing, Commissioners and their examiners now give time and attention to many matters which can have no perceptible impact on the economics of transportation.

Let me give only a couple of extreme examples. Almost 20 years after the Commission had warned that its growing volume of business made extensive delegation of authority a necessity, even such things as the simple withdrawal of a complaint or application still requires the preparation of the draft of an order of dismissal by a bureau, a recommendation in an accompanying memorandum, and approval by a Commissioner. A voluntary request by a carrier for revocation of his authority makes the rounds the same way and must be acted upon by division 1. With the burning problems before the Commission, this paper shuffling and waste of time and manpower is inexcusable.

In the same year in which the Commission's annual report called attention to the need for more delegation of authority, former Commissioner Aitchison, speaking before the ICC Practitioners' annual meeting in New York, said: "The members of the Commission daily are confronted with an enormous volume of administrative detail which insistently demands from them a wholly disproportionate part of their time, attention, interest and energy."

Experience has shown that when authority and responsibility for performance of administrative duties are divided among several coequal executives, inefficiency, waste, delays, poor coordination and poor programing result. This can be cured by separating from the ICC such functions as policing, enforcement, safety, education, collection of statistics and accounting.

I don't know what Commissioner Aitchison included when he referred to administrative duties, but let me emphasize that when I talk about administrative matters, I am not talking about housekeeping. Every organization needs a housekeeper to take care of budget, personnel, space: to furnish the pencils or paper clips, so to speak. I am talking about substantial and important administrative functions. These are sometimes called executive functions. They are not suitably performed by a broad-type organization. The contribution men of the stature of Commissioners can make, individually and collectively, is by the exercise of independence of thought and expertness of judgment in the decision of matters involving substantial economic problems affecting the welfare of the public and the carriers.

The separation of administrative from quasi-judicial functions also will have an important bearing on the effectiveness of economic regulation. Let me give you an example. The Commission has developed the strict judicial approach. Some think that it has been overdone. Nevertheless, it usually waits for parties to come in and decides each matter on a record, good or bad, without regard to its effect on the public or on transportation. When it does institute an investigation on the theory that the situation involved is important and critical, it simply sets the matter down for a hearing and depends on shippers, carriers and other interested parties to furnish the facts. Often the investigation flops not because the basis for the investigation has envanesced but merely because an unsatisfactory record is made. Yet the act places an affirmative duty upon the Commission to protect the public interest and keep transportation sound.

The fault is not entirely that of the Commission. Under the Administrative Procedure Act, it cannot and should not play the role of party and arbiter at the same time. To authorize its own employees to take a position in the case would come close to doing so. It has no public counsel. Therefore, the best it could do is to place in the record official statistics and information under the doctrine of official notice. This might require further hearing and more delay since the record has already been made before the matter reaches the Commissioners.

If the administrative functions were separated, the administrator could come in as a party and the making of an adequate record would be assured. It is for this reason that the assignment to the administrator should include what is now the entire operations of the Bureau of Economics and Statistics and the Bureau of Accounts, including its Section of Cost Finding, so that he will be equipped to make a record.

In conclusion, let me say a word about a planning agency. Planning, especially when it is fostered by Government, is sometimes considered a dirty word. Its connotation is that we are dealing with a socialized state. On the other hand, without intelligent planning, disorganization, overlapping and confusion follow. Public transportation has now reached a turning point. A growing America needs a completely modern transportation network by rail, motor, water, and air.

Highways and airports are being constructed without relation to each other or to existing facilities whether water or rail. Operating authority is being granted in a vacuum. There is no overall plan—just a churning out of grants piece by piece with insufficient knowledge of the existing pattern or of their relationship to the whole transport picture. Railways, highways, waterways, airways, pipelines, and other means of transportation under way or still to be devised are now being constructed and located as separate entities. They all should fit into an overall scheme in which each form of transportation efficiently and economically supplements, complements, and supports the other.

The planning now is distributed among several agencies of the Government. It should be centralized in order to provide a sound and orderly growth of all public transportation in the public interest. The programs for airport location, river and harbor improvements, highway location and construction, and rail assistance should be coordinated and related to the present use and prospective demand. Before they are undertaken, there should be a unified and comprehensive appraisal of how each will fit into the total public welfare and thereby produce a substantial contribution to the national good. Proper coordination and adaptation of the various services will come about more readily with such correlation.

It will require real strength of purpose and real moral courage by all concerned with the project, but, in my judgment, only if steps such as I have outlined in a general fashion are taken can expensive duplication of services and wasteful competition be subordinated to the ultimate benefit of all users of transportation and to the national defense. When this has been accomplished, we will no longer have the transportation problem which now faces the Nation. Then we can look forward more confidently to the adequacy of public transportation for a flourishing and expanding economy.

MADISON AVENUE, USP

Mr. HOSMER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOSMER. Mr. Speaker, the promotion of prescription drugs and medicines in this country costs the staggering sum of between $250 million and $300 million annually. There is only one answer to the question, Who pays for this greatest medicine show on earth? It is America's sick.

During recent investigations of the high price of prescriptions, drug manufacturers said little about their extravagant promotional campaigning responsible for cruel and unnecessary hikes in the price of their products. Attempting to drown out this static, they rapped loudly on their beakers and piously announced, "We're spending $194 million this year for research." Admittedly, research is a necessary and proper factor in the retail price of their products. But what is the morality of factoring in another $250 million to $300 million for extravagant promotion? Some expense must be incurred to advise physicians of the availability of new health-giving, life-giving drugs. But common humanity would seem to dictate that drug manufacturers should be bound to the same ethical standard in purifying the cost of their products from promotional extravagance as binds them to assuring their chemical purity.

At least two dozen advertising agencies specialize in the promotion of ethical drugs. Some have staffs ranging from 50 to 250 "men in grey flannel suits" and supporting personnel, including M.D. consultants. Research and development of terramycin cost about $4 million, but the first 2 years terramycin was on the market, the manufacturer reportedly spent $7½ million for advertising and promotion. This $7½ million did not come out of a pump. It could only, and did in fact, come out of the pockets of ill or injured persons for whom the drug was prescribed.

The prescription pitch aimed solely at the Nation's physicians is as varied and enterprising as it is expensive. Its cost is further multiplied by drug industry practices of (a) marketing an identical drug under several trade names, and (b) marketing the same drug under different potencies or slightly different formulas, to which different trade names are given.

It is my purpose today to review some of the more blatant promotional abuses and to propose a solution.

Journal advertising: About 5,000 medical journals appear annually in the United States. Their pages are jammed with drug advertising, some of which has been described by Dr. Louis Lasagna, chief of clinical pharmacology at Johns Hopkins University, as "downright sleazy." Dr. Lasagna objects particularly to ads containing scissored quotes from medical manuscripts which leave in the "pros" for a product, but scissor out the "cons."

Detail men: The drug industry employs around 20,000 representatives whose only job is to call on physicians and tell them the real or alleged merits of their employers' products. Although some physicians refuse to see detail men at all, many physicians see up to five per week. Each call takes about 10 minutes and the cost, passed along in drug price, is about $12 per call. Assuming the correctness of these figures, the drug industry could be spending up to $3,000 per year per doctor on the detail men's call lists.

Mailers: The average doctor receives more than 50 pieces of advertising mail from pharmaceutical companies each week, or over 2,600 pieces a year. The barrage includes expensive colored brochures, reprints of medical papers mentioning a drug by trade name, ad reprints, and similar type materials. In a recent issue of the AMA news, one doctor wrote:

> It is difficult for me, a psychiatrist, whose name has appeared in the directory of medical specialists for years, to understand why I should be deluged with circulars and samples intended to promote the sale of drugs intended to cure or relieve skin conditions, peptic ulcers, "lazy bowel," and a variety of other ailments. Since thousands of other physicians must be subjected to the same barrage, the cost of this waste must be consequential.

Gimmicks: But the barker's barrage is not limited to mere pieces of paper. Not long ago doctors of the Nation received expensive and beautifully mounted butterflies in the mail from one pharmaceutical house—not as an apt reminder for stomach pills, but with literature comparing them to an antibiotic, and claiming both to be "unique in nature." One drug house sent the Nation's doctors red golf balls to remind them of its large, red "cold" pill. Doctors are swamped with such gimmicks as fountain pens, desk calendars, desk decorations—example, miniature skeletons—and even pencils attached to tiny bedside urinals.

Sample: Mailing drug samples to doctors is a heavily used advertising device. When the antibiotic aureomycin was placed on the market, its manufacturer reportedly mailed out $2 million worth of samples to more than 140,000 physicians.

Pill payola: Luncheons, dinners, cocktail parties, prizes for tournaments, and the like are other reported promotional expense items for drug firms. There is not a single record of any doctor's prescription having been influenced in this manner. Thus, whether or not the practice is questionable from an ethical standpoint is immaterial. What is material is that its effectiveness as a promotional device is nil and therefore a wholly unwarranted factor in the consumer's ultimate drug bill.

Trade names: The same identical drug is often advertised and promoted by different firms under different trade names. Example, the antibiotic tetracycline is marketed under at least five different trade names, Achromycin—Lederle, Panmycin—Upjohn, Polycycline—Bristol, Steclin—Squibb, and Tetracyn—Pfizer. Not only has each of these firms conducted separate and parallel promotion campaigns for this only single drug, but because pharmacists cannot substitute the same drug labeled by a different trade name when a doctor's prescription specifies one trade name, pharmacies all over the country must stock a drug not once, but as many times as there are different trade names for it. This very considerable unwarranted expense also finds its way into the prescription prices paid by the sick. Multiplicity in trade names occurs not only from different firms engaging in production of a drug, but from one firm manufacturing and selling it retail under one trade name, while selling it in wholesale quantities to one or more additional drug firms for packaging and sale under the latter's different trade names. It also occurs by the same firm bringing out the same drug under slightly different potencies or slightly different formulas. Example, a company brings out a drug called Bigshow. Then alters a chemical bond in the drug and starts promoting its chemical relative under a new trade name like Reallybigshow. Physicians may then be told that Reallybigshow is "more potent" than Bigshow because only 10 milligram dosages are required for Reallybigshow compared to 100 milligrams for Bigshow, notwithstanding that both do the same job at their respective dosages.

Regarding all these serious extra burdens on the sick, Dr. Austin Smith, president of the Pharmaceutical Manufacturers Association said:

> Unquestionably enthusiasm in promotional efforts can get out of hand at times. The important thing is that members of the pharmaceutical industry are setting up increased controls to insure the presentation of facts.

They may be setting up controls, but none is obvious at this point. "Pharmaceutical industry, heal thyself," is an appropriate current-day adaption of an old adage. And, adding "do it quickly" also seems appropriate. For if that industry fails to do it, and do it quickly, it can be assured that the patience of the American people is approaching the exhaustion point where it will be done for them by legislation.

I have in mind relatively simple means whereby healing processes can be imposed on the industry quickly and efficiently by statute. The doubling, trebling, and even further multiplication of the cost of introducing the same precise new drug to physicians under a variety of different trade names and other extravagant practices can be wiped out by the stroke of a legislative pen requiring standardization of drug names and prohibiting slight variations in composition or strength to be subject to repromotion. Such listing and regulations might easily be compiled and policed by the U.S. Public Health Service, the Food and Drug Administration, or other appropriate Federal agency. Meanwhile the American Medical Association might take on the worthwhile project of getting its members to write prescriptions in terms of drug name rather than trade name.

What I am actually seeking to do by bringing the various facts out that I have today is to point up to the pharmaceutical industry the desirability of setting up its own drug czar in the pattern of the motion picture, baseball, and football industries. Self-imposed discipline, standardized pharmacopaeia, and ethical standards could be adopted and enforced by the czar, aiming at the same purity in pricing drugs as there is in manufacturing them. I believe the moral obligation for the industry to do so is clear and undeniable.

If it does not do so, and unless Dr. Smith's promises are backed by performance and reforms extend further than to the most obviously outrageous and extravagant practices now current, it is my intention to introduce and seek passage of legislation compelling the industry to make the reforms it shall have failed to make as a matter of self-discipline and moral obligation.

The details of drug promotion malpractices upon which my remarks today are based appeared in a series of three articles in the Long Beach Independent-Press Telegram written by Mr. Ben Zinser. For the information of my colleagues who wish to refer to these sources, I have asked unanimous consent that they appear in today's RECORD.

Mr. Zinser is an able, experienced, and highly regarded writer on medical subjects. Both he and his publishers have done the country a distinct service in publicizing these facts for the public. I agree fully with Mr. Zinser's belief that promotion plays a necessary part in bringing new and useful drugs to the attention of the medical profession. It is the excesses, the extravagance, the poor judgment, and the lack of fundamental ethics in which the drug industry indulges itself in this regard that are objected to on behalf of all who must, necessarily, purchase its products.

NATIONAL LOTTERY IN AMERICA

Mr. FINO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FINO. Mr. Speaker, while we persist in raising moral, social, and economic objections to the enactment of a national lottery in America, our foreign neighbors continue to make hay with their own government-run lotteries.

The recent worldwide sale of tickets for the 98th Irish Sweepstake is a very good example. The total gross receipts for last Saturday's sweepstake were a record high of $17,134,852.

Of this amount, Mr. Speaker, $9,761,920 went for prizes, $3,154,320 for building and improving hospital facilities, and $1,051,439 for the Irish Government.

A few million dollars will come back to the United States bringing great joy and happiness to some lucky ticketholders. But these people will learn, very shortly, that the Federal Government will become their partner to the tune of 60 percent or better. Also, the State governments will step in and claim their tax share.

This big Government grab raises these questions: What happens to the sanctimonious attitude the Government has about gambling? What about the so-called economic, social, and moral issues leveled against gambling revenue? Does hypocrisy permit and allow the Government to play a double role?

Mr. Speaker, I think we have carried this hypocrisy too far. The time has come to remove the blinders and recognize the indisputable fact that the urge to gamble is deeply ingrained in most human beings and that we should start to regulate and control this natural desire for our own benefit.

By proper supervision and control, a national lottery would not only cut off the flow of billions of dollars now siphoned off by the racketeers and gamblers in the United States and by foreign-run lotteries, but we would also bring $10 billion a year in additional revenue to our Government Treasury.

Mr. Speaker, if we stopped this pussyfooting and showed some good American horsesense; if we tie the gambling spirit of the American people together with the Government's need for revenue, we can, with a national lottery, bring pleasure to our taxpayers and financial gain to our Treasury.

EXTENSIVE PRACTICE OF "PAYOLA"

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. O'NEILL. Mr. Speaker, in recent days I, like many of my colleagues, have had the opportunity to meet with a number of responsible citizens who are delegates to the White House Conference on Children and Youth. During the course of our conversations, I have noted that many of these good people are deeply concerned about a very serious problem which can be resolved by the combined action of the Federal Communications Commission and persons who have been granted the privilege of broadcasting to the American people. We are all aware that radio and television licensees, in addition to the right to make substantial profits, have the duty to act in the public interest.

The hearings held by the well-known subcommittee chaired by the very capable gentleman from Arkansas [Mr. HARRIS] and the investigations by the Federal Trade Commission have revealed many things, not the least of which is the extensive practice of commercial bribery known as "payola." Perhaps the most insidious effect of this conduct is best realized in the knowledge that a few paltry dollars have bought a widespread type of demoralizing influence. Not only have the American people been deceived, but the captive audience of our youth has been exposed to a type of sensuous music that is hardly fit for impressionable minds.

I feel confident that the majority of the broadcasting industry have refused to participate in such practices. I am also aware that the FCC is presently engaged in a rulemaking proceeding to require the licensees to avoid certain situations, yet I am somewhat apprehensive that the present FCC policy is ineffective with regard to the licensees whose employees have been engaged in this demoralizing practice.

On March 4, the Honorable Earl W. Kintner, chairman of the FTC, testified that his Commission up to then had found evidence of "payola" in 56 cities. No mention was made of the number of licensees involved. Presently the FCC is calling to task only those licensees listed by the FTC, whose license renewals are up for consideration. We all know that time dampens enthusiasm and I wonder how vigorously this problem will be pursued with licensees whose renewals will not be considered for months or years to come?

Therefore, in order to determine how much responsibility will be assured by the possible numerous licensees listed in the FTC report to the FCC, I have suggested that letters be sent to these licensees by the FCC advising them that evidence has been obtained of "payola" involving their employees. The FCC letter, I feel, should require an immediate reply from the licensees requiring them to state the actual steps being taken to prevent further deceit and demoralizing influence over our youth.

The following is a copy of my letter of today to the chairman of the FCC:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 31, 1960.

Hon. FREDERICK W. FORD,
Chairman, Federal Communications Commission, Washington, D.C.

DEAR MR. CHAIRMAN: Like many people, I have followed with interest several matters of widespread news coverage pertaining to the very distasteful practices pursued by a group of people who have blatantly perverted the communication privilege granted by the Federal Government to be used in the public interest.

As a result of a series of discussions with a number of delegates presently in Washington for the White House Youth Conference, I find my own beliefs to be in agreement with theirs. There appears to be great concern for the very serious moral consequences that have been brought about by the practice known as "payola." The impact of rock and roll music on the maturing minds of a captive teenage audience can only be measured in a cultural decay of the years to come.

We are all aware of the passing fads experienced in different generations. My comments are not to be considered as a condemnation of our modern youth because theirs has been a circumstance far beyond their control. The trash which has been played on radio by some unscrupulous disc jockeys in return for under-the-table payments by some equally obnoxious record manufacturers and distributors, can have but a singularly disgusting effect on a captured audience.

The responsibility of preventing these practices rests with the Federal Communications Commission as an arm of the Congress. I noticed during the testimony taken by the Subcommittee on Legislative Oversight, chaired by the distinguished and able gentleman from Kansas, Mr. HARRIS, that the Honorable Earl W. Kintner, Chairman of the Federal Trade Commission, testified on March 4, 1960, that the FTC had found evidence of payola in 56 cities. It has also come to my attention that the FTC has, or is, supplying your Commission with the names of the employees and the licensees involved and that the FCC is examining the replies to your inquiries from licensees and comparing it with the information provided by the FTC at the time of a licensee's application for renewal.

Since license renewal applications are staggered over a 3-year period on a geographical basis, is it not possible that in several months' time there will be less enthusiasm in pressing the extent of this practice with licensees named by the FTC? Therefore, I strongly urge that as a matter of responsible action the FCC immediately communicate with the licensees whose employees were named by the FTC as having received payola and inquire of these licensees what actual steps are being taken by them now to prevent the continuance of these practices.

I would appreciate a brief analysis of the replies by these licensees without reference to their identity. This analysis should include:

1. How many licensees whose employees were named by the FTC denied payola activities in their letter to the FCC?

2. Is the FCC accepting at face value the assurances of the named licensees that they are presently preventing these practices even though they previously assured the FCC that the practices were not going on?

3. What worthwhile safeguards are being taken by the licensees in this group? Please specify the safeguards.

The purpose of these questions is, of course, to assure my colleagues and myself that every possible step is being taken now to examine these practices and their demoralizing effect on the youth of America.

Your reply, as is this letter, will be included in the CONGRESSIONAL RECORD for the benefit of all Members.

Sincerely,

THOMAS P. O'NEILL, JR.,
Member of Congress.

WAR BY MISCALCULATION

Mr. PORTER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. PORTER. Mr. Speaker, war by miscalculation is far more probable than war by intentional act. Yet the administration is doing nothing constructive about this danger. And Defense Department policy fails to square with statements by the Secretary of State.

Thousands of nuclear warheads, most of them ready for instant dispatch and detonation, exist in the world today. All are in the hands of fallible human beings. An accidental or unauthorized nuclear explosion is not merely probable. It is inevitable.

The interpretation of such an explosion will be difficult. There will be no witnesses to interrogate and no wreckage to examine. How to turn back the planes, uncock missiles and call off the resulting alert is a real problem which deserves intensive research and study.

The editor of Parade magazine recently suggested a "hot line" between the Kremlin and the White House as a useful safeguard. Constant communication could be important but how, under conditions as they are today, could either side rely on the words spoken by the other? Other measures must be devised and adopted—and without delay.

In the March 5, 1960, issue of The Nation I discussed my reasons for feeling our Nation must take the leadership in disarmament before the finale of the missile race results in a barren globe.

We are smart enough to survive but time is terrifyingly short. The task is tremendous. In the article I concluded:

> An ever-increasing number of devoted men and women are responding to the unprecedented challenge of unprecedented weapons. That gives me faith that we frail human beings and our free nations will not, for a while anyway, perish from this earth.

The article "Accident or Aggression" evoked thoughtful responses from men and women in many parts of the Nation.

Here are a few comments:

> My husband and I find it heartening that some voices are raised in warning. We also welcome your positive proposals toward a world law by strengthening the United Nations and your stand for the repeal of the Connally reservation in order to increase the effectiveness of the International Court of Justice.

> This is, indeed, a most frightening sobering statement but it should be read by every American * * * you wisely point out the error plays a large part in the danger that confronts us.

> Your excellent article "Accident or Aggression," in March 5 Nation deserves a hearty thank you from every American citizen. * * * Wishing you much success in your efforts to stimulate interest in a sane policy on disarmament.

These excerpted remarks pretty well summarize the letters I have received since The Nation article was published. The letters come from citizens who are ready to fight for peace.

The fight means that we must reaffirm our freedom by making sure we are making the best use of our minds. To do this we must provide the tools: education, research, language, technical know-how and the other items which placed together mean a fruitful way of life for all.

Documenting and enlarging upon the above assertions are the following correspondence between myself and Herbert B. Loper, Assistant to the Secretary of Defense—Atomic Energy; the full text of "Accident or Aggression" article by myself, Nation, March 5, 1960; editorial by George G. Kirstein, same issue, Nation; and various letters I have received commenting upon my article:

JANUARY 29, 1960.

Hon. THOMAS S. GATES, Jr.,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: I would like to inquire whether the Department of Defense is making any studies in connection with the question of accidental or unauthorized nuclear explosions as a possible or probable cause of war. If there are such studies I should like to have the reports made available to me. If there are not, I should like to urge that such studies be made particularly with reference to the problem of what measures can be taken to prevent misinterpretation of an accidental nuclear explosion.

The situation I have in mind is this: Thousands of nuclear weapons exist in the world today. Most of them are ready for instant detonation. All are in the hands of fallible human beings and under these circumstances it is probable that there will be an accidental or unauthorized explosion. When this occurs I am informed that we will go on our highest condition of alert and, probably within 20 minutes, the Soviet Union will do the same thing.

Even if we are convinced that the explosion was an accident, not the precursor of an all-out attack, what proper assurance can we get in this situation that the Soviet Union will order its planes to turn around and, in effect, uncock its guided missiles system?

It seems to me that this situation gets worse as the manned bombers give way to missiles and the decision times get shorter and shorter.

I suggest, as I have suggested before, that the Defense Department should immediately embark on a public relations program to inform our citizens and the world that accidental or unauthorized nuclear explosions are probable despite elaborate safeguards. In my opinion the public today believes that an accidental or unauthorized nuclear explosion is only remotely possible. This has been the impression fostered both by your department and by the AEC. Under the circumstances, therefore, and quite apart from the question of whether a war would result, there is a substantial chance that there would be considerable panic in the United States, especially in the cities, in the event of an unauthorized or accidental nuclear explosion.

With best wishes.

Sincerely,

CHARLES O. PORTER,
Member of Congress.

OFFICE OF THE SECRETARY OF DEFENSE,
Washington, D.C., February 12, 1960.

Hon. CHARLES O. PORTER,
House of Representatives.

DEAR CONGRESSMAN PORTER: Your letter of January 29, 1960, on the question of accidental or unauthorized nuclear explosions has been referred to me. As explained in detail below, studies are made covering each weapon system upon which safety rules and procedures are based. Since these studies include classified technical details it is not possible to pass them to you in this unclassified correspondence. Representative safety rules have been provided the Joint Committee on Atomic Energy and it may be possible for you to make arrangements with the staff of that committee to review them.

In developing the safety rules, each of the nuclear weapons systems is analyzed in complete detail by the most qualified personnel available to the Department of Defense and the Atomic Energy Commission. Safety analyses are a continuing process beginning as early as possible in the development of the weapons system and continuing throughout its life.

While I do not wish to minimize the consequences of such an accident if it should occur, I do want to assure you that the possibility of a nuclear explosion through accident or deliberate human act or system malfunctions is extremely remote. This statement of possibility represents the sincere opinion of those officials responsible for reviewing the detailed safety studies conducted on each weapons system employing a nuclear warhead or bomb. Safety rules for each system are the result of the conclusions and findings of the detailed studies and are the rigid enforcing regulations governing the handling and use of the system.

It is mandatory that the safety rules on each system meet the following standards:

(1) There will be positive measures to prevent weapons involved in accidents or incidents or jettisoned weapons from producing a nuclear yield.

(2) There will be positive measures to prevent deliberate arming, launching, firing or releasing except when directed by the proper authority.

(3) There will be positive measures to prevent inadvertent arming, launching, firing or releasing.

(4) There will be positive measures to insure adequate security.

I am inclosing two statements on the subject which continue to accurately portray the danger to the public that may be expected from an atomic accident.

Sincerely yours,

HERBERT B. LOPER,
Assistant to the Secretary of Defense (Atomic Energy).

FEBRUARY 23, 1960.

Hon. HERBERT B. LOPER,
Assistant to the Secretary of Defense (Atomic Energy), Washington, D.C.

DEAR MR. SECRETARY: Thank you for your letter of February 12. There has never been any doubt in my mind that all possible care in the handling of nuclear weapons was provided for in the regulations and was intended by the persons responsible. Where we disagree is with regard to your statement that "the possibility of a nuclear explosion through accident or deliberate human act or system malfunction is extremely remote." I refer you to Secretary Herter's speech February 18 before the National Press Club, particularly the portion where he refers to miscalculations that result in war "without either side really intending that this should happen."

Regardless of our disagreement in this respect, I should appreciate your commenting on what plans the Defense Department has to prevent such an explosion from triggering a war. I particularly refer you to my letter of January 29 and specifically the last sentence of the second paragraph and the last three paragraphs in the letter.

I should also like to repeat my request for information as to any studies which are being made with regard to accidental or unauthorized nuclear explosions as a possible or probable cause of war.

With best wishes.

Sincerely,

CHARLES O. PORTER,
Member of Congress.

OFFICE OF THE SECRETARY OF DEFENSE,
Washington, D.C., March 3, 1960.

Hon. CHARLES O. PORTER,
House of Representatives.

DEAR MR. PORTER: I regret that my letter of February 12, 1960, replying to yours of January 29, 1960, failed to cover two points raised in your letter.

With respect to plans for preventing an accidental or unauthorized explosion from triggering a war, it appears that the concern here is that the detonation of a nuclear weapon by accident or through deliberate human act would precipitate retaliatory action on the part of the injured party without adequate investigation as to the cause or source of the act. Obviously, the Department of Defense cannot control the reaction of some other country to such an event. We firmly believe, however, that our own directives and procedures, which require the transmission of positive orders of the President through secure command channels, preclude the possibility of such precipitative action on the part of the United States. In other words, positive directives, rather than plans, issued to and thoroughly understood by all commands preclude any retaliatory action with nuclear weapons on the part of our military forces without the specific authority of the President.

In brief, our effort has been focused on—

(a) Safety in design features; limited and controlled access to weapons; personnel selection; physical security, and handling procedures to provide maximum insurance against an accidental or unauthorized detonation. The effectiveness of these measures is under constant scrutiny in the interests of continuing improvement.

(b) Positive command controls to insure against precipitate action in the event of an accidental or unauthorized detonation no matter how remote the possibility of such an event.

I have noted that portion of Secretary Herter's speech before the National Press Club on February 18, 1960, to which you have referred. While not attempting to interpret the reference to "miscalculation," I would consider the term to have a much broader meaning than "reaction to an accidental or an unauthorized detonation." In any case, I consider it impossible that the Department of Defense might "miscalculate" the cause of an accidental or unauthorized detonation and initiate retaliatory action without thorough investigation and positive instructions from higher authority based on a thorough analysis and understanding of the international situation.

To the best of my knowledge the Department of Defense is not undertaking any studies of the type to which you refer. There are, of course, a number of basic plans and directives in effect for dealing with nuclear weapon incidents and accidents, the purposes of which are to minimize the hazardous effects of such events and to insure immediate investigation and report of the cause and circumstances to higher authority. Typical of these is the inclosed chapter 6 of the USCONARC Basic Plan. Similar plans and instructions have been issued by the other services and by the unified and specified commands. While such plans and instructions do not deal directly with accidental or unauthorized explosions as a cause of war they do provide for prompt and thorough investigations of such events as a basis for appropriate decisions by competent authority.

Sincerely yours,

HERBERT B. LOPER,
Assistant to the Secretary of Defense (Atomic Energy).

[From the Nation, Mar. 5, 1960]

ACCIDENT OR AGGRESSION?

(By Charles O. Porter)

If you place six chimpanzees in a small room with a couple of baskets of live hand grenades, a minor catastrope is inevitable. If you place error-prone human beings in proximity to thousands of nuclear weapons, a major catastrophe is inevitable and the triggering of an all-out massive exchange is probable.

Brigadier (Ret.) C. N. Barclay, British military expert, correctly describes the problem in the New York Times magazine of August 23, 1959, but he reaches the conclusion that the real danger is 10, 15, or 20 years ahead when many more nations possess nuclear weapons. The risk of a fatal mistake now, he thinks, is "much less than most people suppose."

I respectfully but emphatically dissent. In my opinion, the danger is now and it is extreme. As for what "most people" may suppose about the risk, I can only say I wish more people in and out of Government and the Military Establishment, thought about the situation at all.

Two attitudes, often not fully articulated, seem to predominate. One is that our atomic doom is inevitable and that nothing will avert it. The other is that something will turn up, as always. Both points of view provide ready excuses for doing nothing.

Barclay recognizes that while nobody wants a full-scale nuclear war, a war by "mistake" or "accident" is likely because of the "necessity for maintaining weapons of obliteration in instant readiness." He points out that this is an unprecedented situation for which history has little guidance. I agree with that definition of the situation, but I have to leave him when he seeks to minimize the risk of a mistake by stating that "we can be sure" missiles have to be made "live" by "teams under responsible leaders • • • especially selected • • • controlled by headquarters and highly trained staffs."

Barclay writes, "In these circumstances the chances of a mistake, although not entirely removed, are remote." He cannot conceive that one explosion could trigger a worldwide nuclear war, nor that a tactical atomic war could become a fullscale nuclear war. I think the cards are stacked now for vast destruction and death. The facts, simple and undisputed, add up, in my opinion, to world war III in the very near future as the result of an unauthorized or accidental nuclear explosion. This is the war nobody wants and everybody fears.

The facts can be stated in a few words. First, thousands of nuclear weapons, many of unthinkable power, exist today. Second, almost all of them are ready for instant detonation. Third, their custodians are human beings.

A nuclear explosion resulting from mechanical defect or inadvertence is only remotely possible, but the same is not true with respect to human fallibility. I discussed this matter last year with Herbert B. Loper, Assistant Defense Secretary for Atomic Energy. He agreed that, given the prevalence of such human errors and weaknesses as drunkenness, mental breakdown, misinterpretation, misguided idealism, venality or treason, an accidental nuclear explosion is probable.

Of course, precautions are taken to prevent accidental or unauthorized explosions; the regulations and safeguards are carefully and cunningly devised. But any rule ever devised by man can be circumvented by man. You can't legislate error and weakness out of humanity.

I saw for myself the operation of some of the safety procedures established to prevent the unauthorized dispatch of the Royal Air Force Thor missiles in England. Because these procedures are classified as secret by the Defense Department, I cannot describe how an apparently foolproof system was being wholly frustrated without malice or deceit on the part of anyone. These were able and honest men doing an important job but, as so often happens, they were blithely ignoring regulations calculated to prevent an irreparable disaster.

When I sought permission to describe the bypassing of these very procedures in this article, the Department of Defense, through its congressional liaison officer, expressed great chagrin and surprise. The officer informed me that a complete investigation would be made immediately. There will be no one around to investigate violations that lead to an unauthorized firing.

Almost everybody knows that a gun, allegedly unloaded or not, is dangerous. Every day some person is wounded or killed by mishandling these puny weapons. The custodians of the atomic weapons are errorprone mortals.

If you had been the marshal of Dodge City in its heyday you would have kept a loaded six-shooter handy. We, too, must keep our nuclear weapons handy, and you don't need to know the details to realize that they are poised for instant use. In fact, they are being modified to facilitate quick detonation. On October 28, 1957, Admiral Stump, supreme U.S. commander in the Pacific and Asia, affirmed that the United States must retaliate instantly, possibly with atomic weapons, at the first sign of Communist aggression anywhere in the world. The following month, the late Secretary Dulles stated that the order to shoot back in the event of an attack on NATO forces "like that on Pearl Harbor" would be given by the commanders "on the spot."

An explosion caused by a meteor has been mentioned as the possible occasion for confusion and misinterpretation leading to such an order in a world made tense by atomic warheads. And everybody knows that decision times are becoming shorter as countdowns for missiles are simplified or in some cases, reportedly in the Soviet Union, eliminated.

This brings us to the question of whether or not one accidental or unauthorized nuclear explosion would be likely to trigger the full-scale massive exchange. Brigadier Barclay wrote that he couldn't "conceive" of such a thing.

In December of 1957, I visited Strategic Air Command Headquarters in Nebraska and was briefed on this problem. Since then I have checked my conclusions many times with other high military officers in and out of the Pentagon. It is agreed that if there were a mystery atomic explosion which could not be identified either as an act of aggression or as an accidential or unauthorized explosion, our forces would immediately go into their highest condition of alert.

This means that the ready planes get off the ground and start heading for their targets. It means that other crews and planes are prepared with all speed to get off the ground. The count downs would start on our missiles and hold firm just this side of ignition. Of course, bases and missile sites would be the primary targets of the enemy.

If we were to go on our top alert, the Soviet Union would soon follow suit, just as we would do if the Soviet Union had the unexplained atomic explosion in their territory. This leads to a problem for which no one, military expert or not, has given me the solution.

Here is the situation:

Our planes are making for the Soviet Union; theirs are headed toward us. Our missiles are made ready for immediate dispatch; so are theirs. I remind you that we cannot look to the gaping hole and its lethal radioactivity to tell us who caused the explosion and for what reason. There is no wreckage to examine, and there are no witnesses to interrogate.

But less than 20 minutes after the explosion, if it happens in the United States, the Soviet Union's condition of top alert will be reported to the White House by our intelligence officers. The tough question is, How can we tell whether the intensive preparations are defensive or offensive?

The answer is that we cannot make any such determination because the preparations for defense and offense are identical.

Our planes can turn back when they reach a certain point, called the fail-safe line, but on what basis do we dare allow them to return when we know the Soviet planes are heading toward us? Is this the time when the President calls up Khrushchev and says, "Tell me the truth now, was that explosion the beginning of an attack on us? Or if it wasn't, are you planning to use our defensive preparation as an excuse for an attack on us?" It seems hardly worth while to make the call, yet how do we extricate ourselves in such a crisis?

Before I venture to propose any remedies, let me suggest a further complication—public panic. Consider the immediate and intensive coverage such an explosion would receive on TV, radio, and in the newspapers. Think of the impact on our great urban centers of population—the TV coverage and the descriptions of the magnitude of the physical damages, the numbers of dead and injured. Think of the terrible, unbearable suspense of wondering if this is only the first of many atomic missiles being directed at our country by a powerful and implacable enemy.

It seems likely that an almost universal breakdown in law and order might ensue in the cities as people sought, not unreasonably, to take shelter or, in most cases, get out into the countryside. There would be rioting and looting. The President would appear on TV and his voice would be heard on radio. "Be calm," he would enjoin us, "my information is that this is not part of an attack on us. It was just an unfortunate accident. Please return to your homes." But even he couldn't know for sure that it was an accident.

Let us be optimistic and say that this announcement, along with other measures, does deter a wave of panic. What happens 20 minutes later when the news comes (and it could not be withheld from the American people even if the President so wished) that the Soviet military forces are mobilizing at top speed? Would our people believe the President if he told them that in his opinion the Soviets were only doing this as a defensive measure and that it was not in fact a threat against us? It would be difficult to present a convincing basis for such an opinion.

This introduces one of the remedies that I suggest we begin to apply without further delay—namely, public recognition of the problem presented to us by this mixture of maximum weapons, minimum decision times, and mere mortals. At present the official position of both the Defense Department and the Atomic Energy Commission is that accidental or unauthorized nuclear explosions are but "remote possibilities" hardly worth discussing. This position must change.

The truth is that such explosions are more than probable. They are inevitable. A healthy skepticism of man's ability to manage safely such weapons is the beginning of wisdom; and an acknowledgment of the real odds favoring accident will make public reaction more rational when the accident occurs.

Secondly, further efforts to lessen tensions between the East and West must be made along the lines of the President's example in agreeing to exchange visits with Khrushchev. Increased communication through visitor exchanges can help lead to the sort of understanding which must be the foundation for any honorable, stable peace.

Thirdly, self-enforcing, arms-length disarmament agreements must be negotiated. The most important is with respect to nuclear tests. Once international inspection has been established for one type of armament, its application to wider areas is unlimited and of immensely hopeful potential.

Finally, we must understand that the only alternative to rule of force is the rule of law. The President believes this, so did

the late Secretary of State Dulles. So do Vice President NIXON, President de Gaulle, all the top British governmental leaders and, I would estimate, almost every other responsible political leader in the world.

It is essential that the United Nations Charter be reviewed. Indeed, we have delayed too long. High level studies should start immediately throughout the world, not only within governments but among the peoples themselves. The danger of nuclear doom is clear enough for those who will open their eyes. The dream of a world rule of law may seem impractical at first, but how practical, I have to ask, is a nuclear arms race? Just about as practical, I'd say, as offering those chimpanzees I mentioned earlier more baskets of live grenades.

An essential first step, now awaiting enactment by the U.S. Senate, is the repeal of the Connally reservation, which permits us at will to deny the jurisdiction of the International Court of Justice.

Last year I attended a meeting at which Philip Noel-Baker, Member of Parliament, Nobel Peace Prize winner and noted disarmament expert, said in an informal conversation that he was an optimist in that he believed universal disarmament was feasible in terms of providing safeguards against one nation's getting an advantage over another, if the nations all decided they wanted that equality.

"But," he added thoughtfully, "I'm also a pessimist in that I believe that in 10 years we will all be dead and the earth will be an incinerated relic."

The man standing next to him, a top scientific adviser in our Government, declared, "I believe so too."

I don't believe so. Nuclear doom is not one of the inevitables I intend to accept. The inevitable accidental or unauthorized nuclear explosion need not mean world war III.

I think we are smart enough to survive, but I realize that time is terrifyingly short and that the task is tremendous. An ever-increasing number of devoted men and women are responding to the unprecedented challenge of unprecedented weapons. That gives me faith that we frail human beings and our free nations will not, for a while anyway, perish from this earth.

[From the Nation, Mar. 5, 1960]

NONSURVIVABILITY PLUS

(By George G. Kirstein)

The way to disarm is to arm. A country has to have more arms than its potential enemy in order to negotiate disarmament from a position of strength. Once we have arms superiority, the Russians will presumably be forced to disarm. One odd thing about this prevailing current doctrine is that it is not expected to work in reverse. If the Russians gain arms superiority over us, we will not begin to disarm—we will "close the gap." Another curious thing about it is that when we did have arms superiority—when we had the A-bomb and the Russians didn't—neither they nor we disarmed. They closed the gap.

But just because the theory has not worked so far in either direction is no reason to abandon it. The task before us is to compose a logic to justify our immutable theory, and for this purpose we need a new language. Fortunately such an instrument is already at hand, for both the armed services and the research centers of the great universities have men trained in the manufacture of a new jargon which will serve as a framework for the new logic. For simplicity's sake and to differentiate it from English, this language may be called Desperanto.

For example, all reasonable men know that the way to stop an enemy from attacking us is to have the capacity to destroy him if he makes the first move. This ability for "instant and massive" retaliation is labeled "deterrence" and for it to be effective we must have overwhelming "deterrent capability." General Power points out that if we have sufficient "deterrent capability," it will be impossible for an aggressor to develop a "confidence factor." "Deterrent capability," the very keystone of the new logic, has several synonyms, of which the one most frequently used is "kill" power. Fortunately, we are told that at the present time our "kill" power—take it for all in all—is superior to the Russians'. However, we are still in danger because of the "missile gap." It is not enough to have overall superior "kill" power; paradoxically, we must have a surplus of it in order to guarantee our survival. A surplus of "kill" power is called "overkill" and the key equation of the new theory is, "Overkill equals total nonsurvivability plus." In this equation, of course, we have the "overkill" and the enemy has the "nonsurvivability plus."

Unfortunately, we do not have enough deterrent capability even when we have lots of "overkill," as we now have. "Overkill" doesn't take care of limited aggression in what Representative WALTER calls fourth-dimensional war. In order to stop this limited aggression threat, we must have limited deterrents or clearly there will be a deterrent gap. We must have an overall military posture capable of defending ourselves by every means from launching preventive war (this used to be called attack in the old language) to repelling invaders armed with slingshots. I feel myself that the military is guilty of overlooking our slingshot capability, but perhaps we should not be too harsh, for they have overlooked little else. Nonetheless, the Democratic candidates, particularly Senator SYMINGTON, may have a real campaign issue in this slingshot gap. Fortunately, there is not a correlative bow and arrow gap, because we have a ready reserve of militia of sportsmen skilled with this weapon.

The logicians of deterrence may at last be satisfied when we perfect, as we are sure to do soon, the doomsday bomb. This weapon, when hitched up to an electronic brain, will be able to destroy the remainder of mankind even if no survivors are left in the attacked country to set it off. This is what spokesmen of the new logic call an invulnerable deterrent. Apparently this cobalt-coated hydrogen bomb creates a radioactive fallout so excessive that "On the Beach" can become fact—not fiction. This is total "overkill," or the end of the line. Indeed, the doomsday bomb may be the fantastic new weapon about which Mr. Khrushchev recently bragged. So the doomsday bomb gap may be already upon us, although, due to the intelligence gap and a reappraisal of Soviet intentions as contrasted with capabilities, it may be some time before we can know whether we are in this jeopardy. Unless a doomsday bomb can be set up in each free country the potential enemy's confidence factor may become absolutely overwhelming, because according to the experts only a weapon guaranteeing unacceptable damage will deter all rational rulers from aggression.

But I foresee a future gap even after we announce that we and all our friends, great and small, also have the doomsday bomb. Let us suppose that the Russians beat us to the moon. Suppose then that there are two Russians or even a couple of Russian dogs on that satellite when the doomsday bomb goes off. Clearly we have failed to reduce survivability to zero. We need a doomsday moon bomb—one capable not only of destroying mankind on earth but on the moon as well, preferably simultaneously. Without such a deterrent we are at the absolute mercy of the enemy. Let's have no spiritual flabbiness nor lack of zeal in perfecting this weapon. Let's have a crash program to meet this problem. Here is a gap which can be foreseen and definitized. Without possession of this supermassive retaliatory defense deterrent, we can't finalize our future.

EUGENE, OREG., *March 10, 1960.*

Representative CHARLES O. PORTER,
House Office Building,
Washington, D.C.

DEAR SIR: My husband and I read with great interest and approval, your recent article, "Accident or Aggression," in the Nation, March 5, 1960. I am enclosing a clipping from the Vancouver Sun, British Columbia, February 27, 1960, of which you may or may not be aware, but which I think is a step in the right direction and shows signs of constructive action. It seems to us regrettable there is no concerted, similar movement in the United States. It is also unfortunate there is a tendency to criticize those individuals in the United States, who attempt to draw attention to this problem, as though they were invariably indulging in Communist propaganda, whatever that is.

We were gratified to know you had attended the London conference and felt it should have been given more publicity here. Again we wish to offer our compliments on your fine article.

Sincerely,
THELMA M. PIERRON (Mrs. Wm.)

SYRACUSE, N.Y., *March 7, 1960.*

DEAR MR. PORTER: I have just read your article in the Nation. I am convinced that a growing number of people are concerned that we will have war by accident. Please keep talking and writing of this possibility.
GENE GILMORE.

CHARLESTON, W. VA., *March 6, 1960.*

DEAR SIR: Your article in the Nation is about the best I have read to date. It has the further advantage of being written by one whose motives and reasoning are above suspicion. I would like to see this reprinted in Life or Time, for example, in order that it would receive the highest possible readership—next to a 2-page color ad of "Atlas."
CHARLES CHRISLIP.

MADISON, WIS., *March 7, 1960.*

The Honorable CHARLES O. PORTER,
House of Representatives Office Building.
Washington, D.C.

MY DEAR MR. PORTER: We have just read your article in the March 5, Nation, "Accident or Aggression?"

It is superb. We find it especially heartening to know that a Member of our Congress is thinking and speaking so clearly. We wish to thank you for your clear and courageous statement of what should be elemental facts.

Will you be having this article put into the CONGRESSIONAL RECORD? If so would reprints be available? The movie, "On the Beach" is to start in Madison on March 9 and we feel this would be a telling moment to call attention to what most of us believe to be but a weird nightmare, not possible. We feel and hope as you do "that we are smart enough to survive," but also that "time is terrifyingly short and the task tremendous."

Is there some way in which we can help you in your great fight for survival?

Very sincerely,
Dr. and Mrs. KARL PAUL LINK.

CORNELL UNIVERSITY,
Ithaca, N.Y., March 14, 1960.

The Honorable CHARLES O. PORTER,
House Office Building,
Washington, D.C.

DEAR MR. PORTER: I wish to express my appreciation of your fine frank article in the Nation of March 5 "Accident or Aggression?" and my horror at the facts you so forcefully set out. With most of them I had some familiarity already but not with your veiled statements on the lack of observance of safety procedures (pp. 203–204). You have done a great public service in writing this article. I wish there were some way in which knowledge of these facts could be brought

home to more people that know them, perhaps, intellectually but pay no real attention.

Sincerely yours,
BERTRAM F. WILLCOX.

(This needs no acknowledgment; nor any answer unless there is conceivably any way in which I could be of help in your battle to stave off a mass tragedy which we can talk about but not begin actually to comprehend.)

BOSTON, MASS., *March 4, 1960.*

MY DEAR MR. PORTER: I have just read your article, "Accident or Aggression?" in the Nation and wish to thank you most wholeheartedly for your timely discussion of some of the most dreadful aspects of the nuclear arms race. When you write, "Nuclear doom is not one of the inevitables I intend to accept," I believe you are speaking for virtually every citizen who brings himself to face the possibilities of nuclear war, and certainly you are speaking for a substantial proportion of citizens whose opinions do not readily find outlets in the press or radio, but who represent the most responsible part of the electorate.

I have expressed similar ideas in letters to officials who support the arms policies of the Government and feel that it is futile to waste one's time and efforts talking logic to people upon whom logic makes no impression whatever.

But I do think that it is time (and perhaps this is our only hope) for those who share your views to move together in a display of unity impressive enough to cause the Government to have grave doubts as to the national support it would have for a nuclear war.

It would seem that the first task of Congress is educating the administration in the facts of nuclear war would be the formation of united and impressive opposition to this suicidal continuation of the arms race within its own ranks. I think you already have an implicit mandate for such action from the people. There must be national support for such a movement, judging by the statements of Gov. G. Mennen Williams, Gov. Robert Meyner, Adlai Stevenson, etc. Either there is a new orientation to American foreign policy thinking or the generals will have their way and we will get our nuclear holocaust.

Why, for instance, do we insist that the Soviets take no unilateral action to decide Germany's fate and yet we refuse to negotiate the question of the altitude of our flights to Berlin? This is a question for civilian negotiators, not for the generals to decide.

Is it not fitting, in this time of remembrance of the American Civil War, to remind ourselves that it, too, was a war which nobody wanted or intended but which was made inevitable by the resort to violence instead of rationality which we see occurring today.

I hope and pray that there are enough men like you in Congress to act in the name of reason while there is still time, and again many thanks for your efforts on behalf of truth, and be assured of my very sincere appreciation and best wishes.

Yours very truly,
J. MURRAY FORBES.

THE INDEPENDENT BANKERS ASSOCIATION,
OFFICE OF THE SECRETARY,
Sauk Centre, Minn., March 7, 1960.

Hon. CHARLES O. PORTER,
House Office Building,
Washington, D.C.

DEAR MR. PORTER: In the March 5 issue of the Nation, your article, "Accident or Aggression?" portrays in a realistic way the situation that confronts us. We are galloping toward destruction.

The hopeful sign, if there is any, is that Russia is doing too well to intentionally bring about chaos, but miscalculations can occur, as you have so ably stated and the more nations that perfect these diabolical machines of destruction, the more chance the people of the world will be taking.

Yours is a thoughtful article. I wish the Nation had a larger circulation, so that it would be brought to the attention of more people.

With best regards, I am,
Yours very truly,
BEN DUBOIS.

WASHINGTON, D.C., *March 4, 1960.*

Hon. CHARLES O. PORTER,
Member of Congress, Old House Office Building, Washington, D.C.

DEAR MR. PORTER: Your article in the March 5 issue of the Nation presents one side of an argument with most unusual clarity and force. Naturally, I would prefer to side with those who claim the odds are against an accidental war, but your arguments are very persuasive. Certainly everyone would agree that whether the odds are on one side or the other, national survival has become the subject of an international lottery.

Persuasive though your arguments are, they prove only that something must be done—presumably something new, bold and imaginative. Your conclusion, that we must work for world peace through world law by amending the charter of the United Nations, does not seem to be supported in the least by what has gone before. At the most, you are saying that we must have world law and, therefore, we can get it. At the least, you are saying that we must have world law and, therefore, we should start working toward it. As the first is obviously a non sequitur, I assume that the second implication is the correct one. In principle, of course, all would agree with it, and yet strictly speaking it is not quite an accurate statement either. As Professor Wolff of the Harvard philosophy department wrote to me a month or two ago, "In a way, the Western Community has the noble, but tragic, task of keeping alive as well as possible an ideal of human existence which has not been known before, and may never be known again." His point, of course, is that the continued existence of Western democratic values is very important to him as it is to you and me, but nothing about it is either necessary or even probable. If we wish to preserve them or even to lengthen their existence, we will have to strengthen them where they are and extend them wherever possible.

Professor Wolff was commenting on a brief disquisition on this subject which I wrote about a year ago. You may find it of interest.

With every good wish.
Sincerely yours,
JUSTIN BLACKWELDER.

GREENSBURG, PA., *March 7, 1960.*

Hon. CHARLES O. PORTER,
U.S. Congressman from Oregon, House Office Building, Washington, D.C.

DEAR MR. PORTER: Those powerful articles by you and Publisher Kirstein in the current, March 5, issue of the Nation, should be seen by all other Representatives in our Congress, both Houses. Also copies furnished all beribboned Pentagon moguls who underpin our bipartisan military plutocracy.

Commendingly yours,
J. R. KEISTER,
LL.B. Harvard 1912.

CALIFORNIA STATE POLYTECHNIC COLLEGE,
San Luis Obispo, Calif., March 4, 1960.

DEAR CONGRESSMAN PORTER: I have just read your article, "Accident or Aggression?" It is the best piece I have ever read on our most vital problem. Congratulations. I have written to Reader's Digest pleading with them to reprint it.

Sincerely,
WILLIAM M. ALEXANDER,
Assistant Professor of Political Science.

The NELSON-NORA METHODIST CHURCHES,
Nelson, Nebr., March 8, 1960.

Hon. CHARLES O. PORTER,
House Office Building,
Washington, D.C.

DEAR MR. PORTER: I appreciate so much your article in the Nation, "Accident or Aggression." I read it with deep interest and growing concern. After a day of thought and prayer, I wrote to the Nation publishers for 500 reprints of the article. I plan to use some of the "Lord's fund" to send these to Members of Congress and to other friends and members of my congregation.

Yesterday a close friend was telling of his visit last week to the SAC headquarters in Omaha. He said that there are red telephones that are in direct contact with missiles armed with H-bombs. He said that if a man given the secret code, electronic brains take over and start the machinery moving so that these weapons can be in the air in about 10 minutes and on target within 30 minutes. If this is true, if someone who knows the code should go insane it would be possible for him to literally blow up the world. Do you have information on this? If this is true, every American citizen should know it. I would appreciate any official information (which gives the true picture) on the possibility of such a thing happening.

There are many of us who are willing and able to throw our energy and thought into a fight for lasting peace. The only thing that holds us back is the lack of leadership from our National Government. If we would mobilize for peace as we have done for war, we will be able to tap the unused energy buried deep in the desire for peace that is in the hearts of all the common people of the world. We would be able to think through the economic, social, and political problems involved in shifting to a nonmilitary economy. Who can we get to take such leadership except the President? Any help you can give in this No. 1 issue will be appreciated by all of us.

You may find the enclosed letter sent to a number of my friends of interest. Thanks again for your good work.

Sincerely,
LINCOLN B. JUSTICE.

COLORADO STATE UNIVERSITY,
Fort Collins, Colo., March 10, 1960.

The Honorable CHARLES O. PORTER,
The House Office Building,
Washington, D.C.

DEAR MR. PORTER: Thank you for your article "Accident or Aggression" in the Nation, March 5, 1960. Your article and the effort lying behind it are of great value in the struggle for peace. Here in Colorado there is great concern about these problems. The film "On the Beach" dealing with the threat of nuclear destruction has drawn large audiences, and people are eager to find ways to eliminate the threat of radiation.

Most Americans, I believe, welcomed the initiative of President Eisenhower in seeking an exchange of visits with Premier Khrushchev. However, more needs to be done. Our position, it seems to me, is over-rigid. We want disarmament in theory, yet we are insistent to the extreme on the need for foolproof controls. But the Russians are just as aware as we of the impossibility of a major nuclear war. Further, while they certainly strive to expand communism, I see no reason to believe that they want to spread it through world war. If we would just agree to a ban on weapons tests and then to a ban on nuclear weapons with a moderate control system such as the Russians would

agree to, the immediate threat of destruction would be removed. Surely we can trust the Russians that much, because the actions would be in their own self-interest, and the burden of armaments is surely heavier on their economy than on ours.

While seeking disarmament on a reasonable basis, we should plan for a changeover to a large-scale peacetime economy. With proper planning, we need fear no economic disaster. I sincerely hope that the leaders of the Democratic Party will start stressing peace and disarmament.

Thank you again for your excellent and helpful article.

Sincerely yours,

DR. PAUL A. BATTS.

LOMBARD, ILL., *March 7, 1960.*

DEAR MR. PORTER: Your excellent article "Accident or Aggression," in March 5 Nation deserves a hearty thank you from every American citizen.

I only wish that more than subscribers to the Nation could read this article. It is very disheartening, as you bring out in your article, that so few people think about the terrifying situation at all and I can verify this attitude among my own acquaintances.

Our Government's give away program of nuclear know-how to Germany and other nations, complicates the future and makes a nightmare of living.

My husband and I have written our Senators and the President about the extreme danger of this policy but I fear to no avail.

The most disheartening thing is the total lack of a Democratic program for a sane world.

In fact PAUL DOUGLAS is such a confirmed warmonger that it neutralizes his efforts on civil rights.

I'm afraid the Democrats have no place to go this next election.

Wishing you much success in your efforts to stimulate interest in a sane policy on disarmament.

Very sincerely yours,

HELEN J. TEPFT.

HICKSVILLE, LONG ISLAND, N.Y.,
March 4, 1960.

DEAR REPRESENTATIVE PORTER: Let me start by introducing myself. I am the chairman of the professional interests committee of the Roslyn Teachers Association—a group of teachers and administrators numbering about 275. It is my job to organize a day during which we hear and discuss vital issues from the educational and political worlds. The day commences with a keynoter and, sir, after reading your article in the Nation of March 5, I am convinced that what you have to say is worth hearing.

I think our staff must hear from someone of your stature the truisms that confront us today. As a matter of fact, I don't think I am exaggerating when I say it is vital to hear these things. I am afraid we educators are not the best informed people in the world, and it is most important we should be * * *.

It is with the same note of urgency I felt in your article that I write this letter.

Yours truly,

GEORGE HIRSHFIELD.

FIRST UNITARIAN CHURCH,
Los Angeles, Calif., March 8, 1960.

Hon. CHARLES O. PORTER,
House of Representatives,
Washington, D.C.

MY DEAR MR. PORTER: May I express my deep appreciation for your article, "Accident or Aggression?" in the Nation for March 5. This is, indeed, a most frightening sobering statement but it should be read by every American. I am wondering if you have reprints that we might distribute to the members of the First Unitarian Church. If you have I could use 500 copies, if there is a printing charge that is not excessive we will certainly pay it. Are you seeing to it that this article gets to all Members of the Congress and to the Executive Office of the President, and to members of the Atomic Energy Commission? I would like to know how rank and file Americans can cooperate in stopping this madness that involves us all. I dare say you saw the papers this morning that indicated that in Santa Barbara, Calif., by error a Conelrad tape was played saying "this is not a test, this is it, seek bomb shelter," etc. The station has been apologizing all morning for the mistake. I mention this because you wisely point out that error plays a large part in the danger that confronts us.

Sincerely yours,

STEPHEN H. FRITCHMAN.

LINCOLN PARK, MICH., *March 11, 1960.*

The Hon. CHARLES O. PORTER,
House of Representatives,
Washington, D.C.

SIR: Your article, "Accident or Aggression?" in the Nation, March 5, 1960, should be read by every American. The complacency and downright blindness in matters of the so-called "defense" among our leaders as well as among the general public, is staggering.

My husband and I find it heartening that some voices are raised in warning. We also welcome your positive proposals toward a world law by strengthening the United Nations and your stand for the repeal of the Connally Reservation in order to increase the effectiveness of the International Court of Justice.

We feel strongly that a complete, universal disarmament controlled and enforced by the United Nations should be our goal. This is a goal worthy of all the effort on earth.

Yours very truly,

MAIMU FRANOSCH.
Mrs. Hans. Franosch.

THE CHESAPEAKE & OHIO RAILWAY CO.,
Cleveland, Ohio, March 8, 1960.

Hon. CHARLES O. PORTER,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN PORTER: Your brilliant discussion of "Accident or Aggression?" in the March 5 Nation deserves the widest readership. Public as well as official opinion urgently needs to become thoroughly acquainted with this terrifying but realistic possibility.

With all good wishes.

Sincerely yours,

CYRUS EATON.

FEDERAL ASSISTANCE IN ELEMENTARY AND SECONDARY SCHOOL CONSTRUCTION

Mr. FRELINGHUYSEN. Mr Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FRELINGHUYSEN. Mr. Speaker, on January 5, 1955, the opening day of the 84th Congress, I introduced a bill to provide Federal assistance in the construction of classrooms in elementary and secondary schools. Since that time I have made strenuous and continuing efforts, as a member of the Education and Labor Committee, to develop a soundly conceived Federal program in this area.

On February 9, 1959, I introduced H.R. 4268, which incorporated the administrations specific recommendations at that time. Since then it has seemed advisable to make certain revisions in language and in specific provisions. Last March 11 I introduced H.R. 11122, which represents a revised version of the original administration proposal. These revisions were prepared by the Department of Health, Education, and Welfare.

The provisions of H.R. 11122 are substantially the same as those incorporated in the substitute offered by Senator DIRKSEN on February 4, 1960, during the Senate debate on S. 8—see pages 2084–2088 of the CONGRESSIONAL RECORD.

In my opinion H.R. 11122 offers a more constructive and effective program of action for the Federal Government than does H.R. 10128 as amended. For that reason when H.R. 10128, which has been reported favorably by the Committee on Education and Labor, comes up for consideration on the House floor, I expect to offer H.R. 11122 as a substitute. It may be, therefore, that Members will desire to familiarize themselves with the most recent form of the administration's proposal. For that reason I have had prepared an explanation of the bill identifying the principal differences between H.R. 4268 and H.R. 11122.

EXPLANATION OF H.R. 11122 IDENTIFYING PRINCIPAL CHANGES FROM H.R. 4268

GENERAL

The bill would authorize a 5-year program of assistance to needy school districts in meeting the annual installments of principal and interest on bonds or other obligations issued to finance construction of urgently needed elementary or secondary public school facilities. This assistance would be in the form of Federal grants to pay one-half the annual principal and interest on such bonds, with the States providing the other half. (H.R. 4268 provides for assistance in the form of repayable Federal advances.)

PROHIBITION AGAINST FEDERAL CONTROL

Federal interference, in the administration of the bill, with the personnel, curriculum, or program of any school would be prohibited.

ALLOCATIONS

The bill provides for allocating amounts each year among the States to serve as maximums of school construction bonds on which the Federal Government would undertake to pay half the principal and interest. This maximum for a State would apply for the year for which the allocation was made, but any part of it not used in that year would be available for the same purpose for the next year (along with the new allocation for that year). H.R. 11122 contains a provision (not in H.R. 4268) permitting a State to postpone the availability of its first year's allocation (or of all of its allocations) for 1 year.

The total available for allocation among the States for this purpose for any year would be the amount, not exceeding $600 million specified in appropriation or other law for such year.

The allocations to the States would be based on a combination of three factors—the relative income per child of school age of the State, the relative number of public school children of the State, and the relative financial effort for school purposes made by the State (school effort index). Subject to adjustment on account of the State's school effort index, each State's allocation for the year would be equal to an amount bearing the same ratio to the total available for allocation for that year as the product of (1) the number of children in

average daily attendance in public elementary or secondary schools in the State multiplied by (2) the State's allocation ratio, bears to the sum of the corresponding products for all the States.

A State's allocation ratio would depend on the income per child of school age for the State as compared with the income per child of school age for the United States, with the ratio for the State at the national average being 0.50 and the ratios for the other States varying inversely with their relative incomes per child of school age between a minimum of 0.25 and a maximum of 0.75.

The income per child of school age for any State would be the total personal income for the State divided by the number of school-age children in the State. The income per child of school age for the United States would be similarly computed.

The allocation ratios are to be promulgated as soon as possible after enactment of the bill and again in the third calendar quarter of 1962. They will be based on data averaged for the 3 most recent consecutive years for which satisfactory data are available from the Department of Commerce. The first promulgation will be conclusive for the period from July 1, 1960, through June 30, 1963, and the second for the period from July 1, 1963, through June 30, 1965.

Special provisions are provided for Alaska prior to the time satisfactory per capita income data are available for it. Before such data are available for a full year, Alaska's allocation ratio will be 0.75.

STATE SCHOOL EFFORT INDEX

Allocations determined as provided above would be reduced by the percentage (if any) that the State's school effort index was less than the national index; and the total of the reductions would be added to the allocations of the States not so reduced, in proportion to their original allocations for the year, determined as provided above.

A State's school effort index would be determined on the basis of the ratio of school expenditures per child in average daily attendance in public elementary or secondary schools to the State's income per child of school age. The national index would be based on these figures for the United States (which excludes the District of Columbia and, for a temporary period until income data becomes available, Alaska).

The State and national indexes would be deemed equal for Puerto Rico, the Virgin Islands, and Guam and for any State whose expenditures per child in average daily attendance in public elementary or secondary schools were not less than those for the United States. This assumed equality would also apply temporarily in the case of Alaska.

The school expenditures referred to above would include expenditures by States and subdivisions thereof for elementary or secondary education made from funds derived from State or local sources. These would be determined by the Commissioner of Education for the most recent school year for which satisfactory data from the States are available to him. The number of children in average daily attendance would be similarly determined.

The income per child of school age for the States and the United States would be determined on the basis of data for the most recent year for which satisfactory data are availble from the Department of Commerce.

STATE PLANS

Before the Commissioner of Education could undertake to make Federal commitments to pay half the principal and interest on bonds or other obligations issued to finance the construction of schools in any State, the State would have to submit and have approved a State plan which provides for administration by the State educational agency.

The State plan would provide for limiting the Federal (and State) grants to local educational agencies which undertake to exert a reasonable tax effort (determined under the plan) in financing their school construction needs, and which would be unable, if they exerted this reasonable tax effort and fully utilized resources from all sources to pay the principal and interest on bonds issued to finance the buildings they need. Federal (and State) assistance must also be limited to bonds issued to finance the construction of urgently needed schools, i.e., schools needed to relieve or prevent overcrowding, double shifts, or unhealthful or hazardous conditions.

The plan would set forth standards and procedures for determining a reasonable tax effort for each applicant local educational agency. The standards and procedures would assure that the tax effort so determined will be a reasonable one in the light of the taxable resources of the local educational agencies, the local and State shares in financing school construction, and the tax effort and methods of financing used by local educational agencies in the State. H.R. 11122 contains a further provision, not contained in H.R. 4268, that such standards and procedures shall also take account of the tax effort which local educational agencies should reasonably exert to meet other public elementary or secondary educational expenses including payment of teachers' salaries, and may, if the State so elects, provide for a reduction in a local educational agency's reasonable tax effort for school construction financing if and to the extent such agency exerts more than a reasonable tax effort to meet such other educational expenses.

An approvable plan would also set forth priority standards and procedures which assure that the highest priority will be accorded to local educational agencies which are least able to finance the full cost of urgently needed school facilities, and that the order of priority will in other respects be based on relative need for financial aid in construction of such facilities and relative urgency of need for such facilities.

Finally, approvable State plans would provide for establishment of State standards for planning and construction of school facilities, for affording an opportunity for a hearing to unsuccessful project applicants, and for the making of the reports to the Commissioner of Education which he needs to administer the act.

FEDERAL COMMITMENTS

For each local educational agency whose application is approved, the Commissioner would make a Federal commitment obligating the Federal Government to make payments of one-half of the annual principal and interest on the obligations covered. These obligations could be to finance all or a portion of the construction of a school facilities project. The latest maturity of obligations, in any issue thereof, would have to occur in 20 to 30 years, with the first payment of principal due before the end of the third year after issuance.

Applications of local educational agencies would be submitted by the State educational agency to the Commissioner with a request for a Federal commitment. The State would certify that—

(1) The local educational agency is eligible for the commitment and the construction project is entitled to priority over other projects in the State under the priority standards and procedures in the State plan.

(2) The project is consistent with applicable State redistricting plans or policies and is in accord with applicable State construction laws and standards.

(3) The financing of any portion of the cost of the project which is not to be financed from obligations covered by the commitment has been arranged.

The State educational agency would also have to accompany its request for the commitment with satisfactory assurance that the local educational agency will take appropriate steps to secure the most favorable rate of interest and other terms for the obligations to be issued to finance the construction of the project, and that the local educational agency will, during the life of the obligations, exert the tax effort determined to be reasonable under the State plan and apply any surplus of revenues thereby produced to payment of the principal and interest on the obligations until they are retired. (H.R. 4268 extended the requirement of exertion of reasonable tax effort for a period of 10 years after the obligations are retired, during which period one-half of any surplus revenues produced was to be applied to repayment of the Federal assistance advanced during the life of the obligations.)

The amount of surplus produced by the local educational agency's reasonable tax effort would be the amount which remained after applying the proceeds of this effort (and any other resources available to the agency for paying school construction debts) to payment of financing charges on school construction debts incurred prior to the request for Federal assistance, and on debts for school facilities projects incurred after the request but approved by the State educational agency as being needed to prevent or relieve overcrowding, double shifts, or unhealthful or hazardous conditions.

STATE MATCHING REQUIREMENTS

No Federal commitment could be made under the bill to pay half the principal and interest on any obligations unless the State made an equal commitment to pay the other half. However, instead of so committing itself, the State could make a capital grant covering a portion of the cost of the construction project; in such case the Federal commitment would be to pay the full principal and interest annually becoming due on so much of the obligations issued to finance the rest of such cost as did not exceed the amount of the capital grant by the State. The Federal Government and the State would share equally in the annual principal and interest payments on any remaining obligations.

FEDERAL PAYMENTS

Payments by the Commissioner of Education on the Federal Government's one-half of the annual principal and interest becoming due on obligations covered by any Federal commitment would be made by the Commissioner from time to time, in advance or otherwise, to the agency, person, or persons designated in the State educational agency's request for the Federal commitment. As previously indicated, Federal payments in any year would be reduced to the extent of any surplus revenues produced through exercise of the required reasonable tax effort and applied toward such principal and interest becoming due.

RESERVATION OF ALLOCATION

H.R. 11122 contains a provision (subsec. 7(c) not contained in H.R. 4268, whereby a State educational agency may, in case of a school construction project eligible for a Federal commitment, but for State legal restrictions prohibiting the issuance of obligations by the local agency concerned, have all or part of its allocation reserved for a Federal commitment to be made on the project any time until June 30, 1968.

STATES EXCLUSIVELY RESPONSIBLE FOR SCHOOL CONSTRUCTION FINANCING

In some States or territories, a State agency may have exclusive responsibility for financing the construction of school facilities. In others, a State agency may

have exclusive responsibility for financing such construction for particular areas, such as unorganized territory. The Commissioner would be authorized to modify or make inapplicable to such State, or area of a State, any provisions of the bill which he determined to be inappropriate by reason of the absence of a local educational agency or agencies responsible for school construction financing, to the extent he deemed such action necessary in order to achieve the purposes of the bill.

FAILURE TO EXERT REASONABLE TAX EFFORT

If any local educational agency with respect to whose obligations a Federal commitment has been made fails, in any period during the life of the obligations, to exert the reasonable tax effort required pursuant to the State plan, it would be obligated to repay to the United States the additional amount it would have paid toward the annual principal and interest for the period involved had it exerted the required reasonable tax effort.

ABANDONMENT OF FACILITIES

The Federal payments (or such lesser amount as may be determined to be reasonable by agreement or Federal district court suit) would have to be repaid to the United States if the construction of facilities financed by obligations with respect to which the Federal payments were made is abandoned or not completed within a reasonable time.

LABOR STANDARDS

The Commissioner would not be able to make a Federal commitment for financing the construction of school facilities except upon assurance that labor standards, relating to payment of prevailing wages and overtime pay for work in excess of 40 hours per week or 8 hours per day, would be observed in such construction.

ADMINISTRATIVE PROVISIONS

The Commissioner would be authorized to agree to modifications of Federal commitments and of the obligations with respect to which commitments have been made. He would also be authorized to waive or compromise claims. His financial transactions under the bill, while subject to audit by the General Accounting Office, would be conclusive on all other Government officials.

COURT ACTION

Suits would be authorized in the district courts of the United States by any person holding bonds covered by a Federal commitment, to enforce any undertaking of the Commissioner under the commitment.

DEFINITIONS

A number of terms used in the bill are defined. These terms are "Commissioner," "State," "State educational agency," "local educational agency," "school facilities," "obligations," and "construct," "constructing," and "construction."

WITHHOLDING OF FUNDS AND JUDICIAL REVIEW

Notice and hearing to the State educational agency would be required before Federal commitments to the State could be suspended for failure to comply with the required provisions of approved State plans. A State agency dissatisfied with such suspension could obtain judicial review thereof in the Federal circuit court of appeals.

MISCELLANEOUS

Utilization of other Federal agencies in administration of the bill would also be authorized, as would be delegation of the Commissioner of Education's functions under the bill to personnel of the Office of Education.

THE IDEOLOGY THAT WINS—A CHALLENGE TO COMMUNISM

The SPEAKER. Under previous order of the House, the gentleman from Iowa [Mr. WOLF] is recognized for 1 hour and 20 minutes.

Mr. WOLF. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include various articles.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. WOLF. Mr. Speaker—

A Nation without an ideology is self-satisfied and dead.

So stated Konrad Adenauer in the statement released in the New York Journal American, Sunday, January 31, 1960.

The democracies are on the defensive because of lack of a moral ideology superior to communism. In the ideological war there is no neutrality nor coexistence.

So said Prime Minister Kishi of Japan.

We are in a world war of ideas, and our greatest need is to go on the offensive. We must awaken America to the need of arming our Nation with an ideology as well as through economic and military means. Subversive forces are tearing down and undermining the moral strength of America. At the same time, with ruthless duplicity Moscow is sweet one day and tough the next with a strategy which the free world has failed to comprehend.

So said Adm. William H. Standley, former Chief of Naval Operations and former U.S. Ambassador to Moscow.

Mr. Speaker, I would like to discuss this afternoon an ideology that I believe can and will conquer communism. The ideology of which I speak is known as Moral Re-Armament.

Today as I speak, 75 million copies of a booklet entitled "Ideology and Coexistence" have been distributed in 24 languages in many areas of the world. I think it is safe to say that literally hundreds of millions of people by this day have heard for the first time of this greater ideology. We in Washington were the first city in America to be selected for mass distribution of this booklet.

I would like to place at this point in the RECORD the comments of various newspapers in the area:

[From the Washington Post, Dec. 9, 1959]

MORAL RE-ARMAMENT DRAWS TASS ATTACK

LONDON, Dec. 8.—Tass today said "the notorious organization known as Moral Re-Armament is opposed to the relaxation of international tension."

The agency said Moral Re-Armament, which "unites several politicians and industrial magnates, retired generals and various businessmen," now is "especially active in Scandinavia," where its agents are "circulating a pamphlet, 'Ideology and Coexistence,' written in typical cold-war language."

[From the Washington Evening Star, Mar. 28, 1960]

MORAL RE-ARMAMENT DISTRIBUTING BOOKLET

Moral Re-Armament yesterday began a campaign to distribute its handbook "Ideology and Coexistence" to the 552,000 homes in the Washington area.

At a meeting at the Willard Hotel, presiding officer Dr. Douglas Cornell, Executive Officer of the National Academy of Sciences, said the aim of the booklet is intended "to strengthen the backbone of freedom and to instill the will to fight for what is right."

[From the Suburban Record, Mar. 24, 1960]

MORAL RE-ARMAMENT—HANDBOOK PROPOSING MORAL FIGHT AGAINST COMMUNISM GOING IN MAILS

Every home in the Washington area will receive a handbook next week which is clarifying for hundreds of millions of people across the world the issues created by the cold war.

Area residents will be participating in a worldwide distribution which has been described as the most massive simultaneous circulation of a single publication ever undertaken. Already 75 million homes in Britain, France, Switzerland, Germany, Italy, the Scandinavian countries, Australia, Canada, and in the key areas of South America, Africa, and Asia have received copies translated into 24 languages.

"Ideology and Coexistence," prepared by Moral Re-Armament, is a 31-page handbook which describes the Communist plan for world takeover and explains how democracy can become an effective force to answer it. It has been published as a weapon to put America and the free world on the offensive in the ideological struggle.

Moscow has vigorously attacked the handbook on a world scale through Tass (Soviet news agency), Pravda, Izvestia, Trud, and the World Marxist Review. In recent months there have been 100 attacks over the Moscow, Tashkent, and Peiping radios noting that the handbook "is putting an end to the ideological softening up of the free world."

The world distribution is being financed by voluntary contributions and the efforts of thousands of people.

[From the Alexandria (Va.) Gazette, Mar. 26, 1960]

MRA BOOKLET DISTRIBUTION SLATED IN AREA

WASHINGTON.—The 75 millionth copy of a handbook, "Ideology and Coexistence," which is being distributed throughout the free world, was presented to Commissioner Robert E. McLaughlin yesterday by Rear Adm. Adolphus Staton, U.S. Navy, retired. Admiral Staton holds the Congressional Medal of Honor and the Navy Cross.

The handbook, produced by Moral Re-Armament, goes Monday to the 552,000 homes in the Washington metropolitan area.

Admiral Staton told the Commissioner that the handbook "presents the best answer that we know in the ideological field to communism."

Admiral Staton said that the handbook had been bitterly attacked by the Communist press and radio for, in their words, "putting an end to the ideological softening-up of the free world." Already it had gone to every home in Germany, France, Britain, Italy, the Scandinavian countries, Canada, and Switzerland, and to key areas of South America, Africa, and Asia. It had been translated into 24 languages.

Commissioner McLaughlin said, "This is very important to our way of life. Moral Re-Armament has been a great help to us," he told Admiral Staton. "I personally have taken a great interest in our integration and racial problems and I sincerely feel that these problems have not been anything like as keen and sharp and difficult to deal with since your plays were put on here at the National Theater in 1958. Much better racial relations have existed since then."

Copies of the handbook were also presented to Commissioner David B. Karrick and Engineer Commissioner Alvin C. Welling.

There will be a meeting in the Willard Hotel, Washington, Sunday at 4 o'clock to launch the distribution of the handbook to every home.

[From the Alexandria (Va.) Gazette, Mar. 28, 1960]

IDEOLOGY BOOKLET DISSEMINATION PLANNED

The distribution of the handbook "Ideology and Coexistence" to the 552,000 homes in the Washington area was launched at a public meeting Sunday at the Willard Hotel in Washington.

Rear Adm. Adolphus Staton, U.S. Navy (retired), holder of the Congressional Medal of Honor and the Navy Cross said, "Khrushchev says 'we will bury you,' but we don't need to make it easy for him by sticking our heads in the sand. 'Ideology and Coexistence' has the best answer to communism we know."

"In this cold war, which is an ideological war, every man, woman, and child has a battle station. Everyone is now on the front line," he added.

Dr. Douglas Cornell, Executive Officer of the National Academy of Sciences, presiding, told the meeting that the handbook had already been distributed to 75 million families in the free world.

"This handbook," Dr. Cornell said, "draws the battleline for our times. The issue is man control or God control. The aim of the handbook is to strengthen the backbone of freedom and to instill the will to fight for what is right."

[From the Bethesda-Chevy Chase Advertiser, Mar. 31, 1960]

I COVER SUBURBIA

(By "Tar" Paulin)

HURRICANE OF COMMON SENSE

A thin little pamphlet an average reader can digest in 20 minutes came to my desk over the weekend. I opened it with somewhat the same cynical attitude with which I approach all propaganda.

As I progressed through its 31 pages of text, something almost wondrous and magical happened to me. My cynicism gave way to a deeper, greater emotion—moral re-armament.

By the time you read this column you too should have a copy of this same pamphlet—552,000 copies have been mailed in the Washington area. It is titled, "Ideology and Coexistence." Read it and reread it. It's powerful. It takes the offensive against communism; it uses a devastating weapon, greater than all the bombs of all the nations of the world combined. Devastating, yet simple • • • superior ideology.

I'm a dedicated anticommie. I cheer Moral Re-Armament. Its little pamphlet is like a hurricane of common sense sweeping away the fog of confusion.

[From the Suburban Record, Mar. 31, 1960]

MORAL RE-ARMAMENT

District of Columbia Commissioner Robert E. McLaughlin and Rear Adm. Adolphus Staton, retired, of Chevy Chase, look at the 75 millionth copy of the Moral Re-Armament handbook, "Ideology and Coexistence," which was presented to the Commissioner Sunday. He and Admiral Staton attended the meeting launching the mail distribution of the handbook to 552,000 homes in the metropolitan area. Admiral Staton, holder of the Congressional Medal of Honor, said Sunday: "Khrushchev says, 'We will bury you,' but we don't need to make it easy for him by sticking our heads in the sand. This handbook has the best answer to communism we know."

I might also add that the radio and television stations have given considerable assistance to the spreading of the pamphlet in the Washington area. It is quite significant when speaking of Moral Re-Armament to state at the outset that Moscow and the Communists have vigorously attacked not only this handbook but the whole idea of Moral Re-Armament. To quote from a recent item in the Alexandria (Va.) Gazette, Admiral Staton said that the handbook had been bitterly attacked by the Communist press and radio. Further, Admiral Staton commented:

In this cold war, which is an ideological war, every man, woman, and child has a battle station. Everyone is now on the front line. Khrushchev says, "We will bury you," but we don't need to make it easier for him by sticking our heads in the sand. "Ideology and Coexistence" has the best answer to communism we know.

To quote again from Konrad Adenauer:

Communism has gone through many phases, Marxism, Leninism, Stalinism, now Khrushchev, but one thing has remained unaltered, its aim of world domination. We must be prepared to continue the ideological struggle for several decades yet, but I am convinced Khrushchev's grandchildren will not be Communists.

And now, Mr. Speaker, I would like under unanimous consent to place in the RECORD certain exhibits which prove the logic of Konrad Adenauer's statement. I would like to quote the Department of Justice memorandum of April 1, 1949:

Moral Re-Armament is a world force having as its principal objective adequate ideological preparedness of free nations for the ideological conflicts in which the world is now engaged, and its objectives are recognized by the Department as worthy and helpful in the strengthening of democratic forces throughout the world.

WORLD DISTRIBUTION OF "IDEOLOGY AND COEXISTENCE"

The handbook "Ideology and Coexistence," prepared by Moral Re-Armament, has been published as a weapon to put America and the free world on the offensive in the ideological struggle. It lays bare the Communist plan for world takeover and shows how every man can arm himself with a superior ideology.

A nationwide distribution of this handbook is being prepared for mailing to the 50 million households of America in the next few months. This distribution will begin in Washington, D.C. In the next few days 545,000 copies will go to every home in the Washington area.

Seventy-five million homes in Europe, Canada, Africa, and Asia will have received this handbook by the end of March, in 24 languages. The following distribution has already taken place: 6,700,000 homes of Denmark, Norway, Sweden, Finland, and Iceland; every family in Holland and Switzerland; 4,340,000 homes of Canada; the leadership of Japan, the Philippines, India, and Latin American countries; 50 million families of Germany, France, Britain, Italy, and Australia (by end of March).

In Cyprus former EOKA fighters distributed the handbook to every Greek home. In the Nordic north of Scandinavia it was delivered by dogsled or dropped by post bag from airplanes. In the South Indian State of Kerala 3 million people read the manifesto in their newspapers before the recent elections, in which the Communists were defeated.

Moscow has vigorously attacked this handbook on a world scale through Tass (Soviet News Agency), Pravda, Izvestia, Trud, and the World Marxist Review. In recent months there have been 100 attacks over the Moscow, Tashkent, and Peking radios, noting that this handbook is putting an end to the ideological softening up of the free world.

The world distribution of this handbook is being financed entirely by voluntary contributions and the sacrifice of many people. The cost of printing, publishing, and distributing this handbook in the United States of America will be borne by patriotic Americans determined to cut through the present confusion and clarify the cold war issues, and who see in this manifesto the safeguarding of their heritage.

For the distribution to every home in America, $2,500,000 is needed. For the distribution to every home in the Washington area, $35,000 is required.

Don Belding, former chairman of Foote, Cone & Belding, leading U.S. advertising agency, and civilian aide to the Secretary of the Army for southern California, says, "Moral Re-Armament is the strongest single force in the world today from the ideological standpoint in answering communism. We must multiply it a hundred times to create a wave of ideological pressure that will roll back communism. Major investment in this force is essential to maintain freedom."

I would like to quote from the booklet itself a morsel of the kind of contents it is giving to the world that reads it:

But of course we must realize that we cannot coexist eternally. One of us must go to his grave. We do not want to go to the grave. They (the Western powers) don't want to go to their graves either. So what must be done? We must push them to their graves.

So said Khrushchev in Warsaw in 1956. In answer, Mr. Sid Fuller, the well-known west coast news commentator, in a broadcast over NBC in Los Angeles said in part:

How to deal with such a corrosive thing? There is only one way. With an ideology diametrically opposed. This is the ideology of Moral Re-Armament. Here in MRA is a catalyst that first unites and then releases the enormous moral potential of all men of good will, whatever their racial or spiritual background.

Mr. Speaker, at this point I include the entire booklet in the RECORD.

IDEOLOGY AND COEXISTENCE—MORAL RE-ARMAMENT

"Upon a foundation of changed lives permanent reconstruction is assured. Apart from changed lives no civilization can endure," (Dr. Frank Buchman, 1934.)

"There is a wrong way and a right way for statesmanship. Moral Re-Armament has conclusively demonstrated in some of the most critical national and international deadlocks that when the fear, hate, and greed in man is changed, solutions are rapidly achieved. This is the panorama before us—so simple that many miss it, so fundamental we cannot do without it." (Dr. Frank Buchman, 1959.)

"The choice for America is Moral Re-Armament or communism." (Adm. William H. Standley, Former Chief of Naval Operations and U.S. Ambassador to Moscow, March 24, 1959.)

"The choice for America is war or coexistence. And you must choose." (Premier Nikita Khrushchev, to Vice President NIXON, July 24, 1959.)

We are at war. World war III has begun. Even while we were celebrating the end of the war of arms in 1918, the Soviet was planning to defeat and enslave the free world through the war of ideas.

There are two ideologies bidding for the world today. One is Moral Re-Armament, which believes that God's mind should control the world through human nature that has been changed; the other is communism, which believes that man's mind should control the world through human nature that has been exploited. One or the other must win.

Communism is an ideology. That is, it is an idea that dominates the whole of a person—his motives, his thinking, his living—so that he fights with a strategy to get everybody else to live the same way. It cannot, therefore, be met on the military or economic level alone, but only by a superior ideology.

Communism has a plan to take over our country. We hear of people behind the Iron and Bamboo Curtains whose minds have been brainwashed, but we may not realize that our own minds are being brainwashed by much of what we read in the newspapers, by what we see on television or in the theater, by what we hear on the radio and even in the pulpit. The Communists do not need to start any new organization when they have so successfully infiltrated those that exist already. It is extremely foolish to believe that a man who follows the party line is not a Communist.

Moral Re-Armament is a superior ideology, with a superior strategy, because it meets the needs of the whole man and because it is available for all men everywhere—non-Communist and Communist alike. It is far more than the answer to communism. It is the revolutionary idea that is putting right what is wrong and producing for every nation the incorruptible and inspired leadership that alone can create a full and free life for every nation. Radio Moscow itself has said (January 1953):

"Moral Re-Armament is a global ideology with bridgeheads in every nation in its final phase of total expansion throughout the world. It has the power to capture radical revolutionary minds. It is contaminating the minds of the masses. It substitutes for the inevitable class war, the eternal struggle between good and evil."

William Penn put the alternative of Moral Re-Armament or communism clearly when he said:

"Men must choose to be governed by God or they condemn themselves to be ruled by tyrants."

Our life and liberty depend not only upon our making the right choice and having the right strategy but also upon our knowing the intentions of the Communist and what he is doing in our midst.

These pages are written that the nature of the ideological conflict may be clearly seen and that the evidence of the victorious answer, given at the Moral Re-Armament summit strategy conferences at Mackinac Island, Mich., and in Caux, Switzerland, may be more widely known and acted upon.

Dr. Hans Koch, who represented the German Foreign Office at the Moral Re-Armament Summit conference at Mackinac in 1957, and who was Chancellor Adenauer's adviser on Soviet affairs said:

"The summit conferences that will produce true unity in the world will be those held by Moral Re-Armament in Europe and America. They are concerned with the whole world and every aspect of current events.

"What Stalin feared most was the ideology which could unite countries as far apart as Japan and Germany; which could unite all other nations with these two; which could unite free East and West and black and white in an ideological answer to communism.

"Moral Re-Armament is preparing the way for the next great phase in history. It provides the platform where East and West, Germany and France, the Anglo-Saxons and the colored races unite."

THE AIM OF MORAL REARMAMENT

At a birthday celebration given in his honor in the Hans Sachs Haus in Gelsenkirchen, Germany, on June 4, 1950, Dr. Frank Buchman recounted how 12 years earlier he was walking in the Black Forest near Freudenstadt:

"The world was on the edge of chaos," he said. "Just as today, everyone longed for peace and prepared for war.

"As I walked in those quiet woods one thought kept coming to me—'moral and spiritual rearmament, moral and spiritual rearmament. The next great movement in the world will be a movement of moral rearmament for all nations'.

"A few days later I was in London in the East End where the British labor movement began. The workers responded. Moral Re-Armament went to the world * * *

"Only the very selfish or the very blind person is content to leave the world as it is today. Most of us would like to change the world. The trouble is, too many of us want to do it our own way.

"Some people have the right diagnosis, but they bring the wrong cure. They reckon without God and without a change in human nature, and the result is confusion, bitterness, and war. Other people are quite sure they have the answer in theory, but they always want somebody else or some other nation to begin. The result is frustration and despair.

"When the right diagnosis and the right cure come together, the result is a miracle. Human nature changes and human society changes.

"What are you living for? What is your nation living for? Selfish men and selfish nations can drag the world to total disaster. A new type of man, a new type of statesmanship, a new type of national policy—this is our instant need, and this is the purpose for which Moral Re-Armament has come to birth."[1]

THE AIM OF COMMUNISM

The trained Communist knows what he is fighting for. He has said it and sung it for years:

"'Tis the final conflict,
Let each stand in his place.
The International shall be the human race."

The objectives and problems of life are for him straightforward. They have only to be referred to one standard, one motive—do they or do they not help forward world revolution and world domination? Lenin knew no other test for conduct. "Promises," he said, "are like piecrusts—made to be broken." Radio Moscow said (Aug. 20, 1950):

"From the point of view of Communist morality, only those acts are moral which contribute to the building up of a new Communist society."

The man or nation without an ideology is bound to be confused by the twists and turns of Soviet diplomacy. Nobody can see clearly if he is fearful, self-seeking, or without an ideology. Little crumbs of encouragement are thrown before him and as he greedily pecks them up, he is led down the garden path.

To true revolutionaries the issue has always been clear. As early as 1914 Trotsky said:

"The time for fireside politics is over. We are now in the phase of permanent revolution. It will go on, without interruption, until one side or the other is lying conquered on the ground."

George Dimitrov, when Secretary-General of the Communist International, in his speech to its Seventh Congress, underlined the steadfastness of purpose of the party. He said:

"We are sometimes accused of departing from our Communist principles. What stupidity, what blindness! We should not be Marxists and Leninist revolutionaries, not disciples of Marx, Engels, Lenin, and Stalin, if we were not capable of completely altering our tactics and our mode of action as circumstances may dictate. But all the ins and outs of our tactics are directed to a single end—the world revolution."

Khrushchev feels that that day is drawing near. In 1959 he said:

"Communism will sooner or later rule the world. We live in the epic of revolution."

In the same year he told visiting American industrialists that "the day will come when we will bury you." His chief weapon is ideology. He said (June 1957):

"The Communists will destroy capitalism, not with nuclear weapons but through the spread of the ideology. We are as sure of this as we are sure the sun will rise tomorrow. All we have to do is grease our ideology with butter."[2]

Kozlov said (July 1959): "My trip to America has only confirmed what I thought of this country before I arrived. I repeat the words of Mr. Khrushchev who asserted that 'the children of the present-day Americans will live in a Communist society.'"

Communists change their tactics; their goal remains the same. Whether they talk peace or talk war they remain at war. Today it is not expedient for them to advance their revolution by physical force. They believe they are winning without it.

COMMUNIST STRATEGY

The strategy outlined by Lenin has been, and is being, followed. He said:

"First we will take Eastern Europe, then the masses of Asia, then we will encircle the United States, which will be the last bastion of capitalism. We will not have to attack. It will fall like an overripe fruit into our hands."

The new party line for the United States was laid down in Moscow in January 1959, during the 21st Congress of the Soviet Communist Party, the Washington staff of the Scripps-Howard newspapers report (Aug. 15, 1959). Their statement says that the two American representatives who attended brought back this directive: "Tone down 'militant action'; get back into the 'mainstream' of American life" and that the details now quickly being planned call for—

1. Infiltration of the labor movement, particularly steel, auto, and transportation unions.

2. Formation of a Communist youth movement to develop replacements for aging Communist leaders.

3. Getting more Negro members; stressing integration troubles.

4. Putting Communists into neighborhood associations (Parent-Teachers Associations, etc.)

Speaking at the Moral Re-Armament Conference at Caux, August 1959, Mr. Arthur Baker, 22 years chief of parliamentary staff of the Times of London, outlined four current aims of Communist strategy to divide Europe. He said:

"First. Divide Britain from Germany, France, and the United States. We fall for that in Britain as ripe apples fall from trees. We even attack Chancellor Adenauer to whom we owe so much, who has been an ideological rock to Europe's security.

[1] This and other quotations from Dr. Frank Buchman are taken from "Remaking the World."

[2] In Budapest, Dec. 1, 1959, Khrushchev said: "We shall never forgo our ideological principles. We are waging and shall wage an implacable struggle for the Marxist-Leninist ideology, for the triumph of the ideals of communism."

"Second. Promote Western trade with Russia and China to the detriment of trade with the free nations. For example, we have recently signed a trade agreement with Russia which will reduce our timber imports from Finland and make both British and Finnish economy more dependent on Russia.

"Third. Encourage steady organized breakdown of moral standards and so weaken Britain's moral fiber.

"Fourth. Advocate the abolition of nuclear weapons and promote a concept of peaceful coexistence that will mean death. Russia encourages people in the West to do as they please while communism takes over their country.

"Thank God," he added, "we have this force of Moral Re-Armament—that is the only thing standing between us and Communist takeover."

STAGES OF COMMUNIST EXPANSION

It is well to recall the stages by which the Soviet has arrived at its present position and how divine initiative has given moral Re-Armament the answering strategy.

(A) Military: In 1939 the Soviet was the only country under Communist control. Of the three main powers ultimately engaged in the war against Nazi Germany only she gained territory.

"She became enriched by the addition of Estonia, Latvia, Lithuania, the eastern provinces of Poland, Bessarabia, and Bukovina from Rumania, the Carpathian-Ruthenia province of Czechoslovakia, half of East Prussia from Germany, slices of Finland, Tannu Tura, Dairen, and Port Arthur from China, and the Kurile Islands and Sakhalin from Japan. Quite an impressive record for a power said to be 'in the forefront of the fight against imperialism'."[3]

(B) Political: All this gave the Soviet strength for her second stage of expansion. As the Red army deployed across Eastern Europe it was accompanied by trained Communists of many countries. While war-weary nations refused to be disturbed and the government in Britain hoped for the best from its late, heroic allies, the Communists went to work. A pattern soon emerged. United fronts were formed in which Communists demanded the key positions. Then opposition was removed by intimidation, exile, or execution. Rigged elections followed and another country was absorbed into the Communist bloc with every appearance of legality.

By 1947 the democracies had almost collapsed. In Italy and France, in particular, there was widespread and growing disorder. In Britain there was heavy and increasing unemployment coupled with the slackening of production. Coal was the key. "Give me coal and I will give you a foreign policy," said the Foreign Minister in 1947. The Soviet thought that their hour had come. Three things prevented this:

(1) On June 5, 1947, the announcement of the Marshall plan. It was violently opposed by the Communists because it saved Europe from collapse.

(2) The formation, November 24, 1947, of the Schuman Government in France and its resolute action.

(3) The ideological initiative of Moral Re-Armament in creating through changed men, totally committed to a superior ideology, the conditions under which the Marshall plan and the Schuman plan could work and particularly in effectively defeating the Communist plan to take over the Ruhr and the British coalfields.

The president of the Warwickshire miners, Mr. Frank Painter, said (June 1948):

"We had no ideology at all in the British coal industry except that of materialism. But Moral Re-Armament has brought a better idea. It has not only given real teamwork and better output, but it has sent many miners like myself across the world to give evidence of an answer, tried and tested in our British coalfields; and now given to the nations."

Commenting on this development, the Birmingham Post said:

"The new spirit is so revealing itself in increased output, that, according to one computation based on recent figures, if the same results were obtained in all British coalfields, the target of 200 million tons a year (1947) would be exceeded by 30 million tons."[4]

British coal miners helped to take the answer to the Ruhr. Herr Fritz von Velsen, managing director, Nordstern Coal Mines (4,000 miners), Gelsenkirchen, Germany, writes (July 1959):

"The simple facts are that in the economic and political breakdown in Germany following the war the Communists had made themselves so strong that they had an average of 73 percent of their men in the workers' councils of the coal and steel concerns of the Ruhr. After that training and the change of heart that many of us found in Moral Re-Armament this Communist influence has gone down to 8 percent and the power of the party on a mass scale has been broken. In my own mine, Nordstern, where the men had elected 90 percent Communist representatives and which had become notorious throughout Europe for its messages of greeting to Communist countries, the men and the atmosphere have so changed that people come from many countries to find the answer here. The Indian Minister of Labor and Planning, Mr. G. L. Nanda, has just told me that he learned more after 2 days with us last week than in the rest of his European tour together."

The failure of the Communist plan to take over in 1947 led to a change in their tactics. The American determination, shown by the European recovery plan and the point 4 plan coupled with their resistance in South Korea (1950) and possession of the atom bomb, meant that their objectives could not be immediately achieved by revolution or armed force.

(C) Economic: The strategic target of the Communists now became the crippling of the economies of the free world. Britain in Europe and Japan in Asia were particularly vulnerable for, if they cannot produce and sell enough goods to pay for the food they need, they must starve or lose their independence. Trade is the Soviet weapon to bring this about, just as trade is their weapon to capture millions for the Communist ideology.

The Prime Minister of Canada, Mr. John Diefenbaker, speaking in London in the Albert Hall said (November 4, 1958):

"The Communist world having changed its direction from open or concealed aggression to trade requires counteraction by the free world.

"Trade has become a major weapon in the Communist world offensive. First it was the U.S.S.R., and now Red China has joined in an Asian trade onslaught, intended to capture markets, and with and through them, the minds of free men. The Communist drive is designed to undermine the economic strength of the free world."

Molotov clearly outlined the policy when, in 1946, he said:

"We are not fighting America as yet. But once we have deprived her of her markets, crisis will follow and cause confusion. After we have taken her markets in Europe, expelled her from Asia and elsewhere, she will have no market where to dump her merchandise. She will curtail her production and then will follow unemployment. Our opportunity to square accounts with America will be at hand."

To achieve control over her intended victims it has been the constant Communist strategy for the last 12 years to increase the economic strength of the Soviet bloc, and to decrease the economic strength of the free world.

(1) Increasing the economic strength of the Soviet bloc: To reach this end the Soviet subordinates the standard of living in the countries she controls to strategic requirements and organizes each country to produce what it can most effectively contribute to the common goal, irrespective of its own needs. The cumulative strength of this combined force is already having a marked effect and is on the increase. It has also succeeded in severing trade links with the free world and in binding countries to the Soviet bloc by economic ties on which their existence comes to depend.

The Soviet no longer has to begin with military or political conquest. She puts out economic baits that are particularly tempting to countries with newly won independence, who feel that their shaky economy cannot afford to turn down these below-market priced goods or loans. The Soviet plan is to make these "client states" into dependent states, controlled states and, where possible, satellite states.

In 1952 Finland signed a 5-year trade agreement with Soviet Russia. Trade with Russia increased to 17 percent of the exports. In 1958, when the Communist Party won 25 percent of the seats in Parliament, Russia began a trade boycott to force Finland to change the composition of the Cabinet.

The Finnish Parliamentarian, Mrs. Borg-Sundman, who is also Vice-President of the World Council of Women, speaking at the Moral Re-Armament Conference, at Mackinac, July 1959, warned other nations to equip themselves with the positive ideology before trading with nations ruled by a negative ideology.

"One part of the world uses trade as an ideological weapon to gain control," she said. "The other part uses trade for selfish, divisive ends."

Finland failed to heed the warning the general secretary of the Finnish Communist Party had given in 1953 when he said: "Our plan is to increase trade with Communist countries up to a point where it plays a decisive part in the national economy. Then Russia's markets will suddenly be withdrawn, resulting in economic chaos and panic. In the resulting chaos we will demand seats in the Cabinet and this time they will not throw us out."

"This," said Mrs. Borg-Sundman, "is what nearly happened in the autumn of 1958 and only through a series of miraculous events in which men united by patriotic and ideological conviction played an effective role were the Communists kept out of the Cabinet."

Trade, subsidized goods, loans, are all part of an ideological plan. The Czechoslovak Statistical Institute, in a reference to the Soviet trade campaign in southeast Asia and the Middle East, states (1955):

"Czechoslovak participation in this expansion of trade is not guided by purely practical considerations. * * * It follows a plan carefully drawn up in accordance with political considerations."[6]

Khrushchev has said:

"Through trade we can destroy other powers that are opposed to us."[6]

[3] See "The Third World War," by Harry Welton (p. 8)—a book which has been helpful in thought and quotation.

[4] For the facts and figures of the increase in the production of coal wherever the MRA play "The Forgotten Factor" was shown, see "The World Rebuilt," by Peter Howard.

[5] See "The Third World War," p. 16.

[6] Russian sales to the world at large have grown from $250 million in the late 1930's to $1,800 million in 1950, to more than $4 billion in 1958. Import figures for those years are about the same as the export figures. (New York Times, July 4, 1959.)

(2) To decrease the economic strength of the free world: The Soviet has concentrated on decreasing the quantity of goods produced in the free world for export by fomenting strikes and unrest and on increasing their cost by raising wages and the cost of production so that they are priced out of the world markets. Uncertainty itself furthers the Soviet plan. Many markets and contracts have been lost by the industrial unrest which meant that no fixed price or firm delivery date could be given.

In 1948 the Communist Party's national executive of Great Britain laid down the basic principle "that the factory or industrial group is the most important form of Communist organization." It was an inevitable decision in economic war. John Gollan, now secretary general of the Communist Party of Great Britain, stated: "The factory branch is the most important unit of Communist organization."

The Communists concentrated on those industries and places which contribute most to the export trade and where a few men pulled out can cause the greatest resulting stoppage of work. As the London Daily Herald said, "If they cannot stop exports at the factory they always end by fomenting strikes at the docks." But here, as in the coalfields, Moral Re-Armament had a counter strategy. Tom Keep, a militant member of the Communist Party for 22 years, brought a delegation from industrial Britain to Mackinac in 1951. He said in September 1957:

"We were the leaders of the local, national, and international strikes which had more or less regularly paralyzed the London docks, lifeline of Britain. For 7 years prior to that time there had been one or more major stoppages which we led in the docks of Britain every year.

"At Mackinac we found something superior to any economic materialistic formula or theory. We found an answer to class war, violent revolution, poverty, and suffering embodied in four absolute moral standards. We found a universal ideology of love capable of changing men. It reunited my family and brought me back from communism to the Catholic Church.

"We returned to London pledged to take this ideology and apply it in negotiation of some very difficult problems. It was an entirely new approach.

"By persistence and faith we succeeded—to the extent that since 1951 not a single strike has occurred on the level we had known in the past and there have only been two serious stoppages."

The Communists set out to control the trade unions, especially through the shop stewards. Bill Carron, president of the Amalgamated Engineering Union of Great Britain, has described these men in key positions as subversives "acting under the dictates of a foreign power with the declared purpose of wrecking Britain's economy."[1]

Lenin said:

"It is necessary * * * to resort to all sorts of stratagems, maneuvers, illegal methods, to evasion and subterfuge, only so as to get into trade unions, to remain in them and to carry on Communist work within them at all costs."

Councillor John Pate, of Sheffield, Amalgamated Engineering Union shop steward, said:

"But for MRA all Britain's basic industries would have been taken over by communism. MRA came to Britain and gave workers a positive alternative and a strategy to build a new world."

THE ANSWER MORAL RE-ARMAMENT BRINGS

Moral Re-Armament is giving men a moral ideology, a new motive for industry and trade, and a new basis for united action. Dr. Buchman says:

"Only a new spirit in men can bring a new spirit in industry. Industry can be the pioneer of a new order, where national service replaces selfishness, and where industrial planning is based upon the guidance of God. When labor, management, and capital become partners under God's guidance, then industry takes its true place in national life."

The new type of man that Moral Re-Armament is producing finds that the basic problem of industry is not economic but moral. The four moral standards—absolute honesty, absolute purity, absolute unselfishness, absolute love—make it possible to decide issues on the basis of what is right and not who is right.

This is the alternative to the class struggle for industry and is through the adoption of class struggle by labor and management that communism has been able to make such inroads into key industries. Its grip can only be broken by men and women armed with the strategy, the unity, and the commitment of a superior ideology. This comes through the acceptance of the guidance of God when every man can know the immediate action he can and must take.

Kommunisti, the Finnish monthly Communist paper, published (March 1956) a 15-page article by a leading Communist, Jorma Simpura, which gave the warning that Moral Re-Armament is no bourgeois movement but an ideology with its roots well grounded in labor whose impact should not be underrated. It described the philosophy of MRA as "simple and straightforward," said that it demanded change from employer as well as employee, that it spoke to big masses with a punch and followed up its ideological spadework with "reckless" infiltration and penetrating attack.

Illustrations of the effectiveness of this ideology in industry could be taken from all around the world. One of the "five giants of American labor" lay dying. He said to a Senator, "Tell America that when Frank Buchman changed John Riffe he saved American industry $500 million." On his appointment as executive vice president, of the CIO (5,500,000 workers) in April 1953—13 years after meeting Dr. Buchman—John Riffe listed these aims for labor:

"(1) To set the pace for unity in the Nation by achieving unity within its own house.

"(2) To create with industry a pattern of teamwork that will sell democracy to the millions.

"(3) With the united strength of labor and industry to back the Government in a foreign policy that will win all nations."

"Whatever you have done to John Riffe, I'm all for it," said Philip Murray, president of the CIO and United Steel Workers. Murray publicly said of Moral Re-Armament:

"It is a call to action against the divisive materialism which is our unseen enemy. It must appeal to all whose fight is for a new social order as an essential defense of democracy."

Maurice Mercier, Secretary-Treasurer of the Textile Workers' Union (Force Ouvrière) France, said:

"Not one cry of hate, not one drop of blood shed, not 1 hour of work lost—this is the greater revolution to which MRA calls management and labor alike."

The ideology of Moral Re-Armament enables wage structures to be quickly altered, taxes lowered, and the standard of living raised. It enables the enforced planning of the Soviet bloc to be met by the voluntary joint action that is necessary to make effective the European Common Market, NATO, and all schemes to save and extend the free world.

Adenauer and Schuman have both testified again and again to the major part played by Moral Re-Armament in creating unity in Europe. As a sign of their appreciation both countries have conferred high decorations on Dr. Frank Buchman. Just before he launched the Schuman plan, Robert Schuman wrote:

"Moral Re-Armament brings us a philosophy of life applied in action. * * * To provide teams of trained men, ready for the service of the state, apostles of reconciliation and builders of a new world, that is the beginning of a far-reaching transformation of society in which the first steps have already been taken."

"My plan will never succeed," Schuman went on to say, "unless hearts are changed on both sides of the Rhine."

The chairman of the advisory council of the coal and steel pool of the Schuman plan's high authority, Helmuth Burckhardt, said (September 1953):

"The framework and organization we have been able to set up has sprung in large measure from the ideas and philosophy of Caux. * * * Caux shows us how to deal with the problems that are raised by the need to bring unity to Europe."

Dr. Adenauer wrote to Dr. Buchman in 1951 and said:

"In recent months we have seen the conclusion, after some difficult negotiations, of important international agreements. Here, also, Moral Re-Armament has played an unseen but effective part in bridging differences of opinion between the negotiating parties."

In June 1958 in another of his many messages to Dr. Buchman, Dr. Adenauer wrote:

"Now is the time to work more strongly than ever for European unity through Moral Re-Armament. Unless the work of Moral Re-Armament is carried forward, peace in the world cannot be maintained."

A TRAINED COMMUNIST SPEAKS

Gerry McManus, who was on the central executive of the Canadian Communist Party for 19 years and who was national secretary of the Canadian Seamen's Union before breaking with the party in 1950, said at Mackinac in June 1959:

"It burns me up to see our business leaders trotting off to Moscow for brainwashing and then coming back to try to brainwash the rest of us without even realizing what they are doing.

"If the leadership of the free world is sincerely interested in saving civilization, they will come to Mackinac, which is the only place in the free world where anybody can be equipped with a moral ideology. The choice is Moscow or Mackinac.

"In Canada the same fight is taking place as in other parts of the world. Tim Buck, the leader of the Communist Party of Canada, told the press in Vancouver: 'The party is gaining few new members in Canada, but is advancing because of nationwide acceptance of Communist-inspired issues.'

"The campaign for trade with the Communist countries is, of course, part of a worldwide drive for the recognition of Red China. For the Communists, trade is an ideological weapon. If you deliver even 10 percent of your national trade to the Communist world, you give them the perfect chance to create a crisis in your country any time they wish to pull the economic rug out from under you.

"For ideological reasons they are prepared to undersell any commodity on the world market. The Communists know more about using the Western economy to further their purposes than Western economists know about meeting the needs of mankind.

"If you refuse to listen to me, then at least have the common sense to listen to Lenin, who said, 'When the capitalist world starts to trade with us, on that day they will begin to finance their own destruction.'

"Moscow's strategy in promoting the recognition of Red China is to shatter our unity with America, penetrate our highest councils, and to disrupt Canada's own national unity. Do we not realize the bitter division such a recognition will cause between French and English Canadians? As a Canadian I am convinced that Quebec will not agree to trading with the Communist world.

"Thousands like me have been standing idly by watching this world disaster take place before our eyes. We are afraid of losing our material security but forget that world security is in grave danger. We babble and play like innocent lambs while we are being led to the final slaughter.

"Dr. Frank Buchman, the initiator of Moral Re-Armament, said in his speech at the opening of the summit strategy conference: 'Could it be that the hate, greed, fear, and selfishness which create confusion and division in our own society, are the strength and essence of communism? Millions who would never join the Communist Party make its advance inevitable by the way they live. MRA has conclusively demonstrated in some of the most critical national and international deadlocks that when the fear, hate, and greed in man is changed, solutions are rapidly achieved.'

"In Canada and the United States the floodtide of communism washes over the Nation every day. The choice for us all is Moral Re-Armament or communism, and today I totally commit myself under God in the fight to build a new world which MRA has pioneered. We will win."

THE ARMED FORCES SPEAK

Gen. John J. Pershing, during World War II, wrote the foreword to the Moral Re-Armament handbook, "You Can Defend America." In it he said, "I commend its message to every American." The U.S. War Department, Bureau of Public Relations, termed this manual "probably the most challenging statement of this Nation's philosophy of national defense that has yet been written." Rear Adm. Richard E. Byrd called Moral Re-Armament "the fight for a new world, strong, clean, united, that should fire the hearts of all red-blooded Americans and stir their wills to action."

The commander in chief of the NATO forces in Central Europe, General Valluy, speaking at Caux, September 1959, promised his full support for Moral Re-Armament. The deputy chief of the French Defense Staff, General Stehlin, at the same conference, said:

"If the free world is not to be outmaneuvered by this new and very powerful weapon, ideology, we must meet the enemy on his own ground and with the same weapons. That weapon is Moral Re-Armament. If we can unite the ideological and military factors we will have a real defense of freedom. We will achieve peace and be able to build a new world."

General Béthouart, Member of the French Senate for Morocco and Vice-President of the Parliamentary Conference of NATO, also spoke and said:

"A recent congress organized by the Parliamentary Conference of NATO brought together leaders from 15 countries for the defense of the values of the free world. A unanimous resolution expressed the wish that an ideology be established as quickly as possible in opposition to the Communist ideology which is the greatest danger we face at present. That ideology is found here. It is the ideology of Moral Re-Armament. We must have the courage to say so and to spread it."

Air Commodore Nigel Blair-Oliphant, Director of Weapons Engineering of the British Air Ministry, said at Mackinac (August 1959):

"World War III is a total war because it is an ideological war that is being fought for the hearts and minds of men and nations. In the past wars have been fought on three fronts—military, economic, and political. In this war ideology controls all three fronts.

"Therefore you cannot take initiative on any one of these fronts without an ideology. Without an ideology we are being defeated separately on each front.

"There is only one answer and that is Moral Re-Armament. The summit strategy conferences at Mackinac and Caux are the ideological bases without which our missiles are worthless. Here is where men are being enlisted and trained to fight.

"At Mackinac and Caux men and women are being given the answer to the Communist line of pacifism and neutralism instead of being disarmed by it.

"In Britain the Communist line is 'better Red than dead.' In America the line is 'coexistence or war.' But the real choice in America and Britain is whether we continue to allow communism to advance or whether we match it with the superior ideology of Moral Re-Armament."

General Guisan, wartime hero and Commander-in-Chief of the Swiss Army, in a foreword to the Swiss editions of "Ideology and Coexistence," which went to every home in the country, said:

"Ideological neutrality plays the enemy's game. In Moral Re-Armament, which I have known for 20 years, a world strategy is being worked out to attack the roots of the world's ills."

Vice Adm. Morton L. Deyo, wartime commander of the North Atlantic Destroyer Fleet, said at Mackinac (October 1959):

"This is an ideological age. We in the United States are late in realising it. Trying to run the world through politics, military measures, and foreign treaties alone is no longer adequate. Moral Re-Armament has provided an ideology so simple that all peoples can understand it, yet so effective that it can remake the world."

THE FAR EAST

The Communist strategy for the Far East is to unite the manpower of China with the industrial might of Japan and the natural resources of Indonesia. Then they would be ready for further advance.

Dr. Frank Buchman, who knows the Far East well, has paid nine visits to Japan since 1915 and enjoyed personal friendship with four generations of Japanese leadership. In 1956 he received the Order of the Rising Sun.

Japanese leaders who came to the MRA assembly at Caux made this statement, which appeared on the front page of the Observer of London (July 1950):

"Russia has advanced in Asia because the Soviet Government understands the art of ideological war. It fights for the minds of men. We appeal to the governments and peoples of the West to do the same—to make themselves expert in the philosophy and practice of Moral Re-Armament, which is the ideology of the future. Then all Asia will listen."

Niro Hoshijima, senior member of the Japanese Diet, told the press in Los Angeles (January 1959):

"History will record five events in the Pacific that have been brought about by the spirit of MRA:

"(1) Reconciliation between Japan and the Philippines and payment of reparation by Japan.

"(2) Release of tension between Japan and Formosa.

"(3) Wresting of power from the Communists in the Seinendan (the 4,300,000-strong youth organization of Japan).

"(4) Signing of Japan's reparation agreements with Indonesia and Vietnam.

"(5) Giving the basis for diplomatic talks between Japan and South Korea."

In a message to Dr. Buchman, Prime Minister Kishi said (October 1959):

"The democracies are on the defensive because of the lack of a moral ideology superior to communism. In the ideological war there is no neutrality nor coexistence.

"I am grateful for Dr. Buchman's initiative in calling this special conference at Mackinac Island to provide the basis of unity for the free nations which will put them on the offensive.

"The leaders of the free nations must pay serious attention to the work of Moral Re-Armament throughout the world if we are to win in the decisive struggle for the future of mankind."

A decisive step in the forwarding of the Communist plan would be the recognition of Red China by America and its admittance into the United Nations. It is to further this end that the Communist strategy is to get the nations to trade with Red China. They know that where businessmen have enough interests involved they will put pressure on their government to protect them.

Moral Re-Armament also enables the uncommitted nations to find an acceptable basis for cooperation. Shri R. N. Mirdha, Speaker of the Rajastan State Assembly, India, said at Mackinac, 1959:

"India is neutralist because she does not want either the materialism of Russia and China or the materialism of America. Here at Mackinac I see the choice is not between one form of materialism and another. We have another choice—to build a world based on absolute moral standards of honesty, purity, unselfishness, and love. This is the great message I take back with me."

Rajmohan Gandhi, grandson of the Mahatma, said (July 1959):

"The Indian Government took a wrong and costly step when it recognized Red China. Unless and until free Asia is fully armed and united by a superior ideology in addition to its economic and military strength, recognition of Red China by the free countries will only aid the Communist plan to further expansion in Asia.

"Why flirt with the Communists when, with the ideology of MRA, free Asia and the free world can find the unity and power that will answer communism? The Communists change, not when we compromise, but when we demonstrate a superior ideology."

COMMUNIST FRONTS

Communists frequently do not show themselves as Communists. They find they can infiltrate more effectively, for instance, as anti-Communists. They put their men and their money on both sides so that they can stir up trouble they can use. Their object is neither economic nor political but ideological. They are least likely to be spotted in their feeding of the party line and in their brainwashing by those living in moral defeat or without an ideology. Any person who is not clear morally can always be taken over somewhere and part of the Communist attack is to discover, foster, and use men's moral failures. Lenin once said, "Postpone operation until the moral disintegration of the enemy makes the delivery of the mortal blow both possible and easy."

Chou En-lai of Red China has said, "We can slip in our Communist ideology through the weak spots in men's character." The greatest fear of the Communists, therefore, is that their ideology will be countered by a superior moral ideology. Moral Re-Armament provides the security of an incorruptible leadership.

A recent Finnish visitor to the Kremlin was told that the greatest obstacle to the advance of communism was Moral Re-Armament. The Communists therefore do their best in every country to keep people away from Moral Re-Armament by misrepresentation or silence in the press, by threats, or by a whispering campaign of the lies thought to be most suitable for each community or country. At the same time they

[1] See "The Third World War," p. 174.

unscrupulously and uninterruptedly push forward the plan they have for each country through a wide variety of fronts of which the following are examples:

(A) The peace front

To screen the economic war, a peace movement was launched at the same time. In September 1947 the Cominform was set up, of which the battlecry and name of its journal was "For a Lasting Peace, for a People's Democracy." To the accompaniment of talk of "peaceful coexistence" and "friendly competition" the Soviet set about destroying the foundations upon which the economy of the free world rested.

As long ago as 1931 Dimitri Manuilsky, then of the Lenin School of Political Warfare, declared:

"War to the hilt between communism and capitalism is inevitable. Today, of course, we are not strong enough to attack. Our time will come in 20 to 30 years. The bourgeoisie will have to be put to sleep, so we will begin by launching the most spectacular peace movement on record. There will be electrifying overtures and unheard-of concessions. The Capitalist countries, stupid and decadent, will rejoice to cooperate in their own destruction. They will leap at another chance to be friends. As soon as their guard is down we shall smash them with our clenched fist."

Peace remained the cry but war remained the reality. In 1955 Khrushchev said:

"Certain people misunderstand the Geneva Spirit. They ought to remember once and for all that we never renounce and never will renounce our ideas, our struggle for the victory of communism. There will never be such a thing as our ideological disarming."

In the same year he said:

"Victory for socialism? We don't have to go to war to obtain this victory. Peaceful competition will be enough."

(B) The cultural-exchange front

(1) Playing the Soviet game: The peace campaign launched with the trade war today increasingly takes the form of persuading people that Communists are really people just like ourselves—peace loving and reasonable and that it is to our mutual interest to understand and do business with each other.

We should learn from recent history. Chiang Kai-shek was sold out and the mainland and Manchuria lost to Red China by our falling for the same tactics. Men, later found to be giving the Communist Party line, were successful with their deceptions and achieved the change of direction in American policy. Writers gave the party line discrediting Chiang Kai-shek (just as today they would discredit Adenauer) and saying, "When we speak of the Chinese Communists we should remember that they stand for something rather different from what is ordinarily meant by the word 'Communist'" (Eleanor Lattimore). Raymond Gram Swing went so far as to describe Chinese Communists as "agrarian radicals trying to establish democratic processes."[8]

It is a cardinal policy of war to deceive your enemy. Are we to let him succeed again? Every move of the Communist is designed to lull us and make us feel that all is well and will be well if we go on as we are now—when in fact we are heading straight to disaster. This is the purpose of all cultural exhibitions, of Mikoyan's visit, of Kozlov's visit and his appeal to spiritual values, and for "a return to the Soviet-American 'comradeship' of World War II." When Stalin was first asked by an American to send over the Bolshoi Ballet he replied that he would like to but that he was having trouble on the Manchurian border and needed it there. It is a weapon of war.

[8] See "No Wonder We Are Losing," by Robert Morris, ch. VIII.

When a Montgomery, a Billy Graham, a group of Governors, Senators, or industrialists visit Moscow they are entertained there by those who are planning their funeral. Younger and weaker countries are encouraged to do business with the Soviet or Red China and so to start the process by which client states can become satellites. The youth leaders around the world are, likewise, encouraged to accept honeyed invitations to Communist-inspired youth festivals like that held in Vienna. Fortunately, many find a superior plan in Moral Re-Armament.

When a strong group of African leaders visiting Mackinac read that the Governors of nine States were to visit Moscow, they wrote to them saying:

"The British and American officials in our countries have always emphasized the dangers inherent in the Communist way of life. They tell us not to go to Russia. They tell us that the Western way of life is best and that we must imitate it.

"We came to America looking for an answer to communism and an adequate way of life for our people. But to our surprise we learn that certain American Governors and business leaders are going to Moscow. We were amazed to hear this. It has raised many questions in our minds as to whether we have been misdirected. Think of the effect of this one action on the nations of Africa.

"This is reinforced in Africa as well as in Asia, when subversive forces tell us that communism is the same thing as Christianity. What are we to think when we hear from your outstanding Christians who said in Moscow that they have seen the Cross of Christ in the Kremlin? What are we to believe? Think of the diabolical cleverness of these men who use the gullibility of American leaders to sell communism to the world.

"In Africa we say the thief is cleverer than the owner of property. He will watch you, know the time you fall asleep, and then take what he wants."

Only those with an ideology stronger than communism are ready to visit Communist-controlled countries, and only countries so armed are ready to invite trained Communists into their midst. A Member of the Finnish Parliament says:

"Statesmen need to learn to live an ideology which cures human weakness before they try to deal with nations ruled by an ideology which exploits human weakness."

(2) Playing the right game: The status quo cannot be maintained against an ideology. It is necessary to have a positive strategy and "to put right what is wrong everywhere in the world, beginning not tomorrow but today."

In an official Soviet report, July 1959, Moscow said that Khrushchev had canceled his proposed visit to Scandinavia in view of the position taken by the press and certain personalities in the northern countries. Among these were those Nordic leaders who had planned at the Moral Re-Armament strategic conferences at Caux and Mackinac, how to arouse public opinion to the ideological trap concealed in Khrushchev's visit. In a widely publicized open letter to the leadership of Scandinavia, Bishop Bengt Jonzon, of Sweden, said:

"Inviting Khrushchev to our country is the same as letting the enemy through the front line in a shooting war. It is wrong, unwise, and stupid. When we without an ideology are in contact with the Russian dynamic the current runs towards us, but the current can be changed."

The bishop added that the only alternative to communism is to choose Moral Re-Armament, and he sent a message to Caux and Mackinac in which he said:

"Khrushchev's grandchildren will be revolutionary Christians. The trouble with Khrushchev is that he is not revolutionary enough. He could be a magnificent revolutionary Christian."

The leader of the German Party in the Federal Republic, Heinrich Hellwege, speaking at Caux (August 1959) said:

"Despite any party political differences, I take my stand wholeheartedly beside Chancellor Adenaeur in his conviction that the choice facing the world today is between moral rearmament and communism. Governments who are as convinced of Moral Re-Armament as Moscow is of communism will lead the world immediately into a new era of unity, peace, and freedom.

"If America is to face Khrushchev and his global ideological strategy without having herself an ideology, then the cause of freedom and peace will only lose out. There are in the world today only two global ideologies—communism and MRA."

Cardinal Cushing in an article headed "Background Against Which Visit Must Be Judged" (Boston Pilot, August 1959) wrote:

"Khrushchev is a dedicated man. Therein lies his strength. But he is dedicated to a godless ideology, leading to slavery. That is what makes him so dangerous.

"Men like him have been won to nobler beliefs and have become their greatest champions. But whoever thinks that we can influence Khrushchev merely by showing him how our democracy functions and how well off we are, has no conception of the passionate, hate-filled contempt for our way of living which possesses Khrushchev and company.

"Day and night, in thought and in deed, he is working with cunning determination together with his associates for the world-wide victory of communism. Every problem or situation—Berlin, Geneva, friendly visits, cultural exchanges—are used to further one primary purpose—world revolution.

"Every Christian prays: 'Thy will be done, on earth as it is in heaven.' It is nonsense to pray like that without seriously desiring what we are praying for.

"If I really want it, then I must stand up for it, in my own life and in the life of others, in the life of the Nation, and in the life of the whole world, with all that I am and have, led by God, in community with others who feel the same obligation.

"Then indeed the miracle will be achieved and other nations and peoples will be impressed. They will follow genuine moral leadership, not material progress.

"That is ideology. That is Christianity. That is moral strength. If we do not choose this way and live it, as individuals and as nations, we choose communism, as Khrushchev wants us. His only purpose of accepting an invitation to any country is to propagate communism.

"The Scandinavian countries knew that and their people protested with such vigor that Mr. Khrushchev canceled his visit."

(C) The church front

It may serve the tactics of a Communist to appear religious, but his real purpose remains that expressed by Lenin when he said:

"Our struggle will never cease until the myth of God has vanished from the mind of man."

A former Communist of great distinction and authority, Mr. Eudocio Ravines,[9] at one time a member of the Comintern, told the Moral Re-Armament Assembly at Mackinac (July 1959) that Khrushchev and Mao Tse-tung met in Peking in 1958 and architected the next phase to destroy the United States

[9] Mr. Ravines is the founder of the Communist Party of Peru and a former professor at the Leninist Academy of Moscow. He headed the Russian delegation to mastermind the Communist takeover of Chile in the thirties, directed the second stage of the Civil War in Spain, and since his break with Moscow has exposed their tactics in "The Yenan Way." He is now writing a book that is to be called "The Mackinac Way."

Speaking in Washington, January 5, 1960, Mr. Ravines said: "When I broke with communism I became a bitter anti-Communist and Moscow paid little attention to me because I was an ineffective man. But as soon as Moral Re-Armament filled the ideological vacuum in my life I became an effective force. Since then I have been the object of ruthless, repeated, Communist attacks. There are millions like me who would leave the Communist Party if they knew there was something big enough to fill the vacuum."

by capturing Latin America. He laid stress on the role to be played by the churches and said:

"Communism aims to penetrate those sections of society which are not antagonistic, to get inside them and to use them and destroy them.

"The work of infiltration goes on much more tenaciously than open party work—communism never shows its own face. This is being done through the universities of North, South, and Central America and particularly through the churches of the United States to which Russia attaches great importance.

"The fundamental crisis is spiritual, but religion itself is not enough to fill the ideological vacuum. Therefore communism is able to exploit the irrational feelings deepest in the hearts of men such as exalted nationalism and racial division."

Mr. Ravines went on to give the answer:

"There is need for an ideology—a superior thinking that will satisfy the hunger for the absolute which burns in the heart of the illiterate and the educated alike. That is why Moral Re-Armament can and must make possible a new type of revolution—a revolution of the spirit. The only thing that can defend our hemisphere at this time when we face the greatest danger of our history is ideological armament. The task of all of us is to advance Moral Re-Armament throughout this hemisphere and the whole world."

Theodore Guething, a machine tool executive, said at Mackinac:

"We American businessmen don't like being fooled. As chairman of a committee I helped raise $140,000 for one of the largest Methodist churches in Michigan. Last week the Detroit Conference of the Methodist Church adopted a policy which couldn't have been written better by Mr. Khrushchev himself. The program calls for total world disarmament, admission of Red China to the United Nations, an end to selective service, curtailment of civil defense, and the establishment of Berlin as a free city under U.N. supervision."

To try and keep Christians from an effective ideology the Communists have started a new line. Walter Ulbricht, East German Communist leader, said (July 1959): "We can put up with the church so long as it has no ideology."

"Anyone who says that we have Christianity and therefore we do not need Moral Re-Armament does not know either Christianity or Moral Re-Armament," says Bishop Jonzon of Sweden.

"So many of us Christians," he continues, "use God for our purposes instead of letting God use us for His purposes. This is Christianity. This is Moral Re-Armament. Anything less is not Christianity."

Speaking at Mackinac on the occasion of the death of Senator Don Luigi Sturzo (the patriot-priest who founded the Christian Democratic Party of Italy and inspired the postwar leadership of Chancellor Adenauer of Germany, Robert Schuman of France and Prime Minister de Gasperi of Italy), Angelo Pesetto, a former leader in the Italian Communist Party who refound his Catholic faith through Moral Re-Armament, quoted Don Sturzo as saying to him:

"We must fight together because the world is in grave danger. Communism is a great menace. We must bring Christians back to living their Christianity before it is too late. That is what Frank Buchman and Moral Re-Armament are doing. Frank Buchman is a great man. You are our best allies in this fight."

(D) The coexistence front

In the Communist dictionary "coexistence" means takeover by every method short of a shooting war.

Khrushchev observed in Warsaw in 1956:

"But of course we must realize that we cannot exist eternally. One of us must go to his grave. We do not want to go to the grave. They [the Western Powers] don't want to go to their graves either. So what must be done? We must push them to their graves."

R. Vaitheswaran, lecturer in economics at Hyderabad University, India, was for 6 years a member of the Communist Party. Of those 6 years he spent two and a half in jail. Recently in the Indian Administrative Service examination he was placed first among 23,000 candidates. Speaking at the MRA assembly at Mackinac, July 1959, he said:

"How can there be coexistence when the Communists have decided to fight until they rule the world? Communism would not be communism if it were not a fight to the bitter end.

"By 'coexistence' Khrushchev means that Russia retains the right to rule unrestrictedly in her own sphere. He also means freedom for Russia to spread her own ideological poison through her state-subsidized theater and propaganda. And to engineer internal revolutions and crises through the Communist Parties of the world.

"The Communist Party in every country is a united force fighting for a single world revolution.

"Coexistence gives the Soviet the right to infiltrate the democracies without the democratic countries having the right to say what they like about Soviet behavior.

"Russia goes unchallenged when she publicizes on every continent the racial division of Little Rock and the decadence of Hollywood. But America is met by strong opposition when she expresses sympathy for the captive nations.

"China is free to destroy Tibet, but America is not free to rescue Hungary.

"And the most shocking thing of all is, not that China and Russia are what they are, but that we have become what the Russians and Chinese would like us to be—their willing tools for our own destruction.

"Moral Re-Armament is democracy's true ideology. It gives democracy the moral fiber it lacks today. That is why the choice for the world is not war or coexistence. It is Moral Re-Armament or communism."

IDEOLOGY WILL DECIDE

Dr. S. D. Cornell, Executive Officer of the National Academy of Sciences, against the background of long experience in military weapons development at the top levels of the Department of Defense, speaking in Washington, in March 1957, said:

"We scientists know that the world can be destroyed between the lunch and the cocktail hour. We need, of course, to maintain our armed and scientific and productive strength. We need to develop them. But as Admiral Radford has said, the most we can do by these means is to buy time. Victory must be won by other means.

"What is basically an ideological struggle can be won only by a superior ideology. Moral Re-Armament is that ideology."

Mr. Don Belding, a leading American businessman, in a statement at Caux, July 1959, called upon American industry to support the force that was giving the ideological answer. He said:

"The solution is not military defense alone, on which we have spent $400 billion since the end of World War II. It is more an ideological problem—not an economic, political, or merely military one. We must do more ideologically.

"The work that MRA is doing is the most important thing to answer communism. We must multiply it a hundred times to create a wave of ideological pressure that will roll communism back. If this force does not win, people in the United States will not only not have their fortunes—they will not have their lives.

"Major investment in this force is essential to maintain freedom."

Mr. Sid Fuller, in a broadcast over NBC in Los Angeles (July 23, 1959) told of his visit to the Summit Strategy Conference at Mackinac and gave the diagnosis and cure for the situation in this ideological age. He said:

"Today because of an idea, Mackinac Island may well be the arsenal of freedom. Because of Mackinac all men may yet be brothers, may look ahead to a world in which their children will walk the earth in dignity and peace.

"Like many of you, I, too, have sensed the disturbing feeling that World War III has already begun. The enemy has outsmarted us, outwitted us, by not using the weapons we had expected him to use. He is using an even deadlier tool of war. He is waging an ideological war against us. His objective is not the material wealth we have accumulated. He does not want that destroyed. He wants it for himself and in good time he means to have it.

"Instead of the material, his immediate objective is spiritual. It is the spirit of God-fearing men that he would first weaken, and then destroy. Men without the will, the moral fiber, the deep spiritual fortitude to stand firmly in defense of what is right are doomed to see their freedom lost, their God-given rights denied, their hope of love and laughter unfulfilled. The enemy knows this. He knows that without the spirit there is no will. The man corrupted is the man defenseless.

"How to deal with such a corrosive thing? There is only one way. With an ideology diametrically opposed. This is the ideology of Moral Re-Armament. Here in MRA is a catalyst that first unites and then releases the enormous moral potential of all men of good will, whatever their racial or spiritual background.

"It is impossible to visit Mackinac and come away without a firm, fresh faith that free men with God's guidance and only with God's guidance will yet remake the world and achieve lasting justice and an honorable peace for all men."

Now, Mr. Speaker, I would like to outline a bit of the effectiveness of the work in many areas of the world. In order to do this, under unanimous consent, I place the "Ideology and Coexistence" outline of world distribution in the RECORD:

IDEOLOGY AND COEXISTENCE

The handbook "Ideology and Coexistence" has been published as a weapon to put the free world on the offensive in the ideological struggle. It lays bare the Communist plan for world takeover and shows how every man can arm himself with the superior ideology.

By the end of March it will have run to 75 million copies in 24 languages. A simultaneous distribution takes place in March to every home in Britain, France, Western

Germany, and Italy—50 million. Already, 15 million copies have been distributed to every home in Switzerland, Holland, and the Scandinavian countries. A nationwide distribution of "Ideology and Coexistence" to 4,300,000 homes in Canada has been completed.

WORLDWIDE DISTRIBUTION

Switzerland

In one week the handbook was published in all three languages of Switzerland and distributed through the post office to 1,600,000 homes in the country, with a foreword by the wartime Commander-in-Chief and national hero, General Guisan. He wrote:

"On the ideological plane neutrality can be dangerous, for refusal to fight for what is right plays the enemy's game. I long that our whole people should face realistically the forces which confront each other today, that we draw from our traditions a relentless determination to safeguard at all costs the freedoms we inherit."

Scandinavia

A committee of Scandinavian patriots, determined to end the ideological softening up of their countries in the face of Khrushchev's offensive, met in Stockholm in November. Within a month an edition of 6,700,000 in 5 languages was being distributed to every home in Norway, Sweden, Denmark, Finland, Iceland, Greenland and the Faroe Islands.

It immediatly became a national issue. From all over the Nordic north people wrote: "Thank God someone has at last had the courage to speak out." It triggered off violent attack in the Communist Party press in each country. The Moscow news agency, Tass, complained indignantly that "Ideology and Coexistence" has been spread in "astronomical numbers throughout Scandinavia."

Holland

Following a national press and radio campaign the handbook was distributed to 3 million homes in Holland. Four printers worked together to do it and 5,000 people were employed in the distribution of the 90 tons of printing.

Germany

The great nephew of Frederick Engels, who 112 years ago sent out Marx's "Communist Manifesto," sent the handbook to 23,000 industrialists of Western Germany. One wrote in reply asking for copies for each of his employees.

On the day that 60,000 miners marched to Bonn to protest against the government's fuel policy, German miners published the handbook in the Bonn "General Anzeiger" with the heading, "Not too much coal but too little ideology." Two Berlin newspapers printed the text of the handbook in full. Seventeen million are going to every home in Germany.

Italy

Half a million were distributed to every home in Milan. The agency carrying out the distribution reported on the very great interest aroused. People ran after their workers in the street asking for their copies.

Great Britain

Half a million have been distributed on a house-to-house basis in the Welsh mining villages, Clydeside and the boroughs of East London by a Moral Re-Armament international force in December. Every member of Parliament, every Church of England and Free Church clergyman and the leaders of the National Union of Teachers have received a copy.

As with West Germany, Italy, and France, every home in Great Britain will receive a copy. A national distribution company employing 8,000 women who will walk 350,000 miles in 10 days will cover 13,200,000 homes in the main urban areas.

Cyprus

Fifty thousand copies in Greek went to every Greek family on the island, the first copy going to Archbishop Makarios, the President-elect of Cyprus. The distribution was mainly carried out by former EOKA fighters who were convinced that an independent Cyprus needed the ideological clarity that the handbook gives. This is especially significant in view of the fact that during the present deadlock leftwing circles have been pressing the Cypriot leaders to turn to the Soviet bloc for economic assistance rather than to the Commonwealth and the Western countries. In some areas the political and trade union leaders took on the distribution. They sent it on rickety country buses to the villages where their friends took it from door to door. In Nicosia 20,000 copies were distributed by a group of students in one afternoon. A Greek Orthodox abbot took it to the villages surrounding his monastery in wild EOKA country. One man with a mobile shop distributed it in the villages where he sells his wares.

A Turkish translation has been prepared and will shortly be sent to the whole Turkish community on the island. Other copies will go to Turkey.

South Africa

An edition of a million in English and Afrikaans is being distributed in the major cities. "Die Berger," the Nationalist Party paper, wrote of it, "South Africa cannot exist in a Communist continent. That is the problem that stares us in the face. It is a serious situation but also a great opportunity. South Africa, armed with the right idea, is the one country that can yet tip the scales in Africa and Asia • • • this means that there must come a new attitude and a new decision to live for something greater than ourselves."

Nigeria

"Ideology and Coexistence" has gone to every member of the Federal and Regional Parliaments. The bar society sent it to their 600 lawyers in the country. A similar number has gone to the doctors and to the headmasters of secondary and primary schools.

Japan

Thirty thousand copies have been taken by the Defense Bureau to issue to every Army officer.

General Doi, foremost expert on Russian affairs, described the pamphlet as the best analysis of the ideological situation he had ever seen. Printed in Japanese, half a million have gone out. Each cabinet minister, diet member, and ambassador received one, as well as every top businessman and city mayor. Twelve thousand have been sent to the 46 governors and prefectural assemblymen.

Each of Japan's 40,000 schools received it, sent by the Kyodanren, the non-Communist teachers' union, with their 3-page supplement on MRA, as well as 20,000 educational officials.

South America

Portuguese and Spanish editions have been printed for the Latin American countries. Since Mikoyan's visit the Communist plan for these countries has been stepped up. Brazil is an immediate target. Two leading newspapers in Rio de Janeiro and Sao Paulo have just printed the handbook across two pages. In Uruguay, Argentina, and Peru it has gone to the national leadership. Widespread distributions are planned.

A magazine of the Franciscan order in Peru published sections of the handbook.

Taiwan

The Secretary General to General Chiang Kai-shek, Mr. Chang Chun, writes, "Your efforts to awaken the American people to the true nature of communism, to the increasing moral breakdown and materialism in your country, and to the global ideological offensive which needs to be launched, are indeed admirable. As one long convinced that Moral Re-Armament tolerates neither communism nor materialism, I am gratified to see your booket 'Ideology and Coexistence' as another forward step in clarifying the current confusion."

India

There is no doubt that the handbook had a real influence in the defeat of the Communists in the recent Kerala elections. It appeared in 12 daily newspapers of all communities—Hindu, Moslem, and Christian—with an estimated readership of 3 million. Fifteen thousand copies reached the key men of the city of Trivandrum and throughout the state.

A man helping with the distribution reported that in his village it changed the outlook of a number of men who had previously supported the Communists. He himself spent two evenings reading the book to a night class of 150 people. A thousand local councils received copies and 2,500 libraries in villages and towns throughout the state. A foreword to this Malayalam edition was written by Mannath Padmanabhan, the leader of the liberation movement, who used his organization to secure the maximum distribution. A further edition of 100,000 is now being printed.

"Ideology and Coexistence" has already been printed in five Indian languages and sent to all members of both houses of parliament and ministers in the central and state governments. Every delegate to the All-India Medical Conference received a copy, also every delegate to the national conference of the Praja Socialist Party. The handbook has been published serially in leading papers in Uttar Pradesh and Bengal.

Canada

To launch the national distribution of 4,340,000 handbooks to every home, 82 daily papers carried full pages, and 14 dailies carried half pages. The Canadian Broadcasting Corp. carried the news coast to coast.

MOSCOW'S REACTION TO RIVAL IDEOLOGY

The publication of "Ideology and Coexistence" in Scandinavia drew an immediate and violent reaction from Moscow. The Finnish-Soviet Society tried unsuccessfully to bring pressure to bear on the Finnish Government to prevent its publication. Tass (Soviet news agency) pointed out in a full statement that it was couched in typical cold war language and placed Moral Re-Armament among the most stubborn political circles. A series of feature articles and cartoons followed in Pravda, Izvestia, and Trud. Broadcasts from Radio Moscow repeated earlier attacks on the "apostles of class reconciliation • • • who have the power to capture radical revolutionary minds • • • an ideology in its final phase of total expansion throughout the world."

The Communist press and Communist writers in other national newspapers launched a simultaneous attack in many countries. A thousand articles appeared in Denmark alone in 1 month. Three weeks after this manifesto went out it was still the subject of editorials in the daily papers.

The pattern of Communist attack shows first that the Soviet is thoroughly scared and on the defensive. It is a new experience for them to lose the ideological initiative. They clearly fear the effect of the manifesto and of an alternative ideology, both upon their own party members and upon the mass of the people who have falsely swallowed a semi-idealistic conception of communism. Naturally, their determined attempts to get the Finnish Government to ban the book merely made the Finns read it the more.

WORLDWIDE RESPONSE

Everywhere "Ideology and Coexistence" has provoked widespread response.

In Sweden the post office made a test and found that 72 percent of copies were actually read. This compared with the previous highest readership of 40 percent from a normal postal distribution. Letters were received at the MRA headquarters at the rate of 500 a week. In marked contrast to the hostility of much press comment, practically all welcomed the clarity of the manifesto.

"MRA has dared to draw our attention to what is really going on," said one of the many letters published in the press. "For those who long to see a clear road ahead and to play their part in the battle, MRA's manifesto is marching orders." Everywhere the demand for MRA literature has zoomed in the bookshops.

In Denmark, a student at a teachers' training college asked for 200 copies at the request of his professor for use in their history classes. Study groups have been formed in every country to go through the manifesto in detail and plan the application of its truths.

A Swedish worker who had previously left the Communist Party because of his touch with Moral Re-Armament had been ostracized by his fellow workers. However, from the time that "Ideology and Coexistence" had its mass distribution in Scandinavia they not only began talking to him again, but appreciating the stand he had taken.

The general secretary of the Communist Party in Norway turned up at the MRA office in Oslo and asked for literature, saying he wanted to study the ideology of Moral Re-Armament. He went away loaded.

One of the well-known personalities in Norway, a great poet, said in a personal letter: "With the distribution of the manifesto and the debate in the press this has been the great breakthrough of Moral Re-Armament."

A group of students in Holland sent the manifesto to every student in the country. A fierce discussion took place in the student press. One student writing for further information commented on "the university storm you have evoked here." The Minister of Defense approved the distribution to the army at the discretion of commanders. One platoon commander read it—then asked for 100 copies to use in instruction classes.

Volksrant—the mouthpiece of the Prime Minister's Catholic Peoples' Party in Holland, and owned by the Catholic Trade Union Council—on November 21, 1959, reported that "the Catholic community of Holland wholeheartedly subscribes" to the manifesto.

In Japan leading political figures, including a former Ambassador to Washington and Senator Kimura, former Defense Minister, met to plan an ideological strategy for the nation. Two Diet Members said that since reading the manifesto they had changed the lines of a party publication about coexistence. Another Diet Member took action to have deleted from the draft of the constitution a sentence recommending the acceptance of "peaceful coexistence."

A pilot distribution in a town of 17,000 homes in Canada drew an immediate attack in the Communist Party national organ, the Canadian Tribune. On the other hand, the head of the non-Communist union of 16,000 men drew attention to the manifesto in the union paper. The vicar apostolate of the Catholic Church asked that the French as well as the English edition should be made available. Some days later a letter came asking for 300 copies in German.

The foreword to the Swiss edition appeared in practically every newspaper in the country and the manifesto was the subject of editorial comment in 100 papers throughout Switzerland. One hundred letters a day were received asking for further information. The president of the Catholic Students' Union asked for copies for delegates to the annual student conference and for speakers to explain more of the ideology of MRA.

Catholic leaders of Switzerland have warmly supported the manifesto and the Benedictine monasteries near Lucerne have recently entertained an international MRA force as a result. The St. Gallen Catholic newspaper, Ostschweiz, wrote: "Shouldn't we Christians enlist in this battlefront—we above all? He who may still have doubts should read how fighting Communists found in Caux the Catholic faith of their fathers • • • it is perhaps our bad conscience that makes us feel superior to Moral Re-Armament, to Frank Buchman's movement, to Caux. Let us take care we do not miss the bus, that we don't exclude ourselves from these pioneering, sound-thinking people who are summoning us to this mighty movement of the Spirit."

The reaction to the gauntlet being thrown down so clearly in Cyprus has been immediate. "MRA or communism" is discussed on street corners and in coffee shops and clubs in every town and village. All the main papers have carried articles. A well-read column in one paper has been occupied every day with readers' letters.

The beginning of the Greek distribution was marked by a prominent article in the leading paper, Ethnos. This coincided with an announcement over the radio by the Cyprus Broadcasting Corp., and in many of the leading newspapers, of an invitation by Archbishop Makarios to Dr. Buchman to come to Cyprus.

One of the leading Finnish businessmen said, "The distribution brought new courage to the whole country."

A well-known international figure was due to speak on Oslo Radio on nuclear disarmament and the banning of the bomb. Radio authorities said that since the distribution of the manifesto they could not afford to have him talk. Peoples' eyes were opened. The talk was canceled.

WHERE DOES THE MONEY COME FROM?

Up to now this operation in Europe and Asia is costing roughly $2,800,000—the distribution to the 15 million homes in Great Britain $560,000.

This money is being raised through the sacrifice and conviction of men and women who see in MRA the one hope of the free world. Businessmen have realized capital assets and made them available. One man sold a block of apartments and gave $56,000. Many have sold life insurances, property, jewelry. A company lawyer who has already given all his capital pledged his life insurance. A married man who had just inherited $25,200 gave the entire amount. A musician gave her grand piano.

This operation has involved the enlistment of the paper, printing and distribution industries on a vast scale.

Paper for the next Malayalam edition has been given free of charge by a Bengal firm. Ten thousand copies of the Hindi edition are being given by another firm.

In Finland, 60 tons of paper were required for the manifesto. The usual delivery time is 3 months. It was needed immediately in order to be ready for distribution before December 1, 1959, which was the last day on which the post office accepted bulk deliveries before Christmas. The paper was obtained in 5 days from those who appreciated the ideological effort being made—an example of how industry becomes interested ideologically when the program is big enough to be effective.

Two hundred tons of paper were specially made for the British edition at a minimum profit by the British paper industry. Swedish pulp and paper firms have made a contribution for the French edition. The printing costs are being borne by Germany, a unique gift to meet a unique crisis in world affairs.

The scale of the distribution is one of the greatest ever undertaken for any publication on record. The copies distributed in Scandinavia were sufficient to fill a freight train of 33 cars. In parts of Greenland the manifesto was dropped by airplane. Reindeer sled carried it to parts of Lapland and it was delivered by dog sled to huts in tiny villages.

AMERICA'S OFFENSIVE

The Communist ideology is spread in America through the vast financial resources of Moscow; the superior ideology of Moral Re-Armament is spread through voluntary and sacrificial giving by those who want to fight to restore to America her true heritage. It is a priority investment for free men who treasure their freedom and are determined to see freedom extended to the whole world.

To print and distribute and advertise the distribution of 545,000 copies to every home in an area like Washington, D.C., costs approximately $35,000.

To reach each of the 50 million homes of America with a copy will cost approximately $2,500,000.

Don Belding, former chairman of Foote, Cone & Belding, leading U.S. advertising agency, civilian aid to the Secretary of the Army for southern California, says, "Moral Re-Armament is the strongest single force in the world today from the ideological standpoint in answering communism. We must multiply it a hundred times to create a wave of ideological pressure that will roll back communism.

"If this force does not win, people in the United States will not only not have their fortunes—they will not have their lives. Major investment in this force is essential to maintain freedom."

The last paragraph of this outline closes with the following:

If this force does not win, people in the United States will not only not have their fortunes, they will not have their lives. Major investment in this is essential to maintain freedom.

I might like to demonstrate now, Mr. Speaker, some of the tools that are used with the investments made. Under unanimous consent I place a full page which appeared in the December 17, 1959, Washington Evening Star, entitled "The Ideology That Will Win," at this point in the RECORD:

THE IDEOLOGY THAT WILL WIN

"I earnestly make this suggestion as I start this journey tonight. That you, and those close to you, join with me in a renewed dedication to our moral and spiritual convictions, and in that light reexamine our own record, including our shortcomings." (Dwight D. Eisenhower, December 3, 1959.)

There are two ideologies bidding for the world today. One is Moral Re-Armament which believes that God's mind should control the world through human nature that has been changed; the other is communism, which believes that man's mind should control the world through human nature that has been exploited. God's ideology will win.

Time is running out. No man or nation can escape the choice—Moral Re-Armament or communism. Khrushchev offers the false alternatives of coexistence or war, disarmament or nuclear annihilation. William Penn put before America the only alternative: "Men must choose to be governed by God or they condemn themselves to be ruled by tyrants."

The world awaits a miracle to transform the attitudes of our time and create unity. We need a miracle of the spirit that will bring the light of an answer to Washington, Moscow and the whole wide earth. We need

a miracle in men that will make a summit conference work and without which all summit conferences are doomed to failure.

Moral Re-Armament is changing human nature drastically and at a speed and scale adequate to prepare nations to live in the world that faces us.

It is curing the causes of division, economic injustice, fear, hatred and communism.

It is rapidly multiplying the secret of God-centered unity without which civilization inevitably will destroy itself.

In the words of Gabriel Marcel, the great French Catholic philosopher, "It is a hope—perhaps the hope."

Moral Re-Armament has been tried, tested, and found to be true in many critical areas of the world.

ALGERIA

French political and military leaders and North Africans found at an MRA assembly fresh hope for a solution to the Algerian conflict. General Bethouart, Member of the French Senate, said, "There is no way out of the impasse of Algeria except Moral Re-armament." The French Minister of Justice said, "I have seen and heard miracles."

CYPRUS

Greek and Turkish leaders including Zenon Rossides, representative of Archbishop Makarios, and Rauf Denktash, president of the Turkish Federation of Cyprus, were reconciled at an MRA assembly. They brought a message from Archbishop Makarios: "We had the opportunity to follow closely the work of Moral Re-Armament and particularly appreciate its contribution to the solution of the Cyprus problem."

GERMANY

Chancellor Adenauer says: "You know what great significance I attach to the ideological fight which Moral Re-Armament is waging in the whole world." And again: "Unless the work of Moral Re-Armament is carried forward, peace in the world cannot be maintained." Berlin knows the reality of communism. Ernest Scharnowski, chairman of the West Berlin Trade Union Federation, said: "MRA is the only force capable of conquering and curing the creeping paralysis of communism."

HOLLAND

An editorial in Volkskrant, largest Catholic daily newspaper in the Netherlands, and the official organ of the government party, says, "In an age in which statesmen from the West are negotiating with great difficulty with the Kremlin to achieve peaceful coexistence, in which excited youth flock to youth festivals to fraternize with the Communist world, where businessmen contract profitable business with Communist countries, where representatives of trade unions and parliaments hurry to Moscow to undergo friendly brainwashing—in this age, MRA hoists the storm signal: Coexistence is impossible. The battle is between Christ and anti-Christ.

JAPAN

Prime Minister Kishi said: "The democracies are on the defensive because of the lack of a moral ideology superior to communism. In the ideological war there is no neutrality nor coexistence. The leaders of the free nations must pay serious attention to the work of Moral Re-Armament throughout the world if we are to win in the decisive struggle for the future of mankind."

KERALA

The leaders of the uprising against the Communist government in the Indian state of Kerala went to the Moral Re-Armament assembly in Caux, Switzerland, to find a sound democratic ideology. Rajmohan Gandhi, grandson of Mahatma Gandhi, says: "The real choice before the world is Moral Re-Armament or communism. The free nations of Asia look today to Moral Re-Armament as the one hope."

LITTLE ROCK

This summer leaders of both white and Negro communities from Little Rock went to MRA's Summit Strategy Conference at Mackinac Island, Mich.

Among them was Edwin B. Cromwell, one of Arkansas' best known architects. He declared, "Little Rock will become a symbol of hope, not hatred, for the world through Moral Re-Armament."

Later MRA spokesmen were invited to address the Arkansas State Convention of the National Association for the Advancement of Colored People. They were given a standing ovation.

An outstanding Negro leader said, "Through Moral Re-Armament for the first time in my life I have lost my bitterness against the white people. I am convinced that the answer to Little Rock can come through MRA."

MAU MAU

Nahashon Ngare, a leader of 230,000 Mau Mau, who traveled through America with a colleague and the British officers who had been in charge of the camps where they were imprisoned, said: "The night of the long knives is past in Kenya but without MRA dark days lie ahead for our continent. Africa's choice is godless communism or Moral Re-Armament."

PITTSBURGH

Steelworkers of Pittsburgh last month invited the MRA plays to the Carnegie Auditorium in Duquesne, in the heart of the steel mills. Pittsburgh radio and TV stations have given 40 broadcasts featuring MRA speakers and music. The newspapers have carried news daily for the past month.

Harry Burton, President of United States Steel Workers Local 1256, Duquesne Works, said: "If the leaders of both sides of our present conflict met in the spirit of MRA, within a week's time they would negotiate the best contract ever. MRA shows how we can build the world as it should be."

SOUTH AMERICA

Eudocio Ravines, former Comintern member and founder of the Communist Party of Peru, said: "The only thing that can defend our hemisphere at this time when we face the greatest danger of our history is ideological armament. The task of all of us is to advance Moral Re-Armament throughout the world."

Our heritage is written on our coins: "In God we trust." America is in danger of losing that faith. And a country without a faith today is a country without morals tomorrow.

It has long been the policy of the Communists to soften up America from inside, to confuse and corrupt her living so that she may lose her will to resist or fight for what is right. As long ago as 1931 Dimitri Manuilsky, then of the Lenin School of Political Warfare, declared:

"Our time will come in 20 to 30 years. The bourgeoisie will have to be put to sleep, so we will begin by launching the most spectacular peace movement on record. There will be electrifying overtones and unheard-of concessions. The capitalist countries, stupid and decadent, will rejoice to cooperate in their own destruction. They will leap at another chance to be friends. As soon as their guard is down we shall smash them with our clenched fist."

A training officer at Lackland Air Force Base, where every airman receives his first four weeks' basic training, reports: "I have yet to hear a single man say that every man owes his country a duty. Not once have I seen one drop of patriotism in these kids. The rights and the privileges they know. But not their duties and obligations." (Quoted by Hanson W. Baldwin, New York Times, Dec. 12, 1959.)

America needs more than good will. She needs morally rearming. She needs an ideology. She needs to accept the President's challenge to join with him "in a renewed dedication to our moral and spiritual convictions and in that light to reexamine our own record, including our shortcomings."

George Washington listened to God at a time of conflict and gave the Nation freedom. Abraham Lincoln listened and preserved the Nation's unity. He knew the secret of God-control. He said: "I have so many evidences of God's direction that I cannot but admit this power comes from above. I am satisfied that when the Almighty wants me to do or not to do any particular thing, He finds a way of letting me know it."

Scientists tell us that "the world can be destroyed between the lunch and cocktail hour." Human wisdom has failed. Today, more than ever, we need the answer of God's wisdom. Dr. Frank Buchman, the initiator of Moral Re-Armament, says:

"We need a fourth dimensional thinking—a gift from God—that will lighten our darkness and bring a speedy answer. Wise men came from afar guided by a star, at that first Christmas. May each one of us, illumined from afar, bring a gift to all mankind that will be more acceptable than any earthly award. Ours is the eternal unity of being guided by a star to give every man and the statesman the gift of a new world."

FROM THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA

OCTOBER 29, 1959.

DEAR DR. BUCHMAN: At this critical hour, when all the resources of the free world need to be mobilized against communism, the global work of Moral Re-Armament is of the utmost significance.

The people of Washington recall the splendid reception given your plays in the city last year and we feel that the time has come for another series of performances. We warmly invite you to send to Washington one or two of the ideological dramas produced at Mackinac this past summer.

Sincerely yours,

ROBERT E. MCLAUGHLIN,
Commissioner.
DAVID B. KARRICK,
Commissioner.
Brig. Gen. ALVIN C. WELLING,
Engineer Commissioner.

NATIONAL THEATER

Moral Re-Armament presents two outstanding new stage plays, December 20–27

"Pickle Hill"

A drama with music which brings to vivid life Penn State College campus, 50 years ago when Frank Buchman began his life's work—a worldwide transformation of society through remade men.

Sunday, December 20, 8 p.m.
Monday, December 21, 8:30.
Tuesday, December 22, 8:30.
Saturday, December 26, 2:30 matinee and 8:30 p.m.

"Annie the Valiant"

The true story of how a remarkable woman took the answer from the mills to the millions. A deeply moving human drama full of laughter.

Wednesday, December 23, 2:30 matinee and 8:30 p.m.
Thursday, December 24, 8:30.
Friday, December 25, 8:30.

For reserved seat tickets without charge phone National 8-0460.

Public meetings, Sunday afternoons, December 20 and 27, 2:30 p.m.

Hear spokesmen from around the world, part of the force of 200 men and women from 26 countries. They will give firsthand evidence of an answer to deadlock and division.

Music by the MRA International Chorus.

"JOHN RIFFE OF THE STEELWORKERS"

Just published, this stirring book tells the colorful life story of John Riffe, last Executive Vice-President of the CIO.

Author William Grogan has been an officer of the Transport Workers since 1922.

Published by Coward-McCann. Hardbound $4.50. Paper $1.25. Obtainable through your bookstore.

"IDEOLOGY AND COEXISTENCE"

Here is the manifesto attacked by Moscow last week in a Tass news agency report. Fifteen million copies published in 15 languages in the past 3 months.

The booklet develops the theme expressed by Adm. William H. Standley, "The choice for America is Moral Re-Armament or communism."

For copies, 15 cents each, write to MRA, Willard Hotel, Washington 4, D.C.

(This page has been contributed by a group of citizens as a national service.)

The above advertisement from the Evening Star includes several pictures with the following captions:

Chancellor Adenauer talks with Hans Wesselek, German mineworkers' official and Communist Party district chairman until won over by Moral Re-Armament. Adenauer recently commissioned a group of these MRA-trained miners to take a play they had written to Berlin, Britain, France, and Holland to strengthen the unity of Western Europe.

A Little Rock delegation is introduced to Dr. Frank Buchman, initiator of Moral Re-Armament, at the MRA Summit Strategy Conference this summer at Mackinac Island, Mich., by Edwin B. Cromwell, prominent Arkansas architect.

In Pittsburgh, Steelworker's local union presidents talk with labor leaders from Germany, Brazil, and Japan—some of MRA's 300-man task force invited to the steel center this month.

Another method of communication is the biweekly MRA Information Service Bulletin, a copy of which, under unanimous consent, I place in the RECORD, on the subject of the mass distribution just discussed:

[From MRA Information Service Bulletin, Mar. 26, 1960]

MASSIVE WORLD DISTRIBUTION—86,000,000 HOMES GET MANIFESTO

Eighty-six million copies in 24 languages! And the presses around the world are still rolling.

These are the facts to date on the distribution of the Moral Re-Armament handbook "Ideology and Coexistence." And they represent possibly the most massive simultaneous distribution of a single book ever undertaken.

Great crises in history have produced their notable pieces of writing that have helped to shape events. In the Revolutionary War it was "Common Sense" and the other pamphlets of Tom Paine. In the industrial revolution in Europe it was the "Communist Manifesto." Today in the cold war it may be a simple, 32-page revolutionary handbook which puts in plain, unassailable language what free men everywhere need to know and long to hear.

Mr. Khrushchev has made the word "coexistence" a golden dream for some and a hideous nightmare for others. He says it is the only alternative to war, and "you must choose."

His strategy to lull the free world has confused millions. "Ideology and Coexistence" exposes the real aim of communism which has not changed. This manifesto offers the world an alternative ideology and presents the choice for every man—Moral Re-Armament or communism.

General Guisan, Swiss wartime commander in chief and national hero, wrote the foreword to a Swiss edition which went in 3 languages to 1,600,000 homes. "On the ideological plane neutrality can be dangerous, for refusal to fight for what is right plays the enemy's game. I long that our whole people should face realistically the forces which confront each other today, that we draw from our traditions a relentless determination to safeguard at all costs the freedoms we inherit."

A committee of Scandinavian patriots, determined to end the ideological softening up of their countries in the face of Khrushchev's offensive, met in Stockholm last November. Within a month an edition of 6,700,000 in 5 languages was being distributed to every home in Norway, Sweden, Denmark, Finland, Iceland, Greenland and the Faroe Islands. The copies distributed in Scandinavia were sufficient to fill a freight train of 33 cars. In parts of Greenland the manifesto was dropped by airplane. Reindeer sleds carried it to parts of Lapland and it was delivered by dogsled to huts in tiny villages.

Now every home in West Germany, as well as in Britain and France, and the principal cities of Italy, are to have the manifesto in a bold bid to undergird European unity with a moral ideology that wins the loyalties of Communist and non-Communist alike.

A Greek edition has gone to every Greek family in Cyprus, the first copy going to Archbishop Makarios. They were distributed mainly by former EOKA fighters. It has been translated into Turkish and is going to every Turkish household as well.

Following a national press and radio campaign the manifesto was distributed to 3 million homes in Holland. Four printers worked together and 5,000 people were employed in the distribution of the 90 tons of printing.

During this month it has been sent to 4,340,000 homes in Canada. Korea and Taiwan are other countries where it goes widely throughout the nation. Hong Kong has printed an edition in Chinese for distribution there and in southeast Asia.

"Ideology and Coexistence" has already been printed in five languages of India and sent to all members of both Houses of Parliament and ministers in the central and state governments.

In Japan 30,000 copies have been taken by the Defense Bureau to issue to every army officer. The first edition of 500,000 has gone to the leadership of the country.

Meanwhile a million copies are being printed in South Africa in English and Afrikaans. In Nigeria it has already gone to every member of the federal and regional parliaments.

The edition in French went to the Cameroon Parliament on the eve of their independence. Editions are being planned in Arabic for north Africa and the Middle East and in Swahili for east Africa.

Portuguese and Spanish editions have been printed for the Latin American countries.

What is the overall effect of such a global offensive?

1. The handbook has been very widely read and deeply studied. In Sweden the post office made a test and found that 72 percent of copies had been read. This compared with the previous highest readership of 40 percent from a normal postal distribution. Letters were received at the MRA headquarters at the rate of 500 a week.

Study groups have been formed in every country to go through the manifesto in detail and plan the application of its truths. In Holland it is the subject of instruction classes in the army.

2. It has been the subject of editorial comments and news stories everywhere. A thousand articles appeared in Denmark alone in one month. The Swiss foreword of General Guisan appeared in practically every newspaper in the country and there were editorials in 100 papers.

In Canada the handbook has been hailed in a series of notable editorials from coast to coast.

3. Moscow has attacked this handbook on a world scale through Tass, Pravda, Izvestia, Trud, and the World Marxist Review. In recent months there have been 100 attacks over Moscow, Tashkent, and Peking radios.

4. This great undertaking is calling out the sacrifice and conviction from thousands of people who see in MRA the one hope.

Up to now the operation in Europe and Asia alone is costing roughly $2.8 million. Businessmen have sold capital assets and made them available. One man sold a block of apartments and gave $56,000. Many have sold life insurance, property, jewelry. A company lawyer who has already given all his capital pledged his life insurance. A married man who had just inherited $25,200, gave the entire amount. A musician gave her grand piano. It has involved the enlistment of the paper, printing, and distributing industries on a vast scale. Swedish pulp and paper firms have made a contribution for the French edition. The printing costs are being borne by Germany, a unique gift to meet a unique crisis.

5. The handbook is focusing everywhere the will to fight for freedom based on absolute moral standards and an ideological answer to communism.

The distribution in Finland (in the face of violent Soviet opposition) "brought new courage to the whole country," said one of the leading businessmen.

From all over the Nordic North people wrote, "Thank God someone has at last had the courage to speak out."

"MRA or Communism" is discussed on street corners, in coffee shops and clubs in every village in Cyprus.

Observers in Kerala report that the statewide distribution 8 days before the crucial elections last month had a wide influence in helping to sweep the Communists out of office, and in cementing the unity of the different political and religious groups opposing communism.

1960 is a year of choice. The future depends on the willingness of free men to make the right choice of the right alternative.

TUMULTUOUS WELCOME IN TOKYO FOR MRA FORCE

An MRA international force from 15 countries, including the cast of the German miners' play, "Hoffnung," was given an overwhelming reception in Tokyo this month just before Chancellor Adenauer's arrival there from Washington.

Prime Minister Kishi, leaders of Government and Opposition parties in the Diet, of organized labor, of the military, and of the press, joined in receiving this global force at the time when the free world most needs the power and clarity of a uniting ideology.

"The Prime Minister welcomes you from the bottom of his heart," said Saburo Chiba, Chairman of the Security Committee of Japan's Government Party, personally representing Mr. Kishi at Tokyo International

Airport for what was described as a "tumultuous" reception on the part of dozens of pressmen, batteries of cameramen, a brass band, and hundreds of eager citizens.

"Since you left Germany," Mr. Chiba continued, "you have done a great work in Italy, Cyprus, and India to promote real peace. You will bring Japan the change we need."

On hand to welcome the German miners dressed in their traditional costumes, were representatives of the German Embassy in Tokyo, along with members of both Houses of the Japanese Diet, and Kensuke Horinouchi, former Ambassador to Washington. Flower bouquets were presented to the miners' wives by the wife of the Korean Ambassador, Mrs. Yiu.

Only a few weeks previously these miners with their play, "Hoffnung," had been commissioned by Chancellor Adenauer on a similar ideological mission to Britain prior to his historic visit there to confer with British leaders.

"On behalf of the Japanese workers," declared Renzo Yanagisawa, National Chairman of the Japanese Shipbuilders' Union, "I welcome you. We used to say, 'Workers of the world unite.' That is out of date today. Dr. Buchman says, 'Workers unite the world.' You are showing that through your example. As your play gave unity to Europe it will give unity and clarity to Japan."

The international force was later welcomed in a meeting and press conference at the new Ozaki Memorial Buildings erected across the road from the Diet to commemorate Yukio Ozaki, father of Japanese parliamentarianism, who presented the famed cherry trees to Washington, D.C. This was the first use of the new buildings.

Viscountess Sohma, daughter of Ozaki, told the German miners, "You represent a new Germany with the right idea to unite the world. We need here the answer you have found in your country."

Lt. General Inoue declared, "Wars are won on the offensive. The free world is on the defensive. We need an ideological weapon to put us on the offensive. It is MRA. At the age of 68 I give the rest of my life for this ideology."

Meanwhile, news of the international force in Tokyo went to scores of millions in Japan over all TV channels and in the biggest dailies. The German miners were interviewed on a popular news telecast by senior commentator Ejiri, bringing forcefully into Japanese homes the choice of MRA or communism.

The three Colwell brothers of Hollywood, on their fourth visit to Japan with MRA, captured the Japanese journalists and photographers with their songs and convictions about an answering ideology for Asia, just at the time when the Japan-America Security Pact was under debate in the Diet. Along with the Colwells, representatives from Europe, the Middle East, Africa, Asia, and America were interviewed.

Reporting the miraculous turn of events in Cyprus, Andreas Vassiliou told the pressmen, "Moral Re-Armament has done more than any other force to reconcile the Greeks and Turks. Through this superior ideology, Cyprus will maintain peace and unity in the Middle East."

On their arrival in Tokyo the German miners were informed that already 20,000 requests had come in for the 14,000 seats available for the Tokyo showings of their play, "Hoffnung."

Ideology Enters Every Home in Canada

From coast to coast last week every home in Canada—4,340,000—received through the mail a copy of the handbook, "Ideology and Coexistence," in English and French language editions.

Homes off the fog-shrouded Newfoundland coast that can only be reached irregularly by boat, snowed-in and isolated farms on the prairies, every Indian village and Eskimo outpost, in the historic cities of French Canada and throughout the oil and mineral rich areas of western Canada—every householder received this book.

The massive response was demonstrated by the flood of letters, phone calls, contributions and editorial and news comment that quickly poured in.

After reading the booklet an intelligence officer said, "This is the finest thing I have ever seen and exactly what the world needs." The mother superior of a convent school wrote enclosing a dollar and asking for information about MRA films. "This is what I have always thought and taught," she said. "Please send further copies. We are very poor financially but I believe rich in ideology." A university student wrote, "This has awakened me from my apathy."

Thoughtful editorial comment evaluated this book against the ideological crisis the free world faces today.

The leading editorial in the Calgary Albertan said, "The massive web of Communist propaganda and subversion has never before been challenged on a scale comparable to the effort being made right now by the Moral Re-Armament movement with its distribution of the vigorous handbook, "Ideology and Coexistence." What is the importance of "Ideology and Coexistence"? The answer is that it has provided for the first time for many millions of people a clear understanding of the meaning and intent of communism as well as a cohesive ideology with which to fight it."

La Presse, largest French language paper on the American Continent and the second biggest newspaper in Canada, wrote under the headline, "Moral Re-Armament Challenges All Men of Faith." "This organism is a challenge to all men of faith of whatever creed to form a united front against atheism. It aims to point out to the world the indisputable choice facing humanity—in the words of William Penn, 'Men must choose to be governed by God or they condemn themselves to be ruled by tyrants.'"

Another French language paper from the Province of Quebec, La Voix de l'Est, clearly pointed out the strategic importance of this manifesto at this time. In a lead editorial it said, "'Ideology and Coexistence' expresses in clear terms the true ideology of the free world and offers an answer to communism. The whole Christian world recognizes today the supreme significance of the universal action of Moral Re-Armament. We must bring the answer to atheistic communism."

In an article entitled, "Fundamental Point in the Fight To Answer Communism," L'Action Catholique, Quebec City daily, wrote, "A revolution of the heart and beyond that of arms is the fundamental point of the battle to answer communism undertaken by Moral Re-Armament."

On the morning of Chancellor Adenauer's arrival in New York, Canada's most quoted editorial page, the Ottawa Journal, said, in an editorial on "Clarity and Moral Power," "'We need,' says Konrad Adenauer, 'an ideology that brings clarity and moral power into shaping international relations.' The West German Chancellor goes on to say, 'A nation without an ideology is self-satisfied and dead. A nation with an ideology is always on the offensive.'"

"New Weapon in Our Hands" Jensen Tells Congress

The Honorable Ben F. Jensen speaking before Congress on March 14, 1960, said:

"Mr. Speaker, it is by a most happy combination of events that at this time [of Chancellor Adenauer's visit to Washington] a new weapon in the ideological struggle is being put into our hands. It is this handbook, 'Ideology and Coexistence,' prepared by Moral Re-Armament. It has been published as a weapon to put America and the free world on the offensive in this war of ideologies. It sets forth in pungent sentences the true nature of communism and presents the one effective universal answer.

"The strength of the statements in this handbook and the ideology which it represent is proved by the violence of the attacks which Tass—the Soviet News Agency—Pravda, Izvestia, Trud, and the Moscow, Tashkent and Peiping radios have launched against it, noting that this handbook 'is putting an end to the ideological softening up of the free world.'

"To my knowledge this handbook is receiving one of the most massive simultaneous distributions in the history of the world."

Adenauer's Statesmanship Honored

"Mr. Speaker, during these days we are honored and happy to welcome to this country the distinguished Chancellor of West Germany.

"In the years since World War II he has stood out as a dauntless fighter for freedom and an architect of the unity of the West. Better than most he understands the nature of the ideological struggle we are in right now. For he and his country are on the very front line of that struggle.

"He and his family were among a group of 150 picked leaders of Western Germany who, at the end of the war, came to the Moral Re-Armament Assembly at Caux, Switzerland. There began the close friendship of the Chancellor with Dr. Frank Buchman, the initiator of Moral Re-Armament, an association which has grown and deepened over the years, and which has had a profound effect on this history of Western Europe.

"It is fitting that at the time of Chancellor Adenauer's stay in this country means such as this (the distribution of the handbook 'Ideology and Coexistence') are available to strengthen the fundamental beliefs and qualities of the American people and restore to new life and power the precious heritage of our forefathers and the great destiny of our land."

Analysis of the World Scene

(By Graham Turner)

The manifesto "Ideology and Coexistence" is born into a world confused and divided against itself. As nations falter in the search for an effective policy, the man-in-the-street is the prey of views he cannot test, and falls foul daily of the prejudices, the hotheaded sensation and the deliberate distortion which large sections of the national press, radio and TV offer him.

Many a heart turns hopefully toward the summit. The hopes and fears of millions of ordinary men express themselves thus as they watch the statesmen perambulate, striving for solutions but never reaching a resting place.

Berlin Center of Ideological Clash

One fact, clear and undeniable, emerges from the confusion. It is that for the last 9 months Russian threats against Berlin have paralyzed Western policy to such a degree that our entire thinking has focused on the fear of crisis there.

But it has had another repercussion. It has turned Germany into the stumbling-block to peace in the mind of the peace-loving public. Chancellor Adenauer, who has stood uncompromisingly for the freedom of Berlin, has been painted as a stubborn, illogical old man who bars the way to agreement.

As this mood has been developed, the way has been prepared for an open smear campaign to undercut Adenauer and West Germany. The British Foreign Secretary, Mr. Selwyn Lloyd, put the simple fact in the House on February 10 when he said, "There has been a sustained propaganda campaign against Dr. Adenauer and the Federal Government. It is part of a campaign to disrupt NATO by detaching Germany from it. It has been skillfully done by playing on the emotions of the past."

The swastika rash was a perfect illustration of the way in which the smear worked. There were 1,000 incidents in 34 countries. They were used to inform the world that the Nazis were returning to power in West Germany. The Daily Worker day after day took up the theme. Other British newspapers, of the political right and left, joined in the chorus. But the Paris Le Figaro of January 7 spotted the point and wrote: "Who but international communism could have an interest in sowing suspicions about West Germany on the eve of the East-West meetings? To make people believe in a renaissance of anti-Semitic nazism in Germany • • • is the best way to isolate Chancellor Adenauer."

When the swastikas had played their part, they went as swiftly as they had arrived. They were merely the opening salvo in a mighty smear attack which will continue on every possible issue until May and beyond. The next line of attack was German bases in Spain.

Leaked to the press, the news that Germany had approached Spain for supply bases was seized, magnified and distorted as evidence of a Franco-Adenauer pro-Fascist front with atomic weapons lurking somewhere in the background.

Mr. Dean Acheson, former American Secretary of State who has just returned from a thorough tour of Germany, exposed Soviet aims in the New York Times of February 29. The first stage of their plan, he says, is to make it plain that the United States, and hence NATO, has neither the will nor the power to protect Berlin. The second is to secure the withdrawal of American forces from Europe and the dissolution of NATO.

Chancellor Adenauer understands our feelings well. He recently said in Bonn, "We Germans must never forget the wounds we have caused other nations by following a wrong ideology." And his understanding is not only in words; he has suffered himself in the concentration camps of the same Nazis with whom the Communists now compare him.

So, by Khrushchev's choice, we have spent our time thinking about Berlin and West Germany. But what has been happening elsewhere in the meantime? Here is the real point, because it is in Latin America, Africa, and Asia that the Communists have made their real progress.

Strategy for South America

Take South America, for example. We hear from many sides that there is a rift between Russia and China. The nonsense of it is clearly revealed when you observe their operations in South America. Only a few weeks ago Radio Peking said, "Latin America has become the frontline of the ideological battle." Fourteen hours a week broadcasts in Spanish go to Latin America from Radio Peking. The continent is being flooded with Chinese magazines.

At exactly the same time Mikoyan is in Cuba, on a friendship visit. He was feted by the Government. When Castro asked for a loan of $20 million, Mikoyan suggested that it might look less blatant if he approached Czechoslovakia. Lenin's strategy was: "First we will take Eastern Europe, then the masses of Asia, then we will encircle the United States." Has it altered one jot?

Now the strategy is followed in Africa, too. Recently the East Germans opened a trade fair in Ghana. In his opening speech, the East German spokesman accused West German troops of having taken part in the French atom bomb explosion in the Sahara disguised as Legionnaires. This was the same accusation as appeared in the British left-wing press, but that is incidental. The East German Premier, Grotewohl, sent a telegram to Nkrumah.

Much of the press has given the impression that the Khrushchev visit to Indonesia was a flop. Yet Sukarno has accepted a large trade and aid program which gives the opening for thousands of Russian scientists, technicians, and students to pour into the country. Have we in Britain considered Indonesia in these last weeks? Yet Indonesia has taken another step toward the Bamboo Curtain.

Peaceful Coexistence

The Communists have a clever, bold, and mobile strategy which exploits blind idealism as easily as it mobilizes bitterness. It touches the longing for peace which is in the heart of every man. Take the phrase "peaceful coexistence." What does it mean?

In the Western nations it means a wave of strikes in key industries, designed to destroy their economy. In Cyprus it means an all-out fight to wreck the London and Zurich agreements, in alliance with the right wing opposition to Makarios if necessary. In Algeria it means the reverse—opposition to the rightwing and support of a quite unviable solution entailing the breaking of all French connections with the Sahara oil companies. "Peaceful coexistence" means that, suiting your tactics to the situation, you do everything to subvert and destroy.

"Ideology and Coexistence" is a clear challenge to a world which will not face reality. Its choice is simple: Moral Re-Armament or communism.

Answer for India's Millions: "When MRA Meets Communism Head On, MRA Always Wins"

The scrawlings of hammer and sickle in the city streets were overshadowed. Gay banners proclaiming the MRA play "Hoffnung" now dominated the scene. Kerala, for 2 years under Communist rule, was welcoming a new idea to her capital.

In 1957 the 16 million people of this beautiful State of timber and tea plantations voted in a Communist government. Two years later what Pandit Nehru termed a "mass upsurge" forced the President of India to dissolve the Communist government and order fresh elections.

Only 7 days after the formation of the new democratic cabinet the MRA force arrived. They came on the invitation of the Chief Minister and the leaders of the State.

Fifteen thousand people managed to pack into the University Convocation Hall during the 6-day run of "Hoffnung" in Trivandrum, Kerala's capital city. On March 1, premiere night, official cars with pennants flying and a steady stream of people moved in the main gate where the great trees were decorated with colored lights.

"It seemed as if all the traffic of Trivandrum" said one journalist, "bicycle, bus or on on foot, was heading in one direction only—to the theater."

Sri Mannath Padmanabhan, 83-year-old leader of the Liberation Movement which ousted the Communists, introduced the play, saying, "Kerala can never be grateful enough to the ideology of MRA. Through transforming human nature it is answering forever the onrushing menace of communism." In the front row sat Gov. Ramakrishna Rao, and four cabinet ministers.

Night after night, thousands poured into the theater. Members of Parliament flew specially from New Delhi to see the play. Those who could not get in read daily front-page press accounts of the progress of the MRA force.

Chief Minister P.T. Pillai asked the MRA force to call upon him and discuss how to solve the urgent problems of Kerala. "I highly value your ideology," he said. "I am wholly with you in bringing this answer to communism. Your ideology is the continuation of the work of great teachers like Buddha, Mohammed and Gandhi."

Nine out of the eleven members of the new Kerala cabinet, the university vice chancellor, a Catholic bishop, and senior government officials attended a dinner at Kanakakunnu Palace and conferred with the miners.

Communist Reaction

The Communists were alarmed by the MRA advance. The alliance of the democratic parties was being cemented. After 3 days of deliberations, the State Council of the Communist Party launched a statewide campaign of protest. Janayagan, the official Communist organ, carried a page-length editorial attacking the Governor. His decision to give Convocation Hall free for performances of Hoffnung and to make a State treasury contribution toward the MRA force was the talk of Kerala.

The chief minister's own paper, Kerala Janatha, carried a two-column leading article refuting the attack. Under the headline, "Unintelligent Thinking of M.P." this spirited article says, "The way in which a certain Member of Parliament has been discussing MRA we have ignored because it is not worth thinking about. The attack by the Communist paper and this M.P. against Moral Re-Armament shows the deep degradation into which they have fallen. We feel this M.P. is off his head and his pronouncements are against the culture of Kerala. Kerala is not Russia or China but India.

"When Chou En-lai entered the northern frontier of India like a thief, what was this M.P. doing then? Will he kindly tell us how Chou En-lai should be received? MRA is not a danger to this country and not an enemy, whereas Chou En-lai with his force is an enemy, and yet he is going to be welcomed like a king. To unintelligence and nonsense there must be a limit, but this Member of Parliament has exceeded that limit."

P. S. Abraham, registrar of the university said, "When MRA meets head on with communism, MRA always wins."

Kerala life is focused on education. It was here that Communist efforts to indoctrinate the youth had triggered the freedom struggle last year.

At University College this month students crammed doorways and windows to hear MRA spokesmen. Mr. V. R. Pillai, the rector, said, "MRA is an ideology which is neither anti-Communist or anti-capitalist but for the whole world. It brings change in the thinking and living of men."

After many years as director of public instruction in Kerala, which boasts the highest literacy rate in India, Mr. A. N. Tampi gave as his experience that "education and literacy by themselves do not give the secret of how to live together. Every means has been tried, but only MRA has succeeded. You are bringing back the readiness to sacrifice that should be normal. You bring what Gandhi brought and we have stopped living."

Students Pack Hall

Students stood 20 deep at the back of the hall in Mahatma Gandhi College, the leading educational institution of the state, to hear international speakers. Manmathan, principal of the college, said, "MRA has created an indelible impression on the minds of the people of Kerala. It is creating a new age through people united in remaking men and nations."

In Kottayam, in the same college hall where the liberation movement was launched, MRA was proclaimed to an enthusiastic crowd. The principal of the Hindu college declared, "This is the most important event to take place in the history of our institute."

A leading Communist student said, "I have never seen students so completely gripped."

In New Delhi, Rajmohan Gandhi, grandson of the Mahatma, and Peter Howard, noted British journalist, both traveling with the MRA force, were received by Dr. Rajendra Prasad, the President of India.

"HOFFNUNG" IN MADRAS

In Madras, the governor of the 30 million people of the state, gave a reception for MRA. The city's largest theater could not contain the crowds who turned out for the performance of "Hoffnung." The speaker of the Madras state assembly, Dr. Krishna Rao, said that MRA is democracy's answer to hate and division in the world.

T. V. Ananham, General Secretary of the 52,000 South India Railway Workers, speaking to a crowded union meeting, stated that since both management and labor had seen the MRA plays in 1953 there had been no strikes and conditions had improved. "The Southern Railwaymen are greatly indebted to MRA," he said. "We stand now for what is right and the moral principles of Dr. Buchman."

The leading women of Madras received the force. Muda Krishnamurthy, the secretary of the Women's Indian Association, said, "East and West meet in the ideology of MRA. It brings a revolution in people like me. Your ideals must run faster than sputnik."

In Thiruvella, P. S. George, treasurer of the state congress committee, said, "You leave a rich heritage here—people committed to MRA. We have a big responsibility. We have got to do the job."

AFRICANS ROUSE NORDIC NORTH

(By Derek Gill)

In ice-bound Oslo they rubbed their eyes when they saw two Africans, wearing traditionally colorful robes, and striding down the main shopping street. John Amata, a political leader from Nigeria, and Manasseh Moerane, a former president of 10,000 teachers in South Africa, were 2 of the 5 members of an African force which has been on a whirlwind tour of four Nordic countries.

"Africa," they told the Finns, "is fighting shoulder to shoulder with you in presenting the nations with an ideology that will win the world for God." "Africa," they told the Swedes, "is finding the answer to racialism, to the fear born of hatred and greed." "Africa," they told the Danes, "demands permanent freedom, and needs the help of free people everywhere to prevent a new and more sinister imperialism feeding on new-found independence." "Look at your map of Africa," they told the Norwegians. "Think what would happen to your fair country of forests and fjords were Africa to become another Red China."

With Amata and Moerane were three white South Africans, members of a racial group which, in the eyes of the world, symbolizes the dark passions of the color bar. But these three white South Africans were men freed of bitterness and fear—freed by an ideology which united them with the Africans.

"You have hit our country with the force of a nuclear explosion," a Swedish politician told the MRA African force. "You have persuaded me that I too am at war," said a Norwegian churchman. "Out of the dark continent has come a light to show us the enemy," said a Danish businessman.

FINLAND

In Finland, the grand old man of Nordic Socialism, Dr. Vaino Tanner, invited the visitors from the South to speak to his party's parliamentary faction. Finnish Education Minister Keikki Hosia, greeting the visitors, was photographed by a battery of newsreel and press cameras. In Finland, where, in the words of an industrialist, "we feel the hot breath of communism down our necks," men and women listened with surging hope as the Africans outlined the global struggle.

When a Finnish student asked cynically where was the association between Africa and his country, we told him that in Africa there were 4 million white people with fear in their hearts for 200 million black people. In Finland, we said, there were 4 million people with fear in their hearts for a neighboring state of 200 million. "The answer to fear is the same in every language," we told the Students' Association. "The answer begins in the heart of the individual, and the answer will end when the world is freed of the hate and the beastliness that are its fruits."

In a 40-minute television program from a Helsinki studio, the African MRA force pierced the Iron Curtain.

SWEDEN, DENMARK, NORWAY

At the Stockholm Airport, the King's Chamberlain, Mr. James Dickson, was the first to greet the visitors. Dining with the highest military leaders in the country, the Africans discussed the global strategy of the ideological conflict.

Arriving in Copenhagen in subfreezing weather—conditions vastly removed from the familiar hot veld and steaming plantations—the Africa force were whisked to a television studio where they were featured in a live peak-hour program, seen by over one million viewers.

A glittering dinner attended by Copenhagen's most influential citizens and members of the diplomatic corps climaxed a dawn to midnight schedule, which included sessions with the Foreign Minister Jens Otto Krag, and Deputy Speaker Ole Bjorn Kraft.

Thus to Norway, where the MRA Africa force found itself hot on the heels of Soviet Minister Mikoyan, who, 3 days earlier, had paid Oslo, a purposeful visit. Indeed, Mikoyan had been drawn into public debate on the ideology of MRA when, before a vast crowd, he was asked by noted Norwegian journalist, Erik Egeland, to compare his creed with the only other world ideology—and to choose the better.

Here again the Africa force found doors opened to the homes and offices of the most important in the land—including the Foreign Minister Hallvard Lange, the Chairman of the Nobel Peace Prize Committee, Mr. Jahn, and the Speaker Mr. Langhelle, who, in precedence, stands next to the King.

As the Africa force flew out today, they were told that after the sledgehammer blow of the manifesto ("Ideology and Coexistence") and the follow-up punch of the visitors from the sunny south, the north was ablaze and ready to take on the remaking of the world.

AND ON TO ICELAND

The President of Iceland, Asgeor Asgeirsson, officially received in Reykjavik an MRA force, both white and black, from South Africa, Rhodesia and Kenya. In an hour-long interview he heard them present the global ideological alternative of Moral Re-Armament or communism.

Others who received the force included the Minister of Culture, the bishop of Iceland, the Chairman of the Trades Union Congress, the Danish, Norwegian, and German Ambassadors. The chief editors of the three largest newspapers dined with the Africans and the press carried extensive coverage of their visit.

A packed audience, with 100 standing, saw the premiere of "Freedom," the full-length African feature film, at Reykjavik's largest theater.

ON THE OFFENSIVE

(By Air Commodore N. Blair-Oliphant)

We are being brainwashed.

The Communists would have us believe that we have only to give up our nuclear weapons for the world to live in peace. Their promotion of the concept of peaceful coexistence is part of their plan to undermine our will to resist.

The democracies are already on the defensive. Our defense strategy, based on nuclear weapons, has been one of deterrence and massive retaliation. It has been successful in preventing a war of arms. Right now, however, the Communists are engaged in a war of ideas. In this field defense by itself is not enough. The only effective strategy is a massive offensive with an ideology superior to communism.

We need to prevent the war of arms, but we must win the war of ideas.

Armament is the expression of a nation's will to resist.

Moral Re-Armament is the expression of a nation's will to win.

In "Ideology and Coexistence" we have a weapon for massive offensive action.

The above issue of MRA includes several pictures with the following captions:

The Governor of Kerala, H. E. Ramakrishna Rao, gives a reception at his residence to launch the Moral Re-Armament offensive of German miners with a force drawn from 14 nations. Seated at the center is Mannath Padmanabhan, 83-year-old leader of the liberation struggle which ousted Communists from power. Padmanabhan, who invited Moral Re-Armament to Kerala, said, "We must give a permanent answer to communism and unite all those who believe in God."

Hans Herrig, former veteran Communist leader and ex-chairman of the Communist Party in Castrop Rauxel in the Ruhr, speaks to workers of the Kerala state Transport Workers Union at the union headquarters in Trivandrum.

The president-elect, Archbishop Makarios, receives German miners from the Ruhr at the archbishopric where they talked together for 45 minutes.

It is a unique event in Cyprus to see more than a thousand members of the Greek, British, and Turkish communities, not only assembled in one place, but unitedly acclaiming one idea.

The Vice-President-Elect of Cyprus, Dr. Kutchuk, receives the MRA force which includes German miners from the Ruhr.

The Governor Sir Hugh Foot on the lawns at Government House receives a miniature miner's lamp from Robert Wegerhoff, Ruhr miner, who is part of the MRA ideological force presenting the German play "Hoffnung."

I would like to outline another method by which the Moral Re-Armament program conducts its work. Under the leadership of outstanding Americans in the U.S. Senate, such as Senator HUMPHREY and others, a play called "Hoffnung"—Hope—on the subject of Moral Re-Armament, given by German miners from the Ruhr, is being brought to America. Following is a news item dealing with this subject:

U.S. SENATORS INVITE PLAY, ADENAUER SUPPORT ASKED

Eleven U.S. Senators cabled Chancellor Konrad Adenauer for support to "cement the unity of our two countries," by sending the Moral Re-Armament play, "Hoffnung" (Hope) to Washington.

"We have heard of the effective work performed by German miners with this play in uniting Western Europe," they said. "We believe that it can do much to cement the unity of our two countries at this critical time.

"We warmly invite the miners to bring their play to Washington this spring, and would value your support for this important ideological move."

They added their birthday greetings and said, "We are grateful for your statesmanship in face of the strategy of world communism."

The signatories are Senator EVERETT DIRKSEN, minority leader, and Senators FRANCIS CASE, JOHN SHERMAN COOPER, HUBERT H. HUMPHREY, ESTES KEFAUVER, OREN E. LONG, RUSSELL B. LONG, EUGENE MCCARTHY, JOHN MCCLELLAN, GEORGE SMATHERS, and ALEXANDER WILEY.

"Hoffnung" is an ideological weapon of historic importance which is creating unity between Britain, France, and Germany and is answering Moscow's bid to divide Europe. Performed by former Communist German miners it has played to packed houses in Bonn, Berlin, London, Amsterdam, and Paris.

After the Chancellor's visit to Britain 3 months ago he said the play gave him specially effective support.

Former Prime Minister and Foreign Minister Guy Mollet invited the play to France to bring ideological clarity before Khrushchev's arrival in the spring.

Many newspapers have been extremely cooperative in telling the story of Moral Re-Armament. At this point I place in the RECORD the full-page story from the San Marino (Calif.) Tribune, of Thursday March 24, 1959, entitled "MRA: The Answer to Communism":

MRA: THE ANSWER TO COMMUNISM

(By Adm. William H. Standley, former Chief of Naval Operations and former U.S. Ambassador to Moscow)

SAN DIEGO, March 24, 1959.—It is well known to all my friends in San Diego and for that matter to all San Diego residents that I am and have been for years a definite and outspoken enemy of communism. My stand on the McCarthy issue is well known to them all.

We are in a world war of ideas and our greatest need is to go on the offensive. We must awaken America to the need of arming our Nation wih an ideology as well as through economic and military means. Subversive forces are tearing down and undermining the moral strength of America. At the same time with ruthless duplicity Moscow is sweet one day and tough the next with a strategy which the free world has failed to comprehend.

Moral Re-Armament, which came to San Diego with an international ideological force of 150 men and women from 23 nations is at the same time effectively operating with similar forces in Europe, Asia, and Africa. I have known Moral Re-Armament for 20 years. I know it is effectively answering communism. Moscow attacks it for that reason. Subversive forces, aiming to weaken the free world and destroy Moral Re-Armament, have accused it of being pacifist, and are behind this mischievous propaganda.

Moral Re-Armament strives to make men and nations incorruptible and therefore a bulwark against the advance of communism in this country as well as every other free country. Moral Re-Armament provides strength for democracy. It is a continuation of the American Revolution on a world scale. With Moral Re-Armament America can go on the offensive in the world war of ideas.

To set the record straight, Moral Re-Armament is not and has never been pacifist. It shares equally in importance with material rearmament. Both are essential to our survival. Men trained in Moral Re-Armament have served and are serving with honor on many battlefields of the world. When the Second World War was over these men knew that the real battle had just begun. In the last 20 years a force of men has been built on every continent with the training adequate to the need. Moral Re-Armament ranks with the highest form of patriotism and is providing an irreplaceable national service.

Dr. Frank Buchman, the founder of Moral Re-Armament and a great American, 30 years ago saw the need for an ideological force in the free world and started then to create the answering force. He says, "We need an idea in the head and an answer in the heart as well as a gun in the hand."

Moral Re-Armament is being recognized as a superior ideology to communism throughout the world. Statesmen in key areas are turning to it. Chancellor Adenauer of West Germany in inviting an MRA force to Germany says, "Unless the work of Moral Re-Armament is carried forward, peace in the world cannot be maintained."

Prime Minister Kishi of Japan, inviting the MRA force to Japan, says, "This idea is the most needed one at this crucial time in our history."

Rajmohan Gandhi, grandson of Mahatma Gandhi, said to me, "For India the choice today is Moral Re-Armament or communism."

I believe the same choice confronts America: Moral Re-Armament or communism.

Moral Re-Armament is bringing a rebirth of democracy and is restoring God to leadership in the lives of men and nations. I have witnessed these ideological plays recently presented in San Diego by Moral Re-Armament and am more convinced than ever that they are bringing the answer for all mankind.

The excerpts from the San Marino Tribune contains several photos with the following captions:

Adm. William H. Standley, the former Chief of Naval Operations and formerly U.S. Ambassador to Moscow, in a statement printed on this page called MRA "the continuation of the American Revolution on a world scale." He adds: "The choice that confronts America is Moral Re-Armament or communism."

SAN DIEGO.—Gen. J. W. O'Daniel, seen here with some of the cast of the MRA Asian play, "The Road to Tomorrow," after a presentation in San Diego last week. General O'Daniel, who commanded the famous "Bell on Wheels" 3d Division, which fought through Italy into Germany, and was known as "Iron Mike" by his men, called MRA "the answer to communism for the whole world."

PALM SPRINGS.—Mayor Frank Bogert greets Rajmohan Gandhi, grandson of the Mahatma. The mayor presented the keys of the city to Gandhi and the MRA force following performances of the MRA play at the Palm Springs High School Auditorium. The mayor said the visit of this MRA force was "the best thing ever to happen to Palm Springs." The school board has since passed a resolution inviting the MRA youth play, "The New American," for a presentation in the high school at a school assembly.

WASHINGTON.—Two missile experts, Dr. S. D. Cornell, Executive Officer of the National Academy of Sciences, Washington, D.C., and B. F. Coggan, general manager, Convair, San Diego. The MRA task force has been in San Diego this week at the invitation of Coggan and other senior citizens. Speaking in Los Angeles recently, Cornell said: "Today we face three alternatives. Atomic war, world dictatorship, or renaissance for all men through MRA."

EL TORO MARINE BASE.—Maj. Gen. S. S. Jack, Commanding General AirFMP Pacific, with members of the MRA task force, following a presentation of the MRA plays at the Marine Base this week. With General Jack is a Japanese who spent 11 years in a Russian prisoner-of-war camp in Siberia. In Russian periodicals there he read attacks on MRA. The MRA plays were invited to the base by the base commander, Brig. Gen. Ronald Salmon.

BEVERLY HILLS.—Chief of Police Clinton Anderson talks before the MRA play with Kichizaemon Sumitomo of Japan. Sumitomo is head of the well known banking and industrial family which employed half a million men before the war. He has been in Los Angeles with the MRA task force.

CYPRUS.—John McGovern, member of the British Parliament for 28 years, and Zenon Rossides, Greek U.N. Delegate, and political advisor to Archbishop Makarios, confer on the Cyprus problem at the MRA assembly in Los Angeles. Rossides then flew directly to the Cyprus Conference in London, where he played a significant part. The Greek Ambassador to the U.N. recently wrote MRA expressing his "thanks for the valuable contribution made by MRA toward the settlement of Cyprus."

INDIO.—A high school audience in Coachella Valley High School sees the MRA play, "The New American," during a school assembly. This play, written by high school and university students, has had an enthusiastic response all through southern California.

An excellent article on the famous meeting between Konrad Adenauer and the founder of Moral Re-Armament, Dr. Frank N. D. Buchman, from the Tucson (Ariz.) Daily Star of March 22, 1960, follows:

ADENAUER, BUCHMAN CONFER—GERMAN, MRA HEAD RENEW FRIENDSHIP

Dr. Frank N. D. Buchman, initiator of the Moral Re-Armament program and Tucson winter resident, has just returned from 3 days spent in Los Angeles on the invitation of Chancellor Konrad Adenaur of West Germany.

Adenauer, who has been a close friend of Dr. Buchman for a number of years, had hoped to visit him in Tucson, but his official program left inadequate time for the return journey from Los Angeles, where the Chancellor received an honorary degree from the University of California and addressed the Los Angeles World Affairs Council.

Press reports of the university ceremony said that the Chancellor called for "the moral arming of youth for the struggle with communism as the major objective of education in the free world."

Adenauer, who first came with his family and staff to the Assembly of Moral Re-Armament in Caux, Switzerland, in 1948, has taken an active part in the development of MRA throughout the world. Speaking to Dr. Buchman on Saturday at a luncheon for old friends among the California leadership, he said: "I must tell you how much I value you and your work of Moral Re-Armament. It is absolutely essential for the peace of the world."

In an article which the Chancellor recently wrote in the American press entitled, "Moral Re-Armament—the World's Hope," the Catholic Statesman said, "At this time of confusion in Europe and especially in divided Germany, we need an ideology that brings clarity and moral power into shaping international relations. A nation with an

ideology is always on the offensive. A nation without an ideology is self-satisfied and dead.

"Dr. Frank Buchman, founder of Moral Re-Armament, is making a great contribution to international unity and to the establishment of social justice. The way he has labored to establish relations between men and nations on firm foundations of moral values, will never be forgotten. Unless this work is carried forward, peace in the world cannot be maintained."

On his arrival in Tokyo this week, Adenauer will be greeted by a force of 100 men and women from the Ruhr coal and steel industries of Germany, whom he commissioned to precede him to Japan with the MRA ideological play, "Hoffnung." They were invited by Premier Kishi and leaders of government and the opposition.

Following this article is a photo with following caption:

Dr. Frank N. D. Buchman, initiator of Moral Re-Armament, is questioned by Chancellor Konrad Adenauer, left, of West Germany about a historic cane which he carries. It is a replica of a famous stick belonging to Frederick the Great of Prussia and was given to Dr. Buchman by Prince and Princess Adelbert of Prussia. The two friends met at a luncheon given by the German Consul-General in Los Angeles during the Chancellor's visit.

Another article by Konrad Adenauer which appeared in the New York Journal American on Sunday, January 31, 1960, entitled "Adenauer Calls MRA World's Hope," follows:

ADENAUER CALLS MRA WORLD'S HOPE

(The ideology of Moral Re-Armament is seen by West German Chancellor Konrad Adenauer as vitally important at this stage of world affairs. His government has awarded the Grand Cross of the Order of Merit to Dr. Frank Buchman, founder of Moral Re-Armament. In the following article written exclusively for the New York Journal-American, Chancellor Adenauer discusses this ideology.)

(By Konrad Adenauer)

At this time of confusion in Europe we need, and especially in divided Germany, an ideology that brings clarity and moral power into shaping international relations. A nation with an ideology is always on the offensive. A nation without an ideology is self-satisfied and dead.

Communism has gone through many phases—Marxism, Leninism, Stalinism, now Khrushchev. But one thing has remained unaltered—its aim of world domination. We must be prepared to continue the ideological struggle for several decades yet, but I am convinced Khrushchev's grandchildren will not be Communists.

Dr. Frank Buchman, founder of Moral Re-Armament, is making a great contribution to international unity and to the establishment of social justice. A lasting memorial to his work is established in the hearts of mankind of this age. The way he has labored to establish relationships between men and nations on firm foundations of moral values will never be forgotten.

Now is the time to work more strongly than ever for European unity through MRA. A Europe in which freedom and brotherhood should reign can only be created when nations are mutually conscious of their moral responsibility. MRA has given most valuable stimulation to the great work of uniting Europe. Unless this work is carried forward, peace in the world cannot be maintained.

If all nations are to continue to live together, one of the most pressing tasks of our age is to overcome prejudices that exist between people, races, and nations. In this field MRA has made an important contribution.

May it above all pass on the truth that the one real hope of nations living together in peace can only be found through a change in the human heart.

We can be grateful to the men and women of Moral Re-Armament that in this world of destruction they have had the courage to raise the banner of moral values. MRA has become a household word in postwar Germany.

The German people gratefully recognize the help which has come so readily to them through MRA. Very soon after the end of the war this ideology reached out a hand to the German people and helped them make contact again with other nations. In Western Germany MRA has worked very forcefully in the creation of good relations between management and labor.

Men and nations cannot outwardly enjoy stable relations until they have been inwardly prepared for them. In this respect MRA has rendered great lasting services.

We have seen the conclusion after some difficult negotiations of important international agreements. MRA has played an invisible but effective part in bridging differences of opinion between negotiating parties. It has kept before them the objective of peaceful agreement in search for common good which is the true purpose of human life.

Begin with yourself—that, in my opinion, is the basic challenge of MRA. May this challenge ring out far and wide across the whole world and into all nations.

The Morning Call of Allentown, Thursday, December 31, 1959, published an article entitled "Admiral Sees MRA Key Red Foe," by Rear Adm. Adolphus Staton, graduate of the Naval Academy. With 40 years' service in the U.S. Navy, he holds the country's two highest battle awards, the Medal of Honor and the Navy Cross. The article follows:

ADMIRAL SEES MRA KEY RED FOE

(By Rear Adm. Adolphus Staton)

Tass, the official Moscow news agency, in two successive attacks on Moral Re-Armament 2 weeks ago, triggered off a wave of virulent accusations in the principal Kremlin propaganda organs.

The reason is obvious.

Intelligence sources in Washington reveal that MRA has been discussed in the top echelons in Moscow and Peiping and made a high priority target of world communism. One Middle East Ambassador said this week in Washington to one of my friends, "MRA is high on the Kremlin agenda because they got into Africa ahead of them."

A Finnish visitor to the Kremlin was told that the greatest obstacle to the advance of communism was MRA.

Gabriel Marcel, the noted French Catholic philosopher and author, writing in the Paris newspaper Figaro, said: "One fact which proves the scope of Moral Re-Armament is that the men of the Kremlin are troubled about it. They make many broadcasts as a warning against a movement which is undermining the very foundations of the Communist ideology."

A great American, Adm. William H. Standley, put it very clearly. He said: "I have known MRA for 20 years. I know it is effectively answering communism. It strives to make men and nations incorruptible and therefore a bulwark against the advance of communism in this country as well as every other free country. MRA provides strength for democracy. It is a continuation of the American Revolution on a world scale. With Moral Re-Armament, America can go on the offensive in the world war of ideas."

Standley knows what he is talking about. He was Ambassador to Moscow and, of course, was chief of naval operations.

The points he made were stressed by 96 Members of Congress, including the Speaker and the minority leader, in a message to Allentown's Dr. Frank Buchman expressing their gratitude on his 76th birthday. They said, "You have given a uniting idea to nations that can turn the ideological tide in the world today."

The Chaplain of the Senate, Dr. Frederick Brown Harris, described MRA as "a global crusade to win the world to the actual practice in individual lives of the New Testament. Here is the way which can turn the tide of communism."

UNDENIABLE RESULTS

My experience in naval intelligence work has shown that a force as effective as this will inevitably draw fire. It all serves to underline the undeniable results being achieved.

Those of us who understand the vital necessity of NATO realize the importance of Franco-German-British unity.

Just this week, Frank Buchman received a letter from Chancellor Konrad Adenauer, of Germany thanking him for the part MRA has played in making his recent visit to Britain the success it was. Adenauer said that MRA had upturned the thinking of Britain. He, of course, credits MRA with the miracle of postwar Franco-German unity. He says it prevented the German Ruhr from going Communist after the war. It is an established fact that Communist representation on the works councils of the Ruhr dropped from 72 percent to 25 percent in 2 years. This is what Adenauer describes as "the test case of MRA's effectiveness."

In a recent cable to Dr. Buchman, the Chancellor said, "Unless the work of Moral Re-Armament is carried forward, peace in the world cannot be maintained."

On the southern flank of NATO is the strategic island of Cyprus. Last year its bloody divisions nearly tore NATO apart.

Then came a settlement acclaimed by the London Times as "a miracle," and which Greek and Turkish leaders said was largely due to what MRA had done. It is significant that the first joint statement by the newly elected president, Archbishop Makarios, a Greek, and the vice president, Dr. Kutchuk, a Turk, was a Christmas message sent to Frank Buchman last week.

BLACK MARK

The blackest mark in America's page apparently came to a close last week with a handshake in Little Rock between Daisy Bates, president of the Arkansas NAACP, and Governor Faubus. Papers all across the country carried the picture of the two shaking hands.

Mr. Bates, as reported in the Pittsburgh Sun-Telegraph, said: "It was my wife's experience in MRA that gave her the courage to ask for this appointment with the Governor, and it was probably something of MRA in him that made him accept. This may be a turning point." The editorial continues, "MRA is one of the most effective counter ideologies to communism in the world."

Today America is in a global war of ideologies. MRA is in the forefront of this fight. That is why Holland's largest Catholic daily states in an editorial: "In an age in which statesmen from the West are negotiating with great difficulty with the Kremlin to achieve peaceful coexistence • • • when representatives of trade unions and parliaments hurry to Moscow to undergo friendly brainwashing—in this age MRA hoists the storm signal: Coexistence is impossible. The battle is between Christ and anti-Christ. The Catholic community of Holland wholeheartedly subscribes to the present call."

I agree with my comrade in arms, the late Adm. Richard E. Byrd, who said of MRA, "This is the chance for every red-blooded American to go into action to save civilization."

Of course, there are some who consciously or unconsciously misunderstand the scope of this work. A senior military figure from Washington once wrote Frank Buchman: "Your work for the establishment of practical Christianity as a vital force in the defense of our democracy brought attack from the Communist press both during the war and since. Many patriotic circles were misled by such attacks."

I am one of hundreds of thousands in this country and abroad who owe an eternal debt of gratitude to Frank Buchman. He as none other has reached down deep into our hearts to touch that spark of patriotism and roused us to stand and fight that freedom may be preserved.

By now you must have guessed that I am a bit enthusiastic about this program, but I could not close without demonstrating some of the victories that have already been achieved to prove this program will work.

Archbishop Makarios, regarding the influence of Moral Re-Armament in the well-known Cyprus crisis, stated:

We need Moral Re-Armament now more than ever to make the Cyprus agreement work.

Dr. Kutchuk, leader of the Turkish community on Cyprus, said:

Those who have seen the MRA ideology at work will create a happy island free from hate and bitterness and a true democratic government.

Perhaps hardest to prove, but equally significant, is the value of Moral Re-armament in the relations between France and Germany. The very fact that Khrushchev feels called upon to spend this long period of time in France trying to stir up new animosities between the German and the French people is significant.

Another conquest for democracy that Moral Re-Armament entered into was the province of Kerala in Southern India. Kerala had gone Communist. It was a well-known fact in the world. Rioting and violence were erupting all over the province. All of India and all of the non-Communist world feared that the fate of Kerala might become the fate of all of India. But, as we know, as a result of the activity of the Moral Re-armament forces in the province, the various political factions were drawn together to present a common front, which won a victory over communism in the elections. Writing on this, the New York World Telegram and Sun, on Saturday, March 19, 1960, stated:

Kerala with Moral Re-Armament will root out communism from India.

This was a quote of one of the leaders of this province.

Under unanimous consent I include the entire article in the RECORD at this point.

MRA, KERALA CALLED ANSWER TO INDIAN REDS

TRIVANDRUM, SOUTH INDIA., March 19.—"Kerala with Moral Re-Armament will root out Communism from India."

This is the verdict of Mannath Padmanabhan, grand old man of the crucial south Indian state, Kerala, at the end of the first 10 days of the offensive there by the international Moral Re-Armament force.

Mr. Padmanabhan is the man who, as president of the liberation movement, led a statewide campaign to oust the earlier Communist government and is called the man most responsible for the recent election victory of the non-Communist front.

At the invitation of Mr. Padmanabhan and other state leaders, the Moral Re-Armament force of German mineworkers came to Kerala with the ideological drama "Hoffnung." In 6 nights 15,000 people crowded the university Convocation Hall, the largest theater in south India in Kerala's capital, Trivandrum.

The governor, chief minister of the new cabinet and thousands of university students, Marxist leaders and Catholic and Protestant dignitaries saw the play.

Kerala has the highest Christian percentage in India, yet it was the first to elect a Communist government. A Catholic priest said after studying the impact of MRA on the state, "This is the way to answer communism."

Kerala's need is twofold. One is to keep the non-Communist alliance united. The Communist strategy is to divide the different non-Communist leaders through personal ambitions.

The second great question in Kerala is, can non-Communists win over convinced Communists? Even though the Communists were beaten in the elections they increased their total poll by a million.

The popular dailies and weeklies of Kerala, India's most literate state, carried news of the MRA offensive on front pages. Even the Communist newspaper conceded that "Moral Re-Armament has now become very popular in Kerala."

Where is the wellspring for this movement, Mr. Speaker? The wellspring begins in the hearts of people. Once they have admitted to themselves that they are listening to their innermost thoughts, perhaps it is then time to go to one of the great Moral Re-Armament centers of the world to learn how to direct the drives of the heart. In America our center is at Mackinac Island in the Great Lakes, where the facilities include living quarters for over a thousand people, a great central meeting hall, a television production studio and theater. To this island have come thousands of people from all over the world of all races and all religious creeds, meeting and crystallizing their ideas toward the concept of the true brotherhood of man. Hates and fears of generations have been wiped away on Mackinac Island. People who have not spoken to each other for years have found a common meeting ground on this little island. Similar work is being conducted at Caux—pronounced Co—Switzerland. These are training centers in the war of ideas which equip men and women to live and to apply the great truths on which this country was founded.

One demonstration of the way this work is conducted is shown by a full-page advertisement which appeared in the Arkansas Gazette in Little Rock, Ark., on Thursday, August 13, 1959, at the peak of the demonstrations involved in the segregation fight at Central High School:

A MAGNA CARTA FOR THIS MODERN GENERATION

(By Muriel Smith)

(This call to America was given at the Summit Strategy Conference for Moral Re-Armament at Mackinac Island, Mich., by this internationally known concert, stage, and opera star. Miss Smith stars in the forthcoming MRA film "The Crowning Experience." The film is inspired by the life of Mary McLeod Bethune, born of slave parents, who became adviser to U.S. Presidents, and who said of MRA, "to be a part of this great uniting force of our age is the crowning experience of my life." In the musical "The Crowning Experience," Miss Smith played in Atlanta, Ga., for 4 months last year. It later broke the 123-year attendance record of the National Theater in Washington, D.C. Miss Smith started her career as the original lead in "Carmen Jones." During her 5 years at London's famed Theatre Royal, Drury Lane, she gave a command performance for King George VI. Then in the Royal Opera House at Covent Garden, London, she played the name role in "Carmen" during 1956 and 1957.)

Born and raised with the race question in America, I have through my life and through my career tried to bring an answer to this problem. The results were ineffective and bordered on disaster. Then I met the force of Moral Re-Armament and discovered that the answer to that great wound in this Nation could begin in my heart and in my life. It meant I had to be honest about my past, clarify my motives, and unselfishly to strike out with no thought of personal gain or ambition with the love for the world that comes when we surrender our wills to be wholly committed to the power of God.

What can I do, I asked myself, to bring the answer to the American Negro? To the American people? How can I help to make a positive out of a situation which has turned into one of the least attractive aspects of democracy? Could the lessons of slavery be used to help men? We have given our Nation and the world the music of our spirituals out of that suffering. Is there something else we might give?

I thought of my days at the Curtis Institute of Music in Philadelphia. I was a scholarship student. Occasionally I was able to earn extra money as a soloist with the chorus of Lincoln University. This is the university which helped to produce two men who have become leaders in their countries, Dr. Nnamdi Azikiwe of Nigeria and Prime Minister Kwane Nkrumah of Ghana. It is one of the universities of America which means a great deal to me. Unless Lincoln and all other colleges are equipped with the right idea they will be taken over by the wrong one.

With all my heart I believe that Moral Re-Armament is the ideology we need desperately in America. I believe too, that we are 15 minutes into the hour God has given us to fight, that democracy becomes what it is meant to be—a system which enlists the total resources of everyone to remake the world.

There must be no hold back because of old patterns of bitterness and hatred which have caused so much division in our country. The ideology of communism grows on these weaknesses. The ideology of Moral Re-Armament teaches us how to heal them. When we allow our lives to be ruled by our passions, we become unwittingly the tools of men whose purpose is to control the world by any means. The end of this is slavery.

The historical past of my people and their emergence from the bonds of slavery are on the records of history as one of the great miracles of this age. We are equipped to

understand the meaning of slavery. We know what is the real meaning of victory through persecution.

I implore you in this hour of great urgency in the free world to accept this ideology of Moral Re-Armament and use it to cure the sickness of our Nation. Division can only reproduce the same conditions of slavery, but this time it will be on a global scale. Before we Americans are free to speak to the world we must be free to speak to our neighbors.

Why do we, through the unhealed hurts of the past, permit ourselves to be used to create again the same human dilemma when there is an answer? The issue is not color, it is character. The choice is communism or Moral Re-Armament.

When we rearm ourselves morally, we are free to fight to change human nature. It gives us that new character, that extra dimension of thought and action. It replaces the petty preoccupation of self with the dedicated purpose of living for a great idea.

The struggle of my people has been for full participation in the affairs of our Nation. This is the time to take the offensive with the ideology of Moral Re-Armament which alone can achieve that goal. We have been prepared by history for the supreme part in this our Nation's task in setting the whole world free.

(Moral Re-Armament is incorporated in the State of New York as a nonprofit corporation. It is supported by voluntary, unsolicited gifts. All its workers serve without salary. Checks made out to Moral Re-Armament are deductible for income tax purposes. If you wish more information write to: MRA, 640 Fifth Avenue, New York 19, N.Y., or Cedar Point, Mackinac Island, Mich.)

(This page has been contributed as a national service by a group of patriotic citizens.)

The above also includes three other pictures with the following captions:

Rajmohan Gandhi, grandson of Mahatma Gandhi, receiving the keys to the City of Washington from the President of the Commissioners of the District of Columbia on the occasion of the presentation of "The Crowning Experience" in Washington. Gandhi states, "The choice for Asia today is Moral Re-Armament or communism. I have committed my life to Moral Re-Armament."

Gabriel Marcel, eminent French Catholic philosopher tells Mr. Camille Alliali, vice president of the Ivory Coast Legislative Assembly, "the Geneva Conference will either fail entirely or wind up in compromise or disillusionment. Moral Re-Armament alone shows us the way."

Germany's Chancellor Adenauer with Phra Bimaladharma, head of 200,000 Buddhist monks of Thailand. The Chancellor cabled Mackinac, "You know what great significance I attach to the ideological fight that Moral Re-Armament is waging in the whole world against communism."

Perhaps the power of this program can best be stated by quoting from Miss Muriel Smith, the great dramatic Negro actress, who stars in the forthcoming Moral Re-Armament film, recently shown privately in Washington entitled, "The Crowning Experience," when she said:

When we rearm ourselves morally, we are free to fight to change human nature. It gives us that new character, that extra dimension of thought and action. It replaces the petty preoccupation of self with the dedicated purpose of living for a great idea. The struggle of my people has been for full participation in the affairs of our Nation. This is the time to take the offensive with the ideology of Moral Re-Armament, which alone can achieve that goal. We have been prepared by history for the supreme part in this our Nation's task in setting the whole world free.

I would like to challenge mankind to learn to know the power of Moral Re-Armament.

Mr. POAGE. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I shall be happy to yield to the gentleman from Texas who I understand is going to speak about a subject very similar in nature.

Mr. POAGE. If the gentleman will yield to me I would like to discuss a matter involved in the legislation which the gentleman from Iowa introduced, as well as the gentleman from Texas.

Mr. WOLF. I am always happy to be on the same side with the gentleman from Texas.

Mr. POAGE. I thank you.

Mr. Speaker, most of us have been in politics long enough to know that there will be different interpretations placed on our actions. We know that different individuals will honestly arrive at different conclusions. It is perfectly proper that there should be criticism of proposals which I make and which I think would be of outstanding benefit. Other citizens just as sincerely think that these proposals will be hurtful.

No one can complain about this kind of criticism. It is the way we determine the merits and demerits of pending legislation. Nor am I going to be completely upset when the chairman of the Republican National Committee accuses me, as he did last night in Lincoln, Nebr., of proposing a program to "make virtual serfs of farmers" or of presenting a "discredited blueprint for the regimentation of all agriculture."

I assume that he included the gentleman from Iowa as well as me in that statement.

Mr. WOLF. I am sure he did.

Mr. POAGE. These are more or less figures of speech and they only indicate to me that Mr. Morton recognizes in the pending Family Farm Income Act of 1960 a serious effort to deal with the ever-worsening problem of low farm income and ever-rising surplus stocks.

I do not for a minute charge that either Mr. Morton, or any other responsible Republican Member of Congress, doesn't want a solution to the farm problem. He simply wants it to be a Republican solution. And he is alarmed to find that there is real and widespread sentiment supporting the basic idea that we should establish some guidelines here in Congress which would require the actual balancing of supply with demand, the elimination of further buildup of surpluses in the hands of the Government and the reduction of Government expenditures on the agricultural program, and that we should then let the producers of each commodity work out their own programs within these guidelines.

But, Mr. Speaker, it is an entirely different thing when a newspaper and/or a farm publication circulates an alleged statement of the contents of a bill which involves direct and categorical false statements.

I would not be particularly concerned with the truth or falsity of anything that appears in the Chicago Tribune. I do not know of many people who rely on that publication for any factual information. The Tribune's reputation for bias and irresponsibility is too well known. Last week the Tribune said:

But just let anybody try to claw his way loose from the straitjacket and the commissar comes down on him like a ton of bricks. For exceeding quota or allotment, the producers "shall forfeit to the United States a sum equal to three times the current market value of such excess." For violators of any order under the Poage bill, the fine is to run from $50 to $500 for each violation and for each day it is continued.

These are indeed wonderful ways to fight collectivization and to promote free enterprise. They couldn't be improved upon if they were invented in Russia.

This statement just happens to be completely false, and I am not talking about any false implication or interpretation. I am talking about the phrases which are in quotation marks and which are said to be taken from my bill. They are just not in the "Family Farm Income Act of 1960," either as I introduced it or as any of the other two dozen authors introduced it.

Mr. WOLF. Including me.

Mr. POAGE. Including the gentleman from Iowa [Mr. WOLF], but the language quoted is not in the gentleman's bill. It just is not there. Nothing like it is there, but I am not particularly concerned by anything printed in the Chicago Tribune.

I am concerned when the American Farm Bureau Federation official Newsletter picked up this irresponsible scandal and published it on the front page of the issue of March 28, 1960. I was concerned, Mr. Speaker, both because of the false statements which attacked me as a Congressman and because of the fact that as a longtime member of the Farm Bureau, I may have been an unwitting party to this "blow below the belt."

I wonder, Mr. Speaker, if it would be appropriate for me, as a member of the Farm Bureau, to here and now apologize to me as the author of this bill. If it is, Mr. Speaker, I hereby offer my apology. Our statements—that is, the statements of us Farm Bureau members in our official publication—are false and we are sorry we made them.

As a Congressman I invite the officials of my farm organization to publish in the Chicago Tribune, Farm Bureau official newsletter, and in a letter to me which I may insert in the RECORD, the page and the line in the Poage bill—H.R. 10355—where the words occur which were quoted in the above-mentioned article as having been lifted from the Poage bill.

If Mr. Donnelly, the editor of this Farm Bureau paper, or some other responsible official of the organization, will go over the bill, page by page, and line by line, and simply show me on what page and in what line this language occurs, I will reverse my apology and put it in the RECORD. The statement to which I refer is published in quotation marks as if lifted directly from the bill. The truth of the matter, Mr. Speaker, is that neither the Poage bill, or any other family farm income bill now pending in the Congress, establishes any quotas or allotments and they do not contain any criminal penalties of any kind nor do they provide for any forfeitures.

Somebody has had a bad dream, Mr. Speaker. Somebody has built up a strawman against which they are carrying on a heroic fight. I do not object to this attack on windmills but I do not like for them to misrepresent me in order to make their attack look good.

No wonder the Farm Bureau's newsletter and the Chicago Tribune have only added to confusion in regard to the farm problem. Obviously, one who cannot, by reading, obtain a clear understanding of legislation or make a more objective report on what legislation contains, can hardly be expected to give the members back home a very clear picture of what is going on in Washington. So, again, Mr. Speaker, as a member of the Farm Bureau, I apologize for what my organization's paper has printed and I assure you that many of my fellow members back home, on the farms and in the local bureaus, will be interested in trying to get leadership in Washington and Chicago which can and will give a more factual and unbiased review of what efforts are being made by the Congress in behalf of the farm people throughout the Nation.

Mr. McGOVERN. Mr. Speaker, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from South Dakota.

Mr. McGOVERN. Mr. Speaker, I want to associate myself with the remarks of the gentleman from Texas. I noticed in the press this morning that the administration has announced compensatory payments to cranberry growers of about $10 million. Last night, in Mr. MORTON'S speech in the State of Iowa, he seemed to single out compensatory payments as a special object of his ire, and he referred to it as putting the farmers in chains. I am wondering if the gentleman knows of any special virtue that cranberries might have that entitles that crop to compensatory payments but denies it to everything else.

Mr. POAGE. No, I do not. Since I do not know that cranberries are grown in the State of Utah, I am surprised that the administration decided that compensatory payments were good for them. I do know that two of the major crops in the State of Utah are sugar beets and wool, and I do know that for years we have had compensatory payments for sugar beets and wool and that they have been highly successful and have been looked upon as right respectable programs in the State of Utah.

Mr. McGOVERN. May I also ask the gentleman to comment on Mr. MORTON'S contention that we are putting farmers in chains under a program that is entirely voluntary. As the gentleman knows our bill provides machinery whereby the producers of any given commodity that participate in this program would first have to engage in a nationwide referendum and endorse it by a two-thirds majority. Does the gentleman think that there is any regimentation in a program based on two-thirds majority rule?

Mr. POAGE. Of course, I do not think there is any regimentation to it at all. But, as I pointed out earlier in my discussion, I am willing to let people adopt different interpretations and come to different conclusions. But, I am talking about just plain lifting words, putting them in quotation marks, and saying they came from a place when they did not come from that place. I am not talking about any misinterpretation; I am talking about plain, outright, misrepresentation. That is what I am talking about.

Mr. McGOVERN. I wholeheartedly endorse what the gentleman is saying. If the administration would show as much concern about other farmers as it does for the cranberry grower, we would have a much better agricultural economy today.

Mr. POAGE. And yet the publication of a great farm organization and a well known scandal sheet in one of our great cities makes the positive statement—not implication, but the positive statement and quotes the words which they say they lifted from the Poage bill.

Mr. WOLF. I thank the gentleman for his helpful contribution on the question of the farm problem.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. HARMON (at the request of Mr. ALBERT), on account of death in his family.

SPECIAL ORDER GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to Mr. WOLF, for 1 hour and 20 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. PASSMAN and to include articles.

Mr. LEVERING and to include extraneous matter.

Mr. SAYLOR.

(At the request of Mr. BREWSTER, and to include extraneous matter, the following:)

Mr. MULTER in two instances.

Mr. COLMER.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S. J. Res. 128. Joint resolution to establish a commission to formulate plans for a memorial to James Madison.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on March 30, 1960, present to the President, for his approval, bills of the House of the following titles:

H.R. 24. An act to provide that certain real property of the United States situated in the State of Nevada shall be held in trust for members of the Fort McDermitt Paiute and Shoshone Tribe of Indians of the Fort McDermitt Indian Reservation, Nev.;

H.R. 1540. An act for the relief of the estate of John Steve;

H.R. 2164. An act to reduce the cabaret tax from 20 percent to 10 percent;

H.R. 2740. An act to amend section 2734 of title 10, United States Code, to extend the statute of limitations in the case of certain foreign claims;

H.R. 2849. An act for the relief of Oscar A. LaBranche;

H.R. 4483. An act to amend the act of December 24, 1942 (56 Stat. 1086, 43 U.S.C. 36b), entitled "An act to authorize the Secretary of the Interior to acquire lands or interest in lands for the Geological Survey";

H.R. 4586. An act to amend section 4021 of the Internal Revenue Code of 1954;

H.R. 5270. An act to authorize the Secretary of the Interior to convey to the Metropolitan Water District of Salt Lake City, Utah, all right, title, and interest of the United States in certain lands located in Salt Lake County, Utah;

H.R. 5301. An act for the relief of Harry E. Nelson;

H.R. 5887. An act to amend the Tariff Act of 1930 to place ground, powdered, or granulated seaweeds on the free list;

H.R. 6023. An act for the relief of William J. Kaiser;

H.R. 6027. An act for the relief of Joseph J. O'Loughlin;

H.R. 6132. An act relating to the rate of tax on the issuance of shares or certificates of stock by regulated investment companies;

H.R. 6136. An act to authorize the sale of certain tribal land of the Lac du Flambeau Band of Lake Superior Chippewa Indians, Wisconsin;

H.R. 6402. An act for the relief of Victor Stiglic;

H.R. 6516. An act to approve a contract with the Conejos Water Conservancy District, Colorado, to ratify its execution, and for other purposes;

H.R. 6885. An act for the relief of Neal E. Andersen;

H.R. 6948. An act for the relief of Miss Marion A. Cramer;

H.R. 7037. An act for the relief of Carl J. Fisher, captain, U.S. Army, retired;

H.R. 7079. An act for the relief of Don L. Herring;

H.R. 7116. An act for the relief of George W. Gibson;

H.R. 7365. An act for the relief of Mrs. Nell C. Player;

H.R. 7447. An act for the relief of Paul Levitt;

H.R. 7636. An act for the relief of Mrs. Viola H. Rooks;

H.R. 7889. An act to require marketing quotas for rice when the total supply exceeds the normal supply;

H.R. 7933. An act for the relief of Mrs. Virginia Bond;

H.R. 8106. An act to provide for the relief of certain members and former members of the Department of the Navy for the expenses of temporary storage of household effects;

H.R. 8318. An act to amend the Internal Revenue Code of 1954 to exempt bicycle tires and tubes used in the manufacture or production of new bicycles from the manufacturers excise tax on tires and tubes;

H.R. 8801. An act for the relief of the Maco Warehouse Co.; and

H.R. 9599. An act to provide transportation on Canadian vessels between ports in southeastern Alaska, and between Hyder, Alaska, and other points in southeastern Alaska, and between Hyder, Alaska, and other points in

the United States outside Alaska, either directly or via a foreign port, or for any part of the transportation.

ADJOURNMENT

Mr. BREWSTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until Monday, April 4, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2004. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Panama Canal Company and the Canal Zone Government for the fiscal year ended June 30, 1959 (H. Doc. No. 366); to the Committee on Government Operations and ordered to be printed.

2005. A letter from the Secretary of Commerce, transmitting a report by the Department of Commerce relating to a study of the effect of the increases in postage rates of third-class bulk mail matter, pursuant to Public Law 85-426; to the Committee on Post Office and Civil Service.

2006. A letter from the Director of the Bureau of the Budget, Executive Office of the President, relative to reporting that the appropriation to the Department of Justice for "Support of U.S. prisoners," for the fiscal year 1960, has been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665); to the Committee on Appropriations.

2007. A letter from the President, Export-Import Bank of Washington, transmitting the report of the Export-Import Bank of Washington covering the period July to December 1959, pursuant to section 9 of the Export-Import Bank Act of 1945, as amended; to the Committee on Banking and Currency.

2008. A letter from the Secretary of Labor, transmitting a draft of proposed legislation entitled "A bill to amend the Federal Employees' Compensation Act, as amended, to make benefits more realistic in terms of present wage rates, and for other purposes"; to the Committee on Education and Labor.

2009. A letter from the Administrator, General Services Administration, transmitting the report of the Archivist of the United States on records proposed for disposal under the law; to the Committee on House Administration.

2010. A letter from the Secretary of the Army, transmitting a draft of proposed legislation entitled "A bill for the relief of Ndue F. Zefi"; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HENDERSON: Committee on the Judiciary. S. 634. An act for the relief of Grace C. Ream; without amendment (Rept. No. 1442). Referred to the Committee of the Whole House.

Mr. TOLL: Committee on the Judiciary. H.R. 1725. A bill for the relief of Martin Pysz; with amendment (Rept. No. 1443). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 3107. A bill for the relief of Richard L. Nuth; without amendment (Rept. No. 1444). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 8806. A bill for the relief of the Philadelphia General Hospital; with amendment (Rept. No. 1445). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 9106. A bill for the relief of John E. Simpson; without amendment (Rept. No. 1446). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 9226. A bill for the relief of Pietro Mela; without amendment (Rept. No. 1447). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 9249. A bill for the relief of Marlene A. Grant; with amendment (Rept. No. 1448). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 9470. A bill for the relief of E. W. Cornett, Sr., and E. W. Cornett, Jr.; with amendment (Rept. No. 1449). Referred to the Committee of the Whole House.

Mr. KASEM: Committee on the Judiciary. H.R. 10230. A bill for the relief of Louis J. Rosenstein; with amendment (Rept. No. 1450). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 10947. A bill for the relief of Aladar Szozoszlay; without amendment (Rept. No. 1451). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CAHILL:

H.R. 11489. A bill to amend the Interstate Commerce Act, as amended, so as to strengthen and improve the national transportation system, insure the protection of the public interest, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11490. A bill to readjust postal rates, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CEDERBERG:

H.R. 11491. A bill to provide a different basis for determining the amount of money to be made available to the State of Michigan because of the location of national forest lands within such State, and for other purposes; to the Committee on Agriculture.

By Mr. DINGELL:

H.R. 11492. A bill to prohibit the use of Federal funds to further any policy of discrimination; to the Committee on Government Operations.

By Mr. FRELINGHUYSEN:

H.R. 11493. A bill to amend the Federal Employees' Compensation Act, as amended, to make benefits more realistic in terms of present wage rates, and for other purposes; to the Committee on Education and Labor.

By Mr. GILBERT:

H.R. 11494. A bill to provide an allowance for work clothing for certain postal field service employees; to the Committee on Post Office and Civil Service.

By Mr. GOODELL:

H.R. 11495. A bill to amend the Federal Employees' Compensation Act, as amended, to make benefits more realistic in terms of present wage rates, and for other purposes; to the Committee on Education and Labor.

By Mr. HALEY:

H.R. 11496. A bill to require the Secretary of the Interior to issue new or supplemental patents in certain cases where lands have been classified as nonphosphate in character; to the Committee on Interior and Insular Affairs.

By Mr. HALPERN:

H.R. 11497. A bill to amend title II of the Social Security Act to increase benefit amounts, provide disability insurance benefits without regard to age, to provide full retirement benefits for men at age 62 and women at age 60, to increase the limitation on the amount of outside earnings permitted from $1,200 to $2,500, and for other purposes; to the Committee on Ways and Means.

By Mr. HENDERSON:

H.R. 11498. A bill to readjust third-class postal rates, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. McCORMACK:

H.R. 11499. A bill to amend the Federal Property and Administrative Services Act of 1949, as amended, so as to authorize the use of surplus personal property by State distribution agencies, and for other purposes; to the Committee on Government Operations.

By Mr. PHILBIN:

H.R. 11500. A bill to provide for flood control activities in the Chicopee River Basin; to the Committee on Public Works.

By Mr. ROBERTS:

H.R. 11501. A bill to authorize grants to assist the States in strengthening professional nurse education, in order to relieve the shortage of well-trained professional nurses and to meet the requirements of Federal, State, and local government hospitals and health agencies, as well as of nongovernmental hospitals and other employers; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLF:

H.R. 11502. A bill to provide for advance consultation with the Fish and Wildlife Service and with State wildlife agencies before the beginning of any Federal program involving the use of pesticides or other chemicals designed for mass biological controls; to the Committee on Merchant Marine and Fisheries.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By Mr. FORAND: Memorial of the Rhode Island General Assembly memorializing the Congress of the United States with respect to raising the allowable income for persons receiving less than the maximum amount under the Social Security Act; to the Committee on Ways and Means.

By the SPEAKER: Memorial of the Legislature of the State of Maryland, memorializing the President and the Congress of the United States urging the U.S. Army Engineers to participate in the creation of an inland waterway between the Delaware Bay and the Chesapeake Bay; to the Committee on Public Works.

Also, memorial of the Legislature of the State of Rhode Island, memorializing the President and the Congress of the United States with respect to raising the allowable income for persons receiving less than the maximum amount under the Social Security Act; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mrs. KELLY introduced a bill (H.R. 11503) for the relief of Rosolino Profeta, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

High Praise for Zablocki's Work in Congress

EXTENSION OF REMARKS
OF
HON. WILLIAM PROXMIRE
OF WISCONSIN
IN THE SENATE OF THE UNITED STATES
Thursday, March 31, 1960

Mr. PROXMIRE. Mr. President, one of the ablest and finest Members of the U.S. Congress is the dean of our Wisconsin Democratic delegation—the Honorable CLEMENT ZABLOCKI, of Wisconsin's fourth district, that is Milwaukee.

CLEM ZABLOCKI recently was the object of a well-deserved testimonial dinner here in Washington for his vital role in pushing a Polish Children's hospital.

In one of the most impressive displays of popularity seen in a long time—more than 100 Members of Congress turned out to honor CLEM ZABLOCKI, including Speaker SAM RAYBURN and House Majority Leader JOHN MCCORMACK. The Speaker spoke for many people who have known ZABLOCKI when he called him "a man with a headful of common sense." JOHN MCCORMACK called ZABLOCKI, "one of the finest legislators I have ever known."

I ask unanimous consent that the complete text of the Milwaukee Journal article describing the event be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PULASKI GROUP PAYS TRIBUTE TO ZABLOCKI—MILWAUKEE DEMOCRAT GETS AWARD FOR ROLE IN PROMOTING POLISH CHILDREN'S HOSPITAL

WASHINGTON, D.C.—The Pulaski Foundation gave a testimonial dinner Monday night for Representative ZABLOCKI, Democrat, of Milwaukee, to honor him for promoting better understanding between the peoples of the United States and Poland. ZABLOCKI was awarded Polonia's "man of the year" award for his role in providing funds for a $4 million children's hospital and pediatric center in Cracow, Poland.

PRIVATE CONTRIBUTIONS

As a high ranking and influential member of the House Foreign Affairs Committee, ZABLOCKI quietly inserted a necessary one line amendment into the foreign aid bill last year.

The amendment makes it possible to use for the hospital about $2,500,000 from funds in the form of Polish zlotys that are accumulating to the credit of the United States in return for our sale to Poland of surplus farm products.

The remainder of the money is being raised from private contributors in this country by the American Research Hospital for Children Committee.

The presence of more than 100 Members of Congress among the hundreds of diners at the swank affair at the Mayflower Hotel attested to ZABLOCKI's popularity among both Republicans and Democrats. It was a remarkable bipartisan show of affection and respect. It also demonstrated why he was able to get his amendment through Congress. They let it go through "as a favor to CLEM."

Speaker RAYBURN, Democrat, of Texas, told the diners that he was happy "to be here to pay tribute to a great young American who has established a reputation of rare intelligence and boundless patriotism."

"HEADFUL OF COMMONSENSE"

RAYBURN, certainly one of the most powerful men in this Capital, called ZABLOCKI "a man with a headful of common sense." Turning to the Congressman from Milwaukee's south side, RAYBURN concluded:

"I'm glad, CLEM, that you're being honored, and that's why I'm here."

In the same vein, the House Democratic leader, Representative MCCORMACK, of Massachusetts, said that talking about ZABLOCKI was a "pleasant task," because he epitomizes everything that is noble and sincere.

MCCORMACK, who rarely attends dinners, praised ZABLOCKI for his high ideals and called him one of the most outstanding Americans I have ever served with.

"CLEM ZABLOCKI is one of the finest legislators I have ever known," MCCORMACK went on. He praised him for idealism and said he was humble but distinguished.

Senator MORTON, of Kentucky, chairman of the Republican National Committee, sent a message of best wishes to ZABLOCKI from the committee, noting that the children's hospital would help carry out President Eisenhower's people to people program.

Speaking for the Republican lawmakers present, Representative DERWINSKI, of Illinois, said the hospital project was a great accomplishment of ZABLOCKI's.

The principal speaker of the evening was Maj. Gen. Anthony J. Drexel Biddle, adjutant general of Pennsylvania and former Ambassador to Poland.

After the speeches were over, Representative FLOOD, Democrat, of Pennsylvania, the toastmaster, asked ZABLOCKI whether he had any opposition back home this year.

"We certainly have the varsity out for you tonight," FLOOD told ZABLOCKI.

ZABLOCKI, deeply moved, accepted the award with sincere humility. He insisted that the credit for proposing the project in the first place should go to W. O. Biernacki-Poray, architect, of Montclair, N.J.

Biernacki-Poray also was to have been honored, but he is in Poland working on the hospital which he designed.

The Pulaski Foundation is a nonprofit organization dedicated to the rebuilding of the birthplace in Warka, Poland, of Gen. Casimir Pulaski, Revolutionary War hero.

Unemployment

EXTENSION OF REMARKS
OF
HON. JOHN P. SAYLOR
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 31, 1960

Mr. SAYLOR. Mr. Speaker, to those of you whose constituencies are not plagued by pockets of unemployment, I ask that you consider the circumstances of thousands of your fellow American citizens in various areas of the several States where there are not enough jobs to go around. Many are without proper nourishment for themselves and their families. Homes are without repair. Children are improperly clothed. It is a shameful reflection on a Nation which boasts of the world's highest living standards.

Our people want a chance to recover their status as members of the economic community. Congress can provide this opportunity by enacting the depressed area legislation which I and numerous other Members of both the House and Senate have introduced and long supported. I realize that some of these bills have been tampered with in normal political maneuverings, but I am confident that a majority of the Members of this legislative body will cast affirmative votes if the leadership of the House will present a reasonable measure intended to stimulate business and industrial activity in chronically depressed regions.

I have time and again pledged to support sound legislation of this nature regardless of authorship. Many excellent bills introduced by our friends on the Democratic side of the aisle have been awaiting action for more than a year. I would be happy to vote for passage of any one of these particular measures. And I firmly believe that there are a sufficient number of members of both parties, concerned about the prevailing pockets of unemployment in Pennsylvania and elsewhere, to pass a distressed area bill without hindering political amendments if we are but given a chance.

Mr. Speaker, is it asking too much to expect the Rules Committee, which is in control of the Democratic side, to bring out the distressed area bill now before it?

Birthday of Hans Christian Andersen

EXTENSION OF REMARKS
OF
HON. ABRAHAM J. MULTER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 31, 1960

Mr. MULTER. Mr. Speaker, April 2 marks the 155th anniversary of the birth of Hans Christian Andersen, Denmark's most famous author. As we pause to celebrate this day we feel particularly close to our good friends and allies, the Danish people. Indeed our toast to Hans Christian Andersen is also a toast to Denmark and to the Danish people because this great author and his country are so closely tied together in the minds of most Americans.

Hans Christian Andersen is so beloved by Americans because generations of our people have grown up knowing the joy and adventure that are found in Andersen's fairy tales. Who among us as children has not laughed when he read the story of the emperor's invisible new clothes and later in life reflected upon the insight into human behavior shown in some of these simple tales. "The Snow

Queen," "The Red Shoes," "Great Claus and Little Claus," and "The Ugly Duckling" are all familiar to American readers as they are to children in many other lands.

Hans Christian Andersen wrote much that was fine besides his fairy tales. But these have become so famous that it seems fair to say that they are common to the experience of growing up anywhere in the Western World. The fairy tales by Hans Christian Andersen have thus become woven into the cultural heritage that is the common memory of Western civilization.

It is well that we take a moment on the birthday of this great man to express this slight tribute.

Electricity Is Boon to Farmers

EXTENSION OF REMARKS
OF
HON. ROBERT W. LEVERING
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1960

Mr. LEVERING. Mr. Speaker, since the Rural Electric Administration was established 25 years ago 95 percent of the farms in America have been electrified which demonstrates how free enterprise and a sympathetic government can work together to solve vexing and difficult problems for human beings.

Those who have been active in the REA movement know from the history of the agency that rural electrification has been a real fight, all during its history, and even before the Rural Electrification Administration was born. I did not know the men, but I knew of them, who had a hand in opening up rural America to electricity, and I should like to pay tribute to them. Foremost among them was Senator George W. Norris, the Independent of Nebraska, who for 25 years reigned supreme in the Senate as the man who thought the most about the future of his country. Among those early fighters there was a Congressman named John E. Rankin, of Tupelo, Miss., who no longer sits in the House of Representatives but still is remembered by the oldtimers there. John Rankin will always be numbered among the founders of the REA. And then there was Judson King, who died only a few months ago in his home outside of Washington. Judson King was a public relations man for the people. For most of his life, he battled, through his writings, for projects that would benefit all the people of this country, as opposed to ideas and ideals that were designed to help the few at the expense of the many. And, I am happy to report, my father-in-law, former Representative Usher L. Burdick, was in that valiant and limited group that originally fought the battles for rural electrification. I am also happy to report that Usher Burdick, although he retired from Congress at the end of the 85th Congress, still is alive and happy and as rambunctious as ever. While, as I noted, I did not know many of these men personally, I know them by reputation, and I am sure that there is today, among us, several individuals who may have known one or the other of them. It behooves us, I believe, to remember these stalwarts of other days, for we can gather strength from their struggles and their victories for the battles that may lie ahead.

In 1935, before the REA came into being, only 1 farm in every 10 in the United States had electricity. For all practical purposes, rural America was in the dark. Of course, there were kerosene lamps, and there were hand-operated water pumps, and other back-breaking tools and equipment on the farms throughout the land. Today, due principally to the foresight of the men who worked for the REA to be enacted in the law, we have seen electricity transform the rural home into a modern, convenient place to live.

In the past 25 years some 1,000 REA cooperatives—completed owned and operated by local people in as many communities—have borrowed and used about $3 billion from the Federal Government to build modern electric power systems to serve rural areas. I doubt seriously if $3 billion of Federal funds ever has been used more economically or with more lasting benefit to the comfort and welfare of as many people in the whole history of government anywhere on earth.

Back in 1935, when the REA experiment was just beginning, it was argued that all farmers who wanted electricity had it and that there was no market for power out in the country. Experience in the last 25 years has demonstrated how wrong this contention was. Rural people are using electricity at an ever-increasing rate, doubling their use of power every 5 to 7 years.

Mr. Speaker, the success of the rural electrification program has been so overwhelming that many opponents no longer try to attack it openly, instead they are coming forth with proposals labeled "improvements" of the program. For the past few years the administration has asked Congress to jack up the REA interest rate. This is being done despite the fact that the evidence indicates that such an increase would necessitate higher electric bills for the consumers served and many co-ops, especially those in the thinner territories would be driven out of business. As we know, REA is prohibited by law from serving towns with a population of more than 1,500, which means that it is barred from participating in the cream of the electric industry market. There have been proposals recently to permit the Secretary of Agriculture to turn a part of the loan business over to the Wall Street bankers.

These proposals have been so drastic, however, that no Member is willing to fight for them.

Mr. Speaker, it should be pointed out that REA has been good not only for farmers but the country as a whole. An important result of the rural electrification program is the increased business it brings into rural communities. It stimulates private business both locally and nationally. Surveys indicate that for every dollar invested in rural power facilities, the farmers invest $3 to $4 in wiring, plumbing, and electrical appliances. Also, when power is available, the establishment of industry in rural areas is encouraged.

Mr. Speaker under leave to extend my remarks in the RECORD, I include a fine article by Virginia Cruikshank contained in the March 26 edition of the Delaware Gazette of Delaware, Ohio, which carries a graphic account of how REA has changed the "face of America":

ELECTRICITY IS BOON TO FARMERS

(By Virginia Cruikshank)

Some of us may have forgotten just how rugged life was in the rural areas before we had electricity.

Remember the coal stoves, kerosene lamps, washboards, water buckets, hand milking, and all the other hand-powered chores that made the farmer and his wife old before their time?

No one would want to return to that kind of rural living, although we may sometimes wax sentimental about the old days. We are even digging around in the attic and cellar for some of those items mentioned above because our city neighbors who are moving to the country prize them as antiques.

Electric power has changed the face of all rural America. Not only has it brought an end to a lot of the drudgery, but it has changed the entire outlook of rural people. They are no longer "country hicks." Their life has become the envy of many city people.

This year the Nation is paying tribute to its rural electric systems on the 25th anniversary of REA. President Roosevelt signed the Executive order May 11, 1935, that brought the Rural Electrification Administration into being.

Use of electricity today has passed the wildest dreams of 1935. USDA researchers have found that there are 450 ways to use electricity on the farm and in the farm home.

And just wait until we get all those bulk tanks installed around here in the next year. Consumption of power will zoom.

Only about 4 percent of the farms in the United States are still without electric power. In the territory of the Delaware Rural Electric Cooperative, there are only two farms and two houses without power, but the company is willing to build the lines to them whenever the owners are ready.

Recapitulation on Foreign Aid Funds Available for Expenditure

EXTENSION OF REMARKS
OF
HON. OTTO E. PASSMAN
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1960

Mr. PASSMAN. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following letter:

CONGRESS OF THE UNITED STATES,
Washington, D.C. April 1, 1960.

DEAR COLLEAGUE: As chairman of the Foreign Operations Subcommittee on Appropriations, it has been my practice to prepare an annual verified and simplified recapitulation on foreign aid funds available for expenditure. The current recapitulation is attached hereto.

Many billions of dollars in foreign aid funds are not carried in the mutual security bill. The aggregate not carried in the bill exceeds the amount carried in the bill. Therefore, you may wish to ascertain from the proper agencies the total amount of other aid programs such as grants and loans under seven separate lending institutions not carried in the mutual security bill, the amount available under Public Law 480, oversea military construction, and the billions in accumulated local foreign currencies which may be used.

The total foreign aid cost, including interest on what we have borrowed to give away, now exceeds $10 billion annually.

Our committee is working against tremendous odds in an endeavor to write a reasonable bill. The pressure and propaganda from many quarters are shocking. The 43,000 employees and 10,000 trainees of the mutual security program scattered in 76 nations of the world; the White House and its prestige; the State Department and its prestige; the Defense Department; scores of large manufacturers who profit from the program; colleges and universities which also profit from the program; church organizations; much of the press and radio; and literally hundreds of other organizations which have been misinformed are whipping it up for more foreign aid. It is indeed amusing to observe departmental witnesses who have spent unlimited time preparing answers to anticipated questions. In a great many instances their replies sound reasonable, although they are not even good educated guesses as related to facts.

Your committee will continue to resist the unwarranted propaganda and pressure for an excessive amount of foreign aid. Your support of the committee's efforts to bring this grandiose, worldwide spending program under control will be appreciated. With your cooperation, the committee will report a bill that will provide adequate funds, one based on need and not on desire.

The comptroller general has stated that the weakness of the program is too much money, not too little.

Sincerely yours,

OTTO E. PASSMAN,
Member of Congress.

Mutual security funds by program and amount (available for expenditure (fiscal 1960))

		Total available for expenditure
1. Military assistance:		
Unexpended, June 30, 1959	$2,547,908,755	
New funds, fiscal 1960	1,331,247,000	
Sale military material, fiscal 1960	30,200,000	
		$3,909,445,755
2. Defense support:		
Unexpended, June 30, 1959	787,500,953	
New funds, fiscal 1960	695,000,000	
Sale military material, fiscal 1960	500,000	
		1,483,000,953
3. Development Loan Fund:		
Unexpended, June 30, 1959	782,010,480	
New funds, fiscal 1960	550,000,000	
Loan repayments, fiscal year 1960	15,700,000	
		1,347,710,480
4. Development assistance, unexpended, June 30, 1959		97,768,490
5. Special assistance:		
Unexpended, June 30, 1959	173,389,255	
New funds, fiscal 1960	245,000,000	
Estimated reimbursement, fiscal 1960	100,000	
		418,489,255
6. President's Asian fund, unexpended, June 30, 1959		85,846,438
7. President's contingency fund:		
Unexpended, June 30, 1959	139,789,149	
New funds, fiscal 1960	123,753,000	
		263,542,149
8. Technical cooperation, bilateral:		
Unexpended, June 30, 1959	158,717,287	
New funds, fiscal 1960	150,000,000	
Estimated reimbursement, fiscal 1960	700,000	
		309,417,287
9. Technical cooperation, U.N.:		
Unexpended, June 30, 1959	8,292,101	
New funds, fiscal 1960	30,000,000	
Estimated reimbursement, fiscal 1960		
		38,292,101
10. Technical cooperation, Organization of American States:		
Unexpended, June 30, 1959	1,307,909	
New funds, fiscal 1960	1,200,000	
		2,507,909
11. Joint control, unexpended, June 30, 1959		472,167
12. Atoms for peace:		
Unexpended, June 30, 1959	$9,280,648	
New funds, fiscal 1960	1,500,000	
		$10,780,648
13. North Atlantic Treaty Organization, unexpended, June 30, 1959		1,088,558
14. Intergovernment Committee for European Migration:		
Unexpended, June 30, 1959	10,829,222	
New funds, fiscal 1960	7,371,000	
		18,200,222
15. U.N. Refugee Fund:		
Unexpended, June 30, 1959	1,200,000	
New funds, fiscal 1960	1,100,000	
		2,300,000
16. Escapee program:		
Unexpended, June 30, 1959	6,887,757	
New funds, fiscal 1960	4,632,000	
		11,516,757
17. U.N. Children's Fund:		
Unexpended, June 30, 1959	8,925,635	
New funds, fiscal 1960	12,000,000	
		20,925,635
18. U.N. Relief and Works Agency:		
Unexpended, June 30, 1959	8,956,957	
New funds, fiscal 1960	25,000,000	
		33,956,957
19. Ocean freight:		
Unexpended, June 30, 1959	1,662,992	
New funds, fiscal 1960	1,910,000	
		3,572,992
20. Control Act, unexpended, June 30, 1959		119,101
21. Administrative expenses, ICA:		
Unexpended, June 30, 1959	$4,956,497	
New funds, fiscal 1960	38,000,000	
Estimated reimbursement, fiscal 1960	800,000	
		43,756,497
22. Administrative expenses, State:		
Unexpended, June 30, 1959	708,341	
New funds, fiscal 1960	8,100,000	
		8,808,341
Total		8,111,521,750

RECAPITULATION

	Total available for expenditure
Unexpended funds, June 30, 1959	$4,837,708,750
New funds, appropriated, fiscal 1960	3,225,813,000
New funds, other, fiscal 1960	48,000,000
Total	8,111,521,750

Nuclear Sub "Sculpin" Launched

EXTENSION OF REMARKS
OF
HON. WILLIAM M. COLMER
OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1960

Mr. COLMER. Mr. Speaker, a milestone in the history of shipbuilding on the Gulf of Mexico was passed at 11:45 this morning when the *Sculpin* slid down the ways of the Ingalls Shipbuilding Corp. shipyard in the bustling city of Pascagoula, Miss.

The *Sculpin*, SS(N)–590, the second submarine of any type ever built on the gulf coast, is the first of four nuclear-powered attack-type boats being built in my hometown for the U.S. Navy, and I hail its launching with, I hope, pardonable pride.

The "590" is of the *Scamp* 588 class. Its design follows the prototype of the radically new attack submarines, the *Skipjack*, SS(N)–585, whose bullet-nosed bow, bulbous-shaped hull, and single propeller, driven by a nuclear powerplant, have won for her the title of the fastest submarine in the world. The primary mission of the attack submarines in the event of war will be to seek out and destroy enemy ships of all types.

The *Sculpin* is expected to be capable of performing at high speeds both on the surface and at great depths beneath the sea. It is designed to stay submerged for long periods of time, thus giving her great advantage in both offense and defense over the conventional type submarine. Incidentally, the last of the old fleet type submarines, the *Blueback*, was also built by Ingalls and was recently commissioned, with Lt. Comdr. Robert H. Gautier, a native of Pascagoula, as its skipper.

The christening of the *Sculpin* is the culmination of 4 years of planning, research, and training by the personnel of the very efficient Ingalls shipyard. It is also a token of the faith of the people of Jackson County, Miss., in spending several millions of dollars in the development of the Pascagoula Harbor, an effort in which the Federal Government last year joined.

Speakers at the launching ceremonies were Hon. Cecil P. Milne, Assistant Sec-

retary of the Navy for Material, and Rear Adm. M. J. Lawrence, U.S. Navy, Assistant Chief of the Bureau of Ships for Field Activities.

Others participating in the colorful ceremonies were Messrs. Robert L. Ingalls, Jr., chairman of the board of Ingalls; Monro B. Lanier, Ingalls, vice chairman of the board; Fred J. Mayo, president of Ingalls; and Capt. R. W. Johnson, U.S. Navy, supervisor of shipbuilding at Pascagoula.

The ship was christened by Mrs. Fred Connaway, widow of the commander of the first *Sculpin* when it was lost on its ninth war patrol in the Pacific on November 19, 1943. Mrs. Connaway's daughter, Mrs. Joseph D. Pope, was her matron of honor.

Small Business Investment Act Amendments, 1959

EXTENSION OF REMARKS
OF
HON. ABRAHAM J. MULTER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 31, 1960

Mr. MULTER. Mr. Speaker, on March 9, 1960, it was my privilege to appear before Subcommittee No. 3 of the House Banking and Currency Committee in connection with the Small Business Investment Act Amendments, 1959. My statement was as follows:

STATEMENT OF HON. ABRAHAM J. MULTER, A REPRESENTATIVE IN CONGRESS FROM THE 13TH DISTRICT OF THE STATE OF NEW YORK

Mr. MULTER. Thank you, Mr. Chairman, it is always a pleasure to appear before my own committee or a subcommittee thereof as a witness and to give my colleagues a chance to go after me as I go after some of the witnesses who appear before us.

May I first, Mr. Chairman, apologize for not having a prepared statement. I just haven't had the time to get it up and I will try to be very brief.

I think I should direct the attention of the committee to the fact that while the Small Business Committee of the House, under the distinguished chairmanship of the chairman of this subcommittee, the gentleman from Texas [Mr. PATMAN], did submit a report which was unanimously adopted by the Evins subcommittee, and the full committee did adopt the report unanimously, that unanimous adoption of the report was the action of those who attended the meeting.

Unfortunately I was unable to attend the meeting and although I did put in writing to the chairman of the subcommittee some of my objections to the report, the report was adopted that way by the committee, and that is one reason why I wanted to be heard here.

In that report, which incidentally was rather a well prepared report and the result of much hard work and intelligent effort, there nevertheless are some things recommended that I disagree with, and I want to briefly refer to those matters here.

First, there is a recommendation that loans be made to unincorporated small businesses. I think that is a very unwise recommendation. It is no problem and it's a matter of small inconvenience and expense to any small businessman or any small firm, to incorporate today.

Now, it may be that the tax law should be amended so as to give to the small businessman who is incorporated the same tax privileges of reporting as an individual or as a partnership, instead of as a corporation, if part of his stock is owned by a small business investment company. It has been pointed out that the exemption permitting a small business corporation to file a return and pay the taxes as though it were a partnership, does not apply in the event some of the stock is owned by a small business investment company.

If that is the only objection to making loans to corporations rather than individuals, I think the remedy should be by changing the tax law, and not by permitting loans to be made to unincorporated businesses. As you know, whether it is a partnership or an individual proprietorship, upon death the business must be liquidated and, where you are making long-term loans, that is an extreme disadvantage. I doubt whether any intelligent lending officer will make a long-term loan to a partnership or individual, having in mind that in the event of the accident of death he can't continue the business to pay off his loan, nor is there any successive management that can come in.

The business must either be liquidated or sold to new owners, whereas in making the loan in the first instance he has taken into account the competency of management, and he might not be willing to make the same loan to other management.

Your hands are tied if you are lending the money to an unincorporated business in the event of, as I say, the accident of death. There is nothing to do except liquidate the business and do the best you can to get your money back unless you want to let other management come in that you might not approve of.

So I say the provision in the regulation is a wise one, that these loans and these investments be made only to, and in, corporation.

Now, I hope the committee will have in mind that the purpose of this bill, the Small Business Investment Company Act, was to attract long-term loans which would be in the nature of equity capital and which would not be actually loans, but investments. You should not broaden this statute now so as to make this a general lending agency.

I think we had in mind when we enacted the bill that we didn't want to set up any new banks or any new private lending agencies as such. We didn't want these new small business investment companies to go into general competition with the banks and other financial institutions that are already operating.

We had in mind that the banks and other lending institutions were not making money available for long-term loans and equity capital, and we set this institution up to make that money available. We ought to keep that in mind as to any amendments we are going to offer to this law. That brings to mind the suggestion that we strike out of the act the word "primary" when referring to equity capital.

I think the statute now provides that the primary purpose of the law is to make equity and long-term loans and the suggestion has been made that we strike out "primary."

If you do that, you are just going to convert this into a general lending agency; and that is not, I am sure, the present congressional intent.

It would also open the door to the banks invading this field through the back door. You have already heard that there are some 29 banks which now control these small business investment companies, and if you are going to give them the opportunity to say to a customer coming in for a loan, "You go next door to the small business investment company that we control and make your arrangements there, and then come in here and we will give you subsidiary financing," they are going to evade the intent of this act.

Mr. PATMAN. Isn't there any encouragement in the law for that, Mr. MULTER, in that a 100-percent tax deduction is allowed on losses on convertible debentures purchased by the bank's subsidiary small business investment company, whereas if the transaction was in the form of a loan made directly by the bank it would not get the benefit of that deduction?

Mr. MULTER. That is right.

Mr. PATMAN. Therefore, your statement, I think, is entirely correct that the inducement will be to refer loans to the SBIC.

Mr. MULTER. Yes, and that also brings to mind the situation that I think the chairman has indicated he is concerned about, and which gives me considerable concern. That is the fact that we already have about one-third of the small business investment companies controlled by banks.

Now, if we intended that the banks should be able to set up these small business investment companies, or if the Congress intends that that be permitted to be done, then let's be forthright about it and change the statute.

We said in the first instance that it requires at least 10 individuals to form a small business investment company. In every one of those 29 instances where a bank has formed a small business investment company, the bank named 10 dummies, and the bank controls the corporation, and the bank names the directors.

Now, if that is what we want, let's change the law. Let's not have them do by indirection what they should be permitted to do directly.

On the other hand, if we intended what we said, that this requires 10 individuals, then let's make sure it is 10 individuals who are putting in their own money and who are going to elect the directors and run the institution.

Now, maybe the banks can come in and make a good argument as to why they should be permitted to own, control, and operate these small business investment companies. If they can make such an argument, let's change the law and let them come in through the front door. Don't have a law, as we have now, which says that there must be 10 individuals, and permit a bank to come in through the back door and name 10 dummies.

I don't think we intended that, and I don't think we should permit it to go on. I think we ought to say something in any report that may accompany any bill coming out of this committee on that point.

That brings us to the question of whether or not additional loans should be made without the consent of the small business investment company.

If they are going to the small business investment company for long-term financing, and it is going to be just that—long-term financing; not interim financing—and on top of that they are going to go to the bank which controls the small business investment company and get subsidiary financing, you can be sure that somewhere along the line we are going to run into trouble. If the bank is in a position to do this subsidiary financing, it should certainly be in a position to do it as primary financing.

They shouldn't put the small business investment company that they control in a position of making the primary financing, at, as you have heard, up to 15 percent interest, and they take the secondary financing at 5 or 6 percent.

If that loan is good enough for the bank as secondary financing at 5 or 6 percent, they ought to make the primary loan at 5 or 6 percent instead of letting the small business company grab off the cream and let them hold the subordinate financing.

There has been a suggestion that the so-called cross-stream loan provisions of the Bank Holding Company Act of 1956 be waived to permit a bank that is a subsidiary of a holding company to invest in a small business investment company owned by the same holding company.

I think we may have gone too far already in permitting bank holding companies to establish small business investment companies. I did not realize the Small Business Investment Act of 1958 would have that result, and I find it a little difficult to follow the complicated interpretations of the 1958 act, the Bank Holding Company Act, and the Revised Statutes which lead to that result. This interpretation may be the opening wedge to destroy the Bank Holding Company Act's prohibitions against banks engaging in nonbanking businesses. We may be going right back to the days when all the trouble in the banking field was caused by allowing investment bankers to own and control commercial banks. This must not be permitted to spread.

Mr. PATMAN. Is this the only exception you know of, Mr. MULTER? Is this the only instance in which a bank holding company is permitted to own a nonbanking business?

Mr. MULTER. There are, of course, limited exceptions under section 4(c) of the Bank Holding Company Act, but none which violate the basic principles of the act as I think this does.

But there is another basic principle of the Bank Holding Company Act which so far has not been violated, and it is embodied in section 6 of the act. Section 6 prevents a holding company from forcing one of its subsidiary banks to make loans to another of its subsidiaries, or to invest in any other fashion in another subsidiary. When we enacted that prohibition, we had before us at least one concrete example of the abuses which can result from self-dealing between two subsidiaries of the same holding company. The best way to protect a subsidiary bank from being forced into making a bad investment in another subsidiary is to prevent such dealing altogether.

So I cannot go along with the argument that the proposed amendment would simply treat holding company subsidiary banks the same as other banks. This self-dealing situation does not arise for other banks. If they invest in a small business investment company, they do so at arm's length. But the subsidiary bank is not dealing at arm's length with the small business investment company when they are both under the common control of a holding company. I think perhaps we have already gone too far in breaking down the sound restrictions of the Bank Holding Company Act when we permitted bank holding companies to form small business investment companies. Let's not go any further with it; let's not take this proposed next step of creating a situation where their subsidiary banks can be forced to invest in their subsidiary investment companies.

Now, there is one other suggestion that has been made, and that is that we grant the small business investment company an exemption from the Investment Company Act.

Now, the only reason to do that is to permit the small business investment company to issue stock options. I think there is nothing worse in the field of corporate law—and that includes banks and insurance companies—than this granting of stock options, usually done by the directors for the benefit of the officers, who are in control of the situation, most of the time without notice to the stockholders.

It is an unfair way of diluting the capital, or diverting capital of a company to those who control it. If they are under the Investment Company Act, they would at least have to make the disclosures required by the Investment Company Act. I urge you not to amend this Small Business Investment Company Act so as to grant that exemption.

That, in the main, is my statement, Mr. Chairman and gentlemen.

Mr. PATMAN. Thank you very much, Mr. MULTER. We value your judgment on these matters, and what you have said will receive very careful consideration by the members of this subcommittee.

Are there any questions, gentlemen?

If not, thank you very kindly, Mr. MULTER.

If you desire to supplement your remarks and extend them to include anything germane, you may do so.

Mr. MULTER. Thank you very much, Mr. Chairman. You are always very kind.

A Blueprint for American Space Leadership: Rockets for Peace

EXTENSION OF REMARKS
OF
HON. ALEXANDER WILEY
OF WISCONSIN
IN THE SENATE OF THE UNITED STATES
Thursday, March 31, 1960

Mr. WILEY. Mr. President, it was my distinct pleasure and honor this afternoon to speak before the American Rocket Society, National Capitol Section. The talk which I gave was entitled "A Blueprint for American Space Leadership: Rockets for Peace."

Mr. President, I ask unanimous consent that the address be printed in the CONGRESSIONAL RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A BLUEPRINT FOR AMERICAN SPACE LEADERSHIP: ROCKETS FOR PEACE

(By Senator ALEXANDER WILEY, Republican, of Wisconsin, ranking Republican on the Senate Foreign Relations Committee, and member of the Aeronautical and Space Sciences Committee, before the American Rocket Society, National Capitol Section, on March 31, 1960, Washington, D.C.)

Ladies and gentlemen, appearing here today before this distinguished group of industry representatives, military brass and scientific highbrows, I must confess that I know only little about high military strategy, or the complexities of space engineering. Neither am I running for the Presidency as an expert on these matters. Yet, I am very pleased to respond to your invitation and meet with you, because you are the actors and the directors of the most colossal—and as a thrifty Republican let me add, most expensive—human adventure drama, ever.

Since the days of antiquity, man has constantly been moved by his innate restless spirit to explore the unknown about him. What would human life and human history have been without this constant search and thirst for discovery—this determination to know what is beyond the horizons—physical and spiritual?

In world history, Homer's Odyssey still stands out as a symbol of man's search. My ancestors, the Vikings, continued this search in their daring explorations—which in all likelihood brought them to this continent long before Columbus. The American West gave our own youth, during last century and this, another frontier for discovery. And now, as if to guarantee that the youth of tomorrow may not be deprived of its own unknown frontiers—nature is beginning to unlock the unbound horizons of space. The inquiring mind is on the go.

THE MILITARY ASPECTS OF SPACE

Space has many uses: Peaceful and martial, constructive and destructive. In recent weeks I spent long hours listening to testimony after testimony on the U.S. defense program before the joint sessions of the Senate Space and Preparedness Committees. We had many experts before us. Somebody jested that it was obvious they were all experts—because they disagreed with each other.

I heard much debate about whether there is or there is not an American "space lag". There was much debate—yet there was the basic agreement that we have nuclear weapons that far exceed the destructive power of U.S.S.R. weapons, and that our total carrying capacity for a long range delivery of a nuclear attack far exceeds theirs.

I also feel it incumbent upon myself in this connection to stress that I do not always agree with the "military mind," which too often equates security with numbers. I do not necessarily believe that in order to possess security and military deterrence this country must match every Soviet ICBM, submarine, tank and cannon, one for one. Security and deterrence against aggression consist of much more than mere numbers.

We must give full credit to the strength and determination of our allies. We must recognize the moral, psychological, and economic force of the new uncommitted nations who cry for peace in order to survive and flourish. And we need remember, furthermore, that the one billion people behind the Iron and Bamboo Curtains are constantly striving—because such striving is inherent in human nature—to better their lives, to have their voices heard—and to keep out of war. These and other factors must be taken into account in determining whether this Nation is sufficiently equipped not only to defend itself, if the need may arise, but also to deter any aggressor from undertaking such a dangerous escapade.

Yet, this is not what I want to discuss with you today. This meeting today between you, the technical experts, and myself, a representative of the people and one of their political spokesmen—offers an excellent opportunity to discuss not merely the technical and military aspects of the space challenge—but some of its political and philosophical implications.

SPACE—A POSITIVE PROGRAM FOR INTERNATIONAL COOPERATION

The challenge of space is not new. In fact, it is probably as ancient as man himself. For since the beginning of time there has never been a period when man has not been actually aware of space and of certain manifestations of space—the vastness of the sky, the sun, the moon, the myriad stars, the alternation of day and night, the procession of the seasons, and the vagaries of the weather. Man has always felt it his destiny to conquer nature; but while he was able to make the land and the water serve his purpose, the realm of the air and the vastness of the universe that might lie behind seemed denied him.

Now, only some 190 years after Watt's invention of the first effective steam engine, and 50 years after the first heavier-than-air flying machine, the dream of space knowledge, travel, and conquest may become a reality. American and Russian breakthroughs in recent years now suddenly make the whole wide horizon of space open for human exploration.

You, physicists, engineers, and space experts of all types will guarantee—I am sure—that progress continue. But to me, technical space progress does not suffice. I am constantly concerned not merely about whether the launching of our next rocket will be a

success, but also about what this technical progress will mean to society, to this Nation, and to the individuals inhabiting this earth and this big country.

Recently we heard much discussion and much propaganda about peaceful coexistence, arms curtailment, and even total disarmament. Disarmament is a fine concept and an aim worth striving for.

Still, disarmament by itself, if effective, is merely a passive act—one which guarantees what the nations will not do. Disarmament fails, however, to provide for an active constructive substitute. But I ask: What will take the place of the arms race? Let me give you an example from every day's life—from the memories of my youth and of yours.

Disarmament between nations can be compared to two boys who have been quarreling for a long time and who have finally been made to put down their clubs. Yet, there is nothing to prevent them from picking up these clubs again at any time, or from engaging in a fist fight, or from expressing their hostility in any other manner. To have peace between these boys it is not sufficient merely to have the club put down; what is more important is to give these boys an undertaking in which they could both participate. To accomplish true disarmament and lasting peace, it is likewise important to give the nations an undertaking in which they could all participate—in which their youth could take part; towards which their ingenuities could be utilized, and in which their pent-up energies and ambitions could find release. It is for such positive and productive peaceful endeavor that I am calling here today.

ROCKETS FOR PEACE

Rockets have long been terrifying symbols of warfare and destruction. In the last days of the Hitlerite empire, Nazi rockets became a symbol of world conquest and subjugation. Of all frightening sounds, the high-pitched whistle and cry of the V-2 was the most terrible to the ears of the inhabitants of London. Rockets meant indiscriminate destruction, dismemberment, death. And worse yet—they meant fear, terrible fear. At this time again, rockets are a potential threat to the life of every citizen of this world, in military uniform, and without uniform, on the front lines and on the home front.

Fear has again become an overpowering element in human life. But in the language of a recent best seller and motion picture—"On the Beach"—I would like to say to you today: "It is not too late, brother." It is not too late to have fear changed into hope, to have destruction replaced with construction.

Here is an opportunity for statesmen to break through the manmade barriers of distrust and hate. We must not, in this exploratory age, repeat the mistakes of the past centuries when the nations explored and warred and bled. Wars were then the order of the day. Cannot this great desire to know be made a vehicle that will bring the human family together?

It is especially because of the tremendous destructive potential of rockets that an emphasis on their peaceful utilization can be most dramatic. The same equipment that can be used to launch warheads can also be used for useful scientific research in space. The same wealth and manpower that can be wasted on schemes of destruction can be used for a worldwide program of space cooperation and construction. To me, the future of closer international cooperation lies more in a positive and aggressive program of this type than in a mere preventive program of disarmament.

The new horizons of outer space, which all nations share, offer new frontiers for cooperation on a supernational level. In the progress of mankind from its less complex social organization to the elaborate modern state—each new structure was designed not to replace those already existing, but to supplement them. The future of international cooperation lies, therefore, not in an endeavor to supersede the family, state, or nation—but in an effort to provide new structures and tools for enterprises that require the mental and physical resources of many nations.

Future international cooperation will thus be most effective in the development of regional economic units, in international planning of social and economic developments, and in the maintenance of a machinery for the preservation of peace. But unparalleled opportunities are offered by new scientific endeavors which would require the combined skills and resources of our whole planet.

The atoms for peace program, initiated in 1953, is an excellent example in point. More exciting yet, is the opportunity for close international cooperation in space. The unlimited territories of space make us realize more than anything else the unity of this globe. They emphasize the need for all nations to work as a team in order to conquer outer space for the benefit of the race.

This is why I am proposing here today the formal adoption of a rockets for peace program as a national goal. This program that I now propose, and for which I shall endeavor to obtain the support of my colleagues in Congress, will be designed to emphasize the peaceful uses of space. It will be designed to provide America and the free nations with their own independent space programs—regardless of what the Kremlin may be doing or planning, though we feel the job is big enough to wipe out differences, even with the Kremlin.

ROCKETS FOR PEACE—A PRACTICAL PROGRAM FOR SPACE LEADERSHIP

The rockets for peace program will be devoted to the study of climate, its forecasting and its improvement. Last year I made a proposal for the setting up of an international weatherman. I said at that time that we could build a satellite for weather forecasting, and make available to all people our code of communication with it. Thus, meteorologists the world over could direct their inquiries to the satellite and obtain whatever information they desire. By advanced warnings such a satellite could save lives and property the world over. I am now informed that a weather satellite will soon become a reality.

Recently the Russian papers carried a proposal for the creation of eternal spring on this planet—through the sprinkling of chemicals in space. But before we treat this proposal seriously, let us first look to see how much it is going to cost—remember, this is election year—and what eternal spring will do to the temperament and energies of our people.

Peaceful space research could be utilized for the improvements of communications. Communication satellites offer the promise of relaying interference-free transmissions between any two points on the globe at any time. They can make transatlantic television a reality. But I am sure you know more about the technicalities of this than I do.

Research vehicles will be able to make measurements in space, and report on the various extra-terrestrial hazards that man must face when he follows these instruments into the heavens. Space stations serving as laboratories will also offer us an opportunity to conduct experiments that will better reveal to us the mysteries of plant and animal origin, growth and change. Possibly, changes in plant and animal life which may require thousands or millions of years to accomplish on earth, could be undertaken in hours or days under space conditions.

Space is the frontier of tomorrow. How shall we conquer it? I believe that in calling today for a rockets for peace program as a national goal, I am proposing a practical program. As part of this program I envision the following:

1. Close cooperation between the Government and scientists of America and other countries in establishing satellite observation and tracking posts.

2. Making training facilities in this country available for promising space scientists from this country and from abroad.

3. Cooperation between American scientists and scientists of other nations in an international braintrust.

4. Cooperation between American scientists and American Government with the existing space research agencies in the United Nations and elsewhere.

5. Making small scientific rockets available to other nations to conduct their own experiments; some of the scientific rockets are very small and inexpensive. We can make them available at cost to other nations—who may proceed to use them and thus add the obtained information to the total store of space knowledge.

6. Provisions for cooperative international projects in the launching of rockets and missiles. NASA, I understand, has been negotiating for such projects with several other nations, including England, Australia, and Canada. More should be forthcoming.

7. The establishment of a space academy to train both those going into space and those directing such missions.

Ladies and gentlemen, if we undertake cooperative peaceful projects that make the fruits of space research available freely to all nations—we could well maintain a national pride in our space efforts, and in international prestige essential to the position of world leadership which we now enjoy, and which we have no intension of relinquishing.

It has been said that whether we like it or not we are engaged in a worldwide prestige race with the Soviets. Our competitor in the space race is tough and determined. He is willing to deprive his people of consumer goods in order to channel more resources into space research. Can we afford to be second best? Should we not channel our riches to exploration and improvements rather than luxury? Or should we not see if the Kremlin would go along in a cooperative effort to widen the horizons of the human mind? They have not usually joined us in our previous international cooperation programs—but possibly we could get their cooperation this time.

This country is in an economic and political position to marshal the scientific resources of the free world for such peaceful uses of outer space. Surely, the other nations and the other people will be enthusiastic and local partners when they are invited to share in this great human adventure—and the push into space, into the wonders and mysteries of the origin of matter and of life, can offer an unbound challenge.

SPACE—A FRONTIER FOR MATERIAL AND SPIRITUAL EXPLORATION

We all realize that, as yet, we do not fully know and cannot fully predict what space exploration may mean in years to come. In future years, it may well be said of our space pioneers what was once said of Columbus:

"When he started out he didn't know where he was going, when he got there he didn't know where he was, when he got back, he didn't know where he had been, and he did it all on borrowed money."

We may not know exactly where we are going, or what we may find. Yet, there is a great feeling of exuberance and a great sense of human mission in the work that lies before us. Let us make sure our aims are high and our purpose worth while.

Rocket expert Wernher von Braun recently said:

"It is impossible to predict the nature of all these discoveries; their cumulative effect will be tantamount to a scientific revolution. But it will also be a revolution of human perspective. We need not fear that future space explorers on their heaven-storming journey will lose their humility. The heavens will surround them as an eternal reminder that there is a force greater than the thrust of their rocket ships and a spirit greater than the cold logic of their computers."

It is on this note that I want to close today.

We have, up to now, been discussing material rockets for peace. But let us remember that the biggest rockets in the world today are ideas. Someone once said:

"Beware of a man with an idea, he will turn the flank of history." We have seen how ideas have changed the course of history. Our own concept of popular government has overturned kingdoms and empires and brought into the hearts of the discouraged and the have-nots hope for a better day.

Today we are adventuring out beyond the horizons of yesteryear in every direction, we are plumbing the depths of the sea, the far reaches of the sky. We are talking about putting the human being on the moon, or further still, on some of the other galaxies. While we are doing that let us always remember what Browning said:

"That life has meaning and to find its meaning is man's meat and drink."

Let us remember that the meaning of the real life lies not only in the exploration of the material frontiers but in the exploration of the things of the spirit.

We must, therefore, match our material discoveries with spiritual counterparts, or else we will find out that we are spiritually poor in a world of material plenty. For spiritual rejuvenation we need a new type of rocket. Some that will pierce the minds of mankind, cleanse them of daily weaknesses and petty blindnesses, so that man can venture free from creeds and limitations to find the meaning of life and God.

A few years ago the publisher of a small weekly newspaper in a small North Carolina town proposed that to counter the Soviet sputniks America send up a special type of satellite: one that has no practical mission—one that will be designed to merely shine in the skies and serve as a symbol of hope and good will. I can think of no more dramatic a means for launching our rockets-for-peace program than the sending up of such new star of hope—possibly in time to shine aloft and to symbolize our spiritual inspirations—during the coming Christmas season, this year yet.

Ladies and gentlemen, it was a great pleasure meeting with you today.

The Truth Gap

EXTENSION OF REMARKS
OF
Hon. EVERETT McKINLEY DIRKSEN
OF ILLINOIS
IN THE SENATE OF THE UNITED STATES
Thursday, March 31, 1960

Mr. DIRKSEN. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD an address delivered by the Secretary of Commerce at the Executives Club of Chicago on March 25, entitled "The Truth Gap."

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE TRUTH GAP

(Address by Secretary of Commerce Frederick H. Mueller before the Executives Club of Chicago, Hotel Sherman, Chicago, Ill., March 25, 1960)

"It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity, it was the season of light, it was the season of darkness, it was the spring of hope, it was the winter of despair, we had everything before us, we had nothing before us."

Every student has read that introduction to "A Tale of Two Cities" by Charles Dickens. He was describing other times. Yet, any reader of today's headlines and today's political speeches might conclude that history is repeating itself, for current talk also swings in sharp contrasts.

The important question about present conditions is simply this: What is the truth?

For the shortage of the year is the truth gap in many discussions on both our economy and our defense.

I believe that an honest doubting Thomas will find in the sum total of facts this assuring answer: The United States is not on the skids—a washed-up, has-been nation.

The United States is first in military power, first in economic power, and first in capacity to hold the lead against any competing combination. We are continuing to build unprecedented power to strengthen both prosperity and peace. The American people are not standing still or retreating. They are going forward under the wise, strong, capable leadership of President Eisenhower.

Only self-generated fear or folly can hold back our progress. Only our own tongue can dig our grave. Only blind eyes can fail to see our overall capability and our gigantic means already in gear for tremendous growth.

I would refrain from such a credo of confidence did I not believe I have evidence to back it up. I propose to present some of that evidence for your appraisal—and let the chips fall where they may.

Are we on the verge of a recession?

Jot down a big no to that one.

Recent flip-flops of the stock market have produced a bit of indecision in temperamental Wall Street. Some are wondering if New Year forecasts need to be sharply revised downward.

Wall Street, however, is not Main Street. The stock ticker is a barometer of its own bailiwick's feelings. It may accurately reflect reaction on stocks. It does not pretend to measure the entire production, development and mood of 180 million Americans. It could be that the market is merely getting back to normal after a lost weekend of inflationary boom talk.

Today's well informed businessman doesn't chicken at the growl of a Wall Street bear.

While it is important to watch the big board, it is even more important to watch the trustworthy national economic indicators. Many of these are collected by the unbiased statisticians and economists of the Commerce Department—taking the economic pulse of the entire Nation.

These objective surveys are more reliable than Wall Street blues, winter worries, and the home-brewed pessimism of certain self-seeking politicians.

The overall reading clearly indicates the vigorous health of the economy. We are not rushing into a frenzied inventory grab through fear of impending inflation. We are not shooting up in the roller coaster of boom which might later plunge down into a bust. That would not be good.

Instead, the indicators show that we are running along at a much higher level of business activity than last year and the outlook is for continuous progress for the year as a whole.

Where do we stand now?

Let's start our economic checkup with exports, a subject now very much in the news since President Eisenhower launched a national promotion campaign to sell more goods overseas. An adverse factor in the economy is the continuing deficit in our balance of international payments. The new export drive is designed in part to help correct this situation. The value of exports has climbed from $16.2 billion last year to an annual rate of $18 billion so far this year. The drive should help keep up the pace. Sales abroad reward business and make jobs at home.

The initiation of residential housing is a major area where there has been some decline since the middle of last year with a consequent sag in business in this particular segment. This has meant a letup on financial pressures in the mortgage field and has been one of a variety of influences which has resulted in the easier tendency noted today in interest rates.

An evidence of economic muscle is that 64.5 million people had jobs in February—up 1.8 million over last February and at an alltime record for the month. The job total figures were higher than January, even though record snowdrifts and ice kept farmers and construction workers indoors.

By far, the most revealing indication of the economic state of the Union is our recently published report from businessmen on their plans for investment in plant and equipment. They expect to boost capital outlays from $32.5 billion last year to $37 billion this year—an increase of $4.5 billion.

This uptrend in spending means more business for the industries supplying the basic materials and equipment—more employment and more purchasing power which will find reflection in markets generally. This is the sort of economic activity that spells real growth.

One of the broad benefits flowing from capital outlays is the greater and improved technical capacity of plants to turn out a wider choice of better quality products, thus further raising the level of living and adding fresh strength to the economy.

The survey also gives us another set of predictions. In addition to asking businessmen their investment intentions, we also inquire what they estimate in the way of company sales during the year.

The composite answer we received is that major industries anticipate favorable sales for 1960. Trade companies foresee a 5-percent sales increase over 1959 and manufacturers look forward to an 8-percent rise.

How have we fared so far this year?

The answer is, "Very well."

When in the New Year period the press at various times asked for my opinion on the outlook, I replied that upon appraising the then foreseeable facts I expected the gross national product to reach the record peak of $500 billion by midyear.

Some scoffed and suggested I was wearing rose-colored glasses. But my forecast is becoming a fact. It is 3 months this side of midyear. And yet the GNP already has reached an annual rate of close to half a trillion dollars, the highest national economic peak in the world and in all history.

The GNP has made a sharp spurt in these 3 months from the year-end 1959 quarter, when total output of goods and services was approximately $484 billion.

And, remember, the GNP is the most inclusive of all the measurements of the economy.

The substantial rise in output from the last quarter results in part from the removal of the steel-strike shadow, but it also demonstrates a firm foundation of business strength. As compared with early 1959, the current output is 6 percent higher.

Income in this first quarter is moving up along with output—with consumer purchasing power also running some 6 percent better than a year ago. This rise in income has not been fully reflected in retail sales which, thought up, have been curtailed by unusually bad weather in many sections.

You may have read reports that department store total sales have not been doing so well lately. But here again blizzards in some cases even shut down large suburban stores and the blocked roads kept women customers at home. But once the ice and snow melts, increased income is bound to have a favorable impact on consumer purchasing and business sales.

Prices generally are stable and current advances in production and consumption are mainly volume increases valued in constant currency and not in rubber dollars.

Now, let's turn from economic data officially collected by the fact-finding agencies of the Federal Government to the prospect for 1960 as seen by the Nation's outstanding business executives.

How do business leaders themselves size up the situation?

This meeting of the private industry leaders of America's great Middle West gives me the opportunity to share with you the latest expert opinion of the members of the business advisory council, representing a cross-section of the Nation's foremost business executives, who assemble periodically in Washington to give the Secretary of Commerce advice on the business situation.

As heads of great enterprises involving huge investments, mass production and big payrolls, they have access to the best possible fact-gathering resources—far removed from guesses or rumors. As successful heads of giant industries, their judgment has to be tops.

At their regular March meeting last week, the consensus for 1960 was as follows:

The mood: Down-to-earth optimism.

The outlook: Substantial business progress.

The length: All through the year.

Reports of council members added up to a 1960 first quarter well ahead of both a year ago and the 1959 last quarter, with improving sales and income. The consensus was that the announced 14 percent increase in capital outlays over last year—to which I referred earlier—represented firm commitments under steady price conditions.

They reported that severe weather had put a recent crimp in some retail sales, but that buying in stores generally was good. The business leaders were of the opinion that, with consumer income up some 6 percent over 1959, this gain would be reflected in store sales once spring really gets into business.

The importance of controlling costs was recognized, but the difficulties of such control were stressed.

As executive after executive gave rundowns on the prospect for his specific industry, a unified pattern of progress emerged. None forecast a superheated boom of such proportions as would complicate progress through price instability. But the general expectation was for a better year than 1959—and, remember, last year made an all-time record in prosperity.

After reading unbiased government indicators and hearing the voice of expert business, what's the verdict?

I would sum up the outlook in this short phrase: "Not a boom, but another record."

Let's consider another truth gap of the day—in respect to overall national defense. Are we now second rate in military power?

The facts prove otherwise.

The United States is the most powerful nation on earth with the capacity at hand today not only to survive a sneak attack, but also to hit back and destroy a suicide-bent aggressor.

It is a commendable patriotic attitude for the American people to be very much interested in defense. They have every right to ask searching questions and to insist upon complete factual answers not only from those in authority, but from every other person in or out of Government who sets himself up as an expert on the subject—be he sincere zealot or deplorable scaremonger.

The more truth the American people get on the whole subject, the more firm will be their conviction that the guardianship of peace is still in the strong hands of the greatest economic and military power in the world, the United States of America.

Constructive criticism is wholesome. But the American people are the real losers whenever anyone of prominence carelessly, ignorantly, or deliberately uses one piece of the jig saw picture and omits the rest.

For this truth gap might cause uneasiness among our allies and dangerous miscalculations as to our true strength among our foes.

We hear talk from some quarters that President Eisenhower's administration considers a balanced budget more important than national security. Ignorance or infamy could make no more unfair charge.

The same general who successfully led the great crusade that saved civilization from Nazi desolation today is leading a peace crusade to save the world from the unspeakable horror of nuclear war. To him no goal is too daring, no price too high, no sacrifice too great to build an impregnable defense for that peace.

And that is what he has built—despite the irretrievably lost time in long-range missile development he faced in 1953.

Let everyone clearly understand that the Eisenhower administration believes strongly in the importance of intercontinental ballistic missiles—now and in the future. We are rapidly making up for previous neglect.

The former administration obligated $800,000 for long-range ballistic missile programs in fiscal year 1952. We obligated in fiscal year 1960 $3.3 billion for IRBM's and ICBM's alone, and for all missile programs about $7 billion. We are now spending each day 10 times as much as was spent for the entire year in fiscal 1952. And in the fiscal year 1961 budget now before Congress we are recommending $3.4 billion for IRBM's and ICBM's and a total of about $7 billion for all missile programs. We're building an ever-increasing long-range ballistic capability for the future.

The critics of military policy, for the most part, center their fire on one single segment, the intercontinental ballistic missile, overlooking everything else in our diversified arsenal of defense—a balanced capability which I will describe in a moment.

They say that our salvation depends entirely on matching the Soviet Union in this one category. Our chief military and scientific advisers disagree strongly with that shortsighted argument and have experience and logic to back up their case.

You will remember the tragic lesson of recent history. The brave French put their eggs in one basket. They concentrated their defense almost entirely in what they sincerely believed was the ultimate, all-powerful single defense system the Maginot line, and neglected other fully as vital branches.

In contrast, their enemy had a balanced military system of great strength, variety and dispersion. The Maginot line was not enough—and gallant France went down in defeat. We don't intend to be trapped that way.

We do have missiles—many kinds—but unlike the Soviet Union we have not been forced because of geography and other factors to rely primarily on a single weapons system—the ICBM. The long-range missile may be the best weapon capable of maximum use by the Soviet Union—not so with us. Since it is against our principles to launch a surprise war, we will not try to get a sneak jump on an enemy. Therefore, although we have missiles on the alert they are diversified and not restricted to the intercontinental type.

Some Atlas missiles are on the firing line right now, but how often do you hear of our intermediate range missiles? Right now the allied forces in the United Kingdom are equipped with 60 IRBM's, each with a nuclear punch many times more powerful than the first atomic bomb. These missiles carry a big payload and give us a deterrent capability almost equal to that provided by missiles launched from this hemisphere. What about the Snark, Regulus, Matador, Mace, and other missiles in our arsenal, any one of which can deliver nuclear havoc, all formidable weapons, but still not our first line of defense. We must rely more on manned bombers and other means for the bulk of our protection and the extent of our retaliatory power.

Our strategic striking forces include over 2,000 long-range bombers, greatly outnumbering their Soviet opposite numbers. The force is highly trained, fully equipped, many on 15-minute ground alert, with some actually airborne all the time.

A B–52 can attack several targets, not one to which a missile is limited, and can load up for successive attacks. Each of our bombers can deliver nuclear blows many times the destructive power of an ICBM. A large number of these bombers are deployed at our worldwide bases within close range of potential targets.

We have 14 aircraft carriers—difficult targets because they can move—whose planes could hit about every area of the world with nuclear bombs many times more destructive than those used in the last war.

The Soviets, no doubt, are not standing still. Neither are we. We are ahead now and plan to stay ahead. We're adding this year two atomic-powered submarines with more to follow and each to be equipped with 16 Polaris missiles.

By 1963 we'll have 13 Atlas ICBM squadrons and others with the Minuteman ICBM. Our B–52 bombers will soon be equipped with Hound Dog missiles, enabling the bomber to reach heavily defended targets by softening up the air defense system with nuclear blasts from several hundred miles out. The first ballistic missile early warning system becomes operational this year, making it almost impossible for a mass attack of enemy missiles to reach here undetected.

Added soon to our already massive forces will be a whole arsenal of supermodern missiles and many other weapons.

One final point sometimes raised by earnest questioners: "Is the President so preoccupied with other weighty matters that he does not give enough attention to study and action on defense?"

This great career soldier did everything necessary to win the last war. Do you really think he now would neglect the same effort to win the peace?

His is the final decision on our massive balanced defense policy. But he has the advice of the Nation's best informed and best qualified authorities with widest experience in the entire subject, including the Secretary of Defense, the Joint Chiefs of Staff, and other great military and scientific authorities and intelligence experts.

As of yesterday, the President has presided at 296 out of 326 meetings of the National Security Council, the Nation's topmost policy forum. And he also has daily contact with others with high responsibility in America's safety.

But military competence and command is not the President's only dedication to national security. The greatest war deterrent on earth is the spirit embodied by this sincere man.

He circles the globe—reinforcing the bonds of unity and power of the free world's unnumbered millions—convincing even those behind the Iron Curtain that America always will go "the second mile" for peace with freedom and justice.

Under President Eisenhower's inspiring leadership and without lowering our guard, all-powerful America is using disarmament conferences, summit meetings, and other promising steps in a never-ending effort to replace mankind's dread of nuclear disaster with a strong, fresh hope of universal good will and lasting peace.

SENATE

FRIDAY, APRIL 1, 1960

The Senate met at 10 o'clock a.m., and was called to order by Senator GALE W. MCGEE, of Wyoming.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father God, in the midst of the distracting problems of today, with all our unhappy divisions, grant us a vision of our dear land fair as she might be—a land of justice, where none shall prey on others; a land of plenty for all, where vice shall cease to fester and where slums will have disappeared; a land of true brotherhood, where success shall be based on service, and where honor shall be given to worth alone. Hear Thou, O Lord, the silent prayer of our hearts for these servants of the state, as they give their strength and dedication to hastening the arrival of the day of our America's coming beauty and righteousness. We ask it in the dear Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 1, 1960.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. GALE W. MCGEE, a Senator from the State of Wyoming, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. MCGEE thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 31, 1960, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 2778) to amend the act relating to the Commission of Fine Arts, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had severally agreed to the amendment of the Senate to the following bills of the House:

H.R. 4874. An act to amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty;

H.R. 8343. An act relating to the preservation of acreage allotments on land from which the owner is displaced by reason of the acquisition thereof by a Government agency in the exercise of the right of eminent domain; and

H.R. 9444. An act for the relief of Hsiao-li Lindsay (nee Li-Hsiao-li).

The message further announced that the House had agreed to the amendments of the Senate to each of the following bills of the House:

H.R. 6329. An act to set aside permanently certain land in McKinley County, N. Mex., for use of the Navajo Tribe of Indians; and

H.R. 7456. An act to extend for 3 years the suspension of duty on imports of casein.

LEAVE OF ABSENCE

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the Senator from Nebraska [Mr. HRUSKA] may be absent from the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour; and I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON REAPPORTIONMENT OF AN APPROPRIATION

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Justice for "Support of U.S. Prisoners," for the fiscal year 1960, had been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

REPORT OF U.S. ADVISORY COMMISSION ON INFORMATION

A letter from the Chairman, U.S. Advisory Commission on Information, Washington, D.C., transmitting, pursuant to law, a report of that Commission, dated March 1960 (with an accompanying report); to the Committee on Foreign Relations.

AUDIT REPORTS ON GOVERNMENT SERVICES, INC. AND EMPLOYEE RETIREMENT AND BENEFIT TRUST FUND AND PENSION PLAN

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on audits of Government Services, Inc., and of Government Services, Inc.'s employee retirement and benefit trust fund and supplemental pension plan, for the year ended December 31, 1959 (with an accompanying report); to the Committee on Government Operations.

AUDIT REPORT ON PANAMA CANAL COMPANY AND CANAL ZONE GOVERNMENT

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the audit of the Panama Canal Company and Canal Zone Government, fiscal year 1959 (with an accompanying report); to the Committee on Government Operations.

REPORT ON CONTRACTS FOR EXPERIMENTAL, DEVELOPMENTAL, OR RESEARCH WORK

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a report on contracts negotiated for experimental, developmental, or research work, during the 6-month period ended December 31, 1959 (with an accompanying report); to the Committee on Government Operations.

REPORT ON PROVISION OF AVIATION WAR RISK INSURANCE

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on the provision of aviation war risk insurance, as of December 31, 1959 (with an accompanying report); to the Committee on Interstate and Foreign Commerce.

AMENDMENT OF ACT RELATING TO ADJUSTMENT OF CERTAIN CLAIMS OF POSTMASTERS

A letter from the Acting Postmaster General, transmitting a draft of proposed legislation to amend the act entitled "An act authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved March 17, 1882, as amended, and for other purposes (with an accompanying paper); to the Committee on the Judiciary.

NDUE F. ZEFI

A letter from the Secretary of the Army, transmitting a draft of proposed legislation for the relief of Ndue F. Zefi (with an accompanying paper); to the Committee on the Judiciary.

CLARIFICATION OF STATUS OF CERTAIN CIRCUIT AND DISTRICT JUDGES

A letter from the Director, Administrative Office of the United States Courts, Washington, D.C., transmitting a draft of proposed legislation to clarify the status of circuit and district judges retired from regular active service (with an accompanying paper); to the Committee on the Judiciary.

FEDERAL EMPLOYEES' COMPENSATION ACT AMENDMENTS OF 1960

A letter from the Secretary of Labor, transmitting a draft of proposed legislation to amend the Federal Employees' Compensation Act, as amended, to make benefits more realistic in terms of present wage rates, and

for other purposes (with accompanying papers); to the Committee on Labor and Public Welfare.

RECOMMENDATIONS ADOPTED BY INTERNATIONAL LABOR ORGANIZATION

A letter from the Assistant Secretary of State, transmitting, pursuant to law, recommendations adopted by the International Labor Conference, at Geneva, June 19, 1959 (with accompanying papers); to the Committee on Labor and Public Welfare.

REPORT ON SURVEY OF ECONOMIC EFFECTS OF THIRD-CLASS BULK MAIL RATE INCREASE

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on a survey of economic effects of third-class bulk mail rate increase, dated March 1960 (with an accompanying report); to the Committee on Post Office and Civil Service.

PAY PERIOD FOR DEPARTMENT OF THE NAVY UNGRADED EMPLOYEES

A letter from the Assistant Secretary of the Navy (Personnel and Reserve Forces), Washington, D.C., reporting it has been determined that the Department of the Navy will continue to pay its ungraded employees on a weekly basis; to the Committee on Post Office and Civil Service.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a report of the Archivist of the United States on a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The ACTING PRESIDENT pro tempore appointed Mr. JOHNSTON of South Carolina and Mr. CARLSON members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Alaska; to the Committee on Interstate and Foreign Commerce:

"HOUSE JOINT MEMORIAL 51

"To the Honorable Dwight D. Eisenhower, the President of the United States; the President of the Senate and Speaker of the House of Representatives; and to the Senate and House of Representatives of the United States, in Congress assembled:

"Your memorialist, the Legislature of the State of Alaska, in first legislature, second session assembled, respectfully submits that:

"Whereas in the newly created State of Alaska, the future development of the State will depend upon the orderly development of transportation facilities to, from and within the State of Alaska; and

"Whereas the Senate Interstate and Foreign Commerce Committee has held hearings in Alaska concerning the problems of transportation; and

"Whereas in 1957 at the request of the Senate of the United States, the Interstate Commerce Commission made a comprehensive survey and analysis of the regulatory problems affecting transportation to, from and within Alaska; and

"Whereas certain of the transportation facilities are now operating under the Federal statutes regulating transportation and subject to the jurisdiction of the Interstate Commerce Commission; and

"Whereas the Interstate Commerce Commission in its report to the Senate of the United States has recommended that the Alaska Railroad, a Government corporation, should be subject to the rate and service regulations of the Commission; and

"Whereas other transportation facilities in Alaska are not now subject to the same or similar regulatory procedures and control; and

"Whereas this lack of uniformity of regulation has permitted inequitable and discriminatory rate practices to the detriment of the shippers and receivers of freight in Alaska and such inequities and lack of uniformity will continue to exist until proper amendments to the Interstate Commerce Act have been promulgated by Congress: Now, therefore, be it

"Resolved, That we, the Senate and House of Representatives of the State of Alaska, do hereby respectfully present to the Congress of the United States and particularly to the Senate and House Committees on Foreign and Interstate Commerce that they give due and immediate consideration to the questions involved with relation to the proper amendments to laws governing interstate commerce affecting the broad problems of transportation to, from, and within the newly created State of Alaska; and be it further

"Resolved, That copies of this memorial be transmitted to the President of the United States, the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, the Honorable E. L. BARTLETT and the Honorable ERNEST GRUENING, Senators from Alaska and the Honorable RALPH J. RIVERS, Representative from Alaska, each Senator and Representative in Congress from the State of Washington, and to each Member of the Senate and House Committees on Foreign and Interstate Commerce. Passed by the house February 25, 1960.

"WARREN A. TAYLOR,
"Speaker of the House.

"Attest:

"ESTHER REED,
"Chief Clerk of the House.

"Passed by the senate March 1, 1960.

"WILLIAM E. BELTZ,
"President of the Senate.

"Attest:

"KATHERINE T. ALEXANDER,
"Secretary of the Senate."

A joint resolution of the Legislature of the State of Maryland; to the Committee on Public Works:

"JOINT RESOLUTION 11

"Resolution to urge the Congress of the United States and the U.S. Army Engineers to participate in the creation of an inland waterway between the Delaware Bay and the Chesapeake Bay

"Whereas constant competition between the many ports of the United States for foreign trade of the Nation has resulted in certain extensive waterway projects throughout the Nation; and

"Whereas shipping trade and commerce in this area would be greatly aided by an inland waterway between the Delaware Bay and the Chesapeake Bay with an alternate route by way of the Pocomoke River; and

"Whereas planning and construction of such a project will require the efforts of the State involved plus necessary aid from the Federal Government: Now, therefore, be it

"Resolved, That the General Assembly of Maryland urges and requests the Congress of the United States and the U.S. Army Engineers to participate in the planning and construction of an inland waterway between the Delaware Bay and the Chesapeake Bay with an alternate route by way of the Pocomoke River; and be it further

"Resolved, That copies of this joint resolution be sent to the President of the U.S. Senate; the Speaker of the House of Representatives; to each of the members of the Maryland delegation to the U.S. Congress, and to Congressmen THOMAS N. DOWNING, of Virginia, and HARRIS B. MCDOWELL, of Delaware; and to the commanding officer, U.S. Army Engineers; all under the great seal of the State of Maryland."

A resolution of the General Assembly of the State of Rhode Island; to the Committee on Finance:

"H. 1389

"Resolution memorializing Congress with respect to raising the allowable income for persons receiving less than the maximum amount under the Social Security Act

"Whereas the allowable income under the present provisions of the Social Security Act is the same for all persons receiving the maximum amount or an amount less than the maximum under the said act; and

"Whereas it would be more equitable and just to give such person receiving less than the maximum amount under the Social Security Act an allowable income which aggregates an amount equal to the total if such person was receiving the maximum amount under the said act: Now, therefore, be it

"Resolved, That the Members of the Congress of the United States be and they are hereby respectfully requested to consider the feasibility of increasing the allowable income for persons receiving less than the maximum amount under the social security act so that the aggregate amount would equal the total if such person was receiving the maximum amount under said act; and be it further

"Resolved, That the secretary of state be and he is hereby authorized and directed to transmit duly certified copies of this resolution to the Senators and Representatives from Rhode Island in the Congress of the United States and to the respective Presiding Officers in both branches of said Congress."

A resolution adopted by the San Joaquin Valley Supervisors Association, at Bakersfield, Calif., favoring the enactment of House bill 7155, authorizing the construction of the Federal share of the San Luis unit of the Central Valley project; to the Committee on Interior and Insular Affairs.

PENSIONS FOR VETERANS OF WORLD WAR I—RESOLUTIONS

Mr. CARLSON. Mr. President, the Emporia, Kans., chapter of the Kansas State Association of the American War Dads and the American War Dads Auxiliary of Emporia, at their regular meeting on March 11, adopted resolutions urging that the veterans of World War I be granted a pension of $100 per month as stated in H.R. 9336.

The Kansas State Association of the American War Dads and the auxiliary are excellent organizations composed of veterans who have rendered service, or whose sons or daughters have been a part of our defense organization.

I ask unanimous consent that these resolutions be printed in the RECORD and referred to the Senate Finance Committee.

There being no objection, the resolutions were referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

RESOLUTION OF KANSAS STATE ASSOCIATION OF THE AMERICAN WAR DADS

Whereas the American War Dads are a nonprofit organization, dedicated to work for the relief and rehabilitation of veterans whether it be in the hospital or in the home, and to work for a just and lasting peace and a more understanding world; and

Whereas the veterans of World War I seek a just and honorable pension of $100 a month under conditions granted to veterans of former wars, as stated in H.R. 9336:

It was resolved in our regular meeting March 11, that Emporia Chapter 87, American War Dads, working with all the veterans organizations in Emporia, urge the support of this legislation, and that a copy be sent to our Senators and Fourth District Congressman in Washington.

BURRILL RODEE,
President.
F. JAY SOUTH,
Secretary.

RESOLUTION OF AMERICAN WAR DADS AUXILIARY

Whereas the American War Dads Auxiliary is a nonprofit organization dedicated to work for the relief and rehabilitation of the veteran whether it be in the hospital or the home, and to work for a just and lasting peace and a more understanding world; and

Whereas the veterans of World War I seek a just and honorable pension of $100 per month under conditions granted to veterans of former wars, as stated in H.R. 9336:

It was resolved in our regular meeting, March 11, 1960, that Emporia chapter, American War Dads Auxiliary, working with all of the veterans organizations in Emporia, urge support of this legislation and copies be sent to our Senators and Fourth District Congressman in Washington.

IRENE B. MILLARD,
President.
HAZEL KNOEPFEL,
Secretary.

RESOLUTION OF CITY COUNCIL OF SCHENECTADY, N.Y.

Mr. JAVITS. Mr. President, I present, for appropriate reference, a resolution adopted by the City Council of the City of Schenectady, N.Y., favoring the enactment of the bill (S. 105) relating to the provision of scholarships and fellowships for certain children. I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

RESOLUTION 6919

Whereas U.S. Senate bill 105, known as the Veterans' Children Scholarship Act, has been referred to the Senate Education and Scholarship Committee by Senator SMATHERS, of Florida, at the request of the National American Legion and has gained the support of the Schenectady Board of Education, the Rotterdam Town Council, and the board of supervisors; and

Whereas U.S. Senate bill 105 is set up "to provide scientific scholarships and fellowships for children of veterans and other individuals from interest resulting from the investment of certain funds obtained under the provisions of the Trading With the Enemy Act, and to provide for the repayment from such funds of certain American war claims against Germany and Japan"; and

Whereas U.S. Senate bill 105 provides that scholarships would be granted under the direction of the National Science Foundation and would benefit approximately 2,000 students each year studying toward careers in science, technology, and engineering, and toward teaching careers in those fields; and

Whereas passage of the bill would not represent any cost to the taxpayers, since the Federal Government now holds $600 million surrendered by Germany and Japan after World War II in lieu of war reparations: Now, therefore, be it

Resolved, That the Council of the City of Schenectady interested in education of not only citizens of the city of Schenectady but of our populace throughout the Nation joins with the American Legion, Schenectady Board of Education, Rotterdam Town Council, and the board of supervisors in requesting the passage of U.S. Senate bill 105; and be it further

Resolved, That copies of this resolution be sent forthwith by the clerk of the city of Schenectady to Congressman SAMUEL S. STRATTON and Senators KENNETH B. KEATING and JACOB K. JAVITS.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, without amendment:

S. 1268. A bill to provide for notice to States owning surface of lands in which minerals are reserved to Federal Government of proposals to lease such minerals (Rept. No. 1210);

S. 2576. A bill to authorize the addition of certain donated lands to the Everglades National Park (Rept. No. 1211);

H.R. 725. An act to provide for the establishment of the Wilson's Creek Battlefield National Park, in the State of Missouri (Rept. No. 1213);

H.R. 1805. An act to provide for the protection and preservation of the Antietam Battlefield in the State of Maryland (Rept. No. 1214);

H.R. 9543. An act to revise the boundaries and change the name of the Stones River National Military Park, Tenn., and for other purposes (Rept. No. 1215); and

S.J. Res. 9. Joint resolution to provide for the removal of a reservation of timber rights from a patent issued to Ivan H. McCormack (Rept. No. 1212).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, with an amendment:

S. 1066. A bill to revise the boundaries and change the name of Fort Donelson National Military Park, and for other purposes (Rept. No. 1216);

S. 2128. A bill for the relief of the West Virginia Pulp & Paper Co. (Rept. No. 1217);

S. 2174. A bill to permit M. Margaretta Van Horne to file application for a patent to certain land in Florida (Rept. No. 1218); and

S. 2674. A bill to authorize the acquisition of certain lands for addition to Harpers Ferry National Monument, and for other purposes (Rept. No. 1219).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 7359. An act to direct the Secretary of the Interior to convey certain public lands in the State of Nevada to the Colorado River Commission of Nevada acting for the State of Nevada (Rept. No. 1220).

By Mr. GOLDWATER, from the Committee on Interior and Insular Affairs, without amendment:

S. 939. A bill to authorize the establishment of the Fort Bowie National Historic Site, in the State of Arizona, and for other purposes (Rept. No. 1221).

By Mr. GRUENING, from the Committee on Interior and Insular Affairs, without amendment:

S. 1411. A bill to amend the act of August 1, 1956 (70 Stat. 896) (Rept. No. 1222).

By Mr. LUSK, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 3676. An act to direct the Secretary of the Interior to convey certain lands to the city of Tillamook, Oreg. (Rept. No. 1223).

By Mr. ALLOTT, from the Committee on Interior and Insular Affairs, with an amendment:

S. 1833. A bill authorizing the establishment of a national historic site at Bent's Old Fort, near La Junta, Colo. (Rept. No. 1224).

By Mr. FREAR, from the Committee on the District of Columbia, without amendment:

H.R. 9451. An act to amend the act of July 19, 1954, to exempt from taxation certain additional property of the Veterans of Foreign Wars of the United States in the District of Columbia, and to provide that the tax exemption granted the property of the Veterans of Foreign Wars of the United States in the District of Columbia shall be effective with respect to taxable years beginning on and after July 1, 1959 (Rept. No. 1225).

By Mr. FREAR, from the Committee on the District of Columbia, with an amendment:

S. 2671. A bill to exempt from taxation certain property of the American War Mothers, Inc. (Rept. No. 1226).

By Mr. FREAR, from the Committee on the District of Columbia, with amendments:

S. 2306. A bill to exempt from taxation certain property of the National Woman's Party, Inc., in the District of Columbia (Rept. No. 1227).

By Mr. HARTKE, from the Committee on the District of Columbia, without amendment:

H.R. 10683. An act to provide for the regulation of finance charges for retail installment sales of motor vehicles in the District of Columbia, and for other purposes (Rept. No. 1229).

By Mr. HARTKE, from the Committee on the District of Columbia, with amendments:

S. 2446. A bill to amend the act entitled "An act to authorize the District of Columbia government to establish an Office of Civil Defense, and for other purposes," approved August 11, 1950 (Rept. No. 1228).

By Mr. BEALL, from the Committee on the District of Columbia, without amendment:

H.R. 9737. An act to amend the act of March 3, 1901, to eliminate the requirement that certain District of Columbia corporations be managed by trustees the majority of whom are citizens of the District of Columbia (Rept. No. 1230).

By Mr. BEALL, from the Committee on the District of Columbia, with amendments:

S. 2131. A bill to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954, as amended (Rept. No. 1231).

REPORT OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES—FEDERAL EMPLOYMENT AND PAY

Mr. BYRD of Virginia. Mr. President, as chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, I submit a report on Federal employment and pay for the month of February 1960. In accordance with the practice of several years' standing, I ask unanimous consent to have the report printed in the RECORD, together with a statement by me.

There being no objection, the report and statement were ordered to be printed in the RECORD, as follows:

FEDERAL PERSONNEL IN EXECUTIVE BRANCH, FEBRUARY 1960 AND JANUARY 1960, AND PAY, JANUARY 1960 AND DECEMBER 1959

PERSONNEL AND PAY SUMMARY

(See table I)

Information in monthly personnel reports for February 1960 submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures is summarized.

Total and major categories	Civilian personnel in executive branch: In February numbered—	In January numbered—	Increase (+) or decrease (−)	Payroll (in thousands) in executive branch: In January was—	In December was—	Increase (+) or decrease (−)
Total [1]	2,331,863	2,329,442	+2,441	$1,026,721	$1,148,434	−$121,713
Agencies exclusive of Department of Defense	1,284,723	1,281,142	+3,581	566,695	648,306	−81,611
Department of Defense	1,047,160	1,048,300	−1,140	460,026	500,128	−40,102
Inside the United States	2,172,136	2,170,430	+1,706			
Outside the United States	159,747	159,012	+735			
Industrial employment	557,175	556,645	+530			
Foreign nationals	179,419	179,298	+121	21,629	23,494	−1,865

[1] Exclusive of foreign nationals shown in the last line of this summary.

Table I breaks down the above figures on employment and pay by agencies.

Table II breaks down the above employment figures to show the number inside the United States by agencies.

Table III breaks down the above employment figures to show the number outside the United States by agencies.

Table IV breaks down the above employment figures to show the number of Federal employees inside and outside the United States in industrial-type activities by agencies.

Table V shows foreign nationals by agencies not included in tables I, II, III, and IV.

TABLE I.—*Consolidated table of Federal personnel inside and outside the United States employed by the executive agencies during February 1960, and comparison with January 1960, and pay for January 1960, and comparison with December 1959*

Department or agency	Personnel: February	January	Increase	Decrease	Pay (in thousands): January	December	Increase	Decrease
Executive departments (except Department of Defense):								
Agriculture	83,733	84,321		588	$35,342	$39,141		$3,799
Commerce [1] [2]	34,334	35,464		1,130	15,128	[3] 19,139		4,011
Health, Education, and Welfare	59,853	59,930		77	26,512	[3] 28,659		2,147
Interior	49,832	49,608	224		23,835	26,554		2,719
Justice	30,313	30,106	207		16,482	18,014		1,532
Labor	6,571	6,304	267		3,164	3,430		266
Post Office	555,811	556,347		536	243,631	294,341		50,710
State [4]	36,478	36,280	198		15,956	17,287		1,331
Treasury	78,554	75,421	3,133		36,782	39,629		2,847
Executive Office of the President:								
White House Office	415	412	3		237	263		26
Bureau of the Budget	425	429		4	328	346		18
Council of Economic Advisers	32	33		1	31	29	$2	
Executive Mansion and Grounds	71	72		1	27	31		4
National Security Council	63	64		1	44	47		3
Office of Civil and Defense Mobilization	1,790	1,776	14		1,093	1,186		93
President's Advisory Committee on Government Organization	3	3			2	3		1
President's Committee on Fund Raising Within the Federal Service	5	4	1		3	3		
Independent agencies:								
Alaska International Rail and Highway Commission	2	2			2	2		
American Battle Monuments Commission	478	484		6	82	85		3
Atomic Energy Commission	6,749	6,723	26		4,079	4,425		346
Board of Governors of the Federal Reserve System	591	584	7		342	364		22
Boston National Historic Sites Commission	3	3	1		1	1		
Civil Aeronautics Board	732	730	2		450	493		43
Civil Service Commission	3,564	3,573		9	1,796	1,989		193
Civil War Centennial Commission	6	6			4	4		
Commission of Fine Arts	4	4			2	3		1
Commission on Civil Rights	70	73		3	38	40		2
Commission on International Rules of Judicial Procedure						[3] 7		7
Development Loan Fund	99	98	1		68	70		2
Export-Import Bank of Washington	227	226	1		146	153		7
Farm Credit Administration	249	251		2	165	338		173
Federal Aviation Agency	35,049	34,593	456		19,584	20,570		986
Federal Coal Mine Safety Board of Review	7	7			4	4		
Federal Communications Commission	1,291	1,268	23		734	805		71
Federal Deposit Insurance Corporation	1,287	1,288		1	670	736		66
Federal Home Loan Bank Board	975	967	8		530	573		43
Federal Mediation and Conciliation Service	335	335			351	373		22
Federal Power Commission	832	827	5		488	531		43
Federal Trade Commission	748	743	5		467	510		43
Foreign Claims Settlement Commission	46	48		2	33	34		1
General Accounting Office	4,996	5,000		4	5,633	5,865		232
General Services Administration [5]	27,920	27,816	104		11,322	12,322		1,000
Government Contract Committee	36	34	2		18	18		
Government Printing Office	6,514	6,518		4	2,287	2,450		163
Housing and Home Finance Agency	10,900	10,946		46	5,716	6,356		640
Hudson-Champlain Celebration Commission	3	3			2	2		
Indian Claims Commission	16	16			16	11	5	
Interstate Commerce Commission	2,333	2,306	27		1,302	1,407		105
Lincoln Sesquicentennial Commission	5	6		1	4	4		
National Aeronautics and Space Administration	9,670	9,604	66		5,613	6,013		400
National Capital Housing Authority	329	324	5		132	143		11
National Capital Planning Commission	44	43	1		27	29		2
National Gallery of Art	319	316	3		117	127		10
National Labor Relations Board	1,647	1,663		16	941	1,001		60
National Mediation Board	119	117	2		81	84		3
National Science Foundation	652	555	97		302	326		24
Outdoor Recreation Resources Review Commission	37	38		1	22	21	1	
Panama Canal	12,854	12,786	68		4,142	4,210		68
Railroad Retirement Board	2,237	2,257		20	1,023	1,130		107
Renegotiation Board	286	287		1	202	219		17
St. Lawrence Seaway Development Corporation	163	164		1	89	92		3
Securities and Exchange Commission	958	959		1	555	596		42
Selective Service System	6,200	6,191	9		1,675	1,826		151
Small Business Administration	2,155	2,137	18		1,160	1,242		82
Smithsonian Institution	1,128	1,109	19		457	515		58
Soldiers' Home	1,020	1,022		2	202	236		34
South Carolina, Georgia, Alabama, and Florida Water Study Commission	41	40	1		24	24		

See footnotes at end of table.

TABLE I.—*Consolidated table of Federal personnel inside and outside the United States employed by the executive agencies during February 1960, and comparison with January 1960, and pay for January 1960, and comparison with December 1959*—Continued

Department or agency	Personnel: February	January	Increase	Decrease	Pay (in thousands): January	December	Increase	Decrease
Independent agencies—Continued								
Subversive Activities Control Board	27	28		1	$21	$22		$1
Tariff Commission	235	237		2	148	175		27
Tax Court of the United States	149	149			100	107		7
Tennessee Valley Authority	14,175	13,980	195		7,390	7,718		328
Texas Water Study Commission	36	35	1		21	22		1
U.S. Information Agency	10,876	10,820	56		3,644	3,953		309
Veterans' Administration	173,297	173,025	272		65,565	71,767		6,202
Virgin Islands Corporation	1,025	500	525		89	90		1
Total, excluding Department of Defense	1,284,723	1,281,142	6,048	2,467	566,695	648,306	$8	81,619
Net change, excluding Department of Defense			3,581				81,611	
Department of Defense:								
Office of the Secretary of Defense	1,818	1,806	12		1,176	1,292		116
Department of the Army	385,745	[2] 385,227	518		162,696	176,222		13,526
Department of the Navy	345,064	346,123		1,059	159,513	174,051		14,538
Department of the Air Force	314,533	315,144		611	136,641	148,563		11,922
Total, Department of Defense	1,047,160	1,048,300	530	1,670	460,026	500,128		40,102
Net decrease, Department of Defense			1,140				40,102	
Grand total, including Department of Defense [6]	2,331,863	2,329,442	6,578	4,137	1,026,721	1,148,434	8	121,721
Net change, including Department of Defense			2,441				121,713	

[1] February figure includes 190 seamen on the rolls of the Maritime Administration, and their pay.

[2] February figure includes 261 enumerators for the census of agriculture as compared with 2,232 in January, and their pay.

[3] Revised on basis of later information.

[4] February figure includes 13,394 employees of the International Cooperation Administration as compared with 13,287 in January, and their pay. These ICA figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The February figure includes 3,184 of these trust fund employees, and the January figure includes 3,135.

[5] Includes 3 employees of the Federal Facilities Corporation.

[6] Exclusive of personnel and pay of the Central Intelligence Agency and the National Security Agency.

TABLE II.—*Federal personnel inside the United States employed by the executive agencies during February 1960, and comparison with January 1960*

Department or agency	February	January	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	82,698	83,295		597
Commerce [1]	33,803	34,963		1,160
Health, Education, and Welfare	59,403	59,484		81
Interior	49,384	49,162	222	
Justice	30,013	29,813	200	
Labor	6,489	6,235	254	
Post Office	554,610	555,192		582
State [2]	8,915	8,834	81	
Treasury	78,013	74,877	3,136	
Executive Office of the President:				
White House Office	415	412	3	
Bureau of the Budget	425	429		4
Council of Economic Advisers	32	33		1
Executive Mansion and Grounds	71	72		1
National Security Council	63	64		1
Office of Civil and Defense Mobilization	1,790	1,776	14	
President's Advisory Committee on Government Organization	3	3		
President's Committee on Fund Raising Within the Federal Service	5	4	1	
Independent agencies:				
Alaska International Rail and Highway Commission	2	2		
American Battle Monuments Commission	14	13	1	
Atomic Energy Commission	6,707	6,681	26	
Board of Governors of the Federal Reserve System	591	584	7	
Boston National Historic Sites Commission	3	2	1	
Civil Aeronautics Board	732	730	2	
Civil Service Commission	3,561	3,570		9
Civil War Centennial Commission	6	6		
Commission of Fine Arts	4	4		
Commission on Civil Rights	70	73		3
Development Loan Fund	99	98	1	
Export-Import Bank of Washington	227	226	1	
Farm Credit Administration	249	251		2
Federal Aviation Agency	34,998	34,740	458	
Federal Coal Mine Safety Board of Review	7	7		
Federal Communications Commission	1,290	1,266	23	
Federal Deposit Insurance Corporation	1,285	1,286		1
Federal Home Loan Bank Board	975	967	8	
Federal Mediation and Conciliation Service	335	335		
Federal Power Commission	832	827	5	
Federal Trade Commission	748	743	5	
Foreign Claims Settlement Commission	46	48		2
General Accounting Office	4,925	4,929		4
General Services Administration [3]	27,615	27,511	104	
Government Contract Committee	36	34	2	
Government Printing Office	6,514	6,518		4
Independent agencies—Continued				
Housing and Home Finance Agency	10,765	10,807		42
Hudson-Champlain Celebration Commission	3	3		
Indian Claims Commission	16	16		
Interstate Commerce Commission	2,333	2,306	27	
Lincoln Sesquicentennial Commission	5	6		1
National Aeronautics and Space Administration	9,668	9,602	66	
National Capital Housing Authority	329	324	5	
National Capital Planning Commission	44	43	1	
National Gallery of Art	319	316	3	
National Labor Relations Board	1,623	1,639		16
National Mediation Board	119	117	2	
National Science Foundation	652	555	97	
Outdoor Recreation Resources Review Commission	37	38		1
Panama Canal	409	387	22	
Railroad Retirement Board	2,237	2,257		20
Renegotiation Board	286	287		1
St. Lawrence Seaway Development Corporation	163	164		1
Securities and Exchange Commission	958	959		1
Selective Service System	6,105	6,096	9	
Small Business Administration	2,135	2,118	17	
Smithsonian Institution	1,111	1,092	19	
Soldiers' Home	1,020	1,022		2
South Carolina, Georgia, Alabama, and Florida Water Study Commission	41	40	1	
Subversive Activities Control Board	27	28		1
Tariff Commission	235	237		2
Tax Court of the United States	149	149		
Tennessee Valley Authority	14,173	13,978	195	
Texas Water Study Commission	36	35	1	
U.S. Information Agency	2,793	2,799		6
Veterans' Administration	172,214	171,944	270	
Total, excluding Department of Defense	1,227,124	1,224,353	5,302	2,531
Net increase, excluding Department of Defense			2,771	
Department of Defense:				
Office of the Secretary of Defense	1,774	1,762	12	
Department of the Army	335,553	335,048	505	
Department of the Navy	323,073	324,084		1,011
Department of the Air Force	284,610	285,181		571
Total, Department of Defense	945,012	946,077	517	1,582
Net decrease, Department of Defense			1,065	
Grand total, including Department of Defense	2,172,136	2,170,430	5,809	4,103
Net increase, including Department of Defense			1,706	

[1] February figure includes 190 seamen on the rolls of the Maritime Administration.

[2] February figure includes 1,882 employees of the International Cooperation Administration as compared with 1,869 in January.

[3] Includes 3 employees of the Federal Facilities Corporation.

TABLE III.—*Federal personnel outside the United States employed by the executive agencies during February 1960, and comparison with January 1960*

Department or agency	February	January	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	1,035	1,026	9	
Commerce	531	501	30	
Interior	450	446	4	
Justice	443	445		2
Labor	300	293	7	
Post Office	82	69	13	
State [1]	1,171	1,155	16	
Treasury	27,563	27,446	117	
Independent agencies:	641	644		3
American Battle Monuments Commission	464	471		7
Atomic Energy Commission	42	42		
Civil Service Commission	3	3		
Federal Aviation Agency	844	853		9
Federal Communications Commission	2	2		
Federal Deposit Insurance Corporation	2	2		
General Accounting Office	71	72		1
General Services Administration	5	5		
Housing and Home Finance Agency	125	129		4
National Aeronautics and Space Administration	2	2		
National Labor Relations Board	24	26		2
Panama Canal	13,445	13,399	46	
Selective Service System	155	155		
Independent agencies—Continued				
Small Business Administration	20	19	1	
Smithsonian Institution	11	11		
Tennessee Valley Authority	2	2		
U.S. Information Agency	8,143	8,061	82	
Veterans' Administration	1,063	1,061	2	
Virgin Islands Corporation	1,025	800	225	
Total, excluding Department of Defense	57,599	56,789	834	24
Net increase, excluding Department of Defense			810	
Department of Defense:				
Office of the Secretary of Defense	44	44		
Department of the Army	50,192	[2] 50,179	13	
Department of the Navy	21,989	22,037		48
Department of the Air Force	29,922	29,963		40
Total, Department of Defense	102,148	102,223	13	88
Net decrease, Department of Defense				75
Grand total, including Department of Defense	159,747	159,012	847	112
Net increase, including Department of Defense			735	

[1] February figure includes 11,512 employees of the International Cooperation Administration as compared with 11,396 in January. These ICA figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The February figure includes 3,194 of these trust fund employees, and the January figure includes 3,133.

[2] Revised on basis of later information.

TABLE IV.—*Industrial employees of the Federal Government inside and outside the United States employed by the executive agencies during February 1960, and comparison with January 1960*

Department or agency	February	January	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	3,329	3,306	23	
Commerce	2,397	2,299	98	
Interior	6,716	6,616	100	
Treasury	5,202	5,159	43	
Independent agencies:				
Atomic Energy Commission	155	154	1	
Federal Aviation Agency	785	750	35	
Federal Communications Commission	13	13		
General Services Administration	1,226	1,207	19	
Government Printing Office	6,514	6,518		4
National Aeronautics and Space Administration	9,670	9,604	66	
Panama Canal	7,033	6,924	109	
Tennessee Valley Authority	1,411	11,220	191	
Virgin Islands Corporation	1,025	500	525	
Total, excluding Department of Defense	55,476	54,270	1,210	4
Net increase, excluding Department of Defense			1,206	
Department of Defense:				
Department of the Army:				
Inside the United States	[1] 134,750	[2] 134,573	177	
Outside the United States	[1] 8,200	[1] 8,210		10
Department of the Navy:				
Inside the United States	198,661	199,073		412
Outside the United States	514	519		5
Department of the Air Force:				
Inside the United States	158,172	158,539		367
Outside the United States	1,402	1,461		59
Total, Department of Defense	501,699	502,375	177	853
Net decrease, Department of Defense			676	
Grand total, including Department of Defense	557,175	556,645	1,387	857
Net increase, including Department of Defense			530	

[1] Subject to revision.

[2] Revised on basis of later information.

TABLE V.—*Foreign nationals working under U.S. agencies overseas, excluded from tables I through IV of this report, whose services are provided by contractual agreement between the United States and foreign governments, or because of the nature of their work or the source of funds from which they are paid, as of February 1960 and comparison with January 1960*

Country	Total		Army		Navy		Air Force	
	February	January	February	January	February	January	February	January
Belgium	12	12					12	12
England	3,491	3,393					3,491	3,393
France	21,774	21,725	17,384	17,326	4	3	4,386	4,396
Germany	81,631	81,527	69,189	69,213	57	57	12,385	12,257
Japan	61,952	62,212	[1] 20,245	[1] 20,442	16,026	16,072	25,680	25,698
Korea	6,121	6,011	6,121	6,011				
Morocco	3,822	3,806	2	2	846	845	2,974	2,959
Netherlands	43	43					43	43
Norway	23	23					23	23
Saudi Arabia	1	2					1	2
Trinidad	549	544			549	544		
Total	179,419	179,296	112,982	112,994	17,482	17,521	48,975	48,783

[1] Revised on basis of later information.

STATEMENT BY SENATOR BYRD OF VIRGINIA

Executive agencies of the Federal Government reported civilian employment in the month of February totaling 2,331,883. This was a net increase of 2,441 as compared with employment reported in the preceding month of January.

Civilian employment reported by the executive agencies of the Federal Government, by months in fiscal year 1960, which began July 1, 1959, follows:

Month	Employment	Increase	Decrease
1959			
July	2,370,694	3,703	
August	2,364,320		6,374
September	2,345,359		18,961
October	2,348,807	3,448	
November	2,372,247	23,440	
December	2,364,342		7,905
1960			
January	2,329,442		34,900
February	2,331,883	2,441	

Total Federal employment in civilian agencies for the month of February was 1,284,723, an increase of 3,581 as compared with the January total of 1,281,142. Total civilian employment in the military agencies in February was 1,047,160, a decrease of 1,140 as compared with 1,048,300 in January.

Civilian agencies reporting the larger increases were Treasury Department with 3,133, Virgin Islands Corporation with 525, and Federal Aviation Agency with 456. The increase in Treasury Department was largely seasonal. The larger decreases were reported by Commerce Department with 1,130, Agriculture Department with 588 and Post Office Department with 536.

In the Department of Defense, decreases in civilian employment were reported by the Department of the Navy with 1,059, and the Department of the Air Force with 611. The Department of the Army reported an increase of 518.

Inside the United States civilian employment increased 1,707, and outside the United States civilian employment increased 735. Industrial employment by Federal agencies in February totaled 557,175, an increase of 530.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Nonessential Federal Expenditures.

FOREIGN NATIONALS

The total of 2,331,883 civilian employees certified to the Committee by Federal agencies in their regular monthly personnel reports includes some foreign nationals employed in U.S. Government activities abroad, but in addition to these there were 179,419 foreign nationals working for U.S. military agencies during February who were not counted in the usual personnel reports. The number in January was 179,296. A breakdown of this employment for February follows:

Country	Total	Army	Navy	Air Force
Belgium	12			12
England	3,491			3,491
France	21,774	17,384	4	4,386
Germany	81,631	69,189	57	12,385
Japan	61,952	20,266	16,026	25,660
Korea	6,121	6,121		
Morocco	3,822	2	846	2,974
Netherlands	43			43
Norway	23			23
Saudia Arabia	1			1
Trinidad	549		549	
Total	179,419	112,982	17,482	48,975

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HART:

S. 3306. A bill for the relief of Tadeusz (Krasnewski) DeMuch; to the Committee on the Judiciary.

By Mr. KEFAUVER:

S. 3307. A bill for the relief of Rocky River Co. and Macy Land Corp.; to the Committee on the Judiciary.

By Mr. BUTLER:

S. 3308. A bill to amend section 5 of the Administrative Procedure Act; to the Committee on the Judiciary.

(See the remarks of Mr. BUTLER when he introduced the above bill, which appear under a separate heading.)

By Mr. MAGNUSON (for himself and Mr. JACKSON):

S. 3309. A bill to amend the act entitled "An act to authorize the purchase, sale, and exchange of certain Indian lands on the Yakima Indian Reservation, and for other purposes," approved July 28, 1955;

S. 3310. A bill to amend the act entitled "An act to transfer the maintenance and operation of hospital and health facilities for Indians to the Public Health Service, and for other purposes," approved August 5, 1954; and

S. 3311. A bill to authorize the Secretary of the Interior to make loans to the Yakima Tribes of Indians of the State of Washington for the purpose of purchasing Indian lands; and

S. 3312. A bill to authorize the Secretary of the Interior to establish, in the State of Washington, an institution for the care, custody and education of certain juvenile dependents and delinquents; to the Committee on Interior and Insular Affairs.

By Mr. KERR:

S. 3313. A bill for the relief of Thomas J. Morris; to the Committee on the Judiciary.

By Mr. SMATHERS:

S. 3314. A bill for the relief of Ellsworth W. Thiele; to the Committee on the Judiciary.

By Mr. WILLIAMS of New Jersey:

S. 3315. A bill for the relief of Helena Palin Kalembs; to the Committee on the Judiciary.

By Mr. JACKSON (for himself and Mr. MAGNUSON):

S. 3316. A bill to amend the Act of September 16, 1959 (73 Stat. 561), with respect to the construction, operation, and maintenance of the Spokane Valley project, Washington, under the Federal reclamation laws; to the Committee on Interior and Insular Affairs.

By Mr. KUCHEL (for himself and Mr. ENGLE):

S. 3317. A bill to provide authority for the Secretary of State to conclude an agreement with the Government of Mexico and the city of San Diego for collection, treatment, and disposal of sewage originating in Tijuana, Mexico, with a proviso that the agreement contain provisions for payment by the Government of Mexico in an amount and under such terms and conditions as deemed appropriate by the Secretary of State; to the Committee on Foreign Relations.

(See the remarks of Mr. KUCHEL when he introduced the above bill, which appear under a separate heading.)

By Mr. LONG of Louisiana (for himself and Mr. ELLENDER):

S.J. Res. 182. Joint resolution to provide for the designation of June 4, 1960, as Louisiana State University Centennial Day; to the Committee on the Judiciary.

CONCURRENT RESOLUTION RESTORATION OF FREEDOM TO CAPTIVE NATIONS

Mr. DOUGLAS submitted a concurrent resolution (S. Con. Res. 102) relating to restoration of freedom to captive nations, which was referred to the Committee on Foreign Relations.

(See the above concurrent resolution printed in full when submitted by Mr. DOUGLAS, which appears under a separate heading.)

AMENDMENT OF SECTION 5 OF ADMINISTRATIVE PROCEDURE ACT

Mr. BUTLER. Mr. President, I introduce for appropriate reference a bill to amend section 5 of the Administrative Procedure Act.

I ask unanimous consent to have printed in the RECORD a statement I have prepared in connection with the bill.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the statement will be printed in the RECORD.

The bill (S. 3308) to amend section 5 of the Administrative Procedure Act, introduced by Mr. BUTLER, was received, read twice by its title, and referred to the Committee on the Judiciary.

The statement presented by Mr. BUTLER is as follows:

STATEMENT BY SENATOR BUTLER

During the 2d session of the 85th Congress I introduced a bill, S. 3521, as an amendment to section 5 of the Administrative Procedure Act which would make unlawful any ex parte discussion of certain matters pending before Federal agencies. I wish to reintroduce a modified version of that bill at this time.

The purpose of my bill is to equate the members, officers, and employees of agencies, in their adjudicatory functions, with Federal judges insofar as a standard of ethical conduct is concerned.

I feel that it is important for their own protection that these men have some standard or criterion which they can utilize in governing their activities and contacts with members of the industry they are charged with regulating.

Much has been said and printed recently about the impossibility of legislating ethics. While I agree that it is inherently difficult to regulate a man's ethics, I submit there are areas where rules can be applied. Specifically, I do not believe agency members should be isolated from contact with their industry simply because they are in a regulatory position. Daily contact is often necessary to keep abreast of new developments. Agency members cannot and should not be criticized for such contact.

With or without legislation, however, they should be discreet in their discussions with industry representatives. In this respect they should conform to a code of conduct similar to that followed by Federal and other judges and not discuss pending cases.

The legal profession has for years operated on the theory that there should be no ex parte discussion with a judge of pending cases. To do so is a breach of professional and judicial ethics. On the whole, the practice has been highly successful.

A judge is usually selected from the bar that will subsequently practice before him. No one could logically argue that from the

day of his selection or election he is to disassociate himself from his longtime friends of the bar. The judge can and should continue to be active in his local bar association and maintain his contact with the profession. He must, of course, be careful not to accept unusual hospitality. The prudent judge, however, will never discuss pending cases outside the presence of all parties. The prudent lawyer will never ask that he do so.

The same is true of the agency head or member. He must of necessity if he is to be of any value at all in the position, be selected from some segment of the industry he is to have a hand in regulating. Should he thereafter divorce himself from all contacts, new or old, in the industry? Of course not. He should, however, conduct himself with the same degree of judicial and professional demeanor that governs a judge. He should not talk about cases before his agency which have been designated for hearing. Any self-respecting industry member or attorney practicing before the agency should act with equal discretion.

The bill would make it unlawful and unethical for any person to discuss the facts of a case with an agency official or member after it has been designated for hearing without first giving notice and opportunity for all parties to be present. It would likewise make it unlawful and unethical for any agency official to solicit such ex parte discussions.

While this bill would establish a code of conduct, it would leave to the discretion of the respective officials the degree of contact, social and business, he would have with the industry. This is consistent with the respect accorded the gentlemen of the judiciary.

Further, it has been brought to my attention that agencies receive suggestions and ideas on the variety of matters before them not only from the industry and the public but from Members of Congress and other Government officials as well. I understand this occurs during the regular working day as well as at evening social affairs. While such may or may not be good practice when applied to some of the various functions of the agencies, it should not be carried over to those cases pending before the agencies which have been designated for hearing. My bill will prevent the practice referred to and would give to administrative hearings the judicial-like atmosphere and procedure which was intended by the Administrative Procedure Act. The application of legal ethical standards to the agencies would give public and professional confidence to the decisions of those officials which apparently does not exist at the present time.

While my bill does not provide for a penalty, it would nevertheless serve as a valuable guide and deterrent as do the existing codes of judicial and professional ethics. It would protect the officials not only from their enemies but, of equal if not more importance, from their friends. Violation could be the basis for prohibiting an individual from practicing or appearing before the agency the same as unethical conduct can be the basis for disbarment or suspension of an attorney. That, however, is a matter which should be left with the agency, the same as disbarment and suspension procedures are determined by the court concerned.

To impose any greater standard of conduct on these officials in their adjudicatory function than that imposed upon Federal judges cannot be justified; to require less would affect the confidence given their decisions.

I submit that law is the cornerstone of a society's ethical code and that my bill would alleviate, to a considerable extent, existing suspicion and mistrust of the Nation's regulatory agencies.

PROPOSED LEGISLATION TO RESOLVE THE BORDER SANITATION PROBLEM BETWEEN MEXICO AND THE UNITED STATES

Mr. KUCHEL. Mr. President, on behalf of myself and my colleague the junior Senator from California [Mr. ENGLE], I introduce, for appropriate reference, a bill to authorize the Secretary of State to conclude an agreement with the Government of Mexico and the city of San Diego, Calif., for the collection, treatment, and disposal of sewage originating in Tijuana, Mexico. Included in the bill is a requirement that the agreement must contain provisions for payment by the Government of Mexico, the details of payment to be determined by the Secretary of State.

Mr. President, this proposed legislation is urgently needed to remedy a critical situation threatening the health and welfare of residents from San Diego southward to Baja, Calif. Without it, both the Mexican and southern Californian residents of the affected area will continue to face a dangerous health menace, the secondary effects of which will spread to other larger areas.

Prior to the construction of the international outfall sewer, the sewage facilities in Tijuana, Mex., consisted of a system serving 500 people. Effluent was discharged into the drainage system of the Tia Juana River on the Mexican side of the border. Inadequately treated sewage began flowing across the border into California, creating a health hazard; and in May 1933 the county of San Diego lodged an official complaint with the International Boundary and Water Commission. The Commission subsequently agreed upon a plan for the construction of an international trunkline sewer, commencing in Mexico and extending through San Ysidro and along the border to the Pacific Ocean. Through the use of emergency relief funds, the portion of the international sewer line in the United States was completed in 1938.

Treatment facilities provided for Tijuana were minimal in nature, consisting of a septic tank designed to serve a population of 5,000. Today the population of Tijuana has skyrocketed to an estimated 160,000, with 50,000 to 60,000 people connected to the sewage system. Flows of between 4.5 million and 5 million gallons per day of sewage now cross the border from Tijuana. There have been few changes in the plant since its construction. Operation of the plant as a limited settling facility has generally not worked out, with the result that sewage entering California and flowing to the Pacific Ocean is virtually raw. It is swept back up on the beaches of California communities in this State. Emergency measures to treat the raw sewage by chlorination has been inadequate. In fact, the county of San Diego health officials closed the beaches and restricted the use of a major section of the beaches known as the Silver Strand in the Imperial Beach area because the chlorination method of treating raw sewage did not reduce the bacterial count to a safe level.

Mr. President, officials from the Mexican Government, the State Department, the State of California, the county and city of San Diego, the city of Imperial Beach, and the International Boundary and Water Commission have worked tirelessly with Representative WILSON to work out a mutually satisfactory solution to the problem. These efforts have extended over a long period, beginning in 1946, when the danger to health from the Outfall in the vicinity of bathing beaches became apparent.

The proposed legislation I have introduced today will permit our Government to propose a plan to the Government of Mexico which will solve this problem on a long-term basis. The Mexican Government, including its distinguished Chief of State, Adolfo Lopez Mateos, and his representative on the Mexican Section of the International Boundary and Water Commission, have pledged their full cooperation with the United States in developing a master sewage project to remove the hazard to health currently resulting from inadequate facilities.

Sanitation engineering experts have recommended that the most reasonable proposal is to have the Tijuana area join in the master sewage-treatment and disposal facility to be constructed by the city of San Diego. Tijuana would be connected with this system through an extension, thus enabling sewage from below the border to be collected, treated, and disposed of by the city of San Diego.

Under the provisions of the proposed legislation, Mr. President, the Secretary of State would be required to act, through his representative on the International Boundary and Water Commission, to enter into an agreement with the Government of Mexico to provide, first, that Tijuana, Mexico, join the sewage-treatment system of San Diego, Calif.; second, that the Government of Mexico pay an equitable share of the cost involved in connecting Tijuana with the San Diego system, the Secretary of State to determine the fair share of the cost.

This plan has the sincere support of all U.S. governmental agencies affected by the Tijuana sewage problem. Their collective effort has produced a sound and reasonable means for solving a critical problem. Mr. President, I urge the highest priority for this proposed legislation.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3317) to provide authority for the Secretary of State to conclude an agreement with the Government of Mexico and the city of San Diego for collection, treatment, and disposal of sewage originating in Tijuana, Mexico, with a proviso that the agreement contain provisions for payment by the Government of Mexico in an amount and under such terms and conditions as deemed appropriate by the Secretary of State, introduced by Mr. KUCHEL (for himself and Mr. ENGLE), was received, read twice by its title, and referred to the Committee on Foreign Relations.

RESTORATION OF FREEDOM TO CAPTIVE NATIONS

Mr. DOUGLAS. Mr. President, I submit for appropriate reference a concurrent resolution relating to freedom for the captive nations.

I previously submitted on March 21, 1960—a concurrent resolution of similar purport, but in a somewhat different form; it is Senate Concurrent Resolution 95. Since this subject matter has been submitted in the House in the two different forms, it seems desirable that the Senate Foreign Relations Committee also have before it both forms of the concurrent resolution. For that reason, I am glad to submit this concurrent resolution today in the same language as presented by the able Representative from Wisconsin, Mr. ZABLOCKI.

I ask unanimous consent that the resolution be printed in the RECORD at the conclusion of my remarks, and lie at the desk until the close of business on April 8, 1960, in order that any other Senators who may wish to join in sponsoring this resolution may have the opportunity to do so.

The ACTING PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred, and, under the rule, will be printed in the RECORD; and, without objection, the concurrent resolution will lie on the desk, as requested by the Senator from Illinois.

The concurrent resolution (S. Con. Res. 102) was referred to the Committee on Foreign Relations, as follows:

Whereas the rulers of the Soviet Union have repeatedly declared their determination to pursue relentlessly their political, economic, and ideological drive for a world-wide victory for communism; and

Whereas, in its efforts to attain that objective, the Soviet Union, through force of arms, subversion, infiltration, and other methods, has imposed puppet Communist regimes upon the people of the captive nations of Eastern and Central Europe and exerted tireless effort to crush their spirit and to transform their countries into replicas—on political, economic, social, cultural, and administrative levels—of the Soviet Union; and

Whereas, in direct violation of the provisions of the Yalta agreement, the people of the captive nations are still being denied the opportunity to solve their problems by democratic means and to choose, through free and unfettered elections, national governments of their own free choice; and

Whereas, in contravention of duly ratified treaties of peace, of the Charter of the United Nations, of the Universal Declaration of Human Rights, and of expressions of the United Nations General Assembly, the people of the captive nations are being systematically deprived of the exercise of fundamental freedoms and basic human rights; and

Whereas the United States of America has consistently refused to sanction, either directly or by implication, the political status quo of the captive nations; and

Whereas the United States of America has stood firmly on the principle of self-determination, welcoming the enlargement of the area of freedom and self-government and insisting on the inalienable right of the people of the captive nations to live under governments of their own choice; and

Whereas the establishment of just and lasting peace is inconceivable without the restoration of freedom, independence, and national sovereignty to the captive people of Eastern and Central Europe, which objective the United States of America is determined to pursue by all feasible means: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the Congress of the United States calls for the respect of the fundamental freedoms and human rights of the people of the captive nations;

(2) the Congress of the United States reaffirms its belief in the inalienable right of the people of the captive nations to live under governments of their own choice; and

(3) the Congress of the United States urges the President to pursue energetically at the forthcoming summit conference the restoration of the fundamental freedoms and basic human rights of the people of the captive nations.

Mr. LAUSCHE. Let me ask the Senator from Illinois whether the concurrent resolution he has just submitted deals at all with the captive people within the Soviets—the Yellow Russians, the Ukrainians, and certain others who are dominated and exploited by the Soviets?

Mr. DOUGLAS. I covered that in the concurrent resolution I submitted on March 21, and that resolution was similar to the one submitted by Representative PEIGHAN, of Ohio; and I believe in that concurrent resolution.

But, in addition, Representative ZABLOCKI, of Wisconsin, submitted a resolution which was confined to the peoples of eastern and central Europe, and it has received the support of a large number of Members of the House of Representatives.

Today I am submitting a similar concurrent resolution, in order that the Senate Foreign Relations Committee may have both resolutions before it, and may choose the one it wishes to adopt, if it wishes to adopt either of them.

Mr. LAUSCHE. Mr. President, I should like to associate myself with the Senator from Illinois in sponsoring the concurrent resolution.

Mr. DOUGLAS. I thank the Senator from Ohio; and, Mr. President, I ask unanimous consent that the name of the Senator from Ohio be added to the list of sponsors of the concurrent resolution.

CIVIL RIGHTS ACT OF 1960—AMENDMENTS

Mr. HART submitted amendments, intended to be proposed by him, to the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, which were ordered to lie on the table and be printed.

Mr. LONG of Louisiana submitted an amendment, intended to be proposed by him, to House bill 8601, supra, which was ordered to lie on the table and be printed.

Mr. ERVIN (for himself and Mr. MCCLELLAN) submitted an amendment, intended to be proposed by them, jointly, to House bill 8601, supra, which was ordered to lie on the table and to be printed.

Mr. MCCLELLAN submitted amendments, intended to be proposed by him, to House bill 8601, supra, which were ordered to lie on the table and to be printed.

Mr. EASTLAND (for himself, Mr. STENNIS, Mr. THURMOND, Mr. BYRD of Virginia, and Mr. HILL) submitted an amendment, intended to be proposed by them, jointly, to House bill 8601, supra, which was ordered to lie on the table and be printed.

Mr. MCNAMARA submitted an amendment, intended to be proposed by him to House bill 8601, supra, which was ordered to lie on the table and be printed.

Mr. MCNAMARA (for himself, Mr. HART, and Mr. CLARK) submitted amendments, intended to be proposed by them, jointly, to House bill 8601, supra, which were ordered to lie on the table and to be printed.

AMENDMENT OF FEDERAL AVIATION ACT OF 1958, RELATING TO REDUCED-RATE TRANSPORTATION FOR CERTAIN PERSONS—AMENDMENT

Mr. MAGNUSON. Mr. President, a problem has arisen in connection with the granting of reduced-rate transportation for military personnel on furlough traveling between Alaska or Hawaii and the other States. While Alaska and Hawaii were Territories, air transportation between the States and Alaska or Hawaii was "oversea air transportation" as defined in the Federal Aviation Act. Such transportation under the provisions of section 403(b) is not subject to the same rigid prohibitions against free and reduced-rate transportation as applies to interstate air transportation, and therefore it was possible for the carriers, subject to Civil Aeronautics Board regulation, to grant reduced rates to military personnel traveling on furlough between the States and Alaska or Hawaii. Now that these Territories have become States, the same transportation is no longer "oversea air transportation" but has become "interstate air transportation" and authority to grant reduced rates is lacking. Therefore, in order to permit the carriers to offer reduced rates for furlough travel of military personnel in interstate air transportation an amendment of the Federal Aviation Act will be necessary.

There is now pending in the Aviation Subcommittee of the Committee on Interstate and Foreign Commerce a bill—H.R. 4049—to authorize free or reduced-rate transportation for certain persons. The subcommittee plans to hold hearings on that bill on Monday, April 4. In order that the problem which I have described may receive consideration at that hearing, on behalf of myself, and the distinguished senior Senator from Alaska [Mr. BARTLETT], I submit, for appropriate reference, a proposed amendment to H.R. 4049, which, if adopted, will permit the airlines to grant reduced-rate transportation to military personnel traveling on furlough between Alaska or Hawaii and the other States.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and referred to the Committee on Interstate and Foreign Commerce.

NOTICE CONCERNING CERTAIN NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Richard A. Chappell, of Georgia, to be a member of the board of parole for the term expiring September 30, 1966—reappointment.

William F. Howland, Jr., of Virginia, to be a member of the board of parole for the term expiring September 30, 1966—reappointment.

On behalf of the Committee on the Judiciary notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Friday, April 8, 1960, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. KEATING:

Letter written by President Eisenhower, addressed to Mr. Robert Kopple, executive vice president of the New York World's Fair 1964 Corp.; and letter written by him, addressed to Mr. Kopple, both relating to the 1964 American World's Fair in New York City.

THE NUCLEAR RACE WITH TIME IN THE U.S. SENATE

Mr. PROXMIRE. Mr. President, in all the discussion of the wisdom or foolishness of making a treaty with the Russians to suspend nuclear testing, there has been little talk on the floor of the Senate or in the press of the very heart of the issue—time.

The precious time to stop the nuclear arms race—the spread of the power of infinite destruction to the Maos and Castros—the chance for human survival—this time is now whizzing by.

In this morning's papers Marquis Childs nails the time problem squarely on the door of the U.S. Senate when he writes:

> Within the administration there is at least the professed hope that a nuclear-test treaty can be approved at the summit conference and ratified by the Senate within 90 days or before adjournment of Congress on July 1. The Senate leaders say it is quite impossible.
>
> The value of time depends, of course, on the use that is made of it. In the Senate it has been squandered. With 10 days or more of the civil rights controversy still to run, a whole month or more has gone with the wind.

Mr. President, because of the great urgency of this problem, when the survival of all mankind may hang in the balance, I ask unanimous consent that one of the first and certainly one of the most perceptive and intelligent articles dealing with the urgency per se, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE WORLD BEGINS A RACE WITH TIME
(By Marquis Childs)

As the days, and weeks, the months tick off, the most priceless commodity is time. The race is against the spread of nuclear weapons to keep them from the possession not of the present 3 or 4 powers but of 6 and then 7 and 8 and then 10 or 12.

If this happens the hope of checking the competition for nuclear arms will have been foreclosed and the chances of an accidental war will have been enormously increased. The realization of this was clearly behind everything President Eisenhower said at his press conference.

One remark went almost unnoticed. That was the possibility of newer and, while he did not add this, far more economical ways of producing the hydrogen fusion. At least one such method is now theoretically possible. And if we have learned one thing in the past two decades, it is that what is theoretically possible soon becomes practically possible.

The nightmare grimly visible behind the President's measured words is a world in which Red China has nuclear weapons; and in a decade or perhaps a little longer a Castro in Cuba and a Nasser in Egypt with the ultimate power of destruction. This is a nightmare that should give pause to even the most determined proponents of continued testing to perfect the American nuclear arsenal.

Of President Eisenhower's 8 years in the White House only 295 days remain. The question is whether in this short span of time it will be possible to get an agreement on nuclear testing. That is of paramount importance both as a beginning and symbol.

Within the administration there is at least the professed hope that a nuclear test treaty can be approved at the summit conference and ratified by the Senate within 90 days or before adjournment of Congress on July 1. The Senate leaders say it is quite impossible.

The value of time depends, of course, on the use that is made of it. In the Senate it has been squandered. With 10 days or more of the civil rights controversy still to run, a whole month or more has gone with the wind.

Time figures heavily in the calculations on whether at least a small start can be made in checking the nuclear arms race. Under the American system the President cannot hold his successor to any commitment that he makes. Thus a proposed moratorium on low-level explosions, falling outside the range of inspection, cannot be assured beyond next January 20.

The President was given a chance to say that continuity might come through the participation of Democratic Senators at the summit. They will be in command of the same key committees after next January. But except on the narrowest terms—when an international conference is actually considering a treaty—he rejected this opportunity.

Time has been wasted in so many ways. The impetus toward agreed disarmament and an interim settlement of Berlin was strong after Premier Khrushchev's visit to this country. President Eisenhower plainly showed his disappointment when a summit meeting in December was blocked by Charles de Gaulle of France.

Here, too, it is a question of how the time was used. De Gaulle was able to stem a new army revolt in Algeria that seemed for a time about to topple the Fifth Republic. But there is no evidence that the Algerian war is any nearer to settlement and, without a settlement, France remains under a grave handicap.

A dictatorship can take decisions that in a free society mean a prolonged hassle with conflicting forces. Khrushchev could go to India and Indonesia and give immediate and definite assurances of further substantial aid. While we ourselves are confident of the advantages in a free choice, this swiftness and immediacy of decison have a dangerous attraction of peoples struggling to overcome seemingly insurmountable economic problems.

Those who oppose the President on the negotiation of a test ban that cannot be 100-percent guaranteed fail to understand one thing. That is that time will not stand still. The forces set in motion will move on to their inexorable end unless positive, unceasing, constructive effort is made to halt them.

Again and again it has been assumed since 1945 that the United States was all powerful and could remain so no matter what any other nation did or said. It is another kind of isolationism that we see today in a singularly dangerous manifestation.

THE HUMPHREY SPARK OF GREATNESS

Mr. PROXMIRE. Mr. President, the great senior Senator from Minnesota [Mr. HUMPHREY] has won a very extensive following in my State of Wisconsin, not only in the current campaign, but over the past 15 years—as mayor of neighboring Minneapolis and as Senator from Minnesota. In fact, he is still referred to in our State as the third Senator from Wisconsin; and I must confess that he is referred to by some Members of our own Wisconsin delegation in the House of Representatives as the best friend Wisconsin farmers have in the Senate.

But above and beyond all this, HUBERT HUMPHREY has been brilliantly serving his Nation and his sensitive humane conscience.

This morning's newspapers carry a column by Drew Pearson properly pointing out that, popular and politically potent as HUBERT HUMPHREY is, he is "the best living example of the sardonic fact that courage seldom pays off with people and politicians."

Mr. President, I ask unanimous consent that this excellent tribute to a great Senator, edited to bring it into conformance with Senate rules, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HUMPHREY CALLED "RIGHT TOO SOON"
(By Drew Pearson)

HUBERT HORATIO HUMPHREY is the best living example of the sardonic fact that courage seldom pays off with people and politicians. History is littered with skeletons of dead heroes who stick their necks out for what was best for mankind and who are honored in death, not in life.

It is too early of course to judge the bestowed niche of HUBERT HUMPHREY, but certainly in this campaign to pick a President he is paying the penalty of being right too soon.

Four years ago he took a stand against nuclear bomb testing, and stuck to the position to which Eisenhower has come around today. Seven years ago he formed a State Department committee to explore ways of halting the arms race—with proper inspection—exactly the position pushed by Eisenhower at Geneva today.

Twelve years ago at the Democratic Convention he stood up before bitter southern delegates and demanded that the Democratic Party "get out of the shadow of States rights and walk forthrightly in the bright sunshine of human rights." That battle for civil rights has cost HUMPHREY the undying opposition of the South today. Yet Congress and the Eisenhower Administration this month will write his several ideas into law.

OTHER CRUSADING "FIRST"

For 7 years he has opposed Secretary of Agriculture Benson's flexible price supports, a position to which his chief rival for the Democratic nomination, Senator JACK KENNEDY, has just come around in the last 2 years.

He proposed an International Health Year modeled after the International Geophysical Year and went to Moscow to get Khrushchev's support. He originated the idea of the Great White Fleet which was picked up by Life magazine and has resulted in a mercy ship now calling at southeast Asian ports with American doctors and nurses.

Finally, he has been the consistent champion of labor, a devoted friend of Israel, a battler for religious tolerance and the most articulate Senate spokesman for small business.

Yet with the exception of the farmers, none of these groups is really in HUMPHREY'S corner. Though he risked fanning the flames of southern ire only last year by delivering the main address before the National Association of Colored People, there is no great rush of the Negro vote in his direction.

Though he has gone down the line for labor more consistently than any other Senator save WAYNE MORSE of Oregon, the attitude of labor is best described by the remark of Joe De Silva, potent head of the Los Angeles retail clerks: "This time we want a winner. HUMPHREY'S all right, but he can't win."

SELDOM FIRES BLANK

Harry Truman and Adlai Stevenson reacted differently, but the net result was the same. When Senator HUMPHREY consulted them before he took the presidential plunge, Stevenson said he wouldn't seek the nomination, but wouldn't turn it down if offered. But he was not willing to release his long-time political supporters to work for HUMPHREY.

Truman told the Senator from Minnesota that he would support STMINGTON as Missouri's favorite son, though he left open the possibility that he might change candidates in later balloting.

Only Mrs. Roosevelt, matriarch of the liberal Democrats, has been in HUMPHREY'S corner. "HUMPHREY," she has said, "possesses the spark of greatness."

Chief criticism of HUMPHREY is that he talks too much. This is true. And sometimes he gives the impression of shallowness because of his glibness. He talks in machinegun bursts, yet seldom fires blanks. Even his enemies admit that he thinks as fast as he talks.

His small, boyish face, likely to pucker into un-Presidential expressions, adds to the impression he is not profound. Yet he has an ability to electrify those he meets.

HUMPHREY'S mind drives his 170 pounds at such a frenetic pace that he gives the appearance of perpetual motion. He tries to cram more activity into each day than his time will permit. This is the man whose political fate will largely be decided in Wisconsin next week.

Mr. JOHNSON of Texas. Mr. President, has morning business been concluded?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CIVIL RIGHTS ACT OF 1960

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the Carroll amendment to insert certain language in lieu of matter inserted by the committee on page 17, in lines 20 through 25.

Mr. STENNIS. Mr. President, I shall address myself briefly to the bill as a whole, but particularly with reference to the Kefauver amendment.

I again commend the Senator from Tennessee for the very fine analysis he made yesterday, of the problem sought to be solved by the amendment, as well as for his efforts to restore the due process of law steps, the judicial processes, to the referee part of the bill, since it purports to be a judicial approach.

Mr. President, this debate has centered many days upon various phases of the administrative process of getting at the election question, which was reflected in part in the registrar bill as recommended by the Civil Rights Commission and as actively opposed—very properly, I think—by the Attorney General. This is certainly not an administrative or executive function. The matter of trying out these rights with reference to elections at the Federal, State, and local level is not an administrative procedure.

The main part of the registrar plan was reflected in the so-called Hennings bill or the Hennings amendment. It has been rather thoroughly demonstrated through several votes that the Senate has rejected the idea of the registrar process or the executive method and favors the approach through the judicial process. I think that decision was sound. It affords more protection for everyone. It is in keeping with the American system. I would much rather have these matters within the judicial branch of the Government than within the executive or the administrative part, regardless of who might be President or who might be Attorney General.

Mr. President, in spite of that basic decision which has been made by the Senate and by the House of Representatives, in rejecting the registrar plan and the executive approach, which would have permitted the President of the United States to appoint referees or registrars or whatever these men might be called, in spite of the plan having been repudiated and voted down, nevertheless it has not been abandoned, because in essence it is found again in the bill. The referee plan as reflected in the bill pending before the Senate is shown by title VI, beginning on page 15. It starts out as an amendment to the Civil Rights Act of 1957. It starts out following the judicial processes or the judicial method as a real court matter.

The first step is that the Attorney General shall proceed on behalf of someone whose civil rights are alleged to have been violated. We will assume that the evidence in the case proves there was a discrimination against such person because of race or color. That would be done under the old Civil Rights Act of 1957.

The further step set up under the bill, very briefly put, is for someone else in addition to the original defendant to come in to petition the court to hear his cause in a judicial manner. This is to be a matter pending in court. The ordinary rules of evidence and procedure would apply, and evidence and procedure would be ruled on by a sitting judge, a man learned in the law. Up to that point, the provisions thoroughly follow the judicial approach and plan.

Mr. President, at that point the bill abandons the regular judicial processes and judicial approach and begins to take on the executive or the administrative approach. That is the point where the referee is provided for. The bill says:

> The court may appoint one or more persons who are qualified voters in the judicial district—
>
> That is an improvement—
>
> to be known as voting referees, who shall subscribe to the oath of office—
>
> And so forth—
>
> to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings.

Mr. President, that is a matter which starts out in the executive trend and the executive pattern. The court is to be authorized to appoint referees who can go out in the country at large, vested with the authority to receive applications and to take evidence. That evidence would be a part of a judicial proceeding. It would form the basis for a decision sometime later. It would be reported back to the court, not only in the form of testimony, but also in the form of findings. So it is nothing less than trying a case.

Mr. President, at this point I point out that part of the proceedings I shall now discuss would come about only after the Attorney General had persuaded the court that the discrimination which was found in the initial case represented a pattern in an area. That would be a judicial determination itself. That would be a case not with regard to any

individual, but a case merely to establish a condition of facts as the court understands them, so as to permit the referee to operate.

Mr. President, this would not vary one bit from the concept that the proceeding is supposed to continue to be a judicial proceeding. There would not have been any determination by the judge with reference to the case as to the individuals before him. There would not have been any determination that X, Y, and Z plus 100 or plus 1,000 in the area had been discriminated against. That would not yet be in court, so far as those individuals were concerned and so far as the officials were concerned.

To clothe this referee with all these executive powers or administrative powers, or to clothe him with any authority to use the powers without the requirements of what is considered to be elemental due process of law, would be simply to go back to the old registrar system, or to the appointment of these supervisors or registrars by the executive branch of the Government.

The judge, when he decides there is probably a pattern in the area, has not yet decided on any rights of any individual, the judge has not decided on any rights of any election officials, or anything of that kind. The judge has merely drawn an order which permits the referee to come in. When the referee comes in, what are to be his powers? Are they to be executive or are they to be semijudicial?

Mr. President, I submit to any impartial mind that the pattern we are asked to adopt at that point in the bill before us is to clothe the referee not with judicial power, semijudicial power, or quasi-judicial power, but to clothe him with purely executive and administrative power, because the provision is actually written in the bill that the applicant in this territory "shall be heard ex parte." That is, he shall be heard alone. That is the provision in the bill as it came from the House of Representatives. That hearing could be held in any place without any kind of prior notice or an opportunity for the interested parties to be heard.

Mr. President, that is supposed to supply a remedy for what we will agree may be a wrong in some places, but we would be burning down the house in order to roast the pig. We would be going entirely away from and abandoning the judicial processes. Under the guise of judicial power this man would proceed to hold hearings or to accumulate the evidence and partly decide the case. We would say, in effect, that he is to put a hood over his head and a hood over the heads of all the applicants. We would say, "We will take this testimony in secret, ex parte. No one shall know when nor where nor how long these hearings will be held or this testimony will be taken."

Mr. President, under the American system of justice we cannot do that.

Mr. TALMADGE. Mr. President, will the distinguished Senator from Mississippi yield?

The ACTING PRESIDENT pro tempore. Does the Senator from Mississippi yield?

Mr. STENNIS. I am glad to yield to the Senator from Georgia.

Mr. TALMADGE. I congratulate the able Senator from Mississippi on the excellence of his statement.

Mr. STENNIS. I thank the Senator.

Mr. TALMADGE. The Senator was an outstanding judge before he became a Member of the U.S. Senate. He not only is thoroughly experienced in legal procedure, but also is without peer in his knowledge of the provisions of the Constitution.

Mr. STENNIS. The Senator is very generous. I appreciate his support in any matter, especially the one I am now discussing.

Mr. TALMADGE. Does the Senator from Mississippi know of any other act, State or Federal, which authorizes the taking of evidence ex parte?

Mr. STENNIS. Under the American system, when we are trying the rights of parties and taking steps to make a judgment against them, there is no exception to the rule that would permit the testimony to be taken ex parte. Under certain circumstances the evidence can be explored, and ex parte affidavits can be made, but when it comes to proof it must be in court, with the right to cross-examination, after notice given, and in a public place.

Mr. TALMADGE. In view of the language of the bill, would not the Senator agree that the ex parte provision, which enables only one side to be present and give evidence, means, in the final analysis, that only that side heard can prevail?

Mr. STENNIS. The Senator is correct, and he has put it well. I commend the authors of the bill for writing it so plain and making the language so clear that it can be understood.

Mr. TALMADGE. Therefore, it is not true that there would be no hearing at all—rather only a kangaroo court into which anyone could come and prevail against a State officer.

Mr. STENNIS. That is correct. That is particularly to be emphasized, and the Senator has emphasized it in an unusually forceful way.

This proposal is really the beginning of what is likely to ripen into a final judicial decision and a decree of the court, for the violation of which men can be pitched into jail without a jury trial.

In its very inception the procedure is nonjudicial. It is not due process of law. Assuming that there is some wrong here and there, it is proposed to burn down the whole courthouse and destroy our American system.

Mr. TALMADGE. Does the able Senator agree that under the terms of the bill Federal referees could be appointed to supervise an election for city councilman in the smallest village of any State of the land?

Mr. STENNIS. The Senator is correct. The application of the bill reaches to the farthest point. It is nationwide. It includes village elections, elections for village school trustees, city marshal, or mayor, in any small political unit that can be found under the American Government.

Mr. TALMADGE. Does the Senator from Mississippi also agree that there is nothing more local in nature than determining who is qualified to vote, conducting elections, and counting the votes?

Mr. STENNIS. I believe that from the time of the Constitutional Convention until now it has been recognized by all those who have closely studied the machinery and the status of constitutional government, that there is certainly no more powerful way to control the affairs of local government than to control the election laws.

As the Senator from Georgia knows, that was the most controversial subject in the Constitutional Convention. It involved the question as to where the power should lie with reference to determining who should be qualified to vote in the States. It was only by adjustment on that point that the Constitution was made possible. Only by retaining that power in the States was the Constitution made possible. Today, as then, the most effective way to destroy the States is to destroy the election laws of the States. There are some in this country who do not want States any longer. They want a centralized government. There is no more effective way to destroy the States than to destroy the election laws of the States. This proposal is an assault on that very structure.

Mr. TALMADGE. Would not this proposal substitute the coercive influence of the Federal Government for the authority of State and local governments in operating their election machinery?

Mr. STENNIS. It would do that exactly, as the Senator has said before.

This proposed legislation would make the Attorney General, whoever he might be, this year, next year, or any other year, in effect the director general of elections, if he chose to exercise that power, in certain areas of the country. This measure would give him the power. There is only one judicial decision he must get from a Federal judge. Once the Federal referees are appointed, with roving powers, no one will have notice; there will be no cross examination; and there will be no testimony for the other side. There would be a wildfire of disruption and control of local and State, as well as Federal, elections.

Mr. TALMADGE. I ask the able Senator from Mississippi if there is any more justification for appointing Federal referees to control elections than for appointing referees to be Governors of the 50 States of the Union.

Mr. STENNIS. I think not. We have already covered the idea of the election laws, and we see how vital the power to regulate and control the election laws is to the Federal-State relationship under our form of government.

Mr. TALMADGE. Would it not be just as destructive of constitutional processes to appoint referees to be election officials as to appoint referees to be the chief executives of the 50 States?

Mr. STENNIS. Yes; it would lead to that and worse. It would require some years longer, perhaps, to do it.

Mr. TALMADGE. Would not the same principle be involved if Federal

referees were to be appointed to constitute the memberships of the general assemblies of the respective States?

Mr. STENNIS. That is a good analogy; and there is much in common between the idea of elections and the general assemblies themselves.

Mr. TALMADGE. Is not the same principle involved, namely, substitution of Federal power for State power in a local area?

Mr. STENNIS. The answer to the question is "yes."

Mr. TALMADGE. I agree with the capable Senator from Mississippi. I know of nothing which would go further toward destroying the vitals of local self-government than the passage of an act to deny local officials the right even to be heard.

Mr. STENNIS. That is correct.

Mr. TALMADGE. These referees would be appointed by Federal judges holding office for life. They would be given authority to register anyone they saw fit and to invade the privacy of the ballot box, thereby destroying the secret-ballot laws of the respective States.

They would interfere with the duly constituted officials in the counting of votes.

That is nothing less than the exercise of naked power by the Federal Government seeking to supplant State governments. Identically the same principle is involved as if referees were to be appointed to serve as Governors and members of State legislatures. The principle is the same—that of adjudicating local officials to be incompetent and substituting in their stead Federal officials who are declared by law to be competent. The same principle would be involved if Congress were to adjudicate a Governor to be incompetent and appoint a referee to administer his office in accordance with his caprices and whims or those of any organized minority.

I commend the eloquent and erudite Senator on his speech. He is rendering a noble service to our country. If ever our Government needed people who will speak out in defense of basic rights and constitutional principles of government, that time is now. If the present trend toward concentration of all power in Washington continues for much longer, we shall not have to preserve our defenses against Russia, because we will have the Russian system here. The trend is to compress us all into one great, monolithic common denominator through the application of Federal regulatory power.

I thank the able Senator for yielding to me.

Mr. STENNIS. I thank the Senator from Georgia for his fine contribution to the debate.

Mr. President, I wish once more to emphasize that if I were given the task or job of trying, through legislative process of some kind, to liquidate the States of the United States, and evolve them into units without power, and therefore without any respect for our system of government, I would first try to do it through controlling the elections, the suffrage, the qualifications of the electors, and the elections themselves, because through that control I could gradually accumulate to the Federal Government power which the States could never recover.

I believe that some are battering on the door right now, with the danger of destroying the fundamental structure, in order to cure a few scattered wrongs or evils that may exist here and there in voting, as some wrongs and evils exist in many other patterns of our public life, of course.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to my colleague from Mississippi.

Mr. EASTLAND. On page 16, line 17, I find the following provision:

> Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election.

Does not that mean that the Federal Government would pass a law for a State?

Mr. STENNIS. It certainly would; it would be sweeping aside laws and also passing additional law.

Mr. EASTLAND. For the State.

Mr. STENNIS. Yes.

Mr. EASTLAND. Is that not unheard of in our system?

Mr. STENNIS. It is unthinkable, and has been unheard of until the last few years.

Mr. EASTLAND. As the Senator knows, the 15th amendment is a prohibition against State action.

Mr. STENNIS. Yes.

Mr. EASTLAND. It does not give the Federal Government the power to take positive action.

Mr. STENNIS. The Senator is correct. He has clearly put the matter. This provision is just the reverse of what the true situation is under the Constitution.

Mr. GORE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. GORE. Just prior to the Senator's colloquy with the able Senator from Georgia, he remarked in his address that the powers given to the Attorney General under the proposed legislation would stem from one judgment of a court. I wonder if the able Senator would identify that particular decision or finding of the court which would be necessary to loose the power to which he referred.

Mr. STENNIS. The language is found in the referee section. That language is as closely drawn language and as tightly drawn language as is found in most acts that are drawn to determine court procedure and court rights. I have read this title many times. I believe that under its terms the only real judicial decision or conclusion that is required under the proposed act, which the judge himself shall reach, is the one where he determines that there is a pattern or a practice of discrimination in an area.

It is clear to me that he does have to determine that. But once he has done it, after a case is in court on the subject matter—and I read now from the bottom of page 15—"the court shall upon request of the Attorney General and after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice."

That is a determination, one might say, or a judicial decree, even though it is not a final one, that a practice does exist.

Thereafter—and I now read from page 17, line 7:

> The court may appoint one or more persons who are qualified voters in the judicial district—

And so forth—

> to serve for such period as the court shall determine, to receive such applications—

That is, just as many as he wants to—

> and to take evidence—

It is given the dignity of a judicial proceeding—

> and report to the court findings—

And so forth. Dropping down to line 19 of page 17, we find that the evidence referred to is not going to be taken as we ordinarily understand, but in an ex parte proceeding, anywhere, any place, any time, at midnight or any other time, on Sunday, holidays, at picnics, at meetings, gatherings, or anywhere else, without any notice or chance to be heard.

Going on further, to the bottom of page 18, we find further language.

In the first place, Mr. President, unless these cases are contested, that is the last that is ever heard of them. They go right through the mill, and the man gets a certificate, and no one else is ever notified. However, if they are contested, the matter would come back to the judge, apparently, but not of necessity. I read from page 18, line 23:

> The issues of fact and law raised by such exceptions shall be determined by the court or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. STENNIS. I should like to finish this thought first. My point is that if the "due and speedy administration of justice requires" can refer to approaching elections, to be held in a few days, or it can mean that a judge is busy elsewhere on other cases that he must try, and therefore cannot get to this matter. If for any reason he determines that he cannot hear the case, he can refer the case back to the referee, and the referee shall sit in judgment on the work of the referee, to determine whether he made an error. In other words, the jury would come back and say, "We the jury render a verdict in favor of the jury."

So I say it is not necessary under this language even to have a judicial determination at that point.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. STENNIS. I should like to make one other point.

The language continues, on page 19, line 8:

> The court or, at its direction, the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

The judge does not have to act. We can say that the decision is a ministerial act, and he does not have to act. However, if the man holding the certificate which the judge has never seen—the judge has never adjudicated the case—goes to the election and the honest election official will not let the man vote, he will be in contempt of court. He will be in contempt of court under the Government's interpretation of this bill. It will be argued under this bill that the decision is equal to a decree of a court, and if a man violates it, he would be pitched into jail. I do not believe he would be if this is ruled to be a nullity, which I believe it is.

A possible interpretation could be that there would be another judicial examination. That is a possible interpretation. However, in the uncontested cases it would never come to that. The machinery of this bill will run on automatically and the man would get the certificate.

I do not like to cut off the Senator from North Carolina, but I yield once more to the Senator from Tennessee.

Mr. GORE. Do I correctly understand the Senator to maintain that after the first decision of the court, finding a pattern or practice of discrimination to exist, thereafter judicial determination may not be necessarily required, but that a determination by the referee himself may, under the terms of the bill, be substituted for a judicial determination?

Mr. STENNIS. The Senator's statement is exactly correct.

I now yield to the Senator from North Carolina.

Mr. ERVIN. I simply invite the attention of the Senator from Mississippi to lines 2, 3, 4, 5, and 6, on page 20, which read:

> The court may take any other action, and may authorize such referee or such other person as it may designate to take any other action, appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees.

It has been stated by the proponents of the bill that that language does not permit the bringing in of a carpetbagger to enforce the laws of the several States of the Union.

I ask the Senator from Mississippi if the provision that the court may appoint not only a referee, who must be a resident of the district, or such other person as he may designate, does not permit the court to bring in carpetbaggers to administer the law, without any distinction being made in the bill as to the kind of action the carpetbaggers can take.

Mr. STENNIS. The Senator from North Carolina is so clear in putting his question that he has already answered it. I pointed out a while ago that the authors of the bill are to be commended for their frankness in spelling out that it is an ex parte hearing they are talking about. It raises a flag one knows what they were talking about.

The language quoted by the Senator from North Carolina is so vague and obscure that it wraps up more power in one sentence than can be found in any other section of the bill. Under the section which the Senator has quoted "the court may take any other action and may authorize such referee or such other person as it may designate to take any other action"—the action could be a watching action—watching the counting of ballots, or doing anything else that could be conceived of. That language cannot mean anything else.

Mr. ERVIN. It means that the other person, who is not required to have any qualifications at all, and who is not required to reside in the State where the case is brought, can determine for himself what he thinks are the necessary appropriate actions for him to take.

Mr. STENNIS. The Senator has summed it up so well. It is provided that the referee will have to take an oath.

Mr. ERVIN. Under this language, evidently, he does not have to take an oath; he does not have to have any qualifications.

Mr. STENNIS. The section which the Senator from North Carolina has pointed out is one of the most far reaching in the entire bill as it is now written. It covers far more than the express provisions about having watchers and about seeing that the ballots are counted. It leaves off all the safeguards, as the Senator has stated. I think that unmistakably it spells out again a pattern of concerted action, conducted partly in secrecy, under an ex parte statement, to carry on a scheme of their own, which some Attorney General—I do not say this one or the next one, but some Attorney General—can utilize to his own party's benefit, or to the benefit of any other particular groups he might wish to assist, entirely without responsibility.

I should like to discuss one more point, this one with reference to the procedure I was outlining, namely, that this provision is an abandonment of the judicial approach, and goes over, lock, stock, and barrel, to the registrar or the executive approach concept. It is unmistakably shown in the fact that no provision is made for giving notice or for holding a hearing, and no opportunity is afforded to hear both sides of the case. Unless there is a notice and an opportunity for both sides to be heard, the proceeding is simply not a judicial proceeding, regardless of the name which may be given it.

Under the American concept, before a board of supervisors or any other government authority can assess property for as much as 10 cents in taxes, a notice must be given by the assessing authority that a hearing will be at a certain time and place designated in the notice. The location must be a public place, at which all parties in interest shall have a chance to be present and to be heard, if they request it; and the board will then consider whether or not to impose the tax. The amount involved does not matter; it is the principle that is involved. It would apply with equal force if the tax on Citizen A was 10 cents or $100,000. The notice of hearing and the chance to appear are considered basic and elemental. A legal tax or a levy of any kind cannot be imposed if there has not been compliance with due process of law.

Still, there is actually on the face of the bill a provision that a quasi-judicial officer, acting under a grant of power from a Federal judge, can go out on the highways and byways, around to the firesides, or up back alleys—anywhere, at any time, with no notice being given, and no opportunity for any interested party or official or election officials to be present, much less to be heard—to take the proof, hearing one side only, and convert the proceeding into a foundation for a judgment later, whether the court ever sees it or not, a judgment which will permit the issuance of an election certificate to a person. If the judgment is not obeyed, the person can be subjected to a criminal prosecution under the section of the bill which provides very severe penalties. In some cases he could be subjected to punishment for what is called contempt of court, so that he would be entitled even to a jury trial.

Does anyone want to argue about the necessity of having such a provision or the need for it? Let him argue it all he pleases. But with all deference, let us not call the proceeding a judicial procedure or a judicial act, because this part of it does not connote the first elements of due process of law or the first elements of what is so basic and necessary for a function under the Federal-State relations, or under the basic relations of constitutional law, apart from any Federal-State relations.

So the Kefauver amendment is very simple, and does not go very far. It simply strikes out the words "The applicant shall be heard ex parte," and instead provides that the hearing shall be held in a public office.

That is as far as the language goes on that point. It simply requires that the hearing shall be held at some kind of public place or public office.

A further provision of the Kefauver amendment provides:

> The referee shall give the county or State registrar 2 days' written notice of the time and place of the hearing.

We are really getting back to constitutional law when we talk about giving the affected parties, or the adverse parties, or the adverse State, notice of bringing the hearing into a public place, and telling them at what place the matter will be heard. The amendment does not go any further than that, except to provide that the registrar may be present, or may be permitted to be present, with his counsel. The registrar is the one who has already been condemned without a hearing and has been accused of being in the wrong. There might be cases in which he would be wrong on the facts. There might be cases in which he would be accused of being wrong, but in which he would not be wrong. Cases of both sorts occur in life.

But under this amendment for the first time would that wrongdoer be given a chance—to come in and be heard? No; the amendment does not go that far. But under the Kefauver amendment he would at least be told where the hearing would be held and when it would be held,

and he would be allowed to be present, but not to take part in the hearing in which he would be tried.

The words used at this point in the amendment are "shall have the right to appear." They do not mean, it seems to me, that he would have the right to appear and be heard.

Mr. KEATING. Mr. President, will the Senator from Mississippi yield?

The PRESIDING OFFICER (Mr. SPARKMAN in the chair). Does the Senator from Mississippi yield to the Senator from New York?

Mr. STENNIS. I shall yield when I finish expressing this thought, Mr. President.

I repeat that I do not think the words which appear in line 24 of the amendment, on page 17—I refer specifically to the words "to appear"—mean that he will have the right to appear and to be heard. But, for the first time, this amendment would at least give that alleged wrongdoer—one who had been so wrong that his own district would be just putrid with evils that he had done—an opportunity to know where the case would be tried; and he or his counsel would have an opportunity to be there—but for only one purpose, namely to let him know what was going on and to have a transcript of the proceeding made. That would be all that he would be allowed to do.

So I cannot see how anyone could object to the elemental parts of this Kefauver amendment, as proposed to be written into this law. My only criticism of it is that it does not go far enough.

Now I am glad to yield to the distinguished Senator from New York.

Mr. KEATING. Mr. President, I ask the distinguished Senator from Mississippi to envision a case in a specific city in Mississippi where the Federal judge would have made an initial finding that a practice or pattern of discrimination existed, and then a referee was appointed by the court; and more likely than not—although not required—the referee would be a lawyer in that community; and the registrar of the election district would appear there with his counsel; and presumably, also, they would be from the same county; and the counsel would address the referee, and would say to him, "Mr. Referee, I should like to be heard on this point," and he would arrive there with lawbooks piled high. Does the Senator from Mississippi believe that in that event the referee would be unlikely to give the registrar or his counsel an opportunity to present his case at that point?

Mr. STENNIS. I think the referee certainly would have the discretionary power to permit the counsel or the registrar to be heard at that hearing, particularly if not many persons were involved. I cannot be certain what the inclination of the referee would be; but I assume that if not many persons were involved and present, the referee would very likely give the registrar or his counsel a chance to be heard. But if many persons were involved and present, I assume that the referee would not give the registrar or his counsel a chance to be heard, unless the referee was required, under the law, to permit him to be heard. In short, that would depend upon the whole temper of things at that time, I believe.

After all, the Attorney General of the United States is the one who initiated this entire matter; and even though ordinarily, under our American system, the registrar or his counsel would be allowed to be heard, if we enact a law which does not require that that opportunity be afforded, it could be held that the Congress did not intend him to be heard.

Mr. KEATING. I appreciate the Senator's response.

But I judge there is no doubt in the mind of the Senator from Mississippi that the registrar and his counsel would have full opportunity to be heard at an adversary proceeding in the case in chief before the referee made his report.

Mr. STENNIS. If they contested the case.

Mr. KEATING. Yes; if they contested the case.

Mr. STENNIS. Yes; if they contested the case. They could not come into court with a plea of non est factum or not guilty, or anything of the sort, and then be heard. If they were to be heard, they would have to contest the case.

Mr. KEATING. In that event the registrar and his counsel would have at least two days in court—one, at the proceeding before the voting referee; the other, at the time when they contested the referee's report—instead of only the usual one day in court; is that correct?

Mr. STENNIS. Well, Mr. President, ordinarily "to have your day in court" does not mean to have it in the appellate court. "To have your day in court" means to come in at the ground level and let the judge know about your side of the cause, if you have any, right then.

Mr. KEATING. Is not the ground level, under this bill, after the initial judgment, the adversary proceeding in which the exceptions to the report of the referee would be filed and the registrar and his counsel would be heard? Would not the appeal come later?

Mr. STENNIS. With all deference to the Senator from New York, I think he is reversing the major parts of the ordinary procedure in connection with providing an opportunity to be heard. One must get in on the ground floor and must impress the trier of the matter with one's facts, in the very beginning; otherwise, one's case is likely to be lost in the shuffle.

But the major point here is that one should not proceed to try a man without giving him a chance to be heard.

Mr. KEATING. I am entirely in accord with that principle. But it seems to me that under this bill, as now drawn, there will be such an opportunity to be heard.

Mr. STENNIS. Then let me ask the Senator from New York this question: Does not the Senator agree that the registrar would be "boxed out" of court on the first round—in the ex parte proceeding.

Mr. KEATING. He would not then be in court; he would not then be "boxed out," because he would not then be in court. When a person goes to register to vote, that is not normally a court proceeding.

Mr. STENNIS. With all deference to the Senator from New York, would not the court then take the position that the registrar was, nevertheless, then being tried? I agree that the registrar would not then be in court, because he would not be permitted to be there. But is it not a fact that, nevertheless, he would then be tried for action taken in his official capacity?

Mr. KEATING. No; not at all, because as the bill is drawn, it does not indicate that the registrar or his counsel would be there at all; and there would be no trial unless the referee's report was challenged. At that time, if the registrar or his counsel saw fit to do so, he could file exceptions to the referee's report. If the registrar or his counsel thought the referee's report was correct and that the one who had applied to register and to vote should vote, of course no exceptions would be filed. But if the registrar or his counsel thought the applicant should not vote—for any reason—then the exceptions could be filed; and at that time there could be a full trial in the court, and that would be the first time following the court's initial judgment that there would be a court procedure.

Let me ask the Senator another question: Does the distinguished Senator from Mississippi anticipate that we shall be able to dispose of the Kefauver amendment today; or does he have any views on that point?

Mr. STENNIS. I have no idea about that. Of course, I am not speaking for the purpose of consuming time.

Mr. KEATING. I understand.

Mr. STENNIS. I am speaking on what I consider fundamentals, and I believe they are considered fundamentals.

Mr. KEATING. I do not wish my question to be misunderstood.

Mr. STENNIS. I fully understand.

Mr. KEATING. The Senator from Mississippi is making a very fine legal argument—although it is one with which I do not agree. But my question does not contain any imputation that the Senator from Mississippi is unduly taking up time.

I merely wish to observe that it seems to me that today will be a singularly appropriate day on which to dispose of this amendment. If the amendment is rejected—as I hope it will be—then we shall be able to proceed with the rest of the bill, and I believe the voting referee section will be preserved intact.

But if the amendment is adopted—although I hope it will not be—then it seems to me that the first day of April will be the most appropriate time for the amendment to be adopted, because in my judgment the amendment will completely fool anyone who thinks the voting-referee provisions of the bill will, in that event, be effective. I sincerely believe that if this amendment is enacted, they will not be effective.

Mr. STENNIS. Mr. President, I understand the Senator's point of view. I

assure him that I also understand that there was no critical imputation in his question.

I wish to point out that that very proceeding at the ground level by the referee would be the first effective foundation in the case for a court decree that would have all the implications I have already described.

On the very next page, the bill provides that after the report is made and after it has been on file for 10 days or for such shorter time as the court may see fit to fix, the State attorney general shall be given notice to show cause why an order of the court should not be entered in accordance with such report.

It would put the burden of proof upon the election officials or the State, whomever it may be, to upset and override a report, when the facts upon which the report was based were presented when the official was not even there.

That is why I say to the Senator from New York it is a preliminary judgment. It is the beginning of a serious, solemn judgment of the court that must be obeyed. I have never argued here that an unappealed or uncanceled order of the court should be anything but obeyed.

Mr. President, the present title VI, the latest of a series of similar proposals, is highly objectionable in that it would use the enforcement powers of the U.S. courts to enforce administrative decisions made under a loaded set of rules. It would confer vast political power on the Attorney General and, in effect, could give that officer the legal authority to interfere with local election machinery to the extent that he actually could control the outcome of elections not only to the so-called Federal offices, but also to State and local offices.

The bill as now before the Senate operates to deprive the defendants, in a suit brought under the Civil Rights Act of 1957, of many procedural and substantive rights which have always been regarded as inherent to the constitutional requirement of due process of law. The procedure outlined in the part of title VI relating to voting referees explicitly removes these protections, and could be interpreted to provide for a judicial determination being made without a lawyer ever passing on the legal questions involved.

It invests the Attorney General with almost an untrammeled prerogative in manipulating the course of litigation and determining the scope and content of the final decree.

Unless the Attorney General decides to bring a suit under the Civil Rights Act of 1957, the unusual administrative and legal machinery in this title is inoperative. Once he has decided to bring a suit under that earlier act, and once some person has been found to have been deprived of the right to vote because of race or color, the Attorney General may then decide whether the court must make a finding as to whether the deprivation was or is pursuant to a pattern or practice. Thus, the procedural remedies under this act depend upon two unreviewable decisions of the Attorney General. If the court makes such a finding, then the Attorney General has only to decide to what extent he and the so-called voting referee—if one is appointed—will go in rounding up large numbers of unsuccessful applicants in order to accord them the special privilege of circumventing State election machinery found in the remaining language of this bill. This proposal makes the Attorney General the nationwide director general of elections and election laws.

The bill itself is a sort of shotgun wedding of two separate legal theories advanced by civil rights proponents on opposite sides of the political fence. The first part of title VI, down through page 15, all of page 16, and the first paragraph of page 17, contemplates a legal remedy. As open as this remedy may be to attack on constitutional grounds, procedurally, the bill is written in a lawyerlike manner and the rights of all parties to the bare essentials of due process of law are not abrogated by its terms. However, from there on title VI seeks to vest in an officer to be known as a voting referee vast powers to make administrative and judicial determinations without adequate safeguards for parties defendant in the original suit and without adequate safeguard for judicial consideration of legal questions. This voting referee differs from the familiar master in chancery or master in equity, in that his prerogatives and procedures are unique, being spelled out in detail in the provisions of this bill. By contrast, the powers and limitations on a master are defined and spread upon the statute books in rule 53 of the Federal Rules of Civil Procedure. It was not enough that a master could be authorized to conduct extensive hearings and make recommendations and findings to the court, as is customary in every other type of case. In the politically sensitive field of voting rights, it is necessary to straitjacket the court and make a mockery of our judicial system by empowering these voting referees to utilize a high-handed procedure cut and tailored to meet the political requirements of a so-called civil rights bill. In effect, the referee could interview a large number of unsuccessful applicants for State registration, make his own findings, hear the appeal that would be brought by outraged local officials who have a far greater knowledge of the facts and circumstances than would this referee, and make a decision on his own appeal, issuing a certificate to the applicants he personally sought to favor. I repeat, for the sake of emphasis, the points just made: After an initial finding was made in the basic case that the deprivation of voting rights was made pursuant to a pattern or practice, the court could turn over to the voting referee each and every decision remaining to be made, including the issuance of a certificate authorizing the applicant to vote, without the matter ever coming back before the trial judge.

In the first instance, the proceeding before the referee is loaded. An affidavit is declared to be prima facie evidence as to an applicant's age, residence, and prior efforts to register or otherwise qualify to vote. All of these matters are legitimate considerations for registration; yet no opportunity is offered at this stage for conclusive proof to be put in evidence that statements contained in the applicant's affidavit are false. It must be borne in mind that these proceedings are carried out under a pending legal case. Defendants who would, in effect, be accused of wrongdoing must sit idly by while unilateral charges of misconduct are hurled against them. They have no opportunity to reply. They have no opportunity to confront or cross-examine the affiant. They are deprived of this basic concept of due process of law even though they are parties defendant in a lawsuit.

It is a serious matter to deny a qualified citizen the opportunity to register to vote.

The facts I have related are true, because they are involved in a case that is already pending in court. As to this part of the case, these defendants are cut out.

The procedure renders the local official liable for criminal prosecution—that is so under existing law; he becomes liable for criminal prosecution—for damages in a civil case, and puts him in jeopardy of being a defendant in a case brought under the Civil Rights Act of 1957.

I do not believe there is any analogy in the American system of jurisprudence. I do not believe one can find a counterpart of this procedure in all American jurisprudence, under State constitutions and under the Federal Constitution, wherein a man is put under the burden of carrying the load, running the risk of being criminally prosecuted, being liable to damages in civil cases, without having an opportunity even to know where the hearing is going to be that originates the ascertainment of these facts and starts the case off against him, or when it is going to be held, and not having the privilege even of being present, much less to be heard, or having a record made of the proceedings which later will condemn him. This procedure throws the burden of proof on him and forces him to controvert all these matters, rather than putting the burden of proof on those who allege he is the wrongdoer—which procedure is exactly the reverse of the American system.

Charges that a local registrar maliciously or corruptly deprives someone of the opportunity to register amounts to a criminal accusation. Yet in substance, that would be the area covered by these affidavits. This would be the first time the defendant saw the affiant in the lawsuit. The affiant would not be an original party to the suit. The registrar may or may not know him. There is no pleading. The affiant may or may not be telling the truth with regard to his prior efforts to register and vote. The registrar has no opportunity of knowing who the next person will be. He cannot be prepared to make a defense either on the issue of fact or of law, and even if he were prepared, he would not be permitted the opportunity under this bill to present his defense. Yet he runs the risk of being subjected to public scorn, ridicule and the danger of criminal prosecution as a result of the sworn statements of some unknown affiant. Is this due process of law? Of course not.

Even in administrative hearings the elements of due process have consistently been held to be: a fair and impartial hearing after notice to all parties concerned, with the opportunity of confrontation and cross-examination, the opportunity to call and question witnesses and cross-examine adverse witnesses. These are the elements of due process of law. Most of them are denied in the procedure prescribed in title VI of this bill. It is true that the local election official has an opportunity later to submit evidence, but the damage to his character, his reputation and his official standing has already been done in a unilateral and loaded hearing, and the burden of proving his innocence falls heavily upon him in complying with the loaded procedural rules for consideration of issues of fact. The law specifically provides:

> A hearing as to an issue of fact shall be held only in the event that the proof in support of the exception discloses the existence of a genuine issue of material fact.

Thus he must prove that the evidence he seeks to introduce in defense of himself is legal evidence before it will even be accepted. Further, this hearing may be held by the same voting referee who held the first proceeding. He would be called upon to review his own decision in the matter. The voting referee might also be called upon to decide issues of law supported by the "appropriate memorandum of law" required to be submitted. There is no requirement that the voting referee be a lawyer or even a law student. Yet he would be called upon to make the initial decision in the first hearing in which the accused official had an opportunity to be heard.

While it is true that the court retains jurisdiction of the case, there is no necessity that the judge pass on the record prior to the time when the referee issues a certificate to one of his proteges. Clearly the burden of proof to overcome the record made by the voting referee is on the local election official.

Mr. President, in addition to rejecting what is ordinarily the due process of law steps to be taken, we would also be throwing the burden of proof on these parties who are accused of wrongdoing, to overcome the case. Furthermore, unless they could do so completely, the affiant would be given the certificate of election, which would be a passport to take part in these elections, with Federal agents standing by, under another provision of the bill. If the officials should honestly think there was no right for the person to vote and should not let him vote, then they could be held in contempt of court under the bill, if it becomes a law, even though, as I repeat, there had never been a valid determination of the rights of the election officials or of the registrars. It would be an ex parte judicial decree.

This procedure is certainly not judicial. It does not have the administrative procedural safeguard of any other statute that I know of. It would not meet the requirements of the Administrative Procedure Act. The whole proceeding is loaded against the local election officials and the matter of which they are accused comes dangerously close to being one of a criminal nature. This bill would encourage legalized slander. It would deprive the accused official of the opportunity to introduce timely evidence in order to save his reputation. It would encourage perjury and put a premium on fanciful exaggeration. It makes a mockery of the judicial process and, of course, it must rely upon the enforcement powers of the court, for in no fair and impartial trial would the Attorney General stand any reasonable chance of displacing the State election machinery and registering large numbers of unqualified voters. Judicial safeguards would prevent that. So this scheme was devised to cloak this star chamber type proceeding in judicial robes, giving it a semblance of legality while depriving the defendants of the opportunity to a fair trail, which has been the crowning glory of Anglo-American jurisprudence.

Mr. President, I do not see how the considered judgment of the Senate—eager as Senators may be, for political reasons or for other reasons which are valid—in the anxiety of the pressure of the times, could set such a precedent, or how Senators could turn their backs upon these fundamental and elemental principles of American justice which were conceived more than a thousand years ago, which have been written and rewritten into the basic laws of our land, over all the years.

As each State came into this Union, the State considered what it wanted to have for its own basic laws, and each State wrote those selfsame fundamental principles into the State constitution.

Even when the 14th amendment was itself written, prior to the 15th amendment, the Congresses which framed the language of the amendment brought in the phrase "due process of law."

When we go to the lawbooks today, there are more annotations and more decisions and more determinations under that section of the Constitution than there are under any other single section.

Mr. President, I have no desire to take up the time of the Senate.

Mr. JAVITS. Mr. President——

Mr. STENNIS. Mr. President, may I suggest the absence of a quorum?

Mr. JAVITS. Mr. President, I seek the floor. If the Senator will allow me to obtain the floor, I shall suggest the absence of a quorum, if that will suit the Senator.

Mr. STENNIS. That will be fine.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 145]

Aiken	Bridges	Capehart
Allott	Brunsdale	Carlson
Anderson	Bush	Carroll
Bartlett	Butler	Case, N.J.
Beall	Byrd, Va.	Case, S. Dak.
Bennett	Byrd, W. Va.	Chavez
Bible	Cannon	Church
Clark	Jackson	Mundt
Cooper	Javits	Murray
Cotton	Johnson, Tex.	Muskie
Curtis	Johnston, S.C.	Prouty
Dirksen	Jordan	Proxmire
Douglas	Keating	Randolph
Dworshak	Kefauver	Robertson
Eastland	Kerr	Russell
Engle	Kuchel	Saltonstall
Ervin	Lausche	Schoeppel
Fong	Long, Hawaii	Scott
Frear	Long, La.	Smathers
Fulbright	Lusk	Smith
Goldwater	McCarthy	Sparkman
Gore	McClellan	Stennis
Green	McGee	Symington
Gruening	McNamara	Talmadge
Hart	Magnuson	Thurmond
Hartke	Mansfield	Wiley
Hayden	Martin	Williams, Del.
Hennings	Monroney	Williams, N.J.
Hickenlooper	Morse	Yarborough
Hill	Morton	Young, N. Dak.
Holland	Moss	Young, Ohio

Mr. MANSFIELD. I announce that the Senator from Connecticut [Mr. DODD], the Senator from Louisiana [Mr. ELLENDER], and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

The Senator from Minnesota [Mr. HUMPHREY] and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

The Senator from Rhode Island [Mr. PASTORE] is absent on official business.

Mr. KUCHEL. I announce that the Senator from Nebraska [Mr. HRUSKA] is necessarily absent.

The ACTING PRESIDENT pro tempore. A quorum is present.

Mr. JAVITS. Mr. President, I shall yield to Senators in a minute for insertions, but in view of the fact that a number of Senators are on the floor I should like to state what I propose to talk about. Then, if Senators are interested, they can remain.

Mr. President, I hope in the course of my remarks, which will not be very extended, to analyze in detail especially the law and the constitutionality of the referee provision as it stands without the Kefauver amendment, and also to deal with the substantive facts upon which the referee provision is based and why it is necessary. I wish to emphasize that my primary discourse will be on the law and the constitutionality of the referee provision as it stands.

Mr. President, I ask unanimous consent that I may yield to the Senator from Ohio for a brief statement, without losing the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INCREASE IN POSTAL RATES ON "JUNK" MAIL

Mr. YOUNG of Ohio. Mr. President, President Eisenhower's proposal to saddle small businessmen and our individual citizens with increased postal rates on first class mail should be rejected. The President claims his recommendations are essential to help meet the deficit in the Post Office Department. Yet, by raising letter rates from 4 to 5 cents and airmal from 7 to 8 cents, he would penalize the users of first class mail, the only class of mail showing a surplus.

In fiscal 1959, first class mail and airmail produced a surplus of more than

$156 million. Despite this, President Eisenhower now proposes to raise rates in order to produce another $427 million a year.

In effect, this would be an added tax, violating every sound principle of just taxation. My view is that taxes should be levied according to ability to pay.

I assert, Mr. President, that probably heavy magazines do not pay their proportionate share. Nevertheless citizens profit intellectually and pleasurably and there is real value to that. Millions of copies of these journals go into the U.S. mail every week.

These heavy publications, plus other business materials and junk mail, are primarily responsible for the $569 million net deficit suffered by the Post Office Department in 1959. Why not increase the rates against junk mail? Also I urge that the Postmaster General should practice rigid economy in operating his Department. No doubt some money could be saved.

May I make it clear, Mr. President, that country newspapers and urban newspapers which also are mailed to some extent are willing to pay their share. It is a fact that major newspaper associations for years have expressed that willingness.

Furthermore, in these grave, fast-changing times, it is of the utmost importance that newspapers—dailies and weeklies—which are so important in informing our citizenry, go into as many households as possible.

It is of little importance whether the Government in fact pays somewhat more than the cost of this service.

I do assert, Mr. President, that rates on junk mail could—and should—be increased substantially. No one asks for this mail. It simply clutters up mailboxes and usually ends up in the wastebasket unread. Why not tax this nuisance mail?

My view is that postal rates on weekly and daily newspapers should not be increased at present. Some newspaper publishers have difficulty in keeping their publications going and their companies solvent in view of rising costs, and I do not advocate increasing their postal rates.

If President Eisenhower's views prevail, newspaper publishers and individual citizens would be dealt with in an unjustified manner, and heavy magazines and junk mail would still cause a deficit.

Instead of yielding to President Eisenhower's proposal, postage rates on junk mail should be increased and possibly rates on second-class mail above a certain weight, to include heavy magazines, should be raised.

Under no circumstances, at this time, should first-class mail users be required to shoulder an additional load.

It is a fact, Mr. President, that the postal service was never intended to serve a profit-making function. It is a service of the Government to its people, it was not intended to be a tool for a select group in the economy, and taxpayers resent its becoming so.

Mr. President, the proposal to increase rates on first-class mail and airmail makes no sense whatever.

In truth, Mr. President, there is no occasion for alarm in the claimed deficit in the Post Office Department.

President Eisenhower should be alarmed over the tremendous waste of taxpayers' money in national defense expenditures due to duplication and waste with each branch of the Armed Forces considering itself the sole savior of our country. Real unification of our Armed Forces would result in saving billions of dollars each year.

The Post Office Department gives our people service, and newspapers and magazines provide information invaluable to our citizens.

I shall vigorously oppose increasing postal rates at this time, except possibly on junk mail. Furthermore, if the Postmaster General would stop, look, and listen before buying expensive electronic equipment—which is used only at peak mail periods—taxpayers' money would be saved.

LAG IN SHIPBUILDING INDUSTRY

Mr. BUTLER. Mr. President, I ask unanimous consent to have printed at this point in my remarks an article authored by Mr. L. R. Sanford, president of the Shipbuilders Council of America entitled "Shipbuilding Lag Worries Industry Unit," which was published in the March 22, 1960, issue of the New York Journal of Commerce. This article points up, among other things, the serious effects the curtailment of our shipbuilding program can have on the welfare and security of our great country. I am sure all Senators know of my feelings about the merchant marine being the fourth arm of defense; therefore, I urge they read this well-written and very informative article.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SHIPBUILDING LAG WORRIES INDUSTRY UNIT

(By L. R. Sanford, president, Shipbuilders Council of America)

As one to whom the welfare of these United States is paramount, the relation of maritime industry to that welfare has the highest priority with me. Thus it is shocking to hear many of the statements emanating from Washington on this relationship and be forced to realize the fuzzy, unrealistic and inconclusive thinking in this connection with which so many individuals in high places in Washington apparently have been afflicted.

For example, we find representatives of one executive agency making major policy decisions, or at least dictating those decisions, not on their merits, or with any due regard to the welfare and security of our country, but purely on a budget basis, or, more plainly, a dollar basis.

No thinking person should quarrel with the desirability of Government economy or with the objective, not only of a balanced budget, but also of debt reduction. But the means to those ends become somewhat fantastic when the budget components are juggled by amateurs in national security upon whose decision the fate of the Nation rests.

It is disconcerting to see national security currently become a political football, as it inevitably does in an election year. It is just as disconcerting to see high-ranking representatives of the several armed services advocating their individual service specialties, to the exclusion of all others, as the sole panacea, the only possible savior of our country.

Is it not frighteningly clear that, as long as this country is not an aggressor nation, and we never have been nor is there any indication that we will be in the future, the choice of the kind of a war we may have to fight, as a result of being forced into it, is not ours to make, but that of our potential enemy.

Is it not equally clear that we must be in a position to reply in kind, whether it be a massive missile attack which calls first for interception and then equally massive retaliation, or whether it be a land, sea or air attack, or any combination of them, in a limited action at a distant point against one of our worldwide military outposts, or against one of our free world allies. No one armed service need think that it is or can be the cure-all for any kind of action. Joint and integrated action by all the services in their respective spheres is imperative. Nothing less will do.

As a country whose role is bound to be a defensive one, at least until the start of hostilities, we naturally are at a great disadvantage in dealing with a predatory power whose objective is to conquer and control the world by one means or another. Such a power inevitably can make breakthroughs in scientific achievement, military or otherwise. Each time such an event happens, there is a hue and cry of the unthinking in this country to concentrate on that particular breakthrough so as to catch up and surpass our potential opponent in that field.

SEA TIES NEEDED

Then along comes another breakthrough of a different nature and the performance is repeated. And so it goes on and on until ultimately we are trying to go many directions at once and getting nowhere. That is exactly what our potential opponent wants—to keep us jumping around like a flea on a hot griddle until we lose all conception of the forest for the trees.

We have forces deployed around the world—land, sea, and air forces. They are the means by which we keep constant watch on our potential enemies and stand joint guard with our allies ready to assist them should the need arise. These forces deployed around the world can only be so deployed and so maintained by the use of the sea. It is the sea which forms the ties between the mother country, the base of manpower and supplies, and those farflung forces radiating out in all directions. It is a God-given road to the rest of the world.

But it is that road only to the extent that we can use it. The ability to use it is called seapower.

Seapower has dictated the course of civilization back to the dawn of history. It is the verdict of history that those nations with overwhelming seapower, thus able to control the seas, became the leading world powers and remained such just so long as they retained that control of the seas. When they lost that control, they became second-rate nations.

Seapower is just as important a factor in power politics today as it was when Adm. A. T. Mahan enunciated his doctrine on "The Influence of Sea Power on History," in 1889. When Fleet Adm. Chester W. Nimitz retired in 1947, he submitted to the Secretary of the Navy a prophetic paper on "The Future Employment of Naval Forces" in which he argued that the dictum of Sir Walter Raleigh in the 17th century was still valid in the 20th century of A-bombs and missiles.

SELLING OUT HISTORY

Sir Walter Raleigh said that, "whosoever commands the sea, commands the trade; whosoever commands the trade of the world, commands the riches of the world and consequently the world itself."

But there are those in high places in Washington and elsewhere, in and out of the Government, who either are a bit rusty on history or are willing to assume the responsibility of selling history down the river on the ground that today is a new era of nucleonics and missiles in which seapower no longer matters.

Let us examine that concept. In the first place, just what is seapower and how does it function? The popular concept of seapower is that it consists primarily of a powerful fleet of naval vessels. Unquestionably naval vessels do constitute a fundamental part of seapower. But seapower is far more than naval vessels.

It includes all the ships of the merchant marine, cargo ships, passenger liners, tankers, ore carriers and many other types. Likewise, it includes the shipbuilding and ship repair industry without which naval and merchant vessels could not be built and maintained while in service. Seapower likewise includes all elements which contribute in any way to the production and operation of ships. Collectively all the commercial elements involved in seapower are called maritime industry.

One main end result of maritime industry is the merchant marine. World Wars I and II demonstrated beyond a doubt that the merchant marine is the vital "fourth arm of defense," without which we could not have won in either war.

DEFENSE AT ISSUE

Any further war, the nature of which we cannot now predict, is likely, however, to differ from past wars in that we may not have the opportunity and the time to build additional ships for war service to supplement existing ships.

That possibility, even probability, makes it imperative that we have in existence and in operation at the commencement of any war of whatever nature an adequate fleet of ships qualified to perform the task of lifting troops and supplies, and transporting both to our farflung bases without which support those bases would be doomed. And it certainly is unthinkable that they could be abandoned to their fate. That indeed would be the beginning of the end.

So, it follows that at any time war strikes we must be prepared with a strong Navy able to control the seas and an adequate merchant marine to use those seas subject to that control, not only to supply our oversea bases and our allies, but to import into this country from abroad those strategic components which are not available here but which nevertheless are vital for our domestic industry, whether for war materiel or domestic consumption.

Much present thinking in Washington begs the question of seapower, whether at the moment it be the facet of naval power that is under consideration or the facet of the merchant marine, and appears to be limited to the concept of missiles and airpower. Neither one, important as they are, can control the seas or transport men and supplies needed throughout the world. That takes seapower and that seapower must be in being, not merely projected.

Let us assume a massive missile attack which knocks out a great part of U.S. industry. There is an immediate need for transportation, sea transportation, both for ourselves and our allies. Sea transportation is least likely to have suffered seriously from such an attack because of its dispersion. That transportation may be the means of turning apparent defeat into ultimate victory, but it cannot do that unless it exists at the time.

ENEMY BUILDING SHIPS

Lest there be any question as to the efficacy of seapower in the world of today and tomorrow, why is Russia today feverishly building up its seapower, particularly its submarine fleet, but also surface vessels as well? Because it realizes that, unless and until it can control the seas, it cannot hope for total victory over the United States and its allies.

By the same token, why is Red China building up its merchant fleet? Both are cognizant of the lessons of history. Both know that they must have seapower to achieve their ultimate objectives. Both know that if they singly or collectively can force the United States off the seas, victory is theirs without further fighting.

If that disaster should happen, the United States would have to abandon its allies overseas, also all its oversea bases and personnel. Furthermore, the U.S. industrial complex would falter to a halt for lack of vital components not available in the domestic market. The United States not only would have lost its foreign markets but would be unable to supply its domestic market. All that Russia and China then would have to do would be to wait patiently for our inevitable demise and take over.

In the face of all the foregoing, does it make sense for a high Government official to limit the funds for the Government's share of replacement ship construction to an average of less than one ship per shipyard per year? How will we even complete a replacement program in time to ward off block obsolescence on any such basis as that? How can we have modern ships ready for the emergency that may be just around the corner? How can we hope to continue to compete with the modern foreign-flag ships that our allies and former enemies continue to build in shipyards rehabilitated at our expense after the war?

There seems to be a disposition in Washington for more and more investigation of almost everything. That is particularly true of the merchant marine. There have been many investigations of the merchant marine over the years, most of them at a very high level. They all have come up with practically the same conclusions, viz, that we have to have an adequate merchant marine, that the policy of the Merchant Marine Act of 1936 is sound, and that it should be aggressively implemented.

Most of these reports lie in innocuous desuetude in some almost forgotten pigenhole. Now there is talk of more investigations of the merchant marine. It would almost seem that there is a hope, wishful thinking if you like, that, given enough investigations, ultimately sometime, somehow, somebody will come up with a magic formula for a merchant marine that will not cost the Government any money despite a standard of living in this country far above that of the rest of the world, which, of itself, makes construction and operating merchant marine subsidies necessary to achieve parity with competitive low cost foreign merchant marines.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. JAVITS. Mr. President, I wish to address myself to the provision of the bill before the Senate as it relates to official referees.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. JAVITS. Mr. President, I ask unanimous consent that I may yield to the Senator from Colorado for an affirmative statement without losing the floor.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. CARROLL. Mr. President, I desire to modify my amendment which is now the pending business. I ask that the modification, which is now at the desk, be read.

The PRESIDING OFFICER. The modification of the Senator from Colorado to his amendment will be read.

The CHIEF CLERK. On page 17, lines 20 through 25, in lieu of the language proposed to be inserted by the committee, it is proposed to insert the following: "the applicant shall be heard ex parte, at such times and places as the court shall direct.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the junior Senator from Colorado.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

Mr. JAVITS. Mr. President, I have the floor.

Mr. RUSSELL. Mr. President, I thought the Senator from Colorado had proposed an amendment. The Senator from New York cannot hold the floor and prevent another Senator from making a parliamentary inquiry concerning the modification proposed by the Senator from Colorado.

Mr. JAVITS. Mr. President, may the Senator from New York explain his position?

Mr. JOHNSON of Texas. Mr. President, I wonder if the Senator from New York will not yield by unanimous consent.

Mr. JAVITS. Of course I will.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from New York may yield to the Senator from Georgia, to permit the Senator from Georgia to state his parliamentary inquiry.

Mr. RUSSELL. I am as a matter of right entitled to submit a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York yielded to the Senator from Colorado under a unanimous-consent request. The Chair is advised by the Parliamentarian that the inquiry by the Senator from Georgia is in order, and does not interfere with the right of the Senator from New York to the floor.

Mr. JAVITS. I thank the Chair. I simply wanted to be certain that I had not lost the floor.

Mr. RUSSELL. Mr. President, has the so-called revision or modification been printed?

The PRESIDING OFFICER. The modification of the Carroll amendment has not been printed.

Mr. RUSSELL. Mr. President, I desire to submit a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. RUSSELL. Have the yeas and nays been ordered on the Carroll amendment?

The PRESIDING OFFICER. They have not been ordered.

Mr. RUSSELL. In that event, the Senator from Colorado has a right to modify his amendment. That right is unchallenged, under the rules. But it may cause some delay in voting until we have had some opportunity to examine the modification.

Mr. CARROLL. Mr. President, will the Senator from New York yield further? I ask unanimous consent that he may yield to me, without losing the floor, to permit me to explain my modification.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from New York yields to the Senator from Colorado.

Mr. CARROLL. The purpose of my modification of my amendment is to use words contained in section 4, article I, of the Constitution, relating to the times, places, and manner of holding elections for Senators and Representatives. It is true that those constitutional words have different meaning in section 4 of article I than here. As I have said numerous times on the floor of the Senate and in the committee, the provisions of this bill shall in no way be construed as a limitation upon the existing powers of the court.

What are we asking to be done? The executive branch will not provide leadership in this field. The legislative branch, as is evident, cannot function in this field. So we are placing a tremendous load upon the judicial branch.

I believe we should not handcuff the courts or hamstring the courts, or try to strangle the judiciary as we give them this tremendous task.

We are saying to the court, by this amendment, "Fix the time and fix the place," And Congress says to the court, "as the court shall direct."

It seems to me that a court of equity, reading the whole history as it has been expressed by Congress, would designate a proper time and place.

I commend the senior Senator from Tennessee for raising this issue. This has been a very important part of the debate. The legislative history which has been made is excellent. I think a court in the future could easily ascertain what is now taking place.

The Senator from Tennessee has been saying that this is a public act. The junior Senator from Tennessee has characterized it as a public act, by a public official, to be conducted in a public forum. A court of equity will consider those words carefully. The court will know the purpose of the legislation.

This is a very simple proposal. It is intended to give to American citizens their fundamental, constitutional right to vote. It is necessary to use this method. As the Attorney General has said, it is a method to expedite matters in order to preserve that constitutional right.

We are not seeking to have any secret sessions or any star-chamber sessions. Yesterday I heard the able senior Senator from North Carolina [Mr. ERVIN] express a fear that there would not be transcripts of the proceedings. Very well. Let us make the legislative record now. Let us examine the House bill. Let us turn to page 16. Before the applicant is entitled to an order, he has to supply proof.

Let us turn to the bottom of page 17. It says in the bill that his statement shall be under oath. Whose statement? The applicant's statement.

Let us move to page 18. He has to give evidence of his age, residence, and prior efforts to register or otherwise qualify to vote.

The able senior Senator from North Carolina was concerned that there would be no transcript. Let us read now from page 18, line 4, of the bill. We are now talking about proof of literacy and understanding of other subjects which is required of an applicant, if it is required by valid provisions of State law.

The answer of the applicant, if written—

Get those words—

shall be included in such report.

What report? The report which includes the applicant's age, residence, and prior efforts to qualify. This is all a part of a judicial hearing. There is proof; there is an oath; and obviously if there is to be a report to the court, no order can issue for the applicant until it is preceded by such report. That report has to be transcribed. Does anyone believe that a public act, by a public official, in pursuance of a public law, will not be transcribed? Of course it will be transcribed.

Does anyone believe that a court will not permit a party in interest or any person, if he pays for it, to get a copy of the transcript?

Of course that would be done. I submit that the many fears of the bill which have been expressed here are unfounded.

This is a good, constitutional bill. It will permit many American citizens who are wrongfully disfranchised, to vote, although it makes the proceedings by the applicant more protracted than I would have desired.

Mr. GORE. Mr. President, will the Senator from New York yield, to permit me to ask several questions of the Senator from Colorado?

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Does the Senator from New York yield to the Senator from Tennessee?

Mr. JAVITS. First, Mr. President, will the Senator from Colorado tell me how long he expects to proceed.

Mr. CARROLL. I have almost concluded.

Mr. JAVITS. Then I yield to the Senator from Tennessee.

Mr. GORE. Mr. President, the Senator from Colorado has made a considered and reasonable statement. He has proposed that the amendment be modified by adding the words "at such times and places as the court shall direct."

Does not the Senator think the applicant who wishes to qualify to vote should be heard within the county in which he seeks to obtain qualification for voting?

Mr. CARROLL. Yes, unless in the county there was massive resistance, unless the machinery of the county was marshaled in opposition to the applicant's attempt to qualify to vote. But let us permit the court to have discretion in such circumstances; let us not handcuff the court. The court should be allowed to make that determination.

If I were serving as the judge in a court of equity in such an area, I would say that of course the applicant to register to vote should be heard within the county in which he seeks to qualify to vote.

However, this situation involves massive resistance to the attempt of thousands of Americans to register and to vote for the first time. So as we proceed to place this burden upon southern jurists, let us be reasonable and permit them to use their own good, commonsense while they serve as courts of equity.

Mr. GORE. It seems to me the Senator has described a strained situation which might not develop at any point. I should like to suggest to him that when the applicant under the law now proposed is qualified to vote, that qualification pertains to the county of his residence. Therefore, if one presumes there would be some massive resistance to the applicant's qualification to vote, with the result that then the public official of the U.S. court, with all the protection and dignity of court orders added to by the terms of the pending bill, would be intimidated and prevented from permitting the applicant to qualify to vote, would not it then be reasonable to presume that the exercise of such a right—which could not be accomplished in some other county, in someplace apart from the applicant's residence—must, in fact, be accomplished not only within the county in which he resides, but also within the precinct in which he resides, and that under such circumstances, such massive resistance, if it existed at all, would relate more to the applicant's exercise of the right to vote, rather than to his appearance before an official of the Federal court to register to vote?

Mr. CARROLL. I am not sure that I fully comprehend what the Senator from Tennessee has in mind. But my point is that I believe we should provide ample discretion. In my opinion a Federal judge would not permit any abuse of his authority, and I believe that would be particularly true of a Federal judge who came from the particular area which was affected.

We are not trying to create any judicial restrictions by this law. This matter must remain fluid. The court itself will be bound by the constitutional principle of due process; the courts cannot stray, either. And we want them to read the record.

I understand the fears of able and sincere men that perhaps we shall be going too far.

Mr. GORE. In my State the custom is for the registration to be accomplished at the county seat. I respectfully suggest to the Senator that in my opinion his amendment would be improved if he were to add to it the words "within the county of the applicant's residence."

Mr. CARROLL. I think that is implicit; I think the registration would occur there. But I am afraid that if we

start to add such a provision here, attempts to have other provisions added elsewhere will be made.

I believe we can safely leave these matters to the discretion and the judgment of the court. I agree with the Senator from Tennessee that it should be within the county, because that is where the applicant would normally have to register.

If I correctly interpret the statement of the Attorney General of the United States, no attempt is being made to give one group of Americans a favored position, as compared to that of another group. So if a white man is able to register in a particular county, a black man should also be able to register in the same county—under the same rules and customs and laws.

Mr. GORE. I agree with the Senator from Colorado that it would be natural to assume that a Federal district judge would take such a reasonable course.

However, since the Senator from Colorado is proposing to write new law, perhaps it should provide that the hearing shall be within the county of the applicant's residence. Unless the judge made a finding of the existence of some extraordinary circumstances which would indicate to him the advisability of doing otherwise, surely the hearing should be held within the county of the applicant's residence.

Mr. CARROLL. Bear in mind that in this case we are dealing with the broad powers of a court of equity.

Mr. President, I am afraid that I have taken too much of the time available to my able friend, the Senator from New York [Mr. JAVITS]. He has been very gracious to give me this much time in which to submit my modification of the amendment. Later, we shall have an opportunity to discuss it further.

Mr. JAVITS. Mr. President——

Mr. KEFAUVER. Mr. President, will the Senator from New York yield briefly, so that I may ask several questions of the Senator from Colorado?

Mr. JAVITS. Mr. President, I prefer at this time, while a few Senators are in the Chamber, to make my fundamental points. Thereafter, I shall be glad to yield.

Mr. KEFAUVER. Very well, Mr. President.

Mr. JAVITS. Mr. President, I believe the bill to be constitutional, and not to be unusual, in terms of the practice and procedure in the courts of the United States.

What has been entirely overlooked in connection with this matter is the fact that the voting referee will be appointed pursuant to the standing rules of Federal procedure.

If Senators will look at page 19 of the bill, line 14, they will see that the powers of the referee are determined by rule 53(c) of the Federal Rules of Civil Procedure. Reference to those rules indicates that the court already has very wide powers in respect to what it can order the referee to do. The court may, by its orders, specify and limit the powers of a referee, may permit him to report on particular issues, do or perform specific acts, receive and report evidence only, and may fix the time and place of the holding of the hearing and the filing of a master's report.

It is very clear this is established procedure. I practiced law for many years, as did many Members of the Senate. We are all familiar with the practices of bankruptcy referees. Bankruptcy referees do many things ex parte. For example, they receive and verify claims, reject claims, throw them out, if they do not have any verification or proper forms to support them—all ex parte. Thousands of lawyers in the United States who apply for orders apply for them every day ex parte.

Mr. President, what does "ex parte" mean? It means that the court may consider whatever is the application before it—or, in this case, the official referee—without notice to the other side. It does not mean in secret. It does not mean somewhere behind a building. It means without notice to the other side. Can anything else be done in these situations, if what we are trying to do is, as nearly as possible, recreate the rights to an individual registrant which have been denied him? Let us not forget that fact. The court has first found that a right has been denied to a class of citizens; so we try to replace, through court order, what he would have gotten through normal action of the administrative office of the registrar.

The referee, no more than the registrar, does not know who is coming in to register. This is not an adversary person. This is someone off the street who is a member of that class, and he says he has been denied the right to register. He walks in the door. The court or referee could not have given notice if he had wanted to. The only thing he can say is that at a certain time and at a certain place he will be there, empowered by the court to make registrations.

That is exactly what the amendment of the Senator from Colorado provides.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. JAVITS. I had promised to yield first to the Senator from Tennessee [Mr. KEFAUVER].

Mr. KEFAUVER. Mr. President, I ask unanimous consent that the Senator from New York may yield to me in order that I may ask the Senator from Colorado two or three questions.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. KEFAUVER. The Senator from Colorado has, I know, been giving this matter a great deal of thought, and he has been concerned; as many of us have been, with the situation, as has been so ably pointed out by my colleague from Tennessee [Mr. GORE], that this is a public official, doing public business, and that it ought to be done in a public place, upon public notice.

I take it that these are matters which the Senator from Colorado is trying to get at, as I have heard him.

I think, as I read the new amendment the Senator has sent to the desk, while I am not satisfied with it, is an improvement. I think the rights provided in the amendment that was adopted by the committee, with an understanding of what is intended, as I have tried to explain, are minimum rights. I think what the Senator has proposed is some improvement over leaving the matter wide open.

In the Senator's original amendment he had the words "shall be open to the public." Why does he leave out the words "open to the public" in his new amendment?

Mr. CARROLL. I may say to the Senator from Tennessee that I felt this question was one of the issues that concerned the senior Senator from Tennessee with respect to the original amendment. As the junior Senator from Colorado expressed himself in committee and on the floor of the Senate the other day, he is against star-chamber sessions. The junior Senator from Colorado is against all kinds of secret and clandestine referee hearings, whether they be at picnics, church gatherings, and back alleys, as was mentioned in the debate yesterday, or any other place. The junior Senator from Colorado is against registrations in barbershops, and places like that. I do not believe in that sort of thing. I understand it is done in some areas. It is not done in my State.

I hope a court of equity reads our words. We want the times stated. What do we mean by "times"? The dates. What do we mean by "places"? The places where the registrations are to take place. Mention was made of the words "public office." Those words are too restrictive. In my State we use the schools for registration. There is nothing wrong with utilizing the school buildings. I did not want to limit the provision to a public office or public place, but leave the place to the court. That is my argument.

I think the Senator from Tennessee has made a fine record. I think he has clarified some of the thinking. I think the debate which has been going on for the last 3 days will be very helpful to a court of equity.

Mr. KEFAUVER. I thank the Senator from Colorado. Some good may have been done. I hope so. That was our intention. I hope that, by the adoption of amendments, the bill can be improved, as I sincerely think it must be improved.

Does the Senator from Colorado contemplate that the judge shall issue orders that the hearings will be in a place open to the public?

Mr. CARROLL. It is the opinion of the Senator from Colorado that the judge ought to do so. Anything that takes place in connection with such proceedings should be open to the public. This is a public action by an official of the court—a public official. We are enforcing a law of general application.

Mr. KEFAUVER. Is it the legislative history, in the mind of the sponsor of the modified amendment, that it is the intention that the judge should and will have public business of this kind conducted in a public place, or a public office, or a place open to the public?

Mr. CARROLL. I would certainly say so, unless some great emergency would prevent it. I should think that was the general concept. This is commonsense; this is equity we are talking about.

Mr. KEFAUVER. The words "at such times and places as the court shall direct" appear in the amendment. As I have said, it is an improvement, but my point is that while we trust our judges and hope they will do their duty, we in the Senate have a duty to perform also, and to act to prevent star chamber proceedings. The words "at such times and places" imply that notice shall be given of meetings.

Mr. CARROLL. Notice to whom?

Mr. KEFAUVER. I do not know. Notice to the public.

Mr. CARROLL. The court sets the time. The court orders that the hearing shall be open to the public. If the court sets the times and places, we cannot ask the court to notify the newspapers.

Mr. KEFAUVER. There is a very sharp distinction. Does the proposal contemplate that the judge will notify the referee of the time and place that he is to have the meeting, or that he will notify the referee and follow the usual custom of arranging for some public notice?

Mr. CARROLL. I do not know what the court will do. We are talking about two different things. When the court enters its original finding that there is a pattern or a practice, there will be many applicants who will be filing applications. I hope there will be many.

I think the point has been made by able lawyers from the South that many times the county seat in an area will be away from the general area, as much as 200 miles. I would assume that if a Federal voting referee was going into a particular area the court would give the people notice that the voting referee was coming, and the time would be designated and the place would be designated by the court. Would that not meet the Senator's objection?

Mr. KEFAUVER. I have always thought that due process meant notice should be served on the parties affected, giving them an opportunity of being present, at least.

Mr. CARROLL. Due process for whom, may I ask the Senator from Tennessee?

Mr. KEFAUVER. Due process for the applicant, who is going to register.

Mr. CARROLL. He is not going to complain about this.

Mr. KEFAUVER. Well, due process for the party who is alleged to have failed to follow his duty or to have failed to carry out his duty.

Mr. CARROLL. There is no such allegation in the finding. The finding is, of course, of a broad nature. We are not trying to put the stamp of guilt upon anybody, but we are attempting to give some people their constitutional rights. We are considering the mechanism which has been suggested.

Mr. KEFAUVER. If the Senator feels the hearing should be done in a public place and notice should be given in some form, as is the usual case with notices, would it not be worth while to put those provisions in the amendment?

Mr. CARROLL. The junior Senator from Colorado has been working very diligently to try to overcome the harm which was done the other day when the ex parte proceeding provision was stricken out. I think we have a general agreement that we can use the words now suggested; and I do not mean by a small group of people. We have a general agreement. We have taken these words out of the Constitution. While it is true they have a different meaning, the court will carry the great burden as to times and places. As the junior Senator from Colorado has modified the amendment, he has modified it about as much as he can in the circumstances.

Mr. KEFAUVER. My colleague from Tennessee would like to ask the Senator a question, but first let me say that I appreciate the efforts of the Senator from Colorado. I know the Senator has been concerned about the star chamber proceedings, which are repugnant to the American people. That is something we have been fighting against ever since the Founding Fathers wrote the Constitution. It is something about which the Senator feels deeply and about which I feel deeply.

I want to say to the Senator from Colorado, this language is of some help, but it is unclear. I think the Senate has a very important duty to perform. I will discuss that later on.

Mr. GORE. Mr. President, will the Senator from New York yield that I may ask a question of the Senator from Colorado?

Mr. JAVITS. I yield to the Senator from Tennessee.

Mr. GORE. If the court by order designates a place and a time, does not that place, ipso facto, become a public place?

Mr. CARROLL. I should think so. I see no reason why it would not. The very purpose of designating the time and the place is to give the people notice, so that they may come.

Mr. GORE. The order of a court is not a secret order?

Mr. CARROLL. Of course not.

Mr. GORE. The place which the court fixes by order is not a secret place, though it may be in a high school auditorium or in a courthouse or in a building on the square leased for that purpose. It becomes a public place for the performance of a public act by a public official upon order of the court.

Mr. CARROLL. That is correct.

Mr. GORE. May I go one step further? If my questions are properly submitted and if the Senator's answers are correct, then are not the places and the times the remaining unspecified elements? I am willing to presume that a Federal judge would designate a reasonable time. Unless there is some extraordinary circumstance I am willing to assume that the judge would designate a place within the county in which the applicant for qualification for voting would in fact be voting if he voted.

Mr. CARROLL. I agree with that.

Mr. GORE. I see no objection to specifying that this shall be in the county of the residence of the applicant.

Mr. CARROLL. I think we have made the record on that.

I should like to make a reply to the Senator, and then not hold the floor longer from the Senator from New York.

I do not know whether this is true or not, but I have heard that in some areas in the South people are registered in barbershops. If this is true, all I seek is to give equal treatment to the white men and to the black men. If the white men are registered in the barbershops, then we ought to register the black men in the barbershops. I want to leave this open for a court of equity.

Let me say, I do not assert that as being true, because I do not know. I wish to point it out as having been said. I do not know for a fact that people are registered in barbershops.

What we are seeking is equality of treatment. That is all. That is all we ask the court to do. If the white men are registered in a private place, I do not know how one can object to registering a black man in a private place. Let us provide equality of treatment in regard to qualifications to vote. This is the whole purpose of the bill, and it ought to be left in the hands in the court of equity. The judge would come from the area.

Mr. KEFAUVER. That is my purpose, also. I am trying to have the same conditions apply to registration before the voting referee as apply to people who go into a public office to register. When the people go into the public office, it is open. Anybody can be present. Anybody can take a transcript, and anybody can witness what goes on.

Mr. CARROLL. On that point, I wish to say that the Senator from Tennessee is absolutely correct. For example, if white men are going to be registered and somebody else wants to take a transcript of what is asked of the white men, he ought to be permitted to do it. Is that the Senator's point?

Mr. KEFAUVER. The Senator said that he wanted equality of treatment. That is what my amendment is intended to bring about.

Mr. CARROLL. I am sure of that.

Mr. KEFAUVER. When one goes into a public office to register, it is a public office. There is a public official present. Anybody can go into the office and can make a transcript if he wants to. I hope the Senator will be thinking about that. The modified amendment says, "at such times and places as the court shall direct." It does not say that the court shall issue an order directing it, which would be an order of the court. It may be an oral direction.

Is it contemplated that this would be an order which would be made upon the minutes of the court proceedings?

Mr. CARROLL. Yes. The language is, "the applicant shall be heard ex parte at such times and places as the court shall direct." That means by order of the court, because the referee is the court's agent. The court is the master and the referee is the servant functioning under the court order which would be in the minutes of the court.

I want the RECORD to show that the court shall direct by a public order, so that the people will be informed.

Mr. KEFAUVER. What is the situation with reference to anybody making a transcript of the proceedings?

Mr. CARROLL. I think there ought to be the same right to make a transcript of the proceedings of a black man being registered as there would be a right to make a transcript of the proceedings of a white man being registered. If it is held in a public place, and the white man's testimony is taken down. A transcript should be available. Some people have found that the white man is not interrogated as sharply as is the black man.

Let a transcript be made at each time and place, and perhaps we can find out what the facts are. The decision ought to be left to a court of equity. That is the whole purpose of my amendment.

Mr. KEFAUVER. I thank the Senator very much.

Mr. KEATING. Mr. President, will my colleague yield to me?

Mr. JAVITS. I yield to my colleague.

Mr. KEATING. Does not the senior Senator from New York feel that in all likelihood adding the words "at such times and places as the court shall direct" would add nothing to what would have been the normal procedure in the first place?

Mr. JAVITS. My colleague is exactly right. I pointed out section 53–C of the Rules of Civil Procedure. That subsection is headed "Powers," and it contains the mandatory provisions written into law.

Mr. KEATING. I see no objection to the amendment as modified. I have conferred with the Attorney General. It neither adds nor detracts, and is much preferable to the Kefauver amendment. The devastating impact the Kefauver amendment would have on the voting referee section of the bill has now become obvious. Various proposed compromises have been sticking out of the pockets of many Members. Some of the compromises I have seen offer very little improvement on the original language of the amendment. I do not believe anything should be accepted which would require Negroes to apply for registration under conditions substantially different from those applicable to other citizens. It will be burdensome enough under the other provisions of the voting referee section to provide the needed relief without adding the additional obstacles contained in the Kefauver amendment or in some of the substitutes therefor.

In my opinion, the only proper course is to leave to the local judge the determination of the times and places of registration. That is exactly what the modified Carroll amendment does. This proposal would permit the judge to apply whatever conditions are customary under State law or whatever conditions are necessary in the particular case. This will not violate any State official's due process but it will protect against the violation of the voting rights of our Negro citizens.

Such court control over the referee is already implicit, but if there is a desire to spell it out, I certainly would have no objection to doing so by specific language. What we must avoid is anything which would encourage the further intimidation and harassment of people who want to vote. After having to apply for State registration (in some cases, twice), after having to await the result of a district court voting right suit, after having to abide the determination of a pattern or practice of discrimination, and after being subjected to a trial on any material issue of fact raised by the referee's report—there should be no requirement that Negroes also must appear for registration in a hostile, public arena. Such a requirement is exactly what the Kefauver amendment would have accomplished. The Carroll amendment, on the other hand, is completely harmless because it adds nothing whatever to the bill which came to us from the House. By it the procedures of the voting referee sections are preserved intact. For that reason, the Carroll amendment neither adds to nor detracts from the force and effect of the House language. Because a vote for it is tantamount to a vote against the Kefauver amendment, I shall support it.

Mr. JAVITS. I thank my colleague. I join him in the statement with respect to the Attorney's General's feeling, that this proposal would not in any way compromise the fundamental purpose of the amendment.

There has been much argument about unconstitutionality. What amazes me is that in arguing unconstitutionality no reference is made to the Constitution. The Congress of the United States, when joined by the President—or, if it can muster the votes to override—can actually establish, without regard to what any State does, the times, places, and manner of holding elections for Senators and Representatives. This authority is contained in section 4 of article I of the Constitution, which reads as follows:

> The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Also, no attention is seemingly paid in this debate about unconstitutionality to the 15th amendment to the Constitution. I point out that on last Wednesday, March 30, we celebrated the 90th anniversary of this amendment, which in many places has been honored more in the breach than in the observance.

The 15th amendment deals with the right to vote. Thousands of Americans lost their lives in the struggle to assert this right, and here we are arguing about whether we shall implement it.

Section 1 of the 15th amendment provides:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2 reads as follows:

> The Congress shall have power to enforce this article by appropriate legislation.

The basis, therefore, for the voting sections of this bill is absolutely rooted in the Constitution of the United States, in just so many words. We are not invading what the immutable law has given to the States. We are exercising the authority and the power vested in us by the Constitution; and, indeed—at least by clear implication—we have the duty to see that the Constitution is implemented in these respects. It seems to me, therefore, that those who argue for constitutionality, rather than those who argue against constitutionality, are the ones who start with the Constitution firmly on their side.

Mr. ERVIN. Mr. President, will the Senator yield for a question on that point?

Mr. JAVITS. Certainly.

Mr. ERVIN. I ask the Senator from New York if he does not know that the courts have held time and again that the fourth section of the first article of the Constitution, which the Senator read as giving the Congress the right to alter or make regulations concerning the times and places and manner of holding elections applies only to elections of Senators and Representatives, and does not apply at all to election of State officers?

Mr. JAVITS. The Senator does not need any cases on that point. The Senator from New York read the text of the section. It says:

> The times, places, and manner of holding elections for Senators and Representatives—

In so many words.

The Senator from New York also read the 15th amendment.

The 15th amendment, which is to be implemented by Congress with appropriate legislation, refers to all elections, State and Federal; and the courts have so held time and again. Is not that correct?

Mr. ERVIN. The Senator from New York has not answered my question. I will answer his question when he answers mine.

My question is this: Does not the Senator from New York know that the courts have held time and again that the provisions of section 4 of article I of the Constitution have no application whatsoever to State and local elections, and are confined solely to congressional elections?

Mr. JAVITS. Not only does the Senator from New York know that, but he read the words. Section 4 of article I so states. It relates only to elections for Senators and Representatives, and I so stated in reading it.

Mr. ERVIN. I am sorry. I misunderstood the Senator from New York. He and I agree on that point. I say to the Senator from New York that I agree with him on the proposition that the provisions of the 15th amendment apply to all elections, congressional, State, and local, but that under the provisions of

the 15th amendment the Federal Government has no power save that of enforcing a prohibition which prohibits a State from denying any citizen the right to vote on account of race, color, or previous condition of servitude. That does not authorize the Congress to take charge, and to pass on the qualifications of State voters.

Mr. JAVITS. It seems to me that the question was completely settled by the Classic case, which extended—if it is an extension—this whole concept to the primary. We did not say anything about primaries in the 15th amendment, either. Nevertheless, the court said that under section 2 of article XV, the right to implement the 15th amendment, Congress acted quite properly in saying that primaries were also covered in respect to this situation.

Mr. ERVIN. I ask the Senator from New York if he does not know that the Classic case dealt only with section 4 of article I of the Constitution, and had nothing whatever to do with the 15th amendment?

Mr. JAVITS. Certainly. The reason I cited the Classic case was that the courts held very clearly that we were not confining elections to the direct election process, but that also the necessary and proper cause, which extends, in the Constitution, to section 4 of article I, includes the right to reach primary elections where they frustrate, as was found in that case, the electoral process.

I think it is very clear that Congress has every right to pass laws which will appropriately implement the guarantees which have been given to the individual citizen, not only by section 4 of article I, but by the 15th amendment as well. Whenever we pass a so-called clean elections law, which applies to the States, we are acting almost exclusively within the ambit of our powers, as I have just described them. If anyone has any doubt about that, there is a very recent case, the case of United States versus Raines, decided on February 29, 1960, in which the Supreme Court sustained fully the constitutionality of the 1957 act. That is certainly affirmative legislation.

Whenever the court directs that a person shall have the right to vote in a State election, it is sustaining that concept of the 15th amendment, sustaining the concept that it does not mean merely a prohibition, but that where an act is prohibited, the court may repair the wrong and cause the affirmative act to be done which ought to be done.

So, Mr. President, I respectfully submit that no such narrow interpretation, certainly in view of all the cases, will be considered by the court.

Mr. President, I believe we must put ourselves in the position of the court in assessing the constitutionality of this particular section. We must understand the legislative scheme which is involved. Yesterday my colleague from New York and I argued that what we were trying to do, and what we had the right to do, in view of the State default in this situation, was to try to recreate conditions which would obtain there in the State default, in what it did wrong in terms of the law and the Constitution. We have a right to accommodate the individual who has been wrongfully denied the opportunity to register and vote and on past and across the threshold of that opportunity, without incurring exactly the same difficulties and dangers which had frustrated him up to now. That is exactly what this provision does.

Let us analyze the legislative scheme for a minute. It starts with the action by the Attorney General. The Attorney General must be successful in that action, not only in proving that a particular individual has been denied the right to vote by virtue of his race or color, but also that there is a pattern or practice in a particular community by which persons of a certain race or color have been denied the right to vote. This finding, pursuant to all due processes of law—notice, evidence, hearing, appeals—takes place before any other part of the section becomes operative.

This section therefore proceeds upon that point, namely, that a decree has been entered by the court, after all kinds of due process. Let us assume that now the order of the court is in effect, finding that there is a pattern or practice existing in that community which unlawfully denies people the right to register and to vote because of their race or color.

Then what happens? Any individual of that class, namely, a class which has been discriminated against by virtue of race or color, may upon application be entitled to an order declaring him to be qualified to vote and directing that he shall be permitted to vote. Any person who believes he comes under that provision of the law may go into court himself and apply for an order directing the voting officials to let him vote. The court has the right and power to make that order. We give that right and power to the court.

So far there is no argument.

If the court chooses to do so for any reason—either because there are many people involved or because it is inconvenient to consider individual applications—it may appoint a person called a voting referee, with all the powers of a special master. I referred to this a little while ago. He has all the powers of a special master under the rules of civil procedure. That appointment is made to carry out the functions which normally would be carried out by the court itself.

The language is very clear: "To receive such applications and to take evidence and report to the court," and so forth.

In other words, instead of coming to the court to apply to that court, the individual applicant comes before a referee. At this point the individual applicant is crossing the threshold of the place where he is entitled to register. Instead of the threshold being a courtroom, the court has appointed an official referee, and that threshold is equivalent to that of the court.

If an individual walked into a court and applied for the right to vote, the court could, if it chose, give that right, provided that it proceeded in accordance with its previous decree and finding and then entered an order in accordance with the practices of the court.

But let us suppose that this application is made before the referee, the court having appointed that referee. What does he do? The referee receives the application at such times and places as the court may determine that he shall have the right to do that. Then the referee transmits it to the court with a preliminary determination by him that this person is entitled to register and to vote.

At that point every State official who is entitled to it gets notice, and may interpose an objection, and if he wishes may contest it and may subpena the applicant and any other witnesses, if he has any material question of fact or law that can be raised. In short, there is complete due process at every stage of the proceeding.

What is being argued on the part of those who try to sustain the Kefauver amendment is that there shall not only be a trial with relation to the pattern or practice at the one end, and not only a trial with respect to the final order of the court entitling the man to vote, but also that there shall be a third opportunity which is a trial intermediate.

My colleague from New York and I maintain that to do that would completely vitiate the whole legislative scheme in which we are engaged, because that would be inviting the very repetition of events which bring us to the need for the passage of this legislation.

Let me emphasize that point, Mr. President. It would be inviting a repetition of events which bring us to the need for the passage of this legislation. The record before the Civil Rights Commission—and I shall read from it later—is replete with instances in which the mere climate has its effect. It is the climate in which an individual applicant goes to a public building, to wit, the county courthouse, or some other public building, to register. The report of the Civil Rights Commission, as I say, is replete with instances of an individual going to the courthouse, expecting to register and being confronted by the climate of intimidation, or no attention being paid to him. Obviously that is not a very healthy place for anyone to be.

The same situation would obtain in an adversary proceeding, in which there would appear a whole battery of lawyers and members of the White Citizens Council. We must remember that this would not take place in a hospitable, happy community. We are dealing with people who would seek to register in an unhappy community, where people have been wronged and discriminated against, and where it has been necessary for a person first to obtain a court decree before that proceeding can be started. To repeat the very same thing which has brought us to this posture, and where we are passing a law on the subject, would seem to be the height of folly.

Let us look at the report of the Federal Civil Rights Commission. Again I say there are no arguments about the facts. The Commission is composed of three northern or western members and three southern members, who joined in the finding of facts. I refer, for example, to page 64 of the report, dealing with Fayette County, Tenn., describing a situation there. Let us see what happened there. It recalls the experience of 12 Negro war veterans who registered there in the fall of 1958. This is what the report says:

> Some of those Negro veterans were interviewed by Commission representatives. They stated that they had been subjected to so much intimidation that only 1 of the 12 actually voted and he doubted that his ballot was counted for he thought he had handed it to someone instead of dropping it in the box. Two others who went to the polls were said to have been frightened away when two sheriff's deputies approached them. One was told by his banker that something might happen to him if he tried to vote. One of the 12 who was in the hauling business, lost all of his customers and the police threatened to arrest any of his drivers found on the highway in his trucks.
>
> According to men interviewed, when a Negro registers the sheriff is quickly informed and he, in turn, informs the Negro's landlord and employer. Those who register are soon discharged from their positions and ordered to move from their homes. The police arrest them and impose severe fines—as much as $65 on minor charges, it was alleged. They are unable to get credit. Their wages are garnisheed. Applications for GI loans to buy land are turned down by local lenders.

What do we expect of human beings? Do we expect that they are going to fly in the face of this kind of thing in order to register, and when a finding is made that it is exactly this kind of thing which is taking place in a local community, shall we invite it again by an elaborate judicial proceeding, with cross-examination of witnesses, which is not required by the Constitution, but which is surrounded and protected on both sides, from beginning to end, by full proceedings before a court?

Shall we insist on such action by people whom we have wronged, by committing the very wrong we are seeking to right? It seems to me to be outrageous, when seen in the clear light of day, to do any such thing. If any other evidence were needed, we have an enormous body of evidence of decades of discrimination against Negro voters, in county after county in a number of our Southern States. For example, I read from page 44 of the report of the U.S. Commission on Civil Rights, relating to the State of Georgia, as follows:

> In 29 counties, nonwhites were a majority of the 1950 voting-age population. In two of these counties, no nonwhite was registered to vote in 1958. In 11 of the other 27 counties, the number of nonwhites registered in 1958 was fewer than 5 percent of the county's 1950 voting-age nonwhite population.

I refer to page 45, relating to Louisiana, and read as follows:

> In eight parishes, nonwhites were a majority of the 1950 voting-age population. In four of these no nonwhite was registered to vote in 1959.

And so on. As one goes through the whole report, he finds it replete with these situations.

As a summary, I refer to page 134 of the Commission's report, as follows:

> Our investigations have revealed further that many Negro American citizens find it difficult, and often impossible, to vote.

Then follow the findings of fact. This finding, on page 138, is joined in by every Commissioner without exception:

> The Commission finds that the lack of an affirmative duty to constitute boards of registrars, or failure to discharge or enforce such duty under State law, and the failure of such boards to function on particular occasion or for long periods of time, or to restrict periods of function to such limited periods of time as to make it impossible for most citizens to register, are devices by which the right to vote is denied to citizens of the United States by reason of their race or color.

Mr. President, we have heard much said in the course of the debate about how people can go behind some building or can attend a clambake or church supper and take on all comers and register them. This assumes that courts are not courts, but are engaged in some kind of guerrilla activities, and that there are no appellate courts in the United States.

I cannot conceive of any lawyer for a minute not knowing that certainly any court taking it into its head to run counter to the law can do so. Indeed, I believe that a judge who decided he was going to proceed without regard to the law could do a lot of mischief in a particular community, not only in this matter, but in many others.

Do our southern colleagues desire us to believe that the district judges in their courts are any different from district judges in other courts, that they are not men who are learned in the law and will not pay strict attention to the law? Or do they desire us to believe that if any judge should, in deference to the officials of his State, transgress, he will not promptly be taken up on appeal, in an effort to make him stay his order, even up to the Supreme Court of the United States? That is nonsense.

What we are not told is this—and this is the key to the whole situation: Who has frustrated the opportunity to register and vote? Has it been some person who has no standing or responsibility acting on his own? Not at all. Those who have frustrated the right to vote and the right to register have been officials of the State, fully backed by all the legal authority of the State. I say "fully backed," because who defends these cases? Who appears before the Supreme Court of the United States? The attorney general of the State, whether it is Alabama, or Georgia, or Louisiana. It is the full legal power of the State, the power of the attorney general, backed by all the resources of the State, which is fighting the case against the person who has applied for the right to register and vote.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from New York may yield to me for the purpose of making a brief statement and of asking a question of the Senator, without his losing the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. Mr. President, the Senate has consumed many hours, justifiably, I believe, in discussing the very important question now before it. I doubt that any bill in recent years has been so thoroughly discussed and so extensively debated. I believe I speak for the majority of the Members of the Senate when I say that they are ready to resolve some of the questions in issue. We do not want to be impatient or impetuous, but there is much work to do between now and July.

Following our action on this matter, it will be necessary for the bill to be returned to the House. The House of Representatives will have to give due notice to its Members, and they will have to consider the changes the Senate has made.

We spent all day yesterday, from early in the morning until well into the evening, discussing one of the 15 changes which have been made in the Committee on the Judiciary. All Senators had an opportunity to hear that discussion or to read it in the RECORD. The Senate has been in session almost 3 hours today, discussing this subject. I hope that a little later in the afternoon we may vote on the merits of the Carroll amendment. Then I hope that the Senator from New York [Mr. JAVITS] will offer his Commission amendment, and that we can have some debate and then a vote on it. Perhaps we can vote on some other amendments today. If that can be done, I think the schedule of the Senate can be arranged so as to enable Senators to be free on Saturday to catch up with their mail and to fill important speaking engagements.

I think we ought to have some votes today. I hope we can have them. I believe that a substantial majority of the Senate desires to vote. I think a substantial majority is ready to decide whether or not they want to write the Carroll amendment into the bill, to write the Kefauver amendment into the bill, to write the Javits amendment into the bill, or to write other amendments into the bill.

Of course, we do not expect to pass the bill today. We will be back next week. I simply hope that some progress can be made today. I hope we can show the country that the Senate is taking some votes. I hope we can resolve some of the questions which are ready to be resolved.

All of us know that a motion to table the Kefauver amendment could be made at any time a Senator got recognition; and if that motion to table should prevail, it would take the Carroll amendment with it. I hope it will not become necessary to do that.

Nevertheless, I think it is in the interest of our country and in the interest of the Senate—yes, even in the interest of the world—that some of these matters be decided. The bill is not a partisan bill. There is no room for partisanship in it. It is not a Republican bill; it is not a Democratic bill. It is a bill which we hope, when it is written, will serve

the interests of all the Nation. But, Mr. President, the Senate must get along with its work. I hope Senators will bear that in mind. We do not seek to cut off any Senator. If we have erred at all, it has been in the direction of spending too many hours in session.

I am prepared to come back next week, but I should like to have at least two votes, perhaps three, today. I should like the attachés of the Senate to put all Senators on notice that it is anticipated that there will be a vote on the Carroll amendment, if possible, or on a motion to table, if necessary, and a vote on a motion to table the Javits amendment, the so-called Commission amendment. How does the Senator from New York refer to his amendment?

Mr. JAVITS. Will the Senator from Texas permit me to make a statement on that point? I go along with the view of the Senator from Texas in regard to the procedure on the pending amendment to the Kefauver amendment and with regard to the Kefauver amendment itself, and I shall certainly not detain the Senate very long. I hope very much that the plans of the Senator from Texas in regard to those amendments may be consummated.

However, at this point I would not undertake to offer—today—the amendment with respect to the matter of Government contracts. I wish to consider whether I am fully prepared for that.

I may suggest to the Senator from Texas that after we clear up the questions which are involved in the amendments now before the Senate, we shall have completed our action on all the committee amendments; and I respectfully submit that in fairness to other proposals of serious purpose, and without any guarantee on the part of Senators who oppose the entire bill that final action on the bill shall be taken today or Monday, I would prefer—and I might exercise my prerogative either to offer or not to offer an amendment I have—that next week we begin on amendments other than committee amendments, but that today we finish our action on the committee amendments. In that event, we could go home tonight, it seems to me, after having completed our action on all the committee amendments; and in that event we shall have made considerable progress.

Mr. JOHNSON of Texas. Mr. President, I do not want to yield my majority-leader duties to the Senator from New York—yet.

Mr. JAVITS. Mr. President, I think I am one of the Members who is least subject to any such imputation. I have greatly honored the majority leader, and I continue to do so. I think he is a fine American. He and I disagree occasionally, but that is part of the game.

I would never for a minute attempt to intrude upon his course of action, and I was not being in the slightest degree categorical about the suggestion I made. I hope the Senator from Texas understands that very clearly.

Mr. JOHNSON of Texas. I understand what the Senator has said.

But I have talked to the minority leader and to a number of other Senators who sit and sit and sit, and wait and wait and wait, and listen and listen and listen; and if the Senator from New York is not prepared on his contract provision now, I do not know when he will be prepared, because it has been discussed, and it is in existence, and we know all about it, and it has been before us for 7 weeks, now.

The other evening I heard one of my good, liberal friends who is an ardent civil rights advocate say, "I have decided that no votes will be taken today." That decision was made in the middle of the afternoon—for what reason, I do not know. But that Senator was in a position to enforce that decision.

Now the Senator from New York, another ardent civil rights advocate, says to this man who is caught in the middle, this sometimes so-called reactionary leader, that we shall simply take off Friday afternoon, and that we shall not have any more votes until next Monday.

I cannot say to Senators that we shall make motions to lay on the table and proceed to act on the Kefauver amendment, and then say we shall not act on any other amendments until next week. I should like to see the Senate act today on two or three matters, in connection with the bill, and I should like to see the Senate remain in session today until 10 or 11 p.m.; and I think that Senators who want a civil rights bill enacted should be willing to remain here and vote on it without necessarily speaking all the time, because the amendments and the bill now at the desk are what will be voted on; and large amounts of additional talk will not greatly affect the decision either to pass the bill or not to pass it. I think there has been enough talk about the bill.

Most Members of the Senate have been telling me, for days and days, that they are ready to vote on the bill; and some Senators were ready, weeks ago, to vote for cloture, and thus to allow only 1 hour to each Senator for further debate on the bill itself and on all amendments thereto.

So I hope Senators will not ask us to end the session today at an early hour and then go over until Monday. I am prepared to have the Senate remain in session a long time today. I want a fair and reasonable civil rights bill to be passed. When we began this debate, I said I thought the heart of the matter was a voting rights bill, and I think we have that kind of bill before us.

I believe the Senate committee has improved the bill as it was passed by the House of Representatives. Certainly a number of changes in the bill have been made, by way of amendment.

I believe that even if we were to remain here until doomsday, Senators would not impress any more people or change any votes.

So far as I am concerned, I am ready to have the roll called, and I believe I speak for a majority of the Members of the Senate. A minority can obstruct us if they wish to do so; that can be done either by a minority on this side of the aisle or by a minority on the other side of the aisle. But the last person in the world who I would think would say, "I want to postpone until next week the action on the civil rights bill," is my delightful friend, the Senator from New York, because ever since I have known him, he has been anxious to have action taken in this field, and he has been responsible for, and has contributed to, a great deal of the action that has been taken in this field.

I believe that the statement he made the other day about the House version of the bill—and I hope I did not misunderstand him; I refer to his statement to the effect that it represents progress in this direction—represents the view of a majority of the Members of the Senate; and I believe they will express that view if they are given an opportunity to do so.

All I can do is plead with my colleagues, and that is what I am doing. If I had my way, a yea-and-nay vote on the question of final passage of the bill would be taken tonight. But I am not prepared to force my colleagues to do so. I would not file a cloture petition to force them to do so 48 hours from now.

But I am trying to persuade them, and I have persuaded the minority leader—or perhaps he has persuaded me. Perhaps, in that respect, the situation is like the one when, at one time, the Senator from New Mexico [Mr. ANDERSON] invited me to testify in committee on a reclamation project, and I did so. But after I finished my testimony, and began to look at all the maps and charts that were on display there, I found that most of the project was in New Mexico, instead of in Texas, and that the Senator from New Mexico had permitted me to persuade him to vote in favor of the building of a big project in his own State. [Laughter.] So I think sometimes the minority leader says he is going to be agreeable to the majority leader, after he has persuaded the majority leader to do what the minority leader wants to do.

At any rate, we think some votes should be taken today.

If the Senator from New York does not want to offer his amendment, plenty of Senators who are right here share his views and can offer the amendment; and I will remain here as long as the Senator wants to have the Senate remain in session tonight, to vote on that amendment or on any amendment which the junior Senator from New York [Mr. KEATING] may wish to offer or on any amendments which Senators on this side of the aisle may wish to offer; and I am prepared to have the Senate hold a session tomorrow, in order to vote on the amendments.

But I believe that today we should, if it is at all possible, make just a little progress.

I agree with the Senator from New York that sometimes we find ourselves in disagreement, but I never envisioned that we would be in disagreement about having the Senate vote on the Senator's amendment. I thought he wanted a vote on it.

Mr. JAVITS. Mr. President, I know of few objects for this kind of treatment—and that is what it is popularly called, and that is quite correct—who are less deserving of it than I.

Let us check the record. I proposed a motion to invoke cloture, when it was said to be premature. I argued for it most devotedly. But because the majority leader and the minority leader were against it, it failed. If it had carried, final action on the bill would have been taken by the Senate many days ago.

I would be glad to propose cloture again. But suppose I now proposed a unanimous-consent agreement that by 6 o'clock tomorrow the Senate vote on the bill and on all amendments thereto: Who would be the first Senator to object? Let every Senator answer that question for himself.

Of course I am prepared to stay here to do my job to the best of my ability. I think I have demonstrated that. But I am a Senator of the United States, and I am not prepared to offer an amendment when I am told to offer it. I will offer it when I think I should.

Mr. President, the Senate can vote it down or table it, but I am not going to be told when I should do the business which the people of the State of New York sent me here to do. If anyone else wants to offer the amendment, it has happened before, and I will not object a bit or be angry about it. He is perfectly at liberty to do so. But I will offer my amendment when I think it has the best chance of success.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. JAVITS. I do not yield right now. This lecture had better be reserved for those who made us work here around the clock and stay all night rather than agree to vote on amendment after amendment.

What assurance does the majority leader give that if I sat down and did not say another word this amendment would not be debated for the next 10 or 12 hours by another Senator?

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. JAVITS. I do not yield now. I will yield later.

Mr. JOHNSON of Texas. The Senator from New York is asking the Senator from Texas for assurances. If he will not let me reply——

Mr. JAVITS. I did not interrupt the Senator from Texas. The Senator will have full opportunity to reply in a minute. But I must say I am disturbed and annoyed that I am the one who is picked out for the "treatment" about delay and about waiting and about taking hours of debate. I am one of those—and I am not alone in it; there are many others of us—who do not deserve the "treatment" which is being given us now, when it should be directed to those who have taken hours and days for debate. I do not intend, without objecting, to be picked as the object for this lecture on this subject, when I do not deserve it.

I yield now to the Senator from Texas.

Mr. JOHNSON of Texas. However the Senator may describe it, whether it is a lecture or appeal or expression of the hope, I assure the Senator that I had no desire to annoy him. I had thought I had an understanding with the Senator. I remembered that he indicated he would need at least 30 minutes to get familiar with some of the details of his contract provision, and I thought that he said he would be willing to go along with the judgment of the two leaders who consulted with him.

I am not prepared to give the Senator any assurance about any Member of the Senate. All I am prepared to tell the Senator is that: I am prepared to vote on this bill, and I do not want a "civil rights bill, but wait till next week"; and I am prepared to make progress on this bill, and I am not prepared to "make progress but let us go over until next week and come back and decide then how we will take up amendments."

I think a majority of the Senate is ready to vote on these amendments, and I do not know who wants to delay voting on them.

The Senator from New York did not indicate to me that he wanted to delay more than 30 minutes, and the Senator from New York did indicate that he was willing to follow the judgment of the majority and minority leaders. I think he will confirm that with the minority leader.

I anticipated some problem in getting to a vote, and I think we will have, but I did not anticipate it from the Senator from New York, because I think if there is a genuine, earnest, diligent advocate of civil rights in this body, it is the senior Senator from New York. There is hardly anyone I know of who has spent more time working at that job, unless it is the junior Senator from New York, than has the senior Senator from New York. [Laughter.]

I differ with him on the merits of many of the proposals they advance, as they know, but I never thought they would say to me that "You are trying to rush us into passing a civil rights bill." [Laughter.] And I never thought that the Senator would say to me, an hour ago, that he wanted 30 minutes to prepare himself, and then, when I rose and started to inform some Senators who desired to make longer speeches that I thought we ought to have a motion to table or a vote on the Carroll amendment, and if we did, to vote on some of the other amendments, I did not think he would oppose it. The last place in the world I expected to get the "dagger" from was the Senator from New York.

I hope he will not feel that I have lectured him and he has been dealing softly with me.

I hope he will understand that both of us have the same objects in mind—bringing to a resolution some of the difficult questions before the Senate—and I think the fact that we have been at it for 7 weeks indicates that we have spent a lot of time on it. But we have appropriation bills backed up. We have minimum-wage bills backed up. We have health programs backed up. We have housing bills backed up. And I am going to hear the cry about what the Congress has not done, and I suspect and kind of guess some of the quarters whence that cry will come.

All I can do, in my own humble, ineffective way, is to apply to the reason of Senators, particularly those who are friends of the bill, to stop talking and start voting.

Mr. JAVITS. Mr. President, I was not making any request of the majority leader to go over today or tomorrow. I am perfectly willing to be here. I have been here late before, and on Saturday, and I will be again. The majority leader, who is a great parliamentary leader—and I say that even though it may be considered as an admission against interest—has a way of suggesting that something be done, or even asking us to do something, and assuming that we have agreed.

I think I have a pretty fair reputation both here and in the House of Representatives of standing by my word when I give it; but I also have the right to give it or not to give it as it seems wise for me to do.

I repeat, notwithstanding the warm feeling with which I said it—none of that is in me at all, though I did wish to be very definite about what I said—I am not categorical about not presenting my amendment today. I merely did not want to be committed to it. I understood that, and I thought the majority leader understood it.

Mr. President, in deference to the views of the majority leader, I yield the floor.

Mr. JOHNSON of Texas. Mr. President, before the Senator yields the floor, does the Senator state as a Senator he did not say he would go along with our judgment and that he would need at least 30 minutes?

Mr. JAVITS. The Senator from New York will tell the Senator from Texas——

Mr. JOHNSON of Texas. Is that incorrect?

Mr. JAVITS. I would like to answer. The Senator from New York had a request from both the majority and minority leaders to do exactly that. I said I would suggest we be leapfrogged in this, because I was on my feet, and speaking, while my colleague from New York was getting prepared on his amendment, so when he was presenting his amendment I could get prepared on my own. That suggestion was not, apparently, taken up, and that is where, as I understood it, the matter was left.

Mr. JOHNSON of Texas. The Senator from New York did not say anything about needing at least 30 minutes?

Mr. JAVITS. I said that. I said I would need at least that time in order to properly present that amendment.

Mr. JOHNSON of Texas. Did the Senator express any opposition to voting on the amendment?

Mr. JAVITS. That is the point I made before. When the majority leader makes a request, unless someone jumps up and down, he assumes he says "Yes." That is not the way things are done. I do not want to get into a hassle with the majority leader.

Mr. JOHNSON of Texas. The Senator did not answer my question.

Mr. JAVITS. I did.

Mr. JOHNSON of Texas. Did the Senator from New York express any opposition to calling up his amendment?

Mr. JAVITS. He expressed no opposition or agreement to that. When the majority leader makes a request, he assumes there is agreement. The Senator from New York did not assume that to be the case at all.

Mr. JOHNSON of Texas. Will the Senator yield now?

Mr. JAVITS. Yes.

Mr. JOHNSON of Texas. If the Senator had been in my place and I had stated what the Senator from New York stated, would not the Senator have had reason to believe that I was ready and willing to offer my amendment after 30 minutes?

Mr. JAVITS. The Senator from New York would certainly not have, in the Senate, charged the Senator from New York with having given his word on that subject. The Senator from Texas was not justified in any such conclusion.

Mr. JOHNSON of Texas. I do not know that I have charged anything. I have stated that the Senator said that he would need 30 minutes. I am prepared to see that the Senator gets 30 minutes. The Senator made no mention of going over until next week.

I do not know; perhaps I did say that the Senator had reached an agreement and entered into an agreement with us. I did not think I did, but I think every reasonable person would have reason to believe, when the Senator says, "I will have to have 30 minutes before I can bring up my amendment; I need that much time; I will abide by the Senate's judgment," that when we reached the judgment and announced it, the Senate would have a right to expect cooperation.

Mr. JAVITS. Mr. President, has the Senator from Texas ever found any instance in which I said I would do something and did not do it?

Mr. JOHNSON of Texas. No.

Mr. JAVITS. I thank the Senator.

Mr. JOHNSON of Texas. The Senator from Texas has not. The Senator from Texas would be the last to ever assert that about any of his colleagues.

Mr. JAVITS. I will say to the Senator from Texas the same thing about the Senator from Texas. I know of no instance in which the Senator from Texas has said he would do something and did not do it to the hilt.

Mr. JOHNSON of Texas. I appreciate that compliment. I do not get many of them, and I may not justify many. I certainly hope that so long as I live my word will be as good as my bond.

Mr. KEFAUVER. Mr. President, will the Senator yield for a question?

Mr. JOHNSON of Texas. I yield to the Senator from Tennessee.

Mr. KEFAUVER. Mr. President, I have no desire to delay a vote on the Carroll amendment or on any other amendment, but I did want, before the vote was taken, to have an opportunity to sum up very briefly.

Mr. President, the distinguished Senator from Wyoming [Mr. O'MAHONEY] had hoped to be present today to give his views about the pending amendment. The Senator from Wyoming attended several committee meetings last week, and his doctor suggested that he not try to come to the Senate today. The Senator called me and told me he wanted to dictate a brief memorandum giving his views. The Senator asked me to read the memorandum to the Senate after it was prepared.

I think we all agree that on constitutional subjects, on the subject of the protection of civil liberties and trying to see to it that everybody's rights are secured and protected, the Senator from Wyoming [Mr. O'MAHONEY] is one of the Nation's greatest authorities. He is a Senator to whom we all look for advice and guidance. I should like to have the opportunity, as soon as the memorandum is received, to read it before a vote is taken.

Mr. JOHNSON of Texas. Mr. President, I hope that Members of the Senate will adjust their schedules so that they can be in attendance, if we are permitted to have a vote, and I hope that we may have two or three votes today. I express that only as a hope. I cannot given anyone assurance, under our rules, that we can have a vote, but I believe we will have.

Mr. THURMOND. Mr. President——

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

The Senate will be in order before the Senator from South Carolina proceeds.

The Senator from South Carolina may proceed.

Mr. THURMOND. Mr. President, it is most distressing to me that Members of the Senate exhibit such outrage at the Kefauver amendment. In view of the fact that we refer to the proposed legislation now under discussion as legislation dealing with civil rights, it is even more distressing to hear the oral abuse directed at a provision which would prevent the establishment of a star-chamber proceeding.

Under the provisions of title VI as the bill came to the Senate from the House of Representatives, a referee appointed by the district court has the right to pass on the qualifications of persons of a particular race or color to vote under the provisions of State law. Among other facts which the referee must find in the affirmative is that the particular person into whose eligibility he inquires has been illegally denied the right to vote. Necessarily, then, if the referee's determination is in the affirmative with respect to any applicant, his finding includes the fact that a criminal offense has been committed by some State or local election official or party officer. Under the House language, the person charged by the applicant with denying him the right to vote is given no notice of the hearing by the referee nor the right to be present, even were he to discover that such a hearing was to be held and the time and place therefor.

This procedure has been excused on the pretext that an adversary proceeding is provided at a subsequent time when the court is required to issue an order to show cause within 10 days, or such shorter time as the court may fix why an order should not be entered in accordance with the report. As has been pointed out on the Senate floor, the court is empowered to allow as little as or less than 2 days to show cause. Due to the foregoing star-chamber proceedings by the referee, such a short period for preparation of an opposing case to the referee's report would constitute in itself, in my opinion, a denial of due process.

The accent, Mr. President, in this whole scheme has been on speed. It is not surprising that the zeal for speed by the proponents of this measure has resulted in a complete disregard for due process and traditional judicial procedure in this country.

The committee, very wisely, has recognized that the House language establishes a procedure, which, while judicial in form, calls for such precipitate action by the judicial officers as to constitute a mockery rather than a judicial process. The committee, therefore, adopted a modification which would permit the State and local officials to have 2 days' notice of the referee proceeding and a right to be present and to make a transcript of the proceedings. In essence, it merely provides a party in interest the right to be informed of the actions of the court in order to be prepared at a subsequent date to join the issue in an informed manner on the court's order to show cause.

It is my sincere hope that the Senate will not, in its zeal, deny due process in the name of protecting civil rights. A refusal to accept the Kefauver amendment would do exactly that.

Mr. President, I am sure that no one would consider it a fair proceeding to a State official for a hearing to be held without his having notice.

The first provision of the Kefauver amendment states that in a proceeding before a voting referee the hearing shall be held in a public office. Why should not the hearing be held in a public office? Should it be held in some private office? What is the objection to the phraseology "a public office"?

The question of voting is a public matter. It is of great importance to the public; and therefore, in a proceeding regarding the qualifications of a person to vote, or on the question of whether or not he is to be registered to vote, it seems to me that any fairminded person would feel that it should be held in a public office. It should not be held in someone's home. It should not be held in a cellar or the backroom of a store, or some other place where people would not know where the proceeding was to be held, so that they could not attend it if they wished to do so. It should be held in a public office, where any individual who desires can be present for the proceeding.

This amendment goes further, and provides that the referee shall give the State or county registrar 2 days' written notice of the time and place of the hearing; and such State or county registrar, or his counsel, shall have the right to appear and make a transcript of the proceedings.

If someone is going to charge a county or State official with malfeasance in office, with not performing his official and statutory duty honestly and properly, why should not that State or county official have at least 2 days' written notice of the time and place of the hearing, so that he can arrange to be there; so that he can arrange to have records there; and so that he can controvert the applicant who says he was denied the right to register? Is it not only fair to that public official, a man to whom has been entrusted a public trust, that he should have written notice of the time and place of the hearing, so that he can be present and can defend the action he has taken?

At least he should have the opportunity to present his views at that time, and not be compelled to wait until a later date and present them on as little as 2 and a maximum of 10 days notice to a court. Why should he not be allowed to go before the referee, who is to make a report to the court, in order that the referee may hear his side of the case, if the official desires to be heard, in order that the official's side of the matter can be placed in the record and can be considered by the referee as a part of the proceedings, as a part of the evidence, so that the referee can take everything into consideration when he makes a report to the court?

It is unthinkable that an amendment like the Kefauver amendment should be objected to. We hear a great deal of talk and cries of anguish about civil rights. Is it not a violation of the civil rights of an official, whether he be a State or a county official, not to give him notice when a proceeding is to be held at which his integrity, his ability, his honesty, or trustworthiness may be at stake? Should not that official have the right to be present? Should he not have the opportunity, if he so desires, to bring his records there? And should he not have the privilege to speak out and defend his action before the referee, if he wishes to do so, prior to the time when the referee makes a report to the court? Has procedural due process ceased to be a civil right?

The bill as it came from the House did not contain such a provision. The House bill provides that the statement under oath of the man who claims he was denied the right to register or the right to become a qualified voter shall be prima facie evidence as to his age, residence, and his prior efforts to register or otherwise qualify to vote.

Is not that giving the person who is complaining against the official an undue advantage? His statements are to be accepted as prima facie evidence; and the county or State official will not be given an opportunity before the referee to show that the age which the man has stated is wrong, to show that the residence he has given is incorrect, to show that the person who applied for a registration certificate has possibly been guilty of false statements in connection with his application. Should not the official be given the opportunity to show that the applicant's statements about his efforts to register or otherwise qualify to vote have been false?

It is almost unthinkable to feel that such a procedure would be followed in a court of law in this country, or under our system of jurisprudence. It is unthinkable to feel that this Congress would enact such a law, and not give the State or county official who is intrusted with election duties the opportunity to be present at the hearing, to have ample notice of it, and to speak out if he wishes to do so.

I read from page 19 of the bill:

> Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53 (c) of the Federal Rules of Civil Procedure.

Rule 53(c) of the Federal Rules of Civil Procedure is headed, "Rule 53—Masters." Subsection (a) refers to appointment and compensation; subsection (b) deals with reference; subsection (c) refers to powers, and reads as follows:

> (c) Powers: The order of reference to the master may specify or limit his powers and may direct him to report only upon particular issues or to do or perform particular acts or to receive and report evidence only and may fix the time and place for beginning and closing the hearings and for the filing of the master's report. Subject to the specifications and limitations stated in the order, the master has and shall exercise the power to regulate all proceedings in every hearing before him and to do all acts and take all measures necessary or proper for the efficient performance of his duties under the order. He may require the production before him of evidence upon all matters embraced in the reference, including the production of all books, papers, vouchers, documents, and writings applicable thereto. He may rule upon the admissibility of evidence unless otherwise directed by the order of reference and has the authority to put witnesses on oath and may himself examine them and may call the parties to the action and examine them upon oath. When a party so requests, the master shall make a record of the evidence offered and excluded in the same manner and subject to the same limitations as provided in Rule 43(c) for a court sitting without a jury.

Mr. President, we see from this rule 53(c) of the Federal Rules of Civil Procedure that the master has the power to rule upon the admissibility of evidence unless otherwise directed by the order of reference.

If one of these referees who is to be appointed in connection with determining the qualifications of voters is to have the same powers as the master, it means that a referee will have the power to rule upon the admissibility of evidence unless otherwise directed by the order of reference. That is a very important matter. If the referee sees fit to rule out any evidence which would substantiate the position of the local official or State official in carrying out his duties as he honestly and conscientiously sees them, then he puts that official at a great disadvantage.

It is more important than ever that this hearing be held in a public office, as the Kefauver amendment provides. If it is held in a public office, members of the public can be there, and they can hear the proceedings and they can see whether or not the man is putting up a sham case or whether or not there is some merit to it, and the public can be there and see whether the applicant has any real complaint.

If the matter is held in some private office or in some other private place, the public is excluded. If the referee is a biased referee, he will take such testimony as he wants to take, and he will exclude people from being there that he does not want to have there, and he will submit a report that could be unfair to the local or State official involved, or even to the complainant, himself.

That is a very vital section of this law and deserves a great deal of consideration.

I realize that some people are supporting this proposal as a means to gain more Federal power. That is what it would do. This is another example of an attempt to extend Federal power. There is no question about it. There is no doubt that those who are proposing this so-called civil rights bill this year on voting and several other matters that have been proposed on civil rights, must desire and intend to give the Federal Government more power. If we give the Federal Government more power it must come from the States and the people. The power will either rest in the Central Government in Washington or it will rest with the people in the States.

If the bill is passed it will give the Central Government in Washington the additional power to appoint referees, to exercise the power that is now being held by the State and local officials. It would give the Federal Government the power to appoint officials to perform duties, which under the Constitution, reside in the people, and is delegated to the local and State officials in the States.

We have heard so much about so-called civil rights. The finest civil rights that we have are the civil rights in the Constitution of the United States. I cannot imagine any finer civil rights than those which are itemized in the first 10 amendments to the Constitution of the United States. They are the right to trial by jury, the right to be protected in one's home, the right of freedom of speech, the right of freedom of religion, the right to prevent troops from being quartered in one's home. The various rights that are listed there in the first 10 amendments are the finest civil rights that anyone can imagine.

But this is an election year, and both parties are going down the line, proposing a so-called civil rights bill, in an effort to gain the votes of certain minority bloc groups.

I know in my State that everybody who is entitled to vote and wants to vote has the right to vote. No one is denied the opportunity to vote in the State of South Carolina. Listening to what is being said on this question, one would suppose that the South is persecuting people and denying them the right of franchise. That is absolutely false so far as the State of South Carolina is concerned.

MOTIVATIONS

Invariably, when so-called civil rights legislation is before the Congress, emotion plays an increased part in the thinking of lawmakers, and good judgment is

noticeably impaired—as is evident from the very fact that this issue is now before this body in the form of legislative proposals.

I have serious doubt that the American public, generally, understands the pressures and forces which prompt the continuous effort of many lawmakers to obtain enactment of just as vicious, and just as drastic, legislation in this field as can be forced down the throats of southern Members of Congress. I strongly suspect that there are many in Congress who would prefer that this lack of understanding on the part of the American public continue, for the true motives underlying the consideration of this matter surely fall in the class of dirty linen.

The window-dressing that accompanies the efforts to pass legislation in this field surpasses in deceit the wildest claim of a carnival sideshow huckster. These vicious proposals are cleverly clad in propaganda cloaks containing all the bright and appealing colors of the spectrum of virtuous motives from humanitarianism to constitutionalism. The skill with which this camouflage is applied and exhibited is exceeded only by the zeal of the proponents in concealing at all costs the lining of tyranny and oppression of which the substance of the garment is comprised.

This deceit, unfortunately, is astoundingly effective even when viewed at close range. Undoubtedly there are those in this body whose support of these proposals stems from the most worthy of motives. So intense is the ardor of these misguided legislators that they are blinded by the very heat of their passions to all but the bright flash of the mock altruism which typifies the anguished cries that sympathize with the agitating minority.

In the fact of objectivity, the guise of humanitarianism is thinner than the corporate veil utilized by a bogus-stock peddler. Such phrases as "civil rights," "human rights," and "individual dignity" are so often bantered but seldom respected as to raise presumption of hypocrisy in connection with the user.

For those who are truly imbued with altruistic motives and sympathetic understanding for those who may enjoy a lesser opportunity for exercise of basic human rights, the field of opportunity for application of their efforts are many, and these fields are ripe for harvest; but as the saying goes, the reapers are few. Consider, if we will, the plight of the American tribal Indian. This once proud and noble man was subjugated by our foreparents, and as a consequence of his defeat in battle, was deprived of his birthright of rich treasures that this bountiful land would have supplied in the absence of the white man's coming. Our Government, acting—from the viewpoint of the Indian—like a benevolent despot, awarded the Indian certain rather limited areas of real property in return for his promised good behavior. The unbounded generosity of the Great White Father even went so far as to make these tribal lands tax-exempt—and because of this tax exemption, the tribal Indian is, almost without exception, disenfranchised. As a consequence of his acceptance of this noble act of generosity, the tribal Indian is subjected to perhaps the greatest concentration of administrative absolutism in our Government's structure. As a practical matter, he is a captive.

Yet even a casual reference to the lot of these "first" Americans is rare. His subjugated status obviously strikes no chord of sympathetic understanding in the hearts of what I prefer to denominate as our politically inspired humanitarians. Perhaps it is the thought that the tribal Indian has the alternative of renouncing his heritage along with his membership in the tribe and his slender right in the land so graciously provided by the Great White Father in order to go into the world of the white man to exercise his civil liberties that mollifies the conciences of our politically inspired humanitarians. I suppose that it would be too much to expect that these great crusaders for human rights would be shocked into action at the supreme price put on the tribal Indian's exercise of what we consider the very essentials of human dignity.

Or consider, if we will, the plight of the labor-union captive. It is hard to imagine a more practically essential right than the right to work. The subservience of those workers of the country who are enslaved to labor racketeers fairly shouts for legislative champions to deliver them from their bondage at a lesser price than the loss of their right to earn a livelihood or the payment of tribute. It should be highly significant to the American public that the most demanding of the so-called civil rights advocates are blind—I repeat are blind—to the sufferings of these poor souls and have not even a crocodile tear to shed upon reading the abominable and abundant evidence of the existence of this deprivation which has been uncovered by the McClellan committee.

This single mindedness of purpose of the so-called civil rights proponents cannot be explained in terms of philosophy. The answer lies entirely in the field of politics. Even a casual study of the purely political history which conceived the type of humanitarianism that now continuously spawns vicious anti-South legislation reveals clearly the reasons for the constant one-track approach. One fact stands out like the flare of a red neon light. Only those minorities with a bloc vote comprising, or substantially contributing to, the balance of political power in key areas are eligible for the smile of favor from this peculiar brand of do-gooder. Even so, efforts in behalf of the favored minority are essentially limited to those which can be carefully aimed against relatively politically impotent areas—almost invariably the South.

Thus the Negro minority obtained the advantage—a very dubious advantage, in actuality—of the concern of the politically inspired humanitarians. Unquestionably it is the Negro of the North who has qualified his minority for this particular concern. This we must admit. The concentration of the minority is a basic requirement for this type of political favor. Unfortunately, for the Northern Negro, such a concentration is almost invariably a concentration in squalor and poverty—a condition of existence exemplified by unemployment and underemployment, meager welfare handouts, uncontrolled crime and immorality, and an abysmal absence of the opportunity to improve his condition. As compensation for these conditions—and not incidentally, his vote—the Northern Negro receives the avid and belligerent advocacy of such legislation as has been offered in Congress at this session.

Keep one thing ever in mind. The favor of the so-called civil rights advocate is not—in fact, politically it cannot be—directed at the unfortunate plight of the northern Negro; for to correct the dismal conditions suffered by the northern Negro might well arouse the righteous indignation of the fellow constituents of the northern Negro and thus create a new group to upset the balance of political power in these key areas of population concentration. It is axiomatic, therefore, that the efforts of the so-called civil righters must be directed at the plight, whether good or bad, of only the Negro minority which exists in an area of relative political impotence. Since 1936, the Southern States have been, to an increasing extent, the area which meets this qualification.

Since the war for southern independence and Reconstruction Days, the South has directed its political efforts—with a few notable exceptions—through the channels of the Democratic Party. Prior to 1936, the two-thirds rule prevailed in the National Democratic Convention, and thus the Southern States were able, by their practical power, to veto a nomination for President by the Democratic Party in order to protect to some extent their political interests. Certainly as long as the power attending the two-thirds rule existed, the South did not qualify as an area of relative political impotency. Since no other alternative presented itself, the northern Negro concentration of bloc votes was pacified by pious promises of concern for their politically exaggerated exploitation. In 1936, the two-thirds rule in the National Democratic Convention went down the drain. With it went much of the South's political potency—and it seems that, so far as the Democratic Party organization is concerned, almost all of it then went down the drain. Since that time, only the most vigorous defensive efforts by the Members of Congress from the Southern States have prevented a complete rape of the South.

Thus has the South become the political whipping boy of the Nation. The bid for the favor of the northern Negro has progressed to the extreme extent that it has replaced the pre-1936 maxim that no southerner was eligible for President, with a requirement that any serious candidate for President must not only be a nonsoutherner, but must, indeed, have demonstrated forcibly his anti-South attitudes. When, as at present, we have so many would-be presidential candidates in the Congress, it appears that a contest to determine who can prove the "mostest" hateful deeds against the South is inevitable.

NORTHERN VERSUS SOUTHERN SEGREGATION

As I have mentioned, Mr. President, there are some truly altruistically motivated proponents of the so-called civil rights bills who are tainted only ever so slightly by political motives, they not being presidential candidates. I do not doubt that these persons have a genuine desire to help the southern Negroes. Assuming, then, that they do not share the political inspiration of their fellow proponents—whom I suspect greatly outnumber them—and that their motives are unimpeachable, let us turn to an examination of the practical effects of the proposals of these well-intentioned do-gooders to help the southern Negro.

Mr. President, the emphasis right now seems to be on the vote. The hue and cry at the present are that voting rights constitute the key—that if the southern Negro is given the power of the ballot, all the other rights and benefits due him will follow more or less easily after that. Voting, then, is not looked upon as an end in itself, really, but rather as a means to more important ends. No one could quarrel with that concept, as a matter of fact. In a practical sense, voting is, inherently, by its very nature, a means to various ends, rather than something of substantial inherent value in itself.

Now what are these ends, these ultimate objectives, to which mass voting on the part of Negroes is supposed to be a means to an end?

One that is sometimes mentioned, although usually given only secondary and very scanty attention, is the economic betterment of the Negro. Certainly, so far as this is an objective, no one could quarrel with it. It should be pointed out, of course, that the southern Negro was making very substantial headway economically, without the assistance of any so-called civil rights legislation; and that the pressure for so-called civil rights legislation, and other related policies, threaten to retard, rather than promote, his economic advancement. I shall not take time now, however, to pursue further this line of argument and show why this is so.

To repeat what I was saying, insofar as the economic advancement of the southern Negro is the end sought, no one could seriously quarrel with this—least of all the South. The better off the Negro is economically, the less burden on the health, welfare, and social agencies of our States; and greater purchasing power on the Negro's part would be of great benefit to the southern economy. And if the Negro could improve his economic status and alter some of his economic attitudes, he would be helping himself in many ways, in addition to the purely economic one. This, indeed, is the sort of approach which the late Booker T. Washington advocated for the southern Negro.

But the trouble is, Mr. President, that this approach is not looked upon with much favor by the present-day northern Negro leadership. As I said, this objective of economic improvement of the southern Negro is, if mentioned at all by the backers of so-called civil rights legislation, mentioned only very briefly and secondarily—almost incidentally. The present-day radical Negro leadership in the North has, in fact, very little use for Booker T. Washington. They tend, rather, to despise him for not having been more militant.

No, Mr. President, economic advancement is not the real objective of the so-called civil rights leaders. What they are really interested in, what they consider to be the real end to be served by mass Negro voting, can be summed up in one word—integration.

And, Mr. President, by "integration" these modern Negro leaders do not have in mind merely the integration of one or two Negroes in each white public school nor are they limiting their thinking to schools merely. They aim for the total integration of the Negro into American society.

It is an ironic and tragic fact that, just at this time when the rest of the Negro world is emerging and moving ahead, the American Negro is being led by the NAACP leadership down this path of self-destruction. Unfortunately, the fact that the NAACP will fail of its ultimate objective will not spare the American Negro a great deal of needless anguish and misery. And the NAACP will fail, of course. Its leaders, although they pride themselves on being modern and progressive, are in actuality many years behind the times: They are trying to run counter to the trend of all the rest of the Negro world that is now making itself felt throughout Negro Africa. Just at the time when the Negro world as a whole at last has developed a sense of racial self-respect, when Negroes are at last beginning to take pride in being Negroes—just at this time, the NAACP begins to mount the final stages of its campaign to obliterate the American Negro as an entity.

The result of their effort is actually going to be, rather, the other way—and it will be the other way, Mr. President—from that intended by the NAACP leadership; for already the mounting white reaction to the NAACP's integration pressure is causing in American Negroes a sense of rejection that is inevitably forcing them into a self-conscious group-awareness, quite different from that which they formerly have had; and this sense of rejection, this defensive awareness of themselves as a group will increase in direct proportion to NAACP efforts to force integration on an unwilling white society. We are already witnessing strong evidence of this trend, in certain recent developments in Harlem and in the increasing growth of the black-nationalist Moslem cult in the larger cities of the North and East. See U. S. News & World Report, August 3, 1959. That the result of the NAACP's campaign will not be at all what was intended, does not, however, alter the fact that the intention, the objective sought is the total integration of the Negro into American society. While there may exist some occasional exceptions here and there and around the edges and fringes of white society, as a general and final proposition the people of this country are going to maintain segregation—if not de jure, then de facto. This is beyond discussion, Mr. President—the only point of concern is: What type of segregation?

Just as there are in this country two main, and quite distinct, cultures, a northern—or, more properly, a Greater New England—culture and a southern culture, so there are in this country, Mr. President, broadly speaking, two different species of the genus segregation. There is the northern type of segregation, and there is the southern type of segregation.

In the South, the separation of the races—this is the more accurate term, though for the sake of habit and convenience we shall continue to say "segregation"—is a matter of public policy, regulated by law as well as by custom. Segregation in the South is honest. Segregation in the South is open and aboveboard. It is a less severe form of segregation than that which prevails in the North. While in the North there is almost always an actual physical, geographical separation of Negro residential areas from white, this is not so in the South—it is not necessary. Since law and custom both require that the races shall be separate in certain spheres of activity, there is simply no need to have the races living in total geographical separation. This is why, in many southern towns and cities, one will often find Negro families occupying houses in the same block with whites, with no accompanying decline in property values and no white exodus. In short, one finds perfectly stable residential areas inhabited by both races—a condition which often elicits comments of surprise—and frequently of disapproval—from northerners visiting the South or moving there permanently.

The southern system of segregation also permits a great deal of warm friendship across the color line between white and colored individuals. Under the southern code, everyone knows exactly where he stands, the white man as well as the colored man. Since each side knows where the line is drawn, warm personal friendship across the color line is both easy and frequent.

Nor, it should be added, does the existence of such friendship and goodwill necessarily require on the part of the Negro acquiescence in an inferior position. Such a position on the Negro's part is, of course, quite common, as would be expected in southern society in its present stage of transition, in which the master-servant relationship is, understandably, still quite widespread. But, I repeat, the fact that this is the usually-existing circumstance does not mean that it is necessarily so.

Now, Mr. President—if I may take a few moments to digress somewhat into a closely related topic—does the fact that the separate facilities provided for Negroes have sometimes not been equal—this fact cannot by any stretch of the imagination lend itself to the absurd proposition that separate facilities are necessarily or inherently unequal. Admittedly, in some parts of the South, up until recently at least, facilities may not have in every case been completely equal; but this can in no logical way

be used to condemn their being separate—just because the term "separate" and the term "equal" have commonly been joined together in the phrase "separate but equal." This term—and I wish to take a moment to emphasize this, Mr. President, for I feel that it is rather an important point—this term "separate but equal" is a poor one. As a citizen of my State recently pointed out, "separate but equal" seems to place the two words in opposition to each other; it somehow tends to give a connotation that one condition, which is bad, is balanced by another, which is good—that "separate" is balanced, and justified, by "equal." Thus there is a false implication that separateness is basically undesirable. This is certainly not the feeling or intent or belief of the southern people. The term which accurately and correctly expresses our view toward segregation is not "separate but equal," but rather "separate and equal." This is the term which ought to be used, and in the future I shall use it in place of the other.

Now it is true that in the implementation of our separate and equal policy in the South, the equal has not always in every case been lived up to. The answer in such a case, however, is not to tear down the separate but rather to build up the equal—that is, to make the facilities in question truly equal. And it is this that the South has been striving to do, with, I might note, ever-increasing success; the school equalization program in our own State of South Carolina being an early and outstanding, though no longer an unusual, example.

Even with such imperfections as may still exist, however, our southern type of segregation, which has stood the test of time, has proved itself to be a boon, to the white man, to the colored man, and to society as a whole.

Now let us look, Mr. President, at the other species of the genus segregation. Let us take a look at the northern segregation system, which may be defined as the system prevailing everywhere in the United States, outside the South, where Negroes comprise any substantial proportion of the population.

In contrast to the honest, aboveboard, and definite southern system, the northern type of segregation is founded on hypocrisy and deceit, and fundamentally on geographical separation which is either total or as near total as the northern ingenity can make it in the face of mounting Negro immigration. The prevailing pattern in the North is segregation by flight. The Negro is told that he is equal, that he has all his rights, and that he will not be discriminated against; then he is simply avoided. The whites flee to the suburbs, and, through the housing pattern, de facto segregation is maintained, except in a few unfortunate fringe areas which degenerate into centers of tension and crime and whose whites leave just as soon as they can accumulate sufficient funds to do so.

By and large, the northern system is eminently successful. It may be ruthless, it may be hypocritical and deceitful; but it works. It is tough on the Negroes crowded into the crime-filled ghettoes, it is tough on the comparatively few whites who are left in the fringe areas adjacent to these ghettoes. But never mind this: By and large, the system is a complete success. It works. The overwhelming majority of northern whites is enabled by this system to avoid almost all contact with the Negro.

Mr. President, of the two systems, or styles, of segregation, the northern and the southern, there is no doubt whatever in my mind which is the better. Our southern system too has stood and passed the pragmatic test: It works. And this time-tested southern system of ours has the advantage, so conspicuously absent from the northern system, of being both humane and honest, rather than hypocritical and deceitful.

Of our southern system of segregation, of the South's treatment of the Negro in general, it has been wisely and truly said:

[The South] has shared its countryside and its cities with him [the Negro] in amity and understanding, not perfect by any means, and careful of established folk custom, but far exceeding in human friendliness anything of the kind to be found in the North. Not segregation of the Negro race as the Indian is segregated on his reservations—and as the Negro is segregated in the urban harlems of the North—but simply separation of the white and Negro races in certain phases of activity is what the South has always had and feels that it must somehow preserve.

Mr. President, in view of these undeniable advantages, to both races, of our southern system, as opposed to the hypocrisy and deceit inherent in the northern system, we of the South would infinitely prefer to continue our southern style of segregation.

Make no mistake about it, we, like the North, are going to have segregation, in one form or the other. We are all going to practice segregation, North and South. Our southern type of segregation is, in our opinion, far preferable to northern-style segregation; and we want very badly, for the Negro's sake as well as our own, to keep our own style of segregation.

It may be, Mr. President, that we shall not be permitted to maintain our own style of segregation. We southerners are a realistic people; history has made us so. We know that this is not the first time in history that a small people have been forced by their aggressive and numerically superior neighbors to make certain changes in their way of life. The southern people have had to yield once before—though it took overwhelming force to make them yield, and in essentials of spirit and mind they yielded nothing.

We will not abandon our own, superior, tested type of legal segregation lightly. If it is ever abandoned at all, some people are going to know that it was fought for, as things which are worth preserving and deeply believed in are always fought for.

Should our fight not be successful, reluctantly—very reluctantly—we would be forced to abandon our southern type of segregation and adopt instead, not integration—I have already pointed out, that is an alternative which will not be accepted by white American society, North or South, and discussion of actual integration, in any meaningful sense of the word, is an academic waste of time—not integration, but northern-style segregation.

We would of course retain our own distinctive attitudes and our sense of kindliness to, and responsibility for, the Negro; but in certain essentials we would be forced to adopt the northern system of complete physical and geographical separation.

This trend is already evident in some of the States of the border South, notably in Maryland, Kentucky, and Missouri. There the integration decrees have only speeded up and accentuated a process which was already under way, for industrialization and urbanization had long tended toward concentrating the Negro populations of those States in their larger cities, and in well-defined portions thereof. The cases of Kansas City and St. Louis in Missouri, Louisville in Kentucky, and Baltimore in Maryland, afford examples of areas which are in transition, or have almost completed the transition, from segregation southern style to segregation northern style—the latter often euphemistically termed "integration."

What has been happening in the States of the border South will soon be happening, on a lesser scale and with certain modifications, to be sure, in the South proper. That is, increasing industrialization and urbanization will tend—in fact are already tending—toward concentration of many hitherto rural Negroes in urban centers. Integration decrees directed at the public schools of these urban centers would—assuming that resistance was unsuccessful and the decrees were enforced—make for residential racial demarcation within these urban centers, after the same pattern as prevails in northern and border cities. And school integration decrees directed at the rural areas would have a threefold effect: First, the flow of rural Negroes to the northern cities would increase. Second, there would be some acceleration of the already considerable movement of rural Negroes into southern urban areas. And third, there would develop in the rural areas a pattern of much stricter geographical separation of the races; that is, a separation between those Negroes who choose to remain in the rural areas and the rural whites. Thus, eventually, there would emerge in the South, in both town and country, a pattern based on geographical separation, with the bulk of the Negroes in the cities, and with the system of northern-style segregation prevailing.

The picture I have just painted is what will happen in the South if the South should be unsuccessful in resisting along its chosen lines, that is, unsuccessful in its fight to retain the traditional southern-style segregation. Should the South lose its fight, everyone would be the loser; and most of all, the southern Negro. As I have tried to point out, he faces a certain amount of dislocation and readjustment anyway, due simply to increasing industrialization and urbanization in the South. A considerable portion of our colored population, so long associated with the land, is already having to move to the cities to find employment. But at least the southern Negro still has, even in the city, the same easy, warm, and friendly relations with his white fellow citizens, which the southern code of segregation makes possible. Should the South lose its fight, however, the Negro will find that he has only traded the gentle southern form of segregation for segregation northern style. A residential and housing pattern, segregated to a rigid extent that he has never before known in the South, will seal him off—just as it now does in the North—from virtually all contact with white people. The friendly, day-to-day, interracial contact which has always formed such a feature of southern life would disappear, as the old informal, here-and-there, haphazard residential pattern gave way to the concept, and the reality, of the Negro ghetto—the "Harlem concept," as developed in the North. In short, in its race relations pattern, on the surface at least, the South would become a replica of the North.

Mr. President, we have now come to the heart of the matter. What I set out to examine in this part of my address today, as I pointed out at the beginning, was the basic and underlying psychology behind the so-called civil rights drive. And now I believe we have found it. We have come to the important point, the central motivating factor—aside from politics—that animates the proponents of this type of legislation.

I have said that, if events should take a certain turn—a turn which is entirely possible, though it is one which we still believe we can avoid—the South would become, in its race-relations pattern, a replica of the North. And I venture to predict that, when and if this should happen, the pressure for so-called integration that has been so intensively applied against the South for the past 5 years and more would die down almost completely.

I say this, Mr. President, because what the North is really insisting that the South do is, not actually to integrate—for, as I have pointed out and as the facts of American life constantly bear out, American white society will not practice, nor tolerate, real integration—but to adopt the northern form of segregation. The prevailing spirit in the North does not object to the South's having segregation; what it objects to is the South's having a different kind of segregation from the kind the North has. And if the South would only adopt, on the surface at least, the same approach to race relations as prevails in the North—which is, of course, a far cry from true integration—then the northern mind would be satisfied and northern pressure against the South on the racial front would cease.

The basic motivating psychological factor behind the North's attempt to impose so-called civil rights programs, and racial integration, on the South is this powerful subconcious desire to make the South conform. This is nothing new, Mr. President. I do not know exactly why it is that the North so strongly objects to the South's being different; I only know that the North does object and that for more than a century it has attempted to make the South conform to northern ways.

Lest anyone gain the impression that this observation is original with me, let me hasten to point out, Mr. President, that this strange feeling on the North's part, this seeming resentment of the South's differentness, has long been noted by many respected and competent observers of American civilization.

As an example, let me quote briefly from the well-known study, "The Mind of the South," by the late W. J. Cash. I do not agree with all Mr. Cash's conclusions about the South; but he was certainly a keen and perceptive observer, and his analysis of the fundamental causes of the War Between the States and Reconstruction is sound indeed. Here is what he had to say on the subject of the North's motives in its dealings with the South a century ago:

The Civil War and Reconstruction represent in their primary aspect an attempt on the part of the Yankee to achieve by force what he had failed to achieve by political means. First, a free hand in the Nation for the thievish aims of the tariff gang, and secondly, and far more fundamentally, the satisfaction of the instinctive urge of men in the mass to put down whatever differs from themselves—the will to make over the South in the prevailing American image and to sweep it into the main current of the Nation.

Further on, in showing that the North's attempt to remake the southern mind was, despite military success, a dismal failure, Cash again pinpoints this basic motivating intent. He speaks of, as being "the most fundamental drive behind the Yankee's behavior, that will to wean the South from its divergences and bring it into the flow of the Nation."

The North may have failed, but no one could accuse it of not trying. After the bayonets came the first great American attempt at brainwashing. As Frank Lawrence Owsley has written:

After the South had been conquered by war and humiliated and impoverished by peace, there appeared still to remain something which made the South different—something intangible, incomprehensible, in the realm of the spirit. That too must be invaded and destroyed; so there commenced a second war of conquest, the conquest of the southern mind, calculated to remake every southern opinion, to impose the northern way of life and thought upon the South, write "error" across the pages of southern history which were out of keeping with the northern legend, and set the rising and unborn generations upon stools of everlasting repentance. Francis Wayland, former president of Brown University, regarded the South as "the new missionary ground for the national schoolteacher," and President Hill of Harvard looked forward to the task for the North "of spreading knowledge and culture over the regions that set in darkness."

Mr. President, this old attitude of the North, this obsessive desire to remold the South in the North's image, which manifests itself so strongly today, never really died down, even after the failure of Reconstruction. Southerners who ventured into northern regions always came face to face with this strange obsession, this resentment of the South. Harry Ashmore, liberal editor of an Arkansas newspaper, and a South Carolina native, describes in his recent book the first time, of many, that he encountered this attitude. Attending a gathering of newspaper people in New York many years ago, he was introduced to a northern editor. The editor opened the conversation with the words: "I hope you won't take this personally, but as it happens I hate southerners."

There followed a diatribe—

Writes Ashmore—

It was not only the southern treatment of Negroes that outraged him. His complaint was formless and passionate, more than anything else a sort of reverse counterpart of the southern mystique. The South's very existence offended him, and to it he attributed most of his country's ills.

The type of mind which has been portrayed in these passages, Mr. President, is a mind which cannot tolerate differences. The holder of this type of mind has been described as "unhappy unless he feels that he is making the world over. For different opinions and ways of life he has not respect, but hostility or contemptuous indifference, until the day when they can be brought around to conform with his own." To label this "the northern mind" might perhaps be a generalization; but it is clear that this is the type of mind that has prevailed in the North during the past hundred years and more. The prevailing feeling of the North seems to be that the United States has to comprise one monolithic culture, that distinctive regional cultures cannot be tolerated.

Not that the northern mind is always vindictive in its approach to the South. To the contrary, very often there seems to be more of sympathy than of venom. Many northerners actually seem to feel that there is something quite sad, something very unfortunate about the South's not being exactly like the rest of the country; they feel sympathetic toward us, rather than vengeful. They seem to consider it almost their duty, as a favor to us in the South, to change us, to mold us in the national image. For instance, there is the senior Senator from Illinois, of whose views I spoke in my testimony before the committee early last year. Certainly his attitude toward the South is a "conquered province" attitude, but at least it is a conquered-province attitude that is tempered by feelings of genuine sympathy. I am sure that the distinguished Senator really feels that by stamping the South with the image of the North, divesting it of its own character and making it just like the rest of the country, he would be doing us an enormous favor. And as for the senior Senator from New Jersey, there is absolutely no doubt that he feels that making the South just like the rest of the country would be doing a great favor to the South. Early in this session, in advocating the enactment of so-called civil-rights legislation—"legislation not vengeful in any sense," as he put it—the able and distinguished New Jersey Senator declared that one reason why such legislation was desirable was

because it would—and I quote from the RECORD of Friday, January 9, 1959—"make it possible for a great section of the country to become wholly a part of the country."

Mr. President, I should like the Senator from New Jersey, the Senator from Illinois, and those of like mind, to know that we of the South appreciate their sympathy and concern for our unfortunate and pitiable state, that we understand their well-meaning desire for us "to become wholly a part of the country." We realize that, to the northern mind, there is something almost abhorrent about the South's being different in its fundamental essentials from the North.

Mr. President, Senators might just as well realize, here and now, that not only is the South different, but we do not really object to being different—in fact, we are rather glad to be different—and that, in any event, we intend to continue to be different. As a matter of fact, what the South has fought for all along, throughout a great part of its history, fundamentally, is simply the right to be different.

Senators who would remake the South might as well accept the fact, at long last, that—despite all the superficial changes, the new industry, the factories, the superhighways, the glass-fronted suburban shopping centers—the South will continue to be, in its essentials, very different from the North. The South, in short, is here to stay.

Despite all the physical destruction and death that violence accomplished, the North failed to destroy the South spiritually by violence in the war and Reconstruction. Nor did the period which followed—the so-called New South period, which saw the early rise of the textile industry and the first phase of commercialization in the South—nor did this period have the effect which was expected and desired by the North, and which was feared by some in the South. Somehow, despite the mills and the railways and the tall new office buildings which were superficially so similar to the North—somehow, the South remained the South. The reason, of course, is this—and this forms the major theme of Cash's study, "The Mind of the South": The true differences between the North and the South are deep seated and fundamental, rooted in the basic philosophies of the two regions; and so long as the base—the southern mind—remained intact, the North's pouring in of soft materials at top could have little real effect on the South.

Again today, in this second and greatly stepped-up phase of the so-called New South, we have the same situation. Since the end of the Second World War, and especially throughout the 1950's, industrialization and urbanization have been proceeding at an unprecedented rate in Dixie; on the surface there appears to be a growing similarity between the South and other regions. Yet, because the mind of the South, the fundamental philosophy of southern civilization, is still intact and has even been strengthened, what a perceptive Virginia editor stated recently is very true, namely, that the South is actually becoming more southern, not less so.

Therefore, Mr. President, in view of the facts which I have outlined here today, I should like to make these recommendations to the northern proponents of so-called civil rights legislation and racial integration:

First, I say to these proponents in the North, engage in a little frank self-analysis and realize that the northerner's basic animating motive in his approach toward the race problem in the South is this resentment of the South's differentness; this desire to reshape the South in the Nation's image—what Cash calls the will to make over the South in the prevailing American image and to sweep it into the main current of the Nation.

Second, study the history of the United States since 1820, and realize that all attempts from then, up to the present, to make the South conform to the national pattern—the war, Reconstruction, the attempted reeducation, the process of industrialization—all have been failures, so far as essentials and fundamentals have been concerned; the reason being, of course, that the real difference between North and South was never a matter of mere superficial qualities but rather of basic philosophies of life, and that the North has never been able really to get at the southern mind.

Finally, realize—for the ultimate sake of the southern Negro, mainly—that the same will be true of this new attempt in the racial field, this attempt to make the South give up its own form of segregation and adopt the northern form. Even if the South should finally be forced to conform, on the surface, to the northern racial pattern, the South's basic attitudes will remain unchanged; in essentials, the South will remain, as it has always been, something different, set apart.

And therefore, since the attempt to remold the South in the national image will ultimately result in failure, so far as essentials are concerned, spare the southern Negro the misery which is about to be thrust upon him. Do not add to his already difficult problem, his problem of uprooting himself from the land and adapting himself to city ways—do not add to this the additional agony of having the southern form of segregation, to which he is accustomed, replaced by the harsh, unfamiliar, and impersonal form of segregation that has been developed in the North.

The southern Negro deserves better than that. He has been for centuries an integral part of southern life, and he has been our friend. We, the white people of the South, serve warning now upon the people of the North, that what they are about to try to do to the southern Negro, in this new and futile attempt to reshape the South in the northern image, will be sternly and steadfastly resisted by us, the people of the South.

Mr. STENNIS. Mr. President, will the Senator from South Carolina yield?

The PRESIDING OFFICER (Mr. CLARK in the chair). Does the Senator from South Carolina yield to the Senator from Mississippi?

Mr. THURMOND. I am pleased to yield.

Mr. STENNIS. I wish to commend the Senator from South Carolina for his very fine presentation and handling of this subject matter. In his discussion of certain phases of it he has brought out some viewpoints which really have not heretofore been discussed in the Senate.

The Senator from South Carolina is always thorough and always demonstrates most forcibly that he is a man of great conviction, as well as one of fine background and experience.

He has made very valuable contributions to the debate, and I especially appreciate them, and I commend him.

Mr. THURMOND. Mr. President, I thank the able and distinguished Senator from Mississippi for his kind remarks.

Mr. JOHNSON of Texas. Mr. President, I am about to suggest the absence of a quorum.

I have talked to the minority leader. I am hopeful that, following a quorum call, the Senate will vote now on the Carroll amendment, as modified, to the committee amendment, or Kefauver amendment. After that vote is taken, we hope to have the Senate take up the contract amendment. I should like to have the Senate remain in session until that amendment is disposed of, and perhaps until other amendments which are ready are disposed of. If we are able to dispose of them and make substantial progress, we can go over until Monday. I think that represents the desire of the majority of Senators. Of course, the schedule will depend on how long it will take us to get the debate out of the way.

Mr. KEFAUVER. Mr. President, will the Senator from Texas yield to me?

Mr. JOHNSON of Texas. I yield.

Mr. KEFAUVER. Did I correctly understand the Senator from Texas to say that immediately following a quorum call, there will be a vote on the Carroll amendment?

Mr. JOHNSON of Texas. Yes.

Mr. KEFAUVER. I hold in my hand a one and one-half page statement which the Senator from Wyoming [Mr. O'MAHONEY] wishes to have read.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator may have the right to insert it at this point in the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR O'MAHONEY ON THE KEFAUVER AMENDMENT TO THE CIVIL RIGHTS BILL

Because no unanimous-consent agreement has been made in the Senate today to vote upon the Kefauver amendment, I undertake to prepare for the RECORD a brief statement of the reasons which motivated me in supporting that amendment to the Civil Rights bill as a member of the Judiciary Committee.

The people of the United States are called upon in this era to lead the whole world to the permanent establishment of liberty. This is a fundamental issue of human rights which cannot be maintained except upon the basis of the Declaration of Independence and the Constitution of the United States. We have been proud for almost 200 years that the authors of the Declaration of Independence said in ringing words that all men are created equal and are endowed by their Creator with certain unalienable rights among which are "life, liberty, and the pursuit of happiness." We have not repeated as frequently the Preamble to the Constitution, but as every Member of Congress knows that document asserts that the objectives of the establishment of our Government were to "form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense," and to "promote the general welfare."

To insure domestic tranquillity was placed third in this list of five objectives because the framers of that document knew that it would be impossible to provide for the national defense or promote the general welfare unless we preserve domestic tranquility. It is of primary importance, therefore, that we do our best to prevent disorder among our people. To be successful in this effort and to remain free we have no choice but diligently to support the equality of all men and to support the rights with which they were endowed by their Creator.

When Senator KEFAUVER offered his amendment in the Committee on the Judiciary we were considering a measure which authorized the appointment of voting referees to hold hearings upon the application of persons who had not been registered to vote in any area where there was found by the court to be a pattern or practice of denying Negroes the vote. These hearings were expressly provided to be ex parte. This concept of an ex parte hearing in a matter which involves basic human rights seems so basically unsound that one member of the committee, after Senator KEFAUVER's amendment had been offered, expressed the belief that at least the hearing should be held in a public place. The amendment did so provide, but it also provided for 2 days' notice of the hearing, for the presence of the registrar of voters, and for a transcript of the proceedings to be furnished to him. It was clear to me that the amendment of the Tennessee Senator was not intended to make this an adversary proceeding or to give the registrar of voters any authority to take part in the hearing, to examine the witnesses, or to present evidence on his own behalf, but solely that he should be present personally, if he wanted to be, and that he should have a transcript of the proceedings.

It seems to me that nobody in the Congress of the United States would resist such a proposal, particularly when it allows the official who may be accused of wrongdoing to be present. In passing a bill on civil rights certainly we cannot be considering the provision of any punitive action. We are seeking to insure domestic tranquility and we have conclusive evidence before our eyes of the sad events that are caused when men or governments undertake to punish individuals or a whole people because racial tensions exist.

I supported Senator KEFAUVER's amendment because I felt that it was in harmony with the basic principle of our people to be fair and just in dealing with one another, but particularly in passing the laws of the Nation by which we would all be governed. This I say because I believe the time has come when it should be clear to everybody that no people in a free world can any longer hope to maintain racial supremacy. The various races of the world must learn to live together. This is as essential as an international agreement to abandon nuclear warfare. To solve this racial problem we must pursue the policy of moderation.

It was with these thoughts in mind that I supported the Kefauver amendment.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FREAR in the chair). Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I understand that the pending question is on agreeing to the Carroll amendment, as modified, to the committee amendment. On that question, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Florida will state it.

Mr. HOLLAND. On what question is the vote about to be taken?

The PRESIDING OFFICER. On the Carroll amendment, as modified, to the committee amendment.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. STENNIS. Will the Chair advise us what the pending question is and how the amendment is offered? Is the Carroll amendment offered as a substitute for the Kefauver amendment?

The PRESIDING OFFICER. The Carroll amendment, as modified, has been offered to the committee amendment, and would insert new language in the committee amendment.

Mr. STENNIS. So the present situation is that the so-called Kefauver amendment is a committee amendment; and the Carroll amendment is offered as an amendment to that committee amendment. Is that a correct statement?

The PRESIDING OFFICER. That is correct; the Carroll amendment, as modified, is offered as an amendment to the committee amendment.

On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Arkansas [Mr. FULBRIGHT], and the Senator from Rhode Island [Mr. PASTORE] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD], the Senator from Louisiana [Mr. ELLENDER], and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

I further announce that the Senator from Minnesota [Mr. HUMPHREY] and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. CHAVEZ], the Senator from Connecticut [Mr. DODD], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Rhode Island [Mr. PASTORE] would each vote "yea."

On this vote, the Senator from Louisiana [Mr. ELLENDER] is paired with the Senator from Massachusetts [Mr. KENNEDY]. If present and voting, the Senator from Louisiana would vote "Nay" and the Senator from Massachusetts would vote "yea."

On this vote the Senator from Arkansas [Mr. FULBRIGHT] is paired with the Senator from Minnesota [Mr. HUMPHREY]. If present and voting, the Senator from Arkansas would vote "nay" and the Senator from Minnesota would vote "yea."

Mr. KUCHEL. I announce that the Senator from Nebraska [Mr. HRUSKA] is necessarily absent, and, if present and voting, would vote "yea."

The result was announced—yeas 69, nays 22, as follows:

[No. 146]

YEAS—69

Aiken	Douglas	McNamara
Allott	Dworshak	Magnuson
Anderson	Engle	Mansfield
Bartlett	Fong	Martin
Beall	Goldwater	Monroney
Bennett	Green	Morse
Bible	Gruening	Morton
Bridges	Hart	Moss
Brunsdale	Hartke	Mundt
Bush	Hayden	Murray
Byrd, W. Va.	Hennings	Muskie
Cannon	Hickenlooper	Prouty
Capehart	Jackson	Proxmire
Carlson	Javits	Randolph
Carroll	Johnson, Tex.	Saltonstall
Case, N.J.	Keating	Schoeppel
Case, S. Dak.	Kerr	Scott
Church	Kuchel	Smith
Clark	Lausche	Symington
Cooper	Long, Hawaii	Wiley
Cotton	Lusk	Williams, N.J.
Curtis	McCarthy	Yarborough
Dirksen	McGee	Young, Ohio

NAYS—22

Butler	Johnston, S.C.	Sparkman
Byrd, Va.	Jordan	Stennis
Eastland	Kefauver	Talmadge
Ervin	Long, La.	Thurmond
Frear	McClellan	Williams, Del.
Gore	Robertson	Young, N. Dak.
Hill	Russell	
Holland	Smathers	

NOT VOTING—9

Chavez	Fulbright	Kennedy
Dodd	Hruska	O'Mahoney
Ellender	Humphrey	Pastore

So Mr. CARROLL's amendment, as modified, to the committee amendment was agreed to.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas to lay on the table the motion of the Senator from Illinois to reconsider.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended.

The amendment, as amended, was agreed to.

Mr. DIRKSEN. Mr. President, with the concurrence of the distinguished Senator from New York [Mr. JAVITS] I desire to call up an amendment which

in substance is the same as the section 6 of the substitute bill pending at the desk. The amendment deals with the so-called Commission on Equal Job Opportunity Under Government Contracts.

I will say, before the amendment is stated, that I intend to move to table my own amendment, offered in my own right. That may seem like a very awkward position, but the leadership is often expendable and does get itself into awkward positions. I am interested in the enactment of a civil rights bill, and I intend, insofar as I honorably can, to resist any endeavors which may jeopardize that opportunity in the present session of Congress.

So, Mr. President, I call up the Javits amendment numbered "3-31-60—A," and ask to have it read or considered as having been read.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. On page 21, after line 12, it is proposed to insert the following new title and renumber the succeeding title and section:

TITLE VII

SEC. 701. (a) There is hereby created a Commission to be known as the "Commission on Equal Job Opportunity Under Government Contracts", hereinafter referred to as the Commission.

(b) (1) The Commission shall consist of fifteen members appointed by and serving at the pleasure of the President. The Chairman and Vice Chairman shall be designated by the President.

(2) Members of the Commission who are officers or employees of the United States shall serve the Commission without additional compensation. Members of the Commission who are not officers or employees of the United States shall each receive $50 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other expenses incurred by them in the performance of such duties.

(3) Service of an individual as a member of the Commission shall not be considered to be service or employment bringing such individual within the provisions of sections 281, 283, 284, 434, or 1914 of title 18 of the United States Code, or section 190 or the Revised Statutes (5 U.S.C. 99).

(c) (1) The Commission shall make investigations, studies, and surveys, and shall conduct such hearings as may be necessary or appropriate in the discharge of its duties under this section.

(2) To implement the policy of the United States Government to eliminate discrimination because of race, creed, color, or national origin in the employment of persons in the performance of contracts or subcontracts to provide the Government with goods or services, the Commission shall make recommendations to the President and to Government contracting agencies with respect to the preparation, revision, execution, and enforcement of contract provisions relating to such nondiscrimination in employment.

(3) The Government agencies contracting for goods or services to be furnished the Government shall perform such duties as may be requested of them by the President to cooperate with the Commission.

(4) The Commission shall also encourage, by the development and distribution of pertinent information and by other appropriate means, the furtherance of educational programs by employer, labor, civic, educational, religious, and other nongovernmental groups in order to eliminate discrimination in employment.

(5) The Commission is authorized to establish and maintain cooperative relationships with agencies of State and local governments, as well as with nongovernmental bodies, to assist in achieving the purposes of this section.

(d) The Commission may employ such personnel as may be required for the effective performance of its duties.

(e) The Commission shall render to the President annual reports for transmission to the Congress.

(f) There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions of this section.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Illinois.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may grant time, within reason, without my losing the floor, to Senators who would like to discuss this amendment. After that I shall exercise my right to make a motion to table the amendment. I believe the distinguished Senator from New York [Mr. JAVITS] would like to be heard. Before that I shall take a minute or two to explain the amendment.

Mr. MANSFIELD. Mr. President, reserving the right to object—and I shall not object—can the distinguished minority leader inform us as to how much time will be required before reaching a vote?

Mr. DIRKSEN. The Senate generally is quite familiar with the subject matter of this amendment. It has been roundly discussed, not only in the past 6 or 7 weeks, but for a number of years. If my friend will bear with me for a moment, I shall lay down the basic premise with respect to this amendment.

The amendment is sometimes referred to as a limited FEPC amendment.

The Committee on Government Contracts was created by an Executive order of the President in 1953. It has been operating with a very distinguished personnel, of which the Vice President of the United States is the chairman. Hon. James P. Mitchell, Secretary of Labor, is Vice Chairman, Mr. Irving Ferman served as the Executive Vice President.

The public members on this Committee are Robert L. Chambers, president, Pacific Foundry & Metallurgy Co., San Francisco, Calif.; Fred Lazarus, Jr., chairman, Federated Department Stores, Cincinnati, Ohio; George Meany, president, American Federation of Labor-Congress of Industrial Organizations, Washington, D.C.; James M. Nabrit, Jr., dean, School of Law, Howard University, Washington, D.C.; Mrs. Helen Rogers Reid, New York, N.Y.; Walter P. Reuther, president, United Automobile, Aircraft, and Agricultural Implement Workers of America, AFL-CIO, Detroit, Mich.; John A. Roosevelt, Bache & Co., New York, N.Y.

The Government representatives on this Committee are Perkins McGuire, Assistant Secretary of Defense; George B. McKibbin, Consultant to the Administrator, General Services Administration; George T. Moore, Assistant Secretary of Commerce; Harry S. Traynor, Assistant General Manager, Atomic Energy Commission; Lawrence E. Walsh, Deputy Attorney General of the United States.

Boris Shishkin, alternate.

George L-P Weaver and Victor Reuther, alternates.

The Committee has been operating substantially for about 7 years. It receives its money by means of contributions from those agencies of Government which engage in contracts. They include the Department of Labor, the Department of Defense, the General Services Administration, and others. It receives no appropriations.

The purpose of the amendment which is pending is to give the Committee statutory authority instead of authority through an Executive order, and then make it possible for the Committee to secure appropriated funds; in addition, to broaden slightly the powers of the Committee with respect to surveys, investigations, studies, and so forth. No subpena power is requested for the Committee.

That is the essence of the amendment. It has a little history, in which I think Senators will be interested.

This amendment was offered in another body when a similar bill was under consideration, and a point of order was made that it was out of order on a civil rights bill. The Chair ruled that it was out of order, and there was an appeal from the ruling of the Chair. The House sustained the Chair by a vote of 157 to 67, or by a majority of 90 votes.

It was included in the substitute package commonly referred to as the Dirksen substitute, which is on the desk; and while it may seem awkward indeed for me to be prepared to move to table an amendment which is an essential part of the bill I introduced when this discussion started nearly 7 weeks ago, I intend to do so for the primary reason that I wish to see a civil rights bill enacted during the second session of the 86th Congress.

We began consideration of this subject on the 15th day of February. In the past few days we have made some progress. I have gone on the theory that legislation is, first, the art of the possible; and secondly, when we cannot get a whole loaf, we get as much bread as we can, content in the belief and conviction that we have made some progress in the civil rights field.

I believe that if we can have the bill now before us, amended as it was with the suggestions by the Senate Judiciary Committee, passed by the Senate and sent to the House, we shall have made progress, and then we can continue with the other matters that are piling up for the attention of the Senate.

Mr. ROBERTSON. Mr. President, will my distinguished colleague yield to me?

Mr. DIRKSEN. I yield.

Mr. ROBERTSON. Does my colleague recall that on the afternoon of March 3 the junior Senator from Virginia spoke for 4½ hours on a provision similar to the amendment now pending? Does the Senator recall that discussion?

Mr. DIRKSEN. In general, I do.

Mr. ROBERTSON. The junior Senator from Virginia wishes to inform his colleague that he has studied this subject for many years. The junior Senator from Virginia has accumulated material on this question for 12 years. He had available on the evening of March 3 232 pages of objections to the bill, of which he used only 120 pages. The junior Senator from Virginia still has 112 pages of objections, which he can use, if necessary.

Mr. GORE. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. GORE. Will the Senator press his motion to lay on the table if there are Senators who wish to address themselves further to the merits of the amendment?

Mr. DIRKSEN. I shall be glad to yield to other Senators for limited periods, with the definite understanding that under no circumstances will the Senator from Illinois lose the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois? The Chair hears none, and it is so ordered.

Mr. GORE. Mr. President, will the Senator yield?

Mr. DIRKSEN. Does the Senator wish some time?

Mr. GORE. I wish to ask further questions.

I am opposed to the adoption of the amendment, but I appreciate the willingness of the minority leader to afford Senators an opportunity to express themselves on the amendment before he presses his motion.

Mr. DIRKSEN. I shall be decently generous; but the Senate is familiar with this subject. I see no reason for prolonged and extended discussion. It seems to me that after an hour, at the most, the motion to table ought to be made, and this question ought to be disposed of.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield for a question.

Mr. HOLLAND. Does the Senator recall that subsection 4, on page 3 of the amendment, deals with the activities of the proposed Commission in the general field, looking to what is called the elimination of discrimination in all employment? The Senator recalls that, does he not?

Mr. DIRKSEN. The language speaks for itself. Certain educational endeavors will be undertaken.

Mr. HOLLAND. The Senator from Florida would like to ask his distinguished friend if there would be objection to including in the RECORD at this point subsection 4 of the amendment, as found on page 3.

Mr. DIRKSEN. I would ask at this point that the full text of the entire amendment be inserted in the RECORD as a part of my remarks. That will include subsection 4 of the amendment.

Mr. HOLLAND. I think the Senator's suggestion is a better one.

The PRESIDING OFFICER (Mr. FREAR in the chair). The text of the amendment was printed in the RECORD when it was offered.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. LAUSCHE. Will the Senator let me know whether under the provisions of this section discrimination on the basis of race or color is prohibited in Federal contracts only in the direct hiring by the contractor of his employee, or does it also prohibit the indirect achievement of discrimination in instances when the contractor has a collective bargaining agreement with a union which will not admit colored members?

Mr. DIRKSEN. The amendment which is before us, and which is the substance of an Executive order under which the Commission operates, has no prohibitory legal power as such. This is a commission which recommends to the Government contractors on the basis of complaints that discrimination should be terminated whenever possible. The Commission as such operates back through the contracting agency and undertakes by its good offices to eliminate this discrimination if it can.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSON of Texas. Did I understand the Chair to put the question giving the Senator from Illinois unanimous consent to yield to any Senator to whom he desired to yield?

The PRESIDING OFFICER. That is correct.

Mr. JOHNSON of Texas. Mr. President, may we have the yeas and nays on the amendment?

The PRESIDING OFFICER. On what amendment?

Mr. JOHNSON of Texas. I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. There is no motion to table before the Senate.

Mr. LAUSCHE. I have asked the Senator from Illinois a question which he has not answered. My question is, Does the language of the bill give some authority to the Commission to bring about nondiscrimination in employment when the contractor does not employ colored people because he has a collective bargaining agreement with a union which will not admit colored members into its union?

Mr. DIRKSEN. Well, I do not know that I am in a position to answer that question, except in this way. This is an exploratory commission. It investigates complaints. They must go back to the contracting agency, because that is all the power the Commission has. The kind of question which the distinguished Senator from Ohio raises might actually come within the jurisdiction of the NLRB, for aught I know. This is a recommendatory agency, and as such must content itself with educational endeavors. with studies and investigations and services and recommendations, whatever they might be.

Mr. LAUSCHE. Mr. President, will the Senator yield for a further question?

Mr. DIRKSEN. I yield.

Mr. LAUSCHE. Does the Senator from Illinois know that the existing Commission appointed under the Executive order has declared that it cannot operate at all on complaints made by colored people that they have been unable to get a job on Federal works because the contractor, the manufacturer, had a collective bargaining contract with a union that refuses to admit colored people as members?

Mr. DIRKSEN. Well, what the Commission was doing was only indicating as a matter of policy what the limits of its authority were. As I have indicated, the authority did not extend to that situation, if there was resistance to even a recommendation in that field.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. JOHNSTON of South Carolina. As I understand the amendment, it would put congressional approval on a commission which is already in existence, would it not?

Mr. DIRKSEN. That is correct.

Mr. JOHNSTON of South Carolina. It would do something else, would it not, in that it would be a forerunner for FEPC in all the other fields?

Mr. DIRKSEN. It gives the Commission itself power to hold hearings, in order to make findings of fact. There is, however, no subpena power in the statutory request. The other feature is that it would make it possible for the Commission to continue its work through direct appropriations by the Congress.

Mr. JOHNSTON of South Carolina. In other words, it is similar to the situation that we have in mind when we say that a camel will first get its nose under the tent flap and then pretty soon, of course, it will have its whole body inside the tent—in this case, FEPC legislation.

Mr. DIRKSEN. The Senator from Illinois does not want to pass upon that particular matter.

I wish to say again that I am interested in this matter. I do not want this or any other amendment to jeopardize the chance we have, hopefully, of getting a civil rights bill before too long, so that the Senate can then address itself to the accumulation of other matters that are coming from the various committees of the Senate.

The PRESIDING OFFICER. The Chair is in accord with that statement.

Mr. DIRKSEN. That might be an awkward situation to be in. But it is not the first time the minority leader has been in an awkward position. If it is a sin of commission or omission, I freely confess it now.

How much time does the Senator from New York wish me to yield to him?

Mr. JAVITS. I should like to have 20 minutes.

Mr. DIRKSEN. I yield 20 minutes to the Senator from New York, with the understanding that I do not lose the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. Is the Senator from Illinois yielding time without a unanimous-consent agreement?

The PRESIDING OFFICER. The Chair will state to the Senator from Arkansas that it is being done by unanimous consent.

Mr. McCLELLAN. Very well. I did not know that a unanimous-consent request had been made and granted.

Mr. JAVITS. Mr. President, in the first instance—may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. I believe that the Senate is entitled to an explanation of why I am not offering the amendment myself, even though I submitted it and had it printed. There are two reasons. First, it is well known that this particular section of the bill was a part of the administration package presented by the minority leader. The minority leader subsequently asked me and my colleague from New York [Mr. KEATING] to undertake to present that amendment and——

Mr. STENNIS. Mr. President, may we have order? The Senate has been in disorder for an hour.

The PRESIDING OFFICER. The Chair has done a little business in that hour, but he will attempt to get order. If there are any Senators who would like to talk out loud, they will please retire to the cloakroom, except the Senator who has the floor. If those Senators cannot obey the order of the Chair, the Sergeant at Arms will be requested to evict them.

Mr. JAVITS. I hope it will not be necessary to evict any Member of the Senate. I should like to make my statement very clearly.

The amendment which I was asked to sponsor was a part of the administration's package, just as is the amendment sponsored by my colleague from New York [Mr. KEATING]. I did it at the request of the minority leader. The minority leader has every right to recapture the amendment and to offer it himself. It is his amendment. The reason why I did not choose to offer it this afternoon myself was that I happen to differ with the fundamental proposition that we must have this kind of rather summary action upon an amendment of this importance, which I consider to be important and entitled to deliberate consideration by the Senate.

I am reminded of the situation we always had in the Army. The Army has an expression, "Hurry up and wait." It seems to me that every time something has come from the proponents of civil rights, they have had to hurry up. However, every time something comes from the opponents of civil rights, we have to wait, not hours, but days and weeks.

So, Mr. President, this is a serious amendment affecting many people—and everybody knows it, including the Vice President of the United States; it has been called the Nixon amendment. It has serious implications, which all of us understand. It was my belief that whether or not I offered it this afternoon, I should not be in the climactic situation of knowing that it must be called up and voted down.

Under those circumstances, I prefer to yield the amendment as it is contained in the administration package back to its original sponsor, and let him do with it as he pleases.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. SCOTT. In my judgment, the Senator from New York has followed the proper course. I support the amendment.

Mr. JAVITS. I am very, very grateful to the Senator from Pennsylvania for his statement. I may say, following upon what the Senator has said, that there can be an honest difference of opinion as to what is the best and fastest way to have a civil rights bill passed by Congress and become law. I respect and honor my minority leader. My respect for him is in no whit affected by what has taken place with respect to the amendment. I assume simply that it is believed this is the way to proceed. However, it is my judgment that there is another way to proceed. I hope and pray that the judgment of the minority leader is right, and that the matter will come out well. I shall certainly throw my shoulder into the effort to make it come out as he would like to see it, in order to have prompt action on the bill.

I have given some time to the merits of the proposal; hence, I should like to discuss the merits of the proposal, as it is my duty to do, as it may be of help.

First and foremost, this is not an FEPC proposal. The Commission proposed would be nothing but an internal piece of governmental machinery, to enable the Government to carry out more efficiently the provisions of every contract or subcontract in which material or services are furnished to the Government of the United States.

This is not an FEPC proposal. It does not endeavor to reach private employment in any way, shape, or form. It seeks only to create a piece of governmental machinery to enable the Government of the United States to have carried out in an efficient way what it requires of its contractors. We are endeavoring to establish some measure to bring into being a fundamental policy of the United States which has been in effect since 1941, a clause incorporated in every contract, which provides:

> In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin.

I have quoted from the latest of the provisions incorporated in the Executive order of the President, dated September 3, 1954.

When I emphasize that this is a piece of intragovernmental machinery, I mean it is not a part of any law; it is simply an Executive order of the President as it deals with Government contracts.

Second, the amendment provides no legal power whatever. It simply gives to the Commission a standing in law which it has not had before. The reason is that in 1945 the distinguished Senator from Georgia [Mr. RUSSELL] sponsored an amendment to an appropriation bill which barred agencies created by Executive order from existing more than a year unless they got a legislative appropriation. Therefore, the Government Commission which had previously carried out the responsibilities of the Government under this policy went out of existence in 1946, and President Eisenhower subsequently, at a much later date, created this particular Committee under the chairmanship of the Vice President, in 1953, in order to discharge the same responsibilities.

But in view of the law which was then on the books, this could not be a commission having a staff and conducting activities deserving of the dignity of this kind of policy, but it had to be a kind of intragovernmental authority of a very informal character. That is the way it has been functioning. It has been explained time and again, that it has been operating as really an informal arm of the President's own office.

It is felt that the policy of this Committee is so dignified and important that there should be a governmental entity to deal with such matters, and so that that Government entity should have recognition and ability to cooperate with other agencies of the Government, the right to bring people in and require them to testify, a right which it does not have today, and which will be given by the amendment, and the right to seek an appropriation for its staff.

The only power which the amendment gives the Commission is the following, on lines 14 to 17, of page 2:

> The Commission shall make investigations, studies, and surveys, and shall conduct such hearings as may be necessary or appropriate in the discharge of its duties under this section.

That is the only real authority the amendment gives—the power to conduct hearings and to bring persons in to testify.

In line 23, page 2, the new Commission is given power to make recommendations to the President and to Government contracting agencies with respect to what they ought to do about this policy.

On page 3, line 7, is a provision which has been referred to in the discussion as some effort to affect employment everywhere. The provision reads:

> The Commission shall also encourage, by the development and distribution of pertinent information and by other appropriate means, the furtherance of educational programs by employer, labor, civil, educational, religious, and other nongovernmental groups in order to eliminate discrimination in employment.

There is a reason for that. It is not an effort to have a wide-scale foray on that issue throughout the country. I think those who oppose such an educational effort would find themselves on extremely delicate ground, because I certainly do not believe there is anything wrong or immoral in such activity; on the contrary, there is everything moral in an opportunity to provide employment for a citizen, regardless of color. Sixteen States, including my own State of New York, have FEPC laws, and they have been extremely successful.

But what is objected to in terms of a Federal FEPC is a roving commission to

deal either with a criminal statute or a civil injunction statute against employers throughout the country. What is objected to is not the principle involved, but the method of carrying that principle into effect and implementing it. But this provision has no such coloration.

Aside from that reason for this particular amendment is the fact that with the number of contracts which the Federal Government makes—3½ million prime contracts a year, resulting in the expenditure of $15 billion a year—the Government reaches practically every branch of American industry, in every section of the country. Hence, if it really wishes to implement the governmental policy which is contained in Government contracts, it needs to give the widest possible educational circulation to what is being attempted, and to explain why it is done. It cannot, therefore, be effectively limited in terms of simple Government contracts, because the Government would simply be continuing to do the same thing it is now doing. The Government would not be reaching in an educational way those who may not be contractors at the moment, but who may be bidders the next day, if they should undertake to become bidders on Government contracts. So, because the activities of the Government are so widespread and involve so much money, this particular provision should be in the amendment.

As to the merits, in the first place, the tremendous fears which have been expressed about a proposal of this type are negated by the experience of the FEPC agencies in the various States. For example, the State of New York has had an FEPC law since 1945—15 years. There have been somewhere between 2,000 and 3,000 complaints. Practically every one of them was settled prior to hearing. Less than 10 in all that large number went to public hearing, and only 5 actually went to court. So the fears that this proposal is some horrible monster which is going to involve the Government in enormous litigation are groundless.

Also, the question has been asked, "What about the unions?" The President's Committee on Government Practices itself has answered that question. In a release dated February 24, 1960, it called the attention of Government contractors to the fact that it expects unions to comply, as well. The release said:

> The President's Committee on Government Contracts today adopted unanimously the following resolution:
>
> "*Resolved*, That this Committee call on contracting agencies of the Federal Government to institute steps to direct all contractors holding Federal contracts for the construction, repair, and alteration of all Federal buildings and, particularly, in the District of Columbia, that they must comply immediately with the nondiscrimination clause presently a part of all contracts.
>
> "Further, that the contractors must find qualified Negro workers, if they exist in the area, and give such workers equal employment opportunity on any work covered by Federal contract.
>
> "The President's Committee will cooperate with the contractor and the contracting agency in seeking to find qualified Negro mechanics. In this effort it will have the full cooperation of the AFL–CIO."
>
> Attending the Committee meeting were:
>
> Vice President RICHARD M. NIXON, Chairman.
>
> Secretary of Labor James P. Mitchell, Vice Chairman.
>
> Mr Robert L. Chambers, president, Pacific Foundry Metallurgy Co., San Francisco.
>
> Mr. Irving Ferman, Executive Vice Chairman, President's Committee.
>
> Mr. George Meany, president, AFL–CIO.
>
> Mr. George B. McKibbin, consultant, General Services Administration, Chicago, Ill.
>
> Hon. George T. Moore, Assistant Secretary of Commerce.
>
> Mr. James F. Nabrit, Jr., secretary and dean of the School of Law, Howard University.
>
> Mrs. Helen Rogers Reid, New York City.
>
> Mr. Walter P. Reuther, vice president, AFL–CIO; president, UAW, AFL–CIO.
>
> Mr. John A. Roosevelt, partner, Bache & Co., New York City.
>
> Judge Lawrence Walsh, Deputy Attorney General.
>
> Alternate members of the Committee attending were:
>
> Mr. Victor Reuther, assistant to the president, UAW, AFL–CIO.
>
> Mr. Boris Shiskin, director, civil rights department, AFL–CIO.
>
> Mr. Myron Silbert, vice president, Federated Department Stores, Cincinatti.
>
> Mr. George L–P Weaver, assistant to the president, IUE, AFL–CIO.
>
> Also attending was:
>
> Hon. Franklin G. Floete, Administrator, General Services Administration.

In the embroglio concerning a particular union in Washington, which was in the construction industry, and which discriminated against Negroes, the greatest efforts have been expended, both by the Government, by the Committee, by George Meany, and by the whole leadership of the AFL–CIO, to have that situation straightened out.

Mr. President, this is not a problem, in the sense that measurable progress can be and will be made with respect to it. But there is the greatest good will on the part of the persons directly concerned to make that progress. Therefore, it is felt that this Committee is entitled to have that backing from Congress which will give it some standing, instead of having it hover somewhere in midair.

Mr. President, one word to my colleagues: President Eisenhower has been much abused on the ground that he does not speak up loudly enough on the question of civil rights and the redress of equality of opportunity. Well, President Eisenhower is not given to loud speaking. But he has done so much for this country that is sound and substantial and historic that no one need apologize for his record.

In this particular field, when a man is basically and heavily to be given the responsibility for eliminating in the District of Columbia a situation which continued for years, until 1953, when, because of the confluence of a good Supreme Court decision in the Thompson case and the appointment of vigorous and courageous Commissioners for the District of Columbia, segregation was actually eliminated in the National Capital, that man does not have to apologize because he does not speak loudly.

Mr. President, the President of the United States himself has constantly been behind this Government Contracts Committee. I personally heard him say to a huge crowd in New York City, in 1952, when I had the honor of introducing him, when he was first running for election to the Presidency, that the one thing he believes in, wherever the money or the credit of the Federal Government is involved, is that it is the duty of the Federal Government to see to it that discrimination in terms of employment opportunity is rooted out and does not exist.

Mr. President, this is but an elementary way in which to make good on that fundamental belief on the part of the President of the United States, which is being carried out by the work of this Committee and by this policy, which is contained in every prime contract and subcontract entered into by the U.S. Government.

Mr. President, one could argue at great length and in great detail about the number of cases and the kind of cases this Committee has handled. But I do not think that those of us who are in favor of the enactment of some kind of civil rights bill—whatever may be our differences of opinion—can seriously question the fact that when the Government of the United States is involved, in view of all the constitutional guarantees of equal opportunity, there is absolutely no excuse for discrimination in employment among Government contractors, regardless of where they may be located.

It is in that spirit that this Committee was established; and it is now headed by the Vice President. It is also in that spirit that this amendment—which calls for the establishment of a commission to perform the same job—is offered. This amendment calls for the elementary redemption of that pledge by the U.S. Government, which has completely within its own power the ability to redeem that pledge to its own citizens.

Mr. President, in conclusion, I repeat that this amendment does not constitute an FEPC bill—although, as I and others and 16 States, by their action, have pointed out, there is nothing wrong with such a bill; but this amendment affords a way for the Government of the United States to give assurance of what it requires of every contractor who has a Government contract.

It seems to me that is the minimum the U.S. Government can do in terms of redeeming this basic pledge to all our citizens.

Mr. DIRKSEN. Mr. President——

Mr. GRUENING. Mr. President, will the Senator from Illinois yield for a question?

Mr. DIRKSEN. I yield for a question.

Mr. GRUENING. Since this is an innocuous amendment, why does the Senator from Illinois feel that its adoption would constitute obstruction and would delay the passage of the civil rights bill?

Mr. DIRKSEN. I do not feel that way at all. The minority leader has included this amendment in the package that is on the desk and has been debated by the Senate.

But I know, from contacts and conversations on the floor of the Senate, on both sides of the aisle, that there are Senators who feel that this amendment is a predicate or something incipient on which it would be possible to build, in the future, at the national level, and create, an FEPC. Of course I am not insensible to the feelings of a great many Senators on this subject.

Consequently, knowing that fact, and having discussed it privately and otherwise with our own Members, I am afraid that we would be jeopardizing the ultimate consummation of this bill if we were to adopt this amendment. For that reason, I have stated the action which I shall propose that the Senate take today.

Mr. GRUENING. I thank the Senator from Illinois.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Illinois yield to me?

The PRESIDING OFFICER (Mr. CANNON in the chair). Does the Senator from Illinois yield to the Senator from Texas?

Mr. DIRKSEN. I yield.

Mr. JOHNSON of Texas. I wish to commend the Senator from Illinois for the action he has taken. I have known a great many able, fearless, and courageous leaders, in the almost 30 years that I have been around the Capitol; but I have never known a more courageous or more able or more dedicated leader than the present minority leader.

I share his views—completely and entirely—about the wisdom of adding far-reaching amendments to the bill which has been reported by the committee.

There are some Members of the Senate who want no bill at all in this field passed. They are sincere and earnest and devoted public servants, and it is their view that the best interests of the country would be served by not enacting any legislation in this field. They have withstood what they term the tortures of 200 or 300 hours of sessions, in order to try to modify the bill in almost every respect.

There are some Senators who favor a policy of all or nothing. But such a policy would achieve a result identical with that which would flow from the course favored by Senators who favor having no bill at all in this field enacted into law, because when one insists on all or nothing, he gets nothing.

After all, I would remind the Senate that for 82 years, no bill of any kind along this line was enacted; and it was not until 1957 that the Congress ever passed any legislation of any consequence in this field.

I believe the minority leader is following the only procedure open to us if we wish to have substantial legislation in this field enacted at this session.

I do not want to be placed in the position of making prophecies or predictions; but I still vividly recall the difficulty that those of us who wanted such legislation faced after we passed a bill in 1957. I remember that it was necessary for members of the Rules Committee of the other body to sign a petition to call a meeting in order to get a rule, in order to get the Senate-passed bill to conference.

I would remind each Senator who speaks for constituents who want legislation in this field enacted that in the Congress there cannot be any unicameral legislation; that any legislation we write in this field must have the approval of the House of Representatives, the Senate, and the President.

Mr. President, I think we attain legitimate objectives in the bill as it now stands. It does not make a province out of the South. It gives to every person the legitimate objective we have a right to seek. This bill is not a Republican bill; neither is it a Democratic bill—although it is being passed by a Congress in which my party has the majority. But when we pass this bill and when it is messaged to the other body, and goes on the desk of the Speaker of the House of Representatives, there will be only two ways in which the bill can get off the Speaker's desk and be voted upon. One way is by unanimous consent. However, I do not think unanimous consent would be given. The other way is to obtain a rule.

Mr. President, there was extended debate on this subject in the House of Representatives, and the Members of the House of Representatives expressed themselves on many and various proposals in respect to legislation in this field. I do not believe that any reasonable person can read that record and, from it, can conclude that the House of Representatives is prepared to go much further than it did go when it passed this bill. And if the House of Representatives is not prepared to go much further than it did go at that time, then, Mr. President, if a Senator wants to kill the bill, let him try to make it go further.

As I said, the same result, of having no bill at all, can be achieved by demanding too much.

We are making progress in this field—the Civil Rights Act of 1957, the Civil Rights Act of 1960, we hope, and then I am sure Congress is prepared to move forward. We are not a group that is just going to resist any change.

I say to you, Mr. President, I think we ought to proceed to vote upon this bill as it has been reported to us by the committee, without substantial changes, if we are to expect legislation this session.

The distinguished chairman of the House Judiciary Committee who introduced this bill, Mr. CELLER, I think got the best bill through the House he could get through. He was associated in that endeavor by the ranking member of the committee, Mr. MCCULLOCH. Both leaders in the House supported the bill. It came to this body. Amendments were offered in committee. Fifteen amendments were adopted, a good many being technical changes. Now we are faced with the proposition whether we should adopt any more.

I am not going to close my mind and say no amendment should be adopted, because I do not think that should be done until the third reading of the bill and we are ready to vote. But I do say we should stop, look, and listen, and we should proceed with caution; and I say, responsibly—and I measure my words—that if this bill is loaded down with amendments that the other body will not take, we shall have a bill at the Speaker's desk, but we shall not have a law on the statute books.

I hope that the majority of the Senate will vote for the motion of the able minority leader when he makes that motion, because I think this is one of the Congress' finest hours.

I stated, when this debate began, that it would not be pleasant for the majority leader and minority leader, and I assure Senators I spoke accurately. We have been considering this matter many weeks. The Attorney General says this legislation is reasonable legislation, and that it is acceptable. It is the best that the able chairman of the House Judiciary Committee could get. It was the best that could be reported out of our own Judiciary Committee. We have cast vote after vote and expressed the majority will of the Senate on almost every conceivable adventure into this field. We have been here 7 weeks. I think the Senator from Tennessee corrected me. Did the Senator from Tennessee say 8 weeks?

Mr. HOLLAND. I said 8 weeks.

Mr. JOHNSON of Texas. I am sorry. I am like Rip Van Winkle—I do not know where I was that eighth week. But we have voted on many, many questions, and I think the time has come now to call up these amendments, speak on them, vote on them, and finally send a bill to the President. I believe this bill will go to the President, and I believe it can go, and I believe it will be approved, and if it is, I believe it will be a forward step.

I thank the Senator.

Mr. DIRKSEN. Mr. President, I am grateful to the majority leader for his generous remarks, and I can amplify what he said about the Attorney General by reading this press release from the Department of Justice, which was dated March 24, 1960, after the House acted. I read the release:

> Attorney General William P. Rogers today issued the following statement concerning the action of the House of Representatives in passing civil rights legislation:
>
> "The bill which was passed by the House of Representatives today and sent to the Senate is substantial in scope, and, if enacted into law, will result in additional and meaningful progress in the field of civil rights.
>
> "It does not include two important recommendations made by the administration, and it may not fully coincide with the views of any particular group. However, it was fully considered by the House of Representatives and during the debate on the floor was well and ably supported by an overwhelming majority of its Members. The enactment of this bill would represent an historic step forward in the efforts of the United States to make constitutional guarantees fully effective for all citizens in all areas of our country."

Mr. CLARK. Mr. President, will the Senator yield?

Mr. DIRKSEN. Mr. President, without losing the floor, and preserving my rights, and not yielding for any motions of any kind, I yield to my distinguished friend from New York [Mr. KEATING].

Mr. KEATING. Mr. President, it impresses me that probably we have risen today to heights appropriate to the 1st day of April. [Laughter.]

First we enacted the Carroll substitute for the Kefauver amendment, which says exactly nothing which was not said in the bill which came over from the House. Now we are asked to debate, in the space of an hour or so, a very important amendment, an integral part of the bill, backed at this minute by the President, the Attorney General, and this administration. We are asked to vote on it at the end of about an hour, with the full expectation, of course, that the amendment will be defeated when the motion to table is made.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. KEATING. I would be glad to yield, but I have committed myself to take only 8 minutes. If I have any time left, I shall be very happy to yield to the Senator from Pennsylvania.

Mr. President, all this on this memorable 1st day of April. I want to say that the course taken by my distinguished colleague from New York [Mr. JAVITS] is indeed, in my opinion, exactly the right course. His refusal to submit his amendment under any such conditions as we are confronted with here today seems to me the course which anyone would be required to take who sincerely was advancing an amendment; and I commend him for it.

I want to say this in answer to the remarks of the distinguished majority leader, who is indeed an able leader. He has stressed the fact that this is not a unicameral legislature. That is exactly my point. We are not required in the Senate to swallow whole what is sent over to us from the other body, hard as its Members may have worked, distinguished as its Members may be.

A rule was granted to send this bill to the floor of the House of Representatives. If the votes could be obtained for such a rule, they can be obtained for a rule to send this bill to conference. I feel confident of that, and I feel confident that we can work our will on this bill, and that it is scare talk when it is said that we cannot get a rule in the other body after we have made substantial and worthwhile changes in this bill.

We in this body are a part of the bicameral national legislature, and we are not required to take dictation from the other body.

Mr. President, the adoption of this very conservative amendment will do nothing more than give the congressional seal of approval to the work and objectives of the President's Committee on Equal Opportunity Under Government Contracts.

It seems to me we must encourage the progress which this outstanding committee has made in eliminating discrimination in employment on projects financed by the Federal Government.

The policy of our Government to promote equal job opportunity deserves the support of all fairminded persons. Public morality demands that since all persons contribute to the public treasury without regard to race, religion, color, or national origin, that all persons are equally entitled to fair and equitable treatment on work paid for from public funds. Certainly within the area of employment carried on by the funds of the Federal Government, there can be no question that employment must be made without the blight of racial or religious bigotry.

Let me briefly touch upon the highlights of the proposed amendment.

Under its terms the President is to appoint a Commission of 15 members to carry out the national policy of equal job opportunity. The Commission would execute this program by making recommendations to the President and the Federal contracting agencies for improving and implementing the standard nondiscrimination provision which is contained in all Government procurement contracts. The Commission would encourage the furtherance of educational programs by nongovernmental groups.

That, by the way, is the only reference to nongovernmental groups. It could not, by the wildest stretch of the imagination, be termed properly, as it has been termed by some, an FEPC provision.

Furthermore, the Commission would cooperate with State and local governments as well as other groups to eliminate discrimination in employment, and it would be empowered to make investigations, studies, and surveys as well as to conduct hearings which would be necessary and appropriate in order for it to discharge its assigned duties.

The proposed commission would continue this administration's efforts to eliminate discrimination in employment. These efforts have been carried out, and very successfully thus far, in three areas: compliance, education, and liaison.

In its compliance efforts, acting as a recommendatory, consultative, and advisory group to the Federal contracting agencies it has made considerable progress in seeing that the Federal contracting agencies adopt appropriate procedures to aid the contracting agencies in securing fair employment in the many plants doing business for the Federal Government in every part of the country. It has also assisted the agencies in adopting effective procedures to enable the agencies to resolve complaints filed by aggrieved persons. It has instituted a compliance survey program whereby the employment practices of the major contractors of the Federal Government are reviewed each year without waiting for complaints to be filed with the President's Committee.

The Committee has carried on an extensive educational program with the top leaders of business and industry, labor unions, trade associations, educators, clergy, and other interested and important segments of the general public who are concerned that our country should not countenance or condone intolerance, bigotry, and discrimination.

The President's Committee also maintains effective liaison with the many private and public agencies charged with the responsibility and the duty of eliminating discrimination in employment.

As effective as the work of the President's Committee on Government Contracts has been, the time has come, it seems to me, Mr. President, to advance this program in a more meaningful way. This is the opportunity of the Congress of the United States. The enactment of the amendment would help to achieve the efficient utilization of all our manpower. We must not waste any American's skills because of the irrelevant factors of racial and religious bigotry.

Approval of the amendment will also enhance the unique standing which this country has had as a leader in advancing democratic ideals. Our Nation will be judged by its accomplishments and not by its excuses.

The work of the President's Committee has been meaningful and successful; but we have a right to expect that the concept of equal job opportunity be expressed by the National Legislature rather than by order of the Chief Executive. In our form of government national policies are, and should be, expressed by the Legislature.

When I say that, I mean both branches of the Legislature.

If this policy is worth adhering to, it should be appropriately stated by the Congress as an expression of public policy.

The Vice President of the United States, who is the Chairman of the President's Committee, and the Secretary of Labor, who is the Vice Chairman, have stated that if the amendment is enacted they will resign from the Committee. They will recommend to the President that the Chairman and the Vice Chairman should be public representatives rather than governmental representatives. These recommendations should eliminate the fears which we have heard expressed by those who think that such legislation is being proposed as a vehicle for the personal advancement of any governmental official.

I urge, Mr. President, that we vote down any efforts to table the amendment. This amendment is in keeping with the best traditions of our country. Our country has grown strong by waging a constant struggle against religious and racial bigotry. We will grow stronger by the passage of this amendment, because it is in consonance with the concepts of fair play and the elevation of human dignity for which our country has always stood and always should stand.

Mr. JAVITS and Mr. LAUSCHE addressed the Chair.

Mr. KEATING. I yield to my colleague.

Mr. JAVITS. Mr. President, I should like to congratulate my colleague for one of the most eloquent statements I have ever heard him make on any subject. He is obviously deeply moved, as I was, by the situation.

I am not angry with anybody. I do not think my colleague is. We both feel very keenly about the importance of this amendment and the deliberation with which it should be considered.

I am very grateful to my colleague for his eloquence and for his most gracious personal reference to me.

Mr. KEATING. Mr. President, I am very thankful to my colleague from New York. I do not speak in any anger. I speak from a deep conviction that we should have more than the debate which is contemplated on this amendment and from a conviction that this amendment should be agreed to. It will not disrupt anything. It would simply give statutory authority to the Commission.

If I am permitted, I now yield to my friend the Senator from Ohio.

Mr. LAUSCHE. Mr. President, it is my understanding that the amendment as offered will not protect persons seeking work under Federal contracts, who are barred from getting jobs because they cannot get membership in a union which discriminates on the basis of color. Since I understand that to be the fact, would the Senator from New York not feel that the amendment ought to be so worded that neither directly nor indirectly the colored people could be barred from working on Federal contracts?

I subscribe fully to what the Senator from New York [Mr. KEATING] has said; that all persons in this country, regardless of color or religion or otherwise, pay the taxes which are used for the letting of these contracts, and therefore there ought not to be discrimination. While there should not be direct discrimination by an employer refusing to hire colored people, the discrimination ought not to be achieved through a collective bargaining agreement with a union which refuses to permit membership of colored people.

My question is: Should the amendment not be amended so that on page 2, line 22, after the word "services" there would be inserted "including such discrimination arising by reason of agreements between contractors or subcontractors and labor organizations which discriminate in their membership because of race, creed, color, or national origin"?

Mr. KEATING. I will say to my friend from Ohio, in answer to his question, first, that I know from previous votes and from my contacts with him that the principle of what we are asking for here is one in which he firmly believes, has always believed, and stands for today. I have some doubt, in the light of the action which has been taken by the Committee, of the necessity for this additional amendment, but I wish to say to my friend from Ohio that I share completely his views. I would be happy to support such an amendment. I call his attention to the action taken by the Committee with reference to a recent incident in which the possibility of discrimination arose. The Committee adopted a resolution, as follows:

Resolved, That this Committee call on contracting agencies of the Federal Government to institute steps to direct all contractors holding Federal contracts for the construction, repair, and alteration of all Federal buildings and, particularly, in the District of Columbia, that they must comply immediately with the nondiscrimination clause presently a part of all contracts.

Further, that the contractors must find qualified Negro workers, if they exist in the area, and give such workers equal employment opportunity on any work covered by Federal contract.

The President's Committee will cooperate with the contractor and the contracting agency in seeking to find qualified Negro mechanics. In this effort it will have the full cooperation of the AFL–CIO.

That resolution was signed by the Vice President, as Chairman; by the Secretary of Labor; and, among others, by George Meany, president of the AFL–CIO.

Since we are not proposing to set up a statute to enforce nondiscrimination in employment, but only a commission with certain powers, probably the language of the amendment is broad enough to cover the point made by the distinguished Senator from Ohio. But if he thinks it should be broadened, personally I would have no objection whatever to such an amendment.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. KEATING. I yield to my colleague.

Mr. JAVITS. I should like to join my colleague from New York. He has read what the Government Contracts Committee has said. I thoroughly believe that neither unions nor employers should discriminate. The thrust of this amendment is at those who contract with the Government. A union does not contract with the Government. An employer does. Therefore the resolution adopted was directed at the employer, who was joining the union in those practices, or submitting to them.

If the Senator would feel better about this amendment with the addition of the words suggested, I, too, like my colleague from New York, thoroughly agree that it is the full intention of nondiscrimination to apply to unions as well as to employers.

Mr. KEATING. I thank my friend from New York; and I am grateful to the distinguished Senator from Illinois.

Mr. LAUSCHE. Mr. President, will the Senator yield to me in order that I may put a question to the Senator from Illinois?

Mr. KEATING. I will yield the floor. The Senator from Illinois [Mr. DIRKSEN] has the floor. I express my thanks to him for allowing me this time.

Mr. LAUSCHE. Would the Senator from Illinois accept an amendment to his amendment, adding additional language, so as to make the provision read:

The Commission shall make recommendations to the President and to Government contracting agencies with respect to the preparation, revision, execution, and enforcement of contract provisions relating to such nondiscrimination in employment.

I would change the period to a comma and add the following words:

Including such discrimination arising by reason of agreements between contractors or subcontractors and labor organizations which discriminate in their membership because of race, creed, color, or national origin.

Mr. DIRKSEN. Mr. President, I would not be interested at this point in accepting any modification of the pending amendment. There is a reason for the amendment. I think we should have a straight-out vote on the language before us, because it has been before us for 41 working days, in the substitute which I offered. It is now before us in the language of the amendment which was drafted by the distinguished Senator from New York [Mr. JAVITS]; but I should emphasize the fact that if the motion to table is successful—and I trust it will be—that is not the end of the Committee. The Committee will continue to function under the Executive order, as it always has done. It has been doing business for 7 years, and it will continue to do business. Of course, it will not do business on the basis of appropriations by the Congress. It will have no authority to conduct hearings. It can go ahead with its educational and exploratory work through the Government agencies which make the contracts. I think it would be far better for the distinguished Senator from Ohio to present at that time the subject matter which he has in mind.

Mr. LAUSCHE. Let me read to the Senator from Illinois from the sixth report, submitted to President Eisenhower by the Committee on Government Contracts. On page 6 I find the following language:

Lack of jurisdiction: Many cases are closed for lack of jurisdiction. The applicable Executive orders restrict the Committee's authority to employers holding Government contracts. Thus, approximately 36 percent of the complaints received have provided no occasion for investigation or the institution of remedial measures. A small proportion of the complaints are against labor unions which are comparable to companies without Government contracts, and therefore are not within the purview of the Executive orders under which the Committee operates.

I think we should reach clear through the problem. We ought not only to prohibit discrimination in direct employment, but also discrimination through the barrier which the union creates by not accepting colored people as members.

Mr. DIRKSEN. Of course, that is a matter which ought to be decided after a hearing by the appropriate committee, which would be the Committee on Labor and Public Welfare of the Senate, as well as the Labor Committee of the House.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. DIRKSEN. I shall be glad to yield provided I do not lose the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND. I am sure the Senator is familiar with the fact that the new House Office Building is being built by a firm headed by Mr. McCloskey, who is well known to all of us. I am sure the Senator also is familiar with the fact that trouble has arisen recently because one or more of the unions supplying men for that contract do not permit persons of color to become members.

My question is this: Would it not have been a simple and effective course for the President's Committee, functioning under Executive order, to place in the contract for the erection of that building a provision which would have made it improper and impossible for the contractor to enter into a labor contract with a union which did not permit persons of color to become members?

Mr. DIRKSEN. I think that would have been a happy solution indeed.

Mr. HOLLAND. Mr. President, will the Senator yield me 5 minutes to state why I am opposed to the proposed amendment, and in favor of his proposed motion to table?

Mr. DIRKSEN. I was about to yield to the distinguished Senator from Pennsylvania [Mr. CLARK].

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. DIRKSEN. I yield.

Mr. CLARK. I have strong views on this subject. I should like to state them at some reasonable length. I realize that my friend from Illinois, under the unanimous-consent agreement, which was entered into when I was unfortunately absent from the Chamber, is able to take me off the floor. I should like to speak for about 25 minutes, unless my friend takes me from the floor. Otherwise I would rather yield in favor of my friend from Florida.

Mr. DIRKSEN. My love and affection for my friend from Pennsylvania is as deep as the deepest sea; and I would be the last one under the canopy of heaven to take him from the floor. I now yield him 25 minutes.

Mr. CLARK. Does the Senator from Florida wish to precede me?

Mr. HOLLAND. I shall be glad to wait, but I hope the Senator from Illinois will yield me 5 minutes.

Mr. DIRKSEN. Mr. President, I yield 25 minutes to the distinguished Senator from Pennsylvania, with the understanding that my rights are preserved, and only for a statement—not for a motion.

Mr. CLARK. Let me say to my friend from Illinois that I shall attempt to complete my statement in 25 or 30 minutes. I think I can, unless some Senators want me to yield to them. If I cannot complete my statement within that time, I shall ask my friend from Illinois to give me an additional 5 or 10 minutes.

Mr. DIRKSEN. I shall be delighted to do so.

Mr. CLARK. In my judgment, the procedure which is being followed this afternoon, with the approval of the minority leader and the majority leader, is an unfortunate procedure. I hope it will not be repeated. In my judgment, it is close to being an oppressive procedure. There are ways in this body, other than by having a Senator take the floor and announce his intention of moving to table an amendment after 1 hour, by which we can get orderly debate on an important matter before the Senate and still come to a conclusion within a reasonable time. Among those ways which have been utilized many times since I have been in the Senate is to have a unanimous-consent agreement to vote at a time certain. Another way is to agree on 3 or 4 hours of debate. There are many ways of skinning this particular cat. Unfortunately, I was called out of the Chamber to answer an inquiry from a member of the press. While I was out of the Chamber, my friend from Illinois made his unanimous-consent request. Had I been here I would have objected. The Senator from Illinois would then have been in the disagreeable position of either having to move to table, even though certain Members of the Senate wanted to speak on the amendment, or permitting Senators to speak for a reasonable length of time without attempting to hold the floor in a most unusual way. I regret that this procedure has been followed. I hope it will never be followed again.

Let me say that I find myself reluctantly compelled to disagree with the statements recently made by both the majority leader and the minority leader. They think there has been enough time in which to debate this provision in the bill. Perhaps there has. I think that it has not been debated sufficiently. They think that they have the votes to table the amendment. No doubt they do. Having that power, they are within their right to move to table it any time. Being within their rights does not necessarily mean that such action is the part of wisdom. I am frankly of the view that every Senator should have an opportunity to speak for a reasonable time on the amendment, and that then we should be permitted to vote on it.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. JOHNSON of Texas. Did not the minority leader and the majority leader assure all Senators that they would be given exactly that opportunity to speak at reasonable length if they desired to speak?

Mr. CLARK. If the Senator from Texas desires me to give a responsive answer to that question, I will give it to him. I told the minority leader that I would like to speak. The minority leader asked, "How long do you want?" I said, "20 minutes to a half hour." He said, "Cut it down to 10 minutes." He gave the junior Senator from New York only 8 minutes.

Mr. DIRKSEN. That is all he asked for.

Mr. CLARK. May I be permitted to complete my statement, or does the Senator wish to interrupt me?

Mr. DIRKSEN. Mr. President, before the Senator makes such a statement he should ask the junior Senator from New York what the facts are. He came to me and asked for 8 minutes. He got 8 minutes. If he had wanted more time, I would have given it to him.

Mr. CLARK. The Senator from Illinois is completely incorrect. While he was out of the room the junior Senator from New York——

Mr. DIRKSEN. I ask that the words be taken down. I make a point of order. I ask that the words be taken down.

Mr. DOUGLAS. Mr. President, I ask for the regular order.

Mr. DIRKSEN. Mr. President, I ask that the Senator from Pennsylvania take his seat, under the rule.

The PRESIDING OFFICER (Mr. CANNON in the chair). Under the rule, the Senator from Pennsylvania must take his seat.

Mr. DOUGLAS. I move that we proceed in the regular order and that the Senator from Pennsylvania may be permitted to proceed.

The PRESIDING OFFICER. The question is on agreeing to the motion of the senior Senator from Illinois.

The motion was agreed to.

Mr. DIRKSEN. We will not close this RECORD until we find out from the junior Senator from New York what time he asked for and what time he got. I will not have the Senator from Pennsylvania impugn my motives or my conduct on the Senate floor. Otherwise, I will have to assert my privilege right now and shut him off. I would not like to do that, but I would have no hesitation in doing it, if that is the way it is going to be. I would prefer not to do it that way.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield to me?

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Pennsylvania has the floor.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield to me?

Mr. DIRKSEN. The junior Senator from New York is on the floor. Let the junior Senator from New York speak for himself.

Mr. CLARK. I yield to the Senator from Texas.

Mr. JOHNSON of Texas. As I understood the Senator, he said he was going to be fully responsive. He has been. He said he asked for 20 or 30 minutes. The minority leader assured the Senate that each Senator would be given a reasonable time in which to speak. He said he hoped he could give them whatever time they wanted. If the Senator from Pennsylvania said he wanted 20 or 30 minutes, and he was given 25 minutes, then why does he believe his request was not granted?

Mr. CLARK. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK. Mr. President, do I have the right to reply to the Senator from Texas without being interrupted?

The PRESIDING OFFICER. The Senator may reply to the Senator from Texas. He does not have to yield to any other Senator.

Mr. CLARK. I intend to make a short, calm statement. I beg my friend, the Senator from Texas, and my friend, the Senator from Illinois, not to interrupt me again until I have concluded it.

Mr. KEATING. Mr. President, would the Senator yield?

Mr. CLARK. Mr. President, I yield the floor.

Mr. DIRKSEN. I yield 2 minutes to the junior Senator from New York, with the understanding that I do not lose the floor.

Mr. KEATING. Mr. President, I hope that my friend from Pennsylvania will again ask for time. I was off the floor for the moment, and someone came to

me and said, "You should get on the floor." I have not even heard the colloquy that has been had on the floor.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. CLARK. Will the Senator permit me to complete a brief statement? If he will do so, it will enlighten him.

Mr. KEATING. All I want to do is get the record straight.

Mr. CLARK. I ask the Senator from Illinois to yield to me.

Mr. DIRKSEN. First I yield to the Senator from New York to tell what time he asked for, and then I will yield to the Senator from Pennsylvania.

Mr. KEATING. I asked for 8 minutes. The Senator from Illinois gave me 8 minutes. I do not know how long I took. Perhaps I ran over a bit. If so, I am sorry. That is the fact. Whether that fits in with what has been said before, I do not know. [Laughter.]

Mr. HOLLAND. Mr. President——

Mr. DIRKSEN. I ask the junior Senator from New York whether he wished any more time than 8 minutes.

Mr. KEATING. I did not ask for more time than 8 minutes. I suspect I ran over a little bit.

Mr. DIRKSEN. I yield 25 minutes to the d stinguished Senator from Pennsylvania, with the understanding that I do not lose the floor, and not for any motions.

Mr. CLARK. I thank my friend for his gracious generosity. What actually happened was that the junior Senator from New York was speaking when I came into the Chamber. I asked him to yield to me for a question. He said he regretted he could not do so and—I think I correctly restate his statement, but the RECORD will show—he said, "I have only 8 minutes. I have no time to yield to the Senator from Pennsylvania, unless at the end of my talk I have a little time, in which case I will be glad to do so. I am unable to yield to him at this time."

Mr. KEATING. Mr. President, will the Senator yield to me briefly?

Mr. CLARK. Of course.

Mr. KEATING. I think that is substantially what I did say. I did not mean to imply, however, that the Senator from Illinois would not have given me 10 or 12 minutes if I had asked for that time. That is all I care to say.

Mr. CLARK. I thank my friend for his statement. Now I return to answer more fully the question asked me by the distinguished Senator from Texas. I hope that I may be permitted to make my statement without interruption. I asked the Senator from Illinois to recognize me. He asked me how long I wanted. I said I wanted somewhere between 20 and 30 minutes. He said, "Cut it down to 10." I said, "It is going to take me 20 or 30 minutes to say what I want to say. Of course if you want to take me off my feet, that is your right, but you will have to do so." Then I slapped him on the back and said, "I love you."

I went back to my seat and have now been recognized for 25 minutes. If I cannot finish by the end of that time, I will ask for a further extension of time.

In answer to the whispered inquiry of the senior Senator from Arkansas, as to whether I still love the Senator from Illinois, Yes, I still love him.

Perhaps the only relevant, significant thing about this discussion is that it is April Fools' Day. I suspect that that tends to make all of us, including possibly the senior Senator from Pennsylvania, and certainly certain others—and I hope that in making this comment I will not again be required to take my seat—a little more foolish than we might otherwise be.

Having disposed of that matter as best I can, I should like to comment on the statement made by the majority leader a little while ago, urging the Senate not to further amend the House bill. We all know that the House bill has already been drastically amended by inserting the so-called Lausche amendment, which became a committee amendment, and has thus drastically changed section 1 of the bill. I believe the Senate has made 13 other changes in the House bill. Why should it be assumed that if we make a 14th change, the bill will be any more pickled in the House Committee on Rules than if we had made only 13 changes? I am sure I do not know. The majority leader is wise in these matters. I defer to his judgment in many matters. However, my own view is that if we were to adopt the pending amendment, it would not affect one iota whether the House bill, as amended by the Senate, would be pickled in conference by the Rules Committee.

The majority leader also said that this is not a Republican bill and is not a Democratic bill. With all due respect and great deference to my majority leader—and I love him, too; in fact, I think I love him even more than I love the minority leader—I say that this is a weak Republican bill, watered down by southern and southwestern Democratic votes. It is weakened to such an extent at present that I have grave doubts as to whether I can support it on final passage.

Mr. GORE. Mr. President, will the Senator yield?

Mr. CLARK. I am very happy to yield to the Senator from Tennessee.

Mr. GORE. Why does the able Senator discriminate against the border States?

Mr. CLARK. That is a good question. I have always thought that Richard Rovere, who wrote an excellent article in the New Yorker magazine about this debate on civil rights, was probably correct when he said that Tennessee had joined the North on at least a few matters. I think so, too.

Mr. President, we hear much about responsibility. I believe in responsibility. I do not know of any Member of the Senate who does not. I think we may all have our differing views on what is responsible and what is not. My own view of responsibility is that it is the responsibility of the Senate to pass the best civil rights bill which the majority of its Members think they can pass.

Then I believe it is the responsibility of the House of Representatives to deal freely and fairly with the bill as passed by the Senate, and to send it to conference if they disagree with it.

Then I think it is the responsibility of the conferees to try to work out a reasonable compromise, one which they believe both sides will agree to.

Then, if it is still a responsible bill, I think it is the job of the two Houses to agree to the conference report, and the responsibility of the President to sign the bill. That is my view of responsibility.

I believe it is irresponsible to say that the Senate cannot pass the best bill the majority of its Members want, simply because a relatively small minority does not wish the Senate to do so. With all due deference to the other body, and being keenly aware of the rule of our body which forbids us to criticize the other body, I suggest that the other body has the same responsibility and should not be inhibited by the present membership of its Committee on Rules.

So I say that our greatest responsibility is to pass the best bill which meets the needs of our disfranchised citizens—our discriminated-against citizens—our second-class citizens—and to do it reasonably promptly, but after free and full debate.

So I am not concerned about my own sense of responsibility. I shall leave to other Senators their sense of responsibility, confident that they will make a decision in accordance with their own best judgment.

A point is reached when a bill becomes a sham; when a bill is meaningless and should not be passed because it is pretty close to being a fraud on the country. I say that right now we are on the very borderline. There is a real question in my mind whether the bill as it stands today in the Senate is anything more than a sham which will fool some people into believing that we have done something for the disfranchised citizens who have been discriminated against for years, but which in fact is not going to do them any good at all.

I believe that some of my good friends from the South—and they are my good friends—would admit in private what I can understand they would not want to admit in public, namely, that the bill as it passed the House will help few, if any, Negroes in the South to achieve any more civil rights than they now have. So when we talk in terms of responsibility, we must also talk in terms of whether what we are doing is a sham or is something real and meaningful.

Mr. DOUGLAS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator from Pennsylvania will suspend his remarks until the Senate is in order.

The Senator may proceed.

Mr. CLARK. Mr. President, we have heard something said about Senators who want all or nothing; who will drag down to defeat any meaningful civil rights bill, because if they cannot have the whole, they do not want any part of it—a half, a quarter, a tenth, or a twentieth. Of course, our decision will have to be whether we will take a twentieth, or whether it is not good enough. I do not know of any Member of this body who wants all or nothing. I certainly do not. The distinguished senior Senator from Illinois [Mr. DOUGLAS] does not. We are reasonable men. We believe in compromise. We believe in the art of the possible. But, Mr. President, we know when we are being sold a bill of goods. We know when what we are getting is nothing more than a sham. It is no desire for all or nothing which makes some of us want to improve the bill, so that we can in good conscience vote for it. So I hope we will not have a great deal more talk about Senators acting in an irresponsible manner; about Senators who want all or nothing; about Senators who want nothing at all. I think this ought to be a body which is a little more mature than that kind of argument would tend to indicate it is.

The trouble, of course, is the rules. The trouble is the rules of the Senate. The trouble is the rules of the House. I shall not delay the Senate further this afternoon by speaking on that subject, other than to say that if the rules of this body and if the rules of the other body are not modernized within the foreseeable future, Congress will have failed in its obligation to play its part in the defense of Western civilization and in the further progress of the United States of America. I say this in all good conscience, because the times are different from what they were in 1840, when the filibuster came into use. The times are different from what they were when the House Committee on Rules was first established. This is a time which calls for action, and action by a convinced majority. I shall say no more on this subject, but I shall take a moment to yield—and I am happy to do so—to the distinguished senior Senator from Illinois.

Mr. DOUGLAS. Mr. President, I should like to ask the Senator from Pennsylvania if it is not true that this amendment, providing for a committee against discrimination on Government contracts, was not asked for by the Eisenhower administration.

Mr. CLARK. It was.

Mr. DOUGLAS. Was it not included in the so-called Dirksen bill, which was before the Senate for many weeks?

Mr. CLARK. It was.

Mr. DOUGLAS. While I have not been on the floor for some time, do I understand correctly that the minority leader, the junior Senator from Illinois, is proposing that that amendment be tabled and disposed of?

Mr. CLARK. As I understand the parliamentary situation, the amendment which is pending was proposed initially by the Senator from New York [Mr. JAVITS]. He did not care to call it up. The minority leader said he would call it up—and the minority leader is here, and no doubt will correct me if I misquote him. He then said he would request unanimous consent that he might hold the floor and might yield for brief periods of time to other Senators who might wish to speak; and that at the end of that time he would move that the amendment—which he, himself, called up—be laid on the table. He defended his position. I do not criticize him. If he thinks that is the right way to proceed, that is for him to say. So I do not criticize him; but I think it is a little odd.

Mr. DOUGLAS. Does that situation remind the Senator from Pennsylvania of the rhyme:

The King of France with 20,000 men
Went up the hill, and then came down again.

Mr. CLARK. I think that analogy is a very good one, indeed. In this case, a more modern version is that the Senator is pulling the rug out from under his own amendment.

Mr. President, now that I have mentioned the fact that we legislate in the shadow of the rules of both bodies, let me turn to the argument the minority leader made—to the effect that this amendment was defeated in the House of Representatives and therefore should not be adopted here.

In all candor, I believe it should be stated that what actually happened was that in the House a motion was made to include this section in the bill then before the House. The section was not in that original bill. The acting Speaker of the House ruled that the motion was not germane; and that ruling was sustained, following an appeal from the ruling of the Chair. My understanding is that in such a parliamentary situation it is very unusual, indeed, for the Members of the other body not to sustain the ruling of the Chair. It may be that the ruling of the Chair was correct; it was made by a very fine Member of the House of Representatives—Representative WALTER, of Pennsylvania. But I do not understand that the House has had a chance to vote on merits of the amendment. I believe the House should have a chance to vote on it; and I believe that if the amendment were voted on in daylight, outside the shadow of the Rules Committee, the amendment would be agreed to by the House.

Mr. DIRKSEN. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I yield.

Mr. DIRKSEN. In my introductory remarks—I do not know whether the Senator from Pennsylvania heard them—I made it abundantly clear that in the House of Representatives this amendment was not discussed on its merits. I pointed out that a point of order was made, and was sustained by the Chair, on the ground that the amendment was not germane. Then came the appeal from the ruling of the Chair. In voting on the appeal from the ruling of the Chair, the House voted in Committee of the Whole; and, by a vote of 157 to 67, the House sustained the ruling of the Chair.

If the House of Representatives had wished to consider the amendment, all it would have had to do would have been to vote not to sustain the ruling of the Chair—in other words, to sustain the appeal; and then the amendment would have been before the House. But by a majority of 90 votes, the House preferred not to do so. I made it abundantly clear that the amendment was handled in the House wholly on a procedural basis.

Mr. CLARK. The Senator from Illinois is correct; and I am making it abundantly clear, all over again, because I think the point needs reiteration. I am sorry if my friend disagrees.

Now let me turn briefly to this innocuous little amendment. I suppose it is foolish to get concerned about it; perhaps it would be better just to let it "go down the drain," for the amendment would not accomplish anything of any great importance.

A meaningful amendment in this field would be a fair employment practices law with teeth in it and with enforcement powers, covering the whole field of discrimination in employment, just not the narrow field of discrimination in employment in connection with Government contracts. A meaningful amendment in this field would provide subpena powers, strong enforcement powers—heavy penalties if equal employment opportunities were denied. But no such powers or penalties are now called for by the amendment.

Therefore, one might wonder why there is all the shouting about the amendment. Well, Mr. President, all the shouting is because this little amendment would help to some extent; it would be a little step forward. It would strengthen this weak bill by as much as 2 percent or 3 percent.

Therefore, it has seemed to me that we should be given a reasonable opportunity to debate the amendment. I am happy to say that the Senator from Illinois has now given that opportunity to us—after some controversy about it; and now we know what we shall vote on.

This amendment would give legislative status to a Presidential Commission on Discrimination in Employment Under Government Contracts. All of us know there is a great deal of discrimination. The record of the Commission on Civil Rights is full of testimony or data on it, and it is referred to in the newspapers almost every day. The Vice President has pointed out, in no uncertain terms, that this evil exists; and he has strongly urged the adoption of this amendment.

So I believe this amendment should be included in the bill. Frankly, I would not be frightened about the situation in the House; and in taking that position, I consider myself just as responsible as any other Senator. Neither do I think I am one who wants all or nothing, when I say that I believe this is a wise provision to include in the bill.

Mr. President, I have a particular interest in this pallid little amendment, because I served on the Special Senate Committee on Unemployment Problems, which made a deep study of discrimination in employment, and earlier this week submitted a report which contained some conclusions and some recommendations. At this time I should like to read the recommendations—which are not long—which deal with elimination of discrimination in employment. I read now the committee's recommendation No. 7:

7. ELIMINATION OF DISCRIMINATION IN EMPLOYMENT

The committee recommends that all levels of government, as well as unions and employers, extend their efforts to end discriminatory practices in hiring workers.

(a) The Bureau of Employment Security should expand its programs to reduce discrimination in employment against young people, older workers, nonwhites, women, the handicapped, and other groups.

(b) Increased opportunities for participation in vocational training and the apprenticeship training program promoted by the Bureau of Apprenticeship and Training should be assured.

(c)—

Mr. President, mark this well—

An agency of the Federal Government should be established by legislation to combat discrimination and promote fair employment practices. Legislation such as that recommended by the Subcommittee on the Aged and the Aging should be enacted to require contractors and subcontractors of the Government to eliminate employment discrimination based on age.

There were nine Senators on the committee. There were some dissents on relatively unimportant matters; but all nine Members—six Democratic Senators and three Republican Senators—were in substantial accord that discrimination in employment is widespread, and includes minority groups—which, of course, includes Negroes—and that Federal legislation should be enacted, to combat such discrimination and to permit of fair employment practices.

So, Mr. President, today—3 days after that report was filed with the Senate—the Senate has a chance to implement the recommendations set forth in that report; and in a few minutes the Senate will vote whether to lay on the table that recommendation of the Special Committee on Unemployment—a recommendation which I am frank to say this pallid little amendment does little to help, but will help to some extent.

So I urge my friends on the other side of the aisle to vote against the motion to lay the amendment on the table, because this amendment is one which the Vice President of the United States, who will shortly be the Republican candidate for President, favors; and I hope they will vote to support him, because—although I frequently disagree with him—in this case I believe he is correct.

And I say to my friends on this side of the aisle: Let us not permit partisan politics to stand in the way of eliminating as much as one case of discrimination in employment. Let us not attempt to justify our vote on this question on the ground that we do not happen to like the Vice President of the United States or on the ground that we wish to oppose him in his campaign to be elected President of the United States. Mr. President, this business should rise above partisan politics; and I urge my colleagues on this side of the aisle to oppose the motion to lay the amendment on the table, because they put the country ahead of what some persons—not I—might believe were partisan interests of the Democratic Party. I thank my distinguished, amiable, and kind friend from Illinois for yielding to me. I assure him my affection for him remains unabated.

Mr. President, before I yield the floor, I think the Senator from Ohio [Mr. LAUSCHE] wants to ask me a question. Will the Senator from Illinois yield for that purpose?

Mr. DIRKSEN. Yes.

Mr. LAUSCHE. What would the Senator's attitude be toward the proposed amendment I suggested?

Mr. CLARK. I regret to state that, because of the hurly-burly in the Senate—there were conversations going on on all sides—I did not hear the amendment of my friend from Ohio. I will consider it with an open mind.

Mr. LAUSCHE. Language would be offered to the amendment of the Senator from Illinois placing in this Commission the responsibility of inserting into Government contracts provisions which would eliminate discrimination, on the basis of color, in direct employment by contractors of Government business, and indirect discrimination when the contractor had a collective-bargaining agreement with a union which refused to admit colored people as members.

Mr. CLARK. I would support such an amendment.

Mr. JOHNSON of Texas. Mr. President, I ask the distinguished minority leader to yield me 1 minute.

Mr. DIRKSEN. Mr. President, I yield 1 minute to the distinguished majority leader.

Mr. JOHNSON of Texas. I regret very much that the Senator from Pennsylvania evidently took offense at something I had said, because in speaking about irresponsibility, I did not have the Senator from Pennsylvania in mind. The Senator from Pennsylvania, and every other Senator, has a right to his view and to express that view; and, of course, that right is unchallenged at all times. I was merely expressing my view as to what constituted reasonable progress.

I know there are some persons who believe that reasonable progress is the progress of a hare; there are others who believe that reasonable progress is the progress of a turtle. It is a difference of opinion that this forum permits to be expressed every day, and I would be the last one to ever attempt prematurely to close debate.

I thought the very able Senator from Tennessee covered that question very well when he asked the minority leader if he had any intention of making his motion to table without offering adequate opportunity to every Member of the Senate to address himself to the Senate. The minority leader gave to the Senator from Tennessee assurance that he would extend that opportunity. I thought when the Senator from Pennsylvania asked for 20 to 30 minutes, and received 25 minutes, it constituted reasonable compliance with his request.

So far as the rules are concerned, if a majority of the Senate agrees with the Senator from Pennsylvania and wants to place in this bill a provision regarding a Commisison which is already in existence, which is already spending public funds, which is already doing what it is supposed to do, the majority of the Senate can reject the motion to table. I leave it up to the good judgment of the Senate, and I think the good judgment of the press, whether or not, in their opinion, a well-informed person thinks an amendment like this will either, first, strengthen the bill, or, second, increase the possibility of its becoming law.

Every Member of the Senate knows that this bill is not law yet. We shall be legislating on this subject for a good while yet. I do not think the adoption of this amendment to the bill will increase the possibility of its becoming law. On the other hand, I think every Senator who knows the facts of life and every newspaperman who knows the facts of life knows adoption of the amendment could very well jeopardize the passage of any legislation.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DIRKSEN. Mr. President, preserving my rights to the floor, and subject to having only statements made, and no motion, I yield to the distinguished Senator from Florida 5 minutes.

Mr. HOLLAND. I thank the Senator.

Mr. President, I shall speak briefly in opposition to the amendment and in support of the proposed motion to lay it on the table, simply because I do not want this RECORD to indicate that the only opposition to this amendment comes from those who are trying to determine whether it will be helpful or hurtful to the passage of the present bill.

Mr. President, I am unalterably opposed to the philosophy in either a limited FEPC bill or a general FEPC bill, because I regard that philosophy as being socialistic in the extreme and because I regard the selection of one's employers or employees, or one's associates in the case of labor unions, as a very precious constitutional right under our form of government. I have never been willing to support anything that would disturb or seek to set aside that right.

Mr. President, I ask unanimous consent at this time that subparagraphs (4) and (5) of subsection (c) of the amendment, appearing on page 3, may be printed in the RECORD at this point as a part of my remarks.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

(4) The Commission shall also encourage, by the development and distribution of pertinent information and by other appropriate means, the furtherance of educational programs by employer, labor, civic, educational, religious, and other nongovernmental groups in order to eliminate discrimination in employment.

(5) The Commission is authorized to establish and maintain cooperative relationships with agencies of State and local governments, as well as with nongovernmental bodies, to assist in achieving the purposes of this section.

Mr. HOLLAND. Mr. President, those provisions show beyond question that, in addition to creating a limited FEPC, this proposal lays down a program which might easily develop, and which I think is designed to develop, into a general FEPC; and show, likewise, that this limited Commission is authorized, in the 16 States that have FEPC Commissions, to enter into cooperative relationships with those agencies of State and local government, and so forth.

It so happens that the Senate has debated FEPC before, and it has shown its unalterable opposition to FEPC. It happens that FEPC has been offered in numerous States which have shown unalterable opposition to it. It has been adopted in 16 fine States, and they had a right to adopt it; but more States have declined to have anything to do with it, and 34 States have either declined to adopt it or have not even considered it because they regard it as alien to our form of government.

So while the only thing that would commend this proposal to the Senator from Florida is the idea advanced by some Senators that its adoption would promote the defeat of the pending legislation, the Senator from Florida is so unalterably opposed to the philosophy of either a general or limited FEPC—and both are involved in this amendment, one directly and the other indirectly—that he wants the record to show, not only for himself, but, he thinks, for many other like-minded Members of the Senate, that there is determined, unalterable opposition here to the enactment of legislation which denies in America the right of selection of one's own associates and the selection of one's own employers and employees. That is a precious, inalienable constitutional right, which the Senator from Florida will defend, and has defended before, and wants to defend now, and which he thinks weighs much more than any question of expediency with reference to this bill, and argues much more strongly against the writing of this particular amendment into this proposed law.

Mr. President, I thank the minority leader, and I yield the floor.

Mr. ERVIN. Mr. President, will the minority leader yield to me for 1 minute?

Mr. DIRKSEN. Mr. President, I yield to my distinguished friend and esteemed jurist from North Carolina [Mr. ERVIN] for 1 minute.

Mr. ERVIN. Mr. President, I rise merely for the purpose of saying that I, as one Senator, do not think, as the Senator from Pennsylvania suggested, that this is a mild bill. I think it is one of the most drastic pieces of legislation which ever came before Congress. It is a measure which seeks to alter the scheme of the Federal-State relationships which have prevailed since the drawing up of the American Constitution. It is unwise. It is too drastic, and it ought to be defeated. I do not think it is any milk toast legislation. I think it is an invasion by the Federal Government in a field which the Founding Fathers intended and good sense contemplates should be reserved to the States.

I thank the Senator for yielding.

Mr. DIRKSEN. Mr. President, I yield 4 minutes to my distinguished friend and compatriot from California [Mr. KUCHEL].

Mr. KUCHEL. Mr. President, it is the policy of the U.S. Government to promote equal employment opportunity for all qualified persons employed or seeking employment on Government contracts because such persons are entitled to fair and equitable treatment in all aspects of employment on work paid for from public funds.

Those words, Mr. President, are embodied in the Executive order under which the President's Committee on Government Contracts now operates. That was the policy originally enunciated in 1941 under a Democratic administration, on the eve of World War II and it has been the policy of the Chief Executive ever since. It was carried forward under a Republican administration, and will, I have no doubt, continue to be the policy of the executive branch in the future.

What is wrong with that policy? How can one object to it, honorably and reasonably?

Mr. President, I think it can be fairly said that this policy is acceptable to most of the American people. Pending at the desk is an amendment which would give congressional approval to that policy.

What an invincibly courageous thing it would be, Mr. President, in these opening months of this new decade, for the legislative branch of the great Government of the United States to approve what the executive branch for almost two decades has been consistently following. I hope, Mr. President, that the amendment will be written into the law. I hope, Mr. President, that the Congress will see fit to recognize that when Government moneys are spent in procurement or elsewhere, American citizens, no matter from what part of the country they come and no matter from what part of the world their predecessors came, will be treated equally with respect to the expenditure of the public moneys from the Treasury of the United States when jobs are available, under laws which the Congress has made available in expenditures from the Public Treasury. Mr. President, this is a fair thing that the Government of our country is doing. I say to my brethren in the Senate, regardless of whether the motion to table is agreed to or not, I have not the slightest doubt that the executive branch of the Government in the next administration, if it is Republican or if it is Democratic, will continue this policy of fair treatment to all citizens founded almost 20 years ago.

Mr. President, I oppose the motion to table the amendment, an amendment which would simply give legislative approval to a policy—which, if I may be permitted to say so, springs from the ringing phrases of the Declaration of Independence, when first men sought their freedom here in this land of ours.

Mr. DIRKSEN. Mr. President, are there any more requests for time on either side?

Mr. President, I will take only a few minutes to conclude the debate.

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. DIRKSEN. I yield.

Mr. CLARK. Does the Senator intend to ask for the yeas and nays on his motion?

Mr. DIRKSEN. Yes.

Mr. CLARK. I thank the Senator.

Mr. DIRKSEN. Mr. President, let me make it abundantly clear that if the motion to table prevails this so-called President's Committee on Government Contracts, or Commission on Equal Job Opportunity, will go on just the same. There will be no impairment of its functions. It will continue to get its contributions. There will be no modification in its personnel. All the Committee lacks is statutory authority. All it lacks is money out of the Treasury instead of by contributions from the agencies. There will be the same amount of dollars, and there will be no change in the personnel of the group. The work will go on notwithstanding.

However, there is an apprehension at the present time, and it is not a new apprehension, I want to say to my distinguished friend from Pennsylvania. This is not new. I lived through this thing in the Roosevelt administration, when such a commission was created by Executive order. At that time there was an effort to get statutory authority. I even came from the House of Representatives to the Senate of the United States at that time to help the cause if I could.

A comparable commission was created by Executive order under President Truman.

This Committee, under the Eisenhower administration, has been functioning for a period of 7 years.

I wish to say for myself that before this provision went into the package which is referred to as the administration package I protested. I asked the President—and I am in a position to say so—not to include it, because I knew what was going to happen. So it has happened.

I do not want to jeopardize passage of a civil rights bill. This committee has done good work under our distinguished Vice President. Sometimes it becomes one's duty to administer a "stab" when one does not like to do so.

Somebody handed me a little excerpt from the Ballad of Reading Gaol, written by Oscar Wilde, which I think is most appropriate. It reads:

Yet each man kills the thing he loves.
By each let this be heard:
Some do it with a bitter look,
Some with a flattering word;
The coward does it with a kiss,
The brave man with a sword.

Perhaps this is killing it with a sword, after I brought it here in the first place, but my love is greater for the consummation of a civil rights bill.

I am therefore now prepared to make the motion. I want to say to my distinguished friend from Pennsylvania, and I do love him—I really do—when the Senator from Tennessee [Mr. GORE] asked me whether I intended to yield, I said I certainly would, that I would parcel out time. There was a unanimous-consent request that I could do so.

At the very outset I notified the Senate I would make the motion to table. According to my record, we have spent some 64 minutes in the debate. I think that is about enough. I was not required to do this. I could have made a summary motion, cut off the debate, and stopped all debate on this matter.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield to the Senator from Texas.

Mr. JOHNSON of Texas. I think the Senator has been most generous. Every Senator who has desired time to speak has had the opportunity.

However, there is one Senator who desires to catch a train. I wonder if the Senator would be willing to make his motion and to ask for the yeas and nays on it now, so that we can try to make it possible for the Senator to catch the train.

Mr. DIRKSEN. Mr. President, I move that the pending amendment be laid on the table, and on this motion I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. JOHNSON of Texas. Mr. President I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion of the Senator from Illinois to lay on the table the so-called Javits amendment. On this question the yeas and nays have been ordered.

Mr. DOUGLAS. Mr. President, is this the rollcall for the vote?

The PRESIDING OFFICER. The roll will be called for the vote.

Mr. DOUGLAS. Mr. President, would the Presiding Officer state, for the benefit of those Senators who have recently come to the Chamber, what is the pending question?

The PRESIDING OFFICER. The pending question is on agreeing to the motion of the Senator from Illinois to lay on the table the so-called Javits amendment, which was called up earlier by the Senator from Illinois. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the senior Senator from Louisiana [Mr. ELLENDER], who is absent because of illness. If he were present and voting, he would vote "yea"; if I were permitted to vote, I would vote "nay." I withhold my vote.

Mr. ALLOTT (when his name was called). On this vote I have a pair with the senior Senator from Nebraska [Mr. HRUSKA]. If he were present and voting, he would vote "yea"; if I were permitted to vote, I would vote "nay." Therefore I withhold my vote.

Mr. BYRD of West Virginia (when his name was called). On this vote I have a pair with the Senator from Kansas [Mr. SCHOEPPEL]. If he were present and voting, he would vote "yea"; if I were permitted to vote, I would vote "nay." Therefore I withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Rhode Island [Mr. PASTORE], the Senator from Delaware [Mr. FREAR], and the Senator from Minnesota [Mr. MCCARTHY] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD], the Senator from Louisiana [Mr. ELLENDER], and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

I further announce that the Senator from Minnesota [Mr. HUMPHREY], and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

On this vote, the Senator from Delaware [Mr. FREAR] is paired with the Senator from Minnesota [Mr. MCCARTHY]. If present and voting, the Senator from Delaware would vote "yea," and the Senator from Minnesota would vote "nay."

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Rhode Island [Mr. PASTORE] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Nebraska [Mr. HRUSKA] is necessarily absent, and his pair has been previously announced by the Senator from Colorado [Mr. ALLOTT].

The Senator from Kansas [Mr. SCHOEPPEL] is necessarily absent; his pair has been previously announced by the Senator from West Virginia [Mr. BYRD].

The result was announced—yeas 48, nays 38, as follows:

[No. 147]

YEAS—48

Aiken	Fong	McGee
Anderson	Fulbright	Martin
Bennett	Goldwater	Monroney
Bridges	Gore	Mundt
Brunsdale	Green	Robertson
Butler	Hayden	Russell
Byrd, Va.	Hickenlooper	Saltonstall
Capehart	Hill	Smathers
Carlson	Holland	Sparkman
Case, S. Dak.	Johnson, Tex.	Stennis
Cotton	Johnston, S.C.	Talmadge
Curtis	Jordan	Thurmond
Dirksen	Kefauver	Wiley
Dworshak	Kerr	Williams, Del.
Eastland	Long, La.	Yarborough
Ervin	McClellan	Young, N. Dak.

NAYS—38

Bartlett	Hart	Morton
Beall	Hartke	Moss
Bible	Hennings	Murray
Bush	Jackson	Muskie
Cannon	Javits	Prouty
Carroll	Keating	Proxmire
Case, N.J.	Kuchel	Randolph
Church	Lausche	Scott
Clark	Long, Hawaii	Smith
Cooper	Lusk	Symington
Douglas	Magnuson	Williams, N.J.
Engle	McNamara	Young, Ohio
Gruening	Morse	

NOT VOTING—14

Allott	Frear	Mansfield
Byrd, W. Va.	Hruska	O'Mahoney
Chavez	Humphrey	Pastore
Dodd	Kennedy	Schoeppel
Ellender	McCarthy	

So Mr. DIRKSEN's motion to table the Javits amendment was agreed to.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. JOHNSON of Texas. I move to lay that motion on the table.

The motion to table was agreed to.

Mr. ERVIN. Mr. President, on behalf of the distinguished senior Senator from Arkansas [Mr. MCCLELLAN], and myself, I send forward an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 16, line 12, it is proposed to change the period to a colon and insert the following between the colon and the word "Such":

Provided, however, That the Rules of Civil Procedure for the United States district courts shall govern the hearing and determination by the court of any application made under this paragraph to the extent that such rules are not inconsistent with the provisions of this subsection.

Mr. CARROLL. Mr. President, may we have order? We have not been able to hear the reading of the amendment. May we understand what the amendment is all about?

Mr. ERVIN. Before I proceed to speak on the amendment, I should like to ask the majority leader what the plans are with reference to adjournment.

Mr. JOHNSON of Texas. Does the Senator desire to call up his amendment tonight?

Mr. ERVIN. I would rather just have it made the pending business. I do not care to call it up, because it is now the end of a long day.

Mr. JOHNSON of Texas. I had hoped that we could have some more votes today and make more progress on the bill. I understood that there were several amendments at the desk, and I hoped that we could get some more votes on them. If the Senator from North Carolina feels that he wishes to call up his amendment now to make it the pending business and then have it go over, I would have no choice in the matter. Has the minority leader indicated that several Senators will not be here?

Mr. DIRKSEN. Yes; and the minority leader, speaking for himself, hopes that the majority leader will follow what he deems to be the course of wisdom and prudence at the hour of 5:50 by adjourning the Senate, because many Senators would like to go home. I cannot go home. I live too far away. But I like to subserve the conveniences and the will of the Members of the Senate.

Frankly, Mr. Majority Leader, we have been extremely diligent this week. It has been a hard week for those who were in attendance on the Committee on the Judiciary and who sat long hours there. I think we merit adjournment at about this hour until Monday next at the hour of noon.

Mr. JOHNSON of Texas. Mr. President, time will tell how wise and prudent we are in quitting at 6 o'clock this evening and going over the weekend. For myself, I think it would be the better part of wisdom and prudence to continue to vote these amendments down as they are called up. I think there will be a new crop of amendments on Monday. Senators will then be refreshed and will desire to discuss matters at greater length. We will go on another merry-go-round for several more days before we finally get a civil rights bill.

As one who feels that the Senate ought to act on a civil rights bill this session, and as one who understands that if we do not act on it within a reasonable time it will not be either wise or prudent, so far as getting the measure to the White House is concerned, I am very reluctant to ask the Senate to quit at this hour.

But the persuasiveness of the minority leader is such that I do not believe anyone who has any understanding of human kindness could possibly resist his appeal. [Laughter.]

ORDER FOR ADJOURNMENT UNTIL MONDAY

Mr. President, I know that I am frequently wrong, and perhaps this is just another instance when I am wrong, because I know that no one has worked harder or longer, or has fought better, for a civil rights bill than has the minority leader [Mr. DIRKSEN]. If it is his view, from his experience on the committee and in dealing with his colleagues, that it is the better part of wisdom and prudence to adjourn now, then I shall ask that when the Senate concludes its business today, it adjourn until 12 o'clock noon on Monday next.

Mr. President, I make that request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I shall state, then, that we do not expect to have any more yea and nay votes this evening, purely out of respect for my delightful friend from Illinois and his judgment. If there is any judgment that I trust better than my own, it is the judgment of the distinguished minority leader. [Laughter.]

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. DIRKSEN. I was about to observe that amendments are just like whiskers. A fresh crop can be grown overnight. So there is bound to be a crop of fresh amendments on Monday. But we will come in with a new degree of freshness in order to take those amendments in stride when that time comes.

I should say that I am ever solicitous of the well-being of my friend, the distinguished majority leader, and of his compatriots. I want them to be fresh on Monday when they return to the Senate. So it is out of patriotic, almost paternal, solicitude that I seek to prevail upon him, against his own judgment, to move that the Senate adjourn tonight until Monday next at noon.

Mr. JOHNSON of Texas. Mr. President, I think I made my unanimous consent request clear, but I understand that some of our colleagues may not have been here when it was made. I want to be certain that the request I made was that when the Senate concludes its deliberations today, it stand in adjournment until noon on Monday next.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. ERVIN. Mr. President, I yield, without losing the floor, to the distinguished senior Senator from Arkansas.

NEED FOR EXTENSION OF SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

Mr. MCCLELLAN. Mr. President, I should like to read to the Senate a bulletin which was published a few minutes ago on the Associated Press news ticker. The item is dated at St. Louis, Mo., and reads:

A reform group leader charged today that James G. Cross, president of the Bakery and Confectionery Workers International Union, has "squandered" $5,300,000 in union funds to protect his interests.

The charge was made by Ermin Moschetta, chairman of a rank-and-file reunification committee, at a conference in St. Louis of reform group leaders to map strategy for ousting Cross.

The conference is being attended by 80 delegates from 48 locals in the United States. Moschetta said more than 37,000 members of the international's 62,000 membership are represented at the conference.

Moschetta said the purpose of the meeting is to gain new leadership for the union, which was expelled from the AFL–CIO 2 years ago on charges of corruption by its leaders. The AFL–CIO then chartered a new Bakers Union and many members switched to the new union.

Moschetta charged that since the expulsion from the AFL–CIO, Cross has taken $2,500,000 from the union's treasury and $2,800,000 from death benefit reserves in a fight to protect his position.

Mr. President, I desired to call the attention of the Senate to this news report because it concerns one of the union officials and one of the unions concerning which the Senate Rackets Committee exposed corruption, misuse of funds, and dictatorial and autocratic leadership.

As Senators know, the Select Committee on Improper Activities in the Labor or Management Field expired at midnight last night. Because of the parliamentary situation and the legislative business pending before the Senate, we were unable to have called up Senate Resolution 294, which is now on the calendar, and which would have extended the life of the select committee for another year, and would have provided a sufficient amount of funds to put it on a standby basis with the same powers it has had, so that in the most extreme cases further investigations might be made.

A serious effort, or drive, is being made by certain interests to cause the defeat of the resolution, and the idea being that such power should not be further exercised by this body.

I hold in my hand communications asking for the records of the select committee to enable further investigations to be made by State officials in other sections of the country, and also by Government agencies and law enforcement agencies in the National Capital.

Cases involving these matters are coming to trial. The select committee no longer exists. No one has custody over the committee's records. They cannot be made available.

I call this situation to the attention of the Senate, because I think Senators should know, and know now, what situation has developed. It is a situation which ought to be corrected. The power of the select committee ought to be continued either in that committee or in some other committee, so that the problems which have arisen from its investigations can be dealt with. It is important that this be done so that the efforts and the results of the investigations conducted by the select committee, which has given 3 years of diligent and extensive effort to bringing about a revelation of these conditions throughout the country, will not be lost.

I believe Senators ought to be advised of the effort which is being made to prevent action on Senate Resolution 294. Senators should meditate and contemplate the consequences if the Senate no longer is willing to exercise the power to help in the effort to bring about a better situation in labor-management relations, and to get those who have violated the law and have indulged in corruption, extortion, and bribery, and other violations of law, tried in courts of justice, and to have proper penalties imposed wherever guilt is shown to exist.

Mr. MORSE subsequently said: Mr. President, a few moments ago there was a discussion about the continuation of the McClellan committee. I oppose the creation of the McClellan committee in the first instance. I am opposed to its continuance for the reason that the jurisdiction which has been given the McClellan committee in the field of labor relations belongs rightly in the Committee on Labor and Public Welfare, a standing committee of the Senate.

If it could possibly be that the Senate does not have confidence in the personnel of the existing standing Committee on Labor and Public Welfare, then the Senate ought to change that personnel; but it ought to stop circumventing the Committee on Labor and Public Welfare.

In my judgment, these labor issues should never have been referred to any other committee but a standing committee of the Senate. The subject matter which the Senator from Arkansas [Mr. MCCLELLAN] discussed this afternoon is one which ought to be referred to the Committee on Labor and Public Welfare, of which the distinguished Senator from Alabama [Mr. HILL] is the chairman. Therefore, in my judgment, there is no substance to the argument of the proponents of the continuation of the McClellan committee that unless that committee be continued, then the subject matter of racketeering in American unions and the abuses of the union leaders who have betrayed their trust, both to the membership and to the public, cannot be changed by legislation.

When the debate begins on that resolution, I shall have more to say as to what the situation was, in my opinion, within the McClellan committee, and in respect to the McClellan committee.

However, I did not want the RECORD to close tonight without a single voice being raised on the floor of the Senate in support of the view of many of us who say the time has come to end the McClellan committee and to transfer the so-called labor jurisdiction back to the standing Committee on Labor and Public Welfare.

If there is a question of whether the Senate wants to change the personnel of

the Committee on Labor and Public Welfare then let us raise it. But so far as the senior Senator from Oregon is concerned, the vote on the resolution to continue the McClellan committee will have to be faced up to on the basis of whether the Senate wants to vote a lack of confidence in the Committee on Labor and Public Welfare.

The McClellan committee is dead. It has been dead in many respects for a long time. But it is dead now, so far as the existing committee is concerned. I believe that the issue now is whether the Senate wants to express confidence or a lack of confidence in the Committee on Labor and Public Welfare, or whether it wants to change the personnel of that committee. The Senate has the power to do that. Under its rules, the Senate elects the members of committees. The Senate has the power to change the membership of the Committee on Labor and Public Welfare at any time it wants to do so.

JURISDICTION BELONGS TO COMMITTEE ON LABOR AND PUBLIC WELFARE

I shall vote against the resolution to continue the so-called McClellan committee, not because I favor an end to investigation into evidence of any kind of racketeering in labor, but because I think that work ought to be done and the investigations carried on by a standing committee of the Senate, a committee which ought to have had the jurisdiction in the first place.

Furthermore, when we discuss that resolution, I shall raise my voice in protest once more against the kind of procedure which existed in the McClellan committee in respect to the guilt or innocence of persons called before them. I warned the Senate, it will be remembered, in the early cases of the McClellan committee, when the city of Portland, Oreg., was held up to the Nation as a racket-ridden city.

I came to the floor of the Senate—and the RECORD will speak for itself—and said, "Reserve your judgment until our judicial processes get through with the charges. Reserve your judgment until the basic protections of Anglo-Saxon justice work on those charges."

COMMITTEE PRODUCED HEADLINES, LITTLE EVIDENCE

Where are the convictions resulting from the investigation of these Portland people? Where are they? Case after case after case was tried. Acquittal after acquittal after acquittal came out of the courtroom. In fact, there was only one conviction, and that conviction was of a man whom the McClellan committee used as a stooge, a stool-pigeon, a man with a criminal record. The jury found how unreliable he was, so far as his being a truthful witness was concerned.

So I have had enough of the kind of procedure which has been used in the McClellan committee in respect to persons whom it has tried to charge with crimes.

In some cases, that has been its main purpose. A Federal judge actually so ruled when he threw out certain perjury charges because the Rackets Committee had called and questioned certain witnesses only to create a perjury charge, not to establish facts on which to base legislation.

The only legitimate purpose of any congressional investigation committee is to establish facts on which to base legislation.

How many times do the courts have to remind Congress that we are not a prosecuting agency?

Certainly there should be Senate committee investigation of any criminal activity in the field of labor which has a bearing upon legislation which ought to be passed by Congress. But I repeat what I said in the first speech when the so-called McClellan cases involving labor leaders in the city of Portland, Oreg., came before that committee. I outlined then the basic procedural protections which any American—however reprehensible a person he might be—ought to have as a matter of protection when a congressional committee inquires into actions which may be criminal actions. I said then that such a person ought to have the same procedural protections of which he is assured in any criminal courtroom in America. He would, in my opinion, get such protection before the Committee on Labor and Public Welfare.

PROCEDURAL PROTECTIONS MUST PREVAIL

The American people will eventually come to understand the importance of the procedures followed by congressional investigations like the one undertaken by the McClellan committee. Eventually they will realize that when such a congressional committee charges a citizen with a crime, that citizen, when he appears before the committee, is entitled to the same procedural protections to which he is entitled in a courtroom.

What are they, Mr. President? They are the right to have a bill of particulars or an indictment served on him in advance; the right to be represented by counsel; the right to be confronted by those who testify against him, and the right to cross-examine them; the right to present his case in chief, uninterrupted, in an orderly fashion; the right to rebut the testimony given against him; and the right of appeal.

Oh, what precious rights of freedom those procedural rights are, Mr. President.

Mr. President, I do not speak disrespectfully of any colleague who serves on the McClellan committee or any other committee which conducts investigations. But I speak out of a deep conviction that in the United States these procedural protections are the stuff of which freedom and liberty are made. Mr. President, congressional committee procedures which do not protect these basic procedural rights, are no more to be countenanced than are court procedures which do not protect the same rights; and the protection of these rights happens to be the duty of the Congress.

Of course the Congress has the power to use any procedures it may wish to use. But in using them, unless the proper procedures are provided, we do not serve with credit the best interests of the Congress. Then, too, the courts may have the last word, as they have in these cases, in finding our procedures are unsound.

So, Mr. President, I have stood for years, here in the Senate, for the procedural reforms which should be adopted and applied by congressional committees in the conduct of investigations.

If there is to be a transfer to the Senate Labor and Public Welfare Committee of jurisdiction over racketeering, corruption, and abuses in American labor unions, I shall fight for those procedures which will give protection to the procedural principles I have once again enumerated tonight.

EMPLOYER PRACTICES NEED INVESTIGATION, TOO

Let me add that I shall also fight for investigation into questionable practices by antiunion employers, practices which appear to be contrary to sound public policy. These involve a series of devices, including strike insurance and the hiring of professional strikebreakers, as a means of ousting established unions.

In many instances, these practices have brought on violence and severe economic dislocation to whole communities.

This is an area of labor-management relations which sorely needs investigation, and which was barely touched on by the McClellan committee.

Mr. GOLDWATER. Mr. President, in relation to the remarks made by the Senator from Arkansas [Mr. MCCLELLAN], relative to the need for the adoption of the resolution he mentioned, I believe that situation constitutes a clear-cut challenge to the Senate. Are we going to operate in a manner which will sustain the dignity of the Senate, or are we going to operate in a manner which will reflect the strength of outside forces which are working within this body to try to prevent the adoption of this resolution, which is so badly needed in order to carry on the work of the McClellan committee?

I sincerely hope the Senate will exercise the proper judgment, will provide the necessary authority, and will reach the conclusion that this piece of legislation is badly needed.

ADDRESS BY SECRETARY OF AGRICULTURE BEFORE DELAWARE STATE GRANGE AND DELAWARE POULTRY IMPROVEMENT ASSOCIATION

Mr. WILLIAMS of Delaware. Mr. President, last night Secretary Benson spoke in Camden, Del., before a meeting sponsored by the Delaware State Grange and the Delaware Poultry Improvement Association.

Before a packed auditorium of over 800 farmers, the Secretary delivered an excellent address on the present farm problem, and reviewed his strong recommendations that the Congress should approve his plan for greater freedom for the American farmer.

The Secretary's remarks were enthusiastically received by this large audience, composed not only of members of the sponsoring groups, but also of a strong representation of the Delaware Farm Bureau and numerous civic organizations.

I ask unanimous consent to have incorporated at this point in the body of the RECORD this excellent address by the Secretary of Agriculture.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SECRETARY OF AGRICULTURE EZRA TAFT BENSON BEFORE STATE GRANGE AND DELAWARE POULTRY IMPROVEMENT ASSOCIATION, CAMDEN, DEL., MARCH 31, 1960

It is always a great pleasure to visit in Delaware, the Diamond State. Tonight I feel especially privileged to meet with representatives of so many organizations who have done so much for the betterment of agriculture throughout the Del-Mar-Va Peninsula.

The idea of combining the annual dinners of the grange and the poultry improvement association was indeed a happy one. And it is good to see here also representatives of the farm bureau, your State department of agriculture, your college of agriculture at the University of Delaware and many of Delaware's leading businessmen.

I understand both the grange and the poultry improvement association celebrate this occasion by awarding scholarships to deserving farm youth. More and more we are coming to see that the future of agriculture depends on precise knowledge and its application. These scholarships testify to your deep and sustained interest in improving agriculture by the soundest of all methods—research and education. We commend your wisdom, and we congratulate the fortunate and successful young people who have been, and are, the beneficiaries.

In the USDA we are well aware of the tremendous contribution the Grange has made through the years to the development of a sound agriculture, both nationally and in Delaware. I personally have been particularly impressed by your support of cooperative endeavors.

There has been a growing diversification in Delaware's agriculture in recent years. Some of you are in the potato business, general vegetable farming, dairying, beef cattle production, and, of course, poultry production.

Delaware farmers have learned to adjust to change. You have kept your eyes clearly sighted on the competitive, free market. I think it is fair to suggest you are not particularly desirous of having either Government or the Teamsters Union meddle in your business.

Along with diversification—the adjustment to change—you have kept pace with the technological revolution in U.S. agriculture. Superbly illustrating this is the amazing growth of the poultry industry—a development in which the Delaware Poultry Improvement Association and similar organizations throughout the country have played a leading role.

The poultry business as I knew it was a far cry from the industry we have today. When I was a boy, we never gathered eggs. We hunted eggs—and it was an apt phrase. In the strawstack, the machine shed, and in many another difficult and unlikely place we would find them, oftentimes beneath a defiant hen who had her own ideas about the hatchery business.

Poultry breeders sought to produce birds with certain breed characteristics and color patterns that would win prizes in exhibitions. Egg production per hen was low, some 110 eggs per year.

Chick mortality was fearfully high. Many deaths were attributed to "pip," which, I am told, has no exact counterpart in modern veterinary medicine. The poultry business lacked science, technology, and prestige. Few men would interest themselves in it; keeping poultry was mostly women's work.

From the consumer's standpoint, buying eggs was something of an adventure, undertaken with hope, but often ending in disappointment. Turkey was for Thanksgiving and Christmas exclusively. Chickens were for Sunday—and not every Sunday either. The nearest thing to the modern commercial broiler was "spring chicken," caught to order from the farm flock with a bent wire at the end of a broom handle.

This was the poultry business of 45 to 50 years ago.

Since then annual egg production per bird has risen from about 110 to over 200; commercial broilers, unknown when I was a boy, now produce most of our chicken meat; turkey production has skyrocketed. Last year the poultry industry produced 1.7 billion broilers, 52 million turkeys, and over 63 billion eggs. Poultry production now brings farmers cash receipts of $3 to $4 billion a year—$3 billion in a poor year, $4 billion in a good year.

Our people consume on the average about an egg a day.

The average person eats nearly 30 pounds of chicken and 6 pounds of turkey per year.

It all adds up to a new era in the poultry industry.

Change is the lifeblood of our American free enterprise system. But changes bring problems, and the poultry industry is finding some of the adjustments difficult.

Whenever problems arise, some people are prone to turn to Government for the solution. As a farmer for much of my life, I do not minimize the seriousness of falling farm prices and increasing costs. They are real, very real problems.

But over the long run, I am deeply convinced that it is better for farmers to make adjustments for themselves than for Government to attempt to make their adjustments for them. You cannot run the farms of this Nation from a desk in Washington.

Four-fifths of agriculture is free of controls. We produce 250 commodities commercially. Only five are under control. All livestock and livestock products are free. And do you realize they bring in 56 percent of farm cash income nationally and 70 percent here in Delaware? Actually, from 55 to 60 percent of Delaware's farm cash receipts come from poultry and eggs.

I want to make this clear. Over the years we have always stood ready to provide help to farmers in time of need. But the assistance we provide should not create other problems for later solution.

The poultry industry faced some tough problems last year. We cooperated with you in an intensive merchandising campaign through buying and distributing dried eggs, mostly to the school lunch program.

But we did not, and must not, put the Government into the poultry business. The Government has been in that business before—in 1950 for example. At that time, various unsound programs for eggs resulted in net realized costs totaling approximately $190 million. Even more important, these attempts to support egg prices failed.

We are not going to repeat the fiasco of 1950. Instead, we are helping the poultry industry to help itself with constructive measures that give producers freedom to make orderly adjustments.

The industry is making adjustments. The laying flock on January 1 of this year was 4 percent below a year earlier. Prices have turned up and are now well above the low level of some weeks ago. We expect producer prices to improve relative to last year.

The January–February hatch of chicks for flock replacement purposes is estimated to be one-third below a year earlier. The number of laying pullets entering flocks during the first 6 months of this year will likely be about 20 percent below the same period in 1959.

Broiler producers, too, are making adjustments. Broiler production during 1959 increased only 3 percent, compared with the previous 5-year average increase of 12 percent per year. Primary breeders cut their output by 14 percent. This means that supplies of hatching eggs and chicks this year will be significantly smaller.

Turkey producers are also taking a more conservative approach to production.

All of these adjustments are very significant. Even though they are not entirely adequate in every instance, they are definitely steps in the right direction.

It is encouraging that the great majority of people in agriculture—and I emphatically include the poultry and vegetable industries here in Delaware—want to keep Government intervention at a minimum. Certainly, you do not want Governnemt telling you how much you can produce.

So it is important that you should know that bills have recently been introduced into the Congress that would provide for the already discredited Brannan plan rigid control approach.

You should know that these bills provide for controls over the production and marketing of virtually every agricultural commodity, all the way from dairy products to poultry and eggs, greenhouse nursery stock, fruits and vegetables—even mint.

The passage of such a bill would require the hiring of so large an army of bureaucrats as to stagger the imagination. This type of legislation would take farmers on the road of socialism.

Not only would these proposed bills sharply restrict production, they would adversely affect employment and business in every community in the United States.

We in the Department strongly oppose these bills. We are convinced that the welfare of agriculture demands freedom to make adjustments—not controls—not regimentation.

We will continue to give producers the statistical tools and marketing services they need. We will continue to help them use these tools to good advantage. We will go on working closely with farmers and ranchers to improve efficiency, quality, and demand for farm products. We will stress markets and new uses.

Speaking of markets, we are tremendously pleased with the results of our poultry export programs in Switzerland and Germany. Switzerland discovered how good U.S. poultry is in 1955. In that year a U.S. Department of Agriculture marketing specialist convinced the head of a large Swiss grocery organization that U.S. poultry meat was tailormade, so to speak, for the Swiss market. When the first trial order of broiler chickens was snapped up by enthusiastic consumers, the grocery firm placed a larger order. Other Swiss food chains, seeing how well these imports were selling, also began to order. I should mention that Ambassador Taylor helped promote U.S. broilers by featuring fried chicken at his annual July 4 banquets in Switzerland.

What started out as a routine trade promotion project has become a real marketing breakthrough. U.S. commercial dollar shipments of frozen poultry to Switzerland rose from virtually nothing in 1955 to 2.9 million pounds in 1956; to 6.5 million in 1957; to 12.5 million in 1958; to 20.2 million in 1959. A further increase is expected this year.

In Germany, too, poultry promotion has been successful. Consumption of U.S. poultry has grown from nothing prior to 1955 to 50 million pounds in 1959.

This is a rather spectacular example of foreign market development.

Because agricultural exports are highly important not only to U.S. farmers generally, but to the whole Nation and to the world, I am going to take the next few minutes to discuss some aspects of this matter.

Our agricultural exports are important to farmers because they put dollars into farmers' pockets.

They are important to the Nation, because they help to promote U.S. foreign policy. Particularly our sharing of the surpluses through donation, barter, and sales for foreign currencies helps to create overseas a humanitarian image of the United States.

Our exports are important to the world, because they play a part in raising standards of living and promoting economic development.

This fiscal year, in addition to record exports of poultry meat, we will have new records for feed grains, soybeans, protein meal, and tallow.

Exports of rice, cottonseed, and soybean oils will be the second largest in history.

Exports of lard will be the second highest since World War II.

Cotton will more than double last year's exports.

Wheat will be close to last year's high level of 433 million bushels.

In the 5 years that will end this June 30, our exports of U.S. farm production will total about $20 billion—an average of $4 billion per year. That is more than in any other 5-year period in U.S. history.

The money value of exports during this current fiscal year is expected to be about $4.5 billion—the second highest in the Nation's history. The physical volume of exports will be the highest ever.

Two-thirds or more of our agricultural exports have been going to the more prosperous countries, such as most of those in Western Europe, Japan, Australia, New Zealand, and South Africa, through regular commercial sales channels. They're being sold for dollars. The rest of our exports are going to the less developed countries which do not have the ability to buy in the dollar market. Here Government programs play a vital role.

You have been hearing quite a bit in recent months about food for peace. The food-for-peace program was inaugurated last year at the suggestion of President Eisenhower. This is not so much a new program as a new emphasis. The food relief operations administered by Herbert Hoover after World War I were a food-for-peace program. The post-World War II food relief program also was a food for peace operation.

With the Agricultural Trade Development and Assistance Act of 1954, known as Public Law 480, we entered a new phase. By means of sales for foreign currencies, and through barter and donation, Public Law 480 has enabled us to move $5.5 billion worth of surplus commodities into foreign outlets.

The food-for-peace program is a continuation and intensification of these activities. It is exploring anew with other surplus-producing nations possibilities of using the surpluses of each in the interest of world peace. We have great hopes for this program.

It is important that we know what benefits we can expect from exports. It would be a mistake either to overemphasize or to minimize the role of agricultural exports.

So I want to clear up a few misconceptions about the world need for our exports. One such misconception is the belief that millions in the world are actually starving. Just to keep the facts straight, we should know that while there are a great many hungry people in the world, there is no widespread starvation.

Our Nation has demonstrated great sympathy for the world's hungry. Since 1953 we have donated nearly $2 billion worth of farm products to the needy abroad. During the past fiscal year some 60 million persons in 91 foreign countries received such donations.

No nation under heaven has ever been so generous to other nations with its abundance.

But it would be another misconception to believe that we have only to release our surpluses and a great improvement in world diets would result. Our surplus tobacco and cotton cannot satisfy hunger for food. As for wheat and rice, there is no world shortage of these commodities—inadequate distribution, yes; but not a world scarcity.

Some people have another misconception—that it is easy to give surplus food away. Actually it is often easier to move food into use by selling it than by donating it. The more prosperous countries are able to buy or trade for food. To throw giveaway surpluses into the stream of trade could wreck world commodity markets and do far more harm than good. As for less-developed countries, here the problems are lack of distribution facilities and organizations through which large amounts of donated food can be channeled to the needy. Often the villages in these countries are connected only by foot trails.

Food alone is not the answer to the living problems of people in the underdeveloped countries. The only permanent solution for these problems is broad scale economic development. This means not only more food, but more industry, more technical skills, better transportation, as well as more fertilizer, irrigation, and agricultural tools to produce good crops.

Nor are increased exports alone—even though they are extremely important—the answer to our own deep-rooted domestic farm problems.

Even if we were able to move all our surplus stocks overnight, it could be only a matter of time, under faulty existing programs, until the surpluses would have built up again. This will continue to be true so long as we maintain unrealistic incentive programs for such commodities as wheat.

We have been struggling against these unrealistic programs ever since this administration came into office. Fortunately, we can report some solid gains.

We have seen some of the rigidity removed from the price-support and acreage-control programs—though not yet enough. Cornrowers last year were finally free to plant as their own good judgment dictated. There has been some helpful legislation for cotton and rice. Very recently, the Congress moved in the right direction, on a very limited basis, for tobacco.

We have been able also to make the role of Government in dairying much more realistic. The dairy situation is much improved.

But we still need legislation for wheat especially.

The costly wheat surplus is our No. 1 national problem in agriculture. It reflects gross meddling by obsolete governmental law.

To put it bluntly, we are in a mess—$1,000-a-minute mess.

Current wheat laws hurt farmers and are costly to taxpayers.

They impose severe acreage cuts on traditional wheat farmers while inducing farmers outside the best wheat-producing areas to grow more. The end result is more wheat than we can possibly use.

Congress drafted the program. Only Congress can correct the situation by changing these outmoded laws.

Here's how senseless the present wheat program is:

1. Enough old crop wheat is stored to meet domestic needs for nearly 2 years without producing another kernel. Yet we operate under a program that will produce additional millions of unneeded bushels.

2. Congress set rules for wheatgrowers, then overruled many of the rules. For example, if the original control formula operated as intended, farmers would not be permitted to grow a single acre of wheat this year.

3. Government price fixing has priced wheat out of the livestock feed market.

4. The unrealistic wheat control laws were originated during depression and redesigned for war. Today, we have neither depression nor war, yet the program staggers on.

5. Government is no substitute for a market, yet present laws make it profitable for farmers to raise wheat solely for the Government.

6. Farmers growing 15 acres or less of wheat are exempt from acreage restrictions. Today there are more farmers growing wheat outside the wheat control program than in it.

7. To remain competitive in world markets, every bushel of wheat exported costs U.S. taxpayers 50 cents.

THE PROGRAM HAS NO DEFENDERS

The wheat crisis may result in public pressure that could blow the lid off all farm programs, destroying the good along with the bad.

President Eisenhower has offered these alternatives:

Either clamp an effective, production-tight lid on wheat output or, preferably, do away with all acreage limitations and adjust Government price supports to levels that will increase demand.

Action is needed now. The total wheat program costs $1½ million daily, drains tax dollars at the rate of $1,000 per minute.

Realistic action along sound, economic lines is needed. We must have a program in the best long-term interests of farmers and of the Nation.

Until Congress acts, agriculture will be burdened with too much government, too much politics and too little commonsense.

I am confident of such sound action, for I have faith in the American farmer and all the people as they express themselves through their Congressmen and Senators.

We must be on guard, however, against measures which are unsound.

One such bill, called the Wheat Marketing Act of 1960, has been introduced into Congress. It is a multiple-price bill. It does not meet the President's guidelines for sound legislation.

We oppose it for the following reasons:

It would require an export subsidy of about $1.15 a bushel.

It would reward past noncooperators in the wheat program.

It would result in distorted feed grain prices that would ultimately hurt the livestock industry.

It would create problems in international trade.

It would raise costs of flour and other wheat products for U.S. consumers.

It would require an army of bureaucrats to police its operations.

Faulty programs in one sector of agriculture inevitably have repercussions all along the line. Never allow yourselves the delusion that, because you don't grow a certain commodity, a program for that commodity does not affect you.

Faulty programs drain off resources that would otherwise be available for sound economic progress. How different the farm picture would be today if some of the funds spent for unrealistic price and control programs had been devoted to needed marketing and utilization research and education. Faulty programs penalize taxpayers—and we are all taxpayers. They are a threat against the fiscal integrity of the Nation. They endanger the freedom and independence of producers. They affect public opinion regarding all farm programs—the good along with the bad.

I urge you, therefore, to take a keen interest in all farm programs. Remember they influence your prosperity, your security, your freedom.

You people of Delaware have a proud history from which to draw inspiration. Yours was the first State to ratify the Constitution of the United States 173 years ago.

Conscious of that noble heritage, I urge you with God's help, to go on doing your part to build a prosperous, expanding, and free agriculture—a prosperous, expanding, and free economy—in a prosperous, expanding, and free America—an America that is economically, socially, and spiritually sound.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 7456) to extend until July 1, 1960, the suspension of duty on imports of casein, and it was signed by the President pro tempore.

COMMON-SITUS PICKETING: LEGALIZING SECONDARY BOYCOTTS IN THE CONSTRUCTION INDUSTRY

Mr. GOLDWATER. Mr. President, last September, a conference committee of the House and Senate reported out a bill that became the new labor reform law, popularly known as the Landrum-Griffin Act. Since that date a veritable mythology has grown up concerning the events which transpired in the conference during the 12 days which it lasted. A few days ago—on Thursday, March 24—the senior Senator from Oregon, on the floor of the Senate, made a speech on the subject of "Common-Situs Picketing in the Construction Industry," in which frequent reference was made to matters alleged to have occurred in the conference.

Mr. President, in order to prevent mythology from being transformed into an erroneous history which will mislead future historians as well as the present-day electorate, I feel it incumbent upon me to attempt to set the record straight.

It is with regret that I disagree with the senior Senator from Oregon; but my recollection of what took place in conference in connection with the common-situs picketing issue does not coincide with that related by the Senator. As a matter of fact, a number of the events that I recall with complete clarity seem to be exactly contrary to the assertions concerning them made by the Senator from Oregon in his speech to the Senate.

Before I begin to point out what actually happened, I should like to say this: The Kennedy bill, S. 2643, is commonly referred to as a proposal to legalize common-situs picketing at a building construction project. This designation does not reveal the real purpose of the proposal. It should be called a bill to permit unrestricted use of the secondary boycott by the building construction trades unions. However, I shall have more to say on this aspect of the matter later in my remarks. At the moment, I should like to proceed with my recollection of what occurred in the conference meetings last year.

The Senator from Oregon, in his speech, asserted:

> Very often these picket lines are established by a building trade craft because it finds itself confronted by a subcontractor, under a prime contract, who is not hiring union men.

This statement seems to imply that the subcontractor is refusing to hire union men. As is generally known, such a refusal to hire constitutes a violation of the Taft-Hartley Act, which provides an adequate remedy for correcting it. Actually, what occurs, is that the union craftsman refuses to work for any construction employer unless he hires nothing but union men. Not only does the union man make this decision freely, but his object in doing so is to compel the employer to violate the law by establishing a completely closed shop.

Somewhat later in his speech, the senior Senator from Oregon partially let this particular cat out of the bag when he said:

> There is no doubt about the fact that one of the purposes of striking against an employer who might be a subcontractor or jobber on one of the major building contracts is to use economic force to cause him to hire union men.

But that statement, too, is slightly askew. The assertion, in order to be completely accurate, should have ended with the word "only," instead of omitting it. The purpose of the strike is to use economic force to cause the employer "to hire union men" only. In other words, the objective of the strike or picket line is to compel the building contractor to refuse to hire nonunion employees.

This objective is flatly contrary to our national labor policy as expressed in our National Labor Relations Act. That policy unequivocally outlaws the closed shop, that is, the arrangement under which only union members can get a job. It is this proscribed and antisocial goal which the building trades unions are seeking to achieve in their demands for the enactment of the miscalled common-situs picketing proposals.

In the course of his remarks, the Senator from Oregon speaks of the existence of restrictive antilabor legislation which resulted from the political control exercised by big business in the United States. In the face of the overwhelming political strength and influence acquired and now held and exercised by the organized labor movement during the past quarter century, the statement is obviously not correct. But although this is not the time to discuss the issue of union political power and activities, I do want to say this. Even if the Senator's statement was in the slightest degree an accurate description of the existing political situation, it would be irrelevant to his demand for the enactment of the so-called common-situs picketing proposals. These proposals apply only to the building construction industry, an industry overwhelmingly composed of small businessmen. The largest enterprises in this segment of our economy are themselves small potatoes as compared to the giants of the mass-production industries. And it should not be forgotten that it is the small businessman and his employees that have been the chief victims of the secondary boycott. This device is rarely, if ever, used against large employers who operate on an assembly-line basis.

Mr. President, I now turn to a statement by the Senator from Oregon, which if unrebutted, will become part of the mythology of the labor bill conference of 1959. He says:

> I take the Senate to the conference hearings of last year. The Senate had made clear that it was not opposed to situs picketing.

Mr. President, the exact contrary is true. Let me describe what actually took place.

The original Kennedy-Ervin bill, S. 505, contained no provision legalizing common-situs picketing by either the building-trades unions or anyone else. During the hearings before the Senate Labor and Public Welfare Committee, of which I am ranking minority member, and which I attended faithfully, there was practically no testimony presented on that issue. In fact, the only union witness who discussed the matter at all was Mr. Richard Gray, then president of the Building-Trades Department of the AFL–CIO. Other union witnesses, Mr. Biemiller, Mr. Hayes, of the Machinists, Mr. Harrison of the Railway Clerks, Mr. Arthur Goldberg, never mentioned it.

Mr. Gray, himself, devoted only a paragraph of his detailed testimony to advocating a "common-situs" picketing amendment, and another paragraph or two in responding to a couple of questions from the committee.

However, the administration bill, S. 748, contained a provision to permit "common-situs" picketing. Senator KENNEDY asked Mr. Gray what he thought of the language of the provision, and Mr. Gray replied that he preferred the language in S. 505, the Kennedy-Ervin bill. Unfortunately for Mr. Gray, S. 505 contained no language at all on the subject of "common-situs picketing."

Mr. Louis Sherman, who accompanied Mr. Gray as his counsel, intervened at that point to say that the "common-situs" picketing provision in S. 748 was unsatisfactory to the building trades unions of the AFL–CIO.

Mr. President, here is the crowning irony of the situation. The language on "common-situs" picketing in S. 748 which Mr. Gray and Mr. Sherman regarded as unsatisfactory, is the identical language borrowed by the junior Senator from Massachusetts [Mr. KENNEDY] and incorporated verbatim by him in his "common-situs" picketing bill, S. 2643, which the building-trades unions of the AFL–CIO now support despite their dissatisfaction with it last year, presumably because it carried a Republican rather than a Democratic label.

I might add, Mr. President, that the senior Senator from Oregon, as I gather from his speech, also finds S. 2643, the Kennedy bill, equally acceptable. I regret that I cannot discover how he felt about that provision during last year's hearings. A diligent search of the transcripts of those hearings fails to reveal a single setence, a single question, even a single word, uttered by the Senator from Oregon on the subject of "common-situs" picketing.

But, Mr. President, I am still discussing the Senator's assertion that last year "the Senate had made clear that it was not opposed to situs picketing." Certainly, neither the Kennedy-Ervin bill as

introduced nor the course of the hearings support this statement. And, as I shall point out, nothing that occurred last year, either before or after the conference supports it either.

Mr. President, after the hearings the Senate Labor and Public Welfare Committee met in executive session. As ranking minority member, I offered the entire administration bill, S. 748, as a substitute amendment. It was rejected by the majority Members, including the Senators from Oregon and Massachusetts, despite the fact that it contained the provision permitting common-situs picketing. Exactly the same thing happened when I offered the bill's boycott sections which also included the provision permitting common-situs picketing. No other effort was made in committee to get a common-situs picketing amendment, and the bill reported to the Senate, S. 1555, was merely a modified version of the original Kennedy-Ervin bill, S. 505, and like it, contained nothing on common-situs picketing.

When the committee bill reached the floor, Senator DIRKSEN offered as an amendment title V of the administration bill, S. 748. This title consisted exclusively of amendments to Taft-Hartley and included the provision to permit common-situs picketing, the provision which is now incorporated in the Kennedy bill, S. 2643. The amendment was rejected with both Senators MORSE and KENNEDY voting against it. No other attempt was made to insert the proposal in the bill which passed the Senate minus any provision on the subject. Thus far, it is impossible to find any evidence that last year, to quote the Senator from Oregon, the "Senate was not opposed to situs picketing." Parenthetically, I might add, the evidence does show that not only the Senate, but the other body as well, showed very little interest in permitting such picketing. The Landrum-Griffin bill, which passed by an overwhelming margin in the House, contained no such permission, either, whereas the two House bills, the Elliott bill and the Shelley bill, which did contain it, were emphatically rejected.

Mr. President, the only detailed discussion of common-situs picketing occurred in the conference itself, and neither before nor after it during the last session. Actually, the present proponents and supporters of the common-situs picketing proposal are represented in the entire course of the debate on the Senate bill last April by a single statement made on the floor by the junior Senator from Massachusetts. In the course of the debate, Senator KENNEDY said, and here I quote from the CONGRESSIONAL RECORD for April 21, 1959, at page 6434.

> I point to two amendments which I think indicate the careful consideration which this matter should have. The amendment offered by the Senator from Illinois [Mr. DIRKSEN], as I understand, repeals the Denver Building case. (This is the Supreme Court decision outlawing common-situs picketing.) If adopted, it would permit picketing to be practiced on a site against nonunion persons being hired. That in itself is an extremely substantial amendment, one which I am certain Senators would want to consider very carefully. It is not a part of our bill. We do not go that far in relaxing the picketing sections of the Taft-Hartley Act.

This statement, at the very least, indicates a considerable lack of enthusiasm for the proposal on the part of the Senator from Massachusetts. I can find no statement by the Senator from Oregon taking issue with Senator KENNEDY on this point, nor proposing a common-situs picketing amendment in his own right. It would scarcely seem, Mr. President, that we have any indication here of a lack of opposition on the part of the Senate to common situs picketing.

Mr. President, I submit that the evidence is overwhelming that the Senate did object to common-situs picketing and made its objection perfectly plain by everything it did as well as by every vote it cast in which the issue was involved. Even the Senator from Massachusetts did not get around to favoring the proposal until we were in conference.

Mr. President, the Senator from Oregon, in his speech, leaves the impression that in the conference he favored granting exemption from the existing secondary boycott and hot-cargo prohibitions to every union operating in an integrated industry, and that he opposed granting such exemption in specific industries only, as was done by the conferees for the garment industry unions and in part for the building trades unions.

First, I would like to point out that in this part of the speech the Senator again lets the cat at least partly out of the bag. It is an unequivocal admission that what is euphemistically referred to as "common situs" picketing is merely a secondary boycott with a disinfected name, and that legislation to permit such picketing is merely legislation to permit unrestricted use of the secondary boycott.

Second, I would like to discuss my own recollection of what actually transpired in the conference on the question of exemptions from the secondary boycott bans in the present law, and more particularly the role of the Senator from Oregon in this connection.

Mr. President, I can recall no opposition offered by the Senator from Oregon to the action of the conferees in exempting the garment industry unions from the statutory prohibitions against secondary boycott and hot-cargo agreements, and the building trades unions from the ban on hot-cargo contracts. But I do most distinctly recall that when my distinguished colleague, the senior Senator from West Virginia [Mr. RANDOLPH], proposed a similar exemption for the unions in the coal-producing industry, the Senator from Oregon strongly opposed it, and for the first time, at that point, declared that he was opposed to such special treatment for particular unions and that he proposed instead a blanket exemption of the same kind. His proposal was rejected.

The Senator from Oregon, in his speech, emphasizes that the raising of the problem of a point of order in the other body which resulted in the failure of the conferees to permit common-situs picketing was an inadequate justification for abandoning the proposal, at least on the part of the majority Members of the Senate conferees. I am inclined to agree, but not for the same reasons.

My own conviction is that if the Senate conferees had gone back to the floor on this issue, and requested the Senate to instruct them to insist upon a provision permitting common-situs picketing, the Senate would have rejected the proposal by a substantial margin. I think all of us are aware that the point-of-order obstacle was no real obstacle at all, under either the House or Senate rules; it served merely as a convenient pretext for not putting the issue of common-situs picketing to the test of a Senate vote. After all, there existed exactly the same reasons for raising a point of order on the garment industry union exemption, but that was adopted and approved in both houses with no difficulty at all.

Mr. President, the Senator from Oregon speaks of a commitment made to the building trades unions by persons he fails to identify during or immediately following the conference, a commitment to get a common-situs picketing bill at this session of the Congress. If such a commitment was made, I was not a party to it, nor was it made by any of the conferees as part of the proceedings of the conference. I recall merely that the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Illinois [Mr. DIRKSEN], on the floor of the Senate during the discussion of the conference report, stated that they would try to get Senate consideration of the proposal in the second session of the present Congress, and that the Senator from Massachusetts [Mr. KENNEDY] would introduce a separate common-situs picketing bill, which he did in S. 2643, taken literally from last year's administration bill, S. 748.

Mr. President, in discussing this so-called commitment, the Senator from Oregon urges speedy consideration by the Senate Labor Committee and the Senate, and asserts that on this legislative proposal, "we knew all the facts and the evidence was all in." Mr. President, I take sharp issue with that statement. How can we know all the facts, how can all the evidence be in, in the light of the almost complete lack of testimony on the matter in last year's hearings and the almost total absence of any discussion of it in the committee's executive sessions and on the Senate floor? If the Senator from Oregon is correct in his statement, he should, logically, be proposing that the Senate Labor and Public Welfare Committee dispense with any further hearings and vote immediately as to whether to report the bill. But I hasten to point out, there have been no hearings before the subcommittee or the full committee so far this session.

Mr. President, in conclusion I wish to indicate why I am opposed to any legislation to permit common-situs picketing; that is, to legalize secondary boycotts in the construction industry. Let me state a hypothetical case which would become a common occurrence if the Kennedy bill, S. 2643, were to become law.

A merchant decides to build another store and gets a general contractor to do the job. The general contractor gets individual subcontractors to do the cement work, the electrical work, the painting, plumbing, and so forth. In the middle of the job, the plumbing subcontractor has a dispute with the union plumbers who work for him. Under the Kennedy bill, S. 2643, the plumbers could lawfully picket the store as it was being built.

Other union craftsmen, such as bricklayers or carpenters, could then lawfully refuse to cross the picket line, bringing the whole project to a halt despite the fact that neither the merchant, the general contractor nor any of the subcontractors other than the plumbing subcontractor were parties to the dispute and none of them were having any controversy with their own employees.

Mr. President, we prohibit this type of antisocial activity in practically all other industries; why should we permit it in the construction industry? Let me summarize, briefly, the basic objections to the common-situs picketing proposals of the Senator from Orgeon and Massachusetts:

First. The recently enacted Landrum-Griffin labor reform law closed the loopholes in the Taft-Hartley Act which permitted secondary boycotts in some situations. The Kennedy bill, S. 2643, would not only reopen these loopholes for the benefit of the building construction unions, but would also remove all the other prohibitions against secondary boycotts which have been in the law since 1947 for the benefit of these same unions.

Second. Congress outlawed secondary boycotts because they are devices which cause serious and often irreparable economic injury to neutral employers and their employees who are not involved in any labor dispute with the boycotting union. There is no justification for depriving neutral employers and their employees in the building construction industry of protection against secondary boycotts while neutrals in other industries, justifiably, continue to enjoy such protection.

Third. In the overwhelming majority of cases, building construction unions use the secondary boycott to eliminate all nonunion contractors, subcontractors, and their employees from engaging in any construction project. This is done by picketing the project, pulling all union men off the job, and continuing their economic pressure until all nonunion contractors and employees are replaced exclusively by union employers and employees. This is now unlawful. The Kennedy and Morse bills would legalize it.

Fourth. The inevitable practical effect of such boycotts is to bring about a return of the complete closed shop in the construction industry; that is, no nonunion building craftsman could get a job on a construction project, regardless of his skill or other qualifications. This is contrary to the policy of our Federal labor law, which is to outlaw the closed shop.

Fifth. The Landrum-Griffin Act already includes a substantial special privilege for the building trades unions that is enjoyed by no other class of labor unions. It was made lawful for these unions to enter into collective bargaining agreements making them the exclusive bargaining agent for all the employees even though they have not secured the support of a majority of said employees, and to require them to join the union in 7 days as contrasted with the 30-day grace period enjoyed by employees in all other industries. To give them the benefits of the Kennedy or Morse bills would be to make the construction unions the most privileged unions in the country, while at the same time the employers and the nonunion employees in the construction industry would be the victims of discriminatory treatment as compared with all other employers and employees.

Sixth. The investigations of the McClellan Rackets Committee disclosed that the secondary boycott has been frequently used as a device by corrupt and racketeering unions and labor leaders to further their corrupt and dishonest objectives. Among the unions found by the Rackets Committee to have been guilty of some of the worst abuses revealed by the investigations, are not only the Teamsters but also some of the most important unions in the construction industry. Thus, to enact these bills would be to confer on these unions, some of which are racket ridden and corruptly led, including a segment of the Teamsters, a weapon which would enable them not only to continue the dishonest activities revealed before the committee, but also in many respects to give them an additional immunity from the law in so doing, an immunity which they do not presently enjoy.

Seventh. In any event, even under existing law, construction unions are not completely denied the right to picket a building project on which two or more employers are engaged, contrary to their unfounded assertions to that effect. If the picket signs and other activities of the picketing unions make it perfectly clear that they are picketing only the employer with whom they have a dispute; if they genuinely refrain from attempting to induce the employees of any other employer from walking off the job, or refusing to perform services; and if it is plain, from all the facts, that they are not seeking to induce any employer to cease doing business with any other employer; the contruction unions, may, like the unions in all other industries, lawfully engage in common-situs picketing, that is, picketing at the site of a construction project on which two or more employers are engaged.

Eighth. Enactment of either of these proposals would permit building trades unions to establish secondary boycott picket lines around industrial plants which were attempting to use their own maintenance employees to perform building repairs operations on the plant. Thus, what was intended to be confined to the construction industry would in fact be extended to all other industry, and would result in economic loss not only to employers in all industries, but also to employees outside the construction field, even those who are members of perfectly bona fide nonbuilding trades unions.

Ninth. On March 11, 1957, the Building Trades Department of the AFL–CIO held a conference at which there was approved an agreement reached with management representatives of the building construction industry. In this agreement both parties, labor and management, agreed to support legislation to permit prehire contracts in the industry, to permit employer contributions to collectively bargained apprenticeship training funds, and to permit multiemployer bargaining and certain types of multiemployer cooperative activity in the industry. All three of these objectives have been achieved, and are now part of the law. There is not a word in the agreement in support of permission to engage in common-situs picketing.

Mr. MORSE. Mr. President, I always find the Senator from Arizona interesting when he discusses problems of labor legislation. Nearly always I find myself completely in disagreement with every idea he has on the subject, as I do again tonight, in listening to his discourse.

I do not know what can be gained by the Senator from Arizona in expressing his recollections of what happened in conference, and what the Senator from Oregon said of his own recollection as to what happened in conference; but I only wish to repeat by reference and to stand by every word I said on this subject in my speech on situs picketing, to which the Senator from Arizona has just referred.

SITUS PICKETING HEARINGS SHOULD COMMENCE

The way to resolve our differences and points of view is to get on with the hearings on situs picketing legislation. They are long overdue. In my judgment, in view of the commitments which I believe were clearly given to the leaders of the building trade industry by those who participated in the conference, we ought to have had those hearings over with by now.

When we have those hearings, I propose to cross-examine the representatives of the building trades industry, who say that they did have what they considered to be an understanding, that there would be early hearings and early consideration of situs picketing legislation in this session of Congress.

The Senator from Arizona has made reference to his views on certain positions I took in conference with regard to various issues which were under consideration. I cite one example of how mistaken he is as to the position of the Senator from Oregon, and what a false impression he has left in the RECORD here tonight in regard to the position taken on it by the Senator from Oregon.

He cites the Randolph amendment, in regard to the coal industry, by which the Senator from West Virginia sought to obtain an exemption for the coal industry along the same lines as exemptions obtained for the building trades and garment industries.

UNIFORM TREATMENT FAVORED

The Senator from Arizona says the Senator from Oregon voted against it. Of course I voted against it, but he seeks to leave in the RECORD a false impression as to the position taken by the Senator from Oregon in respect to the so-called Randolph coal amendment. It

was the position of the Senator from Oregon that there ought to be a general amendment applying not only to the garment industry and the building trades industry, as well as the coal industry, but to any industry which met the qualifications of the same classification which it was sought to establish in the conference committee in regard to the garment industry, the building trades industry, and the coal industry. It was the position of the senior Senator from Oregon that if we are to have exemptions, the same exemptions should apply to any and all industries falling under the same classification.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. MORSE. I shall be glad to yield in just a moment.

The Senator from Oregon was asked "What other industries are there?" I said, "I do not know." Obviously we did not know in the conference what other industries there were, but whatever industry can be shown to fall under this classification should get the exemption.

There was discussion about the kind of industry that was so integrated, so interrelated, and operated on such a contractor-subcontractor, manufacturer-jobber relationship that because they had this historic pattern, such as exists in the garment industry, they needed the kind of exemption that was sought in the garment industry and the building trades industry.

The senior Senator from Oregon said that the exemption should be uniformly applied, and that we should not engage in special legislation for the benefit of the garment industry and the building trades industry, and, as was then proposed, for the coal industry. I was for the exemption in regard to any industry that met those criteria.

I now yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I wish to make the situation clear. I went to particular pains to make sure that I was not unfair to the Senator from Oregon. He will recall that in my remarks I said:

> He declared that he was opposed to such special treatment for particular unions and that he proposed instead a blanket exemption of the same kind.

I think the Senator from Oregon is wrongly accusing the Senator from Arizona of trying to leave a false impression. I think the Senator must agree that the Senator from Arizona was absolutely correct in stating what the Senator from Oregon said.

Mr. MORSE. I am recording what I heard across the Chamber, or what I believed I heard from the Senator across the Chamber. He left me with the impression that because I had voted against the coal amendment of the Senator from West Virginia, my position was inconsistent.

Of course, the Senator from Arizona did not extend me the courtesy of allowing me to see a copy of his speech, which seeks to reply to remarks I made before he made the speech. I had no idea he was going to speak. So I am doing my best to reply to the Senator, based upon the recollection as to what he said. But I am glad the Senator has made clear his position.

Let me repeat, for emphasis, that the reason why I voted against the garment industry amendment and the building trades industry amendment, as well as the coal industry amendment, was that I felt that there should be a uniform rule applied to any business or industry in this country that met the so-called integration criterion that was being advanced as the reason for having an exemption for the garment industry and the building trades industry, or, as proposed by the Senator from West Virginia [Mr. RANDOLPH], the coal industry.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. GOLDWATER. If the Senator will be any happier about it, I will repeat that I was particularly careful to recall, in my statement, that the Senator from Oregon made the statement he has just reiterated on the floor, to the effect that he did not want to grant special privileges, and that any exemption made for one industry should be a blanket exemption. If that will clear up what the Senator feels was an attempt on my part to leave an unsavory taste with regard to his position, I am very happy to make the statement.

Mr. MORSE. My friend from Arizona, at least twice during his remarks, as I heard them, referred to the Senator from Oregon as letting at least a part of a cat out of the bag.

I have no bag at all in which there are any cats or tricks. Since the historic debate of 1947, when I led the fight in the Senate against the Taft-Hartley law, I have opposed the notion that all secondary boycotts, in some way, somehow, ought to be outlawed, and that all secondary boycotts are bad.

I repeat what I have said so many times. Some secondary boycotts are essential to the protection of the legitimate and vital rights of organized labor in this country.

Congress has waited too long to give to labor the protection to which it is entitled regarding some secondary boycotts. We ought to clarify those secondary boycotts which can be shown upon the evidence to be bad and which ought to be continued to be outlawed. But we ought to remove the outlawry of the secondary boycott by the so-called Denver Building Trades case of 1953, a decision which in effect interprets the Taft-Hartley law as applying to the secondary boycott situation and as involving situs picketing.

We ought to change that. In my judgment, the law as interpreted in the Denver case is a great injustice, not only to the building trades, but also to American labor. That kind of secondary boycott ought to be legalized, just as any outlawed secondary boycott which requires free men and women to work on struck goods upon penalty of going to jail for contempt or being subjected to heavy lawsuits should be legalized. We ought to remove that restriction from free labor in this country.

I have had no bag in which I have concealed any cat on the secondary boycott issue. To the contrary, year after year after year in the Senate the senior Senator from Oregon has deplored the Taft-Hartley law with its secondary boycott provision, because situs picketing involves a secondary boycott situation. The time has come to remove the outlawry of it and give to the building trades in this country among others the protection to which they are entitled with respect to this secondary boycott problem.

Let us wait for the hearings, for the testimony, as to what commitments and promises were made to Mr. Richard Gray of the Building Trades Council of this country and to other legislative representatives, who waited down the hall outside the old Supreme Court Chamber while the 12 days of conferences were conducted on the Kennedy-Landrum-Griffin bill. The various conferees went out to them from time to time and discussed the matter of situs picketing; they came back to the conference room and quoted to the conference time and time again what they were just told by representatives of the building trades in regard to situs picketing—what they were told by the legislative representatives would be acceptable.

I recall as distinctly as though it happened in the last hour, in one of these conversations within that old Supreme Court room, when one of our conferees came back, after talking to Mr. Gray and other representatives of the building trades. He said that they would be willing to go along with what was put in the Kennedy-Landrum-Griffin conference report as it passed the Senate and the House, provided that come this next session of Congress, Congress would take up this matter of situs picketing.

Mr. President, I have very acute hearing. I suffer from no deafness. I know what we talked about in the conference. I am not questioning the veracity of the Senator from Arizona as to his understanding. I am merely surprised at his understanding and his recollection.

But I know what I heard. I know the discussion in which he engaged in that conference. I say here again on the floor of the Senate tonight there was no question in my mind that it was at least understood by the building trades legislative representatives that they would go along with what was in the conference report, with the understanding that come January 1960, an early effort would be made in Congress to adopt a situs picketing bill. That is what I said the other day, in effect, and I repeat it tonight.

When we have our hearings, if we have them, on the situs picketing bill, I shall do some questioning on this matter. I shall give these representatives of the building trades organizations an opportunity at least to speak the truth, if necessary under oath, as to what transpired in the corridor outside the Old Supreme Court room between them and the conferees in that conference.

In short, I stand completely on everything I said on the situs picketing issue a few days ago.

Of course, this is a touchy issue. The boys have been back home, so to speak, since that conference report was voted.

I appreciate the fact that the building trades councils have made very clear that they think that in all fairness we ought to proceed with some hearings on a situs picketing bill. I think so, too.

However, accusations and recriminations and acrimony will not help the situation. I simply want to say again tonight to the chairman of the Committee on Labor and Public Welfare, let us get on with the hearings on the Kennedy bill, or better still, on the Morse bill.

I leave it to all who read the RECORD for an answer to the question: Why did the Senator from Massachusetts introduce a situs picketing bill the very same day the conference report was adopted by the Senate? He will take care of himself when the situs picketing bill comes before the Senate, because the Senator from Massachusetts made crystal clear last year that he was for a situs picketing bill. The Senator from Massachusetts has left no room for doubt as to his position on situs picketing. I share his point of view. To the Senator from California [Mr. KUCHEL], the whip of the Republican Party, who is sitting on the floor of the Senate at this moment, I say that in my judgment there is no doubt as to the record the Senator from California has made in regard to the matter of situs picketing.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. MORSE. This matter has been under discussion for some years in this body. I joined with the Senator from California 2 or 3 years ago when we fought shoulder to shoulder on the floor of the Senate in trying to get this kind of amendment written into law.

It will be a pleasure to join with him once again in doing justice to the building trades industry in this country in order to remove this unfair restriction upon the building trades that is contained in this section of the Taft-Hartley law.

I yield to the Senator from California.

Mr. KUCHEL. Mr. President, my views on this subject are now well known. I have been very glad to sponsor as a coauthor situs picketing legislation. Its enactment is long overdue. The views which I share with the Senator from Oregon, and with other Senators, incidentally, are the views which are likewise shared by the President of the United States. On repeated occasions the President of the United States has sent to the Senate and the House of Representatives his request that situs picketing legislation be enacted into law.

I do not care to speak on the subject now. I intend to speak on it later. I have spoken on it at length. I have tried to be scrupulously careful and crystal clear as to what I believe situs legislation is intended to do and what it is not intended to do and why I believe it is in the public interest. That is all I have to say on this occasion.

Mr. MORSE. Mr. President, I appreciate the remarks of the Senator from California. The Senator has made some arguments that I was about to make.

My final remark on this is that once again the Senator from Arizona finds himself in disagreement with the President of the United States. Of course that is no new experience for me, either. However, I want to say that I find myself in agreement with the President of the United States in his recommendation on situs picketing.

I wish to say something else, too, because I was a participant in the conferences to which I referred. It will be recalled that before the Senator from Ohio, Mr. Robert Taft, suffered his fatal illness, he, the former Senator from New York, Mr. Ives, and the senior Senator from Oregon were engaged in a series of conferences on proposed amendments to the Taft-Hartley Act.

One of the amendments which we were discussing, on which we were in substantial agreement, was an amendment in regard to situs picketing. Senator Taft, in 1949, had come to recognize that as the secondary boycott provisions of the Taft-Hartley Act were operating, they were doing an injustice to the building trades industry of the Nation.

One other thing, and I shall be through with my reply at this time, although I shall be delighted to continue this discussion with the Senator from Arizona in a hearing before the Committee on Labor and Public Welfare, where it ought to be carried on.

The Senator from Arizona cited in his speech this afternoon the situation with regard to what happens in the building trades industry when a subcontractor proceeded to hire nonunion men, and sought to give the impression that the factual situations which I outlined in my speech the other day are not, in fact, operative facts which exist in specific cases in the building trades industry.

So the Senator from Arizona, when he gets through listening to Mr. Gray and other building trades industry witnesses testify, will find that I gave an accurate description in my speech the other day as to what is wrong with the restriction of situs picketing as it relates to the specific factual situations which I described in that speech.

Mr. President, I have lived with the secondary boycott situation in the building trades industry for years. I know whereof I speak as to its injustice in the specific types of cases outlined in my speech the other day.

COST OF MEDICAL CARE FOR THE AGED

Mr. MORSE. Mr. President, the cost of medical care for the aged is a problem which continues to channel much interest among all segments of our population. Last Saturday, I pledged to a meeting of Midwest Democrats that I would press this matter on the Senate floor, if action was not forthcoming in the House of Representatives.

A recent example of this continuing interest is an article entitled "Medical Care and the Aged," published in the March 20, 1960, issue of the Oregon Grange Bulletin.

Because of the timely nature of the subject, and because of my sincere interest as sponsor of the bill, S. 881, which seeks to provide hospital care for social security annuitants, I ask unanimous consent that the article to which I have referred be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEDICAL CARE AND THE AGED

If any early relief from the crushing burden of medical expenses is in the cards for our aged citizens, this year—a presidential election year—1960, provides the best hope.

A number of bills have been introduced in both the House and Senate but expectation is that primary attention will be centered on a measure introduced in the House by Representative AIME J. FORAND, Democrat, of Rhode Island.

The Forand bill is an insurance plan to help retired people pay their hospital and surgical bills through our social security system. It will pay for surgery performed in a hospital by the patient's own surgeon, hospital care in a semiprivate room up to 60 days, and convalescence in a nursing home.

The measure provides that the program be financed by an increase in social security taxes for both workers and employers. Each will pay an additional one-fourth of 1 percent. No one will pay more than 25 cents a week.

The growing support for some type of legislation along the lines of the Forand bill has become increasingly evident. It received an additional shot in the arm recently in the report of the Senate Subcommittee on the Aged and Aging under Senator PAT MCNAMARA, Democrat, of Michigan, which recommended medical care for retirees.

The subcommittee held extensive hearings on the problem and gathered some 300 replies from experts and organizations. The committee concluded that retired older people face three major obstacles to adequate medical care:

An increase in medical needs for the aged: The aged, the committee concluded, are far more likely to have chronic illnesses which require more visits to the doctors or home calls by physicians. There is greater need for professional nursing care in the home. Older people spend at least twice as many days per capita in general hospitals than do persons of all ages.

Increased needs compounded by rising cost of medical care: Living costs from the 1947-49 period have risen about 25 percent while the cost of medical care has risen about 50 percent—hospital costs alone about 100 percent.

A nationwide study by McGraw-Hill in 1956 showed that our elderly citizens pay approximately 50 percent more in medical care than do persons of all ages.

Inability to finance medical care: The majority of the aged—about 60 percent—are not covered by hospital insurance. Those with the most serious illnesses are the least likely to be covered.

Older persons usually find that they are considered poor risks by insurance companies and are either denied protection or have to pay enormously high premium rates. Also, private insurance companies drop many of them when they consider the risks too great.

A survey by the Health Information Foundation found that 47 percent of the aged had only one type of asset (such as a home or piece of real estate, life insurance, savings, stocks or bonds, or the help of relatives) or no such assets at all to pay a medical bill of $500 or more.

The subcommittee, in its majority report, declared: "Most groups recommend that the principle of prepaid health insurance with Government assistance—and not socialized

medicine which means a system of Government-owned facilities and Government-employed personnel—is a sensible, practical answer to the problem."

As might be expected, despite such evidence of need, the American Medical Association remains unmoved in its opposition to such a prepaid health insurance program. But forward-looking medical and social service organizations are taking more reasonable views. Here are a few representative quotes:

"We are convinced by all evidence we have seen that the problem of health care and its financing is one of the most serious facing the nonindigent aged, and one of the greatest threats to their economic security."—American Hospital Association.

"Sickness in the aged is being covered to some extent by health insurance, but health insurance does not solve the problem completely. Any real chronic cannot be adequately taken care of by present day health insurance agencies."—Arthritis and Rheumatism Foundation.

"A No. 1 priority should be adequate provision for medical care, especially for those who are living on social security alone. * * * Existing agencies are, therefore, providing only a partial answer to the main problem."—Health and Welfare Council, Philadelphia.

"One of the most serious sources of anxiety which we see in our aged clients, as well as their adult children, is that of anticipated incapacity and inability to meet the future costs of medical care. * * *"—Jewish Family and Children's Service, Detroit.

This live issue cannot be ignored much longer.

TRANSFER OF BOARDMAN BOMBING RANGE TO STATE OF OREGON

Mr. MORSE. Mr. President, on behalf of my distinguished junior colleague from Oregon [Mr. LUSK] and myself, I submit, for appropriate reference, amendments to the bill, H.R. 10777, to authorize transfer of the Boardman Bombing Range, Oregon, to the State of Oregon, in exchange for lands in the State of Oregon suitable for bombing-range purposes.

The proposed exchange is enthusiastically supported by my Senate colleague and myself, by Gov. Mark Hatfield, of Oregon, and by Representative ULLMAN, of Oregon's Second District, in whose area the bombing range is situated.

We support this transfer because we are convinced that it would be of great benefit to the United States and to the State of Oregon if the transfer were promptly consummated; and we are convinced that it is in the general public interest.

The Boardman Bombing Range is located in eastern Oregon, in the vicinity of John Day Dam, which now is under construction in the Columbia River.

My interest was first drawn to the possibility of converting the range to industrial use when my Oregon colleague on the House side, AL ULLMAN, last summer discussed with me the proposed intragovernmental transfer of the range from the Department of the Air Force to the Department of the Navy. At that time, Mr. ULLMAN emphasized the importance of having the lands in the Boardman Bombing Range returned to civilian use.

On December 31, 1959, Governor Hatfield, of Oregon, wrote to me a letter indicating the interest of the Morrow County court and the State department of planning and development in obtaining the release of this land from Government ownership.

Mr. Robert Tarr, Director of the Oregon Department of Planning and Development, and his assistant, Mr. Samuel Mallicoat, have spent several weeks in Washington, D.C., performing excellent services by way of conferring with various departments of the executive branch and briefing those departments on the merits of the proposed exchange. In this respect, Messrs. Tarr and Mallicoat have also been of great help to the Oregon Senators and Members of Congress.

In order that the members of the Armed Services Committee and our other colleagues may have full information concerning this mutually advantageous land-transfer proposal, I wish to ask unanimous consent that there be inserted in the RECORD at the close of my remarks various items of correspondence which supply further details on this proposal.

But, Mr. President, first, I ask unanimous consent to have the amendments I have submitted printed at this point in the RECORD.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

On page 55, between lines 22 and 23, insert the following:

"SEC. 512. (a) Notwithstanding any other provisions of law, the Secretary of the Navy is authorized, upon such terms and conditions as he may determine to be in the public interest, to convey to the State of Oregon the lands, including acquired and public domain lands, comprising the Boardman Bombing Range in the State of Oregon, as delineated on a map designated as War Department-Office of the Division Engineer-North Pacific Division-Real Estate-Boardman Precision Bombing Range, approved 17 February 1947, Drawing No. O-31-52. The conveyance of such lands to the State of Oregon shall be made in exchange for a conveyance, without restriction as to use, to the United States of such lands of the State of Oregon as the Secretary of the Navy shall find suitable for use as a bombing range, and upon payment by the State of Oregon to the United States of such amount as the Secretary of the Navy determine to represent the total of (1) the difference, if any, between the fair market value of the property so conveyed by the Secretary of the Navy and the fair market value of the land accepted in exchange therefor, and (2) the cost to the Department of the Navy of providing a complete substitute facility on the State lands so acquired.

"(b) The State of Oregon shall agree to be primarily liable and hold the United States harmless from any claims for personal injury or property damage resulting from the condition of the lands conveyed by the United States.

"(c) The money to be received by the Secretary of the Navy in connection with such exchange shall be covered into the Treasury as a miscellaneous receipt, except that such amount thereof as represents the cost of providing a complete substitute facility shall be available to the Secretary of the Navy for such purpose."

On page 55, line 23, strike out "SEC. 512" and insert in lieu thereof "SEC. 513".

Mr. MORSE. Mr. President, I now ask unanimous consent to have printed in the RECORD a letter dated December 31, 1959, which I received from the Governor of Oregon, and my reply dated January 5, 1960.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF OREGON,
OFFICE OF THE GOVERNOR,
Salem, Oreg., December 31, 1959.

The Honorable WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: Efforts are now under way to obtain release of certain tracts of land now held by the Federal Government which are potentially valuable for industrial development in our State.

Inquiries we have been receiving from industrial organizations indicate that the 96,000-acre Boardman Bombing Range in Morrow County has the most immediate potential. Action to restore this land to the tax rolls has been initiated by the Morrow County Court, and the State department of planning and development is working actively to obtain release of this land.

I am informed that the property has been declared excess by the Air Force, and the Navy has applied for a transfer of title, which already has been approved by the Senate Armed Services Committee.

I have requested the department of planning and development to confer with your staff to determine the most effective joint action in obtaining earliest possible release. We hope to avoid becoming involved in lengthy legal procedures.

I earnestly solicit any support and assistance you are in a position to give in this effort which is so vital to Oregon and its economic growth.

Sincerely,

MARK O. HATFIELD,
Governor.

JANUARY 5, 1960.

The Honorable MARK O. HATFIELD,
Governor of Oregon,
Salem, Oreg.

DEAR GOVERNOR HATFIELD: This will acknowledge your letter of December 31 in which you advise me of your interest in obtaining early release by the Federal Government of the area designated as the Boardman Bombing Range.

In recent months I have received a number of inquiries from interested individuals and county officials in Oregon urging the release of this facility. Under date of November 13, 1959, I received an interim report from the Department of Defense informing me that "a review is being made of the status and intended plans of the Department of the Navy for the use of this facility. You will be further advised."

I am taking the liberty of informing the Department of Defense concerning your views on this matter and as soon as I have the information I requested previously on the project I shall write to you again.

Sincerely yours,

WAYNE MORSE.

Mr. MORSE. Mr. President, I also ask unanimous consent to have printed in the RECORD a letter dated January 25, which I received from the Governor of Oregon, and my reply dated February 2.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF OREGON,
OFFICE OF THE GOVERNOR,
Salem, Oreg., January 25, 1960.

The Honorable WAYNE MORSE,
U.S. Senate, Washington, D.C.

DEAR SENATOR MORSE: As a result of a recent trip to Washington, D.C., by Mr. Robert Tarr and Mr. Sam Mallicoat of the department of planning and development, I have received reports which indicate substantial agreement in principle with the proposal for State of Oregon acquisition of the Boardman Bombing Range.

This is a very encouraging demonstration of Federal-State cooperation. Many hours of technical work will be required before all the details of the transfer can be accomplished, and we are proceeding with dispatch to perform our part.

I am grateful for your very able assistance in helping to get the project under way. I shall look to you for continued advice and assistance in this matter, knowing that we are all primarily concerned with the ultimate economic benefits that will accrue from Oregon's entry into the space age.

Again, thank you for your cooperation.

Sincerely,

MARK O. HATFIELD,
Governor.

FEBRUARY 2, 1960.

The Honorable MARK O. HATFIELD,
Governor of Oregon,
Salem, Oreg.

DEAR GOVERNOR: Thank you very much for your letter of January 25 in which you commented on the progress made by Messrs. Tarr and Mallicoat of the department of planning and development in connection with the proposed acquisition of the Boardman Bombing Range.

I was highly impressed with the thorough and intensive manner in which Mr. Tarr and Mr. Mallicoat proceeded to explore all phases of this land acquisition project during their recent visit to Washington, D.C. I had the pleasure of conferring with both gentlemen and my administrative assistant accompanied them during a very constructive meeting with officials of the General Services Administration on January 14.

In a letter dated today, addressed to Mr. Tarr, I summarized my understanding of certain legal aspects of this case. A copy of my letter, which I hope will be helpful, is enclosed.

My office will be more than pleased to cooperate in every way possible with you and with all agencies of the State of Oregon on this very meritorious project.

Sincerely yours,

WAYNE MORSE.

Mr. MORSE. Mr. President, I also ask unanimous consent to have printed in the RECORD a letter dated February 2, which I wrote to Mr. Robert Tarr, of the Oregon department of planning and development. The letter is dated February 2, 1960.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 2, 1960.

Mr. ROBERT TARR,
Oregon Department of Planning and Development, Portland, Oreg.

DEAR MR. TARR: Since returning to Washington from my recent trip to Oregon I have had occasion to review my file concerning proposed transfer of the Boardman Bombing Range to the State of Oregon or a subordinate agency thereof. Certain important aspects of the case were clarified in my mind as a result of our conferences and the briefing I received from my administrative assistant concerning the January 14 meeting in the office of Mr. Kreger of the General Services Administration.

In order that my office may cooperate to the maximum extent possible on this project, I shall summarize, in the paragraphs that follow, my understanding of certain legal points applicable to this case, and I shall welcome any additional comments you may care to offer.

At the outset I should mention that I enjoyed having an opportunity to confer with you and your associate Mr. Sam Mallicoat. I was very much impressed with the initiative both of you gentlemen displayed and the thoroughness with which you proceeded in your work on all aspects of this land acquisition problem.

Prior to your visit to Washington I had been in communication with the Department of Defense, seeking an expression of the Department's opinion on the possibility of making the Boardman Bombing Range available for disposal as Federal surplus property. My most recent word from the Department of Defense is found in the enclosed copy of a letter dated January 22 addressed to me by Acting Assistant Secretary of Defense Benedict.

I recall that after you conferred with various officials in the Military Establishment you met with Messrs. Kreger and Bronson of the General Services Administration. My administrative assistant, who accompanied you on that occasion, gave me a full briefing concerning the points under consideration. It is my impression that the GSA meeting proved to be very helpful in that the legal basis for a negotiated transfer of surplus Government property was discussed in detail.

The points outlined in the January 14 conference at GSA were based upon a very important assumption, namely, that the Boardman Bombing Range eventually would be declared surplus to the needs of the Departments of the Air Force and Navy, as well as other Federal Government agencies. This matter, as I understand from my conversations with you, is now being explored thoroughly by the appropriate military authorities in Washington as well as locally.

I shall appreciate your keeping me advised of further developments in that respect, and if there is anything I can do to be of additional help on that phase of the case, I shall be pleased to hear from you.

If the range were to be declared surplus to the needs of any State agency, the following considerations would be of special importance:

1. Normally Federal surplus property disposals are made through publicly advertised bids.

This basic requirement appears in United States Code, 1958 edition, title 40, section 484(e)(1).

2. Disposal of Federal property may be made through negotiated sales in exceptional cases as specified by statute.

The exceptions under which negotiated, as contrasted with public, sales are permitted as listed in United States Code, 1958 edition, title 40(e)(3) (A) through (I).

3. Disposals may be made at fair market value, by negotiated sale, to a State, a political subdivision thereof or to a tax-supported agency of the State—United States Code, 1958 edition, title 40, section 484(e)(3)(H).

Construing the legislative history of this latter section, the General Services Administration has concluded that the transfer to the State, political subdivision, or tax-supported agency must be for a public purpose, as such purpose is defined under State law. Illustrative of clear public purposes are transfers of land to be used for public parks, public buildings, or municipal water or sewage disposal systems.

Whether a transfer to a State or subordinate agency of the State to be used for resale in developing an industrial site constitutes a public purpose is problematical. It is conceivable, but not by any means certain, that an acquisition of the Boardman Bombing Range by the State, an industrial development commission, a port commission or by some State agency for the purpose of leasing portions of the tract to industrial firms might meet the public purpose requirement of the proposed transfer, provided such use of the land were to be regarded as a public function under State law.

4. Surplus lands of the Federal Government may be exchanged, under authority of the General Services Administration, for property of equal value—United States Code 1958 edition, title 40 section 484(c).

Under the authority of this section the Boardman Bombing Range, if declared surplus, could be exchanged for State lands or other property provided the military department in possession of the range were to conclude that such an exchange would be desirable from the standpoint of the department and in the interest of the Federal Government. The property to be received in exchange for the Federal land would have to be at least of equal value.

The advantage of this section, so far as the Oregon Department of Planning and Development is concerned, is that the exchange would not have to be preceded by a public offering of the property.

It seems to me that a great many problems can be avoided by a suitable exchange program. I am sure that you intend to discuss this subject thoroughly with State and local officials as well as with representatives of the executive branch of the Federal Government. Please keep me advised of your progress in this connection because I am very much interested in the outcome.

It was my pleasure to meet with you and Mr. Mallicoat during your Washington visit.

Sincerely yours,

WAYNE MORSE.

Mr. MORSE. Mr. President, I also ask unanimous consent to have printed in the RECORD a letter, dated March 28, 1960, which I wrote to Mr. Floyd S. Bryant, Assistant Secretary of Defense for Property, Department of Defense, Washington, D.C., and also a letter which I received from Mr. Bryant, under date of March 29, 1960.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MARCH 28, 1960.

Mr. FLOYD S. BRYANT,
Assistant Secretary of Defense for Property, Department of Defense, Washington, D.C.

DEAR MR. BRYANT: May I take this opportunity to thank you very much for the assistance rendered by your office in connection with the conference of March 25 on the Boardman Bombing Range, Oreg., land exchange project. Your assistant, Mr. Cooper Benedict, and the other Department of Defense officials in attendance at the conference were most helpful to those of us who are interested in bringing about an exchange that will be of advantage to the State of Oregon and the United States in this instance.

At the outset, I should indicate I am pleased to know that the executive branch is in agreement with the State of Oregon that the exchange is desirable and that it should be implemented by appropriate proceedings as rapidly as possible.

Had my attendance at an important meeting of the Senate Foreign Relations Committee not prevented my being at your office on Friday, I would have pointed out that I am very much interested in seeing the proposed exchange effected at the earliest possible date. At the same time, I would also have emphasized, as did my administrative assistant on my behalf, that the State of Oregon should supply dollar-for-dollar value for the Boardman Bombing Range lands to be exchanged, and that the appraised fair market value of the Federal lands should reflect their enhanced value occasioned by the construction of John Day Dam in the area.

I had hoped that the administrative type of exchange applicable to Federal property authorized by United States Code, 1958 edition, title 40, section 484(c) could be utilized in this case to bring about the prompt transfer that is so important to industrial development of the area by the State of Oregon. However, the Department of Defense officials who participated in the conference at your office emphasized that in their opinion the exchange cannot be worked out administratively pursuant to the above-mentioned section 484(c). In reaching this conclusion they placed considerable weight on another provision of the law, namely, section 501(b) of Public 534, 83d Congress which reads, in part:

"No real estate not in Federal ownership shall be acquired by a military department except as such acquisition is or shall be expressly authorized by law."

I have not had an opportunity to make an exhaustive study of Public Law 534 and of the reasons underlying the above-quoted language of section 501(b). However, in scanning the reports on the bill that became Public Law 534 of the 83d Congress, I found this interesting statement on page 14 of House Report No. 1707 of the 83d Congress:

"Section 501(b) provides permanent authority in the military departments to secure options on land in advance of specific authorization so as to avoid much of the speculatory price increases that result from the publicity of contemplated base expansions. The section also provides for semiannual reports to the Armed Services Committees to inform them of the operation of this authority."

The language of the House report, just quoted, leads me to believe that section 501(b) was designed to protect the interests of the Federal Government with respect to certain option transactions, and that this particular section may not have been intended to deal with land exchange proposals of the type involved in the Boardman Bombing Range case.

It would be of great help to me, and I am sure that it would also be helpful to officials of the State of Oregon, if we could have the comments of the Department of Defense, indicating clearly why, in the Department's opinion, section 501(b) is deemed to be controlling in the case under consideration.

As herein indicated, it was my hope that an administrative exchange pursuant to section 484(c) of title 40, U.S.C., could be worked out with a minimum of delay in such manner as to assure the receipt of full consideration by the Federal Government in connection with the exchange.

If the Department is still of the opinion that the exchange cannot be effected by administrative action, it is my intention to cooperate in every way possible to bring about passage of whatever legislation may be essential. During the course of Friday's conference, it was suggested that the military construction authorization bill now under consideration by the Senate Armed Services Committee might be amended so as to include appropriate authority for the exchange of the Boardman Bombing Range lands proposed in this case. Accordingly, I would appreciate receiving at the earliest possible moment, as a legislative service, the draft of whatever amendatory language the Department would deem adequate to authorize the proposed exchange. The language should be drafted for the purpose of being included as an amendment to the military construction authorization bill now pending in the Senate Armed Services Committee.

Please accept my thanks for your assistance in the preparation of the amendatory language herein requested.

Sincerely yours,

WAYNE MORSE.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., March 29, 1960.

Hon. WAYNE MORSE,
U.S. Senate.

DEAR SENATOR MORSE: Thank you for your letter of March 28. As you know, the Department of Defense has made every effort to explore the various methods by which the Boardman Bombing Range exchange might be effected, and I deeply appreciate the interest and support you have given to these efforts.

Your letter requests an explanation of the Department's view that the exchange cannot be accomplished administratively, and further requests that, as a drafting service, language be furnished to accomplish the exchange by legislation. I have discussed both these matters with counsel, and am enclosing a draft of legislation prepared by the Office of the Secretary of Defense and the Department of the Navy which counsel advises me will accomplish this purpose.

You mention in your letter the possibility of effecting an exchange under section 203(c) of the Federal Property and Administrative Services Act (40 U.S.C. 484(c)). While this statute does give the General Services Administration authority to dispose of surplus property by exchange, and this authority is delegable, I understand there is a legal question whether the Boardman Bombing Range could properly be declared surplus when a continuing need for its facilities exists. Even if it were found excess to the needs of the Department of Defense, however, it would have to be screened by GSA for possible use by other agencies of the Federal Government prior to a determination that it was surplus and subject to GSA's disposal authority. Furthermore, although the Federal Property Act did, as I have said, give GSA the authority to make disposals by exchange, section 501(b) of Public Law 534, 83d Congress (10 U.S.C. 2676), which was subsequently enacted, specifically prohibited the acquisition by the military departments of property outside Federal ownership without specific authorization. Since this is a later statute, which relates specifically to military acquisitions, I am advised by counsel that it must prevail where there is an inconsistency with the Federal Property Act. I am further advised that this prohibition, as originally enacted, was subject to two provisos. The provisos limited the application of this prohibition by permitting the military departments to procure options prior to the enactment of express acquisition authorization, but required that the procurement of options be reported to the Committees on Armed Services. Although, as you point out, the reports of the Committees on Public Law 534 did not discuss this prohibition, but referred only to the option provisions, it is counsel's view that these provisions, since they were enacted as part of the section which contained the prohibition, must be interpreted as a limited exception to it. Counsel has further advised me that since the enactment of section 501(b) there have been a number of statutes providing for the exchange of particular parcels of land, and that this practice of authorizing specific exchanges is an additional indication of Congress intent that exchanges not be effected without such legislation. (Such statutes include, for example, Public Law 929, 84th Cong., authorizing the Secretary of the Army to exchange certain lands with the city of El Paso, Tex.; Public Law 85-181, authorizing the Secretary of the Army to exchange certain land with the State of California; Public Law 85-187, authorizing the Secretary of the Navy to exchange certain land with the Commonwealth of Puerto Rico.)

I trust that this brief statement will serve to clarify the Department's position on this matter, but if you wish a more detailed explanation I shall be happy to ask counsel to furnish you one.

Sincerely yours,

FLOYD S. BRYANT.

Mr. MORSE. Mr. President, I also ask unanimous consent to have printed in the RECORD a letter which I wrote to the Senator from Mississippi [Mr. STENNIS], chairman of the Subcommittee on Military Construction, of the Senate Armed Services Committee. The letter is dated March 30, 1960.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 30, 1960.

Hon. JOHN STENNIS,
Chairman, Subcommittee on Military Construction, Senate Armed Services Committee, Washington, D.C.

DEAR JOHN: Enclosed is a proposed amendment to H.R. 10777, sponsored by the undersigned, which proposes congressional authorization for an exchange of the federally owned Boardman Bombing Range, Oregon, for such lands of the State of Oregon as the Secretary of the Navy shall find suitable as a bombing range in lieu of Boardman.

We urge the committee's favorable action on this amendment because we are convinced that an exchange would be in the interest of the Federal Government and the State of Oregon. We are pleased to state that this project has been urged by the Governor of Oregon and by his Department of Planning and Development whose representatives, Messrs. Robert H. Tarr and Smauel H. Mallicoat, are presently here in Washington.

The Boardman Bombing Range is situated in the near vicinity of the reservoir of John Day Dam, where active construction by the United States Army Corps of Engineers started in 1958. Construction of the John Day dam will, in the natural course of events, bring a substantially increased population and economic development to the John Day Reservoir area in close proximity to the Boardman Bombing Range. Eventually, this will pose a serious problem concerning the use of the Boardman site as a bombing range. The Senate Armed Services Committee foresaw this problem when a member of its professional staff wrote to Admiral Peltier, Chief of the Bureau of Yards and Docks, under date of August 11, 1959, advising the Bureau that the Senate Armed Services Committee had conditionally approved the project for Navy acquisition of the Boardman Bombing Range. The committee cautioned, however:

"The attention of the committee has been called to certain local opposition to the continued use of the Boardman Range for bombing practice. It has been pointed out that this range is in close proximity to the entire Columbia River development area and lies immediately adjacent to the reservoir pool of the John Day Dam now under construction, which changes considerably the economic value of the land and makes live ammunition bombing hazardous.

"It is the understanding of the committee that the Department of the Navy has no intentions of using this range for live ammunition bombing. The committee will expect the Department of the Navy to reconsider the continued use of the range upon completion of the John Day Dam project, with due consideration of the purpose for which this other Federal project is being constructed."

Recently, Rear Admiral Hubbard, Director of the Logistic Plans Division, Department of the Navy, referred to the "urgency of completing the arrangements necessary for the transfer of the Boardman property," and assured the complete cooperation of the Navy Department in this connection. Reconsideration of the use of the Boardman site as a bombing range is, therefore, a matter of immediate importance.

The Federal Government will have to face up to the fact that a bombing range such as Boardman, in close proximity to a major multipurpose dam and to a potential concentration of population, presents operational hazards that may outweigh its military usefulness. We feel that the Federal Government should take advantage of the very favorable exchange proposal now offered by the State of Oregon rather than to await future uncertainties and higher costs with respect to the acquisition of an in lieu bombing site.

The State of Oregon desires to acquire the Boardman Bombing Range as the site for a State-sponsored industrial development area and is actively engaged in attracting defense industries to the area. Geographically and climatically the Boardman Bombing Range offers an ideal location for defense missile and other space-age industries, and is in furtherance of the important plan of dispersal of these essential industries.

The site offers transcontinental rail, air, and highway transportation facilities, and an abundance of low-cost electric power is immediately at hand. The Columbia River will provide both industrial water and ideal facilities for barge shipments and oceangoing transshipments of strategic materials.

Our amendment would authorize the conveyance of the Boardman Bombing Range to the State of Oregon upon terms and conditions which the Secretary of the Navy may determine to be in the public interest. It provides for transfer by the State of Oregon of an in lieu bombing site to the United States, together with payment by the State of the difference between the fair market value of the Federal property and the fair market value of the property accepted in exchange. It also assures that the State of Oregon shall pay to the Department of the Navy the cost involved in providing a complete substitute facility on the State lands so acquired.

We are satisfied that the proposed exchange is not only in the general public interest, but is wise from a common sense business viewpoint. We urge your subcommittee's and the full committee's prompt and favorable action on the amendment herewith presented.

With best personal regards.

Sincerely,

WAYNE MORSE.
HALL S. LUSK.

Mr. MORSE. Mr. President, I now ask that the amendments submitted to House bill 10777 be appropriately referred.

The PRESIDING OFFICER. The amendments will be received, printed, and referred to the Committee on Armed Services.

INCLUSION OF BERRIES IN MARKETING AGREEMENTS AND ORDERS UNDER SECTION 8C OF AGRICULTURAL ADJUSTMENT ACT

Mr. MORSE. Mr. President, I introduce—and request its appropriate reference—a bill designed to authorize marketing agreements and orders to be entered into with respect to berries for canning and freezing.

Mr. President, under current provisions of the Agricultural Marketing Agreement Act of 1937, as amended, marketing orders cannot be issued for fruits and vegetables for canning and freezing, except olives, grapefruit, and asparagus. It is my understanding that the Department of Agriculture would not object to the broadening of coverage if industry groups would support such legislation.

Mr. Paul T. Rowell, chief, division of market development of the State of Oregon, has informed me that with the introduction of concrete legislation, producer groups and others interested could make detailed studies and could develop opinions and recommendations upon it.

It is my hope that early consideration can be given by the committee to this proposed legislation. I note that similar proposals affecting other agricultural commodities have been introduced during this session. Since these commodities are also raised extensively in the Pacific Northwest, perhaps the Agriculture and Forestry Committee might see its way clear to hold field hearings upon both legislative measures. Such a procedure would be most helpful to the growers and operators, and would provide an excellent opportunity to acquaint the members of the committee with the particular problems of agriculture in our Western States.

Mr. President, I ask unanimous consent that a letter from the Department of Agriculture, dated July 17, 1959, pertaining to marketing agreements, be printed at this point in my remarks, together with the text of the bill I have just introduced.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter and bill will be printed in the RECORD.

The bill (S. 3318) to authorize marketing agreements and orders under section 8c of the Agricultural Adjustment Act (as reenacted by the Agricultural Marketing Agreement Act of 1937, as amended, with respect to berries for canning and freezing, introduced by Mr. MORSE, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8c(2) of the Agricultural Adjustment Act (as reenacted by the Agricultural Marketing Agreement Act of 1937), as amended (7 U.S.C. 608c(2)), is amended by inserting after the word "olives" a comma and "berries,".

The letter presented by Mr. MORSE is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., July 17, 1959.

Hon. WAYNE MORSE,
U.S. Senate.

DEAR SENATOR MORSE: This is in reply to your letter of June 30, 1959, requesting certain information in regard to the Agricultural Marketing Agreement Act of 1937, as amended. Answers to your questions follow in the same sequence as the questions were set forth in your letter.

1. Under the current provisions of the act, marketing orders cannot be issued for fruits and vegetables for canning and freezing except for olives, grapefruit, and asparagus. A marketing agreement may be entered into by the Secretary of Agriculture and the handlers of any agricultural commodity. Such an agreement is a voluntary contract between the Secretary and the individual handlers. However, its terms apply only to those who sign the agreement so it could not effectively contribute to solving the marketing problems of an industry unless all handlers of the commodity signed the agreement. Even if all active handlers signed, there would be no way to preclude new handlers entering the field to take advantage of the improvements resulting from the cooperating regulatory handlers.

2. It has been the position of the Department that it would be desirable for the provisions of the act to be broadened if industry groups supported such enabling legislation so that a marketing order could be adopted by the producers of any fruit and vegetable commodity if they desired to do so.

3. The provisions of the act could be broadened to cover berries for canning and freezing merely by inserting, in section 608c (2), the word "berries" immediately following the word "olives."

4. Briefly, the following steps are necessary to develop a marketing agreement and issue the companion marketing order:

(a) A preliminary proposal is drafted for consideration by industry members. Department representatives often assist the interested industry group in this connection.

(b) After general agreement within the industry as to the provisions of the proposed program, a request for public hearing thereon is submitted to the Secretary. This request should be signed by members or organizations representing a majority of the industry.

(c) Notice of the public hearing must be published in the Federal Register at least 15 days prior to the date set for the hearing. Copies of this notice are mailed to all known growers and handlers of the commodity concerned.

(d) The public hearing is held at one or more places within the area to be covered by the program. All interested parties are given an opportunity to present, under oath, their views concerning the proposed program. At the close of the hearing, a period of time is fixed for the filing of briefs concerning the evidence presented at the hearing.

(e) Following the period for the filing of briefs, the Administrator of the Agricultural Marketing Service prepares, from the record and any briefs filed, a recommended decision. Interested parties are provided a period of time in which to file exceptions to the recommended decision.

(f) Following the period for the filing of exceptions to the recommended decision, the Secretary issues his decision in the proceeding. This decision rules on any exceptions filed and contains the Secretary's findings and conclusions with respect to the terms and provisions of the marketing agreement and order.

(g) The marketing agreement is submitted to handlers for signature. At the same time, a referendum of producers is ordinarily conducted to determine whether the issuance of the marketing order is favored. A referendum is not required by the act but, in most fruit and vegetable industries, it is the most practical means for ascertaining whether the requisite number of producers favor the issuance of the marketing order.

(h) Upon approval of the issuance of a marketing order by the requisite number of producers, which may, or may not, be

accompanied by a marketing agreement signed by the handlers, the Secretary may then issue the marketing order.

Since most of the commercial berry production in Oregon is processed, it is questionable whether a marketing agreement program for fresh berries only would be effective in improving the overall marketing situation. For example, only 2.7 million pounds of the 69.3 million pounds of strawberries produced in Oregon in 1958 were marketed in fresh channels.

Should you have any further questions concerning this matter, we shall be pleased to answer them upon request.

Sincerely yours,

CLARENCE L. MILLER,
Assistant Secretary.

RESOLUTIONS OF HOP GROWERS OF AMERICA., INC.

Mr. MORSE. Mr. President, the Oregon Hop Growers Assocation has called to my attention, recently, resolutions adopted by the Hop Growers of America at their annual convention held on January 28 and 29, 1960.

The importance to Oregon of hop production is best shown by figures contained in the annual summary of Oregon Crop Reporting Service. This State publication shows that in 1959, 5,200 acres were devoted to the growing of hops, and production in 1959 amounted to some 6,968,000 pounds having a value of $3,205,000. This is somewhat of a drop under the average of 1948–57 production figures, which show that the average annual production for that period was 11,110,000 pounds grown upon an average land area of 9,900 acres.

Mr. President, these figures are themselves fairly good evidence that the hop industry is in need of assistance. It is for this reason that I am happy to support programs designed to expand research in this area.

Mr. President, I ask unanimous consent that the resolutions to which I have alluded be printed at this point in my remarks, together with the chart entitled "Oregon Crop Production and Value—1959 and 10-Year Average."

There being no objection, the resolutions and chart were ordered to be printed in the RECORD, as follows:

RESOLUTIONS, HOP GROWERS OF AMERICA, INC., FOURTH ANNUAL MEETING, JANUARY 29, 1960

1

Whereas it has been clearly demonstrated that the areas of specialty crops with their intense demand for labor cannot function without the existence of a supplemental labor force; and

Whereas the year to year extension of Public Law 78 leads to confusion and uncertainty: Therefore be it

Resolved, That the Hop Growers of America request that Public Law 78 be extended without a termination date.

2

Whereas agricultural labor presents unique problems inasmuch as they are in an area requiring specific knowledge and administration not inherent in labor administration in general; and

Whereas it is felt that it is impossible for the Labor Department to properly administer Public Law 78: Therefore be it

Resolved, That the administration of Public Law 78 be transferred from the Secretary of Labor to the Secretary of Agriculture.

3

Whereas it is imperative that corrective legislation be instituted on Public Law 78 at as early a date as possible: Therefore be it

Resolved, That the Hop Growers of America request Congressman PHIL LANDRUM to form a subcommittee for the purpose of holding hearings in all affected areas, on all aspects of Public Law 78.

4

Whereas the members of the Hop Growers of Washington have graciously invited the Hop Growers of America to hold the 1961 convention in Yakima, Wash.: Therefore be it

Resolved, That the Hop Growers of America accept this gracious invitation.

While it is not stated in resolution form, it is implied that the various State organizations forward copies of these resolutions to their selected Representatives in Congress.

Oregon crop production and value, 1959 and 10-year average

[From Annual Summary of Oregon Crop Reporting Service]

Crop	Acreage harvested		Unit	Production		Value, 1959 crop
	Average, 1948–57	1959		Average, 1948–57	1959	
Corn, all	30,000	64,000	Bushel	1,557,000	3,840,000	$5,875,000
Wheat, all	973,000	814,000	do	27,312,000	28,464,000	50,951,000
Winter wheat	779,000	709,000	do	22,205,000	25,524,000	
Spring wheat	199,000	105,000	do	5,107,000	2,940,000	
Oats	300,000	227,000	do	9,535,000	7,718,000	5,480,000
Barley	515,000	538,000	do	14,466,000	19,368,000	19,755,000
Rye	20,000	18,000	do	277,000	279,000	335,000
Hay, all	1,923,000	1,011,000	Ton	1,813,000	1,827,000	45,675,000
Sugar beets	17,700	19,000	do	353,000	513,000	5,797,000
Peas, dry	11,000	12,000	Hundredweight	103,000	174,000	809,000
Potatoes, all	36,000	38,500	do	7,793,000	8,510,000	15,433,000
Late summer	10,200	11,500	do	1,992,000	2,300,000	
Fall	25,800	27,000	do	5,801,000	6,210,000	
Hops	9,900	5,200	Pound	11,110,000	6,968,000	3,205,000
Peppermint	13,900	14,900	do	640,000	968,000	3,291,000
Total field crops	2,954,500	2,761,600	Ton	3,969,000	4,330,000	156,606,000
Alfalfa	6,900	9,000	Pound	1,992,000	3,420,000	1,094,000
Red clover	18,700	13,000	do	3,074,000	2,600,000	702,000
Alsike clover	9,500	5,000	do	3,382,000	1,750,000	332,000
White clover	1,900	1,300	do	191,000	195,000	78,000
Ladino clover	10,000	900	do	1,581,000	135,000	74,000
Merion bluegrass [1]	2,900	6,000	do	536,000	1,620,000	1,944,000
Chewings fescue	16,400	22,000	do	4,826,000	8,800,000	2,508,000
Red fescue	5,500	9,000	do	1,767,000	3,870,000	1,122,000
Tall fescue	15,800	5,000	do	4,977,000	1,950,000	351,000
Bentgrass	17,100	20,000	do	3,308,000	6,000,000	1,320,000
Austrian winter peas	26,000	8,000	do	26,900,000	7,200,000	241,000
Crimson clover	4,900	15,000	do	1,740,000	6,450,000	1,516,000
Hairy vetch	46,300	31,000	do	15,894,000	11,470,000	1,147,000
Common vetch	34,300	10,000	do	15,333,000	4,200,000	218,000
Common ryegrass	98,700	100,000	do	75,303,000	115,000,000	6,900,000
Perennial ryegrass	23,700	40,000	do	18,802,000	38,000,000	3,800,000
Total seed crops	338,000	295,200	Ton	90,000	106,000	23,347,000
Apples			Bushel	2,534,000	2,200,000	3,190,000
Peaches			do	439,000	550,000	1,485,000
Pears, all			Ton	140,202	141,000	11,458,000
Bartlett pears			do	55,922	56,000	3,808,000
Fall and winter pears			do	84,280	85,000	7,650,000
Cherries, sweet			do	21,880	25,100	7,831,000
Cherries, sour			do	3,089	3,500	522,000
Prunes, fresh basis			do	82,000	42,000	2,898,000
Grapes			do	960	1,000	85,000
Filberts			do	7,270	9,000	2,420,000
Walnuts			do	6,690	4,200	1,890,000
Total tree fruits and nuts			do	303,424	291,800	32,779,000

[1] Short-time average of acreage and production.

Oregon crop production and value, 1959 and 10-year average—Continued

[From Annual Summary of Oregon Crop Reporting Service]

Crop	Acreage harvested		Unit	Production		Value, 1959 crop
	Average, 1948–57	1959		Average, 1948–57	1959	
Red raspberries			Pound	7,888,000	10,900,000	$1,493,000
Black raspberries			do	5,250,000	6,300,000	907,000
Boysen and youngberries			do	7,750,000	7,700,000	578,000
Loganberries			do	2,355,000	1,700,000	207,000
Gooseberries			do	1,170,000	1,200,000	88,000
Tame blackberries			do	10,660,000	18,000,000	1,494,000
Wild blackberries and currants			do	944,000	52,000	4,000
Total, caneberries			do	36,017,000	45,852,000	4,771,000
Strawberries [2]			do	59,794,000	89,320,000	12,169,000
Cranberries [2]			do	2,547,000	4,400,000	[4] 510,000
Total, berries			Ton	49,000	70,000	17,450,000
Asparagus [3]	400	1,300	Hundredweight	11,000	21,000	228,000
Broccoli [3]	1,080	2,400	do	85,000	120,000	950,000
Cabbage [3]	1,810	1,800	do	338,000	360,000	789,000
Cantaloups	410	600	do	50,000	69,000	235,000
Carrots [3]	1,130	1,400	do	382,000	616,000	734,000
Cauliflower [3]	1,440	1,000	do	202,000	150,000	380,000
Sweet corn, fresh market	2,330	1,400	do	136,000	98,000	475,000
Lettuce:						
Spring	280	200	do	37,000	28,000	74,000
Fall	640	350	do	95,000	46,000	138,000
Onions:						
Eastern Oregon	2,660	2,900	do	1,258,000	1,494,000	1,942,000
Western Oregon	2,120	2,200	do	676,000	825,000	1,114,000
Tomatoes, fresh market	820	650	do	114,000	65,000	370,000
Watermelons	810	900	do	125,000	126,000	195,000
Snap beans for processing	8,100	11,100	Ton	62,400	83,200	10,541,000
Beets for canning	1,500	1,300	do	20,000	20,400	502,000
Sweet corn for processing	13,000	17,700	do	61,800	92,600	2,530,000
Cucumbers for pickles	1,400	300	do	4,556	1,344	67,000
Green peas for processing	53,700	55,900	do	54,400	70,150	6,012,000
Total, commercial vegetables [4]	97,840	104,300	do	388,256	470,644	27,453,000
Total, all crops			do	4,799,000	5,275,000	257,635,000

[2] 9-year (1949–57) average.
[3] Production usually given in 100-pound barrels.
[4] The 1958 season price was used in evaluating production.
[5] Includes fresh market and processing.
[6] Includes totals for lima beans and tomatoes for processing.

EDITORIAL BY WWDC CONCERNING DISTRICT OF COLUMBIA VOTER REGISTRATION

Mr. MORSE. Mr. President, WWDC, a Washington radio station, has the policy of expressing an editorial viewpoint upon important public matters. My attention was recently called to an editorial which was aired on March 2, 1960, concerning the District of Columbia voter registration.

Mr. President, in my judgment, WWDC in this instance is performing a public service function of high caliber. It is my hope that the station will see fit to continue to inform the District citizens of the importance of registering for the primary in May.

Both the station and the management deserve commendation for an educational editorial.

Mr. President, I ask unanimous consent that the editorial to which I have alluded be printed at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DISTRICT VOTER REGISTRATION

Once every 4 years District residents can vote in an official election. It falls on May 3 this year.

This is to remind listeners in the District that to qualify as a voter on May 3 you must register by April 18.

The central registration office is open Monday through Friday from 8:30 a.m. to 4:30 p.m. in room 8 of the District Building.

On March 17, 18, and 19, neighborhood registration stations will be open at 20 locations around the city. These stations will again be open on April 7, 8, and 9.

Don't put it off. You must register in order to show that you are qualified to vote. It also enables election officials to identify you when you go to the polls.

District residents who registered for the 1956 election, who still live at the same address, and who have not changed their party affiliation, need not register again. Everyone else must qualify by April 18.

We think if District residents really care about voting, they should make the most of this opportunity.

WASHINGTON METROPOLITAN COOPERATION IN POLLUTION CONTROL

Mr. MORSE. Mr. President, the problems of the many agencies and civic groups charged with the responsibility of reducing pollution in the Potomac are, I fear, sometimes not fully realized by the Senate.

The dedicated services of those men and women who are actively engaged in seeking to make the Potomac a recreational asset to the Nation's Capital are often insufficiently recognized. In my judgment, recognition ought to be accorded where it is due.

In this connection, I should like to direct the attention of the Senate to the work being carried on by Mr. David V. Auld, Director of Sanitary Engineering for the District of Columbia. Mr. Auld presented to the American Society of Civil Engineers on October 23, 1959, a paper entitled "Washington Metropolitan Cooperation in Pollution Control."

The paper sets forth a history of the efforts that have been made in the metropolitan area to obtain joint action to abate pollution.

I ask unanimous consent, Mr. President, that the paper to which I have alluded be printed in the RECORD at this point in my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

WASHINGTON METROPOLITAN COOPERATION IN POLLUTION CONTROL

(By David V. Auld, Director of Sanitary Engineering, District of Columbia)

The byproducts of metropolitan life have suddenly pushed themselves into the front rank of national problems. Most of our older cities have enjoyed some generations of placid internal development with little need for concern as to their surroundings. Now—they are discovering themselves to be the focal points of great regional concentrations of people whose presence can no longer be ignored. These great social and economic galaxies have no internal political or corporate homogeneity yet must somehow devise methods of maintaining the countless services now regarded as essential for health, safety, convenience, and public enjoyment.

The District of Columbia is the center of what is known as the Washington metropolitan area. According to the Census Bureau this includes Montgomery and Prince Georges Counties in Maryland, Arlington and Fairfax Counties in Virginia, and the cities embraced therein, the principal ones of which are Alexandria and Falls Church, Va. During the 20th century, there has been a sixfold increase in the urbanized area with the result that the closely built up section which had a diameter of about three miles, in Washington only, now encompasses some 300

square miles. Where at the beginning of this century the central city held over 90 percent of the area population, it now has only about 40 percent. From a position of dominance, it has become relatively subordinate to the area mass. By the end of the century, the central city will contain only one-fifth of the area population.

I. SEWAGE COLLECTION

Beginning about the year 1810, culverts and drains for the confinement of natural streams and control of storm runoff from the streets of Washington were constructed in a haphazard manner in the central city. In about 1840, spring or well water was piped into a few houses with interior plumbing and the city's first waterborne sewage wastes were produced. These of course found their way to the primitive culverts and a combined sewage system was thereupon started—by expedient, not by plan. Since these old drains discharged into the nearest watercourses, sewage pollution in the Nation's Capital thus had a modest and probably unnoticed beginning. The effects of this were to grow and grow, thanks to the modern miracle of a citywide water system first available in 1859, and a population surge stimulated by the Civil War. By 1875 a system of combined sewers serving the present downtown area and discharging to watercourses at convenient points was in existence.

While any connection between polluted streams and disease was unclear at first, their association became unmistakable as time passed. By 1889 the condition of the streams and river had become intolerable—so bad in fact, that President Harrison appointed a Board of Engineers to devise a sewage disposal system. This Board laid out a network of sewers to follow the major water courses to intercept the countless lateral lines then emptying into the waters along these routes. The sewage thus collected was to be delivered to an outfall sewer which would carry it into the Potomac at a point below the city. With adequate dilution and little tidal return to the populated area, the pollution problem of the day appeared to have been solved—according to the standards of that time. Conditions immediately adjacent to the city were dramatically improved, although it was not until 1934 that the extremities of the interceptor sewers were completed and the last was seen of the remaining continuously flowing outlets to the upper Potomac.

With the occupancy of nearly all available land within the District of Columbia, the sewage-collecting system is now rapidly approaching its ultimate development.

The recognition in 1920 that the city's sewage must some day be treated led to the acquisition of a treatment plant site situated at the southernmost corner of the District beside the Potomac River. The operation of a primary plant at this location was started in 1938 and has been continuous since then. During the current year, high rate activated sludge secondary treatment has been introduced at the same location.

The portions of Maryland contiguous to the District of Columbia at first contained only the characteristic small towns and subdivisions separated by open areas and farms. As early as 1911, however, it was apparent that even the scant population of 20,000 people adjacent to the District posed something of a problem since there were no satisfactory facilities for the disposal of their sewage wastes. The General Assembly of Maryland in 1916 directed the formation of a sanitary district to be known as the Washington Suburban Sanitary Commission whose purpose would be the furnishing of water and sewer services and the disposal of refuse. An inventory of the scattered and uncoordinated sewers then in existence showed a total of 60 miles to which only some 1,600 properties were connected. These for the most part discharged into small streams throughout the sanitary district without effective treatment. Since all of the major streams in nearby Maryland flow toward and through the District of Columbia, it was decided that the sewerage systems to be built within the several Maryland drainage areas should be designed to connect with the trunk sewers of the District of Columbia at the District line. Upon the development and acceptance of this principle, by both Maryland and District authorities, the U.S. Congress in 1918 authorized the handling of Maryland sewage by the District of Columbia.

Many years elapsed between the time of this momentous authorization and the actual physical connections. The first of these was made in 1930 in the Rock Creek Valley and the most recent major connection was completed in 1956 in the Anacostia Valley after an interval of 18 years of operation of a primary treatment plant just upstream of the District.

The early recognition of the unsatisfactory sanitary conditions in nearby Maryland and the positive and effective steps taken for their correction do great credit to the grasp and foresight of the engineers and State and local officials of that period.

The city of Alexandria in Virginia was the largest of the early settlements along the Potomac. With the introduction of the public water supply and the subsequent concentration of population, a complete sewerage network automatically developed. This took advantage of the proximity of the Potomac for the disposal of untreated sewage therein until 2 years ago, when the new 8-million-gallon daily secondary sewage-treatment plant of the Alexandria Sanitation Authority was placed in service.

Arlington County, Va., occupies the portion of that State originally included in the District of Columbia but retroceded to Virginia in 1846. It was an essentially rural community with a number of small towns and settlements primarily of subdivision origin which had little or nothing in the way of sanitary facilities before 1930. During the early 1930's, a comprehensive county sewer system was constructed which by 1940 served some 80 percent of the county residents. A primary treatment plant was constructed in 1937 as part of the sewer plan. This plant was extended in capacity and modernized in 1953.

The county of Fairfax, except for four principal towns, Falls Church, Fairfax, Herndon, and Vienna, was essentially rural until World War II. Since then, it has been the scene of the greatest relative population increase of any political jurisdiction in the metropolitan area. During the early part of this expansion, the septic tank was the principal means of sewage disposal. In accordance with usual experience, this proved to be far from satisfactory and as densities increased the county embarked on a $20 million sewerage expansion plan something less than 10 years ago. This has been largely completed and the more populous areas are provided with an adequate sewage collection system.

II. COOPERATIVE DISPOSAL ACTIONS

As each of the major Virginia political jurisdictions reviewed the startling growth which it had experienced during and just following the war, it was obvious that pursuit of individual sewage plans for service within the several political subdivisions would not necessarily provide the most satisfactory ultimate solution of the sewage disposal problem of the locality as a whole. Accordingly, the counties of Fairfax and Arlington and the cities of Alexandria and Falls Church, undertook a joint study to determine the most economical methods of sewage disposal for them as a coordinated group. It was thus determined that a proposed sewage treatment plant for the city of Alexandria could and should provide service for a substantial portion of the Fairfax County population. It was also apparent that the city of Falls Church could best take advantage of disposal facilities to be provided by the counties of Arlington and Fairfax, depending upon the direction of natural drainage within that city. The consolidated treatment of sewage from Arlington and Alexandria and/or Fairfax held no apparent promise of lang-range economy or improved efficiency over that to be provided by several smaller plants if strategically located. The result was two medium-sized plants—Arlington and Alexandria-Fairfax—and several smaller county plants in Fairfax. These latter were dictated by the scatter of certain population concentrations in widely separated drainage areas.

With continued development it is to be expected that these isolated plants can be progressively abandoned with both financial and sanitary benefits. For example, within a year of its completion it was decided to abandon the 1 mgd plant on Pimmett Run in Fairfax which empties into the Potomac opposite the upper boundary of the District. This was precipitated by selection of a nearby site for the Central Intelligence Agency headquarters which changed the entire growth pattern to be expected in the drainage area. Examination of this new problem showed the best solution to be the delivery of all sewage from this and several contiguous valleys in Fairfax to the District of Columbia system for treatment notwithstanding the necessity for a pipeline across the Potomac.

Authority for the District to handle and treat Virginia sewage was granted by Congress in 1958 and an agreement between Fairfax and the District was concluded some months later. Under this the county will save money and the threat of the treated effluent from an eventual 78,000 persons entering the Potomac above the District was removed.

Arlington County has recently indicated a desire to use the new Fairfax river crossing to carry sewage from a small area which is now pumped to the Arlington plant.

Under all interjurisdictional agreements for sewage disposal the costs are distributed to the parties so each pays his own way—either through rates or through sharing capital and operating costs.

The early agreements between the Washington Suburban Sanitary Commission and the District of Columbia provided not only for delivery of sewage from the sanitary district to the District of Columbia but also permitted householders abutting the boundary lines in either jurisdiction to tap the sewers of the other contiguous jurisdiction if available. The payment provisions resulted in charges of only $1 per house per year for each house draining to the District of Columbia—whether directly or through the Maryland sewer system. Charges of this scale obviously were inadequate so in 1954 a new agreement was executed under which Maryland would share on a proportional basis in the capital cost of any sewer or plant in which capacity for Maryland service would be provided if built after July 1, 1955, and would share the actual costs on a pro rata basis for operation and maintenance on sewers and plants including depreciation of existing facilities if previously paid for by the District of Columbia. This provides a realistic and equitable basis on which to plan, construct, and operate facilities for interjurisdictional use.

The metropolitan jurisdictions will have spent about $60 million between 1950 and 1960 for sewage facilities for collection and disposal in addition to the costs of systems for local service.

The recognition throughout the area of the necessity for pollution abatement and control has led to the extensive use of joint facilities where feasible and a spirit of cooperation in pursuit of the common objective has been conspicuous in recent years. As a result, all dry weather sewage flow receives treatment—most of it at the secondary stage. All of this has been on a voluntary and spontaneous basis.

III. OTHER COOPERATION

In 1957 the Washington Metropolitan Regional Conference was formed. This consists of the elected governing board members of the four metropolitan counties and the cities of Alexandria and Falls Church, Va. The District of Columbia Commissioners as well as several key members of the District Committees of the U.S. House of Representatives and Senate and one State senator each from Maryland and Virginia are included. While an entirely voluntary association the group has reached a number of worthwhile decisions.

Acting upon recommendations of its committee on water supply and pollution abatement the conference has taken three significant actions in the pollution abatement field:

1. It has agreed that there should be no sewage or plant effluent discharged to the Potomac River between the head of tidewater and the Monocacy River some 36 miles upstream. This action was to protect the metropolitan water supply and was subsequently formally accepted by the affected counties as their official policy.

2. It has adopted certain water quality objectives for the 63 miles of the Potomac River between the Monocacy and Hollowing Point some 14 miles below Washington.

3. It has sponsored the formation of the Washington Metropolitan Regional Sanitary Board on which are represented all major jurisdictions and sanitary authorities in the area, as well as the regional planning agency, certain health agencies and the Corps of Engineers. This board will consider all sanitary problems of regional scope and as its first task, after formation 2 months ago, has begun the development of a comprehensive metropolitan plan for sewage disposal.

There is a clear metropolitan intent to control pollution and protect the Potomac.

It must be acknowledged that the sewerage systems so far developed took form predominately in areas of relatively high density making it possible to finance them from present or immediately foreseeable area residents. If further development could be confined to territories contiguous to present systems all would be well. It is now apparent, however, that substantial leapfrogging will occur necessitating great expenditures for trunk sewers up the Potomac long before the local jurisdictions can afford to build them and long before their users are sufficiently numerous to carry any significant part of their cost. This is the situation which will be the greatest test as to the sufficiency of voluntary jurisdictional cooperation for continued control of Potomac pollution.

SUMMARY—SEWAGE HANDLING AGREEMENTS, WASHINGTON METROPOLITAN AREA

1. Agreements exist between Alexandria Sanitation Authority, Alexandria, Va., and Fairfax County, Va.; Arlington County, Va., and Alexandria Sanitation Authority; Arlington County and Fairfax County; Arlington County and city of Falls Church, Va.; Fairfax County and Falls Church; District of Columbia and Washington Suburban Sanitary Commission (Maryland); District of Columbia, and Fairfax County, Va.

2. Composition of charges: In general, capital charges and operation and maintenance charges are made only on facilities handling the sewage of a jurisdiction. When a jurisdiction has contributed to the original cost of construction capital charges are not made.

3. Basis of charges: A jurisdiction pays its proportionate share of the above charges based on the number of connections (sewered population), in all of the above cases except that of Alexandria Sanitation Authority, Fairfax County, and the agreements involving the District of Columbia, where the charge is on a volume basis.

BRIEF DESCRIPTION OF INDIVIDUAL AGREEMENTS

Alexandria Sanitation Authority-Fairfax County, Va.

There is no recovery of capital by the authority inasmuch as Fairfax County contributed to construction of sewers and sewage treatment facilities. The county contributed on the basis of capacity required by the county in proportion to total capacity, and contributed only to those facilities in which Fairfax sewage is handled.

A service charge covers maintenance and operation only on those facilities used by Fairfax County and is proportional to the metered flow.

Fairfax County, Va.-City of Falls Church, Va.

Charges to Falls Church by Fairfax County for sewage collection, treatment and disposal include costs of transmission and sewage treatment per family unit connected to the trunk sewers. Capital recovery and cost of maintenance and operation make up the sewage treatment charge.

Arlington County, Va.-Falls Church, Va.

Falls Church bought capacity in the Arlington County trunk sewer handling its sewage at the time it was built and therefore there is no capital recovery by Arlington.

There are no maintenance and operation charges to Falls Church on this trunk sewer inasmuch as these charges are considered balanced by Arlington use of portions of the Falls Church system in transporting its sewage to the Arlington sewage treatment plant.

Only maintenance and operation charges for use of the Arlington sewage treatment plant are made to Falls Church. No capital recovery is included. Charge is based on sewered population and is an annual charge.

Arlington County, Va.-Fairfax County, Va.

Fairfax County pays its proportionate share of the cost of existing facilities handling Fairfax sewage based on number of connections (sewered population). Charges include those for capital and operation and maintenance.

Arlington County, Va.-Alexandria, Va.

The same arrangements hold in this case as with Fairfax County.

District of Columbia-Washington Suburban Sanitary Commission

Maryland pays to the District sewage flow charges for handling, pumping and treating sewage as follows:

A proportion, based upon flow, of the cost to the District for operation, repair and maintenance of each District facility handling Maryland sewage, including overhead.

A rental, proportional to Maryland usage of District of Columbia facilities based on original cost of each such facility existing or being constructed on January 1, 1954.

Maryland bears its proportional share of cost of restoring or replacing each District facility carrying Maryland sewage.

If the District proposes to construct a new facility which will or may handle Maryland sewage, Maryland is so advised. Maryland advises the District whether capacity for Maryland sewage should be incorporated in proposed work and the District agrees to provide such capacity based on Maryland design data. Costs of facilities so constructed are paid by the two parties in proportion to the maximum design capacity assigned to each.

District of Columbia-Fairfax County, Va.

This agreement is essentially the same as that of District of Columbia-Washington Suburban Sanitary Commission outlined above.

PRESENT POSITION OF COOPERATIVE ORGANIZATIONS WITH RESPECT TO TAXATION

Mr. MORSE. Mr. President, recently I had occasion to discuss on the floor of the Senate mass media distributions of the present position of cooperative organizations with respect to taxation. An editorial contained in the March 7 issue of the Farmers Union Herald, entitled "Lies Mark Time's Blast at Co-ops," provides educational information upon this point. It cites statements made by a former distinguished Member of the House of Representatives, the Honorable Jerry Voorhis, presently executive secretary of the Cooperative League of the United States of America, who characterizes five statements in the Time editorial as "untrue," "false," "absolutely untrue," or the "exact opposite of the truth."

Mr. President, I ask unanimous consent that the editorial to which I have alluded be printed in the RECORD at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LIES MARK TIME'S BLAST AT CO-OPS

Time and Life magazines, which exist on the fat advertising rates they charge the big boys of the banking and manufacturing world—and the gratuities of Uncle Sam's postal subsidies (which run into the millions each year)—are in the midst of their chores.

First Life, and now Time, has taken out after cooperatives.

Jerry Voorhis, executive secretary of the Cooperative League of the USA, calls the latest Time editorial, entitled "The Co-op Tax Dodge," a "mish-mash of misinformation and downright untruth." Voorhis pointed to five statements in Time's editorial that he characterized as "untrue," "false," "absolutely untrue," or "the exact opposite of the truth."

"The basic deception is Time's failure to say that most cooperatives pay taxes under exactly the same laws that apply to other business," Voorhis said. "No business pays income tax on refunds to its customers. Time wants cooperatives so taxed * * * but no one else."

Voorhis noted that in the same issue Time Publisher James Linen proclaimed the magazine's defense of "the public's right to know." Said Voorhis:

"If Time wants to advocate a special, discriminatory, punitive tax on co-op refunds, that's your privilege. I question that 'the public's right to know' is well-served by feeding it such a multitude of inaccuracies."

Time statements that Voorhis called untrue are:

(1) Noncash refunds "do not bind the co-ops." Wrong. "These are binding obligations, and they must be paid, just like any other debt."

(2) "Only when a member finally gets cash" does he pay income tax on his refunds. "Not so," said Voorhis. While court decisions have somewhat confused this, co-op members pay income tax on many noncash refunds.

(3) One regional co-op "paid less than one-fourth the tax a non-co-op would have paid." Untrue. The co-op is an oil producer and was entitled to the same tax privileges as any other oil producer.

(4) Tax law amendments in 1951 were enacted "over bitter co-op protests." "This is the exact opposite of the truth," Voorhis wrote. "Seven co-op spokesmen testified at the 1951 hearings, and six of us asked Congress to make the changes it did."

(5) No other country taxes co-ops as the United States does. "Sweden does," Voorhis wrote. "Neither country Time mentions—Canada or Denmark—taxes co-op refunds."

RESOLUTIONS AND STATEMENT UPON INTERNATIONAL FOOD AND FARM POLICY

Mr. MORSE. Mr. President, the International Federation of Agricultural Producers, at its first conference to be held in an Asian country, has produced a series of resolutions and a statement upon an international food and farm policy which I believe to be of high significance and importance to the Senate.

It is my hope that my colleagues will give careful consideration to the recommendations made by this organization and that it will serve in particular to guide our thinking as we pass upon agricultural legislation in this session of the Congress.

I should like to express my thanks to Mr. James G. Patton, president of the National Farmers Union, who very kindly brought this important material to my attention.

Mr. President, I ask unanimous consent that the statement and resolutions to which I have alluded be printed in the RECORD at this point in my remarks.

There being no objection, the statement and resolutions were ordered to be printed in the RECORD, as follows:

STATEMENT OF INTERNATIONAL FOOD AND FARM POLICY CONFERENCE

THE CONCEPT

The main discussions during the IFAP New Delhi Conference centered on the establishment of an International Food and Farm Policy.

"Such a concept," the delegates agreed, "should appeal to and stir the imagination of the vast majority of the citizens of the world."

It was noted that on the one hand the more advanced countries are encountering increasingly difficult surplus problems, while on the other hand a majority of the world's population does not have enough to eat.

"The long-term aim must be to build up the effective buying power of these peoples," the IFAP Conference said, "Accordingly, the conference submits that this can only be done if the nations of the world are prepared to work out and operate together a long-term food development policy. Such a policy must, however, form a part of a wider program of world economic development, since other sections of national economies make a major contribution to raising the effective purchasing power of the peoples concerned."

NO REAL SURPLUSES

The delegates agreed that with so many hungry people in the world, there are no real surpluses. At the same time, however, they noted that in relation to the actual volume of international trade in farm products at present, surpluses now held by industrialized countries represent a very real problem. At the end of the 1958–59 Northern Hemisphere marketing season, wheat producers had carryover stocks amounting to more than twice the annual commercial needs of importers. Carryover stocks of coarse grains, it was noted, were at least four times the annual average volume of international trade in recent years. "This situation in the more developed countries exists side by side with the need of vast areas of the world to raise the living standards of their peoples," the Conference said.

"Such improvement is, however, conditional upon a comprehensive development program, requiring first, the necessary planning expertise; secondly, the capital; and thirdly, the human resources."

WORLD RECOGNIZES NEED

The delegates agreed that to a greater degree than ever before, the world is becoming aware of the need to help the less developed areas. The scale, however, will have to be greatly expanded, it was stated.

The Conference felt a lack of genuine governmental determination to have a long-term expansion in demand has been the major stumblingblock in the past. "Where stocks of a certain product have accumulated in a particular country, the problem of disposal has generally been treated on an ad hoc and bilateral basis with the prospective recipient country," the Conference said, "International cooperation, with one or two exceptions, has been confined to consultation in the hope that discussions about policies and programs would help to avoid harm to the commercial interests of third countries."

For wheat, sugar, coffee, and olive oil, commodity agreements have been made providing some price stability for trade in these products, and for other products such as cotton, rice, cocoa, rubber, etc., the delegates noted there were commodity advisory groups seeking more stable trading conditions. "But with the exception of the special nutritional and development schemes affecting certain milk products, there have been no international efforts consciously designed to raise the level of food and fiber consumption," the Conference declared.

WHAT TO DO?

A new world food policy must be conceived, the delegates said, as part of a general plan for expanding the world economy. In the more advanced countries, the Conference felt the extent to which they will be able to help developing nations will depend on the rate of increase in their gross national products. At the same time, the rate of economic expansion in the less developed nations will determine their ability to buy more food on a commercial basis.

No longer can the surplus problem be treated in the narrow context of disposal operations, the Conference report stated. Surplus utilization must be planned on a long-term basis. "Programs to improve nutritional levels directly or indirectly through technological advancement, must be conceived on a permanent basis and even though surpluses may be used in the initial phase of a development program, provision must be made for continuity of supply, whether from the resources of the recipient country or from oversea producers," the delegates declared.

At the same time, it was added, farmers in advanced countries can hardly be expected to play their role in providing a continuous and expanding supply of food unless there is international machinery set up on the required scale to finance and distribute the food.

"As part of this machinery, the Conference recommends that food reserves be held in places where they can produce immediate results in remedying local food scarcities and evening our excessive price fluctuations," the Conference report said. "Recipient countries should be able to finance their drawings from these reserves by mutually agreed financial arrangements."

FINANCING IMPORTS

It was agreed by IFAP that all conceivable means—"even * * * unorthodox methods"—should be sought to promote a rapid growth exchange of primary products on a world basis. This would help the developing countries expand outlets for their exportable commodities which are their main means of getting the resources to finance their imports.

"To this effect," the Conference said, "attention should be paid to the following techniques: bilateral or multilateral barter deals additional to normal trade which do not prejudice the commercial interests of third countries; international schemes for the stockpiling of temporary unsalable supplies; purchases at special prices."

Great care would have to be taken in the developing countries, the delegates warned, so that products bought on concessional terms do not harm the interests of domestic producers. Any disturbance to the domestic market caused by such sales could mean lower prices for domestic farmers. This, the delegates felt, would not only lower the farmers' purchasing power, but also might well mean lowered food production in the future. Most of any increase in demand for food engendered by development programs will have to be met by domestic farmers, and hence, the IFAP delegates said, it is essential to plan food policy in a way that improves the domestic farmers' ability to boost their own production.

NEW INTERNATIONAL MACHINERY?

The Conference felt only governments working together with a common objective can plan and supervise the carrying out of the International Food and Farm Policy. If they will accept this responsibility, the Conference said the next question is whether some new international agency is needed. No new agency is needed, it was decided, if governments will fully use the existing agencies. The FAO, it was agreed, would undoubtedly undertake the necessary staff work in forming a new policy.

However, it was noted that in order to speed action it might be necessary to establish appropriate machinery under U.N. auspices to coordinate and expand the provisions of technical, financial, and economic aid from the existing international agencies. It was agreed that IFAP should advocate the need of this coordinating machinery at the earliest opportunity before the U.N. Economic and Social Council.

GOVERNMENT WILLINGNESS NEEDED

"Essentially, however, it is not a question of new machinery," the delegates said. "Rather it is a question of the willingness of governments first to rethink their policies along the line indicated in this section of the report and secondly, to instruct their representatives at FAO and other relevant intergovernmental agencies to cooperate to the full in the food development program."

The job, however, cannot be left entirely to international agencies, it was added. Countries that would receive help should carefully consider their own development projects and try to determine how much of a rise in demand for food could be met from domestic farmers. In working out the overall policy, governments should make sure as far as possible that farmers in receiving countries or the industrialized nations are not hurt by surplus utilization. In the more advanced nations, the IFAP said efforts should be made to make sure that an increasing proportion of the gross national product is made available each year to help the developing countries, subject to the limitation of their balance of payments position.

"The issues set out in this paper undoubtedly represent the key agricultural problem in the world today," IFAP declared. "It is a problem which can be resolved only by the adoption of an international food and farm policy. This policy must be conceived and operated by the governments of developed and developing countries with the full support and cooperation of producers and their agencies. The basic principles which should underlie this policy are set out in Resolution No. 1 of this Conference. All member organizations of IFAP are requested to endorse and commend these proposals to their governments."

A PROMISING TURN

A promising turn is beginning to be made in intergovernmental policies of assistance to developing countries.

That's the view of delegates at the New Delhi IFAP Conference. They noted additional resources have been made available for the World Bank and International Monetary Fund and that an International Development Association is being established. It also was noted that the U.N. Special Fund for Economic Development had started operations. In addition, in the U.N. Economic and Social Council special consideration is being given to commodity problems and to the dangers of price fluctuations on primary producing countries. "Although the outcome of the debate had been disappointing," the Conference said, "it had been recognized that these problems had to be tackled more energetically."

The Conference also mentioned that in GATT, the special difficulties arising out of the repercussions of national farm policies on world trade were under active consideration as well as the means of assuring to developing countries an expansion of profitable outlets for their farm exports.

Optimism about a promising turn in intergovernmental policy was also voiced in reference to the recent FAO Conference where, the delegates said, a new impulse had been given to FAO's technical activities, and surplus disposal principles had been reendorsed. Also FAO showed greater interest in its Washington Consultative Subcommittee on Surplus Disposal. On top of all this, the International Wheat and Sugar Agreements had been renegotiated and ratified by a larger number of countries. Also agreements had been concluded on coffee and olive oil.

"There were therefore," IFAP said, "signs that governments and international organizations were beginning to take a somewhat more practical approach to the world's major food and farm problems. That this was happening was confirmed by the increasing number of those in positions of responsibility who advocated a fresh and bolder attack on the problems of balanced development, primarily as a stimulus to faster economic growth in the developing areas, but also in the interests of more economically advanced countries."

RESOLUTION NO. 1—INTERNATIONAL FOOD AND FARM POLICY

The Conference, convinced that the time has come for governments of developed and developing countries to work out together and implement a comprehensive international food and farm policy, recommends that this policy should be based upon the following principles:

1. The world food policy must be conceived as part of a wider program of world economic development, financed on a multilateral basis, in which there should be a balanced allocation of resources between agricultural and industrial development.

2. The potential productive capacity of agriculture should be used for the betterment of the living standards of all peoples.

3. In the interests of both producers and consumers, agricultural products should be produced and distributed internationally at reasonably stable prices which provide a fair remuneration for those engaged in production. The aim must be to eliminate excessive short-term movements in prices without impeding the underlying trends in both supply and demand.

4. Orderly methods should be devised so as to move supplies unsalable commercially into the areas of greatest need, the financial responsibility for doing so to be shared by the nations jointly and equitably. Adequate national food reserves must be established and replenished.

5. Programs to improve nutritional levels must be conceived on a permanent basis and even though surpluses may be used in the initial phase of a development program, provision must be made for continuity of supply. It is not good enough to supply millions of ill-fed people with surpluses on a haphazard basis.

6. It is by greatly expanding production in developing countries that the main potential exists for meeting food needs. In economically advanced countries, international machinery and financing for distribution of food will need to be provided in advance of the expansion of farm production.

7. Though the developing nations will need to improve their own food production, their efforts must be directed toward those crops which are likely on a long-term basis to find markets at reasonably remunerative prices.

8. In order to assure developing countries the expanding outlets required for their exportable commodities, all, even perhaps unorthodox means, may have to be used to promote a rapid growth of trade in primary products.

9. At all times in the course of development of world food use, nations must work together to maintain a balance at the highest possible level between supply and marketing policies on the one hand and the requirements of all consumption outlets on the other.

WHEAT RESOLUTION

A most serious gap exists in the case of wheat between output available for export and the present world commercial and noncommercial demand. Present levels of production suggest a continued heavy buildup of stocks unless noncommercial utilization is greatly expanded. Virtually all national governments are involved in wheat production, pricing, and trade policies. On the basis of present information and programs, there are indications that in response to adjustments in national policies in various countries, some reduction in output may occur. Finally, wheat is one of the two or three classes of commodities that lend themselves to international policies aimed at moving food to supplement the diets of underfed peoples. IFAP therefore—

1. Welcomes the renewal of the International Wheat Agreement as an essential prerequisite of orderly international trade in wheat and also welcomes the expanded participation of major trading countries.

2. Welcomes the extension of the International Wheat Council's responsibilities to include an active review and consultation on wheat problems, and urges all governments concerned fully to cooperate in making the work of the Council effective.

3. Welcomes the initiative of major exporters in forming an International Wheat Utilization Committee with broad responsibilities for facilitating expanded consumption of wheat.

4. Emphasizes the critical role of wheat in world food policy and urges careful attention to the need for coordinating and mutually strengthening the activities of the intergovernmental bodies and agencies concerned and particularly of the FAO as the international agency primarily and comprehensively concerned with world food and agriculture policy and progress.

5. Urges on governments the need to arrange for—

(i) The joint international provision of funds for financing expanded noncommercial demand for wheat as part of an adequate international food and farm policy; and

(ii) An improvement in the means of achieving a general exchange of agricultural commodities between developed and underdeveloped countries if commercial as well as noncommercial commodity distribution is to be maximized.

6. Urges intergovernmental bodies dealing with commodity problems, and notably the FAO group on grains, to pay greater attention to the close links between the problems of bread grains and coarse grains, particularly as both are at present in excess supply in some important producing countries and can be used to the benefit of developing economies.

MILK POWDER RESOLUTION

Having noted the current unexpected disappearance of surplus stocks of dried milk; the seriousness of this development to the 35 million infants, children, and mothers benefiting from the supplement to inadequate diets that noncommercial distribution of stocks is providing; and to newly established dairy industries of the developing countries where dried skim milk powder is a necessary component of the liquid milk treated in "toning" plants; the inadequacy and instability of an international program of better nutrition depending on the periodic and haphazard accumulation of surplus stocks—

The Conference resolves that the governments represented in FAO should take steps to initiate plans with the object of establishing a reasonably long-term international program for noncommercial availability of dried milk, financed on a regular basis from a fund to which all countries having the ability to do so should contribute according to a preagreed plan. The use of this fund should be subject to an international program including the formulation of priorities;

That such a program should be conceived and implemented as a first step toward the formulation and implementation of an international food and farm policy as recommended in Resolution No. 1 of this Conference.

DISCUSS WHEAT AND DAIRY PRODUCTS

Wheat and dairy products, especially dried skim milk, were the major commodity topics discussed by the IFAP delegates at the New Delhi meeting.

Resolutions were passed on wheat and dried skim milk urging greater intergovernmental cooperation in handling surpluses of these products.

All signs point to a continued heavy buildup of wheat surpluses, the delegates noted. They said wheat is one of the commodities that lends itself to international policies to help feed the hungry and thus governments should move in more vigorously in this field.

The wheat resolution approved at the IFAP Conference urged an international fund to finance expanded noncommercial use of wheat.

The milk powder resolution OK'd by the delegates noted the unexpected disappearance of surplus dried milk stocks and warned that those hungry people who had been utilizing the surpluses must continue to receive aid. Governments were urged to set up a long-term international program to make

sure milk powder is made available to these people. Establishment of an international fund was proposed to help maintain such a program.

RESOLUTION NO. 2—FREEDOM-FROM-HUNGER CAMPAIGN

The conference, having received with great interest and appreciation an address by FAO's Director General Mr. B. R. Sen, on the freedom-from-hunger campaign to be launched by his organization in cooperation with other international governmental and nongovernmental organizations during the years 1961–65.

Noting that the first and foremost aim of the campaign was to stimulate and coordinate on a national and international basis all efforts tending to assure the necessary expansion of domestic production and not primarily to cover food needs in some areas from excess production in others.

Recognizing that this aim should be clearly understood by all and national and international efforts be oriented accordingly.

Welcoming particularly the emphasis placed by the name chosen for the campaign on the fact that fighting hunger and malnutrition is the first duty of governments and communities if the hopes of a global progress toward better living standards for the whole of mankind are to be fulfilled.

Believing that it is appropriate to make renewed efforts to awaken the world's conscience to the situation in which large sections of the population in several countries find themselves—namely to the fact that they are currently living on the brink of famine—and to create a current of opinion powerful enough to carry governments along toward concerted action commensurate to the needs.

Resolved, 1. IFAP approves the initiative taken by the Director General of FAO—endorsed by the 10th session of the FAO Conference—and invites him to study the broader concept of IFAP's policy in this respect as outlined at its 11th General Conference in New Delhi. It will, as well as its individual member organizations, participate to the fullest possible extent, particularly through the national campaign committees to be set up, in those aspects of the campaign which are relevant to the Federation's aims and objectives as set out in its constitution.

2. Such participation will include, inter alia, the following:

Informational and educational campaigns through seminars, conferences, publications, broadcasts, etc.

Consultations and cooperation with governmental information and extension services on the technical aspects of the campaign (fertilization, irrigation, seed and breed selection, credit, etc.) in order to assure faster progress of agricultural production.

Renewed efforts by farmers' own organizations to provide and/or improve marketing facilities especially in those areas where means of communication are insufficient or nonexistent.

International assistance between IFAP members in order to secure the establishment of more numerous and stronger farm organizations in the economically less-developed countries, particularly cooperative societies, and to strengthen those already in existence.

3. IFAP's Secretary General is authorized to serve on the Consulative Committee of Nongovernmental Organizations to be established by FAO's Director General under a resolution of the 10th session of the FAO Conference.

4. The next General Conference of IFAP will consider a progress report on the development of the campaign.

NATIONAL POLICIES

Uncoordinated national farm policies may cause much of the misery in world agricultural markets.

So said the IFAP New Delhi Conference. Delegates spent considerable time discussing the adjustment of agricultural production to demand and noted that national policies must be examined closely for effects they may have on international trade.

The Conference said pressure for downward adjustment of production will be lessened if imagination is shown in finding new markets for surplus commodities. Opportunities should be seized, the delegates said "for increased utilization offered by improvement of international aid and development programs, creation of reserves, and economic growth of developing areas."

During discussion on this matter, the delegates said IFAP must recognize the prospective build-up of surpluses and the resulting needs for adjustment of production and marketing to demand that this presents. While cutbacks in production should be avoided if at all possible, the delegates said it must be recognized that output in some industrialized countries is overextended in relation to prospective commercial markets and the existing physical potential for noncommercial distribution.

"The extent to which food production potential is utilized clearly depends upon the willingness of people to tax themselves in order to provide the funds necessary both to pay for noncommercial food distribution and to stimulate the basic economic development of underdeveloped countries, without which it is impossible to expand demand and even to solve the physical problems of distribution," the IFAP declared.

In considering the need for an orderly international organization of markets, the delegates said it is necessary to consider the continuing need for adjustment in relation to the changing competitive position of various suppliers.

Farm organizations in each country, the IFAP said, should pay more attention to the financial implications of international programs aimed at expanding noncommercial use of agriculture's potential and to present the issues to their governments.

The Conference also said such products as pork, beef, poultry, fruits, vegetables, and secondary seed and grains offer the greatest possibility for producer action to adjust production to demand, through their organizations. It should always be kept in mind, however, IFAP said, that certain developing countries have need for additional supplies of feed grains.

BUTTER AND CHEESE PROBLEMS

IFAP delegates spent considerable time discussing international problems for butter and cheese as well as skim milk powder.

They noted that while the butter market is at present relatively stable after a marked recovery from 1958, there are many uncertainties for the future. There are indications of possible renewed fluctuations. Technological progress, the delegates said, may alter the situation unpredictably. "The interest of producers in stable demand is emphasized and for this reason it is important to avoid prices that discourage consumption of butter," the conference report said.

On the other hand, the cheese market generally is satisfactory and there are no signs of a worsening in the near future, the delegates declared. There was great concern expressed at the sudden disappearance of surplus skim milk stocks and a resolution on this matter was approved.

During the overall discussion on dairy products, there was reference to the recent action of the three Farmers' Unions in the United Kingdom in submitting to their government a draft scheme for stabilizing international trade in butter. The British delegation said in mentioning this proposal, they had wished to focus discussion of the butter problem on a concrete plan for achieving a measure of price stability in the interests of both producers and consumers.

The plan envisages establishment of an International Butter Marketing Council which would have three main functions: (1) short-term appraisal of the butter market; (2) examination of long-term national milk and butter production policies; and (3) avoidance of excessive fluctuations in butter prices.

The British delegation suggested the International Butter Marketing Council might meet periodically during the year to appraise current and prospective outlooks and to guide milk producers and their marketing agencies in exporting and importing nations accordingly.

While welcoming the objective of stabilizing trade in butter, the delegates felt the British proposals would have to be examined carefully by producer organizations in the countries concerned before IFAP could make any general recommendations. Organizations were invited by the delegates to study the proposals by the British Farmers' Unions and to submit their comments to the United Kingdom organizations. If the views are favorable toward the British suggestions, the Conference proposed that IFAP consider calling a special conference on dairy products for further discussion of the proposals.

CIVIL RIGHTS ACT OF 1960—AMENDMENTS

Mr. HART. Mr. President, I send to the desk two amendments to the bill which is pending, and ask unanimous consent that the amendments be ordered to be printed and lie on the table.

The PRESIDING OFFICER. Is there objection?

Mr. HART. I also ask unanimous consent that the reading of the amendments under the rule be dispensed with, but that the amendments be considered to have been read under the requirement of rule XXII.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The amendments will be received, printed, and will lie on the table.

Mr. HART. Mr. President, I send to the desk, and ask to have printed and lie on the table, an additional amendment to the pending bill.

The PRESIDING OFFICER. Without objection, the amendment will be received, printed, and lie on the table.

POSTAL FACTS

Mr. HART. Mr. President, I ask unanimous consent that an editorial which appeared in the Detroit Times of March 21, 1960, under the caption "Postal Facts," be printed in the body of the RECORD. It relates to a matter which faces all of us, and I think the attitude expressed by the Detroit Times is sound and worthy of general reading.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

POSTAL FACTS

President Eisenhower's special message to Congress urging another postal rate increase presents one of those seemingly plausible arguments which is easily demolished by facts. Let's consider the facts.

In essence the President says the Post Office is losing a lot of money. Therefore mail rates should be raised to wipe out the loss, or at least come close.

This position, which apparently came to the President special delivery from Postmaster General Summerfield, is based on a fallacy.

It is the error of assuming the Post Office is a business. In reality, in historical precedent, and in everyday fact, it is a public service. It cannot possibly be conducted as both.

Certainly it costs taxpayers money to run the Post Office Department. It also costs taxpayers money to run the White House, the Commerce Department, the Federal judiciary system, the FBI—almost every Federal activity.

The costs of such public services are taken for granted. But the costs of the postal service are labeled "deficit" and become issue.

Why? The answer is that the Post Office takes in a great deal of money, about $2½ billion a year. No other Government department produces anywhere near as much revenue.

But because the postal establishment costs more to operate than it takes in, and because a law requires annual reports comparing receipts with costs, the Post Office is singled out and charged with operating at a deficit.

Postal rates actually are a form of taxes. The Post Office does not keep the money it gets for selling stamps, but turns it into the Treasury. Thus in urging a postal rate increase, the administration is seeking an indirect tax increase.

Finally, the theory that the Post Office is a business doesn't make sense. Would a business charge the same fee to deliver a message across the street as it does to handle a letter from Florida to Alaska?

Would a business operate a branch office in every hamlet in the Nation, most of them losing money because of slight patronage? Would a business take on sideline jobs without remuneration, like selling duck stamps or registering aliens?

The Post Office is an essential public service, worth what it costs to operate.

We suggest Mr. Summerfield ought to stop proclaiming (and complaining) how much his Department has lost and concentrate on getting the mails delivered as speedily and economically as possible.

And Congress ought to ignore the request for another boost in rates.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

CIVIL RIGHTS ACT OF 1960—REPORT OF A COMMITTEE—SEPARATE VIEWS (PT. 2, S. REPT. 1205)

Mr. HART. Mr. President, I ask unanimous consent to submit separate views on behalf of the Senator from Missouri [Mr. HENNINGS], the Senator from Connecticut [Mr. DODD], and myself, from the Committee on the Judiciary on the pending bill (H.R. 8601) to enforce constitutional rights, and for other purposes, and ask unanimous consent that the separate views be ordered to be printed as part 2 together with the separate views of the Senator from Colorado [Mr. CARROLL].

The PRESIDING OFFICER. Without objection, it is so ordered, and the separate views will be printed, as requested by the Senator from Michigan.

ADDITIONAL BILL INTRODUCED

Mr. MORSE, by unanimous consent, introduced a bill (S. 3318) to authorize marketing agreements and orders under section 8c of the Agricultural Adjustment Act (as reenacted by the Agricultural Marketing Agreement Act of 1937), as amended, with respect to berries for canning and freezing, which was read twice by its title and referred to the Committee on Agriculture and Forestry.

(See the remarks of Mr. MORSE when he introduced the above bill, which appear under a separate heading.)

CIVIL RIGHTS ACT OF 1960—AMENDMENT

Mr. DOUGLAS (for himself, Mr. MCNAMARA, and Mr. HART) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, which was ordered to lie on the table and to be printed.

LOCATION OF U.S. COURT OF CLAIMS BUILDING—ADDITIONAL COSPONSOR OF BILL

Mr. MORSE. Mr. President, I ask unanimous consent that at the next printing of the bill S. 3279, relating to the location of the new U.S. Court of Claims Building, which I introduced, the Senator from Illinois [Mr. DOUGLAS] may be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO MONDAY

Mr. KUCHEL. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment under the order previously entered.

The motion was agreed to; and (at 7 o'clock and 19 minutes p.m.), under the order previously entered, the Senate adjourned until Monday, April 4, 1960, at 12 o'clock meridian.

EXTENSIONS OF REMARKS

Preparations Under Way for the 1964 American World's Fair

EXTENSION OF REMARKS
OF
HON. KENNETH B. KEATING
OF NEW YORK
IN THE SENATE OF THE UNITED STATES
Friday, April 1, 1960

Mr. KEATING. Mr. President, a great deal of hard work has been done over the past several months in preparing for the American World's Fair in 1964 to be held in New York City. A number of interested citizens in New York have been instrumental in organizing the New York World's Fair Corp. and in getting the administration to select New York City as the site for an American fair in 1964.

These efforts have been highly successful. A great deal of work, of course, remains to be done in arranging with the Bureau of International Expositions in Paris and with foreign nations to finalize arrangements for the fair. Beyond that, plans must be made for Flushing Meadows, the site of the fair, and the construction of buildings, roads, and other facilities must be initiated.

One of the most gratifying aspects of the preparations for the 1964 fair thus far has been the active participation and assistance of the President and of the Department of State in working with foreign nations, which we hope will exhibit at the fair. I ask unanimous consent that the letter from President Eisenhower to Mr. Robert Kopple, executive vice president of the New York World's Fair 1964 Corp., expressing the hope that foreign nations will respond enthusiastically to the invitation of the New York World's Fair in 1964 be printed in the CONGRESSIONAL RECORD.

The permanent organization for the 1964 fair is now being set up. Several weeks ago Mr. Robert Moses was named to head this organization. Many of those who have worked long and hard on the fair up to this point are now stepping aside. I want to commend them for the fine work which they have done. Mr. Thomas Deegan, chairman of the fair corporation, and Mr. Robert Kopple, executive vice president, merit special praise for the efforts which they have devoted to this endeavor.

I ask unanimous consent that a letter which I wrote to Mr. Kopple praising him and the officers and members of the fair corporation for the energy which they have devoted to a 1964 American World's Fair in New York City also be printed in the CONGRESSIONAL RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington.

MR. ROBERT KOPPLE,
Executive Vice President, New York World's Fair 1964 Corp., New York, N.Y.

DEAR MR. KOPPLE: The World's Fair to be held in New York in 1964 can be a powerful instrument for peace and friendship in freedom.

There is no greater force for good will on this earth than for people of all lands to meet face to face and become better acquainted with each other. This simple but basic truth has been reinforced in my own mind by my travels around the world and my visits here at home with leaders from many nations.

Ignorance of one another can lead to misunderstanding and conflict. The only way to correct this unhappy state is through first-hand knowledge, personal contacts, and a fruitful exchange of ideas.

I hope that all nations will respond enthusiastically to the invitation of the New York World's Fair in 1964. This will be a fine opportunity for their peoples to grow in mutual respect and friendship.

Sincerely,

DWIGHT D. EISENHOWER.

U.S. SENATE,
March 24, 1960.

Mr. ROBERT KOPPLE,
Executive Vice President,
New York World's Fair 1964,
New York, N.Y.

DEAR BOB: The efforts which over the past few months have been devoted to a 1964 American World's Fair in New York City are now coming to fruition.

The job is by no means over. It is just beginning. The President's invitation to foreign countries to participate in a New York World's Fair in 1964 marks a beginning and a challenge—a challenge to fulfill all of our aims for a successful 1964 World's Fair promoting peace through understanding.

I commend all of the members of the New York 1964 World's Fair Corp. for the fine work which you have done. You may be assured of my continuing interest and cooperation in all of your future endeavors.

Very sincerely yours,

KENNETH B. KEATING.

SENATE

MONDAY, APRIL 4, 1960

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, we are grateful for unhurried moments of communion with Thee, when spirit with spirit may meet. It is in such spiritual commerce that the swift pace of our lives is slackened and the fevers of haste melt away. Thus, if we so will, by waiting upon Thee we shall see more clearly, think more truly, and in all our decisions choose more worthily.

So, turning from all else to Thee alone, with a surety that there is more wrought by prayer than this world knows of, our hearts come singing in simple trust—

Sweet hour of prayer, that calls us
from a world of care,
And bids us at our Father's throne
Make all our wants and wishes known.

But above all our wishes, which may be tinged by hidden self-interest, we would seek Thy will, and toil that it may come to its coronation in all the affairs of men across all dividing gulfs. And may the petitions our hearts lift and our lips frame be fulfilled in the deeds of this body of the people's rule.

In the dear Redeemer's name we pray. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Friday, April 1, 1960, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that the President had approved and signed the following acts:

On March 31, 1960:

S. 601. An act to authorize and provide for the construction of the Bardwell Reservoir; and

S. 2185. An act to provide appropriate public recognition of the gallant action of the steamship *Meredith Victory* in the December 1950 evacuation of Hungnam, Korea.

On April 4, 1960:

S. 607. An act for the relief of the estate of Sinclair G. Stanley; and

S. 1159. An act to facilitate the acquisition of real property under the District of Columbia Alley Dwelling Act.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate a message from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 2310) for the relief of Hoo W. Yuey.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 4626) for the relief of Arthur E. Collins; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. LANE, Mr. DONOHUE, and Mr. HENDERSON were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 10743) making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. THOMAS, Mr. KIRWAN, Mr. CANNON, Mr. JENSEN, and Mr. TABER were appointed managers on the part of the House at the conference.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

H.R. 4874. An act to amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty;

H.R. 6329. An act to convey certain land in McKinley County, N. Mex., to the Navajo Tribe of Indians;

H.R. 8251. An act for the relief of Tatsumi Ajisaka and others;

H.R. 8343. An act relating to the preservation of acreage allotments on land from which the owner is displaced by reason of the acquisition thereof by a Government agency in the exercise of the right of eminent domain;

H.R. 10233. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes;

H.R. 9444. An act for the relief of Hsiao-li Lindsay (nee Li-Hsiao-li); and

H.J. Res. 283. Joint resolution to authorize participation by the United States in parliamentary conferences with Mexico.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour; and I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Aviation Subcommittee of the Committee on Interstate and Foreign Commerce was authorized to meet during the session of the Senate today.

SUBCOMMITTEE MEETING DURING SENATE SESSION

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the McNamara Subcommittee on the Problems of the Aged and Aging may be authorized to meet during the session of the Senate tomorrow.

Mr. KEATING. Mr. President, I am sorry. I could not hear what the Senator from Texas said.

Mr. JOHNSON of Texas. I have asked unanimous consent that the McNamara subcommittee may meet tomorrow. It has called several witnesses to appear before it.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER DISPENSING WITH THE CALL OF THE CALENDAR

On request of Mr. JOHNSON of Texas, and by unanimous consent, the call of the calendar today under the rule was dispensed with.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

PLANS FOR WORKS OF IMPROVEMENT IN COLORADO, KANSAS, NEW MEXICO, SOUTH CAROLINA, AND WEST VIRGINIA

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on the Vineland area tributary to Arkansas River, Colo., White Clay, Brewery, Whiskey Creeks, Kans., Tortugas Arroyo, N. Mex., Huff Creek, S.C., and Brush Creek, W. Va. (with accompanying papers); to the Committee on Agriculture and Forestry.

REPORT ON REAPPORTIONMENT OF AN APPROPRIATION

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Treasury Department for "Salaries and expenses, U.S. Secret Service," for the fiscal year 1960, had been reapportioned on a basis indicating the need for a supplemental estimate of appropriation; to the Committee on Appropriations.

REPORT ON NATIONAL INDUSTRIAL RESERVE

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a report on the National Industrial Reserve, dated April 1, 1960 (with an accompanying report); to the Committee on Armed Services.

REPORT ON MILITARY PRIME CONTRACTS WITH BUSINESS FIRMS IN THE UNITED STATES FOR EXPERIMENTAL, DEVELOPMENTAL, AND RESEARCH WORK

A letter from the Assistant Secretary of Defense (Supply and Logistics), transmitting, pursuant to law, a report on military prime contracts with business firms in the United States for experimental, developmental, and research work (with an accompanying report); to the Committee on Banking and Currency.

REPORT OF FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

A letter from the Chairman, Foreign Claims Settlement Commission of the United States, Washington, D.C., transmitting, pursuant to law, a report of that Commission, for the 6-month period ended December 31, 1959 (with an accompanying report); to the Committee on Foreign Relations.

AMENDMENT OF SECTIONS 22, 23, AND 24, TITLE 13, UNITED STATES CODE

A letter from the Under Secretary of Commerce, transmitting a draft of proposed legislation to amend sections 22, 23, and 24, title 13, United States Code, and for other purposes (with accompanying papers); to the Committee on Post Office and Civil Service.

REPORT ON STUDY OF EFFECT OF THIRD-CLASS BULK MAIL RATE INCREASES ON SMALL BUSINESS AND OTHERS

A letter from the Administrator, Small Business Administration, Washington, D.C., transmitting, pursuant to law, a report on the study of effect of third-class bulk mail rate increases on small business and others; to the Committee on Post Office and Civil Service.

APPROPRIATIONS FOR ATOMIC ENERGY COMMISSION

A letter from the Chairman, U.S. Atomic Energy Commission, Washington, D.C., transmitting a draft of proposed amendments to the bill (S. 3064) to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (with an accompanying paper); to the Joint Committee on Atomic Energy.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A resolution of the Senate of the State of California; to the Committee on Finance:

"SENATE RESOLUTION 32

"Resolution relative to World War I veterans' pensions

"Whereas many thousands of veterans of World War I are in dire circumstances and subjected to the indignity of public charity: Now, therefore, be it

"Resolved by the Senate of the State of California, That the Congress of the United States is respectfully memorialized to provide for a World War I pension, and that the Senate recommends to the Congress the program approved by the legislative committee of the Veterans of World War I of the United States of America; namely, that such pension be in the amount of $100 a month to those veterans of World War I who have attained the age of 62 years and whose annual income is not greater than $2,400 without dependents, or $3,800 with dependents, excluding social security or other pensions to which the veteran has contributed; and be it further

"Resolved, That the secretary of the senate is hereby directed to prepare and transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

"J. A. BEEK,
"Secretary of the Senate."

A concurrent resolution of the Legislature of the State of South Carolina; to the Committee on Foreign Relations:

"CONCURRENT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO EXPRESS ITS STRONGEST DISAPPROVAL OF THE RECENT ACTION OF THE STATE DEPARTMENT IN THE UNWARRANTED INTERFERENCE WITH THE DOMESTIC AFFAIRS OF THE UNION OF SOUTH AFRICA

"Whereas this body has learned with great dismay of the unseemly interference in the domestic affairs of a friendly power by the impertinent statement made by the State Department of the Government of the United States in Washington, whereby the United States sought to condemn the Republic of South Africa for its handling of the racial difficulties recently experienced in that country when 72 natives were fatally injured as a result of a clash with local police; and

"Whereas the Secretary of State without even waiting to hear the statement which the representative of the Union of South Africa proposed to make on the motion of the African-Asian block that the events in South Africa be discussed by the Security Council, has further agitated the matter by publicly announcing that the United States favors a discussion of the entire matter before the Security Council; and

"Whereas this body verily believes that the Federal Government in Washington is confronted with a mammoth undertaking, the like and size of which the world has never seen, in just attending to its own affairs and those of the people of the United States, and that if this great responsibility with which the Central Government has been entrusted is conscientiously guarded, little time will be found in which to meddle into internal affairs of any other Nation; and

"Whereas the Department of State of the Federal Government in making a public statement of any kind on a situation so delicate has invaded a field in which it is obviously ill-informed and about which it has shown an unreasonable and ill-conceived prejudice; and

"Whereas the general assembly is conscious of the fact that these are perilous times for our country and for the world wherein the friendship of no nation can be taken lightly and the United States can ill afford to incur the ill will of any foreign country particularly one which is so disposed to friendship as the Union of South Africa; and

"Whereas the General Assembly believes that the Congress of the United States should express its disapproval of this interference by our State Department in the affairs of a friendly nation, and that the State Department should be warned of the serious consequences of a continuation of this policy; and

"Whereas the General Assembly believes that this action on the part of the State Department in presuming to instruct a friendly nation on the operation of its internal affairs is unwarranted, particularly when it is realized that the Government of the United States has failed to properly police the city of Washington, the Capital of the United States, which streets are unsafe for respectable and law-abiding citizens to walk on after nightfall: Now, therefore, be it

"Resolved by the house of representatives (the senate concurring), That the Congress of the United States is hereby memorialized to express its strongest disapproval of the recent action of the Secretary of State in his impertinent interference with the domestic affairs of the Union of South Africa, and that he be directed to attend to the duties in the future for which he was appointed; and be it further

"Resolved, That a copy of this resolution be forwarded to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to the Prime Minister of the Union of South Africa, the Honorable Hendrick F. Verwoerd."

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on Public Works:

"SENATE CONCURRENT RESOLUTION 15

"Concurrent resolution requesting Congress to include tidal wave and volcano damage in the Federal flood insurance law of 1956

"Whereas the U.S. Government by the Federal Flood Insurance Act of 1956 has authorized the Housing and Home Finance Agency to provide protection against financial losses from flood; and

"Whereas flood, tidal wave and volcanic activity are similar in their predictability as to area, creating the same problem; and

"Whereas the damage usually resulting from volcanic eruptions and tidal waves is even more catastrophic than the damages generally resulting from floods; and

"Whereas the reasons for providing Federal insurance for flood damage are similar to the reasons why Federal insurance against tidal wave and volcano damage should be provided and because all of these natural disasters should, in fairness, be treated in a like manner: Now, therefore, be it

"Resolved by the Senate of the First Legislature of the State of Hawaii, regular session of 1960 (the House of Representatives concurring), That the Congress of the United States be and hereby is respectfully requested to amend the Federal Flood Insurance Act of 1956 to include tidal wave and volcano damage; and be it further

"Resolved, That duly authenticated copies of this concurrent resolution be sent to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States to the Honorable HIRAM

L. FONG, Senator from the State of Hawaii, to the Honorable OREN E. LONG, Senator from the State of Hawaii and to the Honorable DANIEL K. INOUYE, Representative from the State of Hawaii.

"W. H. HILL,
"President of the Senate.
"WALTER G. CHUCK,
Clerk of the Senate.
"ELMER F. CRAVALHO,
"Speaker, House of Representatives.
"HERMAN T. F. LUM,
"Clerk, House of Representatives."

A joint resolution of the General Assembly of the State of Maryland; to the Committee on Public Works:

"JOINT RESOLUTION 12

"House joint resolution requesting the Congress of the United States to authorize the Army Corps of Engineers to make a survey of the Patuxent River in regard to flood control

"Whereas the Patuxent River flows through Prince Georges County, Howard County, and Anne Arundel County in the State of Maryland; and

"Whereas at the present time, there is inadequate flood control of the Patuxent River; and

"Whereas because of the inadequate flood control, the possible flooding of the Patuxent River constitutes a threat to the health and welfare of the people living in these three counties; and

"Whereas the General Assembly of Maryland believes it is desirable that the Army Corps of Engineers make a survey of this situation with the idea of proposing corrective measure: Now, therefore, be it

"Resolved by the General Assembly of Maryland, That the Congress of the United States be requested to pass legislation authorizing the Army Corps of Engineers to make a survey of the Patuxent River in regard to flood control; and be it further

"Resolved, That the Secretary of State be directed to send copies of this joint resolution, under the great seal of the State of Maryland to the President of the Senate, to the Speaker of the House of Representatives, and to each member of the Maryland delegation in the Congress of the United States."

A joint resolution of the Legislature of the State of New York; to the Joint Committee on Atomic Energy:

"RESOLUTION 139

"Joint resolution of the senate and assembly memorializing the Congress and President of the United States to initiate a program for radioactive fallout protection for all citizens of the United States

"Whereas the people of the State of New York feel deep concern for the international situation and its effect upon the safety and future of each citizen; and

"Whereas they know the freedom of the people of this State and Nation to be fatefully bound to the fate of free peoples throughout the world; and

"Whereas they realize that the future of freedom everywhere depends on the willingness of the American people to defend the right of peoples to determine their own fate; and

"Whereas all free peoples today confront, in the form of the steadily growing force and resources of Soviet communism, a threat without parallel in their history; and

"Whereas the simultaneous evolution of science and weaponry makes this threat a menace of such proportions as has been confronted by no other generation; and

"Whereas the success of diplomatic negotiations with the Soviet Union, involving both the safeguarding of the freedom of Berlin and progress toward disarmament, depends critically upon our national strength and our national resolve; and

"Whereas all levels of concern—moral, political, and military—dictate the need for government to assure adequate defenses for our population, not only to sustain hostile attack but also to deter and to discourage the attempt of such attack; and

"Whereas both the lives and the liberties of all Americans are thus at stake in the military and political decisions of this time; and

"Whereas the President of the United States has declared that 'our total defense is incomplete and meaningless without reliable and responsible home defense' and the Joint Chiefs of Staff have stated that a fallout shelter program is essential both to our military defense and to our policy of seeking peace through deterrence of nuclear attack; and

"Whereas the Secretary of State has made it emphatically clear that there is a direct relationship between a fallout shelter program and the effective conduct of foreign policy; and

"Whereas the Director of the Central Intelligence Agency has indicated that fallout protection for our people is essential to withstand nuclear blackmail; and

"Whereas the health and safety, and the survival of the individual citizen is a matter of paramount State and National concern; and

"Whereas the fallout protection essential to the survival of tens of millions of Americans, in the event of a nuclear attack upon our country, is readily obtainable; and

"Whereas it is a matter of utmost gravity and urgency that protective steps be taken by and for the people of every State in our Union and to make these steps effective that further supporting action be taken by the Federal Government: Now, therefore, be it

"Resolved (if the assembly concur), That the Congress and the President of the United States be and hereby are respectfully memorialized to—

"1. Declare it to be the policy of the United States that every American citizen have effective fallout protection as promptly as possible;

"2. Provide affirmative additional support to State, local, and individual initiative in obtaining essential fallout protection by, among other things,

"(a) authorizing a Federal income tax deduction for the cost of fallout shelters (up to a maximum of $100 per planned shelter occupant);

"(b) making the provision of fallout protection mandatory in all construction built with Federal funds or financed with Federal loans or guarantees; and

"(c) providing fallout protection for the executive, legislative, and judicial branches of the Federal Government and for the Armed Forces of the United States to assure the continuity of their functioning in the event of nuclear war; and

"3. Direct the promulgation of a comprehensive nationwide program of nuclear protection, warning and training; and

"4. Accelerate the establishment with Federal funds of the nationwide, fully automatic system of monitoring for radioactive fallout, using modern computer techniques, supplemented with an improved attack-proof system of radio communication with shelter occupants; and

"5. Direct that an immediate and intensive program of research be undertaken looking to action which will make possible national recovery following a nuclear attack, including vigorous new steps for decontamination, for the prepositioning, preservation, and distribution of food supplies, for the purification of water, for the prepositioning, rationing, and distribution of fuel, clothing, medicines, building materials, and other supplies, and for most effective employment of the surviving population for the national recovery; and be it further

"Resolved (if the assembly concur), That copies of this resolution be transmitted to the President of the United States, to the Secretary of the United States Senate, to the Clerk of the House of Representatives of the United States, and to each Member of Congress duly elected from the State of New York, and that the latter be urged to assert their best efforts to the task of accomplishing the purposes of this resolution.

"By order of the senate.
"JOHN J. SANDLER,
"Secretary.

"By order of the assembly.
"ANSLEY B. BORKOWSKI,
"Clerk."

A resolution adopted by the United Okinawan Association of Hawaii, Honolulu, Hawaii, favoring the enactment of House bill 1157, relating to the economic development of the Ryukyu Islands; to the Committee on Armed Services.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. O'MAHONEY, from the Committee on Interior and Insular Affairs, without amendment:

S. 2434. A bill to revise the boundaries and change the name of the Fort Laramie National Monument, Wyoming, and for other purposes (Rept. No. 1232).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. BYRD of Virginia, from the Committee on Finance:

Glenn W. Sutton, of Georgia, to be a member of the U.S. Tariff Commission.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MCCLELLAN:

S. 3319. A bill to authorize the Administrator of General Services to release the recapture provisions contained in the conveyance of certain real property to the city of Little Rock, Ark., and for other purposes; to the Committee on Government Operations.

By Mr. DIRKSEN:

S. 3320. A bill to authorize appropriations for continuing the construction of highways under title 23, United States Code; to the Committee on Public Works.

(See the remarks of Mr. DIRKSEN when he introduced the above bill, which appear under a separate heading.)

By Mr. MURRAY:

S. 3321. A bill to authorize the sale or lease of Indian lands on the Crow Indian Reservation, Mont.;

S. 3322. A bill to provide a standard procedure for the leaving of noncompetent allotted farming and grazing lands on the Crow Indian Reservation; and

S. 3323. A bill to provide compensation to the Crow Tribe of Indians, Montana, for certain lands embraced within the present boundaries of the Crow Indian Reservation, for the validation of titles, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MORTON (for himself and Mr. COOPER):

S. 3324. A bill to authorize and direct the Secretary of the Army to convey part of Lock and Dam No. 10, Kentucky River, Madison County, Ky., to the Pioneer National Monument Association for use as part of an historic site; to the Committee on Public Works.

By Mr. MUNDT:

S. 3325. A bill creating a commission to be known as the Commission on Noxious Printed and Pictured Material; to the Committee on Government Operations.

(See the remarks of Mr. MUNDT when he introduced the above bill, which appear under a separate heading.)

By Mr. CHAVEZ:

S. 3326. A bill to provide for the issuance of a special series of stamps in commemoration of the 100th aniversary of the continuous displaying of the flag of the United States over the Taos Plaza in the town of Taos, N. Mex.; to the Committee on Post Office and Civil Service.

By Mr. O'MAHONEY:

S. 3327. A bill for the relief of Jean Goedicke; to the Committee on the Judiciary.

By Mr. MURRAY:

S. 3328. A bill to grant to the government of Guam certain filled lands, submerged lands, and tidelands; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. MURRAY when he introduced the above bill, which appear under a separate heading.)

By Mr. EASTLAND:

S. 3329. A bill for the relief of Constantinos Melisarris; to the Committee on the Judiciary.

By Mr. SCOTT (for himself, Mr. COOPER, and Mr. PROUTY):

S. 3330. A bill to amend title IV of the Social Security Act so as to permit children who are in need and who have been deprived of parental support or care to be eligible for assistance under the State plans for aid to dependent children established pursuant to such title; to the Committee on Finance.

By Mr. CHAVEZ:

S.J. Res. 183. Joint resolution memorializing the continuous displaying of the flag of the United States over the Taos Plaza in the town of Taos, N. Mex.; to the Committee on Post Office and Civil Service.

AUTHORIZATION FOR APPROPRIATIONS FOR CONTINUANCE OF CONSTRUCTION OF HIGHWAYS UNDER TITLE 23, UNITED STATES CODE

Mr. DIRKSEN. Mr. President, I introduce, for appropriate reference, a bill to authorize appropriations for continuing the construction of highways, under title 23, United States Code. In connection with the bill, Mr. President, I ask unanimous consent to have printed at this point in the RECORD an analysis of the bill.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the analysis will be printed in the RECORD.

The bill (S. 3320) to authorize appropriations for continuing the construction of highways under title 23, United States Code, introduced by Mr. DIRKSEN, was received, read twice by its title, and referred to the Committee on Public Works.

The analysis presented by Mr. DIRKSEN is as follows:

The Department of Commerce has prepared and submits herewith as a part of the legislative program for the 86th Congress, 2d session, a draft of a proposed bill "To authorize appropriations for continuing the construction of highways, under title 23, United States Code."

The Federal-Aid Highway Act of 1958 (72 Stat. 89) authorized the appropriation of funds for the Federal-aid primary and secondary systems and extensions thereof in urban areas for the fiscal years 1960 and 1961. The Federal-aid funds authorized for each of those fiscal years have now been apportioned. In accordance with the practice of previous years, it is necessary that Congress give consideration to the enactment of legislation during the forthcoming session of Congress which would authorize the appropriation of funds for the fiscal years 1962 and 1963 for the continuation of the construction of highways on the Federal-aid primary and secondary systems and extensions thereof within urban areas.

It is considered that the sum of $900 million for each of the fiscal years 1962 and 1963 is required for the orderly continuation of the highway program for the Federal-aid primary and secondary systems and extensions of those systems in urban areas. It is believed to be of vital importance that authorizations be continued for those Federal-aid systems in furtherance of the national interest therein as expressed in section 101(b) of title 23, United States Code. The small reduction proposed in the authorizations for this program for fiscal years 1962 and 1963, compared with the authorization of $925 million for fiscal year 1961, would keep this program more in balance with the interstate highway program which has been reduced to conform with current highway trust fund revenues.

It is also considered necessary that authorizations be made for continuation of the forest highway program. The 1958 Act authorized the sum of $33 million for each of the fiscal years 1960 and 1961. These sums have now been apportioned. It is proposed that authorizations in the amount of $33 million be continued for the fiscal years 1962 and 1963 for forest highways on the Federal-aid highway systems.

The Federal-Aid Highway Act of 1958 authorized the sum of $3 million for the fiscal years 1960 and 1961 for public lands highways. It is proposed that authorizations be continued in like sum for each of the fiscal years 1962 and 1963 for public lands highways on the Federal-aid highway systems. These highways, as well as other highways in the Federal domain, constitute extremely important links in our highway systems.

The President, in his budget messages for both fiscal years 1960 and 1961, recommended that appropriations for forest highways and public lands highways be made from the highway trust fund, and that in the future amounts derived from the highway trust fund be expended only in connection with those forest highways and public lands highways which are on one of the Federal-aid systems. This recommendation is based upon the fact that the highway trust fund was established to meet obligations of the Federal Government attributable to Federal-aid highways, and, therefore, the trust fund should be used for financing the construction of all classes of highways which are on a Federal-aid system. The draft bill transmitted herewith includes language to implement the recommendations of the President.

The enclosed draft bill would provide the authorizations necessary for continuing the highway programs referred to herein. Funds have been authorized to be appropriated for the Interstate System annually through the fiscal year 1969 under the Federal-aid Highway Act of 1958 and the Federal-aid Highway Act of 1959. It is not necessary, therefore, to make provision for the Interstate System in the proposed bill.

The proposed bill would also make the following technical amendments to title 23, United States Code, considered essential in connection with the authorizations contained therein as well as for perfecting the substantive law relating to highways.

In section 129(c) of title 23, relating to the availability of Federal-aid funds for expenditure on projects approaching toll facilities, it is proposed that the term "under prior Acts" be deleted. Such deletion would eliminate the limited applicability of this subsection to only the expenditure of funds authorized to be appropriated under the Federal-aid Highway Act of 1958 and previous authorizations.

The language of section 305 of title 23 relating to the use of funds for archeological and paleontological salvage would be interpreted as not permitting the use for this purpose of funds authorized under the proposed bill, as well as subsequent acts. It is proposed that the section be amended as set forth in the enclosed draft bill.

The Department of Commerce recommends this proposed legislation for the favorable consideration of the Congress.

The Bureau of the Budget has advised that it would have no objection to the submission of this draft bill to the Congress and that its enactment would be in accord with the program of the President.

Sincerely yours,
FREDERICK H. MUELLER,
Secretary of Commerce.

THE SMUT RACKET MUST BE STOPPED

Mr. MUNDT. Mr. President, I introduce, for appropriate reference, a bill designed to do something effective about curbing one of the most reprehensible and nauseating rackets ever to flourish in the United States. I refer to the growing menace to the youth and morals of our country which is created by the smut peddlers who have expanded into a near-billion-dollar undercover racket the printing, publication, distribution, and sales of noxious material, so-called obscene literature, pornographic productions, and a filthy family of other supplies and material designed to pervert late illegal sex activities and to pervert the minds and ideals of Americans—both youth and mature.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3325) creating a commission to be known as the Commission on Noxious Printed and Pictured Material, introduced by Mr. MUNDT, was received, read twice by its title, and referred to the Committee on Government Operations.

Mr. MUNDT. Mr. President, the bill proposes to create a Hoover-type special Presidential commission to study and investigate every phase and facet of this revolting racket in obscenity and pornography. It would provide our country with a commission of experts to focus public opinion on this growing problem; to probe into its causes and consequences; to assist in evolving and developing the necessary statutory protections and legal procedures for dealing vigorously and relentlessly with those who operate these rackets and profit

thereby; to help acquaint the general public, and parents of teenage children in particular, with steps to be taken to help expose the sources of these squalid products and to enable them to guard their families against receiving them; and it would explore the whole gamut of possible corrective steps which America and Americans can take to put an end to this horrible campaign to destroy the morals of our citizens.

At this point in my remarks, Mr. President, I ask leave to have printed in full the bill which I am today introducing in the Senate.

There being no objection, the bill (S. 3325) was ordered to be printed in the RECORD, as follows:

A BILL TO ESTABLISH A COMMISSION ON NOXIOUS PRINTED AND PICTURED MATERIAL

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS OF FACT AND DECLARATION OF POLICY

SECTION 1. The Congress finds that there is a rapidly increasing commercial traffic in noxious printed and pictured material dealing with acts or suggestive acts of sexuality and sexual deviations and perversions. Effective control of the flow of such material in commerce requires a scientific evaluation of the existence and extent of the casual relationship between the traffic in such material and criminal, delinquent, or other undesirable or antisocial behavior on the part of juveniles and the public generally. The magnitude of the problem is such that the full resources of the Federal Government are necessary to cope with it. The seriousness of the problem is such that adequate scientific information is required for a solution by which this social threat to the general welfare of our people (including our children) may be met.

ESTABLISHMENT OF THE COMMISSION ON NOXIOUS PRINTED AND PICTURED MATERIAL

SEC. 2. (a) For the purpose of carrying out the policy set forth in section 1 of this Act, there is hereby created a commission to be known as the Commission on Noxious Printed and Pictured Material (in this Act referred to as the "Commission").

(b) Service of an individual as a member of the Commission or employment of an individual by the Commission as an attorney or expert in any business or professional field, on a part-time or full-time basis, with or without compensation, shall not be considered as service or employment bringing such individual within the provisions of sections 281, 283, 284, 434, or 1914, of title 18 of the United States Code, or section 190 of the Revised Statutes (5 U.S.C. 99).

MEMBERSHIP OF THE COMMISSION

SEC. 3. (a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 16 members, appointed by the President, as follows:

(1) One from the Senate;

(2) One from the House of Representatives;

(3) Two from the Post Office Department;

(4) Two from the Department of Justice, one of whom shall be from the Federal Bureau of Investigation;

(5) One from the Bureau of Customs, Department of the Treasury;

(6) Three from the clergy, of whom one shall be Protestant, one shall be Roman Catholic, and one shall be Jewish;

(7) One who shall be prominent in the field of psychiatry;

(8) One who shall be prominent in the field of psychology;

(9) One who shall be a prominent citizen who is a parent of a school-age child or children;

(10) One who shall be a responsible official in the publishing industry;

(11) One who shall be a responsible official in the motion picture industry; and

(12) One who shall be a responsible official in the radio-television industry.

(b) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(c) CONTINUATION OF MEMBERSHIP UPON CHANGE OF STATUS.—A change in the status or employment of any person appointed to the Commission pursuant to subsection (a) of this section shall not affect his membership upon the Commission.

ORGANIZATION OF THE COMMISSION

SEC. 4. The Commission shall elect a Chairman and a Vice Chairman from among its members.

QUORUM

SEC. 5. Eight members of the Commission shall constitute a quorum.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 6. (a) MEMBERS OF CONGRESS.—Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) MEMBERS FROM THE EXECUTIVE BRANCH.—The members of the Commission who are in the executive branch of the Government shall serve without compensation in addition to that received for their services in the executive branch, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(c) MEMBERS FROM PRIVATE LIFE.—The members from private life shall each receive $50 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

STAFF OF THE COMMISSION

SEC. 7. (a) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended.

(b) The Commission may procure, without regard to the civil service laws and the classification laws, temporary and intermittent services to the same extent as is authorized for the departments by section 15 of the Act of August 2, 1946 (60 Stat. 810), but at rates not to exceed $50 per diem for individuals.

EXPENSES OF THE COMMISSION

SEC. 8. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this Act.

DUTIES OF THE COMMISSION

SEC. 9. (a) INVESTIGATION AND ANALYSIS.—The Commission shall—

(1) conduct a scientific investigation of the relationship between the production, distribution, and sale and reading or viewing of noxious printed or pictured material dealing with acts or suggestive acts of sexuality, and sexual deviations or perversions, and the commission by the readers or viewers thereof of criminal, delinquent, or other antisocial acts; and

(2) analyze the law pertaining thereto, and recommend appropriate revisions to the Congress.

(b) REPORT.—The Commission shall report to the President and the Congress its findings and recommendations as soon as practicable and in no event later than June 30, 1961, at which date the Commission shall cease to exist.

POWERS OF THE COMMISSION

SEC. 10. (a) HEARINGS AND SESSIONS.—The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as the Commission or such subcommittee or member may deem advisable. Subpenas may be issued under the signature of the Chairman of the Commission, of such subcommittee, or any duly designated member, and may be served by any person designated by such Chairman or member. The provisions of sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C., secs. 192–194) shall apply in the case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this section.

(b) OBTAINING OFFICIAL DATA.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics for the purpose of this Act; and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

Mr. MUNDT. Mr. President, a neighbor of mine in Schott's Court where I live in Washington is Representative JAMES C. OLIVER, of Maine. JIM OLIVER and I have discussed this traffic in obscenity at times in our leisure hours at home; he is a member of the House Post Office Subcommittee on Postal Operations and I am a member of the Senate Committee on Appropriations dealing with postal needs and improvements. Congressman OLIVER is an alert and forward-looking Member of the House and a companion counterpart of this legislation was introduced by him in that branch of Congress.

Additionally, this problem of using pornographic material to attempt to despoil the morals of American youth came to my attention years ago when as a member of the old Dies committee of the House of Representatives we learned that the destruction of the ideals and morals of young Americans ranked high on the action agenda of Communists and their sympathizers in America. In fact, much of the narcotic dope traffic in this country is traceable to Communist sources. Later, in the Senate, I endured the most unpleasant assignment of my career in Congress when I was appointed by then Vice President Barkley to serve on a subcommittee to study the extent and significance of sex perversion among employees of the Federal Government. It was with great surprise and sorrow that we discovered the alarming extent of these vices. In each of these assignments, Mr. President, the trail of an individual's downfall so frequently led back to practices and purposes established by the receipt and reading of obscene literature that I am convinced a Presidential Commission such as my bill proposes can contribute greatly to the protection of both public and private morals in America.

I am also a cosponsor of Senate Joint Resolution 160 which proposes to set up a White House Conference to deal with noxious, indecent, and obscene literature—it would be my hope, Mr. President, that this Conference and this proposed Commission would supplement each other and that they would reenforce America's determination to deal a death blow to the producers and peddlers of filth in this great country of ours.

Mr. President, much of this revolting and repugnant material is sent surreptitiously through the mails. Our Postmaster General, Arthur Summerfield, has long led a hard-hitting crusade to stop this source of slime from spewing its nauseating material into the family mailboxes of America. He is to be congratulated on his efforts and a great many religious, fraternal, educational, and public welfare groups in America have rallied to his call to arms and are rendering trojan service in helping the public to learn about the steps it can take to help eliminate this trash from the mails and to trap the offenders who stealthily slip it into the channels of communication. However, short of imposing Government censorship of the mails—and this would be unthinkable and highly undesirable in our great freedom-loving Republic—there are severe limitations on what the Post Office Department can do to curb this terrible traffic in the salesmanship of smut.

It is my hope that such a Presidential commission as JIM OLIVER and I propose will discover and evolve methods for stopping this racket at its source and of punishing those engaged in it before they violate the sanctity of the mail and whether they distribute their noxious nostrums by express, by truck, by mail, or by personal delivery. Certainly insofar as this traffic moves across State lines—and most of it does—we should be able to find a way to fix a punishment so certain and severe that this flood of filth can be diminished to a mere trickle if we, indeed, cannot shut it off entirely.

A POISONED MIND IS AS BAD AS A POISONED BODY

Mr. President, imagine the extent of national concern and outrage if the Secretary of Health, Education, and Welfare, or of the Department of Agriculture, were to make public an official estimate pointing to the likelihood that milk served at school lunchrooms and cafeterias would expose 1 out of every 18 children to a crippling infectious disease. Can you imagine the furor which such an announcement would generate—the anxious fears of millions of parents? There would be a universal public demand that our children be protected from such a great danger. Congressional committees would investigate. It would be a rare newspaper columnist or radio and television commentator who would not feel it his duty to demand that no stone be left unturned until American schoolchildren could be assured of a supply of disease-free milk.

Happily, no such danger exists in connection with the school milk program. However, the obscenity racket comprises a threat to the moral and mental health of our schoolchildren. Postmaster General Summerfield has reported that the volume of obscene literature circulated through the mails has doubled in the last 5 years to the point where 1 out of every 35 children of school age now receive material from these merchants of filth. He estimates that if the present trend is not checked, that by 1963 we can expect that 1 child out of every 18 will be recipients of some item or items of lewd and pornographical literature.

It is encouraging to note that the Postmaster General is by far not the only American prominent in public and private life who has manifested serious concern over the traffic in obscene literature, and the effect it may have on our youngsters. I am pleased also to observe this matter has been the subject of discussion during the recent White House Conference on Youth. However, I cannot but feel that public outrage over this situation does not begin to approach the degree it would if we were speaking of a health hazard which might threaten 1 out of 18 school children. Certainly the maintenance of strong moral standards among our people is of no less importance than the maintenance of strong standards for physical health.

From our earliest beginnings we as a nation have been justifiably proud of and prayerfully thankful for the bountiful resources which have been such a contributing factor to our country's strength. Of all our resources I believe we have been most grateful for the wonderful resource we have in our youth. During times of national emergency they have stood physically straight and tall and have mustered the moral strength to carry the Nation through terrible days. A morally healthy youth is not only desirable from an ethical standpoint, but it is a completely indispensibe factor of national survival in this era of imperialistic warlike threats from godless communism.

A potential enemy might well elect to cripple America by simultaneously poisoning her water resources. But, I submit, no easier, or simpler, or more incipient method to crumble America's strength could be devised than a planned program for the erosion of our most precious resource—our youth.

I am of the unshakable opinion that we have here a national problem requiring the best thinking and collective efforts of all Americans. We might well consider it as we would any pathological disease and like any other pathological infection it has its source or sources and its channels of distribution. The symptoms of the disease are the terrible and tragic headlines which so often record the act of a berserk youngster. Law enforcement officials point often to the fact that virtually every sex criminal has a record of affinity for obscene literature and pornography.

WATCH YOUR FAMILY MAILBOX

The most infectious point of the disease is the family mailbox. It is here that so much of the pornographical sewage is dumped into the hands of so many of our children. How can such filth find its way to an 8 or 9 year old? It is not difficult. The collection of names for mailing lists for legitimate purposes is a business which occupies the talents of many industrious and energetic people. Assembling a list may involve the tedious study of telephone or city directors, publications, trade journals, or a controlled advertisement which may require the recipient to write his name on a special moneysaving coupon, the value of which can be redeemed in connection with a subsequent purchase. It has become a science the methods of which are not particularly secret or mysterious. The same methods are adopted by the merchants of filth who want to develop extensive channels of distribution to American youngsters. They may refer to high school yearbooks or graduation lists, or newspaper stories listing the names of youngsters engaging in one church or school activity or another for names. Sometimes the child's fancy is caught by an advertisement in a normal, respectable publication offering stamps or doll clothes or model airplanes at bargain prices. Sometimes with the consent of his parents the child sends for and receives the item. This can be the innocent-appearing device by which his name is added to the mailing list and soon that same child will begin receiving lewd solicitations through the mail.

Unfortunately as is the case with narcotics, obscene literature develops a progressive pattern. Once exposed, the youngster acquires an insatiable appetite or curiosity for the increasingly obscene. Frequently alert parents may discover that a son or daughter is receiving items of such a shocking nature through the mails. All too often, however, the situation is not immediately discovered by parents and as the child develops an appetite for this type of literature he also invents the necessary protective schemes to assure future safe delivery of such material.

Distribution of obscene literature is implemented by the fact that its recipients frequently establish voluntary circulating libraries so that it is available to other children who heretofore may not themselves have received it through the mail. Some youngsters, in order to satisfy their growing appetites for the pornographic and obscene, may help the dealer to peddle his filth in return for a discount on the cost of the material for which he himself is hooked. An indirect but tragic result occurs when a child who has never been exposed to obscene material becomes a victim of the criminal who is affected by it.

Those who traffic in this vile business of smut are finding to their sorrow that increasing numbers of alert parents are furnishing the Post Office Department with the obscene materials which have come to their children through the mails. The Department reports that this accelerated interest of parents in what their children are reading has resulted in an encouraging increase in the number of arrests of these merchants of filth, with their convictions being facilitated by a 1958 revision of the law which makes it possible to prosecute not only at the point of mailing obscene material but in the communities where it is received.

Any proposal to organize a concerted effort to drive publishers of obscene and lewd literature to the wall is certain to be met by cries of "censorship" and "violation of the freedom of the press." Certainly it is not censorship or a violation of civil liberties to prevent the sale of narcotics to high school youngsters or to forbid the sale of liquor to underage girls and boys. There should be little reasonable doubt that a child's moral and mental health is sufficiently important to require that he be protected as much as possible from the degradation constantly depicted in smutty literature. Ways short of censorship and compatible with our wise and proper respect for the privacy of our mails must be developed to deal with this fast-growing menace.

Then there are those who will argue that the exposure of a child to obscene literature is an ordinary thing; that it is something which has been and will be around always; that he should develop discerning reading habits at an early age. They ignore the testimony of psychiatrists who point to the frequent cases where a perfectly healthy child has been continually exposed to the depravities of smutty material and eventually turned into a creature with distorted and immoral ideas—if not an actual pervert.

I observed earlier that the dangerous effects of these racketeers of the obscene has become the active concern of many individuals and groups, public and private. This is indeed encouraging, but I wish it were the concern of more people. Unless public pressure is sufficient in intensity and duration to drive these racketeers completely out of business, the threat will continue to fester and infect more and more children.

CONGRESS MUST ALSO ACT

One of the charges which in most cases cannot be made of Congress is that Members of the Senate and House of Representatives are insensible to the forces of public opinion. The views of the American public on the need for action to prevent the traffic and distribution of obscene literature are well known on Capitol Hill, and for that reason it is surprising that legislative action has not been taken before now. There would be few who would attempt to argue that legislative action at the national level is the one single element necessary to a program to stop this traffic. Certainly, I am not one of them. However, Congress has the responsibility to center and direct national thinking on this subject. There are now pending before Congress a number of bills and resolutions whose objectives are aimed at this direction.

Sufficient time still remains for the consideration of these measures and final action to be taken by Congress before adjournment.

Mr. President, it is encouraging to read reports of the constructive actions now under way by good Americans, everywhere, to sound the warning and to take the steps required to stamp out this profiteering in filth. Our church leaders are doing magnificent work in counseling their parishioners from the pulpit and through religious organizations to fight back against these predatory peddlers of smut. Educational leaders, parent-teacher associations, extension clubs, the Toastmasters Clubs of America, women's organizations, and many others are conducting educational campaigns to advise their members and associates on how best to cooperate with the Post Office Department and with Federal law enforcement officials in exposing and eliminating the money-mad monsters who make a lush living out of producing and purveying materials designed to destroy the good life for others. State and city officials of government are cooperating with the Federal Government to close tight the narrowing ring in which these malicious people operate. But more needs to be done.

Postmaster General Arthur Summerfield said recently:

> We are in effect declaring war on these purveyors of filth, big and little, high and low. We are launching an intense and unrelenting effort to stop this monstrous assault on the Nation's children in every way possible. And we are confident that, with adequate public and legislative support, this job can be done.

He has urged every parent and every uplift organization in America to join in the war against these wanton individuals.

Lewdness through the mails will be short lived, Mr. President, if each of us in our respective capacities picks up the cudgels, now, and joins in the battle to clean up America, and to punish and prevent these "mental litterbugs" by methods which will effectively drive them out of business or put them behind penitentiary bars.

WHAT EVERY CITIZEN CAN DO

Every American can find a place to function in the ranks of those determined to bring this clean-up campaign to victory. Every parent can be of assistance in achieving this victory by taking the following steps when opportunity presents itself:

First. If obscene and noxious literature is received in the family mailbox, save all materials received, including the envelope in which they come, and all enclosures.

Second. Report the arrival of such material to your local postmaster, turning over to him all the items which are received either in person or by mail. Postal inspectors everywhere have been alerted to work with local postmasters to take action on this evidence by applying the Federal laws against the mailing of pornographic materials.

Third. Working with your postmaster, and he with Federal inspectors, parents can write "come-on" letters to the senders of seductive filth to collect additional evidence useful to the FBI and to the other Federal law enforcement officials, making sure to turn over to them every additional letter and bit of evidence received through the mails.

Fourth. Each of us can help to mobilize community support behind adequate law enforcement and in support of severe sentences against those guilty ones who are apprehended in their crimes.

Fifth. Every one of us can help to alert parents and others to be on the alert, so as to detect obscene material upon arrival and to forward the evidence as has just been suggested.

Sixth. In addition to such Federal laws as need to be enacted and such a Presidential commission as I have proposed, each of us, by working through our churches and the organization to which we belong, can press for adequate protective legislation at the State and city levels of government. Special informative programs before adult audiences and organizations of every kind can be most helpful in alerting the general public.

It has been said correctly: "Freedom is everybody's business." It is likewise true that the elimination of such filthy practices as the distribution of noxious, obscene literature or its display on magazine racks and sales counters of decent business places is also everybody's business. A determined American citizenry can help win this campaign to clean up America and it can do it by American methods and in the American way.

I sincerely hope such congressional action will be forthcoming. Indeed, I believe the basic reason why it has not already occurred is the indisputable fact that we have not yet found an acceptable and workable method for dealing with this offensive racket. I feel the proposal to call a White House conference, as proposed by Senator SCOTT and a number of other Senators who have cosponsored Senate Joint Resolution 160 is a step in the right direction, but it lacks the effective followthrough required to complete the job of curtailing this wicked and sadistic operation It is for that reason that Representative OLIVER and I have worked out the details of our measure to propose a special Presidential commission to deal with this problem and to study it sufficiently long and sufficiently hard to come up with recommended actions by both State and Federal officials as well as all others concerned, so that we can make a concerted and successful attack upon one of the most unsavory and destructive rackets ever to function in America. I urge Congress to act favorably upon this proposed legislation at this session.

GRANT TO GOVERNMENT OF GUAM CERTAIN FILLED LANDS, SUBMERGED LANDS, AND TIDELANDS

Mr. MURRAY. Mr. President, I introduce, for appropriate reference, a bill to grant to the Government of Guam certain lands on the island now held by the Federal Government.

This measure was drafted by the Department of the Interior and was submitted to the Congress in an Executive communication dated March 4, 1960.

Despite the quite lengthy metes and bounds description of the lands to be granted, the total area comprises only about 24 acres.

The land is now being used for public purposes, and the bill provides that the Government of Guam must continue to use it solely for civic, park, and recreational uses. Should the territorial government ever attempt to dispose of the tract, title shall revert to the United States.

Mr. President, I ask unanimous consent that the text of the Executive communication from the Acting Secretary or the Interior, transmitting the draft of the bill, be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 3328) to grant to the government of Guam certain filled lands, submerged, and tidelands, introduced by Mr. MURRAY, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The letter presented by Mr. MURRAY is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 4, 1960.

Hon. RICHARD M. NIXON,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed herewith is a draft of a proposed bill, "to grant to the Government of Guam certain filled lands, submerged lands, and tidelands."

We suggest that this bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

Sections 1 and 2 of the draft bill relate to certain filled land in the city of Agana, Guam, which is the capital of the territory. The land described in section 1 is a portion of the area known as the Paseo de Susana, and it is currently being used by the Government of Guam as a public park. The Paseo de Susana is a piece of land roughly in the shape of a triangle and is approximately 24 acres in area. The land within the Paseo de Susana, which projects into Agana Bay on the northern coast of Guam, includes land some of which has been filled. The portion of the land not artificially filled (known as Baker's Point), was used, prior to the enactment of the Organic Act of Guam on August 1, 1950, by the former naval government of Guam in the administration of the island. This land is now held by the Government of Guam under a transfer from the Navy to the Government of Guam, dated October 23, 1950, pursuant to the Guam Organic Act, referred to further below. The remainder of the Paseo de Susana is comprised of land which was made by filling in a portion of Agana Bay, and this portion is the land which is described in section 1 of the bill. Some of this land was filled in prior to World War II by the Navy in the course of its operation of the naval base, but additional land was created after the liberation of the island from the Japanese by the action of the Naval forces in dumping into the water large quantities of debris resulting from the fighting in Agana. The filled area was later enlarged by the naval government of Guam after World War II and used for public purposes.

On October 23, 1950, under the authority of section 28(a) of the Organic Act of Guam (64 Stat. 384, 392; 48 U.S.C., sec. 1421f(a), all real and personal property used in the administration of the civil affairs of Guam by the naval government was transferred to the newly organized Government of Guam by an instrument entitled "Transfer of Lands to the Government of Guam," executed by the Commander Naval Forces Marianas. The portion of the Paseo de Susana known as Bakers Point was included in this transfer. The President in Executive Order No. 10178, dated October 30, 1950 (15 F.R. 7313), reserved to the United States certain lands in Guam owned by the United States and placed them under the control of the Secretary of the Navy. This order transferred the lands not so reserved to the administrative jurisdiction of the Secretary of the Interior who, on February 26, 1952, by an instrument entitled "Transfer of Land to the Government of Guam," conveyed these lands to the territorial government. In none of the above transfer documents is there any reference to lands presently or formerly under water or to the filled portion of the Paseo de Susana.

The Solicitor of this Department in opinion No. M-36449, dated January 31, 1958 (65 I.D. 193), held that title to all tidelands, submerged lands, and artificially filled lands on the coast of Guam remains in the United States and may be alienated only by the express authorization of Congress. The enclosed proposed bill is intended to constitute such express authorization.

By virtue of its location, the Paseo de Susana is the logical site for the establishment of recreational and civil facilities for the capital city of Agana, and it is being used as such. The projection of the Paseo de Susana into Agana Bay provides an excellent view of the line of breakers along the ocean reef, as well as of the whole of Agana Bay and the cliffs of Agana. These scenic advantages, together with the nearness of the Paseo de Susana to the business and residential sections of Agana, make the site eminently suitable for development as a public park and recreational area.

On the basis of these considerations, the Territorial Planning Commission of the Government of Guam in making its study of the rebuilding program for Agana determined that the Paseo de Susana should be developed as a park and recreation area with facilities to serve every age group of the population of Guam. The area of the Paseo, when completely developed, will have a picnic ground, a play area for children, various kinds of athletic facilities, parking sections, and a memorial auditorium.

Sections 3 and 4 of the proposed bill relate to an area of filled and submerged land contiguous to and just to the west of the Paseo de Susana. This portion, which is being used as a boat basin, consists of water and submerged land together with a small hook-shaped projection of land. The hook-shaped piece of land consists of land filled in by the Navy in the course of its operation of the Agana.

The Government of Guam is planning to enlarge and improve this boat basin. The present plans call for the utilization of a small portion of the strip of land existing west of the boat basin as well as a portion of Agana Bay west of the boat basin. Since the Agana Boat Basin, the existing berthing area, and the proposed extension are closely intertwined in their basic objective, the areas in question should be consolidated. The Agana Boat Basin was developed before World War II for the purpose of accommodating the water barges unloading coal for the use of the steam powerplant located in the prewar Agana Navy Yard area. This area presently caters to the berthing and docking needs of the small boat commercial operations serving Guam and the islands of the Marianas as well as the needs of the boat operators engaged in fishing. It currently serves no purpose so far as the Navy is concerned. Because of these needs, the Government of Guam desires that the area be conveyed to it.

The development of the Paseo de Susana and the neighboring Agana Boat Basin in accordance with the plans of the Government of Guam will go far in enhancing the social, recreational, and economic life of the people of Guam. The transfer of these tracts will enable the Government of Guam to proceed to develop them so as to fully utilize their highest potentialities.

This bill will grant to the Government of Guam these filled, submerged, and tidal areas which were formerly used for governmental and public purposes during the period of naval government prior to 1950. After creation of the civilian government in Guam under the provisions of the Organic Act, all of the lands used by the Navy for civil government purposes were authorized by that act to be transferred without reimbursement to the new territorial government to enable it to carry out the responsibility for performing the functions of civil government formerly conducted by the Navy.

However, under the holding of the Solicitor of this Department, that none of the transfers authorized by the Organic Act could legally pass title to tidal lands or submerged or former submerged lands, the new government failed to get title to either the Paseo de Susana or the waters off shore from the Agana Boat Basin needed for the improvement of that project. Since both of these areas are in every way comparable to the other areas transferred under the authority of the Organic Act, and since they are both needed by the Government of Guam to fulfill its mandate from Congress to administer the civil affairs of the territory, they should be transferred to the Government of Guam on the same basis as the areas previously transferred for civil government purposes. This bill is intended to accomplish this purpose.

The Government of Guam, assuming the area to have been transferred to it under the authority of the Organic Act, has made extensive improvements on the Paseo de Susana to meet the urgent needs of the people of Guam for an area suitable for recreational purposes and for the holding of civic functions.

Sections 2 and 4 of the proposed bill provide restrictions as to the use and alienation by the Government of Guam of the transferred lands, in order to insure the maximum development which has been outlined. Should these restrictions be violated, the United States may, as provided in sections 2 and 4, at its option terminate the interests of the Government of Guam by making a reentry on the land. It is, therefore, recommended that this proposed legislation be favorably considered.

The Bureau of the Budget has advised that there is no objection to the submission of this proposed legislation to the Congress.

Sincerely yours,

ROGER ERNST,
Assistant Secretary of the Interior.

CIVIL RIGHTS ACT OF 1960—AMENDMENT

Mr. HENNINGS. Mr. President, on behalf of myself, and two other members of the Senate Committee on the

Judiciary, who voted for it in committee last week, I submit an amendment, intended to be proposed by us, jointly, to the bill (H.R. 8601) to enforce constitutional rights, and for other purposes. It is the plan for Presidentially appointed Federal enrollment officers, as an amendment in the form of an additional title in the House-passed civil rights bill, H.R. 8601. In other words, this title is in addition to the judicially appointed voting referees title now in the bill. I shall call up the amendment for debate at an appropriate time.

This proposal received six votes when presented in the Senate Judiciary Committee on Tuesday, March 29, 1960; eight votes were cast against it.

It appears certain that all that will be produced this year in the way of civil rights legislation is a voting bill. Therefore, the voting provisions must be as substantial as possible, to increase the opportunities of voting for all qualified citizens. With this in mind, I strongly urge the Senate to adopt an additional method—the Federal enrollment officers plan—as a means to enable people to become registered and to be able to vote in elections. Many have expressed doubts about the potential effectiveness of the referee plan. It is felt that if it is the only provision adopted, the legislation this year will not be what everyone seems to have agreed it should be: an effective voting rights bill.

Mr. President, I send to the desk the amendment, which I submit for myself, the junior Senator from Michigan [Mr. HART], and the junior Senator from Connecticut [Mr. DODD], and ask unanimous consent to have it printed in the RECORD at this point as a part of my remarks.

The VICE PRESIDENT. The amendment will be received, printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 21, between lines 12 and 13, insert the following new title:

"TITLE VII

"FINDINGS AND PURPOSE

"SEC. 701. (a) The Congress has heretofore expressed, by the creation of the Commission on Civil Rights, its concern at the continuing disfranchisement of qualified voters because of their race or color. That Commission has found that, under color of law or by State action, substantial numbers of qualified voters are being denied the right to register and vote in elections because of their race or color. The Congress hereby determines that the continuing denial of rights secured by the fourteenth and fifteenth amendments requires the exercise of the congressional authority provided under these amendments.

"DEFINITIONS

"(b) For the purposes of this section—

"(1) The term 'election' means any general or special election held in any State for the purpose of electing any candidate to elective public office and any primary election held in any State for the purpose of selecting any candidate for elective public office.

"(2) The term 'registration district' means an area in a State corresponding with any of the districts established by State law from which the voters elect a Member of the House of Representatives of the United States.

"JUDICIAL DETERMINATION OF DISFRANCHISEMENT

"(c) (1) Whenever, in any action brought under section 2004(c) of the Revised Statutes, as amended by section 131(c) of the Civil Rights Act of 1957 (71 Stat. 637, 42 U.S.C. 1971(c)) a court finds that, under color of law or by State action, a voting registrar or other State or local official has deprived persons in any locality or area of registration, or the opportunity of registration, or elections because of their race or color, the Attorney General shall notify the President of the United States of such finding.

"(2) Whenever the Commission on Civil Rights, acting under the duties imposed upon it by section 104(a) of the Civil Rights Act of 1957 (71 Stat. 635, 42 U.S.C. 1975c(a)) or in the event of termination of the Commission such other agency or department as the President shall designate to perform the same function (hereinafter referred to as the Commission) finds that, under color of law or by State action, a voting registrar or other State or local official has deprived persons in any locality or area of registration or the opportunity of registration, for election because of their race or color, the Commission shall notify the President of the United States of such finding.

"APPOINTMENT OF FEDERAL ENROLLMENT OFFICERS

"(d) (1) Upon any notification of a finding pursuant to subsection (c), the President is authorized to establish a Federal Enrollment Office in each registration district that includes the locality or area for which such finding has been made and to appoint one or more Federal Enrollment Officers for such district from among officers or employees of the United States who are qualified voters within such district. Whenever the President determines that there is no further need for a Federal Enrollment Office, he shall abolish the Office of such registration district. An individual who is appointed a Federal Enrollment Officer shall perform the duties required by this section until such time as he is relieved of such duties by the President.

"(2) The President may, if in his judgment such action appears justified and suitable, delay the appointment of Federal Enrollment Officers in order to permit prompt and continuous good faith efforts by State and local officials to terminate in an affected area deprivation of the right to vote on account of race or color.

"ENROLLMENT BY FEDERAL ENROLLMENT OFFICERS

"(e) The Federal Enrollment Officer for any registration district shall accept enrollment applications from individuals living in localities or areas in such district as to which a finding has been rendered pursuant to subsection (c). All such applicants whom he finds to meet the qualifications for voters under the laws of the State, wherein such district is situated, shall be enrolled by him as qualified to vote in all elections held in such district in like manner and for like period as prescribed for persons registered under State law, and shall receive from him certificates of enrollment. The Federal Enrollment Officer shall, from time to time, transmit to the proper State and local officials all information necessary to identify the persons who have been enrolled by him. Nothing contained herein shall be construed to authorize an Enrollment Officer to enroll any person who is not of the same race or color as the persons found pursuant to subsection (c) to have been deprived of registration, or the opportunity of registration, for elections. Nothing contained in this section shall be construed as impairing the right of any State to establish nondiscriminatory voting qualifications.

"VOTING IN ELECTIONS

"(f) Each qualified voter who is enrolled pursuant to subsection (e) shall have the right to vote, and to have such vote counted, for candidates for elective public office in elections held in his registration district, and, in the case of a primary election, for persons seeking nomination as candidates for elective public office, subject to the provisions of subsection (g).

"ENFORCEMENT

"(g) (1) Nothing contained in this section shall be construed to deny to appropriate State officials or other interested persons the right at the time of elections, to challenge the eligibility to vote of persons enrolled hereunder. Whenever such a challenge is made, however, the enrollee shall be permitted to cast his vote and have it counted, but it shall be preserved subject to a determination of the validity, of the challenge in any appropriate action brought in the United States district court having jurisdiction over the registration district in which the challenge is made.

"(2) Federal Enrollment Officers shall ascertain that persons enrolled under this section are afforded the right to vote and to have their votes fairly counted, and for this purpose the Federal Enrollment Officer is authorized to attend at any election held within his registration district to inspect the taking of the vote and the counting thereof. Should any person enrolled under this section be denied the right to cast his vote or to have his vote counted, the Federal Enrollment Officer shall forthwith notify the Attorney General.

"(3) The provisions of this section shall be enforceable by appropriate civil and equitable proceedings instituted in the district courts of the United States by the Attorney General, for or in the name of the United States. When necessary to assure persons enrolled under subsection (e) of the right to vote and to have their votes counted, the district court shall issue permanent or temporary injunctions or other orders directed to appropriate State or local voting officials, requiring them to permit persons enrolled under the provisions of this section to cast their votes and have them counted subject to the provisions of paragraph (1) of this subsection.

"(4) In all cases of criminal contempt arising under the provisions of this section, the accused, upon conviction, shall be punished by fine or imprisonment or both: *Provided, however*, That in case the accused is a natural person the fine to be paid shall not exceed the sum of $1,000, nor shall imprisonment exceed the term of six months: *Provided further*, That in any such proceeding for criminal contempt, at the discretion of the judge, the accused may be tried with or without a jury: *And provided further*, That in the event such proceeding for criminal contempt be tried before a judge without a jury and the sentence of the court upon conviction is a fine in excess of the sum of $300 or imprisonment in excess of forty-five days, the accused in said proceeding, upon demand therefor, shall be entitled to a trial de novo before a jury, which shall conform as near as may be to the practice in other criminal cases.

"This paragraph shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience, of any officer of the court in respect to the writs, orders, or process of the court.

"Nor shall anything herein or in any other provision of law be construed to deprive courts of their power, by civil contempt proceedings without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity including the power of detention.

"APPROPRIATIONS

"(h) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section."

On page 21, line 13, strike out "TITLE VII" and insert "TITLE VIII."

On page 21, line 15, strike out "SEC. 701." and insert "SEC. 801."

Mr. HENNINGS. Mr. President, I also ask unanimous consent that the amendment be read or preferably, be considered as having been read, for the purpose of making it eligible as an amendment to H.R. 8601 under Senate rules, in the event that cloture on debate is invoked.

The VICE PRESIDENT. Without objection, the amendment will be deemed as having been read.

Mr. HENNINGS. Mr. President, in addition I ask unanimous consent to include the following item at this point in the CONGRESSIONAL RECORD, as a part of my remarks:

[From the Wall Street Journal, vol. CLV, No. 64, eastern edition, Friday, Apr. 1, 1960, front page, col. 5]

A major 1962 goal: Administrative, not judicial, protection of Negro voting rights. Critics foresee lengthy court delays under present proposals for court-appointed referees to guard Negro ballot rights.

AMENDMENT OF FEDERAL-AID HIGHWAY PROGRAM—ADDITIONAL COSPONSOR OF BILL

Mr. BARTLETT. Mr. President, at the next printing of the bill, S. 3290, to amend section 120(a) of title 23, United States Code, I ask unanimous consent that the name of the junior Senator from California [Mr. ENGLE] may be added as an additional cosponsor. The bill was introduced by me on March 29, 1960.

The VICE PRESIDENT. Without objection, it is so ordered.

ANNUAL YOUTH APPRECIATION WEEK—ADDITIONAL COSPONSOR OF JOINT RESOLUTION

Under authority of the order of the Senate of March 30, 1960, the name of Mr. WILEY was added as an additional cosponsor of the joint resolution (S.J. Res. 181) providing for the establishment of an Annual Youth Appreciation Week, introduced by Mr. KEATING (for himself, Mr. BENNETT, Mr. BRIDGES, Mr. JAVITS, Mr. PROUTY, and Mr. SCOTT) on March 30, 1960.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. TALMADGE:

Editorial entitled "Senator RUSSELL Lays It on Line in Warning to All Americans," published in the Anderson (S.C.) Independent of April 1, 1960.

ANNIVERSARY OF BIRTH OF HON. WILLIAM P. HOBBY, FORMER GOVERNOR OF TEXAS

Mr. JOHNSON of Texas. Mr. President, a great and good Texan, a great and good American, a great and good friend, celebrated the anniversary of his birth last Saturday. I refer to W. P. Hobby, the beloved former Governor of Texas and president of the Houston Post.

To some men comes the rare good fortune to be of true service to mankind in one field of endeavor. But William P. Hobby was doubly blessed.

As a public servant, he earned the gratitude, the affection, and the esteem of his native State.

As a newspaperman, this able and distinguished Texan occupies an eminent niche in the annals of American journalism.

A descendant of pioneer stock, he was born in Polk County, Tex., on March 26, 1878. He was educated in the public schools of Texas, and soon began his apprenticeship as a newsman.

He was publisher of the Beaumont Enterprise from 1907 to 1931, and in 1924 became president of the Houston Post.

It was in 1931 that this beloved Texan took as his gracious and lovely wife Oveta Culp Hobby, former Secretary of the Department of Health, Education, and Welfare, as well as wartime director of the Women's Army Corps.

A long career as a public servant began in 1914 when he was elected Lieutenant Governor of Texas. He was reelected to the same office 2 years later.

Then, in 1917, he succeeded to the office of Governor, a position to which the citizens of Texas returned him for a 2-year term starting in 1919.

This, Mr. President, is a man of many abilities, distinguished as few men are—yet who has never lost the common touch.

He loves people, and people love him.

His generosity, his counsel and his comfort have made life more interesting and rewarding, not only for me, but for a multitude.

It falls to the lot of many men to be regarded with respect. Some are regarded with esteem. A few are regarded with affection. William P. Hobby is accorded all three.

A man who has earned and deserved all that he has acquired, he possesses those greatest treasures of all—a lovely wife, wonderful children, and an enduring spot in the hearts of thousands of his friends.

In the name of all of these, I salute him.

WASHINGTON, D.C., EXPERIENCE SHOWS EDUCATIONAL INTEGRATION WORKS WELL

Mr. PROXMIRE. Mr. President, in the civil rights debate now going into its eighth week in the Senate, argument has waxed eloquently for and against enacting laws attempting to secure equal rights throughout America. The most eloquent argument made for school integration is the argument of hard, practical experience. Will it work? Will scholastic standards decline or improve? Will delinquency increase or decline? I call attention to an objective, competent appraisal of the impact of educational integration on education here in Washington; I refer to an article published in today's issue of the New York Times.

In no big city in America are conditions more adverse to integration than here. It is an obvious axiom that educational integration increases in difficulty as the proportion of the Negro population to the white population grows. Where less than 10 percent of the school-age population is Negro, integration has proceeded smoothly and with little difficulty. When the Negro population exceeds 10 percent, opposition grows increasingly more intense.

The fact is, Mr. President, that Washington, D.C., has the highest proportion of Negro children in the schools of any big city in the Nation—higher than in any city in Georgia, Mississippi, Alabama, Arkansas, Louisiana, South Carolina, or any other State.

Mr. President, to establish these facts, I ask unanimous consent to have printed at this point in the RECORD a tabulation—published in the current issue of U.S. News & World Report—which shows that in Washington, D.C., 55 percent of the total population is Negro, the largest percentage of Negroes in any city in the Nation. Second in rank is Jackson, Miss., where the Negroes constitute 40 percent of the total population.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

WASHINGTON—THE NO. 1 NEGRO CITY OF THE UNITED STATES

PERCENTAGE OF NEGROES IN TOTAL POPULATION

	Percent
Washington, D.C.	55.0
Jackson, Miss.	40.0
Birmingham, Ala.	39.7
Winston-Salem, N.C.	39.6
Richmond, Va.	38.3
Montgomery, Ala.	37.0
Gary, Ind.	36.1
Memphis, Tenn.	35.9
Newark, N.J.	34.7
New Orleans, La.	34.1

Source: For Washington, report to Congress by District of Columbia Commissioners; for U.S. Census Bureau; for others, State and local sources and public schools.

Mr. PROXMIRE. Mr. President, I also ask unanimous consent to have printed at this point in the RECORD a second tabulation from U.S. News & World Report of April 4. It shows that in the Washington, D.C., public schools, 3 out of 4 pupils are Negroes; the percentages are 76.7 Negroes and 23.3 whites. The tabulation also shows that in the Washington, D.C., public schools, 62 percent of the teachers are Negro, and 38 percent of the teachers are white; and that in the first grade which will be enrolled next autumn, 85 percent of the children will be Negro and 15 percent of the children will be white.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

IN WASHINGTON PUBLIC SCHOOLS—THREE OUT OF FOUR PUPILS ARE NEGROES

Enrollment, 76.7 percent Negroes; 23.3 percent whites.

Teachers, 62 percent Negroes; 38 percent whites.

First grade (next autumn), 85 percent Negroes; 15 percent whites.

Mr. PROXMIRE. Mr. President, Washington ended separate schooling 5 years ago. With about 77 percent of the school-age population Negro, educational integration is undergoing the stiffest test it could endure in this country.

The other day, as I was sitting in the presiding officer's chair, I looked up in the galleries of the Senate and observed a typical Washington grade school class filing into the gallery. The children appeared to be about 10 years old—about 30 of them. I counted 25 Negro children, 1 child of oriental appearance, and 4 white children, a little red-haired boy, 2 tow-headed, blond boys and a little brown-haired girl. I wondered how well this courteous and alert-appearing group of American children were doing in their newly mixed environment. This morning's New York Times carries an interesting answer on its front page. It reports that integration has benefited Washington schools. In national merit standard tests, performance of Washington children has greatly improved since 1955, delinquency has declined.

This miracle of social adjustment seems to me an unanswerable argument to those who have been fighting educational integration tooth and nail. If it works here—under the most difficult possible circumstances—it will work anywhere in America.

Mr. President, I ask unanimous consent that this article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INTEGRATION AIDS CAPITAL'S SCHOOLS—STANDARDS FOUND TO IMPROVE STEADILY IN 5 YEARS

WASHINGTON, April 3.—Five years of desegregation are reported to have brought a marked rise in the educational level of the District of Columbia public schools.

Dr. Carl F. Hansen, Superintendent of Schools, told in a report today of steady improvement in academic standards, teacher efficiency and school services, accompanied by a decline in delinquency.

The capital's schools were among the first to accept complete integration under the 1954 ruling of the Supreme Court.

"The Nation's Capital ought to symbolize a national dedication to the principle of superior public education for every child," Dr. Hansen said. "There are many miles to go before we reach this goal."

The rise in academic standards, coinciding with a rise in the number of Negroes enrolled, is testimony to "the capacity of the Negro pupil to respond to educational opportunity," he declared.

His report was distributed by the Anti-Defamation League of B'nai B'rith. It supplemented a 1957 report by Dr. Hansen, "Miracle of Social Adjustment," which dealt with the changeover from a segregated to an integrated system.

Dr. Hansen attributed the Negro enrollment increase to social, economic, and political factors, rather than desegregation.

His report indicated that the Capital's schools lagged behind the average for the Nation in educational level, but it had improved since 1955–56.

He cited tests in the third grade on paragraph and word meanings, spelling and arithmetic reasoning and computation. Against the average 3.5 rating for the country, he said, Washington schools had a median of 3.1. In 1955–56, he noted they were rated at only 2.3 to 2.6 against a national norm of 3.2.

ATTRIBUTED TO MERIT SYSTEM

Comparable improvements have been seen in all the higher grades, he added.

He attributed part of the improvement to a policy in effect since 1954 whereby teachers were assigned and promoted on the basis of merit.

During the same period, he said, delinquency has declined in terms of the number of cases per thousand pupils. He reported a slight increase in the actual number last year, but said no final figures were available yet.

More than 7,000 children were reported to have needed free lunches during 1958–59. Dr. Hansen said Congress had authorized $266,000 for free lunches this year in elementary schools here.

"Children who come to school without adequate nourishment are not in a state of readiness to learn," he observed. "They may not only be unresponsive to their opportunities but aggressive, rebellious, and negative in their reactions."

While desegregation has not solved "the problem of the hungry," he said, progress being made indicates that a better job will be done than previously.

SECTION 4 OF DIRKSEN PROPOSAL IN CIVIL RIGHTS LEGISLATION

Mr. KEATING. Mr. President, on Saturday I received a letter from Mr. Arthur Flemming, Secretary of the Department of Health, Education, and Welfare—which I shall read later in this debate—emphatically, in the strongest language, endorsing section 4 of the Dirksen bill with respect to technical assistance to State and local government agencies seeking to desegregate their public schools. That is the view of the administration as of this minute, and I hope later the amendment will be called up and debated.

ANNIVERSARY TRIBUTE TO NATO

Mr. KEATING. Mr. President, today we celebrate the 11th anniversary of the founding of the North Atlantic Treaty Organization. NATO was created in 1949 as a collective shield of the free Western World in the face of the aggressive threat to liberty represented by the Communist bloc of nations.

In the 11 years of its history, NATO has amply proved the reasons for its existence. Not only has it been a pillar of power discouraging the Communist design for expansion by conquest, but it has also served as a great coordinating agency tending to develop and solidify bonds of friendship and mutual interest among the member nations. This spirit of community endeavor has transcended the purely military aspects of cooperation, and has been extended to the field of closer social economic and cultural integration.

It is appropriate, therefore, that we mark this historic date with fitting tribute. For the past 11 years the freedom so cherished by the member nations has been armored securely by the massive defensive power of NATO. Let us, on this day, rededicate ourselves to the high purposes of the North Atlantic Treaty Organization, and reaffirm the full faith and cooperation of the United States as the challenges of the future continue to test this mighty shield forged by free men on behalf of freedom.

SUPPORT FOR YOUTH APPRECIATION WEEK

Mr. KEATING. Mr. President, last week I introduced Senate Joint Resolution 181, to designate the second week in November as Youth Appreciation Week. I was joined in sponsoring this proposal by Senators BENNETT, BRIDGES, JAVITS, PROUTY, and SCOTT. I am delighted to report that Senator WILEY subsequently joined as a cosponsor.

It is my feeling that by means of this week each year we can emphasize the fact that the great majority of our young people are not juvenile delinquents, but are actually maturing into fine and useful citizens. During Youth Appreciation Week the Nation can also salute the many organizations and individuals which are striving to insure bright futures for our youth.

On the day after my proposal was introduced in the Senate, I was visited by several constituents who informed me that a similar idea had been proposed by the New York State delegation to the White House Conference on Children and Youth. I ask unanimous consent that a statement outlining this idea be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A recommendation to the Governor of the State of New York to designate the week of March 27 to April 2d as an Annual Children and Youth Observance Week for the next 9 years, until the forthcoming White House Conference in 1970, was today submitted at the conference of the New York State delegation at the Presidential Room, Statler-Hilton Hotel, Washington, D.C.

The proposal reads as follows:

"Whereas the children and youth of the State of New York, the Empire State of our country, are looking to the delegates of the State of New York to bring back with them from the golden anniversary White House Conference on Children and Youth some memorable, tangible and practical results for the benefit of all the young and old citizens of the Empire State: Therefore be it

"*Resolved*, That the conference of the delegation of the State of New York submit to the Honorable Nelson D. Rockefeller, Governor of the State of New York, a recommendation to proclaim the week of March 27 to April 2, the period of the 1960 golden anniversary conference, each year for the next 9 years, until the next White House Conference in 1970, as Annual Children and Youth Week, with a view to keeping alive the spirit, enthusiasm and sense of dedication to the high ideals and goals of the conference. It is further recommended that the theme of such annual observance be 'Our Children Today—Our Nation Tomorrow.'"

The proposal met with general acclaim. A number of leading national organizations have offered to cosponsor this recommendation.

This proposal was submitted by Rabbis David B. Hollander, Nissan Mindel and Jacob J. Hecht, delegates of the Chabad (Lubavitch) movement headed by the world famous Rabbi Menachem M. Schneerson, known as the Lubavitcher Rebbe. The headquarters of the movement is at 770 Eastern Parkway, Brooklyn, N.Y.

The Chabad delegation is taking steps to recommend that a similar resolution be recommended by all the States to their respective Governors, in order to make this a nationwide annual observance.

Mr. KEATING. In addition, Mr. President, I have received a letter and informative material from Optimist International outlining the pioneering work this fine organization has done in this field. I ask unanimous consent that excerpts from a letter from James W. Updegraff, lieutenant governor, zone F, 16th district, Optimist International, dated April 1, 1960, and material outlining the objectives and views of the week as envisioned by the Optimists, be printed at this point in the RECORD.

There being no objection the excerpts were ordered to be printed in the RECORD, as follows:

OPTIMIST INTERNATIONAL,
April 1, 1960.

Hon. KENNETH B. KEATING,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KEATING: It was with great interest that I read in the March 30 issue of the CONGRESSIONAL RECORD of your proposal to establish an Annual Youth Appreciation Week, to be held during the second week of November.

For the past 10 years Optimist International has been sponsoring an annual Youth Appreciation Week and programing their activities for that week in a manner very similar to that which you describe in your Joint Resolution 181. As you point out, the majority of our young people are preparing to become good and useful citizens, and their efforts deserve acknowledgement.

I feel certain that many of your contemporaries will be anxious to cosponsor this resolution, and you may be assured that Optimists Clubs throughout our country, as well as many private individuals, will be ready to work diligently to make an Annual Youth Appreciation Week an outstanding success.

Yours in optimism,
JAMES W. UPDEGRAFF,
Lieutenant Governor.

OBJECTIVES OF YOUTH APPRECIATION WEEK

1. To recognize the accomplishments of youth in the home, school, church, and community.

2. To promote more active participation by families in family affairs.

3. To encourage organizations and other groups to publicly show their respect for youth.

4. To encourage newspapers to devote more space to the news of the 95 percent of youth who are good citizens.

5. To encourage radio and television stations to recognize youth through special as well as regular programs.

6. To encourage national magazines to recognize the accomplishments and contributions of youth.

7. To provide the proper environment, recreation, and social activities for youth.

8. To encourage parents to rededicate themselves to the responsibilities of parenthood.

9. To illustrate the great influence religion has on the lives of youth and to encourage their active participation in religious activities.

10. To encourage a greater interchange of ideas between adults and youth, leading to a broader understanding of each other's problems.

EDITORIAL ON YOUTH APPRECIATION WEEK

A little more than 40 years ago, a group of men gathered in Louisville, Ky., to create an organization for reciprocal trade and friendship. They called themselves optimists.

Shortly after the founding of this organization the members discovered that community needs went far beyond the problems of commerce and camaraderie and the optimists adopted the slogan, "Friend of the Delinquent Boy." A national program of boys' work was developed, and as the scope of the program expanded to include boys of all ages and backgrounds, the word "delinquent" was dropped. Optimists felt the negative connotation of a word like "delinquent" was not in keeping with the organization's optimistic philosophy. Throughout the ensuing years the organization has maintained this positive approach to community needs and problems.

Five years ago, a group of optimists in Charlotte, N.C., conceived a plan to take up the banners of optimism and the positive approach with regard to our Nation's teenagers. They found, through research, that only 5 percent of our youth come in contact with the law, yet from every front we are besieged with delinquent, hoodlum, and incorrigible as synonymns for the term "teenagers." These careless accusations have cause a floodtide of public opinion against the 95 percent of our youth who are leading respectable, responsible lives. The plan these optimists devised to turn public opinion from protest to praise for the worthy 95 percent was called Youth Appreciation Week.

A journey to the State capital brought Gov. Luther Hodges into full agreement with the idea of youth appreciation and, following his enthusiastic endorsement, newspapers, radio stations, civic and community organizations joined in the program. Youth Appreciation Week was a success in North Carolina.

Enthused with their successful venture, the optimists of Charlotte approached optimist international for assistance in promoting the program on an international basis. To gain more experience, it was decided to schedule the activity on a pilot project basis in 1956. In conjunction with this second celebration, Representative CHARLES R. JONAS read a résumé of the activity and a salute to the founder, T. Earl Yarborough, into the CONGRESSIONAL RECORD.

The pilot projects provided enough information for Optimist International to launch the first International Youth Appreciation Week program in 1957. To our knowledge, this was the first activity of this kind ever carried out in the history of man. The results were astounding. More than 1,000 Optimist Clubs throughout North America sponsored the program. Government officials from community to national status lauded the program. Radio and TV stations devoted more than 810 hours of air time to the "Pat 'em on the back" theme and newspaper editors joined the appreciation drive by contributing more than 306,000 column-inches of newsprint.

The program continued last year on an ever-widening basis. Radio and TV air time increased 637 hours over the previous year. Expenditures increased from $73,496 (1957) to $114,671 (1958), and the youth contacted increased from 709,333 in 1957 to 17,134,547 last year.

The future of the Americas depends upon the youngsters we have labeled "delinquent." Yet it has been proven that 95 percent of these youngsters are willing to cooperate in community, home, and school projects, to take a steady, intelligent look at the future and plan ahead with the bold determination to conquer. As the sponsor of Youth Appreciation Week, Optimist International invites you to join in this salute to the younger generation. Join us as we take a good look at the inherent good in our future generation of citizens. Make a conscious effort to demonstrate to these youth that "you don't have to be bad to be noticed." Stick to the positive approach for a brighter tomorrow.

Mr. KEATING. Mr. President, I salute both of these groups for the strong stand they have taken in favor of some kind of appropriate annual observance of the virtues of our young people. I feel certain their backing will help prod action on the proposal to designate a week each year as Youth Appreciation Week.

THE PRIMARY CAMPAIGN IN WISCONSIN

Mr. WILEY. Mr. President, for some weeks now the people of my State have had the benefit of seeing in action two of our associates in the State, and, of course, there is a great deal of conjecture as to the results of that contest.

So far as I am personally concerned, I think it is too early to do any conjecturing of a factual basis. We must first get the facts, and then we have to realize that our own candidate on the Republican side has let the distinguished Senators carry on their battle in their own way.

I am delighted that the national spotlight has been focused upon the electorate of Wisconsin. That electorate is an independent electorate, as was demonstrated in my own election several years ago, when some of the kingmakers in the State decided that the senior Senator from Wisconsin then, and the senior Senator now, was no longer to remain senior Senator from Wisconsin. But the people voted me back into office and gave me the greatest majority I ever received.

As I have said, I am delighted that our senatorial friends in Wisconsin are having, as someone has characterized it, "a three-ring circus."

Symbolic of political campaigns, and it is particularly true in this primary, the preelection air is thick with crystal-ball predictions on the outcome of the election. Interpretive statements made—and I have really never seen so many—focused on what the real meaning of the outcome will be. Wait until November for the real meaning.

In the past weeks, as I have said, Wisconsin has been the target of more than the usual barrage of political speeches, distribution of leaflets, newspaper ads, radio and television talks, and other paraphernalia which are part and parcel of campaigning.

It is years and years and years since I have seen so much money spent in a primary, but we can use it. I believe, when I was a youngster, the issue came up in

the U.S. Senate as to how much money could be spent in a primary. Perhaps since that time the legal phase of the question has been cleared up; but, be that as it may, I am sure the people of Wisconsin welcome the money. We can use it, even if employment in our State is up, as the recent statistics show—not down, but up.

In 1960 we are seeing a new tactic of political strategy. We have seen whole families take the ball, as it were, and seek to carry it. It is interesting to those of us who have not been able to get into our State, but have seen some of the activity on television or have read about it, to realize that perhaps this is the beginning of something new in campaigning. Not simply the candidate, but his wife, his children, and his mother, all get out and campaign. They are all good-looking people, too. No one can criticize anything they have said, or their action, but it is something new in the field of politics for our State.

Anyway, it is a method of getting the people thinking, we trust, so that when November comes around the issues will be clear.

Historically, Wisconsin, as I have said, has been a State with independent-minded citizens. This includes not only the independent thinkers, without party affiliation, but includes also people of both major parties.

Whatever the campaign technique, I have a great faith—along with Lincoln—in the judgment of people to sift through the barrage, and make an independent judgment on the issues, when the fall election comes around.

I think if there is a criticism of the procedure it is that the people have not really gotten down to consider the basic issues. One of the basic issues which the people will have to consider in November, or previous to that time, is the matter of peace or war. The people will have to think in terms of which party will keep America out of war. They will remember which party was in power in the last three wars. They will have to think in terms of who best can handle the foreign situation. They will have to think in terms of the experience and qualification of the candidates. They will think of the long experience and education the Vice President has had, in his long term as Vice President. No one has "gone through the mill" as he has, or has been the recipient of such challenging moments. He is a man who has demonstrated courage, ability, and integrity, to handle the most difficult situations.

The people of my State are going to think these things through. Perhaps they will not do so in this primary, but they will think them through in the election next fall.

We realize, of course, that the final decision on Wisconsin's support of presidential candidates will be made not on April 5, but in the election in the fall.

Over the weekend, I was privileged to speak over Wisconsin radio stations on what I felt were some basic considerations in the upcoming elections, as well as on other issues of importance to Wisconsin and the Nation.

I request unanimous consent to have the address printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

WILEY REVIEWS POST-FILIBUSTER LEGISLATIVE PROGRAM—WARNS AGAINST ENACTMENT OF NEW GAS BILL—SAYS "WATER STEAL" FIGHT IS "TOUCH AND GO"—URGES ALL-OUT VOTE IN WISCONSIN UPCOMING PRIMARY

Senator WILEY. Friends, I welcome the opportunity, once again, to discuss with you significant issues confronting Wisconsin and the country.

Personally, I wish I could report to you that Congress was moving full speed ahead on the hundreds of bills still pending on a wide variety of significant issues. Unfortunately, this would not be true.

As you know, the civil rights debate has tied up Congress—particularly the Senate—for several weeks now. However, there is a glimmer of light that the fight will soon reach its climax. Frankly, I believe it is high time that this is done.

While we recognize that civil rights is important, there is also a great number of highly significant issues pending before Congress which deserve and warrant consideration as early as possible.

Question. As I understand it, Senator WILEY, not only the Senate but its many committees have been stymied pending completion of the civil rights battle?

Answer. That's right. Recently, however, they have again started meeting. Now, however, we who are members of several committees find ourselves with conflicting obligations. As a member of the Space, Judiciary, and Foreign Relations Committees, with several subcommittees, for example, I sometimes find there are several committee meetings at the same time. Naturally, it is not possible to attend them all. As a result, it is necessary to determine which committee has the most important business for the day, attend that meeting, and at the same time, attempt to keep "tuned in" to the deliberations of the other bodies.

Question. Recognizing that you have a heavy, complex schedule, Senator WILEY, what are some of the issues of particular interest to Wisconsin?

Answer. First, I want to review an issue upon which—I hope will not come up; nevertheless I want to wave a "warning flag"—that is the natural gas issue.

As you know, there have been efforts in recent years to exempt producers of natural gas from effective regulation.

Question. Have you opposed this, Senator?

Answer. Yes.

Question. Why?

Answer. Frankly, I believe it is in the best interests of the millions of consumers in the country, including over 400,000 in Wisconsin, to maintain effective control of gas pricing. If controls were lifted, the result would be a skyrocketing of gas prices amounting to many millions of dollars for the American consumers. This would not only be a great blow to the family business and industrial budgets but, also, it would be an inflationary pressure at a time when the Nation is trying wholeheartedly to combat inflation.

Question. Are there any new developments, Senator?

Answer. Yes. Recently, the Democratic leadership in Congress appealed to the Republican leadership in the White House for action on the gas bill.

However, I sincerely hope that the President—in the public interest—will turn a deaf ear to such appeals.

Recognizing that elimination of effective Federal control would mean a rich bonanza for the gas producers—and higher prices for consumers—I believe we must stay alert to try to head off the approval of such ill-advised legislation.

STOPPING THE WATER STEAL

Question. What about the so-called water steal legislation—proposing to divert dangerously large volumes of water from Lake Michigan at Chicago?

Answer. As you know, we have been battling this bill in the Senate Foreign Relations Committee. The issue has been considered at successive meetings.

As a longtime opponent of such a proposal, I frankly feel the committee cannot, in good conscience, favorably report out such a bill.

Question. Why?

Answer. For many reasons, including—

Lowering the lake water levels would endanger port, shipping, travel, trade, residential and other interests around the Great Lakes.

It would threaten the usability of the St. Lawrence Seaway for deep-sea traffic and its power projects. The American people have $140 million invested in this waterway.

The executive branch of the Government—having vetoed similar bills in the past—again, and wisely I believe, considers the measure against our national and international interests.

The Canadian Government, also, has said it is against the water diversion legislation.

If enacted, such a bill could adversely affect our relations with our good neighbor, Canada.

As you know, additional hearings have been requested. However, we recall that again and again hearings have been held on this measure, but the outcome has been defeat.

In addition to being against the best interests of the country, the proposal—by repeated hearings in Congress, is adding up to a substantial cost to the American taxpayer.

Question. Then we can expect on this, Senator WILEY, that you will continue to oppose the measure?

Answer. Yes. I voted against it in Committee, and if unhappily it should come to the floor of the Senate, I shall again make every effort to defeat it.

IMPROVING THE OUTLOOK IN HOMEBUILDING

Question. What is the outlook for housing and homebuilding, Senator WILEY?

Answer. According to reports, progress in the early 1960's is expected to gradually increase the level of homebuilding.

We recognize, of course, that homebuilding is an important aspect of our economy. In 1959, over $23 billion was spent on home construction; an additional $7 billion was spent for repair and maintenance.

For the 11th consecutive year, construction was started on more than 1 million new dwelling units, actually amounting to over 1.3 million for 1959.

Question. What would you recommend for future improvement of the program?

Answer. Such a program, I believe, should include:

1. Encouragement of more people to "own a piece of America";

2. Adoption of money policies that will provide adequate financing funds for the American family;

3. Community efforts for analysis and development of projects for housing, particularly in the areas of blight or slum conditions;

4. In addition to expanding homebuilding, also encourage improvement of existing structures, including modernization; providing for adequate air, light, and open spaces; eliminating accumulations of rubbish, dirt, trash from streets, backyards, alleys, and other places for better community living and insulating residential areas from heavy traffic;

5. Carrying on a constant view of our Federal FHA, VA, and other programs, to assure liberal but sound regulations, and fair interest rates;

6. Adoption of programs to hold down the extra costs of housing and homebuilding projects such as excessive discount rates, undesirable profiteering on community projects, and other factors that may contribute to unrealistic costs or excessive burdens on the home buyer or the project supporters.

VOTE IN PRIMARY

Question. Senator WILEY, we have appreciated your brief review of these major issues still confronting Congress.

Answer. I have welcomed the opportunity.

Before closing, I want to discuss one more issue with you that I feel is of paramount importance to the people of Wisconsin.

On Tuesday, April 5, we have a presidential primary. As voters, you and I have an opportunity and a responsibility to exercise our precious heritage of voting.

During the 1960's, the Nation will face serious decisions relating to security, peace, economic progress, human welfare and almost all other aspects of human life and national progress.

The new President, assuming office in 1961, must be capable of shouldering these great responsibilities, able to provide the leadership for progress, and, as well, possess the ability to safely steer our Nation through the difficulties of a cold-war world.

Question. What are some of the other major specific decisions which will be required of the next President, Senator?

Answer. Overall, the No. 1 issue, of course, is peace, or the prevention of a third world war. To help accomplish this, and other objectives, the next President must be able to:

1. Deal face-to-face, across the conference table, or in other ways, with tough Communists like Khrushchev, Mao Tse-tung, and others on issues affecting security and freedom of the United States and the world;

2. Support policies to maintain a strong economy, promote domestic progress, as well as to support the high costs of a space age defense, needed to deter aggression;

3. Establish humanitarian programs in caring for human needs within our own country, and, as possible and advisable, assist in relieving suffering of less fortunate peoples elsewhere in the world—the breeding places of trouble.

4. And generally designing overall policies to serve U.S. interests in both domestic and international affairs.

As voters, we must therefore ask ourselves which candidate is best able to accomplish these objectives.

Voting is a priceless privilege. Failure to vote weakens, to a degree, our voice in government, in determining the leadership of the future and the design of local, State, and National policy.

Historically, men have dedicated, and many have lost their lives, in attempting to preserve this freedom. The stay-at-homes make their sacrifices a vain gesture.

I say to you, friends: Keep faith with the past and present.

Protect the future. On Tuesday, go to the polls and cast your vote—exercising your priceless American privilege—for the candidate you, after soul searching, believe can best serve as the next President of this great country.

Now, I have appreciated the opportunity to discuss these great issues with you. Thank you for being with us.

EXPANDING RESEARCH FOR COMMERCIAL FISHING ON THE GREAT LAKES

Mr. WILEY. Mr. President, my colleagues will recall that recently I urged the expansion of research necessary to resolving difficulties and problems confronting the commercial fisheries of Wisconsin and the Great Lakes.

In recent years, unfortunately, deadly lamprey eels in the lakes have killed off trout, whitefish and other prized species. As a result, the fishery industry is facing serious difficulties. Since the prize fish have been seriously depleted, the industry has had to turn elsewhere for a livelihood.

Currently, there is an abundance of so-called rough fish in the lakes which can be utilized for animal and pet feed and other purposes. However, a greatly expanded research program is essential to enable the industry to change over to this kind of fish processing.

In the light of these factors, I have urged the Bureau of Commercial Fisheries to expand, as much as possible, their research efforts to resolve the peculiar problem in the lakes region.

In response, the Department has been gratifyingly cooperative, not only recognizing the need but also offering to "do anything in its power to carry out an effective program." The task now, of course, is to undertake constructive steps to get the job done.

However, all too often, I feel the work of the Department and the bureaus of the executive branch are brought into the spotlight only for criticisms—on those occasions when they may fail to cooperate, or do a good job.

At this time, however, I should like to bring to the attention of my colleagues not only the serious problems confronting the fish industry but also the fine way in which the Bureau of Commercial Fisheries is cooperating to constructively resolve these problems.

I ask unanimous consent to have the text of a fine letter from Assistant Secretary of the Interior Ross L. Leffler printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 31, 1960.

Hon. ALEXANDER WILEY,
U.S. Senate, Washington, D.C.

DEAR SENATOR WILEY: We are pleased to have the expressions of continuing interest in the fisheries research program of the Bureau of Commercial Fisheries in the Great Lakes area, as indicated in your letter of March 19 to Mr. McKernan.

We certainly agree that the Great Lakes fishing industry is facing serious difficulties because of the change in species composition, which has resulted in the highly prized species being replaced by species of much lower value.

As indicated in my letter of February 8 to you, the research program presently under way in the Great Lakes area has already shown tangible results. Successful application of these results by the commercial fishing industry indicates that a good beginning has been made in halting the economic decline this industry has experienced in recent years. We are hopeful that through the continued efforts of our staff members, the various State agencies concerned, and the members of the Great Lakes commercial fishing industry, the fisheries of this area will be successfully rehabilitated.

We appreciate your recommendations regarding an increase in the level of our fisheries research program in the Great Lakes area and assure you that, within limits set by the availability of funds and personnel, we will do everything in our power to carry out an effective program.

Sincerely yours,

ROSS LEFFLER,
Assistant Secretary.

BREAKFAST OF THE REPUBLICAN LADIES FROM WISCONSIN

Mr. WILEY. Mr. President, it was my privilege at 8 o'clock this morning to attend the breakfast of the Republican ladies from Wisconsin, who are in Washington, D.C., held in the Congressional Hotel. This was a wonderful group of women dedicated to rendering selfless service to our country. I ask unanimous consent that a list of the names of these women may be printed in the RECORD following my remarks.

There being no objection, the names were ordered to be printed in the RECORD, as follows:

Mrs. Vincent A. Mercurio, conference chairman, Milwaukee, Wis.
Mrs. Joseph Ornat, Milwaukee, Wis.
Mrs. T. W. Norris, Milwaukee, Wis.
Mrs. George Schuricht, Milwaukee, Wis.
Miss Margaret J. Doolan, DePere, Wis.
Mrs. Byron Ising, Oshkosh, Wis.
Mrs. Norris Krohn, Oshkosh, Wis.
Mrs. Henry Baldwin, Wisconsin Rapids, Wis.
Miss Prakeda Golla, in care of Mrs. Henry Baldwin, Wisconsin Rapids, Wis.
Mrs. Ben W. Harff, Sheboygan, Wis.
Mrs. Bernice Carver, Oshkosh, Wis.
Mrs. Marion Schlenorof, Oshkosh, Wis.
Mrs. Robert J. Cunningham, Milwaukee, Wis.
Mrs. C. C. Schroeder, Appleton, Wis.
Miss Gladys Mollart, Watertown, Wis.
Mrs. C. J. Otjen, Milwaukee, Wis..
Miss Christine Baumstart, Milwaukee, Wis.

TRIBUTE TO EDWARD CREIGHTON

Mr. CURTIS. Mr. President, one of the West's great pioneers, Edward Creighton, was recently paid well-deserved tribute in a biographical story appearing in the December 1959, issue of the Catholic Digest. Ed Creighton was a man among stalwart men; his ingenuity and devotion to hard work lead civilization into the midlands. In later years, he gave generously of his time and substantial means to the civic betterment of Omaha, Nebr., and he founded, in Omaha, a great institution of higher learning, Creighton University. His example will, I am sure, be inspirational to my colleagues in the Congress.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Catholic Digest, December 1959]

PIONEER WHO LINKED TWO OCEANS

(By Robert T. Reilly)

Ed Creighton outwitted nature and Indians and built his telegraph line.

Edward Creighton doesn't rate on TV. Yet Creighton, a handsome, genial, fairly tall man, was every bit the western hero. His life had enough drama in it to keep a battery of scriptwriters busy.

A pioneer, he was responsible for linking the east and west coasts of the United States by telegraph. A cowboy, he was one of the

first to realize the possibilities of letting cattle graze on western plains. A gunman—when he had to be—he risked his life often in skirmishes with hostile Cheyenne and Sioux.

Last year, Creighton was made a member of the National Cowboy Hall of Fame in Oklahoma City, Okla. But the place where his memory is constantly hailed is Omaha. Creighton adopted Omaha when it was little more than a collection of frontier huts, and helped it grow into a bustling gateway of the West.

Edward Creighton was born near Barnesville, Ohio, on August 31, 1820. He was the fifth of nine children of James and Bridget Creighton, Irish immigrants who met and married in America. The father provided his brood with lessons in hard work, self-reliance, and justice, while Bridget, a gentle mother, supplied them with a Catholic fervor that remained with them all their lives.

In boyhood, Ed had the reputation of being a daredevil and a scrapper. Occasionally, he made his skill pay dividends: he gave boxing lessons to his youngest brother John in exchange for private tutoring in school subjects. Ed never got beyond 5th grade in school, but he did much reading and had a quick intelligence that made him a man apart later in life. Often at his side during his teens was another Irish Catholic boy named Phil Sheridan, later to ride to fame as a brilliant Civil War general.

His first job was that of a cartboy on turnpikes being built through Ohio. When he was 18, his father gave him a span of horses and a wagon. Ed promptly went into business for himself as a teamster. He did pretty well, hauling freight between Cincinnati and points as distant as Wheeling, W. Va., and Cumberland, Md. Railroads and canals were stretching beyond the frontiers, and young Creighton was a part of that expansion.

When his widowed mother moved the family to Springfield, Ohio, Ed returned home to take his turn in the harvest fields. One day a group of telegraph men passed along the country road which ran by his mother's farm. Ed talked to them, and his imagination was fired by the possibilities of the "singing wire."

The very next day he set out on a journey, first to Springfield and then to Dayton, where he secured a contract for delivering telegraph poles as far south as Evansville, Ind. That was in 1847. For the next 8 years, Creighton hauled poles and wire, or superintended construction of telegraph lines to New Orleans and between various cities and towns in Ohio and Illinois. By 1855, he had no fewer than 40 crews working for him. His young brother John acted as his special assistant.

In 1856 the ambitious young man turned his eye to the Nebraska Territory and traveled to Omaha to see what it was like. Except for its splendid location on the Missouri River, the town had little to recommend it. The streets were ankle-deep mud, the houses few and ramshackle. Yet Ed decided it was the place for him.

He returned to Ohio long enough to wind up his business ties and marry his fiance, Mary Lucretia Wareham. Then he hurried back to Omaha and started a telegraph business. One of his first jobs was to construct a line between his new home and St. Joseph, Mo. By the time the famous Pony Express was spurring out of St. Joseph, Creighton had established himself as the outstanding expert in the field. His greatest achievement was yet to come.

It was 1860, and the practicality of the telegraph had been widely demonstrated. Between Omaha and the east coast existed uninterrupted communication by wire, westward, practically nothing.

Other men discussed what could be done; Creighton acted. He insisted that a telegraph line to California was not only possible but a necessity. If civil war broke out, California might be completely cut off from the rest of the country.

Singlehandedly Creighton set out to survey a telegraph route to the West. He was in trouble from the start. Crossing the icy Platte River, he lost his horse and equipment. He managed transportation to Denver. From Denver, he traveled by stagecoach to Salt Lake City, where he met Brigham Young. The Mormon leader and Creighton became lasting friends.

Young promised to supply men and materials for the projected telegraph line. Later, when wages and prices soared, Young never charged Creighton more than had been originally agreed upon between them.

Despite warnings, Creighton took off from Salt Lake City in midwinter on a 500-mile trek to Carson City, Nev. He pushed on alone through country inhabited only by Indians and a handful of hunters and trappers. For a good part of the way he rode a mule. When he was lucky, he got himself a horse. His route took him through the valley of the Humboldt and over the snow-swept Sierra Nevadas.

Twelve days after leaving Salt Lake City, he stumbled into Carson City, more dead than alive. He was snowblind. The blowing sand and alkali dust had eroded the skin from his face. He made a quick recovery, and went on to cover the last leg of his arduous journey to Sacramento.

Creighton's heroic trip did more than prove his courage and stamina. It convinced Congress that the route was feasible. They granted $400,000 for the project that was to link East and West.

California rivals in the telegraph industry at first gave Creighton and officials of Western Union trouble, but finally their differences were settled. A mutually satisfactory plan was devised.

Creighton was to command a working party under the title of the Pacific Telegraphy Co. (incorporated by Western Union) and start building west from Julesburg, Colo., to Salt Lake City. The Overland Telegraph Co. force would originate on the west coast and join Creighton at the Mormon capital. The team that arrived second would pay their competitors $50 a day for every day they were late.

On July 4, 1861—a few weeks after the Civil War started—Creighton himself set the first pole. He divided his working force into three crews: one to dig holes, one to cut and set poles, and one to string wire. The crews were tough and determined. Ticking off 10 or 12 miles a day, they managed to set from 22 to 25 poles a mile. The thought of a $50-a-day penalty kept them from slacking down. Once, when news of the Union defeat at the first battle of Bull Run reached them, patriotism lent them still greater strength, and they broke their daily record. Creighton kept right up with his men, encouraging them as the line edged gradually across Nebraska and on toward Fort Laramie. When the heat and mosquitoes didn't scourge them, storms did. Floods swept away supplies. They endured prairie fires, dust, wagon breakdowns, lack of supplies.

One big hazard was Indians. The route ran through the territory of hostile Cheyenne and Sioux.

Creighton found it easier to impress the Indians than to fight them. Once he induced two Indian chiefs, one at Scotts Bluff and the other at Chimney Rock, to talk to each other over the "singing wire." The chiefs sent two of their fastest riders to meet between the two points and exchange the same messages orally. When their words were correctly repeated, the Indians were convinced that Creighton possessed powerful magic. He was permitted to continue unmolested.

On another occasion, some Indians received an equally effective demonstration. Two engineers hooked a wire to a battery. Wearing insulated gloves, they passed the wire to a trio of threatening braves. The shock scattered the Indians, and wire stringing progressed.

Creighton could handle renegades, too. Often he would precede his crews with a posse, and clean out the bad elements in a frontier town before his workers arrived. But any man he ran out of town deserved it. Creighton was just and merciful. He once rode back into camp just in time to rescue from lynching a man suspected of horse stealing.

His crews swore by him. They wrote home that the boss was "a steam engine of energy," "a good fellow and fine teacher," and a "man who was close and friendly but could command respect."

Creighton reached Salt Lake City, with 25,000 telegraph poles standing behind him, on October 17, 1861, a full week ahead of the rival team. From nearby Fort Bridger, he telegraphed his wife. "This being the first message over the new line since its completion to Salt Lake, allow me to greet you. In a few days, two oceans will be united."

The continent spanned, the mayor of San Francisco had the following words tapped out to the mayor of New York. "The Pacific to the Atlantic sends greetings. And may both oceans be dry before a foot of all the land that lies between them belongs to any other than our united country."

Ed Creighton had done his job well. As part of his salary, he was given company stock. Part of it he sold at a profit, and invested the money in a freight company. Ultimately, his financial share in Western Union amounted to well over $1 million.

For a time, he served as general manager of the Pacific Telegraph Line, and continued to supervise construction. He proposed running the wire up the Pacific coast to the Bering Strait, across the strait by submarine cable, and on through Russia, finally establishing a link between Europe and America. But the laying of the Atlantic cable ended this dream.

Creighton was close to 50 when his company assigned him to a new task. Sioux and Cheyenne were cutting down and burning telegraph poles. With a cavalry unit of 30—too small to fight—Ed set out to guard 800 miles of wire. He moved slowly, usually repairing the wires at night. He ordered the men to keep their horses' hooves wrapped and padded. They worked silently, speaking only in whispers.

By the end of 1866 communications were seldom interrupted. Occasionally storms or fires would break the link. Once in a while buffalo would rub against the poles and topple them. But the threat by the Indians was quelled.

Almost by accident, Creighton got into another kind of business, cattle raising. While surveying for the telegraph company, he had been forced to abandon some oxen in western Nebraska. He returned to the area a year later, expecting to find skeletons. Instead, he found that the cattle had grown fat. This discovery inspired Creighton to buy large herds of cattle and sheep to graze freely on the prairie grass.

The new vocation added to his personal fortune and provided work for his former crew members. One tragedy marred his many financial and social successes. His only child, Charles David, died at the age of 4.

As a leading Omaha citizen, Creighton couldn't do enough for the city he loved. He built business blocks, a mercantile house, a hotel. He helped persuade the Union Pacific to make Omaha its eastern terminus, and brought new prosperity to the area. He served as president of the Omaha & Northwestern Railroad, and as president of the First National Bank of Omaha, of which he was a founder. The bank survived the panic of 1873, and its president earned a reputation for having "a word as good as his paper."

The strain of this difficult period did take its toll of Creighton's health, though. On November 3, 1874, he arose early and, as was his custom, knelt with his wife beside their bed and said his morning prayers. Then he went to work at the bank. He collapsed there that afternoon, a stroke victim. He died without regaining consciousness 2 days later.

Every big newspaper across the country front-paged Creighton's death. Scores of organizations paid tribute to his character and recounted his charities.

It remained for his wife and his brother John to devise the most fitting tribute to him. Creighton had always been interested in youth, and often said he wished to build a free school for boys. When his wife died, only 14 months later, she had not forgotten her husband's dream. She left $100,000 in trust for a university to bear his name. Bishop James O'Connor of Omaha was given the task of launching the school, and he called in the Jesuits. The school opened on September 7, 1878, with an enrollment of 120, the first free Catholic college in the United States.

Today, coeducational and with students of all faiths in its seven schools and colleges, Creighton University stands not far from the spot where Ed Creighton dropped the first telegraph pole into place on his way to the Pacific. And he and his brother John (who donated over $1 million to the school) look down from their sculptured positions on the administration building facade at the generations who have profited from a pioneer's determination.

CIVIL RIGHTS ACT OF 1960—AMENDMENTS

Mr. McNAMARA. Mr. President, there are on the desks of all Senators today two proposed amendments to the pending legislation designated as "4-1-60—C" and "4-1-60—H."

Mr. President, I ask unanimous consent that these two proposed amendments may be considered as having been read, so that they will be properly before the Senate in the event cloture is invoked.

The VICE PRESIDENT. Is there objection to the request of the Senator from Michigan? The Chair hears none, and it is so ordered.

THE COMMUNIST PATTERN IN CUBA

Mr. GRUENING. Mr. President, on March 24 our able colleague, the senior Senator from New Hampshire (Mr. BRIDGES) delivered a major address about conditions in Cuba. It pointed out, with ample documentation, how the Communist ideology and methods were being applied in the "Pearl of the Antilles."

Most penetrating was Senator BRIDGES' application of a litmus paper test to determine whether the Fidel Castro Regime was, in fact, crypto-Communist. Our colleague listed 21 steps which had been taken by Soviet Russia and Communist China during their early years of power, which he correctly pointed out are the "characteristic stigmata of Communist takeover and consolidation of power."

Senator BRIDGES pointed out that the Castro regime has made substantial progress in the application of 20 out of 21 characteristically Communist maneuvers.

The 16th of these he described as follows:

All previous school textbooks and histories are destroyed, or completely rewritten to idolize present leaders and to blacken and defame all non-Communists and anti-Communists.

This morning's Washington Post and Times Herald carried a dispatch from Havana to indicate that the names of Cuban parks and streets carrying American names have been changed to Cuban titles. Leonard Wood Avenue, Roosevelt Avenue, and Roosevelt Park were given new names of Cubans who died in the recent revolt against the dictator Fulgencio Batista.

There was no reason, of course, why a revolutionary regime shouldn't honor those who fell in the revolution. Indeed it is natural and proper that it should thus memorialize its heroes. But the deletion of the name of Roosevelt would seem like a striking confirmation of the purpose to re-write history, which Senator BRIDGES signalized. Few men in American history are more deserving of gratitude from Cuba than those who bear the name of Roosevelt. The Cuban Embassy this morning, which I called for information, was not sure whether this park and street were named after President Theodore Roosevelt or after President Franklin Delano Roosevelt. It was the opinion of the Embassy employee with whom I talked that it was, as he said, "Teddy." "Teddy" brought his famous Rough Riders to Cuba and played an important part in the liberation of Cuba from Spanish rule. The Battle of San Juan Hill, in which he led his troops, was one of the memorable battles in securing that liberation.

And in his first state of the Union message on December 3, 1901, T. R. requested the Congress to enact a substantial reduction in the tariff duties on Cuban imports, urging that the United Sates accede to the expressed wish of the Cuban Government that the new nation "stand, in international matters, in closer and more friendly relations with us than with any other power"; and in pursuance of that wish President Roosevelt added: "and we are bound by every consideration of honor and expediency to pass commercial measures in the interest of her material well-being."

And that was done. And throughout the years of his Presidency, T. R. continued to show his friendship and solicitude for the infant republic he had fought to help free.

One of President Franklin Delano Roosevelt's early acts was to secure the abolition of the so-called Platt amendment, which had established a sort of protectorate by the United States over Cuba.

The Cubans are, of course, free to rewrite history if they wish to. But their performance as revealed in this news dispatch is typically totalitarian. Both Communist and Fascist regimes made a virtue of such performances.

In the not distant Virgin Islands, which came under American sovereignty by purchase in 1917, we Americans have taken pride and satisfaction in preserving all the Danish street names to testify to the generations of Denmark's rule there. Every one of these memorials of Danish culture and history has been gladly preserved as a matter of course.

We trust that a future Cuban administration will restore the now deleted recognition of two great Americans, whose sympathy for and aid to Cuba was repeatedly demonstrated. The Cuban revolutionary heroes could be honored without the elimination of the names of others whose place in Cuban history and in the epic struggle for freedom should be secure.

Mr. President, I desire to address myself to another subject.

The VICE PRESIDENT. The Senator from Alaska.

THE NEUBERGER NATIONAL SEASHORE

Mr. GRUENING. Mr. President, our beloved late colleague, Richard Neuberger, left a legacy of achievement whose benefits will be felt by succeeding generations of Americans for all time. His great concern for the preservation of our natural beauties has found a prompt and thoroughly merited response in the introduction by the Senator from Montana [Mr. MANSFIELD], and the Senator from California [Mr. KUCHEL], of a bill to set aside the Oregon dunes as a national park and to name it Neuberger National Seashore.

In this connection, in introducing the bill, our able and distinguished colleague, Senator MANSFIELD, said, in part:

Last fall when Dick Neuberger should have been resting he crusaded throughout his State on behalf of the creation of a national park on the Oregon coast. He sought this park for posterity, and it was a project into which he threw all of his energies.

• • • • •

The conservation experts of our Nation are in agreement that our ocean shoreline, one of our greatest recreational treasures, is rapidly vanishing from public use. They are also in agreement that there are a limited number of outstanding scenic seashore areas, which are today in a relatively undeveloped state. The Oregon dunes is one of these, so we have selected an area which meets the high criteria prescribed to make it qualify as a national seashore. It is entirely fitting and proper that we create this park, and it is equally fitting that it be named Richard L. Neuberger.

• • • • •

There is no more fitting spot in Oregon to name in honor of Dick Neuberger, than this scenic stretch of coastline. He had the vision and the foresight to see why it must be preserved. This area more nearly typifies his contribution to his fellow man than any other. All through his life he stood on the shores of civilization, looking beyond and thinking of the future. He did not stand on a mountain looking down, nor was he in

a wilderness, his view obscured by trees and mountains. New ideas came to him as the wind and waves which swept in from the sea.

Our able colleague from Montana, our assistant majority leader, concluded with the inspiring thought that in addition to naming the park Richard L. Neuberger, there be placed at an appropriate spot a modest plaque which will read:

To Richard Lewis Neuberger, humanitarian and conservationist. He loved his people and his land.

The cosponsor of this bill, the able assistant minority leader, the Senator from California [Mr. KUCHEL] added:

No tribute we could pay our departed friend would be more symbolic of his life and ideals.

This wonderful project, which will preserve for posterity and for the enjoyment and inspiration of Americans of our time and of Americans as yet unborn was likewise referred to in an excellent editorial entitled "In Memory of Richard Neuberger," by William E. Bohn, the editor of the New Leader, which appears in its April 4 issue. I ask unanimous consent that this editorial be printed at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

IN MEMORY OF RICHARD NEUBERGER

In connection with the passing of Senator Richard L. Neuberger the New York Times makes an inspired suggestion. The junior Senator from Oregon had himself introduced a bill to make into a national park a magnificent stretch of dunes along the Pacific Coast in his State. Says the Times: "No more fitting tribute could be paid him by the Congress and the people of the United States than to adopt the Neuberger bill that would set aside forever this area in memory of a fine legislator and great outdoorsman who was determined that future generations should share in the great natural heritage of this country that he knew so well and loved." This bright idea needs but to be suggested in order to win support. The legislation necessary to its fulfillment should be rushed through as rapidly as possible.

In March 9 the morning papers and radio newscasts carried the shocking information that Senator Richard L. Neuberger had died suddenly of a cerebral hemorrhage. The quick sense of loss which swept over the land was altogether extraordinary. Here was a man, only one among a hundred Senators, yet millions of citizens of both parties and all sections suddenly felt that both they and the country were poorer.

The general sorrow was partly due to the man's youth. He was only 47 years old. There had been every prospect of his serving the Senate 20 or 25 years longer. Think of the bills he might have introduced and pushed to passage, of the addresses he might have delivered; imagine what articles he might have written to line voters up on the right side of all sorts of issues. His simple and straightforward speeches and writing were astonishingly effective. He had a way of knowing what he was talking about and his style was from the heart.

Another important element in the situation was that Dick Neuberger loved people. Everyone who had ever shaken his hand or exchanged a few words with him regarded him as a close and long-time friend. No matter how fleeting the contact, the relationship was real. Dick remembered and cared for people by the thousands. When he had that dangerous attack of cancer in the autumn of 1956, the whole country was concerned. When he underwent an operation and the surgeons assured him that his cure was permanent, that he could go on with his busy and rewarding career, it was much more than a personal and private victory for him.

One of his last gifts to the Nation was an article in the January issue of Coronet, "A Crash Program To Beat Cancer." He was thinking of a crash program of billions to fight this killer as we used to develop the atom bomb to crush the dictators. Nothing could show more dramatically the man's sense of public responsibility, how quickly he leaped from personal pain to public welfare. One paragraph pictures the patient on his lonely bed: "I can tell you that the cancer victim is frequently the loneliest person in the world. He feels that nothing can help him. Friends, family, doctors, associates all seem without power to check the malignant growth that perils his life. He wishes desperately and profoundly for some miraculous cure which will bring reprieve."

And here is his plea for public action: "Despite the terrible threat of cancer, we spend far less on research into its causes and possible cures than we do, for instance, to build a half dozen B-52 bombers. Our annual expenditure for doughnuts more than triples what we spend in search of an answer to the curse of cancer."

Dick Neuberger was not just an outdoorsman. He was one of the last frontiersmen. He belonged to the old West, the big West, the clean West. Whatever was messy, dirty, or wasteful repelled him. He wanted American life and American politics to be kept as straight and honest and decent as our forefathers had pictured them. This impulse motivated his campaign in favor of the abolition of private campaign financing. He saw legislators coming into office indebted to the tune of hundreds of thousands or millions of dollars for campaign expenses. The corruption which inevitably accompanies such a system repelled him to such an extent that he could not remain silent. He borrowed from Theodore Roosevelt a plan which, he believed, would abolish the whole unsavory mess. I shall wait with deep interest to see who takes up this cause which he was forced to lay down.

And then, there is the wilderness bill. Dick Neuberger was deeply involved in the effort to preserve and develop all our natural resources. Waters, forests, mountains, all sources of wealth and beauty, he would help to protect and enhance for future generations. He had special interest in the bill which would put the protecting arms of the Federal Government about all of the unspoiled and primitive beauty spots in our national parks and forests. Surely other good western men will rise and do for this bill what Dick Neuberger would have done had he escaped the grim reaper.

COMMUNITIES AND CARRIERS WILL BENEFIT BY EXPEDITIOUS DECISIONS IN TRUNKLINE-LOCAL SERVICE AIRLINE CASES

Mr. RANDOLPH. Mr. President, I desire to commend the Civil Aeronautics Board on a series of decisions it has issued in the past several years, which affect not only our West Virginia but many areas of our country. These determinations have been meritorious and credit is due those members who have served on the Board during the past 3 or 4 years.

There has been an effort to strengthen the local service carriers, either by substituting them for larger trunklines in smaller and medium size cities, or by decertificating long-haul airlines at points which the feeder carriers have already been serving in conjunction with the bigger companies. The purpose of these changes has been to improve service, and particularly schedule frequency, and at the same time to reduce the subsidy of the local carriers. The CAB has applied this program to dozens of cities, and it is significant that, although some communities have raised questions at the time the issue was posed, I know of none which have objected after the alteration in service was instituted.

COMMUNITIES AND CARRIERS BENEFIT

Thus, the communities have benefited, the local carriers have been strengthened, and the trunk carriers, to their credit, have in most instances not objected to this reduction in their operating authority. There have been a few instances of objections on their part, but it does not seem to me that they have suffered to any appreciable degree. And, of course, in a number of cases the change in service pattern has aided the trunklines by facilitating their transition to the larger jet equipment which has been coming into service during the past year.

In some of the initial decisions of the Board in these cases the reasoning was enunciated that the local carriers, specializing as they do in short-haul service to smaller communities, would be better able to provide service, and, further, that their incentive to do so would be greater than that of the trunklines since their corporate function was devoted exclusively to this type of carriage. The wisdom of that reasoning has been proven and I am sure that if every CAB decision worked as satisfactorily there would be less criticism of the Board.

North Central, for instance, is now providing 9½ round trips a day between Detroit and Chicago by way of Battle Creek, Kalamazoo, South Bend and one or two other intermediate cities. This is a route which was formerly operated by a trunkline but was turned over to North Central about 4 years ago. At the time of replacement the trunkline was operating only one round trip a day. Thus, the communities have nine times as many schedules, with excellent frequency. The traffic has risen enormously, and the year following the substitution of service represented one of the best examples in the history of the local service industry of a carrier being able to reduce its subsidy. There is evidence that the local carrier subsidy level can recede as further such changes are approved by the Board.

Of course, the desirability of local carrier replacement of trunklines has been further reinforced by declining volume of rail service and rather limited intercity bus schedules.

SCHEDULES AND TRAFFIC INCREASE

Mr. President, the extent to which these efforts to build the local service carriers have benefited the public is truly remarkable. I recently had the privilege of addressing the members of the Civil Aeronautics Board, and I brought to their attention a special study which shows the remarkable increase in schedules and traffic enplaned at a number of typical cities in the year immediately following replacement of a trunkline by a local carrier, or suspension of a trunkline where a local carrier was already operating. So far as I know, this is the first compilation of these figures. They do much to evidence the benefits to the public.

I ask unanimous consent to insert in the RECORD at this point the compilation of these figures.

There being no objection, the compilation was ordered to be printed in the RECORD, as follows:

Aircraft departures

Station	Year prior to change	Following year	Date of change	Carrier	Station	Year prior to change	Following year	Date of change	Carrier
Battle Creek, Mich	675	2,094	May 1, 1948	American, North Central.	Mansfield, Ohio	688	2,339	Apr. 16, 1952	TWA, Lake Central.
Bristol, Va	4,599	6,005	Aug. 25, 1952	American, Piedmont.	Miles City, Mont	708	1,298	Sept. 15, 1954	Northwest, Frontier.
El Dorado, Ark	708	1,367	June 28, 1953	Chicago & Southern, Trans-Texas.	Pine Bluff, Ark	607	2,813	June 8, 1953	Chicago & Southern, Trans-Texas.
Erie, Pa	717	2,965	June 8, 1952	American, Allegheny.	Prescott, Ariz	702	1,413	Dec. 16, 1949	TWA, Bonanza.
Jackson, Mich	675	2,924	May 1, 1948	American, North Central.	South Bend, Ind	674	2,113	May 1, 1948	American, North Central.
La Crosse, Wis	646	1,374	Apr. 27, 1952	Northwest, North Central.	Terre Haute, Ind	609	1,839	Dec. 1, 1944	Delta, Lake Central.
Laredo, Tex	600	1,201	Dec. 31, 1953	Braniff, Trans-Texas.	Worcester, Mass	296	1,702	Aug. 1, 1943	TWA, Mohawk.
Longview, Tex	1,950	2,347	July 4, 1953	Mid-Continent, Trans-Texas.	Yuma, Ariz	697	1,455	July 15, 1942	Western, Bonanza.
Marion, Ohio	665	2,836	Apr. 15, 1953	TWA, Lake Central.	Zanesville, Ohio	678	1,696	Apr. 14, 1953	TWA, Lake Central.

The next set of significant figures gives the same comparison as to enplaned passengers:

Station	Year prior to change	Following year	Date of change	Carrier	Station	Year prior to change	Following year	Date of change	Carrier
Big Spring, Tex	1,667	2,748	Nov. 1, 1950	American, Continental, Pioneer.	Mansfield, Ohio	2,961	4,444	Apr. 16, 1952	TWA, Lake Central.
Bradford, Pa	8,870	16,326	Sept. 6, 1954	United, Allegheny.	Monterey, Calif	8,346	17,935	Sept. 1, 1942	United, Southwest.
Bristol, Va	19,195	29,416	Aug. 25, 1952	American, Piedmont.	Pine Bluff, Ark	650	1,690	June 28, 1953	Chicago & Southern, Trans-Texas.
Duluth, Minn	905	5,093	Feb. 10, 1952	Northwest, North Central.	Prescott, Ariz	1,100	1,980	Dec. 16, 1949	TWA, Bonanza.
Eau Claire, Wis	618	1,804	Mar. 17, 1951	Do.	Ponca City, Okla	1,903	3,191	July 15, 1944	Braniff, Central.
Elmira, N.Y	11,372	10,378	Sept. 7, 1955	American, Mohawk.	Quincy, Ill	1,294	4,894	Oct. 16, 1944	TWA, Ozark.
Jackson, Mich	1,140	4,218	May 1, 1953	American, North Central.	Santa Barbara, Calif	3,531	6,441	Sept. 1, 1942	United, Southwest.
Kokomo, Ind	390	1,744	Oct. 3, 1950	Delta, Lake Central.	Tyler, Tex	3,418	6,043	July 15, 1953	Braniff, Trans-Texas.
La Crosse, Wis	1,619	2,797	Apr. 27, 1952	Northwest, North Central.	Wenatchee, Wash	3,434	5,610	Sept. 26, 1952	Northwest, West Coast.
Laredo, Tex	3,347	4,754	Dec. 31, 1953	Braniff, Trans-Texas.	Yuma, Ariz	3,473	4,018	July 15, 1942	Western, Bonanza.
Longview, Tex	4,413	6,920	Jan. 1, 1956	Delta, Trans-Texas.					

DUPLICATION OF SERVICE WILL BE CUT

Mr. RANDOLPH. Mr. President, what has prompted me to make these remarks is the recent Department of Commerce report "Federal Transportation Policy and Program", which is based on recommendations by a number of leading consultants who submitted studies to the Department. One of the primary recommendations of the report is as follows: "eliminate or reduce duplication of routes between trunkline and local service carriers."

Thus, there has now been given recognition and approval to this line of CAB decisions. It urges the Board to recognize that these decisions have in effect established a specific policy, and that the Board should henceforth pursue the policy energetically until it may be reasonably completed. Emphasis on "eliminate" strongly suggests that Federal officials feel that there are very, very few instances in which this issue will be posed where the Board should not proceed expeditiously to do away with duplicating functions altogether.

Mr. President, it is my believe that the Board should pursue this policy promptly, and I would like to suggest a few approaches which would facilitate this procedure.

The Board might well adopt certain basic principles which would establish a prima facie case for suspension or replacement of trunklines. Such principles need be neither complicated nor numerous. For instance, it would seem clear that if a trunkline is providing only one round trip a day, as was the case I mentioned earlier where North Central came into the picture, and a local carrier is anxious to come in, such a case should be disposed of in favor of suspension and replacement as a matter of good service and sound regulation.

BOARD CAN EXPEDITE SETTLEMENT

I think, moreover, that the Board should consider the settlement of many such cases without a lengthy hearing, because the basic issues have been posed so many times that by now Board members are conversant with them. It is not efficient to review these in detail in case after case, when the Board is so hard pressed to cope with the big and complex cases which, unlike these replacement cases, cannot be decided largely on the basis of broad precedents, and for which it is most difficult to lay down long-range policy guidance. As a matter of fact, I was pleased to note that the CAB did precisely this for a midwestern community early this month, disposing of the case simply on the basis of filed pleadings.

With such approaches, the Board would be able to carry out its policy as to all cities in question by the summer of 1961 at the very latest. This would mean improved service for more communities, and better earnings for the local lines; and it would bring these about sooner than can be attained under the present pace of Board decisions. Progress has been made by the Board in this area, and I hope it will move more swiftly in continuation and completion of this forward-looking policy.

The PRESIDING OFFICER (Mr. JORDAN in the chair). Is there further morning business?

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further morning business? If not, morning business is concluded.

Without objection, the Chair lays before the Senate the unfinished business.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Carolina [Mr. ERVIN].

INTEGRATION IN THE PUBLIC SCHOOLS OF THE DISTRICT OF COLUMBIA

Mr. LONG of Louisiana. Mr. President, while the Senate is considering amendments which seek to forcibly integrate public schools, I should like to point out the statistics which show the progress or lack of progress in school integration in the District of Columbia.

Before I go into these figures, I should like to read from the report of the subcommittee of the House District of Columbia Committee which investigated the conditions in public schools:

Washington, D.C., is the most favorable choice as an integration experiment most likely to succeed. Our best educated Negroes are migrating to the Capital in great numbers. The Negro per capita income in the District of Columbia is higher than the white income in some areas of the Nation. As residents of the Nation's Capital, the people of the District of Columbia enjoy more cultural advantages than people of any other city in America. The District of Columbia Negroes have had school facilities superior to most other school districts in the Nation. No other place in the Nation offers such superior advantages for a successful integration program.

With these thoughts of the subcommittee in mind, I should like to cite the statistical situation in the public schools in Washington, D.C.

In October of 1953, the month in which the enrollment figures for that school year were taken, of the 103,778 pupils enrolled in District public schools, 44,842 were white students. This figure represents 43.3 percent of the total enrollment. During the same school year, there were 58,936 colored pupils, which represented 56.7 percent of the total. As all of us know, the school year of 1953 was the one which preceded the Brown decision in the U.S. Supreme Court.

In the following year, 1954, the enrollment statistics were taken in November and these showed that the white children totaled 41,393, which was 39.3 percent of the 105,473 total. The colored children numbered 64,080, or 60.7 percent of the total.

The figures for October of 1956 show that the white student enrollment declined to 32.1 percent, as they numbered 34,758, and the colored percentage increased to 67.9 percent. The number of colored students was 73,723.

The figures for the present school year, which were taken in October of 1959, show a total of 27,481 white children and 90,403 colored children. Of this total number of 117,844 children, the white percentage is 23.3 percent, and the colored is 76.7 percent. It goes without saying that the number of white children in District public schools is declining rapidly and the number of colored children is increasing.

Let us take a closer look at the integrated school system that now prevails in the District of Columbia.

At the present time, there are 172 separate schools that are in the school system of the District. I have recently made a study of the conditions in these schools, which include, besides the high schools and elementary schools, the Capitol Page School, the Americanization Center, the Teachers College, and the Veterans Center. For the purposes of determining the extent of integration in the schools, I have made a list of those schools which are predominantly white or predominantly colored. In determining a condition of predominance of one race or another, I have set a 75–25 ratio to mean a predominantly white or colored school. Of all the 172 schools, 145 fall into one predominant group or the other. In other words, 84.3 percent of all the public schools are predominantly colored or white; that is, there are three colored children out of every four, or vice versa if the school is predominantly white. Only 27 schools out of 172 are less than 75 percent dominated by one race or the other. Of these 27, all but 10 of them are integrated only at a 60 to 40 percent ratio.

Even more startling is the fact that 70.3 percent of all the public schools are 90 percent or better dominated by one race or the other. These schools number 121.

Imagine that in Washington, D.C., where integration was to be such a success that it was to be a model for other cities to follow, after 5 full school years, 121 out of 172 schools are segregated 90 percent or better. It would not be a wild guess to say that in another 5 years the entire school system will be 100 percent segregated. It appears that all that the order to integrate the public schools has brought about is a rapid exodus of the white people from the District, and mass housing segregation by those who have remained in the District. In the District, 90,403 colored children are attending public schools. 80.5 percent of them are attending the 98 schools which are 90 percent or better dominated by colored children. The number of these children is 72,773, and in the same schools, 21 of which have no white children at all, there are but 1,455 white children.

In the 23 schools which are predominantly white to a 90 percent or better degree, there are 11,451 white children and only 189 colored children. Only four schools in the entire system are 100-percent white schools.

The school integration program in the District of Columbia has caused two effects: First, the white people are leaving the District in great numbers; and, second, the public schools are coming closer and closer to being all colored. Three tables for different schools will show how the white school population is decreasing and the colored students are becoming more and more predominant in the different schools. It is for these reasons that I say that if things continue as they have been going with regard to the public school picture, the entire system will be 100-percent segregated in another 5 years. There is no reason at all to think that events will not continue at the same pace and in the same direction, because this change did not occur immediately in 1954 with the first school integration, but has occurred since then, and because of the integration order.

This whole picture is but another illustration of the fact that people would rather associate with those of their own kind. These people are not carriers of hatred. They just wish to be left alone, to live their lives as they choose. It is most obvious, by looking at the present picture presented by the District of Columbia public schools, that white people do not want to integrate the schools, and will not submit to an order to do so. It is plain to see that they will do all they can to avoid it, even if it requires that they move their place of living to another area. Thus, in spite of the law which says that the schools must be integrated, if people do not want to send their children to integrated schools, they find legal methods whereby they can avoid it.

It might also be interesting to note that in the District of Columbia, if a parent wishes to send his child to a school other than the one in the child's school district, the parent may submit a request, which will be ruled upon by a transfer committee. I have been informed that if a parent wished to send his child to a different school from the one in the proper district, even for a reason that the school was segregated and another one was not, if the transfer committee felt that such a transfer would be for the best interest of the child, such a request would be honored. From July 1, 1958, to October 31, 1959, 1,962 requests for transfer from one school to another were granted. I am not saying that the sole reason for all of those was to get a child out of a school that was integrated; but that was the total number of transfer requests that were granted.

Mr. President, I now ask unanimous consent to have printed in the RECORD a number of tables and a statement which I have prepared, which show the trend and the movement I have described, in connection with this statistical study of the effect of integration on the public schools of Washington, D.C.

There being no objection, the tables and the statement were ordered to be printed in the RECORD, as follows:

Before Integration, 1953	Integration, 1959 Plus 5 Years
TABLE 1. SENIOR HIGH SCHOOLS	
7 were all-white schools. Enrollment was 6,456.	3 schools are at least 75 percent white. In them 3,085 are white and 499 are colored.
4 were all-colored schools. Enrollment was 5,714.	6 schools are at least 75 percent colored. In these, 7,725 are colored and 156 are white. 2 of these 6 schools are 100 percent colored.
	The 4 schools which formerly were all colored are still 99.9 percent colored. There are 2 white students to 3,663 colored in them.
TABLE 2. JUNIOR HIGH SCHOOLS	
11 were all-white schools. Enrollment was 9,196.	4 schools are over 85 percent white. In them 3,982 are white and 315 are colored.
11 were all-colored schools. Enrollment was 13,272.	16 schools are over 75 percent colored. In these, 14,044 are colored and 670 are white. Of these 16 schools, 13 are over 90 percent colored and 1 is 100 percent colored.
	The 11 schools which formerly were all colored schools are still 98.6 percent colored. There are 138 white students to 9,784 colored in them.
	20 schools are over 85 percent white. In them, 7,720 are white and 299 are colored. 3 of these are 100 percent white.
	67 schools are over 75 percent colored. In these 56,641 are colored and 2,125 are white. 16 of these are 100 percent colored and 48 are 95 percent or better.
	The 58 schools which formerly were all colored schools are at this time 98.4 percent colored. There are 599 white students to 36,138.

TABLE 3. ELEMENTARY SCHOOLS

64 were all-white schools. Enrollment was 21,781.

58 were all-colored schools. Enrollment was 37,588.

TABLE 4.—*Schools which were all white before 1954*

1954–55 ENROLLMENT

	Colored	White	Percent colored
Benning	281	132	67.7
Blair	185	96	65.8
Buchanan	360	378	48.8
Davis	139	599	19.1
Emery	311	171	64.5
Kingsman	327	321	50.5
Petworth	464	95	83.0
Powell	149	198	43.0
Raymond	319	140	69.5
Wheatley	355	311	53.3
Total	2,890	2,431	54.3

1959–60 ENROLLMENT

Benning	628	6	99.1
Blair	382	10	97.4
Buchanan	926	65	93.4
Davis	1,078	12	98.9
Emery	699	31	95.8
Kingsman	1,037	20	98.1
Petworth	708	8	98.9
Powell	350	11	97.0
Raymond	661	34	95.1
Wheatley	1,063	24	97.8
Total	7,552	221	97.2

Mr. LONG of Louisiana. It will be noted from this table that the colored student enrollment is growing quite fast. In these schools there was 100 percent white enrollment in 1953. In 1954 Negro percentage was 54.3 and in 1956 the Negro percentage was 91.8 and in 1959 the Negro percentage was 97.2.

TABLE 5.—*These schools were all white prior to 1954*

1956–57 ENROLLMENT

	Colored	White	Percent colored
Adams	287	115	71.4
Bancroft	336	240	60.0
Bernard	443	271	62.0
Brent	158	126	25.2
Brightwood	57	491	10.4
Brookland	177	145	55.0
Bunker Hill	226	567	30.2
Burroughs	501	148	77.2
Cooke, H. D.	480	297	61.8
Edmonds	224	110	68.0
Grant	54	76	41.5
Greenleaf	146	92	61.3
Jackson	30	97	26.7
Kimball	163	599	23.2
Kimball Annex	19	122	13.5
Langdon	280	173	60.2
Military Road	10	10	50.0
Peabody	256	198	56.4
Rudolph	175	220	44.2
Seaton	178	158	53.8
Stanton	282	622	31.4
Thomson	278	140	73.0
Trundell	445	226	66.3
Tyler	474	273	63.5
West	380	152	71.0
Whittier	153	669	21.7
Woodridge	319	145	68.8
Total	6,901	6,448	51.7

TABLE 5.—*These schools were all white prior to 1954*—Continued

1959–60 ENROLLMENT

	Colored	White	Percent colored
Adams	332	92	78.3
Bancroft	529	248	68.1
Bernard	762	41	94.9
Brent	172	105	62.1
Brightwood	319	343	48.2
Brookland	274	99	73.5
Bunker Hill	738	122	85.8
Burroughs	755	74	91.1
Cooke, H. D.	610	224	73.1
Edmonds	396	44	90.0
Grant	111	89	55.5
Greenleaf	128	24	84.2
Jackson	21	79	21.0
Kimball	473	260	64.5
Kimball Annex	181	123	59.5
Langdon	485	126	79.4
Military Road	20	11	64.5
Peabody	374	132	73.9
Rudolph	293	48	85.9
Seaton	219	159	57.9
Stanton	776	264	74.6
Thomson	434	103	80.8
Trundell	758	86	89.8
Tyler	686	177	79.5
West	601	59	91.1
Whittier	746	134	84.8
Woodridge	486	119	80.3
Total	11,679	3,085	77.5

In the 1953–54 school year all these schools were 100 percent white. In 1956–57 the colored percentage was 51.7 and now in 1959–60 school year the colored percentage is 77.5. Thus it can be seen that these schools are tending toward the same situation that prevails in those in table 4.

TABLE 6.—*Schools which were 100 percent white before 1954*

1954–55 ENROLLMENT

	Colored	White	Percent colored
	Senior highs		
Eastern [1]	880	966	47.7
McKinley	404	562	41.8
Roosevelt	166	709	19.2
Anacostia	44	1,235	3.4
Total	1,496	3,471	30.1
	Junior highs		
Jefferson	297	393	43.0
Hine	126	492	20.4
McFarland	265	1,002	20.9
Paul	8	1,275	.6
Sousa	109	802	12.0
Stuart	168	532	24.1
Taft	104	809	11.4
Total	1,078	5,306	16.9

1959–60 ENROLLMENT

	Colored	White	Percent colored
	Senior highs		
Eastern [1]	1,707	28	98.4
McKinley	1,461	70	95.4
Roosevelt	837	55	94.1
Anacostia	422	1,241	25.8
Total	4,427	1,395	76.3
	Junior highs		
Jefferson	206	123	62.6
Hine	645	164	79.7
McFarland	1,217	106	92.0
Paul	410	847	32.6
Sousa	488	131	78.8
Stuart	628	127	83.2
Taft	940	403	70.0
Total	4,526	1,901	70.4

[1] Was junior and senior high until 1956.

In the above senior high schools, in 1953–54 there were 3,952 white students. Now, 5 years after integration there are 1,395 and 1,241 of them are in one school. In 1954, the first year of integration the Negro percentage was 30.1 and now in the 1959–60 school year the percentage of colored students is 76.3.

In the junior high schools, the colored students in the 1954–55 school year comprised 16.9 percent of the entire student body. Now in 1959–60, they total 70.5 percent of the enrollment in these schools.

Mr. ERVIN. Mr. President, will the Senator from Louisiana yield for a question?

The PRESIDING OFFICER (Mr. JORDAN in the chair). Does the Senator from Louisiana yield to the Senator from North Carolina?

Mr. LONG of Louisiana. I yield.

Mr. ERVIN. Did the Senator from Louisiana notice in the recent issue of the U.S. News & World Report an article in which it is stated that of the children who will enter the first grade in the District of Columbia public schools next September, 85 percent will be Negro and 15 percent will be white?

Mr. LONG of Louisiana. I am not at all surprised, because it shows a continuation of the same trend which I have attempted to show.

I understand the National Association for the Advancement of Colored People has made objection to the publication of figures which show what is happening in the District schools. I assume if that organization is intending to continue to advocate forcible intermixture of the white and Negro races, it would obviously want the facts here withheld. The facts tend to show that when a considerable percentage of colored children are placed among white children who have been accustomed to going to school with those of their own kind, the whites tend to move out.

For example, table 4, which I have inserted in the RECORD, I recommend for the Senator's study when he sees the RECORD tomorrow. Here were schools and areas where there was a considerable number of colored children. I used the same grouping that the House District of Columbia Committee used in its first study of this problem. The first year of integration in the schools was in 1954,

and at that time there were 2,800 colored children in the schools and 2,431 white children. That is about what is classified as a 50–50 colored and white attendance. What happened when that percentage was achieved? The table shows that in the year 1959–60 the colored enrollment was 7,552 and the white enrollment was 221, or 97.2 percent were colored children, whereas previously the ratio had been 54.3 percent colored.

Those figures would indicate there was an average of only about five or six white children left in the average integrated school which had previously been composed predominantly of the white race.

I have made some effort to ascertain what happens when there is an attempt to integrate white with colored in schools which are predominantly colored. I find that in senior high schools there had been four all-colored high schools. One of these schools was closed. The other two remained all colored, without a single white student being in those two high schools, although one colored high school has achieved a degree of integration to the point that there are now two white students in one of the colored schools which had been all colored prior to the Brown decision.

It is interesting to note that a number of schools which had been in the category of all white are now practically all colored by virtue of the whites having moved from the District and as a result of transfer of students at their request.

It is very enlightening to see what has happened, and I believe that in another 5 years, by the time we see the 10th anniversary of the Brown decision, there will be a completely segregated school situation under the decision of the Supreme Court.

Mr. ERVIN. In other words, the schools of the District of Columbia are resegregating themselves. Is that not true?

Mr. LONG of Louisiana. There is absolutely no doubt about it. The facts prove it. The schools with a substantial number of white children are those which have the slightest degree, or token, integration. A single colored child would be going to school with 1,000 whites. Apparently, that kind of situation does not seem to cause the whites to start migrating from the District. But when the percentage reaches that which the NAACP advocates, then we get this result. As the Senator knows, anything less than total integration is not acceptable to that organization. When the percentage of Negroes as compared to whites increases to about 15 or 20 percent, from that time on the exodus of the whites begins. We find in the usual case it does not take very long, notwithstanding the great financial sacrifice involved of selling one's home and moving into Virginia, or Maryland, or into parts of the District of Columbia where, by virtue of residential segregation, school segregation is achieved.

Mr. ERVIN. I should like to ask the Senator whether he read the statement in the Washington press several months ago to the effect that during recent years 142,000 white people between the ages of 18 and 45 had moved from the District of Columbia.

Mr. LONG of Louisiana. I have no doubt about it. I have not seen those particular figures, but during my service here we have seen the trend in population continuing with a smaller and smaller percentage of whites and a greater and greater percentage of colored people in the District of Columbia.

Mr. ERVIN. I will ask the Senator if he has not observed in all areas of the Nation, in the North and South, in the East and West, that wherever Americans have the liberty to select their own associates, they virtually always select as their associates members of their own race.

Mr. LONG of Louisiana. There is no doubt about it, and the reason for it is very obvious. People feel more secure and better understood when they are among their own kind. I say that without any disparagement of any race. I think every race has its strong points compared with other races. There is absolutely no doubt about the fact that people prefer to be among their own kind. I say that the great majority do not care to offend anybody about the question by suggesting that their race is far superior to the other. They would rather not discuss the point. But the fact is that people feel more secure, more comfortable, and better satisfied when they are among their own kind. These figures have proved it, just as the House District of Columbia Committee figures showed. As the Republican platform spelled out, the District of Columbia was the place to try an experiment of this kind. If it was to be tried any place, this would be the place to see how the forcing of white and colored children together would work out. Give this trend another 10 years, and there will be only the slightest degree of integration, if there is any left at all, in the District of Columbia schools. That will happen in another 10 years, or perhaps 5 years, if what has happened thus far continues.

Mr. ERVIN. Does not the Senator agree with the proposition that compulsory integration, that is, forced integration, deprives Americans of all races of a very precious right; namely, the right to select for themselves their own associates and to select for their immature children their associates?

Mr. LONG of Louisiana. I completely agree with the Senator. So long as the people have any freedom whatever, these figures show what will happen when an attempt is made to forcibly integrate the races. What has occurred in the District of Columbia will occur in other areas.

Mr. President, I yield the floor.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. ERVIN. Mr. President, on Friday I offered the amendment which is now the pending question. I withdraw that amendment for the time being, with the expectation of offering it later during the course of the debate.

The PRESIDING OFFICER. The Senator has that right.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ROBERTSON. Mr. President, reserving the right to object, I understand the distinguished junior Senator from New York [Mr. KEATING] is going to call up an important amendment. There are very few Senators present. We thought we might give Senators notice so that more Senators will be able to listen to the address.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois?

Mr. DIRKSEN. Mr. President, may we have a moment more?

Mr. ROBERTSON. Mr. President, I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEATING. Mr. President, I offer the amendment which I send to the desk and ask to have made the pending question. I ask unanimous consent that the reading of the amendment be dispensed with and that the amendment be printed in the RECORD.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? Without objection, the amendment will be printed in full in the RECORD.

The amendment which was ordered to be printed in the RECORD is as follows:

On page 14, after line 16, insert the following:

"SEC. 503. Section 104 of the Civil Rights Act of 1957 (71 Stat. 635) is amended by adding the following new subsection at the end thereof:

"'(d)(1) The Congress recognizes that (A) prior to May 17, 1954, the Constitution of the United States had been interpreted as permitting public schools to be segregated on racial grounds provided such schools afforded equal educational opportunities; (B) on May 17, 1954, the Supreme Court of the United States ruled that under the fourteenth amendment to the Constitution segregated education is inherently unequal; (C) the Constitution as interpreted by the Supreme Court of the United States is the supreme law of the land; (D) State and local governments and agencies which had relied upon the "separate but equal" doctrine are now obligated to take steps toward the elimination of segregation in their public schools; and (E) many of these governments and agencies are faced with serious financial and educational problems in making the necessary adjustments in their existing school systems.

"'(2) It is (therefore) the intent of Congress and the purpose of this section to assist State and local governments and agencies in carrying out their constitutional obligations by sharing certain of the additional expenditures directly occasioned by desegregation programs and by providing information and technical assistance in connection therewith.

"'(e)(1) For the purpose of assisting State and local educational agencies which, on May 17, 1954, maintained segregated public schools to effectuate desegregation in such schools in a manner consistent with pertinent Federal court decisions, there are hereby authorized to be appropriated for each fiscal year such sums as the Congress may determine.

"'(2) Appropriations under this subsection shall be available for grants to help finance—

"'(A) costs incurred by local educational agencies in the provision of supervisory or administrative services, pupil placement, school social worker, or visiting teacher services, and other special, nonteaching, professional services, the need for which is occasioned by the desegregation of their public schools, and

"'(B) costs incurred by State agencies in developing and carrying out State policies and programs for desegregation in public schools, including technical assistance to local educational agencies in connection therewith.

"'(f)(1) The Commissioner of Education (hereinafter called the "Commissioner") shall for each fiscal year allot to each State, from the sums appropriated pursuant to subsection (e) for such year, an amount which bears the same ratio to such sums (or to such larger sum as may be specified in the Act making the appropriation) as the number of students who attended segregated public schools in such State during the school year 1953–1954 bears to the number of students who attended such schools during such year in all the States. The number of students who attended segregated public schools in each State during the school year 1953–1954 shall be estimated by the Commisioner on the basis of the best available data on the average daily attendance of local educational agencies during such school year.

"'(2) From a State's allotment under paragraph (1) for a fiscal year, the Commissioner shall, except as otherwise provided in subsection (h), pay to such State an amount equal to one-half of the expenditures of local educational agencies in carrying out the purposes specified in subsection (e)(2)(A) under applications approved by the State agency (designated as provided in subsection (g)(1)(A)) pursuant to the State plan approved under subsection (g), and one-half of the expenditures of such State agency in carrying out the purposes specified in subsection (e)(2)(B) under such plan, including its expenditures in administering the State plan. Payments under this subsection and subsection (h) shall be made from time to time by the Commissioner on the basis of estimates of amounts to be expended in a quarter or other period or periods determined by him, with necessary adjustments on account of any overpayment or underpayment for any prior periods.

"'(g)(1) A State plan shall be approved by the Commissioner for purposes of this section if such plan—

"'(A) designates the State educational agency to administer or supervise the administration of the plan, or designates another single agency of the State for such purpose and in such case provides methods for effective coordination between such agency and the State education, and

"'(B) sets forth the methods and criteria for approving applications of local educational agencies for funds under this section, and describes the activities to be carried on by the State agency with the aid of funds under this section;

"'(C) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the State plan;

"'(D) provides that the State agency will make such reports to the Commissioner, in such form and containing such information, as are reasonably necessary to enable the Commissioner to assure expenditure of grants under this section solely for the purposes for which made and otherwise to perform his functions under this section.

"'(2) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering or supervising administration of the State plan approved under paragraph (1), finds that—

"'(A) the State plan has been so changed that it no longer complies with any of the requirements of paragraph (1), or

"'(B) in the administration of the plan there is a failure to comply substantially with any such requirement,

the Commissioner shall notify such State agency that no further payments will be made to the State under this section (or, in his discretion, that further payments to the State will be limited to parts of or programs under the plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, the Commissioner shall make no further payments to such State under this section (or shall limit payments to parts of or programs under the State plan not affected by such failure).

"'(h) If the Commissioner determines, with respect to any State for which an allotment has been made under subsection (f)(1) for any fiscal year, that such State will not for such year submit and have approved a State plan under subsection (g), and either (1) that such State has consented to the making of applications by local educational agencies pursuant to this subsection, or (2) that such State has indicated that it assumes no responsibility with respect to the desegregation of public schools, the Commissioner shall, notwithstanding the provisions of subsection (f)(2), pay to local educational agencies, with applications approved by him under this subsection, one-half of the expenditures of such agencies during such year in carrying out the purposes of subsection (e)(2)(A), but such payments may not exceed, in the aggregate, the State's allotment for such year. The Commissioner shall by regulation prescribe criteria and procedures, for approval and withdrawal of approval of applications under this subsection, which will, in his judgment, best effectuate the purposes of this section.

"'(i) For purposes of this section—

"'(1) The term "public school" means a public school which provides elementary or secondary education, as determined under State law, but does not include a school of any agency of the United States.

"'(2) The term "segregated public school" means a public school to which students on May 17, 1954, could not, under the constitution or laws of the State in which such schools are located or under ordinances or rulings of the appropriate local educational agency pursuant to such constitution or laws, be admitted without regard to race or color.

"'(3) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

"'(4) The term "local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a city, county, township, school district, or political subdivision in a State; and includes any State agency which directly operates and maintains public schools.

"'(j)(1) The Commissioner shall collect and disseminate such information on the progress of desegregation in the public schools in the several States as may be useful to educational and other public officials, agencies, and organizations in effecting desegregation in such schools.

"'(2) The Commissioner shall, upon request, provide information and technical assistance to State or local officials, which will aid them in developing plans and programs for effecting desegregation in public schools, and, upon request of such officials, shall initiate or participate in conferences dealing with the educational aspects of problems arising in connection with efforts to comply with applicable court desegregation decisions or decrees.

"'(3) The Commissioner may delegate to any officer or employee of the Office of Education any of his powers and duties under this section, except the promulgation of regulations.

"'(4) No appropriations may be made pursuant to subsection (e) for any fiscal year ending after June 30, 1962. Prior to the close of January 1962, the Secretary of Health, Education, and Welfare shall submit to the Congress a full report of the administration of this section, together with his recommendations as to whether it should be extended and as to any modification of its provisions he deems appropriate.

"'(5) There are hereby authorized to be appropriated such sums as may be necessary to administer the provisions of this section.'"

Mr. KEATING. Mr. President, this amendment represents section 4 of the administration's proposal as embodied in the Dirksen bill with two exceptions. The first is in the next to the last paragraph. The bill as submitted in February of 1959 provided, "No appropriations may be made pursuant to subsection (b) for any fiscal year ending after June 30, 1961." That has been changed to "1962."

The next sentence read, "Prior to the close of January 1961, the Secretary of Health, Education, and Welfare shall submit to the Congress a full report of the administration of this section, together with his recommendations as to whether it should be extended and as to any modification of its provisions he deems appropriate." This date is also changed to "1961."

Obviously, to leave the "1961" in the language would mean that before the law could become practically effective the time would be over.

The other change is that instead of amending title I of the House bill the amendment would amend the title relating to schooling for military personnel, which is title V.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KEATING. I yield to my colleague from New York.

Mr. JAVITS. Would the Senator make it clear to the Senate that both of these changes are not at all material to the fundamental point that this is the proposal of the President and of the administration?

Mr. KEATING. This is the proposal of the President and is endorsed emphatically by the Attorney General, as late as this morning. I shall read a letter from the Secretary of Health, Education, and Welfare strongly endorsing the provision.

This is it, Mr. President. This amendment, with two minor and we might say technical exceptions which I have noted, contains the language of section 4 of the Dirksen bill with respect to technical assistance to State and local government agencies seeking to desegregate their public schools. It was a vital part of the civil rights bill when it was first proposed and nothing—I repeat—nothing has

happened in the interim to diminish its importance. It has the full and complete support of the administration, of the President, and of the Cabinet. It had tremendous sponsorship when it was first offered. I know of no valid reason, Mr. President, for us to backtrack now.

Mr. President, this is not a minor omission from the original bill. This is a section of the very first magnitude in connection with the whole problem of school desegregation. It would put Congress squarely on record behind the decision of the Supreme Court in the Brown case and provide the means for voluntary—again I repeat—voluntary combined Federal-State-local drives to implement the requirements of the law of the land.

Let there be no doubt as to where the administration stands on this amendment. The sage of South Bend, Mr. Paul M. Butler, made a statement 2 or 3 days ago that the President had taken no position on Brown against the Board of Education. The President recommended the pending legislation. In it is a position—a strong and emphatic position—on the decision in Brown against the Board of Education. The President stands foursquare behind it. The Attorney General supports it.

I asked the Secretary of Health, Education, and Welfare to submit to me a letter, which I shall read:

APRIL 2, 1960.

DEAR SENATOR KEATING: In response to your inquiry this morning, I wish to advise you that the Department of Health, Education, and Welfare emphatically recommends the enactment of your proposed amendment, numbered 3-31-60—B, to H.R. 8601, the Civil Rights Act of 1960. The amendment contains the provisions of one of the major legislative proposals recommended to the Congress by the President in his civil rights message of February 5, 1959.

The President wrote as follows regarding this proposal in his message:

"I recommend legislation to provide a temporary program of financial and technical aid to State and local agencies to assist them in making the necessary adjustments required by school desegregation decisions.

"The Department of Health, Education, and Welfare should be authorized to assist and cooperate with those States which have previously required or permitted racially segregated public schools, and which must now develop programs of desegregation. Such assistance should consist of sharing the burdens of transition through grants-in-aid to help meet additional costs directly occasioned by desegregation programs, and also of making technical information and assistance available to State and local educational agencies in preparing and implementing desegregation programs.

"I also recommend that the Commissioner of Education be specifically authorized, at the request of the States or local agencies, to provide technical assistance in the development of desegregation programs and to initiate or participate in conferences called to help resolve educational problems arising as a result of efforts to desegregate."

As you know, the proposal was introduced in the Senate as S. 958 on February 5, 1959, by Senator DIRKSEN for himself and for you, Senator SALTONSTALL, Senator JAVITS, Senator BUSH, Senator ALLOTT, Senator BEALL, Senator CARLSON, Senator CASE of New Jersey, Senator SCOTT, and Senator COOPER.

The proposal also appeared as section 4 of S. 3001, a bill, constituting the full administration civil rights program, which was introduced on February 8, 1960, by Senator DIRKSEN for himself and for you, Senator JAVITS, Senator PROUTY, Senator SCOTT, Senator SALTONSTALL, Senator CASE of New Jersey, Senator COOPER, Senator KUCHEL, Senator BRUNSDALE, Senator CARLSON, Senator WILEY, Senator FONG, Senator BUSH, Senator MORROW, Senator HRUSKA, Senator BENNETT, Senator ALLOTT, Senator BEALL, Senator CASE of South Dakota, Senator MARTIN, Senator AIKEN, and Senator SMITH.

Finally, the proposal also appeared as section 4 of Senator DIRKSEN'S proposed amendment, numbered 2-24-60—I, to H.R. 8315.

I am enclosing the text of my prepared statement made in support of this proposal (as title VII of H.R. 4457), before Subcommittee No. 5 of the House Judiciary Committee on Thursday, March 12, 1959. Also enclosed, as you requested, is the departmental estimate of the financial requirements to implement this proposal, prepared as required by Public Law 801, 84th Congress.

The Federal Government has a definite responsibility to respond affirmatively to requests for technical assistance in meeting the temporary but serious financial and educational burdens which may be placed on public school systems in making the transition to desegregation. Your proposed amendment would enable us to render such assistance to States and communities—when requested by them—in their efforts to eliminate segregation in their public schools. Therefore, we heartily support your amendment.

Sincerely yours,

ARTHUR S. FLEMMING,
Secretary.

I hope that after reflection every Member of this body who wants to see a meaningful civil rights bill enacted by the Congress will also support this amendment.

The Supreme Court's decision in the Brown case was a landmark in the development of equal justice for all Americans. It discredited the separate-but-equal doctrine which had prevailed for several decades, and declared that the separation by race of American schoolchildren was inherently discriminatory and a denial of the equal protection of the laws. The Brown case is the law of the land. It is morally right. It is legally right. It is factually right. In my judgment it is morally, legally, and factually wrong to refuse to recognize its force and effect, and to refuse to do everything reasonably necessary to implement its requirements.

Upon determining that the segregation of schoolchildren by race was unconstitutional, the Supreme Court could have declared an immediate end to the segregation laws in effect in 17 States and the District of Columbia, which existed at the time when the Brown decision was rendered. It could have ordered immediate desegregation of all public schools in accordance with its ruling that segregation laws were invalid.

The Supreme Court, however, chose to pursue a more moderate course. It remanded the cases to the district courts in the areas involved, with instructions which required only that school authorities make a prompt and reasonable start toward full compliance with the Supreme Court's decision.

If such a start was made in good faith, the district courts could allow additional time to carry out a program of desegregation. Consideration could be given, in setting up a transition timetable, to such factors as the physical condition of the school plant, the school transportation system, personnel, and other related problems.

The court required only that the States act in good faith, and with "all deliberate speed" in adjusting their practices to the requirements of the Constitution.

Unfortunately the Court's moderation has not been matched by moderation on the part of those who disagree with its ruling. Fanatic activity has been engaged in in some areas by diehard segregationists in order to prevent the colored child from sharing a schoolroom with the white child in a public school. These activities have delayed segregation entirely in a number of States. They have impeded it substantially in others. But progress continues to be made. Those directly involved have been patient, but they have also been persistent.

There is no sign, in the events of the past few years, that the Supreme Court's decision will be allowed to die of old age. I have complete faith in the rule of law; and in my opinion the only questions are how and when, not whether, the Supreme Court's decision will be fully complied with.

Under those circumstances it behooves all of us, regardless of our views as to the merits of the Court's ruling, to support efforts to make the transition to desegregated schooling as unburdensome as possible to the communities involved. What will be gained by active obstruction in noncooperation if the end result is inevitable? Why leave scars if the wounds could be healed with no trace of any injury?

The sole purpose of this amendment is to provide assistance to State and local communities which want help in desegregating their public schools.

It would permit administrative and financial assistance to States which are attempting voluntarily to carry out their responsibilities under the law of the land.

So much attention is centered on the tactics of opposition to desegregation that we sometimes overlook the progress which has been made in a quiet way in many of the school districts involved. The antics of a Faubus or a Kasper crowd out of the news the impressive incidents of adjustment to the requirements of the law. The work of professional obstructionists—"children baiters," I would call them—has made the task of the law-abiding elements of the community more difficult. These hatemongers have stirred an irrational, emotional atmosphere which makes it more imperative than ever that expert knowledge and assistance be utilized to achieve desegregation in a sound and orderly manner. This amendment would make such help available to communities which need it and request it.

It may be useful to briefly review the record to date of the Brown case. According to statistics in the report of the Commission on Civil Rights, programs to eliminate racial discrimination in public schools have been started in 11 States. The entire school system in the District of Columbia and Baltimore and substantially all the schools in Kansas City, and St. Louis, Mo., are now desegregated. Some action to implement the Supreme Court decision has been taken in all of the biracial school districts of Maryland and West Virginia, in almost 90 percent of the districts in Oklahoma and Missouri, and in 70 percent of the districts in Kentucky. In Delaware steps toward desegregation have been taken in 25 percent of the school districts, in Texas 17 percent, and in Arkansas, North Carolina, Tennessee, and Virginia there has been compliance to a lesser extent.

In all, 798 school districts constituting 27 percent of the 2,907 biracial school districts in the segregating States have initiated some form of desegregation. Of these only 3 percent acted under the direct compulsion of a court order. Although others proceeded only after suit was filed or under a threat of litigation, this still suggests that over 90 percent of all school districts which have started toward desegregation have done so without specific legal direction.

That is important, and it is something which is often lost sight of because it does not make headlines.

This, of course, represents only the positive side of the ledger. A proper balance sheet would have to recount the complete failure to initiate desegregation in several hard-core States; the increasing efforts of some State legislatures to erect one technical evasion after another to avoid compliance with the courts' decisions; the encouragement of mob violence and massive resistance in some instances. In all candor, it must be said that this amendment will deal only indirectly with problems of this nature. It will not be a substitute for specific legal action in areas in which local court action is the only effective way to implement the Supreme Court decision. It will, however, help those of who want to be helped, and if it operates successfully, will demonstrate what can be accomplished by vountary cooperation. It can assure that desegregation is carried out without jeopardizing schooling standards, discipline, or administration. The results it produces may encourage or induce even hard-core school districts to follow good examples rather than bad advice.

This amendment would not impair or alter Federal-State-local relations in the field of education. It would not involve the Department of Health, Education, and Welfare in enforcement proceedings for which it is wholly unsuited, or make of it a quasi-judicial agency in the field of education. What it would do, however, is to utilize the facilities and expertise of a great Government agency in a cooperative Federal and local effort to complete the transition to desegregated public schooling.

Under the terms of the amendment, grants would be authorized to States which, prior to the Brown decision, maintained racially segregated public schools. These grants would be for the purpose of assisting in public school desegregation in a manner consistent with pertinent Federal court decisions.

The grants could be used to help meet two types of costs:

First, costs incurred by local educational agencies in the provision of certain kinds of special professional services the need for which is occasioned by the desegregation of their public elementary or secondary schools. These services include supervisory or administrative services, pupil placement or school social worker or visiting teacher services, and other special nonteaching, professional services.

Second, the grants could be used to help meet costs incurred by State agencies, administering the State plan for carrying out the purposes of this bill, the developing and carrying out State policies and programs for public school desegregation, including their costs in providing technical assistance to the local educational agencies in connection with their desegregation programs.

Funds appropriated to carry out the purposes of the amendment would be allotted among the States by the Commissioner of Education on the basis of the number of students attending segregated public schools in each of the States during the school year 1953–54.

Provision is also made for payments to local educational agencies in a State in which segregated public schools were maintained on May 17, 1954, but which does not have a State plan approved under the bill. If such a State has consented to the making of applications for grants under the bill by local educational agencies in the State or has indicated that it assumes no responsibility in regard to public school desegregation, then the Commissioner of Education would pay to the local educational agencies in the State amounts equal to one-half of their costs in providing the special professional services, the need for which is occasioned by desegregation of their public schools. Applications of local educational agencies in such States would be approved, and approval thereof withdrawn, in accordance with criteria and procedures, prescribed by the regulations of the Commissioner, which will, in his judgment, best effectuate the purposes of this amendment.

The amendment authorizes the Commissioner of Education to collect and disseminate useful information on the progress of public school desegregation and to provide, upon request, technical assistance to State or local officials in developing their public school desegregation plans and programs. He would also be authorized, upon request by State or local officials, to initiate or participate in conferences dealing with the educational aspects of problems arising in connection with compliance with applicable court decisions or decrees.

The Federal Government has a responsibility to assist States and local school districts in carrying out school desegregation programs in conformity with constitutional requirements. The only pertinent question is: By what means shall the Federal Government discharge its responsibility? In my opinion, my amendment offers the ideal approach to this problem.

The assistance which would be made available under my amendment is greatly needed. This is amply demonstrated by the statements and discussions of State and local school officials at the education conference conducted on March 5 and 6 of last year in Nashville, Tenn., by the Commission on Civil Rights. These school officials were from State education agencies and local school districts—in States ranging from New Mexico to North Carolina—in which programs of desegregation are being carried out. Among the educational problems emphasized was the great need for information about the experiences of other States and communities in desegregating schools.

This is admittedly a difficult problem, and the interchange of views among those who have faced similar problems is highly desirable.

Another common problem was that of achieving desegregation with a minimum of tension and personal disorientation among the students, teachers, and parents, both white and Negro. There exists almost no central source of information, even now, for dealing with the first problem. It is apparent that the second problem is being grappled with on a local basis, most often without professional assistance. Some of the larger communities have been able to obtain the assistance of trained counselors, social workers, psychologists, and additional teachers in their efforts to overcome educational and social problems associated with the desegregation process in the schools. Largely because of the expense involved, these specialized personnel are unavailable to smaller communities where the problems tend to be equally difficult.

This amendment would authorize the Commissioner of Education, through grants, research, and the other means I have described, to assist States and communities to overcome these problems. There is nothing compulsory about the proposed program. The assistance would be available to States and communities requesting it. This program would in no sense represent an interference with State and local control of public education, but it would provide an effective way to meet the Federal obligation to assist our States and communities in solving educational problems associated with desegregation.

The picture presented at the Nashville Education Conference was one of courageous and decent citizens—teachers, school board members, principals, and superintendents—struggling to comply with constitutional requirements and to preserve the very foundation of freedom and progress—our public school system. This dedicated work often is being done in an atmosphere of hostility and open or latent violence. It is being done without a thorough knowledge of the experiences, successes, and failures of others similarly engaged in other communities and other States. It is being done, in most cases, without the specialized professional assistance required to accomplish desegregation with a minimum of injury to the educational program and to the children affected. The Federal

Government should take appropriate action now to give these citizens the help they need and deserve.

I offered this amendment in the Committee on the Judiciary. It was defeated by only 1 vote in the consideration of the bill, 7 to 6. I sincerely believe that, without such a provision in the law, the burdens on the States of meeting the requirements of the Brown case will be immeasurably increased. This is really a very modest, very balanced, very limited provision, but it is one which will go a long way toward recognizing our responsibility to help in every way those communities which want to comply with the law. It will put us on record in support of the Supreme Court's ruling. It will show that we are just as interested in helping voluntary efforts to obey the law as we are in proscribing forceful obstructions of the law. The chief beneficiaries of this amendment would be the thousands of schoolchildren who would benefit from the combined approach to the solution of school problems allowed under its provisions.

I sincerely hope that the merit of this amendment will appeal to the Senate and that it will be approved.

Mr. COOPER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PASTORE in the chair). Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I wish to announce that I will offer a motion to lay on the table the pending Keating amendment. But before I do so, I ask unanimous consent that I may have the floor, so that I may yield to all Senators who wish to speak on this subject.

The PRESIDING OFFICER. Is there objection? The Chair hears none. Without objection, it is so ordered.

Mr. COOPER. Mr. President——

Mr. MANSFIELD. Mr. President, I yield to the Senator from Kentucky such time as he desires.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOPER. Mr. President, I submit, and send to the desk, an amendment to the Keating amendment, which I ask to have read.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. In the Keating amendment, on page 1 it is proposed to strike out paragraph (d) (1).

On page 1, in paragraph (2) it proposed to strike out "(2) It is therefore", and insert "(d) It is".

And it is proposed that the necessary subsections be renumbered.

Mr. MANSFIELD. Mr. President, I now yield 10 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 10 minutes.

Mr. COOPER. Mr. President, in view of the fact that a motion will be made to lay on the table the amendment offered by the distinguished junior Senator from New York [Mr. KEATING], the amendment I have offered may not appear to have much purpose. Nevertheless, I offer it, to have an opportunity to discuss for a short time some of my views on the pending civil-rights bill.

Mr. President, the amendment I have offered to the Keating amendment is a controversial one. It would strike out the preamble to the operative subsections of the amendment offered by the junior Senator from New York [Mr. KEATING]—which, as the Senate will recall, was section 4 of the Dirksen amendment to House bill 8315. As Senators will remember, section 4 of the Dirksen amendment provided—as does the Keating amendment—that in certain cases, the Department of Health, Education, and Welfare shall give technical aid, made possible by appropriations for the purpose of aiding schools that are attempting to desegregate under the Brown case decision.

The preamble to section 4 speaks of the Supreme Court findings which prevailed before the Brown case decision was rendered in 1954. It cites the Brown case decision, and then makes certain findings with respect to that decision.

I am sure that many of those who strongly support civil-rights legislation—as I do—may oppose my amendment to the Keating amendment, if they are given an opportunity to do so; and I am sure it will be supported by those who oppose civil-rights legislation.

So I wish to express as clearly as I can my reasons for offering this amendment to the Keating amendment.

First, let me state that I support without reservation the decision of the Supreme Court in the Brown case, which held that the "segregation of white and Negro children in the public schools of a State solely on the basis of race, pursuant to State law permitting or requiring such segregation, denies to Negro children the equal protection of the laws guaranteed by the 14th amendment." I support the decision because of its constitutional and legal reasoning. And even before the Brown decision of 1954, my legal reasoning and my philosophical and moral beliefs led me to believe that such a decision would ultimately be made.

Nevertheless, my beliefs regarding the Brown case, and my conviction that it is the law as the Supreme Court interpreted the 14th amendment, do not convince me that it is proper or effective for the Congress to enact a finding regarding the Brown case, such as that contained in the preamble to the amendment of the junior Senator from New York [Mr. KEATING].

I do not want to be too legalistic; but my first objection to the preamble of the Keating amendment regarding the decision in the Brown case is that it has no legal or constitutional significance at all, so far as the holding of the case is concerned, and that the Congress has no power or authority to say what the law is.

The courts of the land—a police court, a municipal court, higher State courts, Federal courts, and ultimately the Supreme Court—have the power of construction of the Constitution and interpretation of statutes enacted by a legislature, whether State or Federal, in respect of the case before the court.

It is generally agreed that the principle was first recognized in the case of Marbury against Madison, decided in 1803 when Chief Justice Marshall held that it was the particular duty of the courts to interpret the law, that is, "to say what the law is." Years passed before this right was clarified; but today I believe there is no doubt that the Supreme Court has power to construe the Constitution.

The Supreme Court construed the 14th amendment, in the Brown case; and I hold that the Congress of the United States cannot add anything to, or take anything away from, the constitutional holding of the Court. By adopting the preamble we would simply write a nullity into this bill.

The subsection is useless so far as actual enforcement of the law is concerned. In respect to enforcement, the Congress does have a special responsibility arising from the last clause, section 5, of the 14th amendment, which says: "The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article." It is only through legislation that we enact, pursuant to the authority given the Congress under section 5 of the 14th amendment, that we can effect enforcement of the Court's holding in the Brown case. Enforcement cannot be secured by our comments on the holding of the Court, which is the Court's separate prerogative and power.

My second objection to the inclusion of the preamble is that it would create an unwise precedent.

In this particular case, it is true that a great number in this body would like to express their support of the decision in the Brown case. But if the Congress attempts this formal, though ineffective, approval of this particular case, succeeding Congresses may feel inclined to declare their opposition to constitutional decisions of the Supreme Court which they may not like.

I do not expect that the Supreme Court will change its holdings in the Brown case, and I certainly hope that it will not do so. But called upon as it is to pass on innumerable cases, to give construction to the Constitution, to interpret statutes enacted by the Federal and State legislatures, it does modify, and it has at times reversed, former decisions.

As I have said, I do not want to be too legalistic, but it is true that the Constitution separates the judicial and legislative branches of the Government, and confers upon each special grants of power. While each branch can limit the powers of the other in enumerated ways, I believe it is intended that, with the exception of such limitations and checks, each shall be independent in the exercise of its granted powers.

From a legal viewpoint it is a fact, to me at least, that for the Congress to volunteer an ineffective formal approval or disapproval of a Supreme Court decision is an intrusion on the separate and independent power of the Court.

Our responsibility as provided by the last clause, section 5, of the 14th amendment, is to enact legislation to enforce the 14th amendment.

I should like to make clear that the chief reason I oppose the preamble is that I believe enforcement of the 14th and 15th amendments by way of legislation is the primary responsibility of the Congress. The recital of the preamble is not operative legislation.

I believe there is a second responsibility on the Congress in the field of civil rights, namely, to proceed in such a way as to secure acceptance of and consent to the Brown decision by those sections of our country which now resist it. For upon acceptance and consent, the effective exercise of civil rights, and the harmonious relations of the people of the South, must ultimately rest.

My chief opposition to the preamble in subsection (a) (1) which makes findings regarding the Supreme Court decision in the Brown case—a preamble which has no legal or constitutional effect, and which has no significance as far as the congressional duty of enforcement of rights is concerned—is that it will do no good in obtaining the acceptance or consent of the people of the South for the Brown decision. In my judgment, it will only harden their resentment and their opposition to the Brown decision—and to the school desegregation efforts of school boards, of the courts, and of many people who are working earnestly for both enforcement and acceptance of the law.

During the last 3 years I have had occasion to visit and speak in several Southern States, and to talk with leaders whose attitude toward desegregation is tolerant and understanding. I have heard many of them speak of the great difficulties which they have in this field. And, of course, I have heard in the Senate again and again the constitutional, legal, and social arguments advanced by my colleagues from the Southern States against desegregation and in defense of the traditional system.

It is important that we understand that these attitudes are held by large groups of our fellow Americans. Some are held with sincere belief in their validity.

When we understand the depth and conviction of the opposition to the Supreme Court decision in the Brown case, then the scope and difficulty of the problem of enforcement which confronts our Government and people becomes evident.

When I speak of consent, I do not condone or admit disobedience of the law. For, as Justice Frankfurter said in the case of Cooper against Aaron, arising from the Little Rock situation:

> On the few tragic occasions in the history of the Nation, North and South, when law was forcibly resisted or systematically evaded, it has signaled the breakdown of constitutional processes of government on which ultimately rest the liberties of all.

The question we face with respect to this preamble, in my view, is this: Do we who support the Brown decision want to take a step which has no legal effect, which adds nothing and takes nothing away from the Brown decision—a step which will delay acceptance by the South without serving any useful purpose?

It has been said here that if we enact a voting rights bill, that it will be sufficient; that one who has that right secures to himself all of his rights. In a theoretical and abstract way, that statement may be correct; but, in a practical way, I do not believe it is correct. The Negro people have been denied both their right to vote under the 15th amendment and the equal protection of the laws under the 14th amendment for many, many years, both before and after the War Between the States. They are scores of years behind, and a bill to enforce the right to vote will not bring the equal opportunities which the 14th and 15th amendments intended.

I believe voting rights should be strengthened, and I believe there should be a provision in the bill which would strengthen the right given under the Brown case, the right not to be discriminated against in segregated schools by reason of race or color.

I should like to see placed in this bill an amendment which would permit the Attorney General of the United States to intervene for a person who is discriminated against in his right to attend a school of his choice.

It is my intention, with the distinguished Senator from New York, to offer before this debate is closed, such an amendment giving the Attorney General the right to intervene in such cases.

I have moved to strike the preamble with reference to the findings in the Brown case: I support the Brown case. I do not believe that in its function of legislating it is the duty of Congress to formally approve or disapprove the holdings of the Supreme Court on constitutional issues.

It is our duty to legislate enforcement, and it is our duty to see to it that the kind of legislation that we enact is such that will in time influence the ultimate objective all of us seek—that is, the consent and the acceptance of the Brown case and the 14th and 15th amendments by our brothers in the South. The preamble which it has moved to strike is not legislation of enforcement, and will not move toward consent or acceptance of the law.

Mr. President, I offer my amendment.

The PRESIDING OFFICER. The Senator from Montana [Mr. MANSFIELD] is recognized.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield to the majority leader.

ANNOUNCEMENT REGARDING DISPLAY OF EXACT COPY OF TIROS IN THE OLD SUPREME COURT CHAMBER BEGINNING AT 3 O'CLOCK THIS AFTERNOON

Mr. JOHNSON of Texas. Mr. President, I would like to inform the Senate that, starting at 3 o'clock this afternoon, an exact copy of Tiros—the world's first successful weather satellite—will be displayed in the old Supreme Court Chamber. I recommend that all those who have the time take the opportunity of seeing it.

As I have indicated before, the successful launching of this satellite is the best space news that we have had for a long time.

By now, we know it is possible to take pictures of the earths' cloud cover from far out in space.

Not only is this a most important step in the exploration of outer space, but it also represents tangible evidence of what can be done toward the peaceful utilization of our space technology.

It has always been the policy of the United States to develop its space technology for peaceful uses.

I am informed by the National Aeronautics and Space Administration that, after the data received from Tiros is properly reduced and correlated, it will be made freely available to the world. This action not only indicates to the world the proof of our peaceful intentions, but also is of great significance to all mankind.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. JOHNSON of Texas. Mr. President, I ask the Senator from Montana to yield to me for the purpose of suggesting the absence of a quorum, with the understanding that I shall request that the order be rescinded before the entire roll is called.

Mr. MANSFIELD. Mr. President, I yield for that purpose.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I yield 5 minutes to the Senator from Mississippi [Mr. STENNIS].

Mr. STENNIS. Mr. President, I shall address the Senate quite briefly with reference to that part of the amendment which seeks to establish that "the Constitution as interpreted by the Supreme Court of the United States is the supreme law of the land."

Mr. President, this is not what the Constitution defines as the supreme law of the land. In article VI the Constitution states:

> This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land;

Thus the Constitution defines the vidual cases. While a Supreme Court

effort to help school districts which

courtesy of the acting majority leader,

think it is time to end it, and I think this

Second. Rivers and Harbors Act of

10 minutes.

is.

cise of its granted powers.

constitutional processes of government on which ultimately rest the liberties of all.

Mr. JOHNSON of Texas. Mr. President, I would like to inform the Senate

of the Land;

Thus the Constitution defines the "supreme law of the land" as consisting of (a) the Constitution, (b) treaties, and (c) Federal laws.

Of course, a Supreme Court decision in a case arising under the Constitution, a treaty, or a Federal statute is the law of that case. There is no higher authority to which a case or a controversy may be appealed in our judicial system. The enforcement power of the Federal Government stands behind that court decision to compel obedience and compliance. It is binding on all the parties to the suit, and it must be obeyed. I have never questioned that position, and I never shall.

My complaint as to the language, "as interpreted by the Supreme Court," is that this language is an attempt by the Congress to equate Federal judicial opinions with Federal statute law. This should not be done. It cannot be done. They are not the same, nor were they intended to be the same.

The Supreme Court of the United States has never considered case law as the "supreme law," as the term is used in the Constitution. This is clearly shown in the case of *Swift* v. *Tyson* (41 U.S. Reports (16 Peters) 1, 18 (1842)), when it was urged on the court that the word "laws" should be construed to include judicial decisions. There the court said:

> It is, however, contended that the 34th section of the Judiciary Act of 1789 furnishes a rule obligatory upon this court to follow the decisions of the State tribunals in all cases to which they apply. That section provides "that laws of the several States, except where the Constitution, treaties, or statutes of the United States which otherwise require or provide, shall be regarded as rules of decision in trials of common law in the courts of the United States, in cases where they apply." In order to maintain the argument, it is essential, therefore, to hold that the word "laws," in this section, includes within the scope of its meaning the decisions of the local tribunals. In the ordinary use of language, it will hardly be contended that the decisions of courts constitute laws. They are, at most, only evidence of what the laws are; and are not of themselves laws. They are often reexamined, reversed, and qualified by the courts themselves, whenever they are found to be defective, or ill founded, or otherwise incorrect. The laws of the State are more usually understood to mean the rules and enactments promulgated by the legislative authority thereof, or long-established local customs having the force of laws.

Mr. President, that case was overruled by the court nearly 100 years later in the case of *Erie* v. *Tompkins* (304 U.S. 64 (1938)), but the reasoning of the court on the point now in question was not included in nor affected by this latter decision.

Congress may, within limits, enact a court holding in a particular case, and thus change its status to legislation, but to the court is entrusted the responsibility of building a body of consistent constitutional and Federal case law as bona fide cases and controversies arise affecting private and public legal rights.

Facts vary greatly in cases involving the same points of law. Many legal problems arise in consideration of individual cases. While a Supreme Court decision on a broad legal principle serves as a legal guideline toward court policy in future cases, there is nothing legally binding on parties unconcerned in the original case.

Others who have similar legal problems may be guided by the precedent established, but widely varying factual issues and legal considerations may yield a different result when a subsequent case is tried and appealed.

Valid statutory legislation has universal applicability for persons and subject matter. Class legislation has universal applicability throughout the class of persons and subject matter covered. Court cases, on the other hand, settle specific questions of private or public legal rights arising out of questions of common law, State law, or Federal law.

One source of law is general, the other specific. To attempt to say they are the same is folly.

It is the Constitution which is the supreme law of the land. Until amended, it remains supreme. Court opinions come and go. Opinions vary widely with the beliefs of the justices who sit and hear cases. A court composed of nine men can, to a degree, greatly change the effect of constitutional language. They may contribute to the field of constitutional law, or they may do violence to established precedent and greatly upset settled questions of governmental power. But the enduring law is the Constitution itself. No transitory majority in Congress can change that. None should want to.

Mr. President, these words in this declaratory act of the legislative branch of the Government are merely argument, pure and simple. They are entirely beyond the call of the legislative authority as laid down by the Constitution. They are not only argumentative, but they are a transgression into another field and department, in an attempt to exercise judicial powers.

So I submit, as a matter of policy and as a matter of a clean legislative record, if for no other reason, we should refrain, in this case, and in all other cases, from going over into the preamble argumentative form of legislation, beyond our powers, merely for whatever propaganda or argumentative force or power such declarations may have.

I submit to the legislative branch of the Government that this language should be stricken from the bill, because it is not only unsound, but it cannot possibly be legislative.

I thank the Senator from Montana.

Mr. MANSFIELD. Mr. President, I wonder if I may have the attention of the Senator from Illinois [Mr. DOUGLAS]. How much time does the Senator desire on this amendment?

Mr. DOUGLAS. Mr. President, I understand the pending business is the amendment of the Senator from Kentucky [Mr. COOPER] to the amendment of the Senator from New York [Mr. KEATING].

Mr. MANSFIELD. That is correct.

Mr. DOUGLAS. I did not intend to speak on that subject. I appreciate the courtesy of the acting majority leader, but it is not my intention to speak on that question.

Mr. MANSFIELD. I misunderstood. I had been informed informally that the Senator from Illinois desired to speak on the amendment.

Mr. DOUGLAS. Perhaps later in the day.

Mr. MANSFIELD. Mr. President, I now yield 10 minutes to the Senator from New York [Mr. JAVITS].

I wish to state for the benefit of Senators that if there are no other speakers on the Keating amendment, as proposed to be amended, it is my intention to move that the Keating amendment and all amendments thereto be laid on the table at the conclusion of the discussion by the Senator from New York [Mr. JAVITS].

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Is not the pending business the Cooper amendment to the Keating amendment?

The PRESIDING OFFICER. The Senator is correct. Under the unanimous-consent agreement, the Senator from Montana [Mr. MANSFIELD] has the floor. He has yielded for a limited time, with the stated intention that he will move to table the Keating amendment, as proposed to be amended.

Mr. JAVITS. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Is it not a fact that a separate vote will come first on the Cooper amendment?

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

Mr. MANSFIELD. Mr. President, my motion——

The PRESIDING OFFICER. One at a time. The Chair can decide only one parliamentary inquiry at a time.

The Senator is correct, provided that the motion to lay on the table is not pressed. If it is pressed, it will take precedence.

Mr. MANSFIELD. Mr. President, I wish to inform the Senate that it is my intention to move to table the Keating amendment and all amendments thereto.

The PRESIDING OFFICER. When such a motion is made, it will take precedence.

Mr. JAVITS. I thank the Chair.

Addressing my colleague from Montana, I should like 10 minutes to debate the amendment.

Mr. MANSFIELD. I yield 10 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I rise to support the amendment offered by my distinguished colleague from New York [Mr. KEATING]. I shall not endeavor to repeat the arguments so eloquently made by my colleague, except to note that they include, for the benefit of Senators who might not have been present when he spoke, the fact that this is an essential part of the administration's package, and also that it represents an

effort to help school districts which themselves are seeking to come into compliance with the Supreme Court's decree, and is not, standing by itself, an effort to compel compliance with the Supreme Court's decree.

We come now into an area of debate on this bill which relates to a new subject, the subject of desegregation of schools. I think it would be a fatal error for us to cut around that subject merely because the House did not deal with it, or because it might result in considerable debate in the Senate.

It has been contended for a long time by me, by my distinguished colleague from Illinois [Mr. DOUGLAS], and by other Senators, that if rule XXII with respect to debate and the means for ending debate is to be a way of conditioning legislation, it is a minority, not the majority, that is running the U.S. Government through its power in the Senate. It is time we had a showdown on that question. In short, if school desegregation is the bitterly vexing problem that it is, and if a majority of the people of the United States believe that the time has come for the Congress to do something about it and not leave it all to the judiciary, in view of the domestic situation and in view of the world situation, it seems to me that for the Senate to stay its hand because some of our Members may choose to debate this subject at length, and because we do not like to impose cloture—as a matter of taste—is definitely to vitiate the constitutional process and the constitutional purpose which put us here.

This is the essential proposition facing us in connection with the motion to table. I have argued, and my colleague from New York [Mr. KEATING] and other Senators have argued, the slow pace of desegregation, the cost to the schools, the cost to the individual litigant of desegregation, the handicap to the United States in retarding our educational system, and the paramountcy of law over every other consideration; but the issue before us in connection with the motion to table is: Are we afraid that if we refuse to table there will be a filibuster, and that we shall be unable to break it because we are unwilling to invoke our own rule for the purpose of invoking cloture?

That this is true is demonstrated by the fact that on every vote to take up the bill or to deal with some section of the bill with respect to which the majority felt it wanted to go along with the proposal, there have been more than enough votes to invoke cloture. In fact, there are enough votes in this Chamber of Senators who believe that we ought to have some kind of civil rights bill, to invoke cloture.

Yet when we come up against the question, as we do on this vote, I fear that Senators will step away from it, because of the fear of the need for imposing cloture. Yet, when we do that, are we not considering that a small minority of the Senate can determine its legislative policy? I think it is time to come abreast of that situation. I think it is time to end it, and I think this is a particularly great opportunity to do so.

I address myself to only one further point, and that is the Cooper amendment, which seeks to strike out the recital of the Supreme Court's decision in this legislation. We are very familiar with legislation which states its basis in fact, that is, states a factual finding. It follows the practice of findings of fact in any law case. There is no reason why we should step away from such a practice here.

I think the Supreme Court of the United States is entitled to have the Congress, at long last, after almost 6 years, say that it is ready to see what the Supreme Court has decided implemented, provided we think it is right—and I believe the majority of us do believe it is right.

Let us never forget that with all the fulmination against desegregation of the public schools, it is the historic fact that the decision was unanimous. There were no dissents in that case, because there could be none in the present situation, in which we find ourselves, under the Constitution.

Let us not forget, too, that anyone who is surveying the question whether we are or are not passing a meaningful civil rights bill will decide not only on the basis of what we do in connection with voting—nearly everyone agrees on that—but on what we do with regard to school desegregation. This is a hot issue which we have before our country, and everybody knows it.

It is said, in arguing for the adoption of the Cooper amendment, to strike out the fundamental recital of fact to which the Supreme Court of the country is entitled, that it is against precedent to do so, that we do not do that kind of thing by legislation; that one does not actually cite a Supreme Court decision.

While there appears to be no way of collecting all the precedents in which Supreme Court decisions have either been specifically cited or generally referred to in statutory language, a search carried on by various agencies during the last few days has brought to light a substantial number of them which indicate that the proposed findings are not only based upon solid precedent, but are also necessary bases for the operative portions of section 4.

The precedents for such legislation fall into the following groups:

A. Specific mention of Supreme Court decisions in legislation;

B. Legislation based on Supreme Court findings, although there is no specific reference to the decision; and

C. Other legislation containing specific findings of fact deemed necessary for the operative provisions of that act.

A. Specific mention of Supreme Court decisions in legislation:

First. Extra compensation of customs employees (19 U.S.C. 1451):

> Officers and employees assigned to such duty at night or on Sunday or a holiday shall be paid compensation in accordance with existing law as interpreted by the U.S. Supreme Court in the case of the *United States* v. *Howard C. Myers* (320 U.S. 561).

Second. Rivers and Harbors Act of 1930—diversion of Lake Michigan water through Chicago Canal (46 Stat. 929; not in U.S.C.):

> The water authorized at Lockport, Ill., by the decree of the Supreme Court of the United States, rendered April 21, 1930, and reported in volume 281, U.S. Reports, in cases Nos. 7, 11, and 12, original, October term, 1929, of Wisconsin and others against Illinois and others, and Michigan against Illinois and others, and New York against Illinois and others, according to the opinion of the court in the cases reported as Wisconsin against Illinois, in volume 281, United States, page 179, is hereby authorized to be used for the navigation of said waterway.

Third. Portal to Portal Pay Act of 1947 (29 U.S.C. 251):

> (a) The Congress finds that the Fair Labor Standards Act of 1938, as amended, has been interpreted judicially in disregard of long-established customs, practices, and contracts between employers and employees, thereby creating wholly unexpected liabilities.

Fourth. Jenner-Butler bill of 1958 (S. 2646) reported by Senate Judiciary Committee, May 15, 1958, with amended section 4:

> The Congress finds that the distinction made by the Supreme Court of the United States in *Yates* v. *United States*, *Schneiderman* v. *United States*, and so forth, between advocacy of the forcible overthrow of the Government as an incitement to action and advocacy of such overthrow as mere abstract doctrine is, as Mr. Justice Harlan characterized it, subtle and difficult to grasp.

B. Legislation based on Supreme Court findings, although there is no specific reference to the decision:

First. McCarran insurance company antitrust exemption (15 U.S.C. 1011):

> Congress declares that the continued regulation and taxation by the several States of the business of insurance is in the public interest, and that silence on the part of the Congress shall not be construed to impose any barrier to the regulation or taxation of such business by the several States (March 9, 1945, ch. 21 § 1, 59 Stat. 33).

Second. Offshore Lands Act (67 Stat. 29):

> It is hereby determined and declared to be in the public interest that (1) Title to and ownership of the lands * * * be, and they are hereby, subject to the provisions hereof, recognized, confirmed, established, and vested in and assigned to the respective States or the persons who were on June 5, 1950 (date of decision).

Third. Production of Government documents—Jenks case (18 U.S.C. 3500); while not making specific reference to the basic case, this act was passed to "implement" or "correct" the decision of the Supreme Court in *United States* v. *Jenks* (305 U.S. 657).

Fourth. A number of bills now and perenially pending in the Congress are intended to override various Supreme Court decisions though not making specific mention of them except in the accompanying committee reports. Among the decisions at which these bills are directed are the Nelson Case, the Mallory case, the Yates case, various deportation cases, various habeas corpus cases and numerous tax decisions.

C. Other legislation containing specific findings of fact deemed necessary for the operative provisions of that act:

First. The attached memorandum points out the necessity for specific findings of fact when the provisions of legislation are to be limited to a small group in order to justify the differentiation between those who are to benefit from it and others who at first glance may be similarly situated. The limited group in this case are those States which prior to May 17, 1954, maintained segregated public schools. The memorandum lists similar findings respecting price supports for wool—7 U.S.C. 1781; aid to small business—15 U.S.C. 631; special assistance to poor agriculture areas—7 U.S.C. 347a; and several other acts.

Second. The attached memorandum cites other statutes in which Congress has chosen to make the need for legislation explicit in the statute itself though it may not have required special justification on the "limited application" theory.

On a number of prior occasions, the Congress has seen fit to legislate in terms of recent Supreme Court decisions, either in order to adopt the Court's findings and thus save itself the necessity of spelling out the law in specific detail or in order to reject the findings of the Court as an incorrect interpretation of congressional intent; these factors and the long history of specific congressional findings of need seem ample justification for specific mention of the Supreme Court's decree in section 4. However, while none of these went as far as to describe the Supreme Court decision involved in terms of "law of the land"; they did imply the acceptance of the decisions as having the effect of law.

Mr. President, I ask unanimous consent that certain memorandums dealing with this subject be printed in the RECORD at this point as a part of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM

The question has been raised as to the necessity for the congressional findings contained in section 4(a) (1) of the amendment in the nature of a substitute to H.R. 8315 (proposed by Senator DIRKSEN). The findings are that prior to May 17, 1954, the Constitution of the United States had been interpreted as permitting segregation in public schools; that, on that date, the Supreme Court ruled that segregation in education violated the 14th amendment to the Constitution; that the Constitution as interpreted by the Supreme Court is the law of the land; that certain State and local governments and agencies are now obligated to eliminate segregation in their public schools; and that many of these governments and agencies are faced with serious financial and educational problems in making that transition. The section then authorizes technical and financial assistance to such governments and agencies.

The necessity for the findings is caused by the fact that the technical and financial assistance authorized by the section is made available only to a limited group of educational agencies. No aid is provided for educational agencies which did not, prior to May 17, 1954, maintain segregated public schools. Similarly, no aid is provided for educational agencies which are not making a transition from segregated to desegregated public schools. The thrust of section 4 is to afford Federal aid to a limited class of educational agencies which, by virtue of the Supreme Court decision, are now incurring additional financial and technical burdens. The congressional findings in the section merely show why Congress is affording its aid to that limited group.

In the past, where the Congress has enacted legislation authorizing aid to a limited group, it has often supported such legislation by setting out findings justifying the reasons for singling out less than the entire group. Following are but some of the examples of congressional findings justifying such aid:

1. Justifying uniquely high price supports for wool (7 U.S.C. sec. 1781): It is recognized that wool is an essential and strategic commodity which is not produced in quantities and grades in the United States to meet the domestic needs and that the desired domestic production of wool is impaired by the depressing effects of wide fluctuations in the price of wool in the world markets.

2. Justifying aid to small businesses (15 U.S.C. sec. 631): The essence of the American economic system of private enterprise is free competition. Only through full and free competition can free markets, free entry into business, and opportunities for the expression and growth of personal initiative and individual judgment be assured. The preservation and expansion of such competition is basic not only to the economic well-being but to the security of this Nation. Such security and well-being cannot be realized unless the actual and potential capacity of small business is encouraged and developed.

3. Justifying special appropriations to disadvantaged agricultural areas (7 U.S.C. sec. 347a): The Congress finds that there exists special circumstances in certain agricultural areas which cause such areas to be at a disadvantage insofar as agricultural development is concerned, which circumstances include the following: (1) There is concentration of farm families on farms either too small or too unproductive or both; (2) such farm operators because of limited productivity are unable to make adjustments and investments required to establish profitable operations; (3) the productive capacity of the existing farm unit does not permit profitable employment of available labor; (4) because of limited resources, many of these farm families are not able to make full use of current extension programs designed for families operating economic units nor are extension facilities adequate to provide the assistance needed to produce desirable results.

4. Justifying aid for facilities for water storage and utilization in arid and semiarid areas of the United States[1] (16 U.S.C. 590r): It is recognized that the wastage and inadequate utilization of water resources on farm, grazing, and forest lands in the arid and semiarid areas of the United States resulting from inadequate facilities for water storage and utilization contribute to the destruction of natural resources, injuries to public health and public lands, droughts, periodic floods, crop failures, decline in standards of living, and excessive dependence upon public relief, and thereby menace the national welfare. It is therefore declared to be the policy of Congress to assist in providing facilities for water storage and utilization in the arid and semiarid areas of the United States.

Other examples include congressional findings justifying assistance for public works and facilities where such assistance is not available on reasonable terms from any other source (42 U.S.C. sec. 1491); findings justifying assistance to eliminate air pollution (42 U.S.C. sec. 1857); findings justifying various aspects of the atomic energy programs (42 U.S.C. secs. 2011, 2302); and findings justifying assistance in the form of insurance and loans to protect against flood losses (42 U.S.C. sec. 2401).

[1] This statute has since been amended to apply to the entire United States and its possessions. 68 Stat. 784.

PRECEDENTS SUPPORTING CONGRESSIONAL RECOGNITION OF SUPREME COURT DESEGREGATION DECISIONS

I. SPECIFIC LEGISLATIVE RECOGNITION OF COURT DECISIONS

1. 58 Stat. 269: An act dealing with overtime compensation of certain employees specifically recognized and adopted a decision of the Supreme Court (58 Stat. 270): "Officers and employees assigned to such duty at night or on Sunday or a holiday shall be paid compensation in accordance with existing law as interpreted by the U.S. Supreme Court in the case of *United States* v. *Howard C. Myers* (320 U.S. 561)".

2. 61 Stat. 84: Portal-to-Portal Pay Act changed the interpretation placed on the Fair Labor Standards Act by the Supreme Court in the case of *Anderson* v. *Mount Clemens Pottery Co.* (328 U.S. 680). The first section of the act stated, in part: "The Congress hereby finds that the Fair Labor Standards Act of 1938, as amended, has been interpreted judicially in disregard of long-established customs."

3. In *United States* v. *South-Eastern Underwriters Association* (322 U.S. 533 (1944)), the Supreme Court held that an insurance company whose operations crossed many State boundaries came within the provisions of the antitrust laws. Subsequently Congress specifically changed this interpretation of the Court (59 Stat. 33). The act stated that congressional silence shall not be construed to impose any barrier to the regulations and taxation of insurance companies by the States and that no act of Congress shall be construed to cover the business of insurance unless the act so states.

4. In *United States* v. *Texas* (339 U.S. 707 (June 5, 1950)), the Court decided that ownership in offshore lands was in the Federal Government. Subsequently Congress enacted the Submerged Lands Act (67 Stat. 29, 30), which assigned such lands to the "State or persons who were on June 5, 1950," entitled thereto under State law. While there is no reference to the Supreme Court decision, the statute itself inescapably deals with the earlier Tidelands case, because June 5, the date the assignment was effective, was the date of the Court decision.

5. The so-called Southern Manifesto of March 12, 1956, expressly and in detail discussed and attacked the Supreme Court desegregation decision in *Brown* v. *Board of Education*. This manifesto, while obviously not a statute, was similar to a proposed joint resolution. The reference to the Supreme Court desegregation decision in the civil rights bills now pending before the Congress in its effect is of a similar nature. Copy of the Southern Manifesto is appended hereto.

II. LEGISLATIVE FINDINGS

Congress has on numerous occasions chosen to make the need for the legislation explicit in the statute itself. The following list represents a few examples:

1. 64 Stat. 987: Subversive Activities Control Act. The legislation contains 15 findings by the Congress covering three pages of the statutes at large.

2. 52 Stat. 1060: Fair Labor Standards Act. The act contains explicit findings which demonstrate the need for the enactment of the legislation.

3. 49 Stat. 449: The Wagner Act. The act contains explicit findings which demonstrate the need for the enactment of the legislation.

4. 61 Stat. 84: Portal-to-Portal Pay Act. Section 1, entitled "Findings and Policy," describes the need for and purpose of the act.

5. 61 Stat. 136: Taft-Hartley Act. The legislation contains explicit declaration of the reasons for and the policy underlying the statute.

6. 71 Stat. 18: Act consenting to river control compact between New Hampshire and Massachusetts. The legislation contains lengthly findings as to the need for and purpose of the compact between the two States.

7. 71 Stat. 441: Compulsory inspection of poultry and poultry products. Section 2 entitled "Legislative Findings" makes the need for the act explicit in the statute.

Section 451 of the Tariff Act of 1930 as amended by the act of June 3, 1944, 58 Stat. 269, 19 U.S.C. 1451, relating to overtime compensation of customs inspectors, provides, among other things: "Officers and employees assigned to such duty at night or on Sunday or a holiday shall be paid compensation in accordance with existing law as interpreted by the United States Supreme Court in the case of the *United States* v. *Howard C. Myers* (320 U.S. 561).

Acts having findings

Section	Title	Comment
2	Subversive Activities Control Act of 1950 (64 Stat. 987; 50 U.S.C. 781).	Findings.
101	Emergency Detention Act of 1950 (64 Stat. 1019; 50 U.S.C. 811).	Do.
101	Mutual Security Act of 1954 (68 Stat. 833; 22 U.S.C. 1811.)	Findings and policy.
2	Labor-Management Reporting and Disclosure Act of 1959 (Public Law 86-257, 73 Stat. 519).	Do.
1	Strategic and Critical Materials Stock Piling Act (53 Stat. 811, as amended 60 Stat. 596; 50 U.S.C. 98).	Do.
2,3	Poultry Products Inspection Act (71 Stat. 441; 21 U.S.C. 451).	Do.
1	Labor Management Relations Act, 1947 (61 Stat. 136; 29 U.S.C. 141).	Findings.
2	Housing Act of 1949 (63 Stat. 413; 42 U.S.C. 1441).	Findings in the form of a declaration of policy.
2	Fair Labor Standards Act of 1938 (63 Stat. 910; 29 U.S.C. 202).	Findings and policy.
101	National Defense Education Act (72 Stat. 1581; 20 U.S.C. 401).	Do.
301	National Defense Education Act (72 Stat. 1597; 20 U.S.C. 15aaa (note)).	Do.

Mr. JAVITS. Mr. President, is there any reason why we should shrink away from doing in this case what we have done before in the light of what the situation is in the country? What is the situation in the country? The question is, shall we proceed with all deliberate speed to desegregate our public schools, as found by the Supreme Court to be the law of the land and which is, in my opinion, the view of the overwhelming majority of the American people, or shall we leave it and go along on the basis that education and time and erosion may take their toll in that regard?

Our national situation and our international situation will not let us wait. The sitdowns in the South, with all the implications which they have of anarchy in respect to public order—and no one, not even the most ardent civil rights advocate, will ever condone such conduct—show that when enough people decide that they will violate the law, there is very little we can do about it. We must look for basic causes. The time has come when we must give some meaningful satisfaction to those basic causes. One of the great causes is the dragging of feet, the literal determination of State after State that it will not honor the Supreme Court decree.

I believe that the essence of law and order in our country demands that the Congress must recognize that situation and do something about it.

For these reasons, Mr. President, I hope that we shall defeat the Cooper amendment and then defeat the motion to table the Keating amendment, which is the key part of the administration program.

Mr. MANSFIELD. Mr. President, I yield 5 minutes to the Senator from California.

Mr. KUCHEL. Mr. President, in the drafting of the amendment offered by the distinguished Senator from New York, the Attorney General supplied language in the nature of a preamble clearly to spell out the basis upon which the legislation, designed to give technical assistance to some public school districts in America, rests.

It has been said that such a technique in legislative draftsmanship is not new. That is correct.

A part of the language incorporated in the first section states: "The Constitution as interpreted by the Supreme Court of the United States is the supreme law of the land." Can anyone honestly quarrel with that statement, as a correct statement of the law of this country? Of course not.

Has the time come in free government in America when anyone would contend and argue that the Constitution as interpreted by the Supreme Court of the United States is not the law of the land? This cannot be.

The preamble goes on to state: "State and local governments and agencies which had relied upon the 'separate but equal' doctrine are now obligated to take steps toward the elimination of segregation in their public schools."

Is that not true? Is not the decision of the U.S. Supreme Court, so long as it stands, an obligation for the people of the United States to follow? There is a way, a constitutional way, for Members of Congress and citizens of the country to change such a decision, and that is by amendment of the Constitution. Short of availing themselves of that avenue, is not the pronouncement by the Supreme Court of what the Constitution of our country stands for the guiding line for Congress and the people of this Nation to follow?

The regrettable fact is that on too many occasions in the last few months and years language has been used, here and elsewhere, against the Supreme Court which has been intemperate and abusive. I have listened to some of my colleagues traduce and denounce the highest Court of this country. On occasion I have done my best to stand on the floor of the Senate, and vigorously to refute their imprecations, so that the record would be clear that we, some of us, indeed most of us, disagreed with those epithets.

The difficulty with the amendment offered by my able friend from Kentucky is that if his amendment were adopted, and the first part of the Keating amendment were stricken, some people in the country would say that the Congress of the United States has walked away from clearly stating that Congress intends to follow the law and the Constitution of the United States as interpreted by the Supreme Court.

I hope the proposed amendment offered by the Senator from Kentucky will be turned down and then I hope the amendment offered by the Senator from New York [Mr. KEATING] will be adopted, so that once again we will have vindicated the doctrine that so far as free, constitutional government is concerned we follow the Constitution.

Mr. MANSFIELD obtained the floor.

Mr. CASE of South Dakota. Mr. President, will the Senator from Montana yield for a question?

Mr. MANSFIELD. I yield for a question.

Mr. CASE of South Dakota. Would the Senator from Montana find it possible to yield to me, in order that I might make a request to divide the Keating amendment?

Mr. MANSFIELD. Mr. President, I would have to decline. I think we ought to consider the Keating amendment and all amendments thereto.

I move that the Keating amendment and all amendments thereto be tabled.

The PRESIDING OFFICER. The motion has been made to table the Keating amendment and all amendments thereto.

Mr. KEATING. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DOUGLAS. Mr. President, should we not have a quorum call?

Mr. MANSFIELD. The attachés on both sides have, supposedly, notified Senators, but I will suggest the absence of a quorum.

Mr. DOUGLAS. I thank the Senator from Montana.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Texas will state it.

Mr. JOHNSON of Texas. Mr. President, as I understand, the Senator from Montana has moved to table the Keating amendment and all amendments thereto, which would include the Cooper amendment. If the motion to table should prevail, the Keating amendment would be rejected, and along with it would go the Cooper amendment.

The PRESIDING OFFICER. The Senator from Texas is correct.

Mr. JOHNSON of Texas. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. Mr. President, I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Pennsylvania [Mr. CLARK], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Utah [Mr. MOSS], and the Senator from Maine [Mr. MUSKIE] are all absent on official business.

The Senator from Connecticut [Mr. DODD] is absent because of illness.

The Senator from Massachusetts [Mr. KENNEDY] and the Senator from Minnesota [Mr. HUMPHREY] are both necessarily absent.

I further announce that if present and voting, the Senator from Pennsylvania [Mr. CLARK], the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Utah [Mr. MOSS], and the Senator from Maine [Mr. MUSKIE] would all vote "nay."

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. BRIDGES] is necessarily absent.

The result was announced—yeas 61, nays 30, as follows:

[No. 148]

YEAS—61

Aiken	Frear	Martin
Allott	Fulbright	Monroney
Bennett	Goldwater	Morton
Bible	Gore	Mundt
Brunsdale	Green	Murray
Butler	Hayden	O'Mahoney
Byrd, Va.	Hickenlooper	Prouty
Byrd, W. Va.	Hill	Robertson
Cannon	Holland	Russell
Capehart	Hruska	Schoeppel
Carlson	Johnson, Tex.	Smathers
Case, S. Dak.	Johnston, S. C.	Sparkman
Church	Jordan	Stennis
Cooper	Kefauver	Talmadge
Cotton	Kerr	Thurmond
Curtis	Lausche	Wiley
Dirksen	Long, La.	Williams, Del.
Dworshak	Lusk	Yarborough
Eastland	McClellan	Young, N. Dak.
Ellender	McGee	
Ervin	Mansfield	

NAYS—30

Anderson	Hart	Morse
Bartlett	Hartke	Pastore
Beall	Hennings	Proxmire
Bush	Jackson	Randolph
Carroll	Javits	Saltonstall
Case, N. J.	Keating	Scott
Douglas	Kuchel	Smith
Engle	Long, Hawaii	Symington
Fong	McNamara	Williams, N. J.
Gruening	Magnuson	Young, Ohio

NOT VOTING—9

Bridges	Dodd	McCarthy
Chavez	Humphrey	Moss
Clark	Kennedy	Muskie

So the motion to lay on the table the Keating amendment was agreed to.

Mr. DIRKSEN. Mr. President, I move that the vote by which the amendment was laid on the table be reconsidered.

Mr. JOHNSON of Texas. Mr. President, I move to lay on the table the motion to reconsider.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. JOHNSON of Texas. Mr. President, as I understand, the Senator from New York [Mr. JAVITS] desires to offer an amendment, to which the Senator from Michigan [Mr. MCNAMARA] will offer part III as a substitute. The Senator from Michigan will speak briefly, and the Senator from New York expects to address himself to the amendment.

If the minority leader is recognized, he will yield time to Senators to debate the amendment; and at the conclusion of the debate there will be a yea-and-nay vote on the question of agreeing to a motion by the minority leader to lay on the table the Javits amendment and any amendments thereto. We cannot now obtain an order for the yeas and nays on the question of agreeing to the motion to lay the amendment on the table, inasmuch as that motion has not yet been made. But if the Senator from Illinois obtains recognition, he then will be able to yield to other Senators such time as they may desire.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. Yes.

Mr. JAVITS. I should like, first, to announce that the amendment being offered is presented by me for myself, the Senator from Kentucky [Mr. COOPER], the Senator from Michigan [Mr. HART], and the Senator from Illinois [Mr. DOUGLAS]. The amendment which I shall describe in detail, gives the Attorney General authority to intervene in school desegregation cases. I should like to get the yeas and nays on the amendment. I see no problem in the procedure that has been here suggested, as it is my understanding the minority leader is prepared to yield whatever time is desired on the part of opponents and proponents of the amendment.

Mr. DIRKSEN. Mr. President, may I be recognized?

The PRESIDING OFFICER. Does the Senator from Texas yield?

Mr. JOHNSON of Texas. Yes, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIRKSEN. Mr. President, under the consideration that I do not lose the floor for this purpose, I yield to the Senator from New York for the purpose of offering his amendment.

How much time does the Senator from New York desire?

Mr. JAVITS. Thirty minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, I send an amendment to the desk.

Mr. DIRKSEN. Mr. President, I yield 30 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from Illinois has yielded to the Senator from New York The amendment will be stated.

Does the Senator from New York desire to have the amendment read?

Mr. JAVITS. I should like it read in this case, because it is not too long.

Mr. President, before the clerk proceeds, may I inform my colleagues that I would like to ask for the yeas and nays when the reading is completed. The reading will not take more than 2 or 3 minutes. I hope Senators will indulge me for that time.

The PRESIDING OFFICER. The amendment offered by the Senator from New York, for himself and other Senators, will be stated.

The LEGISLATIVE CLERK. It is proposed: On page 21, between lines 12 and 13, to insert the following, and renumber the succeeding section and title accordingly:

TITLE VII

Intervention by the United States

SEC. 701. (a) Chapter 161 of title 28 of the United States Code is amended by inserting a new section immediately following section 2403 as follows:

"§ 2403A. Intervention by United States: Loss or threat of loss of equal protection of the laws with respect to attendance at a desegregated public school

"In any action, suit, or proceeding in a court of the United States to which the United States or any agency, officer, or employee thereof is not a party, wherein any person alleges an oath or affirmation that he is subject to or threatened with loss of his rights under the Constitution of the United States to equal protection of the laws by reason of race, color, religion, or national origin, with respect to attendance at a desegregated public school, the court shall certify such fact to the Attorney General, and shall permit the United States to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of whether such person is subject to or threatened with such loss of his right to equal protection of the laws and the relief to be granted. The United States shall, subject to the applicable provisions of law, have all the rights of a party and be subject to all liabilities of a party as to court costs to the extent necessary for proper presentation of the facts and law relating to the questions of whether such person is subjected to or threatened with such loss of his right to equal protection of the laws and the relief granted by the court."

(b) Such chapter is further amended by inserting in the analysis at the beginning of such chapter, immediately following section 2403, the following:

"2403A. Intervention by United States: Loss or threat of loss of equal protection of the laws with respect to attendance at a desegregated public school."

Mr. JAVITS. Mr. President, the purport of this amendment is to allow the Attorney General to intervene in school desegregation cases instituted by individuals.

The analogy which I have sought to draft into law is a case where the Attorney General intervenes when the constitutionality of an act of the United States is brought into question. This method of intervention, indeed, is drafted to follow section 2403 of title 28, United States Code, which gives the Attorney General the right to intervene in cases where the constitutionality of the statute is brought into question.

Though I know that my distinguished colleague from Michigan [Mr. MCNAMARA] will offer, as a substitute, or as an amendment, as he may deem to be wise, what has been popularly called

part III—and, as everybody knows, I tried to do that, myself, when we were considering the Dirksen substitute—I think, with all due respect and full respect for his feeling on the other side, the real nubbin of the case which has to be put before the Congress is contained in the intervention amendment. If I am given the opportunity to vote, I shall support the Senator from Michigan, gladly, in his proposal to include part III.

However, I think, from the point of view of the judgment of the Senate, we have, in a sense, passed by that point. We are now coming to the end of what has been a very long and arduous debate. I think we now face, in this intervention issue, the key question whether we will or will not do anything about school desegregation at the point where it needs help.

Again, I would like to put this question in focus in relation to the amendment by my colleague from New York [Mr. KEATING], which has been disposed of. My colleague from New York had taken a part of the administration's package which was considered modest and mild, which was designed to help school districts which sought desegregation where the State consented or needed help, or in cases where the State had no objection, where the State would say, "We are not going to do anything about it," and leave the United States on its own.

Then we come to the other end of the spectrum, the part III proposition, which I think is a bill which the Senate has already passed over, but which is so important it ought to be raised again. The Senator from Michigan will raise it. I shall support it. But, again, this is not a new concept which we shall face for the first time, or for the last time, in this debate.

But the intervention procedure which I propose, confined as it is to school desegregation cases, does represent a very sharp and clear effort to deal with a specific situation which I think most urgently the Senate should deal with. It will make civil rights legislation really meaningful, instead of something that is fine but nothing that is going to shake the earth, and gives the Senate a legislative plan for doing exactly that which is an established and traditional pattern.

The Attorney General of the United States has for years had the right to intervene in certain constitutional cases, and the courts have given him notice of the cases in which a U.S. statute is brought into question under the Constitution. The Attorney General may then choose to intervene or not to intervene, depending upon his views as to the importance of the case.

I think this is the very least, if we want something that is meaningful, that ought to be done about the school desegregation cases, for reasons which I shall outline. But I emphasize that this presupposes that the Congress desires to do something about the school desegregation situation.

If Congress wishes to avoid it completely, it seems to me this is about the clearest vote which can be cast pro or con upon that subject. I think, also, it is a vote which would be, on the part of those who might not be as thoroughly convinced as I am, the easiest to cast, because it deals only with the question of who shall litigate.

I wish to point out that this is very close to a pattern which the Congress itself has adopted, because that is pretty much what we are doing with respect to voting. We are giving the Attorney General the right to institute litigation in voting rights cases. In this instance we would give the Attorney General the right to intervene in school desegregation cases because there is now a pattern of experience in which it appears those cases are started by individuals. The question is, can the cases be carried on? What would it cost? Can they be carried on effectively?

Therefore, if the Congress agrees to my amendment, in which I have the great honor to be joined by my colleague from Kentucky [Mr. COOPER] and my two colleagues from the other side [Mr. DOUGLAS and Mr. HART], the Congress will be saying, "We want about the same thing done in respect to school desegregation that we did in respect to voting. We are not going to pass a part III, which deals with all civil rights, but we are going to give to the Attorney General certain limited authority in respect to the school desegregation cases, following an established pattern, a legislative scheme, which the Attorney General has followed for years in respect to cases in which the constitutionality of a law of the United States is brought into question."

Mr. JOHNSON of Texas. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield to the majority leader.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 7947) relating to the income tax treatment of nonrefundable capital contributions to Federal National Mortgage Association; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS, Mr. FORAND, Mr. KING of California, Mr. MASON, and Mr. BYRNES of Wisconsin were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 8684) to provide transitional provisions for the income tax treatment of dealer reserve income; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS, Mr. FORAND, Mr. KING of California, Mr. MASON, and Mr. BYRNES of Wisconsin were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 9660) to amend section 6659(b) of the Internal Revenue Code of 1954 with respect to the procedure for assessing certain additions to tax; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS, Mr. FORAND, Mr. KING of California, Mr. MASON, and Mr. BYRNE of Wisconsin were appointed managers on the part of the House at the conference.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, if the Senator from New York will permit me to make an observation, my friends on the other side of the aisle have an engagement this evening. We trust there will be no yea-and-nay votes perhaps between 7:30 and 8:15 or 8:30 tonight, but we expect to stay in session late. I would hope we could work as late as 11 o'clock or midnight, to take care of a number of the amendments which have been offered. We will come in early tomorrow and work late tomorrow night, in the hope that we can make further progress on these amendments which have been submitted.

I thank the Senator.

The PRESIDING OFFICER. The Senator from New York has the floor.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. JAVITS. Mr. President, the next logical question is, Why do we need this specialized power on the part of the Attorney General? I now shall address myself not to those who have the deepest and sincerest views that desegregation of the public schools system is wrong and that the Supreme Court is wrong, but rather I shall address myself to those who are obviously a very decisive majority of this Chamber, who believe the civil rights need to be safeguarded by congressional legislation, and who seek honestly to find areas in which such legislation should be passed.

I say to these Senators the reasons why this kind of an approach is outlined, in essence, are these: There is such a great lack of adequate progress in respect to the implementation of the Supreme Court's decree in regard to school desegregation as to amount to first, a flouting of the law; second, a countenancing of organized opposition to the law, in governmental circles themselves; third, a nullifying of the law, by the cost to the individual litigant of endeavoring to bring about its enforcement; and fourth, a supporting of legislation within the States which is designed to frustrate the enforcement of the civil right which is assured by the decision of the Supreme Court and by the Constitution of the United States.

Mr. President, I should like now to, which is going the other way with for slaughterhouse cases, and dozens of

Mr. President, I should like now to address myself briefly to each of these matters. First, I shall speak as to the pace which has been taken in respect to this matter and the grave inadequacy which it has shown.

Mr. President, there are five States of the United States in which there has been no effort whatever to meet the constitutional requirement for a desegregated public school education system. Indeed, every engine of State action has been directed toward seeing that such is not brought about. This is true in the States of Alabama, Georgia, Louisiana, Mississippi, and South Carolina. Nothing whatever has been done in almost 6 years in those States. It seems to me, Mr. President, that for the United States to stand still and take that situation is shocking to anyone who believes in law and believes in the proper organization of the powers of our Government. Certainly the Senate should be given every opportunity to seek to strike some blow in respect to sustaining the law of this land on the subject, when States not only have not countenanced the suggestion to take any notice of the law but, more than that, have passed laws and organized the whole State machinery to avoid compliance and indeed to say that they will not comply, for all practical purposes.

Mr. President, in six other States compliance has been so minuscule as to amount to almost the same thing. These are the States of Arkansas, Florida, North Carolina, Tennessee, Texas, and Virginia.

I should like to pick out Texas at once, because there more progress has been made than in all the other five States combined. In Texas there has been desegregation of 125 out of 720 biracial school districts, and the total number of Negroes in desegregated schools is 3,300. That does not sound like very many, for a State such as Texas, with millions of people, but, Mr. President, when we note that 4,192 Negroes are the total in desegregated positions in the public schools in all these 6 States and that 3,300 of the 4,192 are in Texas alone, then by comparison Texas looks like a diamond in the face of a lot of rough.

Mr. President, in the total of these 6 States, only 151 out of 1,459 biracial school districts have been desegregated; in other words, about 10 percent. It is extremely significant to note that about 8 percent of the 10 percent are in Texas alone, with 125 out of 151 biracial school districts having been desegregated in Texas alone.

I am indebted to my colleagues, the three members of the Committee on the Judiciary, who sustained an approach of the general character which I am now describing in their separate views published on April 1, 1960, and who point out that the whole rate of desegregation of the public school systems, beginning in 1954, has been going down; indeed, has been on a toboggan.

In 1954 there were 154 districts desegregated; in 1955 there were 297; in 1956 there were 248; in 1957 there were 61; and in 1958 there were only 37. From there on we have the situation which is going the other way with, for example, the persistence in closing the schools in one of the counties of Virginia rather than doing anything about desegregating, even in response to a court order.

If that were not enough, Mr. President, to show that this is not a matter of deliberate speed, but is instead a deliberate slowdown, and that feet are being dragged without the least hope the situation will get better, but, on the contrary, that it will get steadily worse, as it has been getting steadily worse, we have only to look at the enormous complex of laws which have been passed in the States in order to frustrate desegregation of our public schools.

I introduced those in the RECORD, Mr. President, at pages 3634–3646, in a speech which I made on this subject February 27, 1960. Mr. President, those laws occur in practically every one of the Southern States. They are laws in the greatest of detail and complexity.

Mr. President, I refer again to one of the points which our opponents in this matter made very strongly when the civil rights bill first came up to be debated. It was said that we had offered 5½ pounds of amendments. I ask Senators to think of that, Mr. President—5½ pounds of amendments which have been offered to the civil rights bill.

Mr. President, I have had beside my desk compilations made by the Library of Congress in respect to each of the Southern States, headed "Provisions of the Constitution and Statutes of"—naming the State—"Which Deal With Color, Race, Religion, or National Origin, and Which May Have Some Relation to the Problem of Equal Protection of the Laws."

In other words, a whole body of laws has been created to maintain a segregated pattern or a discriminatory pattern absolutely opposed to the Constitution of the United States. The batch weighs 10 pounds and 12 ounces. It seems to me that with half the weight we were trying to assert the Constitution, while with twice the weight every effort was made to hit the Constitution over the head. So I think our record is not bad at all.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. DOUGLAS. Is it not true that of the alleged 5 pounds of amendments which would have strengthened the constitutional rights of American citizens, none were enacted into the bill?

Mr. JAVITS. The Senator is exactly correct; yet every one of the others is a State law designed to frustrate the Constitution.

So much, then, for the enormous complication of laws designed to frustrate what the Supreme Court has decided in terms of the Constitution. I invite the attention of my colleagues again to the often expressed idea that what the Supreme Court has decided is not the law of the land, not what the Constitution says.

When the Supreme Court rendered the famous decisions, from Dred Scott down, including the railroad rate cases, the slaughterhouse cases, and dozens of other cases, our colleagues from the South were the first to be out in front telling us, "This is the law of the land. It must be obeyed. If citizens wish to be true Americans they must recognize that the law of the land is the Constitution as interpreted by the Supreme Court."

What was good then is good now. If Plessy against Ferguson was excellent law, as our colleagues from the South contended, Brown against Board of Education is equally good law, in terms of whether or not it ought to be enforced as the law of the United States.

Mr. DOUGLAS. Mr. President, will the Senator further yield?

Mr. JAVITS. I yield.

Mr. DOUGLAS. Does the very able Senator from New York remember the address which the late Justice John J. Parker delivered before the Association of Patent Lawyers, in which he not only gave the words of the sixth article of the Constitution, that the Constitution was the supreme law of the land, but went on to say that the Supreme Court was the interpreter of the Constitution? Justice Parker was a citizen of North Carolina, a very distinguished jurist, a man who, I am sorry to say, was turned down by the Senate for appointment to the U.S. Supreme Court, in one of the few mistakes that the liberal Members of the Senate have made. Yet here is this man, a very eminent son of the South, saying that the only body which can interpret the Constitution is the Supreme Court.

Mr. JAVITS. I am very grateful to my colleague. Of course he is exactly correct. I am sure that the walls of the old Supreme Court Chamber have rung with denunciation of those who would question the power or authority of the Supreme Court of the United States to tell us what the Constitution means, in terms of what ought to be the supreme law of the land. Yet these walls ring with exactly the contrary doctrine, because it does not suit those who have found the Supreme Court to be the very rampart, because it applies the same mantle of protection to another minority not quite as popular as themselves.

The next point is the question of specific efforts to inhibit litigation in order to carry out the Supreme Court's decree, which requires litigation, according to its own terms. These specific efforts come under the head of antibarratry statutes. Specific laws were passed by the States of Arkansas, Georgia, Mississippi, South Carolina, Tennessee, and West Virginia, laws designed to encumber and hamper the opportunity for the individual litigant to start his litigation, through preventing him from getting anyone's help in doing so.

This imperils the lawyer who is involved, because barratry is a subject for disbarment. It imperils the professional life of any lawyer who undertakes such a case. I think everyone will agree that this is a very lethal kind of statute, yet in State after State—and I have named them—additional encumbrances have been placed around the right of the individual to seek to redress this intolerable injustice to him of being unable to send his child to a desegregated public school. So the antibarratry laws are yet another reason why the Attorney General should have the authority to intervene in such cases.

Finally, there is the question of cost, a very considerable and weighty question. I asked the Federal Commission on Civil Rights to make a study of the cost in cases of this kind. They came forth with an average of $15,000 to $18,000, in this type of case, for the individual litigant; also with a per pupil average of something like $1,000 a pupil, when we consider the broad general average of all the cases.

It was pointed out that in the fundamental cases, such as Brown against Board of Education, the costs run very much higher than the figure I have given, running into the tens of thousands of dollars. In fact, it was estimated that the cost in the celebrated case of Brown against Board of Education was between $50,000 and $100,000. That is absolutely prohibitive. There is a way of denying justice, by the sheer matter of denying the opportunity to the individual litigant because he cannot afford the litigation. This is extremely effective. It results in holding down the number of cases, and therefore results in holding down the progress in asserting the supreme law of the land.

I point out, interesting as it may seem to many, that at the present time there are only 30 cases pending in the Federal courts. With the great number of school districts which have not even given countenance to the decision of the Supreme Court, there are only 30 cases pending in which desegregation in the public school districts is sought.

I think that is an indication of how the antibarratry laws and other laws enacted by the States have operated. There are various discouraging factors, including the expense, laws of opposition, the dragging of feet, and intense local public opinion. All these factors operate to discourage the assertion of this fundamental right.

I predict that if the U.S. Government does not bestir itself about this matter, the whole process will grind to a halt. There will be no place for education. The process will grind to a halt; and the whole design of our Constitution and the determination, in my view, of a great majority of the American people, will have been completely frustrated.

I close on this proposition: This amendment is a reasonable and entirely appropriate, lawful way in which to accomplish a very limited result, by allowing the Attorney General to select those cases which are the most representative, the most illustrative, or the most persuasive, cases which might represent the best prospects, in terms of desegregation of public schools, and allow him to intervene in such cases, following the pattern established in such cases, which raise issues of constitutional law in connection with a particular statute of the United States.

I point out that a new and even more complex effect upon all these issues, and the antibarratry statutes which have been introduced lately into this whole situation, is the decision of the Supreme Court sustaining pupil placement laws on the part of the individual States, which will make the process of litigation infinitely slower, infinitely more complex, and, indeed, infinitely more expensive. Yet the "liberals" are the first to say, "If that is what the Supreme Court thinks is necessary in terms of the particular balance between the States and the Federal Government, we are for it."

But that does not mean that we have to be for it, and tie one hand behind our back and see that the process is made impotent, because we will not allow the United States to participate.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. DOUGLAS. I think the Senator has made it clear by implication, but I wonder if he would not state specifically, that under the agreement which he has given me the honor of cosponsoring, suits would still have to be initiated by the parents of the children in question.

Mr. JAVITS. The Senator is exactly correct.

Mr. DOUGLAS. They would not know that the Attorney General was going to intervene on their behalf.

Mr. JAVITS. The Senator is correct.

Mr. DOUGLAS. This, therefore, would be a tremendous initial discouragement. But the amendment of the Senator from New York would at least permit the Attorney General to come in, as he has said, in those cases in which he thinks the facts and the law are especially strong, so that the parents would not have to bear the full legal expense and burden of the suit. Is that true?

Mr. JAVITS. That is absoluely correct.

I point out that one objection that has been made to part III is that the Attorney General could range up and down the South starting litigation after litigation, notwithstanding the fact that his opponent in those cases would be a sovereign State, with all the machinery available to a sovereign State.

We say, "All right. However, we should at least give the Attorney General authority to go into selected cases where he can do the most good and set an important precedent and work out the situation."

Mr. BUSH. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. BUSH. The point is that this amendment would not compel the Attorney General to go into every case, but would authorize him to go into such cases as he thought might be key cases or important cases, and bring about the eventual result.

Mr. JAVITS. That is exactly right.

Mr. BUSH. There is no compulsion for him to take every case that is filed.

Mr. JAVITS. That is exactly right. It is exactly analogous to the authority which is given him to intervene in cases in which the constitutionality of statutes is brought into question.

I close by reading a part of the decision in United States against Raines, and I shall also refer to another decision, both of which I believe go to the real heart of the matter. In United States against Raines the Supreme Court fully sustained the authority of the United States to bring an action in support of private constitutional rights. Indeed, I inserted in the RECORD, on February 27, about 50 statutes in which the Attorney General is given just such authority. The U.S. Supreme Court in the case of United States against Raines, a voting-right case, held:

> It is urged that it is beyond the power of Congress to authorize the United States to bring this action in support of private constitutional rights. But there is the highest public interest in the due observance of all the constitutional guarantees, including those that bear the most directly on private rights, and we think it perfectly competent for Congress to authorize the United States to be the guardian of that public interest in a suit for injunctive relief.

That excerpt is taken from page 9 of the decision in *United States* v. *Raines* (No. 64), decided on February 29, 1960.

I do not think anything could be clearer in terms of this grant of authority to the United States.

I should like to close on this one note. It is my deeply considered judgment that to rate the title of a meaningful civil rights bill, the pending bill should at the very least do something about the desegregation of the public schools. Other than that, Mr. President, I will simply vote for it. It is a nice thing to try to help voting rights, and to enact a few other provisions, such as with respect to bombings. However, it does not begin to do the things that need to be done in respect of asserting the civil rights of American citizens.

It seems to me that at a time like this, with the grave danger in our own South of anarchical conditions in certain areas, whether based upon sit-ins, or whatever may occur tomorrow, at a time of racial tension which has produced the horror and bloodshed in the Union of South Africa, we cannot do other than rise to the occasion and endeavor to give reasonable satisfaction to people who have such deep complaints.

How can we say we are rising to the occasion if we do not do something at least about the fundamental and much-argued point of the right to have one's children in dignity attend a desegregated public school?

Mr. President, I cannot see it. To those who assert that such an effort interferes with States rights, the States should determine these things for themselves, and should determine what they are going to do, and when and how they are going to do it. I say that they should read the opinion of the U.S. Supreme Court in the case of Massachusetts against Mellon, a 1922 case, at page 484, U.S. 262, in which the Court said that we are not only citizens of a State but we are also citizens of the United States, and that no State may interpose itself between those duties and responsibilities and rights of individual citizens to which

the United States has as much right of access as does the individual State.

The Court in that case stated:

But the citizens of Massachusetts are also citizens of the United States. It cannot be conceded that a State, as parens patriae, may institute judicial proceedings to protect citizens of the United States from the operation of the statutes thereof. While the State, under some circumstances, may sue in that capacity for the protection of its citizens (*Missouri v. Illinois* (180 U.S. 208, 241)), it is no part of its duty or power to enforce their rights in respect of their relations with the Federal Government. In that field it is the United States, and not the State, which represents them as parens patriae, when such representation becomes appropriate; and to the former, and not to the latter, they must look for such protective measures as flow from that status.

Mr. President, it seems to me that endemic to this whole problem is the situation in the world today, and that we must recognize the fact that tremendous forces are shaking the world today; therefore it is our duty to see to it that these forces are given some attention and are given some justice, if we expect them to conform to justice. Furthermore, we must not in the United States fail to recognize the fact that hundreds of thousands of men died to assert it, in the Civil War, in World War I, and in World War II, and in other wars. Are we just to disregard it?

It seems to me that the Supreme Court makes it very clear that we are not to do that. I hope that a majority of my colleagues will feel with me that if we are to do something meaningful about civil rights, action is called for; and to do something meaningful about it, we must do something about public school desegregation. I believe the amendment gives us the minimum that we ought to do on that subject.

Mr. DIRKSEN. Mr. President, I yield 10 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, I am a cosponsor of the pending amendment, which the senior Senator from New York has so ably discussed. Since the enactment of the 1957 Civil Rights Act, I have given a great deal of thought to the kind of amendment which would go precisely and directly to the congressional responsibility of enforcing the Brown decision.

As I said earlier today, the Congress has two responsibilities with respect to civil rights. One lies in its duty to enact legislation for the enforcement of the Constitution. The last clause, section 5, of the 14th amendment, provides that "the Congress shall have the power to enforce, by appropriate legislation the provisions of this article."

I know the issue of school desegregation is a grave question. I felt the difficulties of this issue during the debate on the subject in 1957, when the civil rights bill was before the Senate. I know it now because I have listened carefully to the speeches against all measures dealing with school desegregation which have been made during the current debate.

In my State—Kentucky—a border State, we have the opportunity to learn the viewpoint of the people who live in the North and those who live in the South. We have been fortunate in my State, for after the Brown decision—yes, even before the Brown decision was rendered—the school authorities of Kentucky and the leaders of our State had already begun to work toward school integration, first in the colleges, and, when the Brown decision was rendered, in the public elementary schools of Kentucky.

I recognize that school desegregation problems in my State are not as complex as in the Southern States. I understand that. I have said many times that I could not say perfectly what my views on civil rights would have been if I had not been born in Kentucky, and had not lived there. I want to believe, I do believe, that they would have been the same as they are today; but I cannot say.

Our country and the Congress must come to grips with this question of school desegregation. The Supreme Court, in the case of Brown against Board of Education, decided that segregation in the public school of a State on the basis of race denies to Negro children the equal protection of the laws guaranteed by the 14th amendment. The Supreme Court, in passing upon that issue, understood that time would be required to secure consent and acceptance, and even enforcement, of its decision. Justice Frankfurter said, in the case of Cooper against Aaron, which grew out of the Little Rock crisis:

The duty to abstain from resistance to law, even the "Supreme Law of the Land," does not require immediate approval of it, nor does it deny the right of dissent. Criticism need not be stilled. Active obstruction or defiance is barred.

In the Brown case decision, and in the decisions rendered by the Supreme Court since, the Court has recognized that local habits and customs, and differing circumstances, permit different desegregation plans. The Brown case speaks of "deliberate speed," and we find such phrases as "only the constructive use of time will achieve what an advanced civilization demands and the Constitution confirms."

The country and the Congress has hoped that compliance would go forward in the States, through local school board plans, as prescribed by the Court in the Brown case. The most hopeful development, of course, would have been action in the Southern States to comply with the law. A certain source of enforcement has been found in the courts when cases have been brought before them. The southern courts have made a magnificent record in upholding the law on school desegregation.

But finally, if there is no compliance, we come to the ultimate question; that is, if consent cannot be obtained, in time, to the law of the land, what then is the duty of Congress? What is the duty of the Government of the United States?

Our crisis, as I see it, is a constitutional one. Shall the principle of the equal protection of the laws, which is guaranteed by the Constitution in its 14th amendment—that is, in this case that children shall not be discriminated against in their right to enter public schools—be flouted? The law is being ignored—flouted. An attempt was made in Little Rock against the action of the school board. It is occurring in other States, where no action has been taken toward desegregation.

So finally, the question must come back to the Congress of the United States—Will the Congress fulfill its duty under the 14th amendment? I believe the amendment which we have offered is a precise amendment, one which goes directly to the issue at stake: that of our duty to enforce.

In 1957 we provided a stronger remedy in the case of voting rights by permitting the Attorney General of the United States to institute a suit in the name of the United States for persons whose right to vote had been denied by reason of race or color.

The remedy which we offer in this amendment is not as strong as that provided in the voting rights amendment, but it would enable the Attorney General, in select cases, in typical cases in areas where the law of the land will not be followed, to intervene on behalf of those who are not able to prosecute their rights. I believe that it is a remedy which would be used wisely by the Attorney General, which would not be used to the extreme, and one which would enable Congress to fulfill its duties under the Constitution.

I said earlier today, when I spoke on the Keating amendment, and I say again, that I do not agree with the statements made by many Senators during this debate that it will be sufficient to pass a voting rights bill and nothing else. I believe the bill we will pass will strengthen voting rights; I have no doubt about that. Theoretically and in an abstract way it can be said that if a person can vote, it is possible to correct the injustices and inequities which may attach to his position, and that it is possible to eliminate the inequities in our national life. In time, this is theoretically and ideally possible.

But, practically speaking, I know that the great body of Negro citizens in my State, and in the South, prior to the War Between the States, did not have opportunities for education. Then after the War Between the States, and until the recent Court decisions, with certain exceptional circumstances, they were not yet accorded the opportunities for the kind of education which I have had, and which thousands of other white persons throughout the country have enjoyed. Voting rights, important as they are, are not enough. There is needed means to give these people the chance through education to catch up with the lost years and to attain not only political voting equality, but also an equality of opportunity which education, equal education, affords.

I do not think I shall speak again during the civil rights debate. I shall close by saying that I feel very strongly that we must support the right—the right of equality in education. It seems to me that the amendment we have offered will be the only means we shall have to do so during this debate on civil rights.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. JAVITS. I congratulate the Senator from Kentucky, who comes from a border State, on his position. He does not always take a position like my own on civil rights, but essentially he has the deep conviction, which I think comes from his reason, that to sustain the power of law rather than to let lawless elements, on whichever side, take over, is the right way to proceed. The Senator from Kentucky has made an address today which is so much in character that I think it should be deeply gratifying, not only to his colleagues, but to all other Americans. I am very grateful to the Senator.

Mr. COOPER. I thank the Senator from New York. What we have to meet is a constitutional crisis. Also we face an ethical crisis. It is whether we really believe in the human dignity of all the people of our land.

Mr. DIRKSEN. Mr. President, I yield 10 minutes to the Senator from Michigan [Mr. McNAMARA.]

Mr. McNAMARA. Mr. President, on behalf of myself, my colleague [Mr. HART], and the Senator from Pennsylvania [Mr. CLARK], I call up my amendment which is designated "4-1-60—G," and ask that it be stated; and I offer it as a substitute for the pending Javits amendment.

The PRESIDING OFFICER (Mr. GORE in the chair.) The amendment in the nature of a substitute for the Keating amendment will be stated.

The LEGISLATIVE CLERK. In lieu of the Keating amendment, it is proposed to insert:

TITLE VII

Equal protection of the laws

SEC. 701. (a)(1) Whenever the Attorney General receives a signed complaint that any person or group of persons is being deprived of, or is being threatened with the loss of, the right to the equal protection of the laws by reason of race, color, religion, or national origin and whenever the Attorney General certifies that, in his judgment, such person or group of persons is unable for any reason to seek effective legal protection for the right to the equal protection of the laws, the Attorney General is authorized to institute for or in the name of the United States a civil action or other proceeding for preventive relief, including an application for an injunction or other order, against any individual or individuals who, under color of any statute, ordinance, regulation, custom, or usage, of any State or territory or subdivision or instrumentality thereof, deprives or threatens to deprive such person or group of persons of the right to equal protection of the laws by reason of race, color, religion, or national origin and against any individual or individuals acting in concert with them.

(2) A person or group of persons shall be deemed unable to seek effective legal protection for the right to the equal protection of the laws within the meaning of paragraph (1) not only when such person or group of persons is financially unable to bear the expenses of the litigation, but also when there is reason to believe that the institution of such litigation would jeopardize the employment or other economic activity of, or might result in physical harm or economic damage to, such person or group of persons or their families.

(b) The Attorney General is authorized to institute for or in the name of the United States a civil action or other proceeding for preventive relief, including an application for injunction or other order, (1) against any person or persons preventing or hindering, or threatening to prevent or hinder, or conspiring to prevent or hinder, any Federal, State, or local official from according any person or group of persons the right to the equal protection of the laws without regard to race, color, religion, or national origin, or (2) against any person or persons preventing or hindering, or threatening to prevent or hinder, or conspiring to prevent or hinder the execution of any court order protecting the right to the equal protection of the laws without regard to race, color, religion, or national origin.

(c) The Attorney General is authorized, upon receipt of a signed complaint, to institute for or in the name of the United States, a civil action or other proceeding for preventive relief, including an application for injunction or other order, against any individual or individuals who, under color of any statute, ordinance, regulation, custom, or usage, of any State or territory or subdivision or instrumentality thereof, deprives or threatens to deprive any person or group of persons or association of persons of any right guaranteed by the fourteenth amendment of the Constitution because such person or group of persons or association of persons has opposed or opposes the denial of the equal protection of the laws to others because of race, color, religion, or national origin.

On page 21, line 13, strike out "VII" and insert "VIII".

On page 21, line 15, strike out "701" and insert "801".

Mr. McNAMARA. Mr. President, this amendment is no stranger to the Senate, and thus it does not need a lengthy description. It is the so-called part III amendment, which got its name in 1957 when it was part III of the civil rights bill we were then considering.

As my colleagues know, it was stricken from the bill in that year by a vote of 52 to 38, as one of a series of maneuvers which left that bill a pallid imitation of civil rights legislation.

Since that time it has become something of an old friend to many of us in the Senate—an old friend who has not yet quite been accepted into the club. We keep bringing him around and introducing him; but, up to now, he has been blackballed each time.

The latest effort to give part III the respectability of adoption was made on March 10, when it was presented as an amendment to the then-pending bill. On a motion to table by the majority leader it was again snubbed by a vote of 55 to 38.

Mr. President, those of us who are genuinely friendly to part III have not been crushed by these blows. Rather, they have made us more determined than ever to make part III a part of the law of the land; and I am hopeful that it will be presented to the Senate at every opportunity.

This determination is based on the confident assumption that no civil rights legislation worthy of the name would be complete without provisions similar to those contained in part III.

Despite the defeats of the past, I predict that justice eventually will triumph, and that, indeed, the provisions of part III will someday be written into law.

The contents of the so-called part III amendment are by this time well known to my colleagues.

In effect, it permits the Attorney General of the United States to initiate civil action in Federal courts when there is ample reason for him to believe that a person or persons have been deprived of equal protection of the law by reason of race, color, religion, or national origin. Furthermore, it would permit such action by the Attorney General against anyone who interferes with the execution of court orders in these cases. And, finally, it would help protect those who seek to help their fellow citizens gain their right to equal protection of laws.

The justification for this amendment is that in some areas the entire power of the State is pitted against the Negro who seeks to assert his rights through court action.

Furthermore, at least five States have adopted so-called antibarratry laws, which make it a crime for someone other than a member of the immediate family to financially assist in a legal proceeding.

At best, this is uneven justice. But the practical effect is to throw roadblock after roadblock in the path of those who are simply seeking protection of their constitutional rights.

The adoption of the part III amendment would even the odds, and would provide real progress in the attainment of civil rights protection.

Mr. President, I send to the desk a more detailed summary of the amendment. The summary was prepared by one of the members of my staff, and I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A PART III-TYPE AMENDMENT TO THE PENDING CIVIL RIGHTS BILL

The contents of the amendment: It (a) would authorize the Attorney General, upon written complaint, to start, in the name of the United States, a civil action (including application for injunctive or other preventive relief) against any individual (or individuals) who deprives a person (or persons) of his right to equal protection of the laws by reason of the person's race, color, religion, or national origin, if such a person is unable, for any reason, to seek effective legal protection; it (b) would authorize the Attorney General to bring, in the name of the United States, a civil action (including application for injunctive or other preventive relief) against any person hindering any Federal, State, or local official in according any person (or persons) the right of equal protection of the laws, or interfering with the execution of any court order relating thereto; it (c) would authorize the Attorney General, upon written complaint, to start, in the name of the United States, a civil action (including an application for injunctive or other preventive relief) against any individual (or individuals) who deprives any person (or persons) of any right guaranteed to him by the 14th amendment because such person (or persons) has opposed the denial of equal protection of laws to others because of race, color, religion, or national origin.

The scope of the amendment: It would authorize the Attorney General to intervene in all cases where denial of equal protection of laws is alleged—school cases, cases dealing with tax-supported beaches, golf courses, parks; cases dealing with public accommodations such as restaurants, buses, trolleys, trains; voting right denials; exclusions from juries; unfair trial procedures, etc.

The justification of the amendment is that, in Southern States, the whole power of the State is pitted against Negro litigants trying to assert their rights in and through the courts. Elementary fairness would require that the litigant be helped by some commensurate power. In the absence of a right on the part of the U.S. Attorney General to take up the case of a litigant, the litigant (and his friends) has to bear the whole burden (financial and other) of suing his State. The financial burden alone is considerable, as most civil rights cases are appealed all the way to the Supreme Court. What's more, at least five Southern States (Arkansas, Georgia, Mississippi, South Carolina, and Virginia) have enacted so-called antibarratry statutes which make it a penal offense for a person other than a member of the immediate family of the litigant to assist financially in the carrying on of a legal proceeding.

The precedents for authorizing officers of the Federal Government to seek injunctive relief on behalf of individuals may be found in some 50 Federal statutes, including the Labor-Management Reporting and Disclosure Act of 1959.

Mr. DIRKSEN. Mr. President, if the Senator from Michigan has concluded his remarks, I shall move that the pending amendment be laid on the table.

Mr. JAVITS. First, will the Senator from Illinois permit me, at a time when more Senators are in the Chamber, to request that if a motion to lay on the table is rejected, there be a separate vote on my amendment?

Mr. DIRKSEN. Very well; I withhold my motion.

Mr. CLARK. Mr. President, will the Senator from Illinois yield 5 minutes to me?

Mr. DIRKSEN. I yield 5 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 5 minutes.

Mr. CLARK. Mr. President, I am under no illusion as to what will happen to the amendment submitted by my good friend, the Senator from Michigan [Mr. McNAMARA]. But before we are again snowed under by the forces in control of the Senate, on both sides of the aisle, I think it worthwhile to say just a few words about this particular amendment.

This amendment—which in a short time will be voted down by a bipartisan coalition—is really the heart of any meaningful civil rights bill. In essence, the amendment is part 3 of the Civil Rights Act of 1957, as it passed the House of Representatives that year, with the support of the President of the United States and the Attorney General of the United States. When the bill came to this body from the House of Representatives, there was, however, a sudden change of mind on the part of the Eisenhower administration. What caused that, I do not know, since I am not—and never have been—in the councils of that administration. But, as the saying is, the administration "pulled the rug out from under" its own recommendation, in the form in which it had passed the House of Representatives.

So this part 3 amendment was defeated when it got to the Senate, 3 years ago.

This provision, to permit the Attorney General to assist citizens of the United States to obtain the equal protection of the laws to which the Constitution entitles them, is—as I have already said—not only the heart of a meaningful civil rights bill, but it is the one most ardently desired by citizens across the country who are interested in protecting civil rights.

I think the vote by which this amendment will shortly be defeated will be some measure of the desperation which is presently felt by those of us who fondly hoped to get a meaningful civil rights bill enacted into law earlier this year. What has happened to the conscience of America, I do not know. What has happened to the conscience of the Senate, I do not know. However, the effect of the defeat of this amendment 3 years ago, and again today, on the foreign policy of the United States can fairly well be surmised. Of course the effect is not catastrophic, but it is serious, substantial, and adverse.

I hope I shall live to see the day when the bipartisan coalition which does not wish to have a meaningful civil rights bill enacted into law, and which controls the situation in the House and in the Senate—where, as I said last week, we operate under the shadow of obsolete and outmoded rules—can be defeated. All I know is that that day will come, and I hope it will come sooner than many persons think.

Mr. President, I shall not describe this amendment in detail, or even argue briefly the reasons why it is so important to the future of America, to the future of giving all our citizens, regardless of race or color, the equal protection of the laws to which they are entitled.

I shall only say that this is a sad day for the Senate and it is a sad day for the entire Congress. It is a sad day because it is now abundantly apparent that we are not going to pass a civil rights bill that will do much of any good to disfranchised American citizens. This is too bad; but we live in a practical world, and eventually the time comes when we must take our licking and subside.

I suspect that time has now come for the Senator from Pennsylvania, both Senators from Michigan [Mr. McNAMARA and Mr. HART], also my good friend from New York [Mr. JAVITS], and my friend from Illinois [Mr. DOUGLAS], whom I see on the floor to cease our talk and take our licking.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CLARK. I am glad to yield.

Mr. JAVITS. I wanted to apprise the Senator of the parliamentary situation, which is that there is at the desk an amendment sponsored by four Senators, with regard to intervention in school desegregation cases, as well as the part III amendment.

The PRESIDING OFFICER. Does the Senator from Illinois [Mr. DIRKSEN] yield?

Mr. DIRKSEN. Mr. President, I yield 2 additional minutes to the Senator.

Mr. JAVITS. I am especially impressed by the Senator's argument on the question of conscience. I think the Senator from Pennsylvania has struck exactly the right note. I tried to say it in a much longer speech than that of the Senator from Pennsylvania. What has happened to the conscience of the Senate? What has happened to the conscience of the country?

I should like to ask the Senator if he does not feel, as I do, sitting, as we are, on the simmering coals, that there are involved acts dangerous to the public order in our own country, and that we have to do something which gives some voice to this tremendous feeling, and make an effort, at least, of measuring up to our elementary responsibilities as legislators and try to head off the need for police action, and not to invite it?

Mr. CLARK. I could not agree more with the Senator. We in this distinguished body live in a sort of odd dream world, surrounded by flattery, remote from reality. The political lag in this body which the progress of this bill through the Senate has made abundantly clear, across the free world, is something which, in my judgment, should frighten us. It does not frighten enough of us, and until it does, I fear for the future of the country.

Mr. President, I yield the floor.

Mr. DIRKSEN. Mr. President, I yield 1 minute to the Senator from Michigan [Mr. HART].

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. HART. Mr. President, I might suggest that one reason why the voice of the people of America may not be raised in support of this effort, the question now asked by implication by the senior Senator from Pennsylvania, is the fact that most Americans believe that the law of the land today, and from the day this Nation was founded, is such that an American who is deprived of the constitutional guarantees does not have to buy a lawsuit, and that the Government is here to protect him.

I think that what has been here described as an extreme demand on the part of those of us who ask for adoption of part III is not regarded by Americans as an extreme demand at all. I think they believe that the law of the land assures the people of this Nation that the Department of Justice will intervene for an American deprived of his constitutional rights. It happens that the voting section alone does not accomplish it.

Mr. DIRKSEN. Mr. President, I move to table the Javits-Hart-Cooper-Douglas amendment, and all amendments thereto.

Mr. JAVITS. Mr. President, I ask unanimous consent that——

The PRESIDING OFFICER. The question is not debatable.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOUGLAS. Am I to understand the motion to table, made by the junior Senator from Illinois, is directed both against the Javits amendment and the amendment thereto by the senior Senator from Michigan [Mr. McNAMARA]?

The PRESIDING OFFICER. The Chair understands that is correct. The motion to table is to the amendment and to all amendments thereto.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may yield for a parliamentary inquiry, without losing the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

Mr. JAVITS. Mr. President, I make this parliamentary inquiry. Is it a fact that if the motion to table is rejected, the vote will then occur separately upon the McNamara, the so-called part III, amendment, and the amendment offered by me, for myself and several of my colleagues, the so-called intervention amendment?

The PRESIDING OFFICER. That will be the parliamentary order.

Mr. DOUGLAS. Mr. President, I ask for the yeas and nays.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I ask for the yeas and nays on the motion to table.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Illinois [Mr. DIRKSEN] to lay on the table the amendment offered by the Senator from New York for himself and other Senators. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. Mr. President, I announce that the Senator from Minnesota [Mr. McCARTHY], the Senator from Oregon [Mr. MORSE], the Senator from Utah [Mr. Moss], the Senator from Maine [Mr. MUSKIE] are all absent on official business.

The Senator from Connecticut [Mr. DODD] is absent because of illness.

The Senator from Massachusetts [Mr. KENNEDY], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Wisconsin [Mr. PROXMIRE] are necessarily absent.

I further announce that if present and voting, the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Minnesota [Mr. McCARTHY], the Senator from Oregon [Mr. MORSE], the Senator from Utah [Mr. Moss], the Senator from Maine [Mr. MUSKIE], and the Senator from Wisconsin [Mr. PROXMIRE] would all vote "nay."

On this vote the Senator from Connecticut [Mr. DODD] is paired with the Senator from Wyoming [Mr. O'MAHONEY]. If present and voting the Senator from Connecticut would vote "nay" and the Senator from Wyoming would vote "yea."

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. BRIDGES] is necessarily absent.

The result was announced—yeas 56, nays 34, as follows:

[No. 149]

YEAS—56

Aiken	Frear	Monroney
Anderson	Fulbright	Morton
Bennett	Goldwater	Mundt
Bible	Gore	Murray
Brunsdale	Hayden	Prouty
Butler	Hickenlooper	Robertson
Byrd, Va.	Hill	Russell
Byrd, W. Va.	Holland	Saltonstall
Capehart	Hruska	Schoeppel
Carlson	Johnson, Tex.	Smathers
Case, S. Dak.	Johnston, S.C.	Sparkman
Chavez	Jordan	Stennis
Cotton	Kefauver	Talmadge
Curtis	Kerr	Thurmond
Dirksen	Long, La.	Wiley
Dworshak	McClellan	Williams, Del.
Eastland	McGee	Yarborough
Ellender	Mansfield	Young, N. Dak.
Ervin	Martin	

NAYS—34

Allott	Fong	Luak
Bartlett	Green	McNamara
Beall	Gruening	Magnuson
Bush	Hart	Pastore
Cannon	Hartke	Randolph
Carroll	Hennings	Scott
Case, N.J.	Jackson	Smith
Church	Javits	Symington
Clark	Keating	Williams, N.J.
Cooper	Kuchel	Young, Ohio
Douglas	Lausche	
Engle	Long, Hawaii	

NOT VOTING—10

Bridges	McCarthy	O'Mahoney
Dodd	Morse	Proxmire
Humphrey	Moss	
Kennedy	Muskie	

So the amendment offered by Mr. JAVITS for himself and other Senators was laid on the table.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to reconsider was laid on the table.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HART. Mr. President, I offer the amendment which I send to the desk and ask to have stated. It is designated "4–1–60—B."

The PRESIDING OFFICER. The amendment offered by the Senator from Michigan will be stated.

The LEGISLATIVE CLERK. On page 16, line 7, after the word "elections" it is proposed to strike out the number "(1)".

On page 16, line 8, after the word "vote", it is proposed to strike out the comma and all that follows down through the word "law" on line 12.

On page 17, line 14, it is proposed to strike out the number "(1)".

On page 17, line 15, after the word "vote" it is proposed to strike out the comma and all that follows down through the word "law" on line 19.

On page 18, line 1, after the word "age", it is proposed to strike out the comma and insert, in lieu thereof, the word "and".

On page 18, line 1, after the word "residence", it is proposed to strike out the comma and all that follows down through the word "vote" on line 2.

Mr. HART. Mr. President, the purpose of this amendment is an attempt to simplify what many of us now fear will be the only voting rights section of the bill. We by no means concede the defeat in advance of the enrollment plan which the distinguished senior Senator from Missouri has pending. But it is our fear that in the event the enrollment approach, the registrar approach, is not added to the bill, the only section which will remain as a whole for the addition of large numbers of Americans to the voting rolls will be the referee plan.

The referee is traditionally a means whereby lawsuits are delayed. Members of the Senate who have practiced law will recall this. If one needs time to prepare a case, find witnesses, or discourage the litigant on the opposite side, it is a delight if one can find a referee.

A referee is a device which is provided in the voting rights section of the bill reported from the Committee on the Judiciary. The amendment I offer would waive, as a requirement of proof before a court or referee, once the Federal court had found a pattern or practice of discrimination to exist in an area, the additional burden upon members of the group discriminated against of going to the local board and again seeking registration.

It is our belief that a difficult course at best is provided by a referee system, but that the difficulty is compounded when it is required that a man or woman——

Mr. CLARK. Mr. President, may we have order?

The PRESIDING OFFICER. The point of order is well taken. Senators will take their seats and refrain from conversation. The Senator will not proceed until the Senate is in order. Senators will desist from conversation. The attachés of the Senate are admonished to be less apparent.

Mr. HART. It is our belief that once a Federal court has made a finding that the deprivation of voting rights is pursuant to a pattern or practice, a member of the group against whom the discrimination runs ought to be required at most thereafter to prove only that he is qualified to vote under State law. We insist that to require additionally that he go to the local registrar and again be registered adds a burden that is unnecessary, and which indeed defeats at best what is the limited basis of the referee approach.

Mr. HENNINGS. Mr. President, will the Senator yield?

Mr. HART. I am glad to yield for the purpose of the question to the Senator from Missouri.

Mr. HENNINGS. I wish to commend the Senator upon his opening remarks. I shall listen to them with great interest. I wonder whether the Senator has read the Wall Street Journal of last Friday, particularly the article on page 1 under the caption "Washington Wire."

Mr. HART. I have not read that article.

Mr. HENNINGS. The article states:

But civil rights drives promise to become election-year perennials in Congress. Backers already plan a 1962 effort. They claim this year's bill will do little in the Deep South.

A major 1962 goal: Administrative, not judicial, protection of Negro voting rights. Critics foresee lengthy court delays under present proposals for court-appointed referees to guard Negro ballot rights.

Mr. HART. I did not read that article. However, it confirms the fact that if we, after much travail, produce less than an effective instrument to deal with the denial to Americans of the right to vote, the cumulative effect will be inevitable that we shall be faced year after year with the necessity of developing a simple and direct operation whereby Americans may obtain the right to vote.

The President's Civil Rights Commission recommended the registrar approach, because it felt that in the face of massive disfranchisement a simple method of massive enfranchisement had to be developed. It is for that reason that so many of us regret that the referee plan only is proposed as a feature of the bill which we have received from the other body.

Mr. HENNINGS. I thank my very able, diligent, and learned friend for yielding to me. I use those adjectives with all the force with which I am capable. The distinguished and able Senator from Michigan has been of the greatest help on the Committee on the Judiciary in trying to bring about an effective bill for this body to consider. He has labored and studied and worked on this subject, and he has done the very best he could to see to it that we produce a bill of which we can be proud and in which we may take satisfaction. I for one wish to commend the Senator for all that he has done and all that he is doing in that connection.

Mr. HART. I appreciate very much the Senator's expression.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. HART. I yield, with the understanding that I do not lose the floor.

Mr. KEATING. The amendment offered by the distinguished Senator from Michigan, if I understand it correctly—and I ask the Senator to correct me if I do not—goes somewhat further than the amendment which was considered in committee. That amendment would have left in the bill two requirements as a prerequisite to the referee plan, by providing that the court would have the power to dispense with the requirement to go back to the State registrar provided the court found it would be a vague or useless act to do so. Am I correct in my understanding?

Mr. HART. Subject to error on the part of my memory, it is my impression that in committee we considered both situations. The Senator from Colorado, as I recall, offered an amendment such as the Senator from New York has just described, permitting the court to waive the requirement of subsequent effort to register locally if the court felt it would be a vain or useless act. The junior Senator from Michigan offered an amendment similar to the one now pending. Both efforts, as I recall, failed in the Committee on the Judiciary.

Mr. KEATING. As the Senator must be abundantly aware, those of us who want a meaningful civil rights bill enacted are in a rather difficult situation. That, I am sure the Senator will agree, is an understatement. I could live very nicely, speaking for myself, with the two provisions that are in the bill, provided there were added to it the language which the Senator says was offered by the distinguished Senator from Colorado. My objective is the same as that of the Senator from Michigan.

After a pattern or practice of discrimination has been found, it would seem to me to be unduly burdensome to ask people to go back to the registrar and ask for the right to vote.

I wonder whether, if we are given the opportunity to meet this situation on its merits—which is perhaps a forlorn hope—rather than being faced with a motion to table, the Senator from Michigan would feel that as a practical matter, perhaps, an approach such as that suggested by the Senator from Colorado might get more votes, despite the apparent attitude here that any amendment is going to be tabled.

Mr. HART. In response, I assume that the distinguished junior Senator from New York shares the understanding, which is now mine, that all amendments which are offered will be subject to a tabling motion, and that it is the intention to dispose of them in this fashion. Therefore the question is, Which of these approaches is more likely to obtain greater support?

Mr. KEATING. Perhaps the most favorable procedure, if we are to be faced with a motion to table, is to vote first on the amendment of the Senator from Michigan; then, if the Senator from Colorado or someone else offers the alternative, I suspect that perhaps the alternative would get a few more votes, although perhaps not enough to be successful.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. HART. I am sorry. I had promised to yield first to the Senator from South Dakota.

Mr. CASE of South Dakota. I desired to raise a somewhat similar question concerning the three parts of the amendment which the Senator from Michigan has offered. As I understand, his amendment would strike out three requirements of the bill as it stands. First, that a person has, since the finding of the court, sought to register; second, the requirement that the person named by the court to report should report that he had made his finding that the effort to register had taken place since the finding of the court; and the final requirement that the affidavit by the applicant himself, under oath, should state that the prior registrar found him otherwise qualified to vote.

Personally, I believe there should be a showing, somewhere, that the person who seeks to register has tried at some time to register and has been a part of a pattern of discrimination.

I should like to vote for the Senator's amendment to strike out the first two requirements insofar as they require the attempt to register take place after the court's finding. I do not see, though, why the person's own statement, under oath, that discrimination existed against him should not be required. That is, I do not see why the person named by the court should come into a picture to accept registration from people who had made no effort otherwise to vote—it seems to me that if the statement under oath is to be accepted as prima facie evidence as to the person's age and residence, he might very well also state that he was one of those who had been a part of the pattern of discrimination.

So I suggest to the able Senator from Michigan that he consider leaving out of his amendment that portion which would strike the language on page 18, which deals only with the affidavit of the applicant himself. I would vote to strike out the portions on pages 16 and 17, which make the applicant state that he had made an effort since the finding by the court and had been thereupon deprived of the right to vote. But I should like to retain the requirement that there be some record that the individual himself was the victim of discrimination. That could be provided by affidavit.

Mr. HART. The point made by the Senator from South Dakota has appeal. I may say, in reply, that we who feel that the requirement that the citizen need not return to a local registrar to make an effort, and second, need not establish or assert that prior to the court finding he had, in fact, sought to register, believe that the waiver of those two requirements is justified, because of the finding by a Federal court that this individual lived in a region where a pattern, over a period of years, presumably had applied, a pattern which would have discouraged all save the most determined ever to have gone to a local registrar.

Mr. CASE of South Dakota. I appreciate the Senator's statement. If the Senator does not modify his amendment, I shall vote against the motion to table; and if that should not prevail—that is, if the motion to table should not prevail, then I would be inclined to ask for a division of his amendment, so that a separate vote could be had on the third part.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. CARROLL. Will the Senator tell me what his amendment is? Is it an amendment directed to H.R. 8601?

Mr. HART. It has specifically to do with the language on pages 16 and 17.

Mr. CARROLL. The purpose of the amendment, as I understand, is to strike out the words "since such finding by the Court" primarily; is that correct?

Mr. HART. Yes.

Mr. CARROLL. I have heard this colloquy, and I may say to the able junior Senator from New York and the able senior Senator from New York that the Committee on the Judiciary considered this matter. I think a little history should be given of how the words got into the bill. The words were not contained in the original provision which came from the House of Representatives. In the closing days of the debate in the House great pressure was developed, and a circumstance arose which created considerable danger to the passage of any civil rights bill. So under great pressure the Attorney General accepted the words "since such finding by the Court," which drastically changed the whole context of the bill.

The junior Senator from Colorado has spent considerable time working on this very provision. I say to the majority leader and to all other Senators that this amendment of the junior Senator from Michigan is not an amendment proposed merely to provide a voting right. I think it is an amendment which is vital to an effective bill.

But I am also realistic. I do not know whether we can get enough votes for the proposal of the Senator from Michigan. I intend to vote for it. But if the proposal of the Senator from Michigan should fail, I intend to offer my amendment. It is not quite so harsh as the one offered by the junior Senator from Michigan. I say "harsh"; perhaps I should say it is not quite so effective, not quite so good.

My amendment deals with the fundamental principle and proposition of an old equitable maxim used by the courts as recently as the segregation decisions, and which has been applied through centuries by the courts. I intend to offer it, depending on the action on the amendment offered by the able junior Senator from Michigan.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. JAVITS. I think we should not fail to emphasize what happens to a motion to table; and such a motion will be made with respect to the Senator's amendment.

First, this is a critically important amendment. If what is now in the bill is left in the bill, it will even vitiate the meaning of the effort to assure voting rights because, looked at in the climate or in the frame of reference of the findings of the Federal Civil Rights Commission concerning what actually happens in areas where voting rights are denied, and where referees will be employed, it is clear that if it is necessary for an applicant to return to the registrar after the litigation, and a pattern and practice has been found, there will be fewer and fewer takers, even though they are very much entitled to vote.

So it is vitally important to make the bill mean anything, even as to what is left in it, and it is little or nothing with respect to voting rights, to realize that on a motion to table we are not voting on any specific amendment, but on an idea.

If Senators reject the motion to table, they can change the amendment any way they choose. They can take the version of the Senator from Colorado or the version of the Senator from Michigan, or my own version—because I have an amendment printed—or the version of some other Senators. But if the motion to table is agreed to, the matter is virtually dead.

This is a critical amendment. It is one which, in good conscience, so far as doing something really tangible is concerned, and thinking of the matter in the light of all the facts, should not be tabled. We should be able, at least, in this amendment, as in the case of the Kefauver amendment—and this is nothing but the other side of the coin—to show that we are working our will, to show that it is not something which can be voted down, if we are to have an effective voting rights bill.

Mr. HART. I thank the Senator from New York. I think he has given an accurate description of the situation in which we find ourselves.

Mr. CARROLL. Do I correctly understand that the motion to table the pending amendment, the Hart amendment, would preclude other Senators from offering amendments on this issue? I might wish to present my amendment tomorrow.

Mr. JAVITS. Mr. President, will the Senator from Michigan yield again?

Mr. HART. I yield.

Mr. JAVITS. I should like to answer the question. Of course, as a matter of parliamentary procedure the Senator from Colorado could at any time offer the amendment. But if the motion to lay on the table is voted on and is agreed to, the Members will feel they have voted "on this proposition," and therefore it will be very unlikely that a majority will vote in favor of the adoption of some other refinement of the same basic idea, because, generally speaking, a motion to lay on the table is voted on on the basis of a basic idea. But of course the Senator from Colorado can offer his amendment. On the other hand, at this time I wish to point out that if the motion to lay on the table is agreed to, the basic idea in this instance will have been disposed of.

Mr. CARROLL. Mr. President, will the Senator from Michigan yield to me?

Mr. HART. I yield.

Mr. CARROLL. My point is that I do not wish to have the basic idea jeopardized. I do not intend to offer my amendment now, unless I am forced to, because the present psychological situation in the Senate is such—unfortunately—that motions to lay on the table are being made and are being agreed to rapidly.

This amendment is, in my opinion, basic to the bill; and I do not want it to be acted on at a time when the psychological attitude of agreeing to motions to lay on the table is widespread.

This amendment involves a basic issue; and I hope to have it discussed fully tomorrow, or at least until such time as its importance to the bill is fully understood.

Mr. HART. I realize, Mr. President, that in not modifying the amendment which I have offered, I may be playing into the hands of those who would generate the psychology the junior Senator from Colorado fears. But it is my belief that the referee device—and my amendment aims at strengthening it—is necessary, and going into the bill. A strengthening amendment to achieve that must be adopted, before this proposal could be described as a referee proposal, at best; and I believe that if we fail in this effort, subsequent, and less extreme—to use the phrase—efforts, even though agreed upon and adopted, would fail to breathe the breath of life into the referee proposal.

However, if I felt that the atmosphere of the moment were such that, by modifying or withdrawing my amendment—and thus providing an opportunity for the adoption of a less sweeping proposal, a less sweeping amendment would have a better chance of success than has my amendment, I would gladly modify my amendment.

However, I believe we have reached a point where Senators have decided what they want. No punishment is directed at those of us who march out of step with what the majority believe to be in the best interests of the Nation, and we are provided this opportunity tonight to express our views in regard to what is necessary before the voting rights section could be described as a significant advance in the effort to provide greater opportunities for many Americans to exercise the franchise. It is for that reason that I am not willing to modify my proposal.

Mr. CLARK. Mr. President, will the Senator from Michigan yield to me?

Mr. HART. I yield.

Mr. CLARK. I should like to congratulate the Senator from Michigan on his amendment, which goes to the heart of the matter in the way it should be dealt with. Of course I would support any less clear-cut amendment, if that be the alternative to which we must eventually come.

But I hope the Senator from Michigan will not withdraw his amendment, but will press for a vote on it, because I believe he is proposing that the matter be approached in the proper way.

Mr. President, this is a very important amendment to the bill. It is one which all Senators should understand before they determine, as part of the speedup in which we seem to be engaged, that they are going to vote it down because it is "just another amendment" proposed by the junior Senator from Michigan.

I ask the Senator from Michigan: Would not this amendment restore the bill to the condition it was first in when it was sponsored by the administration on the floor of the House of Representatives?

Mr. HART. Subject to a check of the record made in the hearings before the Judiciary Committee, it is my impression that the initial approach or initial recommendation by the administration did not require that an applicant establish that since the court finding of a pattern and practice, he did, in fact, seek to be registered locally.

Mr. CLARK. I am sure the Senator from Michigan is correct.

If he will yield further, let me say that, in effect, the present status of the bill represents a so-called compromise with the southern group on the floor of the House of Representatives, which was somewhat reluctantly entered into by the administration; at least, we were told it was reluctant.

So, Mr. President, if the amendment of the Senator from Michigan is adopted, we shall merely be returning to the language which was in the bill when it first came from the office of the Attorney General.

Let me make just a comment to my friend: If we go to the extent of the language which presently is in the bill, does not the Senator from Michigan

think a serious blow will have been struck at the efficacy of the voting-referee pattern?

Mr. HART. Indeed so; and then a somewhat less-than-strong animal will then have been reduced from four legs to two legs, I would say.

Mr. CLARK. Or, to state the matter in another way, a weakling will have been rendered impotent.

Mr. President, I ask that I may continue for 3 or 4 minutes to discuss this vitally important amendment with my friend, the Senator from Michigan.

Mr. HART. Mr. President, I ask unanimous consent that the Senator from Pennsylvania may proceed for 4 minutes, without causing me to lose the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none. Without objection, it is so ordered.

Mr. CLARK. I should like to call attention to page 61 of the report of the Civil Rights Commission. At that point, the report deals with conditions in Forrest County, Miss. I ask the Senator from Michigan whether he thinks the facts brought out in the report of the Civil Rights Commission with respect to Forrest County, Miss., make it abundantly clear that this provision of the bill, as it presently stands—which would be changed by the amendment of the Senator from Michigan—is an unwise and unnecessary one.

I read the following from the report of the Commission, on page 61:

> Forrest County (29 percent Negro; 7,406 voting-age Negroes; 16 registered):
>
> Forrest County, which has produced numerous voting complaints, has a relatively low Negro concentration, conspicuously high educational level, and significantly high average income level. The registrar who served for many years until his recent death was a stanch advocate of white supremacy and steadfastly refused to register Negroes.
>
> One Negro tried 16 times to register—twice a year for 8 years. Each time the registrar simply told him that he could not register. On the last occasion the citizen asked if there was any reason for this refusal. The registrar replied that there was no reason.
>
> Another citizen, a minister with two degrees from Columbia University, and a former registered voter in Lauderdale County, Miss. (1952–57) and in New York City (1945–48), attempted twice to register in Forrest County. The second time the citizen admitted he was a member of the National Association for the Advancement of Colored People. The clerk insisted that this was a communistic organization and said that the witness was "probably one of them." "That means you are not going to register me," said the witness. "You are correct," replied the clerk.
>
> Others stated that they had repeatedly tried separately and in groups to register, but that the registrar absented himself to avoid seeing them. Evasive answers were given by the registrar's employees as to the whereabouts of the registrar. One witness was told to "register at the YMCA."
>
> While waiting for the registrar to return to his office, one Negro observed two white women being registered without question by the clerk who just previously had denied that she had the authority to register applicants.
>
> Another Negro when attempting to register was asked a variety of questions, including such things as "What is meant by due process of law?" "What is class assessment of land?" The registrar was not satisfied with the answers.

In light of that testimony before an official governmental organization and in light of the fact that before any Negro in Forrest County, Miss., could get any of the benefits of this bill, not only would it have been necessary for some of that Negro's friends or other Negroes from that State to have proved that they had been denied the right to register and to vote, but, in addition, the Federal judge would have had to make a finding of a pattern or practice of discrimination with respect to all the Negroes in Forrest County. I ask the Senator from Michigan what good would be done by requiring that all those persons return to the same registrar or to a registrar like him, and, for the second time, be told that their constitutional rights under the 15th amendment would be denied them?

I wonder if my friend will not agree that if we are to keep this provision in the bill, while it may be pretty good, there is nothing in the voting referee proposal that is going to help many Negroes in Forrest County, Miss., or anywhere else, to achieve their rights as first-class citizens of the United States secured to them by the 15th amendment.

Mr. HART. I think it might be fair to say that to retain the requirement that the Negro must go to the local board, after the court first found a pattern to exist, means we propose that the burden of proof of establishing the pattern no longer exists must be borne by the Negro; he who for generations has found it does, must prove it does not.

Mr. CLARK. I thank the Senator.

I apologize to my friend from Illinois [Mr. DIRKSEN] for delaying so long the vote to lay on the table.

Mr. DIRKSEN. There is no need to apologize.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. GRUENING. I should like to ask the junior Senator from Michigan whether the colloquy which took place in the Judiciary Committee hearings—as reported on page 94—is still pertinent to the bill as it now is. The Senator from Michigan asked Mr. Walsh:

> I just wondered if the Department of Justice would give us an estimate of the number of people to be added to the election rolls if the referee section is included in any bill.

Mr. Walsh began to answer, but he got only as far as the word "Senator." Then the chairman of the committee, the distinguished Senator from Mississippi [Mr. EASTLAND], answered. He said:

> I can answer that. Very few.

Does that situation still obtain as the bill now is?

Mr. HART. Indeed. I think the junior Senator from Michigan and the senior Senator from Mississippi, the distinguished chairman of the Judiciary Committee, share the view that very few would be added to the rolls if the only device that is made available to them is the referee proposal, especially if it includes the requirement that they make repeated visits to the registrar even after the court has made this finding.

Mr. GRUENING. Does the Senator think that there is a better authority in the Senate than the chairman of the Judiciary Committee on the result of the legislation as it now is?

Mr. HART. Feeling so strongly that the bill itself will produce very few new voters, I am reluctant to admit that even the chairman of the committee could entertain a stronger view than the one I hold. But I repeat, his belief that very few would be added is shared by me. What is being done in the Senate is to set up an elaborate pattern of court procedure that would please a law professor and intrigue a student of the law, much as Rube Goldberg devices intrigue amateur engineers, but the net result which we should be seeking, namely, how can we get on the rolls a lot of people that the Civil Rights Commission reports to us are not on the rolls, is lost sight of. We are making available a good lawsuit for anybody who wants to buy it, but we are scarcely adding many to the rolls.

Mr. GRUENING. Would the junior Senator from Michigan then not agree that if the senior Senator from Mississippi, chairman of the Judiciary Committee, who is opposed to all civil rights legislation, and the junior Senator from Michigan, who would like some form of meaningful voting bill, which is all that is left to the Congress to achieve, are in agreement, we would be justified in concluding that this is not a meaningful bill, that it will serve the purposes of those who do not want to see voting rights secured, and that it will be difficult for those of us who would like to see at least voting rights secured to support this measure?

Mr. HART. I think the Senator from Alaska has stated the concern of those of us who feel there should be a meaningful civil rights bill with respect to supporting this bill, if my amendment, or the amendment which the Senator from Missouri [Mr. HENNINGS] will offer, is not adopted. Does not honesty compel us to say that the distinguished chairman of the Judiciary Committee has said that a few new voters may result——

Mr. GRUENING. He said, "very few."

Mr. HART. One could vote for this bill on the basis that at least a very few will be added. One could vote against it on the theory that if we repeat what occurred in 1957 and, with great fanfare, announced that a civil rights advance had been made, and then 3 years later, are faced with a fact which is predicted by both extremes, namely, that only a very few will be added to the rolls as a result of the 1960 action, then those of us who feel strongly that we should have a meaningful bill could very well vote against this bill, reasoning that public opinion will form more strongly behind those who insist we should do something significant.

Mr. GRUENING. Does not the Senator from Michigan think—and I judge he does, from his amendment—if we could adopt a slight, moderate amendment, merely to obviate the necessity for the poor colored voter, who has been discriminated against consistently, who has been intimidated, and may be again, who has been denied the right to vote in an area where discrimination has been found to exist by the court, to be obligated to go back again before the officials who had discriminated against him, it would improve the bill and make it possible for those of us who are more than somewhat doubtful as to the meaningfulness of this bill to support it?

Mr. HART. Of course, I do entertain that belief. That is why I proposed my amendment.

Mr. HENNINGS. Mr. President, will the Senator yield?

Mr. HART. Yes, I yield to the Senator from Missouri.

Mr. HENNINGS. The Senator is, of course, familiar, is he not, with the pronouncements of an eminent chief justice of the State of New Jersey, Chief Justice Vanderbilt, as well as the great Oliver Wendell Holmes, relating to their opinions as to the system of reference being used by the courts?

Mr. HART. I am familiar with them, and I think earlier in the month the RECORD contains an exact citation of Mr. Justice Vanderbilt's language.

Mr. HENNINGS. I believe I, among others, put both citations in the RECORD. Anybody who is a courthouse lawyer, as some of us have been, knows that there is no better way to delay matters than to have a referee appointed.

I do not know how many young lawyers who are ambitious to get along in the community, and who want to build up a law practice, or even older lawyers, may I say to my esteemed friend from Michigan, who are exceedingly busy, but also hold a high place in the esteem of the community, and who want to retain that esteem in some States who have trouble with this question, would want to accept appointments as referees. Would the Senator say that in some of the States there may be difficulties in finding persons who want to be referees?

Mr. HART. I am sure that would be difficult in some areas.

Mr. HENNINGS. Would the Senator say, as a lawyer, that in some areas of the Southland, a young man who was just commencing the practice of law, who had just hung out his shingle, and was hoping to gain favor in the community and favorable comment, and who would want to succeed, in the words of Horatio Alger, Jr., would consider that becoming a voting referee would be the proper way to start his practice?

Mr. HART. The Senator from Missouri geographically is more likely to be able to answer that than the junior Senator from Michigan. I have my very strong suspicion that that would not be the means of winning friends or influencing people.

Mr. HENNINGS. The Senator may have as many relatives or forebears as I have in the Southland. I think we all know a little bit about conditions in that area. I say that with the greatest spirit of friendship for our friends in the South, our fellow citizens.

Let us assume a busy, older lawyer may accept the appointment as a referee. Is there anything set out in the proposed legislation as to what such a lawyer would be paid?

Mr. HART. No.

Mr. HENNINGS. That is to be within the discretion of the court, is it not?

Mr. HART. I assume that is correct.

Mr. HENNINGS. As is true in other matters, such as with regard to masters, for example.

Mr. HART. There are rules in regard to it.

Mr. HENNINGS. We know that is true with respect to the appointment of masters, do we not?

Mr. HART. Yes.

Mr. HENNINGS. We know that an old, seasoned, experienced lawyer charges fees, and the fees which would be awarded by the court to a lawyer would be somewhat in proportion to the experience of counsel. I am sure our distinguished colleague the Senator from Oregon [Mr. LUSK] will bear me out in that statement. The judge will recall, certainly from his own experience, that the court appointments and compensation therefor are sometimes governed by the experience of counsel. The courts do not look around for lawyers who have not anything much to do, because those lawyers, generally, are not diligent and are not successful.

Therefore, with regard to the referees, there are all the handicaps we have mentioned in the proposed legislation now before us, without substantial amendment. Considering all of that, we would have to find a good, diligent, conscientious referee, assuming we had a good, diligent, conscientious judge, which I certainly would like to assume.

Would the Senator suggest that there might be many problems in connection with the very practical aspect of finding a referee who could function efficiently, with the respect of the community and the cooperation of the community, while at the same time not impairing substantially, in so doing, his own practice?

Mr. HART. That is quite likely.

Mr. HENNINGS. There might be retaliation and the withholding of business. Clients sometimes do not like to have lawyers take unpopular assignments. I am sure the Senator from Michigan has observed that fact.

Mr. HART. Indeed I have. I think there is a fair assumption all of us ought to make. We know there are, and we hope there will in the future prove to be, many courageous Federal judges, and able and courageous lawyers and others who would serve as referees. The aim of the amendment is to enable such a referee and such a judge to be as expeditious about adding people to the voting rolls as is possible within the basic limitations which apply when one tries to use the courts to do what is really an administrative job.

If we are going to make the decision, "We will enroll people through the courts," then the amendment is offered in the hope that we will not place additional burdens upon a device which is, at best, limited in its effectiveness.

Mr. HENNINGS. I wish to make it very clear that I should like to presume, and I do presume, the courts will be fair and diligent and honest in their efforts. I presume the Attorney General will be equally so in his efforts. I should like to presume that we may find competent counsel of standing and experience who will undertake the assignments of referees in these matters. I should like very much to assume all of those things, and I hope that may be the case.

I trust that what I have asked the Senator is not tainted by a degree of skepticism or doubt. I do not like to be a pessimist about these things.

I shall later offer an alternative proposal, not a proposal to supplant the referee system, but one which I think anyone who wants effective legislation in this field can in good conscience support.

No one can in good conscience, if he has studied law at all or if he knows anything about these matters, really object to the alternative proposal, because it will provide another way, together with the referee plan, of getting people registered and to the polls. Of course, that is our common objective.

I am very glad the Senator from Pennsylvania [Mr. CLARK] and the Senator from Alaska [Mr. GRUENING] have remarked as they did about the Senator's amendment, which I shall certainly support. I shall vote against tabling it, should that device be undertaken to be used with respect to it.

I thank the Senator from Michigan.

Mr. HART. The junior Senator from Michigan appreciates very much the questions posed by the Senator from Missouri, which have developed additional points.

Mr. President, I look forward eagerly to the opportunity of supporting the additional proposal or the alternative device which the Senator from Missouri [Mr. HENNINGS] proposes to offer.

Mr. President, in closing my presentation in support of the amendment, I desire to make the point again that this amendment is offered in the belief that if all the bill will contain, so far as voting rights are concerned, is the referee device, we ought to eliminate, so far as we can, the delays and difficulties in the operation of that device. I make this offer in the belief that, far better than referring the matter to a court, the enrollment-administrative route is the way to go. If that road is to be denied to us, and if the only method available, after we conclude these many weeks of effort, is a court referee plan, we now have the opportunity to reduce some of the difficulty involved in that plan while not losing the basic safeguard which it provides, because this plan will not be available until and unless the Federal district court has made its finding that in the region a pattern of discrimination does exist.

Mr. CASE of South Dakota. Mr. President, before the Senator yields the floor will he yield for another question?

Mr. HART. I yield.

Mr. CASE of South Dakota. If the language remains as it is written on page 16, and if the person who had previously been deprived of the opportunity to register went back to register and the regular State registrar again declined to register that person, what penalty would exist against the registrar?

Mr. President, while the Senator is looking at the language, I will say that, after reading the bill simply as a layman, it seems to me there is the possibility of a contempt action if there is a failure to let such a person vote, but I find no such penalty written in the language, at least against the registrar, for failing to register the person.

Mr. HART. It is my impression that except as it relates to the person denied the opportunity to vote, when the man presents himself, there is no penalty at the intermediate stages. This is my impression of the bill.

Mr. CASE of South Dakota. Mr. President, the junior Senator from South Dakota is as objective about this bill as I think anyone can be. I have not been particularly heated about it one way or the other, but I have been committed to the idea that the 15th amendment to the Constitution does intend there shall not be discrimination on the basis of race or color or previous condition of servitude and that Congress was empowered by the 15th amendment to provide appropriate legislation to insure effective voting rights.

I hope that as the result of deliberation by the Senate, when we finally pass a bill, we shall have a bill which at least we can say does something to make the 15th amendment effective, that is, that it does protect the right of the individual to vote, and does offer some safeguards against discrimination by reason of race or color.

Secondly, if a court finds that there is a pattern of discrimination, I want this legislation, when it is finally passed, to provide some effective way for voting. I have voted to add other provisions to the bill, but I want to vote for a bill which will make the 15th amendment effective so far as voting rights are concerned. It seems to me that to require the individual who has been a part of the pattern of discrimination to go back to the officer who previously declined to register him is a futile thing, unless there is some weapon or penalty against the registrar for again refusing to register the applicant. That is why I have thought that the amendment offered by the Senator from Michigan—the first portion of the amendment, at least—is in order, if that could be accomplished. It seems to me that we should strike out the words "since such finding by the court." There ought to be some way for the man to register without having to go back to the person who slapped him in the face before. That is why I am willing to support the referee proposal. I want some penalty against the officer who declines to register the applicant. But it seems to me it is unwarranted to require the individual to go back to the local registrar who previously acted in the pattern of discrimination. It seems to me that would be unwarranted and unwise. I think the effect of it would be to preserve the pattern of discrimination, unless there were some penalty against the registrar for again declining to register the applicant.

I hope the motion to table will not be made until we have an opportunity to explore the field and see if we cannot better protect the right of the individual to register. If an individual is not registered, the officials can decline to let him vote, in good order. If a man is not registered—at least in my State—it is difficult for him to vote, except by a complicated procedure. If there is a general disinclination to let him vote, if there is a pattern of discrimination, the procedure is complicated and discouraging. I should like to see the bill written in such fashion that voting will be made easier for those against whom a pattern of discrimination may have existed.

Mr. HART. If we strike the requirement that the applicant go back to the local registrar after a pattern has been found to exist, the applicant goes to the referee and obtains a certificate or registration slip, and then presents himself to the local election board, and if at that point he is rejected, he has become a part of the court order, in effect, and there is a penalty.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. CARROLL. The Senator from South Dakota has made a very substantial contribution to this debate. He has raised precisely the point at issue. There is no violation of a court order until the court order issues. The court order will not issue in this case until the applicant conforms to the requirements of the act.

Mr. CASE of South Dakota. Until he goes back the second time, after the court order.

Mr. CARROLL. Exactly.

I interrogated the Attorney General very closely on this point. If a suit could be brought on behalf of 10, 20, or 30 persons who offer evidence in the court, they would obtain a court order forthwith. If the registrar violates the order to register them, he is in contempt, under the pattern and practice of discrimination. The Attorney General says this is a mechanism to try to bring people under the umbrella.

What does the applicant have to do? He must prove, as he should be required to prove, that he is qualified to vote under the State law.

What else must he prove? He must prove that since the court made the general finding, he has gone back to the registrar. As I read the law cases—I do not mean propaganda issued by this society or that society—in some of the areas certain individuals have not been registered in 30 years. Some of them have not voted in this generation.

I raised the question with the Attorney General, I said: "If you take out the words 'since such finding by the court' you have gutted the bill." He denied that. I think he has been pressured into this position.

This is one of the most important provisions of the bill. Attorney General Rogers and his Deputy Attorney General, Judge Walsh, say that this issue goes to the heart of this bill.

I must be frank, however, and say that the Attorney General felt that there should be some presumption that a court order will be obeyed, and therefore the applicant ought to go back. The Attorney General thought this might raise a constitutional issue, but when I asked him if such a provision would interfere with the broad powers of a court of equity, on one page he said no; on the next page he said yes; and on the third page he said maybe.

This is why I think we should make a legislative history in this proceeding. If we cannot sustain the amendment of the Senator from Michigan—which I hope can be done—we must make a legislative record to protect the many individuals who have never been permitted to go near a registrar's office.

I thank the Senator for yielding.

Mr. HART. Mr. President, I yield the floor.

Mr. DIRKSEN. Mr. President, this subject was thoroughly discussed in the Committee on the Judiciary, under the mandate of the Senate.

First, there was the question of having to go back and register, the applicant re-presenting himself as an applicant, for the second time. For more than an hour the Deputy Attorney General discussed this question, and he said to the committee:

The language which you propose—

And I proposed some language—

is not necessary, and I hope you will not encumber the bill with additional language.

I think the issue is rather simple, and I submit to my distinguished jurist friend, Judge ERVIN, the question whether I am right or wrong. First, there must be a finding by the court that there is a pattern. Second, there must be an application by a person who thinks he is aggrieved and has been denied the vote. There must be proof of the application. It can be proved without the applicant having gone down to register.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. CLARK. I am rather startled that my friend from Illinois should have made that comment, in view of the language on page 16, line 8 of the bill, which was stressed by the junior Senator from Michigan. That language contains the requirement that he must go back.

Mr. DIRKSEN. Let us see. He files an application. He is entitled, upon his application, to an order declaring him qualified to vote, upon proof that at an election or elections—

(1) He is qualified under State law to vote—

He must be old enough. If there is a literacy test, he must be literate.

Mr. CLARK. The Senator is correct.

Mr. DIRKSEN. Reading further—

and (2) he has since such finding by the court been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote.

Perhaps he has not been there before. He could still be qualified to vote, as a matter of fact. It was that point that the Deputy Attorney General made in saying, "I prefer that you do not write this other language into the bill."

Who is going to enforce it? The Attorney General. He said, as plainly as words could express his meaning, that he preferred not to have that modification. At the very time when the distinguished Senator from Colorado had an amendment to present here, vesting power in the court, I had an almost identic amendment to give the court power to weigh the matter, so that there would be no vain or futile act. However, we came to the conclusion that it was not necessary, and the Deputy Attorney General supported that conclusion. He and others are the law enforcement authorities who must do this job. The referee section, the voting rights section, is the one section of the bill in which they were deeply interested. If we cannot accept the Deputy Attorney General's word for it, he having first drafted the bill and, second, having worked with it for a long time, I do not know where in government we are to go to get some authoritative word on this subject. So I not only weighed the language which I had proposed to offer, but I voted against any amendatory language, and the committee did likewise.

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. DIRKSEN. I yield.

Mr. CLARK. Would not the Senator agree with me that the language presently in the bill which my friend from Michigan seeks to strike requires an applicant, after a pattern or practice of discrimination has been found to exist by the court, to prove, further, that since that finding was made, he has been deprived under color of law of the opportunity to register or to vote?

Mr. DIRKSEN. He must have made, in the first instance, an effort to register.

Mr. CLARK. That was not my question. I ask the Senator, if he will, to be responsive to my question. Is it not clear that the present language which the Senator from Michigan seeks to strike requires the applicant to try to register with the local official after a court order finding a pattern of discrimination to exist has been made?

Mr. DIRKSEN. Of course, he has to be denied an opportunity to register.

Mr. CLARK. I think the provision is plain, and I am sure the Senator will agree with me, that first it has been found that a man is within the pattern of discrimination, because he has not been allowed to register or vote, we provide that he must go back to do it all over again.

Mr. DIRKSEN. It is amazing to me that the chief law enforcement officer has said that that was not fatal, and that he preferred not to have in the bill the language suggested. He is the one who must give it effect.

Mr. CLARK. Mr. President, will the Senator yield for one more comment?

Mr. DIRKSEN. I yield.

Mr. CLARK. I think it is amazing, too.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. ERVIN. I should like to ask the Senator from Illinois if it is not a fact that a person who wants to register either before the judge or before the voting referee must show that after the judge has found a pattern or practice of discrimination to exist, he made an effort to register, but he does not have to show that he did that before?

Mr. DIRKSEN. That is correct. There must be one effort along the line, and a denial.

Mr. ERVIN. There is nothing in the bill which requires the applicant to go twice to the State registrar. There is no requirement that he shall have gone before the pattern of discrimination was found to exist, is there?

Mr. DIRKSEN. I did not believe so. The Deputy Attorney General did not believe so. Had I believed so, I would have offered substantially the same language the distinguished Senator from Colorado proposes to offer tomorrow. When we got to that point, and the Deputy Attorney General said it was not necessary, I did not submit my language. I said I would go along with that viewpoint, and would oppose any other amendment that might encumber the bill.

Mr. ERVIN. Is it not true that the bill is based in large measure upon the 15th amendment?

Mr. DIRKSEN. Exactly.

Mr. ERVIN. Is it not true that the authority of the Federal Government to act under the 15th amendment is dependent upon the State having denied a citizen of the United States the right to vote on the ground of race or color?

Mr. DIRKSEN. I thought so.

Mr. ERVIN. Therefore, it is necessary to show that the State had an opportunity to permit this man to register in order to show that there has been discrimination.

Mr. DIRKSEN. That was the burden of the whole long discussion we had in committee before these proposals were voted down.

Mr. ERVIN. Does not the Senator from Illinois believe that there might be grave misgivings about the constitutionality of a provision which would in effect excuse a man from ever going to the State registrar to register?

Mr. DIRKSEN. I have never raised that question, but it entered into the discussion in committee.

Mr. ERVIN. The man who wants to register, after the pattern of discrimination has been found to exist, would be required to go only once to the State registrar, to give him an opportunity to register him.

Mr. DIRKSEN. That is my opinion.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. CARROLL. Did I understand the able Senator from Illinois to say that there had to be one act, one affirmative act on the part of this applicant and one denial?

Mr. DIRKSEN. There must be action by the State authorities.

Mr. CARROLL. I am talking about the applicant. I hope I did not understand the Senator from Illinois to say that, because I think we are in general agreement, and I hope I understood correctly his questioning before the committee. I wonder whether the Senator agrees with me that it is not absolutely necessary that an applicant apply to a registrar since the finding of the court?

Mr. DIRKSEN. Does the Senator mean, does the man have to go twice? If that is the question, the answer is "No."

Mr. CARROLL. I mean does he have to go after the court issues its order?

Mr. DIRKSEN. He has to go sometime and be denied, whether before or after.

Mr. CARROLL. I might say to the Senator from Illinois that that is why there is this confusion in the RECORD. I was trying to pin this thing down, because there is this confusion. If I understand the powers of the court of equity, if such a court says he does not even have to go the first time because it would be a vain or futile act, and would serve no useful purpose, then he need not go. There are many cases on this proposition. In the segregation case at Charlottesville, the district court—not the Supreme Court—with a southern judge sitting in the court, said:

I will not ask these children to exhaust their administrative remedies.

He said a court of equity would not require the doing of a vain or futile act.

That is what I predicate my position on. My amendment is not as harsh as the amendment of the Senator from Michigan. I want to leave this matter in the hands of the court, in the hands of a southern Federal judge. That court can say in some cases, "Go back and register; things have changed"; or in another case the court might say to the referee, "You register these people, it would be futile to order them back to the registrar."

There may be other areas in the South where there has been massive resistance and where a court of equity will say, "I will not require these people to go back. Here is your order. I will waive the requirement that you go back and attempt once again to register." There is one requirement he cannot waive, and that is the qualification of the voter, because that is a constitutional requirement.

I remind the able Senator from Illinois that on three or four different occasions during the Judiciary Committee meeting I questioned the Attorney General on why the "since" clause was left in the House bill. My questioning starts on page 57 of the hearings. On page 59 of the hearings I questioned Judge Walsh on the same subject. The junior Senator from New York [Mr. KEATING] also questioned Judge Walsh on this matter and got what appeared to be a clear statement. But, whereas at one time he concluded that the equity court had the powers to waive necessity to attempt to

register, on the next question he would almost undermine what he had said before.

Whether or not we accept the amendment of the Senator from Michigan, I intend to offer my amendment. If what I do is surplusage, no harm will be done.

It does not interfere with the enforcement powers of the Attorney General, and it may clarify an expression by Congress as to what we intend. No harm can come from a reaffirmation of one of the great powers of the courts of equity, which has come down to us through hundreds of years.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. LONG of Louisiana. The Senator is familiar, is he not, with the 1957 act, which is now on the books? That act provides that the Attorney General is the tax-paid lawyer for any colored person who feels that he has been deprived of the right to vote. Under the 1957 act, the Attorney General now can file a petition on behalf of a dozen colored persons who say they have been denied the right to vote, and who request that they be placed on the rolls. If the judge finds that they are qualified, he can immediately order that they be placed on the rolls, because they have been found to be qualified. Under the bill, the Attorney General may also request that any other colored person who has been denied the right to vote be placed on the rolls by the voting referee.

I assume that a judge would (a) order that, say, 12 persons who are qualified be placed on the rolls; (b) that a referee be appointed; and (c) that the referee place any other qualified person on the rolls if the registrar has failed to accord such person his rights.

There is already in the law a provision which requires a judge to restore a person to the rolls when he has been deprived of his right to vote. The judge can order him restored to the rolls. Under the 1957 law, the judge has a right to try a registrar without benefit of a jury, in the event that he fails to comply with the court's order.

This pending amendment has to do with a person who has been denied nothing because he has not applied. He has not tried to qualify. He has no right whatever to be placed on the rolls. This proposal applies to a person who has never been denied anything at all, and provides that he shall have the opportunity to be placed on the rolls by the referee because someone else, who has had his denial of the right to vote remedied, has applied and asked that the person be put on the rolls.

It is an entirely different matter for someone to seek a remedy for someone who has tried to vote, than to seek a remedy for one who has never tried at all.

Mr. DIRKSEN. Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DIRKSEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. McGEE in the chair). Without objection, it is so ordered.

The question is on agreeing to the motion of the Senator from Illinois to table the amendment offered by the Senator from Michigan [Mr. HART]. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. MANSFIELD. I announce that the Senator from Minnesota [Mr. McCARTHY], the Senator from Utah [Mr. Moss], and the Senator from Maine [Mr. MUSKIE] are absent on official business.

I also announce that the Senator from Connecticutt [Mr. DODD] is absent because of illness.

I further announce that the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Wisconsin [Mr. PROXMIRE], and the Senator from Missouri [Mr. SYMINGTON] are necessarily absent.

On this vote, the Senator from Wyoming [Mr. O'MAHONEY] is paired with the Senator from Utah [Mr. Moss]. If present and voting, the Senator from Wyoming would vote "yea," and the Senator from Utah would vote "nay."

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Minnesota [Mr. McCARTHY], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. PROXMIRE], and the Senator from Missouri [Mr. SYMINGTON] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. BRIDGES] is necessarily absent.

The result was announced—yeas 52, nays 38, as follows:

[No. 150]

YEAS—52

Allott	Ervin	Mansfield
Bennett	Frear	Martin
Bible	Fulbright	Mundt
Brunsdale	Goldwater	Robertson
Bush	Gore	Russell
Butler	Hayden	Saltonstall
Byrd, Va.	Hickenlooper	Schoeppel
Byrd, W. Va.	Hill	Smathers
Cannon	Holland	Smith
Capehart	Hruska	Sparkman
Carlson	Johnson, Tex.	Stennis
Cooper	Johnston, S. C.	Talmadge
Cotton	Jordan	Thurmond
Curtis	Kefauver	Wiley
Dirksen	Kerr	Williams, Del.
Dworshak	Long, La.	Young, N. Dak.
Eastland	McClellan	
Ellender	McGee	

NAYS—38

Aiken	Green	Magnuson
Anderson	Gruening	Monroney
Bartlett	Hart	Morse
Beall	Hartke	Morton
Carroll	Hennings	Murray
Case, N. J.	Jackson	Pastore
Case, S. Dak.	Javits	Prouty
Chavez	Keating	Randolph
Church	Kuchel	Scott
Clark	Lausche	Williams, N. J.
Douglas	Long, Hawaii	Yarbrough
Engle	Lusk	Young, Ohio
Fong	McNamara	

NOT VOTING—10

Bridges	McCarthy	Proxmire
Dodd	Moss	Symington
Humphrey	Muskie	
Kennedy	O'Mahoney	

So the motion to lay Mr. HART's amendment on the table was agreed to.

Mr. DIRKSEN. Mr. President, I move that the vote by which the motion to table was agreed to be reconsidered.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to lay on the table the motion to reconsider was agreed to.

Mr. HENNINGS. Mr. President——

The PRESIDING OFFICER (Mr. McGEE in the chair). The Senator from Missouri.

Mr. HENNINGS. I send to the desk an amendment, and ask unanimous consent that the reading of it be dispensed with, inasmuch as it has heretofore been printed.

Mr. DIRKSEN. Mr. President, will the Senator yield for an inquiry?

Mr. HENNINGS. I am very glad to yield.

Mr. DIRKSEN. As the Senator may have divined from the papers and elsewhere, there is considerable interest in a meeting that is being held this evening, and Senators on this side are deeply interested in it, along with substantial delegations from every State. How long does the Senator from Missouri expect to discuss his amendment? This is the enrollment officer amendment.

Mr. HENNINGS. May I say to the minority leader, who is also a member of the Committee on the Judiciary, that I was not aware of the meeting until a Senator advised me of it a few moments ago. I shall be very glad to withhold discussion of the amendment, or offer it at some other time, or later in the evening, if Senators feel they must go wherever the meeting is being held.

As the Senator knows, I presided over the hearings on the referee proposal, in addition to hearings on the previous recommendations by the Civil Rights Commission, for a period of something like a month, during which time members of the Committee on Rules and Administration heard both adverse witnesses and witnesses in favor of the proposals submitted by the President's Civil Rights Commission.

Mr. DIRKSEN. Mr. President, will the Senator yield further?

Mr. HENNINGS. I should only like to conclude by saying that I shall try to be as reasonably succinct and brief as I can be, but I might observe to the distinguished minority leader that there are other Senators who may desire to ask questions. Some Senators have told me they wanted to make certain observations with respect to the amendment and cognate matters. So I shall be unable to tell, with any degree of precision, how long the presentation of this amendment may take. If I were to go through an explanation of it, it would be very brief, probably a half hour. But, in view of questions which may be asked, I hesitate to give the Senator any definite assurance.

Mr. DIRKSEN. Mr. President, will the Senator yield further?

The PRESIDING OFFICER. Does the Senator yield further?

Mr. HENNINGS. I yield to the minority leader.

Mr. DIRKSEN. I fully and unequivocally approve and concur in the action of the Senator from Missouri in offering this amendment. It is perhaps the only remaining major amendment to the bill that will be offered, unless there are some that have not come to my attention. This amendment is purely to retain the referee procedure, and add the so-called enrollment officer proposal as a supplement to the referee procedure, which I think the distinguished Senator offered in the Judiciary Committee.

Mr. HENNINGS. The Senator from Illinois is exactly correct. The amendment is precisely the one I offered in the Committee on the Judiciary during the 2 days of hearings, after which we ultimately reported the bill.

Mr. DIRKSEN. I assure the Senator I am trying to get, only for the convenience of our colleagues, some kind of a time picture, as to how long they can be away and visit with their people, and eat a box lunch, and then come back. All we need is an approximate time.

Mr. HENNINGS. I certainly have no objection to any Senator's leaving the Chamber to eat a box lunch. By the same measure, I shall not undertake to set a precise time at which all discussion will cease upon what I think is an exceedingly important amendment.

It is not my desire, and never has been, to inconvenience Members of the Senate. I do, however, believe that this proposal is one which merits the attention of the Senate. I believe it has substance. I believe it has merit. I believe it is feasible.

I for one do not accept the so-called referee plan with the same degree of optimism exhibited by the Senator from Illinois, nor am I as sanguine as he is, that the plan, by itself, will work. I think we should have two strings to our bow. The amendment gives us an opportunity to avail ourselves of both methods.

We do not want to undertake to strike out the section relating to voting referees. We want only to add a provision which establishes an administrative function, and not depend primarily on a judicial function.

Mr. DIRKSEN. I thank the Senator from Missouri, indeed, for that comforting assurance, and I shall come back to the Chamber as quickly as I can, and I am sure other Senators will, to absorb wisdom as the Senator explains this amendment. I want to do him the honor of being present as quickly as I can return from another meeting. I think our colleagues are assured of the merits of the amendment, and that there will be rather substantial discussion, and I know our distinguished colleague will do full justice to it.

Mr. HENNINGS. I thank the able Senator from Illinois for his comment. I am glad to hear him say he thinks the amendment merits serious discussion.

Mr. President, within the limitations of my ability to do so, I shall undertake to give it.

The PRESIDING OFFICER. The Senator from Missouri will please suspend until the Senate is in order. Senators wishing to converse will retire to the cloakrooms.

The Senator from Missouri may proceed.

Mr. HENNINGS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HENNINGS. The Senator from Missouri asked unanimous consent that the reading of the amendment sent to the desk be dispensed with.

The PRESIDING OFFICER. The Chair overlooked asking for such consent. Is there objection to the request of the Senator from Missouri?

Mr. MORSE. Mr. President, I should like to hear the amendment. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will state the amendment for the information of the Senate.

The CHIEF CLERK. On page 21, between lines 12 and 13, insert the following new title:

TITLE VII

FINDINGS AND PURPOSE

SEC. 701. (a). The Congress has heretofore expressed, by the creation of the Commission on Civil Rights, its concern at the continuing disfranchisement of qualified voters because of their race or color. That Commission has found that, under color of law or by State action, substantial numbers of qualified voters are being denied the right to register and vote in elections because of their race or color. The Congress hereby determines that the continuing denial of rights secured by the fourteenth and fifteenth amendments requires the exercise of the congressional authority provided under these amendments.

DEFINITIONS

(b) For the purposes of this section—

(1) The term "election" means any general or special election held in any State for the purpose of electing any candidate to elective public office and any primary election held in any State for the purpose of selecting any candidate for elective public office.

(2) The term "registration district" means an area in a State corresponding with any of the districts established by State law from which the voters elect a Member of the House of Representatives of the United States.

JUDICIAL DETERMINATION OF DISFRANCHISEMENT

(c)(1) Whenever, in any action brought under section 2004(c) of the Revised Statutes, as amended by section 131(c) of the Civil Rights Act of 1957 (71 Stat. 637, 42 U.S.C. 1971(c)) a court finds that, under color of law or by State action, a voting registrar or other State or local official has deprived persons in any locality or area of registration, or the opportunity of registration, for elections because of their race or color, the Attorney General shall notify the President of the United States of such finding.

(2) Whenever the Commission on Civil Rights, acting under the duties imposed upon it by section 104(a) of the Civil Rights Act of 1957 (71 Stat. 635, 42 U.S.C. 1975c(a)) or in the event of termination of the Commission such other agency or department as the President shall designate to perform the same function (hereinafter referred to as the Commission) finds that, under color of law or by State action, a voting registrar or other State or local official has deprived persons in any locality or area of registration or the opportunity of registration, for election because of their race or color, the Commission shall notify the President of the United States of such finding.

APPOINTMENT OF FEDERAL ENROLLMENT OFFICERS

(d)(1) Upon any notification of a finding pursuant to subsection (c), the President is authorized to establish a Federal Enrollment Office in each registration district that includes the locality or area for which such finding has been made and to appoint one or more Federal Enrollment Officers for such district from among officers or employees of the United States who are qualified voters within such district. Whenever the President determines that there is no further need for a Federal Enrollment Office, he shall abolish the Office of such registration district. An individual who is appointed a Federal Enrollment Officer shall perform the duties required by this section until such time as he is relieved of such duties by the President.

(2) The President may, if in his judgment such action appears justified and suitable, delay the appointment of Federal Enrollment Officers in order to permit prompt and continuous good faith efforts by State and local officials to terminate in an affected area deprivation of the right to vote on account of race or color.

ENROLLMENT BY FEDERAL ENROLLMENT OFFICERS

(e) The Federal Enrollment Officer for any registration district shall accept enrollment applications from individuals living in localities or areas in such district as to which a finding has been rendered pursuant to subsection (c). All such applicants whom he finds to meet the qualifications for voters under the laws of the State wherein such district is situated shall be enrolled by him as qualified to vote in all elections held in such district in like manner and for like period as prescribed for persons registered under State law, and shall receive from him certificates of enrollment. The Federal Enrollment Officer shall, from time to time, transmit to the proper State and local officials all information necessary to identify the persons who have been enrolled by him. Nothing contained herein shall be construed to authorize an Enrollment Officer to enroll any person who is not of the same race or color as the persons found pursuant to subsection (c) to have been deprived of registration, or the opportunity of registration, for elections. Nothing contained in this section shall be construed as impairing the right of any State to establish nondiscriminatory voting qualifications.

VOTING IN ELECTIONS

(f) Each qualified voter who is enrolled pursuant to subsection (e) shall have the right to vote, and to have such vote counted, for candidates for elective public office in elections held in his registration district, and, in the case of a primary election, for persons seeking nomination as candidates for elective public office, subject to the provisions of subsection (g).

ENFORCEMENT

(g)(f) Nothing contained in this section shall be construed to deny to appropriate State officials or other interested persons the right at the time of elections, to challenge the eligibility to vote of persons enrolled hereunder. Whenever such a challenge is made, however, the enrollee shall be permitted to cast his vote and have it counted, but it shall be preserved subject to a determination of the validity of the challenge in any appropriate action brought in the United States district court having jurisdiction over the registration district in which the challenge is made.

(3) Federal Enrollment Officers shall ascertain that persons enrolled under this section are afforded the right to vote and to have their votes fairly counted, and for this purpose the Federal Enrollment Officer is authorized to attend at any election held within his registration district to inspect the taking of the vote and the counting thereof. Should any person enrolled under this section be denied the right to cast his vote or to have his vote counted, the Federal Enrollment Officer shall forthwith notify the Attorney General.

(3) The provisions of this section shall be enforceable by appropriate civil and equitable proceedings instituted in the district courts of the United States by the Attorney General, for or in the name of the United States. When necessary to assure persons enrolled under subsection (e) of the right to vote and to have their votes counted, the district court shall issue permanent or temporary injunctions or other orders directed to appropriate State or local voting officials, requiring them to permit persons enrolled under the provisions of this section to cast their votes and have them counted subject to the provisions of paragraph (1) of this subsection.

(4) In all cases of criminal contempt arising under the provisions of this section, the accused, upon conviction, shall be punished by fine or imprisonment or both: *Provided, however*, That in case the accused is a natural person the fine to be paid shall not exceed the sum of $1,000, nor shall imprisonment exceed the term of six months: *Provided further*, That in any such proceeding for criminal contempt, at the discretion of the judge, the accused may be tried with or without a jury: *And provided further*, That in the event such proceeding for criminal contempt be tried before a judge without a jury and the sentence of the court upon conviction is a fine in excess of the sum of $300 or imprisonment in excess of forty-five days, the accused in said proceeding, upon demand therefor, shall be entitled to a trial de novo before a jury, which shall conform as near as may be to the practice in other criminal cases.

This paragraph shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience, of any officer of the court in respect to the writs, orders, or process of the court.

Nor shall anything herein or in any other provision of law be construed to deprive courts of their power, by civil contempt proceedings without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity including the power of detention.

APPROPRIATIONS

(h) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. HENNINGS].

Mr. HENNINGS. Mr. President, the Senate has now been debating for some 8 weeks various aspects of the civil rights bill of 1960, H.R. 8601. As the legislative process has advanced up to this point, it appears that the only really important and possibly fruitful legislation that is likely to be enacted by the Congress this year will deal with the protection against discrimination because of race or color of the right to vote guaranteed by the 14th and 15th amendments to the Constitution.

It, therefore, does not take prophetic discernment, Mr. President, to say that the only real and basic issue now before the Senate in the pending measure is whether the Congress will enact effective legislation designed to protect the right of all citizens who are qualified under State law and who wants to vote, to cast their ballots and have them counted. The question is whether the Senate will act in a manner that really puts into effect the great guarantees of the 14th and 15th amendments that all citizens, regardless of race or color, shall receive equal justice under law.

To any person who has never had the privilege of voting in an election the voting booth is as unfamiliar as a foreign land that he has heard about, has never seen, but hopes to visit; and an election registration certificate, or other similar qualification to vote, is like a passport to that foreign land. If the Congress desires to make it realistically possible for persons now unconstitutionally disfranchised to vote, the Congress will have to enact legislation providing for a simple routine procedure without encumbrances and delays and involved court procedures. Let us examine the two principal proposals with this in mind—the Attorney General's court referee procedure, now in the bill, and the enrollment officer procedure which I have advanced, and in which I have been joined by certain colleagues in the Committee on the Judiciary. I have not sought massive sponsorship of this amendment because it seemed to me that, after all, while I welcomed sponsors, at the same time perhaps it would be better to have Senators who had supported this amendment in the Committee on the Judiciary act as sponsors.

On Tuesday, March 30, during the time H.R. 8601 was being considered by the members of the Committee on the Judiciary under instructions of the Senate, I urged my colleagues on that committee to adopt an amendment that I thought would add as an additional title to the bill—the Federal enrollment officer procedure I first introduced in the Senate on March 10. This amendment would provide an additional and alternative procedure to the court referee plan, now contained in the bill under which the voting rights of racially disfranchised citizens could be further protected.

Six members of the Judiciary Committee supported my motion to add this amendment to the bill. After carefully considering the problems involved, the junior Senators from Colorado, Connecticut, and Michigan joined with me in filing a joint statement of separate views concerning H.R. 8601 as it was amended and reported by the Judiciary Committee to the Senate. Our statement of separate views on this matter was printed on April 1 and is now available for the consideration of Senators and interested members of the public. The junior Senators from Michigan and Connecticut have joined me in cosponsoring in the Senate this same amendment adding the Federal enrollment officer procedure to the House bill. This amendment I submitted earlier today during the morning hour.

Mr. President, even though my cosponsors and I have doubts about the effectiveness of the court referee proposal we do not advocate striking it from the bill. No; our proposal is that an additional and alternative procedure which in no essential way conflicts with the voting referee proposal be added to the bill.

In our statement of separate views, my colleagues and I indicated that after careful study of the lengthy debates in the Senate, and the debates in the House of Representatives, the various revisions of the voting referee proposal, the various amendments adopted, and the testimony of the Attorney General and the Deputy Attorney General and of others given before the Senate Rules Committee and the Judiciary Committee, we are convinced that there are compelling reasons why the Congress should not rely solely on the judicial approach, involved in the voting referee procedure, which is, as we know, of course, the only one relied upon in the so-called voting referee procedure.

In the report containing our separate views we pointed out that we believe the referee proposal now pending would simply not be effective in getting registered or enrolled to vote very many persons now disfranchised because of race or color, in violation of the 14th and 15th amendments to the Constitution. The primary reason for this, other than the measure's possible invalidity on constitutional grounds, is that if it be the only available procedure under which presently disfranchised Negroes are to seek the right to vote, it will place a great burden of administering essentially nonjudicial registration and election functions on the already overburdened Federal courts. This burden will be especially heavy on the Federal courts in the very areas most likely to be affected.

In proposing our amendments my cosponsors and I urge that the Congress provide this additional, feasible method for dealing with the difficult and complex problem of eradicating racial disfranchisement. Our plan would permit the President, in his discretion, to appoint Federal enrollment officers from among Federal officials and employees who live and vote in the areas where it is found that voting deprivations on the basis of race or color have occurred.

Mr. President, we have heard a great deal during the course of the debate about carpetbaggers and nonresidents being sent to the South as Federal officials. Of course, under our plan no one not a resident of the congressional voting district would be appointed to serve in that capacity.

The President would be authorized to make such appointments on notification by the Attorney General that a U.S. judge has found that citizens have been subjected to racial voting deprivations, or upon notification that the Commission on Civil Rights has made a similar finding. The addition of our plan to the bill would provide the President and his Attorney General with the flexibility of alternative procedures. Since the President's authority is entirely discretionary the President and his advisers could use whichever procedure—the court referee approach, or the Federal officer approach—that appeared most effective and the least disruptive of local and State administration of election laws.

Now, I have been asked this question, Mr. President:

Assuming that the Federal enrollment officer procedure is added to the bill, how is the local U.S. attorney to know which procedure to use? This is a proper question, and I think the answer is not too difficult, once we grasp the fundamentals of the procedures proposed. In the first place, the President as the National Executive will be able to coordinate the resources available to deal with the problem. He can in his discretion direct the Attorney General to confer with the Commission on Civil Rights, local U.S. attorneys, local FBI officers, and State officials in making adequate plans. At the proper time, the Attorney General can authorize the local U.S. attorney to bring a civil suit under the Civil Rights Act of 1957, as amended by the present bill. Let us assume a local Federal judge has made a finding that either pursuant to a pattern or practice or without such a pattern persons have been deprived of the right to vote because of race or color. If the court makes the finding of "pattern or practice," the local U.S. attorney on advice from the Attorney General will request the court to appoint a voting referee and thus initiate that procedure. The court's decision would be subject to appeal. In the meantime, the Attorney General will have notified the President that the local court has made a finding that persons have been deprived of the right to vote because of race or color.

The President, after advising with the Attorney General, either defers appointing Federal enrollment officers for the area affected because the court-referee procedure is already in use, or he determines to use the Federal enrollment officer procedure in lieu of the court-referee procedure, and directs the Attorney General not to request the court to appoint a voting referee. Still a third choice is open to the President. He could direct the Attorney General to proceed under the court-referee procedure and supplement this in a particular area by appointing enrollment officers. The two procedures could function quite smoothly side by side in the same area. The court procedure could handle those cases of racial voting deprivation in which the persons affected would not be afraid of a law court atmosphere and its technical procedure. The enrollment officer procedure could handle the cases of persons who would be too frightened, or intimidated, or not disposed to appear before the court referee.

The President, of course, may also appoint enrollment officers after notification by the Commission on Civil Rights that it has found that persons have been deprived of the right to vote because of race or color. This provision would not involve the courts at all unless there was an attempt to interfere with the orderly process of the enrollment procedure and the casting and counting of ballots.

Before exploring further the details of my own proposal—the Federal enrollment officer procedure—and answering the criticism which has been leveled against it, I would like to state more precisely why I think it would be perilous to rely solely on the court-referee procedure. It would seem to me an unwise course to rely on only one method when another procedure is available, especially when we are not at all sure of the first validity and effectiveness of the first method. Why rely on the one procedure when the Congress can quite appropriately adopt two without any basic conflict between them? I have already suggested that insofar as each method is effective the two procedures can supplement and strengthen each other. The first may be more suitable to one set of circumstances and the second to other circumstances. In order to achieve the broad objective of our legislation, we would provide the President and his Attorney General with both procedures.

But, an even more important reason in my opinion for adopting my proposal in addition to the court-referee procedure is that I do not think the court-referee proposal will be effective. We would warn the Congress against relying on only one procedure when I have grave doubts as to the strength of that procedure. Let me say here and now that I think it will be a most formidable task to get any large number of Negroes registered to vote under any or all systems that may be employed.

Therefore, we believe that we should not be overly optimistic in this matter, irrespective of whether the referee proposal is adopted or whether the alternative proposal, which I now undertake to suggest, is adopted. We know that the going will be very rough, and there are many obstacles and many difficulties involved. We have set our minds to work, the best we can, to try to remove some of these obstacles and some of these roadblocks on the highway to the voting booth.

There are weaknesses in the court referee procedure. In the first place, the court referee procedure is not beyond constitutional question. Under article III of the Constitution, Congress cannot impose on a court an obligation to make findings or decisions which are not necessary to decide the case or controversy which is properly before it.

Under the revised referee plan as contained in H.R. 8601, the court would, upon request of the Attorney General in cases brought to enforce voting rights guaranteed by the 15th amendment, be obligated to make a supplemental finding as to whether the voting deprivations are pursuant to a pattern or practice. If the court finds affirmatively on the question of pattern or practice, under the bill the court may appoint voting referees to aid it in determining whether Negro applicants are qualified to vote and thus initiate the voting referee procedure. I should say that there is a very serious question whether article III permits Congress to compel the courts to make supplemental findings such as that of existence of a pattern or practice. In the case before it, the court would have made particular findings of deprivation of voting rights. It would have entered an order against the State registration officials who were parties defendant in the case. The supplemental finding that "a pattern or practice of discrimination" exists would not be needed to support the original findings that particular persons had been deprived of their voting rights.

Second, and after having listened to many witnesses, as have so many other Senators, and having studied carefully the voluminous testimony, much of which I heard as chairman of the Committee on Rules and Administration and as chairman of the Subcommittee on Constitutional Rights of the Committee on the Judiciary, I am honestly and deeply of the conviction that the court referee procedure will not work to permit very many Negroes qualified under State law to be registered.

Under the referee plan no qualified Negroes heretofore denied a vote may even take the first step down the long road to the voting booth unless and until the Attorney General initiates a lawsuit in the U.S. district court for that registration area. But let us assume that the case is brought, the original order entered, the supplemental finding made, and the referee appointed. The bill then requires those Negroes who are ambitious for the suffrage and courageous enough to attempt to get a qualifying certificate and order from the court protecting their right to vote, first to attempt to be registered and turned down by the local State registrars. This is the very area in which the court has found a pattern or practice of discrimination against Negro citizens. Only after this experience—a humiliating one, indeed—may they apply to the court-appointed referee for a voting certificate with any hope of success. This was bad enough but a further hurdle was added by a committee amendment. The Negro applicants must face a public trial of their voting qualifications. The local or State registration officials who had previously rejected their request to be qualified as a voter, or the lawyers of such officials, who are to be present at the trial and possibly too the most hostile elements of the white community. One has only to read the report of the Commission on Civil Rights which describes at some length the many varied and unusual techniques used by local and State registrars and others to prevent Negroes from becoming registered voters to realize what a formidable obstacle to Negroes the requirment of the referee proposal will be.

There is one further serious objection to the referee plan as contained in H.R. 8601. It provides as follows:

Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared

qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with notice of such order to permit any person so declared qualified to vote to vote at an appropriate election shall constitute contempt of court.

This provision means that State election officials can only at the peril of being held in contempt of court challenge the right to vote of a Negro who has been declared qualified to vote by a Federal court order. This language appears absolute and makes no provision for exceptions and contingencies. It makes no exception for the case of a person who, after being found qualified to vote by the court, moves away from the election district or area, or fails to pay his poll tax or, for some other reason occurring since the court's order, would not be qualified under State law. The State election officials faced with a court order, would permit such a person to vote, and might well be in violation of State law. Perhaps the State election officials could let the Negro voter, protected by a court order, vote under a challenge but the language of the bill makes no explicit provision for such a contingency.

Our enrollment officer amendment, on the other hand, especially provides that State election officials and other appropriate and interested persons may challenge any prospective voter registered by the Federal enrollment officer subject to later determination by the appropriate Federal court in an action brought by those making the challenge. In this wise, the enrollment officer procedure protects the valid interest of the State and of individual citizens to prevent unqualified persons from voting, and at the same time allows all Negro applicants who are certified to cast their ballots.

The court referee plan as originally sponsored by Attorney General Rogers made no provision for permitting Negroes, declared qualified to vote by court referee, to vote during a time when the litigation or court procedure would be still in process at the time an election occurred. Because of the obvious advantage in my own proposal for permitting enrolled Negroes to vote, subject to challenge, language was added to the court referee plan in the House of Representatives under which a court would be authorized to enter an order permitting all voters qualified by the court to vote provisionally.

The provision relating to provisional voting was not in the Attorney General's original proposal; but when this proposal was offered in the House, a portion of it relating to provisional voting was, and now is, embodied in the so-called referee proposal in the House bill, which is now before the Senate.

This was a great improvement in the court referee procedure. For the several reasons I have outlined, I think the Congress should not rely solely on the referee plan to enforce the right to vote of qualified Negroes presently disfranchised because of their race or color.

No, to the contrary, I think the enrollment officer procedure should be added to the bill to insure, insofar as we can, an effective piece of legislation.

The enrollment officer plan avoids the constitutional problem that arises when the Congress attempts by legislation to compel the courts to make supplemental findings that voting deprivations are pursuant to a pattern or practice. It does this by providing that whenever in an action brought by the Attorney General a court finds that a State official, acting under color of law, has deprived Negroes of the right to vote because of their race or color, the Attorney General is to notify the President of this fact. In his discretion, the President then may appoint an enrollment officer, but only after the President has been notified. The court is not required to make a finding that the deprivation of voting rights is done pursuant to a pattern or practice as would be the case under the court referee proposal.

The Attorney General may bring a few actions to enforce voting rights. Since 1957 he has in fact brought only four cases of this type. For this reason, in the enrollment officer plan a second basis is provided for the Presidential appointment of enrollment officers. If the Commission on Civil Rights, acting under its present authority, makes a similar finding of racial voting disfranchisement, it is to notify the President of this fact. The President may then in his discretion use these findings as a basis for appointing enrollment officers for the area where the voting deprivations occur.

Once the enrollment officer for a given area is appointed, it becomes his responsibility to determine whether, under the State law, applicants who appear before him are properly qualified. There is no court procedure, and no State or local officials are made defendants of a lawsuit—other than the original suit and none at all if the President acts on the basis of a finding by the Civil Rights Commission rather than a finding by a judge. The enrollment officer carries out his function. He is on the other side of the street from the State or local registrar, and in no way interferes with State officials. He merely registers Negroes qualified to vote under State law. The State officials on the other hand, are given the right to challenge the prospective Negro voter—but at the right time—on election day, at the polls. The ballots are cast and counted, and those challenged are impounded for later court decision. This procedure would be direct, simple, and effective. It is constitutional, and it protects the legitimate rights of the States.

Mr. President, it has been said of the enrollment officer plan that it would be ineffective because it would not insure that the voter, registered under it, would actually be permitted to vote.

It has been argued that under this procedure the prospective voter would end up with nothing but the certificate of the enrollment officer, which would be worthless because the State or local election officials would refuse to honor it. I do not agree.

Those who take this position overlook the extent of the powers the Attorney General now has under existing law and of those which would, in addition, be given him under the enrollment officer procedure. Our amendment provides that the Federal district courts would be authorized to enforce the provisions contained in our amendment, including the provision giving enrolled voters the right to vote, subject, of course, to proper challenge at the polls. To enforce the act, the courts would be empowered to issue, on request of the Attorney General, "permanent and temporary injunctions or other orders." In the first place, if the local U.S. attorney has advance information substantiating his probable belief that State officials or others intend to interfere with a Negro voter's rights on election day, he can properly ask for an injunction restraining the suspected persons from any contemplated interference.

Even if as late as the day of election the Attorney General learns that local election officials are preventing or are about to prevent enrolled voters from voting, under section (b) of rule 65 of the Federal Rules of Civil Procedure he could request the issuance immediately of a temporary restraining order compelling local officials to refrain from interfering, on pain of otherwise being held in contempt of court. On the basis of specific facts shown by a verified complaint or affidavit by the U.S. attorney that immediate and irreparable injury, loss or damage—defeat of the constitutional guarantees and of the authorization to Congress to enforce them contained in the 15th amendment—would otherwise result, rule 65 provides that a Federal judge may grant the temporary restraining order to which I have referred. This temporary restraining order can be granted on the basis of a very brief ex parte hearing without notice to the State officials or others who may be restrained by such temporary order. While an extraordinary remedy, this type of order can be secured within a matter of minutes, on a proper showing. For instance, if the polls on election day are opened at 6 o'clock, and if by 6:30 Negroes are being denied the right to vote, by 8 a.m. the judge should have signed the order compelling the State election officials to honor the enrollment certificate, and the U.S. marshal should have served it on these officials.

All the Attorney General has to do is carry out his oath of office with appropriate zeal, industry, and ingenuity. He certainly can plan ahead for possible violations, alert his attorneys, and the local FBI offices, shore up weak spots in his organization, and notify both Federal judges and State officials that he will protect the rights of registered voters with all the resources and vigor of which the Department of Justice is capable. If this be done, the certificate given a qualified Negro voter will not be worthless, but, on the contrary, will be honored. We ask the Congress to provide the necessary machinery for the task.

Mr. GRUENING. Mr. President, will the Senator from Missouri yield for one or two questions?

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). Does the Senator from Missouri yield to the Senator from Alaska?

Mr. HENNINGS. I am glad to yield to my friend, the learned Senator from Alaska.

Mr. GRUENING. I note that the able and distinguished senior Senator from Missouri has stated that it is his conviction that, under the pending bill, the referee plan as proposed and urged by the Attorney General of the United States and by the administration will not permit very many Negroes to be registered. Do I correctly understand that to be the view of the Senator from Missouri?

Mr. HENNINGS. I must say that is my view and my fear. It is also the view of the Chairman of the Judiciary Committee, the Senator from Mississippi [Mr. EASTLAND], and I believe it is also the view of a number of other Senators who think that what we have embodied in the referee proposal and in some of the other proposals heretofore offered, including the registrar proposals—or by whatever name they may be called—calls for an approach which is going to be of very doubtful value. In other words, we are undertaking to avail ourselves of only one course, although another course is open to us. But apparently at least some Members of the Senate seem to be very happy to swallow the opinion of the Attorney General of the United States, in the form of the proposed legislation sent here by him, without, I am constrained to say, very much scrutiny or discussion and with relatively little argument about the merits or demerits of what the Attorney General has seen fit to send to the Congress.

I think there are in the Senate a few Senators who are lawyers who may know almost as much as does the Attorney General, or if not, they know where in the law books to find what they seek.

I would say there are many Senators in this body—let me excuse myself—who need not defer to the opinion of the Attorney General in any and all matters, and certainly not in this matter. There are many Members of this body, I think, who can hold their own with the Attorney General in any encounter in court, or in committee, or, indeed, in any matter requiring the exercise of judgment, together with an understanding and appreciation of the law, and some ability, of course, to know where to search for the law.

So I say to the Senator from Alaska, unfortunately, we seem to have accepted the Attorney General's plan without giving various alternative plans very much attention.

It might be of interest to the Senator to know we had hearings for a considerable period of time. We invited the Attorney General to appear early in the course of the hearings. The Attorney General was unable to appear until the last day of the hearings. We heard very little from any of the witnesses, both witnesses for and against the registrar plan as proposed by the President's Commission on Civil Rights, or the referee plan. Later we received a good many written statements from law professors and other interested persons. There had been no evidence or testimony in support of such a plan. And the Attorney General appeared upon the scene, and, as a sort of Moses with a blast from Sinai, handed us the so-called referee plan. We were told what it was, and that it would solve the problem.

Mr. GRUENING. I should like to ask the Senator from Missouri whether he was present at the hearings held as recently as March 28 and 29, before the Senate Judiciary Committee, when the civil rights bill came over from the House, and whether he heard the reply of the chairman of the committee, the senior Senator from Mississippi [Mr. EASTLAND], when the junior Senator from Michigan [Mr. HART] inquired of the Department of Justice representative, Mr. Walsh, for his opinion as to how many people would be included on the election rolls under the bill as written, and as it now is.

Mr. HENNINGS. I was present, may I say to the Senator from Alaska, and I heard the discussion; I heard the question asked, and I heard the answer given.

Mr. GRUENING. And what was the answer?

Mr. HENNINGS. The answer was, "Very few, if any," as I recall, or words to that effect.

Mr. GRUENING. That is correct.

Mr. HENNINGS. Is that not precisely what the answer was?

Mr. GRUENING. I find, on page 94 of the report of these hearings, when the Senator from Michigan [Mr. HART], being naturally interested to know whether the legislation urged by the administration would be effective, asked Mr. Walsh how many would be added to the election rolls, the chairman of the committee interposed before Mr. Walsh had a chance to reply and said, "I can answer that—very few."

We now have a situation where two very distinguished Members of this body, both the chairman of the Judiciary Committee, Senator EASTLAND, and the chairman of the Rules and Administration Committee, who is none other than the senior Senator from Missouri, are in agreement that this legislation will permit very few colored people to vote.

Is it not rather striking that two Members of this body who are on opposite sides of this question—one might say at the two opposite poles—one opposed to all civil rights legislation and one who has tried, not only in this Congress, but in previous Congresses, to secure meaningful civil rights legislation, are agreed that the pending bill would be worthless to afford opportunity for more than a very few colored people to vote? Is that a correct statement?

Mr. HENNINGS. The chairman of the Judiciary Committee most emphatically said that the legislation would not be effective. I would say most emphatically it is of doubtful value, and possibly unconstitutional. I could say a great many other things about it, I may say to the Senator from Alaska.

Mr. GRUENING. Is it not a fact that during the course of the 8 weeks of debate, we have gradually stripped the civil rights bill of all provisions other than that relating to voting? We have prevented affirmative legislative action on the matter of segregation in schools, the matter of supporting verbally the Supreme Court decision on a school segregation, the elimination of discrimination based on race in employment on Government contracts. We have stripped the bill of nearly everything down to a mere effort to secure voting rights. Is that correct?

Mr. HENNINGS. What the Senator from Alaska has said is accurate. I would say, further, that what we have is not very much.

Mr. GRUENING. Then, in other words, we get down to voting rights, and we find that this legislation is virtually worthless, in the informed opinion of the two Members of the Senate who have, I think I can say without fear of successful contradiction, more experience than any other two Senators, one of whom has, for years, on the one hand, been opposing civil rights legislation, and one of whom has, on the other hand, been supporting it.

I wonder whether the Senator from Missouri would hazard an opinion as to whether those who would want to salvage something out of the civil rights bill so it will be a meaningful voting rights bill would be far out of line if they voted against the bill when it came up for final passage, unless some such amendment as that offered by the Senator from Missouri, or some such amendment as may be proposed by the junior Senator from Colorado [Mr. CARROLL] tomorrow, or some other amendment which would be designed to strengthen the bill and make it a real voting bill, were adopted?

Mr. HENNINGS. I will answer the Senator by saying that is a matter, of course, within the conscience and judgment of each Member of this body. I would certainly concur with the Senator in saying that if the bill is utterly without force or meaning, it would be proper to vote against it.

I think some persons will be registered under the bill, and some persons will be allowed to vote, thanks to the House having acted upon, and the committee having adopted, our original provisional voting section, which was not in the Attorney General's original suggestion, as I recall it.

Mr. GRUENING. Then, the question will probably come down to a quantitative estimate, whether instead of having half a loaf, or a quarter of a loaf, those who want a meaningful voting rights bill should be satisfied with a crumb. It that correct?

Mr. HENNINGS. The Senator confuses me. I know it is not intentional. I hear the word "meaningful" resounding and echoing through this Chamber time after time after time. The term "meaningful bill" has become so redundant and has so draped itself over

the doors and columns of this Chamber and is so sententious in its effect that I think the word is really stripped of all meaning. When we say "meaningful bill" now, it has all the undesirable qualities of a cliche. The term "meaningful bill" may mean one thing to the Senator from Alaska and to me, and another thing to another Senator. I do not know what "meaningful" means, unless we mean we want to get rid of this legislation, get it out of the way, get on to something else, and tell the people of the country the Senate has labored and finally produced a monumental achievement. I say the Senate has done nothing of the kind.

We had sort of a marathon for a few weeks, with 24-hour sessions around the clock. That was considered to be quite an endurance test. Of course it was. We heard a lot then about meaningful legislation. Everybody wants a meaningful bill.

Some of us want an effective bill. Some of us want a bill which will do something. Some of us want a bill which will not only result in people being registered but will get them to the polls and enable them to cast their ballots.

I would say that if the Attorney General's plan or scheme had not been swallowed by some in its entirety, many Members would want to scrutinize and to study more carefully some of the other plans which have been offered, including the one to which I am now undertaking to address myself.

As those things go, the Senator well knows people become tired of a subject and of proposed legislation. Unhappily we are human to that extent, and I think there is a disposition generally to pass what we call "a bill." There will be "hosannas" and much interchange of compliments about cooperation and of the fine piece of legislation which has been produced by this august body, sometimes referred to as "the greatest deliberative body in the world." Then we will rock along, and we will find by next year that the law will not work. We will have this subject back in our laps again. I may have the pleasure of sitting again for another month, every morning and some afternoons, listening to all the witnesses for and against an enrollment officer bill or some other device which may be worked out by some of us who, I fear, are going to be vastly disappointed when we see the limitations and the barrenness of this bill as effective voting legislation.

I took a little longer to answer the question than I had expected. I apologize to my friend, and thank him for his courtesy.

Mr. GRUENING. I would suggest to my friend that the adjective "effective" as he uses it and the adjective "meaningful" as used in recent weeks are almost synonymous.

Mr. HENNINGS. "Meaningful" sounds fine when one sententiously drapes it around the doors and windows to say, "This is a meaningful bill. Have we not done nobly?"

Mr. GRUENING. I would say that some of us who have followed the gradual attrition of the civil rights legislation during the last 8 weeks, until it has gotten down to a mere proposal to insure the right of American citizens to vote, feel we should make our judgments upon the evidence of the two most qualified men in the Senate in this field. I say that without reflection on other Senators. We have, on the one hand, the chairman of the Committee on the Judiciary, who has long studied the issue from his point of view; and, on the other hand, we have the chairman of the Committee on Rules and Administration, who at the same time is the chairman of the Subcommittee on Constitutional Rights. These two authorities agree that very few—those are their words—will be allowed to vote under this legislation. I find it difficult not to conclude that we now have little more than next to nothing in the pending civil rights bill.

Mr. HENNINGS. I thank the Senator for developing his points as emphatically as he has. I read earlier today an excerpt from the Wall Street Journal of Friday last:

> Civil rights drives promise to become election-year perennials in Congress. Backers already plan a 1962 effort. They claim this year's bill will do little in the Deep South. A major 1962 goal: Administrative, not judicial, protection of Negro voting rights. Critics foresee lengthy court delays under present proposals for court-appointed referees to guard Negro ballot rights.

That is to be found in column 4 of the Wall Street Journal of April 1, 1960, last Friday.

I think that is about the size of it. Simply because of a somewhat intransigent attitude on the part of our learned Attorney General and on the part of some others who do not want anything of this sort, perhaps because its origin does not happen to be the office of the Attorney General or the administration, the present situation has come about.

For my part, I would be very happy to embrace anything, irrespective of its source, if I thought it to be workable, and if I thought it to be really effective in its application and in its ultimate consequences.

I would hope that the referee bill might be more effective than some of us think, but I rather despair that it will be an instrument for the real fulfillment of justice to the Negro citizens of this country when it is put into operation as it will be passed by this body.

Mr. GRUENING. I should like to ask my friend from Missouri whether he thinks the record of the Attorney General's office during the past 2 years, since the enactment of the civil rights bill of 1957, showed a great zeal, or even appreciable enthusiasm, and determination to secure these rights with the legislation the Attorney General has had available, which some of us have felt was adequate for him at least to make a far better showing than he has made, since he has brought only four cases in that 2-year period?

Mr. HENNINGS. Certainly the Senator is possessed of a fine sense of humor. I have known the Senator for a long time. I am sure the question he is asking is purely rhetorical.

If the Senator wants me to answer in gravity I will say no, of course, the Attorney General has not made any great effort. There has not been any great effort. There have been four cases. The Senate labored mightily when we passed the bill authorizing the Civil Rights Commission. Thereafter, the Civil Rights Commission labored mightily and produced something which was, we might say, treated cavalierly, with a lighthearted spirit, and tossed aside as worthless. That Commission included such "incompetents" as Dean Storey. I do not mean that Dean Storey is actually incompetent, when I say that, and I put the word in quotation marks. The Commission included men such as Dean Storey, Commissioner Hannah, and Father Hesburgh of Notre Dame. The Commission included men of that character and stature and ability. They came to the U.S. Congress with recommendations, as they were empowered and directed to do. The recommendations went virtually for naught.

In the report the Commission criticized the Attorney General for his failure to use more effectively the instrumentalities under the law which are placed in his hands for enforcing these basic constitutional rights.

Mr. GRUENING. And these members of the Commission were men of stature and integrity, whose judgment is entitled to respect.

Mr. HENNINGS. They were men of exceedingly high stature and integrity. Three of them were from the Deep South, as we speak of the South as being the territory below Mason and Dixon's line.

Mr. GRUENING. If, then, as appears to be true, the answer to my question, which my friend deems rhetorical, but which I asked in all sincerity——

Mr. HENNINGS. I did not question the Senator's sincerity.

Mr. GRUENING. I know that.

Mr. HENNINGS. I simply assumed, from the Senator's intonation, that it was rhetorical.

Mr. GRUENING. Sometimes the interrogative form is a useful method of bringing out a set of facts.

Mr. HENNINGS. It is indeed.

Mr. GRUENING. I have been trying to use that method.

It seems to me—and this is pertinent to the very fine proposal and amendment the Senator from Missouri is now presenting for action—that if we have had for 2 years what might be called a pattern and practice of indifference, a pattern and practice of lack of enthusiasm, a pattern and practice of virtual nullification, there is no reason to suppose that that pattern and practice will not be continued by the present desire of the Attorney General and the administration to present and support a bill which is obviously ineffective, and to refuse to accept amendments which would make it effective. I think that is becoming increasingly evident, and it is my hope, as one of those who will hope for something to be saved from this legislation, that the Senator from Missouri's amendment will be accepted, as I had hoped the amendment of the distinguished

junior Senator from Michigan [Mr. HART] would have been accepted, or that the proposal which will be made on the morrow by the distinguished junior Senator from Colorado [Mr. CARROLL] will be accepted. If none of those proposals is accepted and incorporated in the bill, we can only conclude that we have wasted 8 or more weeks of precious time and achieved nothing.

Mr. HENNINGS. I thank the Senator for his very thoughtful and very helpful contribution.

At this time I should like to pay tribute to all who have stood fast—not only those who propose to support this amendment, the distinguished Senator from Michigan [Mr. HART] and the distinguished Senator from Connecticut [Mr. DODD], but the distinguished Senator from Pennsylvania [Mr. CLARK], the able and learned Senator from Colorado [Mr. CARROLL], and many others I might name, who have fought this battle all the way down the line, in committee and on the floor of the Senate, and who have devoted many hours of precious time to study and effort to come to an understanding, and to come to grips with one of the great problems of our time in this Nation, not only at home, but as bearing upon our responsibilities in the entire world today in the 20th century. To those men I should like to pay sincere and high tribute.

This business is complex. It can be very tiring. I have found that the law becomes harder and more difficult all the time. It is more difficult all the time for me, because I see more and more of the complexities of some phases of it.

But this amendment, particularly the amendment I offered today, is not complex, and the procedures involved are not complex. It is for that reason that I can see no legitimate basis, other than that some want an administration bill—just because it is an administration bill—and the Attorney General of the United States has placed his imprimatur of approval on it—for being willing to accept without question, without scrutiny, and without careful examination, everything the Attorney General sends up to the U.S. Senate. I think we have a duty, and I think that duty in many respects transcends that of the Attorney General of the United States. I do not think this body is so lacking in capacity surely as not to be able to determine for itself what legislation it desires to have. It need not be completely subservient, completely amenable to anything and everything that Attorney General Rogers presented to the Committee on the Judiciary, and before that, to the Committee on Rules and Administration.

These gentlemen are very tenacious of purpose and of mind, of course. They are very sure, indeed, of themselves. They are possessed—and I refer, of course, to their testimony—of a pervasive assurance about what they think they know they have presented in the so-called referee bill. They point to it with pride. As the Senator from Alaska and the Senator from Mississippi, the distinguished chairman of the Committee on the Judiciary, have well pointed out, very few people in my opinion will be registered under it. I would undertake to make the same prediction as my friends the Senator from Mississippi and the Senator from Alaska.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. HENNINGS. I am happy to yield to the distinguished Senator from Pennsylvania, who has been very diligent in this case. No one has contributed more to the discussions of the subject, and the work relating to it, than has the senior Senator from Pennsylvania.

Mr. CLARK. I thank my friend. I should like, if I may, to obtain the floor in my own right in order to support the amendment of the Senator from Missouri. If he desires to hold the floor further, however, I shall be glad to indulge him.

Mr. HENNINGS. I appreciate very much indeed the courtesy of the able and learned Senator from Pennsylvania. Inasmuch as there seem to be no further inquiries to be put to me, I shall be very happy to yield the floor and let the Senator from Pennsylvania proceed in his own fashion, unhampered and untrammeled by any parliamentary shackles whatsoever, in order that he may present his case as he desires to present it.

Mr. HART. Mr. President, will the Senator yield for a question?

Mr. HENNINGS. I am very happy to yield to my friend and colleague on the Committee on the Judiciary, the able and exceedingly diligent and scholarly Senator from Michigan, who has been of the greatest help in this special matter. He is a most valuable member of the Committee on the Judiciary in all respects.

Mr. HART. I thank the Senator. There is one question which I should like to ask, which was suggested by the distinguished Senator from Missouri in his remarks.

The Senator from Missouri commented on the composition of the President's Commission on Civil Rights. He stressed the fact that three of the six members were from the South, and that all were men of great ability, whose objectivity—to the extent that any human can be said to be free of bias and prejudice—has been assailed by no Member of this body, nor could it be.

Was it not from the recommendation of the President's Commission on Civil Rights that the enrollment officer approach originally sprang?

Mr. HENNINGS. It was, indeed.

Mr. HART. Was it not by a vote of 5 to 1 of that Commission that the recommendation was made that, in the face of the dreary recital of thousands of Americans denied the opportunity to vote, the only effective means of achieving a cure was by the simple administrative device?

Mr. HENNINGS. As the Senator from Michigan well knows, the administrative process is the process that is generally availed of in elections. Of course, the Senator is exactly correct. The Senator testified in behalf of his own bill. He appeared before the Committee on Rules and Administration and testified most learnedly and helpfully before the committee.

The enrollment officer plan does derive—with some changes and modifications—from the recommendation of the Civil Rights Commission, appointed by the President of the United States and, as the Senator says, and as we all know, it is composed of eminent lawyers, men of ability, and men of the highest integrity.

Mr. HART. I should hasten to add that the bill presented by the senior Senator from Missouri, which I am privileged and delighted to be permitted to cosponsor, but which he developed, is an improvement upon the basic recommendation of the Commission. This is not said in criticism of the Commission, but reflects the opportunity available to us over a period of months to improve an initial suggestion, which is always easy to do.

Mr. HENNINGS. I appreciate the comment of the Senator. We always may have something which we think is about what we like at a given time. If we are given more time to reflect upon it, consider it, study it, search the law, and carry the problem with us as one of importance engrossing our minds and attention, we know that we can improve upon almost anything we might develop.

I will not be so vain as to say that I have improved upon the plan, except to say that we have had the benefit of hearings on it. We have had the benefit of some time to study the proposal, and more opportunity to refine it and to enlarge upon it than had the Commission on Civil Rights.

Mr. HART. Will the Senator yield to me once again?

Mr. HENNINGS. I am very happy to yield to the Senator from Michigan.

Mr. HART. The Senator mentioned the fact that one of the members of the Commission on Civil Rights was the president of Notre Dame University, Father Hesburg. Necessarily, the Commission's report is in formal language. This member of the Commission, Father Hesburgh, recited in less formal fashion the reasoning of the Commission, when he addressed a civil rights conference at South Bend, Ind., on the 14th of February of this year. I believe that those of us who insist that an administrative approach is the one most likely to produce the results which virtually all here insist they want to see achieved will agree that Father Hesburgh on that occasion reflected in a very informal fashion the motivation behind the Commission's report, when he said:

> Literally millions of people qualified to vote were not able to vote.

He was describing his experience and the experience of his brother Commissioners. He went on to say:

> We all knew that something must be done about this situation, and done as simply and as quickly and as cleanly as possible. That is how we came up with the idea of Federal registrars.

The full text of Father Hesburgh's remarks was inserted in the RECORD of March 10. I thought that the motivation of the senior Senator from Missouri, in urging that the Senate now add as an alternative, the enrollment device,

springs from the motivation described by Father Hesburgh. We seek a simple and quick method to correct what I have heard no one in this body deny to be a very serious blot on America's face as we present ourselves to the whole world, which has become so tiny in this 20th century.

I join in the commendation rightfully extended to the senior Senator from Missouri for the leadership he has given to all of us, not alone in the Committee on the Judiciary but also on the floor of the Senate, in our effort to provide that administrative remedy. I feel sure that if the bill which is finally passed contains only the referee device, then within a predictable period—2 or 3 years—again the Commission will report that the blot has not been removed and that the referee device was not effective; therefore, we shall face again the need for something simple and direct. It is the simple and direct method that the Senator from Missouri offers in this amendment, which I hope we will adopt.

Mr. HENNINGS. I thank my very able and distinguished friend from Michigan for his generous comments and for his consistent dedication to this work, as I have said, and for his contributions today and every day to our general progress.

I yield the floor, if the Senator from Pennsylvania wishes to address the Senate.

Mr. CLARK. Mr. President, I desire to speak in support of the amendment offered by the distinguished Senator from Missouri.

In my judgment the senior Senator from Missouri has made a speech which every Member of this body should have heard or should have the opportunity to read before we vote on his most important amendment. In my opinion he has with irrefutable logic demolished the objections to the Federal enrollment officer plan which have been voiced by the Attorney General. He has rebutted in every regard the objections made by the Attorney General to this plan in a letter which was read to the Senate last week by the distinguished minority leader.

I do not see how any openminded Senator, having listened to the Senator from Missouri, could still contend that there were any substantial constitutional, legal, or administrative objections to the Federal enrollment officer plan.

In my opinion, the Senator from Missouri has demolished by his logical argument the effectiveness of the referee plan supported by the Attorney General and apparently supported by a majority of our colleagues. The deficiencies of that referee plan have been abundantly demonstrated by my good friend from Missouri. He needs no help from the senior Senator from Pennsylvania to prove to anyone who will listen that the referee plan will not work.

Mr. HENNINGS. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield to my friend from Missouri.

Mr. HENNINGS. To my learned and able friend, who in his own right is a splendid lawyer and advocate, I may say that I certainly need all the help I can get. Certainly the able Senator from Pennsylvania needed all the help he could get when he presented his amendments. Indeed, I think the U.S. Senate will need all the help it can get, and then some, after this bill is passed, and we explain, a year or 2 or 3 years hence why it was passed so halfheartedly, after 8 weeks of debate on it; why it was passed with such acceleration and such quickening of pace when we got down to the heart of some of the more substantial, alternative, balancing amendments. The U.S. Senate will face its own conscience in that respect, and the Senate will be judged by the people of the Nation.

Mr. CLARK. The Senator from Missouri is entirely correct in that regard. I associate myself with his remarks. I think the only difficulty is that he and I do not have help enough, because while we have a good deal of help, we do not have the help which will add up to 51 votes.

Mr. HENNINGS. I thank the Senator from Pennsylvania.

Mr. CLARK. Mr. President, it occurred to me that since about all we are doing at this point is to make a record on which we can make our case to the country, and on which we can come back another year to attempt to complete what we have failed to do this year, it would not be amiss to attempt to apply the provisions of the Federal enrollment officer plan and the referee plan to a particular Federal judicial district and test it against such a factual situation, to determine which of the two plans holds the most promise of obtaining voting rights for disfranchised citizens.

I selected for this purpose, more or less by chance, the southern district of Mississippi. My staff has done some research in that regard, and I should like to place it before the Senate.

The southern district of Mississippi comprises the 44 southern counties of that State, covering about 26,856 square miles. Approximately 900 to 1,000 voting precincts are scattered among those 44 counties.

There is one Federal judge, the Hon. Sidney C. Mize, who was born on March 7, 1888, and who lives in Biloxi. His appointment was sponsored by Senators Theodore G. Bilbo and Pat Harrison a good many years ago.

The court sits in five divisions in the southern district: in Jackson, Hinds County; in Meridian, Lauderdale County; in Vicksburg, Warren County; in Biloxi, Harrison County; and in Hattiesburg, Forrest County.

The backlog of civil cases pending in the district court, according to the Administrative Office of United States Courts numbered 448 cases on July 1, 1959. One hundred and ninety-six cases were commenced between July 1 and December 31. During that same period, only 161 cases were terminated. As of December 31, 1959, 483 civil cases were pending.

The national average is 250 cases pending per judge. So in the southern district of Mississippi, the backlog of cases is not quite, but almost, twice the national average.

On the 1st of July 1959, 59 criminal cases were pending in the district. One hundred and forty-seven criminal cases were commenced between July 1 and December 31, 1959, and 126 cases were terminated during that period. Therefore, 78 criminal cases are still pending. The national average of criminal cases commenced per judge during a similar period is only one-third as many as were commenced in the southern district of Mississippi.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. CLARK. I do not want to tell the Senator from Mississippi that I will not yield to him, because I will yield; I should like to complete my speech before I yield. I appreciate the Senator's courtesy at this point.

The Judicial Conference has recommended one additional district judgeship for this district. The Senate Judiciary Committee has reported a bill—S. 2673, Senate Report 997—proposing one additional district judgeship for the district.

The southern district of Mississippi is in the jurisdiction of the Court of Appeals for the Fifth Circuit, which covers Mississippi, Alabama, Louisiana, Florida, Texas, and Georgia. The court of Appeals does not sit in Mississippi at all. It holds court in New Orleans, Atlanta, Fort Worth, Montgomery, and Jacksonville. There are six circuit judges, and one additional judgeship has been recommended by the Judicial Conference and is proposed in the committee bill.

So it can be seen that there is a substantial backlog of pending cases, both civil and criminal, in the southern district of Mississippi—a backlog substantially larger than the national average. When it comes to invoking judicial procedures to assist in the registration and voting by disfranchised citizens, we have for consideration a district with one judge. I have no doubt he is a very fine judge, a judge who is in the later years of his life, who presides in a district where there is already a substantial delay in the trial and disposition of cases.

Mr. President, I ask unanimous consent to have printed at this point in my remarks a brief summary of the major provisions of Mississippi law regarding voting qualifications. The summary indicates that in addition to the normal requirements of many other States, there is a requirement that the voter must pay a poll tax by February 1 of the year in which the vote is sought to be cast, and produce receipts for 2 preceding years.

There is a requirement for a loyalty oath, and there are requirements that the voter must have an understanding of citizenship, be able to read and write any section of the Constitution, and give a reasonable interpretation of the section.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania?

There being no objection, the summary of Mississippi laws regarding voting qualifications was ordered to be printed in the RECORD, as follows:

MISSISSIPPI LAWS REGARDING VOTING QUALIFICATIONS

1. Residence: 2 years in State; 1 year in election district (city, town, precinct, or ward) (sec. 3130).

2. U.S. citizenship.

3. Literacy: The registrant must be able to read or write any section of the Constitution and give a "reasonable interpretation" of the section (sec. 3130).

4. Understanding of citizenship: The registrant must have a "reasonable understanding" of the duties and obligations of citizens of a constitutional form of government (sec. 3130).

5. Poll tax: $2, paid by February 1 in year in which vote is sought to be cast. Receipts for 2 preceding years are required.

6. Loyalty oaths:

(1) Registrant must swear that he is not disqualified under law; and

(2) Swear to support the United States and State Constitutions.

7. Age 21.

8. Disqualifications: Idiocy, insanity, conviction of felony or infamous crime; Indians who pay no tax; not excluded by "regulations of parties holding the election" (sec. 3130).

9. Registration deadline: 4 months prior to general election.

Mr. CLARK. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a table based on table 34 of the Civil Rights Commission report, appearing at pages 578 to 580 of that report, which sets forth Negro registration figures for the 44 counties comprising the southern district of Mississippi.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Negro registration statistics, 44 counties in southern judicial district, Mississippi

44 counties in southern district of Mississippi	Nonwhite percent of total 1950 population	Negro population over 21, 1950	1955 number Negroes registered	Percent Negroes over 21 registered
Adams	48.9	9,338	641	6.9
Amite	52.2	4,506	3	.1
Claiborne	74.8	4,728	111	2.3
Clarke	40.7	3,549	0	.....
Copiah	53.4	7,841	16	0.2
Covington	32.5	2,454	419	17.8
Forrest	28.8	7,406	16	.2
Franklin	39.4	2,294	70	3.1
George	12.3	518	0	.....
Greene	18.3	758	38	5.0
Hancock	17.1	1,131	449	39.7
Harrison	18.0	7,883	1,569	20.0
Hinds	45.0	35,021	4,069	11.7
Holmes	73.5	11,498	45	.4
Issaquena	67.4	1,790	0	.....
Jackson	21.5	3,752	900	24.0
Jasper	51.4	4,312	9	.2
Jefferson	74.5	4,304	0	.....
Jefferson Davis	55.5	2,923	1,038	26.4
Jones	26.3	8,046	872	10.8
Kemper	50.4	4,023	20	.5
Lamar	15.9	1,118	0	.....
Lauderdale	36.4	12,963	1,039	8.0
Lawrence	37.6	2,229	268	12.0
Leake	42.4	3,835	66	1.7
Lincoln	32.9	4,507	516	11.4
Madison	73.6	11,586	431	3.7
Marion	36.0	4,103	331	8.1
Neshoba	25.9	2,284	6	.3
Newton	34.6	3,687	52	1.4
Pearl River	21.8	2,454	0	.....
Perry	24.3	1,136	58	5.1
Pike	44.7	7,008	137	1.8
Rankin	47.3	7,295	33	.5
Scott	43.2	4,329	16	.3
Sharkey	71.3	4,533	1	.02
Simpson	33.3	3,351	61	1.8
Smith	20.3	1,400	6	.4
Stone	21.8	746	25	3.4

Negro registration statistics, 44 counties in southern judicial district, Mississippi—Con.

44 counties in southern district of Mississippi	Nonwhite percent of total 1950 population	Negro population over 21, 1950	1955 number Negroes registered	Percent Negroes over 21 registered
Walthall	46.0	3,017	0	.....
Warren	50.7	12,312	1,099	8.9
Wayne	30.6	2,557	0	.....
Wilkinson	60.1	4,588	46	.9
Yazoo	61.5	11,126	81	.7
Total	.....	252,787	[1]13,582	5.37

[1] Governor Coleman testified that only 8,000 (36 percent) of the registered Negro voters in the State paid their poll tax and were eligible to vote in 1955. Applying this ratio to the southern district total above, only 4,889 of the Negro registrants in the district were eligible to vote. Civil Rights Commission report, p. 58.

Source: Civil Rights Commission report, table 34, pp. 578–580.

Mr. CLARK. Mr. President, in eight counties in the southern district of Mississippi no Negroes at all are registered to vote. I invite the attention of Senators to the number of Negroes who reside in those counties, which appears in the table I have just placed in the RECORD. I shall read the names of the counties and the number of voting precincts in each county:

Pearl River, 31; Lamar, 14; Wayne, 24; George, 14; Walthall, 12; Jefferson, 13; Issaquena, 7; and Clarke, 29.

It seems obvious, therefore, that a great many Negroes in Mississippi would desire to assert their constitutional right to vote, who perhaps could meet the quite stringent qualifications of Mississippi law, and who under the referee proposal would have to apply to the Federal court in order to assert those rights. The figures I have obtained from the Civil Rights Commission indicate that there are 252,787 Negroes of voting age in the 44 counties comprising the southern district of Mississippi, of whom only 13,582, are registered to vote. Because of the failure to pay poll taxes or because of the inability to pay poll taxes, the actual number of those eligible to vote might well be less than 5,000.

In addition, located in Jackson are one U.S. attorney and two assistant U.S. attorneys who serve that district. I believe, also, that one Federal marshal, one deputy marshal, and three assistant marshals serve the entire district. That is the setup in which the referee proposal would take hold in the southern district of Mississippi. I leave to my colleagues to judge how effective it would be to have Negroes from any of those counties go through the tortuous procedures of the referee proposal before the single Federal judge, in order to become qualified to register and to vote.

In the first place, a Negro would have to try to register or to vote, and would have to be turned down by the local officials in one of the 44 counties, or perhaps at one of the voting precincts. After being denied that right, and believing that it was because of his race, he would have to complain to the United States attorney or to one of his two assistants in the State capital at Jackson. It is 191 miles by road from the most southeasterly town in the State to the State capital in Jackson.

Such Negroes would then have to persuade the United States attorney to bring a suit in the name of the United States against the responsible local official. If the United States attorney decided to bring a civil action or other proceeding for equitable relief—although he would not be required to do so—the Negroes who had complained to the United States attorney would be named in the pleading which would be filed and would be served on the local official; and from that time on their identity would be known in their community.

Because of the backlog of cases pending, I would think a considerable number of months would elapse between the time of the filing of the suit and the time of the trial. When the trial was had, the Negroes would be the main United States witnesses, and would be required to take the stand and to testify about the actions of the local officials in depriving them of the right to register or to vote.

The Department of Justice is of the view that the defendants would not, as of right, be entitled to jury trials, in such a proceeding; but that point has not been litigated. The officials in Terrell County, Ga., to which the proceedings in the Raines case were remanded by the Supreme Court last month, have moved for a jury trial as of right. The Department of Justice is going to move to strike the motion, but has not yet done so. However, it is generally conceded that the judge can submit any and all issues to a jury under the Federal Rules of Civil Procedure 39(c), if he wishes to avoid the responsibility for making the determination that discrimination and denial of voting rights has existed.

No doubt the defendants would object to the presentation of any evidence tending to show voting right denials in any cases except those being testified to by the complaining witnesses, and the judge probably would rule out such evidence in cases in which a jury had been convened, and also in other cases, if he were of a mind to do so, although it is fairly clear that he could accept such evidence in a nonjury trial if he chose to do so. However, the judge might be of a mind to rule out such evidence on the ground that it would be irrelevant and immaterial to the rights of those Negroes to register and to vote. If he did so I think he would be right.

I suggest that it is questionable whether the judge or the jury would determine that those disfranchised Negro citizens were entitled to be registered and to vote. Certainly one cannot be confident that a jury drawn from citizens in the southern district of Mississippi would be eager to make such a finding in favor of Negro fellow citizens who had been denied the right to vote.

But let us assume that the finding was made, and that specified persons who were found to have been deprived of their voting rights were told that they could register and could vote. If the local officials contested that finding, it seems to

me there would be a real possibility of an appeal to the court of appeals, because that could be considered a final finding on the merits. Of course, there would be a possibility that it would be considered an interlocutory decree, and that no appeal would lie at that time, although my own view, as a lawyer, is that an appeal would lie.

After the appeal had been disposed of there would have to be another court proceeding, brought at the request of the Attorney General, at which it would be determined whether a pattern or practice of discrimination existed in any one or more of the voting precincts in the district with respect to which those Negroes had requested the Attorney General to ask the court to make such a finding.

It occurs to me that at that point there would be another, and a rather involved, judicial proceeding; and again an advisory jury might be convened. Finally a pattern of discrimination might or might not be found to exist; and, again, an appeal might or might not be found to lie.

At that point I suggest that perhaps one or two or three elections would have taken place and would have been over, and none of those Negroes would yet have voted.

Once the pattern of discrimination were determined and were found to be a fact, the judge would be entitled to appoint one or more referees to register the voters. Normally, one would think the referees would be lawyers, members of the bar, because in a sense they would be judicial officers of the court; and in the course of enrolling these persons, they probably would have to pass on legal questions. That raises the question as to whether the local district judge, even with the best will in the world, would be able to find in the southern district of Mississippi members of the Mississippi bar, who would be willing to serve as such referees. But for the moment let us assume that he would find them, and then let us assume that in each of the 44 counties there were Negroes who desired to register and to vote—because, after all, a great many Negroes in that district are disfranchised. Would that mean the appointment of 44 separate referees—one for each county? I wonder whether it might not mean the appointment of almost 1,000 referees, or one for each voting precinct. In that event, I wonder whether it might not be necessary to call out the National Guard, and to ascertain how many lawyers were serving in the National Guard, so they could take charge of the problem of holding hearings and determining whether these Negroes should be permitted to register and vote or not.

Then let us assume that all of those Negroes came in, and all of them testified before the referee, and all of them proved that under the State law they were entitled to vote. I have no doubt that then the referee would say to them, "Have you been back to the local authorities, so that you can testify under oath that you tried to register again, even after the pattern of discrimination was found?"

Mr. President, this evening the Senate has refused to adopt the amendment submitted by the distinguished junior Senator from Michigan [Mr. HART], which would have eliminated that additional and, to my way of thinking, unnecessarily onerous requirement.

So now we find that there would have to be another proceeding before the disfranchised citizen would be permitted to register. Even then he would not have voted; and if thereafter he went to vote, and if the local officials refused to permit him to vote, then—as pointed out earlier in the debate this evening—there would not be any court proceeding which would result in permitting him to cast his vote unless he had been back again, and again had been denied the right to register and vote, after the pattern of discrimination had been found.

After all that had been gone through, there would be an opportunity for the State officials to protest, first, that the citizen was not properly registered, and, second, that he did not have any right to vote, anyway.

Again, we have a finding by the referee, an appeal from the referee's finding to the district court, an affirmance or rejection of the referee's report by the district court, the possibility of an appeal to the Court of Appeals of the Fifth Circuit, a writ of certiorari to the Supreme Court of the United States; and, Mr. President, I wonder when this would end.

Let us contrast this clumsy judicial procedure with the straightforward Federal enrollment officer procedure advocated by the distinguished senior Senator from Missouri [Mr. HENNINGS]. We find, in the first place, that while the proceeding can be triggered by a court finding that one or two or more citizens of a registration district have been denied the right to vote, it may also be triggered by a finding of the Civil Rights Commission that certain citizens in a registration district have been denied the right to vote. In either event, the President may appoint an administrative officer, who must be a Federal employee living within the Federal judicial district, to be a Federal enrollment officer, and from there on the matters are not judicial, but administrative.

I point out again that the proceedings may be initiated entirely by an administrative proceeding in the first instance, because if the Civil Rights Commission finds disfranchisement, then the President is entitled to appoint a Federal enrollment officer. From that point the procedure moves with expedition, just as the procedure for registration takes place under State law in all those States of the Union where disfranchisement does not exist.

I think there is no State in the Union in which it is not true that registration of voting is an administrative, and not a judicial, function. I see no reason to change that universal rule when the Federal Government moves into the picture. In fact, I see every reason to keep it that way, because, in my judgment, that is the only way in which we can achieve what we want, which is to get citizens who have been denied the right to vote their civil right of voting, to get it for them promptly, and to protect them in that right, giving, at the same time, to State officials and local officials, an adequate right of appeal through that same unchallenged procedure which is a part of the laws of every one of the 50 States.

So I suggest that if we apply the two procedures, one the Federal enrollment officers and the other the judicial referee procedure, to the facts of a particular judicial district where we know that widespread disfranchisement exists, we are forced to the irresistible conclusion that the Federal enrollment officer procedure holds forth great promise of doing what we want to do, which is to permit American citizens denied the right to vote to have their right.

I suggest we come also to the conclusion, which it is difficult indeed to resist, that the referee proposal just will not work.

So, in conclusion, Mr. President, I hope very much that the amendment of the Senator from Missouri will be adopted. I join him in his pessimistic view that, if it is not adopted, we are not going to do very much to help the voting rights of individuals who have been denied the privileges which the 15th amendment to the Constitution of the United States extends to them.

I said on the floor of the Senate last week that whether a conscientious advocate of a meaningful civil rights bill could vote for the measure now pending before the Senate was a question of grave doubt to me. I still have that doubt. Today we rejected amendments which would have vastly improved the bill.

Unless we are able to strengthen this bill before its third reading, I say, in all good conscience, that if it is any step forward at all, it is so small a step that I think we would not be doing our duty to the people of the United States if we did not tell them, in words of one syllable, that the Senate of the United States has labored since February 15, 1960, like an elephant, and has produced nothing more than a mouse.

Mr. President, I yield the floor.

APPROPRIATIONS FOR COAL RESEARCH

Mr. CARROLL. Mr. President, last Tuesday evening the Senate debated and passed the Interior appropriations bill, which has now gone to conference with the House.

At the time the bill was debated on the floor I was occupied with the civil rights bill in the hearings and executive session of the Judiciary Committee.

I had intended on that day to call to the attention of the Senate the significance of an action taken by the Senate Appropriations Committee in which I concurred.

The Senate committee had recommended an increase of $250,000 in one section of the Bureau of Mines budget, to accelerate research in the processing and utilization of bituminous coal.

I was happy to see, when I left the Judiciary executive meeting to come to the floor and vote on the Interior bill, that the Senate had retained in the bill the additional sum for bituminous coal research.

I am hopeful now that the conferees will agree to keep this added research appropriation in the final bill.

I would like, for a moment to tell the Members of the Senate, and especially the Senate members of the conference committee, why this appropriation is of special significance to the people of Colorado.

This $250,000 added by the Senate will be used to study development of a coal-fired gas turbine which would increase the efficiency of utilizing coal in the generation of electric power.

A coal-fired gas turbine will be of principal value in semiarid regions of the United States where the supply of water is limited.

This is because this type of turbine requires much less water than conventional steam generation.

In Colorado water is one of our most precious resources. For this reason research on a coal-fired gas turbine is of special interest to the southeastern part of my State.

It would be especially adaptable to this part of Colorado because: it is semiarid, needs power development, and is rich in coal reserves.

The city of Walsenburg, Colo., situated in the heart of rich bituminous coal deposits, has been anxiously and diligently attempting to secure construction of an REA generating and transmission power plant in its area.

The Walsenburg area is an economically depressed region, principally because of the decline in its major industry, coal mining.

Good, industrious people are today unemployed in Walsenburg.

To correct this situation the city officials have, with great imagination and initiative, attempted to persuade a southeastern Colorado REA generating and transmission cooperative to build in their city a much-needed powerplant, fueled by coal.

This plant would tie in with other generating plants on the co-op's system to furnish additional power to almost one-quarter of the State of Colorado.

However the economics of locating and operating the plant in Walsenburg at this time have deterred the REA co-op from locating there, although they have been partial to the Walsenburg region.

The appropriation of an additional $250,000 to accelerate research on coal-powered electric generation will be good news to the Walsenburg people and to the Colorado REA's and the generating and transmission cooperatives.

It is entirely possible that if by such research, the cost of generating power through a coal-fired gas turbine can be measurably reduced, the REA G. & T. Co-op in southeastern Colorado might very well be inclined to reconsider Walsenburg as a powerplant site. It would be sound economics to locate such a vital new plant in the heart of a coal-producing area where natural and human resources are readily available and can be quickly put to use.

Mr. President, I commend the Senate Appropriations Committee for the wisdom it showed in adding $250,000 to the Bureau of Mines budget for this worthy research project.

It is my ardent hope that this additional research sum will prove the necessary stimulus to a fast and satisfactory resolution of the remaining problems in the development of a coal-fired gas turbine.

This research has beeen going on for 12 years under private and Government auspices.

We are now down to the last three or four problems.

Perhaps with the additional research funds we are providing this year we will see a breakthrough and the coal-fired gas turbine will become a practical device for generation of cheap power in semiarid areas.

I hope the conferees will agree to leave in the bill the sum added by the Senate.

Mr. President, I ask unanimous consent that there be included at this point in my remarks a statement made by the Bureau of Mines in justification of research on a coal-fired gas turbine.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Need for increase: The increase is requested to conduct research and development, particularly in turbine blade design in the development of an economic coal-fired gas turbine for power generation in stationary plants. The program will take advantage of more than 12 years of research and development carried out by the Locomotive Development Committee of Bituminous Coal Research, Inc. Approximately $5½ million has been spent since 1945 by coal companies and railroads sponsoring that program. More than 125 patents have been made available to the Bureau of Mines by the above committee in addition to the use of a full-scale, 4,200-horsepower gas turbine installation valued at $1,200,000.

The solution to the problems of (1) feeding coal to the combustion chamber at elevated pressures, (2) burning coal at high temperatures and pressures, and (3) ash control and elimination, was essentially accomplished by the Locomotive Committee. However, the Bureau of Mines is concerned with the development of a coal-fired gas turbine plant capable of fulfilling the long life requirements of stationary plants. Under this new program, better fly ash control will be investigated, and the Bureau will work toward improving turbine blade design and improving materials of construction. In attempting to extend the life of the gas turbine blades, the Bureau will take advantage of the technical knowledge and experience gained by the Locomotive Development Committee. In addition, because we will not be restricted by the space limitations of a locomotive, other plant design changes are possible that should improve the operation of the turbine.

Plan of work: The funds requested under this program will be used at Bureau laboratories and experiment stations for research to be conducted by Bureau personnel. The work will be coordinated with work of other Government agencies and private industry concerned with such research.

Studies will be conducted on low-temperature carbonization to determine the amount and quality of char, tars, and gas that can be obtained from lignitic and bituminous coals. If economical processes can be developed for converting the tar to marketable products, a new market for coal will be opened.

The Bureau will continue studying various methods of gasifying coal to produce synthetic gas. This is the first and most expensive step in converting coal to high B.t.u. gas, synthetic liquid fuels, and coal chemicals; consequently, advances in this field can have wide application. New technical knowledge and engineering data will be needed when coal must supply increased energy demands in the form of gaseous and liquid fuels and as a source of chemicals.

The basic nature and structure of coal will be investigated by a number of modern techniques to provide fundamental data essential for scientific advancement in all fields of coal research and development. Microbial action on coal and neutron, X-ray, electron, light, infrared, ultraviolet, magnetic resonance, and mass spectrometric techniques are revealing facts about the complex coal molecule that will be helpful in the rational development of new methods for processing and using coal.

Combustion research will be continued on slagging and external erosion of boiler tubes, pollution of air by fly ash and noxious gases, and sludge deposits in the corrosion of water, steam, and condensate lines.

Work on stationary coal-fired gas turbines is being undertaken to further increase the efficiency of converting coal to electric power. In addition, the turbine requires much less water than conventional steam generation use and, if a coal-fired gas turbine is developed, it should be used in the arid regions of the United States where water is in short supply.

APPROPRIATIONS FOR RESEARCH AND DEVELOPMENT ON COAL, OIL, AND MINERALS IN THE ROCKY MOUNTAIN AREA

Mr. CARROLL. Mr. President, I also support the action taken by the Senate in approving the $500,000 which the Senate Appropriations Committee provided for intensified research and development on coal, oil, and minerals in the Rocky Mountain area.

I am advised that the portion of these funds pertaining to oil research will be expended at the Bureau of Mines facility at Laramie, Wyo.

The coal research to be carried out with the added funds will be used in several important studies.

I am further advised that coking coal research will be conducted in Denver and mining exploration on thick beds will be carried out in Wyoming and Utah.

The coking coal work in Denver will include investigation of new sources of coke, coke quality, and basic coking mechanisms.

If the Senate-House conferees agree to appropriate the $500,000, I am hopeful that the additional work loan in oil research for the Laramie, Wyo., station will make unnecessary any further study of shifting coal research work by the Bureau of Mines from Denver to Laramie. It is my understanding that the additional coal and oil research funds will adequately utilize the Laramie facilities and personnel.

It seems to me, Mr. President, that a very thorough study of the Denver Coal Research Laboratory of the Bureau of Mines is included in the House Interior Appropriations hearings on pages 438, 439, and 440.

I note that in answer to questions about economics in moving the Denver coal research facilities the Director of the Bureau of Mines in his report to the House said:

It would result in increased costs to the Bureau of Mines if the coal research program

were moved from its present location. Furthermore, the type of space required for much of the coal research activities is not available at Laramie and very considerable capital investments would have to be made to house the pilot plant equipment.

This statement, Mr. President, is emphatic and conclusive. It would be costly, wasteful, and detrimental to the research program to move the Denver coal research facilities.

I hope the conferees will accept the $500,000 as provided in the Senate bill.

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. ROBERTSON. Mr. President, as the junior Senator from Virginia has indicated on a previous occasion, it is very difficult for us to keep track of the many proposals which have been presented to us during the 7 weeks in which we have been engaged in a debate on the subject of civil rights. I hold in my hand the hearings of the Committee on Rules and Administration, which deal with proposals very similar to but not exactly like the pending amendment.

Before that committee we had S. 2684, S. 2719, S. 2783, S. 2814, S. 2272, S. 2785, and S. 2535. There were about 750 pages of testimony on those bills, none of which is now before us.

It seems that everyone has given up the job of counting the number of bills and amendments. We refer to them by poundage—5 pounds, five and a half pounds, and so many ounces, dealing with registration and voting; others dealing with many different subjects.

The amendment sent to the desk late this afternoon, I am told, is quite similar to the amendment previously presented by the distinguished Senator from Missouri [Mr. HENNINGS] on March 10. That was then an amendment to House bill 8315, a Missouri bill, I believe, which related to transferring some Government property for a schoolhouse.

The Senator from Illinois offered seven or eight amendments to that bill. One amendment offered by the Senator from Illinois was a voting provision that was recommended by the Attorney General of the United States.

I have great respect for the legal ability of the distinguished Senator from Missouri [Mr. HENNINGS] and when he says that he is convinced that the voting section proposed by the Attorney General is not constitutional, I agree with him. Of course, I realize that in great sincerity he is offering an amendment now which he thinks is constitutional, and which he thinks would be effective in providing the privilege of voting for those who claim that they are now denied that privilege.

As I say, I have enjoyed a warm friendship through the years with my distinguished colleague from Missouri. I have great respect for his legal ability and his knowledge of the Constitution.

Mr. HENNINGS. Mr. President, will the Senator yield to me?

Mr. ROBERTSON. I yield.

Mr. HENNINGS. I wish to acknowledge the tribute my friend and colleague has paid to me. Our friendship began some 25 years ago, when we were both in the House of Representatives together. Praise from the junior Senator from Virginia is praise indeed.

I should like to say also that his many scholarly contributions of law, his interpretation of the Constitution, and his remarks on the pending legislation have been exceedingly enlightening and, indeed, worthy of one possessed of the keen understanding, scholarship, and devotion to duty and the belief which he holds. I salute my good and learned friend.

Mr. ROBERTSON. Mr. President, I appreciate that high tribute from my colleague. We served in the House together. We have been very close friends over a period of years.

There is one situation which frankly has me—and I am sure Members of the House—greatly disturbed. A senior Member of the Senate, a distinguished member of the Committee on the Judiciary, says that the main section—and it is said that section 6 of the House bill is the main section, and that the others are more or less window dressing—is not constitutional.

I do not think so either. Yet we find, with respect to the registrar proposals, that the Attorney General wrote a letter which was printed in the RECORD, saying that the proposal for registrars, which is in essence what is before us now, was unworkable. He used a great deal of language that was not complimentary. Before that, he had stated that constitutional and legal problems would arise under plans based upon determination by a nonjudicial body that State officials have discriminated against citizens in violation of the Federal Constitution.

Mr. HENNINGS. Mr. President, will my friend yield to me?

Mr. ROBERTSON. Let me say, in that connection, that that is diplomatic language for saying, "Your plan is not constitutional."

I yield to the Senator from Missouri.

Mr. HENNINGS. My friend knows how I have cherished his friendship through the years, and he knows the basis of our association. He knows what great respect I have for his intellect and his intellectual integrity.

The Attorney General was, indeed, rather reckless. I believe he was referring at that moment to an amendment known as the Javits amendment.

Mr. ROBERTSON. He has offered plenty of them.

Mr. HENNINGS. The Attorney General was very free in his language. He said the proposals were worthless.

I do not intend to be as unkind to the Attorney General as he has been to some of us. Some of us do not dwell on that great plateau of infallibility upon which the Attorney General seems to have placed himself with some modesty.

I would not say that the referee plan was worthless. An expression has been tossed back and forth that seems to have been stripped of all its meaning. I refer to the expression "meaningful legislation." Just what that means, I do not quite know, but I should say that the Attorney General's referee plan is spacious with error and lacking considerably is some understanding, perhaps, of the Constitution, and, indeed, many phases of effective administrative law.

Mr. ROBERTSON. Would the Senator from Virginia misunderstand the meaning of his distinguished colleague when he said that in framing the voting referee plan our distinguished Attorney General lacked some understanding of the Constitution, if he took that to mean that that is protocol for saying that his plan is unconstitutional?

Mr. HENNINGS. I would not like to pontificate. The Attorney General was very ready and willing to pontificate, and give us offhand opinions.

Mr. ROBERTSON. He simply undressed the Senator's plan in public. There is no question about that.

Mr. HENNINGS. Whether it was my plan or someone else's plan, the Attorney General, of course, is a very lofty and eminent figure in our Republic, and we must be very generous and tolerant in our comments about him, if we want to conform to protocol. In any event, I should say that the gentleman who occupies that position does not know all the law. He does not suspect a great deal of it. Let me say, in all modesty, that I, for one, do not defer and yield to him in his interpretation, in what I think is his limited understanding of the great body of the law, including constitutional law, administrative law, and other phases.

Mr. ROBERTSON. Far be it from the junior Senator from Virginia to challenge that "soft impeachment" of the Attorney General.

Mr. ERVIN. I should like to ask the Senator from Virginia a question which might put an end to all this difference of opinion.

I should like to ask the Senator from Virginia if he does not agree with me when I say that what the distinguished Senator from Missouri has said about the voting referee bill of the Attorney General, namely that it is unconstitutional, is true.

Mr. ROBERTSON. Undoubtedly. I think it is true.

Mr. ERVIN. I should like to ask the Senator from Virginia if he does not also agree with me in the observation that what the Attorney General has said about the proposed amendment of the able and distinguished Senator from Missouri, namely that it is unconstitutional, is also correct?

Mr. ROBERTSON. I would rather put it this way. Once upon an occasion a stranger was traveling in Scotland, and he said to the Scotsman, "Is this the road to Edinburgh?"

The Scotsman said, "Yes, my friend, but you will have to turn around."

I am always glad to be on the same road with my friend from Missouri but we must keep our directions straightened out.

Mr. ERVIN. The Senator from Virginia is eminently correct in that observation, notwithstanding my great affection for the able and distinguished senior Senator from Missouri. I should like to ask the Senator from Virginia one more question.

Mr. ROBERTSON. I yield.

Mr. ERVIN. I ask the Senator if he does not agree with me that those of our brethren who wish to put upon us, in addition to our State registrars not only the voting referee but also the Federal enrollment officer, are like the fellow who had what he considered to be a cantankerous mother-in-law, and who received a telegram from the undertaker saying, "Your mother-in-law died today. Shall we cremate or bury?"

I ask the Senator whether this chap was not like our friends who wish to add to the voting referee provision the enrollment provision, when he wired back to the undertaker, "Your telegram received. Take no chances. Cremate and bury." Does not the Senator believe that our friends are trying both to cremate and bury us?

Mr. ROBERTSON. Sometimes when we weigh all these proposals, we are more or less forced to the conclusion that someone is really trying to do a job on us. The junior Senator from Virginia wishes to call attention to the fact that so far as our State is concerned the great, burning issue has not been that people cannot register there.

I recall that when we had this issue up in 1957 an article was printed in the Richmond News-Leader from the leader of the NAACP in Virginia, from which I should like to quote a paragraph. The article was published on July 31, 1957. The headline reads "Protests Cleared Promptly." In part, it reads:

> No serious or effective efforts are made in Virginia to prevent Negroes from registering or voting, according to W. Lester Banks, secretary of State conference of branches of the National Association for the Advancement of Colored People.
>
> Banks was asked for comment today in light of charges and countercharges being aired in the Senate in debate over the pending civil rights bill.
>
> "Since 1951 and 1952," he said, "most complaints we have heard have been minor in nature." He added that all such complaints had been "cleared up promptly" by telephone calls either to individual registrars or to Levin Nock Davis, secretary of the State board of elections.

Mr. President, I ask unanimous consent that the entire article be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PROTESTS CLEARED PROMPTLY

(By William B. Foster, Jr.)

No serious or effective efforts are made in Virginia to prevent Negroes from registering or voting, according to W. Lester Banks, secretary of the State conference of branches of the National Association for the Advancement of Colored People.

Banks was asked for comment today in light of charges and countercharges being aired in the Senate in debate over the pending civil rights bill.

"Since 1951 and 1952," he said, "most complaints we have heard have been minor in nature." He added that all such complaints had been "cleared up promptly" by telephone calls either to individual registrars or to Levin Nock Davis, secretary of the State board of elections.

Banks cited as examples two complaints his organization had received in which disputes arose over the payment of poll taxes by Negroes applying for registration for the first time. In each case, he said, the applicant complained that a registrar was misinterpreting the law that permits registration without paying the tax in the case of a person becoming 21 years of age between January 1 and the November general election date.

LEGAL EXEMPTION

Banks said that Davis' office instructed the registrars as to the legal exemption and registration was effected. Banks said these cases may well have reflected a lack of knowledge of the law, rather than racial discrimination on the part of the registrars.

Banks said his organization "hasn't had any complaints of intimidation or acts of violence to prevent Negroes from voting," but said there had been a few instances called to his attention in which election officials "apparently tried to make it a little more difficult for Negroes than for whites."

These cases, he said, involved demands for production of poll tax receipts by Negroes who had been regular voters for years. Banks acknowledged, however, that similar demands also are made of white persons and said he did not regard such challenges as serious efforts to interfere with voting rights of Negroes.

HELD RELUCTANT

Banks said he believed that the NAACP probably would be the agency to which most Negroes would turn for help if they felt that discriminatory practices were being attempted.

The NAACP secretary said some instances had been called to his attention in which Negroes in rural communities are reluctant to go alone to the residence of a white woman registrar to qualify themselves to vote.

"This isn't a discriminatory act on anybody's part," he said, "but it's a kind of psychological reluctance on the part of some Negroes to go to a big imposing house where a white woman is the registrar unless somebody else goes along with them."

Banks said this situation is being eliminated as more and more counties turn to centralized registration, where books are kept at a registrar's office, open for business at specified times and operating under a uniform system of procedure.

IRREGULAR HOURS

In counties where this is not done, Banks said, some Negroes have complained about irregular hours for receiving registrants and some varieties in procedure from one registrar to another.

In such circumstances, Banks said, he is unwilling to say whether registration difficulties stem from racial discrimination, lack of knowledge of the law by the registrar, uncertainty on the part of prospective voters, or general laxness of the system.

Regardless of causes, he said: "We haven't had to do anything about irregularities except to call them to the attention of Mr. Davis. Usually things are straightened out pretty quickly."

Mr. ROBERTSON. The essence of the article was that back at that time there were only minor complaints, and they had been cleared up, and there was no litigation.

There has been some complaint about a law in Virginia, passed 2 or 3 years ago, that we would not give the applicant for registration a printed form. In other words, he would have to know what he wanted to do and fill out the information and hand it to the registrar.

There was no discrimination against colored people in that practice, because, as a matter of fact, the colored people are going to better schools than the whites in some sections. Anyway, the colored people complained that that was discrimination. My senior colleague [Mr. BYRD] knows that at the last session of the legislature that law was repealed, and we went back to the printed form, to facilitate the registration of those who did not have much education. It is evidence of the fact that in Virginia we have not been trying to keep the colored people from registering on account of their race. Neither have we tried to intimidate them at the polls. I have never heard it said that anyone in Virginia was trying to intimidate a colored man at the polls.

I come back to the fact that we have a great multitude of bills on all phases of civil rights, but right now dealing primarily with the charge that we in the South look down upon the colored people as not being human beings; nothing could be further from the truth.

I have just received some translations of radio broadcasts in the Soviet Union, out of Moscow. Judging by those broadcasts, one would think that at no time in history have minorities been treated as badly as colored people are being treated in the South. They are trying to whip up propaganda abroad on an issue on which we cannot get agreement even in the Senate among our best constitutional lawyers with respect to what we should do. The Senator from Missouri [Mr. HENNINGS] is one of our best constitutional lawyers. The Attorney General is one of the highest ranking constitutional lawyers in the country—I will not say that he is the best—and he says something quite different from what the Senator from Missouri says. I would certainly rank very highly our distinguished colleague from North Carolina [Mr. ERVIN]. With all due deference, I am inclined to agree with him that both the Attorney General and our friend from Missouri are wrong—that both of them are advocating unconstitutional provisions. They do it with the greatest of sincerity, of course. Yet they cannot get together.

Hence the burden of my theme tonight is that we have adequate laws, which we should try first before we rush in and try to pass a great many other laws on which none of us can agree. Would that not indicate that we should stop, look, and listen? Should that not indicate that we should let this matter go over and try to operate under the laws that we have? Should we not do that until all these various proposals can be duly considered by our great Committee on the Judiciary, which is composed of the best

lawyers in the Senate, and let it go over until next year, so that the committee can give us a report on the kind of legislation we need, if at that time they still think we need it? Of course, in the meantime we will have had an election in November. If they still think that we would need this legislation, then certainly we would be in a better position to legislate on it than we are at the present time.

Mr. President, on February 29, 1960, in the course of my statement on the voting referee proposal, I called to the attention of the Senate facts which lead me to believe that the voting referee proposal is premature. I should like for the benefit of the Senate to bring this matter to its attention again, because I think events have reinforced the argument I made in February.

In 1957, in the so-called Civil Rights Act of 1957, the Congress enacted a statute which authorized the Attorney General to initiate injunction proceedings in the Federal district courts "whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person" of the voting rights secured by the previous provisions of the subsection.

What language could be broader, more distinct, more comprehensive?

These previous subsections included, in subsection (a) what might be described as the right to be free from discrimination through State action on account of race or color in voting at any election, and in subsection (b) the right to be free from intimidation or coercion by any person at any primary or general election for Federal officers.

In addition, the 1957 act provided for contempt trials for violations of injunctions obtained in these proceedings, in which the defendant would have no right to a trial by jury if the fine imposed did not exceed $300, and the imprisonment imposed did not exceed 45 days in each proceeding.

The provisions of the 1957 act are, of course, in addition to all the previous civil and criminal statutes prohibiting interference with civil rights.

The 1957 statute has hardly been used at all. When the Attorney General testified before the Rules Committee, the following colloquy occurred:

The CHAIRMAN. Mr. Attorney General, under the Civil Rights Act of 1957, how many suits if any have been instituted?

Attorney General ROGERS. Actually five or six. Two of them involved the Civil Rights Commission itself, and four involved action which was started by the United States. The two involving the Civil Rights Commission are in the Supreme Court. Judge Walsh, the deputy, argued those cases before the Supreme Court. The other cases involved Terrell County, Ga.; Macon County, Ala.; one in Louisiana; and one in Tennessee. I might say on that point that it seemed wise to me to make certain that the test cases which we brought under that act, and I use the words "test cases" because it was assumed that the first ones would all be challenged, and that we would make law in the first cases, that those test cases be very strong in their facts, and we tried to be certain that those four cases which were started first would be strong so we could get the constitutional and other legal questions resolved with strong factual support.

Once those things are decided by the courts, and I hope they will be soon—I think they will be soon—then we can bring other cases with a little less concern about the complete strength of the facts in the case.

We can review the other complaints we have in the light of the decision of the court and decide whether to proceed or not.

I might say, Mr. Chairman, that I have been surprised how few complaints we have had—

Mr. President, I want to read that over again.

Mr. HILL. Yes; read it over again.

Mr. ROBERTSON. We have between 6 and 7 pounds of bills and amendments because a grave, burning issue is before us. A minority is being downtrodden, overridden, and denied constitutional rights. But the Attorney General testified only a few weeks ago:

I might say, Mr. Chairman, that I have been surprised how few complaints we have had, and I would hope that if Congress does give support to these proposals, this one and the one about preserving election records, which is vitally important, that there will be greater effort on the part of the Negro to register and vote, because constitutional rights cannot be enforced unless the people attempt to exercise them (1960 hearings on Federal registrars, p. 360).

Neither can the people be made to vote if they do not have any interest in voting, whether it is to register or, if they are registered, to go to the polls on election day. That is just as true as what the Attorney General said about getting persons to register if we simply pass more laws.

Mr. HILL. Mr. President, will the Senator yield for a question?

Mr. ROBERTSON. I yield.

Mr. HILL. Is it not true that there is a Federal statute which makes it a crime unlawfully to deny a person the right to vote?

Mr. ROBERTSON. That is true; and there are State laws to the same effect; and then there is the civil right to collect damages.

Mr. HILL. Mr. President, will the Senator further yield?

Mr. ROBERTSON. I yield.

Mr. HILL. Is it not true that the statute gives to an aggrieved party the right to sue or file a claim for damages?

Mr. ROBERTSON. It absolutely does.

Mr. HILL. Is it not true, as the Senator brought out in connection with the act of 1957, that the Attorney General of the United States becomes a counsel for the aggrieved party, without any cost or expense to the aggrieved party, the costs being paid by the taxpayers of the whole United States?

Mr. ROBERTSON. That is the law now, in the act of 1957; and there were only five or six cases brought under that act. The Attorney General was surprised that there were so few cases brought.

Two of the cases mentioned by the Attorney General, the Terrell County, Ga., case, U.S. against Raines, and the Louisiana case, U.S. against Thomas, were decided on February 29, 1960, both in favor of the Government. The Georgia case, as I read it, upheld the constitutionality of the 1957 act against the challenge that the section on which that case was based, section 1971(a), covered both State and private action.

I call attention to the fact that one of the main or most serious objections to all the voting proposals is the lack of constitutionality, and the provision that the prosecution may be of a criminal nature, and without a jury trial.

As I pointed out at length on March 8, the right of trial by jury comes down to us from Magna Carta, in 1215. It was cherished by the Englishmen who were our ancestors. We have always cherished it, and have mentioned in our Declaration of Independence the denial of it as one of the reasons we were fighting for our freedom.

We have put it in several places in the Federal Constitution, and it is written into all the State laws.

I am reminded at this point of a saying I read some years ago by the English poet, Coleridge. He was a good poet, but not of top rank. He was a social reformer, and he wrote some essays. In one of them he condemned the British criminal laws which provided capital punishment—the hanging of a man—for the smallest theft, what we would call petit larceny. At that time, it seems, a very beautiful woman—I have forgotten her name—was in jail because she claimed she should be the Queen. Two peasants were in the same jail, sentenced to be hanged for stealing a few pennies. Yet everyone was in mourning over the beautiful woman who was accused of treason, but no one was paying any attention at all to the poor fellows who had stolen a few cents and who were to be hanged in a few days. This is what I remember of Coleridge's essay; it has been a long time since I read it:

We pity the plumage, but forget the dying bird.

Shall we crucify the States simply because someone says that we in the South have kept someone from voting? I go back to the English principle. It certainly seems to me that we are trying to carry the business of forcing persons to be registered and getting them to the polls to the point where we forget that all of our prosperity, freedom, and happiness is due primarily to the fact that we have a written constitution, a constitution which Daniel Webster, standing on the steps of the Capitol—steps which were torn down over the protest of the junior Senator from Virginia—said, on the 100th anniversary of the birth of George Washington, was an instrument which unites national sovereignty with States rights and the liberty of the people.

He went on to say in that great address that if we destroy that great instrument, we will never rebuild it. That certainly is true. That is one of the principles for which the 18 Senators from the South have felt we should make a determined fight. Some day the rest of the Nation undoubtedly will be alerted to the fact that these bills are aimed at destroying our Constitution.

As I shall point out later, if a great need exists for a change, we should follow the recommendations of the Civil Rights Commission and amend the Constitution. That is what the Commission recommended—at least, three members did. I will point out where that statement was made. That is a significant thing, coming from the Commission. Now we have pound after pound of bills seeking to do what it is said the Commission called for.

But, as I shall point out, only two members of the Commission, really recommended the enactment of any new law at all on a permanent basis. Two of them said no new law is needed. Two of them said we might have a stopgap law. But only two wanted any permanent new legislation; and they said it should be limited—mark you, Mr. President—to national elections, because they did not think the Federal Government had any constitutional right to try to control State and local elections, as is being proposed in title VI of the House version of the bill and in the Hennings amendment which calls for the employment of registrars.

Mr. President, in the two cases I have mentioned, the court held that regardless of whether that section covered private action, it did cover State action and was valid. In the Louisiana case the court in a brief per curiam opinion apparently reached the conclusion that any private action which made use of any public instrumentality, however mechanical and ministerial, was State action, and sustained an injunction which covered what would seem to be purely private discrimination: successful challenges by private citizens directed at colored voters, by reason of disqualifying statements appearing in the registration statements of the colored voters, not accompanied by similar challenges against white voters who were alleged to have similar disqualifications. A great many of them were automatically ordered to be registered in the Raines case, in Louisiana. That is the only one in which that was reasonably tested. And it worked; there is no question about it. Some have said, "The law has not been tested." But it has been tested, Mr. President. But some persons want more law, even though they have not utilized the existing law that is available to them, the tools and the law they already have been given.

Mr. President, I call attention to the fact that that was a per curiam decision, and I wish to have the former member of the North Carolina Supreme Court, our distinguished colleague, the senior Senator from North Carolina [Mr. ERVIN], tell us again the meaning of a per curiam decision.

Mr. ERVIN. This might not be the technical definition, but it is a true definition: A per curiam decision is one made by the court when no member of the court is willing to be identified as the putative father of the decision. [Laughter.]

Mr. ROBERTSON. That might not be a technical definition, but it is something we can understand.

Mr. HILL. Mr. President, will the Senator from Virginia yield?

The PRESIDING OFFICER (Mr. LUSK in the chair). Does the Senator from Virginia yield to the Senator from Alabama?

Mr. ROBERTSON. I yield.

Mr. HILL. When the distinguished Senator from Virginia asked the distinguished Senator from North Carolina that question, did the Senator from Virginia think the Senator from North Carolina would speak with exceptional authority on the subject, having been a member of the Supreme Court of the great State of North Carolina?

Mr. ROBERTSON. As I said earlier in the evening, I yield to no one in my high regard for the high legal ability of the Senator from North Carolina, and when I asked him that question I felt that he would give a comprehensive and accurate answer. And I feel that he has done so.

Mr. HILL. Let me say that I share with the Senator from Virginia his very high esteem and great appreciation of the distinguished Senator from North Carolina. The Senator from North Carolina has a very great legal ability.

Mr. ERVIN. Mr. President, if I may do so without impairing in any manner the right of the able and distinguished junior Senator from Virginia to the floor, I should like to take this occasion to express my deep appreciation for the far too generous remarks of the Senator from Virginia and the Senator from Alabama.

However, I still maintain that my definition of a per curiam decision is correct. [Laughter.]

Mr. ROBERTSON. Mr. President, the present generation in Virginia feel that many of our friends in North Carolina have misunderstood our attitude, because some years ago someone in North Carolina, in referring to Virginia and South Carolina, said that North Carolina was a valley of humility between two mountains of conceit. [Laughter.] But when it comes to a knowledge of civil rights and of the law, Virginia takes off its hat to our distinguished leader from North Carolina [Mr. ERVIN], whose services to us have been second only to those of our great leader from the State of Georgia, Senator RICHARD RUSSELL.

Mr. President, to return to some brief comments on why this whole proceeding is premature, I wish to call attention to the fact that a third question is involved in the Alabama case, which I understand is to be argued during this month. That is whether the statute authorizes suits against States, as distinguished from suits against persons engaged or about to engage in prohibited acts.

The question of the right to sue a State, which is involved in the Alabama case, would be resolved by paragraph (b) of section 601 of H.R. 8601.

Ordinarily it is not good practice to amend a statute while that statute is under judicial consideration. In this case I take it that the Justice Department has so little hope of winning the Alabama case that it feels it necessary to have the statute amended specifically, in order to do by amendment what it thinks it cannot get the Supreme Court to do by interpretation.

That means that when a case is pending in the Supreme Court and when the Attorney General has some doubts about whether he will win the case, he attempts to get Congress to change the rules of the game while the case is still pending, in order that the Court will be forced to give him the kind of decision he is seeking, because he has inserted in one of the provisions—section 7—of the Dirksen amendment and in section 6 of the bill as passed by the House a provision that a State can be made a party to the suit. That is the issue in the Georgia case which is to be argued next month. The Attorney General now is resorting to that means of carrying his point.

The Civil Rights Commission, in commenting on the Justice Department activities under this new statute, made it clear that they thought the Justice Department was very slow to take action under the 1957 law.

I now quote from the comment by the Civil Rights Commission:

In the Civil Rights Act of 1957, the Congress sought to remedy these "prosecutive difficulties" of criminal sanctions by reinforcing and extending Federal civil powers to protect the franchise through injunction suits.

But in terms of securing and protecting the right to vote, the record of the Department of Justice's Civil Rights Division under the Civil Rights Act of 1957 is hardly more encouraging than it was before.

That is the criticism leveled by the Civil Rights Commission against the Department of Justice—that it has not acted with any diligence or zeal in carrying out the laws we already have.

I continue to quote from the comment by the Civil Rights Commission:

Nearly 2 years after passage of the act, the Department of Justice had brought only three actions under its new powers to seek preventive civil relief—in Terrell County, Ga.; Macon County, Ala.; and Washington Parish, La. In a presentation to a subcommittee of the House Appropriations Committee it was revealed that of 32 Civil Rights Division cases pending in court at the end of fiscal 1958, only 7 were properly in the category of "civil rights" as that term is generally understood, 3 were in the field of voting and elections, and no more than 4 were racial cases.

Think of that, Mr. President.

I read further from the comment by the Civil Rights Commission:

During the same period, 11 civil rights cases were presented to grand juries and in 4 cases the jury returned a true bill.

In other words, there was not sufficient evidence to lay an adequate foundation for the return of a true bill.

I read further from the comment by the Civil Rights Commission:

Some of the members of the subcommittee were apparently not impressed with the record of the Civil Rights Division. A large part of its energies, according to testimony, had been channeled into compiling statistics and compiling and digesting State election laws. With full allowance for the fact that the Division had deferred to State court action in Massachusetts, New York, and Pennsylvania where civil rights agencies exist, and in a few other States where

the good faith of State officials was clear, its legal actions were disappointing in number, nature, and results (at p. 131).

Mr. President, from the point of view of the Civil Rights Commission, I can see why they said that Justice Department's legal actions were "disappointing in number, nature, and results." I can also see why the Attorney General would be anxious to make sure that his test cases would be very strong in their facts, so he could get the constitutional and other legal questions resolved with strong factual results. As a practicing lawyer and a bureaucrat, I think he was wise to proceed with caution, even though it resulted in a scathing comment by the Civil Rights Commission.

But I do not see how, in the light of this cautious and time-consuming approach by the Attorney General, it is possible to say that the sweeping provisions of the 1957 statute, as they have been broadly interpreted so far by the Supreme Court, are inadequate. I do not see how it is possible to say experience has shown that we need new laws, when both the Civil Rights Commission and the Attorney General are very clear and very explicit that the existing laws have not yet been tried.

Mr. HILL. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield to the Senator from Alabama.

Mr. HILL. Is it not true that the Civil Rights Commission recommended laws which it proposed should apply only to Federal elections?

Mr. ROBERTSON. That is true, and I am going to comment on that point and give the sections of the Constitution which apply. The Commission did not think there was any constitutional right to have the laws apply to other elections, and the Senator from Alabama and I do not think so, either. That is one of our objections to this voting provision.

Mr. ERVIN. Mr. President, will the Senator yield for several questions?

Mr. ROBERTSON. I yield to the distinguished Senator from North Carolina.

Mr. ERVIN. I read from lines 15 to 18 of page 2 of the proposed amendment:

> The term "registration district" means an area in a State corresponding with any of the districts established by State law from which the voters elect a Member of the House of Representatives of the United States.

When that is put into short and plain English, it means that the term "registration district," corresponds to a congressional district. Is that correct?

Mr. ROBERTSON. I would think so.

Mr. ERVIN. Then the amendment proceeds to say that if either the court or the Civil Rights Commission finds that a single voting registrar or State or local officer has deprived persons in any locality or area of registration of the opportunity of registration for election because of their race or color, the Commission shall notify the President of the United States of such a finding, and the President shall then appoint enrolling officers.

In my congressional district there are approximately 240 voting precincts, in each of which there is a State registrar.

I will ask the Senator from Virginia if, under this proposal, only 1 State registrar, in 1 of the 240 precincts of my congressional district, had failed to register any citizen of the United States on account of his race or color, a Federal enrollment officer could be appointed to take charge not only of that voting precinct, but of the other 239 voting precincts. Is that correct?

Mr. ROBERTSON. That is undoubtedly what the language means.

Mr. ERVIN. Does not the Senator from Virginia agree with me that is certainly visiting the sins of the guilty upon the innocent with a vengeance?

Mr. ROBERTSON. It certainly is. That language also means citizens can vote in any election, even in a primary, a board of supervisors election, or any other election.

Mr. ERVIN. And if two men were running against each other for the office of justice of the peace in any township, anywhere, this proposal would apply to them likewise, would it not?

Mr. ROBERTSON. Undoubtedly, it covers all elections.

Mr. ERVIN. I call the attention of the Senator from Virginia to lines 4 to 15 on page 3 of the amendment, wherein it provides that if the Commission on Civil Rights makes an equivalent finding, like consequences can ensue.

Mr. ROBERTSON. Yes.

Mr. ERVIN. I ask the Senator from Virginia if there is any requirement therein for the Civil Rights Commission to give any notice or any opportunity to be heard to the election official who it is alleged is guilty of discrimination.

Mr. ROBERTSON. None whatever. The provision violates the due process clause of the 14th amendment. It also does not comply with the requirements of the 15th amendment, which provide for individual, and not blanket enrollment. It requires enrollment of an individual who has been denied his right of suffrage because of his race, color, or previous condition of servitude.

Mr. ERVIN. As a matter of fact, I will ask the Senator from Virginia if, under this proposal, Federal enrollment officers cannot be appointed to take charge, so far as the Federal Government is concerned, of the registration of voters throughout a congressional district if the court or Civil Rights Commission finds that one man has been denied the right to vote on account of his race or color.

Mr. ROBERTSON. That would be, in my opinion, the proper construction of the language; but I understand the Senator from Colorado [Mr. CARROLL] plans to offer an amendment to the voting referee plan to make it clear that there will not be any delay about registering a whole group if it can be established that a pattern has been established, and that persons will not have to wait for this, that, or the other.

Mr. ERVIN. I will ask the Senator from Virginia if he agrees with me in this construction, that if they should use the voting referee provision, to which this proposal is to be added, and also use this provision, they would have three sets of registration officers running around, registering voters in the same district.

Mr. ROBERTSON. With all due deference to the Attorney General, he said about the registrar plan, "It is not legal." It is not proper to ask a member of the executive branch of the Government—which a registrar appointed by the President would be—to pass on a judicial question, which would be whether or not an individual's constitutional rights have been discriminated against.

Mr. ERVIN. That is right.

Mr. ROBERTSON. I thought he was on sound ground when he said that.

Mr. ERVIN. I will ask the Senator from Virginia if this proposal does not violate the due process clause of the fifth amendment in that it provides for no notice or opportunity to be heard.

Mr. ROBERTSON. It is ex parte all the way through.

Mr. ERVIN. I will also ask the Senator from Virginia if it does not also violate the principle of the distribution of governmental powers by the first, second, and third articles of the Constitution among the legislative, executive, and judicial branches of the Federal Government, in that it takes the Civil Rights Commission, which is an agency in the executive branch of the Government, according to the statute which creates it, and undertakes to give it the power to discharge a judicial function, namely, to adjudicate rights and liabilities and to determine the advisability of doing what the bill provides for.

Mr. ROBERTSON. That is true, and that is one reason, among others, why the junior Senator from Virginia said in the beginning he fully agreed with his colleague from North Carolina that both voting plans are unconstitutional, and we should not adopt either one.

Mr. ERVIN. I thank the Senator.

Mr. ROBERTSON. Mr. President, the recent decisions by the Supreme Court completely undermine many of the recommendations of the Civil Rights Commission. For example, on page 140, in urging their temporary Federal registrar proposal, the Commission, after discussing the Alabama case involving the right to sue a State under the 1957 act, which is now before the Supreme Court, continued as follows:

> The two other suits brought by the Attorney General under the same act had not at this writing resulted in a single registration. The suit in Georgia had been dismissed and was on appeal; the one in Louisiana was pending.
>
> In short, no one had yet been registered through the civil remedies of the 1957 act.

That is a blanket denunciation that nothing had been done, although the man to do it was the Attorney General. They criticized him for delay and, in effect, inefficiency.

These statements were true on September 9, 1959, when the report was submitted. But these statements are no longer true. Both the Georgia case and the Louisiana case have been decided in favor of the Department of Justice, and the Alabama case is about to be argued. In the Louisiana case, the Supreme Court affirmed the decree of the district court which in effect directed the registrar of Washington Parish, La., to place upon his rolls of qualified voters the names of approximately 1,377 persons whose names had previously been struck pursuant to challenge. Perhaps Governor Battle was more foresighted than the other Commissioners when he gave the following dissent from the recommendation for temporary Federal registrars at page 142 of the report:

> DISSENT BY COMMISSIONER BATTLE
>
> I concur in the proposition that all properly qualified American citizens should have the right to vote but I believe the present laws are sufficient to protect that right and I disagreed with the proposal for the appointment of a Federal registrar which would place in the hands of the Federal Government a vital part of the election process so jealously guarded and carefully reserved to the States by the Founding Fathers.

I think we should also bear in mind the fact that only two of the Commissioners, Dean Storey and Governor Carlton, actually considered that the temporary Federal registrar proposal was a satisfactory solution to the problem. Three of the Commissioners, Messrs. Hannah, Hesburgh, and Johnson, recommended a constitutional amendment which would take away from the States their constitutional right to establish any qualifications for voters except for age, length of residence, and legal confinement at the time of registration or election. These three Commissioners thought that "the proposed measure is clearly a stopgap." Their comments on the qualifications which States now have are interesting.

> Only 19 States now require that voters demonstrate their literacy. Michigan, New Hampshire, Pennsylvania, Tennessee, and Vermont have suffered no apparent harm from absence of the common provisions disqualifying mental incompetents. With minor exceptions, mostly involving election offenses, Colorado, Maine, Massachusetts, Michigan, Pennsylvania, Utah, Vermont, and West Virginia have no provisions barring certain ex-convicts from the vote, and of the States which do have such provisions, all but eight also provide for restoration of the former felon's civil rights. In only five States is the payment of a poll tax still a condition upon the suffrage.
>
> The number of Americans disqualified under each of these categories is very small compared with the approximately 90 million now normally qualified to vote. It is also small in relation to the numbers of qualified nonwhite citizens presently being disfranchised by the discriminatory application of these complex laws. The march of education has almost eliminated illiteracy. In a nation dedicated to the full development of every citizen's human potential, education has almost eliminated illiteracy that may remain. Ratification of the proposed amendment would, we believe, provide an additional incentive for its total elimination. Meanwhile, abundant information about political candidates and issues is available to all by way of television and radio (p. 144).

The separate statement of Dean Storey and Governor Carlton, in which Governor Battle agreed, set forth on page 145 of the report, punctures the balloon of the 23d amendment.

As an additional comment, one might ask why it is that the three Commissioners recommending a 23d amendment are willing to concede to the States the authority to specify age and length of residence requirements. My own guess is that there is no more reason to let the States continue to set the age requirements than there is the other requirements. The real reason is that the Commissioners do not dare take away the vote from 18-, 19-, and 20-year-old Georgians and Kentuckians, and from 19- and 20-year-old Alaskans, by putting in a universal age of 21, and they know that they could never prevail upon States which now have a 21-year voting age to reduce the voting age to 18. They are in just the same situation, as far as age and length of residence requirements are concerned, as the Founding Fathers were when they decided that they could not establish a standard voting qualification, and therefore left voting qualifications to the States.

The Commission's voting referee proposal seems somewhat different, viewed as a temporary stopgap, good only for the 1960 election, than it does viewed as a permanent piece of legislation. I wonder whether Senators who favor some action with respect to voting, and who consider that the Civil Rights Commission and the Civil Rights Commission's report supports them, have given full weight to the significance of the statements by the Commissioners, particularly the statement that the Federal registrar proposal is clearly a stopgap, pending a constitutional amendment which will deprive the States of most of their authority to prescribe the qualifications of voters.

I think I have said enough to show that there is no factual basis for any legislation directed toward registration of voters, whether the Civil Rights Commission's temporary Federal registrar proposal, the administration's voting referee proposal, or the Hennings congressional Election Commission proposal.

This leads me to my next point—not only do we no longer have any demonstration of need for any legislation—we have the most violently conflicting views, even among those who think some legislation is needed, on the form of legislation they consider necessary.

The Civil Rights Commission would establish a temporary Federal registrar organization, in the executive branch, applicable only to Federal elections. The Attorney General in a press statement of January 26, 1960, and in his February 5, 1960, testimony before the Rules Committee, objected to this proposal because it would raise legal and constitutional questions and also because it would involve serious practical difficulties. I agree heartily with this position of the Attorney General. My reasons for opposing the Commission's temporary Federal registrar proposal were given to the Rules and Administration Committee, and many others have joined in this opposition.

Objecting to the Commission's temporary Federal registrar proposal, but unwilling to take the responsibility for having failed to carry out the existing statute, the Attorney General came up with his proposal—the voting referee proposal. This would place the job of registering voters in all elections in the hands of the judicial branch, and they would carry it out by the use of ex parte proceedings, void of due process, and using irrebuttable presumptions instead of proof of facts. I gave my reasons for thinking this proposal unconstitutional and impractical in the Senate on February 29. And opposition to the Attorney General's proposal has not been limited to Southern Senators. The Yale Law School professors who support the Civil Rights Commission proposal, as embodied in the Javits bill, S. 2783, make the following statement at page 79 of the hearings before the Rules Committee:

> The first basic issue is whether the administration of a system of Federal registrars should be a function of the executive or of the judiciary. The Javits bill (S. 2783) vests this function in the executive; the Attorney General's bill in the judiciary. In our view the Javits bill is sound on this issue, and the Attorney General's bill is not.

Of course, these Yale Law School professors, like the Civil Rights Commission, did not have the benefit of the Supreme Court's decision in the Georgia and Louisiana cases. So the factual basis for their comments is subject to criticism in this respect, as well as in many other respects.

I am glad to see also that a number of Senators have joined in the criticism of the Attorney General's proposal.

The third arrangement which has been proposed is the Congressional Elections Commission approach, under which the elections of Senators and Representatives would be carried on entirely separate from all other elections. I commented on this proposal, as it was embodied in S. 2535, in my testimony on February 4 before the Rules and Administration Committee.

This wide array of proposals to cure problems which are said to face the country—all incidentally made before the Supreme Court's decisions of February 29, 1960—is further evidence that we are not in a position to legislate intelligently on this subject. The only hearings that in any way dealt with the question of Federal registrars or voting referees or Congressional Election Commissions were held before the Rules and Administration Committee in late January or early February of this year. Those hearings which, of course, could not reflect the changed situation resulting from the Supreme Court's decision of February 29, barely touched upon the administration's voting referee proposal. The Rules and Administration Committee has not reported any bills, and we do not have the benefit of reports from the Rules and Administration Committee on the proposals which we are discussing from day to day. The Judiciary Committee, to which the voting referee proposal was referred, has not held hearings on the voting referee proposal or on

the Federal registrar proposal, and we have not had the benefit of any reports from that committee on this subject.

New versions of these voting proposals are being introduced daily, involving different versions of each of the proposals and involving different combinations and permutations of the various proposals. Many of these involve the kind of shotgun weddings to which the Attorney General referred to when testifying before the Rules and Administration Committee at page 366. And we do not have the benefit of hearings or reports on these new proposals.

We are following very poor legislative practices, in trying to find our way through this blizzard of legislative proposals. Good legislative procedures, with hearings and committee reports, would, I am quite convinced, make it clear to all concerned that the factual basis no longer exists for any legislation creating voting referees, voting registrars, Federal Election Commissions, or any other form of Federal registration of individual voters.

As Governor Battle said, the present laws are sufficient to solve any case which may arise, and we do not need any new laws on this subject.

Mr. President, I yield the floor.

Mr. DIRKSEN. Mr. President——

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Illinois yield to me so I may suggest the absence of a quorum?

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may yield to the Senator from Texas so that he may suggest the absence of a quorum, without my losing my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 151]

Aiken	Ervin	McGee
Allott	Fong	McNamara
Anderson	Frear	Magnuson
Bartlett	Fulbright	Mansfield
Beall	Gore	Martin
Bennett	Green	Monroney
Bible	Gruening	Morse
Brunsdale	Hart	Murray
Bush	Hartke	Pastore
Butler	Hayden	Prouty
Byrd, Va.	Hennings	Randolph
Byrd, W. Va.	Hickenlooper	Robertson
Cannon	Hill	Russell
Capehart	Holland	Saltonstall
Carlson	Hruska	Schoeppel
Carroll	Jackson	Scott
Case, N.J.	Javits	Smathers
Case, S. Dak.	Johnson, Tex.	Smith
Church	Johnston, S.C.	Sparkman
Clark	Jordan	Stennis
Cooper	Keating	Talmadge
Cotton	Kefauver	Thurmond
Curtis	Kerr	Williams, Del.
Dirksen	Kuchel	Williams, N.J.
Douglas	Lausche	Yarborough
Dworshak	Long, Hawaii	Young, N. Dak.
Eastland	Long, La.	Young, Ohio
Ellender	Lusk	
Engle	McClellan	

The PRESIDING OFFICER (Mr. LUSK in the chair). A quorum is present.

Mr. DIRKSEN. Mr. President, before I move to table the pending amendment, I wish to say this: The pending amendment was offered in the Judiciary Committee and it was rejected by the committee. The Attorney General has opposed it. Not only did he say it was unnecessary, but he said it was unworkable, it was impractical, and there was about it a doubtful constitutionality. On the basis of the Attorney General's testimony and that of the Deputy Attorney General, I believe this amendment ought to be rejected, and therefore I move to table the amendment.

On this motion I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. KUCHEL (when his name was called). On this vote I have a pair with the distinguished senior Senator from Wisconsin [Mr. WILEY]. If he were present and voting he would vote "yea." If I were permitted to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Utah [Mr. MOSS], and the Senator from Maine [Mr. MUSKIE] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD] is absent because of illness.

I further announce that the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Wisconsin [Mr. PROXMIRE], and the Senator from Missouri [Mr. SYMINGTON] are necessarily absent.

On this vote, the Senator from Wyoming [Mr. O'MAHONEY] is paired with the Senator from Maine [Mr. MUSKIE]. If present and voting, the Senator from Wyoming would vote "yea," and the Senator from Maine would vote "nay."

I further announce that, if present and voting, the Senator from New Mexico [Mr. CHAVEZ], the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Utah [Mr. MOSS], the Senator from Wisconsin [Mr. PROXMIRE], and the Senator from Missouri [Mr. SYMINGTON] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. BRIDGES] is necessarily absent.

The Senator from Wisconsin [Mr. WILEY] is detained on official business and his pair has been previously announced.

The Senator from Arizona [Mr. GOLDWATER], the Senator from Kentucky [Mr. MORTON], and the Senator from South Dakota [Mr. MUNDT] are also detained on official business.

If present and voting, the Senator from South Dakota [Mr. MUNDT] would vote "yea."

The result was announced—yeas 58, nays 26, as follows:

[No. 152]

YEAS—58

Aiken	Eastland	McGee
Allott	Ellender	Mansfield
Anderson	Ervin	Martin
Bennett	Fong	Monroney
Bible	Frear	Prouty
Brunsdale	Fulbright	Robertson
Bush	Gore	Russell
Butler	Green	Saltonstall
Byrd, Va.	Hayden	Schoeppel
Byrd, W. Va.	Hickenlooper	Smathers
Cannon	Hill	Smith
Capehart	Holland	Sparkman
Carlson	Hruska	Stennis
Case, S. Dak.	Johnson, Tex.	Talmadge
Church	Johnston, S. C.	Thurmond
Cooper	Jordan	Williams, Del.
Cotton	Kefauver	Yarborough
Curtis	Kerr	Young, N. Dak.
Dirksen	Long, La.	
Dworshak	McClellan	

NAYS—26

Bartlett	Hartke	Magnuson
Beall	Hennings	Morse
Carroll	Jackson	Murray
Case, N.J.	Javits	Pastore
Clark	Keating	Randolph
Douglas	Lausche	Scott
Engle	Long, Hawaii	Williams, N.J.
Gruening	Lusk	Young, Ohio
Hart	McNamara	

NOT VOTING—16

Bridges	Kuchel	O'Mahoney
Chavez	McCarthy	Proxmire
Dodd	Morton	Symington
Goldwater	Moss	Wiley
Humphrey	Mundt	
Kennedy	Muskie	

So Mr. DIRKSEN's motion to table Mr. HENNINGS' amendment was agreed to.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. JOHNSON of Texas. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSON of Texas. Mr. President, do any Senators have amendments which they desire to call up at this time? If not, pursuant to the order previously entered——

Mr. CARROLL. Mr. President, I cannot hear the Senator. I was under the impression that other amendments were to be offered, but not this evening.

Mr. JOHNSON of Texas. I asked if any Senators had amendments which they desired to offer now. I did not hear any Senator state that he had an amendment he wanted to call up, so I was addressing the Chair and was about to move that, pursuant to the order previously entered, the Senate adjourn until 10 o'clock tomorrow morning, because Senators would not call up their amendments.

I hope that after the morning hour tomorrow, Senators who desire to amend the bill will call up their amendments, because we want to proceed to the third reading and pass the bill some time this week.

The PRESIDING OFFICER. What is the pleasure of the Senate?

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, I move in accordance with the previous order, that the Senate adjourn until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 9 o'clock and 56 minutes p.m.) the Senate adjourned, under the order previously entered, until Tuesday, April 5, 1960, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate April 1, 1960:

The following officers to be placed on the retired list in the grade of lieutenant general, under the provisions of section 8962, title 10 of the United States Code:

U.S. AIR FORCE

Lt. Gen. Glenn O. Barcus, 87A (major general, Regular Air Force), U.S. Air Force.

Lt. Gen. Richard C. Lindsay, 476A (major general, Regular Air Force), U.S. Air Force.

Lt. Gen. Oliver S. Picher, 540A (major general, Regular Air Force), U.S. Air Force.

HOUSE OF REPRESENTATIVES

MONDAY, APRIL 4, 1960

The House met at 12 o'clock noon.

Dr. Dick L. Van Halsema, Christian Reformed Church, Grand Rapids, Mich., offered the following prayer:

Our help is in the name of the Lord, Who made heaven and earth (Psalm 124: 8).

Almighty God, by whose power the heaven and earth were made, by whose pleasure this people became a nation, and by whose providence we have been preserved until this day.

We worship Thee for Thy greatness, we praise Thee for Thy goodness, and thank Thee for Thy mercies;

We confess that we are not worthy of Thy favor, not deserving of Thy presence. Yet, in the name of Thy Son we make our needs known:

Bless each Member of this House—the Speaker and every Representative and all who assist them;

Grant them health, that they may be strong for the demands of duty.

Give them wisdom, that they may distinguish between the true and false, the important and expedient.

Free them today, both in committee and in this Chamber, from all other pressures than the pressure of Thy will.

And in these days of danger from within and from without, grant these men and women the perfect peace of those whose mind is fixed on Thee.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, March 31, 1960, was read and approved.

SECOND SUPPLEMENTAL APPROPRIATION BILL 1960—APPOINTMENT OF CONFEREES

Mr. CANNON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 10743) making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none and appoints the following conferees: Mr. THOMAS, Mr. KIRWAN, Mr. CANNON, Mr. JENSEN, and Mr. TABER.

COMMUNICATION FROM THE CLERK

The SPEAKER laid before the House the following communication from the Clerk, which was read:

APRIL 4, 1960.

The Honorable the SPEAKER,
House of Representatives.

SIR: Pursuant to the authority granted on March 31, 1960, the Clerk received from the Secretary of the Senate on April 1, 1960, the following message:

That the Senate agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10333) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes"; and

That the Senate recede from its amendment No. 1 to the above-entitled bill.

Respectfully yours,
RALPH R. ROBERTS,
Clerk, U.S. House of Representatives.

HOUSE BILL ENROLLED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had, on April 1, 1960, examined and found truly enrolled a bill of the House of the following title:

H.R. 7456. An act to extend until July 1, 1960, the suspension of duty on imports of casein.

ENROLLED BILL SIGNED

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Thursday, March 31, 1960, he did on April 1, 1960, sign the following enrolled bill of the House:

H.R. 7456. An act to extend until July 1, 1960, the suspension of duty on imports of casein.

HOO W. YUEY

Mr. LANE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2310) for the relief of Hoo W. Yuey, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill and the Senate amendments, as follows:

Strike out all after the enacting clause and insert: "That the Comptroller General of the United States is hereby authorized and directed, notwithstanding the provisions of an Act providing for the barring of claims against the United States (54 Stat. 1061), to accept and consider any claim filed on his own behalf by Hoo W. Yuey for the return of $704 which was deducted from his Army pay as his contribution to a family allowance payable to his dependents but which was not in fact paid to such dependents and also any claim filed on behalf of his dependent children for the portions of the family allowance contributed by the Government which would have been payable on their behalf but which was not in fact paid, such claim or claims to be filed within 1 year after the enactment of this Act."

Amend the title so as to read: "An Act for the relief of Hoo W. Yuey and his dependent children".

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

ARTHUR E. COLLINS

Mr. LANE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4826) for the relief of Arthur E. Collins, with Senate amendments thereto, disagree to the amendments of the Senate, and ask for a conference with the Senate on the disagreeing votes of the two Houses.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. LANE, DONOHUE, and HENDERSON.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

GREAT LAKES PILOTAGE

The Clerk called the first bill (H.R. 67) to require pilots on certain vessels navigating U.S. waters of the Great Lakes, and for other purposes.

Mr. BONNER. Mr. Speaker, I ask unanimous consent that this bill be stricken from the calendar.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

FEDERAL SHIP MORTGAGE INSURANCE

The Clerk called the bill (S. 107) to amend title XI of the Merchant Marine Act, 1936, relating to Federal ship mortgage insurance, in order to include floating drydocks under the definition of the term "vessel" in such title.

Mr. BONNER. Mr. Speaker, I ask unanimous consent that this bill be stricken from the Consent Calendar.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

AGRICULTURAL ATTACHÉ ROTATION

The Clerk called the bill (H.R. 8074) to amend section 602 of the Agricultural Act of 1954.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AUTHORIZING THE ESTABLISHMENT OF THE HUBBELL TRADING POST NATIONAL HISTORIC SITE, ARIZ.

The Clerk called the bill (H.R. 7279) to authorize the establishment of the Hubbell Trading Post National Historic Site, in the State of Arizona, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I object.

HOOD COUNTY, TEX.

The Clerk called the bill (H.R. 5726) for the relief of Hood County, Tex.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Commissioners Court of Hood County, Texas, the sum of $10,279. The payment of such sum shall be in full settlement of all claims of the Commissioners Court resulting from flood damages during the period April 19, 1957, to April 27, 1957, for which application was not timely filed under administrative agreement between the State of Texas and the executive branch of the United States as a result of the President's declaration of this area as a disaster area under the provisions of Public Law 875, Eighty-first Congress, as amended: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 4, strike out "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FORD CITY, PA.

The Clerk called the bill (H.R. 5850) for the relief of the borough of Ford City, Pa.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

NATIONAL TRANSPORTATION WEEK

The Clerk called House Joint Resolution 602, authorizing the President to proclaim henceforth the week in May of each year in which falls the third Friday of that month as National Transportation Week.

There being no objection, the Clerk read the joint resolution, as follows:

Whereas transportation has changed the United States from a wilderness to a rich homeland and brought the shores of the Atlantic seaboard close to the waters of the Pacific and is even today by land, by water, and in the air knitting the United States more firmly into one Nation indivisible; and

Whereas transportation has given the farmer a market in the city for his products and the city worker an outlet in the country for the goods he has manufactured; and

Whereas a prosperous and efficient transportation industry is vital to the defense of the United States: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is requested and authorized to officially proclaim that henceforth the week in May of each year in which falls the third Friday of that month shall be designated as National Transportation Week, during which the people of the United States are invited to observe such period, with appropriate ceremonies and activities, as a tribute to the men and women who, night and day, move goods and people throughout our land.

Strike out the "whereas" clauses.

Page 2, line 4, strike out the word "henceforth".

Page 2, line 5, strike out "each year" and insert in lieu thereof "1960".

The committee amendments were agreed to.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read as follows: "A bill authorizing the President to proclaim the week in May of 1960 in which falls the third Friday of that month as National Transportation Week."

A motion to reconsider was laid on the table.

WEST VIRGINIA CENTENNIAL CELEBRATION

The Clerk called House Joint Resolution 208, providing for participation by the United States in the West Virginia Centennial Celebration to be held in 1963 at various locations in the State of West Virginia, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the House joint resolution?

Mr. GROSS. Mr. Speaker, reserving the right to object, I wonder if someone who is interested in this bill will tell us how much this is going to cost. It starts out with $15,000. What is this eventually going to cost?

Mr. BAILEY. Mr. Speaker, may I advise the gentleman from Iowa that the $15,000 provided in this legislation is for the use of the Department of the Interior and covers the cost of bringing exhibits from over the Nation for showing at this annual celebration. None of it goes to the State. The States are financing their part of the cost and this is just for the use of the several departments, I think most of it for the Department of the Interior.

Mr. GROSS. Is this $15,000 the total cost to the Federal Government?

Mr. BAILEY. That is right.

Mr. GROSS. The gentleman will not be back here asking for more money?

Mr. BAILEY. We do not anticipate that. We will try to finance it.

Mr. MOORE. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from West Virginia.

Mr. MOORE. On that point there was pending before the Committee on the Judiciary a bill calling for an appropriation in the neighborhood of a quarter of a million dollars. That bill was tabled by the committee and this bill as presented has been approved by the committee. This is the total amount of money to be used, and it is for the Department of the Interior to ascertain whether or not the existing exhibits under the control of the Federal Government will be used in the West Virginia Centennial.

Mr. GROSS. Does the gentleman from Massachusetts [Mr. LANE] agree with the statements already made in reference to the use of Federal funds for this purpose?

Mr. LANE. This is an initial cost of $15,000 to enable the Secretary of Commerce to study the matter and to see if the United States shall participate in this celebration. There are further plans to be followed as far as this recommendation is concerned. As I understand it, this can be taken from the regular appropriation for the Secretary of Commerce to bring about participation in that celebration, the West Virginia Centennial, to be held in 1961.

Mr. GROSS. Do I understand that the administration is opposed to this bill?

Mr. LANE. May I say to the gentleman that the administration is opposed to the bill. They called our attention to Public Law 317 of the 85th Congress. They passed an identical bill in which they simply gave at that time the President of the United States authorization to issue a proclamation concerning the State of Oregon for its admission to the Union; a proclamation calling upon the people of the United States to actively participate in that celebration. As far as the State of Oregon is concerned, they never asked for the same consideration that West Virginia has, but after some consideration by your Committee on the Judiciary they felt that it was meritorious and that we should participate in this West Virginia centennial celebration, although the Department felt, as I have stated, that a proclamation sufficed for the State of Oregon, and perhaps we ought to have the same thing in this bill. But, in spite of the adverse report of the Department, your committee felt favorably disposed toward this bill.

Mr. MOORE. Mr. Speaker, if the gentleman will yield further, in the last session we passed legislation providing $9.5 million for the State of Washington.

Mr. GROSS. Oh, yes. I can remember when we had a bill here that provided some $5 million for Squaw Valley in the State of California.

Mr. MOORE. I only call that to the gentleman's mind to simply indicate that it was a direct appropriation to the State. This money just simply goes to the Federal Government to ascertain whether or not the Federal Government should even participate in the celebration.

Mr. GROSS. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Clerk read the joint resolution, as follows:

Whereas the State of West Virginia will celebrate the one-hundredth anniversary of its statehood during 1963; and

Whereas the national commemoration of the Civil War will be concurrently celebrated and marked for public attention by the Civil War Centennial Commission during the years 1961 through 1965; and

Whereas the State of West Virginia was created by Executive order of the President as a part of the Federal policy during that war and the origins of the State of West Virginia were heavily influenced by the activities of the United States Government: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby recognizes the West Virginia Centennial Celebration (hereinafter referred to as the "celebration"), to be held at various locations in the State of West Virginia during 1963, as an event designed to reinforce the national unity of purpose of the United States and the determination of the people of the United States to continue this Nation as a bulwark of individual freedom.

SEC. 2. (a) To implement the recognition declared in the first section of this Act, the President, through the Secretary of Commerce, shall cooperate with the West Virginia Centennial Commission in the planning of the celebration and shall conduct a study of the celebration to determine the manner in which and the extent to which the United States shall be a participant in and exhibitor at the celebration.

(b) Such study shall be made, in the discretion of the Secretary of Commerce, by personnel of the Department of Commerce or under contract by one or more recognized professional experts in the field of industrial showmanship; and the findings derived from such study, together with such recommendations as the Secretary may deem appropriate (including detailed recommendations with respect to the manner and extent of United States participation in the celebration and the estimated itemized cost of such participation) shall be submitted to the Congress at the first session of the Eighty-seventh Congress.

SEC. 3. There is authorized to be appropriated the sum of $15,000 to enable the Secretary of Commerce to carry out his duties under section 2.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INDIANS OF THE YAKIMA RESERVATION

The Clerk called the bill (H.R. 1176) to amend the act of August 9, 1946 (60 Stat. 968), providing for the preparation of a membership roll of the Indians of the Yakima Reservation.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HALEY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HALEY. Mr. Speaker, the members of the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs are convinced that this is good and necessary legislation. Since 1946, because of certain language in the Yakima Enrollment Act, there have been many inconsistencies in the enrollment procedures on the Yakima Reservation. Many enrollees have been stricken from the list. Other members whose brothers, sisters, and children have been placed on the roll have been unable to meet the requirements. In addition, there are many inequities in the inheritance of property on the reservation. Many spouses and children are unable to inherit property because they are Indians from another reservation. For example, a widow who is an enrolled member of the Umatilla Tribe cannot inherit the property of her deceased Yakima husband. As a result, the Umatilla Tribe is requesting retaliatory legislation against the Yakima. The Colville Indians have also complained about this inequity.

Legislation similar to H.R. 1176 was considered during the 84th and 85th Congresses. Extensive hearings have been held over a 5-year period. In each case, tribal council members opposed the legislation, whereas representatives of the general council were in strong support.

There are over 4,000 Yakima Indians widely scattered over the Northwest. The Yakimas have no constitution but operate under a tribal resolution dated December 6, 1955. This resolution provides for a general council of all members and a Yakima Tribal Council consisting of 14 elected members.

Under the tribal resolution, the general council holds its annual meeting during the last week of November. By a majority vote of the tribal council special general council meetings may be called. These general council meetings and the agenda thereof shall be advertised for not less than 30 days, and notice of the meeting shall be posted in all communities for a period of not less than 30 days.

In order to do business at a general council meeting a quorum of 250 enrolled members of the Yakima Tribe must be present when the meeting is called to order. Voting may take place after the call to order, providing 175 members are present, but it is very difficult to obtain a quorum. Voting is done by a show of hands and no provision is made for secret voting or absentee balloting on any issue.

On May 25, 1959, the tribal council passed a resolution opposing H.R. 1176 and recommending alternative suggestions for consideration by our Subcommittee on Indian Affairs. Not until February 10, 1960, was it possible to get a quorum present at a general council meeting to vote on this resolution. At that meeting it was voted 120 to 80 to table the resolution. The committee proceeded to report H.R. 1176 on March 2. We did not file the report until March 14, however.

On February 16, another special general council meeting was called for Thursday, March 3 to reconsider the February 10 vote. Although only 16 days had been allowed for the calling of the special meeting instead of 30 as required by the 1955 resolution, the session was held in the midst of a blizzard that prevented off-reservation Indians from attending. It is interesting to note that this meeting was scheduled for a Thursday, when it would be difficult for off-reservation Indians to arrange to get away from their jobs. By a vote of 203 to 22, the general council decided to oppose H.R. 1176. In neither case was there anywhere near a majority of the eligible voters present. I have received many letters from off-reservation Yakimas who were caught in the blizzard trying to get to the meeting or were unable to arrange for leave of absence from their jobs to attend on such short notice.

I am reluctant to hold up H.R. 1176, as amended. For at least 4 years the tribal council has been aware of hearings we have held on this legislation. On several occasions we have urged the tribal council members who came to Washington in opposition to this legislation to take steps to remedy the inequities of the Enrollment Act of 1946 but we have had little in the way of cooperation.

I recommend the enactment of H.R. 1176, as amended, and urge its approval by the House.

HEADQUARTERS FOR MOUNT RAINIER NATIONAL PARK, WASH.

The Clerk called the bill (S. 1358) to authorize the Secretary of the Interior to provide a headquarters site for Mount Rainier National Park in the general vicinity of Ashford, Wash., and for other purposes.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PRESERVATION OF HISTORICAL AND ARCHEOLOGICAL DATA

The Clerk called the bill (S. 1185) to provide for the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as a result of the construction of a dam.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, I understood that there was, at least the last time the Consent Calendar was before us, some reservation about this legislation.

Mr. ASPINALL. Mr. Speaker, if the gentleman will yield, there was one reservation about the legislation, and the gentleman from Colorado now speaking asked that the bill go over to this time to present a committee amendment. The gentleman from Colorado has the amendment, if consideration is permitted.

Mr. FORD. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the purpose of this Act to further the policy set forth in the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461-467), by specifically providing for the preservation of historical and archeological data (including relics and specimens) which might otherwise be irreparably lost or destroyed as the result of flooding, the building of access roads, the erection of workmen's communities, the relocation of railroads and highways, and other alterations of the terrain caused by the construction of a dam by any agency of the United States, or by any private person or corporation holding a license issued by any such agency.

SEC. 2. (a) Before any agency of the United States shall undertake the construction of a dam, or issue a license to any private individual or corporation for the construction of a dam, it shall give written notice to the Secretary of the Interior setting forth the site of the proposed dam and the approximate area to be flooded and otherwise changed if such construction is undertaken.

(b) Upon receipt of any notice, as provided in subsection (a), the Secretary of the Interior (hereinafter referred to as the "Secretary"), shall cause a survey to be made of the area proposed to be flooded to ascertain whether such area contains historical and archeological data (including relics and specimens) which should be preserved in the public interest. Any such survey shall be conducted as expeditiously as possible. If, as a result of any such survey, the Secretary shall determine (1) that such data exists in such area, (2) that such data has exceptional historical or archeological significance, and should be collected and preserved in the public interest, and (3) that it is feasible to collect and preserve such data, he shall cause the necessary work to be performed in such area to collect and preserve such data. All such work shall be performed as expeditiously as possible.

(c) The Secretary shall keep the instigating agency notified at all times of the progress of any survey made under this Act, or of any work undertaken as a result of such survey, in order that there will be as little disruption or delay as possible in the carrying out of the functions of such agency.

(d) A survey similar to that provided for by section (b) of this section and the work required to be performed as a result thereof shall so far as practicable also be undertaken in connection with any dam the construction of which has been heretofore authorized by any agency of the United States, or by any private person or corporation holding a license issued by any such agency.

(e) The Secretary shall consult with any interested Federal and State agencies, educational and scientific organizations, and private institutions and qualified individuals, with a view to determining the ownership of and the most appropriate repository for any relics and specimens recovered as a result of any work performed as provided for in this section.

SEC. 3. In the administration of this Act, the Secretary may—

(1) enter into contracts or make cooperative agreements with any Federal or State agency, any educational or scientific organization, or any institution, corporation, association, or qualified individual; and

(2) procure the temporary or intermittent services of experts or consultants or organizations thereof as provided in section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); and

(3) accept and utilize funds made available for salvage archeological purposes by any private person or corporations holding a license issued by an agency of the United States for the construction of a dam or other type of water or power control project.

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

Mr. ASPINALL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: On page 2, line 13, after the word "undertaken," change the period to a colon and insert the following: "*Provided*, That with respect to any floodwater retarding dam which provides less than 5,000 acre-feet of detention capacity and with respect to any other type of dam which creates a reservoir of less than 40 surface acres the provisions of this section shall apply only when the constructing agency, in its preliminary surveys, finds, or is presented with evidence, that historical or archeological materials exist or may be present in the proposed reservoir area."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL HISTORIC SITE AT BENT'S OLD FORT, COLO.

The Clerk called the bill (H.R. 6851) authorizing the establishment of a national historic site at Bent's Old Fort near La Junta, Colo.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would point out to the Members that the House has approved the purchase of high-priced land for a $75 million cultural center in Washington, D.C. The House has also approved the purchase of a building site for a Pan American Building at a rate of somewhere near $20 a square foot, and I understand the Congressional Women's Club will be in with a bill for some land on which to erect a new building. I simply point out that we cannot do all these things, establish historic sites all over the United States and buy land in the District of Columbia. There just is not that kind of money to be spread around. Somewhere we have got to call a halt.

Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

KURE BEACH, N.C.

The Clerk called the resolution (H. Res. 470) providing for sending the bill H.R. 10919 for the relief of the town of Kure Beach, N.C., to the Court of Claims.

Mr. WEAVER. Mr. Speaker, at the request of another Member, I ask unanimous consent that the resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

CLAIMS OF MILITARY AND CIVILIAN PERSONNEL

The Clerk called the bill (H.R. 10978) to provide for the settlement of claims against the United States by members of the uniformed services and civilian officers and employees of the United States for damage to, or loss of, personal property incident to their service, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Military Personnel and Civilian Employees' Claims Act of 1960."

SEC. 2. As used in this Act—

(1) "agency" includes an executive department, independent establishment, or corporation primarily acting as an instrumentality, of the United States, but does not include any contractor with the United States;

(2) "uniformed services" means the Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service; and

(3) "settle" means consider, ascertain, adjust, determine, and dispose of any claim, whether by full or partial allowance or disallowance.

SEC. 3. (a) Under such regulations as the head of an agency may prescribe, he or his designee may settle and pay a claim arising after the effective date of this Act against the United States for not more than $6,500 made by a member of the uniformed services under the jurisdiction of that agency or by a civilian officer or employee of that agency, for damage to, or loss of, personal property incident to his service. If the claim is substantiated and the possession of that property is determined to be reasonable, useful, or proper under the circumstances, the claim may be paid or the property replaced in kind. This subsection does not apply to claims settled and paid before its enactment.

(b) If a person named in subsection (a) is dead, the head of the agency concerned, or his designee, may settle and pay any claim made by the decedent's surviving (1) spouse, (2) children, (3) father or mother, or both, or (4) brothers or sisters, or both, that arose before, concurrently with, or after the decedent's death and is otherwise covered by subsection (a). Claims of survivors shall be settled and paid in the order named.

(c) A claim may be allowed under subsection (a) for damage to, or loss of, property only if—

(1) it is presented in writing within two years after it accrues, or within one year after the date of the enactment of this Act, whichever is later, except that if the claim accrues in time of war or in time of armed conflict in which any armed force of the United States is engaged or if such a war or armed conflict intervenes within two years after it accrues, and if good cause is shown, the claim may be presented not later than two years after that cause ceases to exist, or two years after the war or armed conflict is terminated, whichever is earlier;

(2) it did not occur at quarters occupied by the claimant within the fifty States or the District of Columbia that were not assigned to him or otherwise provided in kind by the United States; or

(3) it was not caused wholly or partly by the negligent or wrongful act of the claimant, his agent, or his employee.

(d) For the purpose of subsection (c)(1), the dates of beginning and ending of an armed conflict are the dates established by concurrent resolution of Congress or by a determination of the President.

(e) The head of each agency shall report once a year to Congress on claims settled under this section during the period covered by the report. The report shall include for each claim the name of the claimant, the amount claimed, and the amount paid.

SEC. 4. Notwithstanding any other provision of law, the settlement of a claim under this Act is final and conclusive.

SEC. 5. Chapter 163 of title 10, United States Code, is amended as follows:

(1) Section 2735 is amended by striking out the figure "2732," and the comma after the figure "2733".

(2) The analysis is amended by striking out the following item:

"2732. Property loss: incident to service; members of Army, Navy, Air Force, or Marine Corps and civilian employees."

(3) Section 2732 is repealed.

SEC. 6. Section 2 of the Act of June 7, 1956, chapter 376 (70 Stat. 255), is repealed.

With the following committee amendment:

Add a new section as follows:

"SEC. 7. Chapter 13 of title 14, United States Code, is amended as follows:

"'(1) The analysis is amended by striking out the following item: "490." Settlement of claims of military and civilian personnel."

"'(2) Section 490 is repealed.'"

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WHITE HOUSE CONFERENCE ON NARCOTICS

The Clerk called the resolution (H. Res. 431) expressing the sense of the House of Representatives that the President shall call a White House Conference on Narcotics.

Mr. GROSS. Mr. Speaker, reserving the right to object, is this resolution to be called up under suspension of the rules?

The SPEAKER. It will be.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

PAYMENT FOR LANDS CONVEYED TO THE UNITED STATES

The Clerk called the bill (H.R. 9142) to provide for payment for lands heretofore conveyed to the United States as a basis for lieu selections from the public domain, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall certify to the General Accounting Office for audit the claim of any person who conveyed lands to the United States as a basis for a lieu selection in accordance with the provisions of the fifteenth paragraph under the heading "Surveying the Public Lands" in the Act of June 4, 1897 (30 Stat. 11, 36), as amended and supplemented by the Acts of June 6, 1900 (31 Stat. 588, 614), March 3, 1901 (31 Stat. 1010, 1037), and March 3, 1905 (33 Stat. 1264) and who has not heretofore received his lieu selection, a reconveyance of his lands, or authority to cut and remove timber, as provided by law, and there shall be paid to each such person whose claim is found to be proper the sum of $1.25 per acre for the lands conveyed by him to the United States with interest thereon at the rate of 4 per centum per annum, compounded annually, from the date on which application was last made by said person for a lieu selection, for reconveyance, or for authority to cut and remove timber or, if no such application has been made, from the date of this Act. Said payment shall be made from moneys appropriated under the heading "Claims for Damages, Audited Claims, and Judgments." No person shall receive, or be entitled to receive, payment under this Act except upon demand therefor made in writing to the Secretary, or any officer of the Department of the Interior to whom the Secretary delegates authority to receive such demand, within one year from the date of this Act.

SEC. 2. (a) The right to receive payment under this Act shall not be assignable.

(b) For purposes of payments under this Act, the term "person who conveyed lands to the United States" includes (i) the heirs and devisees of any such person and (ii) any other person to whom he or his heirs or devisees lawfully assigned, before enactment of this Act, their right to a lieu selection or a reconveyance, or their right to receive authority to cut and remove timber. If more than one heir, devisee, or assignee is entitled to share in a payment to be made under this Act, each may individually claim and receive his proper share of the total amount of $1.25 per acre, with interest, which is payable hereunder.

(c) No agent or attorney acting on behalf of another to procure a payment under this Act shall demand, accept, or receive more than 10 per centum of the payment made, and any agreement to the contrary shall be null and void.

SEC. 3. The Act of September 22, 1922 (42 Stat. 1017; 16 U.S.C. 483) is hereby repealed. No reconveyance of lands to which section 1 of this Act applies shall hereafter be made under section 8 of the Act of April 26, 1930 (46 Stat. 257; 43 U.S.C. 872).

With the following committee amendment:

Page 1, line 4, after the word "who", insert "relinquished or".

Page 1, line 10, strike out the word "and".

Page 2, line 1, preceding the word "and" insert "and the Act of September 22, 1922 (42 Stat. 1067; 16 U.S.C. 483),".

Page 2, line 5, strike out the word "proper" and insert in lieu thereof the word "valid".

Page 2, lines 7 and 8, strike out the words "compounded annually,".

Page 2, strike out all of line 13, and insert in lieu thereof: "'Claims for Damages, Audited Claims, and Judgments,' and acceptance thereof shall constitute a full and complete satisfaction of all claims which the person to whom payment is made may have against the United States arising from the transaction in connection with which the payment is made."

Page 3, following line 15, add a new section to read as follows:

"SEC. 4. Any land for which the United States makes payment under section 1 of this Act, or any land for which it might make payment thereunder upon application by the proper party, but for which no demand is made, shall (unless it has heretofore been disposed of by the United States) be a part of the national forest, national park, or other area within the boundaries of which it is embraced, shall be administered as a part thereof, and shall be subject to the laws, rules, and regulations applicable to land set apart and reserved from the public domain in that national forest, national park, or other area."

The committee amendment was agreed to.

Mr. SISK. Mr. Speaker, I wish to present a brief explanation of my bill (H.R. 9142), to provide for payment for lands heretofore conveyed to the United States as a basis for lieu selections from the public domain.

We in California are very conscious of the importance of the national parks and the national forests.

The chief natural resources of California are the soil, timber, forests, water, and minerals. The basic industries of the State include lumbering, mining, and recreation, each of which is dependent to a substantial degree upon the integrity of our national forests. The proper management of our mountain watersheds—where the water so vital to our agriculture originates—is a primary element in the health and welfare of the State. Watershed protection and management is an important factor in the multiple uses of national forest lands, and a significant element in the administration of national parks.

For these reasons, I am sure that my colleagues will sense the great public loss that would be involved if tens of thousands of acres of highly valuable national park and national forest lands were to be lost by the Government. Yet, losses of thousands of acres have taken place and a potential loss of 100,000 acres or more of such lands is threatened in the Western States.

The lands that are threatened include some exceptionally valuable and indispensable tracts.

A national forest tract that has already been lost is the northeast quarter of section 15, tract 6 south, range 244 east, Mount Diablo meridian, which was quitclaimed by the Bureau of Land Management, Department of the Interior, to a Mr. and Mrs. Messersmith on January 28, 1958. The quitclaim, issued under the act of September 30, 1930, was on the basis of the relinquishment of this same tract to the United States prior to March 3, 1905, and the lack of completion of any conveyance by the Government in lieu of the tract in the intervening period.

The timber of this Messersmith tract had already been sold by the Forest Service and it had already been cut and removed. It became necessary, in view of the conveyance of the land to the Messersmiths, for the Government, after more than 50 years of protection, management, administration, to turn over to the private claimants all of the receipts from the timber sale, less sale expenses.

Evidence that many more requests for quitclaim deeds under the 1930 act are in the making is supplied by the official county records of several California counties.

I shall not at this time trace the series of laws and the events which over the years have resulted in this present dangerous situation. The detailed account is available in the committee's printed hearings and report; however, I will present a general view of the relationship between the United States and the present or potential claimants as I see it.

The essence of the act of June 4, 1897, was that the owner of a patented tract of land, or a settler on an unpatented land claim, located within the exterior limits of a national forest reserve, could voluntarily relinquish all title in the land to the United States, whereupon a right was established to select other public land of equal acreage, provided it was subject to homesteading. Because of widespread questionable practices that grew up under the act, it was repealed on March 3, 1905. It seems obvious that the owner of the land or the land claimant had to make an election: either he was to retain title to the land he had or he was to relinquish it and it was to become the property of the United States, to be administered for national forest purposes.

Later, when congressional studies made it plain that many of the lieu selections had not been consummated, Congress, by enacting the act of September 22, 1922, provided a limited time in which the selection could be perfected, or if not perfected a quitclaim deed could be obtained from the United States. The time limit for filing proof of relinquishments under the 1922 act was 5 years. This seems to have been a fully ample period, and it must have been intended to operate as a statute of limitations. Thus, if any parties having unsatisfied claims under the 1897 act failed to act within 5 years after the enactment of the 1922 act, it would seem that they had given up all rights or interests in the transactions, and had abandoned such rights or interests as they might have had to the United States.

Nevertheless, section 6 of the act of April 28, 1930 (46 Stat. 257), was held by the Department of the Interior in a decision dated September 30, 1930, to have directed the Department to execute and deliver a quitclaim deed for the conveyed land in any case in which a lieu selection had not been consummated, and the party showed himself to be entitled thereto.

In view of the running of the statute of limitations on such claims, under the 1922 act it would seem that the 1930 act could only be viewed as offering the land back as an act of grace, or as a gift, on the part of the Government.

If, as I have suggested, quitclaims issued under the 1930 act are of the nature of acts of grace or gifts on the part of the United States then there is no necessary obligation on the part of the United States to continue with such gifts in the future. Certainly there is no obligation that the Government must continue to give away highly valuable and essential or key tracts within national forests and national parks in view of the record of relinquishment and abandonment of private claims to the lands over a long period of time.

From this standpoint, the payments of money provided in my bill are liberal.

The bill, briefly, would repeal the 1922 act, and provide that no reconveyance of lands conveyed to the United States under the 1897 act shall be made under section 6 of the 1930 act.

Despite the questionable nature of private claims that may in some sense persist as a result of such conveyances, where no lieu selection was consumated, the bill provides for payment to authorized private parties in settlement thereof, after audit by the General Accounting Office. Attorneys would not be authorized to receive more than 10 percent of the payments. The payments would be computed at a basic rate of $1.25 per acre, plus interest at 4 percent.

Enactment of the bill will confirm the title of the United States to the lands in question, and assure their continued administration and multiple-use management by the Federal agencies concerned.

I would not want to close this statement without mention of numerous citizens within my district who have aided and encouraged me in my study of this matter. I would like to mention Lester J. Gendron, district attorney of Madera County, who is alert to the situation and is using the authority of his office for the protection of the people of his county. I have been assisted also by Philip Lucas, county assessor of Tulare County; the late George Philpot, of the Fresno County Sportsmen's Association; and various Government officers, including Supervisor Walter Puhn, of the Sierra National Forest; and Joseph Flynn, and Eldon Ball, of the Sequoia National Forest; and Superintendent Walker, of the Sequoia-Kings Canyon National Park; and many others.

Mr. Speaker, enactment of this legislation will stop the threatened loss of tens of thousands of acres of key tracts in national parks and national forests, yet it offers a fair and liberal cash payment in view of old unsettled claims. I urge prompt enactment.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FORT LARAMIE NATIONAL MONUMENT, WYO.

The Clerk called the bill (H.R. 8567) to revise the boundaries and change the name of the Fort Laramie National Monument, Wyo., and for other purposes.

Mr. HECHLER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

RESETTLEMENT OF CERTAIN REFUGEES

The Clerk called the joint resolution (H.J. Res. 397) to enable the United States to participate in the resettlement of certain refugees.

Mr. WALTER. Mr. Speaker, this joint resolution is on the list of those matters to be considered under suspension. I ask unanimous consent that the joint resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MEMBERSHIP ROLL OF INDIANS OF YAKIMA RESERVATION

Mr. TOLLEFSON. Mr. Speaker, I ask unanimous consent to return for immediate consideration to Consent Calendar No. 359, the bill (H.R. 1176) to amend the act of August 9, 1946 (60 Stat. 968), providing for the preparation of a membership roll of the Indians of the Yakima Reservation.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

Mr. GROSS. Mr. Speaker, I object.

EXTENSION OF EXPORT CONTROL ACT OF 1949

Mr. SPENCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10550) to extend the Export Control Act of 1949 for 2 additional years.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 12 of the Export Control Act of 1949 (63 Stat. 7), as amended by Public Law 33, Eighty-second Congress (65 Stat. 43), Public Law 62, Eighty-third Congress (67 Stat. 62), Public Law 631, Eighty-fourth Congress (70 Stat. 407), and Public Law 85-466, Eighty-fifth Congress (72 Stat. 220), is hereby amended by striking out "1960" and inserting in lieu thereof "1962".

The SPEAKER. Is a second demanded?

The question is, Will the House suspend the rules and pass the bill?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REGULATION OF BANK MERGERS

Mr. SPENCE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1062) to amend the Federal Deposit Insurance Act to require Federal approval for mergers and consolidations of insured banks, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 18 of the Federal Deposit Insurance Act is amended by striking out the third sentence and inserting in lieu thereof the following: "No insured bank shall merge or consolidate with any other insured bank, or either directly or indirectly acquire the assets of, or assume liability to pay any deposits made in, any other insured bank without the prior written consent (i) of the Comptroller of the Currency if the acquiring, assuming, or resulting bank is to be a national bank or a District bank, or (ii) of the Board of Governors of the Federal Reserve System if the acquiring, assuming, or resulting bank is to be a State member bank (except a District bank), or (iii) of the Corporation if the acquiring, assuming, or resulting bank is to be a nonmember insured bank (except a District bank). Notice of any proposed merger, consolidation, acquisition of assets, or assumption of liabilities, in a form approved by the Comptroller, the Board, or the Corporation, as the case may be, shall (except in a case where the furnishing of reports under the seventh sentence of this subsection is not required) be published, at appropriate intervals during a period (prior to the approval or disapproval of the transaction) at least as long as the period allowed under such a sentence for furnishing such reports, in a newspaper of general circulation in the community or communities where the main offices of the banks involved are located (or, if there is no such newspaper in any such community, then in the newspaper of general circulation published nearest thereto). In granting or withholding consent under this subsection, the Comptroller, the Board, or the Corporation, as the case may be, shall consider the financial history and condition of each of the banks involved, the adequacy of its capital structure, its future earnings prospects, the general character of its management, the convenience and needs of the community to be served, and whether or not its corporate powers are consistent with the purposes of this Act. In the case of a merger, consolidation, acquisition of assets, or assumption of liabilities, the appropriate agency shall also take into consideration the effect of the transaction on competition (including any tendency toward monopoly), and shall not approve the transaction unless, after considering all of such factors, it finds the transaction to be in the public interest. In the interest of uniform standards, before acting on a merger, consolidation, acquisition of assets, or assumption of liabilities under this subsection, the agency (unless it finds that it must act immediately in order to prevent the probable failure of one of the banks involved) shall request a report on the competitive factors involved from the Attorney General and the other two banking agencies referred to in this subsection (which report shall be furnished within thirty calendar days of the date on which it is requested, or within ten calendar days of such date if the requesting agency advises the Attorney General and the other two banking agencies that an emergency exists requiring expeditious action). The Comptroller, the Board, and the Corporation shall each include in its annual report to the Congress a description of each merger, consolidation, acquisition of assets, or assumption of liabilities approved by it during the period covered by the report, along with the following information: the name and total resources of each bank involved; whether a report has been submitted by the Attorney General hereunder, and, if so, a summary by the Attorney General of the substance of such report; and a statement by the Comptroller, the Board, or the Corporation, as the case may be, of the basis for its approval."

The SPEAKER. Is a second demanded?

The question is, Will the House suspend the rules and pass the bill?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on both bills which have just been passed.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. SPENCE. Mr. Speaker, there is a recognized need for better Federal laws to regulate bank mergers. Bank mergers have been taking place at a rapid rate in recent years. During the past 10 years, there have been 150 bank mergers a year on the average. And these mergers have involved our biggest banks. For example, if you look at the list of the largest banks in the country today, you will see the second, third, fourth, and fifth top spots occupied by banks which owe their tremendous influence in large measure to absorptions of other banks by mergers.

The need for a better bank merger law has been recognized by both the President and the Congress. Both Houses of Congress passed bills on the subject in 1956, but their differences were not reconciled and so no legislation went to the White House. The Senate passed a bank merger bill again in 1957 but the House did not act. This bill, of course, passed the Senate last year.

The present Federal banking laws on this subject have several serious defects when it comes to controlling bank mergers. Many mergers can take place without approval of any Federal bank supervisory agency. Even where the Federal banking laws require such approval as a condition of a merger, they do not provide for uniform standards and in no case is the effect on competition even mentioned. The Federal antitrust laws also offer little help in controlling bank mergers. The Clayton Act is ineffective as to bank mergers because in the case of banks it covers only stock acquisitions and bank mergers are not accomplished that way. The Sherman Act has been invoked only once in court to stop a bank merger, and that case is still pending.

So I think you will agree there is a real need for this type of legislation.

The bill the committee has reported meets this recognized need by giving the Federal bank supervisory agencies control over all bank mergers resulting in banks that are federally insured. All such mergers would be judged by a uniform set of standards. The bill spells out seven factors the supervisory agencies are to consider. Six of these are banking factors, covering such matters as the prospects of the banks involved and the needs of the community, and the seventh factor is "the effect of the transaction on competition—including any tendency toward monopoly." After considering all these factors, the agency must find the merger would be in the public interest before approval may be given.

This puts control in the banking agencies, which have expert knowledge of the problems involved. At the same time, they will be required to get a report from the Attorney General, whose experience in the antitrust field qualifies him to furnish valuable advice in the administration of the bill.

This bill was reported out of the Banking and Currency Committee without a dissenting vote, and I urge you to vote for it in the hope it can be sent to the President without further delay.

Mr. BROWN of Georgia. Mr. Speaker, I am happy to recommend this bill to the House. It is a compromise bill, which I believe offers a sound solution to difficult problems that have proved a stumbling block to legislation in this field in recent years. Members of the House will recall that a bill to regulate bank mergers passed the House in 1956. Different bank merger bills passed the Senate in 1956, 1957, and 1959. The President has also urged Congress to enact legislation in this field. Until today, however, there has been considerable argument as to what form this legislation should take. I am privileged to serve as chairman of the subcommittee of the Banking and Currency Committee which undertook the task of reconciling these differences, and I am pleased to report that we had splendid cooperation from the chairman of the House Judiciary Committee, Hon. EMANUEL CELLER, as well as from the Federal bank supervisory agencies and the Department of Justice in working out the bill we have recommended to you. This bill was reported unanimously to the House by the Banking and Currency Committee.

As Chairman SPENCE has explained to you, the bill provides that no merger which is to result in a bank insured by the Federal Deposit Insurance Corporation may take place unless it has been approved by one of the Federal bank supervisory agencies—the Comptroller of the Currency for national banks, the Federal Reserve Board for State member banks, and the Federal Deposit Insurance Corporation for insured nonmember banks. This puts the responsibility for acting on a proposed merger where it belongs—in the agency charged with supervising and examining the bank which will result from the merger. Out of their years of experience in supervising banks, our Federal banking agencies have developed specialized knowledge of banking and the people who engage in it. They are experts at judging the condition of the banks involved, their prospects, their management, and the needs of the community for banking services. They should have primary responsibility in deciding whether a proposed merger would be in the public interest.

The bill specifies six banking factors to be considered in acting on a proposed merger: That is, it requires the banking agency to take into consideration, for

Insurance Act to require Federal approval for mergers and consolidations of insured banks, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 18 of the Federal Deposit Insurance Act is amended by striking out the third sentence and inserting in lieu thereof the following: "No insured bank shall merge or consolidate with any other insured bank, or either directly or indirectly acquire the assets of, or assume liability to pay any deposits made in, any other insured bank without the prior written consent (i) of the Comptroller of the Currency if the acquiring, assuming, or resulting bank is to be a national bank or a District bank, or (ii) of the Board of Governors of the Federal Reserve System if the acquiring, assuming, or resulting bank is to be a State member bank (except a District bank), or (iii) of the Corporation if the acquiring, assuming, or resulting bank is to be a nonmember insured bank (except a District bank). Notice of any proposed merger, consolidation, acquisition of assets, or assumption of liabilities, in a form approved by the Comptroller, the Board, or the Corporation, as the case may be, shall (except in a case where the furnishing of reports under the seventh sentence of this subsection is not required) be published, at appropriate intervals during a period (prior to the approval or disapproval of the transaction) at least as long as the period allowed under such a sentence for furnishing such reports, in a newspaper of general circulation in the community or communities where the main offices of the banks involved are located (or, if there is no such newspaper in any such community, then in the newspaper of general circulation published nearest thereto). In granting or withholding consent under this subsection, the Comptroller, the Board, or the Corporation, as the case may be, shall consider the financial history and condition of each of the banks involved, the adequacy of its capital structure, its future earnings prospects, the general character of its management, the convenience and needs of the community to be served, and whether or not its corporate powers are consistent with the purposes of this Act. In the case of a merger, consolidation, acquisition of assets, or assumption of liabilities, the appropriate agency shall also take into consideration the effect of the transaction on competition (including any tendency toward monopoly), and shall not approve any transaction which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, and shall not approve any other proposed transaction whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served. In every case, the agency shall take into consideration the record developed in any hearing under the provisions of subsection (b) of this section, or in any other administrative proceeding, and the report furnished by the Attorney General of the substance of such report; and a statement by the Comptroller, the Board, or the Corporation, as the case may be, of the basis for its approval."

The SPEAKER. Is a second demanded?

The question is, Will the House suspend the rules and pass the bill?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on both bills which have just been passed.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. SPENCE. Mr. Speaker, there is a recognized need for better Federal laws to regulate bank mergers. Bank mergers have been taking place at a rapid rate in recent years. During the past 10 years, there have been 150 bank mergers a year on the average. And these mergers have involved our biggest banks. For example, if you look at the list of the largest banks in the country today, you will see the second, third, fourth, and fifth top spots occupied by banks which owe their tremendous influence in large measure to absorptions of other banks by mergers.

The need for a better bank merger law has been recognized by both the President and the Congress. Both Houses of Congress passed bills on the subject in 1956, but their differences were not reconciled and so no legislation went to the White House. The Senate passed a bank merger bill again in 1957 but the House did not act. This bill, of course, passed the Senate last year.

The present Federal banking laws on this subject have several serious defects when it comes to controlling bank mergers. Many mergers can take place

and the needs of the community, and the seventh factor is "the effect of the transaction on competition—including any tendency toward monopoly." After considering all these factors, the agency must find the merger would be in the public interest before approval may be given.

This puts control in the banking agencies, which have expert knowledge of the problems involved. At the same time, they will be required to get a report from the Attorney General, whose experience in the antitrust field qualifies him to furnish valuable advice in the administration of the bill.

This bill was reported out of the Banking and Currency Committee without a dissenting vote, and I urge you to vote for it in the hope it can be sent to the President without further delay.

Mr. BROWN of Georgia. Mr. Speaker, I am happy to recommend this bill to the House. It is a compromise bill, which I believe offers a sound solution to difficult problems that have proved a stumbling block to legislation in this field in recent years. Members of the House will recall that a bill to regulate bank mergers passed the House in 1956. Different bank merger bills passed the Senate in 1956, 1957, and 1959. The President has also urged Congress to enact legislation in this field. Until today, however, there has been considerable argument as to what form this legislation should take. I am privileged to serve as chairman of the subcommittee of the Banking and Currency Committee which undertook the task of reconciling these differences, and I am pleased to report that we had splendid cooperation from the chairman of the House Judiciary Committee, Hon. EMANUEL CELLER, as well as from the Federal bank supervisory agencies and the Department of Justice in working out the bill we have recommended to you. This bill was reported unanimously to the House by the Banking and Currency Committee.

As Chairman SPENCE has explained to you, the bill provides that no merger

each of the banks involved, the financial history, the adequacy of its capital structure, its future earnings prospects, the general character of its management, the convenience and needs of the community to be served, and whether or not its corporate powers are consistent with the purposes of the Federal Deposit Insurance Act. In addition to these six banking factors, the bill requires the agency to take into consideration the effect of the proposed transaction on competition—including any tendency toward monopoly. The agency will not approve the transaction unless, after weighing all these factors, it concludes that the proposed merger will be in the public interest.

In determining whether a merger is in the public interest, the banking agency will consider the several factors listed in the bill; after weighing them, the agency will determine whether the net balance is favorable or unfavorable, and will approve the merger only if the merger is in the public interest in the sense that this balance is favorable.

We want to be sure that the three different banking agencies are all using the same standards in passing on mergers; so the bill requires the agency handling the application to request reports from the other two banking agencies as to the competition factors involved before it approves or disapproves the merger. Also, the bill provides for a similar report from the Attorney General, so that the banking agencies will have the benefit of the long experience of the Antitrust Division in protecting competition in business generally. Normally, the other banking agencies and the Attorney General will have 30 days in which to submit their advisory reports. In emergencies, however, this may be shortened to 10 days. In an extreme emergency—that is, where immediate action is needed to save a failing bank—consultation will not be required. While this may seem somewhat cumbersome procedure, I feel it can work smoothly with proper cooperation among the agencies concerned and the results will be worth it.

There is general agreement that stronger, clearer, more uniform controls over bank mergers are needed. This bill will meet this need, in a way that assures a balanced consideration of the total effects of a merger, with appropriate consultation among all interested agencies. In this way, we can expect that bank mergers which will be beneficial will be approved, and those which will not will be stopped.

I urge the House to approve this bill.

Mr. CELLER. Mr. Speaker, I urge enactment of S. 1062 which would provide additional and vitally needed safeguards against bank mergers and consolidations which might lessen competition or tend to monopoly in the field of banking. This measure is, in my considered judgment, the minimum necessary to maintain a sound, vigorously competitive unit banking system in this country and to arrest a merger trend which is contributing substantially to the control of the Nation's banking business by fewer and larger financial institutions.

Our Antitrust Subcommittee, a few years ago, made a lengthy study and report which demonstrated dramatically the extent of concentration in banking that has been taking place in recent years, largely because of unfettered merger activity and inadequate Federal legislation. Our subcommittee study showed that while there were approximately 13,500 commercial banks in this country, the 100 largest controlled approximately 46 percent of the Nation's total bank assets, and more than 48 percent of the bank deposits. It showed that in 10 of the Nation's 16 leading financial centers, 4 banks owned more than 80 percent of all commercial assets; that in 9 of these financial centers, 2 banks owned more than 60 percent of all commercial bank assets; and that in each of the 16 leading financial centers, the first 2 banks owned more than 40 percent of all the commercial assets, the first 4 banks, 60 percent.

Such concentration is contrary to the fundamental premise that the banking system of the United States should rely for its vitality on vigorous competition by a multitude of independent banks, locally organized, locally financed, and locally managed. For unlike other countries, such as Great Britain, France, and Germany, where a few mammoth institutions control nearly all the banking facilities, the American system is based on competition as one of the strongest factors safeguarding a sound banking system.

A corollary matter of serious concern resulting from merger activity is the gradual decline in the total number of banks in the Nation. The fact is that the banking population of our country is at a 38-year low despite the postwar boom, despite the 286-percent growth in bank assets, despite the new high level of loans and deposits, despite the greatly increased use made of banking services, and despite the enormous growth in the number of depositors. As a consequence of this diminution of banks through mergers, competition among banking institutions has been lessened in communities throughout the Nation. Over 76 counties in the United States have no commercial banking facilities whatsoever; hundreds of small American communities have become bankless towns; and many others are served by only one bank in place of the two or three which existed in the 1920's.

In these circumstances, I think that the bill, provided it is properly administered, constitutes a significant step forward. True, it does not contain all the safeguards that I believe necessary to cope with the rash of bank mergers that have beset the Nation. For example, it would, in my opinion, have been preferable to have made provision for a hearing on the record and the right of court review, together with adoption of the competitive test contained in section 7 of the Clayton Act with specific exceptions for cases involving probable failures, management problems, inadequate capital or unsound assets, or overbanked communities.

But this should not obscure the fact that the bill represents a real achievement, due in large part to amendments added by the House and Senate Banking and Currency Committees, and by the Senate. Thus the bill has been materially strengthened by an amendment making mandatory agency consultation with the Attorney General on competitive factors and requiring the Attorney General to submit a report to the agency on such factors. In proposing such an amendment before the Senate Banking Committee, I testified that "it would be little short of folly to require the appropriate Federal bank supervisory agency to obtain the views of the other two banking agencies (with respect to competitive considerations), but not impose the same requirement in respect to seeking the informed advice of the Department of Justice—the agency specifically charged by Congress with responsibility for examining into competitive implications of proposed mergers." Pursuant to the amendment, it is clear, of course, that at the time of the request made to the Attorney General, the Federal banking agencies will make available to the Department of Justice all information in their possession which would be relevant to the Attorney General's determination of the competitive aspects of the merger. Such cooperation, it must be stressed, is essential to the prompt and complete performance of the responsibilities given to the Attorney General under the terms of the amendment.

The bill was also strengthened through adoption by the House Banking and Currency Committee of an amendment establishing as the competitive test "the effect on competition—including any tendency toward monopoly." This amendment alters the test contained in the Senate bill, namely, whether the merger "may lessen competition unduly or tend unduly to create a monopoly." As I testified, adoption of such a grotesque standard as "unduly" would mean that it "is the policy of Congress that a bank merger which tends to monopoly is in the public interest; that only if it tends unduly to monopoly should it be banned." That test, I emphasized, would do little, if anything, to insure competitive enterprise in banking.

Parenthetically, it may be pointed out that in construing the term "any tendency toward monopoly" specified by the House committee amendment, such cases as *United States* v. *DuPont* (353 U.S. 586, 592, 593), and *Transamerica Corp.* v. *Board of Governors* (206 Fed. 2d, 163, 169), will serve as a most useful guide.

Further amendments to the bill requiring annual reports to the Congress and publication in a newspaper of notice of proposed mergers, are salutary in the public interest. They are salutary because they will enable the Congress and the public to be informed of bank merger activity. And most important, they will enable the appropriate congressional committees to exercise close and continuing scrutiny of the manner in which the banking agencies administer the competitive standards contained in the bill. Such scrutiny is of the utmost importance. For unless the banking agencies prohibit those mergers which have an anticompetitive effect as intended by this measure, there is the very real possibility indeed that our Nation's banking system will—and in short order—become dominated to a far greater extent than now by a handful of financial interests.

Mr. MULTER. Mr. Speaker, for many years Congress has been concerned with providing proper safeguards against mergers and consolidations of banks which tended to lessen competition or tended to create monopolies in banking.

The enactment of the present bill before the House is another step in improving the legislation on the subject.

The Sherman Antitrust Act and the Clayton Act apply in this field. But not to every phase of it and not as effectively as is desired. This bill in no way limits the Sherman Antitrust Act or the Clayton Act nor will its enactment in any way affect any pending actions or prosecutions under existing statutes.

The bill provides for control of all mergers by banks whose deposits are federally insured. In using the word "merger" I use it in its most all-inclusive sense because under the terms of the bill it will apply to mergers and consolidations and acquisitions of assets, no matter how accomplished.

The enactment of the bill will prohibit future mergers unless approved by the appropriate Federal banking agency. If the resulting bank is to be a national bank, the Comptroller of the Currency must approve; if a State bank which is a member of the Federal Reserve System, the Federal Reserve Board must approve; and if it is an insured State bank that is not a member of the Federal Reserve System, the Federal Deposit Insurance Corporation must approve.

In every case the approving agency must, in advance of approval, request a report from the Attorney General of the United States as to the competitive factors involved, except in such instances where immediate action is needed because of the emergencies that occasionally confront the supervisory agencies in dealing with banks. The Attorney General's report is advisory. In addition, each of the other supervisory agencies must be consulted by the agency charged with considering the application in order to standardize the practice in dealing with such applications.

Much controversy arose during the course of the hearings on this bill in both Houses of Congress with reference to the extent that the competitive and monopolistic factors should be considered as determinative of these applications. All concerned agreed that all of the banking factors must be considered. There also seemed to be no disagreement that the competitive and monopolistic factors should also be considered. Under the Sherman Antitrust Act and under the Clayton Act the sole tests revolve around the lessening of competition and the creation of monopolies.

The language of S. 1062 as amended by the House Banking and Currency Committee and as it appears in the bill we are now about to pass in the House makes it clear that the competitive and monopolistic factors are to be considered along with the banking factors and that after considering all of the factors involved, if the resulting institution will be in the public interest, then the application should be approved and otherwise disapproved.

The banking agencies are thus free to approve a merger to save a failing bank, or to approve a merger brought about by emergent conditions even though such action necessarily lessens competition or creates a monopoly in the particular community involved.

Like most legislation of this type, it depends for its implementation upon the agencies of Government paying heed to the intent of the Congress. If this legislation does not have the desired and desirable effect of calling a halt to the rash of bank mergers that we have witnessed in this country over the last several years, with the undesirable effect of constantly reducing the number of banks which are serving the public and increasing to inordinate size the big banks of the country at the expense of the small and independent banks, then much more restrictive legislation will be called for.

Under no circumstances is the enactment of this bill to be taken as an indication that the Congress acquiesces in any of the bank mergers and consolidations that have heretofore occurred.

RESETTLEMENT OF CERTAIN REFUGEES

Mr. WALTER. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 397) to enable the United States to participate in the resettlement of certain refugees, with amendments.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That under the terms of section 212(d)(5) of the Immigration and Nationality Act, the Attorney General may parole into the United States, pursuant to such regulations as he may prescribe, an alien refugee-escapee defined in section 15(c)(1) of the Act of September 11, 1957 (71 Stat. 643) if such alien (1) applies for parole while physically present within the limits of any country which is not Communist, Communist-dominated, or Communist-occupied, (2) is not a national of the area in which the application is made, and (3) is within the mandate of the United Nations High Commissioner for Refugees.

SEC. 2. The Secretary of State is hereby directed to submit to the Attorney General, prior to January 1 and July 1 of each year, an advisory report indicating the number of refugee-escapees, as specified in section 1 of this Act, who within the preceding six months period have availed themselves of resettlement opportunities offered by nations other than the United States. The Attorney General shall not parole into the United States pursuant to section 1 of this Act, in any six months period immediately following the submission of the Secretary of State's advisory report, a number of refugee-escapees exceeding twenty-five per centum of the number of such refugee-escapees indicated in such advisory report as having been resettled outside of the United States. The Attorney General shall submit to the Congress a report containing complete and detailed statement of facts in the case of each alien paroled into the United States pursuant to section 1 of this Act. Such reports shall be submitted on or before January 15 and June 15 of each year. If within ninety days immediately following the submission of such report, either the Senate or the House of Representatives passes a resolution stating in substance that it does not favor the continuation of the authority vested in the Attorney General under section 1 of this Act, the Attorney General shall, not later than at the expiration of sixty days immediately following the adoption of such resolution by either the Senate or the House of Representatives, discontinue the paroling into the United States of such refugee-escapees. The Attorney General shall discontinue paroling refugee-escapees pursuant to section 1 of this Act on July 1, 1962.

SEC. 3. Any alien who was paroled into the United States as a refugee-escapee, pursuant to section 1 of this Act, who has been in the United States for at least two years, and who has not acquired permanent residence, shall forthwith return or be returned to the custody of the Immigration and Naturalization Service and shall thereupon be inspected and examined for admission into the United States, and his case dealt with in accordance with the provisions of sections 235, 236, and 237 of the Immigration and Nationality Act.

SEC. 4. Any alien who, pursuant to section 3 of this Act, is found, upon inspection by the immigration officer or after hearing before a special inquiry officer, to be admissible as an immigrant under the Immigration and Nationality Act at the time of his inspection and examination, except for the fact that he was not and is not in possession of the documents required by section 212(a)(20) of the said Act, shall be regarded as lawfully admitted to the United States for permanent residence as of the date of his arrival.

SEC. 5. Nothing contained in this Act shall be held to repeal, amend, alter, modify, affect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of the Immigration and Nationality Act or any other law relating to immigration, nationality, or naturalization.

The SPEAKER. Is a second demanded?

Mr. MOORE. I demand a second, Mr. Speaker.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. WALTER. Mr. Speaker, the joint resolution under consideration is designed to implement the participation of the United States in what has been described as World Refugee Year promulgated by the United Nations Assembly in a resolution sponsored by the United Kingdom and cosponsored by this country.

In a proclamation issued on May 19, 1959, the President of the United States, in expressing the acceptance of the participation of the United States in the World Refugee Year, ending June 30, 1960, has outlined the extent of our participation, stressing the necessity of additional financial contributions for the rehabilitation of refugees and the need of more opportunities for their resettlement. A substantial financial contribution to the funds of the United Nations High Commissioner for Refugees in the amount of $4 million has already been made by the President pursuant to the authority granted him by the Congress last year.

The legislation under consideration is primarily designed to eliminate the remaining camps in Europe in which numbers of refugees have resided for a long period of time.

prohibit those mergers which have an anticompetitive effect as intended by this measure, there is the very real possibility indeed that our Nation's banking system will—and in short order—become dominated to a far greater extent than now by a handful of financial interests.

Mr. MULTER. Mr. Speaker, for many years Congress has been concerned with providing proper safeguards against mergers and consolidations of banks which tended to lessen competition or tended to create monopolies in banking.

The enactment of the present bill before the House is another step in improving the legislation on the subject.

The Sherman Antitrust Act and the Clayton Act apply in this field. But not to every phase of it and not as effectively as is desired. This bill in no way limits the Sherman Antitrust Act or the Clayton Act nor will its enactment in any way affect any pending actions or prosecutions under existing statutes.

The bill provides for control of all mergers by banks whose deposits are federally insured. In using the word "merger" I use it in its most all-inclusive sense because under the terms of the bill it will apply to mergers and consolidations and acquisitions of assets, no matter how accomplished.

The enactment of the bill will prohibit future mergers unless approved by the appropriate Federal banking agency. If the resulting bank is to be a national bank, the Comptroller of the Currency must approve; if a State bank which is a member of the Federal Reserve System, the Federal Reserve Board must approve; and if it is an insured State bank that is not a member of the Federal Reserve System, the Federal Deposit In-

that after considering all of the factors involved, if the resulting institution will be in the public interest, then the application should be approved and otherwise disapproved.

The banking agencies are thus free to approve a merger to save a failing bank, or to approve a merger brought about by emergent conditions even though such action necessarily lessens competition or creates a monopoly in the particular community involved.

Like most legislation of this type, it depends for its implementation upon the agencies of Government paying heed to the intent of the Congress. If this legislation does not have the desired and desirable effect of calling a halt to the rash of bank mergers that we have witnessed in this country over the last several years, with the undesirable effect of constantly reducing the number of banks which are serving the public and increasing to inordinate size the big banks of the country at the expense of the small and independent banks, then much more restrictive legislation will be called for.

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year. If within ninety days immediately following the submission of such report, either the Senate or the House of Representatives passes a resolution stating in substance that it does not favor the continuation of the authority vested in the Attorney General under section 1 of this Act, the Attorney General shall, not later than at the expiration of sixty days immediately following the adoption of such resolution by either the Senate or the House of Representatives, discontinue the paroling into the United States of such refugee-escapees. The Attorney General shall discontinue paroling refugee-escapees pursuant to section 1 of this Act on July 1, 1962.

SEC. 3. Any alien who was paroled into the United States as a refugee-escapee, pursuant to section 1 of this Act, who has been in the United States for at least two years, and who has not acquired permanent residence, shall forthwith return or be returned to the custody of the Immigration and Naturalization Service and shall thereupon be inspected and examined for admission into the United States, and his case dealt with in accordance with the provisions of sections 235, 236, and 237 of the Immigration and Nationality Act.

SEC. 4. Any alien who, pursuant to section 3 of this Act, is found, upon inspection by the immigration officer or after hearing before a special inquiry officer, to be admissible as an immigrant under the Immigration and Nationality Act at the time of his inspection and examination, except for the fact that he was not and is not in possession of the documents required by section 212(a)(20) of the said Act, shall be regarded as lawfully admitted to the United States for permanent residence as of the date of his arrival.

SEC. 5. Nothing contained in this Act shall be held to repeal, amend, alter, modify, affect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of the Immigration and Nationality Act or any other law relating to immigration, nationality, or naturalization.

The Committee on the Judiciary reported this joint resolution by a vote of 30 to 1, I believe.

In taking up this joint resolution the committee considered the ability of the United States to absorb more people, having in mind the rate at which our population is increasing.

We believe that we have written into this legislation the safeguard which will prevent violence from being done to our basic concept of the admission of immigrants. By that I mean that everybody admitted, assuming this joint resolution will be adopted, will be required to comply with the provisions of the basic law. In addition, we have set up a provision under which by action of either the House or the Senate the entire program may be terminated within 60 days after the filing of a report by the Attorney General.

The joint resolution is designed to offer resettlement opportunities under the existing law, to wit: section 212(d)(5) of the Immigration and Nationality Act, to a number of refugees which will be determined depending on how many refugees are admitted by other cooperating countries.

Time is of the essence because the special refugee programs originated in the World Refugee Year should, of course, start in that year, if the participating countries are to implement what they have undertaken to do. Any delay in the enactment of this legislation will tend to impair the position of leadership which the United States has assumed in the field of internationally concerted humanitarian efforts.

In addition to that, there is a very important session of the Council of the Intergovernmental Committee for European Migration scheduled for the early part of May of this year. That session is to convene in Naples, Italy, instead of the usual meeting place which is Geneva, Switzerland. The main reason for this change of meeting place is the desire of the 29 member nations of ICEM to dramatize the departure of the one-millionth migrant moved from Europe by the organization which began its operations in February 1952. It is quite important that this legislation be well on its way to final enactment by the time ICEM's council convenes next month.

There have been recently certain proposals made in the field of immigration which appear to be based on the idea that the absorptive capacity of the United States is practically unlimited. The proposals I have in mind have apparently not been based on sufficient studies of the implications which the fast-growing population of the United States, the inadequacy of employment opportunities, and the lack of facilities for housing, education, and medical care have made urgently necessary. No study of these matters has been made prior to the submission of recommendations under which the United States population would be further increased by a very considerable influx of immigrants. It appears to me that the interest of the United States has not been taken into consideration by the authors of those proposals.

This legislation does not belong in that category. It does not provide for any sizable increase in our annual immigration intake while it opens our doors to a reasonable and assimilable number of desirable people who need a safe haven and an opportunity to start a new life and who deserve to benefit from the blessings of freedom and American opportunities.

How many will come under this resolution? The answer to that question depends on the extent of cooperation which this country will obtain from our friends abroad. For example, according to the latest report I received from the Director of the Intergovernmental Committee for European Migration, that organization transported from Europe to oversea countries in the calendar year 1959, a total of 42,166 refugees; 9,652 of them came to the United States under the now expiring provisions of section 15 of the act of September 11, 1957. Consequently, the number of refugees admitted in 1959 by countries other than the United States was 32,514. Assuming that all of these refugees were subject to the mandate of the United Nations High Commissioner for Refugees and further assuming that in the year 1960 countries other than the United States will admit the same number of refugees, the Attorney General would be authorized to admit 25 percent of that number to the United States, which would be 8,126 persons. Provided, of course, that the Secretary of State has made that finding and has advised the Attorney General as to the precise number of those whom he may parole into the United States in each of the 6-month periods.

However, if the Secretary of State finds that the other nations have curtailed the size of their total semiannual intake of refugees of the category specified in this resolution, our intake will automatically diminish proportionately in the immediately following 6 months.

The legal concept of this resolution is based on the experience gained in 1956 and in 1957 when the very efficient administration and the successful results of the use of the parole provision of the Walter-McCarran Act has permitted us to assume the position of leadership in providing safety and resettlement of those who escaped the Soviet massacre of the heroic Hungarian revolution.

We have maintained then, and we still maintain, that position of leadership which we first assumed in providing resettlement for displaced persons and refugees in the years since 1945 up to the present time. I stress this point not because of a desire to boast about our achievements. I believe that it is necessary to remind certain facts, from time to time—not so much to our friends and enemies abroad who realize very well what the United States has done—but to some of our own people at home, who seem to tend too often to minimize our actions. As an example, let me remind you that just about 2 weeks ago it was stated in the other body that little Venezuela has done infinitely more for displaced persons and refugees than the United States. Suffice it to say that in the period of ICEM's activities, from 1952 until 1959, Venezuela has admitted 1,700 refugees while the United States has admitted 300,000. I do not say that in order to belittle Venezuela's contribution which has apparently done what she was able and willing to do, and we appreciate that, but to point out that the criticism of our own deeds by our people has about reached the high point of absurdity.

Mr. Speaker, I hope that the House and the other body will act promptly on this truly necessary and meritorious legislation. I am convinced that this resolution, after it is placed on our statute books, will be administered carefully and wisely, and that the required cooperation between the Secretary of State and the Attorney General will be as friendly and efficient as it was in the past. The functions of the Department of State and the Department of Justice in the administration of this legislation are of great importance, indeed. While the powers and duties of the Attorney General under section 212(d)(5) of the Immigration and Nationality Act as well as under all pertinent provisions of that law and under this resolution are preserved intact and inviolate, the prerogatives and functions of the Secretary of State in the area of foreign relations remain equally intact under the opening paragraph of section 2 of the joint resolution.

I urge the House to vote overwhelmingly in favor of this legislation.

There has been much said about the problem of refugees. Many of the nations have issued stamps, but many of them, outside of the Iron Curtain, have made contributions. Funds have been raised from various sources.

In this legislation we deal with the camp population, with those people who are subject to the mandate of the United Nations High Commissioner for Refugees, and nobody else. We are exposed, in my judgment, to about one-fourth of 22,000 people.

There has been much discussion as to the number of refugees, and conflicting figures are being presented from various sources all the time. Some months ago, I said there were 28,000 people in the camps. This caused considerable consternation in the ranks of those people who have made this business of moving refugees a very profitable one. Just this morning, I talked with some people at the United Nations in New York. I was advised that the number is not 28,000 but it is now about 22,000. As I said earlier, we have written into the bill a provision under which the number we take will be determined by the total number of defined refugees taken by other nations participating in this program. That number is readily ascertainable so that in the opinion of your committee, the maximum number that could be taken, assuming that everybody in the camps wants to move, and I am sure that is not the case, our share will always represent 25 percent of those moved elsewhere.

If my colleagues will indulge me for a moment, I would like to tell of a conversation I had with a cabinet minister of the appropriate agency of the Austri-

an Government. He pointed out that most of these people are old. He said that emigration is not an attractive thing when people are over 35. I am sure that is the case. As I was saying, the numbers that would be moved would be relatively small. In view of the fact that we have actually been a participating sponsor of this World Refugee Year, it seems to me we are almost compelled to adopt the kind of legislation which will indicate our desire to participate and also the limits within which that participation will take place.

Mr. BURLESON. Mr. Speaker, will the gentleman yield?

Mr. WALTER. I yield.

Mr. BURLESON. As I understand the situation, the type of people calculated to come in under this measure are old people—people who are sick and those ordinarily described as hard core refugees; is that correct?

Mr. WALTER. May I say to the gentleman that everyone who is admitted for permanent residence will come under the terms of the basic code.

Mr. BURLESON. When we have had this type of legislation before this body on several other occasions, including the so-called Refugee Relief Act which has expired, the plea was that we should have that type of people in this country who would contribute something to the welfare of our country. Now this seems to me to be the very opposite. Is this strictly on a humanitarian basis?

Mr. WALTER. This is designed to meet the demand of some people that the United States do something in this field. May I say again in that connection, that just recently, in the other body it was stated that the United States had not done as well in the refugee field as little Venezuela. As I stated a few minutes ago, ICEM's records show that Venezuela had admitted since 1952, a little over 1,700 refugees in these categories and we had admitted over 300,000. Now, what useful purpose is served by minimizing our efforts, I do not know, but I would like to point out to the gentleman that ever since the cessation of hostilities in 1945, the United States has done its full share. We can certainly be proud of our efforts; but still, the camps there remain. It seems to me that by the enactment of this legislation we will indicate to the world that we can eliminate them. When the question of the number arose, the gentleman from California [Mr. SMITH] visited the camps in Europe, and as a result of his investigation we reached what we believe to be a proper conclusion with respect to the modus operandi of elimination of the camps.

Mr. BURLESON. Did I understand the gentleman to say that many of these 22,000 would not wish to enter this country or any other country?

Mr. WALTER. My guess is that only a small percentage would want to move, and a correspondingly smaller one will enter this country.

Mr. BURLESON. Then in that case the camps are not going to be eliminated.

Mr. WALTER. Yes, they will, because other nations and local economies will also be absorbing these people.

Mr. BURLESON. We contribute something through the United Nations to the upkeep of the camps?

Mr. WALTER. That is right.

Mr. BURLESON. And we would continue to do so. If they do not want to come to this country or any other country they would remain there and we would continue our contribution. I assume that that would eliminate the humanitarian angle of bringing them into this country.

Mr. WALTER. I would like to feel that after the enactment of this legislation the United Nations would take steps immediately to eliminate those camps. They have already eliminated a great many. People have been concentrated in just a few camps.

Mr. BURLESON. If the gentleman will yield further, you have a bill before the Committee on the Judiciary which deals with immigration, ordinarily referred to as the administration bill, which would about double the 154,000 annual admissions provided under present law. This number represents regular quotas, but as I understand that proposal, an unpredictable number of immigrants would be permitted to come to this country if the President so desired. How is this related to that legislation?

Mr. WALTER. May I say this to the gentleman, that before the subcommittee, of which I happen to be chairman at the moment, considers that legislation, we will complete studies that we are now undertaking to determine the capacity of the United States to absorb more people. Personally, I hope there will be no action before this study is completed. I am almost sure there will be no action at this session, because the studies will not be completed. It is very important in that connection to note, particularly in those areas where we have much distress, the coalfields of Pennsylvania, for instance, that a vast majority of people coming to the United States seeking new homes, come to those areas. We certainly are not going to relieve unemployment in the United States by bringing unemployed from other places in the world.

Mr. BURLESON. I am delighted to hear the gentleman's remarks on that subject. If the Federal Government is going to provide public housing, unemployment compensation, medical care, and all other benefits which flow from Washington, it would seem we do not need to bring more people in for that purpose.

Mr. WALTER. I agree with the gentleman completely, but we are talking about something entirely different now. We are talking about the participation of the United States of America in a worldwide movement to relieve a very bad situation.

Mr. BURLESON. Mr. Speaker, if I could feel that House Joint Resolution 397 was purely a humanitarian act, certainly I would feel more kindly toward it. If it is humanitarian, then certainly our benevolence should extend to the teeming thousands of Arab refugees expelled from Israel. In this instance, our own policies contributed to this wholly unsolved, pitiable situation. I think there is no doubt that the refugees with whom we are dealing in this bill are cared for in luxury, as compared to these people living almost like animals with no hope for tomorrow.

It is difficult to obtain definite information as to the type of people remaining in the refugee camps in Europe. Some years ago before the Special Refugee Relief Act expired, the argument was made that we should admit people of special skills and abilities who would contribute something to our American life. The camps were supposedly drained of this type of individual, many of them coming to this country. I doubt seriously if very much has been contributed, and I opposed that legislation. However, the point to be considered now is why, after these several years, we are going back to the hard-core type which is left in the camps. If my information is correct, these people are mostly those who are diseased, with criminal involvement of some nature, or whose true status cannot be determined.

We are now going to take these people, which I have an idea is more or less on an indiscriminate basis, based on the challenge of other nations to take three-fourth of the total. They are being admitted on a permanent basis. They become eligible for permanent citizenship, and it is a circumvention of our immigration laws.

The most I can see coming out of this legislation is the hope that the administration's liberalizing bill now in the Committee on the Judiciary may get no further than it is at the present time.

It is difficult to understand why there are those who want to chip away and widen the breaches in the present Walter-McCarran Act. At a time when, in my opinion, we should be tightening immigration laws, we are loosening them up.

The gentleman from Pennsylvania [Mr. WALTER], chairman of the Subcommittee on Immigration, in response to my query a few minutes ago indicated he was not for liberalizing our immigration laws as proposed and requested by the President of the United States. He further indicated that he recognized the inconsistency of admitting more people to the United States who will contribute to that group for which there is always a hue and cry for more welfare benefits of one sort and another. Do you want to bring more people into this country for more public housing, more unemployment compensation and all the welfare benefits which can be dreamed up by those who would take care of everybody and everything from Washington?

Mr. Speaker, it seems the most I can do at this time is to give notice that I shall oppose with every possible effort any further legislation which weakens and liberalizes our present immigration laws. I simply do not think it is in the best interest of our country, and further believe that it is already one of the principal taproots of many of the difficulties our Nation is now experiencing. I know very well that there are those who will say this is a narrow view. I know very well there are those who

an Government. He pointed out that most of these people are old. He said that emigration is not an attractive thing when people are over 35. I am sure that is the case. As I was saying, the numbers that would be moved would be relatively small. In view of the fact that we have actually been a participating sponsor of this World Refugee Year, it seems to me we are almost compelled to adopt the kind of legislation which will indicate our desire to participate and also the limits within which that participation will take place.

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will want to say it is an attitude of anti-this and that. But, I know in my heart it is no such thing.

It is a matter of seeing that there are no more people in this country than are already here who do not understand the American system. There are those already here who do not distinguish between license and freedom. There are many who do not understand that responsibility goes with liberty. Mr. Speaker, this is not a flag-waving statement, because the record will prove it, and as to that matter, most any day a newspaper out of any of the big cities will prove it in their reporting.

I am not going to support this resolution, and particularly do I repeat that the bill now considered by the Judiciary Committee, which can more than double the present immigration quota, will be resisted. I trust that you here who believe as I do will indicate your attitude to the Judiciary Committee to such a degree that the committee itself will reject the proposed legislation.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WALTER. Mr. Speaker, I yield to the gentleman from West Virginia [Mr. MOORE].

Mr. MOORE. Mr. Speaker, the joint resolution before the House was the subject of extensive studies and hearings. After a great deal of work by the individual members of the committee, we have presented what we think is the best legislation we could devise in that complex field. I think the gentleman from Pennsylvania [Mr. WALTER] has fairly and ably presented the contents and the impact of this bill to the Members of the House. The joint resolution has adequate safeguards built into it. Specifically, we do not undertake to take any refugees until a certain number of them is moved into other countries of the world. We limit our participation to 25 percent of those during the next 2½ years.

A great deal of pressure was brought upon the committee to bring this legislation to the House last year, but we delayed our action because we thought it was necessary to get a more accurate understanding of just how many refugees there were under the United Nations mandate, and just what sort of exposure was taking place with the passage of this resolution as far as the United States was concerned.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MOORE. I yield.

Mr. GROSS. How many refugees are there in the world?

Mr. MOORE. That is a problem we have been dealing with for a long period of time. The voluntary agencies in this country seem to think there are upwards of a hundred thousand emigrable refugees in the world. Our best estimates which come through the personal work of the gentleman from California [Mr. SMITH] and the work of the gentleman from Pennsylvania [Mr. WALTER] is that there are approximately 28,000 refugees affected by this legislation.

This legislation is limited to refugees who come within the mandate of the High Commissioner of the United Nations. It is limited to European nationals; it does not take into consideration the vast numbers in the Middle East; it does not take into consideration the even greater numbers in the Far East.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. MOORE. I yield.

Mr. GROSS. Did I understand the gentleman from Pennsylvania [Mr. WALTER] to say a few moments ago that the United States has taken 300,000 people in this category?

Mr. MOORE. That is correct; since 1952, yes.

Mr. GROSS. Have we not done our share and more than our share?

Mr. MOORE. I think it is fair to say to the gentleman, yes, I believe the United States has done its share; and, certainly, the record will indicate not only that we are taking refugees, but that we provide very considerable sums of money.

This is an endeavor on the part of your committee here in the House to wipe out this question of refugees in camps located in Western Europe. We feel that we have limited the joint resolution in such manner that there is a minimum amount of risk for the United States; that in all probability not more than 2,500 to 3,000 people annually would come in; and bear in mind the fact that those who do come in must meet the statutory provisions as every individual must qualify for admittance to the United States for permanent residence.

I yield to the gentleman from Pennsylvania [Mr. WALTER], for further answer to the gentleman's question.

Mr. WALTER. I would like to point out, Mr. Speaker, that the figures we have been supplied, come from the Intergovernmental Committee for European Migration and are based on actual count and on estimates submitted by the United Nations High Commmissioner for Refugees.

They are as follows: number of emigrable refugees: in Austria, 10,329; in Italy, 5,394; in Germany, 5,000; in Greece, 1,000; in other Western European countries, 4,000, or a total of 27,753.

These figures were prepared about 4 months ago. The latest figures I received this morning indicate that over 5,000 have left since.

But may I point out one thing further? The most we could be exposed to under either of the figures would be 25 percent of those taken by other nations, assuming that the 25 percent could qualify under the provisions of the Walter-McCarran Act.

CALL OF THE HOUSE

Mrs. CHURCH. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 40]

Alexander	Gary	Morris, N. Mex.
Anfuso	Giaimo	Moss
Ashley	Gilbert	Nix
Barden	Goodell	Osmers
Barr	Granahan	Passman
Barrett	Grant	Pelly
Barry	Gray	Philbin
Bass, N.H.	Halleck	Porter
Bentley	Halpern	Powell
Blatnik	Hargis	Quigley
Boggs	Harmon	Randall
Bosch	Healey	Ray
Bowles	Henderson	Reece, Tenn.
Brewster	Herlong	Reuss
Buckley	Hess	Rhodes, Ariz.
Cahill	Hoffman, Ill.	Riley
Canfield	Hull	Rivers, S.C.
Carnahan	Inouye	Roberts
Casey	Jarman	Rodino
Chamberlain	Jennings	Rooney
Coffin	Jones, Ala.	Rostenkowski
Cooley	Judd	Santangelo
Corbett	Karth	Saund
Curtis, Mo.	Kasem	Schwengel
Daddario	Kelly	Sheppard
Daniels	Kilgore	Short
Davis, Ga.	Kluczynski	Siler
Diggs	Kyl	Staggers
Dooley	Lafore	Sullivan
Dowdy	Landrum	Taber
Dulski	Lesinski	Taylor
Durham	McCormack	Teller
Dwyer	McCulloch	Thompson, N.J.
Evins	McMillan	Toll
Fallon	Madden	Vanik
Farbstein	Magnuson	Wallhauser
Fenton	Mailliard	Willis
Fino	Mason	Withrow
Flynn	May	Wolf
Fogarty	Merrow	Yates
Forand	Metcalf	Zablocki
Frelinghuysen	Milliken	Zelenko
Gallagher	Mitchell	
Garmatz	Monagan	

The SPEAKER. On this rollcall 299 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

RESETTLEMENT OF CERTAIN REFUGEES

Mr. MOORE. Mr. Speaker, I yield such time as he may desire to the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Speaker, I rise in support of the committee bill, House Joint Resolution 397, which would enable the United States to participate in the resettlement of certain refugees. This is World Refugee Year. The United States, by Presidential proclamation, is one of 69 nations which has fixed upon this year as the time when at long last we must find some permanent solutions for the refugee problem.

However, I regard this resolution as only a step in the right direction. I would much prefer an overall facing up to the problem of refugees throughout the world, especially in these days when the victims of Communist oppression continue to flee from behind the Iron Curtain to freedom in Western Europe. We must establish legislation on a permanent basis, which will enable our Government intelligently and compassionately to meet its fair share of responsibility for refugee relief.

I have introduced the administration bill which specifies that the President may direct the Secretary of State and the Attorney General to parole into this country annually upwards of 10,000 "refugee-escapees" and "nonsettled hard-core refugees." If the President should proclaim that an emergency exists, a greater number may be admitted. The Secretary of State and the Attorney General would be given discretion to provide such measure of relief as is consistent with our world responsibility working closely with the United Nations High Commissioner for Refugees. This should be the goal of refugee legislation. House Joint Resolution 397, the bill we are now discussing, is limited in that it restricts eligibility to refugees who now fall under the United Nations mandate. This limitation precludes any relief for certain other refugees principally in the Middle East and the Far East. There are no specific provisions for the emergency situations such as we met following the Hungarian revolt.

This resolution confines itself to diminishing the residue of unsettled refugees now in United Nations camps located in Europe. What is ignored is the constant flow of new refugees who continue to flee tyranny in many corners of the globe. It amounts to short-term sedation in the hope that the problem will go away. I submit that what is needed is not sedation but surgery. We must consider this problem in its full scope. We must allow for complete flexibility to meet the problem today as well as emergency situations that may arise in the future.

The problem is fully recognized but let us not be satisfied with a minimal solution.

Mr. MOORE. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN of Michigan. Mr. Speaker, this bill again raises an old, old question, which has been before us many times in the past. Some of our people in our districts, wanting to be helpful, sponsor someone who wishes to come in from some other country. Our people pay their way here, provide jobs for them, living quarters, and everything that is necessary to live as does the ordinary American. Then the refugee pops up and away he goes. Often when located on a farm, he will stay maybe a week or so. Then he will find that farm work requires more time, the hours are longer, than those in a town or factory. He learns he can get more money in the city or in the factory. So he is through with his sponsor.

Just recently, within the last week, there was a situation where a family in rather moderate circumstances sponsored a refugee and gave the family an opportunity. They spent something like $900 to get him here. That gentleman was not content to just move and to leave the farm.

But read the story.

Here is the complaint. It is a familiar one:

SODUS, MICH., *March 12, 1960.*

The Honorable CLARE HOFFMAN,
House of Representatives,
Washington, D.C.

DEAR MR. HOFFMAN: I have recently talked to Representative HARRY LITOWICH who suggested I write to you. I am Doris Handy, wife of John Handy, Sodus, Mich., whom I think you know.

I am writing about an immigration problem—a man and wife whom we feel should not be allowed to become American citizens—in fact I wonder how bad one can be before deportation.

This man's name is Werner Stritzel—sometimes called Peter Stritzel. He arrived from Germany on the SS *Neptune*, pier 88, West 18th Street, New York, on March 28, 1955. He and his family arrived in Niles, Mich., the following day. I met them and brought them to our farm. Stritzel's name had been given to Mr. Handy through our minister and a parishioner of his, as a farm person anxious to come to the United States. Since we had already sponsored several Latvian families, we agreed to again lend a helping hand and sponsor him. It was a very bad mistake on our part.

After doing everything possible in an attempt to be fired, since he did not want farm work, yet was supposed to stay 2 years—he got his wish. He had wantonly destroyed farm property—refused to work when needed, used our car without permission—even threatened to kill my husband. John finally fired him the early part of July 1955.

His debt to us at that time was $983.68. We tried in vain to get our money. He held no job long enough for wage attachment. After many calls and a year's lapse of time he sent us $100. Further attempts at settlement resulted only in sneers and insults. Finally we went to a lawyer who thought us overcritical but started an agreement with Stritzel to repay at $5 a month. None was ever received.

He lost one position on moral charges, he lies, he steals.

In the fall of 1958 he was jailed for passing bad checks. Just before jailing he was forced by police to pay the Streamline Trailer Co. $212 after attempting to pass them a bad check. He was finally released for lack of evidence. We knew nothing of this until too late to appear against him. The police took $1,000 from him when arrested, and though the court ordered the money returned, still no debts were paid. He owes many others including the Memorial Hospital and the Nowlen Lumber Co.

The lawyer who cleared him told me before he knew of my interest that he advised him to leave the State. Later the lawyer denied this. Stritzel now lives in Wisconsin. The last address I had was 613 Vista Drive, Caledonia, Wis.

Though we would like our $800, there is something more important. He will be eligible for citizenship papers this spring. I think this should be prohibited. He is a very clever crook and lies so well many are "taken in" and wish to help until they, too, get burned.

On two occasions I talked to immigration officials from Detroit who were at the St. Joseph courthouse for naturalization procedures. Both just laughed at me saying it was my word against Stritzel's and any complaint would do no good.

Mr. Handy wrote to Bureau of Immigration, Investigation Section, 3770 East Jefferson, Detroit, and received no answer at all.

Since I started this letter he has gone into bankruptcy; further evidence I should say, of a nondesirable citizen.

Is there any place where we can get action or does one more clever crook become a citizen of our United States?

Sincerely yours,

DORIS G. HANDY
Mrs. John Handy.

Mr. WALTER. I know of no way that a sponsor can guarantee that a person will remain in their place of employment. After all, the law that would require that would be unconstitutional. So that the only thing that a sponsor has to rely on is the good faith of the person to whom he is extending a great deal.

Mr. HOFFMAN of Michigan. Well, we have had several cases of a similar nature. Some seem to make a business of soliciting our people to accept sponsorship. Some moved over to Kalamazoo where they are now based and can get more clients, and they get maybe $25 or $50 or $100 to bring in a refugee and locate him with a sponsor and no sooner he and family hit the farm or the job and away he goes. What can you do about that? Can we do anything at all to end that practice?

Mr. WALTER. May I call the gentleman's attention to the fact that everybody who comes to the United States under the provisions of this resolution is subject to the provisions of the basic code. Under the code, where an alien commits a crime within 5 years after his admission into the United States, he is deportable. That is provided for in the code and it is a felony under the law.

Mr. HOFFMAN of Michigan. That is all right if we can find an offender, but he keeps moving around committing crimes here and there before he goes to another State. I want to thank the gentleman for the wonderful service he has rendered along this line of trying to correct and prevent some of these evils.

Mr. MOORE. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. GROSS].

Mr. GROSS. Mr. Speaker, first I want to protest the change in legislative procedure whereby the House started early in this session to consider bills under suspension of the rules. I do not like this procedure and I want to again protest. I can see no reason for bypassing the Committee on Rules and the normal, established procedures of the House of Representatives by bringing up so many bills under suspension.

Mr. WALTER. Mr. Speaker, will the gentleman yield in that connection?

Mr. GROSS. I yield.

Mr. WALTER. I might state to the gentleman that this bill was on the Consent Calendar.

Mr. GROSS. Yes, I understand that it was on the unanimous Consent Calendar, and it seems now to have become the rule that if a bill is objected to on the Consent Calendar, then it goes under suspension.

The SPEAKER. The Chair must state to the gentleman from Iowa that that statement is not correct. Thousands of bills are on the Consent Calendar and are objected to and they never are taken up under suspension of the rules.

Mr. GROSS. I will say, Mr. Speaker, I doubt very much that the records will show that in the past several sessions, the House started with suspensions so early in the session, and in the number of bills that we have had under suspension this year. I do not think the record will bear it out.

The SPEAKER. The gentleman from Iowa, of course, knows that the rules of the procedure of the House provide

"refugee-escapees" and "nonsettled hard-core refugees." If the President should proclaim that an emergency exists, a greater number may be admitted. The Secretary of State and the Attorney General would be given discretion to provide such measure of relief as is consistent with our world responsibility working closely with the United Nations High Commissioner for Refugees. This should be the goal of refugee legislation. House Joint Resolution 397, the bill we are now discussing, is limited in that it restricts eligibility to refugees who now fall under the United Nations mandate. This limitation precludes any relief for certain other refugees principally in the Middle East and the Far East. There are no specific provisions for the emergency situations such as we met following the Hungarian revolt.

This resolution confines itself to diminishing the residue of unsettled refugees now in United Nations camps

I am writing about an immigration problem—a man and wife whom we feel should not be allowed to become American citizens—in fact I wonder how bad one can be before deportation.

This man's name is Werner Stritzel—sometimes called Peter Stritzel. He arrived from Germany on the SS *Neptune*, pier 88, West 18th Street, New York, on March 28, 1955. He and his family arrived in Niles, Mich., the following day. I met them and brought them to our farm. Stritzel's name had been given to Mr. Handy through our minister and a parishioner of his, as a farm person anxious to come to the United States. Since we had already sponsored several Latvian families, we agreed to again lend a helping hand and sponsor him. It was a very bad mistake on our part.

After doing everything possible in an attempt to be fired, since he did not want farm work, yet was supposed to stay 2 years—he got his wish. He had wantonly destroyed farm property—refused to work when needed, used our car without permission—even threatened to kill my husband. John finally fired him the early part of July 1955.

has to rely on is the good faith of the person to whom he is extending a great deal.

Mr. HOFFMAN of Michigan. Well, we have had several cases of a similar nature. Some seem to make a business of soliciting our people to accept sponsorship. Some moved over to Kalamazoo where they are now based and can get more clients, and they get maybe $25 or $50 or $100 to bring in a refugee and locate him with a sponsor and no sooner he and family hit the farm or the job and away he goes. What can you do about that? Can we do anything at all to end that practice?

Mr. WALTER. May I call the gentleman's attention to the fact that everybody who comes to the United States under the provisions of this resolution is subject to the provisions of the basic code. Under the code, where an alien commits a crime within 5 years after his

for special legislative days on which days the Speaker may recognize Members to suspend the rules.

Mr. GROSS. Certainly it is not a violation of the rules. I am protesting the bypassing of the Rules Committee with suspensions so early in the session when there has been plenty of time for the normal procedure.

If I may ask the gentleman from Pennsylvania, what sort of a precedent are we setting if any, with this bill? What is going to happen to the million refugees still in camps in the Middle East? Are they any different from these people; and if so, what is the difference?

Mr. WALTER. I would only mention one difference. It would, of course, be futile to pass a resolution authorizing to admit people under the provisions of our basic law if we knew that they could not obtain a sponsor in this country. I am certain that Hong Kong Chinese would be unable to find sponsors in the event the U.S. Congress should do, what I do not think it would ever do; that is, find that these people are the kind of people we need in the United States.

Mr. GROSS. Is the gentleman speaking of individual sponsors or sponsors in the nature of nations?

Mr. WALTER. Under the legislation under consideration in conjunction with the basic statute there must be an individual sponsor for each person guaranteeing against such person becoming a public charge. All that this legislation does is to provide that those people who are under the mandate of the United Nations, either 5,500 or 7,000, somewhere in between, become eligible to enter the United States by virtue of the fact that they are unable to return to their own country because of fear of persecution on political, racial, or religious grounds.

Mr. GROSS. And this has very little meaning from the standpoint of a legal sponsor.

Mr. WALTER. I do not know what the gentleman means, except that there must be an individual sponsor in each case; whether this is legally meaningful or not, I do not know. We hope that it is. I know there are confusing court decisions, but within our constitutional limits, we have tried to make it mean something.

Mr. GROSS. Was there not a recent court ruling which held that a sponsor was not legally responsible for an individual who might be brought in?

Mr. WALTER. That is precisely what I have in mind. A New York court in a California case, I believe, held that the guarantee that a person would not become a public charge was not a legal contract but merely a moral obligation. Shockingly enough, a religious organization has set up the defense that this is only a moral obligation, and therefore they do not feel they are required to pay for this person who did become a public charge at considerable expense to the people of California.

Mr. GROSS. So the gentleman does not think this is setting a precedent and that the United States will not be called upon by the United Nations to take care of the million refugees now in camps in the Middle East? He does not think that is going to happen?

Mr. WALTER. Participating organizations today are doing as much in this situation as they possibly can. For example, the National Catholic Welfare Conference has instituted a perfectly magnificent program. They have provided Hong Kong refugees with machinery for the manufacture of macaroni. Somewhat they are thereby changing the rice diet of the Chinese people. Through the use of surplus wheat and this machinery to make macaroni, in addition to providing food, the NCWC has established a new business for refugees in that section of the world.

The SPEAKER. The time of the gentleman from Iowa [Mr. GROSS] has expired.

Mr. MOORE. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. GROSS. Mr. Speaker, we have done far more than our share in taking care of refugees. I simply cannot support a bill of this nature, which I am convinced establishes something of a precedent. I am fearful that we are going to be called upon next to take care of a million refugees now in camps in the Middle East. I cannot understand why so many other nations of the world are not joined in the program proposed in this bill. Where are all the rest of the nations throughout the world? Are they not interested in World Refugee Year and in taking care of these people?

Mr. SMITH of California. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield.

Mr. SMITH of California. If the gentleman will note the amendatory language in this particular resolution I think he will see that possibly we are starting a precedent which I think is very good; in other words, instead of just passing a World Refugee Year measure to allow the Attorney General to permit as many refugees to enter this country as the Secretary of State asks him to, we place some important restriction by which we, first, cannot take into the United States any refugees except those under the mandate of the United Nations High Commissioner for Refugees between now and July 1, 1962, and, second, not more than 25 percent of the total number that the other countries of the world take in. That will come down, actually, to 20 percent of the residue. Actually we may take in a hundred; we may have to take in 25, or 125, but always only 25 percent of what the others will be taking.

This is the first time that we have had some language that will stop these organizations that pressure and pressure the Congress to bring in millions of people, in what they call a resettlement program; this language stops that. Now we may end up and close these camps and this refugee problem in the course of 2 years, by July of 1962. We are giving these other countries 2 more years to join in our continuous effort.

Let us get rid of this problem. I think this bill contains language that the gentleman and I can accept. I say I can accept it. I think the gentleman will find that this is good legislation.

Mr. GROSS. Mr. Speaker, in conclusion, I, too, want to commend the gentleman from Pennsylvania [Mr. WALTER] for the excellent work that he has done with respect to immigration in the past. I regret that I cannot agree with him on this bill.

Mr. MOORE. Mr. Speaker, I yield such time as he may desire to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I rise in support of House Joint Resolution 397.

Mr. Speaker, while I support the presented resolution, I feel that there are certain inadequacies which merit discussion.

Certainly, in keeping with the World Refugee Year and the President's message which specifically refers to this problem, it is proper that legislation of this nature receive consideration and action.

This resolution, while affording temporary relief, does not solve the refugee problem on a permanent basis. It is here where the need exists for legislation which will be able to cope with a problem which will always be with us as long as forced rule is imposed upon nations within the Soviet orbit. However, refugees exist in other areas and for reasons which make them also bona fide. This resolution, first of all, discriminates against bona fide refugees by taking recognition of only those who are within the mandate of the United Nations High Commissioner for Refugees. As such, it will prevent many others, who are bona fide refugees, for entrance. This seems to me to be a severe drawback to this resolution. Another, even more important, is the lack of any provision to allow for rapid admission of refugees who are the result of a precipitous upheaval. The recommendation for power by proclamation for the President to cope with such an immediate crisis is not considered in this resolution. I believe this to be a serious omission.

Unlike the 10,000 refugees to be admitted each year, under the President's program, this resolution provides for 25 percent of those who are within the U.N. High Commissioner's mandate. A number considerably less, plus the fact that certain groups are being discriminated against, seems to be a contradiction of what should be done for a problem which is not only current, but which will be presented to us, it seems, for many years hence.

These refugees cannot be allowed to remain unnoticed whether we like it or not. Many valuable contributions to the stream of daily American life can be made by these people.

I have received many letters from Americans who are deeply concerned with the seemingly insoluble problem of the refugees. These people are motivated by the sincere desire for the compassion worthy of a nation like ours and in accord with the basic principles of its foundation. An act to offer relief to these people would exemplify America's continued sincerity during World Refugee Year and at any time this humane need exists in the world.

Mr. MOORE. Mr. Speaker, I would like simply to remark with respect to the concern of the gentleman from Iowa, that the bill now has the 25 percent feature embodied in it; that is, the rest of the nations of the free world must take 75 percent.

The fact also remains that any who are taken into this country under this bill are carefully screened before and after entry to the United States, and do not come in on a permanent basis in the first place. So we have added safeguards in the resolution in that respect.

Also I would say to the gentleman from Iowa that a proposal originally considered by the Subcommittee on Immigration and Nationality included practically all the refugees of the world. After very, very careful studies of this matter our subcommittee limited it to those who were under the mandate of the High Commissioner of the United Nations. So I think that in part the subcommittee has answered some of the fears the gentleman from Iowa expressed here today.

Mr. Speaker, I have no further requests for time on this side.

Mr. WIER. Mr. Speaker, will the gentleman yield?

Mr. MOORE. I yield to the gentleman from Minnesota.

Mr. WIER. I am disturbed about one thing, and that is what is the difference between this and resettlement? I would like to ask either the chairman or the ranking member of the committee, What is the difference between accepting these refugees under this bill and accepting them under a proposed bill for further increases in immigration quotas? Is not the end result exactly the same? They get their citizenship, and their limitations are about the same.

Mr. MOORE. Exactly the same. The only difference is that here we authorize the admission of a proportionate number of certain class of aliens, to wit, refugees under the mandate of the United Nations.

Mr. WIER. So in both cases they get citizenship until such time as they can be returned. This is merely resettlement.

As I understand it, they are admitted, and they can be permitted to obtain citizenship?

Mr. WALTER. Under this legislation and under the permanent law, they become eligible for citizenship after they have been residents of the United States for a period of 5 years.

Mr. WIER. That applies to immigration, too?

Mr. WALTER. Yes; that is right.

Mr. WIER. I thank the gentleman.

Mr. MOORE. Mr. Speaker, I yield such time as he may desire to the gentleman from Illinois [Mr. DERWINSKI].

Mr. DERWINSKI. Mr. Speaker, I rise to support House Joint Resolution 397 and commend the committee on the practicality of this proposal, and the humanitarian principles that are so obvious in this area. It is certainly commendable that our Nation participates in the resettlement of refugee-escapees by admitting a proportionate number of refugees into the United States. The procedure to adjust the number of refugees to be admitted in proportion to the number admitted by countries other than the United States is a practical solution.

We have always taken a great deal of pride in regarding our country as a haven for people seeking freedom in a land of opportunity. Certainly, history will bear out the thesis that the waves of immigrants that have reached this country throughout its entire history have been a worthwhile contributing factor to our political, economical, and social development. We know from experience that the vast majority of immigrants to this country become responsible, law-abiding citizens who are assets to the communities in which they settle and to the Nation at large. Certainly it is fitting, with this tremendous history of contribution that immigrants and refugees have compiled, that the United States coordinate with the various worldwide bodies in accepting a reasonable share of refugees on a sound basis. The fact that this legislation has the support of the Department of Justice and the Department of State is an indication of its soundness.

Mr. Speaker, I wish to commend the members of the Judiciary Committee for their hard work in connection with this bill and to compliment them for their great understanding of the plight of refugees who are in need of the humanitarian approach toward solving the great international problem that they present.

GENERAL LEAVE TO EXTEND REMARKS

Mr. WALTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks at this point in the RECORD on the bill under consideration.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BOLAND. Mr. Speaker, I rise in support of House Joint Resolution 397 which enables the United States to participate in the resettlement of alien refugee-escapees who are now under the mandate of the United Nations High Commissioner for Refugees.

The Congress cannot show a more sincere manifestation of this Government's desire to actively participate in the World Refugee Year than by the adoption of this resolution which would admit to this country a proportionate number of refugees, up to 25 percent of those admitted by other non-Communist countries.

Mr. Speaker, the report of the Immigration Subcommittee points out that an internationally concerted effort is being made this year to find resettlement opportunities in the countries of the free world for these refugees. I am sure my colleagues agree with me that we in the United States have room for many of these refugees. We should welcome them to our free shores during this World Refugee Year and thus do our part to help close several of the refugee camps that are still operating in Europe 16 years after the end of World War II.

Mr. BURKE of Massachusetts. Mr. Speaker, I wish to join with many of my colleagues in support of the House Joint Resolution 397, which will enable the United States to participate in the resettlement of alien refugees and escapees who are presently under the mandate of the United Nation's High Commissioner for Refugees.

While I would like to go further than what this resolution allows, I believe it is a step in the right direction.

We in America have always opened our hearts to those who are in need of our help.

Let us welcome them to our shores; let us renew their faith in their fellow man; yes, let us take them to our bosom so that America can demonstrate, once again, our concern for the oppressed.

This resolution will make more meaningful the immortal words written by Emma Lazarus inscribed on the Statue of Liberty:

Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore,
Send these the homeless, the tempest tossed, to me;
I lift my lamp beside the golden door.
—*New Colossus* (Inscription for the Statue of Liberty).

The SPEAKER. The question is on suspending the rules and passing the House joint resolution.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the House joint resolution was passed.

WHITE HOUSE CONFERENCE ON NARCOTICS

Mr. LANE. Mr. Speaker, I move to suspend the rules and pass House Resolution 431.

The Clerk read as follows:

Whereas the smuggling of narcotics and the illicit use of narcotics are serious national problems; and

Whereas the inability to achieve both a tighter control over the unauthorized importation of narcotics into this country and over the illicit use of narcotics by addicts and others in this country is causing increased nationwide concern; and

Whereas the traffic in, and addiction to, narcotics are serious problems affecting the Federal Government and the several States; and

Whereas narcotics contribute to juvenile delinquency and greatly add to the expenses of law enforcement and the cost of running the courts and judicial system of our country: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the President should call a White House Conference on Narcotics, patterned after previous White House conferences. Such conference should be broadly representative of persons dealing with such problems at the State and local levels, and shall also include—

(1) an appropriate number of the Members of the House of Representatives and the Senate; and

(2) representatives of the Departments and agencies of the Federal Government concerned with such problems, including, but not limited to, the Department of Justice; Department of the Treasury; Department of Health, Education, and Welfare; and the Department of State; and be it further

Resolved, That it is the sense of the House that this narcotics conference should undertake to recommend—

(1) ways and means of securing more uniformity in State and Federal enforcement of narcotic statutes and their penalties, and to delineate more clearly Federal, State, and local authority;

(2) the substance of a directive clearly defining procedures and jurisdictions between existing governmental agencies in this field;

(3) machinery for a continuing consultation between the United States and other nations, in order to obtain the maximum international cooperation, working through existing United Nations facilities, as well as engaging in unilateral contact and consultation when the facts or situation so require;

(4) a proposal for a Federal-State hospitalization program for the purpose of protecting the narcotics addict from the inevitable results of his addiction, and to protect society from the danger and expenses of the uncontrolled actions of the addict; and

(5) such other matters as will contribute to the solution of the national problem of narcotics; and be it further

Resolved, That it is the sense of the House that the White House Conference on Narcotics should submit a report to the President and the Congress setting forth its recommendations with respect to the problems relating to the traffic in, and addiction to, narcotics, and any other results of its deliberations.

The SPEAKER. Is a second demanded?

Mr. SMITH of California. Mr. Speaker, I demand a second.

Mr. LANE. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. The purpose of House Resolution 431 is to express the sense of the House that the President call a White House conference on narcotics problems. This resolution was one of a group of resolutions which were the subject of a hearing before the subcommittee of the Judiciary Committee.

This resolution concerns the unpleasant fact that our country has a serious problem in connection with illicit narcotics and their control. There is a clear-cut need for the study of the problem on the Federal, State, and local level in order that there may be the practical planning and the development of means for the control of illicit narcotic drugs and the elimination of the problems they produce. A White House conference such as that urged in House Resolution 431 would serve to bring together representative people from all over the Nation and from all levels of government who are concerned with these problems. Such a conference would provide a forum where these representatives could make known their experience and thinking on the subject, and thereby provide the basis for a concerted effort on all levels of government for an assault on the problems stemming from illicit narcotics.

The resolution provides that such a conference should make definite recommendations as to ways for securing uniformity in State and Federal enforcement of narcotics statutes and penalties, and the delineation of enforcement authority; the definition of procedures and jurisdictions between governmental agencies; consultation between our country and other nations; a Federal-State hospitalization program, and any other recommendations which the conference might formulate.

As I stated previously, the purpose of this resolution is to express the sense of the House of Representatives that the problems created by the smuggling of narcotics and their illicit use are so great and widespread, and the health and moral standards of large areas of the country are being so detrimentally affected as to reach epidemic proportions in certain areas, that a White House Conference on Narcotics will be an effective and forceful medium for coordinating a harmonized and united assault on the scourge.

By means of such a conference, employing the prestige of the President, the collective experience and thinking on the subject by those who are directly occupied with the problems can be coordinated.

Through such coordination problems concerning disparity of legislation in the various States, international cooperation, participation by law enforcement and health officers, and the treatment of addicts can be resolved. And a continuing and coordinating program can be instituted and sustained.

The need for such action has indicated the growing aspect of this menace despite all present efforts. The Commissioner of Narcotics reported on February 15, 1960, that California had 6,471 known narcotics. The California State Board of Correction estimates that in 1959 there were 10,000 narcotics in that State alone. The Los Angeles County medical association describes the situation as "a public health and safety problem."

The hearings before the subcommittee established the necessity for such a conference notwithstanding the fact that an Interdepartmental Committee on Narcotics functioning since 1954 made a report with certain recommendations in 1956. The conditions described to the subcommittee as prevailing, prevalent, and propagating were, in the opinion of the committee sufficiently serious and of immediate concern to all areas of the country to justify the emphatic action which such a conference would produce.

Mr. Speaker, I now yield 5 minutes to the gentleman from California [Mr. ROOSEVELT], who is the author of this legislation. I might also say that there are many companion bills of a like tenor.

Mr. ROOSEVELT. Mr. Speaker, I would like to commend the distinguished chairman of the subcommittee, the gentleman from Massachusetts [Mr. LANE] for his very clear explanation of this resolution, and also the members of the committee for the very fine hearings which were conducted on the need for this resolution and on the extent of the narcotics problem as a serious national situation which affects not only the older members of our population but particularly the youth of the Nation.

Mr. Speaker, I would like also to take this opportunity to commend most highly my colleagues from California [Mr. H. ALLEN SMITH and Mr. JOE HOLT], who, in a most statesmanlike and bipartisan manner, explained the need for this legislation and with great patience have undertaken to do what they can to bring about full cooperation and coordination by the Federal Government with the State and local officials in order that there may be a well coordinated attack upon this scourge which we now have with us in our country.

Mr. Speaker, I think the committee has made all of the arguments so clear that it would be redundant at this time to repeat them. In connection with the narcotics conference to be called by the White House, I emphasize that this is only an expression of opinion by the House of Representatives. There is nothing mandatory upon the President, but we sincerely hope that he will call such a conference. If he does, I think you will find, as the committee had testimony before it, that there are not only State officials but local officials across the Nation from Massachusetts, from Illinois, from New Mexico, from California, from New York, and from many other States who will, out of their own local funds, come to Washington to try to coordinate State legislation and Federal legislation in order that this problem may be attacked in a unified manner.

Mr. Speaker, again I want to thank my many colleagues on both sides of the aisle who have done such great work in bringing this resolution to the House this day.

Finally, Mr. Speaker, I would like to have the RECORD show at this point the names of my honorable colleagues who also introduced resolutions calling for a White House Conference on Narcotics. Such a list includes Mr. JOE HOLT, of California; Mr. H. ALLEN SMITH, of California; Mr. ROMAN PUCINSKI, of Illinois; Mr. HARLAN HAGEN, of California; Mr. JOHN MCFALL, of California; Mr. GEORGE KASEM, of California; Mr. JOSEPH MONTOYA, of New Mexico; Mr. SEYMOUR HALPERN, of New York, Mr. D. S. SAUND, of California; and Mr. HUGH ADDONIZIO, of New Jersey.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ROOSEVELT. I am happy to.

Mr. GROSS. Is it my understanding that California has one of the worst problems of all of the States as far as narcotics is concerned?

Mr. ROOSEVELT. I regret to have to say to the gentleman that that is true. As the gentleman well knows, we have two great ports. We also have a border with a neighboring nation from which many of these narcotics come, and we have, unfortunately, found that what enters into California is then sent across the Nation into many other States. It does not all stay in California but enough of it stays so that today our local board has said openly that we have probably a higher number of addicts in California than any other State of the Union. Therefore we have a very particular interest.

Mr. GROSS. I think we are all very sympathetic with California and its misfortune in connection with narcotics, but what does the gentleman think this White House conference is going to cost?

Mr. ROOSEVELT. In my opinion it would cost almost nothing at all because, in the first place, as I mentioned, most State representatives who come will come at their own expense. I believe if the President will take it up with those who are already in a position to organize such a conference within the executive branch of the Government, it will be found that all that will be necessary, and even that may not be necessary, is to provide a place for the conference to meet. I feel that the Federal Government has the machinery already and such expense as there may be would be very, very incidental.

Mr. GROSS. The gentleman thinks that officials who would come from the State of California would pay their own expenses?

Mr. ROOSEVELT. The Attorney General of the State of California has already so indicated, as have many of our local officials who appeared before the committee, I believe.

Mr. GROSS. I thank the gentleman.

Mrs. BOLTON. Mr. Speaker, will the gentleman yield?

Mr. ROOSEVELT. I yield to the distinguished gentlewoman from Ohio.

Mrs. BOLTON. Mr. Speaker, I am wondering if the gentleman and his California people know what was done in Ohio 2 or 3 years ago. We had a very high rate of narcotics addiction. That is not true now, because we tightened our laws and our judges have worked with the law instead of being careless about it. We had, I think, only 31 new addicts last year and we had been having them by the hundreds. We are also a port of entry; in fact, we have numerous ports of entry in Ohio through which we get marijuana and the other drugs. We have found that doing a real job inside the State was what changed the whole character of that situation in Ohio.

It would be my hope that California and New York, which are the two highest in number of addicts at this point, would really get busy inside their own frontiers and close those frontiers, and develop a situation that would protect their people. They certainly need protection. I have worked in this field of narcotics for many decades and I do know the problem. I know the particular problem in California very well. I should not want to do anything that would prevent proper action.

Mr. Speaker, I thank the gentleman and I simply hope that this may be the action that will be taken in California and in New York, if I may add that State, too.

Mr. ROOSEVELT. Mr. Speaker, I thank the distinguished lady and should like to tell her that is exactly why we want this conference. Ohio did do a most outstanding job.

Mrs. BOLTON. Without a conference.

Mr. ROOSEVELT. And I might add that because Ohio did do an outstanding job, many of the addicts and much of the traffic turned from Ohio to other States; for instance, Illinois. Therefore, we feel that if we can have this national conference and let all these officials know what can be done, standardize the legislation, unify the attack, maybe we will not have such a national problem any more. That is the purpose.

Mrs. BOLTON. The national problem is so much smaller than it was. Sympathetic as I am to what the gentleman wants to do, I do not think the solution lies merely in national conferences.

Mr. ROOSEVELT. No, it takes action after the conference.

Mrs. BOLTON. The problem must be attacked at the source.

Mr. ROOSEVELT. We have had many conferences, White House Conferences on other subjects and they have proved that it is possible to get better local action because of the prestige of a White House Conference. I would be the first to say that the conference itself is not the end to be sought. The end result is what they learn at the White House Conference.

Mrs. BOLTON. May I say that if we have sent some addicts to other States, to California, for instance, that California sent us some problems out of Hollywood a few years ago.

Mr. SMITH of California. Mr. Speaker, I yield such time as he may desire to the gentleman from California [Mr. HOLT].

Mr. HOLT. Mr. Speaker, I want to compliment the gentleman from Massachusetts [Mr. LANE] and the subcommittee of the Committee on the Judiciary as well as the full committee for reporting out this resolution. I want to compliment my colleague the gentleman from California [Mr. ROOSEVELT] who served as chairman of the California delegation Subcommittee on Narcotics. We made a thorough investigation of this situation in California. While it is true that we do have a unique problem in California, being on the border of Mexico, this is really a nationwide problem.

It is vital that the question of hospitalization for addicts be gone into very thoroughly because at present we have only two Federal hospitals. Something that has concerned me very much is the fact that we actually do not know how many addicts there are. We only know the number of those who are caught. There is an increasing flow of marihuana and heroin into America indicating that we have many more addicts. We need, I think, better coordination not only with the local and State governments, but there are three or four, or five or six Federal bureaus that are involved in this matter. I think they could use a little look-see at their own procedures.

A recent news item here in Washington showed how it was necessary for both the local police and the Federal people to move in to capture some heroin. This is even more complicated as far as law-enforcement procedure is concerned in other areas.

I for one, who am not seeking reelection, do request my colleagues to look into the fact that perhaps one agency of our Government alone should be responsible for the enforcement of the narcotics laws, because I think it is a growing national problem. Much of these drugs originate in countries that are our enemies, and they use dope as a weapon against all free people.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. HIESTAND].

Mr. HIESTAND. Mr. Speaker, I appreciate very much what the gentlewoman from Ohio has said. I think Ohio should be complimented for handling their problem as they did. However this is an interstate problem. Much has been said about the amount of heroin imported across the border from Mexico and elsewhere, but much of it in California has also come through the port of New York. This in my judgment is the most vicious interstate traffic we know. It should be put under the enforcement power of the strongest interstate enforcement agency we have, namely, the Department of Justice and the FBI. They have the power to investigate and to prosecute. I do not believe we are going to solve our problem until we do that.

I have introduced several times in previous Congresses in 1953 and 1955 measures to stiffen heavily the penalties and effect this transfer of responsibility. The Congress stiffened the penalties but did not transfer that responsibility. I am hopeful that as a result of the passage of this measure and the White House conference the Congress will be impelled to take action along those lines.

Mr. SMITH of California. Mr. Speaker, I yield such time as he may desire to the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Speaker, as a member of the subcommittee that is responsible for this resolution I rise in its support.

The drug problem, particularly as it relates to the addict, is one that is sadly in need of reappraisal. It has been abundantly shown that the present attempt to stamp it out by means of Draconian penalties has failed miserably in its objective. While the number of Federal commitments or marihuana charges has dropped, the number of commitments on narcotics charges has remained virtually unchanged. It was 1,151 in 1950, and it was 1,123 in 1959.

To this record of failure must also be added the fact that the present narcotics statutes and their mandatory penalties have vastly increased the work of the Federal courts, with no constructive result. The number of pleas of guilty to narcotic charges has dropped from 89.3 percent in 1950 to 72.9 percent in 1959.

The number of acquittals on narcotics charges in the 86 Federal district courts has gone up from 11 percent in 1950 to 21 percent in 1959. And the number of narcotics convictions appealed has increased from 63 in 1955, the first year for which these statistics were kept, to 204 in 1959, the latter figure incidentally representing 20 percent of all criminal appeals although narcotics cases represented only 5 percent of all criminal cases terminated by the district courts.

The States of California and New York account for the bulk of the drug problem in this country. Yet, despite the severe Federal narcotics law enacted in 1956,

the total number of State and Federal narcotics commitments in California went up from 1,557 in 1954 to 1,844 in 1959. In New York State the total number of commitments went up from 2,732 in 1954 to 4,096 in 1958—New York State's figures for 1959 are not yet available. Even in Pennsylvania the number of State convictions on narcotics charges increased from an average of 418 for the years 1950 through 1953 to an average of 696 for the years 1954 to 1958. And in these States, as in the Federal courts, the number of acquittals have gone up sharply.

Our Federal judges are very much concerned about the manner in which the present narcotics law has robbed them of all discretion. It forces them to send to prison for long periods of time virtually all persons convicted under its provisons, for it deprives the judges of authority to make any distinction between a conscienceless narcotic racketeer and his victim. The viewpoint of the judges is expressed in a resolution adopted by the ninth circuit judicial conference at Glacier Park, Mont., on July 10, 1959, and I ask unanimous consent to make this resolution a part of the RECORD.

It is time to make a calm and objective study of the narcotic problem.

A White House conference is badly needed in order that we might study the facts surrounding the Nation's drug problem and come up with a workable solution, a solution which can be supported not by a fury of emotionalism but by calm reason. There are many new aspects of the problem that are continually arising, many new types of medical treatment being developed, and new drugs being synthesized that offer hope to the victim. The British, for example, have adopted techniques from which we can benefit. All these ought to be discussed. Also we badly need to secure greater cooperation and understanding between State and Federal agencies and among the doctors, the psychiatrists, and the correctional agencies. Nothing could better assure this much desired end than a conference sponsored and supported by the Federal Government.

This could be obtained at no cost to the Federal Government as any needed funds would be supplied by private foundations and the many public-spirited citizens deeply interested in this problem. It is hard to see how there could be any valid objection to this intelligent effort to find a better way to deal with one of the most baffling problems of our times.

RESOLUTION ADOPTED BY JUDGES AT NINTH CIRCUIT JUDICIAL CONFERENCE ON JULY 10, 1959, GLACIER PARK, MONT.

Whereas the Boggs-Daniel Narcotic Control Act with its fixed and inflexible penalties has been on the Federal statute books for almost 3 years; and

Whereas the value and effectiveness of this inflexible approach to the control of the nefarious traffic in narcotic drugs has been questioned by a joint committee of the American Medical Association and the American Bar Association as well as other qualified groups; and

Whereas the Federal courts have been deprived of all discretion in providing for the individualized treatment of the victims of the drug traffickers; and

Whereas Federal judges in sentencing violators of the Narcotic Control Act are given no opportunity to distinguish, when pronouncing sentence, between the greedy narcotic racketeer on the one hand, and his hapless victim on the other, or between those addicted to opium and its derivatives and those who use marihuana: Now, therefore, be it

Resolved, That the chairman of the Ninth Circuit Conference be authorized to appoint a committee to cooperate with appropriate Federal and State agencies, groups, and institutions studying the possibilities of a more constructive approach to the control of narcotic drugs, and report thereon with its recommendations at the next session of this conference.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I have no objection to the White House conference but I do not see what it is going to accomplish. What is needed is action by the legislatures of New York and California to stiffen their penalties as has been done in Ohio, Massachusetts, and other States.

Recently before our Subcommittee on Narcotics and Customs we had Dr. Anslinger. We asked him about the problem of narcotics, and how Federal law affected the overall picture of peddling and addiction. He said, that since amending the Federal Narcotic Act which stiffened penalties for narcotics peddlers, the addiction rate has been cut down from 1 in every 400 persons, to 1 in every 4,000.

He further stated that in New York and California penalties should be at least equal to those under Federal law, especially because these two States are the only ones which have this terrific problem.

Then we told him that the New York Governor when he came down here to Washington to testify before a Senate subcommittee dealing with the narcotics problem, that Mr. GARY said this about the testimony presented before that subcommittee:

Knowing the New York situation, I was reminded of the passage of Shakespeare where it was said, "The fault, dear Brutus, is not in the stars, but in ourselves that we are underlings."

He went on to say, Mr. Speaker, that if the State of New York and the State of California passed some good laws with stiffer penalties, and if the judges in those States handed out stiffer sentences to narcotic peddlers, you would see in a short period of time that both the number of peddlers and addicts in those States would be cut down considerably. As I said, Mr. Speaker, I have no objections to this conference. Some good always comes out of any conference, but I think the fault lies within those particular States and should be corrected on the homefront.

Mr. ROOSEVELT. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield.

Mr. ROOSEVELT. Mr. Speaker, I appreciate very much what the gentleman has said. Of course, one of the problems here is the problem of coordination between the Federal officials and the State officials. Of course, that has been one of our problems in the State of California because in many instances an addict can be brought either into the Federal court or into the State court, and because there has been no uniformity of procedure, in many instances the matter is not handled as expeditiously or as firmly as it should be handled. I recognize that we have much to do in the State of California as, I am sure, other States also recognize that they have a great deal to do in their States as well. But, this is an effort to try to pull these things together and we hope the conference will make a valuable contribution toward the solution of this problem.

The SPEAKER. The time of the gentleman from Massachusetts [Mr. CONTE] has expired.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN of Michigan. Mr. Speaker, we have so many conferences that it is difficult to keep track of them all. We are always talking about something. Always enacting some new law. If the Department of Justice or someone down there who is charged with the enforcement of the law, and I think I can persuade my friend, the gentleman from Iowa [Mr. GROSS] to vote for a bill to buy a copy of young Bob Kennedy's book "The Enemy Within," to present to the Department, because he has a whole chapter in there telling how the Department of Justice failed to put up an adequate case against Jimmy Hoffa. He said, or at least the substance of what he said is that, if the Department had hired a justice court lawyer from somewhere out in the sticks and prosecuted that case, as it should have been prosecuted, Hoffa would have been in jail by this time—no—not yet—I disagree with Kennedy about that—but it would be on the road to the Supreme Court anyway—and, finally, he would land in jail. Three-fourths of our trouble, at least in my estimation, grows out of the fact that the gentlemen in the Department of Justice know too much law but have too little practical experience. They do not know enough about trying lawsuits. I refer to criminal cases. I ask, seriously—get a copy of the book and read that chapter or the two of them, one on how to prosecute and the other on how to hold committee hearings. Then we may be able to get more convictions, when the defendants are absolutely guilty.

The book is really worth while. You do not have to pay any attention to the political implications in the book. Of course, Robert wants his brother nominated and elected as President. We can all understand that. That runs naturally in the family. No one is criticizing that and JACK KENNEDY is a fine young man. I hope he carries Wisconsin tomorrow. But, I go back to my original

text to say that if we could just get a little efficiency in the trial of lawsuits, we would not need so many conferences. Everybody knows what ought to be done with the gangsters. They ought to be stuck in jail. Why not appropriate something, just a very few dollars would do it, hire some country lawyer with trial experience—I am not practicing any more so I am not looking for a job—from out in the sticks and then perhaps we could have a little old-fashioned justice administered because that is what we now need, rather than conference after conference and new laws. The laws are on the books. Enforce those we have.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I require.

Mr. Speaker, I would like to commend the gentleman from Massachusetts [Mr. LANE] for the very fine hearings that he held. These were very fair and thorough hearings on this matter, and I congratulate him on the way he has presented the matter here on the floor. I think this is a very fine resolution. This resolution does not demand that the President call this particular White House Conference. It allows him to do so, if in his judgment he feels it is warranted. I do not say either that this particular measure is going to be the solution to solve this entire narcotics problem because it will not. As to the discussion here on the floor as to the penalties, and on the question that we should have uniform penalties in the United States, the Federal Government passed a law before my coming to the Congress. This was the Federal Narcotics Control Act of 1956 which had some very strong penalties that are provided in that act. There is no double jeopardy. We do not see today individuals who get caught in California and are given 5 years—we do not see them also prosecuted in the Federal courts. In other words, if we can get this thinking together and get the benefit of the results in New York and in the State of California where we are faced with this very serious problem, and get all of the experts collected together, I think it would result in a great deal of benefit without being too costly.

Mr. Speaker, I urge the favorable consideration of this measure.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield.

Mr. GROSS. What about the annual Governors' conference that we hear so much about? Would it not provide a proper forum for this subject?

Mr. SMITH of California. What Governors' conference are you talking about?

Mr. GROSS. There is an annual Governors' conference.

Mr. SMITH of California. I think I can answer that. In the first place we have to identify the individual that either sells or possesses narcotics. It is not like a robbery, where you see somebody commit the robbery. You have to either possess it or sell it. Following that, we have to have a prosecutor, a judge, a bureau of prisons, and a probation board. We have to have an investigative officer, a judge that has handled some of these cases; a bureau of prisons, who could recommend how long they should keep them in; how long should the probation be. I think the Governors cannot do it any more than the district attorneys can do it.

Mr. GROSS. I hope this business of White House conferences does not become a fashion and an end to all things.

Mr. SMITH of California. I agree with that statement. I hope so, I hope it will not be that way.

Mr. Speaker, I have no further requests for time.

Mr. LANE. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. KASEM].

Mr. KASEM. Mr. Speaker, I happen to be both a member of the California Delegation Subcommittee on Narcotics and a member of Subcommittee No. 2 of the Judiciary, which reported out this bill favorably. At first I was not very sympathetic to this approach. I would remind you this is a very serious problem, in California in particular. We approach this problem, because of that fact, through the California delegation. Five of us who sat on that committee did not make an investigation into the proper action that should be taken, but we made that kind of survey directed to what should be the proper approach to the problem. After we had testimony from the U.S. Commissioner of Narcotics and the attorney general of California, and we heard such disparity in the report of the sources, we decided that there certainly had to be some better coordination and centralized direction available to us. The device of the White House conference was suggested. I have been skeptical as to that device solving much of anything. I think the findings usually go into the files and simply make excellent matter for somebody to write a paper on later.

But this will be a different kind of White House conference, because it will be composed of people who have special qualifications by virtue of the experience in the office they hold and by the fact that the membership of the conference and scope of subject matter will not be comparable to the conferences on other subjects. We will be dealing with a limited specific problem. People with special experience to offer in this field will be heard. I think we can expect that out of this kind of a conference we will get some specific recommendations which will have powerful persuasive power. We can get something in the nature of a tacit agreement between the various governmental entities.

Surely we can expect there will be a resolution of differences on very important matters, such as the question of where the narcotics come from. We learned that the Maline process of determining addiction was hardly known outside of California. California has much to offer. Ohio has certainly contributions it can offer to the State of California.

The cost involved in this, as White House Conferences go, are really negligible; and in the light of the magnitude and seriousness of the problem which it is designed to confront it is infinitesimally small. Therefore, I urge, Mr. Speaker, that this House pass this resolution which merely urges the President of the United States to use a device that has been invented for him, is available to him, and which he has used on other occasions for proposals no more serious, and with far less prospect of accomplishing worthy results.

Mr. Speaker, I yield back the balance of my time.

Mr. LANE. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico [Mr. MONTOYA].

Mr. MONTOYA. Mr. Speaker, I am very interested in this resolution and urge its passage. I want to commend the gentleman from Massachusetts and the members of his subcommittee, and the chairman of the full Judiciary Committee, for having given this matter an early hearing and having brought it to the floor for early consideration. I think this subject is one of great national concern. We might talk about the stiff penalties that are provided in both Federal and State laws, we might ask why a locality cannot under our criminal statutes cope with this problem. Penalties and enforcement alone will not eradicate this menace. We forget that juvenile delinquency has not been stamped out by Federal criminal statutes or by State criminal statutes. We forget that excessive drinking is not stopped by laws provided against it.

We must go to the core of this problem and search out many other problems which affect our social structure. We must go into the civic clubs, into the parent-teachers associations; we must disseminate information which brings out the evils of addiction to opium and other drugs; and I believe that the White House conference will bring into the open and focus attention on the problems that exist not only on the part of law enforcement officers at the Federal level and at the local level, but also on the part of parents who are plagued with the dangers of delinquency among their children. We will be able to recruit the help of local civic clubs and parent-teachers associations to expose these evils and to educate our young children to guard themselves against those who would menace their social welfare.

It is in this spirit that this resolution is offered, I know; and I think it will do great good to the American structure, social and otherwise.

Mr. LANE. Mr. Speaker, I yield such time to the gentleman from California [Mr. MCFALL] as he may desire.

Mr. MCFALL. Mr. Speaker, I rise in support of House Resolution 431, which is identical to House Resolution 433, of which I am the author.

The smuggling of narcotics and illicit use of narcotics are serious problems that has so far defied solution.

Our special narcotics subcommittee in the California delegation has been studying this question for more than a year now, meeting with local, State, Federal, and Mexican officials charged with narcotics enforcement.

We in California are particularly concerned with this situation.

California Attorney General Stanley Mosk told our committee that the manufacture and illicit crossing of narcotics from Mexico into the United States "far exceeds figures given to the committee by other agencies."

Mosk testified that California now has an estimated 10,000 narcotics addicts and "the list is growing at alarming proportions."

A White House conference, attended by representatives of local, State, Federal, and international agencies, which now share responsibility in this field, will most certainly emphasize the severity of the problem, and it is also hoped that it will generate a new spirit of cooperation among the many agencies that now have overlapping jurisdiction.

I strongly urge a favorable vote on this resolution.

Mr. LANE. Mr. Speaker, I yield the remainder of the time at my disposal to the gentleman from Illinois [Mr. PUCINSKI], one of the authors of a companion bill.

Mr. PUCINSKI. Mr. Speaker, I rise in support of House Resolution 431 submitted by my colleague from California, Mr. ROOSEVELT, and my own companion measure, House Resolution 448, which calls upon the President of the United States to hold a White House Conference on Narcotics. I wish to thank the chairman and his committee for recommending passage of the resolution.

We all know the disastrous effects that smuggling of narcotics and illicit use of these drugs have on the people of America. We in Chicago have been fighting this menace for a very long time, and while we have made tremendous progress in stamping out much of this hideous traffic, it still continues to plague us as it does most communities in America.

I should like to call attention to a statement recently made by Albert E. Aman, for a long time head of the U.S. Narcotics Bureau in Chicago. According to the statement which appeared in Chicago's American, Mr. Aman believes that crime in Chicago could be reduced by at least 50 percent in 1 year if we did not have the narcotics menace. Mr. Aman said that the 50 percent figure is conservative. He believes that crime directly traceable to narcotics is actually 65 percent to 67 percent of the total. That includes burglaries of homes and stores, shoplifting, robberies, auto stripping, prostitution, and even murders.

According to Mr. Aman, "A junkie who cannot get his 'fix' is a wild man. He will do anything to raise the $10 or $15 a day he needs to keep him going. He will steal, rob, even murder to get that little pinch of heroin."

Mr. Aman estimates there are about 6,500 narcotics addicts in Chicago alone. I do not know how many there are throughout the Nation.

To give you some idea of the money involved in the illicit narcotics traffic, I should like to call your attention to the fact that if each narcotics addict spends $10 a day on dope, which Mr. Aman believes is not unreasonable, in Chicago alone a minimum of $65,000 is spent daily on the acquisition of dope by addicts. Practically all of that money comes from some form of crime committed by these sick people.

I have had a great deal of personal experience, as a newspaperman in Chicago, dealing with this problem of dope addiction. One of the great difficulties incurred in this traffic in dope is that while communities like Chicago make a determined effort to reduce this problem, it keeps reoccurring because of the tremendously shifting population of America. This is why I so strongly believe that the entire problem of dope smuggling and addiction must be handled on a well-coordinated national level.

Too frequently we dismiss the small communities of this Nation as not playing a particularly significant role in this problem. Experience has shown that the dope addict gets his start in some small community and then heads for the big city because his crime wave to obtain funds for dope in his own community has run its course. He becomes too well known to the local authorities and infiltrates into the big city, where his identification cannot be as quickly established.

I am particularly disturbed over the fact that recent studies on this subject indicate that this plague of dope addiction is sweeping the younger age groups at an alarming rate. We Americans are now so thoroughly preoccupied with so many problems confronting our Nation both at the domestic and international levels that it appears to me, at least, that in recent years there has been a de-emphasis of this particular problem when, in fact, it has been mounting. We need only visit the juvenile courts of many of our communities to see firsthand the shocking infiltration that dope peddlers have made among the young people of this Nation.

I strongly urge passage of this resolution so that through a White House conference we can again focus attention on this problem and place it in its proper—even though alarming—perspective.

The SPEAKER. The question is on suspending the rules and passing the resolution, House Resolution 431.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. LANE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks at this point in the RECORD on the resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. HAGEN. Mr. Speaker, I am most gratified that the House Judiciary Committee has seen fit to report House Resolution 431 by Congressman ROOSEVELT, of California. I am a coauthor of the original Roosevelt resolution and feel that the committee has done an excellent job of polishing it and refining it. In its present form it has my wholehearted support.

The resolution is a directive to the President to call a White House Conference on Narcotics. If such a conference is held it will lend the prestige of the Presidency to investigation of the cause and cure of the growing problem of narcotic sale and addiction in this country. The fact of such growth is indicative of the fact that present programs of control are inadequate and it is apparent to everyone that this is a nationwide problem rather than the problem of any single State or group of States. I can foresee that such a conference will animate our national community into taking action. It is the method best designed to activate each citizen and best designed to activate the media of mass communication in this country to engage in constructive action. The problem of control of narcotics is more than a problem of passing sterner laws. Complete control requires the awareness of every family group in the country of the dangers and of the methods of securing prevention through the family unit, which is the base of our society.

Mr. HALPERN. Mr. Speaker, as a cosponsor of House Resolution 431, I commend the Judiciary Committee for its action in reporting it out, and I urgently appeal for its enactment by the House.

There is a crying need for the pooling of the best brains in the Nation on ways and means for developing programs adequate for the waging of an effective, nationally coordinated attack on this terrible menace.

As a legislator in New York State I was very close to the problem of combating the narcotics scourge, and for many years I concentrated my efforts in that field. As a New York State senator, I sponsored the bill that brought about a probe of the narcotics situation by the State attorney general. His report highlighted the seriousness of the problem particularly as it affected teenagers. I was privileged to sponsor the bill providing for mandatory treatment of teenage addicts in New York. At present, I am the chairman of the board of Riverside Hospital in New York City which is devoting its efforts to the treatment of these teenage addicts. To indicate the scope of the problem, more than 4,000 youths, aged 13 to 21, have passed through this hospital.

The need for a White House Conference on Narcotics is directly related to the fact that the problem of narcotics is far too big, too complex, and too all-encompassing to be effectively met without a concentrated national effort. That is the basic objective of the proposed conference.

The narcotics problem engages the activities of all levels of government—Federal, State, and local. Of necessity, such a situation demands coordination of effort and clear delineation of authority among the agencies concerned. It requires the development of an overall program under which an effective allocation of responsibilities among the various public agencies can be established. To devise such a program, there must be a full appraisal of the scope and extent of the problem and of the numerous exigencies to be met, and there should be an analysis of existing as well as additional resources that may be needed to fully combat the menace.

Such factors as weaknesses in existing laws, as well as adequacy of the number of enforcement personnel, need to be examined, and provision should be made for closer cooperation with other nations.

Ways and means to promote deeper public understanding of the narcotics problem should receive high priority.

I believe that only by bringing together representatives of all levels of government along with professional and lay people who are working in the field can the programs essential to the waging of an effective assault against the scourge be developed.

The idea of a White House conference is to bring together the best brains and experience in the Nation on the subject, as well as parties from all walks of life, to pool their collective thinking and to mutually benefit from the wealth of information and the research, new concepts, and theories which are being developed in various sections of the country.

A White House conference would create a focal point for broad consideration of the problem of narcotics and would provide a medium for establishing greater exchange of ideas as well as closer cooperation among those most intimately involved in this field.

We have made tremendous strides toward combating the problem, and our Federal, State, and local authorities are to be congratulated, but the seriousness of the narcotics menace is causing increased nationwide concern.

Some of the ramifications of the problem in the United States include shortage of treatment facilities, insufficient enforcement personnel, lack of uniformity in criminal laws, increase in illicit narcotics traffic, and the absence of an overall approach utilizing most efficiently the resources of all levels of our society.

The coordination and encouragement for efforts to mitigate the problem which a White House conference would stimulate, would prove of incalculable benefit to the Nation.

Mr. Speaker, I trust the resolution will prevail.

Mr. DOYLE. Mr. Speaker, I rise in support of House Resolution 431, resolution by my distinguished colleague from California, Mr. JAMES ROOSEVELT. Said resolution was filed by him January 27, 1960, and referred to the House Committee on the Judiciary, from which committee it comes to the floor today with appropriate amendments embodied in the text. Whereas this very timely resolution, in effect, recommends to the President of the United States that he call a White House Conference on Narcotics, and asks that emanating therefrom said White House Conference on Narcotics should report back to the President of the United States and to the U.S. Congress setting forth recommendations with respect to the problem of narcotics as found to be, and the traffic therein, and any other pertinent and germane results of the deliberations of said White House conference, I concur with and join with all of my colleagues who have previously spoken in favor of this resolution.

But, I wish to make further crystal clear that it is not only my native State of California which is afflicted with the smuggling of narcotics, and the illicit use thereof, but other States as well. The justification, of course, of this resolution is that there has developed a very substantial traffic in the narcotics system itself in and across the borders of several other States. There being no question but that the traffic in and use of narcotics definitely contributes to juventile delinquency and adds materially to the expenses of law enforcement, to say nothing of the deterioration and destruction of the individual user thereof in his mental, moral, physical person, it should be crystal clear that such White House conference as is indicated in Congressman ROOSEVELT's timely resolution should undertake to recommend to the President of the United States and to the U.S. Congress adequate and practical and feasible ways and means of obtaining substantial uniformity as between State and Federal enforcement of narcotics statutes and of their penalties, and in like manner to delegate the area and jurisdiction which must be occupied as between Federal, State, and local authorities on the subject. These and other related and germaine purposes are clearly set forth in the resolution before us and it is my sincere hope that the President of the United States, even though this resolution makes it entirely optional, of course, with the President to call such conference, may find it entirely appropriate to promptly call such White House Conference on Narcotics and set the machinery in motion to promptly organize and have such conference expedited and its results made known and put into practical effect.

OVERALL LIMITATION ON FOREIGN TAX CREDIT

Mr. MACHROWICZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10087) to amend the Internal Revenue Code of 1954 to permit taxpayers to elect an overall limitation on the foreign tax credit, with committee amendments as printed in the bill.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 904 of the Internal Revenue Code of 1954 (relating to limitation on foreign tax credit) is amended by striking out subsection (a) and inserting in lieu thereof the following new subsections:

"(a) ALTERNATIVE LIMITATIONS.—

"(1) PER-COUNTRY LIMITATION.—In the case of any taxpayer who does not elect the limitation provided by paragraph (2), the amount of the credit in respect of the tax paid or accrued to any foreign country or possession of the United States shall not exceed the same proportion of the tax against which such credit is taken which the taxpayer's taxable income from sources within such country or possession (but not in excess of the taxpayer's entire taxable income) bears to his entire taxable income for the same taxable year.

"(2) OVERALL LIMITATION.—In the case of any taxpayer who elects the limitation provided by this paragraph, the total amount of the credit in respect of taxes paid or accrued to all foreign countries and possessions of the United States shall not exceed the same proportion of the tax against which such credit is taken which the taxpayer's taxable income from sources without the United States (but not in excess of the taxpayer's entire taxable income) bears to his entire taxable income for the same taxable year.

"(b) ELECTION OF OVERALL LIMITATION.—

"(1) IN GENERAL.—A taxpayer may elect the limitation provided by subsection (a)(2) for any taxable year beginning after December 31, 1960. An election under this paragraph for any taxable year shall remain in effect for all subsequent taxable years, except that it may be revoked—

"(A) with the consent of the Secretary or his delegate, with respect to any taxable year, or

"(B) without the consent of the Secretary or his delegate, with respect to any taxable year following the fifth taxable year (whether or not the taxpayer chooses to have the benefits of this subpart with respect to each such year) to which the election applied.

"(2) ELECTION AFTER REVOCATION.—If a taxpayer has made an election under paragraph (1) and such election has been revoked, such taxpayer shall not be eligible to make an election under paragraph (1) for any taxable year before its fifth taxable year (whether or not the taxpayer chooses to have the benefits of this subpart with respect to each such year) which begins after the taxable year with respect to which the revocation was made, unless the Secretary or his delegate consents to a new election for an earlier taxable year.

"(3) FORM AND TIME OF ELECTION AND REVOCATION.—An election under paragraph (1), and any revocation of such an election, may be made only in such manner as the Secretary or his delegate may by regulations prescribe. Such an election or revocation with respect to any taxable year may be made or changed at any time before the expiration of the period prescribed for making a claim for credit or refund of the tax imposed by this chapter for such taxable year."

(b) Subsection (b) of such section 904 is amended—

(1) by striking out "(b)" at the beginning and inserting in lieu thereof "(c)"; and

(2) by striking out "the limitation under subsection (a)" and inserting in lieu thereof "the applicable limitation under subsection (a)".

(c) Subsection (c) of such section 904 is amended—

(1) by striking out "(c)" at the beginning and inserting in lieu thereof "(d)"; and

(2) by striking out "the limitation under subsection "(a)" each place it appears in the first sentence and inserting in lieu thereof "the applicable limitation under subsection (a)".

(d) Such section 904 is amended by adding at the end thereof the following new subsection:

"(e) CARRYBACKS AND CARRYOVERS WHERE OVERALL LIMITATION IS ELECTED.—

"(1) FOREIGN TAXES TO BE AGGREGATED FOR PURPOSES OF SUBSECTION (d).—With respect to each taxable year of the taxpayer to which the limitation provided by subsection (a)(2) applies, the taxes referred to in the first sentence of subsection (d) shall, for purposes of applying such first sentence, be aggregated on an overall basis (rather than taken into account on a per-country basis).

"(2) FOREIGN TAXES MAY NOT BE CARRIED FROM OVERALL YEAR TO PER-COUNTRY YEAR.—No amount paid or accrued for any taxable year to which the limitation provided by subsection (a)(2) applies shall (except for purposes of determining the number of taxable years which have elapsed) be deemed paid or accrued under subsection (d) in any taxable year to which the limitation provided by subsection (a)(1) applies.

"(3) FOREIGN TAXES CARRIED FROM PER-COUNTRY YEAR THROUGH AN OVERALL YEAR TO ANOTHER PER-COUNTRY YEAR.—Any amount paid or accrued to any foreign country or possession of the United States for any taxable year to which the limitation provided by subsection (a)(1) applies, which (by reason of subsection (d)) may be carried (whether as a carryback or as a carryover) through one or more taxable years to which the limitation provided by subsection (a)(2) applies to another taxable year to which the limitation provided by subsection (a)(1) applies, shall (under regulations prescribed by the Secretary or his delegate) be properly adjusted for such intervening taxable year or years on the basis of the ratio which—

"(A) the excess paid or accrued to such foreign country or possession for the taxable year from which carried, bears to

"(B) the aggregate of the excesses for all foreign countries and possessions of the United States for the taxable year from which carried."

SEC. 2. (a) Subsections (a) and (b) of section 901 of the Internal Revenue Code of 1954 (relating to taxes of foreign countries and of possessions of the United States) are each amended by striking out "the limitation of section 904" and inserting in lieu thereof "the applicable limitation of section 904".

(b) The second sentence of subsection (a) of such section 901 is amended to read as follows: "Such choice for any taxable year may be made or changed at any time before the expiration of the period prescribed by making a claim for credit or refund of the tax imposed by this chapter for such taxable year."

(c) Section 6501 of such Code (relating to limitations on assessments and collections) is amended by redesignating subsection (l) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(l) FOREIGN TAX CARRYBACKS.—In the case of a deficiency attributable to the application to the taxpayer of a carryback under section 904(d) (relating to carryback and carryover of excess foreign taxes), such deficiency may be assessed at any time before the expiration of one year after the expiration of the period within which a deficiency may be assessed for the taxable year of the excess taxes described in section 904(d) which result in such carryback."

SEC. 3. The amendments made by the first section and subsection (a) of section 2 of this Act shall apply with respect to taxable years beginning after December 31, 1960. The amendment made by subsection (b) of section 2 of this Act shall apply with respect to taxable years beginning after December 31, 1953, and ending after August 16, 1954. The amendments made by subsection (c) of section 2 of this Act shall apply with respect to taxable years beginning after December 31, 1957.

The SPEAKER. Is a second demanded?

Mr. BAKER. Mr. Speaker, I demand a second.

Mr. MACHROWICZ. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MACHROWICZ. Mr. Speaker, this bill comes before the House with the unanimous vote of the Committee on Ways and Means. It involves an amendment to the Internal Revenue Code which is designed to improve the equity of existing law. The provisions relate to limitation of foreign tax credit.

Section 904 of the present law permits taxpayers to offset their U.S. tax liability by the amount of income taxes paid to each foreign country, but this credit is limited to the amount of the U.S. tax attributable to foreign income on a per-country basis. Taxpayers operating in two or more countries sometimes pay taxes to one foreign country in excess of this limitation and thus under the per-country limitation receive no credit for the excess amount.

The bill would give the taxpayer the opportunity to elect to use the so-called overall limitation, which would limit the foreign tax credit to the aggregate U.S. tax on all foreign income.

I might say that the Treasury report on this bill stated that this proposal to give the taxpayer the advantage of the overall limitation might encourage investment in some of the underdeveloped countries that in some instances impose taxes that are higher than those in the United States.

This bill was introduced by five members of the Committee on Ways and Means, namely, the late gentleman from Pennsylvania, Mr. Simpson; the gentleman from Michigan, Mr. Knox; the gentleman from Florida, Mr. Herlong; the gentleman from Louisiana, Mr. Boggs; and the gentleman from Texas, Mr. Ikard.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MACHROWICZ. I yield to the gentleman from Iowa.

Mr. GROSS. Does this bill relate to H.R. 5, the bill that is on dead center around here somewhere?

Mr. MACHROWICZ. This bill does not have any relation to H.R. 5. That bill deals with deferral of tax. This bill deals with the computation of credits on the current tax liability. It has nothing to do with deferral.

Mr. GROSS. What is this going to cost the U.S. Treasury, if anything?

Mr. MACHROWICZ. I may say that the Treasury has at various times estimated it differently. The last estimate of the Treasury Department as of February 19, 1960, was that the loss would range from $20 to $40 million. I might say that estimate was based on the fact that the bill did not originally have the section which we put in by amendment providing that any taxpayer who chooses the overall limitation is bound to continue with that method of computation for 5 years. I may say in that connection Mr. Lindsay of the Treasury Department stated in public hearings before the committee as follows:

> There may not be a substantial difference in revenue impact in comparing the overall limitation on a consistent basis with the per country limitation on a consistent basis, but there is revenue loss where each company may use the more favorable limitation each year regardless of consistency.

By amendment of the committee, that has been taken care of. As the bill stands now, a company cannot change from year to year from one method of computation to another. Once it selects a method of computation it cannot change that method for at least 5 years.

Mr. GROSS. With the amendment to which the gentleman refers what is the amount of loss to the U.S. Treasury?

Mr. MACHROWICZ. No one can tell because no one will know how many corporations will avail themselves of one method or the other. It will be much less than the amount originally estimated by the Treasury Department.

Mr. GROSS. What is the Treasury Department position on this bill?

Mr. MACHROWICZ. Mr. Lindsay, testifying before the committee, said that "in principle we do not quarrel with the principle of overall limitation. It makes a great deal of sense."

I might say the objection they had was because of the revenue loss involved. They agreed that the overall limitation provided by this bill makes a great deal of sense.

Mr. GROSS. Was Mr. Lindsay's testimony in the nature of damning it with faint praise, or was it an endorsement by faint praise?

Mr. MACHROWICZ. It is not an endorsement by the Treasury Department. The objection of the Treasury Department was to the revenue loss. I might state also that statement was made by the Treasury Department before the amendment I suggested.

Mr. GROSS. Then, this is a benefit to American investors going abroad; is that correct?

Mr. MACHROWICZ. I would say so, yes.

Mr. GROSS. And tends to build up American investors abroad?

Mr. MACHROWICZ. No. I would say that it tends to equalize the benefits of the American corporations abroad with those of the foreign based corporations.

Mr. GROSS. But it is an inducement to Americans to take their money and go abroad to invest in foreign securities.

Mr. MACHROWICZ. No, I would not say so.

Mr. RAINS. Mr. Speaker, will the gentleman yield?

Mr. MACHROWICZ. I yield to the gentleman from Alabama.

Mr. RAINS. I have listened with a great deal of interest to the discussion. Just what is our country getting for the tax loss that we are admitting that we will take on this bill?

Mr. MACHROWICZ. Well, we are not taking any tax loss. We are equalizing the corporations doing business in foreign countries. We are permitting a company which does business in two or more foreign countries to compute its tax not on a country-per-country basis but on an overall limitation and, as the Treasury Department has said, this may tend to benefit and help the underdeveloped countries where the tax rates are often very high.

Mr. RAINS. We have had similar bills to this before our committee in connection with the lending of money for industry in those countries. Does this not simply mean that we are subsidizing by a tax rate the building of foreign industry?

Mr. MACHROWICZ. I will yield to the chairman of our committee to answer that question.

Mr. MILLS. Let me observe to the gentleman from Alabama that what is involved here is a problem of equity. An American corporation may operate in half a dozen countries. Under existing law the tax credit with respect to taxes paid to each of the foreign countries is limited to the amount of income that is derived from each of the countries. In one country the American corporation may be paying as much as 65-percent tax. In another country there may be a tax of 30 percent. The United States has a 52-percent tax. As the bill applies to this situation, it allows the taxpayer to elect to use the overall limitation on his foreign tax credit and this election when made must be followed for a 5-year period. Under the overall limitation, he would combine his income and tax in the 65-percent country with his income and tax in the 30-percent country and he could take a foreign tax credit for the combined foreign taxes to the extent that they did not exceed 52 percent of the combined foreign income.

Now does the gentleman think that it is unfair for us to protect the American businesses that operate abroad from a 65-percent tax that may be collected there where that situation could be equalized by averaging the 65-percent tax with the 30-percent tax? I see nothing unfair about that. In a spirit of equity I think we should try to tax income in an equal manner no matter from what source derived.

Mr. RAINS. If I may have just a second, I do not think that we should tax them in excess of what they would be taxed in this country, but I do not think in the light of the fact that we are making so many loans available at good rates, that we should give any foreign operator, even though he is from our country, a tax advantage.

Mr. MILLS. We are doing in this program and in this bill just exactly what the gentleman says we ought to do. We are not giving them any advantage whatsoever over American businessmen.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. MACHROWICZ. I yield to the gentleman from Illinois.

Mr. PUCINSKI. As I understand, then, under this legislation a company doing business in country A and country B—if the tax rate in country A is 65 percent and the tax rate in country B is 30 percent—and permitting them to claim their tax credit in both of these countries combined, we would actually be encouraging industry to invest more money in country B where the tax rate is lower? Would not this lead to that kind of encouragement?

Mr. MACHROWICZ. Not necessarily. I do not think it would. I think it would just as well have the opposite effect.

If the company was already in the 30 percent rate country it would encourage investment in the high tax rate country which might be the underdeveloped one. This merely prevents the overtaxation of foreign incomes and in no case can the credits be over the 52 percent which is the tax rate that the United States has.

Mr. KNOX. Mr. Speaker, will the gentleman yield?

Mr. MACHROWICZ. I yield to my colleague from Michigan [Mr. KNOX], who is also the author of a similar bill.

Mr. KNOX. Mr. Speaker, I desire at this time to associate myself with the gentleman from Michigan [Mr. MACHROWICZ] in support of this legislation. I believe it is in the right direction, and will permit greater equity in the areas of taxation where U.S. industry engages in commerce abroad.

I personally opposed H.R. 5. This bill has no relation to H.R. 5 at all. This is a bill that would provide for the equalisation of taxation of U.S. corporations doing business in foreign countries. I concur in the arguments offered by my colleague from Michigan [Mr. MACHROWICZ]. I will have more to say on the merits of this legislation later in the debate.

Mr. BAKER. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 10087.

Mr. Speaker, the legislation before the House this afternoon corrects a problem that I have long regarded as an inequity in our Federal tax law. The legislation deals with the foreign tax credit. Under existing law there is in effect a "per country" limitation, and the legislation before us would merely provide an election to treat the foreign tax credit under an overall limitation.

The foreign tax credit is directed to the principle that with respect to U.S. taxpayers the same amount of income should pay the same total tax.

Since the first Revenue Act of 1913, U.S. corporations have been taxed on their foreign income. In the Revenue Act of 1918 Congress for the first time granted to American taxpayers a credit against their U.S. tax liability for all foreign income taxes and this credit has been the basic method by which the United States has ever since eliminated international double taxation. I believe it proper to assert that without this credit technique the double taxation of international transactions would discourage, if not destroy, foreign commerce.

Prior to 1954 there was available to U.S. taxpayers an overall limitation on the foreign tax credit which permitted a U.S. taxpayer to put all his foreign income in one basket and apply against that income his combined foreign tax credit for the purpose of determining the U.S. tax due on that foreign income. The 1954 Code approach repealed the overall limitation and retained the existing law per country limitation which requires that the foreign tax credit with respect to income from a foreign country be applied only to that income in determining U.S. tax liability on such income. Therefore the taxes paid to a particular foreign country which may be taken as a credit are limited to the same proportion of U.S. tax which the income from that foreign country is of the taxpayer's total taxable income.

The bill H.R. 10087 would provide an election that is to be available to U.S. taxpayers at 5-year intervals to be taxed under either the per country method or the overall method.

Most entrepreneurs regard their operations as being divided into two parts—the domestic operations and their foreign operations. The tax paid with respect to foreign income and allowed as a credit against U.S. tax should I believe in all fairness take into account the income in taxes from all foreign operations combined and not endeavor to compartmentalise them country by country.

Mr. Speaker, H.R. 10087 would be a very substantial step in achieving this tax fairness and I believe it should receive the approval of the House membership.

May I respond further to the question of the gentleman from Iowa about revenue loss. The point is this, and I think our chairman covered it. Whatever revenue loss there is, is due to the fact that American corporations have, under certain circumstances, paid more than 52 percent combined U.S. and foreign tax on foreign operations. I believe the chairman of the committee is in agreement with me on that statement. It is eminently unfair that an American corporation, for example an American manufacturing corporation manufacturing goods within the United States and shipping those goods abroad, which we certainly want to encourage to stimulate employment in this country, should by reason of existing tax law be required to pay more than 52 percent when its next-door neighbor would only be required to pay 52 percent. What this bill does in essence is to achieve tax equity.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from Iowa.

Mr. GROSS. Can the gentleman assure me that this legislation is not made necessary by virtue of the fact that so many American manufacturers are going abroad and establishing plants in foreign countries? This legislation is not necessary to serve their interests in so doing? Is that correct?

Mr. BAKER. I would say the able gentleman from Iowa is absolutely correct with this qualification. It will help those corporations to receive what they are entitled to, that is, fair tax treatment, but it is certainly not as an incentive to go abroad that this legislation is offered. It is merely to equalize the tax treatment whatever the source of the income may be, abroad or at home, so it will not exceed the 52 percent. I think it is good legislation.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from Ohio.

Mr. BOW. May I inquire of the gentleman from Tennessee whether or not, in the words of the gentleman from Michigan, this will encourage the investment of funds of American manufacturers in underdeveloped countries. Are we going to establish industries in these countries which will in fact attract American jobs, so that we will be manufacturing things in these countries

which, if we do not grant this privilege, would be manufactured here, keeping the jobs in the United States?

Mr. BAKER. I do not see that at all as even an unintended object of this bill. On the other hand, we want to reach especially the foreign trade that will not be reexported back into the United States. This will encourage American corporations to go, for instance, into Mexico to produce doors and windows to be sold in Mexico for housing to make money and spend it in that foreign country; whereas if our domestic producers had to pay 58, or 60, or 62 percent in tax, they simply would quit.

Mr. BOW. So the gentleman feels this is not going to take jobs away from industries in the United States?

Mr. BAKER. I certainly do not think it will take away U.S. jobs. If I felt that way I would oppose the bill.

Mr. GROSS. If the gentleman will yield further, this in no way changes the tax benefit for a favored few, in other words, the 27.5 percent oil depletion allowance, does it?

Mr. BAKER. No; it does not.

Mr. GROSS. Does the gentleman anticipate that the 27.5-percent depletion allowance can ever be reduced?

Mr. BAKER. That question is not before the House, as I see it. I would require more time than is left to present the answer fully.

Mr. WIER. Mr. Speaker, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from Minnesota.

Mr. WIER. May I say that, after looking at this bill, I have reached an area of disagreement on all of these bills that are coming out of the House Committee on Ways and Means. It encourages our manufacturers to take their institutions over into foreign countries. There has to be a limit to this. It seems that we are encouraging American industry to go into foreign lands. This is only one of several bills aimed in that direction, in my opinion.

Mr. BAKER. I would disagree with the gentleman and say that this bill is not directed to providing incentives to produce abroad. This bill would be a very minor element of world trade, and it is only for the purpose of equalizing the tax treatment. It certainly cannot be classed, in my judgment, as a bill to take away American industry. On the contrary, it is my feeling, and I am for protecting American industry, that we must go into world trade. We cannot simply build a shell around ourselves in this country.

Mr. KNOX. Mr. Speaker, it was my privilege to join in sponsoring legislation identical to the bill now before the House. As stated by my distinguished committee colleague, the gentleman from Tennessee [Mr. BAKER], whom I regard as one of the ablest authorities on tax legislation in the House of Representatives, the purpose of this bill is solely to achieve tax equity. The inequity under existing law arises from the fact that the per country limitation sometimes operates to require a U.S. taxpayer to pay more than a 52-percent tax rate on income that he derives from foreign operations. This legislation would tend to correct that problem by permitting the U.S. taxpayer to, in effect, treat his foreign operations as one undertaking.

Mr. Speaker, this legislation is not an inducement to export U.S. jobs; it is an important step in facilitating the export of U.S. goods that are manufactured within the borders of the continental United States. This bill will assist our domestic producers in competing in world markets to some extent, but its most important purpose is the removal of what I regard as an unfair method of taxation applied against our U.S. taxpayers.

I would stress the fact, Mr. Speaker, that this important and meritorious legislation was unanimously reported favorably by the membership of the Committee on Ways and Means, and such unanimity would not have resulted if there had been any prospect that the legislation would serve to encourage industrial expansion abroad to the detriment of industrial expansion in the United States.

It will not be my purpose to speak at length in support of this bill. Its enactment is in the interest of tax equity—I am for tax equity—and I urge my colleagues to join me in this position.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. BAKER. I yield.

Mr. PUCINSKI. Does the gentleman support legislation along lines that would give American industry a greater depreciation writeoff so that American plants could be modernized in this country and so that we could stimulate our American productivity and increase our production inasmuch as we are talking about giving relief to foreign countries?

Mr. BAKER. I would say to the gentleman that in the past 4 years I have introduced bills to liberalize the depreciation allowances. I have introduced one bill that would cut in half the useful life prescribed in Bulletin F. That is a problem that the committee is fully cognizant of. I think whatever revenue loss there would be would be more than offset by the increased production and increased employment and increased tax receipts from a greatly expanded economic base. I would favor such suggested legislation and I am sure many members of my committee would.

Mr. COLLIER. Mr. Speaker, would the gentleman yield?

Mr. BAKER. I yield.

Mr. COLLIER. Did I understand the gentleman to say that the purpose of this bill is not to offer incentive for business to go into an underdeveloped country?

Mr. BAKER. It would work in an underdeveloped country the same as in any other country, but I think it would, perhaps, be more productive to an industry in an underdeveloped country than in a country such as Western Germany, for example.

Mr. COLLIER. Then, as a matter of fact, it would be an incentive, otherwise, there would be no purpose in having the legislation here at all; is that not correct?

Mr. BAKER. I would answer that question—yes, but it is an incentive only insofar as equalizing tax treatment is concerned.

Mr. COLLIER. I thank the gentleman.

Mr. MACHROWICZ. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill, H.R. 10087, with an amendment.

The question was taken; and on a division (demanded by Mr. WIER) there were—yeas 34, nays 26.

Mr. MACHROWICZ. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, is the gentleman asking for a record vote?

Mr. MACHROWICZ. I am asking for a vote on the ground that a quorum is not present.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that further proceedings on this matter go over until Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

TRANSITIONAL PROVISIONS FOR THE INCOME TAX TREATMENT OF DEALER RESERVE INCOME

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8684) to provide transitional provisions for the income tax treatment of dealer reserve income, together with Senate amendments, disagree to the Senate amendments, and request a conference with the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas? [After a pause.] The Chair hears none and appoints the following conferees: Mr. MILLS, Mr. FORAND, Mr. KING of California, Mr. MASON, and Mr. BYRNES of Wisconsin.

TO AMEND SECTION 6659(b) OF THE INTERNAL REVENUE CODE OF 1954

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 9660) to amend section 6659(b) of the Internal Revenue Code of 1954 with respect to the procedure for assessing certain additions to tax, with Senate amendments, disagree to the Senate amendments, and request a conference with the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas? [After a pause.] The Chair hears none and appoints the following conferees: Mr. MILLS, Mr. FORAND, Mr. KING of California, Mr. MASON, and Mr. BYRNES of Wisconsin.

H.R. 9322—COARSE CARPET WOOL BILL

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I take this time to advise the House that later during this week, the gentleman from Arkansas [Mr. MILLS], chairman of the Ways and Means Committee, will call up the bill H.R. 9322, the coarse carpet wool bill.

FUTURE HOMEMAKERS OF AMERICA FACE FUTURE WITH COURAGE AND HOPE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. NATCHER. Mr. Speaker, this year National Future Homemakers of America Week is being celebrated from April 3 through 9, and it gives me great pleasure at this time to commend the members of this organization on the outstanding job they are doing in preparing themselves for the important role they will play in the future of America.

The Future Homemakers of America is a national organization of students studying homemaking in junior and senior high schools. Membership now totals over 500,000 and there are 10,081 chapters in the United States, Puerto Rico, and the Virgin Islands. The U.S. Office of Education and the American Home Economics Association serve as cosponsors and cooperating groups are home economics sections of the National Education Association and American Vocational Association.

In focusing attention on the many and varied activities of the Future Homemakers of America, we can readily see how these young women will develop into accomplished homemakers, welding the family together with love, know-how, and faith.

FHA chapter programs on time, energy and money management, conducting surveys of safety hazards in the home, school, and community, and discussing problems with family members trains the young woman to later care for the physical and personality development of her children, and to manage her home with efficiency, intelligence, and imagination. Good citizenship is encouraged by working closely with civic groups to learn more about their own community, urging adults to vote and helping them to do so by free baby sitting on election day. In this shrinking world a better understanding of other nations is vital, and FHA'ers broaden their knowledge by entertaining foreign visitors, hearing guest speakers and corresponding with youth overseas. Poise and self-confidence are developed through such activities as serving on committees, being a hostess at social events and planning and presenting programs. It is important that today's modern woman be equipped to participate in the many civic, political, educational, and social groups through which community and family life is enriched. Constant evaluation of present activities and progress enables these young ladies to improve the quality of current work and gives them a sound basis for further planning.

The modern wife and mother must not only be trained in the traditional duties of homemaking such as marketing, cooking, cleaning, and child raising, but must also be accomplished as a hostess, chauffeur, nutritionist, educator, psychologist, practical nurse, efficiency and budget expert, and at times a mechanical engineer to keep the many new labor-saving machines properly functioning. However, the most important quality of a successful homemaker is the ability to bring love and harmony to the family unit. Only by instilling in our children a true faith and reverence for God, an honest and intelligent approach to government, a basic integrity in their relationships with their fellow man, and a deep understanding of America's goals can we expect to produce citizens of the caliber needed to maintain our position as a first-class nation of the world. The role of homemaker is vital to our strength as a free and Christian nation, and the Future Homemakers of America "face the future with warm courage—and high hope."

Mr. Speaker, the Commonwealth of Kentucky was the first State to charter the Future Homemakers of America. In the Second Congressional District of Kentucky, which I have the honor to represent, local FHA chapters are well organized and they exert an immeasurable influence for good on their communities. Members of this organization are ably assisted in their endeavors by their home economic teachers, home demonstration agents, and other enthusiastic women who appreciate the purposes and high ideals of the Future Homemakers of America.

SPEAKER RAYBURN AND THE OWNERSHIP OF TIDELANDS

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include a newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. THORNBERRY. Mr. Speaker, one of the greatest political issues in the history of Texas was the fight to retain ownership of the tidelands. In this long drawn out controversy, Speaker SAM RAYBURN played a major role.

In the March 6, 1960, issue of the Sherman Democrat, an outstanding Texas journalist, Mr. Stuart Long, who covers the Texas State Capital for the Democrat and a number of other Texas newspapers, recalled with great accuracy Speaker RAYBURN's part in the tidelands fight and called attention to what the State of Texas would have received had the Speaker's wise suggestion been followed that the States be entitled to receive one-half the revenues beyond the 3-league—10.5-mile—limit. The article by Mr. Long is as follows:

RAYBURN COULD SAY "I TOLD YOU SO" ON TEXAS TIDELAND BONANZA

(By Stuart Long)

AUSTIN.—If Speaker SAM RAYBURN were a vindictive man, he could pull a multi-million dollar "I told you so" on some of the top State officials—past and present.

The proof of RAYBURN's rightness came the other day in dramatic form when the Federal Government sold oil and gas leases on 400,000 acres of land outside the 10-mile limit off the coast of TEXAS—the so-called "tidelands" beyond the area claimed by Texas to which Federal title was conceded by the State officials who have made the tidelands fight over the years.

The Federal Government got $35,732,081 for the leases off the Texas coast, and $285,180,648 for leases on 1,500,000 acres off the Louisiana coast. A highlight of the Federal lease sale was a $5,911,200 cash bonus for a lease on 5,760 acres 25 miles south of Galveston, more than $1,000 an acre.

ONLY 5 BIDS

By contrast, the last Texas School Land Board offering of oil and gas leases on tracts inside the 10-mile limit found 24 tracts offered, and bids received on only 5 of them. Gulf Oil Corp. got them all, totaling 3,707 acres, for a cash bonus of $251,840, an average of $67 an acre compared with the average of more than $200 an acre received for the Federal leases beyond the area claimed by Texas and Louisiana.

Turn back the pages of Texas tidelands history to 1949, after President Harry Truman and Speaker SAM RAYBURN had worked out a compromise tidelands bill with Attorney General Tom Clark, aimed at solving the controversy over who owned what off the Texas coast.

Geologists had advised RAYBURN that the real mineral wealth of the Gulf of Mexico was beyond the 10-mile limit claimed by Texas. So RAYBURN came up with a compromise bill, which he refused to call a compromise. Then Land Commissioner Bascom Giles endorsed it, and the then Lt. Gov. Allan Shivers endorsed it.

Under the terms of the bill, Texas would have received 62.5 percent of the oil and other mineral revenues inside the three-league (10.5-mile) limit, and half of the revenue from the rest of the Continental Shelf, which extends as far as 140 miles at some points off the Texas coast. It would have confirmed Texas ownership of the land out to the 10.5-mile line, the question which is still before the U.S. Supreme Court despite passage of the so-called quitclaim bill in 1953.

MORE INCOME

But the big point is that it would have given Texas far more income than the 1953 law which finally emerged.

The other two members on the School Land Board with Giles in 1949 were Gov. Beauford Jester and Atty. Gen. Price Daniel. Daniel came out against the Rayburn proposal. Then Governor Jester died, and Shivers became Governor and member of the School Land Board with the deciding vote in his pocket.

Daniel, Giles, and Shivers went behind closed doors for a meeting, and emerged somewhat shaken to announce that the board had rejected the compromise and would stick with the view that Texas should get all of the revenues out to 10.5 miles period.

Placed within the political parenthesis of the period, here was Shivers, a new Governor, fearful that Daniel would oppose him in the 1950 elections. So he elected to forget his

earlier endorsement of the compromise, and cast his deciding vote with Daniel to reject the compromise, and fight it out in court. There Daniel lost the lawsuit, and all the offshore land was held to belong to the Federal Government.

BILL FINALLY SIGNED

RAYBURN took this as the official State view, and passed the bill on giving the offshore land to the States. It was vetoed. He later got it through again, and this time it was signed.

But the gamble Daniel took by insisting on rejecting the Rayburn compromise can now be seen as one in which the school fund could not win. Even if it finally turns out that the school fund gets all the land out to 10.5 miles, the bids of oil companies show that this is the least valuable land, and that the real oil and gas production lies largely beyond that point.

Daniel has since said that he and Shivers felt it should be fought on a matter of principle, and not on compromise. RAYBURN hasn't commented on it, but when Adlai Stevenson spoke in Dallas in his 1952 campaign, he told Texans that they would be far better off had their officials accepted RAYBURN'S 1949 proposal instead of rejecting it. At that time, Stevenson had only the word of RAYBURN and the geologists to support his view. But now it is confirmed by the dollars oil companies are laying out for the land beyond the three-league mark, and by the dollars they fail to offer for the lands inside that mark.

The U.S. Supreme Court is expected to rule this month or next on what the language on the 1953 act means—whether it restores to Texas only 3 miles instead of 3 leagues of offshore land. If it says 3 miles, then RAYBURN will have to go to work once more to save the tidelands—which he has saved so many times before.

SOCIAL SECURITY REFORM

Mr. KNOX. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. KNOX. Mr. Speaker, one of the greatest needs in the area for reform in the social security law today relates to the retirement test that prevents beneficiaries between the ages of 65 and 72 to engage in employment paying more than $1,200 yearly and receive their entire social security benefit entitlement.

To many such people who are eligible for OASI benefits these years are a period of transitional adjustment from a very active life of employment to one of semiretirement. We should not force these still productive citizens out of the labor market and make them feel they are unwanted. Their rights should be protected just as strongly as the younger employed individuals. I am today introducing legislation to amend the social security act so as to increase to $1,800 a year the amount of outside earnings permitted without deductions from benefits.

For many people between the ages of 65 and 72 their children have grown and are raising families of their own; their immediate households have diminished for other reasons. How inconsistent with our American traditions to say to them, "you cannot work, get out a rocking chair and stay there the remainder of your life." There are thousands of our retired who have given substantially of their time, intellect, and ability so that we are now benefiting from their talents and their previous employment. Why should we deprive them of some realistic part-time employment that will keep them active by using their abilities and help them know they are still contributing to this great country in which we live.

I received a letter in the mail of March 28 from the director of the department of legislation, AFL–CIO in opposition to the some 175 bills that would liberalize this retirement test in the Social Security Act. We heard much talk over the last weekend from this same organization hypocritically professing a belated concern for the aged. If this group is so interested in the welfare of the aged why do they continually interfere with the rights of Americans to work, Americans who want to work. The real answer to helping the aged adjust to retirement is by allowing them to have freedom in their retirement choice to earn additional money in their older years. In this way they would be providing more adequately for themselves in their golden sunset years and thus not be dependent upon the Federal Government as the AFL–CIO position would make them be.

KATYN FOREST MASSACRE OF POLISH OFFICERS

Mr. CHAMBERLAIN. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. CONTE] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONTE. Mr. Speaker, I rise to address this great body in reverence to the memory of a tragic event which is commemorated on March 30—the murder of about 10,000 Polish officers in Katyn Forest, a crime so shocking and heinous that history has accorded it a place of rank among atrocities. Its grisly occurrence prompted the Congress to investigate its validity. It concluded with revulsive horror, after a thorough investigation, that in our century such had, indeed, taken place.

Neither the passing of time nor the use of amicable diplomacy can erase the fact that such bestiality is a capability of men in our age, no matter how impressive the progress of technology.

It is fitting, therefore, that the reverent memory of those murdered Polish officers be kept alive by a solemn observance of this deed as a gruesome reminder that communism shows its immorality and rotten methods when it is faced with the power and spirit of free men.

KEATING SPEECH

Mr. CHAMBERLAIN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BARRY] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BARRY. Mr. Speaker, under leave to extend my remarks in the RECORD, I would like to call to the attention of the Congress a splendid speech by my friend and colleague from New York, Senator KEATING. It was delivered recently before the great society of the Friendly Sons of St. Patrick of Yonkers, the city where I live in my district. Senator KEATING, along with all fellow Americans of Irish descent, among whom the Senator and myself are proud to be numbered, pays tribute to St. Patrick, the undying symbol of the great Irish people. He also makes an eloquent plea for friendship between the people themselves of the various nations of the world.

In my view this speech should be of serious interest to us all.

The speech follows:

ST. PATRICK'S DAY ADDRESS BY SENATOR KENNETH B. KEATING, REPUBLICAN, OF NEW YORK, DELIVERED BEFORE THE SOCIETY OF THE FRIENDLY SONS OF ST. PATRICK OF YONKERS, AT TAPPAN HILL RESTAURANT, TARRYTOWN, N.Y., ON MARCH 12

Tonight we do honor to a great Irish saint who had, so far as I know, only one shortcoming. He wasn't born an Irishman. But he soon saw the error of his ways, and lost no time getting to Ireland. Saint Patrick's wonderful life has inspired many sermons. It is no less an inspiration for a speech. What made this fine and lovable saint so celebrated was his missionary zeal—his God-given art of touching the minds and hearts of men—of turning the whole great Emerald Isle of his day into—let us say it literally—God's country.

In this, our own day, the world has sore need of men like the sainted Patrick. God's country in the greater global sense is under the menace of attack. In some cases its frontiers have been rolled back, its citizens have been robbed of their birthright of the free practice of their faith. More ominously still, the Godless aggressor, feeding on his success, seeks to plant his red flag of nihilism in this world wherever freedom dwells, wherever man worships someone greater than man, wherever the human soul is enshrined rather than disavowed.

If Saint Patrick were here with us today—I like to think that I know what he would say. He would tell us that to fight a battle the first requisite is to know that you're in it—to realize that the sword of the enemy is unsheathed and busy—striking at all you hold dear, all that makes life on this earth a spiritual experience rather than a utilitarian existence.

And peace, Saint Patrick would say—is not a predestined state of man—inevitable as a sunrise—constant as the stars—it is rather a precious, yet ever fragile victory—a consequence of unremitting struggle—something achieved rather than something received—a prize that can slip away unless it is guarded with the arm free men must never lay down—the arm of vigilance.

Too few Americans are aware that we are fighting a war today. The battle is silent, but it is none the less deadly. We speak, in this modern era, of conventional weapons of the atomic age. The explosions we don't talk about are those that are set off in the minds of men—yet they are being fused and detonated night and day—in a massive campaign to blast away the truth—to destroy the good and the beautiful—and, in the ruins, to erect a new system of values, a system that would remove the Lord and put Lenin in his place, a system dedicated to the subjugation of the human spirit rather than its exaltation.

This is the unconventional weapon we hear so little about—the weapon never even mentioned in disarmament proposals. It makes no mushroom clouds. It is as silent as a knife is silent—and as fatal, if it meets no shield of vigilance. It is the ideological ICBM that has thousands of preselected targets, and zeroes in on them night and day with a precision and an effect that rewrites history before our eyes.

Each of us yearns for peace. That yearning is intensified in a world where a grim dress rehearsal for disaster goes on unceasingly. But this tremendous nuclear confrontation has, I fear, fascinated us into inaction, as a people. We are prone to stand by like spectators at a giant collision of worlds, hoping and praying the spectacle will never begin. We feel hopeless in the face of the gigantic power masses that are involved. We feel we have no more control over events than a floating cork has over its ocean voyage. In a word we feel submerged by history, we feel that the monster we have created is a Frankenstein beyond our powers of control.

What too many of us fail to see is that, in this stalemate, in this no man's land of peace, the territory of freedom is slowly, stealthily being encroached upon in a bloodless weaponless attack. The raiding parties of communism literally flourish in this climate of opportunity. The arsenal of lies, promises, concessions, slander, intimidation—these are weapons that work. If they can shoot at freedom long enough they can kill it.

We have, sad to say, examples close to home, of this kind of marksmanship. What has happened in Cuba did not happen overnight. It has been a calculated campaign of invasion by stealth, a slow, but fatal erosion of the values and the principles of freemen and free government.

There is the saying that nuclear war is too terrible for any world power to contemplate. Let not this fact lull us or blind us to the silent war of attrition that is being waged by communism night and day, that is chipping away at liberty, seeking to reduce the areas of freedom throughout the world.

The intelligent, alert citizen, aware of this undeclared war, instinctively asks: What can I do? Can one man—an individual citizen—do anything in counteraction to the present danger? Or is this kind of war a contest between two power masses, with the individual helpless to bring his inteligence, initiative, and energy into play?

It is my firm belief that individual efforts in this struggle represent a tremendous potential, untapped for the most part, a potential that can be decisive in creating the climate of true security and true peace.

Let us not forget that President Eisenhower is an individual—that he took a personal, not an officially dictated decision in undertaking his recent historic journeys to understanding. It was a decision born of his personal conviction that good might be accomplished in such a mission. In the truest sense of the word he made a trip to foreign hearts rather than to foreign governments. He showed millions of foreigners the true image of the United States as contrasted with the twisted, disfigured image that anti-American propaganda had painted into their minds. He has brought a message of truth where there was error, leading man to brotherhood.

This kind of initiative is a positive act of counterattack in a world where one system of government is engaged in the unholy mission of attempting to control the destiny of man. To put it another way, it is going on the offense, instead of maintaining a frozen defensive posture.

If you'll forgive a slight departure from the text, the word "offensive" reminds me of a football story I heard at the Touchdown Club when I had the pleasure of awarding Syracuse University the National Team Championship Award.

At the end of the last football season, as the story goes, a reporter boarded the train carrying the Notre Dame team to the Southern Methodist game. Thinking to get a new slant on a story, he asked for the student manager. "I understand," he said, "that you carry a chaplain to pray for the team." "Yes; that's right." "Would you mind introducing me to him?" "Be glad to. Which one do you want, the offensive chaplain or the defensive?"

Someone has said that America exports her machinery and keeps her ideals and values at home. This fact is regrettably too true. All too often we have helped the Communists in their campaign of misrepresenting America. Not consciously, but by default. You don't buy friends in this world, no matter how much you spend. You make friends, in the oldfashioned way of common purposes, shared aspirations, and personal contacts. And on a globe where friendship may be considered, literally, as a "deterrent force" to aggressive designs, it is of utmost importance that we project as often as possible, as far as possible, the same true image of America that President Eisenhower has personified.

I said that the individual American need not feel lost and helpless in shaping his own fate in this nuclear age. He can participate, he can do something positive as his own personal counterforce to the march of Communist influence and takeover.

It may not be a dramatic participation—as the President's has been but even the slightest act or gesture of brotherhood is a sinew added to the strength of the free world. The sending of a CARE package is a handshake. So too, is the mere sending of a book or a magazine—the writing of a letter—or the courtesy and kindness of an American traveler in a strange land.

As you may know, there is a rich and growing opportunity for such oversea contacts through the medium of the people-to-people program established in 1956. This program is completely nonpartisan and outside Government control. It depends solely upon the people of America for its program and its success.

In essence, people to people is a massive program of communication set up to establish the kind of two-way international relationships on which friendship and understanding can grow. It's not a closed corporation. It's no more exclusive than a heartbeat is. Some of you are probably familiar with the working of the program. It operates in a multitude of fields of human effort and interest. Indeed, 33 separate committees—in areas ranging from fine arts to sports, from fraternal organizations to law and medicine, form the nucleus of the people-to-people campaign.

Just as examples of the direction this effort takes, the Book Committee recently collected 16,000 volumes for oversea distribution. Another vital people-to-people contribution is the sponsoring of a 48-page booklet, "Americans Abroad," which is a long-needed "briefing session" that helps our travelers to avoid error through ignorance in their contacts overseas.

Among the most far reaching and significant of contributions is that provided under the "sister city" program of exchanges, whereby an American city enters into a direct affiliation with a foreign city, with periodic exchanges of visits between civic officials and citizen groups.

You have undoubtedly heard of Project Hope. Operating under the People-to-People Health Foundation, this ambitious project involves the outfitting of a hospital ship, privately supported, privately operated, and sent overseas as a "floating medical center" that will moor at points of greatest need in foreign lands. This tremendous effort—truly a people-to-people gesture in the fullest Christian sense—is more than an act of charity. It is an act of peace—because it extends the frontiers of friendship—because it reaches the hearts of those who have known of us too often by lies rather than by truth.

The impressive and meaningful fact about the people-to-people program is that it is a channel by which the citizen can take a part in helping to create the kind of world he wants for himself and for his children. That help, that personal participation, may take the form of a letter, a sports exchange, a CARE package, a city-to-city relationship, the gift of a book or magazine, or the welcome you extend to a visitor from a foreign land. And since we have the honor of Bishop Kearney's company, let us not overlook the splendid people-to-people effort that has been quietly but effectively going on year after year in the form of the annual clothing collection for oversea relief undertaken by the Catholic bishops of the United States. This, as you know, is a part of the program of the three great faiths, Catholic, Protestant, and Jewish, each of which takes a different form but shares a common purpose—extending the hand of brotherhood to the needy peoples of the world.

And so there is a place for everyone in the people-to-people program, either as an individual or working with an established group or committee. We do not have to sit by and let history happen to us. We can shape history. We can help, in no matter how small a way, to create the climate of lasting peace.

I would leave one last thought with you. There has been far too much hand wringing over the present state of the world—and far too little handshaking to make it a better, safer, happier world. And, as sure as the good Lord painted shamrocks green, I believe that St. Patrick himself would say, were he to walk among us today—"People-to-people diplomacy makes sense—because it makes friends—and friendship is the finest, most durable cement that ever joined one nation to another."

FEDERAL NATIONAL MORTGAGE ASSOCIATION

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill—H.R. 7947—relating to the income tax treatment of nonrefundable capital contributions to Federal National Mortgage Association, together with Senate amendments, disagree to the Senate amendments, and request a conference with the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas? [After a pause.] The Chair hears none and appoints the following conferees: Mr. MILLS, Mr. FORAND, Mr. KING of California, Mr. MASON, and Mr. BYRNES of Wisconsin.

EXPORTS AND IMPORTS AND U.S. BALANCES OF INTERNATIONAL PAYMENTS

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MOORHEAD. Mr. Speaker, I know that a great many Members of this body and the other body, as well as the public generally, have been concerned about the matter of exports and imports and U.S. balances of international payments. I thought the Members of the House would be interested to know that the Library of Congress has prepared quite a detailed analytical memorandum discussing this entire issue. I call it to the attention of the membership.

WE IGNORE AN OBVIOUS DANGER

The SPEAKER pro tempore (Mr. BASS of Tennessee). Under the previous order of the House, the gentleman from Michigan [Mr. HOFFMAN] is recognized for 30 minutes.

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include certain newspaper articles.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN of Michigan. Mr. Speaker, we ignore an obvious danger while we worry about communism.

We fear we lack an adequate national defense.

Russia is about to destroy us.

Recently a high-ranking industrialist, Thomas G. Lanphier, Jr., through the press told us we had already lost world war III.

Reckless spending threatens disaster.

On March 7, 1960, without hearing, without any showing as to necessity, the House authorized an appropriation of $915 million, almost a billion, to explore outer space. Just one example of how we authorize spending.

We have spent more than $80 billion in an unsuccessful effort to buy friends throughout the world, to protect us from Communist aggression.

But the greatest danger to our way of life, the danger from within—of which we are all aware—but ignore—is just around the corner.

There lurk Walter Reuther and Emil Mazey, president and secretary-treasurer of the UAW–CIO, with their millions of dollars, their trained powerful, brutal, ruthless bruisers, enforcing the law of the jungle, believing that might makes right. They have $25 million which they can use in the next election—many times the amount available to both major political parties. They replace "equal justice under law" with "business will yield to our demands or else."

That is similar to the philosophy of Rexford Guy Tugwell, Assistant Secretary of Agriculture, who in 1933 said, "Business will logically be required to disappear."

The Communist Party president, Earl Browder, told us that industrial unionists would take over the factories because they needed them, wanted them, and had the power to get them.

The sit-down strikes came to Michigan in 1937.

The CIO, Reuther, and those with similar views, have many times made good the threats of Tugwell and Browder—taken over many a factory. They failed at Kohler because Kohler and his attorney, Conger, believed their personal and property rights were protected by the 5th and 14th amendments—stood firm.

As stated by Robert Kennedy, counsel for the McClellan committee, in "The Enemy Within," pages 275–276:

He [Counsel Conger] would permit no interference by anyone from the outside. Particularly he would countenance no interference by a leftwing labor union. It was Mr. Kohler's company, and Mr. Kohler or his delegate was going to run it—not Walter Reuther or the UAW. Before giving in on his principle, Conger made it clear, the company would close down.

Must the owner of a business or an industry permit a leftwing union to dictate the conditions on which it may operate?

"Yes" seems to be the answer suggested by Robert Kennedy in his book "The Enemy Within."

Today, business operates under the terms imposed by a half dozen dictatorial labor leaders, with Reuther and Mazey at the top. Their lawless activities—although even more detrimental than those of Hoffa—were not exposed by the committee.

Just how inconsistent, how blind—when the White House is in view—can a man become?

Please note and remember: No matter what may be here said, no question is raised as to the ability, the political thinking, or the patriotism of the candidate for the Presidency, JACK KENNEDY.

During the last 2½ years, the committee known and hereafter referred to as the Senate McClellan committee, following the investigatory trails blazed by prior committees, has through public hearings, the press, radio, and TV disclosed to the public a picture of wicked lawlessness, of brutal beatings, the malicious destruction of property, the effective denial of human and legal rights.

An aroused public, impatient and angered, last year forced the Congress to pass remedial legislation which, if enforced, will be helpful, but which is not an effective answer to our labor problems.

Much of the trouble resulting from labor disputes and which has been destructive of our civil rights, as guaranteed by the 5th and 14th amendments, grows out of the fact that we have conferred special privileges upon labor organizations which have been misused and abused.

The picture disclosed by the McClellan hearings is frightening to all who think of the future, who believe that our form of government will give to us more of those things which men desire than will any other.

Labor organizations are exempt from laws which restrict all other individuals and organizations from obtaining, through monopoly, a stranglehold upon our people.

When those laws were enacted, industry was strong, arbitrary, often unjust, and oppressive. Labor organizations were weak, and a man who belonged to one was barred from—denied the right to—work.

Today, union organizations have millions of members, millions of dollars in their treasuries.

They exercise the power to tax—a power granted solely to the Congress.

When, by strikes, through violence or fear, unions force compliance with their demands, they impose upon all of us an additional cost for necessities—increase the cost of existence. Called by any name, it is still a tax.

In effect, they levy a sales tax upon all things, all services—upon necessities as well as upon luxuries.

Their political organizations have what might well be termed unlimited funds, more money to influence legislation, than do both political parties or all other special group organizations.

The McClellan committee rendered a tremendous service when it exposed the corrupt, illegal practices of the Becks, the Hoffas—their allied professional criminals.

Unfortunately, because politics again became injected into the picture, the McClellan committee did but part of its job.

Nothing more will here be said of Beck. He is on his way to prison, his lawlessness has been established. Nor will there be further comment at this time about Hoffa. The records show that Hoffa is an extortionist. He is on his way out.

It is my hope that, under the able direction of the Senator from Arkansas, Senator JOHN L. MCCLELLAN, the Senate will again appoint a bipartisan committee to finish the job so greatly needed.

Because ambition is sometimes irresistible, no attempt will be made to determine why the committee did not investigate the UAW–CIO, which in its way is just as corrupt, arbitrary, and lawless as—in some ways far more dangerous than—were and are the Beck, Hoffa, and some other groups.

The Becks, Hoffas, et al., reached into our pocketbooks.

The Reuthers, Mazeys, and others gave us a brainwashing—robbed us of commonsense, of sound thinking.

The committee counsel charges that the Republicans—and the committee was equally divided—for political reasons demanded an investigation of the UAW–CIO. If we assume that to be true, we may also assume the committee counsel had a similar reason for opposing such an investigation.

Senator MCCLELLAN in his report wrote that the "UAW-Gosser investigation was conducted by the Republican members of the committee and their counsel" and intimates that any failure to adequately expose Reuther rests upon their shoulders, and he added:

Therefore, they are entitled to all credit and chargeable with all blame for the adequacy or inadequacy and for the character of the record made, which record now speaks for itself.

Be that as it may, it is equally true that the investigation, speaking broadly, was undertaken to disclose what, if anything, was improper in connection with labor organizations, management and labor troubles, and to learn whether additional legislation was needed.

The committee was authorized and directed by the Senate to, among other things, "conduct an investigation and study of the extent to which criminal or other improper practices or activities are or have been engaged in in the field of labor management relations and to determine whether any changes are required in the laws," and so forth—Senate Resolution 74, 85th Congress, hearings, part 1, page 1.

Not a word about limiting the investigation to Beck-Hoffa or unions supposedly controlled by Republican officers.

The chairman himself stated—hearings, part 1, page 2:

It shall be the purpose of this committee to inquire into and expose any illegal or improper practices or activities in these areas, and to ascertain what changes, if any, are needed in the laws of the United States to prohibit and protect both labor and management and the public interest against a continuation or recurrence of such wrongdoing.

Nowhere can the chairman or committee staff find even a suggestion that Reuther or the UAW–CIO was exempt from investigation by the full committee and its staff.

The committee, nevertheless, turned the investigation of the Kohler and the Perfect Circle strikes over to the Republican members of the committee and a few staff members who, as all well knew, were not equipped to do a job.

In justification of the committee's failure to adequately investigate the activities of Reuther, Mazey, the officers and employees of the UAW–CIO, counsel Robert Kennedy, in "The Enemy Within," wrote—page 298:

Reuther and the UAW have made mistakes, as I have pointed out, but as a general proposition the UAW is an honest union and Walter Reuther is an honest union official who attempts to run an honest union. For some people that is unfortunate but nevertheless it is true.

Two Democratic members of the committee issued a release containing this statement—CONGRESSIONAL RECORD, March 16, 1960, page 5798.

2. There is no credible evidence of corruption, misappropriation of union funds, or collusion with the underworld in the United Automobile Workers. The union and its leaders have worked hard to keep the union clean, and the appointment of a public review board to deal with this problem is to be commended.

What an absurdity to state that there has been no misappropriation of union funds or collusion with the underworld in the UAW.

Apparently, even Reuther does not believe that union funds have been properly spent, for, as may be gathered from the March 12, 1960, issue of Business Week, at page 43, Reuther requested the public review board created by him and the union to give him and the UAW a clean bill of health on the charges made by Republican committee members that he had corruptly used union funds.

Apparently, he is now attempting to withdraw that request.

The record is clear that Reuther and the UAW spent millions, much of it to employ and pay strong-arm men to intimidate Kohler workers. If that is not corrupt, let Reuther tell us the reason which justifies it.

In whitewashing Reuther, Mazey, and the UAW–CIO, counsel for the McClellan committee paid high tribute to investigator Carmine Bellino, who was an expert in the accounting field. Bellino, conducting an examination of UAW–CIO books for the committee, came up with a clean financial bill of health for Reuther and the CIO.

To claim that Reuther and the UAW–CIO did not misuse union funds is, on its face, in view of the testimony, an absurdity. Counsel Kennedy admits the check was but a partial one.

Committee Counsel Kennedy can praise Bellino for his ability and his thoroughness. He is challenged to turn Bellino loose on the books of the UAW–CIO and tell us how many thousands of dollars were spent to support the lawless activities of the strikers during the last 20 years. That is one question Bellino apparently did not go into and presumably because his orders were not to do so. How much was paid jailbirds Gunaca and Vinson?

If Carmine Bellino will investigate the UAW's books, looking for money spent to hire men to violate the law, serve on a picket line, he will find thousands upon thousands of dollars spent for that very purpose.

Grasskamp, president of the local union—page 8342—asked how much money was spent in connection with the strike, testified:

Well, I do not have the entire access to the financial records, but to my knowledge it was around $10 million to this date (Feb. 26, 1958.)

Senator CURTIS. Around $10 million?

Mr. GRASSKAMP. Yes, sir.

And he further testified that the money came out of the international union's strike fund, and from Detroit.

He added that the expenditure was authorized by President Walter Reuther, Secretary-Treasurer Emil Mazey, the four vice presidents and the regional directors of the UAW–CIO. As the vice presidents, he named Richard Gosser, Leonard Woodcock, Norman Matthews, and Pat Greyhouse.

When we remember that much of the money so authorized and spent went to hire goons to commit crimes, what becomes of the assertion that Reuther was honest? That the union was honest?

On Monday, March 14, 1960, Senator GOLDWATER put into the CONGRESSIONAL RECORD, pages 5407–5417, a list of some 800 violations of the law which occurred in connection with the Kohler strike. Gunaca, Ferrazza, Vinson, expert bruiser thugs known as such, were members of Reuther's union. Mazey, a high officer of the union, Reuther's "enforcer," a coworker of Reuther, has long boasted of the intention of the union to enforce its demands by force.

In principle and effect, what is the difference between Hoffa's hiring of goons to force employers to unionize their shops or pay for protection, and Reuther's practice of enforcing his and the union's demands by terrorizing employees and employers through brutal beatings, the malicious destruction of property, the destruction of a business?

Reuther and the union authorized the Kohler strike, which began on April 5, 1954, and is still pending.

Under the union's direction and subject to the command of Mazey, criminals such as the Ferrazza brothers, Gunaca, Vinson, Burkart, and many, many others, who were not members of the local in Sheboygan, but went from Detroit and other places outside of Wisconsin into Sheboygan, and there, openly violated the law. To state it in another way, Reuther and his union hired and paid goons to violate the laws of the State of Wisconsin.

BROWDER, THE COMMUNIST, THREATENS TO TAKE OVER INDUSTRY—LISTEN TO WHAT REUTHER DID

Two Democratic members of the committee, FRANK CHURCH and JOHN F. KENNEDY, released a statement which, among other things, stated—CONGRESSIONAL RECORD, March 16, 1960, page 5798:

3. The strikes at Kohler and Perfect Circle do not reflect credit upon either union or management. But it is noteworthy that the UAW has had no such difficulties with thousands of employers who, as contrasted with these companies, are willing to accept the letter and spirit of the law of the land and to live in good faith with the trade-union movement of America.

Previous congressional hearings have demonstrated beyond any argument that ever since the coming of the sitdown strikes in 1937, when the CIO took over not only factory after factory but more than one city—and in at least two cities were driven out by force, in Monroe by the American Legion and in another by citizens—has forced the granting of its demands by the organized defiance of law and court orders.

Brutal beatings and malicious destruction of property have been the trademark of the strikes of the UAW and the CIO. The record is clear, both from the public press and by pictures from court records now in my possession, that the UAW–CIO has consistently used force and intimidation in support of its demands.

It has obstructed the mails. It has burned and destroyed railroad cars. It has torn up railroad tracks. It has overturned and damaged trucks on public highways. Its violence has in not a few cases been so excessive that in a number of States troops have been called out to quell its lawlessness.

Governor Youngdahl in the Wilson strike at Albert Lea in March 1948, because of violence, called out the militia.

Again last year—1959—10 years later—Governor Freeman, again because of violence, called out State troops at the same plant in Albert Lea, Minn.

To aid the pickets, Mazey took $25,000 to support violence in the Albert Lea strike.

Pictures of the strike against Ford in 1941, which have been on the walls of my office for almost 20 years, show goons such as the Ferrazza brothers, and others, engaging in violence, and also in

my possession are pictures of the same gentlemen, more than 10 years later, engaged in the same job of beating up innocent nonstrikers in the Kohler strike. Two, Gunaca and Vinson, have been convicted and sent to prison for their lawless activities, and cases are still pending in Wisconsin against some of the other goons employed by Mazey and Reuther. Mazey, who is Reuther's enforcer, has time and again asserted under oath that he would use, and he has used, violence to force compliance with the union's demands.

And after the violence at Sheboygan, after the conviction of Gunaca and Vinson, Reuther, asked about the violence at Kohler, would only say—Kennedy's book, pages 294–295:

> On the question of whether they (the strikers) should have kept people (nonstrikers) out, we have no argument. I think that was an improper activity. The question is, picket lines are not formed in vacuums. • • • I think if I was sitting here today and you said to me would you do that again, I would have made a trip to Wisconsin to see that it did not happen.

On October 16, 1945, Nathan Cowan, appearing before the House Committee on Expenditures in the Executive Departments—the chairman, Carter Manasco—when the Unemployment Act of 1945 was under consideration, was questioned by me about violence in the CIO. After stating that he appeared at the request of Philip Murray, then president of the CIO, as Murray's representative, among other things, he was asked:

> Question. Do you believe in mass strikers, shoulder to shoulder, trying by force to prevent others from entering a factory where they want to go to work, and these people want to keep them out?
>
> Mr. COWAN. Yes, indeed.
>
> • • • • • •
>
> Question. Block the gates so that men cannot go into the plant and go to work when they want to work?
>
> Mr. COWAN. That is true. Labor has to do something to gain its proper place. (McClellan hearings, pp. 9366–9367.)

My knowledge of the lawlessness of Reuther is not hearsay. Nor is it derived wholly from news stories. On several occasions when the UAW–CIO had taken over, opportunity was given to view some of its lawlessness. Twelve hearings of a special subcommittee in which I participated disclosed it was the fixed policy of the UAW–CIO to enforce its demands by violence.

Employers yielded or else.

Did the two Senators who, referring to the Kohler and Perfect Circle strikes, stated, "but it is noteworthy that the UAW has had no such difficulties with thousands of employers who, as contrasted with these companies, are willing to accept the letter and spirit of the law of the land," have in mind the obvious fact that Kohler and Perfect Circle refused to surrender to the UAW–CIO the right to operate their own property, as did the other employers to whom they refer? As did the great, wealthy, politically powerful New York Times when the Teamsters demanded concession?

The strikes referred to were replete with instances of violence and destruction of property. In connection with more than one strike the homes of nonstrikers were damaged.

It is not only commonsense, but has always been the law, that the master is responsible for the acts of his servant, the organization for the acts of its officers and agents, when acting within the scope of their authority.

It cannot be denied that the UAW–CIO has forced the granting of many of its demands by force and fear.

Reuther's enforcer, Mazey, under oath, characterized nonstrikers as "enemies", and advocated that they should be treated as enemies. On many an occasion, that has been the policy and the practice of the UAW–CIO.

The committee members who signed the report giving Reuther a clean bill of health just ignore or are unaware of the acts and the practices, the methods and the means, employed by the CIO and the UAW–CIO over the years.

The UAW–CIO and some other unions, disregarding the law, have, by force and violence, so thoroughly demonstrated their power that today at times, there is need for no more than a nominal picket line. They have so much power that the mere threat of violence forces the closing of a plant—the taking over, we might say—as did Browder, of an industry.

THE REMEDY

But it is futile to talk about either what has happened or what may hereafter happen in connection with strikes unless a remedy is offered.

During the past 23 years, many bills have been proposed by me which, if adopted, would remedy much of our trouble, tend to bring peace in connection with labor disputes.

The Wagner Act, passed in 1935, gave to employees the right to organize, to join in concerted action. It imposed penalties upon employers—comparatively none upon employees while giving them special privileges.

The Taft-Hartley Act, which it was my privilege to assist in writing and on which I was one of the conferees, retained the right of employees to join unions; in some ways restricted their activities. It gave them the right to bargain collectively on a nationwide basis.

Years ago, to the provision that gave employees the right to join a union, an amendment was offered by me—just four little words—which would have written into the act the right of employees to join "or not to join" a union.

It was obvious to every thinking man that the prior practice of refusing employment to individuals who were members of a union was un-American.

It should be equally obvious today that refusing an acceptable job to an individual because he does not belong, and pay tribute to a union, is equally wrong.

In my judgment, under no circumstances should we enact legislation which compels a man to work without his consent, deny the right to strike. Nor is it equitable to deny to an individual to whom there is available an acceptable job the right to work.

The right to strike should be protected. But it does not follow that those who do not choose to work should be permitted by force and violence to deny that right to others.

We should have legislation which would provide that, when a man went on strike and, after a reasonable time spent in negotiations, still refused to work, he should no longer be permitted the privilege of an employee.

We should have legislation which prohibits strikes in government and in public utilities.

No segment of the population should be permitted to deprive others of the opportunity to obtain necessities, such as light, power, food, and water.

Last spring, in hearings before the House Committee on Education and Labor, George Meany, president of the AFL–CIO, when questioned, approved of that type of legislation. Congress refused to adopt it when offered by me when Landrum-Griffin was under consideration.

The laws which prohibit business, industry, from using monopolistic practices, that is, the antitrust, antimonopoly statutes, which apply to everyone else, should be made applicable to union organizations and their members. Again Congress refused to even give my proposal consideration.

To put it in a few words, the proposition is that necessary remedial legislation should be made to apply to everyone, all citizens—employee and employer.

But no legislation, however carefully drawn, will provide an adequate remedy, is worth any more than the paper it is printed on, unless it is enforced. Lack of enforcement of the laws now on the books is the major cause of many existing evils.

Much of the foregoing was given to the dairymen at Cincinnati, Ohio, March 31 last. The legislation proposed will again be pressed in this session of Congress.

THE MORAL RE-ARMAMENT PROGRAM

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. CLARK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. CLARK. Mr. Speaker, I would like to include in the body of the RECORD a copy of a telegram sent to Chancellor Konrad Adenauer, Bonn, Germany, on his birthday, by Members of Congress. Also a statement from Konrad Adenauer on the effectiveness of the Moral Re-Armament program and the world impact of the Moral Re-Armament force with the cast of the play "Hoffnung"—Hope—and the editorials and evaluation by the statesmen where this play was shown.

Dr. Frank Buchman, a fellow Pennsylvanian, the initiator of Moral Re-Armament, and his friendship with Konrad Adenauer has made it possible for these men who represent the new Germany to give their message to the world. Dr. Frank Buchman has been decorated by many countries which have been visited on this tour.

My hope is that this group can visit western Pennsylvania in the near future, as there is a message for all to hear.

The telegram and other material follows:

WASHINGTON, D.C., *January 4, 1960.*

Chancellor KONRAD ADENAUER,
Bonn, Germany:

Warmest greetings on your birthday. We Members of Congress are grateful for your statesmanship in face of the strategy of world communism. We have heard of the effective work performed by German miners with their play "Hoffnung" in uniting Western Europe. We believe that this play can do much to cement the unity of our two countries at this critical time. We warmly invite the miners to bring their play to Washington this spring, and would value your support for this important ideological move.

Senator EVERETT M. DIRKSEN, Minority Leader; Senator FRANCIS CASE; Senator JOHN SHERMAN COOPER; Senator HUBERT HUMPHREY; Senator ESTES KEFAUVER; Senator OREN E. LONG; Senator RUSSELL B. LONG; Senator EUGENE J. MCCARTHY; Senator JOHN L. MCCLELLAN; Senator GEORGE A. SMATHERS; Senator ALEXANDER WILEY.

STATEMENT BY KONRAD ADENAUER

"I have followed the work of Moral Re-Armament closely for many years and I am fully behind it. The success it achieved in answering communism in the Ruhr was for me the test of its effectiveness." These are the words of Dr. Konrad Adenauer, Chancellor of Germany, referring to the fact that in the 4 years following the visit of Moral Re-Armament to the Ruhr in 1948 the Communist representation on the works councils dropped from 73 to 8 percent.

Today, many of these miners who at that time were won from communism to the superior ideology of Moral Re-Armament have dramatized their experiences in the form of a play entitled "Hope." This play had its premiere performance at the Moral Re-Armament training center at Caux-sur-Montreux, in Switzerland.

The play "Hope" penetratingly reveals the disillusion with communism of an East German worker which drives him to the West, and the callous cynicism, petty living, and delinquency he encounters and that almost make him welcome the party officials urging him to return. At the last minute the film "Freedom," an African with the answer to bitterness, and a force of westerners with new discipline, a sense of direction and concern for his destiny win both the worker and a trained Communist functionary to the superior ideology of Moral Re-Armament.

Speaking after the final curtain, the author, Hans Hartung, a shop steward who plays the role of the young worker, declared, "I work 800 meters underground. We who have presented this play are all workers with our wives. We come from the coal and steel industries and the professions. We have given this play and will give everything to open the eyes of our Nation to the ideological situation in which we live. We invite you to do it with us. We are the builders of a new world and also the stones on which a new world is built."

Walking onto the stage, Paul Kurowski, for 26 years a Communist official in the Ruhr until he met Moral Re-Armament, said, "I have been very moved by this play. It has everything. It must be made into a film. We will fight to do that. I think back 10 years and what miners can do. During that time I have been on 8 continents in 38 countries, and I have helped to give this ideology to many people. I don't have much money, but I will give 100 marks." He was followed by one after another who offered money in a similar way as well as their time, and dedicated their lives to bring this play to the Nation.

Robert Wegerhof, who himself first met Moral Re-Armament when he was given indoctrination against it at a Communist ideological training school in Russia, played a key role of a Communist agent in the play. He introduced an African in the cast, Andrew Peppetta, who said that he had come to fight with the men of the Ruhr to bring an answer to bitterness and hatred which he himself found through Moral Re-Armament. "With this ideology, Germany will save Europe and Africa. The choice is between communism and Moral Re-Armament, and I have chosen Moral Re-Armament."

Fritz Heske, who before he met Moral Re-Armament was a Communist miners' leader in the Ruhr, played the part of a Communist official in an East German factory. He voiced the gratitude of the cast and presented a miner's lamp to the producer. An industrialist said, "My wife and I have seen what this play can do. We will give everything and contribute financially to make possible the fullest use of it." A refugee who only recently came over from the East said, "I fled from the Soviet zone because of the pressure the Communists put on me to give information about my brother in Washington. The opening act of this play is exactly like in the Soviet zone of Germany today. I was left speechless after seeing it. Hartung has expressed in it the real truth that confronts us."

"This is by far the greatest treasure that ever came out of the Nordstern Mine," said British journalist Peter Howard. It is in this mine that the author of the play, Hans Hartung, works. This mine used to send birthday greetings to Russian leaders but now greets Frank Buchman on his birthday. "Chancellor Adenauer," continued Howard, "told these miners in Moral Re-Armament, 'I know I can rely on you.' This play is the sort that will pierce through the hearts of statesmen and the millions."

IF WE DON'T RESIST WE WON'T EXIST—BERLIN

Following its premiere in Caux, the miners were invited to the Ruhr and to Berlin. In Berlin they were greeted at the airport by the city mayor, Mr. F. Amrehn. "In the Ruhr we have seen we must choose between MRA and communism. We have chosen MRA," said Hans Hartung. TV cameras and radio microphones covered the event for East and West.

Long before the first performance they had twice as many requests for tickets as were seats available. The premiere took place in the Kongresshalle. This theater, America's gift to Berlin, is a stone's throw from the famed Brandenburg Gate, on the East Zone border. Three nights later it moved to Titania Palace where there were capacity crowds of 2,000.

"The plays of MRA in Berlin are always packed," said Radio Berlin, "But for this presentation by the miners from the Ruhr there is a very special interest." People knew that they would see much more than a play. The paper in Bochum (Ruhr) had written after the performance there: "Tonight we saw the convincing portrayal of an ideology superior to communism."

The Berlin papers—Der Tag, the Socialist Telegraf, and Berlin Morgenpost—all carried articles in appreciation of the play. Morgenpost in a typical assessment said, "It is good for us Berliners for once to have guests among us who have understood the seriousness of our situation and who voluntarily take upon themselves the political battle which we have been compelled to take on for years by the Communists. Loud and long applause was a tribute to the play and the stand taken by its performers."

That is the reason hundreds came from East Germany. Men who led the 17th of June uprising against the Communist government in East Germany in 1953 are in the forefront of this battle. They had fought with stones against Russian tanks, and the survivors escaped to the West.

"Frankly we were deeply disappointed," said one of them, "when we discovered what people in the West were living for. When we put this question to our countrymen in the West they would after some hesitation say: 'For a car, or an icebox, or a washing machine.' That is why they could not meet the deepest needs of us in the East. We are fighting with MRA because in it we found an ideology worth giving everything for."

A GLOBAL ISSUE

"We believe that Berliners and Ruhr miners have a common destiny," declared Hans Hartung in an interview with Radio Free Europe.

"Today the ideological fight is a global issue that runs right through Europe. The world strategy of the East is to soften us in the West through materialism.

"They are also trying to divide Germany from our neighbors. They have no fear of a Europe divided within itself, but they do fear a Europe with a uniting ideology.

"But we know communism is not invincible. In our own experience we have seen Communist takeover in the Ruhr averted because key Communists were won to the superior ideology of Moral Re-Armament.

"What we are doing here is part of a great world strategy. We know we will win."

CHANCELLOR ADENAUER SPONSORS "HOPE" IN BONN

Thunderous applause frequently interrupted the opening performance of "Hoffnung" in the Universal Theatre in Bonn. An overcapacity audience included Members of Parliament and high officials from the Ministries of Defense, Foreign Affairs, and the Interior. While in Bonn, an invitation was received from representatives of the British Parliament, press, the steel industry, docks, mines, and armed services of Britain. The invitation read, "A visit to Britain with your play would be a master stroke to build the European unity which is needed urgently at this time. We deeply deplore the hostility shown to Chancellor Adenauer by some sections of our national press. We assure you this does not represent the true feelings of the British people who join the Government in welcoming him to the country."

Before the miners set out for Britain, Chancellor Adenauer left a crucial coal industry debate in the Bundestag to spend an hour with them in the Cabinet room. In the following words he commissioned them before their journey, "I have followed the work of Moral Re-Armament for many years and am fully behind it. The success it achieved in answering communism in the Ruhr was for me the test of its effectiveness. I am particularly glad to have a part in it while taking on the sponsorship of the showings of this play in the Federal Capital. I am deeply concerned about the ideological confusion in the West amongst many intellectuals. A nation without an ideology is self-satisfied and dead. Communism has gone through many phases, Marxism, Leninism, Stalinism, now Khrushchev; but one thing has remained unaltered—its aim of world domination. We must be prepared to continue the ideological struggle for many decades yet. But I am convinced that Khrushchev's grandchildren will not be Communists.

"I thank you for taking your play to Wales, Scotland, and England at this time. Many of us Germans do not realize how deep the wounds are in other countries caused through what we did through having the wrong ideology. I have to warn you, there is a fog between our country and Britain. You must go there and change the climate. Both our countries must possess a strong ideology to resist communism.

"Your task will be to influence the British people and the press. I will speak to Macmillan. You must speak to the British themselves. Through you I believe the British will see the new Germany."

On arrival in England, Adenauer's first appointment after Prime Minister Macmillan's welcome was to receive at the German Embassy the miners and their British hosts. The miners had spoken to millions through the press, national radio, television, and stage in London, Wales, and Scotland. They reported to the Chancellor the wholehearted response their play had received. Speaking in the Europe Room of the London Embassy, the Chancellor thanked the miners for their ideological initiative in the uniting of Europe. "You are doing a great service to Britain and Germany and to the cause of world peace."

The Adenauer visit made front-page headlines in all the papers. The Daily Mail headlined his speech at the Anglo-German Association, "I Expected Hostility and I Found Friendliness." Macmillan, speaking with him, said, "Many of us spent the best years of our youth seeing our countries locked in bitter conflict. How splendid it is then to feel we are now partners in the great enterprise of the preservation of peace and liberty throughout the world. You have gone beyond the confines of your country."

Under the headline "Fond Farewell to Dr. Adenauer, General Agreement with the Premier," the Manchester Guardian wrote, "If the main object of the visit was to show Adenauer there is good feeling toward West Germany in Britain, the crowd at Victoria Station seems to have made a substantial contribution. There were cheers for Macmillan and more cheers for Adenauer as he arrived • • • tremendous applause as he went across to greet some German miners. The crowd sang 'For He's a Jolly Good Fellow' as he said goodbye to Macmillan."

In a letter to Dr. Frank Buchman, released in Washington, the Chancellor said, "My visit to London received especially effective support from showings of the MRA ideological play 'Hoffnung' (Hope) in the different cities of Great Britain. I am most grateful for the help given by this excellent play."

"Frankfurter Allgemeine Zeitung," the most influential newspaper in Western Germany summed up the visit of Chancellor Adenauer to Britain in these words: "Anyone who is unable to believe in the miracle of sudden change in politics will have difficulty in explaining the almost uncanny peacefulness and happy understanding that marked Adenauer's time in Britain. There can be no doubt that after the weeks and months of icy mistrust and ill temper and the scornful attitudes of hostility in which all real contact is lost, a breakthrough has occurred."

"HOFFNUNG" AND ITS HISTORIC JOURNEY

The Ruhr is the industrial heart of Germany. It is also the ideological heart of Europe.

When the force of Moral Re-Armament was invited to the Ruhr in 1947, 73 percent of the works councils were Communist-controlled. Four years later that figure had dropped to 8 percent. Hubert Stein, the vice president of the German Mineworkers' Union said that this was because thousands of German workers were responding to the ideology of Moral Re-Armament.

The play "Hoffnung" is the story of these miners, why many of them became Communist and why they changed. It is the story of modern Germany. At the beginning of the play a refugee escapes from East Germany. But he is disillusioned by the materialism and decadence of the West and thinks of returning. There is great conflict in his heart. Then he meets people who help him find the answer. It is an ideology that cures the materialism of East and West, and so creates a hate-free, fear-free, and greed-free world.

Thousands from the East and West Zones saw the play in Berlin. From there the miners took their play to the capitals and coalfields of seven European countries. Audiences of diplomats and industrialists in London, Paris, and The Hague responded equally with the workers of Milan, Rotterdam, South Wales, and northern France. There was an outstanding response from four of the monastery schools of eastern Switzerland.

The miners went to Luxembourg at the invitation of the Government and the High Authority of the European Community for Coal and Steel. Prime Minister Pierre Werner spoke from the balcony at the close of the premiere of "Hoffnung." He said, "I salute this performance with my whole heart. It is a challenge to me. I am fully with you in your fight for moral renaissance."

The play was invited to France by former Prime Minister Guy Mollet who is also secretary of the French Socialist Party. He said to the cast, "As a democrat and socialist I am fully with you."

After special performances in Rome the miners flew to Cyprus and they will spend 2 weeks in Kerala on the way to Japan.

PRESS REVIEWS OF "HOFFNUNG"

West Germany

Bulletin, official organ of the Federal German Government: "Impressively staged and performed, the play describes the reality of the ideological struggle in the world today, especially in divided Germany."

Westfalische Rundschau (Socialist): "The fact that many of the actors had firsthand knowledge of communism and dictatorship gave their performance its convincing power. The play itself has an astonishingly sharp and polished dialogue. It shows the importance of ideology as compared to economic considerations."

Britain

Rhondda Leader, South Wales: "Never a play like this before. A crusade of great power to reach heart and mind."

Holland

Elsevier, leading Dutch weekly: "The play is a success because it outlines simply and directly not only the threatening danger but also the possibility of averting it through millions morally rearmed."

France

La Voix du Nord, largest daily of northern France: "The German miners are pioneers of a united Europe. 'Hoffnung' is the expression of their determination to give once again to the nations of Europe cohesion and an ideological dynamic. Magnificent in its simplicity, played with perfection."

Switzerland

Vaterland, leading Catholic paper of German-speaking Switzerland: "The message which the miners bring is of shattering relevance to the whole free world. The play possesses great power of conviction. Its rocklike faith in an ideology far superior to communism possesses a tremendous penetrating power that can move mountains."

Italy

Corriere Della Sera: "The play—an appeal to reality—held the attention of the audience which packed the theater. It was an unusual theatrical evening—remarkable."

La Nazione, Florence: "The play shows the answer to the Communist ideology."

THIS IS RIGHT—BRITAIN, FRANCE, AND GERMANY

When the miners met with Chancellor Adenauer in London and told him of their invitation to come to France, he said, "Britain, France, and Germany—this is right."

Guy Mollet, former Prime Minister and Foreign Minister; Gabriel Marcel, distinguished Catholic philosopher; and trade union and civic leaders invited them to bring the ideological clarity needed before Khrushchev's arrival in the new year.

Last week Guy Mollet conferred with the miners in Arras, in northern France, where he is mayor.

Hans Hartung, the author of "Hope," told Mollet: "We Socialists who know that coexistence is not possible with the Communist nations should stand up and warn the world. The only purpose of Khrushchev's visit to France is to switch points on the track and put the train down his line."

Mollet fully agreed with Hartung's conviction and expressed his concern that the idea of coexistence would lead to a dangerous softening up of the free democracies, and that Khrushchev's coming visit to France would be used by the Soviets to split Western unity.

He thanked the miners for the "valiant way they have fought in the mining region of France." He added, "It is my conviction that we will carry the fight through to victory. As a democratic Socialist I am fully with you."

A NEW GERMANY

Speaking at the French National War Cemetery near Arras, Hartung, a Ruhr coal-face miner, said, "Chancellor Adenauer told us before we started on our journey through Europe that we Germans must never forget the wounds we have inflicted on other nations by following a false ideology.

"We have taken our Chancellor's words as a commitment in our lives," Hartung continued, "to demonstrate a new Germany."

Facing the thousands of white crosses that stretched before him in the cemetery, Hartung declared, "We cannot ask you to forget, but we humbly ask you to forgive. We will fight shoulder to shoulder with the French people for the liberty, equality, and fraternity of the world."

After the miners had laid a wreath at the foot of the monument the priest in charge of the national cemetery gave a prayer of blessing to the work of this MRA task force.

Deputy Mayor M. Brunet, welcoming them to Arras in the heart of the coal-mining industry, said to the German miners, "You are the apostles of free Europe, united in the face of the totalitarian ideology of the East."

FRANCE FORGIVES THE PAST

On the day of the Western summit meeting in Paris, an historic event took place the nearby fortress of Mont Valérien. It demonstrated as a living reality the unity between nations that the statesmen are striving to achieve.

The national shrine commemorates the 4,500 French patriots who were shot there during the German occupation. Here leaders of the French Resistance, and survivors of the Nazi concentration camps received the first group of Germans to visit the fortress since the war.

The German delegation consisted of mineworkers from the Ruhr who have been presenting in Paris the Moral Re-Armament ideological play "Hoffnung."

"This spot marks one of the darkest places in our past," said Hans Hartung, author of the play, speaking for the miners, "We have decided to give our lives that such tragedies do not happen again."

Madam Antonioz, General de Gaulle's niece, herself a former prisoner at Ravensbruck, replied on behalf of thousands of French who were deported or imprisoned during the war. "We fought and died not only for patriotism and the defense of our land," she said. "Far more it was to maintain the spiritual values which were under attack by a false ideology. That is why we can be united here with you." Madam Antonioz thereupon went to each German miner and shook him by the hand.

Other French leaders present included Madam Ely, wife of the French Commander in Chief of the Combined Staff, and Col. Pierre Stuck, garrison commander.

At the first performance of "Hoffnung" in the French capital, the cast was welcomed by Senator Georges Dardel, mayor of Puteaux. In the packed theater, diplomats from many Western countries and Soviet Russia mingled with French leaders.

Madam Irene Laure, former Secretary General of the Socialist Women of France, and Resistance leader, said at the end of the play, "How could we find an idea to unite two peoples who have always been considered hereditary enemies and to create the unity of Europe? Moral Re-Armament enabled me to believe in the possibility of such unity."

FROM ROTTERDAM

ROTTERDAM, THE NETHERLANDS, December 9, 1959.—The Dutch premiere of "Hoffnung," MRA ideological play written and acted by a cast of German miners from the Ruhr, was given in Rotterdam this evening.

Rotterdam, the world's second largest port and one of Europe's most modern cities, was largely destroyed by German bombs in May 1940. While the war was still being fought, Dutch architects envisaged a new Rotterdam which was to rise out of the ruins of the old, and it is here that German miners have come with a Moral Re-Armament force from 15 nations to bring new clarity and unity to the whole of Europe. Their visit follows closely upon the mass distribution of the MRA manifesto, "Ideology and Coexistence," to every home in Holland.

"These miners represent a hope for the whole world," said Herman Hintzen, well-known Rotterdam banker, in introducing the play. "Tonight you are seeing the new Germany."

Hans Hartung, author of "Hoffnung," told the audience how the miners had been received by Chancellor Konrad Adenauer for an hour before commencing their offensive in Europe. On this occasion the Chancellor told them, "Many of us Germans do not realize how deep are the wounds in other countries which were caused by what we did through having the wrong ideology." "This is our conviction also," said Hartung. "We cannot ask you to forget the past, but we do ask you to forgive and together with us to build a future in which our children will find freedom, peace and happiness."

"I risked my life during the war," said Mrs. Charlotte van Beuningen, one of the great women of Holland, who was decorated by Queen Juliana for her work in relieving prisoners in the concentration camps during the war. "Now there is this greater fight, and I have decided to give the rest of my life to work for a new world free from hate, fear, and greed so that our children and grandchildren can grow up in it as free men and women."

There has been a massive response in the Dutch press to the initiative of these Ruhr miners. Today six newspapers gave wide coverage with stories and pictures.

DUTCH SENATOR SEES "NEW GERMANY WITH NEW POSSIBILITIES"

ROTTERDAM, THE NETHERLANDS, December 10, 1959.—An enthusiastic audience rose to its feet to give a resounding ovation to "Hoffnung" in Rotterdam tonight. Ichiso Nonoyama, general secretary of the All-Japan Council of the Traffic and Transport Workers' Union, who is attending the conference of the ICFTU in Brussels, made the journey to Rotterdam especially to see the play. At the close of the play Dirk de Loor, mayor of Delft and well-known Socialist senator, stood before the MRA cast from 15 nations massed on the stage with the miners.

"There may be some of you who had a strange feeling in your heart when you heard the Germans speaking and saw that play," said De Loor. "Something starts to happen inside us when we hear Germans speak. I can understand that some of you are full of mistrust toward the Germans. I understand it because I have felt it before. During the war my father died of starvation here in Rotterdam and three of my family died in the bombing.

"This evening I have seen something completely different," continued the senator. "I have seen a new Germany with new possibilities. I have lost my mistrust and hatred toward the Germans because I know that a new Germany is being built by these people who are standing behind me on the platform. We do not need to distrust them and do not need to fear them for with them we can forge unity—we must forge unity. Only this way will we ever create a new heart in Europe which the world so desperately needs.

"This can be the basis of a new unity between all peoples. There is a glorious future ahead of us, but it is something we have to do with all our heart and soul. It takes a new decision. We can fight for a renewed Europe and a new world when we decide to listen to what God tells us every day. That is the glorious future in which we all have a part," the senator concluded.

Adenauer's statement, "Through you, the British will see a new Germany," made to the miners before they left for Britain was included in a 3-minute broadcast on Moral Re-Armament given at the peak hour of the news program by the Dutch national radio this evening. The Dutch commentator went on to say, "It is the hope of Hans Hartung, the author of the MRA play 'Hoffnung,' that this will be the same in Holland." He continued, "When an ex-S.S. man writes a play and a former resistance fighter such as Mrs. Van Beuningen invites the play to Holland, something special must have happened. This special thing is Moral Re-Armament's aim. MRA is out to remake the world through change in human nature, freeing it from hate, fear, and greed."

The commentator quoted Adenauer: "Many of us Germans don't realize how deep are the wounds in other countries which were caused by what we did through having the wrong ideology."

Five newspapers today carried the news of last night's premiere. Among them was Nieuwe Rotterdamse Courant, leading national daily, and the Socialist Het Vrijke Volk, the paper with the largest circulation in Holland.

CATHOLIC COLLEGES HAIL MRA PLAY

(Vaterland, leading Swiss Catholic daily, carried following report.)

The rectors of Kollegium Maria Hilf in Schwyz and the monastery schools of Einsiedeln and Sarnen invited the miners of the Ruhr to bring their play "Hoffnung" so that the students could get to know the ideology of MRA. The issue at stake, one of the rectors emphasized, was that we should not let ourselves be deceived by the Communist tactic of coexistence. Only with a uniting ideology could the free nations face the ideology of materialism.

In all three colleges the miners—among whom are former Communists and National Socialists who have been won through Moral Re-Armament to a superior ideology—were received by the students and staff with enthusiasm. The play drew storms of applause. Hours after the performances students and professors could be seen deep in spirited conversation with the miners and their fellow fighters from Africa, America, and different countries of Europe.

The rector of Schwyz, Dr. Scherrer, himself joined the actors on the stage at the end of the performance. Following the play the miners described the victorious fight of MRA in the Ruhr, through which the Communist membership of the works councils had gone down from 73 percent to 8 percent. They also told how during the last months in Germany, Britain, Holland, and France, they had set about creating closer teamwork and the strengthening of trust between these countries in order to counter Communist efforts to divide and soften up the free nations of Europe ideologically. One of the miners related how, after 28 years of membership in the Communist Party, through MRA he had found his way back to his faith and his church.

Rector Scherrer then declared: "We feel completely at one with you. We can all subscribe to the principle of MRA although it is not based on religion because it includes Christians and non-Christians. To recognize absolutely the domination of God or to bow down under the domination of human tyrants—that is the alternative which should unite us all whether we are Catholics, Christians, or non-Christians."

The miners were more than amazed when, on the following day on their visit to Einsiedeln, the gilt towers of the monastery church suddenly glittered amidst the snow-covered mountain sides and the glorious baroque facade of the monastery rose before them. After taking part in a ceremonial vespers service on the eve of the festival of St. Meinrad, they were conducted through the monastery by the rector, Father Raeber.

In Einsiedeln, too, there was colossal interest and enthusiasm among the student body for the clear messages of the play, the fire of genuine conviction in the miners and the gripping power of the songs after the play. The rector, visibly moved, threw out to the monastery students and the miners the challenging sentence, "Our abbot is with us with his full heart in beginning to rearm morally. We will stand at his side to carry it through as well as we can. We stand with you on the front line. It is a holy task to protect and forge the weapons that will win the fight on the side of God. In God we are united, and that is the road to the future and the kingdom of God."

Father Rector Thommen of Kollegium Nikolaus von der Flue, in Sarnen, welcomed the miners on the 21st of January to the country of Brother Klaus. "Hatred must be torn down," he declared. "We rejoice that there is a group who take Christianity seriously, for only Christianity lived out will save the world."

After the tumultuous applause for the miners' play had died down, Rector Thommen got up again, and in the presence of the recent father primate, Kaelin, spoke from the front of the balcony to the miners and the student body. "I thank you all wholeheartedly. We all wish you happiness and success. You bring us nothing new—only old truths. In our holy faith we need to be absolutely honest, clean, pure, and unselfish. Love ought to radiate from us. Because you live what you believe we can wholeheartedly accept this ideology. It is not pretense but real honesty. That is why it is so effective."

LUXEMBOURG PRIME MINISTER: "THIS IDEOLOGY CAN SAVE THE WEST"

Luxembourg, at the industrial heart of Western Europe, officially welcomed this month the ideological force of Ruhr miners with their play "Hoffnung." The miners were invited by the Government of the Grand Duchy and of the High Authority of the European Community of Coal and Steel.

They had been commissioned by Chancellor Adenauer, in the spirit of the new Germany, to carry through Europe the uniting

ideology to answer communism. To President Josef Bech of the Luxembourg Parliament they quoted the Chancellor's words: "Many of us Germans do not realise how deep are the wounds in other countries which were caused by what we did through having the wrong ideology."

The miners' mission had already taken them to Britain, France, and Holland, and to the great Catholic colleges of Switzerland. In all these countries they had drawn the firm ideological battleline, "It is Moral Re-Armament or communism."

The premiere of the play in Luxembourg was a major state occasion, with Prime Minister Pierre Werner heading the list of distinguished guests. He had with him, in the front row of the balcony, President of the Parliament Bech, who was for 32 years Foreign Minister of Luxembourg; Victor Bodson, leader of the Socialist opposition; Emile Colling, Minister of Labor; and Prince Richard of Hesse.

At the close of the performance the Prime Minister rose and spoke to the audience.

"I salute this presentation with my full heart. The moral and spiritual values on which your action is based are the ideology which can save the Christian West from its enemy."

At receptions and dinners, leaders of all sections of the country's life and of the Coal and Steel Community honored the miners and sought their help in the application of this ideology.

Piero Malvestiti of Italy, President of the High Authority, said that only as moral and spiritual content was given to the economic framework of the Coal and Steel Community could a new Europe arise.

"We must create a new type of man," he told the miners. "You are with us in this task. You have worked for years for the peace of Europe. We shall be permanently linked in the preparation of a new Europe and in the common task of building liberty and peace."

A reception by the Bishop of Luxembourg set the keynote for the response of both clergy and laity in this predominantly Catholic country.

Writing in the Grand Duchy's major paper Luxemburger Wort, the noted Catholic journalist Monseigneur Turpel called Moral Re-Armament "the platform which is otherwise lacking for the ideological unity of all spiritual forces." It was, he said, "a dam against destructive materialism, whether Communist or capitalist."

Monseigneur Turpel continued: "This noble fight of Moral Re-Armament, which is really nothing else than the original Christian thinking, should be an inducement to us to reflect on the inexhaustible values of our holy faith. These values can only save humanity from destruction if they are renewed in us and win the people around us and so are translated into action and become effective."

The cultural weekly Letzeburger Land published a full-page article by Ambassador Als, Luxembourg's envoy to Paris. Als called MRA "one of the West's last chances—a fact of which Communists are only too well aware."

Communist awareness was evidenced by the bitter attacks in the party's official paper and by a determined subversive strategy against the miners' work. A striking instance of the importance of Luxembourg in Communist plans is the size of the Russian Embassy, with its staff of 80. The Grand Duchy's population is under half a million.

In the steel city of Esch, where "Hoffnung" was presented, one-quarter of the population is Communist. Votes in some of the factories are 50 percent Communist, although wages are among the highest in Europe. Men go regularly to Russia for training.

The party expressly forbade its members to see the play, but Communists were among the audiences in spite of the ban.

In Esch the miners were the guests of the city and were welcomed by Mayor Antoine Krier, who is head of the mine metalworkers of Luxembourg. The audience there included Jean Fohrmann, vice president of the Council of Europe, and two representatives of the Prime Minister of the Saar, who were sent especially for the performance.

Radio and television carried news reports and interviews with the miners to the country.

ITALY'S VERDICT: ANSWER TO COMMUNIST IDEOLOGY

On the eve of its departure for Asia, "Hoffnung" swept triumphantly through Italy, with performances at Milan, Florence and Rome.

As the train carrying the miners rolled into Milan station, an honor guard of police with their purple capes and swords saluted smartly. The press photographers swarmed on all sides leaning out of carriage windows and standing on benches to photograph the German miners in their traditional uniforms.

They were received in this industrial heart of northern Italy by Commendatore Baldini, president of the National Institute of Industrial Training, by national trade union secretaries, and by Signor Tastore, officially representing the Free Trade Unions of Milan.

The German miners were also especially welcomed by Countess Cicogna, sister of Prince Castelbarco and member of one of the leading noble families of Italy, one of whom became Pope over a century ago.

NEW LIFE FOR EUROPE

At a dinner given in honor of the German miners, Commendatore Baldini said that two diseases were eating out the body of mankind—selfishness and materialism. "MRA," he said, "is proof that cure is possible. It is simple, fundamental and convincing." The German miners were providing new life for Europe through the moral ideology initiated by Dr. Frank Buchman. "Their message must penetrate everywhere," he concluded.

Commendatore Baldini, former personnel director of the Montecatini Chemical concern, was followed by Angelo Pasetto, former Communist cell leader in the same company. Pasetto said, "MRA is the ideology that answers the materialism of the right and the left. It is more needed than ever today."

Among those attending the dinner were men from the great industries of the area, the president of the 10,000 strong Swiss Community, the Swiss vice consul and the German consul general, under whose patronage the performances of "Hoffnung" will take place.

It was acclaimed in Florence by the government commissioner as "a work of genius." In Rome, the great ceremonial hall of the Grand Hotel was transformed for the premiere. Church dignitaries, diplomats, generals, parliamentarians and leaders of Italian society rose to their feet applauding at the close of the play.

Carmine de Martino, Italian Under-Secretary for Foreign Affairs, received the MRA force on behalf of Foreign Minister Giuseppe Pella. He stressed the need to support the action of Moral Re-Armament in undergirding European unity, saying, "The great majority of Italians share your views."

The German miners had just flown in from Florence. There they had startled the city by laying a wreath at the memorial to the carabinieri killed by the Germans during the war. The Giornale Del Mattino had described it as a demonstration of a new Germany.

The Government Commissioner to Florence, Comte Salazar, gave a reception in the Palazzo Vecchio, the 700-year-old city hall. "I thank you from the bottom of my heart for coming to this city," he said. "We cannot afford to neglect the task of Moral Re-Armament. * * * Long live the Germany of Bonn."

La Nazione in a review of "Hoffnung," wrote, "It is the answer to the Communist ideology."

Rajmohan Gandhi, grandson of the Mahatma, introduced the play in Rome. "We in Asia and Africa must now unite with the West in face of a common deadly danger—communism," he said. The message of the play, he declared, was "the concrete hope that the tide can be turned. I am giving my life to MRA until full victory is ours." Miss Muriel Smith was cheered loudly when she sang to the distinguished audience.

Among the many diplomats at the performance was the Ambassador of the Federal Republic of Germany to the Holy See.

Before embarking on their journey eastward, the miners were received in the German and Nationalist Chinese Embassies. Yu Tsune-chi, Ambassador from Nationalist China, told the MRA force: "History will record Moral Re-Armament as one of the greatest factors that have saved mankind."

The German Chargé d'Affaires, von Tanstein, thanked the miners for their visit to Italy. He told them that it had been very timely and a significant support for Chancellor Adenauer's fight for European unity.

GERMAN CHANCELLOR SENDS MESSAGE

Chancellor Konrad Adenauer, who originally commissioned the German miners when they began their European tour in November, sent them this further message on the eve of their departure for Cyprus, India, Japan, and the United States:

BONN, February 25, 1960.

Best wishes for your journey to India and Japan where you will perform the play "Hoffnung." May your play have the same great success as heretofore, and thereby contribute to the maintenance of world peace and the promotion of understanding between nations.

KONRAD ADENAUER,
Federal Chancellor, West German Republic.

CYPRUS: GREEKS, BRITISH, TURKS ACCLAIM ONE IDEA

"You are presenting a superior ideology—better than communism. Through changing men it will create a new world."

With these words Archbishop Makarios, President-elect of Cyprus, last week welcomed in Nicosia the Moral Re-Armament force of 80 headed by the cast of the German miners' play "Hoffnung."

Dr. Kutchuk, Vice President-elect and leader of the Turkish community in Cyprus, who with Archbishop Makarios had invited the miners to bring their play, said, "Your power of reconciling countries and of giving a strong moral foundation to every nation is what Cyprus needs at this very crucial hour in her history." Before the Council of Ministers, Dr. Kutchuk further stated, "Today we see how the different communities can live together. I am completely with you."

Sir Hugh Foot, Governor of Cyprus, told the MRA delegation at Government House, "Cyprus will be regarded in the future not as a source of trouble but as a symbol of how troubles can be overcome. I congratulate you on your contribution."

Cyprus leaders of all sections of the island's life were unanimous in their conviction that the presence of the MRA force would largely contribute to a solution of the existing deadlock.

MAKARIOS INTERVIEW

Archbishop Makarios spoke with the miners and other members of the international force for 45 minutes. He told them, "Moral Re-Armament has taken root in Cyprus. The world needs the hope you are bringing. It is an ideology which shows the way out of the present world situation. If we change men, we are able to change the world. I am happy you came to Cyprus, not only because of 'Hoffnung,' but because you bring the ideology of MRA and unity."

When an African member of the force said, "MRA is the only hope for Africa," the Archbishop replied, "I know it is."

A former EOKA fighter and trade union leader told of his commitment to give his whole life to fight for MRA and in the next months to fight with the miners. The Archbishop immediately gave his blessing to this decision.

Speaking at the premiere of "Hoffnung," Peter Howard, noted British journalist and author, said, "My country has made very serious mistakes on this island. I am deeply sorry for them. If we treat Cyprus as our enemy, the military bases, no matter how large, can never be secure. If we treat Cyprus as our friend, the problem of the bases and every other problem will be speedily solved."

HUGE TURNOUT

So huge was the turnout to the Cyprus premiere of the German miners' play that hundreds were taken to a private preview performance of the new technicolor musical film, "The Crowning Experience," arranged to run simultaneously with "Hoffnung."

It was a unique event in Cyprus to see more than a thousand members of the Greek, British, and Turkish communities not only assembled in one place but unitedly acclaiming one idea.

Leaders from all over the island thronged the Ledra Palace Hall to launch the MRA force on their Asian-American tour. "You could not have come at a more appropriate time," said Raghip Malyali, leading Limassol advocate, at the reception given in the hall where the first EOKA bomb was thrown. "You have brought the spirit that will make the London and the Zurich agreements work," he asserted.

The German miners from the Ruhr were taken in bus cavalcade, accompanied by EOKA fighters, to visit Machaeras Monastery, heart of the Cyprus struggle for freedom. They were received there by Abbot Irenees and the monks. Clothed in his ceremonial robes and sitting in the bishop's chair at the chapel, the abbot said, "Machaeras was the center of the EOKA fight. It will now be the center of the fight for Moral Re-Armament."

After blessing the MRA force, the abbot addressed the miners. "You are not only miners of coal but miners of men. Your presence reminds me of another great miner of the hearts of men—Frank Buchman. This is the greatest day in the monastery during my 10 years as abbot."

The front pages of the English, Greek, and Turkish newspapers, the Cyprus radio, and the forces radio network for the Middle East featured the visit of the miners and the international force. Over 30 articles appeared in the Cyprus papers concerning the miners, who were on the island for 36 hours.

KERALA: "WHEN MRA MEETS COMMUNISM HEAD ON, MRA ALWAYS WINS"

An all-out bid to answer communism and the causes of communism has been launched in Kerala. Just 7 days after the formation of the new democratic government, 4 special planes, carrying the cast and equipment of the German miners' play "Hoffnung," and an MRA force drawn from 14 nations, touched down at Trivandrum.

For days the newspapers had prepared the state for this event and hundreds of people were waiting to receive the visitors. "These are going to be historic days for Kerala," said Mannath Padmanabhan, the 83-year-old leader of the liberation struggles which ousted the Communists from power. "We must give a permanent answer to communism and unite all those who believe in God."

At the airport with him was the Minister of Law and Revenue representing the committee of hosts, which includes the Chief Minister (Praja Socialist Party), the deputy Chief Minister (Congress Party), the President of the Muslim League and the former President of the Catholic Association of Travancore.

"Your visit could not have been better timed," said P. S. George, treasurer of the Kerala State Congress Committee. "The whole state is agog with a sense of welcome," said P. S. Abraham, for 6 years registrar of the university, which has 35,000 students in 75 colleges.

"The colleges are clamoring for members of the Moral Re-Armament force to address the students," he said. "Families are competing to have you as guests in their homes." And it is in the homes of the people that the MRA force is staying, while the Government has put at their disposal Kanakakunnu Palace, former residence of the Maharaja of Travancore.

Demand for tickets mushroomed for the premiere of "Hoffnung" in the University Convocation Hall, the finest theater in south India, which was given free. V. C. Viswanathan, past president of the 26,000 university students of Madras, commented: "Everybody says you should stay 2 years."

Led by Rajmohan Gandhi, Mahatma Gandhi's grandson, and Indians committed to make Moral Re-Armament their country's policy, the MRA force went straight into action.

One hundred and fifty leaders invited by Ramakrishna Rao, Governor of the 15 million people of Kerala, met them at Rajbhavan, the Governor's residence, for more than 2 hours. The guests, including Padmanabhan, Government Ministers, and department heads, as well as Roman Catholic and Anglican bishops, listened with rapt attention to the whole dimension of MRA's global outreach.

A military band and a police orchestra, military aides and red-turbaned chaprasis splashed color into the reception, whose urgency and significance for Kerala's future was apparent to all.

The German miners began the afternoon by singing their traditional song, "Glueck Auf." Men who had been for over 30 years at the heart of the German Communist Party told how, through MRA, they had found a superior ideology. They were soon surrounded by Kerala leaders anxious to know how their experiences could be applied to the state.

Governor Rao declared, "All our issues, political, economic, cultural, domestic, individual, must be solved in the spirit of MRA." He said he had been privileged to meet Dr. Buchman at Hyderabad in 1953. "Moral Re-Armament is expanding and attracting people in India and the world," he declared, "because of its essential human appeal to every man."

At a reception in Kanakakunnu Palace where Trivandrum's mayor welcomed the MRA force, V. O. Abraham, president of the 7,000-strong Association of Private School Managers, who was treasurer of the liberation struggle, said that the Communists had been successfully removed from office but added, "The Communist menace is still here. The next step is to tell the people about the ideology superior to communism—Moral Re-Armament. We are looking forward to your help."

In this state, which boasts the highest literacy rate in India, A. N. Tampi, for many years director of public instruction, declared, "Every means has been tried. Only MRA has succeeded in bringing people together—not through politics or economic necessity but through faith in God. Education and literacy by themselves do not give the secret of how to live together; that comes through people who, sacrificing, put service before themselves."

P. S. George, treasurer of the Kerala State Congress Committee, summed up the significance of the visit: "The need of the hour is to realize that by succeeding in the elections we have not arrived. Communism is not the cause but the result of prevailing evils. We have been given victory, but it will only be temporary unless the evils are removed.

"Your visit is a chance for heart-searching—the change of personal ambition, jealousy and falling apart at the slightest provocation. It was fear of communism, not a common ideology, that united us. Let us now take an ideology into our own house first and then present it to others. MRA will be of immense help. "Hoffnung" brings real hope to Kerala."

Fifteen thousand people managed to pack into the university convocation hall during the 6-day run of "Hoffnung" in Trivandrum, Kerala's capital city. On March 1, premiere night, official cars with pennants flying and a steady stream of people moved in the main gate where the great trees were decorated with colored lights.

"It seemed as if all the traffic of Trivandrum," said one journalist, "bicycle, bus, or on foot, was heading in one direction only—to the theater."

Sri Mannath Padmanabhan, 83-year-old leader of the liberation movement which ousted the Communists, introduced the play, saying, "Kerala can never be grateful enough to the ideology of MRA. Through transforming human nature it is answering forever the onrushing menace of communism." In the front row sat Governor Ramakrishna Rao, and four cabinet ministers.

Night after night, thousands poured into the theater. Members of Parliament flew specially from New Delhi to see the play. Those who could not get in read daily front-page press accounts of the progress of the MRA force.

Chief Minister P. T. Pillai asked the MRA force to call upon him and discuss how to solve the urgent problems of Kerala. "I highly value your ideology," he said. "I am wholly with you in bringing this answer to communism. Your ideology is the continuation of the work of great teachers like Buddha, Mohammed, and Gandhi."

Nine out of the eleven members of the new Kerala cabinet, the university Vice-Chancellor, a Catholic bishop, and senior government officials attended a dinner at Kanakakunnu Palace and conferred with the miners.

COMMUNIST REACTION

The Communists were alarmed by the MRA advance. The alliance of the democratic parties was being cemented. After 3 days of deliberations, the state council of the Communist Party launched a statewide campaign of protest. Janayagan, the official Communist organ, carried a page-length editorial attacking the Governor. His decision to give convocation hall free for performances of "Hoffnung" and to make a state treasury contribution toward the MRA force was the talk of Kerala.

The Chief Minister's own paper, Kerala Janatha, carried a two-column leading article refuting the attack. Under the headline, "Unintelligent Thinking of M.P." this spirited article says, "The way in which a certain member of Parliament has been discussing MRA we have ignored because it is

not worth thinking about. The attack by the Communist paper and this M.P. against Moral Re-Armament shows the deep degradation into which they have fallen. We feel this M.P. is off his head and his pronouncements are against the culture of Kerala. Kerala is not Russia or China but India.

"When Chou En-lai entered the northern frontier of India like a thief, what was this M.P. doing then? Will he kindly tell us how Chou En-lai should be received? MRA is not a danger to this country and not an enemy, whereas Chou En-lai with his force is an enemy, and yet he is going to be welcomed like a king. To unintelligence and nonsense there must be a limit, but this Member of Parliament has exceeded that limit."

P. S. Abraham, registrar of the university, said, "When MRA meets head on with communism, MRA always wins."

Kerala life is focused on education. It was here that Communist efforts to indoctrinate the youth had triggered the freedom struggle last year.

At University College this month students crammed doorways and windows to hear MRA spokesmen. Mr. V. R. Pillai, the rector, said, "MRA is an ideology which is neither anti-Communist nor anti-capitalist but for the whole world. It brings change in the thinking and living of men."

After many years as director of public instruction in Kerala, which boasts the highest literacy rate in India, Mr. A. N. Tampi gave as his experience that "education and literacy by themselves do not give the secret of how to live together. Every means has been tried, but only MRA has succeeded. You are bringing back the readiness to sacrifice that should be normal. You bring what Gandhi brought and we have stopped living."

STUDENTS PACK HALL

Students stood 20-deep at the back of the hall in Mahatma Gandhi College, the leading educational institution of the state, to hear international speakers. Manmathan, principal of the college, said, "MRA has created an indelible impression on the minds of the people of Kerala. It is creating a new age through people united in remaking men and nations."

In Kottayam, in the same college hall where the liberation movement was launched, MRA was proclaimed to an enthusiastic crowd. The principal of the Hindu college declared, "This is the most important event to take place in the history of our institute."

A leading Communist student said, "I have never seen students so completely gripped."

In New Delhi, Rajmohan Gandhi, grandson of the Mahatma, and Peter Howard, noted British journalist, both traveling with the MRA force, were received by Dr. Rajendra Prasad, the President of India.

ANSWER FOR INDIA'S MILLIONS: BOMBAY HAILS GERMAN MINERS

India—the nation whose present choice may mark the future destiny of all Asia—welcomed a Moral Re-Armament task force in Bombay last week.

One of the six men who drafted the Indian constitution, Sri K. M. Munshi, received the group of over 80 from 14 nations. Speaking before representatives of the city, state, Parliament, and the press, Munshi declared, "The basic world conflict * * * is between those who are God-minded and those who deny God." He welcomed Moral Re-Armament as "a cementing bond for all God-minded people."

Immediately the German miners, members of the cast of "Hoffnung," were hailed with a wave of receptions and meetings. The Governor and the chief minister of Bombay State received the force at their own residences.

Professor Dandavate, general secretary of the Praja Socialist Party, welcomed the German miners to a Socialist meeting held in their honor.

The audience were standing 10 deep at the back for the Asian premiere of "Hoffnung." Mahatma Gandhi's grandson, Rajmohan Gandhi, introduced the evening. "We need this to unite our country," he said. "We need it to defend our country. We need it if we are not to be enslaved by communism. If we get its point, we will yet keep India free."

Widespread response followed the arrival of the Moral Re-Armament force in the city. The wife of the former Governor of India's largest province of 60 million people paid tribute to MRA's initiator, Dr. Frank N. D. Buchman. "What the prophets did for people of old Dr. Buchman has done for the modern age," she said. The speaker of the Bombay Legislative Assembly, a personal friend of Dr. Buchman, told the cast, "You have brought an ideology that will unite Africa, Asia, and Europe."

R. V. Murthi, who is chairman of the Press Guild, said at the reception men like Rajmohan Gandhi should lead this new revolution in India.

"HOFFNUNG" IN MADRAS

In Madras the Governor of the 30 million people of the state gave a reception for MRA. The city's largest theater could not contain the crowds who turned out for the performance of "Hoffnung." The speaker of the Madras State Assembly, Dr. U. Krishna Rao, said that MRA is democracy's answer to hate and division in the world.

T. V. Anandhan, general secretary of the 52,000 South India railway workers, speaking to a crowded union meeting, stated that since both management and labor had seen the MRA plays in 1953 there had been no strikes and conditions had improved. "The southern railwaymen are greatly indebted to MRA," he said. "We stand now for what is right and the moral principles of Dr. Buchman."

The leading women of Madras received the force. Muda Krishnamurthy, the secretary of the Women's Indian Association, said: "East and West meet in the ideology of MRA. It brings a revolution in people like me. Your ideals must run faster than sputnik."

In Thiruvella, P. S. George, treasurer of the state congress committee, said: "You leave a rich heritage here—people committed to MRA. We have a big responsibility. We have got to do the job."

JAPAN: KISHI SEES GREAT DESTINY FOR GERMANY, JAPAN

At the historic meeting of Chancellor Adenauer and Prime Minister Kishi in Tokyo on March 26, members of the 16-nation MRA force in Japan were on hand with the Cabinet and Diplomatic Corps to welcome the German leader.

Paris radio, recognising the ideological impact of Moral Re-Armament in Japan at this critical time, broadcast the news of the MRA force in Tokyo immediately following the news of Khrushchev's arrival in Paris.

"Adenauer and Kishi can give Khrushchev and Chou En-lai a superior ideology," declared John McGovern, veteran Scottish Labor Member of Parliament who is accompanying the MRA force in Japan. "Adenauer has shown great courage and wisdom. Recognising that something new was required—but not communism—he stood for Moral Re-Armament. A new bold Japan, together with this new Germany, can fashion the moral road for the future of all mankind."

In a series of notable events covering a 2-week period in Tokyo the MRA force, along with the German miners' play, "Hoffnung," has received nationwide acclaim through Japan's great daily newspapers, as well as by national television and radio.

Yomiuri, one of the outstanding dailies, featured the three-fold purpose of MRA: "To secure the peace and make it permanent all over the world, to cure the causes of communism, and make the wealth and work of the world available for all, and to unite East and West with the ideology superior to communism."

KISHI INSPIRED BY MRA

Prime Minister Kishi, at a reception in his official residence, told the MRA force, "Moral Re-Armament is the moral backbone of the world. The world will rally to its work of building peace, based on true freedom and moral standards."

"Germany and Japan have a great common destiny to make these values a world reality," the Prime Minister continued. "The world work of MRA has been for a long time a great inspiration to me."

The Prime Minister insisted that he meet personally all the MRA force. He, with leading Senators and Diet Members from the Government and opposition parties, listened attentively as Rajmohan Gandhi, grandson of the Mahatma, Peter Howard, noted British journalist and author, Fritz Hirschner, editor of a leading German paper, and a group of German miners gave their convictions.

Peter Howard conveyed to the Prime Minister Dr. Frank Buchman's message: "Japan and Germany can give ideological clarity to the world."

Howard said, "As Prime Minister you have done three things which have affected a whole generation. First, your amazing visit to the countries of Asia with 'the statesmanship of the humble heart.' If leaders of nations like mine had learned that secret, the world today would be united. Second, your clear message to the youth not to go to the left, nor to the right, but straight—not to be dominated by Russia or China, nor to imitate America or any other country, but to go straight ahead to your destiny. Third, your absolute clarity on communism. Governments, to rule successfully, must learn the secret of changing men. To stay free, nations must have an ideological answer to the materialism of right and left."

JAPAN AT THE CROSSROADS

Receptions for the MRA force were also given by His Imperial Highness Prince Mikasa, brother of the Emperor, by the Diet, by the German Embassy, by the mayor of Tokyo, by the rival Sohyo and Zenro labor federations, by the executive committee of the Socialist Party, and by the abbot of Kamamura at the foot of the famed bronze statue of Buddha. The MRA force was also given the honor of being invited to the Imperial Palace for a special performance by the Court Musicians of Gagaku, ancient Japanese music and dance.

At the Diet reception on the day when 50,000 demonstrated in Tokyo against the Japan-America Security Pact now being debated, Speaker Ichiro Kiyose told the MRA force, "You come at just the right time. 'Hoffnung' and the German Chancellor will both have a great moral influence on our national life. National unity is the only path to save the free world from confusion. MRA is essential."

Deputy Speaker Nakamura added, "We need today supranational thinking. Our lives can be changed through MRA."

Night after night the Toshi Theater in Tokyo, just a few hundred yards from the Diet Building and from the Imperial Palace, has been packed with audiences that have included members of the imperial household, Cabinet Ministers, Ambassadors from Asia, Europe and America, Members of the Government and Opposition in Parliament, 500 senior military men, industrialists, labor leaders, university professors, and youth. On March 29 the 100th performance of the German miners' play, "Hoffnung," since its inception last summer at Caux, Switzerland,

was given at the Toshi Theater in the presence of Princess Chichibu, the Emperor's sister-in-law, Prince Midasa, the Emperor's brother, and Princess Mikasa. The entire play was filmed by three cameras with Japanese sound track to reach the millions of the nation by television.

The premiere performance of "Hoffnung" in Tokyo was attended by Prince Yoshinomiya, son of the Emperor.

Kozo Kimura, Director of the National Police Public Safety Bureau, who arranged a special showing of "Hoffnung" for the police, introduced the play for one of its presentations at the Toshi Theater. "East and West are in the midst of an ideological war," Kimura told the audience. "Its visible expression—gasoline bottles, Molotov cocktails, demonstrations—can be seen and dealt with. But the invisible expressions—selfishness, corruption, materialism, subversion, infiltration—spread before we know it. They can destroy this nation. The force of MRA gives us moral straightness and ideological strategy. We must not remain apathetic observers, used in the Communist strategy of subversion. We must choose MRA."

Kimura, speaking alongside his wife and son, said, "I and my family are committed to fight with MRA to bring the clear answer."

As chief of public safety, Kimura observed, "I face many problems, but my biggest worry is the blindness to the ideological battle. We are at the crossroads—the road to hope or destruction. You must give people the right ideology. If the police change, Japan will change."

JAPAN WILL CHANGE

A special matinee of "Hoffnung" was given for labor and management of the Japanese National Railways. It received a prolonged ovation. Governor Sogo of the railways, the industry described as the key to the nation's labor force and the focus point of the ideological struggle, told the cast of German miners that if MRA could win the railwaymen, Japan could be saved from communism.

Renzo Yanagisawa, head of the Japanese Shipbuilding Workers Union, told a TV audience, "MRA has shown a new road for the new type of worker. It has given us the hope and the passion to save Japan. Now is the time to accept absolute moral standards of honesty, purity, unselfishness and love, and become the nation with the answer for Asia." Yanagisawa spoke with Masahide Shibusawa of the great industrial family. Shibusawa declared, "Japan faces either a Communist or a moral revolution—a totalitarian dictatorship or Moral Re-Armament, which is the new way for mankind. This is the last chance. We will fight together for the right choice."

One of Japan's most noted Socialist leaders, Kanju "Fireball" Kato, formerly Minister of Labor, told a distinguished audience in the Toshi Theater, "Our party is in a shameful condition, as you know. The unity we learn from MRA is based on absolute moral standards. We must apply these not only within the party, but bring them to bear on the nation." Madame Kato, his wife, herself a Socialist member of the Senate, declared, "If we really lived the four standards, it would end the division of the party. Ambitions, rivalries, jealousies, and bitterness amongst the leaders of the nation are answered only by MRA."

Senior leaders of Japanese political life have conferred with the MRA force in Tokyo, including Mr. Ishii, chairman of the executive committee of the Liberal Party, and Saburo Chiba, chairman of the security committee of the Liberal Party. Hosting a special lunch for the MRA force, Mr. Chiba declared, "From today we are your colighters. Your message is simple, courageous and straight."

Senator Tokutaro Kimura, former Defense Minister, called for the establishment of an MRA training center in Japan. "The way Japan goes," he said, "all of Asia will go. I am as convinced of MRA as Khrushchev is of communism."

On the occasion of a luncheon given by the Speaker of the House of Representatives, leaders of the Diet heard one of the German miners, Robert Wegerhof, formerly a prisoner in the Soviet Union state, "Millions think communism is the problem. Millions think communism is the answer. Both are wrong. The problem is selfishness, greed, and materialism in each one of us. The answer is the superior ideology of MRA."

WHAT MOSCOW FEARS

On March 29 the National Press Club of Japan invited Peter Howard, Rajmohan Gandhi, and Fritz Hirschner to speak on the role of MRA in the present world situation.

Gandhi told the press men, "Immoral, corrupt, and selfish men will never answer communism. They don't deserve to. Selfless, united patriots will. Such men are produced by the revolutionary ideology of MRA. Red China is determined to make Asia Communist. Japan has the destiny not only to answer Red China's bid but to win her to the superior ideology."

Fritz Hirschner gave the press club three instances of Chancellor Adenauer's statesmanship. "Adenauer invited the MRA force to the Ruhr after the war," he said, "to turn the tide of communism there. He built with Robert Schuman a bridge between France and Germany. And he saw clearly, when many wavered, that coexistence leads to nonexistence, and that the road for West Germany must be with the West."

Earlier Hirschner had told Japanese leaders, "That men can change is the great sensation of this century. That men not only can change but do change is the great political revolution of our times. That individuals can begin with themselves and have a part in creating a new world is the start of the great transformation of our age. To serve that cause we have come to Japan. We will fight with you for the freedom and peace of the world."

"What Moscow fears," Hirschner pointed out in a feature article for Mainichi, "is the same fear expressed once by Stalin—an ideology which could unite countries as far apart as Japan and Germany, together with the other countries of Asia, Europe, and the white and colored races. It is a simple decision that faces both Japan and Germany. The decision William Penn once expressed: 'Men must choose to be governed by God or they condemn themselves to be ruled by tyrants.'"

FIRST TO ANSWER ATOM BOMB

Peter Howard brought the Press Club to spontaneous applause as he expressed his vigorous convictions. "It is damnable," Howard said, "that it has become fashionable not to love one's country."

Howard said the Communists wanted to rub the nose of Japan in the mistakes of the past, as part of a plan to prevent her from assuming leadership in Asia. "But, we've all made mistakes," Howard declared, "and it is wrong that China should give ideological leadership to Asia with a false ideology. Japan with MRA will answer the materialism of Western democracy and Russian communism, and pattern the inspired democracy everyone will want."

Earlier Peter Howard had told the senior officers of the Japanese National Police, "Japan, the only country to suffer under the atom bomb, can through MRA be the first to answer it."

Yomiuri carried to the nation Peter Howard's convictions given to Members of the House of Representatives. "Divided nations will surely fall to communism," Howard declared. "We have learned this costly lesson in the West. We cannot keep our compromises, corruption, mistresses—and our freedom. Democracy is as strong as the men and women who speak in her name. Without a superior ideology democracy in Japan has no hope whatsoever of survival. But with MRA this marvelous country will lead Asia to a new world."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MAILLIARD (at the request of Mr. BALDWIN), for the week beginning April 4, 1960, on account of official committee business in connection with the International Conference on the Law of the Sea, in Geneva, Switzerland.

Mr. FASCELL (at the request of Mr. ALBERT), indefinitely, on account of illness in his family.

Mr. THOMPSON of New Jersey (at the request of Mr. JOHNSON of Wisconsin), for April 4 and 5, on account of official business.

Mr. BREWSTER (at the request of Mr. ALBERT), for Monday, April 4, 1960, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MACK, for 15 minutes, tomorrow.

Mr. BAILEY, for 30 minutes, on Thursday, April 7.

Mr. HOFFMAN of Michigan, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. HECHLER.

Mr. MORRIS of Oklahoma.

Mr. FORD and include an editorial.

Mr. ROOSEVELT and include extraneous matter.

Mr. HOFFMAN of Michigan and include a letter in his remarks made on House Joint Resolution 431.

(The following Members (at the request of Mr. CHAMBERLAIN) and include extraneous matter:)

Mr. DIXON.

Mr. SAYLOR.

Mr. MCGOVERN and include a resolution.

Mr. HOLIFIELD in two instances.

Mr. LEVERING in two instances, in each to include extraneous matter.

Mr. BERRY.

(At the request of Mr. ALBERT, and to include extraneous matter, the following:)

Mr. BOWLES in two instances.

Mr. BOYKIN.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found

truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4674. An act to amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty;

H.R. 6529. An act to convey certain land in McKinley County, N. Mex., to the Navajo Tribe of Indians;

H.R. 8351. An act for the relief of Tatsumi Ajisaka and others;

H.R. 8349. An act relating to the preservation of acreage allotments on land from which the owner is displaced by reason of the acquisition thereof by a Government agency in the exercise of the right of eminent domain;

H.R. 9444. An act for the relief of Hsiao-li Lindsay (nee Li-Hsiao-li);

H.R. 10233. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes; and

H.J. Res. 283. Joint resolution to authorize participation by the United States in parliamentary conferences with Mexico.

BILL PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on April 1, 1960, present to the President, for his approval, a bill of the House of the following title:

H.R. 7456. An act to extend until July 1, 1960, the suspension of duty on imports of casein.

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 28 minutes p.m.) the House adjourned until tomorrow, Tuesday, April 5, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2011. A letter from the president, Girl Scouts of the United States of America, transmitting the 10th Annual Report of the Girl Scouts of the United States of America for the fiscal year ending September 30, 1959, pursuant to Public Law 272, 83d Congress (H. Doc. No. 368); to the Committee on the District of Columbia and ordered to be printed with illustrations.

2012. A letter from the Chairman, U.S. Advisory Commission on Information, transmitting a copy of the 15th Report of the U.S. Advisory Commission on Information, dated April 1960, pursuant to Public Law 402, 80th Congress (H. Doc. No. 369); to the Committee on Foreign Affairs and ordered to be printed.

2013. A letter from the Acting Director of the Bureau of the Budget, Executive Office of the President, transmitting plans for works of improvement relating to the following watersheds: Vineland area tributary to Arkansas River, Colo.; White Clay, Brewery, Whiskey Creeks, Kans.; Tortugas Arroyo, N. Mex.; Huff Creek, S.C.; and Brush Creek, W. Va., pursuant to the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005) and Executive Order No. 10654 of January 20, 1956; to the Committee on Agriculture.

2014. A letter from the Director of the Bureau of the Budget, Executive Office of the President, relative to reporting that the appropriation to the Treasury Department for "Salaries and expenses, U.S. Secret Service," for the fiscal year 1960, had been reapportioned on a basis indicating a need for a supplemental estimate of appropriation, pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665); to the Committee on Appropriations.

2015. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting a report on a violation of section 3679 of the Revised Statutes, as amended, concerning an overobligation in an Atomic Energy Commission allotment account as of October 31, 1959; to the Committee on Appropriations.

2016. A letter from the Assistant Secretary of Defense (Properties and Installations) transmitting the 12th Annual Report on the National Industrial Reserve, pursuant to Public Law 883, 80th Congress; to the Committee on Armed Services.

2017. A letter from the Assistant Secretary of Defense (Supply and Logistics), transmitting reports on Army, Navy, and Air Force prime contract awards to small and other business firms completed during January 1960, pursuant to section 10(d) of the Small Business Act as amended; to the Committee on Banking and Currency.

2018. A letter from the president, the Foundation of the Federal Bar Association, transmitting a report of the audit of the Foundation of the Federal Bar Association for the fiscal year ended September 30, 1959, pursuant to Public Law 662, 83d Congress; to the Committee on the District of Columbia.

2019. A letter from the Chairman, Foreign Claims Settlement Commission of the United States, transmitting the 11th semiannual report of the Foreign Claims Settlement Commission of the United States on its activities as of December 31, 1959, pursuant to (62 Stat. 1240; U.S.C. App. 2001–2016), as amended, and (64 Stat. 12; 22 U.S.C. 1621–1627), as amended; to the Committee on Foreign Affairs.

2020. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting proposed amendments to H.R. 10656, pursuant to section 261 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2017); to the Joint Committee on Atomic Energy.

2021. A letter from the Chairman, U.S. Tariff Commission, transmitting a report of the Commission's investigation with respect to lead and zinc, pursuant to Senate Resolution 162 of the 86th Congress; to the Committee on Ways and Means.

2022. A letter from the Comptroller General of the United States, transmitting a report on examination of subcontracts awarded by Western Electric Co., Inc., Winston-Salem, N.C., to Telecomputing Corp., Whittaker Gyro Division, Van Nuys, Calif., under Department of the Army contracts; to the Committee on Government Operations.

2023. A letter from the Administrative Assistant Secretary of the Interior, transmitting a draft of proposed legislation entitled "A bill to provide agencies of the Government of the United States with the authority to pay in advance for required publications"; to the Committee on Government Operations.

2024. A letter from the Assistant Secretary of the Interior, relative to an application for a loan by the Eastern Municipal Water District, in Riverside County, Calif., for the construction of distribution facilities, pursuant to section 10 of the Small Reclamation Projects Act of 1956; to the Committee on Interior and Insular Affairs.

2025. A letter from the secretary, National Trust for Historic Preservation, transmitting a report relating to a comparative condensed balance sheet for the calendar year 1959, pursuant to Public Law 408, 81st Congress; to the Committee on Interior and Insular Affairs.

2026. A letter from the Under Secretary of Commerce, transmitting a draft of proposed legislation entitled "A bill to amend sections 22, 23, and 24, title 13, United States Code, and for other purposes"; to the Committee on Post Office and Civil Service.

2027. A letter from the Administrator, Small Business Administration, transmitting the study made by the Small Business Administration relating to the effect of bulk third-class mail rate increases on small business enterprises and on the users of the mail and the national economy generally, pursuant to Public Law 85–426; to the Committee on Post Office and Civil Service.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Montana:

H.R. 11504. A bill to amend the Interstate Commerce Act, as amended, so as to strengthen and improve the national transportation system, insure the protection of the public interest, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BREEDING:

H.R. 11505. A bill to repeal the tax on transportation of persons; to the committee on Ways and Means.

By Mr. BUDGE:

H.R. 11506. A bill to clarify the law with respect to transportation of airmail, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BYRNES of Wisconsin:

H.R. 11507. A bill to amend the Internal Revenue Code of 1954 so as to provide that lawful expenditures for legislative purposes shall be allowed as deductions from gross income; to the Committee on Ways and Means.

By Mr. CLARK:

H.R. 11508. A bill to clarify the law with respect to transportation of airmail, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FALLON:

H.R. 11509. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. MORGAN:

H.R. 11510. A bill to amend further the Mutual Security Act of 1954, as amended, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FARBSTEIN:

H.R. 11511. A bill to create and prescribe the functions of a National Peace Agency; to the Committee on Foreign Affairs.

By Mr. FLYNN:

H.R. 11512. A bill to amend the Interstate Commerce Act, as amended, so as to strengthen and improve the national transportation system, insure the protection of the public interest, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FOLEY:

H.R. 11513. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit the donation and other disposal of property to tax-supported public recreation or park agencies; to the Committee on Government Operations.

By Mr. GATHINGS:

H.R. 11514. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. GIAIMO:

H.R. 11515. A bill to provide for the construction of a shellfisheries research center at Milford, Conn.; to the Committee on Merchant Marine and Fisheries.

By Mrs. GRANAHAN:

H.R. 11516. A bill to create a judicial officer for the Post Office Department; to the Committee on Post Office and Civil Service.

By Mr. GUBSER:

H.R. 11517. A bill to amend the Walsh-Healey Act to make it apply in the same fashion to males and females; to the Committee on the Judiciary.

By Mr. HALEY:

H.R. 11518. A bill to provide compensation to the Crow Tribe of Indians, Montana, for certain lands embraced within the present boundaries of the Crow Indian Reservation, for the validation of titles, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HALPERN:

H.R. 11519. A bill to incorporate the Legion of Guardsmen; to the Committee on the Judiciary.

H.R. 11520. A bill to prevent the use of stopwatches, work-measurement programs or other performance standards operations as measuring devices in the postal service; to the Committee on Post Office and Civil Service.

By Mr. JOHNSON of Colorado:

H.R. 11521. A bill to amend the Federal Water Pollution Control Act to expand research, extend State and interstate water pollution control program grants, and strengthen enforcement procedures, and for other purposes; to the Committee on Public Works.

By Mr. JONES of Alabama:

H.R. 11522. A bill to amend the act of August 26, 1935, to permit certain real property of the United States to be conveyed to States, municipalities, and other political subdivisions for highway purposes; to the Committee on Public Works.

By Mr. KARSTEN:

H.R. 11523. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KING of Utah:

H.R. 11524. A bill to clarify the law with respect to transportation of airmail, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KNOX:

H.R. 11525. A bill to amend title II of the Social Security Act to increase to $1,800 a year the amount of outside earnings permitted without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. MATTHEWS:

H.R. 11526. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

H.R. 11527. A bill to amend title II of the Social Security Act so as to eliminate the age 50 requirement for entitlement to disability insurance benefits; to the Committee on Ways and Means.

By Mr. METCALF:

H.R. 11528. A bill to amend section 170(b)(1) of the Internal Revenue Code of 1954 with respect to certain charitable contributions to historic societies or agencies; to the Committee on Ways and Means.

By Mr. MICHEL:

H.R. 11529. A bill to amend the Rural Electrification Act of 1936 to prohibit certain borrowers under that act from holding certain financial obligations of the United States; to the Committee on Agriculture.

By Mr. MOORHEAD:

H.R. 11530. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. MURRAY:

H.R. 11531. A bill to amend the act entitled "An act authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved March 17, 1882, as amended, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. O'HARA of Illinois:

H.R. 11532. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. REES of Kansas:

H.R. 11533. A bill to amend the act entitled "An act authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved March 17, 1882, as amended, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RIVERS of Alaska:

H.R. 11534. A bill to amend section 120(a) of title 23, United States Code; to the Committee on Public Works.

By Mr. WALTER:

H.R. 11535. A bill to amend the District of Columbia Alcoholic Beverage Control Act to provide that class C and D licensees shall not be prohibited from serving alcoholic beverages in their establishments on New Year's Day when New Year's falls on Sunday; to the Committee on the District of Columbia.

By Mr. WIER:

H.R. 11536. A bill to amend title V of the Agricultural Act of 1949, as amended, to provide, in connection with the employment of workers from Mexico, protection against unfair competition from corporate agriculture to the American family farm, and protection for the employment opportunities of domestic agricultural workers in the United States, and for other purposes; to the Committee on Agriculture.

By Mr. WITHROW:

H.R. 11537. A bill to amend the act of August 26, 1935, to permit certain real property of the United States to be conveyed to States, municipalities, and other political subdivisions for highway purposes; to the Committee on Public Works.

By Mr. WRIGHT:

H.R. 11538. A bill to amend the Internal Revenue Code of 1954 to eliminate all authority to pay rewards to informers in tax cases except in cases involving alcohol taxes; to the Committee on Ways and Means.

By Mr. ALFORD:

H.R. 11539. A bill to authorize the Administrator of General Services to release the recapture provisions contained in the conveyance of certain real property to the city of Little Rock, Ark., and for other purposes; to the Committee on Government Operations.

By Mr. BOW:

H.R. 11540. A bill to strengthen State governments, to provide financial assistance to States for educational purposes by returning a portion of the Federal taxes collected therein, and for other purposes; to the Committee on Education and Labor.

By Mr. BROYHILL:

H.R. 11541. A bill to abolish the Arlington Memorial Amphitheater Commission; to the Committee on Interior and Insular Affairs.

By Mr. DERWINSKI:

H.R. 11542. A bill increasing the rates on third-class mail which consists of circulars, merchandise, books, catalogs, seeds, plants, etc., in parcels weighing less than 16 ounces; to the Committee on Post Office and Civil Service.

H.R. 11543. A bill relating to the interest rates on loans made by the Treasury to the Department of Agriculture to carry out the programs authorized by the Rural Electrification Act of 1936; to the Committee on Agriculture.

By Mr. KILDAY:

H.R. 11544. A bill relating to the employment of retired commissioned officers by contractors of the Department of Defense and the Armed Forces and for other purposes; to the Committee on Armed Services.

By Mr. MONTOYA:

H.R. 11545. A bill to amend the act of October 31, 1949, with respect to payments to Bernalillo County, N. Mex., for furnishing hospital care for certain Indians; to the Committee on Interstate and Foreign Commerce.

By Mr. RIVERS of Alaska:

H.R. 11546. A bill to authorize the modification or reconstruction of certain works of the Eklutna project, Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WALTER:

H.R. 11547. A bill to improve the working conditions of migratory and other farm labor in the United States; to the Committee on Ways and Means.

By Mr. ADDONIZIO:

H.J. Res. 669. Joint resolution calling upon the President to issue a proclamation designating the last Friday in April as Arbor Day; to the Committee on the Judiciary.

By Mr. KITCHIN:

H.J. Res. 670. Joint resolution to authorize the use of surplus grain for feeding wildlife during emergencies created by heavy snows; to the Committee on Banking and Currency.

By Mr. MORRISON:

H.J. Res. 671. Joint resolution to provide for the designation of June 4, 1960, as Louisiana State University Centennial Day; to the Committee on the Judiciary.

By Mr. SHELLEY:

H.J. Res. 672. Joint resolution authorizing and requesting the President to issue a proclamation with respect to the 1960 Pacific Festival, and for other purposes; to the Committee on Foreign Affairs.

By Mr. THOMPSON of Louisiana:

H.J. Res. 673. Joint resolution to provide for the designation of June 4, 1960, as Louisiana State University Centennial Day; to the Committee on the Judiciary.

By Mr. McGOVERN:

H. Con. Res. 653. Concurrent resolution requesting the President of the United States to issue a proclamation designating 1961 as the year of the Dakota Territory Centennial; to the Committee on the Judiciary.

By Mr. METCALF:

H. Con. Res. 654. Concurrent resolution that it is the sense of the Congress that the Department of Agriculture continue for 1 year the uniform storage agreement contracts now in effect and also provide a basis for recapture of excessive profits; to the Committee on Agriculture.

By Mr. FLYNN:
H. Res. 494. Resolution to authorize the Committee on Interstate and Foreign Commerce to conduct an investigation and study of the Federal Power Commission; to the Committee on Rules.

By Mr. ROOSEVELT:
H. Res. 495. Resolution to authorize the Committee on Interstate and Foreign Commerce to conduct an investigation and study of the Federal Power Commission; to the Committee on Rules.

By Mr. WALTER:
H. Res. 496. Resolution providing for additional copies of hearing held by the Committee on Un-American Activities, current session, entitled "Issues Presented by Air Reserve Center Training Manual"; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By the Speaker: Memorial of the Legislature of the State of Hawaii, memorializing the President and the Congress of the United States to amend the Federal Flood Insurance Act of 1956 to include tidal wave and volcano damage; to the Committee on Banking and Currency.

Also, memorial of the Legislature of the State of Maryland, memorializing the President and the Congress of the United States to authorize the Army Corps of Engineers to make a survey of the Patuxent River in regard to flood control; to the Committee on Public Works.

Also, memorial of the Legislature of the State of South Carolina, memorializing the President and the Congress of the United States to express its strongest disapproval of the recent action of the State Department in the unwarranted interference with the domestic affairs of the Union of South Africa; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRAY:
H.R. 11548. A bill for the relief of Krishna Kallianpur; to the Committee on the Judiciary.
H.R. 11549. A bill for the relief of Gopinath Kallianpur; to the Committee on the Judiciary.
H.R. 11550. A bill for the relief of Yanni J. Vatikiotis; to the Committee on the Judiciary.

By Mr. COLLIER:
H.R. 11551. A bill for the relief of Wladyslawa Jarsmik-Stempniak; to the Committee on the Judiciary.
H.R. 11552. A bill for the relief of Stephanie Jedlicka; to the Committee on the Judiciary.

By Mr. CRAMER:
H.R. 11553. A bill for the relief of Dent R. Spaur; to the Committee on the Judiciary.

By Mr. HAGEN:
H.R. 11554. A bill for the relief of Wade H. Ashley; to the Committee on the Judiciary.

By Mr. JONES of Alabama:
H.R. 11555. A bill for the relief of Henry James Taylor; to the Committee on the Judiciary.

By Mr. McDONOUGH:
H.R. 11556. A bill for the relief of Peter Kevin Sweeny; to the Committee on the Judiciary.

By Mr. MOORE:
H.R. 11557. A bill for the relief of Donica Dopudja; to the Committee on the Judiciary.

By Mr. MOSS:
H.R. 11558. A bill for the relief of Henry Wu Chun and Arlene Wu Chun; to the Committee on the Judiciary.

By Mr. ROGERS of Colorado:
H.R. 11559. A bill for the relief of William G. Fettes; to the Committee on the Judiciary.

By Mr. SCHENCK:
H.R. 11560. A bill for the relief of Eugene C. Harter; to the Committee on the Judiciary.

By Mr. WATTS:
H.R. 11561. A bill to authorize and direct the Secretary of the Army to convey part of lock and dam No. 10, Kentucky River, Madison County, Ky., to the Pioneer National Monument Association for use as part of a historic site; to the Committee on Public Works.

By Mr. WILSON:
H.R. 11562. A bill for the relief of Maritime Museum Association of San Diego; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

403. By Mr. STRATTON: Petition of 101 residents of the 32d Congressional District of New York urging passage of the Forand bill as a minimum first step toward providing decent medical care (hospitalization, surgical services, and nursing home care) for those persons eligible (retired or not) for social security benefits; to the Committee on Ways and Means.

404. By the SPEAKER: Petition of the president, Hawaii Okinawa-jin Rengo Kai, Honolulu, Hawaii, petitioning consideration of their resolution with reference to requesting passage of the bill H.R. 1157, which would make available to the Ryukyuan economy the sum of up to $6 million annually; to the Committee on Armed Services.

405. Also, petition of deputy executive director, Hawaiian Government Employees' Association, Honolulu, Hawaii, petitioning consideration of their resolution with reference to "protesting the reduction of the 20-percent cost of living allowance for U.S. postal employees proposed by the U.S. Civil Service Commission, as being unfair and unreasonable"; to the Committee on Post Office and Civil Service.

EXTENSIONS OF REMARKS

Wesleyan's Colloquium on Freedom—A Great University Accepts the Challenge

EXTENSION OF REMARKS
OF
HON. CHESTER BOWLES
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Monday, April 4, 1960

Mr. BOWLES. Mr. Speaker, with freedom under daily attack in many areas of our country and of the world, I was glad to note recently that a university in my congressional district has been taking positive steps to advance the cause of freedom. In fact, the National Broadcasting Co. thought so highly of this educational innovation that they reproduced part of it on their weekend coast-to-coast "Monitor" radio program.

I am referring to the 2-day colloquium on freedom which was conducted this spring by the graduate summer school for teachers at Wesleyan University in Middletown, Conn.

There are two notable things about this freedom conference which lead me to draw it to the attention of my colleagues in the House of Representatives. In the first place, it was, so far as can be discovered, the first in which high school students, high school teachers, college teachers, and a college president all participated. For a private university thus to concern itself directly with the education of high scchool students as well as their teachers indicates an awareness of the challenge of public education and a readiness to accept that challenge which I find commendable.

In the second place, it was an occasion when hard thinking—tough, sustained intellectual effort—was required. There was no facile repetition of slogans, no lazy acceptance of cliches, no easy and comfortable repose in established answers. Adult problems were dealt with in an adult way.

The participants, whether adolescents or adults, grappled with such problems as those of reconciling the highest degree of individual liberty with the legal restraints necessary to insure equal liberty for all; with the distinctions between spiritual, intellectual, and physical freedom; with the presuppositions on which our constitutional guarantees of freedom of speech and assembly rest; with integration and segregation; with the puzzling contradictions involved in such matters as censorship and loyalty oaths, the attitude of our country toward France as a member of NATO, a traditional friend, and also a contestant in the Algerian struggle; and with the attitude of the United States toward the Cuban people, the Castro regime, and the protection of United States investments in Cuba.

The colloquium grew out of the course called the philosophy of freedom which is given every year in the graduate summer school for teachers at Wesleyan University. This course was established because of Wesleyan's conviction that, though freedom is our priceless heritage, it will not be cherished unless it is understood, and not understood unless it is studied. The tragic record of the American soldiers who were captured by the Communists in the Korean struggle is only one of a number of evidences that many Americans do not understand, and therefore do not properly value, the freedom which is theirs by birth.

In attendance at the colloquium were eight high school teachers who had previously taken the philosophy of freedom course at Wesleyan, and 27 of their pupils from public and private schools in Connecticut and Massachusetts. Some of them were interviewed on the NBC "Monitor" program by Ross Miller, of station WTIC in Hartford. Throughout their statements both the teenagers and their teachers emphasized this theme: "Don't take freedom for granted." It was this mistake, taking freedom for granted without understanding its true significance and depth, that left many of our captured GI's in Korea unable to explain or defend the precious liberties for which they were fighting.

Proper understanding of freedom comes not through indoctrination, but through the study of history, government, economics, and suitable literary works. Courses in all these subjects, as well as in the philosophy of freedom, are provided by the graduate summer school for teachers at Wesleyan University.

The freedom discussion opened with a short statement by Dr. Victory L. Butterfield, president of Wesleyan University, on the morality and psychology of liberal education and its meaning in a free society. Three of his basic assumptions are worth repeating. They are:

First. That a liberal education is one which helps men gain greater measures of personal freedom for purposes of more significant living in ways that can help sustain or strengthen a free society.

Second. That the heart of personal freedom lies in the autonomy of the self—in that balance of inner compulsion, judgment, taste, and conscience, that constitute the will to appropriate action.

Third. It is this experience of being able to decide for ourselves what is true or false, wise or unwise, lovely or ugly, right or wrong, and to take appropriate thought and action that give us our positive sense of autonomy and freedom.

A later conference session was devoted to various aspects of political and social freedom. Dr. S. Hugh Brockunier, professor of history at Wesleyan, opened this session by quoting part of the report on the Communist brainwashing of U.S. soldiers in Korea made by Maj. William E. Mayer, of the U.S. Army Medical Service School. Dr. Brockunier's central theme was that freedom cannot be taken for granted, and that the only people who have freedom are those who continually learn by study and experience how to fight for it. He supported his thesis by quoting a number of memorable statements, including these:

By the late Senator Borah:

The safeguards of our liberty are not so much in danger from those who openly oppose them as from those who, professing to believe in them, are willing to ignore them when found inconvenient for their purposes.

By the late Justice Jackson:

Freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the existing order.

In each age man has to relearn the lessons of freedom. Our captured soldiers in Korea had to relearn through suffering. Most of us are more fortunate and may relearn the meaning of freedom in our homes, our libraries, and our educational institutions.

I find that the entire curriculum of Wesleyan's Graduate Summer School for Teachers serves the cause of freedom directly. From ancient to modern times, great men have repeatedly asserted the connection between freedom and education.

Jefferson summed it up for many when he wrote, "Enlighten the people generally, and tyranny and oppression of body and mind will vanish like evil spirits at the dawn of day."

All liberal study, whether of history, physics, philosophy, music, or mathematics—all intellectual effort which leads to a wider view and a deeper human sympathy, builds, and supports the love of freedom.

The Wesleyan Summer School deserves commendation for pioneering in the field of education for freedom. This recent conference on freedom is exciting because it represents an unusual and valuable approach to one of our most important educational problems. I am confident that it will serve as a good beginning for further inquiries into the meaning of freedom both at Wesleyan and at other educational institutions.

Civil Rights Bill, H.R. 8601

EXTENSION OF REMARKS
OF
HON. TOBY MORRIS
OF OKLAHOMA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 4, 1960

Mr. MORRIS of Oklahoma. Mr. Speaker, I voted against H.R. 8601, the designated civil rights bill, which passed the House on March 24 and which is mainly to protect and secure the right of all qualified citizens to vote, for the reason that I felt deeply that the referee system provided for therein is very probably unconstitutional and definitely a wrong approach toward such purpose. It gives the Federal Government the power to take over State and local election machinery which I am afraid may do more harm than good toward all of our citizens—colored and noncolored—and will probably defeat the very objective of the bill.

I do not know, of course, what the final version of this legislation, nor what my vote on same, will be, as we have not as yet reached that stage. I am in hopes a good bill can and will be presented for my vote before this session of Congress ends. I most certainly will vote for one that I feel will properly help to so prevent discrimination against our citizens because of race or color.

The debate in the House on this bill up to this time has been overall gratifying to me. Except for a few words that I feel were ill considered and should not have been spoken, the debate generally was dignified and enlightening and I hope and feel beneficial to all our citizens, colored and noncolored.

Representative Chamberlain's Views on Defense Reassuring

EXTENSION OF REMARKS
OF
HON. GERALD R. FORD, JR.
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Monday, April 4, 1960

Mr. FORD. Mr. Speaker, an editorial in the Flint Journal for Thursday, March 31, 1960, entitled "Representative CHAMBERLAIN'S Views on Defense Reassuring," is a fine tribute to our colleague and helps to put into proper perspective the discussion on defense policy. Under leave to extend my remarks in the RECORD, I include a copy of the editorial, as follows:

REPRESENTATIVE CHAMBERLAIN'S VIEWS ON DEFENSE REASSURING

Representative CHARLES E. CHAMBERLAIN is to be commended for once again seeking out the opinions and views of those he represents in Congress.

His questionnaire to qualified voters in Michigan's Sixth District represents a sincere effort to learn directly from the people what problems concern them and what legislation they favor. By knowing their desires, he can do a more adequate job as their Capitol Hill representative.

He further demonstrated his interest in his constituents by acknowledging each questionnaire and personally answering many which asked specific questions. One such letter summed up his own ideas about the controversy of national security. Inasmuch as he is a member of the Armed Services Committee, his thoughts on the issue are significant.

In part he wrote:

"It is certainly no wonder that the American people are confused about the status of our defense program when they read the divergent views expressed through various news media.

"As a member of the Armed Services Committee, I have spent a major portion of my workdays in recent weeks listening to and studying testimony in closed sessions with our military leaders, including the Secretary of Defense, the Service Secretaries, the chairman and the members of the Joint Chiefs of Staff.

"While I readily admit there are many areas for honest differences of opinion regarding our military posture, I certainly want to assure you that from all I have heard from these top military men, I do not share the grave apprehension of those who say that our defenses are grossly inadequate and that our planning for the future is deficient.

"You will recall that last year we were hearing much of the same talk from most of the same people—and what happened? The Congress voted to reduce the President's defense requests.

"While I make no inference that our defense is not a proper subject for public discussion, I regret that the issue has become so political. Neither do I mean to gloss over the areas in which we need more progress. We have many complex problems and it is

understandable that brilliant men of integrity would differ as to specific solutions. Yet I have an inherent faith that when all the talking is over, what America needs will be provided.

"As for myself, my policy has always been to resolve all areas of doubt in favor of our security. I would rather provide too much than too little. With this, I feel you must agree."

Few persons are fully aware of the facts and figures of national defense. They are classified top secret. This doesn't prevent many self-styled experts from speaking on the subject in an authoritative tone of voice.

It is reassuring in the midst of the resulting confusion to hear an expression of faith in our defense from a member of the Armed Services Committee, which has the advantage of briefings by military men and intelligence officers on what the U.S. program is and what the enemy's capabilities are believed to be.

And it is comforting to know that we are represented by a man who has at heart not only the interest of his country but that of the people in his district who put their faith and fate in his hands.

Problem of Humane Medical Attention for a Large Segment of our Population

EXTENSION OF REMARKS
OF
HON. CHET HOLIFIELD
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 4, 1960

Mr. HOLIFIELD. Mr. Speaker, few people are aware of the growing problem involved in the need for health protection for the aged and unemployed people of our Nation. The problem cannot be solved by propaganda, scare slogans, or indifference. We must face the problem and solve it on the basis of facts. We must explore our capabilities for solution, both from the standpoint of economics and political possibilities. We must, and I believe we can, solve this problem within the structure of our American way of life, as we have solved many of our great national social problems. Let us study this problem calmly and objectively in the light of present facts and our past history.

By 1980, according to estimates prepared by the Senate Subcommittee on Problems of the Aged and Aging, 26 million Americans will be over 65 years of age. Eighty-five percent of them will have incomes under $2,000 a year. What private insurance companies are going to insure them adequately at rates they can afford to pay? It is doubtful that any private company can pay for all the surgical and nursing and hospital care these elderly persons are indisputably going to need.

There are, of course, a great many companies in the United States selling health insurance of protective value, and some make a special point of catering to elderly folk; but no more than about one-third of the persons over 65 have hospital insurance, most of it with inadequate benefit coverage. Private insurance companies provide splendid protection for wage earners. But the cost of insurance inevitably goes up as the likelihood of illness increases with age, and sometimes is prohibitive for those who have retired. Most of the policies can be canceled on the basis of an age limitation or after paying a stipulated maximum level of benefits.

The one practical way to provide insurance against the health hazards of retirement years is to let people pay the premiums in the form of social security taxes while they are earning wages and are able to do so. This is precisely how they now provide retirement income for themselves under the social security program, and this kind of protection is made compulsory because the lack of it would have a disastrous social impact. Those who denounce this proposal as socialistic without proposing any workable alternative are foolishly doctrinaire. They might just as sensibly oppose as socialistic the Nation's public schools, fire departments, and parks because these represent communal efforts financed through taxation. One of the fundamental purposes for which the U.S. Government was established was to promote the general welfare.

It is a fact of record that the American Medical Association has violently resisted our present social security system ever since its inception in 1937. Today it is supported by both political parties. Although it is far from perfect, it does form the basic hope for security in old age and retirement for more than 58 million working people. At the present time 13,750,000 people have qualified and are drawing social security benefits.

The average doctor—secure in his own relatively high income bracket—refuses to consider the plight of the 22 million people over the age of 65, whose income ranges from zero to $2,000 annually. These people are no longer able to work or cannot find employment. It is common knowledge that our large industries resist the employment of individuals beyond the age of 45 or 50 years.

Even though the aged husband or wife may have a modest retirement annuity totaling $1,500 or $2,000 annually they cannot afford adequate hospitalization, surgical and medical expenses which are involved in chronic illness or major sickness. Many of these people are not eligible for social security benefits of even a meager type. This group of people are completely dependent on public or private charity.

The doctors of America will not solve this problem through blind opposition to every attempt on the part of Congress to find a solution to this growing problem. The denunciation of every legislative approach in terms of socialized medicine will not stem the tide of humanitarian sympathy and social responsibility for the millions who are unable to pay the cost of decent treatment for their physical survival.

It might be wise for the members of the American Medical Association to take a leaf from past history and remember their fruitless tactics in opposition to social security. If they want to forestall the adoption of a system of universal socialized medicine in its worst and most inadequate form, they might well support a reasonable and constructive solution.

If there is a better solution than our present formula for providing retirement annuities under the social security system, let the American Medical Association members and doctors everywhere come forward with a better plan. Their suggestions to date have proven inadequate to meet the humane problems involved. Let me sound a note of solemn warning.

Under our system of Government you cannot ignore the just and humane needs of a large segment of our society for a long period of time. Our great system of mechanized industry has proven its ability to produce goods and services in such an abundance as to meet tremendous and abnormal needs in times of war. It must be called upon to produce the relatively smaller needs to conserve and preserve human values in times of peace.

Tennessee-Tombigbee Waterway Would Bring Industry

EXTENSION OF REMARKS
OF
HON. FRANK W. BOYKIN
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 4, 1960

Mr. BOYKIN. Mr. Speaker, I ask unanimous consent to extend my own remarks and include therein a wonderful editorial by the Mobile Register of March 22, 1960. The Mobile Register is one of the oldest papers in our beloved Southland and one of the best, and I think this is really and truly a great editorial about one of this Nation's greatest men, our U.S. Senator, ROBERT S. KERR, of Oklahoma, who is chairman of a Select Committee on National Water Resources. What a great speech Senator KERR made in addressing the New York State Waterways Association. Some of his statements are included in this great editorial.

I had the pleasure of entertaining Senator BOB KERR in our marvelous Mobile and showed him there our great water development, our great State docks, our wonderful industries, the beautiful Azalea Trail, the Bellingrath Gardens, that look like heaven, or I imagine that is what it looks like, because heaven would have to really be beautiful, if it were any better than this.

I have known and worked with BOB KERR for many, many long years. He is a great man. I remember him at the Chicago Democratic Convention. I was a delegate, and I wish everybody could have heard this great BOB KERR when he made the nominating speech there, with the thousands of people from every State in this Union. Well, I have a picture of it, a photograph, but I do not need it, because I have a picture of BOB KERR and what he said in my heart and in my mind, and I have often wondered, when I hear of so many people being suggested as President of the United States, why they do not include this great Senator from the State of Oklahoma.

I have visited him out there, and he has been such a success—in business, in politics, in his church, and in all of his undertakings. Truly, I have never met a better or a greater man in the U.S. Senate or the Congress of the United States or anywhere else. He has brains and ability and experience and a wonderful understanding heart; and he has done and is doing so much for his State and his Nation.

I am so glad that my own hometown newspaper saw fit to print what BOB KERR said about one of the greatest undeveloped waterways on earth—the Tennessee-Tombigbee. It will be developed some day, and what a great day that will be. We will have a direct route from Sioux City, Iowa, clear down through all of those wonderful States—Cairo, Ill., and on down to my district at Demopolis, Ala., where it will come on down and meet the Warrior River, the Alabama, the Mobile River and on out to Mobile Bay and the Gulf of Mexico. That will really and truly be a great day, and they should sing then—not "A great day is coming," but "It is already here."

I wish everybody knew what that would mean to so many States, to so many counties, cities, and villages. This development of the Tennessee-Tombigbee, in my judgment, will be greater, so much greater than even the Panama Canal. It is the greatest undeveloped waterway in the world, and our great Representatives in the long years—over a hundred, so the record shows—have been working for the development of the Tennessee-Tombigbee, and we in Alabama, Mississippi, and Tennessee and everywhere appreciate what this great man, Senator BOB KERR, of Oklahoma, had to say in his great speech about the development of these great waterways—not only the Tennessee-Tombigbee, but all of the wonderful waterways all over this Nation.

Senator KERR spent many hours looking over the port of Mobile and the many rivers that run into this great city. He looked at our great Brookley Field there where we have over 15,000 men and women, where this great Brookley Air Force Base has deep water, with ships coming in from all over the earth; where we will have a waterway from the State docks to the gulf, about 30 miles, with a depth of 42 feet, that will take any ship from any part of this earth. Then, we are developing on up at Jackson, Ala., and Demopolis, which has been completed and is such a wonderful development—the Demopolis lock and dam; another great development in ARMISTEAD SELDEN'S district, the Eutaw lock and dam; and of course, you all know, gentlemen, of the great work that has been done on the Warrior, and the wonderful work that is being done in Congressman CARL ELLIOTT'S district and Congressmen ALBERT RAINS' and KENNETH ROBERTS' districts on that great Coosa River that runs down and empties into the Alabama River, and then on into the Tombigbee River.

Both of our Senators, Senator LISTER HILL and Senator JOHN SPARKMAN, and our entire delegation have worked and worked hard for the development of these rivers, and we have made some success, but not nearly enough, and we are so glad to have these encouraging words from a great man, Senator BOB KERR, of Oklahoma.

The editorial follows:

[From the Mobile Register, Feb. 22, 1960]

WATERWAY WOULD BRING INDUSTRY

The important relation between navigable waterways and industrial development is a major argument for linking the Tennessee and Tombigbee Rivers by canal to serve barge traffic between a broad inland area of the Nation and the port of Mobile.

A noteworthy comment on the value of waterways has been made by U.S. Senator ROBERT S. KERR, of Oklahoma, chairman of a Select Committee on National Water Resources.

Senator KERR, addressing the New York State Waterways Association observed:

"A significant fact about the industrial development in the past 10 years has been growth of new industrial plants, facilities, and capacities along our navigable waterways.

"In 10 years we have seen a $15 billion expansion of industrial plants in the Ohio Valley.

"At the same time we have seen tremendous developments along the Mississippi River and its navigable tributaries, as well as on the gulf coast.

"This expanded industry along our navigable waterways not only enables our country to grow more rapidly than would otherwise be possible, it feeds a constantly increasing volume of business to the entire Nation, including all other forms of transportation."

A navigation canal connecting the Tennessee and Tombigbee Rivers would form a steppingstone to much industrial and commercial growth in an extensive region by opening a new advantageous route in inland waterway transportation.

This long advocated needed improvement of the Nation's inland waterway system should be pushed energetically not only in Alabama, Mississippi, and Tennessee, the States currently associated in a joint movement to promote it, but in various other States in which the benefits of the improvement would also be felt.

Senator KERR's impressive remarks on the expansion of industry in territory where navigable waterways exist should help arouse increased activity for the Tennessee-Tombigbee Waterway.

Questionnaire to the People of the 17th District of Ohio

EXTENSION OF REMARKS
OF
HON. ROBERT W. LEVERING
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Monday, April 4, 1960

Mr. LEVERING. Mr. Speaker, I recently circulated a questionnaire among the constituents it is my honor to represent in the 17th Ohio District and I want to say that I am extremely gratified by the response received from people in all walks of life. It is indeed reassuring to learn that so many of our people in the midst of the daily routine of making a living are willing to take whatever time is necessary to think and write about the important public issues of the day. This kind of citizenship responsibility at the local level assures continuance of vigorous representative government.

I was especially impressed with the fact that most people not only answered the specific questions asked, but in addition, made their views known on many other matters, such as disarmament, food additives, TV programing, high taxes, high interest, tight money, and inflation.

It is apparent from tabulating the returns of a typical cross section of central Ohio that the subject uppermost in the minds of the people is waste, extravagance in all departments of Government, and particularly in the foreign aid program. The items most frequently mentioned were the interservice rivalry in the Defense Department, the high cost of storing surplus farm commodities, and the losses involved in procurement and disposal of defense equipment.

The tabulation in percentages follow:

1. Do you favor an acceleration of our defense effort in such fields as long-range ballistic missiles, nuclear weapons, and the satellite program? Yes, 55 percent; no, 35 percent; no opinion, 10 percent.

2. Would you favor an increase in taxes to meet any added expenditures for the defense program? Yes, 33 percent; no, 61 percent; no opinion, 6 percent.

3. The President, in his recent budget message, proposed appropriations of $4.2 billion for our foreign aid program. Do you favor the appropriation of the entire sum? Yes, 19 percent; no, 61 percent; no opinion, 20 percent.

4. The President, in his budget message, indicated a surplus of about $4 billion for fiscal 1961. This comes about chiefly through an increase in revenue rather than from a reduction in services. In which way would you favor our arriving at a surplus? Present taxes with some increases, 9 percent; reduction of spending, 86 percent; no opinion, 5 percent.

5. Do you favor Federal assistance to elementary and secondary schools? Yes, 34 percent; no, 57 percent; no opinion, 9 percent.

6. Are you in favor of amending the Social Security Act to include medical expenses, the financing to be shared by the employers and employees? Yes, 39 percent; no, 54 percent; no opinion, 7 percent.

7. Do you favor lifting the restriction of $1,200 on what a retired person may earn and still collect his social security payments? Yes, 66 percent; no, 31 percent; no opinion, 3 percent.

8. What kind of program should Congress adopt to solve the farm problem?

(a) Institute farmers self-help plan whereby bona fide farmers would be given greater freedom to develop a program of their own liking with provisions against Government buying and storing commodities. Yes, 58 percent; no, 10 percent; no opinion, 32 percent.

(b) Enlarge the soil bank program by paying farmers to take approximately 60 million acres out of production at an estimated cost of $1.5 billion. Yes, 15 percent; no, 52 percent; no opinion, 33 percent.

(c) Free farmers of all controls allowing them to plant as much as they wish to plant of any crop on any land; and, do away with all price supports and other subsidies to farmers. Yes, 53 percent; no, 20 percent; no opinion, 27 percent.

9. Are you in favor of stronger civil rights legislation? Yes, 45 percent; no, 20 percent; no opinion, 35 percent.

10. Do you favor an increase in the Federal gas tax to meet the additional cost of the Federal highway construction program? Yes, 26 percent; no, 59 percent; no opinion, 15 percent.

11. Do you favor the establishment of a youth conservation corps as one means whereby we can combat juvenile delinquency? Yes, 48 percent; no, 34 percent; no opinion, 18 percent.

In Support of Family Farm Income Act of 1960

EXTENSION OF REMARKS
OF
HON. JAMES ROOSEVELT
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 4, 1960

Mr. ROOSEVELT. Mr. Speaker, under leave to extend my remarks, I insert in the RECORD my statement, "In Support of Family Farm Income Act of 1960," which I submitted on March 30 to the House Committee on Agriculture.

I am proud to be a cosponsor of a proposal which reflects the thinking of Representatives from both rural and urban areas. Its sensible and workable approach will benefit the farm community, the consumer, and the taxpayer.

My statement follows:

IN SUPPORT OF FAMILY FARM INCOME ACT OF 1960

(Statement by Congressman JAMES ROOSEVELT submitted to House Committee on Agriculture, Mar. 30, 1960)

Mr. Chairman and members of the committee, I am grateful for the opportunity to supplement my brief remarks which I made before you on March 2.

I join with my colleagues in support of the Family Farm Income Act of 1960. This legislation would raise family farm income, which will reach a new low in 1960, and would, at the same time, drastically reduce cost of the Federal farm program. I believe that in the long run the legislation is not only to the advantage of those engaged in agricultural pursuit who suffer gross inequality in the marketplace, but to the advantage of consumers.

Family farmers are entitled to sufficient income to maintain their families at a decent standard of living—a standard of living, I might add, which compares with the standards of people living off farms.

Other groups, including labor and business, are protected by many Federal laws and in addition, because of the nature of our industrial organization, have been able to increase their bargaining power greatly. As a result, business as a whole—particularly big business—is in a favorable position. Labor, where it is organized, is able to maintain a relatively good income.

Farmers, on the other hand, as the largest segment of our economy which is unorganized, have comparatively little bargaining power. Every farmer is competing against every other. When there is a surplus, prices may be driven to below cost of production. Industry, on the other hand, maintains its prices and merely reduces production when demand falls off. The record indicates that farmers, partly because their costs are fixed and partly because of the competitive situation, must go on producing more and more as prices decline.

That is the reason, Mr. Benson's effort to reduce surpluses by increasing production has fallen on its face. Last year the Secretary of Agriculture turned corn loose, lowered the support price but told farmers they could produce all they wanted to. The result is that corn is running out of our ears and the corn situation constitutes another farm scandal. According to the Wall Street Journal, the inevitable result of reduced price is increased acreage. Here is a quote from the March 16, 1960, issue of that publication which never, to my knowledge, has been called irresponsible:

"DE KALB, ILL.—Husky farmer Joseph Falvre may be planting something more than corn on his 640-acre farm this spring. What comes up next fall could be the biggest crop of trouble the administration's farm program has faced so far.

"In 1958, the Government's price support for corn was $1.36 a bushel; Mr. Falvre planted 52 acres. Last year, the support dropped to $1.12 and the Illinois farmer planted 186 acres. 'This year,' he says, 'it will drop to $1.06, so I'm going to plant 287 acres.'

"'With price supports going down, I have to increase my volume to end up with the same income,' Mr. Falvre explains."

This bill—the Family Farm Income Act of 1960—would cost the Government very little by providing for payment-in-kind to the farmer who reduced his acreage. It would authorize a 10 percent deduction in acreage for which the farmer would receive nothing and an additional 30 percent reduction for which the farmer would receive payment out of the Commodity Credit Corporation holdings. Thus, the surplus which is costing so much and which constitutes a major scandal would be reduced. In addition, the bill provides that farmers can get together and plan their production and vote on such a plan, a two-thirds majority being required to put it into effect.

I firmly believe that if something is not done to maintain and stabilize the family farmer that inevitably agriculture will be taken over by big business. Investigations of the House Small Business Subcommittee No. 5, of which I am privileged to be chairman, indicate that national corporations are putting out of business small distributors of food products. Often the result of price wars carried on by large corporations is higher prices for consumers and lower prices for farmers. In some areas, where dairy companies carried on price wars, the consumer benefitted during the price war, but after the large corporations had accomplished their purpose of destroying local competition, they raised prices to a point higher than they were before the price war.

Investigations of the House Small Business Subcommittee indicate that chain stores are, to some extent, now taking over in the area of agriculture. They are engaging in cattle feeding and packing and they are manipulating the market, by-passing the Government regulated stockyards and paying the farmer the lowest possible price. At the same time, they have been raising prices to the consumer. For example, lamb producers a year or two ago experienced a net loss on their operations. Safeway stores at the same time raised the price of lamb chops to the consumers. I have introduced legislation which will prevent chain stores from engaging in agricultural activities.

The Family Farm Income Act of 1960 proposal is complementary to my proposed legislation which would prevent, or check, vertical integration in the food industry. It would give the farmer bargaining power and enable him to protect himself from price manipulation and discrimination practices of giant corporations.

The urban consumer, although he naturally wants to get his money's worth for food, has no desire to grind down American farmers to the status of peasant or peon. The urban consumer, I believe, is for fair play and not economic discrimination.

Critics of this 1960 proposal have not produced any convincing arguments against it. They talk wildly of regimentation. The farmer who is losing his farm, or is reduced to a state of penury because of low prices, is the one that is regimented—not the farmer who participates in a farm program to determine his own destiny. According to some of the gentlemen on the other side of the aisle, this regimentation seems to consist of two-thirds of all the farmers participating in a referendum to determine what kind of a program they want.

What could be more democratic and more in the spirit of free enterprise? A referendum by farmers is no more undemocratic than a congressional election.

Mr. Chairman, I respectfully submit that this Congress has a pressing obligation to act to resolve the farm dilemma created by a bungling administration. I likewise submit, respectfully, that the Family Farm Income Act of 1960 merits support and enactment as a practical, workable and fair means to resolve this dilemma—a dilemma which is costly to the farmer and the American taxpayer.

Anderson Independent Praises Russell Speech

EXTENSION OF REMARKS
OF
HON. HERMAN E. TALMADGE
OF GEORGIA
IN THE SENATE OF THE UNITED STATES
Monday, April 4, 1960

Mr. TALMADGE. Mr. President, in its issue of April 1, 1960, the Anderson (S.C.) Independent featured an editorial praising and endorsing the recent address before the Senate by my distinguished senior colleague [Mr. RUSSELL] in which he warned that continuation of attacks upon private property by organized pressure groups will result in national anarchy. I concur in the conclusions of this editorial which is entitled, "Senator RUSSELL Lays It on Line in Warning to All Americans," and I ask unanimous consent to have the text of it printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SENATOR RUSSELL LAYS IT ON LINE IN WARNING TO ALL AMERICANS

Senator RICHARD B. RUSSELL of Georgia told his colleagues in no uncertain terms that the planned attacks upon private property rights by the NAACP and its allies will result in nationwide anarchy if upheld by the Ike-Warren Supreme Court.

The Senator's remarks will stand as a milestone in the continuing battle of reasonable Americans to safeguard the liberties of our people.

Thurgood Marshall, the chief of the NAACP's highly paid legal army, has announced that every fine levied against Negro demonstrators at lunch counters will be appealed on up to the U.S. Supreme Court.

Marshall said the NAACP lawyers "are in agreement that use of public force either in the form of arrest by the police or conviction by the courts is in truth State enforcement of private discrimination and is in violation of the 14th amendment."

Senator RUSSELL said that "in the simplest terms, it is claimed that if a person refuses to do business with a Negro, the Negro has the right under the 14th amendment to take possession of the business of such person and he has no legal remedy."

Further, the Georgian pointed out, that under this twisted NAACP interpretation, "If any person undertakes to assert the unchallenged right, long enjoyed under existing law, to do business with whomever he chooses to the exclusion of a Negro citizen, it is claimed that his property may now be taken away or withheld by a group of trespassers. Under this contention, the equal protection clause of the 14th amendment denies the property owner any police protection whatsoever."

He wonders eloquently just "how fantastic we can get in groveling before the ever-increasing demands for special privilege asserted by the National Association of Colored People and their lawyers?"

In the "climate of equality" rampant in Ike's Washington, and in view of the Supreme Court's sociological decisions so far removed from the true meaning of the Constitution, it could be that the NAACP view will be upheld.

If that happens, Senator RUSSELL warns, they will have succeeded in having the Court rewrite the 14th amendment so as to read:

"No State shall be permitted to protect the property or other rights of a white person contrary to the wishes of a Negro."

Further, the NAACP construction "can be used to deny the right of property to any white citizen of this country. Under this construction, no white person can claim equal protection of the laws if any Negro desires to invade his property. Marshall even contends that no policeman can intervene to protect private property rights in cases where they are challenged by a Negro."

If the owner of a property has no right to invoke the police power to protect his property, what are his rights?

"Must," inquires Senator RUSSELL, "he surrender his property to any casual trespassers who might claim discrimination?

"If he is to be denied the police protection that he is taxed to create, what will happen if he employs a guardian to protect his property?

"Under the common law, the owner of property is entitled to use such force as is necessary to repel unwanted trespassers from his property.

"Under the common law, the owner of a business establishment is entitled to do business or refuse to do business with any other person as he sees fit."

What happens if this right is denied?

"This," the Georgia leader declared, "will be a throwback to the Stone Age and the law of the jungle. This means the destruction of the police power of the State to protect citizens who have violated no law. This is what we are told that the Supreme Court should decide our sacred Constitution to mean.

"What a travesty. This is neither equality nor equal protection of the laws. This is special privilege. This is anarchy."

And anarchy it would be.

The 14th amendment—as the Senator reminded some of his colleagues who seem to have forgotten—does not deal exclusively with the rights of Negroes. The words "race" or "color" are not used.

"It may be surprising to some," he said, "to learn that this provision is supposed to protect the life, liberty, and property of white citizens equally with the Negro."

What does this mean? It means that if the NAACP view prevails, any group—white or Negro—would invade any place of business, any industrial plant, any home, or any private property whatsoever—and be immune from prosecution.

Let the citizens of all other States look to themselves at this grave hour. If it is "legal" for trespassers to take over private property in the South, they can do so anywhere in the United States.

"One of the outstanding differences between our system and the Communist is the right of property that free Americans enjoy," Senator RUSSELL pointed out, and he charged that Communists who would change our form of government have seized upon the present "hate-the-South" campaign as a wedge for knocking out all property rights.

Senator RUSSELL called upon all candidates for presidential nominations to take their stands, saying:

"If the people who own property are to be denied the protection of the police power of their States and communities are compelled to resort to the law of the jungle to protect their property, let them be told it now from the candidates for the Presidency—one of whom will appoint future Justices of the Supreme Court."

This is a timely and proper demand. The answers will be of vital importance to all Americans. Senator RUSSELL has laid it on the line in no uncertain terms. Let us hear the answers from presidential aspirants.

Buy American

EXTENSION OF REMARKS
OF
HON. ROBERT W. LEVERING
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Monday, April 4, 1960

Mr. LEVERING. Mr. Speaker, I wish to make reference to certain remarks I made on the floor on March 29 concerning my profound feeling with reference to the protection of our American industry and our people against foreign competition. In my address, I specifically cited the case of the Plymouth Locomotive Works of the Fate-Root-Heath Co., a fine small business located in my congressional district, which is faced with losing an order for 39 towing locomotives for the Panama Canal to the Mitsubishi Co. of Japan.

It seems that on the same day certain remarks were made in the other body which indicate a fundamental misunderstanding of the facts surrounding this procurement. I have reference to the concern expressed lest foreign bidders feel mistreated if their bid be disqualified. In this connection, I feel that a fine American small business has already been mistreated.

It should be noted that the present invitation to bid, issued by the Panama Canal, is the second invitation issued covering the same equipment. The Plymouth Locomotive Works has expressed great concern with respect to the preferential treatment accorded the foreign bidder in the rebidding. This bidder while not technically responsive to the first bid invitation, was permitted to participate in the rebid, thereby receiving nearly 90 additional days in which to prepare a new responsive proposal.

At this point, I feel it is well worth our while to consider the background and surrounding circumstances relative to this procurement. Approximately 1 year ago the Panama Canal Company had two representatives call at the plant of the Plymouth Locomotive Works in an effort to obtain ideas and proposals regarding their requirements for new modern towing locomotives and locomotive cranes. It would appear that recognition should be given to the technical engineering and consultation provided, without remuneration, by the Plymouth engineering staff. Plymouth sent engineering personnel to the Canal Zone and designed at their own expense a locomotive which meets all requirements. A prebid conference was held in Panama and two of the Plymouth representatives attended this meeting. Prior to this meeting neither the Japanese nor any other prospective bidders had ever been to Panama to study the problem in any detail.

On August 28, 1959, the first bids were opened in Panama. Mitsubishi of Japan was low bidder, but did not meet the technical requirements of the bid invitation and thereby were disqualified. Fairbanks Morse was the next low bidder, but Plymouth was the lowest bidder that met, or exceeded, all significant requirements of the specifications.

After a meeting of the Board of Directors of the Panama Canal Company in the Pentagon in October, the Panama Canal Company officials offered to negotiate with the two low responsive bidders. Plymouth offered a substantial price reduction and allowed an official survey of their plant facilities to be made by a member of the Army Engineers. This gentleman submitted a favorable report to the Panama Canal Company and Plymouth was led to believe that they would be awarded a contract on a negotiated basis, since they were most nearly responsive to the Canal Company's requirements. However, approximately 10 days later all bidders were notified that all bids were rejected "for varying degrees of nonresponsiveness." Plymouth was never given an official explanation of why their first bid was rejected. They were never told on what details their proposal failed to meet specifications.

In December 1959 new invitations to bid were issued by the Panama Canal Company. The locomotive described in the new specification was fundamentally an exact copy of the locomotive offered by Plymouth in their first proposal.

At this point, through some misunderstanding of policy, Panama Canal Company officials in Panama allowed the technical portions of Plymouth's first bid to be opened for inspection by their competitors. This gave the competitors the advantage of studying the Plymouth design in detail. This also put Plymouth at a disadvantage in that they would have to again quote the same locomotive lowering their price to try to compete with a low foreign bidder who had been given over 90 days to prepare a new responsive proposal. We must keep in mind that this foreign bidder also had an opportunity to inspect the Plymouth specifications.

On February 12, 1960, the new bids were opened in Panama. Mitsubishi was low bidder, but had raised their price by approximately $1 million. Plymouth was the low domestic bidder and had lowered their price approximately $1 million by cutting costs and profits to an absolute minimum. After evaluation of the bids,

it was determined that both Plymouth and the Japanese were technically responsive.

No mention was made in the other body of the fact that Plymouth is a small business employing less than 250 people, and are bidding in this instance against the Mitsubishi combine of Japan, one of the world's largest monopolies with one of the world's cheapest labor supplies.

A further point which was passed over is the fact that Federal, State, and municipal tax revenue which will be lost if this contract is awarded to a foreign bidder will more than equal the difference between the two bids in question.

It seems to me that one of the most vital factors to be considered in the awarding of this contract should be the availability of and access to an assured source of supply for spare parts, maintenance, and service. This consideration takes on added significance when it is related to the strategic importance of the Panama Canal to our national defense, as well as to the orderly conduct of shipping and commerce.

From my own personal knowledge, I am aware that there is a critical labor situation building up in the Plymouth area. This fine small company desperately needs this order, since it has already found it necessary to cut back to a 35-hour week and to dismiss some of its help.

I think it would be well for our colleagues in the other body and for the administration to first make sure that American industry is being treated fairly and accorded every consideration which it deserves. In keeping with this policy and with the present efforts of our Government to halt outflows of vital gold reserves, it would seem that this contract, amounting to almost $5 million, should be awarded to the low domestic bidder.

Newsletter

EXTENSION OF REMARKS
OF
HON. E. Y. BERRY
OF SOUTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 4, 1960

Mr. BERRY. Mr. Speaker, under leave to extend my remarks, I include the following newsletter under date of April 4, 1960:

An unwieldy and unguided Congress is slowly lumbering through the 2d session of the 86th Congress with the spenders in complete control of both Houses. Strangely enough, however, the leadership is unable to muster sufficient strength to put its centralizing budget-busting plan through either House as an overall program.

The result of this inability has been that the leadership is moving like a shifty football quarterback, taking one bill for an end run, one through the line, one on a backfield lateral, and one on a long forward pass. All this maneuvering is being done while the cheerleaders on the sidelines carry on a propaganda barrage through the newspapers, radio, and television to condition the people of the Nation for the next spending play.

It should be pointed out again that it is the Congress, and not the administration, that is wholly responsible for the spending program of the Federal Government. Congress enacts the laws, the administration merely administers the laws Congress passes. It should also be pointed out again that since 1955 President Eisenhower has had only one Republican-controlled Congress, the 83d. The 84th, 85th, and 86th have been Democrat controlled, and in the present 86th Congress the Democrat majority is almost 2 to 1, with every committee in both Houses controlled by almost 2 to 1. All bills and all legislation are under the complete control of the Democratic Party.

The questionnaire I recently mailed out to each boxholder in western South Dakota indicates that a large majority of the people of our State favor less spending, less Government regulations and controls, balanced budgets and greater economy.

Various groups and organizations have tabulated the votes and records of all Members of Congress. In order that you may know how your Representatives in Congress have been voting on measures that vitally affect you as a citizen and a taxpayer, I am setting out the voting record as tabulated by three of such organizations.

CIVIC AFFAIRS ASSOCIATES, INC.

The first is the tabulation of an independent survey organization known as Civic Affairs Association, Inc., an organization staffed by men formerly associated with the U.S. Chamber of Commerce. They chose 11 votes out of 87 rollcalls cast in the House last year, which in their judgment were the 11 most basic votes insofar as maintaining the free-enterprise system is concerned.

These votes include: Vote No. 19, to reduce grants-in-aid to States for airport construction; No. 34, sustaining the Presidential veto of bill placing final REA loan authority in Administrator rather than Secretary of Agriculture; No. 39, to eliminate features lessening protection of taxpayers' investment in TVA; No. 49, to eliminate "backdoor spending" for housing subsidies; No. 50, to keep expenditures for public housing at budget levels; No. 60, increasing Federal grants for constructing municipal sewage disposal plants; No. 72, to reduce by 5 percent the public works appropriation bill; No. 102, to curtail Federal preemption of State authority; No. 130, to substitute the Landrum-Griffin labor reform bill for the committee bill; No. 164, authorizing President to increase interest rates on long-term Government bonds when necessary to finance Federal debt; No. 174, motion to override President's veto on second public works bill.

In this analysis a "plus" represents the economy vote, a "minus" represents a free-spending vote.

House rollcalls—Key votes

	Airports	REA veto	TVA	Backdoor spending (housing)	Housing	Sewer construction	Public works	Smith bill	Landrum-Griffin	Interest rates	Public works veto (2d)
Rollcall No.	19	34	39	49	50	60	72	102	130	164	174
South Dakota (by congressional district):											
1. McGovern (Democrat)	−	−	−	−	−	−	−	−	−	−	−
2. Berry (Republican)	+	−	+	+	+	+	+	+	+	+	+

CONGRESSIONAL QUARTERLY

The second is the tabulation compiled by the Congressional Quarterly, an independent publishing company of Washington, D.C., whose purpose is to report facts on Congress and to Congress. Since the publication is copyrighted, it cannot be duplicated in full text.

The Congressional Quarterly, however, took 29 rollcall votes cast in the 1959 sessions, the outcome of which would clearly mean an increase or decrease in Federal spending. On these votes in support of moves to limit spending, the percentage was: McGOVERN, 0 percent; BERRY, 83 percent. On the percentage of 29 economy-issue rollcalls in the 1959 session, which were in opposition to moves to limit Federal spending, the percentage was: McGOVERN, 90 percent, BERRY, 10 percent.

ADA COMPILATION

The Americans for Democratic Action, an ultraliberal organization supported in a large part by Walter Reuther, made a compilation of the voting record on issues supported by them. In making their report they point out: "The voting record is offered as a guide for liberals in judging the performance of their Congressman on issues of importance." Then they report votes on nine of the issues they supported.

Vote No. 1—Hawaiian statehood; No. 2—authorize TVA to issue bonds; No. 3—provide direct Treasury financing for public housing and urban renewal; No. 4 for public housing authorization and urban renewal; No. 5—Foreign Aid program; No. 6—reject States rights antipreemption bill; No. 7—reject move to upset Supreme Court Mallory decision; No. 8—against substitution of Landrum-Griffin labor reform bill; No. 9—to establish a food-stamp plan in United States.

Of this a plus vote is a vote which ADA believes to be in harmony with liberal policies, a minus vote is one which ADA believes to be contrary to liberal policies.

	1	2	3	4	5	6	7	8	9
South Dakota:									
1. McGovern	+	+	+	+	+	+	+	+	+
2. Berry	+	−	−	−	−	−	−	−	−

Several organizations such as the Committee on Political Education (COPE) of the AFL–CIO, for instance, prints a voting record in every election year showing whether the Member of Congress voted "right" or "wrong" on the basis of what top labor leaders lay down as policy.

SOUND PROGRESS

Sound progress should be the primary purpose of every man's life. Sound progress is a source of strength. But progress is not sound unless it is based on sound financing.

As I previously indicated, it is the Congress which controls the purse strings of the Nation. Congress determines all Federal income through the exclusive power to levy taxes and it controls all Federal spending through the exclusive right of appropriation.

On June 30, 1959, Representative CLARENCE CANNON, Democrat of Missouri, chairman of the House Appropriations Committee, placed in the CONGRESSIONAL RECORD, volume 105, part 9, page 12307, a tabulation of the decline in the purchasing power of the dollar between 1939 and 1959. Of course, his purpose

was not to demonstrate this point, but I would call your attention to the fact that in only 2 of the 20 years did the value of the dollar increase. Those 2 years were 1949 and 1955. These are the years following the only Republican-controlled Congresses since 1932. The 80th Congress in 1947 and 1948 balanced the budget and made substantial payments on the national debt. The dollar value increased. The 83d Congress in 1953 and 1954 again balanced the budget and reduced the national debt, again increasing the value of the dollar.

In 1939 the national debt was $40 billion. In 1959 it had climbed to $295 billion, the result of 24 deficits in 29 years. Half of these deficits were incurred during years when we were fighting neither war nor depression.

It may surprise you to know that the greatest increases in this period were not for military or foreign aid. They were in domestic-civilian programs which during the past three Congresses have increased nearly 83 percent.

Subsidies and inflation feed on each other and both of them feed paternalism and centralization of power in a strong Federal bureaucracy. This was the very thing our forefathers fought the Revolutionary War to free themselves from to establish a system of local and State control.

Federal control and spending are the foundation of most of our trouble. Easy money through Federal paternalism, and an economy which is continually doped up with inflation, created by living on borrowed money, will never produce national strength. These things are destructive of character and initiative, both for the individual and his government.

Don M. Leary, Sr., a Dedicated Employee of the Federal Government

EXTENSION OF REMARKS
OF
HON. CHET HOLIFIELD
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 4, 1960

Mr. HOLIFIELD. Mr. Speaker, there are more than 2,300,000 civilian employees of the Federal Government. Today, I will speak briefly about one Federal employee from that great number.

Although I often hear disparaging remarks about the average Federal employee, from my personal experience I find them, in most instances, undeserved. During my 17 years as a Member of Congress, I have had occasion to make many requests for governmental services from many Federal employees. As a member of the Post Office and Civil Service Committee for many years, I have listened to and read a great amount of testimony from legislative representatives of Federal employee groups.

I am convinced our Federal employees represent the most efficient, the most loyal, and dedicated group of employees in the world. I would challenge any great private industry to match the capabilities and the high standard of character possessed by our Federal employees.

In February 1943, as a freshman Congressman in Washington, I moved my family to a house in nearby Alexandria, Va. We soon became acquainted with our next door neighbors, Mr. and Mrs. Don M. Leary, Sr., and their son and daughter. Mr. Leary had been employed by the Federal Government some 8 years at that time. In the summer of 1945 he started working at the National Airport as an operating engineer in the air-conditioning and heating department. He was dedicated to his family and his job. For the past 15 years he has worked at the airport and he has become the superintendent of his department.

Hours of work meant nothing to Don Leary. I know he was on call day and night for emergencies of different kinds at the airport.

Don began the week of April 4, 1960, like all the previous weeks for 25 years, with a heavy schedule of work. He had reached the age of 69 in March of this year, but he worked with the vigor of a man of 40. His hours of work were long each day of that week. On Friday, April 8, Don worked his full day; went home for dinner and then returned to the airport where he worked until midnight.

On Saturday, April 9, he left for work at the usual hour of 8 a.m. and worked until 1:30 p.m. At about 1:30 p.m. Don crawled into a large new air conditioning duct to inspect the work of his men. One of the younger men asked to be allowed to crawl into the pipe to do the inspection job for him, but Don wanted to be sure everything was perfectly done and insisted on doing the job personally.

We do not know what happened exactly. His men heard him call to them—then silence. Don Leary's devotion to his work ended at that moment. His crew lifted him from the air duct. He was unconscious and almost immediately his heart beat no more. Later, the doctor's autopsy revealed his sudden death was caused by an acute coronary attack.

Don Leary could have retired with a pension 4 years ago, but he chose a different course. He loved his work and respected his responsibility for the safety and comfort of the millions who rush through the crowded corridors of our great national airport each year.

When Don Leary's labors ceased he had an accumulated sick leave of more than a thousand hours. He was entitled to take those hours off with full pay on the many days when he did not feel so well, but he never did. A person who does not understand love of one's work, nor dedication to the job which needs to be done, might say that Don was foolish. They might say Don should have used those hours for rest, a rest to which he was entitled.

His family will receive no compensation for his more than a thousand hours of sick leave. They are lost forever to Don and his family. However, they represent only a small part of that extra loyalty which one Federal employee gave to his employer, his family, and to the best ideals to which most of our Federal employees subscribe.

Don Leary was a quiet man with the dignity that comes from goodness. He bore no high-sounding title, but his life of love for his family and his dedication to his work gave him a high measure of respect and love from hundreds of fellow workers and friends who grieve because he walks no more among us.

In the sadness of his passing, like all those who were privileged to know him, I feel a deep sense of pride in knowing he considered me a friend.

There are many Federal employees who possess the same type of loyalty and devotion to their work. Whether they knew Don Leary or not, they can be proud their fellow employee, Don M. Leary, Sr., lived the life he lived and set the example he set for all of us to follow.

Depressed Areas Legislation

EXTENSION OF REMARKS
OF
HON. JOHN P. SAYLOR
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 4, 1960

Mr. SAYLOR. Mr. Speaker, the policies of government are sometimes most difficult of interpretation. Without challenging the basic philosophy of foreign aid at this time, I cannot understand how or why the application of this beneficence should under any circumstances supersede consideration for our own people. America stands ready to provide the funds for a powerplant in the Middle East, a highway in South America, a steel mill in Europe, or a railroad in Asia, yet there is no response when representatives of seriously depressed regions of the United States ask for a medium of stimulating the economy of these areas.

Several millions of Americans may be unemployed, yet the United States will go on and on bestowing cash so that foreign nations may purchase—wherever in the world they may chose—automobiles, generators and other electrical apparatus, machine tools, coal, petroleum products, glass, aluminum products, chemicals, textile products, mining equipment, paper products, leather goods, and a myriad of other items that may be in surplus awaiting purchase here at home. When one of our many charity agencies exhausts its annual allowance, a loan office of convenience will be established to assure continuance of the flow of dollars abroad.

For years we have had pockets of heavy surplus labor in Pennsylvania and a number of other States, but getting a very small percentage of the sum lavished on foreign countries to provide employment for these unfortunate Americans is perennially denied us.

Mr. Speaker, is it asking too much of the Democratic leadership in the House to permit us the opportunity to vote on a depressed area bill? We have waited patiently in line while our foreign friends march by and have the cash ladled out to them. Should not Americans be given just one turn through the turnstile? Our people are not looking for handouts, but just a chance to get back to earning a living.

Leader in Conservation Twice Honored

EXTENSION OF REMARKS
OF
HON. HENRY ALDOUS DIXON
OF UTAH
IN THE HOUSE OF REPRESENTATIVES
Monday, April 4, 1960

Mr. DIXON. Mr. Speaker, C. J. Olsen, retired leader in intermountain forest conservation for 39 years, is being twice honored for his outstanding services: First, by the Subcommittee on Forests of the House Committtee on Agriculture; and second, by a testimonial banquet given by a board representing fire conservation-concerned organizations in Utah.

The tributes to Mr. Olsen by the Forests Subcommittee and the announcement of the banquet in the Salt Lake Tribune follow:

MARCH 22, 1960.

Mr. CHESTER J. OLSEN,
Ogden, Utah.

DEAR MR. OLSEN: It has been brought to our attention that you are resigning for health reasons, effective April 1, from your position as Utah parks director.

We regret that the Nation must lose such an able administrator who has dedicated 38 years to forest preservation, the last 7 of which were as chief of the 30 million acre intermountain region, and the last year or two to the establishment of an ambitious Utah park system.

The committee greatly appreciates the fairness you have shown in handling the multiple-use principle of the forests. We have found that the public and all users of the forests are almost in unanimous agreement on your statesmanlike adjudication of the many conflicting interests.

We have been continually impressed by your dedication to the conservation of our Nation's natural resources and your outstanding research on the preservation of watersheds.

In addition to all of this, we have found you to be a real friend and particularly appreciated your hospitality on our trip west.

Our committee joins your family and many friends in wishing for you a speedy recovery and hopes that your health may yet permit many happy and productive years.

Sincerely,

Forests Subcommittee: GEORGE M. GRANT, Chairman; JOHN L. MCMILLAN; LESTER R. JOHNSON; D. R. (BILLY) MATTHEWS; W. PAT JENNINGS; HAROLD B. MCSWEEN; CLIFFORD G. MCINTIRE; HENRY A. DIXON; CHARLES M. TEAGUE; CATHERINE MAY.

P.S.—This letter is written as a result of a resolution passed by the Subcommittee on Forests of the House Committee on Agriculture.

[From the Salt Lake Tribune]

BOARD TO CITE OGDENITE ON FORESTRY

LOGAN.—Receiving the annual forest conservation award during Utah Conservation Week will be C. J. Olsen, Ogden, former intermountain regional forester for the U.S. Forest Service, and until recently director of the Utah State Park and Recreation Commission.

Mr. Olsen will receive the award April 8 at a conservation banquet. The award is annually presented to one who has made an outstanding contribution to forest conservation in Utah.

He was chosen by a board representing five conservation-concerned organizations in the State.

From 1919, when he became a ranger in Nevada, Mr. Olsen held numerous forestry positions including regional forester, until his retirement in 1957.

After his retirement from the Forest Service, Mr. Olsen became the first director of the Utah Park Recreation Council. He is now retired from that post.

He received Utah State University's distinguished service award in 1956.

A West Virginian Proves American Ingenuity Is Not Dead

EXTENSION OF REMARKS
OF
HON. KEN HECHLER
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 4, 1960

Mr. HECHLER. Mr. Speaker, today we hear many stories about the lassitude and softness in American life, the loss of our drive and incentive, the decline of rugged individualism.

Particularly singled out for criticism are our younger people, who are said to be without ambition or sense of purpose.

I do not believe this is true—and I would like to call the attention of the House to a shining example that refutes the claims that young Americans no longer can control—or want to control—their own destinies and to make a name for themselves on their own.

A young man from my district, in less than 10 years, starting with a minimum education and absolutely no venture capital, has parlayed his talents and energy into the presidency of a growing electronics and telemetry firm.

And while doing this, he has contributed several valuable developments to our Nation's defense efforts in one of its most critical areas—the science of missilry and missile communications. I believe his success story is worthy of attention.

His name is Wheeler McKendree "Mack" Turner, and he is now only 32 years old. Many of my senior colleagues may remember his father, the late Maj. Francis Turner, who served as assistant to my able predecessor in this seat, the Honorable M. G. Burnside.

Mack, like the young Edison, found academic studies too regimented and confining for his imaginative mind. He did well in school, but preferred to think, tinker, and experiment in his own way. He completed less than 2 years at Marshall College in Huntington, W. Va., before his first invention—a small and highly efficient television antenna—was placed on the market.

Mack left school to work on the promotion and manufacture of the antenna. The small antenna did not prove a commercial success, however—because, as Mack tells it, people regarded a big, unwieldly television antenna on their roofs as a status symbol in those early days of TV—and the business failed, leaving Mack without an income and in debt.

Mack, then living in Milton, W. Va., in my district, decided at that time to move into the mushrooming aircraft and missile industry.

With his wife and child, he loaded all his belongings into an old car and headed west to an uncertain future, not really much unlike the pioneers who trekked westward in frontier days, determined to carve a better life for themselves.

In Texas, he applied for a job at an aircraft plant, and despite the lack of an engineering degree, insisted he be allowed to take engineers' qualification and aptitude tests. He scored so high that he was hired as an engineer.

He stayed on here for a time, learning and absorbing all he could about the intricate communications and electronic systems then being built for supersonic aircraft. But the rigidity of corporation life did not appeal to him, so he transferred to California at a time when the field of missilery was just opening up in earnest.

At a California aircraft plant, Mack began studying the science of telemetry, and recognized the vast benefit to our Nation's strength which could be reaped if accurate, swift systems of communication between earth and a missile in flight could be developed.

After a few years of study, theorizing, testing, and plenty of good hard work in his own garage, Mack unveiled a telemetry system which cut to a tenth the former time required to receive, decode, and assess the signals emitted by a missile.

This was a great contribution to the development of communications in the infant missile industry, and Mack won high praise and reward for his invention.

His profit from this "decommutator" system enabled him at last to throw himself headlong into his favorite subject—full-time research in communications.

With the support and encouragement of a small electronics firm in Santa Barbara, Mack began a program of research which already has meant a great deal to our country's defense effort.

Just recently, he contracted to furnish some of his devices for the most thrilling and promising American space experiment in process today—Project Mercury, which one day will put the first American into space.

In addition, he is near to perfecting a modulating system which will clear away static and any form of interference in radio communications and bring in a human voice loud and clear. This device holds tremendous potential for our air age, for it has widespread application for both civilian and military aircraft. He also is hard at work on further telemetry refinements.

Mack in the meantime has organized and become president of his own firm, Astrometrics, Inc., of Santa Barbara. I expect one day we shall hear even more from this small firm, for its founder is determined to bring about more advancements to make our country more prosperous and strong.

As a member of the House Science and Astronautics Committee, Mr. Speaker, I can attest that America needs all the Mack Turners it can find. In the deadly serious race for missile supremacy and the conquest of space, young men with his devotion and energy are at a premium, and they ought to be encouraged wherever possible to experiment and dream in an atmosphere of freedom and lack of pressure.

As a West Virginian, I am proud of this man's success and achievements—although I am sorry that since West Virginia is ignored and bypassed by the Defense Department in the allocation of contracts and installations, he could not make his mark in his home State. But I am glad to see this young man doing so much to prove the West Virginians still are characterized by perseverance, independence of action, and high ingenuity.

Young men like Mack Turner prove the American dream, the American spirit of adventure are not dead.

Dakota Territory Centennial

EXTENSION OF REMARKS
OF
HON. GEORGE S. McGOVERN
OF SOUTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 4, 1960

Mr. McGOVERN. Mr. Speaker, next year, 1961, marks the 100th anniversary of the establishment of the Dakota Territory.

South Dakota and other States comprising the original Dakota Territory will be commemorating this centennial year.

Believing that a matter of such historical importance should be recognized by the U.S. Government, I am today introducing a resolution calling upon the President to designate 1961 as the Year of the Dakota Territory Centennial.

The text of my resolution is as follows:

HOUSE CONCURRENT RESOLUTION 653

Whereas the year 1961 marks the one hundredth anniversary of the establishment by President Lincoln of the Dakota Territory of the United States of America, comprising the States of South Dakota, North Dakota, Wyoming, Montana, and Minnesota; and

Whereas recognition of the territorial government in 1861 was one of the most significant milestones in America's history in that it symbolized the new and greater strength of the pioneers who settled in this area and signaled the beginning of a century which was to be one of continuous and rapid progress; and

Whereas the centennial will commemorate the history these early settlers lived and recorded, along with the progress of the people and the communities since that early beginning; and

Whereas this anniversary is to be commemorated with ceremonies, celebrations, and festivals in the State of South Dakota and other territorial States; and

Whereas all the people of the United States should be given an opportunity in educational, religious, business, agricultural, labor, and governmental units to participate in this historic observance; Therefore be it

Resolved by the House of Representatives (the Senate concurring), That the President of the United States is authorized and requested to issue a proclamation designating 1961 as the Year of the Dakota Territory Centennial and calling upon all citizens to join in commemorating the early pioneers who came by covered wagon to develop this area that now holds a position of greatness in our Nation.

The Federal Government and the Cities

EXTENSION OF REMARKS
OF
HON. CHESTER BOWLES
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Monday, April 4, 1960

Mr. BOWLES. Mr. Speaker, one of the most stimulating and courageous speeches delivered in Washington in recent weeks was given by the distinguished senior Senator from Pennsylvania, JOSEPH S. CLARK, at the George Washington University on March 28. His speech, entitled "Toward National Federalism," was one of a series on the subject "The Federal Government and the Cities." I do not recall reading a more incisive or more challenging analysis anywhere of the central problem of bringing the structure of American government into line with the realities of 20th century American life.

Going directly to the heart of the fiscal problems now distorting Federal, State, and local relations, Senator CLARK probes behind the cliches and commonplaces of our current political debates. His appeal is directed squarely at all thoughtful Americans who wish to be honest with themselves and with public policy.

Clarity and candor are not in abundant supply in our national life today, but we can all be grateful to this speech and this speaker for giving us both. Under leave to extend my remarks, I include Senator CLARK's speech as follows:

TOWARD NATIONAL FEDERALISM

When we examine the picture of local governments in America, we see three trends:

First, metropolitan areas are expanding rapidly across city, county, and State lines.

Second, local budgets, tax rates, and bonded debt are shooting steadily skyward.

Third, despite these increases, the level of public services is far from satisfactory, and is in many cases dangerously deteriorating.

From these last two facts, we can draw a fundamental conclusion: That many billions of dollars must come from somewhere to raise the level of public services up to where it ought to be.

I am not going to pause long to argue the case for a higher level of public services. The need is obvious to anyone who looks about him.

Consider education. The White House Conference on Education estimated that the amount spent on education at all levels should be doubled in 10 years—from $20 to $40 billion annually. We are not gaining on the backlog of school construction needs. Teacher salary scales have been declining for years in relation to the rest of the community. The capacity of higher education institutions is not keeping pace with the number of able students who should be admitted.

Or consider housing. The Census Bureau found in 1956 that 13 million urban housing units were substandard—and about half of these are not even fit for rehabilitation. The Rockefeller Brothers Fund puts the urban renewal need at about $3 billion a year, or about seven times the current rate of renewal.

Or consider the losing fight our cities are waging against juvenile delinquency—or the inadequacy of public recreation—or the kind of traffic jams every one of us encounters in going to work in the morning—or the poison in our streams and rivers. As Senator FULBRIGHT said the other day, we have toilet water at every drugstore and polluted streams in nearly every State.

Of course, there are always those who do not consider the deterioration of public service to be any kind of crisis.

But not all Americans, thank heaven, are indifferent. Some of us are fond of reiterating Mr. Justice Holmes' comment that "taxes are the price we pay for civilization." The mark of a civilized society is its concern for the common good as distinct from the individual good—a shared sense of responsibility for the larger community beyond the family and the tribal boundary.

My remarks today are addressed only to the civilized. Those who feel no distress at the appalling inadequacy of public services—or who think the ultimate purpose of an economy is to produce more consumer goods—may leave the room or permit their minds to wander. I have no message for them.

The first question is, How did the distribution of our resources come to be so distorted that we who boast the highest level of luxury consumption the world has ever known must be ashamed of our public schools, our public playgrounds, and our public welfare services?

I think there are two reasons:

First, the organization of local government is obsolete.

Second, the revenue structure of local government is obsolete.

Our units of local government—our cities, counties, townships—are with a few conspicuous exceptions, essentially the same as when the Nation was established.

And the basic revenue source of local government—the property tax—is fundamentally unchanged from colonial times, even before there was a United States of America.

Meanwhile, of course, we have passed through social and economic revolutions. A rural Nation has become an urban Nation. Metropolitan areas have spread pellmell across city, county, and State lines. A localized economy has become a national economy. The old America with its wealth and income in land has become an expense-account, diner's-club, charge-a-plate, no-down-payment, stock-option, capital-gains economy.

We will solve the problem of providing adequate local public services when we evolve new concepts of federalism in line with the realities of modern life—and not until then.

Let me speak first about finance.

There are some deficiencies in local government that more money alone will not cure—but few that can be cured without money.

Why are local budgets inadequate? Is it a lack of willingness to tax, or a lack of real resources? Undoubtedly some of both, but the latter is more important than the former.

The conservative organs of opinion are full of dire claims that it is Federal spending which is breaking the back of the American taxpayer. Yet the figures indicate otherwise:

Since 1946, Federal revenues have risen by 74 percent, which is considerably less than the economy has grown. But State and local revenues have more than tripled. The Federal Government still collects 63 percent of all tax revenues—but this is down from 77 percent in 1946.

Federal tax rates are high, but State and local tax rates have risen steadily, while Federal taxpayers have enjoyed tax reductions—the last one in 1954.

Since 1946, Federal indebtedness has risen 5 percent. But State and local debt has risen 309 percent—or 62 times as fast.

Clearly it is not the Federal taxpayer but the State and local taxpayer who is under the greatest strain.

Many units of local government have already reached the practical limit of their tax resources. Others would reach that

limit long before they could, unaided, lift the level of public services to the point where public needs are truly met. This is especially true in areas of heavy unemployment, where the need for public services is greatest.

Seven of every eight local tax dollars are still collected from the real property tax. That tax was perhaps well suited to colonial America when almost all wealth was in real property and most income came from the land. Land by its nature was spread evenly across the country; each political subdivision had its share. A tax levied on a man's real estate measured quite accurately his relative ability to pay. Only a small fraction of wealth was in intangibles which escaped taxation.

Today, the situation is reversed. Today only a fraction of total wealth is represented by equities in real property. A poor man or a middle-class suburbanite, it is true, may have all his accumulated wealth in his mortgaged home. He will thus be taxed on his entire wealth, at least, and ordinarily on somewhat more property than he actually owns. Indeed, with a VA loan he may begin paying taxes when he has no equity at all. In some of our more modest suburban subdivisions, I suspect, the total property tax base exceeds the net accumulated wealth of everybody in it.

But the man who is better off—who has accumulated additional wealth—will have then additional wealth largely in a safety deposit box, in the form of stock certificates, or bonds, or other intangibles. And the local property tax does not penetrate the secret confines of the safety deposit box.

In short, while the rich man pays local property taxes on what may be a tiny fraction of his accumulated wealth, the average-income man pays on what may be 2 to 10 or more times his accumulated wealth. As it affects individuals, a more inequitable tax system could hardly be devised. And because the property tax is thus inversely related to ability to pay, its limit is reached early—when it strikes too hard at the resources of the lower-and-middle-income groups who bear the brunt of it.

Corporations, of course, pay their share of property taxes. But with the growth of large concentrated industries, corporate real property is distributed most unevenly across the land. One of the largest industrial plants in the world, located in my Commonwealth, pays property taxes to only one small school district. It does not contribute to the support of the schools to which most of its employees send their children, because they live across the district line.

Faced with the defects and limitations of the property tax, local governments have found two other broad based taxes—the wage tax and the local sales tax. But together they provide less than 10 percent of local tax revenue, and both, like the property tax, are regressive in their effects. The wage tax is levied upon the entire income of the wage earner but only a part of the income of the higher bracket person who has earnings from dividends or rent or interest as well as salary. And the sales tax is ill-suited for local application because of competition between city and suburban merchants.

So much for local taxes. Every State of the Union, by now, has recognized their limits and is providing some State money for the provision of local services. In some States, more than half the State budget consists of local grants. Yet what kind of taxes do the States rely upon?

Over half of all State tax revenue now comes from sales and excise taxes, which, as I have said, are regressive.

In my own Commonwealth, our sales tax has just been raised to 4 percent. It is hard to believe that it can be pushed much higher. Yet we are still forbidden by our constitution from levying a progressive income tax. And every effort to change the constitution has been defeated.

The competition among the States to get and keep industry within their boundaries is so keen—and particularly so as long as we continue to tolerate a less-than-full-employment economy—that no State dares shift the burden to progressive taxes.

Some years ago, Governor Williams, of Michigan, proposed a new corporation tax to pay for education. The following day, General Motors announced that if the tax were passed GM would never build another plant in Michigan. Within a matter of hours, other auto manufacturers had joined in this campaign of blackmail. The reaction of the State legislature was predictable.

In Wichita, Kans., a city election turned on whether an industrial area should be deannexed from the city because of reports that the packing company located there would move elsewhere if it had to pay its share of city taxes. The packing company won.

This year, the State of Mississippi cut the top bracket of its personal income tax from 6 to 3 percent. The announced purpose? To persuade business executives to move their plants and come to live in Mississippi.

Industrial journals these days publish comparisons of the "business climate" in the several States. What this euphemism means is the extent to which the corporations and their executives escape taxation.

I personally doubt that industry would flee wholesale from a State that raised its business or individual income taxes, but it can certainly threaten to—and ordinarily the threat suffices. Certainly the chance of getting new industry is adversely affected if a State develops the reputation of having an adverse "business climate." So State governments, like local governments, are putting greater and greater loads upon limited, regressive, and inequitable tax structures.

The Federal tax system, by contrast, is well adapted to a modern industrial economy. Its corporate and individual income taxes seek out the main earning streams of the economy, wherever they happen to be located. General Motors could conceivably flee from Michigan to escape Governor Williams' tax, but it cannot flee the United States. If the corporation executive is enticed to locate in Mississippi, he may escape New York's heavier income tax but his Federal tax liability goes with him. The industrial plant I spoke of may not pay much property tax to its school districts but it pays half its income to the United States. And the Federal tax system makes no distinction between income invested in property and income invested in paper encased in a safety deposit box.

I hasten to add that, year after year, loopholes and inequities have been written into the Federal tax laws, to favor the same corporations, investors, and executives who have so successfully fought State taxation. Yet these can be corrected. And even with its faults, the Federal tax structure is still highly progressive and adapted in general to the realities of the organization of a modern industrial society.

Let me summarize at this point. I have suggested three conclusions:

First, spending for public services, particularly in metropolitan areas, must continue to increase.

Second, many States and communities have reached or are approaching the practical limit of what can be raised through existing State and local tax structures.

Third, the Federal tax structure is far more productive, far more equitable, and under far less strain.

From these three propositions a fourth flows automatically. The Federal tax system should be used to an increasing degree to finance services which have been heretofore strictly State and local.

You may ask: Isn't there an alternative? Cannot Federal tax sources be relinquished to the States to permit them to finance the functions themselves?

As a former mayor, I can testify that the organized mayors and the organized Governors never ask for Federal aid until they have first demanded that the Federal Government return tax sources which it has usurped so that the States can take care of themselves. Indeed, the Joint Federal-State Action Committee was recently created for the express purpose of identifying taxes and functions that could be returned—or, to use a more accurate word, abandoned—to the States. The utter failure of that committee to find either should be enough to persuade discerning people that it can't be done. Yet I note that Mr. Robert Merriam, who preceded me upon this platform, expects the new Commission on Intergovernmental Relations to undertake the self-same mission of futility.

My fourth proposition is, I admit, heretical. The deliberate expansion of Federal aid runs counter to all that all of us learned in school about the concepts underlying American federalism. It runs counter to what Mr. John Kenneth Galbraith calls the "conventional wisdom." Decentralization, home rule, local self-reliance, government close to the people, States rights, "that government is best which governs least"—all of the slogans and symbols of the American tradition are against my proposition.

Of course, we often act in accord with my proposition. But we do not openly acknowledge it.

Thus we disguised our 1958 education act as the National Defense Education Act. Similarly, when the Federal Government took over a 90 percent share of the cost of our major highways, it was also in the guise of national defense—even though the Defense Department just now found out that the bridges on the new highways will not clear its military vehicles.

Another disguise is to call our aid programs temporary emergency measures. Thus the National Defense Education Act carries a 4-year limit. The general aid to education bill the Senate passed this year only received the winning margin of votes when we put a 2-year limit on it. The Airport Act, the Stream Pollution Control Act, the Hill-Burton Hospital Construction Act, the Urban Renewal Act, all carry time limits, on the theory that thus no permanent damage is being done to our traditional concept of federalism.

Any one of you who could spend a day going through a Senator's incoming mail would be surprised at the incessant repetition of the States rights cliches. Writer after writer, particularly those writing under business or professional letterheads and editors of smalltown newspapers, demands that the Federal Government stay out of education, housing, or what have you, and let the States and cities take care of themselves.

Their views are derived from chamber of commerce bulletins, trade associations or bank newsletters, civic club speeches, and all the newspapers and magazines which collectively may be termed the "organs of plutocratic opinion". And these in turn publicize such authorities as Budget Director Stans, who in his recent widely reprinted speech said, "We carry on massive Federal programs which States and local governments could do better."

You may be wondering, don't these people, all the way from Mr. Stans to the local businessman, understand the stringent limits on State and local taxes and the great superiority of the Federal tax system?

The answer is: Of course they do. Nobody understands it better.

That is what the shouting is all about.

I realize that it is not considered quite nice to refer in America to anything like a "class struggle." That is too Marxian. In America, it is considered nicer to pretend that, "What's good for General Motors is good for the country."

Yet the tax issue is at heart a class issue. The brunt of Federal taxation falls upon the corporations and the upper-income families. State and local taxes fall far more heavily upon the average-and-lower-income families.

My Republican colleague in the Senate from Pennsylvania loves to point out that under Federal-aid programs, Pennsylvania taxpayers pay more than Pennsylvania gets back. Hence, he argues, they pay more than they would if the State itself paid for the service. But what he does not point out is that it is not the same taxpayers. The breaking point in our State is about $6,000 in family income. Even though we pay more than we get back, families under $6,000—and that is about two-thirds of our families—pay less when programs are financed through Federal aid. It is only the one-third with incomes above that level who pay more.

This is what the great political issue between the "spenders" and the "savers" really amounts to.

When we passed the aid-to-education bill, the same editorials which attacked the Senate as "reckless" and "extravagant" admitted that the money for education must be spent.

Then why do they hate the Federal Government so and love local governments so? Is it truly a reverence for the ideas of Thomas Jefferson? Is it a genuine affection for the town meeting and government close to home? Is it a sincere belief that city councils and school boards are inherently wiser than the Congress?

Not at all. These are smokescreens. They hate the Federal Government and love local government because the former taxes them heavily and the latter lightly. Federal aid redistributes the wealth downward. A shift of responsibility to the States would redistribute the wealth upward. It is that simple.

The corporations and high-income taxpayers own the journals of opinion; they control the taxpayers' leagues and the business organizations; they finance the civic club lecture circuits; they even influence, I am afraid, some of the colleges and universities which they help finance. Through all these means they create the conventional wisdom about Federal-State-local relations.

Fortunately, there are voices on the other side. The cry of States rights is not being shouted by progressive Governors concerned about the level of public services. Local self-reliance is not being praised by mayors who have seen that only the Federal Government can make real the vision of urban renewal. Local autonomy is not defended by educator groups and parent-teacher associations who know how local tax limits can limit the horizons of education.

Those who support Federal aid are, I believe, the authentic voices of democracy. And the issue is one older than our country—whether democracy or plutocracy shall govern.

An essential aspect of my proposal for expanded Federal aid is that administration of these programs should, to the maximum extent, remain local.

In this regard, I am a traditionalist. I do not believe that local governments will always make wiser decisions as to how money should be spent. But the reverse is certainly true, also. And I do believe that if the details of local programs are reviewed in Washington the relationship will tend to become unworkable.

In the recent Senate education bill, we wrote in a flat prohibition against Federal control of any kind over curriculum or any other phase of school operations. We were attacked, of course, by those who said that despite this protestation Federal control was inevitable. I was also challenged by a Pennsylvania editor who said school districts should be supervised because otherwise they would waste the Federal money.

I disagree with both points of view.

As long as there is a substantial local financial stake in the total spending, the local share can be designed so as to remove any incentive toward waste.

We do make a mistake, I believe, if we use the equivalent of a cost-plus-percentage contract. The interstate highway program is a case in point. In that program, the effective point of decision on matters affecting costs is in the States, yet the Federal Government pays 90 percent of the total cost. Thus, for every $1,000 that costs are increased, $900 comes into the States from the Federal Government. This positive incentive to higher costs will, I am afraid, embroil the highway program in scandal sooner or later—if indeed it has not done so already.

The urban renewal program has a one-third local share, plus careful Federal review and approval of individual projects. So far, both the Scylla of waste and the Charybdis of onerous Federal review procedures have been avoided—although the accumulation of redtape must constantly be guarded against.

Our education bill proceeds on still another theory. Money is allocated to the States according to a fixed formula, the only requirement being that the States increase their contributions also. Because the Federal share is fixed, the marginal expenditures are financed 100 percent by the States and local school districts. Any savings accrue wholly to them, and any waste comes wholly out of their funds. Under these circumstances, I do not see the need for any Federal control at all, beyond a minimal reporting for accounting purposes. While every program differs, I think we should move in the direction of fixed grants, as in this bill, given without controls.

It is noteworthy, I believe, that of all aid programs the highway program has the largest Federal proportion, while education is scarcely yet accepted as a Federal responsibility. This distinction can be assuredly traced to the fact that major business interests—not mere children—are the direct or indirect beneficiaries of highway building. Principles about States rights yield readily to self-interest, even among the plutocracy.

Perhaps Federal aid must be authorized separately for particular programs—at least for a while—in view of the readier acceptability of some functions of Government. But I believe we might well look toward the eventual development of grants not restricted as to purpose, as is now the case in some foreign countries and in some States.

The essential point in constructing our new federalism—which we might call "national federalism"—is to look separately at taxing and spending. Revenues should be collected preponderantly at the Federal level because a national tax system can best tap an economy that is national in its character. But where decision making can best be made at the local level and national uniformity is not essential, then the scheme should be so designed that—as in our education bill—the money can safely be distributed to the States and localities for administration. The Swiss system, whereby all taxes are, I believe, collected centrally and then shared among all levels of government, deserves our careful study.

I shall deal more briefly with the second great handicap to the provision of local public services—obsolete organization—because most of its aspects do not come under the heading of federalism.

The problems have been oft described. Numerous, overlapping governmental units—most of them too tiny to be effective in dealing with metropolitan problems; the irrational pattern of State boundaries, which alice through rivers and valleys and metropolitan areas; the absence of any layer of government coterminous with the metropolitan areas; the proliferation of special purpose authorities; obsolete city charters; outmoded political machines—these defects are generally beyond action at the Federal level, although there may be an occasional avenue through which the Federal Government can exercise influence. We might, for example, borrow the "workable program" idea for urban renewal and make certain grants or loans conditional on the development of a workable program on a metropolitan scale. If this were the case in regard to Federal aid for mass transit, the financial incentive might force the municipalities that comprise a metropolitan area to get together for effective areawide transit planning. Water development, which can be rationally organized only by river basins, surely demands greater Federal participation, which might be conditioned on new forms of organization among the States and their local governmental units.

The States, likewise, cannot be reformed from Washington. Urban underrepresentation in State legislatures; obsolete State constitutions; limited tax structures—these can only be dealt with by the people of the several States. But there is this safety valve: If the States cannot be made effective participants in dealing with metropolitan problems, they can always be bypassed—as they have been, generally, in such fields as housing and urban renewal.

But what we at the Federal level can do is reorganize the Federal Government itself for purposes of the new federalism. Our structure, too, is obsolete. A visitor from another planet, studying the makeup of our Government, would surely conclude that ours is still a rural nation. We have a Department of Agriculture, with a budget of $6 billion. We have a Department of the Interior concerned with millions of acres of empty land. But we have no department of the Government concerned with the problems of the metropolitan areas where most of our people live and where the need for expansion of public services is so heavily concentrated.

I have prepared and will introduce this week legislation to create a Department of Housing and Metropolitan Affairs, to consist of the present Housing and Home Finance Agency, which would be given, in addition to its operating functions, a general role as spokesman within the Government for urban communities.

I have reviewed the attack which Mr. Merriam made upon proposals for a new department. With all due respect to Mr. Merriam, I must say that he indulged in the old trick of setting up a strawman and then knocking it down. He ridiculed the idea of putting the Federal Aviation Agency, the Bureau of Public Roads, the Bureau of Public Assistance, and the Corps of Engineers in a Department of Urban Affairs. But I know of nobody who has made any such proposal.

Under my conception, these functions of Government which serve the whole population, urban and rural, would remain in their existing departments. Assigned to the new Department would be only functions which relate directly and either exclusively or predominantly to cities and metropolitan areas, and these have already been clustered in an agency which is bigger than several of our existing departments—the Housing and Home Finance Agency. This Agency administers not only the programs to spur homebuilding, but such generalized urban programs as urban renewal, loans for community facilities, and aid to urban and metropolitan planning.

You may ask, why a department? Why not a coordinating committee such as Mr. Merriam advocated?

Frankly, because we need a vital center of thought and action, and—again with all due respect—committees just are not suited to that purpose. A committee is the sum of its members, nothing more. It has no life of its own. What is needed is an executive and a staff with a broad responsibility for studying the problems of metropolitan areas and for thinking creatively about the role of the Federal Government in the solutions. If no member of the committee has such responsibility, then the committee will not have it. A committee can, in Mr. Merriam's illustration, make sure that the highway builders have been introduced to the urban renewal administrators, but it can do little more.

The cities of America need a voice at the summit equal in status to the voice of agriculture. A Department headed by a Secretary is suited to that purpose. A committee, consisting of 20 busy men taking time out periodically for a meeting or a quick luncheon together, is hardly a suitable substitute.

An alternative suggestion, advanced by Louis Brownlow among others, has more merit. That is to create an agency in the Executive Office of the President with staff of its own and with a planning and coordinating responsibility. Yet it is my experience that the most productive planning is that which is closely associated with the vitality of action programs. An agency which daily administers planning grants, urban renewal and slum clearance, public housing, and community facility loans can best nourish the creative thinking that is the missing ingredient.

Let us promote the Housing and Home Finance Agency to Cabinet level and rename it a Department of Housing and Metropolitan Affairs, with a broad charter to concern itself with the problems of metropolitan living and to conduct research, develop ideas, and initiate legislation and program recommendations. If there were still need for Mr. Merriam's committee or for a coordinating unit in the Executive Office of the President, I would see no objection. But I suspect that once the Secretary of Housing and Metropolitan Affairs were seated at the Cabinet table, the demand for additional coordinating mechanisms would quickly disappear.

The great weakness of democracy, and the ever-present threat to its survival, is political lag. A dictatorship can quickly remold its institutions, save only the institution of dictatorship itself; a democracy cannot. A democracy inevitably lumbers along, therefore, with outmoded and creaky machinery. Unfortunately, short of a crisis it rarely modernizes its machinery. But those who see the need cannot do other than keep trying.

Our traditional concept of federalism—outmoded in the last century by the nationalization of our economy and in this century by the urbanization of our society—is a case of political lag which urgently deserves our attention. I hope that university communities such as this one, located here in the Nation's Capital, will assume leadership in rethinking and reshaping our concepts of federalism to accord with the realities of modern life.

SENATE

TUESDAY, APRIL 5, 1960

The Senate met at 10 o'clock a.m., and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O God, our Father, as in the pavilion of prayer at the day's beginning we fling open the shuttered windows of our darkened lives to the flooding light of Thy love, enable us, in the tasks committed to our hands, to reflect some broken rays of Thy glory. Teach us by the adventure of faith how to be victors over life, and not victims of the forces we encounter; and that to live victoriously, we must have a faith fit to live by, a self fit to live with, and a cause fit to live for. Grant us such a vision of our world, with its appalling need, as to make us sharers with Thee in saving it from the worst that is in man, to the best that is in Thy plan for all mankind when Thy kingdom comes.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Monday, April 4, 1960, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the bill (S. 1185) to provide for the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 1062) to amend the Federal Deposit Insurance Act to provide safeguards against mergers and consolidations of banks which might lessen competition unduly or tend unduly to create a monopoly in the field of banking, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 5726. An act for the relief of Hood County, Tex.;

H.R. 10550. An act to extend the Export Control Act of 1949 for 2 additional years;

H.R. 10978. An act to provide for the settlement of claims against the United States by members of the uniformed services and civilian officers and employees of the United States for damage to, or loss of, personal property incident to their service, and for other purposes;

H.J. Res. 208. Joint resolution providing for participation by the United States in the West Virginia Centennial Celebration to be held in 1963 at various locations in the State of West Virginia, and for other purposes;

H.J. Res. 397. Joint resolution to enable the United States to participate in the resettlement of certain refugees; and

H.J. Res. 602. Joint resolution authorizing the President to proclaim the week in May of 1960 in which falls the third Friday of that month as National Transportation Week.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated:

H.R. 5726. An act for the relief of Hood County, Tex.;

H.R. 10978. An act to provide for the settlement of claims against the United States by members of the uniformed services and civilian officers and employees of the United States for damage to, or loss of, personal property incident to their service, and for other purposes;

H.J. Res. 208. Joint resolution providing for participation by the United States in the West Virginia Centennial Celebration to be held in 1963 at various locations in the State of West Virginia, and for other purposes;

H.J. Res. 397. Joint resolution to enable the United States to participate in the resettlement of certain refugees; and

H.J. Res. 602. Joint resolution authorizing the President to proclaim the week in May of 1960 in which falls the third Friday of that month as National Transportation Week; to the Committee on the Judiciary.

H.R. 10550. An act to extend the Export Control Act of 1949 for 2 additional years; to the Committee on Banking and Currency.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour; and I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Aviation Subcommittee of the Committee on Interstate and Foreign Commerce and the Production and Stabilization Subcommittee of the Committee on Banking and Currency were authorized to meet during the session of the Senate today.

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Committee on Foreign Relations and the Veterans Affairs Subcommittee of the Committee on Labor and Public Welfare were authorized to meet during the session of the Senate today.

On request of Mr. MANSFIELD, and by unanimous consent, the Subcommittee on the Problems of the Aged and Aging of the Committee on Labor and Public Welfare was authorized to meet during the session of the Senate tomorrow.

EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the new report on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. If there be no reports of committees, the new report on the Executive Calendar will be stated.

U.S. TARIFF COMMISSION

The Chief Clerk read the nomination of Glenn W. Sutton, of Georgia, to be a member of the U.S. Tariff Commission, for a term expiring June 16, 1966.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

NOTICE OF JOINT MEETING OF THE TWO HOUSES TOMORROW TO HEAR ADDRESS BY PRESIDENT ALBERTO LLERAS CAMARGO OF COLOMBIA

Mr. JOHNSON of Texas. Mr. President, I should like to announce, for the information of the Senate, that on Wednesday next, that is, tomorrow, at 12:30 p.m., the Senate will join the Members of the House of Representatives in a joint meeting to hear an address by President Alberto Lleras Camargo, of Colombia. I want all Members to be on notice that we expect to go as a body to the House Chamber in order to hear an address by this Latin American leader.

The PRESIDENT pro tempore. Morning business is in order.

MEDICAL CARE FOR THE AGED—RESOLUTIONS

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a series of resolutions adopted by organizations in the State of New York protesting against the enactment of House bill 4700, the Forand bill, relating to medical care for the aged.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION OPPOSING FORAND BILL (H.R. 4700) OR ANY SIMILAR TYPE BILL

Whereas there is now before the U.S. Congress a bill known as H.R. 4700 (Forand bill) which would provide certain medical care services to the social security beneficiaries; and

Whereas the problems concerning the aging population are not limited to medical care alone but involve housing, environment, and other socioeconomic factors; and

Whereas the existence of problems concerning any segment of the population does not inevitably require intervention by the Federal Government to provide a solution, particularly when voluntary health insurance plans are meeting the needs of the people; and

Whereas with Government paternalism must also come Government supervision and direction; and

Whereas because of the outstanding work that has been done by capable and patriotic organizations in New York State, there is no one in the State who has sought medical care who has not received it regardless of economic circumstances; and

Whereas it has been amply demonstrated in New York State that the problems concerning the aging can be met at the county, city, and State levels without Government interference and domination: Now, therefore, be it hereby

Resolved, That the Nassau-Suffolk Pharmaceutical Society goes on record as strongly opposing the enactment of the Forand bill, or any bill of a similar type; and be it hereby further

Resolved, That this opposition be made known to the Congressmen of the First, Second, and Third Congressional Districts, the two U.S. Senators from New York, and Hon. WILBUR MILLS, chairman, House Ways and Means Committee, House Office Building, Washington, D.C.

RESOLUTION OF THE NASSAU SURGICAL SOCIETY TO PRESERVE OUR AMERICAN FREE ENTERPRISE SYSTEM OF MEDICAL CARE

(Unanimously adopted at a regular membership meeting of the society held at Garden City, N.Y., on March 22, 1960.)

Whereas there is now in existence a plan known as H.R. 4700 (Forand bill) to put the Federal Government into the business of controlling and dominating medical care for the senior population of this country; and

Whereas the evidence presented to date concerning problems of the aging is neither complete nor conclusive, and may contain misinterpretations and misrepresentations; and

Whereas it has not been fully proved that the voluntary health insurance plans which are growing at a remarkable rate have not and cannot meet the needs of the aging population; and

Whereas the bill would set up a system whereby a Federal agency would establish arbitrary standards for medical care and dictate fees and charges; and

Whereas the law would destroy the doctor-patient relationship: Now, therefore, be it hereby

Resolved, That the Nassau Surgical Society is vigorously and unalterably opposed to H.R. 4700; and be it hereby further

Resolved, That the Nassau Surgical Society's opposition to this bill, or any other bill of similar type, be brought to the attention of our New York State Congressmen, our two U.S. Senators, as well as the chairman of the House Ways and Means Committee.

STUART T. ROSS, M.D.,
President.

RESOLUTION OF ROME CHAMBER OF COMMERCE OPPOSING THE FORAND BILL (H.R. 4700)

The Rome Chamber of Commerce, although recognizing a need for our senior citizens in the field of medical care, does not believe that the Forand bill is realistic nor sound for the following reasons:

1. It assumes all senior citizens are in need of aid. Benefits would be provided regardless of social need.

2. Cost of administering the program has no relationship to actual taxes paid, therefore threatens the financial stability of the social security program.

3. Since it does not provide cash benefits, as the present Social Security System does, the claimant has no freedom of choice as to doctor, hospital, or nursing home.

Therefore, the Rome Chamber of Commerce recommends further action on this bill await a complete study of the needs of our senior citizens scheduled in 1961 at the White House Conference on the Aging, as authorized by legislation in 1959.

RESOLUTION OF WOMAN'S AUXILIARY TO THE MEDICAL SOCIETY, COUNTY OF QUEENS

Whereas efforts to place the practice of medicine under governmental control are increasing each year; and

Whereas amendments to the social security law are the favorite instruments for those who favor governmental medicine; and

Whereas the Forand bill (H.R. 4700) is the 1960 version of the continuing efforts of the proponents of governmental medicine; and

Whereas the bill would set up a system whereby a Federal agency would set arbitrary standards for medical care and dictate fees and charges; and

Whereas the doctor-patient relationship would be seriously impaired, if not destroyed; and

Whereas it would put the Federal Government into an area of health care with which it is not equipped to cope; and

Whereas it would be most difficult, if not impossible, to provide the best medical care under a Government dominated program, which the passage of the Forand bill, or any bill of a similar type would bring about: Now, therefore, be it hereby

Resolved, That the members of the Woman's Auxiliary to the Medical Society, County of Queens, marshal all their resources for the purpose of preventing the enactment of the Forand bill, or any bill of a similar type; and be it further

Resolved, That a copy of this resolution be sent to Senator JACOB K. JAVITS, Senator KENNETH B. KEATING, and Hon. WILBUR MILLS, chairman, Ways and Means Committee, House of Representatives.

RESOLUTION OF HIGHLAND HOSPITAL OF ROCHESTER, N.Y.

Whereas the voluntary health insurance program in this country has shown remarkable progress in recent years; and

Whereas there now is before Congress a proposal known as H.R. 4700 (Forand bill) to provide certain health care services for social security beneficiaries under Government control and domination; and

Whereas the enactment of the Forand bill into law would mean further increases in social security taxes which are constantly rising each year; and

Whereas it would put the Federal Government into an area of health care with which it is not equipped to cope; and

Whereas the problems concerning the aging are not limited solely to medical care but involve many other segments to our economic and social life: Now, therefore, be it hereby

Resolved, That the Highland Hospital Staff Auxiliary calls attention of Congressmen OSTERTAG and WEIS, Senators JAVITS and KEATING and Hon. WILBUR MILLS, chairman, House Ways and Means Committee, House Office Building, Washington, D.C., to the fact that it is vigorously opposed to the Forand bill, or any other proposed law of the Forand type; and be it hereby further

Resolved, That copies of this resolution be forwarded to these legislators with the urgent request that they take action against the Forand bill.

IMPORTATION OF WOMEN'S FINE

Senators Jacob Javits and Kenneth Keating;

S. 3336. A bill to help restore the balance

The bill (S. 3331) to provide for the

ator from Illinois [Mr. DIRKSEN]. I in-

Senator HICKENLOOPER's second bill pro-

IMPORTATION OF WOMEN'S FINE LEATHER DRESS GLOVES—RESOLUTION

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution adopted by the board of supervisors of Fulton County, N.Y., relating to the importation of women's fine leather dress gloves.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION 60

Whereas the National Association of Leather Glove Manufacturers, Inc., made an application to the U.S. Tariff Commission for relief under the escape clause of section 7 of the Trade Agreements Act of 1951, requesting that a quota be set on the import of women's fine leather dress gloves; and

Whereas the U.S. Tariff Commission made a decision that relief under such escape clause was not warranted and denied such application; and

Whereas the glove manufacturing industry accounts for 70 percent of all manufacturing employment in Fulton County; and

Whereas 95 percent of all of the domestic production of women's fine leather dress gloves is manufactured in Fulton County; and

Whereas Fulton County is rated by the U.S. Bureau of Employment in groups E and F (that is, "jobseekers considerably in excess of job opportunities" and "jobseekers substantially in excess of job opportunities"); and

Whereas as of January 14, 1960, there were in Fulton County 3,660 people unemployed out of a labor force of some 20,000 people; and

Whereas the average gross weekly earnings of gloveworkers is $48.91 per week as against an average of $81.08 per week for industrial workers in the State of New York; and

Whereas the cost of home relief has increased from $76,469.99 in 1957 to $104,998.75 in 1958; and

Whereas the cost of aid to dependent children has increased from $147,755.40 in 1957 to $205,148.95 in 1958; and

Whereas self-help activity in Fulton County has been vigorous and that in the last 5 years 4 new industries have settled in Fulton County, such efforts are canceled out by 10 of our own glove factories being forced out of business in the same period; and

Whereas in 1946 there were 152 glove factories in Fulton County, as against 76 in 1956, and as against 65 at the present time; and

Whereas in 1950 there were produced in Fulton County 259,000 dozen dress gloves as against 137,000 dozen in 1958; and

Whereas from 1950 to 1959 the ratio of imports to domestic production of table and pattern cut gloves has jumped from 29 percent to 150 percent; and

Whereas Fulton County has for many years been regarded as a distress area; and

Whereas the people of Fulton County have felt the effects of such distress not only to their financial well-being but their confidence in the future of Fulton County as a place for themselves to live and bring up their families is seriously affected: Now, therefore, be it

Resolved, That the Board of Supervisors for the County of Fulton, N.Y., hereby go on record as protesting the decision of the U.S. Tariff Commission to the effect that the import of women's fine leather dress gloves are not being imported in such a quantity as to warrant the relief requested by the National Association of Leather Glove Manufacturers, Inc., and let it be further

Resolved, That a copy of this resolution be forwarded to the U.S. Tariff Commission; Senators Jacob Javits and Kenneth Keating; Representative Stratton; and to Gov. Nelson Rockefeller; and to any and all other persons who may be in a position to exert any influence in this regard; and let it be further

Resolved, That the Fulton County Board of Supervisors go on record asking the aforesaid Senators, Congressmen, and Governor to initiate and sponsor any and all legislation necessary to protect the leather glove industry of Fulton County and the people therein.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD of Virginia, from the Committee on Finance, without amendment:

H.R. 8649. An act to continue for a temporary period the existing suspensions of the tax on the first domestic processing of coconut oil, palm oil, palm-kernel oil, and fatty acids, salts, combinations, or mixtures thereof (Rept. No. 1233); and

H.R. 9820. An act to extend the period during which certain tanning extracts, and extracts of hemlock or eucalyptus suitable for use for tanning, may be imported free of duty (Rept. No. 1234).

By Mr. BYRD of Virginia, from the Committee on Finance, with amendments:

H.R. 9307. An act to continue for 2 years the suspension of duty on certain alumina and bauxite (Rept. No. 1235).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S.J. Res. 162. Joint resolution authorizing the Secretary of the Interior during the calendar years 1960 and 1961 to continue to deliver water to lands in certain irrigation districts in the State of Washington (Rept. No. 1236).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BIBLE (for himself and Mr. CANNON):

S. 3331. A bill to provide for the allocation of portions of the costs of Davis Dam and Reservoir to servicing the Mexican Water Treaty, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 3332. A bill to permit certain service performed by employees of the Walker Irrigation District, of Yerington, Nev., to constitute "employment" for purposes of the insurance system established by title II of the Social Security Act; to the Committee on Finance.

(See the remarks of Mr. BIBLE when he introduced the above bills, which appear under separate headings.)

By Mr. ELLENDER (by request):

S. 3333. A bill to amend the act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton, as amended, by defining certain offenses in connection with the sampling of cotton for classification and providing a penalty provision, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. BEALL:

S. 3334. A bill to authorize the Secretary of the Navy to lease certain facilities of the United States to the Board of Management of the Temporary Home for Soldiers and Sailors; to the Committee on Armed Services.

By Mr. HICKENLOOPER (for himself, Mr. LAUSCHE, and Mr. DIRKSEN):

S. 3335. A bill to amend the Soil Bank Act, as amended, and the Agricultural Act of 1956, as amended; and

S. 3336. A bill to help restore the balance between the production of and the market demand for wheat, and for other purposes; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. HICKENLOOPER when he introduced the above bills, which appear under a separate heading.)

RESOLUTION
SELECT COMMITTEE ON FEDERAL SUBSIDIES

Mr. LAUSCHE submitted a resolution (S. Res. 300) establishing a select committee to be known as the Select Committee on Federal Subsidies, which was referred to the Committee on Interstate and Foreign Commerce.

(See the above resolution printed in full when submitted by Mr. LAUSCHE, which appears under a separate heading.)

ALLOCATION OF PORTIONS OF COSTS OF DAVIS DAM AND RESERVOIR TO SERVICING THE MEXICAN WATER TREATY

Mr. BIBLE. Mr. President, on behalf of myself and my colleague, the junior Senator from Nevada [Mr. CANNON], I introduce, for appropriate reference, a bill providing for the allocation of portions of the costs of Davis Dam and Reservoir to servicing the Mexican Water Treaty.

The Davis Dam project was authorized in April 1941 under the provisions of the Reclamation Project Act of 1939. The principal purposes of the project are to furnish supplemental power for the Southwest, to afford reregulation of the Colorado River flows in coordination with the fluctuating releases from the Hoover Dam powerplant, and to service the terms of the U.S.-Mexican Water Treaty of 1944, which provides for a metered delivery of certain waters beyond the boundaries of the United States. The project also contributes to flood control, navigation improvement, irrigation and municipal water supplies, reduction in silt pollution, recreation, wildlife protection and related conservation purposes.

On August 14, 1957, the Senate Interior and Insular Committee filed its report No. 868, accompanying S. 33, an identical measure. Therein it was stated:

> It is the view of the committee that Congress, when it agreed to the Mexican Water Treaty of 1944, recognized that a reasonable share of the construction costs of Davis Dam should be charged to servicing the international agreement. Obviously, it was not contemplated that these costs should be borne by the power users within the United States who will, through rates fixed under reclamation law, repay the remaining construction costs in 50 years, with interest.

As sponsors, we thoroughly agree that the power consumers are, therefore, entitled to the relief provided by this proposal.

The PRESIDING OFFICER (Mr. LONG of Hawaii in the chair). The bill will be received and appropriately referred.

The bill (S. 3331) to provide for the allocation of portions of the costs of Davis Dam and Reservoir to servicing the Mexican Water Treaty, and for other purposes, introduced by Mr. BIBLE (for himself and Mr. CANNON), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

TO PERMIT CERTAIN SERVICE BY EMPLOYEES OF WALKER RIVER IRRIGATION DISTRICT, NEVADA, TO CONSTITUTE "EMPLOYMENT" FOR PURPOSES OF TITLE II OF SOCIAL SECURITY ACT

Mr. BIBLE. Mr. President, on behalf of myself and my colleague, the junior Senator from Nevada [Mr. CANNON], I introduce for appropriate reference, a bill to permit certain service performed by employees of the Walker River Irrigation District, of Yerington, Nev., to constitute "employment" for purposes of the insurance system established by title II of the Social Security Act.

The purpose of the proposal is to validate the wage credits of employees of this organization for the period for which contributions have been paid. From 1951 to 1960 the Internal Revenue Service accepted contributions on these employees on the premise that they were eligible for coverage under the act.

In 1959, as a result of the determination by the legal division of the Board, it was held that the coverage was not proper and the employer was requested to file applications for refund for the last 3 years of the covered period, and that coverage be canceled. The employer has concluded coverage, but requests that contributions heretofore paid be retained and credits allowed the employers. Since the initiation of the program employees have died, others have retired or have gone to other employment. Should the wage credits be canceled, elderly persons who are now or have been eligible to draw benefits will be cut off without the retirement they had anticipated would be available for their old age.

I am assured that the payments were made in good faith on the part of both the employer and employees. The only way that this matter can be equitably settled is by the passage of this proposed legislation.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3332) to permit certain service performed by employees of the Walker Irrigation District, of Yerington, Nev., to constitute "employment" for purposes of the insurance system established by title II of the Social Security Act, introduced by Mr. BIBLE (for himself and Mr. CANNON), was received, read twice by its title, and referred to the Committee on Finance.

A BALANCED WHEAT, FEED GRAIN, AND CONSERVATION PROGRAM

Mr. HICKENLOOPER. Mr. President, on behalf of myself, the Senator from Ohio [Mr. LAUSCHE], and the Senator from Illinois [Mr. DIRKSEN], I introduce, for appropriate reference, two bills, with reference to agriculture. One is the so-called wheat bill, and the other is the acreage reduction bill.

In brief, the acreage reduction bill proposes to eventually put into the conservation reserve a total of some 60 million acres, which will reduce the area of production in this country. The wheat bill proposes to adjust the wheat program in relation to other grains. The bills also have other purposes.

Mr. President, I ask unanimous consent to have printed in the RECORD, the statement which I am releasing in connection with these two bills, as a part of my remarks at this time, rather than take the time of the Senate to discuss the matter.

The PRESIDING OFFICER. The bills will be received and appropriately referred; and, without objection, the release will be printed in the RECORD.

The bills, introduced by Mr. HICKENLOOPER (for himself, Mr. LAUSCHE, and Mr. DIRKSEN), were received, read twice by their titles, and referred to the Committee on Agriculture and Forestry, as follows:

S. 3335. A bill to amend the Soil Bank Act, as amended, and the Agricultural Act of 1956, as amended; and

S. 3336. A bill to help restore the balance between the production of and the market demand for wheat, and for other purposes.

The release presented by Mr. HICKENLOOPER is as follows:

Senator BOURKE B. HICKENLOOPER, Republican, of Iowa, today introduced two bills designed to provide a balanced wheat, feed grain, and conservation program for the Nation's farmers.

The Iowa Senator, a member of the Committee on Agriculture and Forestry, said the objectives of his bills are to encourage market expansion for grains; to reduce production incentives for wheat; and to avoid shifting the burden of adjustment to producers of corn, other feed grains, and livestock, dairy, and poultry products.

Considerable adjustment in the wheat price support program is long overdue. Any and all change is painful to some of the people directly affected, Senator HICKENLOOPER said. In this connection, he emphasized the importance of the conservation reserve provisions of his bills, which he said will cushion the shock of these necessary adjustments.

The first of the Hickenlooper bills provides authority for the Department of Agriculture to continue to enter into contracts with farmers to retire cropland under the conservation reserve program.

Three annual increases of $65 million in conservation reserve funds are authorized by the bill. These funds would make possible the retirement of 5 million additional acres of cropland each year. Added to the 28 million acres now in the conservation reserve, the annual increases authorized in his bill provide for a total of 43 million acres being placed in the reserve by the end of 1963.

Although the launching of a new program inevitably is accompanied by difficulties, the conservation reserve gives evidence of being a very worthwhile program, Senator HICKENLOOPER said. Experience to date indicates that adjustment in farm production through the conservation reserve costs about half as much as it does under the old acreage allotment, price support, and storage program, he added.

Senator HICKENLOOPER's second bill provides for a further enlargement of the conservation reserve as a part of a new wheat program.

This bill provides for the elimination of wheat acreage allotments and marketing quotas beginning with the 1961 crop. Coupled with the removal of these restrictions on the operation of individual farms would be the establishment of wheat price supports based on the support level for corn, with adjustments for differences in weight, nutritive value, and buyer preference.

For the 1961 crop of wheat the price support would not be less than 120 percent of the price support for corn. It is presumed that the figure for future years would come close to maintaining this relationship; however, this is something that can be satisfactorily determined only on the basis of experience.

"The approach to adjustment provided for in these two bills allows the market system to function and permits relative prices to guide the production and distribution of individual farm commodities," Senator HICKENLOOPER said.

To cushion the impact of the elimination of acreage allotments and marketing controls and the reduction in the support level on farmers producing wheat and other feed grains, Mr. HICKENLOOPER's wheat bill authorizes a substantial further expansion of the conservation reserve program. Total land in the reserve would be raised to 60 million acres at the end of 1963. The Department of Agriculture would be directed to place greatest emphasis on signing conservation reserve contracts with farmers during the first year of this expanded program.

The net effect of the two Hickenlooper bills on the size of the conservation reserve program would be about as follows:

[In millions of acres]

Year	Proposed acres in regular program (1st bill)	Additional acres under wheat program (2d bill)	Total acres in reserve
1960	28		28
1961	33	9	42
1962	38	13	51
1963	43	17	60

Mr. HICKENLOOPER emphasized the necessity to provide adequate protection for all farmers from the competition of sales of accumulated wheat stocks by the Commodity Credit Corporation.

"Farmers seeking to produce for the market should not have to carry the extra burden of surpluses built up under past programs," Senator HICKENLOOPER said.

His bill provides that no wheat could be sold for domestic use by CCC at less than 150 percent of the effective support price, plus reasonable carrying charges.

Future foreign sales of wheat from CCC stocks under Public Law 480 (the Agricultural Trade Development Act) would be restricted to the average of such sales in 1957, 1958, and 1959, when a substantial portion of such sales came out of current marketings.

This would allow a similar share of future Public Law 480 export sales to be made from the current market, thus strengthening the market price received by farmers.

There would be no limit on foreign donations of CCC-owned wheat for famine and disaster relief.

The Senator said the special expanded conservation reserve program and the restrictions on CCC wheat sales are essential and integral parts of his wheat bill.

"This wheat program is fair to all," Senator HICKENLOOPER said.

"It offers the wheat grower both a realistic price and freedom to operate his own farm. Traditional wheat growers have a vital stake in this.

"It protects the producers of corn and other feed grains from the price-depressing effects of having subsidized wheat 'dumped' on their markets.

"It also protects livestock, dairy, and poultry farmers against the price-depressing effects of Government-subsidized feed grain production.

"It will give substantial relief to taxpayers by reducing the expense of the present farm program, under which storage costs for wheat total about $450 million per year and current wheat export subsidies amount to $264 million annually.

"It is consistent with good foreign relations."

Mr. HICKENLOOPER, who is also a member of the Senate Committee on Foreign Relations, emphasized that the wheat program proposed in his bill would not jeopardize the legitimate interests of nations which are customers of American wheat farmers and also our wheat-producing allies such as Canada and Australia.

"In this respect," he added, "it avoids the pitfalls of the three-price certificate plan for wheat which would, among other things, almost double the export subsidy rate for wheat.

"This legislation provides no direct subsidy payments to farmers," Senator HICKENLOOPER said.

"It does not invite our friends abroad to take harmful countermeasures against our own farm exports.

"It does not hurt any group of farmers in an effort to assist another group.

"It is consistent with the guidelines laid down by President Eisenhower in his special message.

"It should be and can be passed by Congress.

"Action in this field is overdue. Farmers, consumers, and taxpayers are demanding it.

"If Congress fails to act soon, the future of all farm price support programs will be endangered."

SELECT COMMITTEE ON FEDERAL SUBSIDIES

Mr. LAUSCHE. Mr. President, I submit, for appropriate reference, a resolution to establish a Senate select committee to be known as the Select Committee on Federal Subsidies.

There is not available anywhere a compilation of general and analytic information on the subjects of subsidies and subsidylike programs and special concessions in which the Federal Government is entrenched, and which in only the past several decades have involved the expenditure, directly or indirectly, of more than $100 billion, and now, relatively speaking, annually total many more known or unrevealed billions of dollars.

From the very limited material available on this general subject, it is impossible fairly and prudently to evaluate the effectiveness of the many subsidy and subsidy-like programs, either as to their possible curtailment or their expansion.

It appears that both subsidies and subsidylike programs were born of emergencies, and prudently would have expired at the expiration of the emergencies. Few have ceased to exist, however. Most of them are continuing, some far beyond the period of necessity.

Federal subsidies throughout the years have been expanded and broadened by the Congress without the benefit of a definite policy or formula, or without the benefit of data or other material on the history and analysis of the ultimate effect on the recipient, the Federal Government, or the taxpayer.

Mr. President, our interest in the subject of Federal subsidies, in which billions of dollars are annually involved, either through moneys given away directly or through moneys lost indirectly through tax dispensations, ought to be directed primarily toward an accumulation and documentation of the history of and the experience with all programs which fall into this category.

If the Congress and the executive branch had available to them documented reports on the history of the many programs of this type and analyses of their effects, they could more prudently and effectively determine their future courses of action, not only relative to existing subsidies, but also in evaluating the need for their continuation, and for future programs.

Mr. President, with world trade growing more competitive, our balance of payments fluctuating from plus to minus, our Federal expenditures reaching new peacetime peaks, and with the Federal Government entering into new services and programs, it now becomes imperative that we immediately review the past, in order that we may have the facilities and the recorded experience to enable us properly and prudently to guide our future course.

Mr. President, briefly, the composition of this select committee would be as follows:

It will be a 12-man committee, to be composed of 3 members of the Committee on Finance, 3 members of the Committee on Interstate and Foreign Commerce, 3 members of the Committee on Government Operations, and, finally, 3 members to be chosen at large from the Senate body, and who would not be members of any of the 3 aforementioned committees. The members who would represent the 3 committees would be chosen by the chairmen of those committees.

Mr. President, I ask unanimous consent that the text of this resolution be printed in the RECORD following my remarks.

The PRESIDING OFFICER. The resolution will be received and appropriately referred; and, without objection, the resolution will be printed in the RECORD, as requested by the Senator from Ohio.

The resolution (S. Res. 300) was referred to the Committee on Interstate and Foreign Commerce.

(See exhibit 1.)

Mr. LAUSCHE. Mr. President, I suggest the establishment of this select committee to study the subject of subsidies primarily because in the committees of which I am a member, and especially the Interstate and Foreign Commerce Committee, practically at every meeting some new proposed subsidy is mentioned, or some old Federal subsidy is mentioned with the suggestion that the subsidy be increased.

I have especially in mind the fact that the railroads of the United States, which for years have been without subsidies, have now come before the committee and are suggesting that the taxpayers of the United States must contribute to the railroads' funds, if those railroads are to continue to exist.

I think it is a grave problem. I think it has reached the stage where too many segments of our economy are saying to the taxpayers of the United States, "Unless you give, out of your pocket, as a donation to our industry, we cannot continue in existence."

If that course is to continue and to be followed, I humbly say to my colleagues on the Senate floor, and to the citizens of the United States, we are moving in the direction of governmental operation of our private industry. And if we are moving in the direction of governmental operation of our private industry, the day is not far removed when the attributes of our governmental operations will parallel the attributes of other governmental operations to which we do not subscribe.

We are moving gradually, constantly, into governmental operation of business. I do not subscribe to it.

I believe a study ought to be made so we shall know what we have done in the past and what we are heading into in the future.

Mr. President, I yield the floor.

EXHIBIT 1

SENATE RESOLUTION 300

Resolved, That (a) there is hereby established a select committee of the Senate to be known as the Select Committee on Federal Subsidies (referred to hereinafter as the "Committee").

(b) The Committee shall be composed of three members of the Committee on Government Operations, three shall be members of the Committee on Finance, three shall be members of the Committee on Interstate and Foreign Commerce, all such members to be designated by the chairmen of the respective committees, and three members shall be appointed by the President of the Senate from Members of the Senate who are not members of any such standing committees, and at least one member from each of the above committees and those appointed by the President of the Senate shall be selected from the minority membership thereof. The chairman of the Committee shall be chosen by the members thereof.

(c) Vacancies in the membership of the Committee shall not affect the authority of the remaining members to execute the functions of the Committee, and shall be filled in the same manner as original appointments thereto are made.

(d) The Committee shall adopt rules of procedure not inconsistent with the rules of the Senate governing standing committees of the Senate. A majority of the members of the Committee shall constitute a quorum thereof for the transaction of business, except that the Committee may fix a lesser number as a quorum for the purpose of taking sworn testimony.

(e) No legislative measure shall be referred to the Committee, and it shall have no authority to report any such measure to the Senate.

(f) The Committee shall cease to exist on January 30, 1962.

Sec. 2. (a) It shall be the duty of the Committee to conduct comprehensive study and investigation with respect to—

(1) the identity, nature, and effects of existing laws and programs of the Federal Government under which subsidies (including grants, payments, benefits, allowances, concessions, and relief in the nature of or having the effect of subsidies) are accorded to firms, enterprises, or organizations, or to classes of firms, enterprises, or organizations, engaged in or affecting the domestic or foreign trade or commerce of the United States;

(2) the extent to which each such subsidy is productive of public benefits commensurate with the cost or burden thereof; and

(3) legislative and other means whereby the cost or burden of such subsidies may be reduced or may be employed to greater public benefit.

(b) On or before January 30, 1961, the Committee shall transmit to the Senate a preliminary report concerning its activities and its findings and conclusions upon the subjects described in subsection (a). In January 1962 the Committee shall transmit to the Senate a final report of its findings and conclusions upon those subjects.

SEC. 3. (a) For the purposes of this resolution, the Committee is authorized to (1) make such expenditures; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; and (7) employ and fix the compensation of such technical, clerical, and other assistants and consultants as it deems advisable, except that the compensation so fixed shall not exceed the compensation prescribed under the Classification Act of 1949, as amended, for comparable duties.

(b) Upon request made by the members of the Committee selected from the minority party, the Committee shall appoint one assistant or consultant designated by such members. No assistant or consultant appointed by the Committee may receive compensation at an annual gross rate which exceeds by more than $1,200 the annual gross rate of compensation of any individual so designed by the minority members of the Committee.

(c) With the prior consent of the executive department or agency concerned and the Committee on Rules and Administration, the Committee may (1) utilize the services, information, and facilities of any such department or agency, and (2) employ on a reimbursable basis the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee thereof, the Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the Committee determines that such action is necessary and appropriate.

(d) Subpenas may be issued by the Committee over the signature of the chairman or any other member designated by him, and may be served by any person designated by such chairman or member. The chairman of the Committee or any member thereof may administer oaths to witnesses.

SEC. 4. The expenses of the Committee under this resolution, which shall not exceed $125,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee.

PROGRAM OF PUBLIC HEARINGS BY COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a press release from the Committee on Foreign Relations, with regard to the program of that committee.

There being no objection; the press release was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON FOREIGN RELATIONS, PRESS RELEASE, APRIL 5, 1960

Senator J. W. FULBRIGHT, chairman of the Senate Committee on Foreign Relations, announced today that on April 12, 1960, at 10 a.m. in room 4221, New Senate Office Building, the committee will hold a public hearing on the following subjects:

1. Executive A, an agreement between the United States of America and the Republic of Austria regarding the return of Austrian property, rights, and interests signed at Washington on January 30, 1959.

2. S. 3072, a bill to authorize the Secretary of the Treasury to effect the payment of certain claims of foreign nationals against the United States.

3. S. 3008 and S. 2634, bills to amend the International Claims Settlement Act of 1949, as amended.

Any persons interested in testifying on the matters set forth above are urged to communicate with the clerk of the Committee on Foreign Relations without delay.

PRESERVATION OF WILDERNESS AREAS

Mr. KUCHEL. Mr. President, about a month ago, here in Washington, I said:

If any of the primeval beauty of America is to be saved for future generations, Congress needs to act and to act now.

I sound that warning again here in the Senate Chamber today. After 3 years of intensive hearings, the Senate Interior and Insular Affairs Committee has pending before it a carefully prepared bill to preserve the few areas of true wilderness which yet remain in our country in their pristine primitive beauty. I do not believe any useful purpose would be served by any further hearings on the matter. This is the time for action. We need the earliest approval of the wilderness bill in our committee, so that we may take it up in the Senate and, as I hope and believe, pass it here in time for similar action in the House of Representatives.

The bill would create a national wilderness preservation system. It would serve the American people now and in all the future. It is urgently supported by sound conservation groups. I think it can truthfully be said that the plain people support it. It should be enacted into law in this present session of Congress. Failure to adopt this measure, in my view, would be a national tragedy.

Mr. President, I ask unanimous consent that at this point in my comments there be printed in the RECORD the following: First, a newspaper article on the matter under date of March 12, 1960, published in the Sacramento Bee of Sacramento, Calif.; next, an editorial from the Sacramento Bee of March 16, 1960; next, an editorial from the Los Angeles Mirror-News of Los Angeles, March 22, 1960; next, an editorial of recent date from the San Diego Evening Tribune, San Diego; next, an editorial from the Nevada County Nugget of Nevada City, Calif., March 23, 1960; next, an editorial dated March 15, 1960, from the San Francisco Examiner, San Francisco; next, an editorial dated March 11, 1960, from the Pasadena Star-News, Pasadena; and next, an editorial dated March 23–24, 1960, from the San Francisco Progress, San Francisco.

Mr. President, I also ask unanimous consent that next in order there be printed in the RECORD a copy of a letter dated March 21, 1960, which I wrote to the distinguished chairman of the Committee on Interior and Insular Affairs [Mr. MURRAY] asking that we be given an early opportunity to vote on the wilderness measures; next, the letter to me from the chairman dated March 25, 1960, in which the chairman indicates he has asked the able junior Senator from Washington [Mr. JACKSON] to act as chairman of the committee for continuation of the bill and, last, a letter to me under date of April 1 from the distinguished junior Senator from Washington [Mr. JACKSON] in which he tells me he wants to have a meeting of our committee as soon as possible so that final committee action may be taken forthwith.

There being no objection, the articles, editorials, and letters were ordered to be printed in the RECORD, as follows:

[From the Sacramento (Calif.) Bee, Mar. 12, 1960]

KUCHEL, ENGLE URGE CONGRESS ACTION TO PRESERVE WILDERNESS AREAS

(By Edward H. Dickson)

WASHINGTON.—Both California Senators today declared Congress should act to preserve wilderness areas for the enjoyment of future generations of Americans.

Senator THOMAS H. KUCHEL, the Republican assistant minority leader, gave a strong endorsement to a bill developed by the Senate Interior and Insular Affairs Committee of which he is a member.

Senator CLAIR ENGLE, Democrat, was less specific as to the legislative vehicle to employ but emphasized that some sort of wilderness measure should be passed.

KUCHEL STATEMENT

Senator KUCHEL declared:

"If any of the primeval beauty of America is to be saved for future generations, Congress needs to act and to act now.

"Nature lavishly has endowed our country with a scenic grandeur sweeping across mountains and valleys, fields and streams, verdant forests, and colorful plains.

"Too much of it already has suffered from a despoiling unmistakenly documented in 3 years of public hearings before the Senate Interior and Insular Affairs Committee. Wilderness legislation, designed to protect lands in the public domain which are yet unspoiled, is long overdue.

"Pending before the committee is a carefully prepared bill, the result of 3 years of study. It has been revised and refined. It recognizes the public purposes of recreation, scenic, educational, conservation, and historical use in wilderness areas. It is entirely reasonable."

Against set-asides

"The bill authorizes, under proper procedures, the withdrawal of areas in the wilderness system. It provides against set-asides which would be unreasonable to the

mining, grazing, or lumbering industries. In no sense would it upset our economy.

"The bill simply and at long last provides for the preservation of certain Federal lands in their historic natural beauty.

"The value of this kind of legislation has been recognized by the Interior and Agriculture Departments. Their suggestions are incorporated in the present wording of the bill.

"I look forward eagerly for an opportunity to vote for the wilderness bill now before our committee.

"I will oppose amendments to it which would delay action and probably send it down to a wholly undeserved defeat."

ENGLE STATEMENT

Senator ENGLE had this to say:

"I think we should have some wilderness areas to preserve, at least a small part of our national forests and public domain in their original state for future generations, as nearly as that can be done.

"There are several proposals before Congress.

"I don't know which one of these is best calculated to accomplish the desired preservation of wilderness areas in the most practical manner but I think that legislation for that purpose can and should be passed."

HEARINGS HELD

Extended hearings have been held on wilderness legislation by the Senate committee during the last 3 years, both in Washington, D.C., and in the field.

As is often the case, proponents and opponents were miles apart when the proposal first was made and the present measure represents a compromise which appears to be satisfactory generally to both sides. There still are some, however, who feel the bill does not go far in preserving the wilderness and those who contend it locks up too much acreage against multiple-use purposes.

KUCHEL AMENDMENT

Important to California during consideration of the measure was the adoption of an amendment offered by Senator KUCHEL which permits States to utilize water in a wilderness system. This protects the California State water plan and was backed by the State government.

Senator JOSEPH O'MAHONEY, Democrat, of Wyoming, is pressing for amendments which backers of the legislation claim would cut the heart out of the bill by allowing the exploitation of wilderness areas for grazing, mineral prospecting, and oil and gas development.

The fate of the bill is uncertain and if it is not passed at this session of Congress an entirely new start will have to be made in the new Congress convening in January of 1961.

The Senate, as a result of the civil rights filibuster, has a heavy calendar to dispose of before the scheduled adjournment early in July. This is a definite advantage to the opponents who can adopt delaying tactics.

Furthermore, the House Interior Committee has not even scheduled hearings and the House, as well as the Senate, must pass the bill before it can become law.

It is unlikely that opponents would accept the Senate bill without House committee hearings. The House committee itself probably would be highly reluctant to pursue such a course.

[From the Sacramento (Calif.) Bee, Mar. 16, 1960]

KUCHEL FOR WILDERNESS

U.S. Senator THOMAS H. KUCHEL, of California, makes some excellent points in supporting legislation to set aside parts of the public domain as wilderness areas.

Such action, he stated, is long overdue to preserve areas of great natural and scenic beauty for future generations; all too much of these lands already has suffered irreparable spoliation.

KUCHEL termed the measure, as now pending before the Senate Interior Committee, a reasonable bill which deals fairly with mining, grazing and lumbering interests.

The Republican minority whip properly takes the position that a wilderness program cannot be developed on a piecemeal basis and he served notice he will oppose any amendments to curtail the scope of the bill.

The emphatic words of Senator KUCHEL should have a strong bearing on the outcome of the deliberations over the measure inasmuch as some members of his party in the past have not supported the wilderness program.

He has earned the gratitude of those who believe a part of America should be preserved in its natural, majestic state for the enjoyment of this and future generations.

[From the Los Angeles (Calif.) Mirror-News, Mar. 22, 1960]

A VITAL ISSUE

Senator KUCHEL, of California, has thrown his support to the bill to preserve 55 million acres of Government-owned land across the Nation as unspoiled recreation areas.

Senator KUCHEL's position as minority whip in the Senate makes his assistance important on a vital issue.

The Mirror-News is on record in favor of designating surviving areas of natural beauty as national playgrounds for all time. We will leave a shameful heritage of despoiled woodlands, mine tailings dumps and hot dog stands to future generations unless this bill is made law.

[From the San Diego (Calif.) Evening Tribune]

PROTECTION FOR SCENIC BEAUTY

Senator THOMAS H. KUCHEL, Republican, of California, is backing a bill in Congress to create a wilderness system in the public domain to preserve areas of great natural beauty for future generations of Americans.

This is a proposal that deserves thoughtful study.

"Nature has lavishly endowed our country with a great scenic grandeur, sweeping across mountains and valleys, fields and streams, woodland forests and colorful plains," KUCHEL said recently.

"All too much of it already has suffered from spoliation which has been unmistakably documented. So-called wilderness legislation, designed to protect lands in the public domain which are yet unspoiled is long, long overdue."

There are, of course, other valid interests that need to be protected. In this respect, KUCHEL says the bill now in the Senate Interior and Insular Affairs Committee "deals fairly" with mining, grazing and lumbering industries. States rights to use water from any areas included in the wilderness system also are protected.

Once lost, our natural beauties seldom can be recaptured. An overall plan for preserving them now is preferable to piecemeal legislation.

[From the Nevada County (Calif.) Nugget, Mar. 23, 1960]

WILDERNESS BILL IS VITAL LEGISLATION

Senator THOMAS KUCHEL, California Republican, is quoted in a recent edition of the Sacramento Bee as being strongly in favor of S. 1123, the wilderness bill, now before the Senate. For his stand, and for his intelligent appraisal of this vital bill, he deserves warm praise.

For in attempting to preserve wilderness you do not make compromises, or you wake up one fine overpopulated morning without any wilderness at all.

The wilderness bill has been argued for 3 years. It has been refined to the point where further refinement would serve to open up wilderness areas to the very exploitation the bill seeks to prevent.

The basic provisions of the bill are simple, and, we believe, sound. All Government-owned land now technically designated and protected as wilderness, would become a part of a national wilderness system. It would no longer be possible for a wilderness area to lose its status simply by the decree of a nonelected Government administrator.

In effect, the bill would prevent a national administration not in sympathy with wilderness preservation from turning wilderness to other uses before consulting the owners of the land, the people of the United States, through their Representatives in Congress.

Any who have traveled to the Desolation Valley area west of Lake Tahoe, or to any of the other magnificent wilderness areas along the crest of the Sierra Nevada, know that wilderness is not just an idea, it is a living reality, a heritage of beauty and inspiration and history which we must pass on to our children as our fathers have passed it to us (there is little enough in today's world that we can be proud to hand to our children).

As a further practical matter, we of the Sierra counties have a vital interest in the wilderness bill. For it seeks to protect what is the essential appeal of the Sierra as a vacationland—wide open spaces providing fine fishing, camping, hiking, and all-around "horseplay." Even though there is no technically designated wilderness in Nevada County, we surely benefit—and will benefit more as the years pass—by the Sierra's reputation as a harbor of wilderness. (And of course Nevada County does possess the finest of high mountain scenery.)

The wilderness bill, S. 1123, should be voted on in this session of Congress, and passed without crippling amendments. We urge our readers to write Senator KUCHEL supporting his intention to vote "yes."

[From the San Francisco (Calif.) Examiner, Mar. 15, 1960]

THE FIGHT TO SAVE OUR WILDERNESS

Few areas of true wilderness remain in our country, and each day they grow more precious because more scarce. They do not belong to living Americans in fee simple, to do with as we like. They came to us in trust, as part of our inheritance, with the obligation that we pass them on undisturbed to future generations.

Today the pressures to break that trust are heavy. In part they come from exploiters, though these are not numerous. The greatest pressure is one for which none of us and all of us are responsible. It is the massive, all-pervasive, all-encompassing force of explosive population growth. Unless the trust is made all but unbreakable, it will not stand against that pressure. And time is short.

Pending in the U.S. Senate is a measure, S. 1123, to create that kind of trust. Commonly called the wilderness bill, the measure would create a National Wilderness Preservation System. Into that system would be deposited virtually all of the federally owned areas now designated as wild, wilderness or primitive areas, the unspoiled back country of national parks and monuments, and some wildlife refuges and other minor areas.

No private lands would be added to Federal ownership by this bill, nor would any Federal lands be designated as wilderness that are not already so designated. Why then, you may ask, is the bill necessary?

Because these lands have a wilderness status only by administrative decree, and could lose that status by another administrative decree. Bitter experience has shown that such losses do occur. The wilderness needs the protecting arm of a strong, unambiguous law, and would get it under the wilderness bill. That is why we strongly urge public support for its passage.

The bill is particularly vital to Californians. They have the most wilderness to protect; at the same time the threat is acute here because of our abnormally rapid population growth and great tourist popularity.

Twenty-seven areas in California, constituting 9,000 square miles, would be preserved as wilderness. More than half of that is contained in just three areas. Death Valley National Monument, Joshua Tree National Monument, and the Yosemite National Park back country. Most of the remainder is in northern California's national forests.

These are all places where man is a visitor, not an inhabitant, and so they should always be. For man the urban dweller remains a child of nature, with a deep-seated need for wilderness where he can go and refresh his spirit, but not stay. He will destroy the last remaining wilderness only at his peril.

[From the Pasadena Star-News, Mar. 1, 1960]

PRODDING IS INDICATED FOR WILDERNESS BILL

The voice of the electorate is needed to encourage favorable action on the bill now in Congress that would protect an estimated 55 million acres of wilderness already lying within such federally controlled areas as national parks, forests and wildlife refuges.

The measure has wide support from conservationists, newspapers, and others. Its opponents are easily identifiable as lumber, mining, livestock, and oil industries, and road and dam builders.

Exactly what would this bill do? It would prevent any Federal official, from a Cabinet member on down, from abolishing or reducing a wilderness area by Executive order. The measure simply would establish a line of authority. It involves no appropriations and no additional personnel.

The small amount of publicly owned, unspoiled wilderness remaining in this country is under constant assault by interests that want to penetrate it and exploit it economically. We owe our national parks to the successful battles waged by conservationists to set these areas aside. Had not conservationists intervened, for example, there would not be a single redwood tree in California today.

Very little remains of unspoiled wilderness areas. Allen H. Morgan, executive vice president of the Massachusetts Audubon Society, has warned, "What we save in the next few years is all that will ever be saved."

The citizenry, to whom public lands belong, can save the situation by writing to their legislators at once.

[From the San Francisco (Calif.) Progress, Mar. 23, 1960]

SAVE THE WILDERNESS—MONUMENT TO A MAN

Though Richard L. Neuberger, of Oregon, was in but his first term in the Senate when he died at the age of 47, 2 weeks ago, he was already one of the greatest of our contemporary Senators.

To such men we usually erect monuments. For Richard Neuberger there could be no finer monument than the passage of the National Wilderness Preservation Act setting aside large areas of our country forever to remain as they were created by nature.

Richard Neuberger had many causes. He pushed for Government support of medical research—particularly in the field of cancer, a disease which he, himself, had conquered. There was no stronger spokesman in the Senate for the protection and advancement of human rights and the fulfillment of human needs.

But he also loved the wild, and fought to preserve our great scenic areas from destruction: whether from the pressures of population, the exploiting buzz saws and drills of private firms, or the billboards of the Interstate Highway System.

"Three billion years is a long time for each of us to be occupying the dark recesses of some sarcophagus," he wrote. "Why not be under the sun and bright heavens and stars during our fleeting hours above ground? Should we immolate ourselves in steel and masonry when we are alive?"

The wilderness bill, now before Congress, provides that thousands of acres of public land, currently designated as parts of national forests, national parks and monuments, national wildlife refuges, and Indian reservations, shall be preserved as wilderness and be subject to the surveillance of a National Wilderness Preservation Council. Reads the bill:

"A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain."

The measure is of transcendent importance to Californians. With each passing year, the population of this State leaps, and open land becomes scarcer. The bill, if enacted, would mean that 1,551,371 acres of land in California would be preserved as wilderness for us and future generations. Most of this land is in the Sierra, with other large areas designated in the far north and in the Los Angeles region. Thousands of acres are accessible within a 4-hour drive from San Francisco.

The bill has the strong support of Senator THOMAS KUCHEL. "If any of the primeval beauty of America is to be saved for future generations, the U.S. Congress needs to act and to act now," he declared.

But the California Chamber of Commerce is on record as opposing the measure. Instead, these gentlemen urge that such areas be designated for multiple use. By this, they mean that lumbering, mining, and other commercial activities be allowed in the wilderness.

What the chamber fails to understand is that wilderness is incompatible with any other use. The moment a piece of the wild is transformed by an act of man, that area is no longer wild. Wilderness is the living record of the powers of the universe at work, a place where men can go to observe and learn about the natural laws and forces that govern our existence.

The hardheaded, practical leaders of the business world do not yet realize that space—as forest, as mountain, as lake, as prairie—is today America's most precious natural resource.

MARCH 21, 1960.

Hon. JAMES E. MURRAY,
Chairman, Interior and Insular Affairs Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR: The needs of present and future generations of the American people impose an inescapable duty upon the Congress to adopt farsighted policies and programs for preserving and maintaining portions of the public domain which are endowed with extraordinary grandeur, unique geological and topographic features, and significant inspirational characteristics.

For 3 years, study has been made of the proposed means by which this responsibility may be discharged. In the meantime, the constant pressures of growth of our Nation present increasing threats to the sanctity of such areas which must not be despoiled by strong and ever-present forces of growing population and economic advancement.

The remarkable scenic and recreational resources which are embraced in federally owned lands must be protected and set aside with the least delay. In my estimation, legislation for this purpose is long overdue.

It is my belief that no further deliberations are necessary on this legislation to establish a wilderness system in the public domain. The time for positive action has arrived. Failure to pass a bill at this session enabling the executive branch of the Federal Government to embark on a sound program in the immediate future would be both a tragedy and a shameful dereliction.

I believe that the bill in its present form is an entirely reasonable measure. It provides procedures, for example, for withdrawal of areas in the wilderness system. It contains provisions against set-asides which would be unreasonable to the mining, grazing, or lumbering industries. Suggestions from the Departments of Interior and Agriculture have been incorporated into the bill.

I am writing to urge you to schedule at the earliest practicable date a decisive vote of our committee on legislation which has been revised and perfected, after extensive hearings and discussion, to safeguard and perpetuate in all their magnificence and naturalness these precious resources. I very much hope that a meeting will be called in the very near future so that we may report a bill in sufficient time for its consideration and action by the Senate with encouraging prospects for final passage at the present session.

With warm personal regards, I am,

Sincerely,

THOMAS H. KUCHEL.

U.S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
March 25, 1960.

Hon. THOMAS H. KUCHEL,
U.S. Senate, 1327 New Senate Office Building, Washington, D.C.

DEAR SENATOR: I agree with everything you say about the wilderness bill in your letter of March 21.

Because of other commitments, I have asked Senator JACKSON to chair the committee for continuation of the bill. I know he is going to call meetings on it as quickly as possible, but I shall refer your letter to him.

Sincerely yours,

JAMES E. MURRAY,
U.S. Senator.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
April 1, 1960.

Hon. THOMAS H. KUCHEL,
U.S. Senate, 1327 New Senate Office Building, Washington, D.C.

DEAR TOM: Senator MURRAY has forwarded me a copy of your letter of March 21 to him concerning the pending wilderness bill, and a copy of his reply of March 25 to you.

I am anxious to schedule a further meeting on the bill as soon as possible in order for the committee to take final action. In the meantime, I want you to know how much I appreciate your constructive approach to the measure and how much I value your support for the bill in its present form.

Warmest regards.

HENRY M. JACKSON,
U.S. Senator.

VOTES FOR CITIZENS OF THE DISTRICT OF COLUMBIA

Mr. YOUNG of Ohio. Mr. President, it is high time that the residents of the District of Columbia be given home rule and local self-government. In fact, the hour is very late, and before adjournment of this session of Congress the Congress should accord to the residents of the District of Columbia the same voting rights as other citizens of America.

Residents of the District of Columbia pay taxes to support the Government,

yet at the present time they are not permitted to vote. We Americans believe in home rule and local self-government. Why should we deny this right to Americans who reside in the District of Columbia?

The city of Washington, D.C., functions under the indulgence—or lack of it—of the Congress, which appropriates funds for District governmental operations.

Mr. President, an excellent editorial in the great Scripps-Howard paper, the Columbus Citizen-Journal of Columbus, Ohio, calls for a square deal for District of Columbia residents.

Entitled "Washington Is in Trouble," the editorial points out that Washington's higher income groups and businesses have been moving out of the District. It warns if this trend continues the city will become nothing but magnificent Federal buildings surrounded by slums.

I ask unanimous consent to have this editorial printed in the RECORD at this point, and I embody it as a part of my remarks. The editor and those associated with him in the editorial department are familiar with problems of the Capital of the United States as Columbus is the capital city of Ohio.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WASHINGTON IS IN TROUBLE

Our Scripps-Howard colleague, Editor John T. O'Rourke, of the Washington Daily News, appeals for some help from us outlanders.

The city of Washington, District of Columbia, is our National Capital and all, but it's also the home town of thousands who are born, live, and die there.

If we have trouble at our city hall, imagine Washington's troubles. It has to look to Congress for some of the dough to pay its police and firemen, sweep the streets, and do all the other things a city needs.

If we don't like our city government, we can vote it out, as we frequently do. But while Congress sweats and strains over civil rights and the vote for Negroes in the South, citizens of Washington smile grimly.

They can't vote at all. The paternal care of Congress for these voteless people has been pretty unfatherly of late.

Hear Editor O'Rourke:

"About half of the District of Columbia's total area is occupied by the Federal Government (the town's principal industry), and organizations and establishments connected with it, such as embassies, and so on. All this area is tax free."

We can understand that in Columbus, for we, too, have much area occupied by State government buildings, institutions, and the State university.

"This fact was recognized by Congress," Mr. O'Rourke admits, "and as an offset Congress set up a system of proportional payments, later changed to a lump-sum system.

"But as the city's costs rose this lump sum grew smaller. From a fixed percentage of 50 percent during the period of 1879 to 1921, the Federal payment has been cut until it is only 16 percent of the budget for 1960."

The 16 percent would be $32 million, if paid. But, as Congress frequently does, it authorizes without appropriating. It's mumbling in its beard now about paying only $26 million instead of the $32 million.

Washington citizens pay real estate and excise taxes comparable to those in neighboring communities in Virginia and Maryland.

Washington's higher income groups and businesses have been migrating to the suburbs, even more rapidly than in other cities. If this goes on, and if Congress continues to starve the municipal government of Washington, our proud Nation's Capital will become a city of magnificent Federal buildings set amid a clutter of private slums.

Since the people of Washington can't vote the rascals out themselves, it behooves us as politically potent fellow citizens of theirs to urge our Congressmen to treat them more humanely.

So, Senators LAUSCHE and YOUNG, Representative SAM DEVINE and all the other Ohio Congressmen, see that you treat Washington—which is our National Capital, too—and the people who live there, better than you are now.

Either give them a square deal or give them the vote and autonomy. Then they can do what Columbus does—collect city income taxes on all salaries paid within its borders, including the salaries of Congress and of the man who lives in the White House.

THE PROMISE OF TIROS I

Mr. CASE of South Dakota. Mr. President, orbiting the earth at this moment is a picture-taking weather satellite, Tiros I, that ranks as one of the greatest scientific achievements of all time.

This satellite shows the world that the United States is not looking at space with military supremacy alone in mind. Our Nation has now demonstrated that scientific exploration of space for the good of mankind is just as important to us as the ability to launch long-range missiles with hydrogen warheads.

It has been indicated, of course, that such satellites could be used to observe military movements or installations of potential enemies, as well as their missile shots.

But, of greater significance to the world, it gives us the ability to piece together cloud-cover pictures of an area 3,500 miles long and 1,700 mile wide.

This will permit more accurate daily forecasts, better long-range predictions and more useful warnings about hurricanes and other violent storms.

And, as the Washington Daily News points out: "Indeed, scientists say, such a system of satellites might even shed new knowledge on nature's weather factory which someday could be used to tame hurricanes, curb lightning, make rain, prevent hail and calm winds."

As one who has long been interested in weather modification research, I applaud the technological excellence of our space scientists which has made this major breakthrough possible. I congratulate Dr. T. Keith Glennan, Director of NASA, who has directed this project and I commend this administration which encourages the nonmilitary exploration of space while improving our defense capabilities.

While it is necessary, of course, to continue our efforts in the missile field for defense purposes alone, there is little benefit for mankind in the successful launching of a military missile. If such experiments can be combined with scientific aspects, then the whole human race profits.

It is a striking challenge to our competitors in the space race. Now it is up to them to show the world that they are not concentrating on military missile muscle-flexing alone.

The promise held out to the farmers and livestock producers of my State alone by the implications of Tiros I would warrant this research.

For years the farmers of South Dakota, whose greatest nemesis is unfavorable weather, have been dipping into their own pockets to finance experiments aimed at increasing rain. With the help of weather satellites like Tiros I, perhaps their dream of exercising some control over the weather that can make or break a whole year's work will be realized.

Mr. President, articles appearing on April 2 in the Washington Daily News and Washington Post indicate the clear preponderance of American successes in space and show that these successes have been linked with peaceful intent.

I ask unanimous consent that these three articles be included in the RECORD at the close of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, Apr. 2, 1960]

U.S. AIM IS GALAXY OF WEATHER SATELLITES

(By John Troan)

CAPE CANAVERAL, FLA., April 2.—U.S. space scientists set their sight today on a global girdling galaxy of weather satellites.

Buoyed by yesterday's launching of a 270-pound cloud-scanning "moon," the scientists are eyeing the feasibility of orbiting a family of seven satellites to act as around-the-clock robot weathermen.

The whole idea is still but a vision on the research horizon. Yet scientists with the National Aeronatics and Space Administration and the Army Signal Corps, who teamed up for yesterday's launching here, are confident the weather-satellite network will be a reality by 1970.

Six of these satellites would travel in north-south directions, thus scanning cloud formations and other weather disturbances over the entire world.

The seventh would remain fixed 22,000 miles above the equator, staring at suspicious spots where storms might be brewing.

RELAY

From them, information would be relayed to the ground to help weathermen draw up more accurate day-to-day forecasts, better long-range predictions and more useful warnings about hurricanes and other violent storms.

Indeed, scientists say, such a system of satellites might even shed new knowledge on nature's weather factory which someday could be used to tame hurricanes, curb lightning, make rain, prevent hail and calm winds.

Tiros I, the satellite fired here yesterday, is now circling the earth every 99 minutes at an altitude of 435 to 468 miles. With its two television cameras, each the size of a drinking class, it is taking pictures of the clouds and transmitting these to the ground on command.

Though the satellite can see for 1,600 miles across and is expected to yield a wealth of information, Tiros I has two major shortcomings:

1. It can't view the clouds over the entire world because it's traveling from west to east instead of north and south.

2. It sees only in the daytime, when the cloudtops are lit up by the sun.

[From the Washington Daily News, Apr. 2, 1960]

OUR EYE IN THE SKY COULD BE A SPY

The spectacular photos flashed back to earth by America's new Tiros TV satellite made it clear today that such eyes in the sky eventually could be used to spot Russian military moves.

Scientists emphasized that the 270-pound Tiros, carrying two TV cameras, was designed only to snap pictures of the earth's cloud cover that will lead to more accurate weather forecasts and could help man control climate.

But the Tiros pictures, whose clarity surprised even scientists working on the project—plainly were a giant step toward a military reconnaissance satellite.

LAUNCHED YESTERDAY

The drum-shaped Tiros was launched yesterday by a three-stage Thor-Able rocket from Cape Canaveral. It is circling the earth once each 99.15 minutes.

The Tiros pictures released were not sharp enough to disclose ground details that would be of military value.

But there was no way of knowing how many possibly clearer photos were withheld on security grounds. The satellite's orbit takes it over Russia.

The Tiros project is not connected with military reconnaissance satellite programs. Scientists, however, are sharing data.

The Defense Department is planning a Midas infrared satellite to detect the flaming exhaust of Russian intercontinental ballistic missiles almost as soon as they are launched and a Samos military spy-in-the-sky satellite.

NEW VISTAS

Even without its military implications, Tiros opens new vistas for weather forecasting and control.

Scientists will relate the Tiros photos to the weather the earth was having at the moment. This will enable them to read meaning into pictures from a second Tiros satellite planned for later this year.

The second Tiros also will carry infrared sensing devices to give scientists a picture of heat patterns on the earth.

Russia is planning space weather stations but has not yet launched one. In its first few circuits, the U.S. satellite spotted a big storm over the American Midwest.

At its lowest point the satellite is 435.5 miles above the earth and at its highest point 468.28 miles. The orbit is at an angle of 48.327 degrees northeast from the equator, almost exactly what the scientists wanted.

HOW IT WORKS

Tiros' TV cameras and transmitting radios will operate for about 3 months but the satellite will continue orbiting the earth for "tens of years."

The two TV cameras transmit pictures to ground stations where they are pieced together. In this way a panoramic view can be obtained of an area 3,500 miles long and 1,700 miles wide.

Connected to each camera is a magnetic tape recorder. When out of ground station range, the satellite can record up to 32 photographs for later relay to earth.

[From the Washington Post and Times Herald, Apr. 2, 1960]

NEW SATELLITE IS THIRD HEAVIEST NOW IN EARTH'S ORBIT

(By the Associated Press)

Tiros I took its place yesterday as the third heaviest satellite now in orbit around the earth.

The meteorological satellite weighs 270 pounds.

In orbit also is the 50-pound casing of the third stage of the launching vehicle, which was forcibly detached from the satellite after both started their journey round the earth.

The heaviest of the dozen earth satellites now in orbit is the Soviet Union's Sputnik III, a cone 11 feet long and 5 feet 8 inches wide at its base, which weighs 7,000 pounds, including its 2,925 pounds of instruments.

Sputnik III is expected to fall from its orbit soon.

The heaviest U.S.-made artificial moon now in orbit is considered sky garbage because it was not designed to go into orbit and provide useful information. It is the once-called "mystery satellite," later identified as the 300-pound capsule of the Discoverer V satellite launched August 13, 1959.

Discoverer V fell into the earth's atmosphere last September 28, but the capsule, designed to be ejected downward and recovered by plane, by chance went into orbit and has remained there.

Besides Tiros I, two other satellites are broadcasting information to earth by radio.

They are the 3¼-pound Vanguard I, launched March 17, 1958, and the 92-pound Explorer VII, launched last October 13.

The other satellites, all silent, are Explorer I, 30.8 pounds; Beta I, the 50-pound third stage of the rocket that launched Vanguard I; Vanguard II, 20.75 pounds; Alpha II, the 50-pound rocket body of Vanguard II; Explorer VI, 142 pounds; Vanguard III, 50 pounds, plus a 50-pound attached third stage; and Iota II, the third-stage rocket body of Explorer VII.

In addition to these satellites, there are in orbit the Pioneer IV, Pioneer V, Lunik I and Lunik III space probes. Pioneer V still is broadcasting information back to earth from some 2 million miles out in space.

The heaviest U.S. satellite ever launched was the Atlas talking satellite, which weighed 8,750 pounds, but carried a scientific instrument load of only 150 pounds. During its brief lifetime, from December 18, 1958, to January 21, 1959, the satellite, for the first time, beamed a human voice to earth from space.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CANADIAN-AMERICAN RELATIONS

Mr. JAVITS. Mr. President, a bright picture of the friendly relations that exist between Canada and the United States was drawn by the Honorable Richard B. Wigglesworth, U.S. Ambassador to Canada, at the dinner held March 23 by the Massena, N.Y., Chamber of Commerce. Ambassador Wigglesworth emphasized the growing importance of trade between the United States and Canada, and the many ways by which greater understanding and cooperation are constantly being developed in addition to normal diplomatic and consular channels.

A pattern of action exists between our two countries which sets an example for the rest of the free world. It shows the way to greater integration of the free world as economic and social aims assume mounting importance.

I had the honor to serve with Ambassador Wigglesworth in the House of Representatives. I had the honor of visiting him in Ottawa. I also had the honor of attending a luncheon given by the distinguished Prime Minister of the Dominion of Canada and his Cabinet for Ambassador Wigglesworth and myself, to discuss the relations and interests of our two countries. It is with great pleasure, therefore, that I noted that there was printed in the CONGRESSIONAL RECORD of March 31, 1960, an address on Canadian-American relations by Hon. Richard B. Wigglesworth, former Representative in Congress from Massachusetts, and now Ambassador from the United States to the Dominion of Canada.

DESEGREGATION IN THE DISTRICT OF COLUMBIA SCHOOLS

Mr. JAVITS. Mr. President, I think all of us should be deeply interested in a report from the Superintendent of Schools in the District of Columbia, which was published by the Anti-Defamation League of B'nai B'rith. The report is from School Superintendent Carl F. Hansen, and it shows that desegregation in the public school system in the District of Columbia has resulted in better education and higher standards for all schoolchildren, rather than a debasement of standards, which is an argument constantly being used against school desegregation.

In my view, the Supreme Court was right. We cannot have a country in which 10 percent of the population finds its children relegated, in major sections of the country where population is very heavy, to schools which are clearly earmarked as segregated schools. This is bound to have an effect upon their characters, upon their educational advancement, and upon their capability for giving the full benefit of their talents to the United States. We cannot waste this asset.

This is essentially the argument of the pro-civil-rights advocates on school desegregation. I am glad to be numbered among them. I believe that our contention is borne out by the actual experience in the District of Columbia, which is far better than all the speeches in the world.

I ask unanimous consent that an article entitled "Schools Reported Better in Wake of Desegregation," published in the Washington Post of April 4, 1960, dealing with the report of School Superintendent Hansen, be printed in the RECORD at this point as part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SCHOOLS REPORTED BETTER IN WAKE OF DESEGREGATION

(By Erwin Knoll)

Five years of public school desegregation in the Nation's Capital have given students rising achievement levels, better teacher efficiency and more educational services, School Superintendent Carl F. Hansen reported yesterday.

The District's prompt compliance with the Supreme Court's 1954 desegregation decision "prepared the ground for a total attack upon the improvement of instruction," Hansen said.

His findings were published by the Anti-Defamation League of B'nai B'rith as a 32-page pamphlet called "Addendum: A 5-Year Report." It supplements another pamphlet, "Miracle of Social Adjustment," written by Hansen for the league in 1957.

In the new study, Hansen reviews the progress of the schools under the momentum of a new concept, as a system operating in the American tradition to meet the educational needs of all the children.

MANY YOUNGSTERS LAGGED

Citywide pupil testing after desegregation revealed to an appalled community that many Negro youngsters lagged far behind white children in school achievement, Hansen says.

"Although school desegregation does not eliminate the deep-seated causes of social, economic, and cultural development," he notes, "it does provide the opportunity for an equal sharing of educational resources, for a greater amount of acculturation resulting from the joining together of teachers and pupils in the school setting and for a united effort to improve educational services to all children."

Citywide averages on standardized tests, which showed lags of several months to several years behind national achievement standards 5 years ago, have climbed steadily since desegregation to approach—and in some instances match or surpass—national norms, Hansen reports. He adds:

"Integration has not retarded the advancement of high-ability students, Negro or white, and educational standards in the District public schools, when examined in relation to students' preparation and ability for learning, are high."

Hansen cites three major educational changes introduced in recent years, although he says they "should not be directly related to desegregation:"

"The track system of ability grouping, introduced several years ago at the senior high school level and this year in junior high and elementary schools, which supplies maximum challenge for the gifted as well as the slow.

"The increase in required subjects, reducing the cafeteria-like selection of courses, the window shopping and bargain hunting for easy grades characteristic of the system it replaced.

"The new stress on systematic, organized instruction in the basic subjects, which," Hansen asserts, "is bringing a return to the point of view that the teacher is the director of instruction in the classroom, the dynamic source of interaction between pupil and materials or content of instruction, the cultivated adult who can instruct pupils in what he knows and who can induce them to reach out for knowledge and to enjoy the satisfactions of accomplishment."

Hansen notes that the academic gains of recent years have been accomplished in the face of a steady increase in the proportion of Negro pupils which began long before desegregation and has continued since. This year, some three-quarters of the District's school enrollment is Negro.

He says it is "a defect in analysis" to blame desegregation for population shifts because "an examination of the problems of every major city in this country will show that like massive amoebas they are ingesting, without plan or reason, masses of economically deprived people of every race.

"In most of these cities, schools have been integrated from the beginning. In some, schools are still segregated. The least that can be done for the children of the economic and social ghettoes is to provide the best possible education."

STANDARDS NOT LOWERED

Hansen says desegregation has brought no lowering of teachers' standards, though recruiting teachers has been complicated in part by the extensive adverse treatment given the schools by segregationists.

Special school services such as classes for handicapped children have expanded substantially since 1954, Hansen says, because of "community unification for school improvement."

Racial incidents in the schools are "relatively infrequent," he reports, and behavior problems are usually "those of children, not of Negroes or whites."

Some problems still confront the schools—among them the high drop-out-rate of students when they reach the age of 16. Hansen says these conditions "are not caused by desegregation. It is equally clear that desegregation does not correct them."

FRIEND OF HONEST TAXPAYERS

Mr. BUTLER. Mr. President, the distinguished senior Senator from Delaware [Mr. WILLIAMS] has won for himself an enviable and well-deserved record as a friend of the American taxpayer for his efforts to reduce unnecessary Government expenditures and as a foe of these taxpayers who try to evade and avoid proper income tax payments. A recent editorial in the Washington Daily News commented upon Senator WILLIAMS' unflagging fight to reduce tax delinquency.

I ask unanimous consent to have printed in the RECORD the editorial, entitled "Friend of Honest Taxpayers."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, Mar. 31, 1960]

FRIEND OF HONEST TAXPAYERS

Senator JOHN J. WILLIAMS, of Delaware, is hard on taxpayers who don't pay, which makes him a top friend of those who do. Every unpaid tax dollar is an extra dollar out of the pockets of those who do pay.

For 6 years Senator WILLIAMS has been beating the Internal Revenue Service over the head to get busy and collect the tax delinquencies. His only weapon was public exposure. He stood on his legs in the Senate and hollered.

Now he is getting results. In 1954, when the Senator began his one-man show, the total tax delinquency was $1,614,494,000, owed by 1,725,474 delinquents. The other day he was able to report the delinquency after 1959 collections was down to $1,071,016,000, and the number of delinquents reduced 949,146.

Last year alone the Internal Revenue Service cut the delinquencies by more than 22 percent, by far the best record since Senator WILLIAMS took up his campaign.

The Senator has been especially hard on employers who withheld income and social security taxes from their employees and then didn't fork it over to the Treasury. There was a 17.7-percent reduction in this delinquency last year.

Senator WILLIAMS said it was a pleasure for him to make this report, although he didn't think anyone should be satisfied until more delinquents have paid up.

It is a pleasure for us, too, to loudly applaud Internal Revenue Commissioner Dana Latham (in office only 16 months) and his staff for this impressive record, hoping, meanwhile, that he and IRS will keep shagging those laggards. Even more loudly, we applaud the persistent Senator WILLIAMS, who put on the heat.

THIS, TOO, SHALL PASS AWAY

Mr. BYRD of West Virginia. Mr. President, there is an old Turkish legend that gives comfort to one in time of trial.

A king, who had suffered many years of discouragement, urged his courtiers to devise a motto, short enough to be engraved on a ring, which should be suitable alike in prosperity and in adversity. After many suggestions had been rejected, his daughter offered an emerald bearing the inscription in Arabic, "This, too, will pass."

So, Mr. President, when the days press us with trials and burdens which seem too great to face and too onerous to bear, we may be cheered and strengthened by the poetic lines written to fit the inscription on the oriental jewel of the ancient legend:

Whate'er thou art, where'er thy footsteps stray,
Heed these wise words: This, too, shall pass away.
Oh, jewel sentence from the mine of truth!
What riches it contains for age or youth.

No stately epic, measured and sublime,
So comforts or so counsels for all time
As these few words. Go write them on your heart
And make them of your daily life a part.

Art thou in misery, brother? Then I pray
Be comforted! Thy grief shall pass away.
Art thou elated? Ah, be not too gay;
Temper thy joy. This, too, shall pass away.

Fame, glory, place, and power,
They are but little baubles of the hour.
Thus, be not o'er proud,
Nor yet cast down. Judge thou aright.
When skies are clear, expect the cloud,
In darkness, wait the coming light.
Whatever be thy fate today,
Remember, even this shall pass away!

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

CIVIL RIGHTS ACT OF 1960

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. ERVIN. Mr. President, on behalf of the Senator from Arkansas [Mr. McCLELLAN] and myself I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 16, line 12, change the period to a colon, and insert the following between the colon and the word "Such":

Provided, however, That the Rules of Civil Procedure for the United States district courts shall govern the hearing and determination by the court of any application made under this paragraph to the extent that such rules are not inconsistent with the provisions of this subsection.

Mr. KEATING. I thank the Senator.

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, the Senator from North Carolina desires the yeas and nays on his amendment.

The PRESIDING OFFICER. The yeas and nays are requested. Is there a sufficient second?

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, the amendment to which I address myself is the amendment which was offered last Friday by the able and distinguished senior Senator from Arkansas [Mr. McCLELLAN] and myself. The amendment is very simple in nature and is easily understood. It reads as follows:

On page 16, line 12, change the period to a colon and insert the following between the colon and the word "Such": "*Provided, however,* That the Rules of Civil Procedure for the United States District Courts shall govern the hearing and determination by the court of any application made under this paragraph to the extent that such rules are not inconsistent with the provisions of this subsection."

The amendment is addressed solely to the provisions of the bill which regulate the proceedings before a Federal district judge upon application made to him after the Federal district judge has made an adjudication that discrimination has occurred in the voting district concerned on the basis of race or color, pursuant to a pattern or practice. The amendment relates solely to the portions of the bill which deal with an applicant's claim before the judge, after that adjudication has been made.

As I see it, the amendment is necessary to insure the constitutionality of this particular provision of the bill.

Mr. CASE of South Dakota. Mr. President, will the Senator yield for a question?

Mr. ERVIN. Yes; I yield to the Senator from South Dakota.

Mr. CASE of South Dakota. I notice that the language of the Senator's amendment provides:

That the Rules of Civil Procedure for the U.S. district courts shall govern the hearing and determination by the court of any application made under this paragraph to the extent that such rules are not inconsistent with the provisions of this subsection.

The subsection at the bottom of page 18, beginning in line 23, reads:

The issues of fact and law raised by such exceptions shall be determined by the court, or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court.

Does that language imply any modification if the action were taken by the referee, or is it to be expected that the court would direct the referee to proceed in all matters the same as the court itself?

Mr. ERVIN. This amendment has no relation whatever to the portion of the bill which the Senator has read. The bill sets up two procedures, alternative in nature, which are to be conducted subsequent to the finding of discrimination on the basis of race or color pursuant to a pattern or practice.

Under the provisions on page 16, applications may be made to the judge of the Federal district court who is authorized to pass on those applications.

The other procedure is followed when the judge appoints voting referees, and the voting referees pass upon the applications.

The provisions just read by the able and distinguished Senator from South Dakota relate to the proceeding where the applications are passed on by a voting referee. This amendment relates to the situation where the applications are passed on by the district judge, as distinguished from a voting referee.

Mr. CASE of South Dakota. That was the point I sought to clarify, because apparently the court could delegate certain responsibilities to the referee, if the due and speedy administration of justice required that, in the judgment of the court.

Then it says they may be referred to the voting referee, to be determined in accordance with the procedures prescribed by the court. So the Senator is saying that his amendment is limited to applications which are considered by the court itself; is that correct?

Mr. ERVIN. That is correct.

Mr. CASE of South Dakota. But that the court might modify those procedures somewhat if in his judgment he had to refer them to the referee. Then the procedures would be those prescribed by the court and the referee; is that correct?

Mr. ERVIN. The bill sets up a procedure to be followed when the applications are passed on by the voting referee. But the bill does not set up any procedure to be followed when the applications are passed on by the judge. And that is the object of this amendment.

Mr. CASE of South Dakota. This subsection does, of course, set forth some procedures. But I was thinking particularly of the language used. Perhaps it does not have the meaning I thought it had. But at the bottom of page 18 and the top of page 19 we find the following:

They may be referred to the voting referee to determine in accordance with the procedures prescribed by the court.

Mr. ERVIN. That makes reference to the situation where the voting referee has filed a report, and the report has been served, together with a notice to show cause, on the attorney general of the State and the appropriate election official of the State; and those words describe what will happen when exceptions are filed. That part of the bill states, as the Senator from South Dakota has pointed out, that the exceptions will be ruled on by the judge, unless the interest of speedy justice requires that they be referred by him to the referee—a provision which, I may add, is a rather singular one, inasmuch as the exceptions which would be filed would state that the voting referee had committed error, either in fact or in law. Under this provision, the judge, instead of passing on that matter himself, could send it back to the referee, and let the referee determine whether he, himself, had made an error of fact or of law. This is a very peculiar provision. I would hate to have to base a case on the proposition that the referee had committed an error of fact or of law, and then have him pass on that matter, himself. I think that would be letting a man pass on the correctness of his own acts, which would be contrary to the spirit, if not the letter, of the principle of sound procedure.

Mr. CASE of South Dakota. Does the Senator from North Carolina have any doubt that the referee would decide that he had decided correctly?

Mr. ERVIN. I think there is no doubt that he would uphold his own decision.

Mr. McCLELLAN. Mr. President, will the Senator from North Carolina yield to me?

Mr. ERVIN. I am delighted to yield to the cosponsor of my amendment.

Mr. McCLELLAN. The language referred to by the Senator from South Dakota applies only after exceptions have been filed, does it not?

Mr. ERVIN. Yes, where exceptions have been filed to the report of the referee in a hearing conducted by the referee, not by the judge.

Mr. McCLELLAN. Yes.

The pending amendment simply states that where this new law and the procedures do not conflict, and where an application is made to the court to have removed the discrimination which the applicant thinks has been imposed against him, the civil procedures shall be followed.

Mr. ERVIN. Yes. It is to make it conform to two provisions of the Constitution. The first is the due-process clause of the fifth amendment; and the second is the third article of the original Constitution, which provides, in effect, that the Federal courts do not have any jurisdiction in anything except cases or controversies. This amendment is to make it clear that the court shall act as a court, not as an executive officer, namely, a registrar of votes; and the amendment is also for the purpose of making it clear that the proceeding is a civil action, not a kangaroo proceeding of some kind.

Mr. McCLELLAN. Mr. President, will the Senator from North Carolina yield further?

Mr. ERVIN. I am delighted to yield.

Mr. McCLELLAN. I recall that both the Senator from North Carolina and I interrogated the Attorney General or his assistant in regard to the advisability of inserting in the bill this amendment or some other provision requiring that the rules of civil procedure be followed. As I recall, the Attorney General or his assistant maintained that the court would be bound to follow those anyway, irrespective of whether this amendment were adopted. Am I correct?

Mr. ERVIN. The Senator is correct. While the Senator from Arkansas was questioning Mr. Charles J. Bloch, one of the greatest lawyers in America, concerning this precise point, the Deputy

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, the Senator from North Carolina desires the yeas and nays on his amendment.

The PRESIDING OFFICER. The yeas and nays are requested. Is there a sufficient second?

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, the amendment to which I address myself is the amendment which was offered last Friday by the able and distinguished senior Senator from Arkansas [Mr. McCLELLAN] and myself. The amendment is very simple in nature and is easily understood. It reads as follows:

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As I see it, the amendment is necessary to insure the constitutionality of this particular provision of the bill.

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Mr. ERVIN. That is correct.

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Mr. ERVIN. The bill sets up a procedure to be followed when the applications are passed on by the voting referee. But the bill does not set up any procedure to be followed when the applications are passed on by the judge. And that is the object of this amendment.

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Mr. McCLELLAN. Yes.

The pending amendment simply states that where this new law and the procedures do not conflict, and where an application is made to the court to have removed the discrimination which the applicant thinks has been imposed against him, the civil procedures shall be followed.

Mr. ERVIN. Yes. It is to make it conform to two provisions of the Constitution. The first is the due-process clause of the fifth amendment; and the second is the third article of the original Constitution, which provides, in effect, that the Federal courts do not have

Attorney General, Judge Walsh, interposed and said that Mr. Bloch was mistaken in saying that this was not a civil case under article III and under the Federal Rules of Civil Procedure. Judge Walsh said those rules would apply automatically. Here are his exact words, as they appear on page 141 of the hearings:

Mr. WALSH. I say that Mr. Bloch overlooks the fact that the Federal Rules of Civil Procedure apply to the extent that they are not expressly excluded or contradicted by the statute. There is not any doubt, I do not think. We have a fundamental disagreement on that, but we believe that the Federal rules of practice apply, and they require the service on each party of this application.

Mr. McCLELLAN. Mr. President, will the Senator from North Carolina yield further?

Mr. ERVIN. I am delighted to yield further to the cosponsor of the amendment.

Mr. McCLELLAN. Then, if the interpretation by the Attorney General of this proposed legislation is correct, no violence would be done by expressly stating that it is the intent of Congress to have the rules of civil procedure apply. Is that correct?

Mr. ERVIN. That is correct, and that is precisely what this amendment undertakes to do. It says these rules shall apply to the hearing of applications by the judge, to the extent that these rules are not inconsistent with the provisions of this bill.

Mr. McCLELLAN. In other words, in this amendment we seek to do nothing that the office of the Attorney General says is not already assured by the language of the bill.

Mr. ERVIN. That is correct. The Senator from Arkansas and I and Mr. Bloch and many other lawyers disagree with the interpretation made by the Deputy Attorney General; and all we are trying to do is to make certain something which the Attorney General says is already certain.

Mr. McCLELLAN. In other words, we are trying to write his interpretation into the bill, so it will do exactly what the Deputy Attorney General says he expects the bill to do.

Mr. ERVIN. That is precisely what this amendment undertakes to do, and no more.

Mr. McCLELLAN. Mr. President, let me say that this morning I have a meeting of the Subcommittee on Public Works, of the Appropriations Committee; and I have here constituents who are to testify there. I am very much interested in the pending amendment, as a cosponsor of it, with the distinguished Senator from North Carolina. But I feel that I should be present while my constituents are testifying on the appropriation matter.

I wish to express the hope that this amendment will be favorably considered, because, as I understand it—and no question about it has been raised—this amendment would do no violence to what is declared to be the intent and purpose and the interpretation of the law or of the proposed act, as made by the Attorney General of the United States. In other words, this amendment would write in this language simply to make sure that the bill will do what apparently all of us want it to do.

Mr. ERVIN. The amendment is simply to remove any possibility of argument about the meaning of the bill in this particular respect.

Mr. McCLELLAN. And about the intent of Congress.

Mr. ERVIN. Yes, and about the intent of Congress.

I am constrained to say that if the Senate does not accept the amendment, it will leave one with the grave suspicion that the reason for rejecting the amendment would be that some prefer darkness to light, and would rather have an area of confusion, than an area of clarity.

Mr. McCLELLAN. It would also, I think, leave this confusion: As the court undertook to ascertain the legislative history of the act, it might leave the impression that the court would perhaps be justified in assuming that the Congress did not intend the rules to apply, when this amendment was offered and rejected. Therefore, if the Senate really wants the rules of civil procedure to be followed, it occurs to me the prudent thing to do is to write this provision into law.

Mr. ERVIN. I think that suggestion of the Senator from Arkansas is undoubtedly sound and wise, because if the Senate rejects this amendment, the Senate will be saying, "We do not intend the judge to be a judge in this proceeding; we intend that he shall act as an executive officer, namely, a registrar of voters, rather than a judicial officer."

Mr. McCLELLAN. I wish to thank the Senator from North Carolina for yielding to me. I wanted to express my views and say for the RECORD I am very happy to cosponsor the amendment, and hope it will be adopted. I must leave. I feel I should attend a meeting of the Appropriations Committee. I wanted to make these observations. I thank the Senator for yielding to me.

Mr. ERVIN. I thank the Senator for his valuable contribution making plain the intent of the amendment.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. ERVIN. Yes; I am delighted to yield to the able and distinguished Senator from New York.

Mr. KEATING. Do I correctly understand it is not the intention of the Senator from North Carolina to include in this amendment provision for a hearing before the referee, but only a hearing before the court itself?

Mr. ERVIN. That is correct. If the Senator will notice, the amendment is proposed to be made on page 16, line 12, of the bill. It is proposed to insert the words of the amendment between the word "law" and the word "Such." It relates solely to the procedure which should prevail where the application is to be passed on by the judge, subsequent to the adjudication of a practice or pattern. In substance, the amendment is virtually couched in the words of Judge Walsh, because it provides that the rules shall apply only to the extent that they are not inconsistent with the provisions of the subsection.

The Senator will notice that the amendment is restricted to the applications made under this paragraph. I refer to the paragraph which begins on the bottom of page 15 of the bill and ends at the end of line 16 on page 16. In other words, it is restricted to applications made under the paragraph, which relates to the actions of the court, as distinguished from the action of the voting referee. But it proceeds further, in the last part, and provides that the rules shall apply only to the extent that they are not inconsistent with the provisions of this subsection. So it will not affect the other provisions of the subsection, as I see it.

Mr. KEATING. If this language does apply to the court and does not apply to the referee, does that not amount to imposing upon the court which is passing officially upon the applications under this title greater limitation than where the proceedings is before the referee?

Mr. ERVIN. It would impose upon the court fewer limitations than are imposed on the court in respect to any other civil case of any kind, because it does not impose on the court the requirement to follow any rule which is inconsistent with the provisions of this proposal; and his burden would be lighter under this language than it would be under the law generally.

Mr. KEATING. But my question is, if a referee is appointed and the referee makes the finding set forth later in the bill, as I understand the amendment of the Senator, this language would not apply to the proceeding before the referee. It would seem, offhand, that the court is having a more rigorous restriction placed upon it in making this finding than is the referee.

Mr. ERVIN. Yes; it would require the judge to hear testimony. It would require the judge to conduct a hearing in open court. But I cannot see any hardship imposed on any judge in such a restriction, and I can see a great hardship imposed upon fundamental constitutional principles if a judge can make a determination otherwise.

Mr. KEATING. Of course, the referee is required to take evidence also, as appears on page 17 of the bill.

Mr. ERVIN. Yes. The judge is required, in the event of exceptions, to pass on what the referee has done. If I were a judge, I would rather pass on the matter in the first place than be bothered with the other proceeding. But if the judge wanted to be bothered with the other proceeding, he could appoint a referee and let him do the first part of it.

Mr. President, as I see it, there are three constitutional provisions which are relevant to this situation. For all practical intents and purposes, this bill is based upon the 15th amendment to the Constitution. I say that is true because the bill applies, according to its phraseology, to any election, of any character, held anywhere in the United States.

Section 1 of the 15th amendment reads:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2 of that amendment reads:

The Congress shall have power to enforce this article by appropriate legislation.

There is no procedure whatever established to govern the action of the judge when he himself passes on applications subsequent to the finding of a pattern or practice of discrimination. It would make a mockery of the Constitution for the Congress, while professing to implement the 15th amendment, to adopt a bill which is inconsistent with the due process clause of the 5th amendment, which binds Congress, or with the provisions of the 2d section of the 3d article of the Constitution, defining the judicial power of the United States and the circumstances under which it can be exercised by the Federal courts.

After more than a century and a half of experience, the United States adopted the Rules of Civil Procedure for the U.S. District Courts, and the first of these rules reads:

These rules govern the procedure in the district courts of the United States in all suits of a civil nature whether cognizable as cases at law or in equity, with the exceptions stated in rule 81.

The exceptions stated in rule 81 are not germane to our discussion here.

That was what we said when we adopted the rules of civil procedure. We stated they should apply to all civil cases, in the Federal district courts regardless of whether they are cases at law or in equity.

It has been held by the courts of the land that whenever a legislative body sets up a new procedure which is not to be administered according to the regular course of legal procedure, it is essential that the act which sets up the new procedure shall make provision which will insure that due process of law will be observed in such a procedure. It cannot be said that the procedure set up by the bill, subsequent to the time of making of the adjudication with reference to the pattern or practice, is to be enforced in the courts according to the regular course of legal procedure, and for that reason it is essential, in my judgment as a lawyer, to the constitutionality of the provisions of this bill authorizing the judge, as distinguished from the voting referee, to pass on applications, for Congress to make some provision which will insure that due process of law will be observed.

The relevant provision of the Constitution with reference to that is found in amendment V, which provides:

No person shall be • • • deprived of life, liberty, or property, without due process of law.

The fifth amendment applies to the Congress of the United States, when the Congress of the United States is exercising the legislative power vested in the United States by the first article of the Constitution.

As to the necessity for making provision for making sure that due process of law shall be observed by the judge when he passes on applications, subsequent to the finding of the pattern or practice, I invite the attention of the Senate to the case of *Coe* v. *Armour Fertilizer Works* (237 U.S.), at pages 424 and 425. I should like to read the statement from that opinion. I shall read it because it is germane to the argument that a judge will necessarily give notice and an opportunity to be heard even when there is no requirement to that effect in the bill. I read this passage from that opinion:

Nor can extra official or casual notice, or a hearing granted as a matter of favor or discretion, be deemed a substantial substitute for the due process of law that the Constitution requires. In *Stuart* v. *Palmer* (74 N.Y. 183, 188), which involved the validity of a statute providing for assessing the expense of a local improvement upon the lands benefited, but without notice to the owner, the court said: "It is not enough that the owners may by chance have notice, or that they may as a matter of favor have a hearing. The law must require notice to them, and give them the right to a hearing and an opportunity to be heard." The soundness of this doctrine has repeatedly been recognized by this court. Thus, in *Security Trust Co.* v. *Lexington* (203 U.S. 323, 333), the court by Mr. Justice Peckham, said, with respect to an assessment for back taxes: "If the statute did not provide for a notice in any form, it is not material that as a matter of grace or favor notice may have been given of the proposed assessment. It is not what notice, uncalled for by the statute, the taxpayer may have received in a particular case that is material, but the question is, whether any notice is provided for by the statute" (citing the New York case). So, in *Central of Georgia Ry.* v. *Wright* (207 U.S. 127, 138), the court said: "This notice must be provided as an essential part of the statutory provision and not awarded as a mere matter of favor or grace." In *Roller* v. *Holly* (176 U.S. 398, 409), the court declared: "The right of a citizen to due process of law must rest upon a basis more substantial than favor or discretion." And in *Louis. & Nash. R.R.* v. *Stock Yards Co.* (212 U.S. 132, 144), it was said: "The law itself must save the parties' rights, and not leave them to the discretion of the courts as such."

That ends the passage from the Coe case.

Mr. STENNIS and Mr. JAVITS addressed the Chair.

The PRESIDING OFFICER (Mr. SCOTT in the chair). Does the Senator from North Carolina yield, and, if so, to whom?

Mr. ERVIN. I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I should like to ask the Senator a question about the very fine exposition he has read. Is that not settled law? That has been the law all the time, and is not questioned now in any forum, is it?

Mr. ERVIN. The Senator from Mississippi is absolutely correct. That has been the uniform interpretation placed upon the due-process clause both under the 14th amendment, where a State is concerned, and under the 5th amendment, where the United States is concerned. Why anyone would object to spelling out this matter in the bill is something I cannot understand.

Mr. STENNIS. Is it not true that the courts at all levels—State, Federal, and every level—have said over and over again that that is the rule, that anything short of those requirements is simply invalid because it lacks the essentials of due process?

Mr. ERVIN. That is correct, as the decision states very well. If the law creating the new procedure does not provide for the adjudication of the matter according to the usual rules of law governing judicial proceedings, then that law itself has to give a party due process of law, which guarantees to him the right to notice and the right to a hearing, in order to be valid.

Mr. STENNIS. In other words, on that point due process of law means process by law and not by courtesy or some other extended line. It must be in the heart of the procedure itself.

Mr. ERVIN. As the Senator suggests, it must be demandable by the litigant as a matter of right. It is not sufficient to give it to him as a matter of grace or favor.

Mr. STENNIS. Has the Senator heard any real reason given why such practice should not be followed by the Congress? I submit the courts will follow their own rules, anyway, but why should the Congress seek to depart from them?

Mr. ERVIN. The only reason that has been advanced by anyone, so far as I have heard, against incorporating an amendment of this character in the bill was the statement of the Deputy Attorney General, Judge Walsh, who said that he was afraid that if the procedure were spelled out here it might have to be spelled out everywhere. This is obviously not correct, because if the act provides for trial according to the due course of law, the provision is already there by implication. It is only when we create a procedure which is not to be handled by the court as a judicial proceeding, according to the usual course of judicial proceedings, that such a provision is necessary.

Mr. STENNIS. The Senator has well answered the Deputy Attorney General.

Mr. ERVIN. Mr. Walsh made a statement which appears on page 141 of the hearings. Mr. Charles J. Bloch, one of the greatest constitutional lawyers in America, said that the Rules of Civil Procedure did not apply, that there was no provision for notice, and that this could not possibly be a civil case, triable according to the established remedy enforceable in the course of regular legal procedure. He stated that the rules did not apply. Mr. Walsh said:

I say that Mr. Bloch overlooks the fact that the Federal Rules of Civil Practice apply to the extent that they are not expressly excluded or contradicted by the statute.

In other words, what we are trying to do is to put in the bill what Judge Walsh says is already implied in it. We do not agree that it is implied, and we want to make it clear that the court is to act as a judicial body, and not as an executive agency, in connection with these applications.

Mr. STENNIS. If I correctly understand the Senator, Judge Walsh, the able Assistant Attorney General, did not undertake to deny the rule which has been read by the Senator from North Carolina, but agreed to it and said it would have to be followed. Is that correct?

Mr. ERVIN. That is correct—except to the extent of inconsistency between the rules and this bill.

Mr. STENNIS. The Senator has that provision in his amendment, has he not?

Mr. ERVIN. Exactly. In other words, if any provision of this subsection would be inconsistent with the rules, the provisions of the subsection would apply, and not the rules.

Mr. STENNIS. If the courts should undertake to rule that this procedure should not be followed, would they not be compelled to hold the act unconstitutional?

Mr. ERVIN. In my judgment they would be. That is the only misgiving I have about adopting my amendment. It might make an otherwise unconstitutional provision constitutional and enforcible. But I do not wish to see the Congress professing to enforce one provision of the Constitution and at the same time making a mockery of other provisions of the Constitution.

Mr. STENNIS. The Senator has well expressed the issue.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ERVIN. I am glad to yield to the Senator from New York.

Mr. JAVITS. Will the Senator explain to us why he uses two different references in his amendment? In line 6 he refers to the provision that the rules shall govern any determination of the court on any application "made under this paragraph." Then he goes on—"to the extent that such rules are not inconsistent with the provisions of this subsection."

If what the Senator is trying to do is applicable only to the paragraph, why is there reference to inconsistency with the subsection?

Mr. ERVIN. I am happy to explain the difference in the use of those terms.

If the Senator will notice, the paragraph to which I refer in this amendment is found on page 16. The amendment refers to applications "made under this paragraph." Since the amendment applies to line 12 on page 16, the applications referred to are only applications mentioned in the paragraph, which begins in line 20 on page 15, and ends in line 16 on page 16. The provisions found from line 1 on page 16, through line 16 on page 16 refer to applications made to the court, as contradistinguished from applications made to the voting referees. The provisions with respect to voting referees begin in line 7 on page 17.

I refer to applications "made under this paragraph" to make it clear that the only applications this amendment would apply to are applications made to the court, as distinguished from applications to the voting referee. There is a procedure spelled out in the case of the voting referee, but there is no procedure spelled out in the case of the judge. The reason I include reference to "provisions of this subsection" in line 7 is that there are other provisions elsewhere in the subsection with reference to the time within which the court shall act. I wished to make it clear that in any case, any provision anywhere in the subsection which may be inconsistent with the rules shall control, over the rules. That is the reason for the references to two different divisions, one reference being merely to make it certain that it refers only to applications made to the court, as distinguished from the voting referee, and the other reference to make it certain that any other provision of the subsection outside that paragraph which may be in conflict with or inconsistent with the rules, shall govern, over the rules.

Mr. JAVITS. If it is intended only to affect the paragraph, why make the question of inconsistency apply to the whole subsection? Does not that introduce uncertainties in the mind of whoever might seek to interpret the amendment?

Mr. ERVIN. According to my understanding, instead of introducing uncertainties, it makes the situation as clear as the noon day sun. It makes it clear, in the first place, that this amendment refers only to applications mentioned in the paragraph in which it is found, that is, applications handled by the court. It makes it equally certain that any procedure that we set up, that could apply anywhere in the subsection, if it is inconsistent with the rules, shall prevail over the rules.

Mr. JAVITS. I notice that the colloquy which ended with Judge Walsh's observation on the subject discussed by Mr. Bloch appears on pages 140 and 141 of the record. It related to Mr. Bloch's views on the procedure which should guide the official referee. At the end of that discussion Mr. Bloch made the statement to which the Senator has referred:

> As I pointed out, Senator, I think it was before you came in, that in a proceeding before the judge, the attorney general of the State, the board of registrars of the State, nobody is given any notice of this proceeding, not only not an opportunity to be heard and to submit proof, but they are not even served with it. That is what I was discussing before the Senator came in.

Senator CARROLL. What do you say to that, Judge Walsh?

Then follows the statement by Mr. Walsh, which the Senator has read.

Does not that juxtaposition of the subject which the parties were discussing with the answer of Judge Walsh and the answer of Mr. Bloch indicate some connection between the practice which will guide a voting referee and the procedure of the court with respect to voting referees? That is what puzzles me about this amendment.

Mr. ERVIN. Judge Walsh said, in his answer to the Senator from Colorado [Mr. CARROLL] at the bottom of page 141, that he took issue with Mr. Bloch's statement that there would be no notice, and no opportunity to be heard, because there was no provision in the bill for them. Judge Walsh took issue with Mr. Bloch, and said that the Federal Rules of Civil Practice would apply to the extent that they are not expressly excluded or contradicted by the statute.

All my amendment does is to spell out and make it certain that what Judge Walsh said shall be the law, in case the bill is enacted into law.

Mr. JAVITS. I wanted to get my colleague's views on the RECORD. I shall address myself to this subject independently, but I wanted to get my colleague's reasons for his position.

Mr. ERVIN. I am glad to make that statement to the senior Senator from New York.

Mr. KEATING. Mr. President, will the Senator yield to me?

Mr. ERVIN. I yield to the junior Senator from New York.

Mr. KEATING. I should like to address myself to what I feel is perhaps a more fundamental objection to the amendment than the one discussed by Judge Walsh. We have defeated an attempt to make the proceeding before the referee an adversary proceeding. If the court should elect to make these findings, and if the amendment of the Senator from North Carolina were adopted, would that not in effect make the second proceeding before the court, rather than before the referee, in fact an adversary proceeding?

Mr. ERVIN. It would make the proceeding conform to due process of law. I do not know how it is possible to have a lawsuit without having an adversary proceeding. The court has held many times, under section 2 of article 3 of the original Constitution, that a case or controversy implies that there are disputing litigants.

Mr. KEATING. In further explanation of my position I would say that it is the same argument in which the Senator from North Carolina and I found ourselves in difference when the other amendment was before the Senate. I refer to the amendment dealing with the referee section. There is the first adversary proceeding, where the pattern or practice of discrimination is found. Then there is the proceeding before the referee or, if the court chooses, before the court. It is the proceeding following a man's attempt to be registered by the State registrar. Then when the referee, later, makes a report as to these matters there is another adversary proceeding.

The language on page 16 of the bill appears to me to endeavor to make the proceeding before the court—if the court elects to conduct the proceeding—the same as the proceeding before the referee, if the court appoints a referee. After that comes the actual adversary proceeding, in which a full opportunity is given to all the parties to question what has been done before. I wonder if the Senator would comment on that. I believe the Senator and I differ on it, but I wonder whether I have analyzed it correctly.

Mr. ERVIN. It is a question whether, in professing to enforce the 15th amendment, Congress will ignore the 5th amendment and the 3d article of the original Constitution. I do not know how it is possible to have a lawsuit which is noncontroversial. Moreover, I cannot conceive a valid procedure which does not comply with the fifth amendment or with the third article of the Constitution.

Of course, if we wish to convert the Federal court into an executive agency, in violation of the constitutional doctrine of the distribution of governmental

powers, we can do it, but we will have an unconstitutional bill. I cannot conceive why a person should be deprived of his rights of due process of law, by being denied an opportunity to be heard in a case affecting him. When the applications are passed on by the judge, there is no provision for any opportunity for that man to be heard. I do not understand how it is constitutionally possible to convert a Federal district judge into an executive officer. I do not believe we can confer on him Executive power. The only power he can exercise is judicial power.

Mr. KEATING. The Senator from North Carolina has made a number of legal observations with which I would be in complete agreement, in general. I return to my question. Is it the intention of the Senator to assure that the proceeding before the judge, if the judge elects not to appoint a referee—where one man is trying to be registered—will be an adversary proceeding, if his amendment is adopted?

Mr. ERVIN. I am trying to convert the proceeding before the judge into a judicial proceeding which will conform to the due process clause of the fifth amendment. This clause requires that every person shall be given notice and have an opportunity to be heard. Without my amendment I believe we will have the practice which a justice of the peace down in my county followed in his justice of the peace court. A young lawyer was trying a case before the justice of the peace. The young lawyer kept jumping up and saying, "I object, Your Honor; that is not according to the law." The justice of the peace got a little restive, and finally said to the young man, "Do not keep on jumping up and saying 'I object; that it is not according to law.' I will have you to know that I'm running this court. The law hasn't got a damn thing to do with it."

The Senator from New York would have us follow the kind of practice that justice of the peace followed. He would have the Congress deprive a man of the protection of the fifth amendment and ignore the second section of the third article of the original Constitution, which limits the judicial power of the United States to cases and controversies. Moreover, he would ignore the first and second and third articles of the Constitution, which divide the powers of the Federal Government among Congress, the President, and the courts. The Senator from New York would say, in effect, that the Constitution has nothing to do with this bill. I am trying to do something which Judge Walsh said is already in the bill by implication, but I am trying to spell it out, so that relevant constitutional provisions will be observed. In so doing, I am trying to make a bad law less obnoxious to the Constitution.

Mr. KEATING. I do not find anything in Judge Walsh's statement which indicates an admission or concession on his part that there are to be two lawsuits before the same judge, one where the original pattern of discrimination is found, and the second at the time when Mr. X or Mr. Y walks in and tries to register to vote. I do not believe it is the intention of the bill as drawn to provide that there shall be a new trial before the same judge with respect to each one of the individuals who tries to vote; nor do I think that there is any requirement under any due process clause that such be done.

Mr. ERVIN. I cannot agree with everything the Senator has said. However, I can agree with the observation of the Senator that there is no intention in the bill that the State election officials will be given the same constitutional rights that everyone else in the United States is entitled to under the due process clause.

Mr. KEATING. I should not like to have my friend believe that that statement was implicit in my remarks. If he agrees with me as to that, then he is in disagreement with me.

Mr. ERVIN. I do not say that I sense this in the Senator from New York, but I do sense a feeling in a great many people that for some peculiar reason Southern State officials are not entitled to the same constitutional and legal rights to which all other Americans are entitled. Otherwise we would not have a bill like this before us, which absolutely fails to give them the right to due process of law.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. LAUSCHE. Directing the attention of the Senator from North Carolina to the statement made by Mr. Walsh, which appears on page 144 of the transcript, I read what Judge Walsh said:

> I say that Mr. Bloch overlooks the fact that the Federal Rules of Civil Practice apply to the extent that they are not expressly excluded or contradicted by the statute. There is not any doubt, I do not think. We have a fundamental disagreement on that, but we believe that the Federal Rules of Practice apply, and they require the service on each party of this application.

Is my understanding correct that the bill now before the Senate provides a specific procedure to control when an application is made to a referee, and that it is on page 17 of the bill?

Mr. ERVIN. That is true; it is when the application is passed upon by the voting referee. But no procedure whatever is provided for the case where the application is passed upon by the judge. This amendment simply attempts to do what Judge Walsh says is already implied, namely, that where the application is passed upon by the judge, the Rules of Civil Procedure shall apply to the extent that they are not inconsistent with the provisions of the bill.

Mr. LAUSCHE. On page 17 of the bill the following statement appears:

> In a proceeding before a voting referee, the hearing shall be held in a public office. The referee shall give the county or State registrar 2 days' written notice of the time and place of the hearing and such State or county registrar, or his counsel, shall have the right to appear and to make a transcript of the proceedings.

Mr. ERVIN. The Senate did not think that the State election official or his counsel ought to find out what the lawsuit is about or even to know that a lawsuit has been started. Consequently, the Senate struck out that provision. It was stricken out by the Carroll amendment.

Mr. LAUSCHE. That is, that the referee shall give the county or State registrar 2 days' notice?

Mr. ERVIN. Yes. Apparently the Senate believes the State official and his counsel should be kept in ignorance of the fact that any proceeding is taking place. The Senate struck that out. In so doing, the Senate, in effect, said that the State official is not entitled to be present, even though he is a party to be affected by the lawsuit. For some strange reason, some of the proponents of the bill—not all of them, but some of them—think that the 15th amendment cannot be enforced without throwing away the due process clause of the fifth amendment.

Mr. LAUSCHE. Where in the bill is the language that prescribes the procedure to be followed in governing the applications filed with the referee?

Mr. ERVIN. It was put back in the language which provides that the proceedings before the voting referee shall be ex parte. As the Senator from Ohio knows, "ex parte" means that a case will be heard with only one of the parties to the case being present. The other party has no right to be there, has no right to notice, has no right to cross-examine witnesses, has no right to be represented by counsel, has no right, even, to know that the proceeding is taking place. That is the procedure which was devised for the voting referee; and it is provided, furthermore, that after the voting referee has heard one side of the case only, he is to make his decision based upon what he has heard on that one side of the case only. He does not hear the other side.

Under this procedure, the situation of the defendant is comparable to the unenviable position of the defendant in a certain case before a justice of the peace. When the plaintiff had rested his case, the justice of the peace looked at the defendant and said: "I would appreciate it very much if you would not offer any evidence. When I hear both sides of a case, it tends to confuse me."

That is the situation created by the bill in this instance. It has been decided by the Senate that the voting referee will not be allowed to become confused. To make this certain, the bill provides he is to hear only one side of the case. So the provision that the other side should have notice and an opportunity to be present has been stricken out by the Carroll amendment. The bill now says that the State election officer is not to be permitted to hear or take part in the case before the referee. Only one side of the case will be heard, to keep the referee from becoming confused.

Then the judge will have to pass on the report of the referee, which was decided on the testimony of one side of the case only, the other side having been absolutely barred from the courthouse.

This is the first time I have ever heard anyone who professes any veneration for due process of law advocating a bill which provides, in substance, that the courthouse door shall be nailed shut so

as to bar those on one side of the case from getting into the courthouse, much less to be heard.

Mr. LAUSCHE. Is it not true that under the bill, as at present drawn, at the ex parte hearing the adverse party, if I may so designate him, has a right to make a transcript of what has been said?

Mr. ERVIN. No; that provision has been eliminated, too. What has been substituted for it is that the proceeding shall be ex parte, and the court shall fix a time and place for the proceeding. The procedure which has been devised in respect to the voting referee is one which has never heretofore been advocated by anyone who professes to believe in a fair system of justice. It is certainly incompatible with the rule that any party who may be affected by a judgment shall have notice and an opportunity to be heard, according to due process of law.

Mr. LAUSCHE. Accepting it as a fact that the hearing before the referee shall be on an ex parte basis, except that notice shall be given 2 days beforehand——

Mr. ERVIN. No; that has been stricken, too. No notice whatsoever is to be given. That language was stricken by the Carroll amendment. Unless the State election official to be affected by the judgment hangs around the Federal judge all the time—and that could be difficult, because most Federal judges hold court in five or six different places—he would have no way to find out when and where the referee is to conduct his ex parte hearing.

Mr. LAUSCHE. On page 18, line 8 of the bill, the language reads:

> Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceeding together with an order to show cause within ten days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report.

Does not that give the election officials and State officials an opportunity to be heard in court?

Mr. ERVIN. Only when the proceeding is brought before the voting referee. But, mind you, the proceeding has already been tried by a voting referee before the State official is given that notice. It has been tried on the evidence of one side of the case only.

Mr. LAUSCHE. Yes; but is not this a notification that after the court has caused the Attorney General to transmit a copy of the report to the adverse parties, they shall have an opportunity then to submit their proof?

Mr. ERVIN. They could come in after the case had been tried in the first instance, in their absence, without notice to them of what the case was about, and without their having the privilege of cross-examining adverse witnesses or offering evidence. They could do it under these circumstances under the voting referee provision. The amendment relates only to the proceeding authorized on page 16, where the application is made to the judge, and is heard by the judge. There is no provision in that instance that the judge shall give notice or afford an opportunity to be heard. In fact, the junior Senator from New York [Mr. KEATING] thought it would be bad to have notice given in that situation, because, he said, there might be some controversy instead of a peaceful proceeding. I have paraphrased his remarks.

Mr. KEATING. I simply make the comment that it is an overparaphrasation.

Mr. ERVIN. In other words, this amendment applies only to applications passed on by the judge, and merely carries out what Judge Walsh said he thought was already implied. I do not agree with Judge Walsh. Mr. Charles J. Bloch, who was testifying to the contrary before the Judiciary Committee, and who is one of the Nation's greatest constitutional lawyers, also did not agree with Judge Walsh. All this amendment does is to make certain that Judge Walsh's idea of what is implied is incorporated in the bill.

Mr. LAUSCHE. Let me ask the Senator from North Carolina why he has reached the conclusion that the rules governing civil procedure do not apply unless it is specifically stated in the bill that they shall apply?

Mr. ERVIN. I shall state the reason: In the first one of the Rules of Civil Procedure for the U.S. District Courts, we find the following:

> These rules govern the procedure in the U.S. district courts in all suits of a civil nature whether cognizable as cases at law or in equity, with the exceptions stated in rule 81.

But rule 81 is not material to this matter. As Mr. Bloch pointed out so well in his testimony before the Judiciary Committee, the only power the Federal courts have is that derived by them from article III of the Constitution, which provides that the Federal judicial power shall extend only to cases and controversies. That provision has been construed many times as applying only to cases and controversies where the law provides a remedy enforceable in the courts according to the regular course of legal procedure.

But the procedure established by the bill is not according to the regular course of legal procedure. The Supreme Court of the United States has held in a multitude of cases—and I placed in the RECORD an extract from one of them—that wherever there is established a procedure which is not to be conducted according to the ordinary course of legal procedure, it is necessary to see to it that the act which establishes that procedure should guarantee to the parties to be affected by it notice and opportunity to be heard according to due process of law. The act creating the new procedure must do this in order to be valid. Even though a party may be given notice and opportunity to be heard as a matter of grace, that is not sufficient; the law creating the procedure has to secure that right to him.

All I am trying to do is make clear that what Judge Walsh says is already so is actually so, so there can be no dispute about it.

Mr. LAUSCHE. I thank the Senator from North Carolina.

Mr. COOPER. Mr. President, will the Senator from North Carolina yield to me?

The PRESIDING OFFICER (Mr. LUSK in the chair). Does the Senator from North Carolina yield to the Senator from Kentucky?

Mr. ERVIN. Yes, I yield to the able and distinguished Senator from Kentucky.

Mr. COOPER. First, I should like to say, as I have previously stated, that I think those who write such civil rights legislation, and who say that due process of law has been denied in the Southern States, should be very certain that the bill itself provides for due process of law.

Mr. ERVIN. Let me say that the Senator from Kentucky has at all times fought to see to it that all basic constitutional provisions are observed.

Mr. COOPER. I should like to suggest that this section does provide for notice and for hearing and for a determination by the court, and it seems to me it does provide due process of law.

I now read from the bill itself: It provides that after a referee has made a finding, the report of the referee shall be made to the court. Then the bill provides that the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceeding, together with an order to show cause within 10 days or such shorter time as the court may fix why an order of the court should not be entered in accordance with such report.

It seems to me that is a provision that notice shall be given not only to each party, but also to the State attorney general.

Mr. ERVIN. But I say to the Senator from Kentucky that the amendment is not directed to that part of the bill. The amendment is not directed to the hearing before the voting referee, because a procedure is spelled out for a case in which the application is heard by a voting referee. This amendment is directed only to a situation in which the judge himself, as set forth at the top of page 16, passes on the application. There is absolutely no provision anywhere in the bill for any notice to be given to the State election official or to the attorney general of the State in cases in which the judge—as distinguished from the voting referee—passes on an application.

Mr. COOPER. Let me pursue for just a moment the other section—namely, that after notice has been given, there is to be a hearing and there is to be a determination by the court.

Here I differ with my distinguished friend, the Senator from New York. I think these provisions would be applicable to a single applicant, as well as to a group of applicants, and that each applicant or the State or the local election officials, if they thought their rights had been denied in any way, would have the right of appeal under the 1957 act. I think the Senator from North Carolina will agree as to that.

Mr. ERVIN. Yes; but they would not have a right to notice or a hearing. This is an unusual procedure. If the Senator from Kentucky will notice, the bill provides two different ways in

which an application can be passed on. In one, the judge will pass on it, as set forth on page 16; in the other, the referee will pass on it, as set forth on page 17, I believe.

In a case where an application is passed on by a voting referee, a procedure is established by the bill, as the Senator from Kentucky has so well stated. But the bill does not set forth any procedure to guide or govern a judge who passes on applications after the adjudication of a pattern or practice of discrimination has been made.

Mr. COOPER. I turn now to page 15, line 20:

> In any proceeding instituted pursuant to subsection (c) in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall upon request of the Attorney General and after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice.

Would not that provision give notice and an opportunity to be heard to all the parties?

Mr. ERVIN. It would give notice and an opportunity to be heard only to those who were parties to the original suit in which the pattern or practice of discrimination was found. Those who make applications to the judge come in afterward. They would not be parties to the original suit. They would not be persons for whose benefit the original suit was brought. If persons are parties to the original suit or those for whose benefit the original suit is brought, then the court in the original suit adjudges their right to vote, and orders their registration under the 1957 act.

But the persons who make applications to the judge are new people who come in for the first time subsequent to the finding of the pattern or practice of discrimination. This is the interpretation which was placed on the measure by the Attorney General and by Judge Walsh and I think that all members of the Senate Judiciary Committee who heard their testimony would agree as to that, namely, that the persons making application to the judge come in subsequently to the adjudication concerning the practice or pattern of discrimination.

Mr. COOPER. I agree. But first there will be a hearing at which the court can make a determination that there have been deprivations of the right, pursuant to a pattern or practice of discrimination. On page 15 it is provided that at such hearing each party will be given notice and an opportunity to be heard. Does the Senator think that satisfies the requirement of due process?

Mr. ERVIN. No, I do not think so. The right of the Federal Government to do anything whatsoever in this field is dependent upon the State's having denied an individual the right to vote—a right possessed by him as a citizen—solely on account of his race or color. I think that is an individual question in every case. Even apart from the matter of notice and a hearing, I doubt the constitutionality of the bill. It undertakes to establish a conclusive presumption which cannot be contradicted for at least a year, respecting the only condition authorizing the Federal Government to take any action whatsoever under the 15th amendment. As a consequence of this conclusive presumption, the State cannot even raise the question of whether there has really been any discrimination on the basis of race or color after the finding of a pattern or practice. Since the court is denied the right to pass on the question of discrimination as to the new applicants and can only pass on the question whether they possess qualifications prescribed by State law, and whether their applications have been rejected, I think the officials are entitled to notice and a hearing on each claim, because each claim is advanced by a new individual.

Mr. COOPER. As I understand the Senator's objection, it goes to that part of subsection (a) of title VI of the proceedings which would follow findings by the court that there was a deprivation of the right in certain areas pursuant to a pattern or practice, because, following that language, it is provided that:

> Any person of such race or color resident within the affected area shall * * * be entitled, upon his application therefor, to an order declaring him qualified to vote.

Is it in that section that the Senator from North Carolina asserts there is no due process provided?

Mr. ERVIN. That is correct. That is the section to which my amendment is directed. I agree with the Senator from Kentucky that up to the time of the finding of a pattern or pratice by the court, there is notice to everybody concerned. But when these new people apply, they bring new matter and new claims into court, and the provision ought to be spelled out that the court will follow the Rules of Civil Procedure insofar as they are not inconsistent with the provisions of this bill.

Mr. COOPER. It would be a civil procedure, of course.

Mr. ERVIN. It should be a judicial proceeding. I am trying to make it certain that Congress is establishing a judicial procedure, instead of attempting to confer on the Federal courts what is essentially an executive function, namely, the registration of voters.

Mr. COOPER. As I understand the Senator from North Carolina, there is one part of the provision which he asserts would not be due process. After there has been a finding of a pattern or practice of discrimination, the Senator believes there should be notice given in the case of applications made by individuals of a certain group.

Mr. ERVIN. That is correct. That is the point. The amendment is directed solely to that point.

Mr. KEATING. Mr. President, will the Senator yield to me on that point?

Mr. ERVIN. Yes.

Mr. KEATING. The Senator's view is correct, in that regard, where a referee is appointed. The Senator contends it is not due process in that case not to make it an adversary proceeding, I take it.

Mr. ERVIN. I think it is not due process where the matter is heard by the judge, because there is no requirement of notice and hearing which are essential under the due process clause. I do not believe Congress can pass a valid law that would deny to one party to litigation the right to offer evidence. This bill contains a provision that evidence shall be taken by the voting referee with respect to a person's literacy and knowledge of other subjects where required by State law; that the decision of both the referee and the court shall be based solely on the applicant's evidence in this respect; and that no evidence by the other party shall be considered. I do not believe that Congress can pass a law and provide that when the Senator sues me his evidence is going to be the only evidence considered on a crucial issue in the case, and that I shall be denied the right to introduce evidence to the contrary. I think that the full hearing to which due process of law entitles every litigant requires that he shall be given the opportunity to present any competent evidence tending to sustain his claim or defense. While a bill which denies a party notice and a hearing may establish a process, it is not due process.

Mr. KEATING. Again, there is much in the generalizations which my friend has made with which I would find myself in complete agreement, but I am trying to pinpoint the objective of the amendment and how it fits in with what we have already done in dealing with the proposal before the Senate. We have defeated the effort to make the hearing before the referee an adversary proceeding. The effect of the amendment of the Senator, as I envision it, would be to make the proceeding before the judge, after he has found a pattern or practice of discrimination, a procedure in which, when each individual tries to register to vote, there will be a full adversary procedure, a lawsuit, with due notice to everybody involved, and a full trial in each and every one of these cases—which is not envisioned by the bill, as I understand it. I am saying this only for the purpose of trying to pinpoint the difference between the Senator's position and my own position.

Mr. ERVIN. I agree with the Senator from New York that that is not envisioned by the provision of the bill to which this amendment is directed. I think that provision of the bill is designed to deny due process of law to a person affected by the bill, namely, the State election official.

I happen to be a person who comes from a State that has a constitution which provides that the courts shall be open. Under such a constitution, no judicial proceeding can be conducted in secret or hidden from the public or the people who are to be affected by the proceeding.

I happen to be one who believes that all cases ought to be tried in open court, and that notice and an opportunity to be heard are basic to any system of justice worthy of the name. That is what my amendment is trying to protect.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. FULBRIGHT. I should like to associate myself with the last statement just made by the Senator. I compliment him on his amendment.

There is one other provision in this general subsection about which I should like to ask the Senator. Would his amendment have any effect upon the subsection which appears on page 20, line 18? That language is "the words 'qualified under State law' shall mean," and so forth. That seems to be an unusual provision.

Mr. ERVIN. My amendment would have nothing to do with that particular language. I agree with the Senator from Arkansas in what he has said about it. If the writer of the book of Ecclesiastes had not written, "There is no new thing under the sun," he could not have written it after this provision was proposed. This is the first time I have ever heard it suggested that, instead of the law enacted by a State legislature being applied to determine whether a person is a qualified voter, we shall be governed on that point by the violations of that law by the State official who has been guilty of discrimination, provided those violations are less stringent than the State law enacted by the legislature. It is the first time it has been proposed anywhere, in any legislative body, anywhere on the face of the earth, that a criminal who violates the law of the State automatically amends the law of that State to conform to his criminal act.

Mr. FULBRIGHT. I was wondering how the Senator reconciles that provision with the due process of law which he so eloquently describes in the other section.

Mr. ERVIN. I cannot reconcile it with anything on the face of the earth.

The provision says, in substance, that the laws of the State, enacted by the State legislature, shall be deemed to be amended by the misconduct of one who violates those laws, to conform to his violations unless his violations are more stringent than the State laws.

Mr. FULBRIGHT. According to that language, the law of the State in this respect, with regard to qualifications, may vary day by day, each time there is a different degree of violation of the State law; is that correct?

Mr. ERVIN. That is true. Let us consider a State which has a thousand election districts; if a State election official violates the election law of the State in his district, this provision would make such offending official a legislature. There could thus be 1,000 legislatures in session, amending the election law of the State by this violation of these laws. The law would be one thing one day and another thing another day in the same election district. The law would be one thing in one precinct and another thing in another precinct. That is what the language of the provision amounts to.

Mr. FULBRIGHT. I cannot see how that could possibly be applied under any due process of law concept.

Mr. ERVIN. It cannot be. The only authority the Federal Government has to enter into the field of voting in State elections is the 15th amendment. That would be on the basis of State action violating the amendment. What is State action under the 15th amendment has been decided time and time again by the Supreme Court of the United States, and this provision cannot possibly be harmonized with the decisions. It cannot be harmonized with anything in the constitutional or legal fields. This provision provides, in essence, that criminal acts shall amend the law of the State which prohibits those criminal acts. That is what the language provides.

Mr. FULBRIGHT. That is a new concept, and a very original one.

Mr. ERVIN. Yes.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. ERVIN. I yield to the Senator from South Carolina.

Mr. JOHNSTON of South Carolina. I should like to ask the Senator from North Carolina if it is not true that Judge Walsh stated the bill carried along with it the rights the Senator is now offering in the amendment.

Mr. ERVIN. Absolutely. That is stated on page 141.

Mr. JOHNSTON of South Carolina. What harm would there be to incorporating that into the bill in black and white, if that be true?

Mr. ERVIN. For the life of me, I cannot see what harm would be done. I think a bad bill would be made less obnoxious by the incorporation of the amendment into the bill.

Mr. JOHNSTON of South Carolina. Of course, the bill would take away a lot of rights which people have at the present time. Is that not correct?

Mr. ERVIN. A great number. The bill creates an entirely new procedure unlike any now in existence.

Mr. JOHNSTON of South Carolina. This procedure is something new, which I have never heard of before. It says, does it not, that if one is a sinner today, one must be a sinner for a year, and until the court stops one from being a sinner?

Mr. ERVIN. That is correct.

Mr. JOHNSTON of South Carolina. This is the way the language reads: "If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased"—one would have to come back into court again and prove to the court the sinning had stopped, and it would run for a year, anyway.

Mr. ERVIN. It could not be proved within a year.

Mr. JOHNSTON of South Carolina. Nothing could be done about it for a year.

Mr. ERVIN. That is true. If the State election officials fired the offending registrar the next day and put in his place a man who would not discriminate against anybody under any circumstances, still for a year the Federal Government would assume the power to pass on the qualifications of voters in State elections, notwithstanding the fact that discrimination had ceased and notwithstanding the fact that the Federal Government has no power under the 15th amendment to do anything unless there is discrimination. The bill would deny to the State the right to show the truth for at least a year.

As the Senator from South Carolina knows, we are accustomed to seeing justice depicted as a blindfolded lady. This provision of the bill says that justice shall not only be blind, but that justice shall be deaf to the truth for at least a year. If it can be done for 1 year, it can be done for 10 years, and if it can be done for 10 years, it can be done for 50 years. Under this pretext the Federal Government would do something which the 15th amendment says the Federal Government has no power to do; namely, take over the registration of the voters in State elections.

Mr. JOHNSTON of South Carolina. And if the people did not abide by that rule in a State and did not abide by the court order, the Federal court would find them guilty of contempt; is that not correct?

Mr. ERVIN. That is correct.

Mr. JOHNSTON of South Carolina. We have laws in the States which say to the individual, "You cannot do a certain act, and if you do it is a malfeasance." That is a provision of State law.

Mr. ERVIN. The Senator is correct.

Mr. JOHNSTON of South Carolina. If somebody who was guilty of some crime which made him ineligible to become a voter had been registered, the State court would have authority to take action, is that not true?

Mr. ERVIN. Exactly.

Mr. JOHNSTON of South Carolina. Either way a person could be convicted in court.

Mr. ERVIN. Even though a State might try a State election official for violation of the State law and send that official to the penitentiary for his misdeeds, the section of the bill mentioned by the junior Senator from Arkansas provides that the laws of the State would be amended to conform to the criminal acts for which that person was sent to the penitentiary.

Mr. JOHNSTON of South Carolina. When the Federal courts and the State courts both have authority, the man would be convicted one way or another. It would make no difference which way he went.

Mr. ERVIN. The bill is a good illustration of what I have often asserted about the bills which are called civil rights bills. I have never seen one of them, of modern vintage, which was not based upon the theory that the civil rights program cannot be consummated without robbing other Americans of constitutional and legal rights as precious as any civil rights on earth.

Mr. JOHNSTON of South Carolina. In other words, we are here asked to take away the constitutional rights of people under the provisions of the bill, are we not?

Mr. ERVIN. Yes. I would say to the Senator from South Carolina, there is something radically wrong with a bill which says, in effect, "We cannot enforce the 15th amendment without violating the due process clause of the 5th amendment, the provisions of the 3d

article of the Constitution, and the distribution of governmental powers made by the 1st, 2d, and 3d articles of the Constitution."

That is precisely what the bill would do.

I thank the Senator.

Mr. President, I yield the floor.

Mr. FULBRIGHT obtained the floor.

Mr. JAVITS. Mr. President, will the Senator yield at that point so that we may get an idea as to what are the Senator's intentions?

Mr. FULBRIGHT. I yield.

Mr. JAVITS. Is the Senator going to speak on the pending amendment?

Mr. FULBRIGHT. I am going to speak generally on the subject of registrars and referees, but not with specific reference to the pending amendment.

Mr. JAVITS. Would the Senator tell us about how long he will speak?

Mr. FULBRIGHT. I would say about an hour.

Mr. JAVITS. I thank the Senator.

Mr. FULBRIGHT. That will be time enough for the Senator to go to lunch.

Mr. President, I yield to the Senator from South Carolina so that he may make an insertion in the RECORD.

THE RIGHT TO DEMONSTRATE

Mr. JOHNSTON of South Carolina. Mr. President, I wish to bring to the attention of the Senate, the editorial appearing in the April 11, 1960, issue of U. S. News & World Report entitled "The Right To Demonstrate" written by Mr. David Lawrence.

This editorial most outstandingly points out the difference between "mobocracy" and "democracy." In short, as Mr. Lawrence points out in his editorial, "mobocracy" is the condition which is now prevailing in South Africa and which some people have attempted to make prevail in America through illegal sitdown strikes and other violent demonstrations; whereas in a "democracy" we have what is known as the right of peaceful demonstration.

When a mob of people violates the sanctity of private property and attempts to force itself upon unwilling people, then is when "mobocracy" replaces "democracy," and violence supplants peaceful demonstration.

In his editorial Mr. Lawrence says:

The difference between a "mobocracy" and a "democracy" is that in one there is no rule of law, while in the other there is respect for law and order—a willingness to submit to the wishes of the majority of the people as expressed in a system of representative government.

Mr. Lawrence continues in his editorial to point out the standards of law and order recognized over the world, and goes into the matter of "right to demonstrate." Rightfully, Mr. Lawrence questions the right of a mob of 20,000 to march on a police station in South Africa which contained only 25 policemen, and throw stones and taunt and threaten the local recognized authority. This, as Mr. Lawrence pointed out, is not a "peaceful assembly" but the actions of a "mobocracy."

Then Mr. Lawrence states:

In our own country, the right to demonstrate is likewise being abused. Negroes and whites have a right to gather in peaceful meeting to deplore the separation of the races at lunch counters, but they have no right to create disturbances inside stores which are private property.

Does the National Association for the Advancement of Colored People have the right to urge the public, by telephone call or handbills, to refrain from patronizing certain stores? Secondary boycotts by persons who are not parties to a labor dispute are prohibited by Federal laws that have been upheld by the Supreme Court.

It may be questioned whether marching on police stations or State capitals in big numbers is a wise exercise of the right to demonstrate. Cannot the same points be made and the same publicity obtained by smaller, well-behaved groups? When a large group is formed to march on a particular objective, the danger is that such a group can readily be converted into a mob by encouraging bystanders to join in demonstrations, which too often become lawless.

The Supreme Court of the United States has frequently upheld the right of free speech under our Constitution, but it has also ruled that it is not free speech to cry "fire" in a crowded theater. It is the impact of free speech and the circumstances surrounding otherwise peaceful gatherings which must be carefully considered. Certainly there is no right to form groups that defy the police in their efforts to maintain order, nor any right to invade private property or to conspire to destroy anyone's business if he is obeying the laws of the land.

There is only the right to demonstrate peacefully and with proper respect for the lawful rights of others in the community.

Mr. President, I bring this to the attention of the Senate for several reasons. First, because I think this editorial is a long overdue lesson in realistic and idealistic democracy. There must be a recognition of the difference between mob rule and the right of peaceful demonstration.

I hope the citizens of our country who have previously engaged in "mobocracy" will pay heed to the words of David Lawrence, and I hope those in high positions in and out of our Government who, in the past, have lent their support to "mobocracy" may retrench in their thinking for the welfare of our country.

Mr. President, I ask that the editorial "The Right To Demonstrate," by Mr. David Lawrence, be printed in the body of the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the U.S. News & World Report, Apr. 11, 1960]

THE RIGHT TO DEMONSTRATE

(By David Lawrence)

The difference between a "mobocracy" and a "democracy" is that in one there is no rule of law, while in the other there is respect for law and order—a willingness to submit to the wishes of the majority of the people as expressed in a system of representative government.

To determine what form of government shall prevail is the sovereign right of a community. Where self-government is denied, the right of revolt is recognized as the inalienable privilege of the people.

These are principles that we in America have espoused ever since the days when we rebelled against the tyranny of a king and established our own republic.

The whole world has accepted the doctrine of self-government and self-determination as a basic principle of human conduct, and, when we see it violated as it was in Hungary in 1956 and in Tibet in 1959, free men everywhere express their disapproval and horror. By doing so, we hope to encourage the downtrodden and the oppressed, though we may not feel an obligation to render them assistance by military force.

For a long time, international law has recognized the right of an outside government to demand respect for the lives and property of its citizens and, if necessary, to take forceful measures by military intervention to protect its own citizens.

To what extent, however, may nations express themselves on what appear to be purely internal matters? The United Nations has been debating lately, through the Security Council, the tragic situation in South Africa. The Government of the Union of South Africa objects to such a discussion on the ground that the recent riots are purely an internal matter relating to the preservation of law and order against mobs.

Our own Government has taken the position that, where a controversy exists as to whether an external or internal situation is involved, there should be full debate on that very point. Great Britain, France, and Italy, while expressing regret over the developments in South Africa, appear to regard them as internal.

What is happening, of course, is that 29 Asian and African nations in the United Nations are expressing their "right to demonstrate." This is a proper expression of opinion and a rightful use of moral force. For, unless we are willing to debate in the court of public opinion any issue—including our own behavior—we cannot expect to make progress toward law and order and the establishment of human rights.

But what of the "right to demonstrate" when public officials are challenged? Did the mob of 20,000 which "marched" on the police station in South Africa—containing only 25 policemen—have the right to throw stones and taunt and threaten so that the police grew frightened and opened fire? This was an example not of a "peaceful assembly" but of a "mobocracy."

The net result has been the taking of severe measures of repression and the declaration of a national emergency by the South African Government so as to prevent further tragedies. The acts of lawlessness which have taken the form of burning the identity papers required of all citizens, irrespective of race, are indefensible. They are not in accord with the doctrines of "peaceful demonstration," but are a defiance of law.

In our own country, the "right to demonstrate" is likewise being abused. Negroes and whites have a right to gather in peaceful meetings to deplore the separation of the races at lunch counters, but they have no right to create disturbances inside stores which are private property.

Does the National Association for the Advancement of Colored People have the right to urge the public, by telephone call or handbills, to refrain from patronizing certain stores? "Secondary boycotts" by persons who are not parties to a labor dispute are prohibited by Federal laws that have been upheld by the Supreme Court.

It may be questioned whether marching on police stations or State capitals in big numbers is a wise exercise of the "right to demonstrate." Cannot the same points be made and the same publicity obtained by smaller, well-behaved groups? When a large group is formed to "march" on a particular objective, the danger is that such a group can readily be converted into a mob by encouraging bystanders to join in demonstrations, which too often become lawless.

The Supreme Court of the United States has frequently upheld the right of free speech under our Constitution, but it has also ruled that it is not free speech to cry "Fire!" in a crowded theater. It is the impact of

free speech and the circumstances surrounding otherwise peaceful gatherings which must be carefully considered. Certainly there is no right to form groups that defy the police in their efforts to maintain order, nor any right to invade private property or to conspire to destroy anyone's business if he is obeying the laws of the land.

There is only the right to "demonstrate" peacefully and with proper respect for the lawful rights of others in the community.

Mr. FULBRIGHT. Mr. President, before I make some comments of my own, I wish to pay tribute to the Senator from North Carolina [Mr. ERVIN] because of his discussion today on one of the most important aspects of the bill. I wish to associate myself with his remarks regarding the inherent difficulty which all these bills have encountered when it comes to trying to solve a problem which actually is not solvable by legislative means. That argument has been made on many occasions.

I wish for a few minutes to discuss generally the subject of registrars, which bears directly and indirectly upon the subject of referees. I wish to examine some of the history which should lead us to a sounder judgment on the validity of the approach which is attempted in these provisions.

Historians who have surveyed and examined critically the period from 1865 to 1872 are virtually unanimous in labeling it as one of the darkest and most unhappy eras since the founding of this Nation. These students of U.S. history reflect a concurrence of opinion which is very unusual in academic controversy, when they lay bare the viciousness of the radical Congresses and the baneful effects of the legislation of the Reconstruction period on the future of the South and its relations with other sections of the United States. These unrestrained Congresses which conceived and executed Reconstruction exemplify striking instances of legislative bodies whose programs reflect not the moderate and balanced judgment characteristic of Anglo-American political policy and philosophy but the vindictiveness of those whose need for vengeance dominated the soundness of their logic.

Recalling this historical period from whence sprung most of the sectional differences which plague this Nation today, I regret that a great number of my colleagues, and perhaps even a majority, support legislative proposals which are similar in many respects to those enacted nearly 100 years ago. As an example, I recall that on March 23, 1867, the Congress passed an act specifying that the respective commanders of the five military districts into which the Southern States had been divided, were to "cause a registration to be made of the male citizens of the United States, 21 years of age and upward, resident in each county or parish in the State or States included in his district." Later in September of the same year, Congress elaborated this unique legislation by providing that the commanding generals of each district were to appoint "as many boards of registration as may be necessary—consisting of three loyal officers or other persons—to make and complete the registration; superintend the election and make return to him of the votes, lists of voters, and of the persons elected as delegates by a plurality and make proclamation thereof." Thus, for the first time in our history, voters were to be selected and elections were to be conducted by officials not native to the locality. Procedures completely alien to those traditionally employed at elections in the South were instituted under this legislation.

As might have been predicted, the registrars selected pursuant to this authority were partisan and corrupt in drawing up the voting lists. They gained a reputation throughout the North as well as the South for the imperious and arbitrary manner in which they included and excluded citizens from the rolls of eligible voters. The National Intelligencer, one of the most respected periodicals in this country from the earliest days of the 19th century, printed an article on these bureaucratic party hacks entitled "The Arbitrariness of Petty Officials," in which the registrars were characterized as "the little despots."

In order to secure the dominance of the Republican radicals in the State assemblies and in the State congressional delegations, these registrars disenfranchised around 150,000 southerners who had traditionally been the bulwark of enlightened and moderate government in the Southern States. As a result, the radicals, most of whom were alien to the South and had never lived there until the end of the war, along with the just-freed and almost totally uneducated Negroes, were elevated to positions of power in the States.

Incredible accounts of corruption emerged from the constitutional conventions selected under these federally controlled elections and from the legislatures which grew out of this abortive attempt to restore order to the devastated South. As one example, I recall that less than half of the members of the first State Legislature of South Carolina after the war were literate: One northern newspaperman cited this legislature as an example of "barbarism overwhelming civilization by physical force." Specific documentation of the corruption of this period would only burden the record unnecessarily; it is sufficient to remark that there was a total eclipse of decent democratic government in the South.

The results of this period of Federal intervention in the South were, of course, catastrophic. Not only was there complete prostitution of government in the areas affected but there was also a lower political tone in the Federal Government, as evidenced by the abuses present during the Grant administration. It resulted in a one-party system in the South, a system highly criticized by many political theorists. Above all, it left a legacy of ill feeling and prejudice between the several sections of the country, a difficulty which continues to plague the effectiveness of American democracy even today.

And yet, Mr. President, in spite of the clear historical testimony against Federal intervention in and control of elections, we find ourselves embroiled in controversy over whether or not this country should again resort to the use of federally controlled referees. The parallel between this legislation and that of the last years of the 1860's is as clear as it is disturbing. At a time when we have begun to congratulate ourselves on the demise of sectional prejudices and hatreds which afflict our national life, there are those who would resurrect that very system which gave birth to and nourished the development of these divisive attitudes. This Congress could make no greater mistake than the reopening of the wounds inflicted upon our country by a tragic Civil War. The South accepted the decision imposed upon her by superior force. The young men of the South have fought bravely in two World Wars. The South has made and is making a not inconsiderable contribution to the economic growth of this Nation. I submit that it is high time our northern brothers cease to treat the South as a conquered territory and conquered people.

Mr. President, the issues being raised in this body today are the same as those raised during the congressional debates on repeal of the Reconstruction period election laws. It would be well for every Senator to refer to these debates and study them carefully. The CONGRESSIONAL RECORD for this Congress unfolds a sad story of this Nation's only experience with national election laws. It would seem that the unfortunate results of that period would have taught us an unforgettable lesson. Obviously, this is not so, since here we are again faced with similar proposals for Federal control of the election processes. The future is indeed dark if we cannot learn from our past mistakes.

I expect to bring out some of the points which were made during the controversy on the repeal bill. Then, as now, the question raised bitter arguments and uncovered latent animosities which had been dormant for many years. I think the proponents of the measures now under discussion in the Senate would be enlightened if they would take the time to read the House committee report on the repeal bill. I realize that those who are advocating this legislation do not wish to be enlightened in this direction and I do not expect that many will follow my advice. For this reason, I find it advisable to point out to them some of the information contained in the committee report as well as in the Senate debates on the bill. I would like to read the majority report in its entirety but I shall not burden the RECORD to that extent. I do, however, wish to quote several of the most pertinent paragraphs from the report. The majority states on page 6:

But again, the States for a hundred years and more have provided election laws, appointed officers for their proper execution, and provided the machinery of election. They have prescribed duties for such officers, and have imposed penalties for the failure to discharge these duties. This machinery and these officers, without distinction as to the character of the election, whether it be State or Federal, have the same duties imposed upon them in all essential qualities. With this State of things we find these statutes which are sought to be repealed create officers whose duties it shall be to supervise, scrutinize, and watch every act of the officers of the States. This of itself must create friction, and the history of the country since the enactment of these laws, has demonstrated their unwisdom in this respect. The power to guard, scrutinize, and inspect implies the power to correct or prevent that which is scrutinized. The power to supervise implies the power to compel the doing or to prevent the doing of the thing which is the subject of supervision. How then can the United States, by its supervisors and deputy marshals, supervise an election under a law which it has not enacted or scrutinize the registration (a condition of suffrage in many of the States) when the right of suffrage emanates from the State itself and the State alone can determine it?

Mr. President, the States still have election laws capable of protecting the right to vote for all citizens. The statement that Federal supervision of State election officials creates friction between the States and the Federal Government is a restrained and temperate comment on the results of such intervention. The minimum effect of such Federal controls would be relegation of State officials to an inferior and dishonorable status. We have sufficient difficulty today attracting qualified people to enter State politics without officially designating them as lackeys of an alien supervisor.

Qualified persons are not likely to offer their services in connection with the election processes when they are faced with harassment by Federal officials. Certainly one of the end results of passage of the proposal before us would be the lowering of the caliber of State officials, especially those who are connected in any way with the election processes.

The committee majority went on to point out other reasons for repeal of the Reconstruction election laws. On pages 7 and 8 there appears a concise summary of the basic reasons for their desire to wipe those inequitable laws from the statute books. They said:

But we regard these statutes as chiefly inimical to the best interests of the people because they are in effect a vote of lack of confidence in the States of the Union. The inference is irresistible that they were enacted because of a lack of confidence in the honesty if not in the ability of the States to conduct their own elections. With such an intention plainly on their face, with what consideration could they be met by the people for whom they were intended except that of distrust and suspicion? Would the U.S. Government suffer less by the prevalence of fraud in elections than the State whose officers we sent to represent it in the Government of the United States?

Let every trace of the Reconstruction measures be wiped from the statute books; let the States of this great Union understand that the elections are in their own hands, and if there be fraud, coercion, or force used they will be the first to feel it. Responding to a universal sentiment throughout the country for greater purity in elections, many of our States have enacted laws to protect the voter and to purify the ballot. These, under the guidance of State officers, have worked efficiently, satisfactorily, and beneficently; and if these Federal statutes are repealed that sentiment will receive an impetus which, if the cause still exists, will carry such enactments in every State in the Union.

Finally, these statutes should be speedily repealed because they mix State and Federal authority and power in the control and regulation of popular elections, thereby causing jealousy and friction between the two governments; because they have been used and will be used in the future as a part of the machinery of a political party to reward friends and destroy enemies; because under the practical operations of them the personal rights of citizens have been taken from them and justice and freedom denied them; because their enactment shows a distrust of the States, and their inability or indisposition to properly guard the elections, which, if ever true, has now happily passed away; and last, but not least, because their repeal will eliminate the judiciary from the political arena, and restore somewhat, we trust, the confidence of the people in the integrity and impartiality of the Federal tribunals.

These arguments are as valid today as they were 67 years ago. It is obvious that our Nation's only experience with Federal control over the election processes was a complete failure. The old saying that experience is the best teacher does not seem to have any validity for the proponents of the proposal now being discussed in the Senate. I would think that the unworkability and disruptive results of the old election laws would have taught our Nation a lesson which we would never forget. I can only assume that history does not teach some people much, if anything.

I am pleased that a distinguished senator from my State, Senator James Berry, took the lead in the move to repeal these vicious laws. As I pointed out the other day, I occupied the seat in the house of representatives once held by this distinguished statesman. After moving to take up the repeal bill in the senate, Senator Berry made an extremely able speech. I wish to quote a few brief excerpts from his speech, and I urge that those Senators on the floor, who are already convinced of the merits of the pending bill, ponder his remarks carefully. He said:

I propose to advocate the repeal of these laws and the passage of this bill, for the reason that I believe the laws now on the statute book to be vicious in principle and bad in policy, passed for an unjust purpose, and tending in their character to defeat the very object for which it is claimed they were enacted—that is, free and fair elections.

I take it for granted, Mr. President, that each senator upon this floor is anxious to secure honest elections everywhere, and that each ballot cast by the citizen should be honestly counted, and any assumption upon the part of the Republican Party, the Republican press, or Republican Senators that we desire the repeal of these laws in order that fraud may be perpetrated in elections is unwarranted by the facts, unjust to us, and an insult to all honest men. We are American citizens equally interested with you in the preservation of free institutions, and equally anxious to maintain the purity of elections. The only real question at issue is: Can this purity and this fairness be best secured by the general Government or by the several States?

The issues stated by Senator Berry as to whether the Federal Government or the State governments were best qualified to maintain the integrity of the election processes is exactly the issue which confronts the Senate today; granted that extraneous matter has been injected as Senator RUSSELL so ably pointed out. Similarly, the opponents of the legislation now before us are equally interested in the preservation of our free institutions, including voting rights, as are the proponents of the pending legislation.

Senator Berry went on to point out the basic reasons why the supervision of elections is more properly a subject for State control. He said:

In the nature of things it will always follow that the purity of elections can be better secured by officials appointed by the State government than those appointed by the general Government. The election officers of the State are invariably selected from the immediate locality where the elections are held. They are as a rule reputable citizens who have homes and families in the county. They know that any fraud upon their part will inevitably blacken their character and lose them the esteem of their neighbors. They know that all such frauds sooner or later produce ill feeling and tend to destroy the peace and good order of society and threaten the security of their property.

Where the entire responsibility rests upon them local pride will be a strong restraint upon any inclination they may have to falsify the returns. They know that it is absolutely impossible that practices of this character can be carried on to any great extent without detection, and however strong a partisan a man may be, it is only the basest of men who would be willing for their neighbors to know that they had deliberately stuffed a ballot box or falsified a return.

On the other hand, officers appointed by the Federal courts, supervisors, and deputy marshals, do not bear the same responsibility to the local authorities and to the immediate community where the election is held as would judges of elections and deputy sheriffs selected by the authority of the State government. The Federal courts are comparatively few in number, and the presiding judge cannot have an intimate acquaintance and knowledge of men in every portion of the State, and therefore do not have it in their power to make the best selections for these officials. And the same may be said of the marshals of the United States, whose authority extends over many counties, while that of the sheriff is confined to the county in which he resides.

These, it seems to me, are unanswerable reasons why the power to hold and supervise elections for all officials, including Members of Congress, should be conferred upon the States themselves and not the National Government. While these laws which it is now proposed to repeal remain upon the statute book there is something of a divided responsibility and a divided control, which in the very nature of things produce jealousies, suspicion, and antagonisms which are liable at any time to bring about conflicts between the authority of the General Government and that of the State, and which in many instances will tend to defeat the will of the people as expressed at the polls.

Supervisors and deputy marshals appointed by the Federal authority to overlook and direct State officials in the discharge of their duty carries with it a suspicion of the integrity of the State officials, and tends to diminish the causes that induce men to do right for the sake of right, and to destroy that confidence and respect which all good citizens should have toward the officers of both the State and Federal Governments. A man is far more likely to be honest when he will get full credit for his good deeds, than where he is placed under suspicion and supervised by the officers of the General Government.

The point he raised concerning the implication of distrust of State officials exemplified in the then election laws is

uniquely applicable to the present controversy. The philosophy expressed in the proposal now before us is that the officials of the Southern States cannot be trusted. I submit, Mr. President, that Southern officials are no more corrupt or dishonest than officials in any other section of the Nation. The South has no monopoly on disrespect for law and order. And the basic implication of this legislation that this is so does a grave disservice to the millions of law-abiding citizens from those States.

I recall, incidentally, that a great hullabaloo followed my own election, which took place in 1944. A committee composed of a Senator from Rhode Island and a Senator from Michigan went to Arkansas, looked into the election very closely, and found no evidence of corruption. I suppose they were very much disappointed in not finding any.

At this point, Mr. President, I should like to digress to cite examples of what officials in my State accomplished in incidents which have some bearing on the pending issues. Senators will recall the black and blatant headlines carried in the Nation's press when, on Labor Day 1959, the school board offices, the mayor's office, and the automobile of the fire chief of the city of Little Rock were bombed. The account of this violent episode was sent around the world via television, radio, newspapers, and magazines. Subsequent to the bombings the Little Rock Chamber of Commerce offered a $25,000 reward for the apprehension of the bombers. The local law enforcement officers went into action immediately, and within a period of 3 months the perpetrators of these shocking offenses were apprehended, arraigned, tried, found guilty, and sentenced by local juries. Unfortunately, the accounts of the outstanding work of the police, the prosecuting attorney, and the juries did not make as spectacular reading as did the bombings, and one had to search the back pages of the newspapers to follow the progress of this case.

Similarly, on February 9 of this year, when the home of Carlotta Walls, a Negro student attending Central High School, was bombed, the shrieking headlines again appeared in the Nation's press. Again, the Little Rock Chamber of Commerce offered a reward for the apprehension of the bombers, the law enforcement officials went into high gear, and within 10 days the perpetrators were apprehended and charged. In this instance, however, the offenders happened to be members of the same race as the person whose home was bombed, and this, too, apparently was not headline material, for again one had to search the back pages of the Nation's newspapers to learn of the subsequent developments.

Even in that instance, in most of the newspapers one could find nothing about the efficiency of the law-enforcement officials. I know it is not, perhaps, agreeable to our northern friends to be reminded of it, but daily we can find in the press instances of how their law-enforcement officials do not succeed in bringing to justice nearly as rapidly as did the officials of Arkansas the culprits in similar offenses.

Senator Berry, in his presentation of this subject, went on to point out that democratic governments are founded on the principle that people are basically honest and need no coercion to observe the rights and privileges of their fellow men. He said:

The whole structure of our Government is founded upon the theory that the great body of the people are honest, and if the time should ever come when the people are corrupt then the Government will fail; and if the people of any State cannot be trusted to conduct their own elections then no kind of force used by the General Government will suffice to produce an honest result. The whole history of the Government shows that it is better to trust the people of the States, to permit them to control their own local affairs in their own way. Such was the intention of the framers of the Constitution, and every attempt to turn from their teachings has proven disastrous to our institutions.

As a final comment, the senator reiterated the very basic principle that the South deserves equality of treatment with other sections of the Nation. His pertinent remarks should be heeded by those who would widen the cleavage which already exists between the South and the North. I urge all Senators to ponder these words:

The people of the South are back in the Union. This is our country as well as your country. We are entitled to the same rights and the same privileges to which all other citizens are entitled; no more, and no less. We have the right to express our views upon public questions without being eternally reminded that there was a time when we were in rebellion against the Government. We believe in this Government now; we are anxious to do all in our power toward its upbuilding, to contribute to its honor and glory; we are ready to stand by it, to protect and defend it at home and abroad under all circumstances and conditions, to speak for it, to work for it, and, if need be, Mr. President, to fight for it.

Mr. President, the South is still in the Union, and we are tired of being singled out for abuse and scorn which I am certain is no more warranted by citizens of the South than by those of other areas.

The South lost the war in 1865. Why are there so many in the North who wish to prolong it? I wonder if it could be for current political advantage.

The distrust of the South and the ability of its officials to assure full rights and privileges for all citizens, regardless of race, is allegedly the primary motivation for the proposal before us, aside from political motives. This was also the reason for the passage of the Federal election laws during the Reconstruction era. The fault with this line of reasoning was well stated by Senator Palmer of Illinois during the 1894 debates when he said:

I have said already that the mistake when we passed these laws was the failure to trust those who were to be governed. The doctrine I mean to assert as being one necessarily opposed to this legislation is that the laws are based upon a distrust of the people, those for whom governments are ordained and for whom governments should be conducted. That is the radical fault of the laws, and at this moment I present that as a distinct line of objection.

What was the Nation's experience with the Reconstruction election laws as contrasted with the experience before enactment of those laws? Senator Turpie of Indiana pursued this point in the following manner:

From 1779 up to 1870 we had no Federal election laws. We had no inspection, supervision, or examination. No U.S. marshal and no Federal inspector were ever seen, nor did the Federal Government in any way concern itself with the management and control of the elections in the several States. And I say, sir, and I think it will be borne out by every impartial gentleman who hears me, that, contrasted with the present time and with the time since the adoption of this legislation, that was an age of purity. It was an age of electoral purity. There was less corruption, less bribery, less fraud, less of every kind of electoral irregularity than there has been since the passage of these laws, I recollect—not being very old, either—when we had no law in Indiana against bribery at elections.

Sir, we needed none. I question if at that time there was any law in any State west of the Alleghenies against bribery at elections. This multiplication of legislation, this mass and cloud of enactments upon the subject of the purity of the ballot and upon the subject of the conduct of elections, is not an index or a sign of increased purity, increased honesty, increased honor. It is a mark of decadence, and it is a mark of decadence which these electoral laws have themselves made very largely—the great scar, the historical scar planted upon electoral administration in this country.

The fraud of 1876 and the lesser frauds which followed it were consummated under the administration of the Federal election laws. No such frauds occurred—they were not, sir, even conceived of—before the passage of these laws. It had not entered into the minds of men to conceive that kind of fraud, that sort of villainy, that description of felony which we now find set forth in the various enactments upon this subject. They have made and created in great part the very evils and crimes which they denounce. Pretended remedial legislation, wrong in itself, always aggravates the evils which it professes to cure.

It is true that Senators on the other side talk as if these laws were the only protection of the ballot box. Mr. President, we have made great progress since the age of purity I have spoken of. There is no State now in the Union which does not denounce as a crime all the violations of law prescribed in the Federal enactments, except those personal ones which relate to the obstruction of process or the resistance to an officer necessary for their operation.

I want to repeat one significant statement he made. He said:

This multiplication of legislation, this mass and cloud of enactments upon the subject of the purity of the ballot and upon the subject of the conduct of elections, is not an index or a sign of increased purity, increased honesty, increased honor.

This statement expresses a profound truth which is as valid today as it was then. We cannot legislate honesty. The enactment of every civil-rights bill before us would not change any person's proclivity toward dishonesty or corruption. The proposals being advanced would be, in effect, sumptuary laws on those which attempt to establish a standard of conduct or regulate personal morals.

Experience has shown that such laws are not a proper subject for legislative action. Our Nation's experience during the prohibition era should prove to the satisfaction of all that this is so.

Senator Palmer also referred to the failure of the election laws, in this manner:

Mr. President, it is remarkable that since this law was passed there has been more corruption and more in the spirit of resistance to this despotic legislation than there ever was before. I know that it is believed by many that the American people in some sense or other need continual nursing and continual watching, and there is an idea somewhere that some person, somebody, may be intrusted with the guardianship of popular liberty, while the essential truth of our American idea is that liberty must be maintained by the people themselves, and the only apology for a despotism or for despotic legislation is that the people can no longer be trusted.

As the debate on the repeal bill proceeded, Senator after Senator rose to condemn the philosophy and practical effects of those laws. Senator Vest, of Missouri summed up the dangers to our form of government from Federal election controls, in this manner:

When you admit that the people of the United States are not intelligent enough, are not patriotic enough to govern their own affairs and to protect their own interests, you abandon the theory upon which this Government is based and declare it an absolute failure. And when you inject into the suffrage of this country, as a part of the controlling and administrative forces of the Government, suffrage which is dangerous through ignorance, you weaken to that extent the doctrine upon which the Government must stand or fall.

Mr. President, whenever we admit that coercion either by National or State Government is necessary to make the people protect themselves we give up popular institutions in this country.

This whole legislation is based upon distrust of the people. It must be assumed that there is here in Washington and in these Halls some mystic, necromantic, and subtle influence that purifies the political atmosphere of the country when it emanates from this great source of wisdom and purity. It is absolutely believed that when we send men clothed with Federal authority amongst our constituents an aroma of patriotism is diffused in the immediate vicinity and throughout the State.

The presumption that the Federal Government is omnipotent in solving any problem which confronts us mentioned by Senator Vest apparently still prevails in this body. The proponents of the pending legislation have assumed that Federal intervention will automatically solve any supposed voting rights problems. As I have already pointed out these proponents failed to recognize that our existing body of law is sufficient to protect the civil rights of all citizens if they would only utilize these existing remedies.

Mr. President, Senators who heard the testimony given this morning before my committee heard quite a severe criticism by some Senators of the administration of the foreign-aid program. If all Senators had heard that criticism, they would not be so certain that Federal laws with respect to the electoral process would necessarily bring about any improvement in it. It is curious that in our Government it is assumed that, with respect to any activity, if we only inject the Federal Government into it, all in that field will be done properly, smoothly, and honestly. However, when we examine programs which already are under the Federal Government, we find a completely different attitude on the part of many Members of this body, many of whom now strongly advocate the enactment of this proposed legislation to inject Federal power and procedure into the election processes in the Southern States.

Another argument advanced during the repeal debates was that the election laws were bad because they introduced the judiciary into political affairs—which certainly is one of the evils of the proposal now before us. Senator Daniel of Virginia had this to say on that point:

Mr. President, there is another reason why this law should be repealed. It introduces the judiciary of this country into its political affairs. In my judgment the judiciary should be as separate from the political elements of the Government as possible. We should do everything to segregate the judge from the transient current of political agitation and ambition. This law interjects him into it nolens volens. It stimulates and inspires partisanship in the very spot where partisanship is the greatest evil.

Mr. President, what wisdom some of our forebears had, compared to the present. I should call the attention of the present Supreme Court to that very wise statement by Senator Daniel of Virginia, delivered in this body some years ago. The injection of partisanship into the deliberations and decisions of the Supreme Court is one of the greatest evils that has befallen our country.

The analogy between this point and the operation of the Attorney General's referee proposal is so striking as not to need further comment.

Senator Turpie also discussed the effects of court intervention into the election processes in this manner:

A respect for law is always closely connected with the courts that administer it, and with the officers of the courts, the judges who have charge of that administration. A very large proportion of that decadence in respect for the law, for the administration of justice, and for the judges of the courts, especially in the Federal judiciary, is due to enactment, in the first place, and the existence and administration since, of what are known as the Federal election laws, the repeal of which is the object of the bill now pending.

I do not know anything better calculated to degrade the courts, to lower the character of judges and to shake the confidence of the people in the administration of justice than to connect the judges and the courts closely with those animated contests, not always pure, not always honest, not always of the most scrupulous character, which political parties make as a part of the necessity of a free government in the various States and communities where they exist.

I urge all Senators to carefully consider the sound logic of Senator Turpie's statement. The practical effect of the referee plan would certainly tend to bring about the result described by this distinguished Senator. One of the most pertinent speeches made during that debate was by Senator Bate, of Tennessee. His comments indicated a unique understanding of problems of the South which could only be held by one who had lived in the region. His remarks on the sources for a real solution to the problem are valid today. I quote from his speech for the information of the Senate:

Leave the races to the creative influences of industry, mutual dependence, and social contact to correct the political evils. Education has done much and will do more to set matters right. It is social, moral, and political development that is demanded, not the interposition of Federal agents, that only act as dangerous irritants. They can but stimulate the most dangerous feelings between the races under their present relations. It is not so much the abstract power of Congress as the personal authoritative presence of officials.

It is admitted that under the 14th and 15th amendments, there is ample authority to protect the rights, privileges, and immunities of any citizen; and under the 13th article of amendments, the Negro race may be fully guarded by Federal laws, so far as race, color, or previous conditions of servitude are involved.

It is the persistent efforts upon the part of those who do not live in the same locality of the Negro, and know practically but little or nothing of his capacity, tastes, and habits, that keep up political agitation which brings no good to him and no peace to the society in which he lives. This question is an old sore; it is healing under the influence of natural and social causes. Do not "tear agape the healing wound afresh," but let the balm of time soothe and cure.

Mr. President, the distinguished former Governor Battle, of Virginia, who served as a member of the Civil Rights Commission, testified before the Senate Rules Committee on the question before us. His testimony points out the striking similarity between the pending measures and the old Federal election laws. No one can criticize Governor Battle's sincerity or integrity on the question of voting rights. His great understanding of the peculiar problems involved in this field, due to his southern background and his experience as a member of the Commission, provides him with unique qualifications to discuss this subject. Governor Battle said of the administration's referee plan that the:

bill is nothing more nor less than refinement of the old act of 1870, as amended, described as the Enforcement Act and generally known as the force bill of Reconstruction days.

It resurrects the specter of Reconstruction which those of us who live in the southern portion of our reunited country had hoped and believed had been forever buried. The force bill, which was so obnoxious, was, in 1894, repealed by the Congress by an act which sets out the various code citations of the Enforcement Act, and not being satisfied with that, concludes—the author of this act seems to have been very anxious that he wipe out the whole works, for he concludes: "All statutes and parts of statutes relating in any manner to supervisors of election and special deputy marshals be and the same are hereby repealed"

The bill of 1870 provides for supervisors of election. The Attorney General's bill, in an effort apparently to make it more palatable, provides for voting referees, but their powers and duties are substantially the same.

I want to emphasize the language which he quoted from the repeal bill evidencing the intent of Congress that all provisions relating to supervisors of elections and special deputy marshals

were to be repealed—not just those sections specifically mentioned in the repeal bill. This clearly indicates the intent of Congress to remove the Federal Government from any type of direct supervision of elections. In my opinion, the events in the last 66 years have not disputed the wisdom of that action.

As I mentioned in my speech on Tuesday, March 1, 1960, Governor Battle took the position, in his dissent to the Commission's report last year, that existing law was adequate to protect voting rights for all citizens. I certainly agree with his position, and I again refer to the citations to the laws on this subject which I discussed in that speech. In his testimony before the Rules and Administration Committee, Governor Battle reiterated the position which he took in the Commission's report, and I quote from his statement for the information of the Senate:

> In my judgment, Mr. Chairman, the present laws are ample to take care of the situation as revealed in the report of the Civil Rights Commission.
>
> I do not for one moment condone conditions such as were recited in the report of the Commission on Civil Rights, but I believe the remedies proposed are worse than the malady, and I am further of the opinion that there is ample legislation already enacted which, if properly invoked, would correct the conditions complained of. I would refer in this connection to, first, 18 U.S.C.A. 242, which makes it a crime for State election officials willfully to deprive any qualified person of the right to register, vote, or have his vote counted as cast.
>
> Second, to 42 U.S.C.A. 1983, 1985, and 1988, which vests in each citizen the right to sue State election officials for damages or for preventive relief if he is actually denied or threatened with denial of his right to register, to vote, or to have his vote counted as cast.
>
> Third, under the Civil Rights Act of 1957, now 42 U.S.C.A. 1971, the Attorney General may sue State election officials to prevent any qualified citizen from being denied his right to register or vote.

I, too, cannot condone deprivation of anyone's constitutional rights regardless of race. I cannot conceive that the conditions alleged by the Civil Rights Commission would continue to exist if the Attorney General would enforce the laws on the statute books and individuals would avail themselves of the remedies now in existence. I think it would be pertinent at this point to refer to statements made by former Attorney General Brownell before the House and Senate Judiciary Committees during consideration of civil rights legislation in 1957. In his statement before the House Committee Brownell had this to say about civil remedies available to individuals who have been deprived of their constitutional rights:

> In the civil rights field itself, we have numerous statutes which authorize private persons to seek civil remedies. As a matter of fact, most of the large body of judicial precedent and decision which has been built up in the courts defining the constitutionally protected rights has been handed down in these private civil cases.

I wish to remind the Senate that this statement was made before the 1957 law, authorizing the Federal Government to intervene to protect voting rights, was enacted. Brownell went on to comment on the criminal statutes pertaining to protection of voting rights in this manner:

> Yet at the present time criminal sanctions are the only remedy specifically authorized by the Congress.
>
> I think it is quite obvious to you that in addition to the unnecessary difficulties that they impose upon the Government, they are often unduly harsh in particular situations. Nevertheless, under the present law we have no alternative but to proceed with criminal prosecution.

In the hearings before the Senate Judiciary Committee, Brownell again mentioned his concern about the harshness of the criminal laws for protection of voting rights. He said:

> Furthermore, I think it is fair to point out that criminal prosecutions are often unduly harsh in this peculiar field where the violators may be respected local officials. What is needed, and what the legislation sponsored by the administration would authorize, is to lodge power in the Department of Justice to proceed in civil suits in which the problem can often be solved in advance of the election and without the necessity of imposing upon any official the stigma of criminal prosecution.

As a result of the Attorney General's recommendations the 1957 act was passed giving civil remedies. Obviously additional remedies are not now needed—all that is needed is enforcement of existing laws.

Mr. President, it is obvious to anyone who has studied the debates on repeal of the Reconstruction election laws that they were a failure, and a blot on the history of the election processes of this Nation. It is a backward step that a serious attempt is being made to revive the animosities and conflicts which were created by that law. The reenactment of Federal controls over elections will be a terrible price to pay for supposed political advantage. The South is an area of great potential development. It has and can continue to make a great contribution to the strength of this Nation if it is treated with reasonable respect and consideration.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, my purpose is to informally address the Senate quite briefly with reference to the merits of the pending amendment, the Ervin amendment, which has to do with the requirement that the Rules of Civil Procedure for U.S. District Courts shall govern with reference to the hearings on any applications before the court after the so-called pattern or practice has been found and adjudicated by the court.

The Ervin amendment reads as follows:

> On page 16, line 12, change the period to a colon and insert the following between the colon and the word "Such": "*Provided, however*, That the Rules of Civil Procedure for the United States District Courts shall govern the hearing and determination by the court of any application made under this paragraph to the extent that such rules are not inconsistent with the provisions of this subsection."

Mr. President, I do not know to what extent it is realized that under the terms of the pending bill another lawsuit is set up. That lawsuit is merely tried under the canopy of the original proceeding and under the protection of a mythical pattern or practice.

In the first place, it is a long, long call from the concept of the Senator from Mississippi, that a Federal district court, a court of unlimited jurisdiction, a court of dignity and responsibility, should be converted into a registration board or a supervisor of elections or a supervisor of registration in the manner this bill proposes.

I should like to inquire, from what quarter comes this concept of creating a pattern or practice area, and requiring the court to take up an extraordinary duty and a new procedure?

What place does that have in a Federal district court?

It is more like a finding of an sanitary district that a certain area of a city is infested, or of a military board that an area has some unexploded bombs in it, or of a board or commission on health finding that a certain area of a county is infected with certain germs or viruses. It is not in keeping with a court's function to be running various areas of a county or State through the election processes of registering voters and carrying on in such a fashion as is proposed, more particularly since the pending bill does not even require that the rules of civil procedure as prescribed by the courts be followed. That in itself is an admission on its face, it seems to me, that it is not really intended to be a judicial function. It seems clear to me that the bill does not intend that these cases shall represent a judicial function, as laid down in article III, sections 1 and 2 of the Constitution of the United States, which is the only source of judicial power of the Federal judiciary.

I do not believe that Congress has any authority to bestow any other power on the court except judicial power.

Where does the idea come from in the first place of converting the courts into a governmental body of some kind, such as a sanitary district? In the first place, who is going to represent the man who comes in from this pattern area? Will he be represented by the Attorney General? The bill does not so state. That is not clear. He comes in with a halo over his head, according to the procedure outlined in the bill, with presumptions in his favor, because he is from the area.

He walks into what has been a court. I say the bill would convert the court into a judicial commission, or a commission of some kind. All he has to say is that he has been found not qualified to vote. There is no provision for any adversary party in this litigation. There is not any party defendant provided for.

This is purely an executive proceeding by nature, but not by name. The proceeding is held before a judicial officer, that is true, but certainly he is not exercising judicial functions unless we require the rules of civil procedure to apply, with the parties being given notice and an opportunity to be heard.

As the Senator from North Carolina [Mr. ERVIN] has so clearly pointed out this morning, it is not a question of what one judge may do by giving the other parties notice, or refusing to proceed until notice has been given and a hearing set. That is not the question at all. We are legislators. We have certain limited powers. If we are to set up this procedure, the only authority we have to exercise is the constitutional authority, and it is mandatory that in a proceeding of this kind the rules of civil procedure must apply as a matter of law; not that the judge will apply them as a matter of courtesy. It must be written into the face of the law that these requirements shall be met. Anything less than that, I respectfully submit, is a bill which does not comply with the fundamental and elemental principles of due process of law.

So I raise the question: What is the nature of the proceeding under which an applicant comes in from the pattern or practice area? I wish the Presiding Officer of the Senate [Mr. LUSK], if he has a chance to do so, would study this particular part of the bill and say what he thinks about this proceeding. Is it a lawsuit? Is it a determination of judicial facts? Is a district court of the United States converted into a mere board of registrars?

If we do not write into the bill the provision for the application of the rules of civil procedure there is no doubt that the court will be converted into a board of supervisors, or a board of overseers, or a board of corrections of some kind with reference to a function pertaining to voting and qualifications of electors.

It is elemental and fundamental that if this is going to be called a judicial proceeding, with a judicial finding, we must make the proceeding conform to the ordinary rules of elemental due processes of law. I am not referring now to the case which is brought by the Attorney General originally. I am not referring to all the mass of things that can happen under the so-called referee proposal. I am directing my attention to the "party or parties," covered at the top of page 16, beginning at line 2, who may come to one court or many courts with this halo over their heads from this so-called protected area.

Furthermore, with reference to the requirements for the hearing and the disposition of the application—that is what the bill calls it—the provision at the top of page 17 states that the court shall hear this matter within 10 days.

It is most extraordinary to write into a bill a provision that a Federal district court shall hear a matter within the short span of 10 days. That emphasizes another point: that such a proceeding is highly irregular. It will not really have the dignity of a judicial proceeding unless we adopt at least the Ervin amendment to require the Federal Rules of Civil Procedure to be followed.

Mr. ERVIN. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am glad to yield to the Senator from North Carolina. I am glad he is on the floor.

Mr. ERVIN. I ask the Senator from Mississippi if the courts have not held in many cases that the constitutional right of a person to be represented by counsel of his own choosing requires that his counsel be given an adequate opportunity to prepare the case for trial; and when counsel has been denied an adequate opportunity to prepare the case for trial, has not that been held by the courts, time and again, to be the denial of due process?

Mr. STENNIS. It is reversible error on those facts. As the Senator says, that goes to the basic principle of the denial of due process of law.

Mr. ERVIN. The Senator from Mississippi has had a most distinguished career as a trial lawyer and a trial jurist.

Mr. STENNIS. The Senator from North Carolina is too generous. I have simply had slight experience in that field.

Mr. ERVIN. Does not the Senator from Mississippi, based upon his experience, believe that a period which cannot be more than 10 days, and which may be shortened to less than 10 days, is not adequate time for counsel to prepare a serious controversy for trial?

Mr. STENNIS. Ten days in a matter of any consequence at all is not considered long enough for a person to obtain counsel, a lawyer of ability, to get a copy of the proceedings or a history of the case, to read the pleadings, and then to prepare and file a preliminary showing or motion, much less go to trial.

Mr. ERVIN. Mr. President, will the Senator yield for one or two other questions?

Mr. STENNIS. I am glad to yield to the Senator from North Carolina.

Mr. ERVIN. The pending amendment provides, among other things, that the Federal Rules of Civil Procedure, which apply to all litigants in civil cases in the Federal courts, shall apply to a proceeding before a judge when he passes on these applications. I call the Senator's attention to rule 43, which provides:

> In all trials the testimony of witnesses shall be taken orally in open court, unless otherwise provided by these rules.

Does the Senator from Mississippi believe that anyone can justify the refusal to take the testimony of witnesses in open court pursuant to that rule?

Mr. STENNIS. There is no conceivable reason. The rule of law requiring confrontation and cross-examination is so elemental that the question should not be argued.

Mr. ERVIN. Does the Senator from Mississippi agree with me that basic fair play as well as due process requires the observance of that rule?

Mr. STENNIS. Of course. Anything less than that would indicate that someone is seeking an advantage.

Mr. ERVIN. Does not the Senator believe that a grave suspicion is cast upon the administration of justice when it is proposed that the testimony of witnesses shall be taken in secret, in the absence of the party to be affected by the judgment to be based on such testimony?

Mr. STENNIS. It is simply not a judicial proceeding. It is a reflection on a judicial tribunal to call upon it to perform in any such way. That is another reason why I believe the bill is invalid and unconstitutional.

Mr. ERVIN. I call the Senator's attention to Rule 77–B, which provides:

> All trials upon the merits shall be conducted in open court and so far as convenient in a regular court room.

Does not the Senator believe that to try all cases in open court and in a regular court room, so far as possible, is the absolute minimum requirement, if persons are to have confidence in those to whom the administration of justice is committed?

Mr. STENNIS. The Senator is correct. It is written into the basic law of the State constitutions that that will be the procedure, except if a judge, in his wise discretion, for some special reason, should order a closed session.

Mr. ERVIN. The rules from which I have been reading apply to every person and every corporation which has litigation in a Federal court in any of the 50 States or in the possessions of the United States. Can the Senator from Mississippi find any justification for saying that all Americans, of all races, shall have the benefit of these rules in all cases, of all kinds, in all the Federal courts of the Nation, except southern State officials?

Mr. STENNIS. There is no conceivable reason or basis to warrant any such conclusion, and particularly in this instance to solemnly legislate it into the law of the land.

I believe the Senator from North Carolina has rendered a great service. It is a service which seems to be overlooked somewhat. He has rendered a great service in pointing out—and I hope he will continue to point them out—the very provisions by which we are operating, which are so elemental.

Mr. ERVIN. Does not the Senator from Mississippi agree with me in the view that any system of justice which is worthy of bearing the name of justice shall have a system of laws which applies equally to all men in like circumstances?

Mr. STENNIS. Of course. That is the basis for any fundamental approach to the application of justice.

Mr. ERVIN. Does not the Senator agree with me that the bill is an effort to govern one group of people—namely, the southern State and local officials—by laws which apply to no other Americans under any circumstances, anywhere in the Nation?

Mr. STENNIS. Some of the provisions of the bill which started out that way have been removed or have been amended by the Senate; but the one which the Senator seeks to amend remains as one of those which is directed as the Senator suggests.

Mr. ERVIN. I thank the Senator from Mississippi.

Mr. STENNIS. I thank the Senator from North Carolina for his contribution to the discussion.

Mr. President, I have no long debate; no prepared or written remarks. I am concerned about the fundamental points involved, the basic principles of American liberty. As one who carried the responsibilities of a trial judge for a good number of years, I am shocked that the Senate of the United States should seriously consider passing a bill under which a Federal judge will be called upon, in solemn mockery, I say, to pass upon, adjudicate, and decide cases mandatorily under a 10-day shotgun provision which is pressed on him.

In the second place, there will be no notice given to any adverse party. No chance will be afforded him to be heard. There is nothing except a bare, naked provision about what the procedure shall be, and then the provision that the court—the judge—shall, within 10 days, proceed. There is a further provision—I think it applies in this instance—that the ballots will be counted anyway. Relatively speaking, I think that part is incidental. I shall not become disturbed because someone votes who may not be qualified, or because those who are qualified cannot vote at some particular election.

In a nation having a population of 180 million, things like that will happen with reference to elections and with respect to voting rights.

What I am concerned with, not only in this bill but in others, is our failure to look to the origin of our power—the Constitution of the United States—to see if there is authority in such a provision to come within the exercise of the ordinary rules of caution and the regular rules of practice. In our zeal to "get to a fire" somewhere, we abandon all reason, all wisdom, all experience, all the practice which has been built up over the decades, even over the centuries, and which has been written into our basic law and used over and over thousands, yes, hundreds of thousands, of times, doing all those things to convert our courts, the judicial branch of the Government, which is the most important of all three branches, into the mere category of a commission or a sanitary board or an election board to be running registrations and supervising elections and carrying on, not in Federal affairs alone, but in all affairs—Federal, city, village, town, and State. Someone naturally would think that I might be aroused because of the general subject matter of the bill. But that is not the point. Mr. President, here we are dealing with fundamentals and principles, and we are running past a great many red lights; and such action will plague us in connection with many other subjects in many, many days to come.

So I most earnestly call especial attention to the Ervin amendment, and the splendid argument the Senator from North Carolina made this morning in its behalf, and the quotations from the Supreme Court of the United States, right down the line, which will not be answered because they cannot be answered. We should also be warned by the experience of the decades and the warnings written into our law.

So let us either strike out the provisions for this hybrid proceeding about the mythical man who will come in with a halo over his head and will demand that a Federal judge stop all other business and give him an order within 10 days, or else make the provision conform not only to the fundamental, elemental principles of justice, but also to the constitutional judicial procedure.

Mr. President, I yield the floor.

Mr. JAVITS. Mr. President, I should like to discuss this amendment briefly.

I am opposed to the amendment. My reasons for being opposed to it can be summarized as follows:

At worst, this amendment is an attempt to enter by the back door, whereas the rejection of the Kefauver amendment shut the front door; and this amendment is an effort to make an adversary proceeding out of what the Senate has decided should not be an adversary proceeding.

At best, the amendment would add something unnecessary to the bill, and would encourage litigation and, therefore, would further bedevil the bill, which at the present time does not do too much about civil rights, or, indeed, does not do too much about voting.

Now let me enlarge upon those points:

First and foremost, everyone agrees, it seems to me, upon at least one thing—namely, there is to be a proceeding, especially as it exists in court. It is to be a civil proceeding, and the rules are very clear in regard to the applicability of the Rules of Civil Procedure to a civil proceeding. The distinguished Senator from North Carolina, the author of this amendment, has already read rule 1, as follows:

> These rules govern the procedure in the U.S. district courts in all suits of a civil nature whether cognizable as cases at law or in equity, with the exception stated in rule 81.

And I believe both of us agree that rule 81 does not at all affect this situation; that rule deals with a number of special matters which are not here in question.

Therefore, if the rules of civil procedure will apply to this situation in court, why include this amendment in the bill, unless the amendment has some purpose or unless it will be productive of litigation.

I believe we begin to perceive the purpose of the amendment when we analyze the legislative scheme here involved, and then apply it to the provisions of this amendment.

The legislative scheme breaks down into two proceedings as to subject matter, to wit, the proposal brought to us by the Judiciary Committee, which for most practical purposes is the same as the one voted by the House of Representatives. It deals with the following: First, there is a litigation under the Civil Rights Act of 1957. Let us not forget that. That act gives the Attorney General authority to institute suits in order to establish voting rights, where voting rights are being denied or where a person who is entitled to them is being deprived of them. Why do we need any legislation in that connection? We need legislation because we find that the wrong is that voting rights are often denied in the mass; by virtue of a pattern or practice of denial of voting rights in a particular community. That is what the Federal Civil Rights Commission found.

So the first proceeding which we shall newly authorize, and which is not now authorized by the 1957 Act, is one by which a court will make a decree that a pattern or practice of denial of voting rights to those who have qualified to receive them exists within a given area. The two things the court will have found under those circumstances are, first, the pattern or practice; and, second, the area in which the pattern or practice is located. That is legal proceeding No. 1. There is no question about the fact that that will be an adversary proceeding, and that all the rules of civil procedure will apply to that proceeding. Indeed, the provision to be found at the foot of page 15 provides that the court shall, upon the request of the Attorney General, and after that party has been given notice and the opportunity to be heard, make a finding, and so forth.

In short, it will be a proceeding in which the State itself—not just an individual party or a registrar—will be an adverse party, I assume; and certainly the provision contemplates that. It would go to a regular adversary trial. There could be many witnesses, and there could be appeals. We have the Raines case—decided only a month or so ago—which went to the Supreme Court of the United States; and other cases are pending in the Supreme Court of the United States. In short, before a pattern or practice is found, there will have been a completely adversary proceeding.

What the author of this amendment would have us believe is that if we do not have an adversary proceeding at every stage of the proceedings—and I emphasize "at every stage of the proceedings"—there will not be due process of law. But that is not a fact, and it is not the law. The courts have held many, many times that due process of law depends on the kind of proceeding being engaged in. Ex parte orders may be made. Indeed, in this very part of the bill there is provision for ex parte orders. Other interlocutory proceedings might be engaged in, and there could be serious punishment for contempt, without jury trials. The courts have sustained that time and time again. In short, what is or is not due process of law and what is an adversary proceeding are two very different things.

So we have one thing clearly nailed down; namely, that in the first stage, before there is a finding of a pattern or practice of denial of voting rights, there will be a completely adversary proceeding, subject to all the rules of civil procedure. When that finding has been entered, then someone will have been found wrong. In that instance the State will have been found to be denying, through

its officers, a constitutional right. It is a fundamental rule of law that when a wrong has been found to exist and when the court comes to afford a remedy for that wrong, the court may proceed upon the assumption that the facts which underlay the finding continue to be present, until there is some reason to say that they do not. And there is always the right of one who has been a party to the original proceeding to come in and move to dissolve any order, upon a showing that there is no pattern or practice.

A great deal of the debate about this matter assumes that no one will have the right to come into court. However, the attorney general of the State—and in these cases the attorneys general of the States are always on the other side; the very provision contemplates that—will have the right to come in at any time and move to vacate the order, on the ground that there is no pattern or practice, that everyone is being registered, that the community has learned its lesson, and that that is the end of all that. And that can be taken up on appeal as far as anyone may wish to take it.

I pointed it out in some detail in order to make very, very clear the area which we are discussing, that is, the difference between the proceeding to establish a pattern or practice and what ensues.

Having found that the community is engaged in the denial of a fundamental constitutional right which is elementary, the Congress, in action to be implemented by the courts, has devised a legislative plan which will enable people to get what the community has denied them.

We carry out that legislative plan, according to this provision, in two ways. We now come to the amendment of my colleague from North Carolina. One way is by appointment of an official referee. The other way is by the action of the court itself. It is in that part of the latter proceeding that there is danger. I do not say I know it beyond question and with certitude, but from what we have been able to discover in the course of interrogating the Senator from North Carolina and from our study of the language something new is being added which the Senate has no intention or desire to add. That something new is to make the proceeding before the court, which will result in giving a certificate of registration to an individual where there is no official referee appointed, itself an adversary proceeding, notwithstanding the fact that the State has already decided it does not wish to make the same proceeding before the referee an adversary proceeding.

It seems to me, therefore, Congress should not be forced into the artificial posture of preferring to have the matter brought to the voting referee because the voting referee has greater freedom of action than the court itself.

Therefore, that is the key, the fulcrum, of the reason why the amendment has to be rejected.

There is a court proceeding, either preceding or following the point I have just described—the point at which the individual has his preliminary determination as to whether or not he is entitled to registration and qualification for voting. At the stage beyond that, again there is no question about the fact that we are in a civil proceeding, with the right of objection, where a substantial question is involved; and the court again operates in an adversary proceeding way.

That is exactly what the referee proposal provides, if we do not add a word to it. I should like to analyze it, because it bears out, in its own text and words, exactly what I have been saying.

In the first place, if one looks at the bottom of page 15, lines 23 to 25, one finds specific reference to notice to the Attorney General and to all other parties and all the provisions which we normally establish for an adversary proceeding.

Then if one looks at page 18, beginning on line 8, to page 19, ending on line 7, we find again that when the referee has made his report, there is a complete procedure prescribed, normal adversary proceeding, to which, of course, the Rules of Civil Procedure will apply.

Where, however, in the interim, there is a proceeding before the voting referee, we have already determined we want that proceeding to be ex parte, we want notice of the time and place at which the ex parte proceeding will be held to be given by an order of the court, and we also have provided, on page 19, lines 11 to 17, that we wish to apply to the voting referee only a limited amount of the Federal Rules of Civil Procedure, the provisions contained in subsection (c) of rule 53.

The only thing we have not pinpointed specifically is, What does the court do where it, itself, chooses to act, in the intervening period, that is, between the finding of a pattern or practice and the final order, on notice, that a voting right is being given to a particular individual? What does the court do when it decides it does not want to appoint a referee, for whatever reason—there may not be enough cases, for example—and that the court will act, itself?

The danger is if we adopt the amendment, at that point we say it shall be an adversary proceeding in that intervening period.

It seems to me it would defeat the legislative intent, it is unnecessary under due process of law, and therefore, we should not invite difficulties into which it is likely to bring us, because at that particular point there is no need to protect any adversary party. Such a party has a full opportunity, before and after. We are not denying him any of it. Such a party can contest any question of fact. Such a party can contest any question of law. He can take as many appeals as he wishes.

What we are trying to avoid is a repetition of the drama which we are told, not only by northern members of the Civil Rights Commission, but by southern members of the Civil Rights Commission, has taken place decade after decade upon the stage of our Southern States. I assure Senators that fact is no source of pride to any of us as Americans, including anyone from the South. A climatic picture has been created that is unhealthy or inhospitable and one who attempts to register to vote would be better off not to try it.

So we are trying, through legal procedures which are entirely constitutional and proper under law—and I shall come to the constitutional question in a minute—to give as much help as we can—and I emphasize the words "as much as we can"—because this will still be a procedure which will be different from the case of the normal citizen making a normal entry into a normal registrar's office and being greeted with friendliness while dong his civic duty of registering to vote. We are trying to create, as well as we can, that kind of atmosphere for individuals who have been deprived of that right. If we wish to do it, we, ourselves, cannot incur the responsibility of making the procedure at that stage, whether it is before the judge or an official referee, an adversary proceeding.

I point out this amendment is not quite as innocuous as it may seem. I draw, as evidence of that fact, on the discussion which has been held in the Senate and the discussion before the Judiciary Committee, which first heard evidence upon this subject. It will be noted that in the debate in the Senate there has been no confining of this question of applicability of the rules of civil procedure to the particular procedure before the court. On the contrary, the friends of the amendment have argued it was wrong to do what was done about the voting referee, and so at least that wrong should be slightly righted by this amendment, at one and the same time that it is hotly contended it has no application to the voting referee.

Again, I think, it is subject to misconstruction which becomes possible when one reads the amendment and seeks to apply the rules of procedure, determined by the court, to any application made under this paragraph, to this subsection of the bill which we are discussing. Then the amendment goes on to say, however, in a complete change of direction, the rules shall apply to the extent that such rules are not inconsistent with the provisions of this whole subsection, which includes the voting referee provision.

Therefore, it seems to me we are pinpointing formally that we may not be talking only about the paragraph, but that the whole subsection on the voting referee is included. We at least give somebody an opportunity to make that argument and to take the question up to the Supreme Court of the United States when we write such a provision into the legislation.

I point out that is not such a far-fetched matter, because it took several years to defeat the decision of the lower court on what Congress was trying to do, in the Civil Rights Act of 1957, not in the case before the court, that it might be held to apply to individuals and not to State officers.

For that reason, Mr. President, the whole enforcement of the law was delayed for several years, while that question was tested in the Supreme Court of the United States. That was based on nothing in the statute, simply upon the

ideas of the judge. We can think of what could be made of the fact that the text of the statute itself indicates, by the writing in of something which is completely unnecessary, that the Senate and the Congress must have had something in mind; thereby allowing the court, which is trying very hard to find something, to play around with the language and to speculate on it.

Finally, Mr. President, I should like to speak on the issue of constitutionality.

Mr. KEATING. Mr. President, before the Senator does so, will he yield to me?

The PRESIDING OFFICER (Mr. HOLLAND in the chair). Does the Senator from New York yield?

Mr. JAVITS. I yield to my colleague.

Mr. KEATING. Does not the Senator view this amendment as seeking to do in a proceeding simply before the court what the Senate has already voted not to do in a proceeding before the referee, namely, to make it an adversary proceeding?

Mr. JAVITS. Exactly. The Senator from New York thanks his colleague, because this morning in the colloquy that was precisely, with the greatest of finesse, I will say, the point my colleague developed in cross-examining the Senator from North Carolina. I must say, with all deference, I think the Senator made that crystal clear from the colloquy with the Senator from North Carolina, the author of the amendment.

Mr. KEATING. I will say, with the utmost of respect for my very good friend from North Carolina, I would not agree with the senior Senator from New York that it was made clear by the answers of the Senator from North Carolina. I think it was made clear by my questions.

Mr. JAVITS. I think that is very true.

Mr. KEATING. The bill seeks to spell out procedures before the voting referee, which will conform as nearly as possible to those procedures which are generally applicable to registration before State officials. It cannot be made equally easy for these people, but we should try to make it as nearly as possible the same procedure for registering any person, regardless of color.

The amendment is addressed to those cases where the court elects not to name a referee but to handle the proceeding before the court. We have voted once that we will not have an adversary proceeding before the referee. I think we should vote against the amendment, because we certainly do not want that kind of a proceeding before the court, since there is a prior and a later opportunity to have a full day in court on the part of everyone.

Mr. JAVITS. I thank my colleague. Before my colleague came into the Chamber, when I was addressing myself to the due process of law provision, I pointed out, as my colleague has said in shorter space, that there is a complete adversary proceeding before, on the question of the pattern or practice, and a complete adversary proceeding afterward, after the entering of the interlocutory order that the court has found the person to be eligible to vote under State law and has proposed to have him vote. In both cases, in front and in back, the man could go up to the Supreme Court without any problem.

I pointed out, as my colleague knows, since he is a fine student of this bill and of the law, in this case we not only have the ordinary party defendant but also we have the Attorney General of the United States specifically referred to in the legislation. The whole legal machinery of the State would see to the adversary proceeding, both before and after.

The real reason for what we did on the referee question and for what we ought to do in regard to this provision, by turning down the amendment, is to expressly try to avoid the adversary proceeding, which has plunged us into all of the difficulties we are now having in regard to voting rights in the Southern States, where the climate has been inhospitable to the individual. That is what we would be perpetuating, if we agreed to the amendment; exactly what we are trying to avoid.

I am grateful to my colleague for again bringing out, as he did earlier in the day, this particular distinction. It has been a very great aid to me in presenting this matter, and I thank my colleague very much.

Mr. KEATING. I thank my colleague very much.

Mr. JAVITS. Mr. President, I have one other point, on the issue of constitutionality.

This is really strange, Mr. President. Now we have the opponents of this measure—who argue that it is a wrong measure, that it invades States rights, that we should not pass it, that we should leave this matter for the States—expressing their grave doubts as to whether the whole idea is constitutional.

Mr. President, by the amendment the opponents of the bill tell us they want to save us from our own mistake of making the legislation fall because it may be unconstitutional, because it fails to contain provisions with respect to due process of law.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. JAVITS. I will yield to the Senator in a minute. I hope the Senator will permit me to finish my thought.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. JAVITS. Mr. President, I have said this a thousand times, and I hope to live long enough to say it a thousand times more. It seems to me, as I have said and as I feel, and as I repeat, that the opponents of this proposed legislation are as sincere as are those of us who are in favor of it and in favor of even stronger legislation. I have never questioned that.

I will add a point, and then I will yield to my colleague, the proponent of the amendment. I believe that in all good faith as a lawyer—as a thoughtful and extremely able lawyer—my colleague, in designing this amendment, would feel he was doing what ought to be done with respect to the proposed legislation. I also think it is only fair for those who are for the proposed legislation and who are extremely sympathetic to its basic purpose to point out that when we are considering an amendment which purports to be designed to fortify and to buttress something that a man is inherently against, we have a right to evaluate it and to analyze it with extreme care, to determine whether it really would help the proposed legislation or would serve some purpose, in which the Senator may believe very deeply, of making the legislation what he would consider to be more protective to the particular interests which he feels need to be subserved in respect to it.

That is all I say about the matter. I say it is a little odd that the arguments on constitutionality, the thought that constitutionality will be buttressed, should come from those who think this whole approach is unconstitutional.

I now yield to the Senator from North Carolina.

Mr. ERVIN. Mr. President, I simply want to assure the Senator from New York that I have great veneration for the Constitution and I am sincere in urging the amendment, because if we are to be hanged we want to be hanged in a constitutional manner.

Mr. JAVITS. The Senator has great color, great eloquence, and great charm. Now that I have been in the Senate for some time, I think those are the most attractive attributes of many of the men who come from the Senator's section of the country. However, I still think we have to hold ourselves, as it were, to the task of appraising these amendments in the light of an intensive analysis of the facts and of the law.

Mr. President, I wish to conclude with one other statement. I have taken up the question of the amendment with the Attorney General. I find that there is also objection to the amendment based fundamentally upon the ground which I stated when I began; that is, the danger of introducing an ambiguity, where none exists today. The Attorney General made that very clear in his testimony before the Committee on the Judiciary, to which reference has been made, at page 141 of the record before the committee. There is also objection on the question of giving ground for litigation where no ground for litigation now exists. Finally, there is the danger that this may actually be accomplishing a purpose which the Senate has already turned down in respect to an equivalent situation affecting voting referees.

For all of those reasons, Mr. President, I hope the amendment will be rejected.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk called the roll and the following Senators answered to their names:

[No. 153]

Aiken	Bush	Case, S. Dak.
Allott	Butler	Chavez
Anderson	Byrd, Va.	Church
Bartlett	Byrd, W. Va.	Clark
Beall	Cannon	Cooper
Bennett	Capehart	Cotton
Bible	Carlson	Curtis
Bridges	Carroll	Dirksen
Brunsdale	Case, N.J.	Douglas
Dworshak	Johnson, Tex.	Muskie
Eastland	Johnston, S.C.	Pastore
Ellender	Jordan	Prouty
Engle	Keating	Proxmire
Ervin	Kefauver	Robertson
Fong	Kerr	Russell
Frear	Kuchel	Saltonstall
Fulbright	Lausche	Schoeppel
Goldwater	Long, Hawaii	Scott
Gore	Long, La.	Smathers
Green	Lusk	Smith
Gruening	McCarthy	Sparkman
Hart	McClellan	Stennis
Hartke	McGee	Symington
Hayden	McNamara	Talmadge
Hennings	Magnuson	Thurmond
Hickenlooper	Mansfield	Wiley
Hill	Martin	Williams, Del.
Holland	Monroney	Williams, N.J.
Hruska	Morton	Yarborough
Jackson	Mundt	Young, N. Dak.
Javits	Murray	Young, Ohio

Mr. MANSFIELD. I announce that the Senator from Oregon [Mr. MORSE] and the Senator from Utah [Mr. MOSS] are absent on official business.

The Senator from Connecticut [Mr. DODD] is absent because of illness.

The Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from West Virginia [Mr. RANDOLPH] are necessarily absent.

The PRESIDING OFFICER (Mr. LUSK in the chair). A quorum is present. The question is on agreeing to the amendment offered by the Senator from North Carolina [Mr. ERVIN]. The yeas and nays have been ordered.

Mr. ERVIN obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. MANSFIELD. I wonder if it would be possible to come to an arrangement under which 5 minutes of debate would be allowed to each side, and then have the Senate vote on the pending amendment.

Mr. ERVIN. That would be entirely satisfactory to me. In fact, I urge that that course be taken.

Mr. CARROLL. Mr. President, how many Senators desire to speak on the other side of the question?

Mr. MANSFIELD. I will be glad to ask for 15 minutes. I do not care.

Mr. CARROLL. Can we ascertain how many Senators would wish to speak on the amendment? I should like to have 3 or 4 minutes.

Mr. MANSFIELD. So far as I know, only the Senator from North Carolina intends to speak on it. I do not know of any Senators who wish to speak on the other side. So I suppose the Senator from Colorado could use the other 5 minutes.

Mr. CARROLL. I do not wish to preclude anyone else. Are we going to proceed to vote on the amendment, or are we going to vote on a motion to table?

Mr. MANSFIELD. It will be a vote on the amendment.

Mr. President, I withdraw my request.

Mr. BUTLER. Mr. President, will the Senator yield before he withdraws his request? I should be glad to yield 5 minutes to the Senator from Colorado.

Mr. CARROLL. Mr. President, I have no objection.

Mr. MANSFIELD. Mr. President, I renew my request. I ask unanimous consent that the time for debate on the amendment be limited to 10 minutes, with 5 minutes allowed to each side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CARROLL. Does the Senator from Maryland yield me time?

Mr. BUTLER. I am prepared to yield 5 minutes to the Senator from Colorado.

Mr. ERVIN. Mr. President, I believe I can explain the amendment in 5 minutes. I have offered it as a lawyer rather than as a southerner. It has been held by the courts of this country many times that when a new procedure is created, it is necessary to require that there shall be notice and an opportunity to be heard by the adverse party. The bill sets up two procedures to be followed, one by the judge and the other by the referee. A procedure is spelled out which is to be followed by the referee, but there is no procedure spelled out for the judge to follow in cases where the judge passes on the application itself after he has made the adjudication that discrimination exists, based on race.

I offer the amendment to provide that the rules of civil procedure adopted by the Federal courts shall be followed by the judge in that case where there is no procedure prescribed, except to the extent where those rules are inconsistent with other provisions of the bill.

In any case where there is an inconsistency between the rules of civil procedure prescribed for the Federal district courts and the provisions of this subsection, then the provisions of the subsection will override and will govern.

This question came up in the Committee on the Judiciary. Mr. Charles J. Bloch, one of the ablest lawyers in the country, said that the rules of civil procedure prescribed for Federal district courts would not apply to a proceeding before a judge. A different position was taken by Deputy Attorney General Walsh. Judge Walsh said, at the bottom of page 141 of the hearings before the Committee on the Judiciary:

> I say that Mr. Bloch overlooks the fact that the Federal rules of civil practice apply to the extent that they are not expressly excluded or contradicted by the statute.

Mr. Bloch, a distinguished lawyer, disagreed with Deputy Attorney General Walsh.

The amendment merely makes it certain what Deputy Attorney General Walsh said is true. How anyone can object to the amendment is something which surpasses my powers of comprehension. The amendment simply makes certain what Judge Walsh said is actually the case. That is all the amendment provides. That is why it is offered by me and the Senator from Arkansas [Mr. MCCLELLAN] as lawyers rather than as southerners. We hate to see the United States Senate pass a bill which will make a mockery of what we conceive to be the true interpretation of the due process clause of the fifth amendment.

I trust that Senators will support the amendment, because it does nothing whatever except to make certain what Judge Walsh said is so.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I yield, if I have time.

Mr. LAUSCHE. Is there a limitation of time?

Mr. ERVIN. Yes. I have a minute remaining. I yield.

Mr. LAUSCHE. I raise the same question which was raised earlier today.

On line 6 of the Senator's amendment are the words "under this paragraph." Why should it not be "under this subsection to the extent that such rules are not inconsistent with the provision of this subsection"?

Mr. ERVIN. Because "this paragraph" deals with applications on which a judge will pass. The other paragraph deals with applications which will be passed upon by the voting referees. I simply wanted to make it plain that this amendment would not affect the bill so far as the voting referees are concerned.

The PRESIDING OFFICER. The time of the Senator from North Carolina has expired.

Mr KUCHEL. Mr. President, do I understand correctly that the unanimous-consent agreement provides 5 minutes for the proponents and 5 minutes for the opponents of the amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. KUCHEL. I was called from the Chamber at a time when apparently one of my——

Mr. RUSSELL. Mr. President, on whose time is the Senator from California speaking?

The PRESIDING OFFICER. The Senator from California is propounding a parliamentary inquiry.

Mr. RUSSELL. The Senator from Georgia did not hear a parliametnary inquiry propounded.

Mr. KUCHEL. Mr. President, I make this parliamentary inquiry, if the Senator from Georgia will permit me to do so: Would it be in order for me to ask that the 5 minutes allocated to the opponents be allocated 2½ minutes to the Senator from Colorado [Mr. CARROLL] and the remaining 2½ minutes to be reserved by the acting minority leader?

Mr. CARROLL. Mr. President, to help the Chair reach a decision, if I may, without losing any time, I understood before I gave my consent to the time limitation that I might have 5 minutes to speak.

Mr. RUSSELL. Mr. President, I move the regular order.

The PRESIDING OFFICER. The Chair has made up his mind and believes he needs no advice. The answer is "Yes."

Mr. KUCHEL. Mr. President, I renew my request.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Colorado is recognized for 2½ minutes.

Mr. CARROLL. Mr. President, it is difficult to answer in 2½ minutes the statement made by the Senator from North Carolina. The Senator from North Carolina is a distinguished lawyer, and he is supported in his views by another distinguished lawyer from the

South, Mr. Bloch, who testified in most of the congressional hearings on this subject.

There was a dispute between Mr. Bloch and Assistant Attorney General Walsh. Judge Walsh did not agree with the distinguished Senator from North Carolina and he did not agree with Mr. Bloch on this amendment, for the simple reason that he believed that the insertion of this amendment at this place in the bill might cause a weakness and cause problems in other sections of the bill.

I put a question to the Deputy Attorney General because I was impressed with the simplicity of the problem as it appeared to me at the time. In substance, I asked the Deputy Attorney General at the hearing of the subcommittee of the Committee on the Judiciary, "Why should not this provision be included in the bill?"

Judge Walsh gave his reasons. They are outlined in the record of our Judiciary Committee hearings at page 142. I do not have time to read them in 2½ minutes. But I say this is a dangerous amendment. I say "Beware of the Greeks bearing gifts." We had better look out for them and this amendment. The Deputy Attorney General said we had better look out for it.

The bill contains ample provisions to protect all substantial rights. We should not be misled by this amendment if we want to pass a good bill.

The PRESIDING OFFICER. The time of the Senator from Colorado has expired. The time is under the control of the acting minority leader.

Mr. KUCHEL. Mr. President, I yield 2 minutes to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, I simply want to make now, when many Senators are in the Chamber, a point which was made earlier. The Attorney General made it very clear that this amendment is, in his view, unnecessary, at best. At worst, the amendment could cause litigation which would further bedevil what is already a bill going only a minimal way toward meeting the needs which are shown even in the voting rights field.

As to the due process of law argument, there is completely adversary proceeding at the beginning, when a pattern of practice is found. There is a completely adversary proceeding at the end, when, whether the court acts or the voting referee acts, the question comes up for determination, subject to any appeal and any objection, and any trial on all the facts, as to whether the particular individual whose name is to be recorded may be permitted to register and vote under the order originally made by the court. In the intervening period, the proceedings are ex parte. That is the way the Senate decided it wants to keep them. This should be true whether the proceedings are before a court or before a voting referee. We should do the same thing for both, in order to carry out the full legislative scheme.

In view of the fact that at best, the amendment is unnecessary, I hope the Senate will reject it.

The PRESIDING OFFICER. All time for debate has expired. The question is on agreeing to the amendment of the Senator from North Carolina [Mr. ERVIN]. The yeas and nays have been ordered.

Mr. KUCHEL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KUCHEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from North Carolina. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Oregon [Mr. MORSE] and the Senator from Utah [Mr. MOSS] are absent on official business.

The Senator from Connecticut [Mr. DODD] is absent because of illness.

The Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from West Virginia [Mr. RANDOLPH] are necessarily absent.

I further announce that if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oregon [Mr. MORSE], the Senator from Utah [Mr. MOSS], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from West Virginia [Mr. RANDOLPH] would each vote "nay."

The result was announced—yeas 29, nays 64, as follows:

[No. 154]

YEAS—29

Bible	Gore	Robertson
Butler	Green	Russell
Byrd, Va.	Hill	Smathers
Cannon	Holland	Sparkman
Cooper	Johnston, S.C.	Stennis
Eastland	Jordan	Talmadge
Ellender	Kefauver	Thurmond
Ervin	Long, Hawaii	Williams, Del.
Frear	Long, La.	Young, Ohio
Fulbright	McClellan	

NAYS—64

Aiken	Dworshak	Magnuson
Allott	Engle	Mansfield
Anderson	Fong	Martin
Bartlett	Goldwater	Monroney
Beall	Gruening	Morton
Bennett	Hart	Mundt
Bridges	Hartke	Murray
Brunsdale	Hayden	Muskie
Bush	Hennings	Pastore
Byrd, W. Va.	Hickenlooper	Prouty
Capehart	Hruska	Proxmire
Carlson	Jackson	Saltonstall
Carroll	Javits	Schoeppel
Case, N.J.	Johnson, Tex.	Scott
Case, S. Dak.	Keating	Smith
Chavez	Kerr	Symington
Church	Kuchel	Wiley
Clark	Lausche	Williams, N.J.
Cotton	Lusk	Yarborough
Curtis	McCarthy	Young, N. Dak.
Dirksen	McGee	
Douglas	McNamara	

NOT VOTING—7

Dodd	Morse	Randolph
Humphrey	Moss	
Kennedy	O'Mahoney	

So Mr. ERVIN's amendment was rejected.

Mr. DIRKSEN. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. JOHNSON of Texas. Mr. President, I move to lay on the table the motion to reconsider.

The PRESIDING OFFICER (Mr. MCGEE in the chair). The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ELLENDER. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill is open to further amendment.

Mr. DIRKSEN. Mr. President, the third reading.

The PRESIDING OFFICER. The third reading——

Mr. ERVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. A quorum call has been requested. The clerk will call the roll——

Mr. CASE of South Dakota. Mr. President, a point of order.

Mr. JAVITS. Mr. President, a point of order.

Mr. CASE of South Dakota. No business has been transacted since the last quorum call.

Mr. ERVIN. Mr. President, I move that the Senate stand in recess for 15 minutes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Carolina.

The motion was rejected.

Mr. ERVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTES TO MORRIS L. COOKE

Mr. MURRAY. Mr. President, on March 10 I paid tribute to the memory of the late Morris L. Cooke, first Administrator of the Rural Electrification Administration, who contributed in many ways during his lifetime to our national development. At that time I announced that I would offer tributes of several of his friends for the RECORD. I now ask unanimous consent that a number of such tributes, giving glimpses of Mr. Cooke's great public services, be printed in the RECORD.

For the benefit of those who read these tributes, I would like to identify the authors very briefly.

Mrs. Eleanor Roosevelt is the widow of President Franklin D. Roosevelt, leader of the New Deal to which Morris L. Cooke contributed much. She is an outstanding national and international personage in her own right.

Gordon R. Clapp is a former Chairman of the Tennessee Valley Authority and one of the architects of that great agency, a world model of regional development.

Hugh H. Bennett was the first Administrator of the Soil Conservation Service and "Mr. Conservation" to my generation of American citizens.

Perry R. Taylor was a pioneer with Mr. Cooke in the REA movement, and in small watershed, pollution abatement, and other conservation fields.

David Cushman Coyle is an economist, author, and conservationist of great renown.

Benton MacKaye, a research forester with the Forest Service from 1905 to 1918, aided in developing the regional plans of TVA, proposed the plan for the Appalachian Trail, and has served the Government with distinction in numerous conservation fields.

Benton J. Stong, a member of my staff, was associated with Mr. Cooke in power, watershed, and other conservation projects.

Ralph Kaul, Arlington County, Va., county board member, was with Mr. Cooke in Mexico during the settlement of our oil dispute with that nation.

Judson C. Dickerman, an old friend now living at Charlottesville, Va., knew Mr. Cooke's work in Philadelphia, aided him in stimulating development of power supply in Puerto Rico, and in other projects.

William O. Lechtner, of Brookline, Mass., served with Mr. Cooke on his successful wartime mission to Brazil and other undertakings.

Edward A. Harris is a distinguished Pulitzer Prize winning Washington reporter and author.

Dewey Anderson, director of the Public Affairs Institute, was on the staff of the Temporary National Economic Committee, staff director of the Senate Small Business Committee for several years, and was chief of the American Hemisphere Division of the Board of Economic Warfare in World War II which stimulated Mr. Cooke's mission to Brazil.

Leland Olds, director of Energy Research Associates and former Chairman of the Federal Power Commission, worked with Morris Cooke on the New York Power Authority and on President Truman's National Water Resources Policy Commission.

James B. Carey is vice president of the AFL–CIO and president of the International Union of Electrical, Radio & Machine Workers, AFL–CIO.

There being no objection, the tributes were ordered to be printed in the RECORD, as follows:

NEW YORK, *March 14, 1960.*

Hon. JAMES E. MURRAY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: The Nation's loss in the death of Morris Llewellyn Cooke will be felt by many. I feel constrained to write to you about him and his distinguished career because of your long record of concern and effort in helping to shape national policy for the wiser conservation and use of our natural resources.

Mr. Cooke worked and labored for the same objectives. On the occasion of his death it seems appropriate to commemorate in some way the contribution of this determined, wise and competent friend whose individual efforts over many years made so much difference in the public policy decisions affecting—for better—the lives of millions. In the course of his long and distinguished career in and out of the public service, the vigor and courage of his clear, articulate and persuasive competence and concern were felt far beyond the immediate post he occupied at the time.

He never turned his back on controversial questions about which he believed he was qualified to speak. Throughout his lifetime, the policies and practical measures affecting the conservation of our natural resources—the frequent subject of public controversy—were an almost constant object of his attention and dedicated study. In these days when citizen participation in controversy over public policy is discouraged in some quarters, the example of Morris Llewellyn Cooke and what he accomplished by speaking out on public issues should encourage others to do so now.

As an engineer and as a knowledgeable layman, he demonstrated an exemplary persistence in trying to get the public to understand the pros and cons of alternative courses of action—and he never hesitated to make his own view and his own position on these matters unequivocally clear.

He had a knack for bringing big issues in this field within reach of decision on the basis of specific and concrete cases. He marshaled facts, assembled and assessed engineering judgments, and contributed to the creation of workable choices of policy alternatives which made it possible for other citizens—and policymakers—to assess which side of an argument was favored by a concern for the general welfare. The issues concerning minerals, forests, grazing lands, the small watershed and the big river valley never ceased to command his energies and creative interpretation to arouse greater and more enlightened citizen interest in the outcome. Whether one agreed with his particular view in a specific case, one respected and valued his method and his purpose—and always learned something by listening.

All citizens owe him a great debt: for his contribution to the Nation's strength and conscience and for his personal demonstration of the wisdom of the thesis that men and their views clearly and forcefully expressed do make a difference in the outcome of public debate and decision.

I am glad to join with you in commemorating Morris Cooke's life of service, and through you, with many others who know of his work and prize his example.

Sincerely,

GORDON R. CLAPP.

NEW YORK, N.Y., *March 11, 1960.*

DEAR SENATOR MURRAY: My husband trusted and admired Morris Llewellyn Cooke. He would have wanted to pay tribute to him as a man and as an ornament to his profession.

I am glad that this tribute is being paid to Mr. Cooke and I would like to join his friends in highest praise of him.

Very sincerely yours,

ELEANOR ROOSEVELT.

MORRIS L. COOKE'S NOTABLE CONTRIBUTIONS TO CONSERVATION AND OPTIMUM USE OF NATURAL RESOURCES

(By Hugh H. Bennett)

At the outset I want to say that Morris Cooke made the greatest alltime contribution to the Nation's program of optimum use and protection of its basic natural resources. This evaluation is based on my intimate knowledge of his endeavors and accomplishments in the broad field of resource use and conservation.

My first acquaintance with this soft-spoken gentleman was early in 1934. He was chairman of the Mississippi Valley Committee of the Public Works Administration. I was directing the newly established Soil Erosion Service of the Department of the Interior. He had come over to my office to ask a few simple questions as to my ideas about the relation of soil erosion and soil conservation to the broad problem of water management and optimum use. Just before departing, he very politely asked if I would, on the following day, come over to his office and talk to his committee about my ideas with respect to the relationships we had discussed. My compliance sealed a closely working and long-lasting relationship that was never seriously interrupted.

I came to understand him best shortly afterward while serving as a member of the President's Great Plains Committee, of which Cooke was Chairman.

Protracted drought had brought the agricultural outlook of the region to gloom and disappointment. In the Texas Panhandle, near Dalhart, vegetation had so completely disappeared, a plains crow had built its nest of fragments of wire picked up about the deserted homes of farmers and ranchers. Great numbers of hungry cattle had been shipped to eastern pastures. Dust storms, dust pneumonia and sun-parched fields had started thousands on westward migration. Even some members of our Committee seemed to think the country was "not worth saving," and wearied of the long and desolate journey from Amarillo, Tex., to Bismarck, N. Dak., more than a thousand miles to the north.

But not Cooke. No sign of lagging interest or weariness with him. All day, day after day, he talked with farmers and ranchers who said they were moving out. He talked longer with those who declared they were hanging on. The rains will come again; we'll stay if we can find the means to keep us alive. During overnight stops in towns along the way, he interviewed merchants, bankers, and representatives at governmental agencies, local, State and Federal, recording their ideas about the immediate and longtime future.

I couldn't keep awake long enough to find out whether Cooke ever went to bed. At breakfast, he was there on time always, cheerful, hungry and ready for an early start northward.

At Bismarck, we reported to the President in his private car parked with the Great Plains train that had brought him from Washington. He listened attentively to our reports and recommendations, although interrupting to ask about the practicability of actions we thought might be undertaken.

Later, in transmitting our condensed Committee report to Congress as a message from the President, Document No. 144, 74th Congress, 1st session, the President said:

"This report indicates clearly that the problem of the Great Plains is not merely one of relief of a people * * * who have been stricken by several years of drought during a period of economic depression. It is much more fundamental. The problem is one of arresting the decline of an agricultural economy not adapted to the climatic conditions because of lack of information and understanding at the time of settlement and of readjusting that economy in the light of later experience and scientific information now available."

The Upstream Engineering Conference held in Washington, September 22 and 23, 1936, accomplished more, in my opinion, to educate the Nation with respect to the widely

ramifying aspects of sound use and conservation of our basic natural resources than all preceding conferences combined.

I first heard of it from Morris Cooke. Circumstances convinced me he had obtained the President's approval before a step was taken. He very wisely took the precaution to look carefully into the reaction from the higher echelons of Government before going into action, particularly where governmental agencies were to be involved. This, with proper handling, eliminated possible embarrassing situations.

In the conference, outstanding leaders in science, engineering, education, and other allied fields presented papers on 61 aspects of the resource problem. Proceedings of the conference containing all of the papers and discussions pertaining thereto indicate virtually no overlapping of subject matter.

In his letter to the Secretary of Agriculture regarding instructions for the meeting, the President had said:

"Upstream engineering seeks, through forestry and land management to keep water out of streams, to control its action once in streams and generally to retard the journey of the raindrop to the sea."

Cooke, in his address to the Congress said:

"If we visualize all the waters of a drainage basin, we perceive that between the sector where engineers are concerned with farm and forest conditions and problems and the * * * sector where engineers are * * * concerned with navigation, floods, and power on major rivers is an intermediate sector of ponds, creeks * * * and small tributaries which engineering has not taken actively into consideration. * * * Today there is appearing * * * concern * * * all along the line from * * * the trickle of raindrops on farmers' fields to * * * control of navigation, floods, and reservoirs on main stems.

"The purpose * * * is to emphasize several aspects of unity and to urge a farflung attack on pressing national problems in which engineering in many specialized forms—agricultural, soil conservation, forest, sanitation, small stream and big stream—are integrated into a single enterprise for the national welfare.

"I desire at this time to indicate my own position unequivocally and emphatically. I am convinced that the national welfare * * * is at stake. Obviously in a conference such as we are now holding, with an attendance representative of all fields of engineering and of all parts of the United States, each selected differently, there are gradations of opinion as to the gravity of erosion and other aspects of the present situation. Every such opinion must be respected, even if not accepted. * * * We may not yet know how to cope with water and land waste problems in all their phases, but we should mark ourselves down as mice rather than as men, were we not to rise to the attack with all the resources at our command expecting to strengthen our present knowledge in the course of a hard-fought campaign.

"The menace to the United States is a complex problem created largely by uses of land and water in many places in a manner not warranted by basic physical conditions. It has varying aspects: An appalling rate of soil erosion; minor and major floods; low dry-season stream flow; pollution of lakes and streams; inadequacy of clean water supply; diminution of the ground-water store; and failure to use waters to greater social advantage as they flow to the seas."

Enough has been said, I think, to explain—and to justify—Cooke's tendency to find engineering aspects in many of our problems of land use and water use. Engineering principles are involved with most conservation problems except those that run more or less along lines of economic and legal procedures and attitudes of mind. I cannot recall having heard of a single objection raised against the Upstream Engineering Conference, its name or working methods. Actually, it was, in a large degree, a conference of headwaters control and use. This it is called on the volume of proceedings published cooperatively by the Soil Conservation Service, Forest Service, U.S. Department of Agriculture, and Rural Electrification Administration—of which Cooke was Administrator at the time.

The Upstream Engineering Conference led into the World Power Conference held at Washington shortly afterward. There is little point going into further detail with respect to Morris Cooke's endeavors and accomplishments. One followed another until broken health brought the end. What he did followed, from beginning to end, a pattern of optimum use and protection of our limited supplies of natural resources. Many years ago I rated Morris L. Cooke as a great patriot of the Nation by reason of his unceasing efforts to keep our country strong through wise use and protection of those natural resources upon which a nation's strength depends. Such evaluation of the man was strengthened within myself as the years passed.

An incident that revealed Cooke's outstanding convictions with respect to soil conservation I cannot overlook. It took place when the Soil Erosion Service—predecessor of the Soil Conservation Service—was still using relief funds from Public Works Administration.

An allotment board was set up by the President to handle the big public-works allotment of 1935. Secretary Ickes, head of Public Works Administration, was chairman. Other members were Silcox (Chief of Forest Service), Tugwell, Morris Cooke, Harry Hopkins, myself, and some others I seem to have forgotten. The President always met with us.

We had requested $25 million for Soil Erosion Service expenses. Harry Hopkins refused to consent, arguing that our cost per man given employment was too high. Explanations had failed. It looked like the end for the Nation's soil-conservation program, which had made a highly successful start. At this gloomy juncture, Morris Cooke spoke up, addressing a request directly to the President. He asked for 3 weeks to prepare for the board's consideration a special report in support of the allotment requested for soil conservation. As well as I remember, the President immediately replied, saying, "Your request has my approval, Morris, but try to bring in your report in 2 weeks."

At the end of 2 weeks, Cooke's report, all neatly printed and profusely illustrated, was passed around. As well as I can recall, it stressed, among other things, that dollars spent every year for control of soil erosion meant a much larger annual saving of dollars through soil conservation. Silence prevailed for some time. No objection was heard—and soil conservation is still going a quarter of a century after that narrow escape.

Finally, let me ask, Could I possibly feel toward Morris Cooke any less than most grateful for what he did to help the Nation's program of soil conservation?

The answer is, "I could not."

THE BIRTH OF REA—AN EXAMPLE OF EXPEDITIOUS OPERATION

(By Perry R. Taylor)

Morris L. Cooke was a most inspiring leader. He could bring the best out of subordinates without appearing to try to do so. To be in his presence even for a short time was a stimulating experience, which never seemed to fade even after 37 years of intermittent association. This remarkable quality was due in part to his dynamic nature and partly to his stature and breadth.

On May 1, 1935, the President called on Mr. Cooke to undertake the none too easy task of initiating a rural electrification program using funds appropriated by the Emergency Relief Act of 1935. Secretary Ickes was in the White House at the time and offered help in obtaining personnel and office facilities. Mr. Cooke was quick to take advantage of that offer by having a memorandum drafted asking the Secretary for the immediate detail of five men, who were specifically named, and for the privilege of negotiating with division chiefs of agencies under the Secretary's jurisdiction for the detail of clerical personnel. The memorandum also arranged for me to enlist Mr. Burlew's "good and immediate offices" to secure temporary quarters and furniture in the Interior Building. The Secretary penned the following note on this memorandum, "Approved, H. L. I." With this authority, things began to happen.

The next day a shingle was hung out of the temporary quarters labeled "Rural Electrification Unit." Of course, the question was immediately raised, "Unit of what?" The answer, "Just a unit." But Mr. Cooke was able to report to the President that he was ready to do business less than 24 hours after receiving the go-ahead signal.

The painstaking task of developing an executive order, having it cleared through many important places and obtaining the President's signature took 2 weeks. The order, No. 7037, was made official on May 11. In the meantime business was really booming. Nothing official could be done, but lawyers, engineers, and clerks were taken on, some without any immediate compensation, but all were interested in and willing to take part in this trail-blazing enterprise. All requests for construction of rural lines were noted and promises made to consider them in due time.

The time was not to be very long. Although the legal right existed as of May 11 to operate a program, nothing could be done until an administrator could be appointed and qualified. This required confirmation by and with the advice and consent of the Senate, which might have taken considerable time. The contemplation of any delay was most distasteful to a man of Mr. Cooke's energy and resourcefulness. His natural reaction was to do something forthright about the problem and so he asked the President to appoint a temporary executive officer to exercise and perform the functions and duties prescribed for the Rural Electrification Administration pending the appointment and qualification of the Administrator. It was my privilege to undertake this responsibility, under the authority of Executive Order No. 7040 of May 15.

Under Mr. Cooke's guidance, the various formalities of organizing a new agency in Government were executed. People were employed, furniture and supplies obtained and office space secured. The Rural Electrification Administration occupied the former James G. Blaine Mansion at 2000 Massachusetts Avenue on May 18. In only a few days, Senate confirmation of Mr. Cooke's appointment came about and the story from that point is, of course, well known.

But what is not perhaps so well known is the impact of that marvelous personality on the members of his organization. With charm and dignity and resource, he built morale in the organization which earned for it the well-deserved credit of being the finest in Washington at that time. Such accomplishments do not just happen; they must be activated through an art—the gifted art of superb leadership. This art was possessed in a marked degree by Morris Llewellyn Cooke.

Although the creation of the Rural Electrification Administration was the most exciting association which I have had with Mr. Cooke, there were many others over a period of nearly 40 years, the recollections of which reminds me of having the rare opportunity of being close to a truly great man.

A PIONEER IN POWER AND CONSERVATION

(By Leland Olds)

We may well look to the Pennsylvania Giant Power Survey of 1925, directed by Morris Cooke under the governorship of the great conservationist Gifford Pinchot, for many of the sprouts that grew to full stature in New Deal power and resources policy. There we find his concept of the wedding of democracy and science, management engineering applied to the Government's necessary planning functions.

Thus, in the 1925 giant power report we find important roots of many developments associated with the New Deal President; the TVA and Bonneville giant power systems; the New York Power Authority distribution cost studies; the REA program; the new emphasis on multipurpose conservation storage in river basin programs; and the final codification of water policy in the report of President Truman's Water Resources Policy Commission.

In fact, we know that during the early formative days of the New Deal attempt to restart the Nation's economic life on a more secure basis, Morris Cooke was a member of the little group at the White House working close to the President, giving birth to ideas. It was there that REA was born—but the foundation was laid back in the days of the giant power survey.

It is interesting to note some of the names in the giant power advisory committee. It included Charles W. Eliot and Charles E. Merriam later to play parts in the New Deal's National Resources Planning Board; Arthur E. Morgan, first Chairman of TVA; and Senator George W. Norris, father to both the TVA and REA Acts. It included E. F. Scattergood, dynamic general manager of the Los Angeles municipal electric system, responsible for the first important engineering reconnaissance of the lower Colorado's power potential and for the drive that led to the great Boulder Canyon project (misnamed Hoover Dam). It also included Samuel Gompers, president of the American Federation of Labor, and author of three important articles on the interests of labor in giant power, the first published in the American Federationist in December 1923.

Space does not permit full justice to the substance of Cooke's report as director of the giant power survey or to the six pioneering technical reports on which it was based. But, before turning to the background for the later REA program, I will quote two paragraphs which have great relevance to the later New Deal program and to the future of electric power in America.

First, he saw storage of floodwaters as contributions to the larger flows required for condensing water for large steam generation near coal mines. Then he went on to amplify on the value of water storage. He said:

"All sorts of benefits flow from water storage or water regulation on a large scale, as they do from financial or banking stability. Water is the currency of life and industry. The steadier the supply and demand the greater the direct and indirect economies. By water storage flood destruction may be reduced, waterpower increased, municipal supplies provided and stream beds flushed out and otherwise purified during the hot summer days when sewage, mine and industrial wastes are most in evidence. While it might not pay to store water for condensing purposes alone yet the combination of uses, each aiding the other is distinctly profitable to the whole group of uses, industrial, sanitary and recreational as well" (p. 31).

This was 2 years before Congress authorized the Corps of Engineers to undertake the famous "308" plans for multiple-purpose development of the country's rivers. It reflected the thinking of the conservation movement, of which Governor Pinchot was an outstanding leader.

In this report Morris Cooke emphasized especially the importance of integration of power supply as contrasted with mere interconnection of vertically organized electric utilities "to give the whole territory thus integrated the advance of the cheapest possible electric generation at the lowest possible transmission cost." Speaking as a management engineer, he concluded:

"To produce power at the lowest cost mass production in the full meaning of that term must be practiced all the way from the face of the coal seam to the distributor's substation. This means not only large-scale production carried on at the most advantageous sites and under the most favorable conditions but practicing every economy, 'Ford methods' in short. The development of such giant power industry can be accomplished through the cooperative efforts of the Commonwealth and the electric power utilities."

This point of view was echoed 25 years later in the 1950 report of the President's Water Resources Policy Commission of which Cooke was Chairman. Recent reports indicate that, aside from TVA and Bonneville, Soviet Russia and Western Europe may have jumped ahead of us in adopting this concept.

THE GENESIS OF REA

In Morris Cooke's Giant Power Survey report, supported by a technical report with an extensive appendix devoted to the subject, we find him developing the factual basis on which 10 years later the REA was launched. Actually, 2 years earlier in August 1923, the Farm Journal had carried his article on "Farm Electric Power Two-thirds Cheaper—Cost of Current to Farmers of Ontario From the Hydroelectric Commission."

In his report as director of the survey, Cooke noted that out of 202,250 farms in Pennsylvania, 178,666 were without electric service of any kind, while only 12,452 were served by public utilities. He saw the farmer as essentially a power user rather than a light user. He wrote:

"Rural electrification means more than simply connecting the farms with the distribution system. It means a rate structure so arranged as to encourage a constantly increasing use and rates themselves based on the actual cost of service plus a fair profit. Only by bringing about large rural use of current can electric service vitally affect rural life" (p. 38).

His use of the words "actual cost" can only be understood in terms of his management engineer approach to lower costs. He had previously commented on costs under utility regulation as follows:

"It should be remembered that regulation at present affords almost no incentive to efficiency. The influence toward better methods exerted by competition in private industry has been largely eliminated among utilities and thus far nothing has been found to take its place. With rates based theoretically at least on what a service costs and with almost no reference to what it should cost there is no very strong urge for a service company to pioneer in any large way" (p. 15).

Pioneering in lower costs of electric service was one of Cooke's major interests in both the TVA and REA programs, as it was in the work which J. D. Ross was doing as superintendent of Seattle City Light. In fact, he saw to it that "J. D." (Ross) told the story of "The Effect of Cost of Electricity on Use," at the Institute of Public Engineering which launched the pioneer attack on the cost of distributing electricity to homes and farms.

Giant Power Survey Technical Report No. 5, with its detailed appendix, was prepared as a basis for the Survey Director Cooke's recommendations on rural electrification. It develops the potential uses of electricity on the farm, many of them only partially realized today. It also goes into the cost of extending rural service and the question of rates. In a sense, it provided a real basis for the report, prepared by Morris Cooke in the spring of 1934, which caught the President's eye and started the REA on its way as a joint contribution to the farmers and to industrial employment. It is interesting that George H. Morse, engineer and scientist, assigned by Cooke to this job, later played an important part in the New York Power Authority's first distribution cost study and moved on to participate in the late thirties in the Federal Power Commission's first national power survey.

As Marquis Childs points out in "The Farmer Takes a Hand," Cooke's most important contribution to the start of the rural electrification program was his analysis of the cost of distributing power. According to Childs:

"Determined to crack the secret of distribution costs, Cooke and a staff of assistants itemized the expense of all the elements that went into the building of a powerline. * * * Making generous allowance for error, he still came up with the construction costs of powerlines $300 to $1,500 cheaper per mile than that given by the private power companies" (pp. 46–47).

Childs says that the importance of the study Cooke initiated can scarcely be stressed too much. He adds:

"By stripping away the mask of higher distribution costs he proved that it would be possible for the power companies to bring their lines out into the country for a fraction of the charge that had been standard up to then" (p. 47).

Childs refers to Cooke's widespread emphasis on "the necessity of spreading electricity far beyond the easy confines of town and city," on the policy of area coverage, as a "major element in the whole complex of events that combined to bring about a revolution in rural America" (p. 17).

PIONEER STUDY OF DISTRIBUTION COSTS

The New York Power Authority sponsored Institute of Public Engineering, which Morris Cooke organized to launch the study of the cost of distributing electricity, was typical of his way of mobilizing a wide range of technical competence and bringing it to bear on a problem of major public interest. The results appeared in a paper-backed book of nearly 300 pages called "What Electricity Costs in the Home and on the Farm." A symposium, edited by Morris Llewellyn Cooke and published in 1933 by the New Republic, Inc.

Cooke had Clayton W. Pike, past president of the Engineers Club of Philadelphia, and former chief engineer of the Philadelphia Electrical Bureau, an old member of his team, prepare a preliminary report embodying technical conclusions based on the then average home use of electricity. He made Pike's analysis available to an extraordinary group of experts and asked them to discuss the problem in the light of the report.

The list of participants included James C. Bonbright, professor of finance at Columbia University, and trustee of the New York Power Authority; John Maurice Clark, professor of economics at Columbia and author of "Economics of Overhead Cost"; Chairman Milo R. Maltbie of the New York Public Service Commission and the chief of the commission's bureau of research; Chairman Clyde L. King of the Pennsylvania Public Service Commission; President Samuel Ferguson of the Hartford Electric Co.; E. F. Scattergood, chief electrical engineer and general manager of the Los Angeles Bureau of Power & Light, together with his electrical engineer in charge of operation; J. D. Ross, superintendent of the Seattle Lighting Department; and an outstanding group of consulting electrical and management engineers. A significant member of the group

was General Manager E. V. Buchanan of the London, Ontario, Public Utilities Commission.

Cooke, in a foreword, recognized that the failure of the industry to deal constructively with the cost of distributing electricity was just part of the larger failure to deal with the excessive cost of distribution throughout our whole economic system. He wrote:

"American mass production techniques have lowered unit costs of practically all products in sensational fashion. But at the point where the distributive process begins we seem to lose our cunning. • • • Our splendid achievements in simplifying, mechanising, and speeding up the manufacturing and production process are in obvious contrast with the way in which the distribution process becomes always more detailed and cumbersome and self-frustrating. The task of getting the products of agriculture and industry into use at the least possible expense, which means the complete rationalization of the distribution process, is one of the master longrun problems confronting the Nation" (pp. XIII–XIV).

In his later résumé of the discussion of Pike's distribution cost paper he found "the confirmation of Major Pike's conclusions both as to detail and in summary" quite remarkable. He continued: "It means that the foundation stones of electric distribution cost finding have been laid. To engineers and other technicians we can confidently look for the completion of the structure" (pp. 103–104).

This represented a fundamental contribution to the future possibilities of low electric rates, the essential basis for large residential and farm use. A year later the continuing study by the power authority led to a statement, signed by Morse (formerly author of the Pennsylvania Giant Power Study of rural electrification) as engineer-in-charge, eight field engineers working under his direction, and five consultants, including Mr. Cooke. The statement found that the overall average cost of local distribution of electricity in communities where average consumption exceeds 100 kilowatt-hours per month would be 1 cent or less per kilowatt-hour. It continued:

"Distribution costs per kilowatt-hour go down as use goes up. By doubling the consumption the unit cost per kilowatt-hour is about cut in half. The annual distribution cost per average domestic consumer is almost a fixed amount independent of the quantity of electricity used. Cost factors other than use tend to offset one another. Such are the conclusions which may fairly be drawn from the data gathered in the survey and submitted in detail herewith."

Here was the foundation for the all-electric home and the all-electric farm of the future. And it is significant that this first broad study of the cost of distributing electricity was submitted to the President of the United States, as well as to the Governor of the State of New York. It was submitted in November 1934, in the critical period when Morris Cooke's recommendation for a Federal rural electrification program was under consideration.

DETONATING FORCE WHICH STARTED RURAL ELECTRIFICATION

Early in 1934 Morris Cooke came to me as executive secretary of the power authority of the State of New York, and asked to borrow George Hyde, an engineer who had shown an unusual capacity for preparing graphic material illustrating the public interest in electricity. Cooke had resigned from the authority and was working in close contact with the White House in the creative burst that led the country out of fear. He felt that, if a rural electrification program could be presented in such a way as to catch the eye and imagination of Secretary of the Interior Ickes and the President, the way would be opened.

On the basis of the joint work of a group of engineers and others who composed his team in Philadelphia, with George Hyde's illustrative skill, Cooke was able to present to President Roosevelt, with the support of Secretary Ickes, who was also PWA Director, his "National Plan for the Advancement of Rural Electrification Under Federal Leadership."

This report, prepared for 12 minutes reading, with illustrations and supporting appendices, Cooke told me later, appealed to the President as offering a practical program for reaching an objective in which he had been interested for some years. Although a year was to pass before the program was launched, Cook considered this memorandum the detonating force which started rural electrification.

In October 1934 the Mississippi Valley Committee, of which Cooke was chairman, reported that electrification of rural areas within reasonable time depended on active leadership of the Federal Government. Two months later the National Resources Board reported favorably and Congress included rural electrification as one of eight broad groups of projects specifically mentioned in the Relief Appropriations Act of 1935.

Thus the ground was laid for President Roosevelt's Executive order of May 11, 1935, creating the Rural Electrification Administration "to initiate, formulate, administer, and supervise a program of approved projects with respect to the generation, transmission, and distribution of electric energy in rural areas." Mr. Cooke became the first REA Administrator and started a program which substituted the engineering planning of areawide rural service for the haphazard, piecemeal approach under which private power companies had brought electricity to only about 1 farm in 10.

It is small wonder that, at its annual convention last February, celebrating the silver jubilee of REA, the National Rural Electric Cooperative Association, representing some 4 million rural families now blessed with electricity, gave Morris Llewellyn Cooke one of its rarely bestowed Distinguished Service Awards.

SUMMING IT ALL UP

Fifteen years later Morris Llewellyn Cooke served as Chairman of the President's Water Resources Policy Commission, appointed by President Truman to provide the country with a unified policy for the management of its river basins. The report of this Commission was issued in three volumes: "A Water Policy for the American People," "Ten Rivers in America's Future," and "Water Resources Law" (1950–51).

In a sense this Commission summed up or codified, if you will, the broad policies which had expressed themselves in the giant power survey report, in the Power Authority Institute of Public Engineering, the plan for a Federal rural electric program, the Mississippi Valley report, and more broadly, the conservation movement which President Theodore Roosevelt launched in 1908.

The Commission recommended that the policy embodied in its recommendations "be incorporated in a single statute stating both principles and policies, together with provisions requiring their application to all Federal water resources activities irrespective of the agency or agencies concerned." The Commission offered the draft of such a statute and Mr. Cooke subsequently had it reprinted for wide circulation. So far no action has been taken on it by either President or Congress.

My memorandum reflects only one man's contact with a great management engineer who fully accepted his responsibility to use his talents for the benefit of the society in which he lived. In the field of electric power and resources he was a leader in the application of practical planning to achievement of higher standards of living for all the people.

Morris Llewellyn Cooke, as I knew him, was essentially a planner basing his work on mastery of the facts, a catalyzer, a starter of great undertakings who expected others to carry out the programs which he in a sense invented. The program which extended electrification to rural life is going forward mightily. But the program which would assure rural as well as urban distribution systems unlimited supplies of low-cost power from regional giant power is still our responsibility.

A GENUINE GEOTECHNIST

(By Benton MacKaye)

Morris Cooke was one of the few engineers whom I ever knew who was a genuine geotechnist. For his eye never left the ultimate aim of making the earth more habitable. In this, indeed, he was the "ultimate engineer." Shorn of doctrine for this or that utopia, he fell not for the worship of the iron calf of mechanism nor of the bonny satyr of pantheism. His was the straight and rugged course toward a land worth living in, both the making and enjoying.

My own contacts with Cooke concerned his work on "giant power" and on water resources. In both of these, he saw every river whole. As a dynamo of energy to relieve the backs of men. As a sanctuary to relieve their souls. Too often be these concepts in head-on collision. Hence the need of the ultimate engineer. (Alas, some "penultimate" is usually in charge.) But here it was that I knew Morris Cooke—his head and hand ever on highest habitability. His sage decisions in the court of terrestrial justice belong in every course in the schools of his profession.

FRIEND OF LABOR

(By James B. Carey)

The American labor movement and the working men and women of our Nation will always be indebted to Morris Cooke for his enduring contributions to a better world not only for Americans but for the peoples of all countries.

I recall that Kenneth T. Trombley, in his biography of Morris, wrote:

"As a young financial writer, he discovered to his amazement a fact that nearly everyone else knew: that a relatively few men largely controlled business in the United States. He was shocked when he learned that one—J. Pierpont Morgan—had so much money that the Federal Government borrowed from him. And, to take another Mr. Big, it didn't make sense to Cooke that in 1 year Andrew Carnegie should make 23 million tax free dollars while his laborers made about $4.37 a week."

This little story of Cooke's early life reveals the characteristics which made Cooke a great and useful citizen. He was always looking for the facts and willing to face up to them when he found them. He had an unshakable faith in democracy and democratic processes. He had a great feeling of sympathy for the underdog, and a corresponding lack of servility for the rich and powerful.

Many years later he coauthored a book with the late Philip Murray, president of the CIO, in an effort to pave the way for more effective cooperation in production in order that the lives of all people might be enriched, and also that owners, managers and workers might work amicably for the development of new social and economic understanding.

Years later, while working in the garment industry, Cooke had this observation to make on the extremely bad working conditions in this industry: "I remember hundreds of garment workers standing in line to answer to a company's call for 10 employees. They were made to write the wages they expected on a piece of paper, and hand it in when they reached the hiring table. Watching the proceedings, I became expert at estimating what was on an individual's sheet of paper. It was easy—all one had to do was study the condition of the man's shoes and the elbows of his jacket. One hole, $10 a week. Two holes, $8 a week, and so on."

In the steel industry he found 200,000 men working 12 hours a day (and almost 30 percent of them worked 7 days a week (for an average weekly wage of $15. Cooke worked hard to bring about a reorganization of the industry with a shorter day and higher wages based on greater productivity.

All Americans are indebted to Morris Cooke for his work under FDR on the Mississippi Valley report, the report on the Great Plains, his work as the first Administrator of REA, his later work on the settlement of the Mexican oil dispute and his work with Sidney Hillman on the National Defense Advisory Commission.

It is possible to mention only a tiny fraction of the major works performed by this gentle, kindly and creative believer in the democratic process, but those of us who knew him know that we, indeed all of the people of the world, have suffered a profound loss. We have lost more than a friend who was humorous and charming. We have lost a fine creative mind and a restless, untiring spirit that was throughout life dedicated to the creation of a rational, functional society in which man could have enough of the good and necessary things of life and continue to enjoy freedom and equality.

MORRIS L. COOKE'S EARLY CONTRIBUTIONS TO THE AMERICAN LABOR MOVEMENT

(By Florence Calvert Thorne)

Morris Llewellyn Cooke had many friends and devoted followers in the trade union movement as a result of years of direct and indirect contacts and services. It was in the period of World War I that his contacts with American Federation of Labor headquarters began. His apprenticeship in the machine industry had made him aware of Frederick Taylor's efforts to eliminate unnecessary production costs. When he became concerned with production under naval war contracts he began meeting national union leaders. He found them willing to cooperate constructively when consulted.

Samuel Gompers, president of the American Federation of Labor at the time, as a member of the War Administration at a top level, was contributing responsible leadership by encouraging affiliated unions to cooperate for national defense. There was growing awareness of the potentialities of unions for service to the Nation as well as to union members.

It was part of my responsibilities as assistant to Mr. Gompers to note individuals and organizations whose work had implications for labor and who were disposed to consider labor experience and welfare. Mr. Cooke was then ardently promoting more efficient management policies generally and specifically on critically necessary war production. He accepted as basically sound Taylor's emphasis on accumulating factual data for the determination of policies and decisions. He urged that the value of time and motion studies would be increased by making them in cooperation with producing workers. Such cooperation came more readily when growing out of understanding the value of economies in production. With equal clarity of vision, Mr. Cooke was promoting the development of vocational training for managers as members of a profession. Approach to these objectives was along two roads: Organization of the Taylor Society for discussion of Taylor's methods and their application, and by promoting academic facilities at the graduate level for the professional training of engineers and others preparing for management positions. Mr. Cooke was active in both. There were two groups in the Taylor Society. One held that workers were human beings who wanted to promote their own welfare and could realize that their welfare was interrelated with that of the whole economy and society generally. The other group believed scientific management should be developed by management, and the workers required to conform to production orders. Several industries and Government agencies introduced time and motion studies without discussion with employees. Workers countered by denouncing scientific management as a heartless, slave-driving procedure for the purpose of undermining established standards of work and pay, and the substitution of practices derived by authoritarian procedure often based on inadequate factual area. Many craftsmen found that greater productivity by stopwatch methods was equated with less pay. Resolutions denouncing time study and the stopwatch as unmitigated evils were adopted by unions without reservations and as not needing further consideration.

During the year I was in the War Labor Administration I heard and learned more of developments to promote industrial management as a profession and as a necessity for larger production units developing rapidly. It was obvious the experiments of Taylor and his coworkers pointed the way to procedures and efforts for large scale production and would help focus attention on recording of experiences and on expansion of cost and production accounting needed for mass production industries.

I remembered a question posed by Dr. Robert Hoxie when he stopped to see me after serving as Chairman of the Commission on Scientific Management for the Federal Commission on Industrial Relations in the Wilson administration: "Why don't unions study 'scientific management' and learn to participate and direct developments for their own protection and advantage?" So when Morris Cooke asked me to arrange a meeting between Mr. Gompers and several engineers and members of the Taylor Society who wanted to know more about labor's industrial policies, I was eager for labor to cooperate. The conference held in New York City included five engineers. Discussion revolved around two developments—scientific management and corporate organization of large-scale industries. Mr. Gompers believed large-scale industry (or trusts as they were called then) was inevitable and not necessarily an evil. As a result of this conference, Mr. Gompers was invited to address the annual joint conference of the Taylor Society and a liaison committee of the American Society of Mechanical Engineers held in the Engineers Building. When Mr. Gompers' acceptance was announced, some of the older members of the profession felt a sacred tradition was being violated. Others, after hearing the head of the federation speak on workers' education, hailed the dawn of a new era.

Workers' education on lines developed at Ruskin College Oxford was sponsored by the federation in cooperation with the Workers Education Bureau organized by Charles Beard and Spencer Miller. Morris Cooke and Harlo S. Person, the executive director of the Taylor Society, made that organization a forum for discussion of union experience with scientific management and experiments to increase production without detriment to quality standards. More cooperative developments for efficient production followed as Otto Beyer and Bert Jewell extended union-management cooperation to the railway industry.

Union cooperation, with professional groups for developing the tools and methods of cooperation on production continued under President Green who succeeded Mr. Gompers to the presidency of the American Federation of Labor. As Mr. Cooke and kindred engineers uncovered the wider aspects of industrial planning there were more opportunities for unions to contribute constructive experience and cooperation such as Giant Power and various other public power projects. Power has always been a conditioning factor of civilization and its wise use for the benefit of the greatest number of projects and groups leads to lasting progress. Out of these efforts more unions concerned sought and obtained representation in industrywide policymaking organizations. Morris Cooke, active in this field, consistently urged inclusion of the larger aspects of human welfare in industry planning and consultation between groups concerned when policies affected their welfare. The increasing complexities of industrial organization made these practices essential to justice as well as to better management.

As observed from federation headquarters, the engineering work of Mr. Cooke was characterized by intense concern for better procedures and sound principles on the material side of industrial production and illumined by an overriding concern for their repercussion on the human beings affected. As an apprentice in the machine industry he was concerned for Taylor's failure to advise with his workers as well as to protect Taylor from too great humiliation due to unjust abuse and attacks from workers whom he neglected to keep informed. Morris Cooke relied on consultation and education as the best methods for good human relations. He was a pioneer in organizing the Taylor Society with its bulletin as the agency for educating management to early approaches to scientific management and the joint conference with the American Society of Mechanical Engineers to keep engineers informed. Later he had joint responsibility in organizing the International Management Bureau located in Geneva to collect experience and make it available internationally.

He was instrumental in the preparation of the report on the 12-hour day in the steel industry which President Harding submitted to the steel conference he invited to the White House to consider transition to the 8-hour day.

He was one of a small group Mr. Gompers asked to advise him on how to have available research information on the proposals to be considered by the U.S. labor representatives to the first annual conference of the International Labor Organization. That was before the U.S. Senate denied the U.S. participation in that organization whose charter Mr. Gompers had helped to draft.

The challenging work of Herbert C. Hoover for relief for European war victims and as Food Administrator rallied a number of engineers to his leadership and resulted in the Federated American Engineering Council of which he was president. Mr. Cooke and a number of members of the Taylor Society were in this group. The council initiated a number of research studies headed by that on waste in industry. This study allocated responsibility for wastes in production equally to management and labor. The council did the spadework in establishing principles which guided reorganization of the Department of Commerce beginning

with standardization and simplification of products for competitive markets. Mr. Cooke's pioneering work and services in these various capacities furthered the practice of consideration of human values involved in procedures and plans. This emphasis was inherent in his philosophy of life.

As I think over his many interests and dynamic energy, I remember the comment of a young man helping on the program to include business administration in academic studies: "Mr. Cooke is an important public citizen ranking second only to President Wilson." Certainly his ability to detect trends and to distinguish key problems, as well as the will to do something about them by rallying those concerned for cooperation to deal with them, earn him honor for distinguished service. He was a man of integrity and high value to his fellow men.

HE CARRIED DREAMS TO ACCOMPLISHMENT

(By David Cushman Coyle)

Morris Llewellyn Cooke was of the highest type of free engineer. He was free to dream of improvements in human life that could be achieved by the bold use of means that were beyond the grasp of reactionary minds such as those in control of the electric utilities. In addition, he had the personality and the untiring energy to inspire as well as charm the men of political power who could muster the resources for carrying his dreams to accomplishment. He had the faith that moves mountains, and the capacity to pass on that lifegiving faith to his many enthusiastic friends.

The Cooke project that grew to the most conspicuous success while he was still alive to observe it was rural electrification. The roots of REA reached back to the early 1920's when he worked with Gov. Gifford Pinchot, of Pennsylvania, on a giant power project, for a grid to serve both town and countryside. Their studies convinced them that farmers would buy enough current to pay for rural lines, if correctly engineered and financed. Then in 1931, when F.D.R. was Governor of New York, he appointed Morris Llewellyn Cooke to conduct a study on the cost of delivering electricity to farmers. In this work, the friendship was established between these two men that later made possible the founding of REA as well as many less conspicuous public services of that era.

The technical contributions of this free engineer to rural electrification were of crucial importance. He saw, from the first, that the point for a breakthrough had to be in lowering the price of electricity and he had the imagination to see that it could be done. He did not fear to solve the problem of low interest by calling for Government investment. Beyond that, he was not afraid of boldly redesigning the conventional electric lines and equipment so as to cut their cost in two. When the private companies still dug in their heels, he was free to turn to cooperatives. So by faith, courage, and sound engineering, he and his men broke through into a new field of service that has already transformed rural life in the United States.

Other projects, such as the Missouri Valley Authority, may seem now to have been defeated. And yet, who knows? This man planted many seeds, some of slower growth than others yet no less having life that some day may grow and flourish.

Meanwhile, there are many people still living, who sooner or later will grow old, and who through all the chances of life will continue to draw strength and courage from the living memory of Morris Llewellyn Cooke.

AN ENGINEER OF MOVEMENTS

(By Benton J. Stong)

Walking across the Capitol Grounds one evening, after a meeting on Missouri River Basin development, Morris Cooke told me a story which ever after characterised him in my mind.

A fishworm had emerged from the ground one morning to find a sunny day, the grass sparkling with dew, and apple blossoms, dogwood, azaleas, violets, and other early flowers in bloom.

"My," said the worm, "this is a wonderful world."

As he enjoyed the scene, a second worm emerged an inch or two away, surveyed the situation and exclaimed:

"My, this is a wonderful world."

Struck by the coincidence of the identical remarks, the first worm turned to his new companion and commented that they should get on well—they had made an identical comment.

"We should," said worm No. 2, "for you are the other end of me."

Morris Cooke believed this was applicable between men around the world, between resources, and between men and resources. Hence, everything was of interest to him, and every useful activity was worthy of any contribution he could make to it. Whatever his most useful role, he was prepared to undertake it.

My first meeting with Morris L. Cooke was at the old Resources Planning Board. A newsman new to Washington, I had been told by aids to other executives to come back when there was a press conference. But Mr. Cooke took an hour to answer my questions, cross-examine me about the Tennessee Valley, where I had resided for several years, and to recount one of his own experiences with a pioneer attempt at rainmaking as a reporter for the Rocky Mountain News.

There was a drought and arrangements had been made for a balloonist to go aloft and dynamite clouds. Cooke and a Denver Post reporter were to go up with the balloonist. With a little careful planning, Cooke managed to arrive after the takeoff. The balloon took an unexpected course when it got aloft and finally landed on an isolated mountainside. For several hours, Cooke relayed his paper news of the misadventure and the failure of the dynamiting to produce rain while the Post's reporter was still "up in the air." Back at the office, Cooke was praised for his "scoop" and good discretion, instead of being reprimanded for lack of valor. He remained skeptical of rainmakers for life, "in defense of my youthful judgment," he explained.

Mr. Cooke's interest in getting people to participate in civic affairs—a personal crusade be conducted especially vigorously within his own engineering profession—he dated back to college days when he was sent as a poll watcher to a waterfront precinct in an eastern city. After a pummeling, he was tossed out of the polling place, convinced that it would take more than a lone college student to cleanse election practices in the city. The same conclusion he found applicable to other movements.

Not the least of Mr. Cooke's abilities was to maintain friendships which permitted him to practice a little welcome "management engineering" in each of their lives, involved them with others in useful undertakings, thus achieving the concerted action by groups of individuals which he considered essential to get results.

FOE OF MUNICIPAL CORRUPTION

(By William O. Lichtner)

The passing of Morris L. Cooke was a source of deep sorrow to me. He was a friend as well as a professional colleague over a period of some 50 years.

In 1909 I met Mr. Cooke through Dr. Frederick W. Taylor, with whom he was intimately working in promoting the scientific management concept for industry and the operation of public works projects. During the ensuing years Mr. Cooke had me serve with him on several very unusual and important projects which only Mr. Cooke seemed to have the faculty and personality to handle successfully. Such a project occurred when he became Philadelphia's director of public works during the regime of the reform mayor, Rudolph Blankenburg. This project proved to be a classic fight against dishonesty, the power of money, and the type of futility in municipal administration through which everybody suffers.

Another high point in Mr. Cooke's career occurred when he was asked by President Franklin D. Roosevelt to "head up an American technical mission to Brazil." The group consisted of nine specialists and I was honored to be asked to serve as the chief of technicians. This mission was unique in that the project being of mutual economic interest on the part of Brazil and the United States of America it was conducted through President Vargas of Brazil having a counterpart Brazilian technical mission manned entirely by native technicians with the intimate background and experience of Brazil's needs.

This project was one of imminence and extreme gravity due to the submarine attacks on shipping between Brazil and the U.S. ports which seriously influenced the conduct of the war against the Axis powers. It also affected drastically the internal economy of our good neighbor.

The mission accomplished its purpose. The basic objectives of the mission as outlined in a White House statement were: (1) To increase local production of essential products; (2) to convert local industries to the use of substitute raw materials; (3) to maintain and improve transportation facilities; and (4) to lay the foundation for a long-range strengthening of Brazil's whole industrial economy.

Mr. Cooke's many other interesting achievements are replete with successes so characteristic of him. He was always willing to listen to and try new ideas, and was a liberal in every sense of the world. He fought for his convictions in a wide variety of business, engineering, and political issues.

I shall always cherish in gratitude the memory of my years of friendship with Morris L. Cooke.

FOE OF THE TIDELANDS BILL

(By Edward A. Harris)

The death of Morris Llewellyn Cooke brings back memories of my most interesting years as a Washington correspondent. For while it was never disclosed before, he was one of the leading figures behind the scenes in the determined inquiry into the tidelands oil situation.

At stake in this inquiry were billions of dollars worth of oil in the so-called marginal sea extending from low tide to the 3-mile limit. This immense wealth could be conserved underground for the future needs of the Nation; it could be partially exploited under Federal control to prevent drainage loss with its proceeds used for schools and other worthy causes. Or, if these tidelands could be declared the property of the States off whose shores they are located, then the prospects were greatly increased of private oil operators reaping huge profits from their development.

Morris L. Cooke had long been a close student of the politics of oil, starting with his engineering experience as the reform head of the public utilities system of his home city of Philadelphia beginning in 1912. Franklin Roosevelt chose him to represent the United States in the settlement of the Mexican-American oil disputes in 1942. He knew the chief personalities in American oil, and had some among them tagged as "bad actors" in his book of what makes men tick.

Never a seeker after publicity, but a stanch champion of conservation of natural resources, Mr. Cooke was a colonel behind the scenes in the tidelands oil fight. He cataloged the personalities in the oil lobby in that fight. And when one of their leading members was nominated to the strategic post of Secretary of the Navy, he went into action in his quiet but most effective way.

His files, his catalog of men and events, his wide acquaintanceship with sources of facts were put to use in mustering a substantial record which the chairman of the Senate Confirmation Committee, the late eminent Senator Charles W. Tobey, had put at his disposal. It was an important factor in the investigation that resulted in the withdrawal of the oilman's nomination to the sensitive post.

While the immediate victory was gratifying, the larger issue for which Mr. Cooke fought, that of conserving the tidelands for all the people in future generations was not won. But a man is not judged by his victories alone. So long as there are Americans who fight vigorously for just causes, a battle may be lost here and there but in the end the war will be won—the war to save the Nation from predatory interests and thus insure its endurance as a dynamic democracy.

I cite this instance of high-level operation by Morris L. Cooke as one facet of a rich life spent entirely in the public interest. As the reporter assigned the task of digging out the facts and writing them for the public, I went to reliable sources, and Mr. Cooke was a most valuable one. I can see him now, pacing up and down the length of his sitting room in his suite in the Hay-Adams, a sheath of papers in his hand, indignant to the point of anger at the attempt of a handful of giant corporations seeking to capture the great oil wealth of the Nation through the actions of their hired lobbyists.

Watchful, patient, knowing, the trained man at work on public issues, dealing with these issues at the top policy level where broadest results could be obtained, Morris L. Cooke lived a quiet life of great effectiveness for many years in Washington. His rare counsel and solid advice will be sorely missed in these trying days by a circle of leaders. His enduring friendship will remain with us for many years to come.

BUILDER OF GOOD WILL WITH MEXICO

(By Ralph Kaul)

I was assistant to Morris L. Cooke when he served as the U.S. Commissioner, appointed by President Roosevelt, on the United States-Mexico Oil Commission.

This Commission in 1942 settled by friendly negotiation the long standing dispute between the United States and Mexico and provided reasonable compensation to the expropriated American oil companies. The settlement coming at the beginning of World War II was a major breakthrough in establishing strong friendly ties with Mexico which have endured to this day. Morris Cooke deserves the credit.

In my experience I have never known a person to serve the public with greater courage, skill, and devotion. When problems seemed unsurmountable, he was always confident and cheerful and a source of inspiration to his associates and staff.

Our Nation has had many outstanding public servants. No one more deserves a lasting place in our hearts and memories than Morris Llewellyn Cooke.

A FRIEND OF PUERTO RICO

(By Judson C. Dickerman)

When in 1912 as director of public works, city of Philadelphia, Pa., Morris L. Cooke came to negotiate contracts with privately owned public utilities, he found their policies and practices not in the public interest and in his opinion restricting the useful progress of the industries. He soon found those policies were general over the Nation. From then on, he devoted a goodly part of his energies to advance the widespread beneficial use of electric power.

When private corporations were reluctant or unable to take adequate measures, he encouraged publicly owned enterprises to take over. The writer was frequently associated with Morris L. Cooke in many such activities from 1912 up to his death in 1960.

The late President Franklin D. Roosevelt, considering the problems of administration of the island of Puerto Rico, found a public-spirited, farsighted engineer, Antonio Lucchetti, operating a small electric utility system under the island government in conjunction with irrigation facilities. Lucchetti was pressing to enlarge the system to utilize to a maximum the island's potential water-power resources and to ultimately provide electric service to the entire island as one publicly owned utility.

The President appointed Morris L. Cooke and Frank H. McNinch, then chairman of the Federal Power Commission, to investigate the existing development and the feasibility of Lucchetti's program. These gentlemen sent the late Roy Husselman and the writer to the island in January 1934 to study and report. The two engineers reported favorably as to the existing development, the advantages to the island of expanding the electric service and the necessity of acquiring some supplementary steam electric power. Messrs. McNinch and Cooke accepted the report.

An immediate result was the purchase by the island authority, without controversy, of the privately owned steam electric plant and system in the city of Ponce. In 1941 the Puerto Rico Water Resources Authority was set up within the Puerto Rico Department of Public Works to operate and expand the publicly owned hydroelectric power and irrigation services. In 1944 that Authority purchased the electric systems serving San Juan and vicinity and Mayaguez and soon after acquired the few locally operated small plants, to complete an islandwide system, competently and progressively managed, to be an important factor supporting the island's growing prosperity.

While remaining much in the background, Morris L. Cooke maintained an active interest in the continuing political and economic development of Puerto Rico and its water resources authority. In their later years Mr. and Mrs. Cooke spent several winters in Puerto Rico where both found much of interest. Thus Puerto Rico benefited by Morris L. Cooke's clear perceptions, advice, and influence up to the time of his death, as have many other situations, nationally and internationally.

BUILDER OF INTERNATIONAL GOOD WILL AND PEACE

(By Dewey Anderson)

Morris Llewellyn Cooke was a rare personality. A trained engineer, he was forever innovating, reaching out into new and unknown fields, seeking the right answers to besetting public problems that required solution in order to strengthen democratic institutions. His mind was ageless, and as each new day brought with it a new set of problems he applied that keen intellect to finding the right way to put men and institutions to work under policies beneficial to the public.

Others will tell of his pioneering leadership in the fight for low-cost energy to power the wheels of our emerging American industry at a time when engineers were scarce, who would champion the entrance of the Government into this field to yardstick the activities of the private utilities.

Or his conception of "catching the raindrop where it falls" to prevent floods and devastation in a natural way, and to harness the falling waters in a river valley for the benefit of all who reside there, an idea that took concrete form in the establishment of the TVA and the Soil Conservation Service.

Or, his persuasive voice convincing that strong man of the first New Deal cabinet, Harold Ickes, to support his petition to the President to create the REA.

Any one of these achievements would accord the ordinary leader his place in our social history. But for Morris Cooke they were routine.

On the international frontier he also displayed his unusual combination of wisdom, persistence, integrity, true gentlemanliness and diplomacy. These rare qualities were early recognized by Franklin D. Roosevelt who have become well acquainted with Mr. Cooke during the First World War, and later when he appointed Morris Cooke to the giant power commission of New York.

I know something of the service he rendered our second war effort, having served as Chief of the American Hemisphere in the Board of Economic Warfare. It was our duty to obtain the maximum cooperation from our Latin American neighbors. Brazil, with its tremendous raw materials, its strategic air flight location, and its growing industrialization, was the key to this. Morris L. Cooke was ideally suited to the task of using that key. He had settled the Mexican-American oil dispute in 1942, and received the highest award of merit that good neighbor had to offer. He was an engineer who looked at problems through trained eyes.

Mr. Cooke was chosen to head an industrial mission to Brazil and the results are written into our diplomatic history. Out of it came a complete accord and fullest participation between the two countries, a cementing of friendship that has carried on to this day.

When the Second World War was drawing to a close, Morris L. Cooke was busy meeting with groups and individuals to find the way to continue the allied collaboration which had made the prosecution of the war a success. His meetings with the French leader Monnet led to Mr. Cooke becoming a champion of the union of European economies. One of the French leaders came all the way from France to meet him so recently as his final illness, arriving at the hospital the last day of his life. The distinguished Frenchman's grief at the passing of this understanding friend was a warm tribute to the power of that friendship with the French Republic.

Always seeking practical ways to attain peace and preserve it and to promote freedom and democracy among men, Morris L. Cooke was in the first group that discussed what became point 4 in the inaugural address and international program of President Harry S. Truman. In the first comprehensive treatment of that topic, the bold new program series issued by Public Affairs Institute, he wrote the study "Groundwork for Action," a description of the nature and extent of the task of aiding the underdeveloped two-thirds of the world to join with the more industrialized nations in their march toward economic and political freedom.

He continued this abiding concern for our less fortunate free world neighbors to the very end of life. His pen and his person were ever available in case of need. Thus, in the serious need of India for food grains, he was among the handful of leaders who wrote, worked, and prevailed upon the administration and the Congress to provide that grain. He formed and led a Committee of One Hundred Americans in the formulation of peace programs, and stimulated widespread interest in effective disarmament and cooperation to advance the participation of the free world countries in the economic development of the less privileged nations.

Morris Llewellyn Cooke lived a long and useful life. He continued that usefulness

in a remarkable degree right up to the surrender of its spark on his last day with us. Within the month of his death he paid a final visit to Washington, held court in his Hay Adams suite of the men and women who had led this Nation out of the trough of the depression and built the New Deal institutions by which we now live. It was not a court of reminiscence but a discussion of new frontiers of mind and action just ahead. Ever young, he died at the age of 87, a tribute to the best America has to offer its people, a warm friend and loyal colleague in the struggle for better living for us all.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. MURRAY. I yield.

Mr. CLARK. Mr. President, I should like to join my distinguished colleague from Montana in the tribute he has paid to the distinguished Philadelphian, Morris Llewellyn Cooke. Mr. Cooke was one of the great engineers of our country. He was a member of the cabinet of Mayor Rudolph Blanckenburg of Philadelphia as long ago as 1911. He did everything possible during the period of his service to bring the public works and engineering programs of our city out of a very bad and obsolete situation. When he resigned as director of public works, Philadelphia had been well served.

Mr. Cooke was an outstanding follower of Theodore Roosevelt, a great "Bull Mooser." He served actively in the ranks of the "Bull Moosers" until the early days of the New Deal, when he became an ardent disciple of Franklin Delano Roosevelt. He came to Washington, D.C., and did a magnificent job. His influence was far beyond the positions he held.

All of Philadelphia and all of Pennsylvania join the Senator from Montana in the tribute to this distinguished member of our Commonwealth.

Mr. President, I ask unanimous consent to have an editorial which was published in the Washington Post and Times Herald of March 9, 1960, in tribute to Mr. Cooke, printed at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MORRIS L. COOKE

The death of Morris Llewellyn Cooke at the age of 87 must have brought not only a sense of personal loss but a keen nostalgia as well to many who knew him in his long and devoted career of public service. He was as much a Washingtonian as a resident of the Philadelphia suburb which was his home and to which he retired in his final years. During the 1930's and 1940's when he was active and influential in the Capital, he was an exemplar of the very best qualities of the New Deal and perhaps its leading philosopher in the area of conservation and resource development.

Morris Cooke was so modest and quiet a man that few realized the extent of his influence in the Roosevelt administration. An outstanding engineer, he became director of public works in Mayor Rudolph Blanckenburg's reform municipal administration in Philadelphia in 1911. Later he served as a member of the New York State Power Authority during the Roosevelt governorship and became Chairman of the Rural Electrification Administration under President Roosevelt in 1935. He played an important role in the development of the TVA concept.

An ardent exponent of public power, Mr. Cooke had personal integrity, professional competence, and sound judgment that commanded the highest respect among private power advocates. He was the natural choice to direct the Water Resources Section of the National Resources Board in the Roosevelt administration and the Water Resources Policy Commission in the Truman administration. His enthusiasm and idealism no less than his extraordinary understanding of resource problems made him an invaluable contributor to the growth of his country.

Mr. CLARK. Mr. President, I thank my friend from Montana for yielding to me. I invite the attention of my friend from Montana to the fact that my colleague from Pennsylvania desires to have the Senator from Montana yield to him.

Mr. SCOTT. Mr. President, will the Senator from Montana yield?

The PRESIDING OFFICER. Does the Senator from Montana yield for a question?

Mr. MURRAY. I yield.

Mr. SCOTT. Mr. President, I ask unanimous consent that the Senator from Montana may yield to me so that I may speak, not in the form of a question, but affirmatively, with respect to the death of Mr. Cooke.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and it is so ordered.

Mr. SCOTT. Mr. President, while I did not know the late Morris Llewellyn Cooke well, he served in the same cabinet under Mayor Blanckenburg with my uncle, the city solicitor of the city of Philadelphia. He was a great man, a distinguished citizen, and an outstanding engineer. I should like to associate myself with the sentiments of those who have spoken and to express the grief of my city and of my Commonwealth at the passing of one who contributed so much in civic well-being to all the agencies and causes which he served.

TRIBUTE TO BRIG. GEN. FRANK T. HINES

Mr. CASE of South Dakota. Mr. President, one of the great public servants of our generation passed away yesterday. I refer to Gen. Frank T. Hines, who for many years was Administrator of the Veterans' Bureau, later the Veterans' Administration. He also served as our Ambassador to Panama for a number of years. He was called upon during his life to fill many posts of honor and responsibility. He served with credit to himself and to his country.

I regard it as one of the privileges of public service to have known General Hines and to have been associated somewhat with his activities, when I served on the Subcommittee on Appropriations for Independent Offices in the House of Representatives, which subcommittee dealt with appropriations for the Veterans' Administration.

Mr. President, I ask unanimous consent that there may be printed in the RECORD, following my remarks, the newspaper article published in the Washington Post and Times Herald this morning in tribute to General Hines.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Apr. 5, 1960]

GENERAL HINES, FIRST VA HEAD

(By Alan L. Dessoff)

Brig. Gen. Frank T. Hines, U.S. Army, retired, head of the Veterans' Administration under five Presidents and the man who got the troops home after World War I, died Sunday of bronchial pneumonia at Mount Alto Veterans' Hospital. He was 81.

General Hines was once described by J. Edgar Hoover, Director of the Federal Bureau of Investigation, as "the one man in Washington whom everybody respects" because "he has ability and never played politics."

Sumner G. Whittier, present Administrator of Veterans' Affairs, was by coincidence in Salt Lake City, General Hines' birthplace yesterday, when he learned of the general's death.

"The State of Utah and all of America lost an outstanding citizen and patriot," Whittier said in a statement, adding, "General Hines served his fellow men with distinction in a long and useful life."

President Warren Harding picked General Hines to head the Veterans' Bureau in 1923. Previously, the agency had been under severe criticism and touched by scandal as it was directed by as many as three men at one time.

In 1930, when the Bureau was consolidated with other veterans' relief agencies into the Veterans' Administration, General Hines became its first administrator and served until 1945.

SET UP REGIONAL AREAS

Working with "cold, deadly efficiency"—he signed his initials, never his name during 12- to 16-hour working days and kept a seven-sided appointment calendar on his desk—he divided the VA into district and regional offices for the convenience of veterans around the country.

It was largely due to his efforts that Congress permitted a veteran of any war to be hospitalized without regard to the nature or cause of his disability.

General Hines also proposed that a man entering military service know exactly what compensation he or his dependents would receive in case of his death or injury, under a uniform policy by which all veterans would have equal consideration relative to their needs.

At the end of World War II, General Hines was in charge of administering the Servicemen's Readjustment Act of 1944, known as the GI bill of rights. He controlled an agency with scores of hospital facilities, more than 50,000 employees, and over 100,000 claims from veterans awaiting action.

ENLISTED AT 19

General Hines rose from private in the National Guard. He enlisted in Utah at 19 and served in 14 Spanish-American War engagements. He was recommended for the Medal of Honor for bravery in action in the Philippines but it was never voted by Congress.

Despite his early record, his first application for a commission in the Regular Army was rejected because of his age. He finally got it in 1901 and as a captain went to Europe in 1914 as a technical adviser for the Bethlehem Steel Co. working on Greek coastal defenses.

When World War I broke out, he headed home from Athens but the War Department stopped him in Rome and ordered him to evacuate Americans from Italy. He returned 3,100 citizens to the United States in 2 months.

MOVED 2 MILLION MEN

His major contribution during the war was organization of a transportation system that moved 2 million soldiers to Europe in 18 months and got them home again in 8 months.

It was estimated that his return of the men earlier than expected and his readjustment of transportation rates with Great Britain saved the Government more than $130 million.

It was during this period that General Hines first won J. Edgar Hoover's respect. Hoover, in charge of extraditing anarchists from the United States, had difficulty getting a ship, and called General Hines, who ordered one.

"You put them on the ship," the general told Hoover, "and I'll take them out of the country."

Commissioned a brigadier general in 1918, General Hines retired from the Army in 1920 but returned to public life 3 years later on President Harding's request.

After leaving the Veterans' Administration, he served as Ambassador to Panama for 3 years. He then moved to California, but returned here to serve until recently as a director of the Acacia Life Insurance Co.

He is survived by his wife, Nellie, whom he married in 1901, of the Towers Apartments; a son, Frank T., Santa Monica, Calif.; a brother, Brig. Gen. Charles Hines, U.S. Army, retired, 2800 Quebec Street NW.; and a sister, Mrs. Frank M. Barrell of Millbrae, Calif. Services will be held at 2 p.m., Wednesday, at Fort Meyer Chapel, with burial in Arlington Cemetery.

Mr. HILL. Mr. President, I should like to associate myself with the remarks of the distinguished Senator from South Dakota in his tribute to the late General Hines. I knew General Hines well. I had a lot of contact with him. I worked with him on many occasions on many matters. I never knew a finer, more devoted or more faithful public servant. He was a great soldier, a great patriot, and a great American.

CONSOLIDATION OF INTERNATIONAL COMMUNICATIONS—THE KEY TO PEACE

Mr. MUNDT. Mr. President, the Advisory Commission on Information has just filed its 15th report. I wish to call this report to the attention of the Members of the Senate because I believe that it is a forward-looking document, outlining guideposts in foreign relations, which may well channel our information and cultural relations activities into new areas, with new programs, and new management.

I was highly gratified to note that the report suggests that the time has come to consolidate all the foreign cultural, education, and information programs in one agency of Cabinet status. The report suggests that this total combined effort should be conducted as a single operation, involving an overall public relations project.

The committee stated:

To meet the competitive ideological and propaganda challenge of the future, the time has come for the United States to consolidate all the foreign cultural, educational, and information programs in one agency of Cabinet status. The purpose is to insure maximum coordination and unified direction of the total U.S. communications effort.

Although U.S. foreign information, education, and cultural programs have shown much improvement, their impact, from a total communications point of view remains difficult to discern when the U.S. information and education program is evaluated, country by country. Consolidation of all U.S. foreign communications in one agency will result in more unified and comprehensive planning, more economical use of what are essentially scarce resources, and a cumulative impact that will be more apparent. Previous bureaucratic divisions and differences should now be subordinated to the common purpose of achieving mutual understanding between the people of the United States and the people of other countries, in this most critical area of international communications.

Communication techniques in reaching foreign audiences are essentially similar. Combining the diverse cultural, information, and educational programs will give belated recognition to this fact. It will enable the United States to enter into the competitive communications struggle in 1960 with a strengthened capability tested and matured by its past experiments and experiences.

The Commission believes the United States has the brains, the ideas, the techniques, and the resources that are necessary to meet this challenge successfully today and in the future. The Commission believes, however, that the essential task is to marshal and organize resources more effectively and to release creative ideas and energies that will be required in the long contest that looms ahead. If the ideas of freedom are to prevail they must be mobilized, organized, and communicated to the people of the world.

The importance of information and cultural relations programs has never been more clearly outlined in the history of our Nation than at present. As this report indicates, the quantity of such programs from the Communist orbit is increasing sharply, by leaps and bounds, especially from Red China. The challenge to the United States is greater, and will continue to grow.

We cannot fail to provide all the programs we need to meet this challenge. We cannot afford to sustain a dormant effort, without creating new methods, new ideas, and new techniques. Upon this project of communicating with the peoples of the world, and of projecting the truthful image of America depends our national safety.

In that connection I wish to salute the Senate on the fact that, after only 2 days' deliberation, it recently approved the expenditure of $100,000 by the Voice of America to purchase from commercial stations in Georgia and Florida programing time with which to beam Spanish language broadcasts to the oppressed people of Cuba. Today in conference the conferees on the supplemental appropriation bill agreed that this money should be utilized for this purpose, and should be taken from the unobligated balances which, happily, the Voice of America has available to it at this time.

Our great defensive strength lies not alone in our great weapons programs, or in our missiles and atomic weapons. Our real strength rests in the faith, confidence, and friendship which the peoples of the free world—and many of the satellite countries—have in the United States and its people.

The job we have to do is to make sure that such confidence remains unshaken, and that such trust is never violated.

I agree with the observations of the Advisory Committee which points out that to maintain a strong program does not necessarily mean that we have to match the quantity of Communist propaganda, but that we should outdo them with quality. Money may very well be far less important than method in achieving our objective.

If we want the quality of our information and cultural relations programs to improve, we must search constantly for new methods and techniques for handling them.

The friends we have abroad will remain constant if we continue to inform them of our purposes. New friends will be won when we find how best to approach them and when we find what their interests are. This is a continuing challenging and existing task.

I am not making this statement as one of criticism of the administration of the present programs. Indeed, I have nothing but high praise for much of their work and most of the administrators of them. We may have been more fortunate than we deserved in getting people of such high caliber to man them.

This is true, also, of the Advisory Commission which wrote the report to which I refer. I list the names of members of the Advisory Commission for the information of the Senate. I am sure that the names of most of these distinguished Americans are already well known in this body.

Mark A. May, chairman, director, Institute of Human Relations, Yale University, New Haven, Conn.

Erwin D. Canham, editor, the Christian Science Monitor, Boston, Mass.

Sigurd S. Larmon, chairman of the board, Young & Rubicam, Inc., New York, N.Y.

Philip D. Reed, New York, N.Y.

Lewis W. Douglas, Sonoita, Ariz.

For some time I have been talking about more coordination of our cultural relations, exchange of persons, and information programs. Considerable coordination has taken place, but I am sure no one will say that the job is ended. Such coordination must be aimed at strengthening the programs. Often, we find in government that coordination merely means creation of some new superstructure of administration, with little change in programs, or improvement in the agency output. These cultural contacts are so important that we must give them every support, without draining their appropriations for administration.

That is why, during the past year or two, I have been picking at the idea that perhaps these programs need to be placed in a separate agency, at Cabinet level, with Cabinet status, where their full importance can be appreciated, and their potential expanded.

Early last year, in an address before the third plenary session of the National Conference Institute of International Education here in Washington, as author of the Smith-Mundt Act, which established the overseas programs of information, suggested that the time had come when we should consolidate all of our programs of international human relations into one department of Cabinet-level status. Later I authored an

article for the July 1959 issue of the Public Relations Journal entitled "A Department of International Public Relations for the U.S.," in which I spelled out the importance of merging our programs of information, educational exchange, and cultural relations into a single operational agency. The favorable response to this article from distinguished experts in the field of public relations was most gratifying and encouraging. Based on the reaction to my article I counseled with Dr. Mark May; and I would like to think that my conversations with this distinguished expert and leader in the field of public relations on human relations have played some small part in the genesis of the recommendation contained in the 15th Annual Report of the Advisory Commission on Information. I enthusiastically concur with the Commission's conclusion that the challenge of the sixties demands the ultimate coordination of all programs designed to communicate the image of America to citizens of other nations.

I firmly believe that this will not only give us increased efficiency, but will provide better results with better economy.

It seems to me that this proposal merits the special consideration of the Senate, especially since the advisory committee, which gave considerable study to the matter, gives rather strong endorsement to the plan.

Many hearings have been held on the cultural relations and information programs. Perhaps one of the most useful was the so-called Fulbright-Hickenlooper hearings back in 1952. I would suggest, however, that the findings of 8 years ago may not be totally valid today and that some extension should be made on them.

Later, independent inquiry was made by Government commissions outside of Congress, but these, too, are now 6 or 7 years old. This field is one which changes rapidly, and which constantly poses new and involved problems. Further investigation into the merits of proposals regarding them are now in order.

I do not have in mind today introducing any resolution calling for the establishment of a new department at this time, or any resolution calling for some special investigation or new study; but I think this is a subject which requires the attention of Congress. It is a field in which careful studies might be valuable.

I believe that we have in the Senate such a mechanism for making an impartial, nonpartisan, and objective study and I hope that we can utilize this mechanism for positive operations without delay.

The Government Operations Committee of the Senate, of which I am ranking Republican member, recently established a subcommittee under the chairmanship of the able Senator from Washington [Mr. JACKSON]. The subcommittee is functioning for the purpose of studying the policymaking machinery of Government. At its inception, the purpose of the subcommittee was set forth as being an impartial, nonpartisan study group. This was emphasized many times by Senator JACKSON, both on the floor of the Senate and in our committee sessions, and at the time the resolution creating the subcommittee was adopted.

So, I think that we have already established the means of making such an inquiry as I have outlined. We have by now recruited an excellent professional staff.

Therefore, I am making the suggestion that the committee to which I refer, the Subcommittee on Policy Making Machinery, undertake to interview experts or to hold hearings on this subject. I am today sending a letter to the distinguished chairman of our subcommittee, the Senator from Washington [Mr. JACKSON], pursuing this request.

I do not believe that any study has been given to the proposal, other than that which the advisory group has made. I am sure that there are many experts in this area whose opinions and suggestions have not been sought. There are some additional ramifications and proposals for expansion to include other programs in such an agency, and all should be studied in the atmosphere provided by our subcommittee. We should all approach this entire problem with an open mind. We must evolve the optimum administrative machinery, by which we can get the best results, with a minimum of Federal expenditures.

The ideas of all of us change as the times change. New circumstances call for new answers. For instance, I was once very much opposed to the idea of moving the USIA out of the Department of State because I felt that we would lose something in the way of coordination of policy. Now, I do not feel that these fears have been justified by developments, though I think coordination can be further strengthened and improved.

Perhaps the reason USIA has functioned so well is due, not to any special machinery of operations so much as it is due to the high quality of administrators which it has had and the unofficial coordination which has taken place. The present head of USIA, George Allen, serves his country well, and administers his agency most capably in this his second tour of duty. He deserves the commendation of Congress for his great success.

I have not inquired of George Allen what his thinking is on the special proposal I have made for putting all these functions in a Cabinet level agency. I am sure, however, that he feels that USIA has not filled its potential—that there are gaps to be filled—that new techniques need to be acquired—and that bigger jobs lie ahead as the Soviet cold war effort expands at a greater percentage of increase than even its missile program.

The Communist challenge is a never ending one, and it reaches not only to our doorstep, but right into our country. The case of Cuba points up rather dramatically what inroads have been made. I was happy to have the Senate approve so rapidly the proposal I made to have special appropriations given to USIA to meet the situation in Cuba and to provide information programs which would give the people of Cuba the truth about our country and its relationships with them. I think this is an effort which will pay big dividends.

The case of Cuba also demonstrates what is needed in the way of coordination between our information programs, and other cultural activities, assistance programs, and overall aggressive techniques to combat the slander aimed at us or to help resolve the international tensions created by the Castro-led government.

We lack the flexibility to handle the critical situations resulting from dictatorial posturing of little men in big britches, when, like gadflies, they tease and taunt their neighbors, or take punitive actions against them. It is true that, because of our economic strength, we could bring the Government of Cuba to its knees. But that is not what we want. We want the Cubans to enjoy freedom and economic prosperity. We want them to have free speech, freedom to worship, a free enterprise system, and we want them to enjoy the advantages of good relationship with our own country, and with their Latin American neighbors. To convince them that is our aim, and that we are not an all-powerful giant trying to work our will through economic coercion or displays of force, requires skillful communications, proper approaches, and coordinated programs.

We have numerous programs around the world which can be brought into play. Most of them are highly successful, but, from the viewpoint of the foreign national with whom we are working, there is confusion and cross purpose. There are many Americans in these foreign capitals working toward common goals, but approaching them by diverse routes, with either unrelated or overlapping and sometimes even contradictory programs. To have our activities observed as stemming from one center, with one method or approach, and thus demonstrating unity, would do much to increase our prestige abroad, and bring better results to our efforts.

I could discuss at length some of the problems that arise abroad from lack of centralized guidance and coordination, but I believe that my purpose is best served here by merely pointing out the report of the Advisory Commission which reflects the thinking of experts on this question.

I see on the floor of the Senate the distinguished chairman of the Committee on Agriculture and Forestry, and a distinguished member of the Committee on Appropriations, the Senator from Louisiana [Mr. ELLENDER], who has probably traveled as much and has studied as hard in analyzing the various ramifications of our oversea activities as any Members of the Senate. I have heard him discuss publicly and I have heard him hold forth privately on the contradictions and duplications which occur. It seems to me that in our fighting the cold war through to victory, so that we do not become engaged in a hot war, we must coordinate our efforts to get the best results possible with the economic use of manpower and money.

Again, I wish to request that our subcommittee take this matter under study at once. I feel that it is of more urgency

than many of the studies which are contemplated or which have been taken thus far. It has the advantage of being an up to date, current problem, as well as being on the subject which is most pressing in the field of foreign relations. America is public-relations conscious. It is a special skill that has been most highly developed in our Nation. It is time that we used this special public relations knowledge to improve the image of America abroad, by winning the hearts and minds of people around the world, convincing them that we expect to live at peace, and that our total effort is toward that end. If our committee can develop special information and do necessary research which can help us in our deliberations on the worth of upgrading and coordinating the work of this special agency, the committee headed by the Senator from Washington [Mr. JACKSON] will have served a useful and constructive purpose.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. THURMOND obtained the floor.

Mr. RUSSELL. Mr. President, will the Senator yield to me, without in any way affecting his right to the floor?

Mr. THURMOND. I am glad to yield to the Senator from Georgia.

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. PROUTY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I offer an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

The LEGISLATIVE CLERK. On page 16, line 9, it is proposed to insert the following:

After "(a)" insert "on account of race or color".

On page 16, line 11, after "(b)" insert "on account of race or color".

On page 17, line 16, after "(a)" insert "on account of race or color".

On page 17, line 18, after "(b)" insert "on account of race or color".

Mr. THURMOND. Mr. President, as an example, of the pitfalls encountered when concern for speed overshadows consideration for due process guarantees, I would like to refer briefly to one of the constitutional defects apparent in title 6 of the pending bill.

In his testimony during the brief period in which the Judiciary Committee was required to consider this legislation, the Attorney General testified with respect to section 6 that it had as its constitutional basis the 15th amendment of the Constitution. Mr. President, as is well known by Members of this body that particular section is as follows:

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

Mr. President, as any student of constitutional law knows, the language of the section is in negative terms. This particular amendment, the legitimacy of which is open to serious question, in no way justifies an affirmative course of action set forth in legislation by Congress. Any legislation which seeks to justify its existence must do so on two grounds. First, a prudent Congress must be convinced that there exists evidence that "the right of citizens of the United States to vote" is being denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. Secondly, the legislation must assume the character of negating this discrimination. In other words, the legislation must be negative in character as opposed to a positive approach or affirmative course of action. This has been summarized in 18 American jurisprudence, elections, page 26, paragraph 8, as follows:

The power of Congress to legislate at all upon the subject of voting at State elections rests upon the 15th amendment. The legislation authorized by this amendment is restricted. It extends only to the prevention by appropriate legislation of the discrimination which is forbidden by the provision. Congress has no power to punish the intimidation of voters at purely State elections where the conduct complained of is not grounded upon race, color, or previous condition of servitude.

Prior to the adoption of the 14th and 15th amendments, the field of voting, so far as State elections were concerned, was reserved exclusively to the several States. The adoption of these amendments in no way granted the right to vote to anyone. The 15th amendment prescribed that the States and the Federal Government could not use race, color, or previous conditions of servitude as a qualification. When these three factors do not serve as the basis by denying a citizen the right to vote, there is no legislation which can be enacted by the Congress under the 15th amendment to assure that this citizen or citizens shall vote. It is on the basic constitutional principle, Mr. President, that I challenge the constitutionality of title 6 of H.R. 8601. The pertinent principles of title 6 are as follows:

In any proceeding instituted pursuant to subsection (c)—

That is, of the Civil Rights Act of 1957—

in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall upon request of the Attorney General and after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice.

The following sentence is of particular interest as to the constitutionality of this section:

If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for 1 year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has since such finding by the court been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law.

It is at once apparent, Mr. President, that the language of this legislation does not meet the requirements for legislative provisions of the 15th amendment. The only requirement stipulated in this particular provision to require the State to register the applicant is that he shall have been a member of the same race as the persons involved or for whom the original suit was instituted. A perusal of the section will reveal that there is no requirement that the person shall have been discriminated against on account of race or color. The system embraced within the provisions of title 6 is an affirmative process whereby the Federal Government undertakes to pass on the qualifications of a citizen who is not required to have been discriminated against on account of race or color.

Mr. President, an amazingly similar corollary may be drawn between this section and the statute which was before the Circuit Court of Appeals in Karem against U.S. In that case the court was called upon to pass upon the constitutionality of 18 U.S.C. 51 which had for its objective the punishment of all persons who conspire to prevent the free enjoyment of any right or privilege secured by the Constitution or laws of Congress, without regard as to whether the persons so conspiring are private individuals or officials exercising the power of the United States or of a State and which did not draw any distinction between a conspiracy directed against the exercise of the right of suffrage based upon race or color.

It is obvious that the state of facts existent in the Karem case is not dissimilar from the situation presented by the language of title 6, which I have previously quoted. It is patent that this legislation is not appropriate for the enforcement of the 15th amendment.

Mr. President, the proposed legislation derives its innumerable defects by virtue of the fact that the normal legislative process has been ignored and abandoned in its consideration. The violence to normal procedures in both Houses of Congress has in turn resulted from the fact that the motives prompting the consideration of this legislation are not based on need, or even demand, but rather on political expediency. This is an election year. The minority bloc votes in the country have for a number of years exercised, or at least have claimed to exercise, such a major influence on national elections that both parties now seem to think that they must

bait their voting hooks with a lure of so-called civil rights legislation. In selecting the lure, there seems to be a partiality for the extreme. The need for protection of constitutional safeguards and due process pales into oblivion at the prospect of landing, by fair means or foul, the minority bloc vote. Apparently, no holds are barred.

I implore the Senate to control their emotions and let reason prevail for a time. In the years since our Republic was founded, many candidates, officeholders, and even political parties, have appeared on the public scene, performed or failed in their functions, and have disappeared. The impression they made, and their contributions to, or detractions from, the liberties and well-being of the American citizens have, fortunately, for the most part, accomplished little change in the concepts embodied in the Constitution which guarantee a continuation of liberty in the United States. The Constitution, however, has from its origin remained on the whole inviolate in the basic safeguard of American liberty. The candidates and officeholders in this election year of 1960, and possibly even the political parties now existing, will also pass from the political scene. Let us not, therefore, as an expedient for temporary political gain, and relatively short-lived political power, destroy the very political framework within which we seek to exercise the responsibilities of office, and thereby surrender the American citizens to despotism.

Mr. President, I hope that the Members of this body are not so blinded in their zeal to attract the minority bloc vote that they will ignore the constitutional principles which have regulated our actions since the founding of this great Republic. It is with this sincere hope that I offer an amendment to the so-called civil rights bill in an attempt to cure one of the more flagrant abuses of our Constitution. The amendment which I offer would amend section 601, the section which I have previously discussed, so as to require that any person who is seeking an order from the Federal court with respect to his right to vote must justify such action on the ground that he has been deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote on account of race or color; or in the alternative, on account of race or color, fund not qualified to vote by any person acting under color of law. The effect of this amendment, Mr. President, would be to bring this section within the purview of appropriate legislation as contemplated by the 15th amendment.

At the present time, the only requirement of section 601 of the pending bill with reference to an applicant being entitled to an order declaring him qualified to vote is that he shall be a member of the same race as the person involved in or for whom the first suit was brought. Section 601 makes no requirement that the applicant shall have been denied the right to vote on account of race, color, or previous condition of servitude, as is required by the 15th amendment, before legislation is appropriate. In other words, Mr. President, this section allows the Federal Government to pass upon the qualifications of a man to vote in State elections without any finding that the particular man has been denied the right to vote on account of his race or color. It is to cure this constitutional defect that I propose this amendment to the bill.

Mr. President, I call up my amendment.

Mr. ERVIN. Mr. President, I wish to commend the able and distinguished junior Senator from South Carolina [Mr. THURMOND] for pointing out, in the very eloquent speech which he has just made, the fundamental vice or defect in the voting provisions of this bill.

As he pointed out, the Federal Government has no power whatever to act in this field other than that conferred upon it by the 15th amendment. Yet this bill undertakes to allow the Federal Government to exercise that power, without any finding being made that those who make application for an order subsequent to the adjudication of a pattern of discrimination have been denied the right to vote or have had that right abridged by the State on account of race or color—the only condition under which the Federal Government has constitutional power to act.

The distinguished and able junior Senator from South Carolina has always fought intelligently and courageously for the preservation of constitutional government in America. He merits the thanks of the country in so doing. I sincerely hope his amendment will be adopted.

Mr. PROUTY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KUCHEL. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from South Carolina [Mr. THURMOND].

The amendment was rejected.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting nominations was communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDING OFFICER laid before the Senate a message from the President of the United States submitting sundry nominations, and withdrawing the nomination of Robert C. Miller, to be postmaster at Pontiac, Mich., which nominating message was referred to the Committee on Labor and Public Welfare.

(For nominations this day received, see the end of Senate proceedings.)

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. ELLENDER. Mr. President——

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. ELLENDER. Mr. President, I move that title VI be stricken from the bill.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

Mr. ELLENDER and Mr. DIRKSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. KUCHEL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from California will state it.

Mr. KUCHEL. Does the amendment have to be read at the desk, before we act upon it?

The PRESIDING OFFICER. The motion is to strike out a title from the bill.

Mr. DIRKSEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Illinois?

Mr. ELLENDER. I yield for a question.

Mr. DIRKSEN. I wanted the Senator to yield for more than a question.

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. ELLENDER. I have the floor, and I do not want to lose my right to the floor.

Mr. DIRKSEN. Mr. President, will the Senator yield for a question?

Mr. ELLENDER. I yield for a question.

Mr. DIRKSEN. I should like to inquire of the distinguished Senator whether he expects to address himself to this motion at considerable length?

Mr. ELLENDER. Yes.

Mr. DIRKSEN. May I inquire how long the Senator would interpret "considerable length" to mean?

Mr. ELLENDER. Oh, I do not know; 5 or 6 or perhaps 10 hours.

Mr. DIRKSEN. Five or six or ten hours?

Mr. ELLENDER. Or perhaps 15. [Laughter.]

Mr. DIRKSEN. Without interruption?

Mr. ELLENDER. Well, that depends.

Mr. DIRKSEN. Of course, there is a big disparity between 5 hours and 15 hours.

Mr. ELLENDER. I shall try to answer questions, also.

Mr. DIRKSEN. Could the Senator say 6 hours or 7 hours?

Mr. ELLENDER. It depends upon when the majority leader desires to recess. I do not know about that.

Mr. DIRKSEN. Mr. President, I wish my distinguished friend from Louisiana well in his endeavor.

The PRESIDING OFFICER. The Senator is not stating a question. The Senator from Louisiana has the floor.

Mr. LAUSCHE. Mr. President, will the Senator from Louisiana allow me to ask the Senator from Illinois to put a question to the Senator from Louisiana?

Mr. ELLENDER. Provided I do not lose my right to the floor.

Mr. DIRKSEN. I do not have the floor, Mr. President.

The PRESIDING OFFICER. The Senator may proceed.

Mr. LAUSCHE. The Senator from Ohio would like to know, on the basis of what the Senator from Louisiana has said, whether it would be safe for him to leave and return at about 7 p.m.

Mr. ELLENDER. It would.

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. ELLENDER. Mr. President, during the course of the debate in connection with the pending bill and its predecessor, the so-called Dirksen substitute, suggestions were made that if this proposed legislation should be enacted the representatives of the Southern States—may we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Louisiana may proceed.

Mr. ELLENDER. Mr. President, during the course of debate in connection with the pending bill, and its predecessor, the so-called Dirksen substitute, suggestions were made that if this proposed legislation should be enacted the representatives of the Southern States could look for some kind of a respite, and that our concurrence in the pending bill might mean that a moratorium on such nefarious legislation might be declared for the future, at least for the next few years.

Mr. DIRKSEN. Mr. President, I am sorry to interrupt, but will the Senator yield again?

The PRESIDING OFFICER. Does the Senator from Louisiana yield?

Mr. ELLENDER. I yield for the question.

Mr. DIRKSEN. It is not quite a question; it is an observation. The Senator will protect his right to the floor, of course.

The PRESIDING OFFICER. Does the Senator from Louisiana yield?

Mr. ELLENDER. I yield, provided I do not lose my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana? The Chair hears none, and it is so ordered.

Mr. DIRKSEN. Mr. President, at the point when the Senator from Louisiana concludes his remarks I expect to be in the Senate Chamber, whatever the hour, and I shall move to table the motion.

The PRESIDING OFFICER. The Senator from Louisiana may proceed.

Mr. ELLENDER. Mr. President, I sincerely wish that I could believe there would be the respite to which I have referred, but there is no indication that such, indeed, will occur. Similar bills have been coming before the Senate almost annually, ever since I first took my seat in this body on January 3d in 1937.

It strikes me, Mr. President, that efforts to "nibble" away at the sovereignty of our States, and the rights of our people to govern themselves, and to live in peace without Federal coercion, will never cease until proponents of the nefarious bills decide to stop making a political whipping boy out of the South.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Those Senators who desire to converse will please retire to the cloakrooms.

The Senator from Louisiana may proceed.

Mr. ELLENDER. Mr. President, until and unless this happens, there will be no respite. There will be no legislative peace. There will be no end to the agitation.

These bills will continue to come before us as a means of wooing and winning votes of minority groups in the North, by encouraging and fostering a strong—yes, overpowering—centralized Federal Government, and the forging of a legislative spear pointed at the hearts of our southern people.

Mr. President, we were given to understand in 1957 that if the Civil Rights Act, which is presently on the statute books, were passed without strong southern opposition, it would end the so-called voting right drive. "Do not oppose this bill," we were told; "at least, do not filibuster against it, and you will not only foster peace and harmony among the ranks of Senators, but you will also see the end of so-called civil rights legislation for quite a few years to come."

As a result of these pleadings, and because we were vastly outnumbered then as, indeed, we are now, the southern caucus agreed to oppose the measure, but, further, we agreed that we would not try to talk it to death.

The same pleadings are before us again today. Again we are vastly outnumbered. Again we are about to be trampled upon should the vast and overwhelming majority determine to destroy the fragile legislative safeguards which presently protect us from an engulfing tide of majority rule.

And, despite the indications of future peace which were given to us, another nibble is being taken in the rights of our people. As a matter of fact, Mr. President, more than a nibble is involved. This bill would take a wholesale bite out of the diminishing fabric of constitutional liberties created by our Founding Fathers.

There is no end to it, Mr. President. There is no possibility of compromise or agreement with the proponents of this vicious legislation any more than there is compromise or agreement available with some of the other political forces which gnaw and nibble at the vital organs of our body politic.

I know just as certainly as I stand here that should we compromise today, it will only be a matter of a few short months before we are again pressed to the wall by those who advocate political hate bills as a means of securing their own partisan advantage.

For this reason, Mr. President, I want to serve notice that I will not compromise. There are matters of basic principle involved in this debate, and to my way of thinking, there can be no compromise on principle.

If Senators doubt that this bill would place the Federal Government in the business of conducting local elections, let me review the provisions of title VI of this bill. Once this review is completed, I believe that any fair thinking person will agree with me that this so-called right to vote section would put the long arm of Uncle Sam into each and every election which might be held in our respective States—not only Federal elections, but State, parish, and municipal elections as well.

Mr. President, the final section of the bill under consideration, the so-called voting referees section, is very complex, and most difficult to understand. The analysis and discussion which follows is as complete as I was able to make during the intervening time since the bill was reported by the Senate Judiciary Committee of this body. Never have I witnessed such a legislative spider web. It lumps and mixes together practically every form of governmental power known to us. Involved are judicial powers, legislative powers, administrative powers, and the good Lord only knows what else. It is my sincere belief that under no circumstances should this motley checkered, tattered patchwork be enacted into law.

As I understand the section, the machinery provided therein would be set into motion by the filing of a suit by the Attorney General of the United States under the authority of the 1957 Civil Rights Act. This would involve, initially, a finding by the Attorney General that a person or persons had engaged, or that the Attorney General had been given reasonable grounds to believe that a person or persons were about to engage, in any act or practice which would have the effect of denying a citizen of the United States his right to vote, on account of race or color.

This suit would, of course, be filed in the appropriate district court of the United States. It would be a suit in the name and on behalf of the United States, although, as is obvious, the right sought to be vindicated is an individual right. Certainly, the U.S. Government has no right to vote; thus, the practical effect of the 1957 act is to vest in the U.S. Government a right of action founded upon the violation, alleged violation, or threatened violation, of an individual right.

Under the 1957 act, the Attorney General is authorized to don the robes of public defender, and, armed with the majesty of Federal power, to go forth and litigate, not public rights, but purely private, individual rights, and to do so at the expense of the Public Treasury. As is evident, this, in and of itself, accords to those whose individual rights the Attorney General may choose to vindicate, privileges unknown to the great mass of our people. As the junior Senator from the State of Georgia so aptly put it, on a nationally televised program recently, Negroes who believe their right to vote may be about to be interfered with can

have the services of a taxpaid lawyer, in order to vindicate those rights.

I voted against the 1957 act, and, if I had it to do over again, I would vote against that legislation once more. But the 1957 act is now law; it is on the statute books, and I am realistic and reasonable enough to understand and appreciate that it is not going to be repealed any time soon. This, of course, does not preclude my disagreement with that statute, both as to procedure and purpose, and, disagree with it I do. But the truly vital fact to be realized and appreciated is that any aggrieved individual has the right to call upon the services of a legion of lawyers in the Justice Department to file suit, at public expense, to vindicate his individual rights. Once it is appreciated that such suits are filed in the name of, or on behalf of, the U.S. Government, once it is understood that two of the three branches of the Federal Government—the judiciary and the executive—are thus permitted to be allied against individual State officers, or, at best, individual States, even individuals, then the obvious question arises, "Why is anything else needed?"

At this point, Mr. President, I do not believe it is asking too much for the Senate to endeavor to answer that very question. Why is any more legislation needed in this area?

After studying the Senate and House debates on these issues, it seems to me that the reasons most often advanced to support the alleged need for such legislation are the following:

First, the fact that in several counties throughout our country, and principally in the South, there is a lower than average Negro registration.

Mr. President, these data, standing alone, do not mean anything. They do not prove anything. They do not even tend to prove anything.

As quite a few other Senators have tried to point out, there is no way of telling just how much of the apparently low Negro registration in some southern areas is the result of apathy. Furthermore, it has been stated, and doubtedless with some justification, that perhaps the lack of an active Republican Party in the South is the cause of much of the lack of interest on the part of Negroes, insofar as participation in the electoral processes of our country, and of our States, may be involved. Let me remind Senators, too, that citing bare percentages in support of general propositions is a dangerous practice. Senators know, for example, that the percentage of white students enrolled in Howard University here in Washington is very low. I do not have the precise figures before me, but I would guess that less than 10 percent of Howard's student body is white. Applying the same logic to Howard University as is sought to be applied to voting registration in the South, it is obvious that Howard University is discriminating against white students. Yet, according to my information, Howard will and does admit white students, but, for some reason, not many white students desire to be integrated into the campus of Howard University. Are the white children of Washington being discriminated against because only 23 percent of the students are white and 77 percent are Negroes?

Thus, Mr. President, it is clear that the promiscuous, bare, and naked use of statistical raw data involving voting registration in the South is syllogistic reasoning of the rankest kind. Now, if Senators want to use some of this data properly, they might point out that registration of Negro voters has been growing by leaps and bounds throughout the South during recent years. I have in my possession a table headed "Louisiana Voter Registration—Racial Statistics—Totals, 1888 Through January 31, 1959." This table shows remarkable evidence of increased Negro interest and participation in voting in my State. In 1940, for example, there were only 886 registered Negroes in the entire State of Louisiana. By 1948, this number had increased to 28,177. As of January 31, 1960, this table shows that nearly 157,000 Negroes were registered to vote in Louisiana. In other words, Mr. President, the trend has been upward; more Negroes are being registered in Louisiana than at any time subsequent to Reconstruction. Great progress is being made, but those who so glibly quote statistics in the Senate fail to take note of the progress. They desire to use statistics in order to support their own biased views and objectives.

I want to state, too, that these individuals have been aided and abetted by the so-called Civil Rights Commission. Now, Mr. President, I opposed the creation of this Commission, and, at the time, I predicted that it would simply develop into another organization of agitators. Unfortunately, my predictions have come true. Instead of performing an objective, unbiased task, the Commission proceeded to go out and stir up antagonisms, to agitate, and, I must add, Mr. President, to blatantly misrepresent the facts.

For example, on page 140 of its first report, the Commission blandly states:

> No one had yet been registered through the civil remedies of the 1957 act. • • • The delays inherent in litigation, and the real possibility that in the end litigation will prove fruitless because the registrars have resigned make necessary further remedial action by Congress.

In brief, the Commission found that the 1957 act was not sufficient—that something more was needed.

Now, Mr. President, let us see just how well founded in fact the Commission's findings were.

First, the Commission undertook to evaluate the entire field of voting rights on the basis of only one 2-day hearing, held in Montgomery, Ala. That was the only hearing involving voting rights held by the Commission from its creation, through the date of the report it filed with the President on September 9, 1959. As a matter of fact, Mr. President, only two voting rights hearings were scheduled at all by the Commission during this period, the Alabama hearing, which was held on December 8 and December 9, 1958, and the Louisiana hearing, scheduled for Shreveport, La., on July 13, 1959, which hearing was enjoined by the appropriate Federal district court.

I know of no comprehensive report which could, in all fairness, have been based on only one hearing. If the Congress endeavored to evaluate a complex problem such as voting rights in all the States in our Union on the basis of only one 2-day hearing, in one State the newspapers would mimic our report out of circulation. Yet, when the Civil Rights Commission files comprehensive, sweeping findings, and recommends changes in both statutory and constitutional law, on the basis of only one hearing, then, for some reason, the Congress is supposed to bow down and worship at the feet of this "oracle."

The Commission also found that the 1957 Civil Rights Act was not strong enough. On what was this finding based?

It must be remembered, Mr. President, that the report in which this finding was outlined was submitted to the President on September 9, 1959. As of that date, only three suits had been filed by the Attorney General under the authority of the 1957 act. Yet, on the basis of these three suits, the Civil Rights Commission issued a finding that the 1957 act was not strong enough.

If any conclusion were to be drawn from the record of the Attorney General under authority of the 1957 act it should be that the act is unnecessary, and that any further remedies in the field of voting rights would be highly superfluous If, indeed, voting deprivations are as prevalent in the South as the Commission would have Congress believe, then why have only four suits in all been filed under the 1957 act? If Negroes are denied the right to register and vote on a wholesale basis, then the dockets of our courts should be clogged with suits. In the alternative, the fact that, to date, only four such suits have been filed is eloquent evidence that conditions are not nearly so bad as the Commission would lead Congress to believe.

Bear in mind, Mr. President, that the only "trigger" required in order to initiate a suit under the 1957 act is a "reasonable belief" on the part of the Attorney General that—and I quote the statute—

> Any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b).

Since only four suits have been filed by the Attorney General, I believe it is reasonable to conclude that in only four instances did such "reasonable grounds" exist, and, based upon this assumption, the inference to be drawn is not that additional remedies are needed, but that allegations of denial of the right to vote have been grossly exaggerated.

Let the record also show that the Commission's assumption that the 1957 act is not strong enough was made prior to the time that any of the suits filed by the Attorney General under the authority of the 1957 act had proceeded to final judgment. Since that time the Supreme Court, in the case of U.S. against Thomas, has upheld a lower court decision restoring to the voting rolls the names of over 1,300 Negro voters in Washington Parish, La.

Furthermore, in the case of U.S. against Raines, the constitutionality of the 1957 act was sustained. Frankly, Mr. President, in the light of the Washington Parish decree alone, I fail to see how any further remedies are deemed necessary. Since the 1957 act has been utilized on only four occasions since its passage, nearly 3 years ago, and since one of these four suits has resulted in restoring 1,300 challenged voters to the rolls in one fell sweep, so to speak, it strikes me that all the possible authority required is already present.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a schedule of events occurring under the authority of the 1957 act from the date of its enactment through November 16, 1959, some 2 months subsequent to the filing of the report of the Civil Rights Commission.

There being no objection, the schedule was ordered to be printed in the RECORD, as follows:

Chronology of activities, Civil Rights Commission and Civil Rights Division, 1957–59

1957

September 9: Civil Rights Act becomes law.

November 7: President sends nominations of members of Civil Rights Commission to Senate.

December: Civil Rights Division created in Department of Justice.

1958

February 18: Tiffany nominated as Staff Director of Commission.

February 24: Hearings held on nominees to Commission.

March 4: Commission members confirmed.

April 2: Hearings on Tiffany nomination.

May 14: Tiffany confirmed.

August 14: First sworn complaint as to voting rights received by Commission.

September 4: First suit filed by Attorney General under 1957 act—*U.S.* v. *Rains* (U.S. Dist. Ct., Middle Dist., Ga., civ. action A–442).

December 8 and 9: Commission holds vote hearings in Montgomery, Ala.

1959

February 2 and 3: Commission holds hearings on housing in New York City.

February 6: Suit filed by Attorney General under 1957 act—*U.S.* v. *Alabama* (Mid. Dist., Ala., Eastern Div., No. 479E).

March 5 and 6: Commission holds hearings in Nashville on desegregation of Nashville schools.

April 10: Commision holds hearings on housing in Atlanta.

May 5 and 6: Commission holds hearings on housing in Chicago.

June 10: Meeting of Commission with officials of Federal housing agencies in Washington.

June 29: Suit filed by Attorney General under 1957 act—*U.S.* v. *Thomas* (Eastern Dist., La., N.O. Division, No. CA–9146).

July 13: Hearings on voting rights complaints scheduled to be held in Shreveport, La.; hearings restrained by Federal court.

September 9: Civil Rights Commission Report submitted to President.

November 16: Suit filed by Attorney General under 1957 act—*U.S.* v. *Fayette County Democratic Executive Committee* (West. Dist., Tenn.).

Mr. ELLENDER. Mr. President, this timetable demonstrates that the Commission's evaluations and findings of fact in the field of voting rights were based upon only one public hearing in one State, and that, despite this lack of any solid foundation, the Commission proceeded to evaluate and condemn registration laws in all of the States of the South. If this is not bias, I do not know what bias is. Two days of hearings is certainly not a sufficient basis to warrant the wholesale condemnation of electoral processes in our Southern States, and, further, to support the broadside allegation the 1957 act needs to be strengthened.

Yet, despite the facts which I have laid before the Senate, the Civil Rights Commission is quoted as "authority" for the need for this legislation. As a matter of fact, much of the pending bill far exceeds the Commission's recommendations, and the great bulk of the measure proceeds far beyond the field of voting rights.

Reverting to title VI of the House bill, let us see what this obnoxious illegal concoction involves.

First, as I have already indicated, the machinery it envisions would be set in motion with a suit filed under the 1957 act by the Attorney General, in the name of, or on behalf of, the United States. Once this suit is filed, the Attorney General may request that the court find that the deprivation or denial of the right to vote alleged in the Attorney General's original pleadings is the result of a pattern or practice.

This brings us to the first grave fault in the bill, Mr. President. Nowhere are the terms "pattern or practice" defined. At no point in the bill are guidelines laid down as to what constitutes a "pattern," or what constitutes a "practice."

Webster defines "pattern" as follows:

> Pattern: (1) Anything proposed for or worthy of imitation; exemplar; as a pattern for men. (2) Anything designed as a guide or model for making things; as, a dressmaker's pattern. (3) Archaic: A representation or copy; a likeness. (4) A specimen; sample. (5) Design; specif: (a) Form; shape; outline; as vases in many patterns; (b) a decorative figure or motive; as a chintz with a small pattern; (c) an arrangement or composition that suggests or reveals a design; a configuration; as, a poem with a pattern. (6) United States: A length of cloth sufficient for a garment. (7) Founding; a model for making the mold into which molten metal is poured to form a casting. (8) Gun: Distribution of shot from a shotgun or bullets from an exploded shrapnel. (Syn.: See model: v.t. (1) To fashion with reference to a pattern—usually with after, on, upon. (2) Rare: (a) To foreshadow; (b) to match; (c) to imitate. (3) To furnish with a pattern.)

The only portion of this definition which might be applicable here would be portion 5-c of this definition, namely, "an arrangement or composition that suggests or reveals a design."

Mr. President, it strikes me that this is a pretty vague definition as to what may be found, and, as a result of that finding, to throw the entire electoral processes of a State into receivership. What, pray tell, is "an arrangement—that suggests a design"? For that matter, what is a "design"? Obviously these terms are not capable of precise definition, and, for that matter are so vague as to be indefinite.

Reference to the definitions of "practice" cast no further light on this problem. Actually, Mr. President, it should not be necessary to have to refer to the definition of "practice" in order to see what might be meant by "pattern," since the two terms are in the disjunctive, in the alternative. A finding of either a "pattern" or "practice" would be sufficient to permit a Federal judge to throw a State into Federal receivership.

Thus, since the first of the two alternative factual standards outlined in the bill is so vague and indefinite as to violate any known concepts of due process of law, the entire "standard" should fall. However, for the purpose of further clarification, let us turn to the definitions given in Webster's dictionary for the word "practice":

> Practice, practise: (1) To do, perform, carry on, or exercise, esp. often or habitually. (2) To perform or work at repeatedly; to acquire proficiency; as to practice music. (3) To follow or work at, as a profession; as, to practice law. (4) To teach or accustom by practice; train; drill. V.i. (1) To act, operate, proceed; (2) to perform certain acts often for proficiency; (3) to pursue an employment or profession actively, esp. medicine or law; (4) now rare: to scheme, plot, intrigue; (5) to put something into practice, as to practice rather than to preach. (Syn.: Practice, exercise, drill, mean to perform or make perform repeatedly. Practice further implies an accustoming and acquirement of proficiency; exercise a strengthening or developing by keeping busy or at work; drill, a formation of correct habits by mechanical repetition.)
>
> Practice, v.t.: (1) Actual performance or application of knowledge, distinguished from theory, profession, etc.; as, engineering practice. (2) Repeated or customary action, usage; habit; as, the practice of rising early. (3) Usual mode or method of doing something; as, the practice is to use local anesthetic; in plural usually derogatory; as the practices of tricksters. (4) Stratagem; a scheme; a plot. (5) Systematic exercise for instruction or discipline; as, practice makes perfect; also, practical acquaintance proficiency, etc. so, acquired; as, to be out of practice. (6) (a) The exercise of any business or occupation; as, the practice of law; (b) professional business or work, esp., as an incorporeal property; as, he sold his practice. (7) Arith: A compendious method of performing multiplication by means of aliquot parts. (8) Law: established mode of conducting suits and prosecutions.

The most appropriate of the various definitions recited herein is "usual mode or method of doing something." Thus, this standard would require a Federal judge to make a factual determination that an alleged denial of the right to register to vote, or to vote, as to one individual was, in effect, "the usual mode or method of doing something." I most respectfully submit, Mr. President, that this standard, as well as the alleged standard of "pattern" both require factual determinations which are beyond the purview of any judge. By all means, since the determinations are to be, in effect, the finding of facts which are, further, found to be true and valid, the finding of such facts, at least the evaluation of them, should be the province of a jury, not a judge. It is just this simple:

If a Federal judge were to decide to make the finding of a pattern or practice, nothing under the sun could prevent him from implementing such a finding, even

though it might be the result of bias, antagonism, or related factors. On the other hand, there is nothing to prevent the judge from suggesting to the Attorney General, or his agent in the litigation, that perhaps a request for such a finding should be made. Bluntly, Mr. President, the findings of a pattern or practice could well be the result of a judge's preconceived notions, his inherent bias, or even his dislike for or his personal animosity toward certain State officials, since the standards upon which such a finding are proposed to be rested are so vague and indefinite.

Furthermore, what would be the practical effect, once such a finding were made? I have already referred to the fact that such action would throw the electoral processes of a large area of a State—perhaps an area as large as an entire Federal judicial district—into receivership.

This would be accomplished by means of the court's finding, which, as has already been pointed out, would create a conclusive presumption that because Mr. A had been discriminated against, every member of Mr. A's race had suffered similar discrimination.

I understand that Mr. Rogers and Mr. Walsh do not like the term "conclusive presumption"; they prefer the term "statutory presumption," and the reason for this preference is obvious. "Statutory presumption" is broader, and is not nearly as accurate in describing the real effect of this finding. There are many varieties of "statutory presumption," the two main types being the conclusive presumption and the prima facie presumption. The prima facie presumption is rebuttable; all it does is shift the burden of proof, and requires the individual or entity against whom the presumption operates to come forward and by independent proof to rebut the presumption. On the other hand, a "conclusive presumption" is not rebuttable. It stands, no matter how contrary the evidence may be. As a matter of pure reality, a "conclusive presumption" is not a presumption at all, but, once it has been created, establishes a rule of law.

These distinctions become of vital importance, since the rule seems to be clear that a legislature cannot create conclusive presumptions except under severely limited circumstances. To this effect is section 9 of the American Jurisprudence Treatise on Evidence—20 Am. Jur. 39—which states:

> The distinctions generally observed by the courts regarding the validity of statutes which made one fact evidence of another are between legislative declarations that certain facts shall be conclusive of another fact and those that they shall be prima facie or presumptive evidence of another fact. While the legislature cannot constitutionally make one fact conclusive evidence of another, it is well established that it may provide by statute or ordinance that certain facts shall be prima facie or presumptive evidence of other facts, if there is a natural and rational evidentiary relation between the facts proved and those proved.

Section 10 of the same work is more specific, and I quote from volume 20, American Jurisprudence, page 41:

> 10. Conclusive evidence.—Statutes which declare one fact conclusive evidence of another material fact in controversy are unconstitutional if the former is not, in and of itself, by virtue of its own force, conclusive.

Mr. ERVIN. Mr. President, will the Senator from Louisiana yield for a question which bears directly on the point to which he has just now referred?

The PRESIDING OFFICER (Mr. McGEE in the chair). Does the Senator from Louisiana yield to the Senator from North Carolina?

Mr. ELLENDER. I yield for a question.

Mr. ERVIN. Does the Senator from Louisiana agree with me on the proposition that if one can possibly support the provision which would make this conclusive presumption binding for a year, under the Constitution, then one could also support the proposition to make it conclusively binding for 40 years or 50 years?

Mr. ELLENDER. Yes; or indefinitely.

Mr. ERVIN. And thus a State could be denied the right to manage its own affairs and its own elections, notwithstanding the fact that all discrimination based on race or color had ceased immediately after there was a finding of the existence of a pattern or practice of such discrimination.

Mr. ELLENDER. I fully agree.

Mr. ERVIN. In other words, if the State the very next day discharged the election officials, and placed in office a new set of election officials who never practiced discrimination against anyone on the basis of race or color, nevertheless the State would be robbed of the power to pass on the qualification of its own voters, the 15th amendment to the Constitution to the contrary notwithstanding; is that correct?

Mr. ELLENDER. That is correct. That is my understanding.

Mr. President, I continue to quote:

> This rule, although frequently applied in criminal cases, is not limited to such cases but applies to civil cases as well. Such statutes violate the due process clause of the Constitution. The rule that the legislature cannot constitutionally make certain facts conclusive evidence finds illustration in that class of cases involving the question of validity of a statute or ordinance purporting to regulate weights as between buyer and seller.

With further reference to presumptions, I quote from section 158 of the American Jurisprudence Treatise on Evidence—20 Am. Jur. 161–163:

> 158. Definitions, nature, and characteristics.—The courts have propounded a plethora of definitions in their attempts to describe the basic characteristics of a presumption. Generally, however, a presumption may be defined as a rule of law that attaches definite probative value to specific facts or draws a particular inference as to the existence of one fact, not actually known, arising from its usual connection with other particular facts which are known or proved. It is the conclusion of law which the court draws of the existence of one fact from others already proved. The genesis of any presumptive concept is dependent upon the character of the particular presumption. Thus, some presumptions have their origin in broad common-law concepts or statutes, while others are founded upon basic principles of justice, laws of nature, the experienced course of human conduct and affairs, or the connection usually found to exist between specific agencies. But, in any event, presumptions must always conform to the commonly accepted experiences of mankind and the inferences which reasonable men would draw from such experiences. Thus, a practice, if well established, is presumed to have been followed in individual cases, and is accepted as sufficient proof of the fact in question where primary evidence of such fact is lacking.
>
> Similarly, in some instances the law creates a conclusive presumption based upon well-demonstrated facts, as where, after a lapse of a stated number of years, proceedings relative to transfer of real property are conclusively presumed to have been had in accordance with law. But a presumption will never be construed or defined in such manner as to extend its application beyond the realm of reasonable probability or certitude. Accordingly, courts will not define presumptions in such manner as to imply superiority over established facts. Where facts appear, presumptions recede. • • •

This final sentence is important, and I read it again: "Where facts appear, presumptions recede." Yet, in the case at hand, there would be no opportunity to offer facts to rebut the presumption created as a result of the court's finding, since the presumption would be conclusive.

There was considerable debate on this point in the House, and despite the clear and lucid discussion offered by the distinguished Representative from the Third Congressional District of Louisiana, EDWIN WILLIS, proponents of the "pattern or practice" presumption insisted that fair and adequate opportunity would be offered to the State, or any other defendant, to rebut this presumption. This is not correct, and to those who, during House debate, made the mistake of confusing the pattern or practice finding with the presumption it would erect, I wish to say this:

It is true that there could be an opportunity accorded any defendant in a suit brought under the 1957 act to offer evidence on the facts of "pattern" or "practice." But the finding of a "pattern" or "practice" is not, of itself, a presumption. On the contrary, the finding is what creates the presumption; it is not the presumption itself. Thus, while there could be adversary proceedings in conjunction with a prayer from the Attorney General to the court that a "pattern" or "practice" be determined, the offering of any further evidence on this point, at any other time, would be precluded.

And what would this "finding" of a "pattern or practice" create in the way of a presumption? Simply put, the finding of a "pattern or practice" as to one individual—and that is what we are dealing with, one individual—would give rise to a conclusive presumption that each and every denial of registration of all members of that same race was based upon racial grounds, and for no other reason. Thus, if applicant B, a member of the same race as A, had been denied the right to register, or to vote, then the finding of the fact that I had been denied of his right to register to vote, or to vote, as a result of a pattern or practice based on race, would be applied as a conclusive presumption, as a rule of law, if you please, that B had been similarly denied. There would be no opportunity offered to the State, or to others, to prove that B had actually been refused registration for some other bona fide reason. On the contrary, once the finding issued, then the State electoral machinery would grind to a halt, and would be supplanted by Federal machinery.

It is interesting to note that during House debate, and specifically, during consideration of the presumption which the pattern or practice finding would create, several proponents of this legislation pointed to other "conclusive presumptions" known to the law, such as: A child under a stated age cannot create a felony, a boy of 14 is not capable of committing rape, and so forth. Yet, each and every "conclusive presumption" recited, every one pointed to during House debate, is a presumption erected in order to prevent injustice to a defendant. Thus, by conclusively presuming that a child of 5 cannot commit murder, as being incapable of possessing the required "mens rea," or state of mind, additional protection—reasonable protection—is accorded to children of tender age.

Yet the presumption created under the terms of the House bill would be applied, against defendants—defendants who might be sovereign States, or agencies or officials of such States, or even private individuals.

Was ever a more obnoxious prospect devised?

Much has been made of the fact that State officials, or other appropriate defendants, would be given an opportunity to be heard, and to oppose any determinations made by a referee acting under the "conclusive presumption" at the time the referee filed his report. Yet, Mr. President, in the light of the terminology of the bill, and its legislative purpose, as often stated by proponents, it is obvious that this "opportunity" is more illusory than real.

For example, the bill, as passed by the House, specified that the hearing before a referee must be ex parte. Fortunately, this feature of the bill was modified by the Senate Committee on the Judiciary, to the extent that the ex parte requirement was stricken, and provision was made for 2 days' notice to the county or State registrar of the time and place of any hearing. It was further specified that such hearing must be held in a public office, and that any such State or county registrar shall have the right to appear and make a transcript of the proceedings.

It is worth noting that this modification was greeted with moaning and lamenting on the part of the psuedo-liberal press, and the alleged-liberal proponents of the measure. The Senator from New York [Mr. KEATING], declaimed that the modification I have referred to gravely damaged the purpose of the bill; the Washington Post declared that the committee language resulted in a "watered down" measure.

If any meaning is to be determined from this weeping and wailing, it can only be that, under the House version, the intent was that hearings before referees were not only to be ex parte, but that they were to also be "in camera," that is, behind closed doors, in a secret place, completely insulated from public view and scrutiny of any kind. If, indeed, this was the intent, and the rantings of proponents of this bill and the wailings of the Washington Post so indicate, then, Mr. President, we have here further evidence of the devious schemes and evil purposes of this so-called right to vote bill. I might say that proponents evidently desire to adopt an electoral "Code of Hammurabi"—Senators will remember he was a Babylonian King who had his own rules and regulations—with presumptions of guilt at every corner, and remedies based upon the doctrine of "an eye for an eye, a tooth for a tooth," and two wrongs for every one alleged.

In any event, although the bill as reported still does not accord to any defendant the right to cross-examine his applicant-accusers, although it still does not guarantee to defendants the right to offer evidence on the points developed during any "hearing," although the legal stench arising from this section should certainly offend the nostrils of all but the most dedicated of the political agitators, at lease some improvement has been made.

Yet, even with the right of accused to observe the machinations of their accusers and the referee guaranteed, the remaining language of the measure still gives rise to the conclusion that so-called rights accorded to defendants to overcome the presumptions created by the bill, are more illusory than real. For instance, the bill makes the statement of any applicant, under oath, before the referee, prima facie evidence of his age, residence, and prior efforts to register or to otherwise qualify to vote. This reference to "prima facie" has the effect of creating another presumption—a rebuttable presumption—but one which requires the defendant in the suit—the State or agent thereof—to assume the burden of proof. In other words, we have here a presumption on top of a presumption—a presumption that any statement under oath before the referees is correct, while the existence of referees, themselves, is predicated upon a conclusive presumption that State electoral processes are riddled with fraud, and unconstitutional action.

However, what makes purely illusory the so-called "right" of defendants in these suits to refute referee findings is the fact that in each and every instance the defendants must carry the burden of proof to upset what I feel sure will be essentially ex parte statements by applicants before the referee. With the understanding that, in each instance, the burden rests upon the defendants to accomplish this fact, it must also be realized that this "burden" must be met in a very narrow and tightly defined manner, and under a rigorous time limit. The bill states that defendants have only 10 days at the most to show cause why a court order endorsing the referee's conclusions should not issue.

Now, time after time, proponents of this measure have declared that its purpose is to "mass enfranchise" members of the colored race in the South. Mass enfranchisement necessarily presumes mass applications to the referee, and the reference back to the court by the referee of the names of all such applicants to the judge for approval. How, in the name of common sense, is any defendant, State or otherwise, going to manage to carry the burdens of proof imposed upon him under this bill, as to hundreds of individuals, in only at the most, 10 days' time? I believe merely asking the question answers it.

Drafters of this bill have used every "gadget" known to the law to apply harsh and unfair treatment to defendants. They have specified, or attempted to specify, and largely succeeded in that effort that hearings before the referee are to be ex parte, in order, we are told, to avoid delay. They have denied to defendants a fair opportunity to meet evidence as it is given, before the referee, and, further, have enveloped such ex parte evidence in the gown of a rebuttable presumption. When the time comes for them at last to pay token tribute to the requirements of due process of law, by according to defendants an opportunity to refute the evidence adduced against them, the proponents of this legislation have managed to so severely limit the "hearing" which due process of law requires as to practically negate it. In other words, Mr. President, after conclusively presuming that State electoral processes are infected with unconstitutional action, this bill turns right around and creates a presumption that the Federal agents who supplant State officials are infallible. I particularly want to emphasize that this "pro-Federal" presumption is, by the nature of the bill's wording, made a rebuttable presumption only, but the opportunity to rebut is so limited, the manner of rebuttal is so proscribed, as to render even this presumption a conclusive presumption in practice, if not in law.

It should also be emphasized that the entire "referee" proceeding bears a taint which should not be embodied into our law. The manner in which it is drafted raises serious questions of constitutionality, not the least of which being that the proceeding before the referee is not, by any stretch of the imagination, a "case or controversy," within the judiciary article of the Constitution. The fact that these proceedings are ex parte fortifies this conclusion, but, over and beyond this, is the further fact that the rules of civil procedure have been tormented and twisted in order to deny to defendants a fair "day in court."

During the limited hearings held on this measure, as well as during House consideration thereof, the statement was made on many occasions that the bill merely applies the well-established concept of "special masters" to voting right cases. On the contrary, Mr. President, this measure applies only a portion of such concept to these proceedings.

Rule 53 of the Federal Rules of Civil Procedure, dealing with the rights and duties of masters, presupposes an adversary proceeding. This right is written into the rule, in section (d), which reads as follows:

1. Meetings: When a reference is made, the clerk shall forthwith furnish the master with a copy of the order of reference. Upon receipt thereof unless the order of reference otherwise provides, the master shall forthwith set a time and place for the first meeting of the parties or their attorneys to be held within 20 days after the date of the order of reference and shall notify the parties or their attorneys. It is the duty of the master to proceed with all reasonable diligence. Either party, on notice to the parties and master, may apply to the court for an order requiring the master to speed the proceedings and to make his report. If a party fails to appear at the time and place appointed, the master may proceed ex parte or, in his discretion, adjourn the proceedings to a future day, giving notice to the absent party of the adjournment.

2. Witnesses: The parties may procure the attendance of witnesses before the master by the issuance and service of subpenas as provided in rule 45. If without adequate excuse a witness fails to appear or give evidence, he may be punished as for a contempt and be subjected to the consequences, penalties, and remedies provided in rules 37 and 45.

3. Statement of accounts: When matters of accounting are in issue before the master, he may prescribe the form in which the accounts shall be submitted and in any proper case may require or receive in evidence a statement by a certified public accountant who is called as a witness. Upon objection of a party to any of the items thus submitted or upon a showing that the form of statement is insufficient, the master may require a different form of statement to be furnished, or the accounts or specific items thereof to be proved by oral examination of the accounting parties or upon written interrogatories or in such other manner as he directs.

Yet, under the clear terms of the bill, only subsection (c) of rule 53 is made applicable to proceedings before the referee. Initially, this was done as a backhanded means of assuring that such proceedings would be ex parte. Now, however, the drafters have come out into the open and, in the House bill, specified that the hearings before the referees must be ex parte. The hue and cry in the Senate as to the right accorded under the Judiciary Committee's bill to State officials to be present, and to make a transcript of proceedings, demonstrates that the ex parte approach involves more than merely a one-sided proceeding. In reality, not only do the proponents want proceedings before the referee to be one sided, but they also want them to be star chamber, in private, behind closed doors, perhaps in the dead of night.

Their contention that the amended bill would, in the words of Senator KEATING "require 400 days to register 200 individuals," is completely without merit. As a matter of fact, 200 individuals could be heard during the course of one proceeding and, as I read the measure, all that is required is 2 days' notice of a proceeding—not 2 days' notice as to each individual, but 2 days' notice per proceeding. Certainly, there should be no objection to this.

Furthermore, since a subsequent section of the bill, that appearing on page 10, lines 11 through 12, declared that referees have all the powers conferred upon a master by rule 53(c) of the Federal Rules of Civil Procedure, it becomes clear that the actual proceedings before the referee are to remain ex parte, and that the so-called Kefauver amendment merely required that such one-sided proceedings be open to the public.

Now, the Senator from New York [Mr. KEATING] evidently believes such a practice would be terrible. He is opposed to public hearings, he says. For example, on March 30 he told the Senate in a colloquy with the junior Senator from Colorado [Mr. CARROLL]:

> Does the Senator share my apprehension that if that language—referring to the Kefauver amendment—is adopted it may require a public hearing before the referee when the one who has been disenfranchised comes in to file his application? Any number of persons could be present at a public hearing.

Mr. President, I have never lived in New York, but I cannot believe that the public officials of New York conduct public affairs as the Senator from New York would evidently like for such affairs to be conducted—namely, behind closed doors, perhaps in the dead of the night, with no opportunity given the public to peek in and see how their business is run. I cannot believe that the great newspapers of New York, the New York Times, the New York Herald Tribune, and others, those newspapers which have campaigned long and vigorously for "freedom of information" and "the public's right to know," would countenance such a practice. I cannot believe that any true liberal would oppose legislative language which merely seeks to accord to the public the right to see how public affairs are conducted. Yet here are Senators, hailed as great liberals, who proclaim their championship of individual rights, actually declaring that a provision of this bill is evil because "any number of persons could be present at a public hearing."

It should also be noted that "liberal" opposition resulted in the elimination of the requirement that the proceeding before the referee be held in a public building, as specified in the Kefauver amendment. Without this safeguard, it is possible for the referee to go forth and "solicit" only those applicants he might desire to solicit and register to vote. He would be empowered to pick and choose those whom he might want to hear. What a political windfall this would be.

Furthermore, it strikes me that the "liberals" are impaled upon the horns of a dilemma in this regard. They have declared time after time that one of the devices used to disenfranchise Negroes in the South is the alleged practice on the part of registrars of voters to close their offices at times when Negro applicants might desire to appear. Actually, Mr. President, this contention is just so much garbage, since the election laws of my State, for instance, impose mandatory duties upon registrars of voters to keep their offices open, to keep them open on certain days, for certain hours, and to make their services freely available to citizens desiring to register to vote during such periods. State law also prohibits a registrar from having his office in a boat or other similar vehicle. At this point I quote the pertinent sections of Louisiana law:

> SEC. 71. Parish of Orleans; office and office hours; Algiers office.
>
> A. In the parish of Orleans the registrar's office shall be on the ground floor of some building in the central business district of the city of New Orleans, as equally accessible to voters in all parts of the city as possible. All acts required by this chapter for registration shall be done only in the office of the registrar.
>
> In the parish of Orleans the registrar shall keep his office open daily, Sundays and legal holidays excepted, from 9 a.m. until 4 p.m. He shall, in addition, keep his office open until 8 p.m. on one day of each week, to be specified in advance and publicly announced. For 30 days preceding the time for closing of the registrations before an election, the office shall be kept open from 9 a.m. until 1 p.m. and from 2 p.m. until 8 p.m.
>
> B. In the parish of Orleans the registrar shall maintain permanent office in the 15th ward of the city of New Orleans for the registration of voters. The city of New Orleans shall make an office available, without cost to the State, in the courthouse at Algiers, now housing the recorder's court of the 15th ward, on the ground floor of said building. This office shall be kept open on Wednesday, Thursday, Friday, and Saturday of each week, legal holidays excepted, from 9 a.m. until 4 p.m. In addition, the registrar shall keep this office open until 8 on one of the above days, to be specified in advance and publicly announced. (As amended Acts 1952, No. 206, sec. 1.)
>
> SEC. 72. Location of office at parish seat; office hours.
>
> In parishes other than the parish of Orleans the principal office of the registrar shall be in some suitable and proper location at the parish seat, to be designated by the governing authority of the parish.
>
> In all such parishes containing municipalities of 12,000 or over, the registrar or his assistant shall keep his office open daily, Sundays and legal holidays excepted, from 9 a.m. until 1 p.m and 2 p.m. until 6 p.m. In all other parishes he or his assistant shall keep his office open for 40 hours of each week, including a Saturday, until the registration equals 90 percent of the total previous registration, and after the registration exceeds 90 percent of the total previous registration he or his assistant shall keep his office open 3 days, including a Saturday of each week. During a period of 30 days immediately preceding the closing of the registration prior to any general, special, or primary election, he or his assistant shall keep his office open daily, Sundays and legal holidays excepted. The office hours in any event shall be from 9 a.m. until 1 p.m. and from 2 p.m. until 6 p.m. It shall be lawful to register voters on Sundays. (As amended Acts 1950, No. 15, sec. 3.)
>
> SEC. 72.1 Office hours on election days.
>
> In all parishes of the State on election days the office of the registrar of voters shall remain open from 6 a.m. until 9 p.m. (Added Acts 1952, No. 331, sec. 1.)
>
> SEC. 73. Office on boat or watercraft prohibited; penalty registration other than at office; notice; office at or near polling places; publication of list of places for registration; offices in municipalities; traveling expenses; time for registering.
>
> A. No registrar shall open his office on a boat or watercraft. He shall remain in his office on the days and at the periods fixed by this chapter, and such other days as are required by the parish governing authority, except when registering voters at other points in the parish, under the circumstances hereafter in this section provided, and shall at no time go to unusual places under the pretense of affording an opportunity to voters to register. He shall remain in each appointed place during the full period named in a public notice, and shall not attend places to register voters of which he has not given notice, as required by this chapter.
>
> Whoever violates this prohibition shall be imprisoned for not less than 60 days nor more than 6 months.
>
> B. In all parishes other than the parishes of Orleans, East Baton Rouge, and DeSoto, the registrar, in every year in which a general election is held or a primary election is held for State officers or Representatives to Congress may, 70 days before the closing of the registration, establish his office for at least 1 day at or near each polling place. Each year in which a municipal election is held he may, prior to the closing of registration, 30 days before the municipal primary, establish his office for at least 1 day in each municipality in the parish. However, he shall, during the last 30 days of the period, Sundays and legal holidays excepted, keep his office open as herein provided. During those 60 days he shall publish at the expense of the parish, in its official journal, a list of the places of registration and the length of time they shall remain open. If there is no official journal, the registrar shall post the list at or near the polling precinct.
>
> C. In any parish containing a municipal corporation of more than 2,000 persons when such parishes do not elect to come under the provisions of a permanent registration law the registrar, or his duly appointed deputy, shall establish an office in the municipal corporation twice each calendar year, for a period of not less than 7 days in any 2 consecutive weeks, Sundays and legal holidays excepted, with office hours the same as prescribed in R.S. 18:72. The 7-day period shall be at any time during the calendar year but at least 30 days before the closing of the registration, where the registration is required to be closed before an election, as provided in this chapter.
>
> D. No person may register within 30 days of any general or primary election held in the parish, provided that the registrar in the parish of Orleans be and he is hereby prohibited from making changes of addresses between the first and second primary. No act of any kind necessary or pertaining to the registration of voters shall be performed in any other place or in any other manner than as provided in this chapter. (As amended acts 1952, No. 249, sec. 1; acts 1954, No. 563, sec. 1.)

Yet, proponents of legislation, designed, it is said, to correct such alleged practices, do not want the corrective agents to be required to transact their business in public buildings. They do not want to apply to referees the very standards which they claim should be applied to State officials. Yet, without the Kefauver amendment, there is no guarantee that a referee would not be moving around from place to place, or holding the proceedings authorized in the back room of a store, or in some other secret place.

Mr. President, earlier during the course of my remarks I referred to the fact that this bill would accord to State officials a "right to oppose" findings made by a referee, which "right" would be more illusory than real. I shall return to that element in a few moments, but, first, I wish to point out that this "referee" proposal involves a complete and utter prostitution of the system of masters provided for under the Federal Rules of Civil Procedure. Proponents have made much of the fact that "referees" are involved. They have even had the temerity to state that this legislation involves merely applying the well-established system of special masters to voting rights. As usual, Mr. President, advocates of such an approach are, at best, only telling half the story.

The most prominent argument offered in justification of the "referee" system proposed herein is that reference of individual voting applicants to such "referees" would reduce the possibility of delay. As I understand their approach, they feel that individual appearances by applicants before Federal judges, particularly under circumstances assuring that such proceedings would be adversary, could result in some delay. Hence, they tell us, all they desire to do is to make it possible for the court to appoint "referees" to hear applicant in order to eliminate any delay. Referring matters to referees, it is stated, will clothe the proceeding in haste. I most respectfully submit that haste should not be the touchstone of any judicial proceeding, or even any quasi-judicial proceeding. However, throughout the fabric of arguments of proponents runs the same thread—namely, that the measure merely seeks to extend to voting rights cases powers which courts presently have in other cases—bankruptcy and accounts, for instance—to appoint special masters, or referees.

Mr. President, no new legislation is needed to make the use of special masters possible in voting rights cases. The Federal Rules of Civil Procedure, rule 53, presently permit courts to appoint special masters, or referees—and I quote from the rule:

> Each district court, with the concurrence of a majority of all the judges thereof may appoint one or more standing masters for its district.

In other words, Mr. President, district courts presently have the authority to appoint full-time, standing masters, or referees, upon a majority vote by all the judges thereof. Furthermore, and I read, again, from rule 53 of the Federal Rules of Civil Procedure:

> And the court in which any action is pending may appoint a special master therein.

Thus, even if a majority of a Federal district court should not desire to appoint a standing master, any judge of that court can appoint a special master to hear any cause pending before it.

Thus, under the present Federal rules, authority is present for the appointment of either standing masters, or special masters, or both.

Once this is realized, the question naturally arises, "Why, then, is this new authority presently demanded needed at all?"

The answer lies in the present requirements of rule 53 of the Federal Rules of Civil Procedure which specify that the appointment of a master is to be the exception and not the rule. The rule states:

> A reference to a master shall be the exception and not the rule. In actions to be tried by a jury, a reference shall be made only when the issues are complicated; in actions to be tried without a jury, save in matters of account, a reference shall be made only upon a showing that some exceptional condition requires it.

By the terms of the rule itself, Mr. President, a rule based upon general and well-understood practice before Federal courts prior to its formal adoption, references to masters are not to be undertaken on a wholesale basis. In the case of jury actions—and, as I have already stated, the proceedings contemplated here should be jury actions, since findings of fact are involved—references can be made only by showing that the "issues are complicated." However, even in nonjury actions, such as that contemplated under title VI of the bill, reference can be made "only upon a showing that some exceptional condition requires it."

Within the purview of rule 53, is the mere threat of delay grounds for the appointment of a master? In other words, are proponents of this bill being fully candid with us in stating that in order to avoid delay, the procedures of appointment "masters" or "referees" are justified? The answer is a most emphatic "No."

The cases decided by Federal courts demonstrate that a mere threat of delay is not a sufficient ground for reference to a special master. I refer specifically to the case of *Hartford-Empire Co. v. Shawkee Manufacturing Co., et al.*, 5 Federal Rules Decisions 46 in which the District Court for the Western District of Pennsylvania held:

> This order (requesting reference to a master) cannot be made. Reference to a special master is made, with a few rare exceptions, only in cases involving an accounting. It will be noted that the counterclaims of defendants are for damages, not for a mere accounting. The trial lists of this court bid fair to be heavy in the immediate and succeeding future, and the hearing in the present matter will undoubtedly be burdensome, but that does not present an "exceptional condition" such as contemplated by rule 53.

In other words, Mr. President, despite the indications from proponents of this legislation that their approach is really nothing new, the facts clearly demonstrate that the approach is a radical departure from the principles which have consistently governed proceedings before masters, at least since the adoption of the Federal Rules of Civil Procedure, and probably since long before that time.

This departure becomes obvious when it is understood, as I indicated earlier, that proceedings before any "referee" appointed under the terms of the measure would be ex parte.

Mr. President, I have dwelt in some detail upon the referee provisions of title VI, because I am convinced that appointment of referees under this bill would, indeed, be the rule instead of the exception. At this point, I wish to cover

for the Senate's benefit the "rights" defendants would have upon the submission of findings to the court by the referee.

As Senators will recall, I earlier pointed out that the "right" of defendants to be heard is more illusory than real. We have heard much about the provision according to the defendants 10 days in which to be heard on the referee's findings. This procedure is not quite as simple as proponents of the bill would have us believe. For one thing, there is no guarantee that the 10-day "show cause" period would be a minimum. Actually, it is the maximum, because the court could cut that period down to less than 1 hour if it so desired. The pertinent portion of the bill states:

> Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceeding together with an order to show cause within 10 days or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report.

The key words are "or such shorter time as the court may fix." Thus, it is possible for the court to declare that the attorney general, or other appropriate defendant, shall have only 5 days, or 2 days, or 1 day, or 1 hour, in order to show cause why the referee's findings should not be made the findings of the court, and a decree issued based thereon. If the possibility of such a burdensome time limitation is coupled with the previously referred to provision which creates a presumption in favor of an applicant's statements before the referee, it will be easily seen that the rights accorded to defendants are narrow indeed.

But there are even more restrictions imposed.

First, the type and method of proof available to defendants to meet the referee's findings are severely circumscribed For example, as to issues of fact, the court can consider only two kinds of evidence:

First, duly verified copies of public records; and, second, affidavits of persons having personal knowledge of such facts or by statements or matters contained in such report.

The restrictive kinds of evidence which can be offered, plus the rigorous time limit imposed in the bill for such evidence to be gathered and placed in the required form, plus the presumption of validity given to ex parte statements of applicants, assure defendants that, although they are given the right of a "hearing," they are, in fact, being denied a fair hearing.

But, just to tie up any loose ends, there is another gadget provided to make things as hard as possible on defendants. The bill provides that the court, if it so wishes, can actually redelegate to the referee the job of hearing opposition to his own report. I read from the bottom of page 18 and the top of page 19 of the bill:

> The issues of fact and law raised by such exceptions shall be determined by the court, or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures described by the court.

Mr. President, how silly can we get? Just imagine giving authority to a voting referee, or, for that matter, any other "master," to hear opposition to his own findings. If this is fair, then, certainly, fairness does not have the same definition it once had.

Furthermore, under this redelegation clause, the referee would be entitled to rule upon issues of both fact and law; yet, nowhere in the bill does the requirement appear that the referee be learned in the law. As a matter of fact, prior to adoption of the committee amendments, there was not even the requirement of taking an oath imposed upon the referee.

Just how far do proponents of this legislation desire to go? Evidently they want to make it possible for a nonlawyer to be placed in the position of deciding not only issues of fact, but issues of law. Now, I am fully aware that on at least one occasion, on May 17, 1954, the Supreme Court abandoned stare decisis and the rules of law in order to apply psychological and sociological factors as determinative of legal issues, but I am not yet of the opinion that this departure has become the general and usual method of fixing rights and duties before all Federal courts.

Mr. President, this bill does not provide for due process of law; it does not even contain sensible procedural requirements.

It, instead, purports to accord such rights to individuals with one section, and then, in succeeding sections, completely dilutes such rights—dilutes them to a point where they no longer exist, as a practical matter.

Senators should note, too, that on page 19, further restrictions are imposed upon the rights of defendants in any such hearing as may be given them on a referee's report. The bill declares that:

> The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the referee.

Mr. President, this is ridiculous. The referee might decide that an applicant was literate if he could spell the word cat. On the other hand, in a prior proceeding before the appropriate State election official, evidence might have been adduced that conclusively showed that the applicant was not literate. In my State, applicants are required to fill out an application form. Yet, the use of any such previously-completed form, any prior evidence of lack of literacy, would be foreclosed in proceedings before a court on a referee's findings. The bill would require that the applicant's literacy be determined solely upon the basis of answers included in the report of the voting referee. Thus, if the referee merely asked the applicant to spell the word cat or the word dog, or should the applicant merely be required to recognize his own name, these things, alone, would be required to be used as the sole basis for determining literacy.

Senators should note, too, that this section declares that literacy shall be determined solely on the basis of answers included in the referee's report. The referee could have asked 500 questions to test the applicant's literacy, before getting an answer that would indicate literacy. Yet, he would not have to put before the court the 499 unsatisfactory questions and answers. He would only have to include the questions and answers he wanted to include, in which event only those answers could be considered.

To revert to a previous portion of the bill, it should be noted that the portions of title VI which deal with referees would come into play only in the event a court decided it wanted to appoint referees. As I indicated earlier, there is no doubt in my mind but that in almost every instance the court would so appoint referees, but the alternative should be examined as well.

In this connection, the language of the bill is clever, indeed. It states, in essence, that once the pattern or practice finding is made, then any person of the same color as the original plaintiff shall be entitled to an order declaring him qualified to vote, upon certain showings. The court, in other words, will not have any discretion at all insofar as other applicants are concerned, should they meet the requirements of the bill. Furthermore, this shall clause would impose upon the judge the duty of registering the applicant for the "longest period for which such applicant could have been registered or otherwise qualified under State law."

Mr. President, this is a direct and vicious attack upon the electoral systems of our 50 States. It constitutes, as a practical matter, a means by which the Federal Government, through the Federal courts, would fix the qualifications of electors, a right which is expressly reserved to the States under article I. The 15th amendment offers neither authority nor excuse for such action, nor does the 14th amendment. Their force and effect will have been exhausted by the court, once it finds a pattern or practice. Any action from that time forward would constitute Federal determinations of voting qualifications, a practice in direct contravention of the Constitution.

There are, of course, in the bill certain other little gadgets which require discussion. For example, there is a mandatory provisional voting section, plus discretionary provisional voting authority.

Under the bill, "any application filed 20 or more days prior to an election" entitles the applicant, as a matter of right, to a certificate permitting him to vote provisionally.

In my State, Mr. President, State law requires that the registration books be closed 30 days prior to an election. Yet, under the bill, as I interpret it, an applicant who, let us say, 22 days before an election, applies to a Federal court, will, per se, be entitled to a certificate entitling him to vote in that election. As I read the bill, there would be no need for a prior effort to register with State officials, should the application with the court be filed 20 or more days prior to an election. This is in direct conflict with State law as to the time of closing of registration books; and, furthermore, it would work a discrimination upon voters not a member of the class involved under

the pattern or practice finding, since members of that class would be entitled to vote in the election, although the registration books had been closed as to others. It would give Negro applicants a 10-day advantage over white citizens. As a matter of fact, Mr. President, the entire section is discriminatory, since it accords to Negroes denied registration a second "bite at the apple," while white people who have been refused registration are given no such preferential treatment.

Mr. ERVIN. Mr. President, will the Senator from Louisiana yield for a question relative to the statement he has just now made?

The PRESIDING OFFICER (Mr. BARTLETT in the chair). Does the Senator from Louisiana yield to the Senator from North Carolina?

Mr. ELLENDER. I yield.

Mr. ERVIN. In North Carolina we have a period of about 5 weeks in the month of May in which the books are open for the registration of persons who wish to vote in the primary. Then in the fall the registration books are open for another period of approximately 5 weeks, for the registration of voters who desire to vote in the general election. I ask the Senator from Louisiana whether, under this bill, white people would be compelled to present themselves for registration within one of those periods of 5 weeks, and would be denied the right to register at any other time?

Mr. ELLENDER. That is entirely correct. As I pointed out, in Louisiana if a person applies for registration to vote 29 days before an election is held, he is denied the right to vote. Yet, under this measure, if a Negro voter desired to do so, he could apply to register 20 days before the primary, and he would be accorded a right which would be denied to the white voters.

Mr. ERVIN. Furthermore, under this bill could not the Negro voter apply at any time within 1 year, and even after 1 year, until there had been a rescission by the court of its finding of the existence of such a pattern or practices?

Mr. ELLENDER. Yes. That is correct.

Mr. ERVIN. In other words, under this bill a colored man would have the right to register at virtually any time, whereas a white man would be restricted to registration during a certain limited period of time. Is that correct?

Mr. ELLENDER. That is correct, once such a pattern or practice were found and were made applicable.

Mr. ERVIN. The justification given for that is that thereby the law would be supposed to be giving equal protection of the laws to the members of both races?

Mr. ELLENDER. Yes. As I have pointed out, the act is discriminatory, without question.

And, Mr. President, what about this "provisional voting" procedure? The bill specifies that it is to be accomplished by impounding the ballots of individuals permitted to vote provisionally.

I should like to ask my friend, the Senator from North Carolina, to consider what would be the situation in his own State.

The bill specifies that the "provisional voting" procedure is to be accomplished by impounding the ballots of individuals who are to be permitted to vote provisionally. In my own State the paper ballot is no longer in use; our State law requires that voting machines be used. Just how is a tally on a voting machine to be "impounded"? The only method I can see is to require the individual who was permitted to vote provisionally to declare before officers of election or others the names of the candidates for whom he had voted. In that case, what would have happened to the secret ballot?

Here is a clear demonstration of the manner in which some rights are prejudiced at the expense of enforcing others. In other words, under this portion of the bill, the right of a voter to cast a secret ballot would become a second-class right.

Proponents of this legislation have cried great tears and have expressed the fear that without this bill, or some similar bill, Negro voters might be intimidated. If the proponents want to open the door to intimidation, if they really want to make intimidation of voters possible, then all they have to do is vote in favor of this "provisional voting" scheme. That language, coupled with the "impounding" provision, is an invitation to intimidation, particularly in States which use voting machines.

Talk about "equal protection of the laws," Mr. President. This bill denies "equality" to white people in my State. Should a registrar of voters deny registration to a white person, any such white person would have to be content with the remedies available to him under State law. But should a Negro be refused registration, he could, under this bill, run to a Federal court or a Federal referee, and, at the taxpayers' expense, have another chance to prove his qualifications—and to prove them under conditions which virtually assure the enfranchisement of myriads of persons not meeting bona fide State qualifications.

Mr. President, there is one other portion of title VI which I wish to discuss briefly, and I refer specifically to that portion appearing on page 20 of the bill, which reads as follows:

> The court may take any other action and may authorize such referee or such other person as it may designate to take any other action, appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees.

I think it is very important that the legislative history of this one sentence makes it abundantly clear that in no way does the Congress intend for this sentence to authorize the use of Federal agents, or deputy marshals, to oversee elections.

As the distinguished and able attorney from Louisiana, the Honorable EDWIN E. WILLIS, who represents the congressional district in which I make my home, so that he is in effect my Congressman, pointed out on the floor of the House of Representatives on March 23, the legislative history of this sentence in the House makes this very clear.

As originally considered, this bill contained a provision under which the court could authorize any person or persons to attend at any time and place for holding any election at which any person named in the court's original or supplementary decree is entitled to vote and report to the court whether any such person had been denied the right to vote and whether any vote cast by any such person had not been properly counted.

This language appeared on page 3, lines 13 through 24 of H.R. 10035. Language along the same line appeared on page 5, lines 6 through 14 of H.R. 10625. It also appeared on page 5, line 9 through line 13 of H.R. 11160.

Congressman WILLIS, along with the distinguished chairman of the Rules Committee, Congressman SMITH, of Virginia, conferred with both Democratic and Republican leaders on this provision.

They pointed out that this provision was unprecedented, dangerous, and inflammatory, and that if a person with a voting certificate were denied the right to vote and/or his vote was not properly counted, the proper remedy would be a contempt citation.

They stated that they, of course, would move to strike this language or any similar language from the bill, and they also expressed the hope that such a move would be accepted.

Both Congressman WILLIS and Congressman SMITH later said they received the impression that their amendment would either be agreed to, or certainly not seriously challenged.

On Tuesday, March 15, 1960, Congressman MCCULLOCH, of Ohio, offered an amended version of H.R. 11160, intending to delete the provision of the bill referred to. This amendment appears on page 5655 of the CONGRESSIONAL RECORD of March 15. I quote from colloquy that appears on page 5657 of the CONGRESSIONAL RECORD:

> Mr. CELLER. Having been reminded that H.R. 11160 contains the verbiage of the gentleman's amendment, do I understand the gentleman has stricken out on page 5 lines 9 to 13, inclusive?
>
> Mr. MCCULLOCH. That is correct. That material changes the bill and takes away from the referee the authority in a field and in a manner which has been objected to, so seriously, by our distinguished colleagues, the gentleman from Louisiana [Mr. WILLIS] and the gentleman from Virginia [Mr. SMITH].
>
> Mr. CELLER. The court, of course, has inherent power, but you have by striking out that language which was originally in the bill given something in the nature of an admonition to the court that might have the effect of curbing that power so that the court—and I say this for the edification of those who might oppose this amendment—would not actually have the voting referee substituted for the State official in the actual counting of the ballots.
>
> Mr. MCCULLOCH. That is right, but I want to make the record unmistakably clear.
>
> It is my intent to lessen the authority that is inherent in courts of equity to effectuate their decrees by whatever manner is inherent in the Anglo-Saxon system of jurisprudence.

In reading the amendment, the House Clerk, nevertheless, read the language to

be deleted, but both Congressman HALLECK, the minority leader, and the ranking member of the Judiciary Committee, Congressman MCCULLOCH, insisted that it was the intent of the House to delete that language.

It was then that the chairman of the Judiciary Committee, Congressman CELLER, of New York, in light of the parliamentary situation, offered a substitute to the McCulloch amendment. This substitute definitely did not contain the general provision under discussion.

It is clear, then, without the slightest doubt, that the proponents of this bill in the House of Representatives, those from both sides of the aisle, agreed to remove and did remove this obnoxious and unnecessary provision without the necessity of either Congressman SMITH or Congressman WILLIS having to introduce an amendment to accomplish the same purpose.

However, an amendment was then offered by Congressman O'HARA of Michigan, which appears on page 5755 of the CONGRESSIONAL RECORD of March 16, 1960.

It can be seen, on page 5767 of the RECORD, that the debate on the O'Hara amendment was limited, that it ended at 3:15 p.m. of that day, and the very few Members standing and desiring to talk on the amendment, as distinguished from those who wished to extend the remarks, were limited to 3 minutes.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield to me, with the understanding that he will not lose the floor?

Mr. ELLENDER. I yield.

Mr. JOHNSON of Texas. I wonder if the Senator would yield to me for the purpose of suggesting the absence of a quorum, with the understanding that he would not lose the floor.

Mr. ELLENDER. Very well.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW, ORDER FOR RECESS AT 12:30 TOMORROW, AND ORDER FOR RECOGNITION OF THE SENATOR FROM LOUISIANA TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today it stand in recess until 10 o'clock tomorrow morning; and I further ask unanimous consent that at 12:30 o'clock tomorrow the Senate stand in recess subject to the call of the Chair, and, when the Senate resumes its session, following the call of the Chair, after we have had the joint meeting with the House of Representatives, that the Senator from Louisiana [Mr. ELLENDER] be recognized for not to exceed 3 hours.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

COMMITTEE MEETING DURING SENATE SESSION TOMORROW

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Committee on Agriculture and Forestry was authorized to meet during the session of the Senate tomorrow.

LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, I announce that we anticipate no yea-and-nay votes this evening. The Senate will meet at 10 o'clock in the morning. We will have the usual morning hour, and transact business up until 12:30. Senators may transact any business they wish which may come before the Senate. At 12:30 tomorrow we will go to the other body for a joint meeting, to hear a distinguished Latin-American visitor. We will return as soon as that joint meeting is over.

When the Senate reconvenes, the Senator from Louisiana [Mr. ELLENDER] will be recognized for 3 hours, at the conclusion of which time I would anticipate the minority leader would make a motion to table the pending motion.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. ELLENDER. The O'Hara amendment had not been made available to all Members, and it was only after debate had already been limited that most Members, including Congressmen WILLIS and SMITH, had an opportunity to study it. It was during this limited time for debate that an effort was made to develop legislative intent with respect to the O'Hara amendment.

This appears on pages 5766–5768 of the RECORD of Wednesday, March 16. Many Congressmen who opposed this complete package of civil rights bills were shocked beyond words to discover that they were precluded, because of the parliamentary situation, to offer corrective amendments.

Congressman WILLIS raised the issue as to whether or not the purpose of the amendment was to restore the deleted language. Congressman SMITH attempted to introduce a corrective amendment but was ruled out of order because the amendment would have been in the third degree.

However, at this point, Congressman MCCULLOCH, of Ohio, assured opponents of this language that there was no intent to restore the deleted language.

He said:

> Mr. Chairman, again I want to say that which is known to all the good lawyers on the committee, that since there was first a court of chancery in England, a court of conscience, if you please, and ever since we have had a court of equity or chancery in America, that court has had the inherent power to do all things necessary to make effective its orders and decrees. Even without the language which has so disgusted my good friend and prominent lawyer, the gentleman from Louisiana, the authority would have been there nonetheless. However, Mr. Chairman, I was ready, willing, and anxious to request my very good friend from Louisiana to strike out the major part of the language to which he referred in H.R. 10625, for the very reason which I suggest. We have been marching up the hill and we have been marching down again. I for one in the final analysis would be satisfied to depend upon the inherent authority of the court, if that be necessary.

In view of that statement, further attempts to clarify the language were not continued.

However, I want it to be very clear, for the sake of legislative history, that this provision which would authorize the sending of Federal agents to police elections is out of the bill, and that the court has no authority under color of this bill to send Federal agents to the polling places and to actually conduct elections.

Mr. President, I would now like to address my remarks to a broader field—the entire field which is covered by the measure which is pending before us today. This measure, which its proponents contend is a civil rights bill, is, in my opinion, nothing more or less than political claptrap.

Mr. President, the Senate is today engaged in one of the most momentous debates of its long history. These hallowed Halls have seen many climactic days in the history of our young Republic. Robert Morris, John C. Calhoun, Daniel Webster, Robert Taft, and all the other great names of the U.S. Senate met here and discussed the problems which have faced our country over the years.

I say here and now that the subject now under consideration by the Senate is just as important, just as far-reaching, as any matter discussed by the Senate in all its glorious history.

The so-called liberals like to say that the voting rights of minorities are at stake. This is pure subterfuge. The issue really at stake is whether or not the Federal Government is going to force the individual States to surrender a large measure of the sovereignty that they still possess.

Also at stake is whether or not this country shall abandon those principles which have brought us progress and wealth—the right of individuals to live their lives in peace, without heavy-handed Federal control over their daily activities.

Why, I ask, should it be necessary to eviscerate our constitution and desecrate the sovereignties of the 50 State governments, which is apparently what the proponents of all these so-called civil rights measures seek.

Is it not plain, Mr. President, that in the guise of protecting and securing the civil rights of a few Americans, we are about to violate and compromise the civil rights of our entire populace?

I would never raise my voice in objection to, or lift my hand in obstruction of, a legislative program which would seek to secure the maximum exercise of

the electoral franchise on the part of all qualified voters, irrespective of race, color, creed, or any other reasonable criteria—provided the guarantee of the right to vote were accomplished in a constitutional manner and in compliance with the procedures embodied in the U.S. Constitution. As a matter of fact, Mr. President, we already have in the law the machinery whereby any person who has been denied the right to vote in a Federal election, can obtain an injunction through a Federal court proceeding—either directly, on his own behalf, or by way of the Justice Department—directed to State and local election officials, and thereby enforce his constitutional, Federal right to vote.

The measure we now consider will, if enacted, place the Federal Government in the position of being the sole judge and director of qualification of a certain class of voters—a function which is clearly in violation, not only of the Constitution, but of the concepts of our Founding Fathers who wrote the Constitution.

Debates of the constitutional-drafting period show very clearly that if this right of the individual States to determine voter qualification had not been left in the hands of the sovereign States, the Constitution would never have been ratified.

It is my hope that I will have the opportunity during the course of this debate to discuss in more detail the patent inequities and—even more important—the latent dangers that are so neatly tucked away in this so-called right to vote legislation. Before embarking upon that subject, however, an even more basic and fundamental aspect of the problem before the Senate requires our attention and scrutiny. I refer to the necessity for a full discussion and analysis of those provisions of our Constitution which relate directly to the election of Federal officers—those portions of the Constitution dealing with the qualifications of electors, and with the fixing of the times, places and manner of holding elections.

Section 2 of article I of our Constitution provides that:

> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Section 4 of article I proclaims that:

> The Times, Places and Manner of holding Elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

There are also the two amendments which have to some extent contracted the otherwise unqualified right of the States, as guaranteed in section 2 of article I, to establish the qualifications of voters—I refer to the 15th amendment, which provides that a citizen of the United States may not be denied the right to vote on account of race, color, or previous condition of servitude; and the 19th amendment, which establishes the same protection against discrimination based on sex. And then, of course, there is the 17th amendment, adopted in 1913, whereby the right of the States to establish the qualifications of electors was again reaffirmed, this time with respect to the choosing of U.S. Senators.

Mr. President, our Nation has profited greatly from the rich heritage of learning left to us from the great constitutional lawyers of years gone by. One of the greatest of those illustrious pioneers of American constitutional history was George Ticknor Curtis. Mr. Curtis' name will live forever in the annals of American history for many reasons; first and foremost, of course, because he was the author of two monumental works; the first, which was to become a standard authority, ranking alongside of Justice Storey's "Commentaries on the Constitution," was published in 1854 in two volumes and entitled "History of the Constitution of the United States." The second of this great constitutional lawyer's legal compositions was entitled "Constitutional History of the United States," published in 1896, 2 years after his death. Mr. Curtis also will be remembered by students of American history for his able and successful defense of President Andrew Johnson in the impeachment proceedings instituted against the American Chief Executive in 1867; George Ticknor Curtis is remembered, too, for the brilliant and cogent argument he presented to the U.S. Supreme Court on December 18, 1856, in the famed Dred Scott case.

During the course of his presentation to the Supreme Court, in the Dred Scott case, Mr. Curtis made this significant statement as a preface to his analysis and interpretation of the Constitutional provisions in issue in the Dred Scott case—that is, the provisions of our Constitution relating to the status and government of American territories:

> I wish, in the next place, to say, may it please your Honors, what indeed is obvious to everyone—that this is eminently a historical question. But I shall press that consideration somewhat further than it is generally carried on this subject, and much further than it has been carried by the counsel for the defendant in error; for I believe it to be true of this, as it is of almost all questions of power arising under the Constitution, that when you have once ascertained the historical facts out of which the particular provision arose, and have placed those facts in their true historical relations, you have gone far toward deciding the whole controversy. So true is it that every power and function of this Government had its origin in some previously existing facts of the national history, or in some then existing state of things, that it is impossible to approach one of these questions as one of mere theory, or to solve it by the aid of any merely speculative reasoning. Hence it is eminently necessary on all occasions to ascertain the history of the subject supposed to be involved in a controverted power of Congress, and, above all, to approach it with the single purpose of drawing that deduction which the constitutional history of the country clearly warrants. ("Constitutional History of the United States," George Ticknor Curtis, p. 502.)

Mr. President, keeping these words of George Ticknor Curtis in mind, I shall ask the indulgence of the Senate while I embark upon the task of reviewing the circumstances surrounding the genesis of the constitutional provisions at issue in the right to vote legislation now before the Senate. It is with the utmost humility that I undertake the enormous assignment of refreshing the memories of Members of the U.S. Congress, and the public at large, with the historical backdrop against which the language of article I, sections 2 and 4, of our Constitution was framed.

It was no easy job, I can assure Senators, to research and assemble the vast amount of data that I am about to present to the Senate. It was a monumental task, but it will be well worth the effort if it helps to awaken in Senators a better understanding and awareness of the precarious, perilous ground we are about to tread upon—to point up the misguided, imprudent, unwise course that is being urged upon us.

It is sheer folly, Mr. President, for the Congress of the United States to seek to enact laws aimed at undermining and destroying our one great constitutional bulwark against despotism—our time-tested system of local elections controlled and operated by the 50 sovereign State governments, free from coercion or subversion from a Federal bureaucracy. Heaven help us if this precious birthright is lost forever to us and and to our posterity because we here today are unable to distinguish between political expediency and commonsense.

Mr. President, a study of colonial history reveals that regulation of suffrage was one of the first tasks to concern the American pioneers. From their inception the Colonies maintained qualifications of voters. As I shall point out during the course of these remarks, when the Colonies formed the original 13 States of our Union, they still jealously and zealously guarded their right to prescribe qualifications for voting. Even a cursory reading of the discussions that took place during the Constitutional Convention at Philadelphia, and of the debates in the 13 States while the proposed Constitution was up for ratification, leads to the inescapable conclusion that a majority of the 13 States would never have formed a Union and bound themselves under the Federal Constitution if clear and unmistakable language had not been included to guarantee to the respective States the right to establish qualifications of electors. Nor is there any doubt, Mr. President, that the 13 Colonies did not intend to surrender to the Federal Government their primary right to control the time, manner, and places of holding elections; all evidence points to the unmistakable conclusion that they intended to vest in the Central Government only secondary authority to regulate elections, limited to those situations where extraordinary circumstances prevailed or where the States refused to conduct elections for Members of the House of Representatives and thereby threatened the very existence of the Federal legislative branch.

Later during these remarks I shall discuss more fully the meaning given to section 4 of article I by the framers of our

Constitution. Right now I want to direct the attention of Senators to the interpretation placed by our Founding Fathers on the language found in section 2 of article I—the requirement that "the Electors in each State shall have the qualifications requisite for Electors of the most numerous Branch of the State Legislature."

As early as 1750 there were different qualifications for voting in the different Colonies. I quote from "Formation of the Union," 1750–1829, by Hart, page 15:

In each there was an elective legislature; in each the suffrage was very limited; everywhere the ownership of land in freehold or other property, or the occupancy of a house was a requisite, just as it was in England for the country suffrage. In many cases there was an additional provision that the voter must possess a specified large quantity of land or must pay specified taxes. In some Colonies there was a religious requirement.

Mind you, Mr. President, all these requirements I have just mentioned were prerequisites for the exercise of the voting privilege.

While there were few specific provisions concerning suffrage in the charters of the Colonies, popular elections existed in each of the Colonies from the earliest date down to the Revolution. Popularly elected assemblies carried on local government. Virginia had a House of Burgesses as early as July 30, 1619.

What was the first consideration of these colonial groups who were fiercely protective of their rights?

One of the first tasks of these colonial assemblies was to regulate the elective franchise. See McCulloch, "Suffrage and Its Problems," at page 18.

While the qualifications were vague and indefinite, there were many requirements, each a proof of the local regulation of voting qualifications. Even the Crown and the English Parliament made no serious attempt to modify or harmonize the various suffrage regulations. I quote from the same volume, page 19:

This left each colony practically free to pass its own laws providing for the franchise. By the time of the Revolution this practice became thoroughly established, thus allowing each commonwealth to make suffrage laws to fit its peculiar electoral problem.

Down to 1776 there were seven qualifications for the elective franchise. The outstanding one was the landed-property qualification, which probably arose because of the business corporation-like nature of the early Colonies. A piece of land was considered as giving a person the freedom of the company, as provided by Massachusetts in 1621, just as a block of stock entitles its holder to vote in a corporation.

Porter, "History of Suffrage in the United States," pages 3 and 4:

But this very simple test of property-holding could not long hold out alone, although it was the first and the dominating consideration for almost 200 years following. The population became so complex, the interests of colonists expanded so far beyond mere commercial enterprise, that other standards of fitness for participation in the affairs of the community were sought out and established. Strict limitations had been put upon the right to join the company, and after the companies ceased to exist and the Colonies became exclusively political institutions, the same limitations were carried over for the suffrage with some elaboration. They dealt with all the various things which are supposed to determine capacity to take intelligent interest in community affairs. Race, color, sex, age, religion, and residence were now investigated before the applicant was admitted to the suffrage. The theory was that only those who clearly had an interest in the Colony—measured in terms of tried standards—should exercise the right of suffrage.

There we find a yardstick or a method of providing qualifications for voters during colonial days.

Virginia had varying requirements. In 1655 a voter had to be a habitant and a householder; in 1699 he had to be 21 years of age, a male habitant and freeholder, papists barred. By 1762 this had been further refined by the freeholder being particularly required to own 50 acres, or 25 acres and house 12 by 12.

Massachusetts first required religious standards, Puritan and Orthodox, in 1631. By 1691 Massachusetts required a voter to be English and to own 40 shillings freehold or £40 of property.

Connecticut in 1638 required a voter to be a habitant, a Puritan, and a freeman, and varied this by 1702 to specify that he have 40 shillings freehold or £40 of property.

Rhode Island, as early as 1665 required a competent estate and barred Christian papists. By 1767 Rhode Island added to this requirement of living in a town, plus owning 40 shillings freehold or £40 of property.

New Hampshire in 1680 required that a voter be 24 years of age, English, Protestant, and have an estate of £20. By 1720 the last requirement was increased to £50 realty.

North Carolina in 1669 required a voter to be a deist and to have a 50-acre freehold. By 1760 this had varied. The qualifications were 21 years of age, 1½ years residence, British nationality, and a 50-acre freehold.

South Carolina in 1669 required a person to be a deist and to have 50 acres freehold. By 1759 a South Carolina voter had to be white and 21 years of age, Protestant, and have a settled freehold.

Georgia demanded a man to be 21 years of age and to have 50 acres of land, papists barred. In 1775 the land requirement took on a subtle change. It was replaced by the word "taxpayer," plus one-half year's residence required, and papists barred.

Pennsylvania in 1683 required a voter to own 100 acres, 10 cultivated—or 50 acres, 20 cultivated—or taxes. In 1700 Pennsylvania required a man to be 21 years of age, a 2-year resident, English, and own 50 acres, 12 cultivated—or £50 in property.

Delaware, in 1701, had a 2-year residence requirement, 21-year-age requirement, and land ownership of 50 acres—12 cultivated, or £50 in property. By 1733 British citizenship had been added to the list.

Maryland's only requisite in 1637 was that voters be freemen. In 1718, Maryland had barred Catholics and required 50 acres or £40 property.

New York in 1683 accepted a vote from any freeholder. In 1701, 21 years age requisite and £40 realty was necessary, and Papists and Jews were barred.

New Jersey in 1668 allowed any freeholder to vote. In 1725 that freeholder had to be a 1-year resident, and must own 100 acres or £50 of property.

It is interesting to regard some of the varying reasons for the above requirements. The very fact that they have varied in each State with the particular conditions of growth and the existing population adds undeniable power to the case I am presenting for each State in the Union to continue to have the right to judge its own needs and to provide therefor.

I read from Porter's "History of Suffrage in the United States," pages 4 and 5:

Standards of character and fitness varied from one part of the country to another. In Massachusetts the Puritans believed that only by restricting suffrage to men in their churches could the future well-being of the colony be insured. The problem of the "right" to vote became distinctly subordinate. They restricted the suffrage for the good of the community. The fact that their standard of good character (church membership) was narrow is not at all surprising. The character of the man's employment was often considered a criterion of his ability to vote intelligently, and thus college men and clerical officers were presumed to be especially fit for the suffrage.

The philosophy of suffrage has always been more or less opportunistic, if the word is permissible. Suffrage qualifications are determined for decidedly materialistic considerations, and then a theory is evolved to suit the situation. In the early days riot and disorder might accompany an election. The authorities would thereupon fix the qualifications so that the disorderly people could not vote next time. Then would come the theory to justify it—only those owning a certain number of acres would be considered fit to vote, only those of a certain religious faith, etc. Unquestionably this has happened in times of stress, for theory did not come to be the preliminary determining factor until complete peace and order prevailed, and even then theory was not uncolored by materialistic consideration. Suffrage limitations were bound to adapt themselves to social and economic conditions. In rural Virginia the freehold requirement of 50 acres excluded very few of the best type of men. But such a requirement in an urban community would have been intolerable. Obviously an absolute criterion could not obtain. It became necessary to adopt whatever criterion was calculated to embrace the best men.

Moral qualifications were restricted almost exclusively to New England. It was sometimes necessary for the voter to show proof of his good character. At other times if one were accused of improper conduct it would cost him his vote, although the particular offense was not mentioned in the law. In the South there were restrictions against men of certain race—foreigners and Negroes were excluded.

I read further from Porter's "History of Suffrage," bottom of page 5 and all of page 6:

All of the restrictions and qualifications can be seen to support one of two fundamental principles: One may be called the theory of right and the other the theory of the good of the State. Every qualification imposed had one of these two principles in view. Either it was established in order to fulfill the right which certain people were supposed to have, or else it was established simply in order to serve the best interest of the State. It might have been said that a man had a right to vote because he owned property, or because he was a resident, or because he paid taxes, or simply because the right to vote was a natural right. And this would be the guiding consideration without regard to the effect it might have on the well-being of the community. Thus in some places nonconformists were allowed to vote because their property right was recognized. Nonresidents were permitted to vote where they owned property solely because they were supposed to have a right to vote on account of their holdings. This theory of right was the first to appear and has always persisted. Each generation would seek to add a new subhead to the title, as it were, and base a right to vote on some new ground.

The other great principle or theory had to do with the good of the State. It developed as soon as the narrow business-corporation concept was abandoned, and it was most emphasized by the Puritans. It continues to the present day but has never been entirely divorced from the theory of right. Under this theory of the good of the State men were excluded because they were not church members, because they were criminals, because they had not been residents a long-enough time. It is not always possible to classify every restriction definitely, but it may be said that one of these two theories controls every modification of the suffrage.

Mr. President, in the North, there were no race qualifications, because the few free Negroes scattered through the northern Colonies seemed to have caused little alarm along suffrage lines. North Carolina, Georgia, South Carolina, and Virginia were the only Colonies which disfranchised Negroes before the time of the Revolution—showing that either very few of them tried to vote or there was little aversion to it, the former probably being correct. At any rate, no race issue was injected generally into the suffrage regulations. Another generation saw a marked change.

In none of the Colonies except Pennsylvania was there rigid residence requirement of 2 years. And why the particular need there, true locally, yet not present elsewhere? Probably because of the conservative proprietor's desire to limit the influence of the many recent immigrants.

The property test was the most frequent and weightiest qualification. The cheapness of land led, in some instances, to the requirement above stated, namely, that the land be worth a certain sum in money or produce a certain income. Again we see the ever-present variations in the different Colonies. In Georgia there could not be the same money value requirement that there could be in more thickly populated New England; and, conversely, a voter in crowded New England could not have been required to own the same quantity of land that a voter in sparsely settled Georgia could be required to own. In Virginia, the varying standard of 50 acres of land, or 25 acres of land being worked and occupied by a house 12 feet square, or a town lot with a house of similar dimensions, was the answer to the rural-versus-urban problem. The city dwellers could not acquire land to a broad extent, and the rural dwellers resented having a value fixation set on the land to be held.

Five of the Colonies allowed the substitution of personal property for real estate.

I read now from Porter's "History of Suffrage in the United States," page 9:

This indicates a distinct concession of the urban communities, and it is significant that four of these States are in the small New England group, where the supply of real estate was limited. This adaptation of the suffrage qualification to the particular economic situation illustrates the willingness of men to adjust their ideas of what is fundamentally right to the needs of the dominant group.

The next breakdown in this type of requirement is from personal property to taxpaying. As conditions change, a trend emerges, the picture alters, and the statutory machinery with which we are equipped permits each State to shift or vary its position with the times.

Religious tests were decisive in New England, and were common everywhere except in Pennsylvania. In the South, Papists were usually specifically barred. New York barred Jews. Maryland also barred Catholics. Massachusetts supplemented the religious tests by moral character qualifications. Later a property qualification was inserted as an alternative. Later the religious test disappeared. South Carolina, with her requirement that a voter acknowledge the being of God, was the last State to have the statutory religious standards for suffrage and religion as a qualification for voting pass out with the colonial period.

Citizenship and residence were of comparatively little importance in a new country, predominantly British.

Before turning to the Articles of Confederation and our Constitution, the following words concerning voting qualifications in the Colonies seem particularly appropriate:

It is of moment to note that there were no efforts at uniformity in the regulation of suffrage. In each colony by charter, or more often by acts of the assembly, the elective franchise was controlled independently. This commonwealth treatment of suffrage was the natural result of colonial history. So thoroughly grounded was this policy that when the Colonies seized sovereignty and organized a Federal Government the suffrage program was undisturbed. It continued as the basic foundation on which all Federal elections must rest. (See McCulloch, "Suffrage and Its Problems," p. 29).

The truth of the proposition that each State best knows its own conditions and is best equipped to handle them, is shown by the direction of the Continental Congress, on May 10, 1776, following the outbreak of the Revolution, to each of the Colonies to "adopt such governments as shall best conduce to the happiness and safety of their constituents in particular, and America in general"—Hart, "Formation of the Union," 1750–1829 at page 89. Following these instructions, the Colonies had already begun, before July 4, 1776, to draw up written instruments of government. I now desire to read a few paragraphs from McCulloch on "Suffrage and Its Problems." I read from page 30, the first paragraph:

With the separation from the mother country came very little change for the Colonies severally. The Union took the place of the Crown, while the various commonwealth governments went on very much as before. Therefore, suffrage regulations were not disturbed at all; each commonwealth continued to regulate the elective franchise independently. The several States sought directions of the Continental Congress as to framing constitutions to replace the old charters which had been granted by the King.

But after this had been done, the two sets of governments moved along independently. The Central Government under the Articles of Confederation interfered with the States as little as possible, and they do not seem to have looked to it even for advice.

The only point at which the two governments could touch even indirectly on suffrage matters was article V, which provided that the delegates to the Confederation Congress should be "appointed in such matter as the legislatures of each State should direct."

Also, quoting directly from the Articles of Confederation, and to demonstrate the doctrines that remained ever uppermost in the minds of the founders of our country, I quote article II:

Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this confederation expressly delegated to the United States in Congress assembled.

I now read from the "Federalist Articles of Confederation," article V, the first paragraph:

For the more convenient management of the general interest of the United States, delegates shall be annually appointed in such manner as the legislature of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year."

Also:

In determining questions in the United States in Congress assembled, each State shall have one vote.

The above provisions show clearly that matters of voting qualifications were to be left strictly to each State. The Articles of Confederation were inadequate and hurried, and later proved insufficient to cope with the changing United States and its manifold problems. A new and farsighted instrument was needed, a considered and well-debated structure built on framework with a future. But, it is noteworthy, before we turn from the Articles of Confederation, that even though the country was in the midst of revolution, torn by varying doctrines and lacking in all organization at the time they were written, there was one thing that was not left out. Many important things were left out, much was left a blank, but even in a time of crisis these men, who were struggling for a workable governing organ to suit their needs and their hopes, kept one thing before them, the inviolable right of each State to determine the qualification of its voters and to control its own elections. They did not fail to preserve this right in the articles they drafted.

When the Articles of Confederation, which were adopted in time of stress without full cognizance of the problems to be solved and with the States themselves ill defined geographically

and politically, proved unsatisfactory and insufficient, it was suggested by Hamilton in 1780, and later by Tom Paine, that a convention be called to revise the Articles of Confederation, and to draft a Constitution of the United States of America.

Let us go back to that convention. There is drama in the air. Vital provisions for the constitutional structure of a new country are in the making. Each delegate has his own theories, his own pet beliefs to advance. All are filled with a desire for the best in Government for their new country.

Maj. William Pierce, of Georgia, made some notes of the membership of the convention. Among those historically well known to us today who were prominent in drafting provisions affecting voting qualifications was Rufus King, about whom Major Pierce said:

Mr. King is a man much distinguished for his eloquence and great parliamentary talents. He was educated in Massachusetts, and is said to have good classical as well as legal knowledge. He has served for 3 years in the Congress of the United States with great and deserved applause, and is at this time high in the confidence and approbation of his countrymen. This gentleman is about 33 years of age, about 5 feet 10 inches high, well formed, a handsome face, with a strong expressive eye, and a sweet high-toned voice. In his public speaking there is something peculiarly strong and rich in his expression, clear, and convincing in his arguments, rapid and irresistible at times in his eloquence but he is not always equal. His action is natural, swimming, and graceful, but there is a rudeness of manner sometimes accompanying it. But take him tout en semble, he may with propriety be ranked among the luminaries of the present age ("U.S. Formation of the Union," documents, p. 96).

There was Nat Gorham, about whom it is said:

Mr. Gorham is a merchant in Boston, high in reputation, and much in the esteem of his countrymen. He is a man of very good sense, but not much improved in his education. He is eloquent and easy in public debate, but has nothing fashionable or elegant in his style; all he aims at is to convince, and where he fails it never is from his auditory not understanding him, for no man is more perspicuous and full. He has been President of Congress, and 3 years a Member of that body. Mr. Gorham is about 46 years of age, rather lusty, and has an agreeable and pleasing manner ("U.S. Formation of the Union," documents, p. 96).

One of the high lights was Alexander Hamilton.

Colonel Hamilton is deservedly celebrated for his talents. He is a practitioner of the law, and reputed to be a finished scholar. To a clear and strong judgment he unites the ornaments of fancy, and whilst he is able, convincing, and engaging in his eloquence the heart and head sympathize in approving him. Yet there is something too feeble in his voice to be equal to the strains of oratory; it is my opinion that he is rather a convincing speaker, than a blazing orator. Colonel Hamilton requires time to think, he inquires into every part of his subject with the searching of philosophy, and when he comes forward he comes highly charged with interesting matter, there is no skimming over the surface of a subject with him, he must sink to the bottom to see what foundation it rests on. His language is not always equal, sometimes didactic like Bolingbroke's, at others light and tripping like Stern's. His eloquence is not so defusive as to trifle with the senses, but he rambles just enough to strike and keep up the attention. He is about 33 years old, of small stature, and lean. His manners are tinctured with stiffness, and sometimes with a degree of vanity that is highly disagreeable ("U.S. Formation of the Union," documents, p. 98).

From Connecticut came Oliver W. Ellsworth, who was on the committee of detail charged with forcing the provisions affecting elections:

Mr. Ellsworth is a judge of the Supreme Court in Connecticut; he is a gentleman of a clear, deep, and copious understanding, eloquent, and connected in public debate, and always attentive to his duty. He is very happy in a reply, and choice in selecting such parts of his adversary's arguments as he finds make the strongest impressions, in order to take off the force of them, so as to admit the power of his own. Mr. Ellsworth is about 37 years of age, a man much respected for his integrity, and venerated for his abilities ("U.S. Formation," supra, p. 98).

From Pennsylvania, on this committee, came Mr. James Wilson:

Mr. Wilson ranks among the foremost in legal and political knowledge. He has joined to a fine genius all that can set him off and show him to advantage. He is well acquainted with man, and understands all the passions that influence him. Government seems to have been his peculiar study, all the political institutions of the world he knows in detail, and can trace the causes and effects of every revolution from the earliest stages of the Grecian commonwealth down to the present time. No man is more clear, copious, and comprehensive than Mr. Wilson, yet he is no great orator. He draws the attention not by the charm of his eloquence, but by the force of his reasoning. He is about 45 years old ("U.S. Formation, supra, p. 101).

From Virginia came James Madison and Edmund Randolph:

Mr. Madison is a character who has long been in public life; and what is very remarkable, every person seems to acknowledge his greatness. He blends together the profound politician with the scholar. In the management of every great question he evidently took the lead in the convention, and though he cannot be called an orator, he is a most agreeable, eloquent, and convincing speaker. From a spirit of industry and application which he possesses in a most eminent degree, he always comes forward the best informed man of any point in debate. The affairs of the United States, he perhaps, has the most correct knowledge of, of any man in the Union. He has been twice a Member of Congress, and was always thought one of the ablest Members that ever sat in that Council. Mr. Madison is about 37 years of age, a gentleman of great modesty, with a remarkable sweet temper. He is easy and unreserved among his acquaintance, and has a most agreeable style of conversation ("U.S. Formation," supra, p. 104).

Mr. Randolph is Governor of Virginia, a young gentleman in whom unite all the accomplishments of a scholar and a statesman. He came forward with the postulate, or first principles, on which the convention acted, and he supported them with a force of eloquence and reasoning that did him great honor. He has a most harmonious voice, a fine person, and striking manners. Mr. Randolph is about 32 years of age ("U.S. Formation," supra, p. 105).

Robert Morris, with James Wilson, Benjamin Franklin, Gouverneur Morris, and others, represented Pennsylvania:

Robert Morris is a merchant of great eminence and wealth; an able financier, and a worthy patriot. He has an understanding equal to any public object, and possesses an energy of mind that few men can boast of. Although he is not learned, yet he is as great as those who are. I am told that when he speaks in the Assembly of Pennsylvania, that he bears down all before him. What could have been his reason for not speaking in the convention I know not, but he never once spoke on any point. This gentleman is about 50 years old ("U.S. Formation," supra, p. 101).

These were among the men who drafted our Constitution.

On May 29, 1787, Edmund Randolph presented the following resolution:

Resolved therefore, That the rights of suffrage in the National Legislature ought to be proportioned to the quotas of contribution, or to the number of free inhabitants, as the one or the other rule may seem best in different cases.

Resolved, That the National Legislature ought to consist of two branches.

Resolved, That the Members of the first branch of the National Legislature ought to be elected by the people of the several States every ——— for the term of ——— ("U.S. Formation," supra, p. 116).

Then Mr. Charles Pickney laid before the House the draft of a Federal Government which he had prepared, to be agreed upon between the free and independent States of America ("U.S. Formation of the Union," p. 119).

By all these statesmen the United States was referred to as a Union of free and independent States, a group of varying entities with varying problems, soils, industries, populations, having in mind future additions of more States, united for the common good of all.

Article III of Mr. Pickney's draft reads: "The Members of the House of Delegates shall be chosen every ——— year by the people of the several States; and the qualifications of the electors shall be the same as those of the electors in the several States for their legislatures" (Elliott, "Constitutional Debates," vol. 1 (1st ed.) p. 145).

Pickney also provided in article 5 of his plan:

Each State shall precribe the time and manner of holding elections by the people for the House of Delegates. (See III Records of the Federal Convention, p. 597—App. D.)

Alexander Hamilton's suggested provision was a general one:

III. The Assembly to consist of persons elected by the people to serve for 3 years ("U.S. Formation of the Union," p. 979).

When Mr. Randolph's plan was considered, what was the feeling concerning the provision for election of Members of the first branch of the National Legislature by the people of the several States? The discussion is illuminating in showing the angles considered, which make clear the meaning of the provisions ultimately adopted.

Mr. Sherman opposed the election by the people, insisting that it ought to be by the State legislature. The people, he said, immediately should have as little to do as may be about the Government. They want information and are constantly liable to be misled.

Mr. GERRY. The evils we experience flow from the excess of democracy. The people do not want virtue, but are the dupes of pretended patriots.

In Massachusetts it had been fully confirmed by experience that they are daily misled into the most baneful measures and opinions by the false reports circulated by designing men, and which no one on the spot can refute. One principal evil arises from the want of due provision for those employed in the administration of government. It would seem to be a maxim of democracy to starve the public servants. He mentioned the popular clamor in Massachusetts for the reduction of salaries and the attack made on that of the Government though secured by the spirit of the Constitution itself. He had, he said, been too republican heretofore: He was still, however, republican, but had been taught by experience the danger of the leveling spirit.

Mr. President, I may say the word "republican" as there used was spelled with a small "r," not with a capital "R."

Mr. Mason argued strongly for an election of the larger branch by the people. It was to be the grand depository of the democratic principle of the Government. It was, so to speak, to be our house of commons—it ought to know and sympathize with every part of the community; and ought therefore to be taken not only from different parts of the whole Republic, but also from different districts of the larger members of it, which had in several instances, particularly in Virginia, different interests and views arising from difference of produce, or habits, and so forth. He admitted that we had been too democratic but was afraid we should incautiously run into the opposite extreme. We ought to attend to the rights of every class of people. He had often wondered at the indifference of the superior classes of society to this dictate of humanity and policy; considering that however affluent their circumstances, or elevated their situations might be, the course of a few years, not only might but certainly would, distribute their posterity throughout the lowest classes of society. Every selfish motive therefore, every family attchment, ought to recommend such a system of policy as would provide no less carefully for the rights and happiness of the lowest than of the highest order of citizens.

Mr. Wilson contended strenuously for drawing the most numerous branch of the legislature immediately from the people.

He was for raising the Federal pyramid to a considerable altitude, and for that reason wished to give it as broad a basis as possible. No government could long subsist without the confidence of the people. In a republican government this confidence was peculiarly essential. He also thought it wrong to increase the weight of the State legislatures by making them the electors of the National Legislature. All interference between the general and local government should be obviated as much as possible. On examination it would be found that the opposition of States to Federal measures had proceeded much more from the officers of the States, than from the people at large.

Mr. Madison considered the popular election of one branch of the National Legislature as essential to every plan of free government. He observed that in some of the States one branch of the legislature was composed of men already removed from the people by an intervening body of electors. That if the first branch of the general legislature should be elected by the State legislatures, the second branch elected by the first—the executive by the second together with the first, and other appointments again made for subordinate purposes by the executive, the people would be lost sight of altogether; and the necessary sympathy between them and their rulers and officers, too little felt. He was an advocate for the policy of refining the popular appointments by successive filtrations, but thought it might be pushed too far. He wished the expedient to be resorted to only in the appointment of the second branch of the Legislature, and in the executive and judiciary branches of the Government. He thought too that the great fabric to be raised would be more stable and durable if it should rest on the solid foundation of the people themselves, than if it should stand merely on the pillars of the legislatures.

Mr. Gerry did not like the election by the people. The maxims taken from the British Constitution were often fallacious when applied to our situation which was extremely different. Experience he said had shown that the State legislatures drawn immediately from the people did not always possess their confidence. He had no objection, however, to an election by the people if it were so qualified that men of honor and character might not be unwilling to be joined in the appointments. He seemed to think the people might nominate a certain number out of which the State legislatures should be bound to choose.

Mr. Butler thought an election by the people an impracticable mode.

On the question for an election of the first branch of the National Legislature by the people. (Massachusetts, aye; Connecticut, divided; New York, aye; New Jersey, no; Pennsylvania, aye; Delaware, divided; Virginia, aye; North Carolina, aye; South Carolina, no; Georgia, aye. ("Formation of the United States," p. 125.))

In the final report on Mr. Randolph's plan the Committee of the Whole merely said:

3. *Resolved*, That the Members of the first branch of the National Legislature ought to be elected by the people of the several States for the term of 3 years ("U.S. Formation of the Union," p. 201).

And nothing about voting qualifications, leaving this for specific provision in the States.

On Monday, August 6, the Committee of Detail reported finally the following provision:

ART. IV, SEC. 1. The Members of the House of Representatives shall be chosen every second year by the people of the several States comprehended within the Union. The qualifications of the electors shall be the same, from time to time, as those of the electors in the several States of the most numerous branch of their own legislature ("U.S. Formation of the Union," p. 472).

It is particularly interesting to turn to the reports the work of the Committee of Detail to see through what stages article IV, section 1—which is article I, section 2, of our Constitution today—progressed. The very regulations being proposed at this time in this body were suggested in 1787 at the Constitutional Convention and rejected at that time. On June 19 one draft was set forth. It provided:

That the Members of the second branch of the Legislature of the United States ought to be chosen by the individual legislatures—to be of the age of 30 years at least; to hold their offices for the term of 6 years, one-third to go out biennially; to receive a compensation for the devotion of their time to the public service; to be ineligible to and incapable of holding any office under the authority of the United States (except those peculiarly belonging to the functions of the second branch) during the term for which they are elected, and for 1 year thereafter (II Farrand, "Records of Federal Conventions," pp. 129 and 130).

The next step was as follows:

The qualification of electors shall be the same (throughout the States, viz) with that in the particular States unless the legislature shall hereafter direct some uniform qualification to prevail through the States (II Farrand, "Records of Federal Convention," p. 139).

(Citizenship; manhood; sanity of mind; previous residents for 1 year, or possession of real property within the State for the whole of 1 year, or enrollment in the militia for the whole of a year.)

Next:

The Members of the House of Representatives shall be chosen biennially by the people of the United States in the following manner. Every freeman of the age of 21 years—having a freehold estate within the United States—who has—having—resided in the United States for the space of 1 whole year immediately preceding the day of election, and has a freehold estate in at least 50 acres of land (II Farrand, supra, p. 151).

Then:

The Members of the House of Representatives shall be chosen every second year—in the manner following—by the people of the several States comprehended within this Union—the time and place and the manner of holding the elections and the rules. The qualifications of the electors shall be (appointed) prescribed by the legislatures of the several States; but their provisions—which they shall make concerning them shall be subject to the control of—concerning them may at any time be altered and superseded by the Legislature of the United States (II Farrand, supra, p. 153).

Mr. President, that was a proposal which was made at one time, and I am citing all these various proposals to show how the members of that convention finally drifted to the provision of the Constitution which is now in that sacred document. In my mind any Senator who will take the time to read these excerpts, to read the history of the present article of the Constitution which gives to the States the right to prescribe qualifications of voters, will come unequivocally to the conclusion that this was to be done by the States and not by the Congress.

Again, see the next report:

The Members of the House of Representatives shall be chosen every second year, by the people of the several States comprehended within this Union. The qualifications of the electors shall be prescribed by the legislatures of the several States but these provisions concerning them may, at any time, be altered and superseded by the Legislature of the United States—the same from time to time as those of the electors, in the several States, of the most numerous branch of their own legislatures.

Mr. President, that was another proposal.

That proposition was submitted in debate, and I cite it to show the varying views of the members of the Convention and the manner and method proposed by each of them. I cite it merely to show that I do not believe anyone overlooked any argument. In other words, there was free debate on the entire subject, and everyone knew what it was all about. After long debate the present amendment to the Constitution was finally adopted by the Convention, and later ratified by three-fourths of the 13 States.

Every one of these suggestions was thought of long ago. They were discussed and wisely rejected by the framers

of our Constitution, when they finally agreed on the form above set out; that is—

The Members of the House of Representatives shall be chosen every second year by the people of the several States comprehended within this Union. The qualifications of the electors shall be the same, from time to time, as those of the electors in the several States, of the most numerous branch of their own legislatures (See Farrand, p. 178, art. IV, sec. 1.)

This point, as all others in the much-debated text, was discussed fully. It is interesting to note what such well-informed and brilliant men as Gouverneur Morris; James Wilson, who was a Justice of the United States; Oliver Ellsworth, who was later Chief Justice of the Supreme Court; Colonel Mason; Benjamin Franklin; John Rutledge, who was also a Chief Justice of the United States; and James Madison, thought of the proposed resolution.

I now quote from "Formation of the Union," pages 487, 488, 489, 490, 491, and 492:

Mr. Gouverneur Morris moved to strike out the last member of the section beginning with the words "qualifications of electors," in order that some other provision might be substituted which would restrain the right of suffrage to freeholders.

Mr. Fitzimmons seconded the motion.

Mr. Williamson was opposed to it.

Mr. Wilson: "This part of the report was well considered by the committee, and he did not think it could be changed for the better. It was difficult to form any uniform rule of qualifications for all the States. Unnecessary innovations he thought too should be avoided. It would be very hard and disagreeable for the same persons at the same time, to vote for representatives in the State legislature and to be excluded from a vote for those in the National Legislature."

Mr. Gouverneur Morris: "Such a hardship would be neither great nor novel. The people are accustomed to it and not dissatisfied with it, in several of the States. In some the qualifications are different for the choice of the Governor and the Representatives; in others for different houses of the legislature. Another objection against the clause as it stands is that it makes the qualifications of the National Legislature depend on the will of the States, which he thought not proper."

Mr. Ellsworth thought the qualifications of the electors stood on the most proper footing. The right of suffrage was a tender point, and strongly guarded by most of the State constitutions. The people will not readily subscribe to the National Constitution if it should subject them to be disfranchised. The States are the best judges of the circumstances and temper of their own people.

Colonel Mason: "The force of habit is certainly not attended to by those gentlemen who wish for innovations on this point. Eight or nine States have extended the right of suffrage beyond the freeholders, what will the people there say, if they should be disfranchised? A power to alter the qualifications would be a dangerous power in the hands of the Legislature."

Mr. Butler: "There is no right of which the people are more jealous than that of suffrage. Abridgments of it tend to the same revolution as in Holland where they have at length thrown all power into the hands of the senates, who fill up vacancies themselves, and form a rank aristocracy."

Mr. Dickinson had a very different idea of the tendency of vesting the right of suffrage in the freeholders of the country. He considered them as the best guardians of liberty; and the restriction of the right to them as a necessary defense against the dangerous influence of those multitudes without property and without unpopularity of the innovation it was in his opinion chimerical. The great mass of our citizens is composed at the time of freeholders, and will be pleased with it.

Mr. Ellsworth: "How shall the freehold be defined? Ought not every man who pays a tax to vote for the representative who is to levy and dispose of his money? Shall the wealthy merchants and manufacturers, who will bear the full share of the public burdens be not allowed a voice in the imposition of them—taxation and representation ought to go together."

Mr. Gouverneur Morris had long learned not to be the dupe of words. The sound of aristocracy therefore had no effect upon him. It was the thing, not the name, to which he was opposed, and one of his principal objections to the Constitution as it is now before us, is that it threatens the country with an aristocracy. The aristocracy will grow out of the House of Representatives. Give the votes to people who have no property, and they will sell them to the rich who will be able to buy them. We should not confine our attention to the present moment. The time is not distant when this country will abound with mechanics and manufacturers who will receive their bread from their employers. Will such men be the secure and faithful guardians of liberty? Will they be the impregnable barrier against aristocracy? He was as little duped by the association of the words "taxation" and "representation." The man who does not give his vote freely is not represented. It is the man who dictates the vote. Children do not vote. Why? Because they want prudence, because they have no will of their own. The ignorant and the dependent can be as little trusted with the public interest. He did not conceive the difficulty of defining freeholders to be insuperable. Still less that the restriction could be unpopular. Nine-tenths of the people are at present freeholders and these will certainly be pleased with it. As to merchants, etc., if they have wealth and value the right they can acquire it. If not, they don't deserve it.

Colonel Mason: "We all feel too strongly the remains of ancient prejudices, and view things too much through a British medium. A freehold is the qualification in England, and hence it is imagined to be the only proper one. The true idea in his opinion was that every man having evidence of attachment to and permanent common interest with the society ought to share in all its rights and privileges. Was this qualification restrained to freeholders? Does no other kind of property but land evidence a common interest in the proprietor? Does nothing besides property mark a permanent attachment. Ought the merchant, the moneyed man, the parent of a number of children whose fortunes are to be pursued in his own country, to be viewed as suspicious characters, and unworthy to be trusted with the common rights of their fellow citizens."

Mr. Madison: "The right to suffrage is certainly one of the fundamental articles of republican government, and ought not to be left to be regulated by the legislature."

When he spoke of the legislature, he meant Congress, of course.

"A gradual abridgment of this right has been the mode in which aristocracies have been built on the ruins of popular forms. Whether the constitutional qualification ought to be a freehold, would with him depend much on the probable reception such a change would meet with in the States where the right was now exercised by every description of people. In several of the States a freehold was now the qualification. Viewing the subject in its merits alone, the freeholders of the country would be the safest depositories of republican liberty. In future times a great majority of the people will not only be without land, but any other sort of property. These will either combine under the influence of their common situation; in which case, the rights of property and the public liberty, will not be secure in their hands; or what is more probable, they will become the tools of opulence and ambition, in which case there will be equal danger on another side.

"The example of England had been misconceived (by Colonel Mason). A very small proportion of the representatives are there chosen by freeholders. The greatest part are chosen by the cities and boroughs, in many of which the qualification of suffrage is as low as it is in any one of the United States, and it is in the boroughs and cities rather than the counties that bribery most prevailed, and the influence of the Crown on elections was most dangerously exerted."

Dr. Franklin: "It is of great consequence that we should not depress the virtue and public spirit of our common people, of which they displayed a great deal during the war, and which contributed principally to the favorable issue of it."

He related the honorable refusal of the American seamen who were carried in great numbers into the British prisons during the war, to redeem themselves from misery or to seek their fortunes, by entering on board the ships of the enemies to their country, contrasting their patriotism with a contemporary instance in which the British seamen made prisoners by the Americans, readily entered on the ships of the latter on being promised a share of the prizes that might be made out of their own country.

This proceeded, he said, from the different manner in which the common people were treated in America and Great Britain. He did not think that the elected had any right in any case to narrow the privileges of the electors. He quoted as arbitrary the British statute setting forth the danger of tumultuous meetings, and under that pretext narrowing the right of suffrage to persons having freeholds of a certain value; observing that this statute was soon followed by another under the succeeding Parliament, subject the people who had no votes to peculiar labors and hardships. He was persuaded also that such a restriction as was proposed would give great uneasiness in the populous States. The sons of a substantial farmer, not being themselves freeholders, would not be pleased at being disfranchised, and there are a great many persons of that description.

Mr. Mercer: "The Constitution is objectionable in many points, but in none more than the present."

He objected to the footing on which the qualification was put, but particularly to the mode of election by the people.

The people cannot know and judge the characters of candidates. The worst possible choice will be made. He quoted the case of the senate in Virginia as an example in point. The people in towns can unite their votes in favor of one favorite, and by that means always prevail over the people of the country, who being dispersed, will scatter their votes among a variety of candidates.

Mr. Rutledge thought the idea of restraining the right of suffrage to the freeholders a very unadvised one. It would create division among the people and make enemies of all those who should be excluded.

On the question for striking out as moved by Mr. Gouverneur Morris, from the word qualifications to the end of the article III:

New Hampshire, no; Massachusetts, no; Connecticutt, no; Pennsylvania, no; Delaware, aye; Maryland, divided; Virginia, no; North Carolina, no; South Carolina, no; Georgia, not present.

WEDNESDAY, AUGUST 8, IN CONVENTION

Article IV, Section 1 being under consideration—Mr. Mercer expressed his dislike of the whole plan, and his opinion that it never could succeed.

Mr. Ghorum: He had never seen any inconvenience from allowing such as were not freeholders to vote, though it had long been tried. The elections in Philadelphia, New York, and Boston where merchants and mechanics vote are at least as good as those made by freeholders only. The case in England was not accurately stated yesterday (by Mr. Madison). The cities and large towns are not the seat of Crown influence and corruption. These prevail in the boroughs, and not on account of the right which those who are not freeholders have to vote, but of the smallness of the number who vote. The people have been long accustomed to this right in various parts of America, and will never allow it to be abridged. We must consult their rooted prejudices if we expect their concurrence in our propositions.

Mr. Mercer did not object so much to an election by the people at large including such as were not freeholders, as to their being left to make their choice without any guidance. He hinted that candidates ought to be nominated by the State legislatures.

On the question of agreeing to article IV, section 1, it passed nem con. (Quoted from "U.S. Formation of the Union," p. 487.)

How timely this discussion is today. How true and to the point. I have no need to search for reasons or to manufacture a logician's arguments. I need only take the very words of men whom history has stamped with greatness and foresight to prove my position.

I repeat some of these well-considered words, in fact, I delight to dwell upon their wisdom:

The right of suffrage was a tender point, and strongly guarded by most of the State constitutions.

The States are the best judges of the circumstances and temper of their own people.

A power to alter the qualifications would be a dangerous power in the hands of the legislature (referring to the National Legislature—Congress).

Particularly note what Benjamin Franklin, noted for his practical, earthy, common sense, said:

He did not think that the elected had any right in any case to narrow the privileges of the electors.

Turning now from the remarkable document of James Madison, recording the activities of the Constitutional Convention, to the notes of Rufus King, a delegate from Massachusetts to the Constitutional Convention, corroborating the Madison papers, here is King's record of the debate over the clause, "electors to be the same as those of the most numerous branch of the State legislature":

Morris proposed to strike out the clause and to leave it to the State legislatures to establish the qualification of the electors and elected, or to add a clause giving to the national legislature powers to alter the qualifications.

Ellsworth: "If the legislature can alter the qualifications, they may disqualify three-fourths, or a greater portion of the electors—this would go far to create aristocracy. The clause is safe as it stands—the States have staked their liberties on the qualifications which we have proposed to confirm."

Dickinson: "It is urged that to confine the right of suffrage to the freeholders is a step toward the creation of an aristocracy. This cannot be true. We are all safe by trusting the owners of the soil; and it will not be unpopular to do so, for the freeholders are the more numerous class. Not from freeholders, but from those who are not freeholders, free governments have been endangered. Freeholds are by our laws of inheritance divided among the children of the deceased, and will be parceled out among all the worthy men of the State; the merchants and mechanics may become freeholders; and without being so, they are electors of the State legislatures, who appoint the Senators of the United States."

Ellsworth: "Why confine the right of suffrage to freeholders? The rule should be that he who pays and is governed, should be an elector. Virtue and talents are not confined to the freeholders, and we ought not to exclude them."

Morris: "I disregard sounds and am not alarmed with the word 'aristocracy,' but I dread the thing and will oppose it, and for this reason I think that I shall oppose this Constitution because it will establish an aristocracy. There cannot be an aristocracy of freeholders if they are all electors. But there will be, when a great and rich man can bring his poor dependents to vote in our elections—unless you establish a qualification of property, we shall have an aristocracy. Limit the right of suffrage to freeholders, and it will not be unpopular, because nine-tenths of the inhabitants are freeholders."

Mason: "Everyone who is of full age and can give evidence of his common interest in the community should be an elector. By this rule, freeholders alone have not his common interest. The father of a family, who has no freehold, has this interest. When he is dead his children will remain. This is a natural interest or bond which binds men to their country—lands are but an artificial tie. The idea of counting freeholders as the true and only persons to whom the right of suffrage should be confided is an English prejudice. In England, a Twig and Turf are the electors."

Madison: "I am in favor of entrusting the right of suffrage to freeholders only. It is a mistake that we are governed by English attachments. The Knights of the Shires are chosen by freeholders, but the members of the cities and boroughs are elected by freemen without freeholds, and who have as small property as the electors of any other country. Where is the Crown influence seen, where is corruption in the elections practiced? Not in the counties, but in the cities and boroughs."

Franklin: "I am afraid that by depositing the right of suffrage in the freeholders exclusively we shall injure the lower class of freemen. This class possess hardy virtues and great integrity. The Revolutionary War is a glorious testimony in favor of plebeian virtue—our military and naval men are sensible of this truth. I myself know that our seamen who were prisoners in England refused all the allurements that were made use of to draw them from their allegiance to their country—threatened with ignominious halters, they still refused.

"This was not the case with the English seamen, who on being made prisoners entered into the American service and pointed out where other prisoners could be made—and this arose from a plain cause. The Americans were all free and equal to any of their fellow citizens—the English seamen were not so. In ancient times every freeman was an elector, but afterward England made a law which required that every elector should be a freeholder. This law related to the county elections. The consequence was that the residue of the inhabitants felt themselves disgraced, and in the next Parliament a law was made authorising the justice of the peace to fix the price of labor and to compel persons who were not freeholders to labor for those who were, at a stated rate, or to be put in prison as idle vagabonds. From this period the common people of England lost a great portion of attachment to their country."

WEDNESDAY, AUGUST 8. QUALIFICATIONS OF ELECTORS OF REPRESENTATIVES

Gorham: "The qualifications (being such as the several States prescribe for electors of their most numerous branch of the legislature) stand well.

"Gentlemen are in error who suppose the electors of cities may not be trusted. In England the members chosen in London, Bristol, and Liverpool are as independent as the members of the counties of England. The Crown has little or no influence in city election, but has great influence in boroughs, where the votes of freeholders are bought and sold. There is no risk in allowing the merchants and mechanics to be electors; they have been so, time immemorial, in this country and in England. We must not disregard the habits, usages and prejudices of the people" (pp. 873, 874, 875, to top p. 876).

Mr. President, that debate, with the resulting provisions duly considered, was again recorded by Dr. James McHenry, delegate from Maryland. See "U.S. Formation of the Union," pages 934 and 935.

When all the views were aired, and the pros and cons of leaving the qualifications of voters for the National Legislature to be decided by the several States had been debated, the considered result was article I, section 2, of the Constitution of the United States, adopted September 17, 1787:

The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Every word of that provision had been torn apart in open discussion, until there can be no possible doubt that it was the intention of the framers of the Constitution to leave to State control the field of voting qualifications.

In submitting the Constitution, Dr. Samuel Johnson, the delegate from Connecticut, added to it the following letter:

The friends of our country have long seen and desired that the power of making war, peace, and treaties, that of levying money and regulating commerce, and the correspondent executive and judicial authorities should be fully and effectually vested in the General Government of the Union; but the impropriety of delegating such extensive trust to one body of men is evident—thence results the necessity of a different organization.

It is obviously impracticable in the Federal Government of these States to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance, as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered and those which may be reserved; and on the present occasion this difficulty was increased by a difference among the several States as to their situation, extent, habits, and particular interests.

In all our deliberations on this subject we kept steadily in our view that which appeared to us the greatest interest of every true American, the consolidation of our

Union, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each State in the Convention to be less rigid in points of inferior magnitude than might have been otherwise expected, and thus the Constitution, which we now present, is the result of a spirit of amity and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable. That it will meet the full and entire approbation of every State is not perhaps to be expected, but each will doubtless consider that had her interest alone been consulted the consequences might have been particularly disagreeable and injurious to others; that it is liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish (p. 713, "Formation of the United States").

Thus we see that at a time when all rights of independent sovereignty could not be secured to each State, when the interest of each State alone could not be considered, when the greatest interest of every American was the consolidation of the Union, even then, when the line was drawn between the rights which had to be surrendered and those which would be reserved, the right to determine the qualification of voters was reserved to each State.

A comment on this is found in McCulloch, "Suffrage and Its Problems," at page 30:

When the more perfect union was formed under the Constitution of the United States, each State had the right to frame its own laws respecting suffrage. Hence article V was carried over into the new Constitution and became article I, section 2: "The franchise for the election of the Members of the House of Representatives shall in every State be the same as for the 'most numerous branch of the State legislature.'" The Constitution did not disturb the diversities of suffrage regulations existing in the several Commonwealths; it adopted them. For the Constitution to have been anything but silent on the regulations of suffrage would have been an innovation, and, as Viscount Bryce observed, the members of the Constitutional Convention were too sound political scientists to ignore precedents. Only in three amendments (and only directly in the 15th and 19th) has the Constitution trenched on the Commonwealth right to regulate suffrage—and even then under extraordinary circumstances.

These amendments I shall discuss later, when I have fully covered the formative period.

McCulloch, further commenting, says:

While there has been a revolution in the conception of citizenship, there was no such change in the regulation of suffrage, the determining and regulating power continued to rest with the States. However, much as publicists and reformers may desire a uniform national suffrage law, it is unattainable; expediency and constitutionality are both adverse. In fact such a plan was considered by the Constitutional Convention itself, but it received the vote of only one Commonwealth—Delaware. "The provision made by the Convention appears to be the best that lay within their option." The Fathers were satisfied for the States to continue to make their own suffrage tests, rather than to further prolong the Convention and so further endanger the rather slim chances of ratification by the several Commonwealths. The prospect in the Convention itself was anything but promising. Even Franklin moved to call in a parson that they might invoke the assistance of heaven.

The Constitution conferred the franchise on no one. Likewise citizenship does not bestow suffrage, either upon the natural born or the naturalized alien. The several States have the unqualified right to impose qualifications and regulate suffrage subject only to the limitations in the amendments referred to above. In handing down the decision in the case of *Corfield* v. *Coryell*, Judge Washington, in enumerating the privileges and immunities that are usually associated with citizenship, said: "To which is to be added the elective franchise, as regulated and established by the laws or constitutions of the State in which it is exercised" (McCulloch, "Suffrage and Its Problems," p. 32).

Also note what Hart says in his "Formation of the Union," at pages 136–137:

The real boldness of the Constitution is the novelty of the Federal system which it set up.

This was the best of the few elaborately written constitutions ever applied to a federation; and the details were so skillfully arranged that the instrument framed for 13 little agricultural communities works well today for 48 large and populous States. • • • The Convention knew how to select institutions that would stand together; it also knew how to reject what would have weakened the structure.

It was a long time before a compromise between the discordant elements could be reached. To declare the country a centralized Nation would destroy the traditions of a century and a half; to leave it an assemblage of States, each claiming independence and sovereignty, would throw away the results of the Revolution. The convention finally agreed that while the Union should be endowed with adequate powers, the States should retain all power not specifically granted, and particularly the right to regulate their own internal affairs ("Formation of the Union," p. 137).

Mr. President, history records that in 1788 there appeared the first edition of the now famous "The Federalist," a collection of essays written in favor of the new Constitution as agreed upon by the Federal Convention on September 17, 1787.

Mr. President, the authorship of "The Federalist" has been the subject of great research and argument. It is now conceded that a number of the papers were written by Alexander Hamilton, some by Madison, and a few by Jay. I quote from an introduction to the work by Henry Cabot Lodge:

"The Federalist," furthermore, was the first authoritative interpretation of the Constitution, and was mainly written by the two principal authors of that instrument. It was the first exposition of the Constitution and the first step in the long process of development which has given life, meaning, and importance to the clauses agreed upon at Philadelphia. It has acquired all the weight and sanction of a judicial decision, and has been constantly used as an authority in the settlement of constitutional questions ("The Federalist," intro. p. XIIII, 2d par.).

In No. 45, by Madison, in a paper concerned with the question of whether the whole of the mass of Federal power would endanger the State's authority, the author said:

The powers delegated by the proposed Constitution to the Federal Government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce; with which last the power of taxation will, for the most part, be connected. The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State ("The Federalist," p. 290).

Next, let us turn to "The Federalist," No. 52. From the more general inquiries pursued in the four last papers, I pass on to a more particular examination of the several parts of the Government.

I shall begin with the House of Representatives:

The first view to be taken of this part of the Government relates to the qualifications of the electors and the elected.

Those of the former are to be the same with those of the electors of the most numerous branch of the State legislatures. The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent on the Convention, therefore, to define and establish this right in the Constitution. To have left it open for the occasional regulation of the Congress would have been improper for the reason just mentioned. To have submitted it to the legislative discretion of the States, would have been improper for the same reason; and for the additional reason that it would have rendered too dependent on the State governments that branch of the Federal Government which ought to be dependent on the people alone. To have reduced the different qualifications in the different States to one uniform rule, would probably have been as dissatisfactory to some of the States as it would have been difficult to the Convention.

The qualifications of the elected, being less carefully and properly defined by the State constitutions, and being at the same time more susceptible of uniformity, have been very properly considered and regulated by the Convention. A Representative of the United States must be of the age of 25 years; must have been 7 years a citizen of the United States; must, at the time of his election, be an inhabitant of the State he is to represent; and, during the time of his service, must be in no office under the United States. Under these reasonable limitations, the door of this part of the Federal Government is open to merit of every description, whether native or adoptive, whether young or old, and without regard to poverty or wealth, or to any particular profession of religious faith.

That is from "The Federalist," No. 52, pages 327 and 328. The provision in section 4, clause 1, of article I, provides that:

The Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the places of chusing Senators.

"Manner" here refers to manner of holding elections, the mechanics thereof. Obviously there is no bearing upon voting qualifications. The Congress treated the person of the elector in article I, section 2, and the form or procedure of the election in article I, section 4. That even this power was only to be exercised only in case of national emergency, or failure of a State to provide for an election is made clear by Hamilton in his

discussion. I quote from "The Federalist," No. LIX:

They have submitted the regulation of elections for the Federal Government, in the first instance, to the local administrations; which, in ordinary cases, and when no improper views prevail, may be both more convenient and more satisfactory; but they have reserved to the national authority a right to interpose, whenever extraordinary circumstances might render that interposition necessary to its safety.

Nothing can be more evident, than that an exclusive power of regulating elections for the National Government, in the hands of the State legislatures, would leave the existence of the Union entirely at their mercy. They could at any moment annihilate it, by neglecting to provide for the choice of persons to administer its affairs.

That is from "The Federalist," page 369, line 22.

Even so, this procedural provision caused considerable objection and discussion in the State conventions which clarified its meaning by argument and emphasized only, before its procedural application they adopted the Constitution. I will discuss this fully in my treatment of the adoption of the Constitution by the various States, which I shall begin at this point.

I read from "Formation of the Union," by Hart, pages 140 to 145:

The text of the Constitution was printed and rapidly distributed throughout the Union. It was still but a lifeless draft, and before it could become an instrument of government the approving action of Congress, of the legislatures, and of State conventions was necessary. On September 28, 1787, the Congress unanimously resolved that the Constitution be transmitted to the State legislatures. The Federal Convention was determined that the consideration of its work should not depend, like the Articles of Confederation, upon the slow and unwilling humor of the legislatures; but that in each State a convention should be summoned solely to express the will of the State upon the acceptance of the Constitution. It had further avoided the rock upon which had been wrecked the amendments proposed by Congress by providing that when nine State conventions should have ratified the Constitution, it was to take effect for those nine. On the same day that Congress in New York was passing its resolution, the Pennsylvania Legislature in Philadelphia was fixing the day for the election of delegates; all the State legislatures followed, except in Rhode Island.

The next 6 months was a period of great anxiety and of national danger. The proposed Constitution was violently attacked in every part of the Union: the President, it was urged, would be a despot, the House of Representatives a corporate tryant, the Senate an oligarchy. The large States protested that Delaware and Rhode Island would still neutralize the votes of Virginia and Massachusetts in the Senate.

The Federal courts were said to be an innovation. It was known that there had been great divisions in the Convention, and that several influential members had left, or at the last moment refused to sign. "The people of this Commonwealth," said Patrick Henry, "are exceedingly uneasy in being brought from that state of full security which they enjoyed, to the present delusive appearance of things."

As the State conventions assembled, the excitement grew more intense. Four States alone contained within a few thousand of half the population of the Union: they were Massachusetts, Virginia, New York, and North Carolina. In the convention of each of these States there was opposition strong and stubborn, one of them—North Carolina—adjourned without action; in the other three, ratification was obtained with extreme difficulty and by narrow majorities. The first State to come under the "new roof," as the Constitution was popularly called, was Delaware. In rapid succession followed Pennsylvania, New Jersey, Georgia, and Connecticut.

In Massachusetts, the sixth State, there was a hard fight; the spirit of the Shays Rebellion was still alive; the opposition of Samuel Adams was only overcome by showing him that he was in the minority; John Hancock was put out of the power to interfere by making him the silent president of the Convention. It was suggested that Massachusetts ratify on condition that a long list of amendments be adopted by the new government: The friends of the Constitution pointed out that this plan meant only to ratify a part of the Constitution and to reject the rest; each succeeding State would insist on its own list of amendments, and the whole work must be done over. February 6, 1788, the enthusiastic people of Boston knew that the Convention, by a vote of 187 to 167, had ratified the Constitution; the amendments being added not as a condition, but as a suggestion. Maryland, South Carolina, and New Hampshire brought the number up to nine.

Before the ninth ratification was known, the fight had been won also in Virginia. Among the champions of the Constitution were Madison, Edmund Randolph, and John Marshall.

James Monroe argued against the system of election which was destined twice to make him President. In spite of the determined opposition of Patrick Henry, and in spite of a proposition to ratify with amendments, the convention accepted. New York still held off. Her acquiescence was geographically necessary; and Alexander Hamilton, by the power of his eloquence and his reason, made clear the advantage of the Constitution to a future commercial State and the 11th ratification was obtained.

During the session of the convention in Philadelphia, Congress continued to sit in New York; and the northwest ordinance was passed at this time. Congress voted that the Constitution had been ratified, September 13, 1788; and that elections should proceed for the officers of the new government, which was to go into operation the first Wednesday in March 1789.

What, meantime, was the situation of the two States, Rhode Island and North Carolina, which had not ratified the Constitution, and which were, therefore, not entitled to take part in the elections? They had in 1781 entered into a constitution which was to be amended only by unanimous consent; their consent was refused. Had they not a right to insist on the continuance of the old Congress? The new Constitution, they considered, was flatly unconstitutional; it had been ratified by a process unknown to law. The situation was felt to be delicate, and those States were for the time being left to themselves. North Carolina came into the Union by a ratification of November 21, 1789. It was suggested that the trade of States which did not recognize Congress should be cut off, and Rhode Island yielded. May 19, 1790, her ratification completed the union of the old 13 States.

Keeping this summary in mind, let us consider in detail the proceedings and debates in the various States as they pertain to voting qualifications.

Delaware's ratification was the first one to be reported in general convention. Elliott's accounts of the constitutional debates contain nothing on Delaware's convention.

Pennsylvania was second to ratify the Constitution. In a speech by Mr. Wilson, on October 28, 1787, on behalf of the Constitution, he made the following observation:

The legislative department is subdivided into two branches—the House of Representatives and the Senate. Can there be a House of Representatives in the General Government, after the State governments are annihilated? Care is taken to express the character of the electors in such a manner, that even the popular branch of the General Government, cannot exist unless the governments of the States continue in existence.

How do I prove this? By the regulation that is made concerning the important subject of giving suffrage. Article I, section 2: "And the electors in each State shall have the qualifications for electors of the most numerous branch of the State legislature." Now, sir, in order to know who are qualified to be electors of the House of Representatives, we are to inquire who are qualified to be electors of the legislature of each State.

If there be no legislature in the States, there can be no electors of them: if there be no such electors, there is no criterion to know who are qualified to elect Members of the House of Representatives. By this short, plain deduction, the existence of State legislatures is proved to be essential to the existence of the General Government (Elliott II, "Constitutional Debates," p. 438).

Concerning section 4 of article 1, Mr. Wilson, who was one of the members of the committee of detail, said:

I will read it: "The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators."

And is this a proof that it was intended to carry on this Government after the State governments should be dissolved and abrogated? This clause is not only a proper, but necessary one. I have already shown what pains have been taken in the convention to secure the preservation of the State governments. I hope, sir, that it was no crime to sow the seed of self-preservation in the Federal Government; without this clause, it would not possess self-preserving power. By this clause, the times, places, and manner of holding elections, shall be prescribed in each State, by the legislature thereof. I think it highly proper that the Federal Government should throw the exercise of this power into the hands of the State legislatures; but not that it should be placed there entirely without control.

If the Congress had it not in their power to make regulations, what might be the consequences? Some States might make no regulations at all on the subject. And shall the existence of the House of Representatives, the immediate representation of the people in Congress, depend upon the will and pleasure of the State governments? Another thing may possibly happen; I don't say it will, but we were obliged to guard even against possibilities, as well as probabilities.

A legislature may be willing to make the necessary regulations; yet the minority of that legislature may, by absenting themselves, break up the house, and prevent the execution of the intention of the majority. I have supposed the case, that some State governments may make no regulations at all; it is possible, also, that they may make improper regulations. I have heard it surmised by the opponents of this Constitution, that the Congress may order the election for Pennsylvania to be held at Pittsburgh, and thence conclude that it would be improper for them to have the exercise of power. But suppose, on the other hand, that

the assembly should order an election to be held at Pittsburgh; ought not the General Government to have the power to alter such improper election of one of its own constituent parts? But there is an additional reason still that shows the necessity of this provisionary clause. The Members of the Senate are elected by the State legislatures. If those legislatures possessed, uncontrolled, the power of prescribing the times, place, and manner of electing Members of the House of Representatives, the Members of one branch of the General Legislature would be the tenants at will of the electors of the other branch; and the General Government would lie prostrate at the mercy of the legislatures of the several States.

I will ask now, is the inference fairly drawn that the General Government was intended to swallow up the State governments? Or was it calculated to answer such end? Or do its framers deserve such censure from honorable gentlemen? We find, on examining this paragraph, that it contains nothing more than the maxims of self-preservation, so abundantly secured by this Constitution to the individual States. Several other objections have been mentioned. I will not, at this time, enter into a discussion of them, though I may hereafter take notice of such as have any show of weight; but I thought it necessary to offer, at this time, the observations I have made, because I consider this as an important subject, and think the objection would be a strong one if it was well founded (Elliott II, supra, pp. 440–441).

Again:

The power over elections, and of judging of elections, give absolute sovereignty. This power is given to every State legislature; yet I see no necessity that the power of absolute sovereignty should accompany it. My general position is, that the absolute sovereignty never goes from the people (Elliott II, supra, pp. 464–465).

Mr. Wilson leaves no doubt as to the meaning of the Constitution as he reiterates:

Permit me to proceed to what I deem another excellency of this system: All authority, of every kind, is derived by representation from the people, and the democratic principle is carried into every part of the Government. I had an opportunity, when I spoke first, of going fully into an elucidation of this subject. I mean not now to repeat what I then said.

I proceed to another quality that I think estimable in this system: It secures, in the strongest manner, the right of suffrage. Montesquieu, book 2, chapter 2, speaking of laws relative to democracy, says:

"When the body of the people is possessed of the supreme power, this is called a democracy. When the supreme power is lodged in the hands of a part of the people, it is then an aristocracy.

"In a democracy the people are in some respects the sovereign, and in others the subject.

"There can be no exercise of sovereignty but by their suffrages, which are their own will. Now, the sovereign's will is the sovereign himself. The laws, therefore, which establish the right of suffrage, are fundamental to this Government. And, indeed, it is as important to regulate, in a republic, in what manner, by whom, to whom, and concerning what, suffrages are to be given, as it is, in a monarchy, to know who is the prince, and after what manner he ought to govern."

In this system, it is declared that the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. This being made the criterion of the right of suffrage, it is consequently secured, because the same Constitution guarantees to every State in the Union a republican form of government. The right of suffrage is fundamental to the republic (Elliott II, supra, p. 482).

In response to further objections to article I, section 4, Mr. Wilson said:

It is repeated, again and again, by the honorable gentleman, that the power over elections, which is given to the General Government in this system is a danger power. I must own I feel, myself, surprised that an objection of this kind should be persisted in, after what has been said by the honorable colleague in reply.

I think it has appeared, by a minute investigation of the subject, that it would have been not only unwise, but highly improper, in the late Convention, to have omitted this clause, or given less power than it does over elections. Such powers, sir, are enjoyed by every State government in the United States. In some they are of a much greater magnitude; and why should this be the only one deprived of them? Ought not these, as well as every other legislative body, to have the power of judging of the qualifications of its own members? "The times, places, and manner of holding elections for representatives may be altered by Congress." This power, sir, has been shown to be necessary, not only on some particular occasions, but even to the very existence of the Federal Government. I have heard some very improbable suspicions indeed suggested with regard to the manner in which it will be exercised. Let us suppose it may be improperly exercised; is it not more likely so to be by the particular States than by the Government of the United States? Because the General Government will be more studious of the good of the whole than a particular State will be; and therefore, when the power of regulating the time, place, or manner of holding elections, is exercised by the Congress, it will be to correct the improper regulations of a particular State (Elliott II, supra, p. 509).

Mr. McKean enumerated the arguments against the Constitution. No. 4 was that Congress could, by law, deprive the electors of a fair choice of their representatives by fixing improper times, places, and modes of election. He answered that argument as follows:

Every house of representatives are of necessity to be the judges of the elections, returns and qualifications of its own members. It is therefore their province, as well as duty, to see that they are fairly chosen, and are the legal members; for this purpose, it is proper they should have it in their power to provide that the times, places, and manner of election should be such as to insure free and fair elections (Elliott II, supra, p. 535).

Obviously this text had reference to procedure only, and insures against the failure of a State to provide for an election; it had no bearing upon the qualifications of the electors, or voters, which was specifically left to the States in article I, section 2.

However, being zealous in their guard of their rights, a group of citizens of Pennsylvania gathered at a meeting in Harrisburg suggested a number of amendments to be submitted to the new Constitution. Among them was the following provision:

That Congress shall not have power to make or alter regulations concerning the time, place, and manner of electing Senators and Representatives, except in case of neglect or refusal by the State to make regulations for the purpose; and then only for such time as such neglect or refusal shall continue (Elliott II, supra, p. 545, sec. 4).

Pennsylvania ratified the Constitution December 12, 1787; New Jersey, December 18, 1787.

Connecticut was fourth on the list to come under the roof. I have found no argument specifically on the point of State control of voting qualifications, so I shall only note, in passing, the general observation of Governor Huntingdon, of Connecticut:

The State governments, I think, will not be endangered by the powers vested by this Constitution in the General Government. While I have attended in Congress, I have observed that the Members were quite as strenuous advocates for the rights of their respective States, as for those of the Union. I doubt not but that this will continue to be the case; and hence I infer that the General Government will not have the disposition to encroach upon the States.

On September 17, 1787, Connecticut ratified the Constitution—Elliott II, supra, page 199.

The Massachusetts convention entered upon the consideration of the proposed Constitution on January 9, 1788. Here we find an extensive discussion of section 4, of article I:

Mr. Pierce (from Partridgefield), after reading the fourth section, wished to know the opinion of gentlemen on it, as Congress appeared thereby to have a power to regulate the time, place, and manner of holding elections. In respect to the manner, said Mr. Pierce, suppose the legislature of this State should prescribe that the choice of the Federal representatives should be in the same manner as that of Governor—a majority of all the votes in the State being necessary to make it such—and Congress should deem it an improper manner, and should order that it be as practiced in several of the Southern States, where the highest number of votes makes a choice—have they not power by this section to do so? Again, as to the place, continues Mr. Pierce, may not Congress direct, that the election for Massachusetts shall be held in Boston? And if so, it is possible that, previous to the election, a number of the electors may meet, agree upon the eight delegates, and propose the same to a few towns in the vicinity, who agreeing in sentiment, may meet on the day of election, and carry their list by a major vote. He did not, he said, say that this would be the case; but he wished to know if it was not a possible one.

Mr. Bishop rose, and observed that, by the fourth section, Congress would be enabled to control the elections of representatives. It has been said, says he, that this power was given in order that refractory States may be made to do their duty. But if so, sir, why was it not so mentioned? If that was the intention, he asked why the clause did not run thus: "The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof;" but, "if any State shall refuse or neglect so to do, Congress may," etc. This, he said, would admit of no prevarication (Elliott II, supra, p. 22).

He proceeded to observe, that if the States shall refuse to do their duty, then let the power be given to Congress to oblige them to do it.

But if they do their duty, Congress ought not to have the power to control elections. In an uncontrolled representation, says Mr. Bishop, lies the security of freedom; and he thought by these clauses, that that freedom was sported with. In fact, says he, the moment we give Congress this power, the liberties of the yeomanry of this country are

at an end. But he trusted they would never give it; and he felt a consolidation from the reflection.

The fourth section, which provides that the State legislatures shall prescribe the time, place, and manner of holding elections, and that Congress may at any time make or alter them, except in those of Senators, though not in regular order, under deliberation.

The Honorable Mr. Strong followed Mr. Bishop, and pointed out the necessity there is for the fourth section. The power, says he, to regulate the elections of our Federal representatives must be lodged somewhere.

I know of but two bodies wherein it can be lodged—the legislatures of the several States, and the general Congress. If the legislative bodies of the States, who must be supposed to know at what time, and in what place and manner, the elections can best be held, should so appoint them, it cannot be supposed that Congress, by the power granted by this section, will alter them; but if the legislature of a State should refuse to make such regulations, the consequence will be, that the representatives will not be chosen, and the General Government will be dissolved. In such case, can gentlemen say that a power to remedy the evil is not necessary to be lodged somewhere?

Mr. J. C. Jones said, it was not right to argue the possibility of the abuse of any measure against its adoption. The power granted to Congress by the fourth section, says he, is a necessary power; it will provide against negligence and dangerous designs. The Senators and Representatives of this State, Mr. President, are now chosen by a small number of electors; and it is likely we shall grow equally negligent of our Federal elections; or, sir, a State may refuse to send to Congress its representatives, as Rhode Island has done. Thus we see its necessity.

To say that the power may be abused, is saying what will apply to all power. The Federal representatives will represent the people; they will be the people; and it is not probable they will abuse themselves. Mr. Jones concluded with repeating, that the arguments against this power could be urged against any power whatever.

Reverend Mr. West: "I rise to express my astonishment at the arguments of some gentlemen against this section. They have only stated possible objections. I wish the gentlemen would show us that what they so much deprecate is probable. Is it probable that we shall choose men to ruin us? Are we to object to all governments? And because power may be abused, shall we be reduced to anarchy and a state of nature? What hinders our State legislatures from abusing their powers? They may violate the Constitution; they may levy taxes oppressive and intolerable, to the amount of all our property. An argument which proves too much, it is said, proves nothing. Some say Congress may remove the place of elections to the State of South Carolina. This is inconsistent with the words of the Constitution, which says, 'that the elections, in each State, shall be prescribed by the legislature thereof,' and so forth, and that representation be apportioned according to numbers; it will frustrate the end of the Constitution, and is a reflection on the gentlemen who formed it. Can we, sir, suppose them so wicked, so vile, as to recommend an article so dangerous?" (Elliott II, supra, p. 23.)

The debate continued at length, while men sought to construe and interpret, to assure themselves that the State control of its elections was not superseded. The Honorable Mr. King, in the course of his speech, said:

The idea of the honorable gentlemen from Douglass, said he, transcends my understanding; for the power of control given by this section extends to the manner of election, not to qualifications of the electors (Elliott II, supra, p. 51).

The temper of the Convention was well illustrated by the words of Mr. Adams, speaking to the Chair, John Hancock presiding, of the Convention.

Another of your excellency's propositions is calculated to quiet the apprehensions of gentlemen lest Congress should exercise an unreasonable control over the State legislatures, with regard to the time, place, and manner of holding elections, which, by the fourth section of the first article, are to be prescribed in each State by the legislature thereof, subject to the control of Congress. I have had my fears lest this control should infringe the freedom of elections, which ought ever to be held sacred. Gentlemen who have objected to this controlling power in Congress have expressed their wishes that it had been restricted to such States as may neglect or refuse that power vested in them; and to be exercised by them if they please. Your excellency proposes, in substance, the same restriction, which I should think, cannot but meet with their full approbation (Elliott II, supra, pp. 131 and 132).

Mr. Mason was still worried over the possibilities of section 4. Said he:

We now come, sir, to the fourth section. Let us see: The time, place, and manner of holding elections, shall be prescribed in each State by the legislature thereof. No objections to this: but, sir, after the flash of lightning comes the peal of thunder. "But Congress may at any time alter them," etc. Here it is, Mr. President, this is the article which is to make Congress omnipotent. Gentlemen say, this is the greatest beauty of the Constitution; this is the greatest security for the people; this is the all in all. Such language have I heard in this house; but, sir, I say, by this power Congress may, if they please, order the election of Federal Representatives for Massachusetts to be at Great Barrington or Machias; and at such a time, too, as shall put it in the power of a few artful and designing men to get themselves elected at their pleasure" (Elliott II, supra, pp. 135 and 136).

On February 7, 1788, Massachusetts ratified the Constitution, and added to its report these words:

And, as it is the opinion of this convention, that certain amendments and alterations in the said Constitution would remove the fears and quiet the apprehensions of many of the good people of the commonwealth, and more effectually guard against an undue administration of the Federal Government, the convention do therefore recommend that the following alterations and provisions be introduced into the said Constitution. Thirdly, that Congress do not exercise the powers vested in them by the fourth section of the first article, but in cases where a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress, agreeable to the Constitution (see Elliott II, supra, p. 177).

With the qualifications of voters definitely to be regulated by the States under the Constitution, still the people of Massachusetts were so concerned with the possible abuse of the power of Congress over the "time, place, manner," or procedure of an election that they wished it clearly understood that Congress should assume the exercise of such power only in case of extreme necessity, where neglect of duty by a State compelled it.

As pointed out on several occasions, the part of the Constitution dealing with the times, places, and manner of holding elections, and so forth, dealt only with the mechanics of an election, not with the qualification of voters. That was reserved to the States, as I have been trying to demonstrate. The States themselves, in ratifying the Federal Constitution, saw to it that the right to spell out the qualifications of their electors should be a prerogative of the State, and was not to be exercised by the Congress under any condition.

No. 6 to ratify the Constitution was Georgia on January 2, 1788.

No. 7 was Maryland. Among the amendments proposed to be suggested by the States was the following:

2. That the Congress shall have no power to alter or change the time, place, or manner of holding elections for Senators or Representatives, unless a State shall neglect to make regulations, or to execute its regulations, or shall be prevented by invasion or rebellion, in which cases only, Congress may interfere, until the cause be removed (see Elliott II, supra, p. 552).

However, so many amendments were suggested that, through fear of obtaining no security at all for the people, the Constitution was ratified.

In speaking to the Maryland House of Delegates, Mr. James McHenry, referring to the section in the Constitution providing that the qualifications of electors be the same as those of electors for the State legislature, said:

To this section it was objected that if the qualifications of the electors were the same as in the State governments, it would involve in the Federal system all the disorders of a democracy; and it was therefore contended, that none but freeholders, permanently interested in the Government, ought to have a right of suffrage. The venerable Franklin opposed to this the natural rights of man—their rights to an immediate voice in the general assemblage of the whole Nation, or to a right of suffrage and representation, and he instanced from general history and particular events the indifference of those, to the prosperity and welfare of the States who were deprived of it. (Quote III Farrand, Records of the Federal Convention, p. 146.)

Also concerning section 4, he said:

It was thought expedient to vest the Congress with the powers contained in this section, which particular exigencies might require them to exercise, and which the immediate representatives of the people can never be supposed capable of wantonly abusing to the prejudice of their constituents—convention had in contemplation the possible events of insurrection, invasion, and even to provide against any disposition that might occur hereafter in any particular State to thwart the measures of the General Government (Farranc III, supra, p. 148).

On May 23, 1788, Maryland ratified the Constitution.

South Carolina met in convention to consider the Constitution, on May 12, 1788. Speaking of the much-debated fourth section of article I, giving Congress supervisory power over the time, place, and manner of elections, Mr. Pinckney, who was also one of the delegates to the Federal Convention, and in excellent position to know the intention of that body, said:

But if any State should attempt to fix a very inconvenient time for the election, and

name (agreeably to the ideas of the honorable gentlemen) only one place in the State, or even one place in one of the five election districts, for the freeholders to assemble to vote, and the people should dislike this arrangement, they can petition the General Government to redress this inconvenience, and to fix times and places of election of representatives in the State in a more convenient manner; for, as this House has a right to fix the times and places of election, in each parish and county, for the members of the house of representatives of this State, so the General Government has a similar right to fix the times and places of election in each State for the Members of the General House of Representatives. Nor is there any real danger to be apprehended from the exercise of this power, as it cannot be supposed that any State will consent to fix the election at inconvenient seasons and places in any other State, lest she herself should hereafter experience the same inconvenience; but it is absolutely necessary that Congress should have this superintending power, lest, by the intrigues of a ruling faction in a State, the Members of the House of Representatives should not really represent the people of the State, and lest the same faction, through partial State views, should altogether refuse to send representatives of the people to the General Government (IV Elliott, supra, p. 303).

When South Carolina ratified the Constitution, May 23, 1788, they added this observation, or recommendation, to the ratification:

And whereas it is essential to the preservation of the rights reserved to the several States, and the freedom of the people, under the operations of a general government, that the right of prescribing the manner, time, and places, of holding the elections to the Federal Legislature should be forever inseparably annexed to the sovereignty of the several States, this convention doth declare that the same ought to remain to all posterity, a perpetual and fundamental right in the local, exclusive of the interference of the General Government, except in cases where the legislatures of the States shall refuse or neglect to perform and fulfill the same, according to the tenor of the said Constitution (I Elliott, supra, p. 323).

New Hampshire acted ninth of all the States, and we find no discussion there of the sections involving voting qualifications. However, we do find New Hampshire, equally watchful, recommending the following amendment, among others, to the Constitution:

III. That Congress do not exercise the powers vested in them by the fourth section of the first article, but in cases when a State shall neglect or refuse to make the regulations therein mentioned (Elliott I, supra, p. 326).

On September 17, 1787, Virginia ratified the Constitution. The Virginia Convention was lengthy, the debates heated and protracted. Article I, section 2, providing that the electors of the delegates to the House of Representatives shall have the qualifications for electors of the more numerous branch of the State legislature, was read. Mr. George Nicholas spoke as follows—Elliott III, supra, pages 8, 9, 10:

Secondly, as it respects the qualifications of the elected. It has ever been considered a great security to liberty that very few should be excluded from the right of being chosen to the legislature. This Constitution has amply attended to this idea. We find no qualifications required, except those of age and residence, which create a certainty of their judgment being matured, and of being attached to their State. It has been objected that they ought to be possessed of landed estates; but, sir, when we reflect that most of the electors are landed men, we must suppose they will fix on those who are in a similar situation with themselves. We find there is a decided majority attached to the landed interest; consequently, the landed interest must prevail in the choice. Should the State be divided into districts, in no one can the mercantile interest by any means have an equal weight in the elections; therefore, the former will be more fully represented in the Congress; and men of eminent abilities are not excluded for the want of landed property. There is another objection which has been echoed from one end of the continent to the other—that Congress may alter the time, place, and manner of holding elections; that they may direct the place of elections to be where it will be impossible for those who have a right to vote to attend; for instance, that they may order the freeholders of Albemarle to vote in the county of Princess Anne, or vice versa; or regulate elections, otherwise, in such a manner as totally to defeat their purpose, and lay them entirely under the influence of Congress.

I flatter myself that, from an attentive consideration of this power, it will clearly appear that it was essentially necessary to give it to Congress as, without it, there could have been no security for the General Government against the State legislatures. What, Mr. Chairman, is the danger apprehended in this case? If I understand it right, it must be that Congress might cause the elections to be held in the most inconvenient places, and at so inconvenient a time, and in such a manner as to give them the most undue influence over the choice, nay, even to prevent the elections from being held at all—in order to perpetuate themselves. But what would be the consequence of this measure? It would be this, sir, that Congress would cease to exist; it would destroy the Congress itself; it would absolutely be an act of suicide; and, therefore, it can never be expected. This alteration, so much apprehended, must be made by law; that is, with the concurrence of both branches of the legislature.

Will the House of Representatives, the Members of which are chosen only for 2 years, and who depend on the people for their reelection, agree to such an alteration? It is unreasonable to suppose it.

But let us admit, for a moment, that they will: What would be the consequence of passing such a law? It would be, sir, that after the expiration of the 2 years, at the next election they would either choose such men as would alter the law, or they would resist the Government. An enlightened people will never suffer what was established for their security to be perverted to an act of tyranny. It may be said, perhaps, that resistance would then become vain; Congress is vested with the power of raising an army; to which I say, that if ever Congress shall have an army sufficient for their purpose, and disposed to execute their unlawful commands, before they would act under this disguise, they would pull off the mask, and declare themselves absolute. I ask, Mr. Chairman, is it a novelty in our Government? Has not our State legislature the power of fixing the time, places, and manner of holding elections? The possible abuse here complained of never can happen as long as the people of the United States are virtuous. As long as they continue to have sentiments of freedom and independence, should the Congress be wicked enough to harbor so absurd an idea as this objection supposes, the people will defeat their attempt by choosing other representatives, who will alter the law. If the State legislature, by accident, design, or any other cause, would not appoint a place for holding elections, then there might be no election till the time was past for which they were to have been chosen; and as this would eventually put an end to the Union, it ought to be guarded against; and it could only be guarded against by giving this discretionary power to the Congress, of altering the time, place, and manner of holding the elections.

It is absurd to think that Congress will exert this power, or change the time, place, and manner established by the States, if the States will regulate them properly, or so as not to defeat the purposes of the Union. It is urged that the State legislature ought to be fully and exclusively possessed of this power. Were this the case, it might certainly defeat the Government. As the powers vested by this plan on Congress are taken from the State legislatures, they would be prompted to throw every obstacle in the way of the General Government. It was then necessary that Congress should have this power.

I read from Elliott III, pages 8, 9, and 10:

Another strong argument for the necessity of this power is, that, if it was left solely to the States, there might have been as many times of choosing as there are States. States having solely the power of altering or establishing the time of election, it might happen that there should be no Congress.

Not only by omitting to fix a time, but also by the elections in the States being at 13 different times, such intervals might elapse between the first and last election, as to prevent there being a sufficient number to form a house; and this might happen at a time when the most urgent business rendered their session necessary; and by this power, this great part of the representation will be always kept full, which will be a security for a due attention to the interest of the community; and also the power of Congress to make the times of elections uniform in all the States, will destroy the continuance of any cabal, as the whole body of representatives will go out of office at once.

Governor Randolph, although he would not sign the Constitution at the time it was designed, defended it in an impassioned address.

Mr. Henry was equally impassioned in his plea to turn down the Constitution. Note what he says of section 4, article I, as outlined in Elliott III, page 60, as follows:

What can be more defective than the clause concerning the elections? The control given to Congress over the time, place, and manner of holding elections will totally destroy the end of suffrage. The elections may be held at one place, and the most inconvenient in the State; or they may be at remote distances from those who have a right of suffrage; hence 9 out of 10 must either not vote at all, or vote for strangers; for the most influential characters will be applied to, to know who are the most proper to be chosen. I repeat, that the control of Congress over the manner, etc., of electing, well warrants this idea. The natural consequence will be that this democratic branch will possess none of the public confidence; the people will be prejudiced against representatives chosen in such an injudicious manner.

Mr. Corbin, answering Mr. Henry, in part, said:

Do the people wish land only to be represented? They have their wish: for the qualifications which the laws of the States require to entitle a man to vote for a State representative are the qualifications required by this plan to vote for a Representative of Congress; and in this State, and most of the

others, the possession of a freehold is necessary to entitle a man to the privilege of a vote.

This is from Elliott III, pages 110 and 111.

Governor Randolph, also answering Mr. Henry, said:

The State will be laid off and divided into 10 districts: from each of these a man is to be elected. He must be really the choice of the people, not the man who can distribute the most gold; for the riches of Croesus would not avail. The qualifications of the electors being the same as those of the representatives for the State legislatures, and the election being under the control of the legislature, the prohibitory provisions against undue means of procuring votes to the State representation extend to the Federal representatives; the extension of the sphere of election to so considerable a district will render it impossible for contracted influence, or local intrigues, or personal interest, to procure an election. Inquiries will be made, by the voters, into the characters of the candidates. Greater talents, and a more extensive reputation, will be necessary to procure an election for the Federal than for the State representation. The Federal representatives must therefore be well known for their integrity, and their knowledge of the country they represent. We shall have 10 men thus elected. What are they going yonder for? Not to consult for Virginia alone, but for the interest of the United States collectively. Will not such men derive sufficient information from their own knowledge of their respective States, and from the codes of the different States? Elliott III, pages 125, line 24, to line 5, page 126.

Mr. Henry retorted at length and resorted to bitter vituperative remarks. He said:

I shall make a few observations to prove that the power over elections, which is given to Congress, is contrived by the Federal Government, that the people may be deprived of their proper influence in the Government, by destroying the force and effect of their suffrages. Congress is to have a discretionary control over the time, place, and manner of elections. The Representatives are to be elected, consequently, when and where they please. As to the time and place, gentlemen have attempted to obviate the objection by saying, that the time is to happen once in 2 years, and that the place is to be within a particular district, or in the respective counties. But how will they obviate the danger of referring the manner of election to Congress. Those illumined genii may see that this may not endanger the rights of the people, but in my unenlightened understanding, it appears plain and clear that it will impair the popular weight in the Government.

Look at the Roman history. They had two ways of voting—the one by tribes, and the other by centuries of wealth. By the former, numbers prevailed; in the latter, riches preponderated. According to the mode prescribed, Congress may tell you that they have a right to make the vote of one gentleman go as far as the votes of 100 poor men. The power over the manner admits of the most dangerous latitude. They may modify it as they please. They may regulate the number of votes by the quantity of property, without involving any repugnancy to the Constitution. I should not have thought of this trick or contrivance, had I not seen how the public liberty of Rome was trifled with by the mode of voting by centuries of wealth, whereby one rich man had as many votes as a multitude of poor men. The plebians were trampled on till they resisted. The patricians trampled on the liberties of the plebians till the latter had the spirit to assert their right to freedom and equality. The result of the American mode of election may be similar.

Perhaps I may be told that I have gone through the regions of fancy—that I deal in noisy exclamation and mighty professions of patriotism. Gentleman may retain their opinions; but I look on that paper as the most fatal plan that could possibly be conceived to enslave a free people. If such be your rage for novelty, take it, and welcome; but you never shall have my consent. My sentiments may appear extravagant, but I can tell you that a number of my fellow citizens have kindred sentiments and I am anxious, if my country should come into the hands of tyranny, to exculpate myself from being in any degree the cause, and to exert my faculties to the utmost to extricate her. Whether I am gratified or not in my beloved form of government, I consider that the more she has plunged into distress, the more it is my duty to relieve her. Whatever may be the result, I shall wait with patience till the day may come when an opportunity shall offer to exert myself in her cause (Elliott III, pp. 175 and 176).

Mr. President, the legislation we have before us today only vindicates what at that time were seemingly wild and hysterical apprehensions on the part of Mr. Henry. As I have pointed out earlier in the debate on this so-called right-to-vote bill, it seeks to inject the long arm of the Federal Government into the conduct of State elections. It seeks not only to empower the Federal Government to bypass, override, and overrule State election regulations in the guise of protecting the right of U.S. citizens to vote, but as has been brought to the Senate's attention by my distinguished colleague and friend, the senior Senator from Virginia [Mr. BYRD], there is a real possibility that the Supreme Court may hold, following the line of reasoning in the case of *Pennsylvania* v. *Nelson* (350 U.S. 497), involving sedition laws, that the Congress will have by approving the pending legislation, preempted the field of State elections, to the exclusion of the States. Should this occur, Mr. President, the all-powerful Federal "Frankenstein" envisioned in the warning words of that great patriot, Patrick Henry, will have become a reality in our day and time.

Governor Randolph, in answering Mr. Henry, was sure that the language in article I, section 4, could not possibly be stretched to the extent visualized by Mr. Henry. Governor Randolph felt that section 2 of article I, which says that the qualifications of electors shall be fixed by the States, was sufficiently clear to negative any possibility of the Federal Government taking over State elections. I quote from Governor Randolph's answer:

His [Mr. Henry's] interpretation of elections must be founded on a misreprehension. The Constitution says, that the time, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof, but the Congress may at any time, by law, make or alter such regulations, except as to the place of choosing Senators. It says, in another place, "that the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature." Who would have conceived it possible to deduce, from those clauses, that the power of election was thrown into the hands of the rich? As the electors of the Federal representatives are to have the same qualifications with those of the representatives of this State legislature, or, in other words, as the electors of the one are to be electors of the other, this suggestion is unwarrantable, unless he carries his supposition farther, and says that Virginia will agree to her own suicide, by modifying elections in such manner as to throw them into the hands of the rich. The honorable gentleman has not given us a fair object to be attacked; he has not given us any thing substantial to be examined (Elliott III, p. 202).

Mr. John Marshall, speaking in behalf of the Constitution said:

If there be no impropriety in the mode of electing the representatives, can any danger be apprehended? They are elected by those who can elect representatives in the State legislature (Elliott III supra, p. 230).

When article I, section 4, was read in its proper turn in the Virginia convention, having been previously discussed in general with the rest of the document:

Mr. Monroe wished that the honorable gentleman, who had been in the Federal Convention, would give information respecting the clause concerning elections. He wished to know why Congress had an ultimate control over the time, place, and manner of elections of Representatives, and the time and manner of that of Senators, and also why there was an exception as to the place of electing Senators (Elliott III, supra, p. 366).

It was found necessary to leave the regulation of tense, in the first place, to the State governments, as being best acquainted with the situation of the people, subject to the control of the General Government in order to enable it to produce uniformity and prevent its own dissolution. And, considering the State governments and general governments as distinct bodies, acting in different and independent capacities for the people, it was thought the particular regulations should be submitted to the former, and the general regulations to the latter.

Again, we see the framers of the Constitution intent on the protection of the provision for election by the States, in the event of their negligent failure to provide therefor. At all times they conceded the States' rights to provide for voting qualifications in their own limits more suitably than Congress could.

When Virginia finally ratified the Constitution they added a list of amendments which they suggested and sought. Among these was the following:

16. That Congress shall not alter, modify, or interfere in the times, places, or manner of holding elections for Senators, or Representatives, or either of them except when the legislature of any State shall neglect, refuse, or be disabled, by invasion or rebellion, to prescribe the same (Elliott III, supra, p. 661).

Again we see a State convention desiring that the meaning of the framers be put into unquestionably plain language.

New York, the 10th State to act, ratified the Constitution July 26, 1788. Apparently, as in most of the State conventions, section 2 of article I, met with approval, as there was no fault to be found with the provision that the qualifications of the electors should be the same as for those of the most numerous branch of the State legislature. But again we find dissatisfaction with the possibilities of abuse latent in section 4 of article I:

Mr. Jones rose and observed that it was a fact universally known that the present

confederation had not proved adequate to the purposes of good government. Whether this arose from the want of powers in the Federal head or from other causes, he would not pretend to determine. Some parts of the proposed plan appeared to him imperfect or at least not satisfactory. He did not think it right that Congress should have the power of prescribing or altering the time, place, and manner of holding elections. He apprehended that the clause might be so construed as to deprive the States of an essential right, which, in the true design of the Constitution, was to be reserved to them. He, therefore, wished the clause might be explained and proposed, for the purpose, the following amendment:

"Resolved as the opinion of the committee, That nothing in the Constitution, now under consideration shall be construed to authorize the Congress to make or alter regulations, in any State, respecting the times, places, or manner of holding elections for Senators or Representatives, unless the legislature of such State shall neglect or refuse to make laws or regulations for the purpose, or, from any circumstance, be incapable of making the same, and then only until the legislature of such State shall make provision in the premises."

The Honorable Mr. Jay said that, as far as he understood the ideas of the gentleman, he seemed to have doubt with respect to this paragraph, and feared it might be misconstrued and abused. He said that every government was imperfect, unless it had a power of reserving itself. Suppose that, by design or accident, the States should neglect to appoint representatives; certainly there should be some constitutional remedy for this evil. The obvious meaning of the paragraph was that, if this neglect should take place, Congress should have power, by law, to support the Government and prevent the dissolution of the Union. He believed this was the design of the Federal Convention (Elliott II, supra, p. 325).

Mr. Smith expressed his surprise that the gentleman should want such an explanation. He conceived that the amendment was founded on the fundamental principles of representative government. As the Constitution stood, the whole State might be a single district for election. This would be improper. The State should be divided into as many districts as it sends Representatives. The whole number of Representatives might otherwise be taken from a small part of the State, and the bulk of the people, therefore, might not be fully represented. He would say no more at present on the propriety of the amendment. The principle appeared to him so evident that he hardly knew how to reason upon it until he heard the arguments of the gentlemen in opposition.

Mr. Duane: "I will not examine the merits of the measure the gentleman recommends. If the proposed mode of election be the best, the legislature of this State will undoubtedly adopt it. But I wish the gentleman to prove that his plan will be practicable and will succeed. By the constitution of this State, the representatives are apportioned among the counties, and it is wisely left to the people to choose whom they will, in their several counties, without any further division into districts. Sir, how do we know the proposal will be agreeable to the other States? Is every State to be compelled to adopt our ideas on all subjects? If the gentleman will reflect, I believe he will be doubtful of the propriety of these things. Will it not seem extraordinary that any one State should presume to dictate to the Union? As the Constitution stands, it will be in the power of each State to regulate this important point. While the legislatures do their duty, the exercise of their discretion is sufficiently secured. Sir, this measure would carry with it a presumption which I should be sorry to see in the acts of this State. It is laying down as a principle that whatever may suit our interest or fancy should be imposed upon our sister States. This does not seem to correspond with that moderation which I hope to see in all the proceedings of this Convention."

Mr. Smith: "The gentleman misunderstands me. I did not mean the amendment to operate on the other States. They may use their discretion. The amendment is in the negative. The very design of it is to enable the States to act their discretion, without the control of Congress. So the gentleman's reasoning is directly against himself.

"If the argument had any force, it would go against proposing any amendment at all, because, says the gentleman, it would be dictating to the Union. What is the object of our consultations? For my part, I do not know, unless we are to express our sentiments of the Constitution before we adopt it.

"It is only exercising the privilege of free men; and shall we be debarred from this? It is said it is left to the discretion of the States. If this were true, it would be all we contend for. But, sir, Congress can alter as they please any mode adopted by the States. What discretion is there here? The gentleman instances the constitution of New York as opposed to my argument. I believe that there are now gentlemen in this house who were members of the convention of this State, and who are inclined for an amendment like this. It is to be regretted that it was not adopted. The fact is, as your constitution stands, a man may have a seat in your legislature who is not elected by a majority of his constituents. For my part, I know of no principle that ought to be more fully established than the right of election by a majority."

Mr. Duane: "I neglected to make one observation which I think weighty. The mode of election recommended by the gentleman must be attended with great embarrassments. His idea is that a majority of all the votes should be necessary to return a member.

"I suppose a State divided into districts. How seldom will it happen that a majority of a district will unite their votes in favor of one man? In a neighboring State, where they have this mode of election, I have been told that it rarely happens that more than one-half unite in choice. The consequence is they are obliged to make a provision, by a previous election, for nomination and another election for appointment, thus suffering the inconvenience of a double election. If the proposition was adopted, I believe we should be seldom represented—the election must be lost. The gentleman will, therefore, I presume, either abandon his project or propose some remedy for the evil I have described."

Mr. Smith: "I think the example the gentleman adduces is in my favor. The States of Massachusetts and Connecticut have regulated elections in the mode I propose, but it has never been considered inconvenient, nor have the people ever been unrepresented. I mention this to show that the thing has not proved impracticable in those States. If not, why should it in New York?"

After some further conversation Mr. Lansing proposed the following modification of Mr. Smith's motion:

"And that nothing in this Constitution shall be construed to prevent the legislature of any State to pass laws, from time to time, to divide such State into as many convenient districts as the State shall be entitled to elect Representatives for Congress, nor to prevent such legislature from making provision that the electors in each district shall choose a citizen of the United States, who shall have been an inhabitant of the district for the term of 1 year immediately preceding the time of his election, for one of the Representatives of such State."

Which being added to the motion of Mr. Jones the committee passed the succeeding paragraphs without debate, till they came to the second clause of section 6 (Elliott II, supra, pp. 327–329).

On July 26, 1788, the ratification of the Constitution was effected, accompanied by a number of suggested amendments, among which was the one specifically defining those occasions on which Congress might exercise any power over the "time, place, and manner" of elections, as follows:

That the Congress shall not make or alter any regulation in any State respecting the times, places, and manner of holding elections for Senators and Representatives, unless the legislature of such State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same, and then only until the legislature of such State shall make provisions in the premises; provided that Congress may prescribe the time for the election of Representatives.

North Carolina remained reluctant and refused to ratify the Constitution until a convention of States was called and certain proposed amendments adopted. Again no exception was taken to section 2 of article I.

The first clause of the fourth section was read.

Mr. Spencer: "Mr. Chairman, it appears to me that this clause, giving the control over the time, place, and manner of holding elections to Congress, does away with the right of the people to choose the Representatives every second year, and impairs the right of the State legislatures to choose the Senators. I wish this matter to be explained."

Governor Johnson: "Mr. Chairman, I confess that I am a very great admirer of the new Constitution, but I cannot comprehend the reason of this part. The reason urged is that every government ought to have the power of continuing itself, and that, if the General Government had not this power, the State legislatures might neglect to regulate elections, whereby the Government might be discontinued. As long as the State legislatures have it in their power not to choose the Senators, this power in Congress appears to me altogether useless because they can put an end to the General Government by refusing to choose Senators. But I do not consider this such a blemish in the Constitution as that it ought, for that reason, to be rejected. I observe that every State which has adopted the Constitution and recommended amendments has given directions to remove this objection, and I hope, if this State adopts it, she will do the same."

Mr. Spencer: "Mr. Chairman, it is with great reluctance that I rise upon this important occasion. I have considered with some attention the subject before us. I have paid attention to the Constitution itself, and to the writings on both sides. I considered it on one side as well as on the other, in order to know whether it would be best to adopt it or not. I would not wish to insinuate any reflections on those gentlemen who formed it. I look upon it as a great performance. It has a great deal of merit in it, and it is, perhaps, as much as any set of men could have done. Even if it be true, what gentlemen have observed, that the gentlemen who were delegates to the Federal Convention were not instructed to form a new Constitution, but to amend the confederation, this will be immaterial, if it be proper to be adopted. It will be of equal benefit to us, if proper to be adopted in the whole, or in such parts as will be necessary, whether they were expressly delegated for

that purpose or not. This appears to me to be a reprehensive clause; because it seems to strike at the State legislatures, and seems to take away that power of elections which reason dictates they ought to have among themselves. It apparently looks forward to a consolidation of the Government of the United States, when the State legislatures may entirely decay away.

"This is one of the grounds, which have induced me to make objections to the new form of government. It appears to me that the State governments are not sufficiently secured, and that they may be swallowed up by the great mass of powers given to Congress. If that be the case, such power should not be given; for, from all the notions which we have concerning our happiness and well-being, the State governments are the basis of our happiness, security, and prosperity. A large extent of country ought to be divided into such a number of States as that the people may conveniently carry on their own government. This will render the government perfectly agreeable to the genius and wishes of the people. If the United States were to consist of 10 times as many States, they might all have a degree of harmony. Nothing would be wanting but some cement for their connection. On the contrary, if all the United States were to be swallowed up by the great mass of powers given to Congress, the parts that are more distant in this great empire would be governed with less energy. It would not suit the genius of the people to assist in the government. Nothing would support government, in such a case as that, but military coercion. Armies would be necessary in different parts of the United States. The expense which they would cost, and the burdens which they would render necessary to be laid upon the people, would be ruinous. I know of no way that is likely to produce the happiness of the people, but to preserve, as far as possible, the existence of the several States, so that they shall not be swallowed up.

"It has been said that the existence of the State governments is essential to that of the General Government, because they choose the Senators. By this clause, it is evident that it is in the power of Congress to make any alterations, except as to the place of choosing Senators. They may alter the time from 6 to 20 years, or to any time; for they have an unlimited control over the time of elections. They have also an absolute control over the election of the representatives. It deprives the people of the very mode of choosing them. It seems nearly to throw the whole power of election into the hands of Congress. It strikes at the mode, time, and place of choosing representatives. It puts all but the place of electing Senators in the hands of Congress. This supersedes the necessity of continuing the State legislatures. This is such an article as I can give no sanction to, because it strikes at the foundation of the governments on which depends the happiness of the States and the General Government. It is with reluctance I make the objection. I have the highest veneration for the characters of the framers of this Constitution. I mean to make objections only which are necessary to be made. I would not take up time unnecessarily. As to this matter, it strikes at the foundation of everything. I may say more when we come to that part which points out the mode of doing without the agency of the State legislatures."

Mr. Iredell: "Mr. Chairman, I am glad to see so much candor and moderation. The liberal sentiments expressed by the honorable gentleman who spoke last command my respect. No time can be better employed than endeavoring to remove, by fair and just reasoning, every objection which can be made to this Constitution. I apprehend that the honorable gentleman is mistaken as to the extent of the operation of this clause. He supposes that the control of the General Government over elections looks forward to a consolidation of the States, and that the general word 'time' may extend to 20, or any number of years. In my humble opinion this clause does by no means warrant such a construction. We ought to compare other parts with it. Does not the Constitution say that Representatives shall be chosen every second year? The right of choosing them, therefore, reverts to the people every second year. No instrument of writing ought to be construed absurdly, when a rational construction can be put upon it. If Congress can prolong the election to any time they please why is it said that Representatives shall be chosen every second year? They must be chosen every second year; but whether in the month of March, or January, or any other month, may be ascertained, at a future time, by regulations of Congress. The word 'time' refers only to the particular month and day within the 2 years. I heartily agree with the gentleman, that, if anything in this Constitution tended to the annihilation of the State government, instead of exciting the admiration of any man, it ought to excite the resentment and execration. No such wicked intention ought to be suffered. But the gentlemen who formed the Constitution had no such object; nor do I think there is the least ground for that jealousy. The very existence of the General Government depends on that of State governments. The State legislatures are to choose the Senators. Without a Senate there can be no Congress. The State legislatures are also to direct the manner of choosing the President. Unless therefore there are State legislatures to direct that manner, no President can be chosen. The same observation may be made as to the House of Representatives, since, as they are to be chosen by the electors of the most numerous branch of each State legislature, if there are no State legislatures, there are no persons to choose the House of Representatives. Thus it is evident that the very existence of the General Government depends on that of the State legislatures, and of course that their continuance cannot be endangered by it.

"An occasion may arise when the exercise of this ultimate power in Congress may be necessary; as, for instance, if a State should be involved in war, and its legislature could not assemble—as was the case of South Carolina, and occasionally of some other States, during the late war—it might also be useful for this reason—lest a few powerful States should combine, and make regulations concerning elections which might deprive many of the electors of a fair exercise of their rights, and thus injure the community, and occasion great dissatisfaction. And it seems natural and proper that every government should have in itself the means of its own preservation. A few of the great States might combine to prevent any election of representatives at all, and thus a majority might be wanting to do business; but it would not be so easy to destroy the Government by the nonelection of Senators, because one-third only are to go out at a time, and all the States will be equally represented in the Senate. It is not probable this power would be abused; for, if it should be, the State legislatures would immediately resent it, and their authority over the people will always be extremely great.

"These reasons induce me to think that the power is both necessary and useful. But I am sensible, great jealousy has been entertained concerning it; and as perhaps the danger of a combination, in the manner I have mentioned, to destroy or distress the General Government, is not very probable, it may be better to incur the risk, than occasion any discontent by suffering the clause to continue as it now stands. I should, therefore, not object to the recommendation of an amendment similar to that of other States that this power in Congress should only be exercised when a State legislature neglected or was disabled from making the regulations required."

Mr. Spencer: "Mr. Chairman, I did not mean to insinuate that designs were made, by the honorable gentlemen who composed the Federal Constitution, against our liberties. I only meant to say that the words in this place were exceeding vague. It may admit of the gentleman's construction; but it may admit of a contrary construction. In a matter of so great moment, words ought not to be so vague and indeterminate. I have said that the States are the basis on which the Government of the United States ought to rest, and which must render us secure. No man wishes more for a Federal Government that I do. I think it necessary for our happiness; but at the same time, when we form a government which must entail happiness or misery on posterity, nothing is of more consequence than settling it so as to exclude animosity and a contest between the general and individual governments. With respect to the mode here mentioned, they are words of very great extent. This clause provides that a Congress may at any time alter such regulations, except as to the places of choosing Senators. These words are so vague and uncertain, that it must ultimately destroy the whole liberty of the United States. It strikes at the very existence of the States, and supersedes the necessity of having them at all. I would therefore wish to have it amended in such a manner as that the Congress should not interfere but when the States refused or neglected to regulate elections."

Mr. Bloodworth: "Mr. Chairman, I trust that such learned arguments as are offered to reconcile our minds to such dangerous powers will not have the intended weight. The House of Representatives is the only democratical branch. This clause may destroy representation entirely. What does it say? 'The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.' Now, sir, does not this clause give an unlimited and unbounded power to Congress over the times, places, and manner of choosing Representatives? They may make the time of election so long, the place so inconvenient, and the manner so oppressive that it will entirely destroy representation. I hope gentlemen will exercise their own understanding on this occasion and not let their judgment be led away by these shining characters, for whom, however, I have the highest respect. This Constitution, if adopted in its present mode, must end in the subversion of our liberties. Suppose it takes place in North Carolina; can farmers elect them? No, sir; the elections may be in such a manner that men may be appointed who are not representatives of the people. This may exist, and it ought to be guarded against. As to the place, suppose Congress should order the elections to be held in the most inconvenient place in the most inconvenient district; could every person entitled to vote attend such a place? Suppose they should order it to be laid off into so many districts and order the election to be held within each district; yet may not their power over the manner of election enable them to exclude from voting every description of men they please? The democratic branch is so much endangered that no arguments can be made use of to satisfy my mind to it. The honorable gentleman has amused us with learned discussions and told us he will condescend to propose amendments. I hope

the Representatives of North Carolina will never swallow the Constitution until it is amended."

Mr. Goudy: "Mr. Chairman, the invasion of these States is urged as a reason for this clause. But why did they not mention that it should be only in cases of invasion? But that was not the reason, in my humble opinion. I fear it was a combination against our liberties. I ask, when we give them the purse in one hand and the sword in the other, what power have we left? It will lead to an aristocratical government and establish tyranny over us. We are free men, and we ought to have the privileges of such."

Governor Johnston: "Mr. Chairman, I do not impute any impure intentions to the gentlemen who formed this Constitution. I think it unwarrantable in anyone to do it. I believe that were there 20 conventions appointed, and as many constitutions formed, we never could get men more able and disinterested than those who formed this; nor a Constitution less exceptionable than that which is now before you. I am not apprehensive that this article will be attended with all the fatal consequences which the gentleman conceives. I conceive that Congress can have no other power than the States had. The States, with regard to elections, must be governed by the articles of the Constitution; so must Congress. But I believe the power, as it now stands, is unnecessary. I should be perfectly satisfied with it in the mode recommended by the worthy Member on my right hand. Although I should be extremely cautious to adopt any constitution that would endanger the rights and privileges of the people, I have no fear in adopting this Constitution, and then proposing amendments. I feel as much attachment to the rights and privileges of my country as any man in it; and if I thought anything in this Constitution tended to abridge these rights, I would not agree to it. I cannot conceive that this is the case. I have not the least doubt but it will be adopted by a very great majority of the States. For States who have been as jealous of their liberties as any in the world have adopted it, and they are some of the most powerful States. We shall have the assent of all the States in getting amendments.

"Some gentlemen have apprehensions that Congress will immediately conspire to destroy the liberties of their country. The men of whom Congress will consist are to be chosen from among ourselves. They will be in the same situation with us. They are to be bone of our bone and flesh of our flesh. They cannot injure us without injuring themselves. I have no doubt but we shall choose the best men in the community. Should different men be appointed, they are sufficiently responsible. I therefore think that no danger is to be apprehended."

Mr. McDowell: "Mr. Chairman, I have the highest esteem for the gentleman who spoke last. He has amused us with the fine characters of those who formed that government. Some were good, but some were very imperious, aristocratical, despotic, and monarchical. If parts of it are extremely good, other parts are very bad.

"The freedom of election is one of the greatest securities we have for our liberty and privileges. It was supposed by the members from Edenton, that the control over elections was only given to Congress to be used in case of invasion. I differ from him. That could not have been their intention, otherwise they could have expressed it. But, sir, it points forward to the time when there will be no State legislatures—to the consolidation of all the States. The States will be kept up as boards of elections. I think the same men could make a better constitution; for good government is not the work of a short time. They only had their own wisdom. Were they to go now they would have the wisdom of the United States. Every gentleman who must reflect on this must see it. The adoption of several other States is urged. I hope every gentleman stands for himself, will act according to his own judgment, and will pay no respect to the adoption by the other States. It may embarrass us in some political difficulties, but let us attend to the interest of our constituents."

Mr. Iredell answered that he stated the case of invasion as only one reason out of many for giving the ultimate control over elections to Congress.

Mr. Davie: "Mr. Chairman, a consolidation of the States is said by some gentlemen to have been intended. They insinuate that this was the cause of their giving this power of elections. If there were any seeds in this Constitution which might, one day, produce a consolidation it would, sir, with me, be an insuperable objection, I am so perfectly convinced that so extensive a country as this can never be managed by one consolidated Government. The Federal convention were as well convinced as the Members of this House, that the State governments were absolutely necessary to the existence of the Federal Government. They considered them as the great massive pillars on which this political fabric was to be extended and supported; and were fully persuaded that, when they were removed, or should molder down by time, the General Government must tumble into ruin. A very little reflection will show that no department of it can exist without the State governments.

"Let us begin with the House of Representatives. Who are to vote for the Federal Representatives? Those who vote for the State representatives. If the State government vanishes, the General Government must vanish also. This is the foundation on which this Government was raised, and without which it cannot possibly exist.

"The next department is the Senate. How is it formed? By the States themselves. Do they not choose them? Are they not created by them? And will they not have the interest of the States particularly at heart? The States, sir, can put a final period to the Government, as was observed by a gentleman who thought this power over elections unnecessary. If the State legislatures think proper, they may refuse to choose Senators, and the Government must be destroyed.

"Is not this Government a nerveless mass, a dead carcass, without the executive power? Let your representatives be the most vicious demons that ever existed; let them plot against the liberties of America; let them conspire against its happiness—all their machinations will not avail if not put in execution. By whom are their laws and projects to be executed? By the President. How is he created? By electors appointed by the people under the direction of the legislatures—by a union of the interest of the people and the State governments. The State governments can put a veto, at any time, on the General Government, by ceasing to continue the executive power. Admitting the Representatives or Senators could make corrupt laws, they can neither execute them themselves, nor appoint the executive. Now sir, I think it must be clear to every candid mind, that no part of this Government can be continued after the State governments lose their existence, or even their present forms. It may also be easily proved that all Federal governments possess an inherent weakness, which continually tends to their destruction. It is to be lamented that all governments of a Federal nature have been short lived.

"Such was the fate of the Achaean league, the Amphictyonic council and other ancient confederacies; and this opinion is confirmed by the uniform testimony of all history. There are instances in Europe of confederacies subsisting a considerable time; but their duration must be attributed to circumstances exterior to their government. The Germanic confederacy would not exist a moment, were it not for fear of the surrounding powers, and the interest of the Emperor. The history of this confederacy is but a series of factions, dissensions, bloodshed, and civil war. The confederacies of the Swiss, and United Netherlands, would long ago have been destroyed, from their imbecility, had it not been for the fear, and even the policy, of the bordering nations. It is impossible to construct such a government in such a manner as to give it any probable longevity.

"But, sir, there is an excellent principle in this proposed plan of Federal Government, which none of these confederacies had, and to the want of which, in a great measure, their imperfections may be justly attributed—I mean the principle of representation. I hope that, by the agency of this principle, if it be not immortal, it will at least be long lived. I thought it necessary to say this much to detect the futility of that unwarrantable suggestion, that we are to be swallowed up by a great consolidated government. Every part of this Federal Government is dependent on the constitution of State legislatures for its existence. The whole, sir, can never swallow up its parts.

"The gentleman from Edenton, Mr. Iredell, has pointed out the reasons of giving this control over elections to Congress, the principle of which was, to prevent a dissolution of the Government by designing States. If all the States were equally possessed of absolute power over their elections, without any control of Congress, danger might be justly apprehended where one State possesses as much territory as four or five others; and some of them, being thinly peopled now, will daily become more numerous and formidable. Without this control in Congress, those large States might successfully combine to destroy the General Government. It was therefore necessary to control any combination of this kind.

"Another principal reason was, that it would operate in favor of the people, against the ambitious designs of the Federal Senate. I will illustrate this by matter of fact. The history of the little State of Rhode Island is well known. An abandoned faction have seized on the reins of government, and frequently refused to have any representation in Congress. If Congress had the power of making the law of elections operate throughout the United States, no State could withdraw itself from the national councils without the consent of a majority of the Members of Congress. Had this been the case, that trifling State would not have withheld its representation. What once happened may happen again; and it was necessary to give Congress this power, to keep the Government in full operation. This being a Federal Government, and involving the interest of several States, and some acts requiring the assent of more than a majority, they ought to be able to keep their representation full. It would have been a solecism, to have a government without any means of self preservation. The confederation is the only instance of a government without such means, and is a nerveless system, as inadequate to every purpose of government as it is to the security of the liberties of the people of America. When the councils of America have this power over elections, they can, in spite of any faction in any particular State, give the people a representation.

"Uniformity in matters of election is also of the greatest consequence. They ought all to be judged by the same law and the same principles, and not be different in one State from what they are in another. At present, the manner of electing is different in different States. Some elect by ballot, and other viva voce. It will be more convenient to have the manner uniform in all the States.

"I shall now answer some observations made by the gentleman from Mecklenburg.

He has stated that this power over elections gave to Congress power to lengthen the time for which they were elected. Let us read this clause coolly, all prejudice aside, and determine whether this construction be warrantable. This clause runs thus: 'The times, places, manner, of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the place of choosing Senators.' I take it as a fundamental principle, which is beyond reach of the general or individual governments to alter, that the representatives shall be chosen every second year, and that the tenure of their office shall be for 2 years; that Senators be chosen every sixth year, and that the tenure of their office be for 6 years. I take it also as a principle, that the electors of the most numerous branch of the State legislatures are to elect the Federal Representatives.

"Congress has ultimately no power over elections, but what is primarily given to the State legislatures. If Congress had the power of prolonging the time, and so forth, as gentlemen observe, the same powers must be completely vested in the State legislatures.

"I call upon every gentleman candidly to declare, whether the State legislatures have the power of altering the time of elections for Representatives from 2 to 4 years, or Senators from 6 to 12; and whether they have the power to require any other qualification than those of the most numerous branch of the State legislatures; and also whether they have any other power over the manner of elections, any more than the mere mode of the act of choosing; or whether they shall be held by sheriffs, as contradistinguished from any other officer; or whether they shall be by votes, as contradistinguished from ballots, or any other way. If gentlemen will pay attention, they will find that, in the latter part of this clause, Congress has no power but what was given to the States in the first part of the same clause. They may alter the manner of holding the election, but cannot alter the tenure of their office. They cannot alter the nature of elections; for it is established, as fundamental principles, that the electors of the most numerous branch of the State legislature shall elect the Federal Representatives, and that the tenure of their office shall be for 2 years; and likewise, that the Senators shall be elected by the legislatures, and that the tenure of their office shall be for 6 years. When gentlemen view the clause accurately, and see that Congress have only the same power which was in the State legislature, they will not be alarmed. The learned doctor on my right, Mr. Spencer, has also said that Congress might lengthen the time of elections. I am willing to appeal grammatical construction and punctuation. Let me read this, as it stands on paper." (Here he read the clause different ways expressing the same sense.) "Here, in the first part of the clause, this power over elections is given to the States, and in the latter part the same power is given to Congress, and extending only to the time of holding, the place of holding, and the manner of holding the elections. Is this not the plain, literal, and grammatical construction of the clause? Is it possible to put any other construction on it, without departing from the natural order, and without deviating from the general meaning of the words, and every rule of grammatical construction? Twist it, torture it, as you may, sir, it is impossible to fix a different sense upon it. The worthy gentleman from New Hanover, whose ardor for the liberty of his country I wish never to be damped, has insinuated that high characters might influence the members on this occasion. I declare, for my own part, I wish every man to be guided by his own conscience and understanding, and by nothing else. Every man has not been bred a politician, nor studied the science of government; yet, when a subject is explained, if the mind is unwarped by prejudice, and not in the leading strings of other people, gentlemen will do what is right. Were this the case, I would risk my salvation on a right decision." (Elliott IV, supra, p. 50.)

Note particularly what Mr. Davie said:

They cannot alter the nature of the elections; for it is established as fundamental principles that the electors of the most numerous branch of the State legislature shall elect the Federal Representatives.

Continuing with Mr. Davie's remarks:

This clause, sir, has been the occasion of much groundless alarm and has been the favorite theme of declamation out of doors. I now call upon the gentlemen of the opposition to show that it contains the mischiefs with which they have alarmed and agitated the public mind, and I defy them to support the construction they have put upon it by one single plausible reason. The gentleman from New Hanover has said, in objection to this clause, that Congress may appoint the most inconvenient place in the most inconvenient district, and make the manner of election so oppressive as entirely to destroy representation. If this is considered as possible, he should also reflect that the State legislatures may do the same thing. But this can never happen, sir, until the whole mass of the people become corrupt, when all parchment securities will be of little service. Does that gentleman or any other gentleman who has the smallest acquaintance with human nature or the spirit of America suppose that the people will passively relinquish privileges or suffer the usurpation of powers unwarranted by the Constitution? Does not the right of electing Representatives revert to the people every second year? There is nothing in this clause that can impede or destroy this reversion; and although the particular time of year, the particular place in a county or a district, or the particular mode in which elections are to be held, as whether by vote or ballot, be left to Congress to direct, yet this can never deprive the people of the rights or privilege of election. He has also added that the democratical branch was in danger from this clause, and with some other gentlemen took it for granted that an aristocracy must arise out of the General Government. This, I take it, from the very nature of the thing, can never happen. Aristocracies grow out of the combination of a few powerful families, where the country or people upon which they are to operate are immediately under their influence, whereas the interest and influence of this Government are too weak and too much diffused over to bring about such an event. The confidence of the people, acquired by a wise and virtuous conduct, is the only influence the members of the Federal Government can ever have. When aristocracies are formed, they will arise within the individual States. It is, therefore, absolutely necessary that Congress should have a constitutional power to give the people at large a representation in the Government in order to break and control such dangerous combinations. Let gentlemen show when and how this aristocracy they talk of is to arise out of this Constitution. Are the first members to perpetuate themselves? Is the Constitution to be attacked by such absurd assertions as these and charged with defects with which it has no possible connection? (Elliott IV, supra, p. 66).

Mr. Maclaine said:

Mr. Chairman, I thought it very extraordinary that the gentleman who was last on the floor should say that Congress could do what they please with respect to elections, and be warranted by this clause. The gentleman from Halifax, Mr. Davie, has put that construction upon it which reason and commonsense will put upon it. Lawyers will often differ on a point of view, but people will seldom differ about so very plain a thing as this (Elliott IV. supra, pp. 68, 69).

Mr. Steele: "Mr. Chairman, the gentleman has said that the five Representatives which this State shall be entitled to send to the General Government, will go from the seashore. What reason has he to say they will go from the seashore? The time, place, and manner of holding elections are to be prescribed by the legislatures. Our legislature is to regulate the first election, at any event. They will regulate it as they think proper. They may, and most probably will, lay the State off into districts. Who are to vote for them? Every man who has a right to vote for a representative to our legislature will ever have a right to vote for a Representative to the General Government. Does it not expressly provide that the electors in each State shall have the qualifications requisite for the most numerous branch of the State legislature? Can they, without a most manifest violation of the Constitution, alter the qualifications of the electors? The power over the manner of elections does not include that of saying who shall vote; the Constitution expressly states the qualifications which entitle a man to vote for a State representative. It is, then, clearly and indubitably fixed and determined who shall be the electors; and the power over the manner only enables them to determine how these electors shall elect—whether by ballot, or by vote, or by any other way. Is it not a maxim of universal jurisprudence, of reason and commonsense that an instrument or deed of writing shall be so construed as to give validity to all parts of it, if it can be done without involving any absurdity? By construing it in the plain obvious way I have mentioned, all parts will be valid" (Elliott IV, supra, p. 71).

These words should be italicised and underscored in our minds. They state absolutely, that under the Constitution as written, Congress can never constitutionally regulate the qualifications of electors. I agree wholeheartedly with Mr. Steele's interpretation of article I of our Constitution. Yet in spite of this clear and unequivocal reservation to the States of the right to fix the qualifications of electors, the Congress has been besieged in recent years with proposals to supplant the States and place this power in the hands of the Federal Government. The proposal to abolish State poll-tax requirements is one example of the legislation I refer to. Certainly our Founding Fathers had no intention of having the States judgment as to what qualifications an elector should have, superseded by the judgment of the Federal Government. I believe I have quoted sufficiently from the statements of those who took an active part in drafting the Constitution, and in having it ratified by the Thirteen Colonies, to refute any arguments to the contrary. The right of the States to restrict suffrage to freeholders, or to deny suffrage to persons who had been convicted of crimes, and so forth, was never disputed; therefore, I ask, how could the Congress today pass legislation abolishing the poll-tax requirements of certain States, without doing violence not only to the express language of the Constitution, but to the obvious and clearly enunciated wishes of

our Founding Fathers? Likewise, Mr. President, how can we now, today, be contemplating the enactment of the right-to-vote bill presently before us, which would enable the Attorney General to disregard State laws establishing administrative remedies for assuring all qualified persons of the right to vote? Can Senators not see that this provision, when coupled with the provision for Federal injunctive powers which has also been considered by the Senate, will result in the Federal judge who grants the findings substituting his judgment—that is, the judgment of the Federal Government—for the judgment of the registrar of voters or other State or local election officer—that is, the judgment of the State government—as to the qualification of the voter? Is this not a clear violation of the constitutional requirement in article I, section 2, that the States shall establish the qualifications of electors?

Now, Mr. President, reverting to the debates surrounding the ratification of the Constitution, we find that the North Carolina convention suggested this amendment:

4. That Congress shall not alter, modify or intefere in the time, places, or manner of holding elections for Senators and Representatives, or either of them, except when the legislature of any State shall neglect, refuse or be disabled by invasion or rebellion to prescribe the same. (See Elliott, 4, supra, p. 249.)

The convention adjourned August 4, 1788.

On May 29, 1790, Rhode Island ratified the Constitution, and listed a number of proposed amendments; among these was:

That Congress shall not alter, modify or interfere in, the times, places, or manner, of holding elections for Senators and Representatives, or either of them, except when the legislature of any State shall neglect, refuse or be disabled, by invasion or rebellion to prescribe the same, or in case when the provision made by the State is so imperfect as that no consequent election is had, and then only until the legislature of such State shall make provision in the premises (Elliott, I, supra, p. 336, amendment II).

Before discussing the two amendments to our Constitution which have to some extent infringed upon the right of the States to fix the qualifications of electors—that is, amendment No. 15 and amendment No. 19—it might be helpful for us to turn back the pages of history to the 1890's, to review and meditate upon what some of our predecessors in the Halls of Congress believed to be the proper construction and interpretation of article I of the Constitution.

In 1893 the Congress had before it for consideration H.R. 2331, a bill to repeal the Federal election laws. I have already discussd these Reconstruction period election laws, and because I intend to dwell upon them at some length further on in this address, I shall not burden the Senate with a full discussion of them at the moment. I should like to point out, however, that the Federal election laws, the repeal of which was before the 53d Congress, 1st session, and which was accomplished during the 2d session of the 53d Congress—these election laws, when stripped down to their basic provisions—were the forerunner of the pending right to vote bill. As I shall show the Senate at the appropriate time, the Federal election laws provided the teeth for the enforcement of section 2004 of the Revised Statutes. The 53d Congress repealed the Federal election laws in 1894. In effect, the Congress pulled the teeth from section 2004—it removed the power of the Federal Government to enforce the provisions of section 2004, and thus lifted the Federal yoke that had lain upon the election machinery of the Southern States since the close of the Civil War.

During the course of its deliberations on the bill repealing these Federal election laws, the House Committee on Election of President and Vice President and Representatives in Congress presented a report to the House embodying its recommendations in favor of repealing the election laws. The committee dwelt upon the constitutional provision relied on by proponents of Federal regulation of elections in the post Civil War period—article I, section 4, of the Constitution, which reads:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

I should like now to read the analysis by the House committee, headed by Mr. Tucker, as to the meaning and scope of that constitutional provision. I quote from page 2 of Report No. 18 of the House of Representatives, 53d Congress, 1st session, September 20, 1893:

We shall invoke the simple method of construction laid down by the writers, of seeking first, from the words themselves, their intrinsic meaning, and then invite the testimony of those who made them as to their meaning and their intent in making them, and, finally, the construction put upon them by Congress itself and recognized authors on the Constitution.

We notice, first, that "the times, places, and manner of holding elections, etc., is primarily confided to" the legislature of each State; secondarily, it is given to the Congress.

The language itself and the arrangement of the two clauses show this:

"The times, places, and manner, etc., shall be prescribed by the legislature of each State.

"But the Congress may, by law, at any time make or alter, etc."

The first is original and primary, the second is permissive and contingent. The legislatures and Congress cannot both have original and primary power to act on the same subject at the same time. Such a conflict would never have been sanctioned. Nor can we believe that the men who draughted this section intended to distinguish it from every other in the Constitution in granting to two distinct and separate authorities co-equal power over the same subject at the same time. Nor can we conceive a greater absurdity than the grant of plenary power to the legislatures of the States in the first clause of the section, only to be abrogated and annulled in the second clause of the same section.

We cannot believe that the intelligence which framed that great instrument, careful in avoiding any conflicts that would probably arise between the State and Federal authorities (for that hour was resonant with jealousies of power), deliberately placed this power into two distinct hands to be exercised, it may be, at the same time and in different ways; and it is equally improbable that the power given the legislatures of the States, as the authority best suited in the minds of the makers of the Constitution, to provide "the times, manner, and places of holding, etc.," was intended, without reason or cause, to be taken from them and arbitrarily assumed by Congress; and that, too, when there had been no failure on the parts of the States to provide the necessary machinery and no impropriety in the machinery provided.

We conclude, therefore, that the obvious and plain meaning of the section under discussion is that the legislature of each State should have the primary authority to prescribe "the times, places, and manner of holding elections, etc." and that Congress should have such power ultimately. When? For what cause? What circumstances or conditions prevailing in the States shall be sufficient to cause a forfeiture of this right in the legislatures of each? This section and the Constitution are silent upon this subject; but the history of the adoption of the Constitution and the contemporaneous evidence of those who made it supply the answers.

Of the original 13 States that framed the Constitution seven were outspoken on the subject, while in some of the others there was likewise a strong sentiment against the adoption of the Constitution containing this and other sections.

The language of some of them is most striking and instructive. On the 6th of February, 1788, Massachusetts, through her State convention, presided over by the great Revolutionary patriot, John Hancock, ratified the Constitution. In the report of ratification, after expressing the opinion that certain amendments should be made to "remove the fears and quiet the apprehension of many of the good people of this Commonwealth, and more effectually guard against an undue administration of the Federal Government," the following alteration of and provision to the Constitution is suggested:

"That Congress do not exercise the powers vested in them by the fourth section of the first article, but in cases when a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress, agreeably to the Constitution."

Not satisfied with the mere suggestion of such amendment, and with a prophetic fear that, if such suggestions were not adopted by the first Congress to assemble under the Constitution, some erring son of this ancient Commonwealth might some day waver in his support of those principles in the Halls of Congress, the convention added this strong language:

"And the convention do, in the name and in behalf of the people of this Commonwealth, enjoin it upon their Representatives in Congress at all times, until the alterations and provisions aforesaid have been considered agreeably to the fifth article of the said Constitution, to exert all their influence, and use all reasonable and legal methods to obtain a ratification of said alterations and provisions, in such manner as is provided in the said article."

South Carolina ratified on the 23d of May, 1788, with the following recommendation:

"And whereas it is essential to the preservation of the rights reserved to the several States, and the freedom of the people, under the operation of a General Government that the right of prescribing the manner, time, and places of holding the elections to the Federal legislature, should be forever inseparably annexed to the sovereignty of the several States: This convention doth declare that the same ought to remain to all posterity a perpetual and fundamental right in the local, exclusive of the interference of the General Government, except in cases

where the legislatures of the States shall refuse or neglect to perform and fulfill the same according to the tenor of the said Constitution."

New Hampshire ratified June 21, 1788, and made a recommendation in the same language used by the State of Massachusetts.

Virginia, on the 26th of June 1788, ratified with a recommendation in the following words:

"That Congress shall not alter, modify, or interfere in the times, places, and manner of holding elections for Senators and Representatives, or either of them, except when the legislature of any State shall neglect, refuse, or be disabled by invasion or rebellion to prescribe the same."

August 1, 1788, North Carolina ratified, having held out against ratification on account of this and other objectionable clauses. The convention recommended an amendment in the same language as did the State of Virginia.

New York ratified July 26, 1788, and the recommendations of its convention are in some respects the strongest of any on this subject. Before the formal statement of ratification, a declaration of rights is set forth in which, among other provisions, we find:

"That nothing contained in the said Constitution is to be construed to prevent the legislature of any State from passing laws at its discretion, from time to time, to divide such State into convenient districts and to apportion its Representatives to and amongst such districts.

"Under these impressions and declaring that the rights aforesaid cannot be abridged or violated, and that the explanations aforesaid are consistent with the said Constitution, and in confidence that the amendments which shall have been proposed to the said Constitution will receive an early and mature consideration, we, the said delegates • • • do, by these presents, assent to and ratify the said Constitution.

"In full confidence, nevertheless, that until a convention shall be called and convened for proposing amendments to the Constitution • • • that the Congress will not make or alter any regulations in this State respecting the times, places, and manner of holding elections for Senators or Representatives unless the legislature in this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same, and that in those cases such power will duly be exercised until the legislature of this State shall make provision in the premises."

That was in the State of New York.

And in accordance with this declaration the convention suggested an amendment to Congress embodying the above idea.

Rhode Island did not ratify until June 26, 1790, and the language of her convention on the subject and the amendments suggested were in almost the identical words of those of the State of New York, only stronger. The above extracts have been made that it might be seen how strong was the feeling on this subject at the time of the ratification of the Constitution, and that the Constitution itself was only finally adopted in the faith and belief of a majority of the States that Congress would never exercise this power except when the States had failed to do so, or from any cause could not do so.

Not alone did the States above enumerated speak out with no uncertain sound, but in the debates in the Pennsylvania convention to ratify the Constitution, James Wilson, a member of the Federal convention that framed the Constitution, and a member of the State convention, explained this provision to mean in effect that the States were primarily to act, and Congress only in case of their failure to do so; and the convention recommended an amendment in the following words:

"That Congress shall not have power to make or alter regulations concerning the time, place, and manner of electing Senators and Representatives, except in case of neglect or refusal by the State to make regulations for the purpose; and then only for such time as such neglect or refusal shall continue."

In the 58th number of the Federalist Mr. Hamilton discusses this subject and says:

"They (the convention) have submitted the regulation of elections for the Federal Government, in the first instance, to the local administrations; which in ordinary cases, and when no improper views prevail may be both more convenient and more satisfactory; but they have reserved to the national authority a right to interpose, whenever extraordinary circumstances might render that interposition necessary to its safety."

Judge Storey, in his Commentaries on the Constitution, volume 2, chapter XI, discusses the whole subject and holds that the power will not be exercised by Congress unless "an extreme necessity or a very urgent exigency" should arise (secs. 820, 823, 824, et seq. See also I Tucker's Black. Comm. App., 191, 192; Curtis on the Constitution, 479, 480).

We conclude, therefore, that Congress has the power to "prescribe the times, places, and manner of holding elections" for Members of Congress, but that such power is contingent and conditional only, not original and primary.

Under what conditions or upon what contingency?

If we accept the evidence of the States in their State conventions, ratifying the Constitution, and that of the men who made the Constitution, the conditions are—

First. Where the States refuse to provide the necessary machinery for elections; and

Second. Where they are unable to do so for any cause, rebellion, etc.

Mr. Madison, in the Virginia convention, when asked his opinion of this section, said:

"It was found necessary to leave the regulation of these (times, places, and manner) in the first place to the State governments as being best acquainted with the situation of the people, subject to the control of the General Government, in order to enable it to produce uniformity and prevent its own dissolution. • • • Were they exclusively under the control of the State governments, the General Government might easily be dissolved. But if they be regulated properly by the State legislatures, the congressional control will very probably never be exercised."

Mr. John Jay, subsequently Chief Justice of the United States, in the New York convention said, when this clause was under discussion.

"That every government was imperfect unless it had a power of preserving itself. Suppose that by design or accident the States should neglect to appoint the Representatives, certainly there should be some constitutional remedy for this evil. The obvious meaning of the paragraph was that, if this neglect should take place, Congress should have power by law to support the Government and prevent the dissolution of the Union. He believed this was the design of the Federal convention."

Again, Mr. Madison says:

"This was meant to give the National Legislature a power not only to alter the provisions of the States, but to make regulations in case the States should fail or refuse altogether" (Madison Papers, vol. 3, 1282).

Has any State refused to provide the necessary election machinery, or is any State unable to do so for any cause, or what "extraordinary circumstances," what "extreme necessity," what "urgent exigency" exists now for the exercise of this power by Congress? None has been suggested, and we confidently assert none can be.

For Congress to attempt to exercise this power now in this bill against the protests of a majority of the States that made the Constitution, and when those States only ratified it upon the faith and assurance that this and other powers would never be exercised except under certain conditions, which have not arisen, is a fraud upon the Constitution that should not be tolerated.

But, conceding for the moment that section 4, article 1, gives to Congress the full powers claimed by the advocates of this bill, still it must be construed in the light of the subsequent section (8) of the same article, which declares that Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers." Admit the power to be ample in the Constitution, yet the same authority limits the legislative branch of the Government in the enactment of laws, to such as shall be "necessary and proper" for carrying into execution the foregoing power. In *Hepburn* v. *Griswold* (8 Wall., 614), Chief Justice Chase, in defining these words, says the words "necessary and proper were intended to have a sense, to use the words of Justice Story, 'at once admonitory and directory,' and to require that the means used in the execution of an express power should be 'bona fide appropriate to the end.'"

But again, the States for a hundred years and more have provided election laws, appointed officers for their proper execution, and provided the machinery of election. They have prescribed duties for such officers, and have imposed penalties for the failure to discharge these duties. This machinery and these officers, without distinction as to the character of the election, whether it be State or Federal, have the same duties imposed upon them in all essential qualities. With this state of things we find these statutes which are sought to be repealed create officers whose duties it shall be to supervise, scrutinize, and watch every act of the officers of the States.

This of itself must create friction and the history of the country since the enactment of these laws has demonstrated their unwisdom in this respect. The power to guard, scrutinize, and inspect implies the power to correct or prevent that which is scrutinized. The power to supervise implies the power to compel the doing or to prevent the doing of the thing which is the subject of the supervision. How then can the United States, by its supervisors and deputy marshals, supervise an election under a law which it has not enacted or scrutinize the registration (a condition of suffrage in many of the States) when the right of suffrage emanates from the State itself and the State alone can determine it?

We have the same conditions now, Mr. President. They are no different; and I daresay that the Attorney General got his cue from that very act, in proposing the referee provision.

I read further:

The second section of article I of the Constitution declares: "The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

This leaves the right of suffrage and the conditions of suffrage in the States. By what authority, then, can a Federal officer, by challenge or otherwise at the polls or on registration day, determine the question of suffrage which the Constitution of the United States has left solely to the States to determine?

Mr. President, the question asked in the year 1893 by the House Committee on Elections of the 53d Congress could not then—that is, in the year 1893—be answered in anything but the negative. I ask the question again today: By what authority can a Federal officer—under the Federal elections laws of the Reconstruction Period—or a Federal judge—under the pending "right to vote" bill—determine the question of suffrage which the Constitution of the United States has left solely to the States to determine? Surely there can be but one answer, Mr. President: No such authority exists; and any legislation passed by the Congress in attempting to vest such authority in a Federal officer, be he an agent of the executive, judicial, or legislative branch of the Federal Government, is clearly unconstitutional. It is even more than that, Mr. President; in the words of our predecessors of the 53d Congress, "It is a fraud upon the Constitution," and it should not be tolerated.

I turn now to examine the amendments to our Federal Constitution as they affect section 2 of article I, which says, again, that "the electors of representatives to Congress shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

Some amendments have affected suffrage problems. I shall list, first, the amendments, and then discuss them.

Section 2 of article XIV says that as to any State which denies the right to vote to any male citizen over 21 years of age, except for participation in rebellion, or other crime, the basis of representation therein shall be proportionately reduced. This regulation in itself recognizes the right of the State to deny such right if it wishes.

Article XV, which deals with Negro suffrage, is as follows:

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

This was proposed by Congress on February 26, 1869—915 Stat. L. 346—and was ratified by three-fourths of the States by February 3, 1870.

Article XVII, election of Senators:

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

Article XIX, woman's suffrage:

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

This was proposed by Congress on June 5, 1919—41 Stat. L. 362—and was ratified by three-fourths of the States by August 26, 1920.

Article XV, as we all know, came on the heels of the Civil War, and as a result thereof. It is rather significant, to my mind, that even at that time Congress made no attempt to interfere by legislation with the right of the States to establish qualifications of electors, and recognized that an amendment to the Constitution was the only method of modifying or limiting that right constitutionally.

That is, with the Civil War a recent memory, and the subject of former slavery still a bitter topic, with the abolitionists riding high, and the victorious North contending only with carpetbag governments of the worst type in the as yet unreconstructed South, Congress still knew its limitations sufficiently to realize that the qualifications of electors had been left entirely to the State governments by the Constitution, and that the only way to vary such qualifications or affect them at all was to amend the instrument. The amendment itself is specifically self-limiting in scope, and leaves the rest of the field in the States' hands.

Though the sovereignty is in the people, as a practical fact it resides in those persons who by the constitution of the State are permitted to exercise the elective franchise. The whole subject of the regulations of elections, including the prescribing of qualifications for suffrage, is left by the national Constitution to the several States, except as it is provided by that instrument that the electors for representatives in Congress shall have the qualifications requisite for electors of the most numerous branch of the State legislature, and as the 15th amendment forbids denying to citizens the right to vote on account of race, color, or previous condition of servitude.

Participation in the elective franchise is a privilege rather than a right, and it is granted or denied on grounds of general policy; the prevailing view being that it should be as general as possible consistent with the public safety. Aliens are generally excluded, though in some States they are allowed to vote after residence for a specified period, provided they have declared their intention to become citizens in the manner prescribed by law. The 15th amendment, it will be seen, does not forbid denying the franchise to citizens except upon certain specified grounds, and it is a matter of public history that its purpose was to prevent discriminations in this regard as against persons of African descent (Cooley, "Constitutional Limitations," p. 752).

While I shall discuss later some decisions on the subject of the 15th amendment, and also shall go into detail on the State constitutions, I should like here to quote a general statement concerning conditions between 1812 and 1867 concerning the Negro vote:

Race: Increasing race prejudice had well-nigh eliminated the Negro as an elector. All but six States had written "white" in their constitutions: Massachusetts, New Hampshire, Vermont, Rhode Island, Maine, and New York. However, in the latter State, in order to vote, the Negro must own $250 worth of property on which he had paid the taxes and reside in the Commonwealth "2 years longer than was required of a white man." It is alleged that public opinion was so averse to his voting even in the New England States that the Negro was kept away from the polls in all but two. Chancellor Kent says that the Negro really voted in Maine alone. At least it is a significant fact that New Hampshire (1857) and Vermont (1858) found it necessary to enact laws that Negroes should not be excluded from the polls. Therefore, it fell out that just before the Negro was to have suffrage granted him as a special favor by the 15th amendment he was kept from the exercise of the elective franchise most completely. The aforesaid amendment was revolutionary in more ways than one; it struck the word "white" from the constitutions of over 30 States. As an indication of what was to become a local, though intensely bitter race and suffrage problem about the middle of the following period, note that Oregon in 1857 disfranchised Chinese. Yet the general race test disappeared (McCulloch, "Suffrage and Its Problems," p. 47).

Speaking of the period immediately following the Civil War, McCulloch says:

Period of problems: This period inherited three growing problems: The question of Negro suffrage, deadlocked in the preceding period, at once became paramount as a post-war measure; the agitation for woman suffrage, stilled during the time of civil strife, was renewed by its zealous advocates; the tendency to allow aliens to vote on mere declarations of intent to become citizens was increased notably. During the epoch some sort of solution is attempted for each of these problems.

At the outset of the period the elective franchise was secured for the Negro by constitutional amendment. The 13th amendment had made him a man instead of a chattel. The 14th amendment conferred citizenship upon him and incidentally endeavored to insure the ballot to him by providing that when any male citizens over 21 years of age were excluded from the elective franchise (except for crime) the basis of representation of said State in Congress should be proportionately reduced. This incidental treatment of the problem of Negro suffrage not promising satisfactory results, more direct and drastic means were found. The 15th amendment (1870) provided that the right of citizens of the United States to vote shall not be denied or abridged on account of race, color, or previous condition of servitude.

Therefore, the out-and-out race test for suffrage was displaced irrevocably. However, it should be noted that suffrage was still a Commonwealth matter. The United States, through congressional action or court decision could interfere in questions affecting the elective franchise only when the provisions of the 14th and 15th amendments were violated (McCulloch, supra, pp. 51 and 52).

In the struggle to preserve the Union, which incidentally freed the slaves, the North experienced at least a partial change of sentiment. Especially as the difficult work of Reconstruction wore on, the expedient of giving the newly made freemen the ballot gained ground. Yet even in 1865 the Republican Party was opposed to the extension of the franchise to the Negroes. Neither Lincoln nor Johnson proposed such a measure. But finally Sumner's plan prevailed as a party policy. Argument: The Negro was still in subjection, while the South had been

freed from slavery; the ballot would make him free indeed. In fact, at that time, it seemed to be a choice between maintaining an army at the South or securing the ballot for the Negro; the latter was regarded as the lesser of two evils. The weapon proved a boomerang (McCulloch, supra, pp. 80 and 81).

The radical Republicans insisted on the Negro becoming an elector in the South, while he was disfranchised in the vast majority of the northern Commonwealths. The North threw theories and prejudices to the winds and sought to find a practical solution of the vexing question, "What to do with the Negro?" The 13th Amendment destroyed slavery; the 14th made the Negro a citizen, but not a voter. Finally the 15th sought to secure the elective franchise for and to him, in spite of race prejudice and existing adverse and discouraging conditions. Shellenbarger, who proposed a substitute prohibiting any disfranchisement of males 21 years of age, except for crime, pointed out that this amendment would suggest other disqualifying tests than race, color, and so forth. Subsequent events have shown that this desperate expedient was futile. While the amendment secured temporarily the widest extension of the elective franchise to the Negro, it was extreme and unwise.

What was secured for the Negro by the 15th amendment? It did not confer suffrage upon him nor upon anyone. The States were still left wide latitude aside from its inhibitions. It merely prevented discrimination on account of "race, color, or previous condition of servitude." However, it has been held to confer suffrage indirectly; in extending the franchise to any class of inhabitants, Negroes may not be excluded. To secure a decision under the 15th amendment it has been held that the indictment must specify that the elector was excluded because he was a Negro—just such an inference is not sufficient. While power is conferred upon Congress to legislate upon the subject of Commonwealth elections, this may not be done except when an otherwise qualified voter is denied that privilege because of race, color, or previous condition of servitude. Hence, the redress formerly secured by this amendment was not so sweeping as would at first appear.

The suffrage issue was injected into a Mississippi case, but the Supreme Court upheld the decisions of the State court; while in a Virginia contention the Court refused to assume jurisdiction. The decision in the case of an Alabama Negro, wherein it was held by the Supreme Court that that tribunal did not have jurisdiction, maintained that the offense, and hence a remedy, was political rather than judicial. The inference was that recourse must be had through Congress acting under the 14th amendment. There has been little likelihood of such action. However, the decision declaring the Oklahoma grandfather clause unconstitutional is a departure from precedent. It would seem that the 15th amendment is to become more effective. The disappearance of shifty and temporary expedients, used under the guise of legality to disfranchise the Negro in the South should be welcomed. Even the South seems to accept this view of this matter.

The immediate result of the Reconstruction policy was to put the southern Commonwealth under Negro rule. Led by political adventurers, the ignorant Negroes gave the South such a government as has been a nightmare to that section ever since. The big offices were appropriated by the carpetbaggers—the little ones being left to the ignorant Negroes. There was a reign of fraud and extravagance. Preceding 1861 South Carolina's average annual stationery bill had been $400; for 1873 it was $16,000. Six million dollars went through fraudulent bonds; this shameless plundering of the South went on for a time unchecked. The estimated carpetbag deficit of the 11 Southern States totaled $296,030,641.80. They spell "pray" with an "e," and thus spelled, they obey the apostolic injunction to "pray without ceasing." Such a state of misgovernment could not long endure (McCulloch, supra, pp. 82, 83, and 85).

It is interesting historically to note what some of the Nation's leaders thought of the 15th amendment.

Neither Lincoln nor Johnson wished universal manhood suffrage immediately extended to the freedman. Lincoln preferred that it be conferred gradually, first securing it to the very intelligent (those able to read and write) and to those who had served in the Union Army. Johnson advised a similar plan: extending the ballot to those Negroes owning a little property and those able to read and write. The evident purpose was to allow the southern Commonwealths to solve the problem—the National Government insisting those Negroes qualified be allowed to vote. Nor was this plan of solution vain or hopeless. While the South was deeply prejudiced against Negro suffrage, many of the leading men of that section took the same view of the matter. Wade Hampton and L. Q. C. Lamar may be taken as typical men of the South who saw the issue clearly.

Wade Hampton, of South Carolina wrote: "I realized in 1867 that when a man has been made a citizen of the United States he could not be debarred from voting on account of his color. Such an exclusion would be opposed to the entire theory of republican institutions." But for the untoward events that preceded the adoption of the 15th amendment the South might have been spared much of the bitterness of Reconstruction and the Nation the vexing problems arising from indiscriminate Negro suffrage. The whole people lost their only friend in Lincoln; the troublesome times needed his great mind and greater heart. While the South was proud and unbending even in defeat, Congress was actuated by unstatesmanlike motives and forced upon the prostrate Commonwealths an intolerable political situation.

The ablest men of the time were averse to conferring the ballot on the Negro irrespective of his fitness for it. Beecher in 1865 pointed out the futility of such a course and concluded: "You will never be able to secure the elective franchise for the Negro and maintain it for him, except by making him so intelligent that men cannot deny it to him." And so it has fallen out. But the cautious method of treatment was abruptly ended with Lincoln's death and Johnson's unfortunate quarrel with Congress. The extreme faction gained control with dire results for the great suffrage problem. As the hasty system inaugurated by the Reconstruction policy of Congress began to bear fruit, even the Negroes deplored the increased degradation of their race. They realized that they were merely tools. The political adventurer from the North pulled the strings (McCulloch, supra, pp. 91, 92, and 93).

Mr. President, McCulloch says, and with emphasis, that this particularized provision in the Constitution to protect the voting rights of the Negro does not affect State control over every other voting qualification. Certainly there is nothing in the 15th amendment which denies to the States the right to fix other qualifications for voters, provided those voting qualifications do not discriminate against a prospective voter on the basis of race, color, or previous condition of servitude. The rights of States to impose, if they see fit, a requirement that voters first pay a State poll tax before being eligible to vote is not prohibited to the States under the 15th amendment. Neither is it prohibited to the States under article I, section 2, which our Supreme Court has interpreted to bestow a "Federal right to vote" upon U.S. citizens which not only cannot be abridged by the Federal or State governments, but by private persons as well. And the same argument holds true, Mr. President, as to the provisions of the pending "right to vote" bill—which would permit Federal judges to usurp the administrative discretion of State registration and election officers, in passing upon the qualifications of voters.

State control is reaffirmed in article XVII which quotes word from word the tests for electors of Representatives in the first article, second section, of the Constitution, and makes that apply to the electors of Senators as well. In other words, the test that all electors qualified to vote for the most numerous branch of the State legislature shall be qualified to vote for Representatives, set out in 1787 at the Constitutional Convention, is reaffirmed and extended 150 years later.

The 19th amendment extends the right to vote to women.

I quote further from McCulloch:

The agitation for woman suffrage became more intense after the enfranchisement of the Negro and began to bear fruit in the multiplication of the number of States that granted school suffrage to women. Also municipal and bond suffrage was extended to women in a few instances. In the West a few Commonwealths bestowed upon woman the full elective franchise. Wyoming led in this movement; her full suffrage law bears the date of 1869.

The number of such States gradually but very slowly increased, extending the movement eastward. Then came the World War and another suffrage revolution. Woman suffrage became a war measure of almost spontaneous proportions. Because constitutional amendments were too slow, a number of State legislatures followed the questionable expedient of granting women the franchise for nonconstitutional offices. Years before, an amendment to the Constitution of the United States, following the lines of the 15th amendment and thereby securing the ballot for women, had been offered; but such proposals usually died in a congressional committee. During the war this amendment was brought forward with marked difference in its reception. As the prospective 19th amendment it was passed by Congress and submitted to the several States for ratification in 1919 and received the endorsement of the requisite number of Commonwealths in 1920. Like the former amendment (15th), the 19th amendment disturbs the Commonwealth regulation of suffrage as little as possible; it provides that the "right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex" (McCulloch, supra, pp. 52 and 53).

Until this period, in spite of the agitation of women suffragists, the elective franchise had been confined to males. The constitution of every State so specified. The sagebrush territory of Wyoming had granted women full suffrage in 1869; but this departure only emphasized the universality

of the rule. Yet insistent agitation accomplished something. Following the chivalrous example set by Kentucky in 1838, other States allowed women to participate in school elections. While this was a sop thrown to the troublesome agitators for woman suffrage, there was also the idea in the minds of legislators that educational matters rather belonged in woman's sphere. This practice grew until 26 States had extended school suffrage to women. Along with this innovation came another, closely associated with the ownership of property: women were permitted to vote in municipal elections and in voting bonds. This extension of suffrage to women was not so general as that of school suffrage; only nine States saw fit to grant some sort of municipal suffrage to women. Meanwhile a few of the sparsely settled States of the Rocky Mountain region followed the pioneer, Wyoming, and extended full suffrage to women. In this section there were no large cities, and equally significant, the number of men greatly exceeded that of women. However, the movement gathered weight very slowly and by 1910 but four States had taken this advanced stand: Wyoming, Colorado, Utah, and Idaho. But, nothing having happened of startling nature because of woman suffrage in these Commonwealths, and agitation becoming more widespread and more insistent, the movement spread; and at the outbreak of the World War the number of States in which women had full suffrage had more than doubled: Washington, California, Oregon, Kansas, and Arizona had fully enfranchised women. During the World War suffrage events moved rapidly: Nevada and Montana were early added to the list, and then the movement invaded the East. After the United States entered the war, New York, Michigan, South Dakota, and Oklahoma extended the ballot to women. This secured full suffrage for women in 15 States. But even a more significant thing was happening. Since constitutional amendments move slowly, the legislatures of 15 States proceeded to grant women suffrage for nonconstitutional offices, this permitted women to vote for Congressmen and presidential electors. Frankly, woman suffrage had become a war issue. Under this stress the Anthony amendment was revived and, with the help of the President, pushed through Congress—receiving the required extraordinary majority, June 5, 1919. Then began the ratification by States. Few State legislatures were to meet at an early date in regular session, hence it was necessary for the Governors to call extra sessions—if the amendment was to be ratified in time for women to vote in the election of 1920. With remarkable celerity 35 States ratified. All States west of the Mississippi, excepting Louisiana, had approved the amendment. Most Southern States had rejected it or their legislatures had not been convened; while some New England Governors had refused to call extra sessions. This was the situation in midsummer. President Wilson, the chairmen of central committees, and presidential nominees brought great pressure to bear in the border States, which had neither ratified nor rejected the amendment; for each party was eager to secure the credit for ratification and thus have a catch appeal to women voters. Finally, after a bitter and close struggle, Tennessee ratified the 19th amendment, August 18, 1920; and the word "male" was stricken from the constitutions of 33 States (McCulloch, supra, pp. 60–62).

In an academic sense, woman suffrage is as old as Plato. However, his dream of women sharing in the political burdens of the state was no more real than were his asses frisking along the highway in the exuberance of republican freedom. It is a far cry from Greek civilization to that of the 20th century, and the enfranchised woman of today looks out on a vastly different world. The social position of modern women rests on a foundation laid far back in the past. It was for Christianity to give woman a new worth and dignity; she possessed an immortal individuality—a soul. Accordingly, the position of women has ever been the great and outstanding difference between pagan and Christian civilizations. However, it takes time for even religious truth to overcome fixed ideas and customs. Slowly and painfully the world achieved progress. The rise of the Puritan home in England marks the beginning of the highest position ever assigned to woman. Even then, with marked gains in individual liberty and social standing, political equality for woman was far in the future. If the relative estimate of womanhood is a sure criterion of civilization, then America enjoys the highest in the world. Therefore, in the United States has come the first agitation for and the widest extension of sexless political equality.

The question of woman suffrage in the United States has been closely associated with that of the Negro. The half dozen women delegates sent from America to the World's Antislavery Convention, which met in London in June 1840 were emphatically refused seats. Therefore, these women came home pledged to agitate for woman suffrage. Thus, in trying to free the Negro from the bonds of slavery, was the question of woman suffrage precipitated. After several years of local agitation, the first woman's-rights convention met in Seneca Falls, N.Y., in July 1848. Other sections of the country followed this example, and the woman suffrage question was fairly launched. The movement in England did not get under way until 1865. English women had enjoyed municipal suffrage, based like that of men on guild, freehold, and property bases. Thereafter the struggle was begun for parliamentary suffrage. The contest there has been long and bitter. The methods employed by the agitators, while quite British, would have been wholly out of place in America. Finally under stress of the World War, partial success was achieved: In 1918 parliamentary suffrage was extended to some 6 million women, and in 1928 to all.

At the Declaration of Independence universal manhood suffrage was not even a future event in the minds of publicists. Certainly no one contemplated the extension of the ballot to women. Yet, soon thereafter women actually voted. The first instance of undoubted authenticity was in New Jersey in 1797. Women then voted under the Constitution of 1776, which declared that all inhabitants were electors—if otherwise qualified. This was clearly an oversight on the part of the lawmakers and was corrected by a more exact definition in 1807. In the "History of Woman Suffrage" it is asserted that women had voted in Massachusetts under the charter from 1691 to 1780 and under the Constitution from 1780 to 1785. However, this is mere conjecture. There were no further instances of women exercising the right of suffrage, during the early periods of our national history.

During the decade preceding the Civil War there was considerable agitation for woman suffrage, but the preponderance of the slavery issue kept it in the background. The only tangible result of this early agitation for woman suffrage appears to have been the action of Kansas in 1861, following the earlier example of Kentucky, granting school suffrage to women. When the Negro became a citizen and later an elector—both by amendments to the Federal Constitution—the women agitators for suffrage became impatient in their demands for the ballot. Some presumed to vote, claiming that privilege under the 14th amendment. A Mrs. Ricker voted without protest in New Hampshire in 1872. When Susan B. Anthony insisted on voting the same year, she was fined $100—which was never paid. Finally, in 1875, a decision was handed down by the Supreme Court of the United States asserting that the amendment had not contemplated women voting and that the regulation of the elective franchise was entirely within the province of the various States. This stopped women from voting a second time.

Meanwhile, the leaders of the movement were not idle. In 1869 what was known as the 16th amendment was urged upon Congress: The right of suffrage in the United States shall be based on citizenship and shall be regulated by Congress; and all citizens of the United States, whether native or naturlized, shall enjoy this right equally without any distinction of discrimination whatever founded on sex. This proposed amendment had two significant features besides its main intent: it would have invalidated at one stroke the declaration of intent tests in a number of States and it would have wrought a suffrage revolution by vesting in Congress the regulation of suffrage instead of leaving this function to the several Commonwealths—which had been the custom for colonial day. The first vote obtained on the proposed amendment was in 1887, when the Senate refused to submit it to the States for ratification by a vote of 34 to 16. To have been constitutionally effective, this vote would have had to have been the reverse of what it was. Eleven favorable committee reports have been had on the proposition: Five from the Senate and six from the House—the first in 1871, the last in 1893. Since the latter date attention has been directed principally to obtaining favorable action on the part of the States, through woman-suffrage amendments to the Commonwealth constitutions. However, the insistent agitation was bearing some fruit; school suffrage was being extended to women quite generally, and by the opening of the World War 26 States had made such a concession to women, while 9 had conferred either municipal or bond-voting suffrage.

The Territory of Wyoming was the first Commonwealth to grant full suffrage to women. This was done in 1869, while the Territory was not erected into a State until 20 years later. Yet even in 1889 the pioneer State stood alone. There seems to be some doubt as to the facts about the case of Wyoming. The action on 1869 appears to have been treated as a joke. There was no political significance in the measure. However, when the Territory was admitted as a State the opposition to woman suffrage had well-nigh ceased. In 1893 Colorado adopted an amendment to her constitution extending suffrage to women. The majority for the amendment was 6,347; a similar measure lost in 1877 by 5,844. Again it is difficult to get at the facts. Men outnumbered women in the Centennial State by 49,761. However, the measure seems to have been largely the result of the panicky and chaotic condition prevailing there then, and a sort of byproduct of populism. Idaho and Utah extended suffrage to women in 1896. The later Commonwealth thus returning to its territorial regulation, which had been annulled by the Federal Government because of the prevalance of polygamy. A woman critic attributed the adoption of woman suffrage in Wyoming to a political trick, in Colorado to populism, and in Utah to polygamy. Anyhow, there were no further concrete results for a number of years. In fact, since New York and Massachusetts had just rejected woman suffrage by overwhelming majorities there seemed little probability that other States would extend the franchise to women. In contrast to Colorado, in the latter State women outnumbered men by over 70,000. Frankly, it was an isolated western fad—ignored by the South and ridiculed by the North. For further advance of woman suffrage the time element was necessary.

Around 1910 the movement took on new life. A number of things contributed to this revival of interest in woman suffrage. Agitation, while persistent, was dignified; it took on more the nature of an educational propaganda. Also the novel suffrage venture of a few sparsely settled States had not caused either an upheaval of the social order or the moral downfall of woman. The rest of the Nation began to look with more respect on the whole question of woman suffrage. Other States began to adopt like amendments enfranchising women. In 1910 Washington gave woman the ballot, in 1911 California extended suffrage to women, and in 1912 Oregon did likewise, thus uniting the Pacific coast in the movement. The same year Arizona and Kansas granted suffrage to women. While the movement had reached beyond the West of high altitudes, it was still confined to the great West, where the States were not adverse to trying experiments. The conservative North and South were content to remain on the sidelines. No ordinary course of events would have caused even the North to adopt woman suffrage by a mass movement, much less the ultraconservative South.

Then came the World War. At that time nine States had granted women the elective franchise. When the United States entered the conflict two more had extended political suffrage to women—Nevada and Montana, both in 1914. However, at once woman suffrage became a war measure; the unselfish and heroic war work of the women of America and elsewhere was an unanswerable argument. Whatever woman wanted she should have as a fitting reward for her patriotism. As Mrs. Medill McCormick put it: "We have sacrificed as you have in its defense." Events moved rapidly. The greatest suffrage victory came in New York in 1917. As recently as in 1915, woman suffrage had been lost in that State by an adverse majority of over 185,000. Two years later the women framed a monster petition with over a million signatures of women asking for the ballot and the suffrage amendment carried that year by over 100,000 votes. The advocates of woman suffrage were greatly encouraged and the movement gained momentum. The next year Michigan, South Dakota, and Oklahoma enfranchised women. Similar amendments were submitted in five other States; but, the amending process was too dilatory to suit aroused woman suffrage sentiment and more speedy methods were adopted. The unique plan was devised to enfranchise women by mere legislative action, allowing them to vote in elections for "nonconstitutional offices," such as electors for President and sometimes Members of Congress. Illinois had adopted this expedient in 1913. During the year 1917 Michigan, Nebraska, North Dakota, and Rhode Island enacted similar legislation. Two years later, Tennessee, Missouri, Iowa, Minnesota, Wisconsin, Indiana, Ohio, and Maine did likewise; while Arkansas in 1917 and Texas in 1918 permitted women to vote at primaries only. Therefore, at the close of hostilities women had acquired political suffrage in some form in 29 States—15 by amendments to the Commonwealth constitutions and 14 by legislative enactment.

As great as was this victory for woman suffrage, an even more sweeping one was on the way.

Meanwhile the Anthony amendment to the U.S. Constitution had been urged upon Congress. President Wilson endorsed it as a war measure and brought his influence to bear upon the members of his party in Congress. While he had been uniformly successful in having his way with Congress, the proposed amendment failed of the necessary two-thirds majority in the Senate—though it had passed the House by a vote of 274 to 136, January 10, 1918. The succeeding Congress, while less obedient to the wishes of the President, took up and pressed forward the proposed amendment with such vigor that on June 5, 1919, it was passed by both Houses with the requisite majorities and submitted to the States for ratification (McCulloch, supra, pp. 109–116).

By September of 1920 a sufficient number of States had ratified for the amendment to become effective.

So what do we have? A Constitution which, since 1787, its inception, has given the control over voting qualifications to the States. This control has been twice abridged, once after the Civil War, in favor of the Negro, once after the World War, in favor of women. It took two wars and sweeping movements to accomplish these changes, and then they were accomplished by amendment to the Constitution. After the 15th amendment, the 17th amendment reaffirmed the States' rights to control over voting qualifications.

These rights are unchanged in the Constitution today; article I, section 2, stands as an effective and absolute bar to any attempts by the Congress or the executive branch of our Federal Government to enact laws establishing, modifying, or in any manner affecting the qualifications of electors, except to prohibit the States from discriminating on the basis of race, color, previous condition of servitude, or sex. Congress has no power or authority or right to pass laws abolishing or altering State poll tax laws; neither does it have the authority to enact legislation like that pending before us now which would bypass State administrative machinery in elective franchise matters. I say again, Mr. President, that the pending "right to vote" bill is unconstitutional because it infringes upon the rights of the States to fix the qualifications of its voters; as presently drafted, it would permit a Federal judge, at the instigation of the U.S. Attorney General, to usurp the functions of State election officers to pass upon the qualifications of voters, without regard to administrative review procedures and other safeguards established by the State to prevent abuses and arbitrary actions by its election officers.

As I have demonstrated in remarks that I made earlier in the course of this debate, it would be possible under this pending right-to-vote bill for the Attorney General of the United States, acting on behalf of or in the name of some disgruntled citizen who had been denied registration or denied the right to vote because he lacked the requisite qualifications as established by the State legislature—a denial not based on color or race—to enjoin the State election officer and by compulsion of Federal law—the armed fist of the United States, if you please—this voter who might be otherwise unqualified under State law, would be enabled to cast his ballot. An action for injunction brought within a few days of an election could be tried on affidavit of the aggrieved party, and without a hearing under existing Federal court rules; by the time the temporary restraining order or temporary injunction expired, the question would be moot because the election would be over, and the case would never be decided on its merits. I say, Mr. President, that procedure of this kind is an outright and flagrant invasion of our States' constitutional rights to establish the qualifications of their voters, and this Congress should never give its sanction and blessing to a diabolical scheme of this kind.

Mr. President, I have completed the first of three phases of my presentation of the suffrage problem—that concerned with the U.S. Constitution. The second phase, which I now approach, is concerned with the original State constitutional provisions and their changes.

Should Senators ask "Why go into all the State constitutional regulations to prove the unconstitutionality of the pending right-to-vote bill?"—the answer is that a full discussion and study of the origin and development of the constitutional provisions of the 50 States affecting the elective franchise is essential to a complete understanding of the question before the Senate today. Whenever the Federal Government undertakes to invade an entirely new field—whenever the legislative branch of the Federal Government proceeds to the consideration of a bill that on its face will infringe upon rights specifically guaranteed to the States in the Constitution—then there can be no doubt that a full and thorough discussion of each and every facet of the problem is not only in order but is obligatory upon the Senate. It is in the discharge of the solemn duty I assumed when I took the oath of United States Senator to uphold the Constitution of the United States of America that I stand before the Senate today to warn Senators, and Congressmen, and the American people at large, that the pending bill gives to the Federal Government, acting through the U.S. Attorney General and through the Federal judiciary system, the power to alter, to modify, to abolish, if you please, State-established qualifications for voters for reasons other than discrimination based upon race, color, sex, or previous condition of servitude.

To get the full impact of the legislation upon the States' constitutional mandate to establish the qualifications of electors, it is necessary for us to go back to the early days of our history and trace the development of the States' election machinery. In this connection, Mr. President, I quote from Porter's excellent work on this subject, entitled "History of Suffrage in the United States," page 14.

Mr. KUCHEL. Mr. President, will the Senator from Louisiana yield with the usual guarantees?

Mr. ELLENDER. I yield, provided I do not lose the floor.

Mr. KUCHEL. I have listened to the able Senator conclude phase 1 of a remarkable presentation. I am wondering if it would be possible for us to look forward to being enriched by phase 2 tomorrow, rather than this evening, if

our friend might, with his usual charity of spirit, indicate his own desire in the matter.

Mr. ELLENDER. I have no intention to punish my good friend, the Senator from California.

Mr. KUCHEL. To the contrary; I must say that I have listened with interest to the Senator from Louisiana.

Mr. ELLENDER. The Senator from California has been very attentive to what I have had to say.

Mr. KUCHEL. Indeed I have.

Mr. ELLENDER. I did not see him go to sleep.

Mr. President, I have made a long study of this question. It has not developed in the last 2, 3, or 4 months. As I said earlier in my remarks, this subject has been before Congress almost every year since I became a Member of Congress. There seems to be no end to it. Little by little, the rights of the sovereign States are being nibbled away.

I was in hopes of making this presentation to the Senate, so that they could look at it, so that they could read it, and see for themselves that there is no constitutional basis for the bill, particularly title VI, which I have asked to be stricken.

Mr. President, I see in the Press Gallery a few sleepy-eyed reporters who want to go home. Inasmuch as I have completed the first phase of my presentation to the Senate, I hope to start the second phase tomorrow.

RECESS UNTIL 10 A.M.

Mr. ELLENDER. Mr. President, under the order previously entered, I move that the Senate stand in recess until 10 o'clock this morning.

The motion was agreed to; and (at 12 o'clock midnight) the Senate took a recess, under the order previously entered, until Wednesday, April 6, 1960, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate April 5, 1960:

PUBLIC HEALTH SERVICE

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by laws and regulations:

I. FOR APPOINTMENT

To be senior assistant surgeons

Harry P. Anastopulos	Leon I. Goldberg
Robert P. Balderson	Betty E. Hathaway
Richard F. Barbee	Lowell R. Hughes
Robert N. Barnes	Robert A. Jordan
Frank C. Bigler	Karl M. Johnson
Aaron B. Brill	Marion E. Kintner
Ray A. Brinker	Charles E. Koch, Jr.
Willard L. Brown	Frederick L. Lang
Willard R. Brown	William C. Larsen
Gerald E. Caplan	Dale Lindholm
Leo J. Castiglioni	Robert P. Locey
Ruth Coffin	William R. Martin
John F. Dotter	Samuel Milham, Jr.
Arvo B. Ederma	Barry Miller
Richard W. Emmons	John P. Nasou
Earl R. Feringa	Alvin M. Novack
James P. Fields	John A. Oates, Jr.
Paul J. Fry, Jr.	William M. O'Brien
George G. Glennes	Gerald M. Payne
John E. Glennon	Paul G. Pechous
Darwin J. Prockop	Michio Takahashi
H. McDonald Rimple	John B. Titmarsh, Jr.
Marcus N. Rogers	Fred E. Tosh
Saul W. Rosen	Robert C. Vander Wagen
William B. Sheldon	Cecil C. Vaughn, Jr.
Richard A. Smith	Richard D. Wasson
Roland W. Sonntag	Charles L. Whetstone
Richard A. Stamm	Harold W. Wylie, Jr.
Barron H. Stillman	

To be assistant surgeons

William J. Atkinson	George T. Harding, Jr.
John R. Baugh	Otto L. Loehden
Frederick V. C. Featherstone	Robert J. Warren

To be senior assistant dental surgeons

George L. Crocker	Richard B. McDowell
Raymond D. Haslam	James J. McMahon
Philip K. Humphreys	Joseph P. Moffa, Jr.
Donald P. Jelinek	James M. Power
Karl K. Kreth	Gunnar E. Sydow

To be assistant dental surgeons

Robert W. Baumann	George R. McGuire
Lawrence I. Carnes	John R. Stolpe

To be senior assistant sanitary engineers

John M. Rademacher
Leo A. St. Michel

To be assistant sanitary engineers

Eugene J. Donovan, Jr.	Edwin L. Johnson
	Jack W. Keeley
John A. Eckert	Donald S. Licking
Robert L. Elder	Paul J. Traina

To be junior assistant sanitary engineers

R. Frank Grossman
Alfred W. Hoadley

To be senior assistant pharmacists

Lowell F. Miller
Billy G. Wells

To be assistant pharmacists

Robert P. Chandler	Samuel Merrill
James R. Gates	James E. Norris
Jacob H. Hendershot	Joseph F. Toomey
Luis Hernandez	John R. Wiseman
Philip R. Hugill	

To be junior assistant pharmacists

Ray D. Crossley II	Joe M. Holman
Jerome A. Halperin	Harley A. Mills

To be senior assistant scientist

Jay D. Mann

To be assistant scientists

John C. Feeley III
Sheldon D. Murphy

To be senior assistant veterinary officer

Robert K. Sikes

To be assistant veterinary officers

Garland D. Lindsey
Roger E. Wilsnack

To be senior assistant nurse officers

Lawrence A. Levine
Marjory E. Lewis

CONFIRMATION

Executive nomination confirmed by the Senate April 5, 1960:

U.S. TARIFF COMMISSION

Glenn W. Sutton, of Georgia, to be a member of the U.S. Tariff Commission, for a term expiring June 1, 1966. Reappointment.

WITHDRAWAL

Executive nomination withdrawn from the Senate April 5, 1960:

POSTMASTER

Robert C. Miller to be postmaster at Pontiac, in the State of Michigan, which was sent to the Senate on January 11, 1960.

HOUSE OF REPRESENTATIVES

TUESDAY, APRIL 5, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

John 8: 31–32: *If ye continue in my word, then are ye my disciples indeed and ye shall know the truth and the truth shall make you free.*

Eternal God, our heavenly Father, united in a fellowship of common needs, we are beseeching Thee earnestly to answer our loftiest aspirations with the divine inspiration of Thy holy spirit.

May that inspiration endow us with a clearer insight and wiser understanding of our most difficult problems and renew within us a faith that constrains us to be faithful and fruitful in Christlike character and service.

Inspire us to live humbly and reverently, trusting that the future will be as bright as the promises of God and that if any man will do the will of God he shall know the truth and the truth shall make him free.

Hear us in His name who is the way, the truth, and the life. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

PUBLIC BUILDING ALTERATION AND REPAIR PROJECTS

The SPEAKER laid before the House the following communication, which was read and referred to the Committee on Appropriations:

APRIL 4, 1960.

The Honorable SAM RAYBURN,
Speaker of the House,
The Capitol, Washington, D.C.

MY DEAR MR. SPEAKER: Pursuant to the provisions of section 7(a) of the Public Buildings Act of 1959, the Committee on Public Works of the House of Representatives approved on March 31, 1960, a prospectus for each of the following public building alteration and repair projects which were transmitted to this committee from the General Services Administration:

LOCATION AND TYPE

Alabama, Birmingham—PO CT.
California, San Francisco—Appraiser's Building.
Delaware, Wilmington—PO CT.
District of Columbia—Agriculture, Administration Building.
District of Columbia—Agriculture, annex.
District of Columbia—Agriculture, South Building.
District of Columbia—GSA Building.
District of Columbia—Treasury annex.
District of Columbia—Weather Bureau.
Florida, St. Petersburg Beach—Don-Ce-Sar Office Building.
Illinois, Chicago—Main Post Office.
Iowa, Des Moines—Federal Building.
Louisiana, New Orleans—Customhouse.
Louisiana, New Orleans—FOB.
Maryland, Bethesda—NIH.
Maryland, Suitland—FOB No. 4.
Massachusetts, Boston—Customhouse.
Missouri, St. Louis—CT CU.
New York, Brooklyn—PO CT.
New York, Foley Square—CT.
Ohio, Toledo—CT CU.
Pennsylvania, Philadelphia—128 North Broad.
Pennsylvania, Philadelphia—5000 Wissahickon Avenue.
Virginia, Arlington—FOB No. 2.
Virginia, Arlington—Pentagon Building.
Washington, Seattle—FOB.
Wisconsin, Milwaukee—PO CT.
Illinois, Chicago—Railroad Retirement Board.

The committee also approved on the same date a revised prospectus for a Federal building project at Bismarck, N. Dak.

Sincerely yours,

CHARLES A. BUCKLEY,
Member of Congress, Chairman, Committee on Public Works.

THE DISASTROUS FLOOD DAMAGE IN THE UPPER MISSISSIPPI VALLEY

Mr. SMITH of Mississippi. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. SMITH of Mississippi. Mr. Speaker, the upper Mississippi Valley is already feeling the effect of a disastrous flood. The possibility looms that flood damage will become greater if there are new storms at any time within the next few weeks.

The vast property loss which is already being felt is the most convincing answer we have to the folly of the "no new starts" policy of the present administration in the field of flood control. Our water problem simply will not stand still; we must continually meet the challenge of proper control of flood threats and conservation of the water supply that is so desperately needed for so many useful purposes.

I hope that the House Appropriations Committee will continue the policy adopted last year of ignoring the Bureau of the Budget edicts in respect to new projects. We cannot afford to continue to accept this policy of false economy.

COMMITTEE ON BANKING AND CURRENCY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that Subcommittee No. 2 of the Committee on Banking and Currency may sit today during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

GEORGE HENRY OBERLE, JR.

Mr. LANE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, the newspaperboy represents all that is best in American youth. The lad who delivers the news is a familiar figure in the neighborhood. No matter how hot or cold or stormy the weather may be, he never fails us. We can count on finding the copy of our favorite newspaper in the back hallway right on schedule.

In addition to his schoolwork, he is learning the virtues of initiative and responsibility on his own.

As we look out the window and watch him covering his route, we feel a glow of admiration for this plucky little businessman. Although we may not know whether he wants to become a teacher, doctor, scientist, or even President, we can be sure that he is working and saving to educate himself for a worthy career.

In the biographies of many American leaders we find this wholesome beginning of success stories that read: "Newspaperboy makes good."

This enterprising spirit of youth renews itself in every generation, giving us confidence in their future and in the future of our Nation.

George Henry Oberle, Jr., is a newspaperboy with vision and determination. He is 14 years of age, resides at 44 Webster Street, Revere, Mass., and is an honor student at Garfield Junior High. Although his parents died when he was a youngster, he found a loving home with his brother and sister-in-law, who have become "mom" and "dad" to him.

In the Newspaperboys Trip to Australia Contest, he placed third, but that did not discourage him. Responding to challenge, he decided to work harder and do better next time. He entered the Boston Record-American-Sunday Advertiser Newspaperboys Contest, open to boys between the ages of 12 to 18. It was based on a point system, where an important factor was the greatest total sales increases between November 8, 1959, and March 14, 1960.

George worked overtime because he had his heart set on winning. As a result of his perseverance, he came in first, and has been honored with the title of "Junior Diplomat of Goodwill."

Easter Sunday is a joyous day for all, but for George it will be one of the happiest and most thrilling of his whole life. He will be the special guest on the newspaperboys radio show which will be broadcast over WEZE at 9:30 a.m. Later in the day he will fly on a Qantas jet to London, England, bearing letters of greeting from famous Americans to famous Englishmen.

That is the beginning of an exciting itinerary, climaxed on April 22, when he will attend a performance of "The Merchant of Venice" at the Shakespeare Memorial Theatre. Then he will cut a record with the stars for the newspaperboys radio show, and present honorary membership awards to Peter Hall, producer of "The Merchant of Venice," and to his wife, the beautiful moving picture actress, Leslie Caron.

The city of Revere is proud of its young champion.

Mayor Raymond E. Carey will proclaim a George Oberle Day and will arrange a program to express the community's appreciation of the "Junior Diplomat of Goodwill."

In winning this honor, George has helped his school. For part of his prize award is a Calculo Analog computer from the science department of Jordan Marsh Co., which he will present to Garfield Junior High School.

Congratulations to George Oberle, Jr., who is a praiseworthy example of all the many qualities that characterize the American newspaperboy.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the calendar.

PATRICIA CROUSE BREDEE

The Clerk called the bill (S. 231) for the relief of Patricia Crouse Bredee.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

NORTH AMERICAN PHILIPS CO., INC.

The Clerk called the resolution (H. Res. 451) providing for sending the bill, H.R. 7901, with accompanying papers, to the Court of Claims.

There being no objection, the Clerk read the resolution, as follows:

Resolved, That the bill (H.R. 7901) entitled "A bill for the relief of North American Philips Company, Incorporated, 100 East Forty-second Street, New York 17, New York," together with all accompanying papers, is hereby referred to the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code; and the court shall proceed expeditiously with the same and report to the House, at the earliest practicable date, such findings of fact, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitation should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy, and conclusions based on such facts as shall be sufficient to inform Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

The resolution was agreed to.

A motion to reconsider was laid on the table.

BETTY KEENAN

The Clerk called the bill (H.R. 5033) for the relief of Betty Keenan.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Betty Keenan, of 511 Oneida Street, Pittsburgh, Pennsylvania, the sum of $409.06 in full settlement of her claim against the United States for a refund of the amounts deducted from her salary as a Federal employee for retirement fund purposes in the period from December 14, 1943, to January 31, 1948: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or

received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PLACID J. PECORARO ET AL.

The Clerk called the bill (H.R. 6121) for the relief of Placid J. Pecoraro, Gabrielle Pecoraro, and their minor child, Joseph Pecoraro.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Gabrielle Pecoraro, the sum of $25,000, to Placid Pecoraro the sum of $10,000, and to Placid and Gabrielle Pecoraro for the benefit of their minor child, Joseph Pecoraro, all of Rochester, New York, the sum of $100,000. Payment of such sums shall be in full settlement of all claims arising out of the permanent personal injuries sustained by Gabrielle and Joseph Pecoraro at the time of the birth of Joseph Pecoraro on September 18, 1948, at the United States Army Hospital at Paris, France, as the result of improper handling of the delivery, and the medical and other expenses thereby incurred by Placid Pecoraro: *Provided*, That no part of either of the sums appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with the claim settled by the payment of such sum, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Strike out all after the enacting clause and insert: "That, notwithstanding laches or any statute of limitations, jurisdiction is hereby conferred upon any United States district court to hear, determine, and render judgment in accordance with the procedures of the Federal tort claims provisions of title 28 of the United States Code, upon the claims of Placid J. and Gabrielle Pecoraro and of their minor child, Joseph Pecoraro, all of Rochester, New York, against the United States for expenses, losses, damages, or injuries alleged to have resulted from the improper handling of the delivery and improper medical care at the time of the birth of the said Joseph Pecoraro on September 18, 1948. The action authorized by this Act must be commenced within one year of the date of enactment of this Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MAY HOURANI

The Clerk called the bill (H.R. 2007) for the relief of May Hourani.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, May Hourani shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

On page 1, line 10, after the words "from the" strike out the remainder of the bill and insert in lieu thereof the following: "Number of visas authorized to be issued pursuant to the provisions of section 15 of the Act of September 11, 1957 (71 Stat. 643)."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JESUS CRUZ-FIGUEROA

The Clerk called the bill (H.R. 2645) for the relief of Jesus Cruz-Figueroa.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(22) of the Immigration and Nationality Act, Jesus Cruz-Figueroa may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

With the following committee amendment:

Page 1, line 11, insert: "*Provided further*, That nothing in this Act shall be construed to waive the provisions of section 314 of the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEANDRO PASTOR, JR., AND PEDRO PASTOR

The Clerk called the bill (H.R. 1402) for the relief of Leandro Pastor, Jr., and Pedro Pastor.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, Leandro Pastor, Junior, and Pedro Pastor shall be held and considered to be the natural-born alien minor children of Leandro Pastor, a citizen of the United States.

With the following committee amendment:

On page 1, at the end of the bill, add a new section 2 to read as follows:

"SEC. 2. Notwithstanding the provision of section 212(a)(19) of the Immigration and Nationality Act, Pedro Pastor may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHAN KAREL CHRISTOPH SCHLICTER

The Clerk called the bill (H.R. 1463) for the relief of Johan Karel Christoph Schlicter.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Johan Karel Christoph Schlicter shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Page 1, line 4, strike out "Schlicter" and insert "Schlichter".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Johan Karel Christoph Schlichter."

A motion to reconsider was laid on the table.

DAVID TAO CHUNG WANG

The Clerk called the bill (H.R. 1486) for the relief of David Tao Chung Wang.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, David Tao Chung Wang shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

On page 1, line 7, after the words "visa fee" change the period to a colon and insert the following: "*Provided*, That a suitable and proper bond or undertaking approved by the Attorney General, be deposited as prescribed by section 213 of the said Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DAVID JOHN MARIA ET AL.

The Clerk called the bill (H.R. 8888) for the relief of David John Maria, Angela Maria, and John Elias Maria.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, David John Maria, Angela Maria, and John Elias Maria, shall be held and considered to be the natural-born alien minor children of Larry Keighley, a citizen of the United States, and the provisions of section 212(a)(7) and (18) of the said Act shall be held to be inapplicable in this case: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

With the following committee amendments:

On page 1, lines 4 and 5, strike out the name "David John Maria,".

On page 1, line 5, strike out ", and John Elias Maria,".

On page 1, line 6, strike out "children" and substitute "child".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "For the relief of Angela Maria."

A motion to reconsider was laid on the table.

ROMEO GASPARINI

The Clerk called the bill (H.R. 8798) for the relief of Romeo Gasparini.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Romeo Gasparini, shall be held and considered to be the natural born alien child of Mr. and Mrs. Romy Gasparini, citizens of the United States.

With the following committee amendment:

At the end of the bill, strike out the period and add the following: ": *Provided*, That the natural mother of the beneficiary shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DEPORTATION OF CERTAIN ALIENS

The Clerk called the joint resolution (H.J. Res. 638) relating to deportation of certain aliens.

There being no objection, the Clerk read the joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bonds, which may have issued in the cases of Albert Stummer, Imre Seykell, Margareta Seykell, Rena (Regine) Carmi, Marie Haladjian, Anastasia Stamathioudakis, Vahe Proudian, and Alice Proudian. From and after the date of the enactment of this Act, the said persons shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

With the following committee amendments:

On page 1, line 8, strike out the word "and".

On page 1, line 8, after the name "Alice Proudian" change the period to a comma and add the following: "Rosa Povarchik De Rosenberg, Hannah Jane Jackson, George N. Panagiotou, Berta Rakovsky de Spikille, and Aida Rosen."

The committee amendments were agreed to.

The joint resolution was ordered to be engrossed and read a third time, was real the third time, and passed, and a motion to reconsider was laid on the table.

BIAGIO D'AGATA

The Clerk called the bill (H.R. 1542) for the relief of Biagio D'Agata.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a) of the Immigration and Nationality Act, Biagio D'Agata may be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act.

With the following committee amendments:

On page 1, line 3, after "section 212(a)" insert "(9)".

On page 1, line 5, after the words "may be" insert "issued a visa and".

On page 1, line 7, after the word "Act" change the period to a colon and add the following: "*Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANGELA D'AGATA NICOLOSI

The Clerk called the roll (H.R. 1543) for the relief of Angela D'Agata Nicolosi.

Mr. HEMPHILL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

IDA MAGYAR

The Clerk called the bill (H.R. 3253) for the relief of Ida Magyar.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Ida Magyar shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELIGIOSA LUIGIA FRIZZO AND OTHERS

The Clerk called the bill (H.R. 3805) for the relief of Religiosa Luigia Frizzo, Religiosa Vittoria Garzoni, Religiosa Maria Ramus, Religiosa Ines Ferrario, and Religiosa Roberta Ciccone.

Mr. AVERY. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

JAN P. WILCZYNSKI

The Clerk called the bill (H.R. 3827) for the relief of Jan P. Wilczynski.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 316 of the Immigration and Nationality Act relating to required periods of residence and physical presence within the United States, Jan P. Wilczynski may be naturalized at any time after the date of the enactment of this

Act if he is otherwise eligible for naturalization under the Immigration and Nationality Act and if he applies therefor within the one-year period beginning on the date of the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOSETTE A. M. STANTON

The Clerk called the bill (H.R. 4763) for the relief of Josette A. M. Stanton.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of section 301(b) of the Immigration and Nationality Act, the continuous physical presence of Josette A. M. Stanton in the United States during the period beginning July 18, 1940, and ending October 20, 1947, both dates inclusive, shall be held and considered to be continuous physical presence in the United States by her after attaining the age of fourteen years.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That, in the administration of section 301 (b) of the Immigration and Nationality Act and section 16 of the Act of September 11, 1957, Josette A. M. Stanton shall be held and considered to have compiled with the provisions thereof if she establiahes residence in the United States prior to attaining the age of twenty-five years."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GIUSEPPE ANTONIO TURCHI

The Clerk called the bill (H.R. 4834) for the relief of Giuseppe Antonio Turchi.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Giuseppe Antonio Turchi shall be deemed to be a nonquota immigrant and shall be admitted to the United States for permanent residence if he is otherwise admissible under the provisions of that Act.

With the following committee amendment:

On page 1, line 5, strike out the words "shall be" and insert in lieu thereof the following: "may be issued a visa and".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEGAL GUARDIAN OF EDWARD PETER CALLAS, A MINOR

The Clerk called the bill (H.R. 1519) for the relief of the legal guardian of Edgar Peter Callas, a minor.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $50,000 to the legal guardian of Edward Peter Callas, a minor, of Brooklyn, New York, in full settlement of all claims against the United States. Such sum represents compensation for the personal injury, and all expenses incident thereto, sustained as a result of an accident involving the explosion of a round of ordnance on the beach at Kwajalein, Marshall Islands, on February 20, 1955, such explosives being left on the beach by the United States Armed Forces: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 5, strike "$50,000" and insert "$20,000".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

OUR LADY OF THE LAKE CHURCH

The Clerk called the bill (H.R. 5150) for the relief of Our Lady of the Lake Church.

Mr. AVERY. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

MRS. CLARA YOUNG

The Clerk called the bill (H.R. 6400) for the relief of Mrs. Clara Young.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Clara Young, Bronx, New York, the sum of $500. The payment of such sum shall be in full settlement of all claims of the said Mrs. Clara Young against the United States for refund of the amount of a departure bond deposited by her on behalf of the alien Hermina Vidor. Such bond was declared breached, and the amount thereof forfeited, because of the failure of such alien to depart from the United States on the date prescribed for her departure: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RICHARD SCHOENFELDER AND LIDWINA S. WAGNER

The Clerk called the bill (H.R. 8457) for the relief of Richard Schoenfelder and Lidwina S. Wagner.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the limitations contained in section 33 of the Trading With the Enemy Act, as amended (50 App. U.S.C. 33), with respect to the filing of claims and the institution of suits for the return of property or any interest therein pursuant to section 9 or 32 of such Act (50 App. U.S.C. 9 or 32), Richard Schoenfelder, a United States citizen, and Lidwina S. Wagner, a British national, both residing in Chile, may, within six months after the enactment of this Act, file a claim for the return of certain property, namely, their interests under the trust established by an agreement between Mathilde Bauer, late of the United States, and Fidelity Union Trust Company, Newark, New Jersey, trustee, under date of March 8, 1933, and supplemental amendatory agreements, the title to their interests having been acquired by the United States under the Trading With the Enemy Act by vesting order Numbered 12870 of the Office of Alien Property; and that claim shall be considered on its merits in accordance with the remaining provisions of that Act. If no such return is made within a period of sixty days after the filing of such claim, the said Richard Schoenfelder and Lidwina S. Wagner shall be entitled, within one year of the expiration of such period, to institute suit pursuant to section 9 of such Act (50 App. U.S.C. 9) for the return of such property.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MOCK FOOK LEONG

The Clerk called the bill (H.R. 9043) for the relief of Mock Fook Leong.

Mr. HEMPHILL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

MRS. ICILE HELEN HINMAN

The Clerk called the bill (H.R. 9751) for the relief of Mrs. Icile Helen Hinman.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mrs. Icile Helen Hinman, Arlington, Virginia, widow of Lloyd J. Hinman, shall be held and considered to be the widow of the said Lloyd J. Hinman within the meaning of section 4(b) of the Civil Services Retirement Act of May 29, 1930, from and after the time of his retirement under such Act.

With the following committee amendments:

Page 1 line 3, following "That" insert: "notwithstanding the restriction on the use of the retirement fund imposed by the paragraph headed "Civil Service Retirement and Disability Fund" in section 101 of title I of the Act of August 28, 1958 (72 Stat. 1064),".

Page 1, line 6, strike "Services" and insert "Service".

Page 1, line 7, following "1930," insert "as amended,".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SECOND LIEUTENANT JAMES F. RICHIE

The Clerk called the bill (H.R. 10564) for the relief of 2d Lt. James F. Richie.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Second Lieutenant James F. Richie, O5405212, United States Army, the sum of $932.75, in full settlement of all claims against the United States for the loss sustained by the said Second Lieutenant James F. Richie as the result of damage to and destruction of his personal property in the warehouse of Greyvan Lines, Incorporated, Fayetteville, North Carolina, by a fire which occurred on August 23, 1959: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, any contract to the contrary notwithstanding. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HEIRS OF FRANK L. WILHELM

The Clerk called the bill (H.R. 3122) directing the Secretary of the Interior to issue a homestead patent to the heirs of Frank L. Wilhelm.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to issue a patent conveying to the heirs of Frank L. Wilhelm, deceased, a fee simple title for the land and minerals included in homestead entry Cheyenne 043849, comprising lots 3, 4, section 7; lot 1, northeast quarter northwest quarter section 18; township 57 north, range 97 west, sixth principal meridian, Wyoming, on the basis of rights earned by compliance with the homestead laws effective January 17, 1929.

SEC. 2. Upon issuance of a patent pursuant to section 1 of this Act, the owners of such patent shall be substituted for the United States as lessor under oil and gas lease Cheyenne 067759 issued as of January 1, 1946, to Dorothy Atwood Fox, insofar as said lease covers land included in said patent, effective as of the date of approval of this Act.

SEC. 3. Nothing contained in section 1 or 2 of this Act shall prejudice determination by the Court of Claims, in accordance with the law in effect prior to enactment of this Act, of any claim of right by the heirs of Frank L. Wilhelm to have paid to them moneys which have heretofore accrued or been paid to the United States under oil and gas lease Cheyenne 067759, and said court is hereby authorized, notwithstanding lapse of time, to hear, determine, and render judgment in any such suit that may be brought within one year from the date of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GRAND LODGE OF NORTH DAKOTA, MASONS

The Clerk called the bill (H.R. 8417) for the relief of Grand Lodge of North Dakota, Ancient Free and Accepted Masons.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Grand Lodge of North Dakota, Ancient Free and Accepted Masons, the sum of $1,155.26. The payment of such sum shall be in full settlement of all claims of such lodge against the United States for refund of customs duties which were assessed on Masonic jewels, consisting of insignia or emblems composed of metal and other material, imported from Canada and paid by such Grand Lodge of North Dakota, Ancient Free and Accepted Masons, on June 10 and 12, 1959. Such Masonic jewels, consisting of insignia or emblems composed of metal and other material, were denied free entry in spite of the fact that they were of the type granted duty-free status by paragraph 1773 of the Tariff Act of 1930: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violatthe provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, lines 7 and 8: Strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN E. AND MRS. CAROLINE ALMEIDA

The Clerk called the bill (H.R. 4428) for the relief of Staff Sergeant John E. and Mrs. Caroline Almeida.

Mr. VAN PELT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that the further call of the Private Calendar be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

PATRICIA CROUSE BREDEE

Mr. WALTER. Mr. Speaker, I ask unanimous consent to return for immediate consideration to Calendar No. 377, the bill (S. 231) for the relief of Patricia Crouse Bredee.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the immigration and nationality laws, Patricia Crouse Bredee shall be held and considered to have resided in and to have been physically present in the United States for a period of five years after she had attained the age of sixteen years.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ANGELA D'AGATA NICOLOSI

Mr. HEMPHILL. Mr. Speaker, I ask unanimous consent to return for immediate consideration to Calendar No. 424, the bill (H.R. 1543) for the relief of Angela D'Agata Nicolosi.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Angela D'Agata Nicolosi, who lost United States citizenship under the provisions of section 401(e) of the Nationality Act of 1940, may be naturalized by taking prior to one year after the effective date of this Act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, the oaths prescribed by section 337 of the said Act. From and after naturalization under this Act, the said Angela D'Agata Nicolosi shall have the same citizenship status as that which existed immediately prior to its loss.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SECOND SUPPLEMENTAL APPROPRIATION BILL, 1960

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that the managers on the

part of the House have until midnight tonight to file a conference report on H.R. 10743, the second supplemental appropriation bill, 1960.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

U.S. MERCHANT VESSEL AND WATERFRONT SECURITY ACT OF 1960

Mr. WALTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALTER. Mr. Speaker, I have just introduced a bill providing that no individual who willfully fails or refuses to answer or falsely answers certain questions relating to Communist activities, when summoned to appear before certain Federal agencies, shall be employed on any merchant vessel of the United States or within certain waterfront facilities in the United States.

Mr. Speaker, in Parker against Lester, decided October 26, 1955, and in Graham against Richmond, decided November 5, 1959, the Ninth Circuit Court of Appeals and the Court of Appeals for the District of Columbia, respectively, following a series of decisions by the Supreme Court, for all practical purposes ruled invalid the entire security screening procedures administered by the U.S. Coast Guard. Prior to these decisions, under the merchant marine screening program which had been authorized by law in 1950, the U.S. Coast Guard had screened off over 1,800 seamen from merchant vessels. Since these Court decisions, over 300 of the seamen who had been screened off have procured seamen's documents. Just a day or so ago I noticed in the press an account to the effect that all of the seamen who have been screened off merchant vessels will now become eligible for seamen's papers. In other words, our entire seamen security program has been destroyed.

The bill which I have just introduced is a companion to the Federal Employee Communist Activities Testimony Act of 1960 which I have likewise introduced today. It follows the same general pattern and is based on similar legal principles.

I expect to press for early consideration and enactment of both of these measures.

The text of the bill follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "United States Merchant Vessel and Waterfront Security Act of 1960."

SEC. 2. The Subversive Activities Control Act of 1950 (64 Stat. 989) is amended by inserting, immediately preceding section 4 thereof, the following new section:

"EMPLOYMENT OF CERTAIN INDIVIDUALS AT WATERFRONT FACILITIES AND ABOARD MERCHANT VESSELS OF UNITED STATES

"SEC. 3B. (a) No individual who willfully fails or refuses to appear before any Federal agency, when subpenaed or ordered to appear, or to answer under oath before such Federal agency any question concerning—

"(1) the membership of such individual, or any other individual, in the Communist Party,

"(2) the activities of such individual, or any other individual, as a member of the Communist Party, or

"(3) the participation of such individual, or any other individual, in activities conducted by or under the direction of the Communist Party or any member thereof,

shall be employed in any capacity aboard any merchant vessel of the United States or within any waterfront facility in the United States. The prohibition against employment contained in the first sentence of this subsection shall also apply with respect to any individual who commits perjury in answering any question referred to in such first sentence.

"(b) The President of the United States shall institute such measures and issue such rules and regulations as he may deem necessary to carry out the provisions of this section and, for such purpose, he may utilize such departments, agencies, officers, and instrumentalities of the United States as he may deem appropriate.

"(c) As used in this section—

"(1) the term 'waterfront facility' means all piers, wharves, docks, and similar structures to which vessels may be secured, buildings on such structures or contiguous to such structures, and equipment and materials on such structures or in such buildings;

"(2) the term "United States,' when used in a territorial sense, includes all places and waters, continental or insular, subject to the jurisdiction of the United States;

"(3) the term 'Communist Party' means the Communist Party of the United States, or any successors of such party regardless of the assumed name, whose object or purpose is to overthrow the Government of the United States, or the government of any State, District, Commonwealth, or possession thereof, or the government of any political subdivision therein by force and violence, and includes subsidiary organizations of such party; and

"(4) the term 'Federal agency' means any department, independent establishment, or other agency or instrumentality of the executive branch of the Government of the United States, and any congressional committee or subcommittee."

STABILIZING COTTON PRICE SUPPORT FOR THE 1961 CROP

Mr. SMITH of Mississippi. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. JONES] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. JONES of Alabama. Mr. Speaker, today I have introduced in the House a bill to stabilize cotton price support for the 1961 crop.

Two years ago, we were faced with the possibility that Secretary Benson would lower the national cotton allotment from over 17 million acres in 1958 to about 14 million acres for 1959. To avoid this situation, the Congress passed the Agricultural Act of 1958, fixing the minimum level of the national cotton allotted acreage for any year at 16.3 million acres. In the same act were price support provisions considered necessary to satisfy the many cotton industry groups and producing areas. The time is now approaching when some of these provisions will take effect with respect to the 1961 crop. As I understand them, it is clear that these provisions of the 1958 act authorize reductions in the price of cotton far beyond that which farmers can reasonably be expected to absorb. Furthermore, the allotment acreage for 1961 may well be reduced more than a million acres from 1960. If so, this would be the lowest cotton allotment in the 27-year history of the crop control programs.

Price support has been reduced from 90 percent of parity in 1955 to 75 percent of parity for 1960 crop choice A cotton. Present law would let the Secretary next year set price support for 1961 cotton at as little as 70 percent of parity and would require him to shift the price support base from middling seven-eighths-inch cotton to average of the crop cotton. Dropping the support price to 70 percent would mean a reduction of $9 or $10 a bale for cotton, and changing the middling base would mean a further reduction to farmers of $4 or $5 a bale. And this is not all; in 1962 the Secretary could lower support to 65 percent of parity.

Per acre yields of cotton have moved up sharply in recent years and we are now producing a bale an acre on land formerly yielding 20 pounds or less. But the cost of producing a crop has even run ahead of this progress in production methods, and the cost spiral continues upward. We cannot permit the provisions of current law to take effect under conditions farmers are now facing. Our cotton farmers cannot spend more to make a crop in 1961 than in 1960 and take $12 to $15 less a bale for it. Not only they, but the entire economy of the cotton area and of the Nation will suffer from such an unrealistic program for this great agricultural commodity.

This bill, I have introduced today, is in the nature of emergency legislation. It will provide a floor of 75 percent of parity for the 1961 crop and will postpone until 1962 the change in the price support base. Passage of this bill will protect our cotton farmers from ruinous prices for the 1961 crop and permit needed program changes to be made after thorough study during the next session.

I invite the careful study and support of this bill by my colleagues. Surely, we need this much protective legislation for our next year's cotton crop, and I fervently hope that we can enact this bill into law before adjournment.

BIOLOGICAL AND CHEMICAL WEAPONS

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, I rise today to report to the Congress a disturbing chronology of events. Last September 3, I introduced in the House a resolution, House Concurrent Resolution 433, which would reaffirm American policy never to use biological and chemical weapons unless they are first used against us.

That resolution was referred to the House Foreign Affairs Committee. On September 7 the committee requested the opinion of the State Department on the resolution. On September 15 the State Department acknowledged the receipt of the request. From that day to this, the committee has not heard further from the State Department concerning my resolution against first use of chemical and biological weapons.

Perhaps this delay of 7 months might not be considered terribly unusual, but there is one special factor in this case: On January 13 the President himself stated that his own instinct would be against starting such a thing as biological or chemical attack first. The precise wording of the press-conference question and answer follow:

PRESIDENTIAL PRESS CONFERENCE, JANUARY 13, 1960

Ronald W. May, Capital Times, Madison, Wis.: "Mr. President, Representative KASTENMEIER, of Wisconsin, has suggested that there might be a change in our traditional policy of not using chemical, germ, or poison gas warfare first. He said that Army people have tried to—indicated that they believe that maybe we should change our policy and use these first either in a large or even in a small war. Is this true?"

Answer: "I will say this: No such official suggestion has been made to me and so far as my own instinct is concerned is to not start such a thing as that first."

It might be presumed that once the President had spoken, the State Department could arrive rather quickly at a formal opinion on the no-first-use resolution. Yet no such opinion has been received. Naturally, questions immediately arise as to the reasons for this failure to report.

Is it possible that there are differences between the State Department and other departments on whether the United States should use gas and germ weapons before an enemy uses them? Are there perhaps even disagreements within particular departments on this issue? I do not know. I do not know what effect such differences of opinion would have or ought properly to have, once the President has expressed his opinion.

But I do know that this enormous delay in presenting a report to the Foreign Affairs Committee of this House is delaying the consideration by the committee and by Congress of this crucial moral and philosophical question, involving the world image of the United States. The weapons that are involved are more and more being discussed as the next dread possibilities in the worldwide arsenals of mass annihilation. Therefore, Mr. Speaker, it behooves the Congress and the American people to begin serious discussions of how to deal with this deadly possibility, and the executive departments should be willing to aid such discussions by providing prompt reports. I call upon the President to direct that a report now be filed, in order to give effect to his January 13 statement.

FOREIGN IMPORT DUTY ON TOBACCO

Mr. BONNER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BONNER. Mr. Speaker, my statement is in behalf of the tobacco grower and exporter.

The Journal of Commerce of April 4 contained the encouraging news that there is hope for a cut in the 30-percent ad valorem tariff imposed on American tobacco by the European Common Market.

This is encouraging because it will assure a continuing market for one of our major agricultural products upon which the economy of a considerable part of the country depends. As time goes on we are faced with increasing dangers of restriction of our markets through development of other agricultural areas and tariff and other restrictions placed upon our agricultural products for selfish reasons by various nations of the world.

Local pressures in the Philippines and elsewhere in the world have drastically reduced our exports to the lasting detriment of our agriculture. There is every reason to believe that the State Department has been less than vigilant in safeguarding our interest in this area. A classic example is the fact that Philippine sugar is admitted to the United States under preferential tariff, while our tobacco faces increasingly stringent restrictions over the past years in that area. It is hoped that the State Department will exhibit a keener consciousness of the problems of American agriculture in its dealings with foreign governments. Its opportunity to protect the interest of the United States in this field will come in the course of tariff negotiations with the Common Market. It is devoutly to be hoped that we will not come out second best, as has happened all too frequently in the past.

Another aspect of this problem that severely affects the interests of our tobacco producers is freight rates. Over the years the United States has expended vast sums for the maintenance and development of an American merchant marine, not only for our defense, but also in the interests of our commerce.

In recent months we have had the sad spectacle of the very companies that have been thus aided manipulating freight rates on tobacco to the detriment of our producers. Within recent months within one conference the rate has fluctuated over 50 percent, as a result of which our customers have been upset and have been faced with the possibility of severe financial losses. This, I submit, is no way to build up the sale of our agricultural products, which is so necessary to the welfare of our country.

It is to be hoped that the steamship carriers will recognize their obligation to the United States by doing their part to encourage the export of agricultural products. This does not necessarily mean reduction of freight rates, but it definitely means stability. Production and disposal of agricultural commodities is fraught with enough difficulties without the addition of the necessity of gambling on freight rates.

The situation in which the tobacco exporters have found themselves affects me very greatly, and I feel a serious concern for that great industry. Coming, as I do, from a predominantly agricultural area, where the growing and processing of tobacco is the backbone of our economic well-being, I wanted to call to the attention of this body the facts which I have set before you today, in the hope that serious consideration and deliberation will be given to an effort to try to alleviate these conditions.

DEFENSE OF AMERICA

Mr. CURTIS of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, STUART SYMINGTON, one of the announced candidates for the Democratic nomination for President has made a recent explanation that he resigned as Secretary of the Air Force in 1950 just before the Korean war broke out in protest over President Truman and Secretary of Defense Louis Johnson programing a 48-group Air Force instead of the 70-group Air Force the 80th Congress provided the financing for.

I am placing in the RECORD an article from the New York Times of April 25, 1950, which reports this retirement and a simultaneous promotion of Mr. SYMINGTON to Chairman of the National Securities Resources Board, the czar of mobilization as some of the press referred to this new job at the time.

The New York Times quotes Mr. SYMINGTON as follows:

Although convinced that a 70-group Air Force was necessary, Mr. SYMINGTON added, he was convinced of the importance of economy "since the Nation can be defeated by economic disaster as well as military disaster," and therefore he supported President Truman's 48-group program "without any reservation whatever."

Perhaps Congressman MOULDER who announced the candidacy of Mr. SYMINGTON for President on the floor of the House the week before last would enlighten us on this matter. As it stands, Mr. SYMINGTON'S resignation in protest is like something out of "Alice Through the Looking Glass."

The article follows:

SYMINGTON, ON RETIRING, FINDS AIR FORCE FIGHTING VALUE CUT

(By Charles E. Egan)

WASHINGTON, April 24.—A flight of 48 jet fighters, the largest formation of such planes ever to fly over Washington, paid an aerial salute today to W. STUART SYMINGTON, retiring Secretary of the Air Force. The display was part of the formal ceremonies with which the Air Force said goodby to the first man to head the unit under President Truman's armed services unification program.

Before he stepped from the Pentagon building to be greeted by a 19-gun salute, a

guard of honor, the Air Force band and the aerial salute, Secretary SYMINGTON had taken part in the swearing-in ceremonies of his successor, Thomas K. Finletter. He had also presided at a farewell news conference where he again voiced his belief that the Nation required a 70-group Air Force as a minimum insurance for its security.

Mr. SYMINGTON leaves the Air Force post he has held since September 1947, to become chairman of the National Security Resources Board. He assumes his new responsibilities on Wednesday.

At his news conference, Mr. SYMINGTON said the combat effectiveness of the Air Force had declined in the last 6 months because of a reduction in numbers but its efficiency had increased.

"There is a tendency to mix up those two words—effectiveness and efficiency—and some misunderstanding has resulted," he added.

Although convinced that a 70-group Air Force was necessary, Mr. SYMINGTON added, he was convinced of the importance of economy "since the Nation can be defeated by economic disaster as well as military disaster," and therefore he supported President Truman's 48-group program "without any reservations whatever."

He added, however, that he did not see how a balanced budget could be achieved with world conditions in the state they were now. Until differences between Russia and the United States were ironed out, he added, expenditures for arms and for other security purposes must continue on a heavy scale.

Allocation of manpower in the event of emergency, the retiring Secretary said, was probably the No. 1 problem now faced by the National Security Resources Board. He added he understood that that subject was now being taken up by the Board and would be pressed to an early conclusion.

He said also that civil defense planning would be pressing, but added that standby mobilization legislation was in good shape and might be submitted to Congress soon.

TWO HUNDRED SEE FINLETTER TAKE OATH

More than 200 well-wishers, ranging from Secretary of State Dean Acheson, Secretary of Defense Louis Johnson, who administered the oath, and high-ranking officials of the Armed Forces, Joint Chiefs of Staff and others were on hand to see Mr. Finletter take the oath as Mr. SYMINGTON's successor. Air Force generals and personnel expressed satisfaction over the fact that such a strong supporter of a 70-group Air Force as Mr. Finletter had been chosen for the post vacated by Mr. SYMINGTON.

Mr. Finletter, a New York lawyer, headed the President's Air Policy Commission in 1947–48, and it was that Commission that fixed upon the 70-group goal as the ultimate minimum requirement for U.S. domination of the air. At the time his nomination to be Secretary of the Air Force was announced, Washington reports had it that Mr. Finletter had come to an agreement with the President to support the 48-group program, but the Air Force feels it has a strong advocate for increased strength in the person of the new Secretary.

Secretary Johnson praised Mr. Finletter for his many services to the Nation, before administering the oath of office. Later, Secretary Johnson, the new Air Force Secretary, and Mr. SYMINGTON held a reception in Mr. Johnson's office for Air Force officials and the many civilian visitors who had come to witness the swearing-in of Mr. Finletter.

The day of ceremonies at the Pentagon was marked also by the retirement of Arthur S. Barrows, Under Secretary of the Air Force. Mr. Barrows received the Air Force Exceptional Service Award from Mr. SYMINGTON in the morning, and the well-wishes of Secretary Johnson and other officials when he made his formal departure from his office this afternoon.

No successor has been named for Mr. Barrows' post yet by President Truman.

DOMESTIC TRUNK AIRLINES

The SPEAKER. Under previous order of the House, the gentleman from Illinois [Mr. MACK] is recognized for 15 minutes.

Mr. MACK. Mr. Speaker, in May of 1958, I introduced a bill to prohibit payment of subsidy to domestic trunk airlines. Due to the pressure of other activities, and because there appeared to be hope that no trunklines would apply for subsidy, I did not reintroduce the bill in 1959. But I feel that its reintroduction is necessary at this time.

At the time of introducing the earlier bill, I pointed out that Congress, when it included the subsidy provision in the Civil Aeronautics Act of 1938, intended to help the domestic trunklines obtain a firm start, but did not intend that the taxpayers of the United States serve as a continuous financial crutch to the airlines. We all know that most of the carriers have prospered richly. The Federal Government has spent nearly $200 million in subsidizing the trunklines since 1938. There are very few industries which have received such lavish assistance, and certainly after 22 years a continuation of subsidy can no longer be justified on the theory of helping these companies to get started. They are no longer infants, nor are they even small. They are large, mature corporations with very large revenues. They were expected to stand on their own feet long before this, they should do so, and the legislation which I am reintroducing is intended to insure that they shall.

In 1958, I also summarized some of the principal arguments for this legislation. I pointed out that very few other regulated industries are eligible for such subsidies. Obvious examples are the railroads and the power and light companies.

I said the legislation would mean that route awards would henceforth have to be based on more careful analysis of economic factors, and that this would reduce regional and local pressures for service which could not be justified by any true test of public necessity.

And finally, I said that it would save the taxpayer from the needless burden of subsidizing competition, which can result only from more carriers on a route than the traffic requires.

Nonetheless the question of subsidy for trunklines has arisen again, and calls for hardheaded facing of the facts of airline economics. The facts are that you cannot avoid risking a return to subsidy until you have a sound route structure, but you will not achieve such a route structure so long as subsidy is available because subsidy eliminates any economic penalty for operation of unnecessary routes. For the carrier, it is simply a case of applying for a route, knowing that if it is a moneymaker the carrier is well off and that, if it is not, the Government will bail the carrier out. The only sure loser is the U.S. taxpayer.

Is there anything in the past record which can possibly justify continuation of trunkline subsidy?

The Civil Aeronautics Act of 1938 was passed at the constant urging and behest of the carriers themselves. They were the ones that thought of it and lobbied for it from 1936 to 1938. In so doing, their trade association told the Congress that it expected little or no payments to be made under the subsidy provision of the act.

What happened? The very first year after enactment of the law the trunklines received in the neighborhood of $10 million in subsidy, and higher amounts immediately thereafter. Thus the carriers immediately began getting from the taxpayer a great deal more than they had told the Congress was to be expected.

As to the subsequent history, the trunklines have received nearly $200 million in subsidies. The high water mark for any one year was about $27 million just after World War II. By contrast, the subsidies for the local service carriers, which, of course, operate on an infinitely smaller scale, are already running at a level of $60 million per year. The difference in the size of the operation appears from the fact that I believe no local service carrier has operating revenues above about $10 million or $11 million per year, whereas the smallest of the trunklines has revenues some four times larger than that. Revenues of the larger trunks run to several hundred million dollars per year. If the local carriers, on their small scale of operations, require subsidies of $60 million, and the trunklines required over $25 million nearly 15 years ago when they were much smaller than they are today, it is perfectly obvious that the magnitude of trunkline operations today is such that a general return to subsidy could easily exceed $100 million per year for the trunklines alone.

This may sound unthinkable, but it was only about 4 years ago that the Board was pointing with pride to the fact that local carrier subsidies were then only $25 million.

Thus I submit that the past record and every logical evaluation of future possibilities tells us that we absolutely have to call a halt to trunkline subsidies.

Now then, what causes subsidy? It is either a route structure that makes no economic sense, or it is bad management. You cannot attribute it to accidents or weather or other transitory features. Weather affects everybody and it does not last very long. And, despite accidents, the industry's business has been growing by leaps and bounds year after year. Every knowledgeable person knows that the affect of accidents on traffic is a matter of a few days or weeks at most. Furthermore, you cannot use such transitory factors to explain losses in 4 successive years when other carriers were showing profits.

It is obvious, of course, that subsidy cannot be paid to bail out bad management. The law says that now. But neither can we go on using it to bail out the results of bad route grants made pursuant to now discredited theories of strengthening a carrier.

Mr. Speaker, I hope that we will be able to give attention to this legislation. In the meantime, I hope it will be the sense of this House that there absolutely must be not one more penny of trunkline subsidy. I hope that the Civil Aeronautics Board will make this clear. I hope that it will acknowledge that the Department of Commerce has practically said as much in its recent recommendation against any subsidy once a carrier has been off subsidy for 5 years. I hope that the Board will face up to such mergers and route adjustments as may be necessary in order to carry out this policy. I believe the Congress is tired of excuses for costly and unnecessary operations, and determined to see that the hard but realistic decisions are made. This is not a case of taking advantage of companies which have come upon difficult times. It is quite the reverse, for it is the companies which would continue to take advantage of the U.S. taxpayer, irrespective of the true transportation requirements of the Nation. This we should not permit, for we do not need subsidy to operate the best competitive trunkline system in the world.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. LINDSAY.

Mr. ALGER.

(At the request of Mr. ALBERT, and to include extraneous matter, the following:)

Mr. INOUYE.

Mr. PATMAN.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on April 4, 1960, present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.R. 4874. An act to amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty;

H.R. 6326. An act to convey certain land in McKinley County, N. Mex., to the Navajo Tribe of Indians;

H.R. 8351. An act for the relief of Tatsumi Ajisaka and others;

H.R. 8343. An act relating to the preservation of acreage allotments on land from which the owner is displaced by reason of the acquisition thereof by a Government agency in the exercise of the right of eminent domain;

H.R. 9444. An act for the relief of Reino-li Lindsay (nee Li-Reino-li);

H.R. 10333. An act making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes; and

H.J. Res. 283. Resolution to authorize participation by the United States in parliamentary conferences with Mexico.

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 19 minutes p.m.) the House adjourned until tomorrow, Wednesday, April 6, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2028. A letter from the Deputy Secretary of Defense, transmitting the semiannual report of the Department of Defense for the period July 1 through December 31, 1959, relating to the payment of claims arising from the correction of military or naval records, pursuant to Public Law 220, 82d Congress; to the Committee on Armed Services.

2029. A letter from the clerk, U.S. Court of Claims, relative to the claim of *Bernard J. Hoffman, doing business under the trade name of Pyro Guard Service Company* v. *The United States* (Congressional No. 9–58), pursuant to sections 1491 and 1492, title 28, United States Code, and H.R. 6390, 85th Congress; to the Committee on the Judiciary.

2030. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation for certain persons, pursuant to section 244(a)(5) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1254(a)(5)); to the Committee on the Judiciary.

2031. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of the order granting the application for permanent residence filed by Chong Yue Wah also known as Chong Wak Yue, A10491451, pursuant to section 6 of the Refugee Relief Act of 1953; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMAS: Committee of conference. H.R. 10743. A bill making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes (Rept. No. 1452). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDONIZIO:

H.R. 11563. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. BURDICK:

H.R. 11564. A bill to promote the utilization of Indian-owned resources by Indians of the three affiliated tribes of the Fort Berthold Reservation; to the Committee on Interior and Insular Affairs.

By Mr. CEDERBERG:

H.R. 11565. A bill to readjust postal rates, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CELLER:

H.R. 11566. A bill to amend section 457 of title 28 of the United States Code to protect the right of the public to information; to the Committee on the Judiciary.

H.R. 11567. A bill to clarify the status of circuit and district judges retired from regular active service; to the Committee on the Judiciary.

By Mr. DENT:

H.R. 11568. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. FRELINGHUYSEN:

H.R. 11569. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. HALPERN:

H.R. 11570. A bill to amend the Immigration and Nationality Act; to the Committee on the Judiciary.

H.R. 11571. A bill to supplement and revise the criminal laws prescribing restrictions against conflicts of interest applicable to employees of the executive branch of the Government of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. HEMPHILL:

H.R. 11572. A bill to amend section 17 of the War Claims Act of 1948; to the Committee on Interstate and Foreign Commerce.

By Mr. IKARD:

H.R. 11573. A bill to provide for the duty-free importation of scientific equipment for educational or research purposes; to the Committee on Ways and Means.

By Mr. JONES of Alabama:

H.R. 11574. A bill to stabilize cotton price support for the 1961 crop; to the Committee on Agriculture.

H.R. 11575. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. KILDAY:

H.R. 11576. A bill relating to the employment of retired commissioned officers by contractors of the Department of Defense and the Armed Forces and for other purposes; to the Committee on Armed Services.

By Mr. MACHROWICZ:

H.R. 11577. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PUCINSKI:

H.R. 11578. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. SMITH of Mississippi:

H.R. 11579. A bill to amend the Federal Property and Administrative Service Act of 1949 so as to permit donations of surplus property to certain educational institutions; to the Committee on Government Operations.

By Mr. WALTER:

H.R. 11580. A bill to amend the Subversive Activities Control Act of 1950 so as to provide that no individual who willfully fails or refuses to answer, or falsely answers, certain questions relating to Communist activities, when summoned to appear before

certain Federal agencies, shall be employed on any merchant vessel of the United States or within certain waterfront facilities in the United States; to the Committee on Un-American Activities.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States to retain and expand the 6-percent differential allowed for bids of west coast shipyards for the construction of ships by supporting H.R. 9899; to the Committee on Merchant Marine and Fisheries.

Also, memorial of the Legislature of the State of New York, memorializing the President and the Congress of the United States to initiate a program for radioactive fallout protection for all citizens of the United States; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AVERY:

H.R. 11581. A bill for the relief of Mah Ngim Hay (Joe Mah); to the Committee on the Judiciary.

H.R. 11582. A bill for the relief of Mah Ngim Bell (Bill Mah); to the Committee on the Judiciary.

By Mr. GARMATZ:

H.R. 11583. A bill for the relief of Mrs. Seto Yiu Kwei; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

406. By Mr. STRATTON: Resolution of the Town Board of the Town of Rotterdam, Schenectady County, N.Y., urging the passage and enactment of Senate bill 105, the Veterans' Children Scholarship Act; to the Committee on Interstate and Foreign Commerce.

407. Also, resolution of the Schenectady County Board of Supervisors, urging the passage and enactment of Senate bill 105, the Veterans' Children Scholarship Act; to the Committee on Interstate and Foreign Commerce.

408. Also, resolution of the Schenectady City Council urging the passage of Senate bill 105, the Veterans' Children Scholarship Act; to the Committee on Interstate and Foreign Commerce.

409. Also, resolution of the Board of Education of the City School District of the City of Schenectady, N.Y., urging the enactment into law of Senate bill 105 for the granting of scholarships to children of veterans under certain circumstances; to the Committee on Interstate and Foreign Commerce.

EXTENSIONS OF REMARKS

Pacific Northwest-Hawaii Renewal Case

EXTENSION OF REMARKS
OF
HON. DANIEL K. INOUYE
OF HAWAII
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 5, 1960

Mr. INOUYE. Mr. Speaker, it was my pleasure recently to associate myself with the Governor of Hawaii and the two Senators of the 50th State in protesting the report of a Civil Aeronautics Board examiner which would have drastically curtailed air service between the mainland and Honolulu.

A grateful Hawaii now commends the CAB for its infinite wisdom in voting, unanimously, to continue to have the excellent services of both Pan American World Airways and Northwest Orient Airlines on the route from Seattle and Portland to Honolulu.

Rather than comment on the obvious inequities of the examiner's report I prefer to express myself on the final findings of the CAB. Certainly nothing has excited the imaginative traveler as much as the new accessibility to Hawaii and the Pacific generally. Air service to Samoa, to Tahiti, to the Fiji Islands, and on to the great and beautiful countries of Australia and New Zealand has whetted the appetites of mainland travelers. Fortunately for us in Hawaii, virtually all of these people will be processed through Hawaii. Once there, we believe they will either remain or will immediately make plans to return.

Now that both Pan Am and Northwest will be operating on permanent certificates the travel potentials between Honolulu and the mainland are limitless. Now, from Los Angeles, San Francisco, Portland, and Seattle there exists the best possible air schedules. I am told that there are on drawing boards supersonic aircraft which will be able to operate from the east coast of the United States to Hawaii in 3 hours.

Mr. Speaker, there is often a tendency to criticize the CAB—and other quasi-judicial bodies, I might add—for ultimate decisions which are unpleasant to at least a few of the interested parties. In the current instance, however, there seems to be unanimous feeling that the Board acted with economic and judicial forthrightness.

As far as Hawaii is concerned, Mr. Speaker, we are delighted to learn that the great Pacific Northwest will be only as far from Hawaii as the Pan Am jets of the present and the Northwest jets of the future make us.

Tribute to the National Herald, a Greek-American Newspaper

EXTENSION OF REMARKS
OF
HON. JOHN V. LINDSAY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 5, 1960

Mr. LINDSAY. Mr. Speaker, in the helter-skelter of our daily living we more often than not overlook those who silently help foster unity and understanding among our populace.

One of our "silent" partners in this great endeavor is the National Herald, a Greek-American newspaper in my district, which is celebrating this year its 45th anniversary of publication.

A fitting tribute to the National Herald's management and staff for splendid public service is the message by the President of the United States which I include in the RECORD, as follows:

THE WHITE HOUSE,
Washington, D.C., March 30, 1960.

Mr. E. J. MARKETOS,
Publisher, the National Herald,
New York, N.Y.:

Through Congressman JOHN V. LINDSAY, I have learned of the 45th anniversary of the National Herald, and it is a pleasure to join in the observance of this event.

Over the years, the National Herald has contributed much to the life of our Greek-American community. In the tradition of democracy, printing the truth with freedom and responsibility, this newspaper has performed a splendid service for its readers.

Congratulations and best wishes.

DWIGHT D. EISENHOWER.

The Case of the Disappearing Money, or Why Financial Writers Rise With the Government Bond Market or Vice Versa

EXTENSION OF REMARKS
OF
HON. WRIGHT PATMAN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 5, 1960

Mr. PATMAN. Mr. Speaker, during recent weeks the Government bond market has been rising rather nicely. Interest rates have not been brought down to any major extent, but they have been eased somewhat.

Only a month ago the administration and the Federal Reserve were still waging an allout campaign to have Congress remove the traditional 4¼ percent interest rate ceiling on Government bonds. At that time both the Treasury and the Federal Reserve were taking the position that if the Treasury attempted to sell any new bonds, it would push the yields on bonds already outstanding above 4¼ percent, and the bonds could not be sold.

The Treasury has, as we know, had a change of heart and is now offering up to $1.5 billion of a new 4¼ percent bond to mature in 25 years. This offer has not driven bond prices down as we were told that it would. On the contrary, the outstanding bonds most nearly comparable to the new issue rose by eight thirty-seconds of a dollar yesterday. This is the Treasury 3⅛s of 1985, which, according to the Wall Street Journal this morning, were being bid yesterday at 86²⁄₃₂, which would yield the buyer 4.11 percent. In other words, market yields on the 25-year bond yesterday were considerably lower than the 4.25 percent at which the new bond is being offered.

Why are Government bond prices now rising? The explanation we hear on all sides is that it is because the stock market is declining, and investors are putting their money into bonds rather than into stocks.

For example, a feature story carried by the Wall Street Journal yesterday puts it this way:

> The bond market has been winning investors away from the stock market. Stock prices surged to record highs at the end of 1959, buoyed by widespread forecasts of sharp gains in corporate sales and earnings in 1960. Since then, however, doubts have grown that this will quite measure up to the forecasts. In this atmosphere of uncertainty, many investors have been marking time by putting funds into bonds and other fixed income securities, rather than stocks.
>
> The enthusiasm for stocks in 1959 pushed prices so high that dividend yields in many cases sank below the yields available on bonds of comparable quality—in some cases to 1 percent or below.

And so on. This happy little explanation is what I call the "Case of Disappearing Money." It is based on a premise that money invested in stock somehow disappears. Normally we might think that when Mary Smith buys stocks from John Brown, John Brown will then have the money to invest in bonds or to put in the bank, in which case it will either be invested in bonds or free some third party's money for investment in bonds. But the financial writers obviously have a different theory, their theory being that when people are putting more money into the stock market, and thus driving stock prices up, that money somehow evaporates.

My point is the public is treated to all kinds of nonsensical explanations about money and financial markets. It seems to matter not to the explainers that their explanations today contradict the explanation of yesterday.

The "Case of the Disappearing Money" is exactly comparable with Chairman Martin's recent boast which suggests that the high interest rates of last year brought about and stimulated a record increase in savings. This suggestion, which is now being reported as fact by some of the financial writers, rests merely on the fact that combined purchases last year of interest-bearing and dividend paper by individuals and nonbanking companies reached an alltime high.

Chairman Martin's original statement on this matter—the one which made the headlines—was given before the Joint Economic Committee early in February. The extraordinary bit of news which he gave at that time was stated as follows:

> The activity last year of the nonbank public—meaning for the most part consumers and business concerns—in supplying borrowers with funds through the process of investment was truly extraordinary, and it did not stop with the purchase of Government securities sold by the banking system. The upswing in this activity shows up strikingly in the flow-of-funds data that I mentioned earlier. There, it appears that consumer and business investors increased the net amount of their purchases made directly in securities markets from about $4 billion in 1958 to almost $20 billion in 1959—a jump of 400 percent in a single year.
>
> The efficient and economically healthy flow of funds from savers to borrowers, directly and through intermediaries, did not come about without a price. The price was, of course, a rise in interest rates. These rates, representing a penalty to those who use someone else's money and a reward to those who save and risk their funds in loans and investments, rose in some instances to the highest levels in three decades. What happened is readily apparent: the pressure of demand for funds arising from a combination of forces converged to bring about a competition to borrow that drove interest rates upward; the rise in interest rates, in turn, operated to induce the savings and investment necessary to supply borrowing demands.

This statement comes very close to saying categorically that the high interest rates of last year were caused by an unusually high demand for credit, and, further, that the high interest rates of last year brought about an unusually large volume of savings. We need not debate the question whether the statement actually says these things or only suggests them. We need point out only that on the basis of the available evidence, what the statement suggests is contrary to fact.

Yes, there was an unusually large purchase of securities by the nonbank public, but what does this mean? It simply means that after the Federal Reserve drove the yield on 91-day Treasury bills up to astronomical heights, many nonbank corporations withdrew their demand deposits from the banks and put the funds into these short-term bills. But this does not mean that business firms and individuals saved any more of their incomes than in previous years, nor that the same funds would have not been invested in Treasury bills if the funds had been left in the commercial banks.

When interest yields on short-term Treasury bills are low, as they normally are, the industrial and utility corporations do not bother to draw their working funds out of the bank to invest them in these bills. Rather, they leave their working funds in demand deposits in the commercial banks and the banks use these funds to invest in the short-term bills.

But when the rate on Treasury bills goes very high, the nonbank corporations find it worth their while to take funds out of demand deposits, where they draw no interest, and put these funds into these bills. They can buy bills which mature in 3 months, 1 month, 1 week, or in any number of days they choose. In other words, they can buy a bill which will mature and return their cash at the time the cash is needed in corporate operations.

But does the fact that the nonfinancial corporations reduced their demand deposits with the commercial banks and bought more Treasury bills, because of the high interest rates, mean that more money was saved and less spent? Or does it mean that the demand for credit was greater last year than in previous years? It does not.

The flow of funds data which Chairman Martin has referred to as his basis for suggesting these things do not support his suggestions. These data, which are available only for the first 9 months of 1959, indicate that national savings last year, both on a net basis and on a gross basis, was a smaller percentage of the national income than was true in the years 1955, 1956, and 1957. Similarly, these data indicate that the demand for investment funds was a lesser percentage of national income last year than in the previous years I have mentioned, plus probably many other earlier years.

In other words, the high level of interest rates which the Federal Reserve maintained throughout the whole of last year simply meant that this Nation paid a higher price for the same amount of savings that would have been made in any case.

Why have Government bond prices gone up and interest rates gone down? I suggest that neither the theories advanced by the financial writers nor by the Federal Reserve people explain it.

It is not because stock prices have come down, because when one person buys stock from another, the money does not disappear.

And it is not because the Federal Reserve has now decided to encourage the American people to spend more and save less, for the simple reason that the Federal Reserve has had no luck whatever in changing this Nation's savings habits by raising or lowering interest rates.

The main reason that bond prices have improved and interest rates have gone down is that the political weather has been improving. It has been becoming more and more evident that Congress will not repeal the 4¼ percent ceiling on Government bonds, and it is becoming more and more evident to the people who buy most of the Government bonds that the long-term outlook is for a policy of more moderate interest rates. Their expectations of higher interest rates have declined and, inevitably, interest rates themselves have declined.

Washington Report

EXTENSION OF REMARKS
OF
HON. BRUCE ALGER
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 5, 1960

Mr. ALGER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following newsletter of April 2, 1960:

WASHINGTON REPORT
(By Congressman BRUCE ALGER, Fifth District, Texas)

Representative Russell Mack, of Washington, dropped dead while answering a quorum call on Monday, and the House adjourned in his memory. Truly, he died with his boots on. We shall miss him. Eleven Members of the 86th Congress have now passed on.

The Health, Education, and Welfare (HEW) appropriation bill passed 362 to 10. Actually, the $4.2 billion bill provided the money to finance two departments—Labor

other words, market yields on the 25-year bond yesterday were considerably lower than the 4.25 percent at which the new bond is being offered.

Why are Government bond prices now rising? The explanation we hear on all sides is that it is because the stock market is declining, and investors are putting their money into bonds rather than into stocks.

For example, a feature story carried by the Wall Street Journal yesterday puts it this way:

> The bond market has been winning investors away from the stock market. Stock prices surged to record highs at the end of 1959, buoyed by widespread forecasts of sharp gains in corporate sales and earnings in 1960. Since then, however, doubts have grown that this will quite measure up to the forecasts. In this atmosphere of uncertainty, many investors have been marking time by putting funds into bonds and other fixed income securities, rather than stocks.
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> The enthusiasm for stocks in 1959 pushed prices so high that dividend yields in many cases sank below the yields available on bonds of comparable quality—in some cases to 1 percent or below.

And so on. This happy little explanation is what I call the "Case of Disappearing Money." It is based on a premise that money invested in stock somehow disappears. Normally we might think that when Mary Smith buys stocks from John Brown, John Brown will then have the money to invest in bonds or to put in the bank, in which case it will either be invested in bonds or free some third party's money for investment in bonds. But the financial writers obviously have a different theory, their theory being that when people are putting more money into the stock market, and thus driving stock prices up, that

rities markets from about $4 billion in 1958 to almost $20 billion in 1959—a jump of 400 percent in a single year.

The efficient and economically healthy flow of funds from savers to borrowers, directly and through intermediaries, did not come about without a price. The price was, of course, a rise in interest rates. These rates, representing a penalty to those who use someone else's money and a reward to those who save and risk their funds in loans and investments, rose in some instances to the highest levels in three decades. What happened is readily apparent: the pressure of demand for funds arising from a combination of forces converged to bring about a competition to borrow that drove interest rates upward; the rise in interest rates, in turn, operated to induce the savings and investment necessary to supply borrowing demands.

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The main reason that bond prices have improved and interest rates have gone down is that the political weather has been improving. It has been becoming more and more evident that Congress will not repeal the 4¼ percent ceiling on Government bonds, and it is

($542 million) as well as HEW ($361.9 million). This amount exceeded the budget by $184 million, and last year's expenditures by $128 million. I opposed the bill for a number of reasons. (1) $183 million over the $4 billion budget figure which was more than enough. (2) Various programs financed by this bill are subject to criticism, including water pollution, school construction and school payments in lieu of taxes in "impacted areas." I cannot understand the reluctance of many in Congress to say no to any spending for projects which sound good. Take medical research, for example. Of course, we are all for medical research of all kinds, as we are all interested in the welfare, health, and education of our people. It does not follow that recognition of such needs means in every case more Federal law, spending, and control.

Many Members want to protest but wonder how you go about opposing a $4 billion "package", larded with boondoggle, when it also contains worthwhile projects and others that sound equally good—all for the general welfare of the people. How? Simply by voting against it. A vote "against" need not mean a Member is against trying to solve that need—rather that (1) it is not a matter of proper Federal concern, or (2) there is already enough money in the program without adding more, or (3) we can delay here and there until we can afford further spending.

For my part, I intend to remember my pledge of preserving fiscal responsibility by (1) balancing the budget, (2) reducing the debt, and (3) revising and reducing taxes. This course also assures keeping the dollar worth a dollar. True, it may not always be as appealing politically as the proffer of Federal money to constituents. In this cold war year, I suspect most Dallas folks would question, as I did, the urgency, if not the need, for Federal expenditures just now to finance studies on (1) the circulatory physiology of the octopus, (2) biological effects of parental age of mealworm beetles, (3) aging and ovaries of cockroaches, and (4) causes af alcoholism.

The White House Conference on Children and Youth brought to Washington a number of representatives from Dallas, as it did from all over the Nation, to discuss various problems affecting the Nation's youth. Capital newspapers reporting the event abound with suggestions for parents, educators and all levels of government. Federal aid to education, desegregation, birth control, and juvenile delinquency were in the forefront of attention. I couldn't help but wonder at some of the speeches I read—assuming they were reported accurately. It seems to me that in trying to solve some of these problems, action by the Federal Government should be a last resort because Federal action always imperils local initiative. Could it be that some of our trouble stems from too heavy a reliance on Government already—that we have tried inappropriately and foolishly to solve all our problems by transferring parental and community responsibility to the Washington bureaucracy? It is well to study our problems in a conference like this. It is my hope, though, that we do not end up expecting more Federal aid and direction to solve them. I wonder, too, if the Conference will recognize the spiritual base on which our society and government rests. Will the Conference even mention America's greatest strength throughout our history, our spiritual beliefs and the individual responsibility that, by definition, accompanies them? Surely nothing could be more ludicrous than for a people who have all but banished any word of God from our public schools to turn, then, to seek wisdom and guidance from the Federal bureaucracy.

This week's TV feature (WFAA, Sunday, 10:30 a.m.) was Dr. Keith Glennan, head of NASA (National Aeronautics and Space Administration) who discussed our space programs. The United States is making rapid strides in all areas, and concedes only a temporary lead to Russia in but one field, that of "launch vehicles."

Correction of last week's newsletter—Senator BARRY GOLDWATER's speech on foreign affairs was made in Washington, not Dallas where he spoke on labor management before the Public Affairs Luncheon Club.

SENATE

WEDNESDAY, APRIL 6, 1960

(Legislative day of Tuesday, April 5, 1960)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, in spite of all the clouds of doubt and falsehood which so often hide the sun, we know, as we turn to Thee, that the blue sky is the truth. We thank Thee for the dreams of our highest and best hours—visions of wildernesses now parched, which shall yet blossom as the rose.

We come seeking once more the faith that makes our dreams come true. Grant us the endurance of those who, in past dark and despairing days, were called to find their way, as we must, by the flame of a courage and a trust that no darkness can put out.

In these sacred weeks, as a lone cross looms against the sky, may our spirits be inspired as we behold a cruel object of torture changed into the shining splendor of the most sublime triumph of the ages.

We ask it in the name of the Redeemer who despised the shame and endured the cross for the joy that was set before Him. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, April 5, 1960, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 231) for the relief of Patricia Crouse Bredee.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H.R. 1402. An act for the relief of Leandro Pastor, Jr., and Pedro Pastor;

H.R. 1463. An act for the relief of Johan Karel Christoph Schlichter;

H.R. 1486. An act for the relief of David Tao Chung Wang;

H.R. 1519. An act for the relief of the legal guardian of Edward Peter Callas, a minor;

H.R. 1542. An act for the relief of Biagio D'Agata;

H.R. 1543. An act for the relief of Angela D'Agata Nicolosi;

H.R. 2007. An act for the relief of May Hourani;

H.R. 2645. An act for the relief of Jesus Cruz-Figueroa;

H.R. 3122. An act directing the Secretary of the Interior to issue a homestead patent to the heirs of Frank L. Wilhelm;

H.R. 3253. An act for the relief of Ida Magyar;

H.R. 3827. An act for the relief of Jan P. Wilczynski;

H.R. 4763. An act for the relief of Josette A. M. Stanton;

H.R. 4834. An act for the relief of Giuseppe Antonio Turchi;

H.R. 5033. An act for the relief of Betty Keenan;

H.R. 6121. An act for the relief of Placid J. Pecoraro, Gabrielle Pecoraro, and their minor child, Joseph Pecoraro;

H.R. 6400. An act for the relief of Mrs. Clara Young;

H.R. 8417. An act for the relief of Grand Lodge of North Dakota, Ancient Free and Accepted Masons;

H.R. 8457. An act for the relief of Richard Schoenfelder and Lidwina S. Wagner;

H.R. 8798. An act for the relief of Romeo Gasparini;

H.R. 8868. An act for the relief of Angela Maria;

H.R. 9142. An act to provide for payment for lands heretofore conveyed to the United States as a basis for lieu selections from the public domain, and for other purposes;

H.R. 9751. An act for the relief of Mrs. Icile Helen Hinman;

H.R. 10564. An act for the relief of 2d Lt. James F. Richie; and

H.J. Res. 638. Joint resolution relating to deportation of certain aliens.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred as indicated:

H.R. 1402. An act for the relief of Leandro Pastor, Jr., and Pedro Pastor;

H.R. 1463. An act for the relief of Johan Karel Christoph Schlichter;

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H.R. 10564. An act for the relief of 2d Lt. James F. Richie; and

H.J. Res. 638. Joint resolution relating to deportation of certain aliens; to the Committee on the Judiciary.

H.R. 3122. An act directing the Secretary of the Interior to issue a homestead patent to the heirs of Frank L. Wilhelm; and

H.R. 9142. An act to provide for payment for lands heretofore conveyed to the United States as a basis for lieu selections from the public domain, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 9751. An act for the relief of Mrs. Icile Helen Hinman; to the Committee on Post Office and Civil Service.

TRANSACTION OF ROUTINE BUSINESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that there be the usual morning hour, subject to a 3-minute limitation on statements.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS AT 12:20 P.M.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that at 12:20 p.m. today, the Senate stand in recess, subject to the call of the Chair, and proceed to the other body, for a joint meeting to hear a distinguished visitor from Latin America.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON OVEROBLIGATION OF AN APPROPRIATION

A letter from the Chairman, U.S. Atomic Energy Commission, Washington, D.C., reporting, pursuant to law, on the overobligation of an appropriation in that Commission; to the Committee on Appropriations.

REPORTS ON REAL PROPERTY EXEMPT FROM TAXATION IN THE DISTRICT OF COLUMBIA

A letter from the President, Board of Commissioners, District of Columbia, transmitting, pursuant to law, a report on real property exempt from taxation in the District of Columbia, during the calendar year 1957 (with an accompanying report); to the Committee on the District of Columbia.

A letter from the President, Board of Commissioners, District of Columbia, transmitting, pursuant to law, a report on real property exempt from taxation in the District of Columbia, specifically prior to passage of the act of December 24, 1942 (with an accompanying report); to the Committee on the District of Columbia.

RESTORATION TO THE UNITED STATES OF CERTAIN AMOUNTS EXPENDED IN THE DISTRICT OF COLUMBIA

A letter from the Acting President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to provide for the restoration to the United States of amounts expended in the District of Columbia in carrying out the Temporary Unemployment Compensation Act of 1958 (with an accompanying paper); to the Committee on the District of Columbia.

ADVANCE PAYMENT BY GOVERNMENT AGENCIES FOR REQUIRED PUBLICATIONS

A letter from the Administrative Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide agencies of the Government of the United States with authority to pay in advance for required publications (with an accompanying paper); to the Committee on Government Operations.

REPORT ON EXAMINATION OF CERTAIN SUBCONTRACTS AWARDED UNDER DEPARTMENT OF THE ARMY CONTRACTS

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of subcontracts awarded by Western Electric Co., Inc., Winston-Salem, N.C., to Telecomputing Corp., Whittaker Gyro Division, Van Nuys, Calif., under Department of the Army contracts, dated March 1960 (with an accompanying report); to the Committee on Government Operations.

REPORTS ON RECEIPT OF APPLICATIONS FOR LOANS UNDER SMALL RECLAMATION PROJECTS ACT OF 1956

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, that the Eastern Municipal Water District, in Riverside County, Calif., had applied for a loan to be used for the construction of distribution facilities; to the Committee on Interior and Insular Affairs.

A letter from the Under Secretary of the Interior, reporting, pursuant to law, that the South Sutter Water District, in Sutter County, Calif., had applied for a loan of $4,875,600 (with accompanying papers); to the Committee on Interior and Insular Affairs.

AMENDMENT OF UNITED STATES CODE, RELATING TO ASSAULTS UPON, AND HOMICIDE OF, CERTAIN OFFICERS AND EMPLOYEES OF THE UNITED STATES

A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to include certain officers and employees of the U.S. Department of Agriculture within the provisions of the United States Code relating to assaults upon, and homicide of, certain officers and employees of the United States as constituting a crime (with accompanying papers); to the Committee on the Judiciary.

REPORT ON PAYMENT OF CLAIMS ARISING FROM CORRECTION OF MILITARY OR NAVAL RECORDS

A letter from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on the payment of claims arising from the correction of military or naval records, for the period July 1, 1959, through December 31, 1959 (with an accompanying report); to the Committee on the Judiciary.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

A letter from the Commissioner, Immigration, and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

STATUS OF PERMANENT RESIDENCE FOR A CERTAIN ALIEN

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a copy of the order granting the application for permanent residence filed by Chong Yue Wah, also known as Chong Wak Yue, together with a statement of the facts and pertinent provisions of law and the reasons for granting such application (with accompanying papers); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on Agriculture and Forestry:

"ASSEMBLY JOINT RESOLUTION 11

"Resolution relative to agricultural economy

"Whereas the well-being of the agricultural industry of the United States is vital not only to those actively engaged in the farming, ranching, animal production and other segments of the industry but also to the entire Natior, for the economic stability of agriculture directly affects all citizens of this country; and

"Whereas, many segments of our agricultural industry are presently experiencing ever-increasing difficulty in maintaining that stability so essential to a vigorous, growing economy and unless steps are taken to insure such stability this weakness may well threaten the entire economy of our Nation; and

"Whereas California has for many years found the use of self-help type of stabilization and marketing orders a most effective means to provide such stability with equitable treatment to all persons concerned from the individual producer, the many handlers and processors, the retail seller, to the ultimate consumer, and

"Whereas, the present Congress has before it measures which will allow such programs to be used to aid the poultry industry, which is in great need for such help, and other legislation which would make available to farm producers generally the use of self-help type of marketing programs and including measures which will aid in the further development of family farms and stabilize their income; Now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California (jointly)*, That the Legislature of the State of California respectfully memorializes the Congress of the United States to favorably consider the enactment of self-help legislation to authorize poultry stabilization and marketing programs and legislation to further family farm development and stabilize such farm income; and be it further

"*Resolved*, That the chief clerk of the assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Appropriations:

"ASSEMBLY JOINT RESOLUTION 6

"Resolution relative to the Merced County stream group flood control project

"Whereas in 1955, the U.S. Corps of Engineers completed construction, as part of the authorized flood control work on the Merced County stream group, of dams and reservoirs on Bear, Burns, Owens, and Mariposa Creeks, and diversion channels from Black Rascal Creek to Bear Creek and from Owens Creek to Mariposa Creek; and

"Whereas the State of California, acting through the reclamation board, has completed the enlargement of the channels downstream from the above dams in conformity with the plans of the Corps of Engineers; and

"Whereas while the above completed works provide a substantial degree of protection, the floods during December of 1955 and the spring of 1958 graphically indicate that there are some inadequacies with respect to capacity and the areas protected by the flood control works; and

"Whereas there are no protective works on Fahrens Creek and Canal Creek, which creeks produce floodflows that endanger the Castle Air Force Base installation of the Strategic Air Command; and

"Whereas the runoff from Castle Air Force Base into Canal Creek has been continually increasing due to the expansion of runways and building areas, which runoff has increased peak flows in Canal Creek to the detriment of properties both upstream and downstream from the base; and

"Whereas in addition, the reaches of Bear, Owens, Miles, and Mariposa Creeks downstream from the westerly boundary of the authorized Merced County stream group flood control project are unimproved, thereby leaving the adjacent lands subject to periodic flooding; and

"Whereas the rapid economic growth of the city of Merced and the surrounding areas and the proximity of Castle Air Force Base would appear to justify a higher degree and larger area of protection than originally contemplated in connection with the Merced County stream group project; and

"Whereas in 1958, the Public Works Committee of the House of Representatives authorized a review study of the Merced County stream group project by the Corps of Engineers, the total estimated cost of which was $80,000, of which $15,000 can be used effectively by the Corps of Engineers during the fiscal year commencing July 1, 1960: Now, therefore, be it

"Resolved by the Assembly and Senate of the State of California (jointly), That the Legislature of the State of California respectfully memorializes the Congress of the United States to appropriate the sum of $15,000 for expenditure by the U.S. Corps of Engineers during the fiscal year beginning July 1, 1960, to initiate the review study of the Merced County stream group flood control project; and be it further

"Resolved, That the chief clerk of the assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Armed Services:

"ASSEMBLY JOINT RESOLUTION 3

"Resolution relative to west coast shipbuilding

"Whereas a bill, H.R. 8093, has been introduced in the Congress of the United States to delete subsection (d) of section 502 of the Merchant Marine Act, 1936 (49 Stat. 1985), which allows a 6-percent differential for bids of west coast shipyards for the construction of ships to be operated by steamship companies whose home office is located at Pacific coast ports; and

"Whereas Congressman JOHN F. SHELLEY has introduced H.R. 9899 to extend the allowance of a 6-percent differential for bids of west coast shipyards for the construction of all ships regardless of the location of the home port of the steamship company; and

"Whereas the retention and expansion of the 6-percent differential is vital for the preservation of the west coast shipbuilding industry because of the higher construction costs of this area; and

"Whereas the security of the Untied States requires a healthy and vigorous shipbuilding industry on the Pacific coast as well as on the Atlantic and gulf seaboards; and

"Whereas not only California but the other 12 Western States including Alaska and Hawaii will be affected by the proposed repeal or extension of the 6-percent differential, since they furnish both raw materials and manpower to the shipbuilding industry on the Pacific coast: Now, therefore, be it

"Resolved by the Assembly and Senate of the State of California (jointly), That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to retain and expand the 6 percent differential allowed for bids of west coast shipyards for the construction of ships by rejecting H.R. 8093 and supporting the Shelley bill H.R. 9899; and be it further

"Resolved, That the chief clerk of the assembly is directed to send copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California, and the other 12 Western States, in the Congress of the United States, and to Jeremy Ets-Hokin, chairman of the California Governor's Committee for Ship Construction and Repair, Thomas A. Rotell, executive secretary of the Pacific Coast Metal Trades District Council, Hugh Gallagher, chairman of the San Francisco Mayor's Committee for Shipping, Shipbuilding and Ship Repair, and Louis Ets-Hokin, president of the Western Shipbuilding Association."

Two joint resolutions of the Legislature of the State of California; to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION 4

"Resolution relative to the Federal cabaret excise tax

"Whereas the existing 20-percent rate of the Federal so-called cabaret excise tax on admissions to roof gardens, cabarets, and other similar places has resulted in a serious loss of customers by such places; and

"Whereas 500 of such places of entertainment operated by the hotels of the Nation were, among others, thereby forced to close; and

"Whereas 40,912 job opportunities were lost to musicians, the loss of which accounts for one-half of the present unemployment among this group; and

"Whereas 200,000 cooks, waiters, service help, and other entertainers have also lost job opportunities which otherwise would be available; and

"Whereas the Federal Government loses $11 million annually as a direct result only of the unemployment of such musicians, which amount represents income and business tax revenues in excess of what is presently collected under the cabaret tax; and

"Whereas the American people have uniformly supported the reduction or repeal of such cabaret tax since the termination of the wars during which the existing rates were adopted; and

"Whereas numerous measures have been introduced in the Congress of the United States which would provide tax relief from the cabaret tax; and

"Whereas the enactment of this legislation will contribute immeasurably to the economic health of the Nation, result in more employment among the affected groups, and increase the revenues in the U.S. Treasury: Now, therefore, be it

"Resolved by the Assembly and Senate of the State of California (jointly), That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to enact legislation giving the American people relief from the cabaret tax, either by the repeal of it or reduction of its rates; and be it further

"Resolved, That the chief clerk of the assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

"ASSEMBLY JOINT RESOLUTION 7

"Resolution relative to the Veterans' Benefits Act of 1957

"Whereas the Veterans' Benefits Act of 1957 does not now provide a presumption that the death of a veteran resulted from disease or injury incurred or aggravated in line of duty while on active duty regardless of the number of years of active duty he may have served; and

"Whereas the deaths of most servicemen with 30 years or more active duty can be shown to have been the result of disease or injury incurred or aggravated in line of duty while on active duty; and

"Whereas it is often very difficult or impossible to establish the cause of death of servicemen with over 30 years' service and there is no adequate procedure to establish such cause of death; and

"Whereas many injustices have arisen due to the death of servicemen who have died after years of service without adequate provision and compensation being made to their families and widows; and

"Whereas adequate protection to widows and families would be to the material benefit of the Armed Forces of the United States and to the national defense; and

"Whereas there are many bills in the Veterans' Affairs Committee of the House of Representatives which would establish a presumption that the deaths of servicemen with over 30 years of active duty service are service connected: Now, therefore, be it

"Resolved by the Assembly and Senate of California (jointly), That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to amend the Veterans' Benefits Act of 1957 to provide a conclusive presumption of service connection in case of death of servicemen with 30 years active duty service and to extend the benefits which would arise from this amendment to the widows and families of servicemen who would be affected by this amendment but who died prior to its enactment; and be it further

"Resolved, That the chief clerk of the assembly be hereby directed to transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Interior and Insular Affairs:

"ASSEMBLY JOINT RESOLUTION 13

"Resolution relative to the Palace of Fine Arts in San Francisco

"Whereas the people of San Francisco are desirous of restoring the beautiful Palace of Fine Arts built for the Panama Pacific Exposition of 1915; and

"Whereas to accomplish this purpose, philanthropist Walter S. Johnson has magnanimously donated the sum of $2 million; and

"Whereas the remaining funds required for undertaking this project have been provided by the State of California and the city of San Francisco; and

"Whereas when the site of the palace was deeded to the city for the 1915 exposition, the Federal Government reserved to itself a right-of-way along Lyon Street; and

"Whereas it will be necessary to obtain a release of the right-of-way before San Francisco can deed the land to the State for commencement of the reconstruction: Now, therefore, be it

"Resolved by the Assembly and Senate of the State of California (jointly), That the Legislature of the State of California respectfully requests the Congress of the United States to approve the release of the right-of-way which it holds at the site of the Palace of Fine Arts in San Francisco; and be it further

"Resolved, That the chief clerk of the assembly is directed to transmit copies of this resolution to the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Labor and Public Welfare:

"ASSEMBLY JOINT RESOLUTION 8

"Resolution relative to the extension of educational and training benefits to persons entering the Armed Forces after January 31, 1955

"Whereas the Congress of the United States has recognized the justice, equity, and benefits to the Nation arising from giving educational and training benefits to veterans by enacting the Servicemen's Readjustment Act of 1944 (Public Law 346 of the 78th Congress) and the Veterans' Readjustment Act of 1952 (Public Law 550 of the 82d Congress); and

"Whereas the benefits under these acts are no longer provided to servicemen who entered the Armed Forces after January 31, 1955, notwithstanding the fact that the Nation has continued its compulsory military service program; and

"Whereas the result is that many young men who serve in our country's armed services will lose educational and economic opportunities even though the need for education for the purpose of competing in civilian life continues to be of great importance; and

"Whereas our Nation has found it necessary to its security, well-being, and position among nations to increase the educational level, professional competence, and technical skill of its citizens; and

"Whereas the increased earning power, increased efficiency in commerce and industry, and increased national product and income directly attributable to the program of educational and training benefits for servicemen results in increased tax revenues of the U.S. Government so that the cost of the program is largely repaid by the increased tax revenues: Now, therefore, be it

"Resolved by the Assembly and Senate of the State of California (jointly), That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to extend educational and training benefits similar to benefits provided by Public Law 550 of the 82d Congress as amended, to all persons who served, or who may serve, subject to such changes by law or regulation as Congress may deem fit to impose, in the Armed Forces of the United States during any period in which compulsory military service was or remains in effect; and be it further

"Resolved, That the chief clerk of the assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Public Works:

"ASSEMBLY JOINT RESOLUTION 10

"Resolution relative to flood control on the Eel, Mad, and Smith Rivers in the State of California

"Whereas storms along the north coastal area of California have caused excessive flood runoff in the Eel River 20 times during the past 50 years, three of which floods occurred in the last five years, with the largest record occurring in 1955; and

"Whereas the high water and floods in the lower reaches of the Eel River in December 1955, February 1958, and February 1960, exceeded the river capacity and overflows of the river banks caused erosion, damaged buildings, property, and roads and endangered the welfare and safety of residents of this area; and

"Whereas such damage or destruction due to flood waters will continue to occur at frequent intervals in the future unless remedial measures are taken to alleviate this condition; and

"Whereas preliminary examinations and surveys of Eel and Mad Rivers in Humboldt County were authorized by section 6 of the 1936 Flood Control Act (Public Law 738, 74th Congress; approved June 22, 1936); and

"Whereas a review of reports on Eel River in Mendocino County was authorized by a resolution of the House Committee on Public Works in August 1939, and a resolution by that committee in June 1956, provided additional authority for review of reports; and

"Whereas it is understood that it will be several years before a basinwide flood control project on the Eel River can be justified under the standard criteria; and

"Whereas no date has been established for the initiation of the investigation for a review of an unfavorable report submitted July 22, 1950 authorized by Congress on July 12, 1954 and June 13, 1956; and

"Whereas high water and floods in February 1960 again flooded the lower reaches of the Smith River, overflowing Lake Earl, Lake Talowa, and the agricultural lands, roads, bridges, and buildings in the Smith River Delta; and

"Whereas under the multiple use policy of Congress, this entire area, including 10 miles of beaches, urgently requires the making of this review and of bringing up to date engineering studies for flood control, conservation, shore and beach protection, recreation and wildlife habitat: Now, therefore, be it

"Resolved by the Assembly and Senate of the State of California (jointly), That the Legislature of the State of California respectfully memorializes the Corps of Engineers of the United States Army to take all steps necessary to complete its investigations, studies and review of reports in connection with flood control on the Eel, Mad, and Smith Rivers in Humboldt and Mendocino Counties so that the urgently needed flood control and protection works can be undertaken and completed at the earliest possible time; and be it further

"Resolved, That the chief clerk of the assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of the Army, and to the Chief of Engineers of the U.S. Army."

A concurrent resolution of the Legislature of the Territory of American Samoa; to the Committee on Interior and Insular Affairs:

"HOUSE CONCURRENT RESOLUTION 27

"Resolution requesting the Congress of the United States of America to enact organic legislation establishing a civil government for our country

"Whereas our people expressed a keen desire for organic legislation in a petition signed by all our leaders, the matais of Tutuila and Manu'a, at a general assembly held in 1945 at Gagamoe, a historical meeting place of our people; and

"Whereas a committee consisting of the Secretary of State, the Secretary of the Navy, and the Secretary of the Interior, recommended to the President of the United States in 1947 the enactment of organic legislation for our Territory as a step toward the fulfillment of the obligation assumed by the United States under article 73 of the United Nations Charter; and

"Whereas in 1949 the Department of the Interior, with the strong support of the President of the United States, recommended immediate enactment of organic legislation for our country in order to extend to us U.S. citizenship, a bill of rights, local legislative powers, an independent judiciary, and representation by a Resident Commissioner in the U.S. Congress; and

"Whereas we firmly believe that the enactment of organic legislation for American Samoa is the most effective and satisfactory way to discharge the responsibility of the United States under the United Nations Charter and to maintain fully its traditional role as the champion among nations of dependent people, of representative government, of justice under law, and of fundamental rights and human freedom for everyone everywhere; and

"Whereas with respect to organic legislation, it is the policy of the Department of the Interior to support such legislation when our people desire it and are ready for it, and our people, through their duly elected representatives, are asking for such legislation, believing firmly that our people are ready to begin their God-given right to make their own local laws; and

"Whereas the enactment of organic legislation for our country will not only furnish our people the fruits of democracy but will also serve notice to all nations in the Pacific Ocean area that the right of self-determination and freedom from oppression are granted by the Constitution of the United States by acts as well as by words: Now, therefore, be it

"Resolved by the House of Representatives of the Sixth Legislature of the Territory of American Samoa (the Senate concurring), That the Congress of the United States of America be, and it is hereby, respectfully requested to enact H.R. 4500, introduced in the House of Representatives of the 81st Congress of the United States of America, as the same will be amended by the 6th Legislature of the Territory of American Samoa and approved by a convention of the people of American Samoa called for that purpose; and be it further

"Resolved, That duly certified copies of this concurrent resolution be forwarded to the President of the United States of America, to the President of the Senate and Speaker of the House of Representatives of the 86th Congress, to the chairman of the House Committee on Interior and Insular Affairs, to the chairman of the Senate Committee on Interior and Insular Affairs, to the Secretary of the Interior, and to the Governor of American Samoa."

A resolution adopted by the Board of Supervisors of Merced County, Merced, Calif., favoring the enactment of House bill 7155, authorizing the construction of the

Federal share of the San Luis unit of the Central Valley project, California; to the Committee on Public Works.

By Mr. SALTONSTALL (for himself and Mr. KENNEDY):

Resolution of the General Court of the Commonwealth of Massachusetts; to the Committee on Finance:

"RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION AMENDING THE SOCIAL SECURITY LAW

"Whereas it is advisable to raise the maximum which an individual can earn while obtaining full social security benefits from the present $1,200 a year to $2,500 a year, and to permit wives to earn more than the present maximum of $1,200 a year: Therefore be it

"*Resolved*, That the General Court of Massachusetts respectfully urges the Congress of the United States to give early and favorable consideration to the enactment of legislation to amend the social security laws to raise the maximum which may be earned under the social security laws; and be it further

"*Resolved*, That copies of these resolutions be sent forthwith by the secretary of the Commonwealth to the Senators and Representatives in Congress from this Commonwealth.

"Adopted by the house of representatives February 9, 1960.

"LAWRENCE R. GROVE, *Clerk*.

"Adopted by the senate, in concurrence, March 2, 1960.

"IRVING N. HAYDEN, *Clerk*.

"Attest:

"JOSEPH D. WARD,
"*Secretary of the Commonwealth*."

Resolution of the General Court of the Commonwealth of Massachusetts; to the Committee on Public Works:

"RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT A FEDERAL AREA REDEVELOPMENT ACT

"Whereas passage of a Federal area redevelopment act would provide Federal aid for the revitalization of older mill and factory areas, and thereby enable the Commonwealth to compete more effectively with other States for new industry and provide funds for the retraining of workers in areas of chronic unemployment: Therefore be it

"*Resolved*, That the General Court of Massachusetts respectfully urges the Congress of the United States to give early and favorable consideration to the passage of a Federal area redevelopment act; and be it further

"*Resolved*, That copies of these resolutions be sent forthwith by the secretary of the Commonwealth to the Senators and Representatives in Congress from this Commonwealth.

"Adopted by the house of representatives, February 29, 1960.

"LAWRENCE R. GROVE,
"*Clerk*.

"Adopted by the senate, in concurrence, March 2, 1960.

"IRVING N. HAYDEN,
"*Clerk*.

"Attest:

"JOSEPH D. WARD,
"*Secretary of the Commonwealth*."

RESOLUTION OF SENATE OF STATE OF NEW JERSEY

Mr. CASE of New Jersey. Mr. President, the New Jersey State Senate has adopted a resolution honoring Abe J. Greene of Paterson, the managing editor of the Paterson Evening News, and one of New Jersey's best known and best respected citizens. The Nation as a whole has known of Mr. Greene's positive contributions to the world of boxing. For years he was head of the National Boxing Association, and his interest in promoting clean sports is as strong as ever. His contributions to the civic life of his home city and county—indeed, our entire State—are immeasurable.

The resolution was adopted by the New Jersey Senate, and none of the "whereases" which detail, in fact, his many contributions to our people, can ever measure my regard for him as a friend. I am grateful to M. Martin Turpanjian, president of the New Jersey League of Weekly Newspapers, who has been good enough to forward to me a copy of the senate resolution honoring Abe Greene, I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas Abe J. Greene, of Paterson, has been proclaimed Editor of the Year for 1959, by the New Jersey League of Weekly Newspapers, for being an effective and impressive super goodwill ambassador of the fourth estate of New Jersey for his illuminating editorial analysis of the national and international problems confronting our modern American civilization; for his adherence and loyalty to the pioneer concept of the true American way of life, with its lofty ideals of free speech, free press, and free religion guaranteed by our constitutional Bill of Rights; for his recognition as the foremost boxing commissioner of the United States; for his honored reelection for many years; and his advocacy for clean, wholesome sports. A plaque has been presented to Mr. Abe J. Greene by President M. Martin Turpanjian of New Jersey League of Weekly Newspapers on behalf of all the officers and members of the said organization. Mr. Turpanjian is also the editor of the Waldwick Jersey Parade and North Bergen Hudson Gazette. Mrs. Conrad Lyons, editor and publisher of Spotlight, America's picture news weekly of Newark is chairman of the board of directors of the league; and

Whereas Abe J. Greene has been in the newspaper writing field for a period of 40 years, as of January 2, 1960, he has demonstrated by his deeds of constructive service that he is a man possessing a great inherent reverence and respect for logical facts, for his influence has been felt as a power for good in all the communities served by the Paterson Evening News, which is regarded and appraised as the third peak of the evening newspapers of the State of New Jersey. He has inspired his newspaper editorials with the rare sense of impartiality and judicial poise of self-restraint which has endeared his opinions and ideas to his many readers throughout the Garden State; and

Whereas Abe J. Greene has the unique individuality and freedom from all conventional dogmas, by discarding all mental uniformity and conformity and always seeking to present nothing but factual logic and realistic conclusions; for his inspiring method of throwing the searchlight of truth on all our international relations aimed to stimulate and radiate in the American citizen a sense of patriotic fervor for the truly traditional concept of life. A great credit is due for the fortunate foresight and sagacious judgment of Harry B. Haines, the editor and publisher of the Paterson Evening News for his wise selection of Abe J. Greene 40 years ago as a member of his editorial staff; and

Whereas Abe J. Greene is widely known for his wisdom of mind, dignity of spirit, benevolence of heart, for his eloquent extemporaneous oratory and yet his deep sense of humility and his rare self-discipline has at all times during his four decades of unselfish civic service been demonstrated by his deeds and not mere words for he has made many loyal friends in Canada, South America, and the United States who admire him affectionately: Now, therefore, be it

Resolved, That the State Senate of the State of New Jersey extend to Abe J. Greene our felicitations in rounding out the 40th year as a newspaperman and for being selected Editor of the Year by the New Jersey League of Weekly Newspapers; and be it further

Resolved, That a copy of this resolution, signed by the president of the senate and attested by the secretary, be sent to Mr. Abe J. Greene.

RESOLUTION OF STUDENT ASSEMBLY OF UNIVERSITY OF TEXAS

Mr. YARBOROUGH. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution adopted by the student assembly of the University of Texas on March 24, 1960, favoring the Kennedy-Clark amendment to the National Defense Education Act.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION PRESENTED IN THE STUDENT ASSEMBLY OF THE UNIVERSITY OF TEXAS

Now, therefore, be it

Resolved by the student assembly of the University of Texas, That the student assembly of the University of Texas favors the Kennedy-Clark amendment to the National Defense Education Act; be it further

Resolved, That the president of the Students' Association is hereby directed to use all means under his power to urge the passage of the Kennedy-Clark amendment to the National Defense Education Act.

Respectfully submitted.

JIM INFANTE,
Assemblyman Graduate.

Resolution 9-60, being adopted by the student assembly on March 24, 1960, is hereby certified as expressing the will of said assembly.

FRANK C. COOKSEY,
President, Students' Association.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KERR (for himself and Mr. MONRONEY):

S. 3337. A bill to amend section 3(b) of the act of May 9, 1958 (72 Stat. 105), relating to the preparation of a roll of the members of the Otoe and Missouria Tribe and to per capita distribution of judgment funds; to the Committee on Interior and Insular Affairs.

By Mr. MCCLELLAN (for himself and Mr. FULBRIGHT):

S. 3338. A bill to remove the present $5,000 limitation which prevents the Secretary of the Air Force from settling certain claims arising out of the crash of a United States Air Force aircraft at Little Rock, Ark.; to the Committee on the Judiciary.

(See the remarks of Mr. MCCLELLAN when he introduced the above bill, which appear under a separate heading.)

By Mr. KERR:

S. 3339. A bill to provide that the Secretary of the Army shall establish a national cemetery in Fort Reno, Okla., on certain lands presently under the jurisdiction of the Secretary of Agriculture; to the Committee on Agriculture and Forestry.

By Mr. KEATING:

S. 3340. A bill to amend title 18, United States Code, to authorize certain communications to be intercepted in compliance with State law, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. KEATING when he introduced the above bill, which appear under a separate heading.)

By Mr. BEALL:

S. 3341. A bill for the relief of Bernard Jacques Gerard Caradec; to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 3342. A bill to clarify the powers of the Civil Aeronautics Board in respect of consolidation of certain proceedings;

S. 3343. A bill to amend the Communications Act of 1934 in order to give the Federal Communications Commission certain authority over radio receiving antennas; and

S. 3344. A bill to amend the act of October 9, 1940 (54 Stat. 1030, 1039) in order to increase the periods for which agreements for the operation of certain concessions may be granted at the Washington National Airport, and for other purposes; to the Committee on Interstate and Foreign Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bill; which appear under separate headings.)

RESOLUTION

COMMENDATION OF POSTMASTER GENERAL'S CAMPAIGN AGAINST OBSCENE LITERATURE

Mr. WILEY submitted a resolution (S. Res. 301) commending the Postmaster General's campaign against obscene literature, which was referred to the Committee on Post Office and Civil Service.

(See the above resolution printed in full when submitted by Mr. WILEY, which appears under a separate heading.)

AMENDMENT OF TITLE 18, UNITED STATES CODE, RELATING TO INTERCEPTION OF CERTAIN COMMUNICATIONS

Mr. KEATING. Mr. President, I introduce, for appropriate reference, a bill to amend chapter 223 of title 18 of the United States Code to authorize certain communications to be intercepted in compliance with State law, and for other purposes.

An identical bill is today being introduced in the House of Representatives by Representative EMANUEL CELLER, the chairman of the House Committee on the Judiciary.

This bill is designed to relieve a law enforcement problem in New York and in other States which require court orders for wiretapping.

Effective action against organized crime in New York has been jeopardized by a series of court rulings virtually nullifying New York's wiretapping laws. These decisions interpret the Federal Communications Act to prohibit wiretapping by State authorities even under court order. This has resulted in the suppression of vital evidence in a number of important criminal cases in New York.

The evils of unrestricted wiretapping are well known. The New York statute on this subject, however, is most carefully drawn to protect against any unauthorized, uncontrolled snooping either by the police or by so-called "private eyes." Under present court decisions, this carefully worked out legislative scheme for safeguarding the public against electronic snooping without crippling effective police work, has been made almost inoperative.

We shall try our utmost to impress upon the Congress the critical importance of this problem to law enforcement, and we are hopeful that relief will be obtained before Congress adjourns.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3340) to amend title 18 of the United States Code to authorize certain communications to be intercepted in compliance with State law, and for other purposes, introduced by Mr. KEATING, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 223 of title 18 of the United States Code is amended by adding at the end thereof the following:

"§ 3501. Evidence of intercepted communications

"No law of the United States shall be construed to prohibit the interception, by any law enforcement officer or agency of any State (or any political subdivision thereof) in compliance with the provisions of any statute of such State, of any wire or radio communication, or the divulgence, in any proceeding in any court of such State, of the existence, contents, substance, purport, effect or meaning of any communication so intercepted, if such interception was made after determination by a court of such State that reasonable grounds existed for belief that such interception might disclose evidence of the commission of a crime."

SEC. 2. The analysis of chapter 223 of title 18 of the United States Code is amended by inserting immediately below "3500. Demands for production of statements and reports of witnesses." the following:

"3501. Evidence of intercepted communications."

CLARIFICATION OF POWERS OF CIVIL AERONAUTICS BOARD IN CONSOLIDATION OF CERTAIN PROCEEDINGS

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to clarify the powers of the Civil Aeronautics Board in respect of consolidation of certain proceedings. I ask unanimous consent that a letter from the Chairman of the Civil Aeronautics Board, requesting the proposed legislation, be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 3342) to clarify the powers of the Civil Aeronautics Board in respect of consolidation of certain proceedings, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

The letter presented by Mr. MAGNUSON is as follows:

CIVIL AERONAUTICS BOARD,
Washington, March 25, 1960.

HON. RICHARD M. NIXON,
President of the Senate,
U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: The Civil Aeronautics Board recommends to the Congress for its consideration the enclosed draft of a proposed bill to clarify the powers of the Civil Aeronautics Board in respect of consolidation of certain proceedings.

The Board has been advised by the Bureau of the Budget that there is no objection to the presentation of the draft bill to the Congress for its consideration.

Sincerely yours,

JAMES R. DURFEE,
Chairman.

STATEMENT OF PURPOSE AND NEED FOR PROPOSED LEGISLATION

A bill to clarify the powers of the Civil Aeronautics Board in respect of consolidation of certain proceedings

One of the most persistent problems the Board has encountered, particularly in large area route proceedings, has been the contention of applicants at the consolidation stage, based on the doctrine of *Ashbacker Radio Corp.* v. *F.C.C.* (326 U.S. 327 (1945)), that they are entitled as a matter of legal right to consolidation of particular applications. Such an applicant usually asserts that the grant of an application which the Board proposes to hear will preclude a subsequent grant of its own application, and that the Board therefore must also hear its application in the proceeding and accord it comparative consideration. In many instances in the past, a refusal by the Board to consolidate has resulted in an appeal to the courts from the consolidation order, with a request that the court stay further procedural steps in the Board proceeding pending disposition of the petition for review.

The Board recognizes that essential fairness sometimes requires contemporaneous consideration of applications and that consolidation for hearing is often the most expedient means for achieving this end. We have, however, taken the position that failure to consolidate applications for hearing does not in and of itself result in any deprivation of right, and that, in any event, legal error in consolidation, like any other that may be committed in the course of a particular case, is not judicially reviewable except as an incident to judicial review of the Board's final order entered at the conclusion of the proceeding.

It is believed that legislation is needed which will (1) recognize the Board's right, in its sound discretion, to hear particular applications individually or in conjunction with others, (2) provide that any judicial review of alleged errors in consolidation can be obtained only at the conclusion of a proceeding, (3) provide that the Board shall not be required to hold, prior to a hearing on the merits, a preliminary hearing on consolidation, and (4) provide that the burden of establishing that applications should be consolidated for hearing or given contemporaneous consideration shall be on the person making request therefor.

CERTAIN AUTHORITY OF FEDERAL COMMUNICATIONS COMMISSION OVER RADIO RECEIVING ANTENNAS

Mr. MAGNUSON. Mr. President, by request, I introduced, for appropriate

reference, a bill to amend the Communications Act of 1934 in order to give the Federal Communications Commission certain authority over radio receiving antennas. I ask unanimous consent that a letter from the chairman of the Federal Communications Commission requesting the proposed legislation, be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 3343) to amend the Communications Act of 1934 in order to give the Federal Communications Commission certain authority over radio receiving antennas, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

The letter presented by Mr. MAGNUSON is as follows:

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., March 28, 1960.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: The Commission wishes to recommend at this time for consideration of the Congress the enactment of legislation amending the Communications Act of 1934 (as amended), to authorize control over the installation, height, and location of receiving antenna towers. Attached is a copy of the bill as we drafted it as well as the justification (47 U.S.C. 302).

The Bureau of the Budget has advised the Commission that it has no objection to the submission of this letter.

The Commission considers the enactment of this legislation, which has been coordinated with the Air Coordinating Committee and its member agencies, of importance in facilitating a solution to the problems raised by the joint use of airspace by the aviation and broadcast industries so as to minimize the hazards to aviation safety. It is believed that the proposed legislation will protect the interests of aviation and at the same time will not impose an unreasonable burden on the broadcasting industry.

It is hoped, therefore, that this proposal will receive early and favorable consideration by the Congress. The Commission will be glad to furnish any additional information that may be desired by the Congress or by any committee to which this proposal is referred.

By direction of the Commission.

FREDERICK W. FORD,
Chairman.

JUSTIFICATION FOR PROPOSED AMENDMENT TO SECTION 302 OF THE COMMUNICATIONS ACT OF 1934, TO AUTHORIZE FEDERAL COMMUNICATIONS COMMISSION CONTROL OVER THE INSTALLATION, HEIGHT AND LOCATION OF RECEIVING ANTENNA TOWERS, 47 U.S.C. 302

The Commission wishes to recommend at this time for the consideration of the Congress the enactment of legislation amending the Communications Act of 1934, as amended, to authorize control over the installation, height, and location of receiving antenna towers (47 U.S.C. 302).

Concern has been expressed by aviation interests, both Government and non-Government, and by the general public, over the steadily increasing number of tall antenna towers which may, under certain circumstances, present a serious hazard to safety in the field of aviation. The current trend toward many high antenna towers presents a much more acute problem than that which has existed in the past, due to the much greater speeds attained by modern aircraft and due to the fact that towers built in the past are, as a general rule, of much less height than those currently being constructed. Furthermore, radio towers, being of latticed construction, are inherently less visible than solid structures such as buildings, water towers, smokestacks, and the like.

This concern about the present and potential hazard to aviation safety prompted the Air Coordinating Committee to establish a Joint Industry/Government Tall Structures Committee (JIGTSC) to investigate the problems raised in the joint use of airspace by the aviation and broadcast industries, and to recommend appropriate action establishing the position of the Federal Government in this matter. One of JIGTSC's recommendations was that "the FCC, supported by other interested agencies, seek legislation empowering it to control the installation, height, and location of receiving antenna towers. Such legislation would not provide any more stringent restrictions on receiving towers than on transmitting towers."

This Commission, after study and consideration of this JIGTSC recommendation, concluded that it would be of public benefit to control the installation, height, and location of receiving antenna towers, and that the Communications Act of 1934, as amended, does not now empower the Commission to exercise jurisdiction over receiving antenna towers unless such towers are a component part of a licensed radio transmitting facility. Therefore, a request for such authority is both necessary and appropriate.

Section 303(q) of the Communications Act of 1934, as amended, and as implemented by part 17 of the Commission's rules, provides authority for requiring the painting and/or illumination of radio transmitting towers. Similarly, the courts have sustained the Commission in denying an application for a radio station license on the ground that there is a reasonable possibility that the contemplated transmitting tower would be a menace to air navigation. (See *Simmons* v. *Federal Communications Commission* (145 F. 2d 578 (1944).) Such authority, however, does not extend to receiving towers unless such a tower is a component part of a licensed radio transmitting facility which comes within the purview of the Communications Act. Therefore, if the hazard to air navigation which is presented by the existence of tall receiving towers is to be minimized, statutory authority to control the installation, height, and location of receiving antenna towers is necessary.

The Commission considers the enactment of this legislation, which has been coordinated with the Air Coordinating Committee and its member agencies, of the utmost importance in facilitating a solution to the problems raised by the joint use of airspace by the aviation and broadcast industries so as to minimize the hazards to aviation safety. It is believed that the proposed legislation will protect the interests of aviation and at the same time will not impose an unreasonable burden on the broadcasting industry.

INCREASED PERIODS FOR OPERATION OF CERTAIN CONCESSIONS AT WASHINGTON NATIONAL AIRPORT

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to amend the act of October 9, 1940 (54 Stat. 1030, 1039), in order to increase the periods for which agreements for the operation of certain concessions may be granted at the Washington National Airport, and for other purposes. I ask unanimous consent that a letter from the Administrator of the Federal Aviation Agency, requesting the proposed legislation, be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 3344) to amend the act of October 9, 1940 (54 Stat. 1030, 1039), in order to increase the periods for which agreements for the operation of certain concessions may be granted at the Washington National Airport, and for other purposes, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

The letter presented by Mr. MAGNUSON is as follows:

FEDERAL AVIATION AGENCY,
Washington, D.C., March 24, 1960.

Hon. RICHARD M. NIXON,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: It is requested that the attached proposed bill "to amend the act of October 9, 1940 (54 Stat. 1030, 1039), in order to increase the periods for which agreements for the operation of certain concessions may be granted at the Washington National Airport, and for other purposes" be introduced in the Senate at your earliest convenience.

At the present time the need for first-class hotel facilities and services at the Washington National Airport is becoming increasingly evident. Several private investors, well known and established in the hotel industry, are extremely interested in providing this type of facility. These concerns have all made long-term proposals for the construction of a $3 to $5 million hotel to be located adjacent to the Washington National Airport. They have proposed a lease period of from 35 to 50 years for the purpose of borrowing long-term capital.

Under the provisions of the act entitled "An act making supplemental appropriations for the support of the Government for the fiscal year ending June 30, 1941, and for other purposes," approved October 9, 1940 (54 Stat. 1039), agreements for the operation of any concession, except the restaurant at Washington National Airport, are prohibited for a period exceeding 5 years. The construction of a permanent facility such as a hotel of the size required by this location, represents a potential investment of several million dollars. Obviously, the 5-year lease period is not sufficient to allow for amortization of the investment.

I feel certain that the Congress can appreciate the need for an adequate first-class hotel which would serve the large number of travelers arriving at and departing from Washington National Airport. The construction of large first-class hotels at other major airports in the United States, for example the hotel located at New York International Airport, is proof that such facilities are necessary for the benefit of the traveling public.

It should be pointed out that the granting of a long-term lease for the construction of such a hotel could be an extremely profitable venture and would provide additional funds to offset the operating costs of the airport.

Other important areas may be cited in which it would be advantageous to have longer leases than are now permitted. Among them are rental car maintenance buildings and in-flight commissary buildings which require considerable capital investment totaling upward of a million dollars.

Therefore, in the best interest of the Government, the 1940 Supplemental Appropriations Act should be amended as it pertains to the length of time for which leases and concessions may be granted, so that in certain cases long-term leases could be made when it appears that a substantial capital investment for the permanent construction of buildings of substantial value, such as a hotel or in-flight commissary, may be required. This will be necessary before potential investors will show more than a casual interest in these most needed facilities.

It is the considered opinion of this Agency that the proposal will provide the necessary stimulus to encourage the construction of a hotel at the Washington National Airport, providing first-class facilities for travel, and a new means of revenue to offset the cost of operating the airport. It will also enable the airport to provide necessary improvements in its in-flight commissary facilities with resultant added revenues.

The Bureau of the Budget has advised that there would be no objection to the submission of this draft bill to the Congress.

Sincerely,

E. R. QUESADA,
Administrator.

THE POSTMASTER GENERAL'S CAMPAIGN AGAINST OBSCENE LITERATURE

Mr. WILEY. Mr. President, on June 5 of last year I introduced a bill, S. 2123, providing stiffer penalties for willful and continuing violations of the Federal obscenity laws. I said at that time that unscrupulous racketeers are doing a half-billion-dollar a year business in sending obscene magazines, books, records, and films to grownups and youth alike, all over the country. Our mails are being misused for this direct attack on the American family and American morals. The Post Office Department estimates that up to 1 million children will receive unsolicited pornographic literature this year.

In asking for stiffer penalties for those who violate the Federal antiobscenity laws, I stressed that the illicit dealers, making thousands of dollars a year, regard fines as a mere cost of doing business. The bill I introduced requires mandatory prison sentences for continuing violators.

But strengthening the Federal laws must be only one part of a broader program, for the major portion of the battle against this type of material must be carried out by the State and local authorities, by parent organizations, and by the public at large.

Since last year much community support has been mobilized behind law enforcement, in order to help apprehend mailers of and dealers in pornography. A most praiseworthy undertaking has been that of the St. Catherine's Holy Name Society in Milwaukee, Wis. Responding to the call for community action, the 1,700 men in the St. Catherine's Parish, their wives and children, have undertaken to assist the Post Office Department in its campaign.

At the request of the St. Catherine's Society I should like to submit a resolution commending the Post Office Department and the Postmaster General for their excellent national leadership in this endeavor. I should also like to have inserted, at this point of my comments, a letter from Mr. Walter L. Merten, president of the St. Catherine's Holy Name Society in Milwaukee, which calls attention to the need for alerting the public to the increasing menace of obscene literature.

The PRESIDENT pro tempore. The resolution will be received and appropriately referred; and, without objection, the resolution and letter will be printed in the RECORD.

The resolution (S. Res. 301) commending the Postmaster General's campaign against obscene literature, was referred to the Committee on Post Office and Civil Service, as follows:

Whereas the traffic in obscene materials constitutes a threat to the national welfare; and

Whereas the complete suppression of this illicit traffic requires (1) the vigorous administration and enforcement of existing laws by Federal, State, and local governments, (2) stronger laws to facilitate administration and enforcement at all levels of government, and (3) the support and cooperation of the public; and

Whereas the Post Office Department, which exercises an extremely important role in combating such traffic, has been conducting a vigorous campaign to prevent the use of the mails for the dissemination of such materials, and has sought to obtain in that connection the cooperation of an alert and informed citizenry: Now, therefore, be it

Resolved, That the commendation of the Senate is hereby extended to Postmaster General Summerfield, and to the Department which he heads, for the vigorous and continuing efforts of the Post Office Department to prevent the use of the United States mails for the transmission of obscene materials, and for the significant response which that Department has received in its drive to obtain the cooperation of an alert and informed citizenry in furtherance of such efforts.

The letter presented by Mr. WILEY is as follows:

ST. CATHERINE'S HOLY NAME SOCIETY,
Milwaukee, Wis., March 31, 1960.

The Honorable ALEXANDER WILEY,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR WILEY: The public service rendered by the Post Office Department and Postmaster Summerfield in joining the fight against obscene literature is most commendable. The Department's efforts in seeking the public's cooperation in reporting instances in which the U.S. mails are used as the transporting vehicle of pornography and smut has been effective.

The posters furnished to postal stations, pointing out that the mails are being used as a delivery media of obscenity and that only public cooperation will bring it to a stop, have alerted the public as to the increasing menace of this type of material.

There are 1,700 men in St. Catherine's Parish. These men through their holy name society request that the efforts and vigilance of the Department against pornographic material be recognized and commended. I have no hesitancy in saying that their wives and children join in this request.

On behalf of the Holy Name Society of St. Catherine's Parish, I respectfully request that a resolution be introduced in the U.S. Senate commending the Post Office Department and the Postmaster for their excellent work.

Please forward a copy of this resolution to me, after it has been printed and introduced, so that we can reproduce it and distribute it.

Very truly yours,

WALTER P. MERTEN,
President.

AMENDMENT OF MUTUAL SECURITY ACT OF 1954—AMENDMENT

Mr. MURRAY submitted an amendment, intended to be proposed by him, to the bill (S. 3058) to amend further the Mutual Security Act of 1954, as amended, and for other purposes, which was referred to the Committee on Foreign Relations, and ordered to be printed.

TREATY OF FRIENDSHIP WITH PAKISTAN, AND CONVENTION OF ESTABLISHMENT WITH FRANCE—REMOVAL OF INJUNCTION OF SECRECY

Mr. JOHNSON of Texas. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive F, 86th Congress, 2d session, a treaty of friendship and commerce between the United States of America and Pakistan, together with a protocol relating thereto, signed at Washington on November 12, 1959, and Executive G, 86th Congress, 2d session, a convention of establishment between the United States of America and France, together with a protocol and a joint declaration relating thereto, signed at Paris on November 25, 1959, and that the treaty and convention, together with the President's messages, be referred to the Committee on Foreign Relations, and that the President's messages be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, the injunction of secrecy will be removed, and the treaty and convention, together with the President's messages, will be referred to the Committee on Foreign Relations, and the messages from the President will be printed in the RECORD.

The messages from the President are as follows:

THE WHITE HOUSE, *April 6, 1960.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a treaty of friendship and commerce between the United States of America and Pakistan, together with a protocol relating thereto, signed at Washington on November 12, 1959.

I transmit also, for the information of the Senate, the report by the Secretary of State with respect to the treaty.

DWIGHT D. EISENHOWER.

(Enclosures: 1. Report of the Secretary of State. 2. Treaty of friendship and commerce, with protocol, signed at Washington November 12, 1959.

THE WHITE HOUSE, *April 6, 1960.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a convention of establishment between the United States of America and France, together with a protocol and a joint declaration relating thereto, signed at Paris on November 25, 1959.

I transmit also, for the information of the Secretary of State with respect to the Senate, the report of the Secretary of State with respect to the convention.

DWIGHT D. EISENHOWER.

(Enclosures: 1. Report of the Secretary of State. 2. Convention of establishment, with protocol and joint declaration, signed at Paris November 25, 1959.)

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. WILEY:

Editorial entitled "Standstill at Geneva," published in the New York Times of April 5, 1960.

DEMOCRATIC PARTY REAL WINNER OF THE PRESIDENTIAL PRIMARY IN WISCONSIN

Mr. PROXMIRE. Mr. President, yesterday was a great day for the Democratic Party in the State of Wisconsin. I think the real winner of the presidential primary in Wisconsin was the Democratic Party.

The fact is that Wisconsin has been an overwhelmingly Republican State, for more than 50 years, in fact, throughout this century until 1958. The fact is that never before has the Democratic Party received nearly as many votes in Wisconsin, in a presidential primary, as has the Republican Party.

So I am happy to report that yesterday the Democratic Party received more than twice as many votes in the Democratic primary in Wisconsin as the Republican Party did—more than two-thirds of the primary votes. To be precise, Democrats won a handsome 71 percent of the total primary vote, and this was a huge record primary turnout.

Of course, it has to be recognized that the Democrats had a very vigorous contest in that primary, and the Republicans did not. At the same time, I think this should be evaluated in terms of what happened before. In 1954, when I ran for election as governor, I had a very vigorous contest against a man who was widely supported in the State. Very vigorous, all-out campaigns were conducted on both sides. The Republican candidate for governor had no opposition. Despite that fact, he received 60 percent of the primary vote, and we together received only 40 percent. Incidentally, I went on from the Democratic primary to come within 1 percent of winning the governorship.

In the past 6 years our party has grown most dramatically and decisively in Wisconsin.

Mr. President, there has been some talk to the effect that the Kennedy victory in Wisconsin was below expectations. I suppose there are some who expected the Senator from Massachusetts to win everything. But any time a man from Massachusetts can come into Wisconsin and can win by more than 100,000 votes—as a matter of fact, by more than 102,000 votes—and can win 6 of our 10 congressional districts, including districts which are predominantly rural, I think that is a very, very impressive showing particularly when KENNEDY's opponent is a vigorous and popular midwestern campaigner like HUBERT HUMPHREY.

At the same time, I believe it must also be recognized that the Senator from Minnesota [Mr. HUMPHREY] ran a gallant race against the No. 1 votegetter of the Democratic Party; and if we analyze the voting, I believe it is clear that the farmers of Wisconsin enthusiastically supported Senator HUMPHREY, who has been their great champion in the U.S. Senate. They recognize that, and they gave him a great tribute in the votes they cast yesterday.

I believe that Senator HUMPHREY's candidacy for the Presidency is still very much alive, because he ran a very strong race against the No. 1 votegetter of our party.

However, the real winner was the Democratic Party.

Mr. President, I yield the floor.

NEW ISSUE OF LONG-TERM GOVERNMENT BONDS

Mr. BUSH. Mr. President, the Treasury's decision to offer on the market, this week, its first long-term bond issue in nearly a year deserves commendation.

It was not unexpected. The Treasury has long made clear that whenever conditions in the Government securities market permit, it will undertake long-term financing at rates of 4¼ percent or less.

The recent decline in interest rates has now reached a point where an offering of a long-term bond issue has a chance to be successful. I am sure that all Senators hope it will succeed.

I anticipate, Mr. President, that some of my colleagues on the other side of the aisle will indulge in self-congratulation, pat themselves on the back, and seek to claim credit for the drop in interest rates which has permitted the Treasury to attempt a new long-term bond issue.

However, the recent decline in interest rates resulted, not from speeches on the Senate floor, but from an easing off in business conditions, resulting in a reduced demand for credit.

It will be argued, as it has been argued, that there is no longer any necessity to lift the 4¼ percent interest rate ceiling on Treasury obligations with maturities of more than 5 years.

It will be a dangerous gamble, Mr. President, to accept that argument. Interest rates can rise just as quickly as they fell.

As I have remarked before on the Senate floor, we have a new class of speculators on the Government bond market. They are the Senators who are gambling that business conditions will remain slack, thus reducing demands for credit and an easing of interest rates. These Senators are indulging in a dangerous speculation, involving people's savings and the credit and the security of the Nation. They may have to hang their heads in shame if business recovery, as seems likely, results in more demands for money and higher interest rates, which may again lock the Treasury out of the long-term bond market.

Increased business activity in the months ahead would certainly bring new demands for credit. If Congress fails to lift the interest rate ceiling on long-term bonds, it may find that it has again forced the Treasury into the short-term money market exclusively, with consequences as unfortunate as those which already have been experienced.

What have been those consequences? Because the Treasury was forced into the short-term money market, interest charges were increased for all Americans who had to borrow—for the worker who financed a new automobile, for the housewife who bought a refrigerator on consumer credit, and for the businessman who needed working capital to meet his payrolls.

Because the Treasury was forced into the short-term market, funds available for mortgage lending were depleted, with unfortunate effects upon homebuyers and the homebuilding industry.

It is significant that only recently the National Home Builders Association protested on this very issue, and recommended the enactment of legislation to remove the interest rate ceiling on bonds—action which previously had been taken by the Real Estate Association of America, the Lumber Dealers Association, and, of course, others.

Mr. President, the stubborn resistance against permitting the Treasury the freedom it needs to manage the huge national debt already has cost the American people millions of dollars, and has had damaging effects upon the entire economy. It may have contributed to the temporary interruption in the growth of the economy which we now witness. Thus, the proponents of growth at any price have placed a stumbling block in the path of growth.

Mr. President, I ask unanimous consent that an article by J. A. Livingston, which appeared in the Washington Post of March 30, and an article by Edwin L. Dale, Jr., which appeared in the New York Times of March 31, be printed in the RECORD following these remarks. Both these articles contain valuable information on the background of events which led to the decision of the Treasury which was announced last week.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 30, 1960]

DISAPPOINTMENT FOR SMALL INVESTORS

(By J. A. Livingston)

Many small investors—people who didn't get Government magic 5s—will be disappointed this week.

The U.S. Treasury's new financing program won't contain anything as juicy as the 5s.

The rally in Government bonds since the first of the year has made possible the sale of Treasury issues near the 4¼ percent bond ceiling.

Therefore, the rates which will be offered won't be sufficiently higher than those for E-bonds or savings accounts to generate demand from purchasers in $1,000 to $5,000 lots.

Many persons are apt to credit the fight in Congress against raising the 4¼ percent ceiling for the drop in interest rates. There's no connection.

CREDIT DEMAND LESSENS

The facts are these: First, the high interest rates brought into the Government bond

market people who had never before bought Government bonds. A record 100,000 individual subscriptions were received for the magic 5s.

Second, the demand for credit at banks has not been as great this spring. Money has been easier than expected.

Third, the hesitation in business prompted fears of a recession. And, if a recession developed, the Federal Reserve Board would make credit easy. Therefore, speculation forced down money rates. And, the Federal Reserve, as a matter of precaution, let money and credit become looser.

Consequence: The 4¼ percent interest rate ceiling, which President Eisenhower asked Congress to remove, may not be an immediate bar to the sale of long-term bonds. A small issue—probably under a billion—might squeak through at or under 4¼ percent.

COULD BE IN BIND AGAIN

But this doesn't make the ceiling a virtue. Just the reverse. Interest rates can turn up as quickly as they turned down. Then the Treasury will be in the same bind again.

Congress should lift the ceiling—merely to give the President and the Secretary of the Treasury the "proper tools" to handle the $290 billion debt. Too much of the debt is short term; more ought to be pushed beyond 5 years.

Authority to sell bonds bearing a coupon above 4¼ percent is permissive, not mandatory. Raising the ceiling won't raise interest costs. If interest rates stay below 4¼ percent or go lower, then the Treasury will finance below the ceiling—like any prudent borrower.

A loophole bigger than Texas, Alaska, and the other 48 States make the 4¼ percent ceiling possible. The Treasury isn't permitted to sell bonds that mature in more than 5 years at a rate above 4¼ percent. Yet it is not limited on securities of less than 5 years. That made the magic 5s possible. They mature in 4 years and 10 months from date of issue.

AN ECONOMIC PARADOX

Thus, the ceiling has forced the Government into selling short-term securities. And this has had an unexpected repercussion. The National Association of Home Builders formally endorsed House bill 10590, which would empower the Secretary of the Treasury to sell bonds carrying coupons above 4¼ percent. Yet home builders like low interest rates.

Question: Why has the NAHB come to the aid of the Treasury? Wouldn't the sale of high-coupon bonds take money out of the mortgage market?

Answer: No. This is an economic paradox. Purchasers of E-bonds or depositors in savings institutions want rainy-day funds intact. They don't want to take risks from fluctuation in price.

The short maturity anchors the principal close to 100 cents on the dollar. This does not apply to long-term bonds. Example: The Treasury's 3s of 1995 rose from $790 a bond to more than $860 in 11 weeks. They can go down just as fast as they went up.

Homebuilders, therefore, want to clear the way for the Treasury to sell bonds. Bonds would not compete with the usual flow of funds to savings institutions. Savers would not be as well advised to buy 8-, 10-, or 12-year bonds as less than 5-year notes.

In any case, given a choice between 4 percent issues in Government securities, which fluctuate in price, and 3½ percent or 3¾ percent available through E-bonds or savings institutions, which can be withdrawn at 100 cents on the dollar, the small saver is better off with what he has been used to.

Thus, what the Treasury has to announce this week won't bring small investors running.

[From the New York Times, Apr. 1, 1960]

TREASURY TO SELL A 25-YEAR BOND—SETS INTEREST RATE AT LEGAL CEILING OF 4¼ PERCENT—AMOUNT OF OFFERING IS OPEN

(By Edwin L. Dale, Jr.)

WASHINGTON, March 31.—The Treasury announced today that it would put on the market next week its first long-term bond in nearly a year.

The bond will run for 25 years, but is callable after 15 years. It will have an interest rate of 4¼ percent, the legal ceiling that the Democratic-controlled Congress has refused to repeal or modify.

The ceiling has prevented sale of new long-term bonds for nearly a year because already outstanding bonds were selling in the market at prices that brought the buyer a return of more than 4¼ percent.

In the last month, however, Government bonds have gone up in price in the market, with the result that the interest yield has gone below 4¼ percent. Thus the Treasury now thinks it can sell at least some bonds within the ceiling.

It left the amount of the offering open—an unusual device—although it imposed a maximum of $1,500 million. In effect, the Treasury wants to test the market to see how much it will take in the way of long-term bonds at 4¼ percent.

The decision to offer the bond may diminish the Treasury's already-slim chances of inducing Congress to modify the ceiling, though the administration is still eager for the legislation.

Democrats are expected to argue, in effect, "I told you so," and to contend that their refusal to act has saved the taxpayers millions of dollars in interest payments.

The Treasury's view is that rates could easily rise once more making the ceiling again an obstacle to sale of bonds. Besides, officials said today that the change in market conditions had still not gone far enough to permit massive sales of long-term bonds.

In particular, the Treasury feels the ceiling still bars it from using the device of advance refunding of issues approaching their maturity date. This is the Treasury's main hope for getting the debt in the shape it wants. At present the debt is overconcentrated in short-term issues, in the Treasury's view.

Besides the bond, the Treasury will sell next week $2 billion of 2-year, 1-month notes bearing 4 percent interest. The two offerings will raise the cash the Treasury needs between now and June 30, the end of the fiscal year.

TAX REVENUES LAG

The day also brought these other major announcements.

Corporation tax revenues are running about $500 million below estimates for the current fiscal year. By itself, this would turn the estimated budget surplus of $200 million into a deficit. But spending, particularly on farm price support, also appears to be running behind estimates, and officials said the best guess now was that the budget would be almost exactly balanced.

The Treasury indicated that it might use a wholly new system for handling maturing issues. Instead of offering a new issue to holders of the old, it will on some occasions pay off the old issue and simultaneously sell a new issue or issues for each. This is an important technical change, one of whose purposes would be to curb harmful speculation.

Regardless of any possible adverse political consequences for the interest rate legislation, the Treasury was on record with a pledge that it would sell long-term bonds as soon as market conditions permitted. The recent improvement has been dramatic, for the typically slow moving bond market.

For example, in early February the 3¼ percent bond due in 1985 sold at a price of 83, $830 per $1,000 bond, meaning an actual yield of 4.35 percent to anyone who bought it in the market. This morning, those same bonds were quoted at 86⅝, to yield only 4.13 percent.

NEW BONDS "SWEETER"

The new bonds, with a 4¼ percent interest rate, thus are slightly "sweeter" than the going rate for existing bonds. This is the usual procedure, to make sure the new bonds sell.

Officials said they are counting on selling only about $500 million, and anything above that would be "gravy." The Treasury's actual need for cash is only $2,500,000 in total. With $2 billion to be raised from the 2-year notes, any sales of bonds above $500 million would provide extra cash.

The Treasury said it would use any extra cash acquired in that way to reduce slightly the amount of the regular weekly issues of 91-day bills.

While today's bond runs for 25 years, the Treasury can call it in and pay it off any time after 15 years. Thus, if interest rates are lower any time after 1975, the Treasury can save itself money by exercising the call.

Commercial banks buying the bonds can do so by simply crediting the Treasury's account—in effect, by creating the money. This is a privilege that helps the sale of new securities. The banks can "use" this money until the Treasury calls on it, and officials said today the money on this occasion would remain with the banks for an unusually long time.

Banks buying the new notes can use this money-creating privilege to the extent of 75 percent of their purchases.

MOVE COMES AS SURPRISE

Today's announcement of the new technique for handling maturing issues by selling replacement issues for cash came as a complete surprise. The next maturity is May 15, and officials would not commit themselves as to whether the new technique would be used.

A major reason for the new device is the painful experience of June 1958, when speculators bought huge quantities of an issue in a refunding with very small "margin" (cash downpayment). Shortly afterward the bond market went into a tailspin, and the overspeculation in this one issue was a cause of the steepness of the decline. Heavy losses were suffered.

This sort of speculation is possible only in a system whereby buyers can purchase with little cash the almost-matured issue—the so-called "rights" to the new issue. Under a system of paying off old issues in cash and simultaneously selling new ones for cash, the Treasury can require cash downpayments on the new issue.

Officials listed several other advantages for the new technique.

In the case of refundings including a choice of two or more new issues, it lets the Treasury decide the exact amount of each issue that will be sold.

It permits the Treasury to make preferential allotments to various types of investors, if it wishes to do so.

For various technical bookkeeping and tax reasons, the new system would make it possible for certain types of investors, such as State retirement funds, to participate in refundings where they cannot or will not do so now. Thus the market would be broadened.

Finally, the Treasury—which is always able to sell new issues for cash—would always know that it could refund the whole amount of a maturing issue. There would be no "attrition"—the refusal of some holders of an old issue to take the new one because they prefer to be paid in cash.

DEFENSE SPENDING

Mr. BUSH. Mr. President, as a member of both the Joint Economic Committee and the Armed Services Committee, I have listened with great interest to the speeches that have been made by various Senators, including presidental nominee aspirants, warning of the dangerous state of the Nation's defense and, in some instances, urging that more be spent for defense.

There seems to be a mistaken idea prevalent that simply by spending more money, we get more defense; that by increasing an appropriation, we get more and better missiles.

It seems to me that we should, first of all, determine that we are getting dollar value for what is already being spent. I have not heard any speeches urging that we take a long, hard look at the $41 billion defense budget to see where there is budgetary fat that could be cut without taking a dollar from funds earmarked for military hardware.

I feel that the recent hearings before the Defense Procurement Subcommittee of the Joint Economic Committee on "The Impact of Defense Procurement" and the excellent staff report published subsequent thereto have provided the answer as to whether we are getting dollar value and where there is budgetary fat that can be cut.

This commmittee has taken a look at this situation not just from the limited area of concern of the several legislative committees, but on a much broader scope which recognizes the impact of this massive part of our Federal budget on our industrial resources and our national economy per se.

These hearings have shown clearly that there continues to be wasteful duplication by the Armed Forces in procurement and related supply functions.

This staff report gives, I believe for the first time, the complete background of frustrated efforts by Congress to achieve unification in this area with resulting economy and efficiency.

I strongly urge each of my colleagues in the Senate, and those in the House, too, to read particularly the 10 pages of part V of this report, "What to do about unification of common-use supplies and services."

The Washington Daily News on March 21, 1960, published a thought-provoking editorial on this subject, in which it pointed out that the Armed Forces continue to resist all efforts to control this most wasteful business.

I ask unanimous consent to have printed in the RECORD the editorial entitled "Surface Only Scratched," which appeared in the Washington Daily News of March 21, 1960, and also an editorial, entitled "Fat in the Defense Budget," which was published in the Washington Evening Star of February 4, 1960.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, Mar. 21, 1960]

SURFACE ONLY SCRATCHED

For sheer size, there is no business to match our armed services. In buying, supplies on hand, and surplus disposal, a congressional committee reports, the Defense Department is "without parallel." It is also, the report proceeds to make plain, the most wasteful business.

Consider the magnitude: National Defense spending now is 3½ times greater than in 1950. The annual cost is near $47 billion—9 percent of the total business of everybody in the United States.

For years, Congress, top Government officials, and others—such as the Hoover Commission—have been trying to get the Armed Forces to pool their buying on so-called common use items—of which more than 1.8 million have been cataloged. The late Defense Secretary James Forrestal practically made a career of this effort.

The new report of the Joint Subcommittee on Defense Procurement says:

"But efforts to date have only scratched the surface."

Just making up a list of all the things the services buy cost $200 million—but even with this list, less than a sixth of the common use items have been standardized for purchasing purposes.

As a result, the armed services now have surplus supplies costing $26.7 billion. The job of disposing of this excess material is so staggering the Defense Department estimates it will take 3 years—and more surplus is accumulating all the time.

"The net return to the Government on surplus disposal sales," says the subcommittee, "is less than 2 percent of the acquisition cost."

Billions of taxpayer dollars are simply vanishing.

This is bureaucracy in action—a bureaucracy so vast, so glued to its ways and so cumbersome that it is able to resist all efforts to control it. Congress, a succession of Defense secretaries, the Hoover Commission—all have tried—in vain.

Despite this sorry record, we believe this problem can be licked if some military heads are bashed together and firm orders issued.

[From the Washington Star, Feb. 4, 1960]

FAT IN THE DEFENSE BUDGET

Testimony before the Joint Economic Committee of Congress has made it clear that millions, or even billions, can be cut from the Nation's defense bill—without taking a dollar from funds earmarked for missiles or other military hardware. In fact, the money saved by elimination of budgetary fat might well be used to buy more military strength.

We refer to disclosures of continued wasteful duplication of services in the logistical field by the various Armed Forces. According to competent witnesses before the committee, the defense agencies have made little progress in eliminating duplication and overlapping of many supply and related services since the Hoover Commission called for centralization of procurement and supply activities. It has been estimated by members of the Hoover Commission that some $2 billion might be saved the taxpayers by centralization.

Comptroller General Joseph Campbell cited to the committee a number of glaring examples of blind buying and selling by military departments that, but for action by his office, would have cost the Government millions of dollars. "In one case," he said, "we found that during the same period one service had a long supply and excess of aircraft engines and accessory parts available for interservice use, while another service was placing orders for identical items." In another case the Army planned to buy helicopter parts from private industry, although the Air Force had more than $6 million worth of the same items left over from a reduced program.

One of the persuasive critics of military waste was Perry M. Shoemaker, railroad president and vice chairman of the committee of Hoover Commission Task Force members. He pointed out that although Congress has authorized the Defense Department to integrate supply functions, as recommended by the Hoover Commission, military officials seem reluctant to use the authority. Their only move so far, the committee was told, has been to set up a single manager system for procurement of a few items used in common by the three services. Under this system one branch will purchase food or clothing or fuel or medical supplies for the other branches—but without information as to present stocks, usage rates, or other important details. Richard Newman, a staff member of the congressional committee, stressed that the particular service doing the buying "cannot evaluate requests or take steps to redistribute excess stocks and reduce inventory investments."

Defense officials pointed to the single manager system as proof of their concern over waste and their desire to cooperate in reducing overlapping of housekeeping activities. But Mr. Shoemaker and other witnesses declared that this was only a first step, a temporary expedient that is not a real substitute for a permanent centralization of purchasing and distribution functions in the Defense Department. And if, as the Hoover task force of outstanding businessman and other specialists has asserted, billions of defense dollars are being wasted through uncoordinated procurement and supply management, it is time to put military buying on a businesslike basis and use the savings to build up our lagging weapons arsenal.

ADDITIONAL LIST OF REPUBLICAN WOMEN FROM WISCONSIN ATTENDING THE REPUBLICAN WOMEN'S CONFERENCE IN WASHINGTON

Mr. WILEY. Mr. President, it has come to my attention that the following ladies were not included on the list of Republican women from the State of Wisconsin attending the Republican Women's Conference in Washington this week as appears in the April 4 CONGRESSIONAL RECORD. I ask unanimous consent to correct this inadvertence by listing the additional names.

There being no objection, the names were ordered to be printed in the RECORD, as follows:

Mrs. Wesley Canfield, Potosi, Wis.
Miss M. Ethel Utt, Lancaster, Wis.
Mrs. Charles J. Becker, West Milwaukee, Wis.
Mrs. Immo Heckel, Milwaukee, Wis.
Mrs. Harold Austin, Lancaster, Wis.
Mrs. Willis Hutnik, Ladysmith, Wis.
Mrs. O. B. Johnson, Ladysmith, Wis.

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the call be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

INTERNATIONAL TARIFF CONFERENCE AT GENEVA

Mr. DWORSHAK. Mr. President, I was shocked to read the United Press International news dispatch stating that the State Department wants $900,000 to send delegates to an International Tariff Conference at Geneva and to hire chauffeurs to drive them around. The dispatch also added that the United States plans to send 138 experts and staff members, mostly from Government agencies, and hire 13 staffers at Geneva to attend a conference beginning September 1, 1960, aimed at lowering tariffs among 37 participating nations, which is expected to last a year or more. The article published today stated that the State Department has asked a House Appropriations Subcommittee for $900,000 to cover the 151 persons' expenses through June 30, 1961. This proposed budget included $26,320 to buy four cars and hire chauffeurs for them; $20,270 to ship 300 pounds of baggage apiece for 115 delegates; and $8,000 for entertainment of other delegations.

Mr. President, in view of the fact that the United States has had an unfavorable balance annually in 1958 and in 1959 of about $4 billion; and, with our gold reserves constantly dwindling, I have compiled some information on this apparent effort to insure final interment for American business and industry. I deplore very much that our State Department is so utterly unaware of the fact that we have been pricing ourselves out of world markets, and that obviously, this proposal will totally destroy American industry, with resultant widespread unemployment.

A copy of the hearings before the subcommittee of the House Appropriations Committee on the budget for the Department of State contains some information which should be presented to the Senate so that there will be an opportunity to make protests to this proposal for international tariff negotiations. On Thursday, February 25, 1960, Mr. Horace E. Henderson, Deputy Assistant Secretary for International Organization Affairs, testified that the State Department is requesting an appropriation of $900,000 to support the U.S. participation during fiscal year 1961 in the fifth round of international tariff negotiations.

Mr. President, it is timely to point out that the General Agreements on Tariffs and Trade, which is the sponsoring body for these international negotiations, has never been officially approved by the Congress, and thus has a questionable status insofar as international agreements are concerned.

Mr. Henderson testified:

There have been four general rounds of multilateral tariff negotiations whose results have been embodied in tariff schedules forming a part of GATT: Geneva (1947); Annecy, France (1949); Torquay, England (1950–51); and Geneva (1956). Tariff concessions granted by GATT countries to one another in these negotiations cover some 60,000 items and $40-billion worth of trade annually.

Mr. Henderson testified that preparations for U.S. participation in the forthcoming conference were begun more than a year ago by the Inter-Agency Trade Agreements Organization. He emphasized that "the aim of the United States will be to bring about a lowering of tariffs by all participating countries, which will benefit the U.S. economy and contribute to the expansion of mutually beneficial world trade." He also testified that "the forthcoming round of international tariff negotiations will begin in Geneva, Switzerland, beginning September 1, 1960, and will last a year or more."

Mr. President, it is difficult to justify Mr. Henderson's testimony that the appropriation for $900,000 will enable the United States to take a positive and active part in this forum with a view to expanding and promoting world trade.

When claims are made that these international GATT conferences promote beneficial trade results for the United States, it is interesting to point out that our exports are decreasing and our imports are increasing. It is a debatable question whether there are any advantages for the United States involved in these international negotiations, which have become a farce. All we have to do is to examine the record, which indicates that in 1958 and in 1959 the United States lost about $4 billion because of changes in foreign holdings of gold and dollars through transactions with the United States.

It is interesting to note that in the past decade there has been a constant decline in the unfavorable payment balances which this country has had.

Mr. President, does it mean that the State Department, through these international conferences, should continue to bargain away tariff advantages which have built up in the past our U.S. economy to a commanding position of leadership? Does it mean that we must continue to give concessions to foreign countries which will enable them to flood our markets with commodities which might advantageously be produced by American labor? Does it mean that we must submit to an imposition of fantastic and indefensible concessions which will weaken our economic structure and seriously jeopardize the ability of the United States to provide leadership so vitally necessary to the free world?

Mr. President, I am making these brief remarks to alert the Senate and the Appropriations Committtee to the submission of this budget by the State Department with a total of $900,000, of which personal services will amount to $228,200; and travel will amount to $605,000. It is proposed to make provision for 30 round trips between Geneva and Washington for members of the delegation who may be required to return to Washington for consultation.

The testimony before the House Committee also indicated that the last GATT conference was held in Geneva in 1956 and that its budget amounted to $265,000. Mr. President, this is quite insignificant when it is compared with the $900,000 which is now being requested for a similar conference. It is also pertinent to note that Mr. Henderson said:

We are not paying the salaries of any members of the delegation other than those in the Department of State. The other agencies are providing the salary costs of the personnel that they are providing for the delegation.

The State Department will provide only 37 of the 151 personnel.

Mr. President, this simply means that far in excess of $1 million will probably be expended by our Government to send a delegation to a Geneva Conference to bargain away what little security remains for American business and industry.

Mr. President, I shall not take more time to explain some of the details of this nightmarish proposal of the State Department. It is timely to observe that this country is facing the most serious challenge in its history to meet the influx of commodities and manufactured products originating in countries with wage levels far below those prevailing in the United States.

We are constantly given reassurances that the Trade Agreement Act and the International Negotiations under GATT are a real advantage to our country. However, every segment of agriculture and industry has been adversely affected by our competition from low-cost producing countries. How much longer can we continue to isolate ourselves from competitive world trade and permit the State Department to misrepresent the interests of our people?

Mr. President, I have abiding faith that this Congress, through its Appropriations Committee, will not be duped by this preposterous proposal to approve a program which has never received congressional sanction to continue its depredations on our American way of life. Elected representatives of the people have certain responsibilities, while the 151 persons who would be delegated under this budget proposal to represent this country at Geneva would not be accountable in any way because they would hold nonelective positions. It is most unfortunate that the President and the Secretary of State do not restrict the activities which are proposed under GATT far transcending any authorized jurisdiction given by the Congress for such tariff-cutting negotiations.

CIVIL RIGHTS ACT OF 1960

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RACE PROBLEMS

Mr. JOHNSTON of South Carolina. Mr. President, there appeared in the April 11 issue of U.S. News & World Report an article entitled "How One Northern City Handles Its Race Problem." In

this article, a report datelined from Philadelphia, Pa., the U.S. News & World Report's reporter brings to light the fact that this northern city, where one of every four residents is a Negro, has just recently gone through one of the most frightful experiences in its modern history.

The article states that only "swift and stern action" by the local authorities prevented "the dread of a major racial explosion."

The article tells of death and brutal beatings carried out by Negro and white groups in this City of Brotherly Love. The article answers the question, "How did Philadelphia react to this crisis?" by telling how hundreds of police were put on round-the-clock patrols, how hundreds of police leaves were canceled, and how hundreds of police were rushed into the trouble area. The article also pointed out how police stopped cars and how scores of troublemakers, white and Negro, were arrested.

The article sums up the situation in Philadelphia by quoting the police commissioner, Thomas J. Gibbons, who said:

After every day that ends without a serious bit of trouble, we breathe a sigh of relief.

Mr. President, I commend the U.S. News & World Report for going to Philadelphia and reporting the situation there for the benefit of the Nation. While this situation existed in Philadelphia, there was no report of it, to my knowledge, in the northern and liberal newspapers. Certainly if there were reports of these troubles in Philadelphia, they were not given prominence in the northern liberal papers, but were probably buried in the classified sections of these papers.

No, Mr. President, the northern liberal newspapers did not report in huge headlines anything of the Philadelphia situation. They were too busily engaged in brandishing headlines of sit-down demonstrations in the Southern States, and too busy writing editorials encouraging violence in the South, and too busy criticizing the way in which the South African Government handled a race riot in that country.

It is strange to me that the State Department and the northern liberal press had the nerve to criticize South African police for shooting at a mob of 20,000 people who were attacking 25 policemen in a building, yet did not have time to make criticism of the situation in American cities such as Philadelphia where hundreds of extra police have had to be put on round-the-clock shifts, where they are arresting scores of people, halting automobiles, and searching hundreds of people. This is what is happening in Philadelphia, the City of Brotherly Love, while the National Association for the Advancement of Colored People is busily encouraging more violence in the South. If the NAACP, the State Department, and the northern liberal newspapers were interested in preserving peace, they would lend their weight and support to efforts to halt killings, beatings, and robbings in the large northern cities before they would worry about forcing a private businessman in the South to destroy his business by forcing integration upon people who do not wish to integrate—both white and colored. I believe I can speak for both races in my State.

Mr. President, again I commend the editor of the U.S. News & World Report for its frank report of conditions in Philadelphia, which, no doubt, exist in many other large northern cities where integration has become the forced law of the land against people's will. I ask unanimous consent that this article be printed in the RECORD immediately following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW ONE NORTHERN CITY HANDLES ITS RACE PROBLEM

PHILADELPHIA.—This northern city—where one of every four residents is a Negro—has just gone through the frightening experience of living from day to day in dread of a major racial explosion.

Only swift and stern action to head off outbreaks of violence, city officials believe, averted serious clashes in areas where Negro and white neighborhoods meet.

Even so, a rash of racial incidents during the closing days of March kept police and community leaders in a state of constant alert—never knowing when big trouble might develop.

DEATH OF A SCHOOLBOY

Philadelphia's big scare was touched off by the fatal stabbing on March 21 of 17-year-old John A. Campiglia, Jr., a white student at the integrated South Philadelphia High School. The Campiglia boy, walking home alone from school in daylight was attacked and beaten with fists and chains by 11 Negro teenagers—some of them fellow students—before one of the group knifed him.

The killing, called brutal and senseless by Police Commissioner Thomas J. Gibbons, occurred 4 days after two of the Negroes in the attacking gang had been beaten by white teenagers.

Tension gripped the city. Normal community activities in some mixed neighborhoods all but ceased. School attendance in these areas fell off sharply.

A cross was burned in front of a Negro-owned home. A group of white youths attacked five young Negro couples. Negro youths waylaid and beat up a white man. A 12-year-old Negro girl was wounded by shotgun pellets fired by youths in a passing car.

How did Philadelphia react to this crisis? Here's what happened when one more northern city came face to face with racial tensions that are spreading through the big cities:

THERE'S A CROWD

Police leaves were canceled as hundreds of extra patrolmen were rushed into the south Philadelphia area for round-the-clock patrols. Teenagers in groups of more than two were searched for weapons and dispersed. Cars were stopped and searched. Scores of troublemakers—white and Negro—were arrested.

Top officials of 70 civic and religious organizations—white and Negro—met in an emergency session and issued an appeal for an end to violence. Fieldworkers from youth groups poured into the troubled areas to urge restraint on both sides and cooperation with the police.

By April 1, calm appeared to have returned to this troubled city.

A PHENOMENAL JOB

Maurice B. Fagan, executive director of the Fellowship Commission, says the police and community groups "have done a phenomenal job in keeping the peace as well as we do" in view of the city's racial tensions.

A steady decline in the number of racial incidents for the last 2 years until the recent outbreaks is reported by George Schermer, executive director of the Commission on Human Relations. Mr. Schermer calls for a greater effort to cope with emotional and character problems of kids that come from homes where training is less than adequate.

Nochem S. Winnet, head of the Crime Prevention Association, calls for fuller reporting of racial incidents in the city's press as a means of alerting the public to the need for more effort in trying to solve the city's problems.

Newspaper and police officials reply that all such incidents are reported on their merit and that there is no conspiracy of silence.

A CHANGING CITY

As more and more Negroes move into Philadelphia from the South, and white residents move out to the suburbs, the city's problems with crime, juvenile delinquency, and rising welfare costs continue to mount.

Says Police Commissioner Gibbons: "After every day that ends without a serious bit of trouble, we breathe a sigh of relief."

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. RUSSELL. Does the Senator know of any southern city with a percentage of Negro population as high as in Philadelphia in which conditions exist such as he has described?

Mr. JOHNSTON of South Carolina. I do not know of any condition like that existing in a southern city where the colored population is as high as it is in Philadelphia.

Mr. RUSSELL. The condition the Senator describes undoubtedly flows in large measure from the complete and indiscriminate mixing and integration of the races by the force of State law.

Mr. JOHNSTON of South Carolina. That is correct.

Mr. RUSSELL. The Senator, of course, is describing a condition which we are desperately striving to prevent from being forced on the people of the South, whom we have the honor to represent.

Mr. JOHNSTON of South Carolina. I agree with the Senator from Georgia that that is what we are doing at the present time.

We know that whenever integration is forced on people against their will we find this kind of trouble developing. This is the sort of thing that will result from forced integration.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Louisiana [Mr. ELLENDER] to strike out title VI of the bill.

Mr. ERVIN. Mr. President, I call up my amendment identified as "3-31-60-F," and ask for its immediate consideration.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 20, after line 25, it is proposed to insert a new paragraph as follows:

The provisions of this subsection shall apply only to an election at which a candidate for the Senate of the United States or for the House of Representatives of the United States or for Resident Commissioner of Puerto Rico is voted for, and the words "election" or "elections" as used in this subsection shall be construed accordingly.

The PRESIDENT pro tempore. This is a perfecting amendment.

Mr. JOHNSON of Texas. Mr. President, how long does the Senator from North Carolina expect to discuss his amendment?

Mr. ERVIN. I would want about 10 minutes, so far as I am concerned.

Mr. JOHNSON of Texas. I ask unanimous consent that I may yield 10 minutes to the Senator from North Carolina to discuss the amendment.

Mr. ERVIN. Mr. President, the Founding Fathers were wise men. They knew the history of the experiences of the colonies. They knew from that history that the 13 colonies had suffered much at the hands of a government far removed from the people. Therefore, when they came to draft and ratify the Constitution of the United States, they adopted a system of Federal Government by which they committed to the National Government the power necessary to enable it to function as a national government, and by which they reserved to the States the right to manage their own internal affairs.

I think the best explanation ever made in brief compass of the fundamental objectives of the Constitution of the United States is that which appears in the celebrated case of Texas against White, which is reported in 7 Wallace, pages 700 to 743. I wish to read that portion of the opinion of Chief Justice Salmon P. Chase which appears on page 725:

But the perpetuity and indissolubility of the Union, by no means implies the loss of distinct and individual existence, or of the right of self-government by the States. Under the Articles of Confederation each State retained its sovereignty, freedom, and independence, and every power, jurisdiction, and right not expressly delegated to the United States. Under the Constitution, though the powers of the States were much restricted, still, all powers not delegated to the United States, nor prohibited to the States, are reserved to the States respectively, or to the people.

And we have already had occasion to remark at this term, that "the people of each State compose a State, having its own government, and endowed with all the functions essential to separate and independent existence," and that "without the States in Union, there could be no such political body as the United States." Not only, therefore, can there be no loss of separate and independent autonomy to the States, through their Union under the Constitution, but it may be not unreasonably said that the preservation of the States, and the maintenance of their governments, are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National Government. The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States.

Mr. President, we stand today at one of the most crucial points in our history. This is true because the bill before the Senate, and especially the part of it which undertakes to deal with voting rights, provides a test for Congress. Does Congress desire to destroy the States of the Union? Does Congress believe we should have a centralized government, and that a Union composed of indestructible States shall cease to exist? That is the issue which confronts Congress at this time. It is especially emphasized by the provisions of the bill which undertake to confer upon the Federal Government the power to pass upon the qualifications of those who are to vote in State elections.

Mr. President, there are two separate sets of constitutional principles governing what may be called congressional elections, on the one hand, and State and local elections, on the other. The provisions of the Constitution which relate to congressional elections are sections 2 and 4 of article I, and the 17th amendment. Section 2 of article I reads as follows, insofar as it is pertinent to the present discussion:

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Section 4 of article I provides:

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The 17th amendment, so far as it is pertinent to the present discussion, reads as follows:

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

These three provisions deal with the election of Senators and Representatives, who are elective officers of the United States. In "The Federalist," where the purposes of the Constitution are outlined in the clearest manner, it it stated that the provision of section 4, article I, providing that "Congress may at any time by law make or alter such regulations"—that is, regulations prescribed by the States as to "the times, places, and manner of holding elections for Senators and Representatives"—was intended to be made effective only in cases where the State failed to make any provision of the election of Members of Congress.

The Constitution was designed to establish an indestructible Union composed of indestructible States. So the Constitution was always interpreted, until the 15th amendment, to mean that the States should have the sole power to regulate all State and local elections.

Furthermore, both the 2d section of the 1st article and the 17th amendment provide in express words that even the qualifications of those who were to vote for Senators and Representatives are to be prescribed by the States. These two constitutional provisions do that by providing that persons shall be eligible to vote for Senators and Representatives only if they possess the qualifications prescribed by State law for electors of the most numerous branch of the State legislatures.

Mr. STENNIS. Mr. President, will the Senator from North Carolina yield for a question?

Mr. ERVIN. I am glad to yield.

Mr. STENNIS. Mr. President, I call on the Senator from North Carolina to point out what section of the Constitution if any gives the Congress the authority to invest the courts with positive power to register voters and, more especially, to supervise either State or local elections. What grant of power does the Congress have in that respect?

Mr. ERVIN. The courts of the land have held that prior to the ratification of the 15th amendment, the Federal Government had no power whatever to do anything of any character whatsoever in respect to any State or local election.

When the 15th amendment was ratified, it inserted in the Constitution the following new provision:

ARTICLE XV

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

The courts have quite properly held that the only power Congress has over State or local elections is the power to see to it that the States observe the prohibition placed upon them by the 15th amendment; and that prohibition is merely that no State shall deny or abridge the right of any citizen of the United States to vote on account of race, color, or previous condition of servitude.

Mr. STENNIS. Have the courts ever read into the constitutional provision an affirmative power or positive power of the Congress to give the courts the responsibility and authority to supervise elections and register voters?

Mr. ERVIN. I have searched for a decision to that effect; and I assert that there is no decision whatsoever which states that Congress has a right to do anything affirmative in that connection. But, on the contrary, all the decisions say that the only appropriate legislation which Congress can pass under the 2d section of the 15th amendment, to enforce the 15th amendment, is legislation which is designed to enforce the prohibition it contains. The 15th amendment does not grant to Congress any affirmative power whatever. And in decisions of the Supreme Court of the United States, construing the 5th section of the 14th amendment, which is similar to the 2d section of the 15th amendment, the Court has held that the obligation to refrain from discrimination rests upon the States, and that the enforcement of that obligation cannot be assumed by the Federal Government, except by way of enforcement of the prohibition.

Mr. STENNIS. I thank the Senator from North Carolina. He is a very able lawyer, and formerly he was a judge of the supreme court of North Carolina. He has made that search of the decisions and of the authorities. During the course of this entire debate has the Senator from North Carolina heard, or heard of, any proponent of this legislation who has

come here and has pointed out any authorities to the contrary of what the Senator from North Carolina has asserted?

Mr. ERVIN. No authority to the contrary has been cited by anyone. Even when the Attorney General of the United States appeared before our committee and I undertook to make inquiry of him concerning that matter, he had to content himself with the assertion that he believed this measure to be constitutional.

Mr. STENNIS. I thank the Senator from North Carolina.

Mr. ERVIN. I should like to say to the Senator from Mississippi that if the voting provisions——

The PRESIDENT pro tempore. The time yielded to the Senator from North Carolina has expired.

Mr. ERVIN. Mr. President, I should like to have 5 minutes more, if I may.

Mr. JOHNSON of Texas. Mr. President, I yield 5 additional minutes to the Senator from North Carolina.

The PRESIDENT pro tempore. The Senator from North Carolina is recognized for 5 additional minutes.

Mr. ERVIN. Mr. President, as I was about to say to the Senator from Mississippi, I wish to state that if the voting provisions of this bill, in which it is stipulated that the Federal Government for the first time shall undertake to pass upon the qualifications of those who vote in State and local elections, are held constitutional by the Supreme Court of the United States, then I say in solemnity that the American people will have lost the protection of their written Constitution. This is true because such a decision could not possibly be made without nullifying the express provisions of the Constitution of the United States.

Mr. STENNIS. And then the States will have lost their identity to the Federal Government, will they not?

Mr. ERVIN. That is true. I thank the Senator from Mississippi for his contributions to this debate.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator from North Carolina yield to me?

Mr. ERVIN. I yield.

Mr. JOHNSTON of South Carolina. Has anyone been able to find in the Constitution any provision which gives the Federal Government the right to go into State or local elections?

Mr. ERVIN. Not one syllable of the Constitution would justify such a course of conduct on the part of the Federal Government.

Mr. JOHNSTON of South Carolina. Therefore, if such a provision is not contained in the Constitution of the United States, we must bear in mind that article X of the Constitution provides:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

So that provision prohibits the Federal Government from regulating primary or other State or local elections; is not that true?

Mr. ERVIN. There is no doubt about that fact.

Mr. JOHNSTON of South Carolina. The proponents of this bill claim authority for it under what is known as the 15th amendment of the Constitution, which reads as follows:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

But have they pointed out in what respect the provisions of this bill in regard to voting qualifications or the management of elections have anything to do with the right of a person to vote or not to vote?

Mr. ERVIN. The answer to that question is self-evident. The courts have held that the Congress has no power whatever to do anything in respect to State and local elections except under the 15th amendment, and that the Congress does not have any right to do anything under the 15th amendment except to enforce the prohibition that no citizen of the United States shall have his right to vote abridged or denied by a State on account of race, color, or previous condition of servitude.

Mr. JOHNSTON of South Carolina. In other words, that amendment, stated simply, means that citizens shall not be discriminated against in that way when they come to vote.

But does not the Senator from North Carolina agree that nothing in the Constitution gives the Federal Government the right to set up specifications in regard to the conduct of elections, and so forth?

Mr. ERVIN. Nothing in the Constitution provides the Federal Government with such a power. Indeed, it is highly doubtful whether the Federal Government could take any positive step looking to passing on the qualifications of voters preliminary to registration, even in elections for Senators and Members of the House of Representatives, under the fourth section of the first article of the Constitution. All that is authorized by it to be done by Congress in respect to congressional elections is to alter the regulations prescribed by the States with respect to the times, places, and manner of holding such elections. It is certainly true that the fixing of the times and places of holding such elections has nothing to do with the registration of voters. Moreover, the words the "manner of holding election" imply the existence of a body of voters whose qualifications have already been determined. This view harmonizes with the definitions which have been given to those words. They have often been construed to refer simply to receiving, and counting votes and certifying election returns.

But, Mr. President, even if it were constitutional for the Congress of the United States to enact a law conferring upon the Federal Government the power to pass upon the qualifications of voters in State or local elections, it would be extremely unwise for Congress to enact any such law. This is true because whenever government is far removed from the people, government becomes the master of the people, not their servant. I have always found it easier to deal with the government of North Carolina, than it is to deal with the Government of the United States. I have found that those who exercise the authority of State government are approachable persons who assume that the States' citizens are people of character, and merit a hearing. But I have found exactly the opposite situation in many cases in respect to those who exercise bureaucratic power under the Federal Government. For these reasons, it is wise to keep government close to the people.

A certain way to destroy liberty in America is to remove Government far from the people and concentrate it in Washington. And a certain way to do that is to confer on the Federal Government the power to determine who is to vote in State elections.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). The time of the Senator from North Carolina has expired.

Mr. JOHNSON of Texas. Mr. President, how much time does the Senator desire?

Mr. ERVIN. One minute.

Mr. JOHNSON of Texas. I yield 2 minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from Texas yields 2 minutes to the Senator from North Carolina.

Mr. ERVIN. The question which confronts the Congress of the United States at this time is this: Shall the indestructible Union composed of indestructible States cease to exist? Shall we substitute for that kind of a Union a centralized government in which the States are deprived of the power to conduct their own elections? The question is a solemn question, because, in the last analysis, it comes to this: Are the Members of the Senate and the Members of the House, willing to sell the birthright of the American people, for a sorry mess of political pottage, in order to pacify, in order to appease, a few organizations which, in their blind zeal, are willing to emulate the example of Samson and tear down the pillars which support our system of constitutional government?

That is the issue—no more, and no less—and it is time for those who believe we have the finest governmental system on earth to stand up and be counted, not only for this generation, but for the generations yet to come.

Mr. STENNIS. Mr. President, may I commend the Senator from North Carolina——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Mississippi?

Mr. JOHNSON of Texas. I yield the Senator from Mississippi such time as he may need.

The PRESIDING OFFICER. The Senator from Texas yields to the Senator from Mississippi such time as he may need.

Mr. STENNIS. I merely wanted to commend the Senator from North Carolina for his speech. Even though it has been a short one, it has been sound, based on the governmental philosophy of America.

The PRESIDING OFFICER. The question is on agreeing to the Ervin amendment as a perfecting amendment.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, without losing the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 155]

Aiken	Fong	McNamara
Allott	Frear	Magnuson
Anderson	Fulbright	Monroney
Bartlett	Gore	Morse
Beall	Green	Morton
Bible	Gruening	Moss
Bridges	Hart	Mundt
Brunsdale	Hartke	Murray
Bush	Hayden	Muskie
Butler	Hennings	Prouty
Byrd, Va.	Hickenlooper	Proxmire
Byrd, W. Va.	Hill	Randolph
Cannon	Holland	Robertson
Capehart	Hruska	Russell
Carlson	Jackson	Saltonstall
Carroll	Javits	Schoeppel
Case, N.J.	Johnson, Tex.	Scott
Case, S. Dak.	Johnston, S.C.	Smith
Chavez	Jordan	Sparkman
Church	Keating	Stennis
Clark	Kefauver	Symington
Cooper	Kerr	Talmadge
Cotton	Kuchel	Thurmond
Curtis	Lausche	Wiley
Dirksen	Long, Hawaii	Williams, Del.
Douglas	Long, La.	Williams, N.J.
Dworshak	Lusk	Yarborough
Eastland	McCarthy	Young, N. Dak.
Engle	McClellan	Young, Ohio
Ervin	McGee	

Mr. JOHNSON of Texas. I announce that the Senator from Louisiana [Mr. ELLENDER], the Senator from Montana [Mr. MANSFIELD], the Senator from Rhode Island [Mr. PASTORE], and the Senator from Florida [Mr. SMATHERS] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD] is absent because of illness.

I further announce that the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Wyoming [Mr. O'MAHONEY] are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Arizona [Mr. GOLDWATER], and the Senator from Iowa [Mr. MARTIN] are detained on official business.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). A quorum is present.

Mr. JOHNSON of Texas. Mr. President, if any Senator desires time to discuss the Ervin amendment, before I yield the floor, I will be glad to yield time. Otherwise the distinguished acting minority leader will move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the perfecting amendment offered by the Senator from North Carolina [Mr. ERVIN].

Mr. KUCHEL. Mr. President, on behalf of the minority leader, as well as on my own, I intend now to move to lay the pending amendment on the table. I wish to repeat what the distinguished majority leader has said. Does any Senator desire to speak on the amendment?

Mr. CASE of South Dakota. Mr. President, will the Senator yield me 2 minutes?

Mr. KUCHEL. I ask unanimous consent that I may yield 2 minutes to the Senator from South Dakota without my losing the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE of South Dakota. Mr. President, the junior Senator from South Dakota merely wishes to take this opportunity to point out what for him is the deciding issue on the pending bill. The amendment would strike from the bill language making the right to vote applicable to all elections, and would limit the bill to voting for candidates for Congress.

I point out that the 15th amendment deals with the abridgment of the right to vote on certain grounds. The 15th amendment reads:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2 reads:

> The Congress shall have power to enforce this article by appropriate legislation.

If the right to vote is abridged, or if the court finds it to be abridged by reason of race, color, or previous condition of servitude, it is abridged whether it is the right to vote for constable, sheriff, Governor, Members of Congress, or any other office. It is for that reason that I think, if we believe the 15th amendment means what it says, we should enact appropriate legislation to prevent abridgment of the right to vote on those grounds.

This question is entirely different from the questions which deal with the conduct of elections. Here we are dealing only with the abridgment of the right to vote by reason of race, color, or previous condition of servitude.

Therefore, I shall vote against the amendment, which would limit the application of the bill to voting in certain elections. The right to vote is at stake.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CASE of South Dakota. I yield.

Mr. JAVITS. Is it not a fact that the 1957 act, which we passed, applies to all elections, including the State elections, and that the constitutionality of the act was sustained a few days ago by the Supreme Court of the United States in the United States against Raines?

Mr. CASE of South Dakota. That is correct.

Mr. JAVITS. Should that not be conclusive upon the Senate?

Mr. CASE of South Dakota. It is my opinion that it is, and that this is appropriate legislation.

Mr. JAVITS. I thank the Senator.

Mr. KUCHEL. Mr. President, if no other Senator desires to speak further, I move——

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield.

The PRESIDING OFFICER. The Senate will be in order. Senators will cease audible conversation or retire to the cloakrooms.

Mr. HOLLAND. Mr. President, I should like to ask the Senator if it is not true that the bill as drawn would apply to referendum and recall elections?

Mr. CASE of South Dakota. Mr. President, is the Senator addressing that question to me?

Mr. HOLLAND. I am addressing it to the assistant minority leader, but I shall be glad to address it to the Senator from South Dakota.

Mr. CASE of South Dakota. Does the Senator from California yield to me?

Mr. KUCHEL. I shall be glad to yield to the Senator from South Dakota, to answer the question. Then I shall make a comment myself.

Mr. CASE of South Dakota. I am not a lawyer, certainly not a constitutional lawyer. However, as a layman it seems to me that if the right to vote in an initiative or referendum were abridged, or sought to be abridged, because of race, color, or previous condition of servitude, the bill as drawn would apply.

Mr. KUCHEL. I merely say that, so far as I am concerned, the 15th amendment to the U.S. Constitution is the answer to the question of the Senator from Florida.

Mr. HOLLAND. Mr. President, will the Senator yield for another question?

Mr. KUCHEL. I yield.

Mr. HOLLAND. Besides applying to referendum and recall elections, is it not true that the legislation would also apply to elections for the authorization of bond issues?

Mr. KUCHEL. Again I would say to my friend from Florida that the 15th amendment to the Constitution as written provides that no State shall abridge the right of franchise because of certain conditions, namely, race, color, or previous condition of servitude. I suggest to my friend that if one of those elements were present in any type of election, the bill would also apply.

Mr. HOLLAND. Mr. President, will the Senator yield for one more question?

Mr. KUCHEL. I yield.

Mr. HOLLAND. I should like to ask the Senator if it is not true that the bill would also apply to an election to set up a drainage district or a conservancy district, or to set up some special public improvement or some special public administrative office.

Mr. KUCHEL. My opinion is that if the 15th amendment were violated and if the State were guilty of interfering with the right of franchise because of the enumerated conditions, the proposed legislation would apply, and the answer would be yes.

Mr. HOLLAND. I wish to make this one statement, if the Senator will yield once more. The constitution of my State confines the voting cases that I have mentioned to freeholders, people who have ownership of property and who

pay taxes upon real estate. Considering the tendency of courts to hold any such conditions as an attack upon somebody rather than a preservation of the stability of government, I recognize the fact that the Federal courts as now constituted might hold very easily that these provisions, salutary as they are, were designed to prevent general participation by colored citizens in our State in voting. That is not the case, and I shall not lose sight of that fact. I believe we should amend the proposed legislation to bring it more nearly in line with the specific rights given to the Federal Government and the specific recognition of the right of States to fix the qualifications of electors for the election of Senators, presidential electors, and Members of the House of Representatives. I shall therefore support the amendment offered by the distinguished Senator from North Carolina.

Mr. KUCHEL. Mr. President, I yield 1 minute to the Senator from Colorado.

Mr. CARROLL. We ought to have the record clear, Mr. President, because these questions were asked before the Senate Committee on the Judiciary. I agree with the able Senator from California that this is under the 15th amendment and applies to all elections except as to qualifications of voters—I see the concern of the able Senator from Florida—a State may set different qualifications of voters concerning each separate election, if it is a municipal election or a bond issue or an improvement district, and the qualifications of the voters may differ somewhat; but the certificate of the judge or of the voting referee will cover every election. That is my understanding of the bill.

Mr. KUCHEL. Mr. President, I move to lay the pending amendment on the table; and on the motion, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. Moss in the chair). The yeas and nays have been requested on the motion to lay on the table. Is there a sufficient second?

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California [Mr. KUCHEL] to lay on the table the amendment of the Senator from North Carolina [Mr. ERVIN]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. JOHNSON of Texas. I announce that the Senator from Louisiana [Mr. ELLENDER], the Senator from Montana [Mr. MANSFIELD], the Senator from Wyoming [Mr. McGEE], the Senator from Rhode Island [Mr. PASTORE], and the Senator from Florida [Mr. SMATHERS] are absent on official business.

The Senator from Connecticut [Mr. DODD] is absent because of illness.

The Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Wyoming [Mr. O'MAHONEY] are necessarily absent.

On this vote the Senator from Louisiana [Mr. ELLENDER] is paired with the Senator from Montana [Mr. MANSFIELD]. If present and voting, the Senator from Louisiana would vote "nay" and the Senator from Montana would vote "yea."

The Senator from Connecticut [Mr. DODD] is paired with the Senator from Florida [Mr. SMATHERS]. If present and voting, the Senator from Connecticut would vote "yea" and the Senator from Florida would vote "nay."

I further announce that if present and voting, the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Rhode Island [Mr. PASTORE], and the Senators from Wyoming [Mr. McGEE and Mr. O'MAHONEY] would each vote "yea."

Mr. KUCHEL. I anounce that the Senator from Utah [Mr. BENNETT], the Senator from Arizona [Mr. GOLDWATER], and the Senator from Iowa [Mr. MARTIN] are detained on official business.

The result was announced—yeas 72, nays 16, as follows:

[No. 156]

YEAS—72

Aiken	Douglas	McCarthy
Allott	Dworshak	McNamara
Anderson	Engle	Magnuson
Bartlett	Fong	Monroney
Beall	Frear	Morse
Bible	Gore	Morton
Bridges	Green	Moss
Brunsdale	Gruening	Mundt
Bush	Hart	Murray
Butler	Hartke	Muskie
Byrd, W. Va.	Hayden	Prouty
Cannon	Hennings	Proxmire
Capehart	Hickenlooper	Randolph
Carlson	Hruska	Saltonstall
Carroll	Jackson	Schoeppel
Case, N.J.	Javits	Scott
Case, S. Dak.	Johnson, Tex.	Smith
Chavez	Keating	Symington
Church	Kefauver	Wiley
Clark	Kerr	Williams, Del.
Cooper	Kuchel	Williams, N.J.
Cotton	Lausche	Yarborough
Curtis	Long, Hawaii	Young, N. Dak.
Dirksen	Lusk	Young, Ohio

NAYS—16

Byrd, Va.	Johnston, S.C.	Sparkman
Eastland	Jordan	Stennis
Ervin	Long, La.	Talmadge
Fulbright	McClellan	Thurmond
Hill	Robertson	
Holland	Russell	

NOT VOTING—12

Bennett	Humphrey	Martin
Dodd	Kennedy	O'Mahoney
Ellender	McGee	Pastore
Goldwater	Mansfield	Smathers

So Mr. KUCHEL's motion to lay Mr. ERVIN's amendment on the table was agreed to.

Mr. DIRKSEN. Mr. President, I move that the vote by which the motion to lay on the table was agreed to be reconsidered.

Mr. JOHNSON of Texas. Mr. President, I move to lay on the table the motion to reconsider.

The PRESIDING OFFICER (Mr. Moss in the chair). The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. JOHNSON of Texas. Mr. President——

The PRESIDING OFFICER. The Senator from Texas.

Mr. JOHNSON of Texas. I yield to the Senator from South Carolina [Mr. JOHNSTON], in order that he may submit his amendment.

Mr. JOHNSTON of South Carolina. Mr. President, I submit, and send to the desk, an amendment which I ask to have read at this time.

The PRESIDING OFFICER. The amendment submitted by the Senator from South Carolina will be read.

The CHIEF CLERK. On page 9, in line 14, it is proposed to strike out "general, special, or primary," and in lieu thereof to insert "general."

On page 11, in line 24, it is proposed to strike out "general, special, or primary," and in lieu thereof to insert "general."

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the amendment offered by the Senator from South Carolina [Mr. JOHNSTON] be in order at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from South Carolina for such time as he may desire, in order that he may discuss his amendment.

Mr. JOHNSON of Texas. Mr. President, first, will the Senator from Illinois yield to me?

Mr. DIRKSEN. I yield.

Mr. JOHNSON of Texas. Let me ask whether it is the desire of the Senator from South Carolina to have the yeas and nays taken on his amendment?

Mr. JOHNSTON of South Carolina. I do.

Mr. JOHNSON of Texas. Then, Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there sufficient second?

The yeas and nays were ordered.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Illinois yield further to me?

Mr. DIRKSEN. I yield.

Mr. JOHNSON of Texas. Several Senators have engagements; and the Senate must go to the other body at approximately 12:25. So obviously it will not be possible to have the yeas and nays taken between now and then.

I wonder whether at this time the Senator from South Carolina will explain his amendment for about 20 minutes, with the understanding that immediately after the Senate reconvenes, following the joint session, the yeas and nays will be taken.

Mr. JOHNSTON of South Carolina. Does the Senator from Texas intend to have a quorum had before the Senate goes to the other body?

Mr. JOHNSON of Texas. No. We have just finished taking a yea-and-nay vote, and no doubt there are now more Senators on the floor than there would be following a quorum call.

So if the Senator from South Carolina will now proceed to discuss his amendment for approximately 15 or 20 minutes, the yea-and-nay vote could be taken after we return from the joint session with the other body.

Mr. DIRKSEN. Mr. President, if there is no objection, I yield 15 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that immediately upon the reconvening of the Senate, following the joint session with the other body, it be in order for the Senator from Illinois [Mr. DIRKSEN] to move to lay on the table the amendment of the Senator from South Carolina, and that the yeas and nays be taken on that motion, notwithstanding the order which was entered on yesterday.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement? The Chair hears none; and it is so ordered.

Mr. JOHNSTON of South Carolina. Mr. President, my amendment merely will eliminate the words "special, or primary election," and will confine the bill to general elections only. I believe that should be done in order at least to comply with the Constitution and at the same time not interfere with the large number of primary elections in the Nation.

In many parts of the Nation various political parties hold no primary elections. They nominate by convention their candidates for various offices covered under title III of this bill. In fact, our national parties nominate our candidates in this manner. In many areas of the Nation the major parties, as well as splinter parties and minor parties, nominate candidates for office by the convention method, and never even know what a primary election is.

Primary elections are voluntary elections, paid for by the members of the parties holding the primary elections, and are not mandatory, to my knowledge, in any State.

Primary elections are elections allowed by State laws to be held if the parties concerned desire to hold these elections.

Mr. ROBERTSON. Mr. President, at this point will the Senator from South Carolina yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. ROBERTSON. With respect to primary elections and conventions, let me state that I cannot recall any instance in the present century when the Republican Party has ever made a nomination for a Federal official in a primary in Virginia.

Mr. JOHNSTON of South Carolina. And the same is true in South Carolina.

So, unless my amendment is agreed to, one party would be penalized by this provision of the proposed law; and the other party would, as a result, be benefited. This situation is that simple.

There is no reason in the world for the Federal Government to have anything to do with these primary elections.

For this reason, I have submitted the amendment which would remove primary elections from coverage by title III of this bill.

It will be noted that my amendment has nothing to do with discrimination against any citizen because of race, color, or creed. My amendment simply will confine the bill to dealing with general elections.

The very nature of title III, as it applies to primary elections, is discriminatory, and it will do a great injustice to the Democratic processes.

The various parties in the various States which do hold primaries for the benefit of allowing their people to give free expression toward the selection of candidates set up the primaries at great expense and great trouble. I also wish to point out that in each primary in the various States there is a different set of rules and regulations about the qualification of voters.

Thousands of people volunteer their services and contribute their dollars to pay for these primaries. The Federal Government pays no part of the expense of holding any primary election in the Nation.

If the Senate insists upon title III and the inclusion of primaries and the exclusion of conventions, then we shall in effect, write a law which will abolish State primaries. As the bill now stands, it will encourage doing away with primaries—the very thing which, I believe, Members of the Senate, as good citizens of the United States, do not want to be a party to.

I doubt if any political party would continue to hold primary elections at the great financial expense that will be caused by title III of this bill, if it can accomplish the nomination of its candidates by convention method at little or no expense and, at the same time, exclude itself from the law.

For example, the South Carolina Democratic Party, which holds primaries, would be covered by this bill. However, if, after passage of this bill, the South Carolina Democratic Party decided to no longer hold primaries, it would not be covered by this bill.

So, in effect, if the South Carolina Democratic Party were to abolish primaries to escape the provisions of this law, then this legislation will be taking away from the people the right to nominate candidates in primary elections. It will destroy primary elections. People who believe in primaries will be penalized by this bill.

It is highly unfair to require political parties that give to the people the right to vote and select their nominees in primaries to comply with this law, which excludes nomination of candidates by the closed shop or convention method.

That method is not touched in this bill. I may later make such an offer. If this bill is to apply to primaries, then it should apply to conventions also, where, in New York, they make nominations.

I feel that what is good for the goose is good for the gander, and so I offer my amendment, which simply provides that no primary elections shall be covered by this bill.

I have here, too, what I think are more valid, legal arguments to support my position. One of the main sources of these arguments comes from the Constitution of the United States, which is the supreme law of the land.

In the first place, there are no such things as Federal elections. All elections, whether they be for town councilmen or for the U.S. Senators from the States, are local elections, because in every instance, persons who cast their ballots are casting them for local representation. Senators in this body represent the localities they come from. This is a fact which is indisputable. The individual votes for candidates in order to get individual representation if possible.

In the second place, the 10th amendment to the Constitution of the United States gives States the power to control elections and to make laws outlining qualifications of voters. Let me quote the 10th amendment.

I call attention to the fact that there cannot be found written in the Constitution any right of the Federal Government to dictate anything in regard to elections, but we do find that the 10th amendment of the Constitution reads as follows:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

That is the end of the quotation from the 10th amendment to the Constitution.

Mr. President, nowhere in the Constitution can we find a section which gives the Federal Government control over local elections, or anything to do with local elections. Nor can we find a section which prohibits the States' acting in this field. Therefore, the States have express power to govern their own elections. It is that simple.

Some may take issue with this premise, but let us return to the constitutional provisions. In article I, section 4, we find the following, which is the only basis for a bill of this nature:

> SEC. 4. The Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

Mr. President, I call to the attention of every Member of the Senate that this section refers only to elections—not primaries—of Senators and Representatives—and we are elected in the general election—and that the States, through their legislatures, not the Federal Government, can prescribe the time, the place, and the manner of such elections.

True, the Congress can pass laws which alter State laws concerning the time and manner of elections of Senators and Representatives, and congressional districts can be changed by Congress so that the places of choosing Representatives can be changed.

However, note the limiting words: Time, places, and manner. "Time" necessarily refers to general elections. Shall we have a general election in November or March? Congress has the power to establish for the whole Nation a uniform time at which each State shall elect its Members of Congress. Our forefathers saw the need for such a provision so that each session of Congress would be uniform and predictable, and so that Members of Congress from

every part of the Nation would be elected at the same time.

"Places" refers to congressional districts from which the Senators and Representatives are elected. Since U.S. Senators are elected from the whole State which they represent, the Federal Government does not have the power to regulate these districts, and so this exception is expressly incorporated into section 4 of article I.

In my estimation, the Federal Government cannot set up polling places under this section.

The big question may arise when the word "manner" is sought to be explained. However, Mr. President, I firmly believe that "manner" applies to the democratic principle of this secret ballot. Note also that the section states "manner of holding elections," and not "manner of elections."

"Manner" in this sense refers back to both "time" and "places"—that is the distinction between those two terms—and should not be enlarged to mean that the Federal Government can control State elections by the passage of laws through the Congress. This would clearly be unconstitutional.

Mr. President, the foregoing arguments may seem pointless to some persons, but I am only trying to bring out the fact that primaries are not elections of Senators and Representatives, but are voluntary party elections of candidates to run for these offices in general elections.

There is a very big difference in voluntarily having an election to select a candidate to run for Senator, and electing a Senator in a general election. This fact should be noted before we attempt to include primaries in the meaning of elections.

I realize that someone in this Chamber will probably say to me, "but, in your State of South Carolina, being elected in a primary is tantamount to being elected in the general election." While that may be true in some cases, it is not true as a matter of law.

I point out again that insistence on including primaries under the law may cause the abolishment of primaries in the various States, thereby disfranchising more Negro and white voters than the proposed law will ever help.

The Democratic primary in South Carolina does elect by preference the candidates who will be certified by the general election, but it is not impossible to have a Republican to oppose these candidates in the general election, and if there is interparty opposition, the candidate with the highest number of votes wins. The fact is that Republicans do nominate candidates to oppose Democrats, but they do it by convention method, which is not covered by the bill.

Mr. President, the argument that primaries in some States are tantamount to election fails for another reason. If we, as Members of Congress, pass legislation because of this reason, we are passing sectional legislation aimed at certain areas only, and we are failing in our duty by doing that. In fact, the very inclusion of primaries in this piece of legislation is discriminatory.

The PRESIDING OFFICER. The Senator will suspend. The hour of 12:20 has arrived.

Mr. JOHNSTON of South Carolina. May I have 1 minute more?

The PRESIDING OFFICER. A previous order has been entered.

Mr. DIRKSEN. Mr. President, with the understanding that I reserve my right to the floor, I yield 1 minute.

The PRESIDING OFFICER. The order has been entered.

Mr. DIRKSEN. The majority leader is not present.

The PRESIDING OFFICER. The order, I am informed, applies nevertheless.

Mr. JOHNSTON of South Carolina. If primaries are to be included, then the convention method of choosing candidates should also be included within the provisions of the bill. From the standpoint of law, however, neither should be included. Both primaries and conventions have the very same purposes and aims—to choose candidates or delegates, as the case may be, and therefore they should be given the same treatment in legislation. This is only fair.

Discrimination should and can be eliminated by the mere act of adopting my amendment. In my estimation, this would be the more sensible approach to the problem.

One last word of warning: It does not take a brilliant lawyer to tell that, by enactment of this bill into law, without excluding primaries, this bill will disfranchise more Negro voters in the South than it will ever help or enable to vote. This is true, because I predict that practically every Southern State's Democratic Party will abolish primary elections and go back to the conventional convention system of nominating candidates for public office.

I hope the Senate will adopt my amendment out of a sense of justice and fair play, as well as to preserve the holding of primary elections throughout the United States.

Mr. DIRKSEN. Mr. President, with the further understanding that I reserve my right to the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess and will then proceed to the Hall of the House of Representatives to hear the address to be delivered by the President of Colombia.

Thereupon, at 12 o'clock and 26 minutes p.m., pursuant to the order previously entered, the Senate took a recess, subject to the call of the Chair.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE HONORABLE ALBERTO LLIERAS-CAMARGO, PRESIDENT OF COLOMBIA

The Senate, preceded by the Secretary, Felton M. Johnston, the Sergeant at Arms, Joseph C. Duke, the Vice President, and the President pro tempore, proceeded to the Hall of the House of Representatives for the purpose of attending the joint meeting of the two Houses to hear the address to be delivered by the Honorable Alberto Lleras-Camargo, President of Colombia.

(For the address delivered by the President of Colombia, see the House proceedings of today's CONGRESSIONAL RECORD.)

RESUMPTION OF LEGISLATIVE SESSION

The Senate returned to its Chamber at 1 o'clock and 25 minutes p.m. and reassembled when called to order by the Presiding Officer (Mr. CANNON in the chair).

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. DIRKSEN. Mr. President, if there are no further requests for time, I move to table the amendment of the distinguished Senator from South Carolina [Mr. JOHNSTON] and I ask for the yeas and nays.

Mr. JOHNSON of Texas. Mr. President, may we have the yeas and nays ordered?

The PRESIDING OFFICER. The order already entered covers the yeas and nays. The yeas and nays are ordered.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion of the Senator from Illinois [Mr. DIRKSEN] to lay on the table the amendment of the Senator from South Carolina [Mr. JOHNSTON]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. JOHNSON of Texas. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Rhode Island [Mr. GREEN], the Senator from Arizona [Mr. HAYDEN], the Senator from Montana [Mr. MANSFIELD], and the Senator from Florida [Mr. SMATHERS] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD] is absent because of illness.

I further announce that the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Wyoming [Mr. O'MAHONEY] are necessarily absent.

I further announce that if present and voting, the Senator from New Mexico [Mr. CHAVES], the Senator from Rhode Island [Mr. GREEN], the Senator from Arizona [Mr. HAYDEN], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Connecticut [Mr. DODD] would each vote "yea."

On this vote, the Senator from Florida [Mr. SMATHERS] is paired with the Senator from Montana [Mr. MANSFIELD].

If present and voting, the Senator from Florida would vote "nay" and the Senator from Montana would vote "yea."

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. BRIDGES], the Senator from Indiana [Mr. CAPEHART], the Senator from Kansas [Mr. CARLSON], the Senator from Kentucky [Mr. MORTON], and the Senator from Kansas [Mr. SCHOEPPEL] are detained on official business.

I further announce that, if present and voting, the Senator from Indiana [Mr. CAPEHART] would vote "yea."

The result was announced—yeas 68, nays 18, as follows:

[No. 157]

YEAS—68

Aiken	Engle	Magnuson
Allott	Fong	Martin
Anderson	Frear	Monroney
Bartlett	Goldwater	Morse
Beall	Gore	Moss
Bennett	Gruening	Mundt
Bible	Hart	Murray
Brunsdale	Hartke	Muskie
Bush	Hennings	Pastore
Butler	Hickenlooper	Prouty
Byrd, W. Va.	Hruska	Proxmire
Cannon	Jackson	Randolph
Carroll	Javits	Saltonstall
Case, N.J.	Johnson, Tex.	Scott
Case, S. Dak.	Keating	Smith
Church	Kefauver	Symington
Clark	Kerr	Wiley
Cooper	Kuchel	Williams, Del.
Cotton	Lausche	Williams, N.J.
Curtis	Lusk	Yarborough
Dirksen	McCarthy	Young, N. Dak.
Douglas	McGee	Young, Ohio
Dworshak	McNamara	

NAYS—18

Byrd, Va.	Holland	Robertson
Eastland	Johnston, S.C.	Russell
Ellender	Jordan	Sparkman
Ervin	Long, Hawaii	Stennis
Fulbright	Long, La.	Talmadge
Hill	McClellan	Thurmond

NOT VOTING—14

Bridges	Green	Morton
Capehart	Hayden	O'Mahoney
Carlson	Humphrey	Schoeppel
Chavez	Kennedy	Smathers
Dodd	Mansfield	

So Mr. DIRKSEN's motion to table the amendment of Mr. JOHNSTON of South Carolina was agreed to.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to table was agreed to.

Mr. JOHNSON of Texas. Mr. President, while Members of the Senate are on the floor, I should like to make a unanimous-consent request, so that Senators may know what it is. In 30 or 35 minutes we expect another yea-and-nay vote, on the Carroll amendment. I ask unanimous consent that on the Carroll amendment we may have not to exceed 30 minutes of debate on each side, 30 minutes to be controlled by the author of the amendment, the Senator from Colorado [Mr. CARROLL], and 30 minutes to be controlled by the minority leader, the Senator from Illinois [Mr. DIRKSEN]. The minority leader informs me that he does not expect to take all of the 30 minutes. Then he will make a motion to table the Carroll amendment. We will have the yeas and nays on the motion to table. I hope, therefore, that Senators will remain in the Chamber during this period, if the request is agreed to.

Mr. ELLENDER. Is it understood that I am to follow the disposition of the Carroll amendment?

Mr. JOHNSON of Texas. Yes.

Mr. McNAMARA. Mr. President, has this request been cleared with the Senator from Colorado?

Mr. JOHNSON of Texas. Yes. The Senator from Colorado is here.

Mr. CARROLL. Yes.

Mr. McNAMARA. I have no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

PERMISSION FOR SENATOR McCLELLAN TO TESTIFY IN CONTEMPT PROCEEDING IN U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Mr. McCLELLAN. Mr. President, on August 8, 1958, pursuant to Senate Resolution 362, 85th Congress, 2d session, the Senate voted to cite Maurice A. Hutcheson, general president of the United Brotherhood of Carpenters, for contempt of the Senate arising out of his appearance before the Senate Select Committee on Improper Activities in the Labor or Management Field.

The U.S. district attorney for the District of Columbia has asked me to appear voluntarily without subpena to testify on matters which are part of the published public record of the hearings of the Senate Select Committee on Improper Activities in the Labor or Management Field.

Since the Senate is in session, there is some question as to whether a Senator can testify without the consent of the Senate. I therefore request unanimous consent that the Senate authorize me to appear and testify in the U.S. District Court for the District of Columbia in this contempt proceeding during this session of the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and the request is granted.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DIRKSEN. Under the unanimous-consent agreement entered a moment ago, as I understand, the distinguished Senator from Colorado [Mr. CARROLL] has 30 minutes in support of his amendment, and I shall have 30 minutes at my disposal. I expect to take very little of my time. At the expiration of that time, I shall offer a motion to table.

The PRESIDING OFFICER. The understanding of the Senator from Illinois is correct. The Chair recognizes the Senator from Colorado.

Mr. CARROLL. I call up my amendment designated "3-30-60—E," which I submitted on behalf of myself, Mr. HENNINGS, Mr. CHURCH, Mr. CLARK, Mr. HART, Mr. WILLIAMS of New Jersey, Mr. JAVITS, Mr. KEATING, and Mr. SCOTT, and ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. On page 16, line 12, after "law" it is proposed to insert ": *Provided*, That proof of the requirements set forth in clauses (2) (a) and (b) may be waived by the court with respect to any applicant if the court finds that the acts necessary to fulfill such requirements would be vain and futile, or serve no useful purpose, as applied to such applicant".

On page 17, line 15, after "and" insert ", unless waived by the court with respect to such applicant pursuant to the first paragraph of this subsection,".

The PRESIDING OFFICER. The Senator from Colorado is recognized. How much time does the Senator yield himself?

Mr. CARROLL. I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 10 minutes.

Mr. CARROLL. Mr. President, I believe this is perhaps one of the most important amendments left to be offered to the pending bill. It has been said by the President of the United States, by the Attorney General, and by other persons, that we now, at this stage, have a good civil rights bill. I think it is not as good as it ought to be. One of the reasons why I offer the amendment is my desire to strengthen the bill where there is a weakness, a defect, which was inserted in the bill by the other body, inserted, I believe, under strange and unusual circumstances.

The purpose of the amendment is very simple. We know that a court of equity has certain powers but I want to spell out one of them. I wish to make a legislative record, and I think the best way to do so is by a discussion of the amendment. I trust the amendment will be agreed to.

The purpose of the amendment is to provide that a court of equity may waive the requirement that the applicant go back and attempt to register since the finding by the court of the pattern or practice.

Let us assume that a number of Negroes have been denied their constitutional right, their fundamental right, to vote, and that the Attorney General, in behalf of the people of the United States, institutes a suit. After the Attorney General has brought suit, evidence will be heard and based upon it the court will make a finding.

The court may make a finding of a pattern or a practice. In the bill as it came from the other body, the words were inserted "since such finding by the court."

In my opinion, those simple words have imposed an undue restriction, and require action on our part. This phrase has gutted the effectiveness of the bill.

I know that many Senators, after 8 weeks, are tired of debating the bill. But now we are in the clutch; we are in the closing days of the debate on the bill. If the proposed legislation is to have any meaning at all, there must not be a continued denial of the right to vote, as has been the case for so many years.

Under this bill, the applicant must prove, first, that he is qualified under State law to vote. That is proper. That is constitutional. What else must he prove? He must prove that since the court's finding he has gone back to the registrar, and that the registrar under color of law has either failed or refused to register him, or, that the registrar, under color of law, has found him not qualified to vote.

I think this may create an undue hardship in some areas. I think that such a requirement puts the individual whom the law was supposed to help in an almost hopeless predicament; a truly unworkable predicament.

The purpose of the amendment is to leave the question to a court of equity. The court will determine whether it is necessary for the applicant to go back and register since the finding of the pattern or practice, or it will determine, according to the circumstances of the case, whether he will not require this act to be performed because it would be vain and futile, or would serve no useful purpose.

I have discussed the matter with the Attorney General of the United States. I have discussed it with the Deputy Attorney General of the United States, Judge Walsh. Not only have I discussed it, but I have asked many questions of them. On several occasions I have had conflicting opinions from them as to whether the words beginning on line 6, page 20, would be controlling or decisive in the matter. I shall read the sentence:

> This subsection shall in no way be construed as a limitation upon the existing powers of the court.

All I seek to do is delineate one of those powers.

I see in the Chamber the Senator from Illinois, the distinguished minority leader [Mr. DIRKSEN]. He is a member of the Judiciary Committee, and I wonder whether he would be willing to answer some questions at this time. Let me say that I have no illusions about what will happen to my amendment; but I want to make a record for future reference, because I seek to strengthen the hand of the executive branch and the hand of the judicial branch, for the benefit of applicants who will seek an opportunity to vote.

In saying that I have no illusions about the fate of this amendment, I point out that evidently the White House is not in favor of the amendment, and the majority leader is not in favor of the amendment. Under those circumstances, it would appear that the entire machinery of the Senate, in terms of a substantial number of Senators, is geared in opposition to this amendment.

Nevertheless, I believe that the legislative history in connection with this matter should be made clear. Therefore, I ask the Senator from Illinois whether he recalls that, the other day, when this matter was before the Judiciary Committee, I asked questions of the Attorney General, in an attempt to clarify this matter. Does not the Senator from Illinois agree?

Mr. DIRKSEN. I agree that this matter was roundly discussed in the committee, and that the Deputy Attorney General, with all the finality that words can convey, said the amendment was absolutely unnecessary and was surplusage, and that they did not want it incorporated in the bill.

Mr. CARROLL. Did he say why it was surplusage?

Mr. DIRKSEN. I believe that the Deputy Attorney General indicated, among other reasons, that, if the action now proposed were taken, it would seem as if we were trying to pinpoint the equity jurisdiction of the court, and that it is fair to assume—and I think the Senator from Colorado shares this conviction—that a court has the equity power to make it unnecessary to engage in a vain or futile act, without our having to write that power specifically into a statute.

Mr. CARROLL. If the amendment is surplusage and is not needed, do the existing inherent powers of a court of equity cover this problem? That is the information I sought to obtain from the Deputy Attorney General.

I should like to know whether a court of equity, sitting in judgment in such a case, would have this power, under this bill, in the absence of this amendment, when one applicant or a group of applicants came before the court.

Mr. DIRKSEN. That was the opinion of the Deputy Attorney General when he appeared before the committee.

Mr. CARROLL. The Senator from Illinois is an able lawyer, and I should like to know whether that is his opinion. Does he believe that is the situation—namely, that in view of the legislative history of the bill a court of equity would have that power, in the absence of this amendment?

All I seek is to remove an obstacle from the path of an applicant who would be a party to such an application. If the court could find that such an act by an applicant would be vain and futile, and would not serve any useful purpose, and therefore waive the requirement of such act, that might place a different aspect on the situation, insofar as this amendment is concerned. But I want to be sure that the court has this power; that is the sole purpose of this amendment. In one case, a court of equity might say, "I think it advisable, in view of the order of the court and the changed situation, to have the State registrar given the opportunity to register you"; but in another case, where the situation is impossible, I want the court to have this power.

The PRESIDING OFFICER (Mr. BIBLE in the chair). The time of the Senator from Colorado has expired.

Mr. CARROLL. Mr. President, I yield myself an additional 3 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for an additional 3 minutes.

Mr. CARROLL. Mr. President, we know that, for a generation, some of these people have been prevented from registering. So, in a situation in which 100 or 500 or even 1,000 persons in that class might be involved, the court should be able to say it would be vain and futile for them to stand in line to register. Does the Senator from Illinois care to comment on that point?

Mr. DIRKSEN. Yes. I think the best comment I could make is set forth in a memorandum on this very point, submitted no later than midafternoon on yesterday by the Deputy Attorney General.

Mr. CARROLL. Will the Senator from Illinois be willing to read that on his time?

Mr. DIRKSEN. Yes.

Mr. CARROLL. I shall be very happy to have it in the RECORD.

Mr. DIRKSEN. I shall read it in my time, Mr. President.

This is the language of the Department of Justice:

> THE CARROLL AMENDMENT
>
> The Carroll amendment should be opposed simply because it is surplusage. This is clear both from the express language of the bill itself and from well-established equity doctrine.
>
> The authors of the amendment presumably have in mind a situation where it would be vain and futile for a Negro applicant to attempt to qualify to vote before State officials. But the bill clearly covers this situation, for requirement (2) is fulfilled whenever an applicant has been "deprived of • • • the opportunity" to qualify to vote. It has always been intended that that requirement would be fulfilled in the event that State officials had in effect closed their doors to Negro applicants.
>
> Moreover, it is settled equity doctrine that the doing of a futile act will never be demanded as a prerequisite to relief. Thus, for a second reason the proposed language would be surplusage.
>
> Of course, placing unnecessary language in a bill is always unwise. This would be especially true in the present case. For if the Carroll amendment were adopted with respect to requirement (2), it might imply a congressional intent not to have the equity futility doctrine applicable in other areas of the bill. Thus, the net effect of the Carroll amendment might be seriously to weaken the bill.

Mr. CARROLL. I thank the Senator from Illinois. I had heard there was such a communication from the Attorney General, and I am very happy to have it in the RECORD.

Mr. President, the argument of the Attorney General was presented yesterday, at the time when the distinguished Senator from North Carolina [Mr. ERVIN] offered his amendment; and in the committee I "bought" that argument. I said, "If that amendment is put in this section of the bill, it may operate in this section only to the exclusion of other sections." So I supported the position of the Attorney General.

I submit that, if the amendment is surplusage, why do some threaten to filibuster on the amendment? If it is so simple, why is there such great opposition to this amendment—so great that some are spreading fears and doubts in the halls and corridors of this building. This type of opposition does not come from the administration; it comes from those who do not wish any bill at all enacted in this field.

Therefore, the memorandum from the Attorney General does not impress me at all, because this language which I shall read applies to the entire subsection. Again, I read the language on page 20, in line 6:

> This subsection—
>
> Referring to the entire subsection——
>
> shall in no way be construed as a limitation upon the existing powers of the court.

I merely seek to implement that provision, knowing what the other body did with respect to this particular page, and knowing of the great effort being made here to hamstring the court and to interfere with its operation.

That is why I made the proposal, just a few days ago, to include the words "the times and places the court shall direct," because I was trying to delineate that power of a court of equity. I believe the court should have that power, because for the first time in the history of this Nation we are proposing to use the judicial process when necessary for a voting procedure, and none of us is able to foresee all of the problems that will come before the judge.

I want to use everything at my command to make a part of the legislative history of the Senate and of the House the desire that the Congress wants the court to use its full equity powers in the fulfillment of and the protection of fundamental constitutional rights of individuals for whom this needed legislation is designed.

I thank the Attorney General for that portion of the memorandum which says that my amendment is surplusage because the court of equity does have such powers, but to give us the specious argument that the amendment may interfere with other sections of the bill, considering the lines I have just read, seems to me to be overcritical of the amendment.

Does the Senator from Illinois, having read the memorandum into the RECORD, have a copy?

Mr. DIRKSEN. I have only the one copy here, but the Senator is welcome to use it.

Mr. CARROLL. May I have it and make reference to it? I shall be happy to return it.

The PRESIDING OFFICER. The time of the Senator from Colorado has expired. Does he yield himself additional time?

Mr. CARROLL. Is the Senator from Illinois willing to take some time on the amendment?

Mr. DIRKSEN. No; not at this time.

Mr. CARROLL. There is no point in unduly laboring the amendment; its purpose is self-evident, and its need has been demonstrated.

The PRESIDING OFFICER. Does the Senator from Colorado wish to yield himself 2 additional minutes?

Mr. CARROLL. Yes; I yield myself an additional 2 minutes.

Mr. President, now that I have the Attorney General's memorandum before me, I want to read the first line:

> The Carroll amendment should be opposed simply because it is surplusage.

If it is such a simple surplus amendment, why is there mention of this prospect of filibuster on something that is mere surplusage, and why is the fear and doubt being spread through this body that if the Carroll amendment is adopted, the bill will have to go to conference, and if it goes to conference, it will not get out of the House Rules Committee?

It seems to me that if this little, simple amendment cannot be accepted, there is "something rotten in Denmark" with this bill, and its provisions for securing voting rights for people.

I desire to read again from this memorandum of the Attorney General.

The PRESIDING OFFICER. The additional time of the Senator from Colorado has expired. Does the Senator wish to yield himself an additional 2 minutes?

Mr. CARROLL. Yes, an additional 2 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 2 additional minutes.

Mr. CARROLL. I wish to read this part of the memorandum, because I want to analyze it:

> The authors of the amendment presumably have in mind a situation where it would be vain and futile for a Negro applicant to attempt to qualify to vote before State officials.

The Attorney General says further:

> But the bill clearly covers this situation, for requirement (2) is fulfilled whenever an applicant has been "deprived of • • • the opportunity" to qualify to vote. It has always been intended that that requirement would be fulfilled in the event that State officials had in effect closed their doors to Negro applicants.

It means such an applicant would have to offer further proof. That is what I am trying to avoid in a proper case; that we do not force a man to go back and make an application and then offer further proof, when such an application would be vain and futile or serve no useful purpose. I think a court of equity would not require it in a proper case.

I read further from the memorandum:

> Moreover, it is settled equity doctrine that the doing of a futile act will never be demanded as a prerequisite to relief. Thus, for a second reason the proposed language would be surplusage.

I think that is excellent. The Attorney General believes that. The junior Senator from Colorado believes it. The able minority leader believes it. If we are all of this belief, we have established legislative history for the aid of courts of equity. But I think there is one way to clearly proclaim the belief. Some Members of this body do not believe it. They think the amendment is a very dangerous amendment. There is one way to settle the question, and that is to put it in the bill.

The PRESIDING OFFICER. The time of the Senator from Colorado has expired.

Mr. CARROLL. Mr. President, I observe the Senator from New York [Mr. JAVITS]. I yield 5 minutes to him.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, I realize we are trying to bring our part of this debate to a conclusion and I think we have tried to cooperate to that end. No one seems to know what those who are against the civil rights bill will do. We come now to an amendment which I consider to be of vital importance to the bill, even if we were to go so far in this bill as it is desired to go according to a majority of the Senate.

I must say I regret very deeply, from the appearance in the Chamber, that there is obviously a feeling on the part of the Members of this body that at this stage no amendment is worth considering. I thoroughly disagree with that view in respect to this amendment, which I think is essential to the legislative scheme which we are trying to create by the bill, and essentially to meet the obvious defect in the Civil Rights Act of 1957 which has been demonstrated in the last 3 years.

Whatever the Attorney General may say, whether he considers the amendment surplusage or not, the fact is that here is a catechism of words which was written into the particular bill which is before us by a considered vote of the House of Representatives. I can hardly see how any court, notwithstanding the legislative record which we are making in the Senate, could say that the same words mean nothing, though they have been inserted, as contrasted to what the provision meant prior to the time the words were inserted.

For all practical purposes, the Attorney General is telling us that the insertion of these words has not changed the situation. I cannot believe that if we pass this bill containing these words, a court will come to the conclusion that the words mean nothing. There will be at least a straining after some construction of the meaning of these words. It seems to me that if the words had been omitted, then a court of equity might have had some freedom with respect to the question of making a demand upon a registrar even though the demand would be futile. It seems to me a court is being hindered very much in coming to that conclusion by the inclusion of these words.

That it should be within the power of a court of equity seems to me to be elementary when we see the tremendous body of evidence which was found by the Civil Rights Commission, and the unanimous finding of that Commission that the right to vote and to register in case after case—not one case, but a whole legion of cases—was frustrated by the mere fact of the atmosphere, the climate of intimidation, of danger—which fact was buttressed by evidence that there were assaults and other actual acts of intimidation to back up the fact that when there was a climate of what actually happened, that condition actually inhibited the whole voting process.

In short, if we are trying to reach a situation in which the mere effort to make a demand to register and vote is one of the limits in frustrating the right to vote, it seems to me we should do our utmost to eliminate the need for that demand, which will only serve to intimidate, rather than leave in the bill words which can, according to the best construction of the pro-civil-rights advocates, give the court far more trouble than it has now in believing that the words are futile and therefore not called for.

I believe, Mr. President, this is a matter of conscience for those of us who feel that at least, if it is the voting right about which we are going to legislate, we ought to make that copper riveted and ought to do our utmost to make this change in the bill, as recommended by the Senator from Colorado.

Finally, Mr. President, I wish to point out——

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, will the Senator yield me 1 more minute?

Mr. CARROLL. I yield 1 minute to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 minute.

Mr. JAVITS. If we are really going to do this job the way it ought to be done, the amendment really should provide for striking out the words inserted in the House bill, to make the provision exactly as drafted by the Attorney General. The proposal of the Senator from Colorado is distinctly a compromise, because it requires an additional finding of fact of the court.

Mr. President, it seems to me this is the very least we can do to keep integral the essence of what the majority in this Chamber really seeks to accomplish. I hope very much the motion to table will fail and that the amendment will be agreed to.

I thank the Senator.

Mr. CARROLL. Mr. President, I thank the Senator from New York for his able presentation.

Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without the loss of any time for either side. I have only about 7 minutes left. The able minority leader has not used any of his time.

The PRESIDING OFFICER. The minority leader has used 3 minutes of his time, and has 27 minutes remaining.

Mr. CARROLL. Mr. President, I ask unanimous consent that we may have a live quorum, and then proceed to the vote.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado?

Mr. DIRKSEN. Mr. President, the unanimous-consent request was that there be a live quorum and that the Senate proceed to vote.

Mr. CARROLL. The Senator from Illinois, of course, has 27 minutes remaining.

Mr. DIRKSEN. The minority leader is going to take perhaps only 3 minutes. I did not want the unanimous-consent request to pinpoint the fact that the minute the quorum is obtained, after Senators are summoned to the Chamber, we shall vote, without my having an opportunity to use about 3 minutes of my time, at least.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. CARROLL. The Senator from Colorado also wants about 3 minutes.

Mr. CLARK. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Colorado?

Mr. DIRKSEN. If the Senator from Colorado will modify the request, so that it will be a request to suggest the absence of a quorum without the time being charged to either side, I will have no objection.

Mr. CLARK. Mr. President, will the Senator yield for a suggestion?

Mr. DIRKSEN. I yield.

Mr. CLARK. I wonder if my two colleagues would agree that we have a live quorum, the time not to be charged to either side, and that thereafter each side have 5 minutes, after which the Senate would proceed to vote.

Mr. DIRKSEN. No. The previous unanimous-consent request was for 30 minutes on each side. I am the only one, apparently, who is going to take time on this side. I do not believe we need to modify that agreement by changing the limitation on the time.

Mr. CARROLL. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, without the time being charged to either side.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The Chief Clerk called the roll and the following Senators answered to their names:

[No. 158]

Allott	Engle	Murray
Bartlett	Green	Pastore
Bell	Hayden	Proxmire
Bible	Hill	Randolph
Bush	Holland	Russell
Byrd, Va.	Javits	Saltonstall
Byrd, W. Va.	Johnson, Tex.	Schoeppel
Carroll	Keating	Smathers
Clark	Kuchel	Smith
Cotton	Lusk	Stennis
Curtis	McClellan	Wiley
Dirksen	McNamara	Williams, Del.
Dworshak	Magnuson	Young, N. Dak.
Eastland	Morse	

The PRESIDING OFFICER. A quorum is not present.

Mr. JOHNSON of Texas. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. ANDERSON, Mr. BENNETT, Mr. BRIDGES, Mr. BRUNSDALE, Mr. BUTLER, Mr. CANNON, Mr. CAPEHART, Mr. CARLSON, Mr. CASE of New Jersey, Mr. CASE of South Dakota, Mr. CHAVEZ, Mr. CHURCH, Mr. COOPER, Mr. DOUGLAS, Mr. ELLENDER, Mr. ERVIN, Mr. FONG, Mr. FREAR, Mr. FULBRIGHT, Mr. GOLDWATER, Mr. GORE, Mr. GRUENING, Mr. HART, Mr. HARTKE, Mr. HENNINGS, Mr. HICKENLOOPER, Mr. HRUSKA, Mr. JACKSON, Mr. JOHNSTON of South Carolina, Mr. JORDAN, Mr. KEFAUVER, Mr. KERR, Mr. LAUSCHE, Mr. LONG of Hawaii, Mr. LONG of Louisiana, Mr. MARTIN, Mr. MCCARTHY, Mr. MCGEE, Mr. MONRONEY, Mr. MORTON, Mr. MOSS, Mr. MUNDT, Mr. MUSKIE, Mr. O'MAHONEY, Mr. PROUTY, Mr. ROBERTSON, Mr. SCOTT, Mr. SPARKMAN, Mr. SYMINGTON, Mr. TALMADGE, Mr. THURMOND, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, and Mr. YOUNG of Ohio entered the Chamber and answered to their names when called.

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the amendment of the Senator from Colorado [Mr. CARROLL].

The Senate is operating under a unanimous-consent agreement. Under the agreement the Senator from Colorado [Mr. CARROLL] has 7 minutes remaining. The minority leader has 27 minutes remaining.

Mr. CARROLL. Does the Senator from Illinois desire to speak at this time?

Mr. DIRKSEN. Mr. President, I shall use only about 3 minutes. Then I shall make a motion to lay on the table the amendment of the Senator from Colorado. I suggest to my esteemed friend from Colorado that he use the remainder of his time.

The PRESIDING OFFICER. The Senator from Colorado has 7 minutes remaining.

Mr. CARROLL. I yield myself 3 minutes at this time.

I desire to make a few points. I think we understand the issue fairly well.

The first point I wish to make is in connection with the memorandum of yesterday from the Attorney General. The Attorney General says in his memorandum:

> The Carroll amendment should be opposed simply because it is surplusage.

If it is opposed simply because it is surplusage, why all the fear and doubt that has been engendered in the corridors, that if this amendment is adopted the House will not accept it in conference; or, that if the amendment is accepted it will be the beginning of a filibuster? As I indicated before, there is something terribly wrong with the bill in its present form if this little amendment is not acceptable.

What is the purpose of the amendment? It is only to give to a court of equity the powers which the Attorney General says it already has. The Attorney General says in his letter:

> Moreover, it is settled equity doctrine that the doing of a futile act will never be demanded as a prerequisite to relief. Thus, for a second reason, the proposed language would be surplusage.

As I have said on another occasion, I do not know whether this amendment will be agreed to. If it does nothing more than create a legislative history to indicate that nothing contained within the provisions of section 2(a) and 2(b), which I seek to amend, will interfere with the powers of a court of equity, we shall have achieved something substantial in the discussion this afternoon.

The distinguished Senator from South Dakota [Mr. CASE], who is not now present in the Chamber, raised a very important question earlier. The question raised was, "When a voting referee or a court issues a certificate of registration, in which elections may the applicant vote?"

Obviously, he cannot vote in a State election unless he qualifies under State law. Obviously, he cannot vote in a municipal election unless he qualifies under municipal law. Obviously, he cannot vote in a bond election unless he can qualify under State or municipal law. How many times are we going to make this man go back to the registrar?

The PRESIDING OFFICER (Mr. BIBLE in the chair). The 3 minutes the Senator has yielded to himself have expired.

Mr. CARROLL. I yield myself 2 additional minutes. How often are we going to make this applicant go back to the registrar? No one in this body is so wise that he can foresee and foretell all the circumstances which could arise before a court of equity. Have we such little confidence in the courts, in southern judges, who have taken an oath under the Constitution, and who we know will determine what is wise under the law? We have written out minimal standards. Can we not write into this bill this ancient rule of equity, that the court will not require the applicant to do a vain, useless, and futile act? This has been the law for centuries. It is the law today. What is wrong with the amendment?

If the bill is as weak as I think it is, the amendment will strengthen it. That is why there is this spirited opposition.

I wish to say to my able friend from Illinois that I have promised to yield some time to the able Senator from Idaho. I have no desire to foreclose him. The Senator from Idaho is on his way to the Chamber. I have promised to yield some time to him. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Colorado has 2 minutes remaining.

Mr. CARROLL. Mr. President, will the Senator from Illinois yield me a little time from the time he has at his disposal?

Mr. DIRKSEN. No. Under the unanimous-consent agreement, 30 minutes was allotted to each side. I shall make my motion to table in about 2 minutes.

The PRESIDING OFFICER. Is the Senator yielding himself additional time?

Mr. CARROLL. Yes; I am yielding myself 2 minutes, unless another Senator wishes to speak on the subject. I think all that needs to be said has been said.

Mr. CLARK. Mr. President, will the Senator yield me 1 minute?

Mr. CARROLL. I yield 1 minute to the Senator from Pennsylvania.

Mr. CLARK. I hope Senators will vote to support the amendment. It is an important amendment, and we should give it careful attention. The argument that the amendment will result in the bill being sent to conference and not being passed is, to my way of thinking, specious.

I yield back the remainder of my time.

Mr. CARROLL. Mr. President, I yield the remainder of my time to the Senator from Idaho.

The PRESIDING OFFICER. The Senator yields 1 additional minute, his remaining time, to the Senator from Idaho.

Mr. CHURCH. Mr. President, I commend the distinguished Senator from Colorado for offering the amendment. I shall be disappointed if the Senate turns it down. The objective of the pending bill is to furnish legal relief to citizens who are found by the court, after a full adversarial proceeding, to have been systematically denied the right to vote. It appears to me to be a kind of travesty for the Senate, 185 years after the Declaration of Independence, and a full century after the Civil War, to require nearly 2 months to pass a bill of this character.

All that the Carroll amendment does is to apply an ancient rule of equity, that once the court has made such a finding, if the evidence before the judge, in a given case, is such as to demonstrate that it would be a futile thing to require the people aggrieved to go back to the local registrar, they need not do it.

The amendment accords with the principle that equity never requires a futile act. It is a sound and just amendment. The bill ought to be modified in this respect.

The PRESIDING OFFICER. The time of the Senator from Colorado has expired.

Mr. DIRKSEN. Mr. President, the pending amendment has been labored at great length.

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. DIRKSEN. I yield myself 3 minutes. The Deputy Attorney General has already opposed it. Yesterday he sent me a memorandum, and he still opposes it. The Attorney General's office is the enforcing office for this whole bill, particularly the referee section. We would now say to the chief enforcement officer of this Government, if the amendment were adopted, "We are going to give you something that you do not want." He has made it abundantly clear that he does not want it. He said it was surplusage.

Well, the argument is made, if it is surplusage, it will not hurt.

Mr. President, even if language in a bill is surplusage, when it comes before the eyes of a judge, it is subject to interpretation. I remember when I took my first bar examination. I volunteered a great deal of information in that examination. At that time I learned from one of the professors a very compelling truth. He said, "Your answers were very good, but you decided to go on and volunteer things. And you volunteered things that were wrong. So we gave you a zero on the question."

I failed to pass that bar examination. That is what happens when we volunteer. If we put surplus language into the bill, it is language which a judge will interpret.

The Attorney General made one other point. There is equitable jurisdiction of the court. If we pinpoint one thing in the bill, will that be an implication to the court that insofar as this particular item is concerned we invoke an equitable doctrine, but as to the rest of the bill there will be some doubt that Congress intended that equitable principles ought to apply? That is the danger of adopting such an amendment.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. DIRKSEN. No.

The PRESIDING OFFICER. The Senator from Illinois declines to yield.

Mr. DIRKSEN. The chief enforcement officer of the Government has stated that he does not want this language. He is the one who will enforce it. Congress ought to heed his expression in this matter.

So, Mr. President, I move to table the amendment.

The PRESIDING OFFICER. Does the Senator yield back the remainder of his time?

Mr. DIRKSEN. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Illinois makes a motion to table the Carroll amendment.

Mr. JOHNSON of Texas. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MCCARTHY (when his name was called). On this vote I have a live pair with the Senator from Montana [Mr. MANSFIELD]. If he were present, he would vote "yea." If I were permitted to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. JOHNSON of Texas. I announce that the Senator from Montana [Mr. MANSFIELD] is absent on official business.

The Senator from Minnesota [Mr. HUMPHREY] and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

The Senator from Connecticut [Mr. DODD] is absent because of illness.

I further announce that if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. HUMPHREY], and the Senator from Massachusetts [Mr. KENNEDY] would each vote "nay."

Mr. KUCHEL. I announce the Senator from Vermont [Mr. AIKEN] is detained on official business.

The result was announced—yeas 62, nays 32, as follows:

[No. 159]

YEAS—62

Allott	Eastland	McClellan
Bartlett	Ellender	McGee
Beall	Ervin	Martin
Bennett	Fong	Morton
Bible	Frear	Mundt
Bridges	Fulbright	Murray
Brunsdale	Goldwater	O'Mahoney
Bush	Green	Prouty
Butler	Hayden	Robertson
Byrd, Va.	Hickenlooper	Russell
Byrd, W. Va.	Hill	Saltonstall
Cannon	Holland	Schoeppel
Capehart	Hruska	Smathers
Carlson	Johnson, Tex.	Sparkman
Case, S. Dak.	Johnston, S.C.	Stennis
Chavez	Jordan	Talmadge
Cooper	Kefauver	Thurmond
Cotton	Kerr	Wiley
Curtis	Lausche	Williams, Del.
Dirksen	Long, Hawaii	Young, N. Dak.
Dworshak	Long, La.	

NAYS—32

Anderson	Hennings	Muskie
Carroll	Jackson	Pastore
Case, N.J.	Javits	Proxmire
Church	Keating	Randolph
Clark	Kuchel	Scott
Douglas	Lusk	Smith
Engle	McNamara	Symington
Gore	Magnuson	Williams, N.J.
Gruening	Monroney	Yarborough
Hart	Morse	Young, Ohio
Hartke	Moss	

NOT VOTING—6

Aiken	Humphrey	McCarthy
Dodd	Kennedy	Mansfield

So Mr. DIRKSEN's motion to lay Mr. CARROLL's amendment on the table was agreed to.

Mr. DIRKSEN. Mr. President, I move that the vote by which the amendment was laid on the table be reconsidered.

Mr. JOHNSON of Texas. Mr. President, I move to lay on the table the motion to reconsider.

The PRESIDING OFFICER (Mr. BIBLE in the chair). The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. DIRKSEN. Mr. President, I was about to ask the majority leader what he foresees for the next several hours or so in connection with the business of the Senate.

Mr. JOHNSON of Texas. Under the order entered on yesterday, the distinguished senior Senator from Louisiana [Mr. ELLENDER] is to be recognized at this time. I understand he is ready to make his address. At the conclusion of his address, I hope the Senate will vote on the motion, if the Senate is willing to do so, and if at that time the Senator from Illinois cares to move that the motion of the Senator from Louisiana be laid on the table.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DIRKSEN. As I understand, the motion now before the Senate is to strike out title VI, the referee title of the bill. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DIRKSEN. It is to that motion that the Senator from Louisiana is about to address himself, is it?

The PRESIDING OFFICER. That is also correct.

Under the unanimous-consent agreement, the Senator from Louisiana [Mr. ELLENDER] is to be recognized at this time for 3 hours.

The Chair now recognizes the Senator from Louisiana.

Mr. ELLENDER. Mr. President, three or four Senators have asked me to yield for the making of insertions or brief statements. I ask unanimous consent that I may do so without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President——

Mr. ELLENDER. Then, Mr. President, I yield first to the Senator from Arkansas [Mr. McCLELLAN].

REMOVAL OF LIMITATION ON AMOUNT FOR SECRETARY OF AIR FORCE TO SETTLE CERTAIN CLAIMS AT LITTLE ROCK, ARK.

Mr. McCLELLAN. Mr. President, I ask unanimous consent, out of order, to introduce a bill, for appropriate reference, and to make some brief remarks regarding the bill.

The PRESIDING OFFICER. Without objection, the bill will be received and appropriately referred, and the Senator from Arkansas may proceed.

The bill (S. 3338) to remove the present $5,000 limitation which prevents the Secretary of the Air Force from settling certain claims arising out of the crash of a U.S. Air Force aircraft at Little Rock, Ark., introduced by Mr. McCLELLAN, was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. McCLELLAN. Mr. President, 1 week ago, on March 31 at approximately 6 o'clock in the morning, a tremendous explosion occurred in the sky above the city of Little Rock, Ark. A B–47 jet bomber from the Little Rock Air Force Base, Strategic Air Command, had exploded in midair. It disintegrated, and the principal parts of it fell into three sections of that capital city. One section of town was struck by the nose of the plane, together with the front wheel; the fuselage fell in another; and the wing came down in yet another. Flaming debris was scattered over a wide area of the entire city.

The Air Force officials advise me that the known damage consists of:

Six homes totally destroyed.

Over 100 other homes damaged.

Twenty-five homes with major structural damage.

Fifty-two homes with minor structural damage.

Forty-one homes with window damage only.

Nine or ten places involving major landscape damage.

Twelve automobiles either destroyed or partially destroyed.

Mr. President, in addition to property damage, there were two civilian deaths—one, a 65-year-old married woman, the other, a 25-year-old man. There are seven known cases of minor injuries to persons, both white and colored. I am advised that the Air Force's estimate of the total amount of damage to persons and property is approximately $500,000.

Originally it was believed that this accident was caused by a midair collision between the B–47 jet and a privately-owned aircraft. As a result of this thinking, the FBI immediately assigned 20 agents to do a complete investigation at Little Rock. Approximately 10 hours later it was determined that the accident was caused by a midair explosion rather than a collision, and the FBI was called off the case. However, the Air Force has the benefit of the FBI investigations and interviews with the people of Little Rock, including those whose homes were damaged as well as those who sustained personal injury.

The Air Force officials also advise that the Little Rock police were extremely helpful in the investigation as to the damages. The police went from door to door, inquiring whether anyone had received injuries or whether property had been damaged. All of the investigative data collected by the Little Rock police has been made available to the Air Force and will be utilized to determine claimants and their damages in order that settlements may be made as promptly as is possible.

Immediately upon the flash report of the accident the Air Force opened a claims office in the city hall to help the people present claims, answer questions, and with the help of General McConnell, who set up an office in a local church, assured the people that everything possible would be done for them to alleviate their distress.

Mr. President, under existing law there is a $5,000 limitation on the amount which the Secretary of the Air Force can pay out in the settlement of any single damage claim. This limitation is imposed by section 2733 of title 10, United States Code. Because, Mr. President, the Air Force has available to it the information, police and FBI reports mentioned before, I am advised that it is now in a position to settle very quickly the claims that have arisen out of this very unfortunate occurrence.

There are, however, a substantial number of claims which indisputably are in excess of the $5,000 jurisdictional limitation on the Secretary of the Air Force. The only alternative for such claimants for relief is to file suit in a Federal district court under the Federal Tort Claims Act or request the passage of a private bill. All of us are aware of the crowded condition of our Federal court dockets, and that litigation is often a slow and time-consuming process. Something must be done, and done quickly Mr. President, to alleviate the suffering and distress of the citizens of Little Rock who have suffered most from this tragic incident.

It should be observed that the only question involved here is whether the claimant suffered injury or damage, and, if so, to what extent, because there could be no contributing cause on the part of any claimant to the damage which may have been sustained.

Consequently, Mr. President, I am introducing, for appropriate reference, this bill, which will remove the $5,000 limitation on the Secretary in settling the damage claims to persons and property at Little Rock arising from this aircraft crash.

I have been advised that the Secretary of the Air Force and the Bureau of the Budget both look with favor on this bill that I am introducing. A direct precedent for it lies in Public Law 907 of the 84th Congress. That bill provided similar relief for the citizens of Minneapolis, Minn., who suffered losses and injuries as the result of military aircraft crashes there on June 5 and 9, 1956.

I assume the bill will be referred to the Judiciary Committee of the Senate, and I trust we can expedite action on it there, to the end that this authority may be granted and that those who suffered this tragedy and damage may be properly and fully compensated without any undue and prolonged delay.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am happy to yield to the Senator from South Carolina.

Mr. JOHNSTON of South Carolina. I think there was a somewhat similar case in Texas. Was there not?

Mr. McCLELLAN. The Senator refers to the oil or gas explosion, I think.

Mr. JOHNSTON of South Carolina. That is right.

Mr. McCLELLAN. I am sure there is a precedent for this. I believe this action can be taken.

Mr. JOHNSTON of South Carolina. The proposal covers only this particular instance. Is that correct?

Mr. McCLELLAN. Yes.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield to the Senator from Florida.

Mr. HOLLAND. Of course, I have the deepest sympathy for the citizens of Little Rock, Ark., who have been so adversely affected. I think they should be quickly afforded the monetary relief to which they are entitled. But I want to call attention to the fact that I introduced in the 85th Congress a bill, S. 1066, to raise the limitation to $50,000. It was my understanding that the Air Force strongly desired it, but the Department of the Army, for some reason which I have never been able to understand, opposed it.

I am hoping that, in an effort to do justice not only to the victims of this great disaster, which encompassed so many, but also to those of smaller disasters, in terms of number of individuals affected, but who suffer just as gravely as a result of such disasters, the matter may be handled so that relief may be given to such victims.

In my own State there was a case where an entire family, except one, was destroyed, as a result of a similar accident. The survivor, a child of the family, still languishes and probably will never have his full health. That case had to be brought in court, and has been in court now, as I recall it, for about 2 years. The Department of Justice has not pushed it, in spite of much prodding from the Senators from Florida and the Representative from the district involved. The sole surviving individual has been suffering, and suffering intensely.

I hope the Judiciary Committee, in its wisdom, which is great, will appreciate the necessity for enacting general legislation which will enable the prompt handling of these matters.

I have the deepest sympathy for those who are involved in the disaster to which the Senator from Arkansas has referred. I want them to receive relief in the quickest possible way. I am not arising to oppose in any way the remedial legislation proposed by the Senator from Arkansas.

Mr. McCLELLAN. I thank the Senator.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield to my colleague from Arkansas.

Mr. FULBRIGHT. I wish to join the senior Senator from Arkansas in his request. I spoke to the majority leader about the matter. I think we will get his cooperation. I believe we have authority for such legislation.

I wish to express my deepest sympathy to the families of the victims of this most tragic accident. It was one of the most widespread, destructive tragedies I ever heard of. Certainly it is the worst that has happened in my State. It is another example of the great contributions which many of our citizens have to make in our defense efforts and the effort to secure this country.

I thank the distinguished senior Senator from Arkansas for introducing the bill. I shall do everything I can to assist him.

Mr. McCLELLAN. I hoped that the Senator would cosponsor it. I was unable to arrange it because of the parliamentary situation which exists.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that my name may be added as a cosponsor of the measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR DIRKSEN

Mr. GOLDWATER. Mr. President, appearing in today's Washington Evening Star is an article by that eminent columnist, William S. White, entitled "A Recognition of Senator DIRKSEN."

The very first paragraph I think expresses the feelings, certainly, of the Republicans in this body, and, I suspect, all of the Democrats, also. I will read it:

If there were any real justice in politics—as, of course, there isn't—the Republicans would now be designating Senator EVERETT M. DIRKSEN as their legislative man of the year.

I wholeheartedly concur in that statement. I think we on this side of the aisle are extremely fortunate in having the dedicated services and hard work of this distinguished man. He has done something that other leaders of this party on the floor have not been able to do in years past; namely, he has held the Republicans together more effectively than anyone else in the few years I have been in this body.

I do not think there is a man in this body, either, whom the country can thank more for the ultimate enactment of a just, fair, and equitable civil rights bill. He has worked diligently, hard, and long on this bill, to the end that the country would have proper legislation.

In this, as in all other matters of legislation, and in all matters of his association with others, he has been a fair man and an honest man. His work, I suggest, has aided not only the Republican Party, but, more importantly, his work in this body has helped our country.

I wish to commend Mr. White for his foresight in recognizing Senator DIRKSEN and in dedicating his column to him. I wish to join him in his tribute, and to express my own.

Mr. President, I ask unanimous consent to have the article to which I made reference printed in the RECORD as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, Apr. 6 1960]

A RECOGNITION OF SENATOR DIRKSEN—REPUBLICANS' LEGISLATIVE "MAN OF YEAR" LAUDED FOR RECORD AS MINORITY LEADER

(By William S. White)

If there were any real justice in politics—as, of course, there isn't—the Republicans would now be designating Senator EVERETT M. DIRKSEN as their legislative "Man of the Year."

He has now entered the last lap of his first session as the GOP Senate leader. Simple fairness compels this report, from a correspondent who once had no difficulty in restraining his admiration. This Senator is doing a good job, a responsible job, for his party and even for his country.

Senator DIRKSEN is actually a better floor leader than was either of his far more famous immediate predecessors, Senators Robert A. Taft and William F. Knowland.

Old cliches die hard, perhaps because a cliche usually becomes one only because it is based on truth. Senator DIRKSEN was long seen by most Washington observers as a man of few fixed convictions and many thousands of purplish words—an overripe Shakespearean actor tossing his graying locks and skipping nimbly about among the issues.

As a Member of the House of Representatives from Illinois, he had been an isolationist and then an internationalist and then an isolationist again through eight terms in Congress. When, in 1951, he came to the Senate this was the blunt but wide estimate: His promotion could be described as the Senate's loss and the House's gain.

Even in a body, the Senate, which relishes a good deal of what is called corn, EVERETT MCKINLEY DIRKSEN was considered to be quite too abundantly blessed with that commodity. On nearly any insider's list of those new Senators who were not going far, the name of EVERETT MCKINLEY DIRKSEN, of Illinois, would surely have led most, if not all, the rest.

Thus when last January the Senate Republicans set out to make Senator DIRKSEN their new leader there was much shaking of heads. Both Senators Taft and Knowland, whatever might have been said about them otherwise, had been leaders of extraordinary

strength of character. It was suggested, not too delicately, that this quality—strength of character—was notably absent in Senator DIRKSEN.

But what has since happened? The DIRKSEN who had so long been thought so weak began repeatedly to show undeniable strength, both in his convictions and his work. Soon the Senate, at least, was aware that the new GOP spokesman was an abler tactician than either Senator Taft or Senator Knowland. Moreover, once he had given his word, he stood with it as bravely as either of them ever did.

The plain truth today may seem surprising. Senator DIRKSEN has behaved with efficiency, with courage, with honor, with faithfulness to his partisan obligations but with a higher faithfulness to the interests of the United States of America.

The latest of many instances was in the Senate's civil rights fight. The Senator stood for a reasonable bill. Stoically he resisted all pressure from other Republicans for a punitive measure for which the South, of course, would have blamed the Democrats. He was unwilling to play that kind of politics with that kind of an issue—an issue involving the unity of the United States in a world of peril.

Were his detractors ever right in the past? Having been one of them, this columnist cannot with good taste attempt an answer.

But one thing is sure—either they were wrong all along or EVERETT MCKINLEY DIRKSEN is another living illustration of one of the saving things about the American political system. This is that men thrown into positions of high responsibilities have a remarkable capacity to grow up to those responsibilities and ably to discharge them in the showdown.

Such a man is EVERETT MCKINLEY DIRKSEN. And while the Republican Party may hardly pause this year to salute him, he has this anyhow: The awareness of the earned respect of one of the most acute judges of men in this world—the collective membership of the U.S. Senate.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from California.

Mr. KUCHEL. Mr. President, I have the same gratification, which all of us on this side of the aisle, and I know Senators on the other side of the aisle, have on this occasion, when this distinguished newspaperman has once again commented favorably on the indefatigable devotion to duty which has characterized the minority leader in the U.S. Senate this year and last year.

On every occasion when the President of the United States has taken a position with respect to legislation and has asked consideration of it in the Congress, the leader for the administration has worked without stint, without minding the cost to himself, in advancing those legislative requests which have come from the Chief Executive of our country.

To Senator GOLDWATER I say I am happy to join in the sentiments he has indicated and to see that the record once again is emblazoned with the great abilities which the distinguished Senator from Illinois, EVERETT DIRKSEN, has demonstrated as a Senator, most important as an American, and also, I can say for this side of the aisle, as a dedicated Republican. We all salute him on this occasion.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Arkansas.

NUCLEAR TEST SUSPENSION TREATY

Mr. FULBRIGHT. Mr. President, in recent weeks there has been speculation about the role of the Senate, should there be a successful culmination to present test suspension negotiations. It is recalled that the Constitution endows the Senate with a unique role in the field of foreign policy. Although we cannot appoint an Ambassador, we can deny the confirmation of his appointment. Although the Senate cannot negotiate a treaty, it can reject a treaty. The skeleton of the Versailles Treaty which died in the Senate has been hauled from the closet. The administration has been advised by some prominent publicists to woo the Senate in general and the Foreign Relations Committee in particular, else its carefully negotiated treaties may fail.

Our somewhat negative role as a treatymaking institution has led to speculation in the press, comment in the Senate, and concern at the other end of Pennsylvania Avenue.

How is the Senate to be brought into the negotiating process so as to preclude the possibility of Senate rejection of a reasonable treaty? Enhancing this concern is the fact that the Senate is controlled by Democrats while the Executive is Republican and, therefore, partisan considerations may influence action on any treaty. Furthermore, it has been suggested that past differences between the administration and the chairman of the Foreign Relations Committee as an individual bode ill for future treaties on controversial subjects.

On these points, I, as that chairman, wish to make my position clear.

In the first place, there has been Senate participation in the negotiating process. Members of the Senate from the Joint Committee on Atomic Energy served as observers during early stages of the test suspension negotiations. Now that negotiations have moved from the atomic energy technical phases to the international political arena, I anticipate that if progress is made in the weeks ahead, members of the Committee on Foreign Relations, and perhaps members of other committees with direct interests, will be invited by the President to work with the Executive to the end that their views will be considered by the President during the negotiation of the treaty and to assure that any treaty signed would reflect those views. I am sure there would be no reluctance in this body, should the President believe any Member of the Senate could serve in a useful role in these negotiations.

Second, the fact that the Senate is controlled by a Democratic majority while the Executive is Republican should not, in my view, make one iota of difference. We have all sworn to support and defend the Constitution against all enemies, foreign and domestic. Every member of the Committee on Foreign Relations, I am sure, desires to avoid partisanship in dealing with any issue of foreign policy. In all my years as a member of the committee, I recall only one instance when the committee split along partisan lines on a relatively minor matter. We have had our differences, but those differences have been matters of principle and judgment, not of politics.

The same is true of the Senate as a whole in foreign policy matters. Should it be possible to conclude a reasonable test suspension treaty, I know it will receive nonpartisan consideration by this body.

Finally, on this point, let me note that while I have had vigorous differences of opinion in the past with some aspects of this administration's conduct of our foreign policy, those differences have been based on substance, not on partisanship.

I have every desire to work closely with this administration, or any other, in the promotion of our national interests. This can be done if every individual judges our foreign policies on their merits, and not on the basis of political or partisan advantage, an advantage which is ephemeral at best, and highly dangerous to the Nation at worst.

There have been comments to the effect that should a treaty be signed at the summit, it could not be expected that the Senate could act on such a treaty prior to adjournment, which is assumed to be in early July. This is not necessarily true.

Should a treaty be signed in mid-May, it could be acted upon by the Senate by early July. Indeed, I should think there might be certain advantages to early action, should a treaty be successfully negotiated. Consideration by the Senate prior to the election would preclude the possibility of such an important subject becoming an issue in the campaign.

It would give our new President, whoever he may be, a firm basis upon which to continue our national efforts to achieve a degree of disarmament with adequate inspection and control. It would show to the world that our democratic system is able to deal promptly with issues of such transcendent importance as the limitation of armaments or the suspension of atmospheric nuclear tests.

In conclusion, I hope the fact that I have commented on the negotiations now under way and the possibility of concluding a test-ban treaty will not be interpreted as a naive estimate on my part that a treaty is ready for signature, and that all that remains to be done is to affix the seal.

Obviously, there are many difficult problems facing the negotiators. Some of those problems will probably be unresolved until the time of the summit conference, and only then will we know whether the Soviet Union is serious in desiring a treaty which might become the first realistic step toward a halt in the atomic and armaments race. Until that time, we can only hope that the Soviet Union and its leaders have at last realized that the world as we have known it is in dire peril unless we can begin now to bring atomic weapons under international control.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10743) making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 6, 33, 34, 35, 36, 37, 38, 39, and 45 to the bill, and concurred therein, and that the House receded from its disagreement to the amendments of the Senate numbered 4, 8, 15, 19, and 40 to the bill, and concurred therein severally with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 231. An act for the relief of Patricia Crouse Bredee; and

H.R. 2310. An act for the relief of Hoo W. Yuey and his dependent children.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. ELLENDER. Mr. President, when the Senate recessed this morning I had completed one of the three phases of the address which I have prepared, covering the history of suffrage in the United States.

During the initial portion of my address I had traced the development of the suffrage clauses of the Constitution through the constitutional debates, the ratifying debates of the Thirteen Original States, and through the subsequent procedures which resulted in the submission to, and the ratification by, the States of the 15th amendment, the amendment providing for the direct election of U.S. Senators and the so-called women's suffrage amendment.

Mr. President, I am undertaking to trace the historical development of these elections in order to demonstrate two major points to the Senate which are most pertinent in the light of the pending bill.

First, since this measure would, as a practical matter, permit the Federal Government to fix and determine the qualifications of electors, it dilutes, erodes, and, in a large measure, destroys, a right which the original States and the Founding Fathers exercised great diligence in preserving, namely, the right of the States to fix the qualifications of electors, not only insofar as State or local offices might be concerned, but as to Federal offices, as well.

Second, as the constitutional debates and the histories of subsequent developments so amply show, the very same power which is sought to be vested in the Federal Government under the pending bill, was thoroughly considered during times past and, on each occasion, was rejected.

At this time, Mr. President, I wish to discuss point II of this study of the history of suffrage in the United States, that dealing with various constitutional and legislative enactments by the Original Thirteen Colonies with regard to the franchise.

Of course, the basis upon which any study of suffrage must be founded involves the constitutional provisions in the various States. Altogether there have been about 120 constitutions drawn up and put in operation since the Declaration of Independence, and the suffrage provisions in these constitutions must be the structural work on which a history of suffrage may be built. They indicate the actual turning points and show in unembellished outline form the trend of thought on the matter of suffrage. But the question at once occurs, Is it necessary to take account of the acts of State legislatures and add statutes to the outline structure? However, a study of the constitutional law on the subject and a survey of statutory acts concerning suffrage lead to the conclusion that the legislative acts are of scarcely any importance and do not need to be added to the constitutional provisions in order to form an adequate basis for a history of suffrage. Writers on constitutional law and the law of elections dispel all scruples on this matter. The footnote, M. H. Throop "Law of Public Officers," page 129, says:

> The power of the State to regulate the elective franchise is exercised universally by means of provisions in the constitution of each State.

He goes on to point out that there is a very small field left for statute law. Acts are sure to be declared void if they prescribe further qualifications than the Constitution contains, or if they grant suffrage to any person who does not possess the qualifications stipulated for. However, requirements not in conflict with the spirit of the Constitution may be superadded, such as terms of residence in election districts, exclusion of certain public officers from the suffrage, and so forth. But anything the legislature may do is likely to be of small importance. But it occasionally happens that the Constitution permits the legislature to use discretion in the matter of enlarging the suffrage. Thus in recent years legislatures have been permitted to levy poll taxes as a prerequisite to voting and to impose literacy tests. But authority for these must always be positively found in the Constitution itself.

First, New Hampshire: In 1776, at the time of the Declaration of Independence, New Hampshire's Congress drew up a constitution. It is said that congress was chosen and appointed by the free suffrages of the people of said colony—see Thorpe No. 4, "Charters and Constitutions," page 2451.

This was the first constitution framed by an American Commonwealth. In 1784, a complete constitution was ratified for New Hampshire.

The bill of rights, contained in part first of the 1784 constitution, proclaimed the following:

> ART. XI. All elections ought to be free, and every inhabitant of the State having the proper qualifications has equal right to elect and be elected into office.

In 1792 the Constitution of 1784 was revised and amended, but article XI of part first remained unchanged until 1902, when it was amended to waive the literacy requirement for persons with physical disabilities and to impose a modified form of the "grandfather clause":

> ART. XI. All elections ought to be free and every inhabitant of the State having the proper qualifications has equal right to elect and be elected into office; but no person shall have the right to vote, or be eligible to office under the constitution of this State, who shall not be able to read the constitution in the English language, and to write, provided, however, that this provision shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be 60 years of age or upwards on the first day of January, A.D. 1904.

In 1912 article XI of part first was again amended to deny the vote to persons convicted of a specified category of crimes:

> ARTICLE XI
>
> Elections and elective franchise: All elections ought to be free, and every inhabitant of the State, having the proper qualifications, has equal right to elect, and be elected, into office; but no person shall have the right to vote or be eligible to office under the constitution of this State who shall not be able to read the constitution in the English language and to write: *Provided, however*, That this provision shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be 60 years of age or upwards on the first day of January, A.D. 1904: *And provided further*, That no person shall have the right to vote, or be eligible to office under the constitution of this State who shall have been convicted of treason, bribery, or any willful violation of the election laws of this State, or of the United States; but the Supreme Court may, on notice to the Attorney General restore the privileges of an elector to any person who may have forfeited them by conviction of such offenses.

In 1942, an amendment to article XI of part I gave the general court authority to promulgate absentee voting procedures, so that the article now reads:

> ARTICLE XI
>
> Elections and elective franchise: All elections ought to be free, and every inhabitant of the State, having the proper qualifications, has equal right to elect, and be elected, into office; but no person shall have the right to vote or be eligible to office under the constitution of this State who shall not be able to read the constitution in the English language and to write: *Provided, however*, That this provision shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote,

not to any person who shall be 60 years of age or upwards on the first day of January A.D. 1904: *And provided further*, That no person shall have the right to vote, or be eligible to office under the constitution of this State who shall have been convicted of treason, bribery, or any willful violation of the election laws of this State, or of the United States; but the Supreme Court may, on notice to the Attorney General restore the privileges of an elector to any person who may have forfeited them by conviction of such offenses. The general court shall have power to provide by law for voting by qualified voters who at the time of biennial or State elections or of city elections are absent from the city or town of which they are inhabitants, or who by reason of physical disability are unable to vote in person, in the choice of any officer or officers to be elected or upon any question submitted at such election.

As I pointed out yesterday, and as I hope to point out today, every State reserves to itself the right to declare who shall and who shall not vote. The States themselves define the qualifications. As I pointed out yesterday, some of the Original Colonies even prevented Catholics from voting. New York prevented Jews from voting in the early days. It was a sacred right that was maintained by the States through the years. Every change that has ever been made, as I shall indicate, in the constitutions of the various States, and statutes passed in pursuance of such constitutional provisions jealously guarded the right of the States to say who shall and who shall not vote.

Mr. President, as I pointed out on several occasions yesterday during the course of the debate, and previously, except for the fact that the States of this Union, particularly the Original Thirteen States, had retained the right to declare who shall or who shall not vote, we would not have a Federal Constitution today. The States jealously guarded the right to define who shall and who shall not vote.

Mr. TALMADGE. Mr. President, will the distinguished Senator from Louisiana yield for a question at this point?

Mr. ELLENDER. I yield.

Mr. TALMADGE. Is it not true that the question of voting qualifications was one of the most divisive matters in the Constitutional Convention, and that it threatened to divide and destroy the Constitutional Convention; and that a compromise was finally worked out by which the Constitution stated specifically that the States themselves would determine the qualifications of those who should vote?

Mr. ELLENDER. The Senator is eminently correct. As I pointed out, when the States of the Union, even the great State of Georgia, ratified the Constitution, they offered or suggested amendments to the ratification of the Constitution, particularly with respect to section 4 of article I, dealing with the times, places, and manner of holding elections.

The States guarded that right very jealously. Except for the fact that it was made plain that the States would retain that right, there would have been no Constitution.

Mr. TALMADGE. Mr. President, will the Senator from Louisiana yield further?

Mr. ELLENDER. I yield.

Mr. TALMADGE. Is it not true that the Constitution plainly and clearly states, without any ambiguity, that those who are qualified to vote for the most numerous branch of the legislatures in the respective States are also qualified to vote for Federal officers?

Mr. ELLENDER. The Senator is correct.

Mr. TALMADGE. I thank the distinguished Senator, and I congratulate him on an excellent speech.

Mr. ELLENDER. I thank the Senator.

The qualifications of electors are fully set out in the original 1784 Constitution, in part second:

The Senate shall be the first branch of the legislature: and the senators shall be chosen in the following manner, viz. Every male inhabitant of each town and parish with town privileges in the several counties in this State, of 21 years of age and upward, paying for himself a poll tax, shall have a right at the annual or other meetings of the inhabitants of said towns and parishes, to be duly warned and holden annually forever in the month of March; to vote in the town or parish wherein he dwells, for the senators in the county or district whereof he is a member.

And every person qualified as the Constitution provides, shall be considered an inhabitant for the purpose of electing and being elected into any office or place within this State, in that town, parish, and plantation where he dwelleth and hath his home.

The selectmen of the several towns and parishes aforesaid, shall, during the choice of Senators, preside at such meetings impartially, and shall receive the votes of all the inhabitants of such towns and parishes present and qualified to vote for Senators, and shall sort and count the same in the meeting, and in the presence of the town clerk, who shall make a fair record in the presence of the selectmen, and in open meeting, of the name of every person voted for, and the number of votes against his name; and a fair copy of this record shall be attested by the selectmen and town clerk; and shall be sealed up and directed to the secretary of the state, with a superscription expressing the purport thereof, and delivered by said clerk to the sheriff of the county in which such town or parish lies, 30 days at least before the first Wednesday of June; and the sheriff of each county, or his deputy, shall deliver all such certificates by him received, into the secretary's office, 17 days at least, before the first Wednesday of June.

And the inhabitants of plantations and places unincorporated, qualified as this constitution provides, who are or shall be required to assess taxes upon themselves toward the support of government, or shall be taxed therefor, shall have the same privilege of voting for Senators in the plantations and places wherein they reside, as the inhabitants of the respective towns and parishes aforesaid have. And the meetings of such plantations and places for that purpose, shall be holden annually in the month of March, at such places respectively therein, as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns by this constitution (Thorpe, 4 supra, beginning p. 2459, par. top p. 2460).

All persons qualified to vote in the election of Senators shall be entitled to vote within the town, district, parish, or place where they dwell in the choice of Representatives. Every Member of the House of Representatives shall be chosen by ballot; and for 2 years at least next preceding his election shall have been an inhabitant of this State, shall have an estate within the town, parish, or place he may be chosen to represent, of the value of 100 pounds, one-half of which to be a freehold, whereof he is seised in his own right; shall be at the time of his election an inhabitant of the town, parish, or place he may be chosen to represent; shall be of the Protestant religion; and shall cease to represent such town, parish, or place immediately on his ceasing to be qualified as aforesaid (Thorpe, 4, supra, last paragraph p. 2461 through second line top p. 2462).

In 1792 this was modified somewhat, and the section numbered XXVIII.

SEC. XXVIII. The Senate shall be the first branch of the Legislature, and the Senators shall be chosen in the following manner, viz: Every male inhabitant of each town and parish with town privileges, and places unincorporated, in this State, of 21 years of age and upward, excepting paupers and persons excused from paying taxes at their own request, shall have a right, at the annual or other meeting of the inhabitants of said towns and parishes, to be duly warned and holden annually forever in the month of March, to vote in the town or parish wherein he dwells for the Senator in the district whereof he is a member (Thorpe, 4, supra, p. 2478, sec. XXVIII).

The 1902 revisions and alterations to the 1784 Constitution changed the time of holding elections for Senators to biennially and the month of election to November, as compared to March under the 1784 Constitution; also its number within part 2 was changed to article 27:

ARTICLE 27

The Senate shall be the first branch of the Legislature, and the Senators shall be chosen in the following manner, viz: Every male inhabitant of each town, and parish with town privileges, and places unincorporated, in this State, of 21 years of age and upward, excepting paupers and persons excused from paying taxes at their own request, shall have a right, at the biennial or other meetings of the inhabitants of said towns and parishes, to be duly warned and holden biennially, forever, in the month of November, to vote, in the town or parish wherein he dwells, for the Senator in the district whereof he is a member.

The present version of the 1784 Constitution is identical with the 1902 version with respect to qualifications of electors for Senators, except that its number within part 2 has been changed back to article 28:

ARTICLE 28

Senators; how and by whom chosen; right of suffrage: The Senate shall be the first branch of the Legislature; and the Senators shall be chosen in the following manner, viz: Every male inhabitant of each town, and parish with town privileges, and places unincorporated, in this State, of 21 years of age and upward, excepting paupers and persons excused from paying taxes at their own request, shall have a right, at the biennial or other meetings of the inhabitants of said towns and parishes, to be duly warned and holden biennially, forever, in the month of November, to vote in the town or parish wherein he dwells, for the Senator in the district whereof he is a member.

In the original 1784 Constitution it was provided that the qualifications of electors for Representatives should be the same as the qualifications of electors for Senators:

All persons qualified to vote in the election of Senators shall be entitled to vote, within the town, district, parish, or place where they dwell, in the choice of Representatives.

The above provision remains unchanged in the current version of the 1784 Constitution, appearing today in part second as article 13:

ARTICLE 13

Qualifications of electors: All persons, qualified to vote in the election of Senators, shall be entitled to vote, within the district where they dwell, in the choice of Representatives.

(NOTE.—The phrase "town, district, parish, or place" was shortened to "district" in the engrossed copy of 1793, apparently without authority.)

Chafee sets out the qualifications in summarized form in his report:

Who may vote: Persons who have resided in the town 6 months and have paid all taxes assessed during the preceding year. Women are liable to tax.

Registration: No person shall vote whose name is not on the check list unless it was omitted by mistake and his right to vote was known by the supervisors when list was made.

Need not be renewed by voters who voted at the preceding election. Persons voting at the primary need not reregister for the following general election.

May be effected—how: By personal appearance before the supervisors.

When: (1) In Claremont and Newport last session October 31 when list is revised.

(2) In towns with more than 600 voters, supervisors are in session October 27, November 2, and additional days if necessary.

Absent voting: Is permitted only in presidential elections. Apply to city or town clerk during the 30 days before the election on a blank obtained from secretary of state, city, or town clerk. (Chafee, "Summary of General Election Laws of the United States.")

New Hampshire was one of the first four States to set up a tax payment as the sole qualification, omitting the requirement of owning property. It is also of passing interest to note that while almost all States require an elector to be a citizen, New Hampshire clings to the ancient word "inhabitant." However, the meaning probably is not changed. Also New Hampshire was one of the first to require the educational test, namely, that a voter must read and write English. Also, New Hampshire was one of the six States which never excluded the Negro—see Porter, "History of Suffrage in the United States," page 90.

Delaware was chartered in 1701. At this early date the State had assumed control over the qualifications of electors. In article II there was this provision:

And that the qualifications of electors and elected, and all other matters and things relating to elections of representatives to serve in assemblies, though not herein particularly expressed, shall be and remain as by a law of this government made at Newcastle, in the year 1700, entitled "An act to ascertain the number of members of assembly and to regulate the elections." (See Thorpe, I, supra, p. 559.)

In 1776 the Delaware Constitution employed the "property test," then quite a general one.

ARTICLE 3

One of the branches of the legislature shall be called "the house of assembly," and shall consist of seven representatives to be chosen for each county annually of such persons as are freeholders of the same.

ARTICLE 4

The other branch shall be called "the council," and consist of nine members; three to be chosen for each county at the time of the first election of the assembly, who shall be freeholders of the county for which they are chosen, and be upward of 25 years of age.

ARTICLE 5

The right of suffrage in the election of members for both houses shall remain as exercised by law at present; and each house shall choose its own speaker, appoint its own officers, judge of the qualifications and elections of its own members, settle its own rules of proceedings, and direct writs of election for supplying intermediate vacancies. (Thorpe, I, supra, p. 562, arts. 3 and 4, through words "25 years of age"; also art. 5, p. 563, through sentence ending intermediate vacancies.)

In 1792, Delaware, in convention at Newcastle, drew up a new constitution. They provided:

SECTION 1. All elections of Governor, Senators, and Representatives shall be by ballot; and in such elections every white free man of the age of 21 years, having resided in the State 2 years next before the election, and within that time paid a State or county tax, which shall have been assessed at least 6 months before the election, shall enjoy the right of an elector; and the sons of persons so qualified shall, between the ages of 21 and 22 years, be entitled to vote, although they shall not have paid taxes.

SEC. 2. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from them (Thorpe I, supra, art. IV, p. 574).

We see here the departure from the property test, which was replaced by the payment of a tax. In 1831 Delaware again changed its constitution:

SECTION 1. All elections for Governor, Senators, Representatives, sheriffs, and coroners shall be held on the second Tuesday of November, and be by ballot; and in such elections every free white male citizen of the age of 22 years or upward, having resided in the State 1 year next before the election, and the last month thereof in the county where he offers to vote, and having within 2 years next before the election paid a county tax, which shall have been assessed at least 6 months before the election, shall enjoy the right of an elector; and every free white male citizen of the age of 21 years, and under the age of 22 years, having resided as aforesaid, shall be entitled to vote without payment of any tax: *Provided*, That no person in the military, naval, or marine service of the United States shall be considered as acquiring a residence in this State, by being stationed in any garrison, barrack, or military or naval place or station within this State; and no idiot, or insane person, or pauper, or person convicted of a crime deemed by law felony, shall enjoy the right of an elector; and the general assembly may impose the forfeiture of the right of suffrage as a punishment for crime (Thorpe I, supra, p. 620, secs. 1, 2, of art. V).

Here a new refinement is seen—the "education test" is coming in at the end of the century. These are the prevailing qualifications today.

Summarizing the qualifications for electors, plus certain administrative provisions concerning soldiers and absentees, Chafee furnishes the following:

Who may vote: Persons who have resided in the State 1 year, in the county 3 months, and the election district 30 days.

Residents who leave to enter the Federal service or are temporarily absent because of the nature of their business.

It is interesting to note the variations in all the State laws. A mere reading of them shows their vital differences. Each State has suited its own peculiar problems and citizenry, perhaps even its own geographical position. This is entirely proper and to be expected, contrary to the uniformity proposed here to be imposed by unconstitutional legislation.

In 1897 there was another Delaware constitution, providing for the choosing of Representatives, among others, by qualified electors. While the various bills of rights always provide that elections are to be free and equal, it has long been accepted, as stated by many whom I have quoted heretofore, and as shown by decisions which I shall discuss later, that the right to vote is a privilege rather than an absolute right, which must be exercised in accordance with certain regulations set up by each State. In 1897 Delaware ruled:

ARTICLE 5

SECTION 1. The general election shall be held biennially on the Tuesday next after the first Monday in the month of November, and shall be by ballot; but the general assembly may by law prescribe the means, methods, and instruments of voting so as best to secure secrecy and the independence of the voter, preserve the freedom and purity of elections and prevent fraud, corruption, and intimidation thereat.

SEC. 2. Every male citizen of this State of the age of 21 years who shall have been a resident thereof 1 year next preceding an election, and for the last 3 months a resident of the county, and for the last 30 days a resident of the hundred or election district in which he may offer to vote, and in which he shall have been duly registered as hereinafter provided for, shall be entitled to vote at such election in the hundred or election district of which he shall at the time be a resident, and in which he shall be registered, for all officers that now are or hereafter may be elected by the people and upon all questions which may be submitted to the vote of the people: *Provided, however*, That no person who shall attain the age of 21 years after the 1st day of January, in the year of our Lord 1900, or after that date shall become a citizen of the United States, shall have the right to vote unless he shall be able to read this constitution in the English language and write his name; but these requirements shall not apply to any person who by reason of physical disability shall be unable to comply therewith: *And provided also*, That no person in the military, naval, or marine service of the United States shall be considered as acquiring a residence in this State, by being stationed in any garrison, barrack, or military or naval place or station within this State; and no idiot or insane person, pauper, or person convicted of a crime deemed by law felony, or incapacitated under the provisions of this constitution from voting, shall enjoy the right of an elector; and the general assembly may impose the forfeiture of the right of suffrage as a punishment for crime (Thorpe I, supra, p. 620, secs. 1, 2, of art. V).

Here a new refinement is seen—the "education test" is coming in at the end of the century. These are the prevailing qualifications today.

Summarizing the qualifications for electors, plus certain administrative provisions concerning soldiers and absentees, Chafee furnishes the following:

Who may vote: Persons who have resided in the State 1 year, in the county 3 months, and the election district 30 days.

Residents who leave to enter the Federal service or are temporarily absent because of the nature of their business.

Registration: General registration, 1940. Permanent as long as voter retains qualifications.

May be effected: How—In person only, before registrars of the election district. When—1 day each week in April, May, and June. Board gives notice of days and hours.

Supplementary registration before registrar August 13 to October 17.

Absent voting: Civilian—The constitutionality of voting by mail is pending in the Supreme Court; nevertheless, the legislature at its last session passed a vote-by-mail law.

Any qualified elector absent from the State or election district, in Federal or State employ, or because of the nature of his work or business, may vote by mail at any general election. Apply to the clerk of peace not more than 30 nor less than 3 days prior to election for official ballot on form furnished by the clerk. The ballot will be accompanied by full instructions.

Armed Forces: An election is held at the quarters of the commanding officer of each camp. The Governor sends two persons to deliver the necessary supplies, including the ballots. They collect and return the votes and all equipment at the close of the election to the State (Delaware, Chaffee report).

SEC. 3. No person who shall receive or accept, or offer to receive or accept, or shall pay, transfer, or deliver, or offer or promise to pay, transfer or deliver, or shall contribute, or offer or promise to contribute to another, to be paid or used, any money or other valuable thing as a compensation, inducement or reward for the registering or abstaining from registering of anyone qualified to register, or for the giving or withholding, or in any manner influencing the giving or withholding, a vote at any general or special or municipal election in this State, shall vote at such election; and upon challenge for any of said causes the person so challenged before the officers authorized for that purpose shall receive his vote, shall swear or affirm before such officers that he has not received or accepted, or offered to receive or accept, or paid, transferred or delivered, or offered or promised to pay, transfer or deliver, or contributed, or offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation, inducement or reward for the registering or abstaining from registering of anyone qualified to register, or for the giving or withholding, or in any manner influencing the giving or withholding, a vote at such election.

Such oath or affirmation shall be conclusive evidence to the election officers of the truth of such oath or affirmation; but if any such oath or affirmation shall be false, the person making the same shall be guilty of perjury, and no conviction thereof shall bar any prosecution under section 8 of this article.

SEC. 4. The general assembly shall enact uniform laws for the registration of voters in this State entitled to vote under this article, which registration shall be conclusive evidence to the election officers of the right of every person so registered to vote at any general election while his or her name shall remain on the list of registered voters, and who is not at the time disqualified under the provisions of section 3 of this article; and no person shall vote at such general election whose name does not at that time appear in said list of registered voters.

There shall be at least 2 registration days in a period commencing not more than 120, nor less than 60 days before, and ending not more than 20 days, nor less than 10 days before, each general election, on which registration days persons whose names are not on the list of registered voters established by law for such election, may apply for registration, and on which registration days applications may be made to strike from the said registration list names of persons on said list who are not eligible to vote at such election: *Provided, however*, That such registration may be corrected as hereinafter provided at any time prior to the day of holding the election.

From the decision of the registration officers granting or refusing registration, or striking or refusing to strike a name or names from the registration list, any person interested, or any registration officer, may appeal to the resident associate judge of the county, or in case of his disability or absence from the county, to any Judge entitled to sit in the Supreme Court, whose determination shall be final; and he shall have power to order any name improperly omitted from the said registry to be placed thereon, and any name improperly appearing on the said registry to be stricken therefrom, and any name appearing on the said registry, in any manner incorrect, to be corrected, and to make and enforce all necessary orders in the premises for the correction of the said registry. Registration shall be a prerequisite for voting only at general elections, at which representatives to the general assembly shall be chosen, unless the general assembly shall otherwise provide by law.

The existing laws in reference to the registration of voters, so far as consistent with the provisions of this article, shall continue in force until the general assembly shall otherwise provide (amended 34 Del. Laws, ch. 1, approved Mar. 2, 1925).

SEC. 4A. The general assembly shall enact general laws providing that any qualified elector of this State, duly registered, who shall be unable to appear to cast his or her ballot at any general election at the regular polling place of the election district in which he or she is registered, either because of being in the public service of the United States or of this State, or because of the nature of his or her business or occupation, or because of his or her sickness or physical disability, may cast a ballot at such general election to be counted in such election district (added 44 Del. Laws, ch. 1 (1943), approval not required).

SEC. 4B. The general assembly shall enact uniform laws for the registration of voters of this State entitled to vote under this article who are temporarily absent therefrom and in the Armed Forces or merchant marine of the United States, or retainers or persons accompanying or serving therewith, or who are absent from the State because of illness or injury received while serving in any such capacity, upon application in person or in writing (added 46 Del. Laws, ch. 325 (1947), no approval date).

SEC. 5. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest, during their attendance at elections, and in going to and returning from them (Delaware Code Annotated, pp. 289, 290, 291, 293, 294).

The problems each State has had to cope with can be seen by the nature of its laws concerning qualifications. Delaware was one of the first States to lengthen the period of residence required The reason was increased immigration, which was creating an alien problem. Such a problem would not and did not exist in many other States. Likewise, Delaware was one of the first States to allow women to participate in school elections, a phase which preceded women's right to vote generally. In that connection, I refer to McCulloch, "Suffrage and Its Problems," pages 38 and 126.

Pennsylvania was chartered as a province in 1681. It is notable that even in that original instrument some consideration of elections and of who could vote was shown. In speaking of the power of William Penn to make laws, and so forth, it says:

According to their best discretions, by and with the advice, assent, and approbation of the freemen of the said country, or the greater part of them, or of their delegates or deputies—

And so forth. Here I refer to 5 Thorpe, supra, page 3037.

Further election laws are found in Penn's "Charter of Liberties," 1682, as follows:

2. That the freemen of the said province on the 20th day of the 12th month which shall be in this present year 1682 meet and assemble in some fit place of which timely notice shall be beforehand given by the Governor or his deputies and then and there shall choose of themselves 72 persons of most note for their wisdom, virtue, and ability who shall meet on the 10th day of the 1st month next ensuing and always be called and act as the provincial council of said province (see 5 Thorpe, p. 3048, par. 2).

A similar provision was in the frame of the government of Pennsylvania. See 5 Thorpe, supra, page 3055. Furthermore, we find there this provision:

III. That all elections of members, or representatives of the people and freemen of the province of Pennsylvania to serve in provincial council, or general assembly, to be held within the said province, shall be free and voluntary: and that the elector, that shall receive any reward or gift, in meat, drink, moneys, or otherwise, shall forfeit his right to elect; and such person as shall directly or indirectly give, promise, or bestow any such reward as aforesaid, to be elected, shall forfeit his election, and be thereby incapable to serve as aforesaid: and the provincial council and general assembly shall be the sole judges of the regularity, or irregularity of the elections of their own respective members (see 5 Thorpe, supra, p. 3060, art. III).

Here we see, in varied form, a provision similar to the bribery prohibitions of today.

The following provisions are found in the frame of government of 1696:

For the electing of which representatives, it shall and may be lawful to and for all the freemen of this province and territory aforesaid, to meet together on the 10th day of the 1st month yearly hereafter, in the most convenient and usual place for election, within the respective counties, then and there to choose their said representatives as aforesaid, who shall meet on the 10th day of the 3d month yearly, in the capital town of the said province, unless the Governor and council shall think fit to appoint another place.

And, to the end it may be known who those are, in this province and territories, who ought to have right of, or to be deemed freemen, to choose, or be chosen, to serve in council and assembly, as aforesaid, be it enacted by the authority aforesaid, that no inhabitant of this province or territories, shall have right of electing, or being elected as aforesaid, unless they be free denizens of this government, and are of the age of 21 years, or upwards, and have 50 acres of land, 10 acres whereof being seated and cleared, or be otherwise worth 50 pounds, lawful money of this government, clear estate, and have been resident within this government for the space of 2 years next before such election (see Thorpe, p. 3071, line 18).

There is also a provision that any elector who receives a reward for giving his vote shall forfeit his vote. See 5 Thorpe, supra, page 3073.

The constitution of Pennsylvania in 1776 was established by general convention in Philadelphia. In the declaration of rights thereof is the following provision:

VII. That all elections ought to be free; and that all freemen having a sufficient evident common interest with and attachment to the community, have a right to elect officers, or to be elected into office (see 5 Thorpe, supra, p. 3083).

What constitutes an "evident common interest" is defined as follows:

SEC. 5. The freemen of this commonwealth and their sons shall be trained and armed for its deference under such regulations, restrictions, and exceptions as the general assembly shall by law direct, preserving always to the people the right of choosing their colonels and all commissioned officers under that rank, in such manner and as often as by the said laws shall be directed (see 5 Thorpe, supra, p. 3084, sec. 5).

In 1790, another constitution was framed. Article III provides as follows:

SECTION 1. In elections by the citizens, every freeman of the age of 21 years, having resided in the State 2 years next before the election, and within that time paid a State or county tax, which shall have been assessed at least 6 months before the election, shall enjoy the rights of an elector: *Provided*, That the sons of persons qualified as aforesaid, between the ages of 21 and 22 years, shall be entitled to vote, although they shall not have paid taxes.

SEC. 2. All elections shall be by ballot, except those by persons in their representative capacities, who shall vote viva voce.

SEC. 3. Electors shall, in all cases except treason, felony, and breach or surety of the peace, be privileged from arrest during their attendance on elections, and in going to and returning from them (see 5 Thorpe, supra, p. 3096, art. III).

In 1838 a new Constitution was ratified by a close margin. Article III thereof was:

SECTION 1. In elections by the citizens, every white freeman of the age of 21 years, having resided in this State 1 year, and in the election district where he offers to vote 10 days immediately preceding such election, and within 2 years paid a State or county tax, which shall have been assessed at least 10 days before the election, shall enjoy the rights of an elector. But a citizen of the United States, who had previously been a qualified voter of this State and removed therefrom and returned, and who shall have resided in the election district and paid taxes as aforesaid, shall be entitled to vote after residing in the State 6 months: *Provided*, That white freemen, citizens of the United States, between the ages of 21 and 22 years, and having resided in the State 1 year and in the election district 10 days as aforesaid, shall be entitled to vote, although they shall not have paid taxes.

SEC. 2. All elections shall be by ballot, except those by persons in their representative capacities, who shall vote viva voce.

SEC. 3. Electors shall in all cases, except treason, felony, and breach of surety of the peace, be privileged from arrest during their attendance on elections and in going to and returning from them (see 5 Thorpe, supra, pp. 3108–3109, art. III).

Here, for the first time, Mr. President, we find the significant word "white," indicating a new consciousness of the Negro problem even in the Atlantic States.

The year 1874 saw another constitution come into effect in Pennsylvania. The suffrage provisions are detailed in article VIII:

SECTION 1. Every male citizen 21 years of age, possessing the following qualifications, shall be entitled to vote at all elections:

1. He shall have been a citizen of the United States at least 1 month.

2. He shall have resided in the State 1 year (or, if having previously been a qualified elector or native-born citizen of the State, he shall have removed therefrom and returned, then 6 months) immediately preceding the election.

3. He shall have resided in the election district where he shall offer to vote at least 2 months immediately preceding the election.

4. If 21 years of age or upwards, he shall have paid within 2 years a State or county tax, which shall have been assessed at least 2 months and paid at least 1 month before the election.

It was made to read as set forth in the text by amendment of November 5, 1901, by adding to the first sentence the clause, "subject, however, to such laws requiring and regulating the registration," and so forth, and by substituting in the last sentence for the phrase "or upwards" the phrase "and upwards."

SEC. 2. The general election shall be held annually on the Tuesday next following the first Monday of November, but the general assembly may by law fix a different day, two-thirds of all the Members of each House consenting thereto.

SEC. 3. All elections for city, ward, borough, and township officers, for regular terms of service, shall be held on the third Tuesday of February.

SEC. 4. All elections by the citizens shall be by ballot. Every ballot voted shall be numbered in the order in which it shall be received, and the number recorded by the election officers on the list of voters, opposite the name of the elector who presents the ballot. Any elector may write his name upon his ticket or cause the same to be written thereon and attested by a citizen of the district. The election officers shall be sworn or affirmed not to disclose how any elector shall have voted unless required to do so as witnesses in a judicial proceeding.

SEC. 5. Electors shall in all cases except treason, felony, and breach or surety of the peace, be privileged from arrest during their attendance on elections, and in going to and returning therefrom.

SEC. 6. Whenever any of the qualified electors of this Commonwealth shall be in actual military aervice, under a requisition from the President of the United States, or by the authority of this Commonwealth, such electors may exercise the right of suffrage in all elections by the citizens, under such regulations as are or shall be prescribed by law, as fully as if they were present at their usual places of election.

SEC. 7. All laws regulating the holdings of elections by the citizens or for the registration of electors shall be uniform throughout the State, but no elector shall be deprived of the privilege of voting by reason of his name not being registered.

SEC. 8. Any person, who shall give, or promise or offer to give, to an elector, any money, reward, or other valuable consideration for his vote at an election, or for withholding the same, or who shall give or promise to give such consideration to any other person or party for such elector's vote or for the withholding thereof, and any elector who shall receive or agree to receive, for himself or for another, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, shall thereby forfeit the right to vote at such election, and any elector whose right to vote shall be challenged for such cause before the election officers, shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received (see 5 Thorpe, supra, pp. 3138–3139, art. VIII, first 8 sections).

SEC. 13. Residence of electors: For the purpose of voting no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while employed in the service, either civil or military, of this State or of the United States, nor while engaged in the navigation of the waters of the State or of the United States, or on the high seas, nor while a student of any institution of learning, nor while kept in any poorhouse or other asylum at public expense, nor while confined in public prison.

Section 1 of article VIII was changed in 1901 to authorize the legislature to pass laws "requiring and regulating" registration:

SECTION 1. Qualifications of electors: Every male citizen 21 years of age, possessing the following qualifications, shall be entitled to vote at all elections, subject however to such laws requiring and regulating the registration of electors as the general assembly may enact:

1. He shall have been a citizen of the United States at least 1 month.

2. He shall have resided in the State 1 year (or, having previously been a qualified elector or native born citizen of the State, he shall have removed therefrom and returned, then 6 months), immediately preceding the election.

3. He shall have resided in the election district where he shall offer to vote at least 2 months immediately preceding the election.

4. If 22 years of age and upwards, he shall have paid within 2 years a State or county tax, which shall have been assessed at least 2 months and paid at least 1 month before the election (amendment of November 5, 1901).

In 1933 section 1 of article VIII was modified to eliminate the requirement of a poll tax:

SECTION 1. Qualifications of electors: Every citizen 21 years of age, possessing the following qualifications, shall be entitled to vote at all elections, subject, however, to such laws requiring and regulating the registration of electors as the general assembly may enact.

1. He or she shall have been a citizen of the United States at least 1 month.

2. He or she shall have resided in the State 1 year (or, having previously been a qualified elector or native born citizen of the State, he or she shall have removed therefrom and returned, then 6 months) immediately preceding the election.

3. He or she shall have resided in the election district where he or she shall offer to vote at least 2 months immediately preceding the election (amendment of Nov. 7, 1933).

Two amendments to section 1 of article VIII were proposed in 1957. The first of these proposed to change section 1 as follows:

Every citizen 18 years of age or over, possessing the following qualifications, shall be entitled to vote at all elections subject to such laws requiring and regulating the registration of electors as the general assembly may enact.

1. He or she shall have been a citizen of the United States at least 1 month.

2. He or she shall have resided in the State 1 year (or having previously been a qualified elector or native born citizen of the State he or she shall have removed therefrom and returned, then 6 months) immediately preceding the election.

3. He or shall shall have resided in the election district where he or she shall offer to vote at least 2 months immediately preceding the election.

The second proposal read as follows:

Every citizen 21 years of age, possessing the following qualifications, shall be entitled to vote at all elections subject, however, to such laws requiring and regulating the registration of electors as the general assembly may enact.

1. He or she shall have been a citizen of the United States at least 1 month.

2. He or she shall have resided in the State 1 year (or, having previously been a qualified elector or native born citizen of the State, he or she shall have removed therefrom and returned, then 6 months) immediately preceding the election.

3. He or she shall have resided in the election district where he or she shall offer to vote at least 60 days immediately preceding the election, except, that if qualified to vote in an election district prior to removal of residence, he or she may, if a resident of Pennsylvania, vote in the election district from which he or she removed his or her residence within 60 days preceding the election.

Both proposals were rejected.

Section 2 of article VIII was altered in 1909, changing the date of the general election:

SEC. 2. General elections: The general election shall be held biennially on the Tuesday next following the first Monday of November in each even-numbered year, but the general assembly may by law fix a different day, two-thirds of all the members of each house consenting thereto: *Provided*, That such election shall always be held in an even-numbered year (amendment of Nov. 2, 1909).

Section 3 of article VIII, as amended in 1909, changed the date of local elections from February to November:

SEC. 3. All judges elected by the electors of the State at large may be elected at either a general or municipal election, as circumstances may require. All elections for judges of the courts for the several judicial districts, and for county, city, ward, borough, and township officers, for regular terms of service, shall be held on the municipal election day, namely, the Tuesday next following the first Monday of November in each odd-numbered year, but the general assembly may by law fix a different day, two-thirds of all the members of each house consenting thereto: *Provided*, That such election shall always be held in an odd-numbered year.

Then in 1913, section 3 was again amended to permit judges whose terms of office would end in an odd-numbered year, to continue in office until January of the next succeeding even-numbered year:

SEC. 3. Municipal elections; election of judges and county officers: All judges elected by the electors of the State at large may be elected at either a general or municipal election, as circumstances may require. All elections for judges of the courts for the several judicial districts, and for county, city, ward, borough, and township officers, for regular terms of service, shall be held on the municipal election day; namely, the Tuesday next following the first Monday of November in each odd-numbered year, but the general assembly may by law fix a different day, two-thirds of all the members of each house consenting thereto: *Provided*, That such elections shall be held in an odd-numbered year: *Provided further*, That all judges for the courts of the several judicial districts holding office at the present time, whose terms of office may end in an odd-numbered year, shall continue to hold their offices until the first Monday of January in the next succeeding even-numbered year (amendment of Nov. 4, 1913).

Nineteen hundred and one brought a change in section 4 of article VIII, authorizing the legislature to prescribe methods of conducting elections, and repealed the specific methods outlined in the original version of section 4:

SEC. 4. Method of conducting elections; secrecy: All elections by the citizens shall be by ballot or by such other method as may be prescribed by law: *Provided*, That secrecy in voting be preserved (amendment of Nov. 5, 1901).

Nineteen hundred and one also brought a change in section 7 of article VIII; the amendment struck out the constitutional prohibition against an elector being deprived of his right to vote because he was not registered:

SEC. 7. All laws regulating the holding of elections by the citizens or for the registration of electors shall be uniform throughout the State.

Mr. President, what I am reading may all sound monotonous, but I merely cite it to show how the States themselves regarded the ballot, and the States themselves passed laws upon the qualifications of their electors.

Section 7 of article VIII was again modified in 1928 to permit the legislature to require registration of electors in cities only and to authorize the use of voting machines:

SEC. 7. Uniformity of election laws; registration of electors: All laws regulating the holding of elections by the citizens, or for the registration of electors, shall be uniform throughout the State, except that laws regulating and requiring the registration of electors may be enacted to apply to cities only, provided that such laws be uniform for cities of the same class, and except further, that the general assembly shall, by general law, permit the use of voting machines, or other mechanical devices for registering or recording and computing the vote, at all elections or primaries, in any county, city, borough or township of the commonwealth, at the option of the electors of such county, city, borough or township, without being obliged to require the use of such voting machines or mechanical devices in any other county, city, borough or township, under such regulations with reference thereto as the general assembly may from time to time, prescribe.

The general assembly may, from time to time, prescribe the number and duties of election officers in any political subdivision of the commonwealth in which voting machines or other mechanical devices authorized by this section may be used (amendment of November 6, 1928).

Pennsylvania, like Delaware, felt the alien problem, and was one of the first to require a long residence period.

Pennsylvania was one of the few States in the North to have a taxpaying qualification.

As a matter of interest, Mr. President, to show that the privilege of suffrage has always been qualified by the State, according to its own needs and situations, I quote:

In the Pennsylvania convention of 1789 all pointed heartily in the following statement and had it printed in large bold type:

"All power being originally vested in, is derived from, the people, and all free governments originate from their will, are founded on their authority, and instituted for their peace, safety, and happiness; and for the advancement thereof; they have, at all times, an unalienable and indefeasible right to alter, reform, or abolish their government in such manner as they may think proper" (from Pennsylvania convention, 1789, minutes, p. 45).

In spite of this acceptance of an abstract principle, a vigorous effort was early made in the convention to establish a property qualification for suffrage. Almost feverish eagerness was manifest to get such a restriction in, and it was proposed almost before the business of the convention was well underway. Eventually there was apprehension that it would not carry, and it did not; in its stead the usual compromise of a taxpaying qualification was introduced. Both these large States and their smaller neighbors were extravagant in formal announcements of the rights of "the people." But Massachusetts considered "the people" to be the property owners. Pennsylvania was one step in advance of Massachusetts and considered "the people" to be the taxpayers. Abstract pronouncement sounded well until specific definition of the terms was sought, and when the radicals said that "the people" included all men 21 years of age the fight was on in earnest (quote Porter, "History of Suffrage in the United States," p. 28, second paragraph to end first paragraph, p. 29).

Also, there is a remark of interest on Pennsylvania's exclusion of Negroes.

In tracing out the story of the suffrage a year or two later, Pennsylvania looms up large, for in 1837 a convention was held in that State, the records of which filled more than a dozen large volumes, in which the suffrage question fills its share of pages. The property interests made a tremendous effort to come back, as the saying is, but they were only able to cling to the taxpaying requirement; the hot debate which bade fair to lead either side to victory concerned the right of the free Negro to vote. A new tone was struck in this convention in connection with the Negro problem. Heretofore it had been treated almost solely as a political problem; now the other phase of the question was presented with greater emphasis, and it was maintained that other than political considerations would inevitably determine the question despite any action the lawmakers might take. It was pointed out that public sentiment, even where the law was in doubt, arose above all law and the Constitution and would keep the Negro from the polls.

I am referring to Pennsylvania, Mr. President.

It was very significant that men frequently asserted that to give the Negro suffrage would be to imply a promise that could never be carried out. It implied an equality that race characteristics belied. The Indian could not be elevated—he died out; the Negro could not be elevated? They did not undertake to answer the question, and it has not been answered yet, but they stuck tenaciously to the proposition that he could not be elevated and should not be incorporated into the body politic.

That was in the great State of Pennsylvania.

The prospect of Negroes sitting in legislatures, in the jury box, on the bench, at the bar, in all positions of respect and honor, repelled men with such force as to cause them to lose sight of all abstract political doctrine.

Up to about this time the Negro had not been a serious problem, for he was not present in sufficient numbers even to threaten to exercise any great influence in the Government. But the menace was growing. The slavery controversy was waxing hot; the abolitionists were carrying fiery brands wherever they went; in a word, the political situation over slavery was coming to a crucial point, and race prejudice was developing to a point it had never reached before. This race prejudice, or consciousness of racial distinction, was present in the Pennsylvania convention in a way that it was not in the earlier conventions. This accounts for the sort of argument outlined above. Arguments telling of the Negro's rights and extolling his virtues and good qualities could have no effect. No matter what was said men were conscious of a distinction between the races which they viewed with jealousy and growing alarm, and all the old arguments pro and con fell upon deaf ears. From now on men were likely to vote from prejudice one way or the other.

I repeat, Mr. President, that was in the State of Pennsylvania.

Much opprobrium was heaped upon those who were said to vote against the Negro simply because his skin was dark. But few men really did that; the dark skin was to them merely an outward indication of qualities which fostered the racial antipathy. But in the midst of this illogical prejudice it is satisfying to discover an argument based on expediency. One of the speakers in the convention pointed out that Negroes had all the rights and privileges of citizenship and that it was not expedient to let them vote. They were no more discriminated against than were minors, women, and nontaxpayers. The elective franchise should only be given to those through whom the peace and prosperity of society would be promoted.

The defenders of the Negro followed the usual line. One delegate struck a new chord when he opposed the exclusion of the Negro because the basis of exclusion was a fact over which he had no control—his color. A suffrage qualification, said he, should be such that any man could attain it. A high property test, a taxpaying test, a long residence, age, literacy, were qualifications which a man could acquire, but race or color violated sound principles of democracy and left nothing to strive for; such men were hopelessly disfranchised. This man invoked a new principle of democracy, but his principle would have included women, too, although no one thought of that. It merely shows how inevitably both sides were driven to decide the whole proposition on the issue of expediency.

It may be well to consider briefly the question as to whether the Negroes as a group needed special representation. It has been characteristic of the political parties in this country since the breakdown of the Federalists in the early part of the 19th century that they have cut athwart all social and economic groups. There has been no labor party, no capitalist party, no religious party, no conservative or radical party. All parties have appealed to all classes, rich and poor, east and west. But the advent of the Negro presented a very distinct group, and it was considered by some that such a group needed special representation that could not be attained through any existing parties. However, it is significant that, while the Republican Party has claimed most of the Negroes, there is no essential reason why they should not distribute themselves as the white men have done throughout the other parties. Fortunately no deliberate attempt was made to treat this group as deserving special representation, even though it was considered at this time.

Of course, the usual compromises were suggested to let the Negro in, but they were all repudiated, and the Negro was denied the suffrage by a vote of 77 to 45.

I repeat, that was in the great State of Pennsylvania.

This denial of the suffrage to Negroes gave rise to considerable opposition throughout the State, where the abolition movement was relatively strong. The action of Pennsylvania in excluding the Negro marks a turning point in the development of the Negro-suffrage controversy. In a number of States Negroes had not been excluded in the past and never were excluded. There were some other States which had not excluded Negroes in the first place, but as time went on it was found desirable to do so. Pennsylvania was the last of these States. From this time on the actual Negro-suffrage situation did not change until the 14th amendment was in effect (quote Porter, supra, bottom of p. 85 through line 24, p. 89).

I am attempting to show by the heterogeneous laws of the 50 States the diversified conditions underlying the variations, and the different peoples, different habits, different economic, industrial, and agricultural setups which make it a matter of prime necessity to "render unto Caesar the things which are Caesar's" and cease this attempted unconstitutional meddling with States' affairs.

New Jersey, in the agreement of 1664, which was the concession of the province of New Caesarea, or New Jersey, provided as follows for elections:

That the inhabitants being freemen, or chief agents to others of the province aforesaid; do as soon as this our commission shall arrive by virtue of a writ in our names by the governor to be for the present (until our seal comes) sealed and signed, make choice of 12 deputies or representatives from amongst themselves; who being chosen are to join with the said governor and council for the making of such laws, ordinances, and constitution as shall be necessary for the present good and welfare of the said province. But so soon as parishes, divisions, tribes, and other distinctions are made, that then the inhabitants or freeholders of the several respective parishes, tribes, divisions, and distinctions aforesaid, do by our writs, under our seals (which we engage, shall be in due time issued) annually meet on the first day of January, and choose freeholders for each respective division, tribe, or parish to be the deputies or representatives of the same: which body of representatives or the major part of them, shall, with the governor and council aforesaid, be the general assembly of the said province, the governor or his deputy being present, unless they shall wilfully refuse, in which case they may appoint themselves a president, during the absence of the governor or the deputy governor (quote 5 Thorpe, supra, p. 2537).

In 1683 in the Fundamental Constitutions for the province of East New Jersey it was provided:

The persons qualified to be freemen, that are capable to choose and be chosen in the great council, shall be every planter and inhabitant dwelling and residing within the province, who hath acquired rights to and is in possesson of 50 acres of ground, and hath cultivated 10 acres of it; or in boroughs, who have a house and 3 acres; or have a house and land only hired, if he can prove he has 50 pounds in stock of his own: and all elections must be free and voluntary, but were any bribe or indirect means can be proved to have been used, both the giver and acquirer shall forfeit their privilege of electing and being elected forever (see 5 Thorpe, supra, p. 2575, par. 2, No. III first 10 lines).

In 1776 came the first constitution of New Jersey as such framed by convention. Article IV contains the voters' qualifications:

ART. IV. That all inhabitants of this colony, of full age, who are worth £50 proclamation money, clear estate in the same, and have resided within the county in which they claim a vote for 12 months immediately preceding the election, shall be entitled to vote for representatives in council and assembly; and also for all other public officers, that shall be elected by the people of the county at large (see 5 Thorpe, supra, p. 2595).

In 1844, New Jersey drew up another constitution. Here we see the provisions closely following the previous ones.

Right of suffrage: Every male citizen of the United States, of the age of 21 years, who shall have been a resident of this State 1 year, and of the county in which he claims his vote 5 months, next before the election, shall be entitled to vote for all officers that now are, or hereafter may be, elective by the people; provided, that no person in the military, naval, or marine service of the United States shall be considered a resident in this State, by being stationed in any garrison, barrack, or military or naval place or station within this State; and no pauper, idiot, insane person, or person convicted of a crime which now excludes him from being a witness unless pardoned or restored by law to the right of suffrage, shall enjoy the right of an elector; and provided further, that in time of war no elector in the actual military service of the State, or of the United States, in the Army or Navy, thereof, shall be deprived of his vote by reason of his absence from such election district; and the legislature shall have power to provide the manner in which, and the time and place at which, such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.

The legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of bribery (5 Thorpe, supra, p. 2601, art. 11).

New Jersey in 1947 adopted a new constitution. The provisions relating to suffrage are found in article II, sections 1 through 7.

SECTION 1. General elections: General elections shall be held annually on the first Tuesday after the first Monday in November; but the time of holding such elections may be altered by law. The Governor and members of the legislature shall be chosen at general elections. Local elective officers shall be chosen at general elections, or at such other times as shall be provided by law.

SEC. 2. Questions for submission to people of entire State: All questions submitted to the people of the entire State shall be voted upon at general elections.

SEC. 3. Elections; qualifications: Every citizen of the United States, of the age of 21 years, who shall have been a resident of this State 1 year, and of the county in which he claims his vote 5 months, next before the election, shall be entitled to vote for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to a vote of the people.

SEC. 4. Electors in military service; absentee voting: In time of war no elector in the military service of the State or in the Armed Forces of the United States shall be deprived of his vote by reason of absence from his election district. The legislature may provide for absentee voting by members of the Armed Forces of the United States in time of peace. The legislature may provide the manner in which and the time and place at which such absent electors may vote, and

for the return and canvass of their votes in the election district in which they respectively reside.

SEC. 5. Residence of military personnel stationed within State: No person in the military, naval or marine service of the United States shall be considered a resident of this State by being stationed in any garrison, barrack, or military or naval place or station within this State.

SEC. 6. Persons denied right of suffrage, idiots, and insane persons: No idiot or insane person shall enjoy the right of suffrage.

SEC. 7. Persons denied right of suffrage, conviction of crime; restoration of right: The legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of such crimes as it may designate. Any person so deprived, when pardoned or otherwise restored by law to the right of suffrage, shall again enjoy that right.

An explanation and background of the 1947 constitution appears at pages 13 through 36 of the New Jersey Statutes Annotated, volume entitled "Constitution," 1954 edition:

The year 1947 is easily recognized as the most eventful thus far in the history of State government in New Jersey. For those many valiant citizens who had toiled long and hard for constitutional revision, this was a year of rekindling of hopes dimmed by the decisive defeat at the polls in 1944 of a revised charter which had been agreed upon and submitted to the voters by the legislature. For all the citizens of New Jersey, this was a year which brought to fruition a model State constitution.

While 1947 was the year of accomplishment of constitutional reform, the movement for revision of the State's basic charter was then by no means new. It had, as Gov. Alfred E. Driscoll pointed out in his inaugural address to the legislature on January 21, 1947, "pursued an uncertain course ever since the annual message of Gov. Joel Parker in 1873, in which he advocated a constitutional convention.

A large scale drive was launched in 1941 by outstanding public-spirited citizens and organizations, with the establishment of broad research and educational programs demonstrating the need for extensive revision of the 1844 constitution. The campaign for constitutional reform was inspired by bipartisan support led by Democratic Gov. Charles Edison and Republicans Arthur T. Vanderbilt, of Essex County, formerly president of the American Bar Association and later dean of the New York University Law School (presently chief justice of the New Jersey Supreme Court), and Robert C. Hendrickson, of Gloucester County, then State senator (presently U.S. Senator), who was the Republican nominee for Governor in 1940. By joint resolution, approved November 18, 1941, the commission on revision of the New Jersey constitution was established, charged "with the duty of inquiring into the subject of constitutional revision and of suggesting in what respects the constitution of New Jersey should be changed and make recommendations to provide for the more effective working of present-day representative processes. The commission, which was generally referred to as the Hendrickson commission, after its chairman Senator Robert C. Hendrickson, a former Member of this body, was continued by joint resolution approved January 24, 1942, and submitted its report in May 1942, setting forth and unanimously recommending a revised constitution. The commission also recommended that a referendum be held at the September 1942 primary election, requesting that authority be given the legislature to submit a revised constitution at the 1942 general election. Following receipt of the report, the legislature, by concurrent resolution adopted June 15, 1942, established a joint committee of the legislature "to hold public hearings to ascertain the sentiment of the people of the State as to the various proposals and recommendations made by said commission (the commission on revision of the New Jersey constitution) in its report and to ascertain, also, the sentiment of the people of the State as to whether or not they desire the fundamental law of the State to be changed."

Public hearings were conducted by the joint committee during the summer of 1942, at which was disclosed strong sentiment for constitutional revision. However, the majority report of the committee (Sept. 28, 1942), concluded with a recommendation "that no further action for change in the New Jersey State constitution be taken until after the termination of the present war." Separate minority reports were submitted by two members of the committee—urging a public referendum at the 1942 general election on the question of authorizing the 1943 legislature to formulate a revised constitution to be submitted to the people, for adoption or rejection, at the 1943 general election.

Sustained public interest in revision continued during 1943, fortified by the added vigorous support of former Gov. Walter E. Edge. The legislature that year adopted legislation calling for a referendum at the 1943 general election to authorize the 1944 legislature to agree upon a revised State constitution retaining the then existing constitutional bill of rights and basis for representation in the legislature—to be submitted to the people, for approval and ratification or rejection, at the 1944 general election. The 1943 referendum was carried by a decisive plurality—the people wanted constitutional revision. With strong support from Governor Edge (elected to a second term at the 1943 general election), the legislature in 1944 established a joint legislative committee to formulate a draft of a proposed revised constitution. The committee held public hearings on its proposals. Thereafter, the legislature agreed upon a revised basic charter for the State and submitted it to the people at the November 1944 general election. Nonetheless, that document was rejected by a decisive plurality.

It was not until January 21, 1947, that the clouds of despair, which had hung over the revision movement since the 1944 defeat, were dispersed. On that day, Governor Driscoll, in his inaugural address, urged the legislature to submit to referendum the question of calling a constitutional convention to consist of 60 members to revise the State constitution with retention of the then existing basis for legislative representation—the work of the convention to be submitted, as a whole or in parts, for approval or rejection by the people at the general election in November 1947. Enabling legislation was adopted, with the convention to consist of 81 rather than 60 members, and with provision for the convention to retain the existing territorial limits of the respective counties, as well as the basis of representation in the legislature. On June 3 the plan was approved by referendum and delegates elected. Nine days later, on June 12, 1947, in New Brunswick, at Rutgers University, the State University of New Jersey, the convention began its hard task of molding a modern, forward-looking, fundamental law for New Jersey. Clearly evident in the selection of delegates and in the operation of the convention was the effectuation of the hope and thought expressed by Governor Driscoll in his inaugural address when he said:

"The convention will be successful in direct proportion to the widest possible participation of our citizens and the selection of the highest possible talent that our State so abundantly affords. May we, as we undertake this obligation, lay aside partisanship and select our best qualified citizens to represent us in the convention."

The document agreed upon by the delegates, after deliberations which extended through the hot summer months of 1947, received enthusiastic bipartisan support and was overwhelmingly adopted at the November 1947 general election.

The successful conclusion of the revision movement—the fact that New Jersey today has a model State constitution—is predominantly attributable to the dynamic leadership of Governor Driscoll and the vigorous and sustained support which he gave to the work of the convention.

A discussion of some of the major changes incorporated in the 1947 constitution follows.

Permeating the overall drive for constitutional revision was the basic need for a clear and unambiguous expression in the State charter of the traditional American principle of distinct separation of powers among the three departments of government—legislative, executive, and judicial—tempered only by a system of reasonable checks and balances which would provide for responsive as well as responsible government. The doctrine of separation of powers found only limited and ineffectual expression in the constitution of 1844. A chief illustration in this respect was the constitutional diffusion of considerable executive power among the legislative and judicial branches of the government. Thus, in revising the legislative, executive, and judicial articles, the delegates undertook to define more consistently the powers and functions of each branch of government, as well as to provide for their more efficient and effective operation. The task was accomplished in admirable fashion.

LEGISLATIVE

The previous constitution contained no provision prohibiting the legislature from providing for the election by itself of executive, administrative, or judicial officers. The absence of such a prohibition resulted in legislative enactments providing that certain essentially executive or administrative offices be filled by election by the legislature in joint session. A notable illustration in this respect was the office of commissioner of alcoholic beverage control. Moreover, the prior constitution itself required that the State treasurer and comptroller be appointed by the senate and general assembly in joint meeting. This failure to give adequate expression to the doctrine of separation of powers was effectively remedied by the inclusion in the 1947 constitution of a provision that "Neither the legislature nor either house thereof shall elect or appoint any executive, administrative, or judicial officer except the State auditor." The logical exception was made in the case of the State auditor, since by reason of his function of post-auditing State accounts he is, as the convention's committee on the legislature pointed out, "essentially an agent of the legislature and, therefore, should be elected by the legislature."

Other major improvements in the legislative article include:

To "effectively cure the evil of rushing bills from second to third reading without giving the members of the legislature an opportunity to study their contents," the convention's committee on the legislative recommended, and the convention adopted, a new provision (art. IV, sec. IV, par. 6) which has contributed immeasurably to the more orderly conduct of the legislative process. This provision prohibits any bill or joint resolution from being read a third time in either house until after the intervention of one full calendar day following the day of the second reading. The committee on the legislative recognized "that the inclusion of this provision might make it difficult, or even impossible, for the legislature to deal with real emergencies, which might require immediate action." To guard against such a contingency the committee proposed, and the convention adopted an exception to the 1 day layover clause which permits a bill or joint resolution to proceed forthwith from second to third reading in either house if that house resolves by vote of three-fourths of all its members, signified by yeas and nays entered on the journal, that it is an emergency measure.

In proposing the provision requiring a full day's intervention between second and third reading of a bill or joint resolution, the convention's committee on the legislative expressed "confident expectation" that the provision "will not only bring about more orderly sessions of the legislature but will also improve the character of legislation by affording an adequate opportunity to the members to become acquainted with bills which they know will be moved to third reading."

This provision, as well as the exception which permits its suspension on a three-fourths vote, has worked well. Their effective operation has greatly improved the orderly conduct of the work of the legislature.

While the number of assemblymen and senators remained unchanged in the new constitution of 1947, their terms were lengthened. The terms of assemblymen were increased from 1 to 2 years, and those of senators from 3 to 4 years. The obvious objective was to permit them to devote more time to their legislative duties and less time to campaigning.

The provision for $500 annual salaries for members of the legislature, which was included in the earlier constitution in 1875, was found to be grossly inadequate. Accordingly, the new constitution allowed the compensation of members of the legislature to be fixed at the first legislative session after the constitution took effect, and further provided that such compensation might be increased or decreased by law from time to time thereafter; but no increase or decrease to be effective until the legislative year following the next general election for members of the general assembly. In 1948 the annual compensation was established at $3,000 (Public Law 1948, c. 16; N.J.S.A. 52: 10A–1).

The 1844 constitution provided for calling of special sessions of the legislature by the Governor alone. This the convention's committee on the legislative termed "an unwarranted restriction on the legislative power." Although the new constitution continues this power in the Governor, it also requires him to call special sessions of the legislature upon petition of a majority of all the members of each house.

By amendment to the 1844 constitution in 1927, the legislature was empowered to enact "general laws under which municipalities, other than counties, may adopt zoning ordinances limiting and restricting to specified districts and regulating therein, buildings and structures, according to their construction, and the nature and extent of their use * * *." This limited zoning provision was broadened in the 1947 constitution (art. IV, sec. VI, par. 2) to the extent of authorizing, in addition, general legislation under which municipalities may adopt zoning ordinances providing regulation according to "the nature and extent of the uses of land." Suggestion was made to the committee on the legislative that the authority to adopt zoning ordinances be extended to counties. This the committee rejected because it feared that such an extension "would eventually lead to a conflict between counties and municipalities with relation to the exercise of zoning powers."

The 1844 constitution contained no provision authorizing excess condemnation. This was remedied in the 1947 constitution by inclusion of paragraph 3, section VI, article IV, which provides that "any agency or political subdivision of the State or any agency of a political subdivision thereof, which may be empowered to take or otherwise acquire private property for any public highway, parkway, airport, place, improvement, or use, may be authorized by law to take or otherwise acquire a fee simple absolute or any lesser interest, and may be authorized by law to take or otherwise acquire a fee simple absolute in, easements upon, or the benefit of restrictions upon, abutting property to preserve and protect the public highway, parkway, airport, place, improvement, or use; but such taking shall be with just compensation."

One of the most vexing problems which confronted both the committee on the legislative and the convention as a whole was that relating to the provision on gambling. The 1844 constitution, as amended in 1939 (art. IV, sec. VII, par. 2) prohibited the legislature from legalizing any form of gambling except parimutuel betting at duly licensed racetracks.

Substantial differences of opinion arose before the committee as to the nature and extent of any provision on the subject to be included in the new charter. In view of the divergence of opinion, the committee concluded that the people should be permitted to express their preference on the issue of whether or not the then existing gambling clause should be liberalized. Accordingly, it proposed that alternative propositions on the subject be submitted at the November 1947 election; "the first alternative being the retention of the present gambling clause; the second being a liberalized gambling clause which would permit not only parimutuel betting, but would also permit the legislature to authorize and regulate the conduct of specified games of chance by bona fide charitable, religious, fraternal and veterans organizations or associations, and volunteer fire companies, subject to local option."

After considerable discussion on the subject, the convention discarded the proposal for alternative propositions in favor of a provision (art. IV, sec. VII, par. 2 of the 1947 constitution) which in effect authorized continuance of legislation permitting parimutuel betting at duly licensed racetracks, and prohibited gambling of any other kind to be authorized by the legislature unless the specific kind, restrictions and control thereof was thereafter submitted to, and authorized by a majority of the votes cast thereon by, the legally qualified voters of the State voting at a general election.

The previous constitution prohibited the passage of private, local or special laws regulating the internal affairs of towns and counties (par. 11, sec. VII, art. IV of the 1844 constitution, as amended). Although a similar provision is contained in the 1947 constitution (art. IV, sec. VII, par. 9), with the term "municipalities formed for local government" substituted for the term "towns," an exception is provided (1947 constitution, art. IV, sec. VII, par. 10), authorizing the legislature, by vote of two-thirds of all the members of each house, to pass such private, special or local laws regulating the internal affairs of any municipal corporation formed for local government or of any county, upon petition by the governing body of such municipal corporation or county, the petition to be authorized in a manner to be prescribed by general law, and to specify the general nature of the law sought to be passed. Such law would become operative only if adopted by ordinance of the governing body of the municipality or county or by vote of the legally qualified voters thereof; the legislature to prescribe either in the particular private, special, or local law, or by general law, the method of its adoption, and the manner in which the ordinance of adoption may be enacted or the vote taken, as the case may be. Legislation implementing this provision was enacted in 1948 (Public Law 1948, c. 199; N.J.S.A. 1: 6–10 to 1: 6–20).

The purpose of this new provision, as pointed out by the convention's committee on the legislative "is to allow the legislature to deal with situations which can only be remedied by private, special, or local laws, as for instance, the changing of a provision in a charter of a specified municipality." The committee further pointed out that its proposal "amply safeguards municipalities against discriminatory action, since the legislative process can only be initiated on petition of the municipality, and the law, when passed, must be adopted by the municipality by ordinance or referendum."

The legislative article of the 1947 constitution contains another new clause (art. IV, sec. VII, par. 11), which requires the provisions of the constitution and of any law concerning municipal corporations formed for local government, or concerning counties, to be liberally construed in their favor; and also, that the powers of counties and such municipal corporations shall include not only those powers granted in express terms but also those of necessary or fair implication, or incident to the powers expressly conferred, or essential thereto, and not inconsistent with or prohibited by the constitution or by law.

EXECUTIVE

The objective of the recommendations of the convention's committee which had the task of revising the executive article was, as the committee expressed it "to bring the powers of the Governor into line with the popular impression of the powers of that office and to provide for a centralization of authority and power in the office of the Governor under reasonable checks and balances, so that the chief executive may be truly responsible to the people for the conduct of the executive branch of the government." The committee added that "while all three branches of the government should be improved and the responsibility more clearly defined, the greatest need has been to raise the relative position of the executive, which under our present constitution (the 1844 constitution) has been the weakest of the three branches."

Accordingly, the committee on executive, militia, and civil officers recommended, and the convention adopted, extensive improvements in the new executive article, including the following:

The term of office of the Governor was changed from 3 years to 4 years; and a Governor is permitted to seek reelection for one successive term, after which he is ineligible for the office until the lapse of 4 years (art. V, sec. I, par. 5).

While continuing the duty of the Governor expressed in the previous constitution to "take care that the laws be faithfully executed," the 1947 constitution implements this requirement by empowering the chief executive, to this end, "by appropriate action or proceeding in the courts brought in the name of the State, to enforce compliance with any constitutional or legislative mandate, or to restrain violation of any constitutional or legislative power or duty by any officer, department, or agency of the State; but this power shall not be construed to authorize any action or proceeding against the legislature" (art. V, sec. I, par. 11).

The new constitution has provided a proper role for the executive in the legislative process. Additional time is now afforded the Governor for the consideration of legislation passed by both houses. Previously, the Governor was required to act upon any bill within 5 days (Sundays excepted) after it had been presented to him by the legislature. If, within that time, he had not returned it to the house in which it originated, with his objections, the bill became a law in the same manner as if he had signed it—unless the legislature, by adjourning, prevented its return, in which case it did not become a law but was "pocket vetoed."

The 1947 constitution (art. V, sec. I, par. 14(a)) extends the time allowed the Governor for consideration of bills presented to

him by the legislature to 10 days (Sundays excepted) while the legislature is in session. If the bill is not returned to the house of origin within such 10-day period, it becomes a law on the 10th day, unless the house of origin is in adjournment on that day. If, on the 10th day, the house of origin is in temporary adjournment during the course of a regular or special session, the bill becomes a law on the day that house reconvenes, unless the Governor returns the bill to it on that day.

A completely new provision is added (1947 constitution, art. V, sec. I, par. 14(b)), governing the situation when the legislature is in adjournment sine die on the 10th day (Sundays excepted) after the bill has been presented to the Governor. In such case the bill becomes a law if the Governor signs it within 45 days (Sundays excepted) after such adjournment. If the Governor fails to sign the bill within the 45-day period, it becomes a law on the 45th day without his signature, unless at or before noon of that day he returns it with his objections to the house of origin at a special session of the legislature which automatically convenes on that day, without petition or call, for the sole purpose of acting on bills so returned by the Governor. Under the terms of the constitution, such a special session is not convened whenever the specified day falls on or after the last day of the legislative year in which the adjournment of the legislature is taken—and in such case any bill not signed by the Governor within the 45-day period does not become a law.

Another important feature is the new provision which authorizes the Governor, in returning with his objections any bill for reconsideration at any general or special session of the legislature, to recommend that specific amendments be made in the bill—in which case the legislature may amend and reenact the bill. If a bill is so amended and reenacted, it is again presented to the Governor, but becomes a law only if he signs it within 10 days after presentation. No bill may be returned by the Governor a second time.

It is apparent from the above discussion of the Governor's new veto power that the pocket veto has been practically eliminated. It is still possible in only two instances, i.e., where the 45th day after sine die adjournment occurs on or after the last day of the legislative year in which the adjournment is taken, and in cases where a bill has been conditionally vetoed (returned with recommended amendments), amended and reenacted by the legislature, and not signed by the Governor within 10 days after it is presented to him as amended and reenacted.

While the exercise of the conditional veto power has placed substantial new burdens upon the Governor and his staff, it has had the salutary effect of saving many meritorious bills which contained serious constitutional or technical deficiencies, omissions, or conflicting or overlapping provisions, and which without this opportunity for correction would have had to be vetoed outright.

In addition, the veto power of the Governor has been effectively strengthened by requiring a two-thirds vote of the membership of each house to override any veto, rather than a bare majority as was previously the case; and by authorizing the Governor to veto in part (in effect, to reduce) any item of appropriation of money in any bill, as well as to veto entire items.

The constitution of 1844 contained no provision for State administrative organization. It left the legislature free to create as many independent State administrative agencies as it deemed advisable. The general pattern was the creation of new and independent administrative agencies for the performance of new functions undertaken by the State, rather than the allocation of these functions to existing agencies. Although partial consolidation was effected on a few occasions, after exhaustive surveys by legislative and other committees, nevertheless, over 70 independent State administrative agencies existed in 1947 through legislative action. Moreover, although the 1844 constitution did, in terms, provide that "the executive power shall be vested in a Governor" (constitution of 1944, art. V, par. 1), it not only failed to implement this provision adequately but actually weakened it seriously in several respects. For example: the terms of the three constitutional administrative officers appointed by the Governor with the advice and consent of the senate (the attorney general, the secretary of state, and the keeper of the State prison) were longer (5 years) than the Governor's term of office (3 years). Since the Governor could not succeed himself, the terms of these administrative officers necessarily extended into or beyond the next Governor's term.

Further, the appointment of the remaining two constitutional administrative officers (the State treasurer and comptroller), was vested in the senate and general assembly. In addition, the 1844 constitution made no provision for the exercise by the Governor of a power to remove appointed administrative officers, and failed to vest in him general power to supervise or investigate the conduct of State administrative agencies.

All of these deficiencies were effectively remedied in the constitution of 1947. Section IV of article V of the new constitution provided the mandate for a modern, forward-looking structure of State administrative organization. All executive and administrative offices, departments, and instrumentalities of the State government, including the offices of secretary of state and attorney general, and their respective functions, powers, and duties are required to be allocated by law among and within not more than 20 principal departments, in such manner as to group them according to major purposes so far as practicable. Temporary commissions for special purposes are permitted to be established by law, and these need not be allocated within any principal department. Each principal department is made subject to the supervision of the Governor. The head of each principal department must be a single executive, as distinguished from a board, commission, or other body, unless otherwise provided by law. Single executives are required to be nominated and appointed by the Governor, with the advice and consent of the senate, and serve at the pleasure of the Governor during the Governor's term of office and until the appointment and qualification of their successors—except that the secretary of state and the attorney general are similarly appointed but for terms which are coterminous with that of the Governor. Where a board, commission, or other body is by law made the head of a principal department, its members are nominated and appointed by the Governor, with the advice and consent of the Senate, and may be removed in the manner provided by law. When authorized by law, such a board, commission, or other body may appoint a principal executive officer, but the appointment is subject to the approval of the Governor. Any principal executive officer so appointed, moreover, is removable by the Governor, upon notice and an opportunity to be heard.

Effective legislative implementation of these provisions has provided a State administrative structure which is looked upon as a model by many States. Fourteen principal departments—six less than the maximum number allowed by the constitution—have been established. These are the departments of agriculture, banking and insurance, civil service, conservation and economic development, defense, education, health, institutions and agencies, labor and industry, law and public safety, public utilities, state, the treasury, and the State highway department.

There were incorporated in this administrative reorganization program, the major principles of modern State administrative reorganization which had been developed over the 30 years preceding the new State constitution.

These principles, directed toward the achievement of maximum efficiency and economy in the execution of State administrative activities, are:

(1) Integration of all administrative activities of the State along functional lines within a few well-balanced principal departments;

(2) Establishment of direct lines of responsibility for the administration of such functions and activities—from the Governor, through the department heads, to the subordinate officers of each department;

(3) Providing the Governor with executive authority commensurate with his responsibilities to the people of the State; and

(4) Requirement for coordination of administrative activities, the elimination of duplicating and overlapping functions, and full utilization of all staff facilities within each principal department.

In addition to the above mentioned removal power of the Governor, the new constitution authorizes him (art. V, sec. IV, par. 5), to cause investigations to be made of the conduct in office of any officer or employee who receives his compensation from the State, except a member, officer or employee of the legislature or an officer elected by the senate and general assembly in joint meeting, or a judicial officer; and to require such officers or employees to submit to him written statements, under oath, of such information as he may call for relating to the conduct of their respective officers or employments. After notice, the service of charges and an opportunity to be heard at public hearing, the Governor may remove any such officer or employee for cause. The officer or employee is given the right of judicial review, on both the law and the fact, in such manner as shall be provided by law.

Another provision of the executive article of the 1947 constitution (art. V, sec. IV, par. 6) prohibits the taking effect of any rule or regulation made by any department, officer, agency or authority of the State (except such as relates to the organization or internal management of the State government or a part thereof) until it is filed either with the secretary of state or in such manner as shall be provided by law.

Although the legislature is required to provide for the prompt publication of such rules and regulations, general legislative provisions on the subject have not as yet been adopted. Several comprehensive administrative procedure bills which have been introduced in the legislature over the past 6 years did include effective uniform provisions governing publication of administrative rules and regulations; but none was enacted.

The previous constitution failed to make proper allocation of the power of executive clemency; nor did it provide any distinct separation between executive clemency and parole functions. It authorized the Governor (art. V, par. 9) to suspend collection of fines and forefeitures, and to grant reprieves, not to extend beyond 90 days after conviction—excluding application of this power to cases of impeachment. It also conferred upon the Governor, the chancellor, and the six judges of the court of errors and appeals, or a majority of them including the Governor, authority to remit fines and forefeitures, and grant pardons, after conviction, in all cases other than impeachment (art. V, par. 10). This body, which became known as the court of pardons, accordingly exercised both executive clemency and what amounted to parole functions.

This diffusion of executive power into the judicial branch of the government was eliminated in the new constitution of 1947, and at the same time a clear-cut distinction was made between executive clemency and parole. The Governor now has authority to grant pardons and reprieves in all cases other than impeachment or treason, and may suspend and remit fines and forfeitures (art. V, sec. II, par. 1).

The same paragraph authorizes the adoption of legislation establishing a commission or other body to aid and advise the Governor in the exercise of executive clemency. The new constitution also requires legislation providing a system for the granting of parole (art. V, sec. II, par. 2). This provision has been effectively implemented by the adoption of legislation in 1948 establishing a State parole board in the State department of institutions and agencies and defining its functions and duties (P.L. 1948, c. 84). Provision is made for this board to aid and advise the Governor in the exercise of executive clemency.

JUDICIAL

Recently, Chief Justice Arthur T. Vanderbilt, of the New Jersey State Supreme Court, pointed out that "the first essential of a sound judicial establishment is a simple system of courts, for the work of the best bench and bar may be greatly handicapped by a multiplicity of courts with overlapping jurisdictions" (Arthur T. Vanderbilt, "The Essentials of a Sound Judicial System," Northwestern University Law Review, March–April 1953, vol. 48, No. 1).

The effective incorporation of this essential is one of the fundamental characteristics of the judicial system prescribed by the constitution of 1947, which has been lauded by the Journal of the American Judicature Society as "America's best."

The committee on the judiciary of the constitutional convention set forth in its report three basic principles which guided it in framing the judicial article. These were, as the committee pointed out:

First, unification of courts: By this means, the judicial system is simplified and the condition for economical and efficient administration established. It is the sole known technique for abolishing jurisdictional controversies which delay justice and waste the time and money of litigants and courts.

Second, flexibility of the court system: By assignment of judges according to ability, experience, and need, and apportion of judicial business among courts, divisions, and parts according to the volume and type of cases, judicial resources can be fully utilized and litigation promptly decided.

Third, control over administration, practice, and procedure by rules of court: Exclusive authority over administration, and primary responsibility for establishing rules of practice and procedure, secures businesslike management of the courts as a whole and promotes simplified and more economical judicial procedures.

The extensive application in the new constitution of these fundamental principles of sound judicial organization effectively eliminated the outstanding defects of the previous court structure. As the committee pointed out, these defects, according to nearly all the witnesses who appeared before it, might be grouped in three categories:

The intolerable evil of jurisdictional controversies engendered by rival courts of law and equity dealing with the same subject matter.

The multiple functions of appellate court judges and reiterated appeals of the same case.

The total lack of businesslike organization, coordination, and supervision of the courts as a whole. A corollary feature of this condition is the practice of resigning responsibility for the formulation of practice and procedure to intermittent revision by the legislature.

The judicial reorganization provided by the constitution of 1947, coupled with the State supreme court's effective streamlining of judicial procedures, under the constant dynamic leadership and tireless efforts of its chief justice, has given the people of New Jersey by far the most effective judicial system in the Nation.

The principal features of the new judicial article (art. VI) include:

The judicial power is vested in a supreme court; a superior court, divided into an appellate division, a law division, and a chancery division; county courts; and inferior courts of limited jurisdiction. The inferior courts (e.g., county district courts, criminal judicial district courts, juvenile and domestic relations courts, joint municipal courts and municipal courts) and their jurisdiction may from time to time be established, altered, or abolished by law. In this respect it should also be noted that authority is granted for the alteration by law, as the public good may require, of the jurisdiction, powers, and functions of the county courts and of the judges of the county courts (art. VI, sec. IV, par. 4).

The new court of last resort, the supreme court, consists of a chief justice and six associate justices, and replaces the previous 16-member court of errors and appeals. The chief justice is the administrative head of all the courts in the State. He appoints an administrative director who serves at his pleasure. Appeals may be taken to the supreme court—

(a) In causes determined by the appellate division of the superior court involving a question arising under the Constitution of the United States or this State;

(b) In causes where there is a dissent in the appellate division of the superior court;

(c) In capital causes;

(d) On certification by the supreme court to the superior court and, where provided by rules of the supreme court, to the county courts and the inferior courts; and

(e) In such causes as may be provided by law (art. VI, sec. V, par. 1).

The supreme court is empowered to make rules governing the administration of all courts in the State and, subject to law, the practice and procedure in such courts; and is granted jurisdiction over admission to the practice of law and the discipline of persons admitted (art. VI, sec. II, par. 3). The phrase "subject to law" in this constitutional provision refers to substantive law, and, accordingly, the court's constitutional rule-making power is not subject to overriding legislation on the subject of practice and procedure (*Winberry* v. *Salisbury*, 5 N.J. 240, 74 A. 2d 406 (1950)).

The superior court, which replaces the former supreme court, court of chancery, prerogative court, and circuit courts, has original general jurisdiction throughout the State in all causes (art. VI, sec. III, par. 2). It consists of such number of judges as may be authorized by law, but not less than 24 (the number is presently set at 38). They are assigned to the divisions and parts of the court by the chief justice of the supreme court. Subject to supreme court rules, the law division and chancery division of the court are each required to exercise the powers and functions of the other "when the ends of justice so require, and legal and equitable relief shall be granted in any cause so that all matters in controversy between the parties may be completely determined" (art. VI, sec. III, par. 4).

The appellate division hears appeals from the law and chancery divisions, the county courts, and in such other causes as may be provided by law. The supreme court and the appellate division are authorized to exercise "such original jurisdiction as may be necessary to the complete determination of any cause on review" (art. VI, sec. V, par. 3).

While prerogative writs are superseded, there is afforded, in lieu thereof, review, hearing, and relief in the superior court "on terms and in the manner provided by rules of the supreme court, as of right, except in criminal causes where such review shall be discretionary" (art. VI, sec. V, par. 4).

A county court is established in each county, with the jurisdiction previously exercised by the court of common pleas, orphans' court, court of oyer and terminer, court of quarter sessions, and court of special sessions, and such other jurisdiction consistent with the constitution as may be conferred by law (art. VI, sec. IV, par. 1). Each county court has at least one judge, and such additional judges as provided by law. The judges are appointed by the Governor, with the advice and consent of the senate, for 5-year terms. Subject to law, in civil causes including probate causes, within their jurisdiction, the county courts "may grant legal and equitable relief so that all matters in controversy between the parties may be completely determined" (art. VI, sec. IV, par. 5).

The justices of the supreme court and the judges of all courts, except inferior courts with jurisdiction limited to a single municipality, are nominated and appointed by the Governor, with the advice and consent of the senate. At least 7 days' public notice of any proposed nomination to such an office is required to be given by the Governor before the nomination is sent to the senate for confirmation (art. VI, sec. VI, par. 1). As the committee on the judiciary pointed out, "The interval should provide an opportunity, not always afforded in the past, for an expression of public opinion."

Justices of the supreme court and judges of the superior court hold their offices for initial terms of 7 years, and upon reappointment they hold their offices during good behavior and are required to be retired at the age of 70. Provisions for pensioning of the justices of the supreme court and the judges of the superior court are required to be made by law (art. VI, sec. VI, par. 3). Legislation implementing this provision has been enacted.

Pointing out that "despite the excellence of our judicial system, this bulwark of our republican form of government may further be strengthened and improved," Governor Driscoll, in his sixth annual message to the legislature, on January 13, 1953, urged the integration of the present county courts with the superior court. He noted, among other things, that "a separate county court means separate judges who have neither the status nor the security of superior court judges"; that "the judicial assignment of county judges can only be on a temporary basis, and the present arrangement necessitates the undesirable practice of having some part-time county judges assigned to try matters pending in a higher court"; and that "existing constitutional distinctions between the superior court and the county courts require special treatment, procedures, schedules of fees, records, and trained personnel." Legislation to effectuate integration was introduced at the regular session of the legislature in 1953, but was not enacted.

BILL OF RIGHTS

Article I of the constitution of 1947, the revised and extended bill of rights, is widely recognized as the most forward-looking document of its kind in the Nation. It expresses, as Governor Driscoll pointed out in his annual message to the legislature on January 11, 1949, "the social, political, and economic ideals of the present day in a broader way than ever before in American constitutional history."

The 1844 constitution provided that "no person shall be denied the enjoyment of any

civil right merely on account of his religious principles" (1844 constitution, art. I, par. 4). The new provision (1947 constitution, art I, par. 5) is far more comprehensive, as well as far more specific. It provides that "no person shall be denied the enjoyment of any civil or military right, nor be discriminated against in the exercise of any civil or military right, nor be segregated in the militia or in the public schools, because of religious principles, race, color, ancestry, or national origin" (art. I, par. 5).

This provision has been effectively implemented by executive and legislative action. New features were incorporated into New Jersey's civil rights legislation. Segregation in the New Jersey National Guard was abolished—a step which has since been followed by a number of other States.

Another new provision of the bill of rights guarantees to persons in private employment the right to organize and bargain collectively (art. I, par. 19). The same paragraph guarantees to persons in public employment "the right to organize, present to and make known to the State, or any of its political subdivisions or agencies, their grievances and proposals through representatives of their own choosing."

The legislature is authorized (art. I, par. 9) to "provide that in any civil cause a verdict may be rendered by not less than five-sixths of the jury." This provision has been implemented by legislation adopted in 1948 (P.L. 1948, c. 120; N.J.S.A. 2A: 80–2).

It should be noted here that other significant improvements in respect to rights and privileges are to be found in other provisions of the constitution. These include the specific provision of equal constitutional rights for women. Article X (general provisions), paragraph 4 requires that whenever in the constitution "the term 'person,' 'persons,' 'people,' or any personal pronoun is used, the same shall be taken to include both sexes."

Also, the previous provision prohibiting paupers from voting (1844 constitution, art. II, par. 1) has been eliminated.

OTHER CHANGES

Other important changes in the constitution include:

Taxation and finance: By amendment adopted in 1875, the previous constitution provided that "property shall be assessed for taxes under general laws, and by uniform rules, according to its true value" (1844 constitution as amended, art. IV, sec. VII, par. 12). The 1947 constitution, while prescribing that property be assessed for taxation under general laws and by uniform rules, requires that real property assessed and taxed locally or by the State for allotment and payment to taxing districts, "be assessed according to the same standard of value," and further requires such real property to "be taxed at the general tax rate of the taxing district in which the property is situated, for the use of such taxing district" (1947 constitution, art. VIII, sec. I, par. 1).

Provisions governing exemptions from taxation have also been included in the new constitution (art. VIII, sec. I, par. 2). These authorize the granting of such exemption only by general laws; and continue, until otherwise provided by law, "all exemptions from taxation validly granted and now in existence." In addition, exemptions from taxation are subject to being altered or repealed, with the exception of "those exempting real and personal property used exclusively for religious, educational, charitable or cemetery purposes, as defined by law, and owned by any corporation or association organized and conducted exclusively for one or more of such purposes and not operating for profit."

Specific provision is also made for certain exemptions to citizens and residents of the State who are honorably discharged or released war veterans and to widows of citizen and resident servicemen who die on active duty in time of war (1947 constitution, art. VIII, sec. I, par. 3).

The new constitution incorporates the principle of one general appropriation law for each fiscal year; and prohibits enactment of any law appropriating money for any State purpose "if the appropriation contained therein, together with all prior appropriations made for the same fiscal period, shall exceed the total amount of revenue on hand and anticipated which will be available to meet such appropriations during such fiscal period, as certified by the Governor" (1947 constitution, art. VIII, sec. II, par. 2).

The previous constitutional limitation imposed upon the legislature with respect to creation of any State debt or liability, other than such as were authorized in enactments meeting specified requirements and approved by referendum, has been revised. Any such debt or liability, together with prior debts or liabilities outstanding, could not, under the 1844 constitution, exceed $100,000 except for purposes of war, or to repel invasion, or to suppress insurrection (art. IV, sec. VI, par. 4). The $100,000 limitation has been changed to 1 percent of the total amount appropriated by the general appropriation law, for the fiscal year in which the debt or liability is created. The exceptions contained in the 1844 constitution, above noted, are extended by making the limitation also inapplicable to the creation of debts or liabilities for the purpose of meeting an emergency caused by disaster or act of God (1947 constitution, art. VIII, sec. II, par. 3).

The taxation and finance article of the new constitution also makes provision for stimulation of clearance, replanning development or redevelopment of blighted areas (art. VII, sec. III, par. 1).

It also authorizes the legislature, within reasonable limitations as to distance to be prescribed, to provide for the transportation to and from any school, of children within the ages of 5 to 18 years, inclusive (art. VIII, sec. IV, par. 3).

Civil service: The principle of the merit system in civil service is specifically incorporated in the new constitution (art. VII, sec. I, par. 2): "Appointments and promotions in the civil service of the State, and of such political subdivisions as may be provided by law, shall be made according to merit and fitness to be ascertained, as far as practicable, by examination, which, as far as practicable, shall be competitive; except that preference in appointments by reason of active service in any branch of the military or naval forces of the United States in time of war may be provided by law."

Amendments: Under the amending provision of the 1844 constitution any proposed amendment to the constitution was required to be adopted by a majority vote of each of the two houses of the legislature at each of two sessions (by consecutive legislature, with publication as required prior to election of the second legislature) and thereafter submitted to referendum at a special election (1844 constitution, art. IX). In adition, no amendment could be submitted to the people by the legislature oftener than once in 5 years.

The 1947 constitution extensively liberalizes the amending process by authorizing any proposed amendment to be submitted to the people if the same is agreed to by three-fifths of all the members of each house at one session or by a majority at each of two sessions (in separate legislative years) (art. IX, par. 1). The proposed amendment is required to be printed and placed on the desks of the members of each house of the legislature at least 20 calendar days prior to the first vote thereon in the house in which it is introduced. Thereafter and prior to such vote, public hearing must be held on the proposed amendment.

Each proposed amendment so adopted by the legislature, and published as required, must then be submitted to the people at the next general election. Accordingly, the expense of conducting a special election is eliminated. If at the election the proposed amendment is not approved, then neither the same proposed amendment nor one to effect the same or substantially the same change in the constitution can be submitted to the people before the third general election thereafter (art. IX, par. 7).

At the 1953 general election, two amendments to the constitution were approved: one relating to the conduct, under certain conditions, of games of chance called bingo and raffles (amendment to art. IV, sec. VII, par. 2); and another extending the veterans' widows' tax exemption features of article VIII, section I, paragraph 3.

More and more students of constitutional government throughout the Nation and even in far distant lands have come to hail the product of the New Jersey Constitutional Convention of 1947 as a model State charter. Its effective implementation has achieved extensive tangible improvement in each of the branches of the State government, and accordingly continues to yield mounting benefits to all the people of New Jersey.

Chafee summarizes the New Jersey rules prior to the adoption of the 1945 constitution by saying all persons living in the State 1 year and county 5 months can vote; all voters in municipalities must have registered since December 20, 1941; and registration in rural sections is to be by house-to-house canvass and personal appearance. At one time, long before the 19th amendment, women were allowed to vote in New Jersey for a short period. See Porter, "History of Suffrage in the United States," page 67.

Woman suffrage was almost unheard of up to the middle of the 19th century. The exceptional case in New Jersey proves the rule, and the facts have been retold so many times that apologies should be offered for giving them here. In the New Jersey constitution of July 2, 1776, the privilege of voting for assemblymen was given to "all inhabitants of full age who are worth 50 pounds proclamation money." There was nothing to indicate that anybody expected women to take advantage of this clause, and it seems that they did not do so in sufficiently large numbers to attract any attention, for in 1797 the new constitution contained the phrase "all free inhabitants," etc. But some closely contested elections a few years later stimulated interest to such an extent that women did seek to vote, and no legal impediment could be discovered to prevent them. The action ultimately led to such disorders that in 1807 the legislature took proper steps to put a stop to woman suffrage for good and all (Porter, supra, p. 136, first paragraph).

New Jersey was one of the first States to allow women to vote in school elections.

In 1820 the Negro problem was felt even in New Jersey, and they altered their constitution to exclude Negroes by defining their qualifications in terms of "white males." See Porter, supra, page 90.

It is also of interest to note the trend away from property requirements in the absence of the former one when the 1844 constitution was drawn.

Georgia was one of the early colonies which later fell heir to the problems of all Southern States. Georgia was chartered in 1732. At a convention in Savannah, Georgia's first constitution was framed and agreed to in 1777. Article IX provided for the qualifications of voters:

All male white inhabitants, of the age of 21 years, and possessed in his own right of £10 value, and liable to pay tax in this State, or being of any mechanic trade, and shall have been resident 6 months in this State, shall have a right to vote at all elections for representatives, or any other officers, herein agreed to be chosen by the people at large; and every person having a right to vote at any election shall vote by ballot personally (II Thorpe, supra, p. 779, art. IX).

Here we find the exclusion of the Negroes in the first constitution because of their presence in that State in sufficient numbers at that time to raise the issue. The lack of that presence is reflected in Northern and Western States by their failure to make any such provisions.

In 1789 another constitution was framed. Here we find:

The electors of the members of both branches of the general assembly shall be citizens and inhabitants of this State, and shall have attained to the age of 21 years, and have paid tax for the year preceding the election, and shall have resided 6 months within the country.

All elections shall be by ballot, and the house of representatives, in all appointments of the State officers, shall vote for three persons; and a list of the three persons having the highest number of votes shall be signed by the speaker, and sent to the senate, which shall from such list determine, by a majority of their votes, the officer elected, except militia officers and the secretaries of the Governor, who shall be appointed by the Governor alone, under such regulations and restrictions as the general assembly may prescribe. The general assembly may vest the appointment of inferior officers in the Governor, the courts of justice, or in such other manner as they may by law establish (II Thorpe, supra, p. 789, art. IV, secs. 1 and 2).

The "liable to tax" has changed to "have paid tax."

The electors of members of the general assembly shall be citizens and inhabitants of this State, and shall have attained the age of 21 years, and have paid all taxes which may have been required of them, and which they may have had an opportunity of paying, agreeably to law, for the year preceding the election, and shall have resided 6 months within the county; *Provided*, That in case of an invasion, and the inhabitants shall be driven from any county, so as to prevent an election therein, such refugee inhabitants, being a majority of the voters of such county, may meet under the direction of any three justices of the peace thereof, in the nearest county not in a state of alarm, and proceed to an election, without having paid such tax so required of electors; and the persons elected thereat shall be entitled to their seats (II Thorpe, supra, p. 800, art. IV, sec. 1).

This is found in the 1798 Constitution. In 1865, just after the Civil War, another constitution came into being. Again note the prominence of the Negro problem:

The electors or members of the general assembly shall be free white male citizens of this State, and shall have attained the age of 21 years, and have paid all taxes which may have been required of them, and which they have had an opportunity of paying, agreeable to law, for the year preceding the election; shall be citizens of the United States, and shall have resided 6 months either in the district or county, and 2 years within this State, and no person not qualified to vote for members of the general assembly shall hold any office in this State (Thorpe II, supra, p. 820, art. V, sec. 1).

In 1868 Major General Meade called a convention in Atlanta and submitted a constitution to the people, which was ratified by a narrow margin:

SECTION 1. In all elections by the people the electors shall vote by ballot.

SEC. 2. Every male person born in the United States, and every male person who has been naturalized, or who has legally declared his intention to become a citizen of the United States, 21 years old or upward, who shall have resided in this State 6 months next preceding the election, and shall have resided 30 days in the county in which he offers to vote, and shall have paid all taxes which may have been required of him, and which he may have had an opprtunity of paying, agreeably to law, for the year preceding the election (except as hereinafter provided), shall be deemed an elector; and every male citizen of the United States of the age aforesaid (except as hereinafter provided) who may be a resident of the State at the time of the adoption of this constitution shall be deemed an elector, and shall have all the rights of an elector as aforesaid: *Provided*, That no soldier, sailor, or marine in the military or naval service of the United States shall acquire the rights of an elector by reason of being stationed on duty in this State; and no person shall vote who, if challenged, shall refuse to take the following oath:

"I do swear that I have not given or received, nor do I expect to give or receive, any money, treat, or other thing of value, by which my vote, or any vote, is affected, or expected to be affected, at this election, nor have I given or promised any reward, or made any threat, by which to prevent any person from voting at this election."

I know it is monotonous for me to read the qualifications of electors of the various States, but I simply do it to show how jealous the various States are of their rights to fix qualifications of voters. These qualifications were not only written into the constitutions of the States, but were also supplemented by statute.

Here we have a bill before us which seeks to put the big arm of the Federal Government into the affairs of the individual States and qualify electors.

Mr. President, I am still reading from the constitution of the State of Georgia, just as I read from the constitutions of the States of New Jersey, Delaware, and Pennsylvania.

SEC. 3. No person convicted of felony or larceny before any court of this State, or of or in the United States, shall be eligible to any office or appointment of honor or trust within this State, unless he shall have been pardoned.

SEC. 4. No person who is the holder of any public moneys shall be eligible to any office in this State until the same is accounted for and paid into the treasury.

SEC. 5. No person who, after the adoption of this constitution, being a resident of this State, shall engage in a duel in this State, or elsewhere, or shall send or accept a challenge, or be aider or abetter to such duel, shall vote or hold office in this State; and every such person shall also be subject to such punishment as the law may prescribe.

Imagine, Mr. President, dualists were disenfranchised.

SEC. 6. The general assembly may provide, from time to time, for the registration of all electors, but the following classes of persons shall not be permitted to register, vote, or hold office: (1) Those who shall have been convicted of treason, embezzlement of public funds, malfeasance in office, crime punishable by law with imprisonment in the penitentiary, or bribery; (2) idiots or insane persons.

SEC. 7. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest for 5 days before an election, during the election, and 2 days subsequent thereto.

SEC. 8. The sale of intoxicating liquors on days of election is prohibited (Thorpe II, supra, p. 825, art. II, first eight sections).

A problem indigeneous to the particular State has arisen here in the prevalence of the custom of dueling. The State has taken this mode of discouragement; namely, deprivation of voting privilege.

In the constitution of 1877 the provisions were slightly varied in form but not in substance.

By amendment, the Georgia Constitution was made to read:

ARTICLE II, SECTION I

PAR. I. Registration: After the year 1908, elections by the people shall be by ballot, and only those persons shall be allowed to vote who have been first registered in accordance with the requirements of law (added by an amendment adopted October 7, 1908).

This refers to State law, not Federal law.

PAR. II. Qualifications of voters: Every male citizen of this State who is a citizen of the United States, 21 years old or upward, not laboring under any of the disabilities named in this article, and possessing the qualifications provided by it, shall be an elector and entitled to register and vote at any election by the people: *Provided*, That no soldier, sailor, or marine in the military or naval services of the United States shall acquire the rights of an elector by reason of being stationed on duty in this State (as amended October 7, 1908).

PAR. III. Residence—Poll tax: To entitle a person to register and vote at any election by the people, he shall have resided in the State 1 year next preceding the election, and in the county in which he offers to vote 6 months next preceding the election, and shall have paid all poll taxes that he may have had an opportunity of paying agreeably to law. Such payment must have been made at least 6 months prior to the election at which he offers to vote, except when such elections are held within 6 months from the expiration of the time fixed by law for the payment of such taxes (as amended November 8, 1932).

PAR. IV. Additional qualifications: Every male citizen of this State shall be entitled to register as an elector, and to vote in all elections in said State, who is not disqualified under the provisions of section 2 of article 2 of this constitution, and who possesses the qualifications prescribed in paragraphs 2 and 3 of this section or who will possess them at the date of the election occurring next after his registration, and who in addition thereto comes within either of the classes provided for in the five following subdivisions of this paragraph:

1. Veterans: All persons who have honorably served in the land or naval forces of the United States in the Revolutionary War, or in the War of 1812, or in the war with Mexico, or in any war with the Indians, or in the War Between the States, or in the war with Spain, or who honorably served

in the land or naval forces of the Confederate States or of the State of Georgia in the War Between the States; or

2. Descendents of veterans: All persons lawfully descended from those embraced in the classes enumerated in the subdivision next above; or

3. Good character: All persons who are of good character and understand the duties and obligations of citizenship under a republican form of government; or

4. Literacy: All persons who can correctly read in the English language any paragraph of the Constitution of the United States or of this State and correctly write the same in the English language when read to them by any one of the registrars, and all persons who solely because of physical disability are unable to comply with the above requirements but who can understand and give a reasonable interpretation of any paragraph of the Constitution of the United States or of this State, that may be read to them by any one of the registrars.

5. Land ownership: Any person who is the owner in good faith in his own right of at least 40 acres of land situated in this State, upon which he resides, or is the owner in good faith in his own right of property situated in this State and assessed for taxation at the value of $500 (Constitution of the States and United States, p. 360, art. II, pars. 1–4).

Georgia adopted another constitution in 1945, in which it is provided:

ARTICLE II. ELECTIVE FRANCHISE

SECTION I

2–701. (6395) PAR. I. Elections by ballot; registration of voters: Elections by the people shall be by ballot, and only those persons shall be allowed to vote who have been first registered in accordance with the requirements of law.

2–702. (6396) PAR. II. Who shall be an elector entitled to register and vote: Every citizen of this State who is a citizen of the United States, 18 years old or upward, not laboring under any of the disabilities named in this article, and possessing the qualifications provided by it, shall be an elector and entitled to register and vote at any election by the people: *Provided*, That no soldier, sailor, or marine in the military or naval services of the United States shall acquire the rights of an elector by reason of being stationed on duty in this State.

Throughout the constitution of Georgia there are written qualifications, in the same manner as I pointed out to be the case in Louisiana, in my speech on yesterday.

2–703. (6397) PAR. III. Who entitled to register and vote: To entitle a person to register and vote at any election by the people, he shall have resided in the State 1 year next preceding the election, and in the county in which he offers to vote 6 months next preceding the election.

2–704. (6398) PAR. IV. Qualifications of electors: Every citizen of this State shall be entitled to register as an elector, and to vote in all elections in said State, who is not disqualified under the provisions of section II of article II of this constitution, and who possesses the qualifications prescribed in paragraphs II and III of this section or who will possess them at the date of the election occurring next after his registration, and who in addition thereto comes within either of the classes provided for in the two following subdivisions of this paragraph:

1. All persons who are of good character and understand the duties and obligations of citizenship under a republican form of government; or

2. All persons who can correctly read in the English language any paragraph of the Constitution of the United States or of this State and correctly write the same in the English language when read to them by any one of the registrars, and all persons who solely because of physical disability are unable to comply with the above requirements but who can understand and give a reasonable interpretation of any paragraph of the Constitution of the United States or of this State that may be read to them by any one of the registrars.

2–705. (6400) PAR. V. Appeal from decision of registrars: Any person to whom the right of registration is denied by the registrars upon the ground that he lacks the qualifications set forth in the two subdivisions of paragraph IV shall have the right to take an appeal, and any citizen may enter an appeal from the decision of the registrars allowing any person to register under said subdivisions. All appeals must be filed in writing with the registrars within 10 days from the date of the decision complained of, and shall be returned by the registrars to the office of the clerk of the superior court to be tried as other appeals.

2–706. (6401) PAR. VI. Judgment of force pending appeal: Pending an appeal and until the final decision of the case, the judgment of the registrars shall remain in full force.

SECTION II

2–801. (6404) PAR. I. Registration of electors; who disfranchised: The general assembly may provide, from time to time, for the registration of all electors, but the following classes of persons shall not be permitted to register, vote, or hold any office, or appointment of honor, or trust in this State, to wit: First, those who shall have been convicted in any court of competent jurisdiction of treason against the State, of embezzlement of public funds, malfeasance in office, bribery, or larceny, or of any crime involving moral turpitude, punishable by the laws of this State with imprisonment in the penitentiary, unless such persons shall have been pardoned; second, idiots and insane persons.

SECTION III

2–901. (6405) PAR. I. Privilege of electors from arrest: Electors shall, in all cases, except for treason, felony, larceny, and breach of the peace, be privileged from arrest during their attendance on elections, and in going to and returning from the same.

SECTION IV

2–1001. (6406) PAR. I. Holder of public funds: No person who is the holder of any public money, contrary to law, shall be eligible to any office in this State until the same is accounted for and paid into the treasury.

Here are a number of clauses which merit attention. We find the education clause so called, the literacy tests, and good character clause. Also, it is odd to find a provision requiring property ownership in some form inserted as late as 1908. Georgia had abandoned the property qualification in 1789. See Porter, "History of Suffrage in the United States," page 22. Georgia has recently amended its constitution permitting persons who have reached the age of 18 years to vote. Poll taxes have been abolished and I may add that they have been abolished as provided for by the constitution of the State of Georgia.

Connecticut was chartered early in the 17th century but it was 1818 before a constitution was drawn in convention at Hartford. Article 6 governed the qualifications of electors:

Article 6 of the qualification of electors:

SECTION 1. All persons who have been, or shall hereafter, previous to the ratification of this constitution, be admitted freemen, according to the existing laws of this State, shall be electors.

SEC. 2. Every white—

"White"—accent on "white"—

SEC. 2. Every white male citizen of the United States, who shall have gained a settlement in this State, attained the age of 21 years, and resided in the town in which he may offer himself to be admitted to the privilege of an elector, at least 6 months preceding; and have a freehold estate of the yearly value of $7 in this State; or, having been enrolled in the militia, shall have performed military duty therein for the term of 1 year next preceding the time he shall offer himself for admission, or being liable thereto shall have been, by authority of law, excused therefrom; or shall have paid a State tax within the year next preceding the time he shall present himself for such admission; and shall sustain a good moral character, shall, on his taking such oath as may be prescribed by law, be an elector.

SEC. 3. The privileges of an elector shall be forfeited by a conviction of bribery, forgery, perjury, dueling, fraudulent bankruptcy, theft, or other offense for which an infamous punishment is inflicted.

SEC. 4. Every elector shall be eligible to any office in this State, except in cases provided for in this constitution.

SEC. 5. The selectmen and town clerk of the several towns shall decide on the qualifications of electors, at such times and in such manner as may be prescribed by law.

SEC. 6. Laws shall be made to support the privilege of free suffrage, prescribing the manner of regulating and conducting meetings of the electors, and prohibiting, under adequate penalties, all undue influence therein, from power, bribery, tumult, and other improper conduct.

SEC. 7. In all elections of officers of the State, or members of the general assembly, the votes of the electors shall be by ballot.

SEC. 8. At all elections of officers of the State or members of the general assembly, the electors shall be privileged from arrest during their attendance upon, and going to, and returning from the same, on any civil process.

SEC. 9. The meetings of the electors for the election of the several State officers by law annually to be elected, and members of the general assembly of this State, shall be holden on the first Monday of April in each year (Thorpe I, supra, p. 544, art. 6).

Section 2 of article VI of the 1819 constitution was amended by article VIII of the articles of amendment, in 1838, to delete the property requirements:

Every white male citizen of the United States, who shall have attained the age of 21 years, who shall have resided in this State for a term of 1 year next preceding, and in the town in which he may offer himself to be admitted to the privileges of an elector, at least 6 months next preceding the time he may so offer himself, and shall sustain a good moral character, shall, on his taking such oath as may be prescribed by law, be an elector (Gen. Stat. of Conn., art. VIII, p. 47).

In 1855, section 2 was amended by article XI of the amendments, to impose a literacy test:

Every person shall be able to read any article of the constitution or any section of the statutes of this State before being admitted as an elector (Gen. Stat. of Conn., art. XI, p. 48).

Mr. President, it is singular that in most of these State constitutions almost identical language is used. Almost the same exceptions are made as to those who can and those who cannot vote. What I am presenting to the Senate at the moment is the constitutions and the amendments thereto of the Thirteen Original States. I had the hope of completing that resolution this evening, but I doubt whether I shall be able to do so. I suppose I shall have to do so at some later time. As I understand, I was permitted to hold the floor for only 3 hours.

Article XXIII of the amendments, approved in 1876, amended article VIII of the amendments to remove the racial requirement:

Every male citizen of the United States, who shall have attained the age of 21 years, who shall have resided in this State for a term of 1 year next preceding, and in the town in which he may offer himself to be admitted to the privileges of an elector, at least 6 months next preceding the time he may so offer himself, and shall sustain a good moral character, shall, on his taking such oath as may be prescribed by law, be an elector (Gen. Stat. of Conn., p. 47).

Article XXIX of the amendments, adopted in October of 1897, amended the literacy requirement by declaring that not only must electors be able to read any article of the constitution or any section of the statutes of Connecticut before being admitted as an elector, but they had to be able to read the constitution or the statutes "in the English language":

Every person shall be able to read in the English language any article of the constitution or any section of the statutes of this State before being admitted an elector (Gen. Stat. of Conn., art. XXIX, p. 53).

Section 3 of article VI was amended in 1875 by article XVII of the articles of amendments, to permit the general assembly to restore the privileges of an elector to persons convicted of crime. That amendment read:

The general assembly shall have power by a vote of two-thirds of the members of both branches to restore the privileges of an elector to those who may have forfeited the same by a conviction of crime (Gen. Stat. of Conn., art. XVII, p. 50).

Section 5 of article VI was amended in 1932 by article XXXVIII of the amendments, to permit selectmen and town clerks, or assistant town clerks, to determine the qualifications of electors:

Section 5 of article VI is amended to read as follows:

"The selectmen and town clerks or an assistant town clerk of the several towns, shall decide on the qualifications of electors, at such times and in such manner as prescribed by law" (Gen. Stat. of Conn., art. XXXVIII, p. 55).

Voting machines were authorized in 1905 for use in Connecticut elections, with the ratification of article XXXIII of the articles of amendment:

Voting machines or other mechanical devices for voting may be used in all elections in this State, under such regulations as may be prescribed by law; provided, however, that the right of secret voting shall be preserved (Gen. Stat. of Conn., art. XXXIII, p. 54).

Now I may pose a question. How in the name of common sense can the ballots in Connecticut be impounded when voting machines are used? As I pointed out yesterday, we have voting machines in the State of Louisiana, and we would be unable to comply with the requirements of the proposed law. As I pointed out, it would violate the secrecy of the ballot, because the only thing that could be done would be to have the elector state under oath for whom he votes, and impound that ballot. What would become of the secrecy of the ballot, which is provided for in the constitution of practically every State in the Union?

Section 9 of article VI was amended in 1875 to change the dates of election and terms of office of State officials:

SECTION 1. A general election for Governor, Lieutenant Governor, secretary of state, treasurer, comptroller, and members of the general assembly, shall be held on the Tuesday after the first Monday of November 1876 and annually thereafter for such officers as are herein and may be hereafter prescribed.

SEC. 2. The State officers above named and the senators from those districts having even numbers elected on the Tuesday after the first Monday of November 1876 and those elected biennially thereafter on the Tuesday after the first Monday of November shall respectively hold their offices for 2 years from and after the Wednesday following the first Monday of the next succeeding January. The senators from those districts having odd numbers elected on the Tuesday after the first Monday of November 1876 shall hold their offices for 1 year from and after the Wednesday following the first Monday of January 1877, the electors residing in the senatorial districts having odd numbers shall on the Tuesday after the first Monday of November 1877 and biennially thereafter elect senators who shall hold their offices for 2 years from and after the Wednesday following the first Monday of the next succeeding January. The representatives elected from the several towns on the Tuesday after the first Monday of November 1876 and those elected annually thereafter shall hold their offices for 1 year from and after Wednesday following the first Monday of the next succeeding January.

SEC. 3. There shall be a stated session of the general assembly in Hartford on the Wednesday after the first Monday of January 1877 and annually thereafter on the Wednesday after the first Monday of January.

SEC. 4. The persons who shall be severally elected to the State offices and general assembly on the first Monday of April 1876 shall hold such offices only until the Wednesday after the first Monday of January 1877.

SEC. 5. The general assembly elected in April 1876 shall have power to pass such laws as may be necessary to carry into effect the provisions of this amendment (Gen. Stat. of Conn., art. XVI, pp. 49–50).

Section 9 was again amended by article XXVII of the amendments in 1884, and, once again, the time of general elections was changed:

SECTION 1. A general election for Governor, Lieutenant Governor, secretary, treasurer, comptroller, and members of the general assembly shall be held on the Tuesday after the first Monday of November 1886, and biennially thereafter, for such officers as are herein and may be hereafter prescribed.

SEC. 2. The State officers above named and members of the general assembly elected on the Tuesday after the first Monday of November 1896, and those elected biennially thereafter on the Tuesday after the first Monday of November, shall hold their respective offices from the Wednesday following the first Monday of the next succeeding January until the Wednesday after the first Monday of the third succeeding January, and until their successors are duly qualified.

SEC. 3. The compensation of members of the general assembly shall not exceed $300 for the term for which they are elected, and one mileage each way for the regular session at the rate of 25 cents per mile; they shall also receive one mileage at the same rate for attending any extra session called by the Governor.

SEC. 4. The regular sessions of the general assembly shall commence on the Wednesday following the first Monday of the January next succeeding the election of its members.

SEC. 5. The senators elected on the Tuesday after the first Monday of November 1885, shall hold their offices only until the Wednesday after the first Monday of January 1887 (Gen. Stat. of Conn., art. XXVII, p. 42).

In 1955 Connecticut repealed articles I to XI of its constitution, and articles of amendment I to XLVII. In their place Connecticut substituted a completely revised constitution. Article VI dealing with the qualifications of electors, reads as follows:

Article VI of the qualifications of electors.

SEC. 1. Every citizen of the United States, who shall have attained the age of 21 years, who shall have resided in this State for a term of 1 year next preceding, and in the town in which he may offer himself to be admitted to the privileges of an elector, at least 6 months next preceding the time he may so offer himself, and shall be able to read in the English language any article of the constitution or any section of the statutes of this State, and shall sustain a good moral character, shall, on his taking such oath as may be prescribed by law, be an elector.

SEC. 2. The general assembly shall by law prescribe the offenses on conviction of which the privileges of an elector shall be forfeited and the conditions on which and methods by which such rights may be restored.

SEC. 3. Every elector shall be eligible to any office in this State, except in cases provided for in this constitution.

SEC. 4. The selectmen and town clerks or an assistant town clerk of the several towns, shall decide on the qualifications of electors, at such times and in such manner as prescribed by law.

SEC. 5. Laws shall be made to support the privilege of free suffrage, prescribing the manner of regulating and conducting meetings of the electors, and prohibiting, under adequate penalties, all undue influence therein, from power, bribery, tumult, and other improper conduct.

SEC. 6. The general assembly shall have power to provide by law for voting by qualified voters of the State who are absent from the city or town of which they are inhabitants at the time of an election or because of sickness or physical disability are unable to appear at the polling places on the day of election, in the choice of any officer to be elected or upon any question to be voted on at such election.

SEC. 7. In all elections of officers of the State, or members of the general assembly, the votes of the electors shall be by ballot, either written or printed, except that voting machines or other mechanical devices for voting may be used in all elections in this State, under such regulations as may be prescribed by law; provided, however, that the right of secret voting shall be preserved.

SEC. 8. At all elections of officers of the State, or members of the general assembly, the electors shall be privileged from arrest, during their attendance upon, and going to,

and returning from the same, on any civil process (1955 supp. to Conn. Gen. Stat., art. VI, pp. XXXIX, XL).

Connecticut was one of the five States, with New Jersey, Rhode Island, Virginia, and Tennessee, which stuck to the property test to the last believing the landed man was most to be trusted.

Only property holders were deemed to have a permanent interest in the government and therefore to be the only safe repository of the elective franchise (see McCulloch, "Suffrage and Its Problems," pp. 36–39).

Also, as the older property qualifications broke down, individuals began to be disfranchised for other reasons. As early as 1650 Connecticut—long before their constitution—provided in the Andrus Code, that one publicly whipped was disqualified as a freeman and denied the franchise—see McCulloch, supra, page 39—Connecticut was one of the first States to allow women to participate in school elections.

The alien problem was felt in Connecticut, an Eastern State with industrial and manufacturing areas. In Connecticut:

A constitutional amendment was passed in 1855 prescribing that ability to read the constitution or statutes would be a requirement for exercising the right of suffrage. There is no doubt that this was aimed directly at the foreigners, although natives must have come under it also (see Porter, "History of Suffrage in United States," p. 118).

Massachusetts was first chartered in 1620 by King James, under the charter of New England, which was surrendered in 1639 to King Charles. In 1780 was drawn up the first constitution or form of government for the Commonwealth of Massachusetts. Part the first, article IX, provides:

All elections ought to be free; and all the inhabitants of this Commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments (Thorpe, 3, supra, p. 1891, art. IX).

What these qualifications are we find in part the second, chapter I, section II, article II:

II. The senate shall be the first branch of the legislature; and the senators shall be chosen in the following manner, viz.: there shall be a meeting on the first Monday in April, annually, forever, of the inhabitants of each town in the several counties of this Commonwealth; to be called by the selectmen, and warned in due course of law, at least 7 days before the first Monday in April for the purpose of electing persons to be senators and councilors and at such meetings every male inhabitant of 21 years of age and upward, having a freehold estate within the Commonwealth, of the annual income of 3 pounds or any estate of the value of 60 pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant and to remove all doubts concerning the meaning of the word "inhabitant" in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office, or place within this State, in that town, district, or plantation where he dwelleth, or hath his home.

The selectmen of the several towns shall preside at such meetings impartially; and shall receive the votes of all the inhabitants of such towns present and qualified to vote for senators, and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of voices against his name; and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the Commonwealth for the time being, with a superscription, expressing the purport of the contents thereof, and delivered by the town clerk of such towns, to the sheriff of the county in which such town lies, 30 days at least before (the last Wednesday in May) (annually); or it shall be delivered into the secretary's office 17 days at least before the said (last Wednesday in May) and the sheriff of each county shall deliver all such certificates by him received, into the secretary's office, 17 days before the said (last Wednesday in May).

And the inhabitants of plantations unincorporated, qualified as this constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for councilors and senators in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation meetings for that purpose shall be held annually on the same first Monday in April at such place in the plantations, respectively, as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution. And all other persons living in places unincorporated qualified as aforesaid who shall be assessed to the support of government by the assessors of an adjacent town, shall have the privilege of giving in their votes for councilors and senators in the town where they shall be assessed, and be notified of the place of meeting by the selectmen of the town where they shall be assessed, for that purpose, accordingly (Thorpe, 3, supra, p. 1895, art. II, p. 1896).

The provisions of this article as to the time of the meetings for the election of senators who have been superseded by article XV—section 117—of the amendments, as amended by article XLIV, section 201, of the amendments.

Article XV, section 117, of the amendments, ratified in 1855, provided for annual elections:

SEC. 117; ART. XV. Time of election of Governor and legislature: The meeting for the choice of Governor, Lieutenant Governor, senators and representatives, shall be held on the Tuesday next after the first Monday in November (annually); but in case of a failure to elect representatives on that day, a second meeting shall be holden for that purpose on the fourth Monday of the same month of November.

Article LXIV, section 201, of the amendments, approved in 1918, calls for biennial elections:

SEC. 201; ART. LXIV. Biennial election of State officers, councilors, senators and representatives; terms of office: Section 1, the Governor, Lieutenant Governor, councilors, secretary, treasurer and receiver-general, attorney general, auditor, senators and representatives, shall be elected biennially. The Governor, Lieutenant Governor and councilors shall hold their respective offices from the first Wednesday in January succeeding their election to and including the first Wednesday in January in the third year following their election and until their successors are chosen and qualified. The terms of senators and representatives shall begin with the first Wednesday in January succeeding their election and shall extend to the first Wednesday in January in the third year following their election and until their successors are chosen and qualified. The terms of the secretary, treasurer and receiver-general, and attorney general, and auditor, shall begin with the third Wednesday in January succeeding their election and shall extend to the third Wednesday in January in the third year following their election and until their successors are chosen and qualified.

The article relating to election of senators was modified by section 74 of the original constitution, chapter II, section III of part the second, which in turn was modified by article X, section 112, and article XIII, section 115, of the amendments, and finally superseded by Article XVI, section 118, of the amendments.

Section 74 of the original constitution read as follows:

Nine councilors shall be annually chosen from among the persons returned for councilors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room: and in case there shall not be found upon the first choice, the whole number of nine persons who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left shall constitute the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.

Article X, section 112, of the amendments, ratified in 1831, modified section 74 by changing the date of the beginning of political years:

SEC. 112; ART. X. Political year; assembling of general court, etc.: The political year shall begin on the first Wednesday of January instead of the last Wednesday of May, and the general court shall assemble every year on the said first Wednesday (of) January, and shall proceed at that session to make all the elections, and do all the acts which are by the constitution required to be made and done at the session which has heretofore commenced on the last Wednesday of May. And the general court shall be dissolved on the next day preceding the first Wednesday of January, without any proclamation or other act of the Governor. But nothing herein contained shall prevent the general court from assembling at such other times as they shall judge necessary, or when called together by the Governor. (The Governor, Lieutenant Governor and councilors, shall also hold their respective offices for one year next following the first Wednesday of January, and until others are chosen and qualified in their stead.)

(The meeting for the choice of Governor, Lieutenant Governor, senators and representatives shall be held on the second Monday of November in every year, but meetings may be adjourned if necessary, for the choice of representatives, to the next day, and again to the next succeeding day but no further. But in case a second meeting shall be necessary for the choice of representatives, such meetings shall be held on the fourth Monday of the same month of November.)

All the other provisions of the constitution, respecting the elections and proceedings of the members of the general court, or of any other officers or persons whatever, that have reference to the last Wednesday of May, as the commencement of the political year, shall be so far altered as to have like reference to the first Wednesday of January.

(This article shall go into operation on the first day of October next following the day when the same shall be duly ratified and

adopted as an amendment to the constitution;—and the Governor, Lieutenant Governor, councilors, senators, representatives, and all other State officers, who are annually chosen, and who shall be chosen for the current year when the same shall go into operation, shall hold their respective offices until the first Wednesday of January then next following, and until others are chosen and qualified in their stead, and no longer—and the first election of the Governor, Lieutenant Governor, senators, and representatives to be had in virtue of this article shall be had conformably thereunto, in the month of November following the day on which the same shall be in force, and go into operation pursuant to the foregoing provision.

All the provisions of the existing constitution inconsistent with the provisions herein contained are hereby wholly annulled.),

Then article XIII, section 115, of the amendments abolished in 1840 the requirement of real property ownership as a qualification for holding State office:

SEC. 115; ART. XIII. Property qualifications for certain offices abolished: No possession of a freehold or of any other estate shall be required as a qualification for holding a seat in either branch of the general court, or in the executive council.

In 1855, Massachusetts adopted article XVI, section 118, of the amendments, which superseded section 74, specifying the number, qualifications and manner of electing councilors:

SEC. 118; ART. XVI. Councilors; number, qualifications, and election of: Eight councilors shall be (annually) chosen by the inhabitants of this Commonwealth, qualified to vote for Governor. The election of councilors shall be determined by the same rule that is required in the election of Governor. The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next State census shall have been taken, and at its first session after each decennial State census thereafterward, shall divide the Commonwealth into eight districts of contiguous territory, each containing a number of inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one councilor: *Provided, however,* That if, at any time the constitution shall provide for the division of the Commonwealth into 40 senatorial districts, then the legislature shall so arrange the councilor districts that each district shall consist of five contiguous senatorial districts, as they shall be, from time to time, established by the legislature. No person shall be eligible to the office of councilor who has not been an inhabitant of the Commonwealth for the term of 5 years immediately preceding his election. The day and manner of the election, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election of Governor. (Whenever there shall be a failure to elect the full number of councilors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate; and the vacancies occasioned by death, removal from the State, or otherwise, shall be filled in like manner, as soon as may be after such vacancies shall have happened.) And that there may be no delay in the organization of the government on the first Wednesday of January, the Governor, with at least five councilors for the time being, shall, as soon as may be, examine the return copies of the records for the election of Governor, Lieutenant Governor, and councilors; and 10 days before the said first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly; and the secretary shall lay the returns before the senate and house of representatives on the said first Wednesday in January, to be by them examined; and in case of the election of either of said officers, the choice shall be by them declared and published; (but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the manner provided in the constitution for the choice of such officers).

By referring to article LXIV, section 201, of the amendments, above quoted, it will be seen that the provision for annual elections of councilors, as called for in article XVI, section 118, of the amendments, was changed in 1918 to biennial elections.

Furthermore, the provisions in article XVI, section 118, of the amendments, relating to vacancies, were superseded in 1860 by Article XXV, section 127, of the amendments, which reads as follows:

SEC. 127; ART. XXV. Vacancies in the council: In case of a vacancy in the council, from a failure of election or other cause, the senate and house of representatives shall, by concurrent vote, choose some eligible person, from the people of the district wherein such vacancy occurs, to fill that office. If such vacancy shall happen when the legislature is not in session, the Governor, with the advice and consent of the council, may fill the same by appointment of some eligible person.

Returning now to part the second, chapter I, section II, article II, dealing with the qualifications of electors for senators, we find that the provisions of this article as to the qualifications of those electors were superseded by article III, section 105; article XX, section 122; article XXVII, section 130; article XXX, section 132; article XXXI, section 133; article XXXII, section 134; and article XL, section 142, of the articles of amendment.

Article III, section 105, of the articles of amendment, was approved in 1821. It specified the qualifications of voters for Governor, Lieutenant Governor, senators, and representatives, leaving them much as they were previously, with the exception that ownership of property was no longer a prerequisite:

SEC. 105; ART. III. Qualifications of voters for Governor, Lieutenant Governor, senators and representatives: Every (male) citizen of 21 years of age and upwards, excepting paupers and persons under guardianship, who shall have resided within the Commonwealth 1 year and within the town or district in which he may claim a right to vote 6 calendar months (next preceding) any election of Governor, Lieutenant Governor, senators, or representatives (and who shall have paid, by himself or his parent, master or guardian, any State or county tax, which shall, within 2 years next preceding such election, have been assessed upon him in any town or district of this Commonwealth; and, also, every citizen who shall be, by law, exempted from taxation, and who shall be, in all other respects, qualified as above mentioned), shall have a right to vote in such election of Governor, Lieutenant Governor, senators, and representatives; and no other person shall be entitled to vote in such election.

This article of amendment was subsequently amended in 1924 by article LXVIII, section 208, of the amendments, which removed the sex qualification for voting.

The clause relating to the payment of taxes was annulled by article XXXII, section 134, of the articles of amendment, above quoted, in 1891.

Language disqualifying persons found guilty of corrupt practices in elections was added in 1912 by article XL, section 142, of the articles of amendment.

The requirement of residence in town or precinct for 6 months next preceding the election was modified in 1890 by article XXX, section 132, of the articles of amendment, which reads as follows:

SEC. 132; ART. XXX. Voters not disqualified by reason of change of residence until, etc.: No person, otherwise qualified to vote in elections for Governor, Lieutenant Governor, senators, and representatives, shall, by reason of a change of residence within the commonwealth, be disqualified from voting for said officers in the city or town from which he has removed his residence, until the expiration of 6 calendar months from the time of such removal.

An amendment in 1859 restricted the vote of naturalized citizens—article XXIII, section 125, of the amendments—reads as follows:

No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for 2 years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this Commonwealth: *Provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and, *Provided, further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom.

This amendment was repealed in 1863 by article XXVI section 128 of the amendments.

Article XX, section 122, of the amendments, adopted in 1857, imposed a literacy requirement on electors:

SEC. 122; ART. XX. Reading constitution in English and writing, necessary qualifications of voters: No person shall have the right to vote, or be eligible to office under the constitution of this Commonwealth, who shall not be able to read the constitution in the English language, and write his name: *Provided, however*, That the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be 60 years of age or upwards at the time this amendment shall take effect.

Article XXVIII, section 130, of the articles of amendment, was adopted in 1881 to remove the pauper disqualification from ex-servicemen receiving public aid:

SEC. 130; ART. XXVIII. Ex-servicemen receiving public aid, etc., not disqualified to vote: No person having served in the Army or Navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of (being a pauper); or (if a pauper) because of the nonpayment of a poll tax.

In 1890 we find that this article—that is, article XXVIII, section 130, of the amendments—was amended by article XXXI, section 133 of the amendments, to make it possible for ex-servicemen receiving aid from cities or towns to vote:

SEC. 130. Article XXVIII, ex-service men receiving public aid, etc., not disqualified to vote: No person having served in the Army or Navy of the United States in time of war,

and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of receiving or having received aid from any city or town.

Article XXX, section 132, of the articles of amendment was approved on November 4, 1890. Its terms, already quoted, relaxes the requirements as to residence of electors.

Article XXXI, section 133, of the amendments, already has been referred to in connection with article XXVIII, section 130, of the amendments.

Article XXXII, section 134, of the amendments, annulling the requirement of the payment of a tax as a voting qualification, to which I have already referred, was ratified in 1891.

Article XL, section 142, of the articles of amendment, was ratified in 1912. With its adoption, along with the amendments previously referred to, part the second, chapter I, section II, article II, was in effect made to read as follows:

SEC. 105. Article III, qualifications of voters for Governor, Lieutenant Governor, senators, and representatives: Every citizen of 21 years of age and upwards, excepting paupers and persons under guardianship and persons temporarily or permanently disqualified by law because of corrupt practices in respect to elections, who shall have resided within the Commonwealth 1 year, and within the town or district in which he may claim a right to vote, 6 calendar months next preceding any election of Governor, Lieutenant Governor, senators, or representatives, shall have a right to vote in such election of Governor, Lieutenant Governor, senators, and representatives; and no other person shall be entitled to vote in such election.

The qualifications for voting for the house of representatives is similar; it is found in part the second, chapter I, section III, article IV, as adopted in 1780.

Article IV. Every male person, being 21 years of age, and resident in any particular town in this Commonwealth for the space of 1 year next preceding, having a freehold estate within the same town of the annual income of 3 pounds, or any estate of the value of 60 pounds, shall have a right to vote in the choice of a representative or representatives for the said town (Thorpe, 3, supra p. 1898, art. IV).

In 1821 Massachusetts amended the above constitutional provision relating to qualifications of electors for representatives, by approving article III, section 105—as above cited, under qualifications of electors for senators—by eliminating the property requirements.

In 1857 a literacy requirement was imposed by article XX, section 122, of the amendments—as above cited under qualifications of senators.

In 1881 the provision denying the vote to paupers was qualified by permitting honorably discharged veterans on pension rolls to vote. This was accomplished by approving article XXVIII, section 130, of the amendments—as above cited under qualifications of senators.

In 1890, article XXXI, section 133, of the amendments was ratified broadening the sources of such pensions to include cities or towns—as above cited under qualifications of senators.

Article XXXII, section 134, of the amendments, adopted in 1891, annulled the requirement that voters shall have paid assessed taxes as a prerequisite to voting—as above cited under qualifications of senators.

In 1917 article XLV, section 147, of the amendments was ratified, to permit absentee voting, as follows:

SEC. 147. Article XLV, powers of the general court to provide for absentee voting: The general court shall have power to provide by law for voting, by qualified voters of the Commonwealth who, at the time of an election, are absent from the city or town of which they are inhabitants (in the choice of any officer to be elected or upon any question submitted at such election).

This provision was subsequently modified in 1944 to extend the privilege of voting in absentia to persons physically disabled, by article LXXVI, section 216, of the amendments. This amendment resulted in article XLV, section 147, of the amendments, reading as follows:

SEC. 147. Article XLV, powers of the general court to provide for absentee voting: The general court shall have power to provide by law for voting, in the choice of any officer to be elected or upon any question submitted at an election, by qualified voters of the Commonwealth who, at the time of such an election, are absent from the city or town of which they are inhabitants or are unable by reason of physical disability to cast their votes in person at the polling places.

In the early days Massachusetts had the property requirement frequently found in constitutions and later outmoded. Porter says:

Ideal starting points could readily be found in the abstractions of the Declaration of Independence. Here is a resolution passed in the Massachusetts constitutional convention of 1779. "*Resolved*, That it is the essence of a free republic that the people be governed by fixed laws of their own making." This particular convention was perfectly honest in this declaration and still considered it thoroughly consistent to restrict "the people," who should govern the State, to property owners. Such resolutions as this were later turned against the very men who made them. Abstract propositions of right continually proved to be boomerangs and struck with telling force. "All elections ought to be free, and all the male inhabitants of this Commonwealth, having sufficient qualifications, have an equal right to elect officers." The little phrase about having sufficient qualifications was weak indeed against the contention that all the male inhabitants had an equal right to elect officers. (Porter, "History of Suffrage in United States," p. 28.)

In speaking of Massachusetts and Pennsylvania, "Massachusetts," says Porter, "considered the people to be the property owners."

The transition from the property-owner requirement in Massachusetts was a very slow one.

In Massachusetts the property qualification for suffrage had made its last stand in 1820, when a constitutional convention was called to amend the old constitution. Popular interest was aroused in the matter of suffrage extension, and there was every indication that property was going to be hard pressed to hold its own. The sentiment prevailed that every man who was subject to do service for the State or who contributed to its support in the way of taxes was entitled to a vote. The practical side of the issue was stressed much more than the philosophical. Why the ballot should have been looked upon as the only fitting reward for paying taxes it is hard to see. The State protects life, liberty, and property and performs all the obligations and functions implied thereby. But these seem not to have been recognized as a return for taxation. Suffrage extensionists seem to have blinded themselves to the many good things they have received from the State as citizens, not as voters.

The defenders of property tests quickly demolished the theory of right invoked by those seeking to extend the suffrage. The argument was then immediately shifted to the question of expediency. It was said that the property test encouraged industry, economy, and prudence and gave dignity and importance to those who chose and those who were chosen. Further, it was said that men who had no property should not act, even indirectly, on those who had, and exploit their wealth. To permit these things would work ruin to the State. Other men believed that the property qualification had a very salutary effect on young men, inducing them to practice industry and careful habits.

It is also interesting to note some perversions of the old democratic arguments. It was said that to let the unpropertied vote would surely mean their exploitation by employers, and then the State would have, not a free electorate, but one controlled by capitalists able to swing elections at will. Another perversion that had been used before was utilized to defend the taxpaying qualification. Instead of "no taxation without representation," it was declared there should be "no representation without taxation." The most talented statesmen of the country were present and defended the property test in one way or another. The venerable John Adams was there and painted dire pictures of what would happen if the franchise were extended. Daniel Webster and Joseph Storey gave ample support. But in spite of all this talent, property tests did not stand a chance. The arguments were attacked sometimes with able retorts, more often with fallacious reasoning; but it made no difference, men had had enough of special privilege and were determined to get rid of discrimination on the basis of property. Men said that they had a natural right to vote, but it only took a few words to ruin their argument utterly. Men said that they should not be governed without their consent, but the others pointed to the Negroes. Men said that they should not be taxed without being represented, but the others pointed to women. Men said that universal suffrage was a glorious ideal, but the others pointed to minors. Men said that they should be permitted to vote in order to defend their rights, but the others pointed to manifold benefits received from the Government even by those who could not vote. Finally men said that they were going to vote anyhow, and the others threw up their hands in despair.

The best talent in the country, profound arguments, historical evidence presented by the learned Adams, all the conservative forces of the State, could not stay the onward sweep of suffrage expansion. The only thing that accounts for it is a deep-seated, firm, but more or less unreasoning, conviction that all men should vote. Rude men from rural districts would stand helpless before the intellectual statesmen thundering at them in resounding periods. They would voice a few idle arguments and then vote on the strength of their inbred conviction. The most impressive thing about this entire movement toward broader suffrage is that men came to be filled with a fixed determination that as this country was a democracy all men should have a hand in running it. They were ready to argue, but were determined to have their way in any event. The political thought of the past 20 years had brought men to a realization that they were part of the Government, and now they wanted to get their hands in it. But in Massachusetts the process had been very slow. It will be remembered that the normal progress was from real estate property tests to a personal property alternative, to taxpaying, and then to no limitation. Massachusetts had reached only the point of transition from the personal property alternative to taxpaying, for this convention provided an amendment to the Constitution that all who paid a State or county tax should vote (Porter, "History of Suffrage in United States," pp. 69–72).

In 1853 a convention was held in Massachusetts and the taxpaying qualification came in for thorough debate. As it was the last time the question was discussed on the basis of the old standards it may be worth while to give the arguments some attention, although not much that was new appeared. The history of suffrage in Massachusetts had been typical. There had first been real estate qualifications, then the personalty alternative, then the substitution of taxpaying, and now even that was nearly worn out. The smallness of the tax was much dwelt upon. As it was only a dollar and a half, advocates thought that no objection should be made. But it was pointed out that whether or not the poor man could afford that small sum, or ought to afford it, he simply would not. It would seem to him like throwing money away, and he would prefer to lose his vote. This undoubtedly was true, and it was also true that the conservatives hoped that just that thing would happen.

It is unnecessary to review the old arguments. "All governments derive just powers from the consent of the governed. Nontaxpayers are part of the governed. Men should be represented in government—not their dollars."

NOTE.—Massachusetts Convention, 1853, Debates: A member said that he quoted Benjamin Franklin, as follows: "You require that a man shall have $60 worth of property, or he shall not vote. Very well, take an illustration. Here is a man today who owns a jackass, and the jackass is worth $60. Today the man is a voter and goes to the polls with his jackass and deposits his vote. Tomorrow the jackass dies. The next day the man comes to vote without his jackass and he cannot vote at all. Now tell me, which was the voter, the man or the jackass?" Fortunately, someone informed the gentleman that he was quoting Tom Paine and not the venerable Franklin.)

On the other hand, "representation should only go with taxation"; "those who pay for supporting the government should have the exclusive right to control it." All these and other arguments were of course exploited. And the never-failing natural rights philosopher was also present.

(NOTE—Mr. Simonds spoke thus: "You have no right to deprive him of this privilege. And I ask if it is not time that we should assert this declaration of the Bill of Rights, that this is a right which belongs to every man—a right which we can neither give nor take away from him?")

A strong effort was made to introduce a new sort of compromise. It was proposed to retain the taxpaying qualification for town meetings. Indeed, it was remarkable that so many were willing to grant full suffrage for everything except town elections. They seemed not to care so much who voted for President and Governor, but only the best men in the community should vote for hogreeve. It is a striking illustration of the reverence and jealousy men held for the time-honored town meetings. In the rural districts it was the most important thing in their lives.

The small tax requirement hung on, however, for 10 years longer, and finally gave way in 1863. North Carolina abolished her requirement in 1868. That left Delaware, Pennsylvania, and Rhode Island. The first of these did not give it up until 1897, and it still holds in the other two States; but it must be remarked again that any kind of a tax requirement connected with suffrage since 1860 has been practically nothing but a registry fee, and several States accomplish the same end by requiring that men must pay their poll taxes before voting. The old-fashioned taxpaying test as a compromise with property qualifications was gone before the Civil War (Porter, supra, pp. 100–111).

As immigration was heavier in Massachusetts and neighboring States than almost anywhere else, the antialien feeling ran higher.

In Massachusetts there was an even more determined effort to get rid of the foreigner, and more elaborate steps were taken there than anywhere else. In 1857 an amendment to the constitution was passed requiring that all voters must be able to read the constitution and write their own names. And in order to pacify a certain portion of the native element that would find such a test prohibitive, it was not to apply to anyone over 60 years of age or to anyone who already exercised the franchise. Two years later another amendment was passed requiring foreigners to remain in the State for 2 years after naturalization before they could vote. This seems to mark the highest point in the opposition to aliens, and it is worth noting that it was the ignorant, poverty-stricken, famished, unwashed Irish Catholic rowdy whom the country may thank for bringing forth literacy tests. They were applied freely to the Negro in future years and today are being used on general principles, but they originated practically for the benefit of the Irishman (Porter, supra, pp. 118–119).

When the women's suffrage problem arose, the arguments advanced were the old ones turned to a new use:

There was no trouble in adjusting the old arguments to suit the new occasion. For more than half a century the advocates of broader suffrage had been filling up their arsenal with weapons to use upon conservatives. Many of the liberals were shocked beyond expression and left speechless when the women raided their armory, took their weapons, and went forth to use them as they had seen them used by men. Natural, inalienable, inherent right. No taxation without representation. Government by consent of the governed. All that oldtime revolutionary philosophy with its mixture of truth and abominations was revived once more and spread broadcast by the abolitionists and woman-suffrage advocates alike.

Characteristic of this sort of argument is a statement to be found in the records of the Massachusetts constitutional convention of 1853: "I maintain first that the people have a certain natural right, which under special conditions of society manifests itself in the form of a right to vote. I maintain secondly that the women of Massachusetts are people existing under these special conditions of society. I maintain finally, and by necessary consequence, that the women of Massachusetts have a natural right to vote."

That is the sort of argument that marked the beginning of the woman-suffrage movement. Once more the strange phenomenon appeared—the suffrage expanding on a wave of specious doctrine. But it caught the popular fancy and served to bring the issue forward (Porter, supra, pp. 140–141).

However, at that time Massachusetts voted the measure down by a large majority.

Mr. President, the next State in my discussion of the history of suffrage among the Thirteen Original Colonies would be Maryland, but, since my time has expired under the unanimous-consent agreement, it will be necessary for me to postpone until some future time the remainder of my historical survey. At this time I should like to propound a parliamentary inquiry.

The PRESIDING OFFICER (Mr. CANNON in the chair). The Senator will state it.

Mr. ELLENDER. I have had the floor now for 3 hours. When I took the floor at 3:15 p.m. I asked unanimous consent to yield to several Senators, and they took 10 minutes. Am I charged with that time? Is that the parliamentary situation?

The PRESIDING OFFICER. According to the records of the Parliamentarian, the Senator from Louisiana yielded to other Senators during the period 3:03 p.m. until 3:13 p.m. The Senator's 3 hours commenced to run at 3:15 p.m. Therefore, at 6:15 p.m. his 3 hours will have expired. It is that time now.

Mr. ELLENDER. Very well. I appreciate the indulgence of the majority and minority leaders.

Mr. DIRKSEN and Mr. EASTLAND addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIRKSEN. Mr. President, has the Senator from Louisiana finished? Have I been recognized?

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIRKSEN. Mr. President, I understand the distinguished Senator from Mississippi [Mr. EASTLAND] is prepared to make some extended remarks on the subject.

Mr. EASTLAND. That is correct.

Mr. DIRKSEN. Mr. President, I ask unanimous consent to yield for the statement to be made by the distinguished Senator from Mississippi, without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. EASTLAND. Mr. President, let me make clear I am speaking now, of course, by unanimous consent, but I want the RECORD to show I strenuously oppose the pending bill, and I am going to oppose the bill with every ounce of strength I possess. Later in this debate I shall speak in my own right.

I have been on the floor now a great number of times for nearly 2 months, day and night. I am opposed to this bill. I am opposed to its passage in any form. I am going to continue to oppose it.

Mr. President, the voting referee proposal contained in title VI of H.R. 8601 is a new, novel, unique, and revolutionary plan for the Federal Government to take over control of the entire voting machinery of the Southern States. Unveiled for the first time when Attorney General William P. Rogers testified before the Senate Committee on Rules and Administration on February 5, 1960, this short, less than 2 month period since that time, has been an entirely inadequate period to give to the plan the care and consideration it deserves.

Since the debate on proposed civil rights legislation started on February 15,

1960, and has been continuous since that

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rights legislation started on February 15,

1960, and has been continuous since that time, opponents of the voting referee plan have had no opportunity to engage in the legal study and research necessary to develop the legal and constitutional questions that are raised by every line, sentence, and paragraph of this proposed constitutional monstrosity.

I daresay that only a handful of Senators have yet had the time to read the revealing testimony that was developed before the Senate Judiciary Committee on March 28 and 29, 1960. The Attorney General and Deputy Attorney General, Lawrence E. Walsh, were the two witnesses favoring the plan, and the only opposition witness was the Honorable Charles J. Bloch, of Macon, Ga. Mr. Bloch, in addition to being one of the greatest trial lawyers in the United States, is also recognized as one of the most competent of all the members of the American Bar Association in the complex field of constitutional law.

Unfortunately, not only for the Senate, but for Congress as a whole, and the people everywhere, Mr. Bloch, although occupying the witness chair for 3½ hours, was able to cover only the first paragraph of the proposal, which contains a total of 10 paragraphs. This most graphically illustrates the handicap under which the opponents of this proposed measure must labor. Mr. Bloch advised me that he could spend an equal, or even greater, length of time, developing the legal deficiencies of the remaining nine paragraphs, and that he would not then even begin to exhaust the subject matter.

This whole business started with a recommendation that was made to Congress by the Civil Rights Commission that the President of the United States be authorized by law to appoint so-called Federal election registrars to take over the election machinery insofar as elections involving Members of the House of Representatives, Senators, and presidential electors are concerned. The Attorney General publicly, and repeatedly, expressed grave doubts as to the constitutionality of many aspects of the "Registrar Plan." Then he countered by devising the scheme that is now before the Senate. Remarkable as it may seem, although I do not intend to discuss the Federal Registrar today, the Attorney General's substitute plan is even more unconstitutional, if such is possible, than the one which was proposed by the Civil Rights Commission. At least it can be said that the Commission stopped with an attempt to control elections involving only Federal officeholders. The Attorney General proposes to effect Federal control over all State, district, county, and even municipal elections. The offices involved extend all the way from constable, coroner, and ranger, officeholders in the smallest of the county subdivisions, through the mayors and municipal offices, to that of the highest in the State, the Governor.

The Attorney General seeks the new powers for the Federal Government through the instrumentality of the 15th amendment to the U.S. Constitution. He admits this kind and character of power has never been sought before, even in the dark ages of the Reconstruction period. What he proposes to do is to convert a negative, a prohibition, into a positive and an affirmative. Alchemists of old were never able to transform baser metals into gold. But the Attorney General sees no particular difficulty in converting the prohibition, and it is only a prohibition, contained in the 15th amendment, which says:

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Title VI of H.R. 8601 attempts to convert this "thou shall not" in the 15th amendment into a "thou shall." Instead of prohibiting a course of conduct, which is the extent of Federal power in this field of voting, it attempts to prescribe the course of conduct and convert the Federal district court judges into agents of the Government who will be authorized to take over and supervise the entire election machinery of the State.

The Civil Rights Act of 1957, obnoxious as it may be, recognized the principle that the scope of the 15th amendment extended to only preventive relief. Subsection (c) of section 1971, title 42, United States Code, provides:

(c) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b), the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

The only possible relief the Attorney General can seek here is preventive relief—thou shalt not relief—not thou shall relief. Now, Mr. President, when we pass this point the Constitution is left behind. And the voting referee plan in title VI starts beyond this point.

Title VI says:

In any proceeding instituted pursuant to subsection (c)—

That is, subsection (c) of the Civil Rights Act of 1957 which I just quoted—

in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a)—

This is the subsection that provides against denial or abridgment by the State of the right to vote on account of race or color—

the court shall upon request of the Attorney General and after each party has been given notice and the opportunity to be heard, make a finding whether such deprivation was or is pursuant to a pattern or practice.

The $64 question involved in this sentence is, "What is a pattern or practice?" The judge is entitled to know what this means. The defendant registrar needs to know what it means in order to defend against the action. Congress ought to have some idea of what it means before it writes it into law.

Mr. Bloch testified that he made every effort to find its legal meaning and the best he could do was this:

Now then, you run into a definition of the phrase, "What do you mean by pattern or practice?"

I could not find in "words and phrases" the words coupled up at all, any adjudicated meaning, but I do find that "practice" standing alone, has been defined by a New York court as "custom." Other courts define it as a habit or regular conduct. The cases are given in my memorandum, and there used to be or maybe there still is—I am sorry Senator HENNINGS had to go, he could have told us—a Missouri constitutional provision which provides that nothing therein was intended to justify the practice of wearing concealed weapons. The word "practice" there was defined as having reference to an existing custom of wearing such weapons concealed, more or less generally among citizens, and not to the practice of any particular individual accused of the crime of wearing such weapons.

In fairness, Mr. President, if Congress is to pass this legislation it should spell out the meaning of "pattern or practice." This, as soon will be seen, is the key that opens the door to the entire procedure of voter qualification. This is the basis on which the State election machinery is to be proscribed by the Federal courts. We have a right to know what it means and how its determination will be made.

Judge Walsh was asked about this business of a "pattern or practice." This is the colloquy which occurred in the Judiciary Committeee:

Senator MCCLELLAN. Now, what constitutes a pattern?

Mr. WALSH. A pattern of discrimination would be discrimination that was widespread beyond an individual case. It would be the burden to be carried by the Attorney General which would be to prove this was the usual rather than the unusual situation.

Senator MCCLELLAN. What constitutes a practice?

Mr. WALSH. Practice would be very much the same thing. Not only was it usual but it has been indulged—I mean the words have their generic meaning; there is no word of art involved.

Senator MCCLELLAN. No. But certainly the turning down, if you proved that you had turned down one Negro or even two Negroes at the same time, that would not necessarily establish a pattern or practice, would it?

Mr. WALSH. Not necessarily.

Senator MCCLELLAN. To establish a practice wouldn't there have to be repeated acts?

Mr. WALSH. I think that would be the general sense of it; yes, sir.

Senator MCCLELLAN. In other words, the fact that they come in and show that one fellow complains and you get a suit in there, and the evidence shows that that would be insufficient to establish a pattern or practice——

Mr. WALSH. In any case I can think of; yes, sir.

Senator MCCLELLAN. In other words, to establish either there would have to be a repetition.

Mr. WALSH. Yes, sir.

Senator MCCLELLAN. Would that repetition, could that repetition, occur in just one election?

Mr. WALSH. Yes.

Senator MCCLELLAN. Or must it occur over a period of years?

Mr. WALSH. There is no limit provided in the bill.

Senator MCCLELLAN. What is your interpretation of it as a judge?

Mr. WALSH. I think it would depend on the facts of the individual case, but it could be one election.

Senator MCCLELLAN. Then can you give us any facts where it would require extension over a period of years?

Mr. WALSH. It would seem to me if you could show that was the uniform practice for a single election, that would certainly satisfy the statute.

Senator MCCLELLAN. How can you establish a practice by just one single act or one or two acts, is what I am trying to find out.

Mr. WALSH. Well, the number of individual acts related to a single election would vary. I do not know how many there would be.

The CHAIRMAN. Would that be in a county now or a judicial district?

Mr. WALSH. It could be either one—really, it would relate to the area administered by the single officer.

The CHAIRMAN. You mean by the judge, the district judge?

Mr. WALSH. No; I was thinking of the State officer, Senator, Mr. Chairman.

The CHAIRMAN. Well, it would be on a county basis, then?

Mr. WALSH. It would depend; I do not know whether all States have registrars on a county basis or not.

The CHAIRMAN. Well, they do.

I fail to see where Judge Walsh here casts any real light on the meaning of "pattern or practice." Courts and litigants both need guidelines. If Congress is going to enact statutes, it should include these guidelines.

Fortunately, I recalled a case that may cast some light on this matter of pattern or practice. It arose in Mississippi and it involves voting rights under the same statutes to which the presently proposed legislation is directed. You will not hear or find this case cited by the Attorney General or any of the proponents of civil rights legislation. These judges were not concerned with politics, or corralling Negro voters; their concern was with the Constitution, applicable statutes, and the facts. Their findings, both as to law and facts, while conclusively true, are distasteful to both the Department of Justice and civil wrongs proponents.

The court hearing this case was a three-judge constitutional court composed of Judge Ben Cameron, of the U.S. Court of Appeals for the 5th Circuit, and U.S. District Judges Sidney Mize and Claude Clayton. The style of the action is H. D. Darby, on behalf of himself and others similarly situated, plaintiff, against James Daniel, circuit clerk of Jefferson Davis County, Miss., and Joe. T. Patterson, attorney general of the State of Mississippi. The case is reported in 168 Federal Supplement 170, 194–195. This case was not, I repeat, was not appealed to the U.S. Supreme Court as the plaintiff had a right, and the NAACP sufficient money so to do. In the first part of the portion of the opinion that I am now going to read it will be noted that the court is concerned with an alleged "practice" of voter discrimination. Reading now from part III of the opinion:

(1) This brings us to the contention that plaintiffs, along with other Negroes, were actually discriminated against in the administration of the constitution and laws of Mississippi by defendant Daniel. If such discrimination was practiced against plaintiffs, the actions of defendant would certainly come under the condemnation of the 15th amendment, or the 14th amendment, or both. Plaintiffs put on the witness stand a number of other Negroes, but we look first to their own testimony to determine if either plaintiff proved that he was qualified to register under the constitution and laws of Mississippi and was denied registration because of his race.

While this next portion of the opinion is not pertinent and relevant to "pattern or practice," it so thoroughly covers the matter of "qualified voters under State law" that I now desire to read it:

Plaintiff Dillon, conceding that she was properly given the written test provided by the amendment, failed to produce a copy of that test for the court's inspection. She did not demonstrate in her oral testimony the possession of the qualifications provided in the Mississippi constitution and statutes, and there is no proof at all, therefore, that she had any status to maintain this action.

According to the testimony of his attorney, Plaintiff Darby approached him in April or May 1956, about the time he wrote President Eisenhower. The attorney called the NAACP, which, some time later, agreed that its legal fund would pay the attorneys and the expense of any litigation which might be brought by Reverend Darby.

This was before his first written application of June 29, 1956, in which he stated that he was a farmer. The application was signed by him but was not filled in. It is not claimed that, in this application or the oral tests which came after it, Plaintiff Darby showed himself qualified to register. The entire case is predicated on the sworn written application of June 22, 1957, which he took under his attorney's advice and direction. This document, read in the light of the testimony of Plaintiff Darby, reveals several deficiencies.

He made no answer to question No. 14 inquiring if he had ever been convicted of the crimes enumerated in the question; considerable portions of the answers written by plaintiff are illegible. In response to question No. 18 calling upon him to copy section 123 of the constitution of Mississippi, he wrote six lines not called for by the question and not possessing marked coherence. In giving his reasonable interpretation of that section he wrote: "The Govenner govends all the works of the State and he is to see that all the vollatores be punished and als he can pardon out the penetenter ane pherson." In answering question No. 20 which directed him to write his understanding of the duties and obligations of citizenship under a constitutional form of government, he wrote five lines which could hardly be called accurate or responsive to the question.

That he could not write legibly is exemplified by examination of the several documents in the record written by him, and is further attested by the fact that the letter he sent the President was written entirely by someone else, including the signature. He did not attempt, while on the witness stand, to demonstrate that he could read. Every other Negro witness he placed on the stand was given a section of the Mississippi constitution to read before the court, but plaintiff himself did not attempt to show his ability to read. The evidence does not, therefore, support the burden imposed on the plaintiffs to show that they were qualified to be registered as voters. A fortiori it does not establish that Defendant Daniel did not act in good faith or exercise a sound discretion when he made his decision that plaintiffs had not passed the examinations given them.

In passing judgment on this phase of the case we cannot leave out of view that defendant Daniel knew that he was under surveillance by Federal officials and that he was dealing with one party who was acting under advice of counsel.

It is fundamental that plaintiffs must stand or fall on the merits of their own case. The Supreme Court stated the principle in *McCabe v. A.T. & S.F. Ry. Co.* (1914, 235 U.S. 151, 162), in these words:

"But we are dealing here with the case of the complainants, and nothing is shown to entitle them to an injunction. It is an elementary principle that, in order to justify the granting of this extraordinary relief, the complainant's need of it, and the absence of an adequate remedy at law, must clearly appear. The complainant cannot succeed because someone else may be hurt. Nor does it make any difference that other persons, who may be injured are persons of the same race or occupation. It is the fact, clearly established, of injury to the complainant—not to others—which justifies judicial intervention."

This citation from McCabe against A.T. & S.F. Railway Co. is most interesting in view of what title VI proposes to be done—give to one or more persons a substantive right because it is established that other persons or person of the same race have suffered an alleged wrong. This is a matter I will later discuss.

Returning to the opinion and the matter of a pattern or practice, the opinion states:

(2) Plaintiffs served subpenas on 25 Negro witnesses, of whom 15 were placed upon the stand. Despite the principles last above quoted and such cases as *Reddix v. Lucky* ((5 Cir., 1958) 252 F. 2d 930, 938), holding that "obviously the right of each voter depends upon the action taken with respect to his own case," we permitted this testimony to be introduced over objection to give plaintiffs a chance to show that there was a class whose rights they might carry if they established their own case, and also that the testimony might be considered as furnishing circumstantial evidence of discrimination in favor of the case of plaintiffs. Although some of the written applications exhibited in connection with the testimony of these witnesses were sufficient to raise an issue of fact as to their qualifications, it is not our province to set ourselves up as registrar of voters.

Some of the testimony certainly demonstrated the absence of qualifications of the applicants. For example, when called upon by question 18 to copy section 198 of the Mississippi constitution, Johnnie B. Darby, plaintiff Darby's wife, wrote: "I have so agreed to be as good a citizen as I possible can I have not yet read the constitution of Mississippi I do try to abide by truth and right as the almighty God provide the understanding and wisdom."

Another witness called upon to copy section 16 of the constitution wrote: "Ex post facto laws or laws impaitring obligations contrace St. Shall Be passed." Interpreting that section this same witness wrote: "A man must pay pold tax befor he eagable to voat." This witness gave his occupation as that of teacher.

None of these witnesses took appeals from Daniel's ruling declining to permit them to register. Four of the fifteen passed the written examination, and of those who failed, the wives of two passed. He gave the test to some of the witnesses as many as four times and he invited plaintiff Dillon to come back and try again. The testimony of these witnesses adds little to the solution of the problem before us.

(3) Plaintiffs introduced 1 bound volume containing 78 original applications. The documents do not show whether the applicants were white or colored. It seems

probable that the purpose of introducing this volume was to show that, during this period, all applicants were required to take the written examination, whereas under the constitutional amendment those who were registered voters on January 1, 1954, were required to take only the oral test habitually given under the original constitution. This does not prove anything which was not readily admitted by defendant Daniel. From the time Daniel came into office January 1, 1956, until the attorney general of Mississippi advised him of his error, he had been using the forms furnished him by the State election commissioners and testing all applicants by written examination. As far as the testimony goes, none had objected. The point of this testimony, however, is that undisputedly white and colored were treated exactly alike. Since, according to the undisputed proof, there were only 40 to 50 Negro voters registered in the county, the 78 applicants, all of whom passed, necessarily included some white people.

The wrongful interpretation, or the misapplication of Mississippi law alone, would not give this court jurisdiction or amount to deprivation of any constitutional rights. Under this phase of the case discrimination alone, resulting from the fact that plaintiffs are Negroes, can justify maintaining the action or granting the relief sought. The Supreme Court announced the principle in explicit terms in *Snowden v. Hughes et al.* (1944, 321 U.S. 1, 8), (a case in which *Williams v. Mississippi, supra*, was cited with approval) where the dismissal of an action for want of jurisdiction was approved where a candidate for office sought equitable relief against party officials who refused to certify him as a candidate.

The essence of the action before us, therefore, is discrimination on the part of the defendant Daniel—discrimination against plaintiffs, Negroes, and in favor of white persons. After listening to the oral testimony and examining the documents carefully we are unable to find any tangible or credible proof of discrimination. There is no proof that any white person was ever treated in any manner more favorably than plaintiffs or any other Negroes.

The mere showing that of 3,000 qualified voters in Jefferson Davis County, only 40 to 50 are Negroes is not sufficient. Plaintiffs carry the burden of showing that plaintiffs have been denied the right to register because they are Negroes, and that white people similarly situated have been permitted to register. This record contains no such proof. The disparity between numbers of registrants, as has been so often pointed out, results doubtless from the fact that one race had a start of several centuries over the other in the slow and laborious struggle toward literacy. This record does not, in our opinion, show that defendant has practiced discrimination. From our observation of his demeanor during the trial and while on the witness stand and of the evidence generally we are convinced that he has shown himself to be a conscientious, patient, and fair public official, exerting every effort to do a hard job in an honorable way.

Mr. President, I knew this circuit clerk of Jefferson Davis County, Miss. He is a very honorable man and a very high-class man, and he performed the duties of his office in a most conscientious and honorable way. This county has not permitted outside agitators to come in and take over the local governmental affairs of their county.

The court, as a matter of grace, gave to these plaintiffs every right. The Attorney General is now seeking to show that a pattern or practice of discrimination existed in Jefferson Davis County. The plaintiffs were granted the privilege of introducing a mass of incompetent, immaterial, and irrelevant evidence which the court carefully considered. There was no practice or pattern. The court found and demonstrated that the argument of 3,000 qualified voters in Jefferson Davis County, with only 40 to 50 being Negroes, is not sufficient to establish discrimination. The court was accepting evidence and information. It had no guideline, and did not try to establish one, as to what a pattern or practice might be. So when this Congress is asked to enact this device of a "pattern or practice" into law, for the use and benefit of the Attorney General, it should be defined, and its limits established and determined. "Pattern and practice," as it now is in title VI of this bill, is no more or less than a blank check, signed by Congress, with the unknown amount to be later entered by the Attorney General.

Mr. President, at this point in the proposed proceedings the Attorney General has been engaged in a lawsuit, representing one or more named plaintiffs, with the defendant being a county registrar of voters, and possibly the State attorney general, as was true in the Mississippi case I have cited. The Government won the case. The Court held that the named complainants were in fact qualified voters under the law of the State, and had been discriminated against on account of their race or color. An order is issued against the defendant registrar, requiring him to qualify the complainants as voters, and that they be permitted to vote. An injunction is directed against the registrar, directing him to cease and desist from discriminatory practices—this is according to the Deputy Attorney General's testimony. Then the new step comes into play: The Attorney General requests that the Court make a finding as to whether a pattern or practice of discrimination exists. This is mandatory on the Court. He must make such a finding.

There is a serious question here as to whether this finding is to be made in a normal adversary proceeding. The precise language of the bill is, "upon request of the Attorney General after each party has been given notice and the opportunity to be heard." The question posed here is whether "opportunity to be heard" connotes a regular adversary proceeding in court, or some special or different type of hearing. I am not going to labor this point, but I do want the Senate to have the benefit of Mr. Bloch's views on it. At pages 118, 199, and 120 of the printed hearings this appears:

Mr. BLOCH. • • • .

Let us stop right there for the present—"upon application after each party has been given notice."

Now, the only parties to that case would be the United States of America as plaintiffs, and the members of the Board of Registrars of Terrell County, Ga., defendants. They are the only parties. They are given notice "and an opportunity to be heard."

Now, on yesterday I think it was Senator MCCLELLAN who asked either the Attorney General or Judge Walsh what the meaning of that phrase "opportunity to be heard" was.

It so happens that I had made some investigation of that, and I read to you from page 3 of my prepared statement:

"We must suppose that the phrase in the bill, 'opportunity to be heard' contemplates a listening to facts and evidence before adjudication and an opportunity on the part of the defendants to interpose a defense. The phrase 'opportunity to be heard' connotes such (*People* v. *Caralt*, 241 N.Y.S. 641, 644; *Ex parte Morse*, 284 Pac. 18; 141 Okla. 75). The case of *People* v. *Oskroba* (111 N.E. 2d 235, 237; 305 N.Y. 113), however, might indicate that the drafters of this bill did not contemplate that the phrase 'opportunity to be heard' required formal procedure. Another New York case is to the same effect: *People ex rel. Massengale* v. *McMann* (184 N.Y.S. 2d 922)."

So that if you leave the status as it is, with simply the phrase "opportunity to be heard" in it, we do not know what rights the board of registrars, the defendants in that case, would have, because in applying the Federal statute we do not know whether the Federal courts would apply the Oklahoma rule or what seems to be the New York rule. It is all important because what is the question upon which that board of registrars is given the opportunity to be heard? The question is, under the proposed bill, under the bill passed, as passed by the House, the question is whether the court will make a finding that the deprivation was or is pursuant to a pattern or practice.

And that is fundamental in this bill because whether or not the court makes that finding as to the existence vel nom of a pattern or practice determines entirely all the so-called registrations, subsequent registrations, under the act.

So that the first question to be decided there is, as I have said, is whether the registrars would be given a chance to be heard on that question.

Then would come the question of what is the pattern or practice.

Senator MCCLELLAN. May I interrupt at this point. What you are stating—

Mr. BLOCH. Would you mind speaking loud to me. I broke my hearing aid and I am in trouble.

Senator MCCLELLAN. Maybe I should not interrupt. You mean the finding that there was a pattern and practice can be made, that is your contention, under the proposed statute, without the hearing and without the inerested parties having the opportunity to appear?

Mr. BLOCH. I say this. I will go this far, Senator, that under the act it is doubtful, very doubtful, whether the board of registrars, the defendants in the main case, would have a right to cross-examine witnesses, a right to be there, a right to introduce contrary evidence to that put up by the United States of America.

I say that the act would require judicial construction to determine the meaning of the phrase "opportunity to be heard." And I say that in light of the case of the *People* v. *Oskroba* (305 N.Y. 113, 111 N.E. 2d 235); and the *People ex rel Massengale* v. *McMann* (183 N.Y.S. 2d 922).

Now, the Oklahoma Supreme Court has held that the phrase "opportunity to be heard" contemplates that there shall be a full hearing with the right to cross-examine witnesses, represented by counsel, and to introduce evidence to the contrary.

But the New York courts have decided, so far as I read the cases, to the contrary. So that my suggestion in that connection was this: Why leave that, if you are going to pass this, if this bill should be reported out. If this bill should be passed in any form, why leave that phrase "opportunity to be heard" in doubt. Why not spell out what that phrase "opportunity to be heard" means, so that when another case comes up down South some months or some years hence, we shall not be confronted with the suggestion or argument by counsel for the Government:

"Opportunity to be heard, you can be heard all you please, say what you want, but you have got no right to introduce evidence to the contrary under the decisions of the Supreme Court of New York and the Court of Appeals of New York."

Now, I apprehend that those who drafted this bill, are responsible for the drafting of this bill, are New York lawyers, some of them are certainly, so that they must have had in mind the New York meaning of the phrase "opportunity to be heard" when they inserted it in there.

So my whole point is there, why leave it open, why leave it in doubt? Tell us lawyers who may have to try cases under it just what you mean, particularly in the light of the fact that you are making a finding, that the court will be making a finding there as to whether that deprivation was or is pursuant to a pattern or practice.

Senator JOHNSTON. Will you suggest that they insert that probably at the word "here" and to offer testimony, would that clarify it?

Mr. BLOCH. I would say that the clarification would be a full opportunity to be heard including the right to be represented by counsel, to cross-examine witnesses for the Government, and to introduce testimony contrary to that offered by the Government, and then there would be no doubt about what the phrase "opportunity to be heard" meant.

Senator JOHNSTON. Who could object to anything like that? I think a person has a right to be heard and offer testimony and put up his defenses.

Mr. BLOCH. I do not see that anybody ought to object to it, and I do not know that anybody will. But certainly the bill ought to be clarified in that respect.

I agree with Mr. Bloch. The proposed legislation certainly should be clarified in this respect.

Turning to the second sentence of this title, which reads as follows——

Mr. KEATING. Mr. President, will the Senator repeat that last statement? I was not able to hear it.

The PRESIDING OFFICER (Mr. LONG of Louisiana in the chair). Does the Senator yield for a question or request?

Mr. EASTLAND. I yield only for a question.

Mr. KEATING. I did not hear the last statement of the Senator.

Mr. EASTLAND. The Senator can sit closer to me, and get a good education.

Mr. KEATING. I shall be glad to come closer.

Mr. EASTLAND. Come over closer. It will be worth a year's instruction on constitutional law.

Mr. President, I read the second sentence of the title:

If court finds such pattern or practice, any person of such race or color resident within the affected area shall, for 1 year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has since such finding by the court been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law.

This sentence means simply that after the court has found there is a pattern in the area that all applicants who prove that they are qualified to vote under State law or that they have, since the finding by the court of the pattern or practice, been deprived or denied under color of law the opportunity to register to vote or to otherwise qualify or found not qualified to vote by State officials, that the court will order these persons entitled to be registered and to cast their vote. This proceeding would use the court's finding of a pattern or practice as a basis for permitting persons of that same race who were not parties to the original suit to vote without being required to make proof on individual basis that the denial of their right to register was because of their color. This language would eliminate the need for the applicant to allege and prove the discrimination, but would instead, force the registrar to register the voters under the court's order or face the contempt power of the court.

Judge Walsh, under questioning before the House Judiciary Committee, conceded that this provision is indeed the very heart of the bill, for it is here in this provision that Judge Walsh stated very clearly what is intended to be accomplished, when he stated during the House hearings at page 21:

If you found a pattern and practice against Negroes and he is a Negro, I think Congress is justified in jumping the gap and establishing a conclusive presumption that that is the reason for his trouble.

Judge Walsh continued:

I think it is a reasonable presumption. I think if you have had a pattern found, the likelihood of any other reason for refusing to let him register even though he was qualified is nil so I think there is a reasonable basis for such a presumption.

Judge Walsh continued:

Not only is it reasonable but it is necessary, because for an individual to prove each case that he had been a victim of prejudice is very difficult. Therefore, I think he needs Congress' help in that regard.

Mr. HILL. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Will the Senator from Mississippi yield to the Senator from Alabama for a question?

Mr. EASTLAND. I yield provided it does not count as two speeches.

The PRESIDING OFFICER. The Chair will inform the Senator from Mississippi that he may yield for a question without in any wise prejudicing his right to the floor.

Mr. EASTLAND. Mr. President, I ask unanimous consent that I may yield to the Senator from Alabama without losing my right to the floor and without its being counted as two speeches on this matter.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HILL. Mr. President, will the Senator yield to me so that I may suggest the absence of a quorum?

The PRESIDING OFFICER. The Senator from Mississippi has yielded to the Senator from Alabama with the understanding that the Senator from Mississippi will not in any way prejudice his right to the floor. The Senator from Mississippi has yielded under those circumstances. Does the Senator from Alabama desire to suggest the absence of a quorum?

Mr. HILL. Yes, under those conditions.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EASTLAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EASTLAND. As Judge Walsh ceded during his testimony, Congress is asked to provide that where the court has found a pattern or practice of discrimination against Negroes, it is to be conclusively presumed that this pattern is the only reason for the denial of registration to a qualified Negro, and based on that presumption the Federal courts be authorized to register persons who are never parties to the original action, and forcing registrars to register these applicants without the applicants being required to prove on an individual basis that the denial of their right to register was because of that pattern or practice. By the use of this device State officials will be required to register all applicants in an area without those applicants being required to prove that the only reason they were denied registration is because of their race or color. This difficult element of proof would be eliminated by this statute if it were enacted. As Judge Walsh stated:

Congress would in effect provide that where the court has found a pattern of discrimination against Negroes, it is so obvious that this pattern is the only cause for the denial of registration to a fully qualified Negro that the applicant need not prove this casual link.

I am of the strong opinion that the Congress is without power to create, by legislation, a conclusive presumption which clearly is violative of due process. The essential elements of due process are notice and opportunity to be heard and to defend an orderly proceeding adapted to the nature of the case before a tribunal having jurisdiction of the case.

Wigmore on "Evidence," third edition, volume 9, section 2492, says of conclusive presumptions:

Wherever from one fact another is said to be conclusively presumed, in the sense that the opponent is absolutely precluded from showing by any evidence that the second fact does not exist, the rule is really providing that, where the first fact is shown to exist, the second fact's existence is wholly immaterial for the purpose of the proponent's case, and to provide this is to make a rule of substantive law, and not a rule apportioning the burden of persuading as to certain propositions or varying the duty of coming forward with evidence.

In line with Professor Wigmore's concept of conclusive presumptions, this bill, if enacted, therefore would enact into law a rule of substantive law which would deprive defendants of the opportunity to present evidence in opposition or in any way to be heard or to offer testimony

rebutting this presumption. I submit that Congress has no power to create a conclusive presumption, one incapable of being overcome by proof of the most positive character. This conclusive presumption which the Attorney General would have the Congress enact flies squarely in the face of the holding by the Supreme Court of the United States in *Heiner* v. *Donnan*, 285 U.S. 312, wherein the Court stated:

> If a legislative body is without power to enact as a rule of evidence a statute denying a litigant the right to prove the facts of his case, certainly the power cannot be made to emerge by putting the enactment in the guise of a rule of substantive law.

If the presumption is not unreasonable and is not made conclusive of the rights of the person against whom raised, it does not constitute a denial of due process of law (*Mobile, J. & K.C.R.R.* v. *Turnipseed*, 219 U.S. 35, 43).

In the *Western and Atlantic Railroad* v. *Henderson* (279 U.S. 639, 642), the Court, in distinguishing between rebuttable and irrebuttable presumptions, stated:

> Legislation declaring that proof of one fact or group of facts shall constitute prima facie evidence of an ultimate fact in issue is valid if there is a rational connection between what is proved and what is to be inferred. A prima facie presumption casts upon the person against whom it is applied the duty of going forward with his evidence on the particular point to which the presumption relates. A statute creating a presumption that is arbitrary or that operates to deny a fair opportunity to repel it violates the due process clause of the 14th amendment. Legislative fiat may not take the place of fact in the judicial determination of issues involving life, liberty or property (*Manley* v. *Georgia*, ante, p. 1, and cases cited).

I call attention to the fact that the most vivid demonstration of the constitutional difference between rebuttable and irrebuttable presumptions is the comparison of the two cases that I have just cited—the Turnipseed case and the Western Railroad case. In the Turnipseed case the Court held a "presumption statute" valid because its only legal effect was to cast upon the defendant the duty of producing some evidence to the contrary. However, in the Western Railroad case the Court held a similar statute invalid because it created an inference that was given the effect of evidence to be weighed against opposing testimony and was to prevail unless such testimony was found by the jury to preponderate. How much more would a statute be unconstitutional if it did not afford those affected by it the opportunity to introduce any evidence or to repel the presumption.

A prima facie presumption casts upon the person against whom it is applied the duty of going forward with his evidence on the particular point to which the presumption relates. A statute creating a presumption that is arbitrary or that operates to deny a fair opportunity to repel it violates the due process clause of the 14th amendment—*Bailey* v. *Alabama* (219 U.S. 219, 233).

Legislative fiat may not take the place of fact in the judicial determination of issues involving life, liberty or property—*Manley* v. *Georgia* (279 U.S. 1, 7).

The Attorney General is asking the Congress of the United States to enact a statute creating a conclusive presumption which operates to deny a fair opportunity for defendants to repeal it, and therefore in line with consistent Supreme Court decisions violates the due process clause of the Constitution.

I submit, Mr. President, that there is absolutely no way of justifying what is sought by this language, that is, the creation of a conclusive presumption or substantive rule of law, by the use of which applicants be permitted to vote without requiring those applicants to prove that the denial of their right to register was because of a pattern or practice. It is my firm conviction that what is sought here is violative of due process and beyond the power of the Congress to enact.

Mr. Bloch in testifying before the Senate Judiciary Committee on Tuesday of last week in discussing the conclusive presumption created in this bill took the position that because the conclusion created is irrebuttable, and the defendant is denied the opportunity to present evidence in rebuttal, such a presumption is unconstitutional. I agree entirely with the position reached by Mr. Bloch.

On this point, I wish to read a pertinent portion of Mr. Bloch's testimony before the committee which highlights the unconstitutionality of this provision of the bill.

On page 6, and this is on a presumption which still lurks in the bill, and which I developed pretty thoroughly in my appearance before Senator HENNING's committee, citing the Tennessee case and the Georgia case that went up to the court of appeals, *Western Atlantic Railroad* v. *Henderson*, *Bailey* v. *The State of Alabama*, and *Manley* v. *The State of Georgia*, all of which were in that printed memorandum, that you have got an unconstitutional presumption lurking in this bill.

The quotations from Judge Walsh's testimony before the House committee tend to demonstrate that.

On the bottom of page 6, Judge Walsh says:

> Ordinarily, when you open up a proceeding like that, and a person wants to take advantage of a judgment which somebody else has obtained, he would have to come in and prove to the referee that he was in exactly the same position as the persons under consideration in the original case; in other words, that he was a qualified voter, that he tried to vote, and that he had been discriminated against because of his race.
>
> The great value of this proposed bill is that it eliminates that last element of proof. Where a judge has just found a pattern or a practice of racial discrimination, it seemed a silly thing to leave it to the master or the referee to fight it out all over again.
>
> Senator ERVIN. But isn't that the crucial thing as to each individual, the question of whether an individual is qualified, being purely a question which can only be determined by an examination of that individual?
>
> Mr. BLOCH. Let me show you how that works, Senator, to show you just how, practically speaking, your question applies.
>
> Suppose there is a Negro who is very well educated, and he is 25 years old, but he has been guilty of a felony, he has killed somebody, and he was sentenced, say, to serve 5 years in the penitentiary.
>
> He goes before a State board of registrars and he seeks to be qualified to vote. He reads the Constitution perfectly, he is perfectly well educated. He is of age. But somebody on the board of registrars happens to know that he has been found guilty of a disenfranchising felony, so he asks some questions:
>
> "John, aren't you the same John Jones who was convicted down here about 7 years ago for murder?"
>
> "Yes, sir; but I served my time."
>
> "Well, we can't register you."
>
> He is turned down now. He goes before the Federal judge, after a pattern of discrimination has been found, and he does not say anything about that conviction of a felony. He proves that he can read and write, he proves that he is 25 years of age, he proves that he has been turned down by the board of registrars of that county, and the judge must necessarily, under this statute, grant him a certificate, because the judge does not know of his other disqualifications, his criminal disqualification.
>
> The Negro does not choose to make it known, and there is nobody contesting the application who might have knowledge of the fact, who has a right to prove it.
>
> Senator ERVIN. That will be all right, Judge, so far as I am personally concerned.
>
> Mr. BLOCH. I think there are just one or two more.

On page 14, if I can count these lines, line 30, Judge Walsh states:

> The proposal of this bill, the essence of this bill, is to take congressional notice that if there is a pattern of discrimination against Negroes, a qualified Negro who is deprived of the right to vote because of that pattern. That is a difficult element to prove for an individual voter, but it is both reasonable as an inference to be drawn by the Congress, and, in view of the almost impossibility of proof in each case, it is a conclusive presumption, so to speak, which it is recommended that the Congress here enact into statute.

On page 15, the paragraph toward the top of the page, Mr. Walsh commences:

> As I would visualize the proceeding, it would be ex parte, but it would lead to an adjudication; the referee spares the judge the job of testing as to whether a man can read and write, how old he is, and where he lives. The referee gets that.
>
> The CHAIRMAN. Would you say that is adjudicative, judicial?
>
> Mr. WALSH. It is not adjudicated until the judge has ratified it. It is a step in an adjudicative process.
>
> The CHAIRMAN. It is a step in the judicial process, as an aid to the court.
>
> Mr. WALSH. Yes. But before the court acts finally, the referee's tentative findings and recommendations are given to the State registrar and all of the other parties in the underlying proceeding, so that they may challenge them, if they see fit.
>
> Then, if they challenge them—supposing the Negro applicant says, "I live on the corner of Third Street and First Avenue in this congressional district," and the State registrar has information that he does not live there, that he really lives in another county altogether, in a different congressional district. I would assume that the judge in these circumstances, as a matter of consistent practice, will require that the referee's report be served on the State registrar or the other State defendant in this action; and that then, if that State registrar files exceptions to that portion of the report and indicates that there is a substantial issue of fact as to where this man lives,

> there will be a hearing, the same as there would be in any kind of a court proceeding.
>
> Mr. HOLTZMAN. And the court would finally determine that.
>
> Mr. WALSH. That is right. I suppose the court could refer that back to the referee himself, or he could determine it himself.
>
> The CHAIRMAN—

Mr. President, that is the chairman of the House Judiciary Committee, Mr. CELLER, not the chairman of the Senate Judiciary Committee.

> Let us assume a pattern of practice where a group is involved. Does that mean the voting referee would have to make a determination based on the deprivation or the discrimination in each individual case in that group?
>
> Mr. WALSH. No, sir. The voting referee would not make that determination. That is the whole purpose of this statute, to avoid the need for that determination in each individual case. Once the judge has found the existence of a pattern or a practice of discrimination which involves a State official who has something to do with the voting process, then all the applicant has to show is that (1) he is qualified to use the voting process and (2) that that State official is not letting him do it.

On page 15, in the paragraph toward the bottom of the page, Mr. Walsh states:

> Congress, if this bill prevails and passes, will have made a legislative finding that the probability is so high that that is the only reason for not letting Negroes register, there it may be assumed a conclusive presumption or statutory rule, and therefore need not be found in each individual case.

Then on page 17, toward the middle of the page, Chairman CELLER asked this question:

> What I was concerned about in the case of the Federal registrar's making a determination that an individual was qualified to vote and was refused registration is that if it is a justifiable question or a disputed question, there would have to be a confrontation of witnesses and cross-examination, and so forth; would there not?
>
> Mr. WALSH. You would have to have due process, and it is harder to generalize about it.
>
> I think the question that concerns you at the moment is this idea of letting a Federal officer be appointed without such a preliminary judicial finding that there is a pattern of discrimination.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. EASTLAND. I yield for a question.

Mr. LONG of Louisiana. Does the Senator from Mississippi recall that many of our liberal friends fought very strenuously in days gone by to protect the right of due process for persons accused of subversive activities?

Mr. EASTLAND. Yes; I do recall.

Mr. LONG of Louisiana. Did not many of our distinguished liberal friends also fight vigorously to protect the right of due process on behalf of those who were found to be subversives and engaged in Communist activities?

Mr. EASTLAND. The Senator is exactly correct.

Mr. LONG of Louisiana. If a Communist or a labor leader—and I do not put the two in the same category at all——

Mr. EASTLAND. Of course not.

Mr. LONG of Louisiana. If a Communist or a labor leader, or a member of some other group—almost any other group under the sun—is entitled to the benefit of due process—felons, Communists, traitors—can the Senator from Mississippi tell me why an honorable elective or appointive public official, holding an office of trust, should not be entitled to due process to redeem his honor?

Mr. EASTLAND. Of course he should be. A thug, a thief, an embezzler, a murderer, or a Communist is entitled to due process; but an upstanding white citizen of the South is not under this title.

Mr. LONG of Louisiana. Can the Senator from Mississippi give any logical reason why a person who is respected by his fellow citizens and holds an office of trust should not be accorded the same privileges which some Members of Congress would use to defend and protect Communists?

Mr. EASTLAND. I know of no reason except pressure to capture the Negro vote in urban areas. That is the only reason I know of. Of course, that is not a valid reason, but we must face it.

The distinguished junior Senator from Louisiana has made a strong point in saying that a Communist or a traitor is entitled to due process, and that such protection has been supported by our liberal friends in the Senate. But a lawyer who is a white southerner is not entitled to the same rights; and the liberals in the Senate attempt to deny those rights.

Mr. LONG of Louisiana. Did not some of our liberal friends, in trying to protect the right of due process for Communists, keep the Senate in session all night long, around the clock, for a considerable period of time when the subversive control bill passed the Senate some years ago?

Mr. EASTLAND. The Senator is exactly correct.

Mr. LONG of Louisiana. Did they not exert every effort to assure due process in order to protect those who were found by the FBI and other investigative agencies to be traitors to the country?

Mr. EASTLAND. Of course; but the liberal groups and the pressure groups were all lined up to make certain that due process was accorded Communists. Now they do not want to extend the same rights to the white people in the South.

Mr. LONG of Louisiana. After the Subversive Control Act was passed, did not the Supreme Court rule that the Communist organizations had to be accorded every privilege of due process, including confrontation of their accusers, even though the FBI thought it was damaging to the interests of the United States?

Mr. EASTLAND. That is exactly correct.

Mr. President, without prejudicing my right to the floor, I should like to ask the Senator from Louisiana a question.

The PRESIDING OFFICER (Mr. HILL in the chair). Without objection, it is so ordered.

Mr. EASTLAND. Does the distinguished Senator from Louisiana believe that the present Supreme Court would extend that same right to the very fine white people of the South?

Mr. LONG of Louisiana. One would think, I might suggest to the Senator, that it would be unconstitutional to try to deny a person the right of due process. Does not the Senator recall that in the Greene case, a case which I think involved Communists, the Court itself held that Congress had no power to deny traitors the right of due process?

Mr. EASTLAND. The Senator is correct.

Mr. LONG of Louisiana. Can the Senator from Mississippi inform me how the Supreme Court can possibly arrive at the conclusion that Communists are entitled to the protection of due process, but that honorable persons, elected and respected by their friends and associates, and by the public in general, are not entitled to the same privileges?

Mr. EASTLAND. They are entitled to the same privileges; but the distinguished Senator asked me how the Court could rule as it did. I do not see how the Court could make that decision or such a decision as in Brown against Board of Education case and base it on psychology and Communist teachings. They left out an explanation of how psychology would affect a white student in school. Has he no rights? A white man is deemed to have no rights. This proposal is an attempt to deprive the white man of his basic rights under the Constitution. Is there any question in the Senator's mind about that?

I believe in giving the Negroes constitutional rights; but we should certainly place the races on a parity and not have privileged classes of people under the law. That is what the Supreme Court has done.

Mr. LONG of Louisiana. I thank the Senator from Mississippi.

Mr. EASTLAND. Mr. President, I resume my quotation from the hearings:

> I think the question that concerns you at the moment is this idea of letting a Federal officer be appointed without such a preliminary judicial finding that there is a pattern of discrimination. In other words, a pattern to permit a Federal officer to supplant a State officer merely upon the view of the committee proceeding along the lines of a congressional committee, in which there has been no cross-examination or confrontation extended to the State officer.
>
> Chairman CELLER. You mean that Congress can justify that presumption?
>
> Mr. WALSH. Yes, sir. I think it is a reasonable presumption. I think if you have had a pattern found, the likelihood of any other reason for refusing to let him register even though he was qualified is nil. So I think there is a reasonable basis for such a presumption.
>
> Not only is it reasonable, but it is necessary, because for an individual to prove each case that he had been a victim of prejudice is very difficult. Therefore, I think he needs Congress' help in that regard.
>
> Mr. WILLIS. Would the chairman yield?
>
> The CHAIRMAN. Is there any precedent where Congress has created such a presumption?
>
> Mr. WALSH. The first thing that occurs to me is in the antitrust cases, where the presumption is not conclusive, but presumptive. Where there has been a Government antitrust case, a private plaintiff who claims to

have been the victim of the same pattern of restraint of trade which the Government has proved may cover his burden of proof by relying on that proved in the Government case.

This is not a conclusive presumption; that would establish a prima facie case.

Then, lastly, on page 29, Representative WILLIS, speaking, says:

Then you say, "This difficult element of proof is the one which the statute would eliminate. Congress would in effect provide that where the court has found a pattern of discrimination against Negroes, it is so obvious that this pattern is the only cause for the denial of registration to a fully qualified Negro applicant that the applicant need not prove this casual link."

Mr. WALTER. That is the heart of the bill.

The fallacy in that presumption is demonstrated by the fact that there ought not to be any such thing in law as conclusive presumptions, and that is demonstrated in the hypothetical case that I stated a while ago, and that Negro, indicted and tried for murder or whatnot, has served his sentence, or guilty of any other crime which disenfranchises under State law, applies to a State board of registrars, county board of registrars, to be permitted to vote, and they turn him down because he is not qualified to vote because of the Georgia statute which prohibits criminals convicted of felonies from voting, or any other State.

That was the reason for it—that he was denied the right to vote; in the language of the bill, he has been denied under color of law the opportunity to register to vote or otherwise qualify to vote.

He proves that; he proves his age; he proves his mental qualifications, and you have got a presumption then, conclusive presumption, that the reason that that board of registrars did not let him vote was because he was a Negro. It is a conclusive presumption, whereas the real reason they did not let him vote was because he was not qualified under the laws of Georgia to vote.

That shows you what presumptions do for you.

Senator ERVIN. I know you pointed out in the hearing before the House very effectively that a conclusive presumption or any presumption which denied an adversary party a fair opportunity to contradict it or disprove it, violates, when created by statute, the due process clause.

Mr. BLOCH. It violates the due process of law, and even if it should be a rebuttable presumption, the person against whom the presumption exists is given no opportunity under this bill to rebut it at any stage of the proceeding, either before the judge or the referee.

It is indeed incomprehensible to me that the Attorney General urges legislation, allegedly based upon the 15th amendment, which empowers a Federal court to decree that State officials are guilty of depriving an individual of his 15th amendment rights, and then, by reason of that decree, to compel State officials to permit other persons, not parties to the original suit, to vote at its elections.

I find no constitutional basis for Congress to convert Federal courts into registration boards and supplant State officials.

Uniformly appraised as a legislative arrogation of judicial power, whereby courts are rendered unable to conduct an investigation of evidence preliminary to a determination of the facts to which relevant principles of law are to be applied, conclusive statutory presumptions consistently have been held to deprive defendants of due process of law, by denying them a fair opportunity to present facts pertinent to their defense.

Nowhere in the record of hearings, either before the House committee or the Senate committee has there been presented by the administration any constitutional basis to justify the enactment of a conclusive presumption measure. During the House committee hearings, Judge Walsh was asked on what grounds a conclusive presumption could be justified. Judge Walsh replied that in his opinion it was reasonable and necessary that Congress provide such a statutory conclusive presumption, not on the basis of its constitutional validity, but solely because it was necessary.

It seems to me, Mr. President, that the Attorney General would have the Congress turn its back on the well-established principles that conclusive statutory presumptions deny due process of law and are unconstitutional. It would appear that in its zeal to enact civil rights legislation, the Congress is asked to disregard constitutional limitations.

I, for one, am not willing to go that route, and will oppose with all my strength any proposed legislation which is violative of due process of law. In the guise of political expediency we are asked to change defendant's rights which heretofore have been consistently preserved.

It would seem to be so self-evident that this proposal contravenes all rules of civil procedure that it would be unnecessary to cite existing law. It appears, however, that that is not the case.

Mr. President, all of the powers, functions, and duties of either the court or an appointed referee, after the pattern or practice has been found, as set forth in title VI of H.R. 8601, are clearly nonjudicial functions. They are ministerial and administrative. The court or referee is simply turned into a registration board, and it is the admitted purpose of the proponents of this legislation to make it possible for applicants to be registered with the same degree of ease that they could be registered before the appropriate State election officials.

All a Negro applicant has to do, when he has a conclusive presumption in his pocket, is to apply to the court or a designated referee and allege, first, he is qualified under State law to vote; and second, he has, since such finding by the court, been (a) deprived or denied under color of law the opportunity to register to vote or (b) been found not qualified to vote by any person acting under color of law.

Regardless of whether the application is made to the court or to a referee, the ensuing hearing involves only the applicant. Insofar as the referee is concerned, he must take the applicant's own word, under oath, as prima facie evidence of age, residence, and his prior efforts to register or otherwise qualify to vote. Regardless of whether the term "ex parte" is used, the hearing is one-sided; there is no contest or controversy; there is no defendant; no one is allowed to challenge or controvert the witness. The individual who has caused the damage to the applicant, redress of which is the right he now asserts, is barred from participating in the proceeding.

This judicial travesty that would be created by title VI is outside the scope of power conferred upon the Federal courts under article III of the U.S. Constitution. Article III, section 1, of the Constitution provides that:

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

After the courts are established, it is then provided, in section 2 of this article, that:

The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority.

And, in a later clause of this section "to controversies to which the United States shall be a party."

The case of *Muskrat* v. *United States* (219 U.S. 346) clearly delineated the extent of the judicial power inherent in U.S. courts. Mr. Justice Day, who delivered the opinion, stated, in part:

It therefore becomes necessary to inquire what is meant by the judicial power thus conferred by the Constitution upon this court, and with the aid of appropriate legislation upon the inferior courts of the United States. "Judicial power," says Mr. Justice Miller in his work on the Constitution, "is the power of a court to decide and pronounce a judgment and carry it into effect between persons and parties who bring a case before it for decision" (Miller on the Constitution, 314).

As we have already seen by the express terms of the Constitution, the exercise of the judicial power is limited to "cases" and "controversies." Beyond this it does not extend, and unless it is asserted in a case or controversy within the meaning of the Constitution, the power to exercise it is nowhere conferred.

What, then, does the Constitution mean in conferring this judicial power with the right to determine "cases" and "controversies"? A "case" was defined by Mr. Chief Justice Marshall as early as the leading case of *Marbury* v. *Madison* (1 Cranch 137) to be a suit instituted according to the regular course of judicial procedure. And what more, if anything, is meant in the use of the term "controversy"? That question was dealt with by Mr. Justice Field, at the circuit, in the case of *In re Pacific Railway Commission* (32 Fed. Rep. 241, 255). Of these terms that learned justice said:

"The judicial article of the Constitution mentions cases and controversies. The term 'controversies,' if distinguishable at all from 'cases,' is so in that it is less comprehensive than the latter, and includes only suits of a civil nature. *Chisholm* v. *Georgia* (2 Dall. 431, 432; 1 Tuck. Bl. Comm. App. 420, 421). By cases and controversies are intended the claims of litigants brought before the courts for determination by such regular proceedings as are established by law or custom for the protection or enforcement of rights, or the prevention, redress, or punishment of wrongs. Whenever the claim of a party under the Constitution, laws, or treaties of the United States takes such a form that the judicial power is capable of acting upon it, then it has become a case. The term implies the existence of present or possible adverse parties whose contentions are submitted to the court for adjudication."

As this opinion so clearly points out, cases and controversies, which are the extent of the judicial power, must involve persons, parties, litigants—always those who have adverse interests. Then, too, if the party or parties who were responsible for the wrong charged were not given their contemporaneous day in court, Congress would also be violating the fifth amendment in enacting this proposed legislation—depriving the adverse party of due process of law.

Edward S. Corwin, who was selected by Congress to edit the 1952 edition of the Constitution of the United States, Analysis and Interpretation, has this to say on the subject of cases and controversies:

The meaning attached to the terms "cases" and "controversies" determines therefore the extent of the judicial power, as well as the capacity of the Federal courts to receive jurisdiction. As Chief Justice Marshall declared in *Osborn* v. *Bank of the United States*, judicial power is capable of acting only when the subject is submitted in a case, and a cases arises only when a party asserts his rights "in a form prescribed by law." Many years later Justice Field, relying upon *Chisholm* v. *Georgia*, and Tucker's edition of Blackstone, amended this definition by holding that "controversies," to the extent that they differ from "cases," include only suits of a civil nature. He continued: "By cases and controversies are intended the claims of litigants brought before the courts for determination by such regular proceedings as are established by law or custom for the protection or enforcement of rights, or the prevention, redress, or punishment of wrongs. Whenever the claim of a party under the Constitution, laws, or treaties of the United States takes such a form that the judicial power is capable of acting upon it, then it has become a case. The term implies the existence of present or possible adverse parties whose contentions are submitted to the Court for adjudication." The definitions propounded by Chief Justice Marshall and Justice Field were quoted with approval in *Muskrat* v. *United States*, where the Court held that the exercise of judicial power is limited to cases and controversies and emphasized "adverse litigants," "adverse interests," and "actual controversy," and conclusiveness or finality of judgment as essential elements of a case.

Again, at a later point Corwin says:

Because judicial review is an outgrowth of the fiction that courts only declare what the law is in specific cases, and are without will or discretion, its exercise is surrounded by the inherent limitations of the judicial process and notably the necessity of a case or controversy between adverse litigants with a standing in court to present the issue of unconstitutionality in which they are directly interested. The requisites to a case or controversy have been treated more extensively above, but it may be noted that the Supreme Court has repeatedly emphasized the necessity of "an honest and actual antagonistic assertion of rights by one individual against another," and its lack of power to supervise legislative functions in friendly proceedings, moot cases, or cases which present abstract issues.

Even the case of *Ex parte Siebold* (100 U.S. 397), sustains the principle set forth in the Muskrat case. Under the old Davenport Act, providing for supervision of elections, Congress vested in the courts the duty to name these supervisors. At page 397 of the opinion the Court says:

Finally, it is objected that the act of Congress imposes upon the circuit court duties not judicial, in requiring them to appoint the supervisors of election, whose duties, it is alleged, are entirely executive in their character. It is contended that no power can be conferred upon the courts of the United States to appoint officers whose duties are not connected with the judicial department of the Government.

Note carefully that the duties to be performed by the election supervisors were duties that were "not connected with the judicial department of the Government." They were not only not connected, but after the Court named a supervisor of election, the Court had no further control or supervision over the appointee. He carried out the duties provided for under the later repealed Federal election law. The Siebold opinion states further:

The Constitution declares that "the Congress may, by law, vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments." It is no doubt usual and proper to vest the appointment of inferior officers in that department of the Government, executive or judicial, or in that particular executive department to which the duties of such officers appertain. But there is no absolute requirement to this effect in the Constitution; and, if there were, it would be difficult in many cases to determine to which department an office properly belonged. Take that of marshal, for instance. He is an executive officer, whose appointment, in ordinary cases, is left to the President and Senate. But if Congress should, as it might, vest the appointment elsewhere, it would be questionable whether it should be in the President alone, in the Department of Justice, or in the courts. The marshal is preeminently the officer of the courts; and, in case of a vacancy, Congress has in fact passed a law bestowing the temporary appointment of the marshal upon the justice of the circuit in which the district where the vacancy occurs is situated.

But as the Constitution stands, the selection of the appointing power, as between the functionaries named, is a matter resting in the discretion of Congress. And, looking at the subject in a practical light, it is perhaps better that it should rest there, than that the country should be harassed by the endless controversies to which a more specific direction on this subject might have given rise. The observation in the case of Hennen, to which reference is made (13 Pet. 258), that the appointing power in the clause referred to "was no doubt intended to be exercised by the department of the Government to which the official to be appointed most appropriately belonged," was not intended to define the constitutional power of Congress in this regard, but rather to express the law or rule by which it should be governed. The cases in which the courts have declined to exercise certain duties imposed by Congress, stand upon a different consideration from that which applies in the present case. The law of 1792, which required the circuit courts to examine claims to revolutionary pensions, and the law of 1849, authorizing the district judge of Florida to examine and adjudicate upon claims for injuries suffered by the inhabitants of Florida from the American army in 1812, were rightfully held to impose upon the courts powers not judicial, and were, therefore, void. But the duty to appoint inferior officers, when required thereto by law, is a constitutional duty of the courts; and in the present case there is no such incongruity in the duty required as to excuse the courts from its performance, or to render their acts void. It cannot be affirmed that the appointment of the officers in question could, with any greater propriety, and certainly not with equal regard to convenience, have been assigned to any other depositary of official power capable of exercising it. Neither the President, nor any head of department, could have been equally competent to the task.

What could be more analogous to the voting qualification procedure than the unconstitutional function Congress attempted to confer on the Federal courts in adjudicating the Florida claims. The parallel is exact and deadly. It is ironic that this Siebold case, which did sustain in part the powers of Congress to exercise some supervisory control over voting for national officers, now rises to deny the proponents of the presently devised vote control plan the very constitutional basis for their scheme.

Now, let me read from a case decided by the Supreme Court in 1930, *Federal Radio Commission* v. *General Electric* Co. (281 U.S. 464). A review was sought of a decision of the Court of Appeals of the District of Columbia given on appeal from an order of the Radio Commission. The Court held that Congress could properly vest in the courts of the District of Columbia legislative and advisory powers. Justice Van Devanter said, in part:

It is recognized that the courts of the District of Columbia are not created under the judiciary article of the Constitution but are legislative courts, and therefore that Congress may invest them with jurisdiction of appeals and proceedings such as have been just described.

But this Court cannot be invested with jurisdiction of that character, whether for purposes of review or otherwise. It was brought into being by the judiciary article of the Constitution, is invested with judicial power only and can have no jurisdiction other than of cases and controversies falling within the classes enumerated in that article. It cannot give decisions which are merely advisory; nor can it exercise or participate in the exercise of functions which are essentially legislative or administrative.

The same limitation that the Supreme Court here places on itself is also applicable to all U.S. district courts outside of the District of Columbia. Courts cannot perform functions which are essentially legislative or administrative. Qualifying applicants under the voting referee plan is nothing more nor less than an essentially administrative function, whether performed by the judge or the referee.

Mr. President, these decisions I have cited are but a few, but cases are legion to prove and demonstrate that the powers, functions, and duties proposed by title VI to be bestowed on Federal district courts are beyond the powers bestowed upon the judicial branch of our Government under article III of the Constitution. At a later time I shall review some or possibly all of the additional cases.

Mr. President, I am going to speak during this debate several other times. I want the RECORD to show repeatedly

that I am opposed to the bill in any form, and that I am going to do everything within my power to prevent its passage.

I yield the floor.

ADDRESS BY SENATOR MORTON AT DES MOINES, IOWA

During the delivery of Mr. EASTLAND's remarks,

Mr. HICKENLOOPER. Mr. President, will the Senator yield to me for an insertion in the RECORD?

Mr. EASTLAND. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Iowa, with the understanding that it will not prejudice my rights to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi?

Mr. FREAR. Mr. President, reserving the right to object—and I shall not object—I wonder if the Senator from Mississippi will give us any idea as to the length of the short speech which he has in front of him.

Mr. EASTLAND. I make no promises.

Mr. FREAR. Mr. President, I do not object.

Mr. HICKENLOOPER. Mr. President, I am happy to join in that request. That was the condition under which I made the request for the Senator to yield. I also ask unanimous consent that my remarks be printed in the RECORD after the conclusion of the Senator's speech.

The PRESIDING OFFICER. Is there objection to the requests of the Senator from Mississippi and of the Senator from Iowa? The Chair hears none, and it is so ordered.

Mr. HICKENLOOPER. Mr. President, on the 31st of March of this year the Senator from Kentucky [Mr. MORTON], who is the chairman of the Republican National Committee, addressed the annual Iowa Republican finance dinner in Des Moines, Iowa, at which he gave an address largely devoted to the subject of agriculture.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. HICKENLOOPER. I yield.

Mr. EASTLAND. What did the Senator say about agriculture which would interest the farmer?

Mr. HICKENLOOPER. Among other things, the Senator from Kentucky said, Mr. President, that it is high time we stopped tinkering with the problems of agriculture on a political basis and started to solve them on an economic basis.

Mr. EASTLAND. What did the Senator advocate for corn? What did the Senator promise? Did he promise more for corn?

Mr. HICKENLOOPER. I suggest that the Senator read the address.

Mr. EASTLAND. Did he promise to increase the price of hogs?

Mr. HICKENLOOPER. No. The Senator from Kentucky did not confine himself to such details.

Mr. President, I ask unanimous consent——

Mr. EASTLAND. How does he propose to help the farmers? I think he is dealing in some political medicine. That is what the Senator from Mississippi thinks. The Senator made a speech in which he said he wanted to help the farmers, but he did not promise to do anything for the farmers.

Mr. HICKENLOOPER. I will say in general the speech advocates doing something for the farmers, rather than the general Democratic program of doing something to the farmers.

Mr. EASTLAND. What would he do for the farmers? I expect he will do something to them.

Mr. HICKENLOOPER. I suggest that the Senator read the address which I am offering for the RECORD. Mr. President, I ask unanimous consent that this very excellent address by the Senator from Kentucky be printed as a part of my remarks at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

EXCERPTS FROM REMARKS BY SENATOR THRUSTON B. MORTON, REPUBLICAN, OF KENTUCKY, CHAIRMAN OF THE REPUBLICAN NATIONAL COMMITTEE, IOWA REPUBLICAN FINANCE DINNER, VETERANS' AUDITORIUM, DES MOINES, IOWA, MARCH 30, 1960

It is a great pleasure to visit Iowa again and to have the opportunity of meeting with so many active Republican workers.

In the year that I have served as chairman of the Republican National Committee, it has been my privilege to participate in meetings such as this in more than 40 States. I can report to you that our party is on the march everywhere but the greatest resurgence of Republican strength I have encountered is right here in Iowa and its neighbor States.

As all of you know, the Republican Party has suffered serious losses in the Midwest in recent elections—in Senate and House seats, in governorships, and in other important political offices. I strongly believe this trend will be sharply reversed in 1960. Republicans will recapture many of the elective positions which went to Democrats in 1954, 1956, and 1958.

It seems to me that Iowa's special election of last fall in the Fourth Congressional District clearly points to such a probability. This was a crucial contest—one of genuine national significance. The election of JOHN KYL to Congress represented a smashing Republican Party victory.

I know firsthand of the organizational work and the tremendous campaign effort which the candidate and hundreds of active Republican Party workers put into this winning drive. I know that with equal determination and dedication, this great Republican victory can be duplicated in many election contests next November. Here in Iowa, for example, it seems to me that it is possible to win all of the three House seats now held by Democrats. I believe that our chances of unseating Democratic Congressmen are as bright in other Midwestern States.

It seems to me that the Republican resurgence is attributable to several factors. First, and most importantly, this Republican administration has maintained the peace and a great majority of the American people believe that the best hope of achieving a permanent easing of world tensions lies in the election of another Republican administration. Second, there is the indisputable fact that most segments of the economy are expanding to unprecedented heights, with more people at work, earning more, investing more, building more and buying more than at any time in our history. A third powerful factor in the improved outlook for Republican success is the increased organizational activity within the party itself. This is evident everywhere. More people are now willing to work actively for the party and its candidates.

Currently I sense the emergence of a fourth positive factor, one which could be vitally important here in the Midwest. I believe that many traditionally Republican farm people, who had become discouraged over their failure to share fully in the Nation's record prosperity, now see that the Democrats have been seeking only to exploit and not to solve the problems of agriculture.

Since the 1954 elections, the Democratic Party has controlled Congress—and it is Congress alone which can write farm legislation. Since the 1958 elections, the Democrats have held both branches of Congress by a virtual 2-to-1 majority. Nevertheless, through all of these years the Democratic majority has dodged its responsibility to face up to the farm problem. Instead, its individual members have sought to fasten responsibility for all of agriculture's ills upon the executive branch of the Government. And this they have done with the full knowledge that the President and the Department of Agriculture can do only those things which the laws passed by Congress permit or direct.

At this point, may I digress for a moment? A couple of Sundays ago I watched with keen interest a combination documentary-television news show on the farm problem. Some of you may have seen it. It touched on the increasing costs of moving food from the farms to the dining tables of consumers. But it pinpointed the heart of the problem in this way: prices received by farmers have failed to keep pace with the costs of the goods and services they must buy. The familiar "cost-price" squeeze we have heard so much about in recent years.

I might add, however, that the film and the comment on this show were not about agriculture in the United States. This was a presentation of the problems of the farmers of France. And, although the major problems of French farmers were startlingly similar to those of farmers in our own country, somehow it was not even suggested that the Republican Party was responsible for the situation.

Canada, our good neighbor to the north is beset by farm problems not unlike our own—mounting surpluses, the "cost-price" squeeze and the constant battle to hold and expand export markets.

I strongly suspect that if an Iowa farmer were to sit down and discuss the world agricultural situation with farmers from France, Canada, Australia, Argentina and most of the other free nations, it would soon become apparent that all of them have many common problems. I have purposely excluded farmers from Russia, China, and the satellite countries from this hypothetical roundtable meeting because their problems are different and they wouldn't dare to talk about them anyway.

What all of this suggests to me is that the farm dilemma is much bigger and broader and far more complicated than the people with the quick and easy solutions are willing to admit. It is in no small part an economic problem but it represents a social problem as well. Farmers are people and farming is more than just a business.

Agriculture, as every Iowa farmer knows, has been going through a tremendous technological revolution, particularly in the last two decades. The end is not in sight and who can say with certainty that this great flood of new farm know-how will not one day in retrospect appear as a mere trickle?

The improvement in farm income and living standards which farm people want and rightly deserve will be found not on the road which leads backward but rather along the one which lies ahead. The outmoded programs designed to serve agriculture in time of war cannot be made to fit the needs

of farmers today. Political gimmicks won't solve basic economic problems, either.

And the Brannan plan—dusted off and repackaged by the Democrats, and now being put forward as their farm program—this discredited blueprint for the regimentation of all agriculture represents the worst of all possible approaches to the problems of agriculture. It would make virtual serfs of farmers. While farmers clearly would suffer most under its oppressive provisions, there is room for debate as to whether labor, business, or consumers would be the next hardest hit. One thing is certain, it would adversely affect every American citizen.

The resurrected Brannan plan now bears the innocent-sounding title: "Family Farm Income Act of 1960." It has been introduced in bill form, with some slight variations, by nearly a score of Democrats, including three Democratic Congressmen from Iowa. Governor Loveless and several other Democratic Governors have spoken out in support of this approach to the farm problem. The leading candidates for the Democratic presidential nomination have also been flirting with the idea. It represents, as nearly as anything can prior to convention time, the farm program of the Democratic Party. It is interesting to note that after 12 years the Democrats are back where they started, back to the Brannan plan.

For the last 7 years the Democrats have had no farm program which could be definitely tied to them as a party. They were content, without offering real alternatives, just to attack the Republican administration and the farm laws on the books—even though the present price-support programs are based essentially upon measures passed by Democratic Congresses.

For the first time since the Democrats went to the Farm Belt with the Brannan plan and were repulsed in the elections of 1950, there is now the opportunity for a meaningful, full-dress debate of the entire farm problem. Farmers will be presented a clear-cut choice between the all-out regimentation of the revived Brannan plan and the premise that farm income can be bolstered without putting farmers in chains. Obviously I cannot present you with a preview of the party's 1960 farm plank because it has not been written. I cannot anticipate the thoughts and ideas our presidential nominee will have, but I know that much work is being done by factfinders in the farm field. I can assure you that we Republicans won't be running on the Brannan plan. We will stand forthrightly for the farmer, for his security, and for his freedom.

President Eisenhower, on February 9 of this year, once again called the attention of Congress to the serious problems confronting agriculture and urged early corrective action. In that special farm message he said:

"I have repeatedly expressed my preference for programs that will ultimately free the farmer rather than subject him to increasing governmental restraints. I am convinced that most farmers hold the same view. But whatever the legislative approach, whether toward greater freedom or more regimentation, it must be sensible and economically sound and not a political poultice. And it must be enacted promptly. I will approve any constructive solution that Congress wishes to develop."

The President then went on to lay down broad guidelines for congressional action. He said that within those guidelines he was constantly ready to approve any one or a combination of constructive proposals.

I sincerely hope, as I am sure most farmers do, that the Democratic Congress will come forward with constructive farm legislation which would meet the standards outlined by the President. This would represent a long step toward the solution of agriculture's more pressing problems. If the Democratic Congress fails to act constructively, certainly the Republican Party must go to the people on this vital farm policy issue.

There are so many things wrong with the Brannan-type bills now pending in Congress that I shall not attempt to list them in detail here this evening. A few will suffice.

Under the provisions of this proposed legislation, the four-fifths of agriculture which is now entirely free of Government controls could be brought under Federal regimentation. The program offered to hog producers would force an estimated production cut of 30 percent. Cattle producers could be similarly regulated, with cattle prices fixed by grades. (Remember when we had the Government in the business of fixing cattle prices?) Egg production would be cut an estimated 30 to 40 percent under the proposed program. Wheatgrowers would be confronted with a forced allotment reduction from 55 million acres to less than 25 million—a cut of more than one-half.

Although the proposed measure is designated as the "Family Farm Income Act of 1960," nowhere in the language of the bill is any income goal spelled out. The many Democratic sponsors of this proposal are seeking to imply that family farm incomes would rise if it were adopted. It seems clear to me that the reverse would occur. The harsh cutbacks in total farm production would more than offset the increased prices which are promised.

Moreover, large numbers of farmers specializing in one type of operation would find themselves reaping the consequences of programs adopted by other producer groups. For example, many corn-hog-cattle operators here in the Midwest utilize on their own farms all of the feed they produce. Because they don't market the required $500 worth of feed grains a year, they would be ineligible to vote in referendums which could impose heavy cutbacks on their own production of such grains. This is nothing less than confiscation without representation.

There are other far-reaching implications of the Brannan-plan approach which its Democratic sponsors have not thought through. Obviously, it would take fewer packinghouse workers to slaughter and process fewer cattle and hogs. It would require fewer employees in the farm-equipment plants to turn out machinery for an agriculture geared to scarcity rather than abundance. Fewer transportation workers would move a sharply reduced volume of farm products to market. It would require fewer retail and service businesses, with smaller numbers of employees, to provide the goods and services which a straitjacketed agriculture would need—less farm machinery, less petroleum products, less feeds and seeds, less lumber, less fencing, etc.

Consider for a moment what this would mean in terms of jobs and income here in Iowa and across the Nation. Think what it would mean to your city or town and to you personally. Those labor leaders who are lending their support to the pending Democratic farm legislation would do well to take a long, hard look at what this program would do to their membership, both in terms of jobs and living costs. As a matter of cold economics, it would be impossible to reduce total farm output by 20 or 30 percent, without reducing employment in allied agricultural industries and businesses by nearly as large an amount. And any labor leader who believes food becomes cheaper as it becomes less plentiful can get himself straightened out by having a little talk with his wife.

In summary, here is an alleged "family farm income" program which would cut farm income, drastically reduce jobs both on and off the farm and sharply increase food prices and other living costs to consumers. The only offsetting job effects I can conceive are these: a vastly augmented army of bureaucrats would be required to police and enforce the compliance features of the program; more adding machines, file cabinets and double-entry ledgers would be needed by farmers to keep the intricate records Federal inspectors would demand.

The Nation's farmers would never knowingly trade their birthright for this mess of pottage. The danger is that this monstrous farm program could be foisted upon them by fast-talking politicians under the guise of a "family farm income" plan, which it clearly is not.

It seems to me that one of the greatest services Republicans can perform in every farm State of the Nation is to acquaint farmers, and the millions of others who would be directly affected, with the grave threat which confronts them in the form of the retitled Brannan plan.

If this is done effectively, I shall have no doubts as to how a great majority of farm people will vote in the elections of 1960.

Mr. EASTLAND. Mr. President, will the Senator yield for another question?

Mr. HICKENLOOPER. I yield.

Mr. EASTLAND. How much money did the Republicans raise?

Mr. HICKENLOOPER. We fed over 3,000 people at $25 each. I do not know what the expenses were, but they were a small portion of the $25 each. It was the biggest political crowd of that kind which ever sat in the State of Iowa at a similar meeting, either Democratic or Republican.

I will say to the Senator that I am very, very happy about the success of the meeting, and I was stimulated by the speech of the Senator from Kentucky.

I suggest that there is some pretty good philosophy in the speech of the Senator from Kentucky. The Senator from Mississippi, with whom I have sat on the Committee on Agriculture and Forestry for many years, has, in the main——

Mr. EASTLAND. That is wrong.

Mr. HICKENLOOPER. The Senator has, in the main, been quite sound on his approach to the problem of agriculture.

Mr. EASTLAND. I thank the Senator.

Mr. HICKENLOOPER. I will say to the Senator from Mississippi that the only possible resentment I might hold against the Senator from Mississippi—and otherwise I have the highest regard for him—is the fact that a great deal of the prosperity of Mississippi, and especially of that loamy belt along the river, is due to the alluvial wash which we send down the Mississippi from the State of Iowa. Some day I hope that the State of Mississippi will be kind enough to sort of help us out a little bit, when we get in bad financial straits, because of the use of all this soil over the years.

Mr. EASTLAND. Mr. President, that is a captive product. But I wish to make it clear that the farmer evidently got a rooking. The Republican national chairman went out to the great fertile State of Iowa, the heart of the Corn Belt of the world with a great corn, hog, and livestock production, and made a farm speech. According to my friend from Iowa, he did not offer anything that would increase the income of the farmer. He got by with it——

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. EASTLAND. Just a moment.

Mr. HICKENLOOPER. Mr. President, I am getting beaten over the head now.

Mr. EASTLAND. To add indignity to insult, he charged them $25 a plate for 50 cents worth of food, and the money went into the Republican war chest. As the Senator says, he did not promise to raise the price of corn. He did not promise to raise the price of cattle. He did not promise to raise the price of hogs. In other words, the farmers of Iowa got a rooking. They ought to vote Democratic.

Mr. HICKENLOOPER. I may say to the Senator from Mississippi that the Democrats have been in general control of the Congress for 24 of the past 28 years. During all that time the Republicans have been trying to do something for the farmers, rather than give them mere promises. We leave the promises for the Democrats. But if we get a chance we will actually do something for the farmers in the agricultural program.

So far as the substance of the speech of the Senator from Kentucky is concerned, it is a very good speech.

Mr. EASTLAND. The Senator has not answered the question. There is no substance to it.

Mr. HICKENLOOPER. It was a very good speech. I did not want to read the speech into the RECORD. I suggest to the Senator from Mississippi that he read the speech in the morning when it is in the RECORD. I think he will find that it is very sound economic philosophy.

Mr. EASTLAND. It is economic philosophy, but the farmer cannot eat that. He cannot pay his debts with economic philosophy.

The Senator referred to how long the Democrats have been in control of Congress. The distinguished Senator knows that we cannot get a farm bill by the White House. American agriculture would be floating in prosperity if the White House would let the Democratic farm programs by.

Mr. HICKENLOOPER. Let me say to the Senator from Mississippi that the farmer can come nearer to eating well if his problems are solved on the basis of economics, than he can on the promises of the Democratic Party, which are never fulfilled.

Mr. EASTLAND. He cannot get by on 12-cent hogs. That is the Republican farm program. We have passed farm bills that would help him, and the President has vetoed them.

Mr. HICKENLOOPER. I think the 12-cent hogs were under the Democratic control of Congress.

Mr. EASTLAND. Everyone knows that Mr. NIXON will be the Republican nominee for President.

Mr. HICKENLOOPER. Let me correct that and say that he is going to be the next President. We might as well jump that hurdle.

Mr. EASTLAND. Is he going to adopt the present farm philosophy of the White House?

Mr. HICKENLOOPER. I think Mr. NIXON will adopt his own philosophy. I do not know that he is going to adopt any philosophy merely because it is someone else's.

Mr. EASTLAND. Will the Senator answer the question? Is he going to adopt it?

Mr. HICKENLOOPER. I do not know exactly what philosophy he will adopt.

Mr. EASTLAND. In other words, the Senator is saying that Mr. NIXON might repudiate the present farm policies of the Republican leadership?

Mr. HICKENLOOPER. All I said was that I do not know what philosophy he is going to adopt. I think he will make his position clear at the proper time.

Mr. EASTLAND. I venture to say that the farmer will get another rooking then. I have heard for years from Republicans that "At the proper time we are coming up with a farm program." There has never been a thing that would add 10 cents to the price of hogs. There has never been a thing that would add two bits a bushel to the price of corn. That is what the farmer must have—not the economic philosophy about which we have heard for 30 years. It has not given the farmer a mouthful to eat in the 30 years. It is Republican hogwash.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. AIKEN. I thank the Senator from Mississippi for yielding.

I wonder if we are not getting our national chairmen a little confused. If I read the ticker correctly, the national chairman of the Democratic Party has been in Iowa making a speech at an agricultural convention. I gather the Senator from Mississippi is not happy with the speech made by the Republican national chairman. I was wondering if it could be correct to presume that the Senator from Mississippi is extolling the virtues of the Democratic national chairman.

Mr. EASTLAND. No, I am not. I think he should be fired. But my distinguished friend from Iowa stood on the floor of the U.S. Senate and adopted the philosophy of the chairman of the Republican National Committee, and even described in detail how the Republican farmers of his State were rooked at a $25-a-plate dinner, for food that cost 50 cents. The only thing the farmers were fed was economic philosophy, which they cannot eat, and with which they cannot pay their debts.

Mr. AIKEN. How did the Democratic national chairman feed the group of college students in Iowa?

Mr. EASTLAND. The Democratic Party will pass a farm bill when we get control of the White House, that will make American agriculture lush with prosperity.

Mr. HICKENLOOPER. I thought it was the Congress that passed farm bills.

Mr. EASTLAND. We have been passing farm bills, and they have been vetoed.

Mr. HICKENLOOPER. The Democratic Party is in control of the Senate by 2 to 1, and in control of the House of Representatives by 2 to 1.

Mr. EASTLAND. The American people made the mistake of putting a Republican in the White House.

Mr. HICKENLOOPER. They made a fantastic mistake when they elected Democrats to the control of both Houses.

Mr. EASTLAND. How are the farmers to be fed with economic philosophy, which the Senator said the speech was? I have heard all my life about economic philosophy. I have heard big businessmen say, "We must handle this on an economic basis," and every time the farmer got his throat cut.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. LONG of Louisiana. Is it not true that one of the very few bills that has been signed since the Republicans captured the White House was a bill which they themselves sent down here, the Benson farm bill? Under that bill things got worse instead of better, as many of us predicted.

Mr. EASTLAND. I do not remember the details of any bill, but I know that it is to the interest of the American farmer in the South, the great Midwest, and in the Far West, that we have a sound Democratic President, with a Democratic Congress, and agriculture will be better off. We shall not have 12-cent hogs, and 75-cent corn, and feed the farmers economic philosophy.

Mr. HICKENLOOPER. I wish to emphasize to the Senator from Mississippi that it would be helpful in this country if once we had a sound Democratic President. That would be rather unique in recent times.

Mr. EASTLAND. We have had some sound Democratic Presidents.

Mr. HICKENLOOPER. I earnestly hope that a Democratic President would be sound, but I am not so certain that the prospects are good.

Mr. EASTLAND. Mr. President, I appeal from the judgment of my distinguished friend the senior Senator from Iowa to the judgment of the people of Iowa, when they overruled him and elected Harry Truman President of the United States.

Mr. HICKENLOOPER. Mr. President——

Mr. EASTLAND. Mr. President, I do not yield. I have the floor.

Mr. HICKENLOOPER. I renew my request that this address be printed at the conclusion of the Senator's remarks.

Mr. EASTLAND. Mr. President, may we have order? I am against the civil rights bill, and I propose to explain it in detail.

COMPENSATION OF YAKUTAT COMMUNITY OF TLINGIT INDIANS, ALASKA, FOR EXTINCTION OF THEIR ORIGINAL INDIAN TITLE

During the delivery of Mr. EASTLAND's speech in opposition to civil rights legislation,

Mr. BARTLETT. Mr. President, I ask unanimous consent, out of order, to introduce, for appropriate reference, a bill to provide compensation to the Yakutat local community of Tlingit Indians of Alaska for extinction of original Indian title. That community is 1 of 13 such native Tlingit communities recognized in the Tlingit and Haida special Jurisdictional Act of June 19, 1935, and in the findings annexed to the October 1959, decision of the Court of Claims. Today the Yakutat local community is the joint community of and successor in interest to the several native clans of Tlingit Indians which among them held original Indian title to the coastal area extending along the Gulf of Alaska from Cape Fairweather to the Copper River. Since February 6, 1953, this coastal area has been made the subject of numerous oil and gas leases by the United States.

The traditional policy of the United States has been to establish its vast public domain by purchase from the Indians rather than by confiscation. Evidence of this policy may be found in the statement of the President of the United States when he signed the Indian Claims Commission Act of August 13, 1946, and the Supreme Court decision in the Tee-hit-ton case at 348 U.S.

The jurisdictional acts implemented that policy by providing for appropriate compensation in the exceptional instances where taking by the United States had, for one reason or another, occurred without full provision having been made for reasonable and proper compensation. Both acts applied to Alaska—the 1935 act exclusively so, and the 1946 act to the entire Nation, including Alaska. Indeed, the Court of Claims has already decided that the Indians are entitled to judgment for the taking of vast areas of southeastern Alaska which had been incorporated into the Tongass National Forest and two other reservations.

Both acts, however, contained statutory limitations confining their application to causes of action—takings—which had accrued prior to their enactment. Thus, the final deadline under that legislation was 1946. The leases of approximately 2 million acres to which the present bill is directed were not made until 1953 and 1956.

The net result is that, as of today, unless this bill or comparable legislation to the same general effect is enacted, these leases stand as the only exceptional instances which have come to my attention either in Alaska or stateside, in which Indian title land is being taken and no available provision for making the traditional compensation has been enacted. Clearly the discrepancy must be remedied.

Unlike many instances of taking of Indian title, the United States has already received substantial revenues from these leases. Since the passage of the act of July 10, 1957, 71 Stat. 282, it has redistributed most such receipts back to the Territory and the State of Alaska as a whole. However, the United States has never shared any part of the proceedings with the original Indian owners, and I am advised that out of the receipts prior to July 10, 1957, the Federal Government has retained more than $500,000, according to Department of the Interior's records. Therefore, $500,000 would seem to be an appropriate amount for an award to the Indian community as proposed in this bill.

Mr. President, I believe the bill introduced today is equitable. I am convinced that approval of the bill by Congress will promote fairness and reflect favorably upon the Government and people of the United States.

The PRESIDING OFFICER. Without objection, the bill will be received and appropriately referred.

The bill (S. 3345) to provide compensation to the Yakutat local community of Tlingit Indians of the State of Alaska for the extinction of their original Indian title, introduced by Mr. BARTLETT, was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. BARTLETT. Yes.

Mr. EASTLAND. Who are the Tlingit Indians?

Mr. BARTLETT. The Tlingit Indians are one of the three Indian groups in that geographic area of Alaska commonly known as the "panhandle," which is occasionally referred to as "southeastern" Alaska. I wish to inform the Senator from Mississippi they have been there since, as the phrase runs, time immemorial. They are a wonderful group of people. They are civilized Indians.

Mr. EASTLAND. They are very fine people, I am sure.

Mr. BARTLETT. They are excellent people.

Mr. EASTLAND. Will the Senator continue to describe the Tlingit Indians? I am very interested that the Senate should be educated on the subject of the Tlingit Indians.

Mr. BARTLETT. I shall be glad to make whatever contribution I can in that respect.

Mr. EASTLAND. I will tell my distinguished friend from Alaska that I would be glad to help the Tlingit Indians in their problems with the Federal Government.

Mr. BARTLETT. I am delighted to learn of the Senator's interest. I know the Tlingit people of Alaska will likewise share in my gratification. The Tlingit and Haida Indians in this geographic area I have already described number about 6,000 people who, since ancient times, have lived chiefly from the sea. They also have certain land rights. In a recent court of claims decision in respect to their brethren a bit farther to the South those rights have been recognized.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. BARTLETT. I yield gladly.

Mr. EASTLAND. I should like to know about their neighbors to the south. Who are they?

Mr. BARTLETT. The other Tlingit people.

Mr. EASTLAND. I see.

Mr. BARTLETT. Their claims were recognized in the court of claims decision. These particular people, the people in whose behalf I have now introduced the bill, were not recognized in the decision. The bill seeks to grant justice to this relatively small group of Tlingit Indians living in north southeastern Alaska.

Mr. EASTLAND. May I ask the Senator another question?

Mr. BARTLETT. I would be glad to respond to the best of my ability.

Mr. EASTLAND. Do these people vote Democratic or Republican?

Mr. BARTLETT. I should like to inform the Senator that they almost always vote Democratic.

Mr. EASTLAND. Then they vote for my distinguished friend from Alaska. I am certainly for the bill, Mr. President.

Mr. BARTLETT. On occasion they do, and sometimes they do not.

Mr. EASTLAND. Does the Senator mean to tell me that those people use bad judgment at times?

Mr. BARTLETT. Sometimes. They are a group of people who are not fixed in any one political party. They are like all American citizens anywhere. They sometimes vote Democratic and sometimes vote Republican. I am happy, though, to be able to relate to the Senator that the majority of them on the majority of occasions do vote Democratic.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. BARTLETT. I yield gladly.

Mr. EASTLAND. Is my distinguished friend sure they will vote Democratic this year?

Mr. BARTLETT. No; I cannot be positive of that.

Mr. EASTLAND. Then possibly we should pass the bill.

Mr. BARTLETT. Even if they did not vote Democratic, the bill is an excellent one.

Mr. EASTLAND. Is it meritorious?

Mr. BARTLETT. It is meritorious, notwithstanding. I thank the Senator for his interest in this particular bill.

Mr. EASTLAND. Does the distinguished Senator desire to have me vote for the bill?

Mr. BARTLETT. Yes; I would appreciate it.

Mr. EASTLAND. Mr. President, I am going to support the bill. The Senator has at least one vote. I think the distinguished Senator from Alaska is very able and very intelligent. A bill he introduces for the people of his State should certainly be meritorious. I am going to support it.

Mr. BARTLETT. If the Senator will permit me to so state, if I can convince the other Members of the Senate so speedily of the correctness of this policy we will all be much happier.

Mr. EASTLAND. I thank the Senator. I am sure, as persuasive as is my friend, he will have no trouble convincing the Democrats and the Republicans of the merits of the bill.

Mr. BARTLETT. Once more I want to thank the Senator for his exceeding courtesy.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. STENNIS. Mr. President, during the course of this long debate, and especially since that section which is now title VI has taken on its main form, particularly with reference to the referee section, I have been formulating in my mind some points in connection therewith, which I want to bring to the attention of the Senate as forcibly as I know how. I shall bring them to the Senate's attention particularly with reference to the viewpoint of what I imagine would be the attitude of a court or of a judge who had these extra duties imposed upon him. I also want to consider these points from the standpoint of a court which would be called upon to pass upon the validity of the act.

Mr. President, when one reviews in its entirety the ramifications of this title VI, the so-called referee plan, one is really grievously concerned and surprised that a rambling measure of this kind involving the judiciary could emanate from some mind within the Attorney General's office. Apparently it did not all come from there, because the germ of it is supposed to have come from the Civil Rights Commission, which recommended a plan including a floating registrar or Federal registrar of some kind, who was to be appointed by the executive branch of the Government. I am compelled to say that simply from the standpoint of whether the remedy to be supplied, if one is needed, is going to be executive or judicial, it is far better that it be taken from the judiciary than from the executive branch of the Government. The President, of course, does not have an opportunity to give such matters personal attention, nor does the Attorney General, as far as that is concerned, except in setting a general policy.

To usurp the powers of registrars and election officials, as this bill contemplates, under executive appointments by the Federal Government, would be unthinkable. Certainly I do not believe this bill will ever become operative, because in my opinion it will be declared invalid and beyond the purview of the Constitution of the United States. I am referring now to title VI. But certainly if the bill should become operative, it would be far better to have it under some kind of judicial decision than otherwise.

I mention another thought, Mr. President, which has come to me during this long debate. It has given me a greater appreciation of the Constitution and a further realization of the neglect and disuse, as well as misuse, of our organic law, when I have contemplated the extent to which this country had departed from that organic law.

I say deliberately and in all seriousness, Mr. President, that I believe a Senator of the United States could better serve his country if he would resign his committee assignments and spend his entire time on the floor of the Senate, rather than devoting so much of this time and talent to the innumerable, endless committee hearings on voluminous bills. A Senator could better serve his country in that manner, after making special preparation therefor in constitutional law, refreshing what knowledge thereof he has, and renewing and augmenting that knowledge. Then the Senator could spend his time on the floor doing what he could toward steering the mass of proposed legislation as it comes along, from day to day and month to month, keeping that proposed legislation within the constitutional confines of our organic law.

Following such a course, Mr. President, not much headway could be made for a considerable period of time, but within the span of 10 years or so perhaps real progress could be made in reeducating the American people to a greater realization of exactly what is the guardian of our rights, the protector of our essential rights, which constitute freedom, so that there might be a reorientation of the points of view of our entire Nation, the Congress included, toward applying the yardstick of the Constitution to legislation that may seriously be considered for passage.

Such a rule should be applied, Mr. President, whether the legislation be group legislation or be sponsored by particular pressure groups, or whether it be for any segment of our economy.

We talk about frontiers and new plateaus—the old terms as well as the new terms of science and technology and military development. But what America needs, Mr. President, is a new plateau of earnest consideration and real adherence to the basic principles of our fundamental law.

I have found that this entire bill, Mr. President, referring particularly to title VI, is honeycombed with illegal and unlawful provisions in regard to the control of Federal and State elections through an alleged judicial supervision by the Federal courts. It has been said, Mr. President, that if existing standards are followed by the courts, the Federal judiciary will refuse to allow its powers to be corrupted in this fashion and, to use a Biblical term, will "spew" this act out of its mouth and expressly declare it invalid and unconstitutional.

As one who has followed the law for a good number of years, Mr. President, I do not believe that the Federal court is going to permit itself, as an institution, to be prostituted and to be made an administrative or supervisory agency to the extent that is provided in this bill, over and over and over again.

Mr. President, as to some of the provisions of the bill which would be brought before the Federal court, that court would be acting more in the nature of a sanitary board or commission, a very low level in government.

Article III, section 1 of the Constitution of the United States, is the only line of law which has to do with the judicial power of the United States. That section provides as follows:

> The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

Omitting the latter portion of section 1, section 2 then provides:

> The judicial power shall extend to all cases—

And then omitting a few phrases—

> and to controversies.

Thus we have a vesting of the judicial power in the courts, and a further provision that this power shall extend to "cases" and "controversies." Such is the entire import of sections 1 and 2 of article III.

The case or controversy in question, in the proceedings provided for in title VI, would be the original suit brought by the Attorney General under the Civil Rights Act of 1957, which title VI of this bill proposes to amend. When that case or controversy is decided by the Federal judge, and a decree then entered, the court will have exhausted its authority, except to see that its orders are carried out.

This was the conception of a case or controversy at the time the Constitution was written, and this is the conception today, and has been, without interruption, over the decades. This is, of course, elemental law. I have prepared this argument not from a so-called legalistic standpoint. There are numerous cases to reiterate and affirm what I have said here. I am trying to present my argument in a manner that will be understood by laymen who might care to read it. I repeat that this kind of cases or controversies, which contemplate that evidence shall be heard by a court and a decree entered, represent a conception of the power conferred when it was conferred, and has been since and still is.

These simple words define the beginning and the end and the boundary of this judicial power of the United States, and of our grant of authority to create the courts and vest them with this power.

However, in the bill we would undertake to compel the court—not permit it, but compel the court—to make a further finding that a certain pattern or practice exists. The exact language to which I refer at this point in my argument appears at page 15 of the printed text of the bill, beginning near the middle of line 23, and reads as follows:

> The court shall upon request of the Attorney General and after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice.

I call particular attention to the fact that this is a mandatory provision in the bill. It applies after a decision has been rendered in a case or controversy before the court. Another person not connected with the other parties, unless the Attorney General is his attorney and an additional matter have been presented to the court. We compel the court, on the motion of the Attorney General, to make a finding whether a certain pattern or practice exists as to an alleged discrimination.

The point is that the court has authority to exercise such power in this extraneous matter, but the Congress has no authority to compel the court to go out on this venture. These are serious matters we are dealing with. This is not a trivial matter. The district court of the Federal Government is not a trivial matter. This is not a summary proceeding. This is a constitutional court. Congress cannot compel it to go out in this extraneous matter. We are compelling the court, through legislation, to make a finding. We say it shall make a finding on request of the Attorney General. Certainly Congress cannot dictate to the court as to how it shall proceed in a particular case; neither can it dictate to the court to make a finding on an extraneous matter. The court would be, in effect, a weapon of the Attorney General in making a purely administrative decision.

The Federal judiciary should, and I believe will, highly resent any such attempt at legislative mandate. I believe that the court will spew this act out of its mouth and certainly declare section 6 unconstitutional. I wish to repeat for emphasis that this matter of a pattern or practice that we have heard so much about is purely an additional and unnecessary transaction so far as the case is concerned.

I do not like to refer to myself or to my experience. However, I know as a trial judge, the concern and responsibility a judge feels in having to rule on cases and in deciding matters.

After a court has made its ruling, they would come in and say, "We want the court to go back. This does not relate to the litigant's rights. This is not a part of the case or controversy. This is proof that has come out today. We want the court to go back and raise an umbrella over a certain area. We have a mandate from Congress that the court shall make a finding."

Mr. President, plain commonsense would teach anyone who has thought through this matter that just because that matter is in the courtroom does not make it a court matter or a judicial matter, but that it is an additional or extraneous matter, and a fishing expedition on another course of action. That is what it is.

We are asked to give it a certain solemnity. They say that the President has approved it and that the Attorney General has recommended it. They have filed their case with both political parties, but it is still fatally defective, because it does not come within the purview of the Constitution, this basic law, and it is not a part of the case and not a part of the controversy, and it has no standing in a court of law or a Federal district court, and should be stricken out of this bill.

Under the Constitution, Congress has no grant of authority to bestow such power on a Federal court to make such a general finding. Under the Constitution, the court has no grant of authority to use any such power. The only power a court has is judicial power, and it is so stated on the face of the Constitution itself. The bill provides no judicial power with reference to the plan or pattern which paves the way for the referee. This is not an administrative matter setting the stage for more cases. It is litigious. It is the stirring up of litigation in a decree.

I am not arguing that a remedy may not be needed or that a problem may not exist in places, although not as serious as has been blown up in the press. That is not the point. My point is that title VI does apply a legal remedy. If Congress really wants to go into the matter, why not simply pass a law which provides that anyone charged with registration duties who discriminates against any applicant because of race or color is guilty of a Federal crime, and provide a certain punishment therefor. That is a matter over which Congress no doubt has jurisdiction. We now have a law along that line. If it is not specific enough, or if the punishment provided is not severe enough, Congress can take action so as to approach such problems as may exist. That is the way other matters are approached. If they are not reached in that way, the action is beyond the authority of the Constitution.

Has any other law like this ever been passed to take care of a similar problem? This is the congressional way, this is the legal way, to approach the problem. But it seems that no one is interested in that approach. It is not dramatic enough. It is not backed by any organization. It has not been recommended by any commission.

Still, that is the way to approach this problem. It will preserve constitutional principles. Where results are sought they can be obtained by going right down the middle of the constitutional road.

I submit again, and I repeat for emphasis, that under the Constitution, Congress has no grant of authority to bestow on a Federal court such power as is provided in the pattern or practice idea. Moreover, under the Constitution, a Federal court has no grant of authority to use such power. So the entire concept of the pattern or practice plan, which is an umbrella under which the remainder of title VI operates, therefore falls, and with it the further provisions of title VI fall.

Mr. President, I do not mind having to speak against several Senators who are conversing on the floor, but I do not like to have to compete with a Senator who is using a telephone on the floor, and who is talking perhaps louder than he intends to. With the permission of the Chair, I shall cease and desist speaking now until Senators on the floor who are using the telephones are finished. I hope the Chair will protect me and that I will not lose the floor.

The PRESIDING OFFICER. The Senator from Mississippi may now proceed.

Mr. STENNIS. I thank the Chair.

Mr. President, the next step in the pattern or practice plan falls for the same reason. It is beyond the power of Congress to bestow such power, and it is beyond the authority of the court to use such power. I refer now to page 17 of the bill, beginning in line 7:

> The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees.

We must remember, Mr. President, that voting referees are not to be appointed as an ancillary step in the trial of the original case filed by the Attorney General. That case or controversy will already have been completed. The applicant will also have been adjudicated and will be entitled to vote or will not be entitled to vote. We must also remember that the conduct of the referees in the performance of their acts is a part of the compliance with the decree of the court in the original case or controversy.

I can find no real connection between the referees and compliance with the original decree of the court which was filed under the 1957 Civil Rights Commission Act. That decree stands on its own bottom and the referees have no power under title 6 to have anything to do with it.

So the proceedings before the referees are purely additional proceedings, operating under the guise of judicial functions, but in fact and in reality they are purely administrative matters, and are not only beyond the needs of the case which was actually tried, but are beyond the judicial function of the court.

I am willing to have my own argument stand or fall upon these assertions. The referees are not connected, top, side, or bottom, with the case on which the Attorney General went into court. That case has already been decided, and a decree rendered therein.

Referring again to the measure which is before the Senate, on page 17, line 11, the language provides that the referees are "to serve for such period as the court shall determine."

What are they going to do? The language sounds really judicial. They are to receive applications and take evidence. That sounds like the proceeding will be a case in controversy. Then the referees are to make a report and submit findings to the court.

When we get down into the fine print, we find it is somewhat similar to the old saying about the language of an insurance policy. There are very pleasing sentences at the top about all the protection the person will get; but upon reading the fine print, we find that much of the protection has been taken away.

When we drop down to line 20, which deals with the referee, we find that the meaning of the big print used in line 11, which sounds so judicial when it speaks of taking evidence and reporting findings to the court—all of which would seem to mean conclusions based on the evidence and deliberately arrived at—is entirely taken away, because in line 20 we find that the applicant is to be heard ex parte. Mr. President, does that sound as if the proceeding would be a judicial proceeding? Does that sound as if there would be a weighing of the evidence and a real report of the findings, based on that evidence? Does that carry with it the idea of hearing both sides to the controversy? Certainly all those things are essential parts or elements of due process of law, the very foundation stones of due process of law. Does that carry with it the idea of confrontation of the parties and confrontation of the witnesses? There would not be a scintilla of that, Mr. President. Does that carry with it the idea of cross-examination, another essential part of due

matters we are dealing with. This is not a trivial matter. The district court of the Federal Government is not a trivial matter. This is not a summary proceeding. This is a constitutional court. Congress cannot compel it to go out in this extraneous matter. We are compelling the court, through legislation, to make a finding. We say it shall make a finding on request of the Attorney General. Certainly Congress cannot dictate to the court as to how it shall proceed in a particular case; neither can it dictate to the court to make a finding on an extraneous matter. The court would be, in effect, a weapon of the Attorney General in making a purely administrative decision.

The Federal judiciary should, and I believe will, highly resent any such attempt at legislative mandate. I believe that the court will spew this act out of its mouth and certainly declare section 6 unconstitutional. I wish to repeat for emphasis that this matter of a pattern or practice that we have heard so much

I am not arguing that a remedy may not be needed or that a problem may not exist in places, although not as serious as has been blown up in the press. That is not the point. My point is that title VI does apply a legal remedy. If Congress really wants to go into the matter, why not simply pass a law which provides that anyone charged with registration duties who discriminates against any applicant because of race or color is guilty of a Federal crime, and provide a certain punishment therefor. That is a matter over which Congress no doubt has jurisdiction. We now have a law along that line. If it is not specific enough, or if the punishment provided is not severe enough, Congress can take action so as to approach such problems as may exist. That is the way other matters are approached. If they are not reached in that way, the action is beyond the authority of the Constitution.

Has any other law like this ever been passed to take care of a similar problem? This is the congressional way, this is the

of the original case filed by the Attorney General. That case or controversy will already have been completed. The applicant will also have been adjudicated and will be entitled to vote or will not be entitled to vote. We must also remember that the conduct of the referees in the performance of their acts is a part of the compliance with the decree of the court in the original case or controversy.

I can find no real connection between the referees and compliance with the original decree of the court which was filed under the 1957 Civil Rights Commission Act. That decree stands on its own bottom and the referees have no power under title 6 to have anything to do with it.

So the proceedings before the referees are purely additional proceedings, operating under the guise of judicial functions, but in fact and in reality they are purely administrative matters, and are not only beyond the needs of the case which was actually tried, but are beyond

process? Certainly there would not be a scintilla of such things.

Then, Mr. President, how can that finding be anything in the nature of a judicial process or a judicial conclusion? That would make a farce out of the words used at the top of the page—to talk about taking the evidence and reporting the findings—and then a little farther down on the page we find that there would be taken away from the proceeding every vestige of a judicial nature which apparently was vested in the proceeding by means of the provisions used in the first part of this proposed grant of power.

So, Mr. President, for that additional reason, I say that this proposed grant of power in title VI has no place in any judicial functioning of a court and has no place in the realm of congressional grants of authority in connection with legislation to provide for a hearing in connection with such a matter. In other words, this is just a scheme based upon the original idea of the Civil Rights Commission—the idea of having Federal registrars.

As I have said, some protection and some guidance would be had in connection with the exercise of responsibility by a judicial officer. But certainly the proceeding would not be a judicial proceeding just because it would be brought into a courthouse and just because an attempt would be made to give the judge some authority and some responsibility under this act.

But, Mr. President, that is not all that gives an indication of the real nature of the proposed proceeding. I turn now to page 19; and in line 5, I read the following:

> The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

Mr. President, if there had heretofore been any doubt or if there had been lacking any unmistakable sign of the nature of the proceeding, if there had been any doubt that it would be nonjudicial and nonjudicious in character, those lines, as I have just read them—a proposed solemn mandate by the Congress—take away the last vestige of any such doubt. This is the same voting-referee proposal that started out with the very high-sounding words to the effect that the referee was going to take evidence and was going to report his findings to the court. But this provision winds up with the proposed mandate I have just now read, and which I shall now repeat, for emphasis—and I quote once more from the bill:

> The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

Mr. President, I never before heard, and I do not think anyone else ever before heard, of a serious proposal that Congress create a judicial proceeding and provide that a matter be put into court, but in the next breath talk about ex parte hearings in which no one except the applicant in the case would be heard; and thereafter talk about making findings, but in the next breath say that the testimony of the party in interest must be taken, and that on those particular points that would be the conclusion of the so-called findings.

In other words, Mr. President, under the guise of laying down semirules of evidence, we would merely be creating conclusive presumptions on the basis of the most flimsy and most uncertain kinds of proof.

I say that would make a monstrosity out of the term "due process of law" in our Constitution, and would make a joke and a farce out of the entire proceeding, insofar as concerns the adoption of any such rules of procedure for a Federal court; and I repeat that the Court ought to spew the whole thing out of its mouth and declare it unconstitutional; and I believe that is what the Court will do.

Mr. RUSSELL. Mr. President, will the Senator from Mississippi yield?

The PRESIDING OFFICER (Mr. SPARKMAN in the chair). Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. STENNIS. I yield.

Mr. RUSSELL. Mr. President, I ask the Senator from Mississippi to yield to me, with the understanding that his action in doing so will not in any way affect his right to the floor. Let me state that at this time I should like to suggest the absence of a quorum.

Mr. STENNIS. Mr. President, I so request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. RUSSELL. Then, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the call of the roll be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I understand that the Senator from Illinois has a proposal to submit.

Mr. DIRKSEN. That is correct.

Mr. STENNIS. Under the circumstances, Mr. President, I now yield the floor.

Mr. DIRKSEN. Mr. President, in behalf of the majority leader and myself, I desire to submit two requests to the Senate.

First, I ask unanimous consent that when the Senate ends its session today, it stand in recess until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection? The Chair hears none. Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, inasmuch as the motion by the distinguished Senator from Louisiana [Mr. ELLENDER] to strike title VI is pending, and my motion to table that motion is pending, I ask unanimous consent that at the hour of 11 o'clock tomorrow morning we vote on a motion which I expect to make then to table the Ellender amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DIRKSEN. I think I am authorized, then, to announce that there will be no votes tonight, and I do not know whether other Members of the Senate——

The PRESIDING OFFICER. May the Chair remind the Senator from Illinois that his motion to table has not been made.

Mr. DIRKSEN. That is correct, except that the Senator from Illinois does have the floor.

The PRESIDING OFFICER. The Senator is correct, and if the Senator maintains the floor and is holding it at 11 o'clock tomorrow morning, he can make the motion to table without unanimous consent.

Mr. DIRKSEN. Mr. President, all these requests and suggestions I make subject to the reservation that I do not lose my rights to the floor at the hour of 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Illinois that he be entitled to the floor at 11 o'clock tomorrow morning for the purpose of making the motion to table? The Chair hears no objection, and it is so ordered.

Mr. DIRKSEN. Mr. President, may I inquire of the distinguished Senator from Mississippi whether he proposes to continue his discussion tonight?

Mr. STENNIS. Mr. President, I should like to continue, briefly, tomorrow.

Mr. DIRKSEN. Tomorrow?

Mr. STENNIS. Yes. There will be a morning hour after the vote, will there not?

Mr. DIRKSEN. We shall ask consent for a morning hour.

Mr. STENNIS. We can divide the time, I am sure.

Mr. RUSSELL. Mr. President, if the Senator will yield, I thought the distinguished Senator from Illinois had asked to have the time divided.

Mr. DIRKSEN. I did not, because if we are going to have a morning hour——

Mr. RUSSELL. Will the time be divided evenly?

Mr. DIRKSEN. Whatever time is available.

Mr. STENNIS. But I will have the floor, will I not?

Mr. DIRKSEN. Mr. President, I include in my request that when the Senate convenes at 10 o'clock tomorrow morning—there will doubtless be a request for a morning hour—after the morning hour is concluded, the remaining time between then and 11 o'clock, shall be equally divided.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. DIRKSEN. Yes.

Mr. STENNIS. There are other Senators who wish to speak on this motion. May the Senator from Mississippi suggest that we have the morning hour after the vote, and have at least 1 hour for discussion?

Mr. DIRKSEN. I would have no objection to that. So the understanding is that the Senate will convene at 10 o'clock, that the time from 10 until 11 o'clock will be equally divided between the opponents and proponents of the pending motions, and that the Senate vote at 11 o'clock.

Mr. STENNIS. Mr. President, can the Senator from Mississippi have the floor for 10 minutes?

The PRESIDING OFFICER. The Chair will state that the Senator from Illinois will have control of the time. As the Chair understands, it is agreed the time will be equally divided.

Mr. DIRKSEN. Yes, and it is understood that the Senator from Illinois retains his rights to the floor. With that understanding, of course, the Senator from Illinois will be generous indeed to his distinguished friend from Mississippi.

The PRESIDING OFFICER. May the Chair inquire of the Senator from Illinois as to who will control the time for the proponents of the motion? The Chair presumes the Senator from Illinois will.

Who will control the time for the opponents?

Mr. DIRKSEN. The majority and minority leaders will control the time.

The PRESIDING OFFICER. May the Chair ask one other question for clarification. With reference to the morning hour, is it intended to be included in the agreement that following the vote on the motion to table, the morning hour will come?

Mr. DIRKSEN. That will have to be done by consent.

The PRESIDING OFFICER. At that time?

Mr. DIRKSEN. Yes.

The PRESIDING OFFICER. Is there objection to the unanimous consent request by the Senator from Illinois? The Chair hears none, and the request is agreed to.

The unanimous-consent agreement, as subsequently reduced to writing, is as follows:

Ordered, That, effective on Thursday, April 7, 1960, during the further consideration of the amendment by the Senator from Louisiana [Mr. ELLENDER] to strike out title VI of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, all debate be limited to 1 hour, beginning at 10 o'clock, to be equally divided and controlled by the majority and minority leaders, and that at 11 o'clock the Senate proceed to vote on a motion to be offered by Senator DIRKSEN to table the amendment by Senator ELLENDER.

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Mississippi?

Mr. DIRKSEN. Mr. President, does the Senator from Mississippi wish to proceed at this time?

Mr. STENNIS. No.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

ADDITIONAL BILL INTRODUCED

Mr. BARTLETT, by unanimous consent, introduced a bill (S. 3345) to provide compensation to the Yakutat local community of Tlingit Indians of the State of Alaska for the extinction of their original Indian title, which was read twice by its title, and referred to the Committee on the Judiciary.

(See the remarks of Mr. BARTLETT when he introduced the above bill, which appear under a separate heading.)

RECESS TO 10 O'CLOCK A.M. TOMORROW

Mr. DIRKSEN. Mr. President, under the circumstances, unless there are insertions to be made in the RECORD, or other business, and in conformity with the order just entered, I move that the Senate now recess.

The motion was agreed to; and (at 9 o'clock and 15 minutes p.m.), pursuant to the order previously entered, the Senate recessed until tomorrow, Thursday, April 7, 1960, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate April 6 (legislative day of April 5), 1960:

IN THE NAVY

The following-named midshipmen (Naval Academy) to be ensigns in the line of the Navy, subject to the qualifications therefor as provided by law:

Dean A. Ablowich
Alan B. Adler
Daniel J. Affourtit, Jr.
William L. Aldrich
James W. Allen
Robert E. Allison
Robert J. Amend
Albert M. Ames
Roger A. Anderson
Thomas M. Anderson
John A. Anthony III
Richard C. Antolini
Robert J. Antonio
Francis J. Aragona
Paul C. Ausley, Jr.
Malcolm A. Avore
Ronald C. Babcock
William E. Babiash
Charles E. Bailey, Jr.
Stanley J. Bailey, Jr.
Arthur J. Baker III
Robert P. Baker
Gary D. Ballard
William C. Ballard
Charles L. Ballou
Richard M. Banister
David R. Banner
Charles C. Barcus
Harley H. Barnes, Jr.
Larry E. Barringer
Frank S. Bartolett III
Glenn L. Barton
William F. Bass
John K. Batchellor, Jr.
Henry W. Bates
James C. Beam
Fred A. Bee
William R. Bees
Nolie L. Bell
Robert W. Bell, Jr.
Robert G. Bengston
Roger L. Bennett
Jerome E. Benson
Perry S. Benson
Edwin W. Besch
John A. K. Birchett III
Richard Birtwistle III
Allen M. Bissell
Charles R. Blair
Warren J. Blanke, Jr.
Alvin F. Blockinger, Jr.
Norman C. Bloom
Donald V. Boecker
Dallas B. Boggs
David R. Bolden
Gordon A. Bonnel
Joseph E. Bonneville, Jr.
Ronald "J" Booth
Peter G. Bos
Robert H. Bourke
Robert J. Bowman
Larry A. Boyer
Roland Brandquist
Harry W. Branson, Jr.
Frank B. Braun
Robert J. Brenton
William Bringhurst, Jr.
John C. Broach
Donald E. Broadfield
John L. Brockman, Jr.
Carl E. Bruntlett
Roy R. Buehler
James P. Bullock
Ronald E. Burdge
Walter W. Burns, Jr.
Eugene S. Burroughs III
Harry P. Butler
Barry J. Byrne
Robert A. Byrne
William E. Callaway, Jr.
William R. Calvert
James J. Cameron
Patrick J. Carlson
John D. Carpenter, Jr.
Paul L. Carwin
Gordon C. Caswell
John P. Cecil
Peter G. Chabot
David A. Chain
Eugene J. Chancy
John H. Chenard
David G. Chew
Henry G. Chiles, Jr.
Charles E. Christopher
Michael A. Ciocca
John S. Claman
Daniel B. Clark
Kenneth G. Clark
Spencer Cleveland
Edward W. Clexton, Jr.
Gary B. Cogdell
Thomas J. Cogdill
Joseph D. Cole
Robert J. Colegrove
Glenn W. Coleman
Michael C. Colley
Charles R. Collicott
Jean-Loup R. Combemale
Charles I. Cook
Jerry A. Cooper
Paul W. Cooper, Jr.
Robert A. Correll
Robert D. Correll
Andrew G. Cotterman
Daniel T. Coughlin, Jr.
William G. Counsil
Charles J. Cox
Larry G. Cox
William D. Craver
Denis H. Crawford
Charles H. Crigler
David M. Criste
Hugh E. Crow
Walter S. Cumella
Thomas G. Curtis
Dennis M. Davidson
William G. Davidson III
George W. Davis 6th
Richard B. Davis
Howard D. DeLude
George E. Denn, Jr.
William Dimsdale
John V. Dirksen
Joseph C. Dobes
Richard E. Dodson
Peter B. Dolan
Thomas M. Donahue
George W. Dowell III
James I. Dudley, Jr.
Francis K. Duffy
James F. Duffy
Edward H. Duggan, Jr.
James M. Dunn
Lawrence E. Dunne
Ronald L. Earle, Jr.
Bernard E. Eberlein
James T. Eilertsen
Donald G. Eirich
Jon H. Esslinger
James R. Evans
William R. Evans
Leon E. Everman
Dennis J. Falk
Joel W. Febel
Jerome J. Fee
Michael R. Fenn
Robert A. Fisher
Charles F. Fischer II
James F. Fitzgerald
Raymond N. Fitzgerald
Charles H. Fleming, Jr.
Donald G. Foery
William H. Foley, Jr.
Kenneth D. Folta
William L. Foster, Jr.
Robert L. Freehill
Alfred R. Friedmann
Robert V. Gamba
Heisey E. Gardner
Peter J. Garfield
Robert E. Gasser
David P. Gauthier
Michael W. Gavlak
David W. Geer
John B. Geller
David S. Gilbreath
William M. Gillespie
Lewis C. Gillett, Jr.
James R. L. Gilstrap
Gordon T. Godwin
Mark M. Golden
David J. Goniea
Walker R. Goodrich, Jr.
Jay T. Grafton
Samuel J. Greenberg
John E. Greenhalgh
Gary J. Gretter
Robert H. Gridley
Robert N. Griffin
George S. Grossman III
John F. Groth
Ralph S. Hagelbarger
John M. Hagen
Frederick G. Hale
Bruce Halliday
Benjamin H. Hallowell, Jr.
William C. Hamilton, Jr.
Roger G. Hamm
Charles M. Hammond, Jr.
Richard W. Hamon
James E. Hancock
David R. Hand
Eigil L. Hansen, Jr.
Ralph E. Hanson, Jr.
Jon D. Harden
Bruce H. Hardin
Richard T. Harper
Carl E. Harris, Jr.
William D. Harrison
William J. Hastie
David E. Haughton
Russell O. Hays
Paul C. Hazucha
Louis W. Heacock
Thomas A. Head
David M. Heath
Lawrence S. Helms
Harold E. Henning
James J. Henry, Jr.
John G. Herbein
Nathan A. Heuberger
Dennis J. Hickey IV
Lewis F. Hilder
Ronald W. Hinkel
Richard G. Hoecker
Drake A. Hoffman
Joseph F. Hoffman, Jr.
David H. Hofmann
John R. Hoke II
Thomas B. Hoppin
Michael D. Hornsby
James R. Howard
Terrence C. Hubbard
Royrton C. Hughes
Frank M. Hunt, Jr.
Thomas E. Hutt, Jr.
Thomas A. Hyde
Robert J. Ianucci
Raymond P. Ilg
William T. Inderlied III
Joseph D. Jaap
Wendal L. Jenkins
Frederick N. Jerding
Robert E. Johannesen
Albert P. Johnson, Jr.
Clinton B. Johnson
Frederick B. Johnson
Douglas M. Johnston, Jr.
Keith S. Jones
Raymond G. Jones, Jr.
Walter R. Jones
Alexander J. Jordan, Jr.
John L. Jordan, Jr.
David G. Kalb
Angelo N. Karampelas
Francis D. Kay
William D. Kee, Jr.
Edward N. Kelilkoa
Gene P. Kesler
Charles R. Khoury, Jr.
Edwin E. Killinger
James R. Kinney
Gene F. Kishel
David J. Knorr
Charles E. Koch II
Ronald L. Koontz
Elmer M. Kopp, Jr.
Robert J. Kowall
Harvey F. Kramer
Robert A. Krase
Gail A. Kristensen
George P. Kroyer

Alan H. Krulisch
Robert E. Kunkle
Lennis L. Lammers
Walter R. Land
James R. Lang
Alan E. Lansdowne
Peyton R. Latimer
Larry B. Laudig
John M. Lavelle
Richard J. Lavery III
Henry A. Lewinski
John F. Leahy III
Michael J. Lees
Girard T. Lew
Harry C. Lewis
Porter Lewis, Jr.
Roy T. Lewis, Jr.
William E. Lewis, Jr.
Walter J. Lippold
James W. Littlefield
Roger W. Lloyd
Alexander S. Logan
Gaston A. Long, Jr.
Harold L. Longaker
Edward B. Longton
Kenneth W. Loveland
Robert W. Lowe
Ivon H. Lowsley, Jr.
John M. Lusignan
John F. Lynch, Jr.
Robert E. McAfee
Carl P. McCallum
Charles E. McCaskill, Jr.
Ted McClanahan
Ralph G. McClarren
Thomas W. McClure
James M. McConnell
Jimmy H. McCoy
John C. McCrork, Jr.
Larry D. McCullough
Michael S. McCullough
William M. McDonald
Thomas F. McDonough
Charles E. McHale, Jr.
Milton R. McHenry
Douglas E. McKinley
James B. McKinney
James R. McLean, Jr.
John M. McNabb
Richard C. Macke
Kenneth L. MacLeod III
Norman J. Magnussen
George S. Makovic
Edmund L. Mangan
William S. Manning
Robert J. Manser
George G. Marburger, Jr.
David L. Mares
Gilbert T. Mariano, Jr.
David R. Marquis
George M. Marr
Frederick G. Marsh
Ronald P. Marshall
Thomas J. Marti
Clifford I. Martin
Charles M. Maskell
Robert D. Matuika
Myrel LeR. Maxson
William W. Medaris
Thomas A. Meinicke
John C. Mendelis
Douglas K. Menikheim
Benjamin F. Mercer III
Richard B. Meredith
Martin P. Merrick
Michael H. Merrill
Robert A. Meyer
John J. Michalski, Jr.
Michael T. Midas, Jr.
Donald L. Miller
Norman W. Mims, Jr.
David C. Moerschel
Gerald F. Montague
David R. Montgomery
David K. Moore
Dennis A. Moore
Alfonso H. Morales
Maurice J. Moran
Jon E. Morrissey
Frederic I. Morrow
Carleton E. Mott
Marvin F. Mucha
William S. Muenster
Francis X. Munger
Allan W. Murray
John J. Murray
George C. Myers, Jr.
James J. Neal
Gerald A. Nelson
Donald W. Newman
Jack G. Newman
Murray C. Nixon
Paul S. Norton
George D. O'Brien, Jr.
Ward J. O'Brien
James T. O'Farrell
William P. Olsen
Ronald G. Overstrom
Joseph L. Pace
Joseph Paletta, Jr.
Walla R. Palmer, Jr.
Paul W. Parcella
Richard R. Pariseau
Charles S. Parker
David L. Parkinson
William T. Parlette
Ira E. Parry, Jr.
Edwin F. Parsons, Jr.
James H. Patton, Jr.
Michael F. Paul
Thomas D. Paulsen
Alvin H. Pauole
Robert G. Pearce
Joseph H. Peek
Lyman S. A. Perry
Charles H. Peterson
Harold A. Peterson
John A. Pethick II
Walter A. Pezet III
John P. Pfouts
James E. Phelan
Larry LaM. Phemister
James W. Philbrick, Jr.
Frederick E. Phillippi, Jr.
Glen R. Phillips
Henry L. Phillips, Jr.
Paul H. Ploeger III
Grant W. Plummer
Chris H. Poindexter
Jack O. Polk II
Roderick H. Potter
William L. Powell, Jr.
Byron L. Powers, Jr.
Robert C. Powers
Robert J. Powers
James T. Prather
George J. Prebola
Francis I. Previte, Jr.
James B. Ramsey
William F. Ramsey
Edward A. Ransom
Francis R. Rapasky
Richard C. Ravetta
David A. Raymond
Robert W. Raymond
Evan P. Reese
Ronald M. Reese
Robert R. Renner
Russell Rentfro, Jr.
Paul M. Ressler
James C. Reynolds
Forrest T. Rhodes
John R. Richardson
Howard L. Richey
John H. Rickelman
John T. Riley
Roy "G" Riley
Henry J. Rinnert
William M. Roark
Charles K. Roberts
Bernard F. Roeder, Jr.
Eric M. Roemish
John L. Rogers
Roy L. Rogers
Robert P. Rognlien
Robert C. Rohr
Joseph R. Rosengren
William M. Ross, Jr.
Daniel McK. Roth
James E. Bowley
George K. Ruckenfeldt
George M. Rudy III
John F. Ruhenberger
Robert E. Rutherford
Kevin T. Ryan
Larry E. Ryan
Albert Ryder
Colin H. Saari
Donald W. Sanders
Lawrence F. Sarno
Franklin H. Saunders
Kenneth D. Savage
Fred R. Scalf, Jr.
John R. Scarborough, Jr.
Stephen J. Scheffer
Donald L. Schlicht
John A. Schmidt
Luther T. Schriefer
Raymond C. Schroeder, Jr.
William A. Schroeder III
Robert J. Schulz
Earle G. Schweizer, Jr.
Frederick A. Schwer, Jr.
Sidney L. Scruggs III
Stewart R. Seaman
Joseph L. Sestric
William W. Shafer
Peter A. Shanley
Michael E. Shanok
Grant A. Sharp
John B. Sharp, Jr.
John F. Shaw
Richard S. Shawkey
Brian M. Shea
Jimmie S. Shipp
Frank T. Simpson
Howard L. Sipple, Jr.
Gerald T. Skidgel
Norman L. Slezak
Hugh J. Smith, Jr.
Robert C. Smith
Robert E. Smith
Ronald C. Smith
Roy C. Smith IV
Walter I. Smits
Wendell D. Snell
Melvin H. Sollberger
Paul W. Sparks
William R. Spearman
Harris Sperling
Nicholas J. Stasko
Robert L. Steele
Robert G. Stevenson
Richard H. Stoakley
David P. Stromberg
Stanley C. Stumbo
Jewel J. Suddath, Jr.
Patrick H. Sullivan
Richard N. Super
Jon E. Surratt
Robert C. Sutliff, Jr.
Dennis V. Taff
James R. Tague, Jr.
John H. Talt
Raynor A. K. Taylor
Robert G. Taylor
Thomas W. Taylor
Turner W. Taylor
William E. Taylor
Thomas H. Teal III
Nicholas B. Temple
Dennis H. Terry
John R. Terry
Thomas J. Terry, Jr.
Lewis H. Thames, Jr.
Christopher R. Thomas
Frank A. Thomas
Larry D. Thomas
William E. Thomas
Jeremiah V. Tierney, Jr.
Duane M. Tollaksen
David P. Topp
Robert L. Towle
William J. Townsend
Robert E. Traister
Joseph Tranchini
Michael F. Treacy
William M. Truesdell
Richard M. Treseder
Harry B. Trulli
Robert E. Tucker, Jr.
Jesus B. Tupas
Ellis L. Turner
Donald K. Tyler
Peter R. Van Ness
Dennis H. Vied
Eduard L. vonFischer III
Henry vonKolnitz, Jr.
Joseph W. Wade, Jr.
Edward F. Wagner
Edward T. Walker, Jr.
Charles E. Wangeman, Jr.
Sibley L. Ward III
Larry W. Waterman
Gary N. Wax
Milton W. Weaver
George R. Weeks, Jr.
Arthur E. egner
Donald R. Wheeler
John F. Whelan, Jr.
Robert E. White
John E. Whitely, Jr.
Marshall R. Willenbucher
Alan K. Williams
Douglas A. Williams
Hugh T. Williams
John C. Williams
John D. Williams
Morris B. Williams
John M. Willsey
James R. Wilson
Thomas E. Wilson, Jr.
William H. Wilson
William O. Wilson
Thomas T. Wishart
Murray H. Witcher, Jr.
John S. Woodard
John D. Woodward
James T. Worthington
Hendon "O" Wright
Richard K. Young
William E. Zierden

The following-named midshipmen (Naval Academy) to be ensigns in the Supply Corps of the Navy, subject to the qualifications therefor as provided by law:

Champe O. Bacheider
Edwin K. Bailey
Leeland M. Bathrick
Kenneth A. Baum
Frank L. Bessenger, Jr.
Charles E. Bingemer
Joseph J. Bosco
Anthony C. Brennan
John O. Carlson
William E. Cartwright, Jr.
Jose Chaves
Thomas A. Ciecone, Jr.
Lawrence V. Covington
Bobby W. Cox
Robert M. DeMaio
Angelo E. DiFilippo
Robert A. Dropp
David G. Eason
Robert M. Eldridge
Robert B. Fraser
Donald S. Freeman, Jr.
Don J. Frost
Vance H. Fry
Melvin A. Fulkerson
John H. Fulton
Arthur C. Goldtrap, Jr.
George A. Gould III
Jon H. Graf
William L. Griffin
Gerald R. Hill
John R. Hunt
Charles R. Kiger
Lawrence W. Lavely
Spencer J. Leech, Jr.
Sotir Liakos
Terry K. Lingle
Henry J. Maguder, Jr.
George L. P. Mahelana
Joseph A. Matais
William J. Mitchell
Herbert J. A. Moesman
Robert E. Osmon
Malcolm C. Reeves II
John J. Santucci
Francis T. Shotton, Jr.
James N. Shughart
Charles J. Simmons
Robert W. Stewart
Donald E. Stone
John L. Swanson
Charles L. Terry
Alton K. Thompson
George W. Van Houten
Robert C. Walker
Harvey D. Weatherson

The following-named midshipmen (Naval Academy) to be ensigns in the Civil Engineer Corps of the Navy, subject to the qualifications therefor as provided by law:

Albert A. Arcuni
Richard D. Eber
Norman D. Falk
James M. Greenwald
Robert S. Jones
Robert J. Kennedy
Jay C. Metzler
Robert D. Parker
Michael D. Porter
Lucian B. Purinton II
Carl V. Ripa
Tracy C. Tucker
Kenneth A. Vaughn

The following-named (Naval Reserve Officers' Training Corps) to be ensigns in the line of the Navy, subject to the qualifications therefor as provided by law:

William S. Abbott
Bert L. Allen
David H. Allen
Larry D. Allen
Charles P. Allison, Jr.
Richard D. Alrick
Charles E. Anderson
Dean T. Anderson
James L. Anderson
James L. Anderson
James W. Anderson
Lewis G. Anderson
Donald S. Armes
Thomas M. Arrasmith III
Charles I. Ashbaugh
Roger T. Ashley
Merlin G. Askren
Charles B. Aycock
John P. Ayers
William L. Babcock
Daniel K. Bacon
Grover C. Bailey III
Joseph G. Baker
Robert F. Baker
Edward W. Bales
Richard A. Ball
James O. Ballard, Jr.
Roy G. Ballinger
Peter M. Banks
Richard Banks
Stephen W. Barber
Stephen A. Bard
John F. Barell
Thomas M. Barney
David W. Barns
Daniel B. Barnum
Charles T. Barr
Robert W. Barrett
Kenneth R. Barry
Albert L. Bartels
John D. Bartram
Thomas J. Bartsch
Marion E. Bartusek
William J. Baskin
James R. Bassett
George E. Bates, Jr.
John E. Baublits
Roger A. Bauer
Christopher T. Bayley
Henry H. Beam
Elmer W. Beardshall, Jr.
Bruce A. Beebe
Stephen D. Beguin
Gary E. Bell
George A. Benedict
Henry M. Bennett
Leo Benson III
William D. Berberich
George W. Berg, Jr.
Gordon O. Berg
Walter E. Berger III
James W. Bergert
Ross Berkowitz
Robert C. Berreman
Raymond E. Berube, Jr.
Jerry D. Beveridge
Stephen J. Beyers
Gilbert W. Bickum
Charles B. Bidwell
Robert A. Billings
Donald Binder
Karl C. Bittenbender
Phillip R. Black
Richard W. Blacker
Peter B. Blackford
Richard L. Blanding
Richard J. Blankmeyer
Robert B. Bliss II
Dennis J. Blome
John L. Bloore
Gary J. Bobay
Michael W. Bodie
Robert J. Bogle
David M. Booher
Edwin R. Boquist
Alfred Bornemann
Joseph A. Bosco
Peter B. Bowman
John V. Bowser
Ronnie A. Bradley
John B. Brady
Roland E. Brandel
John R. Brandon
Donald R. Breckenridge
Shelby T. Brewer
Don J. Briselden
Ronald E. Broadwell
William R. Broadwell
Gary M. Broemser
Neal J. Broerman
Elbert L. Brown, Jr.
James M. Brown
Marion L. Brown
Estel E. Bruce
James W. Bruce, Jr.
Philip J. Brust
Timothy E. Bryan
Robert C. Bubeck
John R. Buchart
Peter R. Buenz
Jerry L. Bundy
John T. Burhoe
Robert C. Burnham

Daniel R. Burns
David F. Burns
Robert E. Burton
Thomas O. Bush
David E. Butler
Marvin B. Butler
George M. Cadwell, Jr.
Douglas M. Cain III
Thomas J. Callahan
Jack D. Calvert
Allan W. Cameron
Gerald B. Carleton
Frederick P. Carlson
William R. Carlson
Frederick T. Carter
John W. Cary
Calvin W. Case
Stephen H. Casey
Clark L. Chalifour
Jay W. Chapman
Stephen Charlesworth
Paul E. Chevalier
Joseph A. Clark
Theodore L. Clark
Glen E. Clover
Dana A. Coe
Horace G. Cofer
Richard E. Colburn
Wilmer G. Collier, Jr.
Michael L. Collins
Paul L. Collins, Jr.
Richard B. Collins, Jr.
Charles R. Comeau
William T. Conner, Jr.
James R. Connolly
Laurence D. Connor
Donald J. Coolican
Robert G. Costello
Thomas D. Coughlen
David E. Cowles
Lynn O. Cox
Paul L. Cox
Jay V. N. Crane
Charles Creutz
Dan Cromack
Ramsey L. Cronfel
Thomas E. Crowder
Daniel H. Crowley, Jr.
Glenn J. Cunningham
Grant R. Curtis
Francis E. Dahlem
Charles E. Dahlgren
Robert M. d'Alessio
David W. Damon
William L. Danforth
Joseph P. Daschbach
Robert T. David
Harry A. Davidson
Robert L. Davies
Francis J. Davis
John H. Davis
Vibert H. Davis
John P. Decker
Michael J. De Haemer
George D. Delp
Thomas A. Derr
Thomas W. Devine
David M. Diaz, Jr.
John P. Diefenderfer
Karl F. Dietsch
Martin C. Dillon
Theodore G. Dimitry
James J. Dineen
Robert W. Dodt
Arthur G. Doege
Michael F. Donlon
Leroy M. Dorman
Ronald J. Dostal
James B. Dougher
Harry C. Draughon, Jr.
William K. Drummond
Bruce R. Drury
Bartlett S. Dunbar
Joseph W. Du Rocher
Bruce M. Dutton
Frank S. Earl
Dean C. Eayre
William R. Eddins
Justin R. Edgerton
Dean W. Eighme
Frank T. Eliett
Hugh C. Embry
James A. Ericson
James C. Ervin, Jr.
John E. Evans
Frederick O. Fay
David B. Fell, Jr.
Walter P. Fethke, Jr.
Leroy W. Fetterman
Milton M. Finkelstein
Harold B. Finn III
Thomas J. Fitzgerald
Alan H. Flanigan
Michael J. Fleming
Robert W. Flesch
Thomas E. Fletcher
James C. Flint
Edward J. Flynn, Jr.
Henry M. Flynn, Jr.
Roger H. Folts
Richard C. Fowler
James B. Fox III
Donald J. France
Robert A. Frank
William N. Franklin
Michael H. Freeman
Harold M. Freiberg
Norman C. Frost, Jr.
William R. Fussell, Jr.
Robert W. Gage
James E. Gagliardo
Andrew L. Gaines
Michael T. Gallagher
Francis P. Galletti
Earl W. Galloway
Thomas G. Gans
Glenn D. Gardner
Clair E. Garman
Bruce M. Garver
Ronald E. Gast
Joseph W. Gaut
Cyril M. G. Gaydos
Thomas E. Gehman
Terry L. Gelling
Lee J. Geronime
Val Gerstenschlager
Vernon W. Gerth, Jr.
William D. Gieseke
William G. Gingles
Joel E. Gingold
Wilford D. Godbold, Jr.
George R. Goetsch
Bradley W. Gordon
Daniel H. Gould
Gerald E. Gneckow
Bruce A. Gniffke
Roy S. Gohara
David Gonsalves
Donald L. Grafton
William B. Graham
Carroll D. Grant
Peter H. Gray
Albert W. Green, Jr.
Lorin D. Green
Alan N. Grisemer
Roger K. Gulick
Richard H. Gwinn
Harry M. Hall, Jr.
Stephen M. Halloran
Jack T. Hankins
Kirby W. Hansen, Jr.
Jon G. Harder
Rex J. Hardister
William A. Hardt
Erskine L. Harkey, Jr.
Henry P. Harris, Jr.
William L. Harrison
Irving H. Hart III
Richard D. Haskell
Samuel A. Haubold
Kenneth H. Hauck, Jr.
Gene W. Hauser
Robert I. Hawkins
James W. Hayes
John B. Hays
Leonard C. Hays
Patrick R. Healy
Allen D. Heasley
Ronald W. Heckman
Wayne F. Heger
Roger F. Heilpern
Edwin B. Helmick
John T. Hennessey
"J" M. Herring
Gary A. Hershdorfer
John C. Hervey, Jr.
Herman F. Heuser
Robert W. Hicks
Bernice B. Hight, Jr.
Charles W. Hill, Jr.
James D. Hill
Norman T. Himmelein
Elliott P. Hinely
Harry F. Hixson, Jr.
John D. Hixson
Robert G. Hoch, Jr.
Robert T. Hogan
Walter M. Holmes, Jr.
Albert C. Holt II
Gregg W. Hornaday
Arthur R. Horsch
Jack O. Horton, Jr.
Leslie A. Horve
Robert G. Houghtlin, Jr.
Albert O. Howard, Jr.
Dan R. Huber
Peter J. Huber
Benjamin Huberman
Charles E. Hull
Frederick W. Hulversshorn
Joseph W. Hungate
George W. Hunt, Jr.
Raymond B. Hunter
Kent S. Huntzinger
William Husta
Bruce R. Hutchinson
Patrick H. Hutton
Charles H. Ide
Henry C. Ide
Fredric E. Ieuter
David L. Ingram
Gary S. Irons
Gerald W. Jackson
Robert T. Jackson III
John D. James
Robert E. Jeffreys
Dale A. Jenkins
Robert E. Jensen
John A. Jessop
Donn R. Johnson
Eugene H. Johnson, Jr.
Michael O. Johnson
Ronald B. Johnson
Ronald E. Johnson
James R. Johnston
Lawrence H. Johnston, Jr.
David H. Jones
Gordon S. Jones
Herbert W. Jones
Ronald L. Jones
Rodney E. Joost
Kenneth C. Juergens
Billy D. Justice
James N. Kaelin
Harold G. Kaeser
Robert C. Kahler
Garland H. Kanady, Jr.
Peter J. Karsten
Melvin E. M. K. Kau
Lawrence B. Kauffman
Ed Kaufmann
Daniel N. Keck
Jamieson C. Keister
William W. Keithline
Dermod Kelleher
John M. Kenney
Roger L. Kerlin
Glen R. Kessel
Paul L. Key II
George H. King, Jr.
Jerry C. King
Kenneth P. King
Michael W. Kistler, Jr.
Fredric S. Knauer
Jack G. Knebel
Joseph E. Knepley
Larry D. Knippa
Peter W. Knopf
Charles E. Knowles
John A. Koberg
Barry Koh
Charles F. Kohlmeyer
Joseph J. Kohut
Norman C. Koon
Joseph N. Korte
Richard J. Kreassig
Michael A. Kubishen
Gail S. Kujawa
Patrick J. Lafferty
John T. Lake
Jay W. Lamb
Rufus N. Lamb, Jr.
Richard R. Lamontagne
John W. Lane
Samuel D. Lane
Stewart D. Langdon
Michael S. Lanham
Phillip E. Lants
Eugene F. Larkin, Jr.
Henry L. H. Lawrence
John C. Leader
Douglas B. Leathem
Ernest R. Leduc
Jerald K. Lee
Thomas C. R. Legare, Jr.
Richard M. Lehn
Sigitas Leimonas
Thomas F. Lettington
Jules I. Levine
Edwin Levy, Jr.
William F. Lineberger
Robert R. Little
James M. Livingston
Roger M. Lloyd
William B. Lloyd, Jr.
Valmore J. Loiselle, Jr.
Robert S. Longdon
Thomas W. Longmire
Donald L. Loy
Robert M. Lunny
Daniel B. Lyons
Michael J. McCabe
Roy S. McCartney, Jr.
Terry J. McCloskey
Harry A. McCormack
Theo H. McCourtney, Jr.
Robert F. McCracken
William P. McCracken
Robert P. McCullough
Brian J. McDowell
Mark McGargill
Ross McGlasson
Monte N. McGlathery
Robert A. McKean III
Kenneth W. McKinney
Franklin D. McKnight
Arthur T. McManus
James B. McNeill
David N. McQuiddy, Jr.
Hugh B. McSurely
William B. MacKinnon
Robert L. Maines
Norman R. Malmberg
Harry P. Malone
John P. Malone
James C. Manlove
John F. Manuel
Neil D. Markee
William J. Marker
James L. Markley
James E. Marsh, Jr.
John R. Marshall
Walter D. Marshall
Guy G. Martin, Jr.
Robert E. Martin
Charles C. Mason
Ronald R. Mason
Jay R. Massey, Jr.
Robert D. Mathews
George F. Matouk
Robert S. Matthews
Jack M. Maxfield
Lawrence A. Maxham
Theodore W. Maynard
John B. Mayo, Jr.
Carl A. Mazzan, Jr.
Maurice F. Meagher, Jr.
Henry T. Mehl
Wayne "J" Mehl
Alan P. Mehldau
Harry P. Meislahn
James Mengason
James R. Merikangas
Alan E. Michel
George E. Miller
Richard A. Miller
William E. Miller, Jr.
Frank T. Milligan
Richard B. Mills
Thomas R. Mongan
Joseph A. Montanaro
James O. Moore III
Richard M. Moore, Jr.
Theodore C. Moore, Jr.
William S. Moorehead, Jr.
Robert D. Moran
Charles C. Moroney
Ambler H. Moss, Jr.
William S. Mullen
Geoffrey Naab
David J. Nagel
James V. Neef
John D. Neher
Roger E. Nelson
Roger W. Nelson
Kirk R. Newell
Timothy E. Newerski
Winston P. Newton
Richard N. Nitschke
Carl S. Norbeck
Robert E. Nystrom
Kenneth L. Oates
Clifford C. Oberlander
Thomas O'Brien
Thomas P. O'Brien
Patrick G. O'Connell
Robert T. O'Connell
Daniel O. Oldfather
David D. Olds
William E. O'Neil
James B. Oney
Gene A. Onken
Ralph W. Ortengren, Jr.
Kenneth R. Ostrom
Paul K. O'Sullivan
John W. Otis
Phillip C. Otness
Keith M. Ott
Thomas L. Overly
Bruce H. Owens
David C. Owens
John M. Pankratz
Daniel A. Panshin
Allen H. Parker
Clayton J. Parr
Selwyn S. Paskowitz
Robert W. Paterson
Granville E. Paules III
William H. Peace III
George B. Peden
Marshall A. Peeples
Carl J. Pekala
Reid Pendleton, Jr.
Dennis R. Penley
James A. Penman
John E. Pepper, Jr.
Ronald M. Pereira
Richard A. Perkins
Donald L. Peters
Peter M. Petersen
Benny M. Petty
Peter M. Phillipse
Grady H. Phillips
Stephen L. Phillips
Robert P. Pike, Jr.
Russell S. Pimm
Edward R. Pingenot
Ronald B. Piritz
William M. Pitt
Charles W. Pittman, Jr.
Hugo P. Pomrehn
Jack R. Porter
William M. Porter
James D. Potter, Jr.
Jan P. Potterveld
Paul L. Poore
Joel S. Pratt
Michael W. Pratt
Gary J. Price
Vernon E. Pringle, Jr.
John C. Provine
Elmer W. Prueske
Raymond M. Przybylski
John S. Pugh
Leonard A. Pullen
Joseph L. Quarterman, Jr.
Robert F. Quasius
William E. Queen
Kenneth R. Rand, Jr.
Thomas C. Raup
Robert L. Raymond
Dennis K. Rathbun
William J. Raymond
James W. Reece
Ross M. Reed
Philip S. Reichle
William "G" Reid
Vernon A. Reisenleiter, Jr.
Arthur G. Reitsch
John T. Repp
Jack C. Reutelhuber
Llewellyn R. Reinstra
Stewart E. Reuter
Melton E. Rhodes, Jr.
Robert M. Rhodes
William R. Rice
William M. Rich
John M. Richardson, Jr.
Peter G. Richter
Emmons Riddle
Charles E. Riehm, Jr.
Jon T. Rietzke
Warren C. Ringer
Ernest P. Roberts
Richard H. Robinson
James G. Roche
George R. Rogers
John E. Rogers
Raymond H. Rogers
Edward F. Rogus
Phillip R. Romig, Jr.
Earl F. Ronneberg, Jr.
John A. Rorem
Robert W. Ross
Stephen G. Rothschild
Donald H. Rullman
Clifford S. Russell
Jerry T. Russell
Louis J. Rutigliano
Robert P. Sangster
Thomas J. Sarnowski
Ronald L. Schaaf
Joseph F. Schaefer, Jr.
Donald G. Schneeberger
George T. Schneider
John S. Schneider
Joseph D. Schneider
Richard W. Schult
Clarence P. Scoboria III
John R. Scott
Peter D. Scott
Frederick W. Scoville
Robert C. Seabring
Eugene B. Seale
George A. Seaver
James E. Seebirt
Howard G. Seitz
Roger M. Seitz
Linus A. Senhen
John E. Senterfitt
Thomas F. Sessions II
Lloyd E. Seyler, Jr.
Walter R. Shade III
John G. Shaffer
Robert M. Shanahan
Joe L. Shaw

Michael E. Shellenberger
Charles E. Shepard
Albert W. Sheppard, Jr.
John M. Sherman
Gordon L. Shilling
James A. Shreckengaust
Thomas J. Shuell
Curtis R. Shuler
Louis A. Shumway
Karl "J" Siebers
Gordon B. Silcox
Edwin L. Silliman, Jr.
Henry J. Simon
John W. Skillman
Charles E. Slack III
David W. Smith
Edward H. Smith, Jr.
John F. Smith
Lawrence J. Smith
Norman H. Smith
Peter D. Smith
Peter H. Smith
Regis R. Smith
Robert W. Smith
Vance G. Smith
Alva P. Smithson
James B. Sortor
Paul T. Souval
Paul L. Sovey
Theodore M. Space
Dan T. Spencer, Jr.
Edmund B. Spencer
James P. Staes
Richard A. Stampfle, Jr.
Howard C. Stanley
William M. Stanley
Charles F. Stephan
Laurence A. Stephens
Rowland St. John Stevens II
Bill B. Stevenson
John Stites, Jr.
David L. Stone
Russell E. Stratton
David A. Strawbridge
James F. Strother
Edward J. Sturm
Harold F. Sturm, Jr.
Richard R. Sur
Elzie R. Surles
William G. Sutcliffe
John K. Sutor
David E. Swearengin
James M. Syck
Peter McC. Tackney
David N. Tait
James R. Tallman
Donald E. Taylor
Nelson D. Taylor
Paul D. Taylor
Ronald P. Teemley
Stanley M. Teigland
Grove N. Thomas
Clifford K. Thompson, Jr.
John R. Thorderson
Eric J. Thorgerson
Tommy R. Tickle
Daniel J. Tobin
Kiefer A. Tobin
Douglass S. Tolderlund
Ronald H. Tonkyro
Michael A. Toth
Orlin E. Trandahl
David C. Trimble
Donald L. Turner
Richard J. Ugoretz
Francis J. Uhrhane
Bruce T. Venner
Jerome C. Violette
Richard H. Vogels
John S. Von Kleeck, Jr.
Carl R. Walker
Richard L. Walker
Anthony L. Walsh, Jr.
Thomas B. Ward
Norval L. Wardle
Paul N. Ware
Donald E. Watkins
John W. Watson
Judson D. Watson, Jr.
Louis H. Watson
John H. Watts III
Thomas C. Way
Paul H. Webb
William J. Weinhardt
Gregory W. Wendholt
Peter K. W. Wert
Albert L. Wertheimer
John F. Westbrook
John P. Westerman
Joseph M. Whalen II
Thomas E. Whalen
Charles E. White
Lawrence W. White
Stuart C. White
Terence M. White
Thomas L. White, Jr.
Jay E. Wichmann
Thomas W. Widener
Robert D. Widergren
David S. Wiggins
Paul J. Wilbur
Wayland E. Wilcox
Marshall L. Willey
Jerry G. Williams
John R. Williams
Peter L. Williams
William A. Wilsen
Donald M. Wilson
James A. Wilson, Jr.
John O. Wilson
Richard VanN. Wilson
Robert M. Wiltgen
Thomas E. Wing
Lloyd H. Winter II
Thomas M. Wolf
Dan A. Woolley
Edmond V. Worley, Jr.
William F. Worley
Robert P. Wren
Charles N. Wright
Lanny A. Yeske
Ronald F. Zellinger
Frank P. Zmorzenski
Martin Zwick

The following-named (Naval Reserve Officers' Training Corps) to be ensigns in the Supply Corps of the Navy, subject to the qualifications therefor as provided by law:

Richard G. Bentley
Dennis R. Bierbaum
Donald A. Bloxom
Paul R. Bosworth
Edward L. Cameron
Frank A. Coombs
Thomas L. Cordle, Jr.
Robert L. Crawford
William J. Deters
John H. Doggett III
Richard E. Dowell
Clyde O. Draughon, Jr.
James E. Eckelberger
Neil K. Emge
Frank R. Faistl
Shirley J. Francois
James G. Gans
Ellsworth K. Gerritz
Sydney Goldsmith
Robert H. Gunn, Jr.
Henry W. D. Harris
Alan G. Hayes, Jr.
David L. Herndon
Paul L. Hodgdon
Wendell E. Koerner, Jr.
John G. McEachen
Clyde M. Marshall
Phillip D. Matthews
Daniel R. Mays
Alan J. Nissalke
Richard E. Nordgren
Robert A. Norman
Edward E. Pettis
Richard C. Raish
John C. Sargent
Frederic W. Schaen
John A. Schmidt
James F. Shedd
John D. Simcox
Andrew D. Smith
Charles T. Smith
Charles A. Sprenkle, Jr.
Paul E. Stallings
Philip W. Stichter
Rodger A. Swan
James H. Taylor
Warren G. Weber
Ronald C. Wolf

The following-named (Naval Reserve officers) selected as alternates to be lieutenants (junior grade) in the Dental Corps of the Navy and to be promoted to lieutenants when their line running mates are so promoted, subject to the qualifications therefor as provided by law:

Frank R. Barbieri
Alan B. Luke
John M. Scarola

The following-named (Naval Reserve officers) to be lieutenants (junior grade) in the Dental Corps of the Navy and to be promoted to lieutenants when their line running mates are so promoted, subject to the qualifications therefor as provided by law:

Keith W. Besley
Vincent Domenech, Jr.
George T. Eden
Ronald R. Ekiind
Robert W. Farish
David L. Fishel
Cedric L. Hayden
Jack H. Keller
Richard G. Klug
Alfred D. Loizeaux
Thomas J. McShera
Thomas J. Pallasch
Thomas J. Proteau
Allen W. Schaffer
Jerome T. Scholl
Richard G. Shaffer
John A. Shattuck
Raymond C. Terhune

Donald W. McKinnon (Naval Reserve officer) to be a lieutenant in the Dental Corps of the Navy and to be promoted to a lieutenant commander when his line running mate is so promoted, subject to the qualifications therefor as provided by law.

Paul T. Kennedy (civilian college graduate) to be a permanent lieutenant (junior grade) and a temporary lieutenant in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law.

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law:

Richard D. Bush
James A. Casper
Robert W. Corsello
David N. Firtell
Albert P. Hodges, Jr.
Richard S. Hulse
Myron R. Porter
Ray A. Walters
William J. Watson
Robert C. Westcott

The following-named (Naval Reserve officers) to be permanent lieutenants in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law:

William A. Shackelford, Jr.
Everan C. Woodland, Jr.
James LeR. Workman

Donny A. Myrio (Naval Reserve officer) to be a permanent lieutenant and a temporary lieutenant commander in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law.

Jack M. Witchen (civilian college graduate) to be a permanent lieutenant in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law.

The following-named (civilian college graduates) to be permanent lieutenants (junior grades) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law:

Joseph F. Krivda
Abbot G. Spaulding

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law:

Philip E. Bentley
Ivar W. Birkeland, Jr.
Paul L. Black
Robert C. Block
Donald V. Blower
Robert E. Chmielewski
Paul J. Corcoran
Peter A. Flynn
Maxwell W. Goodman
William F. J. Gordon
Barry McA. Green
Eugene J. Haag
Howard C. Harrison
Jay F. Lewis II
George E. McLaughlin
Martin Magi
Richard W. Martin
Norman G. Mireault
Carl N. Muto
Thomas M. Nichols
Kenneth K. Pavlik
Augustus B. Scott
Lee C. Sheppard, Jr.
Theodore N. Smith
Waller C. Tabb

The following-named (Naval Reserve officers) to be lieutenants in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law:

Kenneth R. Dorner
Donald W. Hopping
Jimmy J. King
Italo C. Mazzarella
Dennis E. Mills
Hayden D. Palmer, Jr.
Jack A. Voight
Robert E. Walker

Merril M. Cooper (Naval Reserve officer), to be a permanent lieutenant and a temporary lieutenant commander in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law.

Robert C. Kaiser, U.S. Navy retired officer, to be a permanent lieutenant in the line of the Navy pursuant to title 10, United States Code, section 1211.

James T. Schermerhorn, U.S. Navy officer revertee to be a permanent chief warrant officer (W-4) in the Navy, subject to the qualifications therefor as provided by law.

The following-named to be ensigns in the Navy, limited duty only, for temporary service, in the classification indicated, subject to qualifications therefore, as provided by law:

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Michael B. Andrasko
Robert F. Beyrle
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Earl A. Olson
Leroy J. Orr
Donald L. Ostergard
Arthur E. Overfelt
James C. Owens
Anthony E. Parish
Alvin L. Paulson
Theodore H. Prehodka
Billy J. Roland
Edward A. Ross
Spencer Rush
Raymond L. Rutter
John E. Schuerman
Harlan L. Simeon
Billy G. Smith
Thomas W. Smith
James A. Sprague
William T. Stinson
John W. Sumner, Jr.
Nicholas W. Tarr
Robert L. Turner
Harry K. VanDoren
James R. Wachutka
Paul M. Wethington
Raymond C. Widowski
Walter W. Wilkins, Jr.

CIVIL ENGINEER CORPS

John J. Baltzer
Norman D. Criss
Paul L. Gleman
Thomas K. Hale
Leslie L. Hines
Edward H. Hubel
Marion W. Lubich
Robert G. McManus
Francis M. Oxley

The following-named to be lieutenants (junior grade) in the Navy, limited duty only, for temporary service, in the classification indicated, subject to qualifications therefor as provided by law:

AVIATION OPERATIONS

Lewis D. Keller
Richard R. Leaverton

PHOTOGRAPHY

Clyde T. Kirkman

AEROLOGY

Neil F. O'Connor

AVIATION ELECTRONICS

William G. Dugan
James P. Southerland

AVIATION MAINTENANCE

Eugene P. Moccia

The following-named selected as alternates to be ensigns in the Navy, limited duty only, for temporary service, in the classification indicated subject to qualifications therefor as provided by law:

DECK

Harlan L. Barnes
Robert F. Cameron
Linnaeus T. Callaway

OPERATIONS

Seifert T. Sperry

ORDNANCE SURFACE

Vito Stanley
Douglas B. Tipton

ORDNANCE CONTROL

Jackie D. Harris
Elwood G. Ellis

ORDNANCE UNDERWATER

Hardin C. Story

ADMINISTRATION

Francis E. Bittner
George W. Pratt
Donald A. Harker

ENGINEERING

Lilbourne E. Draper
John A. Dankievitch
Robert A. Norman
Leo N. Remenak, Jr.
Robert F. Suggs
Richard E. Teeter

HULL

Donald C. Prater
Ira O. McGilbery

ELECTRICIAN

Carl K. Hoffman
Robert E. Thompson
Howard E. Sherman

ELECTRONICS

Louis F. Standard
Clarence W. Rupert
Lyle L. Slagg
Harold L. Meeker
Edward F. Laukaitis

CRYPTOLOGY

Thomas J. Clements

AVIATION OPERATIONS

William J. Porter

PHOTOGRAPHY

Charles L. Stoltz

AEROLOGY

Edwin V. Trefry

AVIATION ORDNANCE

Lloyd Bowman

AVIATION ELECTRONICS

Raymond F. Lanouette
Walter L. McCoy, Jr.
Jack M. Hemry
Donald E. Huntley

AVIATION MAINTENANCE

William C. Purcell
Russell E. Heyneman

SUPPLY CORPS

Herbert H. Vieweg
Eugene M. Gallagher
Russell R. Cawley
Alfred C. Zirnhelt

The following named (Naval Reserve Officers Training Corps) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Donald A. Albright
Walter P. Aleksic
Joseph H. Alexander
Clifford H. Anderson
Gary H. Anderson
John E. Anderson
George W. P. Atkins, Jr.
Earl R. Babbie
James A. Bartel
Murray Bass, Jr.
Thomas W. Baxter
Richard P. L. Bland
Ralph A. Blythe, Jr.
Lawrence J. Boller
Samuel W. Bowlby
James H. Bowman
Donald L. Bradbury
Martin L. Brandtner
Robert A. Braun
James V. Bronson
Carl E. Brooks, Jr.
John H. Brown
Robert J. Brown
James P. Burns III
Larry E. Byers
Robert B. Carl
Robert A. Carlson
Louis A. Cassel
Alfred F. Cazares

Roger L. Clawson
Richard F. Clements
Bruce A. Cochran
William Collins
Raymond C. Conklin
Frederick A. Conrad
George E. Core
Robert S. Coulter
Donald C. Cox
James H. Crampton
John L. Culver
Michael H. Curley
Brian P. Davis
Ernest J. Desautels
George O. Deshler
Michael G. Dickerson
Bonneau H. Dickson, Jr.
Chris G. Dokos, Jr.
Nathan C. Douthit
Leiland M. Duke, Jr.
Ronald J. Dusse
George D. Eggleston
Arthur C. Elgin, Jr.
David J. Elpers
George H. Enochs
Edward A. Eppinger
Louis F. Erb
Charles E. Farnsworth
Richard A. Fehnel
Joseph Y. Feitel, Jr.
Ken W. Fesler
John R. Filson
John G. Forti
Karl A. Foster
Richard C. Friedl
Gerald E. Friend
David J. Friis
Beverly B. Fuqua
Robert T. Gale
Peter F. Gamer
Robert B. Gann
Henry A. Germer, Jr.
Joel W. Gibbons III
John P. Gill
Jan R. Gilbert
Douglas Glover
Edward C. Goldhill, Jr.
George W. Goodwyn, Jr.
Harold C. Gosnell, Jr.
Herbert A. Grant, Jr.
John A. Gregg
William C. Hadley
Henry W. Harris III
Maynard A. Hatfield
George T. Hawley
Thomas C. Heil, Jr.
Roger P. Heinisch
Earl W. Hildebrandt
Larie W. Holmes
Harvard V. Hopkins, Jr.
Eugene E. Hracho
Gerald C. Huggin
Richard W. Hughes
Ed Varner Hungerford III
Lajon R. Hutton
John T. Jerbasi
James A. Kealey
Gordon L. Kelly
Steven J. Kemp
Robert J. Kew
Dennis G. King
Ned B. Kisner
Donald M. Koenig
Daniel J. Kraft
James W. Kreider
Conrad W. Lantz
Kenneth P. Larson
Vincent R. Lee
Neil R. Lincoln
Terry K. Lindquist
Thomas F. Little
Lawrence A. Luther
Joseph A. Lutheran
William J. Lytle
Lawrence G. Martin
William R. Martin
Tom E. Massey
Ernest W. McAfee, Jr.
William J. McCallum
William A. McIntyre III
David M. McKenney
Clarence I. Meeks III
Larry G. Mitchell
James L. Moore
Thomas J. Moran
Robert F. Morgan
Gerald R. Mueller
Richard J. Murphy
Bruce K. Nestande
Joseph C. Olson III
Lynn F. Oxenreider
Robert M. Pennell
James L. Pierce
George E. Pynchon
Ronald E. Reagan
William H. Reams
John H. Reimer, Jr.
Richard D. Roark
George K. Robinson, Jr.
Lance R. Robinson
James M. Ross
James B. Ruyle
Charles L. Sale
Carl R. Sawyer, Jr.
Lawrence E. Seaman, Jr.
Walter C. Shaw
Vincent M. Smith
Robert J. Smolenski
Richard C. Sneed
Howard M. Snook
Jacque E. Sohm
John E. Solomon, Jr.
Wesley F. Spence
Louis M. Spevetz
Richard M. Stacy
Anthony R. Strickland
Phil E. Stuart
Roderick E. Swetman
Laurence A. Taylor
Frederick S. Tener, Jr.
John B. Terpak
James N. Thomas
James G. Thompson
Richard K. Thompson
John H. Todd
Howard P. Troutman
Rudolph G. Tschida
Karl A. Tunberg
Carlon N. Turner
Paul J. Van Wert
Jean P. C. Vaughan
Richard F. Wallace
Jack H. Watson, Jr.
John R. Watson
Steven S. Webster
Arthur D. Weren
George M. Wilkins
Paul R. Williams
Herbert H. Wood
Harry C. Young, Jr.

The following named (U.S. Military Academy graduates) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Alfred D. Bailey
Edward O. Bierman
John D. Dobak
Theodore R. Dunn
Berlis F. Ennis
Robert P. Koontz
Ronald S. Smith
James J. Stewart

The following named (meritorious noncommissioned officer) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Kenneth N. Jones.

The following named (platoon leaders class) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Thomas R. Betz
Peter H. Cathell
Vincent S. Coll

The following named (Naval Academy graduates) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Steve R. Balash, Jr.
Duane C. Beck
Charles N. Bikakis
Alfred H. Bivens
James W. Bower
Claudius J. Britell
Richard S. Burgess
Bernard J. Cauley
Francis S. Clark
David H. Cutcomb
Donnie L. Darrow
David G. Derbes
Gary T. Dilweg
Phillip E. Gardner
Paul B. Gaynor
Merle W. Gorman
Wayne G. Griffin
Warren G. Hahn
Lynn A. Hale
Chester E. Hanson
Robert R. Harlan
Richard I. Harris
Frank S. Hayes
Robert S. Holman
Carl R. Ingebretsen
Gerald M. Johnson
William M. Keys
Joe J. Kirkpatrick
Frank P. Kolbe, Jr.
Charles L. Lynch
David Mayers, Jr.
Samuel K. McKee III
Paul A. McLaughlin
Robert S. Meck
Allen H. Miller
Jay A. Newbern
Alan L. Orr
David B. Prue
En Sue Paung Puaa
David A. Quinlan
Tom V. Richardson
Karl Rippelmeyer
William A. Roche
Torrence W. Rogers
George C. Ross
Robert A. Ross
Norman W. Sammis
James R. Shea
Gid B. Smith
Thomas J. Solak
Robert J. Spolyar
William C. Stensland
Robert H. Strand
Harold D. Sullivan
Warren E. Sweetser III
Edward H. Szweda, Jr.
Joseph R. Tenney
Martin N. Tull
Allen P. Whitaker
Justin H. Wickens

The following named officers of the Marine Corps for permanent appointment to the grade of first lieutenant, subject to the qualifications therefor as provided by law:

Hugh F. Anderson, Jr.
Ronald C. Andreas
Louis J. Black
Marine V. Rosewaine
Joseph C. Baldwin
Norman G. Becker, Jr.
Harry Black
Charles W. Brown
Samuel P. Brutcher
Franklin D. Bynum
Robert L. Cantrell
David H. Carrigan
Alfred I. Clayes, Jr.
Richard P. Connolly
John G. Cooper
Charles L. Cronkrite
James P. Dawson
Gary A. Davis
Roger E. Deitrick
Patrick L. Derieg
John J. Dolan
Glenn H. Downing
Cleveland L. Dunning
Wallace H. Ekholm, Jr.
Harry H. Gast, Jr.
Thomas J. Gligorea
Robert B. Goodman
Donnie M. Griffay
Everard E. Hatch
Edward L. Howe, Jr.
Jesse N. Keathley
Gerald G. Kemp
John M. Kretsinger
Stanley P. Krueger
Phillip B. Layman
Dale E. Lewis
John L. H. Mason, Jr.
John E. Morgan
Terrence P. O'Mahoney
Ralph B. Orey
Jack H. Pulcheon
John T. Radich
William H. Ridings
Benny D. Rinehart
Roland W. Root
Edwin Sahaydak
Marvin E. Schwaninger
Clyde C. Simon
Barry F. Skinner
James L. Skinner
Dale J. Uhlenhake
William K. Wehrell, Jr.
Lawrence A. Whipple

The following-named officers of the Marine Corps for temporary appointment to the grade of first lieutenant, subject to the qualifications therefor as provided by law:

Edward L. Adner
Russell T. Antonille
John P. Atherton
John M. Barberi
David M. Busse
Jean P. Cole
Frank J. Cox, Jr.
Thomas J. Dalzell
David S. Drum
Charles R. Dunlap
Herbert B. East
George P. Edgell
Donald Festa
Robert G. Flynn
Mark T. Fulmer
Michael S. Gering
William Gilfillan III
Robert C. Gregor
William O. Hambler
Leo J. Hayward
Donald F. Herman
Bobby N. Jackson
Donald W. Johnson
Gregory W. Jordan
Charles T. Knight
John Koyiades
Robert W. Lafon
Michael W. Laing
Gerald E. MacDonald
Albert J. McCarthy, Jr.
John C. McDonald
Michael I. Opean
Milton C. Otto
Allen B. Ray
Stephen M. Rohr
James D. Scrivner
James P. Sheehan
Harry L. Solter, Jr.
Arthur D. Thatcher, Jr.
Richard E. Theer
Michael L. Tuggle
Lewis D. Vogler
Laurita W. Young

NATIONAL SCIENCE FOUNDATION

Malcolm M. Willey, of Minnesota, to be a member of the National Science Board, National Science Foundation, for the remainder of the term expiring May 10, 1964, vice T. Keith Glennan, resigned.

HOUSE OF REPRESENTATIVES

WEDNESDAY, APRIL 6, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Hebrews 11: 6: *Without faith it is impossible to please God.*

Almighty God, whose resources of divine wisdom are inexhaustible and abundantly adequate for all our needs, may this moment of prayer be one of earnest desire to know Thy truth and of sincere determination to do Thy will.

Grant that the deep and desperate things, which so frequently baffle us and dim our way, may never tempt us to yield to doubt and despair.

Help us to believe that we can conquer all those devastating moods and attitudes, which assail our minds and hearts, by cultivating and possessing a faith that is strong and radiant.

May we be eager to keep inviolate the faith of our God-fearing fathers and may the spiritual ideals upon which they built our Republic continue to be the guiding principles which we are seeking to enthrone in our own individual and national life.

Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

WATERSHED PROTECTION AND FLOOD PREVENTION

The SPEAKER. The Chair lays before the House the following communication.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES, U.S.,
COMMITTEE ON AGRICULTURE,
Washington, D.C., April 5, 1960.

Hon. SAM RAYBURN,
The Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Agriculture has today considered the work plans transmitted to you by Executive Communication No. 2042 and

referred to this committee and unanimously approved each of such plans. The work plans involved are:

STATE AND WATERSHED

Mississippi: Chiwapa Creek, Mulberry Creek.
Nebraska: Wilson Creek.
New York: Conewango Creek.
North Dakota: North Branch Forest River.
Tennessee: Bear Creek, Cypress Creek.
Tennessee and Mississippi: Porters Creek.
Virginia: Buffalo Creek.

Sincerely yours,

HAROLD D. COOLEY, *Chairman.*

The SPEAKER. The communication will be referred to the Committee on Appropriations.

RECESS

The SPEAKER. The House will stand in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 3 minutes p.m.), the House stood in recess, subject to the call of the Chair.

JOINT MEETING OF THE TWO HOUSES OF CONGRESS TO HEAR AN ADDRESS BY HIS EXCELLENCY THE PRESIDENT OF COLOMBIA

The SPEAKER of the House of Representatives presided.

At 12 o'clock and 12 minutes p.m. the Doorkeeper announced the Vice President of the United States and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. On the part of the House the Chair appoints as members of the committee to escort His Excellency the President of Colombia into the Chamber the gentleman from Massachusetts, Mr. MCCORMACK; the gentleman from Indiana, Mr. HALLECK; the gentleman from Pennsylvania, Mr. MORGAN; and the gentleman from Illinois, Mr. CHIPERFIELD.

The VICE PRESIDENT. On the part of the Senate the Chair appoints as members of the committee of escort the Senator from Missouri, Mr. HENNINGS; the Senator from Rhode Island, Mr. GREEN; the Senator from Illinois, Mr. DIRKSEN; and the Senator from Wisconsin, Mr. WILEY.

The Doorkeeper announced the following guests, who entered the Hall of the House of Representatives and took the seats reserved for them:

The Ambassadors, Ministers, and Chargés d'Affaires of foreign governments.

The members of the President's Cabinet.

At 12 o'clock and 40 minutes p.m., the Doorkeeper announced His Excellency the President of Colombia.

His Excellency the President of Colombia, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk. [Applause, the Members rising.]

The SPEAKER. Members of the Congress, I deem it a high privilege, a great pleasure, and a distinct honor to be able to present to you the President of a great, a free, and a friendly Republic to the south of us, the President of the Republic of Colombia. [Applause, the Members rising.]

ADDRESS OF HIS EXCELLENCY ALBERTO LLERAS-CAMARGO, PRESIDENT OF THE REPUBLIC OF COLOMBIA

President LLERAS-CAMARGO. Members of the Congress of the United States, I have come to your country by your President's most kind invitation. I have no specific mission here. I am not here to make any overtures on behalf of my Government to yours; both yours and mine manage to get along satisfactorily together through the ordinary broad and friendly channels. [Applause.]

Neither have I come here to get acquainted with this Nation, though it would be well worth my while to leave the cares of office to do so. It has been my privilege to live long years among you, right here in Washington. The admiration I feel for your country, your laws, your political institutions, for this Congress, for your harmonious balance of powers and estates, came to me by dint of long and deep deliberation, when I contemplated your behavior as a people in peace and in war.

At that time, during which there were some hard and trying moments for you, it fell to my lot as an agent of the American international organization, to help in maintaining the interest of the public, the interest of Congress, and of successive administrations in the affairs, fortunes, problems, and future of those enormous geographical and human latitudes which lie south of your country and cover the islands of the Caribbean.

Everywhere I found good will, affection for our people, mindfulness of their affairs. Presidents Roosevelt, Truman, and Eisenhower, no less than Secretaries of State Hull, Stettinius, Byrnes, Marshall, Acheson, Dulles, and Herter renewed their faith in the regional organization, while the two Houses of Congress took the initiative to strengthen it, despite the harassing anxieties which had pulled the attention of the public in other directions, toward the immediate points of conflagration and conflict.

At that time your isolationist policy ended forever, and you pledged yourselves as the greatest world power to maintain the peace and security of our planet. That was when the Senate, under the joint or alternating influence of Senators Connally and Vandenberg and with the wholehearted assistance of several of its present members, set its seal, both in the Charter of the United Nations and in the Organization of American States, on the enlargement and definition of the regional covenants entered into by the United States of America. What intense activity to create a world of law after Armageddon. Conference followed conference—Dumbarton Oaks, Yalta, Chapultepec, San Francisco, Rio de Janeiro, Bogota. In all of them one thing emerged clear to you and to the other American States: whatever may happen, we are, above all, members of the most ancient regional community in existence, partners in the most effective enterprise for the elimination of war, for collective defense and peaceful cooperation. Our related lives are ruled by the clearest statutes of reciprocal obligations and rights amongst our 21 nations, statutes which are at once a kind of inter-American constitution and, as Franklin Delano Roosevelt would have it, a declaration of interdependence. [Applause.]

During that process you also proved yourselves to be a great nation. How easy it would have been for you to turn your backs, as some of your experts advised you to do, on the circumscribed regional organization and, instead, to rush headlong into the tasks, duties, and dangers of your new position in the world organization so fraught with unforeseen consequences. Nevertheless, you did not forget that in the American society of nations your finest statesmen had learned how to treat with other peoples, how to restrain the imperialistic zest of a young and ambitious nation, how to submit to the sway of international laws which were in essence hardly different from those which governed your country. And, indeed, was it not from the inter-American experience that Wilson's idea came forth to create the League of Nations? The only reward sought on America's entering the Second World War was the foundation of a rule of law and a worldwide association of nations. That demand, posed by the United States both on the first occasion and on the second, was made in tacit representation of a hemisphere in which the system proposed not only was of long standing, but had also proved its civilizing effectiveness.

I quite understand how it is that some European, Asiatic, and African states have feared and still look askance upon your sudden appearance on the scene of world decisions; for, indeed, never before has so mighty a power, after so decisive a military victory, intervened in world affairs for the first time without insisting that the prevalent geographical, political, and economic structure should be refashioned to the measure of its ambition. [Applause.] But we the nations of Latin America could hardly claim the right to join in that chorus of distrust, misunderstanding, and suspicion, for our experience with your country does not in the least resemble that of other peoples who have lived or survive under the baleful shadow of some implacable imperialism.

True it is that your nation, in her full-blooded and heady youth, followed the best-known pattern of what up to then was supposed to be a great power, and that some of our Latin-American states felt the unbridled harshness of that mood. But at the hemisphere's round-table she surrendered her weapons one by one, she cut her claws, she eschewed privilege and exception, and clung only to one common law, identical for the smallest and feeblest states, but more rigorous for the greatest. [Applause.] That is why when it was announced in Montevideo that the United States had

decided to abandon every form of intervention in the hemisphere, we the unarmed peoples of the south realized that the international organization that was foundering in Geneva might yet be rescued in America, and that democracy among nations was not merely desirable, but absolutely possible.

Notwithstanding, the rest of the world was not quite so ready for such a doctrine and such a policy. Already in San Francisco, when the structure of the United Nations was being discussed, there resounded the first clash against certain rampant tendencies to aggression. What for you and for us was the beginning of the law that directed and submitted the relations between state and state to a juridical order, signified for others nothing more than a yielding to the doctrinarian whim of a powerful ally. Or else it might be—so they fancied—an instrument of unilateral political power with such indispensable reservations as to make sure that no imperial ambition of predominance should come to naught.

It was the peoples of Latin America who clearly saw the new perils and who understood and admired the behavior of your Nation, pledged as she was to safeguard, within the international organization and outside of it, those very principles which had led her to war and to victory. It was they who understood why it was necessary to pour out over a devastated world, without making any distinction between friends and foes, all the wealth and bounty of the United States. It was they who realized that this generous strength was especially needed in those areas where the civilization of the West had been demolished and had to be set up again; and especially needed, too, wherever age-long despotism and misery and the enslavement of millions of human beings, shaken out of their lethargy by the war of liberation, could not be prolonged without kindling their unfulfilled craving into explosion. Thus, for the mission which you had assigned to yourselves, we saw poor, undernourished peoples of Latin America proffering food and money, rather in the spirit of complete agreement than in the hope of lending any substantial aid. It was in the same spirit that some of us offered military contingents to the United Nations in order to repel aggressions condemned by the international organization.

It is principally through your action, supported by our enthusiasm, that this second half of the 20th century is destined to be the period of economic and social development of the backward populations of the world. The war, as could be foreseen, brought about the dissolution of ancient empires. Something like this had happened after the Napoleonic wars which originated the independence of the Latin-American nations. Thus, too, after 1918 new states sprang into being; and, in like manner, the process set in motion by the Second World War has not yet run its course. Look at all these tyro states. Does it seem, in the political order, an easy thing to create an independent nation? Well, it is much harder—it is, in fact, amazingly difficult—to maintain the autonomy of a people burning with desire for a better existence which political freedom has brought within its vision, but not within its reach. Such a nation, eager to develop, stands at the crossroads of two fundamental choices. It can follow the Communist pattern, and sacrifice all the freedoms and the privileges of the human person in the hope that, after three or four generations of privation and bloodshed, the survivors may at last know and acquire some of the goods, services, and facilities of a higher civilization. Or it can be guided by those principles and procedures through which you yourselves have come to be one of the richest, most fairminded, and happiest of nations [Applause.] We have seen how the backward peoples of the Eastern Hemisphere rush into either alternative, and how they often fail to see that if once they commit themselves to the former choice, even by way of experiment, there is no turning back. Of course, for several of those nations, who never knew freedom before the Second World War, there is no great sacrifice in accepting a new tyranny which holds out to them the promise of industries, dwellings, vehicles, clothing, and food for the offspring of their grandchildren.

The Latin American nations, fortunately, are not in this situation. Since their inception they have known the unforgettable taste of freedom. In spite of civil wars and occasional dictatorships, they always come back to freedom, which is their historical constant. [Applause.] This freedom, in fact, is what makes it possible for them to perceive the process through which mankind is passing in Japan, in China, in Indonesia, in India, in Africa, in Western and in satellite Europe. This is what makes them understand that if they do not in the near future emerge from their backwardness, they will be unable to avoid the effects of impatience and desperation, of revolt and anarchy, and new dictatorships. In all those states it has already been possible to measure almost accurately how many more yards they have to go in order to finish a race that will bring them to the point of satisfying the vital needs of a growing population; how much they can achieve through an industrial and agricultural development calculated to raise the standard of living to reasonable human levels.

Latin America has been struggling, even by such unorthodox means as inflation, to produce at least the illusion of development, but these methods create very serious social problems and financial instability, which can only make it still more difficult to acquire the capital goods that have to be paid for in hard cash. What these countries need—and not in some way or other, but urgently and amply—is foreign aid, which ought to take the specific form of credit for the undeferable and profitable enterprise of their economic development. If the principles of free enterprise and private initiative, as well as the principles on which the political organization of the hemisphere is founded, are true; if your own experts and those of the United Nations are right, then in 10, or 15, or 20 years, provided that the Latin American countries have been greatly boosted with foreign capital, the whole hemisphere will, by its very prosperity, be proof against any attempt to reduce it to anarchy with a view to favoring the domination of alien politics. It is equally certain that these countries will then be able to pay back loans extended to them for this purpose.

Without such aid the lag in our economic development would ominously falter toward paralysis—but not before millions of beings without schools, without hospitals, without industries enough to create employment, without sufficient food, without land and, worse than all, without hope have repudiated their democratic leading classes and taken leap after leap in the dark. Each of those leaps, like your historic cannon shot, would be heard around the world, and here, louder than anywhere else.

The admiration, affection, and gratitude I have for your people compel me to show you with unsparing clarity the plight of Latin America as I see it. But I also want to make it quite clear that I do not consider you bound to help in the economic development of any part of the world—even the nearest to your frontiers and your sympathies. We in Latin America do not think ourselves entitled to claim your collaboration in our economic development, even though this has been your way of promoting your international policies and ours in other regions in dire peril. Our situation is not one of unilateral rights and obligations. But it so happens that we need to purchase a decisive stake in the material civilization of the West, so that this civilization may not wholly perish from our countries through frustration, through impotence, through desperation. We are unable to buy it outright from those who own it—that is, from you—in your own currency. We can neither solicit nor accept a gift without retribution; we will neither beseech nor receive aid from you without restitution to the American taxpayer, for such an action on our part, even were it possible, would engender only bitterness, resentment, mistrust, and irritation in the popular relations between North and South.

So far as I am aware, the people of Latin America, with perhaps a solitary exception, have asked for nothing but credit for their economic development. [Applause.] But this must be a high operation of reciprocal confidence in a great common destiny, and an act of faith, on your part and on ours, in the political, economic, and social principles that we share. It cannot be, then, an operation subject to the all-too-rigid tests and the common standards of ordinary banking and private business. On this occasion neither you nor we can run the risk of discovering when we agree to do something that it is too late or too little. The pan-American operation that our States have been proposing is remunerative, sure, and clear. But it is fundamentally a political act which cannot be judged by traditional banking criteria. No doubt there are better deals and better investments than the economic development of a backward part of the world.

But it is a political function of the State to decide on the priority of this enterprise.

I am well aware that this message of mine, if it is at all worthy of consideration, could be delivered in no fitter place than this admirable Congress of the United States, where there is reflected without hindrance or deceit the public opinion of a great and friendly nation.

I wish to say, too, that if I speak like this I do not do so merely on my own initiative or by a mandate of my people. Nearly every day I receive in the Presidential House in Colombia visits from fellow citizens of yours, Senators and Congressmen, public functionaries, professional men, university men, businessmen, trade-union leaders, and all of them, with some perplexity, with a sincere desire to find out the truth, and with the noblest spirit of inter-American fraternity, ask the same question: "What must we, what can we, do for Latin America?" To all of them I have given the same answer, and they have asked me to repeat it from the highest tribune of your Nation: Help those people to come forth from their backwardness by lending them the goods and capital they need. You will thus enable them to leave behind them the last stage of their underdevelopment. But give them this help before their backwardness becomes a retreat, a rout, a historical disaster.

I have never, outside of my own country, felt more honored and more responsible for each word I say than at this solemn moment when I am being listened to by those who, in either House, belong to that institution which has decided the history of the United States and, at times, of humanity. Let me say, however, that you have not been listening merely to the voice of a citizen of the hemisphere; you have heard another voice, one that has the right and the credentials to be listened to in the unsullied forum of liberty—the voice of my country, Colombia, a free people, governed by institutions that have their origin in Philadelphia. This is the voice of a people who have followed your finest examples and who profess for your Nation an undeviating friendship tested by historical difficulties which no longer exist. It is, then, the voice of a friendship proven in our time by a long, respectful, rewarding, and reciprocal collaboration, which I hope and trust will continue without impairment into the future. [Applause, the Members rising.]

At 1 o'clock and 12 minutes p.m., His Excellency the President of Colombia, accompanied by the committee of escort, retired from the Chamber.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Ambassadors, Ministers, and Chargés d'Affaires of foreign governments.

JOINT MEETING DISSOLVED

The SPEAKER. The purposes of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Thereupon (at 1 o'clock and 15 minutes p.m.) the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock and 15 minutes p.m.

PRINTING OF PROCEEDINGS DURING RECESS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CONSTRUCTION OF MODERN NAVAL VESSELS

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 497, Rept. No. 1456) which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10474) to authorize the construction of modern naval vessels. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

SECOND SUPPLEMENTAL APPROPRIATION BILL, 1960

Mr. THOMAS. Mr. Speaker, I call up the conference report on the bill (H.R. 10743) making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

The conference report was agreed to.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1452)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10743) making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10, 18, 23, 24, 25, 27, 28, 29, and 43.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 7, 9, 11, 12, 17, 26, 32, 41, and 44, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,400,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$24,000,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,750,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$142,500"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$80,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$200,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,650,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$17,500,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$550,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$300,000"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,025,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$300,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 4, 6, 8, 15, 19, 33, 34, 35, 36, 37, 38, 39, 40, and 45.

ALBERT THOMAS,
MICHAEL J. KIRWAN,
CLARENCE CANNON,
BEN F. JENSEN,
JOHN TABER,
Managers on the Part of the House.

CARL HAYDEN,
RICHARD B. RUSSELL,
DENNIS CHAVEZ,
ALLEN J. ELLENDER,
LISTER HILL,
WARREN G. MAGNUSON,
SPESSARD L. HOLLAND,
STYLES BRIDGES,
LEVERETT SALTONSTALL,
MILTON YOUNG,
KARL MUNDT,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10743) making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

DEPARTMENT OF AGRICULTURE

Amendment No. 1: Appropriates $1,400,000 for the Commodity Stabilization Service for acreage allotments and marketing quotas instead of $1,000,000 as proposed by the House and $1,666,800 as proposed by the Senate.

Amendment No. 2: Appropriates $675,000,000 for the Commodity Credit Corporation for restoration of capital impairment as proposed by the Senate.

DEPARTMENT OF COMMERCE

Amendment No. 3: Appropriates $24,000,000 for Maritime activities for operating-differential subsidies instead of $16,000,000 as proposed by the House and $32,000,000 as proposed by the Senate.

Amendment No. 4: Reported in disagreement.

DEPARTMENT OF DEFENSE—CIVIL FUNCTIONS

Amendment No. 5: Appropriates $2,750,000 for the Department of the Army for rivers and harbors and flood control operation and maintenance instead of $2,700,000 as proposed by the House and $2,800,000 as proposed by the Senate.

DISTRICT OF COLUMBIA

Amendment No. 6: Reported in disagreement.

Amendment No. 7: Appropriates $36,000 for the Fire Department as proposed by the Senate.

Amendment No. 8: Reported in disagreement.

Amendment No. 9: Inserts language proposed by the Senate to finance $38,000 of the increased cost of utility services from the water fund.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Amendment No. 10: Deletes Senate proposal to appropriate $7,362,000 for payments to school districts for fiscal year 1959.

Amendment No. 11: Appropriates $22,343,000 for payments to school districts for fiscal year 1960 as proposed by the Senate instead of $8,330,000 as proposed by the House.

Amendment No. 12: Appropriates $131,000 for grants for library services as proposed by the Senate instead of $100,000 as proposed by the House.

Amendment No. 13: Appropriates $142,500 for the Public Health Service for communicable disease activities instead of $125,000 as proposed by the House and $160,000 as proposed by the Senate.

Amendment No. 14: Appropriates $80,000 for sanitary engineering activities instead of $350,000 as proposed by the Senate. The amount allowed is for the Colorado River Basin enforcement investigation.

Amendment No. 15: Reported in disagreement.

Amendment No. 16: Appropriates $200,000 for Indian health activities instead of $350,000 as proposed by the Senate.

Amendment No. 17: Appropriates $4,000,000 for the Social Security Administration for grants to States for public assistance as proposed by the Senate instead of $9,500,000 as proposed by the House.

INDEPENDENT OFFICES

Amendment No. 18: Deletes Senate proposal to appropriate $3,000,000 for the Office of Civil and Defense Mobilization.

Amendment No. 19: Reported in disagreement.

Amendment No. 20: Appropriates $1,650,000 for the Housing and Home Finance Agency for urban planning grants instead of $1,500,000 as proposed by the House and $1,800,000 as proposed by the Senate.

Amendment No. 21: Appropriates $17,500,000 for capital grants for slum clearance and urban renewal instead of $35,000,000 as proposed by the Senate.

Amendment No. 22: Appropriates $550,000 for the National Labor Relations Board for salaries and expenses instead of $500,000 as proposed by the House and $600,000 as proposed by the Senate.

Amendment No. 23: Deletes Senate proposal to appropriate $100,000 for the United States Information Agency for Spanish language radio broadcasts to cultivate friendship with the people of Cuba. The conferees agree that this proposal should receive careful consideration in the executive branch and if so decided can be implemented with funds presently unobligated under the regular appropriation for salaries and expenses.

DEPARTMENT OF THE INTERIOR

Amendment No. 24: Appropriates $2,450,000 for the Bureau of Land Management for management of lands and resources as proposed by the House instead of $2,860,000 as proposed by the Senate.

Amendment No. 25: Appropriates $310,000 for the Bureau of Indian Affairs for resources management as proposed by the House instead of $360,000 as proposed by the Senate.

Amendment No. 26: Appropriates $735,000 for the Bureau of Reclamation for operation and maintenance as proposed by the Senate.

Amendment No. 27: Appropriates $125,000 for the National Park Service for management and protection as proposed by the House instead of $150,000 as proposed by the Senate.

Amendment No. 28: Appropriates $3,135,000 for the National Park Service for construction as proposed by the House instead of $4,982,300 as proposed by the Senate.

DEPARTMENT OF JUSTICE

Amendment No. 29: Appropriates $200,000 for salaries and expenses of United States attorneys and marshals as proposed by the House instead of $300,000 as proposed by the Senate.

Amendment No. 30: Appropriates $300,000 for the Immigration and Naturalization Service for salaries and expenses instead of $500,000 as proposed by the Senate.

DEPARTMENT OF LABOR

Amendment No. 31: Appropriates $1,025,000 for labor-management reporting and disclosure activities instead of $750,000 as proposed by the House and $1,300,000 as proposed by the Senate.

LEGISLATIVE BRANCH

Amendment No. 32: Inserts heading as proposed by the Senate.

Amendments Nos. 33 through 40, inclusive: Reported in disagreement.

Amendment No. 41: Appropriates $12,000 for the Architect of the Capitol for Senate Office Buildings as proposed by the Senate.

DEPARTMENT OF STATE

Amendment No. 42: Appropriates $300,000 for Administration of Foreign Affairs for salaries and expenses instead of $210,000 as proposed by the House and $395,000 as proposed by the Senate.

Amendment No. 43: Deletes Senate proposal to appropriate $220,000 for the International Boundary and Water Commission, United States and Mexico. The conferees gave the matter careful consideration and recommend that it be further reviewed.

TREASURY DEPARTMENT

Amendment No. 44: Appropriates $1,500,000 for the Bureau of the Public Debt as proposed by the Senate instead of $750,000 as proposed by the House.

Amendment No. 45: Reported in disagreement.

ALBERT THOMAS,
MICHAEL J. KIRWAN,
CLARENCE CANNON,
BEN F. JENSEN,
JOHN TABER,
Managers on the Part of the House.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 4: Page 3, line 6, insert the following:

"STATE MARINE SCHOOLS

"For an additional amount for 'State marine schools', $20,000; and the limitation under this head in the Department of Commerce and Related Agencies Appropriation Act, 1960, on the amount available for the maintenance and repair of vessels loaned by the United States, is increased from '$150,000' to '$170,000.'"

Mr. THOMAS. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Senate amendment No. 4: Page 3, line 6, insert the following:

Mr. THOMAS moves that the House recede from its disagreement to the amendment of the Senate numbered 4, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

"STATE MARINE SCHOOLS

"For an additional amount for 'State marine schools', $15,000; and the limitation under this head in the Department of Commerce and Related Agencies Appropriation Act, 1960, on the amount available for the maintenance and repair of vessels loaned by the United States, is increased from '$150,000' to '$165,000.'"

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 6: On page 4, line 16, insert the following:

"DEPARTMENT OF GENERAL ADMINISTRATION

"For an additional amount for 'Department of General Administration', $20,000, to remain available until expended."

Mr. THOMAS. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 8: Page 4, line 23, insert the following:

"PERSONAL SERVICES, WAGE-SCALE EMPLOYEES

"For pay increases and related retirement cost for wage-scale employees, to be transferred by the Commissioners of the District of Columbia to the appropriations for the fiscal year 1960 from which said employees are properly payable, $284,000, of which $19,000 shall be payable from the highway fund, $35,500 from the water fund, and $21,500 from the sanitary sewage works fund."

Mr. THOMAS. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. THOMAS moves that the House recede from its disagreement to the amendment of the Senate numbered 8, and concur therein with an amendment, as follows: In lieu of the sum of $284,000 named in said amendment insert "$270,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 15: Page 8, line 1, insert the following:

"HOSPITALS AND MEDICAL CARE

"The limitation under this head in the Department of Health, Education, and Welfare Appropriation Act, 1960, on the amount available for payments for medical care of dependents and retired personnel under the Dependents' Medical Care Act (37 U.S.C. ch. 7), is increased from '$2,167,000' to '$2,367,000'."

Mr. THOMAS. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. THOMAS moves that the House recede from its disagreement to the amendment of the Senate numbered 15, and concur therein with an amendment, as follows: In lieu of the sum of $2,367,000 named in said amendment insert "$2,267,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 19: Page 9, line 14, insert the following:

"FEDERAL COMMUNICATIONS COMMISSION

"Salaries and expenses

"The limitation, established by section 102 of the Independent Offices Appropriation Act, 1960, on the amount available under this head for travel expenses of employees during the current fiscal year, is increased by $10,000."

Mr. THOMAS. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. THOMAS moves that the House recede from its disagreement to the amendment of the Senate numbered 19, and concur therein with an amendment, as follows: In lieu of the sum of $10,000 named in said amendment insert "$7,500".

The motion was agreed to.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the amendments of the Senate numbered 33, 34, 35, 36, 37, 38, and 39 be considered en bloc.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The Clerk read as follows:

Senate amendment No. 33: Page 16, line 9, insert: "For payment to Emma Langer Scheeffer, Lydia Langer Irwin, Mary Langer Gokey and Cornelia Langer Noland, daughters of William Langer, late a Senator from the State of North Dakota, $22,500."

Senate amendment No. 34: Page 16, line 13, insert: "For payment to H. Maurine Neuberger, widow of Richard L. Neuberger, late a Senator from the State of Oregon, $22,500."

Senate amendment No. 35: Page 16, line 16, insert:

"SALARIES, OFFICERS AND EMPLOYEES"

Senate amendment No. 36: Page 16, line 17, insert: "For an additional amount for administrative and clerical assistants to Senators to provide additional clerical assistants for each Senator from the States of Maryland and Wisconsin so that the allowances of Senators from the State of Maryland will be equal to that allowed Senators from States having a population of over three million, the population of said State having exceeded three million inhabitants, and so that the allowances of Senators from the State of Wisconsin will be equal to that allowed Senators from States having a population of over four million, the population of said State having exceeded four million inhabitants, $6,600."

Senate amendment No. 37: Page 17, line 5, insert: "For an additional amount for Office of the Secretary, $1,915: *Provided*, That the basic amount available for clerical assistance and readjustment of salaries in the disbursing office is increased by $3,720."

Senate amendment No. 38: Page 17, line 9, insert:

"CONTINGENT EXPENSES OF THE SENATE

Senate amendment No. 39: Page 17, line 10, insert:

"FURNITURE

"For an additional amount for furniture, $8,690."

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House recede from its disagreement to the amendments of the Senate numbered 33, 34, 35, 36, 37, 38, and 39, and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 40: Page 17, line 12, insert:

"EXPENSES OF INQUIRIES AND INVESTIGATIONS

"For an additional amount for expenses of inquiries and investigations, $662,000."

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House recede from its disagreement to the amendment of the Senate numbered 40, and concur therein with an amendment, as follows: In addition to the matter inserted by said amendment insert the following:

"HOUSE OF REPRESENTATIVES

"For payment to Laura E. Mack, widow of Russell V. Mack, late a Representative from the State of Washington, $22,500."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 45: Page 21, line 12, insert:

"CLAIMS FOR DAMAGES AND JUDGMENTS

"For payment of claims as settled and determined by departments and agencies in accord with law and a judgment rendered against the United States by the United States Court of Claims, as set forth in Senate Document Numbered 87, Eighty-sixth Congress, $4,948,934, together with such amounts as may be necessary to pay interest (as and when specified in such judgments or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: *Provided*, That no judgment herein appropriated for shall be paid until it shall have become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided, further*, That unless otherwise specifically required by law or by the judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of this Act."

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House recede from its disagreement to the amendment of the Senate numbered 45, and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

PERMISSION TO SIT—SUBCOMMITTEE NO. 5 OF THE COMMITTEE ON THE JUDICIARY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that Subcommittee No. 5 of the Committee on the Judiciary may be permitted to sit on Wednesday and Thursday afternoon during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CALL OF THE HOUSE

Mr. KLUCZYNSKI. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair believes a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 41]

Addonizio	Burdick	Dent, Pa.
Ashley	Canfield	Diggs
Auchincloss	Casey	Dowdy
Bowles	Coffin	Edmondson
Brewster	Cooley	Elliott
Brown, Mo.	Curtis, Mo.	Fenton
Buckley	Daddario	Goodell
Granahan	Milliken	Saund
Grant	Mitchell	Siler
Hargis	Morris, N. Mex.	Springer
Hoffman, Ill.	Passman	Sullivan
Jones, Ala.	Porter	Taylor
Magnuson	Powell	Weaver
Mailliard	Reuss	Willis
Mason	Rhodes, Ariz.	Wolf
Metcalf	Rodino	
Miller, George P.	Rogers, Colo.	
	Rogers, Mass.	

The SPEAKER. On this rollcall 380 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

OVERALL LIMITATION ON FOREIGN TAX CREDIT

The SPEAKER. The unfinished business is the question on suspending the rules and passing the bill H.R. 10087, to amend the Internal Revenue Code of 1954 to permit taxpayers to elect an overall limitation on the foreign tax credit.

The question was taken, and the Speaker announced that in his opinion two-thirds had voted in favor thereof.

Mr. GROSS. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EMPLOYMENT OF RETIRED COMMISSIONED OFFICERS

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 487 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10959) relating to the employment of retired commissioned officers by contractors of the Department of Defense and the Armed Forces and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MADDEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 487 provides for the consideration of H.R. 10959, relating to the employment of retired commissioned officers by contractors of the Department of Defense and the Armed Forces, and for other purposes. The resolution provides for an open rule with 3 hours of general debate.

The purposes of the bill are to, first, attempt to curb, insofar as possible, the potential for influence, in the field of military procurement, of retired commissioned officers and active-duty commissioned officers employed by contractors furnishing anything to the Department of Defense or an Armed Force of the United States; second, to make the laws pertaining thereto equal to all of the services; and third, to provide exemption for the five-star generals and admirals from the law relative to outside employment of active-duty officers.

H.R. 10959 equalizes for retired officers of all of the armed services the prohibition against selling to the Department of Defense and the Armed Forces. It also provides that a retired officer may not sell as the representative of a company doing business with the Department of Defense for a period of 2 years from the date of his retirement without losing his retired pay for such period up to the 2 years that he may engage in such selling. The only exception is in the case of any officer who served on active duty less than 8 years and whose primary duties during his period of active duty at no time included procurement, maintenance, or supply.

Section 2 of H.R. 10959 will further lessen the possibility of influence in this field by limiting outside employment of commissioned officers on active duty to those positions which can in no way be conceived as affecting the procurement practices or policies of the Department of Defense or an Armed Force of the United States. The only exception thereto is in the case of the five-star generals and admirals.

Those affected by this exemption are Generals of the Army MacArthur and Bradley, both of whom are on the active list of the Army but without any duty assignments and are employed by organizations which furnish material to the Armed Forces of the United States.

Section 3 of the bill will repeal the existing lifetime ban on selling to the Navy by retired Navy commissioned officers.

The bill would prohibit selling as a matter of principle and as a matter of law f... a period of only 2 years after an officer retires.

Congressman HÉBERT and the members of his subcommittee investigating the procurement operations of the Defense Department, are to be congratulated for the outstanding job they have been doing in exposing some of the questionable methods of contract letting in our mammoth defense program. Having heard the testimony presented by members of the Armed Services Committee before the Rules Committee on H.R. 10959, I am very much opposed to this bill in its present form. I am not opposed to the adoption of a rule as I do believe the Members should be given an opportunity to learn all the facts connected with the loose methods adopted by leaders in our Defense Department in granting contracts involving the expenditures of billions of dollars annually. Congressman HÉBERT's committee has held extensive hearings and startling facts have been recorded in the testimony of wanton waste and questionable methods used in negotiating contracts with large industries who could afford to hire retired military officers at fabulous salaries. I understand that during the 5-minute rule, Congressman HÉBERT and some of the members of his subcommittee will sponsor an amendment to this bill which will more effectively curb some of the deplorable procurement operations of our Defense Department.

As a Representative in Congress of the industrial Calumet region, I can say that during the last dozen years a great number of small industries in my area have been completely estopped from even a remote consideration of their application for securing defense contracts by reason of an inside munitions lobby operated by retired military officers.

In Drew Pearson's column some time ago, an article stated that General Electric, next to Boeing and General Dynamics, is the third largest defense contractor in our Government. The article also stated that in 1958 General Electric had as high as 35 retired Army, Navy, and Air Force officers on its payroll at fabulous salaries. It also stated that General Electric ranked fifth in the list of firms employing retired "brass hats." One of these brass hats was a highly paid admiral who formerly was Chief of Naval Personnel and hired some of the men who were issuing defense contracts before he retired from the service.

In an article in the February 9, 1960, Washington Post, it was revealed that a former admiral, after retirement, was receiving a pension from the Government of $1,072.18 per month in addition to a $25,000 salary from the Bankers Trust; $12,000 annually from Philco; $12,000 annually from Molybdenum Co.; and $15,000 annually from Champion Paper, and $2,400 per annum, plus $100 for each directors meeting from Worthington Pump Corp.

I am merely mentioning a couple of the numerous instances where retired military officers step into fabulous salary bonanzas after retirement merely because of their close connections with the Pentagon and other defense operations. I am glad that the Armed Services Committee is finally taking a definite step to present legislation that will terminate this sloppy method of negotiating defense contracts that have cost the American taxpayers wasted billions in the last dozens of years. Congressman HÉBERT's amendment will substitute criminal penalties instead of the court-martial trials set out in the committee bill.

An item in the Washington Post and Times Herald recently revealed that the Glen Martin Co., one of the Nation's largest contractors in the making of vital missiles, entertained a number of retired and active admirals and Air Force generals at the swank Cotton Club in the Bahamas. The paper also recorded the efforts of the company to deduct this payola operation from its income tax as legitimate business expense.

I do hope the Members will remain on the floor when Congressman HÉBERT presents his amendment to this bill and listen to his presentation along with other members of the Armed Services Committee who believe that the present

form of H.R. 10959 is more of a skimmed-milk slap-in-the-wrist piece of legislation that will not completely eliminate this deplorable method of negotiating contracts which involve billions in taxpayers money every year.

Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee [Mr. REECE], and reserve the balance of my time.

Mr. REECE of Tennessee. Mr. Speaker, I yield 8 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, this rule makes in order, with 3 hours of general debate, the consideration of the bill H.R. 10959, under House Resolution 487 as reported by the Committee on Rules.

This is a rather peculiar situation. I do not think I have ever seen a situation just like this in the past in connection with any legislation which has come to the floor of the House under a rule of this type.

This rule makes in order the bill, H.R. 10959, which bears the name of Mr. HÉBERT, of Louisiana. However, the bill as it was reported actually was not the Hébert bill, as originally introduced, and has been more or less repudiated, may I say, by the Member whose name it bears, Mr. HÉBERT, who as you know for a great many years has been, during the Democratic controlled Congresses, the chairman of the special investigating committee or subcommittee of the Committee on Armed Services of this House. During the Republican control of the House, Mr. HESS, of Ohio, served in the same capacity.

These two men, working with their subcommittee, named by the Committee on Armed Services, of course, have done a great job throughout the years in exposing waste, extravagance, and sometimes corruption, in connection with defense contracts. By their work they have saved literally hundreds of millions of dollars for American taxpayers.

Mr. Speaker, this bill was brought to us in the Committee on Rules after the Committee on Armed Services of the House, under the leadership of its distinguished chairman, the gentleman from Georgia [Mr. VINSON], had made a great many changes which resulted in taking out most of the teeth from the originial bill—which resulted in destroying the value of the original Hébert bill. The gentleman from Georgia, the chairman of this great Committee on Armed Services, is the friend of all of us. He has served longer than any other Member of the House of Representatives except the Speaker of the House. He is indeed a distinguished Member. The very fact that this bill came before the Committee on Rules with the Committee on Armed Services divided within itself for, perhaps, the first time since the memory of man runneth not to the contrary. This alerted some of us in the Committee on Rules to look behind the scenes. I must say, frankly, out of all fairness to both the chairman, the gentleman from Georgia [Mr. VINSON], and the gentleman from Louisiana [Mr. HÉBERT], it took considerable pressure on the part of members of the Committee on Rules to bring out into the open the conflict which had gone on between Mr. HÉBERT and his group on the one hand and Mr. VINSON and his followers, who are always large in number in the committee, on the other.

Mr. Speaker, before I say more, I want to pay tribute to Chairman VINSON, as well as to the subcommittee chairman, Mr. HÉBERT, for their past services. Mr. VINSON is not only a great American, he is a national institution so far as most of us are concerned, and he knows full well how to write legislation. Rather peculiarly, the job that he did, if I may use that language, on the original Hébert bill was quite effective in destroying its worth, even though he came before our Rules Committee and urged that it be given a rule and insisted that it was satisfactory as amended.

Incidentally, I brought to the attention of the committee at that time the statements which appeared in the committee's report on this original bill, which showed that there was a total of 3,353 retired staff officers altogether. That is on page 18. Then, rather peculiarly, if you refer to page 21, when we get down to these people who would be affected by this legislation, and that would only be the retired officers who were selling to the Government—just selling to the Government and not being in high positions in connection with these defense industries—if you will look closely—you will find that engaged in sales, there were just six officers—just a half dozen. There might be some other answer, but we did not get it in the Committee on Rules from Chairman VINSON if there is some answer.

Of course if we are only dealing with six officers we might as well not enact any legislation. But, as I said a moment ago, this original legislation did not seem to be entirely satisfactory to the chairman after all. I told Chairman VINSON frankly I did not think I could go along with him on the original bill as amended. He told me there was now another bill written by the gentleman from Texas [Mr. KILDAY]. I have not had an opportunity to study and analyze that one as I would like. It is H.R. 11544; and then I find another bill, H.R. 11576, 32 numbers higher. I do not know the reason why we have these two bills or what the differences between them are, but I know they are both quite different from the original amended Hébert bill that the chairman brought to the Rules Committee. That is what we are voting on now, the original Hébert bill, as amended, at the suggestion of the Armed Services Committee and as reported out by that great committee.

We are not children. Most of us have been here at least 15 or 16 months, even if we are freshmen Congressmen, and some of us have been here a quarter of a century, and some even longer. We know, and anybody that has any connection with the Government knows, that there is something wrong when so many of these officers are retired and so many of them immediately go out and get high paying jobs with industry that is manufacturing something to sell to the Government of the United States—that has to be purchased under contracts that have to be approved by other officers—with whom some of these men served, and perhaps whom they even promoted before they left the service—that something is seriously wrong.

Another thing that gripes me is that a great many of these officers who are retiring and going into industry are upon retirement found physically incapacitated and are given tax exemption on their retirement benefits. A poor old Congressman, who pays at least half of his retirement costs—it does not make any difference how unfit he may be—cannot get any tax reduction. He just pays his taxes anyway. There is a reason why these things are happening. The people of America know there is something wrong. I cannot point a direct finger at any of it. But I believe the men who have investigated these things, like Mr. HÉBERT and Mr. HESS, can tell you about it and give you the facts and the cases. As far as I am concerned I resent that somebody thinks I am stupid enough to swallow the story that there are only six retired officers who have anything to do with military sales. The American people will not buy that, either.

These new bills, and the amendments that will be offered by Mr. HÉBERT and others deserve serious consideration by this House. I agree with the gentleman from Indiana, when he says this is one of the most important bills to come before this Congress in a long time, because the taxpayers are demanding that we do something to cut down on this kind of activity, and on the huge cost of defense, all of which reflect these high salaries that are paid to these men, many of whom are hired for one reason only, and that is because of their influence at the Pentagon.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Florida.

Mr. HALEY. Is there not some prohibition in other departments of Government?

Mr. BROWN of Ohio. Oh, yes. If a lawyer, who has been employed in a Government agency, takes any fee to represent any client before a Government agency or department within 2 years after retirement, he is subject to a criminal penalty. But here we just say, "You will lose your retirement pay for 2 years." If you are getting $100,000 per year for your influence you do not mind losing $10,000 a year in retirement benefits.

Mr. MADDEN. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. SANTANGELO].

Mr. SANTANGELO. Mr. Speaker, I support the Hébert bill insofar as it goes. I believe the Kilday bill is a milquetoast approach to a very serious problem. I believe that there should be a complete ban on employment for a period of 2 years if we seek to remedy the situation and reduce the cost of our military operation and remove the waste.

This Hébert bill, H.R. 10959, seeks to eliminate or do away with possible influence by retired military officers in obtaining defense contracts. Members of the House may remember that during

the consideration of the defense appropriation bill on June 3, 1959, I introduced an amendment which provided that none of the funds in the appropriation bill could be used to enter into a contract with any defense contractor which provided compensation to a retired or inactive military or naval officer who has been an active member of the Armed Forces within 5 years of the date of the enactment of this act.

This amendment was a complete ban on employment of retired military officers. It was not a partial ban on employment of these retired commissioned officers. It, in effect, prohibited a defense contractor from being paid if it hired a retired officer, flag or commissioned, who had left the service within the past 5 years. On that occasion, in discussing my amendment, I said among other things on page 9741 of the CONGRESSIONAL RECORD, volume 105, part 7, that this amendment is designed to eliminate influence by a retired military officer above the rank of colonel and to reduce the cost of our defense program. It will permit those who grant procurement contracts to let them without offending their former bosses or colleagues.

It has become rather general practice for high-ranking military officers to accept important positions in defense industry after their retirement from active military service. We have approved the budget request of $715 million for retired pay of military personnel. Retired officers receive substantial retirement benefits. In some cases such officials take positions with companies which have large contracts for the furnishing of war materiel to the Defense Department.

There can be little doubt that this is a very unhealthy situation and should be changed immediately. It can have a very definite effect on contracting policies and procedures within the Defense Department. It can result in unnecessary expenditures and waste.

Persons within the Department who may be looking forward to possible employment within a certain organization after retirement can display partiality and favoritism without ever realizing it. Further, prominent military figures in retirement can have a great influence over their former subordinates who are still in the Department. Contact at social and professional gatherings between active and retired officers can provide a perfectly natural setting for influence and favoritism.

As you may remember, my amendment, after being approved by a voice vote, was dramatically defeated by one vote on a division after the House was assured that an investigation would be held by a subcommittee of the Armed Services Committee headed by the gentleman from Louisiana [Mr. HÉBERT]. Such hearings were extensively held and my statements which I made on June 3 in connection with the defense appropriation bill have been borne out fully by the disclosures and the testimony in those Hébert hearings. I commend the gentleman from Louisiana [Mr. HÉBERT] for the wonderful work he did in the investigation by his subcommittee.

We have seen from the testimony how extensive has become the practice of hiring retired officers. On pages 8 and 9 of the report of the subcommittee of the special investigation on employment of retired commissioned officers by Defense Department contractors, we see the startling disclosure that the 100 biggest defense contractors have hired 1,401 retired commissioned officers, which includes 251 flag or general officers. The seven defense contractors which have the greatest number of retired flag and commissioned officers on their staff are as follows:

Company	Defense position	Number of retired military officers	Number of retired flag officers
General Dynamics	2	188	27
Lockheed	4	171	27
Martin Co	9	63	9
ROA	15	35	15
General Tire & Rubber Co	26	66	11
I.T.T	30	44	14
Boeing	1	61	6

These retired men are receiving pensions from the U.S. Government, with the average annual pensions ranging from $2,400 to $8,400. Some officers receive more than $8,400 in pension or retirement benefits. The defense industry annual salaries paid to retired flag officers range from a low of $5,000 to a high of $100,000. Approximately 180 of the 251 retired flag officers receive in excess of $10,000 salary annually from these defense contractors. About 25 flag officers receive more than $25,000 per year in salary and 8 of them receive over $50,000 per year in salary from these defense contractors.

These are certainly lucrative salaries for men who have retired and are receiving pensions. Do you think, gentlemen, that officers who are looking forward to retiring are tempted to favor defense contractors with whom they might join after they retire? Do you think our procurement policies and our high military costs are affected by this temptation? Do you think that flag officers have no influence on their former subordinates in obtaining defense contracts for their new employers?

The 1961 hearings on procurement show that $8 billion to $10 billion worth of supplies and equipment is declared surplus by the Armed Forces every year. To what extent is the $8 billion to $10 billion worth of declared surplus every year the result of influence peddling in our procurement policies? For 20 years the armed services have been saying they are streamlining and improving their procedures in procurement, but the $8 billion to $10 billion of declared surplus and waste still continue, so much so that the chairman of the Appropriations Subcommittee on Defense spoke with a feeling of frustration when he said that what the services say that they are doing in improving procedures of procurement was not encouraging to him.

I cannot condone, and I am certain that this body does not approve the practice of certain defense contractors in entertaining at their expense our highest military officers, past or present, in the Bahamas or in private clubs. The Hébert subcommittee explored a phase of this practice and exposed the entertainment by the Martin Co., one of the largest defense contractors which does exclusively defense contracts. This company has hired 63 retired commissioned officers and resists payment of their income taxes on their excess profits after the Federal Renegotiation Board has determined that the Martin Co. for a period covering 3 years made in excess of $25 million of excess profits.

I believe the subcommittee has done an honest job and the gentleman from Louisiana [Mr. HÉBERT] has tried and sought to bring out an effective bill which is designed to eliminate influence peddling or any aura of influence peddling. His bill is more limited than my amendment which I introduced last year to the appropriations bill. His bill does not ban the employment of retired officers, but prohibits the selling by retired officers to any of the armed services. The Department of Defense concurs in the thought that there should be a cooling-off period. Responsible and high military officers agree that there should be a cooling-off period. The committee report indicates the meaning and intent of the word "selling," but the bill does not spell out or give the definition of the word "selling." The report provides that any action in the proposal, development, or production of an article is a link in the chain of selling and would be banned during the proscribed period.

Congressman HÉBERT, in his original bill, sought to impose sanctions in two forms: First, a loss of pension, and second, imprisonment and fine for violation of the ban against selling. The full committee deleted the criminal penalties. To eliminate criminal penalties or sanctions and to limit penalty only to a loss of pension for a period of 2 years is in effect to require a license to sell with a license fee most likely being paid for by the defense contractor in the form of a higher salary to the retired commissioned officer. This is no penalty whatsoever and is a milquetoast approach. By eliminating the criminal provision, the full committee has scuttled the bill and made the enforcement provisions ineffective.

I believe that sanctions and penalties should be placed upon the one who profits by the violation of law, and that is the defense contractor. I believe that where the defense contractor knowingly permits a retired officer to sell to the Armed Forces in violation of law that the defense contractor would forfeit his rights under the contract which was obtained through the prohibited influence and would also be prohibited from doing business with the Government thereafter for a period of 1 year. However, I would provide a safety valve and would permit the Secretary of Defense to waive the forfeiture and prohibition if the Secretary of Defense thinks that it is in the interest of national defense that he so do, but if he does, he must notify the appropriate Armed Services Committee of the House and Senate of the reasons which compel his action.

Only an effective bill will reduce the waste and high cost in our military procurement which after all is the major objective of eliminating influence peddling. The 1961 budget for our national security is $45,600 million of which $13,602 million is for the purchase of aircraft, missiles, ships, and other military equipment. We cannot afford the purchase of supplies and equipment which are wasteful and not usable. Too long have billions of dollars of military equipment and supplies been declared surplus. If we want to help our Nation grow strong, we must get our dollars value for the dollars we spend. Our Nation and the taxpayers are prepared to spend billions of dollars for defense, but they disapprove the expenditure for waste and inefficiency or influence peddling.

We must take effective action now.

Mr. REECE of Tennessee. Mr. Speaker, I yield myself 12 minutes.

Mr. REECE of Tennessee. Mr. Speaker, I am in favor of the rule and I am in favor of the bill, but I question if the bill goes far enough to accomplish the objectives of its sponsors. In my service on the Armed Services Committee, I had some opportunity to make some observations in this area which gave me great concern. It is with mixed feelings that I am saying what I do today. I am not one who carries lightly the responsibilities of membership in this body to which I came as the youngest Member 39 years ago.

In what we now refer to as World War I, I had the honor of serving in the U.S. Army. My duties took me overseas where active combat fell to my lot. This in turn resulted in my country's honoring me with certain awards which I have always prized more highly than any other honors which it has been my good fortune to receive.

Upon being first elected to Congress in 1920, among my early committee assignments was one to the old Military Affairs Committee, the forerunner of our present Armed Services Committee on which I have served also. With the exception of my good friend, Chairman VINSON, only Speaker RAYBURN was serving in this body when I was first elected. During all these years my respect for the armed services has been high, and my deep attachment to and regard for our Army has never wavered. With this for a background, I now feel it is my duty to indict that branch of the armed services in which I served for a severe dereliction of duty.

Its part in the one segment of the missile program that I have studied indicates a sorry and a sordid role which, in my opinion, stems from the very problem with which this legislation is concerned.

Broadly speaking, that segment of the Army's missile program which I have studied and about which I am speaking today, the Army's efforts have not been directed exclusively toward the defense of our country. They have been directed almost solely toward benefiting financially a few very large corporations who are in almost complete control of the Army's missile program. That the pursuit of this policy has, or will, benefit certain highly placed Army personnel is all too obvious. To this indictment I wish to specifically exempt the ABMA project, or projects, headed by Dr. Wernher von Braun. I also wish to make plain that I in no way mean to question the integrity and good faith of the Honorable Wilber M. Brucker, Secretary of the Army, with whom I served in the Rainbow Division.

The facts uncovered show clearly that these unworthy manipulations have been carried on in such a manner and at such a level that, due to the constant pressure of his high office, he could not be acquainted with all of the sordid maneuvers that have come to my attention.

With the limited means and time at my command, I have been unable to inquire intelligently into but one of the many Army missile projects; namely, the Nike system, which includes Nike 1, Nike 2, Nike-Ajax, Nike-Hercules, and Nike-Zeus. The facts revealed are appalling. The Army actually has no control over this situation. Through means and methods effective but obscure, the Army has become the captive of industrial forces of great power, particularly Bell Laboratories and Douglas Aircraft. These controls apparently extended from the low of lieutenant colonel and civilian levels up to and including both the former Assistant Secretary of the Army for Logistics—another term for procurement—Mr. Frank Higgins and his former deputy, Mr. Courtney Johnson, who was recently named to succeed him, and the Director of Research and Development, a former Bell Laboratories employee, Dr. William H. Martin and his deputy, Dr. Edward C. Whitting.

In passing from the bottom to the top, this sinister influence touches a section of the Office of Chief of Ordnance, certain sections of the general staff in Washington, and certain sections of Redstone Arsenal. At Redstone, Nike decisions ceased to be made except with the concurrence and consent of the above named great corporations. This in spite of the fact that the Redstone Arsenal was charged with the responsibility for the entire Nike system.

We have a condition existing where no new material or process can be introduced if it runs counter to the financial gains presently accruing to the industrial system controllers, in this particular case, Bell and Douglas. This pressure from these industrial giants is so great that the Department of the Army is captive to them, and by them is almost wholly controlled. This is true even when new materials and processes have produced in prototype an article proven by the Army's own tests to be superior to those presently being produced. It does not matter, either in the Pentagon or at Redstone, that the using services charged with the defense of our country urge the adoption of the new, better and cheaper materials. This does not weigh with those in control and in turn controlled. I was personally told by the then Assistant Secretary Frank Higgins himself that the general officer then in charge of the antiaircraft defense of this country had no say in determining what weapons would or would not be given him with which to conduct this defense. And this is at a time when we are advised by the military themselves that we stand in great peril.

That an almost complete monopoly has been established by Douglas and Bell, with their subsidiaries, in this particular field is irrefutable. This goes so far that if other organizations can supply that which Douglas cannot supply, Douglas will demand, and, what is worse, receive the prime contract. They then, because they are incapable of doing this particular work, subcontract to other organizations and receive the same percentage of profit as if they had done the work themselves. This results in multiplying the costs to the Government in that this system of prime contracts and of subcontract piled on top of subcontract sometimes costs the Government up to 30 percent more for the product received.

Why and by whose authority has this shameful condition come about? Who are those responsible for this condition of affairs? How many hundreds of millions or of billions of Government money has been poured into the maintaining of this monopoly? What has the overall profit, not only in dollars but in facilities, been to the monopoly holders? In one instance called to my attention some time ago there was a cancellation of a missile production contract. Subsequent to this cancellation, the contractor was able to declare a million dollar bonus to each of its five principal officers.

In the case of the Nike-Ajax, which, together with its successors, the Nike-Hercules and Zeus, constitute our principal defense against incoming aircraft and air breathing missiles, there are now surrounding all of our great cities hundreds, perhaps thousands, of installations for the firing of these missiles. In connection with these installations, there arose one problem of great magnitude which the Army recognized but was unable to solve.

As long as 6 years ago, high officers in the Research and Development Section of the Office of Chief of Ordnance realized that the heavy metal booster engine that got the missile into the air would invariably fall back to earth. They began to worry because the metal cylinder performing this task might fall in the cities' most populous areas. The public did not know that the heavy booster engine, quite a missile in itself, if fired, with or without a warhead, could land on and pierce any building, thus causing great destruction and loss of life. Thus was born what the military termed "the disposable problem."

The public were led to believe that the Army controlled the selected areas into which the heavy booster engine would fall. Actually, the Army did not nor does not own an acre of ground dedicated to this purpose. Had the public known the truth regarding this threat to their safety they would have demanded, and now would demand, that the Army solve this frightening problem.

Faced with these facts, the Research and Development Division of the Office of Chief of Ordnance directed Redstone Arsenal to procure a booster engine that would disintegrate in the air after separating from the missile proper.

Bell Laboratories, Douglas, and others, then engaged, through subcontractors, in making, very profitably, the metal boosters at a high rate of production, informed the Army that no such booster could be produced. They were wrong.

In 1955 the frangible booster made of Fiberglas, self-destroying and falling from the sky like corn flakes, became a reality. This was accomplished as a result of a small research and development contract issued by Redstone Arsenal to an independent contractor who specializes in molded and spun Fiberglas construction. This corporation, spending only a fraction of the moneys allotted to its big competitors for similar purposes, met the Army's rigid requirements, and actually in so doing very greatly improved the overall performance of the entire missile. Incidentally, although given many times as much money, the big competitor never produced a single acceptable article. The new Fiberglas booster was tested at the Army's proving ground at White Sands, N. Mex., after which it was passed by Board 4, the Army's highest testing authority. Redstone Arsenal then certified this frangible booster as ready for production and so recommended.

Later, the commanding general charged with the continental antiaircraft defense, recommended by letter the discontinuance of the production of the metal monstrosities, and the incorporation into the entire Nike system of the new and more effective Fiberglas booster. That was more than 3 years ago.

The Army officers and civilian personnel who had brought about this development were elated and urged its immediate adoption. The dreaded disposal problem, this threat to life and property, a veritable nightmare to Army's high command, had been solved and in a manner that greatly improved the performance of the missile.

This development employed a relatively little known material, Fiberglas, about which neither of the big corporations in control of the program had much knowledge. Also they had not succeeded in mastering the processes involved. Therefore, if these new units went into mass production, the big boys would not be able to make them. Being unable at the moment to compete, they simply had this new development suppressed.

The developers of the new frangible Fiberglas booster were divided into two categories: First, dedicated personnel under military control who were proud of the result of their efforts; and second, the small industrial corporation that had brought to fruition this successful development. When both sets of these developers protested against the tyranny that suppressed this scientific advancement, they were promptly treated to what is called "proper discipline." The military-controlled personnel were threatened with dismissal or were sent to far-off places—in Army slang, this is referred to as "banishment"—while the protesting small industrial developer was unofficially blacklisted, all of its contracts canceled, all of its prepared and approved publicity suppressed, and all Army-controlled personnel forbidden to communicate with them.

These actions not only constitute a violation of oath of office but, in my opinion, indicate a near criminal conspiracy on the part of highly placed officials in the Department of the Army and certain representatives of industry.

Because the demand for an improved nonmetallic self-destroying booster continued to come from so many sources, it was decided and agreed upon at a very high level to try it out in a larger field, that is, the Nike-Hercules, but because Douglas had not yet mastered the Fiberglas technique, this decision was held in suspension for over a year, and to this day the Hercules is, unless a switchover has been made recently, using four of the old obsolete and easily corroded metal boosters needed to get it off the ground. Thus, for each single error in the Nike-Ajax, there are now four such errors in the Nike-Hercules. Where there was a certain amount of additional drag or air resistance for the Ajax, caused by the metal booster, this defect—and many others—is multiplied four times in the Hercules.

After 2 years delay and many false starts a small development contract was awarded the small successful developer, but, as phase 1 was being successfully completed, evidence began to mount that phases 2 and 3 would be canceled and that the big industrial system controllers would finally completely suppress or at least delay it until they could master the production techniques of Fiberglas.

There is in my possession actual data that indicates an arrogance on the part of the monopoly holders that makes them immune to any questioning.

I have also encountered at Assistant Secretary levels a blandness, a laissez faire attitude, repeated promises cynically made and never kept.

When we stop to think of what a very small segment of the whole missile program I am speaking of, and if we apply to this situation the simple rule of multiplication, we begin to have some idea of why our present relative position in this atomic age is questioned and why those dedicated men manning our ramparts all over the world are crying to us not to risk destruction in order to increase the dividends and resources of these huge corporations who hold large segments of our Army procurement agencies captive.

In plain language, the actions of those responsible for bringing about and maintaining this condition constitute an almost criminal breach of duty and such persons should be ferreted out and banished. This will take time and effort, but it is a responsibility our service Secretaries should assume regardless of the cost in time and effort.

Legislation may help in correcting the situation but, in my opinion, it will not be corrected until the service Secretaries assume full responsibility and devote the time and effort necessary to advise themselves of the condition and assume the responsibility for correcting it.

Mr. MADDEN. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. KILDAY].

Mr. KILDAY. Mr. Speaker, I want to make it perfectly clear that the practice of defense contractors employing former officers of the military services for the purpose of selling their products to the Defense Department is not endorsed or condoned by me. I know of no member of the Committee on Armed Services who is not now prepared and attempting to put a stop to that practice. So that the debate that has been going on here is not quite germane to the situation which exists, as we have the parliamentary situation before us.

I join in the request of the gentleman from Indiana and the gentleman from Ohio that you listen carefully to what the gentleman from Louisiana [Mr. HÉBERT] has to say and his contentions with reference to the bill that is before us. I also ask that you pay rather close attention to others of us who may discuss this matter after the rule has been adopted. I will tell you now what I anticipate the parliamentary situation will be.

We have pending before us a bill by the gentleman from Louisiana [Mr. HÉBERT], reported out of the Committee on Armed Services.

That is the bill which the rule makes in order. At the proper time either the chairman of the Armed Services Committee or I, in accordance with the instructions of the Committee on Armed Services, will offer as a substitute for the bill reported by the committee the language now contained in H.R. 11576 offered by me on yesterday. This is the language which was approved in the Armed Services Committee yesterday. After debate of about an hour and a half, in which the gentleman from Louisiana [Mr. HÉBERT] participated, and after rollcall vote, this version was approved 24 to 10, specifically over the Hébert version.

The language contained in my bill that I will offer as a substitute at the proper time, in prohibiting former officers from working for defense contractors in selling, is the identical language of the Hébert bill. It is the language written by Mr. HÉBERT and his subcommittee. I then attached to it a penalty involving the forfeiture of retired pay for a period of 2 years. The loss is for 2 years regardless of when the transaction occurs during the 2 years after retirement. The bill of the committee forfeited it only for the time he was engaged in selling. I have also added to this bill a new section 3, which provides that any retired commissioned officer subject to the Uniform Code of Military Justice who violates any provision of this act shall be tried by court-martial, and shall upon conviction be punishable as the court-martial shall direct. The gentleman from Louisiana proposes that it be made a criminal offense under title XVIII of the United States Code, punishable by a fine not in excess of $10,000 or confinement for not more than 1 year, or both. So the only issue between us is whether a man is to be tried by a U.S. district court or by court-martial. That

is the only issue. There is nobody in the Committee on Armed Services who has endorsed any of the action detailed by the gentleman from New York [Mr. SANTANGELO] or any of the other proposals mentioned here.

Mr. HÉBERT. Mr. Speaker, will the gentleman yield?

Mr. KILDAY. I yield to the gentleman from Louisiana.

Mr. HÉBERT. The gentleman has clearly stated the parliamentary situation. Will the gentleman allow me to get before the House an opportunity to have a vote on that issue?

Mr. KILDAY. I trust the House will act upon this bill upon the debate that appears in the House, the hearings and the report on the bill, and not those things that have been written in the newspapers.

Mr. HÉBERT. I hope that is correct, but I hope nobody raises a point of order against the language in my bill. If the gentleman raises a point of order and it is sustained, the House will not have the privilege of coming to grips with the issue.

Mr. KILDAY. The Committee on Armed Services never had jurisdiction to require a criminal penalty which the gentleman proposes. It is a matter within the jurisdiction of the Committee on the Judiciary. It is not within the jurisdiction of the Committee on Armed Services. That is the parliamentary situation. We have been accused of writing a milk toast bill for having done something we had no right under the rules of the House to do.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. ARENDS. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. HÉBERT. Mr. Speaker, will the gentleman yield further?

Mr. KILDAY. I yield.

Mr. HÉBERT. I am glad the opportunity came up now. I will read you this language:

> Title 18, United States Code, is amended by adding a new section as follows:
>
> "Sec. 292. Whoever, being a retired commissioned officer of the Uniformed Services not on active duty, retired after having completed 20 or more years of active duty, within two years after his retirement, knowingly sells, or assists in selling, any article, including the parts thereof, in which the officer was directly connected within five years immediately prior to his retirement, to any department or agency of the Department of Defense; or recommends or suggests, to any person in any department or agency of the Department of Defense, the purchase of any article or part thereof in which the officer was directly connected within five years immediately prior to his retirement; or communicates in any way with any person in any department or agency of the Department of Defense in connection with any article or part thereof manufactured by or capable of being manufactured by any person or corporation from whom such officer receives compensation for services performed shall be fined not more than $10,000, or imprisoned for not more than one year, or both."

This language came to my attention.

Mr. KILDAY. I do not yield further on that point.

Mr. HÉBERT. The gentleman says he cannot yield. I want to prove that the gentleman's name is on the letter of transmittal.

Mr. KILDAY. There is no question but when this was under consideration many of us did write letters.

I think that that is one proposal; you can probably find ten more. I do not know who wrote it; I may have written it myself; maybe the staff of the committee, or maybe the chairman. That is not the point. The point I am talking about is that we have been pilloried for having failed to do something that we could not do.

And I want to say this further, I will argue it on the merits in much more detail—unless I can get more time now—as to why a military man should be subject to trial by court-martial rather than in the U.S. district court. The military authorities have absolute jurisdiction over the enforcement of discipline in every other category. Why should we now pick out this one category and say that this portion of discipline shall be divorced from the military and from the courts-martial and placed in the Department of Justice and before the U.S. courts? Are you not going too far?

There is another matter to think about: A little bit of knowledge is a mighty dangerous thing. There does not seem to be general understanding of what section 1161 of title 10 of the United States Code involves. It gives to the President of the United States the authority to drop from the rolls any officer convicted and confined, if he is convicted in any tribunal other than a court-martial. So if you go by the civil court rule you place in the hands of the President, meaning, of course, the military departments concerned, not only the right to punish the guilty officer but to visit punishment upon his widow and orphans. Mr. Speaker, there is a great deal to be explored here and many things to be considered.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. MADDEN. Mr. Speaker, I yield such time as he may desire to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT of Florida. Mr. Speaker, I sincerely hope that this bill, however amended, will promptly become law in a form which will effectively protect our country against the improper influence activity which has made it necessary. Although the vast majority of military personnel on active duty and retired have done and do a fine job for their country in every respect, the exceptional or unusual cases of abuses have cried out for the correction we seek in this legislation. I also hope that the House Judiciary Committee may soon report favorably legislation which will make similar legislative reforms needed in the broad field of all Federal employment in all Government departments. I have been a sponsor of legislation in this field continuously since 1951 and it is very encouraging to me that now in 1960 we seem to be making very concrete progress.

Mr. REECE of Tennessee. Mr. Speaker, I yield the remainder of my time to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, last week when the House had under consideration the $4.2 billion appropriation bill for the Department of Health, Education, and Welfare, I called attention to some of the fellowship grants under the National Defense Education Act which provided for studies in music, folklore, jazz, the theater, the ecology and economics of flowing water, and a score of other subjects wholly unrelated to national defense. In studying the hearings I also came across a research grant which is almost beyond belief. This is in the field of international research grants, and was in effect as of January 1, 1960. I was one of ten who voted against the appropriation bill and I would like to call this to your attention, those of you who voted for the bill. Here is a grant of $33,101 to the Israel Institute of Applied Social Research, Jerusalem, Israel; the project is this, and I will read it verbatim from the record of the hearings:

> A test of husband and wife relationship. The aim is to develop a diagnostic pictorial test of both intrapersonal and interpersonal aspects of the role of relationship of husband and wife. The test should be sensitive to the perceptions of actual behavior and norms, and to the consonance perceived between these.

Mr. Speaker, I find no words to comment further on this utter waste of the taxpayers' money and I yield back the balance of my time.

Mr. MADDEN. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island [Mr. FORAND].

Mr. FORAND. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. FORAND. Mr. Speaker, yesterday marked the 25th anniversary of the social security bills being reported out of the Ways and Means Committee of this House.

The social security law I am sure all of you will admit is a most salutary one and one that I doubt anybody would want to see wiped off the statute books. It has been expanded gradually. I have been trying to expand it so as to encompass the health care of the aged.

Three years ago I introduced a bill in this Chamber for that purpose. In January of 1959 I reintroduced the same bill. Hearings have been held on it but I am unable to get it out of my own committee, the Committee on Ways and Means, to bring it before the House for a vote. Therefore, today, the first day following the 25th anniversary of the reporting of the social security law, I have placed on the Clerk's desk discharge petition No. 4.

Many, many Members of this House have been pressing me for action for a long time. Having exhausted every means at my command to bring the bill out for a vote, I had to resort to the discharge petition. After serving here for 22 years it is the first time I have resorted to a discharge petition and to resort to discharge my own committee hurts me. But now it is entirely up to you, the Members of this House. If you want to vote on health insurance for the aged under the social security law it is up to you to sign the petition. If 219 Members sign it I assure you I shall continue to do my best to get the bill not only to a vote but to have it passed.

Mr. MOORHEAD. Mr. Speaker, fear darkens the lives of millions of our elderly citizens.

It is the fear, Mr. Speaker, which comes when one is old and facing serious illness.

It is the fear which is fed by realization that all of the meager savings set aside to maintain a dignified old age will be washed away by the expenses of only one serious illness.

It is a fear made worse when there are no resources at all to pay for prolonged medical care.

Fear is the negative, wasteful type of emotion we Americans do not like to talk about. Nevertheless, it is real and must be recognized. There are times when a sense of compassionate humanity and a sense of what is right and good for the individual and the strength of the entire country require us to take decisive action to remove a particular fear at its very roots.

On January 6, 1941, in this Chamber a great American struck out against fear in a ringing declaration of the four freedoms aspired to by millions. Two of the four freedoms that President Franklin D. Roosevelt called for were freedom from want and freedom from fear.

Mr. Speaker, our older citizens today are not free from want—they are not free from fear.

We can make them free. We have the means before us now, if we will but use it, of rescuing millions of our elderly from their most pressing fear—the fear of illness which finances cannot meet.

The gentleman from Rhode Island [Mr. FORAND] has given us such a means.

He has just prepared a petition which could discharge from committee and bring to the floor of the House his bill providing hospital, surgical, and other medical benefits for millions of our older citizens.

I consider myself privileged to be among the first signers of that petition.

I hope a majority of my colleagues will sign it, for legislative responsibility, in its deepest sense, requires that we debate the Forand bill now.

An outpouring of arguments has swirled about this question. There have been millions of words eloquently favorable and acrimoniously opposed to the concept of providing prepaid medical benefits for the 15 million Americans most directly affected.

I do not, nor does the author of the bill, insist that this proposed legislation cannot be improved. I myself would like to hear debate on proposals to increase the benefits and reduce the administrative costs of the Forand bill the way automobile collision insurance is handled. Insurance companies reduce overhead by providing a $25 deductible policy for collision insurance. Statistics show that hospitalization benefits could be increased from 60 days to 365 days at the same or less cost if benefits did not cover the first 3 days of hospitalization illness.

Such amendments would strengthen the program actuarially and completely demolish arguments now used by those who oppose the bill with the scareword "socialized medicine."

Mr. Robert J. Myers, chief actuary of the Social Security Administration, has submitted to me, at my request, a memorandum in which he states:

> A 3-day deductible would reduce costs by an estimated 17 percent. An increase in the maximum duration from 60 days to 180 days would increase costs by 12 percent and an increase from 60 days to 365 days would increase costs by 15 percent. Thus, the introduction of a 3-day deductible and an increase in the maximum duration to 365 days would result in a proposal that would have a cost slightly lower than the original basis.

If such amendments are necessary in order to pass this legislation, I certainly would not oppose them, because the important thing to do is to enact legislation which recognizes the need and the moral obligation to take care of it.

There is no doubt that the need exists. Letters now being delivered by the thousands to both House Office Buildings express this need more eloquently than can any of us here on the floor secondhandedly.

In addition to my own regular correspondence on this subject and my meeting with many of the elderly in my district face to face last fall during hearings of a Senate Subcommittee on Problems of the Aged in Pittsburgh, I have added reason to know how vital the problem of paying for medical care is to the elderly.

Early in January, after the first session of this present Congress had been well assessed and the second session was beginning, I sent to my constituents an annual report.

At the end of that report I left a blank space beneath a notation inviting citizens to check legislative subjects in which they had the greatest interest.

I did not specifically request replies, nor did I provide postage for this purpose. Yet, nearly 2,000 of my constituents were so interested that they voluntarily wrote to me.

On the basis of these replies, social security clearly emerged as the legislative subject of greatest interest, with many of the people saying that, when they listed social security legislation, they had in mind passage of the Forand bill.

My colleagues know well the type of letters these were.

An 81-year-old widow receiving social security writes:

> By the time I pay rent, insurance, and medicine, I have little left for food. • • • I applied for old-age assistance and, because I saved enough furniture to furnish a vacant room, I was told to sell all my possessions and live in a furnished room with a hot plate to cook on. • • • Social security does not supply doctor fees or hospitalization. • • • My eyes need examined. • • • Anything you can do will be truly appreciated.

Another writes of the Forand bill:

> It will be a blessing to many poor old folks who cannot afford medical and hospital care. It will also assure doctors and hospitals of being paid. • • • You are no doubt familiar with the racket in drugs being investigated. • • • It's pretty hard for the poor to pay as much as 500 percent on drugs as indicated by the • • • investigation.

A retired man in my district wrote of the plight of the elderly:

> These people are badly neglected. They built this country. I, myself, worked hard for 12 cents per hour, 10 hours a day and 6 days a week, and raised a family. • • • How could I possibly have saved any money to take care of my old age?

A 72-year-old woman needing an operation for which she was unable to pay wrote:

> To get public health care I would have to sign my house over to them and I don't think this is fair.

A man 78 expressed the need eloquently when he wrote:

> I need medical attention at times that is high. Medicine is higher. My $69 doesn't go for luxuries, I assure you. I pray you can do something about this.

How does one answer such letters, Mr. Speaker?

Not by words. Words are empty in such cases. In decency and humanity we must answer them by action.

Consider these letters for a moment, or any other of hundreds and thousands like them which come in to us.

We learn something here about the new status of our elderly. What is this new position the older citizens occupy?

For one thing, most of them want to live independently. We have outlived the era of three and four generations in the same households.

For another thing, social security and pension programs are giving our elderly limited means to live independently, except when it comes to meeting medical expenses.

Great advances in geriatrics have given us the key to making old age a more golden time of life than it has ever been. Is this key to be denied millions? Is it to be given to millions more only in exchange for their last scrap of dignity and modest comfort, in exchange for poverty and despair?

There is something dreadfully wrong, morally wrong, Mr. Speaker, in a system which has achieved the greatest standard of medical care in the world, yet serves all too many only at the price of their entire life savings.

Medical science can do wonders in making the older years the best years if we can bring these advances to every elderly man or woman, husband and wife, in such a way that their modest retirement income can be left unencumbered to be spent for food, clothing, shelter, and small comforts.

The Forand bill will give this new life to our aged. It will give them the hospital and nursing home care and the medical and surgical treatment they need.

Critics tell us such a program is underfinanced. This argument begs the question. Let us, all citizens, finance it

at whatever social security payment rate be required. The savings and peace of mind will be well worth it for every citizen.

Critics tell us we lack the hospitals and doctors for such a program. Mr. Speaker, we have lacked adequate hospital beds and a sufficient number of physicians for some years now and it is about time we build the hospitals and train the physicians necessary for the needs of all citizens of whatever age. This is the very least the greatest nation on earth can afford.

Critics tell us private insurance can meet the need, yet only a mere handful of insurance companies provide any service whatsoever for the elderly and most elderly can neither afford nor qualify for private policies.

Critics tell us such a program of benefits will cause people to go to the hospital unnecessarily. The simple device of requiring a $5 or $15 fee to cover initial administrative costs and a possible requirement that the program run from the third day of hospitalization to the 365th would render such complaints as idle as they are heartless.

The inexplicable fact remains that the administration has proposed nothing to meet this need.

The administration left its own Secretary of Health, Education, and Welfare, an able man of social conscience, out on a limb and then sawed the limb out from under him by refusing to approve any plan whatsoever, thereby compelling the Secretary to sit in painful silence when his Department, the arm of Federal Government dealing most intimately with matters of health, was asked for its views.

If a real program is blocked by the administration and the subject does find its way into the campaign, it will be as justified a domestic issue as was ever placed before the American electorate.

The simple fact is that we need a forward-looking bill of the Forand type.

I and many of my colleagues, Mr. Speaker, stand ready to consider refinements, improvements, and even compromises in this program within the broad concepts of the Forand bill.

First, however, we must bring this bill to the House floor.

I hope and pray that there will be affixed to the petition the 219 signatures necessary to do this.

In the interest of decency and humanity I urge that this be done.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

Mr. VINSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10959) relating to the employment of retired commissioned officers by contractors of the Department of Defense and the Armed Forces and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10959 with Mr. FORAND in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. VINSON. Mr. Chairman, I yield myself 40 minutes.

Mr. VINSON. Mr. Chairman, I consider this one of the most important bills that the House will consider during this session; so, therefore, I am bold enough to respectfully request the attention of the membership while I try to explain the various provisions of this bill so that it will enable you to reach an independent viewpoint when the vote comes.

Mr. Chairman, the subject of the improper use of influence by former Government officers in connection with Government purchases is not new.

The Congress of the United States has heard charges, year in and year out, for as long as I can remember, about ex-Government officials influencing the decisions of active Government officials.

As a matter of fact, I know of no words that arouse the ire and wrath of the Congress to a higher degree than that of "influence peddling."

Recently, a new allegation has arisen concerning the employment of retired military officers, particularly those of high rank.

These allegations have increased almost in direct proportion to the increase in the defense budget.

Prior to World War II, the matter received scant attention, even though a statute was enacted as long ago as 1896 prohibiting the payment of appropriated funds to active duty naval officers if they were employed by any person or company furnishing naval supplies or war material to the Government.

This law also prohibits the payment of retired pay to retired regular naval officers who are engaged in selling, contracting, or negotiating for the sale of naval supplies or war materials to the Navy Department.

Since 1923, retired Regular Army officers have been subject to the loss of retirement pay for the 2 years following retirement if they engage in selling or negotiating for the sale of supplies or war materials to the Department of Defense.

Because of the various interpretations placed upon the word "sell," and the interpretations placed upon the words "supplies" and "war materials," these limitations do not appear to be satisfactory deterrents to the possible exercise of improper influence in defense purchasing.

As the defense budgets have grown in recent years, and as the number of retired officers has increased, more and more defense supporting industries have turned to retired military officers for their aid and assistance in producing the products so vital to our security.

Today there are about 47,000 Regular officers of the Army, Navy, Marine Corps, and Air Force on the retired lists.

In addition, about 5,000 Regular officers now retire each year.

An increasing number of Reserve officers with 20 years of active duty to their credit are also retiring.

The number of Reserve officers on the retired list will increase sharply in 1961, 20 years after the beginning of World War II.

I mention this because it is important that we bear in mind the total number of retired personnel who may be affected by whatever legislation we enact.

There are more than 100,000 officers on the retired lists—from all sources and all services, and in all grades, who would be affected by this bill.

Mr. Chairman, we are dealing with a highly emotional subject. Every time the question is raised for discussion, rumors begin to fly throughout the width and breadth of Washington concerning the alleged influence these officers have on the procurement of defense items.

Last year, when the Defense Appropriation Act was being debated, an amendment was offered on the floor of the House that would have barred the employment of retired officers by defense contractors, and prohibited payment to those contractors who employed retired officers within a period of 5 years after separation from active duty notwithstanding the type of work they did.

Fortunately, this amendment was defeated, but it sounded a clarion call that the House was again aroused about retired officers of the military services who are employed in defense supporting industries.

Many persons are convinced that retired officers influence the sale of defense items to the Nation and by inference it is implied that such items are unnecessary overpriced, or are tainted in one form or another.

The Committee on Armed Services took cognisance of the fact that this House wanted a thorough inquiry into the whole question of the employment of retired officers by the defense supporting industries.

I assigned this difficult, complex, emotion-packed subject to the special investigating subcommittee of our committee, under the chairmanship of the very able and distinguished gentleman from Louisiana [Mr. HÉBERT].

The Hébert subcommittee began its hearings on July 7, 1959. They released their very thorough final report, which I approved, on January 18, 1960.

The subcommittee conducted a survey of 72 of the largest defense supporting companies to determine the number of retired military officers employed by these contractors.

The survey disclosed that there were 1,426 retired officers employed by these 72 companies. Of these 1,426 officers, 251 were retired generals or admirals.

The subcommittee, in my opinion, did an outstanding job in analyzing the entire problem.

In fact, no subcommittee could have worked harder in its effort to bring into proper perspective all of the complexities surrounding the matter.

The subcommittee filed its report on January 18, 1960, and then submitted a bill to the full committee in order that the full committee might share its combined judgment with that of the subcommittee in an effort to present to this House a recommended solution to the problem.

Mr. Chairman, we all know what we are trying to prevent.

We are trying to prevent retired officers, and particularly retired officers of high rank, from using their past connections with the military services in such a way as to influence the selection, or purchase, by the Government, of an item manufactured by the company for whom they work.

Now this is what we are trying to stop. We are trying to stop influence from being improperly exercised by retired officers of high rank.

But note this: The subcommittee, after inviting every Member of the House to testify, and after hearing the testimony of Members and others, did not disclose a single instance in which an officer, retired from the military service, had exercised influence on someone in Government to the extent that the product manufactured by his company was selected.

No evidence of improper use of influence was disclosed.

Notwithstanding this, everyone seems to be in accord that "improper influence" either exists or comes so close to existence as to be identifiable.

Even though no case was established—in fact, even if no influence has ever been exercised by any retired officer on the procurement of any item by any armed service—nevertheless, it is time for the Congress to write a law that will make the improper use of influence by retired military officers much less likely than that which may be possible under present law.

Our objective, then, is to deflate influence, publicize its availability, lessen its marketability, and yet preserve human dignity and the defense effort.

Now, how do we accomplish these objectives in the bill before the House today?

Well, here is what the committee bill, H.R. 10959, as reported by the Committee on Armed Services, will do.

First. The bill says that a commissioned officer, other than an officer who served on active duty for less than 8 years, who, within 2 years after release from active duty, for himself or any other person, engages in any transaction the purpose of which is to sell or to aid or assist in the selling of anything to the Department of Defense shall not be entitled to receive his retired pay while employed during this period.

Second. It provides that a retired commissioned officer who agrees to accept compensation from anybody in any transaction, the purpose of which is to sell or to aid or assist in selling anything to the Department of Defense, shall file a statement with the Secretary of the Department concerned, of the fact and time of such agreement, together with such additional information concerning the duties to be performed in such transaction as the Secretary may require.

If there is any change in his status, after filing this information, he is required to notify the Secretaries of the Departments concerned.

Third. Each of the Secretaries of the Military Departments will be required to establish an enrollment office for the filing of the information required by the proposed legislation.

The information obtained will be open to public inspection—and this, I might add, is important.

Finally, a person, firm, or corporation awarded a defense contract shall, as soon as the contract has been awarded, advise the Secretary concerned of all retired military officers employed by said contractor. The prime contractor is required to obtain this information from his subcontractors.

The proposed legislation also provides that all invitations for bids or proposals must contain this information.

Any retired officer, or company, who fails to comply with the provisions of the proposed legislation will have his retired pay, or contract payments, whichever may be the case, suspended until the information is furnished.

Now, in addition to this, the House will note that the word "sell" has been broadened from existing law to include aiding or assisting in the selling of anything to the Department of Defense. Existing law is confined to "supplies or war materiels" and is susceptible to many interpretations.

Finally, the proposed legislation repeals a Navy statute which puts a lifetime ban on the receipt of retired pay for Navy and Marine Corps officers who sell naval supplies or war materiel to the Navy Department at any time after their retirement.

All retired officers will be subject to the same 2-year ban after retirement under the proposed legislation if they engage in any transaction, the purpose of which is to sell or to aid or assist in the selling of anything to the Department of Defense.

In the report, we define "selling" as "all negotiations which bring a contractor and his representative into contact with officials of the Department of Defense or to the Armed Forces for the purpose of obtaining contracts from those Departments for the procurement of tangibles or intangibles in existence at the time or to be produced in the future. The participants in such transactions are a part of that process."

Now what have we accomplished?

First, we make the laws uniform for all retired officers.

Today the law is different for the Navy than it is for the Army and Air Force, and it is different for the Reserve than it is for the Regular, even though their retired pay may be the same.

Second, we say to a retired officer that for 2 years following retirement or release from active duty he may not, for himself or for any other person, engage "in any transaction, the purpose of which is to sell, or to aid or assist in the selling of anything to the Department of Defense or an armed force of the United States."

If an officer, notwithstanding that caveat, does engage in selling, or aids or assists in the selling of anything to the Department of Defense or an armed force of the United States, he may not draw his retired pay, for 2 years following his retirement, while so employed.

Now that is not all that this bill does. It also broadens the definition of selling to include all transactions which result in contracts with the Department of Defense.

But beyond that, it requires retired officers who receive compensation from any company for any transaction the purpose of which is to sell or to aid or assist in selling anything to the Department of Defense or an armed force of the United States after he enters into that agreement, to file a statement with the Secretary of the Department with which he intends to do business stating the fact and time of such agreement and any other additional information concerning his duties the Secretary may require.

And this is also true if he engages in business for himself.

A retired officer after filing this information is required to notify the Secretaries of the Departments with which he does business, of any change in his status.

This will be a permanent requirement, with no expiration date.

Now this is to be the requirement imposed by the proposed law on the retired officer. If the officer fails to comply with this proposed requirement, there is no question that he can be court-martialed under the Uniform Code of Military Justice.

But, in addition to this, the Secretary of each Department will establish an office for the enrollment of retired officers who are requested to furnish the information I have just mentioned.

Officers now on the retired list within 6 months after this bill becomes law will be furnished a suitable form upon which the information required may be supplied.

So far, what I have discussed concerns the enrollment of retired officers who are engaged in selling, or aiding or assisting in the sale of anything to the Department of Defense.

Thus, this is what the law imposes upon the retired officer.

But the bill also says that any company awarded a defense contract shall advise the Secretary concerned in the Department of Defense of all retired military officers employed by said contractor.

And it even goes further to say that the prime contractor must obtain similar information from the subcontractors and file that information with the Secretary concerned. This requirement will also be included in all invitations for bids and proposals.

The retired officer who fails to comply with the provision of this section can have his retired pay suspended until the information is furnished; and the contractor who fails to file the information can have his contract payments suspended until the information is furnished.

We thus deflate influence by publicizing its availability, and as a result, reduce its marketability.

Now, Mr. Chairman, on Tuesday, April 5, the Committee on Armed Services met in open session.

At the request of the distinguished gentleman from Texas [Mr. KILDAY], the committee at that time adopted a substitute bill, which Mr. KILDAY will offer at the conclusion of the general debate on the bill before the House.

At the same time the committee rejected, by a vote of 24 to 10, a substitute bill offered by Mr. HÉBERT, which sought to impose a criminal penalty, as a part of the criminal code, upon any retired officer who engaged in selling within 2 years after retirement, or any company who employed such a retired officer. After rejecting the substitute offered by Mr. HÉBERT, the committee, by a vote of 25 to 8, adopted the substitute bill offered by Mr. KILDAY which was introduced yesterday, and is now H.R. 11576.

The substitute bill, which Mr. KILDAY will offer, contains the identical language of H.R. 10959, which is now before the House for general debate, except for three important additions.

Thus, the substitute provides that a retired officer who engages in any transaction, the purpose of which is to sell or to aid or assist in selling anything to the Department of Defense within any time during the 2-year period following his release from active duty, shall forfeit 2 years of his retired pay.

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. VINSON. I yield to the gentleman from Louisiana.

Mr. HÉBERT. Did you not also go further and adopt the language which I submitted, and make the act an unlawful act?

Mr. VINSON. We made the act an unlawful act yesterday.

Mr. HÉBERT. That is correct. That was the language of my proposal. You adopted my words, "It shall be unlawful."

Mr. VINSON. The Armed Services Committee is indeed fortunate that it has the benefit of the counsel and advice of our distinguished friend from Louisiana. We profit oftentimes by his words, and I say that sincerely.

Mr. HÉBERT. But you did adopt my language.

Mr. VINSON. If we did, we thought it was language that was correct. We adopt anyone's language, irrespective of the source, if we think it is correct. We reject that, no matter where it comes from, if we think it is wrong.

Mr. HÉBERT. But you did adopt it.

Mr. KILDAY. Mr. Chairman, will the gentleman yield?

Mr. VINSON. I yield to the gentleman from Texas.

Mr. KILDAY. I suppose I should say, inasmuch as the proposed substitute which the gentleman says bears my name was adopted, that you did adopt it.

Mr. VINSON. That is right.

Mr. HÉBERT. I thank the gentleman from Texas very much. It would be so much simpler if our chairman was so direct.

Mr. VINSON. I wanted to compliment the gentleman. I did not want just to say "Yes." That would not have been sufficient.

The substitute bill adopted by the committee makes it unlawful for any commissioned officer of the Armed Forces of the United States, within 2 years after release from active duty, to engage in any transaction, the purpose of which is to sell or to aid or assist in the selling of anything to the Department of Defense.

Now why do we make this unlawful?

Well, we make it unlawful so that there will be no question that a retired officer who actually engages in any transaction, the purpose of which is to sell or to aid or assist in the selling of anything to the Department of Defense within the 2 years following his release from active duty, subjects himself to the jurisdiction of a court-martial.

The Uniform Code of Military Justice, under article 134, permits the armed services to court martial a retired officer of a regular component who brings discredit upon his service. An officer who commits an unlawful act under the substitute bill will bring discredit upon his service, and thus subject himself to court martial under the Uniform Code of Military Justice.

Under the bill now before the House, it would be possible for a retired officer to be employed for 1 month, in violation of the law, and only lose 1 month's retired pay.

The substitute bill imposes a clear loss of 2 years of retired pay upon any retired officer who, within 2 years following his release from active duty, engages in any transaction the purpose of which is to sell or to assist or aid in the selling of anything to the Department of Defense.

The forfeiture under the substitute bill will be clear; the forfeiture will be meaningful; the forfeiture will mean the loss of 2 years of retired pay.

And, finally, the substitute bill, to remove any doubt, adds a new section 3 which provides that any retired commissioned officer subject to the Uniform Code of Military Justice who violates any provision of the proposed legislation shall be tried by court-martial and, upon conviction, shall be punished as the court-martial shall direct.

Thus, the substitute bill imposes a clear 2-year loss of retired pay; it makes a transaction involving the sale of anything to the Department of Defense within 2 years following release from active duty unlawful; and, finally, any retired officer who violates such a provision of law will clearly be within the provisions of the Uniform Code of Military Justice, and thus subject to court-martial.

It also contains the identical requirements with regard to the enrollment of retired officers and the publication of such information as is contained in the bill now before the House.

Now, Mr. Chairman, I think there is unanimous agreement on what we are trying to accomplish.

There are some, I am sure, who will insist that any retired officer who engages in selling or assists or aids in selling anything to the Department of Defense following his retirement should be branded a criminal.

The Committee on Armed Services is of the opinion that its approach is proper and effective, and can accomplish the desired result without resorting to criminal sanctions.

What we are dealing with here involves a question of morals, and the conduct of men who, for the most part, have, for more than 30 years, held in their hands the responsibility for the defense of the Nation.

If we adopt a law which makes it a crime we will deny these men hereafter retired the right to earn a livelihood in the one field in which they are experts, because no reasonable, honorable, intelligent man will go mountain climbing on the jagged and unknown edges of the criminal code.

No intelligent man, and certainly no honorable man, would consider exposing himself and his family to the possible loss of his reputation by being branded a criminal.

No sensible man will knowingly engulf himself in a rubber-band law that can be stretched to include him, and snapped to break him.

The loss of retired pay for 2 years, the public disclosure of those who are engaged in selling, exposure to military court martial, together with the disclosure of those who work for defense-supporting industries is a reasonable, sound approach to the problem we seek to solve.

But if we make this law a part of the criminal code, we will do grave injury to the defense efforts of the Nation.

These men have a special type of knowledge that is valuable to our defense effort.

We must protect anything that aids our defense effort.

But of even greater significance is the fact that we will deny to the Nation the special knowledge that these men have acquired if we convert this proposal to a criminal statute.

In our struggle with world communism, and in this age of galloping technology, during this transition period from the conventional field to the missile era, we can use every ounce of gray matter that is in the heads of our citizens.

A criminal statute will become an iron curtain for 2 years to the utilization of this great talent within these individuals.

We cannot afford to jeopardize our defense efforts at this critical point in our history by making it a crime for a retired officer to be employed by a defense-supporting industry.

The Committee on Armed Services does recommend that we deprive an individual of his retirement pay for 2 years if he engages in any transaction, the purpose of which is to sell or to aid or assist in the selling of anything to the Department of Defense. We do recommend that he be subject to court-martial.

But we do not recommend that such action subject an officer to criminal sanctions.

The Committee on Armed Services agrees that we must make every reasonable effort to deflate any possible use of influence. We state very clearly, in the committee substitute, which I have previously discussed, that an officer who violates any provisions of the proposed legislation will be subject to court-martial.

Mr. Chairman, I do not believe that any of us wants to injure the security efforts of the Nation by depriving the Nation, through its defense contractors, of the services of men who make highly significant and extremely valuable contributions to our security interests.

Because we sense that there is something unethical about an officer immediately following his retirement engaging in the actual sale of anything to the Department of Defense, I think it is proper that we expose him to court-martial and the loss of his retired pay for a period of 2 years should he engage in that kind of activity.

We all want to stop any possible unethical exercise of influence by retired officers, and anyone else as far as that is concerned, but in our effort to solve a problem that so far has not been identified, let us not create another obvious problem by bringing about an irreparable break in the defense efforts of the Nation.

In an effort to solve the headache of influence peddling, let us make sure that the solution consists of proper medicine to eliminate the headache, and not decapitation. Both have the same results, but each employs a different method of procedure.

Mr. Chairman, we believe that the substitute bill that will be offered by the distinguished gentleman from Texas [Mr. KILDAY], and which has been approved by a vote of 25 to 8 by the Committee on Armed Services, is the proper solution and the proper approach to this entire matter.

We ask the House to support this substitute bill when it is offered.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. VINSON. I yield.

Mr. WHITTEN. As the gentleman knows, I am a member of the subcommittee handling defense appropriations. As I read this bill the question that arises in my mind is that the bill is limited to selling. The gentleman, of course, is familiar with the instance where high ranking officers were entertained by the Martin Company in Bermuda, high ranking military officers who may not be selling but who may have great influence in determination at the policy level in the Defense Department as to which company will get which contract. In that case they were Regular officers. It strikes me that this bill does not touch a situation which could result in far greater expense to the country than the influence of a man who might actually be selling material. I just wonder if the gentleman investigated that feature of it.

Mr. VINSON. The Committee on Armed Services has an immense amount of responsibility. We cannot do everything in 1 day at one time. We are working all the time, when Congress is in session and when Congress is not in session. We will try to look into that phase. It is a very pertinent question.

I was shocked, we all were shocked, when these high officials who have the power to grant contracts began fraternizing with officials of the interested companies.

Government officials must be like Caesar's wife, above suspicion. That is probably one reason why I myself do not accept many engagements. When the sun goes down I generally go home and stay there. I just do not want to be placed in an atmosphere such as that.

I thank the gentleman for his suggestion. We will try to follow it out. We will look into it, but we cannot look into it in this bill right now.

Mr. WHITTEN. If the gentleman will yield further, does the gentleman believe our Appropriations Subcommittee should look into that area with regard to fixing limitations on these funds? That is our responsibility.

Mr. VINSON. I will say that is not the way to legislate.

Mr. KILDAY. Mr. Chairman, will the gentleman yield?

Mr. VINSON. I yield.

Mr. KILDAY. The instance to which the gentleman from Mississippi refers involved officers on active duty.

Mr. VINSON. That is right.

Mr. WHITTEN. May I say the point I was getting was that "selling" in the bill is a limited and narrow field, and if we confine the bill to that we are probably letting off those whose actions may have a much bigger effect on the cost of contracts.

Mr. KILDAY. What I wanted to say was that adequate authority now exists for the punishment of persons on active duty. Adequate authority exists with the executive branch of the Government to discipline even civilians, as the Chairman of the Federal Communications Commission recently learned to the extent of forcing his resignation; and the Uniform Code of Military Justice contains a number of specific provisions under which the Department can proceed. The President can proceed in his own right as Commander in Chief against an officer on active duty with practically no limitation on what he does.

Mr. WHITTEN. I would like to clean this up.

The point I was making is this: I refer to the penalties in this bill which, in the first place, are limited to losing retired pay for 2 years. If he is getting $100,000 a year in salary that is not important.

Mr. VINSON. He is subject to court-martial.

Mr. WHITTEN. I quote: "Who is to sell or to aid or assist in the selling of anything to the Department." If a retired admiral or general, and there are some in that category, have sufficient influence that at the Defense Department level they can convince them as to whether they should go for submarines or for carriers or Bomarcs or go for another missile, it may be 10 times more expensive in dollars. But apparently he would not be covered under this bill.

Mr. VINSON. I think the language is so broad that it would cause a great many retired officers to hesitate to ever walk into the Pentagon again.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. VINSON. I yield to the gentleman from New York.

Mr. LINDSAY. The key word here is "transaction." Supposing you had a retired officer who was seeking to obtain a contract for research purposes only, service purposes, but a very lucrative one, where there are no sales as that term is generally used. Would this bill cover it?

Mr. VINSON. I would say if the word "sale" is strictly interpreted, if it contributed to giving birth to anything, I would say that it is possible.

Mr. LINDSAY. I have one more question, if the gentleman will yield further. Why is it necessary—and I am really looking for enlightenment on this—to broaden this out to a transaction involving sales in every area? Why would you not cover the purpose by limiting the bill to those areas where the retired officer had previously had some jurisdiction or responsibility?

Mr. VINSON. We want to stop this constant talk that there is influence peddling. The country is concerned and also the Congress, and there must be some justification because of all this smoke that rises every year on this subject matter, that the time has come to write some law with teeth in it to stop it, and the committee has brought in a bill that can accomplish it.

Mr. GROSS. Mr. Chairman, will the gentleman yield for a question to clarify this situation?

Mr. VINSON. I yield.

Mr. GROSS. There is no use to pay any attention to H.R. 10959, then.

Mr. VINSON. You are correct.

Mr. GROSS. The bill that the gentleman now supports is what, H.R. 11576?

Mr. VINSON. That is right. That is the bill that the committee yesterday, 25 members in the affirmative and 8 in the negative, voted out, which will be offered by the gentleman from Texas [Mr. KILDAY] to take the place of H.R. 10959.

Mr. GROSS. H.R. 11576 and the amendments that the gentleman from Louisiana will attempt to offer?

Mr. VINSON. I am talking about the committee bill.

Mr. MEYER. Mr. Chairman, will the gentleman yield?

Mr. VINSON. I yield.

Mr. MEYER. I would like a little clarification as to the true objective of this bill. In connection with the question asked by the gentleman from Mississippi, are we trying merely to prevent the officers from getting their retirement pay and also serving in a defense industry, or are we attempting to block any possibility that there could be charges made of influence peddling, collusion, or corruption? What is the real objective?

Mr. VINSON. The real objective is to stop all that the gentleman is talking about. That is the real objective.

Mr. MEYER. Then, how can we do this if we merely stop him from getting his retirement?

Mr. VINSON. Because he is also subject to court-martial, and that can involve a penalty. My recollection is that

the maximum penalty in courts-martial can run as high as 5 years. Now, I know this: that, the way things are happening, oftentimes in a Federal court a man has a far better chance in that court than he does before a court-martial. A court-martial is a pretty severe thing.

Mr. MEADER. Mr. Chairman, will the gentleman yield?

Mr. VINSON. I yield to the gentleman.

Mr. MEADER. Mr. Chairman, first I may say that I have the privilege of sitting on a subcommittee of the Committee on the Judiciary which has been considering conflict-in-interest legislation and heard extensive testimony. This is not an easy field in which to legislate.

Mr. VINSON. That is right; exactly.

Mr. MEADER. My question relates to the report of the Hébert committee. As I recall it, the gentleman said that there were some 1,426 retired officers employed by 72 defense contractors.

Mr. VINSON. That is right.

Mr. MEADER. And of those there were some 250 generals and admirals.

Mr. VINSON. That is right.

Mr. MEADER. Can the gentleman tell me for what function those retired officers were employed by those defense contractors?

Mr. VINSON. Of course, I do not know. The questionnaire that we sent out I had the privilege of helping draft, and contributed my limited, mediocre ability to the shaping of it. We tried to find out what they were there for and we got some explanation of it.

Mr. MEADER. Were any of them salesmen?

Mr. VINSON. They said they did not sell. But there is a gray area. It is an area in which the Congress should legislate through this bill. If you pass this bill you will accomplish something worth while by stopping, at least, all of this conversation and newspaper talk that something crooked or improper is going on in the Pentagon.

Mr. MEADER. If the admiral or general became a salesman he would be affected by this bill. But if he were doing something else, perhaps as president of the company, or if he were doing something concerned with design or research, he would not be touched by this bill?

Mr. VINSON. That is the reason I read the definition of sale.

Mr. BECKER. Mr. Chairman, will the gentleman yield?

Mr. VINSON. I yield to the gentleman.

Mr. BECKER. Mr. Chairman, I would like to associate myself with my distinguished chairman of the Committee on Armed Services and compliment him for the very able statement he has made.

I might say in conclusion that I have done this without any persuasion by the chairman, and willingly from the very beginning.

Mr. Chairman, I compliment the gentleman, the chairman of my committee, for the very fine way he has presented the matter and I hope his views will prevail.

Mr. VINSON. I thank the gentleman and I trust the House will sustain the Committee's position. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore, Mr. WALTER, having assumed the chair, Mr. FORAND, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 10959) relating to the employment of retired commissioned officers by contractors of the Department of Defense and the Armed Forces and for other purposes, had come to no resolution thereon.

COMMITTEE MEETING DURING SESSION OF HOUSE

Mr. MULTER. Mr. Speaker, I ask unanimous consent that the Small Business Committee may sit this afternoon during general debate.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

BROADCASTING IN THE PUBLIC INTEREST

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. In taking the floor today, Mr. Speaker, I have no intention to condone any of the grave abuses which have cast discredit on the broadcasting industry, or to deprecate the need for remedial legislation. On the other hand, I feel that we will do well if any such legislation is considered calmly, in an atmosphere free from the heat engendered by some of the more flagrant disclosures. In this atmosphere there has been a tendency for wholesale condemnation of broadcasters' practices, whether justified or not. Too often we are deterred by the impact of disclosures of wrongdoing from examining the total picture and recognizing positive and significant contributions in the public interest. Yet, unless we evaluate the entire picture—taking into account the achievements of broadcasting as well as its failures—we will be in no position to legislate effectively in the public interest.

The dark side of the broadcasting picture is clear to see, and it is an unhappy fact that the confidence of the American people in the great broadcasting media of radio and television has been severely shaken. This is perhaps an inevitable consequence of recent broad-scale revelations of rigged quiz shows, of payola in the exploitation of music, of deceptive advertising in radio and television presentations.

These revelations come on the heels of earlier disquieting disclosures by the Antitrust Subcommittee, of which I am chairman, concerning seriously restrictive practices on the part of networks and others in the television broadcasting industry and a tendency by the Federal Communications Commission to identify the functions of its office with the private interests of those subject to its jurisdiction.

On top of these reflections upon the morality displayed by some persons in the broadcasting industry, and upon the discretion of those charged with the responsibility for industry regulation, come charges leveled at the general quality of broadcast programs. I, too, have often been impelled to protest the lack of taste and imagination which sometimes characterizes broadcast programs.

Public exposure of the problems with which the broadcasting industry is faced has been followed by a substantial number of proposals designed, in one way or another, to improve the situation. The recommendations of the Antitrust Subcommittee for removal of specific anticompetitive restraints in television network broadcasting have been followed by parallel recommendations of the FCC's own network study staff, though the Commission itself has yet to take effective action in this area. Beyond this, it may be necessary to make legislative provision for direct regulation of the networks themselves. At the present time it is the network organizations that possess power over broadcasting policies, but they are only indirectly, that is, through their affiliated stations, subject to FCC control. Congress will have to give careful consideration to this matter.

In addition, I believe that Congress will feel impelled to remedy the shocking situation, with respect to informal, ex parte communications, which has on occasion characterized the conduct of the FCC's quasi-judicial function. Attention should also be given to the possibility that sales of stations should be much more closely supervised in the public interest than at present. Other proposals that deserve to be thoroughly explored include the idea that a specified amount of broadcast time should be set aside for public service programing.

I need not labor the obvious by dwelling further upon the present shortcomings of broadcasting.

But is this the entire picture?

In an effort to obtain a balanced view of the entire situation, at least as it applies to New York City broadcasters, I requested that a study be made to ascertain the extent to which these broadcasters, both radio and TV, have, in fact, served the public interest in connection with their exercise of the license to broadcast. For purpose of this study, nine stations operating in the metropolitan area—all members of the New York State Broadcasters Association—were requested by me to supply specific and detailed information, both about their programing policies and about their actual performance, in four basic areas of activity in the public interest. The outlets participating include seven radio stations—WQXR, WMCA, WCBS, WNEW, WABC, WRCA, and WOR—and two television stations—WRCA–TV and WOR–TV.

The areas of inquiry were:

First. Civil defense, including both free time donated for spot announcements such as tests and information on

what to do in an emergency, and participation in an effective conelrad system.

Second. Noncommercial spot announcements provided without charge to charities and other worthwhile causes.

Third. So-called community service programing, which involves planned programing devoted to the health and welfare of the community, such as traffic, transit, and weather reports; special charity shows; and announcements of civic and community events, and

Fourth. So-called public affairs programing. This embraces, first, programs for which the normal broadcasting schedule is interrupted and the time preempted. News coverage of events, issues, and personalities as well as urgent community problems and issues fall in this category as do the planned support or discussion of current community and civic problems, and coverage of events, issues, and personalities of special interest.

The data I have received are voluminous and impressive. A summary will, I think, be of great interest to the members of the House.

CIVIL DEFENSE

On the basis of the study, I can now report the little-publicized facts about the part that New York broadcasters have played in the vital civil defense program. Under Federal directive, a New York State advisory committee was appointed some time ago with responsibility to establish and operate emergency communications during time of crisis, and to provide participation in the Conelrad—control of electromagnetic radiation—system in the event of enemy attack.

It is contemplated that during such an attack all civilian broadcasting will be restricted to two wave lengths, corresponding to 640 and 1240 on the radio dial. The cooperation of the broadcasting stations in these plans involves regular and frequent tests to make sure that the public is aware of the emergency dispositions and, more particularly, to see that special equipment used in the various emergency hookups is in working order. It means that entire engineering staffs have had to be trained in conelrad procedures. What is more, it means a 24-hour a day vigil by station personnel at the conelrad receiver. Finally, the broadcasting stations have devoted large numbers of spot announcements, free of cost, to the dissemination of civil defense information and advice. In all, during 1959, the New York City broadcasters as a group have contributed thousands of staff man-hours and many thousands of dollars in the cost of equipment, broadcast time, and tests to implement civil defense plans and so make sure that the city of New York is part of a trained and effective civil defense communications network ready for all contingencies. Working under the direction of the National Defense Commissioner of the FCC, they also cooperate closely with the New York State Civil Defense Commission, as well as with the State and municipal governments and local civil defense offices. It is significant, I think, that this is voluntary public service, contributed at the stations' expense.

A further noteworthy contribution by a New York station in the area of civil defense which was brought to light in the present study was a 10-week television series highlighting man's need to adjust in a nuclear age. Produced in cooperation with the Office of Civil and Defense Mobilization, this series examined America's apparent reluctance to face potential peril, laid a groundwork for acceptance of the facts of nuclear weapons and their effects and demonstrated that with knowledge and the proper protective steps, survival in a nuclear crisis is possible.

NONCOMMERCIAL SPOT ANNOUNCEMENTS

The contribution of free air time for spot announcements made by these New York stations to worthwhile organizations and causes during 1959 was most substantial. It is difficult to convey the breadth of the range of interests and campaigns embraced by these free announcements. Organizational beneficiaries included every kind of welfare, religious, social, health, educational, cultural, and civic group, and these were local, regional, national, and international in scope. Campaigns, other than civil defense which I have already noted, which were furthered by these spot announcements included the encouragement of fire prevention, safe driving, and good citizenship, and the combating of such evils as juvenile delinquency, racial tensions, and hit-and-run driving, to name but a few of many. Appeals were made for charitable contributions and for blood donations. Announcements covered such various matters as traffic and road conditions, weather reports, and church bazaars and sales. In all, the study shows, free air time contributed for these noncommercial spot announcements aggregated over 90,000 minutes, valued at more than $6½ million, and provided more than 110,000 announcements to over 2,400 organizations. I consider that the sheer magnitude of these figures is worthy of note.

COMMUNITY SERVICE PROGRAMING

All the stations which participated in the study devoted a substantial amount of broadcast time in 1959 to so-called community service programing. This category comprised a more substantial contribution to the public welfare even than the noncommercial spot announcements, for it involved entire programs planned and executed by the stations. The study indicates, however, that these programs were not all outright contributions of the broadcasters, for portions of the programs have been supported by sponsors.

Here again, great variety characterized the community service programing. One station, for example, worked out and placed into operation an elaborate and ingenious system for notification and broadcast announcements in the event of school closings on account of inclement weather. This involved giving each school in the metropolitan area and nearby suburbs a code number and designating not more than three persons authorized to use that number in reporting the school's intention to remain closed.

Another station specialized in programs explaining and supporting the work of departments of the city government—specifically the department of health and the department of education—and rounded this out with a program on the New York Academy of Medicine.

A third station carried programs in support of the Heart Fund, the Greater New York Fund, the League of Women Voters, the National Council of Christians and Jews, and the National Association for the Advancement of Colored People, as well as a program on the FBI and an income tax forum, and also found time to feature sports lessons.

A fourth station stressed, among other things, the encouragement of musical talent in the schools.

A fifth station, emphasizing safety issues, ran programs on fire prevention and a very popular campaign to prevent juvenile fatalities from the misuse of plastic garment bags, which resulted in 4,000 requests for the script.

A sixth station, regularly at Christmas, caps a busy program with a campaign to supply gifts to children in hospitals.

These random examples should give some idea of the variety, scope, and value to the community service programing carried on by the broadcasting stations of New York City. Last year alone, such programing on the part of the nine stations which participated in the study accounted for more than 220,000 minutes of broadcasting time of an estimated value in excess of $10 million.

PUBLIC AFFAIRS PROGRAMING

All the stations that participated in the study have placed what appears to me to be considerable emphasis on so-called public affairs programing. Here I refer not so much to the interruption of scheduled programs to make room for events of particular interest, but to the planned programing worked out by each station to meet its own conception of what the public interest requires. In this area, special mention should be made of the extent to which the stations have covered the very troublesome problem of juvenile delinquency. One station's effort was particularly noteworthy, I think. It assembled an Athletes for Juvenile Decency Committee to fight delinquency by using name athletes to work on a person-to-person basis with delinquents and potential delinquents.

Another station specialized in a program in which officeholders are interviewed by viewers in their homes.

A third, stressing music and musical events, gave particular attention to Van Cliburn's cultural triumph abroad.

A fourth mounted full-scale debates on such important and controversial public issues as the proper attitude toward and treatment of drug addiction.

A fifth carried timely programs on problems created by Puerto Rican migration and on the apparent upsurge of anti-Semitism.

All these, which constitute the sparsest sampling, were, of course, in addition to regular news coverage. In all, the 9 stations which participated in the

study provided over 1,500 public affairs programs during 1959, and these programs represented 42,000 minutes of air time of an estimated value in excess of $1.3 million.

Behind the bare statistics of time and dollars are the specific achievements of these stations in the public interest. Time does not permit me to dwell further on these. I have said enough to indicate that they bespeak imagination and creative energy in programing for particular audiences.

From a review of the materials submitted by the stations, certain generalizations may be drawn. It would appear that these broadcasters are making significant day-to-day contributions to their community.

They have made their services freely and fully available in times of emergency or disaster.

They have acted as a communications medium for the United Nations, carrying the concept of international cooperation to children and adults alike. These programs are often carried on school broadcasting systems.

They have contributed to greater international understanding through presentation, for broadcast here, of programs provided by foreign stations, such as BBC.

They have made air time available to a full range of community groups representing all races, religions, and creeds.

And they have helped the cause of America abroad by providing programing both to the Voice of America and the Armed Forces Radio.

Broadcasting has come to occupy a unique place in the national scene. Perhaps we have become overly accustomed to receiving and enjoying its many services. Perhaps we are taking its many contributions too much for granted.

The facts which the study of the New York stations has brought to light indicate that radio and television have been utilized as an important instrument for the public good. These facts, I believe, deserve to take their place alongside some of the less creditable facts which have been developed in recent disclosures.

As in other areas, when evil occurs the instrument is not necessarily the offender. In the case of broadcasting, the instrument has been used extensively in the public interest, and also is a vital part of our defense facilities. Over the years the broadcasting industry has played an important part in our Nation's growth and welfare. The people and policies that contribute to this are, I believe, entitled to recognition and encouragement. Simple fairness and equity would seem to require no less.

THE LEAD-ZINC ISSUE

Mr. BAKER. Mr. Speaker, I have today introduced H.R. 11584. This legislation is largely based on the report of the Tariff Commission dated March 31, 1960, made pursuant to Senate Resolution 162, 86th Congress, and adopted unanimously by the other body on August 21, 1959.

The lead-zinc issue is one which has become increasingly familiar to us over the course of the past 7 years. And I say again, only last Thursday the U.S. Tariff Commission released its fourth report on this subject since 1954. I feel it is my responsibility to propose legislation which will implement the exhaustive findings of this valuable and competent agency of the legislative branch of our Government.

Before explaining the provisions of my bill, I think it will prove valuable to refresh our memories by outlining the tortuous and frustrating path the domestic lead-zinc industry has been following since 1953 in its attempt to obtain lawful protection from injurious import competition. As we all know, the so-called escape clause provisions of section 7 of the Trade Agreements Act provides that upon establishment of injury or threat of injury to a domestic industry from absolute or relative increases in imports of a like or comparable article, the Tariff Commission shall report its findings to the President along with recommendations for appropriate protective measures.

Soon after the cessation of hostilities in Korea it became apparent that the domestic lead-zinc industry was qualified for relief under this provision of the law. As a matter of fact, in 1953, the Congress itself recognized this position in the form of a request that the Tariff Commission report to it a finding of fact on this industry's then current condition. Shortly thereafter the industry itself initiated an escape clause request with the Tariff Commission. The two reports were made to the Congress and the President, respectively, in the spring of 1954. The Commission was unanimous in its finding of injury and its report to the President recommended increases in the specific rates of duty on lead and zinc.

As a substitute for these duty increases the administration instituted a lead and zinc acquisition program under the sponsorship of strategic stockpiling and agricultural bartering. As anticipated, these programs had the desired effect of increasing the prices of the two metals but it later became abundantly clear that the programs also encouraged the development of low-cost foreign production of the two metals. This was done on the quite logical theory that the U.S. Government was in the business of providing a market for quantities of free world lead and zinc which could not be absorbed industrially.

For equally logical fiscal reasons the administration was forced to halt these programs in the spring of 1957. The result was inevitable. Domestic and world prices for lead and zinc declined over 25 percent in 5 short months and by November of the same year, 1957, a second escape-clause request was before the Tariff Commission. Again the finding of injury was unanimous and again higher levels of specific duties were recommended to the President, although at this time it was the opinion of three of the Commissioners that the industry's position was so acute that higher duties should be coupled with a temporary imposition of absolute import quotas.

The recommendations were made to the President in the spring of 1958. For the second time the administration deemed it unwise to implement the recommendations for higher duties and on October 1, 1958, absolute import quotas on lead and zinc metal and ore were imposed. These quotas remain in effect today. The increased duty levels twice found appropriate and twice recommended by the Tariff Commission to the President remained unimplemented.

For the third time on March 31, last Thursday, the Tariff Commission has found serious injury and for the third time recommended increased duty rates as the only practical solution to the lead-zinc industry's problem.

I emphasize the word "only" since this most recent report positively rejects quotas as a suitable instrument for the protection of lead-zinc products.

However, I wish to point out to my colleagues that in the two previous cases the Commissioners unanimously recommended increases in duties in varying amounts but in this last case four of the Commissioners felt that recommendations could be extra legal in their nature and two Commissioners made the duty recommendations. I wish to further emphasize that the Commissioners unanimously reiterated that there was serious injury and rejected the use of quotas.

I quote from the Tariff Commission's report, pages 109–110:

> Import quotas affecting such a large and complex industry as lead and zinc have not proved a satisfactory means of curtailing excessive imports of these metals. The quotas adopted are rigid and inflexible and, being incapable of adjusting the changing elements of domestic supplies to the changing and varied needs of industrial consumers, have tended to increase, rather than to reduce, instability of market prices, and thereby to thwart the best interests both of domestic producers and consumers of lead and zinc. The system of import quotas has been discriminatory in its effects upon various producers, importers, and consumers, and has created unusual difficulties for some while it has brought windfall advantages to others. In zinc smelting, especially, the absolute quota system has tended to eliminate small, though efficient, producers who, with little or no control over domestic ore supplies, are rendered increasingly dependent upon precarious foreign ore supplies. On the one hand, this has tended to reduce nearby markets for ores produced by domestic mines in areas near the location of such smelters. On the other hand, it has tended to concentrate control over domestic ore supplies in the hands of a few powerful integrated corporations, and, with imports strictly limited by quotas, to increase their control over domestic supplies and market prices. Finally, import quotas have seriously interfered with normal trade relations between smelters or importers and their suppliers and between producers or importers and their customers, thereby forcing unusual, unnatural, vexing, and often uneconomic, adjustments.

With this background I feel sure my colleagues will understand and support my decision to introduce legislation which is designed to implement the findings of this most recent report of the Tariff Commission.

H.R. 11584 does just this; for the basic unmanufactured products of lead and zinc ores and metals, and, as further recommended in last Thursday's report it provides the necessary commensurate protection for a limited number of semimanufactured products whose substantial or chief value is lead or zinc.

The bill—following the findings of two members of the Tariff Commission—provides a tax on lead ores of 2.1 cents per pound on the lead content and on lead metal of 3 cents per pound; a tax on zinc ores on the zinc content, of 1.75 cents per pound and on zinc metal of 2.5 cents per pound with commensurate protection on certain related products.

This latter mentioned duty coverage for semimanufactured products may cause you some concern as indeed it did me. However, when you have had an opportunity to study the interrelated economics of the two categories, unmanufactured and semimanufactured, all articles of active international commerce, I am certain you will become as convinced as I am that it would be impractical, if not to say fatal, to afford protection to the unmanufactured articles and leave it to the time consuming processes of the Tariff Commission to plug semimanufactured loopholes.

In this connection, it should be recalled that escape clause action is not possible until after injury or threat of injury has been established and at that time it has to be considered on an article-by-article basis. This study involves locking the barn door not only after the horse has been stolen but also after the roof and the walls are taken as well.

The State of Tennessee last year became the Nation's largest mine producer of zinc. East Tennessee is responsible for 100 percent of this production.

May I emphasize here that in the case of hard rock mining, such as lead and zinc, reasonable protection has a chronological implication of the utmost importance. If higher levels of duties are established under escape clause proceedings, these duties are constantly subject to downward adjustment on an annual or biannual basis. This condition of short-range price stability in no way meets the requirements of the lead-zinc industry. The risk capital required for exploration and development of new deposits generally will require 5 or even up to 10 years before return on investment can be anticipated. Only legislation will afford investors the essential prerequisite of long-range stability required to place this industry on a sound and stable basis.

In summary, I wish to repeat that this Tariff Commission report of March 31, 1960, supplements the investigations of the Commission of July 1953 which were reported in April 1954 under section 332 of the Tariff Act of 1930 pursuant to a resolution of the Senate Committee on Finance and a resolution of the House Committee on Ways and Means. Those resolutions directed that the report of the Commission should set forth the facts relative to the production, trade, and consumption of lead and zinc in the United States and take into account all relevant factors affecting the domestic economy, including interests of consumers, processors, and producers and including the effect of imports of lead and zinc on the livelihood of American workers.

Not only the people of east Tennessee need and deserve the stability and expansion of the mining areas of this basic industry. The people of the mining areas of the country, the employees of the smelter areas in the South-Southwest, and Central and Eastern States will be benefited. Not only will labor be benefited, but, in addition, our merchants and our communities. This legislation will also add substantial wealth to the overall economy of our Nation.

There may be some in the lead-zinc industry who believe in good faith that higher rates of duty than those contained in the bill are required to solve the problems of the industry and certainly their views will receive consideration by the Ways and Means Committee as will the views of those in the industry who believe that the proposed rates are too high.

Seven years is long enough to ponder this problem. We have the facts and the recommendations of the Tariff Commission and now we should translate them into sound, proper, and constructive legislative action.

FOREIGN TAX CREDITS

Mr. VANIK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. VANIK. Mr. Speaker, I was shocked by the parliamentary proceedings and the legislative apathy which permitted the passage of H.R. 10087, a bill to amend the Internal Revenue Code of 1954 to permit certain taxpayers to elect an overall limitation on the foreign tax credit, without a rollcall vote. This legislation deserved more careful consideration by every Member of the House, since it provided tax relief for a very special group of American corporations doing business abroad.

I oppose this legislation because of my fear that it will provide special tax escape routes for those enterprises which engage in oil development in nations like Saudi Arabia and Venezuela. Several years ago royalty agreements which divided profits with these nations on a 50-percent basis were substituted by taxes levied by the respective governments equivalent to these royalties.

The treatment of these payments as royalty would have provided these corporations with ordinary business deductions. The conversion of these arrangements into a 50-percent tax arrangement instead of a 50-percent royalty arrangement permits these American corporate beneficiaries to enjoy an extra special tax benefit as a foreign tax credit deductible against income earned in other countries and in the United States.

The unfortunate part of this legislation is that it would increase and spread foreign tax credits in situations where the foreign tax was merely arranged for the tax benefit of certain American corporations.

A SENSIBLE APPROACH TO THE PROBLEM OF INFLUENCE BY RETIRED OFFICERS

Mr. STRATTON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include an article.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. STRATTON. Mr. Speaker, there has been some tendency in the House today to approach the whole question of influence by retired officers in a burst of emotionalism. I hope we will remember that what we are legislating on here in the bill reported from the Committee on Armed Services is nothing less than the security of our Nation, and the men who make up the Armed Forces on which our freedom must depend today and in the years to come as we face the menace of Soviet communism. Let us in our zeal to "soak the brass" not be tempted into anything that will weaken this Nation in its struggle to survive and win out over godless communism.

I came across today in the New York Times an article by the distinguished military editor of that newspaper, Mr. Hanson W. Baldwin, which puts the issue before us into what I regard as sensible, reasonable perspective.

Under leave to extend my remarks I include the article herewith and commend it to my colleagues before we vote on tomorrow:

TWO BATTLES ON HOMEFRONT—HOUSE FACING CLASHES ON RETIREMENT PAY AND CONFLICT-OF-INTEREST CURBS

(By Hanson W. Baldwin)

Two subjects of great importance to military personnel, but of even broader concern to the social fabric of the Nation, are before Congress this week.

Yesterday the House Armed Services Committee started consideration of a bill to equalize service retirement pay. The floor of the House is also expected to be a cockpit for struggle over new legislation defining conflict of interest for retired officers. The history of the retirement-pay legislation is a narrative of frustration. It provides, in a nutshell, one of the reasons the Government has found it so hard to attract highly qualified young officers to a professional career in the Armed Forces and why it has found it difficult to retain them.

SENSE OF LOYALTY LACKING

The reason is the lack, on the part of too many civilian officials in the Executive department, of a fierce sense of "loyalty down." The uniformed officer robbed of much of his authority by the "civilianization" of the services since World War II, is nevertheless always held responsible by his civilian superiors.

But the "loyalty up" so easily demanded by the civilians is not so often reciprocated in "loyalty down."

The retirement-pay legislation has been before Congress now for 2 years in one form or another. It was introduced, first, on the initiative of individual members, to right an inequity in the 1958 pay bill.

This act created two classes of retired officers. All those who retired before the bill went into effect received a 6-percent pay increase; those who retired afterward generally received much more for the same retired rank and length of service.

The act thus broke with tradition and the past in changing the proportionate relationship of retired, to active duty, pay. It created two economic classes of retired officers.

The Defense Department did little or nothing to try to prevent this inequity. Despite vigorous objections from the individual services, it has done little in the last 2 years to modify it.

Yesterday, Secretary of Defense Thomas S. Gates Jr., as leading administration witness, took the opportunity to remedy this neglect. He strongly supported the current attempt to right a wrong.

The conflict-of-interest measure may provide a congressional donnybrook, Representative F. EDWARD HÉBERT, Louisiana Democrat, headed a subcommittee of the Armed Services Committee that studied conflict-of-interest laws governing employment of retired officers.

As a result of his investigation, which revealed no wrongdoing but some bad judgment and poor ethics, he has prepared a bill to modify existing legislation.

Mr. HÉBERT's bill provides for a $10,000 fine and imprisonment for retired officers or civilian employees of the Defense Department employed by private companies who, within 2 years after retirement, engage in selling anything directly or indirectly to the Department of Defense.

However, the full House Armed Services Committee, under the chairmanship of Representative CARL VINSON of Georgia, amended the Hébert bill drastically. It eliminated the fines and imprisonment penalties but provided for loss of retired pay.

Yesterday, in a stormy session, it again rejected Mr. HÉBERT's criminal penalties, but added a provision for trial by court-martial of any retired officer who engaged in "selling" to the Defense Department within 2 years after retirement.

The House debate, unless it is averted by an off-the-floor settlement, will argue the two versions of the bill.

The importance of both of these measures, not only to the military services but also to the Nation, is implicit in their terms. Discriminatory provisions—either in pay or in job opportunities—against military retired personnel obviously are harmful to morale.

A FACTOR IN BUDGET

On the other hand, it is essential that any abuses be curbed, whether out-and-out and corruption, "influence peddling," or even bad ethics, though practiced only by a few.

The Bureau of Social Science Research, and Albert D. Biderman, a member of the Bureau, who has made a special study of the military retirement problem, have pointed out that the number of persons receiving military retired pay will increase from 213,557 in 1958 to an estimated 1,163,000 in 1983. Present costs of $715 million annually will rise to more than $1 billion by 1964.

But "outweighing these costs," the Bureau notes, "is the great potential for contributions, both economic and civic, that this group (of retired military personnel) will possess.

"Most of its members will be well educated, broadly experienced, and relatively young"—a reservoir of tremendous value to the Nation.

Obviously Congress should do nothing to impair this asset.

FEDERAL EMPLOYEE COMMUNIST ACTIVITIES TESTIMONY ACT OF 1960

Mr. KING of California. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. WALTER] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WALTER. Mr. Speaker, I have just introduced a bill providing that any Federal officer or employee who willfully fails or refuses to answer questions relating to Communist activities, when summoned to appear before Federal agencies, shall be removed from his office or employment.

The bill, titled the "Federal Employee Communist Activities Testimony Act of 1960," is patterned after a California statute which was recently held valid by the U.S. Supreme Court in the case of Nelson and Globe against County of Los Angeles, decided February 29, 1960.

As chairman of the Committee on Un-American Activities, I am frequently asked this question: "Are there Communists now in the Government?" The only answer I can give is that under present procedures the Committee on Un-American Activities is precluded from finding out whether or not there are Communists in Government, although we know that since the 1956 decision of the Supreme Court in Cole against Young, 109 employees of the Federal Government who had been dismissed as security risks have been restored to Government service, including employment in such agencies as the Air Force, the Army, and the Navy. It will be recalled that in Cole against Young the Supreme Court ruled that an employee of the Federal Government could not be dismissed under the Summary Suspension Act in the interest of national security unless he occupied what the Court described as a "sensitive position." In other words, according to the Court's opinion, it is perfectly proper to have a Communist in the file room where security reports are kept so long as his official position does not technically entitle him to have access to the security reports.

The Committee on Un-American Activities has repeatedly attempted to procure from the executive agencies identifying information on the security risks who have been restored to Government service, but this information has been adamantly refused by the executive agencies concerned and, indeed, by the White House itself.

In Nelson and Globe against County of Los Angeles, the Supreme Court examined a provision of the California Code which made it the duty of any public employee when summoned before an appropriate Government agency to give the information of which he was possessed on communism and other subversive activity. The California Code provides for dismissal of any such public employee who fails or refuses to appear or to answer the questions propounded.

In sustaining the validity of the California statute, the Court found that, notwithstanding the public employee's invocation of the fifth amendment, his refusal to reply to the questions propounded was sufficient basis for his discharge because the State may legitimately predicate discharge on refusal of a public employee to give information touching on the field of security.

The text of the bill follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Employee Communist Activities Testimony Act of 1960."

SEC. 2. The Subversive Activities Control Act of 1950 (64 Stat. 989) is amended by inserting, immediately after section 3 thereof, the following new section:

"DUTY OF FEDERAL EMPLOYEES TO TESTIFY AS TO COMMUNIST ACTIVITIES

"SEC. 3A. (a) It shall be the duty of any officer or employee of the Government who may be subpenaed or ordered to appear before any Federal agency to appear before such agency and to answer under oath any question concerning (1) the membership of such officer or employee, or any other individual, in the Communist Party, (2) the activities of such officer or employee, or any other individual, as a member of the Communist Party, and (3) the participation of such officer or employee, or any other individual, in activities conducted by or under the direction of the Communist Party or any member thereof.

"(b) Any officer or employee of the Government who willfully fails or refuses to appear or to answer under oath on any ground whatsoever any question referred to in subsection (a), or who commits perjury in answering any such question, shall be guilty of insubordination and shall be removed from his office or employment in the manner provided by law.

"(c) As used in this section—

"(1) the term 'officer or employee of the Government' means—

"(A) an officer or employee in or under the legislative, executive, or judicial branch of the Government of the United States;

"(B) an officer or employee of the government of the District of Columbia; and

"(C) a member of the Armed Forces, the Coast and Geodetic Survey, or the Public Health Service;

"(2) the term 'Federal agency' means any department, independent establishment, or other agency or instrumentality of the executive branch of the Government of the United States, and any congressional committee or subcommittee; and

"(3) the term 'Communist Party' means the Communist Party of the United States, or any successors of such party regardless of the assumed name, whose object or purpose is to overthrow the Government of the United States, or the government of any State, district, commonwealth, or possession thereof, or the government of any political subdivision therein by force and violence, and includes subsidiary organizations of such party."

MODEL CONGRESS, 1960

Mr. CHAMBERLAIN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. OSTERTAG] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. OSTERTAG. Mr. Speaker, a number of schools in the congressional district which I represent in New York conduct a model congress each year for the purpose of providing high school students with a better knowledge of the issues, programs, and procedures of the Congress of the United States. This is an excellent and worthwhile program, which adds a great deal to the students' knowledge and understanding of our Republic and its Government. It is a program which might be followed with great benefit by any school in our land.

This year the sixth annual model congress was held at the Byron-Bergen Central School in Genesee County. More than 150 students from 8 schools in the area participated in the congress and considered 126 bills within the framework of 10 committees; 9 bills were acted upon in a plenary session which followed the committee action.

After general debate, bills were adopted which dealt with, first, voting rights and segregation in public schools; second, discrimination in employment; and, third, labor disputes. The model congress adopted a resolution relating to foreign intervention in Cuba.

At the same time, the congress defeated proposals which would, first, reduce the voting age to 18; second, abolish the electoral college system; third, reorganize the Supreme Court; fourth, permit Congress to override a Supreme Court decision; and, fifth, expand the Air Force.

This program is a fine example of the efforts of our schools to add depth and meaning to classroom studies; the persons who devised and continue the program are to be highly commended.

SUMMIT MEETING

Mr. CHAMBERLAIN. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. JACKSON] may extend his remarks at this point in the RECORD and include an article.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. JACKSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to include an article by Secretary of State Dr. Albert Hilger van Scherpenberg, Department of Foreign Affairs, Bonn, Germany, which appeared in the bulletin of January 9, 1960.

The article follows:

Since the visit of the Soviet Prime Minister Khrushchev to the United States of America, the peoples of the world have once more begun to cherish the hope that the international political tension will be eased. In countless speeches and articles reference is made to the "spirit of Camp David," a formula which reminds one of the "spirit of Geneva" of 1955 and whose contents are vague. It is frequently interpreted as though Eisenhower and Khrushchev in the course of their talks in Camp David had come to a far-reaching agreement on basic questions, which would now enable them to pursue a joint policy aimed at easing the tension. And this romantic interpretation is occasionally supplemented by the assumption that the only reason why details of the agreement reached have not been published, is that one does not want to endanger this joint policy.

These reflections are ridiculous for the simple reason that they imply that the American Government has reached agreements without consulting its allied governments. Actually, no decision was reached in Camp David which could prevent the West from testing the sincerity of the Soviet policy at any time. And nothing happened in Camp David which could force the West to sanction wrongs that have been committed and to accept the present state of affairs, which exists as a result of such wrongs. People in the United States know perfectly well that the peaceful coexistence must be more than the recognition of the status quo, which the Soviet Government would like to consolidate precisely because it is aware that this state is a violation of international law, and regards this fact as prejudicial to its interests. Under the present circumstances, the status quo would hardly offer more than a new and better initial position for further Communist aggression.

It is possible that this danger of aggression has shifted from the military to the ideological, propagandist, and commercial sphere. The certainty that an atomic war would mean self-destruction, is as widespread in the East as in the West. But the Soviet leadership is also convinced that it does not need a general war in order to assert its far-reaching aims. Now more than ever is it certain that it has time on its side. "Our Socialist ideology is a reflection of the indisputable fact that the setting up of the Communist order of society in the whole world is inevitable," so it was affirmed in a statement issued on November 3, 1959, by Radio Moscow. This messianistic faith of the Communist leadership is strengthened still more by its conviction that the Western World shows increasing symptoms of decadence and is thus contributing to its own downfall.

Those who do not tend to wishful thinking will be obliged to admit that this psychological situation is not exactly favorable for a basic understanding between East and West. The West can only meet this situation with patience and firmness. The political leadership of the East bloc will only be prepared to revise its way of thinking if it is made to realize that its ultimate aim—the "setting up of the Communist order of society in the whole world"—is unattainable. The defeat which the Soviet Union suffered on the Hungarian question in the United Nations may be regarded as a gain in this sense. It proved that the free peoples are not prepared to abandon the principle of the right of self-determination and to accept a state of affairs which is undoubtedly a violation of international law. And the insight which Khrushchev gained into the mentality of the American people and their sources of help during his visit to the United States of America, has no doubt also left a certain impression.

It is extremely gratifying to the West, however, to know that the U.S. President during his visit to 11 south European and Afro-Asian capitals was given an ovation such as has never before been accorded to any statesman. This cordial reception, which exceeded all expectations, would appear to indicate that even the peoples that are not politically engaged regard the President of the most powerful Western country as a symbol of freedom, security, and prosperity and feel that the ideological offensive of the East bloc is a threat. The cooperation of the West with the so-called developing countries is likely to intensify this impression, since this cooperation is not influenced by political factors but is carried out in the spirit of genuine partnership. I am of the opinion that the community of the free peoples, in adopting this policy, is on the right course. In addition, however, they should also maintain their readiness for defense, since any relaxation in their vigilance might endanger the results of the negotiations which we hope to achieve in the future.

In this respect we can regard with considerable satisfaction the issue and success of the recent conference of the West in Paris, that is to say the Ministers' Conference of the NATO and the conference of the three Western state and governmental chiefs and the German Federal Chancellor, Dr. Adenauer. Whilst the four statesmen once again confirmed their determination to protect the position and the rights of the West in Berlin and to safeguard the right of free access to that city, they also affirmed that it was desirable that questions of reciprocal interest should be discussed with the Soviet Prime Minister. These questions include, above all, East-West relations, universally controlled disarmament, as well as the German question, including the Berlin problem. It is to be hoped that the Soviets will not only conjure up the spirit of Camp David at the forthcoming summit conference, but will also clearly show that they are willing to conduct serious negotiations.

AID TO EDUCATION

Mr. CHAMBERLAIN. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. BOW] may extend his remarks at this point in the RECORD and may include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BOW. Mr. Speaker, my proposal—H.R. 11540—to return to the States for aid to education a portion of the Federal cigarette tax has met with favorable response throughout the Nation. Apparently citizens who are concerned about support for our schools welcome a proposal that would provide support without permitting Federal control.

Substantial and increasing amounts would be available to each State, to be used as the State legislature directed, if the Secretary of the Treasury is authorized to return to each State 2 cents of the 8 cents collected by the Federal Government on each package of cigarettes sold. For the convenience of my colleagues, I include a table showing the amounts that would have been available in 1959 in those States that have a State cigarette tax. Computations for the remaining States can be made with relative ease from other statistics.

Included also is a copy of my newsletter to constituents setting forth my reasoning on the measure.

I sincerely regret that a similar proposal by the junior Senator from New Hampshire was not acted upon when the other body considered Federal aid to education. I hope that it will be considered when the House takes up education bills.

State	Cigarette sales (in millions of packs)	Education fund, H.R. 11540
Alabama	287.2	$5,744,000
Alaska	21.9	438,000
Arizona	142.6	2,853,000
Arkansas	147.9	2,958,000
Connecticut	358.5	7,170,000
Delaware	65.2	134,000
District of Columbia	133.0	2,660,000
Florida	613.3	12,266,000
Georgia	352.7	6,054,000
Idaho	64.1	1,282,000
Illinois	1,304.1	26,082,000
Indiana	558.9	11,178,000
Iowa	[illegible]	[illegible]
Kansas	[illegible]	[illegible]
Kentucky	[illegible]	[illegible]
Louisiana	[illegible]	[illegible]
Maine	[illegible]	[illegible]
Maryland	[illegible]	[illegible]
Massachusetts	[illegible]	[illegible]
Michigan	[illegible]	[illegible]
Minnesota	[illegible]	[illegible]
Mississippi	[illegible]	[illegible]
Missouri	[illegible]	[illegible]

State	Cigarette sales (in millions of packs)	Education fund, H.R. 11840
Montana	73.8	$1,810,000
Nebraska	148.2	2,988,000
Nevada	50.1	1,002,000
New Hampshire	112.8	2,260,000
New Jersey	778.2	15,564,000
New Mexico	69.1	1,782,000
New York	2,344.7	46,934,000
North Dakota	58.6	1,172,000
Ohio	1,198.8	23,900,000
Oklahoma	242.5	4,850,000
Pennsylvania	1,392.1	25,842,000
Rhode Island	119.6	2,392,000
South Carolina	213.6	4,272,000
South Dakota	68.7	1,374,000
Tennessee	326.3	6,505,000
Texas	1,090.1	20,382,000
Utah	57.0	1,140,000
Vermont	52.0	1,040,000
Washington	294.6	5,892,000
West Virginia	191.2	3,824,000
Wisconsin	416.4	8,328,000
Wyoming	41.8	836,000

NOTE.—California and Virginia, cigarette tax not effective in 1960; Colorado, North Carolina, and Oregon, no cigarette tax.

YOUR CONGRESSMAN REPORTS FROM WASHINGTON

(By FRANK T. BOW, Member of Congress)

Some of my old friends in the teaching profession, whose judgment deserves respect, are changing their minds about Federal aid to education.

For years they have stanchly opposed it, because they agreed with me that schools are a local responsibility and, more important, our schools must be free. Our schools must be free from the regimentation, regulation, and restrictions that would be imposed by any Federal program.

But my friends are changing their minds, and some of them write to me that the needs of the schools are so pressing, the demands upon local revenue so heavy, that they are willing to risk Federal aid.

I am not ready to risk Federal control, but I am willing to give up some Federal funds to help the States provide for education, if Federal control can be avoided.

Two years ago I offered such a proposal. I thought it was a positive and constructive approach. I suggested that each district collector of internal revenue should return to each State, to be used for education as the State legislature directed, 1 percent of the income tax collected in each State. This could have been a simple bookkeeping operation, with no possibility of Federal control. It was rejected.

This year I am going to propose another positive and constructive alternate that will help schools without danger of Federal control. I am introducing a bill that will return to the States for education one-fourth of the Federal tax on each package of cigarettes. That means 2 cents of the tax on each package sold would be returned to the State where the sale was made. It would mean about $400 million per year for education.

This proposal is easily administered, with little or no overhead. All but three States have State cigarette taxes and per capita sales figures are available. No increase in taxes is required. State legislatures will direct the expenditure so that no Federal control can be exerted. And to some degree at least, the bill will serve another purpose—that of leaving to the States a greater share of the revenue produced from their citizens.

Those who believe in Federal control of education will oppose me, as they did in the past. Those who sincerely believe in providing more money for educating our children should rally to my support.

H.R. 11840

A bill to strengthen State governments, to provide financial assistance to States for educational purposes by returning a portion of the Federal taxes collected therein, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress hereby finds and declares that responsibility for and control over education is one of the powers not delegated to the United States but reserved to the States or to the people under the tenth amendment to the Constitution.

(b) The Congress hereby reaffirms and reenacts a portion of article III of the Ordinance of 1787, adopted by the Confederation Congress, July 13, 1787, as follows: "Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."

(c) The Congress further finds that continued encouragement of the means of education requires the strengthening of State governments.

SEC. 2. (a) There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, for the fiscal year beginning July 1, 1960, and for each fiscal year thereafter, to each State, to be used by such State for educational purposes only, an amount equal to 25 per centum of the Federal tax on cigarettes (computed as provided in this Act) collected on cigarettes sold within such State during the preceding fiscal year.

(b) The Secretary of the Treasury shall, on or before October 1, 1960, and on or before October 1 of each succeeding year, pay to each State the amount authorized to be appropriated to such State pursuant to subsection (a) of this section. For the purpose of determining the amount of payments under the provisions of this section, the Secretary of the Treasury shall estimate the number of cigarettes sold in each State in each fiscal year on the basis of such statistics as may be available.

(c) For the purposes of this section the term "State" includes the District of Columbia.

SOUTH AFRICA

Mr. STRATTON. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. POWELL] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. POWELL. Mr. Speaker, today the dark continent of Africa moves with rapidity toward its goal of freedom. Last week's tragedy in South Africa has drawn racial tensions to a critical point when the police shot more than 250 African political demonstrators, at least 72 of them fatally, by official count. South Africa and the entire civilized world are still in a state of shock over this grim affair.

Such acts of tyranny and despotism against a helpless people could well serve as the perfection of a triggering mechanism which could be fatal to these self-appointed masters. The mechanism of a boycott would strangle the South African Government into changing their sad and hopeless course into a course where liberty and equality for black as well as white would prevail.

There is a growing realization among South Africans that their country is out of step in its racial policies, not only with the rest of sub-Sahara Africa but with the rest of the world. The feeling received considerable stimulus from a speech last month in Capetown by Prime Minister Macmillan's warning that a "wind of change" was blowing throughout the continent.

Nevertheless, the Nationalist Party of the Government headed by Prime Minister Hendrik F. Verwoerd has thus far shown little disposition to make any basic change in its policy of white supremacy and continued segregation, other than a stepped-up program of maiming and killing African natives.

The root of the problem is in numbers. There are 3 million white and about 11,500,000 persons whose skins are black or brown. Nearly 10 million of these are Africans. The whites, fearful they will be overwhelmed, are afraid to grant the African full political rights and freedom.

Let us dwell for the moment on the speech of Prime Minister Macmillan of Great Britain in South Africa. Certainly it was drafted in London more than 2 months before it was delivered. There has probably never been so polished, so adroit a speech made in that South African parliamentary dining room or in any other chamber of the Union Parliament. History was in the making. It was a fit and proper occasion for the British Prime Minister, the first to visit South Africa while in office. He looked lonely on the dais, rather like a prisoner, standing between the Speaker and the President on one side, the Prime Minister of the Union and the leader of the opposition on the other. Gazing out, he could look up at the painting portraying the whole National Convention of 1909. Suddenly, they seemed to have turned in their seats to listen to him.

The speech was not heavily applauded by his audience, except when Mr. Macmillan said he deplored the boycott. But Macmillan was speaking to a much larger unseen audience, even though not one black representative was amongst the 230 listeners. His words, curiously hesitant and yet flowing, were far more disturbing. Never before in the history of South Africa had the lords and leaders of white supremacy been spoken to so poignantly.

The recent riots can in no way be described as reactions against the Government's apartheid policy alone. These disturbances are the result of the present day fight for freedom by the enslaved people of Africa.

Dr. Verwoerd and his government have attempted to place the mass murders of unarmed Africans by white soldiers and gendarmerie in prospective. His views and the views of his butcher Minister of Justice, Francois Christiaan Erasmus, are brutally simple in that, according to their theory, mass repression must be regarded as the normal pattern of life in South Africa for the blacks.

Human thought, like God, makes the world in its own image. It transforms the social world into a better understanding of its fellow beings. The renaissance, or new birth, for the native South African is therefore in the essence a sublime and impassioned spirituality. This spirituality has a divine and universal ideal. This is a reason why its passions have spread beyond its borders and received acclaim. Therefore, those who confine it mutilate the superiority of moral sovereignties, namely: The sovereignty of right over force, intelligence over prejudice, people over government, equality and reasoning over forced authority. They mutilate the revolution of ideas and ideals, the gospel of social rights and the broad charter of humanity.

History is filled with epochs of the human race as man can view, when decayed branches fall from the tree of humanity, when governments and their order of things grow old and outmoded. It is then that those who fail to leave space for fresh ideas by their successors, which lifts the country to a much higher plane than before, only recast a less solid foundation for its people.

Therefore, let us take account and lend our strength to these unarmed hordes who are daily sacrificing their blood in their forward march to freedom, equality, and democracy.

Therefore, I propose the following; No. 1, that we ask for the immediate resignation of the Honorable Douglas Dillon, present Under Secretary of State, appointed June 12, 1959; formerly Under Secretary of Economic Affairs of the U.S. Government, appointed June 30, 1958. Because of conflict of interest, Mr. Dillon is the chairman of the Dillon, Read Corp. He has floated all bond issues for the Union of South Africa. On December 2, 1958, he was instrumental in raising a loan of $25 million. I do not see how it is possible to protest in the United Nations Security Council, while the No. 2 man of the Department of State is doing business with the bloody Boers in the Union of South Africa.

In the second place, we should call for a boycott of the Union of South Africa's diamonds. In 1957 the total sales were $48 million; the duties on this paid to the government of the Union of South Africa was $5 million—and the diamond profits tax was $6 million. The Governments of Guinea, Ghana, and Sierra Leone—black and free—produced more diamonds than the Union of South Africa. We should, therefore, shift our purchases from South Africa to West Africa.

Item 3: One of the largest businesses is the importation of African lobster tails. From this meeting today should go a resolution urging the AFL–CIO, and the longshoremen in particular, to refuse to unload any shipments of South African lobster tails.

Item No. 4: According to information furnished me by the Economics Division of the Library of Congress, the statistical abstract of the United States, and the foreign grants statistics of the U.S. Department of Commerce, we, the United States of America, while raising our voices in protest, have nevertheless loaned in credits to the Union of South Africa the following: 1952, $26 million; 1953, $35 million; 1954, $31 million; 1955, $21 million. From the 1st of July 1945 to the 30th of September, last year, gross credit was $148 million. This was used mainly for military equipment only.

Owed to the Export-Import Bank is $92 million.

This I demand should be stopped immediately.

Next, we should demand that the International Bank for Reconstruction and Development stop its hypocrisy. As late as 1956, in answer to my protest, they said that they had loaned the Union of South Africa $75 million to expand its railroad service and $60 million was to increase the supply of electricity. As a result of sharp protest by me, the International Bank wrote me that "benefits would be expected to accrue to the colored and native populations of the Union of South Africa as a result of projects financed with the help of the World Bank."

Finally, we should lay plans to picket the Union of South Africa's headquarters here in New York and should make a study of what Members of Congress are in favor of backing up our congressional program.

The Africa we must help to create, the Africa we must bequeath to posterity, the Africa of our dreams, must be an Africa that is free from foreign domination. It must be also an Africa that the world will look toward and say, "Here is a continent of human beings who live up to the ideals of human society."

Any man's death diminishes me because I am an integral organ of mankind. Today, the bells toll throughout the world for those who died seeking recognition, freedom, and a rightful place in the community of a free world. "They toll for thee."

THE PROMISE, THE PRESIDENT, THE PHILIPPINES—SUGAR

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Pennsylvania [Mr. FLOOD] is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, under date of January 11, 1960, I called attention to my colleagues that in the 1956 amendments to the Sugar Act the Philippines alone received no increase in quota. It was my sincere hope at that time that in the present Congress when consideration is given to a further extension of the act more equitable provision for Philippine sugar producers will be made. As I stated in my statement of January 11, 1960, and I quote:

Such action in behalf of the Philippines has been promised. When the President signed the law in 1956 extending the Sugar Act for 4 years, he expressly indicated that when new amendments were being prepared at the conclusion of the present act, consideration should be given to increasing the Philippine share of U.S. sugar consumption. A press release to this effect was issued on May 29, 1956, which I take the liberty of quoting in full:

"STATEMENT BY THE PRESIDENT

"I have today approved H.R. 7030, to amend and extend the Sugar Act of 1948, as amended, and for other purposes.

"In addition to extending the Sugar Act for 4 years, the bill restores to the domestic areas the right to supply 55 percent of this country's increased requirements of sugar. The amendments also permit foreign countries to supply as much as they have been, plus 45 percent of the increases in our requirements. These increases will be most important relatively for the countries that heretofore have been minor suppliers."

It was not considered feasible to recommend an increase in the Philippine quota at this time. I believe, therefore, that when new amendments are being prepared at the conclusion of the present act, consideration should be given to allowing the Philippines to share in increased consumption as is now provided for other foreign countries by this bill.

On April 4, 1960, in answer to a telegram of March 17, 1960, from the President of the Philippines asking an increase in the Philippine sugar quota, the President of the United States advised him that "sugar quotas are determined by Congress and any modification would require congressional action. Since the Sugar Act of 1948 as amended in 1956 expires this year, Congress is expected to consider its extension during the present session." The President has concluded after weeks of careful study that "the time is not propitious to recommend any change in the present structure of quotas assigned to foreign countries." I take the liberty of inserting at this point President Eisenhower's letter of April 4, 1960, in full:

DEAR MR. PRESIDENT: I have received your telegram of March 17 asking that I increase the Philippine sugar quota. As you know, the sugar quotas are determined by Congress and any modification would require congressional action. Since the Sugar Act of 1948 as amended in 1956 expires this year, Congress is expected to consider its extension during the present session.

The administration has been giving considerable thought to what recommendations it should make to Congress for its consideration. After weeks of most careful study of this problem, I have concluded that the time is not propitious to recommend any change in the present structure of quotas assigned to foreign countries.

Accordingly, I have recommended to the Congress only certain minimum changes in the present Sugar Act. The most important of these would give me the authority to reduce the quota for a calendar year for any foreign country, except, of course, the Philippines, and to make required replacements from any source when I determine it to be in the national interest or necessary to insure adequate supplies of sugar. I have requested this authority primarily to enable me to protect our sugar consumers should our supplies of sugar from foreign sources be endangered for any reason. The final decision as to whether I am to be given this authority, however, rests with Congress. I regret therefore that it has not been possible for me to comply with the wishes of the Philippine sugar producers. I wish to assure you, however, that the position of the Philippines has

been given full consideration by the administration in arriving at the position which I have recommended to Congress.

With assurances of my continued esteem.

Sincerely,

DWIGHT D. EISENHOWER.

The recommendations of the executive branch spell out carefully that in new allocations reductions of quotas for any calendar year for any foreign country shall not be applicable to the Republic of the Philippines. Of course, reductions are not applicable anyway to the basic quota of the Philippines of 980,000 tons per year since this has been fixed by law. Certainly the Department of Agriculture and the President do not think that the Philippines will accept as an advantage the provision that the basic quota of the Philippines shall not be reduced. This is the situation from which we started. What we argued in 1955 and what we urge now is that the Philippines should be permitted to share with other foreign suppliers in the annual increases in U.S. sugar requirements. This, I apprehend, is what the President meant when he said that "when amendments are being prepared at the conclusion of the present act, consideration should be given to allowing the Philippines to share in increased consumption, as is now provided for other foreign countries by this bill."

Certainly a benevolent offer not to reduce the basic quota of the Philippines established by law is not a fulfillment of the President's promise.

May I call to the attention of my colleagues that for 13 years, due to the physical and economic dislocation occasioned by the war, the Philippines were denied a normal outlet for sugar in the United States. May I call to your attention again that the Philippine sugar industry pulled itself up by its bootstraps to a point where with rehabilitated fields and mills the industry has again put itself in business. We have recognized in the Congress, the Department of Agriculture must have perceived and the President must have had in mind when he gave his promise embodied in the press release of May 29, 1956, that the Philippine situation should be among the "developments abroad" which the Executive must constantly apprise not only to provide sugar but to do justice.

Those of us who advocate consideration for Philippine sugar suppliers now do not for one moment propose any cut in the quotas of domestic producers both beet and cane. Further, we recognize realistically that any provision for additional Philippine sugar to supply part of the annual increase requirements of the United States or to make up deficits from other areas must in the last analysis come from the Cuban allocation. And why not? If the Cuban situation is "delicate" diplomatically, may I suggest that the Philippines have a continuing call upon our loyalty, our spirit of cooperation and specifically upon our promise to give their sugar industry consideration at this time of amendment and extension of the Sugar Act.

Finally, the 25 million Filipinos can rightfully conclude that the statement containing the promise by the President that "when new amendments are being prepared at the conclusion of the present act, 1960, consideration should be given to allowing the Philippines to share in increased consumption, as is now provided for other foreign countries by this bill" has been forgotten.

As President Eisenhower aptly points out the sugar quotas are determined by Congress and any modification would require congressional action. In an appeal to their many friends in the Congress of the United States the Philippines sincerely trust that they will not be taken for granted.

EXPANDING THE FOOD FOR PEACE OPPORTUNITIES FOR CHURCHES AND OTHER AGENCIES

Mr. McGOVERN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. McGOVERN. Mr. Speaker, it is my conviction, and it is the feeling of a great many Americans, that bread and butter may yet become more effective than bullets and ballistics in the protection and preservation of freedom in the world.

The bounteous production of our farms might win the battle for world peace.

To this purpose, Mr. Speaker, I am introducing today legislation intended to enlarge the distribution of our abundance of food among needy people in other countries who are, or who want to be, our friends. This legislation would vastly expand the great work now being done by American churches and other voluntary agencies abroad.

The bill proposes to—

First. Remove a great barrier to the delivery of food to landlocked areas of the world.

Second. Authorize the use of the food we send abroad to compensate persons employed in the construction of public works which are being undertaken on a community effort basis.

Third. Permit the use of the food to compensate persons in the nation where the commodities are used, for their work in processing the commodities into a more readily usable form.

Mr. Speaker, Public Law 480, title III, authorizes the Commodity Credit Corporation to donate for foreign distribution the commodities owned by our Government and which are in excess of our needs. No nation on the face of the earth has such abundance as our farmers have provided, and certainly no nation is more generously sharing its blessings with the people of other lands.

I am advised today by the Department of Agriculture that, under the program, our food now is reaching 60 million people in 80 nations.

For this great work of distribution, I salute the American Council of Voluntary Agencies for Foreign Service, Inc. Many agencies made up of people of many religious faiths are banded together in this organization in a demonstration of devoted service to mankind which has no equal on a worldwide basis.

These people have seen the humanitarian effects of their work with our Government, in feeding hungry people. They are consecrated to this work. They want to expand it, to reach more people. The bill I am introducing today grows out of my consultations with these devoted people. This legislation would make their job easier, and they would serve more people.

Many countries have no seaport. At the present time, we can ship our gift commodities to a port of a neighboring country, with the Government participating in the ocean freight cost. There now is no Government participation in the land freight costs from seaport to the interior country. My bill would facilitate food distributions in landlocked countries by making funds available to move food to these interior countries, from the nearest port, as we now aid ocean shipments. Thus, the distribution in landlocked countries should be on an equal basis with those countries having seaports. Such distribution as heretofore, of course, would be related to need and availability of the commodities.

I am advised that all food now available to voluntary agencies must be distributed to the needy abroad without requiring any form of recompense from them. This means, in effect, that these foods cannot be used to pay workers on public or private projects. Many voluntary agencies are interested in projects of a public-interest nature in the countries where they are operating, and they have suggested that the food from America might be used as a recompense to people who would work on such projects as building schools, small roads, drainage ditches, dikes, and bridges. My bill would authorize such use of our donated foods.

In some areas of the world, our voluntary agencies have encountered difficulty in delivering our donated foods to needy people in a form readily usable. My bill would permit the use of part of the donated food to compensate persons for their work in processing the commodities into readily usable form.

Mr. Speaker, I believe that many Members of Congress will want to join me in implementing our Nation's food for peace efforts, by introducing or supporting legislation similar to my bill. I therefore, under unanimous consent, include the text of my bill at this point in the RECORD:

A BILL To Broaden the Provisions of Law Governing the Distribution of Our Surplus Agricultural Commodities to the Needy in Foreign Nations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third sentence of section 203 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C., sec. 1723) is amended by striking out "ports of entry abroad" and inserting in lieu thereof "points of entry into the nation where the commodities are to be used."

SEC. 2. Section 416 of the Agricultural Act of 1949 (7 U.S.C., sec. 1431) is amended by adding at the end thereof the following new sentence: "For the purpose of clause (4), food commodities shall be considered to be used in the assistance of needy persons if they are used (1) for recompensing persons employed in projects for the construction of public works which are constructed on a community effort basis, or (2) for compensating persons in the nation where the food commodities are to be used for processing such commodities into a more readily usable form."

Mr. Speaker, last year the American Council of Voluntary Agencies for Foreign Service, headed by Rt. Rev. Msgr. Edward E. Swanstrom, offered a moving statement to the House Committee on Agriculture reviewing the work of the churches and other voluntary agencies in distributing surplus food overseas.

The member churches and organizations participating in the council are as follows:

American Baptist Relief.
American Friends of Russian Freedom, Inc.
American Friends Service Committee, Inc.
American Fund Czechoslovak Refugees, Inc.
American Jewish Joint Distribution Committee, Inc.
American Middle East Relief, Inc.
American National Committee to Aid Homeless Armenians—ANCHA.
American ORT Federation, Inc.
American Relief for Poland, Inc.
Brethren Service Commission.
Catholic Relief Services, National Catholic Welfare Conference, Inc.
Church World Service, Inc., National Council of the Churches of Christ in the U.S.A.
Cooperative for American Relief Everywhere, Inc.
Coordinated Hungarian Relief, Inc.
General Council of the Assemblies of God, Foreign Service Committee.
Hadassah, the Women's Zionist Organization of America, Inc.
Hadassah Medical Relief Association, Inc.
Heifer Project, Inc.
International Rescue Committee, Inc.
Iran Foundation, Inc.
Lutheran Refugee Service, National Lutheran Council and the Church-Missouri Synod.
Lutheran World Relief, Inc.
Mennonite Central Committee, Inc.
Near East Foundation.
Polish American Immigration and Relief Committee, Inc.
Salvation Army.
Selfhelp of Emigres from Central Europe, Inc.
Seventh-Day Adventist Welfare Service, Inc.
Tolstoy Foundation, Inc.
Unitarian Service Committee, Inc.
United Friends of the Needy and Displaced People of Yugoslavia, Inc.
United HIAS Service, Inc.
United Lithuanian Relief Fund of America, Inc.
United Seamen's Service, Inc.
United Ukrainian American Relief Committee, Inc.
World Relief Commission of the National Association of Evangelicals.
World University Service.
Young Women's Christian Association of the U.S.A.—Foreign Division.

Under unanimous consent I include the council's testimony of July 29, 1959, at this point in the RECORD:

TESTIMONY BEFORE THE HOUSE COMMITTEE ON AGRICULTURE CONCERNING EXTENSION OF PUBLIC LAW 480, JULY 29, 1959

During the past 9 years, while surplus foods have been available for distribution, the voluntary agencies associated in the American Council of Voluntary Agencies for Foreign Service have worked in 67 countries and areas of the world to confront with programs of aid, rescue, and rehabilitation an immensity of human need.

While in some places this need has shown significant decrease, in other large areas of the world it is not only still critical but is on the increase.

For example, as human suffering diminished in Western Europe it became intensified in areas such as north Africa and the Far East where new waves of refugees are testimony to the continuing unresolved crises in many sections of the world.

The voluntary agencies—both church related and secular—in addition to conducting programs of migration, of resettlement of refugees, of self-help and health building, have met the immediate problem of human hunger through large-scale feeding projects, made possible largely through Public Law 480. In these programs besides their own purchased food supplies, the voluntary agencies have utilized in the past 9 years 3¼ million tons of American surplus food products.

In all of their oversea programs, the primary aim of the people-to-people agencies is to express fraternal human concern for the welfare of peoples deprived of homes, often of governmental protection and of the opportunity to decide their own fate or to help themselves.

As they work side by side with the needy and dispossessed around the world, the agencies speak by deeds for the great majority of Americans, giving witness to the basic international concern of the American people—to build peace—by reaching out a helping hand to the less fortunate members of the family of man.

Concerning the subject of this hearing—the extension of legislation dealing with American abundance—I would like to make the following points in the name of the executive committee of the American Council of Voluntary Agencies for Foreign Service:

1. We would warmly commend legislation which expressed recognition of American abundance as a potential force for peace in the world, rather than a problem in mere disposal.

2. We are keenly aware of the food crises which threaten many areas of the world today. In India, for example, already hundreds of thousands are suffering from hunger and in the next decade millions may starve to death. In almost all cases, the food crises which not only endanger the lives of hundreds of thousands but which also endanger the peace and security of the world are long-term crises which necessarily require years for solution.

Therefore we, in the depth of our consciences, must strongly urge that the legislation enacted at this session of Congress make adequate and definite provision for long-term planning.

3. For people whose energies are depleted by prolonged hunger and insufficient protection from the elements (either in clothing or shelter), a protective food is of the essence for survival. An oil or fat is such a food—particularly as the winter approaches. Despite permissive legislation, the high protein oils and shortenings which meant so much in feeding programs for refugees and other groups are not currently available for voluntary agency distribution.

4. The reason for the absence of these drastically needed oils from the voluntary agency overseas distribution programs likewise illustrates the reasons for the absence of many other food products. Under existing legislation the Department of Agriculture feels—and perhaps quite justifiably—that it is directed first to dispose of CCC acquired foods through sale or barter, even if on market depressive terms, before offering them for donation purposes.

The agencies believe that the situation requires clarification and urge that if the Congress desires additional food commodities to be made available for distribution programs overseas, it should say so very explicitly in the forthcoming legislation.

Since supplies of U.S. foods were first sporadically made available to American voluntary agencies 9 years ago, resulting programs, based on annually reenacted congressional authority, have proved their enormous value in assisting the needy of the world.

But the problem of need still continues; the programs go on. We are besieged by crying human want on all fronts, wherever we are, in our many outposts overseas.

Meanwhile at home our warehouses continue overflowing; in the use of our abundance we are being tested before the nations of the world.

LEAVES OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. ROGERS of Colorado (at the request of Mr. ALBERT), on account of official business, until April 11, 1960.

Mr. CHENOWETH, for the remainder of week, on account of annual visit of Board of Visitors to the Air Force Academy at Colorado Springs, Colo.

Mr. DENT (at the request of Mr. ALBERT), for today and tomorrow, on account of illness.

Mr. BREWSTER (at the request of Mr. GARMATZ), for the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. LINDSAY (at the request of Mr. CHAMBERLAIN), for 15 minutes, on tomorrow.

Mr. BROCK (at the request of Mr. STRATTON), for 10 minutes, on tomorrow.

Mr. FLOOD (at the request of Mr. STRATTON), for 10 minutes, today, and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. BOW.

(At the request of Mr. CHAMBERLAIN, and to include extraneous matter, the following:)

Mrs. MAY.
Mr. BOSCH.
Mr. CRAMER.
Mr. WESTLAND.

(At the request of Mr. STRATTON, and to include extraneous matter, the following:)

Mr. RODINO.
Mr. ANFUSO in two instances.
Mr. CELLER in two instances.
Mr. HOGAN.
Mr. IRWIN.

ENROLLED BILL SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2310. An act for the relief of Hoo W. Yuey and his dependent children.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 231. An act for the relief of Patricia Crouse Bredee.

ADJOURNMENT

Mr. STRATTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 42 minutes p.m.) the House adjourned until tomorrow, Thursday, April 7, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2032. A communication from the President of the United States, transmitting amendments to the budget for the fiscal year 1961 involving a decrease in the amount for the Federal Aviation Agency and a decrease in the amount for civil functions of the Department of the Army (H. Doc. No. 371); to the Committee on Appropriations and ordered to be printed.

2033. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation, entitled "A bill to include certain officers and employees of the U.S. Department of Agriculture within the provisions of the United States Code relating to assaults upon, and homicide of, certain officers and employees of the United States as constituting a crime"; to the Committee on the Judiciary.

2034. A letter from the President, Board of Commissioners of the District of Columbia, transmitting a draft of proposed legislation, entitled "A bill to provide for the restoration to the United States of amounts expended in the District of Columbia in carrying out the Temporary Unemployment Compensation Act of 1958"; to the Committee on the District of Columbia.

2035. A letter from the President, Board of Commissioners, of the District of Columbia, transmitting a list of institutions or organizations whose real property in the District of Columbia was specifically exempted from taxation by special acts of Congress in force at the time of passage of Public Law 846, 77th Congress, and use made of such specifically exempt property in the calendar year 1957; to the Committee on the District of Columbia.

2036. A letter from the President, Board of Commissioners, of the District of Columbia, transmitting copies of reports of every institution, organization, corporation, or association other than the U.S. Government, Government of the District of Columbia, and foreign governments, owning property exempt from taxation in the District of Columbia under provisions of Public Law 846, 77th Congress; to the Committee on the District of Columbia.

2037. A letter from the Secretary of the Interior, transmitting a certified copy of House Concurrent Resolution No. 27, adopted by the Legislature of the Territory of American Samoa, November 9 to 16, 1959, requesting the Congress of the United States of America to enact organic legislation establishing a civil government for American Samoa; to the Committee on Interior and Insular Affairs.

2038. A letter from the Under Secretary of the Interior, transmitting an application for a loan to the South Sutter Water District, in Sutter County, Calif., under the provisions of the Small Reclamation Projects Act of 1956 (August 6, 1956, 70 Stat. 1044, as amended June 5, 1957, 71 Stat. 48), pursuant to section 4(c) of the act as amended; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COLMER: Committee on Rules. House Resolution 497. Resolution for consideration of H.R. 10474. A bill to authorize the construction of modern naval vessels; without amendment (Rept. No. 1456). Referred to the House Calendar.

Mr. DAWSON: Committee on Government Operations. H.R. 9983. A bill to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments; without amendment (Rept. No. 1457). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. S. 899. An act to provide for the discontinuance of certain reports now required by law; with amendment (Rept. 1458). Referred to the Committee of the Whole House on the State of the Union.

Mr. FORRESTER: Committee on the Judiciary. Senate Joint Resolution 61. Joint resolution to amend Public Law 305 of the 85th Congress relative to the establishment of a commission to commemorate the 100th anniversary of the Civil War, to authorize the manufacture and sale of a Civil War Centennial Medal; with amendment (Rept. No. 1459). Referred to the Committee of the Whole House on the State of the Union.

Mr. RODINO: Committee on the Judiciary. House Joint Resolution 598. Joint resolution to extend the time for filing of the final report of the Lincoln Sesquicentennial Commission; without amendment (Rept. No. 1460). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LANE: Committee on the Judiciary. H.R. 9071. A bill for the relief of the Houston Belt & Terminal Railway Co.; without amendment (Rept. No. 1453). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 9752. A bill for the relief of K. J. McIver; without amendment (Rept. No. 1454). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 11388. A bill for the relief of Dr. Henry H. Cohan; without amendment (Rept No. 1455). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BAKER:

H.R. 11584. A bill to amend the Internal Revenue Code of 1954 to impose import taxes on lead and zinc; to the Committee on Ways and Means.

By Mr. ANDERSEN of Minnesota:

H.R. 11585. A bill authorizing the construction of certain improvements in the interest of flood control and allied purposes on the Redwood River at Marshall, Minn.; to the Committee on Public Works.

By Mr. BALDWIN:

H.R. 11586. A bill to amend section 4 of the Watershed Protection and Flood Prevention Act; to the Committee on Agriculture.

By Mr. BETTS:

H.R. 11587. A bill to amend the Internal Revenue Code of 1954 to exclude tips from the compensation taken into account for purposes of the Federal Insurance Contributions Act, the Federal Unemployment Tax Act, and the collection of income tax, at source on wages and to include tips for purposes of determining self-employment income; to the Committee on Ways and Means.

By Mr. BYRNES of Wisconsin:

H.R. 11588. A bill to regulate the labeling of hazardous substances for nonmanufacturing purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CELLER (by request):

H.R. 11589. A bill to amend chapter 223 of title 18 of the United States Code to authorize certain communications to be intercepted in compliance with State law, and for other purposes; to the Committee on the Judiciary.

By Mr. CRAMER:

H.R. 11590. A bill to amend section 1461 of title 18 of the United States Code with respect to the mailing of obscene matter, and for other purposes; to the Committee on the Judiciary.

By Mr. DINGELL:

H.R. 11591. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DULSKI:

H.R. 11592. A bill to name the Veterans' Administration hospital at 3495 Bailey Avenue, Buffalo, N.Y., the General William J. Donovan Veterans' Hospital; to the Committee on Veterans' Affairs.

By Mr. FASCELL:

H.R. 11593. A bill to provide for the appointment of two additional judges for the fifth circuit, and two additional judges for the southern district of Florida; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 11594. A bill to extend the unemployment compensation program to employees of certain nonprofit organizations; to the Committee on Ways and Means.

By Mr. FOLEY:

H.R. 11595. A bill to equalize increases in annuity for certain employees retired before October 1, 1956, under the Civil Service Retirement Act of May 29, 1930, with the annuities of other employees; to the Committee on Post Office and Civil Service.

H.R. 11596. A bill to increase annuities payable to certain annuitants from the District of Columbia teachers' retirement and annuity fund; to the Committee on the District of Columbia.

H.R. 11597. A bill to amend and extend the benefits of the act of May 29, 1944, as amended, entitled "An act to provide for the recognition of the services of the civilian officials and employees, citizens of the United States, engaged in and about the construction of the Panama Canal," to certain additional civilians and employees; to the Committee on Merchant Marine and Fisheries.

By Mr. FRIEDEL:

H.R. 11598. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. GALLAGHER:

H.R. 11599. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. INOUYE:

H.R. 11600. A bill to amend the Federal Flood Insurance Act of 1956 to provide insurance against volcanic eruption damage; to the Committee on Banking and Currency.

H.R. 11601. A bill to provide for a study by the Secretary of the Army of the feasibility of constructing certain works to protect lives and property from lava flows; to the Committee on Public Works.

H.R. 11602. A bill to amend certain laws of the United States in light of the admission of the State of Hawaii into the Union, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. JACKSON:

H.R. 11603. A bill to readjust postal rates, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KASEM:

H.R. 11604. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KEARNS:

H.R. 11605. A bill relating to the denial of exemption from income tax in the case of certain charitable trusts and corporations; to the Committee on Ways and Means.

By Mr. McFALL:

H.R. 11606. A bill to amend the Internal Revenue Code of 1954 to permit the deduction of irrigation and other water district assessments; to the Committee on Ways and Means.

H.R. 11607. A bill to provide that the Secretary of Agriculture shall reimburse the occupants of certain cottage sites within the Stanislaus National Forest, Calif., for the cost of moving improvements on such lots to new sites or for the fair market value of such improvements; to the Committee on Agriculture.

By Mr. McGINLEY:

H.R. 11608. A bill to change the method of payment of Federal aid to State or territorial homes for the support of disabled soldiers, sailors, airmen, and marines of the United States; to the Committee on Veterans' Affairs.

By Mr. McGOVERN:

H.R. 11609. A bill to broaden the provisions of law governing the distribution of our surplus agricultural commodities to the needy in foreign nations; to the Committee on Agriculture.

H.R. 11610. A bill to extend the veterans' home loan program to February 1, 1965; to provide for direct loans to veterans in areas where housing credit is otherwise not generally available; and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. MAY (by request):

H.R. 11611. A bill to authorize the Secretary of the Interior to establish, in the State of Washington, an institution for the care, custody, and education of certain juvenile dependents and delinquents; to the Committee on Interior and Insular Affairs.

H.R. 11612. A bill to amend the act entitled "An act to authorize the purchase, sale, and exchange of certain Indian lands on the Yakima Indian Reservation, and for other purposes", approved July 28, 1955; to the Committee on Interior and Insular Affairs.

H.R. 11613. A bill to authorize the Secretary of the Interior to make loans to the Yakima Tribes of Indians of the State of Washington for the purpose of purchasing Indian lands; to the Committee on Interior and Insular Affairs.

H.R. 11614. A bill to amend the act entitled "An act to transfer the maintenance and operation of hospital and health facilities for Indians to the Public Health Service, and for other purposes", approved August 5, 1954; to the Committee on Interstate and Foreign Commerce.

By Mr. CLEM MILLER:

H.R. 11615. A bill to amend section 4 of the Watershed Protection and Flood Prevention Act; to the Committee on Agriculture.

By Mr. GEORGE P. MILLER:

H.R. 11616. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. GIAIMO:

H.R. 11617. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. MOELLER:

H.R. 11618. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MONTOYA:

H.R. 11619. A bill to amend section 5001 of title 38, United States Code, to provide for the establishment of domiciliary facilities in each State for the care of war veterans; to the Committee on Veterans' Affairs.

H.R. 11620. A bill to provide for the issuance of a special series of stamps in commemoration of the 100th anniversary of the continuous displaying of the flag of the United States over the Taos Plaza in the town of Taos, N. Mex.; to the Committee on Post Office and Civil Service.

By Mr. MORRIS of New Mexico:

H.R. 11621. A bill to provide for the issuance of a special series of stamps in commemoration of the 100th anniversary of the continuous displaying of the flag of the United States over the Taos Plaza in the town of Taos, N. Mex.; to the Committee on Post Office and Civil Service.

By Mr. MOULDER:

H.R. 11622. A bill to amend the Internal Revenue Code of 1954 to deny any deduction for advertising which is not designed to promote the sale of goods or services; to the Committee on Ways and Means.

H.R. 11623. A bill to amend the Federal Power Act so as to prohibit the Federal Power Commission from treating propaganda advertising, lobbying, and other political expenditures as operating expenses in computing rates and charges by licensees and public utilities; to require licensees and public utilities to report such expenditures; and to require the Commission to investigate and report upon such expenditures by licensees and public utilities; to the Committee on Interstate and Foreign Commerce.

By Mr. OLIVER:

H.R. 11624. A bill to provide for the conveyance to the State of Maine of certain lands located in said States; to the Committee on Armed Services.

By Mr. RABAUT:

H.R. 11625. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SAUND:

H.R. 11626. A bill to authorize the classification, segregation, and disposal of public lands chiefly valuable for urban purposes; to the Committee on Interior and Insular Affairs.

By Mr. UDALL:

H.R. 11627. A bill to amend the act of April 19, 1950 (64 Stat. 44; 25 U.S.C. 635) to better promote the rehabilitation of the Navajo and Hopi Tribes of Indians, and for other purposes; to the Committee on Interior and Insular Affairs

By Mr. WALTER:

H.R. 11628. A bill to amend the Subversive Activities Control Act of 1950 so as to provide that any Federal officer or employee who willfully fails or refuses to answer, or falsely answers, certain questions relating to Communist activities, when summoned to appear before certain Federal agencies, shall be removed from his office or employment; to the Committee on Un-American Activities.

By Mr. BOGGS:

H.J. Res. 674. Joint resolution to provide for the designation of June 4, 1960, as Louisiana State University Centennial Day; to the Committee on the Judiciary.

By Mr. CARNAHAN:

H.J. Res. 675. Joint resolution providing for the establishment of an annual Youth Appreciation and Honor Week; to the Committee on the Judiciary.

By Mr. LIBONATI:

H.J. Res. 676. Joint resolution to designate the Veterans' Administration hospital at Chicago, Ill., as the A. A. Sprague Memorial Veterans Hospital; to the Committee on Veterans' Affairs.

By Mr. MAILLIARD:

H.J. Res. 677. Joint resolution authorizing and requesting the President to issue a proclamation with respect to the 1960 Pacific Festival, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SHORT:

H. Con. Res. 655. Concurrent resolution requesting the President of the United States to issue a proclamation designating 1961 as the year of the Dakota Territory Centennial; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BALDWIN:

H.R. 11629. A bill for the relief of Maria Luisa Furtado Cardoss; to the Committee on the Judiciary.

By Mr. BOLAND:

H.R. 11630. A bill for the relief of Casimir Lazarz; to the Committee on the Judiciary.

By Mr. CORBETT:

H.R. 11631. A bill for the relief of Mrs. P. Gabor; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 11632. A bill for the relief of George A. McDermot; to the Committee on the Judiciary.

By Mr. FLOOD:

H.R. 11633. A bill for the relief of Bela Gittel Segal; to the Committee on the Judiciary.

By Mr. FRIEDEL:
H.R. 11634. A bill for the relief of Kwong Fuk Lum; to the Committee on the Judiciary.

By Mrs. KEE:
H.R. 11635. A bill for the relief of Michael H. Dugan; to the Committee on the Judiciary.

By Mr. KILGORE:
H.R. 11636. A bill for the relief of Jesus Garza Lopez; to the Committee on the Judiciary.
H.R. 11637. A bill for the relief of Justo Sanches Resendes; to the Committee on the Judiciary.

By Mr. McDONOUGH:
H.R. 11638. A bill to authorize Otto K. Olesen, the postmaster of the U.S. post office at Los Angeles, Calif., to accept and wear the decoration tendered him by the Government of the Kingdom of Denmark; to the Committee on Foreign Affairs.

By Mr. MARTIN:
H.R. 11639. A bill for the relief of Mrs. Asuncion Y. Colvin; to the Committee on the Judiciary.

By Mr. MONAGAN:
H.R. 11640. A bill for the relief of Guerino Venditti; to the Committee on the Judiciary.

By Mrs. ST. GEORGE:
H.R. 11641. A bill for the relief of Mario L. Minichini; to the Committee on the Judiciary.

By Mr. SANTANGELO:
H.R. 11642. A bill for the relief of Aleksandra Rudnicka; to the Committee on the Judiciary.

By Mr. YATES (by request):
H.R. 11643. A bill for the relief of Hugo Anderson; to the Committee on the Judiciary.

By Mr. WALTER:
H.J. Res. 678. Joint resolution relating to the entry of certain aliens; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

410. Mr. IRWIN presented a petition of the American Legion of Connecticut relative to the U.S. Coast Guard Academy at New London, Conn.; which was referred to the Committee on Merchant Marine and Fisheries.

EXTENSIONS OF REMARKS

Saline Water Program Is Progressing Rapidly

EXTENSION OF REMARKS
OF
HON. JACK WESTLAND
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 1960

Mr. WESTLAND. Mr. Speaker, as a member of the House Committee on Interior and Insular Affairs, I have watched the progress of the Office of Saline Water with great interest and I am pleased with its efforts. There are, however, those who have expressed disappointment at the progress of the saline water conversion program. This disappointment is based on a misconception of the facts, because the program is progressing rather rapidly.

Public Law 85–883 became effective September 2, 1958. In essence it called for the establishing of five different processes at 3-month intervals beginning March 2, 1960.

The processes have been selected and were announced on or ahead of the schedule established by the Congress. The law further requires that the construction of the demonstration plants were subject to the following conditions:

Three were to be for the conversion of sea water. Two plants so designed must have a capacity of not less than 1 million gallons a day. In addition not less than two plants were required for treatment of brackish water and one of these must have a capacity of not less than 250,000 gallons a day.

Mr. Speaker, bids will be opened for the first plant in May of this year. This plant will be constructed at Freeport, Tex. Bids for the second and third plants in all probability will be opened in July if appropriations are available. The specifications and designs are being studied for the fourth plant at Roswell, N. Mex.

The Site Selection Board will meet April 28 and 29 to determine the location of the fifth plant, which will be a freezing process on the east coast.

Dr. A. L. Miller, Director of the Office of Saline Water, has informed me that a pilot plant at Harbor Island, N.C., has been used to develop the process on sea water. A conference of prospective bidders is scheduled at the test site April 11, 1960, to witness completion of a test. Engineers will be on hand to answer questions that might be posed by the prospective bidders.

Mr. Speaker, these facts indicate that the program is off the ground and is moving forward. I believe Dr. Miller, his staff, and the Office of Saline Water are doing a commendable job.

The Milan Trade Fair—A Showcase for Free Enterprise

EXTENSION OF REMARKS
OF
HON. VICTOR L. ANFUSO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 1960

Mr. ANFUSO. Mr. Speaker, with the growing recognition in the United States of international trade fairs abroad as one of the most important showcases in which to present the story and the products of our system of free enterprise, I should like to call to the attention of my colleagues the opening in Italy on April 12 of the largest international agricultural, industrial and commercial fair in the world—the 38th International Milan Trade Fair.

The fairgrounds, utilizing nearly 4½ million square feet and containing 47 miles of display frontage, is situated in the center of the city of Milan, the geographical center of the European Common Market. From April 12 until the 27th, 13,500 exhibitors will show more than 1 million products made in 120 countries and territories in North and South America, Asia, Africa, the Middle East, and Europe to the expected record attendance of 4,350,000 persons.

Among the 33 national pavilions at the fair will be those of the Soviet Union and the U.S. Government. In addition to our official exhibit, there will be exhibited independently the products of 550 large and small U.S. companies. I am informed that advance registration at the fair indicates a greater U.S. attendance than ever before because of the growing interest in our country of the needs for the enhancement of economic well-being, both here and abroad, through foreign trade and investment in all the areas of the world which are represented at the fair.

This year the permanent fairgrounds have been enlarged and five complete new international expositions have been added. A vast new agricultural pavilion, covering a total area of nearly 200,000 square feet, is bringing into one integrated exposition all exhibits related to farm machinery and farm products of all types. In addition, the hall devoted to nuclear power applications in industry, opened last year, has been enlarged.

Exhibits at the 1960 fair will cover 120 product classifications. They will be arranged in eight main groups of displays, each one almost a complete international exposition in itself. These main sections of the fair include:

Agricultural produce and equipment; industrial and agricultural chemicals and related equipment; construction materials and machinery; manufacturing machinery, equipment and materials, and office equipment; electrical, electronic, and optical products; aircraft, marine, and automotive products, equipment, and supplies; consumer goods, including household appliances and furnishings, textiles and apparel, and sporting goods; national pavilions of the many governments officially participating, including the United States and the U.S.S.R.

Products on exhibit will range in size from housewives' needles to the largest construction and manufacturing machinery and will include light and heavy industrial and agricultural equipment and products, photographic equipment and supplies, automobiles, aircraft, boats, furniture, printing machinery, hotel supplies, oil country goods, raw materials, office supplies, nuclear power equipment, paints, toys, highway, and homebuilding machinery and materials, engineering goods, machine tools, textile machinery, foods and beverages, glassware and ceramics, plastics, refrigerating equipment, radio and television equipment, lumber products, farm machinery, motion picture equipment, livestock, pharmaceuticals and veterinary supplies, and virtually all other types of products from all parts of the world.

One of the unusual aspects of the Milan Fair is that throughout the 2 weeks' exposition, economic, technical, and trade discussions and conferences are held to enable both government officials and business executives from all over the world to meet and discuss their problems and to explore ways by which they might increase trade, commerce and investment between their countries. I commend the American businessmen who will take part in this truly fine vehicle for international collaboration and hope that their number will continue to grow.

Joseph M. Healey, Mayor of Kearny

EXTENSION OF REMARKS
OF
HON. PETER W. RODINO, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 1960

Mr. RODINO. Mr. Speaker, on Saturday, April 9, the Wilson-Gugelman Post No. 1302, Veterans of Foreign Wars, will award the VFW citizenship medal to an outstanding citizen of the community. This is the first time in its 35-year history that the Wilson-Gugelman Post has made such an award, and they have chosen as the first recipient, Joseph W. Healey, mayor of Kearny.

In announcing their award to Mayor Healey the post wrote:

> The example you have set to all men has been the inspiration of this award. With your energy, high morality, and sense of neighborhood and public responsibility, you have brought to Kearny, the State, and the Nation a new kind of citizenship. Times like these require men of strong minds, stout hearts, true faith, and ready hands. These you have provided and we of the Veterans of Foreign Wars honor you for this.

I can personally attest that this is a well deserved tribute. Mayor Healey's background as a public servant, his outstanding and unselfish contributions to civic and community affairs, and his significant record of personal accomplishment make him a most worthy candidate for this high commendation. Indeed, I can think of no one who is more worthy, or more deserving; Mayor Healey has been aptly named as the outstanding citizen in the community.

As a close and personal friend of Joe Healey, and as one who has been in close association with him in community affairs, I well know his dedication and devotion to public service. I know how deeply interested he is in the welfare of the people—all of the people and each of them individually. I do not believe there is anyone in public office who has a better or more dedicated understanding of his community's needs and problems. He has given of himself unsparingly and tirelessly for the good of the people.

I therefore join in this salute to Joseph M. Healey, a great mayor and an outstanding public servant and citizen. In my opinion the Wilson-Gugelman Post made an inspired choice by designating Joe Healey as the outstanding citizen in the community.

Obscene Literature

EXTENSION OF REMARKS
OF
HON. WILLIAM C. CRAMER
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 1960

Mr. CRAMER. Mr. Speaker, some progress has been made in the all-out clashing struggle against the nationwide peddlers of filth, but the battle is far from over. Lewd material is still being sent into millions of American homes despite all that local law enforcement agencies, the Post Office Department, and the Department of Justice have been able to do. This business of trafficking lewd material is estimated as being in excess of a half billion dollars annually.

Today I have introduced a bill, H.R. 11590, which deals specifically with section 1461 of title 18 of the United States Code. That section provides a criminal penalty for use of the mails to sell and distribute obscene literature and medicines and devices designed to prevent conception or produce abortion. So far as it goes, the present statute is entirely commendable. However, the paragraph pertaining to obscene literature has proved to be entirely inadequate. Accordingly, while my bill would retain and preserve the other paragraphs of section 1461, it would drastically amend and greatly strengthen the obscene literature paragraph. In so doing, it treats the problem in four separate parts:

First. The first part concerns the mailing of obscene literature to school children and other children under the age of 19 years.

Second. The second part concerns all persons other than such children.

Third. The third part concerns those who use the mails for transporting obscene literature to middlemen or retailers for further circulation or disposition.

Fourth. The fourth part applies to those who receive the literature from the mails for such future circulation or distribution.

While my bill effectively covers every link in the filthy chain of depraved smut merchants who employ the U.S. mails as the vehicle for their despicable trade, it also maintains the "continuing offense" concept whereby violators can be prosecuted either, first, in the judicial district in which the obscene literature was deposited in the mails, second, in any judicial district through which the mails passed, or, third, in the judicial district where the literature was delivered. This is the concept which Congress originally wrote into section 3237 of title 18, but which the 1958 Supreme Court decision, in the case of United States against Ross, repealed. The concept was revived and refortified in the last Congress, with the enactment of legislation similar to my bill, H.R. 11185, which became Public Law 85–796.

One of the most important features of my bill is its more comprehensive and more specific definition of obscene matter. It includes not only literature, but any article, matter, thing, device, or substance of any kind which would suggest, induce, arouse, incite, or cause, directly or indirectly, first, lewd, libidinous, lustful, indecent, obscene, immoral, or depraved thoughts, desires, or acts; second, the use of such things for any illegal purposes or in any illegal manner, or third, cause a corruptive, depraved, or immoral effect.

The argument might be espoused that this definition is too broad and overly restrictive and might outlaw the use of the mails for the transportation of certain legitimate medicines and devices. However, my bill contains a saving clause which exempts such mailing for bona fide medical, educational, and research purposes.

There is also the argument that there is no statutory test to apply to the interpretation of the definition of obscenity. However, my bill does contain such a test, one which grew up with the formulation of common law and case law, viz, the so-called "reasonable man" test. There can be no conviction and no penalty under this bill unless the literature or device in question is obscene "in the opinion of the normal, reasonable and prudent individual."

There are those who would contend that this legislation would make the Government an arbitrary censor and would violate the freedom of the press and speech clause of the Constitution. Such an argument is entirely without foundation. With respect to censorship, the Supreme Court has frequently interpreted the first amendment, and Mr. Justice Murphy in 1942 said, Chaplinsky against New Hampshire:

> There are certain well-defined • • • classes of speech, the prevention and punishment of which have never been thought to raise any constitutional problem. These include the lewd and obscene • • • which by their very utterance inflict injury or tend to incite an immediate breach of the peace.

This, of course, applies with equal force to the publication of obscene ideas and speech or pictures.

My bill provides a penalty of $5,000 or 5 years' imprisonment, or both, for the first offense and $10,000 or 5 years, or both, for each subsequent offense under this new subsection. The records of the Post Office Department disclose repeated convictions of the same violators operating under assumed names, aliases or different trade names. These indecent people follow the practice of incorporating their "businesses" under the laws of their State of domicile. As soon as the corporation is convicted, they simply dissolve the corporation and form a new one. The penalty provisions of my bill would constitute a substantial deterrent and a just punishment.

I have praise only for the postal authorities and the enforcement officers of the Justice Department—they have done a good job with the tools they have. However, they need more tools and better tools. I sincerely believe those tools have been forged in my bill—possibly they need more polishing and sharpening, but it is up to the Congress to finish the task, and, I urgently feel, should proceed to do so immediately. We have here something of paramount national interest. Every year, a horde of criminals, using the mails as a vehicle of extortion, fleece thousands of our people of millions of dollars with a variety of fraudulent schemes which defy the ingenuity of the honest man. We cannot afford it, and as a moral matter we cannot tolerate it. We must stop the flow of obscenity.

Airline Competition

EXTENSION OF REMARKS
OF
HON. EMANUEL CELLER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 1960

Mr. CELLER. Mr. Speaker, historically, my interest has been focused on business activities or Government flats which lead to the creation of a monopoly. Except in the case of certain public utilities, where the best interests of the subscriber are served by having a single company provide a service, I am militantly against procedures and practices which offer no competition.

As a consequence I registered my opposition several months ago when an examiner for the Civil Aeronautics Board came forth with the shocking suggestion that one airline be given a monopoly between the Pacific Northwest and Hawaii.

At a time when New York and other east coast cities are seeking direct air routes to the Orient it seemed inconceivable that the CAB would consider curtailing an existing service that had been operational for 12 years and which was being flown for the first time by long-range jet aircraft.

New York and the east coast are now within 14 hours of Tokyo. New jet aircraft, already operating and on order, can whisk a traveler from Idlewild Airport nonstop to one of a couple of Alaskan cities and, after refueling, again nonstop to Tokyo.

The CAB's overwhelming reversal of the examiner's recommendations is very gratifying. Every Board member participating concluded that public convenience and necessity, plus continuing the CAB's historic concept of competition, are best served by continuing both Pan American and Northwest on the route between Seattle and Portland and Honolulu. And by putting each carrier on a permanent instead of temporary basis, the Board supplied them with additional incentive to invest in new equipment and to make long-range plans for making their respective services even more attractive to the traveling public.

Standstill at Geneva

EXTENSION OF REMARKS
OF
HON. ALEXANDER WILEY
OF WISCONSIN
IN THE SENATE OF THE UNITED STATES
Wednesday, April 6, 1960

Mr. WILEY. Mr. President, around the globe, one of the major challenges that continues to confront all peoples and nations is finding a way to reduce tensions and conflicts of interest and prevent—if at all possible—a third world war.

A major task, of course, is to find a way to reduce armaments. The purpose, of course, would be twofold: First, to reduce the risk of war; and, second, to lift the heavy burden of costly armaments programs from the backs of people all over the earth.

At Geneva, the Western Powers have been striving diligently—and realistically, I believe—to get agreement on proposals for step-by-step reductions in armaments.

Unfortunately, the Communists continue to put forward the old ruses—behind deceptive facades—of getting the Western Powers committed to reduction of armaments. At the same time, they, themselves, would be free—if deceptively so—to possibly develop a secret striking power that could be utilized to attempt to intimidate, or overpower, the West.

As we know, the major obstructionist Communist tactic has been that of refusing to agree to any realistic method of inspection. Without such safeguards, the history of Communist treaty-breaking provides sufficient evidence to conclude that any agreement would be worthless and futile—more than that, dangerous.

The Communists also have raised the issue of U.S. bases around the periphery of the Communist bloc.

We can understand, of course, their interest in reducing our capability for preventing Communist aggression—and providing them greater opportunity to play power politics.

However, their demands for evacuating our bases, I believe, would receive more favorable consideration if the Soviets offered to release the so-called satellite nations from the iron grip of Moscow, pull out troops, and allow these nations the right of self-determination; and, in addition, if they offered to encourage their "partner in conspiracy," Red China, to relinquish its tyrannical hold on Tibet.

From long years of experience, however, we have learned that deceptive tactics are part and parcel of the Communist policy designed to make the road to realistic disarmament as difficult as possible. If possible, they would lure the Western Powers into the trap of disarming, while they, themselves, would be free to further develop military prowess to use for support of Communist policy, for blackmail, and for outright aggression.

We can expect, of course, that the Communists will continue to follow these tactics. We must be careful not to fall prey to them.

Realizing the great issues involved, however, we must patiently—but firmly—continue our efforts to find solid grounds for safeguarded agreements that will not only lead toward ultimate reduction of armaments, but also, the lessening of conflicts in other fields of interest.

Yesterday, the New York Times published an informative editorial on the situation entitled "Standstill at Geneva." Reflecting on this very serious world problem, I ask unanimous consent to have the editorial printed in the CONGRESSIONAL RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

STANDSTILL AT GENEVA

At Geneva yesterday Soviet Delegate Zorin rejected the Western plan for a balanced and controlled step-by-step approach to general disarmament. He also ruled out any progress at the Conference unless the West first accepts as a basis of negotiation Premier Khrushchev's plan for total disarmament in 4 years—this to be accomplished prior to effective controls and without any international police to keep the peace. Mr. Zorin continued to pay lipservice to controls, but refused to answer Western queries as to what he meant by them; and by accusing the West of trying to avoid disarmament by "endless talk" on control he indicated that once the Soviets obtain a blank check on Western disarmament they would do the "endless talking" on control without making it effective.

The Soviet delegate conceded that even the Khrushchev plan provides for the alternative of partial disarmament measures. But he served notice that he would consent to talk about such measures only if the West first puts itself on record as rejecting total disarmament, envisaged in the Western plan as the final goal.

In keeping with this stand, but also for another propaganda purpose, the Soviet delegate also rejected the American proposal for an immediate and easily controlled ban on nuclear space vehicles unless the United States simultaneously abandons all of its oversea bases—that is, gets out of Europe, Asia, and Africa. He charged that a ban on nuclear space vehicles would deprive the Soviets of weapons in which they were "superior." And he distorted the issue by ignoring the fact that, while the Soviets hold all Eastern Europe as a military base, the American bases abroad are there under collective defense agreements with the host countries, for their own protection as well as ours, and that they are abandoned whenever the host country believes that it can get along without them, as in the case of Morocco.

All this may be merely preparation for the summit meeting. But it has dimmed the hope of any early progress at Geneva.

Questionnaire Results Revealing

EXTENSION OF REMARKS
OF
HON. CATHERINE MAY
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 1960

Mrs. MAY. Mr. Speaker, during the months of January and February of this year, I sent a questionnaire into each of approximately 83,000 homes in the Fourth Congressional District of the State of Washington, so that I might be as fully informed as possible as to the views of my constituents on a number of vital issues which currently face the Congress. Thirteen thousand two hundred and four questionnaires were returned to me in time to be included in the tabulation, made by an independent statistical firm after my study of the individual views of the many persons who are taking an active interest in affairs of their Federal Government.

Because I feel that the views of my constituents are most revealing, I am placing the tabulated results in the CONGRESSIONAL RECORD so that all Members of Congress may have the opportunity to study the answers I received to the eight questions asked.

First, I would like to announce that nearly 9 out of 10 adults who live in the 12 counties of the Fourth Congressional District of the State of Washington agree with President Eisenhower's pay-as-you-go emphasis in balancing the Federal budget. These same residents are nearly as decisive that the Federal Government should stay out of subsidizing teachers' salaries, and have indicated, nearly 2 to 1, that medical expenses should not be included in the Social Security Act.

Other results of my questionnaire show that the vast majority feel that Communist China should not be seated in the United Nations, and that the Federal Government should assume more leadership in the juvenile delinquency problem. The majority of those who returned the questionnaire would rather not see an overall minimum wage of $1.25 an hour.

In a two-part question regarding choice of legislation to help solve the farm surplus problem, the questionnaire reveals that 79.6 percent favor a gradual reduction in Government controls and gradual removal of price supports. In this regard, I feel that it should be pointed out that my district is not a heavily populated urban area, but, rather, an agricultural district of 12 counties heavily dependent upon an agricultural economy.

The complete tabulation is as follows:

Questionnaire results

[In percent]

Questions	Yes	No	No opinion
1. Do you agree with the President's pay-as-you-go emphasis on having a balanced budget?	87.2	6.3	6.5
2. Do you feel the Federal Government should provide grants to States to meet school construction needs?	36.8	56.2	7.0
3. Do you favor continued reliance on local and State support for teachers' salaries, rather than Federal grants for this purpose?	77.8	16.6	5.6
4. Do you favor a Federal minimum wage law making it mandatory to pay workers in all classifications (business, farm, industry, etc.) $1.25 an hour?	42.3	50.1	7.6
5. Do you think that Communist China should be seated in the U.N.?	15.3	72.6	12.1
6. To help solve the farm surplus problem, would you—			
A. Favor strict production controls with price supports fixed at flexible levels from 0 to 90 percent of parity?	13.2	49.5	37.3
B. Favor a gradual reduction in Government controls on farm commodities with a resultant gradual removal of price supports on crops, including wheat?	79.6	7.7	12.7
7. Are you in favor of amending the Social Security Act to include medical expenses, the increased cost to be paid by additional contributions by employees and employers?	33.4	60.1	6.5
8. Do you feel the Federal Government should assume more leadership in the juvenile delinquency problem by urging stronger local and State laws dealing with youthful offenders?	64.1	27.8	8.1

I would also like to point out, Mr. Speaker, that, in addition to providing me with the information just given, three out of five persons who returned the questionnaires took the time to enlarge upon their answers or to give me their thinking on other issues and problems.

I am glad to make the tabulation of results available to all Members of Congress for their personal study.

The Census

EXTENSION OF REMARKS
OF
HON. ALBERT H. BOSCH
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 1960

Mr. BOSCH. Mr. Speaker, I have had several constituents discuss with me the question of the census and they were somewhat concerned that in some instances immediate neighbors are enumerators and that the information disclosed, while not of an incriminating nature, is in the form of disclosure of personal information which the citizen would like to feel is not the subject of common knowledge or information. It was suggested that in connection with this the individual citizen might, at his option, provide and forward to the Secretary of Commerce in Washington, D.C., the information required of him in connection with the census without disclosing such information or surrendering any report or return to the enumerator.

Therefore, at the request of these citizens of my area who have evidenced this concern, I have today introduced legislation which would permit the citizen to forward the information directly to the Census Bureau. The regulations to carry out the above could be prescribed by the Census Bureau in the form of an affidavit certifying to the date when the required information was mailed to the Census Bureau, this affidavit to be surrendered to the enumerator.

Democrats or Campocrats in Puerto Rico?

EXTENSION OF REMARKS
OF
HON. VICTOR L. ANFUSO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 1960

Mr. ANFUSO. Mr. Speaker, in the RECORD of March 29, I had a statement pertaining to the Democratic Party of Puerto Rico. That statement was prompted by the fact that on March 19 that party had been officially registered for the first time in the history of Puerto Rico and that it would actively participate in local elections next November. The chairman of the Democratic Party there is my good friend Jose A. Benitez.

It seems that certain powerful elements in Puerto Rico are not particularly anxious to have a growing and active Democratic Party on the island, particularly one that advocates strong ties with the Democratic Party on the mainland. The result is that a controversy has been cooked up and a splinter group formed under the leadership of one Enrique Campos del Toro, and his followers are now known as Campocrats. It is no secret, however, throughout Puerto Rico that the real force behind Campos is Gov. Luis Muñoz-Marín who is not very anxious to have a live and vibrant Democratic Party there which supports statehood.

In its issue of March 29, 1960, the San Juan Star published an article under the title "Democratic Birthright Sold?" The last two paragraphs of that article read as follows:

A Democratic withdrawal from insular elections leaves a clear field for the GOP, and Governor Muñoz frantically claims that the Republican White House is intervening here already.

If Puerto Rico wins statehood, on the shoulders of the GOP, island Congressmen will be Republicans despite the normal Democratic preference of Puerto Ricans.

The significance of the views expressed in the above Puerto Rican newspaper should not escape the Democratic Party and Democratic leaders in the United States. Governor Muñoz, Mr. Campos, and their followers, in their blind opposition to statehood for Puerto Rico, will drive the overwhelming majority of the Puerto Rican people into the arms of the Republican Party. Despite all that the Democratic Party and past Democratic administrations in Washington have done for Puerto Rico, it should be clearly understood that if statehood ever comes to the island it will be the Republican Party that will receive all the credit for achieving it. And for that we shall

later have to thank Governor Muñoz and his friends.

The efforts of the Democratic Party to aid the people of Puerto Rico achieve self-government is a matter of record, which dates from the 1930's during the administration of President Franklin D. Roosevelt. These efforts were continued under the administration of President Harry S. Truman who in 1946 appointed Jesus T. Pinero as Governor of the island, the first Puerto Rican to be named to this office. Various reforms followed in subsequent years, culminating in the adoption of Public Law 600 by the U.S. Congress on June 4, 1951, establishing the Commonwealth of Puerto Rico. I vividly recall that action in Congress for I was then a freshman Member of the House and I voted for that act.

All that good will that had been built up over the years by the Democratic Party is now in danger of being dissipated, because of the divisive and frustrating action taken by the Campos group. Their convention was illegal since it was not officially called by the Democratic Party of Puerto Rico. They are only a rump group which is not interested in building a Democratic Party on the island. They will function on paper only, and their primary purpose will be to maintain status quo and to keep others from doing anything worth while.

The ones who will suffer will be the Democratic Party, in Puerto Rico and on the mainland. But not only will the Democrats be hurt, the Republican Party too will suffer because the Muñoz tactics are actually antistatehood maneuvers and the perpetuation of the present system and leadership of government.

Furthermore, the real aim behind this movement called Campocrats, which is supported by Governor Muñoz, is to eliminate the influence of any party in Puerto Rico which is attached to the mainland.

The Democratic Party in the United States should not overlook these maneuvers and their true significance in the future. If we do, our party and our country will be greatly hurt in Puerto Rico for many years to come.

In the meantime, the people of Puerto Rico may rest assured that the Democratic Party of the island, which is headed by the very able and energetic Jose A. Benitez, will continue to maintain close ties with the Democratic Party of the mainland as in the past and that it will exert all efforts to build up a strong and influential party in the interests of the people.

Mr. Speaker, under leave to extend my remarks, I insert into the RECORD the article referred to above from the San Juan Star:

[From the San Juan Star, Mar. 29, 1960]

DEMOCRATIC BIRTHRIGHT SOLD?

(By Harold J. Lidin)

Once upon a time, many, many, many years ago, a young idealist named Luis Muñoz-Marin weaned the jibaros from their vice of vote selling with the slogan "Verguenza Contra Dinero" (Self-respect versus money).

The ballot is every man's birthright. Muñoz taught them, and is not to be sold, slighted, or bartered.

But last Sunday in the Ateneo Puertorriquedo, the minions of Muñoz took a step that smacks of birthright barter.

MAXIMUM ECONOMIC CONTRIBUTION

Assembled to reorganize the "Democratic Party," the delegates pledged to deliver the "maximum" economic contribution to the Democratic 1960 presidential campaign.

In a second motion, the delegates voted not to enter the Democratic Party in island elections.

Purpose of this second motion was to repudiate the drive of rival Democratic Leader Jose A. Benitez to register the Democratic Party here for elections—in other words, to use his party's birthright.

Prominent Popular Victor Gutierrez Franqui, who handled Sunday's meeting with the same finesse he formerly demonstrated as Muñoz' senate floor leader, says the promised campaign contribution will be "at least" $25,000.

Whatever the goal, it will be reached.

RATTLE THAT TINCUP

For the treasurer of the new "Democratic" state committee is Teodoro Moscoso, a stanch Popular who happens to head Fomento. If by any chance Moscoso needs help, he can turn to Max Goldman, another prominent Popular present at the "Democratic" reorganization. As former chief of the tax-exemption office, Goldman also knows where to rattle that tincup.

To pick up the smaller gifts, the Muñoz-backed Democratic committee can use for legmen the same pack of Popular Party ward leaders and city hall employees who crowded Sunday's "Democratic" assembly.

National Democratic Chairman Paul Butler need lose no time wondering whose contribution will be larger, that of the Muñoz-backed Democrats or the Benicrats who favor elections and statehood.

For nobody in Puerto Rico can match the Popular Party fundraising apparatus.

HIGH PRICE OF BIRTHRIGHT

But Butler, and other Democratic chieftains, should take time to assure themselves that acceptance of the Muñoz-Moscoso contribution does not cost the party its birthright.

A Democratic withdrawal from insular elections leaves a clear field for the GOP, and Gov. Muñoz frantically claims that the Republican White House is "intervening" here already.

If Puerto Rico wins statehood, on the shoulders of the GOP, island Congressmen will be Republicans despite the normal Democratic preference of Puerto Ricans.

Affairs of Germany in Good Hands

EXTENSION OF REMARKS

OF

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 1960

Mr. CELLER. Mr. Speaker, the reassurances by Secretary of State Christian Herter in his speech before the National Association of Broadcasters in Chicago on April 4, 1960, against the possibility that the United States will capitulate before the menacing Soviet propaganda with respect to Germany, came at a timely moment for all of us.

Less than 1 month ago, the Federal German Chancellor accompanied by his Foreign Minister, Dr. Heinrich von Brentano, visited President Eisenhower to ask his support for a firm stand on the Berlin issue, especially in the forthcoming summit talks in Paris.

At a luncheon given in honor of the foreign minister by two of my distinguished colleagues, Senator STYLES BRIDGES of New Hampshire and Senator JACOB K. JAVITS of New York, Dr. Von Brentano declared that the German people are counting on America for leadership and strength in this showdown struggle against Soviet aggressive imperialism. He indicated that any sign of American weakness in these delicate negotiations with Khrushchev, would give aid and encouragement to the Communists. Under Secretary of State Dillon bespoke the important, nay, vital contribution made by Germany to the Western Alliance, and also stated our position as being unyielding on Berlin.

I have great faith and confidence in Dr. Adenauer and Dr. Von Brentano. They have done wonderfully well in their management of German affairs in cooperation with Economic Minister Erhard and other members of the Adenauer Cabinet. Furthermore, the people of our Nation are fully behind the statement delivered by the representatives of our Department of State.

I regret that I was unavoidably absent from the luncheon that was tendered to Dr. Von Brentano by Members of the Senate. I would have congratulated him in person on the fine work that he is doing.

Subsidies in American Life

EXTENSION OF REMARKS

OF

HON. EARL HOGAN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 1960

Mr. HOGAN. Mr. Speaker, one of the little appreciated facts in American history is the role the Federal Government has assumed in providing substantial, tangible assistance to the various productive branches of the American economy, assistance that over the years has amounted to many billions of dollars. No part of our economy has been free of such aid. It has taken a multitude of forms. It consists in part of free services provided by the Government, such as basic statistical data, maps, charts, and other navigational aids, weather forecasts, research in agriculture, mining, industry. It includes tariffs, loans at less than the market rate of interest, various kinds of insurance, grants to many forms of business—such as railroads, airlines, shipbuilding, and ship operating companies—surplus disposal programs, stockpile purchase programs, tax concessions, irrigation projects, rural electrification, and price support programs.

How many of these programs should be included within the term "subsidy" depends, of course, on how narrowly or how broadly the term "subsidy" is to be defined. The arguments as to what is and what is not to be interpreted as a subsidy need not be of great concern at this point. The economic effects are much the same, regardless of whether a program involves direct payments to a particular business, a remission of charges, sales by the Government at less than market prices, loans at less than prevailing interest rates, or price supporting or raising devices such as the tariff or farm price supports. In each case a specific economic individual or class of individuals benefits directly while the cost is borne by the taxpayer or the consumer.

It is futile to approve or condemn subsidies, however defined, as a whole. Each subsidy must be judged on its own merits, in terms of its cost to the Nation, and the benefits derived. There can be no doubt that some subsidies have contributed greatly to the development of our Nation. Without the enormous land grants given to the railroads of our country, the economic expansion of the West, and indeed of the entire Nation, which characterized the latter half of the 19th century, would have been impossible. The American merchant marine, essential to the defense of our country, could not survive without a certain subsidy. Subsidies have been used to prevent business failures when such failures would have had disastrous repercussions throughout the economy. They have been used to prevent price declines that would have paralyzed large segments of our economy.

There have, of course, also been subsidies which have been widely criticized as being contrary to the public interest, where the benefits received were not sufficient to justify the cost. In several cases, subsidies to shipping companies and to airlines have been disclosed to have been associated with graft and corruption. Many tariffs are widely considered to have little economic justification. Similarly, for example, depletion allowances to the petroleum and mining industries and low postal rates for second-class mail have been widely criticized as being unwarranted.

In practice we cannot go through our daily round of activities without almost continually being in contact with subsidies. The very house we live in has in all likelihood its mortgage insured by a Government agency; thereby the interest charges are lower than would otherwise be the case. The food on the breakfast table has been safeguarded by the Federal meat inspection program and the Food and Drug Administration. Our children's education is, in part, subsidized, by the taxes paid by childless wage earners of our community. The school lunch program makes it possible for 12 million of our children to get a hot lunch for far less than would otherwise be possible and the special milk program in 78,000 schools benefits millions more. Every time we buy gas, we share in the benefit the petroleum industry gets from the depletion allowance—a depletion allowance which permits the industry to cut its annual operating expense by about $2 billion a year. Every time we read a magazine, we receive some of the benefit of having the post office bring it to us for far less than the cost of carrying it. Magazine publishers are saved millions of dollars as a result of low second-class mail rates. Steel in our cars or refrigerators may well have been produced in a plant very largely paid for at Government expense during the war and then sold to the private operator for a fraction of the original cost.

In short, we live in a world where we are continually affected by subsidies which reach into every phase of the economy.

Since there is no standard definition for subsidy, and since the benefits from subsidies can frequently not be measured with any accuracy, it is not possible to give a total figure for all Government subsidy programs during a given year. It is possible, however, to show what the budget of the United States calls the current expenses for aids and special services to the various segments of our society. These current expenses are defined in the 1961 budget as "expenditures which provide aids or special services to specific economic groups primarily in the current year, including administrative and other operating expenses attributable to investment-type programs and the costs of maintaining the related physical assets. Benefits accruing to various groups through tax provisions or the Government aids which do not call for expenditures are not included." Table 1 shows these expenditures as follows:

TABLE I.—*Current expenses for aids and special services, fiscal year 1959*

[In millions of dollars]

Agriculture:	
Direct Federal programs:	
Department of Agriculture:	
Commodity Credit Corporation:	
Sales of surplus commodities for foreign currency	1,022
Price support, supply, and related programs	872
Transfer to supplemental stockpile	315
Soil bank programs	68
International Wheat Agreement	48
National Wool Act	20
Other	33
Commodity Stabilization Service:	
Acreage reserve	609
Sugar Act	67
Other	−3
Agricultural Research Service	46
Agricultural Marketing Service	42
Farmers Home Administration	32
Rural Electrification Administration	10
Other	8
Other agencies	3
Total direct Federal program	3,192
Grants-in-aid: Department of Agriculture:	
Removal of surplus agricultural commodities	127
Commodity Credit Corporation	154
Forest Service	11
Total grants-in-aid	292
Total agriculture	3,484

TABLE I.—*Current expenses for aids and special services, fiscal year 1959*—Con.

[In millions of dollars]

Business:	
Civil:	
Post Office Department	736
Federal Aviation Agency	228
Civil Aeronautics Board: Payments to air carriers	53
Treasury Department: Coast Guard: Navigation aids	177
Department of Commerce:	
Maritime activities: Ship operating subsidies and administration	133
Patent Office	21
Other	29
Department of Defense—Civil	64
Other agencies	10
Total civil	1,451
Major national security: Expansion of defense production:	
Administrative expenses and losses on transactions	42
Total business	1,493
Labor:	
Direct Federal programs:	
Temporary unemployment compensation	447
Other	17
Total direct Federal programs	464
Grants-in-aid: Administration of unemployment compensation and employment service	297
Total labor	761
Homeowners and tenants:	
Direct Federal programs:	
Housing and Home Finance Agency	−149
Federal Home Loan Bank Board	−41
Total direct Federal programs	−190
Grants-in-aid: Housing and Home Finance Agency:	
Public housing	111
Urban renewal fund	76
Total grants-in-aid	186
Total homeowners and tenants	−4
Veterans:	
Veterans' Administration:	
Compensation and pensions	3,275
Hospital and medical care	852
Readjustment benefits	585
Other	206
Other agencies	54
Total veterans	4,972
International:	
Civil:	
Mutual security—economic	1,390
Other	47
Total international, civil	1,437
Major national security: Department of Defense—military	2,316
Total international	3,753
Other aids and special services:	
Direct Federal programs—total	122
Grants-in-aid:	
Department of Health, Education, and Welfare:	
Public assistance	1,966
Other	1

TABLE I.—*Current expenses for aids and special services, fiscal year 1959*—Con.

[In millions of dollars]

Other aids and special services—Con.	
Grants-in-aid—Continued	
Department of Agriculture:	
School lunch program	142
Other agencies	5
Total grants-in-aid	2,114
Total other aids and special services	2,237
Total current expenses for aids and special services	16,697

Source: Budget of the U.S. Government for the fiscal year ending June 30, 1961, pp. 921–923.

In this classification, it can be seen that the current aids to agriculture, even using the classification of the Bureau of the Budget, accounts for only 20.9 percent of all current aids and special services. Business accounts for 8.9 percent, labor for 4.6 percent, veterans for 29.8 percent, international—primarily grants under the mutual security program—for 22.5 percent, and all other for 13.4 percent. It should be noted that even here, by no means all of the current aids for agriculture are designed exclusively for the benefit of farmers. The largest single item, sale of surplus commodities for foreign currencies, has enabled the United States to acquire substantial amounts of strategic and critical raw materials which are deemed to be essential for national defense. The soil bank programs serve not merely to maintain farm income while curtailing production but also to preserve the fertility of the soil for all future generations. Rural Electrification Administration administrative expenses help a program which has been a great boon to producers of electrical machinery and equipment as well as to farmers themselves. Market research undertaken by the Department of Agriculture benefits the processors, shippers, and distributors of agricultural products fully as much as it benefits farmers. The Federal meat inspection program is designed to assure the public a clean, wholesome supply of meat. It is actually a program of inspection and supervision of the meatpacking industry. The primary purpose of the Department of Agriculture's brucellosis program is public health protection. The International Wheat Agreement helps not only farmers, but also helps members of the grain trade expand their export business and profits. The work of the Forest Service benefits all those who use the national forests for recreation, grazing, and other land utilization, as well as all concerned with better forest management and research in the protection and better utilization of the Nation's timber resources.

It should be noted further that the Federal Government provides much assistance to the various segments of the economy that is not included under current aids and special services. In the case of agriculture, this would include CCC price support and grain storage and loans of the Farmers Home Administration and the Rural Electrification Administration, conservation payments, water development projects, the school-lunch program, and various international and other programs not designed primarily for the support of agriculture. For business, not included in current aids and special services are Small Business Administration loans, highway, airport, and other public works projects, ship construction subsidies, and grants to States for building private hospitals and other health facilities. For the homeowner and tenants, loans and mortgage purchases provide assistance that is not classified among current aids.

It may be illuminating to consider the extent of subsidies to the two related industries of the United States, the shipbuilding and shipping industry. Under the Merchant Marine Act of 1936, the United States pays both construction-differential and operating-differential subsidies in an effort to maintain an efficient merchant marine on the high seas, a merchant marine that can operate as an important defense auxiliary in times of war or threat of war. The Chairman of the Federal Maritime Board and Maritime Administrator, Clarence G. Morse, reported in September 1957 that from 1937 to June 1956 the total amount paid out as subsidy for new construction totaled $437.9 million. Since then, and including estimates through June 1960, an additional $325.1 million has been spent on construction differentials, half of it in the fiscal year 1960. Thus $763 million has been spent since 1937 on construction differentials alone. These include major subsidies on the present giants of the American fleet, the SS *United States*, the SS *Constitution*, and the SS *Independence*. The cost of the *United States* is reported as $76.8 million, including $25.4 million for national defense features. The United States Lines purchased this from the Government for $28.9 million. The American Export Line paid $14 million for the *Independence*, built at a cost of $26.5 million, and $14.4 million for the *Constitution*, built at a cost of $27.2 million.

Related to the construction differential subsidy is the sales program undertaken by the Maritime Administration under the Merchant Ship Sales Act of 1946. Under this program 843 ships, built for the Maritime Commission during World War II, were sold to United States citizens for United States flag operations at a price of from one-fourth to one-fifth of their replacement cost. By December 31, 1958, ship sales under the Merchant Ship Sales Act of 1946 totaled $1,776.3 million. Net sales after vessel trade-in allowances have been deducted were $1,697.4 million. This represented about a 40.1 percent return on the war cost of these ships. The operating differential subsidy has amounted to $1,197 million for the calendar years 1947 through 1959. Actually each subsidized voyage, including a pro rata construction subsidy is estimated to cost $2.8 million over the typical 20-year contract.

Altogether, as estimated in a study compiled by Representative FRED MARSHALL, and published in the hearings, "Department of Agriculture Appropriations for 1959," of the House Committee on Appropriations (p. 158) subsidies to maritime organizations for the period 1938 through fiscal 1957 amounted to $3.5 billions.

The trend of these subsidies is, if anything, upward. It is reported that Congress may be asked to appropriate about $118 million in 1960 for a sister ship to the U. S. Lines' *United States*, the *America*, which the company will purchase for about $47 million; and about $86 million for a Pacific American President superliner, the *President Wilson*, which will be purchased by the line for about $35 million. A substantial portion of the cost of these vessels to the taxpayer is due to the incorporation of certain national defense features, which do not enter into subsidy calculations. Maritime interests now are urging relaxation of the provision in the Merchant Marine Act of 1936, which states that in no case may a construction-differential subsidy exceed 50 percent of the cost of the vessel—excluding national defense features. These interests point out that the cost differential between construction in a foreign yard and in the U.S. yard is increasing and that even with a subsidy of 50 percent of the cost of a ship (excluding national defense features) shipping companies find it more economical to buy ships built in foreign shipyards.

Certain other major subsidies or subsidylike benefits may also be mentioned. In the 10-year period from July 1, 1948, to June 30, 1958, the postal deficit totaled $5,367 million, $926 million of which was incurred in the most recent of these years, the fiscal year 1958. The largest single factor contributing to this multibillion deficit is the losses incurred in carrying second-class mail—publishers' mailings of magazines and newspapers. These losses on second-class mail totaled $2,324 million over the same 10-year period.

Airlines continue to receive subsidies in connection with carrying mail. The subsidy to certificated air carriers has been estimated by the U.S. Civil Aeronautics Board at $554 million for fiscal years 1951 through 1960. In recent years almost all of this has gone to smaller local service carriers, for helicopter service and for foreign operations. However, it may be noted that in the last week of March 1960, a major trunkline operator, Capital Airlines, Inc., petitioned to the Civil Aeronautics Board for a subsidy that would amount to $12,949,000 for the year ending March 15, 1961, citing "particularly heavy losses," its inability to arrange financing, and a critical cash position.

In addition to direct subsidies, air carriers also benefit from such governmental assistance as airport and airway facilities, other navigation aids, aeronautical research and development conducted under governmental sponsorship, and the sale of surplus aircraft both to new and existing companies engaged in civil transport.

Accelerated amortization on certain facilities built for defense purposes has permitted companies owning such facilities to cut their tax obligations substantially. In 1955 the Joint Committee on Internal Revenue estimated that from 1950 through 1960 tax collections would

be reduced by some $5,196 million as a result of certificates of necessity permitting accelerated amortization. However, after 1960, when facilities whose value has already been written off under the accelerated amortization provisions are still operative, the tax collections would be greater than they would have been without accelerated amortization. On the basis of current tax rates, it is estimated that for the period 1961–76 tax collections will be increased by $2,426 million and thereafter by another $2,326 million. Of course, for the period up to 1960, when tax collections were lower, companies benefiting from the accelerated tax amortization provisions were receiving the equivalent of an interest-free loan.

Some students feel that all or part of the depletion allowances permitted as tax deductions should be interpreted as subsidies. The depletion allowances to mining, petroleum, sulfur, and gas interests permit producers to deduct from income for tax purposes a substantial percentage of income earned and are intended to encourage development of these resources. Depletion reported on corporation income tax returns averaged $2.1 billion annually for the 10 years, 1947–56.

To some extent the disposal of Government surplus property involves a subsidy. After World War II about $15.1 billion worth—reported cost—of surplus property was sold by the War Assets Administration with a sales realization of $4.1 billion. The difference between the reported cost and sales realization is not all subsidy, since the reported cost does not take into account such factors as depreciation, deterioration, obsolescence, and so forth. However, some purchasers were undoubtedly able to obtain surplus goods at lower prices than prevailed on the open market for comparable items.

It is sometimes claimed that subsidies tend to reduce the incentives for efficiency and growing productivity. Whatever may be the merits of this argument in other industries, it clearly is not valid in agriculture. Farm productivity has been growing at an astounding rate, much faster than productivity in most other occupations, and substantially more than in industry as a whole. Output per man-hour on the American farm has increased 37 percent from 1950 to 1958. This has made it possible for a single farmer in 1958 to provide food and fiber for 23.5 persons in 1958, compared to 15.9 persons in 1950, 10.6 persons in 1940, and 6.9 persons in 1900. This increase has been due in large measure to extensive mechanization on millions of American farms. The average farm today represents an investment in machinery of about $20,700 per worker, compared to about $15,300 per worker in industry. Further, it has been estimated that farmers have $3 invested in production for every $1 that is invested in the marketing of their products.

With the growing productivity of the individual farmer, total farm population and farm employment have declined. This is continuing to happen. In April 1959 farm population was 21,172,000 or 10 million less than in 1937. Similarly farm employment in 1959 was 7,384,000, down 5 million from the 1936 level.

This decline in farm population and employment has been somewhat offset by increases in employment in the processing, packaging, and distribution of food and fiber. Thus the decline, if any, of the total number of persons engaged in the production and distribution of products from the American farm to the consumers of the Nation, has been much less than the decline in the number of farmers or in farm employment alone.

The mechanization of the American farm has made the farmer an increasingly significant customer for American industry. It is estimated that the investment by farmers in machinery is twice that of the entire steel industry and five times that of the automobile industry. To keep the 12,500,000 farm cars, trucks, and tractors running, the farmers buy some $1,500 million of oil products each year, making them the petroleum industry's largest single customer.

Increased farmer efficiency has unfortunately not been converted into corresponding gains in real income. Farmers still lag behind the rest of the Nation in income received. In 1958, per capita farm income was $1,066 while per capita nonfarm income was $2,066, nearly twice as much. Two hundred and ninety-eight dollars of the farmer's $1,066 was for work done off the farm. During 1958 the hourly income for farm labor and management was 97 cents while workers in manufacturing industries received $2.13. Even excluding the smaller noncommercial farms, in 1956 farm families operating the Nation's 2,213,000 "commercial" farms received an average income of $5,415 while all nonfarm families received incomes averaging $6,900.

A common misconception is that farmers are receiving unfair economic benefits as a result of the price support programs and other so-called subsidies to farmers. However, almost every indicator of farm income and farm prices shows that far from receiving undue economic advantage from subsidies, farmers have consistently lagged behind other groups in the economy. Total realized net farmers' income from agricultural sources—excluding net change in inventory—was $11 billion in 1959, down from 13.1 million in 1958 and the lowest for any year since 1943, except for 1957. The index of prices received by farmers compared to prices paid—including interest, taxes and wage rates—was down to 80 in 1959, the lowest since 1939. Prices paid by farmers have climbed every year since 1955 and bring the index of all items paid to 298—1910–14 equal 100. Prices received by farmers for all farm products in 1959, on the other hand, were down to an index figure of 240—1910–14 equal 100—the lowest for any year since 1947 with the exception of the 3 years 1955, 1956, and 1957.

Food price increases to consumers have brought about many complaints from housewives. Unfortunately, they have usually tended to blame the farmer for this increase. He has actually been receiving an ever smaller share of the consumer's dollar. In 1947–49, the farmer received, on the average, 50 cents of the consumer's food dollar. By 1958 this had shrunk to 40 cents.

Put another way, between 1947 and 1958 the annual cost of the family's food marketbasket increased by $154. However, the farm value of the food actually dropped by $40. Labor costs increased $100. Transportation costs rose $31. Other business expenses advanced $60. Charges to pay Federal corporate income taxes were up $8. And the profits of marketing corporations decreased $5.

As a matter of fact, whereas wholesale prices have gone up on the average 19.4 percent since 1947–49, the prices of farm products have gone down 11 percent and the prices of processed foods only up 7 percent.

Actually for the housewife, food and clothing prices have risen far less than other items comprising the cost of living since 1947–49. In 1959 the Consumer Price Index as a whole was 24.5 percent above the 1947–49 level. Food had increased by only 18.3 percent and clothing by 7.8 percent. On the other hand, medical care had increased by 50.6 percent, rents by 39.6 percent, and transportation by 46.1 percent.

With the increases in average incomes of nonfarm families, the relative cost of food has actually gone down. The following table shows how much could be bought of certain basic foods in 1929 and again in 1958 with 1 hour's pay of a worker in manufacturing:

	1929	1958
Loaves of bread (in pounds)	6.4	11.0
Steak (in pounds)	1.2	2.0
Milk (in quarts)	3.9	8.4
Butter (in pounds)	1.0	2.7
Bacon (in pounds)	1.3	2.7
Eggs (in dozens)	1.1	3.5
Potatoes (in pounds)	17.7	33.8
Oranges (in dozens)	1.3	2.8

Taking a comparison with a more recent period, between February 1950 and February 1959, the average retail price of a pound of rib roast beef increased from 68.2 cents to 82.4 cents. During the same period weekly earnings of factory workers increased from $56.37 to $88. Thus, beef prices increased 20.8 percent while weekly earnings increased 56 percent, and the amount of working time required to buy a pound of beef dropped from 29 to 22 minutes.

A similar situation exists in milk prices. In 1952, when producer prices were supported at 90 percent of parity, consumers were paying an average of 22.8 cents per quart for milk. In the second quarter of 1959, producer price supports had dropped to 77 percent of parity and consumer prices had advanced to 24.2 cents per quart. Nevertheless, in 1947 it took 9.1 minutes of the average factory worker's time to buy a quart of milk; in 1959 it took only 6.7 minutes of his work time.

This report has been designed to demonstrate the prevalence of subsidies throughout our economy. Too many people tend to associate the term subsidy exclusively or almost exclusively

with farmers and maintain that they are, therefore, being unfairly supported by the rest of the people. As has been shown above, not only are farm subsidy programs only a fraction of all governmental subsidy programs, but the farm programs themselves help many persons besides farmers. It is an illusion that subsidy programs have given farmers an enviable economic position in the economy. Despite enormous advances in farm productivity, farmers still lag behind other segments of the population. It is not within the scope of this report to praise, or condemn, any specific subsidy program. Its purpose is limited to indicating how subsidies enter into the lives of all Americans and how they relate to practically every business enterprise and to provide related data on farm and nonfarm income, prices, and production which may help to place the facts relating to farm and nonfarm subsidies in a better perspective.

Hoover Commission's Recommendations Bogged Down After 5 Years

EXTENSION OF REMARKS
OF
HON. FRANK T. BOW
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 1960

Mr. BOW. Mr. Speaker, 5 years have elapsed since the second Hoover Commission completed its monumental research and laid out prudent, sensible guidelines for reorganization of the executive branch.

Many Members of Congress will recall that one of the Hoover Commission's primary fields of interest was Government competition with private enterprise. Former President Hoover and his colleagues on the bipartisan Commission urged prompt, effective steps to curtail and eliminate many Federal activities competing unfairly with taxpaying private business. I was happy to support this recommendation and introduced legislation to implement it.

Over the years the administration has restated many times its policy on this issue—a policy squarely in line with the recommendations of the Hoover Commission.

Yet, somewhere in the lower echelons of the executive branch, this policy seems to have bogged down. Five years have passed since the Hoover Commission posted unmistakable signals to steer the executive branch to those areas where unjustified Federal competition was concentrated. But from all I have been able to gather, these signs have been largely ignored, or somebody missed a turn somewhere.

Now we find that the Bureau of the Budget, which was assigned responsibility to implement the administration's policy and keep track of its progress, has polled the various executive agencies to find out just where the program stands.

Until this survey is completed, therefore, nobody really knows how many of the Government's unnecessary business-type activities have been closed down or curtailed. Nor, for that matter, does anyone know how many new enterprises have sprung up.

All we do know is that 5 years should allow plenty of time for considerable progress, and there are few, if any, signs that such progress has been made.

Fortunately, one of our eminent colleagues, the gentleman from Ohio [Mr. BROWN], the legislative sponsor and member of the Hoover Commission, is making it his business to find out. He is alarmed, as others of us are, by the apparent lack of interest and achievement in this program and by evidence that 5 valuable years may have been wasted. I invite the attention of all Members of Congress to the following pertinent correspondence:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 22, 1960.

The Honorable MAURICE H. STANS,
Director, Bureau of the Budget, Executive Office Building, Washington, D.C.

DEAR MR. STANS: As I am sure you know, as the legislative father and a member of the two Hoover Commissions, I joined in preparing the Commissions' recommendations to get the Federal Government out of business competition with taxpaying private enterprise, and I have written you a number of letters on this subject.

As a result of the Commission's recommendations, some action has been taken and the President has shown a great interest in the elimination of Government competition with private enterprise.

Over 5 years ago, on January 15, 1955, the Bureau of the Budget issued a directive (Bulletin No. 55–4) setting forth a phased program to curtail certain business-type activities conducted by the executive branch in competition with taxpaying private enterprise.

One noteworthy result of this directive was an inventory of those activities that provided products or services for the Government's own use. This inventory, you may recall, listed 19,771 such activities with 266,521 Federal employees and capital assets totaling $11,863,990,569.

I am writing now to inquire as to what important results in reducing these Government activities have been accomplished over the past 5 years.

Bulletin No. 60–2, issued by the Bureau of the Budget at the direction of the President in 1959, requires a thorough inventory of all commercial-industrial-type activities within the Department of Defense. I am interested in learning the outcome of this inventory and, more importantly, the expected action to result from it.

I would like to particularly invite your attention to a passage from a report issued by the Joint Economic Committee:

"The administration appears to have lost some of its earlier enthusiasm for this program. When the program was initiated in January of 1955 it called for the phased evaluation of all commercial-industrial type activities as quickly as possible. The Director of the Bureau of the Budget testified before the Senate Select Committee on Small Business on April 16, 1957, that the Government agencies had completed the evaluation of manufacturing and service-type activities and stated that 'subsequent reviews of other classifications of commercial activities, such as construction, transportation, communications, etc., will be scheduled.' Yet it was about 3½ years after this testimony that the Bureau of the Budget got around to requesting agencies to conduct the next series of its phased evaluations program of governmentally conducted commercial-type activities. As pointed out, the administration's program has been inactive for over 2 years. As a result of this delay certain competitive Government activities have not yet been evaluated under this program."

In view of the concern expressed by a great many businessmen and their State and national organizations, as well as critical comments such as have been made by the Joint Economic Committee, I believe it is urgently important for the Bureau of the Budget to act promptly when it has evaluated the pertinent data from its current summary. A period of 5 years should have allowed time for considerable progress on this program.

As I understood the Bureau's Bulletin No. 55–4, there were to be four phases of the program to curtail unnecessary competitive activities producing goods or services for the Government's own use. These phases were as follows:

1. The inventory. As I noted earlier, this research survey disclosed the vast dimensions of the Government's commercial-type enterprises.

2. Evaluation of these enterprises.

3. Action to close or curtail these enterprises, on the basis of the evaluation process.

4. Action to limit starting new enterprises.

It would seem to me that whatever progress report the Bureau compiles should cite specific instances of progress in each of these phases of the program. This would permit a more meaningful appraisal of the results achieved, thus far, by pinpointing areas where progress may have lagged.

Illustrative of the type of comment I am receiving from business organizations on this important problem, I am taking the liberty of enclosing a letter I have just received from Elton Kile, president of National Associated Businessmen, Inc. So your consideration of this matter and the request I have made will be deeply appreciated.

If there is any further information you desire, please advise me.

Respectfully submitted.

CLARENCE J. BROWN,
Member of Congress,
Seventh Ohio District.

NATIONAL ASSOCIATED BUSINESSMEN, INC.,
Washington, D.C., March 18, 1960.

The Honorable CLARENCE J. BROWN,
House of Representatives,
Washington, D.C.

DEAR MR. BROWN: National Associated Businessmen, Inc., a coalition of 700 independent businessmen, is gravely concerned about the apparent lack of progress in reducing the number of Government commercial activities that compete with taxpaying private enterprise.

Recalling your own consistent interest in this matter, both as a Member of Congress and as legislative sponsor and member of both Hoover Commissions, our organization respectfully asks your assistance in our efforts to revive governmental interest in this matter.

As you know, the Bureau of the Budget, by direction of the President, specifically called for curtailment of certain commercial-industrial activities of the various agencies in Bulletin No. 55–4 of January 15, 1955.

This bulletin declared, in part, that "It is the general policy of the administration that the Federal Government will not start or carry on any commercial activity to provide a service or product for its own use if such product or service can be procured from private enterprise through ordinary business channels. Exceptions to this policy shall be made by the head of an agency only where it is clearly demonstrated in each case that it is not in the public interest to procure such product or service from private enterprise."

Elsewhere in the bulletin, the Director of the Budget stipulated that "Except where such congressional action would be required, activities should be discontinued as soon as the agency head determines that it is reasonably possible to do so. Where congressional action would be necessary to permit discontinuance, the agency head shall seek such action promptly."

Five years have passed since this program was initiated. In that period the Bureau of the Budget has issued two other bulletins dealing with this same general problem. As you are aware, the Bureau of the Budget in September of 1959 issued its directive 60–2 by order of the President requesting the Defense Department to conduct an inventory on all commercial-industrial-type activities within their organization. This inventory is scheduled to be completed within a month. National Associated Businessmen is profoundly interested in the results of this inventory and hope that strong efforts will be made in the implementation of the administration policy when the facts are made public.

This audit, we are sure, will show that relatively little has been accomplished, even in the rather narrow area of Government competition covered in Bulletin No. 55–4.

This bulletin only dealt with those business-type activities which provide products or services for the use of the Federal Government itself. It did not deal with those activities which provide products or services for the general public, such as public power projects, or those activities which serve Federal employees, such as military commissaries.

Yet, even though Bulletin No. 55–4 covered only one of the three broad classes of Federal business-type activities, it still resulted in an inventory that listed 19,771 commercial-industrial activities with capital assets of $11.9 billion and 266,000 employees.

National Associated Businessmen believe that prompt and vigorous action to remove the Federal Government from unjustified and unnecessary competition with private enterprise is essential to our Nation's economic progress. Failure to do so, in direct contradiction of repeated pledges by the administration, constitutes a tragic drain of public funds and contributes to the inflationary pressures that threaten our prosperity and growth.

We hope you will see fit to make such inquiries as you deem necessary in order, first, to determine precisely the extent of compliance with the 1955 and subsequent directives of the Bureau of the Budget, and secondly, to recall to the attention of the Congress and the executive branch the need for strong action when the audit required by directive 60–2 is completed.

Respectfully,

ELTON KILE,
President.

Mr. Speaker, I commend the National Associated Businessmen for once again drawing attention to this problem, and I hope that all Members of Congress will take it upon themselves to examine carefully the forthcoming report of the Bureau of the Budget.

If it confirms the signs of disinterest and inaction, as I suspect it will, Congress would be well advised to place this entire matter under severe scrutiny.

I am also delighted that my distinguished friend and colleague, the gentleman from Ohio [Mr. BROWN], has again taken an interest in this matter. His action in the past has no doubt saved hundreds of millions, yes, perhaps billions, of dollars for the taxpayers of this Nation.

Report to the People

EXTENSION OF REMARKS
OF
HON. DONALD J. IRWIN
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 6, 1960

Mr. IRWIN. Mr. Speaker, it is my firm conviction that one of the most important services a Member of Congress can perform for his constituents is to keep them informed of his activities through publication of a regular newsletter "Report to the People."

Because I feel it may be of equal importance to keep my fellow Members of Congress similarly informed of my activities, I am introducing into the RECORD today the latest issue of my own "Report to the People":

A VISIT TO PUERTO RICO AND CUBA

Partly responsible for the delay in issuing this first newsletter of the second session of the 86th Congress was my absence from the country as a delegate to the Caribbean Assembly on the United States and Latin America, which was held in San Juan, P.R., early in March. There were some 60 participants—30 Latin Americans and 30 North Americans—representing a variety of professions and occupations and varying points of view. President Eisenhower addressed the delegates in Puerto Rico en route home from his recent Latin American good-will tour.

I took advantage of my attendance at the Assembly conference to make a personally financed side trip to troublesome Cuba. I want to emphasize this trip was at my own expense and that I took it, brief though it was, so that I could get firsthand, on-the-spot impressions of the situation in Cuba. While I spent but 24 hours in Havana and another 24 hours on an American-owned ranch in eastern Cuba, my fluency in Spanish helped tremendously in my efforts to find out what the controversy between Cuba and our own country is all about.

I came away with several impressions and, with the understanding that a weekend is a brief time to probe into a problem as involved and delicate as United States-Cuban relations, I want to pass them on to you.

For one thing, I failed to notice any spontaneous anti-Americanism during my entire visit. There was no evidence of it certainly on the part of the Cubans I encountered on the streets who couldn't mistake me for anything but an American. Nor was there evidence of anti-Americanism displayed elsewhere.

I also was especially impressed by the fact that, no one in Cuba, no matter how his interests were being affected by the Castro government, appeared to want a return of the Batista regime.

Yet I left Cuba convinced that a poor job of administering the country by the Castro government will in itself bring serious economic troubles to Cuba in the near future.

WHAT MUST WE DO CONCERNING CUBA?

It is important, I think, that we respond with vigor to unfavorable and unwarranted attacks upon us by the Castro government. We must do so, I feel, with the idea in mind of protecting our interests in the rest of Latin America. At the same time, we must take every step to prevent any untoward incident that will give Castro an opportunity to attack us further. Specifically, we must halt unauthorized flights by American planes over Cuba, for such flights only weaken our position at home and abroad.

I am very much opposed, incidentally, to proposals for broadcasting directly from the United States to Cuba. Such plans, it seems to me, would be repeating a fatal mistake made during the days of Peron in Argentina when our Ambassador tried to interfere. If we broadcast anti-Cuban programs, then we will be identified as the only anti-Castro force in Cuba and all Cubans will rally behind Castro. This suggestion only underlines the need for a full-blown Voice of America program for all of Latin America which would bring to the Latin Americans a clear idea of what the long-range U.S. objectives are. The VOA would spell out specifically what our programs and hopes are for the free people of Latin America.

President Eisenhower's recent trip aroused all kinds of hopes for the roles we are to play in the future development of Latin America and we must be ready to help meet these expectations. I disagree with Mr. Eisenhower's claim upon his return from his recent good-will tour, however. The President maintained that our prestige was never higher in Latin America. In my opinion, our position in Latin America has never been more perilous.

It is of vital importance, I believe, that we explain our democratic system of government and outline the role that private enterprise can play in the development of Latin American countries. Private American capital invested abroad can do much to help Latin America meet its needs.

THE BATTLE FOR CIVIL RIGHTS

Another reason for the delay in issuing this newsletter was my desire to wait until I could report to you about the battle for civil rights legislation in Congress. At this writing, the House had passed a civil rights bill and the Senate, a record filibuster behind it, was struggling to do likewise. It seemed virtually certain, however, that civil rights legislation would be enacted by this session of Congress despite many obstacles to be overcome.

I supported the House civil rights bill and would have voted for the strongest possible bill which could be proposed. As you may know, I have been a strong advocate of civil rights for a long time. I was the 23d Member of the House to sign a discharge petition which ultimately gathered more than 215 signatures and was instrumental in getting the Rules Committee to bring a civil rights bill to the floor for action. Then, too, I was a signer of a discharge petition designed to bring home rule legislation for the District of Columbia to the House floor. This legislation, of course, is closely linked with civil rights legislation.

Unquestionably, the House-passed bill could be improved upon, but under the circumstances I think it is of greater importance to get an adequate bill out now than to spend endless time arguing about every phrase or provision it should contain.

Richard H. Rovere, writing in New Yorker magazine, summed up rather well, I think, the task still before us in this problem of civil rights. "It may take two or three more bills, in two or three more Congresses," he wrote, "to achieve anything like complete protection of the franchise, but scarcely anyone doubts that in time the protection will be achieved and that it will be seen as the one civil right that can, if it is put to use, achieve most of the others."

I would like to express my pride in the House of Representatives, incidentally, for the sobriety and dignity with which it approached the civil rights problem, finally passing what I thought essentially was a good bill. It made me glad to be a Member of this great body.

THE COMMUTER CRISIS

Since my last newsletter, there have been many developments in the New Haven

railroad commuter crisis. These developments included:

A personal on-the-spot survey of the New Haven's commuter operations.

My introduction of legislation to provide $500 million in long-term, low-interest Federal loans to local or regional agencies for the purchase of equipment which would be leased to railroads or other transit systems.

An Interstate Commerce Commission-ordered investigation of the New Haven.

When I inspected the New Haven's operations in late December, I found that poorly kept trains, stations, and working areas were depressing employee morale and detracting from passenger comfort. I found that admittedly improper maintenance was causing breakdowns jeopardizing passenger and train crew safety.

My bill, introduced in February, got much early support, particularly from members of the House Banking and Currency Committee which would be charged with holding hearings on it. Unfortunately, due to the pressure of other legislative matters, the measure received a setback when Committee Chairman SPENCE advised me it would be impossible to promise hearings on the bill. Meanwhile, Senator WILLIAMS of New Jersey proposed legislation similar to mine but providing for a smaller amount of funds and for the loans to be administered differently. My bill, I feel, represents a sounder approach but I will support Senator WILLIAMS' legislation if it appears it will get a quicker response. The main purpose is to get the job done as soon as possible.

I was heartened when the ICC announced it would investigate the New Haven, for this is an action I had been demanding for many months. I wrote ICC Commissioner Charles A. Webb urging him to make his probe a broad one, covering all aspects of the New Haven's operations over the past 15 years. The fact that the New Haven has demanded a 70-percent increase in fares indicates to me that something is radically wrong with the carrier's management policies. Obviously, the New Haven's abrupt financial crisis stems from developments over a long period of time and isn't something recent.

It is especially important, I think, to keep in mind that the problems created by the poor service on the New Haven must not be looked upon as problems that are irritating and frustrating to the commuters, but in terms of the tremendous economic importance it has on real estate values, on the building industry, on retailers, on the entire economy of Fairfield County and the whole State of Connecticut.

BETTER AIR SERVICE ASSURED

There have been two vastly important developments recently that assure Fairfield County of greatly improved air service. One was approval by the Civil Aeronautics Board of better and more frequent airliner service between Washington and Bridgeport. The other was CAB authorization for helicopter service to Danbury via New York Airways, Inc.

The new direct air service via Allegheny Airlines was scheduled to get under way April 12 with one-stop flights to Washington via Baltimore leaving Bridgeport at 9:40 a.m., 2 p.m., and 6:24 p.m. daily. Flights from Washington via Baltimore to Bridgeport will leave at 7:50 a.m., 1 p.m., and 5:30 p.m. This direct service will be fast and timesaving for many residents of Fairfield County and I hope the people of my district will use and encourage this new air link between Bridgeport and Washington and Bridgeport and New England points to the north. Inauguration of this improved service will be important to me personally in commuting between Washington and my district. Last year many of my trips were made by car whereas as of April 12 I am going to be able to fly quickly right from Washington to Bridgeport.

AND SPEAKING OF PROGRESS

I was delighted over action of the Urban Renewal Administration in earmarking more than $9 million in Federal funds for Bridgeport's redevelopment program. Another welcome announcement from Urban Renewal concerned the Southeast Quadrant redevelopment project in Stamford. The agency approved an advance of $130,490 for planning purposes for the project, which eventually will involve an estimated total Federal grant exceeding $6 million. Additionally, $750,000 is included in the 1961 public works appropriation for development of Bridgeport Harbor for navigational purposes, representing an allocation of Federal funds toward a project that will cost some $3.5 million to complete. Pending, too, is the Stamford hurricane protecting project, now under consideration by the Senate Public Works Committee, with hearings expected shortly.

AVAILABLE FOR THE ASKING

By dropping me a postal card at my Washington office, 1319 House Office Building, you can obtain while the supply lasts:

"The Family Fallout Shelter," a booklet outlining how to go about building your own fallout shelter. I have proposed legislation, incidentally, that would allow income-tax deductions for the cost of civil-defense-approved fallout shelters.

"The Capitol," a pictorial story of the Capitol in general and the House of Representatives in particular.

THE WATER POLLUTION PROBLEM

In the next decade, one of the really critical problems that will confront our Nation will be that of water pollution.

This is a problem that will stem directly from our exploding population with its accompanying swift industrial expansion.

Numerous communities, especially smaller ones, have already been aided through the Federal antipollution program which provides funds to help finance sewage-treatment plants.

Westport, for example, got such a grant in the amount of $250,000. Bethel just recently received one of more than $60,000.

The importance of helping smaller communities, in particular, to solve their increasing water pollution problems makes it all the more unfortunate that legislation passed by the 86th Congress to increase the amount of funds available was vetoed by the President.

I supported this legislation and will support similar proposals when they are brought up.

SENATE

THURSDAY, APRIL 7, 1960

(Legislative day of Tuesday, April 5, 1960)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by Senator HOWARD W. CANNON, of Nevada.

Rev. L. B. Reavis, of the Southwestern Baptist Theological Seminary, Fort Worth, Tex., offered the following prayer:

Our Heavenly Father, we thank Thee for these good Senators chosen by the people of this, our fair land, and, we must believe, by Thyself, to lead this, our great Nation, in this crucial hour.

We know that we, ourselves, are not sufficient for these days and for problems greater than the measure of our best wisdom, but we know One who is sufficient.

We believe that these, Thy chosen, want only that which is best for all humanity. We pray that a special portion of Thy wisdom and grace shall be theirs now and always. We ask this in Thy name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The Chief Clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 7, 1960.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. HOWARD W. CANNON, a Senator from the State of Nevada, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. CANNON thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, April 6, 1960, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on April 5, 1960, the President had approved and signed the act (S. 2482) to remove geographical limitations on activities of the Coast and Geodetic Survey, and for other purposes.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, I understand that under the order previously entered, an hour is allotted this morning for further debate on the motion of the Senator from Louisiana [Mr. ELLENDER].

The ACTING PRESIDENT pro tempore. That is correct.

Mr. JOHNSON of Texas. I should like to announce that at the conclusion of the action of the Senate on that motion, I expect to ask unanimous consent that there be the usual morning hour, with statements limited to 3 minutes.

CIVIL RIGHTS ACT OF 1960

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE BUSINESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that after the vote on the motion to table the Ellender motion, there be the usual morning hour, with a limitation of 3 minutes on statements.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. STENNIS. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. STENNIS. Mr. President, I yield myself 15 minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized for 15 minutes.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. STENNIS. I will say to the Senator from Wisconsin, I am not declining to yield, but under the agreement reached last evening, it was understood there would be a morning hour after the vote, which understanding has been agreed to this morning.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized for 15 minutes.

Mr. STENNIS. May we have order, Mr. President?

The ACTING PRESIDENT pro tempore. The Senate will be in order.

Mr. STENNIS. Mr. President, last evening when the Senate recessed I was addressing myself to the motion of the Senator from Louisiana to strike title VI. I was discussing various features of title VI particularly as they pertain to the action of the Federal district court acting, in addition to its judicial duties, under the provisions of the proposed law as a supervisory court or a supervisory agency over the registration of voters and the holding of elections.

I have limited time this morning. I shall very briefly summarize some of the points I made last night, and add some further points I think are covered in the provision.

Mr. President, putting it briefly, if this bill is passed and becomes a law I do not believe that the self-respecting Federal district courts and the courts above them will admit that Congress can strike down the status and the station of the judicial system by imposing upon it duties in a rambling supervisory elections bill of this type—imposing the additional duties set out on a court which derives its sole power and its sole station from the direct provisions of the Constitution of the United States.

Article III, section 1, of the Constitution provides:

> The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

Skipping sentences which are not pertinent, section 2 reads, in part:

> The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority.

It relates to other cases not pertinent here, but a summary of that entire section is that the duties and powers extend to cases and controversies. That phrase has a well-defined meaning in law. It means actual litigation or a contest between people or between States, and the duties and powers cannot be extended into a supervisory role, as the bill undertakes to do.

The judicial power of the Government is vested in the courts, based upon cases and controversies. That was the conception at the time the Constitution was written. It has been the conception from that time until now; and any other category in which we try to place the courts is without authority on the part of Congress and is, therefore, illegal, void, and unconstitutional. I believe it will be so declared.

We are undertaking here, not to authorize the courts to go into this new field, but to compel them to enter the new field, because after the Attorney General has filed a case under the Civil Rights Act of 1957, and that case has been heard, considered, and decided—and that is the adjudication of the case or the controversy—at the bottom of page 15, line 23, we are undertaking to write in this language:

> The court shall, upon request of the Attorney General, and after each party has been given notice and the opportunity to be heard, make a finding whether such deprivation was or is pursuant to a pattern or practice.

That is not necessary for a decision of the pending case or controversy. It is an extraneous matter. It is an additional matter. The constitutional authority of that court has already been exhausted, except for carrying out its decree in the original case. We do not even say that the court may make a finding, but we say that the court shall make a finding.

I submit to anyone who has an elemental knowledge of the basic principles of constitutional law that that is beyond the power of the court, and it is beyond the authority of the Congress to try to authorize the court so to act, much less compel it to so act.

I move along hastily. We set up this plan or practice, and the next step is that referees must be appointed—referees of election and referees to register voters. We say, in very solemn and high-sounding phrases, that the referee shall receive applications and take evidence, and report to the court findings. That certainly implies conclusions based upon the evidence. It is a very elevated position that we are giving the referees and the court; but when we get down to the fine language in line 20 on page 17, we find, notwithstanding the high-sounding language and the powers so generously given, that the powers of the court are really taken away, and it becomes a body of no greater rank than a sanitary district or commission, or a drainage district.

We talk about taking evidence. No; "the applicant shall be heard ex parte." Does that sound like a judicial undertaking or proceeding? We talk about weighing evidence, and about both sides being heard. Of course not. The procedure is ex parte, one-sided.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. STENNIS. I have only a limited time to summarize the points, but I yield briefly.

Mr. TALMADGE. If the Senator would prefer, I will withhold my question, but he is dealing with a point which is very interesting.

I read the following language on page 16:

> Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election.

I ask the distinguished and able Senator from Mississippi whether that language does not authorize the judge to make a ruling contrary to the State law, and declares such ruling to be legal.

Mr. STENNIS. That is certainly true. The provision runs roughshod over State laws. That is one more illustration of the whole tenor of the bill.

Mr. TALMADGE. He is empowered to strike down any State law at will, and declare his order to be the law.

Mr. STENNIS. That is correct. That is another illustration of the fact that this entire structure is not only not improvised along judicial lines, but is designed to carry out the "railroading" purpose.

After all the talk about taxing evidence and making a report of the findings, we find that the referee, representing the court, is placed in a straitjacket. He must receive these applications ex parte. There is no hearing on both sides. The proceeding does not have the aroma of a judicial function. It has the foul smell of a star-chamber proceeding. But my point is that it is invalid under the Constitution, because it is not a judicial proceeding. There is no testimony on both sides. Could there be a finding on the facts, or a conclusion after weighing the evidence?

That is not all. The language on page 19, line 5, is of the same tenor:

> The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

That is a farce. We talk about giving the adverse party notice, and bringing him into court. The adverse party may be the attorney general of the State. Yet we say that, as a matter of law, regardless of what the evidence is, the applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers in the report of the voting referee, which report has already been filed and is in court before the adverse party, the county registrar or the State attorney general is summoned to court. We might as well write on the face of the summons, "You are commanded to appear, but we are not going to hear what you have to say. We have already made up our minds."

Is that a judicial proceeding? As I said last night, the court, to use a Biblical term, will "spew" this act out of its mouth if it is to protect its own dignity, its own decency, and its own status as a constitutional body vested with judicial power, and with judicial power alone.

So let us not deceive ourselves. Under the guise of creating rules of evidence we are creating conclusive presumptions, and calling the whole procedure a judicial process. We are creating conclusive presumptions, based upon the flimsiest and most uncertain kind of proof.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. JOHNSTON of South Carolina. At the close of the last sentence on page 17, speaking of the applicant, we find this language:

> His statement under oath shall be prima facie evidence as to his age, residence, and his prior efforts to register or otherwise qualify to vote.

In other words, in our State we have certain laws, as does also the Senator in his State on this subject. Yet under the bill what is proposed would be better evidence than the recorded documents in the State with respect to matters of that kind.

Mr. STENNIS. The Senator is correct. That is another illustration of what I have been saying. It would be prima facie evidence. Further along in the bill there are the arbitrary presumptions, that the court shall hear this matter within 10 days, that the court shall make a finding as to whether or not there is a pattern, and that the court shall let this person vote if the application is filed within 20 days.

The proposed act has no regard and no respect for the judicial system. In addition to giving the powers enumerated, and making the assignments, it is nonjudicial from topside to bottom.

I now refer to the bottom of page 19, and there point to another illustration of what I am arguing. I read:

> In the case of an application filed within twenty days prior to an election, the court, in its discretion, may make such an order.

However, in the preceding sentence, we read:

> In the case of any application filed twenty or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally.

I shall not go into the provisional feature of it. However, there is a lack of discretion.

There is one other point I should like to make.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. STENNIS. I yield myself an additional 5 minutes. I refer to page 19, line 8, and read:

> The court, or at its discretion the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

That refers to a certificate which comes out of a court. It is not based upon a case that has been heard. It comes through the referee channel. It has not traveled the route a case travels in following the steps of due process of law. It finally winds up with a certificate in the hands of the applicant. The point I raise is this: What status is this certificate to have at the election? Suppose an election manager refuses to abide by it, thinking honestly that it is his duty not to let that person vote.

Certainly it cannot be assumed that he would do that arbitrarily. Let us assume that he honestly thinks that in fairness to other persons whose names are on the registration or poll books this person should not be permitted to vote. Suppose the manager does not let that person vote. Is he going to be held in contempt of court?

This is not a judgment of the court. This is not a decree. It has never gone through the channels of elemental due process of law. How can this piece of paper rise to the dignity of being a decree when the situation is as I have stated it? True, it has gone through the courthouse, but it did not go through judicial channels.

Yet, if a person does not obey the certificate and let the person vote, what is to be his status? Can the court punish him for contempt of court? What is the citizen going to do? How can he know where he stands? He has never been in court himself on this matter.

That is another illustration of the nonjudicial nature of the entire proceeding from the first step.

The provision in the bill that the court shall make a finding as to whether there is a pattern or practice in existence is entirely void and unconstitutional and falls by its own weight, and with it falls the rest of this whole structure, because successive steps follow after the finding of the plan or pattern or practice.

For that reason title VI should be stricken from the bill. I hope that this point, as well as other points, will be seriously considered by the membership of the Senate as it becomes clearer and clearer with each passing day that this method and system is without law and without authority, and that the remedy needed could be supplied and must come from other channels.

It would be a very simple matter, incidentally, if Congress really wished to go into this matter, to write a simple criminal statute providing a special penalty for any election official who ruled against any applicant voter on the ground of race or color. Such a law would be grounded on the Constitution. It would have judicial standing in court because it would be proper for it to be referred to the judiciary for enforcement. Instead of that, we have a great panorama which reads like an insurance policy or a law creating a drainage district. It is without rhyme or reason and without judicial sanction and authority.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. STENNIS. It is pitted with political considerations and political plans. I hope the motion of the Senator from Louisiana will prevail.

Mr. DIRKSEN. Mr. President, I yield 5 minutes to the Senator from Louisiana.

Mr. ELLENDER. Mr. President, I wish to compliment the distinguished Senator from Mississippi for clearly pointing out the many pitfalls of title VI.

During the last few days I have made every effort to document and to emphasize the unconstitutionality of title VI. I have pointed out that the election laws of every State of the Union are based upon the premise, and the Constitution's assurance that the States, and only the States, have authority to fix election qualifications.

As I have pointed out, our Federal Constitution would never have been adopted except for the fact that the right to fix qualifications of electors was left exclusively in the hands of the States.

Here we have a classic example of an effort being made by Congress to put and extend the long arm of the Federal Government into the 50 States of the Union, and to authorize the Federal Government to fix the qualifications of the electors.

Mr. President, during my previous discussions of title VI of this bill, I have tried to emphasize the actual discrimination it would accomplish under the guise of assuring equality of suffrage. More specifically, Louisiana law requires that the registrar's books be closed 30 days prior to an election, yet this bill declares that a member of the race found to be affected by the pattern or practice determined previously by a Federal judge has the absolute right to be registered to vote provisionally should he apply to the voting referee at any time 20 days prior to an election. It is easy to see, Mr. President, that this provision gives a 10-day advantage to colored applicants, an advantage which prospective white registrants do not have.

Furthermore, under the provisional voting section, ballots of those permitted to vote provisionally are to be impounded. In my State, as in quite a few others, elections are required to be conducted with voting machines. The paper ballot is unlawful. How would the vote of an elector permitted to vote provisionally be impounded in a State where voting machines are mandatory? The only possible method is to require the voter to declare under oath, in writing, and probably in the presence of specified individuals, the names of those for whom he has voted. This procedure would, of course, completely destroy the right to a secret ballot, which is specifically guaranteed under most State laws and which certainly is a very basic and precious right in a free country.

These are just two of the major defects in this title and, as I have endeavored to point out during previous debate on this matter, these two considerations, coupled with the many other fatal flaws, offer ample proof of why title VI should be removed from the bill. Its proponents talk about intimidation. They say they want to permit all citizens to vote and vote without fear of intimidation. Yet, under this provisional voting section alone, an invitation is extended to intimidation by destroying the secrecy of the ballot, by requiring voters to declare in writing for whom they vote. This seems to me to offer assurance of intimidation instead of protection against it.

Mr. President, in all seriousness, I urge Senators to view the impositions levied under title VI against the background of their own States' electoral procedures and to do so in an objective and fair manner. If this is done, then I feel confident my motion will carry. On the other hand, unless Senators do join me in voting down this infamous provision, if they persist in taking the purely political approach, the easy approach, I can assure them they are opening the door to election fraud, election mismanagement and to the destruction of the position assured to the States by the Founding Fathers when the Constitution was drafted.

Mr. TALMADGE. Mr. President, will the distinguished Senator from Illinois yield 5 minutes to me?

Mr. DIRKSEN. Mr. President, I yield 4 minutes to the Senator from Georgia, for I should like to keep 1 minute for myself.

Mr. TALMADGE. I thank the minority leader.

Mr. President, the 15th amendment does not confer upon Congress the right to enact legislation of the type contained in the bill. Appropriate legislation under the 15th amendment is confined to the presentation of denials or abridgements.

Congress cannot, by converting Federal judges into registration officials, or otherwise, compel the States to recognize Negroes as voters. Registration is an individual right. Each case is considered on its own merits and demerits, and whether a person is entitled to be registered or not is determined solely by weighing his qualifications and disqualifications, if any, by the standards outlined in the Constitution and statutes of the State of his residence.

That was decided by *Mitchell* v. *Wright* (62 F. Supp., p. 582).

The fact that a Negro may have had the right to vote denied or abridged by a State does not, ipso facto, entitle him to vote. The 15th amendment empowers Congress to protect the Negro's right to vote against denial or abridgment by the State.

The 15th amendment does not empower Congress to enact legislation qualifying or authorizing that Negro to vote.

In *United States* v. *Reese* (92 U.S. 214, 217), the court said:

> The 15th amendment does not confer the right of suffrage upon anyone. It prevents the States from giving preference in that particular to one citizen of the United States over another on account of race, color, or previous condition of servitude. * * * It follows that the amendment has invested the citizens of the United States with a new constitutional right which is within the protective power of Congress. That right is exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude. This, under the express provisions of the second section of the amendment, Congress may enforce by appropriate legislation.

This language was cited approvingly by the court in the case of *James* v. *Bowman* (190 U.S. 138).

The 15th amendment is nothing more or less than an injunctive order contained in the supreme law of the land, enjoining States from denying or prejudicing the right of a citizen of the United States to vote on account of race, color, or previous condition of servitude. It is to be construed as if there had been a suit for injunction brought by someone authorized to bring it against all the States of the Union, had that been possible, and injunction granted in words as follows: "The defendant States are enjoined from denying or abridging the right of citizens of the United States to vote on account of their race, color, or previous condition of servitude."

To convert that implied injunctive order into a mandamus order compelling the registration of voters by congressional action is beyond the delegated constitutional power.

I thank the distinguished minority leader for yielding time to me. I yield the floor.

Mr. ROBERTSON. Mr. President, will the Senator from Illinois yield 1 minute to me?

Mr. DIRKSEN. I yield 1 minute to the Senator from Virginia.

Mr. ROBERTSON. Mr. President, on February 28 the junior Senator from Virginia opened the debate on the Dirksen amendment, speaking against title VII which provided for voting referees. I spoke for 4½ hours, pointing out the defects and unconstitutionality of the provisions in title VII.

Title VI of the House bill is substantially the same as title VII of the Dirksen amendment, with this exception: With the adoption of the O'Hara amendment, offered from the floor, relating to the unconstitutional and unworkable provisional voting plan, title VI, or section 6, of the pending bill is far worse than title VII of the Dirksen amendment, which I discussed for 4 hours and a half on February 28. If no one would heed me after 4 hours and a half of speaking, I feel that 1 minute is adequate time for me now to renew my objection.

Mr. JOHNSON of Texas. Mr. President, does any other Senator desire time to speak in support of the motion?

The ACTING PRESIDENT pro tempore. Will the Senator from Texas restate his question?

Mr. JOHNSON of Texas. I was asking if any other Senator desires to speak before 11 o'clock in support of the motion of the Senator from Louisiana to strike section 6. If not, I should like to suggest the absence of a quorum.

Mr. President, I ask unanimous consent that not to exceed 2 minutes may be allowed the minority leader, in addition to the time necessary for a quorum call.

The ACTING PRESIDENT pro tempore. At the conclusion of the quorum call?

Mr. JOHNSON of Texas. Yes.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 160]

Aiken	Frear	Martin
Allott	Fulbright	Monroney
Anderson	Gore	Morse
Bartlett	Green	Morton
Beall	Gruening	Moss
Bennett	Hart	Mundt
Bible	Hartke	Murray
Bridges	Hayden	Muskie
Brunsdale	Hennings	Pastore
Bush	Hickenlooper	Prouty
Butler	Hill	Proxmire
Byrd, Va.	Holland	Randolph
Byrd, W. Va	Hruska	Robertson
Cannon	Humphrey	Russell
Capehart	Jackson	Saltonstall
Carroll	Javits	Schoeppel
Case, N.J.	Johnson, Tex.	Scott
Case, S. Dak.	Johnston, S.C.	Smathers
Chaves	Jordan	Smith
Church	Keating	Sparkman
Clark	Kefauver	Stennis
Cooper	Kerr	Talmadge
Cotton	Kuchel	Thurmond
Curtis	Lausche	Wiley
Dirksen	Long, Hawaii	Williams, Del.
Douglas	Long, La.	Williams, N.J.
Eastland	Lusk	Yarborough
Ellender	McCarthy	Young, N. Dak.
Engle	McClellan	Young, Ohio
Ervin	McGee	
Fong	McNamara	

Mr. JOHNSON of Texas. I announce that the Senator from Washington [Mr. MAGNUSON] and the Senator from Montana [Mr. MANSFIELD] are absent on official business.

The Senator from Massachusetts [Mr. KENNEDY], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Missouri [Mr. SYMINGTON] are necessarily absent.

The Senator from Connecticut [Mr. DODD] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from Idaho [Mr. DWORSHAK] is

absent on official business attending a meeting at the Air Force Academy.

The Senator from Kansas [Mr. CARLSON] and the Senator from Arizona [Mr. GOLDWATER] are necessarily absent.

The ACTING PRESIDENT pro tempore. A quorum is present.

Mr. DIRKSEN. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized for 3 minutes, pursuant to the unanimous-consent agreement.

Mr. DIRKSEN. Mr. President, the motion pending before the Senate is to strike out title VI of the pending bill. Title VI is the so-called referee provision. It is, in fact, the very heart of the bill. If it were stricken, the bill would be reduced in its effect to the point where, in many respects, it would be meaningless.

This provision is what we have been laboring for, for a long time, and I earnestly hope the Senate will not give itself, at this stage of the proceedings, to striking out the most important provision of this measure.

Therefore, Mr. President, I move that the pending motion be tabled, and on that question I ask for the yeas and nays.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Illinois [Mr. DIRKSEN] to lay on the table the motion of the Senator from Louisiana [Mr. ELLENDER] to strike out title VI. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. JOHNSON of Texas. I announce that the Senator from Washington [Mr. MAGNUSON] and the Senator from Montana [Mr. MANSFIELD] are absent on official business.

The Senator from Massachusetts [Mr. KENNEDY], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Missouri [Mr. SYMINGTON] are necessarily absent.

The Senator from Connecticut [Mr. DODD] is absent because of illness.

I further announce that if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Washington [Mr. MAGNUSON], the Senator from Montana [Mr. MANSFIELD], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Missouri [Mr. SYMINGTON] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Idaho [Mr. DWORSHAK] is absent on official business attending a meeting at the Air Force Academy.

The Senator from Kansas [Mr. CARLSON] and the Senator from Arizona [Mr. GOLDWATER] are necessarily absent.

The result was announced—yeas 73, nays 18, as follows:

[No. 161]

YEAS—73

Aiken	Brunsdale	Case, S. Dak.
Allott	Bush	Chavez
Anderson	Butler	Church
Bartlett	Byrd, W. Va.	Clark
Beall	Cannon	Cooper
Bennett	Capehart	Cotton
Bible	Carroll	Curtis
Bridges	Case, N.J.	Dirksen
Douglas	Keating	Munkle
Engle	Kefauver	Pastore
Fong	Kerr	Proxmire
Frear	Kuchel	Randolph
Gore	Lausche	Saltonstall
Green	Long, Hawaii	Schoeppel
Gruening	Long, Mo.	Scott
Hart	McCarthy	Smith
Hartke	McGee	Wiley
Hayden	McNamara	Williams, Del.
Hennings	Martin	Williams, N.J.
Hickenlooper	Monroney	Yarborough
Hruska	Morse	Young, N. Dak.
Humphrey	Morton	Young, Ohio
Jackson	Moss	
Javits	Mundt	
Johnson, Tex.	Murray	

NAYS—18

Byrd, Va.	Holland	Russell
Eastland	Johnston, S.C.	Smathers
Ellender	Jordan	Sparkman
Ervin	Long, La.	Stennis
Fulbright	McClellan	Talmadge
Hill	Robertson	Thurmond

NOT VOTING

Carlson	Goldwater	Mansfield
Dodd	Kennedy	O'Mahoney
Dworshak	Magnuson	Symington

So Mr. DIRKSEN's motion to table Mr. ELLENDER's motion to strike title VI was agreed to.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to reconsider was laid on the table.

ORDER OF BUSINESS

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. JOHNSON of Texas. Under the unanimous consent agreement previously entered into, I think it is now in order to proceed with the morning hour, is it not?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. JOHNSON of Texas. And statements in connection therewith will be limited to 3 minutes?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. JOHNSON of Texas. I should like to state, for the information of Senators, that it is planned to have the Senate remain in session as late this evening as a majority of the Senate will remain here, in an attempt to get action upon the pending bill, which has been before this body 8 weeks.

I know of no bill that has ever been considered by the Senate that has involved more roll calls and more determinations of majority sentiment than has the pending bill.

While there is still some language in the bill which is not understood, and is subject to different interpretations—and we are attempting to arrive at an interpretation that is agreeable to all Senators—I hope Senators will adjust their schedules so that they can be present for any rollcalls this afternoon or evening.

In the event we are unable to conclude action on the bill today, it is planned to have the Senate convene early tomorrow morning, and remain in session late tomorrow evening.

If there are still Senators who desire to speak on the bill, we shall be tolerant and understanding, and try to give every Senator his day in court. If necessary there will be a session on Saturday, in order to accomplish that purpose.

However, I hope the Senate may conclude action on the bill today. I believe it has been apparent, since March 24, that a majority of the Senate desires to take the parts of the original Dirksen proposal that have already been agreed to and add an effective voting rights provision and pass a civil rights bill, the heart of which will be to protect every person's voting rights.

I believe that if we ever have an opportunity to call the roll on that kind of bill, we can pass it and proceed to consider other urgent legislation which must be acted upon between now and the time we anticipate adjournment, in July.

So I appeal to all my colleagues on both sides to indulge us if we ask them to remain here late today, in an attempt to arrive at a meeting of the minds on the various interpretations and let a majority resolve the questions and finally pass a bill. I hope that can be done within the next few days, though I certainly do not wish to pose as a prophet and make any predictions.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield for a question.

Mr. JAVITS. I noted the words used by the Senator, to the effect that if we ever have an opportunity to call the roll and vote, such a bill can be passed. Do I correctly understand—and I know I do—that the majority leader and the minority leader are fully determined that we shall have an opportunity to vote?

Mr. JOHNSON of Texas. I certainly am, and have been since February 15. If I have not demonstrated that to the satisfaction of everyone, I apologize.

Mr. JAVITS. I will say to the Senator, if he will yield further, that I think he has; and that is why I took pains to make clear that there were no other implications in his words.

I thank the distinguished majority leader.

PETITIONS AND MEMORIALS

Petitions, etc., were presented, and referred as indicated:

By Mr. JAVITS:

A joint resolution of the Legislature of the State of New York; to the Joint Committee on Atomic Energy:

"JOINT RESOLUTION 139

"Joint resolution of the senate and assembly memorializing the Congress and the President of the United States to initiate a program for radioactive fallout protection for all citizens of the United States

"Whereas the people of the State of New York feel deep concern for the international situation and its effect upon the safety and future of each citizen; and

"Whereas they know the freedom of the people of this State and Nation to be fatefully bound to the fate of free peoples throughout the world; and

"Whereas they realize that the future of freedom everywhere depends on the willingness of the American people to defend the right of peoples to determine their own fate; and

"Whereas all free peoples today confront, in the form of the steadily growing force and resources of Soviet Communism, a threat without parallel in their history; and

"Whereas the simultaneous evolution of science and weaponry makes this threat a menace of such proportions as has been confronted by no other generation; and

"Whereas the success of diplomatic negotiations with the Soviet Union, involving both the safeguarding of the freedom of Berlin and progress toward disarmament, depends critically upon our national strength and our national resolve; and

"Whereas all levels of concern—moral, political, and military—dictate the need for Government to assure adequate defenses for our population, not only to sustain possible hostile attack but also to deter and to discourage the attempt of such attack; and

"Whereas both the lives and the liberties of all Americans are thus at stake in the military and political decisions of this time; and

"Whereas the President of the United States has declared that "our total defense is incomplete and meaningless without reliable and responsible home defenses" and the Joint Chiefs of Staff have stated that a fallout shelter program is "essential" both to our military defense and to our policy of seeking peace through deterrence of nuclear attack; and

"Whereas the Secretary of State has made it emphatically clear that there is a direct relationship between a fallout shelter program and the effective conduct of foreign policy; and

"Whereas the Director of the Central Intelligence Agency has indicated that fallout protection for our people is essential to withstand nuclear blackmail; and

"Whereas the health, the safety, and the survival of the individual citizen is a matter of paramount State and National concern; and

"Whereas the fallout protection essential to the survival of tens of millions of Americans, in the event of a nuclear attack upon our country, is readily obtainable; and

"Whereas it is a matter of utmost gravity and urgency that protective steps be taken by and for the people of every State in our Union and to make these steps effective that further supporting action be taken by the Federal Government: Now, therefore, be it

"*Resolved (if the assembly concur)*, That the Congress and the President of the United States be and hereby are respectfully memorialized to—

"1. Declare it to be the policy of the United States that every American citizen have effective fallout protection as promptly as possible;

"2. Provide affirmative additional support to State, local, and individual initiative in obtaining essential fallout protection by, among other things,

"(a) authorizing a Federal income tax deduction for the cost of fallout shelters (up to a maximum of $100 per planned shelter occupant);

"(b) making the provision of fallout protection mandatory in all construction built with Federal funds or financed with Federal loans or guarantees; and

"(c) providing fallout protection for the executive, legislative, and judicial branches of the Federal Government and for the Armed Forces of the United States to assure the continuity of their functioning in the event of nuclear war; and

"3. Direct the promulgation of a comprehensive nationwide program of nuclear protection, warning, and training; and

"4. Accelerate the establishment with Federal funds of the nationwide, fully automatic system of monitoring for radioactive fallout, using modern computer techniques, supplemented with an improved attack-proof system of radio communication with shelter occupants; and

"5. Direct that an immediate and intensive program of research be undertaken looking to action which will make possible national recovery following a nuclear attack, including vigorous new steps for decontamination, for the prepositioning, preservation and distribution of food supplies, for the purification of water, for the prepositioning, rationing, and distribution of fuel, clothing, medicines, building materials and other supplies, and for most effective employment of the surviving population for the national recovery; and be it further

"*Resolved (if the assembly concur)*, That copies of this resolution be transmitted to the President of the United States, to the Secretary of the U.S. Senate, to the Clerk of the House of Representatives of the United States, and to each Member of Congress duly elected from the State of New York and that the latter be urged to assert their best efforts to the task of accomplishing the purposes of this resolution.

"By order of the Senate,

"JOHN J. SANDLER,
"*Secretary.*"

RESOLUTIONS OF FARMERS UNION OF CHIPPEWA FALLS, WIS.

Mr. WILEY. Mr. President, I also received from William A. McIlquhan, corresponding secretary of the Farmers Union of Chippewa Falls, Wis., two resolutions, which I also ask unanimous consent to have printed in the RECORD and appropriately referred.

There being no objection, the resolutions were referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Whereas the department of Agriculture has notified schools that the Federal reimbursement rate of 3½ cents per half pint of milk would be reduced by half a cent on March 1: Therefore be it

Resolved, That the delegates attending the quarterly convention of the Chippewa County Farmers Union held at Stanley, Wis., on March 19, 1960, go on record against the cutback in Federal school milk program; and be it further

Resolved, That we support bills introduced in Congress to provide additional funds for the program.

Whereas the present farm program, as administered by Secretary of Agriculture, Ezra Taft Benson, has failed to cope with the problem of agricultural surpluses: and

Whereas the overproduction and accumulation of farm commodities have depressed agricultural prices and income so that farmers are not sharing equitably in the fruits of an expanding economy: Therefore be it

Resolved, That the delegates attending the quarterly convention of the Chippewa County Farmers Union held at Stanley, Wis., on March 19, 1960, go on record favoring the support of the passage of the Family Farm Income Act of 1960—bill numbered H.R. 10361.

TAXATION OF COOPERATIVES—LETTER AND RESOLUTIONS

Mr. WILEY. Mr. President, one of the most precious rights of the American people is the right of petition. I received today a letter from the Madison Milk Producers Cooperative Association, of Madison, Wis., enclosing several resolutions.

I ask unanimous consent that the letter and resolutions be printed in the RECORD, and that the resolutions be appropriately referred.

There being no objection, the letter and resolutions were received, appropriately referred, and ordered to be printed in the RECORD, as follows:

MADISON MILK PRODUCERS
COOPERATIVE ASSOCIATION,
Madison, Wis., March 29, 1960.

The HONORABLE ALEXANDER M. WILEY,
The U.S. Senate,
Washington, D.C.

DEAR SIR: Enclosed is a copy of Resolution 9 with regard to taxation of cooperatives, which was passed unanimously at our annual meeting of Madison milk producers held March 10, 1960.

In these days when attacks against cooperatives become increasingly severe it is ever more apparent that certain elements are out to eliminate the competition and stabilizing effects of cooperatives.

We realize, of course, that you are well aware of the reasoning behind the organization of cooperatives. However, it is very obvious that many members of our legislative bodies do not have this understanding and are aiding in the undermining of cooperatives.

On behalf of all Madison milk producers and on behalf of cooperative programs throughout the United States we respectfully request that you do everything possible to preserve the status of cooperatives and to make known to the public the objectives of cooperation.

We are also enclosing a copy of Resolution 10 with regard to public announcements which was also passed unanimously at our annual meeting. Madison milk producers are very concerned that indiscriminate announcements of this type could also be very injurious to the dairy industry.

Very truly yours,
HARVEY E. TREW, *Manager.*

To the Committee on Finance:

"RESOLUTION 9, TAXATION OF COOPERATIVES

"Congress has for many years maintained a public policy of encouraging farmers to improve their own position by organizing and operating agricultural cooperatives.

"As long as farmers' cooperatives are successful in limiting the profits and margins that can be taken at the expense of the farmer, efforts will be made to hamper or destroy the cooperatives. These efforts have taken many forms including proposals for increased tax burdens, attacks on the banks for cooperatives, and propaganda campaigns which tend to undermine public confidence in cooperatives.

"Savings made by farmers through the operation of their own cooperative are subject to a single tax. Thus business enterprises operated by farmers' cooperatives are taxed on the same general basis as similar business enterprises operated by individuals or partnerships.

"A single tax should be currently paid by farmers on the benefits they receive through the operation of their cooperatives; and be it

"*Resolved*, That the Madison Milk Producers Cooperative Association support legislation and regulations to maintain this objective."

To the Committee on Agriculture and Forestry:

"RESOLUTION 10, PUBLIC ANNOUNCEMENTS

"We extend our concern and sympathy to the innocent cranberry growers, many of whom must face financial ruin as a result of the recent nationwide alarming announcement made by a responsible Government agency. This announcement was made without adequate regard for the rights and property of these growers whose product was not contaminated and before testing had been completed.

"We fully appreciate the need for Government agencies and public officials charged with responsibility in such matters to warn

the public. To the extent necessary they should be forthright in such announcements. The greatest possible care should be used, however, to confine adverse publicity to the products and areas affected. Announcements which can be made in general terms should not be stated in terms of a particular food with resulting unnecessary and unwarranted injury to that industry.

"Whereas this same situation could develop in the dairy industry by indiscriminate announcements with regard to antibiotics, pesticides, and inhibitors: Therefore be it

"*Resolved*, That whenever possible the Madison Milk Producers Association impress upon Government officials and others the extreme importance of not making public announcements in such matters until all of the facts are fully known and then only when other remedies would be inadequate to meet the problem. In any case such announcements should first be cleared with the U.S. Department of Agriculture."

LOYALTY OATH AND DISCLAIMER AFFIDAVIT—RESOLUTIONS AND STATEMENT

Mr. HUMPHREY. Mr. President, I continue to receive messages, statements, and resolutions of faculty and student groups in opposition to the loyalty oath and disclaimer affidavit sections of the National Defense Education Act.

Mr. President, I ask unanimous consent that a resolution of the Winona, Minn., chapter of the American Association of University Professors, March 17, 1960; a resolution of the University of Minnesota senate, adopted March 10, 1960, and a statement by David K. Berninghausen, of Minneapolis, Minn., on the AAUP and the National Defense Education Act be printed in the RECORD.

There being no objection, the resolutions and statement were ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE WINONA CHAPTER OF AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS

Resolved, That the Winona Chapter of American Association of University Professors express its opposition to the loyalty oath and the disclaimer affidavit sections of the National Defense Education Act of 1958 and that we request the Minnesota Representatives in Congress and Senators HUMPHREY and MCCARTHY to vote for removal of these sections of the act, and in particular to vote in favor of the bill introduced by Senator KENNEDY to eliminate the disclaimer affidavit.

RESOLUTION OF THE UNIVERSITY OF MINNESOTA SENATE

Whereas loyalty oaths on principle are unsound and in practice serve no useful purpose, we, the senate of the University of Minnesota, urge that the loyalty oath and disclaimer provision of the National Defense Education Act of 1958 be removed. As an immediate first step toward achievement of this goal we hold that the bill in the U.S. Senate providing for repeal of the disclaimer affidavit (S. 2920) should be enacted.

THE AAUP AND THE NATIONAL DEFENSE EDUCATION ACT

(By David K. Berninghausen)

In spite of protests by the colleges and by Arthur Flemming, Secretary of Health, Education, and Welfare, the loyalty oath and disclaimer affidavit are still part of the requirements for benefits to students and teachers under the National Defense Education Act.

On November 1, 1958, the national office of the AAUP drafted a letter to be sent to all Members of the National Legislature, expressing the shock and alarm felt by the association to find "that students and teachers, when they are to receive funds, are placed in a special category and must enter a humiliating disclaimer. The act seems to say to members of the educational community 'You are an important part of American life and you have an admitted real need, but let there be no mistake about the fact that you are a particularly suspect part of the population and will have to pass a special test that other citizens need not take.' This is a prejudgment of the teachers and students of America which we cannot believe the Congress intended to make."

It should be noted that farmers, veterans, and other recipients of Federal benefits are not made objects of suspicion in this fashion. The only potential recipients of Federal benefits now required to sign such a disclaimer affidavit are students and teachers in colleges and universities.

The AAUP statement described three specific objections to the disclaimed affidavit: Vagueness, unconstitutionality of the substance of the disclaimer, and the invidiousness of the requirements. Under the third heading the letter said:

"A disclaimer requirement or 'test oath' by its nature cannot fail to be invidious. If an individual refuses to sign, he raises a suspicion that he is unworthy of public trust or benefit. If he signs, he endorses the pertinency of the general suspicion about him and his kind which is embodied in the requirement. Social safeguards should be directed to specific dangers; they should not, as in this instance, take the form of inescapable and unwarranted derogatory implications directed toward a whole class of persons and all its members."

The AAUP position, which appeared in the 1958 winter issue of the AAUP Bulletin, also emphasizes the point that teachers as well as students are affected by the NDEA. It is indicated clearly that the affidavit requirement appears certain to affect seven categories of staff (including foreign-language teachers, counselors, and others), and four categories of students. It is pertinent, too, that almost one-third of the $44.3 million provided for 1959 went to support projects other than student loans. The argument against firm action by local chapters on the grounds that the act affects only students is invalid.

The NDEA provided $44.3 million for 1959. It will provide $295 million from 1959 to 1962. The future of the program will depend upon how wholeheartedly the colleges and universities support it. During its first year almost no colleges refused funds, but by November 1959 several institutions took a second, more critical look at the conditions of the act.

Princeton was one of the few which refused to participate in the program from the beginning. Later, Harvard, Yale, Oberlin, Carleton, Bryn Mawr, Swarthmore, Haverford, Wilmington, Reed, Grinnell, St. John's, Goucher, Bennington, Amherst, and Sarah Lawrence announced withdrawal. Antioch College is accepting the funds, but holding them in escrow until Congress repeals both the loyalty oath and disclaimer affidavit requirements. At the University of Oregon the AAUP unanimously recommended to its administration that after present agreements expire no further agreements to administer funds should be made until the disclaimer requirement is removed. The Oregon AAUP accepts the loyalty oath requirement without protest.

The New York Times of February 7, 1960, lists 60 colleges which have protested against the disclaimer affidavit requirement in the act. Seven institutions refused to participate from the beginning. Thirteen more have participated, but have withdrawn. Forty others, including nine State universities, are still participating, but have publicly protested. The faculties of Wisconsin, Ohio State, Oregon, and Oregon State Universities have protested against this objectionable feature of the act. What is the position of the University of Minnesota faculty?

At the University of Wisconsin an ad hoc committee of the faculty has given careful study to this issue. Monthly reports are made to the faculty on progress toward repeal of the disclaimer affidavit. This faculty decided, with reluctance, to continue to participate, but they will review the question in their faculty meeting of November 1960.

No statement has been issued by the AAUP at the University of Minnesota, though the committee on academic freedom unanimously recommended an intensification of this university's efforts for repeal.

The urgency of the present situation arises from the fact that bills have been introduced in Congress to repeal the disclaimer affidavit requirement. According to the New York Times, the Kennedy-Clark-Javits bill (S. 2929) will be debated next month. Secretary Flemming, of Health, Education, and Welfare, is supporting the bill. President Eisenhower rates repeal sufficiently important to include it in his budget message. The repeal bill has been introduced in the House by DANIELS and THOMPSON.

President Nathan Pusey, of Harvard, asserts that the "disclaimer represents an affront to freedom of belief and conscience." He adds that Harvard's participation in the program in 1959 was taken in some quarters to indicate a lack of any serious objection in the university to the oath-affidavit requirement. For this reason, he said, Harvard is withdrawing from the program to make its true feeling clear on this matter.

President Pusey's statement highlights several questions that all American professors have a responsibility for answering:

1. Is this a conflict between two worthy principles: academic freedom versus freedom of choice by individual students? If it is, which principle should be given priority?

If this situation actually forced a choice between these principles, it would clearly be more important to society in general, and to the future students of all colleges and universities, to preserve the full integrity of American scholarship.

However, a college or university cannot properly say that it has no responsibility for the choices it puts before needy students. Here it is not a simple choice between two worthy principles.

Unlike the National Science Foundation Act, which placed the responsibility upon the recipient of benefits, the NDEA requires the involvement of the college or university. Any participating institution becomes party to the discriminatory practice, since it must supply 10 percent of each loan from its own resources and it must administer the oath and disclaimer affidavit. It thus entangles itself in something which the national AAUP calls "vague, probably unconstitutional, and invidious." And to the needy student, who may but probably does not comprehend the significance of the threat of political control over scholarship, it will seem that his college sanctions the oath and disclaimer affidavit.

2. Will the oath and affidavit be repealed if the institutions of higher education continue to participate?

No one can give an absolute answer to this, but it is logical to suppose that the longer the period that this program operates and the larger the sum of money involved, the more difficult it will be for colleges to effectively work for its repeal. Even though the colleges "intensify their efforts for repeal," Congress can say: "But you have, in fact, accepted the oath and disclaimer. You are participating in their administration."

Unless a stronger position is taken now, the general public and even the professors will come, in time, to accept these requirements as natural and necessary. If most colleges continue to participate, merely protesting the need for repeal, there is much reason to doubt that their protests will be effective.

3. What will be the probable effects upon scholarship if the oath and affidavit become accepted fixtures in a growing financial aid program?

President A. Whitney Griswold, of Yale, provides a historical perspective for judging the seriousness of the threat to free scholarship in his article in the New York Times magazine of December 20, 1959. He says, "It was in no small measure his (Hitler's) use of the oath that drove many German university professors into exile. They have testified to the dangers of all oaths, however innocuous their beginning, in a way that has undoubtedly made their American colleagues sensitive to those dangers."

Dr. Frederick Lilge also describes what happened in Germany in 1932 in his book, "The Abuse of Learning," Macmillan, 1948. In his epilog Lilge writes:

"The universities, then, had ample and direct warning. There was time to prepare for militant resistance against political violations of academic freedom * * * But the critical moment passed without any action * * * One may grant that a majority of German professors were at first troubled by these developments, yet the fact remains that they acquiesced in them."

Higher education in the United States in 1960 is certainly not at a comparable stage to that in Germany in 1932, but the danger to free, independent scholarship inherent in the disclaimer affidavit is apparent.

It seems improbable that professors in any country ever deliberately decide to surrender the freedom to conduct their research and teaching with complete independence. Rather, the integrity of scholarship erodes gradually from such beginnings as the oath-affidavit requirements in the NDEA. Undoubtedly, every one of the 40,000 members of the AAUP wishes to preserve the freedom essential to scholarship. There may be, however, differences of opinion as to the best means of securing the repeal of the oath and/or affidavit.

But no professor can afford to ignore this basic issue in American higher erducation. After study and analysis of the issue, the members of the AAUP have an obligation to urge their local chapters to adopt the position they feel appropriate. Each member's choice will depend upon his sensitivity to the threat offered, and upon his prediction of what will happen as a result of his choice among the following positions:

A. I urge my chapter of AAUP to recommend to our administration that they continue to participate in the NDEA program, but that they intensify their efforts to effect repeal of both the loyalty oath and disclaimer affidavit, or of either.

B. I urge my chapter of AAUP to emulate the chapter at the University of Oregon, which unanimously adopted a resolution recommending that the university, after the expiration of present agreements, shall decline to administer funds under the act while the recipients are required to file a disclaimer affidavit.

C. I urge my chapter of AAUP to recommend to the administration the tapering off of our participation in the program, declining, after the expiration of present agreements, to make further administration of funds until both the disclaimer affidavit and the oath are removed.

RESOLUTIONS OF PRINCETON, MINN., COOPERATIVE ASSOCIATION STOCKHOLDERS MEETING

Mr. HUMPHREY. Mr. President, I ask unanimous consent that four resolutions adopted at the annual stockholders meeting of the Princeton, Minn., Cooperative Association be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION 1

Whereas the recommendation of the Secretary of the Treasury, urging enactment of a special and discriminatory income tax on cooperative savings, was formally introduced in the House of Representatives on June 19, 1959; and

Whereas this legislation for the first time singles out cooperatives for imposition of an income tax not levied on other business, unless cooperatives pay an interest rate of at least 4 percent on their securities, and redeem securities issued for a patronage refund within a 3-year period; and

Whereas equity investments in all other business corporations are not restricted as to time of redemption or amount of dividend payments; and

Whereas this proposal singles out cooperatives for such unfavorable treatment of its equity capital investment; and

Whereas our Minnesota Legislature in its 1959 session almost unanimously memorialized Congress to oppose such proposed legislation; and

Whereas even the best managed, most efficient, and prosperous co-op associations in our State and the Nation could not comply with such unreasonable restrictions; and

Whereas hearings have already been scheduled on this question when Congress reconvenes the first of the year: Therefore be it

Resolved, That the Princeton Co-op Association ask Congress to spell out the 1951 compromise which was put into Federal law and regulations under the leadership of the late Senator Taft, so that our courts will have clear instructions regarding cooperative patronage refunds.

RESOLUTION 2

Whereas it is quite evident from present and former experience that high interest costs do not control inflation; and

Whereas the tight-money policy of the present administration puts an extra burden on agriculture by forcing extra cost for interest at a time when it is necessary for agriculture to borrow a larger portion of its capital, and when margins are actually decreasing: Therefore be it

Resolved, That the Princeton Cooperative Association support any legislation or workable plan that will help to relieve the high cost of money; be it further

Resolved, That the Princeton Cooperative Association continue to support the farm credit banks in their constant effort to keep adequate money available to agriculture at the lowest possible cost.

RESOLUTION 3

Whereas the maintenance of adequate central station electrical service in rural areas at rates people can afford to pay is of vital importance to the social and economic success of the Nation as a whole; and

Whereas in view of the high cost of rendering electrical service in sparsely settled rural areas this objective cannot be accomplished without the continued availability of a low-cost source of funds with which to finance needed improvements in electrical facilities: Now, therefore, be it

Resolved, That the Princeton Cooperative Association is opposed to any change in the rate of interest applicable to rural electrification loans.

RESOLUTION 4

Whereas price-support programs have been a great help in retarding falling prices and relieved the economic shock of a rapidly changing industry: Therefore be it

Resolved, That such support should be continued until a new program is developed, or the economic adjustments now in progress throughout the economy bring about an equitable relation of prices, costs, and farm income; and be it further

Resolved, That we commend the efforts of Congressman MARSHALL and Senators HUMPHREY and JOHNSON in helping to develop the new program.

Such a program, when developed, should accomplish the following:

1. Provide a standard of living for farm families reasonably comparable with those for other important domestic population groups.

2. Provide adequate farm income to make it possible for farmers to make necessary capital outlays and keep abreast of technical progress and improved efficiency within the industry.

3. Encourage consumption of dairy and other farm products.

4. Provide equality of income between producers and consumers.

5. Be consistent and logical when compared with the prices established in all areas.

RESOLUTIONS OF EAST CENTRAL ELECTRICAL ASSOCIATION, BRAHAM, MINN.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the resolutions adopted by the membership of the East Central Electrical Association of Braham, Minn., at the annual meeting on March 19, 1960, be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION 2

Whereas considerable propaganda has been circulated by the American independent light and power companies in opposition to the rural electrification program and the public power program in general—in many cases distorting the true meaning of the REA program and only telling half of the story, and in that way causing a misconception of the value and the benefits of the program among the general public; and

Whereas the membership of the association is not in many cases able to obtain actual facts to counteract a lot of this propaganda as it is given to the public by the opposition; and

Whereas if adequate information were available, the members would in many instances be able to counteract this information about the program; and

Whereas it has come to the attention of the members of the association that a newsletter is published by the national association known as the Rural Electric Minuteman which gives a lot of this information: Therefore be it

Resolved, by the members of East Central Electric Association, That we go on record to make the Rural Electric Minuteman available to all those members of the association who would desire to receive a copy.

RESOLUTION 3

Whereas the proposal has been made to increase the present 2 percent interest rate to REA associations; and

Whereas the present REA rate has been attacked because it has been subsidized by reason of the fact that it is lower than the present interest rate paid by the Government on money borrowed; and

Whereas it is an established fact that the Government has made a net margin on the money that has been loaned to the REA associations since the beginning of the program in the amount of $49 million on the basis of interest rate that has been in effect throughout the years on the basis of the amount reloaned to REA associations; and

Whereas the rural communities in America had not been able to obtain electric service for years because power companies said it was not profitable to build lines in the rural areas; and

Whereas the rural electrification program has been of great benefit to the entire national economy because for every dollar spent for line construction from $4 to $5 is spent by the members for electric wiring and appliances; and

Whereas because of the present transition over the past several years of people in the country discontinuing farming and seeking employment in the city, without electric service available in the country there would be a greater exodus of the people from the country to the city which, in turn, would make a lot of the small towns headed for the title of "ghost town"; and

Whereas when Congress set the interest rate at 2 percent, they also made a covenant with the REA associations that for the privilege of borrowing money at 2 percent, it would be necessary for them to extend the lines to the rural areas so that everyone could obtain electric service; and

Whereas because of the continued load growth developing among the members of the REA associations, a continuous heavying up and rehabilitation program is necessary—in most cases requiring more capital in the next 20 years than has been needed in the past 20 years; and

Whereas an increase in interest rate would, in many cases, seriously handicap the ability of many REA associations to provide adequate electric service to its membership: Therefore be it

Resolved, That the membership of the East Central Electric Association assembled at its annual meeting this 19th day of March 1960, go on record in opposition to any and all proposals to an increase in interest rate and any proposal to force the rural electric associations to go to the private money markets for their funds.

RESOLUTION 4

Whereas the net proceeds from returns after deducting expenses of a cooperative enterprise belong to the patrons on a patronage basis; and

Whereas any amounts retained by the cooperative are for operating and for fixed capital purposes and are not in any sense income to the cooperative; and

Whereas in the form of patronage refund such amounts are taxable to the patron receiving such refund: Therefore be it

Resolved, That Congress be urged to continue and if necessary clarify the purpose and intent that earnings or savings through the cooperative are income to the patron only and is not income to the cooperative; and be it further

Resolved, That Congress recognizes the fact that capital requirements for cooperatives vary widely depending on the nature of the business in which the cooperative is engaged and the type of plant and equipment which is necessary to conduct its business and because of the wide variation in capital requirements, there can be no fixed period for the return of retained capital to its patrons; and be it further

Resolved, That Congress go on record in opposition to the proposal of the Treasury Department for taxation upon the cooperatives of patronage refunds distributed to patrons.

STRENGTHENING OF INTERNATIONAL COURT OF JUSTICE—LETTER

Mr. HUMPHREY. Mr. President, I ask unanimous consent that a letter I have received from the chairman of the American Civil Liberties Union in Rhode Island in support of my resolution to strengthen the International Court of Justice be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN CIVIL LIBERTIES UNION,
March 14, 1960.

Hon. HUBERT HUMPHREY,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HUMPHREY: I am pleased to inform you that the executive board of the Rhode Island affiliate of the American Civil Liberties Union has unanimously voted to support repeal of the so-called Connally amendment to U.S. adherence to the International Court of Justice.

Very sincerely yours,
MILTON STANZLER,
Chairman, Rhode Island Affiliate, American Civil Liberties Union.

INTERNATIONAL CADET EXCHANGE—LETTER—RESOLUTION

Mr. HUMPHREY. Mr. President, recently in Charlotte, N.C., the Middle East regional conference of the Civil Aeronautics Patrol was held on March 17 to 19. States participating were North Carolina, Virginia, West Virginia, Delaware, Maryland, and the District of Columbia.

Wing commander of the CAP, Col. F. Joseph Donohue, of Washington, attended the meeting and brought my expression of support for the work of the CAP, as well as my strong endorsement of the idea of an international cadet exchange to include youngsters from behind the Iron Curtain, to the attention of the conferees.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD, my letter to Colonel Donohue dated March 17, together with a list of the officers of the CAP present at the meeting and a resolution taken by the Middle East region of the CAP, dated March 19.

There being no objection, the letter and resolution were ordered to be printed in the RECORD, as follows:

MARCH 17, 1960.

Col. J. JOSEPH DONOHUE,
Commander of the National Capital Wing, Civil Air Patrol, Washington, D.C.

DEAR JIGGS: I have just heard that you are to be in Charlotte, N.C., this weekend for a regional conference of the Civil Air Patrol. I hope that you will convey my warm greetings to your fellow CAP officers, to Major General McElroy, and to Col. David Harter, the regional commander.

I want to take this opportunity to commend you and the other men who have given so unsparingly of your time and energy to make the CAP program a success. Men like yourselves, and Col. Barnee Breeskin in Washington, have truly carried the ball for the CAP here in the Nation's Capital.

I hope, Jiggs, that you will urge General McElroy and your fellow officers to continue active consideration of the idea we have discussed for an international cadet exchange which would include youngsters from behind the Iron Curtain. I feel sure that you will agree with me that here is one way to crack through the Iron Curtain and reach the people. The international cadet exchange has been an outstanding success, and I was much impressed by my visit with the cadets last year. It is a wonderfully effective way of keeping alive the intense interest in aeronautics and space science among our teenage youngsters, as well as providing the basis for long-term international friendships.

I hope you will have an opportunity to convey my greetings and good wishes to all the CAP people.

Sincerely yours,
HUBERT H. HUMPHREY.

"RESOLUTION ADOPTED BY THE MIDDLE EAST REGIONAL CONFERENCE OF THE CAP

"*Be it resolved by the members of the Civil Air Patrol of the Middle East region, representing the North Carolina, South Carolina, Virginia, West Virginia, Maryland, Delaware, and National Capital wings, at their 1960 regional meeting*, That,

"Whereas the Civil Air Patrol, a civilian auxiliary of the U.S. Air Force, is proud of its role in assisting the Air Force, by means of its cadet and senior training program, to attain a capability of maintaining peace through adequate airpower; and

"Whereas the support of its mission by the U.S. Air Force is essential to its success: Now, therefore, be it

"*Resolved*, That the members of the Civil Air Patrol here assembled, express to the U.S. Air Force their deep appreciation for the continuing and invaluable assistance it has given, and is giving to them in support of their program; and be it further

"*Resolved*, That we as members of the Civil Air Patrol are deeply indebted to the U.S. Air Force for having designated Brig. Gen. Stephen D. McElroy as its national commander, to whom we herein express our sincere appreciation for the skill, devotion, and inspiration which he has brought to the Civil Air Patrol, which, under his dedication through leadership, has made a degree of progress unmatched in its history; and be it finally

"*Resolved*, That a copy of these resolutions be sent to the Chief of Staff of the U.S. Air Force; to the members of the national board and of the national executive board of the Civil Air Patrol and to the chairman of the Armed Services Committee of the U.S. Senate and of the U.S. House of Representatives."

Signed at Charlotte, N.C., this 19th day of March 1960.

DAVID S. HARTER,
Regional Commander.
DONALD H. DENTON,
Wing Commander, North Carolina.
JOHN R. TAYLOR,
Wing Commander, South Carolina.
ALLAN C. PERKINSON,
Wing Commander, Virginia.
H. LEON HAGER,
Wing Commander, West Virginia.
EUGENE S. BIBB,
Wing Commander, Maryland.
LOUISA S. MORSE,
Wing Commander, Delaware.
F. JOSEPH DONOHUE,
Wing Commander, National Capital.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on Agriculture and Forestry, without amendment:

S. 2772. A bill to authorize the Secretary of Agriculture to convey land in the town of Cascade, El Paso County, Colo. (Rept. No. 1237).

By Mr. EASTLAND, from the Committee on Agriculture and Forestry, with amendments:

H.R. 4781. An act to amend the Watershed Protection and Flood Prevention Act to provide that its loan provisions shall be applicable to certain other projects, and for other purposes (Rept. No. 1238).

By Mr. KUCHEL, from the Committee on Interior and Insular Affairs, with amendments:

S. 1092. A bill to provide for the construction of the Cheny division, Wichita Federal reclamation project, Kansas, and for other purposes (Rept. No. 1239).

Mr. CHURCH subsequently said: Mr. President, on behalf of myself, and the distinguished junior Senator from Alaska [Mr. GRUENING], I submit minority views on Senate bill 1092, and I ask unanimous consent that they be printed, together with the majority views, as part of the report.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. JOHNSTON of South Carolina, from the Joint Select Committee on the Disposition of Papers in the Executive Departments, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Administrator of General Services that appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and by unanimous consent, the second time, and referred as follows:

By Mr. HUMPHREY:

S. 3346. A bill to prohibit the making, in the District of Columbia, of discriminatory advertisements for the sale or rental of land or any structure thereon; to the Committee on Interstate and Foreign Commerce.

S. 3347. A bill for the relief of Sze-Foo Chien; to the Committee on the Judiciary.

(See the remarks of Mr. HUMPHREY when he introduced the first above-mentioned bill, which appear under a separate heading.)

By Mr. MCNAMARA (for himself and Mr. HART):

S. 3348. A bill to amend the Civil Service Retirement Act to provide for the inclusion of certain additional types of compensation within the meaning of the term "basic salary" for the purposes of such act; to the Committee on Post Office and Civil Service.

By Mr. TALMADGE:

S. 3349. A bill to create a specific tariff classification for certain imported coconut meat; to the Committee on Finance.

By Mr. JAVITS (for himself, Mr. COOPER, Mr. SCOTT, Mr. AIKEN, Mr. CASE of New Jersey, Mr. FONG, Mr. KEATING, and Mr. PROUTY):

S. 3350. A bill to provide for a program of Federal matching grants to the States to enable the States to provide health insurance for individuals aged 65 or over at subscription charges such individuals can pay; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. JAVITS when he introduced the above bill, which appear under a separate heading.)

By Mr. HENNINGS:

S. 3351. A bill for the relief of Khalil Ibrahim Moujaes; to the Committee on the Judiciary.

By Mr. HAYDEN:

S. 3352. A bill to amend the act approved August 24, 1935 (ch. 642, sec. 1, 49 Stat. 793), relating to bonds of contractors for public buildings or works and adding workmen's compensation insurance premiums to the obligations of contractors' bonds; to the Committee on Labor and Public Welfare.

By Mr. CHURCH:

S. 3353. A bill to provide for a study and report to Congress on the advisability of establishing a national park in the Sawtooth Mountain region of the State of Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. CHURCH when he introduced the above bill, which appear under a separate heading.)

By Mr. MORSE:

S. 3354. A bill relating to the rates of pension payable to veterans of World War I for non-service-connected disability; to the Committee on Finance.

(See the remarks of Mr. MORSE when he introduced the above bill, which appear under a separate heading.)

By Mr. MAGNUSON:

S.J. Res. 184. Joint resolution to promote the conservation of ocean fish and shellfish; to the Committee on Interior and Insular Affairs.

RESOLUTION

REPRINT OF REPORT ENTITLED "LABOR-MANAGEMENT RELATIONS IN PROJECTS INVOLVING THE DAVIS-BACON ACT"

Mr. HUMPHREY submitted a resolution (S. Res. 302) to print for the Committee on Labor and Public Welfare a staff report on labor-management relations on certain Federal projects, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. HUMPHREY, which appears under a separate heading.)

PROHIBITION OF DISCRIMINATORY REAL ESTATE ADVERTISING IN DISTRICT OF COLUMBIA

Mr. HUMPHREY. Mr. President, I introduce, for appropriate reference, a bill to prohibit discriminatory advertisement for the sale or rental of land or dwellings in the District of Columbia.

At the present time, the daily newspapers of Washington permit advertisements of real estate for sale by race. I do not question the motives of the policymakers of the papers, for I know that they have often been in the forefront of the battle to wipe out discrimination. Nevertheless, by allowing such an advertising practice, they are contributing toward the establishment of segregated neighborhoods.

Advertising real estate by race helps to create racial ghettos. Through such ads white home buyers are divided to one part of the city and colored home buyers to another. Hence, the advertisements hinder stabilization of integrated neighborhoods.

What is even more serious is that certain unprincipled real estate operators have used such tactics of advertising to stimulate panic selling. This is known as blockbusting. Such operators buy homes from whites at low prices and then sell to Negroes at a high figure, thereby reaping a fast profit. Such tactics encourage segregation which eventually leads to racial ghettos. Surely we should not tolerate practices such as this in the Nation's Capital. Newspapers should not be permitted to be parties to such deceptive advertising and racial zoning.

Yet, for years, the newspapers have been listing real estate for sale by race and have been important factors in encouraging segregated neighborhoods. I do not think that the papers have ever carefully analyzed what the result of their advertising practices have been.

It is worth pointing out that the newspapers of the great cities of New York, Chicago, Philadelphia, Cleveland, Detroit, and Pittsburgh—to name a few—have given up this practice voluntarily. In addition, the States of Colorado and Oregon passed legislation last year which prohibits advertisements of real estate by race. Further, in 1959, six States have enacted broad laws to combat racial discrimination in housing. They are California, Colorado, Connecticut, Massachusetts, Oregon, and Washington.

This is a healthy trend and one that the District of Columbia should be associated with. The Nation's Capital should be an example of progress to the rest of the country. And let us not forget that we are in the international as well as the national spotlight. Archaic practices have no place here.

For these reasons, I urge prompt favorable action on my bill to prohibit discriminatory real estate advertising in the District of Columbia.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3346) to prohibit the making, in the District of Columbia, of discriminatory advertisements for the sale or rental of land or any structure thereon, introduced by Mr. HUMPHREY, was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

REPRINT OF REPORT ENTITLED "LABOR-MANAGEMENT RELATIONS IN PROJECTS INVOLVING THE DAVIS-BACON ACT"

Mr. HUMPHREY. Mr. President, in 1952 when I was chairman of the Subcommittee on Labor and Labor-Management Relations of the Committee on Labor and Public Welfare a staff report presenting factual case histories on the applications of the Bacon-Davis Act was prepared under my supervision.

The recommendation and conclusions in this staff report proved of great value in preparing the bill which I have introduced in this Congress, S. 1119, to bring the Bacon-Davis Act up to date.

In view of the current widespread interest in removing the inequities existing in the Bacon-Davis Act, it would be of real value to have this report available to all interested persons. Unfortunately the supply of this excellent report is now exhausted.

Therefore, Mr. President, I submit a resolution providing for a reprinting of this staff report entitled "Labor-Management Relations in Projects Involving the Davis-Bacon Act."

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 302) was referred to the Committee on Rules and Administration, as follows:

Resolved, That there be printed for the use of the Committee on Labor and Public Welfare ..... additional copies of the Committee Print of the 82d Congress, 2d session, entitled "Labor-Management Relations in Federal Projects Involving the Davis-Bacon Act," a staff report to the Committee on Labor and Public Welfare.

AMENDMENT OF MUTUAL SECURITY ACT OF 1954—AMENDMENT

Mr. WILLIAMS of Delaware. Mr. President, travel abroad by a congressional committee, by individual Members of Congress, or by representatives of the executive branch can and does serve a very constructive purpose.

With our Government spending billions of dollars in foreign countries under the various foreign assistance programs, it is important that Congress have a firsthand knowledge of how these programs are being administered, and it is only proper that those trips which are made on official business be paid for by the U.S. Government.

However, just as in the expenditures of funds for any other purpose, the American taxpayers, who pay these costs, are entitled to an accounting. Under the present law this accounting is done by the chairman of the committee reporting in a lump sum the expenditures of the various subcommittees with no breakdown as to the expenditures by the individual members nor any breakdown as to what the expenditures represent.

In this foreign travel, very often the expenses of the trip are financed partly by direct appropriations and partly by counterpart funds. These counterpart funds represent foreign currencies held by the U.S. Government. In all cases, however, whether the expenditures be in the form of directly appropriated dollars or counterpart funds, they represent money belonging to the American taxpayers, and the expenditures thereof should be accurately accounted for.

I am confident that the vast majority of congressional travel has been as efficiently conducted as possible, and I again emphasize that I believe that much good has come from many of these trips.

We would, however, be unrealistic if we did not recognize that there have also been cases of abuse, and it is these cases, regardless of how isolated they may be, which give all official travel a black eye.

Therefore, to eliminate this unjust criticism and to place greater emphasis on the responsibility to render an accounting for these expenditures as well as to give the American taxpayers their deserved protection, I am sending to the desk an amendment to S. 3058, the Mutual Security Act, wherein it would be provided that all expenditures by the individual members of the respective committees or staffs must be fully itemized and automatically published in the CONGRESSIONAL RECORD.

This is the same amendment which I cosponsored a couple of years ago with the Senator from Kentucky [Mr. MORTON] and which was approved by the Senate but later rejected in conference. This time, I am hopeful that the amendment may not only be adopted, but also be preserved as a part of the bill.

I send the amendment to the desk for appropriate reference, and at the same time ask that the amendment along with a brief explanation thereof be printed at this point in my remarks.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and referred to the Committee on Foreign Relations; and, without objection, the amendment and explanation will be printed in the RECORD.

The amendment and explanation presented by Mr. WILLIAMS of Delaware are as follows:

On page 7, between lines 11 and 12, insert the following:

"(a) In section 502(b), which relates to the use of foreign currencies by congressional committees, amend the second sentence to read as follows: 'Within the first sixty days that Congress is in session in each calendar year, the chairman of each such committee shall prepare a consolidated report showing the total itemized expenditures during the preceding calendar year of the committee and each subcommittee thereof, and of each member and employee of such committee or subcommittee, and shall forward such consolidated report to the Committee on House Administration of the House of Representatives (if the committee be a committee of the House of Representatives or a joint committee whose funds are disbursed by the Clerk of the House) or to the Committee on Appropriations of the Senate (if the committee be a Senate committee or a joint committee whose funds are disbursed by the Secretary of the Senate).'"

Redesignate subsections (a) to (h) as (b) to (i), respectively.

EXPLANATION OF AMENDMENT

Section 502(b) of the Mutual Security Act of 1954, which permits the use of foreign currencies by congressional committees in defraying local currency expenses, requires members and employees of committees to file with the chairmen of the respective committees itemized reports showing the amounts and dollar equivalent values of each foreign currency expended and the purposes of the expenditure. Within the first 60 days that Congress is in session in each calendar year, the chairman of each committee is required to consolidate the reports of the members and employees of his committee and forward the consolidated report, showing total itemized expenditures of the committee and each subcommittee thereof, to the Senate Committee on Appropriations in the case of a Senate committee or to the Committee on House Administration in the case of a House committee. Each such consolidated report is then required to be published in the CONGRESSIONAL RECORD.

Under the proposed amendment, the report required to be submitted by the chairman of each committee, and to be published in the CONGRESSIONAL RECORD, would disclose not only the total annual itemized expenditures of the committee and its subcommittees but also the total annual itemized expenditures of each member and employee of the committee.

CIVIL RIGHTS ACT OF 1960—AMENDMENT

Mr. ROBERTSON. Mr. President, when H.R. 8601 was pending before the Committee on the Judiciary, I submitted an amendment to strike out all the language in the bill relating to the provisional voting on the ground that it violated the registration laws of the States, that it violated the rules of secrecy of all the States, and certainly, with respect to voting machines, that it was absolutely unworkable.

That amendment, I understand, was presented to the committee in a brief way, and along with a number of others, was rejected.

Mr. President, I now send the same amendment to the desk and ask unanimous consent that it be printed in the RECORD, and lie on the table.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 19, beginning at line 19, and continuing through page 20, line 2, strike out the following:

"In the case of any application filed twenty or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally. In the case of an application filed within twenty days prior to an election, the court, in its discretion, may make such an order. In either case the order shall make appropriate provision for the impounding of the applicant's ballot pending determination of the application."

Mr. ROBERTSON subsequently said: Mr. President, this morning I submitted an amendment to strike out all of the provisional voting section of title VI, saying that I had offered the amendment to the chairman of the Committee on the Judiciary, but that it was not accepted by the committee.

Of course the amendment of the Senator from Illinois [Mr. DIRKSEN] makes the bill more acceptable and betters it; but I felt that there was no real place for any provisional voting section in the bill.

I ask unanimous consent to have printed at this point in the RECORD, a statement which I had planned to make today in support of my own amendment.

Of course, while the Dirksen amendment does not go so far as I think it should, I intend to support it.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR ROBERTSON

PROVISIONAL VOTING

The amendment I submitted earlier today, and which is printed in the RECORD, would strike from the voting referee proposal the

three sentences which make arrangements for provisional voting.

These arrangements for provisional voting should be eliminated from the bill because they will encourage and stimulate last-minute swamping of elections in violation of State laws providing for the orderly conduct of registrations and voting, because they are impracticable and unworkable, and because they will inevitably result in destroying the secrecy of the ballot.

The first of the three sentences which my amendment would strike from the bill provides that, if an application is filed 20 days or more before an election, and has not been determined by the time of the election, the court must issue an order authorizing the applicant to vote provisionally.

This provision is mandatory. The mere filing of an application, or of a thousand applications, 20 days before the election, combined with the fact that the applications have not been determined by the time of the election, compels the court to let the applicant vote provisionally. Even if the court's inability to determine the application is entirely the result of the applicant's fault, even if the court is about to deny the application, the court has no alternative but to authorize him to vote provisionally. Unless the court has issued an order rejecting the application, every applicant filing 20 days before an election must be permitted to vote provisionally.

Every State I know of requires that voters who are to vote in an election must register well in advance of the election. In Virginia, for example, a voter must have registered at the place he is to vote at least 30 days before a primary or general election. He is not permitted to register during the 30 days before the primary or general election. I understand that in Arizona a voter must register at least a month before an election; in California, 53 days; in Colorado, 15 days; in Florida, 30 days; in Georgia, 6 months; in Illinois, 28 days; in Indiana, 28 days; in Kentucky, 59 days; in Louisiana, 30 days; in Maryland, 30 days before a primary and 42 days before a general election; in Massachusetts, 31 days before presidential or State primary or a general election; in Michigan, 30 days; and in New Jersey, 40 days.

These requirements are obviously necessary to the orderly conduct of an election. Without knowing the number of voters who are eligible to vote in an election it would be impossible to tell how many ballots were needed if paper ballots were used or how many voting machines were needed if they were used. In addition, in most States candidates wish to send information about their candidacy and their qualifications to voters.

All these State provisions essential to the orderly conduct of an election would be nullified, and the elections turned into a shambles, if hundreds or thousands of voters could file their applications 20 days before an election, in numbers so large that the court could not possibly consider this flood of applications, and thereby get an unchallengable right to vote provisionally.

The disastrous effect of such a last minute flood of voters in the orderly conduct of an election would be bad enough if the election officials actually had 20 days notice of these votes. But there is nothing in the bill to require that the election officials be notified of these applications in advance of the election, and there is nothing which would give them any suggestion in advance of the election as to how many of these applications might be determined before election day, either favorably or unfavorably.

The second of the sentences which my amendment would strike from the bill provides that in the case of applications filed within 20 days of an election the court may authorize the applicant to vote provisionally. This sentence at least gives the judge some discretion under it. He is not compelled to grant every last minute application and if he chooses he can prevent the disorder and confusion which would result from authorizing, on the night before the election, hundreds or thousands of voters to turn up at the polls the next day to vote provisionally. But the bill gives him authority to do this. It creates the threat of such disorderly conduct.

The third sentence which this amendment would strike from the bill provides that the court's order must make "appropriate provision for the impounding of the applicant's ballot" until his application has been determined.

This provision would be difficult, and in many cases impossible, to reconcile with secrecy of the ballot. In addition, in the case of voting on voting machines, this provision is literally impossible to carry out.

The Senate and the Congress should not enact legislation which would violate the secrecy of the ballot. Equally important, the Senate and the Congress should not enact legislation knowing full well that in at least large areas of the country, the statute cannot possibly be carried out.

In Virginia there are a number of provisions to enforce the secrecy of the ballot. For example, under section 24-193 of the Virginia Code, it is a misdemeanor to hinder or tamper with voters in any way so as to prevent the casting of a secret ballot. The only exception is that under section 24-251 of the Virginia Code, a person registered before January 1, 1904, or a person who is physically unable to prepare his ballot without aid, may be helped by one of the judges of election designated by himself. And even in that case the judge must not enter the booth with the voter unless requested by him to do so, and he "shall not in any manner divulge or indicate, by signs or otherwise, the name of the person or persons" for whom the vote is cast. If voting machines are used, section 24-305 of the Virginia Code provides that "the judges of election shall not themselves be, or permit any other person to be, in any position or near any position that will permit them to see or ascertain how a voter votes or how he has voted." Again, the only exception is for voters registered before January 1, 1904, and voters physically unable to prepare their ballots without aid.

The secret ballot has been considered a vital and integral part of American elections for generations. I am sure most, if not all, of the States have statutes comparable to those of Virginia prohibiting interference with this right. In my judgment, this right should be respected, and the Congress should not enact legislation which would nullify these statutes and deprive voters of this right.

It would be possible to make appropriate provision for the impounding of an applicant's ballot, if the applicant cast his provisional vote on a paper ballot. As soon as he has voted, his ballot could be stamped with his name and address, and set aside and kept until his right to vote had been determined. But this would do away with the right to a secret ballot which is given in most States.

It might be possible if sufficient time were available, and if the State's statutes permitted it, to make arrangements for provisional voting under some kind of arrangements comparable to those made for absentee voters. However, all kinds of questions would obviously arise, depending upon the State's statutes—who would prepare the necessary forms, who would pay for them, who would handle them, and the like. At best, making arrangements of this sort would take a great deal of time and expense. If the election officials were given only 20 days, or even worse if they were given only 5 or 10 days, to set up a system of provisional voting, it would probably be completely impossible to work out any practicable arrangements for provisional voting in secret.

Provisional voting, where voting machines are used, raises additional problems. In the first place, it is obviously a literal impossibility to impound the ballot of a person who has cast his vote by pressing down levers on a voting machine, and then recording it on a device in the machine by throwing back a lever. I defy anyone to tell me how such a ballot can be impounded.

Of course, it would be possible for the voting referee to go into the booth along with the provisional voter and make a record of the way he voted, so that if it were later found he had no right to vote, his vote could be deducted from the totals. This would, of course, violate any State laws requiring secrecy of the ballot. It would certainly give the voting referee a most undesirable control over the voters he had registered. A referee who wanted to control an election could ask for little more than the power to register voters at will and the right to go into the booth to make sure they had followed his instructions for voting.

The arrangements for provisional voting are not necessary. Would-be voters can and should file their applications sufficiently far ahead of the election so that applications can be considered and determined well in advance of the election. The bill instructs the courts to determine the applications expeditiously. Early filing of the applications and prompt consideration will make for orderly and well conducted elections.

The arrangements for provisional voting contained in these three sentences of the bill will actually encourage would-be voters to wait until the last minute and then to file applications in such numbers that they cannot be determined in advance of the election.

These impracticable and unworkable arrangements, which will encourage last minute floods of voters, which will make for disorderly elections, and which will imperil the secrecy of the ballot, should be eliminated from the bill.

NOTICE OF HEARING ON NOMINATION OF LELAND BARROWS, TO BE AMBASSADOR TO THE STATE OF CAMEROUN

Mr. FULBRIGHT. Mr. President, on behalf of the Committee on Foreign Relations, I desire to announce that the Senate today received the nomination of Leland Barrows, of Kansas, to be Ambassador to the State of Cameroun.

In accordance with the committee rule, the pending nomination may not be considered prior to the expiration of 6 days.

NOTICE CONCERNING CERTAIN NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary.

William L. Longshore, of Alabama, to be U.S. attorney, northern district of Alabama, for a term of 4 years—reappointment.

Ralph Kennamer, of Alabama, to be U.S. attorney, southern district of Alabama, for a term of 4 years—reappointment.

Joseph S. Bambacus, of Virginia, to be U.S. attorney, eastern district of Virginia, for a term of 4 years, vice Lester S. Parsons, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Thursday, April 14, 1960, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

INCREASED EXPENDITURE UNDER SPECIAL MILK PROGRAM FOR CHILDREN, FISCAL YEARS 1960 AND 1961

The ACTING PRESIDENT pro tempore laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 9331) to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ELLENDER. Mr. President, I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Acting President pro tempore appointed Mr. ELLENDER, Mr. HOLLAND, Mr. HUMPHREY, Mr. PROUTY, Mr. AIKEN, Mr. YOUNG of North Dakota, and Mr. HICKENLOOPER, conferees on the part of the Senate.

TOMORROW

Mr. BYRD of West Virginia. Mr. President, tomorrow is the chain that binds men to loathsome habit. Tomorrow is the barred and bolted door that shuts man out from the house of his dreams. "Tomorrow" is the epitaph upon the graves of those who failed and came short of life's true goal. Tomorrow is the downward path that leads men into the land of regret.

Tomorrow is the siren's song that seduces men from the path of duty. Tomorrow is the slumber that paralyzes the energies of man. Tomorrow is the snare that traps men's feet. Tomorrow is the sword of self-destruction upon which men fall. "Tomorrow" is the word cut over the realms of the lost. "Tomorrow" is the word which in that kingdom of the lost ever tortures the eyes of the damned.

Mr. President, Edgar Guest's poem, "Tomorrow," should serve to admonish us not to put off until tomorrow that which can be done today:

He was going to be all that a mortal should be—tomorrow.
No one should be kinder or braver than he—tomorrow.
A friend who was troubled and weary he knew,
Who'd be glad of a lift and who needed it, too.
On him he would call and see what he could do—tomorrow.
Each morning he stacked up the letters he'd write—tomorrow.
And thought of the folk he would all with delight—tomorrow.
It was too bad, indeed, he was busy today,
And hadn't a minute to stop on his way;
More time he would have to give others, he'd say—tomorrow.
The greatest of workers this man would have been—tomorrow.
The world would have known him had he ever seen—tomorrow.
But the fact is he died and faded from view,
And all that he left here when living was through,
Was a mountain of things he intended to do—tomorrow.

AID TO DEPENDENT CHILDREN

Mr. BRIDGES. Mr. President, a great many newspaper articles have been written in the last year on the matter of aid to dependent children. Some newspapers, the Washington Post and the Boston Herald among them, have run a series of featured articles pointing up the growing problems.

This is not a small problem, either in number of individuals or dollars involved. In the last 10 years aid to dependent children, as well as the number of recipients, has doubled. In fiscal year 1961 the amount necessary to meet payments is $1,188,300,000, of which $696,300,000 is Federal and $492 million is State and local.

No one will question the fact that there should be a program so that helpless children will not suffer from the misfortune of circumstances. However, it has seemed to me that our welfare people have been perhaps too prone to merely write checks, without making a sufficiently vigorous effort to recover from delinquent fathers who deliberately desert the situation. Too often the existing machinery for making parents face up to their responsibilities is overlooked.

For the foregoing reasons, I had language put in the report of the labor, health, education, and welfare appropriation bill last year requesting that welfare make a report in regard to the seriousness and scope of the whole program and bearing fully on the so-called illegitimacy racket which had been severely criticized in many newspaper stories which I have read. This report, I am happy to say, has been promised to be available shortly, and I hope that it will be fully informative in regard to the situation.

Because of my pains in requesting a report I was severely criticized in the March issue of a national magazine in an article entitled, "The Campaign Against Helpless Children." I am most happy, Mr. President, to request that there be inserted at this point in the RECORD a letter, commenting on this article, which I have just received from Judge Virgil H. Langtry of the Circuit Court of Oregon, Fourth Judicial District. Judge Langtry writes me at length as one of two judges hearing divorce and juvenile cases "in this metropolitan county of 600,000 population," which includes the city of Portland. Judge Langtry's letter is not that of a starry-eyed do-gooder. It is a letter from one who has based it on years of experience on the bench. I am sure that if there were more Judge Langtrys, or, better yet, if those engaged in the field of public welfare would make better use of the facilities of courts such as Judge Langtry's, the burgeoning costs of aid to dependent children would be checked or reversed with no diminution in effectiveness of program.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CIRCUIT COURT OF OREGON,
FOURTH JUDICIAL DISTRICT,
Portland, Oreg., March 15, 1960.

The Honorable STYLES BRIDGES,
U.S. Senator, Senate Office Building, Washington, D.C.

DEAR SENATOR BRIDGES: The March 1960 Redbook magazine had an article in defense of the aid to dependent children program, complaining at length about attacks which you and others have allegedly made on the program. It ends asking that citizens support the ADC program against such attacks by writing to Congressmen, telling them that we want the program enlarged, etc.

I am one of two judges hearing divorce and juvenile cases in this metropolitan county of 600,000 population. I think such articles as that referred to above, written by people who come under the influence of the social welfare profession, are misleading in some particulars. I am concerned when I read statements that indicate there is no sense in trying to get deserting fathers to support their children. Such statements simply are not true, as proven again and again in the court where I sit. Jailing, and fear of jailing, is one method that will produce results. A few hours or days of jail, followed by a suspended sentence, is a sure method for getting most such fellows to support their children, either with cash or orders on paychecks.

I am concerned about the increasing number of illegitimate children who are supported by welfare. Enclosed is a copy of a public letter which I wrote to the Governor of Oregon last spring concerning this. It caused considerable comment in this State. Welfare became defensive of its position, but has been reluctant to change its policies. Since that letter and in the last 4 months on different days before me in juvenile court, on one occasion there were 23 cases involving 79 illegitimate children supported by welfare, and on a later occasion 24 cases involving 120 children supported by welfare. Of the latter, 95 were born out of wedlock by 77 different fathers. None of either of these two series of cases was referred to court by welfare, although most had been on welfare for years. The petitions alleging dependency of the children were rather signed by the welfare recovery division of the State attorney general's office. Welfare was displeased by the referrals. I am informed that another 33 such cases have recently been referred by the welfare recovery division.

Between these series of hearings, I have had the usual steady number of dependency cases where welfare is supporting, brought to the court's attention mostly on petitions signed by police or people other than the welfare workers. One such recent case referred by police involved a family with five children which had been on welfare for years. The youngest, a baby, was so undernourished that the doctor's report said that in another day or two it would have been dead. The report says that the child will probably have permanent brain damage as a result of malnutrition and lack of care.

During its entire life this child had never been properly fed or cared for. At the court hearing, the welfare worker stated she had been in this home three times, but had not gone into the bedroom to see the baby.

Another case involved a woman who has had 14 children. The oldest three are now in State institutions for delinquency and mental retardation. Another 15 or 16-year-old girl is at home with an illegitimate child or her own, and this woman's last 4 children were illegitimately sired by the same man living with his own wife and 9 children in the same neighborhood. A 16-year-old child of his at home already has an illegitimate child of her own. This case was not called to the court's attention by the welfare worker, who knew who the father of the last four children was. Police made an investigation and referred the case to my juvenile court.

Another case involved a married man living in the neighborhood with his wife, and children by her, who had sired four illegitimate children by a welfare recipient. The welfare file revealed that the welfare worker had known about the situation all the time. The referral was made to court by the welfare recovery division. The welfare worker's report, as is usual in such cases, said she could see no reason for juvenile court action.

Another case recently before me, in which the welfare worker did sign the petition, involved a girl 21 years of age who already had five illegitimate children. Her first 3 pregnancies came before she was 16 years old. The law of Oregon clearly indicates that a delinquency petition involving this girl should have been filed in Juvenile Court, but no such petition brought it to court, although an ADC grant had supported the girl and her babies from the beginning. The reason it was called to the court's attention on the fifth child is that the county hospital, where all of the children were born, kept the last baby in the hospital for extra treatment, and when the welfare worker went to find out why, he learned that the mother has chronic syphilis which she has passed on to all of the children. At this point, welfare finally asked the court for help.

I do not criticize the ADC program for its majority of cases that honestly need assistance. I do criticize it when it insists upon ignoring immorality and ignoring the felony statutes of any particular State. I do criticize it when it avoids serious problems with a "holier than thou" answer. Articles like that in Redbook magazine, which gloss over the errors of the program and say that we should forget them because there is a good part, are not doing this country or any of the people under ADC grants any good.

Sincerely yours,

VIRGIL LANGTRY,
Circuit Judge.

ADDRESS DELIVERED BY SENATOR HUMPHREY AT ANNUAL BANQUET OF FARMERS' UNION CENTRAL EXCHANGE

Mr. HUMPHREY. Mr. President, on March 3 it was my privilege to address the annual banquet of the Farmers Union Central Exchange at its 29th annual stockholders' meeting in St. Paul, Minn. I ask unanimous consent that my address, entitled "Lost: Money for Main Street," and the resolutions of the meeting, be inserted in the body of the RECORD.

There being no objection, the address and resolutions were ordered to be printed in the RECORD, as follows:

LOST: MONEY FOR MAIN STREET

(Excerpts from address by Senator HUBERT H. HUMPHREY at annual banquet of Farmers Union Central Exchange, St. Paul, Minn., March 3, 1960)

Republican farm policies are turning this great agricultural region—America's great dairy land and bread basket—into a vast economically depressed area.

There is no longer much argument about the objectives—nor the effects—of the Benson-Eisenhower-Nixon farm program. When the academic euphemisms about "adjustment" and "freedom in the marketplace" are stripped away, the plain truth is clear enough for anyone to see.

Mr. Benson's aim is to drive what he considers "surplus" farmers off their land with low prices, economic ruin, and despair.

From time to time, Republican farm planners get impatient with the stubborn persistence of farm people to stick on their farms even in the face of sliding incomes and discouraging prices. In their impatience, the Republicans even become a little generous. If farmers don't move out fast enough because they're going broke, the Republican administration will speed up the exodus by paying farmers to shut down their whole farms and put them in the soil bank.

The Republican administration has paid farmers more money to plow under their growing crops or simply to leave their land idle than the Democratic administrations of Presidents Roosevelt and Truman spent to support farm prices during the entire 20 years from 1933 through 1952.

The Republican administration has managed, however, to see to it that none of their big-spending generosity stays with the farmers.

Mr. Benson took office in January 1953. Since that time, the annual total farm net income has declined by 23 percent.

This drop in farm income represents $3.5 billion a year that was taken away from the cash registers on the main streets of the farming region of the Nation since 1952.

In the past 7 years the economy of our farming areas had lost a cumulative total of $24.5 billion out of what they would have received if farm income had been maintained at the 1952 level—when farm prices averaged 100 percent of parity.

But comparison with 1952 is not a really adequate measure of what our farmers have lost—and what our rural communities and agricultural States have lost in the way of income. America is a growing country. We have nearly 15 million more people than we had in 1952. Our total national economy has grown. Our per capita incomes have grown—that is, nearly every one's but the farmers.

The full, real extent of what the Benson-Eisenhower-Nixon farm policies have cost us should be measured against what agriculture should have received if farmers had shared fully in the expansion of our overall economy. Farmers shouldn't stand still economically any more than the rest of us. Their incomes should have climbed during the past 7 years—not merely stood still, much less gone down.

If farm income had increased as much during the past 7 years as our overall national income increased, total net farm income would have been $20 billion—which is almost double what it actually was last year.

Think what that $6 or $9 billion more would have made in the cash registers in the towns and cities of our farming communities.

Probably every single man and woman in this audience has some kind of public responsibility in the community in which he lives, as well as his responsibility toward his own home and farm and family. You are on school boards and town boards and county boards; you are officers in your local churches; you help run your community Red Cross drives, and Boy Scouts, and lodges, and chambers of commerce. You are responsible citizens.

You know the toll that the farm depression has taken out of the local governments and the community institutions that are the bedrock foundation of democratic life. You know what it has cost your children in the way of educational opportunity. You know what it has cost your community in the way of public services. You know how sliding farm income has magnified and exaggerated the burden upon local taxpayers of trying to maintain community institutions and local governmental services at decent, adequate levels.

You farm people, in the farmers union, know as clearly as anyone. You foresaw what the result would be of the sliding scale. You foresaw the farm depression—and believe me, many of your neighbors in town didn't believe you when you first warned them what would come, but they believe it now.

The hardship and worry that farmers have been going through is not necessary. Worse than unnecessary—it is senseless and inexcusable.

Our agricultural economy can be managed so that it will provide equality of opportunity for farm people to enjoy their fair share of the good things of life—if we will just apply a little commonsense and a lot of sincere determination to the job.

Last fall I introduced a bill entitled the "Farm Family Program Development Act." This bill would give the major responsibility for designing the details of farm programs right to the people who can handle it best—to the farmers themselves.

My bill spells out the broad, general outlines of public interest which farm programs should follow in order to conform to the public interest and promote the general welfare. It gives farmers the tools they need to start farm income on the way up to full equality. It directs the Secretary of Agriculture to provide the legal machinery and the technical experts that are needed for planning a practical, workable program for the farmers who produce each commodity.

It puts the initiative for planting and launching a program directly in the hands of the producers themselves, through the election of a program development committee for each commodity or interrelated group of commodities. When a plan has been developed by the committee of producers, elected directly by producers, it will be submitted to a referendum of all the farmers whom it would affect. If a two-thirds majority approve it, and if Congress does not object on grounds of public policy, it will move into effect.

They say imitation is the sincerest form of flattery. If that's so, then my Family Farm Program Development Act has been sincerely flattered several times. One of the imitations—and a very good and honest one at that—is the subject of hearings by the House Committee on Agriculture right now.

This approach to the farm problem is one that can work. It is sound, from the standpoint of developing realistic, practical farm programs that will do the job of restoring farmers' incomes. It is sound from the standpoint of the broad public policy that it rates in respect to agricultural production and consumption. It is sound from the standpoint of administration, with a broad scope of powers and influence and detailed administrative responsibility placed directly in the hands of working farmers.

I was tremendously pleased to learn last week about the splendid progress that is being made in Wisconsin, under the leadership of Gov. Gaylord Nelson, in unifying Wisconsin's dairy farmers behind a practical, realistic dairy plan. Governor Nelson's plan, which was outlined with the help of economists at the University of Wisconsin and is being completed in detail with the advice of dairy farm leaders, would give dairy farmers the power and the means for adjusting milk supplies to demand, and reversing the squeeze on dairy farmer's incomes.

Governor Nelson's dairy plan could be implemented under the family farm program development bill I have introduced. It is one example of the kind of program, adapted to meet the special circumstances of each group of producers, that can be developed and put into effect under the direction of farmers and their representatives.

There is no longer any excuse for anyone to pretend that the farm problem will simply evaporate and go away if we continue to drift along with Ezra Taft Benson's assurances of "parity in the marketplace." The Department of Agriculture finally got around to doing the job of economic analysis it was hired for—a job it should have started just as soon as the President and the Secretary of Agriculture started to think about turning our farm programs around toward the so-called free-market direction.

Better late than never—and maybe just in the nick of time—the Senate Agriculture Committee has prodded the Department into taking a look at what would happen to farm prices and farmers' incomes if free-market conditions were put into effect. The conclusions of this study give the lie to the "parity in the marketplace" myth.

If price supports were eliminated, says the Senate report, net farm income would plunge 47 percent below 1958 levels by 1968.

Make no mistake about it, this is the best-informed estimate it is possible to obtain of the probable consequences of the farm policies recommended by Benson and developed, according to Mr. Benson himself, with the aid and advice of RICHARD NIXON. The administration has gone on record time after time in favor of the objective of reducing price supports to the point that they will not "accumulate surpluses," accompanied by the elimination of controls on production. If you don't "accumulate" the surplus and take it off the market, or if you don't give farmers the opportunity to keep their production in line with demand, then you do not have a workable farm program.

It doesn't take much imagination to foresee the economic calamity that would overtake the communities of this great farming region if the Eisenhower-Benson-Nixon farm philosophy is given another 4 years' extension. The handwriting is there on the wall, written in the sorrow and discouragement of living experience during the past 7 years, for all to see.

For farmers and their families it spells out deepening hardship, widening inequality, and spreading defeat of the hope for security, dignity, and a fair share of life's comforts.

For the businessmen on the Main Streets which serve agriculture and depend upon farm income for their own prosperity it spells declining sales, dying opportunity, closed doors, and empty stores.

For the rural communities it spells social decay, inadequate schools and other public services, and the drifting away of young people to seek their fortunes in more promising places.

There is something terribly wrong about this prophetic picture.

In the first place it is wrong because it pictures cruel injustice to farm people and their neighbors in the rural communities who serve them.

Less than two decades ago the people of this great dairy land and breadbasket made a prodigious effort, unmatched in all history, to increase their output of food to energize much of the entire free world's effort to win the war and save millions of lives from starvation.

Right today, the people of this region are contributing a subsidy of $68 to the annual food bill of every urban family in the Nation.

In 1952, when farm prices averaged 100 percent of parity, the market basket of food items purchased annually by the average wage earner's and clerical worker's family sold for $1,034 in the retail store.

In 1959, the market basket cost $1,040—only $6 more than in 1952. But the middleman's charges had gone up $89.

The farmers of America absorbed $83 of this $89 increase in marketing changes in the form of lower prices for their products. If farmers hadn't taken lower prices, the wage earner's groceries would have cost him $83 more than it did.

If that $83 cut in the farmer's pay for the city worker's groceries isn't subsidy, nothing ever was.

The people who have served their Nation so well in war, and who are now serving it only too well for their own benefit in peace, deserve something better than to be shunted off into an economic backwater.

In the second place, the prophecy of Ezra Taft Benson's future for Midwest agriculture contains a serious misconception of America's real needs and opportunities.

We still need food in America. We still need our farmers. We still need busy, bustling, prosperous main streets.

The so-called surplus is really very small, when it is considered in relation to total farm output. It is ridiculous to allow the tail not only to wag the dog, but to make us almost lose sight of the dog altogether.

But more important is the fact that there is no surplus of food at all in a troubled and fearful world in which one-half of the human race lives and dies on the raw edge of hunger.

And what is most important of all, there can be no real peace in such a world as this.

Hunger has become the goad to revolution among a billion people who have barely shook themselves awake from blank, uncomprehending misery. We are living in an age of massive political and social upheaval. The civilization of man is being rocked to its roots; it will be remade in a new image, with drastic implications for our own place in it.

In the human upheavals of our time, food is both a dynamic engine of economic change, and a crucial lever of political power. Soviet rockets have beat ours to the moon, but Soviet farmers can not match the abundance of our fields. No one in America has outdistanced the performance of communism by a greater margin than our farmers have.

Our American agriculture gives us one of the most significant advantages we possess over our communistic competitors. Yet we hide our light under 10 billion bushels—piled up uselessly, unimaginatively, resentfully, in Government storage.

I want to give you one example of how our food is needed to satisfy the demands of common Christian conscience, as well as the requirements for our very survival as a civilization.

I'm sure most of you have read recently about the State of Kerala in India. Kerala had an election campaign about a month ago. The outcome of that election was heralded in the headlines as a great victory over communism.

But I read beyond the headlines. And I have talked to Indian leaders, and others, who know at firsthand the full story about Communist strength in Kerala. I do not regard the outcome of the Kerala election as a reassuring victory over communism at all.

The anti-Communist parties put up a coalition ticket. They beat most of the Communist candidates. But the Communists polled one-third of the total vote.

That doesn't seem to me to be a convincing and satisfactory victory over communism in Kerala. To me, it seems a frightful and ominous fact that communism can attract one-third of the voters in a free election in an important state in India.

Let me tell you something else about Kerala. This state has the highest proportion of educated people among its population of any state in India. It has the highest proportion of Christians. In many respects, it ought to be one of the strongest centers of sympathy for the Western World.

But most of the people of Kerala live all their lives on the edge of hunger. They are chained to an endless treadmill of poverty from which they cannot escape. They must struggle, year in and year out, for barely enough food to survive until the next harvest.

There are no jobs for many of the educated people of Kerala. The common man cannot afford to pay a doctor when he gets sick; he dies, and the doctors are unemployed. The state cannot afford to build schools, or to hire teachers; the educated men and women remain unemployed. There are no jobs for the trained engineers and lawyers.

Bitter, angry, frustrated, idle, the trained people, schooled by Christian missionaries, are ideal prospects for Communist recruiters. Kerala's treadmill of poverty and hopelessness is manufacturing Communists year in and year out. Unless it can be broken, Kerala's Communists will grow from one-third to one-half of the voting strength. Unless India's treadmill of poverty can be broken, Communist strength will feed on endless despair and misery until it has swallowed up the whole nation.

If the dam breaks in India, and communism wins—whether next year, or 10 years from now, or, however, long it takes—then the flood will quickly surge over a billion people in the underdeveloped countries of Asia, Africa, and even South America.

There can be no secure peace for our children unless poverty's chains can be lifted from the economy of Kerala—and hundreds of other places much like it around the globe. The treadmill of poverty in Kerala can be broken with wheat from North Dakota—with dried milk from Wisconsin.

The key to economic progress and to the hope and optimism that are communism's greatest foes—is surplus food to free labor from the necessity for subsistence farming so that it can be turned instead to the creation of wealth—creating capital improvements.

The capital improvements that are most urgently needed are simple things—roads, bridges, water systems, sanitation systems, schools. In all these primary needs, human labor is the major element of cost. And in Kerala and many places like it, not much else but food is needed to hire workers.

In hundreds of villages in Kerala—in thousands of villages throughout India—there are absolutely no road connections to bigger towns and cities. If the village farmers had only metal tools, instead of wooden sticks for tilling their crops, they could greatly increase their production, and raise their standard of living and security. But without roads, they cannot transport their crops to market. If they produce more than they need to eat, it rots.

But if food from America can be used to hire workers away from their subsistence farming to build a road, the villagers will have a basic capital improvement which can start a dynamic chain of economic progress. One advance can build on another.

Progress creates hope and faith—faith in the ability of the democratic system to provide the necessities and comforts of life, with freedom, that the Communist propagandists promise as the price of freedom.

REPORT OF RESOLUTIONS COMMITTEE, 29TH ANNUAL MEETING OF FARMERS UNION CENTRAL EXCHANGE, INC.

1. DISTRIBUTION OF SAVINGS

The distribution of savings of the Farmers Union Central Exchange, Inc., for the fiscal year ending December 31, 1959, made by the board of directors of the corporation, as shown in the minutes of the December 1959 meeting of the board of directors, and as set forth in the audit report ending December 31, 1959, is hereby ratified and approved.

2. ECONOMIC POLICY

Prompt and vigorous measures should be taken by the Government to stop the growing recession and unemployment.

The quickest and most effective way to combat recession and prevent its development into a full-scale depression would be to put income into the hands of producers in agriculture and other basic industries where consumer purchases are presently being held up due to lack of buying power.

On every farm, thousands of dollars in repairs, replacements, and improvements would be made if farm prices and income were restored to full parity levels. We believe that this would be the greatest stimulus to consumer demand, business activity, and full employment.

An antirecession program, which does not provide for farm income improvement, simply will not get to the roots of our economic trouble.

3. FARM POLICY

We, the stockholders of the Farmers Union Central Exchange, Inc., commend and wholeheartedly endorse the farm policy of the National Farmers Union, and by so supporting it, we present a united front in fighting to get this policy into Federal law.

The Farmers Union farm program is a total program administered by farmers, designed to give real parity of income to farm families.

It calls for Federal enabling legislation to permit farmers to adjust the volume of their commodities going to market.

4. TAX LEGISLATION

We affirm our position that patronage refunds on items which represesnt business deductions paid by cooperatives in accordance with a preexisting agreement with patrons should be taxable at face value for the year in which notice is received whether allocated in cash, capital stock, or other document form.

We recommend that the necessary steps be taken by Congress to embody this policy into law.

5. PUBLIC POWER

There exists an ever-increasing need for an abundant supply of low-cost power to facilitate maximum development of the natural resources of the great Northwest States. Utilization of the maximum potential of these resources requires a comprehensive development of the river systems of this area. This can be properly achieved only through the construction of publicly owned multipurpose dams and transmission lines. We urge the Congress to authorize construction of Hells Canyon, Paradise, Yellowtail, and other high, multipurpose dams.

We urge that if Congress authorizes a program of public works to help alleviate the unemployment situation, this should take the form of comprehensive resource development projects, which would reflect the greatest economic benefit to the Nation. Water and power resource development should have the highest priority.

6. REA AND RTA

We reaffirm our continued support for expanding and strengthening REA and rural telephone service to all rural America. We favor adequate appropriations so there will be no lessening in the support and extensions of loans to farmers cooperatives to build generating plants and transmission lines when this will increase adequacy or lower cost of service. We urge Congress to reject recommendations to eliminate the statutory limit on interest rates on rural electric and telephone loans. We are opposed to an administration proposal which would force REA systems to seek private financing.

7. PUBLIC RELATIONS

We commend the Farmers Union Central Exchange, Inc., and the affiliated companies, on the fine job they have performed in the past year in the field of advertising and public relations.

We feel our advertising in farm publications, radio, and TV have been a great aid in getting our story to the people.

We recommend continuing and expanding this public relations and advertising program as our growing business warrants.

8. FARMERS UNION CO-OP CREDIT ASSOCIATION

We realize the need for cooperatively owned and controlled credit and endorse the Farmers Union Co-op Credit Association and their method of building capital cooperatively, and also the purpose for which such capital is used.

9. CO-OP CREDIT

We strongly recommend that the Farmers Union Central Exchange, Inc. continue to advise all local cooperatives to develop a sound credit policy so that each association will be encouraged to keep accounts within reasonable bounds. We note that credit practices have reached a dangerous stage in many of our local associations, and we therefore urge the Central Exchange to continue to make available qualified field personnel to assist each local cooperative to work out a sound credit program.

10. CO-OP PATRONAGE

Annual reports of the Farmers Union Central Exchange, Inc. show a continuous growth from year to year, which is a tribute to the excellent management and to the superior quality of our products. However, this growth could be much more rapid if all of our affiliated cooperatives would channel all possible purchases of their supplies through the Central Exchange. Directors should be alerted to the importance of encouraging their managers to increase their business in every way possible with our own regional wholesale.

11. CO-OP EMPLOYMENT POLICY

We recommend that the Farmers Union Central Exchange, Inc. and other farmers union cooperative enterprises set up and maintain a system of interviewing the junior and senior classmen of our universities and colleges for positions in the cooperative movement thereby securing the best talent.

Be it further recommended that a study be made whereby Farmers Union youth may be hired upon graduation from these colleges and serve as understudies for future leadership in the cooperative movement.

12. FARMERS UNION HERALD

Whereas for many years, Farmers Union Herald has been published for and in behalf of the stockholder members of Farmers Union Central Exchange, Inc., and their stockholder members, and the stockholder members of Farmers Union Grain Terminal Association and the stockholder members of Farmers Union Marketing Association; and

Whereas during all of said time, said Farmers Union Herald has been the recognized official publication of said cooperative associations and has, during all of said time, and does now publish in each issue thereof facts and information relative to the operation, plans, business, and affairs of said associations, including information and facts relating to the marketing of grain, the marketing of livestock, the distribution of automotive and petroleum products, other farm supplies and equipment, and much other information of value to farmers and especially to said stockholder members in the areas served by said cooperative; and

Whereas the stockholder members of this association and their stockholder members desire that said publication continue to be issued and forwarded to them through the U.S. mail, and that the subscription price therefor be paid for them by this association; and

Whereas because this association is a cooperative organization wholly owned by its stockholder members and is in fact their agent, payment of such subscription price by this association on behalf of said stockholder members is actually payment by them: Now, therefore, be it

Resolved, That the management of this association be and it hereby is directed to subscribe to Farmers Union Herald for and on behalf of each of its stockholder members and to pay the subscription price therefor for each of said associations and individuals.

13. IN MEMORIAM—HERBERT D. ROLPH, SR.

We honor the memory of Herbert D. Rolph, Sr., of Booring, Oreg., who passed away early in December of 1959. Mr. Rolph had served as vice president of the National Farmers Union for 16 years, in addition to having the unusual experience of serving at different periods in his life as president of the Montana Farmers Union, the Oregon Farmers Union, and the recently organized Oregon-Washington Farmers Union.

A pioneering organizer of cooperatives, and the Farmers Union, Herb Rolph also served the people of Montana as a member of the State legislature for several terms, including one session as speaker of the house.

His memory will long be revered in the annals of this and other Farmers Union organizations.

14. APPRECIATIONS

We wish to thank the officials and citizens of St. Paul for their hospitality.

We express our appreciation to the rooms committee of the Farmers Union Central Exchange, Inc., and to the management and employees of the Twin City hotels for courtesies extended to the delegates and visitors to our 29th annual stockholders' meeting.

We also wish to commend the Twin City press, radio, and television stations for their excellent coverage of our annual meeting.

COTTON TEXTILE IMPORTS

Mr. ERVIN. Mr. President, I am sure many of my colleagues are aware of the Tariff Commission's current investigation of cotton textile imports. This investigation, as you know, was sought by the cotton industry and its purpose is to determine whether such imports are interfering with Government cotton programs. During public hearings Mr. Robert T. Stevens appeared before the Commission as a witness. He represented the J. P. Stevens & Co., one of the oldest textile firms in the country.

Mr. Stevens told the Commission if our domestic cotton textile manufacturing industry continues to shrink American cotton growing will be drastically curtailed. He told the Commission that Government records indicate that durihg 1959 cotton cloth imports, exclusive of garments, reached a record high of more

than 240 million square yards—a gain of 70 percent over 1958. A conversion of apparel items into square yards of cotton cloth brings the total import figure for 1959 to something in excess of 646 million square yards.

Mr. President, the observations made by Mr. Stevens to the Tariff Commission are of importance to Members of the Senate, so I ask unanimous consent to have printed in the body of the CONGRESSIONAL RECORD, following these remarks, a portion of Mr. Stevens' testimony.

There being no objection, the excerpt from the testimony was ordered to be printed in the RECORD, as follows:

One does not have to be an expert in this matter to realize that the American cotton textile industry, as we know it today, cannot withstand the shock of these present and potential floods of goods from low-wage countries overseas. With respect to imports of total garments from Japan and Hong Kong alone for 1959, they represent what would equal the production of about 97 sewing plants in the United States in various communities with an average of 250 employees per plant. A small business individually—a very large business overall.

A noble concept, passed in 1934 as an emergency employment measure to promote international trade, the Trade Agreements Act, has been broadened in its administration, under Secretaries of State of both political parties, to a point of greatly assisting all of the free world trading nations. For some of these countries, the results have been extremely successful. Our markets have been opened up to them as never before. About 75 percent of American protection has gone. Unless action is taken, based upon the facts today and not upon those of 5 years ago, we shall continue to give away a constantly increasing portion of the domestic market. The brilliant economic recovery of the free world trading nations has created an entirely new set of circumstances.

The potential dangers in this situation have frequently been pointed out to the executive and legislative branches by many of us who have weekly payrolls to meet in the United States and could see what was happening. While it is true that the Committee for Reciprocity Information holds open public hearings, subsequent bargaining negotiations with other countries by the executive branch of our Government have been carried on in virtual secrecy. Unlike other parties to these same negotiations, no qualified textile industry representatives have ever been permitted to sit in on the actual tariff cutting.

Once the damage had been done, hordes of importers in the United States came forward to take advantage of the situation. Apparently they do not understand the implications as they ride the crest. With 4,150,000 Americans now unemployed, according to the latest Department of Labor figures, in a time of so-called prosperity, they are not concerned over the closing of still more American plants and the addition of still more Americans to the rolls of the unemployed. Unless havoc is deliberately to be wrought on the American cotton textile industry, it is essential that a system of quotas for fabrics, for garments, and for other important items, including textile fibers, be established by categories and by countries. And there isn't too much time.

Gentlemen, I recognize fully the narrow scope of this investigation. I am aware that this scope is not of your making. However, it would be incredible to me that any limitation of scope will preclude the presentation before this Commission of all the pertinent facts bearing upon the problem of the cotton textile industry, as the main customer of the American cotton grower. The stringent limits placed upon this industry were not contemplated by the sponsors of section 22 of the act.

During the debate in the U.S. Senate regarding the original section 22 amendment to the Agricultural Adjustment Act, the record clearly indicates the intent of Senator La Follette, author of the section 22 amendment. On page 11503 of the CONGRESSIONAL RECORD dated July 20, 1935, he is quoted as follows:

Mr. La Follette: "So far as I am concerned, I cannot see any logic in taking the position that, on the one hand, we are going to tax the American consumer for the purpose of raising the domestic price of agricultural commodities, and then in the same program, with an alarming increase of imports threatening to undermine and destroy us, we are not willing to grant discretionary power to the President of the United States and the Tariff Commission to take the same action to protect the program which we are willing to afford to American industry under the Industrial Recovery Act. I say there is no logic in it; I say there is no justice in it; and I say, besides that, it is folly, unless we propose to repeal the Agricultural Adjustment Act and abandon the program." That quote from the remarks made by Senator La Follette, author of the section 22 amendment, embodies his philosophy and intent. It is clear and precise.

Senator Walsh, of Massachusetts, in support of the La Follette amendment, referred to the textile mill worker and the difficulties which he would encounter. Here is what he said. "Yes; he (the textile worker) will be less able to carry on, because his domestic market will be reduced; but, if this amendment shall be adopted, he will be at least protected against cheap foreign labor competing with his own output." Here also the legislative intent is clear and precise as to what section 22 was supposed to accomplish but the desired result has not yet been achieved, even after 25 years. Subsequent amendments to section 22 have served further to clarify and strengthen the intent of Congress but, unless the section is invoked, it remains an ineffective instrument. Has not the time arrived to act?

It is curious that American cotton textile manufacturers should appear at this hearing in an effort to shield their workers from what Senator Walsh called "cheap foreign labor" way back in 1935, especially since our Government has created in large measure the situation which faces us today. For example, during World War II Japan's spindles were reduced, by melting or by bombing, from about 10 million to a little over 1 million. In the reconstruction period which followed the war, with so much aid available from us in various forms, a balance in Japan's industries should have been planned. Those in authority were aware that approximately 60 percent of her prewar exports had been cotton goods and yet they pushed relentlessly to reestablish a cotton goods production base for that equivalent.

Japan is a trading nation, like Great Britain, with few natural resources, and should have reindustrialized with wide diversification, like England or France. American manufacturers have been increasingly plagued by this unnecessary overemphasis on cotton goods production. The situation has been heightened by the Japanese use of much cotton other than American in their fabrics shipped to us here in America.

A look at Japanese imports of raw cotton is revealing. During the first 11 months of 1959, out of a total of 2,235,000 bales imported into Japan, 476,000 or 21 percent, came from the United States. By comparison, in 1958, total imports for the year were 2,124,000 bales, of which 837,000 bales were American cotton or 39 percent. Not only is the best customer of the American grower, the American spinner, being hurt badly by Japanese textiles but, the 1959 figures just cited would indicate that the American grower has little to count upon by way of Japanese preference for American cotton. The Stevens Co., a single American spinner, is purchasing three-quarters as much American cotton as all the American cotton imported by Japan in the first 11 months of 1959. And we paid 6 to 8 cents per pound more than the Japanese. Which is the more valuable customer for the American cotton grower?

The special Senate subcommittee, consisting of Senator PASTORE, of Rhode Island, chairman; Senator COTTON, of New Hampshire, and Senator THURMOND, of South Carolina, which in 1958 investigated the problems of the American textile industry, said in its report to the U.S. Senate in February 1959, "Textile mill products have a high military priority. The Department of Defense has ranked the textile industry second only to steel in terms of military essentiality. It would be the height of folly in a world where we must realistically recognize the necessity for military preparedness—however much we hope for and work toward the elimination of war—to allow the domestic textile industry to contract to the point where it could not satisfy our basic civilian and military needs in the event of an all-out emergency." In my considered opinion, there are parts of the textile industry, as of today, that could not supply the basic needs of war. The recommendation of the Pastore committee for the establishment of quotas has not been implemented, even though made more than a year ago. Action is what is desperately needed.

In addition to providing necessary strength in emergencies, the day in, day out contributions of the textile industry to the national economy in peacetime should also be considered. I shall now outline briefly a tabulation of Federal, State, local, and other taxes paid by J. P. Stevens & Co., Inc., with its 52 manufacturing plants including the approximate amount of money withheld from the pay envelopes of our workers for Federal and State taxes in the year 1959.

Federal income tax	$6,907,681.80
State and local taxes:	
Income	1,314,355.18
Franchise	202,323.84
Sales and use	178,194.65
Real estate and personal property	2,138,666.20
Other	198,566.57
Total	10,939,788.53
Federal income tax withheld	14,702,604.86
State income tax withheld	1,500,000.00
Total	16,202,604.86
Grand total	27,142,393.39

This is the yield from only one company in the textile business and there are thousands of other textile companies in the United States. If a lot of them are not to survive, where will their share of Federal, State, and local taxes come from? Is it reasonable to expect that foreign countries will come to the aid of the U.S. Treasury?

Another vital facet of these imports is the serious balance of payments deficit in which our country now finds itself. And this at a time when our production is larger than production in any other country. But our exports have declined from their peak and our imports have increased. This fact, along with foreign aid and other elements has created this adverse balance of payments position. Instead of large credit balances, we now have deficits on the order of $3,500 million to $4 billion per year.

That 646 million square yards of cotton products imported in 1959 played its full part in last year's imbalance. It must be apparent that what is being done or not done about foreign trade concerns the very economic foundation of the United States.

I have already testified to the fact that our company consumes every year, large quantities of American cotton and that we pay more—now about 8 cents more—per pound than any foreign manufacturer. We do not object so much to paying a premium price if it really results in assisting the American cottongrower to maintain his markets. We do object, however, to paying the premium price and then having excessive foreign yardage and garments coming in to our stores in unrestricted amounts, thus resulting in unfair advantage to the foreign manufacturer.

For the last 10 years we, as a nation, have been very busy shipping our textile workers' jobs abroad. Since 1950, there has been a steady decline in jobs from about 1,290,000 to approximately 950,000, a drop of 340,000 workers. Not all of this was due to imports but that was surely one of the most important factors in our loss of textile jobs.

As the chief executive officer of a company employing 34,000 workers, it is my principal responsibility to see that these fine people have full-time jobs, thus providing not only for their economic well-being but also contributing to the well-being of their families and the communities in which they live. I am sure you will agree that such an operation requires a lot of planning and forward scheduling. It seems a fair question to ask—how can any textile manufacturer plan ahead effectively with the constantly eroding influence of these sky-rocketing imports?

We expect periodic ups and downs in our business and we have learned to roll with the punches, as business conditions demand. But we cannot, with a high labor cost content in our products, compete with wages as low as one-tenth of ours, and with brand-new textile plants overseas constructed with the aid of the American taxpayer. And it is no easy thing to plan modernization, expansion, and research in the face of these steadily ascending imports. Is it wise to invest more of our share owners money in the things we should be doing? This is a very serious question.

It is no secret that many American companies in various lines are rushing overseas to manufacture components and end items, taking advantage of low foreign wages, in order to bring these products back into the American market at costs far below American costs. Is that really what our Government intended as a byproduct of its foreign trade policy? I do not think so. And yet, if our Government does not, through definite action, and soon, make clear to the American business community that this is not the desire of Government, then the movement overseas will continue at an accelerated rate. Every day of delay in making our national policy clear in this regard means the loss of still more American jobs. And make no mistake about it. There are plenty of plants that are now operated in certain areas overseas by Americans primarily to supply the American market with products which exploit cheap foreign labor. Do we support such runaway plants as American policy? I certainly do not. We have not used a yard of foreign cloth, even though many of our competitors feel they must do so.

As these hearings progress, regarding one specific phase of foreign trade, there seems to be mounting evidence of unrest elsewhere in Washington on some aspects of overall foreign trade policy. I refer to the Bailey concurrent resolution in the House, which seeks to forestall further tariff cuts by our GATT negotiators. Then, there is the revised Keating bill in the Senate, which would make very drastic changes in foreign trade determinations. We are not yet halfway through the period of the Trade Agreements Act of 1958 but the rising ground swell of American discontent with some phases of our foreign trade policy becomes increasingly evident. Only a week ago last Wednesday, the day the Stevens Co. advertisement appeared, 12 Senators went on record about the danger of these textile imports in a 2-hour discussion of this serious matter on the floor of the U.S. Senate.

This devastating effect of imports on some American industries was surely not intended by Congress or the executive branch. President Eisenhower's letter of February 17, 1955, to Congressman JOSEPH MARTIN, made the position of the executive branch clear. And I surely do not believe the President's position has changed. While the extension of the Trade Agreements Act was being considered by Congress, He said, in part:

"I wish also to comment on the administration of this legislation if it is enacted into law. Obviously, it would ill serve our Nation's interest to undermine American industry or to take steps which would lower the high wages received by our working men and women. Repeatedly I have emphasized that our own country's economic strength is a pillar of freedom everywhere in the world. This program, therefore, must be, and will be, administered to the benefit of the Nation's economic strength and not to its detriment. No American industry will be placed in jeopardy by the administration of this measure. Were we to do so, we would undermine the ideal for which we have made so many sacrifices and are doing so much throughout the world to preserve."

On the same date, February 17, 1955, the President also wrote to Congressman BASS, of New Hampshire. He said:

"I appreciate that legislation of this character has always aroused concern among industries that are fearful it may be administered so as to affect them adversely. Such fears are in fact groundless, for it would ill serve our Nation's interests to undermine American industry or to lower our high living standards. Our own economic strength is a pillar of freedom throughout the world, and it would be irresponsible to take any action that would weaken it. For this reason no American industry is going to be placed in jeopardy by the administration of this measure. Nor will any American industry be placed in jeopardy in the trade negotiations which are to begin next week at Geneva under the existing trade agreements law."

If ever any industry has been placed in jeopardy, it is the textile industry of the United States right now. The President said in his letters to Congressmen MARTIN and BASS that this would not happen. Administration of the legislation has thus not yet in fact worked out as the President clearly intended that it should.

If this Commission recommends to the President the imposition of an equalization fee on imported cotton manufactures, and, if the President implements such a recommendation, the job will only be started. It would surely be helpful. Such action will not of itself, however, stop the erosion of the industry. In heavy cotton yard goods, a real measure of assistance will result. In fine cotton goods entering the United States in the form of blouses and other made-up garments, the implementation of a favorable recommendation by this Commission will afford much less assistance.

In conclusion, I want to reiterate the basic relationship which exists between the American cottongrower and the American spinner. The economic facts of life dictate the need for this relationship because the American spinner has been, is, and should continue to be the best customer of the American cottongrower.

Until our Government effectively removes by executive or legislative action the sword of Damocles which hangs over the industry's head, there can be no real security for textile workers and no real foundation on which the industry both grower and spinner, can build to its rightful place in the American economy. Dynamic, growing American industries, including the essential textile industry, all in support of a strong military defense posture, are the surest guarantees of free world survival in the nuclear age.

I thank you.

THE SOUTH'S THERMOPYLAE

Mr. MCCLELLAN. Mr. President, on March 31 last Mr. C. Hamilton Moses addressed the Arkansas District Rotary Convention at Little Rock, Ark. Mr. Moses is a former president and chairman of the board of the Arkansas Power & Light Co. He retired from his position as chairman of the board in 1954 or 1955 to devote full time to the practice of law, and is now the senior member of the law firm of Moses, McClellan, Arnold, Owen & McDermott with offices in the Union Life Building in Little Rock, Ark.

Prior to Mr. Moses' becoming connected with the power company he served as secretary to three Governors of Arkansas, the Honorable George W. Hays, the Honorable Charles Hillman Brough, and the Honorable George W. Donaghey. For 12 years he was president of the Arkansas State Chamber of Commerce. In 1948 he was voted Arkansas Man of the Year, and in 1950 he was voted the Man of the South. In 1959 he and Col. T. H. Barton, of El Dorado, Ark., were named as most distinguished living Arkansans. He is now known as Mr. Arkansas.

He is a former district governor of Rotary of the Arkansas district, and on this occasion was speaking to the group he had formerly served in that capacity.

The thoughts expressed by Mr. Moses in his address are timely. They are in part related to the current issue pending here in the Senate. They are indeed most profound and provocative. His remarks have already elicited widespread favorable comment. They will be, I believe, of keen interest to Members of this body and to all citizens of our country. I commend Mr. Moses' remarks to my colleagues for profitable reading and meditation. I therefore most respectfully ask unanimous consent that his address may be printed in the body of the RECORD at this point as a part of my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE SOUTH'S THERMOPYLAE

We are living in crucial years—in truly testing times—particularly for our Southland—and more particularly for our own State of Arkansas.

DESTINATION UNKNOWN

Just recently I heard a church lay leader say, in effect: "We are lost people. We don't know where we are—how we got here—where we're going—what to do about it. America is a great nation with destination unknown—and, where's the leader that can point the way?"

Our people have too long followed strange doctrines. We have seen sovereign rights

of States and individuals silently steal away from home and gradually settle in Washington—with the promise that when the emergency ended, these rights would be returned—and these today bureaucracy abounds, and no rights yet returned. For a quarter century we have lived in the greatest era of give and grab that history has ever known—beyond the fabulous give-away days of the Roman circus. We are the victims of centralization and federalization unbelievable—and we ask what to do about it.

FOUR FRIGHTENING WORDS—"RUSSIA WILL OVERTAKE US"

During the past quarter of a century, America has developed an inferiority complex. We became slaves to four little words, "Russia will overtake us." We have forsaken the ancient landmarks of our fathers. These four words, "Russia will overtake us" literally scared America politically sick. The ghastly ghost created by those four words has driven our Government to increase defense spending, with reckless abandon; more and bigger government in business—with bigger losses; forget balanced budgets; deficit financing—27 of last 29 years; start new welfare projects; loss of States sovereignty; let Washington control our schools; reduce our citizens to Federal vassals; and no foreseeable tax relief; or "Russia will overtake us."

America has fashioned a new pattern of government to subside these basic fears; and, still, we do not know where we are going. Why can't a religious leader ask: "What are we going to do about it?" "Where is the leader that can point the way?" During the years the few lone voices crying "conservatism" were from the South.

EVER-RISING DEBT AND TAXES—AND, AND, AND—PAYDAY SOMEDAY

So many grabs and giveaways—and so much bigness and concentration—leads to ever-higher taxes and bigger national debt. Our budget for this coming year is $82 billion, unprecedented in peacetime, and doubled in 10 years of peace.

Russia shot a sputnik into the air—claiming to have discovered the moon. America literally lost its head—and, last year your Government had a deficit of $12 billion—another peacetime record. Let Russia have the moon. We have more nations now than we can support. Let's not take over this strange new world, and lose the world we now live in.

Your Government today has upward of $300 billion in public debt. That's only part of the terribly tragic and upsetting story. You are further committed to veteran's benefits and Federal highways and public works and Federal housing and various other welfare undertakings running your present Federal Government commitment in excess of $700 billion—several times the total assessed value of all the property in this Nation. It will require 50 or more years for dedicated statesmanship and rigid economy to retire this debt—and, our people must pay much more than a trillion dollars in taxes.

Apply this appalling picture to your own household. Arkansas' share in our present national debt is in excess of $4 billion. Your total State debt is less than $100 million. Therefore, your Federal Government debt is 40 times your State debt. Your part of the present national debt is four times the total assessed value of all the property in the State of Arkansas. The average Arkansas home is now burdened with a present Federal mortgage of $7,500, and an overall commitment of $20,000 per family—and, you call yourself free.

We all ask, "Where is that leadership that can silence some of our fears, and lead us back to national solvency?"

We say again, it was the lonely voice of southern leaders like Byrd and McClellan and George and Russell and Ellender and Stennis and others who cautioned conservatism and cried aloud, "you cannot spend yourself into prosperity!" Again the voice of the Southland fell on politically attentioned ears.

CONSTITUTION THROWN ON ALTAR OF SOCIOLOGY

During all this period the southern concept of States rights and constitutional government was losing ground. Too many of our people grab for all subsidies. Yes, we feared for the sovereignty of our States. Yes, we viewed with alarm the waning dignity of the individual. Yet, we wanted our share—surrendering inalienable rights for various political doles.

Then, our Southland was to be dealt a bewildering blow from the chief fortress of our country's safety. Our Constitution, the birthright of our Democratic government, was to be pinioned on the altar of sociology. From a clear sky, and one momentous stroke, our Supreme Court, the highest judicial body in the world, came forth with a fateful and epochmaking decision setting aside legal precedents that over a 100 years had aged into property rights. This Nation-shocking decision was based on sociology more than law, quoting from a text written by a foreigner, and converted the ark of the covenant of our country's glory into a political shamble.

These nine men decreed:

You're no longer an indestructible Nation of indestructible States.

The State no longer controls its public schools.

Social customs and deep moral convictions of the centuries must bow to a new decreed social philosophy.

You cannot inquire as to color when selling your property.

Your home no longer your castle—government can enter without warrant.

Sociology and philosophy supplants age-old legal precedent.

The voice of nine men is the new law of the land, despite your Constitution, and your Congress, and the old and sacred law of the land under which you had lived for a century.

THE GHOST OF RECONSTRUCTION WALKS AGAIN

Posthaste, these upsetting edicts were to be put into effect by the power of Federal court decisions, and, believe it or not, at the point of Federal bayonet. Again the ghost of Reconstruction was to stalk in our midst. Outside forces centered in Arkansas. Immediately we became the whipping boy of the Nation. Punitive criticism ran rampant. Other sections of the country were having more violent upheavals than our State; yet Little Rock became the choicest front-page story. We were innocent victims of far-away powers bent on enforcing federally imposed changes in our deeply rooted social customs.

With patience and little fanfare, and with commendable tolerance, our people reluctantly adjusted themselves to this new law of the land—with as good grace as possible, under the strange and humiliating circumstances. As a last resort, and to save our public schools, our people accepted token mixing of the races—surely to the detriment of both groups. We bowed with becoming dignity to constituted authority, although we felt our High Court had substituted personal political philosophy for century-old judicial precedents.

THAD STEVENS AND BEN BUTLER RIDE AGAIN

We had fairly well adjusted ourselves to our new status, and had reluctantly accepted, with a fair degree of understanding, the upsetting results of this new law of the land. We were again at ease.

Then, for reasons we do not understand, and certainly not for the best interest of the country, we are now threatened with the reincarnation of the old punitive "enforcement bills" that thrust upon our defeated people the terrible carpetbag government following the Civil War. Our northern and eastern leadership has gone further than ever dared Thad Stevens and Ben Butler. The laws following the Civil War gave Federal control only to Federal election, but these revitalized "force bills," under the politically appealing name of "civil rights," applies to all elections—State, county, and township and school districts. These civil rights bills transfer the power of the people from the local level to some Federal agency, or some bureau in Washington. The people cease to be masters of their own government, and become the wards of judicial federalization. If these civil rights measures now being proposed were voted by secret ballot, they would be hopelessly defeated. We must not see those tragic Reconstruction days reenacted on the American scene. Let's keep the haunting specters of Thad Stevens and Ben Butler just a bad dream of far away Reconstruction days.

You Arkansans do not want to see another Poker Jack McClure, whose Reconstruction power as Federal election supervisor wrote some of the most disgraceful pages in Arkansas' history, in charge of our election machinery—setting aside the power of our legislators, usurping the functions of your Governor and your law-enforcement officers.

THE SOUTH DESERVES BETTER TREATMENT

Just 100 years ago our forefathers offered their lives on the altar of their country's cause to preserve to all States their fundamental rights vouchsafed by our Constitution. This Southland is the only section that ever suffered defeat in war—a terrible defeat—but honorable and dedicated defeat. Our once economically strong South was smitten with poverty, its lands ravished, its beautiful homes in ashes, and then, for 10 years suffered the terrible tragedy of Thad Stevens' and Ben Butler's Reconstruction fiasco government.

The South had no lend-lease—no United Nations, no Marshall plan—no kind of subsidies to aid in its recovery. We rebuilt by sweat and toil an empire from ruins and ashes of what was once our glorious land. It took our people 50 years to recover from the aftermath of that terrible trail of tears. We served ourselves back into the confidence of the other sections and builded ourselves back into the economy of the Nation.

Now despite our long fight back, are we to be unconstitutionally ostracized by our northern brethren; criticized socially; punished politically; and undermined spiritually by reenactment of long ago repudiated legislative edicts the South cannot voluntarily accept? Are we to become second-class citizens—one standard for us, another standard for the Nation? Are we the only minority that has no rights—despite the night and day courageous efforts by our southern Democrats to protect their own people?

Is the South again to become the blasting battleground for clashing concepts of social equality wholly foreign to our way of life? Are we now to become the hackhorse for a misjudged public sentiment and a dromedary for misguided politics?

We ask our northern brethren, "Why enact an unworkable law of doubtful constitutionality that brought this Nation and its democratic processes to the brink of chaos during the last century, and which was repealed at the request of your own people?"

If our High Court of nine men—or even five men—can destroy the rights of sovereign States to control their own public schools and their own elections, then cannot that same high tribunal destroy other constitutional rights—maybe even the time-honored rights of worship?

If our High Court of nine men—or even five men—can change the laws of the land and strike down time-honored judicial precedents, then, won't the property rights and liberty of the people and States become its playthings in a passing hour, and its innocent victims forever?

LISTEN, BRETHREN

We say to our eastern and northern brethren, don't turn a cold shoulder to our proffered hand of friendship. We are your own people. Our forebears helped form this Nation and nurtured to full vitality our democratic heritage. Don't make out of us a politically discounted colonial vassal. Don't fence us in. Leave us alone. Go on about your own business. Let each group and each section solve their own problems. This Nation is made up of 50 States; each having its own specifically reserved rights; each entitled to the protection of our Federal Government. We, in Arkansas, deny to no man his unrestricted constitutional right to the ballot. We deny to no man his right to climb ambition's ladder and hitch his own wagon to his own personal star. We proclaim equal economic and educational opportunity to all groups and all sections and all people. We have no race problem—except that inspired by and financed from the outside.

You're violating constitutional States rights guarantees, established by our Founding Fathers, basic in the pattern for our democratic form of government. You, our brethren, are imposing by law political creeds and federally enforced social equality which you yourselves do not practice—which your families abhor—and which your children will never tolerate. You're guilty of much more economic discrimination than is found in our section. You do not practice what you preach—and, most of all, you're motivated by politics and not by deep personal convictions. Laws cannot change the emotions and ideals of a proud people, based on generations of beautiful traditions and tragic history.

LET'S WORK TOGETHER

America needs unity—the joining of all forces to save our way of life. The balance of civilization rests upon the economic and spiritual structure of America and that balance in America rests upon this Southland. The last 50 years belongs to the West. The next 50 years belong to the South. We have earned our day in the sun.

If we can be comrades, if we can live in mutual faith—with malice toward none and charity toward all—you will have our people arm in arm down the pathway to a better world. We ask that you extend to us the same sympathy and the same consideration that the victorious and gracious Grant extended to defeated and lovable Lee at Appomattox. You cannot afford to do less.

The South is not sitting with hands folded. Every State is doing its own job. This section is looking up. Roosevelt called the South the Nation's economic problem. We have proved ourselves your economic opportunity. We strive to become our Nation's economic prodigy. Arkansas has the best prepared, the best organized, the best financed, the most effective plan to secure for our people its full share of this greatest economic and development opportunity that has ever faced any nation. You can't stop people on the march.

YOU ARE THE ANSWER

You say, "What can I do—I am just one man—just a human trifle." The so-called little man, organized and in action and on fire, has always been the world's most powerful force.

Moses' little rod, just a piece of iron, obeying God's command, touched the waters of the Red Sea. David's sling and stone, in the cause of right, slew the giant Goliath, and the little man came to his own. Naaman's maid used her voice—cried out in faith—and Naaman, the leper, was healed. A poor widow gave two mites—her very best—and received the highest praise from the Master. A little lad had 5 loaves and 2 fishes, and in the hands of dedication, 5,000 were fed—and much was left over. Zacharias cried out, "Who hath despised the day of the little man." Ours, my fellow countrymen, is the power of a righteous cause. In your hands is the destiny of the free world. What can you do?

Demand the return of State sovereignty—an indestructible union of indestructible States.

Limit peacetime debt. If they can't borrow, they can't spend.

Compel balanced budget—gradually retire the national debt.

Sell to highest bidder 700 tax-free, rent-free corporations, in competition with private business, losing billions of dollars each year.

Curb the Supreme Court. Senator JOHN MCCLELLAN offered such law 2 years ago, which failed by only one vote.

Reduce spending to friendly nations and eliminate loans to our enemies.

Kill Federal grants to States. They collect $2.10 for each dollar returned. There are 62 tax-supported agencies administering $5 billion per year in grants.

Slow down Federal encroachment—dissolve Federal bureaucracy. Get back surrendered rights.

Support patriotic and courageous men for public office. You now have superb delegation in Congress. Eighteen Senators from nine Southern States are making heroic fight.

Northern papers are denouncing these southern Senators, when they ought to be praising them for the preservation of States rights and local self-government. These southern leaders are fighting a desperate, and at present, apparently a losing battle—but they will not surrender.

Recall Thermopylae when Leonidas and his 300 faced 40,000 fine Persian soldiers. It was suggested that they retreat because the Persian arrows would darken the sky. Leonidas replied, "So much the better, we shall fight in the shade." They lost the battle, but their heroic stand has inspired courage in the hearts of millions through the years. These southern protectors will deserve the affection expressed on the monument at Thermopylae:

"Go tell the Spartans, thou that passeth by,
That here, obedient to their laws, we lie."

Then, don't apologize, don't get discouraged. Stand up and be counted. Be patient and tolerant and sympathetic—but speak out.

Don't fuss among ourselves. We have vital need for reason and composure.

We recall the tragic history of Israel in the land of the Pharaohs—and the plaintive plea of Moses for his people. The South is being made a wandering and captive people.

America has modern Pharaoh yonder in Washington—more powerful than all the Pharaohs. This modern Pharaoh is a good and great man. This faint voice of another lone and humble Moses, in a faraway wilderness, cries out "Pharaoh, O Mr. Pharaoh, let our people go—let our people go."

A New York divine tells the story of the Texas family, mother, father, and a 9-year-old daughter, visiting the Statue of Liberty in New York City. It was late in the afternoon. It was dark and raining. The little girl was greatly impressed. On returning to the hotel, she was quiet and in deep thought. They put her to bed but she could not sleep. The father said, "Sister, why can't you go to sleep—what's the matter." The little girl replied, "Daddy, I can't go to sleep, I am worried. It's that lady on that Statue of Liberty. She's holding that torch high in the air and she is tired and lonesome and it's cold and raining and we ought to go back and help that lady hold that torch." Yes, 40 million southerners can't be wrong in helping all Americans hold high that torch of liberty.

DECLARATION OF CONSTITUTIONAL PRINCIPLES—THE SOUTHERN MANIFESTO

Mr. THURMOND. Mr. President, on April 4, the senior Senator from New York caused to be inserted in the CONGRESSIONAL RECORD certain memorandums which contain among other things the southern manifesto of March 12, 1956, which expressly and in detail discussed and attacked the Supreme Court desegregation decision of Brown against Board of Education. On April 5, the senior Senator from New York requested and received unanimous consent that the southern manifesto be stricken from the permanent RECORD. I would not want any inference to be drawn from the fact that an objection was not made to the withdrawal of the southern manifesto from the permanent RECORD by the senior Senator from New York, that there is any less adherence to or belief in the principles expressed in that document by southern people now than at the time the manifesto was presented to the Senate. On the contrary, the people of the South are more devoted to these principles than ever, and will remain steadfast in their adherence to the ideas and principles expressed in that document. I therefore ask unanimous consent that the southern manifesto, which has been and is the principle on which the southern legislators have stood throughout this so-called civil rights debate, be printed in the CONGRESSIONAL RECORD at this point in my remarks and carried in the permanent RECORD.

There being no objection, the declaration was ordered to be printed in the RECORD, as follows:

DECLARATION OF CONSTITUTIONAL PRINCIPLES

The unwarranted decision of the Supreme Court in the public school cases is now bearing the fruit always produced when men substitute naked power for established law.

The Founding Fathers gave us a Constitution of checks and balances because they realized the inescapable lesson of history that no man or group of men can be safely entrusted with unlimited power. They framed this Constitution with its provisions for change by amendment in order to secure the fundamentals of government against the dangers of temporary popular passion or the personal predilections of public officeholders.

We regard the decision of the Supreme Court in the school cases as a clear abuse of judicial power. It climaxes a trend in the Federal judiciary undertaking to legislate, in derogation of the authority of Congress, and to encroach upon the reserved rights of the States and the people.

The original Constitution does not mention education. Neither does the 14th amendment nor any other amendment. The debates preceding the submission of the 14th amendment clearly show that there was no intent that it should affect the system of education maintained by the States.

The very Congress which proposed the amendment subsequently provided for segregated schools in the District of Columbia.

When the amendment was adopted in 1868, there were 37 States of the Union.

Every one of the 26 States that had any substantial racial differences among its people, either approved the operation of segregated schools already in existence or subsequently established such schools by action of the same lawmaking body which considered the 14th amendment.

As admitted by the Supreme Court in the public school case (*Brown* v. *Board of Education*), the doctrine of separate but equal schools "apparently originated in *Roberts* v. *City of Boston* (1849), upholding school segregation against attack as being violative of a State constitutional guarantee of equality." This constitutional doctrine began in the North, not in the South, and it was followed not only in Massachusetts, but in Connecticut, New York, Illinois, Indiana, Michigan, Minnesota, New Jersey, Ohio, Pennsylvania, and other northern States until they, exercising their rights as States through the constitutional processes of local self-government changed their school systems.

In the case of *Plessy* v. *Ferguson* in 1896 the Supreme Court expressly declared that under the 14th amendment no person was denied any of his rights if the States provided separate but equal public facilities. This decision has been followed in many other cases. It is notable that the Supreme Court, speaking through Chief Justice Taft, a former President of the United States, unanimously declared in 1927 in *Lum* v. *Rice* that the "separate but equal" principle is "within the discretion of the State in regulating its public schools and does not conflict with the 14th amendment."

This interpretation, restated time and again, became a part of the life of the people of many of the States and confirmed their habits, customs, tradition, and way of life. It is founded on elemental humanity and commonsense, for parents should not be deprived by Government of the right to direct the lives and education of their own children.

Though there has been no constitutional amendment or act of Congress changing this established legal principle almost a century old, the Supreme Court of the United States, with no legal basis for such action, undertook to exercise their naked judicial power and substituted their personal political and social ideas for the established law of the land.

This unwarranted exercise of power by the Court, contrary to the Constitution, is creating chaos and confusion in the States principally affected. It is destroying the amicable relations between the white and Negro races that have been created through 90 years of patient effort by the good people of both races. It has planted hatred and suspicion where there has been heretofore friendship and understanding.

Without regard to the consent of the governed, outside agitators are threatening immediate and revolutionary changes in our public school systems. If done, this is certain to destroy the system of public education in some of the States.

With the gravest concern for the explosive and dangerous condition created by this decision and inflamed by outside meddlers:

We reaffirm our reliance on the Constitution as the fundamental law of the land.

We decry the Supreme Court's encroachments on rights reserved to the States and to the people, contrary to established law, and to the Constitution.

We commend the motives of those States which have declared the intention to resist forced integration by any lawful means.

We appeal to the States and people who are not directly affected by these decisions to consider the constitutional principles involved against the time when they too, on issues vital to them, may be the victims of judicial encroachment.

Even though we constitute a minority in the present Congress, we have full faith that a majority of the American people believe in the dual system of government which has enabled us to achieve our greatness and will in time demand that the reserved rights of the States and of the people be made secure against judicial usurpation.

We pledge ourselves to use all lawful means to bring about a reversal of this decision which is contrary to the Constitution and to prevent the use of force in its implementation.

In this trying period, as we all seek to right this wrong, we appeal to our people not to be provoked by the agitators and troublemakers invading our States and to scrupulously refrain from disorder and lawless acts.

BATAAN ANNIVERSARY

Mr. WILEY. Mr. President, the history of the recent past will recall for us a tragic event, on April 9, a fateful day: the fall, 18 years ago, of Bataan.

The recollection, too, reawakens memories of other dark days: of Pearl Harbor, of Corregidor, of Wake Island.

Out of the holocaust of war—grim, destructive, terrible, deadly—too, come images of the friends who stood with us, who joined, in battle and blood giving, to fight for freedom.

Has the world learned a lesson? Or must the human race experience again a new and more catastrophic military Gethsemane?

After Pearl Harbor, we had 2 years to pick up the pieces.

Today, a hair trigger set on H-bombs, would, if a war were sparked, destroy vast portions of the territory, within minutes or hours, of both attacker and attacked. Is this not ample warning, even to the power hungry, that war means death to millions of people?

In commemorating Bataan, our thoughts reflect upon the loyal sons of the Philippine Islands, many of whom, along with American boys, gave their last full measure of devotion that freedom might live. In fighting a delaying action on Bataan, these Filipino and American heroes bought with their blood time, precious time, for the United States and other nations to marshal forces to fight, and win, the battle of freedom.

The anniversary of Bataan reminds us also how important to us are our friends in a cold war world, particularly our Filipino friends, whose sons and daughters stood shoulder to shoulder with our sons and daughters to give freedom a new meaning, to give sacrifice a new dignity, to bequeath liberty to us and generations of the future.

At this time, I call attention to remarks by Carlos Romulo, Philippine Ambassador to the United States, on "The Meaning of Bataan in 1960." A stanch patriot in representing the interests of his own people, Ambassador Romulo also remains a loyal friend of the United States.

Among the great attributes of his friendship has been a relentless effort to recognize and seek to find solutions for problems arising out of the relationship between the Philippine Islands and the United States.

In reviewing the significance of Bataan in the 1960's, Carlos Romulo provides a piercing insight into the realities of the Communist menace.

He crystallizes the real meaning of friendship between our two nations, in peace and war, and in other ways, portrays the sound thinking on the need for creating ever-stronger bonds for the future.

As a message for all Americans from a great statesman, fighter for freedom in peace and war, loyal friend, and representing a wonderful people, I request unanimous consent to have the statement by Ambassador Romulo printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE MEANING OF BATAAN IN 1960

(By Gen. Carlos P. Romulo, Philippine Ambassador to the United States)

Eighteen years have passed since the fall of Bataan. It seems like 18 centuries. In the passage of time since those grim days, we have gone so far and been through so much that we are able—so soon after the event—to fit the epic of Bataan into the timeless pattern of history.

Bataan was a victory of the human spirit. It was such a victory because it was a strange and wonderful symbol of what the 20th century could mean to the human race. Ever since those terrible days of 1942 we have been aware of this symbolism. But it does no harm to repeat it now—because, like all the great verities, it seems to acquire new truth each time it is repeated.

And so today we recall the victory of Bataan: The demonstration to the whole world that people of different races, different origins, different backgrounds, have a common cause in liberty. That the old and despicable balance of mastery and slavery, of colonial power and subject nation, can be wiped out in a spirit of mutual trust and respect. That the men of the West and the men of the East can face a common foe in absolute and unquestioned equality.

That was the victory of Bataan. It was a tribute to the people of the United States, who never carried the mantle of imperialism with ease and who set out, from the moment they arrived in my country, to liberate the very nation that destiny had placed under their aegis. It was a tribute to my fellow countrymen, who had the vision and the courage to continue fighting for their freedom until they had earned it, and at the same time to recognise that from a free and democratic people we could learn much, a country that could not possibly, by the very logic of freedom and democracy, remain as masters in our beloved island homeland.

That was the victory of Bataan. It was a repudiation of the tempting hypocrisy of power-mad men who sang of "Asia for the Asians" when in fact they sought the domination of the Asian peoples—and of their successors today who, like Greeks bearing gifts, seek to persuade the peoples of Asia that their brand of slavery is a new kind of freedom.

That was the victory of Bataan. It was a portent of things to come. For the first time, of their own free and positive choice, an Asian people rose, almost unanimously, to the defense of an Occidental power—not because America was white and Western, but because America was friendly and honest and just and, above all, dedicated to the idea of liberty.

That was the victory of Bataan. It sealed the bond of friendship between Americans and Filipinos—a bond already established through the long years that led up, before the Great War came, to the guarantee of national independence. As the long shadows of military defeat fell over those Filipino and American warriors in the tropical night on Bataan, the victory of the free spirit hovered

overhead. It foretold the massive and exciting roster of nations that would quickly win their freedom in the years to follow—India, Pakistan, Burma, Ceylon, Indonesia, South Korea, and all the others.

The victory at Bataan showed the way. It was important in time of war. It was even more important in the cold peace that succeeded the war. For we can now place the troubled problems of relationships between nations against the background of the lesson we taught ourselves on Bataan. Today we are faced not with the menace of imperial Japan but with the menace of imperialistic communism. The threat is real; it is made even more real by the new and beguiling mask that the Communist leaders have been using during the past few months. Surely none of us can be misled by the current change in the party line; nowhere, in all the meanderings and maneuverings among the Communist leaders anywhere, have we seen any indication that the purpose is altered. Only the methods change, the tactics, the curiously tortured interpretations of things past. The goal remains. It is what it has always been: conquest of the world for the totalitarian philosophy of international communism.

And it is more than ever clear that the tacticians of communism see all of Asia as a fertile field. They have played heavily on the unhappy memories of peoples who still recall the injustices of Western colonial rule, who still have a long way to go before they feel themselves to be in full control of their own destinies.

No country with such deep-etched memories, no country with such insecurities, can feel safe from the subversive methods of Communist penetration. But now a new dimension must be added to the Communist menace, and that is the Communist pattern of economy. A new offensive has been launched by the Kremlin, the most dramatic example of which has been the proffer of assistance in Asia, the Middle East, in the underdeveloped countries. In southeast Asia Mr. Khrushchev has traveled far and wide, establishing personal contacts with Asian leaders.

What is behind the new Soviet persuasion? The answer is: a system of economy which could easily be tailored to the needs of impoverished areas. This system cannot be dismissed as a failure. The Soviet salesmen are offering too much tangible assistance, both economic and military, to be dismissed as spokesmen for a hollow shell. And they are getting results. Under a dictatorship, they can act quickly and irresponsibly. By contrast, the slowness and deliberation with which we work—the very characteristic of the free society, in which no government can move faster than the public opinion it represents—seems to be tantalizingly inadequate. In the long run, the free enterprise, libertarian system will win out—that we know. But it will do so not because we say so, but because we make it so.

There is a clear and present danger that Asia's underdeveloped countries may fall for the Soviet pattern of economy. We in the Philippines are resolved not to allow this to happen. We have been through too much—beginning with Bataan, continuing through the dreary and oppressive years of Japanese occupation, the terrible destruction that accompanied our ultimate liberation, the mountainous difficulties we encountered in reestablishing stable government and a viable economy, and the long and dangerous years of coping with the Communist threat within our own borders—we have been through too much to relax now.

In the recent past, we in the Philippines have been outspoken in our appraisal of the scope and nature of American assistance to the Philippines. We have asked for an updating of our relations with the United States. We must not dismiss this new temper of my people, as being merely a matter of domestic politics. We must not. We must recognize that any small nation, like the Philippines, will always find itself reexamining the nature of its relationship with a great nation like the United States. Such a reexamination is wholesome for both countries. To us and to you Bataan was a symbol of the bond between us. Bataan is of the past; but the bond lives, and must never be shaken.

And today we look to America for more than maintenance of that bond. We look to America for a strengthening of the bond. I suppose it is a natural human impulse to pay closest attention to those who waver rather than to those you trust; to give greater help to the uncertain—the neutralists, if you will—than to the committed. But this impulse, however human, does not always coincide with the realities of world affairs. It is not a device of domestic Philippine politics to remind America of the continuing mutuality of our friendship, that we have problems that must be solved, claims that must be met, sovereign rights that must be respected, unsettled questions that must be frankly discussed and satisfactory solutions arrived at without delay. We believe that we of the Philippines deserve attention, if not preferential because of our close relationship and our proven loyalty, at least that attention that friends deserve and to which they are entitled.

I recently said in New York that I have always believed that the harmony, the friendship, the blood brotherhood of Bataan, between the Philippines and the United States, form the rock on which the relations between our two countries are founded. This friendship, and the common cause from which it stems, are more important than any difference of opinion which can ever arise between us: the differences are temporary because the friendship is lasting. But it is not enough to recognise that problems do arise between friends. We must go forward to a solution of the problems, precisely because that is what friendship means.

So today, in 1960, we recall the symbolism of Bataan—the spiritual victory that makes the military defeat look puny—and in the remembrance of that great moment in our common history we have the right to stand side by side through all the years to come, certain of the rightness of our cause and the timelessness of our friendship.

ESTHER MORRIS, DISTINGUISHED WOMAN OF WYOMING

Mr. McGEE. Mr. President, last evening a ceremony was held in the rotunda of the Capitol, during which there was deposited in Statuary Hall a statue of a distinguished Wyoming woman, Esther Morris.

Esther Morris was not a public servant or the type of dedicated person engaged in public service whom one associates with some of the usual entrants in Statuary Hall, but she stands for something else in Wyoming. That something else has to do with equal rights for women.

Esther Morris was a simple woman, a good woman. She served 8½ months as a justice of the peace. That was the extent of her public service. But it is what came to epitomize, not only in the minds of Wyoming women, but in the minds of women everywhere, and of older people everywhere, which makes her significant and all-important.

She was once seen walking along the railroad tracks in Laramie, Wyo., picking up coal and delivering it to the doors of the needy in the community. She was a warm, passionate woman, and as a result Wyoming is proud to commemorate her in this way. Wyoming was the first State to provide woman suffrage. Esther Morris was the symbol for that provision.

I think it is interesting to note what one of our legislators observed on the occasion of granting suffrage rights to women when Wyoming was admitted to the Union in 1870. He said, "Women have long been our superiors, but have now become our equals."

The example of Wyoming served to spark similar movements in other parts of the country, and soon after World War I the National Constitution was amended so as to provide equal voting rights for the women of America.

Mrs. Morris, however, was more than a Wyoming symbol. She became a symbol of all America. As Susan B. Anthony once said, "Hail to Wyoming, the greatest free republic of the world."

Those were fortuitous words, because in the revolutionary movements, in the ferment stirring around the world today, one of the elements is the change being demanded in the status of women, particularly in the Asian quarters of the globe. There, once again, one sees that the simple movement begun in the territory of Wyoming many years ago has spread across the Nation and now incites other portions of the world.

Wyoming's tribute has today become America's spirit, and tomorrow will become the hope of the world.

Mr. President, I ask unanimous consent to have printed in the body of the RECORD an article written by a colleague of mine who is the head of the history department at the University of Wyoming, T. A. Larson. The article is entitled "Petticoats at the Polls—Women Suffrage in Territorial Wyoming."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PETTICOATS AT THE POLLS—WOMAN SUFFRAGE IN TERRITORIAL WYOMING

(By T. A. Larson)

The broad outlines of the revolution in women's rights in the past century is a familiar story. It is well known, too, that the Legislature of Wyoming Territory played a key role in the extension of rights to women by adopting woman suffrage in 1869. Susan B. Anthony said 2 years later: "Wyoming is the first place on God's green earth which could consistently claim to be the land of the free."[1] Many years later Carrie Chapman Catt and Nettie Rogers Shuler recalled:

"For 50 years Wyoming served as the leaven which lightened the prejudices of the entire world. She pronounced false every prediction of antisuffragists and gave so much evidence of positive good to the community arising from the votes of women that she became the direct cause of the establishment of woman suffrage in all the surrounding States."[2]

Congress admitted Wyoming as a State in 1890, with woman suffrage in its constitution. Wyoming's leadership probably did make it easier for neighboring Territories and States to adopt full suffrage rights. At least Wyoming's experience was cited in support

[1] Laramie Daily Sentinel, June 27, 1871.

[2] Woman Suffrage and Politics (New York, 1923), 84–85.

of attempts to extend suffrage. Utah's Territorial legislature adopted woman suffrage in 1870, only to have Congress cancel it in 1887 as a blow at polygamy. Colorado's territorial legislature debated woman suffrage at length in 1870, but rejected it. Once the State of Wyoming had woman suffrage, neighboring States—Colorado, Utah, Idaho—quickly followed suit. By 1914 all States west of the Rockies, except New Mexico, had adopted full suffrage; only one State east of the Rockies—Kansas—had done so. It may be said that the Wyoming Legislature in 1869 started a wave which rolled westward to the Pacific.

Wyoming's action, of course, had connections with the past. Some very limited suffrage rights had been given to women from time to time in some parts of the east since colonial days. After 1840 suffragettes began to campaign vigorously throughout the East. A woman suffrage weekly, the Revolution, appeared in 1868; and the same year woman suffrage amendments were proposed in both Houses of Congress. The American Woman Suffrage Association was organized in 1869 to promote legislation in the States.

Most of the people of Wyoming had come out of the East in 1867, 1868, and 1869, coming in largest numbers from New York, Pennsylvania, Ohio, and Illinois—all States where there had been much discussion of women's rights. Many Wyoming citizens, then, must have had some acquaintance with the pros and cons of suffrage arguments. Probably some copies of The Revolution followed them to their new homes in the Rockies. Anna Dickinson, suffragette, lectured in Cheyenne in September 1869. Three months later the Territorial legislature and the Governor adopted woman suffrage. The purpose of this paper is to analyze the situation in Wyoming which made possible what had not been possible elsewhere.

Pendleton Herring, political scientist, has written that "The struggle for woman suffrage was a long battle fought largely outside party lines and by the organized women themselves." [3] This does not fit the situation in Wyoming, where there was no public agitation on the part of the women, except for the single address by Anna Dickinson. Wyoming's action rather bears witness to the truth of the ironical observation made by Carrie Chapman Catt and Nettie Rogers Shuler after 40 years of effort: "The better the campaign, the more certain that suffrage would be defeated." [4] No one was more surprised that the women of Wyoming Territory when they were given the vote and the right to hold office, unless it be eastern women's rights advocates who had not imagined that the breakthrough would come in the West where they had done virtually nothing.

Mrs. Esther Morris, of the gold-mining town, South Pass City, Wyo., has been called the "mother of woman suffrage." [5] The title has been wished on her by a few persons looking for a heroine. As often happens in history, much oversimplification was used to establish parenthood. It is alleged that before the election of 1869 Mrs. Morris staged a tea party at which she asked two opposing candidates for the legislature to pledge that whoever was elected would introduce and work for the passage of a woman suffrage bill. The pledges, we are told, were made. The one who was elected, William H. Bright, after considerable delay, did introduce a bill. On the basis of this tea-inspired pledge, made earnestly or in jest, Mrs. Morris has been named mother of woman suffrage. The pledge story originated with the defeated candidate. Mr. Bright never conceded, as far we know, that Mrs. Morris influenced him. Nor is there any evidence that Mrs. Morris approached any other legislator, which she might have been disposed to do if she really wanted suffrage legislation. There were six other legislators chosen from her county that year. Mrs. Morris never claimed credit for woman suffrage. She wrote modestly 2 years later: "So far as woman suffrage has progressed in this Territory we are entirely indebted to men." [6]

William H. Bright, a Virginian without any formal schooling, introduced the bill late in the session. He sincerely believed that women should have the vote before Negroes, and Negroes had been given the vote. There is evidence to indicate that at least two persons besides Mrs. Morris encouraged him. One was his wife, whom he adored and who wanted suffrage; the other was E. M. Lee, secretary of the Territory, who had served in the Connecticut Legislature, where he had worked for a suffrage bill that had been defeated in 1867. Who influenced him most one can only guess, but to attribute his act solely to the tea-party pledge is unwarranted.

Once the bill, which was probably drawn up for Mr. Bright by Secretary Lee, was in the hopper, the 22 legislators, 9 in the upper house and 13 in the lower, became important characters in the drama. The legislature which adopted woman suffrage in 1869 was solidly Democratic.

The measure passed 6 to 2 and 7 to 4 with very little debate, although opponents in the lower house offered a series of unacceptable amendments, such as the substitution of "all colored women and squaws" for "women." Three of the six "no" votes came from the county of Mr. Bright and Mrs. Morris. The only amendment adopted was one changing the age from 18 to 21. The act as approved read:

"That every woman of the age of 21 years residing in this Territory may at every election to be holden under the laws thereof cast her vote, and her rights to the elective franchise, and to hold office, shall be the same under the election laws of the Territory as those of electors."

The threadbare eastern arguments against woman suffrage—that the home would be ruined, that it would change the manners and employment of women, that women would be unsexed, that divine law opposed—were not used in the 1869 legislature, although they must have been known to the members. Not until some months after the adoption of the act did the eastern arguments gain currency in the Territorial newspapers. The familiar arguments then were ventilated after, not before, legislative action. It was as if a novelty had been slipped through the assembly before thought could be given to it. Governor Campbell later recalled: "No public discussion preceded passage." The wives of a few legislators probably expressed private approval, and it has been claimed that a few letters were written to legislators by women of the Territory. When passed, the bill received only cursory comment from the Cheyenne Leader: The editor did not see the necessity, but he thought everyone would be interested in the experiment.

Later it was often said that the whole thing was done as a joke. It does appear that some of the legislators did not regard it as a very serious piece of lawmaking. Mr. Bright who introduced the bill wrote 26 years later that it had not been a joke to him. In opposition to the joke interpretation stands also the fact that the measure dovetailed perfectly with several other women's rights bills approved by the same legislature and rarely conceded anywhere up to that time:

In the employment of teachers, no discrimination shall be made, in the question of pay, on account of sex, when the persons are equally qualified.

That all the property * * * belonging to any married woman as her sole and separate property * * * shall not be subject to the disposal, control, or interference of her husband, and shall be exempt from execution or attachment for the debts of her husband.

Any married woman may, while married, make a will the same as though she were sole.

Any married woman may carry on any trade or business, and perform any labor or service on her sole and separate account.

And under the statute for distributions, the wife was treated exactly as the husband.

If such intestate leave a husband or wife, and children * * * one-half of such estate shall descend to such surviving husband or wife, and the residue thereof to the children.

A most important fact in the Wyoming situation was the preponderance of men in the Territory. The 1870 census shows that there were 6 men for every woman over 21. This made woman suffrage far less revolutionary than it would have been where women were as numerous as the men. There was little chance that the 1,049 women in the Territorial population would seize the reins of power from the 6,107 men.

A few of the legislators may have been motivated by a wish to embarrass the Governor, John A. Campbell, from Ohio—he was a Republican while they were all Democrats. It was thought that he was opposed to woman suffrage, in which case he would veto the measure, with no damage to the legislators. After much soul searching, and arguments for approval presented by two of the Territory's three Federal judges, J. H. Howe and J. W. Kingman, and by two Cheyenne women, Mrs. M. E. Post and Mrs. M. B. Arnold, the Governor signed the bill.

Mr. Bright and some of the other legislators were aware of the publicity value of woman suffrage. This may well have been the most powerful argument of all. It was bound to attract attention. A Cheyenne paper remarked: "We now expect at once quite an immigration of ladies to Wyoming."

C. G. Coutant, early Wyoming historian, interviewed many of the legislators. He reported:

"I have talked with most of the living members of the legislature of 1869 who passed the Female Suffrage Act, and I have tried to find out why they did it. One man told me that he thought it right and just to give women the right to vote. Another man said he thought it would be a good advertisement for the Territory. Still another said that he voted to please someone else, and so on." [7]

Coutant could discern no mainstream of motivation.

Those who thought that woman suffrage would result in good publicity were soon proved right, although the response was not instantaneous. The Revolution gave the news only three lines in an obscure corner. Before long, however, the significance of the legislature's action became apparent, and champions of women's rights began talking about Wyoming.

There was no chance for women to vote for 9 months. Other aspects of the new rights and responsibilities were tested first. Two months after the suffrage measure was adopted Mrs. Esther Morris was appointed

[3] Politics of Democracy (New York, 1940), 320.

[4] Woman Suffrage and Politics, 130.

[5] Grace R. Hebard, "How Woman Suffrage Came to Wyoming" (Laramie, 1920), 10; Velma Linford, "Wyoming: Frontier State" (Denver, 1947), 217.

[6] Laramie Daily Sentinel, Jan. 21, 1871.

[7] Letter, C. G. Coutant to Hon. Frank W. Mondell, no date, on file in State archives department, Cheyenne, Wyo., quoted in Miriam Gantz Chapman, "The Story of Woman Suffrage in Wyoming," 1869–90, unpublished M.A. thesis (University of Wyoming, 1952), 59.

justice of the peace by county commissioners, with the approval of Acting Gov. E. M. Lee. The appointment and her subsequent activities made good eastern newspaper copy. Mrs. Morris was a conscientious justice of the peace whose conduct in office during the 8½ months she served was exemplary and helped to give the Wyoming experiment a reputation for success.

Another wave of publicity resulted from the use of women on juries beginning in March 1870. There had been some speculation as to whether many women would accept the new rights and duties. There is reason to think that enemies of women's rights were involved in getting women summoned for jury service. Certainly no woman asked for it, and for a time it was doubtful that any woman would accept service. By this time national interest was aroused by the experiment, and a poor showing might have set the cause of women's rights back considerably. Chief Justice Howe and Associate Justice Kingman persuaded the women to serve, Justice Kingman appealed to them: "that the time had come when the good women of the Territory could give us substantial aid, and we looked to them especially, as the power which should make the court efficient in the discharge of its duties; that the new law had conferred on them important rights, and corresponding duties, necessarily devolved upon them; that I hoped and believed they would not shrink when so many influences were calling on them for noble and worthy action; that if they failed us now, the cause of equal rights would suffer at their hands, not only in our Territory, but in every land where its advocates were struggling for its recognition; that if they would remain, their presence would secure a degree of decorum in the courtroom and add a dignity to the proceedings, which the judges had been unable to command; that we required the assistance of good women all over the Territory, and I begged them to help us." [8]

The women finally decided to serve, and they participated with men on both grand and petit juries in Laramie and Cheyenne. [9] The first result noticed was a new dignity in the courtroom and the juryroom. Wyoming male jurors had been known to while away their time gambling and drinking. These practices were shelved when the women marched in; even smoking and chewing were inhibited. It was also observed that women on grand juries were determined to enforce the Sunday closing law; the next legislature took care of that by repealing the law. It was noticed, too, that the women jurors took their duties very seriously and were more disposed than the men to convict criminals and to impose heavy sentences. Woman jury service, like Mrs. Morris' service as justice of the peace, gave respectability to the Wyoming experiment. To be sure, there was much adverse criticism of the women jurors in the eastern press, but no one of any standing in the Territory could find serious fault, and Chief Justice Howe wrote:

"With all my prejudices against the policy, I am under conscientious obligations to say that these women acquitted themselves with such dignity, decorum, propriety of conduct, and intelligence as to win the admiration of every fair-minded citizen of Wyoming. They were careful, painstaking, intelligent, and conscientious. They were firm and resolute for the right as established by the law and the testimony. Their verdicts were right, and, after three or four criminal trials, the lawyers engaged in defending persons accused of crime began to avail themselves of the right of peremptory challenge to get rid of the female jurors, who were too much in favor of enforcing the laws and punishing crime to suit the interests of their clients. * * * In short I have never, in 25 years of constant experience in the courts of the country, seen more faithful, intelligent and resolutely honest grand and petit juries than these." [10]

The women of Wyoming Territory served on juries only in 1870 and 1871. Then a new judge replaced Howe, and thereafter the judges held that jury service was not an adjunct to suffrage, and Wyoming women did not serve on juries again until 1950.

After having had a woman justice of the peace and women jurors, voting, which came in September 1870, was almost anticlimactic. There had been some speculation as to whether many women would vote. Most of them evidently did. Publicity was given to Grandma Eliza Swain, aged 75, who was first in line when the polls opened. One Laramie woman rode horseback 60 miles to cast her ballot. The fact that her husband was a candidate may account for her ardor. Contemporaries reported that just as the women lent respectability to the courtroom so their pressure wrought revolutionary changes at the polls. At previous elections in the territory there had been drunkenness, rowdyism, and even bloodshed. Many men actually stayed away from the polls rather than expose themselves to abuse. An early historian of woman suffrage in Wyoming described the first election at which women voted: "There was plenty of drinking and noise at the saloons, but the men would not remain, after voting, around the polls. It seemed more like Sunday than election day." [11]

Women have never held many political offices in Wyoming. For a few years women endeavored to organize locally with a view to nominating women for minor elective positions, but they soon learned that their candidates had virtually no chance for election except to the position of county superintendent of schools. Only two women ran for the Territorial legislature in 20 years; one received 5 votes, the other 8, when at least 500 were needed for election. Judge Kingman wrote that, "while our women take no active part in the primary nomination of candidates for office, they exercise a most potent influence by the independent manner in which they vote, and the signal defeat they inflict on many unworthy candidates." [12]

The second Territorial legislature, after 2 years of woman suffrage, was ready to terminate the experiment. Only 1 vote was lacking to override Governor Campbell's veto. The lower house voted 9 to 2 and the upper house 5 to 4 to override. Only 1 vote, and that a wavering one, kept Wyoming from losing its claim to early enlightenment. What had happened in the 2 years to bring such a shift in legislative opinion?

For one thing, there had been much discussion of the subject, and arguments familiar in the East had been parroted in the Territory. Moreover, the saloonkeepers, particularly in Cheyenne, used their influence for repeal. In the efforts of female grand jurors to enforce the Sunday closing law they recognized the traditional alliance between woman suffrage and temperance. [13] Added to the usual arguments was the one that the new voters were ingrates. They had been given the vote by a Democratic legislature. They had turned around and voted Republican. It was thought, and there was some evidence for it, that the feminine vote had tipped the scales in favor of a Republican Delegate to Congress. Associate Justice William T. Jones, 28-year-old bachelor, was handsome enough to win the votes of the ladies. A contemporary described him: "a tall, straight, good-looking man, with patent leather boots, bright colored plaids, tight as paint on a barber's pole, with a Jim Fisk waistcoat, a Jim Burnett overcoat, an immense tall black beaver, high-colored necktie, lavender kits and walking stick, and 'such a love of a bouquet' in his coat lapel." [14]

The 1871 legislature had a Democratic majority, but the Republican minority was just large enough to sustain the Governor's veto.

Thereafter no more repeal proposals were advanced, and woman suffrage was never threatened from within the Territory. However, an occasional hostile critic would write damaging letters to the East. One woman in Rawlins wrote to the Massachusetts Legislature when it was considering a suffrage bill in 1884. She stated that husbands and fathers controlled the votes of wives and daughters, that there were bitter feelings between women when one did not vote for another's husband, that women regarded voting as a bore, that the women of Wyoming were not intelligent and paid no tax except the poll tax, that the population was mostly foreign and the women knew nothing about politics, that the women had no voice in choosing candidates, and that many women marked their ballots without looking at them. [15] Prominent men in Wyoming voluntarily or upon request often submitted favorable reports. Consistently they testified that the institution was a complete success.

Among those who approved of the Wyoming experiment was Bill Nye, who established his reputation as a humorist while living in Laramie, 1876–83. In an essay entitled "Petticoats at the Polls," he answered some of the more common criticisms:

"It has been urged that good women do not generally exercise the right of suffrage, when they have the opportunity. This is not true.

"It is the truth that a good full vote always shows a list of the best women and the wives of the best men. A bright day makes a better showing of lady voters than a bad one, and the weather makes a more perceptible difference in the female vote than the male, but when things are exciting and the battle is red hot * * * the wife and mother puts on her armor * * * and knocks things cross-eyed.

"It is generally supposed that the female voter is a pantaloonastic, a half horse, half alligator kind of woman. * * * This is a popular error. In Wyoming * * * you meet quiet, courteous, and gallant gentlemen, and fair, quiet, sensible women at the polls, where there isn't a loud or profane word, and where it is an infinitely more proper place to send a young lady unescorted than to the post office in any city in the Union * * * neither party can afford to show the slightest rudeness toward a voter. The man who on Wednesday would tell her to go and soak her head, perhaps, would stand bareheaded to let her pass on Tuesday * * * every conveyance available is decorated with a political placard and driven by a polite young man. Thus every woman in Wyoming has a chance to ride once a year, at least. * * * If the husband manages his wife as he would a clothes wringer, and turns her through life by a crank, he will, no doubt, work her politically; but if she has her own ideas about things, she will naturally act upon them, while the man who is henpecked in other matters till he can't see out of his eyes, will be henpecked, no doubt, in the matter of national and local politics * * * a murderer was hung by process of

[8] E. C. Stanton, S. B. Anthony, M. J. Gage, "History of Woman Suffrage" (Rochester, N.Y., 1887), III, 733.

[9] Laramie Daily Sentinel, February and March 1870, and February and March 1871.

[10] Stanton, Anthony Gage, "History of Women Suffrage." III, 736.

[11] Ibid., 738.

[12] Ibid., 747.

[13] Stanton, Anthony, Gage, "History of Women Suffrage," III, 741.

[14] Laramie Daily Sentinel, Jan. 17, 1871. Cf. Sept. 8 and Oct. 20, 1870.

[15] Miriam Gantz Chapman, op. cit., 89.

law • • • the other day. That looks like the onward march of reform, whether female suffrage had anything to do with it or not. We can't tell what the Territory would have been without female suffrage, but when they begin to hang men by law instead of by moonlight, the future begins to brighten up." [20]

The alliance between temperance and woman suffrage was not prominent in Wyoming, but it sometimes manifested itself. Attempts to secure Sunday closing had frightened the saloonkeepers in 1870 and 1871, but for many years there were too few women to interfere seriously with their activities. The WCTU sent organizers to Laramie in 1883. A chapter was formed and a resolution passed, "That we, the women of Wyoming, pledge ourselves with our sacred weapon, the ballot, to do our utmost in creating a higher public sentiment against the manufacture and sale of alcoholic beverages." [21] No doubt some sentiment was stirred up against the liquor traffic, but the WCTU was not strong enough to win any elections in the Territory.

Some persons feared that Congress would not admit Wyoming as a State with woman suffrage. But when it looked as if the woman suffrage clause might have to be dropped from the State constitution, the Wyoming Legislature wired the Territorial Delegate: "We will remain out of the Union a hundred years rather than come in without woman suffrage." [22] The principal opposition was in the House of Representatives. The Democrats who led the opposition probably were more concerned about the admission of another Republican State, but woman suffrage made a better talking point. Eventually the House approved statehood 139 to 127 and the Senate 29 to 18. Admission of Wyoming with woman suffrage was celebrated by woman suffrage clubs all over the country. The call to the annual national suffrage convention in 1891 included the tribute: "Wyoming, all hail; the first true republic the world has ever seen."

LAMB AND MUTTON IMPORTS

Mr. McGEE. Mr. President, I ask unanimous consent to have printed in the body of the RECORD an excellent statement made by the distinguished Senator from Utah [Mr. Moss] before the U.S. Tariff Commission on March 22, 1960, on the subject of the importation of lamb, particularly its importation from Australia and New Zealand. This has become a very serious question in our part of the West. We believe the United States ought to trade with other nations. Imports are necessary for the welfare of all nations.

But we hesitate to put bona fide American industry out of business by carrying our policy of importation too far. Therefore, we think that due concern should be given to the importation of lamb, so as to stagger these imports on a seasonal basis, to enable the American people to enjoy this rare delicacy the year around through the advantage of scheduling imports so as not to jeopardize our home industry during its seasonal peak.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming?

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

LAMB AND MUTTON IMPORTS

(Statement of Senator FRANK E. MOSS, Democrat, of Utah, before U.S. Tariff Commission, March 22, 1960)

Mr. Chairman and members of the Commission, I appreciate this opportunity to express my deep concern about the alarming increase in the imports of lamb and mutton, and in live sheep and lambs, and the extent to which these imports are injuring the domestic industry.

Imports today are 44 times what they were 4 years ago. Further dramatic increases are in prospect if we do not take adequate steps to fully protect our domestic producers.

The gravity of this situation, and its impact on the economy of Utah, cannot be overemphasized. Sheep, lambs, and wool together provide my State's third highest agricultural commodity cash income. Some 10,000 people in Utah are directly dependent upon the sheep industry for a livelihood. Included in this figure are ranchers and farmers, the feeders and herders. It does not include, however, the family truckers, the many railroad employees, the grocers, the feed suppliers, and the scores of other people whose livelihood is at least partly dependent upon a healthy industry. Nor does it tally in the large and small business concerns who sell and service the equipment used by the industry. In fact, it is impossible to calculate in specific terms the full impact of the sheep industry on the economy of the State—but obviously it is vast and penetrating.

The Utah sheep industry, along with the industry in the other Western States and the Nation, has been in serious trouble for some time. The number of sheep declined from a high of 56,213,000 in early World War II years to a low of 30,840,000 in 1957.

Because the sheep industry is basic to the welfare and security of the Nation, and out of an essential fairness to the many thousands of people in it, we have made several moves in the past few years to reinvigorate it. Major assistance was given through the passage of the National Wool Act of 1954, which established the incentive payment plan. These payments undoubtedly cushioned many operations which might otherwise have gone under, and the number of sheep has moved upward to a total of 33,621,000.

Now has come the new threat to the meat side of the industry. Between 1956 and the end of 1959 imports of lamb and mutton, as I have said, have risen 2,946 percent.

I would like at this point to insert in the record of the hearings a chart using figures from the Department of Agriculture which show year by year, this astounding rise (source, U.S. Lamb and Mutton Production, Imports, etc. Livestock, and Meat Products Division, FAS, USMA, Feb. 11, 1960):

U.S. Imports

[Million pounds]

Year	Lamb	Mutton	Total
1950	3.3	0.1	3.4
1951	6.6	.1	6.7
1952	5.4	.8	6.2
1953	1.8	1.3	3.1
1954	1.8	.3	2.1
1955	1.4	.9	2.3
1956	.8	.6	1.4
1957	1.8	1.7	3.5
1958	6.8	17.2	24.0
1959	9.5	47.3	56.8

The live shiploads of lambs now arriving on our west coast, and the advance agents for even larger shiploads scheduled to come in the future, foretell more serious trouble ahead if some action is not taken.

The enormous buildup in sheep in recent years in Australia and New Zealand is a very real danger signal. Australia, which in the years 1951–55 averaged 123 million head, had a record 140 million head at the beginning of 1959. New Zealand in the same period increased flocks by 10 million head. I know very well that not all of those are meat-type sheep; but most of the New Zealand animals, and some of those in Australia, have been produced for meat rather than wool. Their major market is the distant United Kingdom. However, the United Kingdom has increased her flocks by one-fourth. We can, therefore, anticipate a redirection of a larger and larger fraction of the expanding production of Oceania to the very favorable market in the United States.

We know that the U.S. market is a high-priced market—in fact, we take great satisfaction that our people have greater incomes and higher standards of living than other countries.

We know, also, that our domestic sheep producers have to buy everything they use in our own high-priced domestic markets. I have at hand an index prepared by the Livestock and Dairy Division of the Commodity Stabilization Service of the USDA, which I would like to make a part of the record, as it shows how much faster sheep ranch costs have increased in comparison to the USDA parity index.

These facts make it abundantly clear that if the sheep industry is to continue to produce lamb and mutton, they must have an expanding and high-priced U.S. market in which to sell their products. They cannot compete with imports produced under costs so low that they enable a carcass to be landed here at around 25 cents per dressed pound to compete with our own dressed market price of 40 to 50 cents a pound. The same approximate spread in prices exists in regard to live lambs.

Domestic feeders have had some rough years lately. In January 1960 the USDA reports:

"Commercial slaughter of sheep and lambs through November totaled 9 percent higher than in 1958, and prices averaged over $2 per 100 pounds lower. Only in May and June did farmers' prices for lambs equal or exceed corresponding months of 1958. In December the average price received for lambs was $16.60 per 100 pounds, down $2.30 from a year earlier, and the lowest monthly price since December 1955."

While lamb prices have improved since December, they had reached such a disastrously low level that there was only one direction they could go and that was up. Even with the increased prices today, lambs are still selling considerably below steers. For many years, lamb and steer prices were very close and in some years lambs sold above steers.

Mr. Arthur Smith, secretary-treasurer of the Utah Livestock Production Credit Association, has estimated that Utah sheepmen have about $75 to $100 per head invested in every breeding sheep on the ranches. This amount includes supplemental feeding costs, ranches, rangelands, grazing permits, equipment, and other necessary operating costs in a sheep outfit. Since there are more than a million ewes on Utah ranches at the present time, it is obvious that low prices which will keep the sheep operators from moving their lambs will swiftly hurt them, and that soon Utah's economy will begin to hurt, too.

Mr. Chairman, and members of this Commission, it does not make sense for this country to attempt to maintain a strong sheep industry as a strategic defense weapon through the Wool Act, and at the same time invite its ruin in the form of imports of sheep, lamb, and mutton.

It is my understanding that under the existing law this Commission will be in a position, as a result of these investigations, to make findings and recommendations, upon which the President may act to control imports of lamb and mutton, and live sheep and lambs. I trust that the Commission will recommend to the President that such action be taken.

[20] Remarks (Chicago, 1891), 453–455.

[21] Miriam Gantz Chapman, op. cit., 87–88.

[22] Ida H. Harper, "Life and Work of Susan B. Anthony" (Indianapolis and Kansas City, 1898), 699.

REVISION OF BOUNDARIES AND CHANGE OF NAME OF FORT LARAMIE NATIONAL MONUMENT, WYO.

Mr. WILLIAMS of Delaware obtained the floor.

Mr. JOHNSON of Texas. Will the Senator from Delaware yield briefly?

Mr. WILLIAMS of Delaware. I yield.

Mr. JOHNSON of Texas. Mr. President, I observe the distinguished junior Senator from Wyoming [Mr. McGEE] on the floor. A noncontroversial bill relating to the Fort Laramie National Monument, Wyo., has been reported unanimously from the Committee on Interior and Insular Affairs by his colleague, the distinguished senior Senator from Wyoming [Mr. O'MAHONEY], who is unable to be present at the moment.

I ask unanimous consent to call up, consider, and pass, Calendar No. 1269, S. 2434, a bill to revise the boundaries and change the name of the Fort Laramie National Monument, Wyo.

The bill has been approved for consideration by the minority group. Because the junior Senator from Wyoming is on the floor, I have sought recognition to ask unanimous consent that it may be in order to proceed to the consideration of the bill and to act upon it now, without displacing the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2434) to revise the boundaries and change the name of the Fort Laramie National Monument, Wyo., and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

There being no objection, the bill (S. 2434) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve the sites of historic buildings and roads associated with Fort Laramie, the boundaries of the Fort Laramie National Monument are hereby revised to include the following area:

Beginning at the intersection of the section line common to sections 28 and 29, township 26 north, range 64 west, sixth principal meridian, with the northerly right-of-way line of the Fort Laramie Canal;

Thence southwesterly along said right-of-way line to the intersection of said line with the center of Deer Creek;

Thence northerly along the center of Deer Creek to the intersection of said center with the north line of the southeast quarter, section 29;

Thence westerly along said line to a point 1,100 feet east of the southwest corner of the northeast quarter, section 29;

Thence due north 1,320 feet to the point of intersection with the north line of the southwest quarter northeast quarter, section 29;

Thence westerly along said north line to a point at the intersection of said line with the easterly right-of-way line of the county road;

Thence northerly and easterly along said right-of-way line to a point 955 feet east of the section line common to sections 20 and 21;

Thence due south to the point of intersection with the section line common to sections 21 and 28;

Thence easterly along said section line to a point 2,090 feet east of the section corner common to sections 20, 21, 28, and 29;

Thence due south to the point of intersection with the northerly bank of Laramie River;

Thence easterly along said northerly bank to a point 150 feet west of the westerly right-of-way line of the county road, in section 27;

Thence northerly on a line paralleling at 150 feet said right-of-way line of county road to a point 660 feet north of section line common to sections 22 and 27;

Thence northwesterly in a straight line to a point on the southerly right-of-way line of the State highway relocation a distance of 150 feet east of the section line common to sections 21 and 22;

Thence northeasterly along said right-of-way line to the point of intersection with the lot line common to lots 1 and 2, section 22;

Thence southerly along said lot line to a point at the intersection of said line as projected with the westerly or right bank of the North Platte River;

Thence southerly along said bank to its confluence with the northerly or left bank of the Laramie River in section 27;

Thence westerly along said bank of the Laramie River to the westernmost intersection of said bank with the north line of the south half of section 27;

Thence westerly along said line and the north line of the south half of section 28 to the point of intersection with the northerly right-of-way line of the Fort Laramie Canal;

Thence westerly along said right-of-way line to the point of beginning.

SEC. 2. In furtherance of the purposes of this Act, the Secretary of the Interior is authorized to procure, in such manner and subject to such terms and conditions as he may deem to be in the public interest, lands and interests in lands within the revised boundary described in section 1 hereof. To avoid the undesirable severance of parcels in private ownership which extend beyond the aforesaid revised boundaries, the Secretary may, in his discretion, and with the consent of the owners, acquire lands or interests in lands that are in such ownership but which lie outside the revised boundary. Property so acquired outside such revised boundary and federally owned lands excluded from the monument pursuant to section 1 hereof may be exchanged by the Secretary of the Interior for any land of approximately equal value within the monument boundaries.

SEC. 3. The Fort Laramie National Monument is hereby redesignated as the Fort Laramie National Historic Site and any remaining balance of funds appropriated for the monument shall be available for the purposes of the national historic site.

SEC. 4. The administration, protection, and development of the Fort Laramie National Historic Site shall be exercised by the Secretary of the Interior in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535), entitled "An Act to establish a National Park Service and for other purposes," as amended.

Mr. JOHNSON of Texas. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. McGEE. Mr. President, I move to lay on the table the motion to reconsider.

The PRESIDING OFFICER (Mr. GRUENING in the chair). The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. JOHNSON of Texas. Mr. President, I thank the Senator from Delaware for his always courteous attitude and his constant willingness to cooperate.

EZRA TAFT BENSON, FRIEND OF THE FARMER

Mr. WILLIAMS of Delaware. Mr. President, last week the Secretary of Agriculture, Mr. Benson, spoke before the largest group of farmers ever assembled in our State.

In his remarks the Secretary outlined the problems of his Department in carrying out an outmoded agriculture law which Congress has refused to correct. The Secretary's recommendations that this wasteful and extravagant program be overhauled and that the American farmer be given greater freedom in the operation of his own farm were most enthusiastically received by the audience.

In this connection I ask unanimous consent to have incorporated in the RECORD an editorial entitled "Friend of the Farmer," which appeared in the Journal-Every Evening, of Wilmington, Del., on April 2, 1960.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FRIEND OF THE FARMER

Secretary of Agriculture Ezra Taft Benson, for all the brickbats thrown his way during his 7 years of stormy service as a member of President Eisenhower's Cabinet, looked almost surprisingly chipper when he spoke at a farm banquet in Camden-Wyoming Thursday night.

He has recently lost 25 pounds and he participated energetically in the interviewing and picture taking which preceded the banquet. He delivered his 45-minute speech with emphasis and vigor, frequently departing from a prepared text to add details or drive home a point.

His talk reflected the consistent cornerstone of his farm program: Get Government out of the farming business and let farmers make their own crop decisions.

And he backed up his position with the prespeech comment that he doesn't know of a single poll which hasn't shown that farmers want less Government control.

With his time in office now measured by months, Secretary Benson sees a brightening in the long-dim farm picture. He sees hopeful signs of improvement in agriculture generally. Poultrymen in his audience which was described as the largest farm banquet group ever assembled in the State could take comfort in his prediction of considerable improvement in the poultry industry this year. Dairying, another field important to Delaware farmers, will also pick up, he said.

Secretary Benson's critics, and they are admittedly many, are so vocal that perhaps the opinions of rank and file farmers do not receive the attention they should.

In his introduction, Senator WILLIAMS described him as "recognized by grassroots farmers in the United States as one of the best friends they've ever had."

We think he is, and anyone planning to change the course of Benson's basic program of getting Government out of farming

had better consider the unspoken reservoir of support among farmers for Benson's views.

ADDRESS BY STUART TIPTON, PRESIDENT OF THE AIR TRANSPORT ASSOCIATION

Mr. MONRONEY. Mr. President, recently the Newcomen Society honored the Air Transport Association at a dinner here in Washington. Stuart Tipton, ATA president, in a delightfully humble way accepted the honor for his organization, paid special tribute to its first president and founder, Col. Edgar Stanley Gorrell, and graciously shared, with many other groups, the honors for the spectacular development of aviation.

I ask unanimous consent to have printed in the RECORD at this point his speech, which so aptly pinpoints many groups which helped bring the industry to a point where last year the U.S.-flag airline industry moved 56 million passengers. This task was achieved by revolutionary transition to jet planes, one of aviation's most forward and spectacular steps in its history.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY STUART G. TIPTON, PRESIDENT, THE AIR TRANSPORT ASSOCIATION OF AMERICA, BEFORE THE NEWCOMEN SOCIETY IN NORTH AMERICA, WASHINGTON, D.C., MARCH 25, 1960

It is a distinct pleasure to meet with such a distinguished group of men and on behalf of the Air Transport Association and on behalf of myself, I am grateful to the Newcomen Society for choosing to honor my organization.

However, I have been intimately involved in air transportation for too many years to accept that honor simply for myself or the ATA. Rather, I would like to assume that we have met here tonight to pay tribute to all of the men and women, some who have known contemporary fame, others who are unknown to most of the world, who have worked to make this great achievement possible.

Although, like all of us, I have been deeply impressed with the performance of the jets and with the tremendous effort that went into the launching of this transportation revolution I think I am even more impressed with the fact that the U.S.-flag airline industry last year moved 55 million passengers. These travelers were transported swiftly in both jet and piston-engine planes and the job was done with increasing efficiency and considerable safety.

This air-age achievement is impressive in and of itself. However, when I think back over the quarter of a century of the existence of ATA, or even back to 1938 when I played a modest part in the creation of the Civil Aeronautics Act, I am frankly overwhelmed. Visionaries abound in aviation, but, in truth, I think it would have been difficult to have found many in 1936 or 1938 who truly could have spelled out the remarkable progress that we now accept with such equanimity.

In only a little more than two decades passenger travel by air has become the norm, and in not too many years I am confident that the same will be true of mail and a considerable portion of the cargo that moves across the Nation and throughout the world.

Now, how did this come about? It was not the result of any single invention or activity on the part of any single group of men or the decision of any single Government agency. Rather, it came about through the combined efforts of men and women in many activities who persisted over the years in spite of the fact that they were opposing the common sense as expressed by others.

It was because of their sustained dedication, imagination, energy, and courage that this revolution in the transportation of people and things came about. I would like to emphasize that word "sustained," for to me it is the key. It is easy to grow excited or enthusiastic about dramatic new developments such as aviation. Sooner or later, however, the luster dims, a quite natural bickering over ends and means develops, and instead of a bright new world being developed it appears to some as if the mundane, the ordinary, the mediocre is to dominate the situation. It is at that point that the "summer soldier, the sunshine patriot," grows discouraged. But great progress was not brought about by people such as that.

It would be impossible for me to single out individuals who have performed major service, or to even list all of the groups who have met the exacting requirements of air-transportation progress. However, I think on an occasion such as this we should make some effort to recognize the varied groups who have contributed so long and so well.

Certainly, I think we must recognize the major contribution that has come from the managements of airlines climaxed by the bold decision to commit huge sums of money for the jet transformation. The easy business decision would have been, I am sure, to go slow, to wait. It requires a great deal of courage to give much weight to a dim and distant future when there are immediate questions of profit and loss involved. To wait would not have been a sound business decision. Looking back at the vision that has always characterized the industry, I don't think that any of us were surprised when the managements of our airlines decided to accept the challenge.

While recognizing the contribution of management, I think it vital that we also note the day-in-and-day-out dedication that has been brought to the task by airline employees. Those who fly, those who serve the public, and those who maintain the aircraft—they are the ones who transform the dream of the air age into reality. And let us not forget those who sell and promote this keenly competitive product, for without their efforts there would not be the money essential to the maintenance and improvement of safe and efficient service.

However, our progress has not come about only because of the efforts of airline managements and employees. By no means.

There are the aircraft manufacturers who on more than one occasion have moved out boldly, perhaps to the horror of orthodox business economists, to create and provide an engine or an airframe that the rapid growth of this dynamic industry required.

There is the Air Force which has not only passed along countless benefits in technological progress to civil aviation but has provided essential training assistance in the jet development.

Those who labored in the Civil Aeronautics Administration over the years as well as those who joined in when that remarkable achievement, the Federal Aviation Agency, was created are also entitled to a major share of the credit. From the top administrative level, where current problems must share time and attention with vital future planning, to the air traffic controller, who must concentrate exclusively and conscientiously on today's complications, they have done a magnificent job.

Closely related to those responsible for the safe and efficient movement of traffic are the managers of airports who in the process of creating a new management profession have coped successfully and imaginatively with problem after problem. This group of men, I might add, not only have produced an impressive past, but I am confident they shall create an even more impressive future as they play their rightful part in the growth of air transport.

At the Federal level we must recognize the useful contribution made over the years by those who have served as members and staff of the Civil Aeronautics Board. From the beginning, and I know this from personal experience, they have faced a particularly difficult task because of the dynamic nature of the industry. In truth those who went before and those who serve now at every level of the agency have too seldom received the praise they deserve.

Also on the national level I think it essential that we note, however briefly, the tremendous work done by Members of Congress. I have been gratified and amazed over the years to discover again and again that Representatives and Senators, struggling with problems that I am sure must have seemed far more important to them than the problem of the airlines, would take time to listen, to question, to reflect and to act. I have heard it said that "politicians have no place in the problems of aviation." All that I can answer to that is that over the years, there have been a considerable number of highly skillful politicians in the Congress who are in great part responsible for the progress of air transportation. Hopefully, it will be true in the future.

People may in some circles still comment disparagingly on politicians but no one dares to be flip about the press. And this is to the good. Certainly in our society it is basic that the people have a right to know and it is equally true that a free and independent press is indispensable. However, those writers who have specialized in aviation matters have performed a bigger task than merely passing along what is said or done. Because they have pride and competence and have taken the trouble to explore aviation in depth, they have come to perform an increasingly vital function. Our progress owes much to their efforts.

Out of the efforts of this great mixture of individuals and groups—managers, fliers, controllers, appointive and elective officials, writers—has come the scheduled airline service as we know it today in the United States. This has been a remarkable achievement in cooperative growth. Now I do not mean to imply that this growth has not been marked by sharp conflict. There has been a great deal—at times the clatter of disagreement has overshadowed the accomplishments. I think a major reason why these disagreements have flared so violently is that in aviation much of tomorrow must be planned in detail today. For this reason the debate—which sadly must always be carried on in words inexact in meaning and packed with emotional connotations—must be waged before decisions are made, before action is begun.

But even as the debates have gone on, reaching unplanned heights quite often, there has been no question but that all those involved, no matter how bitterly they may differ, were agreed on the fundamental question—air transport progress and growth is vital to the Nation's economy and national security. This has required a give and take over the years and will continue to do so. There is no room for the doctrinaire approach no matter what interest is represented—what is required is a flexible approach that takes into account both short and long-range objectives and permits a search for the opportunities to promote growth.

This places a heavy burden of responsibility upon each individual, each institution. However, all must search continually for answers to the problems, seek out the accommodations necessary to meet the needs of all, and continue the forward movement.

We have tried to manifest this spirit at the Air Transport Association during its 25 years.

I shall not cover in any respect activities at the ATA during my tenure. This is partly due to modesty and my own notions of good taste. However, there is another reason as well. One of the airline presidents, who has been blessed with a sense of humor and an attitude of tolerance, has said:

"There are three jobs that everybody is convinced he can do a better job in than the guy who is trying to do it—they are running a hotel, managing a baseball team, and operating an airline."

I must confess that at times I am certain that the presidency of the Air Transport Association has been added to the trio of "open season" tasks. However, whenever I tend to feel sorry for myself I count my blessing. I concentrate on the achievements of the ATA during its lifetime. And then I am proud not only for the opportunity to serve but for the work that has been done by the staff members of the ATA over the years, as well as by the airline executives who have taken part in the activities. My conviction is that the ATA has played a significant and worthy role in the growth of air transportation.

Pride in the accomplishments of the ATA is sharpened when I give consideration to the mighty challenge faced by this industry and its association in 1936. I will not refute my earlier assertion that many groups and individuals must be recognized when praising the growth of air service. However, in truth an unusual amount of credit must be given to Col. Ed Gorrell, the first president and in a very real sense, the founder of the ATA.

When Col. Edgar Staley Gorrell took on the task of leading the newest organization in the Nation's newest industry he had already accomplished more in his lifetime than most men even dream of. As you analyze his career—from his graduation from West Point to his receiving expert pilot's license No. 39 of the United States and up to and including his service in World War I as Chief of Staff of the Air Service of the American Expeditionary Force and on into his ATA days—you receive very thoroughly the impression of a dedicated man who was desperately needed.

His leadership was imaginative, his effort prodigious and without a doubt he was a major influence in the development of the system of air navigation facilities and the law of the land that gave civil aviation a secure economic base. Perhaps though, it was his work in the field of national defense that meant most to him and to his Nation. Recognizing early the vital role that airlift could play should the United States become involved in a second World War he urged the War Department to develop a coherent war plan for the utilization of our civil air transport.

It is a matter of history that Colonel Gorrell and his friend Hap Arnold rushed to the White House shortly after war began. At that time, there was a document on the President's desk that would have ordered the civil airlines to be taken over by the Federal Government. The two airmen convinced the President that it was unnecessary to repeat the railroad error of World War I. The net result was that the military received a number of airline planes it vitally needed plus a contract system that provided them with additional planes and crews and at the same time the essential domestic airline system was continued.

When Colonel Gorrell died in 1945 it was a tragic loss, not only to those of us who had worked closely with him and respected and loved him, but to civil aviation and the Nation.

However, the tradition he helped to establish—that the airline industry must remain dedicated to the national interest—has remained as a strong force. I am confident that this guiding principle would have existed if Ed Gorrell had never existed but because of his capacity, his leadership and his sheer dedication, it became an integral part of the philosophy of the airline industry.

Sometimes at the ATA today I wonder what Ed Gorrell would have thought of the progress we have made; of the problems we face clearly in the future. I think the progress would have merely made him want to move even more rapidly into the future. He would also probably comment that even though much had happened, some of the problems would appear to be all too familiar.

The day after the new association was formed—January 15, 1936—he issued a press statement that said, in part:

"One of the principal objectives of the new association is to bring even greater safety to flying—one approach being the pooling of all technical and operating knowledge known to all the airlines."

A most worthy objective for a new association and one that still heads the list today. I am sure also that Ed Gorrell would take note of the long-term problems our airline industry faces because of developments in the international field. I am referring, of course, to the economic strengthening that foreign-flag airlines are engaged in, ranging from pooling planes and schedules to even closer economic relationships as well as the spread of Russia's civil airline's wings. He would recognize, as do we, that our U.S.-flag airline system will be strong or weak as a whole, not in parts. Therefore, it requires a sound overall policy if it is to continue to meet its national and international challenge.

I noted recently that between 1850 and 1940 the U.S. merchant marine slipped from carrying 60 percent of U.S. tonnage down to 30 percent. It is sadly reminiscent that between 1950 and 1959 the share of passengers U.S.-flag carriers took across the Atlantic slipped from 61 percent to 30 percent. It took 90 years for the merchant marine, only 9 years for our airlines. And as I emphasized, our airline system cannot be considered in segments. Not only those carriers who fly overseas, but also those airlines—large and small—who serve within the domestic area can be adversely affected.

Yes, I am sure that Colonel Gorrell and all those others who were in on the beginning, many of whom are still active and some of whom are here tonight, would react with pride at the progress of air transport but express deep concern that we do not lose tomorrow while congratulating ourselves about today.

All of us—airline managers, airline employees, Government officials, the Air Transport Association, and those members of Newcomen who may not even feel that they are part of the aviation industry—have a basic responsibility that we continue to move forward. Our air transport system is essential to our economy, our national security. Let us work each in his own way, to make certain it remains the great asset of our country that it is, and the even greater asset it can be in the future.

IDENTICAL BIDS ON TVA PURCHASES OF EQUIPMENT AND MATERIAL

Mr. KEFAUVER. Mr. President, on June 2, 1959, based upon information which came to my attention in the public press, it was announced that the Antitrust and Monopoly Subcommittee would hold hearings on the subject of identical bidding by many U.S. firms to the Tennessee Valley Authority. On September 28, 29, and 30, such hearings were held in Knoxville, Tenn., at which time testimony on the bid experience of the Tennessee Valley Authority, as well as the bid experience of several municipalities' boards, was received, and now is a matter of public record.

In those hearings it was disclosed that in recent years a number of American electrical-equipment manufacturers have followed the practice of submitting identical bids on TVA purchases of equipment and material, as well as the practice of submitting identical bids on purchases of equipment and material by various municipalities. This was a disturbing situation. The TVA and many municipal bodies are required by law to call for competitive bidding. Yet, because of the pattern of identical bids, the TVA and municipal power boards and other purchasers have on occasion been forced to award bids by lot.

The recent action of the Federal grand jury in Philadelphia bore out some of my suspicions as to why secret, sealed bids are identical. According to my information, the grand jury handed down indictments against 14 electrical-equipment manufacturers and 18 individuals, charging major electrical-equipment manufacturers with submitting rigged bids on government and private contracts. I was gratified by the interest that the Department of Justice exhibited in this problem and by its action in requesting the impaneling of the grand jury in Philadelphia which handed down the indictments.

The value of the hearings which were held last fall by the Senate Antitrust and Monopoly Subcommittee is borne out by a letter which I recently received from Mr. S. R. Finley, general superintendent of the Electric Power Board of Chattanooga. I ask unanimous consent that the letter be printed in the RECORD at the conclusion of my remarks. In his letter Mr. Finley makes reference to the value of the hearings which were conducted last fall by the Antitrust and Monopoly Subcommittee. Mr. Finley states in his letter that as a result of the activities of the Antitrust and Monopoly Subcommittee, the equipment which was purchased by the Electric Power Board of the City of Chattanooga for the fiscal year beginning on June 30 was purchased at a saving to the board of $103,806, or approximately 27 percent under the published prices.

I am indeed gratified by this information. I have likewise been apprised of the fact that since the subcommittee's hearings the TVA has also benefited by considerable differences in bid prices. This information reaffirms my faith in the work of the Antitrust and Monopoly Subcommittee and reaffirms my conviction that the public realistically benefits when the forces of competition come into play.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ELECTRIC POWER BOARD
OF CHATTANOOGA,
Chattanooga, Tenn., March 17, 1960.

Hon. ESTES KEFAUVER,
Chairman, U.S. Senate Subcommittee on Antitrust and Monopoly, Senate Office Building, Washington, D.C.

DEAR SENATOR KEFAUVER: Along about this time every year our board annually places

orders for delivery of major electrical equipment, circuit breakers, transformers, and regulators, upon a schedule to be delivered in our next fiscal year which begins on June 30. This has now been completed with orders being placed for 22 units of major equipment, and I think you will be interested in the following memorandum from our purchasing agent which says:

"The results of the bids covering our fiscal year requirements of the major electrical apparatus indicates the Senate's Subcommittee on Antitrust and Monopoly, and the Federal grand jury's recent investigations of price fixing has changed the policy of bidding by manufacturers of this type of equipment. Where we recently had received quotations showing similar prices by the majority of the suppliers, the tabulation on recent bidding showed a price range of approximately 2 percent to 37½ percent on similar materials. For instance, the orders placed in February covering network equipment, power transformers, regulators and unit substations had a combined total published price of $382,443. The equipment was purchased for $276,640, reflecting a savings to the board of $103,806 or approximately 27 percent."

I thought you would be interested in these results which undoubtedly stem from the activities of your committee.

Sincerely yours,

S. R. FINLEY,
General Superintendent.

SENATE MUST SPEED ACTION ON NUCLEAR WEAPONS TREATY

Mr. YOUNG of Ohio. Mr. President, recent dramatic advances toward permanent cessation of nuclear weapons testing have kindled the hopes of people throughout the world.

For more than a decade the world has teetered on the edge of disaster as the great powers glared at one another across continents and oceans, mistrustful, tense, and fearful, armed with arsenals of the most devastating weapons ever known to man.

Today, Mr. President, there is reason to hope that this oppressive tension, which has weighed so heavily on the hearts of men everywhere, will at long last be lifted.

As Senators of the United States, we must do everything in our power to advance these hopes and to encourage a continuation of the present momentum toward world peace unclouded by the fear of nuclear war.

I assert that it is of paramount importance not only to the United States, but also to the entire free world, that negotiations in Geneva on a nuclear test ban agreement and on a disarmament agreement continue. Perhaps the one must precede the other, for if it is shown that the United States and the Soviet Union can arrive at a workable, practical test ban agreement, the way will be made easier for accord on the ultimate goal—disarmament and a secure peace.

Mr. President, our Nation and the Soviet Union have been engaged for nearly a year and a half in negotiations to ban nuclear weapons testing. Both Nations have come a long way from their original positions, after the give-and-take of international negotiations.

We are now close to agreement—too close, Mr. President, to permit failure.

There are within the Pentagon and the Atomic Energy Commission persons who, for various reasons, will go to great lengths to deter agreement. Some argue we must perfect more small, tactical atomic weapons, although after more than a decade of development we must already have a sufficient variety. Others argue that continued testing will enable us to perfect a clean bomb, but they fail to say how contaminated the atmosphere may become during the search for cleanliness. Still others argue that because there is a possibility the Russians will violate any voluntary moratorium on underground tests, we should have no ban whatsoever on testing.

I assert, Mr. President, that we must not be detoured by suspicion. Certainly in the minds of many Americans, there is always the possibility that the Soviet Union will attempt to violate a voluntary moratorium, similarly, in the minds of many Russians, there probably is suspicion that the United States will violate any agreement. I assert that either side would be foolhardy to jeopardize the chances of peace by attempting to conduct undetected underground tests, and I do not think either would hazard the risk.

While it may be true that low kiloton underground tests may be undistinguishable from earthquakes or tremors, it is just as true that at this time they cannot be fully concealed. Therefore, since the voluntary moratorium calls for continued joint study and the development of improved detection devices, the likelihood of violations is restricted to the realm of the improbable.

According to reports, all that now stands in the way of successful agreement is the question of the duration of a voluntary moratorium and a decision on the number of onsite inspections permitted. The Russians have proposed a 4-year to 5-year moratorium. President Eisenhower has wisely stated that he cannot bind his successor to continue such an agreement, but that he would recommend continuation if the agreement works well during his remaining tenure of office.

All candidates for the presidential nominations have stated they would favor continuation by the next administration of such a voluntary moratorium on underground nuclear tests.

Mr. President, there is every reason to believe that the Soviet Union will accept the West's latest proposal, or will offer a compromise acceptable to us. I sincerely hope this will be brought about in time for the U.S. Senate to debate and vote on the treaty before adjourning this summer.

I join the distinguished junior Senator from Arkansas, the able chairman of the Senate Committee on Foreign Relations [Mr. FULBRIGHT], in asserting that if agreement is reached by mid-May, the Senate can work its will before adjournment.

However, Mr. President, I assert that if the Senate cannot act upon this hoped-for treaty before adjourning, we should return for a special session after the November election. In this way, the issue could be settled by the time a new President takes office and a new Congress convenes.

My view is that a practical, enforceable treaty is too important to be postponed, and that we Senators of the United States would speed the cause of peace by meeting in special session, if necessary, to take action on any agreement to ban nuclear weapons testing.

Time is a crucial factor. Every week that is wasted means that other nations draw closer to the day when they, too, will have nuclear weapons. France already has them. Red China someday will have them, and may even now be closer to that achievement than anyone suspects. West Germany, with its great industrial and technical complex, itself will someday be counted among the nuclear powers, if we do not now halt the arms race.

It is clear, then, Mr. President, that time is running out and that action now to stop this potentially explosive chain of development is imperative.

We, as Senators of the United States, probably shall have an opportunity to substantially help speed the world toward the day when threat of nuclear war will be a thing of the past.

But if we and the world fail now, there is no telling what fantastic limits the arms race might reach or what fantastic new weapons of destruction might be developed. Neither do we know whether the opportunity to halt the frightful race toward war will ever come again.

WORLD REFUGEE YEAR COMMEMORATIVE STAMP ISSUE

Mr. KEATING. Mr. President, this date of April 7 marks the issuance by some 70 countries, including the United States, of special postage stamps commemorating 1960 as World Refugee Year. The release of these special stamps, proposed by the United Nations and endorsed by the Universal Postal Union, has the highly laudable purpose of drawing attention to the plight of persons who have been displaced as a result of political upheaval, those who have lost their homes and property through geographical partitions after World War II and those who have fled Communist oppression or otherwise have been rendered dependent on world charity.

As this significant date is observed, all due recognition for its origin must be bestowed upon Msgr. Edward E. Swanstrom, executive director of Catholic Relief Services in the United States. In 1957, during the International Migration Congress, in Assisi, Italy, he urged that delegates sponsor an "International Migration Year, to help focus attention on the plight of refugees and the inhabitants of heavily populated areas." Soon afterwards a group of British parliamentarians brought the matter to the attention of the United Nations. On June 5, 1958, the General Assembly put the resolution to a vote, and 59 member nations—with only the Communist bloc opposing—passed it and designated 1960 as World Refugee Year.

For his splendid contribution in originating the idea of World Refugee Year, Monsignor Swanstrom last year received the Annual Peace Award of the Catholic Association of International Peace.

The attention that World Refugee Year thus dramatically focuses upon the plight of victims of misfortune and tyranny throughout the world must inspire in our own hearts a renewed sense of the obligation that the refugee problem poses for the United States. The doors of this great Nation must be opened wider, through realistic changes in our immigration laws, to enable us to provide new hope and new opportunity to even greater numbers of those whose sad predicament stands as a pressing challenge to the hearts and consciences of a free society.

WHITE ENROLLMENT SHRUNK BY INTEGRATION EXODUS

Mr. SPARKMAN. Mr. President, a few days ago there was a discussion on the floor of the Senate, engaged in by the Senator from North Carolina [Mr. ERVIN], and the Senator from Louisiana [Mr. LONG], with reference to certain statistics in the District of Columbia since desegregation in the schools took place.

The Mobile Register of April 5, 1960, has published a rather interesting editorial, in which it discusses the facts which were brought out by those two distinguished Senators.

I ask unanimous consent that the editorial may be included at this point in the RECORD as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHITE ENROLLMENT SHRUNK BY INTEGRATION EXODUS

In the District of Columbia the percent of white pupils in the public schools has been steadily declining and the percent of Negro pupils has been steadily rising in recent years.

Dr. Carl F. Hansen, Superintendent of District Schools, has stated in a report, according to the Associated Press, that it would be a mistake to attribute this enrollment situation to racial integration of the schools.

His explanation, reduced to a few words, is simply that Washington, D.C., in common with various other large cities, is losing families among the more affluent population to suburbia.

A yearning for suburbia by no means tells the whole Washington story. School integration—or attempted integration—is a powerful influence in the migration that is depleting the white enrollment in the schools.

Nearly 4 years ago, specifically in its issue of July 6, 1956, the magazine U.S. News & World Report pointed out that the "nature of Washington's population is changing steadily. * * * As in many another city, the white, middle-income population of Washington is shrinking rapidly and building up a flowering suburbia."

The magazine noted that "Washington was in the van of school desegregation after the Supreme Court decision of 1954, in order to set a precedent for the Nation."

It also noted that "the Negro population of the city is growing and flourishing to an extent witnessed by few U.S. cities, north or south," and that "even now, so many white families with children have moved away that almost two-thirds of the students in the city's public schools are Negroes."

Dr. Hansen can be sure that he himself is mistaken in his own analysis of what is happening to the racial make-up of the public schools in the Nation's Capital.

After making more than due allowance for migration to the suburbs by well-off white families for other reasons, compulsory school integration still remains a potent driving force behind the exodus from Washington.

The statement of the magazine U.S. News & World Report in 1956—2 years after the Supreme Court decision—that "middle-class children in the District are diminishing in number as if summoned by a Pied Piper" is significant.

The record, in fact, is overflowing with refutation of Dr. Hanson's analysis.

Senator SAM J. ERVIN, JR., of North Carolina, recalled in Congress recently that "when the Supreme Court handed down its decision in the segregation case on May 17, 1954, the President of the United States suggested that the city of Washington should be made a showplace for school integration."

The Senator then said, "Let us see about how much the people wanted school integration." As an indication of public sentiment in the District of Columbia on the issue, he cited the marked drop in white enrollment in the years immediately following the Supreme Court decision. The decline still continues.

Senator RUSSELL LONG, of Louisiana, has brought the figures up to date in discussing the changing racial picture in the Washington schools.

He quoted these statistics:

"In October 1953 white pupils accounted for 48 percent of the total enrollment in District of Columbia public schools.

"In November 1954 white pupils accounted for 39.3 percent of the total enrollment. That was the first enrollment report after the integration decision.

"In October 1956 white pupils accounted for 32 percent of the total enrollment.

"And the latest figures, which are for the present school year, show that white pupils make up 23 percent of the total enrollment."

This, of course, means a 20 percent decline in white enrollment since the Supreme Court blunderingly called for school integration. The No. 1 reason for this sharp decline has been the attempt to integrate District of Columbia schools.

Moreover, Senator LONG declared that nearly all of the white pupils still attending school in the District of Columbia are enrolled in schools having no more than token integration. These were his words:

"Out of 27,471 white children who are going to school in the District today, 95 percent of them are in schools where there is only token integration; in a great number of cases there is only a single colored child in the entire school."

Dr. Hansen, being on the scene and in close official contact with it, should realize that more and more white pupils are steering clear of District of Columbia schools to avoid being used to help create a showplace for school integration.

The Superintendent of the District of Columbia schools has pointed in the wrong direction for the real reason for the mass exodus of white pupils. Instead of pointing to suburbia, let him become realistic and point to the U.S. Supreme Court.

A NEGRO WHO WENT NORTH

Mr. SPARKMAN. Mr. President, in the Montgomery Advertiser of a couple of days ago there was a letter addressed to the editor, entitled "A Negro Who Went North." It is a most interesting letter. I believe it can be read with interest and profit by every Member of the Senate.

I ask unanimous consent that it may be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

A NEGRO WHO WENT NORTH

SEATTLE, WASH.

EDITOR, THE ADVERTISER:

You hear lots of talk about how bad the South is for Negroes and how good they treat you in the North and I want to tell you that that's all a lot of bunk. I am an honest respectable Negro and I lived in Montgomery for 23 years before some fool convinced me I'd make out better in the North.

Since then I've lived in New York, Boston, Cleveland, Chicago, and now in Seattle and I just wish I could get back home to Montgomery where people have self-respect and are honest with each other.

I went to New York because I thought I could get a good job there and make a lot of money. But all I got was a lousy job and a one-room flat I shared with four other guys and some rats. No Negro ever got anywhere in New York unless he was a crook. And there is always a bunch of phony white liberals pestering around you trying to help the Negro race.

It is dog-eat-dog and you can't even trust a fellow member of your own race. Back home you could respect the white people. They were friendly and listened to your troubles and helped you with your problems. Here all they want is to cheat you or get you to vote for them. And nobody up here believes in God either.

The only way to help the Negro race is to keep it pure. They don't know how well off they are in a Christian city in a Christian State.

MAGNUS JOHNSON.

HEALTH INSURANCE FOR THE AGED ACT

Mr. JAVITS. Mr. President, I introduce for appropriate reference, for myself, the Senator from Kentucky [Mr. COOPER], the Senator from Pennsylvania [Mr. SCOTT], the senior Senator from Vermont [Mr. AIKEN], the Senator from New Jersey [Mr. CASE], the Senator from Hawaii [Mr. FONG], my colleague the junior Senator from New York [Mr. KEATING], and the junior Senator from Vermont [Mr. PROUTY], a bill to establish a voluntary health care program under which the States could provide health insurance coverage for all persons aged 65 and over, and their spouses. Cooperative health programs or private health insurance plans would be the means through which the State plans would provide such coverage to include physicians care in home and office, diagnostic services, hospitalization and nursing home care.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3350) to provide for a program of Federal matching grants to the States to enable the States to provide health insurance for individuals aged 65 or over at subscription charges such individuals can pay, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. JAVITS. Entitled the "Health Insurance for the Aged Act," the bill is a public health measure and is not

linked to the social security system. It could potentially reach any one of the nearly 16 million Americans over 65 wishing to participate, including 4 to 5 million who are not eligible under social security.

Under this voluntary program, every person 65 or over living in a State participating in the act and the husband or wife of this person, regardless of age, could enroll in a program providing good, basic health coverage. It has been estimated that the bill will permit States to provide up to $10,000 in health care insurance during the lifetime of subscribers for a maximum premium cost of $2,184.

When the individual's need for adequate health care exceeds his income, it is entirely appropriate that the Federal and State Governments participate to help him to meet the premium cost. A fundamental principle of this program is that of assisting the aged in need of health care where necessary. Human dignity is a priceless possession, and the average U.S. citizen expects to pay to the best of his ability for the necessities of life.

To receive approval by the Secretary of Health, Education, and Welfare, every State plan under our bill would have to offer subscribers a choice of at least two types of health insurance—one a "service benefits" plan in whole or in part and the other an "indemnity benefits" plan. Generally, a "service plan" would provide 60 days of full cost, semiprivate hospital care or the equivalent cost care in a nursing home for the aged and make satisfactory provision for surgery both in and out of the hospital, hospital medical care, visits to the doctor's office, along with necessary laboratory tests, diagnostic X-rays, specialist consultations, and visiting nurse service in the home.

Legislation to provide health care for our "senior citizens" ranks as a major domestic issue in the United States. Enactment of a measure to assure our older citizens that the modern medical advances in health services—including hospitalization, medical and surgical techniques, new drugs, and skilled home nursing and physician's care—will be available to them at an age when they need them most frequently is urgently required. This Nation has long since progressed beyond the point when any segment of the population should find that physical distress must be endured because of financial inability to bear medical care costs singlehanded.

Under the terms of the bill, monthly subscription fees for individuals would range from 50 cents to $13, depending on the subscriber's income. The difference between the total subscription paid by beneficiaries and the full premium cost would be shared by the State and the Federal Government. The Federal contribution would be based on a formula used in the Hill-Burton Hospital Construction Act, under which the Federal Government's share to the States ranges from a maximum of 75 percent to a minimum of 33⅓ percent.

Based on the likelihood that 70 percent of those eligible will join the plan because the others are carried now in a suitable health plan, or for other reasons, the estimated median average cost per year of this program to the Federal Government, based on expected allocations by States, would be about $480 million; to the States $640 million, and $400 million to the subscribers. The cost to the Federal Government in succeeding years should increase only a little, if at all, because a progressively smaller proportion of those reaching 65 will fall into the lowest income categories. This type of program also lends itself to progressive improvement through a combination of voluntary subscription, public subsidy, and cooperation of the voluntary health insurance system.

The cost to the Federal Government and the benefits under our bill show the desirability of this bill as compared with the Forand bill or other compulsory health plans before this Congress to be financed through the social security system.

The outstanding characteristics of the "Health Insurance for the Aged Act" are that it is a voluntary program complementing rather than competing with the efforts of private health insurance carriers and cooperative health programs to provide adequate coverage to an age group which essentially lies in the "high risk" category. It minimizes Federal direction by requiring that the States draw up programs based on available health care facilities and realistic health needs and medical expenditure patterns of the aged population within its own borders, while meeting Federal standards, and it sets a congenial "need" criteria in the provision of Federal grants to the States with more help for those with the smallest per capita incomes.

The bill recognizes that while hospitalization costs may comprise a large part of an aged person's annual medical bill, the average older couple spends $140 a year on health costs unrelated to hospitalization. One out of every six persons 65 and older pays over $500 in medical bills annually. Sixty percent of those over 65 have an annual income of under $1,000, and often cannot afford home or office care by a doctor which might appreciably cut down the length of hospitalization required and in some cases eliminate it altogether when a condition is caught in the early stages. Therefore, legislation limited to hospitalization and nursing care only may unnecessarily strain such facilities and be inadequate to the task of providing adequate basic health coverage for the aged.

When the controversial Ewing plan was introduced in the late 1940's, it was labeled socialized medicine and Republicans, including myself, introduced the National Health Act which utilized the existing private and cooperative plans to provide health care nationally. Medical care for the aged was a part of the overall problem; now it is becoming urgent standing by itself. At that time, we had about 12 million citizens 65 and older. Today the number has risen to nearly 16 million and by 1970 it will stand at nearly 20 million. There seems little doubt that the most logical point at which to begin raising national health standards is by devising a voluntary program such as this one consistent with the private relation between doctor and patient which will still provide adequate health protection to the aged with the participation of the State and Federal Governments.

Mr. President, I have acquainted the administration and the Secretary of Health, Education, and Welfare with the full details of this program. I think it meets the guidelines laid down by the Secretary of Health, Education, and Welfare, and I hope very much that ultimately the administration may come around to agreeing to it, although I understand at present the administration feels the amounts involved and the range of benefits are too great.

Mr. President, my cosponsors and I think this is the only feasible basis upon which the Federal Government can do its share to meet this very urgent problem. We offer the bill in the expectation that it is the way most consistent with what exists in our country, with practices and policies of our country in the private relationship between doctor and patient, which it is so important to preserve. This will be the best way found to give optimum medical care to the aged.

Mr. President, I am grateful to my colleague, who is cosponsoring the bill, for allowing me to proceed.

Mr. JAVITS subsequently said: Mr. President, I ask unanimous consent that the bill (S. 3350), to provide for a program of Federal matching grants to the States to enable the States to provide health insurance for individuals aged 65 or over at subscription charges such individuals can pay, which I introduced earlier today, may remain at the desk until the close of the session on Wednesday next, April 13, so as to afford other Senators an opportunity to cosponsor it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I also ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Health Insurance for the Aged Act."

SEC. 2. The Public Health Service Act is hereby amended by inserting at the end thereof the following new title:

"TITLE VIII—HEALTH INSURANCE FOR THE AGED

"Declaration of purpose

"SEC. 801. It is the purpose of this title to assist the States in establishing State plans of health insurance designed to enable aged individuals to obtain needed personal health services.

"Definitions

"SEC. 802. As used in this title, the term—

"(a) 'Service benefits' means the actual furnishing of health services to an insured individual by and through licensed physicians, hospitals, and other health personnel and institutions which have entered into contracts with insurance carriers to provide such services to such individuals;

"(b) 'Indemnity benefits' means benefits provided to an insured individual by an insurance carrier in the form of money payments toward the cost of specified personal health services, such payments being made either to the insured individual or to the provider of such services, and not necessarily covering the full cost of such services;

"(c) 'Income of insured individual' means income from whatever source derived; provided, however, that it shall include the value of gifts received by the subscriber and the computed value of board and lodging, according to regulations of the Secretary, furnished to the subscriber by any other person; and

"(d) 'Secretary' means the Secretary of Health, Education, and Welfare.

"Requirements of State plans

"SEC. 803. A State plan under this title shall—

"(a) designate a single State agency to administer the State plan;

"(b) provide for financial participation by the State;

"(c) permit participation in the health insurance program established under such plan of every individual in the State who has attained age 65 or is married to an individual who has attained such age; but may not permit any individual to participate in such program who has not attained such age or is not married to an individual who has reached such age.

"(d) provide to each individual eligible for health insurance under the plan a choice of at least two types of health insurance, one of which shall provide 'service benefits' in whole or in part and the other 'indemnity benefits';

"(e) provide that (1) the coverage of home medical services and physician's office calls and other ambulatory services or hospital outpatient treatment under any health insurance program under the State plan shall constitute not less than one-third of the total premium cost of such insurance program; and

"(2) under any such program, care in skilled nursing homes or equivalent licensed institutions may be substituted for care of equal cost in general hospitals;

"(f) conform to reasonable standards prescribed by the Secretary with respect to (1) the providing of benefits to subscribers of health insurance programs under the State plan during temporary absence from the State in which they reside, (2) the eligibility to participate in such programs of otherwise eligible individuals who have previously discontinued participation therein, (3) the provision of additional periods after the date subscription charges become due during which subscribers may pay such charges without forfeiting coverage under such programs, (4) eligibility of individuals to transfer coverage from one type of health insurance to another type offered under the State plan of a State, (5) the period of eligibility to participate in such programs of individuals who do not elect to participate therein at the earliest date for which they are eligible to do so, and (6) the eligibility of individuals who are covered by such a health insurance program of one State to become covered by such a health insurance program of another State;

"(g) provide that the subscription charges for individual subscribers of health insurance programs under the State plan shall conform to the following schedule (except that the maximum monthly subscription rate of no individual shall exceed the maximum premium cost in such State if it is less than $13 per month):

I. Income of subscriber for preceding year	II. Monthly subscription rate
Under $500	None
$500 and under $1,000	$0.50
$1,000 and under $1,250	1.00
$1,250 and under $1,500	2.00
$1,500 and under $1,750	3.00
$1,750 and under $2,000	4.50
$2,000 and under $2,250	6.00
$2,250 and under $2,500	7.50
$2,500 and under $2,750	9.00
$2,750 and under $3,000	10.00
$3,000 and under $3,250	11.00
$3,250 and under $3,600	12.00
$3,600 and over	[1] 13.00

[1] Or such greater amount as may be provided by the State plan.

"(h) provide that the State agency administering State welfare or public assistance programs shall be permitted to secure for the recipients of such programs health insurance under the State plan on a negotiated rate basis;

"(i) make provision (1) authorizing employees' pension or welfare funds to contribute to the payment of subscription charges under the State health insurance program for or on behalf of eligible members of beneficiaries of such funds, (2) authorizing employers (including the State or any political subdivision thereof when acting as an employer) or trustee or other governing body of such fund to deduct from his wages or from such fund, as the case may be, an amount equal to his subscription charges under the State health insurance program and to pay the same to the State agency administering the State plan;

"(j) provide that the State agency will make such reports, in such form and containing such information, as the Secretary may from time to time require, and comply with such provisions as the Secretary may from time to time find necessary to assure the correctness and verification of such reports;

"(k) provide for the collection of subscription charges for health insurance under the State plan;

"(l) provide that the health insurance coverage extended to individuals eligible therefor under the State plan shall be provided by private, commercial, prepayment or nonprofit insurance carriers under appropriate contracts entered into between such carriers and the State agency;

"(m) provide that such contracts extend health insurance coverage to individuals eligible therefor under the State plan of any or all of the following: (1) Services rendered by licensed physicians, licensed dentists, and, under the supervision of licensed physicians or dentists, by auxiliary personnel, (2) the use by such licensed or auxiliary personnel of any and all apparatus or machines designed to aid in the diagnosis or treatment of disease or injury, (3) the provision of bed and board in general or special hospitals, skilled nursing or convalescent homes, or other institutions licensed or designated as such institutions is prescribed by and under the supervision of licensed physicians, and (4) the provision of drugs and medicines, dressings and supplies, prostheses and appliances, and ambulance service, when prescribed by licensed physicians; and

"(n) make adequate provision out of general revenues of the State for the expenses incurred by the State under such plan.

"Payment to States

"SEC. 804. (a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for health insurance for the aged, for each quarter (beginning with the quarter commencing July 1, 1961) (1) an amount equal to the Federal percentage of the amount by which the amount produced by multiplying—

"(I) the per capita premium cost up to but not exceeding $13 per month, by

"(II) the sum of the total number of subscribers of health insurance for the aged for each of the months in such quarter,

exceeds the total sum of the amounts actually paid by such subscribers as subscription charges during each of such months; plus (2) an amount equal to one-half of the sums expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of State plan.

"(b) The method of computing and paying such amounts to the State shall be as follows: The Secretary shall, prior to the beginning of each quarter, estimate the amounts to be paid to the State under subsection (a), such estimate to be based on (A) reports filed by the State containing its estimates of the total sums to be expended by it in such quarter in accordance with subsection (a), and (b) such other investigation as the Secretary may find necessary.

"(c) The Secretary shall then certify to the Secretary of the Treasury the amount so estimated by the Secretary, reduced or increased, as the case may be, by any sums by which he finds that his estimates for any prior quarter were greater or less than the amounts which should have been paid to the State under subsection (a).

"(d) For the purposes of this section the 'Federal percentage' for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the continental United States (including Alaska and Hawaii), except that (1) the Federal percentage shall in no case be more than 75 per centum or less than 33⅓ per centum, and (2) the Federal percentage for Guam, Puerto Rico, and the Virgin Islands shall be 75 per centum each. The Federal percentages shall be promulgated by the Secretary between July 1 and August 31 of each even-numbered year, on the basis of the average of the per capital incomes of the States and of the continental United States (including Alaska and Hawaii) for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce.

"Operation of State plans

"SEC. 805. (a) If the Secretary, after reasonable notice and opportunity for hearing to the State agency, finds (1) that the State agency is not complying substantially with the provisions of the State plan, or (2) that any Federal funds have been diverted from the purposes for which they have been paid under this title, the Secretary shall forthwith withhold further payments to the State under section 804 until he is satisfied that the conditions which required him to withhold such payments no longer exist.

"(b) If any State is dissatisfied with the Secretary's action under subsection (a), such State may appeal to the United States court of appeals for the circuit in which such State is located. The summons and notice of appeal may be served at any place in the United States. The Secretary shall forthwith certify and file in the court the transcript of the proceedings and record on which he based his action.

"(c) The findings of fact by the Secretary, unless substantially contrary to the weight of evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the transcript and record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive unless substantially contrary to the weight of the evidence.

"(d) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28 of the United States Code, section 1254.

"Authorization of compacts between States

"SEC. 806. In order that individuals who are covered by a health insurance program established under this title by the State in which they reside shall not, by reason of their temporary presence in another State at the time benefits provided by such program are needed by them, be hampered in actually receiving such benefits, the consent of Congress is hereby granted to any two or more States to enter into appropriate compacts or agreements with respect to the administration and operation of their respective health insurance programs established under this title.

"Administration

"SEC. 807. (a) The Secretary of Health, Education, and Welfare is authorized to make such administrative regulations and perform such other actions as he finds necessary to carry out the provisions of this title.

"(b) In administering the provisions of this title, the Secretary is authorized to utilize the services and facilities of any executive department of the Government in accordance with an agreement with the head thereof. Payment for such services and facilities shall be made in advance or by way of reimbursement, as may be agreed upon between the Secretary and the head of the executive department furnishing such services or facilities.

"(c) In administering this title the Secretary shall cooperate with and render advice and assistance to States and the appropriate public authorities therein in formulating and operating State plans under this title.

"Savings provision

"SEC. 808. Nothing in this title shall modify obligations assumed by the Federal Government under other laws for the hospital and medical care of veterans or other presently authorized recipients of hospital and medical care under Federal programs."

Mr. KEATING. Mr. President, I ask unanimous consent that I may proceed for 10 minutes on this subject.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? The Chair hears none, and the Senator may proceed for 10 minutes.

Mr. KEATING. Mr. President, I am happy to join with my colleague from New York and others in cosponsoring the excellent and realistic health insurance plan for the aged which has just been introduced. I want also to commend the Senator for his clear appraisal of the health needs of America's senior citizens and for his great ability in drafting a bill which meets these needs and at the same time is wholly consistent with the structure and goals of our Federal Government and of the governments of 50 States.

In brief, the bill provides low-cost voluntary health insurance through private plans for Americans over the age of 65, who could not otherwise afford such insurance. The bill calls for the sharing of the costs of this program between the Federal Government and the States. However, the basic responsibility for the administration of this program is rightly given to the States.

The "Health Insurance for the Aged Act" which we are introducing today, is very similar to a bill introduced in 1949 by my distinguished colleague [Mr. JAVITS]; Vice President NIXON, then a Member of the House; former Senator Ives, my predecessor in the Senate; former Senator Flanders, of Vermont; the Senator from Pennsylvania [Mr. SCOTT], then in the House; and the Secretary of State, Christian Herter, also a Member of the House in 1949.

Mr. JAVITS. Mr. President, will the Senator yield at that point?

Mr. KEATING. I am happy to yield to my colleague.

Mr. JAVITS. One of the other sponsors, as a matter of interest, was the Senator from Kentucky [Mr. MORTON], who is now the chairman of the Republican National Committee.

Two of the original sponsors of the bill in 1949 are sponsors of the bill today, the Senator from Pennsylvania [Mr. SCOTT] and the Senator from New Jersey [Mr. CASE], who were then Members of the House.

Mr. KEATING. I am grateful to my colleague for that addition.

Mr. President, from my talks with HEW officials, I have learned that, in addition, the plan now being studied and drafted by Secretary Flemming and his associates is very similar to the bill which we have introduced today and to the just referred to health bill introduced in 1949, upon which many parts of our new bill are based.

Mr. President, I have always taken a very special interest in America's health needs. Over the years, I have introduced and cosponsored a number of measures designed to promote research efforts on the cause and cure of disease and to provide adequate health services to those Americans who for one reason or another need such assistance.

It has always been my opinion that the Federal Government should in every possible way encourage all citizens to provide adequately for their future health needs. As a Member of the House, I introduced a health bill in 1949 providing Federal tax assistance to offset the costs of private health insurance plans for citizens with limited resources. This bill would establish a tax credit to cover a certain percentage—graduated according to income—of the costs of certain federally accredited health insurance plans.

I firmly believe in this approach. It involves very little Federal control. It is keyed to persons of low incomes who could not otherwise afford health insurance, and most importantly, it builds on the very encouraging progress which has already been made by private firms and organizations in developing health insurance policies and programs suited to the needs of every age and income group in the Nation.

In the Senate I reintroduced this bill, now S. 1169. I firmly believe that this proposal is particularly well keyed to the long-run health needs of Americans in every age group. I hope that in the near future it will receive the serious consideration which I feel that it very much deserves.

Mr. President, this year attention has been focused on the unique and very important health and medical needs of the aged, on the grounds that the aged find it especially difficult to provide for these needs.

As I see it, there are two basic questions which we must ask ourselves at this point:

Is it true that America's senior citizens have special health problems, and if so, what is the best way to resolve these problems?

In answer to the first question, I am firmly convinced that an excellent case can be made for action by the Congress to enact legislation specifically concerned with the health of the aged.

The number of persons over 65 in the United States has increased markedly in recent decades. There are now some 16 million persons in this age group, approximately 10 percent of our total population. The forecast for 1970 is that there will be 20 million Americans over age 65.

Many persons in this over-65-year-old age group are retired or are working part time. Their incomes are very likely to be significantly lower than those of younger persons employed full time and at the peak of their earning potential.

Most important of all, it is this age group which has the greatest need for hospital and medical care. This acceleration of health and medical needs comes at precisely that time in life when income is likely to be lowest. What is more, because of the greater probability that they will need medical care, health insurance is considerably more expensive for persons over 65.

In sum, the senior citizen is often caught in a scissors of declining income and increasing health needs. This scissors is liable to snap shut at any time. A protracted illness for an aged person can and does often result in driving up annual health and medical costs to the point where they exceed income for that year. The scissors shut. The victim's only recourse is to public relief—which is a bitter and degrading blow to his self-respect.

The bill just introduced is intended to prevent persons over 65 from becoming victims of this health-income scissors.

Mr. President, I feel very strongly that the proposal which we have just put forth and which is now before the Senate is by far the best bill in this field. It is much superior to the widely discussed social security compulsory health insurance bill introduced by Representative FORAND, of Rhode Island, which was recently rejected by a vote of 18 to 7 in the House Ways and Means Committee.

Because the Forand bill is the best known of the pending health insurance plans for the aged, and because it is strikingly similar to the other bills on this subject which have thus far been introduced both in the House and in the Senate, I want to take time today to specifically list and discuss the reasons why I feel the approach which we have put forth today is far superior to that of H.R. 4700, the Forand bill.

First and foremost, the bill which we have introduced is voluntary. The Forand bill is not. It would give outright a free health insurance policy to all persons eligible to receive social security old-age benefits—regardless of the income which they receive from other sources. This is compulsory Federal health insurance.

Under the bill of which I am a cosponsor, every American over 65, whose income is below $3,600, would be eligible, if he so chooses, to buy any one of a number of private approved health insurance plans, on which the Federal Government and the government of his State would give him some measure of assistance, depending upon the level of his income. The choice is the individual's and rightly so.

The second advantage of our approach is that it builds upon the efforts of private firms and organizations over the years to provide health insurance for the aged. Some 70 percent of all Americans are presently covered by some form of health insurance protection. It is noteworthy that over 14 million New Yorkers were covered by health insurance in 1958, the most recent year for which we have figures. This is over 90 percent of the population of New York State.

It would be ridiculous to throw all of this out the window. We would surely be throwing out the baby with the bath. The need is instead to build upon these efforts, and through moderate Federal and State assistance make it possible for persons over 65 with low incomes to purchase one or another of the available health insurance plans—which because of their low incomes, they could not otherwise afford.

The Forand bill would discard the existing plans and would put the Federal Government alone in the position of overseeing and supervising an entirely new health insurance program.

A third advantage of the approach put forward today is that it is limited to people with relatively low incomes, people who really need help. The Forand bill, on the other hand, covers all under social security regardless of income. I feel strongly that the Government should assist only those of the aged who need this assistance and who would otherwise be without any form of health or medical insurance.

A fourth advantage of our new Health Insurance for the Aged Act flows logically from the point which I just made. One of the major and most glaring faults of the Forand bill is that it completely ignores the health needs of those of the aged who are not covered by the Federal social security program. In a great many cases those not covered by social security have lower incomes than those who are covered and who therefore are eligible to receive social security benefits each month. Our new bill avoids such discrimination and provides assistance, where needed, for all persons over 65.

A fifth advantage of the new bill, and there are eight such advantages which I want to discuss today, is that it will be less expensive than the Forand bill, which is estimated to cost the Federal Government between $1.1 billion and $2.3 billion in the first year of operation. The new bill costs less for several reasons. It has a slightly different "benefit package" from that proposed in the Forand bill. It only covers the low-income aged. Furthermore, it is not altogether free. Some contribution is required from all persons who have an income of more than $500 per year.

True, our bill would cost the States money, where the Forand bill would not. Nevertheless, lumping all of the costs to the Government—Federal and State—the new bill is far less expensive.

A sixth, and in my mind extremely important advantage of the new bill, is that it involves substantially less Federal control than would the Forand bill. As noted above, private plans are to be utilized to the fullest extent possible and the States are to supervise the overall program. Such an approach conforms closely to the structure of our Federal system and to the tenets of American Government to the effect that democracy is based upon the freedom from government as well as the freedom to govern.

A seventh advantage of our bill is that it is not tied to social security. Why should it be? The social security program already has enough sections and subsections to completely confuse and befuddle any American without a law degree.

An eighth advantage to the new bill is that it places emphasis on the special health needs of the aged—namely, the need for home and outpatient care in addition to—and often more important than—actual hospital care.

Mr. President, I think these are very strong arguments. Added together, they clearly indicate that the approach to the health needs of the aged which we have offered today is far more sensible, equitable, and realistic than are proposals along the lines of H.R. 4700, the Forand bill.

When I began my remarks, I said there are two key questions which we must answer. First. Is there a need for health assistance for the aged? Second. If there is, what is the best way to fill this need?

The answer to the first question is affirmative. I demonstrated this with what I have termed the health-income scissors which confronts America's senior citizens.

The answer to the second is very definitely embodied in the bill we have introduced today. The recognition of a given social need is not enough. We must work hard to find the best way to fill this need. We must not be fooled into adopting legislation to accomplish a given and desirable objective until we are absolutely convinced that we have a method which is sensible and which is well suited to this particular objective.

The Forand bill focuses on a real problem but does not properly resolve it. The bill introduced today focuses on the same problem and at the same time provides an equitable and realistic solution to this problem.

I urge the Senate to carefully study and evaluate our proposal. I know that I speak for all the sponsors of this measure when I say that we welcome any and all comments and suggestions relative to the bill just introduced. But when the study is over, when all of the recommendations in this field have been considered, I hope the Congress will recognize the merit of the general principles embodied in our Health Insurance for the Aged Act.

ROLE OF WOMEN IN THE COOPERATIVES—ADDRESS BY REV. GEORGE E. TOPSHEE

Mrs. SMITH. Mr. President, my attention has been called to a most interesting address made by Rev. George E. Topshee of the Extension Department of St. Francis Xavier University at Sydney, Nova Scotia. In it Reverend Topshee pays quite a tribute to the role of women in public life. I am indebted to Mr. Richard A. Dell, director of the legislation and research department of the National Rural Electric Cooperative Association, who called the address to my attention and appropriately suggested that I insert it in the CONGRESSIONAL RECORD. Accordingly, I ask unanimous consent that it be printed in the body of the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ROLE OF WOMEN IN THE COOPERATIVES

(Address by Rev. George E. Topshee, St. Francis Xavier University Extension Department, Sydney, Nova Scotia, Canada)

In the letter I received from Mr. Ellis he suggested that I talk with you about (1) the philosophy pertaining to the dignity of man and cooperation; (2) the role of women in community; (3) some examples taken from our experiences in Canada.

In the latest issue of Life magazine we read of Benjamin Franklin experimenting with electricity in 1747. Electricity was first discovered by a Greek named Thales in the year 600 B.C. Two thousand five hundred sixty years ago he found that amber (Greek word for electron) had attraction for certain bodies. No doubt you have experienced the same thing, e.g.: take a piece of hard rubber, such as the end of your fountain pen, rub it on a piece of cloth and it picks up bits of paper, sawdust, etc.

In 600 B.C. they were playing with electricity but it was not until A.D. 1840 that it was turned to practical use. In the past hundred years it has revolutionized the industrial world. It has been a great boon to domestic life. We have electric light, telephone, radio, TV, electric motors that do everything from milking cows to washing dishes. Electricity is used for every conceivable work. In a co-op paper last week it was stated that in a modern home everything is controlled by switches except the children. Electricity is used for heating, freezing, lighting—it's marvelous.

From 600 B.C. to A.D. 1840, 2,440 years, man knew about its existence but did not develop its potential.

There is something else in our midst today with which we are little more than playing; something else which is even more dynamic, with a much greater potential for good than this natural mystery of electricity. That is the cooperative movement.

Great studies have been made by your own wonderful organization, NRECA, and other large cooperatives, but we have a long way to go. The potential of the cooperative movement is really tremendous. Today we may say we are just picking up grains of sawdust with a piece of amber when we could be raising tons of material with a large electric magnet.

Why do we consider the cooperative movement of such great importance?

The cooperative movement is a means of educating people; a means of building better men and a better society nationally and internationally. The basic principles of this great means of adult education through economic cooperation are:

First, the primacy of the individual. This principle is based on both religious and democratic teaching; religion emphasizes the dignity of man created to the image and likeness of God; democracy stresses the value of the human person and the development of individual capacities as the aim of social organization.

Secondly, the principle that social reform must come through education. Social progress in a democracy must come through the actions of its citizens. It will come if there is improvement in the quality of the people themselves. That improvement can come only through education.

The third principle is that education must begin with the economic. People are keenly interested in and concerned with economic needs: and it is a good technique to suit the educational effort to the needs of the individual or group.

The fourth principle is that education should be through group action. Group action is essential to success in modern conditions. Individual efficiency is not enough. We must have group action if we are to build a better society.

If you were to ask what is the solution to the problems of Canada, the United States or the world, I could say without hesitation that it is in the improvement of the quality of human beings. Make the people of the world physically fit, mentally alert and morally right and all our problems would be solved.

History records nineteen great civilizations; fourteen of them have passed away. We should learn from these failures and try to immunize ourselves against decay—fourteen failures to develop the capacities of people.

The greatest resources that we have are our people. We may talk of the necessity of developing hydropower, iron ore, petroleum, uranium and other natural resources. These are important but not nearly as important as developing our people in all their capacities. The best formula we know for doing that job is adult education through economic cooperation.

The energy of people must be released, talents developed and right attitudes cultivated. The formula or the philosophy by which we live channelizes our energy—it does for us what a groove does for a ball, what the tracks do for the train; it directs our efforts. The right formula or philosophy also stimulates activity. The integrated ideas of this great cooperative movement will release human energy in reconstructing society on a foundation of justice and charity.

Now, what is the role of women in this great work of adult education through economic cooperation?

Woman has qualities, temperaments and gifts peculiar to her that complement those of man perfectly. Man's nature is to explore, to invent, to create. He is generally restless and seeks change. Woman is generally conservative and seeks stability. Man is the specialist who must compete in the battle of life. Woman is the universalist meeting life with her broad capacity as psychologist, social worker, nurse, teacher, dietitian, cook, seamstress, pacifier, judicious counsellor, and understanding wise companion. Women pay more attention to persons than to things.

Someone has said, I believe rightly so, that society needs the mind, the hand and the heart of woman:

1. It needs the mind of the educated woman in public life, in careers, in the home. Society needs women who can think straight, respect truth, withstand pressures and propaganda: who can discriminate among values, separate the shoddy from the genuine, the tinsel from the substance and prize the simple rather than the ornate. In brief, we need intelligent women who, in a world of constant change, when all values seem in flux, offer stability to the world through their fidelity to religious convictions and by their adherence to lofty standards of the good, the true and the beautiful.

2. Society needs the hand of the educated woman. To various forms of work she brings a natural interest in and understanding of people. She brings efficient service, attention to detail and sympathy for suffering.

3. Society needs the heart of woman. A prominent psychiatrist recently stated that the goal of therapy is to regain for people the capacity to love. If there is any one quality which characterizes woman, it is her readiness to assist others, to cooperate with others or, in a word, her capacity to love.

The cooperative movement not only needs the mind, the hand, the heart of woman; but it also provides a particular field in which woman may further develop her special capacity—her concern for others. It furnishes a pattern of action by which woman may exploit her great selflessness. The cooperative movement is a blueprint of action by which woman, complementing the work of man, builds a better society in which all people will be offered economic, social, cultural and political democracy.

I have been asked to give some examples of contributions made by women to the cooperative movement in Canada:

1. The first example that comes to mind is our publication called the Maritime Cooperator. This semimonthly paper is educational and journalistic. It is produced, almost entirely, by four women all of whom are former staff members of the St. F. X. Extension Department, and all are married women with families. They are producing an outstanding cooperative paper. One of the women, a former secretary of Dr. M. M. Coady, last year won a national award for the best syndicated column in Canada. All of these women are fully imbued with cooperative philosophy as received from Dr. Coady. Incidentally, a regular practice of Dr. Coady's during the 30 years of his office with our extension department was, on his return from a conference (and he attended many) to gather together the whole staff, including the youngest stenographer, to give a complete report on the conference; who spoke, what they said, what they didn't say, should have said, etc. Many of these girls have become excellent field workers, traveling to every corner of the Atlantic Provinces. They have organized study clubs among coal miners, steelworkers, fishermen, farmers; and led them to understanding, conviction, and loyalty to cooperative ideals.

This week a girl who spent 6 years as a secretary and fieldworker from our office is on her way to Ghana, West Africa, for an indefinite stay to bring a program of adult education through economic cooperation to the people of Ghana—and the Lord knows they need it.

Three years ago, two girls working from our branch office in Sydney began a program of adult education on five government reserves for Indians. They have encountered many obstacles but their success is greater than many people expected. The native Indian people have been spoiled by many years of excessive government paternalism but this new doctrine of self-help is gradually catching on through the persevering efforts of these girls.

In 1937 Miss Mary Arnold of New York came to Nova Scotia. Miss Arnold was treasurer of the Cooperative League of the United States. She came for a short visit but she stayed for 2 years, giving leadership to a new kind of cooperative housing. The men and women of the Arnold Housing Cooperative, the first housing cooperative in Canada, met weekly for 1 year studying the cooperative movement and the techniques of building a house before starting the actual construction of the houses. This example has been followed by 1,500 Nova Scotia families and many hundreds throughout Canada. The women play a large part in these "do-it-yourself" house building cooperatives.

In all our educational programs of discussion clubs, short courses, weekend institutes, etc., the women are called on to do their share; not just in serving lunch, but in presenting reports, participating in discussions, etc. In a short course of several days there may be two or three sessions in which the women are separate for particular topics, but the general practice is to have the men and women working together.

When the women have participated in discussion clubs and have acquired an understanding of the cooperative movement, there are none more convinced, more loyal, or more dedicated. In some cases it is the women who are the backbone of our cooperatives. Someone has said, "Educate a man and you educate an individual; educate a woman and you educate a family."

Some years ago when egg grading was introduced in Nova Scotia, it was the women who first accepted the idea. To some farmers an egg was an egg if it came from a hen. They were not going to accept the idea of having their eggs classified. But their wives persuaded them that grading was just and necessary.

In one fishing community where a successful consumer cooperative was in operation after many months of discussion club work, a new private profit store was then built. The owner of this new store several times sent out a fleet of cars, while the men were at sea, fishing, to bring the women to his store. Not one of the women who had been in cooperative discussion clubs accepted his free transportation. They walked to the co-op. The possibilities of the consumer cooperative movement stagger the imagination.

In every field of modern living; in the home, in the professions, in the arts, in business, in education, government and politics, in the great work of adult education through economic cooperation women have a contribution to make which is uniquely theirs.

In closing, I would like to quote from the late Dr. M. M. Coady: "The formula of the good society of the future is not going to be taken out of a metaphysical hat. The formula is the working together of men and women in the manipulation of the commonplace things; the repatterning of the forces that determine life on this earth. The most fundamental of these are: food, clothing, shelter, physical and economic security and freedom for the human spirit. Through the visible and material things of this world we will rise to a knowledge and appreciation of the invisible things of God."

PROGRAM OF THE AMERICAN LEGION—ADDRESS BY REV. E. CHARLES DARTNELL

Mrs. SMITH. Mr. President, Mr. Dan Lambert, fifth district commander of the American Legion in Maine, has called my attention to an address made by Rev. E. Charles Dartnell, pastor of the First Methodist Church, of Brewer, Maine, on March 14, 1960, and has suggested that I insert a Brewer Free Press account of it in the CONGRESSIONAL RECORD. Accordingly, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the Press account was ordered to be printed in the RECORD, as follows:

REVEREND DARTNELL TELLS LEGIONNAIRES THEY HAVE "MEANINGFUL PURPOSE" IN 41ST ANNIVERSARY ADDRESS

"If there is anything that marks the American Legion—it is the dedication of every member of the Legion and Auxiliary to the program of honor to God, flag, and our country" declared Rev. E. Charles Dartnell, pastor of the First Methodist Church of Brewer in a stirring address before the 41st annual anniversary banquet of the Daniel E. Geagan Post, American Legion and Auxiliary on Monday evening at the Legion rooms in the Brewer auditorium. The event sponsored by the local auxiliary unit observed the founding of the Legion in Paris, France, in 1919.

In a moving tribute to the Legion organization, Reverend Dartnell told the 100 members and guests present that "When an organization survives for over 40 years, then that group must have been founded upon a dedicated purpose. Behind the great programs of the Legion moves the combined hearts of all its membership joined together in doing something for community, State, and Nation."

SAYS DEMOCRACY IS TESTED

Striking out at the forces seeking to destroy, by internal discontent, the workings of our Government, Mr. Dartnell reported to the Brewer Legion gathering "Here in America we have democracy in action. We must learn to give of ourselves if we are to preserve freedom and democracy. To not think enough of others and to think too much of ourselves, can destroy democracy in action," he stated.

Reporting on the need for Americans to give more study to the wants of the poor people of the world, the Brewer minister told his audience "These are days when we are called upon to stand fast in freedom and to help others obtain freedom from want. And it will be here in the nurturing of new democracy among the peoples of the free world, that democracy and America will be tested," he continued.

BIAS

The guest speaker called upon the Legion and auxiliary to promote a program designed to end bigotry and bias on all subjects and stated "There are some issues that we as Americans are called upon to settle and those issues must be decided without bias and prejudice, if we are to remain free."

"We must learn," he continued, "that all issues can be settled only by men of good will sitting down at the table of good faith—seeing the issues clearly as Americans all." He told the session that hatemongers were dividing the Nation with campaigns promoting special interests not in the common cause of freedom.

Lashing out at what he termed "the enemy from within" Reverend Dartnell stated, "One of our greatest national forms of disgrace is the many men in high places who have sold us short and our Nation stands much in need because of corruption within. It is time that we demand more of our officials and representatives than just a pleasant personality and a smile at election time," Reverend Dartnell reported.

Daniel E. Lambert, Orrington, fifth district commander, served as master of ceremonies for the event with Charles C. Campbell, post commander, and Mrs. Kathryn M. Campbell, Orrington, unit president, serving as cohosts to the special program.

DEAD CENTER ON CIVIL RIGHTS

Mr. JAVITS. Mr. President, an interesting article entitled "Dead Center on Civil Rights" was published in the section, American Survey, in the London Economist, for March 19, 1960.

It is noted that American Survey is prepared partly in the United States, and partly in London; and those items which are written in the United States carry an indication to that effect. The recent article on civil rights is datelined Washington, D.C., Wednesday night.

I quote two lines from the article:

Thus the value of the measure Congress passes this year depends almost entirely on the effectiveness of the plan to help Negroes to vote. It may not be effective at all.

I ask unanimous consent that the article in its entirety be printed as a part of my remarks at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DEAD CENTER ON CIVIL RIGHTS

WASHINGTON, D.C.—If there is one lesson to be learned from this year's attempt to better the lot of Negroes in the South, it is that the middle of the road is not necessarily the place where progress is fastest. In the month-long debate in Congress the two Democratic leaders, Senator JOHNSON and Mr. RAYBURN, have floated to a position midway between the Northern liberals and the Southern segregationists as precisely as if they were bubbles in a spirit level. The resulting legislation, although its final details have yet to be decided, seems fated to be only the most modest step forward. The hope that the new law would bring Congress to the rescue of the courts in their painfully slow struggle to end racial discrimination in the schools is apparently going to be frustrated. The one important consequence of a month's talking looks like being a provision to help Negroes to register and vote, and even this is subject to a couple of qualifications. In the form in which it will probably emerge from Congress, the new machinery to aid voting is complicated and may also prove to be unconstitutional; and, in any case, it is only another attempt to do what the last Civil Rights Act of 3 years ago was meant, but has failed, to do.

This being so, the observer is entitled to ask whether the battle has been quite as hard fought as the cries of the contenders have suggested. Since February 15, when Mr. JOHNSON brought up the subject of civil rights in the Senate in fulfillment of a promise he made last year, there has been something faintly unreal about the drama. The Senate, that tortoise of the debating world, has crawled through 4 weeks of argument, including a record 83 hours in continuous session, only to sit down at the last moment and munch buttercups while the House of Representatives, which did not start moving until a week ago, flashed hare-like past it. It is true that the time was not wasted entirely. The southerners stuck commendably to the subject—though the Senate's rules did not oblige them to—and made two or three criticisms of the administration's proposed bill which won general assent. But the debate was oddly passionless; some of the Washingtonians who visited the Senate Gallery as an alternative to the late, late show on television had to be reminded that, unlike the Senators, they were not allowed to fall asleep.

The fact is that, about half way through the Senate's deliberations, an unspoken understanding developed between everyone, except the liberals, on two points. The first point was that it would be best to delay a decision until the House of Representatives, where the rules limit the length of debate, produced a bill this week. The second was that the Senate would probably pass this bill as it stood, if it dealt only with voting, plus a few fringe benefits, and kept off the subject of the schools. It seemed that the southerners would settle for something like this, and abandon their filibuster, when Senator RUSSELL hinted that they found the voting provisions the least offensive part of the administration's proposals. It became obvious that the majority of Republicans, together with Senator JOHNSON and the loyal squad of Democrats—mostly from the West—who follow him wherever he goes, were thinking of the same thing last Thursday when they stopped the northern liberals of both parties from getting the two-thirds majority needed to close the debate. In principle, anyone who wanted any kind of bill could have voted for cloture and settled its provisions afterwards. But the middle-of-the road alliance between Mr. JOHNSON's followers and those of Senator DIRKSEN, the Republican leader, obviously preferred to hold back their votes until they were sure that the unwanted parts of the bill would be chopped off.

This week the House of Representatives has done what Mr. JOHNSON and Mr. DIRKSEN hoped it would do. On Monday it refused once again to go on record in support of the Supreme Court's ruling in 1954 that racial segregation in the tax-supported schools is unconstitutional; it has also declined to help compliant school boards in the South to end segregation by paying part of the cost. The plan to let the Attorney General go to court on behalf of Negroes in any case involving official discrimination (and not merely as he can now, in cases affecting their right to vote) was rejected by the Senate last week, although Senator DOUGLAS said that to go to court privately costs, on the average, about $19,000. An attempt to reinforce equality of opportunity for Negroes at work has also been defeated.

All that Congress seems likely to pass, apart from the provisions about voting, is a minor clause designed to discourage fanatics from planting bombs and another to provide education for servicemen's children if the schools which they attend shut down rather than admit young Negroes. It may also be made a Federal crime to obstruct a court order by violence or threats. Last Friday, in a particularly neat piece of parliamentary judo, the northern Senators from

industrial States were twisted into the position of voting against this item because it had been extended to include court orders directed at trade unions; but they may yet be able to unravel their principles.

Thus the value of the measure Congress passes this year depends almost entirely on the effectiveness of the plan to help Negroes to vote. It may not be effective at all. The centrist block, which has the last word in both Houses, seems content to adopt some version of the administration's scheme under which Federal courts would be empowered to appoint voting referees. These could register Negro applicants as qualified to vote if it was proved that local registrars had discriminated against them. But Senator HENNINGS, probably the most able lawyer in Congress, suggests that this may be unconstitutional because it requires the court to find that there has been a "pattern or practice" of discrimination; article III of the Constitution seems to prohibit a court from making any judgment beyond that involved in the individual case before it.

The liberals also claim that the administration's plan is unnecessarily complex. Not only, they say, would the Negro have to wait until a court decided that he had been the victim of a pattern of discrimination, and then to show a court-appointed referee that he was entitled to vote; he would also have to wait until the court had, first, given its blessing to the referee's decision and, secondly, ordered the State voting officials to comply with it. At each stage it would be possible for segregationists to delay the matter by appealing. Senator HENNINGS wants to eliminate some of these obstacles by empowering the President to appoint enrollment officers as soon as a single case of discrimination is proved. This would remove the necessity of finding a "pattern"; and the decisions of enrollment officers appointed by the President would not need to be confirmed at each stage by the court. But the middle-of-the-roaders appear to be ignoring his recommendations. The House has stuck to the referee plan and even looks like modifying it to increase the segregationists' opportunities for delay.

It seems clear that the "moderate" position adopted by Senator JOHNSON and his allies in this debate is moderate only in the sense that it stands in the mathematical middle of the rival forces. The failure of Congress—unless it has a last-minute change of heart—to help the courts to end segregation in schools has to be measured against the fact that in the last 4 years the courts have managed to get only 752 Negro children into white schools where there is strong local resistance. The voting provisions have to be judged in the light of the fact that the 1957 act, which was also meant to help Negroes to vote, has enabled the Attorney General to come to their assistance in no more than four cases, only two of which have been brought so far to a successful conclusion. Racial discrimination in the South, enforced by the sporadic terrorization of Negroes, is still almost as strong as ever. Congress hopes that, if the Negroes can be got to the polls in sufficient numbers, other forms of equality will follow in the course of time and need not be insisted on now. But if the voting provision turns out to be ineffective this year's measure will have accomplished virtually nothing.

PROGRESS FOR INDIVIDUAL RIGHTS

Mr. JAVITS. Mr. President, the Senator from Missouri [Mr. HENNINGS], chairman of the Senate Constitutional Rights Subcommittee, was the principal speaker last month at the 40th anniversary dinner meeting, in my home city of New York, of the American Civil Liberties Union. Excerpts from Senator HENNINGS' address have been printed in Civil Liberties in New York, the periodic publication of the New York Civil Liberties Union, volume 8, No. 4, April 1960.

I ask unanimous consent that Senator HENNINGS' address, entitled "The Challenge of the 1960's: Progress for Individual Rights," be printed at this point in the RECORD as a part of my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE CHALLENGE OF THE 1960'S: PROGRESS FOR INDIVIDUAL RIGHTS

(Address by Senator THOMAS C. HENNINGS, JR.)

Tonight, the American Civil Liberties Union celebrates its 40th anniversary—and it is indeed an occasion for celebration. In those 40 years—and particularly during the last 10 years—we have been plagued by what has seemed more than a normal share of demagoguery, sealotry, pseudo superpatriotism and bigotry. But individual liberty has survived, and we still possess the strength and the will to combat the arbitrary exercise of governmental authority.

It would seem also that adversity is not without its rewards. I note that ACLU's membership during the 1950's grew from less than 15,000 to almost 50,000—and if the 1950's gave us trial by committees, character assassination and hysteria, they also gave us the Supreme Court's decision which outlawed racial segregation in the public schools of our land.

Nevertheless, the last decade was a period of serious erosion of civil liberties. I cannot easily forget that in 1955, a group of State employees refused to permit the Bill of Rights to be posted on their bulletin board on the ground that it was a controversial document. And even today, invocation of the fifth amendment has become, in some circles, a shameful act tantamount to the admission of a crime.

Before I leave this note of retrospect, I believe it is appropriate to express a highly deserved accolade for the Supreme Court of the United States and for several of its notable decisions.

COURT DESERVES GRATITUDE

In addition to the decision which ended legal racial segregation in our public schools, the Court deserves the profound gratitude of the Nation and of all of us for its insistence on due process with confrontation and cross-examination of accusers in the loyalty-security cases and in the passport cases; for its condemnation of unreasonable police detention in the Mallory case; and for its reprimand to would-be censors in the Lady Chatterley motion picture case. While civil libertarians have not always been able to agree with the present Court, few courts in our history have struck out so vigorously in behalf of our Bill of Rights.

Our concern here tonight, however, is not with things past, but of the future. What do the 1960's portend for the cause of human liberty?

Essays in prophecy are always fraught with peril. Nevertheless, I will venture that substantial progress will be made during the next 10 years against racial discrimination. I believe that most notable will be a marked improvement in the voting rights of our Negro citizens.

I would not go so far as to suggest that wider exercise of the franchise will come painlessly or easily, or without the stubborn resistance of a group of men who do not believe in equality before the law, who do not believe that there is one class of citizens in this Republic of ours.

ANTI-BIAS LAW SEEN

But I am confident that this session of Congress will produce legislation for successfully attacking racial discrimination in registrars offices and at the ballot box where it counts. And I am equally confident that during the next 10 years, there will be greater political participation by our people, regardless of race, color, creed or national origin, at all levels of government.

I believe also that school integration will continue to move forward and that discrimination in public facilities will be progressively abated.

What needs to be done to accomplish full realization of that great American constitutional requirement for "equal protection of the law?" Experience is a valuable teacher, perhaps the most instructive of all if we listen carefully and are genuinely willing to learn; what are the needs today may disappear or lose much of their urgency in the decade ahead; and new and pressing demands may arise.

Nevertheless, I think it is sound to assume that there are three fundamental areas requiring serious attention. These are: (1) Political participation; (2) public education; and (3) employment opportunities. In the latter field, State committees or commissions against discrimination can be most effective through education, persuasion, and legal action. There is no excuse for racial discrimination in either Federal employment or among beneficiaries of Federal contracts—and the Executive has ample authority and power under the law to eliminate any such discrimination. The power is there and it must be used.

WAYS NEEDED TO END OBSTACLES

But the national legislative body has not only the power but the clear duty to act and act decisively, with a convincing display of national leadership, to oppose racial discrimination in voting and public education. Where experience demonstrates weaknesses in laws and procedures, Congress must provide the strengthening provisions. To this end, we should all be thinking of better methods of dealing with the problems of discrimination; that is, we cannot in good conscience merely continue to seek enactment of legislation once put forth as desirable—we must work to devise ways to overcome all major obstacles.

Unfortunately when one assumes the role of prophecy, it is difficult to bask for long in the sun of optimism. Perhaps the greatest enemy of freedom is fear—fear which burgeons into panic. Such fear dissolves the bonds of a free society; reason gives way to distrust and suspicion; democratic processes disappear in a welter of social and political restrictions.

Only in the last decade we had a taste of such fear, but fortunately our vigorous democratic heritage and our long experience with constitutional Government sustained us. It appears, however, that we have not emerged unscathed.

HITS ACADEMIC LOYALTY OATHS

Loyalty oaths and affidavits disclaiming subversion are still required of scientists and scholars receiving fellowships under the National Science Foundation Act and of students receiving loans under the Defense Education Act. An unsuccessful attempt was made last year in the Senate to repeal the oath and affidavit requirements of the National Defense Education Act. We will try again this year, and we will keep on trying, and someday we're going to win.

I assure you that this is not a tempest in an academic teapot. To date, at least 17 of our most distinguished colleges and universities have withdrawn from the program in protest against the test-oath provision. These withdrawals were not undertaken lightly, and these institutions should be applauded for their courageous insistence on academic freedom.

I believe it significant that three of the schools which have withdrawn—Harvard, Yale, and Princeton—were training American leaders before the Revolution. Four of the schools have graduated Presidents of the United States—nine Presidents in all. I have no doubt that these educational institutions will continue to produce great and loyal Americans—and without benefit of any test oaths.

The most disturbing aspect of these requirements is that they imply that our most intelligent and educated citizens, our greatest potential leaders, are most vulnerable to Communist subversion. What an absurdity. What nonsense. This is hardly an expression of confidence in democratic growth. I have no such doubts as to democracy's vigor and appeal. I am indeed hopeful that we will be able to reassure our colleagues in Congress who set such store by loyalty oaths that our constitutional democracy is in no peril from our eggheads, and that these requirements may be wisely dispensed with.

GOVERNMENT CENSORS OPPOSED

On another front, we encounter the heavy hand of Government censors. The Bureau of Customs and the Post Office Department intercept and censor publications from abroad which they have declared to be foreign propaganda. Such material will not be delivered to the addressee until he agrees not to disseminate it.

We accept censorship during wartime as an emergency expedient, but the present program, begun during the war in Korea, is still with us 7 years later. Congress has never authorized censorship of foreign propaganda—it has required only that such material be identified as to its source—but administrative rulings have frozen this legislation into what is now full-blown censorship.

I congratulate the ACLU for its joint action with Helen McGill Hughes, editor of the American Journal of Sociology, for seeking a judicial determination in the courts. The petty, craven, misguided and in many cases, ignorant postal officials who stand more in fear of the Supreme Court's judgment than anything else, have gotten around it by mooting cases of this kind, by releasing the material whenever legally challenged. If you just stand up to them, they release it. They don't want any final legal determination of the constitutionality of their action.

Such maneuvering negates the legal principle of raising a constitutional issue in our courts, one of the fundamentals of our system of justice. It is time that the Post Office Department stops running away and lets this basic test of the public's access to information be decided.

ADMINISTRATORS ENDANGER RIGHTS

During the 1960's, I believe we must be particularly alert for incursions on civil liberties from administrative sources. Congress has found it increasingly necessary in recent years to invest considerable discretionary authority in Government administrators. In the elaboration of the functions of big government, however, there is a tendency to expand authority beyond that granted by statute and a concurrent tendency to obscure and evade responsibility for administrative action.

Very recently, we have been apprised of the defamation, by charges of subversion, of a great and respected religious organization in the pages of an official manual of the Air Force. The source material on which the charges were based had been neither checked nor verified by the subordinate official declared responsible for the document. In fact, no one in a responsible position appears to have even reviewed the material.

I wonder how many similar documents are floating around in governmental agencies—documents which may have substantial effect on Government policy and adversely affect civil liberties?

There are other problems in preserving the free and relaxed atmosphere of a successfully functioning democracy. Law-enforcement authorities continue to press for freer use of wiretapping and bugging, but if these tools of crime detection are determined to be indispensable to an orderly society, what will be the fate of the free and informal expression of opinion so indispensable to democratic processes?

PRIVACY ESSENTIAL TO FREEDOM

I cannot escape the conviction that a free society can exist only where there is substantial assurance of privacy of thought, speech, and movement for the individual. Over 30 years ago Justice Brandeis observed in his dissent in the Olmstead case, "As a means of espionage, writs of assistance and general warrants are but puny instruments of tyranny and oppression when compared with wiretapping." Continuing in a prophetic mood, he also observed that "the progress of science * * * is not likely to stop with wiretapping * * *. Ways may someday be developed by which the Government * * * will be enabled to expose to a jury the most intimate occurrences of the home."

We are all aware of the fulfillment of Justice Brandeis' prediction. Miniature transmitter microphones can now be unobtrusively concealed in a home or office, and all conversations picked up and recorded at a distant point. In some jurisdictions, law-enforcement officials are permitted to use such devices. Is the use of such devices, which permit the overhearing of every word in a home for months at a time, a reasonable search and seizure?

These are but a sampling of the great challenges to freedom of speech, freedom of association, freedom of the press and freedom of inquiry. The genius of democratic government is that it does not flee from controversies—it provides the means to resolve them. However, there seems to be a growing inclination among American public officials and organizations to avoid controversial problems.

Textbooks in our public schools are increasingly being written in a manner not to provoke lively discussion of the great—and controversial—events which make up our history. Television avoids controversial subjects in its programing because sponsors fear the loss of sales.

WE ARE BEING MOLDED TO CONFORM

We are becoming a Nation of organization men molded into patterns which will conform to accepted norms—that is, conformity must necessarily always be good and always be right. The process of democratic government, however, is not a matter of establishing norms or the finding of permanent solutions. It is rather one of constantly devising means to make new problems manageable.

In the first amendment, we find the guide to representative government and a free and democratic society. Justice Cardozo once described the first amendment as "the matrix, the indispensable condition, of nearly every other form of freedom." It is my belief that the first amendment is far more than a negative prohibition against governmental authority. I believe that it is a positive admonition to Americans urging us to debate, discuss and argue and indeed to disagree; encouraging them to participate in diverse associations; admonishing them to constantly engage in free inquiry. This I believe is the great challenge of the 1960's. If we meet it, we need have little fear for our liberties or for the future of the Republic.

INTEREST-RATE CEILING ON LONG-TERM GOVERNMENT BONDS

Mr. BUTLER. Mr. President, much has been printed and said in recent days relative to the proposal to increase the present 4¼ percent interest rate ceiling on long-term Government bonds, which dates back some 40 years to 1918. Because of the importance attached to that measure, I would like to have printed in the RECORD at this point in my remarks certain observations I have made relative thereto.

There being no objection, the remarks were ordered to be printed in the RECORD as follows:

THE INTEREST RATE

The present 4¼ percent interest rate ceiling on Government bonds dates back some 40 years to 1918 when plans were being made for financing the third Liberty Bond Act of World War I. Since this rate was set with the prevailing state of the money market at the time in mind, it is indeed an anachronism in the vastly changed money market of 1960.

In a recent speech, Dr. Roy L. Reierson, vice president and chief economist of the Bankers Trust Co., pointed out that from the historical viewpoint, present levels of interest are considered high only because for so many years rates were abnormally low. Dr. Reierson said:

"Recently, much attention has been given to the fact that some interest rates have reached levels not seen for the past 25 years or so. This carries the implication that present levels are abnormal. However, historical perspective indicates that this is because the American economy has been through a protracted period of subnormal interest rates. This was initiated by the long depression of the thirties, which forced interest rates to abnormally low levels. These low rates were then adopted as a pattern for financing World War II; interest rates were stabilized by providing the commercial banks with large amounts of reserves that permitted them to add to their holding of Government obligations, thereby expanding the money supply and adding to the inflationary potential in the economy. It was not until March 1951 that the pegging of interest rates, with all its inflationary implications, was brought to an end. And it has taken several years of growth in economic output and rising prices to soak up the excess liquidity in the economy that resulted from these practices."[1]

The following table shows that current interest rates and bond yields are now closer to the levels that prevailed in 1926, a year of high business activity.

[1] Dr. Roy L. Reierson, "The Prospect for Higher Interest Rates," address before the ninth alumni dean's day homecoming, School of Commerce, Accounts and Finance, New York University, Dec. 5, 1959.

Interest rates and bond yields

[Percent]

	1928 annual average [1]	Peak in 1957	Beginning of 1960	Peak in 1959 (September)	Current (Dec. 1)
Discounts (New York Federal Reserve Bank)	4.50	3.50	3.50	4.00	4.00
Commercial paper (4 to 6 months)	4.85	4.125	3.25	[2] 4.875	4.875
Prime commercial loans	4½–5½	4.50	4.00	5.00	5.00
Treasury bills, 3 months	3.97	3.66	2.69	[3] 4.501	4.501
Treasury 9- to 12-month issues		[3] 4.06	3.04	4.96	4.92
Treasury 3- to 5-year issues		[3] 4.04	3.71	4.90	4.85
Long-term Treasury bonds	3.33	[3] 3.76	3.83	4.31	4.20
Corporate bonds, Aa:					
Outstanding (Moody's)	4.71	4.31	4.19	[4] 4.77	4.69
New utility issues	4½–5	5.00	4.44	5.625	5.15
Municipal bonds (bond buyer)	4.04	3.57	3.40	3.81	3.55
VA mortgages		4.50	4.75	5.25	5.25
FHA mortgages (1 to 4 family)		5.25	5.25	5.75	5.75

[1] Figures shown for prime commercial loans are the range of prevailing rates charged borrowers by New York City banks (Federal Reserve). Figures shown for new utility issues are estimated range during year. Treasury issues were partially tax exempt. Yield shown for Treasury bills covers 3- to 6-month Treasury notes and certificates.
[2] High reached in November.
[3] Weekly average.
[4] High reached in October.

When considering these figures, it must be remembered that since interest costs are deductible from income in computing income taxes, the net cost of borrowed funds for the corporation or individual borrower is lower than it was in 1928. On the other hand, individual savers and other investors are receiving a lower net return due to the higher income tax rates that they are now subject to.

In the following table the inverse correlation between the interest rate and unemployment may be seen:

	Rate on prime commercial paper, 4–6 months, per-cent per annum [1]	Unemployment as per-cent of civilian labor force [2]
1929	5.85	3.2
1932	2.73	23.6
1938	0.81	19.0
1953	2.52	2.9
1954	1.58	5.6
1955	2.18	4.4
1956	3.31	4.2
1957	3.81	4.3
1958	2.46	6.8

[1] Economic Report of the President, January 1959, p. 189.
[2] Ibid., p. 158.

These figures demonstrate the fact that high interest rates prevail in times of low unemployment and low interest rates appear in times of high unemployment. In other words, a higher level of interest rates normally accompanies an expanding and growing economy. If interest rates were artificially lowered during a period of expansion by Government action, savings would be discouraged while the demand for funds would be increased. Such a course would only lead to inflation. Inflation accompanied by rising prices has cost small businessmen and individuals of moderate means a great deal more than the interest charges that they have paid at any time in our history.

The demand for funds in 1960 as seen by Dr. Reierson will continue strong. He said:

"Credit demands, excluding the Treasury, are likely to remain high in the aggregate and in some sectors may even mount significantly in 1960. The economic prospects outlined for 1960 imply increasing credit requirements from the business sector of the economy. Despite the large generation of funds from rising profits and depreciation allowances, corporate requirements for outside financing rose sharply in 1959. Although the internal generation of funds will probably rise further next year, corporations will probably need an even larger volume of outside funds to finance increased spending on plant and equipment and larger working capital requirements. The latter will reflect additions to inventories and increases in receivables. The rise in corporate profits is likely to slow down; furthermore, the lag between tax accruals and tax payments, which operate to increase corporate liquidity in 1959, will diminish, so that less funds will become available from this source in 1960. Thus, corporate demands for bank loans and for long-term debt and outside equity capital, which will total some $9 to $10 billion this year, may rise to about $12 billion in 1960.

"Borrowing by State and local governments is likely to be fully as large next year as it was in 1959. This is attested by the continuing large demands for public facilities, by the unusually large volume, for an off-year election, of issues approved in November, and by the fact that, excluding the proposed New York city bond issue, the percentage of issues approved in the November elections was also unusually high. Rising tax rates and higher interest rates do not appear to be important deterrents to a continuing high level of State and local government expenditures and borrowing.

"In the long-term credit area, the residential mortgage sector alone seems likely to register a smaller increase next year. Housing starts have declined recently from the high levels that prevailed during most of the year. The important point, however, is that the smaller rise in mortgage debt in prospect for next year will reflect a decrease in the funds available for mortgage investment, rather than a general weakening of the market for houses. The commercial banks will probably put as much as $3¼ billion into real estate mortgages in 1959; they may cut back importantly in 1960 in order to meet the needs of other borrowers. Savings and loan associations and mutual savings banks, major factors in the real estate mortgage market, are expected to have somewhat smaller amounts available for investment in 1960. These prospects suggest that competition for investment funds will not be lessened as a result of the reduced volume of mortgage financing in 1960.

"Demands for short-term credit, exclusive of Treasury demands, are likely to show an increase in 1960. The larger amount of external financing in prospect for corporations will make for continued active corporate demand for bank loans, especially since the current emphasis upon spending for equipment and for modernization, rather than for large additions to capacity, together with the cost of long-term debt financing, may induce corporate treasurers to use bank credit, where possible, in preference to long-term financing. Also, assuming that the early signs of a good automobile year are confirmed by a continuing high volume of sales, it is reasonable to expect that next year will show another large increase in consumer credit. Individuals are evidencing a strong propensity for going into debt."[3]

In the heated discussions of interest rates it is often incorrectly stated that the level of rates is determined solely by actions of the Federal Reserve, the Treasury, or large financial institutions. This argument overlooks the essential fact that the interest rate is determined by the actions of millions of borrowers and savers, that as is the case with other things traded in a relatively free market, the rate emerges from the interaction of demand for funds and the available supply of funds. The heavy current demand for funds by businessmen, State, and local governments and other borrowers reflects that our economy is expanding and under a free money market the competition for funds will cause the rise in rates as borrowers bid for available funds, which should come from savings.

The late Prof. F. W. Taussig analyzed the interaction of supply and demand for funds and the level of prices in the following excerpt from his book, "Principles of Economics." Professor Taussig was for many years the inspiration of American economic thinking. He belonged to that group of scholars who believed that part of the function of an economist was to apply in the public interest the competence which his study of the subject gave to him. Professor Taussig served for 40 years as editor of the Quarterly Journal of Economics, published by the economics department of Harvard University, a department which he headed. Professor Taussig said:

"The importance of deposits in relation to the supply of money and the level of prices raises a further problem of great intricacy. Since deposits are created by banks when lending, and since the volume of the lending is affected by the rates of interest charged by them, there must be some connection between these rates of interest on the one hand and the supply of money and the price level on the other hand. What is the connection?

"One might expect that the two would be inversely related. Low rates of interest, it would seem, would encourage a large volume of borrowing and hence lead to a plentiful money supply and a high range of prices; high rates of interest on the other hand lead to a small money supply and low prices. Curiously enough the facts seem to show just the reverse. Periods of higher interest rates are usually periods of rising prices, while times of low interest are times of falling prices. So much is a matter of statistical record about which there can be no disagreement. How is this apparent paradox to be resolved?

"The question has been the center of much critical discussion among economists, but has not yet been answered in any way that commands general agreement. It reaches far afield into matters which have no immediate bearing upon the subject of the present chapter. It will be enough at this stage to consider the simpler theoretical aspects and then try to see how the general conclusions can be fitted with experience.

"Other things equal, low rates of interest tend to swell the volume of loans and deposits and to raise prices. Businessmen finance their productive operations largely by borrowing from banks, and they count the interest paid the banks as a cost to be balanced against the profit which production is expected to yield. Given, then, a certain expectation as to what the level of profits will be, the lower is the rate of interest charged by the banks for loans, the larger will be the net profit remaining to businessmen and the stronger the inducement to extend production by the aid of additional borrowed funds. On the other hand,

[3] Reierson, Dr. Roy L., op. cit.

if the rates charged by the banks are high—that is, high relatively to profits—the volume of borrowings tends to be smaller. Borrowing from the banks being so intimately connected with deposits, a rate of interest that is low relatively to profits tends to bring about an increase in the quantity of money and a rise in the level of prices, while a rate that is high causes a shrinkage of the quantity of money and a fall of prices.

"The rates of interest charged by banks are in their turn affected by the movement of prices. Once the quantity of money is expanding and the range of prices moving upward, the fact that businessmen are then securing higher profits tends to cause interest to rise. In times when expectations are high and prospects for gain seem good, all businessmen want more 'capital'; that is, all want the money means that will give them command of more capital goods and more labor. The demand for loans from the banks increases and the rates of interest charged by the banks are drawn upward. Conversely, when prices are falling, interest rates tend also to fall. The prospects of gain then seem poor, and the demand for accommodation from the banks is correspondingly slack. Through it all, it is optimism or pessimism that chiefly counts.

"This sort of connection between interest and prices appears to explain the correspondence between movements of interest and movements of prices. It is the expectations of gain which seem to account for the observed facts. Rising prices, a large volume of deposit money, high interest rates—these go together; likewise do low interest, a small supply of deposit money and falling prices."[4]

An important question might be raised as to who benefits and who suffers from higher interest rates. The stereotype concepts of the debtor as the poor breadwinner and the creditor as the wealthy banker are obviously unrealistic. The banker is not lending his own money, but the money of other people. Who are these "other" people? They are the 87 millions of individuals in our country who have savings accounts; the 24 millions who are members of savings and loan associations; the 11 million members of credit unions; they are the 40 million holders of savings bonds; they are the 19 million participants in pension and retirement funds and they are the 112 million policyholders of life insurance companies.[4] With these facts in mind, the sympathy one hears for the poor debtor might better be directed to the poor creditor who has the most to lose from low interest rates and depreciating money. The proposal to raise the interest ceiling reflects the fact that the administration wishes to protect the savers and is not willing to adopt unsound monetary policies which would destroy the incentive to save which is the very lifeblood of our free enterprise system.

Those critics who see a boon to financial institutions in rising interest rates overlook the fact that a rise in rates will be reflected in the interest paid on savings deposits and long-term deposits. Insurance company policyholders, college endowment funds, hospitals, pension funds, and religious organizations will all benefit from a rise in interest rates although they like all other investors may suffer from a depreciation in the valuation of their bond accounts.

If it were true that banks benefited greatly from a rise in interest rates than it would follow that bank profits would reflect this fact. An examination of the record proves this is not the case. A recent study shows that the average net commercial bank profits for 1950–59 (first half) expressed as a percent of stockholders' equity was 8.3 as compared with 11.3 for all manufacturing; indeed, 18 of the 21 manufacturing groups reported better profit ratios than commercial banks. It is especially significant that bank profits compare unfavorably even with the closely regulated electric utility companies, which had a profit ratio of 10.4 percent.[5]

An important factor in bank net profits is the profit or loss realized when banks sell investment securities which they must do in times of strong demand for funds in order to secure funds to loan to their customers. Since bond prices move inversely with interest rates a rise in the interest rate will mean a decline in the price of bonds.

Shackled by the 4¼-percent ceiling the Treasury is now forced to limit its offerings to maturities of 5 years or less. This is the only area where it can compete for funds and the effects of this policy are serious and far reaching. Since this market is a primary one for most businessmen seeking operating capital, borrowing by the Government will not only cause higher interest rates in this area, but also will make funds scarcer for businessmen seeking short-term financing.

But the greater danger inherent in this policy is the added force given to inflationary pressures. A short-term security is only a few steps away from being money. Commercial banks make up a larger part of the market for short-term Treasury securities and when these banks buy securities, they create new deposits. This results in an increase in the money supply which adds to the inflationary forces. Thus, the present situation forces the Treasury to actively foster inflation. President Eisenhower in a special message to Congress on August 25, 1959, called attention to this. He said:

"Within the next 12 months the Government must morrow $85 billion to cover maturing securities, redemptions, and seasonal cash needs. This Government, with its great financial resources, can normally carry a sizable amount of short-term debt. But it cannot afford to rely exclusively on borrowing that must be continually renewed. Yet, if the Congress insists that we continue to finance wholly with short-term securities, the whole $290 billion debt will grow shorter and shorter. This will make it even harder to handle in the future.

"The vital interests of all Americans are at stake because excessive reliance on short-term financing can have grave consequences for the purchasing power of the dollar. The issuance of a large amount of short-term Treasury debt would have an effect not greatly different from the issuance of new money.

"Because these securities are soon to be paid off, their holders can treat them much like ready cash. Moreover short-term securities are more likely to become lodged in commercial banks. When a commercial bank acquires a million dollars of Government securities, bank deposits rise by a million dollars. This is the same as a million-dollar increase in the money supply. When the money supply builds up too rapidly relative to production, inflation is the result. the piling up of an excessive amount of short-term debt poses a serious threat that may generate both the fear and the fact of future inflation at an unforeseeable time.

"Now, while the Nation is enjoying a period of rapid economic advancement, we want to keep the cost of living steady. And, if we act wisely, we should be able to do so. We must live within our means and we must exercise all the necessary precautions in the use of credit. We have made good progress toward preventing excessive Government spending. But we may fail in our efforts to keep prices from rising if we do not handle our debt in the proper way. This is why the Treasury must have the capacity to finance the Government's requirements in free credit markets without artificial restrictions."[6]

The interest on the public debt accounts for approximately 10.4 percent of the total Federal budget, which is indeed a sizable item.[7] However, since 89.5 percent of Government expenditures are for goods and services then to the extent that flexible monetary policy and fluctuating interest rates help to hold down their prices, the gain to the Treasury far offsets the added expense of an increased interest rate.

The problems confronting the Treasury in 1960 were pointed out by Dr. Reierson. He said:

"In 1960, as in 1959, the Treasury faces the problem of trying to avoid a progressive shortening of the maturity on the outstanding debt due to the operation of the calendar. In 1959, outstanding marketable issues with maturities of 1 year or less rose from $73 billion at the beginning of the year to an estimated $80 billion at the end of the year, a record high. During 1960, an additional $20 billion of marketable securities outstanding will move into the 1-year range.

"There are no exact standards for determining the appropriate volume of short-term Government obligations that should be outstanding. The needs of the economy for liquid assets—met in part by short-term Treasury obligations—are substantial. Nevertheless, a large increase in short-term Treasury debt in a period of business expansion contributes to economic instability—it adds to the liquidity of the economy, it poses problems for the Federal Reserve in the administration of credit policy, and it confronts the Treasury with the problem of frequent recourse to the financial markets. If the Treasury were to rely exclusively upon the sale of marketable securities with a maturity of 1 year or less during 1960, these maturities would total $100 billion or more by the end of the year. Judged by any reasonable criterion, the amount of short-term Treasury debt would become dangerously excessive if the Treasury were to rely exclusively upon the use of short-term obligations. The Treasury has no alternative but to press the sale of longer maturities, consistently and vigorously, by offering coupon rates high enough to attract buyers.

"The 4¼-percent ceiling on new bond issues effectively limits Treasury offerings to maturities of 5 years or less, as long as bond yields are at present or higher levels. The necessity of staying within a 5-year maturity on new offerings will create problems for the not-too-distant future by concentrating a large and growing portion of the Treasury debt in fairly near-term maturities. Thus, if the Treasury is unable to issue securities with maturities of longer than 5 years, the percentage of the marketable debt within the 5-year maturity range will increase from about 75 percent at the end of 1959 to about 79 percent by the end of next year."[8]

Monetary and fiscal policy are indispensable instruments in our attempts to protect the value of the dollar. Inflation works its greatest hardships on people of modest means whose savings are primarily in savings accounts, savings bonds, insurance policies, and other types of fixed-income assets. The ravages of inflation as seen in the post-war period have bitterly illustrated the folly of cheap-money policies and unsound fiscal thinking.

[3] Taussig, F. W., "Principles of Economics," vol. I, fourth edition, Macmillan Co., 1939, pp. 408, 409.
[4] First National City Bank Monthly Letter, Business and Economic Conditions, New York, December 1959, p. 140.
[5] "A Banker Discusses Inflation, Credit Control, Interest Rates," the American Bankers Association, committee for economic growth without inflation, 1959, p. 27.
[6] CONGRESSIONAL RECORD, Aug. 26, 1959, vol. 105, pt. 13, p. 17034.
[7] The President's budget message for 1960, p M25.
[8] Reierson, Dr. Roy L., op. cit.

Debt management, too, is an important factor in determining the strength or weakness of the dollar in the world economy, and the fact that the Treasury has been compelled to do its financing with short-term maturities, thereby enhancing the volume of liquid assets, has not escaped the notice of foreign observers. President Eisenhower indicated the importance of this when he said:

"The need for sound debt management stems not only from domestic considerations. Foreign investors have substantial holdings of our securities, as well as other claims on this Nation. With so large a financial stake in our economy, these foreign central banks and other foreign investors have a very practical interest in the manner in which we handle our affairs. It is essential that they, too, continue to view the American dollar as a strong and stable currency. In a free market economy, confidence is not the simple result of legislation. It is earned by adherence to sound practices."[*]

By removing the interest-rate ceiling on long-term Treasury bonds, the Congress would clearly demonstrate its willingness to maintain fiscal and monetary discipline. Such action would be consistent with the requirements of sustainable economic growth that promotes maximum job opportunities and real earnings. It would also encourage the process of saving which underlies the growth of this or any other country. It would clearly demonstrate to the world that we are determined to preserve our financial integrity and to protect our currency.

During the 1st session of the 86th Congress, opponents of the President's program charged that high interest rates hurt small business. Any business, whether it is small or large, must primarily rely on equity capital for its expansion rather than in an unbalanced increase in its debt structure which could only lead to financial instability for the borrower as well as for the economy as a whole. Our real answer to aid the small businessman lies in Government economy and a complete reform of our tax structure so as to encourage incentives for work and thrift.

LEAVE OF ABSENCE

Mr. HICKENLOOPER. Mr. President, I ask unanimous consent that I may be excused from attendance at the sessions of the Senate until tomorrow afternoon.

The PRESIDING OFFICER. Without objection, leave is granted.

The PRESIDING OFFICER (Mr. JORDAN in the chair). Is there further morning business?

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CIVIL RIGHTS ACT OF 1960

The PRESIDING OFFICER. Is there further morning business. If not, morning business is closed. The Chair lays before the Senate the unfinished business which is H.R. 8601.

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. ERVIN. Mr. President, I have certain amendments which I ask unanimous consent to have called up en bloc and voted on en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. I also ask unanimous consent that the following Senators be shown as cosponsors of these amendments:

The Senators from Alabama [Mr. HILL and Mr. SPARKMAN]. The Senators from Arkansas [Mr. MCCLELLAN and Mr. FULBRIGHT]. The Senators from Florida [Mr. HOLLAND and Mr. SMATHERS]. The Senators from Georgia [Mr. RUSSELL and Mr. TALMADGE]. The Senators from Louisiana [Mr. ELLENDER and Mr. LONG]. The Senators from Mississippi [Mr. EASTLAND and Mr. STENNIS]. My colleague from North Carolina [Mr. JORDAN]. The Senators from South Carolina [Mr. JOHNSTON and Mr. THURMOND]. The Senators from Virginia [Mr. BYRD and Mr. ROBERTSON].

The first of these amendments is designated "3-30-60—I." I ask unanimous consent that I may read the amendments and that such reading may be deemed equivalent to the statement of the amendments by the clerk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. The first amendment reads as follows: On page 20, line 18, strike out "(a)".

On page 20, line 18, strike out the semicolon and insert a period.

On page 20, beginning on line 18, strike out "and the words 'qualified under State law' shall mean qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have violated subsection (a) in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist."

I expect to explain each of the amendments immediately after I read it.

The amendment I have just read is designed to strike from the bill a provision which is without parallel in the history of Congress. I have read to the Senate the provision in the legal "gobbledygook" in which it is couched. I shall explain very briefly what that "gobbledygook" means when put into plain, simple English. It says in effect that in determining whether a voter of the race covered by the alleged pattern or practice is qualified to vote under State law, the Federal court or the voting referee, as the case may be, shall be governed by the laws, customs, or usages of the State, subject to the remainder of the provision, which stipulates, in substance, that such laws, customs, or usages of the State shall not, in any event, "imply qualifications more stringent than those used by the persons found in the proceeding to have violated subsection (a) in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist."

Under the scheme of government which we have in America, the laws of a State are the laws enacted by the legislature of the State. Yet the provision which I have just read provides that if a State election official has violated the election laws enacted by the State legislature, the standards set up by the election official in violating the laws enacted by the State legislature shall become the laws of the State. In other words, the proposal, which is made for the first time in American history, undertakes to say that the laws enacted by a State legislature are amended by the criminal acts of a State election official.

Mr. TALMADGE. Mr. President, will the Senator yield at that point?

Mr. ERVIN. I am glad to yield to the able and distinguished junior Senator from Georgia.

Mr. TALMADGE. Would it not be a proper construction of the section of the bill which the Senator from North Carolina is reading that, if some registrar mistakenly registered a felon, under the terms of the act all felons would have to be registered?

Mr. ERVIN. Provided that the other unregistered convicted felons are members of the race covered by the supposed pattern or practice. For example, under this provision, if a State election official in North Carolina had registered a white man who was a convicted felon, in violation of the law of North Carolina which prohibits such an act, then when the Federal court or Federal voting referee undertook to act in his voting district, the Federal court or Federal voting referee would be compelled under the terms of the bill, to register all convicted felons who happened to be members of the Negro race.

Mr. TALMADGE. Under the same provision from which the Senator has read, would it not be true that, if a registrar mistakenly registered a 6-month-old white child, all 6-month-old Negro children would have to be registered?

Mr. ERVIN. If the Federal judge or the Federal voting referee came to the conclusion that a pattern or practice had been established that would be absolutely true.

Mr. TALMADGE. The Senator from North Carolina is a keen student of history and an able legal scholar. Has he ever heard of a similar provision of law at any time, in any country, from the dawn of history to the present time?

Mr. ERVIN. I have never heard of any similar proposal being made.

Mr. TALMADGE. Would it not be as absurd to pass a law providing that anyone who commits murder shall be executed, but that, if a jury believed one person accused of murder should go free, then all murderers, therefore, should go free?

Mr. ERVIN. It is the same logic. If this provision had not been put in a so-called civil rights bill, there would not be a Member of the Senate or House of Representatives who would be willing to be caught with it in his coat pocket down at the bottom of a coal mine, at 12 o'clock midnight, during a total eclipse of the moon, while the United Mine Workers of America were out on strike.

Mr. TALMADGE. I wholeheartedly agree with the Senator. If it were not in a civil rights bill, no Member of the Senate would vote for it.

Mr. ERVIN. That is correct; and everyone of them would denounce it, just as the Senator from Georgia and I are denouncing it this morning.

Mr. TALMADGE. I thank the able Senator. I share his view.

Mr. ERVIN. Mr. President, let us suppose this case: A State election officer violates the election laws enacted by the legislature of his State in registering voters of the race not covered by the practice or pattern.

He is prosecuted in the State court as a criminal for the violation, and is convicted and sentenced to the State penitentiary for his crime. Notwithstanding that fact, under the provision of the bill in question, which I seek to strike out by my first amendment, the violation of the law enacted by the State legislature by the man who is serving a sentence in the State penitentiary for such violation would automatically amend the State law enacted by the State legislature to conform to the standard set by the criminal act, and the Federal court or the Federal voting referee, as the case might be, in administering the measure now proposed, would have to follow the standard set by the criminal act, of the offending State election official, provided such standard is less stringent than the election law enacted by the legislature of the State.

If this were not a serious matter, this provision would constitute the most ludicrous use of the English language since the days when Bill Nye and Artemus Ward wrote humorous articles for the amusement of the American people. But this is too tragic a situation for us to see humor in it.

When all is said, Congress is asked to decree by this language that when a State election official violates a law enacted by the State legislature, his criminal act supersedes the State law and controls the Federal court or the Federal voting referee, provided the criminal act does not impose qualifications more stringent than those imposed by the State legislature.

Mr. President, I call up my amendment designated "3-31-60—G," which reads as follows: On page 16, lines 3 and 4, it is proposed to strike out these words: "for 1 year and thereafter."

By this amendment I propose to strike out the language of the bill which provides that where a Federal district court has found a practice or a pattern of discrimination, the Federal district court or the Federal voting referee, as the case may be, shall be empowered thereafter, without any further finding of discrimination, to assume supremacy in passing upon the qualifications of those who are to vote in all elections, including State and local elections.

The bill is strange in that it creates a conclusive presumption which prohibits the State from challenging the existence of racial discrimination from the time of the rendition of the decree adjudging a pattern or a practice to exist, until such time as the Federal court may adjudge that the pattern or practice of discrimination has ceased: The conclusive presumption even forbids the Federal court to consider the question whether the pattern or practice of discrimination has ceased until at least 1 year has passed.

As I stated the other day on the floor of the Senate in a colloquy with the distinguished senior Senator from South Carolina [Mr. JOHNSTON], this provision will nail the courthouse door shut against the truth for at least 1 year after a finding that a pattern or a practice of discrimination exists. If this provision were enacted, it would mean that even though 1 minute after the finding of a pattern or practice of discrimination was made, the State should discharge the offending State election official who had practiced the discrimination, and should replace him with a new State election official, who would not discriminate against anybody under any circumstances; and even though from that time on all discrimination should cease, nevertheless the Federal Government, acting through the Federal judge or the Federal voting referee, as the case might be, would exercise the power to make a final determination of the qualifications of persons to vote in State elections, notwithstanding the fact that under the 15th amendment the Federal Government has no power whatever in this field unless there is discrimination on the basis of race or color, and notwithstanding that all discrimination on that basis had ceased in the voting precinct involved.

Mr. President, it is bad enough to represent justice by the figure of a blindfolded maiden. But it is worse when the Congress of the United States is asked to enact into law a provision which would make justice totally deaf to truth for at least 1 year. Yet that is precisely what the section which I seek to strike out of the bill, by means of this amendment, would do.

Mr. President, it is a good thing that the American people have a written Constitution, and it is also a good thing that in that written Constitution there are clauses which are known as the due process clause of the 14th amendment and the due process clause of the 5th amendment. On many occasions the courts have held, under the due process clause, that a conclusive presumption is null and void. It has been held that when a State undertakes to create by State statute a conclusive presumption, the State statute is void under the due process clause of the 14th amendment. It is undoubtedly true that when the Congress of the United States undertakes by one of its acts to create a conclusive presumption, that act conflicts with the due process clause of the fifth amendment, and is, for that reason, void.

So I confidently predict, Mr. President, that if the Constitution of the United States has not been totally destroyed by judicial erosion, the courts will adjudge the conclusive presumption which deafens the ears of justice to the truth for at least 1 year null and void because of its conflict with the due process clause of the fifth amendment.

In this connection I wish to read, from the case of *Manley* v. *Georgia* (279 U.S.), at pages 5 and 6, a brief statement concerning an act of the Legislature of the State of Georgia which undertook to create a presumption:

> State legislation declaring that proof of one fact or a group of facts shall constitute prima facie evidence of the main or ultimate fact in issue is valid if there is a rational connection between what is proved and what is to be inferred. If the presumption is not unreasonable and is not made conclusive of the rights of the person against whom raised, it does not constitute a denial of due process of law (*Mobile, J. & K.C. R.R.* v. *Turnipseed* (219 U.S. 35, 43)). A prima facie presumption casts upon the person against whom it is applied the duty of going forward with his evidence on the particular point to which the presumption relates. A statute creating a presumption that is arbitrary or that operates to deny a fair opportunity to repel it violates the due process clause of the 14th amendment (*Bailey* v. *Alabama* (219 U.S. 219, 233, et seq.)).

Mr. President, the principle announced by that decision applies with equal force to an act of Congress which creates an arbitrary presumption or operates to deny a fair opportunity to repel it, and renders such a presumption void under the due-process clause of the 5th amendment.

Mr. President, I now read my third amendment: On page 19, in lines 5 to 7, strike out:

> The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

The provision which I seek to strike out, by means of this amendment, is another provision which shows how much regard the proponents of civil rights bills have for fundamental legal and constitutional principles. When put into plain English the clause which I seek to strike out of the bill by this amendment, amounts to this: The bill directs the Federal voting referee to reduce to writing the testimony of the applicant relating to his literacy and understanding of other subjects, where they are required by State law as a condition precedent to the right to vote. Then the bill provides that the testimony of the applicant concerning these matters, which is taken in an ex parte hearing, in the absence of the State authorities, shall constitute the only evidence to be considered in determining the applicant's possession of qualifications of this nature. Mr. President, that is one of the crucial questions which confronts an applicant to vote. Yet in this bill it is stated that the evidence of the applicant on that point is to be taken in an ex parte hearing, in the absence of the adversary party, and that that evidence—taken under those suspicious circumstances—shall be the only evidence which the voting referee or the court shall consider in passing upon one of the most crucial questions which arises in the voting field.

As I suggested the other day, these provisions of the bill would be on a par

[*] CONGRESSIONAL RECORD, Aug. 26, 1959, vol. 105, pt. 13, p. 17034.

with a hypothetical act of Congress governing the trial of libel suits in the District of Columbia, where Congress has plenary legislative authority. Just suppose the Congress were to pass a law which provided that whenever a plaintiff sued a newspaper in the District of Columbia for libel, the testimony of the plaintiff should be taken by the court in an ex parte proceeding in the absence of representatives of the newspaper and in the absence of counsel for the newspaper, and that the testimony of the plaintiff, taken under those circumstances, should be the only evidence the court could consider in determining whether the alleged libel were true or false.

Yet that is precisely what this bill provides in respect to State election officials.

The strange thing about it is that newspapers advocate the passage of this bill, to be applied to State election officials. I wonder what they would say if a similar bill should be passed by Congress, or proposed by any Member of Congress, to apply to newspapers.

Mr. HILL. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I yield for a question.

Mr. HILL. The Senator has anticipated my question. I wanted to ask the Senator if he thought one single newspaper, one single magazine, one single publication of any kind, would favor a bill which would apply to them the same rule they are supporting now in the bill before the Senate.

Mr. ERVIN. They certainly would not permit their ox to be gored by any such perversion of the judicial process. I say to them I would stand on the Senate floor and fight to keep such a perversion of the judicial process from being inflicted upon a newspaper, or any individual, or any organization whatsoever.

We must thank the good Lord once more for the fact that we have a written Constitution, and that it requires the Congress of the United States to observe the requirements of due process of law when it undertakes to exercise the legislative power of the Federal Government.

The provision which I seek to strike by this amendment says, in effect, that the court will hear the evidence of the applicant, in secret; that the evidence of the applicant will be reduced to writing; and that the written memorial of the applicant's evidence will be the only evidence that can be considered in determining one of the most crucial questions presented for decision.

Mr. President, I am glad that our legal systems, both Federal and State, are based on the principles embodied in the concept of due process of law.

I read the following statement of the law from 12 American Jurisprudence, "Constitutional Law," section 621, pages 313 and 314:

> The right under the due-process clause to a full hearing includes the right on the part of the party whose rights are sought to be affected to introduce evidence and have judicial findings based on it.

I reiterate, at this point, that the provision which I seek to strike by this amendment will have to be adjudged unconstitutional as a violation of the due-process clause of the fifth amendment, if the Constitution ordained by the Founding Fathers has not been entirely destroyed by judicial erosion.

Mr. President, I call up my amendment designated as "3–31–60—E," which reads as follows: On page 18, lines 24 and 25, and page 19, lines 1 and 2, strike out these words: "or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with the procedures prescribed by the court."

The pending bill provides that where the application is passed on by a voting referee, rather than by a judge, the voting referee shall do these things: First, he shall take the testimony of the applicant in an ex parte proceeding, which means in the absence of the other party. Second, he shall make a finding, and embody that finding in his report, as to the right of the applicant to vote.

The bill provides that, after this has been done by the voting referee, the Attorney General of the United States causes a notice to show cause, accompanied by a copy of the referee's report, to be served upon the attorney general of the State and the appropriate State election officer.

The bill then provides that the attorney general of the State or the appropriate State election official can file exceptions to the report of the voting referee, pointing out that the report of the voting referee is erroneous either in fact or in law, and ask the judge to reverse the ruling of the voting referee for that reason.

The provision which I seek to strike out by this amendment says that instead of passing on the exceptions to the report of the voting referee himself, the judge may send the exceptions, challenging the report, back to the voting referee, himself, for decision.

Mr. President, a provision of that kind is absolutely incompatible with any system of justice worthy of the name.

Mr. HILL. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I am glad to yield for a question.

Mr. HILL. Is it not true also that there is nothing in the bill which prescribes that the referee shall be a lawyer, and there is nothing in the bill which would lead us to have any assurance or any knowledge that the referee will be a lawyer, or have any background or experience in or knowledge of the law? Yet the matter is to be sent back to him to determine not only a question of fact, but a question of law as well. Is that correct?

Mr. ERVIN. That is correct. The only way the State official or State attorney general would have to get any relief would be to convince the voting referee that the voting referee did not know what he was doing when he acted in the first place. I do not believe we can find many human beings who are willing to make that kind of adjudication. I should not like to be compelled to seek justice before a court when I can obtain justice only by persuading the court that it did not know what it was doing in the first place when it decided the case against me originally.

Mr. President, I now call up the amendment designated "30–30–60—H," which reads as follows: On page 20, lines 3 and 4, strike out "or such other person as it may designate".

Mr. President, in order for us to understand what this amendment seeks to accomplish it is necessary for me to read the entire sentence which appears in lines 2 to 6 on page 20 of the bill.

The sentence reads:

> The court make take any other action and may authorize such referee or such other person as it may designate to take any other action, appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees.

Mr. President, the proponents of this bill have bragged that, unlike some of the earlier bills relating to the voting field, it did not provide for the appointment of "carpet baggers" to go into the States to carry out the provisions of the bill. Yet that is precisely what the provision of the bill, which the amendment seeks to strike, authorizes. The bill says that the court may appoint such other person as it may designate to take any other action to carry out the provisions of the subsection. The bill authorizes the judge to appoint anybody, anywhere on the face of the earth, without any qualifications whatever, to carry out the provisions in the bill in some manner not stated in the bill. The bill specifies what the judge is to do. The bill specifies what the voting referee is to do. But there is nothing in the bill to specify what this other person shall do. It is left to this person's determination to take such other action, unspecified, subject to no review and subject to no contest by the State officials, as he may please to take to carry out the provisions of the bill.

Mr. President, I come now to the last amendment, which I offer at this time, the amendment designated "3–31–60—I." It reads as follows: On page 17, lines 19 and 20, strike out the words "In a proceeding before a voting referee, the applicant shall be heard ex parte" and insert the following in lieu thereof: "The proceeding before the voting referee shall be conducted according to the provisions of rule 53 of The Rules of Civil Procedure for the United States District Courts."

On page 19, line 14, strike out "(c)".

This amendment refers to the provisions of the bill formerly covered by the Kefauver amendment, which are now covered by the Carroll amendment. The Carroll amendment provides that the taking of the testimony of the applicant by the voting referee shall be ex parte, which, as I have stated before, means in the absence of the adverse party without the adverse party having an opportunity to be heard, without the adverse party having any opportunity to cross-examine the applicant, and without the adverse party having an opportunity to present evidence to contradict the applicant.

I know my able and distinguished friend the junior Senator from New York said that the object of the original bill in these respects was to make it certain that there would be no controversy in lawsuits under the bill.

I am not familiar with the practice of law in New York State or in any other State except North Carolina, but I can affirm that never have there been any noncontroversial lawsuits in North Carolina. I think the character of the lawsuits in North Carolina can be illustrated by the old story about two neighbors, who owned adjoining farms, and who fell out about their boundary line. One of them threatened to take the other to court about the matter if the neighbor did not concede the boundary line was where he said. The would-be plaintiff said to his neighbor, "If you do not concede that the boundary line between your farm and mine runs where I say it runs, I am going to sue you in the superior court." The prospective defendant said, "That's all right; I'll be there when the case is tried." Then the would-be plaintiff said to his neighbor, "If I don't win the case in the superior court, I will appeal it to the Supreme Court of North Carolina." The neighbor then said, "That will be all right; I'll be there when the appeal is heard." Then the would-be plaintiff said, "And if I don't win that case in the Supreme Court of North Carolina, I will appeal it up to the Supreme Court of the United States." His neighbor said, "That will be all right; I'll be there when that appeal is heard, too." Then the would-be plaintiff said, "And if I don't win the case in the Supreme Court of the United States, I'll simply take it right straight to hell." His neighbor said, "I'll not be there, but my lawyer will." [Laughter.]

That is the kind of feelings we get in lawsuits. I cannot imagine having a noncontroversial lawsuit. I think when we have a lawsuit everybody has a right to present his contentions. That is what the due-process clause says.

This is a peculiar bill, Mr. President. The longer it pends before the Senate and the more I study it, the more peculiar I find it to be. There is a provision in the bill that the voting referee shall have all the powers granted to masters in a certain subsection of rule 53; that is, subsection (c). It is very significant, however, that the bill does not provide that the voting referee shall be subject to the duties which the master is subject to under the other subsections of rule 53.

Mr. President, my amendment simply proposes that the voting referee shall have the powers and be subject to the duties of masters under all the provisions of rule 53. Under it, the voting referee would have to give notice to the adversary party as to the time and place of a hearing, and afford him an opportunity to be heard. The amendment provides, in short, that the proceeding before the voting referee shall conform to the due process clause of the fifth amendment.

Mr. President, I have presented these amendments and have asked that they be considered and voted on en bloc by a voice vote. They are serious amendments. This is a serious bill. I say in all sincerity and in all solemnity that these amendments should be agreed to if we are going to conform the bill to the provisions of the Constitution. Let Congress not make a mockery of the due process clause of the fifth amendment of the Constitution, while professing to enforce the 15th amendment.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. ERVIN. I am glad to yield to the able and distinguished senior Senator from Georgia.

Mr. RUSSELL. Mr. President, I wish to commend the distinguished Senator from North Carolina for the very fine legal argument he has made in presenting these amendments. The Senator is a great lawyer. He is a great constitutional lawyer.

I know of no Member of the Senate who has wasted more pearls of wisdom by casting them upon the floor of the Senate than has the Senator in this discussion. I will not use the language of the Biblical allegory in this connection. However, the Senator has certainly gone to great pains to point out in detail some of the provisions of this bill that cannot possibly be reconciled with any reasonable construction of the Constitution of the United States.

I think he has rendered a real service to the Nation by placing these amendments in the RECORD and discussing them. I hope he has asked to have his amendment printed in the RECORD, where they will accompany the very fine exposition he has made.

We are dealing with this subject under very difficult circumstances. As the Senator well knows, we are dealing with a situation in which many Members of the Senate seem to think that the due process provisions of the Constitution and the assurances of equal protection of the laws, as applied to an election official in a southern State, mean that due process and equal protection are limited to accepting service of legal proceedings brought against him. After the election official has been served by the U.S. marshal, he has very few further rights in anything pertaining to litigation in this field.

We had before us the so-called Kefauver amendment, which provided that the election official could come into the room where the proceedings were held, but a gag was placed over his mouth. He could not open his mouth or present his views to the referee; but the Kefauver amendment would at least have gotten him inside the door of a public office where his rights were being adjudicated by the referee. That amendment said that he could have a pencil and could transcribe the proceedings, though he could not make any comment. He would be gagged completely. He could not even ask a question. He was not given the right of confrontation.

But that was too much due process. That was too much equal protection of the laws, even to let him inside the room, gagged as he was, with a pencil to enable him to take down a record of the proceedings against him. So the so-called Kefauver amendment was stricken out.

Then, to afford the election official or registrar due process and equal protection of the laws, it was said that his full measure of due process and equal protection was to let him go to the Federal courthouse and find out where the proceedings against him were to be held. Of course, there is no assurance that he could get inside the door. The proceedings are to be conducted ex parte. But his full measure of due process is to be able to find out where his rights and his duties as a public official are to be adjudicated. There is no assurance whatever that he could get in. He is not to be permitted to ask questions. He is not to be permitted to confront the witnesses against him. He is not even to be permitted to take notes of the proceedings.

So his due process and his equal protection of the laws, if he were a white man living in a southern State undertaking to serve the people of his community in his humble capacity as a registrar, would mean that he would be denied even the right to be a spectator.

I am sure that, under this concept of "due process" and "equal protection of the laws" which now prevails, the Senator from North Carolina does not expect the true concept of what constitutes due process and equal protection of laws for one citizen to compare with the special privileges and extra immunities granted to other citizens. Therefore, his amendments, being based upon the Constitution, have very little chance of being adopted.

Nevertheless, the Senator has rendered a great public service in presenting the amendments, and pointing out the vices, inequities, and unconstitutional features of the proposed legislation.

I believe it was Thomas Jefferson who said that it was a good thing to have a written constitution. He said that oftimes men might deviate from it, they might depart from it, they might violate it; but so long as that written constitution was in existence, men of good will could point to it, and eventually they could rally the people back to the Constitution. The Senator from North Carolina is rendering a great public service in pointing out the inequities and denials of due process, denials of equal protection of the laws in this proposed bill, as applied to election officials in southern States. We may hope that after the present hysteria has passed and after the election is held in November, perhaps an atmosphere of reason will prevail and we may then be able to entice more of our colleagues back to the Constitution.

Again I congratulate the Senator from North Carolina.

Mr. ERVIN. Mr. President, I wish to express to the able and distinguished senior Senator from Georgia my deep appreciation of his gracious and far too generous remarks concerning myself. I appreciate them, especially since they come from the Senator from Georgia, who has been fighting for years to preserve constitutional government in America. That is what I am trying to do in presenting these amendments on behalf of myself and my cosponsors.

In times past one of the great Members of the U.S. Senate was Daniel Webster. I am sure that if Daniel Webster

is looking down on the Senate today from the battlements of heaven he must be weeping to see what scant attention the Senate, which he adorned, pays to such fundamental principles as due process of law as portrayed in this bill.

It was Daniel Webster who said, in the great Dartmouth College case, that due process of law is a law which proceeds upon inquiry and renders judgment only after notice and a hearing. What Daniel Webster said constituted due process of law would be ignored by the Senate if the pending bill were passed. The only way any vestige of due process of law can be observed in the bill is to incorporate in it the modest amendments to which I have been addressing myself.

Mr. President, I yield the floor.

Mr. HILL. Mr. President, the distinguished and able Senator from North Carolina is not only one of the greatest lawyers in this body, but one of the greatest lawyers in the United States. He has clearly and eloquently explained the inequities and vices in the provisions of the bill. There is nothing I can add, except, as the Senator from Georgia has done, to express our deep appreciation to the Senator from North Carolina for offering these amendments for himself and his colleagues who join with him in this battle. He has rendered a great service in this debate, in pointing out the many inequities in the bill, and showing in how many places the bill flies into the very teeth of the Constitution of the United States; how the bill would, by a statutory enactment, wipe out the bedrock which is written into the Constitution of the United States; namely, the due-process clause.

The due-process clause has come down to us through the blood, sweat, tears, and sacrifices of human lives of the Anglo-Saxon people, beginning with the great battle for Magna Carta back in 1215. We know the story of Magna Carta, the Petition of Rights, the Bill of Rights, our own Constitution, our own Bill of Rights.

The Senator from North Carolina has stood here today as a great defender of the Constitution of the United States. I salute him and thank him and tell him how proud I am to have him here as the author of these amendments, and as the great champion of the Constitution.

Mr. ERVIN. I thank my good friend from Alabama for his most gracious remarks. He has had a distinguished public career. Throughout that public career he has fought to preserve for all Americans of all generations the basic principles upon which our Government and our legal system rest.

Mr. HILL. I thank the distinguished Senator. Praise from the Senator from North Carolina is praise indeed. What I have said about the Senator from North Carolina came from the depth of my heart. He cannot be paid too great a tribute for the wonderful service he has rendered in the debate, not only to those of us who join with him in the fight, but also to our country and to the cause of constitutional government.

As we know, title VI, to which the amendments offered by the Senator from North Carolina would apply, would authorize the Federal district court to appoint voting referees upon a finding that under color of law, or by State action, any person or persons have been deprived of the right to vote on account of race or color, and that such deprivation was or is pursuant to a pattern or practice.

These court-appointed referees would receive applications from any person who claimed that he had been deprived of the right to register or otherwise qualify to vote in any election; then the referee would take evidence and would report to the court his findings as to whether the applicant was qualified to vote in any election and had been deprived of the opportunity to register or otherwise to qualify to vote or had been found by State election officials not qualified.

The court would then review the referee's report and findings. The whole tenor and intent and purpose of the bill is that the court would approve the finding of the referee.

As has been so well brought out by the distinguished Senator from North Carolina and other Senators during the debate, there is absolutely no provision for notice or for hearing by the court.

In other words, the State registration official or officials who are charged for some reason with not having registered a person as they should have done, would have no notice, no opportunity to be heard, no opportunity to present any evidence, no opportunity to confront any witnesses, no opportunity to file any complaints or protests, no opportunity to examine any witnesses, no opportunity to make any presentation to the court, no opportunity to exercise any of those rights which are guaranteed under the fifth amendment of the Constitution by the due-process clause in that amendment. In other words, we have before us a bill which would deny all those rights, all those legal remedies, all those legal redresses, provided in all our cases under our Anglo-Saxon jurisprudence. The proceeding would be entirely an ex parte proceeding.

Once the findings were accepted, the court would issue a supplementary decree naming which person or persons named in the report were qualified and were entitled to vote.

Pursuant to the decree, the Attorney General of the United States would then transmit to the appropriate election officials of the State certified copies of the original decree appointing the referees, and any supplementary decrees.

In the event the election officials refused, for any reason, after having received the notice from the Attorney General of the United States, to permit the named persons to vote or to have their vote counted, such officials could be proceeded against for contempt under other provisions of the Civil Rights Act.

Senators will remember that the act authorizes a district court to try for criminal contempt any such person without a jury, so long as the punishment imposed does not exceed imprisonment for 45 days or a fine of $300.

In addition, the district court may require the referee to issue to any person named in the court's decrees a certificate identifying the holder as a person qualified to vote.

Not only could a district court be used in this way, but the court would also be authorized to give the miscalled referees—actually, they are nothing but Federal police officers—the right to be present at the polling places and to oversee the counting of the votes and to report back to the court the results of their supervision of State officials in the discharge of their duties.

The bill goes further, and would arm the miscalled referees with the powers of a Federal master, as defined by rule 53 (c) of the Federal Rules of Civil Procedure. We know that under that rule, when the court appoints a Federal master, the Federal master makes his report and his findings, and those findings carry an overwhelming weight as to the correctness of the finding. Unless they are clearly wrong on their face, the court accepts the findings of the Federal master.

I should like to call particular attention to the use of the language in the proposal of "any elections." That would make the statute applicable to all elections, all primary elections, all general elections, all State elections, all local elections, all national elections, of every kind, sort, and description. While such a proposal is more far reaching than the Federal election law which was passed as a part of the Reconstruction Act of 1871, the principle is the same. It is the usurpation of a State function by the Federal Government.

I might say that in one of my earlier addresses on the pending bill I devoted some time to the Reconstruction Act of 1871, and to what we know as Davenportism, which grew out of that act, as well as to the many abuses and many miscarriages of justice and fraud and corruption that were brought about by that act. Yet the bill before us goes much further than did the 1871 act, because that act applied only to Federal elections, whereas the bill before us applies to all elections, national, State, and local alike.

As I have said, it embodies the principle of the usurpation of a State function by the Federal Government. I have spoken many hours on the floor, I have spoken many weeks on the floor, I have spoken many days on the floor, in opposition to the bill, in trying to do my part in fighting the bill. Yet no one could sit on the floor and hear the address of the distinguished Senator from North Carolina as he discussed his proposed amendments now pending before the Senate, showing the abuses, the vices, the iniquities, and the unconstitutionality of the bill, without realizing how this bill is a challenge to our whole constitutional Federal system of government.

It is contrary to the very basic principles which our Founding Fathers established when they set up our Federal Government, with its dual system of limited Federal sovereignty, and all the reserved sovereignty still in the hands of the States and the people themselves.

Mr. President, although I have already spoken some six times at considerable length, I could speak at great length today on the various provisions and their intricacies, and the far-reaching effects, dangers, and implications of the administration's Federal referee proposal.

Many Senators who have preceded me in this debate have also spoken at length, and in so doing they have rendered a profound and lasting service to the Members of this body, to the people of the Nation, and to all lovers of constitutional government. In true perspective, whether the proposal provides for Federal referees, Federal registrars, or Federal commissars, the principle remains the same: It is an invasion of the sovereignty of the States. Of course, I believe as strongly as I possibly can that such a proposal is unconstitutional on its very face.

The proponents of the proposed Federal election referees plan base their authority squarely and categorically on section 1 and section 2 of the 15th amendment to the Constitution of the United States. Section 1 of the 15th amendment provides:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2 of the 15th amendment provides:

> The Congress shall have power to enforce this article by appropriate legislation.

Mr. President, I submit that the authors of the 15th amendment did not intend that to carry out its provisions Congress should enact legislation which in and of itself violates other provisions of the Federal Constitution. They did not mean to provide authority to abrogate the provisions of the basic document, the Constitution. The authors of section 2 of the 15th amendment did not intend "appropriate legislation" to be unconstitutional legislation. I cannot believe that the authors of the 15th amendment, although there was motive and design in their framing of the amendment, intended that Congress should enforce the provisions of the amendment by legislating the deletion of section 2 of article I of the Constitution, which gives to the States the right to determine the qualifications of electors.

As Senators recall, section 2 of article I of the Constitution gives to the States full, absolute, and plenary authority over the fixing of the qualifications of the voters. Mr. President, I cannot believe that the authors of the 15th amendment intended by section 2 to give Congress the power to amend the Constitution by "appropriate" legislation. If that had been their intent, then certainly they would have said, "We no longer consider the Federal Constitution to be our basic document; therefore, at any time a majority of the Members of the two Houses see fit to do so, they can wipe out this section or that section of the Constitution.

If such a process of erosion were to take place, soon there would be no Constitution. That would be the logical end, if the framers of the Constitution had had any such thought or intent in mind. The taking of an oath by each Member of the Senate and House of Representatives to uphold and defend the Constitution would really have no purpose, no end, no validity, if the framers of the 15th amendment had intended that, at any time Congress wanted to do so, it could forget all about the Constitution, all about upholding it, all about preserving and defending it, and simply pass an act of Congress, by a majority vote of the two Houses, to pitch out one provision of the Constitution, throw out some other provision, and finally wipe out the whole Constitution.

When the proposed legislation was before the Committee on Rules and Administration, I voiced my strong opposition to the Federal registrar proposals. Senators may recall that that was the proposed legislation which was before the committee at that time. The distinguished Senator from North Carolina [Mr. JORDAN] is a member of that committee. He will recall that the proposal, at first, was for registrars. In fact, that was the proposal on which the hearings were held. No hearings were held on the proposal for referees, which is now before us.

While the proposals for registrars were not identical in every way with the administration's Federal referee proposal, now before the Senate, they addressed themselves to the same principle, namely, of unwarranted, unconstitutional invasion of State sovereignty and the rights given to the States in article I, section 2, of the Constitution, one of those rights being to prescribe qualifications for electors.

I reiterate my strong opposition to all the proposals and my firm belief that they are wholly and flagrantly unconstitutional.

The proposal now before the Senate, providing that Federal agents be appointed, would usurp the State function of determining the qualifications of voters and is, as I have said, strictly in the teeth of section 1, article I, of the Constitution. That section provides that "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

In other words, they are the qualifications which the State itself fixed for the electors for the most numerous branch of the State legislature. The proposal before us is also in violation of the 17th amendment to the Constitution, which provides that Senators be elected by the people. This amendment to the Constitution was adopted as late as 1913 and contains the same language reserving exclusively to the States the right to determine the qualifications of electors.

The proposal to substitute Federal agents for local registrars or local referees is in violation of the 10th amendment to the Constitution, which states:

> The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people.

The proposal before the Senate is also in violation of the ninth amendment to the Constitution, which states:

> The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others pertaining to the people.

Article I, section 2, of the Constitution is unequivocal. In the very beginning, it vested in the State government the power of suffrage, and by its express language the electoral process remains a basic State function.

That the Founding Fathers, the framers of the Constitution, intended that voter qualifications be left exclusively to the States is evidenced by the voters' qualifications existing in the individual States prior to the constitutional convention and by the debates at the convention.

When the Constitution was being drafted in Philadelphia, and when the delegates from the several States were busy writing that document, practically all the States had some voter qualifications.

Thus, in the debates at the Constitutional Convention, as reported by Elliott, we find James Madison, who had so major a part in writing the Constitution that we commonly refer to him as the father of the Constitution, suggesting that a definite statement of qualifications be placed in the Constitution, and expressing the opinion that the freeholders of the country—the landowners—would be the safest depository of republican liberty.

The delegates to the Constitutional Convention knew what the States qualifications were; and, therefore, when they wrote into the Constitution that the qualifications for electors for Members of the House of Representatives should be the qualifications for the electors for the most numerous branch of the State legislatures, they knew exactly what they were doing.

They knew what those qualifications were in the Thirteen States. As we recall, under the original Constitution, Senators were elected by the members of the State legislatures. We also recall that the 17th amendment, adopted in 1913, which provides for the direct election of Senators, rather than their election by the State legislatures, also includes the same provision, namely, that the qualifications for electors for U.S. Senators shall be the qualifications prescribed by the States for electors for the most numerous branch of the State legislatures.

In 1787, when the Constitution was written, the States were absolute sovereigns. They had joined in the Declaration of Independence. They had proclaimed their independence of the British Crown. They had fought through eight long, terrible, and bloody years to win their independence; and they stood absolutely independent and free from any other sovereignty on this earth. Their own sovereignty was full, complete, and absolute.

So they gathered in Philadelphia in their sovereign capacities, through their delegates, to write the Constitution of the United States.

Mr. STENNIS. Mr. President, at this point will the Senator from Alabama yield briefly to me, in order that I may ask a question?

The PRESIDING OFFICER (Mr. EAGLE in the chair). Does the Senator from Alabama yield to the Senator from Mississippi?

Mr. HILL. I yield to my friend, the Senator from Mississippi, for a question.

Mr. STENNIS. The Senator from Alabama is now making reference to the Thirteen Original Colonies or States and their laws with reference to electors and elections. I have heard the Senator from Alabama express himself in private conversation on this subject. I should like to ask him a question which would cause him to give an opinion: If the Senator from Alabama were called upon to present a plan which would result in liquidating the States of the United States and in making it certain that the Central Government would take them over, what would be his plan, particularly as regards election laws?

Mr. HILL. The plan would be to do just what the pending bill would do; namely, put the qualification of the electors in the several States into receivership in the Federal courts. There could be no better way to achieve such a result—iniquitous and obnoxious as such a plan is to me and to the Senator from Mississippi—than the plan provided in this bill.

Mr. STENNIS. Regardless of the purpose, in connection with the plan?

Mr. HILL. Yes, for once a start were made on that road, and once there were compulsion to follow that road, that end would inevitably be arrived at.

Mr. STENNIS. I think the Senator from Alabama is absolutely correct in his estimate of that situation. If we were now undertaking to pursue a course which would be certain to result in the destruction of the States as entities of our Government, I believe the method provided by the pending bill would be a most effective one—in other words, to permit the Federal Government to control, in one way or another, the qualification of the voters in both Federal elections, State elections, and local elections.

Mr. HILL. After all, we live under a government of the people by the people, and for the people. If the Federal Government were given the power to determine the qualifications of the voters and were permitted to control how the voters would exercise their franchise in carrying on this government of the people, by the people, and for the people, the Federal Government would have the power to determine who would vote and who would not vote, and certainly nothing could be more destructive of the power of the States and of the rights of the people than such a course.

Mr. STENNIS. Yes, regardless of whether it were followed in New England or in the great Northwest or in the South or in any other part of the country. In any event, the result would be the same, if the Federal Government were, under one guise or another, to take over control of the suffrage. In any event, the result would be the same; would it not?

Mr. HILL. Yes, it would; and the result in all the States would be the same as that in any one of the States.

Mr. STENNIS. I thank the Senator from Alabama for his answers to my questions.

Mr. HILL. Mr. President, I thank my friend, the Senator from Mississippi, for his questions.

Mr. ERVIN. Mr. President, will the Senator from Alabama yield to me?

Mr. HILL. I yield.

Mr. ERVIN. I should like to ask the Senator from Alabama this question: If what this bill proposes in regard to State elections could be sustained as valid, then the Federal Government would have become a Frankenstein monster which would be devouring the very States which created it; would it not?

Mr. HILL. The Senator from North Carolina is entirely correct. There would have been no Federal Government except for the fact that the States themselves created it. Yet under this proposal we would set up a Frankenstein monster which would devour its creators—which were, and are today, the States of these United States.

Mr. ERVIN. Mr. President, will the Senator from Alabama yield for another question?

Mr. HILL. Mr. President, I yield again to my distinguished and able friend, the Senator from North Carolina.

Mr. ERVIN. I state as a premise for my question that the proponents of this bill claim that it is based upon the 1st section of the 15th amendment, do they not?

Mr. HILL. That is my understanding.

Mr. ERVIN. As the Senator from Alabama has so well pointed out in the course of his argument, this bill is a most peculiar one, because although it is professed to be for the purpose of enforcing the provisions of the 1st section of the 15th amendment, the bill in fact and in law violates the provisions of the 2d section of the 15th amendment, in that the bill is not appropriate legislation to enforce the prohibition set forth in section 1 of the same amendment.

Mr. HILL. It is indeed. As the Senator from North Carolina has so well pointed out, the bill violates the 2d section of the 15th amendment, as well as other provisions of the Constitution of the United States. So I desire to express to the Senator from North Carolina my appreciation for the service he has rendered in making this point so specific and so clear. I thank him very much.

Mr. President, as I was saying, in 1787, when the Constitution was written, the States were absolute sovereigns. So they gathered in Philadelphia in their sovereign capacities, through their delegates, to write the Constitution of the United States. The question was how much of their sovereignty they would yield to the Federal Government? As I have said, all the sovereignty was in their hands; they did not have to yield any of it at all. The question was how much of it they would yield. The Federal Government was not then in being. So the only sovereignty the Federal Government could have would be such sovereignty as was granted to it by the sovereign States of that time, because, as I have said, at that time the Federal Government was not in being, and had no existence, and had no sovereignty.

Anyone who is at all familiar with the history of the writing of the Constitution, anyone who has taken the time to read Mr. Madison's notes on the Constitutional Convention and what transpired in that Convention when the Constitution was being written, knows how jealous were the several States of their sovereignty and how reluctant they were to yield very much of that sovereignty to any federal government.

Mindful of their sovereignty, zestful and determined, insofar as possible, to keep within their own hands as much of their sovereignty as they possibly could, and still have a Federal Government to meet the problems which had to be met by a Central Federal Government, what did they do?

They provided that every State should have two Senators—two Members in this body—no matter how large or how small the State might be, no matter what its industrial development might be, no matter what its financial development or its agricultural development might be.

They gave to the small State of New Hampshire the same representation, the same two Senators in this body, that they gave to the large, great Empire State of New York.

No matter what might be the status of a State in its power, its influence, its ability to influence other States and other persons in other States, every State in the United States should have equal representation in the Senate; it should have two Senators—its own two Senators.

Mr. COTTON. Mr. President, will the Senator yield, with the understanding that he will not lose the floor?

Mr. HILL. I yield to the distinguished Senator from New Hampshire. I might say that the distinguished Senator from North Carolina [Mr. ERVIN], spoke in his very able statement, of that great giant, Daniel Webster, who was born in the State of New Hampshire; and I take pleasure in yielding to a successor of Daniel Webster, the distinguished Senator from New Hampshire.

Mr. COTTON. I merely wanted the RECORD to show, in case some of the citizens might be reading it at this point, that the State of New Hampshire, which I have the honor to represent in this body, was referred to by the distinguished and able Senator from Alabama, whom I esteem so highly, and was selected by him because the Senator from New Hampshire happened to be present on the floor, listening attentively to the very able remarks of the Senator from Alabama.

I pay tribute to the Senator's thoughtful, able, well-reasoned speech; and I merely wanted the RECORD to show that, while there are other small States in the Union, New Hampshire was referred to, very courteously, and naturally, by the

Senator from Alabama because the Senator from New Hampshire happened to be present, listening with great attention and appreciation to the speech of the Senator from Alabama.

Mr. HILL. I appreciate the very kind and generous remarks of the Senator from New Hampshire. As I have said, the Senator comes from a State that gave to the Nation a great man of another day, the mighty Daniel Webster.

Mr. KEATING. Mr. President, will the Senator yield for a question?

Mr. HILL. The Senator from Alabama is delighted to yield to his distinguished friend, the Senator from New York.

Mr. KEATING. If anyone were reading the RECORD of this colloquy, I would not want him to think that because of the remarks of my distinguished colleague, the Senator from New Hampshire [Mr. COTTON], there was anything unique about his being on the floor, listening attentively, because I know of no one who attends to his duties with greater diligence than does my friend from New Hampshire, a distinguished representative of that State.

Mr. HILL. I agree wholeheartedly with what the Senator from New York has had to say. The Senate has had no more faithful Member of this body than the distinguished Senator from New Hampshire.

Mr. COTTON. Mr. President, will the Senator yield further?

Mr. HILL. I yield to the Senator from New Hampshire.

Mr. COTTON. I am almost embarrassed by the kind remarks of the Senator from New York, but I do not intend to refer to them. I merely want to make this point, which I am sure the able and distinguished Senator from Alabama will concede, namely, that size does not always determine importance or greatness in any legislative body.

There are small States that have only one or two Representatives in the other body, but those States have a long and noble history. And we who represent those States are just as jealous and anxious that the rights and privileges of every State of this Union, whether it be in the North or South, shall be preserved.

The Senator from New Hampshire, I think, has repeatedly shown on this floor that he is as solicitous of the rights and privileges of the great State of Alabama, and of all other States in other sections of the country, as he is of his own. We are all sister States in this great Union, thank God.

Mr. HILL. The Senator is certainly correct when he states that the services of any Member of this body are not to be measured by the size of the State, but that the measure of the services of a Member of this body is to be determined by the quality, the devotion to duty, and the faithfulness to the work in this body that is demonstrated by a particular Senator.

It was for that reason that I paused to pay tribute to the distinguished Senator from New Hampshire.

Mr. COTTON. I thank the Senator.

Mr. HILL. Mr. President, I had been speaking of the fact that in writing the Federal Constitution the delegates to the Constitutional Convention provided that each State, no matter how large or how small, no matter what might be the status of a State in its power, its influence, its ability to influence other States, each State should have its own two Senators. Then, of course, as will be recalled, the delegates to the Convention went one further step and provided that no State should have its representation in this body reduced or taken away from it without its consent. This meant that no matter how small the State might be, how weak, how ineffective, how uninfluential it might be, it would have equal representation in this body; it would have two Senators along with the two Senators of the most powerful, the wealthiest, and the greatest State of the Union.

It was in this spirit of jealous regard for their rights and determination to secure the primary authority of the States in the Government that the question of qualifications of electors was considered and debated.

When we consult Madison's notes, we find that there were three schools of thought in the Constitutional Convention with reference to the matter of qualifications of electors to vote for Members of Congress.

One school of thought felt that the qualifications should be prescribed in the Constitution itself.

The second school of thought felt that the qualifications should be left to Congress; that the Constitution should provide the Congress should have the power to prescribe the qualifications.

The third school of thought, which, as we know so well, prevailed in the Constitutional Convention, was that the qualifications for the electors should be those fixed by the States for the most numerous branch of the State legislature.

That provision, as we know, is section 2, article I, of the Constitution of the United States.

We find in Mr. Madison's notes, as compiled by Mr. Jonathan Elliot and published by J. B. Lippincott in Philadelphia in 1907, in volume V, page 385:

> Mr. Gouverneur Morris, of Pennsylvania—
>
> We recall that he was one of the most active delegates at the Convention.
>
> Mr. Gouverneur Morris, of Pennsylvania, moved to strike out the last member of the section, beginning with the words "qualifications of electors," in order that some other provision might be substituted which would restrain the right of suffrage to freeholders.
>
> Mr. Fitzsimons seconded the motion.
>
> Mr. Williamson was opposed to the motion.
>
> Mr. Wilson, who was also, incidentally, from the State of Pennsylvania, and was one of the ablest men, as we know, in the Convention, and one of the ablest of the Founding Fathers, then rose to speak.
>
> Before I read what the different delegates said, I should like to invite the attention of the Senate to the committee which proposed the provision in section 2, article I, of the Constitution—the section to which I have just referred—which is the section dealing with the qualifications of voters. The committee was termed, in the language of the Constitutional Convention, "the committee of detail."
>
> The committee of detail was composed of Mr. Rutledge, of South Carolina; Edmund Randolph, of Virginia; Nathaniel Gorham, of Massachusetts, who was Chairman of the Committee of the Whole; Oliver Ellsworth; and James Wilson, of Pennsylvania. John Rutledge, as we recall, was offered a place on the first U.S. Supreme Court, and was afterward appointed Chief Justice of the United States. Edmund Randolph, we recall, was George Washington's first Attorney General. Later Oliver Ellsworth was Chief Justice of the United States, and James Wilson was a member of the President's Cabinet.
>
> Where could there have been found at that time in all the world, or where could there be found today or at any other time in all the world, a committee of abler or more distinguished lawyers and students of government, or more capable political draftsmen than the men who constituted the committee which wrote section 2 of article I? Where could a more brilliant galaxy of stars in the field of statesmanship be found than these great lawyers, students of the philosophy of government, students of human nature, men of commonsense and wisdom, who constituted the committee which wrote section 2 of article I?
>
> At the time I referred to the committee of detail, I was about to read that after Gouverneur Morris moved to amend the committee provision leaving to the States the fixing of the qualifications for electors of Members of Congress, so as to require that the electors be freeholders, or so as to make sure that they were property owners before they could vote for Members of the House, Mr. Fitzsimons seconded the motion. Mr. Williamson opposed it. Then Mr. Wilson, of Pennsylvania, one of the ablest men who sat in that Convention, rose and made this observation, according to Madison's notes:
>
> This part of the report was well considered by the committee, and he (Mr. Wilson) did not think it could be changed for the better. It was difficult to form any uniform rule of qualifications for all the States. Unnecessary innovations, he thought, too, should be avoided.

When I quote that language about unnecessary innovations, I come back to my statement of a few minutes ago; namely, that Mr. Wilson and the other delegates who had gathered to write the Constitution knew exactly what qualifications were fixed by their own State constitutions. So when Mr. Wilson was speaking about no innovations, he was, impliedly, at least, making a plea for the qualifications fixed in his own State of Pennsylvania and fixed by the constitutions of the other original States.

After Mr. Wilson made his statement, Gouverneur Morris, the author of the motion, rose. I read further from Madison's notes:

> Such a hardship—

That is, being a freeholder or the owner of property, because that is what his motion provided as a qualification—

would be neither great nor novel. The people are accustomed to it, and not dissatisfied with it, in several of the States. In some, the qualifications are different for the choice of the Governor and of the Representatives; in others, for different Houses of the Legislature. Another objection against the clause as it stands is that it makes the qualifications of the National Legislature depend on the will of the States, which he thought not proper.

He was unwilling to recognize this right in the State. Mr. Morris was unwilling that this power should continue to be vested in the State. He wanted it in the Federal Government.

Then Mr. Ellsworth, of Massachusetts, rose and said that he thought the qualifications of electors stood on the most proper footing. Note this language:

The right of sovereignty was a tender point and strongly guarded by most of the State constitutions. The people will not readily subscribe to the National Constitution if it should subject them to be disfranchised.

He was arguing against Mr. Morris' motion to make the ownership of a freehold a qualification.

The States are the best judges of the circumstances and temper of their own people.

Notice that language. "The States"—the people back home, the people who gather in the State capitols, the people who go to the ballot boxes back in the hamlets, the communities, and the crossroads—"are the best judges of the circumstances and temper of their own people." Would anyone dispute that today?

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. HILL. I yield to my friend from Georgia, the distinguished senior Senator from Georgia, who has done a magnificent job, an historic job, in waging the battle against this iniquitous, unconstitutional legislative proposal.

Mr. RUSSELL. I thank the Senator. His description of the proposed legislation is certainly correct, even if he does do me honor beyond my merit.

As the distinguished Senator knows, the Founding Fathers were practical men.

Mr. HILL. Surely.

Mr. RUSSELL. These men realized it was going to be difficult, at best, to get the Constitution approved by the requisite number of States. I am sure the Senator knows that these practical men would not have dared to take the proposition back to their people that people other than those who resided within the State should prescribe the qualifications for suffrage.

The Senator is talking about men who had had experience. James Wilson was one of the four or five men in our history who signed both the Declaration of Independence and the Constitution. I think there were four or five; there were at least four. Benjamin Franklin was one of them. James Wilson was a practical man. He knew all about the very keen sense of pride which the people in each of the new States—and I use the word "States" in its broadest sense—felt in their respective States. The Founding Fathers would not have dared to carry back to their people any such fantastic proposition as that the Central Government should deal with such an intimate question as that of prescribing the qualifications of those who would be permitted to vote in the several States.

Mr. HILL. The Senator is eminently correct in all he has said as to the practicality and wisdom and commonsense of the men who wrote the Constitution. Later in my remarks I shall advert to some of the happenings in the State conventions which were called to ratify the Constitution. Certainly no one could study the debates and the events which transpired in those State constitutional conventions without being forced to the conclusion that if the practicality and wisdom of those men had not prevailed, and the matter of fixing the qualifications of the electors had not been left solely to the States, there never would have been a Federal Constitution. There never would have been a Federal Government.

Mr. RUSSELL. There never would have been a Federal Government if the people in the conventions of the several States had not had clear and definite assurance that the 10 amendments to the Constitution which, in the days when the Constitution was respected, were referred to as the Bill of Rights, would be added.

Mr. HILL. That is where we find today the due-process clause.

Mr. RUSSELL. In the fifth amendment to the Constitution.

Mr. HILL. Unless it had been definitely agreed and understood that we were to have those 10 amendments, there would have been no Federal Constitution.

Mr. RUSSELL. The Senator is correct. It required some time to ratify the Constitution. North Carolina was most reluctant.

Mr. HILL. I think Rhode Island was the last one, and it was 2 years behind.

Mr. RUSSELL. Rhode Island and Providence Plantations were very slow in approving the Constitution. I do not believe they were represented in the First Congress at all.

Mr. HILL. I think not. They were at least 2 years behind the other States in their ratification. As the Senator from Georgia has said, and as the Senator from Alabama recalls, they did not ratify in time to have a representative in the First Congress under the Constitution.

Mr. RUSSELL. The fact that Rhode Island was so much opposed to the Constitution in the form in which it was presented gave rise to the language that the Congress might prescribe the time and place of election of Members of Congress. The administration that had taken over in what was called Rhode Island and Providence Plantations would not call an election to elect Members of Congress. That provision was not put in the Constitution for the farflung purposes which our brothers have presented on the floor of the Senate. It was put in the Constitution in order that the people of Rhode Island might have an opportunity to vote for representatives in Congress.

Mr. HILL. The Senator from Georgia is one of the most profound and able students of history that I know. He has today again demonstrated his fine knowledge of history. Later in my remarks I shall advert to that very provision, and the reason why it went into the Constitution, as well as some of the questions raised about it in the various State conventions called to ratify the Constitution.

Mr. RUSSELL. I wish some of our brethren would take the trouble to read a little history and learn how that language got into the Constitution of the United States.

Mr. HILL. If they would read a little history, it might make them very unhappy.

I was speaking of the debate in the Constitutional Convention in Philadelphia.

Mr. Butler, a delegate to the constitutional convention, made this significant statement:

There is no right of which the pepole are more jealous than that of suffrage.

Thus, emphasizing, fortifying, and reaffirming the idea that the determination of the qualifications of electors should remain in the hands of the people of the States.

After all, Mr. President, it is only by means of the right of suffrage that the people are able to maintain their power, their authority, their sovereignty over their Government. If the people's right of suffrage were to be taken from them, no longer would there be government of the people, by the people, and for the people.

There may also be proponents of the proposal we are discussing who would endeavor to defend its validity under section 4 of article I which, as we know, gives the Congress the authority to alter the regulations as prescribed by the State legislatures for the times, places, and manner of holding elections in such instances as it is deemed necessary. That is the section to which the Senator from Georgia recently referred. To those who would advocate and support this contention, I should like to point out that the authority given to Congress under section 4 of article I is strictly confined to the enumerated procedural aspects of the electoral process. Congress may change the time, place, or manner of a Federal election, but the electoral process remains a basic State function, without which the States would cease to be units of government in any real sense of the word.

Mr. President, the true intention of article I, section 4, of the Constitution, is not a matter of guesswork or conjecture. The history of the Constitutional Convention leaves no doubt as to the intentions of the Founding Fathers regarding section 4 of article I. While it was being debated at the Convention, Delegates Pinckney and Rutledge, of South Carolina, moved to strike out the clause empowering Congress to alter election regulations. In opposing this motion, James Madison spelled out the aspects of the electoral process to which

the clause was intended to apply. He made it clear in explaining that—

Whether the electors should vote by ballot or viva voce, should assemble at this place or that place; should be divided into districts or all meet at one place, shall all vote for all the representatives; or all in a district vote for a number allotted to the district; these and many other points would depend on the legislatures, and might materially affect the appointments.

Later in the same debate, Madison asked what danger there could be in giving the power in question to the Congress—that is, the authority to regulate when deemed necessary the time, place, and manner of holding Federal elections. After all, he said, that body will consist "of Representatives elected by the same people who elect the State legislatures."

Note that Madison when referring to the "time," "place," and "manner" of holding Federal elections clearly was speaking of just that and was very careful in making certain that what he was saying could not be interpreted or construed in any other way. By his very words, Madison made it clear that he had no reference to the qualifications of voters and by no stretch of the imagination can we logically assume that by his words he had any reference to the registration of voters when he spelled out the aspects of the electoral process to which section 4 of article I was intended to apply.

The true purpose of section 4, Mr. President, is set forth in even greater clarity in The Federalist Papers. The 59th paper, written by Hamilton, contains the following observation:

The Convention have reserved to the national authority a right to interpose, whenever extraordinary circumstances might render that interposition necessary to its safety.

Nothing can be more evident, than that an exclusive power of regulating elections for the National Government, in the hands of the State legislatures, would leave the existence of the Union entirely at their mercy. They could at any moment annihilate it, by neglecting to provide for the choice of persons to administer its affairs.

If the State legislatures were to be invested with an exclusive power of regulating these elections, every period of making them would be a delicate crisis in the national situation, which might issue in a dissolution of the Union, if the leaders of a few of the most important States should have entered into a previous conspiracy to prevent an election.

Please note, Mr. President, that Alexander Hamilton spoke of the necessity of providing for the "safety" of the Union against possible "annihilation" or "dissolution." In the light of the situation that prevailed in the 1780's, the Founding Fathers wrote section 4 of article I to protect the new and untried Federal Government against possible assaults by the powerful, established State governments. They believed that Congress needed a certain limited power over election procedures in order to insure its own survival. They never intended, however, to furnish a basis for Federal interference with the States' basic right to determine voter qualifications and to administer elections.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. HILL. I am delighted to yield to my colleague, the distinguished Senator from Alabama.

Mr. SPARKMAN. It is most interesting that the Senator should bring into the debate the quotation from Alexander Hamilton. Alexander Hamilton was a great patriot, but we all know that he had a political philosophy which believed in a strong central government. Is that not correct?

Mr. HILL. He did indeed. As a matter of fact, he advocated life tenure for the Chief Executive, the President.

Mr. SPARKMAN. Is it not reasonable to assume that if he had felt that it was the intention of the convention to give to the Central Government a greater control over elections than the limitations he mentions, he certainly would have said so?

Mr. HILL. The Senator is correct. I know the Senator has been a great student of this question of the writing of the Constitution and of how our Federal Government was brought into being. He has well expressed the viewpoint of Mr. Hamilton and how Mr. Hamilton would have gone much farther than he did had his own viewpoint been carried out.

Mr. SPARKMAN. We have every reason to assume that he was being entirely objective when he wrote the words the Senator has quoted.

Mr. HILL. The Senator is right. Mr. Hamilton was writing the facts as the facts were.

Mr. SPARKMAN. Rather than stating his own political philosophy.

Mr. HILL. Rather than his own political philosophy. I thank the Senator for his very splendid contribution.

I might add that in the 60th Federalist, Alexander Hamilton defended the Constitution against the charge that it favored the rich. His remarks on this subject are very pertinent to the issue before us at this time.

The truth is—

He wrote—

that there is no method of securing to the rich the preference apprehended but by prescribing qualifications of property either for those who may elect or be elected. But this forms no part of the power to be conferred upon the National Government. Its authority would be expressly restricted to the regulation of the times, the places, the manner of elections. The qualifications of the persons who may choose or be chosen, as has been remarked upon other occasions, are defined and fixed in the Constitution and are unalterable by the legislature.

He was saying that we in Congress, in 1960, cannot change those qualifications, because they were fixed in the Federal Constitution in article II, section I, when the Constitution was written and adopted and ratified.

What Alexander Hamilton was saying was: "Do not worry that the Federal Government can ever invade that field, because we have left it exclusively to the States." This is clear to anyone who takes the time to read his words. He said that the Federal Government will never invade that right, that it is a right left exclusively to the several States.

I referred earlier to the committee on detail, as it was known. That committee was given the duty and the actual task of bringing in the written draft of the Constitution to the Constitutional Convention. That committee on detail, on August 6, 1787, recommended:

The qualifications of the electors shall be the same, from time to time, as those of the electors of the several States, of the most numerous branch of their own legislatures.

That recommendation, verbatim, became section 2, article I, of the Constitution.

What happened then in the Philadelphia Convention?

A motion was made to prescribe in the Constitution a qualification for voting—that of possessing a freehold, and that motion was voted down. What was the vote on that motion? It was voted down by a vote of 7 to 1. The only one State voted for the motion, and that was the little State of Delaware. Delaware voted "aye." New Hampshire, Massachusetts, Connecticut, Pennsylvania, Virginia, North Carolina, and South Carolina voted "no."

Mr. President, the thinking of the men who wrote our Constitution is found not only in the debates held in the Constitutional Convention, but also in the writings of those who participated in it.

We know that Thomas Jefferson was not a member of the Constitutional Convention that wrote the Federal Constitution, because he was at that time our Minister to France, but he was in very close touch with the delegates to the Convention. We know that he had no closer ally or friend than James Madison, Father of the Constitution.

We speak of Washington as the Father of our Country—which he was. I think we well speak of James Madison as the Father of the Constitution. I think we might well say that Thomas Jefferson was the great prophet and philosopher of American democracy.

In Mr. Jefferson's draft of a proposed constitution for Virginia, which was written in June 1776 while Mr. Jefferson was serving as a Member of the Continental Congress in Philadelphia, Jefferson suggested in his draft:

All male persons of full age and sane mind having a freehold estate in (one-quarter of an acre) of land in any town or in (25) acres of land in the county, and all persons resident in the Colony who shall have paid scott and lot to Government the last (2 years) shall have right to give their vote for the election of their respective representatives.

He proposed that language for the Virginia constitution; but on the other hand when it came to the writing of the Federal Constitution, he violently opposed there being any provision of this sort prescribed in the Federal Constitution. He followed, as I have quoted earlier, the view that the qualifications be left entirely and solely to the States.

I quoted a little while ago from Alexander Hamilton.

As we know, one of the greatest minds of that period, beginning with the War of the Revolution and coming on down through the Articles of Confederation,

and the drafting of the Federal Constitution, and even in the administration of the Federal Government in the early days of George Washington, was the brilliant, profund, magnificent mind of Alexander Hamilton. Perhaps this country has never known a more penetrating or more incisive mind than that of Alexander Hamilton. As we know, Hamilton was not a Democrat, and I am not using the word with a little "d". He did not believe in, he did not have faith in, the capacity of the people to govern themselves. He believed in a strong Central Government. He thought it was necessary to have central, arbitrary power concentrated in the Federal Government. He went so far that many speak of him as a monarchist. Certainly we know that in the plan which he submitted to the Constitutional Convention he provided for life tenure for the Chief Executive, the President of the United States. As I recall, he provided for certain hereditary rights; for many things that were to be found under the arbitrary central power of the governments of the kings and the monarchies of the nations of Europe.

Mr. Hamilton, writing about the Constitution—and we must remember what his feelings and his views were—had this to say in chapter 52 of The Federalist:

I shall begin with the House of Representatives. * * * The first view to be taken of this part of the Government, relates to the qualifications of the electors and the elected.

"The qualifications of electors." He went straight to the very question we are discussing here today, because he knew what the whole question involved, so far as determining what our Government was, and what it would be down through the years. He knew it went to the whole question of our dual system of government, the whole question of the structure of our Government, of a divided authority between the Federal Government and the State governments. The brilliant mind of Hamilton knew what he was talking about. He goes on to say:

Those of the former—

That is, of the House of Representatives—

are to be the same—

That is, the qualifications are to be the same—

with those of the electors of the most numerous branch of the State legislatures. The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent on the Convention, therefore, to define and establish this right in the Constitution.

In other words, the Constitution had to say what these qualifications were, and by whom they would be prescribed. Hamilton then continues:

The provision made by the Convention—

That is the provision now written into section 2 of article I—

The provision made by the Convention appears, therefore, to be the best that lay within their option. It must be satisfactory to every State—

He said—

because it is conformable to the standard already established or which may be established by the State itself.

This was the leading Federalist, this was the outstanding Nationalist in the days of the beginning of our Government proclaiming in his writings in The Federalist that this method must be satisfactory to the States, because under the Constitution as written it was left to the States.

My colleague, the junior Senator from Alabama, spoke earlier about Alexander Hamilton. Whether we agree with Hamilton's views or philosophy of government or not, we must realize that Hamilton was one of the ablest of the Founding Fathers. His was one of the most magnificent, most profound, most analytical of all the great minds gathered in the Constitutional Convention. In his writings in The Federalist and in his other writings he emphasizes and reemphasizes that under section 2 of article I of the Constitution, the fixing of the qualifications for voters is left entirely in the hands of the States.

Hamilton was, as has been suggested, the leading Federalist. He was the outstanding nationalist in the days of the beginning of our Government. He proclaimed in his writings in The Federalist that the qualifications for voters must be left to the States; and under the Constitution as written they are left to the States. We cannot change that. The determination of those qualifications was left, in that great document, to the States.

Again in the 57th Federalist the question was asked. And the writer replied to his own question:

Not the rich, more than the poor; nor the learned, more than the ignorant; nor the haughty heirs of distinguished names, more than the humble sons of obscurity and unpropitious fortune. The electors are to be the great body of the people of the United States. They are to be the same who exercise the right in every State of electing the corresponding branch of the legislature of the State.

In the 59th Federalist we find this significant statement:

Suppose an article had been introduced into the Constitution empowering the United States to regulate the elections for the particular States, would any man have hesitated to condemn it, both as an unwarrantable transposition of power and as a premeditated engine for the destruction of State governments?

In the 60th Federalist, as I have said, Alexander Hamilton expressed fear that elections might be manipulated in the interest of the "rich and the well born." The only way in which this might be done, he wrote, would be by prescribing property qualifications either for those who may elect or may be elected.

But, he added, this forms no part of the power to be conferred upon the National Government.

Not only was there this tremendous regard for the rights of the States and an excessive zeal and jealousy for the preservation of the sovereignty of the States in the Constitutional Convention in Philadelphia which brought forth the Constitution, but also, as we know, the Constitution, to be effective, to come into being, had to be ratified by the conventions in the several States.

If we turn to the conventions in the several States, we find that great battles raged in most of them over ratification of the Federal Constitution. What was the question? The question was whether the delegates in Philadelphia had given to the Federal Government too much power. The three most powerful States, the three most influential States at that time, were Virginia, New York, and Massachusetts. In their State conventions, because of the fear that the Federal Government might be given too much power, that the States might be lodging too much power in the Federal Government, only 53 percent of the votes in those conventions were cast for ratification. So since only 53 percent of the votes were cast for ratification, it will be realized that there was a rather close race—that is, the race to determine whether the Constitution would be ratified; whether we would have a Constitution; whether we would have a Federal Government.

Two of the greatest patriots of the Revolution—Patrick Henry, who sounded the tocsin of war and gave us the battle cry of the Revolution; and George Mason, who wrote the Virginia bill of rights—opposed ratification of the Constitution.

As Senators will recall, that great statesman of our time, one of the famous men of the world, Woodrow Wilson, said he would rather have been the author of the Virginia bill of rights than the author of any other document ever penned by the hand of man.

Mr. President, I ask unanimous consent that at this time I may yield the floor, in order that the distinguished Senator from Texas, the majority leader, may bring up a matter; and at the conclusion of the consideration of the matter which the Senator from Texas will present, the Senator from Alabama will again have the floor, and that the remarks of the Senator from Texas and any other debate which may occur on the matter presented by him may appear at the conclusion of the remarks of the Senator from Alabama.

Mr. JOHNSON of Texas. Mr. President, reserving the right to object, I would have no objection to the Senator from Alabama obtaining the floor later; but there is one amendment pending, and another amendment is to be proposed.

Mr. HILL. I thought that what the Senator from Texas would do would be to ask unanimous consent that the pending business be temporarily laid aside, and that after the Senator had disposed of his matter, the Senator from Alabama would again have the floor, in order to conclude his remarks.

Mr. JOHNSON of Texas. I do not have a matter; I have some matters.

Mr. HILL. Very well. The Senator from Alabama will yield the floor on the condition that after the Senator from Texas has disposed of the matters he now has in hand, the Senator from Alabama will be recognized in order to conclude his remarks.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I am about to suggest the absence of a quorum. I do not see the Senator from North Carolina [Mr. ERVIN] in the Chamber. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Texas will state it.

Mr. JOHNSON of Texas. Does the Senator from North Carolina have an amendment pending?

The PRESIDING OFFICER (Mr. ENGLE in the chair). The Senator from North Carolina has five amendments pending en bloc.

Mr. JOHNSON of Texas. I wonder if the Senator from Illinois would like to move to table the amendments en bloc. Then I will suggest the absence of a quorum before we vote.

Mr. DIRKSEN. First, I ask for recognition. I will move to table the pending amendments. That will take, I think, 1 minute. I will withhold the motion pending a quorum call, and shall then reserve 2 minutes, before making the motion, to indicate what the amendments are.

Mr. JOHNSON of Texas. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that following the vote on the motion to lay on the table the Ervin amendments, there shall be 30 minutes to a side on the question of agreeing to the Dirksen motion which will be offered, and that then the Senate proceed to vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, there are now pending five amendments which were offered en bloc by the distinguished Senator from North Carolina [Mr. ERVIN]. They relate to matters which have been rather thoroughly and rather generally discussed over a period of time. I have talked with the distinguished Senator from North Carolina about his amendments. I told him they were unacceptable.

One of the amendments relates to the applicants' literacy.

Another relates to invoking the Rules of Civil Procedure in district courts.

Another would strike out the words "or such other person as it may designate"—meaning the power of the court to designate persons other than the referee.

Still another amendment relates to the due and speedy administration of justice.

The final amendment would strike out the words "qualified under State law," and would indicate a different interpretation.

Those are the five amendments which the Senator from North Carolina has offered.

I understand that, under the rule, one motion to lay on the table can be applied to all five amendments, inasmuch as they were submitted en bloc. Is that correct?

The PRESIDING OFFICER. Yes, inasmuch as the amendments are being considered en bloc.

Mr. DIRKSEN. Then, Mr. President, I move that the five amendments submitted by the Senator from North Carolina be laid on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Illinois to lay on the table the five amendments submitted by the Senator from North Carolina.

The motion to lay on the table was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move that the vote by which the amendments were laid on the table be reconsidered.

Mr. DIRKSEN. Mr. President, I move to lay on the table the motion to reconsider.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. DIRKSEN. Mr. President, I submit the following amendment:

On page 19, in line 22, after the word "provisionally," strike out the period, and insert a colon and the words "*Provided, however*, That such applicant shall be qualified to vote under State law."

The PRESIDING OFFICER. The amendment of the Senator from Illinois will be stated.

The LEGISLATIVE CLERK. On page 19, in line 22, after the word "provisionally," it is proposed to strike out the period, and insert a colon and the following:

Provided, however, That such applicant shall be qualified to vote under State law.

Mr. JOHNSON of Texas. Mr. President, does the minority leader desire to yield some time in connection with this amendment?

Mr. DIRKSEN. Yes, Mr. President. I understand that 30 minutes are now available to each side.

The PRESIDING OFFICER. That is correct.

Mr. DIRKSEN. I yield 10 minutes to the Senator from New York [Mr. JAVITS].

Mr. JAVITS. Mr. President, this amendment would be added to the sentence in the voting referee section of the bill which provides for a mandatory order when an application has been filed by a person who desires to vote, more than 20 days prior to an election. The amendment seeks to provide an additional qualification to what is now set forth in the voting referee section, in regard to a person who files an application for registration under the voting referee provisions more than 20 days before an election, and who desires to vote in that election.

Under this sentence of the section, as it is now written, the court is directed—it is not discretionary—when an application has been so filed, and is undetermined by the time of the election, to issue an order authorizing the applicant to vote provisionally. If subsequently—and I emphasize this—the court decides that the applicant really was not qualified to vote—for whatever reason—then this section makes adequate provision for not having his vote counted. But in the first instance the applicant would have the right to vote provisionally. The reason for that is obvious. It must be preceded by a finding and an order of the court that there exists in the community a pattern or practice of discrimination. When such a finding is made and such an order is issued, then such applications to vote may be made to the voting referee. That proceeding may be a very cumbersome one; and it could be delayed for a very considerable time by exceptions, arguments, and so forth.

This sentence endeavors to deal with a situation in which there would be so long a delay, after the finding of the existence of a pattern or practice of discrimination, either because of the normal ebb and flow of the litigation or because of the dragging of feet, that the applicant would not have an opportunity to vote in that election. In other words, this amendment does not make the horse go to the well and drink, as in the case of an injunction; it merely makes the horse go to the well. In short, this provision does not require the court to find within 20 days the correctness or the incorrectness of the application. It provides that, notwithstanding the fact that the court has not yet made such a finding, the applicant shall be allowed to vote provisionally; and if thereafter, at a later date, the court finds against the applicant's application, then his vote shall be disregarded. But under such circumstances, unless the applicant votes at that time, even though he votes provisionally, he will be disfranchised.

This amendment endeavors to provide that the court shall not make such a mandatory order unless the court is satisfied that the applicant is qualified to vote under State law.

Mr. President, it is no secret that a number of us have been conferring for hours about this matter. I state frankly that, for all practical purposes, this amendment is before us as the result of one of the efforts to reach an agreement in regard to a matter on which a number of Senators who are lawyers have parted company. The language in question is language which I, myself, originally submitted. I am now in the unhappy position of not being able to agree to it, myself, because of the imperfections in it, although I had the thought of offering it as a possibility of compromise, though I was not committed to offering it myself. That often happens to lawyers. As I said a while ago, it is one of the penalties of trying to be useful.

The difficulty with this provision as it is now before us is that a court of equity,

notwithstanding our effort to get a court to decide to issue a provisional order, may say, "I am sorry; I cannot find that this applicant is qualified. I have not had enough of a trial. I have not had enough time or heard enough evidence. And, notwithstanding that the law says I shall issue an order authorizing an applicant to vote provisionally, I cannot do so, because I cannot meet this particular provision that I find the applicant is qualified to vote."

That is the issue which faces us. We have tried various ways of meeting this particular problem, but, apparently, not enough Senators want to go along with the other way, because the real basis for this indecision on the subject stems back to another section of the bill. I want the legislative record to be clear on that point, because the question may very well come up in court later.

The question is, when the time for registration has expired in respect of a particular election—and let us remember that in many Southern States the time expires as much as 6 months before an election—if a decree of the court is made after the time for registration has expired, let us say it is made a month or 6 weeks after, and there is a holding that there is a discriminatory pattern in the community, may the applicant, though the time for registration has expired, the finding of discrimination not having been made until after the registration polls are closed, be ordered by the court to vote as qualified because it was not his fault the decree came down only after the registration time had expired?

There is a big argument on that point. One side says that once the registration polls have closed, even if the decree of the finding of a pattern of discrimination is made thereafter, nobody is entitled to vote at the next ensuing election. It is too bad we have decided, in a preceding part of the bill, we would retain the need for demand once the pattern of discrimination had been entered.

The other side, with which I happen to agree, says that if the court finds it would have been futile to try to register, because of a whole pattern of discrimination in the particular community, then the applicant may, nevertheless, even though the decree is entered that there is a pattern or practice after the closing of the registration polls, register as a qualified voter.

This amendment puts the whole argument on ice. If one votes against the amendment, he votes against putting the question on ice, and decides that the man will be allowed to vote provisionally and have the question determined after the vote.

On the other hand, if one votes for the amendment, he will leave it up to the court to decide the fundamental questions of law which I have described.

Mr. President, I have done my utmost to lay out the law. I repeat, I suffer the disability in this case of a draftsman who did his utmost to bring the parties together, and who then found he does not agree with the draft.

The legislative record of what we mean ought to be very clear. In my opinion, we certainly do not mean that the court has to make a conclusive finding, as if it were deciding the whole case, in order to allow provisional voting. What the court ought to have, if the amendment is enacted, is at least the prima facie evidence. He should not need any more than that. I asked that the words "prima facie" be written into the language. That did not seem to be agreeable to the great group of persons who were working on this matter, on one side or the other.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DIRKSEN. Mr. President, I yield 3 additional minutes to the Senator from New York.

Mr. JAVITS. Nevertheless, when the courts come to construe it, I hope, if the Senate adopts the amendment, the courts will construe it to mean prima facie only. But a court would not have to do that, and a great deal of litigation may ensue.

My reason for voting against the amendment is the following. I say it is so essential that benefit should not be gained from a wrong which has been done, the wrong being that of denying the finding of a discriminatory pattern or practice giving to a particular individual the right to register. I say that is so much greater in the public interest that we ought to direct the court to require provisional voting, because, if the court later finds—and this is fully covered in this particular provision—that the provisional vote ought to be canceled because the person was not qualified, then the vote will be canceled.

But the greatest incentive to action on the part of the court will not be the direction of the law, which a court, if it desired to do so, could lay aside, and say, "I am sorry. I cannot tell." Though I will not say that judges, whether they are southerners or not, will not proceed in good conscience, I say it is possible, and therefore we make the incentive the fact that the election is being held up. I think the result of such an incentive would be a greater bar than the mere fact that he may have made a decision in advance. On the one hand, he may say, "I am sorry. I cannot decide. Therefore, I will not let him vote provisionally." On the other hand, the court may say, "He is ready to vote and only waits on the decision."

That is the case.

Mr. JOHNSON of Texas. Mr. President, I yield 3 minutes to the distinguished Senator from Colorado [Mr. CARROLL].

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. CARROLL. Mr. President, as the able Senator from New York has said we worked very diligently on an amendment trying to be fair in this matter. I am going to vote for this amendment for the following reasons.

I ask the majority leader to grant me additional time if I do not complete my statement in 3 minutes, because I want to make a legislative record.

First of all, we must not lose sight of what we are trying to do. Where there is a finding of a pattern or practice of discrimination in an area, certain rights accrue to certain people who were not in the original proceeding. We will call these persons applicants. What does an applicant have to do? Once such a finding is made by the court, he has to furnish proof, one, that he is qualified under State law. Two, he is required to prove that he has tried to register, and been denied under color of law, or found not qualified to vote by a person acting under color of law.

The junior Senator from Colorado, only yesterday, sought to mitigate the harshness of this second requirement by using the old equitable maxim that the court will not require a person to do a vain or futile act.

What does the applicant have to do? I refer to page 17 of the bill, and I read from line 1:

An applicant for an order—

That is, an order from the court declaring him qualified to vote—

pursuant to this subsection shall be heard within 10 days.

In other words, what we sought to do was to expedite action in having an applicant vote if he was qualified. But he has to file his application and there must be a hearing. By whom? By the voting referee within 10 days. Let us consider these words:

And the execution of any order disposing of such application shall not be stayed if the effect of such stay would be to delay the effectiveness of the order.

Let us turn to the bottom of page 17 and top of page 18:

His statement—

Meaning the statement of the applicant—

under oath shall be prima facie evidence—

I repeat the words "prima facie"—

as to his age, residence, and his prior efforts to register or otherwise qualify to vote.

It says that the person will have to file an application. He will have to take an oath. He will have to offer proof of his qualifications.

I think I am at liberty to say what the Representative in Congress who put the provision in the House bill had in mind. What was sought to be done in the other body was to make the 20-day limitation on line 20, a mandate to the court, so that the voting referee could not "sit" on the matter. The court could not ignore it. Within 20 days the court would have to act.

The PRESIDING OFFICER. The time of the Senator from Colorado has expired.

Mr. CARROLL. Mr. President, I ask the Senator to yield me 5 additional minutes.

Mr. JOHNSON of Texas. Mr. President, I yield 5 more minutes to the Senator from Colorado.

Mr. CARROLL. It seems to me that this is a weakness in the bill. We in the Congress would be invading a judicial function by saying to the court: "You shall issue an order even though the application may be undermined." We should not say that the court shall issue an order without having heard the evidence, without having a report, without having a finding before it. It seems to the junior Senator from Colorado it would be presumptuous on the part of the legislative branch to tell the judicial branch, upon whom we have visited this great new burden, that, without any evidence, and without any finding, "You, Judge, shall issue an order." Certainly if I were sitting as a judge in a court of equity I would ignore such a direction, and properly so.

To meet this problem, what have we said? We have merely said in the amendment offered by the distinguished minority leader, the Senator from Illinois, that the court shall make a finding as to the qualifications to vote under State law. How would the court make such a finding? The judge would not pull it out of the air. He would not conjure it up. The judge would make a finding based upon the report of the referee. The referee would have to expedite the report to the court.

This is where I agree with the senior Senator from New York. The court would not have to conduct an adversary proceeding. This would be a court of equity looking at the report of its own referee. The court would determine the matter from the evidence. The court would have to work within the framework of the Constitution and within the framework of the legislation. The judge would have to satisfy himself that the applicant meets the qualifications for voting under State law.

The junior Senator from Colorado is of the opinion that what we mean by "qualifications under State law" constitutes a very important constitutional question. No one, either white or Negro, should be permitted to vote if he is not qualified under State law.

I raise the constitutional question. The manner of registration of voters, in the opinion of the junior Senator from Colorado, is not encompassed within the word qualifications in the Constitution. I think registration is a ministerial act, which deals with the manner or mode of registration which in itself is not within the scope of the constitutional wording of article I, section 2.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. CARROLL. I am happy to yield.

Mr. JAVITS. Does the Senator from Colorado feel that the whole intent and meaning of what the Senator has in mind would be in any way changed if the words "prima facie" were included in the amendment?

Mr. CARROLL. It is the opinion of the junior Senator from Colorado that we should deal with this matter as it relates to a court of equity. I have stressed this day after day after day. This body cannot tell a court of equity what it shall do. When it comes to the judicial findings and the issuance of a court order, it is my impression that whether we use the words "prima facie" or not the court of equity will look at the report, and if the judge satisfies himself that the applicant has the proper qualifications for voting he will authorize the applicant to vote provisionally. This would not mean that the court authorization would not be subject to attack later on, because the court also has to operate within the framework of the Constitution.

Mr. JAVITS. Mr. President, will the Senator yield further?

Mr. CARROLL. I am happy to yield.

Mr. JAVITS. The Senator, as a proponent of the amendment, or at least as a Senator who will support it and who has had a great deal to do with the drafting of it in its present form, would construe the language not to require an adversary proceeding before the court, but would construe it, as a lawyer, as if the words "prima facie" were already in the language?

Mr. CARROLL. I will say, if I may, that this involves the filing of an application, with the application to be heard within 10 days. The whole purpose of the House wording was to expedite the report to the court, so that the court would have to act and not "sit" upon it. We would retain that mandatory provision, but what else would we do? We would say to the judge, "You cannot act arbitrarily. You have to make a finding. You cannot 'load in' 200 or 300 people without a finding at all as to their qualifications. We think this is only fair."

To answer the question specifically I should like to read, if I may, from page 20 of the bill:

The court may take any other action, and may authorize such referee or such other person as it may designate to take any other action, appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees.

I should like to read this all-important sentence, as we make the legislative history.

This subsection shall in no way be construed as a limitation upon the existing powers of the court.

The PRESIDING OFFICER. The time of the Senator from Colorado has again expired.

Mr. CARROLL. I ask the Senator from Texas if I may have an additional 2 minutes.

Mr. JOHNSON of Texas. Mr. President, I yield 3 additional minutes to the Senator.

Mr. CARROLL. I understand the concern of some of our southern brethren. I think they have a right to have some concern about whether there will be a wholesale registration within a period of 20 days, with no findings of qualifications, and no proof of qualifications. The issuing of court orders such as these might occur not only in the South, but might occur in New York or might occur in Colorado.

We say that there ought to be some evidence and some proof. I say to the Senator from New York [Mr. JAVITS], there ought to be some evidence, even if it is only prima facie evidence. This is one of the reasons why, as we make the RECORD, the junior Senator from Colorado believes we ought to accept the amendment.

I say to Senators, I am extremely regretful that there were not enough votes for my proposal yesterday, because all throughout these 6 weeks I have been pounding on this one point. As we create this great new burden and impose it upon the judicial system we ought not to hamstring, we ought not to handcuff, we ought not to strangle that system by a mandatory complex proceeding.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. CARROLL. If the Senator will permit, I should like to close with one point, and then I will yield.

We in this body who do not come from the South, and who may not be as directly affected by the passage of this bill, should keep the entire picture in mind. I have great confidence in the southern Federal judges. I think the southern judges will use commonsense. I think they will follow what is a proper course. I think they will follow the proper judicial procedures and afford due process.

I think we will accomplish more with this sort of approach than with anything else which has been presented so far.

The PRESIDING OFFICER. The time of the Senator has again expired.

Mr. CARROLL. I will yield to the Senator from Ohio, if the Senator from Texas will yield me another minute.

Mr. JOHNSON of Texas. Mr. President, I yield 1 minute to the Senator from Colorado.

Mr. LAUSCHE. Mr. President, do I correctly understand it to be the opinion of the Senator from Colorado that the section ought to contain language which will make it equally opportune for all voters in every State to vote, and that one formula of qualification will not be imposed on one group and a different formula on another group?

Mr. CARROLL. I will say to the Senator from Ohio that the general concept of the bill is to prevent discrimination. All voting laws should give to the white man and to the Negro the same opportunity to register and vote under the same standards, under the same customs, so that all persons can participate in their government. Onerous administration of these laws upon one group cannot be tolerated.

Mr. LAUSCHE. That is the purpose of the amendment?

The PRESIDING OFFICER. The additional minute yielded to the Senator from Ohio has expired.

Mr. JOHNSON of Texas. Mr President, I yield 1 additional minute to the Senator.

Mr. CARROLL. I do not want to mislead my friend the Senator from Ohio; this is not self-executing. We must remember that before such a law would become operative there would have to be a finding of a pattern or practice of discrimination. What we are trying to do, really, is to restore the balance, to put the Negro back in a position where he will have equal treatment with the white man. Under constitutional concept, he would still have to qualify as a voter under the State law.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield to me?

Mr. CARROLL. I am happy to yield to the Senator from Texas.

Mr. JOHNSON of Texas. In connection with the so-called legislative history we have been hearing about, I invite the attention of the distinguished

Senator from Colorado to the legislative history which was made in the House when the O'Hara amendment was adopted. I wish to quote a bit of it. I yield myself as much time as may be necessary to do so:

Mr. CELLER. Mr. Chairman, I likewise join with the ranking member of the Committee on the Judiciary, the distinguished gentleman from Ohio, in support of this amendment. I might say in the first instance, to outline the general procedure:

First. An applicant tries to register after the so-called pattern or practice of discrimination has been adopted.

Second. If he is denied, he goes to the referee who has been appointed by the court.

Third. The referee in an ex parte proceeding determines whether the applicant is qualified to vote under the State law. There must be a finding to the effect that the applicant has been denied the right to vote.

Fourth. The referee then reports to the court.

Fifth. The court may issue a decree ordering the applicant be permitted to register and/or be permitted to vote.

Sixth. Before the issuance of the decree, exception to findings may be filed by State officials.

That you will find on page 4, line 14, to the bottom of the page.

Seventh. If an application is filed more than 20 days before the election, the court must determine either, first, the validity of the application under the procedure outlined in the amendment; or second, if less than 20 days before election, the court may in its discretion issue an order authorizing the applicant to vote provisionally; also, provide for impounding of the ballot until the final decision has been made.

Mr. ROGERS of Colorado subsequently had this to say:

I wanted to divest your mind of the idea that we are trying to amend any State law. If the State of Virginia requires them to register 30 days before election, and if he is qualified and he does not make application, then we do not change it in any manner whatsoever. I want to make that clear.

Mr. SMITH of Virginia. Does the amendment say that?

Mr. ROGERS of Colorado. Yes, the amendment offered by the gentleman from New York definitely says that.

Mr. SMITH of Virginia. Let me ask you a question right there.

Mr. ROGERS of Colorado. And I direct the gentleman's attention to page 2, line 10, where it says: "One who is qualified under State law to vote." That answers as to the State proposal.

I say to the Senator that all we are doing in the amendment offered by the distinguished minority leader is to make the bill conform to the legislative history made in the House of Representatives when the gentleman from Colorado said:

I wanted to divest your mind of the idea that we are trying to amend any State law.

Mr. CARROLL. In response to the observation of the distinguished majority leader, let me say that Mr. ROGERS is my Congressman and I have for him the greatest respect and affection. He is an old and good friend of mine, and a most able lawyer. However, on this issue I must disagree with him if I understand his position correctly. I think if he were here discussing this with us right now I could persuade him of the correctness and prudence of what we are trying to do today. I feel that Mr. ROGERS was probably speaking on a different aspect of this issue.

It is not a question whether or not we amend State laws. I give the majority leader this opinion: Let us assume that 10 or 15 or 20 people come into a Federal court of equity to protect their constitutional rights under this law. Suppose they get a decree that there is a pattern or practice of discrimination. Do Senators believe that a Federal court is going to allow any registration law to stand in their way, if they have been victims of a pattern or practice of discrimination perhaps by the maladministration of these very same laws?

I do not believe my good friend Congressman ROGERS meant that. If he were here right now I think he would agree that the court has the power to waive the requirements of a registration law without this bill, in a proper case.

This is the real question that arises: We are creating a new statute, a new technique, involving a pattern or practice. We are creating a voting referee. We are broadening the powers of the court. It is not for the purpose of amending State laws. It is for the purpose of protecting a fundamental constitutional right.

As I interpret this amendment, a court of equity will say, "Let us see whether this man is qualified to vote. Let us examine his qualifications as to age, residence, and so forth under the State law." This is only one man's opinion, but I think there is a body of support for the concept that the qualification to vote does not include registration. That involves eligibility to vote which is an entirely different question.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. CARROLL. Let me finish this sentence. When the eligibility standards obstruct a constitutional right, I think it will fall.

I am happy to yield.

Mr. JOHNSON of Texas. Let me quote what the author of the amendment, Mr. O'HARA, had to say. I also wish to quote what Mr. CELLER had to say further in connection with the statement of the able Representative from Colorado, Mr. ROGERS. Mr. O'HARA said:

The requirement of the State law with regard to registration deals with the time period within which the citizen of the State may apply to the local election official and get registered. This deals with persons who have met that requirement of the State law and have been turned down and then go to the referee for redress.

Mr. CELLER further said:

There cannot be any conflict because in the Celler substitute the provision is clear, on page 2, lines 10 and 11, that the applicant is qualified under the State law, so that he must also show that he is qualified, for example, that he has paid his poll tax or established his right under the literacy test or whatever the other qualifications may be.

So I submit for the RECORD, for whatever it may be worth, that, in line with what the very able Representative from Colorado had to say, what the very able chairman of the Judiciary Committee had to say, what the Representative from Michigan had to say, and what the chairman of the Rules Committee, from Virginia, had to say, the Senate, if it adopts this amendment, is doing no more today than what those Members of the House said the O'Hara amendment provided at the time. Each one of them stated that such applicant should be qualified to vote under State law, and I think it only proper that the language of the bill itself say that. I hope, therefore, that the minority leader's amendment will be accepted.

Mr. CARROLL. Mr. President, may I be permitted to respond?

Mr. JOHNSON of Texas. I yield to the Senator from Colorado.

Mr. CARROLL. I appreciate the sincerity and wisdom of the views of able lawyers; but, on the one hand, while they are talking about qualifications, I am talking about eligibility. I think we are talking about eligibility. We are talking about an entirely different issue. That is why we favor this approach. We are permitting the court to pass upon qualifications to vote under State law. There is not the slightest doubt in my mind that a constitutional issue will be raised if this amendment is not adopted.

One of the reasons the junior Senator from Colorado favors this amendment is that he has been impressed by able argument that the word "shall" without this amendment can raise a constitutional issue. We cannot have a horde of people come into court when there is no evidence of their qualifications and no report of the referee and try to force the court to register them. In my opinion, the court would say, "Mr. Legislative Branch, don't tell me how to run my court. I can operate only when I have evidence before me."

Mr. JAVITS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KEATING. Mr. President, will the majority leader yield me 2 minutes?

Mr. DIRKSEN. Mr. President, let me inquire how the time stands.

The PRESIDING OFFICER. The Senator from Illinois has 17 minutes remaining and the Senator from Texas has 11 minutes remaining.

Mr. KEATING. Mr. President, will the minority leader yield me 2 minutes? I would prefer to ask the author of the amendment a question.

Mr. DIRKSEN. I yield 2 minutes to my friend from New York.

Mr. KEATING. We have all agreed, and there can be no question about it, that anyone entitled to vote must qualify under State law in order to vote. If these words are inserted, the only reservation that occurs to me is that it would be unfortunate if the court should use this language as a vehicle for a full-scale trial as to the qualifications of an applicant to vote before he issued the provisional order. It is not in my contemplation that a court would do so under the wording of the Senator's amendment.

Does not the Senator interpret this amendment as meaning that, upon a presentation to the court of the proof which an applicant had made before the referee of his qualifications to vote, the court would scrutinize that evidence, and, upon the presentation of such evidence, he would be able to issue the order without a full-scale trial?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KEATING. May I address that question to the author of the amendment?

Mr. DIRKSEN. Yes. I yield myself 5 minutes to discuss the question.

The PRESIDING OFFICER. The Senator may proceed.

Mr. DIRKSEN. First of all, we must bear in mind that the entire referee section is virtually only one subsection.

There is a second subsection, but we are dealing with the body of the referee provision. First, there is the requirement of a finding that a pattern or a practice of discrimination has been found to exist. Second, the application must be filed. Obviously, there must be proof to support the application. We have preserved the ex parte character. When the Senator speaks of a trial, I assume he means an adversary proceeding, in which both sides come into court. We have preserved that ex parte character. If I am mistaken, I submit the point to my distinguished friend from New York, and I am sure he will bear me out.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. JAVITS. I wish merely to correct the situation. I do believe that we have preserved the ex parte character only as to the voting referees, but we have not preserved it as to the court, where we do have the possibility of a full adversary proceeding. That is provided for in the section immediately preceding the one under discussion, beginning at line 8, page 18, and going over to line 7 of page 19.

Even though I am against the amendment, I do not wish to leave on the RECORD a construction which is prejudicial to the point of view which the Senator desires to adopt. I would rather see him adopt it, but not tie it to ex parte, because ex parte does not extend to the court. If the Senator would unequivocally answer the question of my colleague, it would help the legislative record, that the court is not bound as is provided in other respects in the language beginning on page 18 and ending on page 19, in that respect.

Mr. DIRKSEN. Yes; my reference was to the ex parte proceeding before the referee. In that connection I agree with my distinguished friend from Colorado as to the inherent powers of the court in the application of the equitable doctrine here. If we cannot rely upon a Federal judge in a proceeding of this kind, then, frankly, I do not know where to go.

When this question was raised by the distinguished Senator from Georgia [Mr. RUSSELL], I was inclined to agree that what we are doing is by a congressional mandate saying to a court, "You shall do this." Perhaps it does not involve any hearing or anything else before the determination is made, and obviously no appeal. I think we must keep in mind that we are dealing with two things here, namely, applications filed more than 20 days before the election, and, second, applications filed within 20 days of the election. In the first case, we say to the court, "If they are filed more than 20 days before the election, you shall do this, and you then close the book."

In the case of the application filed within 20 days, we say to the court, "You may do this and let the applicant vote provisionally and then impound the ballot, if necessary, to see how it comes out."

However, before that, he must still qualify under State law, no matter what his race, color, or national origin may be.

The author of the amendment, Mr. O'HARA, said at page 5756 of the RECORD——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DIRKSEN. I yield myself 1 additional minute.

Mr. O'HARA said:

Before he can be approved by the referee—and I am talking about the referee's findings in this case—he must establish that he is qualified under State law, and one of the qualifications is that he present himself at an appropriate time.

I do not know what could be clearer than that. There are some who may think that by this amendment we are traveling a circuitous course. But the fact is that there is common agreement that the applicant must be qualified under State law, no matter who he is. I now yield myself 1 additional minute and yield to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, is my understanding correct that the amendment we are considering is primarily brought before us because under the provisions of time as set forth in lines 18 and thereafter and on page 19, 20 days is fixed, whereas we know that in many States the time for registration may be 30 days and in some other States it may be 60 days, and that the Senator from Illinois does not feel that this section fixing the time at 20 days ought to supersede a State law which may fix it at 30 days or 60 days or, in some cases, at 6 months.

Mr. DIRKSEN. That is correct. I feel that the theory that was entertained in some quarters was not entirely unfounded, because there might be a number of people, enough to determine the course of a local election, who might present themselves 20 days before the election before a judge who was mandated by the Congress when we say, "You shall" do this thing.

The PRESIDING OFFICER. The additional time of the Senator has expired.

Mr. JOHNSON of Texas. I yield 2 minutes to the Senator from Ohio.

Mr. LAUSCHE. The essence of the entire bill is to create equality of rights to be enjoyed by all Americans in voting, and to create equality of rights and to make certain that one group shall not be given preference over another, whether it is a colored citizen over a white citizen, or a white citizen over a colored citizen. Therefore it is provided that from the standpoint of time to be qualified to vote the formula shall be equal as to all, and that therefore the Senator has offered the amendment providing that the State law shall apply even though the bill provides for 20 days.

Mr. DIRKSEN. Mr. President, I yield myself 30 seconds. The Senator is precisely correct. That is the very basic objective that we have in mind.

Mr. LAUSCHE. Mr. President, will the Senator from Texas yield to me?

Mr. JOHNSON of Texas. I yield 2 minutes to the Senator from Ohio [Mr. LAUSCHE].

Mr. LAUSCHE. My analysis of this is that anyone who has faith in the proposition that there must be equal and exact justice in the law will immediately subscribe to the proposition that there may be a dispute regarding the right to vote unless the same formula is applied to all. In the absence of the proposed amendment, there definitely would be two formulas applied, one which is fixed by the bill as it is now written, and, second, the formula fixed by the statute in the State where the dispute exists.

The formula provided is that a man must apply within 20 days before the election to be qualified. It may be that another formula may require a person to register 60 days before the election. I submit that such inequality in the operation of the law ought to be the last thing that Congress should attempt to sanction. My opinion is firm that the Negro would not want the benefit of a provision which would set 20 days in his case while others would be required to file within 60 days, and possibly 6 months. If we insist that 20 days shall apply to one and 60 days to another in registering, we are violating the basic concepts of American justice and the principles contained in the Constitution of the United States. I want Congress to give me only the opportunity to stand equally with my fellow citizens in the application of the law. That is what I think the amendment is trying to do.

Mr. HART. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield 3 minutes to the Senator from Michigan.

Mr. HART. The junior Senator from Michigan agrees completely with the senior Senator from Ohio. Certainly it is not my idea that the bill should have the effect of setting aside the State requirements with respect to qualifications for registration and voting, but I acknowledge that I do not yet understand the effect of the language proposed by the amendment.

Provision is made in the bill for the filing of an application. In the case of an application which has been on file more than 20 days before an election, but as to which the applicant's qualifications have not yet been determined, being pending in connection with the application, the bill as it now reads provides that the court shall issue an order permitting a provisional vote. The amendment provides, however, that such applicant shall be qualified under State law. Is not that precisely the subject which is pending in connection with the application?

The senior Senator from Pennsylvania [Mr. CLARK] shakes his head "No." Perhaps I could explain my dilemma by asking a question.

The application which is pending requires a determination of the qualifications of the applicant to vote. If the application has been on file for more than 20 days, the bill provides that the person shall be given a provisional certificate. But what is now proposed is to amend that language so as to read "provided he is qualified." Is not that the very question which is pending?

Mr. CLARK. Mr. President, will the Senator from Texas yield me 30 seconds.

Mr. JOHNSON of Texas. I yield 1 minute to the Senator from Pennsylvania.

Mr. CLARK. The application might well show on its face that the applicant had not complied with the requirement on page 16, lines 7 and following, of the bill, which would require him to have complied with State law and to have gone back to the registrar again and to say that he had been turned down. If that situation showed on its face, the applicant would not be entitled to a provisional right to vote.

Mr. HART. What if the matter was still in contest? What if the reason for pendency was that the issue was undetermined?

Mr. CLARK. Then I think the judge would have to let him vote provisionally, unless the judge made a finding.

Mr. HART. Is that clear in the mind of the offerer of the amendment?

Mr. CLARK. I did not offer the amendment.

Mr. HART. I make the inquiry. I think this is a critical point. If an issue of fact is undetermined, does the offerer of the amendment acknowledge that a provisional certificate must be granted? I think this is the heart of the question.

Mr. DIRKSEN. Mr. President, I yield myself 30 seconds.

I did not know the distinguished Senator from Michigan [Mr. HART] was addressing a question to me. The word which has caused real consternation is the word "shall." When one speaks about voting, he includes everything which is necessary. It is not necessary to limit the matter to registration in order to bring about an effective vote.

In the case of applications which have been filed 20 days before an election, if we say to a judge, "You shall do this," of course we can mandate him to do it quite aside from what might be required by the laws of the State, so far as qualifications are concerned. Obviously, Congress should not mandate a judge in that manner.

The whole hope is to level this matter off and have absolute equality with respect to qualifications, not only to register but to vote. It was actually for the purpose of getting at the word "shall," without actually striking it out, that this language was offered. It seems to have met the difficulty we have encountered on that score.

Mr. President, I yield back the remainder of my time. I am prepared to vote.

Mr. JOHNSON of Texas. I hope the amendment will be agreed to. I believe it will be agreed to by an overwhelming vote. I yield back the remainder of my time, and I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois [Mr. DIRKSEN]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. JOHNSON of Texas. I announce that the Senator from Montana [Mr. MANSFIELD] is absent on official business.

The Senator from Massachusetts [Mr. KENNEDY], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Missouri [Mr. SYMINGTON] are necessarily absent.

The Senator from Connecticut [Mr. DODD] is absent because of illness.

On the vote, the Senator from Massachusetts [Mr. KENNEDY] is paired with the Senator from Montana [Mr. MANSFIELD]. If present and voting, the Senator from Massachusetts would vote "nay" and the Senator from Montana would vote "yea."

The Senator from Wyoming [Mr. O'MAHONEY] is paired with the Senator from Missouri [Mr. SYMINGTON]. If present and voting, the Senator from Wyoming would vote "yea" and the Senator from Missouri would vote "nay."

Mr. KUCHEL. I announce that the Senator from Idaho [Mr. DWORSHAK] is absent on official business, attending a meeting at the Air Force Academy.

The Senator from Arizona [Mr. GOLDWATER] and the Senator from Kansas [Mr. CARLSON] are necessarily absent.

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate.

The result was announced—yeas 80, nays 11, as follows:

[No. 162]

YEAS—80

Aiken	Ervin	Monroney
Allott	Fong	Morton
Anderson	Frear	Moss
Bartlett	Fulbright	Mundt
Beall	Gore	Murray
Bennett	Green	Muskie
Bible	Hartke	Pastore
Bridges	Hayden	Prouty
Brunsdale	Hill	Proxmire
Bush	Holland	Randolph
Butler	Hruska	Robertson
Byrd, Va.	Jackson	Russell
Byrd, W. Va.	Johnson, Tex.	Saltonstall
Cannon	Johnston, S.C.	Schoeppel
Capehart	Jordan	Smathers
Carroll	Kefauver	Smith
Case, S. Dak.	Kerr	Sparkman
Chavez	Kuchel	Stennis
Church	Lausche	Talmadge
Clark	Long, Hawaii	Thurmond
Cooper	Long, La.	Wiley
Cotton	Lusk	Williams, Del.
Curtis	McCarthy	Williams, N.J.
Dirksen	McClellan	Yarborough
Eastland	McGee	Young, N. Dak.
Ellender	Magnuson	Young, Ohio
Engle	Martin	

NAYS—11

Case, N.J.	Hennings	McNamara
Douglas	Humphrey	Morse
Gruening	Javits	Scott
Hart	Keating	

NOT VOTING—9

Carlson	Goldwater	Mansfield
Dodd	Hickenlooper	O'Mahoney
Dworshak	Kennedy	Symington

So Mr. DIRKSEN's amendment was agreed to.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the amendment was adopted.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. McNAMARA subsequently said: Mr. President, on behalf of the junior Senator from Minnesota [Mr. McCARTHY], I ask unanimous consent that his vote on the Dirksen amendment be changed from affirmative to negative. The Senator from Minnesota understood the vote to be on a motion to table rather than a vote on the Dirksen amendment itself.

The PRESIDING OFFICER. Is there objection?

Mr. ALLOTT. Mr. President——

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may now yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, on the unanimous-consent request of the Senator from Michigan, I should like to pose a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Colorado will state it.

Mr. ALLOTT. Is not this request against the rules of the Senate?

The PRESIDING OFFICER. The Chair will read rule XII:

When the yeas and nays are ordered, the the names of Senators shall be called alphabetically; and each Senator shall, without debate, declare his assent or dissent to the question, unless excused by the Senate; and no Senator shall be permitted to vote after the decision shall have been announced by the Presiding Officer, but may for sufficient reasons, with unanimous consent, change or withdraw his vote.

Mr. ALLOTT. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER (Mr. JORDAN in the chair). The Senator from Colorado will state it.

Mr. ALLOTT. In view of the fact that the vote has already been announced, would such a change in the vote be in order?

The PRESIDING OFFICER. Yes, for the rule so provides, if unanimous consent is given.

Mr. ALLOTT. Then I shall not object.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Michigan? The Chair hears none. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSON of Texas. Under the order previously entered, the able Senator from Alabama [Mr. HILL] is to be recognized. Is that correct?

The PRESIDING OFFICER. That is correct. The Senator from Alabama is recognized.

PROBLEM OF PEACEFUL CHANGE—U.S. FOREIGN POLICY

Mr. DIRKSEN. Mr. President, will the Senator yield for an insertion in the RECORD?

Mr. HILL. Mr. President, with the understanding that I do not lose the floor, I yield to the Senator from Illinois for an insertion in the RECORD.

Mr. DIRKSEN. Mr. President, I ask unanimous consent to have placed in the RECORD an editorial in the Chicago Daily News of April 5, 1960, entitled "Problem of Peaceful Change.'

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PROBLEM OF PEACEFUL CHANGE

In the limited time allotted, Secretary of State Herter did an admirable job of reviewing the main trends of American foreign policy in his speech here Monday. His address to the National Association of Broadcasters, as he noted, came almost a year after he succeeded the late Secretary Dulles.

Those who proclaim that the United States has no foreign policy and no goals will not be satisfied by his review, for he did not touch every intricate detail of our relationship with the rest of the world. But the picture he painted in broad strokes ought to be reassuring to the less captious critics.

Of particular interest was his thesis that in order to succeed in its primary purpose—to safeguard our freedom and security—American foreign policy must aim at solving a problem that mankind has not yet been able to master: The problem of peaceful change.

Merely to state the problem in those terms reveals the magnitude of the task facing today's statesmen. In the past, change almost invariably came about through violence. Today, the pace of change is fantastically accelerated, yet the means of wreaking violence have become so horrible that only a madman would use them.

The accumulated pressures of a world in change impose unprecedented strains on nations and their governments, and unprecedented solutions must be sought to relieve them. This again involves change, and the battles over foreign policy are peaceful only in a technical sense.

Recognition of the problem, however, is a prime essential. Secretary Herter's calm analysis, plus his report on the efforts being made to solve it on many fronts, should reduce to some extent the violence employed by administration critics.

THE HOUSTON POST IS 75 YEARS OLD, AND IS A LEADER IN INTELLECTUAL AND HONEST REPORTING

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. HILL. Mr. President, provided I do not lose the floor, I yield to the Senator from Texas to make a brief statement.

Mr. YARBOROUGH. Mr. President, among the metropolitan daily newspapers of Texas, one publication stands high as a journalistic beacon of enlightened research and reporting of the truth. It is the Houston Post, which on Tuesday, April 5, celebrated the 75th anniversary of its birth.

Let me preface my remarks by saying that this publication has never seen fit to endorse me editorially in any of my races for public office. This is surely its editorial prerogative. But what is more important, not to me, personally, but to the readers of the Houston Post, the editors of the publication have been fair in all cases in reporting my statements and my positions, and, insofar as I know, those of all candidates for public office.

If some modern Diogenes were hunting an honest big city daily in the four biggest cities of Texas today, he could save himself much time and travel by visiting the Post.

All of us who aspire to and hold public office soon become acquainted with the press, its likes and dislikes, its friendships and its prejudices. We know from frequent experience that by using the same set of facts and comments, of a group of newsmen attending your press conference same may write stories making one an intelligent seeker of truth, while others paint one a heel. The slant generally depends on the editorial policy of that paper so we learn to take the reporter's journalistic astigmatism with a pinch of salt.

Freedom of the press is surely one of our greatest and most vital freedoms. But no business, no profession in this Nation requires higher ideals, deeper dedication to truth, or more openminded intelligence than those who live by the privilege and responsibility of a free press.

The slogan of the Houston Post is: "Written and edited to merit your confidence." It lives up to its claim.

I am proud to be able to report that we have a big city daily in Texas that merits its own motto. The Houston Post lives up to its own slogan.

Published by the distinguished and respected former Gov. W. P. Hobby and his equally able wife, Mrs. Oveta Culp Hobby, former Secretary of Health, Education, and Welfare, the Houston Post has exceptionally well-qualified leadership.

Two of the basic principles of the Post journalistic policy include:

First, "a Christian respect for the worth and dignity of every human being"; and

Second, "a kindliness toward all human beings, no matter what their state in life."

Mr. President, the quotations I have just read are included in a story from the Houston Post of Tuesday, April 5, 1960. Other principles of Post policy and the history of the outstanding and progressive newspaper are also included in the article.

I ask unanimous consent to have printed at this point in the RECORD the full text of the story by Mr. W. D. Bedell from the aforementioned issue of the Houston Post, entitled, "Your Morning Paper Is 75 Today: Here Is an Informal Diamond Anniversary Report to You on Its Progress."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

YOUR MORNING PAPER IS 75 TODAY—HERE IS AN INFORMAL ANNIVERSARY REPORT TO YOU ON ITS PROGRESS

(By W. D. Bedell)

For a decade now, seven words, "Written and edited to merit your confidence," have appeared in the upper left-hand corner of this page.

Under those words is a little black line that gives the year and the number of each issue of the Houston Post.

Today that little line is larger, and it is not black but in color, because it says "76th year, No. 1."

This means that today is the 75th birthday of your morning newspaper.

It is good to attain such an impressive age. Any person who has reached his 75th birthday has lived a full life, and a newspaper is very much like a person.

To celebrate, the Post on Sunday, April 24, will publish its 75th anniversary edition, titled "Houston—City of Change."

The edition promises to crown a long line of notable Post editions which began in 1955 with "This Is Texas," and has continued through "The Golden Crescent," "This Is Houston," "Houston—1958," and "Suburbia."

But these words "76th year, No. 1," signify far more than simply a birthday, simply a full and long life, simply an anniversary edition.

They mean that, thanks to the faithfulness of a growing number of readers and to the devoted labors of a staff growing not only in numbers but in its awareness of the meaning and the skills of newspapering, Houston's oldest and largest paper has reached in its diamond year a golden period that promises to transcend all its golden days of the past.

It means that former Gov. W. P. Hobby at 82 has lived to see his dream and goal of a lifetime, a first quality newspaper, grow into reality.

This dream, of course, did not just grow. It has been nurtured carefully—and with patience and love—through many vicissitudes.

What are the ingredients of this dream?

First are the unchanging principles and heart desires that Governor Hobby learned as a boy in Polk County, as a young man in Houston and Beaumont, and as Lieutenant Governor and Governor in Austin.

Second and third are careful planning and long, hard work by many people in all departments of the Post.

The principles can be condensed to seven basic points:

1. A Christian respect for the worth and dignity of every human being.

2. A kindliness toward all human beings, no matter what their state in life.

3. A conviction that Texas and the United States must build soundly on those principles of mutual respect and kindliness and on solid economic ground; a conviction that the State and the Nation must guard their resources, human, financial, industrial, mineral and agricultural.

4. A belief that the individual also needs to build soundly, to be an owner of a farm, or a home, or a business.

5. A conviction that the press must be responsible to the people, and must be unswervingly devoted to truth, that it must merit your confidence.

6. A conviction that government must be responsible to the people, that elected or appointed officials must be answerable for their every act.

7. A deep desire for an enlightened Texas, and a resolve that, to assure that desire, Houston and the State must have the best schools possible.

That is the framework on which Governor Hobby, his family, and the Post have built. It has not changed from the time of horses and buggies to this time of jet planes and space rockets. It is not likely to change in the foreseeable future.

This recipe sounds simple. It is simple. But it has taken many years to bring to fruition.

It has been in the making for at least 65 of the Post's 75 years—through W. P. Hobby's early days as a newspaper editor and publisher; through his years as Lieutenant Governor and Governor, through his marriage to Oveta Culp and the birth and growth to maturity of their son and daughter, W. P. Hobby, Jr. and Jessica Hobby Catto.

both now officers on the paper; and through the birth of two granddaughters, Laura Poteat Hobby and Heather Catto.

Will Hobby came to the Post on his 17th birthday, March 2, 1895. He came as a clerk in the circulation department.

Already the principles on which the Post has advanced were growing in him. He had learned from his father, a judge, and from his mother, who came from an East Texas plantation. He had learned from small town life in Livingston and from brief acquaintance with Houston, a city of fewer than 50,000 people then.

In 1895 the Post was 10 years old and already in a sort of golden age. It could trace its lineage back 6 decades to the very beginning of the Republic of Texas. But in its uninterrupted state it was only 10 years old.

For 6 months in 1884 and the first part of 1885 the Post did not publish. On April 5, 1886, it was reorganized. Since then it has appeared regularly. And it is from that day that its age, 75 today, is dated.

When Will Hobby went to work in the mailroom the paper numbered some of the first names of Houston as stockholders, with primary control divided between Judge R. P. Hill and Julius L. Watson. Watson, a colorful personality and a financial genius, took full charge in 1896.

In the nineties the Post had briefly on its staff the names of men still remembered not only in Texas but everywhere. One was W. C. Brann, the iconoclast, a man of sharp tongue and typewriter who eventually was shot to death on a Waco street. Another was William Sidney Porter, whom the world knows today as O. Henry. One was Marcellus E. Foster, who left his name on Houston newspaperdom as a power at varying times on all its three daily papers.

One was Col. Rienzi Melville Johnston, one of a dying line of great personal editors and one of the most colorful editors any paper ever had. For 19 years, from 1885 to 1904, this redheaded expert on politics, this writer of "whipcracker" paragraphs, this former printer's devil and Civil War drummer boy, was at the editorial helm.

In the rush of politics, editorials, "paragraphs," and news, the colonel still found time to take an interest in the young man in the mailroom.

So in 1900 Will Hobby exercised his principles of ownership and bought from Colonel Johnston 10 shares of Post stock.

In 1901 he moved over to the department he wanted to be in—the editorial department. His rise was fast, and it brought another brief golden age to the Post. During this time Hobby as acting managing editor and managing editor introduced fast, comprehensive coverage of major news events. A spectacular feat then, such coverage is standard practice on the Post of today.

The principle of ownership was strong by that time in Will Hobby. But J. L. Watson was prime owner of the Post. It stayed in the Watson family until 1924. An opportunity arose in Beaumont, and in 1907 Hobby went to the Beaumont Enterprise as editor, manager and principal owner. He was not to return to the Post for 17 years.

In that time, as editor, Lieutenant Governor and Governor, Hobby developed his beliefs in the responsibility of the press and of government, and of the tremendous need for better education in Texas. In pursuit of this last he worked successfully as Governor for free textbooks in Texas schools, a step that opened the way for today's much-improved State school system.

In 1924 Ross Sterling, oilman, bought the Post from Roy Watson, Julius' son, and Governor Hobby came back as president of the paper.

In 1931 W. P. Hobby was married to Oveta Culp, a Bell County girl who understood and shared his principles and who from the beginning gave them added force and direction.

In the depression Governor Sterling lost the Post along with many other holdings, control passing late in 1931 to J. E. Josey. Hobby stayed on.

In 1939, the depression weathered, Governor and Mrs. Hobby became owners of the Post.

He was 56 and he had been 44 years in publishing. Now he and Mrs. Hobby were in full position to implement his dream of a great newspaper.

Governor Hobby had one asset not shared by earlier owners of the Post. He was a newspaperman first. The Post was his first interest. He was free to devote full time to it, and to the interests which any good newspaper must have.

Politics? Yes. He was still interested in politics. Any publisher must be interested in politics. But his interest then, as today, was in politics' service to the people rather than in politics for its own sake.

The community, the schools, the State and the Nation's well-being were the first concern of Governor Hobby and of his paper, the Post. This fact has not changed in the 21 years since 1939.

Governor and Mrs. Hobby did not pursue this work from a distance. They were on the frontline. Their interest was not only first in newspapering, but first in the heart work of newspapering, the editorial department.

As publisher and president of the paper, Governor Hobby's eye was always first on the news. The same was true with Mrs. Hobby, and so it has continued. She first joined the Post as research editor, then was literary editor, assistant editor, vice president, executive vice president (January 1938), executive vice president and editor (January 1952), and editor and publisher (October 1952). From January 1953 to August 1955, her name was absent from the masthead of the Post during her service as Federal Security Administrator and Secretary of Health, Education, and Welfare. It returned August 1, 1955, with her appointment as president and editor, Governor Hobby having become chairman of the board.

The interest has continued into the second generation. W. P. Hobby, Jr., is associate editor of the Post, with his desk in the Post newsroom. Mrs. Hobby, Jr.—Diana Poteat Hobby—is literary editor.

Jessica Hobby Catto—Mrs. Henry Edward Catto, Jr.—is assistant secretary of the Post. She lives in San Antonio, where her husband is in the insurance business. She has written a column for one of the San Antonio papers.

So on the Post the prime interest has always been what goes on the news and editorial pages. Advertising was and is indispensable, yes, and also circulation and a reasonable profit. But the conviction always has been that if the Post does its job as a newspaper these other things will follow.

Twenty-one years have proved the conviction valid.

In 1939 the principles were all clear, and the freedom to put them into effect was complete.

What was needed was a staff understanding enough, responsive enough, intelligent enough, active enough to publish a great newspaper day after day.

World War II delayed this job of gathering the right staff. Much of the force already on the Post was spread around the world in various services. Mrs. Hobby herself served for 3 years as commander of the Women's Army Corps.

In 1947, 2 years after the end of the war, the staff began to take shape. Not only in the editorial department but in all departments, personnel was added to strengthen the paper.

This was true, too, of KPRC. Since the first days in a little chicken coop atop the old Post plant at Polk and Dowling, it had been an increasingly important part of the Post program. It took on even more importance when, in 1950, the Post acquired KLEE–TV and changed it to KPRC–TV, the NBC outlet for the Houston area.

Slowly at first, and then as a regular thing, another technique was added to the Post's program of comprehensive, quick news coverage.

This was reporting in depth. Depth reporting augments quick coverage. It consists of looking at a story long and carefully, from every possible viewpoint, and then putting it down in the clearest, best focused words, at whatever length is necessary.

This service to Post readers has been used and continues to be used in coverage of school and municipal affairs, and in the Austin and Washington bureau's reporting of State and National news.

To make the Post more convenient to read, the paper was carefully mapped out from front to back. The fruits of that planning are now evident in the daily and Sunday editions.

A daily feature on page 4 is "Newscast." It gives the hurried reader a quick survey of the day's news. It gives the unhurried reader an index to the paper.

Women's news is completely organized, with society, fashion, food, and counsel columns in their regular places.

Television and radio programs are in their regular places daily, and the Sunday TV pullout gives the reader a complete index to the week's programs.

Over the past dozen years the editorial page has been steadily improved. A locally written commentary on world affairs is a regular service, as is a locally drawn editorial cartoon. Major writers of international note—not available in other southwestern papers—have been added to the local and national commentators on the editorial page. Saturday's editorial page, concentrating on inspirational columns, is unique.

Also unique in American newspapering is the Post's daily feature page. Here the best in columnists from everywhere are gathered to entertain you, the Post reader, and oftimes to help you think seriously about the problems of the day.

Key feature of the page is the "Sound-Off" column, which since 1953 has made you one of the editors of the Post. In "Sound-Off" your criticisms—no matter how severe—are given voice. And the ins and outs of publishing a newspaper are discussed frankly. With your help "Sound-Off" has come to be far more than simply a letters-to-the-editor column. Your suggestions, your opinions have had a major part in shaping the Post as it is today, have made you in fact one of its editors.

To keep pace with the growing financial interest of Texas readers, the financial and business pages of the Post both daily and Sunday have been steadily expanded. Now Post readers of all editions have full daily reports on the New York Stock Exchange and the full weekly range on Sunday.

State news coverage on the Post has developed far beyond the standard "grapevine" reports from area towns and cities. Any major developing news story anywhere in Texas is now subject to staff coverage by the Post's State news staff.

This is increasingly true also of national and international news. In recent months Post staff men from Houston have traveled to such varied places as the redwood forests of California, the mountains of Mexico, to Afghanistan, Algeria, Formosa, Japan, France, Argentina, Brazil, Venezuela, Colombia, Peru, Panama, Guatemala, Chile, Puerto Rico, India, Spain, and Turkey in covering the news.

News coverage of Austin and Washington bureaus has been revolutionized in the past decade. Now the bureaus do not merely watch for items of interest in Texas. They also dig into the background of all the news. Both in Washington and in Austin, the Post has developed major stories which have made some of the Nation's biggest headlines.

The same is true of sport news. Increasingly the sports world is watching the Post sports section for its interpretative stories on football, baseball, boxing, and other sports.

Much verve has been added to the Post since 1957 with the development of Houston Now as one of the most literate of all the Sunday magazines. The best efforts of the best columnists, artists, cartoonists, and critics are combined each week in Houston Now.

Add to all this expert and regular coverage on oil and gas, agriculture, boats, automobiles, science, medicine, art, amusements and music, and you see that the Post's No. 1 position in both daily and Sunday circulation among Houston newspapers is soundly based.

All this required planning, and the expenditure of money, brains, and sweat. As the fifties progressed, it became evident that the Post needed bigger and better facilities both for its publishing and broadcasting work.

In 1953, KPRC–TV and KPRC moved into their modern studio on Post Oak Road, and in 1955 the Post moved into its new building at 2410 Polk Avenue.

In 5 years in the new building, the Post has added every possible new device to improve its service to you, the reader. Some of these include teletypesetter machines, computing and data processing machines, automatic mailing machines, electronic photo-receiving machines, and the latest in engraving and printing equipment.

Already the Post is expanding again. In 1961 it will have a complete new bank of high-speed presses to bring the paper to you faster and more colorfully.

But in this age of mechanical speed and facility, the human part of the Post is not forgotten. Along with machines the Post has also added books. As a result it today has one of the best and most streamlined fast-reference libraries in the Southwest. And with books it continues to add minds. Its staff today is without peer in the Southwest, and it continues to grow in number and brilliance.

As these staff members walk into the building each day they see engraved on the facade eight words from the American Declaration of Independence: "Let Facts Be Submitted to a Candid World." Each day on the masthead of the Post they see those seven other words, "Written and Edited To Merit Your Confidence."

As the Post moves on toward its 100th year, you will continue to find in it facts written and edited in a way to merit your confidence.

SOME POST MILESTONES—DATES, DATA FROM 75 YEARS OF PUBLISHING

Some dates in Houston Post history:

Year 1885: Houston Daily Post organized.

Year 1886: Houston Printing Co. chartered.

Year 1895: W. P. Hobby hired for $7 a week.

Year 1895: William Sidney Porter (O. Henry) hired for $15 a week.

Year 1896: 976 shares of stock issued. Julius C. Watson has 522 and control of company.

Year 1896: Post moves from Old Larendon Building on Congress Avenue to McIlhenny Building, opposite old post office at Franklin and Fannin.

Year 1897: Julius Watson dies. Trust formed to manage Post for his infant son, Roy, until Roy's 25th birthday.

Year 1900: Judd Mortimer Lewis, poet-author of "Tampering With Trifles," becomes a Post institution.

Year 1901: W. P. Hobby made business editor.

Year 1908: Post moves to its own building at Texas and Travis.

Year 1904: George M. Bailey becomes editor of the Post, succeeding Col. Rienzi M. Johnston.

Year 1905: Hobby becomes managing editor.

Year 1907: Hobby goes to Beaumont as editor and publisher.

Year 1918: Roy G. Watson is 25 and takes command of the Post.

Year 1924–25: Ross Sterling sells his Humble Oil stock, retires as company president, starts Houston Dispatch, buys Post for $1,150,000, combines papers, changes name to Houston Post-Dispatch. Hobby returns to Houston as Post-Dispatch president.

Year 1925: Post-Dispatch moves to southwest corner of Polk and Dowling.

Year 1925: Radio station KPRC purchased.

Year 1931: W. P. Hobby and Oveta Culp married in Temple.

Year 1931: Control of Post-Dispatch sold to J. E. Josey, name changed back to the Houston Post. W. P. Hobby made publisher-president.

Year 1939: Hobbys purchase control of the Post.

Year 1950: Post buys KLEE–TV, renames it KPRC–TV.

Year 1950: Slogan, "Written and Edited To Merit Your Confidence," adopted.

Year 1953: New KPRC–TV-radio studio opened on Post Oak Road.

Year 1955: Post moves into new building at 2410 Polk Avenue, at the southeast corner of Polk and Dowling.

Year 1955: "This Is Texas," first of Post's memorable line of annual editions, is published.

Year 1957: Post Sunday supplement, "Houston Now," begins.

Year 1960: The Houston Post, its circulation the largest of any Houston newspaper, both daily and Sunday, celebrates its 75th anniversary.

NUMBER OF PAGES

The number of pages in some Thursday issues of the Post through the years:

Year 1895: Thursday, April 4, 8 pages.
Year 1900: Thursday, April 5, 10 pages.
Year 1910: Thursday, April 7, 20 pages.
Year 1920: Thursday, April 1, 20 pages.
Year 1930: Thursday, April 3, 28 pages.
Year 1940: Thursday, April 4, 22 pages.
Year 1950: Thursday, April 6, 50 pages.
Year 1960: Thursday, March 31, 68 pages.

ADVERTISING FIGURES

Total Post paid advertising for some Thursdays since 1940:

Year 1940: Thursday, March 28, 1,862 inches.
Year 1950: Thursday, March 30, 5,679 inches.
Year 1960: Thursday, March 31, 8,465 inches.

PAYROLL FIGURES

Number of employees on the Post payroll for some years for which records are complete:

Year 1893: 60 employees.
Year 1900: 83 employees.
Year 1910: 220 employees.
Year 1943: 300 employees (includes KPRC).
Year 1950: 646 employees (includes KPRC–TV and KPRC).
Year 1960: 1,063 employees (includes KPRC–TV and KPRC).

Weekly payroll ratios on the Post (1.00 represents total payroll for 1893. The payroll, for example, was more than 15 times as large in 1940 and will be more than 101 times as large in 1960):

Year 1893: 1.00.
Year 1900: 1.47.
Year 1910: 3.93.
Year 1940: 15.61 (includes KPRC).
Year 1950: 50.05 (includes KPRC–TV and KPRC).
Year 1960: 101.37 (projected for year, including KPRC–TV and KPRC).

CIRCULATION FIGURES

Average yearly circulation of the Post:
Year 1910: Daily, 24,548; Sunday, 33,242.
Year 1920: Daily, 45,582; Sunday, 50,098.
Year 1930: Daily, 70,071; Sunday, 74,227.
Year 1940: Daily, 93,956; Sunday, 107,945.
Year 1950: Daily 168,573; Sunday, 183,886.
Year 1959: [1] Daily, 209,066; Sunday, 218,509.

TROUBLED WASHINGTON

Mr. MOSS. Mr. President, will the Senator from Alabama yield to me, with the understanding that he will not lose the floor?

Mr. HILL. With the understanding that I will not lose the floor, I yield to the Senator from Utah, who, I understand, wishes to make two insertions in the RECORD.

Mr. MOSS. Mr. President, the lack of sectionalism and the broad, national attitude of the Salt Lake Tribune, are exemplified in an editorial which appeared in the newspaper on March 26 advising the Congress not to be "niggardly" in its appropriations for the District of Columbia.

The Tribune, which is intermountain in scope, covering not only all of Utah, but parts of Idaho, Nevada, and Wyoming, has often editorialized on the importance of reducing Federal expenditures. But its approach to Federal appropriations has by no means been only on a what is best for Utah or for the intermountain West basis, but on a what is necessary for the Nation basis, and in this case for the Nation's Capital City. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TROUBLED WASHINGTON

The Nation's Capital is in trouble—and it is a matter of concern to American citizens everywhere.

Washington, D.C., is the center of National Government. There are hundreds of public buildings. Because it is the seat of Government, foreign countries maintain embassies there, often rather large establishments. Various international organizations, patriotic and other tax-exempt groups maintain headquarters in the city.

As a result more than half the city's land area is tax exempt.

In recognition of this limited Washington tax base, the Federal Government has for years made payments to support Washington municipal operations. After all, this city of nearly a million people has to maintain a variety of municipal services, from fire protection to operating a zoo. But revenues are limited because tax-exempt government is its principal business.

From 1879 to 1921 Congress paid half of Washington's annual budget. From 1921 to

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[1] Average daily and Sunday circulation for 6-month period ending Sept. 30, 1959.

1924 the Federal ratio was reduced to 40 percent. Since 1924 Congress has appropriated lump sums which have ranged to as little as 8.5 percent of the Washington budget. Congress is being asked to approve a payment of $32 million for this year. This would be 16 percent of the city's budget.

Certainly the Nation as a whole has an obligation to see that its Capital City is well maintained and it should help make up for tax losses due to so much exempt Washington property.

The Tribune is sure this is one place the people of Utah would not want its representatives in Congress to be niggardly.

REPORT OF HON. FRANK M. BROWNING ON TOUR OF RUSSIA

Mr. MOSS. Mr. President, Mr. Frank M. Browning, president of the Bank of Utah, is one of the outstanding citizens in my State of Utah. He is a senator in the legislature of the State, and has had a distinguished career in civic affairs. He was a ranking officer in the military forces during World War II.

Mr. Browning has traveled extensively. This past summer he made an extensive trip to the Soviet Union. I was much interested in reading the account of his travels which Mr. Browning released to the Deseret News of February 27, 1960.

I ask unanimous consent that this enlightening article by Mr. Browning be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OUR 22-DAY TOUR OF RUSSIA

(By Frank M. Browning, member of Utah State Senate)

(Mr. Browning, of Ogden, recently had the rare opportunity of comparing Khrushchev's Russia with the Stalinist Russia of World War II which he had seen when he served as a U.S. Army colonel in charge of an ordnance depot in the Persian Gulf Command. On their recent trip the Brownings were not on a Government grant but paid their own way.)

Mrs. Browning and I began our recent 22-day tour of Russia convinced that our contacts with the people would be a bit unpleasant but educational. We were looking for the extent of improvement over conditions that had existed immediately following the war.

As we traveled to Moscow under the guiding hand of their socialized Intourist Travel Agency, we realized that the condition of the Russian people cannot possibly be compared with Americans if one is to have the right perspective.

First of all, we must accept them as an alert, peace-loving people, living under conditions that have been abhorrent for a thousand years but whose load now is being slowly improved from the bottom from which they started.

For $30 a day for each of us the travel agency furnished us a guide and automobile or airplane transportation to get us to our destinations.

Often the car in which we traveled from market to museum was an exact duplicate of a 1955 Buick Roadmaster. Another popular car in Russia is the smaller Model A Ford. Both are produced in Russia, copies of American products.

Plumbing is heavy and doesn't work about 80 percent of the time. As soon as we would arrive at a hotel, the first thing I would do was spend some time patching up the plumbing with some wire I carried in my pockets.

"If you please," is their strange reply to our "thanks," and is a common expression of gratitude.

We learned from our guide that it carried a double meaning, implying: "If I had the chance, I would gladly serve you again." The utterance was a genuine one and made us realize the sincerity of the people in their effort to please and their warm regard for Americans.

Our worldwide custom of tipping provided a few embarrassing moments for us, but we soon learned that their code of ethics would not allow them to accept tips. We quit offering them.

We soon detected the complete socialism that dominates the country.

The government operates all hotels, builds the apartment houses, designates who shall have apartments and how many families shall be quartered in these apartments. New austere apartments being built in unlimited quantities still do not catch up with the need.

It is a strange sight to note that nearly all of the old-type houses that are torn down for modern buildings are of log cabin construction.

The Soviet State controls everything from the sale of sweetened water on the streets to the handling of the foreign tourist and all of its details. There is no private enterprise in one's contacts, and week after week this begins to depress the visitor heavily.

In the drab lives of the Russian people, which is well expressed in the faces of the women and men as they toil together, one can sense all the pathos of the famed classic, "The Volga Boatman."

With no automobiles, no bicycles, and with a dwelling that is anything but inspiring, the state in turn has to furnish recreation. That is why the ballet and the famous Russian circus, as well as their folk music and dancing, occupy such a place in their lives.

In fact, strange as it may seem, the magnificent subways with their great chambers of artistic decorations serve to entertain their people.

We were amazed to find the dominant place that the circus has in the life of the people. In the big cities, they build great auditoriums to house the circus, and it carries on all through the year.

Many of their feature acts, such as animals and acrobats, are the world's best. Here one finds the women who have labored all day on heavy construction work and the typical Russian men with their high leather boots and walrus mustaches.

The ballet and the opera, as well as folk dances and music, in all their cities are supreme. The famous Bolshoi Ballet in Moscow makes one gasp at the sight of 200 graceful dancers on the stage at one time, with the most brilliant type of settings.

One turns to look at the crowd and in amazement realizes that it is 99 percent made up of the proletariat or working people—a woman who works hard on the streets all day or in the construction of a building, along with the children and youth from their schools.

This marvelous ballet house is the marble environment that was created by the czars and housed the world's richest feudal barons.

The people love it and are, consequently, very appreciative and extremely well-mannered.

One walks out of the Bolshoi with great enthusiasm and then bumps up against women laboring in the streets.

Remembering the background of this institution, I was charmed to see a hard-working couple in their warm but baggy clothes peeling a couple of apples and eating them as they sat on the marble stairs leading to the sedate promenade. One realizes then that this is the new Russia and the old is gone.

Russia's culture is also reflected by marvelous art galleries, such as the Hermitage in Leningrad which houses one of the world's greatest collections of old masterpieces and also the Soviet's encouragement of folk dancing of the famous republics as well as music. These events are all housed in marvelous auditoriums, and young and old partake of them with great appreciation.

In the largest department store in the world, the state-owned GUM, one would mill with 21,000 people who can be served at one time.

The Russian people are buying clothes that we would consider shoddy, but again we must remember that everything is gaged by comparison. This is the first time that they, in most of their lives, have had any choice.

One must never underestimate the burning desire of Russian women to improve their styling and their hairdressing, and this, with many other ambitions for better things, comes out of the exchange of the Western people with the Russians.

From all that we could see, I am sure Russian people are now pretty well fed with the basic foods.

They have a splendid dark bread, lots of butter, and very few times did we see any semblance of a line with people waiting to buy the basic necessities.

One Russian lady with a tight scarf around her head asked our interpreter if she could speak to us and would we tell her if we had such a marvelous hall as the Bolshoi Opera in America.

We smiled and passed word to her that we had never had feudal czars and as a result our opera houses were not as grand as the Bolshoi.

I am sure that this did much for her pride and again tells the story of how they compare everything to the American standards. She was so charming and sweet in her approach to this information.

It is difficult to carry prejudices against a people so basically polite.

The Russian people, separate from bureaucrats, are "charmingly clumsy." The little maid on the modern jet airplane serving as a stewardess (without benefit of a uniform) brought out a plate of wormy apples with a single knife to serve as our luncheon when we were flying from Moscow to Kiev.

We landed on one temporary field where the markers were small pine trees stuck in the ground with kerosene lamps on them.

The Russians are doing a marvelous job of specialization in certain key industries, but in others they are primitive, indeed.

They built the new Ukraine Hotel in Moscow, 36 stories of a red, ugly, modern Russian design like the Moscow University and when they were finished the elevators were a complete failure.

This from a people who have placed a Lunik on the moon and have made such tremendous strides in steel and hydroelectric construction.

People ask about religion in Russia. That could call for many more columns, but in relation to this I am again an optimist. I believe that communism will never be a permanent substitute for religion and that as Russia adjusts herself to a standard that must involve more freedom for the people, an enlightened religion will take its place in their lives, but the old mystic form to which they were used is gone forever.

We came out of Russia with a burning conviction that the Russian people (a friendly American-loving group) want peace above everything.

We were deeply impressed with the great break that has occurred between the philosophy of Mr. Khrushchev and that of the terrible regime of Mr. Stalin. The Russians have day by day pulled down the thousands

of Stalin statues, and as one of our best informed friends in Moscow stated:

"Colonel Browning, Mr. Stalin was a cruel murderer and we want to forget him." She cited the fact that his ruthlessness had probably cost 12 million lives without reason.

This well-informed individual also expressed concern of the future danger of their relationship with Red China.

I am sure domestic and foreign affairs disturb the ruling class in Russia as well as the people with whom we talked.

Russia knows the fallacy of nuclear warfare, and it also realizes well that our prosperous Western Europe is not going to be thrown into communism as called for by the manifesto of Marx. Because of the Marshall plan which has brought Europe great prosperity and our action in arming Europe with modern weapons communism is making no headway.

We visited the Black Sea area, Malta, Odessa, and Soochi, the Santa Barbara of the U.S.S.R., before going over into Budapest and Persia where we were called before the Shah and met with many friends I had made during the war.

Our trip back home was by way of Turkey, Switzerland, and London.

We came home firmly convinced that if America will follow the pattern set by President Eisenhower, it can become the basis whereby we can work together with the Russians. If we understand their people, as people, we have a chance to work for a greater destiny—for world peace.

BUREAU OF CENSUS STATISTICS ON NEW HOUSING STARTS

Mr. SPARKMAN. Mr. President, will the Senator yield for an insertion in the RECORD?

Mr. HILL. I yield to the Senator from Alabama with the understanding that I do not lose the floor.

Mr. SPARKMAN. Mr. President, many Members of the Senate may have seen newspaper articles about the plan of the Bureau of the Census for publishing a new series of statistics on housing starts. This plan is discussed in a press release issued today by the Bureau.

The new series of statistics has been in the process of development for some time and is now about ready for release. The first monthly data are expected to be published in May or June, to cover housing starts in the month of April. This report also will contain revised housing start data running back through January 1959.

The Census Bureau states that the count of new housing starts reported in the new series will be appreciably higher than in the old series. The principal reason for the higher count is the result of improved collection techniques initiated by the Census Bureau when it took over the job of compiling housing data from the Bureau of Labor Statistics last July.

The Bureau of Labor Statistics had been reporting housing-start data based upon building permit reports voluntarily submitted by local officials. The Census Bureau was provided additional funds and developed new techniques to produce more accurate data on new residential construction.

The new series is based heavily on the procedure used by the Bureau of Labor Statistics in compiling building permits, but provides a more accurate correction device, first, for covering areas not issuing permits; second, for covering housing units started without permits; and third, for projecting permits into actual starts. The Census Bureau is also revising the definition of housing starts to cover all kinds of new residential construction, including farm and nonfarm, seasonal and year-round, and temporary housing. The old definition covered only nonfarm, permanent dwelling units.

I am pleased to hear of these new developments. The Census Bureau is doing a thorough job and should be complimented. For many years, we have suspected that the housing-start data was underestimating the true situation. It has caused many difficulties in the analysis of estimated housing starts in relation to household formation and housing units demolished. Also, I never understood why almost all of the old housing reports referred to nonfarm housing.

The new series is a step in the right direction toward knowing more about what we are building in relation to what we need. I hope that the Housing Agency can use these new data to formulate recommendations about housing needs.

I should also like to voice a word of caution about the meaning of these new data. I am fearful that some may interpret this higher count to imply that we are building more houses than we thought we were. This is not true. A new tool for estimating housing starts has not changed the actual number of units built. If the new series should show that housing starts in April 1960 are at an annual level of 1.3 million, rather than 1 million, which lower number might have been shown under the old series, this will not change the fact that new residential construction in April 1960 is down 30 percent from the previous April. Nor will it change the fact that housing construction is still insufficient to raise our shelter inventory to standards established by the national housing policy—a decent home in a suitable living environment for all American families.

Our national housing goal will not be achieved merely by adopting a new measuring stick for estimating housing starts. Housing construction needed for new household formation and for replacement of dwellings lost through fire, flood, and natural causes, as well as those demolished to make way for highways and urban redevelopment, is estimated at an average of at least 1.8 million a year for the decade of the sixties. We will have a long way to go to reach this goal. I hope that no one attempts to cloud the issue by misinterpreting the meaning of new figures long overdue.

Mr. President, I ask unanimous consent that the Bureau of the Census' press release be printed at this point in my remarks.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

CENSUS BUREAU REPORTS PROGRESS TOWARD DEVELOPMENT OF IMPROVED STATISTICS ON CONSTRUCTION, INCLUDING HOUSING STARTS

The Bureau of the Census, U.S. Department of Commerce, today made public an interim progress report describing the steps being taken to improve the Government's construction statistics program. Responsibility for construction statistics was centralized in the Census Bureau effective July 1, 1959, when additional funds were provided by the Congress to bring about urgently needed improvements in the accuracy, coverage, and scope of the various construction series.

While the report was originally prepared for use by the Bureau's Technical Advisory Committees, it is being given public release because of the apparent widespread interest in the subject, particularly in the work being done to improve the series on housing starts.

The portion of the report relating to housing starts indicates that most of the field surveys and data-collection systems needed for the new housing-starts series are now in operation or in the late stages of development. The Bureau of the Census expects that the necessary data will be available on a current basis to permit completion of the first month's results for the new series within the next 2 or 3 months. If the series can be prepared in time, the first publication will be made late in May, otherwise in June or as soon thereafter as possible. When the new series is introduced it is planned to present data for each month back to January 1959, to provide an overlap of some 16 or 17 months with the previous series.

Since results are not yet available, it is not possible to indicate the extent of the differences to be expected between the old housing starts series and the new. For the future, the new series will provide a more accurate measure of short-run changes in housing starts, and should thus have increased usefulness for economic analysis. In its general level, it seems probable that the new series will be appreciably higher than the old, both because the definition to be used is somewhat more inclusive and because it is believed that the new survey design, the new techniques, and the increased resources available for data collection will result in more nearly complete coverage of total housing starts than has been provided by the existing series.

As a consequence of the prospective change in level, it is hoped that the new series will be more nearly consistent than the old with the successive housing censuses and national housing inventories. The 1950 Census of Housing and the 1956 national housing inventory indicated that the housing starts series has tended not to include the total number of new units added to the housing inventory, particularly in the areas of the country where building permits are not required for residential construction. While the number not included could not be precisely determined, principally because of somewhat varying definitions, it appeared to have been substantial over the period 1950–56.

The steps being taken to improve construction statistics are being reviewed by a governmental advisory committee of technical experts organized by the Office of Statistical Standards of the Bureau of the Budget. The Census Bureau has also appointed a committee of nongovernmental experts who have agreed to provide suggestions and advice as the program is carried forward.

The detailed changes which are to be introduced in the Census Bureau's new series for total housing starts are summarized below:

1. As a first operational step, the definition of housing starts has been made somewhat broader in scope to permit closer comparability with the census of housing figures on new construction. In particular, it will include farm housing and also certain types of seasonal and low-quality housing, an indeterminate amount of which had formerly been excluded from the series.

2. The reported total of building permits issued each month for housing construction, on which the bulk of the estimate of housing starts is based, has been extended to cover a larger number of permit-issuing places and, therefore, a larger proportion of all housing construction. The number of permit-issuing places (cities, towns, counties, etc.) represented—by a large sample—in the compilation of the housing starts data will be increased from the present approximately 6,600 to somewhat more than 10,000, the total number of places now known to issue building permits.

3. New and current data are being collected on the time lag between the issuance of permits and the start of construction and on the extent to which permits lapse and are never used. Beginning with permits issued in January 1960, a sample of housing permits has been selected each month and information is being obtained from the owners or builders concerning the timing of the start of construction covered by the permits. Follow-up inquiries are made until all units have been started or the permit has been abandoned. The results of this new continuing survey will be used to convert the number of units covered by permits into an estimate of actual housing starts in permit areas; this conversion will thus be based on up-to-date information which will reflect seasonal and other current changes. In the existing series a similar conversion from permits to starts has been used, but it has been based in recent periods on surveys made only once a year, or less frequently.

4. New data are being collected, and new tabulations are being made, to measure the extent to which housing construction takes place in permit-issuing areas without being covered by a building permit. The resulting adjustment for permit undercoverage will be a new adjustment not contained in the existing series. This adjustment will be based upon the findings of the 1956 National Housing Inventory, together with the results of a direct monthly survey of permit undercoverage which the Bureau has been conducting in a sample of permit-issuing places since last November.

5. A new continuing field survey has been initiated to measure housing starts in areas where no building permits are required. Enumeration was begun experimentally in August 1959 and has been conducted monthly since that time. The new survey, which will replace the former survey of nonpermit areas that had been discontinued after June 1959, has been designed to provide a more nearly complete estimate of construction in these areas. It takes account of available information on residential construction in nonpermit areas and reduces to a minimum reliance upon a canvass of the area to discover new construction by visual inspection. Field procedures have been developed to provide for tight control of the field operations and to assure as nearly as possible that all new housing will in fact be seen and reported.

In carrying out the above described operations the Bureau is using its established methods of probability sampling, quality control, etc., and is utilizing its permanent field organization to supervise and control all field enumeration surveys.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HILL. Mr. President, with the understanding that I shall not lose my right to the floor, I yield to the distinguished Senator from New York for 1 minute, and ask unanimous consent that I may do so.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Is there objection to the request of the Senator from Alabama? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, I wish the RECORD to note that there are amendments which are printed which I have not called up, among them an anti-poll-tax amendment. As I read the decision of the Senate, by a heavy majority the Senate wishes this bill to remain pretty much as it is. Therefore I would not jeopardize my proposals by risking an adverse vote upon matters which I regard as being of great moment to the national interest, and I shall wait until a more propitious time to offer them. I wish to have the RECORD show that there are printed amendments, among them the one I have mentioned, which I have not called up.

I am grateful to the Senator for yielding to me.

Mr. HILL. Mr. President——

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HILL. Mr. President, at the time I temporarily yielded the floor I had been speaking about the Bill of Rights, the Constitution of the United States, and, more particularly, the Virginia bill of rights.

Mr. President, I had said, as Senators will recall, that a great statesman of our time, Woodrow Wilson, said he would rather have been the author of the Virginia bill of rights than the author of any document ever penned by the hand of man. That bill of rights is not only the Bill of Rights we find today in the Constitution of the United States, but it is the bill of rights we find in the constitutions of all the several States. It is the great guarantee of the rights of our people.

I have previously discussed the safeguards on which the delegates of the individual States insisted in order to protect their rights and to retain as much as possible of their State sovereignty. After the delegates representing the sovereign States had finished their work of writing the Constitution, putting in all the safeguards to insure the primary authority of the States, they closed the Constitution by writing into it the declaration that the Constitutional Convention acted "by the unanimous consent of the States" present. They wanted the people to know at that time, and wanted all succeeding generations to know, including the Senators sitting here in the year of our Lord 1960, some 173 years after the Constitution was drafted, that it was the sovereign States which had drafted and formulated the Constitution.

As stated a moment ago, two of the foremost patriots of the Revolution, Patrick Henry and George Mason, who had done so much to win our independence from the British Crown, to win our freedom, opposed the ratification of the Constitution. They felt, as did many of their compatriots, that there might be too great a surrender of sovereignty on the part of the States, that there might be too much yielding of power to the Federal Government.

I emphasize these points because the history of the ratification of the Constitution shows clearly that if the sovereignty of the States and the rights of the States had not been positively recognized in the Constitution, if all the safeguards and protections of their sovereignty and their rights had not been put into the Constitution, the Constitution would never have been ratified, and we would never have had a Federal Government.

We know, of course, that mankind has struggled through the centuries to break down arbitrary power. Sometimes it is difficult for us, living in free America, to realize the long struggle of mankind, century after century, after century, to break arbitrary power. The high-water mark of the struggle to break down arbitrary power, to bring about the distribution of power, and place it in the hands of the people, was reached when our ancestors fought the American Revolution and broke the power of the British Crown over the people of the then Original Thirteen Colonies or States. The framers of the Constitution knew that the States, with their State governments, county governments, city governments, and town governments, were the citadels of local self-government. They knew that their concept of government by the people required full and plenary recognition of the rights and the sovereignty of the States. If the people were to hold and exercise the power of the Government, there had to be recognition of the sovereignty of the States.

The people were fighting against a pool of centralized arbitrary power at the seat of government. They were fighting to keep the wellsprings of our system of government in the hands of the people—as I have said, in the local communities, the crossroads, the hamlets, and the towns. What would it have availed the people to break the tyranny of the British Crown had they themselves set up in Washington a government with central arbitrary power? They were determined, after all the sacrifices they had made, and all their bitter sufferings, to reserve the power in their own hands. I repeat, that to do this they knew that they had to maintain the sovereignty of the States, because within the States and within the States alone are the citadels of governmental power.

A few minutes ago we were speaking about the State conventions, which met to ratify the Constitution. It is interesting to note that in those State conventions one of the first questions raised—and raised many times—was the very question we are discussing today, the question of section 2 of article I of the Constitution. To bring into being a Federal Union through the Constitution, it had to be ratified by at least nine of the States.

In the Massachusetts convention, there was a doubting Thomas by the name of Dr. John Taylor, from the town of Douglass, Mass. He wanted to be very sure about this new Constitution. He wanted to make certain. He was fearful that section 4 of article I, the section with reference to the times, places, and manner of holding elections—not the section with reference to qualifications—might give Congress the power to describe property qualification for voters in the sum, as he expressed it, of £100. He inquired of Mr. Rufus King, who, as we recall, was a member of the Constitutional Convention in Philadelphia, and was also a member of the Massachusetts State convention, whether under section 4, Congress could in any way go into the question of qualifications.

Mr. King, one of the leading members of the Philadelphia Convention, had this to say:

> The idea of the honorable gentleman from Douglass transcends my understanding, for the power of control given by this section—

That is, section 4—

> extends to the manner of election, not to the qualifications of the electors.

He made that answer because he knew that the qualifications were prescribed in section 2, and were the qualifications which the States themselves would make.

The question arose in the Virginia convention, and Mr. Nicholas, one of the delegates, had something to say. As I recall, Mr. Nicholas was also a member of the Philadelphia Convention, which wrote the Federal Constitution. Certainly he was a member of the State convention. This is what Mr. Nicholas said:

> If, therefore, by the proposed plan, it is left uncertain in whom the right of suffrage is to rest, or if it has placed that right in improper hands, I shall admit that it has a radical effect. But in this plan—

That is, in the Federal Constitution—

> there is a fixed rule for determining the qualification of electors, and that rule, the most judicious that could possibly have been devised, because it refers to a criterion which cannot be changed.

Mr. Nicholas went on to say:

> A qualification that gives a right to elect representatives for the State legislatures gives also, by this Constitution, a right to choose representatives for the General Government.

The yardstick was prescribed. The yardstick which was fixed by the States should be the yardstick for the election of representatives from the particular States. It was contemplated, as I have stated again and again, that it would be fixed that way, not only because they thought it was the wisest and best way to do it, and not only because they knew if they did not do it that way the Constitution would never be ratified and come into being, but also because they felt, in doing it that way, it would be fixed for all time to come, and could not, as Mr. Nicholas said, be changed.

I might add that in reading the notes of the convention, Mr. Nicholas gave the members of the Richmond ratifying convention most positive assurance that the Federal Government could not and never would undertake to pass upon and fix the qualifications of voters.

In North Carolina, Mr. John Steele, who was a member of the ratification convention, wished to make this matter absolutely clear, so there could never be any question in anyone's mind about what North Carolina was doing when it ratified the Constitution. This is what Mr. Steele said:

> Who are to vote for them?

By that is meant, of course, who are to vote for Members of the House of Representatives and for President and for Vice President. He then said:

> Every man who has a right to vote for a representative to our legislature will ever have a right to vote for a Representative to the General Government. Does it not expressly provide—

By the word "it" he means the Constitution, of course—

> that the electors in each State shall have the qualifications requisite for the most numerous branch of the State legislature?

Mr. Steele went on to say:

> The power over the manner of elections does not include that of saying who shall vote.

Of course, all of us should understand that. Section 2 of article I deals with the "who" of the electors. Section 4 of article I deals with the "how" of the elections.

Mr. Steele went on to say:

> The Constitution—

Speaking of the Federal Constitution, of course—

> expressly says that the qualifications are those which entitle a man to vote for a State representative. It is, then, clearly and indubitably fixed and determined who shall be the electors; and the power over the manner only enables them to determine how these electors shall elect—whether by ballot, or by vote, or by any other way.

The view expressed by Delegate John Steele, in the North Carolina convention, was confirmed by Delegate William R. Davis, who also had been a delegate to the Constitutional Convention in Philadelphia.

The meaning of section 2 of article I was so clear, that the question was not even raised in the conventions of Rhode Island, New Jersey, Delaware, and Georgia; and so far as the reports show, in New Hampshire, Connecticut, and Maryland, no question was raised about the section. It was so clear that even a fourth-grade schoolchild on reading it would know what it meant.

Mr. President, with reference to the resolutions adopted by the several States in ratifying the Federal Constitution, we find that in none of those resolutions was any question raised about section 2 of article I. It was so clear that there was no question to be raised. It was ipse dixit; it spoke for itself.

I have already made certain references to section 4 of article I. However, it is interesting to note at this point that some of the ratifying resolutions did raise questions regarding that section; and it is interesting to note that in each case where such questions were raised, those States in their resolutions ratifying the Constitution wished to make certain that Congress knew that they felt that Congress should never exercise the power given under section 4 of article I unless the States had failed to function in prescribing the times, places, and manner of holding elections.

South Carolina, in its resolution of May 27, 1788, declared:

> And whereas it is essential to the preservation of the rights reserved to the several States and the freedom of the people under the operations of the General Government that the right of prescribing the manner, time, and places of holding elections to the Federal Legislature should be forever annexed to the sovereignty of the several States, this convention does declare that the same ought to remain, to all posterity, a perpetual and fundamental right in the local government, exclusive of the interference of the General Government—

That is, the Federal Government—

> except in cases where the legislatures of the States shall refuse or neglect to perform and fulfill the same, according to the tenor of the said Constitution.

All this shows how jealous the States were, how jealous the people were to preserve to the States and to the people their rights, and that the adoption of the Constitution left the States powers over their voter rolls completely unimpaired.

In 1865 a congressional joint committee was created to draft the 14th amendment. The chairman of the committee, which was composed of 15 members, was Senator William Pitt Fessenden, of Maine. Since Senator Fessenden was in ill health, Senator Jacob M. Howard, of Michigan, the ranking member, frequently assumed the chairmanship.

Among members of the joint committee, on the House side, were Roscoe Conkling, of New York; George M. Boutwell, of Massachusetts; Henry T. Blow, of Missouri; and John A. Bingham, of Ohio. Mr. Bingham, I believe, is credited with being the actual draftsman or author of the 1st section of the 14th amendment. Other members from the House were Justin S. Morrill, of Vermont, and E. B. Washburne, of Illinois. I believe the record discloses that Kentucky had representation in the person of Representative Grider.

In the Senate the first section was discussed by Senator Howard. On May 23, 1865, he had this to say:

> The first section of the proposed amendment does not give to either of these classes the privilege of voting. The right of suffrage is not, in law, one of the privileges or immunities thus secured by the Constitution. It is merely the creature of law. It has always been regarded in this country as a result of positive local law.

In other words, where the section speaks of guaranteeing certain privileges and immunities, Senator Howard made it clear that those privileges and immunities did not apply to, had no reference to, and did not in any way include any right of suffrage.

This indicates that in 1865, when the Senate was considering the 14th amendment to the Constitution, the men who were its authors, proponents, and advocates held fast to the same proposition in the matter of qualifications of electors which had been expressed and had been so stoutly proclaimed in 1787 by the framers and authors of the Constitution of the United States.

As to section 2, Senator Howard said—and I am reading now from page 2766 of the Congressional Globe:

This section does not recognise the authority of the United States over the question of suffrage in the several States at all. It leaves the right to regulate the elective franchise still with the States and does not meddle with that right.

In closing the debate, on June 8, and just before the joint resolution was passed upon by the Senate, Senator Howard said, at page 3039 of the Congressional Globe:

We know very well that the States retain the power which they have always possessed of regulating the right of suffrage.

Remember, Mr. President, I am quoting the words of the man who, on this floor, was charged with the responsibility of piloting through the Senate the 14th amendment. In speaking, he was not only speaking for himself, but for the entire committee of 15 members who had worked with him and had jointly with him drafted the 14th amendment.

He proceeded to say:

We know very well that the States retain the power which they have always possessed of regulating the right of suffrage. It is the theory of the Constitution.

Says Senator Howard, speaking for the committee:

That right—

That is, the right of suffrage—

has never been taken from them; no endeavor has ever been made to take it from them, and the theory of this whole amendment is to leave the power of regulating the suffrage with the people or legislatures of the States and not to assume to regulate it by any clause of the Constitution of the United States.

Could any language be stronger than these words I have quoted from Senator Howard, spoken some 77 years after our Government came into being?

On this committee of 15 there was one Democratic Senator who happened to be the Senator from Maryland, Senator Reverdy Johnson. He said:

I suppose that even the honorable Member from Massachusetts, Senator Sumner, will not deny that it was for Massachusetts to regulate her suffrage before 1789; and if it was, she has the power still unless she has agreed to part with it by devolving it upon the general government. Is there a word in the Constitution that intimates such a purpose?

That is, the purpose of giving such a power to the Federal Government.

Who at that time, in 1787, denied that the State was clothed with the power of prescribing the qualifications for the most numerous branch of the State legislature? The State and nobody else.

The right of choosing the allotted number in each State is to be exercised by such part of the inhabitants as the State itself may designate. Words could not have been adopted more obviously leading to the conclusion that, in the opinion of the writers of the "Federalist"—

Here the Senator was quoting from the "Federalist," as I should have said—

the States were to have the sole right of regulating the suffrage. There is nothing innate in the right of suffrage.

Senator Henry Wilson, of Massachusetts, who later became Vice President of the United States in the second administration of Ulysses S. Grant, said in the close of the debate:

The men who framed the Constitution made those State constitutions; they well knew what the qualifications were.

He added:

Every State constitution provides for electors, prescribes the qualification for suffrage. The laws of the States provided for qualifications of electors. Every State, from the adoption of the State constitution to this hour, has claimed the authority and exercised it to settle the questions pertaining to suffrage. They never supposed that the Federal Government had the power to change it. They never gave that power, and they never intended to give that power.

As I indicated earlier, the issue of voter qualification arose again in connection with the 17th amendment. It will be recalled that that amendment to the Constitution was adopted in 1913. That was 126 years after the ratification of the Constitution of the United States. After 126 years, when the people of the United States saw fit to change their method of electing U.S. Senators, when they desired to have their Senators elected, not by the legislatures, as provided in the original Constitution, but directly by the people themselves, what did they provide? They provided, in the 17th amendment, as follows:

The Senate of the United States shall be comprised of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote.

Then there is this language:

The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

The people adopted the same identical language for the qualification of electors for the U.S. Senate which was adopted for electors for Members of the House of Representatives at the very beginning. In other words, they ratified and reaffirmed the wisdom of the Founding Fathers and of the Original States in providing that the qualifications of the electors for Members of the Congress should be the qualifications requisite for electors of the most numerous branch of the State legislatures. I think it can be said here that had the 17th amendment made any change in the fixing or determination of those qualifications, it would never have been ratified by the people of the United States. The people were determined that these qualifications should remain, to be fixed by the States.

I should like to invite the Senate's attention to a number of dicta and legal opinions which support my contention that the proposal under consideration contravenes the basic spirit of the Constitution.

One of the great decisions was written by a great Justice of the Supreme Court, at whose feet I was privileged to sit as a student when I was attending law school at Columbia University. I refer, of course, to then Justice and later Chief Justice Harlan F. Stone, of the Supreme Court of the United States.

In 1941, Mr. Justice Stone wrote, as a part of the Supreme Court's opinion in the case of *United States* v. *Classic* (313 U.S. 299):

Such right as is secured by the Constitution to qualified voters to choose Members of the House of Representatives is thus to be exercised in conformity with the requirements of State law, subject to the restrictions prescribed by section 2 and the authority conferred on Congress by section 4 to regulate the times, places, and manner of holding elections of Representatives.

We look then to the statutes of Louisiana here involved to ascertain the nature of the right which under the constitutional mandate they define and confer on the voter.

Another case to which I invite attention is the case of *Minor* v. *Happersett* (21 Wall. 162), decided on March 21, 1875. In that case the extent of the distinction between the rights of a citizen of the United States and the rights of a citizen of a State with regard to voting was laid down and explained.

Chief Justice White of the Supreme Court declared that the fact that the right to vote could not grow out of citizenship alone was clear when one considered who was a citizen of the United States. He said that everyone born here is a citizen of the United States; and therefore if voting depended on citizenship, every child, every pauper, every criminal, every person born here would have the right to vote.

The opinion in this case contained the summary statement:

When the Federal Constitution was adopted, all the States, with the exception of Rhode Island and Connecticut, had constitutions of their own. These two continued to act under their charters from the Crown. Upon an examination of these constitutions we find that in no State were all citizens permitted to vote. Each State determined for itself who should have that power.

Again, in 1915 in the case of *Gwinn and Beal* v. *U.S.* (238 U.S. 347), Chief Justice White had this to say about the effect of the 15th amendment on State power—page 362:

Beyond doubt, the amendment does not take away from the State governments in a general sense the power over suffrage which had belonged to those governments from the beginning, and without the possession of which power the whole fabric upon which the division of State and National authority under the Constitution and the organization of both governments rest would be without support and both the authority of the Nation and the State would fall to the ground. In fact, the very command of the amendment recognizes the possession of the general power by the State, since the amendment seeks to regulate its exercise as to the particular subject with which it deals.

The limitation on the powers of the Federal Government was defined with clarity by the Supreme Court in the more recent case of *Carter* v. *Carter Coal Co.* (298 U.S. 238), in which the Court said:

The general rule with regard to the respective powers of the National and State Governments under the Constitution is not in doubt. The States were before the Constitution; and, consequently, their legislative powers antedated the Constitution.

Those who framed and those who adopted that instrument meant to carve from the

general mass of legislative powers, then possessed by the States, only such portions as it was thought wise to confer upon the Federal Government; and in order that there should be no uncertainty in respect to what was taken and what was left the national powers of legislation were not aggregated but enumerated—with the result that what was not embraced by the enumeration remained vested in the States without change or impairment. Thus, "when it was found necessary to establish a National Government for national purposes," this Court said in *Munn* v. *Illinois* (94 U.S. 113, 124), "a part of the powers of the States and the people of the States was granted to the United States and the people of the United States. This grant operated as a further limitation upon the powers of the States, so that now the governments of the States possess all the powers of the Parliament of England, except such as have been delegated to the United States or reserved by the people." While the States are not sovereign in the true sense of that term, but only quasi-sovereign, yet in respect of all powers reserved to them they are supreme—"as independent of the General Government as that Government within its sphere is independent of the States." And, since every addition to the legislative power to some extent detracts from or invades the power of the States it is of vital moment that, in order to preserve the fixed balance intended by the Constitution, the powers of the General Government be not so extended as to embrace any not within the express terms of the several grants or the implications necessary to be drawn therefrom.

It is no longer open to question that the General Government, unlike the States, possesses no inherent power in respect of the internal affairs of the States and emphatically not with regard to legislation. The question in respect of the inherent power of that Government as to the external affairs of the Nation and in the field of international law is a wholly different matter which it is not necessary now to discuss.

Mr. President, at the beginning of my discussion on this section of the amendment providing for Federal referees, I cited and quoted Mr. Cooley and his work on constitutional law in submitting that there is no such thing as an "inherent right" to suffrage, but rather that it is a privilege conferred by the State governments.

I should now like to invite to the attention of the Senate a few more words to be found in Cooley's "Constitutional Limitations." In the eighth edition, volume 2, Mr. Cooley declared:

Among the absolute, unqualified rights of the States is that of regulating the elective franchise; it is the foundation of State authority; the most important political function exercised by the people in their sovereign capacity. Whilst "the right of the people to participate in the legislature is the best security of liberty and foundation of all free government," yet it is subordinate to the higher power of regulating the qualifications of the electors and the elected. The original power of the people in their aggregate political capacity, is delegated in the form of suffrage to such persons as they deem proper for the safety of the Commonwealth; Brightly Election cases (*Anderson* v. *Baker* (32, 33, 34, 23 Md. 531)).

Every constitution of government in these United States has assumed, as a fundamental principle, the right of the people of the State to alter, abolish, and modify the form of its own government according to the sovereign pleasure of the people. In fact, the people of each State have gone much further and settled a far more critical question by deciding who shall be the voters entitled to approve and reject the constitution framed by a delegated body under their direction (1 Story, "Constitution," ch. 9, sec. 581).

Then Mr. Cooley says:

From this it will be seen how little, even in the most free of republican governments, any abstract right of suffrage, or any original and indefeasible privilege, has been recognized in practice (ibid.). In no two of these State constitutions will it be found that the qualifications of the voters are settled upon the same uniform basis, so that we have the most abundant proofs that among a free and enlightened people convened for the purpose of establishing their own forms of government and the rights of their own voters the question as to the due regulation of the qualifications has been deemed a matter of mere State policy, and varied to meet the wants, to suit the prejudices, and to foster the interests of the majority.

The exclusive right of the several States to regulate the exercise of the elective franchise and to prescribe the qualifications of voters was never questioned.

Mr. President, in opposing the proposal before us, we who oppose it, we who fight against it, are not only fighting for the protection of the rights of the States, but we are also fighting to save our dual form of government—to save the American Republic.

In the very beginning, article I, section 2, vested in the State governments the power over suffrage. Without the possession of this power in the States, the whole structure upon which the division of State and National authority under the Constitution and the organization of both governments rests would be without support, and the authority of both State and Nation would fall to the ground. Surely, after more than 170 years of the tried and proven effectiveness of this section, it is most unfortunate that now this question, which strikes at the very foundation stones of our dual system of government and which would tear down the very structure of our Government—should be injected into the Senate of the United States.

The proposal before us constitutes yet another step in the recent headlong and heedless rush to further diminish the sovereignty of the States.

Let me recall to the Senate what President Andrew Jackson said in his farewell address:

My experience in public concerns and the observations of a life somewhat advanced confirm opinions long since imbibed by me, that the destruction of our State governments or the annihilation of their control over the local concerns of the people would lead directly to revolution and anarchy and finally to despotism and military domination.

In discussing the necessity for the unity of the United States, Andrew Jackson continued:

But the Constitution cannot be maintained, nor the Union preserved, in opposition to public feeling, by the mere exertion of the coercive powers confided to the general government. The foundations must be laid in the affections of the people; in the security it gives to life, liberty, character, and property, in every quarter of the country; and in the fraternal attachments which the citizens of the several States bear to one another, as members of one political family, mutually contributing to promote the happiness of each other.

Hence the citizens of every State should studiously avoid everything calculated to wound the sensibility or offend the just pride of the people of the other States. And they should frown upon any proceedings within their own borders likely to disturb the tranquillity of their political brethren in other portions of the Union. In a country so extensive as the United States, and with pursuits so varied, the internal regulations of the several States must frequently differ from one another in important particulars; and this difference is unavoidably increased by the varying principles upon which the American Colonies were originally planted; principles which had taken deep root in their social relations before the Revolution, and, therefore, of necessity, influencing their policy since they became free and independent States. But each State has the unquestionable right to regulate its own internal concerns according to its own pleasure; and while it does not interfere with the rights of the people of other States, or the rights of the Union, every State must be the sole judge of the measures proper to secure the safety of its citizens and promote their happiness and all efforts on the part of the people of other States to cast odium upon their institutions, and all measures calculated to disturb their rights of property, or put in jeopardy their peace and internal tranquility, are in direct opposition to the spirit in which the Union was formed and must endanger its safety.

Motives of philanthropy may be assigned for this unwarrantable interference; and weak men may persuade themselves for a moment that they are laboring in the cause of humanity, and asserting the rights of the human race; but everyone, upon sober reflections, will see that nothing but mischief can come from these improper assaults upon the feelings and rights of others. Rest assured that the men found busy in this work of discord are not worthy of your confidence and deserve your strongest reprobation.

It is well known that there have been those among us who wish to enlarge the powers of the Central Government and experience would seem to indicate that there is a tendency on the part of this Government to overstep the boundaries marked out for it by the Constitution. Its legitimate authority is abundantly sufficient for all the purposes for which it was created, and its powers being expressly enumerated, there can be no justification for claiming anything beyond them.

Every attempt to exercise power beyond these limits should be promptly and firmly opposed. For one evil example will lead to other measures still more mischievous; and if the principle of constructive powers, or supposed advantage, or temporary circumstances shall ever be permitted to justify the assumption of a power not given by the Constitution, the General Government will before long absorb all the powers of legislation, and you will have in effect, but one consolidated Government.

From the extent of our country, its diversified interests, different pursuits, and different habits, it is too obvious for argument that a single consolidated Government would be wholly inadequate to watch over and protect its interests; and every friend of our free institutions should be always prepared to maintain unimpaired and in full vigor the rights and sovereignty of the States, and to confine the action of the General Government strictly to the sphere of its appropriate duties.

Mr. President, at this time let me point out to the Senate that a later President, a great scholar and teacher of our system of government, also expressed

thoughts that we can ignore only at our peril. Woodrow Wilson said:

It is difficult to discuss so critical and fundamental a question calmly and without party heat or bias when it has come once more, as it has now, to an acute stage. Just because it lies at the heart of our constitutional system to decide it wrongly is to alter the whole structure and operation of our Government, for good or for evil, and one would wish never to see the passion of party touch it to distort it. A sobering sense of responsibility should fall upon everyone who handles it. No man should argue it this way or that for party advantage. Desire to bring the impartial truth to light must, in such a case, be the first dictate alike of true statesmanship and of true patriotism. Every man should seek to think of it and to speak of it in the true spirit of the founders of the Government and of all those who have spent their lives in the effort to confirm its just principles both in counsel and in action.

The principle of the division of powers between State and Federal Governments is a very simple one when stated in the most general terms. It is that the legislatures of the States shall have control of all the general subject matter of law, of private rights of every kind, of local interests, and of everything that directly concerns their people as communities—free choice with regard to all matters of local regulation and development.

Woodrow Wilson said we tend to think of our American political system as distinguished by its central structure—its President and Congress and courts set up by the Constitution—but "as a matter of fact, it is distinguished by its local structure, by the extreme vitality of its parts. It would be an impossibility without its division of powers."

He also said:

From the first, America has been a nation in the making. It has come to maturity by the stimulation of no central force or guidance, but by an aboundingly self-helping, self-sufficient energy in its parts, which severally brought themselves into existence and added themselves to the Union, pleasing first of all themselves in the framing of their laws and constitutions, not asking leave to exist and constitute themselves, but existing first and asking leave afterward, self-originated, self-constituted, self-confident, self-sustaining, veritable communities, demanding only recognition. Communities develop not by external but by internal forces. Else they do not live at all. Our Commonwealths have not come into existence by invitation, like plants in a tended garden; they have sprung up of themselves, irrepressible, a sturdy, spontaneous product of the nature of men nurtured in a free air.

It is this spontaneity and variety, this independent and irrepressible life of its communities, that has given our system its extraordinary elasticity, which has preserved it from the paralysis which has sooner or later fallen upon every people who have looked to their central government to patronize and nurture them.

Let us also pay very close attention, Mr. President, to the following words of the late President Wilson:

The remedy for ill-considered legislation by the States, the remedy alike for neglect and mistake on the part of their several governments, lies not outside the States, but within them. The mistakes which they themselves correct will sink deeper into the consciousness of their people than the mistakes which Congress may rush in to correct for them, thrusting upon them what they have not learned to desire. They will either themselves learn their mistakes, by such intimate and domestic processes as will penetrate very deep and abide with them in convincing form, or else they will prove that what might have been a mistake for other States or regions of the country was no mistake for them, and the country will have been saved its wholesome variety. In no case will their failure to correct their own measures prove that the Federal Government might have forced wisdom upon them.

Wilson concluded his lecture with the assertion that—

We are certified by all political history of the fact that centralization is not vitalization. Moralization is by life, not by statute, by the interior impulse and experience of communities, not by fostering legislation which is merely the abstraction of an experience which may belong to a nation as a whole or to many parts of it without having yet touched the thought of the rest anywhere to the quick. The object of our Federal system is to bring the understandings of constitutional government home to the people of every part of the Nation to make them part of their consciousness as they go about their daily tasks. If we cannot successfully effect its adjustments by the nice local adaptations of our older practice, we have failed as constitutional statesmen.

And still closer to our time, Franklin D. Roosevelt, while Governor of New York, had this to say on the proper relationship between the States and the Federal Government:

Fortunately for the stability of our Nation, it was already apparent (when the Constitution was adopted) that the vastness of our territory presented wide geographical and climatic differences which gave to the States wide differences in the nature of their industry, their agriculture, and their commerce. Thus, already it was clear to the framers of our Constitution that the greatest possible liberty of self-government must be given to each State, and that any national administration attempting to make all laws for the whole Nation, such as was wholly practical in Great Britain, would inevitably result at some future time in a dissolution of the Union itself.

The preservation of this home rule by the States is not a cry of jealous commonwealths seeking their own aggrandizement at the expense of sister States. It is a fundamental necessity if we are to remain a truly united country.

The whole success of our democracy has not been that it is a democracy wherein the will of a bare majority of the total inhabitants is imposed upon the minority, but because it has been a democracy where through a division of government into units called States the rights and interests of the minority have been respected and have been given a voice in the control of our affairs. To bring about government by oligarchy masquerading as democracy it is fundamentally essential that practically all authority and control be centralized in our National Government. The individual sovereignty of our States must first be destroyed, except in mere minor matters of legislation. We are safe from the danger of any such departure from the principles on which this country was founded just so long as the individual home rule of the States is scrupulously preserved and fought for whenever they seem in danger.

I have been quoting Franklin D. Roosevelt. After outlining the rights granted by the Constitution to the Federal Government, he said:

As the individual is protected from possible oppression by his neighbors, so the smallest political unit—the town is in theory at least, allowed to manage its own affairs, secure from undue interference by the larger unit of the county, which in turn is protected from mischievous meddling by the State. The whole spirit and intent of the Constitution is to carry this great principle into the relations between the National Government and the governments of the States.

Let us remember that from the very beginning, differences in climate, soil, conditions, habits, and modes of living in States separated by thousands of miles rendered it necessary to give the fullest individual latitude to the individual States. Remembering that the mining States of the Rockies, the fertile savannas of the South, the prairies of the West, and the rocky soil of the New England States created many problems, introduced many factors in each locality, which have no existence in others, it is obvious that almost every new or old problem of government must be solved, if it is to be solved to the satisfaction of the people of the whole country, by each State in its own way.

As I have said, when the Founding Fathers gave up a portion of the sovereignty of the States to the Federal Government, they did so with a great deal of trepidation, and they did so only with the firm conviction that it was unity alone—unity of purpose, unity of resolve, and unity in their mutual dedication to human liberty, that unity about which Andrew Jackson spoke in his farewell address—that could enable the people of our country to long endure and abound in the joy of the priceless legacy which a heroic young Nation had won at the cost of much sacrifice and loss of life.

Mr. President, there may be those who think that the system of Government that was devised in this country over 170 years ago and given us as part of that priceless legacy is obsolescent.

In answer to any such thinking, I should like to point out that one of the most baffling problems that faces contemporary democracies arises from the deadening effect of sprawling, impersonal, overcentralized governments. How does one keep democracy fresh, vital, and close to the hearts of the people in the face of these ponderous machines of government. We have the answer, Mr. President. The Federal system which was devised by our forefathers in the 18th century provides the brightest hope for the survival of democracy in the 20th century. If we tamper with the basic tenets of the system bequeathed to us by our forefathers, if we trample on this precious heritage, we will deserve the fate that will undoubtedly befall us.

In the spirit of our forefathers, let us rededicate ourselves to this precious heritage and to the system of government it gave us.

Let us be done, Senators, with those measures that would weaken this system of government and undermine its very foundations.

Let us be done with these measures that would violate and belittle that great document for which so much blood was shed and so many human lives were sacrificed.

Let us stand squarely upon the Constitution of the United States—rock of freedom, ageless and enduring foundation of our rights, our hopes, and our democratic faith.

Mr. HART. Mr. President, I have prepared and there is on the desk an amendment to add an antilynching provision to the bill. It is an amendment identified as "4-1-60—A." We have seen a series of amendments voted down. I conclude that I should not call up the antilynching amendment, because I would not want the strongly negative vote cast under the momentum of the desire to pass the bill without substantial change to be interpreted as the true sentiment of the Senate on the need for antilynching legislation. I hope a more propitious time and atmosphere will arrive for consideration of this legislation on its merits, because the problem will not go away; nor will our obligation diminish.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be offered, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. JOHNSON of Texas subsequently said. Mr. President, I move that the Senate reconsider the vote by which the bill was read the third time.

Mr. HART. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSON of Texas. Mr. President, I ask that I may yield to the distinguished Senator from Idaho [Mr. CHURCH] who has a brief statement to make.

Mr. DIRKSEN. Mr. President, what does the majority leader foresee for the rest of the day?

Mr. JOHNSON of Texas. I cannot see very far down the road today. However, since we have come a long way and have had the third reading of the bill, and inasmuch as I anticipate that there will be a good many speeches, certainly in opposition to the bill, and I believe also in favor of the bill, I would not anticipate a vote on passage today, although an effort will be made to get a vote, and if that is possible, I will stay here until a reasonable hour, until it appears that it will be impossible to do so, and I anticipate it will be.

So I would say to the members of the minority that they could go on with any plans they had this afternoon and evening, and that if it appears possible to have a vote I will give them at least an hour's notice. If not, we will come in early in the morning tomorrow and stay late tomorrow, in an attempt to pass the bill, if we are unable to pass it today. If we cannot pass it tomorrow, we will come in early on Saturday and stay until late on Saturday in an attempt to pass it.

Mr. DIRKSEN. Could the majority leader set a time now for coming in tomorrow?

ORDER FOR ADJOURNMENT TO 10 O'CLOCK A.M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when we conclude our deliberations today we stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Is there objection? Without objection, it is so ordered.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. SCOTT. The majority leader has helped us by his advice and has indicated that if the bill is not passed today we will come in tomorrow; and if it is not passed tomorrow, we will come in on Saturday. Does the distinguished majority leader have any terminal date in his mind in that statement? Would he continue by saying that if the bill is not passed on Saturday, we will come in on Monday, and for the rest of the week, and the week after that, and the week after that?

Mr. JOHNSON of Texas. I do not think it is necessary to say that, but if it will give the Senator from Pennsylvania any satisfaction, I will be glad to do so.

Mr. SCOTT. It does not give the Senator from Pennsylvania any satisfaction. I am ready to vote for cloture at any time, and have already voted for cloture one time. I do not want my position to be misunderstood. I was trying to find out what the Senator's position was.

Mr. JOHNSON of Texas. That is the kind of position that gets us into trouble, voting for cloture too early. I think we had better play this by ear. If we do not pass the bill tomorrow, we will try to pass it on Saturday. If we do not pass it on Saturday, we will try to pass it on Monday. I think we will be here until we pass it. I have no intention of running away from the fight or abandoning it.

Mr. SCOTT. And so on ad infinitum and, if necessary, ad nauseam?

Mr. DIRKSEN. Mr. President, addressing a further inquiry to the majority leader——

Mr. JOHNSON of Texas. I thank the Senator from Pennsylvania for giving me the information about his enthusiasm. I did not know it until he told me about it.

Mr. SCOTT. I am indebted to the Senator from Texas for giving me the time to express my views.

Mr. DIRKSEN. Is the Senator from Texas reasonably certain that there will be no vote on passage of this bill this evening?

Mr. JOHNSON of Texas. I have reasonable certainty, but on the other hand I would not want anyone to remind me at 12:15 tonight that that was a commitment.

Mr. DIRKSEN. If the distinguished majority leader will yield again—and he is a distinguished majority leader—I should like to say that we were in session until a late hour last night and until a late hour on other nights, and I thought that perhaps——

Mr. JOHNSON of Texas. I see on the floor my friend the junior Senator from Mississippi. I will ask him if he expects to speak on the passage of the bill.

Mr. STENNIS. Yes.

Mr. JOHNSON of Texas. Does the Senator from South Carolina [Mr. THURMOND] expect to speak at some length?

Mr. THURMOND. I expect to speak for about 2 hours.

Mr. JOHNSON of Texas. I am informed that the senior Senator from Mississippi desires to speak on the bill. I believe the junior Senator from Louisiana desires to speak on it. My friend the Senator from South Carolina [Mr. THURMOND] desires to speak. I believe that in the light of these statements, I can give the Senator, not reasonable certainty, but positive assurance——

Mr. DIRKSEN. Fairly reasonable assurance?

Mr. JOHNSON of Texas. I will give him positive assurance that we will not have a rollcall this evening.

Mr. STENNIS. I object to the audience being dispersed by such tactics.

Mr. JOHNSON of Texas. Then I withdraw that assurance. [Laughter.]

Mr. RUSSELL. The Senator knows that even though we have had the third reading of the bill, a motion to postpone is in order.

Mr. JOHNSON of Texas. Yes.

Mr. RUSSELL. Or a motion to recommit.

Mr. JOHNSON of Texas. Yes.

Mr. RUSSELL. So Senators will leave at their peril.

Mr. JOHNSON of Texas. I believe we can give Senators assurance that we will not have a rollcall vote this evening, if the majority leader can prevent one. I think the Senator has been cooperative and he is entitled to go with that assurance.

So that we may clarify the matter, so far as the majority leader is able to control the situation, the Senate will remain in session as long as Senators desire to stay this evening. There will be no rollcalls.

When Senators have concluded the statements which they desire to make today, I shall move, pursuant to the order previously entered, that the Senate adjourn until 10 o'clock tomorrow morning. However, Senators may be assured that so far as I am able to control the matter, there will be no further rollcalls today.

SUSPENSION OF NUCLEAR TESTS

Mr. CHURCH. Mr. President, it is gratifying that many highly respected syndicated columnists have focused public attention on the effort being made to achieve a nuclear test-suspension agreement, compatible with our national security interests and the interests of an anxious world.

Among the highly useful and informative discussions of this issue which I have not yet seen included in the CONGRESSIONAL RECORD are three, all published recently in the Washington Post and Times Herald. These are "Ray of Hope Seen on Test Suspension," by

Marquis Childs, on March 30; "The Unspoken Reasons," by Joseph Alsop, on March 30; and "Macmillan Urges Test Ban on United States," by Drew Pearson, on March 28.

I ask unanimous consent that the articles may be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 30, 1960]

RAY OF HOPE SEEN ON TEST CESSATION

(By Marquis Childs)

While a rearguard action by the diehard opponents of any agreement of any kind with the Soviets cannot be discounted, there is a current of cautious optimism in this Capital that a nuclear test ban with a verifiable inspection system will be approved.

It will not finally be nailed down until the heads of government meet at the summit in Paris in mid-May. An examination of the transcript of the exchanges that have gone on within the nuclear testing conference at Geneva since the Soviets came forward with their latest proposal makes this clear.

In that proposal they agreed to ban all tests except those below a threshold of an earthquake reading of 4.5 (19,000 tons of TNT equivalent) and with this would go a voluntary moratorium on the smaller explosions while a joint scientific force worked to perfect a detection system. To many who have followed the long and complex negotiations this seemed a big step toward the American position that there can be no agreement which leaves any area free of verifiable inspection.

If a compromise can be worked out, and Prime Minister Macmillan's visit has been an encouraging portent, another area of major disagreement will remain. This is on the number of on-site inspections to be permitted on the territory of each nation.

The record from Geneva shows that Chief Delegate Semyon Tsarapkin, when pressed on this matter last week, said with great emphasis that the Soviet delegation meant to adhere firmly to their position that this must be a political decision. In other words, the number of on-site inspections is not to be determined by the scientists. In short, the decision will be made by Premier Khrushchev himself at the summit.

But those who favor an agreement interpret this as a face-saving device for the Russians. Having in effect agreed to a scientific determination of the threshold below which explosions cannot be detected with accuracy, they must stand firm on the right of a political determination in the other disputed area. There is confidence here that at the summit Khrushchev will, after a great deal of haggling, approve 20 inspections, which is the Western figure.

Leader of the implacable opposition is Chairman John McCone of the Atomic Energy Commission. He has never wavered in his determination to see testing resumed. Again and again in conferences at the State Department he has dramatically invoked the Chinese-Russian Communist hordes who will sweep away Western civilization unless they are deterred by troops equipped with tactical atomic weapons for use in limited nuclear war.

Only through more testing, he has argued with his massive assurance, can such weapons be achieved. Once or twice in these heated conferences it has been pointed out that the Russians could also resume nuclear testing and development and equip the Communist hordes with small nuclear weapons.

That would restore the advantage to numbers and invalidate the McCone argument. The distinguished physicist, Hans Bethe, who favors a compromise agreement, makes a good case that if the West had accepted the Russian proposal to stop testing in 1955 the advantage today would be much stronger, since the Russians have used the interval to catch up. But these contentions make no impression on McCone.

Back of him is the brilliant and impassioned physicist, Edward Teller, director of the AEC's Livermore laboratory in California.

The key figure is Senator CLINTON ANDERSON, chairman of the Joint Congressional Committee on Atomic Energy. While in the first instance he denounced the Soviet proposal, he has since with his shrewd commonsense understanding come to a more measured view.

While, as has so often been pointed out, the British have all along been ready to accept an agreement that would make a start at verifiable inspection, to be built upon with further scientific development, they are a bit tired of being put in the role of appeasers who rush to Washington to insist on the easy way of compromise. The fact is that Macmillan was invited to reinforce a decision which had, in effect, already been taken.

The millennium is certainly not at hand and the cold war proponents may be able to count on Berlin to renew the fray. But the outlook is, at this moment, just a shade more hopeful.

[From the Washington Post, Mar. 30, 1960]

THE UNSPOKEN REASONS

(By Joseph Alsop)

It is well worth taking a look at the real reasons why President Eisenhower and Secretary of State Herter decided to go a long way to meet the Soviets in the negotiations for ban on nuclear tests. These unspoken reasons begin with Secretary Herter's strong instinct that the continuous, competitive development of nuclear and other modern weapons is an automatically dangerous business.

This does not mean that the Secretary is not an advocate of a strong national defense. Far more than his predecessor, the late John Foster Dulles, Herter believes in the Churchillian rule, "Arm to negotiate." But Herter also believes, very clearly, that human wisdom may not always be sufficient to control the situation, if the great powers go on piling more and more terrible instruments of destruction on the stocks of such instruments which they already possess.

Those who hold this belief may be skeptical of the fruitfulness of disarmament negotiations. Herter and the others like him would have to forget the whole history of the last half century in order not to be skeptical.

They may also insist, as Herter insists, that any disarmament scheme must be fully controlled and inspected. But they still feel a moral compulsion to try to negotiate for disarmament.

They think the effort has to be made, however tollsome and hopeless it may seem, because they also suspect that if the world goes on as it has been going, the world may blow itself up by accident. And this suspicion that the world may end by blowing itself up by accident also affects the way they weigh negotiating risks.

In the present instance, for example, Secretary Herter was ready to risk agreement with the Soviets on a 1-year moratorium on undetectable underground nuclear tests, because he thought the risk of such an uninspected moratorium was less than the risk of a rigid attitude.

The chief reason for this judgment, in turn, was the unanimous advice of the Government Soviet experts, both in Moscow and in Washington. All of them advised that the negotiations for a ban on nuclear tests had now reached what the policymakers call "the litmus paper stage."

In other words, the Soviets were expected to conclude that this country was not negotiating in good faith, if we rejected out of hand the Soviet proposal for an inspected treaty covering detectable tests, plus an agreement for a moratorium on tests that are as yet undetectable. This would have led to final breakdown of the negotiations for a nuclear test ban. And this, in turn, would have aborted our effort to negotiate for general disarmament, before that effort could really get underway.

The "litmus paper" argument was strongly reinforced by a more general political argument. In brief, the Soviet experts think there are deeper divisions of opinion in the Kremlin than in Washington, about such questions as the gain from disarmament versus the loss from an inspection system.

The Kremlin majority must plainly support, or at least tolerate the relatively flexible policy of Nikita S. Khrushchev. But it is supposed that there is a Kremlin minority of orthodox Stalinists who still want to return to the old ways of doing business, or rather of not doing business with the West.

Curiously enough, one of the most important bits of factual evidence for the divided Kremlin theory was brought back from Moscow by Secretary Herter's chief opponent in the recent intra-administration debate, Chairman John A. McCone of the Atomic Energy Commission. On a very high level indeed, McCone was told that the Soviet Government was split between a majority genuinely desiring agreement with the West, and a minority wanting nothing of the sort. Many of the difficulties in the test-ban talks at Geneva were even attributed to the fact that the Soviet negotiator, Semyon Tsarapkin, belonged to the hard-nosed minority.

If this is the situation in the Kremlin, the turning point that has just been passed was ultraimportant. For the hardnosed minority must be eager for proof that the United States has not been negotiating in good faith. If we had given them anything they could use as such proof, their "I told you so's" would have been deafening. Their "I told you so's" would have been convincing, too. The hardnosed minority would then have become a hardnosed majority.

Such, at any rate, is the best crude summary that can be offered of the main reasons for the great decision that has now been taken. It is not a soft decision. It is simply a decision that refuses to rule out any hope whatever of a less dangerous world of the future.

[From the Washington Post, Mar. 26, 1960]

MACMILLAN URGES TEST BAN ON UNITED STATES

(By Drew Pearson)

When Prime Minister Harold Macmillan sits down to discuss nuclear arms testing with President Eisenhower today it will be the world's last chance to prevent the spread of nuclear weapons to other nations.

If the present talks in Washington and Geneva fail, nuclear weapons are almost certain to get into the hands of Red China and various other nations—with the chance of their irresponsible use greatly increased.

On this point members of the Eisenhower Cabinet are in almost complete agreement. But on the question of whether we should or should not accept the latest Russian ban-on-A-bombs proposal there has been wide disagreement.

Here is the background of how the sudden Macmillan flight across the Atlantic developed, together with the lineup of who is for and who is against banning nuclear testing.

NIKITA'S LETTER

The background dates back to a private letter, still unpublished, from Nikita Khrushchev to D. D. Eisenhower, expressing alarm over reports that the United States was going to give nuclear weapons to its NATO allies. The letter was couched in moderate friendly terms, calculated not to ruffle any international feathers. But politely it warned that if the United States was going to distribute nuclear weapons to its allies, Russia would have to do the same to its allies—which meant Red China.

In equally moderate language, Eisenhower replied that the United States had no intention of passing around its atomic weapons.

At this point, U.S. experts, studying the Khrushchev letter, became convinced that Khrushchev definitely wanted to ban A-bomb testing, and for the following reasons:

1. France has just tested its first A-bomb. If France has the bomb, Germany will have it next.

2. If the United States gave A-weapons to NATO, they would be in the hands of nations unfriendly to Russia and very close to Russia.

3. Khrushchev is just as anxious to keep A-weapons away from Red China as we are. But if A-weapons are given to NATO nations, it would be impossible for Moscow to deny Red China's demands for them.

Out of this came private conferences in Geneva between Russian, British, and American experts from which evolved the latest Russian proposal. It was a give-and-take proposition, with the Russians asking us what we thought of various ideas before proposing them formally. Thus, the Russian proposal goes a long way toward the original American position on inspection. It even accepts 180 inspection stations.

THE OBJECTIONS

Despite this, Eisenhower is faced with vigorous objections inside his administration. The objections came from two quarters:

1. Chairman John McCone of the Atomic Energy Commission, who is determined to resume nuclear testing. He has been calling on Senators, behind Ike's back, urging them to oppose the State Department which has leaned toward the Russian plan. McCone has even inspired some congressional speeches opposing the latest Russian compromise.

2. The Joint Chiefs of Staff have been more discreet, though just as vigorous. They have told the White House in writing that there is no danger of radioactive fallout from underground tests; that the United States needs to test warheads for the Nike-Zeus, the Polaris and the Minuteman; finally, that Russia will accept any proposal that cuts down our A-power. Since our entire military strength is now based on atomic retaliation, the Joint Chiefs argue that we cannot afford any curtailment of our A-power.

The State Department takes a broader view, believes the overall question of keeping nuclear weapons out of the hands of other nations is more important than the testing of atomic warheads underground. President Eisenhower has been reported torn between the two. However, he has come a long way from October 1956, when he branded Adlai Stevenson's proposal to ban nuclear tests "a theatrical gesture."

Last week Eisenhower got a series of messages from Prime Minister Macmillan urging him to accept the Russian A-bomb-ban proposals. He told Ike that British public opinion was so strong he, as Prime Minister, would be forced to accept the Russian plan.

The President countered by inviting Macmillan to Washington for a face-to-face talk.

Note—Ironically, one factor which increased Adlai Stevenson's margin of defeat in 1956 was his consistent stand for banning A-bomb tests—if Russia agreed. Eisenhower blasted it as "pie in the sky promises," and privately many Democrats urged Stevenson to reverse his stand. He refused. Today his supporters claim that this firm position taken in 1956, which Eisenhower adopted 1 year later, would be a great vote-getter in 1960. Running against NIXON, Stevenson would be in a strong position to quote NIXON's 1956 statement that Adlai was "playing dangerous politics with American security."

A FEASIBILITY STUDY FOR A SAWTOOTH NATIONAL PARK

Mr. CHURCH. Mr. President, there is in my State, near its geographical center, an area of superlative grandeur. Here, in the uplands where rise the Salmon, the Payete, and the Boise, each a great tributary of the mighty Snake River, a range of peaks, jagged and sharp, and shaped like the teeth of the woodsman's saw, pierce the sky. Here, in the summits of these rugged mountains, there is an unspoiled wilderness whose scenic splendors cry to be preserved for the benefit, enjoyment, and inspiration of men for generations to come. Here are lakes, camping grounds, and play areas capable of development for many thousands of travelers, recreation bound.

The peaks of which I speak are a part of and give the name to the Sawtooth Mountains. They loom over Alturas, Redfish, and other sizable lakes at their base, and they nestle a hundred or more smaller lakes in their upper reaches.

Since man first set eyes upon these peaks, he has expressed his awe and exclaimed over their magnificence. Fifty years ago, when access to the area was not as easy as it is today, when the distance was expressed in terms of days' drive by stage rather than hours' drive by automobile, visitors came from far and wide to see for themselves the storied wonders of the Sawtooths.

A very great lady from my State, shortly after the turn of the century, wrote:

> The first glimpse of the magnificent Sawtooth Mountains is one never to be forgotten. A sharp turn in the road brings the first view—you see them as through a vista—this noble range so truly named and so stately with its sharp, snow-capped peaks. The arrival at Campers Park and Redfish Lakes again brings keen delight. For this is truly a glorious wonderland.

It is a rare visitor who has not remarked that the Sawtooths are worthy of being a national park. Indeed, the query, "Why is not this area a national park?" was asked enough times prior to 1913 to bring the question to the Congress.

In that year, Representative Burton L. French, of my State, introduced a measure to create a Sawtooth National Park. In the following years, others of my predecessors from Idaho, including the late, great Senator William E. Borah, and the able and admired Senator James P. Pope, introduced bills to create a Sawtooth National Park, as did Representative Addison T. Smith.

The pendency of these bills more than a generation ago caused official reconnaissance to be made. I was particularly impressed, for example, with the measured scientific language of the Chief Geographer of the United States, who, on December 1, 1915, reported:

> This section of the Sawtooth Range is unusually striking in mountain sculpture and is a brilliant composite example of the characteristics of three of the main mountain ranges of the United States.
>
> The southern portion strongly resembles the Rocky Mountains in Colorado, the middle section is a counterpart of the Sierra in California, and the northern end is a rugged brother of the Cascade Range in Washington. The lakes are rare in their brilliant transparency, reflecting the mountains and the black pine forest fringing their edges, making most inviting places for campers and tourists to rest and enjoy nature in all its glory.

This chorus of approval of the area as befitting a national park, has had many voices. Twice, in 1915 and 1917, the Legislature of the State of Idaho memorialized the Congress of the United States to create a national park in this area. The administration of Woodrow Wilson endorsed its establishment.

When, on January 25, 1917, the first favorable report was written on a bill to create a Sawtooth National Park—Report No. 1356, 64th Congress, 2d session—a table was included showing visitors to our national parks in the period from 1908 to 1915.

Mr. President, I ask unanimous consent that this table, as taken from this report, be included in the RECORD at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD as follows:

Visitors to national parks, 1908 to 1915

Name of park	1908	1909	1910	1911	1912	1913	1914	1915
Yellowstone	19,542	32,948	19,573	23,064	22,970	24,939	20,330	51,895
Yosemite	8,885	13,189	13,610	13,630	10,894	13,735	15,144	33,482
Sequoia	1,281	554	2,407	3,114	2,982	3,888	4,967	7,647
General Grant	1,773	798	1,178	2,160	2,240	2,755	3,735	10,523
Mount Rainier	3,511	5,988	8,000	10,308	8,946	13,991	15,088	35,199
Mesa Verde	80	165	230	200	230	260	302	663
Crater Lake	5,275	4,171	5,000	4,590	5,235	6,253	7,098	11,371
Wind Cave	3,171	3,216	3,897	3,897	3,199	3,998	3,592	3,817
Platt	26,008	26,000	25,000	30,000	31,000	36,000	30,000	30,000
Sulfur Hill	250	190	190	200	200	800	800	1,000
Hot Springs Reservation			120,000	130,000	135,000	135,000	125,000	115,000
Glacier				4,000	6,257	12,138	14,168	14,265
Rocky Mountain								31,000

Mr. CHURCH. Mr. President, according to this table, in 1915 Yellowstone National Park had little more than 50,000 visitors; Yosemite, Mount Rainier, and Rocky Mountain had around 35,000; and all others, except Hot Springs Reservation, had fewer still.

Mr. President, consider the growth since then. It is phenomenal by comparison. According to a release issued by the Department of the Interior on February 9, 1960, there were 23,392,000 visits to the national parks during 1959. Yellowstone, fringing Idaho in Wyoming, had 1,408,667 visits in 1959, while the neighboring Grand Teton National Park drew 1,529,638. The same national park listed in the 1915 table served more

than 27 times as many people in 1959, despite the fact that the total number of national parks available to the public has more than doubled. Mr. President, I ask unanimous consent that the table showing the number of visits recorded in 1959 to our 29 national parks presently in existence, be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Area:	*1959 visits*
Acadia, Maine	755,863
Big Bend, Tex	70,370
Bryce Canyon, Utah	278,275
Carlsbad Caverns, N. Mex	483,928
Crater Lake, Oreg	340,989
Everglades, Fla	500,193
Glacier, Mont	722,338
Grand Canyon, Ariz	1,168,807
Grand Teton, Wyo	1,529,638
Great Smoky Mountain, N.C.-Tenn	3,162,318
Hawaii	785,965
Hot Springs, Ark	404,688
Isle Royale, Mich	5,836
Kings Canyon, Calif	718,512
Lassen Volcanic, Calif	379,937
Mammoth Cave, Ky	490,268
Mesa Verde, Colo	217,357
Mount McKinley, Alaska	25,819
Mount Rainier, Wash	1,105,072
Olympic, Wash	1,077,420
Platt, Okla	1,034,382
Rocky Mountain, Colo	1,459,554
Sequoia, Calif	547,346
Shenandoah, Va	1,786,728
Virgin Islands, V.I	19,320
Wind Cave, S. Dak	265,571
Yellowstone, Wyo	1,408,667
Yosemite, Calif	1,061,471
Zion, Utah	585,010
Total	22,392,000

Mr. CHURCH. Mr. President, Idaho has no representative in this roster of national parks which attracted such a multitude of visitors in 1959. Apart from Nevada, Idaho is the only Western State without a national park, though it appears that Nevada is well on the way to obtaining its park in the Wheeler Peaks.

Mr. President, I am today introducing for appropriate reference a bill to authorize and direct the Secretary of the Interior and the Secretary of Agriculture to investigate and report to Congress on the advisability of establishing a national park in the summits of the Sawtooth Mountains in central Idaho.

My bill calls for a study of the feasibility of a national park in this region, rather than for the creation of the park. In this respect, it differs from the earlier bills, extending back to 1915, to which I have alluded.

I have put my bill in the form of a request for a study, because factfinding is essential in determining whether a national park should be created in the Sawtooths, and what its impact would be upon the established economy of Idaho. A study will serve to bring into the open all of the factors which ought to be considered before any final decision is reached.

For example, a study will develop information on the amount and kind of timber in the area, and whether the timber is of commercial value. It will develop whether there are mines of mining claims, how many, and what geological structures are involved. It will summarize data on grazing of sheep and cattle, present and projected. It will make recommendations on where roads should be built, where they should not be built, and on what kind of service facilities would be needed, where they should be constructed, and under whose auspices. It will examine into fishing, hunting, and game management questions, into land ownership status, and related matters. Finally, it will forecast the probable economic impact of the creation of such a park in the State of Idaho, using past experience of comparable national parks as a guide.

In a word, the study I envision would elicit all the facts, and would measure the whole impact of a park on all affected interests. It would strike a trial balance.

A new trial balance is called for, owing to the changes that have occurred in the area since the earlier studies were made. Nearly 50 years have elapsed since the first bill to create a Sawtooth National Park was introduced, and considerable development has since taken place throughout the basin. New roads have been built, new businesses established, and new ranches opened. Many new summer homes, church camps, and Scout camps, are now located on adjacent grounds. An up-dated survey is necessary, in order to take these changes into account.

If the trial balance is not favorable to the creation of a park, no harm will have been done. Indeed, only thus can the issue be fairly and finally settled.

If, on the other hand, the balance is favorable—and it appears that a park would best meet important recreational needs of a growing population; would best attract tourists in large and valuable numbers to Idaho; would best protect the region's upland wilderness for future generations; and would inflict no serious disruption upon existing cattle, sheep, timber, or mining business in the area—then I will take the logical next step, and will introduce a bill to create the park itself.

Mr. President, it will be noted that I have recommended that this study be carried on both by the Department of Agriculture and by the Department of the Interior, the first of which has jurisdiction over the Forest Service, and the other, the jurisdiction over the National Park Service.

Probably no jealousy between two Government agencies has ever matched that which exists between the Forest Service and the National Park Service. My investigation discloses that as early as 1916, in connection with the proposal to create a Sawtooth National Park, reference was made to an effort "to overcome the insidious opposition of the Forest Service."

The very statutes themselves reflect this conflict, in that a bill of the kind I am introducing today is made necessary by a specific provision of the law which precludes the making of any study of national forest lands, to determine suitability for park purposes, without special legislation.

Accordingly, I have concluded that the best way to get at both sides of this matter is to have the study jointly conducted by the Forest Service and the National Park Service, with each left free to submit separate conclusions. However, I have added a provision which calls for the economic forecast to be made by a non-Federal agency. I should think that one of our State universities would be best equipped to conduct this particular aspect of the feasibility study.

The bill for this study authorizes and directs the Secretary of the Interior to make the study; it provides in a separate section that the Secretary of Agriculture shall be consulted in the preparation of the study report, and authorizes the Agriculture Secretary to make a separate report, to the extent that he does not concur in the findings, conclusions, or recommendations of the Interior Secretary. A word of explanation of the differing provisions for these two Departments is in order.

The National Park Service, under the Secretary of Interior, has general authority to make studies of the kind contemplated by this bill. But the 1936 act which provides for a comprehensive study of the lands of the country which are or may be chiefly valuable as national parks makes an exception of lands under the jurisdiction of the Department of Agriculture (16 U.S.C., sec. 17k, 49 Stat. 1894). Specific congressional authority is therefore necessary, in order to make the study I propose, because 90 percent of the land is under the jurisdiction of the Forest Service.

It is my understanding that the Secretary of Agriculture needs no special authorization and direction, such as that given in this bill to the Secretary of Interior. This explains the difference in language between section 1 and section 3.

Mr. President, the study I have suggested would be focused upon a proposed parksite situated largely in the uplands of the Sawtooth Mountains. About nine-tenths of the proposed site lies within the present Sawtooth Primitive Area. This area has already been set apart, under Forest Service regulations, for single-purpose recreational use.

In designating this site, I do not seek to tie the hands of those who will make the study. If, after a review of all the facts and circumstances, it should be concluded that the boundaries of the proposed parksite should be altered, this is one purpose of the study, and such recommendations certainly should be contained in the report.

It is important in this connection to remember that I am merely asking for a study. Only if the study proves favorable, will I introduce a bill to authorize a park, which then would be subject to extended public hearings in Idaho, as well as in Washington. Every interested person would have his chance to be heard, before any attempt to actually establish a park would be made.

Mr. President, experience has shown that national parks are highly prized by the States that have them. I should think a national park would act as a magnet to attract to Idaho a larger share of the country's vacationists.

The spectacular peaks of the Sawtooth Mountains would seem ideal for park

purposes. Nearly all the land involved is now owned by the Federal Government; so the local tax rolls would be little affected. The ridgelands are not suitable for the multiple use we make of our ordinary forest lands. They do not support grazing, nor do they yield commercial timber. Furthermore, I am unaware of any mining operations within the proposed study site.

Indeed, the Forest Service itself has already withdrawn the upland wilderness area, comprising nine-tenths of the proposed site, for the single use of recreation.

This lofty wilderness can best be safeguarded in its natural, unspoiled state, and preserved for future generations, if embraced within a national park.

Mr. President, since this matter is of the greatest importance to Idaho and its people, I undertook recently to conduct an extensive poll of my constituents over the entire State, from every walk of life, and representing all shades of opinion. The response to this poll was outstanding. Well over eight thousand postcard ballots signed and stamped, were returned to me, and they indicated whether the sender favored or opposed a feasibility study for a Sawtooth National Park. Of those responding 77.71 percent, or nearly four out of five, favored the study.

I ask unanimous consent that a tabulation of these responses, on a county-by-county basis, be included in the RECORD at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD.

Tabulation, by counties, of responses to postcard poll of Senator Frank Church—Study on Sawtooth National Park

County	For	Against
Ada	768	196
Adams	29	8
Bannock	603	91
Bear Lake	66	7
Benewah	95	8
Bingham	212	34
Blaine	235	179
Boise	44	19
Bonner	159	17
Bonneville	339	89
Boundary	58	2
Butte	51	27
Camas	22	29
Canyon	501	65
Caribou	66	9
Cassia	101	31
Clark	13	6
Clearwater	82	7
Custer	131	200
Elmore	114	20
Franklin	65	5
Fremont	63	26
Gem	68	20
Gooding	70	80
Idaho	128	34
Jefferson	76	28
Jerome	82	65
Kootenai	358	27
Latah	288	22
Lemhi	220	179
Lewis	104	4
Lincoln	25	34
Madison	98	17
Minidoka	95	30
Nez Perce	292	15
Oneida	17	6
Owyhee	38	17
Payette	103	18
Power	38	9
Shoshone	154	31
Teton	31	2
Twin Falls	255	143
Valley	37	11
Washington	84	23
Total	6,433	1,860
Percentage in favor		77.71
Percentage opposed		22.29

Mr. CHURCH. Mr. President, notwithstanding that an overwhelming percentage of the people of Idaho appear to favor the study, a number of objections have been voiced. It is my feeling that most of these objections are either based upon a misunderstanding of my proposal or are based upon arguments which can be answered by further amplification of the facts. So I think it appropriate that at this time I answer the principal of these arguments.

For example, a number of people have contended that the establishment of a Sawtooth National Park would accomplish nothing that could not be accomplished under the present Forest Service management.

It is true, of course, that the Sawtooth cannot be improved upon, nor will their majesty be enhanced by including them within a national park. But from this, it does not follow that the Forest Service can do as well as the National Park Service in developing the area to the full extent of its recreational potential. The site I have proposed for study constitutes less than 1 one percent of the national forest land within Idaho. It is but a rocky island jutting above a vast green sea of national forests—20 million acres in dimension—all of which are administered by the Forest Service. The funds available to the Forest Service are necessarily spread thin over this immense area, comprising more than a third of the entire State of Idaho.

It is because the National Park Service can concentrate its resources upon the development of special areas, that so many vacationists tend to arrange their travel itineraries to move from national park to national park. They know that an area which qualifies as a national park will be outstanding, and that adequate facilities will be available there. They know that a national park is most likely to return the best dividends for their recreation dollar.

This fact is implicitly recognized by others who have urged that the present Sawtooth Primitive Area can be better preserved by the Forest Service, since fewer people will be attracted to the region if it is not a national park.

Undoubtedly, more people will visit the Sawtooths should they become a national park. But tourists are crowding in anyway. At this very moment, the pressure is so great that nightly fees are being charged by the Forest Service for the use of campsites along the shores of Redfish Lake. Other restrictive measures will inevitably follow. More and more campsites around the lower lakes will have to be built. To leave this problem to the Forest Service, with its limited resources, when the Park Service might furnish better facilities for larger numbers of these lakes, while safeguarding the wilderness character of the higher ground, seems to me to be self-defeating.

Moreover, it must be observed that the law does not confer the same measure of protection upon a wilderness area established by the Forest Service, as upon one embraced within a national park. The Forest Service wilderness areas—like the Sawtooth Primitive Area here in question—are beset with frailness. Their legal basis has been repeatedly challenged. Commercial uses within them, in addition to those permissible under present regulations, constantly press for entry.

But the wilderness areas within the boundaries of such national parks as Yellowstone, Olympic, Big Bend, and Everglades, are founded upon special acts of Congress, and are firmly rooted in the law. At present, there is no question but what the Sawtooth Primitive Area can best be protected and preserved, if included within a national park.

No argument against a park feasibility study recurs with more frequency than the argument that somehow a park in this region would mean abandonment of the multiple-use concept of our public land in favor of a single-use concept.

It is our conviction—

Says the Idaho Mining Association—

that multiple use, in the long run, will provide the greatest good for the greatest number.

As the general principle, under which our public lands are managed, no fault can be found with multiple use. Logging, grazing, mining, and recreation can and do use the public land simultaneously, but not always the same public land. Sheep and cattle are not permitted to graze over forest camps; our roads are protected by a strip of uncut timber for the esthetic benefit of the traveler, while logging proceeds apace 100 yards beyond; wilderness areas are designated by the Forest Service, while grazing can be—and is—cut off by administrative decision.

The Forest Service, itself, recognizes that some lands are best suited for the single-use of recreation, whenever it establishes a primitive or wilderness area, as it has done in the very region covered by this study I propose.

If this region has already been set aside for single-purpose use, then why not determine whether the recreational values cannot be better realized by converting it into a national park, particularly if Idaho will greatly benefit thereby? In this case, the "multiple-use" doctrine has no relevancy.

Another argument has been advanced that a park, though small to begin with, would eventually gobble up additional land, and thus trespass upon private interests. It is curious that this argument comes from a group of citizens, largely residents of the area, who are engaged in cattle or sheep business for their livelihood. These people have long depended upon the forest lands for their summer range. In the past few years they have been the victims of a series of cuts in their grazing allotments, which they have condemned as virtually confiscatory. Time and again they have complained to me that the Forest Service was driving them out of business.

The Forest Service makes these cuts by administrative decision, without any congressional approval being required, and with only the most limited recourse afforded to the courts.

In the same manner, the Forest Service can, by administrative action, establish a wilderness or primitive area,

as it has done in the summits of the Sawtooths, from which all grazing can be excluded. The boundaries of these primitive areas can be enlarged, again by administrative decision, as the Forest Service sees fit.

But the very opposite is true where the boundaries of a national park are concerned. These are fixed by law. They cannot be altered or extended, except by act of Congress signed by the President. Bills to extend the area of a national park, once established, are rarely sought, and Congress has been reluctant to approve them.

For these reasons, Mr. President, I now send to the desk a bill that would authorize the study I have described to determine the suitability of establishing a national park in the highlands of the Sawtooth Mountains of central Idaho.

It is my purpose in introducing this bill to get a competent, balanced, report of all factors. I seek a feasibility study, to furnish the evidence from which the conclusion can be drawn as to whether a national park can be established without serious damage to existing private mining, lumbering, ranching, and recreational interests in the area.

The objective of the study, as I have indicated, is to strike a trial balance, upon a thorough assessment of all the relevant facts. The final question to be answered—one that I have often raised in connection with other conservation legislation—is what is the right development for this site? The right development will best serve the public interest.

If the study should prove favorable to the establishment of a park, I would envision it as one which would call for the development of suitable facilities in the baselands, beside such lakes as Redfish and Alturas, to accommodate the larger number of visitors likely to gather there to view the scenery. For the uplands, I would envision the careful preservation, for now and for generations unborn, of an unspoiled, pristine wilderness, accessible by a system of trails, unmarred by roads or buildings, but open to the considerate use and enjoyment of hikers, mountain climbers, backpack fishermen, and trail riders, and of all those who find, in high and lonely places, a refreshment of the spirit, and life's closest communion with God.

Mr. President, I ask unanimous consent that the text of the bill I have introduced be printed at this place in the RECORD, to be followed by a collection of favorable editorial extracts from Idaho papers, assembled during the preceding 2 months.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). The bill will be received and appropriately referred, and, without objection, the bill and editorials will be printed in the RECORD.

The bill (S. 3353) to provide for a study and report to Congress on the advisability of establishing a national park in the Sawtooth Mountain Region of the State of Idaho, and for other purposes, introduced by Mr. CHURCH, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Interior is hereby authorized and directed to make a comprehensive study of the scenic, scientific, recreational, educational, and wildlife values of the area hereinbelow described and its environs, to evaluate its suitability as a national park. As a part of such study, the Secretary of Interior is authorized to enter into a contract with a qualified non-Federal research institution to study the economic effects of the creation of a national park in such area.

SEC. 2. Within one year after the date of enactment of this Act, the Secretary of Interior shall report to the Congress the results of such study, together with his recommendations concerning the advisability of establishing a national park which would involve the area hereinbelow described and its environs. In making such report, the Secretary of Interior shall incorporate the study of the economic effects of such park with such comments or observations as he shall desire to include thereon.

SEC. 3. The Secretary of Agriculture shall be consulted by the Secretary of Interior in the preparation of such report; and he is authorized to make a separate report to the extent that he does not concur in the findings, conclusions, or recommendations of the Secretary of Interior.

SEC. 4. The description of the above-mentioned land is as follows:

Beginning at the southwest corner of section 30, township 7 north, range 14 east, Boise meridian; thence due west approximately 2 miles to the intersection with the southeast boundary of the Sawtooth Wilderness Area; thence southwesterly following the said wilderness area boundary to the point common to Blaine, Camas, and Elmore Counties; thence northerly along the boundary line common to Blaine and Elmore Counties to the point common to Blaine, Boise, Custer, and Elmore Counties; thence northwesterly following the boundary line between Boise and Elmore Counties to Pickett Mountain on the west boundary of the Sawtooth Wilderness Area; thence following said wilderness area boundary northeasterly to McGowan Peak and southeasterly to the northwest corner of section 30, township 10 north, range 13 east, Boise meridian; thence east along the north boundary of section 30 to the northeast corner of said section; thence south along the east boundary of section 30 to the northwest corner of section 33, thence east along the north boundary of section 33 to the northeast corner of said section; thence south along the east boundary of section 33 to the one quarter corner common to sections 33 and 34; thence east along the center lines of sections 33, 34, and 35 to the quarter corner common to sections 35 and 36; thence south along the east boundary of section 35 to the southeast corner of said section, township 10 north, range 13 east; thence south 12 miles along a line parallel to and 1 mile west of the west boundary of townships 9 and 8 north, range 14 east, to a point due west of the northwest corner of township 7 north, range 14 east; thence due east to said northwest corner; thence east along the north boundary of township 7 north, range 14 east, to the north one quarter corner of section 5 on the boundary of the Sawtooth National Forest; thence southerly along the boundary of the said national forest to the one quarter corner common to sections 21 and 28; thence south to the one quarter corner common to sections 28 and 33; thence west along the south boundary of sections 28, 29, and 30 to the southwest corner of section 30, township 7 north, range 14 east to the point of beginning.

The editorials presented by Mr. CHURCH are as follows:

[From the Intermountain and Alameda Enterprise, Alameda, Idaho]

THE 38TH PRECINCT—CHURCH PROVING HIS WORTH IN SAWTOOTH PLAN

(By Perry Swisher)

The creation of the incomparable southernmost range of the Sawtooth Mountains has involved a great many millions of years. What it does for men's eyes and hearts to feast on such splendor is not my subject; anyone who is half alive and has seen those summits, jaggedly symmetrical, fierce and lavender, in quiet explosion against the clear, thin Idaho sky, knows why we need wilderness. The more urban, the more numerous we become, the more absolute that need.

Preservation of that wilderness as one of the Nation's parks is of great consequence to us because we live here. Once proposed, that objective becomes the concern of wilderness conservationists all over the country. The longer a sensible act in that direction is delayed the less we shall have to say about its final form. If stating the fact is offensive, so be it: The fact is that we are politically and strategically among the weakest States in the Union, if we are not the weakest. On the subject of wilderness preservation in relation to economic development we must make sense or ultimately be beaten.

RANCHERS MISINFORMED

Of the few livestockmen I've asked, without exception they believed that it is proposed to include the lush meadows and range of the Stanley Basin east of the mountains. The fact is that the park would be smaller than the present Sawtooth Wilderness Area; the only important extensions would be west to the headwaters of the Boise River, and a tiny but vital extension north to the base of Mount McGowan, the reigning peak in the proposed park. Without major exception the proposed park is too rugged, high, or inaccessible, or all three, for grazing.

Taxpayers hear that important parcels of private land would be removed from the tax rolls. The fact is that the ranches in the basin would remain intact; there are next to no private holdings in the park itself. It is reasonable to predict that over the years private land and improvement values in Idaho would be increased by millions of dollars through the tourist flow this new national park would foster.

In a few people possessed with big fears and the imagination of children, any Federal action instills the paranoia that this is the beginning of something or other. In truth, the definition of a national park out of a larger and vaguer wilderness is preferable to stagnant and indifferent Federal control. The more accurate the definition of Federal land use, Idaho history shows, the greater the creation of new wealth, the enhancement of private holdings, and the speed of private development of what had been public wasteland.

In sponsoring this action, U.S. Senator FRANK CHURCH, Democrat, of Idaho, is ambitious to make his mark. His effort to build his reputation by a praiseworthy act should take nothing away from the proposition itself. Public officials must lead as well as follow, to prove their worth in office and to improve their opinion of what they see in the bathroom mirror. The harder Senator CHURCH has to fight to win his point, the greater his public image will be; he has already won that tactical advantage as the park's proponent. He can lose and, as long as the Sawtooths are still there, still be a hero. His opponents should take that into account.

[From the Idaho World, Idaho City, Idaho]

That national park idea is one that is likely to pick up a lot of support from the public at large. The idea has been a dream of many of those in the Stanley vicinity for many years. In addition an almost universal remark of visitors to the Stanley Basin for the first time has been, "It ought to be a national park." There has been a wide level of acceptance of the idea that Idaho ought to have a national park and that the real standout area for it is the Stanley Basin area of the Sawtooth Mountains and if it ever gets to the point of a hearing this sentiment is going to roll.

[From the Idaho State Journal, Pocatello, Idaho]

A SAWTOOTH NATIONAL PARK?

Senator FRANK CHURCH made a commendable move when he decided to conduct a post-card poll of some 50,000 of his constituents on this proposals: One, To declare a moratorium on Salmon River dam construction, and two, to create a Sawtooth National Park. Both deserve careful study by all Idahoans, but the latter proposal calls for special attention by all persons in this area because it could affect them directly. As one of the major cities on roads to the park site, Pocatello would stand to gain in direct ratio to the park's popularity.

It seems only fair to assume that a negative response to the poll would halt any further action for the present. On the other hand, a positive response should prompt the Senator to proceed with the study and get it done as quickly as possible. A wide and complete determination of the results would give us another chance to appraise the proposal and then to decide whether it merits support.

[From the Emmett (Idaho) Messenger-Index]

IDAHO FOR PARKS

Absolutely incredible, no less, is the powerful opposition developing in Idaho to a proposed feasibility study toward possible creation of a Sawtooth Wilderness National Park among the high, jagged peaks of the Sawtooth Mountains east of Lowman and Grandjean.

It is incomprehensible that Idaho would oppose such a study—or, for that matter, that Idaho would oppose actual creation of the national park.

Of the Western States, Idaho and Nevada alone have no national park. Nevada is working tooth and nail to have one created with little to recommend it compared to the scenic grandeur of the Idaho Sawtooths. Nevada very probably will have one soon.

Where else but in the Sawtooths is there a true gem which could be so easily permanized—where there is no commercial timber, no worthwhile grazing land, not a single mine, virtually no privately owned land?

The Sawtooth Wilderness park is worth fighting for, not only for its intrinsic aesthetic value but also for its potential economic value to the State as a magnificent tourist attraction. If it is to materialize it must be sold to the entire Congress. As we said at the start, it is incredible that it must be sold to Idaho.

We would like to see the State, for once, unite so strongly and vigorously that it could carry a nonpartisan message to the Nation with some coherence.

[From the Arco (Idaho) Advertiser]

WHAT ABOUT A NATIONAL PARK IN THE SAWTOOTH MOUNTAINS

Idaho does not have a national park, one of the few States in the Nation that doesn't. It has been proven statistically, that national parks create tourist trade, and tourist trade brings into the State a considerable slice of revenue.

As we said previously, many things will have to be considered, but as the proposal now stands, we believe a national park would be a fine thing for the State.

[From the Lewiston (Idaho) Morning Tribune]

BIG BUSINESS IN THE NATIONAL PARKS

The Interior Department's new report on the number of visitors to the national parks bears an interesting relevance to Senator FRANK CHURCH's proposal that a national park be considered in the Sawtooth Mountains of Idaho.

As to those figures: Secretary of the Interior Fred Seaton reported Tuesday that a record 62,812,000 people visited the national parks in 1959, compared with the old record of 58,677,000 the year before. The fact that more people than ever before are spending time and money in the national parks is not surprising; with more leisure time available, and better transportation, it was bound to happen. What is surprising is the apparent indifference among some Idahoans to what this all could mean to our own State.

It means simply that as long as people are going to continue to be attracted to the national parks, and as long as Idaho wants to increase its tourist traffic, we would do well to provide a national park within our own borders. A park in the Sawtooths would be good business for Idaho and would merge perfectly with the development of the tourist industry in the State.

Those opposed to the park have argued that it would be contrary to the principle of the multiple use of public lands. They have said it would prevent the exploitation of such natural resources as minerals, timber, and grass, and thus would impede rather than enhance the proper development of the State.

Senator CHURCH has pointed out, however, that there are no mines in the suggested park area now; that the high ridges of the Sawtooths do not produce merchantable timber; and that the high, rocky ground won't support grazing. The only industry that area will support is recreation. While this may not be multiple use, it at least is better than no use at all. The establishment of a national park in the Sawtooth ridges would remove little land from the tax rolls, since it is nearly all Federal land already and has been designated as a wilderness area.

At any rate, no one needs to fear an immediate and violent disruption of the State's economy; Senator CHURCH has submitted no bill and has said only that he is considering asking for a study of the feasibility of creating a national park here. On the basis of that study, if it should be favorable, he would introduce an authorization bill on which public hearings would be held in Idaho.

[From the St. Maries (Idaho) Gazette-Record]

Senator FRANK CHURCH has proposed that a study be made of the possibility of creating a Sawtooth National Park in the Stanley area. The Senator's proposal has already stirred up reams of comment and a steady fire of adverse comment.

Unfortunately, Senator CHURCH's proposal was not examined—instead, we have had the automatic reaction of "wilderness" and "national park."

Examination of the Senator's idea shows that it makes a lot of sense—and in no way alters or changes the use of land in the Sawtooth Mountain area.

The Senator suggests that some of the area now located within the Sawtooth wilderness be changed to a national park. His proposal covers the mountain ridges, does not go outside the present boundaries of the wilderness, and definitely does not include any of the farm and ranch country along the Salmon River bottoms.

[From the Intermountain and Alameda Enterprise, Alameda, Idaho]

THE SAWTOOTHS

Republicans and Democrats, primitivists and economic developers, we can all understand and believe in a national wilderness park in that, perhaps the most beautiful, part of Idaho. It equals or surpasses the Tetons in primitive beauty, and is more nearly a pristine wilderness. A generation from now we may take more pride in the success of this movement than in any other Idaho accomplishment—or count its failure as our greatest shame.

[From the Boise (Idaho) Journal]

The proposition of a national park in those high peaks is no blow to the livestock industry. Contrary to the propaganda placed before representatives of a half dozen Magic Valley communities, it does not include the Stanley Basin, its ranches and grazing. The only exception would be the east slope of this Sawtooth range, forming the western edge of the basin, which is already an officially designated wilderness area. • • •

Dedicated as a national park, the high Sawtooths will most surely attract millions of tourists and ultimately billions in income.

[From the Meridian (Idaho) News-Times]

IT'S WORTH A STUDY

Senator FRANK CHURCH has caused quite an uproar with his idea for creating a national park in the Sawtooth Wilderness Area.

In our opinion, the only sensible answer is, "Of course, let's study it."

The only authoritative opinion would be one based on all the factors involved. That's why we are in favor of the study being made. If handled impartially and without partisanship, it would provide the sole valid answer to the basic question: "Would the obvious advantages of the park outweigh the possible disadvantages?"

Surely no one can dispute the value a national park would have for Idaho—provided it didn't result in a corresponding, or greater, loss for the State. Idaho is currently majoring in tourist promotion, and there is no doubt that a national park would attract more visitors. As it is, Idaho and Nevada are the only two Western States without such an attraction.

In any event, the potential value to our State of a national park is so great that a thorough study is more than justified.

[From the Lewiston (Idaho) Morning Tribune]

A NATIONAL PARK STUDY WITHIN IDAHO?

It is a fair suggestion. The rest of these United States will look on in startled amazement if Idaho turns down without examination or inquiry an opportunity to become one of the national park States.

The proposal does not mean, as some of the alarmists seem to imagine, that all Idaho public lands should be pledged to any single use. The multiple-purpose land use concept is extremely sound and it should guide Idaho and the Nation generally in the use of public lands. But any serious, sensitive visitor to the national parks will agree also that there are in this Nation some magic spots of such rare and wondrous beauty that they should be preserved in perpetuity for no other purpose than for men, women, and children to look at in

awe and abiding appreciation. If the Sawtooth range has a spot like this—and we believe it probably can qualify—then it should truly belong to the citizens of the United States who would like to come and gaze upon it. Not since Theodore Roosevelt has this idea been un-American.

SECOND SUPPLEMENTAL APPROPRIATION BILL, 1960—CONFERENCE REPORT

Mr. HAYDEN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10743) making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of April 6, 1960, p. 7460, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. HAYDEN. Mr. President, if there are any questions on the report, I shall be glad to try to answer them.

Mr. JAVITS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from New York?

Mr. HAYDEN. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, do I correctly understand that the report yields to the House, in striking out the provision contained in the Senate version of the bill allowing $3 million for the Office of Civil and Defense Mobilization, in order to begin a program, authorized in August of 1958, of contributions to the States and political subdivisions, to assist in financing necessary civil defense personnel and administrative costs?

Mr. HAYDEN. Yes. I want to explain to the Senator how that happened.

Mr. THOMAS was the chairman of the managers on the part of the House in charge of the bill, and he stated that he expected the House committee would report the independent offices appropriation bill on April 14. Mr. THOMAS assured us that this sum of money would be in that bill.

It was felt this matter could be better taken care of in the regular appropriation bill rather than in the supplemental appropriation bill. That is the way it occurred.

Mr. JAVITS. Mr. President, will the Senator yield further?

Mr. HAYDEN. I yield.

Mr. JAVITS. Does this represent, then, a change of position by the House, from its constant refusal to do anything about this program?

Mr. HAYDEN. Well, the statement made to us was at least very encouraging.

Mr. JAVITS. Should the House not follow through, as contemplated, in the regular appropriation bill, would it be the intention of the Senate Committee on Appropriations to "stand by its guns," if the Senate did provide money for this program, and not to agree to delete it?

Mr. HAYDEN. This was a very modest request, only $3 million.

Governor Hoegh testified before the committee:

> We are here today in support of our supplemental request for the funds to implement Public Law 85-606, and this is for the period from April 1 to June 30, 1960.
>
> As you know, Congress, in August 1958, enacted the Durham bill, which declared civil defense to be the joint responsibility of the Federal, State, and local governments.
>
> This legislation also authorized the contribution of Federal funds on a 50-50 matching basis for personnel and administrative expense.

It seemed to be a reasonable request.

There is a tabulation showing what each State would receive from the $3 million, as matchable money. My own State of Arizona would receive $23,000. The State of New York would receive $395,000. Florida would receive $60,000. It is not a large sum of money, but I am satisfied the States would like to have it.

Mr. JAVITS. Mr. President, I should like to make a very brief statement on the bill. I notice the Senator from Florida [Mr. HOLLAND] is on his feet. I do not wish to delay my colleague from Florida. After the Senator from Florida finishes, I hope my colleague will yield to me again.

Mr. HAYDEN. I understood the Senator from Florida desired to comment on the bill.

Mr. HOLLAND. Mr. President, if the Senator from Arizona will yield to me, I do wish to comment on the bill.

Mr. HAYDEN. I yield to the Senator from Florida.

Mr. HOLLAND. Not only the Senator from Florida, but also many other conferees on the part of the Senate, were as concerned as the Senator from New York about this item. It was discussed for some time. As a matter of fact, this is not the first time the item has been discussed for some time, with the same group of conferees.

We finally got from the House conferees the assurance which the Senator from Arizona has already mentioned, namely, that the regular bill will carry the $3 million item.

Furthermore, the chairman of the House conferees stated to us that Governor Hoegh was satisfied with the item as placed in the bill. The bill has already been marked up by the subcommittee.

Since action under the appropriation will occur in only a few weeks, and since we are moving toward the end of this fiscal year, with this gesture of a very greatly different kind from what we have seen before on the part of the House conferees in this field, we felt that we, at long last, should accept the proposal. I think it was the better course to follow, in view of the adamant position taken by the House conferees.

Mr. JAVITS. Mr. President, will the Senator yield for a brief observation?

Mr. HAYDEN. I yield.

Mr. JAVITS. It is to be noted that the $3 million was going to bring about an additional $4.9 million in State contributions, making a total of $7.9 million for the entire program if the $3 million had been provided.

The analysis I have just given is referred to on pages 9 and 10 of the original report of the Appropriations Committee on this bill, when it was passed by the Senate.

Mr. President, it seems absolutely shocking to me—and I use that word advisedly—that in this day and age we should not be working with some degree of diligence and understanding on this civil defense problem.

Let us assume, Mr. President, that Members differ as to whether there should be shelters, since that involves a very comprehensive program. How could there be a difference in regard to having a professional corps of people who will know the civil defense business, who will at least give us the personnel, which is infinitely harder to build up than the structure to deal with a sudden emergency of the character envisioned should it arise?

I should like to repeat for the RECORD, for it has to be made crystal clear for the whole country, our country stands in the gravest of danger, if we continue this kind of parsimony in regard to the fundamentals of national security and defense, of being the victim of nuclear blackmail in this decade or in the decade ahead. We must wake up to the fact that it is as important to keep as many people alive as possible as it is to make ICBM's we can shoot at the other fellow.

We do not have the kind of disciplined society the Russians have. The Russians can order their people around out of hand, with some form of ukase. We have to make arrangements for this kind of thing well in advance.

It is shocking to me to know that when we have a $40-billion-plus defense budget, for offense, we cannot make a contribution of $3 million for an essential element of our defense, the necessary personnel to do the job.

Mr. President, I do not say these things to my colleagues in the Senate, for I am grateful for what they have done. My colleagues understand the situation. They have fought for this money. I think we must appeal to the conscience of the country.

Our colleagues in the House of Representatives serve among the conferees. They also have constituents. Their constituents are not hiding in the rocks somewhere, but are in the same jeopardy in which our constituents find themselves.

I hope very much, Mr. President, that the country will make itself heard upon this subject and that we may learn a lesson. We will be as subject to nuclear blackmail through a failure to provide adequate civil defense, perhaps, as we will be if the other side has more or bigger or more effective ICBM's than we have.

I am grateful to my colleagues. I repeat again that these words certainly are not addressed to them. I know the Senators have done everything they could. They have been very patient. They have fought with great fortitude. I hope that somehow we can break through to the consciousness of the people of our country, as to what is afoot. Especially when we consider our defense budget of so many billions of dollars, the funds involved in this program are minuscule in amount.

Mr. HOLLAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Florida?

Mr. HAYDEN. I yield to the Senator from Florida.

Mr. HOLLAND. I assure the Senator from New York that we have not only made a fight for this item which has been a continuing fight through several conferences, but also we have made it on a completely bipartisan and nonpartisan basis. For instance, one of the most articulate advocates of providing this money which the Senate had in regard to the bill was the distinguished Senator from Massachusetts [Mr. SALTONSTALL], who had experience during World War II as the head of a State defense activity and who has been most active in that regard. He was not the only one. I see the Senator from Colorado is present. Other Senators on the full committee were of the same mind. There has been no difference of opinion in our committee. We have been up against one of those problems which we encounter in conference, involving a vast scope of activities, and very large appropriations. If we were to hold up the matter indefinitely, there would be no point to it, because we were assured that the annual bill would treat this subject adequately.

Mr. JAVITS. Mr. President will the Senator briefly yield?

Mr. HAYDEN. I yield.

Mr. JAVITS. I appreciate very much the statement of the Senator from Florida. There are parts of this bill which are most important to the community I represent—for example, money for urban renewal, and so forth. There are reclamation items and many other items in which other Senators are interested. That is why I say we must break through to the conscience of the country, and make the people of the country realize that even with these minuscule sums great things can be accomplished which are of vital importance to our defense.

The conferees on the part of the Senate have done everything they could. But it is the people in our Government who finally rule. By speaking out here, one may possibly hope that his voice will reach the people.

Mr. ALLOTT. Mr. President, just one word, inasmuch as I have been referred to. I think the Senator from Florida has stated the situation correctly. As long as I have served on this committee there has been unanimity of opinion. We have done everything we could to hold these items in the bill, and I am sure we will do so again. As the Senator from Florida stated, the effort has been bipartisan, and there has been no pulling of punches on our part anywhere along the line.

Mr. JAVITS. I thank my colleague.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 10743, which was read as follows:

> IN THE HOUSE OF REPRESENTATIVES, U.S.,
> *April 6, 1960.*
>
> *Resolved*, That the House recede from its disagreement to the amendments of the Senate numbered 5, 33, 34, 35, 36, 37, 38, 39, and 45 to the bill (H.R. 10743) entitled "An act making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes," and concur therein.
>
> That the House recede from its disagreement to the amendment of the Senate numbered 4, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:
>
> "STATE MARINE SCHOOLS
>
> "For an additional amount for 'State marine schools,' $15,000; and the limitation under this head in the Department of Commerce and Related Agencies Appropriation Act, 1960, on the amount available for the maintenance and repair of vessels loaned by the United States, is increased from '$150,000' to '$165,000.'"
>
> That the House recede from its disagreement to the amendment of the Senate numbered 8, and concur therein with an amendment, as follows: In lieu of the sum of $284,000 named in said amendment insert "$270,000."
>
> That the House recede from its disagreement to the amendment of the Senate numbered 15, and concur therein with an amendment, as follows: In lieu of the sum of $2,267,000 named in said amendment insert "$2,267,000."
>
> That the House recede from its disagreement to the amendment of the Senate numbered 19, and concur therein with an amendment, as follows: In lieu of the sum of $10,000 named in said amendment insert "$7,500."
>
> That the House recede from its disagreement to the amendment of the Senate numbered 40, and concur therein with an amendment, as follows: In addition to the matter inserted by said amendment, insert the following:
>
> "HOUSE OF REPRESENTATIVES
>
> "For payment to Laura E. Mack, widow of Russell V. Mack, late a Representative from the State of Washington, $22,500."

Mr. HAYDEN. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 4, 8, 15, 19, and 40.

The motion was agreed to.

Mr. HAYDEN. Mr. President, I ask unanimous consent to insert in the RECORD at this point a table which reflects the budget estimate for each item, the amount of the House and Senate bill, and the amount finally agreed to in conference.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

The second supplemental appropriation bill, 1960 (H.R. 10743)

Document No.	Department or activity	Budget estimate	House bill	Senate bill	Conference action
	DEPARTMENT OF AGRICULTURE				
	COMMODITY STABILIZATION SERVICE				
327	Acreage allotments and marketing quotas	$1,666,800	$1,000,000	$1,666,800	$1,400,000
	COMMODITY CREDIT CORPORATION				
327	Restoration of capital impairment	675,000,000		675,000,000	675,000,000
327	Limitation on administrative expenses	(800,000)	(400,000)	(400,000)	(400,000)
	FOREST SERVICE				
327	Forest protection and utilization	21,000,000	20,450,000	20,450,000	20,450,000
	Total, Department of Agriculture	697,666,800	21,450,000	697,116,800	696,850,000
	DEPARTMENT OF COMMERCE				
	COAST AND GEODETIC SURVEY				
327	Salaries and expenses	34,000	34,000	34,000	34,000
	MARITIME ACTIVITIES				
327	Operating-differential subsidies	32,000,000	16,000,000	32,000,000	24,000,000
8, 86	State marine schools	20,000		20,000	15,000
	Total, Department of Commerce	32,054,000	16,034,000	32,054,000	24,049,000

The second supplemental appropriation bill, 1960 (H.R. 10745)—Continued

Document No.	Department or activity	Budget estimate	House bill	Senate bill	Conference action
	DEPARTMENT OF DEFENSE—CIVIL FUNCTIONS				
	DEPARTMENT OF THE ARMY				
	Rivers and harbors and flood control:				
327	Operation and maintenance, general	$2,800,000	$2,700,000	$2,800,000	$2,750,000
327	U.S. Soldiers' Home: Limitation on operation and maintenance and capital outlay	(60,000)	(60,000)	(60,000)	(60,000)
	Total, Department of Defense—Civil functions	2,800,000	2,700,000	2,800,000	2,750,000
	DEPARTMENT OF DEFENSE—MILITARY FUNCTIONS				
	MILITARY PERSONNEL				
327	Military personnel, Air Force	26,000,000	6,000,000	6,000,000	6,000,000
	DISTRICT OF COLUMBIA				
	(Out of District of Columbia funds)				
	Operating expenses:				
S. 86	Department of General Administration	(44,000)		(30,000)	(30,000)
S. 86	Fire Department	(36,000)		(36,000)	(36,000)
S. 86	Personal services, wage-scale employees	(284,000)		(284,000)	(270,000)
327	Department of Public Health	(213,000)	(300,000)	(300,000)	(300,000)
327	Utility services	(260,000)	(260,000)	(260,000)	(260,000)
	Miscellaneous:				
327	Settlement of claims and suits	(10,174)	(10,174)	(10,174)	(10,174)
327	Audited claims	(8,309)	(8,309)	(8,309)	(8,309)
	Total, District of Columbia	(891,383)	(808,363)	(848,363)	(834,363)
	DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE				
	FOOD AND DRUG ADMINISTRATION				
327	Salaries and expenses	882,000			
	OFFICE OF EDUCATION				
327	Defense educational activities	9,700,000	9,700,000	9,700,000	9,700,000
	Payments to school districts (1959)			7,362,000	
	Payments to school districts (1960)		6,330,000	22,343,000	22,343,000
327	Grants for library services	131,000	100,000	131,000	131,000
	PUBLIC HEALTH SERVICE				
327	Communicable disease activities	160,000	125,000	160,000	142,500
327	Sanitary engineering activities	330,000		330,000	98,000
327	Hospitals and medical care (increase in limitation)	(300,000)		(300,000)	(108,000)
	Indian health activities			350,000	300,000
	ST. ELIZABETHS HOSPITAL				
327	Salaries and expenses	98,000	90,000	90,000	90,000
	SOCIAL SECURITY ADMINISTRATION				
327	Grants to States for public assistance	10,000,000	9,800,000	4,000,000	4,000,000
	Total, Department of Health, Education, and Welfare	20,771,000	27,843,000	44,496,000	36,996,500
	INDEPENDENT OFFICES				
	EXECUTIVE OFFICE OF THE PRESIDENT				
	OFFICE OF CIVIL AND DEFENSE MOBILIZATION				
327	Federal contributions	3,000,000		3,000,000	
258	Corregidor-Bataan Memorial Commission	30,000			
	FARM CREDIT ADMINISTRATION				
327	Limitation on administrative expenses	(210,000)	(185,000)	(185,000)	(185,000)
	FEDERAL AVIATION AGENCY				
327	Grants-in-aid for airports (liquidation of contract authorization)	11,000,000	10,000,000	10,000,000	10,000,000
	FEDERAL COMMUNICATIONS COMMISSION				
327	Salaries and expenses (increase in travel limitation)	(20,270)		(10,000)	(7,500)
	GENERAL SERVICES ADMINISTRATION				
327	Operating expenses, Public Buildings Service	4,340,000	3,390,000	3,390,000	3,390,000
	HOUSING AND HOME FINANCE AGENCY				
	Office of the Administrator:				
327	Urban planning grants	3,000,000	1,800,000	1,800,000	1,650,000
327	Capital grants for slum clearance and urban renewal (liquidation of contract authorization)	30,000,000		35,000,000	17,500,000
	FEDERAL NATIONAL MORTGAGE ASSOCIATION				
327	Limitation on administrative expenses	(150,000)	(100,000)	(100,000)	(100,000)
	Total, Housing and Home Finance Agency	32,000,000	1,800,000	36,800,000	19,150,000
	NATIONAL LABOR RELATIONS BOARD				
327	Salaries and expenses	780,000	800,000	600,000	550,000
	U.S. Information Agency			100,000	

The second supplemental appropriation bill, 1960 (H.R. 10745)—Continued

Document No.	Department or activity	Budget estimate	House bill	Senate bill	Conference action
	VETERANS' ADMINISTRATION				
327	General operating expenses	$2,200,000	$2,000,000	$2,000,000	$2,000,000
327	Inpatient care	5,000,000	5,810,000	5,810,000	5,810,000
327	Maintenance and operation of supply depots	50,000	45,500	45,500	45,500
327	Compensation and pensions	105,000,000	100,000,000	100,000,000	100,000,000
	Total, Veterans' Administration	110,250,000	110,855,500	110,855,500	110,855,500
	Total, Independent Offices	187,379,000	136,445,500	164,945,500	144,148,500
	DEPARTMENT OF THE INTERIOR				
	BONNEVILLE POWER ADMINISTRATION				
327	Operation and maintenance	195,000	[1] (195,000)	[1] (195,000)	[1](195,000)
	BUREAU OF LAND MANAGEMENT				
327	Management of lands and resources	2,800,000	2,480,000	2,800,000	2,480,000
	BUREAU OF INDIAN AFFAIRS				
327	Resources management	300,000	210,000	300,000	210,000
	BUREAU OF RECLAMATION				
S. 86	Operation and maintenance	735,000		735,000	735,000
327	Disposal of Coulee Dam community	21,000	22,000	21,000	21,000
	BUREAU OF MINES				
327	Health and safety (by transfer)	(300,000)	(300,000)	(300,000)	(300,000)
	NATIONAL PARK SERVICE				
327	Maintenance and rehabilitation of physical facilities	426,000	431,000	426,000	431,000
327	Management and protection	150,000	125,000	150,000	125,000
327	Construction	3,231,000	3,125,000	4,925,300	3,125,000
	FISH AND WILDLIFE SERVICE				
	Bureau of Commercial Fisheries:				
327	Construction	55,000	55,000	55,000	55,000
	Total, Department of the Interior	10,985,000	9,531,000	9,898,300	7,966,000
	THE JUDICIARY				
	SUPREME COURT OF THE UNITED STATES				
327	Care of the building and grounds	37,400	37,400	37,400	37,400
	COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES				
327	Salaries of judges	57,000	57,000	57,000	57,000
327	Salaries of supporting personnel	140,000	78,000	78,000	78,000
327	Fees of jurors and commissioners	350,000	350,000	300,000	300,000
327	Travel and miscellaneous expenses	355,000	350,000	300,000	380,000
327	Expenses of referees (special account)	(75,000)	(60,000)	(60,000)	(50,000)
	Total, definite appropriations	900,400	810,400	810,400	810,400
	Total, definite and special account appropriations, the judiciary	944,400	860,400	860,400	860,400
	DEPARTMENT OF JUSTICE				
	LEGAL ACTIVITIES AND GENERAL ADMINISTRATION				
327	Salaries and expenses, general administration	42,000	30,000	30,000	30,000
327	Salaries and expenses, general legal activities	250,000	190,000	190,000	190,000
327	Salaries and expenses, U.S. attorneys and marshals	300,000	300,000	300,000	285,000
327	Fees and expenses of witnesses	125,000	125,000	125,000	125,000
	IMMIGRATION AND NATURALIZATION SERVICE				
S. 90	Salaries and expenses	800,000		800,000	800,000
	Total, Department of Justice	1,217,000	1,535,000	1,135,000	1,035,000
	DEPARTMENT OF LABOR				
	LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACTIVITIES				
327	Salaries and expenses	1,800,000	780,000	1,200,000	1,025,000
	LEGISLATIVE BRANCH				
	SENATE				
	Payment to daughters of Hon. William E. Langer, late a Senator from the State of North Dakota			22,800	22,800
	Payment to the widow of the Honorable Richard L. Neuberger, late a Senator from the State of Oregon			22,800	22,800
	Salaries, officers and employees:				
	Office of the Secretary			1,915	1,915
	Administrative and clerical assistants to Senators			6,600	6,600
	Contingent expenses of the Senate:				
S. 86	Furniture	8,000		8,000	8,000
S. 86	Inquiries and investigations	662,000		662,000	662,000
	Total, Senate	670,000		724,205	724,205
	HOUSE OF REPRESENTATIVES				
	Payments to beneficiaries of deceased Members		112,800	112,800	126,600
	Contingent expenses of the House:				
327	Miscellaneous items	523,200	523,200	523,200	523,200

[1] To be derived by transfer.

The second supplemental appropriation bill, 1960 (H.R. 10743)—Continued

Document No.	Department or activity	Budget estimate	House bill	Senate bill	Conference action
	ARCHITECT OF THE CAPITOL				
	Capitol buildings and grounds:				
327	Capitol buildings	$6,500	$6,500	$6,500	$6,500
327	Senate office buildings	12,000		12,000	12,000
327	House office buildings	9,000	9,000	9,000	9,000
	Library buildings and grounds:				
327	Structural and mechanical care	4,700	4,700	4,700	4,700
	Total, legislative branch	1,228,090	655,900	1,392,105	1,414,605
	POST OFFICE DEPARTMENT				
	(Out of postal fund)				
327	Operations	12,500,000	10,000,000	10,000,000	10,000,000
327	Facilities	4,900,000	4,900,000	4,900,000	4,900,000
327	Postal modernization	4,000,000	4,000,000	4,000,000	4,000,000
	Total, Post Office Department	21,400,000	18,900,000	18,900,000	18,900,000
	DEPARTMENT OF STATE				
	ADMINISTRATION OF FOREIGN AFFAIRS				
327	Salaries and expenses	700,000	210,000	395,000	200,000
327	Emergencies in the diplomatic and consular service	500,000	500,000	500,000	500,000
	INTERNATIONAL ORGANIZATIONS AND CONFERENCES				
327	Contributions to international organizations	6,497,064	6,497,064	6,497,064	6,497,064
327	International conferences and contingencies	300,000	200,000	200,000	200,000
	INTERNATIONAL COMMISSIONS				
	International Boundary and Water Commission, United States and Mexico:				
S. 99	Construction	220,000		220,000	
	Total, Department of State	8,217,064	7,407,064	7,812,064	7,497,064
	TREASURY DEPARTMENT				
	OFFICE OF THE SECRETARY				
327	Salaries and expenses (by transfer)	(37,000)	(37,000)	(37,000)	(37,000)
	BUREAU OF THE PUBLIC DEBT				
327	Administering the public debt	1,500,000	750,000	1,500,000	1,500,000
	BUREAU OF CUSTOMS				
327	Salaries and expenses	395,000	380,000	380,000	380,000
	UNITED STATES SECRET SERVICE				
327	Salaries and expenses	500,000	450,000	450,000	450,000
	BUREAU OF THE MINT				
327	Salaries and expenses	(2,500)	(2,500)	(2,500)	(2,500)
	Total, Treasury Department	2,395,000	1,580,000	2,330,000	2,330,000
S. 87	Claims for damages and judgments	4,948,934		4,948,934	4,948,934
	Grand total:				
	Definite appropriations	1,018,429,888	237,455,864	995,441,103	955,320,003
	Special account appropriations	75,000	50,000	50,000	50,000
	Total	1,018,504,888	237,505,864	995,491,103	955,370,003

Mr. JAVITS subsequently said: Mr. President, earlier today I made some remarks in connection with the second supplemental appropriation bill, particularly with reference to an item dealing with the Office of Civil and Defense Mobilization. In that connection, I ask unanimous consent that there may be included as a part of my remarks a fact sheet on the law which it was intended by the supplemental appropriation to implement, together with a letter from the President of the United States to the President of the Senate, dated August 25, 1959, requesting an appropriation for that purpose.

There being no objection, the statement and letter were ordered to be printed in the RECORD, as follows:

FACT SHEET—WHAT PUBLIC LAW 85–606 DOES

1. Public Law 85–606, enacted by Congress in August 1958, places the responsibility for civil defense in the Federal, State, and local governments. It established a joint responsibility—a partnership. This principle is meaningless unless it is implemented by the funds required.

2. Public Law 85–606 authorizes the expenditure of $25 million of Federal funds annually for matching State and local civil defense personnel and administrative costs. The President budgeted $12 million for this purpose. The House of Representatives has refused on three occasions to appropriate such funds.

3. Public Law 85–606 requires a merit system for all civil defense employees at the State and local level. There is an immediate need for professional competence in State and local staffs so that maximum economical use will be made of donated surplus property and of equipment obtained under the Federal contribution program in accord with the intent of Congress.

4. The act requires that OCDM approve all plans. All States have submitted administrative plans which have been approved.

5. All government personnel and resources at the State and local level will be made available to the Nation through this matching program. Approximately 5 million employees now working for State and local governments would be required to serve the people in case of a nuclear attack or natural disaster. Matching funds would be provided for civil defense staffs only and not for other personnel.

6. The law, when implemented with funds, will enable OCDM to obtain coordinated national action. This is essential for an effective civil defense. It would be obtained through central direction as a result of this program.

Governors, mayors, and county commissioners have endorsed the proposed administrative matching program. They are willing to accept their responsibility for a 50–50 partnership arrangement.

The action of the Congress in providing matching funds would be tangible evidence to the people that the Congress is serious about the need for civil defense.

The President of the United States, as shown by his message to the U.S. Senate on August 25, 1959, has a keen interest in these funds being appropriated for the strengthening of civil defense. The very heart of civil defense is the State and local governments. Federal funds are needed in order to strengthen that capability. If these funds are forthcoming, civil defense will be substantially improved during the coming years.

THE WHITE HOUSE,
Washington, August 25, 1959.

The PRESIDENT OF THE SENATE.

SIR: I transmit herewith to the Congress a supplemental appropriation request of $9 million for the fiscal year 1960 for the "Salaries and expenses" appropriation of the Office of Civil and Defense Mobilization. These funds are necessary to finance the civil defense and defense mobilization activities assigned to several Federal departments and agencies pursuant to law and the national plan for civil and defense mobilization.

I cannot emphasize too strongly the urgent need for the Congress to appropriate such funds before adjournment.

Along with our military defense and retaliatory forces, civil defense and defense mobilization are vital parts of the Nation's total defense—together they stand as a strong deterrent to war.

For this reason I am asking the Congress to reconsider my earlier request for funds to assure that Federal agencies, which have vital responsibilities for nonmilitary defense, will be enabled to discharge these crucial functions.

The nature of nuclear war places upon the American people the responsibility for considerable action and sacrifice to insure their own security. This is clearly spelled out in the national plan for civil defense and defense mobilization and the national shelter policy.

But the American people have the right to expect of their Government intelligent and aggressive preparation to carry out its essential defense role and to do those things which are beyond the capability of individuals.

I believe the American people will demand this. As an indication of the growing public desire for a strong civil defense, I call your attention to the unanimous vote by which the Governors' conference at San Juan passed a resolution supporting the national fallout shelter program. I was pleased by this action.

There persists in many minds the image of civil defense as something apart from regular Government, something which would spring into being to bear the vast responsibilities of home defense and recovery in case of attack. This is a false image.

The responsibilities for civil defense in this Nation rest squarely on regularly constituted government at local, State, and Federal levels, and upon people.

There is before the conferees on the present independent offices appropriation bill my request for $12 million to match funds spent by State and local governments for personnel and administrative costs of civil defense. It is most urgent that this item be approved.

Matching funds are required to strengthen civil defense at the State and local levels, the very heart of civil defense, and to give tangible evidence of Federal leadership in encouraging State and local governments to prepare the defenses for the people. These funds will implement Public Law 85–606.

Civil defense, the defense of our people in the missile age, is the joint responsibility of the Federal, State, and local governments; no one level of government can do the whole job. The partnership among the Federal, State, and local governments never was more intimate or more necessary.

The Office of Civil and Defense Mobilization and State and local civil defense offices serve a staff function to help elected officials perform their vital home defense roles by using all the built-in capability of existing Government structure.

Within the Federal Government there are departments and agencies peculiarly competent to cope with many of the diverse problems that would come with nuclear war.

The request I am resubmitting today is for funds needed to permit these specially competent agencies to contribute their experience, knowledge, and resources to the total effort required.

The request is modest. But these modest funds will enable the Federal Government to take a long stride toward mobilizing its total resources to meet this problem.

The history of appropriations for Federal agency preparedness is most unfortunate. In fiscal year 1959 departments and agencies were asked to include funds necessary to finance all their civil defense and defense mobilization functions as a part of their regular budget estimates. The Congress eliminated these defense funds and directed that these departmental requests be consolidated in the budget for the Office of Civil and Defense Mobilization.

For fiscal year 1960 my budget for the Office of Civil and Defense Mobilization included $12 million to be allocated among nine departments and agencies needed to finance civil defense and defense mobilization programs. The $3 million provided does not enable the Federal Government to carry out the responsibilities contained in the National Security Act, the Defense Production Act, and the Federal Civil Defense Act.

It would be unwise to neglect our civil defense mission because our total defense is incomplete and meaningless without reliable and responsible home defense. Survival cannot be guaranteed merely with a capacity for reprisal. Equally important is our ability to recover. This means staying power and endurance beyond that ever before required of this Nation or any nation.

I recommend that the Congress appropriate the funds outlined above to carry out these programs which are so vital to the national security. The details of this proposed appropriation are set forth in the attached letter from the Director of the Bureau of the Budget.

Respectfully yours,

DWIGHT D. EISENHOWER.

Mr. EASTLAND obtained the floor.

Mr. EASTLAND. Mr. President, I suggest the absence of a quorum.

Mr. MORSE. Mr. President, will the Senator withhold the suggestion of the absence of a quorum so as to permit me to make a very brief statement in the RECORD on another subject, and to introduce a bill?

Mr. EASTLAND. Certainly.

Mr. MORSE. With the understanding that the Senator from Mississippi does not lose his right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator may proceed.

INJUNCTIVE RELIEF AGAINST UNFAIR LABOR PRACTICES

Mr. MORSE. Mr. President, last year during the hearings and the debates on the labor bill, I emphasized an underlying unfairness in the Taft-Hartley Act which seemed about to be extended by the labor legislation of last fall. I am referring to the unfairness of getting quick injunctive relief against unions on charges filed by employers compared to the slow procedures against employers on charges filed by unions. Unfair labor practices are subject to prevention by the processes of the National Labor Relations Board; but the Board, because of the time-consuming steps in what we call due process, requires many months, running into years, to prevent effectively any specific unfair labor practice. The time thus lost makes the Board's efforts of doubtful value since the Board is not permitted to obtain punitive remedies.

The Board can shorten this time lag by obtaining a temporary injunction against the unfair labor practice while it is considering the case. The Board is required to obtain such an injunction against unfair labor practices charged against unions, but apart from an unimportant exception, it is required to seek an injunction as to misdeeds committed by employers. This is the unfairness. I call it a lack of mutuality in remedy.

A case is now being processed by the Board which clearly emphasizes this unfairness.

On July 31, 1959, the agreement between the Bethlehem Steel Co.'s shipbuilding division and the Industrial Union of Marine and Shipbuilding Workers of America expired.

Bargaining had been unsuccessful. During the weeks immediately after, Bethlehem unilaterally changed a long list of working conditions which had been embodied in the expiring contract. These changes discontinued the union shop, check off of dues, seniority for job standards, the grievance procedure, and existing work assignments. In September the union filed unfair labor practices alleging a course of bad faith bargaining, including the illegality of the unilateral changes. The Board investigated the case and with promptness issued a complaint alleging the company had engaged in such illegal conduct.

The union made many efforts to obtain injunctive relief. I know many Senators and Congressmen joined in expressions of interest in this direction because of the highhandedness of the company, a great part of whose business was being performed on Government contract.

I might add I have had some experience with what is good labor relations practice at the expiration of contracts. I would not expect any company to live indefinitely with an agreement which it believes against its interests, but suddenly changing a wide range of working conditions as the agreement expires is provocative.

It was not until January 22, 1960, that the union went on strike. And it was not until February 8, 1960, that the Board started its hearings.

In early March the company filed charges against the union for mass picketing. On March 25 the Board issued its complaint and announced its intention of obtaining an injunction against the union.

Since the alleged unfair labor practices committed by the union is a violation of section 8(b)(1)(a), it does not involve the mandatory type of injunction. Nevertheless the General Counsel sought to intervene in his discretionary capacity against the union for the commission of unfair labor practices even though he had been saying for months that he did not believe an injunction against the employer's unfair labor practice was appropriate. At the last minute, however, the General Counsel announced he would seek discretionary injunctions

against both the union and the company. It apparently has taken self-help on the part of the union to invoke injunction procedures against the company for unfair labor practices which are, in reality, at the heart of the current labor dispute in the Bethlehem Steel shipyards.

The lack of impartiality exhibited by the General Counsel's Office is evident for all to see. For months despite requests from many of my colleagues, there was a continuous and repeated refusal to obtain an injunction against the unfair labor practices of the company demonstrated to have taken place by the issuance of the complaint on November 12, 1959. But within a few weeks of the charge against the union's conduct, the General Counsel is even now before the district court against the union's unfair labor practices. It would be interesting to know what method the Bethlehem Steel Co. used to bring this result about.

At the last minute the General Counsel realized he would have to obtain an injunction against the company's illegal activity as well as the union's. The AFL–CIO News described this move as unprecedented—unfortunately it is unprecedented to stop employer unfair labor practices by injunction.

Despite the appearance of evenhandedness, the General Counsel of the National Labor Relations Board has seen fit to seek an injunction as to only part of the company's unfair labor practices. He seeks to enjoin the company's continued refusal to bargain in good faith and such additional unilateral changes which the company seeks to make in the future. He does not seek, at least temporarily, to restore the status quo of the contract conditions in effect when the contract which had been running for many years expired.

Mr. President, my experience with the War Labor Board taught me something. When the Government attempted to step into a labor dispute and adjudicate certain issues which were in dispute between unions and employers, it was occasionally confronted by one or the other of the parties wanting to change things quickly. As a general rule, the War Labor Board always extended the terms and conditions of employment until such time as the Government machinery completed its process. Quite frankly, if this dispute is important enough for the National Labor Relations Board to exercise its discretionary power to cure some unfair labor practices, it is almost impossible for me to imagine why it should not, at least temporarily, enjoin all unfair labor practices until that time when there is a final adjudication issued by the Board. Bear in mind the union in this case has not demonstrated a history of aggressive conduct. The company has forced the union to fight for its life by conduct alleged to be illegal. It is not too much to expect a restoration of the status quo so that the processes of true collective bargaining can be resumed.

Mr. President, I wonder if this case does not suggest a need to include the National Labor Relations Board as a subject of investigation along with the other administrative agencies which are giving the country such great concern these days.

I wish to point out that the Bethlehem Steel shipyard controversy has been going on for a long time. It is a major dispute. It is a dispute which involves a company that has a good many Government contracts as a part of our defense program. We remember that some months ago there was a steel strike which also went on for a long time. Finally, after the administration interested itself in the steel strike, the administration applied the Taft-Hartley law. As a result, the workers had to go back to work for 80 days under the old terms and conditions of their agreement, by court order. The strike was enjoined under the emergency section of the Taft-Hartley law.

I believe it is very unfair for the administration to follow the course of action it followed in the steel strike and not offer its good offices, at least, to try to get the Bethlehem Steel shipyard case settled.

I have a lurking feeling that if the administration were to express some concern and interest in this matter it might be able to use its good offices to bring about an end to this costly strike. It is a strike which I feel may extend itself into serious proportions far beyond this particular case. So I plead this afternoon with the administration to take a look at the dispute and to try to apply even-handed justice, and that it do what it can to try to get the company and the union to settle the matter rather than to have what I think is a very serious labor dispute grow to greater proportion than it has already assumed.

During the delivery of Mr. MORSE's speech,

Mr. EASTLAND. Mr. President, will the distinguished Senator from Oregon yield to me for a moment?

Mr. MORSE. By all means.

Mr. EASTLAND. I ask unanimous consent that I may yield to the distinguished Senator from Georgia [Mr. TALMADGE], with the understanding that it does not prejudice my right to the floor, and that I be allowed three speeches.

The PRESIDING OFFICER. Is there objection?

Mr. MCNAMARA. Mr. President, reserving the right to object—and I shall not object—I discussed with the Senator the possibility of getting about 30 seconds to make a brief statement correcting the RECORD.

Mr. EASTLAND. I ask unanimous consent that when the unanimous-consent order is entered, my friend from Michigan be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCNAMARA. I have no objection.

Mr. ALLOTT. Mr. President, reserving the right to object, I should like to inquire of the Senator from Mississippi if he had agreed tentatively to yield to me for about 10 minutes.

Mr. EASTLAND. The Senator from Georgia will yield to the Senator. In fact, I will include that in my request.

Mr. President, I ask unanimous consent that the Senator from Georgia may yield to the Senator from Colorado.

Mr. ALLOTT. I thank the Senator.

The PRESIDING OFFICER (Mr. JORDAN in the chair). Without objection, it is so ordered.

PENSIONS FOR WORLD WAR I VETERANS

Mr. MORSE. Mr. President, I ask unanimous consent that I may be allowed to send to the desk, out of order, for appropriate reference a bill relating to the rates of pensions payable to veterans of World War I for non-service-connected disabilities.

Last year I offered this proposal by way of an amendment to an appropriation bill. I said then that I would introduce a separate bill, and that is what I am doing today. At the same time I serve notice that if I cannot get hearings and action on the bill I shall again offer it as an amendment to an appropriate appropriation bill when the time comes.

As I have been heard to say before, we need to keep in mind that we have not given equality of treatment to World War I veterans, in comparison with what we have done for World War II and Korean veterans.

I have voted for all the benefits that have been given to World War II veterans or to the Korean veterans. I think that whatever we have done for them has been in the interest of our country, and certainly in the interest of carrying out our moral obligation to veterans. World War I veterans do not have even the pensions we have given to the Spanish-American War veterans. World War I veterans are a group of veterans who in my judgment, at least, for the reasons I set forth in my argument last year, and which I will not repeat in detail tonight but which I will certainly outline when I discuss this matter in a major speech, have not received the equality of treatment that we have given to other veterans. They are becoming old men. Many of them are well over 60 years of age at the present time. Let us not forget that we have an income ceiling in the proposal, so that the pension would go only to those veterans who can demonstrate that their income is so insufficient that it can honestly be said that they do not make enough to support themselves in health and decency.

There has been a great change in our country since last year in respect to pensions for World War I veterans. Recently a special election was held in Iowa, it will be recalled, to fill a vacancy in the House of Representatives. It is interesting to note that both the Republican and Democratic candidates in the election endorsed a pension for World War I veterans. There has been renewed interest in the House of Representatives in this subject. I find that is also true in the Senate.

I am introducing the bill today with the hope that it will be scheduled for early hearings and placed on the calendar, so that we can vote on the bill rather than bring about a parliamentary situation, such as last year, when our only opportunity to vote on it was to vote on it as an amendment to an appropriation bill.

This bill is closely related to another veterans' measure which I have pending again this year, and which I have introduced many times in the Senate. It is supported by many veterans' organizations in the country. In fact, it was drafted by them, not by the Senator from Oregon. They asked me to introduce it in the Senate.

I refer, of course, to the bill that is pending before the Committee on Rules and Administration which proposes to establish a standing Committee of the Senate on Veterans' Affairs. The House of Representatives has such a committee. As I have said before, and as I repeat tonight—because I think it is pertinent and apropos to the bill I have just introduced in the Senate—proposals affecting veterans' legislation get distributed among various committees. The committee on which I serve, the Committee on Labor and Public Welfare, gets some of the bills. The Finance Committee gets some of the bills. The Committee on the Judiciary gets some of the bills, if they involve military justice. We do not have any one committee, as is the case in the House of Representatives, that has jurisdiction over veterans' legislation.

Therefore, I am serving notice that I shall press hard before we adjourn for some action on my bill, which proposes to establish a standing Committee in the Senate on Veterans' Affairs, because I think if we had such a committee the bill I am introducing today on pensions for World War I veterans would probably get earlier consideration than it is going to get.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3354) relating to the rates of pension payable to veterans of World War I for non-service-connected disability, introduced by Mr. MORSE, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 521 of title 38 of the United States Code is amended by redesignating subsections (b) through (f) as subsections (c) through (g), respectively, and by inserting after subsection (a) the following new subsection:

"(b)(1) In the case of a veteran of World War I, pension shall be paid at the following monthly rate:

"(A) $75; or

"(B) $90 if (i) the veteran is sixty-five years of age or older, or (ii) the veteran has been rated as permanently and totally disabled for an aggregate period of ten years; or

"(C) $150 if the veteran is in need of regular aid and attendance.

"(2) If the veteran served outside the continental limits of the United States for a period of thirty days or more during the creditable period of service the monthly rate payable to him under paragraph (1) shall be increased by ten per centum.

"(3) For purposes of this section, a veteran of World War I shall be deemed to be permanently and totally disabled upon reaching the age of sixty-five years.

"(4) No pension shall be paid under paragraph (1) to any unmarried veteran whose annual income exceeds $1,800, or to any married veteran or any veteran with children whose annual income exceeds $3,000."

SEC. 2. (a) Subsections (c), (d), and (e) of such section (as redesignated by the first section of this Act) are amended by striking out "If" in each subsection and inserting in lieu thereof "In the case of a veteran of World War II or the Korean conflict, if".

(b) Subsection (e) of such section (as redesignated by the first section of this Act) is amended by striking out "(b) or (c)" and inserting in lieu thereof "(c) or (d)".

SEC. 3. The amendments made by this Act shall take effect on the first day of the first month which begins after the date of the enactment of this Act.

THE LATE SENATOR RICHARD L. NEUBERGER

Mr. MORSE. Mr. President, a very wonderful citizen of our State, Mr. Charles J. Hess, has written a beautiful and moving poem as a tribute to my late colleague, Senator Richard L. Neuberger. I consider it a privilege and an honor to ask unanimous consent that this memorial be printed at this point in my remarks.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

SENATOR RICHARD NEUBERGER

Suddenly, as falls a shooting star,
Death it lingered ever near;
Knowing those who survive, who are
Waiting for a silent bier.

He went so quickly and so soon,
His task had just begun;
His life was only at its noon
But now the setting sun.

Dick he loved the poor and weak,
Aid and succor was ne'er denied;
Hate and envy walked behind him,
Love and friendship walked beside.

His many deeds can now be told,
How surely he pointed the way;
A brighter life, for man unborn,
His he gave for a brighter day.

The morning's sun is slowly rising,
O'er Mt. Hood's snowy crest;
A pathway upward is ever leading
To a refuge of peace and rest.

Cruel death rides on every breeze,
He hides in the petals of every flower;
None that live, but yet he sees
Awaiting him, on the coming morrow.

Beneath the sod he is now sleeping,
The dewy shades of eve'n creep;
The North Wind will be lamenting
Along with those, who mourn and weep.

May his life be as a pattern,
And our faults we will atone;
May our heritage be a blessing
As he sleeps, lonely and alone.

As we grieve his untimely passing,
A seat midst the mighty he's won;
The verdict of the powers of the heavens
Thy stewardship rendered—"Well done."

—*Chas. J. Hess.*

ORDER OF BUSINESS

Mr. MORSE. Mr. President, I may say to the Senator from Colorado that I have two other matters to present, but I want to accommodate the Senator from Colorado and the Senator from Michigan.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. ALLOTT. In all fairness, I may say, it is not a matter of the Senator from Oregon accommodating me. I was entitled to the floor before he was, and the Senator from Mississippi yielded to him for a few minutes. The Senator from Oregon has now been speaking for more than 20 minutes. I do not believe this is a matter of accommodating anyone. I do not wish to be in the position of pressing or calling for the regular order, but I point out to the Senator that other Senators have been waiting on the floor for a long time.

Mr. MORSE. Mr. President, will the Senator permit me to make a statement?

Mr. ALLOTT. Yes.

Mr. MORSE. I am certain the RECORD will show that the Senator from Oregon is in order. If the Senator from Colorado thinks not, I ask him to call for the regular order.

I want the Senator from Colorado to know that I asked the Senator from Mississippi to yield. I got unanimous consent for him to yield without losing his right to the floor. I did not know that the Senator from Colorado was waiting to be recognized. I was not aware of that at all. Had I known it, I believe the Senator from Colorado knows that I would have extended to him every courtesy. But I think the RECORD is clear that I did have the floor. If not, I will yield the floor. I would not want to be occupying the floor if the Senator from Colorado were entitled to it.

So, Mr. President, I raise the parliamentary inquiry: Is the Senator from Oregon entitled to the floor to finish the remarks which he asked permission to make when he received permission to have the Senator from Mississippi yield the floor?

The PRESIDING OFFICER. The Senator from Mississippi has yielded to the Senator from Oregon.

Mr. ALLOTT. Mr. President, I raise a parliamentary point of order.

Mr. MORSE. I yield to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado will state his parliamentary inquiry.

Mr. ALLOTT. The point of order is concerned with a technical matter. I would not have said a word except that the Senator from Oregon has now spoken on three subjects and is about to speak on more.

I think the RECORD will disclose that the Senator from Oregon asked for a few minutes, and the few minutes were yielded. I do not know how much time has been taken, but it is something more than 20 minutes. I simply wanted to make the point; I shall say no more.

Mr. MORSE. Mr. President, now that the point has been made, I ask for a ruling as to whether the Senator from Oregon is in order.

Mr. EASTLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. EASTLAND. What is the point of order? I was out of the Chamber when it was raised.

Mr. ALLOTT. I think the point of order is how long the Senator from Mississippi yielded to the Senator from Oregon.

The PRESIDING OFFICER. The point of order is, Did the Senator from Mississippi yield to the Senator from Oregon? The Chair ruled a minute ago that the Senator from Mississippi yielded to the Senator from Oregon.

Mr. EASTLAND. That is correct. There was a subsequent unanimous-consent request, which the Chair approved, that the Senator from Georgia [Mr. TALMADGE] be recognized without any prejudice to my right to the floor; that I be permitted to make three speeches; and that the Senator from Colorado be recognized.

Mr. MCNAMARA. I was a part of that agreement, too, if the Senator will recall.

Mr. EASTLAND. Yes; and that the Senator from Michigan be recognized, too.

Mr. MORSE. But with the understanding that the Senator from Mississippi would not be taken off the floor.

Mr. EASTLAND. Oh, certainly.

Mr. MORSE. And that the Senator from Colorado would be recognized following the Senator from Georgia.

The PRESIDING OFFICER. That is correct.

Mr. MCNAMARA. Mr. President, will the Senator yield for a minute?

Mr. EASTLAND. Mr. President, a parliamentary inquiry. Does the Senator from Mississippi have the right, under the unanimous-consent request, to make three speeches?

Mr. MORSE. That request was granted.

The PRESIDING OFFICER. The Senator retained his right without losing the floor.

Mr. EASTLAND. I retained my right. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. EASTLAND. Did I secure the floor by obtaining unanimous consent to make three speeches after the third reading of the bill?

Mr. MORSE. The Senator did. He asked unanimous consent.

The PRESIDING OFFICER. The Senator from Mississippi [Mr. EASTLAND] yielded to the Senator from Oregon [Mr. MORSE] without losing his right to the floor, with the understanding that the Senator from Mississippi could make three speeches, I believe he said, at a later time. After that, the Senator from Mississippi yielded to the Senator from Georgia, who was to be recognized after the Senator from Oregon had completed his remarks.

Mr. EASTLAND. And the Senator from Georgia was to yield to the Senator from Michigan or the Senator from Colorado. I do not remember which Senator was to be yielded to first, but both were to be yielded to by the Senator from Georgia.

The PRESIDING OFFICER. The Senator is correct. The Senator from Mississippi yielded first to the Senator from Oregon.

Mr. MORSE. Mr. President, I now wish to say what I shall do. I do not know of any time when the Senator from Oregon has not endeavored to be perfectly fair in his use of time on the floor of the Senate when other Senators wanted to occupy the floor. The last thing I would desire to do would be to offend the Senator from Colorado, who apparently feels that, in some way or other, I am not very fair about this matter. Therefore, I am going to yield the floor with the understanding that I will talk on other matters later tonight, no matter what time it is, and make a very brief, 5-minute speech I was about to make on another subject matter. But I now yield the floor. The Senator from Michigan will automatically get it when I yield it, under the unanimous-consent agreement, and then the Senator from Colorado will get it.

Mr. TALMADGE. Mr. President, do I understand the unanimous-consent agreement to be in effect, and that I am to receive recognition following the yielding of the floor by the Senator from Oregon?

The PRESIDING OFFICER. The Senator is correct.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. TALMADGE. Then I ask unanimous consent that I may yield first to the Senator from Michigan, with the understanding that my yielding will not deprive me of the right to the floor, so that the Senator from Michigan may make a request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(At this point Mr. TALMADGE yielded to Mr. MCNAMARA to make a request concerning a change in the vote by Mr. MCCARTHY on the Dirksen amendment, which appears elsewhere in the RECORD under the appropriate heading.)

Mr. ALLOTT. Mr. President, inasmuch as the Senator from Oregon [Mr. MORSE] is still on the floor, I wish to make perfectly clear, in connection with the matter about which I rose a few minutes ago, what my position was. As I stated, at one time the Senator from Mississippi had agreed tentatively to yield to me; and he did. But I wish to ask unanimous consent that the request of the Senator from Oregon that the Senator from Mississippi yield the floor to him appear again in the RECORD immediately after the point of order I made.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Is there objection?

Mr. EASTLAND. Mr. President, I do not understand.

Mr. ALLOTT. The point is that the Senator from Oregon [Mr. MORSE] asked for the floor; and the Senator from Mississippi yielded to him. The Senator from Oregon had said that he asked for the floor in order that he might speak for a few minutes on a certain matter. But, instead, he spoke at some length on, I believe, three matters; and he was about to address himself to other matters when I raised the question. This is the only point. I simply want the RECORD to support my point of order; and I think it will.

Mr. EASTLAND. What is the point of order? I do not understand.

Mr. ALLOTT. The point of order was that the Senator from Mississippi yielded to the Senator from Oregon [Mr. MORSE] for a limited amount of time; but the Senator from Oregon proceeded for a long time.

Mr. EASTLAND. Mr. President, we should not complain about that; that is common in the Senate.

Mr. ALLOTT. Perhaps the Senator from Mississippi feels that it should not be complained about; but, Mr. President, I think that sometimes some Senators do take a great deal of the time of the Senate. In this connection, I do not refer to the debate on the civil-rights bill; I do not regret that debate.

At this time I wish to speak for a few minutes in regard to that debate.

Mr. EASTLAND. Mr. President, I hope we have educated the Senator from Colorado on these constitutional questions. He is a fine lawyer and a fine gentleman, and I hope he has come out of this debate a better constitutional lawyer.

Mr. ALLOTT. I may say, in reply, that I have heard more good law and more bad law quoted on the floor of the Senate in the last two months than I hope ever again to hear in my entire life.

Mr. EASTLAND. But the point is, Mr. President, that the good law has come from the southern Democrats.

Mr. ALLOTT. Sometimes that is true, and sometimes it is not.

Mr. President, it will be necessary for me to be absent from the Senate tomorrow, in order to attend to official business at a meeting of the Board of Visitors of the Air Force Academy. The meeting has been scheduled for some months. For the past year I have been chairman of the Board of Visitors; and it is necessary that I be present tomorrow at the Air Force Academy, in order to participate in the final deliberations of the Board of Visitors, and in order that a report which is vital to the Air Force Academy—and, indeed, perhaps to the Air Force itself—may be written. There was no way to change the date of the meeting, even though we attempted to do so. As a result, I was not able to be present at the Air Force Academy today, for the first day's meeting of the Board of Visitors. But I shall be there for the meeting tomorrow, and also for the final session on Saturday morning.

In view of that fact, and the further fact that the debate on the civil-rights bill has substantially come to a close, and that it is possible that by being absent tomorrow, I shall miss the vote on the question of the final passage of the bill, I wish to make very clear what my own position is.

I wish to make clear that I would vote for the bill, and that I would have voted for any reasonable civil-rights bill that was passed.

My position on civil rights has been one of consistency. Some of my southern friends perhaps believe that I have gone overboard in this respect, and that is their privilege and their prerogative. I simply feel that in the world in which we live we have to move along with the times. I believe we have to assure every citizen an opportunity to vote.

Personally, I regret more than almost anything else that we had to institute such legislation, much less debate it for approximately 8 or 10 weeks, because my recollection is that we debated phases of this matter back in January.

Nevertheless, the fact is that there are many persons who are deprived of their rights. I regret that we have to go into this matter, in an attempt to pass legislation to guarantee these people their rights. It should not have to be so; and in such a situation there is always the question—particularly in any lawyer's mind—as to whether, in attempting to do a good thing, we may, in fact, be establishing bad principles of law for our country. I am not unaware of this. I am not unaware that this is a decision I have had to make on this floor numerous times in the last few weeks.

But I have overwhelming and compelling reasons, Mr. President, for supporting this measure. I support it, first of all, because, so far as my own personal beliefs are concerned, I cannot justify relegating any citizen, of any color, any race, or any creed, to any less privileges than those which I, myself, have. This does not mean that I have to socialize with anyone. As I said once before on this floor, I have to earn my right to socialize with anyone, as does every other Member of the Senate. But that is not the point. The point is simply that we must give all these people the opportunity to vote equally and to participate equally in the Government, according to the number of votes they can get, just as the rest of us have to do; and we must be sure that they have equality in the eyes of the law, throughout.

Mr. EASTLAND. Mr. President, will the Senator from Georgia yield, to permit me to ask several questions of the Senator from Colorado?

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may yield, to enable the distinguished Senator from Mississippi to propound several interrogatories to the Senator from Colorado, without causing me to lose the privilege of the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. EASTLAND. The Senator from Colorado believes that a State has the sole power to fix the qualifications of its electors, does he not?

Mr. ALLOTT. I do so believe.

Mr. EASTLAND. Then, when a State fixes the qualifications of its electors to apply to both races, should they not apply to both races without discrimination between them?

Mr. ALLOTT. The Senator from Mississippi is entirely correct; they should apply to all races, without discrimination between them.

Mr. EASTLAND. Will the distinguished Senator from Colorado cite one instance in which they have not been applied equally in the South? Can he name one human being to whom they have not been applied equally?

Mr. ALLOTT. I do not have that information before me at the moment; but I am sure I can bring to the floor information on, not one, but hundreds of instances in which they have not been applied equally.

Mr. EASTLAND. But that has not been done at any time during this entire debate. In fact, no single case in which there was discrimination has been pointed out.

The whole purpose of this procedure is to give one race an advantage over the other race. The Senator from Colorado does not believe in that, does he?

Mr. ALLOTT. I shall answer the question by saying that I do not believe that any race—I do not care whether it is the white race, the black race, the brown race, or the yellow race—or any creed, no matter what it may be, is entitled to any privileges which any other race or any other creed does not have.

I think the report of the President's Civil Rights Commission and numerous other instances which have been brought to our attention here illustrate that there has been coercion in the South.

Mr. EASTLAND. Can the Senator from Colorado name a single case or a single person—of the millions who live there—who has been treated in that way? Of course, it is easy to talk in general terms.

Mr. ALLOTT. Mr. President, what the Senator from Mississippi has said reminds me of a story. Will the Senator from Georgia yield further, to permit me to proceed for several minutes longer?

Mr. TALMADGE. (Mr. President, I ask unanimous consent that the Senator from Colorado and the Senator from Mississippi may be permitted to engage in further colloquy, without causing me to lose my right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ALLOTT. The Senator reminds me of the story of the lawyer who was examining a witness in an accident case. The lawyer had not briefed himself very well for this particular examination, and the witness had briefed himself very well with respect to injuries to the neck, which were involved. The case was appealed. After it was appealed, the case came back, and the lawyer lost his employment. Then, on the next occasion, when that person was brought into court as a witness as to some of the things that had occurred, the only question that was asked of him was, "You were attorney for the plaintiff in this case when it was tried before?" He answered, "Yes." The only other question asked was the next question: "You are not now, are you?" He said, "No."

That ended the case and decided the case.

I am not prepared at this moment to discuss the factual, documentary types of these incidents. I was reading some in my office today and if this is what the Senator wants to go into all over again, we can do it. We can bring out the factual, documentary incidents which were discussed.

Mr. EASTLAND. I think it is astounding that a distinguished Senator of the United States, a very able lawyer, a very honorable and able man, would take the floor of the U.S. Senate and accuse a great region of this country, with millions of people, of violating the law and of racial discrimination, and then not be able to point to a single case. I submit, Mr. President, that is an astounding statement.

Mr. ALLOTT. Mr. President——

Mr. EASTLAND. The Senator mentioned the Civil Rights Commission. I should like to tell my friend how much reliance we can place on it. They got up a great storm over——

Mr. ALLOTT. Before the Senator makes that statement, let me reply to the previous statement.

Mr. EASTLAND. Yes.

Mr. ALLOTT. It was not a question, but it was a statement. We will take these things up one at a time. I am not accusing millions of people of violating the law. I simply believe, from evidence I have seen over and over, and seen with my own eyes, that there are people being deprived of the right to vote and of other rights to which they are entitled.

Mr. EASTLAND. Could I tell my distinguished friend something?

Mr. ALLOTT. Yes.

Mr. EASTLAND. It is very strange that the Senator believes that and has made up his mind, when he cannot point to a single incident in a hundred years. Does the Senator know the reason for that? Such an incident does not exist.

Mr. ALLOTT. It does exist.

Mr. EASTLAND. Well, where is it? Who is it?

Mr. ALLOTT. I do not have it.

Mr. EASTLAND. Is it John Jones? Bill Smith? Does the Senator know?

Mr. ALLOTT. No, I do not know.

Mr. EASTLAND. The Senator does not know.

Mr. ALLOTT. I do not know.

Mr. EASTLAND. Who is it, then?

Mr. ALLOTT. If the Senator wants to discuss this question on a factual, supported basis, I can do that, too.

Mr. EASTLAND. I was about to tell the Senator something.

Mr. ALLOTT. Oh, no; let me tell the Senator something.

Mr. EASTLAND. The Senator from Colorado has got to say something. I want some names. I want some facts. The Senator from Colorado has made a charge against our southern people that is unsupported except with "I don't remember."

Mr. ALLOTT. I hate to fuss with my friend from Mississippi. He is right in what he says that I do not have the facts here.

Mr. EASTLAND. Then the Senator certainly should not make charges on the floor of the Senate.

Mr. ALLOTT. I say to my friend at least I should finish my statement. I will not interrupt the Senator from Mississippi. I am willing to fuss with the Senate all night, if that is what he wants.

Mr. EASTLAND. It is not a fuss. We are discussing.

Mr. ALLOTT. I will send to my office to get material to support my argument.

Mr. EASTLAND. The Senator needs some facts.

Mr. ALLOTT. I do not need facts.

Mr. EASTLAND. I thought facts supported everything.

Mr. ALLOTT. Does the Senator have another question?

Mr. EASTLAND. Yes. My distinguished friend——

Mr. ALLOTT. I may say to my friend the Senator from Georgia [Mr. TALMADGE], whatever time it takes, I would like 1 minute at the end to conclude my position.

Mr. EASTLAND. Certainly. The distinguished Senator mentioned the Civil Rights Commission. I want to show my friend just how much reliance can be put on one of their documents. They raised a storm about racial discrimination in voting in Jefferson Davis County in Mississippi.

Mr. ALLOTT. I remember——

Mr. EASTLAND. Of course he does. I am glad the Senator says he knows of it.

Mr. ALLOTT. No. I remember when the Senator discussed this matter on the floor.

Mr. EASTLAND. I have not discussed it.

Mr. ALLOTT. I am sure the Senator did.

Mr. EASTLAND. Yes; I did, on yesterday. Here are the facts: The NAACP financed a suit there and sent their lawyers there. A three-judge court heard the matter, and the plaintiffs lost their case, and they did not even appeal it. That is one of the matters the NAACP agitated and got in the Civil Rights Report. They realized they did not have a legal right even to go to the Supreme Court, when everybody knows the southern people cannot get a square deal from the Supreme Court of the United States.

Mr. ALLOTT. I cannot hear the Senator when his head is turned the other way.

Mr. EASTLAND. If the Senator will read the record, he can understand what was said. The case that was blown up in that report was instituted and financed by the NAACP, and when they lost the case, they did not even appeal it. They had gotten their propaganda value out of it over the Nation. They were not interested in facts. They were not interested in truth. They were not interested in righteousness. They were not interested in law. They were interested in propaganda, and they got that propaganda out all over the country, and then they did not appeal the case when three honest Federal judges said it was without merit and without truth.

Mr. ALLOTT. Yes; I heard the Senator discuss this matter some weeks ago, I believe, on the floor of the Senate. In fact, I would say I have heard him discuss it more than once.

Mr. EASTLAND. The Senator is mistaken. If the Senator was in the Chamber yesterday afternoon, he heard me discuss it, and that was all.

Mr. ALLOTT. I recall that argument being used as a method for destroying complete confidence in the Civil Rights Commission. I do not say that they are perfect. I have not met any perfect men, until recently, but I do say that they tried to do a conscientious job, and I know some of the people who attempted to do that.

Mr. President, the case has been put in the RECORD. I sought the floor. I retain it simply for stating that I would vote for this bill if I were to be here, or I will vote for it if we have concluded our business in Colorado in connection with the Air Force Academy. The reason why I have done this is simply that my conscience compels me to act this way, and I cannot honorably do otherwise, regardless of how others may feel about it.

I recognize, more than my friend from Mississippi realizes, that there are great problems connected with this matter. I realize, more than my friend realizes I do, the great problems involved in the future in this regard.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. ALLOTT. For the Senator and for all the people who have to work this out, I have great sympathy.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. ALLOTT. I will say this: I will personally devote all of my efforts, as long as I live, to the resolving of these questions, as best I can.

I yield to the Senator from Mississippi.

Mr. EASTLAND. When the Senator comes to the floor of the Senate and states his reasons for voting for a bill which is very far reaching and is based on discrimination, the Senator should certainly be fortified with some facts to substantiate his argument.

Mr. ALLOTT. Mr. President, I will say to my friend that he has brought up this question about four times. I did not come to the floor prepared to make a full-scale debate, that is true. I came to the Chamber to state my reasons, without notes, as to why I intend to vote the way I intend to vote. If the Senator from Mississippi wants to make a case that I cannot quote a single item from my memory at this time, I cannot. I have ample material in my office for this purpose. The Senator has made his point. I am willing to let him have it.

Mr. EASTLAND. Mr. President——

Mr. ALLOTT. I will say only this: I have stated my position. I will abide by it. This is the way I feel.

Mr. EASTLAND. Mr. President——

Mr. ALLOTT. Does the Senator from Mississippi want to ask me a question?

Mr. EASTLAND. I want to make a statement.

Mr. ALLOTT. Mr. President, if the Senator wishes to make a statement——

Mr. EASTLAND. It is a fundamental rule of logic——

The PRESIDING OFFICER. Does the Senator from Colorado yield?

Mr. ALLOTT. Does the Senator from Mississippi want me to yield?

Mr. EASTLAND. Mr. President, I ask unanimous consent that I may make a statement.

Mr. ALLOTT. I will yield to the Senator for that purpose, if I may.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi? The Chair hears none, and it is so ordered.

Mr. EASTLAND. There is no such thing, in the study of logic, as reason without facts. My distinguished friend from Colorado is an able lawyer and he has given his reasons, but has said he knew no facts. That is unknown to the study of logic.

Mr. ALLOTT. Mr. President, I want to say that the facts have been known on this floor and throughout the country for many, many years. They are self-evident. There is no question about that in my mind.

Mr. EASTLAND. Mr. President, there has been propaganda put out over the country by the NAACP and other vicious leftwing organizations. I have not seen the proof of any facts. I will ask my friend the Senator from Georgia: Does he know of any such facts?

Mr. TALMADGE. The Senator from Georgia does not know of any such facts, since the Senator from Mississippi has requested the information.

Mr. ALLOTT. I should like to quote the statement, "There is none so blind as they that won't see."

Mr. EASTLAND. Mr. President, the sun shines in the eyes of my distinguished friend from Colorado. He can see. Where are the facts? Where is one case, in an area where the races live in peace and harmony, with millions on each side?

Mr. ALLOTT. Mr. President, I will say to my friend that I know he has taken this point of view throughout the entire course of the debate. I have listened to him, not in all of his great discourses, but for many hours. For every instance which has been brought up by those who were arguing for the bill, for the most part the Senator has come up with the same answer, "There is no instance in which this is true." I do not think this is an answer to those who have presented the case on the other side, if I may say so.

Mr. President, I have great respect for my friend as a gentleman, as a lawyer, and as a Senator. I simply happen to disagree with him upon this matter, and nothing in the world will compel me, I am sure, to change my mind until there is a change in conditions.

Mr. President, I yield the floor.

Mr. EASTLAND. Mr. President, I hope the distinguished Senator from Colorado will return home, commune with himself, study the facts, and come back to the Senate with a changed mind and a chaste mind, to take a stand in defense of the Constitution and Government and his country.

Mr. ALLOTT. Mr. President, I should like to remind the Senator of a fact which he has apparently forgotten. There were two or three instances in the course of the voting in which I joined

on the side which the Senator would propose. I recall to the Senator's mind the question in regard to title IV yesterday. I felt the proposal was too much of an invasion of States' rights. It was something I simply could not vote for or believe in.

The fact that I differ with the Senator in the respect I have mentioned I suppose will always be the case. It will not change the way I feel about the Senator. I hope it will not change the way the Senator feels about me.

Mr. EASTLAND. Mr. President, of course, I am not dealing in personalities. I simply hope that when the Senator goes to the great State of Colorado, with its prairies and beautiful mountains, he will reconsider what he has stated in the line of reasons backed by facts. That is the subject of logic. When the Senator does so, he will come back to the Senate and line up with the southern Senators against the bill.

Mr. ALLOTT. I am sure, Mr. President, there is very little chance of that occurring, but I thank the Senator for yielding to me, and I thank the Senator from Georgia, also, for yielding to me.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. TALMADGE. Mr. President, the most lamentable aspect of this debate which has diverted the attention of the Senate from the pressing business of the Nation since February 15 has been the studied effort of many to portray those of us who oppose measures such as that now pending as enemies of civil rights.

That effort, sad to relate, has been aided and abetted by vast segments of the Nation's news media in shameful abuse of our cherished constitutional freedoms of speech and press.

It represents a gross indulgence in the technique of the "big lie" which, in fairness to myself and my like-minded colleagues, I cannot in good conscience allow to go unchallenged and unrefuted.

Speaking for myself, I yield to no man in the intensity of my support of the full and unfettered exercise by all Americans of every right and freedom guaranteed to us by the Constitution of the United States and the Bill of Rights.

I have never condoned—nor shall I ever condone—the deprivation of any citizen of any of those rights and freedoms under any circumstances.

I would be the first to admit that there have been deprivations. Anyone who keeps reasonably well informed about current events can attest to the fact that they occur from time to time in all sections of this country. And anyone with a normal quota of common sense recognizes that so long as human beings remain the imperfect creatures they are, there will continue to be deprivations.

But I am not one who has so little faith in the inherent decency and sense of fair play of the American people or in the adequacy and competency of our institutions of government as to believe that such wrongs cannot be righted and redress granted without the enactment of punitive force legislation which flies in the face of every tenet of constitutional government which we as a free people hold so dear.

All of our inalienable constitutional rights as American citizens are enforceable in the courts and on more than one occasion I have challenged those who contend to the contrary to cite for me one case—just one case—in which any American denied any of his rights under the Constitution and the Bill of Rights has not ultimately received redress through the Judiciary.

I have yet to be given such an example, and I do not anticipate that I shall. There is none to give.

An adjunct of this same "big lie", is the claim spread from one end of this country to the other that the bill before the Senate is merely one to protect the right to vote.

That that contention is a patent falsehood is clearly demonstrated by the fact that only two of its six titles even remotely purport to deal with the field of voting.

When bills of the nature of H.R. 8601 are presented as civil rights measures they are misnamed and travel under false colors. While entitled "An Act To Enforce Constitutional Rights," the actual effect of H.R. 8601 would be to destroy constitutional rights, as I presently shall demonstrate.

If it were truthfully labeled—and I contend that bills, like medicine should be—it would rather bear the title, "An Act To Win The Next Election." That is the purpose for which it was designed. That is the sole reason it is before Congress at the present time.

It is therein, Mr. President, that my opposition to proposals like H.R. 8601 has its basis. I cannot give my support to measures which have as their motivation the seeking of partisan political advantage. I cannot cast my vote for bills which, if enacted, would do violence to the Constitution of the United States and would grant superior rights to one group of citizens which are denied to all other groups.

I am, therefore, opposed to—and shall cast my vote against—H.R. 8601, because it would, in the name of civil rights, nullify the clear provisions of the Constitution in the following particulars:

Title I would violate article III and the fifth and sixth amendments.

Title II would violate the sixth amendment.

Title III would violate articles I and II and the 10th amendment.

Title IV would violate the sixth amendment.

Title VI would violate articles I and II and the 10th and 11th amendments.

Let us examine in detail just how such annulment of those provisions of the Constitution would result from the enactment and application of the bill we are considering.

It is to the credit of the Senate that it has voted to sustain the Judiciary Committee in amending title I so as to make it apply uniformly to all Federal court orders and to eliminate that language which would have infringed upon the freedom of speech and press.

I have stated all along—and I reiterate it now—that I would wholeheartedly support a uniform, constitutional bill to make obstruction of all Federal court orders a crime. Were title I divorced from those other titles which are obnoxious and unconstitutional, I would vote for its enactment.

I have great respect for our courts—even when I consider their decisions to be wrong or outside the scope of the Constitution—and I think all good citizens feel likewise.

It is unfortunate, however, that the Judiciary Committee did not complete the job it started on title I by eliminating that paragraph which sanctions the issuance of injunctions against the conduct it makes criminal. Such a provision is clearly contrary to the basic tenet of American jurisprudence that injunctive relief cannot be afforded in criminal matters.

By so specifying, title I would subject persons prosecuted under its terms to double jeopardy contrary to the fifth amendment in all cases where injunctions also were involved. Furthermore, individuals under injunction could be tried and punished without the benefit of trial by jury, as guaranteed in article III and the fifth and sixth amendments, despite the fact that, in the absence of an injunction, they would be entitled to have their cases heard before juries.

The House, in acting on this title, tacitly recognized this constitutional defect by writing in the proviso that in instances where persons are punished both under its terms and through the operation of injunctions, the penalties would be concurrent.

While the Senate version does not retain that saving grace, I submit that even the addition of such a mitigation hardly can be construed to justify or rectify the circumvention of three separate provisions of the Constitution of the United States with the effect of depriving Americans affected of their fundamental rights of trial by jury and freedom from double jeopardy.

Turning to title II, Mr. President, I wish to emphasize that I favor the enactment of a strong, constitutional, uniform Federal statute making interstate flight to avoid prosecution for arson or bombing a Federal crime. I have nothing but contempt and loathing for that type of dementia which motivates a person to destroy with explosives or fire a church, school, a plant, a home, or any structure. Such individuals are a menace to society and the Federal Government can perform a great service in helping State and local governments put them away where they can do no harm to law-abiding citizens and their property.

Feeling as I do, I am pleased that both the Senate and the House of Representatives have seen fit to approve an all-inclusive provision covering this crime. I am also glad that the revised language of the section also covers bomb threats; and I hope that that proviso will prove effective in dealing with those individuals who seem to take a fiendish delight in communicating anonymous bomb threats which result in substantial public disturbance and inconvenience.

However, I am dismayed that neither the House of Representatives nor the Judiciary Committee saw fit to follow the earlier lead of the entire Senate in eliminating that unconstitutional clause authorizing trials outside the State and district of the alleged offense.

The sixth amendment explicitly accords every person accused of a crime "the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed." To leave the language of subsection (c) unchanged would be to jeopardize the entire title by allowing persons accused under it to be tried either where they were apprehended or confined.

To give an example of the kind of situation which could result under the present wording, a man who bombed a church in Georgia and fled to Hawaii could be tried in Honolulu or if returned as far as Missouri and jailed in St. Louis, he could be tried in that city.

The Senate could have easily remedied this defect by changing the subsection to read: "Violations of this section may be prosecuted only in the Federal judicial district in which the original crime was alleged to have been committed." If that had been done, the provisions of this bill would be consistent with the provisions of the Constitution of the United States.

Mr. President, since titles III and VI are interrelated and both pertain to voting, I shall deal with them jointly after discussing title IV and V.

Title IV is the residue of the original provision to extend the life of the Commission on Civil Rights which was rendered moot by the action of the first session of the 86th Congress. It proposes to give Commission members, individually and collectively, authority to take testimony under oath which carries with it the companion power to initiate prosecutions for perjury.

This section raises a serious constitutional question in that it makes no provision for persons accused in testimony taken by the Commission to have the right and opportunity to confront their accusers as guaranteed in the sixth amendment. This is a particularly glaring deficiency in light of the fact that the Commission already is under Federal court injunction from holding further hearings in the State of Louisiana because it denied confrontation of accusers.

If the purpose of title V is, as its proponents claim, to provide schooling for children of members of the Armed Forces—an objective with which no one could have any quarrel—then it is unnecessary. That is true because there already is contained in both Public Law 874 and 815 ample authority for the Commissioner of Education to do exactly what would be authorized under this title.

Mr. President, unless it is felt that a reaffirmation of the present law is needed, there is no reason for the statute books to be cluttered up with title V.

As grave as are the threats to individual liberty and constitutional processes posed by title I, II, and V of H.R. 8601, Mr. President, they are paled into comparative insignificance by the tyranny inherent in titles III and VI which, taken together, establish machinery through which Federal control can be extended over every election—Federal, State, and local.

Title III would require the preservation of State and local registration and voting records and would empower the Attorney General of the United States or his designated representative to paw through them in fishing expeditions for evidence upon which to base suits under the Civil Rights Act of 1957. Title VI would authorize Federal district courts, on motion of the Attorney General, to place State and local registration and election machinery in the receivership of Federal voting referees whose power to manipulate elections would be limited only by the imagination of the appointing judge.

It is a curious paradox to note that while title III purports to deal only with Federal elections—though it does get somewhat far afield in embracing presidential electors—title VI is drafted to include every election including even those to elect dogcatchers and to authorize the issuance of local sewerage bonds.

That is a discrepancy which has its explanation in the fact that title III was first presented in 1959 while title VI was not proposed until 1960. And the obvious difference between 1959 and 1960 is that the latter is an election year in which a President, Vice President, one-third of the Members of the Senate, all of the Members of the House of Representatives, and large numbers of Governors and statehouse officials are to be elected.

It is interesting to note how the passage of those 12 months influenced the interpretation of the Attorney General as to how far the Federal Government could go under the Constitution of the United States in policing voting.

On March 11, 1959, in testimony before a House Judiciary Subcommittee in support of the proposal now embodied in title III, Mr. Rogers answered a question on that point as follows:

> I think we can go just as far as we have asked to go in this legislation.

Now, 1 year later, Mr. Rogers, having construed the Constitution in the light of the calendar, has come forward with the revised contention that under the 15th amendment the Federal Government can inject itself into State and local elections as well.

If any further evidence of the political motivation of this bill is needed, Mr. President, there it is.

If there exists any authorization for the Federal Government to exercise the power which the Attorney General proposes it be granted through enactment of H.R. 8601, then it must be found in one of the following provisions of the Constitution—paragraph 1, section 2, and paragraphs 2 and 3, section 1, of article II; and the 15th amendment.

I ask unanimous consent, Mr. President, that the texts of those provisions be printed herewith in the RECORD as a portion of my remarks.

There being no objection, the provisions were ordered to be printed in the RECORD, as follows:

Paragraph 1, section 2, article I: "The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

Paragraph 1, section 4, article I: "The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations.

Paragraph 2, section 1, article II: "Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative or person holding an office of trust or profit under the United States shall be appointed an elector."

Paragraph 3, section 1, article II: "The Congress may determine the time of choosing the electors and the day on which they shall give their votes, which day shall be the same throughout the United States."

Article XV: "The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

Mr. TALMADGE. Mr. President, it should be clear beyond all misunderstanding to all who understand the English language that those provisions delineate the dividing lines between Federal and State responsibility for voting as these:

In all elections except those for President, Vice President, and Members of Congress, the State is sovereign within the limitations of the 15th and 19th amendments both as to voter qualifications and as to the times, places, and manner of holding the elections.

In all elections for Members of Congress, the State is sovereign within the limitations of paragraph 1, section 2, article I, and the 15th and 19th amendments as to qualifications and the Congress of the United States is sovereign as to the times, places, and manner of holding the elections.

In all elections for President and Vice President, the State is sovereign as to the manner of selection and the places of meeting of the electors and the Congress of the United States is sovereign as to the times of their selection and meeting.

It is crystal clear, therefore, that the States have exclusive power to fix voter qualifications within certain limitations and the Federal Government can police those qualifications only to the extent of those limitations.

Those limitations are that voter qualifications prescribed by a State cannot deny or abridge the right of anyone to vote on account of race, color, previous condition of servitude or sex, or differentiate in any way between those who vote for members of the most numerous branch of the State legislature and those who vote for Members of the United States House of Representatives.

Outside of those specified limitations, Mr. President, the Federal Government has the last word only with respect to when, where, and how elections for Members of Congress are held and when presidential electors are selected and meet to cast their votes. And since registration of voters is an integral part of the qualification process, no exercise in semantics or election-year constructions of the Constitution can get around the fact that registration is an exclusive State function.

To those who would contend otherwise, the unanswerable answer is that the only two instances in which restrictions have been placed upon the discretion of the States to fix voter qualifications have in both cases had to be accomplished through the amendatory process.

Congress has no more power under the Constitution to legislate in the field of voter qualifications outside the authority to implement existing amendments and to submit proposed new amendments for ratification or rejection by the States than it does to change the boiling point of water from 212° to 150° Fahrenheit.

The only way Congress ever can obtain such authority will be through the submission of proposed constitutional amendments granting it and the ratification of them by three-fourths of the States.

It is hardly likely, Mr. President—as the advocates of these unconstitutional proposals well know—that the citizens of the United States are going to give up their rights under the Constitution of the United States to conduct their own elections on the State and local levels in accordance with the wishes and attitudes of the residents concerned.

If for no other reason, the Rogers referee proposal would fail of constitutionality in that it proposes to invoke the 15th amendment as authority for the initiation of affirmative class actions to effect mass registration of voters while that amendment, by its very language, is limited to the negative action of preventing interference with the right of individual citizens to vote. There is nothing in its wording which can be construed to authorize the wholesale enfranchisement of groups of citizens.

And, in the broadest sweep of its power, Congress has no right to impose additional duties upon State registration officials whose powers and functions are prescribed by State law and confined to registering those who may vote in any given election.

No czar ever had more power than the Attorney General of the United States would have over voting under the terms of H.R. 8601. By its provisions, he—and he alone—would be able to determine who could and could not have his voting rights protected under the act. That is true because it would be necessary for him to bring a successful suit under the Civil Rights Act of 1957 before the provisions of the new law could be brought into play.

Thus, by the simple expedient of filing or not filing suits, the Attorney General could—and I have no doubt would—manipulate the law to accomplish his own partisan purposes. In areas where he felt it politically beneficial to limit registrations, he could refuse to take action. In other areas where he decided it would be advantageous to expand registrations, he could file sufficient suits to occasion the appointment of armies of voting referees to take over and run the election machinery.

After successful prosecution of such a suit, the Attorney General would ask the district judge—who conceivably could owe his position to the Attorney General—to declare that a "pattern or practice" of discrimination exists in the administration of voting laws in the district. Subsequently, he would request the appointment of voting referees to conduct mass registrations of persons claiming they had been denied the right to vote in that area on account of race or color.

Since the bill specifies the judge could appoint "one or more" referees, there would be no bar to the swearing in of 10,000 or more to swarm over a district and register all persons willing to agree to vote as they were told. And those referees would have power limited only by the extent of the authorization given them by the appointing judge.

Proponents of this legislation contend there is a safeguard in that referees would have to be qualified voters of the judicial district concerned. That is no safeguard at all because the Attorney General in collusion with a district judge could have appointed those persons who had become qualified voters as the result of suits filed by him under the Civil Rights Act of 1957.

These referees would have all the powers of Federal masters as set forth in rule 53(c) of the Rules of Civil Procedure for U.S. District Courts but would not be bound by the procedural safeguards imposed on masters by rule 53(d). They would conduct their proceedings ex parte—a fancy Latin term for "kangaroo court"—in which rules of evidence and constitutional guarantees need not apply. Even though not trained in law, they could be authorized to make determinations of "issues of fact and law" and the facts they submitted to the judge would be considered "prima facie evidence" of discrimination.

Mr. President, I submit that should title VI of the bill be enacted it would constitute the greatest travesty upon justice since King George III denied our Founding Fathers the right of trial by jury by transferring prosecutions under the Sugar and Stamp Acts to the courts of admiralty.

The whole plan is just a sophisticated, updated version of the Reconstruction statute known as Davenport's law under which Federal election supervisors appointed by Federal judges put Republican votes into the ballot boxes and kept Democratic votes out.

Davenport's law was enacted in 1871 as a product of the passions which blinded Congress to reason following the War Between the States. Its application resulted in fraud, malfeasance, scandals, and tyranny of such incredible proportions that the American people arose in righteous indignation in 1892 and swept into office an administration and a Congress which repealed it in 1894.

That infamous statute took its name from the sharp, young New York lawyer, John I. Davenport, who drafted it and who administered it as chief elections supervisor for the southern district of New York. He used it to make himself the most ruthless political boss in the history of our country and his infamy made the term "Davenportism" the most derogatory appellation of political disrepute which could be applied to a public official during the last two decades of the 1800's.

On February 18 I made an extended presentation of the ignoble facts of this matter before the Senate and I ask unanimous consent, Mr. President, that the full text of my remarks on that occasion be printed in the RECORD at this juncture.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

LEASING OF PORTION OF FORT CROWDER, MO.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. TALMADGE. Mr. President, the Chinese have a proverb which goes something like this: "The first time a thing happens, shame on the other fellow; the second time it happens, shame on you."

That, I think, is an appropriate sentiment for the Senate to reflect upon in considering the fact that it is being asked in the pending legislation to bring upon itself the shame of repeating a mistake it first made almost 90 years ago and repented of 23 years later.

I refer, Mr. President, to that part of the measure under consideration embracing the proposal of the Attorney General of the United States that the election machinery of the 50 States be placed in the receivership and under the control of Federal voting referees appointed by Federal judges.

There is nothing new about that proposal. It was first enacted into law in 1871 as a product of the passions which blinded Congress to reason following the War Between the States. Its application resulted in fraud, malfeasance, scandals, and tyranny of such incredible proportions that the American people arose in righteous indignation in 1892 and swept into office an administration and a Congress which repealed it in 1894.

It is incomprehensible to me, Mr. President, how this Senate could even consider giving a second approval to such a proposition in the light of the shameful blot which its unspeakable ancestor put upon the pages of this country's history less than a century ago. And I assure you, Mr. President, that before I have concluded my remarks on this subject no Member of this Senate will be able to claim ignorance of the ignoble facts of the matter.

Mr. President, the offering of this proposal this year marks the second time in 90 years that the Republican Party has come forth with the idea that what this country needs is to have Federal court officials decide who can and cannot vote.

Back in 1870 the Union League Club of New York sent a sharp young lawyer named John I. Davenport to Washington with instructions to draft and get enacted a law which New York Republicans could manipulate to count out the Democratic Tweed machine in New York City.

Davenport, a protege of the infamous General Butler for whom he trained Union Army spies during the War Between the States, had no difficulty in persuading a Republican Reconstruction Congress—which already was in

the market for harsher measures with which to subjugate the conquered South—to enact his bill to put election machinery under the control of Federal election supervisors appointed by Federal judges.

He convinced Republicans in Congress that his proposal would implement the ambition of the late Thaddeus Stevens "to secure the perpetual ascendancy" of the Republican Party by making Republican voters out of the newly freed slaves in the South. Succeeding in putting it on the statute books on February 28, 1871, he went back to New York and used it to make himself the most ruthless and despised political boss in the history of the United States.

Davenport's law failed miserably in the South but it worked beyond his wildest dreams in New York where he administered it as chief elections supervisor for the southern district of New York.

Before the law was enacted Davenport had set himself up a private detective agency and gotten himself appointed U.S. commissioner for the southern district of New York. Utilizing the full resources of those two positions coupled with his new job of chief elections supervisor—and spending money made available to him through both the Union League Club and the U.S. Treasury—he undertook a systematic campaign to get Republican votes into the ballot boxes of New York and to keep Democratic votes out.

His method of operation was ruthlessly simple. Using techniques he had perfected in the Army and fully exploiting all of the potentialities of his public and private positions, he set up an advance vote-counting system which enabled him to calculate the number of Democratic votes which would have to be kept out of the ballot boxes to assure Republican victories. Then, acting on complaints filed by him as election supervisor, he had that number of individuals arrested and, as U.S. commissioner, set bail so high that it could not possibly be met before the polls closed. After the election was over, the charges would be dropped.

A select committee of the House of Representatives which investigated his machinations in 1892 reported on his methods as follows:

"With the power of the Government behind him and with the money of the Government to use, he has managed for years a detective bureau, by means of which he has sought to get proof of the crimes which he has claimed existed in the city of New York. When, in his first capacity, as a detective, he had obtained such proof as he wished to use, he then, in his second capacity, as a public prosecutor, issued the warrants for the arrest of the alleged criminals. Sometimes he gave these warrants to the U.S. marshal to be executed and sometimes, in a third capacity, as a sheriff, he seems to have made the arrest of the accused parties through his own deputies. Then, in his fourth capacity, as a U.S. commissioner, sitting as a magistrate, he has heard his own charges against the prisoners which he presented to himself as judged by himself, as prosecuting attorney, and has decided himself upon their guilt or innocence. In this way he has arrested many hundred persons at each election. This is not at all difficult under these laws. He has merely to decide on the names of the parties whom he desires to arrest or to keep from voting and issue his warrants for their arrest."

For his services as chief elections supervisor in 15 elections between 1872 and 1893, Davenport collected fees from the Treasury of the United States totaling $283,906.93, an average of $18,927.13 per election. That did not include his annual salary of $3,000 as U.S. commissioner or the sums collected for his work by the Union League Club, which were over and above the $2,854,858.94, paid as compensation to the armies of assistant supervisors whom he appointed to carry out his election-stealing schemes.

His infamy gave Democrats the campaign cry of "Davenportism," which twice swept Grover Cleveland into the Presidency—the second time with a massive majority in both Houses of Congress which wiped the statute books of the Nation clean of every Republican impediment to free elections.

Now, in 1960, the Republicans have revived Davenport's law.

This time the sharp young New York lawyer upon whom they have called to get it enacted is Attorney General William P. Rogers.

This time their sales pitch is to protect the right to vote in the South.

This time their ultimate aim is to hand the Republican Party the minority vote in pivotal metropolitan areas.

In other words, Mr. President, they are asking this 86th Congress to enact a Rogers-Davenport Reconstruction Act to perpetuate the Republican Party in office.

The Rogers-Davenport Reconstruction Act is a dead steal from the Davenport Federal Election Supervisor Act passed February 28, 1871, as one of the unspeakable force bills of the first Reconstruction. The only differences between them are 89 years and the following:

First. The name of the Federal official whose job it would be to steal elections would be changed from election supervisor to voting referee.

Second. The scope would be broadened to include State and local as well as Federal elections.

Third. Instead of preventing voting, its effect would be to stuff the ballot boxes.

In other words, Mr. President, as I endeavored to point out to the Senate when this bleached bone of the past was first exhumed, the scheme is the same; only the technical details have been changed.

The original law was the desperate effort of a slipping Republican Party scared by the Seymour victory in New York in 1868 to keep itself in power. Its contemporary version is the deliberate effort of a slipping Republican Party scared by the Democratic congressional landslide of 1958 to try to make history repeat itself.

In 1871 the Republicans had to run roughshod over the Democrats in Congress to get their way. In 1960 they hope to mesmerize Democrats with the minority vote carrot into helping them pull their Republican chestnut out of the fire.

During the first Reconstruction the bait with which the prize was sought was the promise of 40 acres and a mule. During the second Reconstruction that bait would be changed to the promise of 45 days in jail and $300 fines for southern Democrats—the maximum nonjury sentence which can be imposed by the Civil Rights Act of 1957.

It is inconceivable to me, Mr. President, that any member of the Democratic Party could give his support to such a proposal in light of these established facts of record which prove conclusively that its 19th century counterpart was used by the predecessors of today's minority party to entrench themselves in power for more than two decades.

It took almost a quarter of a century of continuing struggle for our Democratic predecessors to get Davenport's law off the statute books where it was making a mockery of our cherished democratic institutions. For Democratic Senators of today to vote to put a Rogers-Davenport Reconstruction Act back on the statute books would be to deny the wisdom of such past Democratic greats as Senators Steven M. White, of California; John McAuley Palmer, of Illinois; Daniel W. Voorhees and David Turple, of Indiana; Francis M. Cockrell and George C. Vest, of Missouri; David B. Hill, of New York; Calvin S. Brice, of Ohio; Richard Coke and Roger Q. Mills, of Texas; Charles J. Faulkner, of West Virginia; William F. Vilas and John L. Mitchell, of Wisconsin; and 26 others who constituted the Democratic majority of the Senate in repealing Davenport's law on February 7, 1894.

Mr. President, why did great men like Senators Turpie, Vest, Hill, Brice, Coke, Vilas, and like-minded colleagues bestir themselves to repeal Davenport's law? Surely statesmen of their character and stature would not have acted without satisfying themselves that their action was in the best interests of the Nation.

The experience of 23 years had proved to them that the law was partisan in origin and destructive of democratic processes in execution. Despite the fact that their party, then in power, could have kept the law on the books and used it to the advantage of the Democratic Party did not deter them from doing what they knew to be the right and just thing—repeal it.

Mr. President, I submit that no man not seeking partisan advantage could read the report of the select committee of the House of Representatives which investigated the administration of that law in New York and not be convinced that it was unjust, unworkable, and a disgrace to a free people living in a free nation.

I shall read to the Senate, Mr. President, that report—House Report No. 2365 of the 2d session, 52d Congress, which was written by three highly respected Democrats, Representatives Ashbel P. Fitch, of New York; J. A. Geissenhainer, of New Jersey; and Robert E. DeForest, of Connecticut. Presented January 27, 1893, it reads as follows:

"Mr. Geissenhainer, from the Select Committee To Inquire Into the Supervision and Administration of Election Laws by Officers of the United States, in the City, County, and State of New York, So Far as the Same Relate to Members of Congress, submitted the following report to accompany H.R. 10344:

"'The select committee of the House of Representatives, appointed by the Speaker in accordance with the resolution of the House of July 19, 1892, to inquire into the supervision and administration of the election laws of the United States within the city, county, and State of New York, respectfully report as follows:

"'The committee met for organization on September 8, 1892, in the city of New York, and from that time until and including election day, November 8, 1892, the committee held 11 meetings in the city of New York, at which the evidence of 46 witnesses was taken.

"'The committee, under its authority to issue the mandate of the House to compel the attendance of witnesses, and the production of papers, given by the resolution, served the subpena of the House upon all the officers of the United States having control of the administration and supervision of the U.S. election laws, in the city of New York, and upon the Secretary of the Treasury, for the production of the records on file in the Treasury Department relating to the matters into which the committee was directed to inquire.

"'The U.S. marshal for the southern district of New York, the U.S. district attorney for the southern district of New York, and such of their assistants and subordinates as were requested to do so, came promptly before the committee and gave, readily, such evidence as the committee required of them, and the Secretary of the Treasury sent by the hand of the Chief of the Division of Judiciary Accounts of the first Comptroller's Office, in his Department, the records and documentary evidence required by the committee, and placed the same fully at the disposal of the committee.

"'The chief supervisor of elections for the southern district of New York, on being subpensed to appear before the committee, refused to appear and refused to allow the records and papers in his possession relating to the subject matter of the inquiry ordered by the House to be examined.

"'In a written communication, addressed to the chairman of the committee, the chief supervisor, although refusing to appear before the committee at the time when he had been subpensed by the Sergeant at Arms of the House to appear, that is, on October 14, suggested to the committee that he would be willing to appear and testify on November 16, after the election, then about to occur, was over. The desire of the committee being to inspect and study the working of the Federal election law while in actual operation before and on election day, and the communication being, in the opinion of the committee, an open and impudent defiance of the powers of the House of Representatives, no further attention was given to the witness.

"'The evidence taken before the committee and submitted with this report to the House relates entirely to the administration and supervision of the election laws by Federal officers within the city and county of New York.

"'It is assumed by the committee that the administration and results of such laws would nowhere appear more clearly or in a better light than in the city of New York.

"'It is believed that in the largest city in the country, where every class of our voting population is fully represented and where the respective parties have for years made their principal headquarters at important elections, and under the constant publicity given by the best organized and most effective newspaper press of the world, the actual workings of these laws and their good or evil results can be more clearly seen and appreciated and more intelligently judged than is possible anywhere else.

"'Your committee, after a very careful study of the operations of the Federal election laws before election and on election day in the city of New York, are of the opinion that all of these laws have entirely failed to produce any good results in the direction of the purity of elections or the protection of the ballot box, and have been productive of such serious and dangerous results that they ought at once to be repealed.

"'The reasons for our recommendation for the repeal of these laws, based on our study of their operation and results in New York, may be classed under four heads. They ought to be repealed—

"'First. Because they result in no convictions of offenders, and are therefore useless to prevent or punish crime.

"'Second. Because they cause great expense and are fruitful of constant and continuing frauds upon the Treasury.

"'Third. Because they are designed to be used and are used only as part of the machinery of a party to compensate voters who are friendly to it, and to frighten from the polls the voters of the opposing party.

"'Fourth. Because under and by virtue of these laws the gravest interference with the personal rights and liberty of citizens occurs, and voters are punished by arrest and imprisonment for their political opinions.'"

Mr. President, in those four points the Congress of the United States severely indicted the Davenport Act of 1871. The Congress clearly gave its reasons for that indictment. That law was tried for 23 years, after being enacted when the country was inflamed and in the heat of passion following the War Between the States. Yet now, after passions following the War Between the States are supposed to have died, and almost 100 years after the War Between the States, we see the same groups, with the same motives in mind, trying to reincarnate a Reconstruction statute and—yes—make it even more heinous.

The first Reconstruction Act purported to regulate only Federal elections. Yet the Davenport law as reincarnated by William P. Rogers not only purports to regulate Federal elections, but also purports to regulate State, county, and municipal elections—something that clearly is not within the province of the Constitution.

If such laws are passed by the Congress—which God forbid—even the present Supreme Court, as presently constituted, with its strong tendency to follow psychological and sociological notions, will, in my judgment, strike them down.

I read further from the committee report on the operation of the Davenport Act:

"In considering the first point above mentioned, it may be remarked in the first place that these laws are believed to have been, in the main, drafted and their enactment brought about by the present chief supervisor of elections in the southern district of New York. If anyone in the country was able to administer them in such a manner as to get good results from them the author of the system certainly ought to have been. Through most of the time during which he has held his position the National Government has been fully in accord with him and willing to aid him with all its power and resources. He has drawn from the public purse vast sums of money for his compensation in the administration of these laws and for the employment of thousands of deputies and assistants. He holds his office by a tenure which makes him practically independent of any criticism or danger of removal. He not only holds this office of chief supervisor of elections, but he has also had himself appointed a U.S. commissioner, so that he can sit as an examining magistrate.

"With the power of the Government behind him and with the money of the Government to use, he has managed for years a detective bureau, by means of which he has sought to get proof of the crimes which he has claimed existed in the city of New York. When in his first capacity, as a detective, he had obtained such proof as he wished to use, he then in his second capacity, as a public prosecutor, issued the warrants for the arrest of the alleged criminals. Sometimes he gave these warrants to the U.S. marshal to be executed, and sometimes in a third capacity, as a sheriff, he seems to have made the arrest of the accused parties through his own deputies. Then in his fourth capacity, as a U.S. commissioner, sitting as a magistrate, he has heard his own charges against the prisoner which he presented to himself as judge by himself as prosecuting attorney, and has decided himself upon their guilt or innocence. In this way he has arrested many hundred persons at each election. This is not at all difficult under these laws. He has merely to decide on the names of the parties whom he desires to arrest or to keep from voting and issue his warrants for their arrest. But in order to have any of these persons indicted or convicted it is necessary for him to take his alleged evidence before the grand jury, and to try his case before a judge and jury in open court, and without the special advantages which up to this point the Federal election law has given him. He must then have a case. At this point he has invariably failed. With all this machinery in the hands of its inventor and the use of unlimited money the law has resulted in nothing so far as the conviction of offenders is concerned.

"During the entire time covered by the examination of the committee there has not been one conviction for illegal voting in the southern district of New York in the U.S. courts, and under these laws.

"Since the present district attorney came into office, a period of nearly 4 years, as a result of many thousand arrests, only three men have been indicted for false registration. One of these men was acquitted. The other two were found guilty, but the cases showed the offense to have been technical merely, and in one of these cases the judge suspended sentence upon the defendant, and in the other allowed the defendant to go without imprisonment on the payment of a fine.

"Since 1889 half a dozen persons have been charged with interfering with the Federal supervisors, and in view of the conduct of these supervisors, as shown by the evidence and seen by the committee, it is in the opinion of this committee a great proof of the patience and forbearance of the voters in the city that there has been so little interference with them. But even in these cases nobody has been convicted even of a technical violation of the law since 1889.

"It will be therefore seen, although the chief supervisor, the U.S. district attorney, and the U.S. marshal in the city of New York have been in full accord for a period of about 4 years, and have had the fullest support from a friendly administration, that no offender has by reason of their efforts under these laws served 1 hour in prison as the result of a conviction. It is therefore clear that these laws do not result in the punishment of any crime, and they ought therefore to be repealed.

"The second reason why, in the opinion of the committee, the law should be repealed is that it causes immense expense, and is purposely so arranged that there is no supervision over the cost, no limit to the amount expended, and no proper responsibility for the payment of the bills.

"It is impossible to report upon the exact cost of the system, for the reason that the Treasury Department is unable at this time to state it. The witness Ferrell, sent by the Department before the committee, estimated the expense for this year at $1 million, but it is clear from his evidence that he had no accurate knowledge of the amount, which will doubtless be much more. When it is seen that the payments for the personal compensation of the chief supervisor in the southern district in New York for his services as supervisor and commissioner, entirely aside from the payment of his deputies and aside from the fees and disbursements, and the compensation of deputies of the U.S. marshal, have amounted during the present administration to a sum exceeding $107,000, the abuses under these laws to which your committee desires to call attention will be plain. This amount will doubtless be increased by a further very large payment, the amount of which your committee is unable to ascertain, which has been demanded and is expected by the chief supervisor from the Treasury Department before the close of the present administration. In connection with these payments, attention is called to the fact that from March 1885 until May 17, 1889, during which time a district attorney was in office who desired to examine these bills, the chief supervisor never presented a bill, preferring to go without the money sooner than submit to examination. As soon as the present district attorney came in, the bills were presented and approved and promptly paid.

"As to the manner in which these payments are made and the bills verified, the examination of the Treasury officials and of the local district attorney shows an additional reason for the repeal of the law. The Treasury Department takes the ground that the certificate of the judge to whom the accounts are presented, in the presence of the district attorney and after a presumed examination by him, is binding on the Department, and that the bills when certified by the judge must be paid. The U.S. district attorney, in his evidence before the committee, took precisely the opposite view. He testified as follows:

"'Of course I did not examine Mr. Davenport, because I understood in accordance with the practice that his work was sent to Washington to the auditing officers of the

Treasury Department, and all the items charged for in the account are examined and checked in the Treasury Department before any payment is made.'

"The district attorney was further asked, 'Did you make any personal examination as to how much these charges amounted to altogether?' He answered, 'That is a matter of accounting for the officers of the Treasury Department.' He also said, 'There was no reason why the accounts should be submitted to investigation except such as the Treasury officers always make in all accounts that are presented in court and proved before the court.'

"In view of the amount paid to the chief supervisor of elections for the southern district of New York, under the present administration, which payment is believed, in New York, to be a public scandal, the evidence of the former assistant district attorney, Mr. Rose, as to the manner of the approval of these accounts in court is interesting. Mr. Rose testifies that no one was present in the courtroom when one of these accounts, calling for the payment of $31,030.21 for the chief supervisor's personal compensation, was presented, except the judge, the chief supervisor, and himself; that the supervisor presented his account; that the judge asked him what he knew about the accounts; that he said he knew nothing at all about them, and that he had not examined or approved them; that the judge thereupon signed the certificate approving the account, and that the whole matter was transacted in 5 or 6 minutes. The chief supervisor did not, on that occasion, explain a single item of that long account; he called no witnesses, and yet such a certification and hearing is claimed by the Treasury Department, under these laws, to be binding upon the Department.

"It is not deemed necessary to go over in this report the figures of these accounts in order to demonstrate the frauds which may be perpetrated under the present law. It is believed that the law officers of the Government ought to make them the basis of proceedings against the person who has received the money, and the committee will so recommend at the proper time. It is sufficient perhaps to call attention as an example and in connection with the evidence just alluded to, as to the manner of the certification of these bills, to the facts in regard to the special elections in 1891. In that year there were two elections for Members of Congress in the city of New York, one of them caused by the death of General Spinola, who represented the 10th District, and the other by the resignation of the Honorable Roswell P. Flower, who had been nominated for Governor, and who represented the 12th District. In the 10th District the Honorable William Bourke Cockran was nominated, and in the 12th District the Honorable Joseph P. Little was nominated. The election of Messrs. Cockran and Little was absolutely certain. There was no possible reason or motive for any person to attempt to elect either of these gentlemen by fraudulent registration or illegal voting.

"The chief supervisor, however, having solely in view his personal profit, proceeded to set in operation at this election in these two districts the Federal local machinery under his control, and 510 marshals and an equal number of supervisors were appointed. In his accounts as commissioner, approved in the manner aforesaid, were included fees in 226 cases at this election, amounting to the sum of $6,989.95. This amount has already been paid him, and is in addition to the pay of a small army of supervisors and U.S. marshals, the fees of the U.S. marshal, the extra bills for printing, and the cost of a special telegraph wire, which the chief supervisor claimed he was obliged to have put in in order to prevent the election of Messrs. Cockran and Little by fraud. Whether he has any further bills for supervising this election we do not know. Of course, of these 226 persons alleged to have been arrested, not 1 was ever indicted or tried for any offense.

"A further analysis made by the committee, and shown by the evidence of the U.S. marshal and of Messrs. Frank, Korb, Griffou, and Korzinick, shows that in only 61 cases of the 226 for which the chief supervisor of elections for the southern district of New York has been paid were any warrants given to the U.S. marshal for service, and that as to the remainder of the 226 persons named, only 7 of those named as defendants can be found or identified at all. The seven persons who could be found who were named as defendants had no knowledge of any proceedings having ever been brought against them, and had never been arrested. Full fees were thus paid in 165 cases, which seem from the proof to have had no existence outside of the bill of the chief supervisor, and of which there is no record anywhere except in his accounts against the Government.

"This account is only a sample account. In making the bills of the commissioner and chief supervisors for alleged cases of violation of the election laws, no addresses of the defendants are ever given, nor any information as to the polling place at which they are alleged to have been registered. No evidence that the violations of law ever took place or that the cases ever existed, except the statement of the chief supervisor of his fees in the case, is anywhere to be found. In one of the accounts there are 179 cases and in another 426 cases in which there is absolutely nothing but the name of an alleged defendant, who was never arrested, and whose address is not given. Under a system like this the chief supervisor's and commissioner's compensation is only limited by the number of names which he can take from the city directory or from his own imagination. These accounts are, however, certified to by the judge of the U.S. district court in the presence of the district attorney, and have been thereupon paid by the Treasury Department. It is submitted that in no other Department of the Government and in none other of the Federal statutes do such absurdities exist, or is such fraud possible. Any law under which any Federal official can obtain, without evidence other than has been narrated above, such sums of money from the Government as have been paid and are about to be paid to the chief supervisor of elections for the southern district of New York, ought to be at once repealed.

"The third reason why the law should be repealed is that, in the judgment of the committee, it is used mainly for partisan purposes. It is believed that this will be admitted to be true in the city of New York by everyone who has any knowledge of the facts, and that an examination of the evidence taken before this committee will convince any impartial person that under these laws the power and the funds of the Government are freely used with the direct intention of affecting the result of election.

"It is not deemed necessary to enter into an extended argument to show that this should not be allowed.

"The establishment for election purposes in the interest of one party of an army of political workers as large in number in the United States as the Regular Army of the United States, and the giving to them the badge and authority of the National Government, is an act of arbitrary power without a precedent in the history of our country. No political party temporarily in power ought to have any such advantage over its opponents, and the majority of this committee would be as unwilling to see any member of their own party in the city of New York clothed with the power now given to the chief supervisor and marshal as they are to allow the present incumbents to remain in the possession of these unfair advantages.

"The law was designed for partisan advantage. It is perhaps fortunate that its execution in the city of New York has been mainly entrusted to one of a common class of political adventurers whose only real object has been to get money out of politics."

Mr. JAVITS. Mr. President, in addition to the unanimous consent of the Senate which the Senator so graciously asked so that I might make the insertion in the RECORD, would the Senator mind yielding to me so that I might discuss a point with him in regard to his speech, or is this an inappropriate time?

Mr. TALMADGE. What is it the Senator desires to discuss?

Mr. JAVITS. I should like to ask the Senator a question.

Mr. TALMADGE. I will yield for that purpose.

Mr. JAVITS. I will say to the Senator that I am much interested in the addresses of my colleagues from the South, like the distinguished Senator from Georgia. I shall ask a question, if the Senator will give me a minute.

I will say to the Senator parenthetically that when he and I served on the two-man committee on rule XXII, I thought the Senator acquitted himself most creditably for his point of view.

Mr. TALMADGE. I thank the Senator.

Mr. JAVITS. I will say also I enjoyed serving with the Senator, and I have a very high regard for his skill and ability, and certainly for his devotion to the cause in which he believes.

Mr. TALMADGE. I thank the Senator.

Mr. JAVITS. I believe all the Senators who come from the Southern States who have been speaking are very sincere in their point of view. This does interest me, however. A great point is made about the fact that people like myself, who espouse a strong pro-civil-rights position, are called the politicians. It is said that we are simply looking for votes, that we do not really have our hearts in the matter. It is said this is simply a bid for votes in the North, in the Middle West, and in the West.

I must say, without arguing, this is not the case.

Mr. TALMADGE. Will the Senator yield at that point? Does the Senator deny he seeks those votes?

Mr. JAVITS. I should like to finish my statement, and then the Senator will have an adequate opportunity to answer.

I must say I am puzzled by one thing, and I would like to have the Senator's comment. One would think, upon the basis of that contention, that the Senators from the Southern States were not serving not only what they consider to be a public purpose but also a political purpose. It strikes me, with all due deference—and I should like to have the Senator's view on this—that taking the thing on percentages, the southern Senators are appealing to many more people for what they consider to be votes on a popular position in their part of the country than we are. Would the Senator care to comment on that?

Mr. TALMADGE. Yes, I would. I doubt that the Senator's conclusion is accurate. As I recall, the Senator was elected to the Senate by a substantial majority.

Mr. JAVITS. If the Senator will yield again, I should like to say, in reference to my own election, that I was elected by a majority of 500,000. I wish to say to the Senator that my joy and my happiness in that fine result is always tempered by the fact that although 3½ million New Yorkers favored me, 3 million New Yorkers voted against me. I am always mindful of that, and it never lets me lose my head on the subject.

I wish to say further to the Senator that the theory is that we are appealing in our position to minority groups. Well, those are minority groups in our States. In percentages they are not too large as minorities.

In the States of the South the preponderant opinion, apparently, as it is reflected by the gentlemen who serve in Congress, is for segregation. Is it not, therefore, fair to say that if there is any bidding for votes the southern Senators are bidding for a lot more of the votes in proportion than we are, and that the charge that ours is a political foray hardly should lie in the mouths of the people who are appealing on a political basis to the majority sentiment in their own States?

Mr. TALMADGE. I will say to the Senator that I have not attempted to cast aspersions on his motives in espousing this cause, but I think I read recently that the Senator from New York stated that 17 populous States would be gained by the Republican Party if a strong civil rights bill were passed. Does the Senator deny making that statement?

Mr. JAVITS. I certainly do not. I said, in addition, that I believed my party, in the tradition of Lincoln, ought to be the hard core of the votes which would pass such a measure. I said it because I believe politics is the stuff of life. As I said to a very distinguished newspaperman from the South the other day on a television program, "Why should people elect you? Because you have a pleasant face? In my case I cannot even claim a hairline. But it is because you espouse positions in which the people believe. That is politics."

What is wrong with what we are doing? What is wrong with what the Senator is doing? I have not assailed any Senator from the South on the ground that he is seeking votes. That is what Senators are here for. They are here to do the job the people want done; and when they are here to do something else, in terms of principle, they are here for the purpose of "selling" the people their point of view. What I object to is that we are charged with some base motives.

Mr. TALMADGE. The Senator has admitted the motive. The Senator from Georgia has never since he has been privileged to sit in this Chamber either espoused or opposed any piece of legislation on the ground that victory to our party would result.

Mr. ERVIN. Mr. President——

Mr. JAVITS. Will the Senator yield to me again briefly in order that I may finish our colloquy?

Mr. TALMADGE. I yield first to the Senator from New York, and then I shall be glad to yield to the Senator from North Carolina.

Mr. JAVITS. What the Senator from New York said—and I think quite accurately—is that when a political party or a group of Members of Congress serve the highest interests of the Nation, as they see it, they have the absolute right to go to the electorate on that basis. I do not think that is anything to be ashamed of, or to apologize for. As I see it, if one is to hurl such accusations around——

Mr. TALMADGE. I am not hurling accusations. The Senator has admitted the motive. The Senator has admitted that he made the statement to which I referred. The Senator from Georgia did not make it.

Mr. JAVITS. It seems to me very clear that Senators from Southern States like the Senator from Georgia, are, if anything, appealing to a much larger group than we are, in terms of the kind of fight they are waging. I repeat that no one quarrels with that, but at the same time our position should not be thrown around constantly as a term of opprobrium.

Mr. TALMADGE. The Senator from Georgia is merely trying to keep the Senator from New York and his allies from reenacting the Reconstruction statute, which was sponsored primarily by people resident in his State in 1871, to punish the South. They wound up by punishing themselves.

The Senator has been sitting in this Chamber listening to me read the report of a select committee of Congress, which was written in 1892, as a result of which the infamous Reconstruction statute was wiped from the lawbooks of the land. But the Senator from New York is trying to put over the same thing. He claims that he is not motivated by the sentiments of Thaddeus Stephens, and I do not say he is. I am not casting aspersions on his motives, even though he did admit that he stated that 17 States would go for the Republican Party if a strong civil rights bill were passed.

Yet it is passingly strange that the Senator and his colleagues should resurrect the bones of the old Reconstruction statute, and, not being content with that, make it worse. The Reconstruction statute attempted to regulate only Federal election, yet the Senator would regulate not only Federal elections, but State, county, municipal, and all other elections. So the Senator goes much further than Thaddeus Stephens ever went.

Mr. President, I now yield to the distinguished Senator from North Carolina [Mr. ERVIN], as I promised.

Mr. JAVITS. Mr. President, will the Senator then yield to me?

Mr. TALMADGE. I shall be delighted to do so.

Mr. ERVIN. I should like to ask the Senator from Georgia if the Declaration of Independence did not assign as one of the reasons why the Colonies separated from the mother country the fact that the British Parliament had robbed the American colonists of the right of trial by jury, by perverting the jurisdiction of the courts of admiralty, so that they might supersede the criminal courts.

Mr. TALMADGE. The Senator is entirely correct, and, as he knows, that was one of the motivating causes of the War of the Revolution, by which we won our independence from Great Britain.

Mr. ERVIN. We rebelled against the British for the reason, among others, that American colonists had been robbed, by indirection, of the right of trial by jury.

Mr. TALMADGE. The Senator is entirely correct.

Mr. ERVIN. I will ask the Senator from Georgia if on two occasions prior to the beginning of the Revolution the representatives of all the Colonies did not meet and pass resolutions declaring that the right of trial by jury was one of the absolute rights of the colonists, and that the attempted denial of such rights to the colonists was gross tyranny?

Mr. TALMADGE. The Senator is entirely correct.

Mr. ERVIN. I ask the Senator from Georgia if when the Founding Fathers drafted the Constitution they did not put provisions in the Constitution to prevent any man from being sent to jail unless he was first convicted by the verdict of a jury?

Mr. TALMADGE. The Senator is entirely correct.

Mr. ERVIN. I ask the Senator from Georgia if the advocates of civil rights bills have not been attempting to deprive southerners of the right of trial by jury by indirection—if they did not actually do so in the civil rights bill of 1957?

Mr. TALMADGE. The Senator is entirely correct.

Mr. ERVIN. Speaking of politics for a moment, I ask the Senator from Georgia if he would vote to deny any American of any race, residing in any part of the United States, the right of trial by jury for the sake of obtaining a seat in the U.S. Senate?

Mr. TALMADGE. I would not.

Mr. ERVIN. Does the Senator from Georgia agree with me in the observation that the Supreme Court, in Texas against White, gave the most accurate nutshell definition of the purpose of the Constitution of the United States when it said that the Constitution in all of its provisions looks to an indestructible Union composed of indestructible States?

Mr. TALMADGE. It certainly did.

Mr. ERVIN. I will ask the Senator from Georgia if virtually every one of the 57 varities of civil rights bills are bills which are designed and intended to destroy that conception of the Constitution and to rob the States of the rights which are committed to the States by the Constitution?

Mr. TALMADGE. The Senator is entirely correct. I have never read a modern-day version of an alleged civil rights bill in my life which did not propose to transfer the power of the people on the local level, where they live together, to some Federal agency or bureaucrat in Washington, to be denied or withheld as that agency or that bureaucrat saw fit.

As the Senator so well knows, being the keen student of history that he is, when we transfer government from the people on the local level to Washington, and put it in the bureaucracy of Washington, it is beyond the reach and control of the people, and the people cease to be the masters of their government and become its slaves. That is the purpose and motivation behind all of the so-called civil rights bills.

Mr. ERVIN. I will ask the Senator from Georgia if he would vote for bills calculated and intended to destroy the indestructible Union composed of indestructible States for a seat in the U.S. Senate or for the privilege of occupying the White House.

Mr. TALMADGE. I would not.

Mr. ERVIN. I will ask the Senator from Georgia if he does not agree with me in the observation that all of these civil rights bills are simply proposals to sell the birthright of the American people for a sorry mess of political pottage.

Mr. TALMADGE. Anyone who has any conception of American politics knows that to be true.

Mr. ERVIN. I will ask the Senator from Georgia if all these civil rights bills, like those advocated by Thaddeus Stevens and Ben Butler and Charles Sumner, are not politically motivated.

Mr. TALMADGE. I would say to the Senator that that is certainly my belief.

Mr. ERVIN. I will ask the Senator from Georgia if he does not agree with me in the opinion that if these bills contained provisions like these, but were not labeled civil rights bills, they would not receive a single vote in either House of Congress.

Mr. TALMADGE. I would say to the Senator from North Carolina that in my judgment if Congress were to vote on these measures by secret ballot without the pressure groups knowing how they had voted, they would not receive a single vote in the Congress of the United States.

Mr. ERVIN. I will ask the Senator from Georgia if history does not show that the Enforcement Act of May 31, 1870, was passed simply for the purpose of enabling one political party to control the elections in the United States regardless of the will of the people.

Mr. TALMADGE. That was true in 1870, it was true in 1871, and it is true in 1960.

Mr. ERVIN. I thank the Senator from Georgia.

Mr. TALMADGE. I appreciate the questions of my friend, the distinguished Senator from North Carolina.

Mr. ERVIN. I am also thankful for the fact that we have in the U.S. Senate and in national life Americans like the Senator from Georgia, who are not willing to sell the

birthright of the American people for a sorry mess of political pottage.

Mr. TALMADGE. I thank the able and distinguished Senator from North Carolina.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. JAVITS. I ask the Senator this question. I know the Senator will tell me what is on his mind with respect to it, because it bears on what we discussed in our colloquy. What the Senator has described with respect to the law—and I have researched the matter, particularly the point on which the Senator is speaking, because the Senator has just mentioned it for the first time today—refers to a situation of, let us say, a little under 90 years ago. I should like to ask the Senator this question: The Federal Civil Rights Commission presented us with a report last fall as to which, at least as to its finding of fact, there was no difference of opinion expressed by the southern members of the Commission, of which there were three, and which showed some very serious deprivations of the voting right. Everyone seems to agree, if they agree on nothing else, that the voting right had been denied with respect to Negroes in Southern States or in certain parts of those States.

I should like to ask the Senator what he and his colleagues have done or feel ought to be done about it, or what the States ought to do about it. Have any proposals been made here as alternatives to the proposals which are put forward by the Federal establishment about the constant denial of the voting rights, which were described in the Federal Civil Rights Commission's report?

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. TALMADGE. I will yield to the Senator from Louisiana after I have completed my colloquy with the Senator from New York. Before I answer the question of the Senator from New York, will he answer one for me? Is it not true that about half a million Puerto Ricans have been denied the right to vote in New York City?

Mr. JAVITS. Well, I do not know what the figure is with respect to Puerto Ricans, but I would say to the Senator that no Puerto Rican has been denied the right to vote in the State of New York in the sense in which the denial to vote is set forth in the report of the Federal Civil Rights Commission, provided he has the qualifications to vote—and they are very reasonable qualifications. If he has the qualifications, he is not denied the right to vote. The Federal Civil Rights Commission report says that, notwithstanding the possession of qualifications, there are wholesale denials of the voting right in the States to which I have referred.

Mr. TALMADGE. Is it true that the New York State commission requires a prospective voter to be able to read and write the English language before he is given the right to vote?

Mr. JAVITS. It requires a very simple literacy test.

Mr. TALMADGE. Which effectively disfranchises some half million Puerto Ricans who are citizens of the United States.

Mr. JAVITS. That I deny. It disfranchises no one, because it is a very reasonable requirement. Anyone who meets it can vote. It does not effectively disfranchise anyone.

Mr. TALMADGE. The Civil Rights Commission in its report pointed out, however, that they were disfranchised.

Mr. JAVITS. As a practical matter, they may not be eligible to vote. However, the Civil Rights Commission stated that in the South there was a disfranchisement of people who had every qualification and every eligibility to vote. That is the question that I ask the Senator. What are the people of the South themselves doing about it in their own States?

Mr. TALMADGE. The Senator has answered the question himself as far as the State of Georgia is concerned. Under our law everyone, both black and white, must qualify under our literary test. It applies uniformly. It applies to every citizen of Georgia, regardless of race. There are approximately 175,000 Negroes in Georgia who are registered and are voting. The citizens of Atlanta, Ga., the capital city of my State, have elected a Negro, Dr. Rufus E. Clement, to the city board of education. He is now serving on the board of education. Other Negroes in my State have been elected to public office. Frequently Negro voters have been the balance of political power in electing mayors, legislators, and various other public officers.

No unprejudiced person who came to Georgia and stayed there any length of time and made a thorough study of the matter could report that there was any degree of discrimination whatever between the white and colored people with respect to being registered and permitted to vote.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. TALMADGE. I am delighted to yield to the Senator from New York.

Mr. JAVITS. Of course, the Senator is well aware of what the Federal Civil Rights Commission report said on that subject. I will undertake to analyze on the floor, in detail, in due course, what the situation is in every State. The question which I have just put to the Senator again is, in my opinion, a very important question. I hope very much that Senators from every State concerned will address themselves to the question. I should like to rephrase it so that anyone who is interested may be on notice. It is simply this:

If, as the Federal Civil Rights Commission defines, there is in State after State among the Southern States a practice of denying the right to vote to people who are fully eligible and qualified, because registrars are not appointed, or they go home, or they refuse to act, or they apply unusually severe tests to Negroes, and it does not apply to non-Negroes, white persons, what is such a State doing about its own situation? It seems to me that is a very pertinent question. As I have said, I should like, rather than to ask it in general here, to ask it specifically with respect to each State, and to analyze the findings of the Commission with respect to each State.

Mr. TALMADGE. I once heard my father say—and he was a very practical man—that an expert is a smart man a long way from home. I should say the Senator for New York is a smart man a long way from home. He knows all the answers to give us. Yet he admits that there is a large segment of the population of his own State which is not permitted by law to vote. As I recall, the report of the Civil Rights Commission complained about that particular situation.

Now we will come to the Civil Rights Commission. To begin with, I do not believe it is a very objective or unbiased group. I have proof of that in my office. Someone called my attention, a few days ago, to an article which was published on the front page of the New York Times. I picked up a copy of the Times, and the caption of the article read, "Rights Advocates Split Over Plan for Negro Voting."

The article stated that employees of the Civil Rights Commission were allegedly meeting with groups such as the ADA, the NAACP, and like organizations, to cook up another "devil's broth" before the U.S. Senate and to put another yoke around the people of this country.

I believe that even the Senator from New York will agree with me that a Government agency is supposed to be objective and unbiased. Yet there was this alleged unbiased, objective agency meeting with these radical groups, helping them to plan their strategy to impose an even more vicious civil rights law on the States.

The Senator from New York is an able lawyer. He knows this statement to be the fact. It would be the equivalent of a trial judge sitting on the case and members of the jury meeting with the prosecuting attorney to make absolutely certain there was a conviction in the case.

So when the Senator from New York refers to some report from the so-called Civil Rights Commission, I say it is not very persuasive evidence with me, and certainly the Senator seems to think that it is not very persuasive evidence insofar as it deals with the disfranchised Puerto Ricans in New York State.

Mr. JAVITS. The Senator from New York feels very strongly that the report of the Federal Civil Rights Commission is excellent, whether it relates to Puerto Ricans in New York State or to Negroes in the South. So far as this Senator is concerned, he found no bias in the Commission. He respects its southern members as much as he does its members from other parts of the country.

I think the Senator from Georgia omitted one "allegedly" in his discussion, and that is the allegedly which is referred to in the newspaper article.

The Senator from Georgia is purporting to state as an absolute fact his interpretation of a newspaper article. I have not read the article. I will not controvert the Senator as to what it says, but it seems to me that if the Senator from Georgia is going to charge that the Civil Rights Commission is biased, his charge will have to be based on much firmer stuff than a report in the New York Times.

Mr. TALMADGE. I complained about it to Gordon Tiffany and he admitted it to me in writing. I have the letter in my files.

Mr. JAVITS. I am certain the Senator from Georgia will make whatever he can of the story, but I still affirm my belief that the country believes that the Civil Rights Commission has made a fair and honest investigation and a fair and honest report, and is entitled to proper credence in that way.

Mr. TALMADGE. I should like to ask the Senator from New York a question. I preface my question by saying that New York is one of the great States of the Union. I am quite certain that the people of New York are capable of governing themselves and of making laws which they deem best for the welfare of their State. I would be the last man on the face of the earth to complain about the qualifications established by the State of New York for its prospective voters. I am certain the able Senator from New York and others from his State have taken care of that.

But I would say also that the citizens of Georgia are quite capable of doing the same thing. Does the Senator from New York agree with me that every State in the Union already has voting laws, and that they are enforcible in the respective State courts?

Mr. JAVITS. So far as I know, that is true.

Mr. TALMADGE. Would the Senator from New York also agree with me that there are at the present time adequate remedies for any allegedly disqualified voter, if he is legally qualified to vote? First, is it not true that he may bring a suit in equity and sue for damages or obtain an injunction in the Federal courts if he is illegally deprived of his right to vote?

Mr. JAVITS. He may go into a Federal court and sue under the 1957 act.

Mr. TALMADGE. The Senator from New York admits that that is true under the 1957 act. Will he admit it as to previous acts?

Mr. JAVITS. Under previous acts, there was apparently some argument about civil injunction suits because of the fact that criminal penalties were included, as well. We debated that fully with respect to the 1957 act. It is, I believe, one of the reasons why the 1957 act was passed.

I can only say to the Senator that that is really immaterial because the fact is that there is a right to sue under the 1957 act.

Mr. ERVIN. Mr. President, will the Senator from Georgia yield?

Mr. TALMADGE. I am glad to yield.

Mr. ERVIN. I ask the Senator if, as a matter of fact, there are not at least two statutes on the Federal statute books which antedate the Civil Rights Act of 1957 by many years, and which state in express language that any party denied any right under the laws of the United States can obtain an injunction, if he is threatened with a denial of those rights, and can obtain damages if he is actually deprived of those rights.

Mr. TALMADGE. I respond to the Senator from North Carolina by saying that I hold in my hand a communication from the Library of Congress, dated July 5, 1957, when they prepared at my request a list of the various laws existing at that time to safeguard the right to vote. There are 10 pages of remedies which any alleged disfranchised voter had at that time, prior to the passage of the Civil Rights Act of 1957.

Mr. President, I ask unanimous consent that the list may be printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

"LIST OF FEDERAL LAWS ON RIGHT TO VOTE

"*Civil provisions, United States Code, 1952 edition*

"Chapter 20—Elective Franchise

"SEC. 1971. Race, color, or previous condition not to affect right to vote: All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority to the contrary notwithstanding (R.S. sec. 2004).

"SEC. 1972. Interference with freedom of elections: No officer of the Army or Navy of the United States shall prescribe or fix, or attempt to prescribe or fix, by proclamation, order, or otherwise, the qualifications of voters in any State, or in any manner interfere with the freedom of any election in any State, or with the exercise of the free right of suffrage in any State (R.S. sec. 2003).

"Chapter 21—Civil Rights

"SEC. 1981. Equal rights under the law: All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other (R.S. sec. 1977).

"SEC. 1982. Property rights of citizens: All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property. (R.S. sec. 1978.)

"SEC. 1983. Civil action for deprivation of rights: Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. (R.S. sec. 1979.)

"SEC. 1984. Same; review of proceedings: All cases arising under the provisions of this act in the courts of the United States shall be reviewable by the Supreme Court of the United States, without regard to the sum in controversy, under the same provisions and regulations as are provided by law for the review of other causes in said court (Mar. 1, 1875, ch. 114, sec. 5.18 Stat. 337).

"SEC. 1985. Conspiracy to interfere with civil rights:

"(1) Preventing officer from performing duties: If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

"(2) Obstructing justice; intimidating party, witness, or juror: If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

"(3) Depriving persons of rights or privileges;: If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators (R.S., sec. 1980).

"SEC. 1986. Same; action for neglect to prevent: Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding $5,000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within 1 year after the cause of action has accrued (R.S., sec. 1981).

"SEC. 1987. Prosecution of violation of certain laws: The U.S. attorneys, marshals, and deputy marshals, the commissioners, appointed by the district and territorial courts, with power to arrest, imprison, or bail offenders, and every other officer who is especially empowered by the President, are authorized and required, at the expense of the United States, to institute prosecutions against all persons violating any of the provisions of section 1990 of this title or of sections 5506–5516 and 5518–5532 of the Revised Statutes, and to cause such persons to be arrested and imprisoned or bailed, for trial before the court of the United States or the territorial court having cognizance of the offense (R.S., sec. 1982; June 25, 1948, ch. 646, sec. 1, 62 Stat. 909).

"SEC. 1988. Proceedings in vindication of civil rights: The jurisdiction in civil and criminal matters conferred on the district courts by the provisions of this chapter and title 18, for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of punishment on the party found guilty (R.S., sec. 722).

"SEC. 1989. Commissioners; appointment of persons to execute warrants: The district courts of the United States and the district courts of the Territories, from time to time, shall increase the number of commissioners, so as to afford a speedy and convenient means for the arrest and examination of persons charged with the crimes referred to in section 1987 of this title; and such commissioners are authorized and required to exercise all powers and duties conferred on them herein with regard to such offenses in like manner as they are authorized by law to exercise with regard to other offenses against the laws of the United States. Said commissioners are empowered, within their respective counties, to

appoint, in writing, under their hands, one or more suitable persons, from time to time, who shall execute all such warrants or other process as the commissioners may issue in the lawful performance of their duties, and the persons so appointed shall have authority to summon and call to their aid the bystanders or posse comitatus of the proper county, or such portion of the land or naval forces of the United States, or of the militia, as may be necessary to the performance of the duty with which they are charged; and such warrants shall run and be executed anywhere in the State or Territory within which they are issued. (R.S., secs. 1986, 1984; Mar. 3, 1911, ch. 231, sec. 291, 36 Stat. 1167.)

"SEC. 1990. Marshal to obey precepts; refusing to receive or execute process: Every marshal and deputy marshal shall obey and execute all warrants or other process, when directed to him, issued under the provisions of section 1989 of this title. Every marshal and deputy marshal who refuses to receive any warrant or other process when tendered to him, issued in pursuance of the provisions of this section or refuses or neglects to use all proper means diligently to execute the same, shall be liable to a fine in the sum of $1,000, for the benefit of the party aggrieved thereby (R.S., secs. 1985, 5517).

"SEC. 1991. Fees: persons appointed to execute process: Every person appointed to execute process under section 1989 of this title shall be entitled to a fee of $5 for each party he may arrest and take before any commissioner, with such other fees as may be deemed reasonable by the commissioner for any additional services necessarily performed by him, such as attending at the examination, keeping the prisoner in custody, and providing him with food and lodging during his detention, and until the final determination of the commissioner; such fees to be made up in conformity with the fees usually charged by the officers of the courts of justice within the proper district or county, as near as may be practicable, and paid out of the Treasury of the United States on the certificate of the judge of the district within which the arrest is made, and to be recoverable from the defendant as part of the judgment in case of conviction. (R.S., sec. 1967.)

"SEC. 1992. Speedy trial: Whenever the President has reason to believe that offenses have been, or are likely to be committed against the provisions of section 1990 of this title or of sections 5506–5516 and 5518–5532 of the Revised Statutes, within any judicial district, it shall be lawful for him, in his discretion, to direct the judge, marshal, and U.S. attorney of such district to attend at such place within the district and for such time as he may designate, for the purpose of the more speedy arrest and trial of persons so charged, and it shall be the duty of every judge or other officer, when any such requisition is received by him to attend at the place and for the time therein designated. (R.S., sec. 1988; June 25, 1948, ch. 646, sec. 1, 62 Stat. 909.)

"SEC. 1993. Aid of military and naval forces: It shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as may be necessary to aid in the execution of judicial process issued under sections 1981–1983 or 1995–1998 of this title, or as shall be necessary to prevent the violation and enforce the due execution of the provisions of sections 1981–1983 and 1985–1994 of this title (R.S., sec. 1989).

"SEC. 1994. Peonage abolished: The holding of any person to service or labor under the system known as peonage is abolished and forever prohibited in any Territory or State of the United States; and all acts, laws, resolutions, orders, regulations, or usages of any Territory or State, which have heretofore established, maintained, or enforced, or by virtue of which any attempt shall hereafter be made to establish, maintain or enforce, directly or indirectly the voluntary or involuntary service or labor of any persons as peons, in liquidation of any debt or obligation, or otherwise, is declared null and void." (R.S., sec. 1990.)

Jurisdiction of civil suits growing out of alleged violations of the Federal civil statutes involving the right to vote are vested in the Federal district courts as follows:

"United States Code, 1952 edition, title 28, judiciary and judicial procedure

"Chapter 85—District Courts; Jurisdiction

"SEC. 1343. Civil rights: The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

"(1) To recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of title 42;

"(2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 1985 of title 42 which he had knowledge were about to occur and power to prevent; and

"(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States (as amended Sept. 3, 1954, ch. 1263, sec. 42, 68 Stat. 1241).

"SEC. 1344. Election disputes: The district courts shall have original jurisdiction of any civil action to recover possession of any office, except that of elector of President or Vice President, U.S. Senator, Representative in or Delegate to Congress, or member of a State legislature, authorized by law to be commenced, wherein it appears that the sole question touching the title to office arises out of denial of the right to vote, to any citizen offering to vote, on account of race, color or previous condition of servitude.

"The jurisdiction under this section shall extend only so far as to determine the rights of the parties to office by reason of the denial of the right, guaranteed by the Constitution of the United States and secured by any law, to enforce the right of citizens of the United States to vote in all the States. (June 25, 1948, ch. 646, sec. 1, 62 Stat. 932).

"Chapter 89—District Courts: Removal of Cases From State Courts

"SEC. 1443. Civil rights cases: Any of the following civil actions or criminal prosecutions commenced in a State court may be removed by the defendant to the district court of the United States for the district and division embracing the place wherein it is pending:

"(1) Against any person who is denied or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction thereof;

"(2) For any act under color of authority derived from any law providing for equal rights, or for refusing to do any act on the ground that it would be inconsistent with such law (June 25, 1948, ch. 646, sec. 1, 62 Stat. 938.).

"Criminal provisions—title 18, crimes and criminal procedure

"Chapter 13—Civil Rights

"SEC. 241. Conspiracy against rights of citizens.

"If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

"If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

"They shall be fined not more than $5,000 or imprisoned not more than ten years, or both (June 25, 1948, ch. 645, sec. 1, 61 Stat. 696).

"SEC. 242. Deprivation of rights under color of law: Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both (June 25, 1948, ch. 645, sec. 1, 62 Stat. 696).

"SEC. 243. Exclusion of jurors on account of race or color: No citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State on account of race, color, or previous condition of servitude; and whoever, being an officer or other person charged with any duty in the selection or summoning of jurors, excludes or fails to summon any citizen for such cause, shall be fined not more than $5,000 (June 25, 1948, ch. 645, sec. 1, 62 Stat. 696).

"Chapter 19—Conspiracy

"SEC. 371. Conspiracy to commit offense or to defraud United States: If two or more persons conspire, either to commit any offense against the United States, or to defraud the United States, or any agency thereof, in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.

"If, however, the offense, the commission of which is the object of the conspiracy, is a misdemeanor only, the punishment for such conspiracy shall not exceed the maximum punishment provided for such misdemeanor (June 25, 1948, ch. 645, 62 Stat. 701)."

MR. ERVIN. I ask the Senator, further, if there is not a statute embodied in title 18, section 242, which makes it a Federal crime, punishable by imprisonment or fine, or both, for any official to deny to any qualified citizen, of any race, the right to register and to vote and to have his vote counted as cast.

MR. TALMADGE. The Senator is entirely correct.

MR. ERVIN. I will ask the Senator if a few healthy criminal prosecutions in the Federal courts under that statute would not, in his judgment, cure any situation such as that alluded to by the Senator from New York.

MR. TALMADGE. Certainly. If any violation occurs, the opportunity is afforded to proceed under the criminal statute. Mr. Rogers, the author of the bill, is at present the Attorney General of the United States.

MR. ERVIN. I will ask the Senator from Georgia if, as a matter of fact, the records do not show that during recent years there has been no effort on the part of the Department of Justice to indict any person in any Southern State, except the States of Mississippi and Louisiana, for a violation of that statute.

MR. TALMADGE. I know of no other effort.

MR. ERVIN. I ask the Senator from Georgia, furthermore, if he does not know that in the State of North Carolina a distinguished Negro educator is a member of the State board of education.

MR. TALMADGE. I know that; yes.

MR. ERVIN. I ask the Senator from Georgia if he does not know that members of the Negro race are now serving, by election, as members of the city boards of Winston-Salem, Greensboro, and Durham, N.C., and in other North Carolina cities, and that a member of the school board of the capital city of North Carolina, Raleigh, is a Negro.

MR. TALMADGE. I knew that several had been elected in the State of North Carolina. I did not know the details, the titles or the specific cities.

MR. ERVIN. I do not know whether the Senator from Georgia knows this to be a fact; but I should like to ask him if it is not a fact that the Advisory Committee on Civil Rights in the State of North Carolina has recently passed a resolution to the effect that it has virtually completed an investigation of voting practices in North Carolina and it has found no discrimination in registration, as against members of the Negro race.

MR. TALMADGE. I have been informed that that is correct.

MR. ERVIN. For that reason, I was very much astounded to hear the able Senator from New York state, a few minutes ago, that in all Southern States there was a pattern of denial of the right of Negroes to register to vote.

MR. TALMADGE. I was likewise surprised. I thank the distinguished senior Senator from North Carolina for his great contribution.

At this time I should like to ask, if the Senator will permit me to do so, one more question of the Senator from New York: Does the Senator from New York know the name of any qualified individual, anywhere—North, South, East, or West—who claims the right to vote, and has instituted an action in the courts, either State or Federal, and has not been protected in the exercise of that right?

MR. JAVITS. In response to that question I shall undertake to analyze, in due course——

MR. TALMADGE. My question is a simple one, and the Senator from New York could answer it by either "Yes" or "No."

MR. JAVITS. The Senator from Georgia likes to ask very simple questions, and he controls the way in which he asks them. I trust he will permit me to control my answer.

MR. TALMADGE. Certainly the Senator from New York knows what he knows.

MR. JAVITS. Yes; and I will undertake to state what I know, in due course, if the Senator from Georgia will be patient, and will not seek to get only the answer he wants. The Senator from Georgia is a very good trial lawyer; and I am a pretty good one, too.

MR. TALMADGE. The Senator from New York is admittedly a good trial lawyer.

MR. JAVITS. Both of us have had experience in that field; so the Senator from Georgia should not try to "panic" me, any more than I would attempt to "panic" him.

MR. TALMADGE. I am not trying to do so. I asked the Senator from New York a question; I asked him whether he knew the name of any such person. If he does know, he can state the name.

MR. JAVITS. I shall be glad to take my seat if the Senator from Georgia does not want my reply.

But I was saying that I shall be glad to analyze the report of the Federal Civil Rights Commission with respect to each of the States.

Incidentally, I did not say "all the Southern States." I said "in certain Southern States," and, indeed, in certain sections of those States.

I shall undertake to analyze the report of the Federal Civil Rights Commission and any other information we have; and if I can obtain the names of persons as to whom there has been an actual suit to register, I shall do so.

But I shall submit proof that the criminal remedy was found to be ineffective—as, for instance, in the famous series of cases in Ouachita Parish, La., where it was found that the grand jury would not indict.

I should also like to point out—although it has no germaneness to the matter of voting—that I must say I was rather sad about what occurred in respect to the one single lynching in Mississippi, not long ago, where, as I understood, the grand jury would not even entertain the evidence the FBI had.

Certainly there is no patent on injustice; I am sure that injustice can be found in every State of the Union, including the State of New York. So, to pick out a particular, individual case and build a body of legislation on it would be unworthy of our function. I have no hesitancy in saying that.

But I was referring to a pattern. I do believe that, brought up to date, the pattern shown by the Federal Civil Rights Commission report is entitled to a response from those who take the position—as does my distinguished colleague—that individual States should be given the right, without interference, to deal with these matters on their own.

That is why I said I thought the most efficient way was to marshal separately the particular evidence with respect to each State, and then let us see whether the Senators from each of the States feel that they wish to address themselves to it.

For aught I know now—and I am speaking now only from memory; I did not have the remotest notion that we would now be engaging in this particular colloquy—such names are in the report or are to be obtained from other authoritative sources; and I shall endeavor to produce them, to meet the view which was expressed by the Senator from Georgia.

But my fundamental approach will be to present the facts, so that Senators from the individual States may, if they are moved to do so, address themselves to the particular points which are made by the Commission. I think that will be fair, especially inasmuch as the Senator himself seems to feel, as he has expressed himself here, that the Commission was biased, or that in some way it was not performing the function which Congress has assigned to it. So I shall attempt to do that.

MR. TALMADGE. I thank the senator from New York. He has made an able speech, but he has not answered my question. I asked him whether he could produce the name of a single qualified individual, anywhere—North, South, East, or West—who had tried to exercise his voting privileges, and, in that connection, had instituted action in any court—either Federal or State—and had been denied that privilege.

I agree with the Senator that no specific area of the country is lily white when it comes to the commission of crime. Unfortunately, crime occurs in all areas of the Nation. I am proud of the fact that all the States do a magnificent job of law enforcement and of trying to prevent crime.

We read about gangsters who are shot down in the streets—for instance, in the case of Roger Touhy in Chicago. That was not classified as a lynching; it was just a gang murder, and people did not pay much attention to it. We read of rapes, suicides, and mayhem in public schools in some cities in our country, but I do not observe that the Senate has tried to pass Federal laws dealing with all those lamentable incidents. I would oppose any Federal action in that connection. I think the States are entirely competent to deal with such matters.

All we of the South desire is the same sort of treatment we would guarantee to others; namely, that they not attempt to rape the Constitution of the United States, that they not attempt to disband our general assemblies or supplant our Governors, our courts or our law-enforcement officers. We take the position that we are capable of self-government—even more now than we were in the Reconstruction era.

Mr. President, I continue to read from the report of the House select committee which investigated Davenportism in New York City:

"In the hands of a man of ability who cared little for personal profit, but who was devoted simply and without scruple to the success of his party, it might have been the source of much more serious trouble. The powers which it confers should not under our system of government be entrusted to anybody. In the interest of the people, whose right it is to act with any of the parties or in opposition to any of them, it ought to be repealed.

"The fourth and final reason why these laws ought at once to be repealed is that under them great numbers of innocent persons have been and are at every election deprived of their liberty and interfered with in the exercise of their undoubted right to vote. These facts are not to be disputed. They are known to all men in New York, and were brought to the personal knowledge of the committee and proven beyond question. The fact that all of the great number of citizens who were arrested during all these years were, with the exception of two, discharged as innocent after judicial investigation, is conclusive legal proof of the falsity of the charges. That most of them were discharged by the very magistrate who had caused their arrest shows the charges to have been not only false, but malicious.

"Any system of laws under which, for any reason, citizens entitled to vote can be systematically arrested, held until their opportunity to vote is gone, and then discharged without redress, should have no place in the statutes of the United States. In this connection the members of the committee who sat in the Federal building as a subcommittee on election day, and had before them the supervisors and marshals who made the arrests and the prisoners who were arrested, desire particularly to call attention to the evidence given before them. The prisoners arrested and charged with false registration were, some of them, real estate owners, one of whom, Mr. McKenna, had voted for 30 years at the polling district in which he offered to vote, and had been known as a businessman and householder to the marshal who arrested him for 12 years. These defendants included a private tutor and a teacher, a court officer, a clerk in the registrar's office, and a rabbi of the Jewish faith. They were almost without exception persons of respectable appearance, who seemed to feel most keenly the arrest and the indignity put upon them, and they were all promptly discharged by the Federal magistrate who heard their cases, no proof being offered against them. Almost all of them were born in the city of New York.

"With a few exceptions, the U.S. marshals and supervisors who made these arrests were in appearance most disreputable. Almost all of them were grossly ignorant, and in general they had been evidently recruited from the lowest mass of the population of a great city. Decidedly the best of them were the colored marshals, who were able to give their evidence in an intelligent manner. Undoubtedly, among the U.S. marshals and supervisors who were appointed at this election were very many respectable men, but those chosen to make these partisan arrests were of the lowest class of our population. It is a matter of regret to the members of the committee who were present on election day

and heard the evidence in regard to these arrests that it is not possible to reproduce in description the contrast which existed between the persons who were hired to make these arrests and the citizens who were thus arrested, charged with offenses of which they were innocent, and thereby deprived of their right to vote.

"Attention is also called in particular, in this connection, to the evidence of Messrs. Walker and Rose and Hotchkiss as to the excessive bail demanded of such defendants. In one case $10,000 bail was demanded by the chief supervisor, acting as a magistrate, for the appearance of a clerk in the customhouse, a man of excellent character, charged with false registration; and in a number of cases bail which the commissioner acknowledged to be known to him to be good was refused, until Judge Wallace denounced the refusal and the attempt to deprive the prisoners of their votes as an outrage. These laws, instead of constituting a system for the protection of the franchise in the hands of honest citizens, have been used, as is shown by the evidence, to furnish the machinery for the corruption and forcible robbery of the franchise, and they ought, if for that reason alone, to be promptly repealed.

"The committee, therefore, presents to the House a bill providing for the repeal of these laws, with a favorable recommendation for its passage.

"ASHEEL P. FITCH,
"J. A. GEISSENHAINER,
"ROBERT E. DE FOREST."

Mr. President, that is the official report of an official committee of the Congress of the United States on the outrages which occurred in New York under the administration of Davenport's law by Davenport. But while "Davenportism" was the cry which broke the Republican stranglehold sanctioned by Davenport's law, there were frauds and abuses throughout the country as the result of its application by unscrupulous Republican machine bosses.

Now, 66 years later, after the Congress of the United States had the wisdom to repeal such a nefarious and iniquitous scheme, members of both political parties, including the Attorney General of the United States, come before the Congress urging that this same heinous and obnoxious scheme be reenacted by the Congress. However, this time they urge that it be enacted in far more extreme form than that in which it was first passed in Reconstruction days.

In Reconstruction days the so-called election supervisors had authority to regulate only Federal elections. Now the modern-day Davenport-Thaddeus Stevens-Rogers clan come in and urge that they not only regulate Federal elections but also State, county, and municipal elections.

How anyone can convince himself that the American people desire such iniquitous, obnoxious, and unconstitutional legislation is altogether beyond the comprehension of the junior Senator from Georgia.

The respected public affairs journal, U.S. News & World Report, had one of its correspondents spend 2 weeks researching the effect of Davenport's law, and the article which appeared in its issue of last February 15 is most illuminating as to the widespread skulduggery and tyranny which it perpetrated upon the American people. This is what U.S. News & World Report discovered:

"Under the force bill, so-called supervisors of elections were appointed by Federal courts, which then stepped out of the picture. These appointments could be made if two or more citizens in towns with a population of more than 20,000 requested to have guarded and scrutinized the registration of voters for any congressional election, or the election itself.

"The supervisors were empowered to challenge the qualifications of anyone seeking to register, and to mark the registration lists in such ways as to detect irregularities.

"In elections, the supervisors were authorized to challenge any voters and to count the ballots. Federal marshals assisted the supervisors. Interference with these officials was made a criminal offense.

"The supervisors reported to a chief supervisor on the fairness of an election. If irregularities were found, the chief supervisor had authority to hold hearings, take testimony, and issue subpenas. Results of such investigations were to be filed with the Clerk of the House of Representatives.

"History records failure of the Federal election law in the South. Federal authorities tried thousands of times to prosecute violations of the act, but few convictions resulted.

"In South Carolina, for example, there were 1,392 indictments, but only 114 convictions under the election law.

"One-party control by the Democrats made enforcement extremely difficult. Moreover, as the Ku Klux Klan gained strength, it severely restricted voting by Negroes and northern 'carpetbaggers.'

"It was in the big cities of the North that the Federal election law had the most impact. Democrats in Congress charged that Republican Party machines in the North deputized criminals, drunks, and armed thugs as marshals and used them to keep Democratic voters from the polls.

"In 1876, of 5,001 Federal deputy marshals appointed to protect voting rights, 4,194—more than 80 percent—were appointed in the three Northern States of New York, New Jersey, and Pennsylvania. One election supervisor in New York City drew fees totaling $145,000 for his services.

"In 1892, a special investigating committee of the House of Representatives went to New York City to observe the presidential election. A majority report written by the three Democratic members recommended repeal of the election law because it has 'failed to produce any good results in the direction of the purity of elections or the protection of the ballot box.'

"The law was used, the majority report said, 'only as part of the machinery of a party to compensate voters who are friendly to it and to frighten from the polls the voters of the opposing party.'

"In House debate on a move to repeal the law in September 1893, Representative John C. Black, Democrat, of Illinois, described the use of Federal marshals in the 1892 election in Chicago:

"'Early in the morning of that day, or rather in the shades of the preceding night, the supervisors and deputy marshals were arrayed, and there came 3,786 of them, more than a full brigade of such troops as they were.

"'They were drawn from the alleys, this militia of oppression. They were drawn from the slums, this battalion of bummers • • • and thus they stood, armed and equipped for their service, to "protect the election" in the city of Chicago and the great State of Illinois.'

"In the Republican minority report, it was said that Federal supervisors and marshals were needed to combat ballot-box stuffing and the issuance of fraudulent naturalization certificates by Democratic Party machines.

"With Democrats in control of Congress, the force bill regulating voting was repealed in 1894."

The debates on the repeal of Davenport's law as contained in the CONGRESSIONAL RECORD of the 1st and 2d sessions of the 53d Congress are replete with more specific detail of the frauds and abuses which were worked on the country under this political statute.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. TALMADGE. I am delighted to yield to my distinguished senior colleague.

Mr. RUSSELL. I am grateful for the fact that my distinguished colleague is demonstrating so clearly that there is nothing new or original in this legislative proposal to appoint a Federal receivership of the election processes in the Southern States. It is old, it has been tried, and it has failed. Its failure was more marked in its application in the large cities of the country outside the South than it ever was in the Southern States themselves. The Senator is making a real contribution.

I believe it was last Sunday that I noticed in the comic section of one of the newspapers a cartoon called Hatio's History. It showed a man representing Old King Cole, who as you all know was reputed to have been a merry old soul.

King Cole was beating on the ground with his walking stick or with his insignia of rank as monarch, or whatever kings use, and he said, "Where are those three fiddlers?" He had called for his fiddlers three, and they did not come.

Just outside the door the three fiddlers were arguing with a man who was trying to give them two florins or two pieces of money to play a piece of music he had written. The fiddlers were saying, "No, you must give us three florins to play that piece of music."

The point of the cartoon was that the payola we hear so much about today was not new, that payola existed in the time of King Cole and King Cole's fiddlers three. The fiddlers three were undertaking to exact from the composer some money to play some music he had written.

I have always regarded this bill in all of its aspects as being vote bait. I consider this measure to be a "votola" bill. There is nothing new under the sun. "Votola" existed back in the days when the first Reconstruction bill was enacted, and its operation resulted in tremendous loss to the morals of the people and the funds of the National Treasury. Finally it took a national election where it was the principal issue to get rid of the original "votola" law.

I am sure that if this "votola" bill should ever be enacted into law it would not be long before the American people would rise up in their wrath when they saw what a fraud had been perpetrated on them by calling any such proposal as this a civil rights proposal, and they would sweep out the "votola" of 1960, just as the voters of three generations ago swept out the "votola" of the Reconstruction period.

I am sure that my colleague, by his splendid graphic description of the approach to this same legislation, will be able to say, "I told you so," even if this monstrosity does find its way to the statute books. Whatever else it may be called, it is really "votola." I thank the Senator.

Mr. TALMADGE. I thank the distinguished senior Senator from Georgia for his magnificent contribution to the debate. He is entirely correct. It is the reincarnation, as the Senator well knows, of one of the infamous force bills. The only difference is that it goes much further than Thaddeus Stevens and his allies went in those days. It purports to regulate not only Federal elections, but State, county, and local elections as well.

As the Senator has so ably stated, it is the very opposite of a civil rights bill. Instead of being a civil rights bill, it would prevent the elected, constitutional officials of every State in the Union from performing their duties under the laws and constitutions of their States.

As the Senator so well knows, the registrars of our own State of Georgia are nominated by grand juries. They are appointed by the judges of the superior courts. The law specifies qualifications which they must meet. They must be honorable and upright

men. The bill would deprive them, and would deprive similar State officials of the other 49 States, of the right to perform their duties.

In addition, the bill would deprive the Democratic executive committeemen of every precinct in the State of Georgia—and there are approximately 1,800 of them who are elected by the people—of the right to perform their duties in connection with the Democratic primaries. It would also deprive their Republican counterparts of the same rights.

Finally, in the general election, as the Senator so well knows, the ordinaries, who are elected by the people in each of the counties of our State, and are charged with the duty of holding the general election, would be prevented from exercising their responsibilities and duties under the law.

What I have stated about Georgia would apply with equal force to the other 49 States of the Union. Whom would it place in their stead? Some referee appointed by a Federal judge, who is appointed for life. Furthermore, the bill does not require any qualifications.

The judge, if he wanted to, could appoint an alien to conduct an election in Kentucky. He could appoint someone from India to go down and hold an election in Milan, Ga. He likewise could appoint someone from Burma to hold an election in Arkansas. There is no qualification required as to character; nothing is required except that such persons move in and take charge of elections and run them just as Mr. Davenport used to do.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. TALMADGE. I am glad to yield to my colleague again.

Mr. RUSSELL. My colleague has correctly described the situation. This is really an effort in Washington to declare that election officials in the Southern States—people who are just as good as those who live anywhere else in this country—are bankrupt and inefficient, and to appoint trustees to administer the elections.

The junior Senator from Georgia has had wide experience in public life; in fact, I know of no other young man who has had more. Has the Senator had any familiarity with a man of this kind in public office, one who sets himself up as an absolute king to run the government to suit himself, and who would receive very substantial compensation, who would ever be willing to relinquish his post? Would he not continue to reach out and reach out to get more power and build it up and get a larger salary from year to year?

Mr. TALMADGE. That is what he would want. He would want more subordinates and he would want his salary increased. He would want his jurisdiction enlarged from one end of the country to the other. Then he would not be satisfied with that. He would want to set up a political machine of his own, in which he could name Governors, Senators, Representatives, sheriffs, mayors, and city and county officials. That is the history of the granting of power when the person to whom it is granted is responsible to no power on earth.

I thank the Senator for his comments and for his generous personal remarks.

Mr. MCCLELLAN. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. MCCLELLAN. I commend the Senator from Georgia for the able presentation he is making with respect to the dangers which are inherent in some of the bills now pending before the Senate. They are simply designed to reduce further the sovereignty of the States and, by destroying their sovereignty, to reduce them to a mere provincial status and thus impose a Government foreign to the authority of the local community and of the sovereignty of the people in that community.

I congratulate the Senator upon his able address.

Mr. TALMADGE. I thank the distinguished Senator from Arkansas for the generosity of his comments.

I think, Mr. President, that the Senate should know about what happened in the 1870's and 1880's under the color of the law it is being asked to reenact in a more stringent form. Therefore, I shall read from the CONGRESSIONAL RECORD some of the accounts of the violence done to free elections by the predecessor of the pending proposal.

For example, on pages 1622–1645 of the CONGRESSIONAL RECORD of January 30, 1893, the eloquent Democratic Senator David Turpie, of Indiana, is quoted as follows about the situation which prevailed in Indiana:

"We have had a political judge in Indiana now in the succession, much distinguished for his rulings pro and con upon the subject of these laws, who has devoted very great attention to the practical administration of them. What is the consequence? The consequence in such cases is that this judge, a man sitting to decide questions of life, of property, of character every day in his court, finds himself in closest alliance with most unscrupulous, the most unprincipled actors in the local party politics of Indiana, and that the judge's chambers upon the recurrence of every political campaign become headquarters for the management and administration of the political party to which he is allied, and the same feeling pursues such a one from his chambers to the bench.

"There never has been any ruling in favor of a political opponent indicted in our court; always against him. There never has been any conviction of a Republican for any political offense in our court—not a single one. Eighty Republicans were indicted, indicted upon full hearings, upon lawful information, and upon full evidence, for violation of the election laws. The indictments were quashed, and what is known as the general jail delivery occurred in Indianapolis, and all the defendants were discharged.

"Now, what does such a judge do? What is his employment? How does he earn his salary? By midnight councils prior to the election held in the judge's chambers. I acknowledge he may pay some attention to other questions and cases pending in his court, but his chief employment, that which calls into action the whole faculties of his mind, is this: To decide how he may make appointments as supervisors and marshals in the different counties to decrease the Democratic vote, and how he may make the same appointments in other counties to increase the Republican vote. This is the gist of his labors. The consequence is, the judge's name has become a byword throughout Indiana. There is no precinct in Indiana which you can visit where you will not find it the subject of the coarsest objurgations on the one hand, and of the coarsest, falsest partisan praise and laudations on the other. It has become a reproach in the eyes of both parties. • • •

"There is an election approaching for Congressmen in my district. A petition is presented for the appointment of supervisors and marshals. Now, who are selected for such officers? It is pretended that the supervisors and marshals are to protect the purity of the ballot and to prevent the violation of the election laws. Invariably, without any exception, the person charged with that duty appoints to these offices, being a Republican, some weak-kneed Democrat who will take the appointment and the pay as a bribe, and vote against his party in order to earn the hire of his corruption. • • •

"Having then collected all these weak-kneed and feeble folk of whom I have spoken, the chief supervisor proceeds also to consider men who are utterly indifferent, called the floaters. You generally find quite a large quota of the floaters in a contested district wearing the badge of U.S. marshals and supervisors, put there for the purpose of determining their votes, of determining the course of the current that the floater will swim in.

"Again, you will find in every community certain men who are corrupt, who are utterly without principle, who have no opinions that they are not willing to sell—to sell for money. These men, a very large quota of them of no party and of all parties—these mercenary miscreants are certain to be appointed. They are never left out of the list of deputy U.S. marshals and deputy U.S. supervisors."

Indiana Congressman William Dallas Bynum had given another example of the situation prevailing in that State during the debate the preceding year in the House of Representatives. He is recorded on page 1858 of the CONGRESSIONAL RECORD of September 27, 1893, as stating as follows:

"Allow me to give an illustration of the grossly offensive manner in which these laws have been executed—a case that occurred in my own county. At the election previous to the last a supervisor inside commanded a marshal outside to arrest a voter for making an affidavit as to the right of another man to cast his vote. Under our laws, when a person offering to vote is challenged it is essential, before he can vote, that a voter of the precinct make affidavit to his residence; and in this instance when a voter stepped up and made such affidavit the supervisor commanded a marshal to arrest him, and he was arrested and taken away in order to prevent him from making affidavits in the cases of other voters. In this way 50 men were deprived of their right to vote under this construction of the State law by supervisor and marshal."

What happened in the State of Illinois and the city of Chicago was the subject of a speech by Congressman John Charles Black of that State. Here is excerpt from his remarks, taken from page 1899 of the CONGRESSIONAL RECORD of September 28, 1893:

"As the tide of opposition rose, the power of the Federal supervising law was transferred from the States of the South, in a large degree, and brought into the great States of the North.

"What did we want with supervisors? Our elections had never been challenged, and when peaceful contests had been made they had been settled by the constitutional tribunals, the Senate and the House, in accordance with the laws, the facts, and the immemorial usage of the country; and there was no Illinoisan anywhere who believed for one instant that he needed the interposition of a new set of laws to determine who had been elected, or to make accurate and judicial returns of the results of any election that sent a Representative here or a Senator to the other end of the Capitol.

"In 1892 this great State was believed by the Republican management to be in danger, and so the power and resources of this law were invoked. I can never forget the day. All over this continent it was as beautiful as any election day that ever lighted the people to the exercise of the franchise, a phenomenal day, and phenomenal in its results.

"There was a belief that the action that might be taken by the city of Chicago would have great effect in determining the result in the Nation. The eyes of both parties were turned to it as to a decisive point in the campaign. And so an army of deputy marshals and assistant supervisors was secured, and I have here the figures showing the number employed on that election day in the city of Chicago.

"In the year 1892, according to statements furnished from the records of the U.S. marshal for the northern district of Illinois,

there were employed as supervisors of election and assistant supervisors 1,386 men in the city of Chicago, and as special deputy marshals 2,400 men, the first at a cost of $69,973 and the second at a cost of $62,908, making a total cost, as shown by the record of the marshal of the northern district of Illinois, in conducting this supervision of election on that day, of $101,555.26.

"I recall the incidents of that day. Intense excitement had prevailed throughout the entire land. Appeals had been made to the reason, the judgment, and to the patriotism of American citizens upon all of the great issues that separated the parties. There was no argument that was not applied. There was no blandishment that was not employed. There was no persuasion that was not used to bring a great vote to the polls, and a great vote came.

"Early in the morning of that day, or rather in the shades of the preceding night, the supervisors and deputy marshals were arrayed, and there came 3,786 of them, more than a full brigade of such troops as they were. They were drawn from the alleys, this militia of oppression. They were drawn from the slums, this battalion of bummers. And from down on the lake front, where 'the Back Jack Yattaw Bum Boat Flotilla' anchored, came the piratic marine, a part of the force of supervisors and deputy marshals of this election; and thus they stood, armed and equipped for their service, to protect the election in the city of Chicago, and in the great State of Illinois.

"Think of this battalion of bummers summoned into the service of the United States to protect the franchise in the State of Illinois. Think of that array of motleys that came to assist the city of Chicago in conducting her elections. What a glorious sight. Republicanism, through its officials, had summoned these men and they came, not all of them such as I have described, but many of them the disreputables and the unfortunates of human life. They wore the stars of the deputy marshals of the United States upon their breasts. What was the result?

"The city of Chicago, the magnificent queen of the interior commerce of the American world, she that prides herself not alone on what her commerce has done and what have been her financial and her monetary achievements, but as well upon the fact that within her borders today the churches of all denominations point with solemn monition to the sky, that public schools are in every ward and in every border of her great and spreading domain, that over her lines enlightened commerce runs to the ends of the earth, that she is a great, peaceful metropolis, that her courts are open forever to the call of justice—the city of Chicago put herself at the back of her merchants, her judges and lawyers, and ministers, and in response to the challenge of this tatterdemalion host, her would-be supervisors and guardians, she gave 35,000 Democratic majority. * * * That was a proper response of a great, free constituency to an outrageous assault corruptly made upon the liberty of the franchise of the citizens.

"Laws that have produced nothing to the party working them; laws in the execution of which such results have followed, cannot do any good to the Republican Party as a constituent part of the people of the land, and cannot do any good to the Democratic Party that loathes and spurns them."

Next to those in New York, the worst scandals in the country under Davenport's law probably occurred in the State of Missouri. Here is what the illustrious Democratic Senator George Graham Vest, of that State, had to say about them as recorded on pages 981–83 of the CONGRESSIONAL RECORD of January 18, 1894:

"In 1876 the necessities of the Republican Party (and I will prove this from the sworn testimony of their own witnesses) demanded that three congressional districts in Missouri should be carried for the Republican ticket. A determined effort was agreed upon here in Washington to carry the U.S. House of Representatives for the Republicans. Mr. W. D. W. Barnard was the confidential friend of General Grant and the chosen instrument of the administration to do that thing. He was the national bank examiner of the State of Missouri, appointed by Grant. The U.S. marshal in the St. Louis district was H. W. Leffingwell, whom I know very well—a real estate man of high character and a very old citizen. Leffingwell was an honest man, conservative and patriotic.

"Barnard carried the instruction of Mr. Taft, the Attorney General of the United States, to the Republicans of St. Louis that those three districts must be carried for the Republican Party by the use of the instrumentalities provided in the Federal election law. He carried the instructions of the Attorney General to Leffingwell, the U.S. marshal, and they both swear to it. Leffingwell said, 'Why, there is profound peace in Missouri; there is no danger of any tumult or riot here in the city of St. Louis. The calm is profound politically, socially, and otherwise.' Barnard said to him, 'Here are your orders. Who made you marshal?' 'Well,' said Leffingwell, 'you had a good deal to do with it. You are very near the President.' 'Well, sir,' he said, 'the man who made can unmake; and if you do not carry out these orders I will put you out of this office.'

"It is hardly necessary for me to remark that the conspiracy was carried out and that the three districts were carried for the Republican Party. R. Graham Frost was beaten by a Republican named Metcalfe on the return, though he was elected at the polls. Frost contested the election, and here is the testimony taken in that contest. It is found in House of Representatives Miscellaneous Document, 2d session, 45th Congress, 1877–78, volume 4, page 317. Mr. Barnard was put upon the stand; he was asked this question:

"'Question. You had great influence with General Grant about that time, I believe?

"'Answer. That I cannot say. General Grant and myself had been acquaintances for 30-odd years.

"'Question. And great personal friends?

"'Answer. I think so, sir.

"'Question. What did Mr. Leffingwell say to you?'

"(Objected to as irrelevant.)

"'Question. What was the nature of Mr. Leffingwell's dilemma?'

"(Objected to as irrelevant and immaterial to this issue.)

"'Answer. Well, Mr. Leffingwell had been engaged in the real estate business here for years, and a good many of his friends whom he had done business for had rather influenced him that Mr. Tilden would be the President, and if he put this law, which he was instructed to in force that he would make enemies and he would get out of office, and his business would be injured by it. A committee composed of a number of very prominent Democrats waited on him, and after an interview he promised to give them an answer the next day.

"'Question. What was the nature of the interview, right there?

"'Answer. In reference to enforcing the law.

"'Question. Were they protesting against it?

"'Answer. Yes, so I understand. I had a desk in the office, and I had overheard the conversation.

"'Question. You stated he would give them an answer.

"'Answer. An answer at 11 o'clock.

"'Question. He said he would give them an answer the next day?

"'Answer. Yes, sir.

"'Question. Did they call the next day?

"'Answer. They did; a portion of them called and he turned them over to me.

"'Question. What took place after the conversation that you had on the first day about this protesting committee?

"'Answer. Mr. Leffingwell and myself lived at Kirkwood, and on the train going there that evening he told me that he was in a great deal of trouble, and he did not know what to do. During the evening he said he did not know what he should do, and I said, "He had got his orders and instructions?" "Yes." "Well, you certainly will carry them out." He did not know. The next morning early, quite early, he sent for me and told me he was in a good deal of trouble and did not know what to do. I was somewhat amused at his position, and said to him after there was quite a conversation. I told him, "Leffingwell, have I had anything to do with your appointment as marshal?"

"'Question. He stated to you?

"'Answer. Yes. "And you have got instructions from the Attorney General to enforce the laws of the United States?" "Yes." "Yes." "And you refuse to do it?" He hesitated. "Yes," he said, he did not know what he should do; he never was in such a position in his life. "I then was influential in making you a marshal?" "Yes." "And if you do not execute your orders I will see that you are not marshal much longer. The man that makes can unmake." Then he said to me, "What am I to do?" I said to him, "I can relieve you of that dilemma. Give me control of those marshals"; and he says, "I will do it."

"'Question. Well, did he do it?

"'Answer. I think so, sir.

"'Question. Well, what did you proceed to do then?'

"Mr. Barnard goes on to state that he himself took the authority away from the chief marshal and appointed 1,028 deputies, organized them into regiments, battalions, and companies; the captains reported to the majors, the majors to the colonels, and the colonels to him, and he reported to the Attorney General of the United States. They put the city of St. Louis under a military organization under this law.

"Now, Mr. Barnard under this authority from the Attorney General, * * * which had no foundation except the necessities of the Republican Party, proceeded to carry those elections. Mr. Barnard testifies that he disfranchised 5,700 voters; he took the registration lists and struck off 5,700 names; and amongst them were some of the most reputable and oldest citizens of St. Louis, men who had fought the Indians for sovereignty over their territory, men who had blazed the pathway of civilization with the ax in one hand and the rifle in the other. They were arrested on the morning of the election by these military deputy marshals, and terror seized the whole community. Many Democrats refused to go near the polls. Conservative businessmen remained at home during the entire day. Three Republican Congressmen were brought to the House of Representatives under that proceeding from three Democratic districts in my State.

"It was charged here yesterday by the Senator from Delaware (Mr. Gray) and the Senator from Illinois (Mr. Palmer) that this law was enacted for political purposes and not in the interest of fair suffrage and the purity of the suffrage. Let us see what was the object, according to Mr. Barnard's own testimony. He is asked further:

"'Question. Was there any more danger for the commission of frauds and for disturbance at this election than there was at previous elections?

"'Answer. Oh, well, all our large communities had become very corrupt in the exercise of the elective franchise, and it was thought essential to the protection of voters.

"'Question. Independently of political consideration, was there any more necessity for the appointment of marshals at that election than any previous election?"

"Objected to on the ground that there can be nothing connected with the election independent of political associations.

"'Question. In order to be precise, I will say, independently of all party consideration, was there any more necessity for the appointment of marshals for that election than for any previous election?

"'Answer. Oh, well, you gentlemen know very well that in a political struggle for party ascendancy it is necessary for the coordinate branches of the Government to be in accord, and there was an effort on the part, so I interpreted it, of the party which I acted with to regain control of the House of Representatives.'

"There was no pretense that there was any disturbance in the city of St. Louis. There was nothing but absolute peace and tranquility. Mr. Barnard, as he himself swears, received his orders in Washington from the Attorney General to carry those three election districts under the election law, and that he went out to St. Louis and achieved the purpose, and then he had the hardihood to avow it when a sworn witness upon the stand. The conspiracy was successful. Fifty-seven hundred men were disfranchised. Hundreds were arrested on the morning of the election. It was an ex parte proceeding.

"Mr. President, this man Barnard called from the purlieus and dens of vice throughout the great city of St. Louis every reckless and characterless mercenary who for $5 a day would take his marshal's badge and arrest men at the polls. There were appointed at $5 a day 1,028 men without responsibility, without character, willing for this pitiful sum to strike down the liberties of any man, no matter how old, how respectable, how influential. It cost the people of the United States $21,000 to consummate that infamy. The bill was made out, and Barnard, following the conspiracy to its end, came back to report to his masters, with Henry T. Mudd, a deputy marshal, with him, and here is the account of his interview with Taft:

"'Question. You think those marshals did very good service in the congressional election, do you not, Mr. Barnard?

"'Answer. When I went to Washington with Mr. Mudd, who was chief deputy marshal for the settlement of this account, Mr. Taft asked Mr. Mudd how many marshals he had.

"'Mr. Shields, Taft, the Attorney General?

"'Answer. The Attorney General * * * Mr. Taft asked Mr. Mudd how many marshals he had. Mr. Mudd referred him to me and said I had charge of the marshals; and he turned to me, and I said, "1,028." The old gentleman wheels around in his chair and says, "Were there no others out in Missouri you could have made marshals?" Says I, "Mr. Taft, we went in to win and if it had been necessary to have had a posse comitatus—I think that is what you call it, and every other man over 15 years of age should have seen a fair election," and he said, "You bring a good deal of sugar in your spade." '"

"And he signed the voucher.

"But going back to the episode, which I neglected to name, there was one precinct in that great city in which the Democrats, notwithstanding all this fraud and force, secured a majority—precinct No. 71, well known in the political history of my State. Barnard found it had gone Democratic, and our returning board, composed of the county judge and the county clerk and another State officer, under the statutes of Missouri, met the next day or the day afterward, the second day, to count the votes and make the return. Barnard, booted and spurred and armed, with an armed deputy marshal at his heels, went into the room in the courthouse where the State returning board, under our law met. He said 'I understand you are about to count precinct No. 71.' Mr. Garesche, the county clerk, said, 'What right have you in here, sir; this is a State board.' And he ordered him out of the office. Barnard said, 'I am under Federal authority, and if you dare to count the vote in that precinct I will put every one of you in jail before night.' He swears that he did so, and Garesche then again told him that he must leave the office, and a personal difficulty was averted by pushing Barnard out of the door.

"These facts are beyond any sort of controversy. They happened in my own State. They are recited here in a document printed by the Congress of the United States, and everything I have said is substantiated upon the sworn testimony of these men."

Missouri's eloquent and colorful Congressman Champ Clark on October 2, 1893, gave the House of Representatives the following version of that and other outrages which occurred in that State under the election supervisor law:

"In 1876 the Republicans thought it was necessary to have three Representatives in Congress elected from the city of St. Louis. There was a U.S. marshal by the name of Leffingwell, a Republican. I like to embalm his name in the CONGRESSIONAL RECORD, because he had conscience enough to refuse to take charge of the deputy marshals and supervisors to do the dirty work of defrauding American citizens on election day. He would not do it. But one W. D. W. Barnard, a man who claimed that he had made Leffingwell marshal, said, 'Well, you need not bother about that, I will do it myself,' and he did it with a vengeance and to his lasting infamy. They returned three Representatives as elected. Now, how many deputy marshals do you suppose it took to elect three Republican Congressmen? It took 1,028 deputy marshals besides the supervisors.

"When the marshal's report was referred to Attorney General Taft, he said, "Mr. Marshal, how many deputies had you?" The latter answered, 'I had 1,028.' Mr. Taft inquired in amazement, 'Were there no more men in Missouri you could have made marshals also?' How much do you suppose it cost the taxpayers? Twenty-odd thousand dollars. When that bill was presented to Mr. Taft it sort of stunned him, but finally he OK'd it with this suggestive, statesmanlike remark, 'Well, you bring a great deal of sugar in your spade.' What sugar was it? Three Republican Members of Congress.

"Thus was accomplished another victory for purity and reform, as those virtues are regarded by the Republican leaders.

"In order to secure a majority on the face of the returns for the three Republican congressional candidates, Mr. Barnard and his minions arrested and held in custody until the polls closed, thereby preventing them from voting the Democratic ticket, several hundred honorable citizens, who were as well known in St. Louis as we are in the towns in which we live. After the polls closed, they were released and no charges of any sort were ever preferred against them. They had been humiliated and insulted by arrest and defrauded of their suffrages, which was the greatest desideratum of Barnard and his masters.

"These outrages against justice, decency, and liberty, were committed under and by virtue of these laws which we are commanded to repeal by an overwhelming majority of the American people.

"In 1888, by colonizing illegal voters on a large scale, by unblushing bribery, and by the employment of an army of deputy marshals and supervisors, three Republicans were returned as elected from St. Louis to the 51st Congress. This was accomplished through the machinations and manipulations of one Chauncy Ives Filley, whom so high a Republican authority as the Globe-Democrat has pronounced to be 'the grand pastmaster boodler.'

"That trio of St. Louis Republican Congressmen sent hither through fraud, corruption, and intimidation, made the 51st Congress Republican by two majority, a calamity from whose baleful effects the country still suffers.

"One reason that impelled the Democratic legislature to enact their Australian system of voting was the high-handed performances of the Republicans in 1888. I will give you one example. At Crystal City, where a great quantity of plate glass is made, the managers were so thoroughly determined to defeat Martin L. Clardy for Congress because he would not do their bidding here that they prepared the ballots for their employees and, fearing they might change them while en route to the polls, compelled them to march to the voting place holding the prepared ballots above their heads in plain view of the bosses, on pain of being discharged from employment if they refused.

"The Democratic legislature determined to put an end to such infamous proceedings, and they did so far as in them lay, and would have succeeded completely but for the intimidation of voters by deputy marshals and supervisors.

"At all of these three elections, in 1876, in 1888, and in 1892—in fact, in all elections, but in these three particularly—the deputy marshals, by preconcerted arrangements, willfully, premeditatedly, and of their malice aforethought, entered upon a systematic course of arresting Democrats and holding them till after the polls closed, and then discharging them without even a semblance of prosecution. Hundreds of prominent businessmen were thus maltreated—men who were in St. Louis while the red Indians still paddled their canoes on the Mississippi. Such outrages burned themselves into the minds and hearts of the people."

Another able Democratic Senator of the period—Senator James Henderson Berry of Arkansas—told the Senate about the abuses in his State. As found on pages 866–884 of the CONGRESSIONAL RECORD of December 16, 1899, this is what he said:

"Prior to the advent of the Republican Party in the South, in 1868, I do not think I had ever heard, with one solitary exception in Louisiana, of the use of money in elections or of false counting brought against any party in any of the States of the South, but from 1868, to 1874, under Republican rule in my own State, and I presume it was so in other Southern States, the practice of falsifying election returns became so universal, so widely and well known, that they ceased to excite comment. And yet we find the Republican Party here always posing as the champion of fair elections, ignoring these well-known facts and hurling charges of wrongdoing at their political opponents.

"When the Reconstruction Acts of 1868 were passed, the whites in the State of Arkansas largely outnumbered the blacks, and the great and overwhelming majority of the whites were in sympathy with the Democratic Party. But when these laws were passed and the right of suffrage conferred upon the Negro the State was infested with a horde of adventurers from the North, men who could obtain neither power nor position in their former abodes, but there under the protection of the troops of the United States they took possession of the State government, framed a constitution and submitted it to the people, and when it was rejected by more than 10,000 majority, they deliberately falsified the returns and declared it adopted.

"When the people protested military forces were organized and swept over a large portion of the State, leaving murdered citizens and burning houses to mark the line of

their march. The people were powerless and helpless to protect themselves for the reason that they knew that the U.S. Government was behind those who were controlling the powers of the State government. In the elections of 1870 the same frauds were perpetrated, and they became so shameless and glaring in the election of 1872, after the passage of the laws we now seek to repeal, that actual war ensued in 1874 between the opposing factions of the Republican Party, and by reason of this contest the people were enabled to recover possession of their government.

"The chief supervisor in Arkansas today is Judge John McClure. The people throughout the State almost universally believe that he was perhaps more largely responsible for the frauds upon the ballot boxes which were committed from 1868 to 1874 than any other one man in the State. He has since he has held the office of chief supervisor used his power in every election to harass and annoy the election officers of the State in every possible way. He secured the appointment under President Harrison of assistant or special district attorney for the eastern district of Arkansas, and through this power and that of chief supervisor and under a Republican district judge succeeded in having indictments preferred against many of the best citizens of the State.

"The prosecution and trial of these causes cost the Government of the United States many thousands of dollars, and, notwithstanding it was a Republican judge and district attorney and a majority of Republican jurors, nearly all of these parties were acquitted; and in the few cases where convictions were secured it was for some technical violation of the law where no fraud had been committed or intended and where the result was in no way changed, and, as I now remember, not a single man indicted was shown to have committed actual fraud in a single precinct within the State.

"Just preceding the election of 1890, a deputy marshal in the State of Arkansas, accompanied by a large posse which had been taken from the city of Little Rock, went into the county of Lee under pretext of summoning witnesses to attend the Federal court, and yet they showed by their acts that it was their sole object and purpose to frighten and intimidate the Negroes who had expressed a determination to vote the Democratic ticket. Written communications were distributed amongst the colored people commanding them to go to the polls and vote for the Republican candidate for Congress."

Representative Hugh Anderson Dinsmore, of Arkansas, elaborated on the machinations of McClure in his address before the House of Representatives on October 2, 1893. The following is an excerpt from his remarks on that occasion:

"Let it not be forgotten that these officers are appointed for the purpose of preventing fraud and bringing about a fair and pure election. Yet, sir, in the State of Arkansas the Republican Party has selected, constituted, and appointed as the chief supervisor for the control and direction of all the other supervisors, as the man best fitted and most suitable for the performance of this sacred work, one John McClure, known throughout the State, and beyond its confines, by the name of Poker Jack, who, in Reconstruction, was made, without the will of the people whose rights he was to take in his hands, chief justice of the supreme court—God save the mark—and who, while holding this position is said to have boasted that he had never yet seen the case in which he could not render as good a decision on one side as on the other.

"A man who was in at the birth of rascality in elections, and all other political iniquities in the State of Arkansas, where his name is a synonym for all that is ignoble, immoral, and objectionable. And this man in the performance of his supposed duties has had various and divers good citizens of the country, without any foundation whatever, arrested and brought before the courts and harassed with prosecutions for which there was not the slightest ground and which had to be dismissed by the prosecutor without a trial. He has dragged from different parts of the State peaceful and law-abiding citizens to attend the courts and sacrifice their time and means waiting to appear as witnesses in cases where there was no reason to believe there would ever be any necessity for their presence.

"And this man, Mr. Speaker, while he was holding the high and dignified office of chief justice of the State of Arkansas, was at the same time chairman of the Republican executive committee of the State. Not only so, but while chief justice and chairman of the Republican executive committee he was editor in chief and had his name at the head of a partisan political paper in the city of Little Rock which was receiving the public printing from the State. In the archives of this Government, in a report made to the House of Representatives, will be found a record where he himself admits under oath these facts which I have stated. Now, is not that a beautiful agent to select to preserve the purity of the ballot?

"As a compensation for his supposed services he sent up his accounts to the Federal Government which are stated in a letter which I have received from the Treasury Department, and which by permission of the House I will read * * *. It is true that this is but a small demand in comparison with that which has been shown to have gone up from the State of New York; but of this sum of more than $6,000, which he stated was due him on this account, Republican officials of the Treasury Department, who are not supposed to be niggardly in paying out the money of their country nor oversensitive as to the character of the service rendered, could not find it in their conscience to approve, but reduced the amount $5,418.65, or to $618.30. Is it any wonder, Mr. Speaker, that our people, under these conditions, have grown weary and sick of this law? Is it surprising that they should resent the insult conveyed in its very enactment and existence, when, under a sham and hypocritical pretense of a desire for fair elections, the law has been administered in such a spirit and by such agents?"

One of our most respected Georgia statesmen of the last century—Congressman Thomas Graves Lawson—dealt with conditions in Ohio in his address before the House of Representatives on September 27, 1893. Taken from pages 1858–1859 of the CONGRESSIONAL RECORD of that date, here is what he related:

"Mr. Speaker, I read from a report made to this House in March 1885, by the distinguished Member from Illinois, Mr. Springer, in the investigation of Lot Wright, U.S. marshal, and here is the indictment against him which I am obliged to read in order to show the pertinency of the report on the subject. A friend was kind enough to hand me the report this morning. Hon. John F. Follett, a Representative from the State of Ohio, introduced the following preamble and resolution:

" 'I do impeach Lot Wright, U.S. marshal of the southern district of Ohio, of high crimes and misdemeanors. I charge him with usurpation of power in violation of law:

" 'In that he appointed a large number of general and special deputy marshals to serve at the several voting precincts in the city of Cincinnati, in the State of Ohio, at an election for Members of Congress, held in said city on the 14th day of October, A.D. 1884, and armed said deputy marshals with pistols and other deadly weapons, said to have been furnished by the War Department of the U.S. Government.

" 'In that a large number of the deputy marshals so appointed and armed were notorious criminals, and men of known vicious and brutal habits and reputation, and many of them nonresidents of said city of Cincinnati and State of Ohio.

" 'In that the said deputy marshals, acting under his orders and directions, aided, abetted, and encouraged fraudulent voting, intimidation of voters, and gross outrages upon the elective franchise, and the rights of the honest voters of said city, in furtherance of the interests of a political party and its candidates: Therefore

" '*Resolved*, That the Committee on Expenditures in the Department of Justice be required and directed, as soon as the same can be reasonably done, to investigate such charges and report to this House.'

"I will now read so much of the report of the committee as is to the point. They investigated and made their report, the evidence taken amounting to more than 600 pages. Listen to the report:

" 'From the testimony taken by your committee it will appear:

" 'That the deputy marshals appointed by Marshal Wright were largely in excess of the necessities of the situation.

" 'That they were appointed as Republican partisans and political workers, and in most cases prostituted their official position to partisan ends.

" 'That they were armed with revolvers and other deadly weapons furnished by the national committee of the Republican Party.

" 'That many of such deputy marshals so appointed and armed were notorious criminals and men of known vicious and brutal habits, and many of them were nonresidents of the State of Ohio.

" 'That many of said deputy marshals, acting under the orders of Marshal Wright, aided, abetted, and encouraged fraudulent voting, intimidation of voters, and committed gross outrages upon the elective franchise and the rights of honest voters.'

"From the evidence before the committee it appears that 1,600 deputy marshals were appointed, and God only knows how many more would have been appointed if the blank commissions had not given out as the marshal testifies they did. The pistols used were what is known as English bulldog revolvers of .44 caliber. I do not know what kind of a weapon it is myself, but a gentleman informs me that one of these identical weapons is in possession of Colonel Hill, deputy sergeant at arms, and I have no doubt that he will take pleasure in exhibiting it to any gentleman who may be curious to see it.

"There were rioting, bloodshed, and murder at the election. There were armed deputy marshals from many States in this Union, while the law under which they were proceeding to act in order to insure an honest election and a fair count required that the deputy marshals should be qualified voters of the precinct where they were employed. It is true that they were from Colorado, Texas, Missouri, Illinois, Kentucky, New York, New Mexico, and many other parts of this country. To show their respectability and capacity for controlling the people of that large city for 1 day, one witness, a partner in law with Governor Hoadley, describes a considerable number that he saw there:

" 'They were not respectable colored men, such as I have seen about Cincinnati, but looked like roustabouts, dressed in all sorts of costumes; coats nearly off their backs, hardly a shirt on; some of them without shirts, the dirtiest looking lot I ever saw in my life.'

"Although there were riots and bloodshed while the polls were thus guarded, at the presidential election, which came off 2 weeks later, there were no deputy marshals, and the election was conducted quietly and

peacefully. The election in that single city cost the government $14,800, with no good results, except to give the city of Cincinnati 'a free ballot and a fair count.'

"If there is any better evidence than this that great abuses and outrages arise under the administration of these laws by partisans and for partisan effect (and they will never be otherwise used), I hope that some gentleman will produce it. If they have a redeeming feature it has escaped my search. They are, I presume, abused in every instance that they are used. The medicine is a great deal worse than the disease. I would not lodge such power in the hands of any party; not in the hands of the Democratic Party as intense as is my loyalty to it."

Representative James Alexander Dudley Richards, of Ohio, also touched on the subject of marshal Lot Wright and the abuses which occurred under his administration of the law in Cincinnati. As found in page 2001 of the CONGRESSIONAL RECORD of September 30, 1893, he declared:

"On a parallel with this was the conduct of Lot Wright in Cincinnati, Ohio, the vile proceedings of whom are sufficient to condemn any party which will put it into the power of any man to commit such iniquity. Gangs of the most infamous of Negroes were made kings for the day, to lord it over respectable and intelligent citizens. Riot, bloodshed, and disorder reigned supreme, disgraceful to the city and to the country, and all under an attempt to promote the success of the Republican Party under the guise of endeavoring to preserve the purity of the election."

There is no more thorough or persuasive argument against measures of the character of the pending Rogers-Davenport Reconstruction Act than the text of Report No. 18 of the House of Representatives of the 1st session, 53d Congress. It is the report of the Committee on Election of President and Vice President accompanying the bill to repeal Davenport's Law. Written by Virginia's eloquent Representative Henry St. George Tucker and presented to the House of Representatives on September 20, 1893, it reads in part as follows:

"The appointment of supervisors presumes something to supervise and the right of supervision. These sections relate to the right of supervisors and deputy marshals to supervise the election of Representatives in Congress; and the initial point, therefore, is as to the right of the United States to supervise the election of Members of Congress, and if the right exists whether it is proper for them to do so."

"This subject has been discussed before in Report No. 1882, part second, page 5, 1st session of the 51st Congress, as follows:

"The power is sought in the fourth section of article I of the Constitution, which is as follows:

" 'The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.'

"We shall invoke the simple method of construction laid down by the writers, of seeking first, from the words themselves, their intrinsic meaning, and then invite the testimony of those who made them as to their meaning and their intent in making them, and, finally, the construction put upon them by Congress itself and recognized authors on the Constitution.

"We notice, first, that the times, places, and manner of holding elections, etc., is primarily confined to the legislature of each State; secondarily, it is given to the Congress.

"The language itself and the arrangement of the two clauses show this:

" 'The times, places, and manner, etc., shall be prescribed by the legislature of each State.

" 'But the Congress may, by law, at any time make or alter, etc.'

"The first is original and primary, the second is permissive and contingent. The legislatures and Congress cannot both have original and primary power to act on the same subject at the same time. Such a conflict would never have been sanctioned. Nor can we believe that the men who drafted this section intended to distinguish it from every other in the Constitution in granting to two distinct and separate authorities coequal power over the same subject at the same time. Nor can we conceive a greater absurdity than the grant of plenary power to the legislatures of the States in the first clause of the section, only to be abrogated and annulled in the second clause of the same section.

"We cannot believe that the intelligence which framed that great instrument, careful in avoiding any conflicts that would probably arise between the State and Federal authorities (for that hour was resonant with jealousies of power), deliberately placed this power into two distinct hands to be exercised, it may be, at the same time and in different ways; and it is equally improbable that the power given the legislatures of the States, as the authority best suited in the minds of the makers of the Constitution, to provide 'the times, manner, and places of holding, etc.,' was intended, without reason or cause, to be taken from them and arbitrarily assumed by Congress; and that, too, when there had been no failure on the parts of the States to provide the necessary machinery and no impropriety in the machinery provided.

"We conclude, therefore, that the obvious and plain meaning of the section under discussion is that the legislature of each State should have the primary authority to prescribe 'the times, places, and manner of holding elections, etc.,' and that Congress should have such power ultimately. When? For what cause? What circumstances or conditions prevailing in the States shall be sufficient to cause a forfeiture of this right in the legislatures of each? This section and the Constitution are silent upon this subject; but the history of the adoption of the Constitution and the contemporaneous evidence of those who made it supply the answers.

"Of the Original Thirteen States that framed the Constitution seven were outspoken on the subject, while in some of the others there was likewise a strong sentiment against the adoption of the Constitution containing this and other sections.

"The language of some of them is most striking and instructive. On the 6th of February 1788, Massachusetts, through her State convention, presided over by the great Revolutionary patriot, John Hancock, ratified the Constitution. In the report of ratification, after expressing the opinion that certain amendments should be made to 'remove the fears and quiet the apprehension of many of the good people of this Commonwealth, and more effectually guard against an undue administration of the Federal Government,' the following alteration of and provision to the Constitution is suggested:

" 'That Congress do not exercise the powers vested in them by the fourth section of the first article, but in cases when a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress, agreeably to the Constitution.'

"Not satisfied with the mere suggestion of such amendment, and with a prophetic fear that, if such suggestions were not adopted by the first Congress to assemble under the Constitution, some erring son of this ancient Commonwealth might someday waiver in his support of those principles in the Halls of Congress, the convention added this strong language:

" 'And the convention do, in the name and in behalf of the people in this Commonwealth, enjoin it upon their Representatives in Congress at all times, until the alterations and provisions aforesaid have been considered agreeably to the fifth article of the said Constitution, to exert all their influence, and use all reasonable and legal methods to obtain a ratification of said alterations and provisions, in such manner as is provided in the said article.'

"South Carolina ratified on the 22d of May 1788, with the following recommendation:

" 'And whereas it is essential to the preservation of the rights reserved to the several States, and the freedom of the people, under the operation of a General Government that the right of prescribing the manner, time, and places of holding the elections to the Federal Legislature, should be forever inseparably annexed to the sovereignty of the several States: This convention doth declare that the same ought to remain to all posterity a perpetual and fundamental right in the local, exclusive of the interference of the General Government, except in cases where the legislatures of the States shall refuse or neglect to perform and fulfill the same according to the tenor of the said Constitution.'

"New Hampshire ratified June 21, 1788, and made a recommendation in the same language used by the State of Massachusetts.

"Virginia on the 26th of June, 1788, ratified with a recommendation in the following words:

" 'That Congress shall not alter, modify, or interfere in the times, places, and manner of holding elections for Senators and Representatives, or either of them, except when the legislature of any State shall neglect, refuse, or be disabled by invasion or rebellion to prescribe the same.'

"August 1, 1788, North Carolina ratified, having held out against ratification on account of this and other objectionable clauses. The convention recommended an amendment in the same language as did the State of Virginia.

"New York ratified July 26, 1788, and the recommendations of its convention are in some respects the strongest of any on this subject. Before the formal statement of ratification, a declaration of rights is set forth in which, among other provisions, we find:

" 'That nothing contained in the said Constitution is to be construed to prevent the legislature of any State from passing laws at its discretion, from time to time, to divide such State into convenient districts and to apportion its Representatives to and amongst such districts.

" 'Under these impressions and declaring that the rights aforesaid cannot be abridged or violated, and that the explanations aforesaid are consistent with the said Constitution, and in confidence that the amendments which shall have been proposed to the said Constitution will receive an early and mature consideration, we, the said delegates * * * do, by these presents, assent to and ratify the said Constitution.

" 'In full confidence, nevertheless, that until a convention shall be called and convened for proposing amendments to the Constitution * * * that the Congress will not make or alter any regulations in this State respecting the times, places, and manner of holding elections for Senators or Representatives unless the legislature in this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same; and

that in those cases such power will duly be exercised until the legislature of this State shall make provision in the premises.'

"And in accordance with this declaration the convention suggested an amendment to Congress embodying the above idea.

"Rhode Island did not ratify until June 26, 1790, and the language of her convention on the subject and the amendments suggested were in almost the identical words of those of the State of New York, only stronger. The above extracts have been made that it might be seen how strong was the feeling on this subject at the time of the ratification of the Constitution, and that the Constitution itself was only finally adopted in the faith and belief of a majority of the States that Congress would never exercise this power except when the States had failed to do so, or from any cause could not do so.

"Not alone did the States above enumerated speak out with no uncertain sound, but in the debates in the Pennsylvania convention to ratify the Constitution, James Wilson, a member of the Federal convention that framed the Constitution, and a member of the State convention, explained this provision to mean in effect that the States were primarily to act, and Congress only in case of their failure to do so; and the convention recommended an amendment in the following words:

"'That Congress shall not have power to make or alter regulations concerning the time, place, and manner of electing Senators and Representatives, except in case of neglect or refusal by the State to make regulations for the purpose; and then only for such time as such neglect or refusal shall continue.'

"In the 58th number of the Federalist, Mr. Hamilton discusses this subject and says:

"'They (the Convention) have submitted the regulation of elections for the Federal Government, in the first instance, to the local administrations; which in ordinary cases, and when no improper views prevail may be both more convenient and more satisfactory; but they have reserved to the national authority a right to interpose, whenever extraordinary circumstances might render that interposition necessary to its safety.'

"Judge Storey, in his Commentaries on the Constitution, volume 2, chapter XI, discusses the whole subject and holds that the power will not be exercised by Congress unless 'an extreme necessity or a very urgent exigency' should arise. (Secs. 820, 823, 824, et seq. See also 1 Tucker's Black. Comm. App., 191, 192; Curtis on the Constitution, 479, 480.)

"We conclude, therefore, that Congress has the power to 'prescribe the times, places, and manner of holding elections' for Members of Congress, but that such power is contingent and conditional only, not original and primary.

"Under what conditions or upon what contingency?

"If we accept the evidence of the States in their State conventions, ratifying the Constitution, and that of the men who made the Constitution, the conditions are—

"First. Where the States refuse to provide the necessary machinery for elections; and

"Second. Where they are unable to do so for any cause, rebellion, etc.

"Mr. Madison, in the Virginia convention, when asked his opinion of this section, said:

"'It was found necessary to leave the regulation of these [times, places, and manner] in the first place to the State governments as being best acquainted with the situation of the people, subject to the control of the General Government, in order to enable it to produce uniformity and prevent its own dissolution. * * * Were they exclusively under the control of the State governments, the General Government might easily be dissolved. But if they be regulated properly by the State legislatures, the congressional control will very probably never be exercised.'

"Mr. John Jay, subsequently Chief Justice of the United States, in the New York convention said, when this clause was under discussion:

"'That every government was imperfect unless it had a power of preserving itself. Suppose that by design or accident the States should neglect to appoint the Representatives, certainly there should be some constitutional remedy for this evil. The obvious meaning of the paragraph was that, if this neglect should take place, Congress should have power by law to support the Government and prevent the dissolution of the Union. He believed this was the design of the Federal convention.'

"Again, Mr. Madison says:

"'This was meant to give the National Legislature a power not only to alter the provisions of the States, but to make regulations in case the States should fail or refuse altogether.' (Madison Papers, vol. 3, 1282.)

"Has any State refused to provide the necessary election machinery, or is any State unable to do so for any cause, or what extraordinary circumstances, what extreme necessity, what urgent exigency exists now for the exercise of this power by Congress? None has been suggested, and we confidently assert none can be."

Mr. THURMOND. Mr. President, will the distinguished Senator from Georgia yield?

The PRESIDING OFFICER (Mr. MUSKIE in the chair). Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. TALMADGE. I yield.

Mr. THURMOND. Mr. President, I wish to take this opportunity to commend the able and distinguished Senator from Georgia for the magnificent address he is making. The Senator from Georgia was a very able Governor of that great State, and he is a profound constitutional lawyer. The address he is making here in the Senate is a splendid contribution to the cause of constitutional government in these United States.

Mr. TALMADGE. Mr. President, I am deeply grateful to my learned and distinguished friend, the junior Senator from South Carolina, for his extremely generous personal references.

The Senator from South Carolina himself has been a very able judge. He had an outstanding war record. He has been highly decorated. He served as president of the Reserve Officers Association of the United States. He made an outstanding Governor of his State, and he is a great U.S. Senator.

When such generous personal references come from so distinguished and outstanding a man, I am deeply grateful.

I continue to read:

"For Congress to attempt to exercise this power now in this bill against the protests of a majority of the States that made the Constitution, and when those States only ratified it upon the faith and assurance that this and other powers would never be exercised except under certain conditions, which have not arisen, is a fraud upon the Constitution that should not be tolerated.

"But, conceding for the moment that section 4, article I, gives to Congress the full powers claimed by the advocates of this bill, still it must be construed in the light of the subsequent section (8) of the same article, which declares that Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers. Admit the power to be ample in the Constitution, yet the same authority limits the legislative branch of the Government in the enactment of laws, to such as shall be necessary and proper for carrying into execution the foregoing power. In *Hepburn v. Griswold* (8 Wall., 614), Chief Justice Chase, in defining these words, says the words—

"'Necessary and proper were intended to have a sense, to use the words of Justice Story, at once admonitory and directory, and to require that the means used in the execution of an express power should be bona fide appropriate to the end.'

"But again, the States for a hundred years and more have provided election laws, appointed officers for their proper execution, and provided the machinery of election. They have prescribed duties for such officers, and have imposed penalties for the failure to discharge these duties. This machinery and these officers, without distinction as to the character of the election, whether it be State or Federal, have the same duties imposed upon them in all essential qualities. With this state of things we find these statutes which are sought to be repealed create officers whose duties it shall be to supervise, scrutinize, and watch every act of the officers of the States. This of itself must create friction, and the history of the country since the enactment of these laws, has demonstrated their unwisdom in this respect. The power to guard, scrutinize, and inspect implies the power to correct or prevent that which is scrutinized. The power to supervise implies the power to compel the doing or to prevent the doing of the thing which is the subject of the supervision. How then can the United States, by its supervisors, and deputy marshals, supervise an election under a law which it has not enacted or scrutinize the registration (a condition of suffrage in many of the States) when the right of suffrage emanates from the State itself and the State alone can determine it?

"The second section of article I of the Constitution declares: The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

"This leaves the right of suffrage and the conditions of sufferage in the States. By what authority, then, can a Federal officer, by challenge or otherwise at the polls or on registration day, determine the question of suffrage which the Constitution of the United States has left solely to the States to determine?

"Many of these statutes also impose penalties upon the election officers of the States, in the conduct of elections, for a violation of the State laws. Was ever a more monstrous proposition written on the statute books of a free country? The power to make laws is a sovereign power. It carries with it the power to punish for the violation of such laws, but the two powers must be coordinate. The power that creates the law can inflict punishment for its violation, but no power can inflict punishment rightfully for the violation of a law which it never made. To attempt it, as has been done in the past, has resulted only in irritation, contention, and criticism of the government that has proposed it.

"The object of legislation should be to prevent conflicts between the State and Federal authorities. These statutes have been fruitful in engendering them. Enacted in Reconstruction times, when it was deemed necessary to carry out those measures, the purpose for which they were framed having happily passed away, we feel that they can not be too quickly erased from the statute books.

"But we regard these statutes as chiefly inimical to the best interests of the people because they are in effect a vote of lack of confidence in the States of the Union. The inference is irresistible that they were enacted because of a lack of confidence in the honesty if not in the ability of the States to conduct their own elections. With such an intention plainly on their face, with what consideration could they be met by the people for whom they were intended except that of distrust and suspicion? Would the U.S. Government suffer less by the prevalence of fraud in elections than the States whose officers we sent to represent it in the Government of the United States? Is fraud in elections any less contemptible because it emanates from the people of the States without Federal interference? Or it is any less dangerous to the people of the States because it lacks Federal supervision?

"Let every trace of the reconstruction measures be wiped from the statute books; let the States of this great Union understand that the elections are in their own hands, and if there be fraud, coercion, or force used they will be the first to feel it. Responding to a universal sentiment throughout the country for greater purity in elections many of our States have enacted laws to protect the voter and to purify the ballot. These, under the guidance of State officers, have worked efficiently, satisfactorily, and beneficently; and if these Federal statutes are repealed that sentiment will receive an impetus which, if the cause still exists, will carry such enactment in every State in the Union. In many of the great cities of the country and in some of the rural districts, under the force of these Federal statutes, personal rights have been taken from the citizens and they have been deprived of their liberty by arrest and imprisonment. To enter into the details in many cases where citizens have been unjustifiably arrested and deprived of their liberty would be useless in this report. We content ourselves in referring to Report No. 2365 of the 2d session of the 52d Congress on this subject, where many such instances are detailed.

"Finally, these statutes should be speedily repealed because they mix State and Federal authority and power in the control and regulation of popular elections, thereby causing jealousy and friction between the two governments; because they have been used and will be used in the future as a part of the machinery of a political party to reward friends and destroy enemies; because under the practical operations of them the personal rights of citizens have been taken from them and justice and freedom denied them; because their enactment shows a distrust of the States, and their inability or indisposition to properly guard the elections, which, if ever true, has now happily passed away; and last, but not least, because their repeal will eliminate the judiciary from the political arena, and restore somewhat, we trust, the confidence of the people in the integrity and impartiality of the Federal tribunals."

Representative Tucker, who presented the report I have just read, led the successful effort to repeal Davenport's law in the House of Representatives. No speech ever delivered from the floor of Congress approaches the heights of masterful eloquence which he achieved. His wise words of more than half a century ago are as appropriate today in the light of the pending measure as they were then.

I quote from his conclusions—as found on pages 1808–1811 of the CONGRESSIONAL RECORD of September 26, 1893—and commend them for the careful consideration of my colleagues.

He declared:

"If these laws are wrong in principle they are certainly wrong in practice. From one end of the country to the other a sentiment has grown from day to day and year to year in favor of their ultimate repeal. They are founded upon a false principle. They have nothing but partisanship to sustain them, and they have become an eyesore to the whole country. Under their operations human liberty has been trampled upon, human rights have suffered, and human beings unjustly punished. The merciless exactions of the chief supervisors in the great cities have added additional horrors to the law.

"Men have been torn from their families and brought to trial with no ground of action except the desire to deprive them of the right of suffrage. To continue such laws longer would be an insult to the intelligence of the people. 'Davenportism' has become a byword and a word of reproach throughout the land. The atrocities of the Duke of Alva do not exceed the crimes against liberty which have been committed under these laws in the State of New York and elsewhere. The voices of those who have passed away within the past 20 years, who have suffered by imprisonment, privation, and ultimate death at the hands of this despot cry out to us for vengeance.

"No trophy has been too large for his greed and no victims too low for his rapacity. The scholar, the divine, the hoodlum, all alike share his vengeance; but we can well imagine that when the free citizens of this country were in common suffering the unjust penalties of these laws, the statement of the prelate of old amid the tortures of the stake was often heard:

"'Be of good cheer, brother; we shall this day kindle such a torch in England as I trust in God shall never be extinguished.'

"And, Mr. Speaker, the day has come, and now is, when we, responding to that cry of the freemen of the country, will wipe from the statute books the last remnant of these laws, and if the blood of the martyr is the seed of the church, then

"'Each single wreck in the warpath of might
Shall yet be a rock in the temple of right.'

"Davenportism.

"I hold in my hand a statement of the accounts of this man, taken from the files of the Treasury Department. This statement shows that from March 4, 1889, to March 4, 1893, he drew from the Treasury of the United States, as supervisor and commissioner of the circuit court, fees amounting to the neat sum of $145,591.81. This paper shows another fact. It shows that from March 4, 1885, to March 4, 1889, when Grover Cleveland was President of these United States and John L. Davenport was chief supervisor of New York, not an account was presented by him for payment. It shows, however, that although no account was presented during Mr. Cleveland's former administration ending on March 4, 1889, yet on April 11, 1889, 1 short month after President Harrison came in, Mr. Davenport put in an account of $3,000-odd, covering his services from August 1 to November 10, 1888, a period when Mr. Cleveland was President.

"It shows another remarkable fact: namely, that on the 1st of June 1889, 2 months later, he put in an account of over $2,000 for services in the November election of 1885. It shows further that on the 15th of June 1889—for his appetite was being whetted—he put in another account for services in the November election of 1886, during Mr. Cleveland's first administration, of $23,000. Those 'services' were rendered while Mr. Cleveland was President. Again, on October 30, 1889, he put in another account covering the time to the 6th of November 1888, amounting to only $31,000. Then on January 31, 1893, just before Mr. Harrison went out of office, he put in a little account of $3,000, and on February 24, 1893, 10 days before the expiration of Mr. Harrison's term, he put in and had allowed an account of $31,000.

"Why, Mr. Speaker, here is a man who draws from the Treasury of the United States nearly a hundred thousand dollars for services which he claims were rendered while Mr. Cleveland was President, yet he had not the manhood to present his accounts to Mr. Cleveland's administration, but waited until that administration had come to an end, and then handed over these accounts to the Harrison administration, and had them allowed. Truly, truly, 'the ox knoweth his owner, and the ass his master's crib.'

"Mr. Speaker, I say to the gentleman who asks me what these facts have to do with the question of the rightfulness or the wrongfulness of these laws, that they show one of two things—either that this man Davenport, who has a life tenure, should be abolished because he is a corrupt man, or else that the laws are so corrupt and so difficult to execute that they make even as pure a man as Davenport commit these outrages.

"Mr. Speaker, I can only say, in closing, about this gentleman, that his character as an officer may be summed up in the following:

"'Too cautious or too sly to feign
A love he never cherished,
Beyond the bounds of office gained
His patriotism perished,

"'While others hail in distant skies
The glories of the Union
He only sees its glory shine
Through this (holding up the account)
and many hundreds.'

"Mr. Speaker, I object to these laws for another reason. The true policy on the part of this Government toward the State governments should be to have perfect confidence existing between the two. One of the chief reasons of my objection to these laws is that they show a lack of confidence on the part of the Federal Government toward the State governments. On their face they amount to a charge of distrust—a charge that the Government of the United States cannot trust the people of the country; and I tell you, Mr. Speaker, that no country will long flourish where such a state of things as that exists.

"Where there is distrust and suspicion written upon the laws of the country toward the people, you are going to find that it will react against the government which indulges in it. Put the election of representatives into the hands of the States, where the Constitution intended it should be put; wipe from the statute books these laws that cause jealousy and friction all the time among the people, and you will find there will arise throughout the country an increased love and increased patriotism among the people such as we have not experienced in the country for the last 30 years.

"Why, Mr. Speaker, this matter of trust and confidence is not to be despised. If you bring up your child with the understanding that he is to be watched and guarded and scrutinised through life—that you are a detective upon his movements, with your eyes suspiciously upon him all the time—let me tell you that when he grows to manhood he will not be able to look you in the face. If you want to bring up and encourage a nation of sneaks, let it be understood that the government which the people are expected to love, honor, and revere is a detective on their track. I do not believe in that principle.

"The public press of the country has declared that this bill proposes to wipe out the 15th amendment to the Constitution; that the object of the bill is to do away with this amendment. It is not so. There is not a statute among those sought to be repealed that touches in the slightest degree the 15th amendment except one. The object of the committee was clear. We recognize this amendment as part of the organic law of this country, and we bear full allegiance to it.

"But these laws which we seek to repeal have no such purpose. The only provision that bears on the 15th amendment in section 2010, which refers to a contest for a State office, not a Federal office, where a man has lost the office by reason of the denial of the right of suffrage on account of race, color,

or previous condition. We eliminate that, because the statute gives the right of action to the Federal court instead of to the State court, whose office is sought to be recovered. Of course if the contest proceeds under the State courts, and the question arises as to whether a man has been deprived of his right under the 15th amendment, the appeal is had as a matter of right to the Federal court.

"These laws ought to be repealed, Mr. Speaker, because they seek to take away from the State, that alone can bestow suffrage on the citizen, the power of determining the right to vote; they ought to be repealed, because they have been the subject of collisions and jealousies and unnecessary clashing of authorities since their enactment; they ought to be repealed, sir, because they are Reconstruction measures, the unhappy reminders of a period in our history forever gone, except from the memory of the people; they ought to be repealed, because the States are as much interested in seeing that their representatives are properly elected as the Federal Government can possibly be.

"Sir, I want to say to our friends on the other side that there is no doubt about the repeal of these laws. They are going to be repealed. We are sorry that there should be any objection from the other side of the House. We are sorry that our friends thought it necessary to filibuster for a week before this bill could even be reported to the House; but they are going to be wiped away, because they are the lingering evidence of a past unhappy era in our history. We belong now to that generation which has gotten away from the old unpleasantness, and is looking no longer to the dead past, but to the future. We want to obliterate from the statute books every evidence of that fratricidal strife, so that the hardships which those days entailed upon us may be forgotten, that we may go forward as a band of brothers in the development of the constitutional history of our country and the constitutional development of our people.

"I belong to a party that is not a sectional party—that knows no North, no South, no East, no West. It is you who have reared a sectional party in this country; you have lived upon it for the past 30 years; your laws have been based on sectionalism; you have ruthlessly taxed one set of people for the benefit of another; you have violated the pledges of the fathers; you have overridden the Constitution; you have denied the right of habeas corpus to the people in time of peace; you have in times and ways without number shown to the people of the country that you are unworthy of confidence, and therefore, on the 6th of November last, the triumphant democracy assumed its rightful place in the control of the Government, pledged to redeem their promises to the people, and we are here today to begin that good work and carry it on until it is finally and fully achieved."

Mr. President, the American people have a right to expect better of this Senate and this 86th Congress than the reenactment of an unworkable law of doubtful constitutionality which brought the United States and its democratic processes to the brink of chaos last century.

I know of no patriotic American who values his freedom who does not favor the full and unfettered right to vote by every qualified citizen. That is the position of the people of my State of Georgia and I certainly believe it to be the position of all the people of all the other 49 States.

But I do not believe it to be the wish of the people of any State that the control of election machinery be taken out of their hands on the State and local levels of the Nation.

Mr. President, it always has been my strongly held conviction that the cherished processes of freedom inherent in our republican form of government are best served and perpetuated through the widest possible exercise by all qualified citizens of the right to vote consistent with the best interests of society.

While I feel that there should be reasonable safeguards against abuse of that right, it is my view that those restrictions should be held to the absolute minimum necessary to protect society from exploitation at the hands of those few individuals who have proved themselves to be intellectually and morally incapable of recognizing and exercising the restraints and responsibilities of good citizenship.

I am proud to be able to say to this Senate, Mr. President, that my State of Georgia has not been found wanting in this regard.

I cite as my authority for that statement not only my personal knowledge of the situation but also the assertion by the Chairman of the Commission on Civil Rights, Dr. John A. Hannah, in testimony before a House appropriations subcommittee on April 30 of last year that—and I quote—"The voting situation in Georgia is pretty good and getting much better."

In Georgia, Mr. President, all qualified citizens—regardless of their race, color, creed, or sex—are freely exercising their right to vote.

At last count the State of Georgia had more than 160,000 colored voters and present estimates place that number in the neighborhood of 175,000 and still growing.

We have several counties in our State in which more colored than white citizens are registered to vote.

In two of our cities colored candidates have been elected to municipal office and in at least two recent instances the colored vote proved to be the margin of victory in municipal elections.

While there have been a very few isolated instances of citizens who have gone to court to contest the decisions of registrars in their cases, I do not know of a single instance in which anyone who possessed the qualifications required by State law has not received redress in the courts.

Human beings being the imperfect creatures they are, there always will be instances of citizens who feel that they have not been accorded full rights under the law. But I challenge anyone to cite a single instance in which any person possessing the qualifications required by the law of his State and claiming infringement of his right to vote has not received ultimate redress when taking his case into the courts.

Mr. President, in the light of the facts, I think it goes without saying that the State of Georgia need apologize to no one for its record in assuring all of its qualified citizens the free exercise of their right to vote.

Mr. President, I also would like to point out to the Senate that Georgia was the first State in the Nation to lower its voting age to 18.

Our experience over the past 15 years in that regard demonstrates conclusively that our teenaged citizens exercise their right of franchise conscientiously and intelligently and have proved themselves to the satisfaction of the most doubtful that they are responsible participants in the processes of government which they are required by law to defend in the armed services of our country.

Georgians are proud, Mr. President, of our teenaged voters.

I would also call attention to the fact that with the ratification of our new State constitution in 1945, the State of Georgia eliminated the payment of the poll tax as a requirement for voting. I might add that it has worked well, and we have had no reason to regret the change.

However, Mr. President, let me emphasize that the people of the State of Georgia would not presume to advocate or recommend that other States should do as it has done in lowering the voting age or in eliminating the poll tax.

Georgians believe the Constitution of the United States means what it says when it reserves to the individual States the matter of determining voter qualifications and they would be vigorously opposed to any attempt by Congress to legislate in this field in the absence of clear authority to do so obtained through the amendatory process.

Georgians feel that the question of voter qualifications is one which addresses itself solely to the citizens of each State and their elected representatives acting in their behalf.

While the payment of poll, or capitation, taxes as a prerequisite for voting is an academic issue in Georgia, Mr. President, it is my strong conviction that the decision to terminate it should come from within each State concerned.

It is to the credit of this Congress that it has recognized that a proposed constitutional amendment is the only constitutional vehicle through which it can act on the subject.

But, feeling as I do that the issue should be determined by each State individually, I could not in good conscience support the proposed amendment when it was before the Senate recently.

I had hoped, however, Mr. President, that the consideration of that question in the form of a constitutional amendment would have served as a precedent for any other action by Congress in the field of voting. I am saddened that my hope in that regard has not been borne out.

Mr. President, there already exist three more-than-adequate remedies at Federal law for any citizen who feels that he has been denied the right to vote.

First, there are civil remedies whereby the individual may go into Federal court and obtain an injunction and collect damages.

Second, there are criminal remedies whereby prosecution resulting in fine, imprisonment or both upon conviction may be initiated against any person who has deprived another of his right to vote.

And third, there is the Civil Rights Act of 1957 whereby any citizen may engage the services of the Attorney General of the United States as his taxpaid lawyer to seek enforcement of his right to vote in the Federal courts.

Mr. President, I asked the Library of Congress to compile for me a list of the then-existing Federal laws protecting the right to vote. I have already asked unanimous consent and have received permission to print that information in the RECORD during the colloquy with the able and distinguished senior Senator from New York [Mr. JAVITS]. That insertion clearly shows that, together with the Civil Rights Act of 1957, any citizen who feels he has been wrongly, erroneously, or illegally denied the right to vote has clear and adequate remedies in at least three specific instances—two of them being civil in nature, under which he may secure damages and receive equitable relief, and the other being criminal in nature.

Mr. President, the Civil Rights Act of 1957 for the first time in the history of the United States guarantees to one class of citizens the so-called right to be represented by the Attorney General of the United States as their taxpaid lawyer and, indeed, if the Attorney General sees fit to do so, the Attorney General may bring the suit in the name of the United States of America—yes, he may bring the suit even over the objection of the person he purports to be representing.

Mr. President, since it can be established as a matter of record that there already exists adequate Federal law to protect the right to vote and that the pending proposal was modeled after one of the infamous Reconstruction acts, I think the American people are entitled to ask Attorney General Rogers why he feels the country needs a Rogers-Davenport Reconstruction act.

It is interesting to note that this same Attorney General Rogers is the man who has preached both before and since assuming the office he now holds about congested dockets in the Federal courts and the need for more Federal judges to cope with the situation.

Mr. President, it is difficult to understand why, if the dockets of our Federal courts are as congested as Mr. Rogers contends, he would want to increase the burden by forcing Federal courts to assume receivership of State and local election machinery.

Is is possible, Mr. President, that the congestion is not as great as Mr. Rogers would have us believe, but rather that he wants to see judges recommended by him put on the Federal benches of the land to administer such law?

And, Mr. President, since most of the so-called congestion in Federal courts apparently exists in the large cities of the North, is it not possible that Mr. Rogers wants election referees appointed by Federal judges recommended by him to assure that the closely divided vote in pivotal metropolitan areas goes to the Republicans rather than to the Democrats?

Could it be, Mr. President, that the Attorney General of the United States is looking at this scheme through the eyes of a potential candidate for Vice President?

Could it be, Mr. President, that the Attorney General of the United States is laying the groundwork for a revival of "Davenportism" on a national scale with himself both appointing the judges who name the election referees and then prosecuting before those same judges the cases their referees make?

Mr. President, on the basis of the facts at hand, it is impossible to accept at face value Mr. Rogers' pious contention that his only interest is in protecting the right to vote in the South.

Mr. President, I think the Attorney General owes the citizens of this country some frank answers about just exactly what he does have in mind.

Mr. President, after the Attorney General announced that he had revived Davenport's law, I contacted the Honorable Charles J. Bloch of Macon, Ga., one of our Nation's foremost authorities on constitutional law—and asked him to draft for me a memorandum on the legal and constitutional questions raised by Mr. Rogers in his latter-day force bill.

Mr. Bloch has sent me such a presentation. I have studied it carefully and am convinced that it raises unanswerable legal and constitutional objections to the scheme which Mr. Rogers would foist upon the Nation under the guise of protecting the right to vote.

I shall read it to the Senate, but before I do, I should like to say a word about Mr. Bloch. Not only is he a nationally recognized authority on constitutional law, but he also is a scholar of history without peer. He was president of the Georgia Bar Association in 1944-45 and served during my administration as Governor of Georgia as chairman of the Judicial Council of Georgia and a member of the Board of Regents of the University System of Georgia.

He is the author of the widely acclaimed book, "States Rights—Law of the Land"—which I hope that I shall later have an opportunity to read in full to the Senate before the conclusion of the present debate—and of many excellent articles in the American Bar Association Journal and other prominent legal publications. Suffolk University of Boston, Mass., in awarding him the honorary degree of doctor of jurisprudence last June, paid tribute to him as a "champion of States rights"—an accolade which no American more richly deserves or has more rightly earned.

He has appeared many times before committees of both the Senate and House and has won commendation and praise for his profound and scholarly arguments from even those who hold an opposite view.

Mr. Bloch has analyzed the Rogers-Davenport Reconstruction Act and these are his conclusions:

"Doubtless the drafters of the bill proposed on January 27, 1960, by Attorney General Rogers conceived its basic idea from the acts of 1870 and 1871 set out rather fully in *Ex parte Siebold* (100 U.S. 371, 379–380). Those laws relate to elections of Members of the House of Representatives, and were an assertion on the part of Congress, of a power to pass laws for regulating and superintending said elections.

"Those laws were a part of the comprehensive Reconstruction legislation, passed after the Civil War. It was repealed by the act of February 8, 1894 (28 Stat. 36), an act which was designed to restore control of election frauds to the States. (Justice Douglas, in *United States* v. *Saylor*, 332 U.S. at pp. 390–391).

"After that quotation, Justice Douglas alluded to and quotes from the committee report (H. Rept. No. 18, 53d Cong., 1st sess., p. 7) which sponsored the repeal and stated:

"'Let every trace of the Reconstruction measures be wiped from the statute books; let the States of this great Union understand that the elections are in their own hands, and if there be fraud, coercion or force used they will be the first to feel it. Responding to a universal sentiment throughout the country for greater purity in elections many of our States have enacted laws to protect the voter and to purify the ballot. These, under the guidance of State officers, have worked efficiently, satisfactorily, and beneficently; and if these Federal statutes are repealed that sentiment will receive an impetus which, if the cause still exists, will carry such enactments in every State in the Union' (325 U.S. 391–392).

"Justice Douglas then said:

"'This Court now writes into the law what Congress struck out 50 years ago. The Court now restores Federal control in a domain where Congress decided the States should have exclusive jurisdiction. I think if such an intrusion on historic States rights is to be made, it should be done by the legislative branch of government' (op. cit. 392).

"Justice Douglas was thus championing historic States rights and complaining so bitterly because the majority of the Court had held that the Federal statutes denouncing conspiracy to injure a citizen in the free exercise of any right or privilege secured to him by the Federal Constitution or laws embraced conspiracy by election officers to stuff a ballot box in an election at which a Member of Congress was to be elected.

"Now 66 years after Congress decided that this was a domain in which the States should have exclusive jurisdiction, the executive branch of the Government, through the Attorney General, is asking the legislative branch not only to make 'such an intrusion on historic States rights,' but to make an even greater instrusion, an intrusion beyond the wildest machinations of Thaddeus Stevens, and Wade, and Butler, and other noted wavers of the bloody shirt.

"Why is such an intrusion—such an unwarranted invasion of the rights of the States—requested at this time by the executive branch, of the legislative branch?

"Certainly it cannot be that the request is timed so as to be debated, and perhaps enacted during a period immediately preceding the national conventions of the two major political parties.

"Certainly it cannot be that the request is made in this election year because those two parties are vying for a vote which has in recent years become concentrated in larger centers of several non-Southern States.

"Sixty-six years ago, the Congress solemnly stated that the laws enacted by the States to protect the voter and purify the ballot were working efficiently, satisfactorily, and beneficently.

"Georgia was one of the States which enacted such statutes. A list of them is attached (see footnote A). When did they cease to work efficiently, satisfactorily, and beneficently? If and when they ceased to work efficiently, satisfactorily, and beneficently, was any complaint ever made to any court of Georgia complaining of any lack of efficiency, dissatisfaction, malevolence, fraud, or wrongdoing in the administration of Georgia's laws?

"Oh, I know that in recent months—the last 4 or 5 years—at the instigation of someone or ones, a few suits have been filed in Federal courts, but has any Negro citizen alleging that he was wrongfully deprived of his right to register, ever appealed from the decision of the board of registrars to the superior court and thence to the court of appeals or Supreme Court? This is not a rhetorical question. I am asking for information. I know of no such case."

If there be one, certainly the efficient legal staff of the Department of Justice, the senior Senator from New York, or of the National Association for the Advancement of Colored People, know of it.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. TALMADGE. I am delighted to yield to the distinguished Senator from North Carolina.

Mr. ERVIN. I should like to ask the Senator from Georgia how any Federal court can ever truthfully find that any State has denied a qualified citizen the right to register for voting until an allegedly qualified citizen has exhausted the administrative remedies set up by the State for the purpose of determining that very question.

Mr. TALMADGE. It is clear that the courts have held time after time that they will not intervene in these matters until all administrative remedies have been exhausted. It is clear why that should be so. To bypass all the administrative officers of the Government would keep the courthouses continuously jammed with litigants who had never tried to have the matters handled administratively.

Mr. ERVIN. So whenever a Federal court, acting under the provision of the act which gives the Attorney General of the United States the very arbitrary power to strike down State statutes and administrative remedies, finds that a qualified citizen has been denied the right to register for voting purposes, without requiring that person to exhaust those remedies, the court is finding something which is essentially not supported by the testimony and cannot be supported by the testimony. Is that correct?

Mr. TALMADGE. The Senator is entirely correct. Instead of being the judge, he would be a usurper of the power to determine what had occurred in that particular matter, without ever hearing the evidence.

Mr. ERVIN. Is not a procedure of that type about on a par with a court making a decision before it had heard the evidence?

Mr. TALMADGE. That is entirely correct. It would be getting back to the same sort of tyranny which caused our Founding Fathers in the Declaration of Independence to wrest independence from our mother country.

Mr. ERVIN. As a matter of fact, as I stated on the floor the other day, in 1957 the then Attorney General of the United States appeared before the committee considering the civil rights bill and cited three cases in three little precincts in my State, out of a total of

2,300 or 2,300 precincts, as illustrating the necessity for passing an entire law to give the Attorney General the power to supervise all elections held in all precincts of all the States. Although the Attorney General professed to be ignorant of the fact, an investigation by myself showed that the very condition of which he complained had been cleared up by the State Board of Elections of North Carolina within a few days after it had allegedly arisen, and there was no necessity whatever for any legislation on account of that situation, because the alleged wrongs had been redressed by the proper State officials.

Mr. TALMADGE. I would say to the distinguished Senator that perhaps the then Attorney General was a good example of the adage: "There are none so blind as those who refuse to see." I believe that many of our brethren are suffering from the same condition in this case.

Mr. ERVIN. I would also say that the then Attorney General of the United States was more interested in politicking than in the administration of justice, because if he had been concerned about the administration of justice in those three precincts, he would have conducted a further investigation to see whether the alleged denial of rights had persisted.

Mr. TALMADGE. Of course he would have. Instead of enforcing the rights of the litigants, he came to Congress and demanded a law. Before the law was passed he found that the rights had already been enforced.

Mr. ERVIN. Yes.

Mr. TALMADGE. But not through any efforts of the Attorney General. The officials of North Carolina did it. I thank the Senator for his contribution.

Mr. ERVIN. In other words, in that particular case, it was the absolute duty of the then Attorney General of the United States to continue his investigation to ascertain whether the conditions of which he complained had been remedied. If they had not been remedied, it was his duty to do something about it.

Mr. TALMADGE. I am in full accord with the Senator. He abandoned his duty and went about what he considered to be a higher calling—the pursuit of politics.

Mr. ERVIN. The strange thing about it was that he took no testimony about this condition, which he said demanded a change in the whole law of the United States, after the condition which had allegedly arisen had actually been corrected.

Mr. TALMADGE. I would say that the example the Senator points out is typical of the siren call of the zealous advocates of civil rights that we hear on the floor of the Senate, in Congress, and in the executive branch of the Government these days. We know that they are not interested in real civil rights, but rather are interested in the next election.

Mr. ERVIN. Does not the Senator think that the circumstances I have mentioned prove beyond any possibility of doubt that the interest which was to be served was the exploitation of persons for political purposes, rather than the administration of justice?

Mr. TALMADGE. Indeed it was. Any Attorney General who was interested in real civil rights would not have come before Congress and recommended a law which denied the right of jury trial, which is guaranteed, as I recall, in the Constitution of the United States not once but in four separate provisions. The Constitution specifically guarantees the right of jury trial. Yet in the name of civil rights he advocated laws which would deny jury trials to every citizen.

Mr. ERVIN. Will the Senator yield for one more question?

Mr. TALMADGE. Indeed I will.

Mr. ERVIN. Does not the Senator agree with me that the accepted legal definition of a civil right is a right which is enjoyed by all citizens alike?

Mr. TALMADGE. It certainly is.

Mr. ERVIN. Yet these civil rights bills propose to rob some citizens of civil rights under the pretense that it is necessary to do so to confer civil rights on other people.

Mr. TALMADGE. Exactly; and to convey to them the supercivil right to be represented by the Attorney General at the taxpayers' expense. It is a civil right which no other citizens in America enjoys.

I thank the Senator from North Carolina for his able and timely remarks and questions. He has been a tower of strength in this field and a great credit to the State he represents and to the Senate, to which he lends such charm, honor, and eloquence.

"Let us examine title 42, United States Code, 1971, as amended by the Civil Rights Act of 1957, and see just what the Attorney General is asking the legislative branch of the Government to enact into law in these United States of America—supposed to constitute a constitutional Republic.

"In making that examination, let us remember that the portion of the Civil Rights Act of 1957 sought here to be amended was declared unconstitutional by a Federal district judge in Georgia last April (*United States* v. *Raines* (172 F. Supp. 552)). An appeal by the Government was argued before the Supreme Court of the United States, with the Attorney General appearing in person on behalf of the United States in an unprecedented appearance (for him) on January 12, 1960. As this is written, that case has not been decided. If it is affirmed on the basis of the decision of the trial judge, this proposed legislation automatically would fall with it.

"Why is the Congress asked to receive and pass on this legislation while the fate of the basic legislation is at issue before the highest court of the land?"

As I recall, in all three instances this question has been before the Federal courts in Alabama, Louisiana, and Georgia. Those courts have invalidated the act. The cases are now pending before the Supreme Court for final decision. I do not know what that Court will do. I always approach with fear, trembling, and trepidation any matter before the present Supreme Court for determination, because I know that the preeminent authority one can cite before our Supreme Court at the present time is not the Constitution of the United States, but a book entitled "American Dilemma," written by a Swedish Socialist named Gunnar Myrdal. I do not like to substitute the opinions and predilections of a Swedish Socialist for the Constitution of the United States of America. But I fear that that philosophy might be more persuasive with our present Supreme Court than the Constitution and its precedents.

"Is there some sort of a contest or game being played in which rival opponents are the two political parties vying to see which can strike the South the sooner and the harder?

"But, to proceed with the examination.

"Under title 42, United States Code, section 1971(c), if it should be held valid, whenever any person (whether or not his acts constitute abridgments or denials by a State) has engaged in or is about to engage in acts or practices which would deprive any other person of any right or privilege secured by title 42, United States Code, section 1971(b) or (a), the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief.

"Section 1971(d) confers jurisdiction on the district courts of the United States of such proceedings.

"The Attorney General's bill proposes to add to title 42–1971 a subsection (e) in lieu of present (e) which would become (f) authorizing the court in which a proceeding under subsection (c) might have been instituted, in certain events to appoint one or more persons as voting referees.

"It is interesting to see that the court may not appoint such persons as referees in just any proceeding which may have been instituted pursuant to subsection (c). The condition precedent to such appointment is that the court must find that under color of law or by State action a person or persons have been deprived on account of race or color of a right or privilege secured by (a) or (b).

"Tacitly, the Attorney General here seems to concede the validity of the constitutional attack which has been made, and successfully maintained in a district court on 1971(c) coupled with 1971(a). The present proposed limitation to the proposed further action of the court demonstrates that under (c) as it now stands the Attorney General may institute a suit whether or not the acts or practices complained of constituted abridgments or denials by the State. Tacitly, therefore, there is an admission that the opinion of Judge T. Hoyt Davis is correct, based as it was on *United States* v. *Reese et al.* (92 U.S. 214).

"Furthermore, the court may not appoint those persons as voting referees unless the court further finds that the alleged deprivation under color of law or by State action was or is pursuant to a pattern or practice. If the pattern or practice is that of individuals, there is no abridgment or denial by the State and the legislation is not appropriate under the 15th amendment.

"What persons may the court appoint as voting referees?

"The bill doesn't even provide that the person must be disinterested. It contains no provision for any qualifications either as to ability, training, or residence. An employee of the United States may be appointed. A person absolutely untrained in the law may be appointed. A resident of New York, Illinois, or the District of Columbia may be appointed in a case pending in Georgia.

"As will be presently seen, it is the object of this proposed legislation that these voting referees supplant registrars appointed under State law. In Georgia registrars under the State law are required to be upright and intelligent citizens of the county (code 34–301). They must be bipartisan (34–302). They must take an oath, faithfully to perform their duties (34–303).

"Federal voting referees are not even required to take an oath, and, for all the bill requires, they may be just as ignorant as those whom they might permit to register."

In fact, it does not even require them to be citizens of the United States. Presumably citizens of Patagonia could be appointed as voting referees by every court of the land, to take over the duties of the elected officials of the respective 50 sovereign States.

"Let us assume that a proceeding under subsection (c) were filed in the District Court of the United States for the Middle District of Georgia, Americus division, against registrars of Terrell County, and that the court makes the findings required by the proposed bill, and appoints Tom, Dick and Harry as voting referees.

"What are those voting referees authorized by the proposed bill to do?

"Their first authorization is to receive applications from any person claiming such deprivation as to the right to register or otherwise to qualify to vote at any election."

Federal, State, county, or municipal.

"Under that language, if a decree were had as to Terrell County registrars, would the phrase "any person" (from whom application might be received) include a resident of Randolph County, or even Bibb or Fulton or Chatham? Is this language to be used as the basis of creation of a board of voting

referees having statewide powers though appointed on the basis of alleged wrongdoings in only one county? Don't think these fears are farfetched imaginings. I have observed it solemnly maintained in a Federal court that the word "person" in the statute as it now reads embraces a sovereign State (*U.S.* v. *State of Alabama* (171 F. Supp. 720, 267 F. 2d 808)).

"I have no reason to believe that the phrase 'any person' would be limited so as to mean 'any person resident of the county involved in the action,' particularly in the light of the fact that the quoted language uses the phrase, 'any election.' 'Any election' means what it says. I do not anticipate any voluntary narrowing of its meaning if this legislation should be passed."

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. TALMADGE. I am happy to yield to the distinguished Senator from North Carolina.

Mr. ERVIN. We have already commented on the fact that all of the so-called civil rights bills are abhorrent to the very definition of the term "civil rights." This is an effort to change the legal meaning of the word "person," as it has been virtually uniformly interpreted in all the courts of the United States, from the time the first court sat down to this day, to include something which it has never been construed to include before.

Mr. TALMADGE. The Senator is entirely correct.

Mr. ERVIN. So we not only have had the Constitution—to use a North Carolina expression—"mummicked," and our governmental system "mummicked" and our legal system "mummicked," but we are also to have our dictionary "mummicked."

Mr. TALMADGE. The Senator is entirely correct.

Mr. ERVIN. And all in the name of civil rights.

Mr. TALMADGE. That is correct; that is the all-inclusive, magic phrase in election years. Whenever politicians seek to win victories, they come forward with, and parade, something in the name of civil rights. But every civil rights bill I have ever read—and I am sure the Senator from North Carolina will agree with me—would destroy more civil rights than it purports to grant to anyone.

The real civil rights are already vested in the Constitution of the United States of America—specifically, in the first nine amendments thereto. They are inalienable to every citizen of the United States of America, white or colored. They are enforcible in the courts—either State or Federal; and they do not depend upon an Attorney General of the United States—be he Brownell, Rogers, or anyone else—in order to be enjoyed by any American citizen. Whenever we have to depend upon an appointive officer for the proper enforcement of constitutional civil rights, we shall be just about ready to put the headstone on the grave of civil rights.

I read further from the memorandum:

"The persons so appointed as voting referees would take evidence. Where?"

The proposed act does not contain any provision about that.

I read further:

"Upon what notice to interested parties?"

Nothing about that appears in the proposed act.

I read further:

"Under oath?"

Nothing about that appears in the proposed act.

I read further:

"Would the witnesses giving evidence be subject to cross-examination?"

Nothing about that appears in the proposed act.

I read further from the memorandum:

"These voting referees would report to the court findings as to whether such applicants or any of them (1) are qualified to vote at any election, (2) have been (a) deprived of the opportunity to register to vote or otherwise to qualify to vote at any election or (b) found by State election officials not qualified to register to vote or to vote at any election.

"By the application of what standards will the voting referees determine whether the applicants are qualified to vote?"

But nothing about that appears in the proposed act.

I read further:

"Must the applicants have the qualifications requisite for electors of the most numerous branch of the State legislature? What age must they have attained?

"This report will be reviewed by the court, and the court shall accept the findings unless clearly erroneous. The court shall then enter a supplementary decree which shall specify which persons named in the report are qualified and entitled to vote at any election within such period as would be applicable if such person or persons had been registered or otherwise qualified under State law.

"Bear in mind, this scheme doesn't apply only to Negroes. It applies to white people as well."

Mr. President, although civil rights, as defined by those who favor the enactment of such a measure, are generally considered by them to be basically or primarily those of Negroes, let me remind those who favor the enactment of such a bill that when a similar Reconstruction Act was placed on the statute books, those who favored its enactment had the same idea. However, earlier today—in fact, for almost this entire afternoon—I have reported to the Senate what distinguished Members of the Senate and distinguished Members of the House of Representatives had to say on the floor of the Senate and on the floor of the House of Representatives in 1893 and 1894, when the Congress repealed that law, after the Congress found that swarms of supervisors—as they were called then, instead of referees—had been organized into armies in New York, Chicago, St. Louis, and other areas, for the purpose of intimidating, coercing, and arresting honorable citizens of the country and stealing and rigging elections in whatever way the supervisors wished, until finally the people rose up in righteous indignation and struck down that Reconstruction Act.

But now, 66 years later, the Attorney General of the United States, led by a parade of zealous politicians, wants to reenact and rewrite the same old statute for the same old purpose.

Mr. President, I read further from the memorandum:

"What has any Federal court to do with whether a person is qualified to vote at any election unless he has been deprived of the right on account of his race, color, or previous condition of servitude. The phrase 'any election' embraces municipal and State elections as well as congressional elections. The Federal power as to congressional elections is quite different from the Federal power as to elections of State officers.

"What Congress may have the power to regulate and what it definitely has not are so intermingled in this bill as to render it totally unconstitutional.

"Even if it should be held that subsection (c) of section 1971 of title 42, United States Code, is valid, and that in a proceeding instituted pursuant to it there may be a decree granting to the United States of America the preventive relief or injunction sought by it, it would not follow that Congress had the power to grant authority to the court to appoint voting referees to receive applications from any person claiming deprivation of his right to vote, and to empower the court, or judge thereof, then to sit as chairman of a superboard of registrars, issue voting certificates, and punish violations of them.

"Even if it be assumed that the proceeding now authorized by subsection (c), if it is valid, constitutes a case or controversy within the meaning of article 3, section 2, clause 1 of the Constitution, Congress has no constitutional power to confer on a Federal district court the hermaphroditic powers it would seek to confer by this bill.

"The judicial power extends to the cases described in the said clause, and to controversies to which the United States is a party.

"The so-called proceeding which would follow the decree or finding of the court would not be a case or controversy within the meaning of the Constitution. In the first place, it would not even be confined to alleged deprivations committed by the defendants in the case. It would not be confined to adjudicating the rights of those for whose benefit the United States had brought the suit. It would convert the case or controversy into a universal registration proceeding in which there were no named plaintiffs and no named defendants."

Mr. ERVIN. Mr. President, that is a very interesting observation. Under this specific proposal, as I interpret it, after the "referee" was appointed, he would receive applications from persons who claimed that they had been denied the right to register to vote. Then the "referee" would pass on the applications. But there would be no adverse party; and there would be no requirement of notice to anyone; and there would be no opportunity for anyone who might be prepared to deny the accuracy of the allegation to be heard. So how in the world could anyone claim that that would be a judicial proceeding?

Mr. TALMADGE. There would be no witnesses; neither would there be any opportunity for cross-examination.

As I understand it, if there were only one applicant, his application—only one application—would jet propel the referee, so that he could go all over the country, like the locusts of old Egypt, and could hunt up candidates for the voting rolls.

Mr. ERVIN. The Constitution gives the States jurisdiction in cases of this kind; and the process attempted to be dealt with by these proposals belongs to the judicial power of the States.

Mr. TALMADGE. Entirely so; and that has been so ever since the Constitution was ratified in 1789, and even before then.

I read further from the memorandum:

"A case is defined as a suit instituted according to the regular course of judicial procedure (*Muskrat* v. *United States*, 219 U.S. 346).

"In an ancient volume (2 Dallas 409–10) the rule was announced in 1792:

" 'Neither the legislative nor the executive branches can constitutionally assign to the judicial any duties, but such as are properly judicial, and to be performed in a judicial manner.'

"Registration officers are not judicial officers, and the registration of a prospective voter is not a judicial act (*Murphy* v. *Ramsey*, 114 U.S. 15, 37).

"The term 'controversies,' if distinguishable at all from 'cases,' is so that it is less comprehensive in its nature than the latter, and includes only suits of a civil nature (*Aetna Life Ins. Co.* v. *Haworth*, 300 U.S. 227, 108 ALR 1000).

"In *United States* v. *State of Alabama*, 171 F. Supp. 720, affirmed 267 F. 2d 808, it was held that the State of Alabama was not a 'person' within the meaning of section 1971 (c) of title 42, and consequently was not a proper party to an action under that section brought by the United States. The case was brought to the Supreme Court of the United States upon petition for certiorari filed by the United States, and granted by the Court.

The case is No. 398, October term, 1959. I am advised that it will be heard in March.

"This bill seeks an advance and favorable decision of the case by seeking to add at the end of subsection (c):

" 'When any official or a State or subdivision thereof has resigned or has been relieved of his office and no successor has assumed such office, any act or practice of such official constituting a deprivation of any right or privilege secured by subsection (a) or (b) hereof shall be deemed that of the State and the proceeding may be instituted or continued against the State as a party defendant.'

"Congress has no constitutional power to enact that.

"In the first place, the determination of what acts or practices constitute a deprivation of rights or privileges under the 15th amendment is a judicial and not a legislative function.

"In the second place, Congress, in a case such as comprehended by section 1971(c), cannot authorize a suit by the United States against a State of the Union. The 11th amendment forbids it. I realize that the 11th amendment does not prevent the United States from suing a State in a proper case in a proper court. I realize that Congress in some cases has the power to confer on district courts jurisdiction with respect to actions brought by the United States against a State. (*Farnsworth* v. *Sanford*, 115 F. 2d 375, 379; *Ames* v. *Kansas*, 111 U.S. 449; *United States* v. *Louisiana*, 123 U.S. 32.)

"But, this power does not exist when the action is a derivative one, one in which, while the name of the United States is used by authority of Congress, the persons allegedly aggrieved are individuals.

"To hold otherwise would destroy the 11th amendment."

That case, which originated in Georgia, I believe, motivated adoption of the 11th amendment. Since that time it has been held that a State cannot be sued by an individual.

Mr. LONG of Louisiana. Mr. President, will the Senator yield

Mr. TALMADGE. I am delighted to yield to my distinguished friend from Louisiana.

Mr. LONG of Louisiana. Some persons attempt to make it appear that Federal action is necessary when a person who allegedly has been discriminated against has not taken any steps in order to protect his own voting rights. We have had a number of situations in Louisiana in which someone has been challenged on the ground that he has been improperly prevented from being registered. All the person had to do was have three persons who were registered voters simply affirm, by signing a little form in the registrar's office, that they knew the person was a citizen of the State and had been living at the residence described in the registration application. If the fact was otherwise than had been alleged, he could reregister by properly filing the application form.

Oddly enough, in most of these instances about which some persons bitterly complain, there has been no showing that the person made any effort at all to follow the ordinary procedure to have his name reconstituted on the books. Furthermore, the registrar has available in his office a little form that the applicant can sign. If there is any contest about it, a judge is required by law, within 48 hours, to hear the matter, at the expense of the State. It does not cost that voter a cent. If there was no basis for having taken the applicant off the rolls, the judge would require the registrar to put the name of that person back on the rolls. Those procedures have not been followed in very, very few instances.

As a matter of fact, in one instance where a large number of persons were challenged, only a single person undertook to follow the ordinary procedure, and the name of the one who did so was returned to the rolls.

Some persons would have us believe that a citizen has no right to challenge the correctness of having the name of another citizen on the rolls. The Senator from Louisiana can recall an election that occurred about 25 years ago in Louisiana in which the very success of the side which won depended on the ability to have canceled from the rolls 20,000 names of alleged voters who did not, in fact, exist. It was simply a matter of advertising in the newspapers to the effect that, "If this is your name. Someone is challenging the fact that there is such a person living at the address given." In most cases, the person would not come into the office, the allegation would appear to be correct, and the name of the person would be taken off the rolls.

Though it would be unfortunate that someone might be improperly challenged as to whether he should be registered, it would be even more unfortunate to have someone steal an election by having 20,000 fake names on the list. These were honest election laws, calculated to assure that the outcome of the election would be based on democratic processes.

We had the Civil Rights Commission come to Louisiana and render a report with a chapter entitled, "Louisiana Roadblock," as though someone was trying to prevent people from having their rights achieved. In that case the Civil Rights Commission ran afoul of the honest election laws. The Commission issued subpenas duces tecum to all the registrars within 250 miles to bring their books to Shreveport, La., so the Commission could look the books over, study them, and decide what questions they wanted to ask.

The difficulty was that the laws of the State would not permit a registrar to take his books away from his office unless he had a court order to do so. If he did so, he was subject to being fined $500 and put in jail for 6 months. The Commission had no power to issue any such subpena. It was not a court. Congress had given it no such power. All the Commission had to do was to go to the local U.S. attorney in the Federal court and the order would be presented to the registrars. The Commission did not bother to do that. Then the Commission proceeded to complain bitterly that it could not get the books, when the registrar would have been subject to going to jail if he brought them there.

I may point out that the reason for that law was that in some earlier period a registrar who belonged to one political faction might put the books in his automobile, and when someone would show up to register the registrar would say, "I am sorry. Unfortunately, I did not bring the books with me," and the person could not be registered. We had a situation in which it took one poor fellow years to register because the local registrar always had the books out and would not have them in the office whenever the person came to be registered.

That is just the type of thing that the Commission should be criticizing. Yet it was the other way around. The Commission sent a report to Congress trying to make it appear that there was subversion going on in Louisiana because the poor registrar, under penalty of being put in jail for violating the registration laws, could not comply with the request of the Commission.

Mr. TALMADGE. I could not agree more with the Senator from Louisiana. I appreciate his question. I appreciate his very able and accurate statement. It is axiomatic that one cannot seek a redress in court until he has pursued all of his administrative remedies. It is also well known that these persons who complained had not pursued their administrative remedies.

In a colloquy with the distinguished senior Senator from New York [Mr. JAVITS] early in the afternoon, I asked him if he could name one prospective qualified voter in the north, south, east, or west—anywhere in the United States of America, in any one of the 50 States—who claimed he was entitled to vote and had tried to enforce that right, either in a State or Federal court, and had been denied that right. The Senator from New York could not name a single one. He made a long statement, but he did not say "Yes" and he did not say "No." That is the sort of argument we get when we get down to cases in these matters.

Mr. LONG of Louisiana. In a Louisiana case, the Federal judge said, in his opinion, right in the report of the case, that if the Commission had asked the Attorney General, or the local U.S. attorney—which would be the same thing—for a court order to require that the books be brought in, he would have been delighted to give the order; but nobody came around to ask him for it.

The Commission also ran into another problem. The Commission apparently did not realize that it was subject to the laws and the Constitution of the United States, just as everybody else was. The Commission wanted to haul registrars in before the Commission, cross-examine them, and obtain their evidence, without giving the registrars any notice as to what they were accused of doing wrong, what the allegations against them were, or any opportunity to cross-examine those who were making allegations against the registrars.

Mr. TALMADGE. They wanted to hold a kangaroo court, without conforming to the guarantees of the Constitution.

Mr. LONG of Louisiana. The Administrative Procedure Act applies to all executive agencies of the Government, and civil rights as guaranteed by the Constitution, are accorded to all citizens. Persons accused have the right to be accorded the use of counsel, the right to know what charges are made against them, the right to confront their accusers, the right to cross-examine those giving adverse testimony. Those are rights any citizen is presumed to have. Presumably, the type of evidence the Commission was trying to get was evidence which might prove that the registrars had violated State and Federal law.

If that were the case, they were certainly entitled, before they were jeopardized by their testimony, assuming somebody might have been guilty, to know what they were charged with and to hear the nature of the case against them.

The Commission discovered it was not beyond the Constitution and the law itself. If Congress had not wanted the Commission to be subject to any laws, Congress could have so stated.

Mr. TALMADGE. The big trouble with these overzealous civil rights advocates is that in their eagerness to enforce an imagined civil right for someone else they completely disregard all other civil rights.

Mr. LONG of Louisiana. The Senator well knows that the Congress itself is not under the provisions of the Administrative Procedure Act. The Congress of the United States and the courts are not covered by that act. Yet even in Congress we recognize the same concept which the Commission tried to violate.

I cannot recall whether the Senator was a Member of the Senate at the time we had the controversy over the matter of the treatment that former Senator Joseph McCarthy afforded certain witnesses before his committee.

Mr. TALMADGE. That was before my tenure, but I remember the controversy very well from reading the press reports.

Mr. LONG of Louisiana. Congress at that time went through quite a soul-searching experience on the question of whether Senate committees, even though not required by law to do so, should violate the traditional rights of fairplay, which include the right of a man to know of what he was being accused, to have counsel, and to have the right to cross-examine everyone appearing against him. That was a question with regard to the conduct of Senate committees.

As a member of the Committee on Rules and Administration, I know the Senator is familiar with the fact that most committees of the Senate have imposed rules on themselves, which they must follow. In general these rules support the same concepts that the Civil Rights Commission did not want to follow, even though it was required by law to do so.

Mr. TALMADGE. I am well aware of that. As I understand it, the matter is now pending before the Supreme Court of the United States. The proposal which is now before the Senate is an attempt to prejudge that.

Mr. LONG of Louisiana. One of the witnesses was Mr. Storey, the law school dean from Texas. I believe he was a former president of the American Bar Association.

Mr. TALMADGE. I think that is correct.

Mr. LONG of Louisiana. It was absolutely amazing to the junior Senator from Louisiana that a man with such a background as that would not recognize the Commission had no power to issue subpenas and had to go to court to get subpenas.

Mr. TALMADGE. Some of the things which some of these groups do are incomprehensible to me.

Mr. LONG of Louisiana. While the Commission attempted to take the attitude that it was beyond the law and could issue all kinds of subpenas and order people around without a court order to support its position, the great Mr. Storey then proceeded to write an article for the American Bar Association, in the American Bar Association Journal, in which he proceeded to recommend that the Commission should be given the power by law to subpena records, although the Commission had been proceeding for a year contending falsely that it had to do exactly the thing which he asked that they be given the power to do. Apparently he must now know that the Commission did not have the power. Otherwise, why would he write an article for the American Bar Association Journal and say that the law should be amended to give the Commission that power?

Mr. TALMADGE. I cannot conceive of that sort of activity.

I thank the Senator very much for his questions and for his contribution.

Mr. President, I ask unanimous consent to have printed as a part of my remarks the footnote A to the memorandum I have read.

There being no objection, the footnote A was ordered to be printed in the RECORD, as follows:

FOOTNOTE A

Georgia election statutes

I. STATUTES ENACTED BETWEEN 1890 AND 1910

Section of code of 1910	Year enacted	Subject matter
36	1894	Oath of voter as to payment of taxes.
41	1894	Application and method of registering.
52	(1)	Appointment of county registrars.
55–65	1894	List of registered voters hearings, etc.
68–72 and secs. 660, et seq., Penal Code.	1894	Ballots by whom and where cast.
86	1895	Election blanks.
660, et seq., Penal Code.	1890–91	Various penal laws.
92	1908	Publication of campaign expenses.
127 et seq	1890–91	Primary elections.
129	1908	Amendments to primary laws.

FOOTNOTE A—Continued

Georgia election statutes—Continued

II. STATUTES ENACTED BETWEEN 1910 AND 1933

Section of code of 1933	Year enacted	Subject matter
34 to 401 et seq	1924 1911 1914 1913	Amendments to registration laws.
34 to 805	1913	Challenge of voter.
34 to 1303	1921	Manner of conducting elections.
34 to 1901 et seq	1922	Australian ballot law.
34 to 3213 et seq	1917	Amendments to primary law.
34 to 3301 et seq	1924	Absentee voting.
34 to 9913	1922	Various penal laws.

[1] Prior to 1895.

Mr. TALMADGE. There, Mr. President, we have the full picture of Davenportism reincarnated.

And I predict, Mr. President, that like the portrait of Dorian Gray time will show it to exist in all its ugliness and corruption, which its proponents would hide from view with high-sounding assertions of noble purposes.

I cannot bring myself to believe, Mr. President, that it is a reincarnation which is desired by the American people. I hope that as the news media of the Nation take to the people reports of this debate on this proposal and the facts which are being brought forth about it that they will with their telegrams and telephone calls show this Senate in no uncertain terms they feel that Davenport's law should be left interred in history where it belongs.

Since there is no need for the legislation, there can be only one reason that it is proposed—the hope of political gain for its advocates.

Mr. President, it is the American tradition that political fortunes of all parties should rise and fall on the merit of their programs. Any party which has so low regard for its program that it feels that it must resort to legislative trickery to maintain itself in power is not deserving of the support of the electorate. And members of another party which would abet a rival party in perpetrating such a fraud in the hope that their party might fall heir to it are beneath contempt.

Those who adhere to the principles of Jefferson and Jackson would do well to give heed to the words uttered on this floor by the distinguished Senator Arthur Pue Gorman, of Maryland, during the debate on the repeal of the forerunner of the present measure. He declared:

"Those of us who are in favor of repealing these laws are content to leave the regulation of elections to the people of the States, to trust them. If they cannot be trusted • • • Mr. President, the whole theory of our Government is a failure."

In considering legislation like that now pending, Mr. President, I think we should give sober consideration to the forceful warnings of two of our greatest Presidents.

It was Andrew Jackson who said:

"Motives of philanthropy may be assigned for this unwarrantable interference; and weak men may persuade themselves for a moment that they are laboring in the cause of humanity, and asserting the rights of the human race; but everyone, upon sober reflections, will see that nothing but mischief can come from these improper assaults upon the feelings and rights of others."

And it was Woodrow Wilson who declared:

"Moral and social questions originally left to the several States for settlement can be drawn into the field of Federal authority only at the expense of the self-dependence and efficiency of the several communities of which our complex body politic is made up. Parental morals, morals enforced by the judgment and choices of the central authority at Washington, do not and cannot create vital habits or methods of life unless sustained by local opinion and purpose, local prejudice and convenience—unless supported by local convenience and interest; and only communities capable of taking care of themselves will, taken together, constitute a nation capable of vital action and control."

Mr. President, there is no comfort in those words for those bent upon reincarnating "Davenportism."

In closing, Mr. President, I challenge those who would revive Davenport's law to cite for the Senate the words of any of our great and revered leaders of the past sanctioning so rank and unjust an invasion of the sacred and inalienable rights of the American people to manage their own affairs.

Mr. President, I yield the floor.

Mr. TALMADGE. Mr. President, there already exist three more-than-adequate remedies at Federal law for any citizen who feels that he has been denied the right to vote.

First, there are civil remedies whereby the individual may go into Federal court and obtain an injunction and collect damages.

Second, there are criminal remedies whereby prosecution resulting in fine, imprisonment, or both, upon conviction may be initiated against any person who has deprived another of his right to vote.

Third, there is the Civil Rights Act of 1957, whereby any citizen may engage the services of the Attorney General of the United States as his taxpaid lawyer to seek enforcement of his right to vote in the Federal courts.

It is apparent, therefore, Mr. President, that Attorney General William P. Rogers has taken this page out of the Reconstruction acts—and, indeed, has gone it one better—in the anticipation of establishing himself as a latter-day Davenport with power to control the elections of this country and thereby perpetuate himself and his party in office.

Mr. President, it is beyond comprehension that the Senate, in this enlightened era of 1960, would permit itself to be made a party to so obvious a reincarnation of one of the most shameful chapters of our Nation's history.

Should this Senate be so blinded by political expediency as to do so, I have no doubt that the history of the first Davenport's law will repeat itself in that it will not be too many years before it will find itself compelled to rectify its mistake by repealing it.

Equally unconscionable is the last provision of title IV which seeks an advance and favorable decision in the case of *United States* v. *State of Alabama* (171 F. Supp. 720, affirmed 267 F. 2d 808) now before the Supreme Court of the United States.

As the lower courts already have held, Congress cannot authorize a suit by the United States against a State of the Union as is contemplated by this particular provision. It cannot do so because the 11th amendment forbids it.

While I am aware that the 11th amendment does not prevent the United States from suing a State in a proper

case in a proper court, this power does not exist when the action is a derivative one in which the name of the United States is used to seek redress for aggrieved individuals.

For the Senate to attempt to legislate otherwise would be to destroy the 11th amendment; and, even discounting that point, it would be a dangerous precedent, indeed, for Congress to undertake to dictate, through its enactments, what the decision of a Federal court should be in any particular instance.

In all of the provisions of the bill now before the Senate, Mr. President, we have a perfect example of the "weapon by which free governments are destroyed" of which the Father of our Country warned in his Farewell Address.

In the name of civil rights, we are being asked to repudiate the time-honored processes of our republican form of government.

In the name of civil rights, we are being asked to rob the American people of their inalienable rights under the Constitution and the Bill of Rights.

In the name of civil rights, we are being asked to enact what can be described as nothing less than a calculated blueprint for dictatorship.

I submit, Mr. President, that this bill, if enacted into law, would set into motion forces which would, in the words of George Washington, "greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield."

Mr. President, every civil right which we as citizens of the United States cherish is set forth and guaranteed in the Constitution of the United States and its Bill of Rights.

Those guarantees are stated clearly and unequivocably in language which can readily be understood by any person with even a fourth-grade education.

They are express prohibitions, with no exceptions, no qualifications, and no loopholes. They are all inclusive in their provisions.

The Bill of Rights is emphatic in assuring that there shall be no legislative infringement of the liberties it enumerates. It declares that Congress shall make no law circumscribing any of them.

Section 2 of article III of the Constitution is specific in establishing the manner of recourse for any person denied any of the civil rights it guarantees. It vests in the Federal judiciary the power to hear and determine all cases in law and equity arising under the Constitution.

Therefore, Mr. President, I submit that this proposed legislation not only is unnecessary, but also would be in direct conflict with the Constitution of the United States and the Bill of Rights.

Mr. President, great as is my respect for the collective judgment and intellect of the Members of this Senate, I cannot concede that we can improve on the Constitution or the Bill of Rights.

Mr. President, I am fully aware of the forces, rampant in our country in recent years, which have been demanding the enactment of legislation of this type. I am fully cognizant of the fact that in the great urban areas of the Nation are concentrated many thousands of citizens who belong to groups such as the National Association for the Advancement of Colored People, Americans for Democratic Action, and similar groups which are desirous of changing our republican form of government.

I am aware, too, that their demands are cut to fit the particular status which they envision for themselves. They desire to have special rights and privileges which are not granted to other groups of American citizens—rights superior to those granted to all other citizens. They are extremely militant, ably led, and extremely well financed. They bring their coercive influences to bear upon Senators, Congressmen, and Governors of States, and they demand enactment of special legislation of this type. They threaten to destroy at the polls, all who dare oppose them.

They have been highly successful in manipulating minority bloc votes; and the situation has reached the point where today a great majority of politicians—Democrats and Republicans alike—virtually join hands in the rush to see who can appease them the most. Senators rush to the floor to introduce bills on their demand—frequently by the score. More than 200 such bills have been introduced at this session of Congress alone.

Mr. President, the power play of groups of this type reminds me somewhat of the unfortunate position in which the low countries of Europe found themselves during Adolf Hitler's mad campaign to conquer Europe. When Hitler decided to invade France, he saw that the best and the quickest way to do so—although completely contrary to treaties he had made—was to send his powerful armies sweeping through the Low Countries.

Mr. President, the South today is in a position somewhat similar to that of the Low Countries of Europe when they were in the way of Hitler's advancing armies.

Today, the South happens to be in the path of the forces of constitutional aggression which are doing the bidding of the radical elements and their manipulated bloc vote.

Mr. President, every Member of the Senate knows that there already are adequate remedies for anyone who is deprived of the right to vote. As I have just pointed out, there are at least three adequate Federal remedies. And those are in addition to the remedies which each of the 50 States has in abundance.

In support of my statement that there already are adequate remedies at law for anyone who has been deprived of the right to vote, I call a witness—the Deputy Attorney General of the United States, Judge Lawrence E. Walsh, who testified before the Senate Judiciary Committee, during its brief hearings on the pending bill. I quote from his testimony, as it appears on page 146 of the printed transcript:

Senator KEATING. Is it your judgment that, first, in the Terrell County and in the Macon County, Ga., case, the Macon County cases, you have not actually had a trial on the merits?

Mr. WALSH. No, sir; we have not.

Senator KEATING. They went, or you went, to Supreme Court on the pleadings?

Mr. WALSH. Exactly.

Senator KEATING. Now, is it your judgment that when these cases are terminated it will result in an adjudication which should enfranchise large numbers of Negroes who are now deprived of that right?

Mr. WALSH. Yes, sir.

Mr. President, the distinguished junior Senator from New York [Mr. KEATING] and the Deputy Attorney General, Mr. Walsh, are two of this Nation's most ardent advocates of so-called civil rights legislation. In the passage I have quoted, they admit that a case which went to the Supreme Court and now is back in the lower courts would result in the registration of many Negroes. So, if there is any doubt as to the fact that adequate remedies are available, the point is proved by the testimony of Judge Walsh himself who, on interrogation of the junior Senator from New York [Mr. KEATING], admitted that Negroes already have adequate laws at their disposal.

All Americans are in favor of civil rights and a label of "civil rights" put on a bill captivates the imaginations of many people with resultant demands for passage of more, better, and bigger civil rights bills.

But let me say, Mr. President, every time liberty has been destroyed in this world, it has always been under the guise of a worthy purpose.

Communists came to power in Russia with the promise of destroying the despotism of the czars. The resulting despotism of communism has become far worse than the tyranny of the czars.

Benito Mussolini rose to power in Italy on the promise of protecting the Italian people from the threat of communism. But when he took over he destroyed the liberties of the people of Italy.

Adolf Hitler's battle cry was to save the people of Germany from communism. But his ascension to power in Germany was quickly followed by destruction of freedom. His dictatorship became absolute when the German Reichstag gave him power to appoint its members.

Mr. President, is there any less danger to liberty when the Congress of the United States undertakes to give power to a politically appointed Attorney General to appoint—through Federal judges and U.S. attorneys who are named on his recommendation—so-called referees to take control of the election machinery of every State and instrumentality of local government in this Union?

We had experience along that line, Mr. President, under the Davenport Act of 1871. For 23 years John I. Davenport set himself up in the southern district of New York as a political dictator. He did it through manipulation of election supervisors—supervisors who, I might add, supervised only Federal elections. Now we have election referees provided for in this bill, and they would not be restricted to Federal elections. They also could referee State and local elections. They could not only determine who was qualified to vote but also could follow the voter to the voting booth and, if he deemed it necessary, could count the votes.

Such procedure would be completely contrary to the constitutions and the ballot laws of the 50 States and would spread the long arm of the Federal authority—completely contrary to the Constitution of the United States—into the most local functions of government.

Mr. President, page 16 of this bill, lines 17 through 21, reads as follows:

Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election.

Never since the beginning of our republican form of government has Congress considered such legislation.

The sum and substance of that language is that any court order issued by any judge in compliance with this act would be the law, all laws of any State to the contrary notwithstanding.

And, Mr. President, it goes further than that. It says that any order of a court, whether it be legal or illegal, would be the law. In other words, it would delegate to a Federal judge the power to make the law.

Such a complete and absolute delegation of legislative power by Congress is unparalleled in the history of our country.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. TALMADGE. I am delighted to yield to my distinguished friend from Alabama.

Mr. SPARKMAN. Of course, the Senator does not agree that that can be done constitutionally; does he?

Mr. TALMADGE. I certainly do not; but I am endeavoring to point out that the effect of this bill would be to convey such power to Federal judges. In operation it would clothe Federal judges with authority to wipe out any State constitution or legislative act and to substitute for them their own orders which would have the force and effect of law.

Mr. SPARKMAN. The distinguished Senator from Georgia is a well-trained lawyer and a good constitutional lawyer.

Mr. TALMADGE. I thank the Senator.

Mr. SPARKMAN. Would he say that is patently unconstitutional?

Mr. TALMADGE. It is unconstitutional on its face, and anyone with an elemental knowledge of political science would know it is.

I turn to page 20, line 18, of the bill, and I quote some more strange language:

And the words "qualified under State law" shall mean qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent that those used by the persons found in the proceeding to have violated subsection (a) in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist.

Mr. President, that language is vague and confusing. But the more one studies and analyzes it, the more one realizes it means only one thing—that, whenever an exception, legal or not, is made to the law, every other exception in the same category shall be the law.

In other words, it means that if an alien, in some way, became qualified to register in the State of Oregon, all aliens could become qualified to register in Oregon.

It means that if a Communist spy, in some manner, became qualified to register in the great State of New York, every other Communist spy would be entitled to register and vote in the State of New York.

Those statements would be true, Mr. President, with only one exception—that those individuals would have to be colored.

That is as ridiculous as if legislation were to be passed imposing the death penalty for murder with the proviso that, if a jury ever, under any circumstances, failed to convict anyone accused of murder, all murderers would go free.

If this bill had any caption other than that of "Civil Rights" on it, every Member of the Senate—Republicans and Democrats alike—would be opposing its passage. Under any other label such legislation would make Congress the laughingstock of America.

I implore Senators not to equate our priceless heritage of constitutional government with the political expediency of the moment.

And reflecting upon the cost of bowing to expediency, Mr. President, I would cite for the Senate—and particularly for the benefit of my colleagues on the other side of the aisle—the words of the late great Wendell L. Willkie as found in chapter 4 of his book, "One World." He wrote:

I believe the moral losses of expediency always far outweigh the temporary gains. And I believe that every drop of blood saved through expediency will be paid for by 20 drawn by the sword.

Mr. President, there is no motive so pure and no goal so hallowed that can justify the compromise of principle—particularly when that principle, as in the present case, has so great bearing upon the rights and freedoms which have enabled us to develop here on this continent the greatest and freest civilization mankind has ever known.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. TALMADGE. I am delighted to yield to my distinguished friend from Mississippi.

Mr. STENNIS. Anyone who was willing to stay in the Chamber to listen to the Senator from Georgia has certainly been amply rewarded for his time, and has certainly learned a great deal about this subject, as well as heard a very fine presentation on constitutional questions and a discussion of the law on other points, for which I highly commend the Senator from Georgia. I feel certain the Senator has rendered to the Senate, and I think also to the Nation, a service.

I should like to ask the Senator a question.

Mr. TALMADGE. First let me say that I am extremely grateful for the generosity of my distinguished friend. No Member of this body enjoys a higher degree of respect than does the capable junior Senator from Mississippi. The Senator is well known for his diligence to duty, and such comments from so esteemed a source are indeed appreciated.

Mr. STENNIS. I thank the Senator very much. I invite the attention of the Senator to one point. If the Senator covered it, I did not hear the remarks.

On page 16 of the bill the Senator referred to lines 17 through 20, to the remarkable provision which reads:

Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election.

The Senator from Georgia said that in all his experience he had never seen any such provision written into any proposed law which went so far, with such sweeping language.

I invite the attention of the Senator to the fact that other civil rights, such as freedom of the press, and so forth, are protected under the Constitution of the United States. Does not the Senator believe it would be almost unthinkable for the Senate to seriously consider passing a law which would sweep aside all State law, all State supreme court decisions which pertain to the civil right of freedom of the press or to the civil right of freedom of speech?

Mr. TALMADGE. Indeed I do.

Mr. STENNIS. Can the Senator conceive of such a thing being proposed?

Mr. TALMADGE. I cannot. I am at a complete loss to understand how anyone in his right mind could support such a proposal. It says, in effect, that regardless of the law, whatever court order is issued under its terms shall be legal. To use the same analogy, we could pass a bill and say, "Notwithstanding the fact that is is illegal to shoot people, in the event anyone is shot, during the performance of actions called for under the bill, no crime shall be attributable to the person who does the shooting."

Mr. STENNIS. Yes.

Mr. TALMADGE. That is the sum and substance of it.

Mr. STENNIS. It is the same principle.

I should like to refer to this language for another illustration. The order to which the bill refers is the result of a more or less summary proceeding before a one-judge court, after a man has come in under a more or less ex parte application.

Mr. TALMADGE. The Senator is correct.

Mr. STENNIS. The man has proved to the satisfaction of the court, for the time being, without any adverse party to the suit, that he meets the requirements.

Mr. TALMADGE. The Senator is correct.

Mr. STENNIS. The judgment of the court which would be rendered under those circumstances is the one we are asked to put a halo over and to annoint, so that it will sweep aside a Supreme Court decision in that State, perhaps rendered on the identical facts, even.

Mr. TALMADGE. And all of this would be done in the name of "civil rights."

Mr. STENNIS. The judges might have been unanimous in their decision.

Mr. TALMADGE. The Senator is entirely correct. This is called a civil rights bill. Yet it seeks to strike down the very principle of civil rights; that is, individual freedom and local self-government.

Mr. STENNIS. At one stroke it is a striking down of civil rights and also a brushing aside of the supreme court of a sovereign State.

Mr. TALMADGE. The Senator is entirely correct.

Mr. STENNIS. Can the Senator imagine a quicker or more effective way to destroy the judiciary of the States than for us to start passing laws with respect to more or less ex parte applications, and a summary proceeding which would sweep aside State laws, State constitutions, and decisions of State courts? Is there any quicker way to sweep aside the States?

Mr. TALMADGE. None which the junior Senator from Georgia can envision. Adolf Hitler, in all his tyranny, never conceived of anything more abominable.

Mr. STENNIS. I think the Senator has given us a wonderful illustration.

I do not wish to take up any more of the Senator's time.

Mr. TALMADGE. I appreciate the Senator's contribution.

Mr. STENNIS. I invite the attention of the Senator to page 19 of the bill, beginning in line 8. These three lines have perplexed me. They read as follows:

> The court, or at its direction the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

Other provisions provide that those who are certified shall have the right to vote, regardless of any State law. Let me ask the Senator this question: Would the certificates, which could be issued by the basketful at a time to any applicants, have the dignity, force, and effect of court decrees? Suppose the election managers honestly believe that they should not let a certain individual vote. Would they be in contempt?

Mr. TALMADGE. They certainly would be. They could be imprisoned, without benefit of a jury trial, and kept there for as long as the judge desired.

Mr. STENNIS. Is that what we are writing into the supreme law of the land? Are we providing that every applicant who goes through this process can have a certificate issued by the court? We have already shown that the court has to pass on only one thing, and that is the umbrella, the plan, or the pattern. Then we wind up with the court order, and if anyone does not honor all those certificates, he is in contempt of the Federal court.

Mr. TALMADGE. Yes, under the bill, he could be jailed. The Senator has made a great contribution in illustrating the glaring unconstitutionality and the changes in our judicial system which would result from the enactment of this bill.

Mr. STENNIS. I thank the Senator.

I should like to comment on one further point. We have a situation in which referees are to be appointed, and the bill provides that they shall receive applications and shall take evidence and make report to the court of their findings. The Senator is a lawyer; and he might reasonably expect that there would be a proceeding based upon testimony and based upon evidence. Is not the Senator amazed to find that there is not to be any evidence except ex parte evidence, evidence taken from the man himself, "under the hood"? There is to be no cross-examination, no open hearing.

Mr. TALMADGE. The accused would not even have the privilege of being present to cross-examine his accusers.

Mr. STENNIS. The provision is that whatever the applicant testifies to with respect to certain matters is to be taken as the sole evidence.

Mr. TALMADGE. That is correct.

Mr. STENNIS. We have written in the word "sole." Does that contemplate a judicial proceeding, or an attempt to find the truth, as we do in American courts?

Mr. TALMADGE. Of course not. The distinguished Senator has been an able judge in his own State, and I believe he is eminently qualified to grace with great dignity the Supreme Court of the United States. As a Senator well knows, this bill would establish kangaroo courts in which only one side would be heard. And anyone knows that where only one side is heard, there can be only one result—one in favor of the side that is heard.

Mr. STENNIS. The Senator has expressed the situation so much better than I could that I am willing to rest the point there. I thank the Senator for his fine speech.

Mr. TALMADGE. I thank the Senator for his extremely able contribution to this debate.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. SPARKMAN. I wish to express my appreciation for the very fine presentation the able Senator from Georgia has made.

With reference to the last question the Senator from Mississippi asked, with regard to the ex parte proceeding, is not that simply a modernized form of the star chamber, against which our forefathers rebelled many, many years ago?

Mr. TALMADGE. That is exactly what it is.

Mr. SPARKMAN. Is not that subject involved in one of the rights written into the whole fabric of our Government?

Mr. TALMADGE. That was one of the reasons for the War of the Revolution.

Mr. SPARKMAN. That is set out in the Declaration of Independence.

Mr. TALMADGE. Yes, and this bill goes one step further. It not only denies jury trials, but also denies the opportunity to be present, to call witnesses, and to cross-examine the accusers.

Mr. SPARKMAN. Or to participate in any way.

Mr. TALMADGE. Exactly. If we saw anything like the procedure contemplated by this bill taking place in Russia, we would complain about it. Yet this Congress is asked to enact such a law.

Mr. SPARKMAN. And passing it simply because it carries the label "civil rights."

Mr. TALMADGE. In the name of liberty, Congress is being asked to pass a bill striking down all liberty.

The proponents of such legislation claim they are going to enfranchise someone; but, in attempting to enfranchise him, they would destroy the very foundations of our Republic.

I thank the able and distinguished Senator for his contribution. No Member of the Senate has worked more diligently in this cause than has the distinguished Senator from Alabama.

Mr. SPARKMAN. I thank the Senator.

Mr. STENNIS. Mr. President, will the Senator yield for one further question?

Mr. TALMADGE. I yield.

Mr. STENNIS. The Senator was expressing concern with reference to the provisions of the bill relating to civil rights. An earlier version of the same bill carried a proposal which could be intepreted very reasonably as infringing upon the rights of a free press. The Senator remembers what a quick response there was from the press. I commend them for it. I believe in a free press. Without it we could not continue to have our form of government. At the same time, did it not clearly illustrate that when the shoe was on the other foot, it was a bad bill?

Mr. TALMADGE. Indeed it did; and the able and distinguished junior Senator from Alabama demonstrated that quite vividly by inserting in the RECORD a series of editorials from the liberal newspaper, the Washington Post.

In the first editorial the Washington Post castigated a group of Senators, including the junior Senator from Alabama, for holding up a voting rights bill. It contended voting was the only issue involved. However, after a few weeks of debate, the Post began to see that there was a little more to it. Finally it editorialized: "For liberty's sake, strike out the provision which would destroy freedom of speech and freedom of the press."

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. SPARKMAN. I merely wish to correct the Senator from Mississippi in one thing he said. He stated that the press quickly realized what the situation was. It was not done speedily. It required a long time.

Mr. TALMADGE. It required several days to shed that light.

Mr. SPARKMAN. The Senator has referred to one of the editorials which castigated me, among several other Senators, quite severely; yet at just about the time the editorial was published I was standing at this desk, in the early hours of the morning—the witching hours, just after midnight—speaking on that very subject and pointing out that under the proposal in that bill various freedoms, including the freedom of speech, freedom of assembly, and freedom of the press, were being infringed upon. Yet there was this editorial lambasting us because we would not let the bill come to a vote, and insisting that it was simply a right-to-vote bill.

As a matter of fact, at that time there was nothing pending before us that had anything to do with the right to vote. I believe that the Senator from Mississippi and the Senator from Georgia will certainly agree with me that we took some pretty heavy punishment during the time that we kept the debate going, although we spoke to the subject matter and we spoke to the issue, and we said we were trying to get the issue across to the country.

I believe that the country as a whole sees it in a different light now. I wonder if the Senator from Georgia saw the article, printed in the current issue of Newsweek, dealing with a survey which had been made all over the country with reference to this question that we have been debating. I wonder whether he saw the statement that in the 39 States outside the South there was, generally speaking, a broad understanding and sympathy with the problems that we have been trying to handle here.

I should like to ask the Senator this question: Could we ever have gotten that kind of understanding from the people if we had knuckled under, as some editorial writers stated we should do and go on and vote for a great mass of legislation—8 pounds of it—when they did not know what was in it?

Mr. TALMADGE. I thoroughly agree with the Senator. I read with interest the report to which he refers in this week's Newsweek magazine. I further agree with the distinguished Senator that if we had fully debated this issue, the American people would never have known the full ramifications of the bill.

I now yield to the Senator from Mississippi, if he desires me to yield.

Mr. STENNIS. I have no further questions at this time. I recall that it was the Senator from Alabama who first exposed this fallacy in the bill with reference to the infringement on the freedom of the press and freedom of speech. He rendered a very fine service. I did not mean to infer that he is not the one who did that.

Mr. SPARKMAN. We all did it.

Mr. STENNIS. I overlooked the fact that he was the one who rendered that fine service. I remember he took the hacking. I also remember he made a very fine presentation, and also presented other matters, such as the New York Times editorial of 60 years ago, I believe.

Mr. SPARKMAN. Yes.

Mr. STENNIS. That has never been answered.

Mr. SPARKMAN. Will the Senator from Georgia yield once more?

Mr. TALMADGE. I am delighted to yield.

Mr. SPARKMAN. I have the News Week magazine before me to which I referred. In order that the statement may be accurate, I should like to read it into the RECORD. It is a simple statement, and reads:

> Yet most in the 39 States are genuinely sympathetic with the South's ordeal. From California to Maine men recognize that decades of strict social custom in the South cannot be overturned quickly.

Mr. TALMADGE. That is certainly so. As the Senator knows, the customs of people create laws, and we cannot change laws immediately without uprooting and destroying the liberty of the people and also the day-to-day lives of the American people.

Mr. SPARKMAN. Broadly speaking, is not common law a growth of custom?

Mr. TALMADGE. Common law is indeed the growth of custom.

Custom evolves into common law which later becomes statute law. Right new we are facing a situation in which it is proposed that Congress pass laws in the teeth of mores of more than 200 years, standing.

I thank the able and distinguished Senators. I yield the floor.

Mr. SPARKMAN. Mr. President, when reading title VI of H.R. 8601, the so-called voting referee section, one constitutional question immediately arises: Does the Congress have the power to require of the judiciary a function which is purely nonjudicial, a function which is not clothed in any way with case or controversy? Of course, Mr. President, the answer to that question is "No."

Article III of the Constitution provides that the judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish.

Accordingly, Federal inferior courts derive their power not only from the Constitution but also from the Congress. The Congress may confer any jurisdiction upon the U.S. district courts or the circuit courts of appeal so long as that jurisdiction is within constitutional limits.

What are those constitutional limits?

The power of Congress to confer jurisdiction on lower Federal courts is qualified by the rule that before Congress can vest jurisdiction in the inferior courts, those courts must have the capacity to receive that jurisdiction.

This capacity is defined in the enumeration of cases and controversies in article III. Consequently, in vesting courts with jurisdiction, Congress cannot go beyond this enumeration.

It was held in the case of *Mayor* v. *Cooper*, 6 Wallace 247 U.S. Supreme Court, December term 1867, as follows:

> As regards all courts of the United States inferior to this tribunal (U.S. Supreme Court), two things are necessary to create jurisdiction, either original or appellate. The Constitution must have given to the court the capacity to take it, and an act of Congress must have supplied it. Their concurrence is necessary to vest it. It is the duty of Congress to act for that purpose up to the limits of the granted power. They may fall short of it but cannot exceed it. To the extent that such action is not taken, the power lies dormant.

In addition, the Supreme Court has been explicit in holding that inferior courts do not get their power from the Constitution but from the Congress within the limits described in the Constitution. In a case cited at 260 U.S. 227, 1922, the Supreme Court held:

> That body may give, withhold or restrict such jurisdiction at its discretion, provided that it not be extended beyond the boundaries vested by the Constitution.

The Court went on to say:

> The Constitution simply gives to the inferior courts the capacity to take jurisdiction in the enumerated cases but it requires an act of Congress to confer it.

Perhaps the oldest and most pointed authority with respect to the limit of the Congress in conferring jurisdiction upon the Federal inferior court is that of Chief Justice Marshall, *Hodgson* v. *Bowerbank*, 5 Cranch 303 (1809):

> Turn to the article of the Constitution of the United States, for the statute cannot extend the jurisdiction beyond the limits of the U.S. Constitution.

From these cases and from a study of article III of the Constitution, it becomes clear that constitutional courts can perform only judicial functions. Congress cannot impose upon the Federal courts nonjudicial duties unless there is in respect to such duties a responsibility to decide a case or controversy.

It has been held that courts cannot serve as commissioners to administer pensions. *Hayburn's* case, 2 Dallas 409 (1792).

In addition, courts cannot serve as "a commissioner to adjust certain claims against the United States." This quotation and the one following is from the case of *U.S.* v. *Ferreira*, 13 Howard 40. In this case, it was held:

> The proceeding is altogether ex parte; and all that the judge is required to do, is to receive the claim when the party presents it, and to adjust it upon such evidence as he may obtain * * * But neither the evidence, nor his award are to be filed in the court in which he presides, nor recorded there.

In *Muskrat* v. *U.S.*, 219 U.S., page 357, the Court was explicit in holding that the Congress may not bestow upon the courts a function nonjudicial. The function must be a judicial one; one to decide cases and controversies. While the courts have generally recognized the power of Congress to clothe matters of an administrative nature with a mantle of a case or controversy, such as naturalization proceedings, expulsion of aliens, and bankruptcy, it is clear that in such cases the matter involves a case or controversy and becomes one of judicial cognizance; whereas, in the present bill the proposed referee is purely an administrative officer and exercises no judicial functions.

It is essential to the validity of the proposed measure that the procedure outlined therein be adversary in nature.

To anyone who has followed the debate in this Chamber, it becomes crystal clear that the proponents of this bill do not intend that the proceedings before the referee be adversary in nature.

Indeed, the opposite is true and there is no question about it.

To support the bill, Mr. President, it is argued that the proceedings as a whole would be adversary since they embrace allegations filed by the Attorney General and controverted by a State election registrar as defendant.

Accordingly, the proponents would contend that under the Civil Rights Act of 1957, this does present the court with a litigous issue; and the functions of the referee are merely ancillary to this issue and consistent with the referee's services as an officer of the court.

Such an argument is fallacious, Mr. President, since the entire proceedings conducted by a referee under the bill cannot be related to a case or controversy before a district court appointing him.

Indeed, once a decree has been entered by the court sustaining the Government's petition for relief and directing that certain prospective voters named in the petition shall be registered by the defendant and entitled to vote the initial case or controversy would have been adjudicated.

Therefore, any further action on the part of the referee with the aid of the court to determine whether any other person is entitled to vote could not be related back or viewed as ancillary to any case pending before the court. I might add that from the beginning the sponsors of the referee proposal have viewed the referee as a Federal registrar. In fact, only a few days ago, the Senator from New York [Mr. JAVITS] said:

So, Mr. President, if the Senator from Colorado asks me what I want to accomplish as a Senator, I will say that when the court appoints a referee, I want the referee to function in the way that an ordinary State registrar would function, at that point.

In other words, the Federal judiciary is used not to assure due process, to decide cases or controversies, but to set in motion the operation of a Federal registrar whose findings are to become the findings of the court and binding upon all people whether parties to the case or not.

In my judgment, this denies to State officials the due process of law, and particularly is this true as it affects the State election officials.

On page 16, lines 17–25, it is provided:

Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with notice of such order to permit any person so declared qualified to vote to vote at an appropriate election shall constitute contempt of court.

Under this section State election officials are required under penalty of contempt to permit anyone to vote who holds either a certificate from the U.S. Attorney General or a court order. While the measure does require "notice" of such order, it is apparent that the certificate itself would constitute such notice.

Mr. President, under the law of Alabama, once a person is registered to vote, he is entitled to vote for the rest of his life unless he becomes disqualified for some statutory reason.

Under this proposal the order of the court "shall be effective as to any election held within the longest period for which such applicant could have been registered or otherwise qualified under State law at which the applicant's qualifications would under State law entitle him to vote"—page 16, lines 12–16.

In view of this section, once the Federal court issues a certificate to a person, that person will be entitled to vote the rest of his life unless there should develop some disqualification such as insanity, conviction of a felony, or such other grounds as are stated in the State law.

However, how is the election official to determine whether such a disqualification has arisen; and, even if he knows, how is he to challenge the voter? The amendment provides that any election official who does not permit a person named in the decree to vote will be proceeded against for contempt. What happens in the case of a person who is convicted of a crime after he gets his approval from the Federal court? Suppose he is a convicted thief or murderer and he presents himself with his certificate to the election official. Is he going to forbid that person the right to vote with the threat of being thrown in jail without a jury trial by a Federal court hanging over his head? There is no provision for challenge in the proposal. There is no orderly way in which he may determine whether the person has since been disqualified to vote. He must let him vote. He has no alternative.

The election official, Mr. President, must knuckle under to an order of a court arising out of a case in which the election official was not a party, and, under the law, could not have been a proper party.

If the election official were cited for contempt of the order, he would have no right to offer evidence to show that the prospective voter had not been denied the privilege of registration by race or color because of a pattern or practice. Indeed, the proposal by its language and clear intent precludes him from doing so.

Indeed, once the court finds that a pattern or practice exists, there is a conclusive, nonrebuttable presumption that such pattern or practice exists with respect to any supplementary proceeding, and the State officials, whether registrars or election officials cited for contempt would be unable to controvert the initial ruling of the court.

Indeed, the court would be foreclosed from considering any such evidence and this is the clear intent of the sponsors. This can be found in the report of the House Committee on the Judiciary, Discussion of Proposals for Voting Rights, pages 6–7, 15, 19, 21, 31, 35, 86th Congress, 2d session, February 9, 1960.

In such a case, this conclusive presumption, which operates by legislative fiat, is a legislative arrogance of judicial power. As a result, courts would be unable to conduct an investigation of all the evidence to ascertain the facts so as to decide whether as a matter of law a precinct election official is in contempt of court.

It is obvious that a defendant in a contempt case under such circumstances would be denied the due process of law by denying him a fair opportunity to present facts pertinent to his defense.

The fact that a Federal district court, in contempt proceedings, concedes that such a nonrebuttable presumption is a nullity and the court belatedly accords the election official the opportunity to prove that the prospective voter was not denied the privilege to register and vote because of race or color would not be adequate to repair the constitutional deficiency inherent in the measure and rectify the resulting denial of due process (*U.S.* v. *Klein* ((1872) 13 Wall. 128, 143–144, 146–147); *Hanley* v. *Georgia* ((1929) 279 U.S. 1, 5–6); *Western and AR Co.* v. *Henderson* ((1929) 279 U.S. 639, 642); *Wigmore on Evidence* ((3d edition, 1940); 4: 677–678; 714–716)).

Here is another example, Mr. President, where so-called civil-rights legislation would take away far more rights than it would purport to protect.

I have tried to show why I believe that title VI, H.R. 8601, the so-called voting referee proposal, is unconstitutional on at least two counts: First, it is in violation of article III of the Constitution, and, second, it is in violation of the due-process clause of the Constitution.

At the same time, having in mind the attitude with which the U.S. Supreme Court approaches any proposal entitled "civil rights," I think I may be forgiven some pessimism as to whether the Court will follow the established law and precedents in deciding upon these constitutional questions which are sure to be raised should this proposal become law.

Accordingly, I hoped that the Senate would at least provide some safeguards to insure a semblance of objectivity in the procedure which has been proposed. The sponsors of this proposal are determined that the proceedings before the referee are to be ex parte. They are determined that the State officials are not to be heard before the referee. They insist that the referee shall be entitled to one side of the story, but no more.

Indeed, there is no pretense that the proceedings before the referee are to be conducted in accordance with any traditional judicial form. In fact, for all practical purposes, the referee would simply be a Federal registrar whose findings would be given the force of law by the decree of a Federal court.

While exceptions may be taken to the report of the so-called referee to the court, the exceptions must be filed within 10 days, or within a shorter time if the court sees fit, and must be supported by documentary evidence. The exceptions may be summarily dismissed by the court, without a hearing, unless the court finds from the evidence in

support of the exception that a genuine issue as to a material fact exists.

Every obstacle, short of an absolute denial of the right to be heard by the court, is placed in the path of the State officials. Running throughout the proposal is the assumption that all State officials will act in bad faith and all prospective voters will act in good faith. As is typical of proposed legislation of this kind, it would be wholly disruptive of the relations between the State governments and the Federal Government. As was the case in the discarded Federal election laws of 1871, this measure demonstrates a complete lack of trust in the integrity of State governments.

The legitimate interests of the members of the State boards of registrars are forgotten in the overwhelming desire to enact civil-rights legislation.

Implicit in the proceedings before the referee is a charge that these State officials are guilty of gross neglect or malfeasance in the conduct of their office.

Under this bill, the simple right just to have notice and to be present would depend entirely upon the discretion of a Federal judge.

That such should be the case is a tragedy of our time, and we shall live to regret it.

Without a right to notice of the proceedings before the referee, and without the privilege of being present and making a transcript of the proceedings the State officers would be without any practical means to present their side of the case to the court.

Without this right, in the few days allowed to them to prepare the necessary documentary evidence to obtain a hearing before the court, it would be virtually impossible for State officers to identify the applicant, check his residence, and otherwise determine his qualifications.

The State officer would have little or no information, other than the conclusions of the referee, upon which to determine the qualifications of a person who was about to be registered to vote in State elections.

Common decency and simple justice demand that the officers have some information which can be checked for accuracy and upon which the officers can formulate an independent judgment as to whether the prospective voter is, in fact, qualified to vote under State law.

Does any Senator believe that the American people expect the Congress to approve a proposed procedure whereby the results of all local elections, ranging from those for officers in the town hall to the office of Governor, may be determined behind the closed doors of a Federal officeholder, whose summary decision could be enforced at the polling place by the might of armed troops, if necessary?

Mr. President, the Federal judiciary must not be used for this purpose. It must not be made the pawn of those who would tamper with our electoral process. Already the district courts have been told by the Supreme Court that they must try to integrate the schools in the South. Now it is proposed that the Congress require the Federal judges to take over the operation of the State election system, and in a fashion wholly disruptive of our traditional concept of justice.

Surely the Senate will not permit the courts to be used to authorize star chamber proceedings.

Perhaps one of the greatest tragedies under this proposal would be the damage it would do to our Federal judiciary. As I have said so often before, the sponsors of this legislation seek to use the courts in a fashion not intended by the Constitution.

When testifying before the House Judiciary Committee, the Attorney General said:

The powers which the voting referee proposal would confer upon the courts are plainly consistent with the traditional authority exercised by courts of equity in our constitutional system.

That conclusion is clearly erroneous. As a matter of fact, the Attorney General proposes to use the equity jurisdiction of the court to accomplish something which, on several occasions, the courts have ruled cannot be done. The Court has held that the right to vote is an individual right, and must be resolved according to the facts in the individual cases. In the recent case of *Reddix* v. *Lucky* ((1950), 252 F. 2d, 930, 938), it was held that "the right of every voter depends upon the action taken with respect to his own case," and that controversies arising therefrom do not present "a proper case for a class action". Accordingly, the Court has refused to allow class actions in respect of the right to vote. What the Attorney General proposes to do, then, is to use this scheme so as to effect a class action in respect of the right to vote. Obviously, this is designed to get around the decisions and to abuse the equity jurisdiction of the courts.

At the House committee hearings, Mr. Rogers said on page 347:

This proposal is an implementation of the 15th amendment, and what we are saying is this: If we believe what we say in the 15th amendment, if it means anything at all, it should be enforced. We do not want to take the election away from the States. We want them to conduct the elections the way they always have. But the United States has a responsibility to enforce the 15th amendment. And it is as simple as that. We haven't done anything about it for 90 years. All we are suggesting is a sensible, practical solution within the framework of the judicial system, with all the protections that go with it to make the 15th amendment meaningful.

I do not agree with the Attorney General about the result and the effect of his proposal. Its inevitable result would be to take the elections away from the States.

This proposal would place in the hands of Federal officials the responsibility of administering State law; it would place in the hands of Federal officials a power to spy upon and to oversee the whole running of the State and the Federal elections; it would take away from State election officials the right to challenge any voter; and it would, as surely as I am standing here, create so much friction between the State governments and the Federal Government that it would make a mockery of the State control of the elections.

The Attorney General speaks of the responsibility of the United States to implement the provisions of the 15th amendment. As a matter of fact, the 15th amendment is self-executing. Any provision of State law which is in violation of the 15th amendment is unconstitutional on its face. Accordingly, to prevent a person from registering because of discrimination by reason of race, color, or previous condition of servitude would be unlawful under State law. Accordingly, the State remedies for an illegal denial of the right to vote would come into play.

At this point, I wish to discuss just what this remedy is in the State of Alabama. Section 35 of title 17 of the Code of Alabama, 1940, entitled "Right of Appeal From Registration," provides:

Any person to whom registration is denied shall have the right of appeal, without giving security for costs, within 30 days after such denial, by filing a petition in the circuit court at law or court of like jurisdiction held for the county in which he or she seeks to register, alleging that he or she is a citizen of the United States over the age of 21 years, having the qualifications as to residence prescribed in section 178 of the constitution and entitled to register to vote under the provisions of the constitution of Alabama as amended. Upon the filing of the petition, the clerk of the court shall give notice thereof to the circuit solicitor authorized to represent the State in said county, who shall appear and defend against the petitioner on behalf of the State. The issue shall be tried in the same manner and under the same rules that other cases are tried in such court, and by a jury, if the petitioner demands it. The registrars shall not be made parties and shall not be liable for costs. An appeal will lie to the supreme court in favor of the petitioner if taken within 30 days from the date of the judgment. Final judgment in favor of the petitioner shall entitle him or her to registration as of the date of his or her application to the registrars.

The protection afforded by this statute is adequate, and if its remedies are used, the right to vote of any qualified person will be fully protected in the State of Alabama. However, as is the case all too often, all these people who complain so loudly about being denied the right to vote do not avail themselves of their State remedies, but, instead, turn to the Federal Government. When testifying before the Senate Rules Committee, the Governor of Alabama, the Honorable John Patterson, made this statement which I think will be of interest to all Senators:

I can truthfully say that I cannot recall a single instance where a Negro has filed an appeal under our State statutes claiming that he had been illegally denied the right to register. Furthermore, I can truthfully state that since January 18, 1955, when I took office as attorney general, not a single Negro has taken an appeal under our statutes providing for appeals where boards of registrars have turned down applications to register.

How can anyone come in here and truthfully say to you that our laws are inadequate when none of the complaining Negroes have taken advantage of our statutes. How can anyone say that the State of Alabama has denied citizens the right to vote when they

have not even tried to use the remedies which the State gives them to protect their right. The mode by which they may obtain justice is clearly marked out by the State law. It is so plain and simple that any citizen may readily avail himself of it. Yet, the few complaining persons have not done so. Why?

Governor Patterson then points out that the proponents of this type of legislation under consideration by this committee are not content to seek individual redress by the courts. He says:

That's too slow for them.

What they seek is a procedure which circumvents the courts and sets up an administrative procedure whereby Negroes can be herded together and marched in battalion formation to the polling places under the watchful eyes of Federal registrars and Federal marshals to register and vote whether or not they can read or write, and whether or not they are qualified otherwise under State laws.

The proponents of this legislation are not interested in a judicial determination of an individual's rights, but only in mass registration before the next election. We have not had anything in the South similar to Federal registrars as outlined under these bills since Federal troops occupied the South during Reconstruction Days.

I was particularly interested, Mr. President, in Governor Patterson's statement:

The proponents of this legislation are not interested in a judicial determination of an individual's rights, but only in mass registration before the next election.

As I said a moment ago, the obvious purpose of this proposal by the Attorney General is to circumvent the Supreme Court rulings against class actions concerning voting rights. As Governor Patterson has said, these cases will not be filed to enforce individual rights, but, rather, to effect mass registration of prospective voters. Of course, this will be done by Federal officials whose decisions cannot be effectively challenged by State authorities. The quotation of Governor Patterson appears on pages 299 and 230 of the hearings before the Senate Committee on Rules.

Mr. President, there are many remedies available to those persons who claim to be denied the right to vote by reason of race, color, or previous condition of servitude.

I should like to review them.

Section 241, title 18, United States Code, provides:

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined not more than $5,000 or imprisoned not more than 10 years, or both. (June 25, 1948, ch. 645, 62 Stat. 696).

Now, Mr. President, if the denial of the right to vote is so widespread, then why has not the Attorney General gone before a Federal grand jury and secured some indictment under this section or section 594, title 18, United States Code, which provides:

Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories and Possessions, at any election held solely or in part for the purpose of electing such candidate, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both. (June 25, 1948, ch. 645, 62 Stat. 720).

I do not recall any cases which have been instituted in my section of the country under either of these provisions. Certainly, there have been none, to my knowledge, in recent years.

Why should the Attorney General come to Congress and ask for additional legislation when he has not used, in a single instance, so far as I know, the powers that he has—powers which are clearly stated in the laws of the United States?

In addition to these provisions, there is section 1983, title 42, United States Code, which provides:

Any person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action of law, suit in equity, or other proper proceeding for redress. (R.S. Sec. 1979.)

Under this section, any person is entitled to go into the Federal courts, file suits for damages or for equitable relief against anyone who would deny him any right, privilege, or immunity secured by the Constitution and laws.

While I have not made a search of the cases in Alabama, I am informed that there have been no suits filed in many, many years against any person in Alabama under this provision of law.

In addition, there is the Civil Rights Act of 1957. As a matter of fact, it is this section which the Attorney General's proposal, title VI, H.R. 8601, would seek to amend.

Mr. President, no further back than last year the Attorney General was quoted in the press as having stated—and I believe he actually testified—before the Judiciary Committee in the House of Representatives that the Civil Rights Act of 1957 was adequate and that he did not need additional legislation. But this is an election year, Mr. President. Many are seeking to present themselves under the banner of civil rights legislation in the election year of 1960.

The Civil Rights Act of 1957 is codified in section 1971, title 42, and it provides as follows:

Section 1971, voting rights (a) race, color or previous condition not to affect right to vote.

All citizens of the United States who are otherwise qualified by law to vote at any election by the people of any State, territory, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or territory, or by or under its authority, to the contrary notwithstanding.

(b) Intimidation, threats, or coercion.

No person whether acting under color of law, or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates, or Commissioners from the territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

(c) Preventive relief; injunctions; costs.

Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder, the United States shall be liable for costs the same as a private person.

Mr. President, the statutes which are already in the lawbooks are more than adequate; in fact, they overlap and in some instances they almost duplicate each other. Those statutes go unused. They have not been used through the years. Instead of using them, the Attorney General of the United States, the chief law enforcement officer of the United States, comes before Congress to say, "Give me some more laws." The Attorney General does not say, but I imagine down deep he is thinking, as many others are thinking, "This is an election year." That is what we are confronted with, Mr. President, in the proposal before us at the present time.

Now, Mr. President, I recall the debate on this so-called Civil Rights Act of 1957. I remember how Senators stood upon the floor of the Senate and talked about how desperately the proposal was needed. We were told that the remedy was absolutely essential. Many of us felt that legislation of that kind would do far more damage than good even in those isolated cases where some abuses were reported. However, unfortunately, the bill was passed and the provisions became law. Since their enactment, to my knowledge, the Attorney General of the United States has filed no more than four suits under the provisions of these sections. He has been defeated in almost every single suit that he has filed. Some of the suits are on appeal and we are yet to know the final outcome.

When I say the Attorney General has been defeated, Mr. President, I want to make it clear that he has been defeated by the decisions of able judges on constitutional questions. Of course, we do not know what will be the final outcome with respect to some of the suits, because they are on appeal to the Supreme Court of the United States.

However, I do know about the case in Alabama. In that case the district court upheld the State of Alabama's contention, and the Circuit Court of Appeals in New Orleans also upheld the State of Alabama. If the abuse, if the discrimination, if the fraud is so widespread as is alleged by proponents of this legislation, why have there been no more than four suits filed. I recall the distinguished senior Senator from Georgia [Mr. RUSSELL] pointed out the other day that under this and other legislation the Attorney General was authorized to appoint an Assistant Attorney General only for so-called civil rights cases. This was done and a whole staff of civil rights lawyers were assigned to him, 27 in number. I suppose each of those 27 has his own secretary and that there is a whole battery of new typewriters, new libraries, and all of that which goes into a Government agency.

What have the American people gotten out of all this? Four suits filed by the Attorney General of the United States and this so-called voting referee proposal added to it, to clutter it up. The Attorney General probably will file four suits under this law, and 2 years from now, in the off-year election, he will be back before Congress. That is, the Attorney General would be back before Congress if he were the same Attorney General. I will say he will not be, because, thank goodness, Mr. President, we are going to have a new Attorney General in January, and a new administration. I earnestly hope it will be an administration which will not be playing politics with so-called civil rights legislation.

It is unfortunate that with all these statutes on the books, with all these legal remedies available to the people, the Senate of the United States should be involved in a lengthy debate over additional legislation in this field. Some will ask, Why is this? They must conclude that the real purpose is to have the Federal Government wrest control of the State elections. The sponsors of this proposal are determined to have Federal officers take over the registration of prospective voters so that the ballot boxes will bulge and State qualification laws will be subverted.

Before we, the Congress of the United States, become a party to any such proposal, the least we ought to do is to demand of those persons who complain the loudest that they at least avail themselves of existing State and Federal remedies. They ought to come to the Congress with clean hands.

On page 348 of the report of the hearings of the Senate Committee on Rules, the Attorney General says:

I think it is clear that criminal prosecutions are of quite limited value here, when the possibility of any substantial number of convictions by jurors who are unsympathetic to the program is realistically considered.

Mr. President, I, for one, resent that statement. The people of my State are just as loyal and just as fair as are the people of any other State of the Union, and I resent the fact that the Attorney General of the United States would present himself before a Senate committee and charge the people of my State with not being willing to fulfill their duties as members of juries of the Federal courts.

As a lawyer, I would be the last to say that juries do not make some mistakes. Yes; juries make mistakes just as other Senators and I, all human beings, make mistakes. However, the jury system has proved to be the best system of deciding facts for judicial tribunals that society has designed. The jury system has developed over centuries and centuries of litigation, and it is a tragedy of our times that this administration should seek to circumvent it. The Attorney General does not cite any examples to substantiate his serious allegation against the loyalty of the people of the South. He says, "I think." Indeed, the Attorney General of the United States indicts and convicts the people of a great section of our country without a trial. If the Attorney General will but give the southern juries and southern people a trial, I think he will find them to be just as fair and just as objective as are the people and jurors of any other section of the country.

Unfortunately, we southerners have learned to expect this kind of abuse. There are many examples of this. I want to refer to one of the most outrageous ones, that having to do with the Macon County case.

There has been a great deal of discussion in the Senate about Macon County. Many times I have heard about the Ph. D.'s at Tuskegee not being able to register.

Senators will recall that this is the case growing out of the complaints of Negro citizens in Macon County, Ala., that they have been denied the right to vote because of race or color. The U.S. Attorney General filed a suit in behalf of these citizens.

The Attorney General sought to add the State of Alabama as a party defendant to the suit and to continue the case against persons who had recently resigned from the board of registrars.

The district court ruled against the Attorney General on both counts and the case was taken on appeal to the Court of Appeals for the Fifth Circuit.

By a 2-to-1 vote the court of appeals upheld the district court and ruled against the Attorney General.

The Attorney General appealed this decision to the Supreme Court of the United States and it is presently pending there. The Attorney General has filed his brief before the Court and it is this brief to which I referred. I have read this brief carefully and I am surprised and shocked at some of the allegations made therein. As an example as to just how far the Attorney General will go in interpreting Federal statutes, I want to discuss this brief and the court decisions which preceded it.

At the same time I want to comment briefly upon the treatment which the former members of the Macon County Board of Registrars received at the hands of the Civil Rights Commission and also the Department of Justice.

Much has been made of the fact that these registrars resigned. I believe that when any fairminded person looks at the facts and studies them, he will understand just why it was that these members resigned, and Senators will understand why it has become so difficult to get any person to accept an appointment as a member of this board.

It has not been my practice to inject myself into specific cases pending before the courts, because I recognize how important it is that we maintain and protect the powers of the respective branches of Government against encroachment from the other branches. While I must say that the U.S. Supreme Court has revealed no similar tendency recently, I have been determined to respect this principle of checks and balances which is so important to our form of government, and in which I so strongly believe.

However, this case has been injected into this debate and into consideration by the Senate by so many others, including the Attorney General of the United States, that I feel free and in fact under a duty to refer to it.

The people of Macon County have been much maligned in the press and before the Court. The former members of the board of registrars have been held up to public ridicule. They have been accused of criminal offenses. Indeed, they have been slandered and libeled. They have been made parties defendant in a celebrated lawsuit brought by the Federal Government.

They have been forced to spend large parts of their time appearing before Federal inquisitors. They have been required to testify in a crowded hearing room, before the glaring rays of high-powered television lights, and these hearings were conducted many miles from their homes. There was not even room in the hearing rooms for their attorneys to be seated, nor were their attorneys allowed to make any objections.

When these facts were presented to the subcommittee of the House Committee on the Judiciary last year—and I want to invite the attention of my friend from California [Mr. KUCHEL] to this statement. My friend differs with me on this legislation, but he has heard so much about this point that I want to call his attention to this statement.

When these facts that I have just referred to were presented to the subcommittee of the House Committee on Judiciary last year, the chairman of the subcommittee, Mr. WALTER, of Pennsylvania, made this statement to the Governor of Alabama, Mr. John Patterson.

I agree with you. I am glad you brought that out in your testimony, because conduct of that sort is not only unbecoming, but

certainly is not within the four squares of the act which we passed and set up. That is reprehensible if they did anything like that.

Later Mr. McCULLOCH, the ranking Republican of the subcommittee and also of the full committee, and who has been so active in getting a bill through the House of Representatives, made this statement:

Mr. Chairman, I want to join with you, and with the Governor, in condemning that sort of action. As a matter of fact, Governor Patterson, I have that matter underscored in your written statement, and in addition to the statement for the record there will be other inquiries into that kind of procedure.

Then Mr. WALTER, the chairman, added:

I want to say, Governor, I am going to instruct counsel to send a copy of this testimony right at this juncture to the Civil Rights Commission and ask that they give us their reaction; that they give us their defense, if they have any, on this charge, and if they have no defense, then I will see to it that some statement is reflected in the record as to what we think of conduct of that sort, and that conduct is very seriously infringing upon that which we think is right and honorable and decent and lawful.

This was the reaction, Mr. President, of the ranking Democrat and ranking Republican of the House Committee on the Judiciary with respect to the treatment which the members of the Board of Registers received at the hands of the Civil Rights Commission.

The members' names and faces were broadcast into homes throughout the country by radio and television, after having been carefully edited so as to place the members in the most unfavorable light.

Is it any wonder that the Governor has found it impossible to find anyone to serve on this board? Serving on the board of registrars is no political plum, with large compensation. Members of the boards are paid very little. They accept appointment to perform a public service. Often it is at a sacrifice and is an inconvenience.

The Attorney General has made much to do about the resignation of these members. In fact, he has charged in his brief:

The individual defendants'—

Referring to the members of the Board—

purported resignations were made in bad faith for the purpose of avoiding their constitutional duty to register qualified Negroes (p. 13, brief for the U.S., case No. 398 in the Supreme Court of the United States, October term, 1959).

These are the allegations, Mr. President, which appear in the complaint filed in the District Court for the Middle District of Alabama, and which appear in the brief of the Attorney General filed before the U.S. Supreme Court. As a result, this allegation may be published anywhere by any means without fear of liability. But with respect to these allegations, what are the true facts?

These facts are no further from the Senators than their desks. For these facts appear in the hearings before the Senate Committee on Rules in the testimony of the Honorable McDonald Gallion, attorney general of Alabama.

Mr. Gallion testified as to the facts, and they are not disputed. I want to read his testimony with respect to this point for the benefit of those Senators who have not had an opportunity to do so:

It is a difficult thing to get members of the board of registrars in Macon County. For that matter, there is more wariness over all of the State. They are accepting appointment as a civic duty, a public service, with little remuneration attached to it, and it is a hard thing to get board of registrars members in Macon County in view of the fact of the Federal Government coming in recently and the all-out attack on the members of the board of registrars that occurred, such as hauling them into Federal court when they had no idea what possible punitive measures would be taken against them. Right there I would like to say something that Senator KEATING brought up about the mass resignations.

I do not know how he got to the point of calling it mass resignation. You had a board, a three-man board. That constitutes a board of registrars in Alabama. Two of them make up the quorum.

One man died and certainly that explains his removal. There were two others. One was elected to the State legislature. He qualified a year before, almost a year before, and he was elected to the State legislature. Under our laws, which are similar to just about every State in the country, you cannot hold two State offices of profit at one and the same time.

So he was elected to the legislature and he submitted his resignation. Under law he could not have served as a member of the board of registrars.

The sole remaining one tendered his resignation, tendered it in good faith, and in the interim, and before the Federal suit was filed, became a member of the equalization board.

That, of course, disqualified him from serving any longer on the board of registrars.

Along that line it was maintained by the Civil Rights Commission and in the Justice Department argument that they had no right to resign under those conditions, and although one man had been elected to the State legislature, he still had no right to resign when he would have been violating the law had he retained his membership on the board.

Mr. President, the U.S. district court looked into these facts and it found that the members of the board had resigned in good faith. The U.S. Court of Appeals agreed.

Indeed, the U.S. court of appeals had this to say:

We are of the clear opinion that the reasons given by the district judge for rejecting this contention of plaintiff appellant (United States) are sound, indeed, unanswerable, and that we approve and adopt them (p. 812, 267 Fed. 2d 808).

The Attorney General also contends in his brief that—

The appropriate rule, in light of the Constitution and the Civil Rights Act, is that the resignation of a voting registrar is not effective for Federal purposes until his successor has been qualified.

Later in the brief it is argued:

The registrars' resignations were not effective for purposes of an action brought under the act and they are proper parties defendant (pp. 12 and 13 of the brief).

Mr. President, there is nothing in the Constitution or in the Civil Rights Act relating to the question as to whether a State official appointed under State law must seek Federal approval before he can resign. No such rule as announced by the Attorney General could possibly be based upon the Constitution or the Civil Rights Act.

To support such a strained position, the Government argues that the registrar is a Federal official. In the brief it is said:

A State official may be so invested with a Federal duty as to become a Federal official for Federal purposes.

I should like to have the distinguished Senator from Mississippi, a distinguished lawyer and former judge, and my friend from California [Mr. KUCHEL], even though he is not a lawyer, to listen to this.

Mr. KUCHEL. Yes; I am a lawyer. Let the RECORD show that.

Mr. SPARKMAN. I am sorry. I ask that the RECORD be expunged and that fact be entered on it, that my friend is a learned lawyer as well as being trained in accounting and in business activities. I should like to have these two outstanding lawyers listen to the ridiculous statement that is made in the brief of the Attorney General:

A State official may be so invested with a Federal duty as to become a Federal official for Federal purposes.

I should certainly be glad to yield to both my colleagues and friends, the Senator from California and the Senator from Mississippi, to state their position, because they are far better lawyers than I am. It has certainly been a long time since I have practiced law. I have never read a statement that is as ridiculous as this one. I have never heard it said that a Federal duty can be impressed upon a person to such an extent that for Federal purposes he becomes a Federal officer.

I realize that a lawyer practicing in court becomes an officer of the court. However, that is a special situation. That is a part of the responsibility that becomes his when he is admitted to the bar and takes an oath of office. Here we are dealing with a person who has served as a registrar of Macon County, and who decides to run for the State legislature. He runs for that office and he is elected. The law of Alabama provides—as it is also the law of Mississippi, I am sure—that no person can hold two offices of profit in the State at the same time.

So, in order to take his position as a member of the State legislature, the man resigned. Sometime later, in comes the Civil Rights Commission and says, "You are still a registrar." He has taken his oath of office as a member of the State legislature, and he is functioning as a member of the State legislature. He is drawing his salary as a member of the State legislature. The Civil Rights Commission says, "You cannot be a State legislator. You must still be a registrar. You must continue to be a registrar."

The clear implication of that statement by the Civil Rights Commission is that any State registration or election

official whose responsibilities relate in any way to national elections, and, of course, almost all of them do, immediately becomes a Federal official. I am happy to say that the district judge and the court of appeals disposed of this argument in short order.

The status of Alabama registrars is determined by the law of Alabama. There can be no question of that. Under the law of Alabama, there is no requirement that a registrar serve until his successor is appointed and qualified. This is the contention of the Attorney General. To impose such a rule ex post facto upon these people would be tyranny. Indeed, it would amount to involuntary servitude. To impose such a rule in any event would be a clear infringement of the State's constitutional power to regulate the service and qualifications of State offices and officers.

These registrars are State officials. They are appointed pursuant to State law by State officers. They are paid by the State. In no way can they be considered to be Federal officers. They may, in some respects perform a Federal function, but there is no question but that they are State officials and the State governments have exclusive power to provide for their appointment and for their term of service.

An examination of the State statutes of Alabama makes it clear that there is no requirement that a registrar serve until his successor is appointed and qualified. His service is permissive and not mandatory. He may resign at any time. Indeed, one section provides for such a contingency. That section is section 23, title 17, Code of Alabama, 1940.

I shall read this section along with the ones providing for appointment and the terms of office.

Section 21, title 17, provides:

Registrars; appointment of: Registration shall be conducted in each county by a board of three reputable and suitable persons to be appointed by the Governor, auditor, and commissioner of agriculture and industries, or by a majority of them acting as a board of appointment, and who must be also qualified electors and residents of the county and who shall not hold an elective office during their term. One of said members shall be designated by the board of appointment as chairman of the board of registrars for each county. *Provided, however,* That in counties of over 350,000 population, according to the last or any subsequent Federal census, that the Governor shall appoint the chairman of the board of registrars.

As to the terms of office, the Code of Alabama is explicit. Section 22, title 17, provides:

Terms of office: The registrars so appointed under this article may be removed at the will of the appointing board, or a majority of the members thereof, at any time, with or without cause, and without giving their reasons therefor; and if not so removed, the registrars may hold office for 4 years from the time of their appointment and until their successors are appointed.

Senators will note the use of the term "the registrars may hold office for 4 years from the time of their appointment and until their successors are appointed." I do not have to remind this august body that there is a great difference between the word "may" and "shall." The Code of Alabama does not say that registrars shall hold office—until their successors are appointed. The Code of Alabama says that registrars may hold office until their successors are appointed. Neither does it say anything about serving until the successors are qualified. It says that they may hold office until their successors are appointed. It does not say that they may hold office until their successors are appointed and qualified.

Section 23, title 17, provides:

Vacancies of registrars; how filled: If one or more of the persons appointed on such board of registration shall refuse, neglect, or be unable to qualify or serve, or if a vacancy or vacancies occur in the membership of the board of registrars from any cause, the Governor, auditor, and commissioner of agriculture and industries, or a majority of them acting as a board of appointment, shall make other appointments to fill such board.

This section contemplates that some members of the board will refuse or neglect to qualify or to serve. It provides, in such an event, for the appointing authorities to make other appointments "to fill such board." If it were intended by the State of Alabama that the members of the board notwithstanding their own personal predilictions were to be required to serve until their successors were appointed and qualified, there would be no need to refer to use language such as "to fill such board." There would be no necessity for filling such board.

From the reading of these statutes, it is clear that under the law of Alabama, the law under which the members of the board are appointed, a member of the board may resign at any time he wishes and his resignation is effective immediately upon its being tendered or upon such time as the person resigning makes it effective. It is completely unsound for the Attorney General to contend that a member of the board is required to serve in that capacity notwithstanding his own wishes until such time as his successor is appointed and qualified. However, this is the contention which the Attorney General has made, and he has made that contention based upon his interpretation of the Civil Rights Act of 1957.

In addition, the Attorney General has sought to add the State of Alabama as a party defendant in the case. He contends that the State is a "person" under the meaning of the word as that word is used in the Civil Rights Act of 1957.

There never was any such meaning intended by either House of Congress. Both the district and the circuit courts held that this was never intended. Congress clearly intended that the suit would be brought against individuals and not sovereign States; indeed, the Fifth Circuit Court of Appeals has held:

A Federal court would not, indeed could not, assume jurisdiction over a sovereign State without a precedent determination, though the jurisdiction has not been expressly conferred, the language of the invoked statute carried the necessary, the unavoidable implication that the Congress upon the gravest consideration and after the utmost thought and deliberation had intended to and did confer it.

In other words, they could not pass upon it unless it was clear that Congress intended to confer that right.

Reading the statute as one will, such an implication cannot be found in it. (*U.S. v. Ala.* (267 Fed. 2d 808, 811).)

As a matter of fact, the Attorney General is so unsure of his position in this that he is seeking now to amend the statute so as to provide that the State may be added as a party defendant.

Mr. President, I have discussed this to suggest just how far the Justice Department will push the letter of these civil rights laws. As I have said so often, it has been my experience that far more rights are taken away by these so-called civil rights laws than are ever secured by such legislation.

This is the Attorney General, who is the law officer of the United States, not just for the plaintiffs, not just for the Government, but for everyone.

He is the one who is supposed to stand foremost in the Nation to make certain that the liberties of the people are protected and that the freedoms guaranteed to us under the Constitution are assured. Yet now he comes advocating ex parte proceedings, star chamber proceedings, proceedings which are clearly violative of one of the sacred promises of the Constitution, a part of the Bill of Rights.

One of the things which the people insisted be written into the Constitution, or at least insisted be agreed to be written into the Constitution, before they would adopt it, was the due process clause. The measure before us violates clearly and patently the due process clause of the Constitution, as well as other provisions of that document. It violates all of the centuries-old Anglo-Saxon principle which abhors star chamber proceedings.

We can be assured that when the Department of Justice finishes with its thorough and exhaustive study of every word and comma of every section of every bit of the so-called civil rights legislation, in the tragic event any of it should become law, the use which will be made of the law will surprise even its most partisan supporter.

Mr. President, considerable work has been done by the Committee on the Judiciary in stripping and simplifying the bill which came to us from the House. This action amply justifies the claim which some of us made in the beginning that the right, sound, and proper procedure was to have the proposed legislation considered in the regular and appropriate Senate committee.

Then, Mr. President, in orderly consideration in the Senate, the proposed legislation has been improved. The bill is better than it was when it came to us; yet it is bad legislation, politically conceived, and pushed through largely because it carries a label which seems to work magic with so many persons—the label "civil rights."

Mr. President, this is a bad bill. It violates the Constitution of the United States in many respects. As the Senator from Mississippi [Mr. STENNIS] so well said on the floor of the Senate, the bill seeks to prostitute the courts of the United States.

I hope that if the bill becomes law, the Supreme Court will do what it ought to do—strike it down. It is hard for me to believe that the court will not do just that.

I have fought the proposed legislation. I am against it. I will continue to fight it. I will vote against it.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. SPARKMAN. I am very glad to yield.

Mr. STENNIS. First, I commend the Senator from Alabama for the excellent speech he has made on the bill tonight, as well as for the outstanding speeches he has made on other occasions during the entire debate. I well remember some of the night sessions which were held during the early stages of the debate, when the Senator from Alabama brought out some very fine points. He got results. His arguments were reflected in the votes on subsequent occasions on more than one major amendment. I commend the Senator highly for the attention he has given to the subject and for the substance of what he has said.

There are many far-reaching provisions of the bill about which questions should be raised. As has been said before, in any other subject matter those provisions simply would not be tolerated.

Mr. SPARKMAN. They would be laughed at; they would be scorned.

Mr. STENNIS. Especially with the label "civil rights measure," and particularly the catch phrase "voting rights bill," almost anything goes.

I know the Senator will agree with me that a court decree, a solemn judgment of a court, is a mandate and, of course, must be obeyed. I direct the attention of the Senator to page 19, line 8, of the bill, to get his opinion with respect to the certificate. I read from the provisions beginning in line 8:

> The court, or at its direction, the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

Does the Senator have that language before him?

Mr. SPARKMAN. Yes.

Mr. STENNIS. Let me make a factual statement to the Senator before I ask him a question. He will note that these are voting certificates which can be issued, if directed by the court, by the voting referee. They do not even have to be signed by the judge. Or, of course, they can be issued by the court. Nevertheless, they are certificates.

Is it the Senator's opinion that under the proposed law such a certificate will have the validity and the dignity of a court decree, so that if an election official fails to obey it he can be cited for contempt of court?

Mr. SPARKMAN. As a matter of fact, I brought out in my remarks, at a time when the Senator from Mississippi was unavoidably detained, that that can be done.

Mr. STENNIS. I am glad the Senator has covered that point in his major address.

Mr. SPARKMAN. Lest I be misunderstood, I do not believe that that is a legal function of the court. While, of course, on the face of the matter a person could be held in contempt, I cannot believe that the Supreme Court, or whatever court finally decides the question, would hold that that was a proper function of the court.

I brought out in my discussion the fact that under the Constitution—and the Senator from Mississippi in the speech he made yesterday dealt with this subject—the courts were created for the purpose of handling cases and controversies, and that no case or controversy was involved in this provision.

I also said that a person who refused to accept a certificate might be held in criminal contempt, even though he was not a party to the case, had no notice, had no transcript, or had no way of ascertaining the facts or anything else.

Mr. STENNIS. The Senator from Alabama has expressed the situation well. Literally thousands of election officials, many of whom may be women, will be conducting elections on election day. As the Senator has said, they will not have heard of this proceeding. They will not be a party to a suit. When persons appear with election certificates, even though the registration books do not show that they are entitled to vote, there will have been a judgment to the contrary. Nevertheless, the officials will have to take a chance, at least, on being cited for contempt of court if they do not obey a certificate signed by a voting referee which would overrule State law. Is not that correct?

Mr. SPARKMAN. The Senator from Mississippi is absolutely correct. They would be in danger of contempt of court.

Let me digress long enough to look at the other side of the coin: Suppose they take them willy-nilly. The Senator from Mississippi understands what could happen if a referee wanted to do that. In fact, we do not have to guess about it, for one night early in the debate I spoke about the referees, and cited the report on the 1871 Reconstruction Act, when a familiar system was established. The Senator from Mississippi knows of the terrible corruption in the elections at that time. There was practically no opposition to the repeal of the law under which that situation developed. The Democrats were then in control of the Congress, and of course they issued a majority report in which the repeal of that law was recommended. But the Republicans did not object to its repeal. In fact, I believe that when we refer to the memoirs of Senator Hoar, of Massachusetts—who, as I recall, at that time was the ranking minority member of the committee—we find that he said that although the Republican Members of Congress made some sign of opposition, they really were pleased to see that law go, and they had no grief over its going. That was the general attitude among the Members of Congress, because the system that developed under that law had been a rotten one. I point out that such a system could again be established under a lack of close attention by the judges themselves.

I have respect for the judges, not only those in Alabama, but also those in Mississippi and in the other States. Certainly the district judges of Alabama are men of integrity. Two of them are Republicans and two of them are Democrats, but I believe in the integrity of all of them. Their hands are already fully occupied in handling the regular load of court cases and controversies. Therefore, how would it be possible for them to give adequate attention to cases of the sort which would develop under the law now proposed? The result of the enactment of such a law would be either to weaken the courts or to break down the entire judicial system.

Mr. STENNIS. The Senator from Alabama is correct. Certainly it would be a mistake to assign to the courts duties not judicial in nature.

Mr. SPARKMAN. And duties which should not be assigned to the courts.

Mr. STENNIS. Yes; and especially when the court dockets already are overburdened.

I wish to direct the attention of the Senator from Alabama to another part of the bill—because his opinion is of great value to all of us. I refer now to page 19, in line 5. Much has been said to the effect that the proceeding would be a judicial one, based on the rules of evidence and the rules of law. But beginning in line 5, we find the following provision:

> The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

That proceeding would be in the nature of an appeal proceeding so to speak, where exceptions would be taken, and the other party would be summoned into court.

As an experienced legislator, has the Senator from Alabama ever seen the like of such a proposal? In what would purport to be a judicial proceeding, and when the other side would have been summoned into court, the court would be under a congressional mandate to the effect, "Nevertheless, you must accept the evidence already taken"—taken by a "lower court," so to speak—"and you must be guided solely by that evidence."

Mr. SPARKMAN. I may say to the Senator from Mississippi, who is a very experienced judge, and has had a great deal of experience in determining constitutional questions, that not only have I never before seen any proposal of this sort, but I never even dreamed such a proposal would ever be seriously considered by the Congress of the United States.

Mr. STENNIS. Would not such a procedure make a mockery of due process of law and judicial procedure?

Mr. SPARKMAN. Certainly. As I have said, I think such a procedure would patently violate the due process of law provisions of the Constitution, and certainly it would be completely in violation of any proper court procedure.

Earlier in the debate I referred to such a proceeding as a modernized star chamber proceeding.

Mr. STENNIS. Yes.

Mr. SPARKMAN. Not only would the State official be bound to accept the evidence adduced by the party on the other side, but the State official would not even be allowed to cross-examine, and he would not have a transcript of the testimony the other side had given. He would have to depend upon the evidence adduced by the other side. And if the State official were found guilty or if he refused to accept the finding of the court, he would be subject to punishment for contempt of court.

In other words, if I correctly construe the bill, he would be subject to punishment for contempt of court, although he never would be allowed to say a single word in the court.

Mr. STENNIS. The Senator from Alabama has well expressed the matter, Mr. President; and I appreciate very much his excellent analysis of that point.

Mr. SPARKMAN. I thank the Senator from Mississippi.

Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, it is not my purpose to detain the Senate at great length. This morning, when another matter was pending, I had the privilege of addressing the Senate.

But this evening I wish to point out, for the sake of emphasis—and I wish there were a larger attendance of Senators at this time—that this bill has been repeatedly referred to as a voting-rights bill. However, I believe that if the bill becomes law, and if it is used, enlarged, and augmented, history will record the bill as being a very grave landmark in the march—now in progress—gradually to liquidate and nullify the place and the effectiveness of the States in these United States. I believe this measure would come very close to being a breach in the breastworks, so to speak, of the election machinery and to a taking over the election machinery. The bill would prescribe who should be enfranchised, and would rule on all such matters, and would operate on the elections themselves. That would be a long step in a very serious direction, and the precedent thus established could be used at other times, in respect to other fields, entirely aside from any racial question. In short, this measure, if enacted, would constitute a most serious and far-reaching precedent.

Mr. President, one of the most impressive things I have seen anywhere in Western Europe is the remnant, in Berlin, of the Reichstag chamber—the chamber of what corresponded to our House of Representatives. We recall that in 1933, Hitler was elevated to power in that great nation of fine people—people just as smart as we are, and with a great deal of the same ancestry. But within only a few years those states, in effect, were obliterated, and their power and their position and that government were gone. Then, without the restraints and the restrictions of those states and without the participation of the German people in their own government, within a few more years those people were led into a war which proved disastrous and almost devastating to them; and the entire world itself was enmeshed in what at one time threatened to be total destruction, and actually amounted to it to a great degree. That experience certainly should constitute one of the warnings to be gained from recent and from contemporary history.

The people of the United States are a very, very long way from having anything of that sort happen to them; but our country is traveling in the same direction, insofar as centralized power, centralized government, and the gradual emasculation of the States of the United States themselves are concerned.

As a result of the zeal of those who wrote it, there is even a provision in this bill which provides, on page 16, starting on line 17:

> Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election.

Such sweeping language has never before been written into the law. A State supreme court decision, a Governor's action, a State's legislative action, or any official State action is written out, stricken out, on the basis of what? Merely a finding, in a summary way, not even a lawsuit or case of controversy as is known under the Constitution; merely as a result of an applicant's coming into court under the canopy of a so-called practice or pattern, which is the term used in the bill. An applicant comes in from an area, gives a little proof, and gets an order, in a simple, ordinary procedure, before one judge, who is really not required to try the case as cases are ordinarily tried.

This language sweeps away the State courts, which are always composed of eminent men, the officials, the Governor, and the legislature of a State. It could be that the verdict of the official concerned was correct as to that particular applicant. A question of fact is involved in each individual case. What I am complaining about is the sweeping character of this reckless language, which shows a contempt, as well as a disregard, for State government, and cuts through and cuts down State law and State action of all kinds, and is merely another signboard on the highway we are now traveling toward a more centralized government.

It has already been pointed out here that these provisions pertain principally to the election laws, but that is one of the most vital nerve centers of any government. It was the heart and core of the contest in the Constitutional Convention as to who would have the authority to pass upon the qualifications of voters and what qualifications the voters who were going to select the national officers were to have.

I do not believe the imagination of anyone could devise a more effective way of undermining and destroying an effective government anywhere than to gradually take away its election laws and suffrage rights. Such a government may not be perfect in the administration of its laws, or it may not enact laws which some of those on the outside think it should. There are defects to be cured everywhere. I think everyone is getting his house in better order. But I do not think we could find a more effective or more certain way to destroy whatever sovereignty any government has than for some other power, located somewhere else, to take over the election laws and the police power of that government.

I believe the provision I have referred to is a landmark in this recklessly and carelessly written bill. It is a vehicle which races down the road, running over American Government monuments and warning signals, right and left. There does not seem to be anything in mind except to reach a certain goal.

So, Mr. President, I say we stand on solemn ground. We stand on sacred ground. Regardless of how much confusion there may be in the Senate when the bill is voted on, or how many persons are on the floor as a matter of curiosity, or how much disorder there may be—and if it is the usual pattern, that is what will be prevailing—if the bill passes we shall be doing one of the most serious acts that a Congress has ever done in creating a new milestone in American history.

I know that because the people of the South have criticized the Supreme Court decision with reference to the school cases, there has been a great deal of sentiment to the effect, "Well, go on and pass this bill on the schools, or on the elections."

Mr. President, I think it was a great day for the schools, and a great day for the white and colored children of the South, as well as other areas, when this bill was stripped of its stringent provisions with reference to schools.

Mr. President, what I propose to discuss now, very briefly, is something about our Federal courts. I come from an area of the country which, as I have stated, in recent years has been accused of being too critical of the Court. At the same time, I believe I come from the only area of the country where people tip their hats to a judge. They have a very high respect for the judicial branch of our Government. I believe that branch is the most important of the three, if we had to make a choice between the three.

I speak a word tonight, not in criticism of the courts, but in defense of the courts. Running all the way through the entire bill is an imposition of responsibilities and duties upon the Federal judiciary that the courts are not prepared to perform in the way set forth in the bill, and the bill provides for it in a manner in which the courts should not perform.

I verily believe, Mr. President, that the Federal judiciary will take a close look at the so-called referee proposal and the provision relating to a pattern or practice. I believe, at the conclusion of a case or controversy that a Federal judge is hearing with reference to an applicant's right to vote, when the U.S. Attorney General makes his motion for a finding of a pattern or practice, the court is going to tell that distinguished officer, "It is no province of the court to be deciding such extraneous matters that have nothing to do with the constitutional question before the court." I think the courts will refuse to go into the matter of adjudicating that there is a pattern or practice somewhere. Those

are powers that are more properly delegated to a commission of some kind, or a drainage district, or a sanitary district. I liken it to that not because of the subject matter, but because of the nature of the function.

The Constitution of the United States says that the judicial power of this Government shall be vested in a Supreme Court and such other courts as the Congress may determine. The Constitution provides that the Congress has the power to create those courts. That is the only power which the Congress has. That is the only authority the Congress has to exercise in regard to the courts, under the Constitution.

When we put these additional burdens and these additional schemes on the courts, although we call them judicial, they are not judicial in terms of the Federal courts of the United States of America. I believe the courts will have no traffic with these schemes, which start out with the pattern or practice and move on to the voting referee, who is supposed to be hearing matters. The bill sets up presumptions. The bill sets up not only presumptions but also conclusive presumptions, so that no one can come in later to contradict the evidence. The bill provides, in effect, that no actual hearing is needed. The so-called voting referee shall have to take testimony from one side, and no one else shall be heard.

I do not believe the Federal courts will lend their name to such a procedure as this, to dignify it as being within the provisions of the Constitution of the United States, which deals with the judicial power of the Government in cases and controversies.

Those are the only things mentioned in that section of the Constitution, Mr. President, with regard to the jurisdiction. It is said that jurisdiction shall extend to cases and controversies. Both of those at that time, since that time, and now have very definite and specific meanings. They mean an actual contest between citizens or between a State and citizens. They must be heard before a trained officer. The parties shall have notice beforehand of the time and place of the hearing. The parties shall have the right to examine and to cross-examine witnesses. The determination by the court shall be made upon a consideration of all the evidence. That is the definition of a case or controversy, briefly outlined.

We are now talking about legislative flats, based upon a bill to be passed amidst confusion and political debate. We are talking about presumptions here and presumptions there, and ex parte proceedings. We are talking about providing that if a second party is summoned, no consideration will be given to his testimony or to any other testimony except that on the original application in the original hearing.

To nail that down, Mr. President, I read from page 19, line 5:

> The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

That provision applies after the bill purports to provide for exceptions and for the adverse parties to be summoned, to be given a chance to contradict the matter of facts and law. The bill still provides, on these material points, "You shall not be heard; or, if you are heard, your testimony will be ignored and the matter will be determined solely on the basis of answers included in a report."

Mr. President, the present Presiding Officer of the Senate [Mr. BYRD of West Virginia] knows as a lawyer that, within restrictions and within great limitations in creating rules of evidence, a legislative body has the authority to create certain presumptions based upon certain facts which may be proved, but a legislative body cannot create, under the American system, conclusive presumptions under any circumstances, when we are dealing with trials of the rights of citizens. Certainly a legislative body cannot create conclusive presumptions if the proceeding is anything connected with a proceeding in a judicial body or through judicial processes. Otherwise it would not touch, topside nor bottom, the elemental principles of due process of law written in both the 5th amendment and the 14th amendment of the Constitution.

Mr. President, these are some of the things which I, along with others, seriously challege. Our questions are not answered. The Senator from Colorado [Mr. CARROLL], who is a fine lawyer, who is an advocate of the bill, himself said he did not believe the Congress had any power to issue a legislative mandate telling the court, "You shall do this" or "You shall do that."

If we are really serious in our desire to make this a judicial procedure, and if we really desire to have the matter tried by the courts, we are going a long, long way, Mr. President, from our grant of authority in the Constitution when we issue these ukases about what the court shall do with reference to a given set of facts. We have no such grant of authority.

We are also getting a long, long way from our grant of authority when we try to impose upon the courts judicial responsibilities in matters which do not come within the purview of the words "cases" or "controversies" as mentioned in the Constitution of the United States.

Mr. President, I believe, upon consideration of this matter, except for the first part of the bill, beginning with that part which starts to talk about the pattern or practice and including everything from there on, since one step depends on the other, the courts will hold the provisions of the bill to be null and void and unconstitutional. To use a Biblical term, I believe the court will spew that part of the bill out of its mouth, and will declare it void and of no effect, for two reasons. The Congress has no power to vest such responsibilities on the court, and the court has no authority to undertake to hear, to adjudge, and to pass upon such matters, because based upon the purview of "cases" and of "controversies" as laid down in the basic law.

I seriously challenge each and every one of them, my colleagues, to examine again the basic principles, the elemental and fundamental principles involved in the bill, which I have mentioned, as well as others—and there are many—before they cast a favorable vote for the proposed legislation.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I congratulate the able and distinguished Senator from Mississippi for the magnificent address he has made.

Mr. STENNIS. I thank the Senator very much.

Mr. THURMOND. I further commend the Senator for the wonderful fight he has made against these various civil rights proposals. The Senator has made a great contribution to constitutional government in these United States. The able Senator from Mississippi is not only a great Senator and one of the most able men in Congress, but he is also one of the most able and profound lawyers in the United States. The Senator's admonitions to his colleagues are certainly worth listening to. Again, I congratulate the Senator for the fine address he has made this evening.

Mr. STENNIS. I appreciate greatly the Senator's remarks. I treasure them because of his fine record here, his splendid legal mind, and his great devotion to all of his senatorial duties. I do not know of anyone who approaches a problem with more courage and with more selflessness than the Senator from South Carolina. I have listened with great profit to his speeches on this subject, as have others. If he is going to address the Senate tonight, I shall certainly be present to hear his remarks. If he addresses the Senate tomorrow, or later, I shall hear his remarks at that time.

Mr. President, I yield the floor.

Mr. THURMOND. Mr. President, I want to thank the distinguished Senator from Mississippi for his kind remarks.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, the only purpose I see to be gained by pushing a civil rights bill this year is purely from a political standpoint. I do not think there is any question but that both parties are promulgating these civil rights proposals in this election year to gain the votes of minority blocs.

Mr. President, it is too bad that our Constitution has to be overridden and our laws have to be usurped in order for certain parties to try to gain some advantage in an election year. There is no document for which I have greater respect than the U.S. Constitution. We should uphold that document. Our colleagues in the Senate took an oath to uphold the Constitution when they became Members of this body. They should study well these proposals. I am convinced that if they do study this bill now before us, they will conscientiously ponder whether it should receive their support.

I do not understand how a man who knows the Constitution and a man who wants to support the Constitution could favor a bill which clearly and flagrantly violates some provisions of the Constitution. Beyond that, it usurps powers belonging to the States.

The great fight in this country today is a struggle between Federal power on one side and State power on the other. When our forefathers wrote the Constitution, they envisioned only a reasonably sized National Government. In the Constitution they delineated the fields in which the National Government would operate—national defense, coining money, interstate and foreign commerce. All of those fields in which the Federal Government has jurisdiction are written into the Constitution.

It is then provided in the Constitution that all rights not delegated to the Federal or National Government are reserved to the States. Many of the rights dealt with in the provisions of the pending bill are reserved, under the Constitution, to the States. The National Government has no jurisdiction in those fields. The question of elections is reserved to the States, as is the field of education. Jurisdiction in these fields has been delegated only when the people of this country wished to give that jurisdiction to the Federal Government.

There is a proper procedure for amending the Constitution. Where that procedure has not been followed, the Federal Government does not have jurisdiction on many of these questions.

Mr. President, for some weeks the Senate has debated any number of proposals in the so-called civil rights field. During this period, debate has necessarily moved from one subject to another from day to day and even from hour to hour. In response to the broad, general, and almost unlimited field in which the various amendments sought to have legislation enacted, it is now apparent that H.R. 8601 is in the final form in which it will be considered by the Senate and ultimately enacted or rejected. For the first time in this debate those of the South at whom this legislation is aimed are able to ascertain the specific nature of the legislative abuses the Congress seeks to impose on the citizens of the southeastern portion of the United States.

Now is the time when we can, and should, turn to an objective debate on the general picture presented by the overall scope of the proposed civil rights bill.

Experience has long since taught that the side effects or unintentional application of legislation can be much more far reaching and of more dire consequence by far than the direct effects which were intended. In no case is this truism more applicable than in connection with so-called civil rights legislation. Mr. President, I am not playing the part of an alarmist when I say to you that in just such so-called civil rights legislation as we are now considering lies the death of individual liberty.

Several centuries ago our forefathers heeded the unquestionable lesson of history that only under a government of laws and not a government of men can the degree of individual liberty essential to the achievement of human dignity and personal destiny be realized. In order to implement this wise recognition of one of the most basic and fundamental lessons to be derived from the annals of the recorded experiences of mankind, they conceived the idea of a supreme written law which we know as the Constitution of the United States. Fully comprehending, as did Aristotle centuries ago, that even when laws have been written down, they ought not always to remain unalterable, the architects of the Constitution provided within the document a procedure for amending the Constitution. Coincidentally, however, these wise benefactors of generations to follow were aware of the fickleness of men's minds, particularly when under the sway of emotions, and, therefore, provided a method of amendment which, in its very essence, is time consuming and extremely difficult of accomplishment.

The divinely inspired wisdom of our Founding Fathers is illustrated by the unequaled history of the progress of the people of the United States achieved in adherence to its provisions. Unfortunately for our posterity, we appear to have reached a stage in the process of degeneration, in which many politicians, at least, refuse to acknowledge the eminence due to that great document. It has evidently become fashionable in some circles—particularly those frequented by so-called civil rights proponents—to belittle the value of the Constitution, to decry its applicability to modern life in the United States, or, in practice, to ignore altogether its existence.

Faced as they are with the wholesome reluctance of the American people to approve emotionally inspired changes to the Constitution, the minorities have resorted to means other than those prescribed in article V of the Constitution itself to escape the limitations on impractical, and from the public viewpoint, unwholesome, practices. The necessity for resorting to subterfuge, in and of itself, is a tribute to the quality of the Constitution and to the foresight of its drafters. Beyond any doubt, the provisions of article V, which prescribe the method of amendment, were specifically designed to protect the rights of a minority and, as such, have proved extremely effective when objectively applied. The deceit of the vociferous minority agitators is emphasized by the very fact that it is a minority protection device in the Constitution which they seek so avidly to circumvent. Not only did the drafters of the Constitution embody in the procedures, set out in article V, protection for minorities, but they also had the courageous and laudable foresight to provide a protection of the majority from the inevitable agonizing appeals to emotions that have subsequently materialized and usually originated with minority pressure groups. I repeat, it is indeed a tribute to the greatness of the Constitution and to the stability of the American public that the minority elements acknowledge the impossibility of wrecking the Constitution by legal and lawful means.

Mr. President, it would be foolish to deny that our history is replete with instances in which the Constitution has been ignored or intentionally breached by various branches of the Federal Government. The executive department has probably been the most repeated transgressor against the supreme law of the land. The executive's transgressions have taken the form of abuses in exceeding the scope of those powers specifically delegated to the executive branch by the Constitution, and usurpations of powers reserved to the States or the people or delegated by the Constitution to either the legislative or the judicial branches.

The history of the executive branch, and most particularly the recent history, is bountiful with examples of both abuses and usurpations. With every increase in size and scope of the executive branch, the probability of an increase in abuses and usurpations becomes greater, since each increase in size and scope necessarily adds to the already overlarge concentration of power. Lord Acton expressed it simply in the words:

> Power tends to corrupt. Absolute power corrupts absolutely.

This ever-growing concentration of power, with its seeds of corruption, is, in the final analysis, infinitely more dangerous than even gross inefficiency.

Due to the complex nature of the various excessive acts of the executive, it is impractical to distinguish between abuses and usurpations in reviewing them. Executive abuses and usurpations were not unknown in our early history. It is notable that they have always been more pronounced in times of war or severe domestic strife.

The most clear-cut point of demarcation by the executive from his constitutional power probably originated in 1803, surprisingly, perhaps, through an act of Thomas Jefferson. The act was the purchase by Jefferson for the United States of the Louisiana Territory. Jefferson, himself, felt an amendment to the Constitution was necessary to the exercise of the power, but acquiesced, nevertheless, to the contempt of "implied powers" of the executive that were said to stem from the welfare clause. Had Jefferson realized the precedent which he established by what must be clearly denounced as a flagrant abuse of executive power, he would have insisted on a constitutional amendment authorizing the purchase.

The period between this precedent by Jefferson and the War Between the States was marked by a slow but gradual increase in executive powers, largely occasioned by the imputation of authority to the Federal Government generally, through the expansion of the doctrine of "implied power."

With the advent of the War Between the States, outright abuses and unquestionable usurpations by the executive set a sad pattern for future administrations. Lincoln, great man though he was, had little conception of, or respect for, constitutional limitations. The Emancipation Proclamation, issued prior to the adoption of the 13th amendment, was a deprivation of private property without just compensation, and as such, it probably still stands as the most

flagrant and excessive abuse of executive power which has gone unchallenged in the courts. Lincoln increased the numbers of the Army and Navy above the statutory limit, and spent millions of dollars of Federal funds never appropriated by Congress. The only serious challenge to Lincoln's usurpations, was the Supreme Court's rejection of his suspension of the writ of habeas corpus.

As I have stated, abuses and usurpations by the executive are historically most common in time of war. After the termination of hostilities, the abusive and usurpative acts are usually discontinued, but invariably there results a residual effect increasing executive power over the executive's prewar authority. Additionally, the precedent of the abuses, especially those which go unchallenged, give a disastrous long-range boost to the spiral of executive usurpations.

The period between 1865 and 1915 was marked by the once again steady, but faster, expansion of "implied powers." Two incidents in this period are worthy of note in any review of executive abuses.

In 1877, President Hayes dispatched Federal troops into several States to cope with disorders growing out of a general railway strike, without any request from the governments of the States involved. Seventeen years later, President Cleveland committed the same offense by sending troops to Chicago during the pullman strike. Both of these acts were in violation of article IV of the Constitution, and the first undoubtedly set the precedent for the latter. Neither act was challenged in the courts.

Prior to our entry into World War I, President Wilson engaged in one of the most clear-cut usurpations of power by an Executive that had occurred up to that time. The President requested Congress to pass legislation authorizing the arming of merchant vessels flying the U.S. flag. The House of Representatives passed the bill, but it was defeated in the Senate. The President, despite the bill's defeat, authorized and directed the arming of U.S. merchant ships by Executive order and directed that they fire on any unidentified submarine. Although criticism of the Presidential order was bitter, his action was never officially challenged.

During World War II, Executive usurpations are considered by most historians to have reached their zenith. It was during this period that the use of Executive agreements, to avoid the necessity of Senate confirmation essential to the validity of treaties, was revived and greatly expanded. The idea originated with President Theodore Roosevelt in 1905, when the Senate failed to approve a treaty by which the United States would assume collection of Dominican revenues, in order that the Latin American Republic might eventually hope to liquidate its staggering foreign debt. Subsequent to the Senate's failure to ratify the protocol, the first President Roosevelt entered into an Executive agreement embodying the same provisions. Some of the stigma of this act was removed in public opinion by Senate ratification of the treaty 2 years later.

The second President Roosevelt utilized the same device in his destroyers-for-bases deal of September 1940, the assumption of the defense of Iceland from Great Britain and entering into the so-called Atlantic Charter, to mention the most outstanding. Such usurpations of treatymaking power have, through the means of precedent, had extremely far-reaching effects, on one of which I shall elaborate shortly.

Executive usurpations and abuses during World War II were not limited to the sphere of the so-called Executive agreements, however. The outright seizure of the North American Aviation plant in June 1941, with only the slightest pretense of legality, was outstanding in the area of abuses. It is interesting to note that the country was not then yet at war.

A most spectacular example of Executive usurpation of legislative prerogative, was the President's demand for repeal of portions of the Emergency Price Control Act, in 1942. The President stated in clear and unmistakable terms that if Congress did not repeal the offensive acts, he would refuse to enforce them. As one writer expressed it, the President, in essence, advanced the claim that he had the power to suspend the Constitution in a situation deemed by him to make such a step necessary.

The abuses and usurpations, and attempts thereat, have diminished hardly at all in the postwar period. One vicious abuse was terminated by the Supreme Court in 1952. It decided in a 6 to 3 decision that the seizure by the President of the steel mills during the Korean conflict was unconstitutional.

The most recent abuse, and by far the worst to date, was the subjugation of Little Rock to rule by Federal troops. Not only did the President use Federal armed forces without a request of the State government, but he did so under the pretext of enforcing a court decision, which on its face violated the Constitution, specifically the 10th amendment. There was no war or so-called insurrection to mitigate the offense. As of now, a court challenge is precluded, and there appears under the circumstances to be no official way of insuring that there will be no repetition of this tyrannical act. Public opinion must be brought forcibly to bear to prevent its recurrence.

Mr. President, such unconstitutional deeds by the executive branch—admittedly, for the most part they are unrelated instances—punch holes of varying sizes in the superstructure of the Constitution, and, in addition, comprise a relatively slow but increasingly corrosive weakening of the Constitution. They are cause for alarm, and no effort should be spared to bring them to a halt.

Enemies of the Constitution are too impatient to await the destruction of our country by the comparatively slow process of erosion coupled with loopholes in the superstructure. They prevailed on the occupants of the Supreme Court to strike a vital blow at the very foundation of the Constitution, and thereby, at our whole system of Government itself.

In the last 5 or 6 years, public awareness of the blow dealt to the Constitution has multiplied. As a result, criticism of the Court has been widespread and high placed. The enemies of the Constitution have berated such criticism, primarily by comparing it to waves of criticism which have occurred against Court actions in the past. Unfortunately, and to the great discredit of our leaders, much of this defense of the Court's recent actions has been accepted by well meaning and conscientious leaders in our Nation's affairs. The failure to distinguish between criticism of unpopular decisions, and the current wave of protest over the undermining of the Constitution itself is a discredit to our people and their leaders. It shows a hopeless inadequacy in knowledge of the basic tenets of constitutional law.

Mr. President, the only justification for a constitutional form of government is to preserve the individual rights of the people themselves. A constitution accomplishes this purpose by giving the law stability, and certainly, through a limitation on the power of any individual or group, and through the establishment of certain basic principles of government which are, from a practical standpoint, almost unalterable because of the degree of unanimity of will essential to a change.

Essentially, then, the Constitution is a protection to individual liberty only so long as it requires such an overwhelming majority of public opinion to change its provisions. This, in essence, is the strength of a constitution, because it is the one factor that enables a people to be assured of a government of laws rather than a government of men.

It is obvious that any circumvention of the prescribed method of change of the Constitution strikes at the very foundation of individual liberty. And here, Mr. President, is where the blow has been struck.

Necessarily, Mr. President, a constitution cannot contain in written word every specific detail to eliminate all possible misinterpretations of its terms. In drafting such a document, our forefathers did not include a manual containing a detailed explanation of the philosophy which underlay the principles embodied in that document. They did not foresee a necessity for such a manual, for indeed the whole history of the times was permeated with expression of their philosophies, both in the relations of the events which led up to the desire for a constitution and in the clear and unequivocal expressions of the drafters and other public figures in all Thirteen Original States made during the consideration of its ratification. As they undoubtedly foresaw, the record was even further substantiated throughout the early years of our Republic by the correct application of the basic principles of government which they had so ably codified.

These basic philosophies which served as the birthspring of the Constitution, when reduced to application, are known as rules of construction. They are neither confusing nor difficult of application. Essentially, they are but the utilization of commonsense and logic. Only by completely ignoring the recorded expressions of history, and the intentional resort to tortured mental gymnastics can the basic rules of construction be avoided. It requires an intentional act. It is impossible to believe that the more basic rules of construction can be misinterpreted in the absence of insincerity and ulterior motives.

Probably the most fundamental rule of construction for written instruments is to the effect that the meaning of the document must be derived from events and expressions contemporaneous with the instrument's adoption. The interpretation justified by contemporaneous occurrences does not vary with future events so long as the written instrument remains in force. The terms of the instrument may find now fields of application, or the circumstances to which the terms of the instrument apply may vary, but the meaning of the instrument never varies—it is forever constant. Any other construction would be, obviously, to vary the terms of a written instrument, and thereby invalidate the only purpose of the writing—constancy. This rule of construction—in actuality, a simple application of logic—applies to all written instruments, but most particularly to the Constitution, of which stability and permanency are the very essence, and without which stability and permanency the Constitution has no excuse for being.

So universal has been the recognition and application of this rule of construction, that a discussion of it at any great length is rare. Rather the courts have either merely stated it and then proceeded to apply it, or more frequently, they have merely proceeded to apply it to the written instrument at hand by an examination of circumstances contemporaneous with its adoption. A discussion of particular clarity of this rule of construction is found, however, in the opinion of the Indiana Supreme Court in the case of *Cory, et al.* v. *Carter* (48 Ind. 327), at pages 335 through 336, and I now quote from that opinion:

> A cardinal rule in dealing with written instruments is that they are to receive an unvarying interpretation and that their practical construction is to be uniform. A constitution is not to be made to mean one thing at one time, and another at some subsequent time when the circumstances may have so changed as perhaps to make a different rule in the case seem desirable. A principal share of the benefit expected from written constitutions would be lost if the rules they established were so flexible as to bend to circumstances or to be modified by public opinion. It is with special reference to the varying moods of public opinion and with a view to putting the fundamentals of government beyond their control that these instruments are framed; and there can be no such steady and imperceptible change in their rules as inheres in the principles of the common law. Those beneficent maxims of the common law which guard person and property have grown and expanded until they mean vastly more to us than they did to our ancestors, and are more minute, particular, and pervading in their protections; and we may confidently look forward in the future to still further modifications in the direction of improvement. Public sentiment and action effect such changes, and the courts recognize them, but a court or legislature which should allow a change in public sentiment to influence it in giving construction to a written constitution not warranted by the intention of its founders would be justly chargeable with reckless disregard of official oath and public duty; and if its course could become a precedent these instruments would be of little avail. The violence of public passion is quite as likely to be in the direction of oppression as in any other, and the necessity for bills of rights in our fundamental laws lies mainly in the danger that the legislature will be influenced by temporary excitements and passions among the people to adopt oppressive enactments. What a court is to do, therefore, is to declare the law as written, leaving it to the people themselves to make such changes as new circumstances may require. The meaning of the constitution is fixed when it is adopted, and it is not different at any subsequent time when a court has occasion to pass upon it.

What the Indiana Supreme Court so clearly enunciated has been recognized and applied uniformly by every court, of every jurisdiction in the land.

In *South Carolina* v. *United States* (199 U.S. 450), the Supreme Court of the United States said:

> The Constitution is a written instrument. As such its meaning does not alter. That which it meant when adopted it means now. Being a grant of powers to a government, its language is general, and as changes come in social and political life it embraces in its grasp all new conditions which are within the scope of the powers in terms conferred. In other words, while the powers granted do not change, they apply from generation to generation to all things to which they are in their nature applicable. This in no manner abridges the fact of its changeless nature and meaning. Those things which are within its grants of power, as those grants were understood when made, are still within them and those things not within them remain still excluded.

And further:

> To determine the extent of the grants of power we must, therefore, place ourselves in the position of the men who framed and adopted the Constitution, and inquire what they must have understood to be the meaning and scope of those grants.

This is no isolated reference or application. It is inherent in innumerable cases. To illustrate, I need but turn to the United States Code Annotated, and from the section on "Constitutional Construction and Interpretation" quote from page 77, as follows:

> The rule that the contemporaneous construction of a statute by those charged with its execution should not be disregarded except for cogent reasons, and unless it be clear that such construction is erroneous, applies with even greater force in the construction of a provision of the Constitution long and continuously acted upon. Contemporary interpretation of the Constitution is of the most forcible nature and entitled to great weight, and the practice and acquiescence under it for a period of years affords an irresistible answer to objection and fix the construction.

There follows a long list of citations from which the authority of the author is derived.

For the application of this rule of construction, we need not go beyond the landmarks of outstanding cases. For instance, consider the language of the U.S. Supreme Court in *Martin* v. *Hunter* (1 Wheat 351):

> It is an historical fact that this exposition of the Constitution, extending its appellate power to State courts, was previous to its adoption, uniformly and publicly avowed by its friends, and admitted by its enemies, as the basis for their respective reasonings, both in and out of State conventions. It is also an historical fact that at the time when the Judiciary Act was submitted to the deliberations of the first Congress, composed, as it was, not only of men of great learning ability, but of men who had acted a principal part in framing, supporting, or opposing that Constitution, the same exposition was explicitly declared and admitted by the friends and opponents of that system. It is an historical fact that the Supreme Court of the United States has, from time to time, sustained this appellate jurisdiction in a great variety of cases, brought from the tribunals of many of the most important States in the Union, and that no State tribunal has ever breathed a judicial doubt on the subject, or declined to obey the mandate of the Supreme Court, until the present occasion. This weight of contemporaneous exposition by all parties, this acquiescence of enlightened State courts, and these judicial decisions of the Supreme Court through so long a period, do, as we think, place the doctrine upon a foundation of authority which cannot be shaken, without delivering over the subject to perpetual and irremedial doubts.

Notice that that learned Court, considering the contemporaneous rule of construction so basic as not even to need a statement, much less an explanation, proceeded first and foremost in the interpretation of the Constitution to an examination of contemporary thought at the time of its adoption, without so much as a glance at "current conditions."

As I have said, the cases are replete with such examples. In the case of *Scott* v. *Sandford* (60 U.S. 393)—the famous "Dred Scott case"—the Court said:

> The change in public opinion and feeling in relation to the African race, which has taken place since the adoption of the Constitution, cannot change its construction and meaning, and it must be construed and administered now according to its true meaning and intention when it was formed and adopted.

Another concise statement on the matter appears in the case of *Maxwell* v. *Dow* (176 U.S. 581), and I quote from page 602:

> A constitutional amendment must be agreed to, not only by Senators and Representatives, but it must be ratified by the legislatures, or by conventions in three-fourths of the States before such amendment can take effect. The safe way is to read its language in connection with the known condition of affairs out of which the occasion for the adoption may have arisen, and then construe it, if there be any doubtful expressions, in a way so far as is reasonably feasible, to forward the known purpose or object for which the amendment was adopted.

Mr. President, could there be any doubt concerning the applicability of this purely logical rule of construction? This is the distinction, reduced to its simplest form, between a government of laws, on the one hand, and a government of men on the other. When the rule of

construction is followed in the construction of the Constitution, that great document has the stability essential to the protection of individual liberty. If this simple guide to construction is ignored, the Constitution thereby shrinks from its position as the noblest document of government welded at human hands to a parody of words useful only as a point of departure for the mad rationalizations of emotionally inspired mentalities. Only the blissfully ignorant, or the most insidious malcontent, could conceive of any other course but the application of this purely logical approach to interpretation of the Constitution.

This area of fundamentals, indeed, the very vitals of our Constitution, has sustained an underhanded blow. The very passions which inspired this dastardly undercutting of constitutional fabric continue to prevail, shielding minds that should, and in objective analysis, would comprehend and appreciate the nature of the offense which has inspired the wave of protests that have resulted.

Let us now examine the deed itself. It happened on May 17, 1954. The provision of the Constitution was the 14th amendment. The field to which the provision was sought to be applied was that of public education. The name of the case was Brown against Board of Education of Topeka. There were no novel questions presented by the case.

In fact, there was only one question of any import before the Court. It was, Does segregation of children in public schools, solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of either group of the equal protection of the laws?

I repeat, it was far from a novel question. Had the Court proceeded to adjudicate the question, it would have followed the approach of the Court in Martin against Hunter, to wit: First, examined the contemporaneous expressions and actions of the Congress which proposed, and the legislatures which ratified the amendment; second, considered the decisions of State courts which had passed on the question; and third, considered, as stare decisis demanded, the prior decisions of the Supreme Court, itself. This would have complied with the rule of contemporaneous interpretation.

In the interest of better understanding of the ultimate approach adopted by the Court, let us first apply the correct approach as specified in Martin against Hunter.

According to the note in the United States Code Annotated, which follows the 14th amendment, this amendment was proposed to the States by a resolution of Congress enacted on June 16, 1866. It further appears that on July 21, 1868, Congress adopted a resolution declaring to the Secretary of State that the 14th amendment had been adopted by 25 States; and that on July 28, 1868, the Secretary of State issued a proclamation declaring that the amendment had been ratified by 36 States and was legally a part of the Constitution.

Let no one assume from my recitation of these events that I attribute any validity or accurateness to the facts sought to be established by the congressional resolution or the declaration by the Secretary of State. It is my intention to mention the peculiar—to say the least—facts surrounding the 14th amendment at a later point in my remarks. I mention the dates at this time only for the purpose of establishment of the period in which we must, under the rule of contemporaneous interpretation, seek the intention and true meaning of the amendment.

Now let us turn to the legislative intent of the Congress which proposed the 14th amendment.

Only a little over a month after the 39th Congress enacted a resolution proposing the 14th amendment to the States for ratification—on July 23, 1866—the Congress enacted a law entitled "An act relating to public schools in the District of Columbia." In essence, it established a separate school system for the white and colored races in the cities of Washington and Georgetown. It required those cities to pay to the trustees of Negro schools in their respective cities a proportionate part of moneys received or expended for education, the proportionment being based on the number of colored children as compared to the total number of children in the particular city.

Subsequently, at the same session of Congress, an act was passed donating certain lots in the city of Washington for the purpose of colored schools.

At the 42d session of Congress, an act was passed to govern the operation of colored schools in the District of Columbia.

Thus, at the same session, and by the same individuals who proposed the 14th amendment, separate schools for the white and Negro races were established. This was a contemporaneous act. It was an affirmative act, speaking much louder than any words—that the framers of the 14th amendment contemplated no interference by the 14th amendment with the operation of separate public schools for the different races.

There are other indications of the intent of the Congress as to the operation of the 14th amendment with respect to public schools, if indeed, any further indication is necessary. Between the years 1866 and 1875, Congress enacted a number of laws carrying out the provisions of the 14th amendment. These were the so-called civil rights bills. Not a one of these acts dealt with the subject of public schools.

Consider the intention of some of the individual authors and perpetrators of the amendment. Charles Sumner of Massachusetts, one of the prime instigators of the 14th amendment in the U.S. Senate, had acted as counsel for plaintiff in the Massachusetts case of *Roberts v. City of Boston* (59 Mass. 198), in 1849. He lost the case. In the Roberts case, the Supreme Judicial Court of Massachusetts held that entitlement to "equal rights" did not preclude the establishment of separate schools solely on the basis of race. This case, in actuality, was the beginning of the "separate and equal" doctrine, originating, not in the South, but in Massachusetts, the breeding ground of abolition. Charles Sumner was one of the chief abolitionists. He knew full well, long before the 14th amendment was framed, that the term "equal rights" did not, according to the highly persuasive Massachusetts' high tribunal, preclude separate schools for the races. He made no attempt whatever to word the amendment otherwise, nor to construe the 14th amendment to the contrary.

Many more instances could be cited. For instance, in 1880, a man, Hon. William B. Woods, was confirmed by the Senate as a Justice of the Supreme Court, who had previously, as a Federal circuit judge, rendered a decision holding that separate schools for the white and Negro races were not forbidden by the 14th amendment.

The contemporaneous actions of the Congress which proposed the 14th amendment leave no doubt that there was no intention for the 14th amendment to interfere in any way with separate public schools for the different races.

Let us turn to the legislatures of the several States purported to have ratified the 14th amendment. For the purpose of clear analysis, let us consider the States in categories according to their contemporaneous actions with regard to separate schools for the races.

It would first be in order to eliminate the negative so that we might subsequently accentuate the positive: Therefore, let us turn to the nine States not having segregated schools when the 14th amendment was submitted to them. We may at once exclude from consideration, as without probative significance to the question at hand, the proceedings in the legislatures of the States which did not have racially segregated public school systems at the time the 14th amendment was submitted to and ratified by them.

The States of Maine, New Hampshire, Vermont, and Wisconsin had never had segregated public school systems.

Massachusetts had abolished segregation in its public school system in 1855, Minnesota in 1864, and Rhode Island in January 1866 before the resolution which became the 14th amendment was reported to Congress by the Joint Committee of Fifteen on Reconstruction.

Nebraska was not admitted to the Union until 1867. Significantly, while the bill for Nebraska's admission was pending in Congress, a bill which would have removed all distinctions on account of color in the schools of Nebraska passed the Nebraska Legislature but failed to become law because of the Governor's refusal to sign it. Nevertheless, Nebraska was admitted to the Union. Upon admission Nebraska ratified the 14th amendment and simultaneously enacted its first school law as a State. The statute did not touch upon the subject of segregation.

Since segregation did not in fact exist in the public school systems of these eight States, they were naturally not concerned, except perhaps academically, with the question of whether or not the 14th amendment would abolish segregation in public schools.

Iowa might also properly be included in this category. The amendment was ratified in the Iowa House and Senate in April 1868. The Iowa constitution, adopted in 1857, declared that provision should be made "for the education of all the youths of the State through a system of common schools." A statute enacted by the legislature in 1858, which required school authorities to provide separate schools for Negro children unless all parents agreed to amalgamation, had been declared void under the State constitution by the supreme court of Iowa in 1858. Therefore, when the 14th amendment was submitted to the Legislature of Iowa in 1868, segregated schools had already been outlawed by the State constitution.

Furthermore, while the amendment was before the legislature there was pending for decision in the Supreme Court of Iowa a case involving the effect of the same constitutional provision upon an asserted discretion in local district school authorities to establish separate schools for white and Negro children. On April 14, 1868, the court held that under the constitution of 1857 no such discretion existed. Since this decision came down several months before the 14th amendment was proclaimed as ratified on July 28, 1868, the amendment clearly was not the basis of the decision.

The legislature which ratified the amendment took no action regarding school segregation, undoubtedly because of the prohibition against segregation already contained in the State constitution. It seems likely, therefore, that the possible effect of the amendment upon the public school system of Iowa did not enter into the deliberations of its legislature in ratifying the amendment.

Now, Mr. President, let us look at the five States which had segregated schools before the 14th amendment was submitted to them but contemporaneously outlawed or discontinued them upon ratification of the amendment.

Among the States which supposedly ratified the 14th amendment, five—Connecticut, Michigan, Louisiana, Florida, and South Carolina—enacted contemporaneous legislation either prohibiting or making no provision for segregation in their public school systems. Although such action, unexplained, would appear to leave these States in an ambiguous position upon the question at issue here, the evidence indicates that their action did not result from any understanding that the amendment outlawed school segregation, but rather from a decision to abolish such segregation as a matter of local policy.

Connecticut outlawed segregated schools on August 1, 1868. Yet, although it had ratified the 14th amendment in June of 1866, in 1867 segregated schools were required by local ordinance in Hartford and also existed in New Haven. Therefore, although Connecticut did, in fact, abolish school segregation at the time when the 14th amendment became a part of the Federal Constitution, it apparently did so as a matter of policy rather than under any supposed compulsion of the amendment itself.

In Michigan, the same legislature which ratified the 14th amendment enacted a statute providing that "all residents of any district shall have an equal right to attend any school therein." This enactment was held by the Michigan Supreme Court in 1869 to require the admission of Negro children into the public schools of Detroit, where separate schools for Negroes had been established and maintained since 1839. Significantly, however, Chief Justice Cooley did not rest his decision on the 14th amendment or indeed even refer to it in his opinion, but arrived at his conclusion solely on the basis of the Michigan statute.

There is evidence that in Louisiana the 14th amendment was not understood as requiring the abolition of segregation in the public schools of that State. When the amendment was first submitted to the legislature in 1867 the Governor, a Union man, recommended its ratification, but in the same address urged the legislature to provide separate schools for Negro children. After the amendment had been rejected by the 1867 legislature, a new legislature was convened in 1868 by the provisional Governor under the Reconstruction acts. This body, composed mainly of Negroes, ratified the amendment. In the same year a new State constitution was adopted. One of its provisions prohibited segregation in the public schools. Although the members of the convention were quite vocal in expressing their support of the new constitution, not one of them cited the 14th amendment as justifying or requiring the clause abolishing segregation in the public schools.

As a result of this provision in the State constitution, however, there was riotous confusion and no effective public school system was established in Louisiana for as long as it remained in effect. The requirement of mixed schools was eliminated by the Louisiana constitution adopted in 1879, indicating that the people of the State at that time did not understand that the 14th amendment had abolished segregation. Racial segregation in the public schools of Louisiana has existed ever since.

Florida apparently had no general public school system when the Reconstructionist legislature ratified the 14th amendment on June 9, 1868. Free day and night schools were provided for Negroes at public expense, but no free schools were provided for white children. The same legislature which ratified the 14th amendment had before it a bill designed to establish a uniform public school system. The bill passed the house without provision for segregated schools but was amended in the senate to require segregation. However, the measure as amended did not pass either branch of the legislature. Although in 1869 a general school law was enacted which contained no provision with respect to separate or mixed schools, separate schools were eventually required by the constitution of 1887—indicative of the fact that segregation was not then regarded by the people of Florida as violative of the 14th amendment. There is no evidence that the failure to require school segregation before 1887 was due to any belief that the 14th amendment forbade it.

The 14th amendment was considered in South Carolina on three separate occasions.

Upon its receipt from Secretary of State Seward, the amendment was transmitted to the general assembly by Gov. James L. Orr on November 27, 1866, together with a message which recommended its rejection. Both the Governor and the general assembly were functioning under the State constitution adopted in 1865 which had abolished slavery, and it was this general assembly which had ratified the 13th amendment.

The message of Governor Orr was published at length in the Charleston Daily Courier of November 28, 1866. After referring to the abolition of slavery and the fact that the general assembly of the State, has by solemn enactment, accorded to the black race all the rights of person and property enjoyed by the white race," the message continued:

> Eleven of the Southern States, including South Carolina, are deprived of their representation in Congress. Although their Senators and Representatives have been duly elected, and have presented themselves for the purpose of taking their seats, their credentials have, in most instances, been laid upon the table without being read, or have been referred to a committee, who have failed to make any report on the subject. In short, Congress has refused to exercise its constitutional functions, and decide either upon the election, the return or the qualification of these selected by the States and people to represent us. Some of the Senators and Representatives from the southern States were prepared to take the test oath, but even these have been persistently ignored, and kept out of the seats to which they were entitled under the Constitution and laws. Hence this amendment has not been proposed by two-thirds of both Houses of a legally constituted Congress, and is not, constitutionally or legitimately, before a single legislature for ratification.
>
> Waiving this point, however, is it compatible with the interest, or consistent with the honor of this State, to ratify that amendment? Do not its first and last sections, if adopted, confer upon Congress the absolute right of determining who shall be citizens of the respective States, and who shall exercise the elective franchise, and enjoy any and all of the rights, privileges and immunities of citizenship? The sections referred to not only do this, but they subvert the theory and practice of the Government since its foundation, by abrogating the right of fixing the elective franchise conferred upon the respective State governments, and by giving the representatives of Oregon, or California in Congress the power to declare what shall constitute the measure of citizenship within the limits of South Carolina or Georgia. Who is most likely to exercise this power judiciously—the citizens of the State wherein the regulation is to be made, or nonresidents, who are entirely ignorant of the population, the intelligence, necessities and resources for which legislation is undertaken? With this amendment incorporated in the Constitution, does not the Federal Government cease to be one of "limited powers" in all of the essential qualities which constitute such a form of government? Nay, more, does not its adoption reverse the well-approved doctrine, that the United States shall exercise no powers, unless expressly delegated by the Constitution?

There was no mention of schools or education in the message.

The Journal of the 1866 session of the general assembly shows the action taken by it, but does not set forth its debates. Contemporary press accounts show with certainty that there was no

debate in either house on the amendment. The Charleston Daily Courier of December 15, 1866, contains a dispatch from Columbia which, with reference to the House report on the constitutional amendment, says in part:

The committee report "that they have considered the same and recommend that the proposed amendment be not adopted." Upon this point they were unanimously agreed, nor did they regard it essential that any recitation of the reasons inducing their opinion should be made. It was properly thought that our people were sufficiently apprised of the enormity of the scheme which the radical Congress is attempting to foist upon the South as a precedent condition to political restoration, and they therefore preferred to make a simple expression of their dissent, confidently relying upon the adoption of their report without being called upon for explanations which are within easy reach of every intelligent man in the State.

South Carolina rejected the amendment. Every other ex-Confederate State but Tennessee took similar action, and congressional Reconstruction began the following year.

Southern leaders soon realized their helpless position. Early in 1867, prominent southerners, including Governor Orr, conferred in Washington in a futile effort to undo the action. They proposed a virtually identical substitute for the 14th amendment, except that it would only penalize a State for denying sufferage on account of race or previous servitude, and would not prohibit compensation for loss of slaves. But the opportunity was gone. The Reconstruction bill, framed in anger on the rejection of the 14th amendment, was already in process of passage with the radicals determined to construct governments in the South which would ratify the 14th amendment, and more.

Pursuant to the Reconstruction Act of 1867—passed over the President's veto—the South Carolina convention met in January 1868 to draft a State constitution. Its proceedings were ordered to be edited and published.

Governor Orr addressed the convention at its invitation. Describing himself as one of the "disfranchised class," he observed that he had nevertheless urged the white people of the State who could vote for delegates to the convention to do so. He thought that "a great mistake had been committed by the great majority of whites of South Carolina in refusing to go to the polls and participate in any respect whatever in the election of delegates," an action he attributed to the harshness of the more stringent voting restrictions imposed by Congress the preceding July. The result was that the members of the convention represented "almost exclusively the colored element of South Carolina," wherefore "the very high duty is developed upon you of discharging the important trusts confided to your care in such a manner as to commend your action to the confidence and support, not only of those by whom you were elected, but of those who refused to go to the polls and vote in the election." Among other things, Governor Orr recommended "earnest attention" to the education of both the black and white population, urging at the same time that taxes should not be levied exclusively on property. "There is no taxation which is so universal, just and equitable as that upon the person or poll, for educational purposes, since all are interested in having an intelligent and virtuous population."

The constitutional convention wrote into the 1868 constitution sections which provided that:

(a) The first general assembly convened under the Constitution shall ratify the 14th amendment immediately after its permanent organization.

(b) Distinction on account of race or color in any case shall be prohibited, and all classes of citizens shall enjoy equally all common, public, legal and political privileges.

(c) A "liberal and uniform system of free public schools throughout the State" shall be provided, as soon as practicable and "one or more schools in each school district" shall be kept open at least 6 months of the year.

(d) The general assembly shall be under the duty "to provide for the compulsory attendance, at either public or private schools, of all children between the ages of 6 and 16 years," after "a system of public schools has been thoroughly and completely organized and facilities afforded to all the inhabitants of the State for free education of their children.

(e) "All the public schools, colleges, and universities of this State, supported in whole or in part by the public funds, shall be free and open to all the children and youths in the State, without regard to race or color."

The brief debate in the convention on the section requiring adoption of the 14th amendment contained no reference to schools, education, race, or color. Members opposed to the requirement contended that the general assembly should not have its hands tied on the issue, while the view which prevailed was well summarized by the statement that "until that amendment has become a portion of the supreme law of the land, we cannot get back into the Union"; the argument was that putting the requirement of ratification in the State constitution would bind the members of the general assembly to ratify, since they had to swear to support the State constitution in order to qualify as members.

The provision prohibiting distinction on account of race or color (art. I, sec. 39) was added by amendment from the floor. The committee had thought it well to avoid suggesting distinctions by introducing the word "color" into the Bill of Rights (art. I), and reasoned that it was not necessary to do so since "all citizens duly qualified are entitled to equal privileges." The proponents of the provision favored it "to settle the question forever by making the meaning so plain that a 'wayfaring man, though a fool,' cannot misunderstand it."

The subject of compulsory attendance was debated at great length, as was the provision for mixed schools. There were those who objected to compulsory attendance because of the mixed schools provision, while the latter provision was attacked the more vehemently because of the earlier adoption of the compulsory attendance provision.

E. L. Cardozo, a Negro who operated a private school in Charleston and was later State treasurer, was the floor leader on the educational sections. In the debate on compulsory attendance, he observed:

We only compel parents to send their children to some school, not that they shall send them with the colored children; we simply give those colored children who desire to go to white schools the privilege to do so.

In later pressing successfully for passage of the mixed schools provision, Cardozo said:

We have carefully provided in our report that every one shall be allowed to attend a free school. We have not said there shall be no separate schools. On the contrary, there may be separate schools, and I have no doubt that there will be such in most of the districts. In Charleston, I am sure such will be the case. In sparsely settled country districts, where perhaps there are not more than 25 or 30 children, separate schools may be established; but for 10 or 15 white children to demand such a separation, would be absurd; and I hope the convention will give its assent to no such proposition.

There was no mention in any of these debates of the 14th amendment, or any of its provisions. The constitution was adopted on March 17, 1868, and remained in force until superseded in 1895 by the present constitution.

The 14th amendment was ratified by the senate on July 6, 1868, and by the house of representatives on July 9. Governor Orr's message of July 8 to both houses discussed the issue of schools thus:

It must not be supposed that a school system, fashioned upon the basis which prevails in New England, or of the more densely settled regions of the older western States, will answer the purpose sought in South Carolina. To save an unnecessary expenditure of public money, therefore, it is recommended that a system be thoroughly digested and matured upon all the information which can be obtained from the experience of the other States of the Union, modified by existing circumstances here, and be then submitted to the general assembly, before appropriation of money be made for the public schools.

The constitution provided that "there shall be kept open at least 6 months in each year one or more schools in each school district." Gentlemen of intelligence, who were members of the convention, believe that the fair construction of this section will authorize, when the system is matured, the establishment of separate schools for the white and colored children of the State. Another section, however, declares that "all the public schools, colleges and universities of this State, supported in whole or in part by the public funds, shall be free and open to all the children and youths of the State, without regard to race or color."

If it shall be attempted to establish schools where both races are to be taught, no provision being made for their separation, the whole system will result in a disastrous failure. The prejudices of race, whether just or unjust, exist in full force not more in South Carolina than in New England and the West. In the last named localities separate schools are provided for white and colored children, and in a community where these prejudices prevail in so strong a degree, how unreasonable it is to attempt the organization of mixed schools. I therefore earnestly recommend that in adopting an educational system, care be taken to provide for the white and colored youths separate places of instruction. At the same time, in the name of peace and of the happiness of the people I protest against this amalgamation.

Ratification of the 14th amendment was completed in the forenoon of July 9, and the inauguration of Governor Robert K. Scott occurred at noon.

Dealing with education, his inaugural message stated:

Article X, section 3, of the constitution, provides that "there shall be kept open at least 6 months in each year, one or more schools in each school district."

I respectfully recommend that the general assembly will provide by law for the establishment of at least two schools in each school district when necessary, and that one of said schools shall be set apart and designated as a school for colored children, and the other for the white children, the school fund to be distributed equally to each class, in proportion to the number of children in each between the ages of 6 and 16 years. I deem this separation of the two races in the public schools as a matter of the greatest importance to all classes of our people.

While the moralist and the philanthropist cheerfully recognize the fact that "God hath made of one blood all nations of men," yet the statesman in legislating for a political society that embraces two distinct, and in some measure, antagonistic races, in the great body of its electors, must, as far as the law of equal rights will permit, take cognizance of existing prejudices among both. In school districts, where the white children may preponderate in numbers, the colored children may be oppressed, or partially excluded from the schools, while the same result may accrue to the whites, in those districts where colored children are in the majority, unless they shall be separated by law as herein recommended. Moreover, it is the declared design of the constitution that all classes of our people shall be educated, but not to provide for this separation of the two races, will be to repel the masses of the whites from the educational training that they so much need, and virtually to give to our colored population the exclusive benefit of our public schools. Let us, therefore, recognize facts as they are, and rely upon time and the elevating influence of popular education, to dispel any unjust prejudices that may exist among the two races of our fellow citizens.

An act to provide for the temporary organization of the educational department of the State was passed on September 15, 1868. A Massachusetts Negro, Justus K. Jillson, was appointed superintendent of education to operate the department of education under the temporary law until the act establishing a system of public schools, which was approved February 16, 1870, became effective.

Prior to passage of the act of 1870, Jillson had instructed the school commissioners in the various counties of the State to survey the situation as to the number of pupils, the number of schools, and so forth. Jillson submitted a report to the legislature on January 24, 1870, which contained the commissioner's recommendations for the establishment of a public school system. Of the 31 counties, 13 submitted no recommendations, and 5 submitted reports which made no mention of the subject of separate or mixed schools. Of the other 13 counties, 12 submitted reports which recommended the establishment of separate schools for the two races, and only one advised against such action. The following are typical reports:

Pickens County: "I would most respectfully urge an entire separate school system for the two races, without which the common free school system in this State will never prosper, or be of any value to either race. As far as my observation extends, neither of the races desires a system which will compel both to attend the same school. The colored citizens in my county are as much averse to sending their children to the same school as the white, and would take much more interest in a school set apart for them than they ever will in one to the contrary. The whites would take more interest in instructing, helping and advising them, and without a separate system, the whites will never send to a free school; they will have private schools entirely. But by having a separate system, in my opinion, both races would support it freely and thoroughly, and make of it what it should and would be—a blessing to all.

"Very truly yours,

"D. F. BRADLEY,

"School Commissioner of Pickens County, S.C."

Spartanburg County: "In my opinion no plan will succeed in this county which contemplates mixing the two races in the same schools under the same teachers. The blacks are generally as much opposed to such a course as the whites. I think, then, the schools in the various townships ought to be located and organized with a view to educating the races in separate schools.

"This feeling grows out of no prejudice or unkindness in the bosom of the white toward the blacks. The people are not prepared as yet for social equality. Nor does it spring from unwillingness to have them educated. I think they are willing to aid them in every reasonable way, and will cheerfully pay the school taxes, if they can see that they are wisely, economically and judicially applied.

"Let us have separate schools for the races, and I believe the peace, harmony and best interest of all will be thereby promoted.

"R. H. REID,

"School Commissioner of Spartanburg County, S.C., March 2, 1869."

Union County: "I would also state that it is the universal desire of both races to have separate schools. In every district in the county there would be scholars sufficient to make a school for each class. I am satisfied it would be far better for both classes.

"A. A. JAMES,

"School Commissioner of Union County, S.C., January 12, 1869."

On March 6, 1871, Governor Scott signed the second general school law of the State, which in its title purported to be an amendment of the 1870 act but actually superseded it. In the new law—as in the 1870 act—the State superintendent of education was required to report each year on the number of persons of school age in the counties; the number of each sex; the number of white; the number of colored; the whole number of persons that attended the free common schools of the State during the year ending the thirtieth day of the last preceding September, and the number in each county that attended during the same period; and the number of whites of each sex that attended, and the number of colored of each sex that attended those schools.

Also as in the 1870 act, the county commissioner and the district trustees were required to provide for records distinguishing between white and colored children.

In addition, the 1871 act provided:

SEC. 44. That it shall be the duty of each school teacher to make out and file with the clerk of the board of trustees, at the expiration of each school month, a full and complete report of the whole number of scholars admitted to the school during each month, distinguishing between male and female, the average attendance, the branches taught, the number of pupils engaged in said branches, and such other statistics as he or she may be required to make by the county school commissioner.

It will be noted that, although this act required the State superintendent of education and the district trustees to distinguish between white and colored pupils, and although it required school examiners to designate color on teachers' certificates, it did not require the teachers, in making their attendance reports, to designate as to color as well as number and sex. This acquires significance because it appears that the pupils in each school were all white or all colored. Historians tell the story thus:

The hopes of the constitutionmakers that progress would be made in the direction of compulsory interracial schools ended in failure. Governors Orr and Scott and the school commissioners advised against the mixture of the races in the common schools and the Negroes never demanded that this be done. No attempts were made in this direction by either Jillson or the legislature. But such an attempt was made at the institution at Cedar Springs for the deaf, dumb, and blind, and at the State university.

September 17, 1873, Jillson informed the Cedar Springs faculty that "colored pupils must not only be admitted into the institution on application, but that an earnest and faithful effort must be made to induce such to apply for admission." The colored pupils, he commanded, "must be domiciled in the same building, must be taught in the same classrooms and by the same teachers, and must receive the same attention, care, and consideration as white pupils." The effect of this order was the resignation of the faculty and the closing of the school for 3 years. Efforts to get a new faculty failed. The institution was reopened however, in 1876 under its former teachers. But separate quarters were provided for the two races.

Against the advice of Orr, the legislature reorganized the university without making distinctions of race. Under an act of March 3, 1869, provision was made for the election of a new and smaller board of trustees, and the faculty was prohibited from making "any distinction in the admission of students, or the management of the university on account of race, color, or creed." To stimulate the ingress of students, one was to be admitted from each county free, the fees of others were reduced, and a preparatory school was authorized for those unfit to enter the college classes.

But the whites, with the act hanging over them and with the board of trustees made up of black and white radicals, became more and more distrustful and gradually withdrew their patronage. Their distrust was increased, when, on the resignation of additional professors, northerners were appointed in their places. The final blows came when Henry E. Hayne, the colored secretary of state was accepted as a student on October 7, 1873. Immediately the native white students resigned and native professors resigned or were dismissed.

The whites never became reconciled to coeducation of the races, and when they recovered power in 1877 they dismissed the colored students and imported professors,

and reconstituted the institution along traditional lines in 1880.

It would seem, therefore, that the Cedar Springs School for the Deaf, Dumb, and Blind and the State university were the only educational institutions in which mixing of the races was attempted. My research has revealed nothing to the contrary.

In 1870 the general assembly did enact legislation to enforce the provisions of the civil rights bill of the U.S. Congress, and to secure to the people the benefits of a republican government in this State. That act made it unlawful for common carriers and theater operators and any parties engaged in any business, calling or pursuit for the carrying on of which a license or charter was required by any law, municipal, State, or Federal, or by any public rule or regulation, to discriminate, assign special accommodations, or refuse admission on account of race, color, or previous condition. Although the legislature thus directed its attention to the problem of racial discrimination, no legislation then provided or has since provided for mixed schools in the State, or prohibited separate schools in the counties and school districts.

To summarize, there is no indication that the question of segregation by race in the public schools entered into consideration of either the South Carolina rejection—1866—or ratification—1868—of the 14th amendment. Nor is there any indication in the proceedings of the 1868 constitutional convention that the members viewed the 14th amendment as prohibiting or even dealing with separate public schools for the two races, or segregation in any other respect. Indeed, the action taken at that convention strongly suggests that the delegates regarded the question of separation or distinction based on race or color as one to be dealt with on the State level, as to which State action was necessary.

Both Governors Orr and Scott after the adoption of the 1868 constitution, and Governor Scott on the same day that the general assembly had earlier ratified the 14th amendment, recommended to the general assembly that separate schools for white and colored children be provided for in school legislation—irrefutable evidence that contemporary opinion did not regard the 14th amendment as interdicting separate schools.

The 1870 and 1871 public schools legislation laid down no requirement of mixed schools, but on the contrary provided for separate statistics as to white and colored pupils on a State and district though not on an individual school basis. This circumstance, buttressed by historical research demonstrates that the public schools were operating in practice on a separate basis.

Thus two Governors—by their messages—the general assemblies—by their legislation—and the school authorities, State, county, and local—by their administrative recommendations and practices—demonstrated their belief that the question of segregation in schools, far from being outlawed by the 14th amendment, was an open one for legislative determination by the State, both under the State and the Federal Constitutions.

Thus it would seem that the five States, which abolished or made no provision for school segregation at or about the time they ratified the 14th amendment did so as a matter of local policy rather than because they considered the question foreclosed by the 14th amendment. And three of the five later enacted legislation reviving their segregated school systems.

Next, Mr. President, it is in order to consider the four States which had segregated schools and refused to ratify the 14th amendment.

Three States—California, Kentucky, and Maryland—never ratified the 14th amendment. However, their failure to ratify is no evidence, and there is no other evidence, that they contemplated or understood that the 14th amendment would abolish segregation in their public schools. In fact, contemporaneous action by the legislatures of these States in establishing separate schools indicates a contrary view.

In California the house received a report recommending rejection, while the senate received a report recommending ratification. The two houses remained deadlocked and the amendment was never rejected or ratified. Neither of the two reports on the 14th amendment made any mention of its possible effect upon California's segregated school system. The fact that California, after the 14th amendment had been proclaimed as ratified, reenacted legislation requiring separate public schools for Negro and white children, demonstrates that the legislature did not understand that the 14th amendment abolished segregation in the public schools of that State.

Although the Kentucky Legislature voted rejection of the amendment pursuant to recommendation of the Governor, his message did not discuss its merits. There is nothing in the legislative proceedings to indicate that in rejecting the amendment the legislature even considered its possible effect upon the segregated public school system of Kentucky, much less that it rejected the amendment because it contemplated or understood that the amendment would abolish segregation in the public schools of the State. Indeed, the understanding seems to have been directly to the contrary. Apparently, prior to 1867, Kentucky had made no provision for the free education of Negroes. The same legislature which rejected the 14th amendment established schools for Negroes to be supported by taxes collected from Negroes, thus effectually establishing a separate school system. No real system of Negro education seems to have been established in Kentucky prior to 1882. The public schools have been segregated in practice until very recently and, in fact, still are to some extent. The State constitution of 1891 made segregation mandatory in the public schools. It is clear that the convention which adopted this constitution understood that the 14th amendment, which had then been in force for over two decades, did not prohibit racial segregation in the public schools.

The Maryland Legislature voted to reject the 14th amendment only after it had considered an extensive report of the joint committee on Federal relations, to which the amendment had been referred. It is of particular significance that in this report there is no reference whatever to the possible effect of the 14th amendment upon the public schools of the State.

Maryland, like Kentucky, had made no provision for the free education of Negroes before 1867, when the 14th amendment was submitted to the legislature. The first comprehensive school system was established by law effective April 1, 1868, just 4 months before the 14th amendment was proclaimed as ratified. The statute provided for the maintenance of separate schools for colored children by taxes paid by the colored people of the county. The continuance of this system by legislation, repeatedly reenacted by succeeding legislatures, is itself evidence that the amendment was not understood as abolishing or requiring the prohibition of segregation in the public schools of Maryland.

For all intents and purposes, Delaware may be considered under this heading, since it did not ratify the 14th amendment until early in the 20th century. The Delaware Legislature rejected the 14th amendment in 1867. Although the Governor in his inaugural address of January 15, 1867, expressed the view that the amendment was a dangerous encroachment on State rights, he made no reference to the possible effect of the amendment upon the school system then existing in Delaware. At that time no free schools for Negroes were provided by the State. Such Negro schools as existed were supported by voluntary contributions made by Negroes.

Delaware did not ratify the 14th amendment until 1901. The constitution of 1897, in effect at that time, provided for the maintenance of separate schools. Clearly then the Delaware Legislature, when it ratified the amendment, did not understand it to require the abolition of segregation in the public schools.

Next, Mr. President, let us look at the two border States which had segregated schools and continued them after ratifying the 14th amendment.

The border States of Missouri and West Virginia both had segregated public school systems at the time they ratified the 14th amendment and both continued them until very recently.

The Missouri constitution of 1865 specifically permitted the establishment of separate schools for Negroes. Statutes implementing this permissive segregation and providing separate schools for Negroes were enacted in 1865, 2 years before the 14th amendment was ratified by Missouri, and thereafter in 1868, 1869, and 1874. The Missouri constitution of 1875 made segregated schools compulsory and implementing statutes were enacted in 1879, 1887, and 1889.

The West Virginia Legislature of 1863, in establishing a free school system, had required segregation of the races. This legislation was in effect when West Virginia ratified the 14th amendment on January 16, 1867. On February 27, 1867, the same legislature enacted a statute providing that "white and colored persons shall not be taught in the same schools." The West Virginia constitution adopted in 1872 incorporated this requirement of school segregation into the basic law of the State.

Patently, the legislatures of Missouri and West Virginia did not, when they ratified the 14th amendment, understand or contemplate that it would prohibit school segregation or require its abolition.

So much for Missouri and West Virginia. Let us now turn to the nine Northern or Yankee States, if you will, which continued to operate or immediately established segregated schools after ratifying the 14th amendment.

Persuasive evidence that the State legislatures which ratified the 14th amendment did not contemplate and did not understand that it would abolish segregation in public schools is supplied by those Northern States, which although ratifying the 14th amendment, nevertheless either contemporaneously established separate public schools or continued to operate existing segregated public school systems. These nine States are Illinois, Indiana, Kansas, Nevada, New Jersey, New York, Ohio, Oregon, and Pennsylvania.

At the time it ratified the 14th amendment in 1867, Illinois did not provide free schools for Negro children because the law did not contemplate their coattendance with white children in the free public schools. The superintendent of public instruction in his 1867–68 report stated that the question of maintaining separate schools for the two races might safely be left to the respective school districts to determine. A similar statement was made by the Governor in his message to the legislature in 1871. Illinois did not end its separate school system until 1874.

Similarly, when the 14th amendment was submitted to the Indiana Legislature in 1867, that State excluded colored children from its common schools and made no provision whatever for their education. Gov. Oliver P. Morton, afterward U.S. Senator, in his message to the legislature recommending ratification of the 14th amendment, referred to this fact and suggested the establishment of a school fund in proportion to the number of colored children in the State to be applied to their education by the establishment of separate schools. This recommendation was not adopted by the 1867 legislature. In 1869, however, taxation for common school purposes was made uniform and the education of Negro children was provided for in separate schools.

Indiana is one of only two States which have available today a record of legislative debates concerning the proposed adoption of the 14th amendment. While it is true that one bitter opponent of the amendment stated that as a result of its ratification Negroes "would sit with us in the jury box and with our children in the common schools," the legislature of 1869 evidently did not agree with his views when it provided separate schools for Negro children.

The legislative debates on the measure making provision for separate schools are also extant. The record does not indicate that the 14th amendment at any time entered into the discussions of the legislators. Some opposed educating the Negro at all. Others favored separate schools in the belief that the Indiana constitution required education for the Negro. Still others favored mixed schools on the theory that they were required by the Indiana constitution. None indicated a belief that segregated schools, if established, would violate the 14th amendment. This record, coupled with the fact that Indiana established separate schools within a year after it had ratified the 14th amendment, is persuasive evidence that the Indiana Legislature did not understand that the 14th amendment prohibited segregation or required its abolition.

Kansas ratified the amendment in 1867. The very next year its legislature gave to boards of education in cities of the first and second class the right "to organize and maintain separate schools for the education of white and colored children." This permissive segregation continued until black Monday, May 17, 1954, except for the 3-year period 1876–79. Obviously Kansas did not understand that the 14th amendment would abolish segregation in the public schools.

Nevada, when the 14th amendment was submitted to it in 1867, made no provision for the free education of Negro children. In his message to the legislature recommending ratification of the 14th amendment the Governor expressed the view that failure to provide education for the Negroes violated the Nevada constitution. He did not, however, link the 14th amendment with the subject. The same legislature which ratified the 14th amendment enacted legislation providing:

> Negroes, Mongolians, and Indians shall not be admitted into the public schools, but the board of trustees may establish a separate school for their education, and use the public school funds for the support of the same.

This is compelling evidence that the Nevada Legislature which ratified the 14th amendment did not understand that it would abolish segregation in the public schools. Although in 1872 the Nevada Supreme Court held by a divided court that the statutory requirement of separate schools violated the State constitution, the judges were unanimously of the view that the contention that the statute violated the 14th amendment was "utterly untenable."

New Jersey had permitted segregation in public schools on a local option basis for many years before the 14th amendment was submitted to it. The New Jersey Legislature ratified the amendment in 1866. The legislature of 1868 adopted a resolution rescinding the ratification of the 14th amendment and setting forth a number of objections to the amendment. It is important to note that the possible effect of the amendment upon the segregation school system of the State was not among the objections contained in the resolution. School segregation was not outlawed in New Jersey until 1881.

In New York separate schools for Negroes and whites had been permitted by statute prior to 1867 when the 14th amendment was submitted to the legislature of that State. In practice separate schools for Negroes were established in the city of New York and in Brooklyn. School segregation was not completely outlawed by statute in New York until 1938. Hence the New York Legislature which ratified the 14th amendment did not understand that it would require abolition of school segregation. Furthermore, the New York courts in decisions rendered over the period 1869–1900 agreed that this was not the effect of the amendment.

Ohio ratified the 14th amendment in 1867, a statutory system of separate schools having been in effect there for many years. It rescinded its ratification in 1868, although the Governor advised the legislature that nothing had occurred in the intervening year to indicate that ratification did not represent the wishes of the people. The rescinding resolution made no mention of any possible effect which the amendment might have upon the segregated school system then existing in Ohio. In 1871, the Supreme Court of Ohio unanimously sustained the constitutionality under the 14th amendment of Ohio's separate school statute. Ohio continued its segregated school system for almost 20 years after the 14th amendment had been adopted and did not outlaw such segregation until 1887, demonstrating that the amendment was not understood as prohibiting or requiring the abolition of segregation in the public schools of Ohio.

Although Oregon does not appear to have had any constitutional or statutory provisions regarding school segregation, separate schools existed in Portland as late as 1867, after Oregon had ratified the amendment, and were not discontinued until 1871. In 1868, Oregon rescinded its earlier ratification of the amendment, but there is no evidence that this was induced by any supposed effect of the amendment on the public schools of the State.

When Pennsylvania ratified the 14th amendment in 1867, the school authorities of that State had been required since 1854 to establish separate schools for Negroes when 20 or more Negro pupils were available. Such school segregation was upheld by the Pennsylvania courts when attacked on constitutional grounds in 1873 and was not abolished until 1881. Thus, in Pennsylvania as in New York, the courts and the legislatures both agreed that the 14th amendment did not prohibit segregation in the public schools of that State.

Finally, Mr. President, we must consider the eight seceded States which continued to operate or immediately established segregated schools after ratifying the 14th amendment.

I regard as particularly probative the fact that, in seven of the seceded States, legislatures which had been reorganized under the Reconstruction acts and which ratified the 14th amendment, also enacted legislation requiring segregation in the public schools. These seven States

are Alabama, Arkansas, Georgia, Mississippi, North Carolina, Texas, and Virginia. With these may be considered Tennessee which, although readmitted to the Union before the Reconstruction acts were passed, was nevertheless subjected to many of the influences of Reconstruction.

In Alabama, the reconstructionist legislature, which had ratified the 14th amendment on July 13, 1868, by overwhelming majorities, on August 11, 1868, adopted a general school law which required segregated schools unless all parents in the district consented to amalgamation.

Similarly, the reconstructionist legislature in Arkansas, which had ratified the 14th amendment by unanimous vote on April 6, 1868, passed a statute on July 23, 1868, establishing the public school system and directing the State board of education to make the necessary provision for establishing separate schools for white and colored children.

In Georgia, at a time when the provisional Governor and a majority in both houses were Republicans, the legislature ratified the 14th amendment and also enacted the first law establishing a system of public schools in Georgia, containing the provision that "the children of the white and colored races shall not be taught together in any subdistrict of the State."

In Mississippi, the reconstructionist legislature which adopted the 14th amendment enacted legislation to establish a free school system containing no reference to segregation. Although the house twice defeated amendments to the statute which would have specifically required segregation, the legislation was construed by the Lieutenant Governor, a Republican, as permitting the people, if they so desired, to provide separate schools. In practice the schools established under this legislation were segregated schools, and school segregation was expressly made a requirement by statute in 1878.

The reconstructionist Legislature of North Carolina ratified the 14th amendment on July 4, 1868. The new State constitution, which had been adopted at a convention assembled in January 1868, neither required nor prohibited segregated education. Two days after ratification of the 14th amendment the Governor, in his inaugural address, stated that it was "believed to be better for both races and more satisfactory to both, that the schools should be distinct and separate." Within a few weeks the legislature adopted a joint resolution urging the establishment of a system of free but segregated schools. Shortly thereafter, pursuant to further recommendation by the Governor, legislation was enacted authorizing the school authorities to establish separate schools for the children of each race.

In Tennessee the same legislature which ratified the 14th amendment amended the school law to require segregated education in Tennessee—an enactment described by the Republican Governor in his second inaugural address as "the wise and desirable school law."

In Texas the same reconstructionist legislature which ratified the 14th amendment enacted a school statute empowering a board of directors to "make any separation of the students or school necessary to insure success." In practical effect this gave the local authorities the discretion to segregate students as local conditions might require.

In Virginia the reconstructionist legislature which ratified the 14th amendment established a system of free schools by legislation which contained the provision that "white and colored persons shall not be taught in the same schools, but in separate schools."

To summarize briefly, in the nine States which had no separate schools and few Negro residents at the time of ratification, we do not find any probative evidence upon this question. Suffice it to say, however, that there is no evidence of the existence in those States of any view that the amendment did require the abolition of public school segregation. Evidence abounds to show that the five States which contemporaneously discontinued or outlawed segregation did so in the exercise of their own discretion rather than because they considered the matter settled by any prohibition contained in the amendment. Contemporaneous action of the legislatures of the four Union States which refused to ratify the amendment indicates that they did not construe it as abolishing segregation. Moreover, there is absolutely no evidence to support an interpretation of their refusal to ratify as recognition of any prohibitory effect of the amendment with respect to separate schools. Two border States and nine Northern States continued to operate or immediately established separate schools after ratifying the amendment. And the reconstructionist legislatures of eight ex-Confederate States maintained segregated schooling after ratifying the amendment, often upon the recommendation of provisional or reconstructionist Governors.

From this review of the attitude toward the 14th amendment of the 37 States which comprised the Union at the time the amendment was adopted, viewed against the historical background of the educational systems of those States, the conclusion is indisputable that the States did not construe the amendment as compelling the abolition of separate schools.

Now, Mr. President, following the exemplary procedure used in Martin against Hunter for the correct method of constitutional construction, let us examine next the decisions of the highest courts of the several States on this particular question.

We recall that the 14th amendment was purported to have been ratified by July 28, 1868. The first attempt to have the 14th amendment applied in the area of education appears to have occurred in the State of Ohio in 1871. The case was *The State of Ohio ex rel. William Garnes* v. *John W. McCann, and others* (21 Ohio State 198). The case reached the Supreme Court of Ohio in the December term, 1871, just 3 years after the alleged ratification of the 14th amendment.

The facts of the case were simple. Certain boards of education in Ohio had established separate public schools for the white and Negro races, under authority of a statute of Ohio. The statute authorizing separate schools was attacked on the grounds that it contravened the terms of the 14th amendment to the Federal Constitution.

Counsel for the Negroes who were attacking the statute took this position:

There is no longer in this country, or in any State in this country, as there once was, an intermediate class of people standing half way between citizens, and aliens born in the country, and yet not of the country—whose position is undefined and whose rights are doubtful and undetermined.

Counsel for the school board, in opposition, contended:

In defining the rights of citizenship and settling its immunities by legal adjudication, we do well to remember that social equality is not one of the elements of citizenship. It can neither be created nor controlled by constitutions, legislative enactments, or judicial decisions. It is the creature of a higher and more subtle law than any and all of these. School boards can neither make nor unmake it. The "lex scripta" which prescribes, defines and enforces it, is recorded only in the affections, the sensibilities, the intellectual tastes and affinities in the inner life of the man or woman.

Justice Day, in writing the opinion of the court to the effect that the Ohio statutes did not violate the 14th amendment said:

Equality of rights does not involve the necessity of educating white and colored persons in the same school, any more than it does that of educating children of both sexes in the same school, or that different grades of scholars must be kept in the same school. Any classification which preserves substantially equal school advantages is not prohibited by either the State or Federal Constitution, nor would it contravene the provisions of either.

This was a contemporary decision. The Members of Congress who proposed the 14th amendment, and the members of the several legislatures who considered the question of its ratification were alive, and for the most part, exercising the prerogatives of public office. So unanimously was the decision received as a correct exposition of the true meaning of the 14th amendment that no appeal was taken to the Supreme Court of the United States.

The question was raised again 3 years later, in 1874, in the State of California. The case was *Mary Frances Ward* v. *Noah F. Flood, Principal of Broadway Grammar School* (48 California 36). The plaintiff, a colored child, applied and was denied admission to Broadway School on the sole ground that she was colored. Her counsel contended that the school law of California, which provided for separate schools for colored children, violated the 14th amendment.

The court held that the school law of California did not violate the 14th amendment. In part the California Supreme Court said:

In short, the policy of separation of the races for educational purposes is adopted by the legislative department, and it is in this mere policy that the counsel for petitioner professes to discern "an odious distinction of cast (sic), founded on a deep-rooted prejudice in public opinion." But it is hardly necessary to remind counsel that we cannot deal here with such matters, and that our duties lie wholly within the much narrower range of determining whether this statute, in whatever motive it originated, denies to the petitioner, in a constitutional sense, the equal protection of the laws; and in the circumstances that the races are separated in the public schools, there is certainly to be found no violation of the constitutional rights of the one race more than the other, and we see none of either, for each, though separated from the other, is to be educated upon equal terms with that other, and both at the common public expense.

The identical question arose in Indiana also in 1874, in *Cory et al.* v. *Carter* (48 Indiana 327). Under attack before the Supreme Court of Indiana was an Indiana statute enacted on May 13, 1869, only shortly after the Secretary of State declared the 14th amendment to be a part of the Constitution. The statute provided that colored children be organized in separate public schools, having all the rights and privileges of other schools. The court found no conflict between the statute and the 14th amendment of the Federal Constitution. The court said:

The system of common schools in this State has its origin in, and is provided for by, the constitution and the laws of this State. It is purely a domestic situation, and subject to the exclusive control of the constituted authorities of the State. The Federal Constitution does not provide for any general system of education to be conducted and controlled by the National Government nor does it vest in Congress any power to exercise any general or special supervision over the States on the subject of education.

In 1882, a colored child sought admission to a school for white children in the city of Brooklyn, N.Y., and was denied admission. The separate schools were established pursuant to an act of the New York Legislature, passed in 1850, which authorized the establishment of separate schools for the education of the colored race when the school authorities concluded that the interests of education would be promoted thereby. The colored child, who was denied admission to the white school, attacked the validity of the New York statute in the case of *People, ex rel. King* v. *Gallagher* (93 New York 438), on the ground that the prohibitions of the 14th amendment to the Federal Constitution invalidated the New York statute.

The court of last resort in New York, the New York Court of Appeals, held that "equality, and not identity of rights and privileges, is what is guaranteed to the citizen," by the 14th amendment to the Federal Constitution. The court wrote a most enlightening opinion, several paragraphs of which I should like to quote. The court said:

The argument of appellant's counsel is to the effect that the 14th amendment under the laws of this State giving equal privileges in its common schools, to every citizen, confers upon the relator not only the right of equal educational facilities with white children, but that such education shall be furnished at the same time and place with that afforded to any other child, otherwise it is claimed that she is abridged of some "privilege or immunity" which of right belongs to her, or that she is denied the equal protection of the law.

After discussing the origin of the 14th amendment, the court continues:

But we are of the opinion that our decision can also be sustained upon another ground, and one which will be equally satisfactory as affording a practical solution of the question involved. It is believed that this provision will be given its full scope and effect when it is so construed as to secure to all citizens, wherever domiciled, equal protection under the laws and the enjoyment of those privileges which belong, as of right, to each individual citizen. This right, as affected by the questions in this case, in its fullest sense, is the privilege of obtaining an education under the same advantages and with equal facilities for its acquisition with those enjoyed by any other individual. It is not believed that these provisions were intended to regulate or interfere with the social standing or privileges of the citizen, or to have any other effect than to give to all, without respect to color, age, or sex, the same legal rights and the uniform protection of the same laws.

As I have mentioned before, the contemporaneous rule of construction was even at this time so firmly established that a court usually proceeded to apply it, without bothering to either state it or explain it. Such was the procedure in this case by the New York Court of Appeals; for the key to this case is the following language of the courts, to wit, and I quote:

The highest authority for the interpretation of this amendment is afforded by the action of those sessions of Congress which not only immediately proceeded, but were also contemporaneous with, the adoption of the amendment in question.

It is also most enlightening to note that the Court of Appeals of New York used the same approach as was used in Martin against Hunter, for the court then said:

The question here presented has also been the subject of much discussion and consideration in the courts of the various States of the Union, and it is believed has been, when directly adjudicated upon, uniformly determined in favor of the proposition that the separate education of the white and colored races is no abridgement of the rights of either.

The court concluded:

Equality and not identity of privileges and rights is what is guaranteed to the citizen, and this is what we have seen the relator enjoy.

There was another contemporaneous decision of a State court to the same effect as the ones I have cited, Mr. President. It was the case of *The State of Nevada ex rel. Stoutmeyer* v. *James Duffy, et al.* (7 Nevada 342), decided in January 1872, only about 3½ years after the purported adoption of the 14th amendment. The highest court of the State of Nevada also held that it was entirely within the power of the State school trustees "to send all blacks to one school and all whites to another."

Mr. President, there can be not the slightest doubt that the contemporaneous decisions of the highest courts of the several States were unanimous in their conclusion that the 14th amendment did not prohibit the maintenance by a State of separate schools for the white and colored races.

Mr. President, now let us take the last step in applying the procedure so well exemplified in Martin against Hunter for the application of the contemporaneous interpretation of the Constitution. The reports reveal that there were actually no Supreme Court of the United States decisions contemporaneous to the consideration by Congress and the State legislature of the 14th amendment. It is worthy to note that there was a Federal case in point, to wit: *Bertoneau* v. *Board of Directors of City Schools et al.* (3 Woods 177), decided by Judge William B. Woods of the U.S. Circuit Court for Louisiana in 1878. It is interesting also to note that Judge Woods was a former Union officer who had participated in some of the most famous battles of the late war for southern independence, and, in fact, had commanded a division in Sherman's army during the march to the sea.

The complainant attacked a resolution of the directors of the city schools to the effect that the best education could be obtained by educating the different races in separate schools. The complainant's children had been denied admittance to white schools under authority of this resolution on the ground that they were persons of African descent. Judge Woods dismissed the complaint concluding, and I quote from the decision:

Any classification which preserves substantially equal school advantages does not impair any rights, and is not prohibited by the Constitution of the United States. Equality of rights does not necessarily imply identity of rights.

There was no appeal to the Supreme Court of the United States.

It is interesting to observe, in connection with this case, that, in 1880, Judge Woods was appointed a judge of the U.S. Supreme Court by another former Union general, President Rutherford B. Hayes.

Mr. President, it was not until 1899 that a case concerning separate public schools for the white and colored races under the 14th amendment reached the Supreme Court of the United States. In the interim since the purported adoption of the 14th amendment, the amendment had been construed in relation to a number of other fields. Despite the absence of an appeal to the Supreme Court of the United States, the validity of the "separate and equal" procedure with respect to public schools was apparently well established by virtue of the State and lower Federal court decisions previously mentioned.

It was over 30 years, then, after the Secretary of State issued his proclamation on the 14th amendment that the Supreme Court of the United States considered the case of *Cummings* v. *Board of Education* (175 U.S. 528). This case arose in Richland County, Ga. The colored plaintiffs sought to enjoin the county board of education from maintaining a white high school, since the colored high school, formerly maintained by the board, had been discontinued.

The injunction was granted by the trial court, but this action was reversed by the Supreme Court of Georgia. The U.S. Supreme Court upheld the Georgia Supreme Court, and said:

> Under the circumstances disclosed, we cannot say that the action of the State court was, within the meaning of the 14th amendment, a denial by the State to the plaintiffs and to those associated with them of the equal protection of the laws or any privileges belonging to them as citizens of the United States. We may add that while all admit that the benefits and burdens of public taxation must be shared by citizens without discrimination against any class on account of their race, the education of the people in schools maintained by State taxation is a matter belonging to the respective States, any interference on the part of the Federal authorities with the management of such schools cannot be justified except in the case of a clear and unmistakable disregard of rights secured by the Supreme law of the land.

It is worthy of comment that this case did not present squarely to the Court the question so thoroughly litigated in the State courts earlier. So well established was the validity of separate schools that only where there was in the facts of the case a distinguishing twist, was the case considered worthy of appeal.

Even as late as 1927, when the Supreme Court was next called on to decide a case in this area, the distinguishing twist feature was present. This was in the case of *Gong Lum* v. *Rice, et al.* (275 U.S. 91). This matter arose in Mississippi, where a Chinese citizen of the United States was declined admission to the white school, leaving only the colored school for attendance. The U.S. Supreme Court, in denying the claim for relief, said:

> The question here is whether a Chinese citizen of the United States is denied equal protection of the laws when he is classed among the colored races and furnished education equal to that offered to all, whether white, brown, yellow, or black. Were this a new question, it would call for very full argument and consideration; but we think that it is the same question which has been many times decided to be within the power of State legislatures to settle, without intervention of the Federal courts under the Federal Constitution.

The Court then cited the majority of the State court decisions heretofore discussed. The Court said further:

> Most of the cases cited arose, it is true, over the establishment of separate schools as between white pupils and black pupils; but we cannot think that the question is any different, or that any different results can be reached, assuming the cases above cited to be rightly decided, where the issue is as between white pupils and the pupils of the yellow races. The decision is within the discretion of the State in regulating its public schools, and does not conflict with the 14th amendment.

Truly, neither of these cases decided by the Supreme Court adjudicated the precise question of whether the "equal rights and privileges" prohibition of the 14th amendment outlawed separation of the white and Negro races in public schools. Nevertheless, it is impossible to read either Cummings against Board of Education, or Gong Lum against Rice et al., without realizing that the Court in both opinions accepted the validity of the separate and equal approach to public schools as its basic premise.

Mr. President, in the interest of brevity and due to time limitations, I have excluded from this discussion the related decisions of the U.S. Supreme Court which applied the language of the 14th amendment to fields of State activity other than public education. In confining myself to the Martin against Hunter approach, I have also refrained from undertaking any extensive discussion of the cases of *Sweatt* v. *Painter et al.* (339 U.S. 629) or *McLaurin* v. *Oklahoma State Regents* (339 U.S. 637), in which cases the Court continued to pay lipservice to the law of the land while ignoring the purpose and practical application of the prior construction of the Constitution.

We have examined the correct application of the contemporaneous construction rule to the 14th amendment as it applied to the facts before the Court in the case of Brown against Board of Education of Topeka and the allied cases combined by the Court therewith. There can be not the slightest doubt that both the Congress and the legislatures which proposed and considered ratification of the 14th amendment, respectively, undertook their actions thereon with the firm understanding that the 14th amendment in no way interfered with the rights of the several States to maintain separate schools for the white and colored races. The highest State tribunals which considered the question unanimously confirmed this intention and meaning. The Supreme Court itself considered such contemporaneous construction so valid as to accept it as a basic premise for the decision in these two cases in which the precise question was most nearly approached.

Now, Mr. President, let us look at the action of the U.S. Supreme Court in the case of Brown against Board of Education of Topeka. A detailed discussion of the facts or the procedures involved is not necessary, for I am certain that the Members of this body are quite familiar with that decision. I have previously stated the question which was actually before the Court, to wit: Does segregation of children in public schools, solely on the basis of race, even though the physical facilities and other tangible factors may be equal, deprive the children of either group of the equal protection of the laws? Originally the cases involved the question of whether the facilities themselves were substantially equal, but during argument the issue was obviously narrowed to the issue before stated.

It was clear during the argument that the Court was not thinking in terms of the contemporaneous interpretation rule, as is illustrated by a question of Justice Burton, and I quote:

> Don't you recognize it as possible that within 75 years the social and economic conditions and the personal relations of the Nation may have changed so that what would have been a valid interpretation of them 75 years ago would not be a valid interpretation of them today?

Mr. President, never has the application of the trite phrase "immaterial and irrelevant" been more applicable than to this question. It should have been of no concern, and legally was of no concern to the Court, that the social and economic conditions of the Nation had changed in the 75 years since the adoption of the 14th amendment. The law and the Constitution, except as amended by the process specified in the Constitution, was and is the same today as the day it was adopted. Social and economic changes occurring subsequent to the adoption of a constitutional provision have no effect whatsoever on the interpretation of the particular provision. It is quite possible that in a much shorter period, what had originally been a necessary and workable provision of law had become most onerous, and from the standpoint of fairness, a most unjust provision. A change in the law itself, however, to respond to changed social, economic, or political conditions is a policy decision reserved for legislative action. It has no place whatsoever in judicial deliberations.

Mr. President, the opinion of the Court in the Brown case completely ignored the oft-repeated expression in Supreme Court decisions that "it is the duty of the interpreters to place themselves as nearly as possible in the condition of those who framed the instrument." By way of contrast—and this is the heart of the matter—I quote the key paragraph from the decision of the U.S. Supreme Court in Brown against Board of Education:

> In approaching this problem, we cannot turn the clock back to 1868 when the amendment was adopted; or even to 1896 when *Plessy* v. *Ferguson* was written. We must consider public education in the light of its full development and its present place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of equal protection of the laws.

In those few words, and we might even restrict it further to the clause "we cannot turn the clock back to 1868 when the amendment was adopted," the Court substituted in the United States of America a government of men for a government of laws. It is that simple.

Now, Mr. President, I am conscious of the fact that there are Senators in this body who are not particularly disturbed by the failure of the Supreme Court to apply the rule of contemporaneous interpretation to the 14th amendment as it affects the question of the States' power to establish segregated public schools. Indeed, many Senators in this body represent States in which the nonwhite population is in such a vast minority that the question indeed is moot; but the time has long since passed when all Senators, and, in fact, all Americans should realize that a departure from such a basic concept affects not only the particular situation in which it was applied, but practically every facet of American lives. Let me illustrate.

Water is probably the most precious commodity known to the people of many of our Western States. Apparently, no serious question has ever been raised concerning the right of the several States to control as the people of the State, acting through their elected representatives, so desired. The power to control the water is attendant to the States' inherent sovereignty. Such a power was never delegated to the Federal Government, and indeed was among those innumerable powers reserved to the several States in the 10th amendment. No one can seriously doubt that the framers of the Constitution intended that the State should continue forever to retain such powers, even though at the time the Constitution was adopted, the specific question of control of water rights within a State probably did not occur to the legislatures of the States which ratified the Constitution. Unquestionably, water was not a prime issue at that time.

None of us can deny, Mr. President, that times have changed. At the time the Constitution was adopted, the territory which now comprises the Western States was not even owned by the United States of America, nor by any State thereof. It was occupied by the red man, and there was a surplus of water for his needs, as was the case with the citizens in the then States of the United States. As the population of the Western States grew and multiplied rapidly, and as industrialization and agriculture expanded, water conservation became a principal consideration to the people of the Western States. This necessitated a departure from the water law of riparian rights which prevailed in the States of English origin under common law and resulted in a control of water by the individual State governments. As the utilization of water for the various purposes continues to increase, the problem unquestionably will become even more serious.

Certainly under the rule of contemporaneous interpretation, the Constitution, except by amendment under article V thereof, cannot be changed to deprive the individual States of their control of the water within its bounds. Under the rationale of the Brown against Board of Education decision, however, changing conditions might well convince the Court that it would now be a better policy, in the interests of the entire American public, that the States be deprived of their control of their waters and that all streams, and the utilization of water therefrom, are within the jurisdiction of the Federal Government. I feel quite sure that were the rationale of the Brown case applied in this field, Senators and also citizens from the Western States would be most disturbed.

Let us consider another example.

Rather than minority rights let us consider a true civil right of not only a minority, but of every American. The right of free speech is guaranteed by the first amendment to the United States Constitution. Throughout our history the courts have been most vigorous in their interpretations of this basic safeguard in order to protect the individual citizen.

Times have changed since the adoption of the first amendment to the Constitution. Cold wars, which grow intermittently hot, were unknown to the framers of the Constitution, who also were the adopters of the first 10 amendments. The spoken word in the postcolonial day was of no danger, regardless of its content, to the security of the United States. The press was pretty much a local matter. Radio, television, and telegraph, as well as the rapid means of transportation we now enjoy, were not even fond dreams. There was absolutely no danger of loose talk aiding and abetting the cause of a foreign enemy. State secrets were, for all practical intents and purposes, secure, so long as they were known only to persons within the confines of the country. I doubt seriously if anyone would argue that those who adopted the first amendment contemplated the conflicts which would one day arise between freedom of speech on the one hand and the national security on the other.

We are all acutely aware, however, Mr. President, that complete freedom of speech in the case of Government employees, and employees of Government contractors, who have access to the classified information encompassing the very heart of our system of military defense as well as our plans for operation in the cold war, creates, in the absence of restraint, a serious threat to the interests of the American citizenry as a whole.

Under the rule of contemporaneous interpretation, changing conditions with regard to national defense or any other matter could not, under any circumstances, abridge the basic right of free speech so prized by each of us; but under the rationale that we "cannot turn the clock back" the result might well be quite different. Censorship of all press media might well be rationalized under the "changed condition" theory adhered to by the U.S. Supreme Court in Brown against Board of Education of Topeka.

This rule of construction applies not only to constitutional provisions, but also to statutes enacted by the Congress; in practice, statutes are construed much more often in our day and time by the Supreme Court than are constitutional provisions. Since the Supreme Court is so presumptuous as to ignore correct rules of construction with regard to constitutional provisions, have we any right whatsoever to expect that they shall exercise restraint in construing statutes?

This brings into play a broad field in which the Supreme Court may legislate if the Justices continue unchecked. For instance, several decades ago, the U.S. Supreme Court, in a series of decisions, was faced with questions concerning the application of the antitrust laws to labor organizations. The Supreme Court, applying the rule of contemporaneous interpretation, arrived at the conclusion that Congress intended, for all practical intents and purposes, to exempt labor organizations from the prohibitions of the Sherman and Clayton Acts. Much of this intention of Congress was found by the Supreme Court from expressions and actions of Congress surrounding the enactment of the Norris-La Guardia Act in 1932. I am sure we can agree that at this time, the balance of power, both economically and politically, weighed heavily on the side of management. Subsequent to World War II, however, the balance of power, as between labor organizations and management, has changed perceptibly.

No longer are labor organizations featherweights in the arena of politics, nor do they take second place in the economic field. Consider, if you will, what the Supreme Court might do upon a reconsideration of a labor organization's immunity from the antitrust laws, perhaps not today, but in 1970, under the rationale that "we cannot turn the clock back."

Mr. President, it does not require a very prolific imagination to envision the breadth of fields in which the Supreme Court might legislate with disastrous results under the 1954 approach. It is as wide as the difference between a government of laws and a government of men.

The question naturally arises as to whether the framers of the Constitution may have perhaps failed to anticipate that the Constitution might be so completely undermined by the judiciary.

We are all aware that even the strongest advocates of the Federal Government conceived the Supreme Court as the weakest of the three branches of the Federal Government. This is indicated beyond any doubt by the words of Alexander Hamilton appearing in the 78th Federalist Papers, and I quote:

> This simple view of the matter • • • proves incontestably that the judiciary is beyond comparison the weakest of three departments of power; that it can never attack with success either of the other two. • • • It equally proves • • • the general liberty of the people can never be endangered from that quarter. I mean so long as the judiciary remains truly distinct from both the legislative and executive.

This idea that the Federal judiciary would be the weakest branch of the Federal Government is further proved by the fact that it was vigorously debated in the Constitutional Convention as to whether it would not be better to leave all judicial functions up to the States.

There were some, however, Mr. President, even in this early day—and in this instance apparently they were a majority—who were considered skeptics, and possibly fanatics, but who were in actuality merely realists. It is quite possible that even they did not foresee the precise course by which the Supreme Court might undermine the Constitution, but they did foresee the potential dangers and provided a remedy therefor.

The constitutional republican system of government is based on a system of checks and balances. We have repeatedly witnessed eras in which the balances have weighed more heavily on the side of one branch or the other. In our whole history, nevertheless, the constitutional system of checks has restored, at least to within a tolerable balance, the intended limitation of authority on each branch of the Federal Government. The system has not operated nearly so effectively, particularly in recent years, with respect to the intended balance between the Federal Government on the one hand and the several States on the other.

Those who adopted the Constitution unquestionably considered the executive

and the judicial branches—although the latter was conceived as the weakest—potentially much more dangerous than the legislative branch. This analysis should be easy for us to comprehend, for the Congress is composed of Members most directly responsive to the will of the people through the ballot. It is not surprising, then, to find that the check on the power of the Supreme Court was placed in the hands of the legislative branch.

Mr. President, those wise men who drafted the basic framework for our Government were not only knowledgeable in theoretical government, but they were thoroughly versed in the practicalities of politics as well. It was their belief, and indeed their intention, that those who serve in each of the particular branches of the Federal Government would be jealous of the powers delegated exclusively to them in the Constitution by the States. We must admit that the framers of the Constitution, in all probability, did not anticipate—in fact, could not imagine—an abdication by the Congress of the legislative powers of the Federal Government to the nine men on the U.S. Supreme Court.

It is to the great discredit of the Congress, and the men who constitute its two Houses, that the usurpation of legislative powers by the Supreme Court has gone unchecked and uncontested for, lo, these 5 years since Brown against Board of Education of Topeka. I am convinced that we in the Congress have neglected our duties under our oath to support the Constitution by an abdication of power.

Although it seems inconceivable, there may actually be those who are unaware that the Congress has the power to restore the balance of power which the Supreme Court has destroyed. If such there be, I would direct their attention to article III, section 2, clause 2 of the Constitution which reads as follows:

> In all cases affecting Ambassadors, other public ministers and counsuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exception, and under such regulations as the Congress shall make.

Of the many constitutional questions which have arisen since the Constitution was adopted and ratified, few have found such a clear and unmistakable answer as that with respect to the power of Congress to regulate the jurisdiction of the Supreme Court. Professor Corwin, one of the most respected authorities on the Constitution, has stated as much in his commentary on this provision in the annotated Constitution. This great work was prepared for the Congress by the Library of Congress in 1952. It was edited by Professor Corwin. The following is an excerpt from his commentary:

> Unlike its original jurisdiction, the appellate jurisdiction of the Supreme Court is subject to control by Congress in the exercise of the broadest discretion. Although the provisions of article III seem, superficially at least, to imply that its appellate jurisdiction would flow directly from the Constitution until Congress should by positive enactment make exceptions to it, rulings of the Court since 1796 establish the contrary rule. Consequently, before the Supreme Court can exercise appellate jurisdiction, an act of Congress must have bestowed it, and affirmative bestowals of jurisdiction are interpreted as exclusive in nature so as to constitute an exception to all other cases.
>
> The power of Congress to make exceptions to the Court's appellate jurisdiction has thus become, in effect, a plenary power to bestow, withhold, and withdraw appellate jurisdiction, even to the point of its abolition. And this power extends to the withdrawal of appellate jurisdiction in pending case.

The effectiveness of the check given to Congress over the Supreme Court—not only as a right, but as a duty—if exercised, would undeniably be effective. The Court has itself recognized the effectiveness of this check, as is illustrated by the words of Chief Justice Chase in the case of *Ex parte McCardle* (6 Wallace 38), and I quote:

> Without jurisdiction the Court cannot proceed at all in any cause. Jurisdiction is the power to declare the law and when it ceases to exist, the only function remaining to the Court is that of announcing the fact and dismissing the cause.

The power of Congress over the appellate jurisdiction of the Supreme Court need not be wielded in meat-axe fashion in every exercise by Congress of this power. Such power may be utilized selectively, and to accomplish a specific restoration of balance, without impugning a jurisdiction of the Court which is considered desirable by the Congress from a policy standpoint. In other words, Congress has almost completely unrestrained discretion in exercising power over the appellate jurisdiction of the Supreme Court. Consider the words of the Court, itself, in the case of *The Francis Wright* (105 U.S. 381), and I quote:

> Authority to limit the jurisdiction necessarily carries with it authority to limit the use of the jurisdiction. Not only may whole classes of cases be kept out of the jurisdiction altogether, but particular classes of questions may be subjected to reexamination and review, while others are not. To our minds it is no more unconstitutional to provide that issues of fact shall not be retried in any case, than that neither issues of law nor fact shall be retried in cases where the value of the matter in dispute is less than $5,000. The general power to regulate implies the power to regulate in all things. The whole of a civil appeal may be given, or a part. The constitutional requirements are all satisfied if one opportunity is had for the trial of all parts of a case. Everything beyond that is a matter of legislative discretion.

The Senate has another power to check the excesses of the Supreme Court through the media of its authority to advise and consent to the nominees of the Supreme Court. This check, however, is effective to a much lesser extent, and from its very nature, can be brought to bear only in futurity.

In one instance the Congress has traditionally exercised extensive authority over the Supreme Court by virtue of what was an undeniable omission by oversight from the Constitution. Neither the size of the Supreme Court nor any qualifications for Justices thereof are prescribed by the Constitution. Throughout the history of our Republic, Congress has filled this void by the exercise of legislative powers. Like the authority derived from the power of advice and consent to appointments, this de facto check on the Supreme Court is also effective only in futurity.

Not only has the authority for curbing the usurpation of the Court been available to the Congress, Mr. President, but also the opportunity. Bills which deal with the problems both from the approach of changing the jurisdiction of the Court and of prescribing new qualifications of eligibility for its members have been introduced in this and the other body. Unfortunately, they have not even inspired a serious study by a majority of the committees to which they have been referred. Rather these same committees have spent their time hatching and grooming such vicious proposals of doubtful constitutionality as the so-called civil rights proposals which face the Congress today.

Mr. President, despite the well-sloganized impressions that the civil rights which we have debated are primarily concerned with the exercise of the right of suffrage which allegedly have been denied in conflict with the 15th amendment, we are all too well aware—or at least should be aware after this some 7 weeks of discussions—that the real center of controversy and the principal subject of discussion in this debate has centered around interpretation and misinterpretation of what has generally been, in my opinion erroneously, referred to as the 14th amendment to the Constitution. It would be a dereliction on my part, therefore, to allow this debate to conclude without a reexamination of the history of this poorly drafted instrument of disharmony and chaos.

The so-called 14th amendment to the Constitution was never legally adopted nor ratified and does not constitute a valid part of the Constitution. Its being was accomplished by the mere expression of its existence by Congress itself, and I might say by the "Reconstruction Congress" itself. The whole matter is well pointed out in an article from the summer 1959 issue of the South Carolina Law Quarterly by the Honorable Pinckney G. McElwee, and I quote from this article:

> The able and wise patriots who drafted our Constitution were careful to protect its provisions against actions of a temporary majority of the Congress by requiring for its amendment not only a two-thirds approval by both Houses of the Congress, but ratification by three-fourths of the States. A study of the history of the 14th amendment reveals the irregular manner in which these requirements were overcome, and a consideration of the precedents established thereby reveals the danger to our form of government.
>
> The Civil War was fought over the asserted rights of the Southern States to secede from the Union. The Southern States claimed they had such a right. The President, the Congress, and the Northern States denied that the Southern States had any such right under the Constitution of the United States. As Mr. Lincoln said, the aim of the Federal Government was to preserve the Union first; to preserve the Union without slavery, to preserve the Union with slavery if it must be, but the "Union forever." This issue was decided on the battlefield and the Union Army upheld the position taken by all departments of the Federal Government, i.e., that the Southern States had no right to secede and had never been out of the Union. Incidentally, Mr. Lincoln recognized that his emancipation of the slaves was a war measure and that it would require a constitutional amendment to abolish slavery after the end of the War. Mr. Lincoln was steadfast in his position that the Southern States had never left the Union, although individual officials and soldiers of the South may have forfeited some rights; but not the States whose rights were fixed by the Constitution and thus beyond the power of Congress to add or detract. As stated by George Tickner Curtis in volume II, page 342, of his famous "History of the Constitution"—
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> "After the Civil War was ended, the Constitution was left just as it was before the War began; the United States had just the same sovereign rights as before and no others."
>
> The House on July 22, 1861, and the Senate on July 25, 1861, adopted resolutions both resolving to maintain the Constitution in the rebellious States and to maintain the Union and the rights of the States unimpaired.
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> In the proclamation of President Lincoln[1] of December 8, 1863, he offered "pardon to all those who swear henceforth to support the Constitution of the United States and that those who, accepting this amnesty, shall have taken the oath of allegiance, each being a qualified voter by the election laws of the several States immediately before the so-called secession and excluding all others, shall reestablish a State government, which shall be republican in form and nowise contravening said oath; such shall be recognized as a true government of the State."
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> On February 1, 1865, the 13th amendment to the Constitution to abolish slavery was proposed and passed by Congress. On April 9, 1865, Gen. Robert E. Lee surrendered to General Grant at Appomattox Court House. General Johnston surrendered to General Sherman at Durham Station April 26, 1865. In 40 days after the surrender of General Johnston there was not a single Confederate soldier in arms. Submission to the authority of the United States was complete. Postal service and tax collections resumed.
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> On December 18, 1865,[2] General Grant reported to Congress that the South had accepted defeat and had accepted authority of the Federal Government.
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> President Lincoln prepared a proclamation to restore North Carolina to its proper position as a State but it was not yet issued before his death. At the first meeting of the Cabinet after his death it was read and unanimously adopted as the policy of the administration. Mr. Lincoln was assassinated on April 14, 1865, and died April 15, 1865. Andrew Johnson took the oath and succeeded Mr. Lincoln.
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> On May 29, 1865, President Johnson issued Mr. Lincoln's proclamation for North Carolina; and through June 30, 1865, similar proclamations were issued by President Johnson setting up the local State government of all Southern States.[3]
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> The Southern States having been restored to a legal and operational basis by elections and the convening of State legislatures, most of them proceeded to ratify the 13th amendment which was then proclaimed to have been ratified on December 18, 1865. Included in the 27 States then needed for its adoption were Louisiana, Tennessee, Arkansas, South Carolina, Alabama, North Carolina, Georgia, Maryland, Mississippi, Florida, and Texas.
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> On April 2, 1866, the President, by proclamation, declared: "It is the manifest determination of the American People that no State, of its own will, has the right or power to go out of, or separate itself from or be separated from the American Union, and that therefore each State ought to remain and constitute an integral part of the United States. * * * And whereas the Constitution of the United States provides for constituted communities only as States, and not as territories, dependencies, provinces or protectorates. And whereas such constituent States must necessarily be, and by the Constitution of the United States are made equals, and placed upon a like footing as to political rights, immunities, dignity, and power with the several States with which they are united, * * * I * * * do hereby declare that the insurrection which heretofore existed in the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Arkansas, Mississippi and Florida at an end, and is henceforth to be regarded."[4]
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> On August 20, 1866, a similar proclamation was issued by the President in respect to Texas.[5]
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> Article V of the United States Constitution provides: "No State, without its consent, shall be deprived of its equal suffrage in the Senate." Nevertheless, peace having been restored, the United States Senate refused to seat the Senators from all of the Southern States. The House did likewise.
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> Article V of the Constitution provides the method and manner of amendment, as follows:
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> "The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or on application of the legislatures of two-thirds of the States, shall call a convention for proposing amendments, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress."
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> The 39th Congress, which proposed the 14th amendment, met on December 5, 1865. There were 72 seats in the Senate for 36 States; 22 seats for 11 Southern States were vacant because of a joint resolution of the House and the Senate which voted not to seat any Senator or Representative from any Southern States until the Congress decided that each of said States was entitled to such representation. In the House there were 240 seats, and 58 seats from the 11 Southern States were vacant. Nebraska was not admitted to the Union as the 37th State until March 1, 1867. One of the new Senators who recently had been elected by the legislature of his State was Mr. John P. Stockton, of New Jersey.[6] John P. Stockton was introduced by the senior Senator of New Jersey on December 5, 1866, took the oath, and was duly seated.
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> While House Joint Resolution 127 was still in Mr. Thaddeus Stevens' Committee on Reconstruction, there was a private polling of Senators and Representatives to see how they stood on the measure. Mr. Stockton was an outspoken opponent of the proposal. Furthermore, since there were 50 Senators seated, the Constitution would require a 33½ vote, or 34, in order to propose it by a two-thirds vote, and a counting of prospective Senate votes showed that there were only 33 who would vote in favor of it. In a maneuver to reduce the Senate to 49 Members in order that a vote of 33 yeas would meet the requirements of the Constitution, a motion was made not to seat Mr. John P. Stockton, in spite of the fact that he had already been seated, on the ground that his election was invalid because he had been elected by a mere plurality and not a majority. It was the law of New Jersey and most of the other States that a plurality determined the election.
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> The motion not to seat was made because it was impossible to obtain the necessary vote required to expel Mr. Stockton, which was the only legal means available to prevent a member from voting once he has been seated. In order to expel a member of the Senate or House a two-thirds vote was required, and this vote of two-thirds simply could not be mustered. However, a refusal to seat is determined by a majority. When this motion was finally called to a vote, after much debate, it was defeated by a vote of 22 to 21. During the night the hard core of Reconstructionists persuaded one of the Senators to change his vote. The next day a motion to reconsider the motion not to seat Mr. Stockton was sustained by a vote of 22 to 21; thus he was removed from the Senate and the number reduced to 49.
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> The 14th amendment originated in the House of Representatives by House Joint Resolution 127, introduced by Thaddeus Stevens of Pennsylvania, and was referred to the Committee on Reconstruction of which Mr. Stevens was chairman. Two other bills were offered and referred to the Committee on Reconstruction and there consolidated with House Joint Resolution 127 and reported out of the House. It was passed by the House on May 10, 1866, and sent to the Senate. In the Senate Mr. Wade proposed an amendment by adding what is now paragraph 3. As thus amended, it was passed by the Senate on June 8, 1866, and returned to the House where it was passed on June 13, 1866. In the Senate, the vote was 33 yeas and 11 nays, with 5 not voting. In the House there were 182 Representatives seated and of those the vote was 120 yeas and 32 nays, with 32 not voting.
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> If the 22 Senators and 58 Representatives from the Southern States who had been arbitrarily and unlawfully refused seats by the Senate and House are counted, the number is 71 Senators and 240 Representatives. The vote in the Senate of 33 for and 11 against by the Members present and voting was two-thirds. But if the two-thirds required had included the 22 arbitrarily and illegally excluded from voting, there was not a two-thirds vote. Likewise, the vote of 120 for and 32 against in the House was two-thirds of those present and voting. But if the 58 Representatives who were arbitrarily and illegally excluded had been counted against, the vote would be 120 for and 90 against, and the vote would have failed to carry by two-thirds.
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> In the foregoing state of the record, the proposed amendment was certified to have been passed by a two-thirds vote of each House and transmitted to the Secretary of State for transmission to the 36 States then composing the United States. Twenty-eight were needed to ratify.[7] Ten States could prevent ratification. The process of ratification began. By February 1, 1867, 17 States had ratified and 11 had rejected.
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> Ratified: Connecticut, June 30, 1866; New Hampshire, July 7, 1866; Tennessee, July 7, 1866; New Jersey, September 11, 1866; Oregon, September 19, 1866; Vermont, October

[1] 13 Stat. 737 (1863).
[2] Congressional Globe, p. 78 (1865).
[3] 13 Stat. 760, 763, 764, 765, 767, 768, 769, 771 (1865).
[4] 14 Stat. 811 (1866).
[5] 14 Stat. 814 (1866).
[6] This was before the 17th amendment, which required Senators to be elected by the people.
[7] Twenty-eight was the figure used by Secretary of State Seward. In the opinion of this writer, 27 was all that was required, as Nebraska was admitted after the amendment was proposed.

30, 1866; New York, January 10, 1867; Kansas, January 11, 1867; Ohio, January 11, 1867; Illinois, January 15, 1867; West Virginia, January 16, 1867; Michigan, January 16, 1867; Minnesota, January 17, 1867; Maine, January 19, 1867; Nevada, January 22, 1867; Indiana, January 23, 1867; Missouri, January 26, 1867.

Rejected: Texas, October 27, 1866; Georgia, November 9, 1866; Florida, December 3, 1866; Alabama, December 7, 1866; North Carolina, December 13, 1866; Arkansas, December 17, 1866; South Carolina, December 20, 1866; Virginia, January 9, 1867; Kentucky, January 8, 1867; Mississippi, January 29, 1867; California, March 17, 1868.[9]

The 14th amendment was thus defeated.

An editorial in the Philadelphia Inquirer on Saturday, February 9, 1867, gave a clue to what was to come. It states:

"The constitutional amendments having passed both branches of the Legislature of Pennsylvania will be sent to Governor Geary, who will undoubtedly sign them next week. Thus another State will be added to the list of those who have ratified these amendments. As it is probable that nearly all of the States which sustained the Government during the rebellion will ratify those amendments, and as all of the Southern States we believe have now rejected them, the question arises: What will be done? There is a growing disposition to regard the States which maintained their relation with the Union as the only ones which have a voice in this matter, that a resolution will be brought before the present Congress, or the next, declaring that the consent of three-fourths of those is all that is necessary to give force and validity to an amendment to the Constitution is extremely probable. In that case, we suppose the question will have to be fought over again in some way, and it is probable that it will finally enter the Supreme Court, where the decision, according to present appearances, will be against it.

The editor was not aware that, 4 days prior to his editorial, H.R. 1143 had been introduced using a different scheme to accomplish the desired result.

THE RECONSTRUCTION ACT

On February 5, 1867, H.R. 1143 was introduced in the House. This was a bill whose stated purpose was to provide for the more efficient government of the Rebel States.[9] This is what historically was called the Reconstruction Act. Although these so-called Rebel States had been functioning as loyal States of the Union in complete peace for nearly 2 years, during which time they had ratified the 13th amendment abolishing slavery, this act began by declaring:

"Whereas no legal State Governments or adequate protection for life or property now exists in the Rebel States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas; [10] and whereas it is necessary that peace and good order should be enforced in said States until loyal and Republican State governments can be legally established."

Of course, the State governments were and had been functioning in peace at all times since the surrender of General Johnston.

The bill provided for military occupation of the named Southern States to be conducted without interference from any State authorities. It further provided that the governments of such States were only provisional and subject to the paramount authority of the United States as exercised by the military government, and gave authority to the military commanders to try any persons by military commission. In addition it provided for new rules of suffrage under which a new constitution of each State was to be adopted and a new legislature elected, and disfranchised any person who had engaged in the rebellion or given aid and comfort to the rebels (which effectually disfranchised all white residents of the States). Nor, under the bill was any Senator or Representative to be permitted to take the oath of office and be admitted to Congress until the new constitution had met with the approval of Congress, the newly qualified electorate of the State had elected a legislature, such legislature had adopted the proposed 14th amendment and the amendment had become a part of the Constitution.

It may be here noted that the U.S. Supreme Court has held that each of the States has the supreme and exclusive power to regulate the right of suffrage and to determine the class of inhabitants who may vote.[11]

Congress passed the bill and President Johnson promptly exercised his veto power. Congress overrode the veto of the President making the Reconstruction Act the law of the land. By this time three more States, for a total of 20, had ratified; namely, Rhode Island, February 7; Pennsylvania, February 12; and Wisconsin, February 13—and Louisiana, February 6, and Delaware, February 7, 1867, had rejected, bringing that total to 13. Thus a Northern State had now joined 12 Southern States in rejecting when it was only necessary to obtain 10 rejections in order to prevent adoption of the amendment.[12]

President Johnson's veto message is enlightening and reads, in part, as follows:

"I have examined the bill 'to provide for the more efficient government of the Rebel States' with the care and anxiety which its transcendent importance is calculated to awaken. I am unable to give it my assent for reasons so grave that I hope a statement of them may have some influence on the minds of the patriotic and enlightened men with whom the decision must ultimately rest.

"The bill places all the people of the 10 States therein named under the absolute domination of military rules; and the preamble undertakes to give the reason upon which the measure is based and the ground upon which it is justified. It declares that there exists in those States no legal governments and no adequate protection for life or property, and asserts the necessity of enforcing peace and good order within their limits. This is not true as a matter of fact.

"It is not denied that the States in question have each of them an actual government, with all the powers—executive, judicial, and legislative—which properly belong to a free State. They are organized like the other States of the Union, and, like them, they make, administer, and execute the laws which concern their domestic affairs. An existing de facto government, exercising such functions as these, is itself the law of the State upon all matters within its jurisdiction. To pronounce the supreme lawmaking power of an established State illegal is to say that law itself is unlawful.

"The provisions which these governments have made for the preservation of order, the suppression of crime, and the redress of private injuries are in substance and principle the same as those which prevail in the Northern States and in other civilized countries. They certainly have not succeeded in preventing the commission of all crime, nor has this been accomplished anywhere in the world. * * * But that these people are maintaining local governments for themselves which habitually defeat the object of all government and render their own lives and property insecure is in itself utterly improbable, and the averment of the bill to that effect is not supported by any evidence which has come to my knowledge.

"The bill, however, would seem to show upon its face that the establishment of peace and good order is not its real object. The fifth section declares that the preceding sections shall cease to operate if any States where certain events shall have happened. These events are, first, the selection of delegates to a State convention by an election at which Negroes shall be allowed to vote; second, the formation of a State constitution by the convention so chosen; third, the insertion into the State constitution of a provision which will secure the right of voting at all elections to Negroes and to such white men as may not be disfranchised for rebellion or felony; fourth, the submission of the Constitution for ratification to Negroes and white men not disfranchised, and its actual ratification by their vote; fifth, the submission of the State constitution to Congress for examination and approval, and the actual approval of it by that body; sixth, the adoption of a certain amendment to the Federal Constitution by a vote of the legislature elected under the new constitution; seventh, the adoption of said amendment by a sufficient number of other States to make it a part of the Constitution of the United States. All these conditions must be fulfilled before the people of any of these States can be relieved from the bondage of military domination; but when they are fulfilled, then immediately the pains and penalties of the bill are to cease, no matter whether there be peace and order or not, and without any reference to the security of life or property. The excuse given for the bill in the preamble is admitted by the bill itself not to be real. The military rule which it establishes is plainly to be used, not for any purpose of order or for the prevention of crime, but solely as a means of coercing the people into the adoption of principles and measures to which it is known that they are opposed, and upon which they have an undeniable right to exercise their own judgment.

"I submit to Congress whether this measure is not in its whole character, scope, and object without precedent and without authority, in palpable conflict with the plainest provisions of the Constitution, and utterly destructive to those great principles of liberty and humanity for which our ancestors on both sides of the Atlantic have shed so much blood, and expended so much treasure.

"The 10 States named in the bill are divided into 5 districts. For each district an officer of the Army, not below the rank of a brigadier general, is to be appointed to rule over the people; and he is to be supported with an efficient military force to enable him to perform his duties and enforce his authority. Those duties and that authority, as defined by the third section of the bill, are to protect all persons in their rights of persons and property, to suppress insurrection, disorder, and violence, and to punish or cause to be punished all disturbers of the public peace or criminals.' The power thus given to the commanding officer over all the people of each district is that of an absolute monarch. His mere will is to take the place of all law.

[9] The California Legislature, on Mar. 4, 1868, decided to take no action. This was equivalent to rejection since it failed to ratify and there were therefore in reality 11 rejections. California formally rejected later on Mar. 17, 1868.

[9] 14 Stat. 428, 15 Stat. 12, 14, 29, and 30 (1867).

[10] This does not include Tennessee despite the fact that she had been a member of the Confederacy as she had ratified the 14th amendment in July 1866.

[11] *Breedlove* v. *Suttles* (302 U.S. 277 (1937)).

[12] It is interesting to note that the Louisiana Legislature, which rejected, was elected under a new constitution of 1864, which was adopted by a convention held in New Orleans, under the auspices of Federal authorities under the direction of President Lincoln. The vote of the Louisiana House was a unanimous 100 to 0.

"It is plain that the authority here given to the military officer amounts to absolute despotism. But to make it still more unendurable, the bill provides that it may be delegated to as many subordinates as he chooses to appoint, for it declares that he shall 'punish or cause to be punished.' Such a power has not been wielded by any monarch in England for more than 500 years. In all that time no people who speak the English language have borne such servitude. It reduces the whole population of the 10 States—all persons, of every color, sex, and condition, and every stranger within their limits—to the most abject and degrading slavery. No master ever had a control so absolute over the slaves as this bill gives to the military officers over both white and colored persons.

"I come now to a question which is, if possible, still more important. Have we the power to establish and carry into execution a measure like this? I answer, 'Certainly not,' if we derive our authority from the Constitution and if we are bound by the limitations which it imposes.

"This proposition is perfectly clear, that no branch of the Federal Government—executive, legislative, or judicial—can have any just powers except those which it derives through and exercises under the organic laws of the Union. Outside of the Constitution we have no legal authority more than private citizens, and within it we have only so much as that instrument gives us. This broad principle limits all our functions and applies to all subjects. It protects not only the citizens of States which are within the Union, but it shields every human being who comes or is brought under our jurisdiction. We have no right to do in one place more than in another that which the Constitution says we shall not do at all. If, therefore, the Southern States were in truth out of the Union, we could not treat their people in a way which the fundamental law forbids. Some persons assume that the success of our arms in crushing the opposition which was made in some of the States to the execution of the Federal laws reduced those States and all their people—the innocent as well as the guilty—to the condition of vassalage and gave us a power over them which the Constitution does not bestow or define or limit. No fallacy can be more transparent than this. Our victories subjected the insurgents to legal obedience, not to the yoke of an arbitrary despotism. When an absolute sovereign reduces his rebellious subjects, he may deal with them according to his pleasure, because he had that power before. But when a limited monarch puts down an insurrection, he must still govern according to law.

"This is a bill passed by Congress in time of peace. There is not in any one of the States brought under its operation either war or insurrection. The laws of the States and of the Federal Government are all in undisturbed and harmonious operation. The courts, State and Federal, are open and in the full exercise of their proper authority. Over every State comprised in these five military districts, life, liberty, and property are secured by State laws and Federal laws, and the National Constitution is everywhere in force and everywhere obeyed. What, then, is the ground on which this bill proceeds? The title of the bill announces that it is intended 'for the more efficient government' of these 10 States. It is recited by way of preamble that no legal State governments 'nor adequate protection for life or property' exist in those States, and that peace and good order should be thus enforced. The first thing which arrests attention upon these recitals, which prepare the way for martial law, is this, that the only foundation upon which martial law can exist under our form of Government is not stated or so much as pretended. Actual war, foreign invasion, domestic insurrection—none of these appear; and none of these, in fact, exist. It is not even recited that any sort of war or insurrection is threatened. Let us pause to consider, upon this question of constitutional law and the power of Congress, a recent decision of the Supreme Court of the United States in ex parte Milligan.

"I will first quote from the opinion of the majority of the Court: 'Martial law cannot arise from a threatened invasion. The necessity must be actual and present, the invasion real, such as effectually closes the courts and deposes the civil administration.'

"We see that martial law comes in only when actual war closes the courts and deposes the civil authority; but this bill, in time of peace, makes martial law operate as though we were in actual war, and becomes the cause instead of the consequence of the abrogation of civil authority. One more quotation: 'It follows from what has been said on this subject that there are occasions when martial law can be properly applied. If in foreign invasion or civil war the courts are actually closed, and it is impossible to administer criminal justice according to law, then, on the theater of active military operations, where war really prevails, there is a necessity to furnish a substitute for the civil authority thus overthrown, to preserve the safety of the Army and society; and as no power is left but the military, it is allowed to govern by martial rule until the laws can have their free course.

"I now quote from the opinion of the minority of the court, delivered by Chief Justice Chase: 'We by no means assert that Congress can establish and apply the laws of war where no war has been declared or exists. Where peace exists, the laws of peace must prevail.'

"This is sufficiently explicit. Peace exists in all the territory to which this bill applies. It asserts a power in Congress, in time of peace, to set aside the laws of peace and to substitute the laws of war. The minority, concurring with the majority, declares that Congress does not possess that power * * *. I need not say to the representatives of the American people that their Constitution forbids the exercise of judicial power in any way but one—that is, by the ordained and established courts. It is equally well known that in all criminal cases a trial by jury is made indispensable by the express words of that instrument. The Constitution also forbids the arrest of the citizen without judicial warrant, founded on probable cause. This bill authorizes an arrest without warrant, at the pleasure of a military commander. The Constitution declares that 'no person shall be held to answer for a capital or otherwise infamous crime unless on presentment of a grand jury.' This bill holds every person not a soldier answerable for all crimes and all charges without any presentment. The Constitution declares that 'no person shall be deprived of life, liberty, or property without due process of law.' This bill sets aside all process of law, and makes the citizen answerable in his person and property to the will of one man, and as to his life to the will of two. Finally, the Constitution declares that 'the privilege of the writ of habeas corpus shall not be suspended unless when, in case of rebellion or invasion, the public safety may require it'; whereas this bill declares martial law (which of itself suspends this great writ) in time of peace, and authorizes the military to make the arrest, and gives to the prisoner only one privilege, and that is a trial 'without unnecessary delay.' He has no hope of release from custody, except the hope, such as it is, of release by acquittal before a military commission.

"The United States are bound to guarantee to each State a republican form of government. Can it be pretended that this obligation is not palpably broken if we carry out a measure like this, which wipes away every vestige of republican government in 10 States and puts the life, property, liberty, and honor of all people in each of them under the domination of a single person clothed with unlimited authority?

"Here is a bill of attainder against 9 million people at once. It is based upon an accusation so vague as to be scarcely intelligible and found to be true upon no credible evidence. Not one of the 9 million was heard in his own defense. The representatives of the doomed parties were excluded from all participation in the trial. The conviction is to be followed by the most ignominious punishment ever inflicted on large masses of men. It disfranchises them by hundreds of thousands and degrades them all, even those who are admitted to be guiltless, from the rank of freemen to the condition of slaves.

"The purpose and object of the bill—the general intent which pervades it from beginning to end—is to change the entire structure and character of the State Governments and to compel them by force to the adoption of organic laws and regulations which they are unwilling to accept if left to themselves. The Negroes have not asked for the privilege of voting; the vast majority of them have no idea what it means. This bill not only thrusts it into their hands, but compels them, as well as the whites, to use it in a particular way. If they do not form a constitution with prescribed articles in it and afterward elect a legislature which will act upon certain measures in a prescribed way, neither blacks nor whites can be relieved from the slavery which the bill imposes upon them. Without pausing here to consider the policy or impolicy of Africanizing the southern part of our territory, I would simply ask the attention of Congress to that manifest, well-known, and universally acknowledged rule of constitutional law which declares that the Federal Government has no jurisdiction, authority, or power to regulate such subjects for any State. To force the right of suffrage out of the hands of the white people and into the hands of the Negroes is an arbitrary violation of this principle.

"That the measure proposed by this bill does violate the Constitution in the particulars mentioned and in many other ways which I forbear to enumerate is too clear to admit the least doubt. It only remains to consider whether the injunctions of that instrument ought to be obeyed or not. I think they ought to be obeyed, for reasons which I will proceed to give as briefly as possible. In the first place, it is the only system of free government which we can hope to have as a Nation. When it ceases to be the rule of our conduct, we may perhaps take our choice between complete anarchy, a consolidated despotism, and a total dissolution of the Union; but national liberty regulated by law will have passed beyond our reach.

"It was to punish the gross crime of defying the Constitution and to vindicate its supreme authority that we carried on a bloody war of 4 years' duration. Shall we now acknowledge that we sacrificed a million lives and expended billions of treasure to enforce a Constitution which is not worthy of respect and preservation?

"It is a part of our public history which can never be forgotten that both Houses of Congress, in July 1861, declared in the form of a solemn resolution that the war was and should be carried on for no purpose of subjugation, but solely to enforce the Constitution and laws, and that when this was yielded by the parties in rebellion the contest should cease, with the constitutional rights of the States and of individuals unimpaired. This resolution was adopted and

sent forth to the world unanimously by the Senate and with only two dissenting voices in the House. It was accepted by the friends of the Union in the South as well as in the North as expressing honestly and truly the object of the war. On the faith of it many thousands of persons in both sections gave their lives and their fortunes to the cause. To repudiate it now by refusing to the States and to the individuals within them the rights which the Constitution and laws of the Union would secure to them is a breach of our plighted honor for which I can imagine no excuse and to which I cannot voluntarily become a party.

"I am thoroughly convinced that any settlement or compromise or plan of action which is inconsistent with the principles of the Constitution will not only be unavailing, but mischievous; that it will but multiply the present evils, instead of removing them. The Constitution, in its whole integrity and vigor, throughout the length and breadth of the land, is the best of all compromises. Besides, our duty does not, in my judgment, leave us a choice between that and any other. I believe that it contains the remedy that is so much needed, and that if the coordinate branches of the Government would unite upon its provisions they would be found broad enough and strong enough to sustain in time of peace the Nation which they bore safely through the ordeal of a protracted civil war. Among the most sacred guarantees of that instrument are those which declare that 'each State shall have at least one Representative', and that 'no State, without its consent, shall be deprived of its equal suffrage in the Senate'. Each House is made the 'judge of the elections, returns, and qualifications of its own Members,' and may, 'with the concurrence of two-thirds, expel a Member'. Thus, as heretofore urged, 'in the admission of Senators and Representatives from any and all of the States there can be no just ground of apprehension that persons who are disloyal will be clothed with the powers of legislation, for this could not happen when the Constitution and the laws are enforced by a vigilant and faithful Congress'. When a Senator or Representative presents his certificate of election, he may at once be admitted or rejected; or, should there be any question as to his eligibility, his credentials may be referred for investigation to the appropriate committee. If admitted to a seat, it must be upon evidence satisfactory to the House of which he thus becomes a Member that he possesses the requisite constitutional and legal qualifications. If refused admission as a Member for want of due allegiance to the Government, and returned to his constituents, they are admonished that none but persons loyal to the United States be allowed a voice in the legislative councils of the Nation, and the political power and moral influence of Congress are thus effectively exerted in the interests of loyalty to the Government and fidelity to the Union.

"While we are legislating upon subjects which are of great importance to the whole people, and which must affect all parts of the country, not only during the life of the present generation, but for ages to come, we should remember that all men are entitled at least to a hearing in the councils which decide upon the destiny of themselves and their children. At present 10 States are denied representation, and when the 40th Congress assembles on the 4th day of the present month 16 States will be without a voice in the House of Representatives. This grave fact, with the important questions before us, should induce us to pause in a course of legislation which, looking solely to the attainment of political ends, fails to consider the rights it transgresses, the law which it violates, or the institutions which it imperils.

"ANDREW JOHNSON."

In volume II, page 42, of the "Growth of the American Republic," Samuel Eliot Morison, professor of American history at Harvard University, and Henry Steel Commanger, professor of history, Columbia University, speaking of the Reconstruction Act, stated:

"Johnson returned the bill with a scorching message arguing the unconstitutionality of the whole thing, and the most impartial students have agreed with his reasoning. Professor Burgess writing, indeed, that there was hardly a line in the entire bill which would stand the test of the Constitution."

On the same day of the veto, March 2, 1867, the House and the Senate overrode it by a two-thirds vote and the bill became Public Law 68. Although considering the act to be unconstitutional, as expressed in his veto message, President Johnson considered it his duty to enforce the law and proceeded to execute it. He thereupon sent the Army into the South; ousted all State legislatures and governments by military force; disfranchised all those who had participated in the rebellion or who had aided or abetted them (contrary to the constitutional law announced by the U.S. Supreme Court); held elections in which all of the Negroes but practically no whites were eligible to vote. New constitutions were adopted and new legislatures were convened and the latter proceeded to ratify the 14th amendment. The Army, all the while, was in control.

When the supplemental Reconstruction Act was passed in March of 1867, and then passed over the veto of the President on March 23, 1867, the Baltimore Sun carried the following editorial on March 25, 1867:

"THE LAST VETO

"The message of President Johnson, returning to Congress on Saturday last, the bill supplementary to the act to provide for more efficient government of the rebel State, assigning his reasons for nonapproval, one of the most plain and convincing in argument among the several able State papers he has been called upon to indite in his endeavors to stay the vandal hand of the congressional majority, and conserve the great fundamental principles of the Constitution and Government."

While the military occupation of the South was in progress, Massachusetts and Nebraska ratified, on March 20 and June 15, 1867, respectively. On March 29, by joint resolution, the State of Maryland rejected, becoming the 14th State to reject.

Observing how Congress had taken the Constitution into its own hands and was proceeding in willful disregard of the Constitution, on the 15th of January 1868—Ohio, and then on March 24, 1868—New Jersey,[14] voted to withdraw their prior ratifications and to reject. Thus 16 States had now rejected prior to a full ratification by a three-fourths vote having been reached. Iowa ratified on March 9, 1868. Prior to the proclamation of the Secretary of State, Rhode Island, Pennsylvania, Wisconsin, and Massachusetts, for a total of 23 States had ratified,

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"Observing how Congress had taken the Constitution into its own hands and was proceeding in willful disregard of the Constitution, on the 15th of January 1868—Ohio, and then on March 24, 1868—New Jersey,[14]

"The object of dismembering the highest representative assembly in the Nation, and humiliating a State of the Union, faithful at all times to all of its obligations, and the object of said amendment were one—to place new and unheard-of powers in the hands of a faction, that it might absorb to itself all executive, judicial, and legislative power necessary to secure it itself immunity for the unconstitutional acts it had already committed, and those it has since inflicted on a too patient people.

"The subsequent usurpation of these once national assemblies, in passing pretended laws for the establishment, in 10 States, of martial law, which is nothing but the will of the military commander, and therefore, inconsistent with the very nature of all law, for the purpose of reducing to slavery men of their own race in those States, or compelling them, contrary to their own convictions, to exercise the elective franchise in obedience to the dictation of a faction in those assemblies; the attempt to commit to one man arbitrary and uncontrolled power, which they have found necessary to exercise to force the people of those States into compliance with their will; the authority given to the Secretary of War to use the name of the President, to countermand its President's orders, and to certify military orders, to be 'by the direction of the President' when they are notoriously known to be contrary to the President's direction, thus keeping up the forms of the Constitution to which the people are accustomed, but practically deposing the President from his office of Commander in Chief, and suppressing one of the great departments of the Government, that of the Executive; the attempt to withdraw from the supreme judicial tribunal of the Nation the jurisdiction to examine and decide upon the conformity of their pretended laws to the Constitution, which was the chief function of that august tribunal, as organized by the Fathers of the Republic; all are but amplified explanations of the power they hope to acquire by the adoption of the said amendment.

"To conceal from the people the immense alteration of the fundamental law they intended to accomplish by the said amendment, they gilded the same with propositions of justice.

"It imposes new prohibitions upon the power of the State to pass laws, and interdicts the execution of such part of the common law as the national judiciary may esteem inconsistent with the vague provisions of the said amendment; made vague for the purpose of facilitating encroachment upon the lives, liberties and property of the people.

"It enlarges the judicial power of the United States so as to bring every law passed by the State, and every principle of the common law relating to life, liberty, or property, within the jurisdiction of the Federal tribunals, and charges those tribunals with duties, to the due performance of which they, from their nature and organization, and their distance from the people, are unequal.

"It makes a new apportionment of representatives in the national courts, for no other reason than thereby to secure to a faction a sufficient number of votes of a servile and ignorant race to outweight the intelligent voices of their own.

"This legislature, feeling conscious of the support of the largest majority of the people that has ever been given expression to the public will, declare that the said proposed amendment being designed to confer or, to compel the States to confer, the sovereign right of elective franchise upon a race which has never given the slightest evidence, at any time, or in any quarter of the globe, of its capacity for self-government, and erect an impracticable standard of suffrage, which will render the right valueless to any portion of the people, was intended to overthrow the system of self-government under which the people of the United States have for 80 years enjoyed their liberties, and is unfit, from its origin, its object and its matter, to be incorporated with the fundamental law of a free people."

"Oregon had ratified on September 19, 1866. The vote in the House was 36 yeas and 23 nays. Thomas H. Benta and M. A. McKean of Grant County both voted yea. Their election had recently been certified by the county clerk of Grant County and based thereon, they had been seated. But, on a contest, it was found that they had in fact been defeated and that the certification by the county clerk was false and fraudulent. They were unseated, and J. M. McCoy and O. W. Knisley, who had been duly elected, were seated. The latter immediately informed the House that if they had been seated and allowed to vote they would have voted nay. The vote would therefore have been 33 yeas and 24 nays. Consequently, the old ballot was declared invalid and on October 15, 1866, a new vote was taken, resulting in a vote for rejection. Nevertheless, Oregon is counted as one of the States which ratified.

[14] The following is an excerpt from Joint Resolution No. 1 of the State of New Jersey of March 24, 1868, when they rescinded their prior ratification and rejected:

"It being necessary, by the Constitution, that every amendment to the same should be proposed by two-thirds of both Houses of Congress, the authors of said proposition, for the purpose of securing the assent of the requisite majority, determined to, and did, exclude from the said two Houses 80 representatives from 11 States of the Union, upon the pretense that there were no such States in the Union; but, finding that two-thirds of the remainder of said Houses could not be brought to assent to the said proposition, they deliberately formed and carried out the design of mutilating the integrity of the United States Senate, and without any pretext or justification, other than the possession of the power, without the right, and in palpable violation of the Constitution, ejected a Member of their own body, representing this State, and thus practically denied to New Jersey its equal suffrage in the Senate and thereby nominally secured the vote of two-thirds of said Houses.

but this number was reduced to 21 by the withdrawals of Ohio and New Jersey. The rejections, counting the withdrawals, numbered 16. On October 15, 1868, Oregon withdrew its ratification and became the 17th of 37 States to reject. The count stood: 20 ratifications and 17 rejections (hardly near the three-fourths majority required for adoption). Even without considering the rejection of Oregon, which came after the date of the proclamation of the Secretary of State (July 20, 1868), the 14th amendment had by legal means been overwhelmingly rejected.[14]

After the U.S. Army had moved into the South and taken charge by force of arms and ousted the duly elected and qualified legislatures of all of the Southern States (except Tennessee), disqualified practically all of the white voters (by act of Congress and not by State law), enfranchised all of the Negroes, elected Negro legislatures, and adopted new constitutions by these purported legislatures, the matter of ratification of the 14th amendment as a condition to permission by Congress for the exercise of suffrage of the Southern States (violating article V of the U.S. Constitution) was presented to these newly constituted Negro legislatures of such States. The rejections by the legally elected and constituted legislatures of all of the Southern States were ignored and the newly constituted legislatures of Arkansas, Florida, North Carolina, Louisiana, South Carolina, Alabama, and Georgia, ratified on April 16, June 9, July 2, July 9, and July 16, 1868, and July 21, 1868, respectively.

At this point, by counting the ratifications of Ohio and New Jersey, who had in the meanwhile withdrawn their ratifications and had rejected, and by not counting the rejections of Arkansas, Florida, North Carolina, Louisiana, South Carolina, and Alabama, who had later, by way of illegally established legislatures, ratified under compulsion of the military force of the U.S. Army, the total of 28 States needed to ratify was achieved.

The Secretary of State then proceeded to publish an equivocal proclamation. Therein he stated that whereas under an act of Congress it had been made the duty of the Secretary of State to cause any amendment to the Constitution which had been adopted according to the provisions of said Constitution to be published with his certificate specifying the States by which the same had been adopted, and that the same had become a part of the Constitution of the United States and, whereas neither the act referred to, nor any other law authorized the Secretary of State to determine and decide questions as to the authenticity of the organization of State legislatures, or as to the power of any State legislature to recall a previous act or resolution or ratification, or rejections of any amendment, that if the ratification of the States of Ohio and New Jersey were counted as having ratified, notwithstanding their subsequent rejection; and if the ratifications of the newly constituted and newly established bodies avowing themselves to be and acting as the legislatures, respectively, of Arkansas, Florida, North Carolina, Louisiana, South Carolina, and Alabama, were counted, the 14th amendment was ratified. This proclamation was made on July 20, 1868.[15]

Although the question as to whether an amendment of the U.S. Constitution has been properly submitted by Congress and properly ratified by the State in accord with the Federal Constitution, is properly a legal question to be determined by the U.S. Supreme Court[16] and Congress has no more right to decide this than the Secretary of State, the Senate and the House 1 day later, on July 21, 1868, by majority voice vote, proceeded by separate resolutions to resolve that the 14th amendment had been adopted and was a part of the Constitution. Then, pursuant to this resolution, the Secretary of State issued a new proclamation on July 27, 1868, reciting resolutions of the House and the Senate which declared the 14th amendment adopted, and he thereby proclaimed it had been adopted.[17]

ATTEMPTS TO OBTAIN A DECISION OF THE SUPREME COURT

Although repeated efforts have been made to get the U.S. Supreme Court to directly pass on the question as to whether the 14th amendment was adopted, the issue has invariably been dodged and no opinion has ever considered or discussed it. There have been several hundred cases in which the Supreme Court has based its holding on the 14th amendment, but all of these have been based upon prima facie presumption of validity resulting from the proclamation of the Secretary of State, and a majority vote of Congress.

In ex parte Milligan,[18] decided by the Supreme Court on December 17, 1866, the Court held that the trial and conviction of a civilian by a military commission where peace exists and the civil courts were open was null and void as the commission had no jurisdiction, and further that Congress had no authority to apply the laws of war when no war existed. Despite this ruling, William McCardle was arrested and held for trial in Mississippi by a military commission when no war existed and the civil courts were open. This case clearly demonstrated that the Congress of the United States was aware of the unconstitutionality of the Reconstruction Act and was unwilling to permit a decision of the Supreme Court to prevent the carrying out of their known illegal plan. The Members of Congress had read the veto message of President Johnson and recognized its validity and were well aware of what the result would be if the Court was forced to pass on the question.

William McCardle was the editor of the Vicksburg Times. He was arrested by the military authorities in Mississippi for publishing an editorial regarding the validity of the Reconstruction Act, and they proposed to try him before the military commission for impeding reconstruction, inciting disorder, and disturbance of the peace. On November 12, 1867, he applied to the U.S. circuit court for a writ of habeas corpus on the ground that the Reconstruction Act was unconstitutional and void and that the military commission was without legal authority to try him. The writ was issued directing the military commission to produce the body of McCardle and to present the cause of his imprisonment. The military authorities delivered McCardle into the custody of the U.S. marshal showing they were holding him under authority of the Reconstruction Act.

Robert A. Hill, of Jacinto, Miss., had been appointed judge of said court on May 1, 1866. He was a native of North Carolina, age 54, and an old line Whig. He had had experience as a State court judge in Tennessee and northern Mississippi. Both the judge and McCardle recognized that this case was a means of obtaining from the Supreme Court a ruling on the constitutionality of the Reconstruction Act on appeal. A hearing was held and on November 25, 1867, the court adjudged that McCardle be remanded into the custody of the military authorities from which judgment McCardle appealed to the U.S. Supreme Court. The Supreme Court allowed his release on bond.

In the Supreme Court a motion to dismiss was filed by the Government on the ground that the Court lacked jurisdiction to hear the case, based upon the act of February 1867 relating to suits begun in State courts involving habeas corpus.[19] On February 17, 1868, the Court decided that it had jurisdiction and denied the motion to dismiss.[20]

Word was passed to the leaders of Congress that the Court would be forced to declare the Reconstruction Act to be unconstitutional. While the case was thus pending Congress acted quickly. A bill was presented to the House to deprive the Supreme Court of jurisdiction to decide the case. Mr. Schenck, chairman of the Ways and Means Committee, in reporting the bill to the House with recommendation that it be passed, stated that the bill was designed to prevent the Supreme Court from passing on the validity of reconstruction legislation.[21]

Congress quickly passed this bill, which was vetoed by the President, and on March 27, 1868,[22] it was enacted over his veto. This statute deprived the Supreme Court of any jurisdiction to decide that type of case. The case was not argued until March 18, 1869, and, on April 12, 1869, the Supreme Court dismissed the case for want of jurisdiction.[23] The Legislature of the United States had thus deliberately and intentionally prevented the Supreme Court of the United States from declaring the Reconstruction Act unconstitutional. If it had done so, the whole military occupation of the Southern States would probably have forthwith terminated and the Legislature of the United States would have been thwarted in its effort to force the adoption of the 14th amendment by such illegal and unconstitutional means.

In *Marbury v. Madison*,[24] decided February 24, 1803, the Supreme Court in an opinion by Chief Justice Marshall had held that an act of Congress which was repugnant to the Constitution was invalid and that it was within the judicial powers of

[15] 15 Stat. 706 (1868).
[16] Opinion of Justices, 204 N.C. 806, 172 S.E. 474 (1933).
[17] 15 Stat. 708 (1868).
[18] 4 Wall. 2 (1866).
[19] 14 Stat. 385 (1867).
[20] Ex parte McCardle (6 Wall. 318 (1868)).
[21] 41 Congressional Globe 1861, 1866.
[22] 15 Stat. 44 (1868).
[23] Ex parte McCardle, 7 Wall. 506 (1869).
[24] 1 Cranch 137 (1803).

the courts to so decide. The contention was made that the act of Congress was a political act and could not be inquired into by the courts. Chief Justice Marshall said: "This doctrine would subvert the very foundation of all written constitutions." And: "It would be giving to the Legislature a practical and real omnipotence with the same breath which professes to restrict its powers within narrow limits." Again, in *Luther* v. *Borden*,[25] in an opinion by Chief Justice Taney, the Court had said:

"The high power has been conferred on this court, of passing judgment upon the acts of the State sovereignties and the legislative and executive branches of the Federal Government, and of determining whether they are beyond the limits of power marked out for them respectively by the Constitution of the United States."

In March 1867, the State of Mississippi filed a motion for leave of court to file a bill in the name of the State to enjoin President Johnson from executing the Reconstruction Act on the ground it was unconstitutional. It was argued on April 12 and on April 15,[26] the Court held it had no jurisdiction to enjoin the President in the performance of his official duties, as the legislative, executive and judicial departments of the Government were equal, the President being the Executive.

Later, in *Georgia* v. *Stanton*,[27] argued in April and May of 1867, decided May 13, 1867, but opinion withheld until February 10, 1868, the constitutionality of the Reconstruction Act was directly attacked and an injunction sought in the U.S. Supreme Court to enjoin Secretary of War Stanton and General Grant and others from carrying out the military occupation of Georgia, inasmuch as the execution of this law would totally abolish the existing government of the State of Georgia. The Supreme Court has held on many occasions that the acts of an individual officer of the Government, which are void because of unconstitutionality, even though acting under an act of Congress, are merely acts as an individual and may be enjoined by the courts. Despite these holdings and the holdings of *Marbury* v. *Madison* and *Luther* v. *Borden*, which held the court had the power and duty to determine whether an act of Congress violated the Constitution of the United States, the Supreme Court dismissed the complaint for alleged lack of jurisdiction on the ground that only a political question was presented. The case of *Mississippi* v. *Stanton* was decided at the same time with the identical opinion.

In volume II of the "Growth of the American Republic," it was said, at page 51:

"Many of the acts which Congress passed to carry into effect in reconstruction policy were palpably unconstitutional, but the attitude of the radicals was well expressed by General Grant when he said of this legislation that 'much of it, no doubt, was unconstitutional; but it was hoped that the laws enacted would serve their purpose before the question of unconstitutionality could be submitted to the judiciary and a decision obtained.' "

The 14th amendment contains many desirable provisions as may be observed. It provides:

"SECTION 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny any person within its jurisdiction the equal protection of the laws.

"SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States, or is any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

"SEC. 3. No person shall be a Senator or Representative in Congress, or elector of President or Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a Member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

"SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

"SEC. 5. The Congress shall have power to enforce by appropriate legislation the provisions of this article."

There are also many excellent and highly desirable provisions in the first 10 amendments, commonly called the Bill of Rights, and in the amendments adopted before and after the 14th. But the desirability of an amendment to the Constitution cannot accomplish the adoption thereof, nor can the passage of time override the specific provisions of article V, which details the only method by which the Constitution can be changed. The Congress has expended its function in the amending process when it has proposed the amendment to the States. Any further action is completely outside the scope of the amending process.[28]

On July 12, 1909, when Senate Joint Resolution 40, proposing the 16th amendment, was under consideration, the Honorable Cordell Hull,[29] in a speech in Congress, referred to the unconstitutionality of the purported adoption of the 14th amendment.[30] He stated:

"While the sole function of Congress with respect to amendments is to propose to the States such amendments as two-thirds of both Houses see fit, to be ratified or rejected, either of the State legislature or by conventions, yet Congress in this instance did not permit all of the States to act upon this proposed amendment. • • • It must be conceded that the moment three-fourths of the States duly ratify an amendment it becomes a part of the Constitution, the proclamation of the Secretary of State being a mere ministerial act. Hence, it follows that Congress has not power in the premises after it has once proposed an amendment to the States as the Constitution provides not even of recalling the amendment; therefore, the passage of any resolution by Congress declaring that a given amendment has or has not been duly ratified by the States, such as was done with respect to the 14th amendment, is ultra vires and void."

Many legal questions arise in respect to the existence or not of the 14th amendment. Some of these will be discussed hereafter.

1. Were the Southern States ever out of the Union?

This question is answered in the negative by the United States Supreme Court in *Texas* v. *White*,[31] which was an original case brought by Texas, filed on February 15, 1867, decided April 12, 1869. It was contended that the State by reason of its act of secession had so changed its status as not to be a State entitled to file suit against the United States in the Supreme Court. In holding that Texas was and always had been a State in the Union from the date of its admission, the Court, after discussing its acts of secession, etc., said:

"Did Texas in consequence of these acts cease to be a State? Or if not, did the State cease to be a member of the Union?

• • • • •

"The Union of the States never was a purely artificial and arbitrary relation. • • • It was confirmed and strengthened by the necessities of war and received definite form and character and sanction from the Articles of Confederation. By these, the Union was solemnly declared to 'be perpetual.' And when these articles were found to be inadequate to the exigencies of the country, the Constitution was ordained 'to form a more perfect union.' It is difficult to convey the idea of indissoluble unity more clearly than by these words. • • •

"When, therefore, Texas became one of the United States, she entered into an indissoluble relation. All the obligations of perpetual union, and all the guarantees of republican government in the Union, attached at once to the State. The act which consummated her admission into the Union was something more than a compact; it was the incorporation of a new member into the political body. And it was final. The union between Texas and the other States was as complete and perpetual, and as indissoluble as the union between the original States. There was no place for reconsideration, or revocation, except through revolution or through consent of the State. Considered, therefore, as transactions under the Constitution, the Ordinance of Secession adopted by the convention and ratified by a majority of the citizens of Texas, and all of the acts of her legislature intended to give effect to that ordinance, were null and void. They were utterly without operation of law. The obligations of the State as a member of the Union, and of every citizen of the State as a citizen of the United States, remained perfect and unimpaired. It certainly follows that the State did not cease to be a State, nor her citizens to be citizens of the Union."[32]

2. Were the duly elected and organized bodies, acting as the legislatures in the 11

[25] 7 How. 1 (1848).

[26] *Mississippi* v. *Johnson*, 4 Wall. 475 (1867).

[27] 6 Wall. 50 (1867).

[28] 2 Curtis' "History of Constitutional Amendments" 380; *Chandler* v. *Wise*, (270 Ky. 1, 108 S.W. 2d 1024 (1937)).

[29] Later Secretary of State.

[30] 44(4) CONGRESSIONAL RECORD 4404 (1909).

[31] 7 Wall. 700 (1869).

[32] See also *Hickman* v. *Jones* (9 Wall. 197 (1870)); *White* v. *Hart* (13 Wall. 646 (18—)); *Horn* v. *Lockhart* (17 Wall. 570 (1873)), the latter holding that the acts of the individual States of the South during the Civil War, so far as they did not impair or intend to impair the supremacy of the national authority are to be treated as valid and binding.

Southern States, prior to March 2, 1867, duly organized under the Constitution of the United States?

For nearly 2 years prior to March 2, 1867, the Civil War had ended and peace had been restored. By proclamation of President Johnson of April 2, 1866, the war had been declared ended. Under the Constitution which required that all States be equal, the rebellious States were restored to an equal basis and placed on a like footing as to political rights, immunities, dignities, and power as the remainder of the Union. During the year of 1865, following the surrender of General Lee at Appomattox on April 9, and General Johnston at Durham Station on April 26, legislatures of the Southern States had organized pursuant to President Johnson's proclamation. These legislatures had ratified the 13th amendment abolishing slavery, which was proclaimed adopted by the Secretary of State on December 18, 1865. This ratification was recognized by all Departments of the Government: Executive, legislative, and judicial. Of legal necessity they recognized the then existing legislative bodies of at least the Southern States who had ratified, namely: Tennessee, Arkansas, South Carolina, Alabama, North Carolina, and Georgia.[33] The legislatures of the Southern States were duly organized and existing, and since Congress lacked authority to oust these legislatures by military power or otherwise, they never legally ceased to exist. The new legislatures installed by the Army were, therefore, null and void and all new State officers were likewise usurpers, totally lacking in State authority.

3. Were the two Houses of the 39th Congress organized according to the Constitution? If not, what effect did the failure to seat Senators from the Southern States have upon the proceeding?

Section 5 of article I of the Constitution provides that: "Each House shall be the judge of the elections, returns, and qualifications of its own Members, • • •."

While each House is made the sole judge of the elections, returns, and qualifications of its Members, there is no authority granted by the Constitution to refuse to "judge." The whole purpose of this constitutional provision relates to the judging of each individual Member. It contemplates a hearing and the taking of evidence with a right to be heard before being judged. To arbitrarily decide not to seat any of the Senators or Representatives from any specified States without even a hearing was not a judging, but rather an arbitrary deprivation of the equal suffrage of these States in violation of article V of the Constitution. Upon a hearing and judging the Houses might lawfully have refused to seat all or most of such duly elected persons, or they might have decided to seat any portion of them. But an arbitrary refusal to judge as authorized by the Constitution was an arbitrary refusal to seat in violation of the Constitution, and was therefore unlawful.[34]

4. Is the election of the members of a State legislature, conducted under military force by the U.S. Army, in violation of the laws of suffrage of such State, a valid election?

In the case of *Breedlove* v. *Suttle*,[35] the U.S. Supreme Court has held that each of the States has the supreme and exclusive power to regulate the right of suffrage and to determine the class of inhabitants who may vote. The use of the U.S. Army in 1867 to occupy several of the sovereign States, change the State rules of suffrage, and to purportedly elect new State officers and new State legislatures was just as patently illegal as it would be today. If the officers of the Federal Government could in 1867 send the Army into a State, oust its legislators and officers, and elect new ones under their own rules of suffrage, then a political party today could, after coming to power, use the U.S. Army to seize and occupy all States having a predominantly different party, oust its officers and legislators and make its return to self-government conditional on its ratification of an amendment to the Constitution abolishing all other political parties.[36] In other words, if the action of the Congress in the Reconstruction Act and all done under it be valid, then the United States can at any time by a simple majority vote of the Congress establish an absolute dictatorship.

Mr. Thaddeus Stevens of Pennsylvania, on December 14, 1865, said: "According to my judgment they (Southern States) ought never to be recognized as capable of being counted as valid States until the Constitution has been so amended as to secure ascendency of the party of the Union (Republican)."

His plan was twofold: First, to reduce the representation to which the Southern States were entitled under the Constitution; second, to enfranchise the blacks and disenfranchise the whites. This was calculated to keep the Southern States out of the Union until the Constitution had been so amended as to accomplish his objects and after that have control of the Southern States in the hands of the party of the Union (Republican).[37]

If Mr. Thaddeus Stevens[38] could legally accomplish his objects in 1867, and 1868, some political leader fired with personal ambition could make himself dictator and override and destroy the Constitution in 1968 with the support of a majority in Congress and the Army to back him. The pattern is already established and he need but follow precedent.

5. Is the ratification of a constitutional amendment by a legislature elected, as in question No. 4, valid and effective?

The votes of the southern legislatures which were counted as having ratified the 14th amendment by the Secretary of State when he issued his proclamation were not the votes of the duly constituted and existing legislatures of such States, and the certification of ratification by a usurper claiming to be Governor of a State was no certification at all. The acts of Congress asserting that it had been ratified did not add 1 inch to its size. The proclamation of the Secretary of State added no more to the compliance with the requirements of article V of the Constitution than if there had been not a single ratification. By these methods, the Speaker of the House, the President of the Senate, and the Secretary of State, without even a vote of the Senate or House, or a ratification by a single State, could amend the Constitution at will.

6. May a State change its position toward an amendment before there has been a ratification by three-fourths of the States?

Many experts on constitutional law have taken the position and expressed the view that such a change can be made. The Supreme Court of Kentucky, in the case of *Wise* v. *Chandler*,[39] has held that when a State has acted on a proposed amendment to the Federal Constitution, to either ratify or reject, its power further to consider the question has been exhausted without a resubmission by the Congress. Certiorari was granted in this case to the U.S. Supreme Court,[40] but the case was dismissed on the ground that there was no controversy susceptible of judicial determination. The U.S. Supreme Court in *Coleman* v. *Miller*,[41] held that the Supreme Court of Kansas had a right to consider the question as to whether the proposed child labor amendment to the U.S. Constitution had been properly ratified under a claim of members of the State senate that their votes had not been given effect. But the specific question here considered has never been passed upon directly by the U.S. Supreme Court.

7. Is the question of the validity of the 14th amendment a legal or a political one?

Applying the test as announced by the Supreme Court in *Marbury* v. *Madison*,[42] the question as to whether a constitutional amendment has been effectuated is properly a judicial rather than a political one. However, that the question is a political one seems to be so well established as not to afford a contrary view.

Early in April, 1867, Georgia and Mississippi filed bills for leave of the Court to enjoin the Secretary of War Stanton and General Grant from carrying out the Reconstruction Act.

In *Georgia* v. *Stanton*[43] and *Mississippi* v. *Stanton*[44] the constitutionality of the Reconstruction Act was directly attacked and the Supreme Court dismissed the complaints for alleged lack of jurisdiction on the ground that only a political question was presented.

In *Coleman* v. *Miller*,[45] the Court discussed the questionable nature of the adoption of the 14th amendment pointing out the incongruity of the failure to recognize the withdrawals of the ratifications by Ohio and New Jersey as compared to the subsequent ratifications of North Carolina, South Carolina, and Georgia, after such States had formally rejected. The Court referred to the dubious first proclamation of the Secretary of State and the following act of Congress which declared the 14th amendment to have been adopted and the second proclamation of the Secretary of State proclaiming adoption. The Court then stated:

"This decision by the political departments of the Government as to the validity of the adoption of the 14th amendment has been accepted. We think that in accordance with this historic precedent the question of the efficacy of ratifications of State

[33] The case of *Horn* v. *Lockhart*, note 32 supra, is decisive of this question.

[34] If the southern Representatives had been seated and, as is likely, had voted unanimously against the amendment, the vote would have been 33 yeas and 29 nays in the Senate, and 128 yeas and 79 nays in the House and the amendment would have failed in both Houses.

[35] 302 U.S. 277 (1937).

[36] The ratification procured by an unlawful refusal to seat the duly elected representatives of the State and of the people of the State is similar to duress. This was coercion. Coercion exists where one, by the unlawful conduct of another, is induced to do or perform some act under circumstances which deprive him of the exercise of his free will. Coercion exists when the person is thus constrained to do what his free will would refuse. 14 C.J.S. 1307. A ratification procured by coercion against the free will of the legislature, and which if it were not for the coercion would be rejected, is obviously not a binding and valid ratification within the meaning of the fifth amendment of the Constitution.

[37] 2 Curtis "Constitution History."

[38] 2 "Growth of the American Republic" 38, is stated: "Stevens is one of the most unpleasant characters in American history. A harsh, sombre, friendless old man of 74, and with no redeeming spark of magnanimity, he was moved less by sympathy for the Negro than by cold hatred of the southern gentry. The former he would exalt to a status of complete political and social equality; the latter he would humiliate, disenfranchise, and despoil of all landed property in favor of the freedman."

[39] 270 Ky. 1, 108 S.W. 2d 1024 (1937).

[40] Chandler v. Wise, 307 U.S. 474 (1938).

[41] 307 U.S. 433 (1938).

[42] 1 Cranch 137 (1803).

[43] 6 Wall. 50 (1867).

[44] 6 Wall. 50 (1867).

[45] 307 U.S. 433 (1938).

legislatures, in the light of previous rejection or attempted withdrawal, should be regarded as a political question pertaining to the political departments, with the ultimate authority in Congress in the exercise of its control over the promulgation of the adoption of the amendment."

In *Leser v. Garnett*,[46] it was held that the certificate of the Secretary of State certifying to the ratification of the 19th amendment was binding on the courts. The duty to act in regard to constitutional amendments has now been given to the Administrator, General Services Administration.[47]

That the rulings in *Leser* v. *Garnett*, *Coleman* v. *Miller*, and *Chandler* v. *Wise* are of doubtful wisdom is emphasized by the actions of the Legislatures of Oregon and New Jersey. At the time of the proclamation of Secretary Seward, the Legislature of Oregon had ratified and such ratification had been duly attested to by the Governor. But, upon investigation it was found that such vote was based upon fraud and that two of the members of the legislature, whose votes were essential to ratification, had not in fact been elected. Their seating had been procured by a fraudulent certification of election by a county clerk. After the facts were discovered, these two members were unseated and the duly elected ones were seated. Upon a demand by them, a new vote was taken in which their legal votes were counted. The amendment was rejected. Nevertheless, Oregon was counted as having ratified the 14th amendment.

At the time of the proclamation, New Jersey had withdrawn its ratification because of the unlawful action of Congress in purportedly unseating Senator John P. Stockton by a majority vote; whereas, having been duly seated, section 5 of article I of the Constitution required a two-thirds vote to expel. Yet we are told that the same Congress by a majority vote in making a so-called political decision will be the sole judge of its own misconduct, in open and flagrant violation of the Constitution, when the rights of citizens and the rights of States reserved by the 10th amendment are involved.

DANGER TO OUR FORM OF GOVERNMENT

Coleman v. *Miller*, *Chandler* v. *Wise*, and *Leser* v. *Garnett*, seem to be decisive of the question as to a lack of authority in the Supreme Court to decide whether an amendment has been legally adopted. If it be so, the whole constitutional structure of the United States is in serious danger and Congress should forthwith initiate the necessary action to give jurisdiction to the courts to determine whether an amendment has been legally adopted. Under the authority of *Coleman* v. *Miller*, *Leser* v. *Garnett*, and *Chandler* v. *Wise*, any political party which came to power in sufficient strength to propose an amendment to the Constitution by a two-thirds vote could propose an amendment to abolish all other political parties for the style of Government we see in many foreign countries. A mere proclamation of one man (Administrator of General Services Administration) that such amendment had been adopted by three-fourths of the States would make it an incontestable amendment despite the fact that not a single State actually ratified. In similar fashion, the provisions of section 1, article II, of the Constitution, which fixes the term of office of the President at 4 years, could quickly be amended to a term for life; thus a dictator could be born. In like manner, it would be a simple matter to withdraw from the courts the power to declare an act of the President or of Congress a violation of the Constitution. An amendment might abolish the sovereignty of the States and leave but one Federal Government. This sort of thing can be anticipated in time of great national stress as the panacea for the Nation's ills.

Perhaps such a bold attempt to change the Constitution by the mere false certification by the Administrator of General Services Administration would be too unpalatable to the public conscience, as would be the military invasion by Federal troops of States having recalcitrant legislatures. But a recourse to a pretense of ratification could more readily be procured by the organization of "rump" legislatures composed of henchmen of the Federal Executive. Such "ratifications" would thereupon be accepted by the "political" decision of the Congress based on a majority voice vote. There is no legal difference in such action from what was done in respect to the 14th amendment. And the Supreme Court has declined to afford to the citizens or the States protection from such usurpation of power under the pretext that these are "political" questions.

No such ability to change our form of government through the will of a majority in Congress was ever intended by those who framed the Constitution. Checks and balances should be restored, so this cannot happen.

It may be said by short-sighted persons now that it is preposterous to suggest that some Congress in the future might pass amendments to the Constitution to abolish all political parties other than the one in power and to change the tenure of office of the President to life instead of 4 years, by the simple expedient of Congress by joint resolution declaring the amendments to be adopted followed by a certification to that effect by the Administrator of General Services Administration. However, such unforseen things have happened before.[48] It would be much wiser to preclude such a possibility now than to regret its occurrence later.

REMEDIES

It would serve no useful purpose to discuss the correctness of the decisions of the Supreme Court in *Leser* v. *Garnett* and *Coleman* v. *Miller* other than to mention that in the latter case there was a dissent by Justices Butler and McReynolds. There is a long line of decisions of the Supreme Court on questions that it considered not to be justiciable because they were "political"; most of them relating to foreign affairs,[49] but unfortunately it has also construed this particular area as political and will consequently not entertain it as matters now stand.

In order to reestablish the traditional checks and balances in this area between the three departments of the Government, as designed by our Founding Fathers and destroyed by the 39th and 40th Congresses, it is imperative that the legality of the adoptions of constitutional amendments be subjected to judicial scrutiny.

The Congress could, of course, by ordinary act, by majority vote of both Houses, and signature of the President, confer jurisdiction on the courts of the United States and the Supreme Court to make a determination whether an amendment to the Constitution has been adopted.

Whether an amendment to the Constitution has been adopted is actually a mixed question of law and fact, or at worst a mixed question of law, fact, and politics. That the Congress has the power to authorize the courts to determine such question was decided by the Supreme Court in *Luther* v. *Borden*,[50] which related to the provision of the Constitution in which the United States guarantees to each State a republican form of government. In a unanimous opinion, written by Chief Justice Taney, it was said:

"Under this article it rests with Congress to decide what Government is the established one in a State. For as the United States guarantee to each State a republican government, Congress must necessarily decide what government is established in the State before it can determine whether it is republican or not.

* * * * * * *

"So, too, as relates to the clause in the above-mentioned article of the Constitution, providing for cases of domestic violence. It rested with Congress, too, to determine upon the means proper to be adopted to fulfill this guaranty. They might, if they had deemed it most advisable to do so, have placed it in the power of a court to decide when a contingency had happened which required the Federal Government to interfere."

The relative ease by which a remedy is obtainable by act of Congress loses its attractiveness, however, when it is realized that such act could be repealed with equal ease by the same willful, shortsighted men against whom protection is sought. The only remedy which would reestablish the checks and balances contemplated by the framers of the Constitution with safety against a willful congressional majority would be an amendment to article V of the Constitution, conferring on the judiciary the authority to determine whether an amendment has been adopted. In my opinion the heritage of our constitutional form of government will be in danger of destruction until such an amendment to the Constitution is adopted.

Mr. President, another excellent discussion of the dubious origin of the 14th amendment is contained in an article by Mr. Walter J. Suthon, Jr., which in effect is an amplification of an address Mr. Suthon delivered to the Louisiana Bar Association in 1953. The article approaches the question more from a historical standpoint than does the one by Mr. McElwee to which I have just referred. Mr. Suthon has this to say about the origin of the 14th amendment:

The 14th amendment to the Constitution of the United States has loomed large in

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[46] 258 U.S. 130 (1921). In spite of the fact that the persons who made the certificates for the Southern States certifying to a ratification were not legally elected or qualified stated officers authorized to make such certificates, but were usurpers professing to occupy such offices under the military power of the United States, under the holding of *Leser* v. *Garnett*, the courts are unable to question whether the officers of the State who sent certifications to the Secretary of State certifying the ratification were duly authorized to do so.

[47] 65 Stat. 710, 1 U.S.C., sec. 106(b) (1951).

[48] When the 16th amendment to the Constitution, seeking to authorize the United States to levy and collect taxes on incomes of citizens, was being debated in Congress, one of the Senators warned the Senate that if they passed this proposed amendment they might conceivably some day see income taxes levied for as high as 20 percent, which would be confiscatory. At that time, the argument was answered by the assertion that it was preposterous for anyone to suggest that income taxes might ever be levied as high as 20 percent and that no right-thinking person could ever believe this would ever happen as the voters would defeat any legislator who voted for such a high tax; yet today the average person pays that much and some pays as high as 91 percent.

[49] *Ware* v. *Hylton* (3 Dall. 199 (1796)); *U.S.* v. *Palmer* (3 Wheat 610 (1818)); *Foster* v. *Neilson* (2 Pet. 253 (1829)); *Luther* v. *Borden* (7 How. 1 (1849)); *Doe* v. *Braden* (16 How. 635 (1853)); *Terlinden* v. *Ames* (184 U.S. 270 (1902)); *Pacific States Telegraph* v. *Oregon* (223 U.S. 118 (1912)). See also "The Doctrine of Political Questions," 8 Minn. L. Rev. 485 (1924); "Political Questions," 38 Harv. L. Rev. 296 (1925).

[50] 7 How. 1 (1849).

recent years in litigation before the U.S. Supreme Court involving contentions for restriction of State regulatory power and enlargement of Federal regulatory power. Under this amendment—and its companion, or satellite amendment, the 15th—the U.S. Supreme Court, in the past approximately 15 years, has repeatedly rendered decisions aimed at coercing racial integration and breaking down established systems of racial segregation in political, educational, social, economic, and other fields in the Southern States—and in some instances outside the South.

It is not the purpose of this article to discuss the merits of segregation—or of its antitype, racial integration. These are questions upon which each of us has his or her own individual view, belief, and conviction, based on what we think and how we think. What is to be discussed relates to the use of the 14th amendment by the U.S. Supreme Court as an implement for invading the areas formerly reserved to State regulation, or to individual or group action, and for breaking down established systems of racial segregation and setting up compulsive racial interassociation—in effect, compulsive racial integration. In this field, the "equal protection of the laws" clause and the "privileges or immunities" clause of the 14th amendment are those most frequently invoked in support of those legal attacks upon our fundamental way of life.

SCHOOL SEGREGATION CASES

There are now pending in the U.S. Supreme Court a group of cases involving attacks upon the constitutionality of our system of segregated public schools, and presenting demands that the segregation feature of this system shall be destroyed by judicial fiat. These cases seek the overruling of the established jurisprudence, predicated in a large measure upon a leading decision of the Supreme Court of Massachusetts, that a segregated system of public schools is constitutional, provided the educational facilities for each race are substantially equal.

The U.S. Supreme Court, after hearing arguments in these school segregation cases, and after several months of study and consideration following these arguments, has entered orders refixing these cases for further argument, now scheduled to take place in December. The orders for reargument specify certain issues on which the Court desires to hear discussion and to receive briefs. From this course of events, it appears quite possible that this Court is closely divided on these cases, and that the ultimate outcome may be determined by the presentation on reargument and in the additional briefs to be filed thereon.

The specification of issues, on which discussion is requested at the reargument, includes inquiries as to events contemporaneous with the framing, submission, and ratification of the amendment. These specifications were probably prepared without any particular intent to invite exposure or discussion of the dubious origin of this amendment. Be that as it may, they involve study, consideration and evaluation of the legislative history of the amendment, and its dubious origin—one may justifiably say its worse than dubious origin—is an inseparable part of its malodorous legislative history.

AMENDMENT PROCEDURE ESTABLISHED BY ARTICLE V

Article V of the Constitution sets forth the procedure for amendment proposals and ratifications. The portion of article V pertinent to the amendment machinery utilized in this instance reads as follows:

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution * * * which * * * shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States * * *"

As will be observed, this amending process is a two-step process. Congress takes the first step—submission. The next step—ratification—must be the act of the States—the act of at least three-fourths of the States concurring in ratifications passed by their respective legislatures.

When the amendment procedure set forth in article V of the Constitution is carefully analyzed, it will appear that the States have the primary or major and final function in the amending process, and the role of Congress therein, although substantial and important, is definitely of a secondary and preliminary nature. Indeed, an amendment proposal defeated in Congress may nevertheless be adopted exclusively by State action. This would occur upon the legislatures of two-thirds of the States applying for the calling of a convention to propose such an amendment, and upon the ratification of that amendment proposal by three-fourths of the States.

Even when the amendment proposal is the product of a two-thirds vote of Congress, the final say-so rests entirely with the States. After the initial step of voting the amendment proposal, the only remaining function in the ratification procedure allocated to Congress by the Constitution is a minor one—the function of determining whether the States, in voting on ratification, shall act through their respective legislatures, or through conventions.

EVOLVEMENT OF ARTICLE V IN FEDERAL CONVENTION

The record of the evolution of article V, in the proceedings of the Federal Convention of 1787, fully supports the view that Congress has no function at all to perform in that stage of the amending process which comes after submission of the proposal; i.e., during consideration of ratification by the States, and action thereon by the States. It is significant that, in the Convention, a proposal for excluding the "National Legislature" entirely from the amending process, and leaving the whole of that process to the States, was seriously made and considered. There was never any corresponding proposal that the States be excluded entirely from the amending process or that this process should be entrusted entirely to Congress.

Mason argued, in support of excluding the "National Legislature" entirely from the amending process, that "they may abuse their power, and refuse their assent on that very account." Of course, that view in precisely that form did not finally prevail. However, it is significant that article V, as evolved and adopted, contains a safeguard against what Mason apprehended—a power in Congress to completely block an amendment proposal. This safeguard against possible congressional obstruction appears in the provision that two-thirds of the States may bypass a refusal of Congress to submit a particular amendment proposal, by voting through their legislatures for a convention to propose such an amendment.

As the proposed language of the provision for amendments began to take form, the sole method at first for initiating amendments was to be an application by the legislatures of two-thirds of the States for the calling of a convention for that purpose, the "legislature of the United States" having merely the ministerial function of calling the convention upon such an application by the required number of State legislatures.

Hamilton had a leading part in changing the language so as to permit Congress to have a power to propose a constitutional amendment. In arguing in favor of giving this power of initiating an amendment proposal to Congress, he said: "There could be no danger in giving this power, as the people would finally decide in the case."

How remote was this Hamiltonian concept from the events of 1867 and 1868, when a "rump" Congress arrogated to itself the power to force ratification of a rejected amendment, through coercing ratifications by several of the rejecting States.

After Hamilton had made his point that Congress could be safely invested with a power of initiating amendment proposals, since that would not give it power of final decision on these proposals, the language of this provision was then and there worked out in substantially the final form of what later became article V. This was done under the leadership of Madison and Hamilton, who thus collaborated on giving Congress a power (but not even an exclusive power) to initiate amendment proposals, with power of final decision as to ratification or rejection reserved to the States.

A power in the States to initiate amendment proposals, through action to that end by the legislatures of two-thirds of the States, was retained in this product of the joint work of Madison and Hamilton. As already noted, this affords a possibility for completely bypassing Congress on a constitutional amendment proposal, and prevents a congressional power to initiate amendment proposals from becoming a veto power.

It should also be noted that, on this same occasion, the rather general language, which would apparently have required unanimity of action by the States for ratification, was amended so as to fix the proportion of the whole number of States required for ratification. Rejecting a motion to fix this proportion at two-thirds, the convention voted to require ratification by three-fourths of the States in order to effectuate an amendment. The significance of this choice of the larger of two proposed proportions as to the State action requisite for ratification is that the right to defeat an amendment proposal was thereby vested in a smaller proportion of rejecting States. It was this constitutional right of a group of rejecting States, sufficient in number to defeat ratification of the 14th amendment, which was infracted by the unconstitutional action of Congress in coercing ratification by several of the rejecting States through the compulsions of the Reconstruction Act.

Evidently to safeguard, as far as possible, against the risk of an obstructive attitude on the part of Congress, the provision for Congress submitting amendment proposals on the applications of the legislatures of two-thirds of the States was changed to a requirement that Congress should call a convention for that purpose upon such an application from State legislatures. This proposal was made by Gouverneur Morris and Gerry, following a warning by Mason that Congress could be expected to use its power relating to the proposing of amendments to prevent the States from having an opportunity to ratify proper amendments.

It is also interesting to note that the final change, in the provision which was about to become article V of the Constitution, was the insertion, on motion of Gouverneur Morris, of the prohibition against depriving any State of its equal suffrage in the Senate, without its consent. As pointed out elsewhere in this article, a gross and wholesale violation of this plain constitutional provision, through the exclusion from the Senate of all persons holding credentials as Senators from the 10 Southern States, made it possible for the advocates of the amendment proposal to obtain in the rump Senate the two-thirds vote required to submit to the States the proposal for the 14th amendment.

PROPOSAL OF THE AMENDMENT

The 14th amendment was proposed by Congress to the States for adoption, through the enactment by Congress of Public Resolution No. 48, adopted by the Senate on June 8, 1866 and by the House of Representatives

on June 13, 1866. That Congress deliberately submitted this amendment proposal to the then existing legislatures of the several States is shown by the initial paragraph of the resolution.

This submission was by a two-thirds vote of the quorum present in each House of Congress, and in that sense it complied with article V of the Constitution. However, the submission was by a "rump" Congress. Using the constitutional provision that "Each House shall be the judge of the elections, returns, and qualifications of its own Members * * *" each House had excluded all persons appearing with credentials as Senators or Representatives from the 10 Southern States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas and Texas. This exclusion, through the exercise of an unreviewable constitutional prerogative, constituted a gross violation of the essence of two other constitutional provisions, both intended to protect the rights of the States to representation in Congress.

Had these 10 Southern States not been summarily denied their constitutional rights of representation in Congress, through the ruthless use of the power of each House to pass on the election and qualifications of its Members, this amendment proposal would doubtless have died a-borning. It obviously would have been impossible to secure a two-thirds vote for the submission of the proposed 14th amendment particularly in the Senate, if the excluded Members had been permitted to enter and to vote. Of course, that was one of the motives and reasons for this policy of ruthless exclusion.

Assuming the validity of the submission of this amendment by a two-thirds vote of this "rump" Congress, there is no gainsaying the obvious proposition that whatever "contemplation" or "understanding" this "rump" Congress may have had, as to the intent, or the scope, or the effect or the consequences of the amendment being submitted, was necessarily a "rump" contemplation or understanding. The 10 Southern States, whose Senators and Representatives were all excluded from the deliberations of this "rump" Congress, could have had no possible part in the development or formation of any "contemplation" or "understanding" of what the consequences and effects of the proposed amendment were to be.

If the Supreme Court now finds that the Congress submitting the proposed amendment understood and contemplated that it would abolish segregation in the public schools, either immediately or ultimately, one naturally wonders whether the Supreme Court will then enforce this necessarily "rump" contemplation or understanding against the 10 Southern States who were deliberately and designedly excluded from any possible participation in these "rump" submission proceedings.

When the 14th amendment was submitted, these 10 Southern States, which had been excluded from representation in Congress, had existing governments and legislatures. Congress had sought to avoid extending any recognition to these existing State governments, and the legality of these governments, in what the radical majority in Congress termed the "rebel States," was disputed in some quarters. However, in practically all of these 10 States, these governments were the only governments then in existence and these legislatures, being the only legislatures then existing in these States, were in June 1866 the only legislatures in the States to which the 14th amendment could be then submitted under the directive in the proposal resolution that the amendment be submitted "to the legislatures of the Several States."

These State governments had received Presidential recognition and, through their legislatures, they had participated actively in the then recent ratification and adoption of the 13th amendment abolishing slavery. Indeed, ratification of that amendment by these legislatures in these Southern States had aided in making up the ratification of that amendment, abolishing slavery, by the required three-fourths of the States.

REJECTIONS OF THE AMENDMENT

When the proposed 14th amendment was submitted to the legislatures of the several States, it needed to have ratification by 28 States, being three-fourths of the 37 States. While it was ratified rather promptly by most of the States outside the South, it was never ratified by California and it was rejected by the three border States of Kentucky, Delaware, and Maryland. It was also rejected, during the latter part of 1866 and the early part of 1867, by the legislatures of the 10 Southern States, including Louisiana, whose Senators and Representatives had been excluded from seats in Congress.

This created a situation which made impossible the ratification of the amendment unless some of these rejections were reversed. With 37 States in all, 10 rejections were sufficient to prevent the adoption of the amendment proposal. The 13 rejections, by the 10 Southern States and three border States, were more than sufficient to block ratification even if all other States finally ratified.

The Louisiana Legislature, which rejected the 14th amendment early in 1867, had been elected under the Louisiana constitution of 1864, and functioned under this constitution. It should be remembered that this constitution was not a product of the Confederacy, or of a reorganization of the State government by former Confederates after cessation of hostilities. The Louisiana constitution of 1864 was adopted by a convention held in New Orleans under the auspices of the Federal authorities, acting largely on suggestions and directions from President Lincoln. It was clearly a reestablishment and continuation of the Louisiana State government as it had existed before secession.

The rejection of the 14th amendment by this Louisiana Legislature is embodied in act 4 of 1867, a joint resolution adopted by both houses declaring:

"That the State of Louisiana refuses to accede to the amendment of the Constitution of the United States proposed as article (XIV) fourteen."

This is the only action ever taken on the 14th amendment by a Louisiana Legislature exercising free and unfettered and uncoerced judgment and discretion as between ratification or rejection of the amendment proposal. The subsequent purported ratification of this amendment in Louisiana was by a legislature of a puppet government, created by the radical majority of Congress to do the bidding of its master, and compelled to ratify this amendment by the Federal statute which had brought this puppet government into existence for this specific purpose.

It is most interesting to read the proceedings of the Louisiana House of Representatives on February 6, 1867, whereby that body adopted the joint resolution ordaining the refusal of Louisiana to ratify the proposed 14th amendment—the joint resolution which became Act 4 of 1867. This Journal shows, by the rollcall, that 100 members voted out of a total house membership of 110—and that the unanimous vote was 100 against ratification and none in favor of it. This was the last opportunity for a free and uncoerced expression of views on this amendment proposal by the duly elected Representatives of the people of Louisiana.

THE RECONSTRUCTION ACT

The scene shifts back to Washington. The radicals have a majority, by over a two-thirds vote, in the "rump" Congress from which all representation of the 10 Southern States is excluded. They accomplish the passage of the Reconstruction Act of March 2, 1867. This act had, as one of its major objectives, the attainment of ultimate ratification of the 14th amendment through compelling and coercing ratification by the 10 Southern States which had rejected it.

The act dealt with these 10 Southern States, referred to as "rebel States" in its various provisions. It opened with a recital that "no legal State government" existed in these States. It placed these States under military rule. Louisiana and Texas were grouped together as the Fifth Military District, and placed under the domination of an Army officer appointed by the President. All civilian authorities were placed under the dominant authority of the military government.

This act, as supplemented by subsequent amendments, completely deprived these States of all their powers of government and autonomy, until such time as Congress should approve the form of a reorganized State government, conforming to rigid and extreme specifications set out in the act, and should have recognized the States as again entitled to representation in Congress.

The most extreme and amazing feature of the act was the requirement that each excluded State must ratify the 14th amendment, in order to again enjoy the status and rights of a State, including representation in Congress. Section 3 of the act sets forth this compulsive coercion thus imposed upon the Southern States.

The most apt characterization of this compulsive provision, placing these States under military authority, there to remain until they complied inter alia with this requirement of ratifying the rejected 14th amendment, is found in a speech by Senator Doolittle of Wisconsin, a northerner and a conservative Republican. During the floor debate on the bill, he said:

"My friend has said what has been said all around me, what is said every day: the people of the South have rejected the constitutional amendment, and therefore we will march upon them and force them to adopt it at the point of the bayonet, and establish military power over them until they do adopt it."

Surely, the authors of our Constitution never contemplated or understood that ratification of a constitutional amendment proposal by a State could lawfully be compelled "at the point of the bayonet," and by subjecting all aspects of civil life in the recalcitrant State to continued military rule, until this State recanted its heresy in rejecting the proposed amendment, and yielded the desired ratification to the duress of continued and compelling force.

President Johnson vetoed the Reconstruction Act in an able message, stressing its harsh injustices and its many aspects of obvious unconstitutionality. He justifiably denounced it as "a bill of attainder against 9 million people at once."

Notwithstanding this able message, the act was promptly passed over his veto by the required two-thirds majority in each House. Military rule took over in the 10 Southern States to initiate the process of conditioning a subjugated people to an ultimate acceptance of the 14th amendment.

JUDICIAL REVIEW UNSUCCESSFULLY SOUGHT

Relief from the oppressive and unconstitutional features of the Reconstruction Act was sought in vain in the courts. Three times the Supreme Court found some reason for not deciding these constitutional issues. Unlike the present Court, which was alert to protect three minor Government officials against salary-blocking legislation by Congress, interpreted as constituting a bill of attainder against these individuals, the

Court of 1867–68 seemed to feel no urge to review the constitutional merits of the solemn charge of President Johnson that the Reconstruction Act constituted a bill of attainder against 9 million people. This is all the more amazing since the two leading precedents on the enforcement of the constitutional prohibition of bills of attainder, cited and followed in *United States* v. *Lovett*, were decisions of the Court of 1867–68.

The decisions wherein grounds were found for avoiding a ruling on the constitutionality of the Reconstruction Act leave the impression that our highest tribunal failed in these cases to measure up to the standard of the judiciary in a constitutional democracy. If the Reconstruction Act was unconstitutional, the people oppressed by it were entitled to protection by the judiciary against such unconstitutional oppression.

In *Mississippi* v. *Johnson*, the Court expressed definite apprehension that an injunction against the execution of the Reconstruction Act by the President, on grounds of unconstitutionality, might result in congressional impeachment of the President for obeying the mandate of the Court.

In *Georgia* v. *Stanton*, the Court declined to entertain a suit assailing the constitutionality of the Reconstruction Act, on the ground that the issues raised were political and not justiciable. The opinion frankly describes in the language below the issues as to which the Court held that a State is without any protection in a court of law.

In *Ex Parte McCardle*, the Court permitted Congress to evade a judicial determination of the constitutionality of the Reconstruction Act, by repealing a statutory provision as to appellate jurisdiction after the appeal had been lodged, and even after the case had been argued and submitted for decision. Again the opinion leaves the impression that the Court preferred not to be obliged to pass on the merits of the constitutional issue.

COERCED RATIFICATIONS OF THE AMENDMENT

As a result of these decisions, enforcement of the Reconstruction Act against the Southern States, helpless to resist military rule without the aid of the judiciary, went forward unhampered. Puppet governments were founded in these various States under military auspices. Through these means, the adoption of new State constitutions, conforming to the requirements of Congress, was accomplished. Likewise, one by one, these puppet State governments ratified the 14th amendment, which their more independent predecessors had rejected. Finally, in July 1868, the ratifications of this amendment by the puppet governments of 7 of the 10 Southern States, including Louisiana, gave more than the required ratification by three-fourths of the States, and resulted in a joint resolution adopted by Congress and a proclamation by the Secretary of State, both declaring the amendment ratified and in force.

It is interesting to speculate upon what might have been the course of events if our Supreme Court of 1867–68 had met these charges of unconstitutional action in the enactment and enforcement of the Reconstruction Act in the direct manner which characterized the judicial performance of the Supreme Court of the Union of South Africa in the recent "Coloured Vote Case." The Malan Government had enacted certain legislation restricting the rights of colored voters, which clashed with the assertedly "entrenched clauses" of the Constitution of South Africa. Twice the case went to the Supreme Court of South Africa, and twice that court upheld the constitution on the merits of the issues and pronounced the unconstitutionality of the offending legislation. For that fine judicial work, it has been highly commended.

When *Georgia* v. *Stanton* is compared with the recent South African decisions, one cannot escape the impression that the difference between the cases is the difference between meeting and evading (even though the evasion be perhaps unconscious) an issue which ought to be met and decided.

ATTEMPTED JUSTIFICATIONS OF COERCION

The supposed constitutional justification of the Reconstruction Act, most frequently asserted by its supporters, was the view that such legislation would come within the power of Congress under the guarantee of "a republican form of government" to each State by the United States.

Whatever justification for other portions of the Reconstruction Act may or may not be found in this constitutional provision, there could clearly be no sort of a relationship between a guarantee to a State or "a republican form of government" and an abrogation of the basic and constitutional right of a State, in its legislative discretion, to make its own choice between ratification or rejection of a constitutional amendment proposal submitted to the State legislatures by the Congress of the United States. To deny to a State the exercise of this free choice between ratification and rejection, and to put the harshest sort of coercive pressure upon a State to compel ratification, was clearly a gross infraction—not an effectuation—of the constitutional guarantee of "a republican form of government."

Beyond this, the whole idea that article IV, section 4, could confer upon Congress power to alter the governmental structure of a State—particularly a governmental structure of the general type existing in the Thirteen Original States at the time of the adoption of the Constitution—has been most effectively refuted by Madison. Writing in the Federalist, No. 43, Madison poses two questions respecting the provision for a guarantee to each State of a republican form of government:

"It may possibly be asked, what need there could be of such a precaution, and whether it may not become a pretext for alterations in the State governments, without the concurrence of the States themselves."

He then proceeds to give his answers to these questions, and he answers the second question:

"The authority extends no further than to a guaranty of a republican form of government, which supposes a preexisting government of the form which is to be guaranteed. As long, therefore, as the existing republican forms are continued by the States, they are guaranteed by the Federal Constitution. Whenever the States may choose to substitute other republican forms, they have a right to do so, and to claim the Federal guaranty for the latter. The only restriction imposed on them is, that they shall not exchange republican for antirepublican constitutions; a restriction which, it is presumed, will hardly be considered as a grievance."

Elsewhere in the same number of "The Federalist," Madison reiterates his basic concept that article IV, section 4, unquestionably recognizes the then existing State governments as republican in form and protects them against innovations or changes of a nonrepublican character.

It is interesting to note that the Supreme Court, in *Minor* v. *Happersett*, enunciated a doctrine completely in accord with Madisonian ideology that the type of government existing in the Original States when the Constitution was adopted established a standard for the meaning of the term "republican form of government" in this constitutional provision.

COERCED RATIFICATION IN LOUISIANA

The enactment of the legislature of the puppet government of Louisiana which ratified the 14th amendment is embodied in Act 2 of 1868. The legislative journals of that session reflect the presence and dominance of the military, all as provided for and contemplated by the Reconstruction Act.

The House Journal shows that on June 29, 1868, Colonel Batcheider opened the session by calling the roll and reading an extract from the order of General Grant. The Senate Journal for the same date shows the reading of instructions from General Grant to the commanding officer of the Fifth Military District emphasizing the supremacy of the power of the military over the provisional civilian government. It was under these auspices that the coerced ratification of the 14th amendment in Louisiana was accomplished.

Even under the puppet government created in Louisiana pursuant to the Reconstruction Act, the ratification of the 14th amendment in Louisiana was not unanimous. In the Senate on July 9, 1868, the vote on ratification was 20 yeas and 11 nays. The record contains a protest by Senator Bacon against voting upon ratification "under duress" imposed by the Reconstruction Act, and an unavailing appeal by that legislator for an opportunity for a "free and unrestrained" vote.

FORCED RATIFICATION REQUIRES REEXAMINATION OF PURPORTED ADOPTION OF THE AMENDMENT

The fact that ratification in the Southern States came finally, as a coerced result, through the legislatures of the puppet governments created by the Reconstruction Act, after rejection of the amendment by the prior State legislatures, can pose a very serious question in relation to one of the issues upon which the Supreme Court invited discussion on the reargument. This of course refers to the request by the Court for discussion of what understanding or contemplation of the scope of the amendment was had by the State legislatures which ratified it.

Such an inquiry may be proper as to a legislature which, free to ratify or reject, determined of its own volition to ratify. But to give effect, as against the Southern States now, to whatever extreme and sweeping notions of the broad scope of the 14th amendment may have been expressed by the puppet legislators, who used their power under the Reconstruction Act to vote in favor of ratification States really opposed to ratification, would be a perversion of history and a contradiction of plain fact.

Even if plain coercion, under the Reconstruction Act, be not regarded as nullifying the ratification votes of the Southern States, recorded by puppet legislators obeying the orders of their masters, these puppet legislatures have no power to speak on matters of legislative intent, ex post facto, for the States which they misrepresented in voting for ratification. These States, as soon as they were free of Federal coercion, repudiated and disestablished these puppet governments, and all that went with them.

But the attack upon the legality of the coerced ratifications of the 14th amendment by the Southern States, under the compulsions of the Reconstruction Act, goes beyond the question of whether the puppet governments, which went through the form of voting these enforced ratifications, were authorized to authentically express the contemplation or understanding of the Southern States as to the scope and operative force of the amendment. The question arises—upon an analysis of the provisions of article V and upon a study of the history of the evolvement of this article in the Federal Convention of 1787—whether these coerced ratifications should be decreed null and void, as the product of an usurpative incursion by Congress into an area—the ratification-or-rejection process—from which it is clearly excluded by article V.

To permit Congress to have a decisive and controlling part in the final decision on ratification or rejection of a constitutional

amendment proposal, after Hamilton had secured the reluctant assent of the convention to letting Congress have merely a power to initiate amendment proposals, on his solemn representation that "the people would finally decide," would constitute a clear disregard of the plain intent of the Founding Fathers concerning the meaning and effect of article V. Beyond this, congressional coercion, intruding into and upon the ratification process, amounts to a gross breach of faith with the obvious understanding had between Madison and Hamilton when, following Hamilton's frank avowal that the power of final decision in an amendment proposal should be vested in "the people," these two great statesmen cooperated in setting up the amendment procedure whereby, on an amendment proposal submitted by Congress to the legislatures of the several States, the people of each State, speaking through its legislature, have the final decision on ratification or rejection.

One who says that such questions are political and not justiciable, must necessarily mean that a political body, actuated by political motives and effectuating political objectives, should have and exercise a final power, not judicially reviewable, to change the plain meaning of a constitutional provision, and to disregard its obvious intent and purpose, as demonstrated by the history of its evolvement.

The adversary or the skeptic might assert that, after a lapse of more than 80 years, it is too late to question the constitutionality or validity of the coerced ratifications of the 14th amendment even on substantial and serious grounds. The ready answer is that there is no statute of limitations that will cure a gross violation of the amendment procedure laid down by article V of the Constitution.

Precedents are not wanting for the successful assertion of constitutional rights which have been flouted or ignored over long periods of time. In *Erie Railroad Co.* v. *Tompkins*, the Court, on a constitutional point, reversed its jurisprudence of more than 90 years standing, dating back to *Swift* v. *Tyson*. This was done on the expression of the view that a doctrine involving statutory construction would not be reexamined and upset after that lapse of time, but that the true doctrine on the constitutional point, once resolved, must be given effect regardless of lapse of time.

This principle should apply here. If the coerced and enforced ratifications of the 14th amendment by the Southern States in 1868, compelled by congressional duress offending against the Constitution itself, constitute an infraction of the amendment procedure ordained by article V of the Constitution, these enforced ratifications are just as violative of the provisions of article V in 1953 as they were in 1868.

Also worthy of note in this connection is the holding in 1895 that the levying of an income tax by the Federal Government, without apportioning that tax among the States as a direct tax, violated the taxing-power provisions of the Constitution of the United States—although, 30 years prior to this judicial vindication of what the majority of the Court deemed to be fundamental and true constitutional provisions, the Federal Government had levied and collected income taxes for several years on a large scale, and had financed a major and successful war of vital consequences to a very considerable extent out of revenues so obtained.

In a recent case terminating the exclusion of Negroes from restaurants in the District of Columbia, the Court found still operative, and ordered enforced, a statutory enactment dating back to the early 1870's, which had lain dormant during practically the whole period of time since its enactment, and which had been variously regarded by lower courts in the case as having been repealed by codification or implication in 1877 or in 1901. Upon a demonstration now that article V of the Constitution was violated and flouted by the 1868 coerced ratifications of the 14th amendment, the true rule for this amendment process, ordained by article V, is entitled to receive from the judiciary the same respectful consideration and orderly enforcement as was recently accorded the revivified 1873 enactment of the short-lived local Legislature of the District of Columbia.

Mr. President, I would like to comment to some extent also on the question of whether or not the adoption of an amendment to the Constitution is, or is not, a political question.

Article V of the Constitution of the United States reads as follows:

> The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions of three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

Article V thus specifies the means, and the only means by which an amendment can be adopted, and it does not specify in such article, nor does any other article by direct language specify, who shall have authority to decide whether an amendment has been adopted in accord therewith. The purported 14th amendment to the Constitution of the United States originated in the House of Representatives, as House Joint Resolution 127 of the 39th Congress. It was neither proposed nor ratified in accord with the requirements of article V of the Constitution. When the questionable nature of the proceedings in respect to adoption was publicized in a proclamation of the Secretary of State, Congress forthwith resolved by a majority voice vote, on July 21, 1868, that it had been ratified and directed the Secretary of State to so proclaim. Was this a meaningless gesture, or was it the determination of a matter which the people had delegated to Congress to decide—the power to decide including, implicitly, the power to decide either way; for example, the power to decide wrongly?

The resolution of July 21, 1868, was certainly no meaningless gesture, since the purported 14th amendment has been treated as if it were a valid and subsisting amendment at all times since, because of that majority voice vote of Congress. Prior to the passage of the foregoing resolution, the U.S. Supreme Court in Georgia against Stanton, and Mississippi against Stanton, had declined to exercise its judicial power to declare the so-called Reconstruction Act unconstitutional on the ground that it lacked jurisdiction because it said a political question was presented. This is the only instance in the history of the United States in which the Supreme Court refrained from striking down an obviously unconstitutional action of Congress when the civil rights of a person or a State were violated thereby. Following this precedent, down through Coleman against Miller, the Supreme Court has refrained from passing on the validity of the purported 14th amendment, although from a reading of the opinion of Justice Hughes in Coleman against Miller it seems obvious that if the Court had been called on for the first time to rule on the question the ruling would have been different.

At the time that the Supreme Court, in Coleman against Miller, was expressing the questionable efficacy of the resolution of Congress of July 21, 1868, and its reluctance to reconsider at such a late date, the racial separate-but-equal doctrine was in force and effect. Under this rule there was racial segregation in public schools and in public places in both the North and South, before and after the purported adoption of the 14th amendment. Also racial restrictions in contracts of private persons in respect to land were valid and enforceable. Corregin against Buckley and Buchanan against Warley. However, the Supreme Court in 1952, notwithstanding the rule established in the foregoing cases for scores of years did not hesitate to reverse these rulings, based upon a new construction of the purported 14th amendment, in Brown against Topeka School Board and Shelly against Kraemer. This was done in the face of a long line of decisions of the Supreme Court holding that contemporaneous construction shall have controlling effect.

The 1947–52 Supreme Court did not display the reluctance to change the established precedent of 100 years that the same Court had shown in the case of Coleman against Miller, when it had before it a question concerning an amendment to the Constitution of the United States. If the present Supreme Court might be expected to be consistent in being ready and willing to reconsider long-established precedents, there is no reason why it should be reluctant to reexamine the question as to whether the adoption of the purported 14th amendment was a political question for determination by the Congress or a judicial question for determination of the courts, and upon reaching a decision that it is a judicial question, rule on the validity of the purported 14th amendment.

There are several aspects of the question which should be considered in arriving at a conclusion on the question.

STATE CONSTITUTIONS

The identical question has arisen in almost every State of the Union in respect to the amendments of the State constitutions which are, in this regard substantially the same as the Federal Constitution. The fact that these decisions have been rendered in respect to amendments to State constitutions, whereas the purported 14th amendment relates to the Federal Constitution, is a distinction without a difference. Nor, do I think it can be said

that the judges of the supreme courts of the several States are less able or learned in the law than the Justices of the U.S. Supreme Court.

The supreme courts of the following States in the following cases have held that the question as to whether an amendment to the constitution of their State has been adopted is a judicial question. In most of the decisions there is a direct and specific holding on the point in the face of an adverse contention that the court lacked jurisdiction because only a "political question" was presented. In a few, the question was decided inferentially from the fact that the court which decided the case exercised its judicial powers. The States in which the supreme court has so ruled are: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. A different holding in the Supreme Court of Maryland was rendered in Warman against Hagen. But, in reality, it is not a contrary holding, as it was based upon the specific language of the Maryland constitution which vested in the Governor the authority to make the decision. The court in that case said:

> It will be seen that the constitution itself confides to the Governor exclusively the power and duty to ascertain the result of the vote from an examination of the returns made to him; and on his proclamation that a proposed amendment has received a majority of the votes cast it becomes eo instanti a part of the constitution. There is no reference of the question to any other officer or to any other department. It is committed to the Governor without qualification or reserve, and without appeal to any other authority.

The opinion pointed out that there was no question before the court as to the sufficiency of the vote of the houses of the assembly who had proposed the amendment by the required three-fifths.

From an examination of the foregoing decisions, it is found that the courts have uniformly exercised the authority to determine the validity of the proposal, submission, and ratification of constitutional amendments.

The courts have decided whether a proposed amendment is a single amendment within the constitutional requirement that every amendment must be separately submitted; also whether the failure to enter the resolution of submission upon the legislative journals invalidates the amendment, whether the description of the amendment and the form of the ballot are sufficient, whether the method of submission is sufficient; whether the publication of the amendment or of a notice relative to it is sufficient; and at what election the amendment must be submitted.

In Rich against Board, the court said:

> It is contended that the determination of the question whether an amendment to the constitution has been carried involves the exercise of political, and not judicial power. If this be so, it follows that the promulgation of a purported amendment by the executive or any executive department is final, and that the action cannot be questioned by the judiciary; but, with reference to the conditions precedent to submitting a proposed amendment to a vote of the people, it has been repeatedly held by the courts of the highest respectability, that it is within the power of the judiciary to inquire into the question, even in a collateral proceeding. It is noted that under section 1 of article 20 of the constitution of the State no amendment can become a part of the constitution until ratified by a vote of the people. One prerequisite is equally as essential as the other. The amendment must first receive the requisite majority of the legislature, and afterwards be adopted by the requisite vote. It is the fact of a majority vote which makes the amendment a part of the constitution.

In Collier against Frierson, the court said:

> Certain acts are to be done, certain requisites are to be observed, before a change can be effected: but, to what purpose are these acts or these requisites, if the legislature or any other department of the government can dispense with them. To do so would be to violate the instrument they are sworn to support; and every prerequisite of public law and sound constitutional policy requires the court to pronounce against every amendment which is shown not to have been made in accord with the rules prescribed by the fundamental law.

In State against Swift, the court said:

> But if they undertake to add an amendment, by the authority of the legislature, to a constitution already in existence, they can do it only by the method pointed out by the constitution to which the amendment is added. The power to amend a constitution by legislative action does not confer the power to break it, any more than it confers the power to legislate on any other subject contrary to its prohibitions.

In State against Timme, the court held that no amendment can be made to the constitution of the State without a compliance with the provisions thereof, both in the passage of such amendment by the legislature and in the manner of submitting it to the people.

In Koehler against Hill, the court determined that a constitutional amendment had not been adopted. The court said:

> As to the claim that the question is political, and not judicial, it was said that while it is not competent for courts to inquire into the validity of the constitution and the form of government under which they themselves exist, and from which they derive their powers, yet, where the existing constitution prescribes a method for its own amendment, an amendment thereto, to be valid, must be adopted in strict conformity to that method; and it is the duty of the courts in a proper case • • • to inquire whether, in the adoption of the amendment, the provisions of the existing constitution have been observed, and, if not, to declare the amendment invalid and of no force.

In the case of University against McIver, the question of whether a proposed amendment to the constitution had been legally adopted was considered by the court to be a judicial question.

In Kadderly against Portland, the question as to whether a constitutional amendment had been legally adopted was held to be a judicial question, not a political question.

In State against Powell, the question presented was whether an amendment to the constitution had been legally submitted and adopted. This question was held by the court to be a judicial one, not a political one.

In Batt against Wurtz, it was held to be the duty of the judicial department of the Government to determine whether a constitutional amendment had been adopted.

In Rice against Palmer, in answer to the argument asserting that the question as to whether an amendment has been adopted is a political question, not a judicial question, the court said:

> This argument has often been made in similar cases to the courts, and it is found in many dissenting opinions, but is not found in any prevailing opinions.

In State against Tanker, it was held that the constitutional requirements were not satisfied and the purported adoption of an amendment was of no effect.

In re McConaugh, the court said:

> The authorities are thus practically uniform in holding that whether a constitutional amendment has been properly adopted according to the requirements of an existing constitution is a judicial question. There can be little doubt that the consensus of judicial opinion is to the effect that it is the absolute duty of the judiciary to determine whether the constitution has been amended in the manner required by the constitution, unless a special tribunal has been created to determine the question; and even then many of the courts hold that the tribunal cannot be permitted to illegally amend the organic law.

Again, in Koehler against Hill, the court said:

> But if courts be coerced by popular majorities into a disregard of their provisions, constitutions would become mere "ropes of sand" and there would be an end of social security and constitutional freedom.

In Crawford against Gilchrist, the court said:

> Under our system of constitutional government regulated by law, a determination of whether an amendment to the constitution has been validly proposed and agreed to by the legislature depends upon facts of substantial compliance or noncompliance with the mandatory provisions of the existing constitution as to how such amendments shall be proposed and agreed upon, and such determination is necessarily required to be in a judicial forum when the constitution provides no other means of authoritatively determining such question.

In Ellingham against Dye, the court said:

> The power to determine and declare the law covers the whole body of the law, fundamental and ordinary, the latter being those laws which apply to particulars and are tentative, occasional, and in the nature of temporary expedients. And so the power resides in the courts, and they have, with practical uniformity, exercised the authority to determine the validity of proposal, submission, or ratification of change in the organic law.

In Gottstein against Lester, it was held that the question as to whether a constitutional amendment has been adopted is a judicial question for the courts, not a political question for the legislature.

THE FEDERAL CONSTITUTION

The doctrine that all political power is vested in the people is a fundamental principle of American constitutional law. The Constitution, which is the basis of the Government, is a creature of their power and the instrument of their convenience. It is the work of the people acting in their original sovereign capacity, and not the work of the States. Martin against Hill; McCulloch against Maryland. By it they organize the Government and determine the powers and duties of the different departments, offices, and agencies. In framing and adopting this instrument, the people exercise inherent political power which includes the whole Government. This power seems naturally to divide into three elements, executive, legislative, and judicial which devolve upon separate and distinct departments. It was this division of power which Montesquieu considered to be essential to a successful life of a State, and which was incorporated in our Federal Constitution. The power and duty to make, declare, and execute the will of the people are thus delegated to different agencies, all of which, however, exercise what in the broad sense is called political power. The powers specifically granted include as inherent those which are a necessary incident to those specifically granted. Neither department can legally exercise the powers which in the constitutional distribution are granted to any of the others. A grant of one is a denial to the others. This was the system of checks and balances in which the "Federalist No. 51"—Madison or Hamilton—referred, stating:

To what expedient, then, shall we finally resort, for maintaining in practice the necessary partition of power among the several departments, as laid down in the Constitution? The only answer that can be given is, that as all these exterior provisions are found to be inadequate, the defect must be supplied, by so contriving the interior structure of the Government as that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper place.

But, the great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachment of the others.

If men were angels, no government would be necessary. If angels were to govern men, neither exterior or interior controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this; you must first enable the government to control the governed; and in the next place oblige it to control itself.

The meaning of executive, legislative, and judicial power is fairly well understood; but much confusion has resulted from the use of the word "political" to describe a class of powers which are not judicial, but may be either legislative or executive. Many questions arise which are clearly political, and not of judicial cognizance. Thus, the recognition of a foreign sovereign or government, the adjustment of boundaries, the existence of a state of war, and whether a new government has been established by a State, are clearly political questions. Examples were the subject of the Devina Pastora, Kennett against Chambers, The Nev Anne, Williams against Suffolk, Luther against Borden, Foster against Neilson, and Jones against U.S. A different class of political questions is treated in Giles against Teasley and Giles against Harris.

Questions which arise within the sphere of action of the State are not always as easily distinguished. When the Governor vetoes a bill he exercises political power, but when he removes a subordinate he is said to exercise an administrative power. What is meant when it is said that a question is political is that it is a matter which is to be exercised by the people in their primary political capacity, or that it has been specially delegated to some other department, or particular officer of the government, with discretionary power to act. See State against Cunningham; In re Gunn, Fletcher against Tuttle. Thus, the legislature may in its discretion determine whether it will pass a law or submit a proposed constitutional amendment to the people. The courts have no judicial control over such matters, not merely because they involve political questions, but because they are matters which the people have by the constitution delegated to the legislature. The Governor may exercise the powers delegated to him, free from judicial control, so long as he observes the law and acts within the limits of the power conferred. His discretion cannot be controlled, not because they are political in their nature, but because the constitution has placed the particular matters under his control. But every officer under a constitutional government must act according to law and subject to its restrictions, and every departure therefrom must subject him to the restraining and controlling power of the people, acting through the agency of the judiciary, for it must be remembered that the people act through the courts as well as through the executive or the legislative departments. One department is just as representative of the people as the other, and the judiciary is the department which is charged with the special duty of determining the limitations which the law places upon all official action. The recognition of this principle is necessary to "the end that the government may be one of laws and not of men"—words which Webster said were the greatest contained in any written constitutional document.

The wise statesmen who framed the early American Constitution feared that party passion, guided by private interests, would be liable to lead to frequent tampering with the fundamental law. Prior to 1787 the unanimous consent of all States was required to amend the Constitution. When efforts were made to ease these strict requirements, the representatives of the smaller States feared that the larger States would use their voting power to make changes to their own advantage and against the interest of the smaller States. The smaller States' representatives also feared that unwanted innovations might be forced upon them. For these reasons great care was taken to protect themselves against a congressional majority by restrictive provisions of the Constitution before they were willing to give their consent to the new Constitution.

The fears of the smaller States were, to a large measure, responsible for the adoption of the first 10 amendments. These amendments were proposed when the adoption of the Constitution was under consideration. It was ratified with the express understanding that such amendments should be adopted as limitations upon the power of the Federal Government, and as securing the right of each State to local self-government. The effect of these amendments was to limit the general power conferred by article V, Spies against Illinois.

In volume II of Farrand, "Records of the Federal Convention," pages 556 and the following, for Monday, September 10, 1787, is found the following:

Mr. Gerry moved to reconsider article XIX, viz., on the application of the legislatures of two-thirds of the States in the Union, for an amendment of this Constitution, the Legislature of the United States shall call a convention for that purpose (see Aug. 6).

This Constitution, he said, is to be paramount to the State constitution. It follows, hence, from the article that two-thirds of the States may obtain a convention, a majority of which can bind the Union to innovations that may subvert the State constitutions altogether. He asked whether this was a situation proper to be run into.

Mr. Hamilton seconded the motion, but he said with a different view from Mr. Gerry. He did not object to the consequences stated by Mr. Gerry. There was no greater evil in subjecting the people of the United States to the major voice than the people of a political State. It had been wished by many and was much to be desired that an easier mode of introducing amendments had been provided by the Articles of Confederation. It was equally desirable now that an easy mode should be established for supplying defects which will probably appear in the new system. The mode proposed was not adequate. The State legislatures will not apply for alterations but with a view to increasing their own power.

The National Legislature will be first to perceive and will be most sensible to the necessity of amendments, and ought also to be empowered, whenever two-thirds of each branch should concur, to call a convention. There could be no danger in giving this power, as the people would finally decide in the case.

Mr. Madison remarked on the vagueness of the terms, "call a convention for the purpose," as sufficient reason for reconsideration of the article. How was a convention to be formed? By what rule decide? What the force of its acts? On the motion of Mr. Gerry to reconsider the vote was nine ayes, one nay, one State divided. Mr. Roger Sherman of Connecticut moved to add to the article, "or the Legislature may propose amendments to the several States for their approbation, but no amendment shall be binding until consented to by the States."

Mr. Gerry seconded the motion.

Mr. Wilson, of Pennsylvania, moved to insert "two-thirds of" before the words "several States"—on which the vote was five ayes and six nays.

Mr. Wilson then moved to insert "three-fourths of" before the words "several States" which was agreed to nem:con.

Mr. Madison moved to postpone the consideration of the amended proposition in order to take up the following:

The Legislature of the United States whenever two-thirds of both Houses shall deem necessary, or on the application of two-thirds of the legislatures of the several States, shall propose amendments to this Constitution, which shall be valid to all intents and purposes as part thereof, when the same shall have been ratified by three-fourths at least of the legislatures of the several States, or by conventions in three-fourths thereof, as one or the other mode of ratification may be proposed by the Legislature of the United States.

Mr. Hamilton seconded the motion.

Mr. Rutledge said he could never agree to give a power by which the articles relating to slaves might be altered by the States not interested in that property and prejudiced against it. In order to obviate this objection, these words were added to the proposition, "provided that no amendment which may be made prior to the year 1808 shall in any manner affect the 4 and 5 sections of the VII article." The deferment to 1808 was agreed to. On the question on the proposition of Mr. Madison and Mr. Hamilton, as amended, New Hampshire, divided; Massachusetts, aye; Connecticut, aye; New Jersey, aye; Pennsylvania, aye; Delaware, nay; Maryland, aye; Virginia, aye; North Carolina, aye; South Carolina, aye; and Georgia, aye. (Ayes 9, nayes 1, divided 1).

It is to be observed from the foregoing that Mr. Gerry and Mr. Sherman from the smaller States were fearful that the larger States would be able to outvote them and to bind the Union "to innovations that may subvert the State constitutions altogether." The original article XIX had provided for amendments to the Constitution only by application of the legislatures of two-thirds of the States. The only part that the Legislature of the United States would have had in the proceedings was the calling of a convention on application of such two-thirds of the States. Evidencing the fear of the smaller States of the congressional majority, Mr. Roger Sherman's amended article would have read:

On the application of the legislatures of two-thirds of the States in the Union for an amendment of the Constitution, the Legislature of the United States shall call a convention for that purpose, or the Legislature of the United States may propose amendments to the several States for their approbation, but no amendment shall be binding until consented to by the States.

Under this plan the legislatures of two-thirds of the States could call for a convention or the Congress by majority vote could propose amendments which would require unanimous approval of all States. Mr. Wilson tried to change this requirement for unanimous approval to two-thirds, which was defeated. He then moved to change the requirement to three-fourths which was agreed upon. Mr. Madison then offered his substitute which is substantially in the form of that finally adopted.

There is nothing in the history of this article of the Constitution which even suggests that the Congress of the United States would be the forum to decide whether an amendment had been adopted. As stated by Mr. Gerry, it was this majority of Congress which the smaller States feared and then took every precaution to provide against the action of a congressional majority both in the relation of the States to each other and in the amending process. In the original draft, Congress was not even a party to the amending process. In the Roger Sherman draft, which first made use of the Legislature of the United States, he would have allowed a majority vote of Congress to propose, but this was followed by a requirement for a unanimous consent of all the States. It would be contrary to every expressed intention of Mr. Sherman to say that his provision contemplated that the Congress which proposed it by a majority vote could nullify the requirement for unanimous ratification by means of the power to decide—erroneously—by majority vote that the amendment had been adopted, despite the fact that it had not in fact been adopted by all of the States or by any State.

Consider for a moment the authority of the Congress over a matter in which the Congress has enacted laws which are unpopular in many of the States. On application of the legislatures of two-thirds of the several States, Congress is forced to call a convention for proposing amendments which shall be valid as part of the Constitution when ratified by three-fourths of the States. Amendments having been proposed by the convention and ratified by three-fourths of the States, the Congress which took no part in the amending process, in a desperate effort to retain the unpopular laws, proceeds to resolve that the amendments have not been adopted on the pretext that Congress is the forum having authority to decide whether a constitutional amendment has been adopted—the power to decide including the power to decide wrongly. There is no difference in principle in this situation, wherein Congress had no real part in the amending process, from the case in which the amendment is proposed by Congress.

The power to decide does include the power to decide either way, for example, to decide wrongly. And it is contrary to both the Constitution and to common sense to say that Congress may propose an amendment by any vote in fact less than two-thirds of both Houses, as required by the Constitution, and that such action can be followed by a ratification in fact by less than three-fourths of the States, as required by the Constitution, and then that Congress by a mere majority vote can make that amendment a valid amendment and a part of the Constitution by a deliberately erroneous ruling under the theory that it has the authority to decide whether amendments have been adopted, and the authority to decide includes authority to decide wrongly. Every action taken by the representatives of the States in framing the provision for amendment shows an intention to allow Congress to have as little as possible to do with the process of amendment and then they were limited to being one of the two methods for proposing. Most certainly there was no intent to allow this Congressional majority to be the judge as to whether the requirements of the Constitution had been fulfilled in respect to any amendment. When an amendment to the Constitution of the United States has been proposed, either by two-thirds of both Houses of Congress or by a convention called on the application of the legislatures of two-thirds of the States, and the proposal has been sent to the States for ratification, the moment that three-fourths of the States have duly ratified the amendment, it becomes a part of the Constitution, eo instanti, without any legal necessity of proclamation or notice. This is so because the Constitution itself specifically so states. In the absence of an Act of Congress providing for a means of such notice, the President might issue a proclamation or send a circular letter to each of the Governors of the several States. Or the Congress might resolve that the amendment had been adopted. Either of these means of notice would be simply notice, since it is beyond the power of the President or the Congress to add to or detract from the process of ratification. Any proclamation of the President or resolution of Congress to the effect that an amendment has been adopted when in fact and in law it has not would have no legal force and effect.

When the first 10 amendments were adopted on December 15, 1791, there was no established machinery for the giving of notice to the States of the fact of ratification. The notice was given by the Secretary of State Jefferson on behalf of President Washington on March 1, 1792, by the following letter to the Governors of all of the several States:

PHILADELPHIA, *March 1, 1792.*

SIR: I have the honor to send you herein enclosed, two copies duly authenticated, of an act concerning certain fisheries of the United States, and for the regulation and government of the fishermen employed therein; also of an act to establish the post office and post roads within the United States; also the ratification, by three-fourths of the legislatures of the several States, of certain articles in addition to an amendment of the Constitution of the United States, proposed by the Congress to the said legislatures, and of being with sentiment of the most perfect respect, Your Excellency's

TH: Jefferson

It may be noted that the Congress had no part in this notification.

When the 11th amendment was ratified on January 8, 1798, the giving of notice was handled by Mr. Pickering as Secretary of State for President Adams, and on September 25, 1804, Secretary of State Madison dispatched a circular letter to each of the Governors of the several States for President Jefferson informing them of the fact of ratification on September 24, 1804, of the 12th amendment. In neither case did Congress have any part in the giving of the notice or claim the right to exercise control over the adoption process. Then on April 20, 1818, a law was enacted by Congress which made it the duty of the Secretary of State to issue a proclamation to that effect, when an amendment to the Constitution was adopted. There was no suggestion in this enactment that the Congress had any voice in the matter of ratification beyond the authority to propose an

amendment by a proper vote, and the enactment merely formalized what was already the established practice in which the Secretary of State acting for the President gave the notice. Congress, in 1950, changed this law to substitute another officer of the executive branch of the Government, the Administrator, General Services Administration, for the Secretary of State. But, whoever is given the duty of issuing such a proclamation engages in a purely ministerial act and such individual is just as powerless to effectuate a ratification by a false proclamation as he is to nullify an adopted ratification by a failure or refusal to proclaim it. Such a proclamation does not put into force and effect a newly adopted amendment, as it was already in full force and effect the moment that the last State of the ratifying three-fourths acted to ratify. Contrarily, no such proclamation could make valid and effectual any proposed amendment which has not been proposed and ratified in accord with the Constitution, and any proclamation issued contrary to the terms and provisions of the existing Constitution is a nullity. In such a case it becomes the duty of the judiciary to set aside such illegal action in the same manner and under the same authority it would set aside any act of the legislature which violates the terms and provisions of the Constitution. I must condemn the language of Lesser against Garnett, as being against sound reason and common sense when it said:

> As the Legislatures of Tennessee and West Virginia had power to adopt the resolutions of ratification, official notice to the Secretary, duly authenticated, that they had done so, was conclusive upon him, and, being certified to by his proclamation, is conclusive upon the courts.

Such a ruling would give to one or two men—one or more perhaps being mere usurpers—the power effectually to amend the Constitution when it had neither been proposed nor ratified in accord with the Constitution, by denying to the courts the power to question their unlawful acts. Lesser against Garnett, supra, was in legal principle contrary to Dillon against Glass, in which the Supreme Court went behind the proclamation of the Secretary of State and took judicial notice of the dates on which each of the States had ratified, and held the date on which the amendment is effective is the date of the last ratification of the three-fourths who ratified rather than the date on which the proclamation was made.

Notwithstanding all of the things which I have said heretofore, it seems to me that the answer to the question under discussion is found in the Constitution itself.

Section 2, article III of the Constitution provides that: "the judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made."

In order to determine whether the Court has jurisdiction of a case arising under the Constitution, it is necessary, as an incident to its jurisdiction to adjudicate, to decide what constitutes the Constitution. In order to determine what constitutes the Constitution, it is necessary to decide whether it has been amended. This is a matter for the Court to determine, and not Congress.

The jurisdiction conferred on the Court by the people included the whole body of the law of which the Constitution is an integral part and whether a specific act or action is agreeable to or violates the Constitution is a legal question for determination of the courts. And when any branch of the Government, whether it be executive or legislative, does any act or pursues any course of conduct which violates this mandate of the people, the people have vested in the judiciary the political power to so declare and force a compliance with this basic law.

A politically minded Court of nine northern members in 1867, in an atmosphere of threatened impeachment from a willful Congress, in the case of Georgia against Stanton, decided that only a political question was involved when Georgia sought to have the Court enjoin Stanton from carrying out the Reconstruction Act which would result in the destruction of the existing government of Georgia. The obvious unconstitutionality of the Reconstruction Act had been spelled out by President Johnson in his veto message. The rights of the State agreed upon in the great compromise at the time of the adoption of the Constitution were violated and denied and the very thing that the smaller States had feared and the larger States had guaranteed in the Constitution not to do was done. Article V, of the Constitution which guaranteed to each State equality in the Senate was flagrantly violated, yet the politically minded Court closed its eyes and refused to afford to Georgia and Mississippi that relief to which they were clearly entitled under the pretext that a political question was involved. As Alexander Hamilton said in "The Federalist No. 52–59":

> To deprive a State of equal suffrage in the Senate would violate the compromise established by the "equality of the States in the Senate" made perpetual by the plan.

There is no difference between a State and a citizen when standing before the bar of the Court. Each is equally entitled to protection when rights under the Constitution are involved. There was no more of a political question involved than was involved in Marbury against Madison. Indeed every act of Congress, whether approved by the President or passed over his veto is a purely political act. Having used the political question pretext for denying to Georgia and Mississippi the enforcement of their legal rights, the same Court was later faced with the problem of legitimatizing the illegitimate child of the Reconstruction Act, that is, the 14th amendment. To avoid a holding expunging the 14th amendment from the records, what was more natural than to follow the prior precedents and dismiss the matter on the ground that only a political question was involved?

Prior to the proposing of the 14th amendment, the States had full, absolute and unlimited control of suffrage. The purported 14th amendment would deny this right to the States and force them to grant suffrage to all persons without regard to race. But, where did the Supreme Court find the rule that the question as to whether an amendment has been adopted is for determination of Congress? There is nothing in the Constitution to that effect. There is nothing in the debates of the statesmen who participated in its adoption to that effect. Nor does the Court cite any authority for such statement.

The U.S. Supreme Court has not been consistent in its "no jurisdiction" pose taken for the 14th amendment. When questions in regard to the adoption of other amendments have come before the same Court it considered the questions involved and exercised its judicial function in respect thereto. In Hollingsworth against Virginia, it was held that the 11th amendment had been legally adopted. In Rhode Island against Palmer, the Court ruled on the validity of the 18th amendment. In Dillon against Glass, supra, the 18th amendment was again held validly adopted.

The statesmen who framed our Federal Constitution, in making provision for amendment, laid the foundation for growth and progress as well as stability. As said by Jameson in his work on constitutional conventions:

> Provisions regulating the time and mode of effecting organic changes are in the nature of safety valves. They must not be so adjusted as to discharge their peculiar functions with too great facility, lest they become the ordinary escape pipes of party passion; nor, on the other hand, must they discharge with such difficulty that the force needed to induce action is sufficient to explode the machine.

Recognizing this principle, the people of the United States as well as the people of all of the several States inserted in their constitutions provisions for their own amendments, thus deliberately placing restrictions upon their own freedom of political action—Webster's works. The principle was thus established that the people in the mass can no more legally act contrary to the Constitution than can one individual or a number of individuals. It is true that the people in the mass possess the physical power, regardless of legal right, to disregard the Constitution: but this is revolution. Having by their voluntary political action founded the Government and provided a method for the amendment of the instrument which expresses their will, they must, if they would act lawfully, respect their own mandate. If a change is desired, it must be effected by amendment by means of the constitutional procedure or through the primary right of revolution, which is extra legal and in disregard of all law. Of course, no amendment of the Constitution can be adopted unless it received the requisite vote. This is vital; but an amendment which is submitted to the people in disregard of the constitutional mandate is ineffective, although the vote of the people may be in its favor. Such a vote would be as effective, had it been taken at a mass meeting by a show of hands or manifested by a clashing of

shields as was done in the ancient witenagemote of our forefathers. Whether the Constitution has been complied with, and what the existing law is, is necessarily a judicial question for the courts to decide, unless the Constitution itself provides to the contrary by imposing the duty in the particular instance on some other special tribunal. As the Constitution of the United States makes no specific provision in regard to the determination of this question, there is no difference in this respect in the Federal Constitution from those of all of the States of the Union—except Maryland. But, the Constitution does provide that the judicial power extends to all cases arising under the Constitution and this of necessity includes a determination as to whether the mandates of the Constitution have been complied with in respect to any purported amendment thereof. There is no legal basis for the refusal of the Supreme Court to decide whether an amendment to the Federal Constitution has been adopted on the grounds that a political question is presented other than the broad legal principle that the power of the Supreme Court to decide includes the power to be wrong. But every Justice who votes such a refusal to decide violates his solemn oath taken when he entered upon the duties of his position to preserve, protect, and defend the Constitution of the United States.

Mr. President, it is most unfortunate that the Congress has seen fit to neglect its duties of exercising the checks and balances provided it in the Constitution for the control of usurpation by the executive and judicial branches of Government. This neglect in itself is culpable, and the Congress will not and cannot escape its share of responsibility for the grievous damage to the Constitution and resultant loss of individual liberty flowing from the executive and judicial usurpations to which I have referred. The sins of the Congress, however, are not limited to sins of omission. Unfortunately, nowhere can more concrete evidence of this fact be found than in the language of H.R. 8601. Not only does the Congress by its silence concur in the usurpation by the executive and judicial branches, but by its legislative acts shows a positive contempt for constitutional mandates.

Mr. President, I must agree at this point that H.R. 8601, by virtue of titles 3 and 6 therein, deals primarily with rights normally associated with the 15th amendment to wit: voting denials on account of race or color.

To title 6 and title 3, there are constitutional objections to which I shall refer shortly. Before I discuss the constitutional aspects, however, I cannot refrain from pointing out that, not only is there no excuse ever for passing legislation which violates the Constitution, but in this particular instance there is no need for the legislation even were it within the bounds of constitutionality. As evidence of that fact, I direct the attention of the Senate to the mass of laws, both Federal and State, now on the books for the purpose of protecting the rights of suffrage.

Mr. President, we have done considerable research on the question of discrimination in voting, and we have also had the Library of Congress do research for us on the question. I now wish to present to the Senate existing Federal statutes prohibiting discrimination in voting:

EXISTING FEDERAL STATUTES PROHIBITING DISCRIMINATION IN VOTING

Conspiracy against rights of citizens (18 U.S.C., 1958 ed., sec. 241): Conspiracy to injure, oppress, or intimidate citizens in the free exercise of federally secured rights and privileges, is a criminal offense, punishable by a fine of not more than $5,000, or imprisonment for not more than 10 years, or both.

Deprivation under color of law (18 U.S.C., 1958 ed., sec. 242): The wilful subjection of any inhabitant of a State, Territory, or District, under color of law, to the deprivation of rights, privileges, or immunities secured by the Constitution or laws of the United States or to discriminatory pains, punishment or penalties on account of his being an alien or by reason of his race or color, is a criminal offense, punishable by a fine of not over $1,000 or by imprisonment of not more than 1 year, or both.

Intimidation of voters (18 U.S.C., sec. 594): Seeking to intimidate a person for the purpose of interfering with the exercise of his voting rights, is a criminal offense, punishable by a fine of not more than $1,000 or by imprisonment for not more than 1 year, or both. "Any election held solely or in part" for the purpose of electing Federal officers, is covered by this act. However, by the definition of "election" contained in 18 U.S.C., sec. 591, this act does not cover primary elections.

Voting rights (42 U.S.C., 1958 ed., sec. 1971): This act consists of the provisions of Revised Statutes, section 2004 (which was derived from the act of May 31, 1870, 16 Stat. 140, ch. 114, sec. 1), as amended by the Civil Rights Act of 1957 (Public Law 85–315, pt. IV, sec. 131) and is concerned directly with the elective franchise:

(a) This subsection, originally derived from the Civil Rights Act of 1870, provides that all citizens, otherwise qualified by law, shall be allowed to vote at any election without regard to race, color, or previous condition of servitude.

The Civil Rights Act of 1957 added four new subsections to this section which provide substantially as follows:

(b) Intimidation, threats, coercion: No person shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, another for the purpose of interfering with his right to vote in any election or primary election held solely or in part for the purpose of nominating or electing candidates for Federal office.

(c) Injunction, costs: The Attorney General of the United States is authorized to institute, for or in the name of the United States, any civil action or proper proceeding for preventive relief, whenever any person has deprived or is about to deprive another of rights secured by subsections (a) and (b) above. The United States shall be liable for costs in such a proceeding, the same as a private person.

(d) Jurisdiction, exhaustion of other remedies: The Federal district court is given jurisdiction of proceedings instituted under subsection (c) above and shall entertain such proceedings without requiring that the party aggrieved first exhaust any administrative or other remedies which may be provided by law.

(e) Contempt; assignment of counsel; witnesses: Any person who is cited for an alleged contempt of court under this act, shall be entitled, upon his request, to be assigned legal counsel without charge if he is financially unable to pay for same.

Civil action for deprivation of rights (42 U.S.C. 1983): Every person who, under the color of law, subjects another or causes another to be subjected to the deprivation of any federally secured rights, privileges, or immunities, shall be liable to the injured party in a civil action or suit in equity or other proceeding for redress. Review—Such cases shall be reviewable by the Supreme Court with regard to amount in controversy (42 U.S.C., sec. 1984).

Conspiracy to interfere with civil rights (42 U.S.C., sec. 1965(3)): If two or more persons conspire to prevent a citizen who is lawfully entitled to vote, from voting as he chooses for Federal officers, or injures him in his person or property for so voting, the party thus injured may have a civil action for damages against one or more of the conspirators.

Action for neglect to prevent (42 U.S.C., sec. 1986): Any person who has knowledge that any of the wrongs conspired to be done which are forbidden by 42 U.S.C. 1985 (3), above, are about to be committed, and having power to prevent same, neglects or refuses to do so, shall be liable to the injured party for all damages caused by the wrongful act which such person by reasonable diligence could have prevented. Such an action must be commenced within 1 year after the cause of action has accrued.

Jurisdiction and venue (28 U.S.C., 1958 ed.): Civil rights and elective franchise (28 U.S.C., sec. 1343): The district courts shall have original jurisdiction of any authorized civil action (1) to recover damages for injury to person or property, or because of deprivation of a right or privilege of U.S. citizenship, by any act done in furtherance of a conspiracy mentioned in 42 U.S.C., section 1985; (2) to recover damages from any person who (under 42 U.S.C., sec. 1986) fails to prevent wrongs mentioned in 42 U.S.C., section 1985 of which he had knowledge and which he could have prevented; (3) to prevent the deprivation, under color of law, of any right, privilege or immunity secured by Federal law or Constitution; (4) to recover damages or secure equitable or other relief under any Act of Congress providing for the protection of the right to vote.

Election disputes (28 U.S.C. sec. 1344): The district courts shall have original jurisdiction of a civil action to recover any office except a Federal office or that of a member of a State legislature, where the only question affecting title to the office arises out of denial of the right to vote to any citizen because of race, color, or previous condition of servitude.

Removal of cases from State courts—civil rights cases (28 U.S.C., sec. 1443): The following cases, commenced in a State court may be removed by the defendant to a U.S. district court: (1) Against a person who is denied or cannot enforce in the State court, a civil right inuring to all U.S. citizens; (2) for an act under color of authority derived from a law providing for equal rights, or for refusing to do an act on the ground that it would be inconsistent with such law.

Reduction of representation (2 U.S.C., 1958 ed., sec. 8): Should any State deny or abridge the right of a citizen to vote, except for crime, the basis of representation of that State in Congress shall be proportionately reduced.

CONSTITUTIONAL PROVISIONS

The Federal statutes listed above, which prohibit discrimination in voting, are the implementation by Congress of certain provisions of the U.S. Constitution which grant the Federal Government the power to protect the franchise.

In addition to the provisions which have been implemented, there are other constitutional provisions, which, together with the

Federal statutes listed above, have been interpreted by the Supreme Court as protecting the franchise from discrimination by States, by the Federal Government, or by private individuals.

These, briefly summarized, are as follows:

Fourteenth amendment: All persons born or naturalized in the United States and subject to its jurisdiction are citizens of the United States. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. Congress is empowered to enforce this provision by legislation.

[The elective rights guaranteed by the 14th amendment afford protection only against deprivation by States. *Hodges* v. *United States* (203 U.S. 1, 14 [1906]).]

Fifteenth amendment: The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State because of race, color, or previous condition of servitude. Congress is empowered to enforce this provision by appropriate legislation.

[This provision obviously affords protection against the deprivation of voting rights by the Federal Government or by the State.]

Nineteenth amendment: Prohibits denial or abridgement by the United States or a State of right to vote on account of sex.

Article I, section 2; 17th amendment: Those persons voting for U.S. Senators and Representatives shall possess the same qualifications as those entitled to vote for members of the most numerous branch of the State legislature.

[The Supreme Court has ruled that the right to vote for Members of Congress is a right derived from and secured by the Constitution of the United States. *Ex parte Yarborough* (110 U.S. 651 (1884)). This right is secured against the actions of individuals as well as States. *U.S.* v. *Classic*, 313 U.S. 299, 214–315 (1941)].

Article I, section 4: The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by its legislature, but Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

STATE STATUTES

ALABAMA

(Unless otherwise designated, references are to the code, 1940, title 17.)

Intimidating or hindering voter: It is a corrupt practice for any person on election day to intimidate an elector or an election officer, or to obstruct, hinder, or prevent or to attempt to obstruct, hinder, or prevent the forming of lines of the voters awaiting their turn to enter the election booths (sec. 285).

It is a corrupt practice for any person directly or indirectly to hire a person to take a place in line or to otherwise obstruct, hinder, or prevent the forming of the line of voters awaiting their turn to enter the polling place (sec. 286).

Penalty: Any person who does any act declared to be a corrupt practice under the election laws of the State shall be guilty of a misdemeanor, and, on conviction, must be fined not more than $500, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than 6 months at the discretion of the court (sec. 332).

Attempt to influence voter: Any person who by corrupt means attempts to influence any elector in giving his vote, or deter him from giving the same, or to disturb, or to hinder him in the free exercise of the right of suffrage, at any election, must, on conviction, be fined not less than $50 nor more than $500 (sec. 304).

Disturbing elector on election day: Any person who, on election day, disturbs or prevents or attempts to prevent any elector from freely casting his ballot, must, on conviction be fined not less than $500 nor more than $1,000, and also be sentenced to hard labor for the county, or be imprisoned in the county jail for not less than 6 months nor more than 1 year (sec. 306).

Employer intimidating employee: Any employer or officer of an employer corporation, who attempts by coercion, intimidation, or threats to discharge or lessen wages, to influence the vote of an employee or who demands an inspection of an employee's ballot, shall be guilty of a misdemeanor, punishable by a fine of not less than $500 (secs. 317, 318).

ALASKA

(Unless otherwise designated, references are to Alaska Compiled Laws Annotated, volume 2.)

SEC. 38–5–22. Misdemeanor for election officer to tamper with ballot or voting: Punishment: If any judge, inspector, clerk or any other officer of an election shall, except as otherwise provided by law, open any ballot received from an elector at any election in the territory, or shall mark such ballot by folding or otherwise so as to be able to recognize it, or shall otherwise attempt to find out the names upon any ballot prepared by an elector, or to learn how any elector has voted, or shall suffer the same to be done by any other person, before such ticket is deposited in the ballot box, such judge, inspector, or clerk shall be guilty of a misdemeanor and shall be punished by imprisonment in the jail for not more than 1 year, or by fine of not more than $1,000, or by both such fine and imprisonment in the discretion of the court.

SEC. 38–5–23. Unlawful to exhibit marked ballot or to place exhibited ballot in ballot box: Penalty: It shall be unlawful for any elector after he has marked his ballot, to exhibit the same to any person, whether an official of the election board or not, so as to enable any person to ascertain how such elector voted, and it shall be unlawful for any judge of election to place in the ballot box any ballot known to the election judge to have been so unlawfully exhibited by the elector. Any person convicted of violation of this section shall be punished by imprisonment in the jail for not more than 1 year or by fine of not more than $1,000, or by both such fine and imprisonment in the discretion of the court.

SEC. 38–5–24. Ballots to be canvassed so as to enable watchers to see them: Possession of pencil by person handling ballot prohibited: The election boards, when canvassing the ballots, shall do so in such a manner, as nearly as possible, so as to enable watchers and other representatives of the various candidates or factions to see the ballot when the same is opened and read, and no one handling the ballot when the same is opened or read or at any time before the same is placed in the envelope for mailing, shall be permitted to have a pencil in his hands whereby such ballot may be marked.

SEC. 38–5–25. Felonious acts in respect to ballots of persons engaged in printing them: Penalty: Any printer, manager or publisher employed by any officer authorized by the laws of the territory to procure the printing of any official ballot, or any person engaged in printing the same, who shall appropriate to himself, or give or deliver to, or knowingly permit to be taken by any person other than such officer so authorized by law to receive the same, any of such official ballots or who shall knowingly print or cause to be printed any official ballot in any other form than that prescribed by law or as directed by the officer so authorized to procure the said printing, or with any other names thereon, or with the names spelled otherwise than as directed by such officer lawfully authorized to have such ballots printed, or the names or printing thereon arranged in any other way than that authorized and directed by law, shall be guilty of a felony and upon conviction thereof shall be sentenced to the penitentiary for a term of not to exceed 2 years or to pay a fine of not to exceed $5,000, or both such fine and imprisonment in the discretion of the court.

SEC. 38–5–26. Misdemeanor to unlawfully possess official ballot or counterfeit ballot: Punishment: Any person other than the officer charged by law to take care of ballots or entrusted by any such officer with the care of the same for a purpose required by law, who shall have in his possession outside of the voting room any official ballot, or any person who shall make or have in his possession any counterfeit of any official ballot, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in jail for a term not to exceed 1 year, or by payment of a fine of not to exceed $1,000, or both such fine and imprisonment in the discretion of the court.

SEC. 38–5–27. Canvassing board to keep record of voting precincts: Opening packages containing election returns: Certificates of election: Preservation of returns: Notifying candidate of his election: It shall be the duty of the canvassing board to keep accurate record of each voting precinct in the territory of Alaska and the date of its creation.

No packages containing election returns shall be opened until the canvass commences, at which time they shall be opened in public and in such a manner and under such conditions, as nearly as possible, so as to give all parties interested an opportunity to see the returns. The canvassing board shall terminate the canvass and issue the certificates of election as soon as it is satisfied that no missing return would, if received, change the result of a canvass board based upon the returns at hand, but when the board has information that an election was held at any precinct from which no return has been received, and which return, if received, the board has reason to believe will affect the result of the election, it shall be the duty of the board to wait for the arrival of such return until 4 o'clock post meridian on the 20th day of February in the year after the election, but not longer, and any return received after that time shall not be counted by the board.

It shall be the duty of the Governor to preserve all election returns carefully and inviolate, and, after the certificates of result have been canvassed, to replace the returns into the packages from which they were taken and carefully seal the same and preserve all such returns inviolate for at least 2 years thereafter, unless sooner called upon by the House of Representatives of Congress or some court or tribunal of competent jurisdiction, to produce the same for inspection, or until a recount as hereinafter provided.

It shall also be the duty of the Governor to notify each successful candidate of his election, and to do so by the speediest means of communication.

SEC. 38–5–30. Punishment for infractions of act: All the provisions of section 406, Compiled Laws of Alaska, relative to offenses against the elective franchise shall extend to all infractions of any of the requirements of this act, except where other punishment is provided in this act.

SEC. 38–7–14. Offenses against election laws: Penalties: Jurisdiction: Any person who, by any means, shall hinder, delay, prevent, or obstruct any other person from qualifying himself to vote or from lawfully voting at any election provided for in sections 131–144, 146–149 of this title or who shall knowingly personate and vote or attempt to vote in the name of any other person, or who shall vote more than once at the same election, or shall vote at a place where or at a time when he may not lawfully be entitled to vote, or shall do any unlawful act to secure an opportunity to vote, for himself or for any other person, or who, by or through any force, threat, intimidation, bribery, reward or offer thereof, unlawfully vote himself or procures another to vote, or prevents or induces another to refrain from exercising his right of suffrage, or induces by any means any officer of an election to do any unlawful act or omit to do his duty in any manner, or who, directly or indirectly, in any manner shall fraudulently change or cause to be changed the returns or the true and lawful result of any election hereunder or shall attempt to do the same, or who shall delay, cause to be delayed, or connive at the delay of election returns in any manner or attempt to do so, shall be guilty of a crime, and upon the conviction thereof shall be punished by a fine of not more than $500 nor less than $100, or imprisoned not more than 3 years, or both, in the discretion of the court, and pay the costs of the prosecution; and every officer of an election held hereunder who neglects to perform or violates any duty imposed upon him as such officer, or knowingly does any unauthorized act with the intent to affect the election or the result thereof, or who shall permit, make, or connive at any false count or certificate of election, or who shall conceal, withhold, destroy, or willfully delay the returns of election, or connive at the same being done, or who shall aid, counsel, or procure any person to do or attempt to do any act made a crime hereinbefore, or guilty of a crime, and upon conviction thereof shall be punished by a fine of not less than $200 nor more than $1,000, or by imprisonment of not more than 5 years, or both, in the discretion of the court, and shall pay all costs of the prosecution; and jurisdiction of all such matters is hereby conferred upon the district court of Alaska.

SEC. 38–8–4. Date of election: Application of laws governing election of Delegate: Elections for members of the Legislature of Alaska shall be held on the second Tuesday in October in the year 1946, and every second year thereafter on the said second Tuesday in October; the regulations governing the creation of voting precincts, the appointment and qualifications of election officers, the supervision of elections, the giving of notices thereof, the forms of ballots, the register of votes, the challenging of voters, and the returns and the canvass of the returns of the result of all such elections for members of the legislature shall be the same as those prescribed in sections 131–144, and 146–149 of this title, and all the provisions of said sections which are applicable are extended to said elections for members of the legislature, and shall govern the same, and the canvassing board created by said sections shall canvass the returns of such elections and issue certificates of election to each member elected to the said legislature; and all the penal provisions contained in section 149 shall apply to elections for members of the legislature as fully as they apply to elections for Delegate from Alaska to the House of Representatives.

ARIZONA

(Unless otherwise designated, references are to Revised Statutes, Annotated, 1956, title 16.)

Coercion or intimidation of elector: It is unlawful for a person, directly or indirectly, to use or threaten to use force, violence, or restrain, or in any other manner to intimidate a person in order to induce him to vote or refrain from voting for a particular person or measure, or to commit such acts on account of a person's having voted or refrained from voting at an election.

It is unlawful for a person, by abduction, duress, or any forcible or fraudulent device, to hinder, prevent, or otherwise interfere with the free exercise of the elective franchise by any voter, or to compel him to either vote or refrain from voting at an election, to vote or refrain from voting for a particular person or measure.

Violation of this provision by a person, whether acting in his individual capacity or as an officer or agent of a corporation, is a misdemeanor, punishable by a fine not exceeding $5,000 (secs. 16–1303, 16–1305).

Intimidation of elector by employer: It is unlawful for an employer to place written or printed material in pay envelopes or, within 90 days prior to an election, to put up notices or placards, etc., in the place of employment, containing express or implied threats intended to influence the political opinions or actions of employees.

Violation of this provision by an employer, whether an individual or a officer or agent of a corporation, is a misdemeanor, punishable by a fine not exceeding $5,000 (sec. 16–1304).

Changing vote of elector by corrupt means: It is unlawful for a person by force, threats, menaces, bribery, or any corrupt means, either directly or indirectly, to attempt to influence an elector in casting his vote or to deter him from casting his vote, or to attempt to awe, restrain, hinder, or disturb an elector in the free exercise of the right of suffrage, or to defraud an elector by deceiving him and causing him to vote for a different person or measure than he intended. A person violating this provision is guilty of a felony (sec. 16–1307).

Primary: The penal provisions involving crimes against the elective franchise apply to general, primary, and special elections (sec. 16–1311).

ARKANSAS

(Unless otherwise designated, references are to Statutes 1947, Annotated, 1956, replacement.)

Intimidation of electors: It shall be unlawful for any person to threaten or attempt to intimidate any elector or his family, his business, or his profession, and it shall also be unlawful to attempt to prevent any qualified elector from voting at any primary election. Violation of this provision shall be deemed a misdemeanor, punishable by a fine of not over $500 (sec. 3–1414).

Intimidation of voters: No person shall coerce, intimidate, or unduly influence any elector to vote for or against the nominee of any political party or for or against any question or candidate, by threat of personal violence or of ejectment from rented premises, or foreclosure of mortgage, of discharge from employment, of any action at law or equity or of expulsion from membership in any church or society. Violation of this provision shall be deemed a felony, punishable by imprisonment in the penitentiary for from 1 to 3 years (sec. 3–1415).

CALIFORNIA

(Unless otherwise designated, references are to Elections Code Annotated—West's—1955.)

Hindering public meeting: Every person is guilty of a misdemeanor who, by threats, intimidation, or unlawful violence, willfully hinders or prevents electors from assembling in public meetings for consideration of public questions (sec. 5004).

Intimidating voter: Every person or corporation is guilty of a misdemeanor who, directly or indirectly, uses or threatens to use force, violence, restraint, or inflicts or threatens to inflict any injury, damage, harm, or loss or other forms of intimidation to compel a person to vote or refrain from voting at any election (sec. 1158).

Interference with free exercise of elective franchise: Every person or corporation is guilty of a misdemeanor who, by abduction, duress, or any forcible or fraudulent means, impedes or prevents the free exercise of the elective franchise by any voter, or who compels or induces a voter either to give or refrain from giving his vote at any election or to vote or refrain from voting for a particular person (sec. 11582).

Election officers: Any election officer who induces or attempts to induce any voter, either by menace or reward, to vote differently from the way he intended to vote, is guilty of a felony (sec. 11583).

Threat by employer: Any employer, whether a corporation or natural person, is guilty of a misdemeanor if he encloses material in the pay envelopes containing threats, express or implied, intended to influence political opinions or actions of employees, or who within 90 days before an election exhibits any placard, etc., in the place of employment containing such threats (secs. 11584, 11585).

Penalty: Any corporation guilty of intimidating a voter shall forfeit its charter (sec. 11586).

Misdemeanor: Unless a different penalty is prescribed, a misdemeanor is punishable by imprisonment in the county jail for not more than 6 months or by fine of not over $500, or by both (Penal Code, sec. 19).

Scope of penalty provisions: All penalty provisions listed above apply to both final elections and primary elections (sec. 11500).

COLORADO

(Unless otherwise designated, references are to Revised Statutes, 1953, ch. 49.)

Intimidation unlawful: It shall be unlawful for any person, directly or indirectly, to use force, violence or restraint, or to inflict or threaten to inflict any injury, harm or loss or other forms of intimidation to induce or compel a person to vote or refrain from voting for any particular person or measure at any election. It shall be unlawful for any person, by abduction, duress, or any forcible or fraudulent means to impede or prevent or interfere with the free exercise of the elective franchise of any voter. It shall be unlawful for an employer, whether corporation, firm, or person, to enclose material in the pay envelopes, containing threats, express or implied, intended to influence the political opinion or actions of employees, or within 90 days before an election, to display placards in the place of employment containing such threats (sec. 49–21–5).

Penalty: Any person convicted of violating the above provision shall be guilty of a misdemeanor, and punished by a fine of not over $1,000 or by imprisonment in the county jail for not more than 1 year, or by both (secs. 49–21–5, 49–21–9).

Discharge or promotion illegal: It shall be unlawful for any corporation or any of its officers to influence or attempt to influence, by force, violence, or restraint or by inflicting or threatening to inflict injury, harm or loss, or by discharging from employment or promoting in employment, or by other intimidation, any employee to vote or refrain from voting at any election or for any particular candidate. Violation of this provision shall be deemed a misdemeanor and shall be punishable as outlined in the "Penalty" provision above. In addition a corporation shall forfeit its charter and right to do business in the State (sec. 49–21–6).

CONNECTICUT

(Unless otherwise designated, references are to 1955 Supplement to the General Statutes.)

Interference with electors in voting: Any person who does any act which invades or interferes with the secrecy of the voting or causes the same to be invaded or interfered with, shall be imprisoned for not more than 5 years (sec. 843d).

Primaries: Any person who influences or attempts to influence the vote or speech of any person in a primary, caucus, or convention by force or threat, shall be fined not

less than $25 nor more than $100, or imprisoned not less than 7 days nor more than 3 months, or be both fined and imprisoned (sec. 821d).

Employers' threats: Any person who within 60 days before an election attempts to influence any employee in his vote, by threats of withholding employment or who dismisses an employee because of the way he voted at an election, shall be fined from $100 to $500 or be imprisoned for from 6 to 12 months, or be both fined and imprisoned (sec. 842d).

DELAWARE

(Unless otherwise designated references are to Code Annotated, 1953, title 15.)

Intimidation by election officer: An election officer who in any way attempts to intimidate or coerce any voter in the marking of his ballot or in the choice of the candidates for whom he votes, or who willfully discloses the manner in which any person has voted, shall be guilty of willful and malicious perjury (as violating his oath of office) and in addition to the penalties for perjury, shall be fined not more than $500, and may be imprisoned for not more than 2 years (sec. 5126).

Intimidation by employer: If any person or corporation hinders, controls, coerces, or intimidates any employee in the exercise of his right to vote at any general, special, or municipal election by threats of depriving him of employment, every elector, so aggrieved, may bring a civil action and recover $500 from such employer (secs. 5162, 5163).

Civil remedy: Any qualified elector who is prevented from voting at any election because of intimidation or threats, or because of the requirement of unconstitutional qualifications, may bring a civil action against the person who promoted such interference, and the court or jury may give exemplary damages (sec. 5304).

Primaries: Whoever, at any primary election, attempts to influence an elector in giving his vote, by force, threat, or intimidation, or prevents or hinders or attempts to prevent or hinder any qualified voter from exercising the rights of suffrage, shall for each offense, be fined not more than $200 or imprisoned not more than 2 years, or shall both be fined and imprisoned (sec. 3168(a)).

FLORIDA

(Unless otherwise designated, references are to Statutes Annotated, 1955 Supplement.)

Corruptly influencing voting: Whoever, by bribery, menace, threat, or other corruption whatsoever, directly or indirectly, attempts to influence or deceive an elector in giving his vote, or to deter him from giving the same, or disturbs or interferes with him in the free exercise of the right of suffrage at any election, shall be guilty of a misdemeanor upon the first conviction and of a felony upon the second conviction (sec. 104.061).

Felony penalty: The penalty for every felony under the election laws, not otherwise specifically provided, shall be imprisonment in the State prison for not more than 1 year or a fine of not more than $5,000, or both (sec. 104.40).

Threats of employers: It shall be unlawful for any person, firm, or corporation to discharge or threaten to discharge any employee for voting or not voting in any State, county, or municipal election for any candidate or measure. Any person violating this provision shall be guilty of a misdemeanor. If a firm or corporation violates this provision, each officer or agent who participated in the violation shall be punished for a misdemeanor, and the firm or corporation, shall, in addition, be fined not more than $1,000 (sec. 104.061).

GEORGIA

(Unless otherwise designated, references are to Code Annotated, 1936.)

Improper voting; disorderly conduct: No person outside a voting room or voting booth shall in any manner, either by words or gestures, attempt to influence or interfere with any voter who is in said room or booth preparing his ballot; nor shall any person enter any booth while a voter is in there; nor shall any person commit any act of disorder, or be guilty of any disorderly conduct in or near the voting rooms or booths (sec. 34–1909).

Violation of this provision shall be a misdemeanor (sec. 34–9918).

Primary: All penal laws relating to illegal practices in general elections are extended to all primary elections held for State, county, or municipal offices (1955 Supp., sec. 34–9933).

HAWAII

(Unless otherwise designated, references are to Revised Laws of Hawaii, 1955.)

SEC. 11–47. Admission within polling place; penalty: The inspectors shall, previously to opening the polls, set apart a space of 25 feet in front of and a 12½-foot space on either side of the entrance to the polling place to prevent interference with the conduct of the election; and no person, other than the inspectors, the candidates and such voters as are for the time being actually engaged in voting, shall be permitted within the space so set apart during the time appointed for voting. Any person influencing, or attempting to influence, or attempting to interfere in any manner with any voter while such voter is within such defined space for the purpose of voting, shall be fined not more than $500, or imprisoned not more than 1 year, or both; provided, that in event a voter is manifestly physically disabled, such voter may be assisted by anyone through the place so set apart to the entrance to the voting place.

SEC. 11–116. Penalties: Any person who offers any bribe or makes any promise of gain, or with knowledge of the same permits any person to offer any bribe or make any promise of gain for his benefit, to any voter to induce him to sign an election paper, and any person who accepts any bribe or promise of gain of any kind as consideration for signing the same, whether the bribe or promise of gain be offered or accepted before or after signing, shall be fined not less than $25 nor more than $500, or imprisoned not less than 10 days nor more than 6 months, or both.

This part shall be deemed to be a part of the election laws of the Territory within the meaning of all provisions therein respecting offenses against such laws.

SEC. 11–211. Election frauds: The following persons shall be deemed guilty of an election fraud:

(a) Every person who directly or indirectly, personally or through another, gives, procures or lends, or agrees or offers to give, procure or lend, or who endeavors to procure, any money or office or place of employment or valuable consideration to or for any elector, or to or for any person for an elector, or to or for any person in order to induce any elector to vote or refrain from voting, or to vote or refrain from voting for any particular person or party, or who does any such act on account of any person having voted or refrained from voting for any particular person at any election.

(b) Every person who directly or indirectly, personally or through another, makes any such gift, loan, offer, promise, procurement or agreement to any person except to such assistants as are permitted by law, in order to induce such person to procure or endeavor to procure the election of any person to the legislature; or to procure the vote of any elector at any election.

(c) Every person who advances or pays, or causes to be paid, any money to, or to the use of, any other person, with the intent that such money, or any part thereof, shall be expended in bribery at any election, or for any purpose connected with or incidental to any election other than the objects and purposes for which money is by law allowed to be expended, excepting only reasonable expenses for conveying voters to the polling places on election days; or who knowingly pays or causes to be paid any money to any person in the discharge or repayment of any money wholly or partly expended in bribery at any election, or for any purpose connected with or incidental to any election, other than the objects and purposes for which money is by law allowed to be expended.

(d) Every elector who, before, during or after any election, directly or indirectly, personally or through another, receives, agrees or contracts for any money, gifts, loan or valuable consideration, office, place or employment for himself or any other person, for voting or agreeing to vote, or for refraining to vote or agreeing to refrain from voting, or for voting or refraining to vote for any particular person or party.

(e) Every person who shall at any election, personally or through another, or by any ways or means on his behalf, directly or indirectly, gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays wholly or in part any expenses incurred for any meat, drink, entertainment or provision to or for any person in order to be elected, or for being elected, or for procuring the election of any candidate, or for the purpose of influencing such person or any other person to vote or refrain from voting; or for voting or refraining from voting for any particular person or party, at such election, or on account of such person having voted or refrained from voting, or voted or refrained from voting for any particular person or party.

(f) Every person who directly or indirectly, personally or through another, makes use of, or threatens to make use of, any force, violence or restraint; or inflicts or threatens to inflict any injury, damage or loss in any manner, or in any way practices intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting for any particular person or party, at any election, or on account of such person having voted or refrained from voting, or voted or refrained from voting for any particular person or party; or who by abduction, distress or any device or contrivance impedes, prevents or otherwise interferes with the free exercise of the elective franchise.

(g) Every person who, at any election, votes or attempts to vote in the name of any other person, living or dead, or in some fictitious name, or who, having once voted, votes or attempts to vote again, or knowingly gives or attempts to give more than one ballot for the same office at one time of voting.

(h) Every person who, before or during an election, knowingly publishes a false statement of the withdrawal of any candidate at such election.

(i) Every person who induces or procures any person to withdraw from being a candidate at an election in consideration of any payment or gift, or valuable consideration; or of any threat; and every candidate who withdraws from being a candidate in pursuance of such inducement or procurement.

(j) Every public officer by law required to do or perform any act or thing with reference to any of the provisions in any law concerning elections contained, who willfully fails, neglects, or refuses to do or perform the same, or who willfully performs it in such a way as to hinder the objects thereof, or who is guilty of any willful violation of any of the provisions thereof.

SEC. 11–212. Penalties; disqualification for, removal from office; reports of convictions to Secretary of Territory: Every person found guilty of an election fraud shall be fined not less than $100 nor more than $1,000, or imprisoned at hard labor not more than 2

years, or both. Besides such punishment, such person shall be disqualified from voting and from holding any office under the government, and from being elected to or occupying a seat in the legislature. If the person so convicted holds any office, either elective or appointive, at the time of such conviction, such office shall at once and without mention in such sentence or other proceeding, be vacated by the conviction. The judge or magistrate before whom the conviction is had shall immediately transmit to the secretary of the Territory the name of such person, the offense of which he has been convicted, and the sentence of the court.

SEC. 11–213. Misdemeanors. The following persons shall be guilty of a misdemeanor:

(a) Every person, except such assistants as are by law specifically authorized to be employed, who shall, for the purpose of promoting or preventing the election of any candidate at any election, be engaged or employed for payment or promise of payment, or for any valuable consideration, to act as agent, clerk or messenger, or in any other capacity.

(b) Every person furnishing, hiring, or using any premises or portion thereof licensed to sell beer, wines or spirits, as a committee room for the purpose of promoting the election of any candidate at any election.

(c) Every person who is disorderly or creates a disturbance whereby any meeting of the board of registration of voters or of the inspectors of election during an election shall be disturbed or interfered with; or whereby any person who intends to be lawfully present at any such meeting or election is prevented from attending; or who causes any disturbance at any election; and every person assisting or aiding or abetting any such disturbance.

(d) Any candidate who fails or neglects to furnish the list of agents prescribed in section 11–48.

(e) Every person who, either in person or through another, in any manner breaks up or prevents, or endeavors to break up or prevent, the holding of any meeting of the board of registration of voters, or in any manner breaks up or prevents, or endeavors to break up or prevent, the holding of any election.

(f) Every person who, being a candidate for election, or any agent of any such candidate, or a member of any committee acting for or on behalf of any such candidate, fails to file the statement of expenses or of lack of expenses, as required by law.

(g) Every person who willfully violates or fails to obey any of the provisions of law, punishment for which is not otherwise in this part specially provided for.

(h) Any person who willfully tears down or destroys or defaces any election proclamation or any poster or notice or list of voters or card of instructions or specimen ballot, issued or posted by authority of law.

SEC. 11–214. Penalty: Any person convicted of a misdemeanor under the provisions of this part shall be fined not more than $500, or imprisoned not more than 6 months, or both.

SEC. 11–215. Other prosecutions: Any person in any way violating any of the provisions of this part may also be prosecuted for the violation of any other then existing law, rule or regulation.

IDAHO

(Unless otherwise designated, references are to code, 1948.)

Intimidation, corruption, and frauds: Every person, who, by force, threats, menaces, bribery, or any corrupt means, directly or indirectly, attempts to influence an elector in giving his vote or to deter him from giving same, or to awe, restrain, hinder, or disturb him in the free exercise of his right of suffrage, or defrauds an elector at an election by deceiving him and causing him to vote differently than he intended, or who, being an officer of any election, induces or attempts to induce any elector, by menace or reward, to vote differently than he desired, is guilty of a misdemeanor (sec. 18–2305), punishable by imprisonment in a county jail for not more than 6 months, or by a fine of not over $300, or by both (sec. 18–113).

Interference with election: Any person who willfully disturbs any election place, or is guilty of riotous conduct near such place with intent to disturb same, or interferes with the access of electors to the polling place, or interferes in any manner with the free exercise of the election franchise of any of the voters there assembled, is guilty of a misdemeanor, punishable as stated above (sec. 18–2313).

Attempt to influence vote: No person shall attempt to influence the vote of any elector by means of a promise of a favor, or by means of violence or threats of violence, or threats of withdrawing custom or business dealing, or enforcing of a debt, or discharging from employment, or bringing a suit or criminal process, or any other threat or injury to be inflicted on him, or by any other means (sec. 18–2319). Violation of this provision is punishable by a fine not exceeding $1,000, or by imprisonment in the State prison not exceeding 5 years, or by both (sec. 18–2315).

ILLINOIS

(Unless otherwise designated, references are to Smith-Hurd Annotated Statutes, 1944, chapter 46.)

Offenses involving polling places: No person shall interrupt, hinder, or oppose any voter while approaching the polling place for the purpose of voting. Violation of this provision is punishable by a fine of from $50 to $500, or by imprisonment in the county jail for not more than 1 year, or by both, in the discretion of the court, for each offense. It shall be the duty of judges of election to enforce this provision (sec. 29–14).

Miscellaneous offenses: Any person, who, at a primary or any election, shall (1) by force, threat, menace, intimidation, bribery, or otherwise unlawfully, directly or indirectly, induce or attempt to induce any voter or any person to exercise the right of franchise, or to vote for or against any person or measure, or (2) intentionally practice any fraud on any elector regarding his ballot, or (3) otherwise defraud him of his vote, or (4) by unlawful means prevent or attempt to prevent any voter from attending or voting at an election or primary, shall be fined not more than $5,000 or imprisoned in the county jail for not more than 1 year, or imprisoned in the penitentiary for from 1 to 5 years (sec. 29–16).

INDIANA

(Unless otherwise designated, references are to Burns Statutes Annotated, 1949, replacement.)

Using violence, threats, or restraint: Whoever, for the purpose of influencing a voter, by violence or threats, seeks to enforce the payment of a debt, or ejects or threatens to eject a person from any house he may occupy, or begins a criminal prosecution, or injures the business or trade of a person, or threatens to withhold the wages of or to dismiss from service, any laborer in his employ, or refuses to allow such employee time to vote, shall be guilty of a felony (sec. 29–5941).

Coercion by election board officer: Any member of a precinct election board, who attempts, by persuasion, menace, or reward to induce any elector to vote for any person, shall be guilty of a misdemeanor (sec. 29–5935).

Defrauding voter: Whoever fraudulently causes or attempts to cause any voter, at any election, to vote for a different person than he intended, shall be guilty of a misdemeanor (sec. 29–5938).

Bribery or threat by candidate: Whoever gives or offers a bribe or makes a threat to procure his election to any office, shall be guilty of a felony (sec. 29–5907).

Threats by employer: Every employer who places written or printed material in the pay envelopes, or, within 90 days prior to an election or primary, exhibits placards, etc., in his place of employment, containing express or implied threats intended to influence the political opinions or actions of such employees, shall be guilty of a misdemeanor (sec. 29–5711).

Felonies, penalty: A person, convicted of a felony under the election laws, shall be imprisoned for from 1 to 5 years in either the State prison or the reformatory, as may be required by law, and shall be disfranchised for any determinate period, to which may be added a fine of from $50 to $1,000 (sec. 29–5964).

Misdemeanors, penalty: Any person convicted of a misdemeanor under the election laws may either be fined from $1 to $500, or be imprisoned in either the county jail or the State farm for from 30 days to 1 year, or by both such fine and imprisonment, and shall be disfranchised for any determinate period not to exceed 5 years (sec. 29–5965).

IOWA

(Unless otherwise designated, references are to code annotated, 1949.)

Prohibited acts: Interrupting, hindering, or opposing any voter while in or approaching the polling place for the purpose of voting, or interfering or attempting to interfere with a voter when inside the closed space or when marking his ballot, are prohibited on any election day (sec. 49.107).

Any violation of these provisions is punishable by a fine of from $5 to $100, or by imprisonment for from 10 to 30 days in the county jail, or by both (sec. 49.108).

Duress to prevent voting: If any person unlawfully and by force or threats of force prevents or attempts to prevent an elector from giving his vote at any public election, he shall be imprisoned in the county jail for not more than 6 months, and fined not more than $200 (sec. 738.13).

Procuring vote by duress: If any person, by means of violence, threats of violence, or threats of withdrawing custom or business dealing, or enforcing the payment of debts, or bringing a civil or criminal action or by any other threat of injury, endeavors to procure the vote of any elector, at any election, or the influence of any person over other electors, either for himself or for or against any candidate, he shall be fined not more than $300 or imprisoned in the county jail for not more than 1 year (sec. 738.15).

Intimidation by employer: Any employer who shall refuse to allow an employee 2 hours to vote at a general election or who shall reduce his wages for such privilege, or who shall attempt to influence an employee's vote by reward or by threats of discharge, or shall otherwise attempt to intimidate an employee from exercising his right to vote, shall be fined not less than $5 nor more than $100 (sec. 49.110).

KANSAS

(Unless otherwise designated, references are to General Statutes Annotated, 1949.)

Unlawful attempt to deter voting: If any person, by menaces, threats, or force, or other unlawful means, directly or indirectly attempts to influence a voter in giving his vote, or to deter him from giving the same, or hinders him in the free exercise of his right of suffrage, at any election, he shall be guilty of a misdemeanor, punishable by a fine of not over $500, or by imprisonment in the county jail for not more than 1 year (sec. 21–815).

Hindering voters: Any person who shall willfully hinder the voting of others shall be punished by a fine of from $10 to $100,

or by imprisonment in the county jail for from 10 to 30 days or by both (sec. 25–1717).

Hindering voters at polls: No person shall interrupt, hinder, or oppose any voter while approaching the polling place for the purpose of voting. Violation of this provision is punishable by a fine of from $25 to $100, or by imprisonment in the county jail for from 10 to 30 days, or both such fine and imprisonment, for each offense (sec. 25–1719).

KENTUCKY

(Unless otherwise designated, references are to Kentucky Revised Statutes, 1953.)

Interfering with election: Any person who unlawfully prevents or attempts to prevent any voter from casting his ballot, or intimidates or attempts to intimidate a voter to prevent him from casting his ballot, shall be confined in the penitentiary for from 1 to 5 years for each offense (sec. 124.140).

Coercion by employer: No person shall coerce an employee to vote for any political party or candidate for nomination or election to any office in the State, or threaten to discharge an employee for exercising his right of suffrage or for voting for any candidate, nor shall an employer circulate statements that employees are expected to vote for any candidate, party, or measure (sec. 123.110 (1)).

Any person who violates this provision shall be fined from $1,000 to $5,000, or imprisoned in the county jail for not more than 6 months, or shall be both so fined and imprisoned (sec. 123.990 (13)).

LOUISIANA

(Unless otherwise designated, references are to Revised Statutes Annotated, West's, 1951.)

Primary: No person shall intimidate any voter at a primary election. Violation of this provision is punishable by a fine of from $50 to $500 and imprisonment for from 6 months to 2 years (sec. 18.369(8)).

Obstructing voter: No person shall willfully and without lawful authority obstruct, hinder, or delay any voter on his way to a polling place to vote in an election. Violation of this provision is punishable by a fine of not over $1,000, or imprisonment for not more than 1 year (secs. 18.587, 18.589).

Hindering voters: Prior to or during an election, no person shall willfully hinder the voting of others. Violation of this provision is punishable by a fine of not over $1,000 or imprisonment for not more than 1 year (secs. 18.736, 18. 589).

Public intimidation: The use of violence, force, or threats upon a voter in a general, primary, or special election to influence his conduct, is deemed public intimidation and is punishable by a fine of not over $1,000, or imprisonment with or without hard labor for not more than 5 years, or both (sec. 14.122(4)).

MAINE

(Unless otherwise designated references are to Revised Statutes, 1954, ch. 5.)

Interfering with voter: Any person who shall interfere or attempt to interfere with any voter while inside the voting enclosure or while marking his ballot shall be fined from $5 to $100. Election officers shall report any such person to a police officer or constable, whose duty it shall be to see that the offender is duly brought before the proper court (sec. 107).

Corruption at elections: Whoever by menace, bribery, or other corrupt means, directly or indirectly attempts to influence a voter in giving his vote or to induce him to withhold his vote, or hinders or disturbs him in the free exercise of his right of suffrage at any election, shall be fined not more than $500, or imprisoned for not more than 11 months, and shall be ineligible to office for 10 years (sec. 109).

MARYLAND

(Unless otherwise designated, references are to annotated code of Maryland, Flack, 1951, art. 33.)

Hindering voters: If, at any general, special, or primary election, any person shall by force, threat, menace, intimidation, or bribery, either directly or indirectly influence or attempt to influence any voter in giving his vote or hinder or attempt to hinder a voter from freely voting or induce him to vote, such person shall be imprisoned in jail or in the penitentiary for from 6 months to 5 years (sec. 179).

Coercion by employer: Any employer, whether an individual or a corporation, who shall deny an employee time off for voting at a general, special, or primary election or shall directly or indirectly hinder him from exercising his right to vote freely or shall attempt to influence his vote by threats concerning his employment, shall be guilty of a misdemeanor, punishable, for each offense, by a fine of not over $500 or imprisonment in jail for not over 6 months, or both, in the discretion of the court (sec. 180).

MASSACHUSETTS

(Unless otherwise specified, references are to Annotated Laws, Michie, 1953 edition.)

Corrupt practice by candidate: A candidate is deemed to have committed a corrupt practice if he fraudulently and willfully obstructs and delays a voter in a general election, primary, or caucus (ch. 55, secs. 27, 29).

If five or more persons have reason to believe that a corrupt practice has been committed by any successful candidate, other than a candidate for the U.S. Congress or the general court, such voters may apply to a justice of the superior court sitting in equity in Suffolk County for leave to bring an election petition declaring the election of such candidate void (ch. 55, sec. 28).

A candidate found guilty, upon an election petition, of such corrupt practice, who forfeits his office, or who is convicted in a criminal proceeding of violating a law relating to corrupt practices in elections, shall be disqualified to hold office and to vote, for 3 years (ch. 55, sec. 37).

Interfering with voter: Whoever willfully and without lawful authority hinders, delays, or interferes with a voter while on his way to a primary, caucus, or election, or while within the guardrail, or while marking his ballot, or while voting or attempting to vote, shall be fined not more than $500, or imprisoned not more than 1 year (ch. 56, sec. 29).

Obstructing voting: Whoever willfully obstructs the voting at a primary, caucus, or election shall be fined not more than $100 (ch. 56, sec. 30).

Coercion by employer: No person shall by threats to discharge or to reduce wages, or promises of rewards, attempt to influence his employee to either give or withhold a vote, nor shall he discharge an employee or reduce his wages because he gave or withheld a vote. Violation of this provision is punishable by imprisonment for not more than 1 year (ch. 56, sec. 33).

MICHIGAN

(Unless otherwise designated, references are to Statutes, Annotated, 1956 Revision, title 6.)

Violation deemed felony: Any person who shall, by menace, bribery, or other corrupt means, directly or indirectly, attempt to influence any elector in giving his vote or to deter him from or interrupt him in giving same at any general or primary election, shall be guilty of a felony (sec. 6.1932(a)), punishable by a fine not exceeding $1,000, or by imprisonment in the State prison for not more than 5 years, or both, in the discretion of the court (sec. 6.1935).

Coercion by employer: It shall be unlawful for an employer, whether an individual, firm, or corporation, to enclose written or printed matter in the pay envelopes, or within 90 days before a primary or general election, to exhibit a placard, etc., in establishment where his workers will see it, containing express or implied threats concerning employment, intended to influence the political opinion or actions of his employees (sec. 6.1912). Violation of this provision is deemed a misdemeanor (sec. 6.1931(d)), punishable by a fine not exceeding $500, or by imprisonment in the county jail for not more than 90 days, or by both, in the discretion of the court (sec. 6.1934).

MINNESOTA

(Unless otherwise designated, references are to Statutes, Annotated, 1946.)

Coercing voters: Any person who, within or without any polling place, directly or indirectly uses or threatens to use force, violence, or restraint, or causes or threatens to cause damage, harm, or loss to any person, with intent to induce or compel a person to vote or refrain from voting or to vote in a particular way at any election, or who by abduction, duress, or other fraudulent device, impedes the free exercise of the right of franchise at any election, shall be guilty of a gross misdemeanor (sec. 210.05).

Undue influence by candidate: No person shall, directly or indirectly, use or threaten to use force, coercion, violence, restraint, or undue influence or shall inflict or threaten to inflict any injury, loss, or harm, upon any person in order to compel him to vote or refrain from voting in any particular way; nor shall anyone by abduction, duress, or fraudulent means impede or prevent the free exercise of the franchise by any voters at a primary or election or to induce an elector to give or refrain from giving his vote at a primary or election (sec. 211.12). Violation of this provision is deemed a gross misdemeanor (sec. 211.30).

Refusing employee election privilege: Any person who, as principal or as agent for another, shall directly or indirectly refuse, abridge, or interfere with the election privileges of an employee, shall be guilty of a misdemeanor (sec. 210.11).

Coercion by employer: No employer or his agent shall make any verbal or written, express or implied threats against his employees, involving their employment, with the intention of influencing their political opinion or action (sec. 211.24). Violation of this provision by any person as an individual shall be deemed a gross misdemeanor (sec. 211.30). Violation by an officer or agent of a corporation shall be punished by a fine of from $100 to $5,000, or by imprisonment in the State prison for from 1 to 5 years or by both (sec. 211.28). Violation by an officer shall be deemed prima facie evidence of violation by the corporation. It is made the duty of the county attorney to conduct prosecutions under this chapter (211) on proper complaint.

MISSISSIPPI

(Unless otherwise designated, references are to code, 1942.)

Intimidating electors: Whoever shall procure or endeavor to procure the vote of any elector or the influence of any person over electors, at any election, by violence, threats of violence, threats of withdrawing trade, or of enforcing a debt, or of bringing civil or criminal action, or of inflicting any injury, shall be imprisoned in the county jail for not more than 1 year, or shall be fined not more than $1,000, or shall be both so fined and imprisoned (sec. 2032).

Intimidating electors: Any person who shall by illegal force or threats of force, prevent or attempt to prevent any elector from giving his vote, shall be punished by imprisonment in the penitentiary for not more

than 2 years, or in a county jail for not more than 1 year, or by a fine of not over $500, or by both fine and imprisonment (sec. 2106).

Coercing employees in primary: It shall be unlawful for any employer, whether an individual, firm, or corporation, to directly or indirectly coerce his employees to vote for any particular person or party in a primary election, by express or implied threats involving their employment (sec. 3172). Violation of this provision is punishable by a fine of not over $500 or imprisonment in the county jail for not more than 1 year, or both, and if violation is by a candidate, he shall forfeit his nomination (sec. 3193(a)).

MISSOURI

(Unless otherwise designated, references are to Vernon's Annotated Statutes, 1952.)

Violence to influence voter: Any person who shall, directly or indirectly, use or threaten to use force, violence or restraint, or shall inflict or threaten to inflict any injury, damage, or loss upon or against any person in order to compel him to vote or refrain from voting at any election, or who shall by abduction, fraud or duress, impede or prevent the free exercise of the franchise by any elector or shall thereby induce him to vote or refrain from voting, shall be imprisoned in the county jail for from 1 month to 1 year (sec. 129.060).

Intimidating voters: If any person by menaces, threats or force, or other unlawful means, attempts to influence any qualified voter in giving his vote, or to deter him from giving same, or to disturb or hinder him in the free exercise of his right of suffrage at any election, he shall be adjudged guilty of a misdemeanor (sec. 129.430).

Interference with voter: Any person who shall interfere or attempt to interfere with any voter when inside the guardrail or when marking his ballot, shall be deemed guilty of a misdemeanor (sec. 129.880).

Coercion by employer: Every person, whether an individual employer or an officer or agent of a firm or corporation, who shall directly or indirectly discharge or attempt to discharge any employee for his political opinions or who shall coerce or threaten to coerce, intimidate, or bribe any employee in an attempt to influence him to vote or refrain from voting for any candidate or measure at any election, shall be deemed guilty of a felony, punishable by imprisonment in the penitentiary for from 2 to 5 years (sec. 129.080).

Violation of this provision by a corporation shall be held as a forfeiture of its charter or franchise, which may be so adjudged in a suit brought by the county or circuit prosecuting attorney or by the attorney general (sec. 129.070).

Denial of time to vote: Any person or corporation who shall deny an employee a certain time for voting without a penalty or reduction in wages, shall be guilty of a misdemeanor, punishable by a fine of not over $500 (1956 Supp., sec. 129.060).

MONTANA

(Unless otherwise designated, references are to revised codes, 1947.)

Intimidating electors: Every person who, directly or indirectly, by force, threats, menaces, bribery, or other corrupt means, attempts to influence an elector in giving his vote, or to deter him from giving same, or who attempts by any means to awe, restrain, hinder or disturb any elector in the free exercise of his right of suffrage, is guilty of a misdemeanor, punishable by a fine of not over $1,000, or imprisonment of not over 1 year, or both (sec. 94–1411).

Preventing public meetings of electors: Every person who, by threats, intimidation, or violence, willfully hinders or prevents electors from assembling in a public meeting for the consideration of public questions, is guilty of a misdemeanor (sec. 94–1419).

Coercion by employer: It shall be unlawful for any employer, whether individual or corporation, to enclose printed or written material in the pay envelopes, or, within 90 days prior to an election, to display placards, etc., in his working establishment, containing express or implied threats or promises regarding their employment, with the intention of influencing the political opinion or actions of his employees. Violation of this provision by an individual is a misdemeanor, punishable by a fine of from $25 to $500, and imprisonment for not over 6 months in the county jail. Violation by a corporation is punishable by a fine of not over $5,000, or forfeiture of its charter, or both (sec. 94–1424).

NEBRASKA

(Unless otherwise designated, references are to Revised Statutes, 1943, reissue of 1952.)

Registration: If at any registration of voters, any person, by force, threat, menace, intimidation, bribery, or other unlawful means, shall prevent, hinder, or delay any qualified person from being registered, he shall be guilty of a felony, punishable by imprisonment in the State prison for from 1 to 5 years (sec. 32–1224(7)).

Obstructing voters: It shall be unlawful for any person to willfully or wrongly obstruct or prevent persons from voting who have the right to do so, at any election. Violation of this provision is a misdemeanor, punishable by imprisonment in the county jail for from 1 to 6 months. This shall apply to all elections and caucuses (sec. 32–1237(2)).

Coercion by employer: It shall be unlawful for any person, firm, or corporation to coerce or attempt to coerce an employee in his voting at any caucus, convention, or election by threats concerning his employment. Violation of this provision is punishable by a fine of not over $100, or imprisonment in the county jail for not over 30 days (sec. 32–1223).

NEVADA

Coercion of voters: Every person who shall, directly or indirectly, use or threaten to use force, coercion, violence, restraint, or undue influence or other means or who shall inflict or threaten to inflict injury, damage or harm, or publish or threaten to publish any fact concerning a person in order to induce him to vote or refrain from voting for any candidate, party, or measure, or who shall by abduction, fraud, or duress, or by threats to discharge an employee, impede or prevent a voter from exercising freely his right of suffrage, shall be guilty of undue influence and shall be punished as for a gross misdemeanor (Laws, 1951, ch. 242, p. 360).

Time off to vote: Any employer who shall deny an employee certain time for voting without penalty or reduction in wages, shall be guilty of a misdemeanor (Laws, 1955, ch. 208, p. 301).

NEW HAMPSHIRE

(Unless otherwise designated, references are to Revised Statutes Annotated, 1955.)

Intimidation: If any person shall, directly or indirectly, by threats, intimidation, or bribery, induce or attempt to induce any voter to stay away from, or to avoid voting at, or to vote for or against any candidate in any town meeting, primary, or election, he shall be fined not more than $500 or imprisoned for not more than 3 months (sec. 69: 11).

NEW JERSEY

(Unless otherwise designated, references are to Statutes Annotated, 1940, title 19.)

Obstructing voter: A person who shall, on election day, obstruct or interfere with any voter, shall be guilty of a misdemeanor, punishable by a fine of not over $500, or by imprisonment for not more than 1 year, or both (1956 Supp., sec. 19: 34–6).

Intimidating voters: No person shall, directly or indirectly, use or threaten to use force, violence, or restraint, or shall inflict or threaten to inflict any injury, damage, harm, or loss on any person in order to induce him to vote or refrain from voting at any election, or for any particular person, or on account of such person having voted or refrained from voting at any election (1956 Supp., sec. 19: 34–28).

Hindering voter: Whoever shall, at any election, in any way, willfully hinder or prevent a voter from casting his legal vote, knowing such person to have a right to vote, shall be guilty of a misdemeanor, punishable by a fine of $500, or imprisonment in the State prison for 3 years, or both (sec. 19: 34–20).

Interfering with voter: Any person who shall, by abduction, duress, force, or fraud, impede, prevent or interfere with the free exercise of the elective franchise by any voter, or induce him to vote or refrain from voting at any election or for any particular candidate shall be guilty of a misdemeanor (secs. 19: 34–29, 19: 34–31). An employer who shall so act toward an employee shall be guilty of a misdemeanor, punishable by fine of not over $2,000, or imprisonment for not over 5 years, or both (sec. 19: 34–27), and any corporation so acting, shall forfeit its charter (sec. 19: 34–41).

Expenditures prohibited: No person shall contribute money toward the hiring of a person to obstruct, hinder, or prevent the forming of lines of voters awaiting their turn to enter a polling place to vote (sec. 19: 34–38d).

Coercion by employer: No employer shall insert written or printed material into the pay envelopes, or, within 90 days before an election, shall exhibit placards, etc., in his establishment, containing express or implied threats relative to their employment, with the intention of influencing the political opinions or actions of his employees (sec. 19: 34–30).

Violation of this provision is punishable as for "Interfering With Voter," above.

NEW MEXICO

(Unless otherwise designated, references are to statutes, 1953, annotated.)

Intimidating voter: Any person who shall willfully coerce, browbeat, intimidate, or threaten any voter within a polling place, or shall attempt to do so in order to influence the voter in marking his ballot, shall be guilty of a misdemeanor, punishable by a fine of not over $500, imprisonment for not more than 6 months, or both (sec. 3–8–20).

Intimidation: Any person who shall, directly or indirectly, use force, violence, or restraint or shall inflict or threaten to inflict injury, damage, or loss on any person to induce him to vote or refrain from voting for any candidate, party, or measure, or who shall by abduction, fraud, or duress, impede or prevent the free exercise of his right of suffrage by any elector, shall be guilty of a felony, punishable by a fine of from $500 to $1,000, or by imprisonment in the penitentiary for from 1 to 5 years, or by both (sec. 3–8–17).

Coercion by employer: Any employer, whether individual, firm, or corporation, who shall directly or indirectly discharge or threaten to discharge any employee on account of his political opinion, or who shall by corrupt means attempt to induce him to vote or refrain from voting for any candidate or measure, shall be fined from $100 to $1,000, or imprisoned for not more than 6 months, or both (sec. 3–18–15).

NEW YORK

(Unless otherwise designated, references are to penal law (McKinney's), 1949.)

Hindering voter: Any person who willfully and unlawfully hinders or delays or aids in obstructing or delaying an elector on his way to register or vote or while he is attempting to register or vote in a general or special election, is guilty of a misdemeanor (sec. 764(3)).

Intimidation of elector in military service: Any person, who, directly or indirectly by menace, bribery, or other corrupt means attempts to control an elector in the military service of the United States in the exercise of his election rights, or who annoys, injures, or punishes him for the manner in which he exercises those rights, is guilty of a misdemeanor for which he may be tried in the future when in the State, and upon conviction of which he shall thereafter be ineligible to any office in the State (sec. 771).

Intimidation of electors: It shall be unlawful for any person to intimidate, threaten, or coerce, or to attempt to intimidate, threaten, or coerce any person for the purpose of interfering with his right to vote or to vote as he may choose. Violation of this provision shall be punishable by a fine of not over $1,000, or imprisonment for not over 1 year, or both (sec. 772–a(1)).

Duress and intimidation of voters: Any person or corporation who directly or indirectly uses or threatens to use force, violence, or restraint, or threatens to inflict any injury, damage, or loss on, or otherwise intimidates, any person in order to induce him to vote or to refrain from voting at any election for or against any person or measure, or to refrain from registering to vote, or for having registered and voted, or for having refrained from registering and voting, or who by abduction, duress, or fraud interferes with his free exercise of his right of suffrage, is guilty of a misdemeanor and, if a corporation, shall in addition forfeit its charter (sec. 772(1)(2).

Coercion by employer: Any employer who inserts in the pay envelopes written or printed matter, or, within 90 days before a general election displays placards, etc., in his establishment, containing express or implied threats relating to their employment, intended to influence the political opinion or actions of his employees, is guilty of a misdemeanor, and if a corporation, shall in addition forfeit its charter (sec. 772(3)).

NORTH CAROLINA

(Unless otherwise designated, references are to General Statutes, 1952 Recompilation.)

Interference with voters: Any person who shall interfere with or attempt to interfere with any voter when inside enclosed polling space or when marking his ballot, shall be guilty of a misdemeanor and shall be fined or imprisoned or both, in the discretion of the court (sec. 163–176).

Intimidation: Any person who shall, in connection with any primary or election, directly or indirectly, discharge or threaten to discharge from employment, or otherwise intimidate or oppress any qualified voter on account of any vote such voter may cast or intend to cast or not to cast, or which he may have failed to cast, shall be guilty of a misdemeanor and shall be fined or imprisoned, or both, in the discretion of the court (sec. 163–196 (6)).

NORTH DAKOTA

(Unless otherwise designated, references are to Revised Code of 1943.)

Hindering electors: Every person who by force, threat, bribery, or other corrupt means, directly or indirectly, attempts to influence an elector in giving his vote at any election, or to deter him from giving his vote, or who attempts by any means to owe, restrain, hinder, or disturb an elector in the free exercise of his right of suffrage or to induce him to vote differently than he intended to vote, is guilty of a misdemeanor, punishable by a fine of from $100 to $1,000 and by imprisonment in the county jail for from 3 months to 1 year and shall forever be disfranchised and ineligible to any office of trust or profit within the State (sec. 12–1106).

Obstructing elector: Every person who willfully and without authority, obstructs, hinders, or delays any elector on his way to the polls to vote, is guilty of a misdemeanor (sec. 12–1111).

Unlawful influence: Every person, who, willfully, by unlawful arrest, force and violence, threats of violence, intimidation, threats of withdrawing trade or of enforcing payment of debts, or of bringing civil or criminal action, or by any other threat of injury, endeavors to prevent an elector from freely giving his vote at any election, or hinders him from voting or attempts to influence his vote, is guilty of a misdemeanor (sec. 12–1121).

OHIO

(Unless otherwise designated, references are to Revised Code, Page's, 1954.)

Congregating at the polls: Nobody shall congregate in or about a voting place during the voting, so as to hinder an elector in registering or casting his ballot, after having been ordered by the election officer to disperse. Violation of this provision is punishable by a fine of from $20 to $300, or imprisonment for not more than 6 months, or both (sec. 3599.30).

Intimidation: No person shall before, during, or after any primary, convention, or election, attempt by intimidation, coercion, or other unlawful means to induce a delegate or an elector to register or to vote, or to refrain from registering or from voting for a particular person or measure.

Violation of this provision is deemed bribery and is punishable by a fine of not over $1,000, or imprisonment of from 1 to 3 years, or both, and if offender is a candidate for office or has been elected to office, he shall forfeit such nomination or office (1956 supp., sec. 3599.01 (B)).

Coercion by employer: No employer shall insert in pay envelopes or shall post on placards, etc., any express or implied threats concerning their employment, with intent to influence the political opinion or votes of his employees.

Violation of this provision is a corrupt practice, punishable by a fine of from $500 to $1,000 (sec. 3599.05).

Second offense: Any person who is again convicted of a violation of the election laws, whether for the same offense or not, shall be fined from $500 to $1,000, or imprisoned for from 1 to 5 years, or both, and in addition shall be disfranchised (1956 supp., sec. 3599.39).

OKLAHOMA

(Unless otherwise designated, references are to Statutes, Annotated, 1937, title 21.)

Obstructing elector on way to polls: Every person who willfully and without authority, obstructs, hinders, or delays any elector on the way to the polls to vote, is guilty of a misdemeanor (sec. 186).

Preventing public meeting: Every person, who, by threats, intimidation, or unlawful violence, willfully hinders or prevents electors from assembling in, or prevents an elector from attending public meetings to consider public questions, is guilty of a misdemeanor (sec. 212, 213).

Intimidating voter: Every person who willfully, by unlawful arrest, force, violence, threats, or intimidation, prevents or attempts to prevent an elector from freely giving his vote at an election or attempts to hinder him from voting or to cause him to vote for any person or candidate, shall be fined from $50 to $1,000 (sec. 214).

Illegally influencing vote: Every person who procures or attempts to procure the vote of any elector either for himself or for or against any candidate, by means of violence, threats of violence, threats of withdrawing trade, of enforcing payment of debts, of bringing civil or criminal action, or any other threats of injury, shall be fined not more than $1,000 and imprisoned in the county jail for not over 6 months (sec. 215).

Intimidations: If any person in any manner intimidates or attempts to intimidate or deter anyone from voting at a general or primary election, he shall be fined not less than $10, or be imprisoned for not more than 3 months (title 26, sec. 479).

Coercion by employer: Every employer, whether individual, firm, or corporation, who denies employees certain time for voting in an election, shall be deemed guilty of a misdemeanor, punishable by a fine of from $50 to $500 for each elector so denied, and every agent of employer who violates this provision, shall in addition to the fine, be imprisoned in the county jail for from 2 to 6 months (title 26, sec. 438).

Employer corporation: Any corporation which attempts to influence the votes of its employees or of other persons by threat, intimidation, bribe, or other corrupt means, shall be guilty of a misdemeanor, punishable by a fine of from $500 to $5,000, and the person acting as its agent, who so acts shall be fined from $500 to $1,000 and imprisoned in the county jail for from 60 to 120 days (title 26, sec. 440).

OREGON

(Unless otherwise designated, references are to Revised Statutes, 1955.)

Undue influence: No person shall directly or indirectly use or threaten to use force, coercion, violence, restraint, or undue influence or inflict or threaten to inflict harm or damage on any person in order to induce him to vote or refrain from voting for any candidate, party, or measure. No minister, priest, or officer of a church, shall otherwise than by public speech or print persuade any voter to vote or refrain from voting for any candidate, party, or measure. No person shall by abduction, fraud, or duress, impede or prevent any voter in the free exercise of the franchise in any election.

Violation of this provision shall be punished as for a corrupt practice (sec. 260.300), by imprisonment in the county jail for not more than 1 year, or by fine of not more than $5,000 or both (sec. 260.510).

Interference with voter: No person shall interfere or attempt to interfere with any voter when inside the enclosed space or when marking his ballot (sec. 260.640 (4)). Violation of this provision is punishable by a fine of from $50 to $200 (sec. 260.640 (6)).

Intimidation of voter: No person shall by menace, threat, or violence, whether armed or unarmed, intimidate or prevent any person from voting, or attempt to do so. Violation of this provision is punishable by imprisonment in the county jail for from 3 months to 1 year (sec. 260.720).

Coercion by employer: No person or corporation shall directly or indirectly use or threaten to use force, violence, or restraint or shall inflict or threaten to inflict any injury, harm, or loss, on any of his employees to compel them to register or to vote or refrain from registering or from voting at any election or for or against any person or measure.

No person or corporation shall by abduction, fraud, or duress, attempt to hinder, prevent, or otherwise interfere with the free exercise of the elective franchise by any of his employees.

No such employer shall insert in the pay envelopes any written or printed matter, or within 90 days before a general election display placards, etc., which shall contain express or implied threats intended to influence the political opinion or votes of his employees.

Violation of this provision is a misdemeanor (sec. 260.730), punishable by a fine of from $100 to $1,000, and if a corporation, by forfeiture of its charter in addition (sec. 260.740).

PENNSYLVANIA

(Unless otherwise designated, references are to Purdon's Statutes Annotated, 1938, title 25.)

Interference with primaries and election: If any person shall block up the avenue to the door of any polling place or shall attempt to do so, or shall use intimidation, threats, force, or violence, to unduly influence or overawe any elector or to prevent him from voting or to restrain his freedom of choice at a primary or election, he shall be guilty of a misdemeanor, punishable by a fine of not over $1,000, or by imprisonment of from 6 months to 5 years, or by both, in the discretion of the court (sec. 3527).

Duress and intimidation: Any person or corporation who directly or indirectly (a) uses or threatens to use force, violence, or restraint, or inflicts or threatens to inflict injury, harm, or loss on any person in order to induce him to register or vote or refrain from registering or from voting at any election or for or against any person or measure, or for having so registered, voted, or refrained, or (b) by abduction, fraud, or duress impedes or hinders any voter from freely exercising his right of suffrage, or (c) being an employer, inserts in the pay envelopes written or printed matter or within 90 days before an election or primary exhibits placards, and so forth, containing express or implied threats concerning their employment, with the intention of influencing the political opinion or votes of his employees, shall be guilty of a misdemeanor, punishable by a fine of not over $1,000, or by imprisonment of the offending officers or agents for not more than 1 year, or by both, in the discretion of the court (sec. 3547).

RHODE ISLAND

(Unless otherwise designated, references are to General Laws of 1938, ch. 325.)

Intimidation: Every person who shall directly or indirectly use any threat or employ any means of intimidation for the purpose of influencing an elector to vote or withhold his vote at any election, for or against any candidate or measure, shall be punished by a fine of from $500 to $1,000, or by imprisonment for from 6 months to 2 years or by both in the discretion of the court, and shall be disfranchised (sec. 5).

Coercion by employer: Any person, being an employer, who within 90 days before a general election inserts written or printed matter into the pay envelopes of employees or exhibits placards in his establishment, containing express or implied threats relating to their employment, intended to influence the political opinion or actions of his employees, shall be punished by a fine of from $500 to $1,000, or by imprisonment for from 6 months to 2 years, or by both, in the discretion of the court, and shall thereafter be disfranchised and ineligible for public office. If employer is a corporation, it shall forfeit its charter (sec. 5).

SOUTH CAROLINA

South Carolina constitution election provisions

Article 1, section 9:

Article 1, section 9. Suffrage: The right of suffrage, as regulated in this constitution, shall be protected by law regulating elections and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult, or improper conduct.

Article 1, section 10. Elections free and open: All elections shall be free and open and every inhabitant of this State possessing the qualifications provided for in this constitution shall have an equal right to elect officers and be elected to fill public office.

Article 2, section 5. Appeal; crimes against election laws: Any person denied registration shall have the right to appeal to the court of common pleas, or any judge thereof, and thence to the supreme court, to determine his right to vote under the limitations imposed in this article, and on such appeal the hearing shall be de novo, and the general assembly shall provide by law for such appeal, and for the correction of illegal and fraudulent registration, voting, and all other crimes against the election laws.

Article 2, section 8. Registration provided; elections; board of registration; books of registration: The general assembly shall provide by law for the registration of all qualified electors, and shall prescribe the manner of holding elections and of ascertaining the results of the same: Provided, at the first registration under this constitution, and until the 1st of January 1898, the registration shall be conducted by a board of three discreet persons in each county, to be appointed by the Governor, by and with the advice and consent of the senate. For the first registration to be provided for under this constitution, the registration books shall be kept open for at least 6 consecutive weeks; and thereafter from time to time at least 1 week in each month, up to 30 days next preceding the first election to be held under this constitution. The registration books shall be public records open to the inspection of any citizen at all times.

Article 2, section 15. Right of suffrage free: No power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage in this State.

South Carolina Code—Title 23

23–73. Appeal from denial of registration: The boards of registration to be appointed under section 23–51 shall be the judges of the legal qualifications of all applicants for registration. Any person denied registration shall have the right of appeal from the decision of the board of registration denying him registration to the court of common pleas of the county or any judge thereof and thence to the supreme court.

23–74. Proceedings in court of common pleas: Any person denied registration and desiring to appeal must within 10 days after written notice to him of the decision of the board of registration file with the board a written notice of his intention to appeal therefrom. Within 10 days after the filing of such notice of intention to appeal, the board of registration shall file with the clerk of the court of common pleas for the county the notice of intention to appeal and any papers in its possession relating to the case, together with a report of the case if it deem proper. The clerk of the court shall file the same and enter the case on a special docket to be known as calendar No. 4. If the applicant desires the appeal to be heard by a judge at chambers he shall give every member of the board of registration 4 days' written notice of the time and place of the hearing. On such appeal the hearing shall be de novo.

23–75. Further appeal to supreme court: From the decision of the court of common pleas or any judge thereof the applicant may further appeal to the supreme court by filing a written notice of his intention to appeal therefrom in the office of the clerk of the court of common pleas within 10 days after written notice to him of the filing of such decision and within such time serving a copy of such notice on every member of the board of registration. Thereupon the clerk of the court of common pleas shall certify all the papers in the case to the clerk of the supreme court within 10 days after the filing of such notice of intention to appeal. The clerk of the supreme court shall place the case on a special docket, and it shall come up for hearing upon the call thereof under such rules as the supreme court may make. If such appeal be filed with the clerk of the supreme court at a time that a session thereof will not be held between the date of filing and an election at which the applicant will be entitled to vote if registered the chief justice or, if he is unable to act or disqualified, the senior associate justice shall call an extra term of the court to hear and determine the case.

23–100. Right to vote: No elector shall vote in any polling precinct unless his name appears on the registration books for that precinct. But if the name of any registered elector does not appear or incorrectly appears on the registration books of his polling precinct he shall, nevertheless, be entitled to vote upon the production and presentation to the managers of election of such precinct, in addition to his registration certificate, of a certificate of the clerk of the court of common pleas of his county that his name is enrolled in the registration book or record of his county on file in such clerk's office or a certificate of the secretary of state that his name is enrolled in the registration book or record of his county on file in the office of the secretary of state.

23–349. Voter not to take more than 5 minutes in booth; talking in booth, etc.: No voter, while receiving, preparing and casting his ballot, shall occupy a booth or compartment for a longer time than 5 minutes. No voter shall be allowed to occupy a booth or compartment already occupied by another, nor to speak or converse with anyone, except as herein provided, while in the booth. After having voted, or declined or failed to vote within 5 minutes, the voter shall immediately withdraw from the voting place and shall not enter the polling place again during the election.

23–350. Unauthorized persons not allowed within guardrail; assistance: No person other than a voter preparing his ballot shall be allowed within the guardrail, except as herein provided. A voter who is not required to sign the poll list himself by this title may appeal to the managers for assistance and the chairman of the managers shall appoint one of the managers and a bystander to be designated by the voter to assist him in preparing his ballot. After the voter's ballot has been prepared the bystander so appointed shall immediately leave the vicinity of the guardrail.

23–656. Procuring or offering to procure votes by threats: At or before every election, general, special, or primary, any person who shall, by threats or any other form of intimidation, procure, or offer, or promise to endeavor to procure another to vote for or against any particular candidate in such election shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than $100 nor more than $500 or be imprisoned at hard labor for not less than 1 month nor more than 6 months, or both by such fine and such imprisonment, in the discretion of the court.

23–657. Threatening or abusing voters, etc.: If any person shall, at any of the elections, general, special, or primary, in any city, town, ward, or polling precinct, threaten, mistreat, or abuse any voter with a view to control or intimidate him in the free exercise of his right of suffrage, such offender shall upon conviction thereof suffer fine and imprisonment, at the discretion of the court.

23–658. Selling or giving away liquor within 1 mile of voting precinct: It shall be unlawful hereafter for any person to sell, barter, give away, or treat any voter to any malt or intoxicating liquor within 1 mile of any voting precinct during any primary or other election day, under a penalty, upon conviction thereof, of not more than $100 nor more than 30 days' imprisonment with labor. All offenses against the provisions of this section shall be heard, tried, and determined before the court of general sessions after indictment.

23-659. Allowing ballot to be seen, improper assistance, etc.: In any election, general, special, or primary, any voter who shall (a) except as provided by law, allow his ballot to be seen by any person, (b) take or remove or attempt to take or remove any ballot from the polling place before the close of the polls, (c) place any mark upon his ballot by which it may be identified, (d) take into the election booth any mechanical device to enable him to mark his ballot, or (e) remain longer than the specified time allowed by law in the booth or compartment after having been notified that his time has expired and requested by a manager to leave the compartment or booth and any person who shall (a) interfere with any voter who is inside of the polling place or is marking his ballot, (b) unduly influence or attempt to influence unduly any voter in the preparation of his ballot, (c) endeavor to induce any voter to show how he marks or has marked his ballot, or (d) aid or attempt to aid any voter by means of any mechanical device whatever in marking his ballot shall be fined not exceeding $100 or be imprisoned not exceeding 30 days.

23-667. Illegal conduct at elections generally: Every person who shall vote at any general, special, or primary election who is not entitled to vote and every person who shall by force, intimidation, deception, fraud, bribery, or undue influence obtain, procure, or control the vote of any voter to be cast for any candidate or measure other than as intended or desired by such voter or who shall violate any of the provisions of this title in regard to general, special, or primary elections shall be punished by a fine of not less than $100 nor more than $1,000 or by imprisonment in jail for not less than 3 months nor more than 12 months or both, in the discretion of the court.

SOUTH DAKOTA

(Unless otherwise designated, references are to code of 1939.)

Unlawful influence of voters: Every person who directly or indirectly, willfully, by force or violence, or unlawful arrest, or abduction, duress, damage, harm or loss, or by fraud, or by threats to use any such means, or by threats to bring civil or criminal action, or to withdraw trade or to enforce payment of debts, or to inflict any injury on the voter or other person, attempts to intimidate a voter into voting or refraining from voting for any candidate or measure, or who does any of these things because a voter has already voted or refrained from voting for any candidate or measure, or who willfully and without lawful authority obstructs, hinders, or delays any elector on his way to the polls to vote, is guilty of a misdemeanor (sec. 13.0913).

Obstructing public meeting of electors: Every person who by threats, intimidation, or unlawful force or violence, willfully hinders or prevents electors from assembling in public meeting for considering public questions, or who so hinders or prevents any elector from attending any such meeting, is guilty of a misdemeanor (sec. 13.0915).

Primary: Any person who shall in any way obstruct the voting of any elector at a primary election, or intimidate any elector from attending a primary or voting thereat shall be guilty of a misdemeanor (sec. 16.9907).

Coercion by employer: Any person who shall deny an employee certain time for voting at a general election without penalty or reduction in wages, shall be guilty of a misdemeanor (sec. 16.9922). This shall only apply in the case of an employee who does not have a period of 2 consecutive hours during the time the polls are open when he is not required to be at work (Laws, 1955, ch. 57, p. 157).

An employer who shall insert written or printed matter into the pay envelopes of employees or shall within 90 days prior to an election exhibit placards, etc., containing express or implied threats regarding their employment, with the intention of influencing the political opinion or votes of his employees, shall be guilty of a misdemeanor, and if a corporation, shall forfeit its charter (sec. 13.0914).

TENNESSEE

(Unless otherwise designated, references are to code annotated, 1955.)

Intimidation: It is a misdemeanor for any person, directly or indirectly, by force or threats, to prevent or attempt to prevent an elector from voting at a primary or general election or to inflict or threaten to inflict injury, damage, or harm or other means of intimidation upon any person in order to compel him to vote or refrain from voting for any person or measure or because he has already so voted or refrained from voting (sec. 2-2211).

Coercion by employer: It shall be unlawful for an employer to coerce or direct any employee or to threaten to discharge him, in order to induce him to vote or refrain from voting for any candidate at a primary or general election or for any measure. It shall be unlawful to discharge an employee for his having voted or refrained from voting or for his having voted for or against any candidate or measure. Violation of these provisions is punishable by a fine of from $1,000 to $5,000, or imprisonment in the county jail or workhouse for not more than 6 months, or both, and in addition thereto, if employer is a corporation, by forfeiture of its charter and right to do business in the State (sec. 2-2236).

It is a misdemeanor for an employer, within 90 days of an election or primary, to display placards, etc., in his establishment, containing express or implied threats relating to their employment, intended to influence the political opinions or actions of his employees (sec. 2-2237).

TEXAS

(Unless otherwise designated, references are to Vernon's Penal Code, annotated 1951.)

Intimidation by election officer: Any election officer who shall, by violence or threats of violence, attempt to influence the vote of an elector for or against any particular candidate, shall be fined not over $1,000 (art. 220).

Intimidation of electors: Whoever shall by force or intimidation, obstruct or influence, or attempt to obstruct or influence any voter in his free exercise of the elective franchise, shall be fined from $100 to $500, and in addition thereto, may be imprisoned in jail for not more than 1 month (art. 256, 255).

Election for constitutional amendments: Any election officer or any other person within 100 feet of the voting box on election day, who shall intimidate or attempt to intimidate any qualified voter from voting on any question submitted to the people for amending the constitution of the State, or who shall attempt to influence his vote, shall be fined from $50 to $500 (art. 272).

Person in service of United States: Any person in the civil or military service of the United States in Texas, who by threats, bribery, menace, or other corrupt means, controls or attempts to control the vote of an elector, or annoys, injures, or punishes him for the manner in which he has exercised his right of elective franchise, shall be fined not more than $500, and may be arrested and tried at any future time when he may be found in Texas (art. 258).

Coercion by employer: Whoever shall deny an employee the privilege of attending the polls without penalty or deduction of wages, shall be fined not more than $500 (art. 209).

UTAH

(Unless otherwise designated, references are to code annotated, 1953.)

The following provisions apply to general, special, and primary elections (sec. 20-13-30):

Disturbance: Any person who so interferes with the voters at any election as to prevent such election from being fairly held, is guilty of a felony (sec. 20-13-3), punishable by a fine of not over $1,000, or by imprisonment in the State prison for not more than 5 years or by both (sec. 20-13-4).

Intimidation: It shall be unlawful for any person, directly or indirectly, to use force, violence, or restraint, or to inflict or threaten to inflict any injury, damage, harm, or loss, or other form of intimidation on any person to induce him to vote or refrain from voting for any person or measure at any election, or on account of such person having voted or refrained from voting at any election. It shall be unlawful for any person, by abduction, fraud, or duress, to impede, prevent, or otherwise interfere with the free exercise of the elective franchise by any voter. Violation of these provisions is a misdemeanor (sec. 20-13-6).

Coercion by employer: It shall be unlawful for an employer, whether individual, firm, or corporation, to enclose in pay envelopes of employees, written or printed matter, or within 90 days of any election, to exhibit placards, etc., containing express or implied threats concerning their employment, intended to influence the political opinion or actions of employees. Violation of this provision is a misdemeanor (sec. 20-13-6).

It shall be unlawful for any corporation or its agent to influence or attempt to influence any employee, by force, violence or restraint or by inflicting or threatening to inflict injury or damage, or by discharging from employment or promoting in employment, or by any other form of intimidation, to vote or not to vote at any election or for any person or measure. Violation of this chapter is a misdemeanor, in addition to punishment for which, a corporation shall forfeit its charter and right to do business in the State (sec. 20-13-7).

Any person who shall refuse to allow an employee certain time off for voting without penalty or reduction in wages, shall be guilty of a misdemeanor. This shall not apply to employees who are paid by the hour (sec. 20-13-18).

VERMONT

(Unless otherwise designated, references are to Statutes, Revision of 1947.)

Interference with voter: A person who interferes with a voter when inside the guardrail, shall be fined $50. The election officers shall see that the offender is duly prosecuted (sec. 379).

Undue influence: A person who attempts by bribery, threats, or any undue influence to dictate, or control, or alter the vote of a freeman about to be given at a general election shall be fined not more than $200 (sec. 388).

Hindering voting: A person who willfully hinders the voting of others during an election, shall be fined $50 (art. 390).

Primary: The above provisions under "undue influence" and "hindering voting" shall also apply to primary elections (sec. 391).

VIRGINIA

(Unless otherwise designated, references are to code of 1950.)

Intimidation of voters: If it shall appear at an election that the voters are being intimidated or coerced from any source in the exercise of their suffrage by bystanders about the polling place, or that voters are being hindered or tampered with in any way so as to prevent their casting a secret ballot, the judges of election may order the person engaged in so intimidating, coercing, or hindering the voters, to cease such action, and if he does not forthwith desist, the judges or a majority of them may order the arrest

of such person by anyone authorized to make arrests, and may confine him in the county or city jail for not over 24 hours, and such person, upon conviction thereof, shall be punished as for a misdemeanor (sec. 24-190).

Voting offenses: If any person, by threat or bribery, attempts to influence any elector in giving his vote, or attempts to deter him from giving his vote, he shall be confined in jail for not more than 1 year and fined not over $1,000 (sec. 24-450).

Registration: Any registration officer who willfully or maliciously rejects from registering any person, contrary to law, shall be deemed guilty of a misdemeanor (sec. 24-453).

Misdemeanor: A misdemeanor, under the election laws, unless otherwise specified, is punishable by a fine of not over $1,000, or by confinement in jail for not over 12 months, or both (sec. 24-455).

WASHINGTON

(Unless otherwise designated, references are to revised code, 1951, title 29.)

Hindering electors: Any person who uses menace, force, threat, or corrupt means, at or prior to any election, toward any elector to hinder or deter him from voting at such election, or authorizes another to do so, shall be guilty of a felony. Any election officer who, by menace, persuasion, or reward, attempts to induce an elector to vote for any person, shall be guilty of a gross misdemeanor (sec. 29.85.060).

Influencing voter: Any person who directly or indirectly, by menace or other corrupt means, attempts to influence a person in giving or refusing to give his vote in any election, or deters, disturbs, hinders, persuades, threatens, or intimidates any person from giving his vote therein, shall be guilty of misdemeanor, punishable by a fine of not over $250 or by imprisonment for 6 months or both (sec. 29.85.070).

Recall: Every person shall be guilty of a gross misdemeanor, who by any corrupt means or by threats or intimidation, interferes with or attempts to interfere with the right of any legal voter to sign or not to sign any recall petition, or to vote for or against any recall (1953 Supp., sec. 29.82.220(5)).

WEST VIRGINIA

(Unless otherwise designated, references are to Code of 1955, Annotated (Michie).)

Interference with voter: Any person who shall, by any manner of force, fraud, menace, or intimidation, prevent or attempt to prevent any voter from attending any election or from freely exercising his right of suffrage thereat, shall be guilty of a misdemeanor, punishable by a fine of not over $1,000 or by confinement in the county jail for not over 1 year, or both, in the discretion of the court (sec. 164).

Threat of violence: Any person who shall directly or indirectly, use or threaten to use force, violence, or restraint, or shall inflict or threaten to inflict injury, harm, or loss, or other form of intimidation on any person in order to induce him to vote or refrain from voting or on account of his having voted or refrained from voting at any election, or who shall by abduction, fraud, or duress, prevent or impede any voter from exercising freely his right of suffrage or shall thereby compel him to either vote or refrain from voting for or against any particular candidate or measure, shall be guilty of a misdemeanor, punishable by a fine of not over $10,000, or by confinement in jail for not over 1 year (sec. 191(c)).

Coercion by employer: Any employer, whether individual or corporation, who prints on pay envelopes of employees or on placards, etc., in his establishment, express or implied threats relating to their employment, intended to influence the political opinion or votes of his employees, shall be guilty of corrupt practices, punishable by a fine of from $1,000 to $20,000, or by imprisonment in jail for not more than 1 year, or both (sec. 169(1)).

Any employer shall give any notice or information to his employees containing any threat, either express or implied, intended to influence the political view or actions of his employees, shall be guilty of a misdemeanor, punishable by a fine of not over $10,000, or by confinement in jail for not over 1 year (sec. 191(d)).

WISCONSIN

(Unless otherwise designated, references are to Statutes, 1951.)

Threats: Every person who shall directly or indirectly, use or threaten to use force, violence, or restraint in order to compel any person to vote or refrain from voting at any election, or who shall by abduction, fraud, or duress, impede or prevent the free exercise of the franchise at any election, or shall thereby induce an elector to give or refrain from giving his vote at any election for or against any particular candidate or measure, shall be punished by imprisonment in the county jail for from 1 month to 1 year (sec. 346.17, renumbered sec. 12.52 by Laws, 1955, ch. 696, sec. 160).

Coercion by employer: No employer shall distribute among his employees any printed or written matter containing express or implied threats relating to their employment, calculated to influence the political opinion or actions of his employees (sec. 12.19). Penalties for violation of this provision refer to violations by candidates or their committees (sec. 12.28).

WYOMING

(Unless otherwise designated, references are to Wyoming Compiled Statutes Annotated, 1945.)

Interfering with election: Any person who shall during an election, willfully hinder the voting of others, shall be fined from $25 to $100 (sec. 31-2309).

Misconduct: No person shall attempt to influence the vote of election by means of violence or threats of violence or threats of withdrawing trade, or enforcing payment of a debt, or discharging from employment, or bringing a civil or criminal action or any other threat of injury to be inflicted on him (sec. 31-2312(8)).

No person shall prevent or attempt to prevent any qualified elector from voting (sec. 31-2312(10)).

Violation of these provisions is punishable by imprisonment in the county jail for not over 6 months, or by fine of not over $500, or both (sec. 31-2312(22)).

Mr. President, as I have just stated, these laws are Federal laws to protect voting. The very idea that any person could suggest that any additional laws are needed to protect voting, other than the laws which are on the Federal books now, appears to signify that such a person has not acquainted himself with the existing laws. Existing laws are adequate. If the Attorney General does not enforce the law, or if the proper Federal officials do not enforce the law, that is another matter. But so far as the laws to protect voting are concerned, it is clear that ample laws are now on the books.

My staff did research on this question and, in addition, we had the Library of Congress do research. The Library of Congress has compiled this list of Federal laws which prohibit discrimination in voting.

It seems to me that if anyone will take the time to read the Federal laws on the subject he cannot question that adequate Federal laws now exist to protect the right to vote.

As I stated in the beginning, there is no question about the existence of adequate laws to protect the right to vote. The simple fact is that in this election year both parties are vying with each other to try to gain the minority bloc vote. It seems that both parties are willing to override the Constitution, to usurp the rights of the people, and to deprive individual citizens of their individual liberty and justice in order to attain political ends. It is completely disgusting and nauseating.

I hope that some day the American people will wake up to the fact that civil rights bills are purely political bills.

Mr. President, in addition, every State has laws to protect the right to vote. Alabama, the first State, alphabetically, in the list has ample laws to protect the right to vote; and we can say the same of the laws of Alaska, Arizona, California, Colorado, and right on down the list.

In addition to the Federal laws, I hold in my hand at this time a batch of laws that weighs several pounds—laws that are on the statute books in every State in the Nation, to protect the right to vote.

There is no excuse to pass this so-called civil rights bill. There is absolutely no necessity for it. There is absolutely no need for it. The Federal laws and the State laws are adequate to protect the right to vote. If anyone is deprived of the right to vote, he can contact the appropriate officials of his State and can demand their assistance in enforcing his right, and he will be able to exercise that right. Or, if a person claims that he will not be able to obtain State assistance he can request the U.S. Attorney General to bring a suit for him at no cost, and an injunction will be issued for his benefit, if his claim is meritorious. In addition, he can file a civil suit against anyone who tries to deprive him of his right to vote. He can obtain damages by means of such a civil suit.

Mr. President, every citizen of the United States has the right to vote, and should vote, and I want to see them exercise the right to vote. I want to see the right to vote exercised in the State of South Carolina.

There must be very few instances in which American citizens do not actually enjoy that right, because all our citizens have recourse to both the Federal laws and State laws. Furthermore, not only can they obtain injunctions, and not only can they bring civil suits for damages against any persons who might try to deprive them of the right to vote, but they can also bring criminal suits against anyone who might try to deprive them of the right to vote. They can even have the Attorney General bring the suit for them under the 1957 Civil Rights Act.

If some citizen says he is afraid to avail himself of these existing remedies, and if it is true that any American citizen who wishes to vote is afraid to pursue the means now available through all the Federal statutes and all the State statutes which now are on the statute books, will not that person also be afraid to make use of the remedies which this bill or any other so-called civil rights bill would provide?

Why keep on piling up more and more laws to give protection to the right to vote, when there already are on the statute books ample laws which give complete protection to the right to vote?

Mr. President, all this is nothing but politics.

At this time I shall not attempt to refer to all the remaining provisions of the bill. I shall refer to them at a later time.

I think the Senate has done a very fine job by removing so many of the obnoxious provisions of the bill. For instance, the so-called FEPC provision of the bill has been rejected. The provisions of the old title III have been rejected. The proposal that the Attorney General have the right to intervene in civil rights suits has been rejected. The proposal for congressional endorsement of the desegregation decision of the Supreme Court of the United States has been rejected. The provision for bribes to schools that desegregate has been rejected. The provision for authority for the Commissioner of Education to take over schools in federally impacted areas has been rejected.

The provisions for the appointment of Federal voting registrars and enrollment officers have been rejected.

The provision with regard to violations of court orders has been broadened to cover all court orders, not merely desegregation court orders.

The provision with regard to bombing has been broadened to cover not only educational and religious institutions, but also other buildings, including factories, plants, and homes, and also vehicles.

Mr. President, I am not too sure that some of those who have been proposing the enactment of this bill will not be sorry when it is passed—at some future date. It may turn out to be a lash on them and on some of their people. They may have intended to punish the South; but it may turn out to be a weapon that will punish other sections of the country and segments of the population that it was not intended by them to hurt.

Mr. President, in spite of the fact that the obnoxious provisions to which I have referred have been eliminated, I still see no necessity for enactment of the bill. There is no necessity for it from the standpoint of voting; and I feel that certain provisions of the bill violate the Constitution; and other provisions of the bill usurp the rights of the States, and are harmful and detrimental, and set bad precedents for the future.

Mr. President, I am now prepared to move that the Senate stand in recess, in accordance with the order previously entered.

Mr. KUCHEL. Mr. President, I wonder whether my friend, the Senator from South Carolina, will defer that motion for a short time. I wish to make a few comments; and I am told that the distinguished Senator from West Virginia [Mr. BYRD] also wishes to make a few comments.

Mr. THURMOND. Mr. President, I shall be pleased to withhold the motion.

Mr. KUCHEL. Mr. President, this long, vexing, and sometimes agonizing debate now draws to a close. Almost 2 months ago the Senate began to debate proposed civil rights legislation. In the long days and the long nights which have ensued, some painstaking progress has been made, while some honorable goals regrettably have been rudely shunted aside. On one occasion the Senate did a complete about-face, and finally decided to make it a crime by mob violence or otherwise to obstruct or interfere with any order of a Federal court. A few days earlier, as you will remember, Mr. President, a majority of the Senate determined that such action ought not constitute a crime.

Some of the debate has been sharp, penetrating, and helpful. Some of it has been just the reverse. Unwarranted abuse has been heaped upon our highest judiciary.

Twenty-four-hour-a-day sessions have produced very little other than semi-exhaustion of Senators, except perhaps to indicate the need that, someday, somehow, in some way, honorable modernization of the rules of the U.S. Senate must come about, in order to eliminate these all-night marathons.

The first vote I cast in the Senate in 1953 was against filibusters. The little bipartisan group with which I associated myself on that occasion has grown over the years; and I look forward to a change in our Senate procedures, so that interminable talkathons will not be a part of our legislative process.

If these perfectly ridiculous, continuing, never-ending sessions assist at all in mobilizing public opinion against filibusters, I am bound to say, Mr. President, that answering quorum calls at midnight, and at 2 o'clock in the morning, and at 4 o'clock in the morning, and at 6 o'clock in the morning, and at 8 o'clock in the morning, ad nauseum, will not have been entirely in vain.

I regret that the bill as it is about to pass the Senate a few hours from now will not contain the additional vigor which some of us strenuously tried to write into it. Indeed, less than what President Eisenhower earnestly asked for will be included in the proposed legislation as it leaves the Senate, to return to the House of Representatives.

Nevertheless, I shall support the bill on the question of final passage. I shall do so because it represents progress toward fruition of the age-old American maxim of equal justice under law—a truth, incidentally, for all mankind faithfully to follow if the world is finally to emerge intact from the travail and the dangers through which she now passes.

As I have said, the bill represents progress. Obstruction of court orders and attempts to frustrate judicial decrees will be made Federal crimes, as such contemptible acts—almost of anarchy—should surely be treated. Destruction or attempts at the destruction of schools or churches or homes or other buildings, and then fleeing across State lines to avoid prosecution, will be made, under the provisions of the bill, Federal crimes, also.

Under pain of criminal penalty, election records will be kept 22 months after elections, to deter willful or corrupt attempts to contaminate the elective process.

The Civil Rights Commission will be given authority to administer oaths to witnesses who appear before it.

The bill includes a provision to help children, black or white, of American military personnel who are stationed in areas where public schools have been abruptly closed.

And, last, the power of the Federal judiciary will be made available, under the bill, to assist American citizens in exercising their constitutional right to register and to vote, if because of their race or color, they have been unconstitutionally prevented from doing so.

It is not my purpose here to retell any of the shocking documentation, by the President's Civil Rights Commission, of wholesale, illegal denials to qualified Americans of their voting rights in some melancholy parts of this Union of ours. Suffice it to say, it is a sordid tale. The record is there for all to see. It is a record, Mr. President, compiled by a group of distinguished Americans, representing all sections of the Nation and both political parties, appointed to their present responsibilities as members of the Civil Rights Commission by the President of the United States. The Chairman of the Commission is John A. Hannah, president of Michigan State University. The Vice Chairman of the Commission is Robert G. Storey, dean of the Law School of the Southern Methodist University. The other members of the Commission are John S. Battle, former Governor of Virginia; Doyle E. Carlton, former Governor of the State of Florida; Rev. Theodore M. Hesburgh, president of Notre Dame University; and George M. Johnson, former dean of Howard University Law School.

Mr. President, an American's race or color is no reason, morally or legally, for refusing him his right of franchise. That is what the Constitution says. But in this instance the Constitution has, all too many times, been breached and broken.

I devoutly hope that the bill before us will make meaningful the solemn commitment expressed in the 15th amendment and elsewhere; and, Mr. President, I believe it will.

The consideration for 2 months of long days and nights of a single piece of legislation, no matter how intricate the subject matter, is rather a unique spectacle in the Senate. But if the purposes for which we now proceed to validate the Civil Rights Act of 1960 are well served by its provisions, then we shall have gone forward in assuring that what the Constitution says, the Constitution means.

If this proposed legislation becomes law, if voting rights are made more secure by its provisions, and if the cruel acts which it prohibits are thereby deterred, we shall have done a good thing, and the cause of free government of free people will have been immeasurably strengthened and sustained.

LYNDON JOHNSON LEADS IN WEST VIRGINIA POLL

Mr. BYRD of West Virginia. Mr. President——

The PRESIDING OFFICER (Mr. THURMOND in the chair). The Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I recently conducted a poll of some 1,200 Democratic party leaders in my State of West Virginia. The purpose of this poll was to attempt to get an indication as to which Democratic candidate for President, announced or unannounced, might be leading at this particular time. Questionnaires were mailed to the members of the Democratic executive committees in each of the State's 55 counties and to members of the Democratic Party serving in the State legislature. It was economically impossible for me to contact all Democratic leaders in West Virginia, since each questionnaire was mailed under a 4-cent stamp, and a stamped envelope was also supplied to each recipient of a questionnaire, for his or her convenience in replying. The mailing of 1,200 questionnaires, therefore, necessitated the use of 2,400 4-cent stamps. The poll was at my expense, and this factor limited its scope.

The names of five candidates from the Democratic Party were printed on the ballot—Senators Hubert Humphrey, Lyndon Johnson, John Kennedy, Stuart Symington, and Gov. Adlai Stevenson. These names were listed alphabetically.

Those receiving the ballots were to indicate their first and second choices for the presidential nominee and the vice presidential nominee.

Those polled were almost equally divided between men and women; and, with all 55 counties represented, both rural and urban areas took part in the balloting.

The results of this poll were announced on February 29 from my office. The announcement was made when more than 50 percent of the ballots had been returned.

The results were printed as follows:

Senator JOHNSON received 112 first choices for President and 80 second choices. He was followed in the balloting by Senator STUART SYMINGTON, who received 92 first choice votes for President and 91 second votes. Former Gov. Adlai Stevenson, of Illinois, and Senator HUBERT HUMPHREY both tallied 84 first choices for President; however, Senator HUMPHREY received 97 votes as second choice and Stevenson polled 51 such votes. Senator KENNEDY received the nod from 77 of those polled as a first choice. The Senator from Massachusetts received 56 choices as second preference.

Senator JOHNSON also received the most first choices as vice presidential timber. He received 50 votes in this category. Second was Senator HUMPHREY, who received 47 tallies. Next came KENNEDY, with 45 first choices as the nominee for Vice President. He was followed by Senator SYMINGTON with 42; and Stevenson with 30.

Mr. President, since that time, February 29, my office has continued its count.

The ballots counted since the original release total this way:

Senator JOHNSON has received 25 more first choice votes for President, and 14 more as second choice; Senator HUMPHREY was given 17 additional first choice votes for President, and 11 more as second choice; Senator KENNEDY gained 16 more first choice votes and 6 more as second choice; Senator SYMINGTON was chosen as first choice by 15 more of those polled, and tallied 20 more second choice votes for President; and Governor Stevenson gained 11 more first choice votes and 7 more as the second choice.

In this connection, one of the most influential newspapers in my State has commented editorially on LYNDON JOHNSON'S strength. I am referring to the News Register, of Wheeling, W. Va. This newspaper suggests that LYNDON JOHNSON has considerable underlying strength as a presidential prospect. The newspaper also points out that this is due to the confidence he has inspired in the American people.

The editorial is very short. I shall read it:

BUILDING UP

Several straws appearing in the political wind of late suggest that Senator LYNDON JOHNSON, of Texas, may have more underlying strength as a presidential prospect than has been generally supposed.

Some days ago, it will be recalled, West Virginia's Senator BYRD announced the results of a personal poll he had taken among active Democratic workers throughout this State which showed the tall Texan to be the favorite. So unexpected was this result that its accuracy was challenged in some quarters, although nothing has developed to suggest that the poll was anything more or less than it was represented as being—an honest if restricted sampling of opinion.

Now it has developed that two other modest polls taken in Ohio—these among high school students—disclosed the same unexpected JOHNSON strength.

These are, to be sure, trivial incidents, especially when measured against the actual preferential votes Senator KENNEDY has collected and the other tangible testimonials of popularity he and other conspicuous Democratic figures have received. But they may be highly significant. They may be indicative of the confidence Senator JOHNSON has inspired in the American people, Democrats and Republicans alike, because of his ability to work with other people, to bring contending factions together to get things done, his refusal to surrender to extremists of either the right or left, his ability to view the country as a whole and to approach the solution of its problems from a truly one-people point of view.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, April 7, 1960, he presented to the President of the United States the enrolled bill (S. 231) for the relief of Patricia Crouse Bredee.

ADJOURNMENT UNTIL 10 A.M.

Mr. BYRD of West Virginia. Mr. President, in accordance with the order previously entered, I move that the Senate stand in adjournment until 10 a.m. today.

The motion was agreed to; and (at 12 o'clock and 21 minutes a.m.), on Friday, April 8, 1960, the Senate adjourned, under the order previously entered, until 10 o'clock a.m. on the same day.

NOMINATIONS

Executive nominations received by the Senate April 7 (legislative day of April 5), 1960:

NATIONAL LABOR RELATIONS BOARD

Arthur Alden Kimball, of the District of Columbia, to be a member of the National Labor Relations Board for the term of 5 years expiring August 27, 1965, vice Stephen Sibley Bean, term expiring.

DIPLOMATIC AND FOREIGN SERVICE

Leland Barrows, of Kansas, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Cameroun.

COAST AND GEODETIC SURVEY

Subject to qualifications provided by law, the following for permanent appointment to the grade indicated in the Coast and Geodetic Survey:

To be ensign

William G. Stokes.

GOVERNOR OF CANAL ZONE

Maj. Gen. William A. Carter, O18023, for appointment as Governor of the Canal Zone, under the provisions of title 2, section 6, Canal Zone Code, vice Maj. Gen. William E. Potter, whose term of office will terminate June 30, 1960.

HOUSE OF REPRESENTATIVES

THURSDAY, APRIL 7, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Psalm 147: 5: *Great is our Lord, and of great power; His understanding is infinite.*

Eternal and ever-blessed God, something deep and haunting within our minds and hearts compels us to turn to Thee in prayer although we cannot understand its meaning and measure its power.

We acknowledge penitently and humbly that in our human experience there are sins of omission and commission which only Thy mercy can pardon; sorrows that only the consolations of Thy grace can heal; questions which Thy divine wisdom alone can answer, and problems which Thou alone canst help us solve.

May we enter and go forth upon each new day trusting in Thee; keeping pure and undefiled the sanctuary of our souls; and going about doing good as our Master did.

Grant us, we beseech Thee, that discipline and sense of direction which we so sorely need, if we are to live the life of filial fellowship, of inner sanctity, and of fraternal service to humanity.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced

that the Senate had appointed the Senator from Washington, Mr. JACKSON, as a member of the National Outdoor Recreation Resources Review Commission, in place of the Senator from Oregon, Mr. Neuberger, deceased.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 9331) entitled "An act to increase the authorized maximum expenditure for the fiscal year 1960 and 1961 under the special milk program for children" disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ELLENDER, Mr. HOLLAND, Mr. HUMPHREY, Mr. PROXMIRE, Mr. AIKEN, Mr. YOUNG of North Dakota, and Mr. HICKENLOOPER to be the conferees on the part of the Senate.

APPROPRIATIONS FOR DEPARTMENTS OF STATE AND JUSTICE, THE JUDICIARY, AND RELATED AGENCIES

Mr. ROONEY. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tomorrow—Friday—to file a report on the bill making appropriations for the Departments of State and Justice, the Judiciary, and related agencies.

The SPEAKER. Is there objection?

There was no objection.

Mr. BOW. Mr. Speaker, I reserve all points of order on the bill.

PROGRAM FOR BALANCE OF WEEK AND FOR NEXT WEEK

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to proceed for 1 minute in order to ask the majority leader if he has any program for the balance of the week and for next week.

The SPEAKER. Is there objection?

There was no objection.

Mr. McCORMACK. Mr. Speaker, for the remainder of the week, upon disposition of the bill pending yesterday, which will be taken up in a few minutes, there will be no further legislative business, and if it is disposed of today we will go over until Monday.

Monday is District Day. There is one bill, H.R. 11415, designates a portion of the District of Columbia as the "Plaza of the Americas." Monday is also the first day of Passover.

Tuesday we have Pan American Day exercises.

Then the State, Justice, and Judiciary appropriation bill for 1961.

On Tuesday there is a primary in Illinois, and any rollcalls, because of Passover and the primary in Illinois, other than rollcalls on rules, will be postponed until Wednesday of next week.

On Wednesday of next week we will take up the consideration of H.R. 10474, construction of modern naval vessels.

Thursday: We will adjourn from Thursday until the following Monday, a week from Sunday being Easter. The program for Thursday is undetermined following the disposition of H.R. 10474.

I make the usual reservation that further program will be announced later and that conference reports may be brought up at any time.

With the permission of my friend I will submit a consent request.

Mr. ARENDS. I yield to the gentleman.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that any rollcalls that are requested on bills under consideration on Monday or Tuesday next, other than votes on rules, may be postponed until Wednesday.

Mr. GROSS. Mr. Speaker, reserving the right to object, I recall the experience of yesterday in connection with the passage of a bill on which we could have had a vote Monday except for such an agreement. A quorum call forestalled a vote on that bill.

Mr. Speaker, I object.

Mr. McCORMACK. Mr. Speaker, will the gentleman reserve his right to object?

Mr. GROSS. With the permission of the Speaker, I withdraw my objection and reserve the right to object.

Mr. McCORMACK. The gentleman realizes, of course, that we have a primary on Tuesday. We have an understanding among Members that we are going to enable them to go to their States on primary day. Certainly if there were a primary in Massachusetts, I would be particularly interested, probably more so, the day before the primary than I might be on primary day.

This is something based upon decency. What the gentleman referred to, of course, is something that took place, but it took place under the rules of the House. But certainly we should not abdicate decency among ourselves in regard to primaries, because we realize they are an important part of the political life and institutions of America.

Mr. GROSS. May I suggest to the gentleman that if there is controversial legislation to be called up next week that he schedule it for Thursday so we may have a vote on it rather than let it go over until Monday and possibly deny us the vote?

It is my understanding that the Easter recess has been shortened to the point where those of us who live a thousand miles away cannot possibly go out to our districts for Easter. I suggest to the gentleman that he schedule any controversial legislation for Thursday and Friday.

Mr. McCORMACK. Of course, the legislation to which the gentleman refers came up under a suspension of the rules, and the only day on which suspensions could have taken place was on Monday last. There will not be another suspension day for 2 weeks.

Mr. GROSS. And I have been objecting to the consideration of so many bills under suspension of the rules, I might say to the gentleman.

Mr. McCORMACK. Addressing myself to the element of decency, may I propose——

Mr. GROSS. Mr. Speaker, I still object.

The SPEAKER. Objection is heard.

MINORITY REPORT

Mr. PILCHER. Mr. Speaker, I ask unanimous consent that the minority members on the House Committee on Foreign Affairs may have until midnight tonight to file a minority report to be published with the majority report of that committee on the Mutual Security Act.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

CALL OF THE HOUSE

Mr. VINSON. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 42]

Adair	Gubser	Morris, Okla.
Alexander	Halleck	Moulder
Ashley	Halpern	Murray
Barrett	Inouye	Nix
Boggs	Johnson, Colo.	O'Brien, Ill.
Bonner	Jones, Ala.	O'Brien, N.Y.
Bowles	Lennon	Passman
Brewster	McDowell	Powell
Buckley	McGinley	Rhodes, Ariz.
Burdick	Macdonald	Rogers, Colo.
Cahill	Machrowicz	Shelley
Canfield	Magnuson	Sheppard
Casey	Mailliard	Siler
Celler	Martin	Sullivan
Chenoweth	Mason	Taylor
Curtis, Mass.	Metcalf	Teague, Tex.
Davis, Tenn.	Michel	Tollefson
Dent	Miller, George P.	Van Pelt
Diggs	Milliken	Willis
Dowdy	Minshall	Wilson
Edmondson	Mitchell	Winstead
Fenton	Montoya	Withrow
Flood	Morgan	Wolf
Goodell	Morris, N. Mex.	
Grant		

The SPEAKER. On this rollcall 358 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EMPLOYMENT OF RETIRED COMMISSIONED OFFICERS

Mr. VINSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 10959) relating to the employment of retired commissioned officers by contractors of the Department of Defense and the Armed Forces, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 10959, with Mr. FORAND in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the gentleman from Georgia [Mr. VINSON] had 28 minutes remaining, and the gentleman from Illinois [Mr. ARENDS] had 1 hour and 30 minutes remaining.

The Chair recognizes the gentleman from Illinois [Mr. ARENDS].

Mr. ARENDS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, on yesterday when the general debate started on this bill, the able chairman of our committee made a very comprehensive statement as to what was at issue in this particular proposal before us. It was very clear to anyone listening, or to anyone who read it in the RECORD this morning, and they should know exactly what we are considering at this time. Likewise, as we move on this afternoon during the general debate, the gentleman from Texas [Mr. KILDAY] will very thoroughly state the position of the substitute which he has offered as a bill, and the gentleman from Louisiana [Mr. HÉBERT] will make known his position. So that those who are privileged to remain on the floor will have a clear understanding of what is at stake in this proposal, I would hope the final understanding is a little better than it is now. Because of the questions asked, there seems to be a great deal of confusion as to what we are discussing at this time.

Mr. Chairman, I should like to express my approval of the pending bill and the substitute which will be offered by the gentleman from Texas [Mr. KILDAY].

I think all of us are agreed on the objective. Our objective is to enact legislation that will effectively stop any improper use of influence. At all times we must protect the public interest. The question is how this can best be accomplished. We are not even certain that there actually has been improper influence. But, if there has been or will be such influence exerted, we must certainly do whatever is necessary to stop it.

The implication of the hearings held by our subcommittee is that retired officers, and particularly those in the senior grades, have influenced their former colleagues in the Department of Defense to purchase certain items—items that perhaps we did not really need or perhaps were overpriced.

In my judgment an officer on duty who is influenced in this respect is just as guilty, in my opinion, if not more so, than the retired officer exerting such influence. In any deal of this character the man who buys, contrary to the public interest, is as guilty as the man who sells.

If there are retired officers involved in such operation I am confident——

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. ARENDS. I would prefer not to yield until I have completed my statement.

Mr. HÉBERT. I just wanted to ask the gentleman to read the last sentence again; I did not quite get it.

Mr. ARENDS. Yes; I shall be glad to: "In any deal of this character, the man who buys, contrary to the public interest, is as guilty as the man who sells." That I believe.

Mr. HÉBERT. That is right.

Mr. ARENDS. If there are any retired officers involved in such an operation, I am confident that they constitute only a small part of the whole problem. There are civilians in positions of importance who held public positions of importance who must also be involved. The full extent or the exact nature of this problem we do not really know. The accusations have been largely surmise and the evidence largely hearsay. We are told that maybe something took place, or that possibly something happened, or that it looks as if something might have happened, or that things are not quite as they should be.

On the basis of nebulous charges I do not believe we should go so far as to add a new provision to the Criminal Code to single out retired officers. I certainly believe that we must do whatever is necessary to prevent the possible use of undue influence by retired officers. At the same time, we should not take such severe or punitive action as to deny them the right to use their expert training, or to deny our defense industries the benefit of their knowledge and skill with respect to defense needs.

I believe that our committee approaches this problem in a reasonable manner. I support the committee position which deprives a retired officer of retired pay, or makes him subject to court-martial, and which requires the publication of his name so that the public may know who is employed by what specific industry. But I cannot support a proposal that would subject a retired officer to the criminal code and forces him to be no more than a night watchman in a defense plant.

We seek to prevent improper influence of any kind in defense procurement. That we should do, and that we must do. But because a person at one time served our country in a uniform, served well and honorably, should not be suspected of improper influence simply because he is employed by a defense industry. It is my considered opinion that the committee has, in the law it proposes, dealt firmly with the problem.

My first duty is to the people of the United States. My first obligation is to the public interest. In fulfilling this duty we must be fair, just, and reasonable, never vindictive and emotionally punitive. That is the question here. And I sincerely believe that the Committee on Armed Services, and the substitute bill to be offered by the gentleman from Texas [Mr. KILDAY], makes a truly sound approach to this whole matter. It has my support. It presents a fair and effective method of preventing such improper influence as a retired officer may use or attempt to use.

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Louisiana.

Mr. HÉBERT. Mr. Chairman, I would appreciate it if the gentleman would inform the Committee as to the position of the administration on the amendment which I propose to offer.

Mr. ARENDS. Will the gentleman tell me what information he has in that respect?

Mr. HÉBERT. The information I have in that respect is that the administration accepts my amendment. They also notified the gentleman that they accepted the amendment, they notified the gentleman from Indiana [Mr. HALLECK], minority leader, that they accepted the amendment, and a staff member of the Committee on Armed Services, that they accepted the amendment.

Mr. ARENDS. My understanding is that the administration voiced no objection to the gentleman's amendment, at the same time not saying whether or not they approved the Kilday substitute. If I recall correctly, no inquiry was made as to whether or not they approved the Kilday substitute.

Mr. HÉBERT. They could not possibly do it because there is a new addition every hour.

Mr. ARENDS. My information was to the effect they voiced no opposition to your position, neither did they endorse it.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ARENDS. I yield to the gentle- from Iowa.

Mr. GROSS. There are four bills on this same subject at the Clerk's desk, and I think the gentleman is acquainted with them. For the enlightenment of the Members of the House will the gentleman tell us what we have under consideration here, and what we may have under consideration as a result of these four bills?

Mr. ARENDS. What we are going to have under consideration, of course, is the Kilday substitute.

Mr. GROSS. Which one would that be?

Mr. ARENDS. The last one, dated April 5.

Mr. GROSS. There are two bills by the same author.

Mr. ARENDS. That is right. It is the last one dated April 5, H.R. 11576.

Mr. KILDAY. Mr. Chairman, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Texas.

Mr. KILDAY. It is true that there are a number of bills pending. I wish the gentleman from Iowa would let me have those bills so that I can explain them by number.

Mr. ARENDS. That is the last bill, which is dated April 5.

Mr. HÉBERT. The last one was dated as of when?

Mr. ARENDS. April 5.

Mr. HÉBERT. That is the most recent one?

Mr. ARENDS. That is right.

Mr. KILDAY. Mr. Chairman, the bill being considered under the rule is the bill reported by the committee, that is, H.R. 10959. I stated on the floor yesterday that at the proper time I shall offer a substitute for that bill, and it would be the language contained in the bill H.R. 11576 which I offered on April 5.

It is true that there is another bill bearing my name and offered on April 4. That came about in this way: I offered that so that it would be in print and available to the Committee on Armed Services when the matter came before that committee. When we came before the Committee on Armed Services, the committee made some changes in my text, whereupon I offered the bill as

changed by the committee so that it would be available in print on the floor. So what I will offer is H.R. 11576.

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Louisiana.

Mr. HÉBERT. As I understand it, the gentleman from Texas will offer H.R. 11576 to H.R. 10959. That will not be a substitute, it will be an amendment to H.R. 10959 by striking out everything after the enacting clause and substituting the language of H.R. 11576.

Mr. KILDAY. It would be in the nature of striking out all after the enacting clause and inserting the language of H.R. 11576.

With regard to the parliamentary situation, I am not qualified, nor would it be proper for me to comment on it, because that is a matter within the jurisdiction of the Chairman of the Committee of the Whole House on the State of the Union.

Mr. HÉBERT. I appreciate that, but I am giving my opinion as well as the gentleman from Texas is giving his. And, answering the gentleman from Iowa, after the gentleman offers H.R. 11576, I shall offer as an amendment the contents of H.R. 11474, which will be not a substitute but an amendment to H.R. 10959, and that will be the order.

Mr. ARENDS. I think that makes it real clear to the gentleman from Iowa.

Mr. VINSON. Mr. Chairman, I yield 30 minutes to the gentleman from Louisiana [Mr. HÉBERT].

Mr. HÉBERT. Mr. Chairman, today I come almost to the end of a long road, a road which had its beginning last June on the floor of this House. It has been a long and tenuous road; it has been a road filled with obstacles and pitfalls. But, I would feel remiss if I did not trace the history of the building of that road before discussing the merits of the proposal which I will offer from the subcommittee which I have the honor and privilege of representing.

Mr. Chairman, I do not take lightly the great honor or the respect which I believe I enjoy in this House. I am jealous of that respect. I am jealous of the respect which this House has for the committee which I have headed for 10 years, since its inception, minus 2 years when the distinguished gentleman from Ohio, Mr. HESS, was the chairman. During those 10 years, working as a team, the committee has established a record which speaks for itself and which every member of that committee, I am sure, can well be proud of. I do appreciate the kind remarks made by the gentleman from Indiana yesterday and the gentleman from Ohio. And, the committee appreciates them.

I recognize, too, that last year when the so-called Santangelo amendment came to the floor of this House and was defeated by a scant 20 votes, it was defeated on the promise that the committee, which I head, would investigate this matter in its entirety and report back to the House its findings. It was a great compliment to the subcommittee and a great compliment to me as chairman of that committee to be entrusted with this particular investigation.

Under the direction of the distinguished and able gentleman from Georgia [Mr. VINSON], to whom I am personally devoted, I was given instructions—and what I am about to say, again, is very important—I was given instructions to hold the hearings and to come out of that subcommittee with a tough bill. I have attempted to discharge those instructions from my distinguished chairman, as I have done during the 18 years I have served with him under his direction.

The committee conducted hearings for some 2 months. Every Member of this House and of the other body was invited to come before the committee and present any evidence which he had. Every newspaperman who had written that he knew of such alleged infractions of the proprieties was invited to come before the committee and tell what he knew. Numberless retired officers of the highest rank were called before the committee. Many members of industry were called.

After these extensive and exhaustive hearings, the committee then deliberated as to the nature of the report which it would make and had the advice of the chairman, the gentleman from Georgia, as to the type of legislation he would propose. At the request of the gentleman from Georgia, the committee invited the gentleman from Texas to sit in executive session with the committee, in order that he would be fully familiar with the thinking of the committee and the type of legislation it intended to propose.

In January a report was issued. I introduced a bill, which became H.R. 9682, which attempted to carry out the instructions of the subcommittee. The report of the subcommittee was unanimously adopted and signed and approved by the chairman of the full committee. The report adopted then, on suggestion of the subcommittee, was then submitted to the full committee in regular procedure. It was the subcommittee's understanding that Mr. KILDAY's subcommittee would hold hearings on the bill, it being a legislative committee, and that it would refine the language in the bill. At no time was any member, including myself, wedded to the language of that bill.

The bill was brought before the full committee instead of Mr. KILDAY's subcommittee. Assistant Secretary of Defense Finucane appeared in behalf of the Department of Defense and endorsed the strong bill which I had introduced under the direction of the chairman of the full committee.

Then came the construction bill for the military and hearings were suspended. The next hearings were held on March 3. Keep in mind, I am referring still to the same bill. The chairman of the full committee was enthusiastic in the support of that bill, I might say very hot about it—sizzling in supporting the bill. The only criticism he had of that tough bill was that it did not go far enough. I quote his language from the hearings on page 3555. The gentleman from Georgia said this: And keep in mind he said this of the tough bill, with the criminal penalties in it. He said:

This is a good bill. And it doesn't accomplish very much. But it is designed to at least slow down a practice which is now subject to a great deal of criticism.

It caused him further to state:

Now, I have read this bill carefully. I studied it yesterday. And I have known about this hearing for a long, long time—ever since it commenced.

Now, I think this bill is necessary and I think the way the committee approached it is on sound ground. And I think every member of the committee can understand it.

That was on March 3. Then came the snows, as you recall. We were snowed out and could not hold any further hearings until the following Monday, March 7. As hot as was the chairman on March 3, just so cold was he on March 7. He thawed out with the snow. To my surprise, without warning, except a few minutes before the hearing began, he caused the committee to strike out, to pull all of the teeth out of the pending legislation and said the penal provision had no part in the bill.

I was taken aback. I should not have been. I have served with the chairman for 18 years and I know his ability and his agility to change. Of course, I am devoted to the chairman. He has taught me many tricks which I will try to pull on him in this debate. I can only say to him in the words of Shakespeare, "You teach me, I teach you, and I will better the instruction."

I do not expect my distinguished and beloved chairman to be as constant as the Northern Star. That would be asking too much, I know that. But if he would only be as constant as the changing tides, I could at least predict them.

In my own words, the bill was gutted. The chairman then asked me on behalf of the committee to introduce the legislation which is now before you for consideration, which I did. Then when the bill came up for a vote, I gave the committee an opportunity of voting on the chairman's own language. I shall not read in toto what the chairman proposed, but I shall ask permission of the House to insert it at this point in the RECORD:

Title 18, United States Code, is amended by adding a new section as follows:

"SEC. 292. Whoever, being a retired commissioned officer of the uniformed services not on active duty, retired after having completed twenty or more years of active duty, within two years after his retirement, knowingly sells, or assists in selling, any article, including the parts thereof, in which the officer was directly connected within five years immediately prior to his retirement, to any department or agency of the Department of Defense; or recommends or suggests, to any person in any department or agency of the Department of Defense, the purchase of any article or part thereof in which the officer was directly connected within five years immediately prior to his retirement; or communicates in any way with any person in any department or agency of the Department of Defense in connection with any article or part thereof manufactured by or capable of being manufactured by any person or corporation from whom such officer receives compensation for services performed shall be fined not more than $10,000, or imprisoned for not more than one year, or both."

SEC. 2. On and after the effective date of this Act, the Dual Employment Statute of 1894 shall not be held applicable to any retired officer of the uniformed services.

SEC. 3. Section 212(a) of the Economy Act, approved June 30, 1932, 47 Stat. 406, is hereby repealed.

SEC. 4. Section 6112(b) of title 10, United States Code, is amended to read as follows:

"If a retired officer of the uniformed services, including the reserve components thereof, is engaged for himself or others in selling, or contracting, or negotiating to sell supplies or materials of any nature whatsoever to the Department in which he holds a retired status, he is not entitled to any payment from the United States while so engaged."

But it was interesting to find out exactly what had happened, because here is a letter I received from the chairman on November 4; not from the chairman, from Mr. Blandford, counsel for the committee:

DEAR EDDIE: The chairman has asked me to write you concerning your letter to him dated October 30, 1959, in which he agreed to make available to you the material, studies, and bill which he proposed on retired officers and conflict-of-interest hearings your subcommittee held.

Listen to this:

The chairman has discussed this matter with me on several occasions and has also discussed the matter with Mr. KILDAY. The suggestions that the chairman and I worked out together—

This tough bill with criminal penalties—

were given to Mr. KILDAY for his comments. He will return to Washington shortly, and we will get together with you or John on the whole problem if this meets with your approval.

On this I have written a memorandum to Mr. John Courtney, the counsel of my committee:

JOHN: See Russ and get a copy of the proposed bill so we can consider it together with our other proposals. Tell Russ I will talk with him when I get to Washington but get the proposed bill immediately.

So I gave the full committee an opportunity to vote on this language of the chairman. I gave the chairman a chance to support himself. I told him at that time I would not repudiate him, he could repudiate himself, but I would not repudiate him. I stood with my chairman. On the rollcall I got four votes, the chairman leading the way and reversing his position.

Now let us find out why we are in the particular position we are today and what has happened since then. Let me say this, that now we are almost to a point where the committee has fully capitulated to my original thinking, which has never changed. I must again go to the Bard of Avon to say that the committee is perhaps in the position where the advice Hamlet gave his mother applies:

Confess yourself to heaven, repent what is past, avoid what is to come.

The committee on last Tuesday to all intents and purposes did confess to the general public that it was in error. It did repent, in putting some teeth into a new version. Of course, they are only baby teeth, but at least they are teeth, where there were no teeth before. And it bears out the expression I just gave you, "Avoid what is going to happen"—avoid the future, because the committee is fully cognizant of the proposition before this House today and it is up to the committee and the Members of the House to come either to grips with the issue or else to avoid the question.

Now, I want to say this: There is no use of my discussing the matters which were discussed as to what we are being called upon to do at this time. I think I can best tell you the situation that we are now in by reading an editorial from the Washington Post of this morning. This appeared in this morning's newspaper and brings into focus the situation we are faced with now. The editorial is as follows:

A PENALTY TO SUIT

There appears to be substantial agreement in the House that retired military officers ought to be barred for 2 years from taking selling jobs with defense contractors. The obvious good sense of such a bar to influence peddling hardly needs elaboration. But if the Members are indeed prepared to embrace the principle, it is difficult to understand the heated opposition, in some quarters, to the legislation of penalties that would put teeth into the measure. It is impossible to avoid the inference that those who have opposed Representative F. EDWARD HÉBERT's proposal of criminal penalties are less than zealous about the reform itself.

Mr. HÉBERT, it may be assumed, has not challenged the usually all-powerful chairman of the House Armed Services Committee, Mr. VINSON, upon mere impulse. The Hébert subcommittee's extensive inquiries into military influence peddling apparently persuaded that group of the need for stern measures to prevent abuses. We think the House ought not to treat lightly the subcommittee's soundly fashioned conclusions. It ought to adopt penalties commensurate with the considerable public interest in the fair and clean conduct of military procurement.

Mr. Chairman, I subscribe entirely to that sentiment.

Mr. BECKER. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I yield.

Mr. BECKER. Does the gentleman always subscribe to the policy in the Washington Post editorials?

Mr. HÉBERT. I disagree with it 90 percent of the time, but I subscribe to this. Of course, I do not know what that has to do with the argument, but it is a nice remark and it was made at a good time for me to make an expression of my independence. Thank you.

Mr. Chairman, the House now has before it, as the gentleman from Texas [Mr. KILDAY] said so aptly and so well yesterday—just one issue, between those of us who think there should be a civilian court as against a court-martial trial. I am in full accord and in full agreement, but there is only one hitch, however.

Will this House be allowed to work its will and vote on that issue? The gentleman from Texas says we have an issue and at the proper time, unless I am misinformed, he is going to object to the House considering the second issue. So you will have only one name on the ballot, his side of the issue, and you will be prevented from voting on the other side, the same as if you removed a man's name from a ballot on technicalities, and do not let the people select.

But there is something more involved in this particular issue than the trial by court-martial as compared to a trial by a civilian court. I asked the gentleman from Illinois [Mr. ARENDS] to repeat a statement he made on the floor a few moments ago. Paraphrasing what he said, the buyer or contractor was as guilty as the individual. I think that is correct. In other words, the contractor who hires an officer to use his influence is as guilty as the officer who hires out his influence. He could not be more right. He could not be more right, but does the proposition which Mr. KILDAY will offer take care of that contractor? Oh, no. He treats the officer as a potential criminal and allows the contractor to go scot free. I am not for discrimination. I want them treated alike. I want both of them to have equal justice. But how can you get into a court a civilian through a military court-martial? The only method you have is a civilian court, and through the history of courts-martial if there has ever been a time that a military court-martial has been held on a retired officer for violation of a civil act, it has not been brought to my attention. Certainly I have heard of no general or admiral being court-martialed. What would a military court-martial be for a general or an admiral? Just an old class reunion.

I only asked that the civilian and the retired officer be tried in the same court that you and I are tried in. I ask that he be tried in the same court that a lawyer or a doctor or an engineer or any other citizen be tried in; not given special service as somebody who has to be specially selected.

I can only judge the future by the past. It was mentioned yesterday in a question propounded by the gentleman from Mississippi [Mr. WHITTEN] to the gentleman from Texas [Mr. KILDAY] as to the Bahama incident, and I think Mr. KILDAY replied they were active officers. What is the difference? An active or a retired officer? He also mentioned the name of Mr. Doerfer. Very interesting, because it now gives me an opportunity to comment there. What are we to expect from the military? A subcommittee uncovered what was going on in the Bahamas whereby the Martin Co. of Baltimore was entertaining on a lavish scale both active and retired officers, among whom were some who within 30 days would appear before the Appropriations Committee in support of contracts which included parcels for the Martin Co. I can only give you the facts. I can only say to you that when Mr. Bunker became president of the Martin Co. it was on the verge of bankruptcy. Today the Martin Co. is No. 2 on the defense contract list, and

paid a dollar more per share, while the Douglas Aircraft was losing $93 million. The Martin Co. does not do a dime's worth of work for private business. Every nickel comes from the Government in subsidies. Why should they entertain their only customer, the people they do business with? I do not know whether there is anything wrong. I am going to give you the record. Mr. Doerfer's name was injected into this debate. I am wondering if we do not have some sort of double standard that the military do not want to be treated like anybody else. There are 14 appointments by President Eisenhower who have resigned since he became President because they accepted entertainment from people with whom they had contact. I have heard no reprimand of anybody who went on the Bahama trip.

I have not heard a peep out of the Pentagon. Is this the double standard we talk about?

Again, can you not envision what would happen? Here these officers flying in a Martin-owned plane which the Government, of course, provides as a result of Government contracts, or a military plane, flying down to the Bahamas and passing over Biscayne Bay; and down there floating in the beautiful water the great yacht, the palatial yacht owned by Mr. Storer, and sitting on deck they could see Mr. Doerfer taking his drinks. They looked down and at least one of them must have said: "There, but for the grace of God, go I." The only difference was the wearing of the uniform.

I think the contractors are equally guilty and I pay tribute to the distinguished gentleman from New York [Mr. SANTANGELO] for bringing that particular feature of the proposal to the attention of this House. He was the first to bring it to my attention. To it I completely subscribe.

That is the purpose, that is the issue. But the distinguished gentleman from Georgia yesterday wept tears of bitterness because we dare provide a law which would stigmatize the man in uniform. Oh, he threw his hands up as only he can. "What do you want to make out of these people? Criminals in a civilian court?" And he told us how tough the court-martial law would be. I just wondered as I was thinking overnight trying to brush back my tears, I was just wondering what description would he give to the inmates of the military penitentiaries—and they have some, you know—would he say they are angels on sabbatical leave? Would he say that the only criminals are to be found in the State penitentiaries? Let us all be tried in the same courts subject to the same rules, subject to the same regulations. That is the issue here.

Will you be able to decide that issue? That is the question, and it is a big question. At the proper time, as I have told you, I will offer an amendment which I will not read at this time because you already know what it is, and that is to make the contractor equally guilty with the officer and be triable in the same court.

Mr. Chairman, I ask permission to insert my amendment at this point in the RECORD.

The CHAIRMAN. Without objection it is so ordered.

There was no objection.

(The amendment referred to follows:)

Amendment offered by Mr. HÉBERT to the pending amendment offered by Mr. KILDAY: On page 2 strike from lines 2 through 17 and substitute the following:

"It shall be unlawful for a retired commissioned officer of an armed force of the United States (other than an officer who served on active duty for less than eight years and whose primary duties during his period of active duty at no time included procurement, or supply) within two years after his release from active duty to receive or agree to receive compensation or anything of value for any service rendered or to be rendered by himself or for another person, with respect to any transaction of selling or aiding or assisting in the selling of anything to the Department of Defense or an armed force of the United States.

"It shall be unlawful for any person to employ such a retired commissioned officer, within such a period of time, for the purpose of selling or aiding or assisting in the selling of anything of value to the Department of Defense or an armed force of the United States.

"Whoever violates any provision of this section shall be fined not more than $10,000 or imprisoned for not more than one year, or both."

Mr. HÉBERT. Do you think you are going to be able to vote on that? I am well informed that a point of order will be made against the amendment. Let me give you some of the facts.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I yield.

Mr. JONAS. Many will not read the RECORD tomorrow.

Mr. HÉBERT. If the gentleman prefers me to read it now, I will.

Mr. JONAS. Does that relate to page 5?

Mr. HÉBERT. Page 5, section 4.

Mr. JONAS. Which runs through line 21?

Mr. HÉBERT. It is section 4. It amends the Criminal Code. The difference is a matter of language; the issue is not changed.

Mr. GROSS. H.R. 11474?

Mr. HÉBERT. That is correct. I am told it is against the rules of the House. Who makes the rules of the House? The House. There is nothing magic or mysterious about that. It was Richelieu who said: 'Remember he who made can unmake'; and yesterday in this very well we saw the rules unmade, and very properly so.

The gentleman from Iowa and the distinguished gentleman who occupies the chair at this time spoke out of order on yesterday with the permission of the House. It was a technical position that they had to take. Now, the same thing prevails and will prevail when my amendment is offered. The House makes its own rules. And when I offer the amendment the House can allow the amendment to be in order if an objection is not raised.

Who among you on this side, who over on that side, will rise up in this House when that amendment is offered and tell you, "You cannot vote on it because of a parliamentary technicality"?

That is the issue. "I will not allow you to express your opinion, I alone stand between you and this House, and I will not let this House work its will."

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. ARENDS. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. HÉBERT. Who among you would stand up and make that statement? Who will say that and block consideration?

We were told a lot about the fact that this is not our jurisdiction. I am sorry I do not have the communication here I wanted to read, but I will tell you in essence, and I am sure it is correct. When the distinguished chairman of the Committee on Civil Service protested to the chairman of the Committee on Armed Services that this matter was out of the jurisdiction of the Committee on Armed Services, the chairman replied and stated: "All right, we are going to give you a little time to do something about it. If you do not do anything about it, then we are going to do something about it."

Does that change jurisdiction? Because the other man fails to operate you take jurisdiction?

And I want to say something else right here. Twenty years ago when I came here I was introduced to the greatest amount of labor legislation I had ever seen in my life. Do you know where that labor legislation was being written? In the Committee on Naval Affairs under the distinguished gentleman from Georgia.

Oh, no; you do not have jurisdiction when you do not want to take it, or when you do not want to allow the House to work its will.

Mr. Chairman, I hope I have made the situation quite clear. I hope that I have brought into focus exactly what we are confronted with. We either want to treat the contractor and the man in uniform alike, make them equally guilty of wrongdoing if there is wrongdoing, and the committee has admitted that there is wrongdoing, or we do not. They have adopted my language. Incidentally, the amendment which the gentleman from Texas [Mr. KILDAY] will offer is not so far off. There are seven or eight words changed in one paragraph of the amendment which I have and a new section put in. Everything else is exactly what I proposed.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from North Carolina.

Mr. JONAS. Will the gentleman say that the Kilday substitute, H.R. 11576, is an improvement over the committee bill, H.R. 10959?

Mr. HÉBERT. Oh, yes. The committee bill that I introduced was a license to practice. This new bill makes it unlawful. I have identified them and I

treat them alike. They confess themselves to heaven and repent for what has been done in the past.

Mr. JONAS. The gentleman says that his amendment is an improvement over the Kilday substitute in the two respects he has mentioned?

Mr. HÉBERT. Yes; we subject them to trial by competent civilian courts. The gentleman from Texas does have teeth in what he proposes, but they are baby teeth. I want to give you good, strong, masculine teeth that will do something about this business.

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

Mr. VINSON. Mr. Chairman, I yield 18 minutes to the gentleman from Texas [Mr. KILDAY].

Mr. KILDAY. Mr. Chairman, I know of no bill that has come before us which should have less emotion about it, or involve less appeal to prejudice or less personalities than that now under consideration. Unfortunately those have been injected here. I think, of all bills I have seen over a very considerable period of time, that this is one where we need to approach objectively and analytically. Of course, it has become very evident in the remarks made by the gentleman from Louisiana that feeling has developed between the gentleman from Louisiana and the gentleman from Georgia [Mr. VINSON], the chairman of our committee. This I regret very much. I submit, however, that it would ill become this legislative body to legislate on what might arise by way of prejudice or from some personal irritation or personal conflict which has arisen between two excellent, outstanding gentlemen who have served on this committee together for many years. The gentleman from Louisiana served for 18 years. The gentleman from Louisiana is entitled to a tremendous amount of credit. He was designated by the chairman of the committee some 10 years ago to handle the functions of the committee with reference to investigations. In doing so the chairman of our committee passed over the heads of some 8 or 10 other members with more seniority who would have liked to have had that position, but he chose the gentleman from Louisiana, and time has proven that the chairman's judgment was right, because the gentleman from Louisiana has done an excellent job in that connection.

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield to the gentleman from Louisiana.

Mr. HÉBERT. I just want to say, and make it very emphatic, that there is certainly nothing personal in this between my beloved chairman and myself. We have been friends for years, and I hope to continue to merit his long friendship. He is a distinguished American; he is a great man in my book, and after this I will go back to him and find out where I have made mistakes, and I am sure he will tell me.

Mr. KILDAY. I agree with the gentleman's remarks with reference to the gentleman from Georgia, my chairman for many years, and I want to say that the gentleman from Louisiana is also an excellent, patriotic, outstanding gentleman. Now, I hope that that takes out of consideration of the bill the major portion of the address delivered by the gentleman from Louisiana, and I hope you will come to that portion of the remarks the gentleman last made, in which he engaged in a colloquy with the gentleman from North Carolina [Mr. JONAS] because there is the only analytical part of this discussion with reference to this matter.

Now, I want to discuss this as calmly and reasonably and fairly and objectively as I know how. It may be that an Irishman from Texas cannot do any of those things, but I will try to come as near to that as it is possible for that type of individual to do. A situation developed, most unfortunately, but a very improper situation developed with reference to the employment of high-ranking military officers by military contractors. It came on the floor of the House, as the gentleman from Louisiana said, last June, and the House pretty definitely expressed its attitude toward that type of conduct, and the chairman of the Committee on Armed Services referred the matter to the gentleman from Louisiana [Mr. HÉBERT] and his subcommittee for investigation. They conducted hearings, as was stated, for about 2 months. They received a great mass of evidence indicating the situation. And, after they had completed their hearings, they sat down and wrote a bill. It is true that I sat with the committee in executive session as a member of the committee but not as a member of the subcommittee. I sat there without vote in that subcommittee.

I sat there actually against my better judgment and over my mildly expressed protest, because this is not my first year here. I found that a Member of Congress who sits in a committee where he does not have a vote is in a pretty bad situation, because he takes on responsibility without any authority. I knew exactly where I was sitting when I was there. Anyway, the subcommittee came out with a bill, and if you want to get the hearings before the full committee, when the Hébert bill was reported, you can follow along what I am talking about; because the bill which was reported to the full committee by the Hébert subcommittee is printed in the beginning, on the first page. And if you read along there you will find that that very first section, which is section 1601, is, line for line, the substitute that I have offered here. The subcommittee, under Mr. HÉBERT's guidance, did an excellent job in that regard.

You will find that the next provision with reference to the enrollment of retired officers is, word for word, my substitute, as it is in Mr. HÉBERT's bill, as carried in the hearings on the bill.

Now as to the question of registration: This was an idea thought up by the Hébert subcommittee and it is an excellent idea. It is the heart of the bill. It is the one the gentleman from Louisiana [Mr. HÉBERT] should have proclaimed here and claimed credit for because he is entitled to a great deal of credit for having devised a system of registration. There is where this bill is going to be effective when it becomes law.

The supposition is—and maybe it is true—that military contractors have been sneaking around and employing high-ranking retired officers to sneak into these military departments and deal with their former comrades in arms to their advantage. And that is the thing we want to prevent. How many of them are going to be employed when they must file in the registration office which this bill creates? That retired officer has got to go to the Pentagon and file a statement that he has gone to work selling for a man who is selling to the military departments. When the contractor bids he is going to be told that if he gets an award he must submit a list of all the retired people that he has in his employ. So when he gets an award he then files a statement not only of the retired people engaged in selling—this is Mr. HÉBERT's language and it is excellent language—he files the name of every retired individual in his employ. That is the effective part of this proposal. The criminal penalty comes in for that rare bird, if he exists, who is without regard for the law and is willing to violate the law and take his chances on avoiding the penalty. But that is not going to exist here. People who employ retired men for the influence that they can bring to bear are not going to employ one of them when the law says that it shall be unlawful for a military man, within 2 years after leaving office, to accept employment in selling. He is not going to be employed to peddle influence when it is made against the law. His name is on the register. His name must go into the bid proposal. And his name must be submitted when the contract is awarded.

Mr. Chairman, let me say this. There has been some question here about the coverage of those engaged in selling, and things of that kind. The language which is in the bill reported by the committee is the language used by the Hébert subcommittee in reporting to the full committee. It is identical. The point is this. When you first approach this problem you say, "Why, of course, a former officer ought not to be working for a defense contractor." Then someone says, "Well, how about the young lieutenant, the infantry brigade combat commander, would you include him in that?" "Oh, no; he ought not to be included. We will take him out." Then you come to the company commander, and you get up to the battalion and regimental commander. They have been out in the field. They have been commanding troops. They do not have any influence in the Pentagon. So you say, "We will take them out."

Then you come to the situation of the electronics engineer serving as an officer in the military. When he is released from active duty he is critically needed in the laboratories of these defense contractors. So you say, "Are we going to

keep them from hiring him and bringing his know-how into the defense effort? No; we cannot include him. We will take him out."

So you just keep taking them out and taking them out. The Hébert subcommittee found that the only way they could deal with it is the way in which they reported it, the way it is included in the bill reported by the committee and the way it is included in the substitute which I shall offer here.

I call your attention to the very first section of any one of the bills you are looking at. The Hébert subcommittee found a solution of the most difficult part of it. It is too bad that a personal disagreement, or whatever it may be, has beclouded the objective, analytical consideration of an excellent proposal.

After you get down to looking again at the hearings before the full committee, after you leave that registration, and so on, the Hébert subcommittee became too enthusiastic and it covered too much territory.

Now let us analyze the rules of the House. They were not written by anybody sitting here. They start with the manual written by Thomas Jefferson and they have come down through the years. We all come here after our various elections, and we come under the rules and we live by the rules. The rules of the House assign jurisdiction of certain subject matters to certain committees and other subject matters to other committees. In their enthusiasm the Hébert subcommittee, when they had reached that point about these offices registering and working in selling, and so forth, then got into foreign fields.

First they got into civil service, and they attempted to legislate on the authority of the Department of Defense to employ retired military officers in order to overcome the limitations of the Dual Employment Act of 1894, which is always within the jurisdiction of the Committee on Post Office and Civil Service, of which the gentleman from Tennessee [Mr. MURRAY] is chairman.

Then, after the subcommittee finished with civil service, they provided that the same restrictions would apply to civilian officials of the military departments for 2 years after they left the military departments.

At the present time you will find that the President is complaining that he cannot find Secretaries and other officials who are willing to come to Washington and comply with the conflict-of-interest statutes, and leave their private businesses or employment, under these restrictions. The great cry is that we cannot get competent men to fill the top spots in the Defense Establishment.

The provision the Hébert subcommittee would have brought in would have done this, for instance—this is a concrete case, it happened recently, we all know about it—it would have prohibited Mr. Neil McElroy from going back to work with Procter & Gamble. He was willing to give up the tremendous income he had as president of Procter & Gamble and come here for a time to serve as Secretary of Defense in a very crucial period when it was impossible to find men of that capacity. He has not been gone 2 years. So, had that provision been adopted, even Mr. McElroy could not have gone back to the company from which he came.

So these things came up. In these same hearings, if you will turn to page 3498, you will find the analysis submitted by the Department of Justice, and they are pretty critical of a number of things that were involved in that original bill.

Then the Civil Service Commission gave us their views. If you have the time to read a very long letter that will be most amusing to you, I am sure, because it is so highly critical, it begins on page 3499 of these hearings and runs over to page 3502. It was so condemnatory of these civil service provisions and whatnot, that when it had been read, I laughingly said, "Mr. Chairman, I can give you further information, the fellow who wrote that did not like this bill." Then there was general laughter in the committee as the record shows because it was condemning the bill throughout. Then, of course, we have the letter from the chairman of the Committee on Post Office and Civil Service objecting to our inquiry and legislating in a field over which his committee had jurisdiction. Further, the Committee on the Judiciary has jurisdiction of title XVIII of the United States Code. So, unfortunately, as the gentleman from Louisiana stated, he had been under the impression that the bill, though reported, was going to come to the subcommittee of which I am the chairman. The chairman of the Committee on Armed Services for some reason, and I guess the reasons are sufficient unto himself, but the rules of the House give the chairman of the full committee the authority to decide how bills shall be heard, had those hearings before the full committee. Now when you get into that kind of legislative situation, it sometimes is a great deal like attempting to write legislation on the floor of the House. It is not easy to do and it is not always highly efficient. So this bill came before the full committee, and the full committee operated on the bill that had been offered by the Hébert committee. It was amended here and there, and this part taken out, and so forth, and so on. As always happens in such a situation, you do not come out with a nicely rounded out piece of legislation such as you have when a committee sits down and discusses the matter and writes in provisions and takes out provisions and writes another provision, and so forth. So, Mr. Chairman, that is the shape in which it was. So the substitute, which I am going to offer, will contain, as the gentleman from Louisiana [Mr. HÉBERT] said, some seven or eight words that he did not have in his bill. It has section 3 which is included on the last page of my substitute.

The other change it makes is with reference to the forfeiture of retired pay. It has been stated here that the forfeiture of retired pay does not amount to anything. Now what kind of penalty is that? Who proposed the forfeiture of retired pay as a detriment to the employment of these officers? The Hébert subcommittee proposed that. It was a device that they developed and wrote into the bill. But, they provided that the forfeiture would be for the period that a person is employed. Now what does that mean? He is disqualified for 2 years so if you catch him in the first month that he is selling, he would forfeit 24 months pay, if he continued to work for 24 months. If you caught him in the 24th month, then I take it that he would forfeit only 1 month's pay. My substitute just makes it a 2-year forfeiture no matter when you catch him.

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield.

Mr. HÉBERT. I just want to get the record straight. The subcommittee did not devise this method. This is a method that is in existence now, and in perpetuity, as far as the Navy is concerned. The Hébert bill, reported originally out of the subcommittee, carried it through, but had with it the criminal penalties. It was the full committee which put the bill in such shape that the time of suspension of pay was to be just the time of actual operation—for which the gentleman himself voted.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ARENDS. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. KILDAY. It is true that the Navy law has always been that the person who engages in selling to the Department of the Navy after retirement would forfeit his retired pay. That is correct and the gentleman followed that.

Mr. HÉBERT. But it is also true that when my subcommittee came in with a bill we had the provision of the forfeiture of retired pay linked with a criminal penalty.

Mr. KILDAY. That is true, surely. There is no contest on that.

Mr. Chairman, I am coming to the penalty provision now, and I hope I will have enough time to discuss it. But, you see, we have adopted the approach that the Hébert subcommittee recommended. Frankly, I cannot quite understand why there should be bitterness—turning even to prejudice.

With reference to the Martin Co., of course, it is reprehensible for a contractor to be taking the top-flight Air Force command to some place of entertainment over long periods of time.

It was highly improper for these officers to go. Nothing I said yesterday could be construed to condone it. I pointed out that these officers were on active duty; that they were subject to discipline on the part of the President; that the President has authority to discipline civilians by demanding, for example, the resignation of the Federal Communications Commission official, and that the administration has within it, the power to punish these men on active duty. They can be relieved. They can be sent to Okinawa or to Guam, or wherever he wants to send them. They can be handled any way the administration wants it done. The gentleman from Louisiana [Mr. HÉBERT] asked the gentleman from Illinois [Mr. ARENDS] if the administration did not back his proposal. I usually do not know who the administration is. But I know who it is in this case. It is a member of the President's staff, who also happens to be a very capable man who at one time was a member of the staff of our committee. That is "the administration" in this connection. I do not think the gentleman is going to contend that he took the proposition up with the President of the United States.

Mr. HÉBERT. I will not contend that I talked to the President of the United States, but I talked to a person in a position of authority, and I am sure if the same information came to the gentleman in support of his bill he would welcome it.

Mr. KILDAY. Yes, sir. I would have done exactly what the gentleman did. I would have used all the tools at my command.

Now I want to say something to the gentleman in the finest spirit. The rules of the House were written many years before you and I came here—through the centuries. Those rules are found to be the best in the promotion of orderly legislation and the proper writing of legislation. It does not say anywhere in those rules that a minority of the committee, whether it be four, or five, or eight, has the power to suspend the rules and report out of committee something that is not within the jurisdiction of the committee, or to prevent the enforcement of the rules on the floor of the House. If, when that final accounting comes, they can find nothing worse against my record than the fact that I lived up to the rules of the House and made a point of order, I will be very pleased.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield.

Mr. WHITTEN. It is my belief that neither one of these bills reaches the problem. This is limited in your own bill to officers who engage in any transaction, the purpose of which is to sell or assist in selling. We talked in our subcommittee about a situation that had nothing to do with selling. It was just a social occasion. You ask these retired officers who work for the corporations—sure, there was no selling——

Mr. KILDAY. Please. May I ask the gentleman to propound his question, because my time is limited. I do not condone any part of that. Those men are subject to the discipline of the White House or the administration, as the gentleman from Louisiana [Mr. HÉBERT] says. He wants the bill in such shape that the administration will handle it. The administration already has the power to handle this matter if they will do it. I had the same idea about this thing as the gentleman from Mississippi [Mr. WHITTEN] when it first came up. It seemed to me a very simple thing to handle, but after you get into it the best the Hébert committee could do was to take care of those persons engaged in selling. Let us analyze it. The language says "to engage in any transaction the purpose of which is to sell or to aid or assist in the selling of anything to the Department of Defense or an armed force of the United States." It is not limited to a traveling salesman with a sign on his back.

Then there is inquiry whether this language would apply to the chairman of the board. You show me the president of a corporation who cannot aid or assist in the selling of his company product and I will show you an ex-president of a corporation. The president of a corporation who cannot aid or assist is going to be an ex-president.

Mr. WHITTEN. The gentleman is an excellent lawyer and he well knows this does reach the whole situation. I just say there is nothing here to get at the person who is the head of one of the major services, resigns, then takes a job with a big company, and says, "We are in need of $2 million more defense expenditures." There is nothing to show he is selling anything, yet his company stands to get rich because of the actions of this man who voluntarily retired.

Mr. KILDAY. I am going to have to ask the gentleman to get his own time; mine is so limited.

Mr. WHITTEN. May I say that I have been unable to get time.

Mr. KILDAY. I do not have control of any time; I take it wherever I can get it. I am sure the gentleman appreciates the situation.

But let me say this: There are many things wrong in the United States, and we have not gotten around to curing all of the problems. We have, however, done the best we could with this one particular problem. As the gentleman from Michigan [Mr. MEADER] said yesterday, the Committee on the Judiciary is studying the entire question of conflict of interest in Government employment.

Mr. WHITTEN. May I just say this: That I, too, am concerned with this, being a member of the Appropriations Subcommittee for the Defense Department.

Mr. KILDAY. I am very sure the gentleman is.

Mr. WHITTEN. The fact is that our committee can do more than is done in this bill to correct it.

Mr. KILDAY. I hope the gentleman is correct; but I am sure that if the gentleman had approached this subject as carefully and for as long a time and as sincerely and assiduously as the gentleman from Louisiana [Mr. HÉBERT] and his committee has, the gentleman would find he could not do much more than the gentleman from Louisiana [Mr. HÉBERT] and his subcommittee did.

Mr. JONAS. Mr. Chairman, will the gentleman yield? I will give the gentleman more time.

Mr. KILDAY. I yield.

Mr. JONAS. Will the gentleman from Texas—I do not not want to use the word "defend"—but support the section in your bill that gives jurisdiction to the military courts instead of the civil courts?

Mr. KILDAY. That is the point I am coming to; and let me say that I am no stranger to the Uniform Code of Military Justice; I was ranking minority member of the committee which wrote the Elston bill which later constituted the base for the Uniform Code of Military Justice. I am now chairman of a Special Subcommittee on Revision of the Uniform Code of Military Justice. I state it to be my firmly considered opinion that even without the language of my section 3, a retired officer who violated the provisions of the bill, without making it specific in the language, would be subject to court martial. I remove any doubt of that by providing specifically that any retired officer who violates any provision of this act shall be tried by a court-martial and shall be punished as a court-martial may direct.

The question that now comes up is—and I was surprised to be asked it a number of times: How are you going to court-martial a retired officer? That is the first question that comes up. If you will turn to the Uniform Code of Military Justice, article 2 deals with persons subject to the code. It says the following persons are subject to this code, and then it goes on down through the active duty grades, and then the fourth subdivision states "Retired personnel of a regular component of the Armed Forces who are entitled to receive pay." This has always been the situation, a retired member of the military is still a member of the military service. With that I know the gentleman from North Carolina agrees. It has always been true, and of course they are not called back every day of the week for court-martial, but it is certainly not a rare occasion when they are called back. In my own experience there have been several in my district called back, tried by court-martial, and convicted. It is a procedure well known within the Uniform Code of Military Justice. I am going to have to develop this a little further.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ARENDS. Mr. Chairman, I yield the gentleman 10 additional minutes.

The CHAIRMAN. The gentleman from Texas is recognized for 10 additional minutes.

Mr. KILDAY. I thank the gentleman for again yielding time to me.

Mr. Chairman, I would like to develop this one phase a little further.

Mr. KITCHIN. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. This is a very complicated subject. I would like to have it developed at one place so we may get the whole picture.

Mr. KITCHIN. The point I want to bring out is that this does not apply to Reserve officers not on active duty.

Mr. KILDAY. The gentleman is correct. The bill that we have here draws a line at Reserve officers on active duty, for 8 or more years. That is true. They would be subject to the forfeiture provision only. I thank the gentleman for calling that to my attention.

Why do I say he could be court-martialed, even though it was not provided? What would he be charged with? He could be charged under one of several provisions of the Uniform Code of Military Justice. He could be charged under several others, but these are evident. Any officer, cadet or midshipman who is convicted of conduct unbecoming an officer or a gentleman shall be punished

as the court-martial may direct. That is a conduct proposition. Specifically, article 134 is a general article and practically every court-martial of an officer contains a charge under article 134.

It states:

Though not specifically mentioned in this code, all disorders and neglects to the prejudice of good order and discipline in the Armed Forces, all conduct of a nature to bring discredit upon the Armed Forces, crimes and offenses not capital of which persons subject to this code may be guilty, shall be taken cognizance of by a general or special or summary court-martial, according to the nature and degree of the offense and punished at the discretion of such court.

There is no question about this. One of the officers of the Judge Advocate General's Department has furnished me with a sample charge and specification which could be drawn under this and under which a man could be court-martialed.

Let us get to the other proposition. The gentleman from Louisiana would make light of a man being subjected to a court-martial. We are dealing here with men who have served for a long period of years as officers in the Military Establishment. I know it is supposed to be good politics to come on the floor of the House and condemn the brass, condemn the fellows with the stars, the high-ranking officers. That is supposed to be good politics. I have sat here now for going on 20 years, I have seen that done consistently, and I have yet to see a Member who profited politically by that approach.

Once you say it is unlawful, these men are going to live up to it just as other professional men live up to the law. Depriving these men of their liberty is not the thing they fear as would other individuals on the margins who are willing to violate laws. You and I fear the loss of reputation, and the loss of standing and respect. But let us understand this clearly, the enforcement of discipline in the Military Establishment for military offenses, military conduct, is always within the jurisdiction of the court-martial. Make light of it as you please, but I know of nobody seeking trial by court-martial. When we had the universal military training proposal in here we were forced to put a provision in there that these trainees would not be subjected to court-martial but that they would be subject to trial in the U.S. courts because of the aversion of the American people to courts-martial and the general understanding that the court-martial is a highly effective means of inflicting punishment for violation of the law. No one is going to seek a trial by court-martial.

Any offense charged here is bound to be predicated upon his status as an officer of the armed services. If you took him into the U.S. district court the first thing you are going to have to prove is that he is a member of the military services, and this is the only place that you would make a man tryable in the Federal court for a violation of military law, because of his status as a military man. You would single him out.

This is a very highly complicated, technical question, and I have been amazed at the lack of information I have found in the House on this matter.

Now, there is a provision of law of which apparently few here have become cognizant. I became aware of it a year or two ago when a retired naval officer of long service was convicted in the civil court in nearby Virginia. His name was Rueger. He served 2 or 3 years for the offense with which he was charged, and when he came out he found that he had been dropped from the rolls as a retired officer. Everyone was amazed, and the local papers on both sides of the river here played up the tremendous injustice that had been accomplished thereby. And, that is the first time that this thing was called to my attention. But, I am well aware of it now because my subcommittee reported special legislation to relieve that man of the penalty of forfeiture inflicted upon him of his retired pay and the forfeiture of his widow and his orphans when he dies. That is section 1161 of title X of the United States Code, subsection. (B):

The President may drop from the rolls of any armed force any commissioned officer (1) who has been absent without authority for at least 3 months or (2) who is sentenced to confinement in a Federal or State penitentiary or correctional institution after having been found guilty of an offense by a court other than a court-martial or other military court, and whose sentence has become final.

It says "the President," but you know that it is carried out by the military department to which he belongs.

Of course, the man who violates the law should be punished, but does this Committee want to put it in such a condition that the punishment would extend to disenrollment, dropping him from the rolls, and thereby forfeiting all of his rights, all of the income of the widow and the orphans of that military man?

Now, let me reiterate that I am sorry a personal conflict has arisen in connection with this highly technical bill, one that requires careful consideration without those personal appeals and appeals to prejudice. I have attempted to outline what I believe to be the situation as it exists. The committee has done its best, and I hope that it will be adopted by the Committee of the Whole.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield to the gentleman from New York.

Mr. LINDSAY. As I understand the essence of the bill, it is disqualification. It says if the man is hired, he must not engage in the sales end; is that not correct?

Mr. KILDAY. Essentially; yes.

Mr. LINDSAY. Essentially that is correct. Then, if the man should drift over into a higher office or should be taken on as president of the corporation, and he may never leave his home town—he may attend a board meeting but not engage in sales directly, do I understand the courts would have to rule as to whether or not this tenuous line had been crossed?

Mr. KILDAY. The gentleman is an excellent lawyer with experience within the Government Establishment and understands an administrative finding and, of course, a judicial finding. The gentleman is correct. The point would come up when someone had to make a determination first administratively and perhaps later judicially.

Mr. LINDSAY. The gentleman understands that if you are dealing with a partnership, disqualification of one partner disqualifies the entire firm, so that if you have got a partnership engaged in research, in which there are a great many, and ultimately, I suppose, engaged in the sales end, disqualification of one of those men would bar the entire firm from engaging in Government business. In essence that is what it means; is that right?

Mr. KILDAY. That is true. I think what the gentleman has done is to point out the limited area in which we must operate and the difficulty in preparing legislation of this kind.

The CHAIRMAN. The time of the gentleman from Texas [Mr. KILDAY] has again expired.

Mr. ARENDS. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield further?

Mr. KILDAY. I yield.

Mr. LINDSAY. I would assume that research contractors per se would not come under the heading of sales.

Mr. KILDAY. That would be my offhand opinion. We have been confronted with a number of attempts to define words in connection with this legislation, to define sales. As the gentleman is well aware, the word "sale" is well understood in law. It is one of the big subjects studied in every law school and most of the States have uniform sales acts. In each of those it is going to turn on the facts in the particular case.

Mr. LINDSAY. One thing that worries me about this and it is one of the great problems they have in the conflict-of-interest laws, and that is the area of uncertainty. Nobody knows where they stand. The difficulty with this particular bill, it seems to me, is that it is going to be very difficult for individuals to know whether or not they are engaged in sales transactions.

Mr. KILDAY. I agree, that is true. And the only way the individual can be completely safe is to be content with his retired pay.

Mr. SANTANGELO. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield to the gentleman from New York.

Mr. SANTANGELO. The gentleman from Illinois [Mr. ARENDS] stated that a person who buys in violation of the law is as guilty as the one who sells.

Mr. KILDAY. I agree.

Mr. SANTANGELO. Does the proposed amendment which the gentleman is going to offer to the Hébert amendment provide any penalties or sanctions against a defense contractor who knowingly engages a person who knows that he is selling for a defense contractor in violation of the law?

Mr. KILDAY. Let me say this to the gentleman. It does not provide a criminal penalty. It provides, however, that if he employs him without complying

with the law, he shall not be paid the sums due under the contract. I should like to say this further to the gentleman. The creation of new Federal offenses is a matter for the jurisdiction of the Committee on the Judiciary. I imagine if the Committee on Armed Services should bring in here legislation that provides that civilians shall be guilty of certain criminal offenses, we would hear from most of the Members, including the gentleman from New York [Mr. SANTANGELO], to the effect that the Committee on Armed Services had better leave civilians alone.

Mr. SANTANGELO. As I read the gentleman's proposed amendment, it provides that suspension of payments shall be had when the contractor fails to enroll the officer. But the gentleman says nothing about the suspension of contract payments where there is a violation of law with the knowledge of the defense contractor. As I read the gentleman's amendment, it does not propose any sanctions, civil or criminal, against the defense contractor who has permitted this person to violate the law.

Mr. KILDAY. The second offense that is suggested is more aggravated than the first one, and if the gentleman covers the first, he would cover the second.

Mr. BASS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield.

Mr. BASS of Tennessee. Mr. Chairman, in yesterday's address by the gentleman from Georgia [Mr. VINSON], he pointed out that there were actually no cases of improper influence or influence peddling, conflicts of interest, involving any contractor, or involving a case of procurement of material. This being the case, can we consider this piece of legislation more in the form of a preventive rather than a cure?

Mr. KILDAY. The record fails to show the existence of any of those cases. But I am not that naive. The fact that you are not able to prove it does not prove that it does not exist. As the gentleman knows, many, many times in the last 20 or more years I have stood here and defended the brass, if you please, against the criticisms of my colleagues. I demand of these men, in return for the distinguished careers that they have had, that they not only be not guilty of misconduct, but that they be not guilty of an appearance of misconduct.

Mr. BASS of Tennessee. Not guilty of suspicion.

Mr. KILDAY. I demand of them the same type of faithful service after retirement that they rendered while they were on active duty. There are about 1,400 retired people all told working for defense contractors out of some 150,000 retired officers. That probably includes the young fellow who went off with an infantry company, got his leg shot off and went back to the company that he had left in order to go into the service. It includes all of them.

It is true that six people reported back that they were engaged in selling. I am not that naive either—that there were only six of them.

Mr. BASS of Tennessee. With the gentleman's great knowledge of this subject and with the evidence that was accumulated by this committee, does the gentleman believe that there is proof which would create an aura of suspicion in the field?

Mr. KILDAY. I can tell you it does not look good, and I am afraid it smells bad. I think we have done what can be done to do the job. These gentlemen should not even give the appearance of wrongdoing. They should not be suspected in any connection.

Of the 1,400 that are involved not more than 8 or 10 are drawing big money, and they have reflected on every one of their fellows, on those great military commanders, many of them living in my district, who have not worked one day since they left the military service. Most of these big-money men are staff men, not fighting men.

Mr. HUDDLESTON. Mr. Chairman, I rise in support of H.R. 11576, the substitute to H.R. 10959, as reported by the Committee on Armed Services.

I will oppose any amendment or substitute bill which seeks to add criminal penalties to the proposed legislation, to replace the court-martial procedure provided for in the committee substitute.

I do this because I cannot conscientiously subscribe to any proposition that would impose a criminal sanction upon one group of officers of the Government, who have over the years served all Americans faithfully and well, while at the same time large numbers of other former Government officers remain free to go their merry ways without the sword of criminal sanction hanging over their heads.

When this House is ready to impose upon itself limitations with regard to the improper use of influence and make violations of those limitations subject to the criminal code, then I will stand ready to impose the same sanction upon retired officers of our armed services.

Mr. Chairman, I am convinced that the committee position is eminently sound and eminently fair.

We all want to stop people from improperly using the influence they acquire as a result of positions of responsibility in the Government. This is particularly true for those who work for a company which sells to the Government.

I think we all know the difference between "influence" and "improper influence."

The committee bill seeks to lessen the likelihood of the exercise of "improper influence."

But it is one thing to make public the lists of retired persons who are employed by defense contractors, to take away retirement pay if retired officers engage in any transaction which may be interpreted as selling to the Department of Defense, and to subject such officers to court-martial, which the committee bill does; and quite another thing to make such action a violation of the criminal code—as some would propose.

Mr. Chairman, I realize that this is a very popular subject. The natural tendency is to lower the boom on high-ranking officers who have obtained high-paying jobs in defense industry.

And I think it is very natural to incorrectly assume, at first blush, that these men are being paid for their reputations and not their ability.

But if that is the case, it is a sad commentary on the judgment of the Members of the House, and former Members of this House, who selected most of these people for appointment to the Military or Naval Academies.

Members of Congress, past and present, considered these people to be outstanding when they gave them appointments to the Academies.

And, the officers here involved proved their ability by rising to the top.

They preserved the Nation in time of war.

Unless we are willing to say that our Nation's success in time of war occurred in spite of them, and not because of them, then there should be no question in our minds as to their ability.

If the head of General Motors is worth several hundred thousand dollars a year, if the president of the United States Steel Corp. is worth several hundred thousand dollars a year, then it would appear that the salaries paid to some of our senior retired officers who have taken important positions in defense industries are grossly inadequate compared to that which their civilian counterparts in industry now earn.

I am sure that the salaries some of these individuals earn arouses a feeling of resentment among some of the general public. It is always so easy to criticize a man who earns a high salary—and it is even easier to charge that that man is being paid for who he knows, and not what he knows.

But, in the absence of proof, I will not subscribe to that concept.

Nor will I subscribe to the concept that a retired general officer of the Army or Air Force or a retired admiral of the Navy is more influential in the Government of the United States than are Members of Congress.

But until we impose criminal restrictions on the activities of former Cabinet members, and little cabinet members, as well as former Members of Congress, it is unjust to levy criminal sanctions upon retired officers. To do so is to tell the people of this country that those men who led their Armed Forces in time of war, as well as in time of peace, are of such low, mean character as to justify their being placed in a special category by themselves.

I am sure there is a lot of influence among those who formerly served in this House, as well as in other divisions of Government, and in the other body, but I do not think that just because a man knows how Government operates, or knows those who operate Government, that he is immoral or inherently capable of improper conduct, by accepting a position in industry.

I agree with the committee that the public should be informed about those among our retired officers who are employed in defense industries.

This will tend to remove any temptation that may exist for the use of improper influence.

Then too, the provisions of the committee bill which subject a retired officer using improper influence to court-martial is the reasonable, logical way to correct whatever evils may exist.

Some Members of this House seem to think that we are here dealing with a corrupt, criminal element rather than a patriotic group of men who have rendered long faithful service in the defense of our form of government and our way of life. The approach we use in handling this problem will have far-reaching results. The Congress must not be stampeded into enacting legislation which may do irreparable injury to the structure of our military officer corps.

Mr. ARENDS. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. BATES].

Mr. BATES. Mr. Chairman, I am not at the present time a member of the Hébert subcommittee that studied this matter, but for some 8½ or 9 years I did serve on that committee and I am well advised as to the difficult assignments it has faced not only on this issue but every other issue considered during my service on the committee.

We are dealing today with a very, very important matter; one that is very, very difficult on which to legislate. It is an elusive subject because most of these actions we have considered in the hearings are extremely difficult to prove beyond a doubt. I think from the colloquies which have gone on here and from the fact that numerous bills of the committee have been introduced, we can get a measure of the magnitude and the complexity of writing legislation in this field.

The reason is obvious. We are dealing here with a question of ethics. We are trying to legislate on suspicions. We are thinking of questions of discretion and indiscretion, and the question of judgment. We are talking about social and professional relationships. We are trying to tie these into legislation so that whatever suspicions have been aroused in the past will be dissipated in the future.

The gentleman from Louisiana after exhaustive hearings advised the House today that he cannot say there has been anything wrong. I know you will agree with me that from the actions and the reports of the committee all of us know that if these people have not done something unethical, something illegal, then at least, in many cases, they have gone beyond the bounds of propriety.

I believe there is a need for legislation but I would like to make this point: I think that most of the good has already been done on this subject by the hearings which the committee has conducted and by the debate that we have heard here on this floor. In addition, the registration provisions of the bill are probably as strong as anything in the bill. I do not go along with those who constantly criticize the brass, because I remember during World War II all of us thanked God for the wonderful leadership we had in our military organization. To me, it certainly is unfortunate to observe statements here and elsewhere that the question has moved from that of conflict of interest to a general repudiation of the military brass. I do not subscribe to that kind of criticism.

On the other hand, there is another factor that I cannot overlook, and it is this. Last year or the year before we passed legislation in this Congress so that we could improve the scientific capability of this Nation. You know as well as I do that the future of the free world lies in the scientific advancement of this Nation and in other sectors of the free world. We must remain supreme in this particular area.

It seems to me incongruous to train students now to perform 10 to 20 years in the future, when we have men available at this hour who have spent years in a broad military field and who can make a great contribution to this country, yet deny them the right to work in some of these corporations which are dedicated to defense work.

I am frank to say I believe there have been improprieties. I do not approve of them. I do not condone them and, in fact, I denounce them. It seems to me a lot of these things that have been going on must stop, and I think it is up to the military to clean their own house.

Mr. Chairman, this is an extremely difficult subject. As I read the legislation, many of the words mean something to me and mean something quite different to someone else. I would like to ask the chairman of the full committee exactly what his understanding is of the meaning of the words, "to sell."

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. ARENDS. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. VINSON. Mr. Chairman, I will say to the distinguished gentleman from Massachusetts, the best answer I can give as to the explanation of what constitutes selling is that I interpret it to mean a personal contact with the man in the Department of Defense who has the obligation and the authority to enter into a contract.

Mr. BATES. I thank the gentleman. So we can understand that if a retired military officer works in design or in production and has no contact with those in the Department of Defense who are going to buy, that they would not then come under the purview of this law; is that correct?

Mr. VINSON. I thought I had answered the question by saying, it is my interpretation that there must be a personal contact between the seller and the buyer, and the person must come in contact with someone in authority in the Department who has the authority to make a contract.

Mr. BATES. I want to thank the gentleman. The reason I raised the question is that there was considerable confusion in the committee and among those who may have read the hearings.

Mr. WESTLAND. Mr. Chairman, will the gentleman yield?

Mr. BATES. I yield.

Mr. WESTLAND. The gentleman is on the Joint Committee on Atomic Energy and has heard Admiral Rickover many times, the father of our nuclear submarine. Let us just suppose that Admiral Rickover retires and let us say that Electric Boat, which makes our nuclear submarines, hires Admiral Rickover. Would he be able to go to any part of the Department of Defense and suggest and recommend to them a specific type of submarine to buy or to achieve or to put in the budget a nuclear powered destroyer or carrier or anything of that sort? Or would he have to stay out of business for a couple of years before he could do that?

Mr. BATES. In answer to the first part of the gentleman's question, in accordance with the definition expressed by the gentleman from Georgia, I would say he could not go to the Department, but it does not mean for that period of 2 years he cannot engage in ideas and work in a particular plant.

Mr. WESTLAND. He can work on ideas, in other words, but he cannot tell anybody about them?

Mr. BATES. He can tell the people working in the plant.

Mr. WESTLAND. Oh, but not to the people who buy?

Mr. BATES. But, he himself cannot go to the Department of Defense and actually contact someone there for the purpose of selling to them.

Mr. Chairman, my time is limited. There are only two questions, it seems to me, that present themselves this afternoon to the House.

One is the question of the Kilday substitute and the other is the Hébert substitute, which I understand will be ruled out of order. But, even if it was in order, I would say there is no vast difference now between the two bills. One section is absolutely identical word for word. One other section in the Kilday bill provides that anyone who engages in selling will lose their retired pay for a period of 2 years. Under the Hébert substitute, he would lose it only for the period in which he is selling.

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. BATES. I yield.

Mr. HÉBERT. There is no reference to retired pay in the substitute I have offered.

Mr. BATES. I have not seen the latest one.

Mr. HÉBERT. I have only one bill. My presses work very slowly and I cannot turn one out in every edition.

Mr. BATES. We have seen a lot of bills and that is one reason why there is so much confusion about this.

Mr. HÉBERT. I abandoned the original bill because the gentleman from Texas [Mr. KILDAY] convinced me that retired pay is something that was earned and should not be taken away.

Mr. BATES. I am sure you can explain that when we come under the 5-minute rule. When we get down to the third section, primarily it is a question whether these cases shall be tried in the district court or whether they shall be tried by court-martial. It seems to me there is no significant difference. I am going along with the Kilday substitute because I believe that is the best way to approach the problem at this time. If we turn it over to the district court, it will take 2 or 3 years. Their dockets are already overburdened. If we turn it over to a court-martial, we can have prompt action. The light of suspicion has been placed upon the Defense Department and they have a tremendous responsibility to the people of this country to clean it up themselves. If they do not do it, I think we should come back here and take action which will force them to do it. In that case, I will vote for the provisions which are presently in the Hébert bill, which would bring such matters as this before the court.

Mr. COHELAN. Does the gentleman feel the Kilday bill will do the job in effectively stopping the alleged practices?

Mr. BATES. The gentleman asks me if it will stop the alleged practice. I am not certain that I know to what alleged practices the gentleman refers. I think it should do as much as the Hébert bill will do. If it is not effective, we can always write more legislation.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. BATES] has expired.

Mr. ARENDS. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. DORN].

Mr. DORN of New York. Mr. Chairman, I intend to support the substitute bill of the gentleman from Texas [Mr. KILDAY], but I do so with misgivings.

I have listened to the arguments carefully and I have not found anyone who states that there was any instance of wrongdoing on the part of retired officers. In fact, it has been categorically stated, "No evidence of improper use of influence was disclosed."

The proposed law has one purpose, and that is to prevent improper exercise of influence in the future. Because this, and this alone, is the purpose of the bill, and provided it is so interpreted, I support it.

But I want to make certain that the individual talents of these retired officers are not lost to our defense efforts. It is vital to our country that the services of these officers continue to be used in the work for which they are so well fitted. Their knowledge, ability, and training should continue to be used by private contractors and corporations who need these services. I hope they will not discriminate against these retired officers because of this bill.

Mr. ARENDS. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. BECKER].

Mr. BECKER. Mr. Chairman, I know they say at times you waste effort in gilding the lily, but for many years I had the honor of serving on the House Public Works Committee. Then I had the honor of being assigned to the Committee on Armed Services. There were remarks made yesterday about the persuasive powers of the chairman of the Committee on Armed Services of the House of Representatives. I have great admiration and respect for the gentleman from Georgia, chairman of that committee. I have come in contact with no Member who has more knowledge or more ability on the subject of our national defense than the gentleman from Georgia [Mr. VINSON]. I am happy I have been assigned to work with him. If he influences me at any time or persuades me, it is only on the basis of logic and reasoning. I am proud to be associated with him and go along with him in this particular instance. When I disagree, he knows it.

Yesterday, referring to the remarks of the gentleman from Louisiana, one of the gentlemen on the floor spoke of the rule and raised the question of the weakness of the Kilday substitute. Then he went on to berate the Defense Department because he could not get contracts for his district in order to keep up employment in his defense plants. That is where the double standard comes in. This is where double standards are involved all the time, whether it shall be for Members of Congress or whether it shall be the standard for retired members of the military, or others.

If we continually downgrade and attempt to place in jeopardy the integrity of the men who provide our security in time of war and in time of peace, if we continue to hop on them and stigmatize them, it is going to become very difficult to get topflight men. As the gentleman from Texas [Mr. KILDAY] has said, we will have great difficulty in getting civilians to head our civilian Department of Defense as well as to be Secretaries of the various branches.

The great difficulty involved is the fact that we are attempting to legislate in the field of morals and integrity. We should realize that we are dealing with a piece of legislation by which we are attempting to prescribe the morals of individuals and the integrity of individuals. I say that no such law can be so written as to be perfect. We could very well remember the Ten Commandments and the fact that many people today still violate those Ten Commandments. It is regrettable that any moral we might write into law will be violated the same way.

One of the questions in committee that caused the greatest discussion related to selling and transactions. Let me read a little of the colloquy that took place in the committee, because this matter of selling and transactions we found to offer the greatest difficulty in the writing of the bill. First, I want to read this definition and language from the report:

> Selling includes all negotiations which bring a contractor and his representative into contact with officials of the Department of Defense or of the Armed Forces for the purpose of obtaining contracts from those Departments for the procurement of tangibles or intangibles in existence at the time or to be produced in the future. The participants in such transactions are a part of that process.
>
> A proposal to create hardware is as much a part of the sale of that hardware as the product itself. One cannot exist without the other. The promotion and display of a plan which will produce hardware which is war material, is a part of the selling process.
>
> These three steps—proposal, development, and production—are links in a chain. Each is a part of a sale. The mere fact that a project may be dropped during development or production, does not make the transaction something other than a sale. A chain begins when the first link is forged.

In the hearings before the full committee, and I think the gentleman from Louisiana will bear me out in this, I am referring to page 3520 of the hearings before the full committee on the Hébert bill and amendments thereto, in a colloquy between the gentlewoman from New York [Mrs. ST. GEORGE] and the gentleman from Louisiana, she made reference to the Ten Commandments as being the best code of ethics we have had for thousands of years, but we still do not follow it. Mr. HÉBERT asked: "May I comment on that, Mrs. ST. GEORGE?"

Then Mr. HÉBERT said:

> You put your finger exactly on what we are trying to eliminate, and that is the aura of suspicion.
>
> Now, if these people do not have any influence, well, they should have no objection at all to this prohibition, which protects themselves as much as anybody else.

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. BECKER. I yield.

Mr. HÉBERT. Will the gentleman read the entire colloquy between the gentlewoman from New York and myself? She said something about selling within the first 2 years after he is out of the Department. Will the gentleman read that?

Mr. BECKER. That would take all my time.

Mr. HÉBERT. No, it would not. Read it; do not read out of context.

Mr. BECKER. Well, we go back here to Mr. Finucane, who makes a statement and then Mrs. ST. GEORGE says: "That is very true, Mr. Secretary."

Is that what you are referring to?

Mr. HÉBERT. I am referring to the exchange in which the gentlewoman from New York [Mrs. ST. GEORGE] said that the best time for an officer to sell would be within the first 2 years after his retirement, after he leaves the service. But I am sure the matter can be straightened out and a correction made which should be made.

Mr. BECKER. Certainly. I am not trying to read anything out of context, I assure the gentleman. I am leading up to what I had to say a few minutes ago when I asked the gentleman from Louisiana to yield.

Mr. BECKER. On the remark that the chairman of the subcommittee just made, in clearing up this aura, which is the purpose of this record—do I assume that is what you said?

Then are we attempting to pass legislation that is going to clear up an impression created in the public's mind that there might have been something wrong with this type of influence with the Defense Department? Is that what you are trying to do by this legislation?

The gentleman from Louisiana said:

> I will only refer the gentleman from New York to the reaction of his own colleagues and their comments in the House last year.

And they were made on the floor yesterday by the gentleman from New York [Mr. SANTANGELO].

If we are to legislate something to obviate an aura of suspicion or to clear up an impression that has been gained, I think that is absolutely the wrong way

to legislate because in the hearings before the gentleman's committee—I have not read every single word, and a great many people testified—there is not one single incident proven, and I may say to the gentleman that when they talk about fishing expeditions this book is replete with fishing expeditions from beginning to end. That is no criticism of the committee, but it does not point out one single incident. I do not subscribe to influence in any way, shape, or form, but we should not legislate here to degrade people because of an aura of suspicion or an impression that has been created.

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. BECKER. I yield to the gentleman from Louisiana.

Mr. HÉBERT. I want to direct the gentleman's attention to a report. I do not know whether he has read it or not. I refer to the New York Bar Association which made an extensive study of conflicts of interest, as the result of which hearings are now being conducted by the Committee on the Judiciary. One significant line is that it is more important what the public thinks exists than what actually exists. I can subscribe to that, too, but I think the public expects us to dig up the absolute truth before we legislate.

Mr. ARENDS. Mr. Chairman, I yield 5 minutes to the gentlewoman from New York [Mrs. ST. GEORGE].

Mrs. ST. GEORGE. Mr. Chairman, we have heard these bills—and there are three of them—extremely ably analyzed, first by the great chairman of the Committee on Armed Services, then by the eminent gentleman from Texas [Mr. KILDAY], who is a great lawyer. I am not going into the legal qualities which you have already discussed, but I might say that in spite of the efforts of these gentlemen I still think they are extremely unclear.

Nevertheless, that has been done and that has been taken care of.

This bill should be renamed. Whether it is going to be called the Hébert bill or the Kilday bill, I submit to you, Mr. Chairman, it should be considered and named the Caesar's wife bill because this bill is all about an aura of suspicion. As far as I know the only individual who was ever supposed to be above suspicion was Caesar's wife, and it would be extremely difficult for any gentleman, including the top brass, to qualify for that definition.

What are we doing in this legislation? First of all, we apparently have nothing, so to speak, to hang our hats on. We suspect a lot of things. We are talking about these suspicions. They are going out to the world. Everyone is going to read what is done here and they will forget it very soon which, of course, is fortunate. But they will read it; they will think about it. In other countries they will look into this and they will say, as we have frequently heard, "Well, on the floor of the House of Representatives it was said that these men are definitely under suspicion."

Now, Mr. Chairman, I grew up under the shadow of one of our great military Academies. I have the honor to still represent the district where that great Academy is located. The young men who graduate from there take as their motto these three words: "Duty, honor, country." Mr. Chairman, as far as I know, the vast majority have lived up to their motto, and I will defy anyone to say otherwise.

The other day, in talking about another bill before our committee, the Secretary of Defense had this to say. This was a bill to increase retirement pay. This testimony was read in open session, so you will see nothing about it in the newspapers:

> We urge Congress to pass this bill which is now before this committee for consideration. In doing so we will be keeping faith with those who have kept faith with their country, particularly during the dark and dangerous days of World War II, and to all who have given the best years of their lives in loyal, honorable service in our Armed Forces.

That is one side of the picture, and I think the true side, the majority side.

The question of the usefulness of these men has been brought up, and I think I can tell my distinguished friend and colleague, the gentleman from Louisiana, [Mr. HÉBERT], what was said at that committee hearing. It occurred to me, and it still occurs to me, that the greatest usefulness for these men who have been trained in technical skills and in modern science passes away very quickly. They are valuable, probably, in the first 2 years. It is questionable whether their value will go on after that time. Admiral Rickover has been mentioned specifically, and he is certainly an extremely good example. Where was the Polaris missile 2 years ago? A very long way from where it is today. There are many other things that today are only a gleam in an engineer's eye which may be discarded within 2 years. We have generations of missiles, and those generations pass away far more rapidly than the generations of man. I believe that many of these men are invaluable to our country; that they should be permitted to serve, and when you come to the distinction about selling, you are on very uncertain ground.

I listened this afternoon to the colloquy between my friend, the gentleman from New York, and several others on the subject of selling. It is very, very difficult to decide whether the individual who is making the thing to be sold is not going to be implicated right along with the actual seller, for the very simple reason, How can you sell something that is not manufactured? So, you get again into an uncertain aura, and that is what we are talking about, and that is what we are legislating about.

Mr. Chairman, I expect to vote for the Kilday bill. I think it is the best we can get under the circumstances. But, may I say at this time, Mr. Chairman, that I did prefer and that I still prefer the original bill that came out of the committee practically unanimously.

Mr. ROBISON. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROBISON. Mr. Chairman, I intend to support the Kilday substitute when it is offered. I will do so with some reluctance because it seems to me that we may well be creating a law which, if enacted, may be most difficult to apply. The major source of such difficulty will, of course, arise from the language of the bill that attempts to define what is meant by any act to "sell or to aid or assist in the selling" of items to the Department of Defense or the Armed Forces. I can only hope that the committee report as supplemented by the debate of yesterday and today will serve to clear away some of the clouds of uncertainty.

I am also acutely aware of the fact that our retired military personnel constitute a tremendously valuable reservoir of experience and know-how for which we will have great need in the immediate years ahead. I am also aware of the fact that implicit in whatever we may do lies the danger of seriously harming the morale of not only our retired but of our active duty officers as well.

As far as I can ascertain, the investigating subcommittee produced considerable evidence of bad judgment and poor ethics, but revealed no actual wrongdoing. As the gentleman from Massachusetts [Mr. BATES], I believe, mentioned a few minutes ago, it is quite possible that the very fact of those hearings has accomplished as much or more to solve this problem as would any legislation we may now produce.

Certainly we must guard against falling into a mood whereunder we, in effect, "burn down the barn to get rid of a few bats." Perhaps by prescribing a little preventive medicine, as someone said the Kilday substitute would serve to be, plus equalizing the impact of certain existing laws on all of the services, we will have adequately supplemented the good work of the subcommittee. Quite clearly, it could be most unwise for us to go further than this at the present time at the risk of weakening not only our ability but also our will to put forth the strongest defense effort of which we are capable.

When permissible I shall ask consent to include as a part of my remarks a letter recently received by me from a retired officer constituent who will be affected by this legislation if passed. I think it is worthy of our full consideration if we truly wish to hear both sides of this controversy.

The letter follows:

BINGHAMTON, N.Y., *April 2, 1960.*

The Honorable HOWARD W. ROBISON,
Old House Office Building,
Washington, D.C.

MY DEAR MR. ROBISON: I am writing you as a constituent, regarding two items of pending legislation on which I wish to state my views and enlist your support.

Item 1: Legislation to eliminate the inequities created by Public Law 85-422 (H.R. 11318).

Your support for this bill would be greatly appreciated. Since I was fortunate enough to have retired after Public Law 85-422 became effective, this legislation will not affect me directly. However, it appears incredible that Congress could permit this gross discrimination to continue against others who were not so fortunate.

Item 2: Legislation further restricting the employment of retired Regular officers in defense industries. (H.R. 10959.) All I ask is that you speak a word in defense of the integrity of retired Regular officers.

Retired Regular officers are already well circumscribed by legislation restricting their employment in direct sales activities. So-called conflict-of-interest law already provides for loss of retired pay, fines up to $10,000 and 2 years in prison for selling anything to the Government through the department in whose service he holds retired status.

The Hébert bill adds additional breadth to the definition of selling for purposes of withholding retired pay, to include practically anything a retired Regular officer might be qualified, by his service training and experience, to do. I consider this very drastic.

Do we, as a group, really represent such a threat to the integrity of the Nation that we deserve all this special congressional attention? What have we done to deserve it? Certainly nothing brought out at the Hébert subcommittee hearings. Certainly nothing in my 21 months' experience with Link Aviation in Binghamton, N.Y., has appeared to warrant it.

I number among my friends a relatively large number of retired officers in my category. As a group, they are the most loyal, conscientious, dedicated and law-abiding citizens I know. Each individually is trying to continue to be of service to the country in the way he knows best.

Why should we be deprived of our retired pay, even for 2 years, for this privilege? I am prepared to accept, even though I resent it, restrictions on direct selling or negotiations to sell anything. But why, why Mr. Robison, should I not assist my company to better fulfill the requirements of the Department of Defense or aid it to better understand the intricacies of the military procurement system?

I regard withholding my retired pay as confiscatory. I have earned my retired pay. It is not a retainer or payment for some future obligation. I consider it to represent the dividends from enforced savings withheld during my years of active duty. It represented the difference, throughout the years, between my active duty pay and the more attractive inducements of industry.

I do not deny the right of Congress to deprive me of my retired pay and privileges for unlawful conduct unbecoming of my status. But I resent bitterly arbitrary penalties assigned by Congress without regard to the legality of my actions or the degree of possible guilt. In cases of doubt, why shouldn't the courts decide whether an offense has been committed and award appropriate punishment?

Yesterday Mr. HÉBERT appeared on television. He admitted his hearings uncovered no evidence of the insinuations directed at the retired regular officers. Yet he insisted that his bill must be passed to "save us from suspicion." He was obviously speaking of suspicion directed toward a handful of retired officers reported to be drawing large salaries from big companies. Yet his bill is directed at all of us, the great majority of whom are working very hard for salaries commensurate with young engineers 6 to 8 years out of college.

He claimed his bill was aimed only at "selling" and would not prevent us from doing other tasks for which we are well fitted. Just what jobs fall outside the broad category of "assisting in the sale of anything"? Even sweeping out the front office could be interpreted in this category. The Comptroller General has already interpreted "selling" so broadly that hardly any activities remain that do not fall within the purview of existing laws.

I was employed by Link Aviation, Inc., in Binghamton, N.Y., immediately after my retirement on July 1, 1958. I was assured by the Judge Advocate General of the Navy that the terms of my employment complied with all statutes and regulations existing at that time. I was employed as an adviser on military requirements in the field of undersea warfare, in order that the company could better understand and meet the needs of the services in this important area of national defense.

Within a year, restrictions developed on my efforts to communicate with cognizant offices and agencies within the Defense Establishment. A Comptroller decision, followed by the Hébert hearings broadened the interpretation of such activities as being "part of the selling process." Subsequent reaction within the Department of Defense has frustrated the purpose of my employment even though no new legislation had been passed by Congress in the interim. The word was soon passed unofficially, to retired officers in my category, that our mere presence constituted embarrassment to those agencies, regardless of the purpose of our visit, and could make us liable to accusations of "attempted fraud."

Such an attack on the integrity of honorable citizens who have devoted a major portion of their lives to defending the honor and security of their country is unbelievable. It has been degrading to the reputation of each member of this group and to the honor of the rank conferred on us upon retirement.

I have a son who is a lieutenant, U.S. Navy, a son-in-law, captain, U.S. Air Force, and a nephew, lieutenant commander, U.S. Navy, all regular officers on active duty. They and their fellow officers now regard their military careers in a new light, stripped of the appeal of an honorable retirement.

I sincerely hope you will find it possible to help correct the two injustices described herein, in the interest of restoring to the military retirement the honor, the prestige, the prerogatives and the appeal to young officers that this distinguished profession deserves.

Yours sincerely,

JOHN A. SCOTT,
Rear Admiral, U.S. Navy (Retired).

Mr. ARENDS. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. KITCHIN].

Mr. KITCHIN. Mr. Chairman, I take this time at the close of this debate not because I think I can add anything to what has been said by the gentlemen and the lady who have preceded me, but that I may add a little bit more confusion to the state we find ourselves in at this particular time.

I am a little bit reminded of the story they tell about the old colored gentleman who was walking down the street pulling a rope behind him, and one of his friends said, "Uncle, why are you pulling this rope down the street?" And he said, "Law, boss, I don't know; I am a little bit confused. I don't know whether I found a rope or lost a mule."

I feel, although I am supposed to know something about this particular legislation, that I am in that same category; I am a little bit confused.

In the first instance we heard the great chairman of this committee and another distinguished gentleman of the committee with whom I have been dealing for some 4 years and for whom I have the greatest admiration, the gentleman from Texas [Mr. KILDAY], give a very elaborate explanation of the proposed legislation. We find that the chairman said in one instance that the selling shall be by an actual personal contact. We find that the gentleman from New York read into the record the report of the committee describing and defining selling in an entirely different manner.

Mr. Chairman, we are going to be faced with the situation on the floor today, when we vote on this particular bill, of either doing something constructive, or doing nothing at all. It is my position—and when I get through you will see that I am confused, still confused—my position in the matter would be that it would certainly be better, since this aura of suspicion has been raised by some, and others have been proclaiming loudly about the great crime that is being committed against the society of this country by some of the officers in our Armed Forces—we will find that we are just as far apart as to what this legislation is about as we can possibly be.

Mr. Chairman, I actually think that if we are going to have a bill, and if there is undue influence being peddled to the Pentagon by these officers, I see nothing sacrosanct about an officer, just because he is an officer, who they say has violated something that is as serious as some would have you believe is covered by this aura of suspicion.

Therefore I say that we are going to pass legislation here today or at some future time of a constructive nature or we are going to do nothing at all except pass a licensing act for these individuals, if they are peddling their influence, under which they will be asked to forfeit something and to be allowed to continue to do a nefarious job.

In these statements I am not inferring that there is any influence peddling. I do not know. I was not on the Hébert subcommittee. I have heard a lot of discussion that people think something is being done; things do not look good; things smell bad. But I have no evidence that this is being done. And if it is not being done then why the legislation? If it is being done why pull punches? I am leaning towards a bill that would have some teeth in it. If this is going to be a defense effort, just to prevent something from being done; if this is going to curtail this sort of thing, if it is going on, then I see no harm, or wrong that would be done if we do put some teeth in this legislation.

Mr. COHELAN. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. I yield.

Mr. COHELAN. Would my colleague on the committee, who is a distinguished lawyer, agree with me that it is an elementary legal principle that a criminal statute should be clear?

Mr. KITCHIN. I certainly would. I hope, if I have the time, to point out two or three or four of the gray areas in the wording of both of these bills as far as the statute is concerned. I do not know what is going to be voted upon. It has been said here that probably the Hébert amendment will not be voted upon and that we will have a vote upon the Kilday substitute. I would be for the Hébert amendment if I were afforded an opportunity to vote on that particular bill, with a reservation. The reservation is what I would like to leave

with you, and I am hoping that it will not be left hanging, because I do not know the answer. I hope there will be someone who will be able to answer these particular questions. We have had lots of discussion about the Kilday substitute. I think someone referred to it as a milk-toast approach to the committee bill. That in itself probably is an unfair statement. I will say that probably as far as it goes it might accomplish a purpose. But who is so naive as to believe that if we are after the big shots, the top brass, the two- and three-star generals or the retired members of the Joint Chiefs of Staff, if only an aura of suspicion sufficient to make him forfeit his retired pay is all that is going to be involved, who is going to call a court? Who is going to call a court-martial? Who is going to sit on the court to court-martial a three-star general? What is going to be the result of such a proceeding in the first place? I am a great admirer of all of our armed services personnel, but who is going to say this is not a situation that has occurred? In order to convene this court they must admit that someone within their own circles—the Defense Department—has been susceptible to this peddling of influence. That is going to be a deterrent against calling the court in the first place.

In the second place, who is going to prosecute a retired general or admiral before the court-martial? Now we get into the area of the jurisdiction of the court-martial. I think probably I am right in saying that if this particular situation brings these retired officers under the jurisdiction of a court-martial another sort of situation would also be within the jurisdiction of a court-martial. What brings more discredit upon the service than a retired officer's not paying his income tax? Or does not file an income tax return or files a falsified income tax return? Are we led to believe that that type of case, that brings discredit on the services, should be brought before a court-martial for trial? Why are we so afraid of the civil courts of the United States? Why are we willing to dodge the issue as to whether such officers should go before a Federal court for prosecution if they violate the law? What is so sacrosanct about a retired officer who violates the law, as against a member of the civilian personnel of the armed services or any other civilian?

I bring this up for one purpose only. I do not know the parliamentary situation we will find ourselves in, but I would hope that this matter could be referred back to the committee for further study. Why? Listen to this. I am not going to endeavor to answer these questions because I do not know the answers, frankly, but I do know as a practicing attorney for many years that when we get into criminal statutes that are as vague, as broad, as undetermined as is this particular language, we always wind up in the Supreme Court or courts of appeal before we settle anything.

I should like to analyze this particular provision under the Kilday substitute, which is what we are talking about now. It is the identical language of both bills, "To engage in any transaction." The colloquy between the gentleman from New York and one who preceded me brought forth this question: What is a transaction? What constitutes a transaction? How broad is the base of the transaction? Who are the participants in a transaction?

The chairman of the committee in answer to the gentleman from New York said his definition of selling was that it must involve a personal contact. Am I to presume that the president of some big corporation drawing $100,000 a year sits back at his desk in Detroit or some other city of the United States, using all of the influence of his great office, and says he has made no personal contacts, yet he has sent emissaries into the Pentagon with the message that Mr. So-and-So, a former four-star general, who is now president of the company, would like to have this done or that done? That four-star general had not made a personal contact. He would not be affiliated in that transaction as selling was defined by our chairman. Let us go a little further:

> The purpose of which is to sell—

And there we get back into the definition of selling, which has been discussed before—

> or to aid or assist in the selling of anything.

Now we get into another gray area. What is aiding or assisting? Is the man who is designing an article to be sold, who is a retired officer—and you cannot make a sale unless you make the product first—is he aiding and assisting in the ultimate transaction? Is he going to be innocently involved in a matter on which he might forfeit his retired pay? Is he aiding and assisting in that particular area? All this, as I say, is what causes me to be totally and thoroughly confused as to what we are attempting to do here. I will admit that under the Kilday concept, we do have a little bit more teeth in the bill than we had before. First, we have an act that is made unlawful. The matter goes before a court-martial—if you are so naive as to say that the big boy, if he is violating the law, is going to get before this court-martial. Secondly, the Kilday substitute does have a forfeiture of 2 years of retired pay if he sells within the initial 2 years following his retirement. Do we have any further teeth in it? We do not have the retired reserve officers, and that has been admitted by the gentleman from Texas. We touch no one except these particular active duty officers who are retired. There is no proposition here in the Kilday substitute that reaches any of these civilians or the employers except to say they must file under the recording section of this bill, and if they do not, then the money on the contract is held up until they do file this particular information with the Department, as to the number of military retired personnel that they have on their payrolls.

So, is there anything that we have here that has teeth in it? Mr. Chairman, if this situation exists, and if there is the necessity for legislation, then there is necessity for stronger legislation. If there is no necessity for legislation, then we are just fooling you and fooling ourselves and the public by passing anything that resembles a piece of legislation that is now before this House for consideration. I think we should take this matter extremely seriously. I think we should take it seriously enough not to condone a situation that exists, but by all means not to punish an innocent person by this aura of suspicion, if no violation actually exists.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ARENDS. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. STRATTON], a member of the committee.

Mr. STRATTON. Mr. Chairman, I would like to associate myself very strongly with the remarks made a moment ago by my very lovely and gracious colleague, the gentlewoman from New York [Mrs. St. George], who is also a neighbor of mine. Our districts adjoin. I believe the gentlewoman has touched on the very heart of this problem and expressed most eloquently the views that many of us in the committee have felt in dealing with this legislation. I doubt if very many pieces of legislation will come before this House in this session which will be more charged with emotional steam than the present issue, and where for that reason it is likely to be more difficult to deal with the subject in a reasonable spirit, which is certainly the spirit in which we must deal with it if we are to write legislation that will be fair not only to the officers concerned, but, what is even more important, to the whole defense structure.

Mr. Chairman, I have a great deal of personal interest in this matter because, as Members may recall, when the issue was first raised by the gentleman from New York [Mr. SANTANGELO] last summer in connection with the Defense Department appropriation bill, when he offered an amendment that would have barred all funds from any defense contractor who employed any retired general or admiral, I happened to be the only Member in the House who took the floor to speak out against that amendment on the merits. As has already been recalled, that amendment was defeated by a single vote on a division. Ever since that time I have been proud that I had a part in helping to forestall a piece of legislation that in my judgment would have been unwise, irresponsible, and dangerous, particularly for a country which recently has been expressing so much concern about whether we are doing everything we possibly could do to keep up with the Russians in the field of defense production. It would have totally denied us the service of able officers which are so much needed, whether they had a thing to do with selling at all.

As has been mentioned, as a result of the defeat of that amendment, the Hébert committee took the subject under advisement and held hearings, and the legislation we have today is the indirect result of those hearings.

I would like to emphasize a point that has already been made before, and that is that the allegations that lay behind the original amendment offered by my

friend from New York [Mr. SANTANGELO], namely, that there were large numbers of retired military officers who were using personal influence in getting defense contracts for the purchase of material which was not justified on its merits, and for which, as we now read in the newspapers, the taxpayers were fleeced millions or even billions of dollars, those allegations were never substantiated by the subcommittee's hearings. In fact the only thing they can talk about now to back up those allegations is the report of flying some active duty officers down to the Bahamas, a situation which the gentleman from Mississippi [Mr. WHITTEN] has already pointed out on the floor several times is not even touched by the legislation offered by the gentleman from Louisiana [Mr. HÉBERT].

We all agree of course that we have to eliminate improper influence. That is precisely what the committee substitute bill is designed to do. But I certainly do not believe it ought to be our intention to exclude retired officers of the armed services from participating in the defense program of the Nation altogether, even if not involved in selling. Certainly it cannot be our view that the defense industry is in itself some demon. On the contrary, we need a vigorous and able defense industry, and may I say too that we need to keep it operating under the American free enterprise system. Surely, there is nothing wrong with an industry that makes a reasonable profit, even a defense industry. And if this Nation is to survive that industry must be able to call upon our best brains in the field of development and production. How else can we solve such baffling problems as trying to locate an enemy submarine hundreds of miles away at sea? How else can we come up with a device for knocking out an enemy missile as soon as it leaves the launching pad? Surely we need a strong and healthy defense industry, and we must not forbid this industry to call in a legitimate and proper way upon those who have spent their lives in the armed services for the kind of experience and talent they can so readily supply.

I am not thinking here about the admirals and the generals. They can take care of themselves. I am thinking about the majors, the lieutenant colonels, the commanders and the captains who are being forced out of the service today because of legislation previously passed by this Congress, and going out at 45 or 50 while their families are still young and their financial responsibilities at their heaviest. These men cannot live on their retirement income. They must find jobs somewhere in private industry.

Where else are they most likely to find a job but in an industry which deals with the very field with which they are most familiar and where their experience primarily lies. Surely we should have no desire, do we, to bar these individuals from finding a legitimate livelihood in the field in which they are best suited.

I do believe, therefore, Mr. Chairman, that we have an obligation to make it perfectly clear in our discussion of this bill just what kinds of activities we consider improper and to which this legislation is being directed. Members of the Committee will note that the legislation refers specifically to "selling." The bill bans, "any transaction the purpose of which is to sell or to aid or assist in the selling of anything to the Department of Defense or an Armed Force of the United States by a retired commissioned officer of the Armed Forces within a period of 2 years following his retirement." In other words, the whole impact of this legislation hinges on the definition of the word "sell." Personally, I wish there were a better word that could describe what it is we are after, because we are not so much concerned it seems to me about the definition of selling as we are with making clear just what practises this legislation is designed to eliminate. Perhaps there is no better word we can find. But I am anxious that we in the legislative history of this bill not interpret this phrase so widely, or so broadly, or so vaguely, or so loosely, as to make it impossible for a retired officer to be employed in a research or production capacity by a defense industry, even if the officer has no contact with the Defense Department or its officials in any way at all.

Let us suppose, for example, that Admiral Rickover, who has been already mentioned, were to retire from the Navy. Are we to lose his immense scientific and technical ability altogether in our defense program at a time when we are struggling so hard to stay ahead of the Soviets? Suppose the admiral goes up into my district and takes a job in the Knoll's Atomic Power Laboratory of the General Electric Co. in Schenectady, N.Y.—as indeed I hope someday he will. Now suppose the admiral is engaged as a consultant in this great laboratory which is playing such a great part in the development of the nuclear submarine, and suppose he never leaves the confines of his office in Schenectady, never picks up the telephone to talk to anyone in Washington and never writes a letter to anyone in Washington. But suppose he just works to perfect developments in the nuclear propulsion field in which he is so eminently qualified. Is Admiral Rickover therefore to be barred from participating in this kind of activity? Is the country to be barred of his services in this technical field?

Surely we cannot and must not do that—if we really seriously mean to stay ahead of the Soviet Union in this vital and important race for survival.

In this connection, may I read to the House from the statement submitted to our committee by the National Association of Manufacturers:

> Many individuals of widely varying ages leaving the Government service have abilities that certainly have immediate and crucial value in the world technological race. It would be disastrous if, for example, able young engineers or retired experienced military and civilian Government personnel were broadly precluded from contributing their ready talents toward fostering the defense of our country and its economic health by continuing their work in private industry as employees or in their own businesses. • • • It is one thing to bar a recently retired officer from actually negotiating contracts with his former associates, but quite another to bar the same officer from a purely managerial production or research position for which his technical competence particularly qualifies him even though such competence was acquired by long years of military service. We cannot agree with the committee's report to the effect that every participant in the proposal, development, and production process is engaged in selling. Your previous hearings on this subject indicate that a vast majority of former commissioned officers and Defense Department personnel employed by defense contractors are not, in fact, in any way connected with sales, sales promotion, or negotiation of contracts. These men do, however, make an invaluable contribution to the defense effort at a time when their usefulness to that effort is in many cases at its peak. Those engaged in the defense effort, both the Government and industry, would be acting contrary to the public interest if they failed to take advantage of the accumulation of knowledge and skill possessed by retired defense personnel. Full utilization of such technical skills is of the utmost importance to the security of the United States in its current technological race with a potential enemy which unceasingly encourages, develops, and utilizes every man-hour of technical skill available to it.

Mr. Chairman, I trust the House will bear in mind that we are dealing here with a subject of the gravest importance to the national security of the country. I hope we will not legislate in this House on the basis of newspaper stories but only on the basis of demonstrated facts. Let us not turn back the clock to the 1930's when any individual who wore the uniform was suspect and any individual who chose to devote his career to the military defense of our country was looked upon with scorn and contempt. Let us not forget that we are still engaged in a competitive struggle with the Soviet Union which is destined to continue for many, many years to come. Whatever we do here should contribute to the defense of our country, not to the weakening of that defense or to the undermining of the confidence of our Nation in the men who have made this defense their life work.

I believe the substitute bill of the gentleman from Texas [Mr. KILDAY], reported by the committee meets that test. I do not know of a single person in this country who knows more about the defense of our great country or who is more sincerely dedicated to it than the distinguished chairman of our committee, the gentleman from Georgia [Mr. VINSON]. I, therefore, urge that the House support the position taken by the committee and its able chairman, and reject all crippling amendments to this effective and reasonable bill.

Mr. ARENDS. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I want to associate myself with the statements made by the gentleman from North Carolina [Mr. KITCHIN]. I agree with him that anyone who is naive enough to believe that court-martial punishment of military influence peddlers is going to be effective, when dealing with two- or three- or four-star generals and admirals, has another guess coming. That is window dressing. None of these bills

goes as far as they should. I call the attention of the chairman of the Armed Services Committee to another kind of influence peddling. In 1957, the Defense Department hired three psychologists from the American Institute of Research and sent them to three Far Eastern countries for 2 or 3 months to determine whether we ought to have a Military Assistance Advisory Group training program. Being a self-serving survey, these three psychologists, of course, recommended a training program. I do not know of any one, anywhere, at any time or place, accusing these three psychologists of knowing anything more about military training than a hog does about Sunday.

The next development in this picture was the hiring of retired Gen. Henry Newton who, according to the testimony before our subcommittee, never had a day of direct MAAG training in a foreign country. He was hired at $50 a day as a consultant in the Pentagon.

That was in January 1958. Six months later, in June of 1958, the MAAG training school was set up over in the Arlington Towers apartments. Who became Director of the MAAG training school then and still is the Director? Of course it was retired Gen. Henry Newton, who was employed for 6 months as a consultant at $50 a day and then became Director of the school on the payroll of the American Institute for Research which handles the operating contract. Believe it or not, there was no one else in our entire military setup capable of establishing the school; yet there were scores of officers who had MAAG experience in foreign countries. So retired General Newton got the job as Director of the Military Training Institute after serving as a $50-a-day consultant while setting up the contract with the American Institute of Research, which gets cost plus 6 percent as its share of the gravy.

Thus under this dual compensation, retired General Newton gets $20,000 a year, including his retirement pay, plus a fat check from the American Institute of Research. Why does not this bill go far enough to cure situations of this kind?

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. PUCINSKI. Does the gentleman know whether or not this General Newton retired because he had reached the compulsory age of retirement or did he retire before his active duty time expired?

Mr. GROSS. I know nothing about that; I do know that he is a retired general and draws retirement pay and gets a fat salary from the American Institute for Research, for which he apparently became a director on the basis of $50 a day plus expenses as a consultant, that being his qualification for setting up this MAAG training school.

Mr. PUCINSKI. I raised the question because I was impressed with the statement made by the previous speaker, the gentleman from New York, who said it is a shame to deny the great abilities of these generals to private industry. The question that arose in my mind was why not call them back into the service of the country, if they have voluntarily retired, so that they can contribute their services to the defense of the country.

Mr. GROSS. Why does not the Pentagon call some of these generals back into service on active duty instead of permitting them to set up systems by which they can farm out their services to a cost-plus contractor and draw dual compensation?

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. ARENDS. Mr. Chairman, does the gentleman from Iowa desire more time?

Mr. GROSS. No. I thank the gentleman from Illinois.

Mr. ARENDS. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Chairman, of course, in 3 minutes I cannot get very far with this difficult subject, but I assure you I am not trying to inject myself into a subject matter with which I do not have contact. For many years I have spent a great deal of time in connection with Defense Department matters on the subcommittee handling defense appropriations.

I say to you in my humble judgment we should follow the advice of the gentleman from North Carolina and send this bill back for further study.

This bill limits itself to participants in transactions, to those who engage in transactions the purpose of which is to sell or to aid or to assist in selling. Mr. Chairman, that does not touch what I earnestly believe is the major problem we have here and which I believe to be a serious one. One of the most tragic things, in my opinion, that can befall a country is getting its domestic economy wrapped around defense spending, or getting to the situation where defense spending is used in the nature of pump-priming transactions, to keep up pump-priming transactions, letting contracts to keep plants going and employment at full level.

No. The damage is not done by the few individuals, as bad as that might be, who in turn call on some other individual with regard to the selling of a particular thing. The damage is done by these big contractors who get top military men to voluntarily retire and go to work for those companies and sell the American people on the necessity of going overboard in military spending in certain directions.

We have had this year for the third time the Air Force before us trying to obtain money to purchase planes from a company of a certain type because somebody a few years ago told two companies the Air Force would decide which company came up with the best plane of a given type. Remember these company representatives come to the Air Force, not the other way around. There was no contract but because somebody talked to somebody three straight times, the Air Force has tried to obtain money to buy.

Last year one of the great issues in Washington and in Congress was whether the Congress was going to insist that we buy hundreds and hundreds of millions of dollars of the weapon Bomarc on procurement contracts prior to the weapon being proven. By a close vote the Government went ahead and the city of Washington was full of the employees of that company here to influence not only the Defense Department but the Congress. The company obtained the procurement contract. This year what do we find in the last 3 weeks? We find the military itself coming down and scaling down by two-thirds the procurement of that missile.

Is it the military people at high level who voluntarily quit, who deprive the Government of their training and their experience, having a job with a particular company, who actually do the selling to the Defense Department? Largely though—they sell the public and policy level people. No. But that general or that admiral, already having a belief as to how the defenses of this country should be provided, preaching that we need missiles, aircraft, or this, that or the other as he has come to firmly believe is hired by the big company who would profit if his views prevailed. Who does he sell to? Not to the military. He sells the American people through the press, and the pressure comes on Defense Department and the Congress. There is a hundred times more involved there than in the particular situations which would be reached if reached at all by the pending bills.

I hope to speak more fully on this when we take the matter up for amendment.

Mr. WHARTON. Mr. Chairman, the bill under present consideration, H.R. 10959, takes us into a broad and troublesome field. It seems to deal primarily with retired military officers, and involves numerous big contracting corporations in the defense area.

Mention has been made of the absence of a code of ethics for relations of this nature. Codes of conduct are set up in most professions, while in other business relations, ordinary regard and observations of moral conduct have proven sufficient.

Quoting from the committee report and the debate today, I note that 261 general or flag officers and 485 officers above the rank of colonel and Navy captain are employed by manufacturers of 80 percent of new weapons. These contracts involve billions of dollars annually, and the salaries of retired officers, in addition to their retirement rights, reportedly run as high as $75,000 per annum in some cases—which fact to many of us speaks for itself.

It would seem that something along the line of the current proposal is urgently needed, but the question of necessary punitive provisions arises and will be passed upon in the course of proposed amendments to the bill. The question arises as to whether military or civilian courts should have jurisdiction, and whether the contractor should not be held responsible as well as the retired officer. In my opinion, it would not be practical to have either a divided or a double jurisdiction under this bill; and the equities favor the civilian courts

where both the corporate defendant and the individual can be dealt with, should occasion arise. However, we are concerned with matters involving officers of intelligence and standing, on a subject on which regulations should have been laid down years ago as to their conduct.

I have one of the prime defense contractors operating in my district, employing a total of some 84,000 employees; and out of their entire personnel the committee has reported but 10 retired military officers employed. Obviously this is a very normal figure and entirely above reproach. Other single corporations, I note, have upward of 200 retired military officers on their payrolls, and as high as 27 flag and general officers employed. These figures would seem to be very much out of proportion.

I think this is excellent legislation, and once the necessary standards are established, there is no doubt but that it will have a salutary effect on the entire subject of awarding defense contracts, with the end result of a substantial savings to our taxpayer.

Mr. MACK. Mr. Chairman, I strongly support the Hébert proposal but I regret to say that while it is much stronger than the committee bill it still does not go far enough. The activity of some of the retired commissioned officers who have been employed by defense contractors is shocking. The hearings held by the House Armed Services Committee clearly showed the need for legislative action to correct this deplorable condition. In many cases there has been a direct conflict of interest either while the officers were still serving on active military duty or immediately after being retired.

The most recent substitute proposed by the House Armed Services Committee falls substantially short of what is necessary to correct this difficult and complicated problem. Even the Hébert proposal seems to me to be only a step in the right direction. If it were enacted it would still be necessary to prove that the retired officers are actually engaged in selling or assisting in selling. In many instances, the association of the name of a retired flag officer who has been employed by the contractor would be enough for the appropriate salesman to secure a lush contract. In this way the retired officer would be aiding and assisting in the sale but it would be almost impossible to prove. It seems obvious that if we are to approach this problem constructively we must prohibit the employment of all retired commissioned officers by defense and armed service contractors for a period of 2 years after retirement or at least require that they forfeit retirement benefits if they accept any type of employment in a defense industry. This would be a strict rule but it appears to be the only solution to the problem and it is not unjust.

Retirement benefits are paid to retired military personnel without any monetary contribution from the individual. They are paid so that these individuals can retire after devoting many useful years to the military services and in my opinion they are paid for retirement purposes. While there has never been any limitation on their activity after retirement I can see no reason why they should draw their full retirement pay when they are employed by defense contractors doing 100 percent of their business with the Federal Government. Mr. Chairman, I want to reemphasize that if we are sincere and if we really want to deal with these abuses, we need a stronger bill enacted. We need a law which will discourage officers on active duty in the military services from negotiating for employment while they are still on duty. We need a law which would make it impossible for any officer to transfer, directly from the military services to a defense contractor and still receive full retirement benefits.

Mr. Chairman, I have a great deal of respect and admiration for the many outstanding officers and men in our military services. Some of my closest friends are high-ranking officers. It is obvious, however, that we have had serious cases of abuse and that we must act affirmatively to eliminate these abuses. Therefore, Mr. Chairman, I strongly support the Hébert amendment. I also hope that the other body will further strengthen this bill.

Mr. DOYLE. Mr. Chairman, while I am in support of the Kilday amendment to the committee bill, I am not satisfied that said bill meets the problem as fully or as effectively as it might. On the other hand, the subject involved had the consideration of the very able Hébert subcommittee for many weeks. Since that time it has had the consideration of the very able gentleman from Texas [Mr. KILDAY] and our distinguished full Armed Services Committee chairman, CARL VINSON.

In the meeting of the House Armed Services Committee, of which I have now been a member for over a dozen years, I voted for the Kilday amendment, but with reservations. I did so then because I did not at that time feel sufficiently enough informed in the premises to definitely commit myself to vote for the Kilday amendment when it came to the floor of the House for decision.

Mr. Chairman, from the speeches on this floor throughout this debate, even by the distinguished chairman of the Armed Services Committee, Hon. CARL VINSON, I am very sure that I am not alone in stating that I am not yet fully satisfied in the premises that this bill meets the problem fully. But, as stated by Hon. CARL VINSON, some legislation is now essential. And, since, under the parliamentary status on the floor, the Kilday amendment or substitute is the issue before us, I shall vote for same.

However, I wish to emphasize to the attention of the membership that I believe one result of the adoption of the Kilday amendment or substitute is that it will place a very great responsibility on the shoulders of the convening authority of military courts-martial. Not only will a greater responsibility rest on the President, or the Secretaries of the Army, Navy, Air Force, or Secretary of Defense, in selecting the personnel for the court-martial under this bill, but it will definitely place an entirely new and different burden of responsibility upon the members of the court-martial who may be chosen to sit in determination whether or not any retired military officer or officers have violated the terms of the law. I am sure the reasons behind this statement by me are crystal clear to all who hear.

Likewise, it appears crystal clear to me that it is incumbent upon the present active Military Establishment personnel to be so ethical in their treatment of their high offices in the field of military procurement, that the American people and taxpayers, will have no occasion but to have even increasing pride and satisfaction and knowledge that all is well on the highest possible ethical and moral plane of conduct in this difficult area treated during our debate today and yesterday. The other points which I might mention have already been ably spoken of so I will yield back the balance of my time.

The CHAIRMAN. All time having expired, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, (A) Title 10, United States Code, is amended by adding a new chapter at the end of part II of subtitle A, as follows:

"CHAPTER 62—EMPLOYMENT OF RETIRED OFFICERS BY DEFENSE CONTRACTORS

"1601. Withholding of retired pay.
"1602. Enrollment of retired officers employed by defense contractors.

"§ 1601. Withholding of retired pay

"A commissioned officer of an armed force of the United States (other than an officer who served on active duty for less than eight years and whose primary duties during his period of active duty at no time included procurement, maintenance, or supply) who, within two years after release from active duty—

"(1) for himself, or

"(2) for another person, partnership, corporation, association, or other entity,

engages in any transaction, the purpose of which is to sell or to aid or assist in the selling of anything to the Department of Defense or an armed force of the United States shall not be entitled to receive any retired pay for or on account of his service in the Armed Forces, while he is so employed during that two-year period.

"§ 1602. Enrollment of retired officers employed by defense contractors

"(a) A retired commissioned officer of an armed force of the United States upon agreeing to accept compensation or anything of value from a person, partnership, corporation, association, or other entity in any transaction the purpose of which is to sell or to aid or assist in the selling of anything to the Department of Defense or an armed force of the United States shall after entering into that agreement file a statement with the Secretary of the department with which he intends to do business of the fact and time of such agreement together with such additional information concerning the duties to be performed in such transaction, as the Secretary of that department may require. A retired commissioned officer acting for himself in any transaction the purpose of which is to sell or to aid or assist in the selling of anything to the Department of Defense or an armed force of the

United States shall file a statement with the Secretary of the department with which he intends to do business of his purpose to engage in such a transaction and such additional information as the Secretary of that department may require. A retired commissioned officer after filing shall notify the Secretaries of the departments with which he does business of any change in his status.

"(b) The Secretary of each of the military departments shall establish within his department an office for enrollment of retired officers where the information required to be furnished under subsection (a) shall be collected. The information so required shall be open to public inspection. The Secretary of each of the military departments shall appoint, from within his department, a director of enrollment who shall be charged with custody of the information filed hereunder and such other duties as the Secretary of that department may require.

"(c) The Secretary of each military department shall cause to be transmitted to officers on the retired list of that department, within six months after the enactment of this statute, a suitable form upon which the information required hereunder may be supplied.

"(d) A person, firm, or corporation awarded a defense contract shall upon the award thereof advise the Secretary concerned in the Department of Defense of all retired military officers employed by said contractor; and a prime contractor shall be required to obtain like information from subcontractors and file the same, as herein provided, unless such information is on file in the department. Notice of the requirements of this subsection shall be included in all invitations for bids or proposals.

"(e) Failure to comply with the provisions of this section shall be cause for the suspension of retired pay or contract payments, as the case may be, until such information is furnished."

(B) The analysis of part II of subtitle A of title 10, United States Code, is amended by adding at the end the following item:

"82. Employment of retired officers by defense contractors---------- 1601, 1602"

SEC. 2. The Career Compensation Act of 1949, as amended (Act of October 12, 1949, chapter 681) is further amended by adding at the end thereof a new section as follows:

"SEC. 534. A commissioned officer of an armed force of the United States, who, while on active duty, is employed by any person, partnership, corporation, association, or other entity furnishing anything to the Department of Defense or an armed force of the United States, shall not be entitled to payment from the United States during that employment except officers appointed under the provisions of the Act of March 23, 1946 (60 Stat. 59), and the Act of September 18, 1950 (64 Stat. A224)."

SEC. 3. Section 6112 of title 10, United States Code, is repealed.

Mr. KILDAY (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that the bill be considered as read.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. KILDAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KILDAY: On page 1, line 2, strike out all after the enacting clause, and insert the following: "That (a) title 10, United States Code, is amended by adding a new chapter at the end of part II of subtitle A, as follows:

"'CHAPTER 82—EMPLOYMENT OF RETIRED OFFICERS BY DEFENSE CONTRACTORS

"'1601. Withholding of retired pay.

"'1602. Enrollment of retired officers employed by defense contractors.

"'§ 1601. Withholding of retired pay

"'It shall be unlawful for a commissioned officer of an armed force of the United States (other than an officer who served on active duty for less than eight years and whose primary duties during his period of active duty at no time included procurement or supply) within two years after release from active duty—

"'(1) for himself, or

"'(2) for another person, partnership, corporation, association, or other entity,

to engage in any transaction, the purpose of which is to sell or to aid or assist in the selling of anything to the Department of Defense or an armed force of the United States and such officer shall not be entitled to receive any retired pay for or on account of his service in the Armed Forces, to which he would otherwise be entitled, for a two-year period from the date he engages in any such transaction.

"'§ 1602. Enrollment of retired officers employed by defense contractors

"'(a) A retired commissioned officer of an armed force of the United States upon agreeing to accept compensation or anything of value from a person, partnership, corporation, association, or other entity in any transaction the purpose of which is to sell or to aid or assist in the selling of anything to the Department of Defense or an armed force of the United States shall after entering into that agreement file a statement with the Secretary of the department with which he intends to do business of the fact and time of such agreement together with such additional information concerning the duties to be performed in such transaction, as the Secretary of that department may require. A retired commissioned officer acting for himself in any transaction the purpose of which is to sell or to aid or assist in the selling of anything to the Department of Defense or an armed force of the United States shall file a statement with the Secretary of the department with which he intends to do business of his purpose to engage in such a transaction and such additional information as the Secretary of the department may require. A retired commissioned officer after filing shall notify the Secretaries of the departments with which he does business of any change in his status.

"'(b) The Secretary of each of the military departments shall establish within his department an office for enrollment of retired officers where the information required to be furnished under subsection (a) shall be collected. The information so required shall be open to public inspection. The Secretary of each of the military departments shall appoint, from within his department, a director of enrollment who shall be charged with custody of the information filed hereunder and such other duties as the Secretary of that department may require.

"'(c) The Secretary of each military department shall cause to be transmitted to officers on the retired list of that department, within six months after the enactment of this statute, a suitable form upon which the information required hereunder may be supplied.

"'(d) A person, firm, or corporation awarded a defense contract shall upon the award thereof advise the Secretary concerned in the Department of Defense of all retired military officers employed by said contractor; and a prime contractor shall be required to obtain like information from subcontractors and file the same, as herein provided, unless such information is on file in the department. Notice of the requirements of this subsection shall be included in all invitations for bids or proposals.

"'(e) Failure to comply with the provisions of this section shall be cause for the suspension of retired pay or contract payments, as the case may be, until such information is furnished.'

"(b) The analysis of part II of subtitle A of title 10, United States Code, is amended by adding at the end the following item:

"'82. Employment of retired officers by defense contractors---------- 1601, 1602.'

"SEC. 2. The Career Compensation Act of 1949, as amended (Act of October 12, 1949, chapter 681), is further amended by adding at the end thereof a new section as follows:

"'SEC. 535. A commissioned officer of an armed force of the United States, who, while on active duty, is employed by any person, partnership, corporation, association, or other entity furnishing anything to the Department of Defense or an armed force of the United States, shall not be entitled to payment from the United States during that employment except officers appointed under the provisions of the Act of March 23, 1946 (60 Stat. 59), and the Act of September 18, 1950 (64 Stat. A224).'

"SEC. 3. Any retired commissioned officer subject to the Uniform Code of Military Justice who violates any provision of this Act shall be tried by a court-martial and shall, upon conviction, be punished as a court-martial shall direct.

"SEC. 4. Section 6112 of title 10, United States Code, is repealed."

Mr. KILDAY (interrupting the reading of the amendment). Mr. Chairman, I ask unanimous consent that the further reading of my amendment be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. KILDAY. Mr. Chairman, of course, the amendment which I have offered is the amendment which I discussed during general debate, which changes the bill reported by the Committee on Armed Services in only two particulars: Beginning on line 16, page 2, is the language with reference to the forfeiture of retired pay for a 2-year period from the date he engages in such transaction. The committee bill forfeited the retired pay only during the time that he was employed in selling. The other change which is made in the committee bill is to add section 3, which appears on page 5.

Mr. Chairman, I want to say in connection with the remarks made by the gentleman from Mississippi and the remarks made by others, including the gentleman from North Carolina, I have no doubt that there are many things going on in Government establishments or within the Department of Defense which should not be going on. It happens that this one phase of the matter involving the employment of former military officers by defense contractors is the one which has come up, the one that was referred to a subcommittee of the Committee on Armed Services, and the one which we are now dealing with.

Obviously we cannot deal with all of the problems within this area which require solution. It is true, the departments have within their existing au-

thority great power to handle the people who are on active duty and who are making these contracts or employ other individuals. Someone is going to have to administer these departments. I think, by far and large, most of them are honest, sincere, conscientious men. I doubt not that here and there there are those individuals who will take a short cut, but we cannot do all of these things at one time.

Mr. Chairman, I am urging the Committee to adopt the amendment which I have offered which will make it positively unlawful for a man within a period of 2 years after he has left the service to be employed by a concern, company, or partnership which is engaged in selling to the military. Now, I know that there are a lot of other things that people would like to cover, but, as I attempted to point out in general debate, when you reach this area you find it most difficult to decide the persons who shall be affected. The Hébert committee has come up with the idea of registration and the barring of selling. I am conscious of the arguments that have been made here about this amendment not being effective. I want to reiterate again that the provision for registration, with that registration open to the public, is the really effective provision of this bill. That is the provision that was devised by the gentleman from Louisiana and his subcommittee, to place on the public records, subject to public inspection, the names of those persons engaged in selling to the Military Establishment. Once that public record is made, the influence of that individual is destroyed, and his marketability to a defense contractor is destroyed. He becomes liable to the processes of military justice under court-martial, and he is not going to court that possibility.

The amendment was adequately argued and debated during general debate, and I trust the amendment will be adopted.

Mr. HÉBERT. Mr. Chairman, I offer an amendment as a substitute for the Kilday amendment.

The Clerk read as follows:

Amendment offered by Mr. HÉBERT as a substitute for the amendment offered by Mr. KILDAY: Strike out the language of the amendment and insert: "That (a) title 10, United States Code, is amended by adding a new chapter at the end of part II of subtitle A, as follows:

"'CHAPTER 82.—EMPLOYMENT OF RETIRED OFFICERS BY DEFENSE CONTRACTORS

"'§ 1601. Enrollment of retired officers employed by defense contractors

"'(a) A retired commissioned officer of an armed force of the United States upon agreeing to accept compensation or anything of value from a person, partnership, corporation, association, or other entity with respect to any transaction related to selling or to aiding or assisting in the selling of anything to the Department of Defense or an armed force of the United States shall after entering into that agreement file a statement with the Secretary of the Department with which he intends to do business of the fact and time of such agreement together with such additional information concerning the duties to be performed in such transaction, as the Secretary of that department may require. A retired commissioned officer acting for himself with respect to any transaction related to selling or aiding or assisting in the selling of anything to the Department of Defense or an armed force of the United States shall file a statement with the Secretary of the department with which he intends to do business of his purpose to engage in such a transaction and such additional information as the Secretary of that department may require. A retired commissioned officer after filing shall notify the Secretaries of the departments with which he does business of any change in his status.

"'(b) The Secretary of each of the military departments shall establish within his department an office for enrollment of retired officers where the information required to be furnished under subsection (a) shall be collected. The information so required shall be open to public inspection. The Secretary of each of the military departments shall appoint, from within his department, a director of enrollment who shall be charged with custody of the information filed hereunder and such other duties as the Secretary of that department may require.

"'(c) The Secretary of each military department shall cause to be transmitted to officers on the retired list of that department, within six months after the enactment of this statute, a suitable form upon which the information required hereunder may be supplied.

"'(d) A person, firm, or corporation awarded a defense contract shall upon the award thereof advise the Secretary concerned in the Department of Defense of all retired military officers employed by said contractor; and a prime contractor shall be required to obtain like information from subcontractors and file the same, as herein provided, unless such information is on file in the department. Notice of the requirements of this subsection shall be included in all invitations for bids or proposals.

"'(e) Failure to comply with the provisions of this section shall be cause for the suspension of retired pay or contract payments, as the case may be, until such information is furnished.'

"(b) The analysis of part II of subtitle A of title 10, United States Code, is amended by adding at the end the following item:

"'82. Employment of retired officers by defense contractors---------- 1601

"SEC. 2. The Career Compensation Act of 1949, as amended (Act of October 12, 1949, chapter 681), is further amended by adding at the end thereof a new section as follows:

"'SEC. 534. A commissioned officer of an armed force of the United States, who, while on active duty, is employed by any person, partnership, corporation, association, or other entity furnishing anything to the Department of Defense or an armed force of the United States, shall not be entitled to payment from the United States during that employment except officers appointed under the provisions of the Act of March 23, 1946 (60 Stat. 59), and the Act of September 18, 1950 (64 Stat. A224).'

"SEC. 3. Section 6112 of title 10, United States Code, is repealed.

"SEC. 4. That chapter 15 of title 18, United States Code is amended by adding at the end thereof the following new section:

"'§ 292. Unlawful transactions of a retired commissioned officer within the Department of Defense

"'It shall be unlawful for a retired commissioned officer of an armed force of the United States (other than an officer who served on active duty for less than eight years and whose primary duties during his period of active duty at no time included procurement, maintenance, or supply) within two years after his release from active duty to receive or agree to receive compensation or anything of value for any service rendered or to be rendered by himself or for another person, with respect to any transaction related to selling or aiding or assisting in the selling of anything to the Department of Defense or an armed force of the United States.

"'It shall be unlawful for any person to employ such a retired commissioned officer, within such a period of time, for the purpose of selling or aiding or assisting in the selling of anything of value to the Department of Defense or an armed force of the United States.

"'Whoever violates any provision of this section shall be fined not more than $10,000.00 or imprisoned for not more than one year, or both.'"

Mr. HÉBERT (interrupting the reading of the amendment). Mr. Chairman, I ask unanimous consent that the amendment be considered as read, since it is contained in H.R. 11474, which was discussed this morning in general debate.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. KILDAY. Mr. Chairman, I make a point of order against the substitute offered by the gentleman from Louisiana.

The CHAIRMAN. The gentleman will state his point of order.

Mr. KILDAY. Mr. Chairman, as I understand, the amendment is the language of H.R. 11474; is that correct?

Mr. HÉBERT. That is correct.

Mr. KILDAY. Mr. Chairman, I make the point of order that it is not germane to the amendment or the pending bill; that the language appearing on page 5 beginning at line 4 attempts to create a new penal offense, whereas the amendment and the pending bill do not create any criminal offenses. I make the additional point of order that the committee reporting the bill does not have jurisdiction to consider the matter contained in this substitute.

The CHAIRMAN. Does the gentleman from Louisiana desire to be heard on the point of order?

Mr. HÉBERT. I do, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized.

Mr. HÉBERT. Mr. Chairman, reading from Cannon's Procedure at page 199 under the heading of "Germaneness," this definition is given under the ruling of the then Chairman, John J. Fitzgerald of New York:

That an amendment be germane means that it must be akin to or relevant to the subject matter of the bill. It must be an amendment that would appropriately be considered in connection with the bill. The object of the rule requiring amendments to be germane—and such a rule has been adopted in practically every legislative body in the United States—is in the interest of orderly legislation. Its purpose is to prevent hasty and ill-considered legislation, to prevent propositions being presented for the consideration of the body which might not reasonably be anticipated and for which the body might not be properly prepared.

Mr. Chairman, I submit that the amendment is certainly germane. It is relevant to the subject matter. It proposes to deal with the subject matter, which is the relationship between retired officers and defense contractors. It should be declared in order because of that germaneness.

The CHAIRMAN (Mr. FORAND). The Chair is ready to rule.

The gentleman from Texas [Mr. KILDAY] has offered an amendment to the bill presently under consideration, H.R. 10959, to which the gentleman from Louisiana [Mr. HÉBERT] offers a substitute.

The Chair has examined the language of the Kilday amendment as well as of the substitute offered by the gentleman from Louisiana and finds that the Kilday amendment deals with retired officers of the Armed Forces, whereas the HÉBERT substitute goes much further and deals with criminal penalties; deals with the Criminal Code and which, if offered as a separate bill would have to be referred to the Committee on the Judiciary. It is clearly outside the jurisdiction of the Committee on Armed Services.

For those reasons, the Chair sustains the point of order.

Mr. HÉBERT. Mr. Chairman, I offer an amendment to the amendment offered by Mr. KILDAY, of Texas.

The Clerk read as follows:

Amendment offered by Mr. HÉBERT to the pending amendment offered by Mr. KILDAY: On page 2 strike from lines 2 through 17 and substitute the follows:

"It shall be unlawful for a retired commissioned officer of an armed force of the United States (other than an officer who served on active duty for less than 8 years and whose primary duties during his period of active duty at no time included procurement, or supply) within two years after his release from active duty to receive or agree to receive compensation or anything of value for any service rendered or to be rendered by himself or for another person, with respect to any transaction of selling or aiding or assisting in the selling of anything to the Department of Defense or an armed force of the United States.

"It shall be unlawful for any person to employ such a retired commissioned officer, within such a period of time, for the purpose of selling or aiding or assisting in the selling of anything of value to the Department of Defense or an Armed Force of the United States.

"Whoever violates any provision of this section shall be fined not more than $10,000 or imprisoned for not more than one year, or both."

Mr. KILDAY. Mr. Chairman, I make a point of order against the amendment on the ground that it is not germane, that it is outside the language of the amendment I have offered and of the original bill, that it creates a new criminal offense, and that it applies to other than retired officers, being the only group concerned in my amendment.

Mr. HÉBERT. Mr. Chairman, I desire to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. HÉBERT. This amendment is identical with the previous amendment except that it has no reference to the criminal statute, title 18 of the United States Code. It is germane because it does apply to the creation of a violation of a law, which is in the pending amendment, making sales unlawful. It is germane in its reference to contractors because the title of the bill relates to the hiring of retired commissioned officers by defense contractors.

The CHAIRMAN (Mr. FORAND). The Chair is ready to rule.

The same basis for the ruling that was made previously would apply here, in view of the fact that criminal penalties are involved. The Chair sustains the point of order.

Mr. HÉBERT. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

Amendment offered by Mr. HÉBERT to the amendment offered by Mr. KILDAY: On page 2 strike from lines 2 through 17 and substitute the following:

"(a) It shall be unlawful for a retired commissioned officer of an armed force of the United States (other than an officer who served on active duty for less than 8 years and whose primary duties during his period of active duty at no time included procurement, or supply) within 2 years after his release from active duty to receive or agree to receive compensation or anything of value for any service rendered or to be rendered by himself or for another person, with respect to any transaction of selling or aiding or assisting in the selling of anything to the Department of Defense or an armed force of the United States.

"(b) A retired commissioned officer who violates subsection (a) of this section shall not be entitled to receive any retired pay for or on account of his service in the Armed Forces, to which he would otherwise be entitled, for a 2-year period from the date he engages in any such transaction.

"(c) It shall be unlawful for any person to employ a retired commissioned officer as defined in subsection (a) of this section, within such a period of time as defined in subsection (a) of this section, for the purpose of selling or aiding or assisting in the selling of anything of value to the Department of Defense or an armed force of the United States.

"(d) Whoever violates the provisions of subsection (c) of this section shall be for a period of 2 years, from the date of such violation, disqualified to enter into any transaction related to the obtaining and performing of defense contracts with the Department of Defense or an armed force of the United States."

Mr. KILDAY. Mr. Chairman, I make a point of order against the amendment on the ground that it is not germane. In that connection, I call the Chair's attention to the fact that it includes the prohibition as to the person employing, that phrase not being included in either the amendment or the original bill. It creates a new civil penalty for violation which was not included in either the pending original bill or the pending amendment. For that reason it is not germane to the pending bill and amendment.

Mr. HÉBERT. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will hear the gentleman from Louisiana.

Mr. HÉBERT. Mr. Chairman, this is an entirely different approach from the two previous amendments. This amendment is new language and is in keeping with the bill itself. The title of the bill is "A bill relating to the employment of retired commissioned officers by contractors of the Department of Defense and the Armed Forces and for other purposes."

With reference to chapter 82, Employment of Retired Officers by Defense Contractors, I direct your attention to page 2, line 1, section 1601, which deals with the employment of the officer and his activities. It also provides a penalty for that activity.

Mr. Chairman, I submit that the amendment which I have offered provides as to the activity of the contractor and provides a penalty for a violation of law not with a jail sentence or a criminal prosecution, but with a civil penalty in keeping with the civil penalty or fine as contained in section 1602.

Mr. Chairman, this is an entirely different approach and it carries out the complete intent of the bill. It deals with officer and contractor relations, and I certainly think the amendment is in order.

The CHAIRMAN (Mr. FORAND). The Chair is ready to rule. The gentleman from Louisiana has offered an amendment to the amendment offered by the gentleman from Texas [Mr. KILDAY], to which the gentleman from Texas has raised a point of order. The Chair has had an opportunity to study the amendment and finds that in paragraphs (c) and (d) the amendment refers to contractors. It imposes a penalty on contractors in the form of a suspension of the privilege of doing business with the Federal Government for a period of 2 years. The bill and amendment now under consideration deal solely with retired commissioned officers of the armed services. It is entirely outside the scope of the bill or of the amendment offered by the gentleman from Texas [Mr. KILDAY]. Therefore, the Chair holds that the amendment is not germane and the point of order is sustained.

Mr. HÉBERT. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas [Mr. KILDAY].

Mr. Chairman, you have seen the exhibition that I predicted would take place here this afternoon when I offered my amendment. You have been denied the right to vote on the issue. By the use of the parliamentary situation, you are being prevented from expressing yourself fully. You have only one name on the ballot; that is all. However, I assure you, so far as I am concerned, you will be allowed to work your will. As far as I am concerned, this House will be allowed to come to grips with the problem. As far as I am concerned, I will take the advice of the gentleman from Texas, the distinguished and learned lawyer whom I respect highly and who moved me so much earlier today by his remarks. Although I do not agree with his conclusions, I will take his advice and I am now dropping in the hopper a bill containing exactly what I have been trying to get before this House. This bill will be referred to the Committee on the Judiciary, and I shall do everything I can to get it up before the House for you to dispose of the matter in that manner.

Mr. KILDAY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I want to congratulate the gentleman from Louisiana [Mr. HÉBERT] for now finally abiding by the rules of the House. I congratulate him upon his action in dropping into the hopper a bill which will be referred to the proper committee, the committee having jurisdiction of the subject matter. That makes crystal clear the parliamentary situation which has confronted the Committee on Armed Services from the time it began consideration of the report of the Hébert subcommittee. The Hébert subcommittee sought to go outside of the jurisdiction of the Committee on Armed Services. The full committee found itself faced with opposition from the other committee for invading their jurisdiction. This is a matter which exists constantly. It is the first time I have known of a committee being criticized for having abided by the rules of the House and for remaining within its own jurisdiction. Many times committees have been criticized for having gone outside their own jurisdiction. As I said before, those rules existed long before the gentleman from Louisiana [Mr. HÉBERT] and I were born—and that is getting to be a long time ago. Through the existence of the parliamentary system of the United States, based upon the centuries of experience in the British House of Parliament, Jefferson initially wrote the manual which is still the basic rules of procedure of the House of Representatives. These great men who preceded us through the 160 years since the convening of the first Congress, have seen that the rules have been amended to promote orderly consideration of legislation. It is not within the province of the gentleman from Louisiana to set aside those rules. It is not within the province of the gentleman from Louisiana on one rollcall vote with four others to set aside those rules. Nor is it the province of the gentleman with 24 in the Committee on Armed Services who voted in favor of the substitute I have offered, nor is it within the province of those who wanted no legislation at all. I have no criticism of the gentleman for casting me in the light of one who did not want you to pass upon an issue not raised. The rules of the House determined that long, long ago. When I was elected, and each time I have been reelected, no one has had me come here with the misconception that this was going to be a case of easy procedure. Every one of us during his service here sometime during each session will be faced with distasteful decisions. Whether you are willing to face those distasteful decisions is up to each Member.

Mr. PUCINSKI. Will the gentleman yield?

Mr. KILDAY. I yield.

Mr. PUCINSKI. Will the gentleman explain whether the reporting procedure found on page 3 of the amendment would apply to all of these 1,677 former Army officers listed on page 22 of the report? Is this retroactive? Will this cover all of the retired officers now covered?

Mr. KILDAY. It would depend on when he retired. The disqualification is for a period of 2 years after his release from active duty. Anyone retired less than 2 years ago is included.

Mr. PUCINSKI. It would be a fair assumption that of this figure of 1,677 listed in the committee's report on page 22 that a substantial percentage of those would not be included in the reporting on this amendment?

Mr. KILDAY. I think that is correct. I will call attention to the other provision of the bill, however, that when notice for bids goes out the contractors are informed that if they get the award they are going to have to disclose the people employed by them. That says for all time. So it would take in those also.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. PUCINSKI. Mr. Chairman, I ask unanimous consent that the gentleman from Texas [Mr. KILDAY] may proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. KILDAY. I yield.

Mr. PUCINSKI. I congratulate the gentleman for his amendment. The point I am wondering about is whether you are not creating a double standard of officers, a second class of officers who come under retirement, one, those who have retired within the last 2 years who have to report, and those who retired previously who do not. Why should the requirement not be applicable to all?

Mr. KILDAY. We are dealing with a situation which should never have occurred. The retired people should have seen to it that it did not arise, but the situation has arisen and we must deal with it as it exists.

Mr. PUCINSKI. What objection is there to covering all of them?

Mr. KILDAY. The point is that you cannot bar these people forever from working for defense contractors.

Mr. PUCINSKI. I am not barring; I am not suggesting that; I am suggesting that they all report.

Mr. KILDAY. The objection is that they are associating with their fellows in the Department of Defense. I grant you that some years ago 2 years would not have been an adequate period of time for those dealing with defense matters for they would know some of the people down at the Pentagon. But today the change is so rapid that every time we have a hearing a new group comes up and today after the lapse of 2 years most of those associations have been dissolved.

Mr. WHITTEN. Mr. Chairman, I move to strike out the last word.

Mr. VINSON. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield.

Mr. VINSON. Mr. Chairman, I would like to ascertain the time required on this amendment. I ask unanimous consent that all debate on the Kilday amendments and all amendments thereto close in 20 minutes.

Mr. SANTANGELO. Mr. Chairman, I object.

Mr. VINSON. Mr. Chairman, I ask unanimous consent that all debate on the Kilday substitute and all amendments thereto close in 25 minutes.

Mr. SANTANGELO. Mr. Chairman, I object.

Mr. VINSON. Mr. Chairman, I move that all debate on the Kilday amendment——

Mr. WHITTEN. Mr. Chairman, if this is coming out of my time I cannot yield further.

The CHAIRMAN. The gentleman from Mississippi declines to yield further, as this is coming out of his time.

The gentleman from Mississippi is recognized.

Mr. WHITTEN. Mr. Chairman, I would like to repeat again that from the years of experience I have had on the Appropriations Subcommittee handling defense appropriations, I sincerely believe this bill should go back to the Committee on Armed Services in line with the fine statement of the gentleman from North Carolina, a member of the committee. I think that anyone who followed the points of order raised by the gentleman from Texas, in which he pointed out what is not in the bill, would agree that the points raised by him are proof of the need for the bill to go back so that committee can put some of those provisions in the measure.

May I say that my good friend from Texas, and he is one of the ablest lawyers here, one of the finest people, is right about the rules of the House; but the gentleman from Louisiana is also right about the rules of the House. I have seen my distinguished friend from Georgia in times past bring up a bill similar to this which did provide for fines and jail sentences. He had my help in strengthening the provisions of that bill.

Many of you will remember in World War II the 5 percenters, Washington contacts who charged contractors 5 percent on the military contracts they obtained or claimed they got. Hundreds of millions of dollars were thus paid out to these individuals, the cost of which was passed on to the Government in the cost-plus-fixed-fee arrangement. The country was up in arms. My good friend from Georgia, then as now, got busy to clean it up. However, where some of these 5 percenters got many millions of dollars, the penalty in the bill brought out by the committee of the gentleman from Georgia provided for only a penalty of 3 months in jail and $5,000 in fines. The House and the Congress changed the penalty however to 5 years, and the Government broke up that practice, unless what is happening now is some of the same.

Now it appears contractors may be doing the same thing, not through paying a percentage which is now in violation of the law, but by hiring retired military personnel on a salary. I think the legislation now before us, including both amendments are wholly inadequate.

Remember, the retired officer denies having tried to influence. The military officer denies it. Each says it was only a social occasion. Now, is a third military man going to file charges leading to court martial?

In World War II the House wrote its own penalty in that bill, but the penalty was in the bill because the gentleman from Georgia sought and obtained a rule

which made it in order. That could have been done here, had the gentleman from Georgia been for these stronger penalties.

I remind you again the gentleman could have made these amendments in order. Some of you will remember when there was so much turmoil about the first congressional pension, the gentleman from Georgia repealed such pension in a naval construction bill. Talk about jurisdiction. Now, I do not have a better friend. There is no more able man in the Congress than our colleague from Georgia, who has rendered great service to his Nation; but do not tell me he did not know how to have made these amendments in order and also do not tell me he could not have gotten the approval of these other committees for him to handle this overall problem had he wished.

Really if the pending bill were to control what is claimed for it, in my opinion, it would only barely touch what is involved here. Today the Nation is spending about 60 percent of its total income for so-called military. As a result we are having constant inflation. Military spending is used to keep employment going, to spread contracts, to cut everyone in. After months of hearings each year I am convinced that fully one-third of our military spending has little if any relation to defense. With such a serious situation, unless we stop it, we will continue to have on the one hand the military people who have a vested interest in their existing jobs spending 60 percent of the national income. We have on the other hand military contractors with 1,400 other military men pressing for military spending for contractors who may later hire those regular service personnel when they retire. With that much influence on both sides it makes it that much more difficult to hold things down.

If such retired personnel could not look to employment with defense contractors perhaps they would have more incentive to hold down defense expenditures so their retirement dollar would buy something.

Let me explain all this you read in the press that the Army does not have enough money. What that means is that certain Army officials do not believe the Army has been given a big enough percentage of the assignment for defense, which would take more money. The argument that some Navy officers make that the Bureau of the Budget and the Defense Department do not give the Navy enough money, really means that they believe the Navy has not been given as big a part of the defense assignment as they think it should have. That of course would have taken money.

So it goes with the Air Force. Now each, if he had his way, would open up great amounts of purchasing, in Army equipment, or naval weapons, planes, or missiles.

These officers I am talking about, many of them in their own mind, are convinced they are doing right. They honestly think you ought to have the Army fill a bigger place, which would call for more procurement, so with the Navy, so with Air Force. The officer takes that position. Then when he does not have his way, some smart contractor convinces him he should retire voluntarily, deprive the Government of his education and his training and go to the country with his arguments. He gets a job with people who want him to go to the public and sell the idea that the Army needs more modernization or the Navy, or the missile program, or research. I could point out some folks in research, retired, all having fine positions. They are not dishonest. They believe if we do not think as they do we would be letting the country go to ruin. The end result is frequently faulty decisions or from appearances perhaps pressure decisions.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

(By unanimous consent (at the request of Mr. VINSON), Mr. WHITTEN was allowed to proceed for 3 additional minutes.)

Mr. WHITTEN. Mr. Chairman, the point I wish to make is that these policy decisions at the Pentagon level and the White House level are hard to make. Some of these high-level military men may have retired because they conscientiously believe we are not carrying out their thoughts—but then we see them immediately go to work for these big contractors who are interested in that particular field of contracts and who would profit if the public gets sold. We believe at the least it is unsound and could destroy public confidence along with costing money.

In recent weeks the Defense Department has completely changed its whole continental defense plan. The Department has taken back months of testimony before our Committee on Appropriations, and started all over. Just like that, they have completely reversed themselves. Some contractors will benefit, some will lose. I have no reason to say that it was not a conscientious military decision, but I do say when you let 1,400 of their fellow officers, some of them retired voluntarily, represent these contractors it leaves us where we don't have the same confidence that this reversal was for purely military reasons that we otherwise might have. Mr. Chairman, there are areas where public officers should be like Caesar's wife.

May I say too in my opinion there should be a distinction made; and I think this committee, if the pending bill were sent back to them, would really draw a distinction between the serviceman who involuntarily retired perhaps with a minimum of income and who wasn't particularly influential anyway and the officers who may retire voluntarily, with a job in sight, with a big contractor, who could use his standing and his honest beliefs to influence opinion, be it public, or Defense Department, which might in turn help determine whether you are going into missiles or hold on to more defense with planes to decide which planes, which missiles. I could cite you the example of the B–36 bomber, which was largely obsolete before it became available.

Perhaps none of this had anything to do with that. I think we would all be more confident if we did not have the present situation. I could cite you lots of curious decisions that leave me where I cannot say that anybody did anything out of the way. However, they do look curious. But when you leave it up to the military to police, a la court martial, it will not be done, and you know it, for there is no one to report.

Did you know those high-ranking military people who went to the Bahamas as guests of the Martin Co. were not violating any military regulations? However, for the little fellow who might be caught they have regulations covering him under this selling business in this bill.

But regulations did not touch those in high position who make these billion dollar decisions. Of course, the Martin Co. or any retired personnel representing that company would not try to sell them planes or hardware. As you can imagine, their conversation would be at the highest level—what will do the best job, and of course the Martin officials believe what they produce will best do it. I know for I have received their brochures.

Did this happen? I do not know. If it did it would not have been in violation of any regulations, and if it should happen, you could not do anything about it under the terms of the bill before you, for it would still be a social occasion, where the arguments had to do with how best to handle our overall defense.

No; I firmly believe we are fooling around with peanuts here by limiting this bill, serious as some of these things might be. It is in these high-level policymaking decisions where the direction is taken, and the spending decided. Now again there is nobody for whom I have a higher regard than the gentleman from Texas, the gentleman from Georgia, and the gentlemen from Louisiana. If this bill is sent back to their committee—I firmly believe they can and will meet this overall problem—I think that there is plenty evidence here, particularly the points of order made by the gentleman from Texas, where he pointed out what the pending bill does not do and indicates that the bill should be sent back to that committee, where new legislation could be written to really handle this problem. Again, if we merely pass the bill before us we should not tell the country we stopped something when what we really do is to almost give tacit approval, to the continuance of an unwholesome situation.

Mr. VINSON. Mr. Chairman, I move that all debate on the Kilday amendment and all amendments thereto close in 25 minutes.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. HOFFMAN].

The CHAIRMAN. The Chair recognizes the gentleman from Vermont [Mr. MEYER].

Mr. MEYER. Mr. Chairman, it seems we are getting pretty close to the end of time for debate here. I thought, when I objected previously, that I would have 5 minutes, and I was assured that I would have 5 minutes. But I did not get it, and that is the way the course of this debate has gone.

Mr. RIVERS of South Carolina. Mr. Chairman, I ask unanimous consent to yield 2 minutes of the time allotted me to the gentleman from Vermont.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. MEYER. I thank the gentleman.

Mr. VINSON. Mr. Chairman, I ask unanimous consent to yield 1 minute of my time to the gentleman from Vermont.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. MEYER. I thank the gentleman from Georgia.

Mr. Chairman, in the course of this debate it seems to me that we have heard a lot about what the rules were. I believe in going by the rules. But, sometimes it seems to me that the rules are not always the same. I have my own viewpoint on what we should do to help the career officers who have served our country. I believe very strongly that their retirement pay should be adjusted to present conditions. And, very recently, on March 30, we had a discussion over the involuntary retirement of certain officers of the Regular Army and the Regular Air Force.

At that time I protested that that bill which we were discussing did infringe upon the rights and the honor of men who had devoted their lives to service to their country. And yet that bill passed and there was a penalty in it which I consider a criminal penalty or the equivalent of it, because the officers could be separated involuntarily from the regular service, for moral or professional dereliction, or in the interest of national security. They would not have the chance to confront their accusers or to find out what the reasons were; that is, in a completely honorable sense of being able to study the testimony that had been presented against them. So, if we can do that in one case, I do not see what was wrong with the Hébert amendment in this case.

I would like to quote from a news story that I read—it may not be a proper quotation, but the gentleman from Texas, the ranking majority member on the committee, for whom I have the greatest respect, is quoted as having said that law-abiding men abide by the law whether there is a criminal penalty attached or not.

This is perhaps true, but this is not really the issue. As I see this issue it first started out with influence peddling. Then it spread, in some sense, to the idea of collusion. And then it became an even bigger issue, the issue of corruption. I think perhaps the issue is getting even larger than that. If we go on and we do not correct the situation which we now face, sooner or later in this country of ours we will find that in the highest councils of government we will have someone sitting up in the chair—he may be sitting up in the chair—but perhaps the real influence over the destiny of this country will be in a four- or a five-star general. In our defense industries, in our educational system and in almost every other phase of American life this is growing. And when a person opposes it, he is not opposing the great men who have led our military forces. He is opposing, rather, a force which threatens democratic life in America.

If we do not enact legislation that will prevent the shadow of suspicion being cast, if we do not enact legislation that will prevent the abuses that have occurred, I do not see how this form of government can endure.

So I would like to repeat that the issue we are now facing is not only influence peddling, it is not only collusion, it is not only corruption, but it is also whether we are to turn back, whether we are going to stop the growth of military influence in every phase of American life. We cannot say because we do not believe in hurting an Army officer or a naval officer that we cannot do this or we cannot do that. I, for my part, do not want to hurt them a bit and I am sure no one here does. But the real issue is that we do not want the American form of government, or the confidence in our Government to be hurt. We do not want the American way of life to be hurt in a way that it can never recover from. That, Mr. Chairman, I say is the real issue now. I think if we do not face it here, this afternoon, that someday we are going to have to face it and it is going to get tougher and tougher all the time. And maybe when we want to call a halt we will not be able to.

The CHAIRMAN. The time of the gentleman from Vermont [Mr. MEYER] has expired.

The Chair recognizes the gentleman from South Carolina [Mr. RIVERS].

Mr. RIVERS of South Carolina. Mr. Chairman, I, too, have served on this committee for about 20 years, along with the distinguished gentleman from Georgia. Through his leadership we have gone far enough today. This will stop whatever alleged pressure exists if truly pressure does exist. I favor the Kilday amendment because that is as far as we should go. That is as far as we should legislate, because the evidence and the facts warrant no further proposal on our part.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, I rise to inquire of the sponsor of the Kilday amendment the meaning of the language that appears on page 5, in section 2. The bill purports to apply to retired officers. However, section 535 reads as follows:

> A commissioned officer of an armed force of the United States, who, while on active duty, is employed by any person, partnership, corporation, association, or other entity furnishing anything to the Department of Defense or an armed force of the United States, shall not be entitled to payment from the United States during that employment.

Then there is an exception.

My question is, Is it the intent of this particular section to allow an Army, Navy, or Air Force officer to remain on active military duty and yet be employed by a private business and be paid by that private enterprise, even though he as a military officer may be dealing with that private business for the Armed Forces? Under the wording of this particular section, all he would forfeit would be his military pay, and he could be paid by the private party maybe twice or three times the amount of his military pay but at the same time he would still be on active duty for the United States. I should like an explanation of that language as it appears to me to invite and in fact legalize the most obvious case of conflict of interest.

Mr. KILDAY. First, may I say to the gentleman from Maryland that the language in my amendment is the identical language offered in the bill reported to the full committee of the Hébert subcommittee. The important portion of that is the last portion, "except officers appointed under the provisions of the act of March 23, 1946, and the act of September 18, 1950."

That refers to the remaining five-star officers, those who are still alive.

As to the balance of that section, it is the language of the gentleman from Louisiana [Mr. HÉBERT], and I would have to ask him to explain it. May I also say, at this time, that I incorrectly stated to the gentleman from Illinois [Mr. PUCINSKI] a few moments ago that the enrollment provision would only be applicable for a 2-year period. I am now convinced that it will be applicable to those now retired or hereafter retire who engage in selling.

Mr. FOLEY. May I ask the gentleman from Louisiana to explain the same language that appears in his bill on page 4, section 534? I am just trying to find out what that language means.

Mr. VINSON. If the gentleman will yield, I will try to clarify it. It simply means that the gentlemen who were given five stars are technically on the active list, but as a matter of fact they are not on active duty. This does exempt them. It applies to only two generals, MacArthur and Bradley.

Mr. FOLEY. As I read it, they can receive payment from the United States as well as a private organization?

Mr. VINSON. That is right. They are on the active list, but as to actual performance of duty they are not on the active list.

Mr. FOLEY. It is not for the purpose of inviting active-duty officers to engage in private employment?

Mr. VINSON. We extended the same privilege to Admiral Nimitz. We are doing the identical thing for Generals Bradley and MacArthur.

Mr. FOLEY. I thank the gentleman.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. SANTANGELO].

Mr. SANTANGELO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. SANTANGELO to the amendment offered by Mr. KILDAY: On page 5, immediately after line 19, insert the following:
>
> "1603. Prohibition against flag or general officers and retired procurement officers accepting employment with defense contractors.
>
> "It shall be unlawful for any flag or general officer of an armed service who hereafter

resigns or retires from active duty, or any commissioned officer whose primary duties at any time during the last two years of such duty included procurement, to accept employment with any defense contractor within two years after such duty ceases. Any person violating this provision shall be tried by a court martial and shall upon conviction be punished as a court martial shall direct."

Mr. SANTANGELO. Mr. Chairman, the amendment I have offered provides a complete ban of employment with defense contractors as to all future retirees, flag officers, admirals, and generals and retired commissioned officers the colonels and captains who have been engaged in procurement with the Department of Defense for 2 years before retirement. I believe and so stated yesterday that the sanctions and enforcement provisions of the Kilday bill are a milquetoast and powder puff approach to this serious problem. We have not been given the opportunity to try to decide for ourselves whether we want to enforce it by means of a criminal penalty or civil penalty and we have not been given the choice of deciding whether we want to put the burden where it rightfully belongs; that is, on the defense contractor, the company that profits by the use of the influence of a retired officer whether it be a flag officer or a commissioned officer.

Mr. Chairman, what does my amendment do? My amendment supplements the Kilday amendment, it bans all future retired officers, flag and general officers and retired commissioned officers engaged in procurement from joining up with the defense contractor.

Let me state to those who say we are denying a man the right to work when he is forced to retire. If you read the report of the subcommittee, you will find that 750 of a total of 1,401 officers who retired, voluntarily quit the armed services for the purpose of obtaining a lucrative job with a defense contractor. We must try to stop this exodus of the brains of our Defense Department and keep those brains and that ability where we need them, in the services, and we do not want the defense contractor to lure them from the Government for the company's private gain. We have to have effective sanctions and effective penalties.

Further, Mr. Chairman. this amendment has a bearing on our declared surpluses of military supplies and equipment. If you will read the report of your Committee on Appropriations for this year on the Department of Defense, you will find that in the fiscal year 1960, we had $10 billion worth of materials declared to be surplus. In other words, we have $10 billion of so-called surplus supplies and equipment. In 1959, there was $8,500 million worth of surplus supplies and equipment. And we are not talking about millions of dollars, we are talking about billions of dollars. Why do we have such surpluses? Is it the result of miscalculation or is it because these supplies and equipment were bought as the result of some influence by some individual? It is time that we eliminated this aura of suspicion surrounding such situations as this. It is time that we eliminated as far as possible waste and inefficiency in our Department of Defense.

The high officials in our armed services should not be permitted to have the opportunity to use their influence. The bill offered by the gentleman from Texas [Mr. KILDAY] will apply to all those who have retired. My amendment applies to all future retirees.

Mr. Chairman, I trust that my amendment to the Kilday bill will be approved.

Mr. STRATTON. Mr. Chairman, will the gentleman yield for a question?

Mr. SANTANGELO. I yield to the gentleman from New York.

Mr. STRATTON. Is it not true that the figure stated by the gentleman is actually the original cost figure and that when he gives a figure of $8 billion or $9 billion of surplus, this does not represent the real and actual present value of the items referred to?

Mr. SANTANGELO. My colleague is merely proving my point, because when these surplus supplies and equipment are sold, the Government gets back 1 percent on the dollar. The Government paid $8 billion or $10 billion for these supplies and equipment and gets 1 or 2 percent back on the dollar. That proves my point that this is a complete waste and I ask why this situation should be allowed to exist in the first instance.

Mr. STRATTON. But some of this material has been used for 20 years; is that not true?

Mr. SANTANGELO. And a great deal of it was bought recently when it became useless and was declared to be surplus.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia [Mr. VINSON].

Mr. KILDAY. Mr. Chairman, will the gentleman yield?

Mr. VINSON. I yield.

Mr. KILDAY. Mr. Chairman, I want to point out again that this is what happens when we try to write a provision of this kind on the floor when we have not had an opportunity to read and to study the proposition. The gentleman's amendment provides that not only generals and admirals hereafter retired, but any officer who had been engaged in procurement, is barred from employment by a defense contractor in any capacity whatsoever. Even though he be the finest nuclear scientist in the world, he cannot be employed, if this becomes a law, in the laboratory of the companies making nuclear submarines even though he has nothing to do with selling. For example, even if Admiral Rickover should go to work in a laboratory to continue his nuclear experiments, he could not do that, and he would be prohibited from such employment by the provisions of an amendment that you have not even had a chance to read.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from New York [Mr. SANTANGELO], to the amendment offered by the gentleman from Texas [Mr. KILDAY].

The question was taken; and on a division (demanded by Mr. SANTANGELO) there were—ayes 70, noes 101.

So the amendment to the amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. PUCINSKI].

Mr. PUCINSKI. Mr. Chairman, the inconsistencies of our legislative process are sometimes overwhelming. Right now before the Armed Services Committee there is a bill that would equalize the salaries of retired officers. The proposed bill would provide that officers who retired before 1958 would get the same retirement salary as those who retired after 1958. As the law now stands, those who retired prior to 1958 get a lower salary than those retiring after 1958. Those who are arguing to equalize these salaries are contesting the fact that they are "second-class" retired officers under existing law. And I agree with them. The legislation we are considering today creates a similar situation.

Now, if I understood the purpose of this amendment, those officers who had retired more than 2 years prior to the effective date of this legislation would be totally excluded from the reporting provision of this act. We are again setting up a double standard for retired officers. I am not a member of the committee, and I shall not offer an amendment. I shall support this legislation because it attempts to deal with a most important problem. But, I am disappointed that the committee did not include the reporting provision for all retired officers, regardless of when they retired as long as they continue to work for big defense corporations. I certainly hope there would be some way to expand this legislation to require all these men, regardless of when they retire, as long as they are working for a private defense concern and as long as they have influence on these huge expenditures, to report their activity.

Yesterday we heard the gentleman from Indiana [Mr. MADDEN] tell us that undoubtedly billions of dollars could be saved if some of these influences were eliminated. Throughout this debate we have heard various statements being made along the same lines. The very purpose of this legislation is to bring about some semblance of equity in defense spending. Yet we are willing to say today that if a man retired more than 2 years ago he is excluded. He may go ahead with his work with impunity. Nobody will bother him. Nothing will affect him. However, if he has retired within the last 2 years or shall retire hereafter, he will come within the framework of this legislation. I do not want to deny any retired officer an opportunity to earn a livelihood, but I certainly believe the American people have the right to know what these men, who have been employed in the Defense Department all these years, are doing to affect defense expenditures after they retire, regardless of when they retired.

The CHAIRMAN. The gentleman from Mississippi [Mr. WINSTEAD] is recognized for 3 minutes.

Mr. WINSTEAD. Mr. Chairman, as a member of the Hébert Special Investigations Subcommittee, I would like to say that Mr. HÉBERT was given one of the most difficult of all tasks when assigned this complicated subject. May I say that he devoted much time to this and did a splendid job.

The original bill which Mr. HÉBERT introduced was only a vehicle and certainly not considered by him or members of the subcommittee to be a finished product. I understood that it was to be further considered by the Kilday Subcommittee with whatever hearings were necessary.

I supported Mr. HÉBERT in the subcommittee; I supported him in the full committee twice. I shall now support the Kilday substitute because I believe it to be better than the original bill reported from the full committee, even though it does not go as far as I would like. I opposed the Kilday amendment in committee, hoping we could get sufficient opposition to get a vote on the Hébert amendment.

I hope the Judiciary Committee will take action on the Hébert bill which he introduced today. I definitely feel that contractors should be held just as responsible as retired military personnel. As far as I am concerned, I am willing to put the same restrictions on all Government employees dealing with subjects such as this, even including Members of Congress.

Mr. HÉBERT and our entire subcommittee worked hard in an effort to protect the innocent and utilize the skills of technicians, scientists, electricians, and other skilled personnel. At the same time we made every effort to prohibit abuses by Government contractors in hiring retired military personnel for selling purposes only. This, Mr. Chairman, is indeed a difficult subject with which to deal.

Mr. HARDY. Mr. Chairman, like the gentleman from Mississippi [Mr. WINSTEAD], I have had the privilege of serving on the Hébert subcommittee. Under the able leadership of the gentleman from Louisiana, our committee worked diligently to develop information on the important subject with which the bill before us seeks to deal.

As a result of our hearings, the subcommittee agreed on the report and discussed at length the original bill, H.R. 9682, which Mr. HÉBERT introduced. I think I should point out that in presenting that bill to the full Armed Services Committee it was the thought of the subcommittee members that it would merely be a vehicle for the development of perfected legislation; that it would be referred to a legislative subcommittee which would recommend to the full committee the reporting of a perfected measure.

I think I should call attention to the fact that when the original action was taken in the full Armed Services Committee on March 16 I joined a majority of the committee in voting to report H.R. 10959, but I did so with some reluctance and with a feeling that the bill as reported was seriously inadequate to cope with the problem. However, it was the only alternative available under the parliamentary situation which existed.

Mr. Chairman, I am glad that the full committee, at its meeting on Tuesday of this week, voted to offer an amendment to the bill which has been presented by Mr. KILDAY. It was my view that the Hébert language as included in H.R. 11474 would be more effective, but since we had no opportunity to vote on that language, I shall support the Kilday amendment.

Mr. Chairman, I am pleased that this matter is about to be resolved. I congratulate the gentleman from Georgia [Mr. VINSON] and the gentleman from Texas [Mr. KILDAY] for the improvement which the pending committee amendment makes in the bill, and I want also to commend the gentleman from Louisiana [Mr. HÉBERT], not only for his splendid contribution as represented by the hearings which he conducted but for his efforts toward enactment of meaningful legislation. It is to his credit and the result of his perseverance that this legislation has been brought to this point of House action.

The CHAIRMAN. The time of the gentleman from Mississippi has expired, all time has expired.

The question is on the Kilday amendment.

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. FORAND, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 10959) relating to the employment of retired commissioned officers by contractors of the Department of Defense and the Armed Forces and for other purposes, pursuant to House Resolution 487, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mrs. ST. GEORGE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentlewoman opposed to the bill?

Mrs. ST. GEORGE. I am, Mr. Speaker.

The SPEAKER. The gentlewoman qualifies. The Clerk will report the motion.

The Clerk read as follows:

Mrs. ST. GEORGE moves that the bill H.R. 10959 be recommitted to the Committee on Armed Services.

Mr. VINSON. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. VINSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

BATAAN DAY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, April 9 is an unforgettable day for Americans and Filipinos alike as well as for the free world. It was a day when our two nations, the United States and the Philippines showed the world that the ideals of freedom and democracy are so precious irrespective of race, color or creed, our two peoples were ready to sacrifice their sacred possession and their lives to uphold and defend them against tyranny and totalitarianism.

Nineteen years ago, after a heroic resistance that was a saga of valor and patriotism, American and Filipino troops who had been fighting in the beleaguered peninsula of Bataan for more than 4 months, outmanned, outgunned, outplaned, many of them malaria and dysentery-ridden, starving—"grim, ghaunt, ghastly men unafraid", in the words of their commander—surrendered to the superior force of the enemy, superior only in number and in equipment but not in courage or in morale or in devotion to the cause they were defending.

We pause today to honor the memory of those American and Filipino soldiers. Bataan fell but a new spirit of unity between our two peoples has risen. That is the spirit that binds us today. Whatever may be the temporary disagreements that are bound to come up between our two Governments, the spirit of Bataan will help us to work for their solution with patience, good will and statesmanship.

It is not true that we Americans have forgotten Bataan. It is false to say that the spirit of Bataan is dying here. If that were true—and it certainly is not—we would not now be considering certain measures with the end in view of redeeming the pledges we had made as a people to the people of the Philippines. It is the common sacrifice of the Filipino and American soldiers at Bataan that serves as a constant reminder to us of the debt of gratitude that we owe to those brave men who so gallantly fought and fell for freedom and democracy.

The Philippines is now an independent Republic. It is our friend and ally. It is not a fair-weather friend. It is not a hesitant ally. Courageously and forthrightly it has stood up to be

counted. It is not a fence-sitter. President Carlos P. Garcia on this floor in June 1958 did not mince words when he said that his people are for the United States because they believe in the dignity of the human individual. He declared that his country shuns neutralism because his people have chosen their place in history and that place is on the side of freedom. We remember those words, we have not forgotten them because they reveal that the spirit of Bataan is as alive in the Philippines as it is here in the United States.

Today, on the 19th anniversary of Bataan, I would like to commend to the attention of our people an address by Gen. Carlos P. Romulo, Philippine Ambassador to the United States, who was aide-de-camp to Gen. Douglas MacArthur, who was one of those who in Bataan and Corregidor shared the sufferings and sacrifices of the men whose memory we honor today, in which he gives new point and meaning to Bataan Day:

We have lived through half a generation since the glory of Bataan. We have survived a great war, and several lesser wars, and the overhanging threat of a future conflagration. We have survived victory, and we have even survived "this peace of mutual terror" that followed victory.

Tonight we meet once again to recall the inner meaning of the blood brotherhood between the American people and the Filipino people that was sealed on that little peninsula and on that little rock whose names are enshrined in the histories of both our countries.

Since Bataan—our independence was proclaimed in 1946—I need only tell you that I am proud of the way in which my countrymen in the Philippines have demonstrated the vitality of their devotion to constitutional government, the maturity of their political philosophy, and the stability of their political understanding. In time of stress the true nature of a man or a nation shows itself. We have gone through several such stresses, our people have shown their wisdom, their restraint, and their solidity.

We have, in sum, met national crises that have confronted us time and again, just as on occasion in the past, you have met yours in the United States. The reason for this is that, on top of our own cultural heritage as Filipinos, on top of the faith and culture we acquired from the Spaniards, we in the Philippines took to our hearts the democratic ideals, the respect for constitutional law, and the desire for orderly government, which are today the hallmarks of both the American and Philippine democracies. What we have learned from you, we have learned well.

Today, we can perhaps begin to repay our philosophical debt to America. There was a time, in the past, when we were the learners and you the teachers. Now, in our new world of nations rapidly arising from the somnolence and colonial subjugation of past centuries, we may be able to convey to you a message that can help you understand and sympathize with those whose understanding and sympathy you need to win.

So, on this anniversary of Bataan I ask you to look ahead with me for the next ten or fifteen years, rather than back at the past we know so well.

The United States, as the leader of the free world, now finds itself involved in the political turmoil and deep social and economic problems of peoples in places that had only recently been terra incognita for you. The Middle East is on your doorstep. Your sailors and marines are in Beirut, in Taipeh, in Seoul, in Berlin, in Spain, because you choose to exercise the deterrent power of a show of force to maintain peace. Your newspapers shriek to the editorial skies because your diplomats cannot speak the languages of Laos, or Indonesia, or Ghana—for suddenly such countries have become important to you.

At the precise moment when the world has been shrunk to the size of an orange by the rapidity of transportation and communication, at the very time when a creeping contagion called communism spreads out over the face of this tiny globe, there has come the awakening of the sleeping giants all over the world—the peoples who have thrown off the shackles of alien rule and have chosen to master their own destinies.

Asia and Africa are afire with a new nationalism. This powerful force, which in a different incarnation gave Europe its bloodiest centuries and its most magnificent civilizations, can now do the same, one or the other, in the rich and vast continents peopled by human beings in the billions.

Your survival—and that of freedom itself—depends on your capacity to recognize what is happening in the world; and, having recognized the nature of the upheaval, on your ability to act with wisdom and imagination.

I do not tell you this in a critical mood. I talk to you as a true and loyal friend. I tell you this because I truly believe that the fate of every person who believes as you do, the fate of every nation committed to the cause of freedom, is bound up in the actions of the United States of America. If you should choose unwisely, if you should make a false move in the battle for men's minds and souls and bodies, if you should betray yourselves and your principles, if you should lose the cold war either on the battlefield or at the conference table, then the whole free world will go tumbling down with you. We are all intertwined in our mutual responsibilities, and precisely because you carry the load of leadership you must take with good grace, and with deep thought, the friendly opinions of the rest of the free world.

Your President has traveled in Europe, Asia, Africa, and Latin America to meet personally with the heads of state of more than 20 nations. Your Vice President traipsed all over Africa shaking hands with tomorrow. Your late Secretary of State has visited more than 40 countries in his search for peace and friendship. Your Senators and Congressmen also travel all over the world to get first-hand information about other countries and peoples. These are the signs of your recognition of the strange new ways in which America must show her leadership.

They are good signs, but they are essentially outward symbols. What the new world of new nations looks for, even more than symbols, is evidence of American understanding, of American acceptance, of American recognition of their equality in the society of man.

And that is where the Philippines enters the picture, beyond the great tradition of intimate friendship that has been built up between our two peoples over the past half century. The fact that, in your one great adventure into colonialism, you retreated almost before you began, has been a powerful weapon in your arsenal of democracy. You came to the Philippines, you saw, but you did not conquer. Instead, you worked with us, and learned with us, and out of the relationship emerged your promise to help us achieve and assure our independence. That promise went through the purification of fire 19 years ago. And, in 1946, the promise came true.

That piece of history has been a tower of strength in your dealings with other colonial nations. For they recognized that America was different from the other Western nations—different in that it had no need or desire to become an empire.

I believe this piece of history was one of the most important reasons why, during the past decade, the new and subtle imperialism of Communist Russia made no greater headway than it has so far. But we are familiar enough with the weaknesses of the human character to know that recollection of the past does not long survive. In the minds of the new peoples of the Eastern World, the test is not yesterday, and not tomorrow, but today.

At this very moment, the nature and quality of American friendship with the Philippines is under test. The scrutiny exists among my own people, quite naturally, but it is even more acute among the billion human beings whose ultimate choice may determine the outcome of the struggle between freedom and democracy, on the one hand, and slavery, tyranny and totalitarianism on the other.

They are asking the questions now. They are demanding the answers. And the very power of their numbers, the very strength of their strategic locations, require that their questions be answered.

Since they are suspicious of all outsiders, injured as they have too often been by their contacts with foreigners in past generations, they do not take you on faith. They are waiting to see whether all the years of mutual loyalty between two friends from different worlds, the Americans and the Filipinos, can be marred by misunderstanding. They are waiting to see whether the United States will maintain an absolute respect for the national sovereignty and territorial integrity of the Philippines. This is fundamental. They are waiting to see whether the relationship between our two countries will continue to be that of equals, or whether there will be an unwitting deterioration into a semblance of the master-slave relationship that exists between the Soviet Union and her so-called friends—whom we call, more accurately, her satellites or even her colonies.

For our part, I need not assure you that we wish nothing more, and nothing less, than equality. We wish this in our own behalf, and in your behalf as well. The Philippines gladly chooses the title of friend and ally; it honors you as well as it honors us. We will never accept the title of colony or satellite; it would dishonor you and degrade us.

I do not believe the choice will ever have to be made. I repeat, I am confident, knowing you as I do, that no such choice will ever be made. That there are differences of opinion between us is natural and even healthy. That occasionally our tempers rise is normal. The unity of friendship, the comradeship of alliance, does not impose on you or on us the necessity to be silent, or to accept that with which we do not agree. It imposes on us—on each of us—the loyalty that comes with candor, with forthrightness, and with integrity. That is the kind of friendship that has grown between our two peoples, and it is the only kind of friendship worth having.

The next decade will test that friendship. Because it is a strong friendship, the test will make it all the stronger. That is what I believe. I hope you believe it, too.

For I say to you that what is at stake is something even more precious than the land I love, the Philippines—and more precious than your own beloved country, the United States. What is at stake is the very future of the human race. Only if the East and the West can truly meet on an equal footing, only if you can show your respect for the national sovereignty, the aspirations, the needs, and the problems of the nations that have just been reborn, only if you can adjust to the revolution of the twentieth century, can the human race hope to achieve the liberty, the prosperity, the happiness, that is the dream of civilized man.

The men who died on Bataan offered that which was most precious to them—their own lives—on the altar of human freedom and human friendship. We who survive have an obligation to them that cries out to be repaid. We owe them the continuation of the battle. We owe them the never-ending pledge to carry on until all the peoples of the earth see the birth of a new freedom, a new brotherhood, and a new and lasting peace.

Mr. Speaker, there is food for thought in General Romulo's speech. We know him as our good friend and his words are those of a friend. He has been fighting all these years for the recognition of his fellow veterans' claims, for the payment of his people's war damage claims, for an increase in his country's sugar quota, and for the protection of his nation's best interests and welfare as they are affected by the relations between our two countries.

Bataan Day should serve to remind us not only of the loyalty of our Filipino allies but of our duty to help them as much as we can, the help that we owe them who took our side in war and are committed to us courageously in peace. Let us answer the questions Asia and Africa are asking by showing that we value the friendship of the Filipino people because we are a grateful nation and we do not forget those who, like the Filipinos, are not afraid to show that they are committed, like us, to uphold and defend the ideals of freedom and democracy. It is in this spirit that we should commemorate Bataan Day.

Mr. Speaker, I ask unanimous consent that all Members who desire to do so may extend their remarks at this point in the RECORD, and also have 5 legislative days in which to extend their remarks on the subject of the 19th anniversary of Bataan Day.

The SPEAKER. Is there objection?

There was no objection.

Mr. HAYS. Mr. Speaker, anniversary celebrations are of great significance. Though the message embodied and imparted in some are of greater significance than in others, they all have their distinct place in our national history and our national life. The 18th anniversary celebration of Bataan Day is of especial significance because 18 years ago when our gallant fighters were cut off from the rest of the world, and in the face of forbidding odds, fought their implacable enemy in that distant peninsula, they perhaps did not realize that they were making history. In no sense was Bataan a defeat for our indomitable and stout-hearted boys who, fighting side by side with their Filipino brothers-in-arms, were unbowed and undaunted even in their inevitable surrender. It is true that in Bataan we lost a battle, but actually and fortunately it was only a loss of certain strategic advantages, and the lesson of such a loss had its sobering effect upon us during the remainder of the war.

Today as we look back and remember the events of 18 years ago, we all are conscious of the tremendous importance of what transpired in Bataan Peninsula in those dark and gloomy days. In those initial stages of the war in that area for a while nearly everything looked black, for we were caught completely unawares by our aggressive enemy and appeared to be at his mercy. Fortunately for us, and, paradoxical as this may sound, also for the enemy, we were soon resolved to face the threats to our free way of life firmly and squarely, prepared for ensuing decisive battles, and then by winning the war we not only successfully vindicated the superiority of our way of life, but also demonstrated that the gallant defenders of Corregidor at Bataan did not die in vain. On this 18th anniversary of Bataan Day in paying our tribute to our heroes, and to gallant and loyal Filipino comrades-in-arms, we are indeed happy to honor also those who took part in that historic battle and who are fortunately still with us.

Mr. MULTER. Mr. Speaker, 18 years ago the Philippines fell to the invading forces of Japan.

On April 9 we commemorate the fall of Bataan, in order to recall the gallantry of the Filipino and American troops during those early dark days of the war in the Pacific.

When the main Japanese invasion of the Philippines began on December 22, 1941, our defending forces were forced to withdraw to the mountainous Bataan Peninsula, across Manila Bay from the capital city. The retreat maneuver was executed with consummate skill but at a heavy cost in lives and an unavoidable loss of vital supplies.

By January 7, 1942, American and Filipino troops held well prepared positions on Bataan Peninsula, settling down—along with the forces on the nearby island bastion of Corregidor—to a long seige. This courageous act denied the enemy the use of Manila Bay for the duration of the battle. Japanese attacks on the embattled defenders were so thoroughly repulsed in January and early February that they ceased altogether until April.

Completely cut off from outside aid, the Bataan forces grew weak from hunger and poor diet. Thousands succumbed to diseases which shortages of medical supplies made impossible to control. Desperate efforts to send food, medicine, and ammunition to the beleagured men were thwarted by the Japanese.

In April the Japanese initiated a devastating attack upon the thin lines of the defenders. The lines crumbled and disintegrated in the face of overwhelming force. On April 9, 1942, the few surviving troops on Bataan surrendered. A month later Corregidor fell.

These events are still vivid memories for many Americans and Filipinos who grieve the loss of their loved ones and for the few survivors of those horrible days who are still with us. Today we memorialize the valor of the defenders of Bataan and Corregidor as a symbol of the fight for freedom and the defense of liberty which is never ending.

NATIONAL LABOR POLICY

Mr. BARDEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BARDEN. Mr. Speaker, a few short months ago the House of Representatives set a record of statesmanship and intelligent action on behalf of the Nation. We approved, with a minimum of economic hardship or infringement of individual or collective rights, new labor legislation that is just now beginning to face the stern test of workability on the daily firing line of labor and industry.

Preliminary reports are encouraging. The voices raised in anguish as we debated this measure have largely subsided. Dire predictions of havoc between unions and management have not come to pass. Competent men in industry and labor are buckling down to the chore of learning to live with this legislation—a measure that few men of integrity can charge with failing to serve the common good.

The need now is for patience. The challenge we faced in the House has passed. The burden now is on those two great forces of our economic well-being, labor and management. In fairness we must refrain from increasing this burden by demanding new mandates, complicated revisions, or special exemptions.

Certainly we should not voice dissatisfaction before the period of basic trial and error has been exhausted.

It is for these reasons, Mr. Speaker, that I rise to speak on an issue that is now before us—the consideration of H.R. 9070, the so-called situs picketing bill.

Among the many objections which have been voiced against this bill one sticks out like a sore thumb. That objection is that this bill would place the weapon of the secondary boycott in the hands of the building and construction union only short months after the Landrum-Griffin bill reiterated that this tactic was to be outlawed as a matter of national labor policy. Let me briefly discuss the effect of this bill in this area of secondary boycott. Fortunately we have a backdrop of experience to call on in addressing our remarks to this special request for legislation for a special situation in a specific industry.

In 1947 Congress legislated to outlaw secondary boycotts and picketing activities in the building and construction industry.

Labor challenged the will of Congress on this issue, and as a result in 1951 the Supreme Court ruled that a union acts unlawfully when it engages in secondary boycotts at a construction site where employees of several employers are working. But, Mr. Speaker, this decision did not impair anyone's right to strike. The Court held that a union may engage in strikes or picketing at the site against a primary employer with whom it has a lawful dispute, so long as the picketing makes clear who the dispute is with and confines its action within a reasonable distance from the project under dispute. All the Supreme Court did in that case was say to the construction unions: You may not prevent others from working for their employers as a means of settling the dispute which you have with your

employer. Let me briefly illustrate what this bill seeks to permit. At any construction site, large or small, there is normally a general contractor and a number of subcontractors. The employees of each of the subcontractors are represented by a different union. When one union has a dispute with its employer, it may strike. But the problem is: Shall that one union, possibly representing only a small percentage of the labor force on that job, be permitted to close down the whole project until its dispute is settled? That is what this bill seeks to permit each individual union, no matter how small, to do.

With this weapon, Mr. Speaker, a union, no matter how small, would have the power to completely shut down our huge defense installations such as Cape Canaveral, Redstone Arsenal, or our missile-launching base presently under construction in Wyoming.

It is contended that the building and construction unions need this legislation. Nothing could be further from the truth. The fact is that the building and construction trades were granted concessions by the Landrum-Griffin Act given to no other union. As a matter of law, an employee cannot be required to join a labor union until 30 days after he has begun his employment. But in the construction trade this is not the case. An employee can be required to join a labor union only 7 days after he begins his employment. Furthermore, the employees may be required to join a union which they themselves had no voice in selecting. These are substantial concessions. But even without them the construction unions are not denied any of the other privileges enjoyed by unions generally.

Again I say, no one's right to strike has been impaired.

Any construction union, anywhere, anytime, has the right to call a lawful strike over their wages, hours, or working conditions.

The right was reaffirmed beyond doubt when Congress in 1959 amended the secondary boycott provision of the Taft-Hartley section by adding the clause, that nothing shall be construed to make unlawful, where not otherwise unlawful any primary strike or primary picketing.

H.R. 9070 would grant special privileges to construction unions and open a Pandora's box of special requests for immediate alleviation of wrongs, real or fancied, by union after union.

Mr. Speaker, this House in a majority, laid its reputation for integrity and duty on the line when it put together and passed the Landrum-Griffin bill. It did so under what was perhaps the most intense and prolonged scrutiny from public and private sources in our time.

We were not found wanting in the final test. We acted to still dissatisfaction, unrest, and dissension in the ranks of labor and management.

We acted to protect the interests of our people, the vast majority of which were not directly involved, but who, by indirection had the largest stake in our deliberations and decisions.

We acted openly.

No deals or future commitments were made to my knowledge or consent. We passed a labor bill to meet the needs of today and the foreseeable future. It was accepted by our people as a product of statesmanship emerging from a period of crisis and high emotion in our growth.

To act now, Mr. Speaker, in direct conflict with an accepted national labor policy, that has been adopted by the Congress and basically by our courts, would, in my opinion, be a grave mistake.

We did not stand this test of fire only to see it consumed by amendment.

I doubt, Mr. Speaker, if many Members would buy a new automobile and start overhauling it before it had been road-tested.

Construction is one of our great industries. To be a builder with one's hands or as master of a vast machine in this modern age is a soul-satisfying adventure in life.

In good conscience we must not legislate to the detriment of those who toil in this capacity for their daily existence. I assure you, Mr. Speaker, that we have not, to my knowledge. Nor so long as my voice can be raised in this House, will we ever do so.

As always, we must legislate for the common good. We have done so with the Landrum-Griffin bill. We must not tinker now with this labor-management machinery, honed as it was on the steel of strong wills and forceful argument.

The time will come, Mr. Speaker, I am sure, when growth, invention, expansion will warn us to take another look at what we have created.

But to do so now to satisfy the restless hand of change for the sake of change would be a betrayal of the will of the millions of Americans who supported our action.

I hope this House, Mr. Speaker, displays the same firmness in resisting piecemeal tampering with the legislative foundations of labor-management relations as it displayed in building that foundation in the first place.

To do otherwise is to retreat from the fortress of our convictions.

I ask that H.R. 9070 and similar legislation be denied affirmative action at this time.

LLERAS ASKS LATIN AID TO FORESTALL REVOLT

Mr. WHITENER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Speaker, the address of His Excellency, Alberto Lleras-Camargo, President of the Republic of Colombia, at the joint session on yesterday particularly impressed me when our distinguished visitor expressed his views on the question of foreign aid. It was my feeling that this was the first occasion on which a visiting head of state had so clearly taken the position that foreign giveaway was not the answer to the problems of underdeveloped nations.

I was, therefore, surprised to read the news story appearing in the Washington Evening Star on yesterday afternoon, which read as follows:

LLERAS ASKS LATIN AID TO FORESTALL REVOLT

(By John V. Horner)

President Alberto Lleras of Colombia today implored the United States to go swiftly to the aid of Latin America lest its restless, underdeveloped peoples revolt in desperation and fall into the hands of new dictatorships.

Dr. Lleras, one of the most respected statesmen in the Western Hemisphere, pressed his plea for economic assistance in an address to a joint session of Congress on the second day of his state visit.

He went to the Capitol after conferring at the White House with President Eisenhower. He also talked with Secretary of State Herter and Eugene Black, President of the World Bank, who called on him at the Blair House.

Dr. Lleras told Congress the Latin American nations are unlike some new nations of the Eastern Hemisphere in that they have known freedom since their inception. He observed that the Latin people always come back to freedom in spite of civil wars and occasional dictatorships.

"This freedom, in fact, is what makes it possible for them to perceive the process through which mankind is passing in Japan, in China, in Indonesia, in India, in Africa, in Western and in satellite Europe," he told Congress.

"This is what makes them understand that if they do not, in the near future, emerge from their backwardness, they will be unable to avoid the effects of impatience and desperation, of revolt and anarchy and new dictatorship.

"In all those states it has already been possible to measure almost accurately how many more yards they have to go in order to finish a race that will bring them to the point of satisfying the vital needs of a growing population; how much they can achieve through an industrial and agricultural development calculated to raise the standard of living to reasonable human levels."

President Lleras said Latin America has been struggling, even by such means as inflation, to produce at least the illusion of development.

"But," he went on, "these methods create very serious social problems and financial instability, which can only make it still more difficult to acquire the capital goods that have to be paid for in hard cash.

"What these countries need—and not in some way or other, but urgently and amply—is foreign aid."

If aid is supplied adequately, he said, a prosperous hemisphere will, within 20 years, have proof against any attempt to reduce it to anarchy. He said these countries then will be able to repay the loans extended to them.

It seems to me that the reporter glibly brushed aside the real meat in the address of President Lleras when he reported:

What these countries need—and not in some way or other, but urgently and amply—is foreign aid.

As the CONGRESSIONAL RECORD of yesterday will show on page 7459, this statement by the reporter was taken completely out of context.

What President Lleras actually said, in part, was:

What these countries need—and not in some way or other, but urgently and amply—is foreign aid, which ought to take the specific form of credit for the undeferrable and profitable enterprise of their economic development.

Continuing, President Lleras said:

It is equally certain that these countries will then be able to pay back loans extended to them for this purpose.

Further advocating his position of loans rather than gifts, President Lleras said:

We can neither solicit nor accept a gift without retribution; we will neither beseech nor receive aid from you without restitution to the American taxpayer, for such an action on our part, even were it possible, would engender only bitterness, resentment, mistrust, and irritation in the popular relations between North and South.

So far as I am aware, the people of Latin America, with perhaps a solitary exception, have asked for nothing but credit for their economic development.

Mr. Speaker, I have not been a supporter of the giveaway programs in the foreign relations field. Among the reasons that I have taken the position of opposition to these programs has been the one given by President Lleras when he said that such giveaways would engender bitterness, resentment, mistrust, and irritation in the relations between the donors and the donees. I regret that the usually objective Washington Star has, in my opinion, completely misconstrued the thinking of President Lleras and given to their readers the impression that this good neighbor has come to Washington begging for giveaways from the Treasury of the United States.

While I have not seen reports of the press associations on the address of President Lleras, it is my hope that the zeal of many of our leading journalists for foreign aid giveaway programs will not cause them to fall into the same error which is so apparent in the report in the Washington Star, which I have made a part of my remarks today.

THE PRESIDENT'S ENDORSEMENT OF RICHARD NIXON

Mr. HAYS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HAYS. Mr. Speaker, during the past 7 years while he has been Vice President, RICHARD NIXON has avoided, whenever possible, any outright stand on the issues.

He has wrapped himself in the mantle of the Eisenhower administration when things were going well; he has sought to convey the impression, however, that he is not really identified with the glaring gaps in the administration.

He has advanced the idea that he is the "best trained man for the job of President" because he has sat at the President's elbow during the past 7 years.

It is interesting, therefore, to learn from the man at whose elbow he sat—President Eisenhower—how RICHARD NIXON stands on the issues of the day. The President let the cat out of the bag at a recent press conference. In making it known that Mr. NIXON was his candidate for President, he said:

Now, so far as I know, there has never been between Mr. NIXON and myself * * * a specific difference in our points of view on any important problem in 7 years. Now, there has been free discussion in every meeting that I have ever held, and he has certainly been always not only free but even requested to give his honest opinion on these things.

The idea of "no new starts" in resource development, therefore, was all right with Mr. NIXON. In the free discussion that prevailed at the meetings he did not say, "Well, maybe the Government ought to build this dam and develop our magnificent national resources for the benefit of all the people." He did not, because if he had then there would have been a difference of opinion between him and the President and the President says there have been none.

What about housing? Twice during 1959 President Eisenhower vetoed Democratic housing bills. And Mr. NIXON agrees that housing should be kept in short supply and there should be little more than token assistance to slum clearance and urban renewal. For certainly if he had raised his voice concerning a veto—even within the confines of the meeting—that would have been a major difference of opinion.

Nor were there any differences from Mr. NIXON with the other vetoes:

In 1953, 1954, 1955, or 1957, when President Eisenhower vetoed bills to give needed cost-of-living pay raises to Federal employees and post office workers.

In 1956, 1958, or 1959, when President Eisenhower vetoed the rivers and harbors bills to provide much needed flood control and reclamation projects.

In 1956, when President Eisenhower vetoed the measure to restore 90 percent farm parity prices,

In 1958, when the President vetoed a bill to provide depressed areas, unable to help themselves, with Federal aid.

In 1958, when he vetoed the Federal Airport Act amendments and extensions, passed to help meet the crisis in facilities for air transport.

In 1959, when he vetoed a bill to give final REA loan authority to the Rural Electrification Administration instead of leaving it with the unsympathetic Agriculture Department.

Or even in 1960 when, despite the increasing problems of stream pollution, President Eisenhower vetoed the stream pollution bill.

Most of all, Vice President NIXON has stood silently, or nodding his head in agreement, while the budgeteers let the United States fall behind in the space and missile race, and he evidently has agreed with all the sweeps in foreign policy from John Foster Dulles' "massive resistance" to Christian Herter's negotiations.

It is good to know where RICHARD NIXON stands for a change. Maybe now that we have got him pinpointed, we will be able to conduct a campaign on the issues.

AMERICAN LOTTERY

Mr. FINO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FINO. Mr. Speaker, while we still persist in refusing to accept the indisputable fact that the urge to gamble is deeply ingrained in most human beings, most of the foreign countries throughout this civilized world continue to recognize and capitalize on the natural gambling urge of their people.

I am happy to inform the Members of this House that India has finally realized that gambling should be treated and respected as an instinctive and universal human trait. A few days ago, India put a lottery plan into operation thereby coupling the gambling spirit of their inhabitants with the need for revenue.

Mr. Speaker, this sensible and courageous action will result in pleasure to the people in India and financial benefit to her government.

Although India and all of the other foreign countries are poor in comparison with the United States, they have shown themselves to be smarter by taking advantage of the gambling desires of their people.

I think the time has come for us to stop playing the game of hypocrisy and apply a realistic attitude toward this human desire. I believe the time is ripe for us to remove the blinders and open our eyes to the tremendous revenue producing features of a national lottery.

Mr. Speaker, only by a sensible approach to this question of gambling can we bring tax relief to our wage earners and help reduce our evergrowing national debt.

A national lottery in the United States would not only satisfy the American people's appetite to gamble but would pump into our Treasury $10 billion a year in new income.

Mr. Speaker, let us try to be not smarter but just as smart as India and all of the other foreign countries that have found a profitable and satisfactory solution to the problem of gambling.

DEDUCTION FOR ADDITIONS TO RESERVE

Mr. DERWINSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, today I have introduced a bill to amend

section 593 of the Internal Revenue Code of 1954 to limit the deduction for additions to reserve for bad debts of a domestic building and loan association to an association, none of the guarantee or permanent stock of which is owned by a holding company, or other similar corporation.

My interest in this measure stems first from my personal knowledge of the nature of the problem involved since, prior to serving in Congress, I was the managing officer of a savings and loan association. As we well know, savings and loan associations are held in high repute throughout the country because of the significant part they have played in the development of widespread home ownership and the encouragement of thrift among Americans in all walks of life. The development of holding company operations with the subsequent speculations and unpredictable repercussions, if permitted to continue, would do irreparable harm to this sound segment of our financial world. Therefore, this bill that I introduce is entirely in the public interest, and I trust will meet with acceptance by the Congress, knowing as I do that it will receive widespread support from the savings and loan industry.

When the exemption from Federal income taxation of domestic building and loan associations was repealed by the Revenue Act of 1951, Congress recognized that the maintenance of the financial security of millions of individual investors required that building and loan associations be permitted some latitude as to the size of their reserves for bad debts. Accordingly, such an association is permitted to exercise its own judgment as to the amount of the addition to its reserve for bad debts that is reasonable. Any amount so added is allowable as a deduction for income tax purposes, as long as that amount, when added to the combined amount of its surplus, undivided profits and reserves at the beginning of the taxable year, does not exceed 12 percent of its total withdrawable accounts at the end of the taxable year. Where the sum of a domestic building and loan association's surplus, undivided profits, and reserves at the beginning of the taxable year equals or exceeds 12 percent of its total deposits or withdrawable accounts, any deduction for such year for an addition to the reserve for bad debts is allowed only if found to be reasonable by the Internal Revenue Service, the same test as provided for other taxpayers.

There are more than 6,000 building and loan associations serving the American public today. The present boom in individual home ownership is largely attributable to the availability of home loans from these institutions. The tremendous increase in savings deposited with the building and loan associations in recent years reflects the confidence which savers have in their stability and in the safe handling of savings by association managers.

The assets of the vast majority of buildings and loan associations are wholly owned by the savers who are responsible for their growth. However, a small number of the building and loan associations presently in operation—less than 500—are actually owned by a few permanent stockholders. Savers in such associations have a claim only to a return of their savings plus an agreed rate of interest. To a great extent their capital is working for the benefit of the permanent stockholders who generally have only a small investment in the association.

The permanent stockholders are in a position to siphon off to themselves as dividends the tax-free reserves built up as a protection to savers against future losses from home loans made by the association. In many instances the permanent stockholders of these associations have been able to harvest the full fruits of their claim on the assets of an association by transferring their stock to a holding company which in turn issues new stock for sale to the public. The profits—based almost entirely upon the capitalized value of the allowance for bad debt reserves of the association—is taxable to the permanent stockholders at capital gain rates.

Last June a member of the Federal Home Loan Bank Board testified before the House Committee on Banking and Currency that over 50 percent of the 154 California stock associations were either owned by holding companies or proposed to be owned by holding companies. In November actual cases setting forth grave abuses were presented by responsible witnesses at hearings before the Committee on Ways and Means. The profits realized at capital gain rates in some instances were substantial: in one case a profit of almost $9 million was made by one family from its stock investment of approximately $100,000.

Speculation in the assets of building and loan associations is detrimental to the interests of savers and conflicts with the often-expressed desire of Congress to promote home ownership by holding interest rates on home loans as low as possible. Absentee ownership of building and loan association stock through the holding company device is at odds with the mutual, local characteristics of the typical building and loan association which are the basis for the success of and public confidence in such institutions.

This was recognized by Congress last fall in the enactment of Public Law 86–374, an act to promote and preserve local management of savings and loan associations by protecting them against encroachment of holding companies. However, this legislation, which added section 408 to title IV of the National Housing Act, was intended only as a stopgap measure to prevent further holding company acquisition of more than one "stock association" within the next 2 years. It does not require divestiture by existing holding companies and will not prevent the formation of a holding company by the shareholders of a single, closely held stock association for the purpose of avoiding the full effect of Federal taxation.

Testimony by State regulatory authorities, members of the Federal Home Loan Bank Board and industry spokesmen in June before the House Committee on Banking and Currency in connection with the enactment of Public Law 86–374 was unanimous in its condemnation of holding company activity in this vital industry. The abuses which were revealed at the November hearings before the Committee on Ways and Means establish that further legislation is necessary to halt this activity. The unintended inducement for the present unscrupulous speculation in building and loan association assets is the tax-free reserve for bad debts allowed by Congress for the protection of savers. This inducement is removed by the proposed legislation. In the future building and loan associations owned by holding companies would be entitled only to accumulate reserves for bad debts to the same extent as taxpayers generally.

TRANSPORTATION EXCISE TAX REPEAL

Mr. OSMERS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. OSMERS. Mr. Speaker, there is an aspect of the 10-percent excise tax on domestic transportation which has not heretofore been considered. I refer to the detrimental effect this tax has on the development of adequate airlift for national defense.

On February 3, 1959, I introduced H.R. 3983 which seeks repeal of this excise tax. I introduced this bill because I believe there is no justification for the retention of a tax simply because it may be a revenue source when that tax conflicts with and undermines a vital national defense activity.

The great value of a fast, efficient, and economically sound transportation system is well known to every Member of Congress and to every informed citizen in this country. The military value of a sound transportation system may perhaps not be equally well known and recognized.

In recent years there has been an increasing trend toward the development of adequate airlift to insure our military readiness in case either a local, brushfire conflict breaks out or an allout global conflict occurs. At the present time the House Armed Services Subcommittee on National Military Airlift is conducting hearings to determine, among other things, the ability of our transportation establishment to cope with any military crises that may confront this country.

In the course of his hearing Secretary of the Army, Wilber M. Brucker, emphasized the importance of airlift:

> It has not been many years ago that our chief reliance for strategic mobility—for the projection of our military might overseas—was on oceangoing transportation. We depended on our allies to hold the line while our forces were deployed. The tempo of our time has changed this. No longer can we place reliance on having this much time available and, today, the deployment of our initial forces from the United States must rely almost entirely on airlift to provide the requisite mobility.

The importance of our civil commercial airlines in achieving this mobility was emphasized by James H. Douglas, Deputy Secretary of Defense:

> I have referred to our cargo and troop carrier aircraft to emphasize the need for a modern cargo aircraft. This need is even more urgent in the civil airlines if they are to play the part they should in meeting military requirements in wartime.

Secretary Douglas makes it perfectly clear that the military is relying heavily upon the civilian airline industry to support and augment the hard-core military air fleets in case of need. The extent of this dependence can be readily seen by the fact that in 1960 Secretary Douglas estimates 50 percent of MATS passenger traffic and nearly 20 percent of MATS cargo traffic will use commercial airlift. Moreover, Secretary Douglas indicates that as civilian capability expands, more and more reliance will be placed upon civil airlift. While this is largely international carriage it is clear that the commercial carriage of Defense personnel within the United States and the commercial participation in Logair and Quicktrans likewise commits our national defense to a heavy reliance on civilian airline operators.

Of course, the Civil Reserve Air Fleet—CRAF—concept is another manifestation of the degree to which the security of this country depends upon a healthy and sound airline industry.

What, then, is the status of civilian airlift and what are the prospects for the future?

One of the unique features of the airline industry is the rapid rate of obsolescence of the industry's productive plant—its aircraft. This is as it should be and reflects a rapid rate of progress in the state of the art.

However, it is essential to recognize that this progress creates a capitalization problem for the airlines that is extremely critical and is their chief problem. Technological advance can proceed no faster than the airline industry's ability to obtain capital to finance improved aircraft.

Significantly, the jet reequipment program of the domestic trunklines is their fifth major reequipment since the end of World War II. Five turnovers in plant is an amazing record and significantly the three most recent reequipment programs have been achieved after the airlines have been off subsidy operating on a self-sufficient basis and thus were achieved by private capital.

However, each reequipment program seems to be more expensive than the previous one. For example, the transition to DC–7 equipment in 1953 was at a cost of $2,500,000 per airplane. The most recent transition—to pure jet aircraft—was achieved at a cost of between $5 and $6 million per plane.

The upshot of this is that although the civilian airlift will by 1962 have 500 turbine-powered aircraft in operation, a fleet capable of producing 50 billion seat-miles per year—enough seat mileage to carry the personnel of 5.5 modern pentomic divisions, 75,000 troops, from Westover Air Force Base to London every 48 hours—this fleet will be assembled only after a gross investment of approximately $4 billion by the civilian airlines.

Mr. Speaker, this is a gigantic program and I think it is important to note that our free-enterprise system and private capital are capable of this kind of achievement.

But I also think that it is important to recognize that further and greater demands on the airline industry are on the horizon. On February 1, 1960, Chairman Durfee of the Civil Aeronautics Board in an open letter to the distinguished chairman of the House Interstate and Foreign Commerce Committee, pointed out that both Russia and Britain are embarked on a program to create supersonic commercial aircraft capable of speeds approximating 2,000 miles per hour.

Mr. Speaker, the technological know-how is available. Several U.S. manufacturers can build such an aircraft, and we can retain our leadership in this field. The only problem is an economic one. These aircraft are estimated to cost between $12 million and $25 million per plane. The problem thus is not to create the aircraft but to pay for the current fleet and raise capital to buy the supersonic aircraft.

The same economic problem confronts the rail and the bus industry. While the turnover in plant is by no means as rapid in these industries, they are, nonetheless, confronted with serious economic problems. The Interstate Commerce Commission, in the Railroad Passenger Train Deficit case, emphasized that "the tax on passenger travel tends to discourage the public from using common carriers, it thereby aggravates the ever-mounting passenger deficit." The Commission also urged that "any possible loss of revenue (resulting from repeal of the tax) would be more than offset by the public interest in strengthening and preserving a transportation system capable of meeting adequately the country's need for service both in peacetime and during emergencies in conformity with the national transportation policy as declared by Congress."

In the past decade the buslines have declined seriously. The number of intercity bus companies has declined from 2,858 in 1950 to 1,700 in 1957. Busline revenue passengers declined in the same years from 815 million to 516 million.

Thus every segment of our transportation establishment, upon which we must depend in case of National Emergency, is facing a severe economic challenge.

This brings me to the point of this speech. And the point, Mr. Speaker, is that if the great progress in our civilian airlift is to continue, it is essential that airline revenue or income not be hampered or obstructed in any way. Similarly, if the income of the surface carriers is not protected and augmented, progress cannot be expected.

Yet the express and deliberate purpose of the 10-percent excise tax on domestic transportation was to discourage civilian use of transportation facilities during World War II. There is no question but that it succeeded. There is no question but that it has been succeeding ever since. The Civil Aeronautics Board has recognized this fact and has repeatedly urged repeal. The National Defense Transportation Association has recognized this fact and called for repeal. The Interstate Commerce Commission has likewise urged repeal. The Senate has voted repeal thereby recognizing the evil the tax does.

Mr. Speaker, it seems to me the sheerest kind of fiscal folly to retain an excise tax which produces a doubtful yield when that tax is inflicting untold harm on the growth potential of our civilian airlift and national transportation system. It is clamping on a brake at a time when the airline industry as never before is confronted with a challenge to produce.

The alternatives are clear. If the civil operators are unable to obtain capital through commercial operations, if they are hampered and obstructed by factors like this excise tax, then the capital will have to come from the Government because if any one thing is clear it is that we cannot relinquish our air leadership.

It seems only obvious commonsense to me that if we can avoid Federal aid to aircraft development and procurement by encouraging private capital, then we should do so. And, Mr. Speaker, I can think of no better point of departure in assisting private capital to achieve airlift progress than by a complete repeal of the excise tax on transportation.

THE INCOME TAX PROBLEM

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, certainly during the last few weeks and particularly these days prior to April 15, almost every citizen of our great country is conscious of the tremendous tax burden they are carrying as individuals. This tax load is indeed a heavy one, and certainly it is understandable that many Americans feel individual income taxes have reached a point where they are almost a confiscation on the part of the Government of their personal property.

All Americans certainly realize that they must assist in the expenses of their Government. Most Americans are willing and anxious to pay their share of the Government's requirements. When Federal taxation, however, reaches the point where it curbs personal ambition for progress and to better oneself, and where it forces small business concerns to sell out to large business institutions, because the tax laws bleed them dry of capital needed to finance their business, then it seems to me it is perfectly obvious our tax laws need a complete overhauling.

We are engaged in a gigantic conflict in the world today in which we are trying to prove that the economic system we call capitalism is vastly superior to other economic systems. We know so well of our competitive struggle against communism and its economic system. On his recent visit to America, we heard Mr. Khrushchev tell us capitalism could not win in the struggle against communism. He said it could not win primarily because communism provided a greater incentive for the individual to progress than does capitalism, just as capitalism provided a greater individual incentive than feudalism.

It is not my purpose to argue the economic merits involved in this gigantic struggle in which we find ourselves. It is my purpose, however, to call the attention of the Congress to the fact that notice must be taken of the effects upon the American individual as well as thousands of business enterprises in our country caused by our Federal and State tax burdens. The problems brought into focus in this situation must be faced sooner or later by our Government.

At this time I should like to include as a part of my remarks, a letter I have received from Mr. V. H. Pomper, vice president of H. H. Scott, Inc., a small business institution in Maynard, Mass. I believe the remarks of Mr. Pomper precisely point out the problem faced by so many small business institutions in America as a result of the heavy tax requirements.

H. H. SCOTT, INC.,
Maynard, Mass., April 1, 1960.

Representative EDITH N. ROGERS,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE ROGERS: I should like to advise you of my wholehearted support for tax reform as provided by the Herlong-Baker bills H.R. 3000 and H.R. 3001 now pending in the Congress. As a businessman in a small company with under 300 employees, we almost daily are faced with inequities and contradictions in present tax laws and rulings. They represent an incomprehensible hodgepodge and crazy quilt, which I believe and find to have effects opposite to those for which they were supposedly intended.

The tax laws place a particular burden on small businesses, with their greater requirements for capital with which to grow. So many small businesses who are successfully providing jobs and opportunities for personal advancement are forced to merge or sell out to large companies because the tax laws bleed them dry of capital needed in the business. Too often the tax situation dries up rather than creates jobs and job security. In the face of low labor rate foreign competition, it seems to me that it is the American public, the workers in industry, who stand to lose the most in terms of human values, security and opportunity for personal growth and advancement through the arbitrary restraints introduced by what amounts to confiscatory taxation for political reasons supposedly to protect those same workers.

We are engaged in a competition with the Soviet Union, which seems to be successfully fostering a more rapid rate of growth than is the case here. Is it perhaps part of the reason that the Russians reward conspicuous excellence conspicuously? Doesn't their system actually provide greater incentive for success? It seems to me that the problem is basically a spiritual and moral one, not a political or economic one. We need to rekindle the spirit of risk, of enterprise, of venture, of standards of excellence, rather than the soft and soggy standards of "Oh, what's the use" or of sleazy "corner-cutting." But by any standard, whether moral, spiritual, political or economic, I do not believe the tax laws at present are just or effective.

If we are to successfully compete in the cold war, it would be wise not to hinder ourselves by deliberately tying one hand behind us. Vigorous and courageous leadership, and perhaps risk, on the part of our lawmakers in this respect might help. May I have your opinions, please?

Sincerely yours,

V. H. POMPER,
Vice President.

CHAINSTORES CAN AFFORD TO PAY $1.25 AN HOUR

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, one of the most pressing national issues that will come before us in the weeks to come is the question of improving the Fair Labor Standards Act—or, as we know it better, the wage-hour law.

I am sure we are all aware that there are sharp differences of opinion among us as to what course we should pursue. But I venture to say, Mr. Speaker, that virtually every Member of this distinguished body is agreed on one point. I am sure we all agree that some improvements—some increase in the minimum wage, some extension of the law's coverage, or both—must be enacted as a matter of simple justice at this session of the Congress.

If anything troubles us about this, perhaps it is the fear that in extending the protection of a fair wage-hour law to additional workers, we might impose an intolerable burden upon business, especially small business.

In order to allay this fear, the Kennedy-Morse-Roosevelt bill was carefully drawn so as to apply only to larger establishments—primarily chainstores—some of whose individual units may be small, but whose total business is tremendous.

We who are in support of this bill have argued that the chainstores can afford to meet its terms. We say they can afford to pay $1.25 an hour, with time and a half after 40 hours. We say they can meet these modest conditions without hardship, and without raising prices.

My mail leads me to believe that the chain stores do not see eye to eye with us. As a matter of fact, they and their trade organizations, the American Retail Federation and the U.S. Chamber of Commerce, are quite emphatic about it. They would have us think that the poor little 5-and-10 on the corner—and these days, it means 5 and 10 dollars, more often than 5 and 10 cents—that poor little 5-and-10, they say, and the 25, or 250, or 2,500 others just like it, all part of the same company, will be driven to the wall if this bill is passed.

Now, Mr. Speaker, their sad story would be more impressive if they were not forced, as public corporations, to make public financial reports. A recent issue of the trade publication, the Daily News Record, summarized the reports of 10 of these chains. The complete text of the Daily News Record article will follow my remarks.

What do we find in this summary?

The combined net earnings of these 10 chains exceeded $78 million in 1959, almost $6 million more than 1958.

These profits represented a return of more than 8 percent on net worth after taxes; and almost 14½ percent before taxes. I do not think those figures spell poverty.

And profits are not the whole story. Let me quote:

> The chains, in addition to adding new units, enlarging and modernizing existing stores, aggressively continued in their policy of converting many units to self-service. * * Further conversion to self-service will continue this year, and, as in 1959, smaller, unprofitable units will be closed.

There you have it, Mr. Speaker. High profits, whether measured in dollars or percentages. Rapid modernization; reduction of employment; increases in man-hour productivity; liquidation of outmoded units.

Why do enterprises like these deserve special consideration? Why should their workers suffer a special penalty? There is no sound reason for either one.

I say it is time for these great commercial establishments, these rich and efficient operators, to get in step with America. And it is long past time for their workers, many thousands of them earning far less than $1 an hour, to share in the wealth they labor to create.

[From the Daily News Record, New York, N.Y. Apr. 4, 1960]

VARIETY CHAINS' PROFIT RATIO TO SALES, NET WORTH HIGHER

(By Arthur A. Werfel)

Reversing the downward trend of the prior year, the 1959 total profits and profit ratios both to sales and net worth for a group of 10 variety store chains were higher.

An analysis of the annual reports shows that the generally higher net earnings for the group were achieved despite rising costs and expenses, and some adverse effects of the steel strike on some units in industrial areas. Higher sales, additional stores, and the enlarging and modernizing of existing units, contributed to the profit improvement.

Total net profits for the group increased 8.1 percent, sales were 0.3 percent higher, and combined net worth rose 3.1 percent over the 1958 total.

According to a compilation by Fairchild News Service, combined net earnings for the 10 chains in 1959, totaled $78,070,000, compared with $72,229,000 in 1958. Aggregate sales were $2,263,457,000, against $2,257,115,000.

Net worth for the group was $974,921,000, against $945,603,000.

The ratio of total net profits to sales increased to 3.45 percent, from 3.20 percent, and the net profit to net worth ratio rose to 8.01 percent, from 7.64 percent.

Of the 10 chains, 8 showed higher sales, 7 posted increased net profits and 9 had a higher net worth than in 1958. However, net profit ratios, both to sales and net worth, found only six of the chains showing increases, and four had declines.

The eight chains with sales gains all reported their dollar volume at record highs. H. L. Green and S. H. Kress sales were lower than in 1958. Green, Kresge, Kress all had lower profits. Rose's 5–10–25 cent stores posted a record year, with both sales and earnings at new peaks.

Before taxes, profits for the group was $140,526,000, a gain of 6.4 percent over the 1958 pretax total of $132,027,000. Ratio of pretax earnings to sales was 6.21 percent, against 5.85 percent, and the ratio to net worth rose to 14.41 percent from 3.98 percent.

The group paid a total of $62,456,000 in Federal and State income taxes, 4.4 percent higher than the 1958 total of $59,799,000.

Total stores operated by the 10 chains at the end of their respective fiscal year was 5,263, against 5,056 at the close of 1958, or an increase of 4.1 percent. All but McCrory-McLellan and J. J. Newberry had a greater number of stores than a year previous. Of the total stores, Woolworth operated 2,221, against 2,152 a year earlier.

Aggregate merchandise inventories were 9.9 percent higher, totaling $435,319,000, against $396,966,000 in 1958.

The chains, in addition to adding new units, enlarging and modernizing existing stores, aggressively continued in their policy of converting many units to selfservice. For example, Woolworth, at December 31 last, had a total of 1,231 self-service units in operation, against 993 at the close of 1958.

Top officials in their comment for 1960 noted they would continue to add new units, many to be situated in shipping centers. Further conversion of existing units to self-service will continue this year, and, as in 1959, smaller, unprofitable units will be closed.

THE EXPLOSION OF AN AIR FORCE B–47 BOMBER OVER LITTLE ROCK

Mr. ALFORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ALFORD. Mr. Speaker, early in the morning of March 31, 1960, the terrific explosion of an Air Force B–47 bomber over the heart of the residential section of the city of Little Rock inflicted great damage and suffering upon the people of that city, taking a toll of five lives, many injured, and causing property loss that will exceed half a million dollars.

When the news of that tragedy reached me, I flew immediately to Little Rock where I personally inspected the damage and talked with many of the victims of this unfortunate event. I walked for miles along the wreckage-strewn path of the ill-fated plane's flight, and I can tell you today that only the heroic efforts of the fire and police and civil defense teams of Little Rock averted a far greater loss.

I am advised that the Air Force is in a position to quickly settle many of the claims arising out of this disaster but is handicapped by section 2733 of title 10, United States Code, which places a $5,000 limitation on the amount which the Secretary of the Air Force can pay out in the settlement of any single damage claim.

In concert with my distinguished colleagues in the other body, I have today introduced in this House legislation to remove this limitation in connection with this specific incident, and I urge that you give speedy and favorable approval to this proposal.

AMENDING THE NATIONAL HOUSING ACT

Mr. MADDEN, from the Committee on Rules, reported the following privileged resolution (H. Res. 498, Rept. No. 1465), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10213) to amend the National Housing Act to halt the serious slump in residential construction, to increase both on-site and off-site job opportunities, to help achieve an expanding full employment economy, and to broaden home ownership opportunities for the American people. After general debate, which shall be confined to the bill, and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

OUR TRADE AGREEMENTS PROGRAM

The SPEAKER. Under previous order of the House, the gentleman from West Virginia [Mr. BAILEY] is recognized for 30 minutes.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. BAILEY. Mr. Speaker, the growing desperation of many of our industries under the relentless upsurge of imports is beginning to come slowly into the light of day. I have complained on several occasions over the failure of the press of this country to carry to the American people the facts about our foreign trade situation. There has in past years been an almost complete blackout of news that reflected unfavorably on the trade agreements program. Today we see some hope of a growing realization that this program has led us to the brink of disaster in the foreign competitive field.

Let me express my appreciation of a series of articles that appeared last week in the New York Daily News. These articles, under the authorship of John Lewis and Eckert Goodman, represent a refreshing departure from the dead silence that has seldom been broken by the metropolitan press when some very seamy developments have shown that perhaps the trade agreements program is coming apart at the seams.

The articles throw up some alarming facts about the fast-developing competition from abroad in numerous products, including such formerly untouchable industries as automobiles, typewriters, electrical goods, oil, and steel. It is a pity that more newspapers do not join in exposing the difficult position in which our domestic industry, a number of our agricultural crops, and our workers find themselves as they confront the low-wage products streaming across the seas into our markets.

Among the first to break through this iron curtain on news was U.S. News & World Report, the weekly news magazine, which a year ago assembled some very telling facts on the subject of foreign competition. More and more trade journals have been giving attention to the subject. The daily press would be well advised to bring themselves up to date.

In the face of this slow awakening over a situation that could spell national calamity we find the State Department pushing forward with its preparation for the next tariff-demolition conference. Not only is this not necessary; it is unthinkable and a step that courts disaster. All evidence of the past 2 years points to the incontrovertible fact that we cannot stand further tariff reductions; that in international competition we are already on the run. We are being driven out by the combination of low wages and fast-rising productivity abroad. We cannot withstand this twin force that batters our industries. Now the State Department would add to that force by reducing our existing defenses another 20 percent. This refusal to look the facts in the face is sheer madness and the Congress should register its displeasure.

Mr. Speaker, 30 Members on both sides of the aisle have introduced a concurrent resolution expressing the sense of Congress that we should grant no further tariff reductions. To date no hearings have been held on this resolution but I hope that this session does not close without an opportunity extended to the House to assert its will on the subject.

It is heartening to have the evidence of an awakening of the press as represented by the articles in the New York Daily News. Under unanimous consent I insert into the RECORD at this point the four articles above referred to:

[From the New York Daily News, Mar. 29, 1960]

BARGAINS OR BOOMERANGS?—LOW-COST IMPORTS IMPERIL US

(By John Lewis and Eckert Goodman)

Your wife comes home with an imported handbag that cost less than half as much as an American bag of the same quality.

You decide to treat yourself to something you've always wanted—a pocket transistor radio. Made in Japan and fully guaranteed, it would, as the dealer put it, "be cheap at twice the price."

Your next-door neighbor proudly demonstrates his new European car because "it was something we'd been looking for for years—a car we could afford to buy and keep up."

Everyone loves a bargain. But are these foreign-made products which are flooding the American market really bargains? Or

are they boomerangs—weapons in an economic war which potentially could destroy the United States?

That is a vital question which is troubling some of our Nation's best minds today. No one is quite sure of the full answer, or the probable outcome of what everyone agrees is a dilemma.

On one horn, it is generally acknowledged in Government and in numerous industrial circles that a free flow of free world goods into America has become an economic necessity and an important factor in our national security.

As C. Douglas Dillon, Undersecretary of State for Economic Affairs, recently put it: "The alternative is too terrific to contemplate * * * for if (our free world allies) cannot see hope of progress in freedom, they will surely collapse in chaos and disorder, and in their desperation they will try the totalitarian route which is being offered to them day and night by international communism."

On the other horn, the torrent of low-priced foreign products pouring into the United States has already resulted in the destruction of long-established industries and is threatening, here and abroad, to create unemployment, depression and even starvation in some areas.

IMPORTS ZOOM TO ALLTIME HIGH

Last year, imports reached an alltime high of nearly $15¼ billion. At the same time, our exports remained at slightly over $16 billion.

The balance of less than $1 billion was not nearly enough to pay for U.S. economic and military aid abroad, totaling more than $3 billion, and make up for the $2 billion spent by American tourists in foreign countries.

Thus we can be said to have lost, as a nation, over $4 billion on our last year's international transactions.

As a result of this trend, which has become more marked yearly, our Fort Knox gold reserve has dwindled from a high of $24½ billion 10 years ago to less than $19½ billion today, as foreign nations and banks demanded gold for dollars owed them.

And according to Dr. Franz Pick, an international monetary authority, about $18 billion of our remaining gold is mortgaged either to foreign investors or foreign governments, which can withdraw the bullion at what amounts to a moment's notice.

Meanwhile, the Russians, with the equivalent of $10 billion worth of gold safely stashed away, and producing more than $600 million worth of new gold a year, are reported to be planning an eventual international financial revolution, in which the ruble will replace the dollar as a standard of world currency.

So far, the greatest impact of foreign imports has been felt by relatively small U.S. industries, in which technical know-how and skilled labor are not essential assets.

EVEN THE BIG BOYS ARE FEELING PINCH

But today, not even our giant billion-dollar corporations are wholly safe from the economic challenge abroad. About 140 different industries—ranging from adhesives, agricultural implements, and aluminum ware to wood products, woolen blankets and zinc—are already feeling the pinch, as a result of underselling by foreign competitors.

To learn at firsthand the effects that imports and exports are having on our Nation and our way of life, a team of News reporters spent several weeks questioning heads of industry, labor, sales management, and government throughout the country.

Here are some of the facts they uncovered:

Twelve years ago, we imported less than 1,500 foreign automobiles, during a 12-month period in which our car exports reached an alltime high of nearly 261,000.

Last year, imports soared to a record-breaking peak of 668,000 cars, while our exports dropped to a post-World War II low of less than 117,000.

While U.S. truck exports have remained at a more or less constant level of between 180,000 and 190,000 a year for the past 15 years, imported trucks have risen from an insignificant 15 in 1946 to nearly 22,000 last year.

Meanwhile, Japan's automobile industry, riding the crest of an unprecedented boom, expects to turn out a record 300,000 cars this year, with thousands of them earmarked for sale to their best oversea customers—American citizens. And Russian cars reported to sell for less than $1,500 have already been announced for distribution in the United States.

JAPAN SOLD US 4 MILLION RADIOS

Last year, Japanese electric companies sold American customers nearly 4 million radios, mostly of the portable transistor type, compared with only 641,000 sets 2 years ago. These imported radios now represent nearly half of all the sets with four or more transistors in the United States.

Sales of Japanese-made transistors to the American radio-manufacturing industry have risen from some 10,000 in 1958 to nearly 2 million last year, and half a dozen major U.S. radio makers are now selling (under their own brand names) pocket-model radios made wholly in Japan.

In the past 10 years, the number of Japanese-made sewing machines imported into the United States has risen from less than 65,000 to well over a million. An additional 100,000 machines are imported from Italy, Germany, and England.

Today, Singer is the only remaining major manufacturer of sewing machines in America. The White Co., for 80 years our second biggest maker, threw in the towel 3 years ago and now distributes, on a worldwide basis, Japanese-made models.

In the textile-apparel industry, which employs about 2 million American workers, the economic situation is especially acute. During the last 3 months of 1959, imported cotton in the form of bolts of cloth, shirts, blouses, and other items of everyday wear rose at a colossal rate—setting an all-time record of a billion square yards.

Last year, one out of every seven sport shirts sold in the United States was made in a foreign country.

Former Army Secretary Robert T. Stevens, now head of J. P. Stevens Co., one of the Nation's largest textile producers, recently called for drastic action by the U.S. Government, "unless it considers the textile industry to be expendable."

"It is a known fact," his company stated in full-page newspaper ads throughout the country, "that increasing imports of yard goods and garments have seriously hurt the textile industry. In a period of continued prosperity, many mills have closed their doors—with the resultant loss of American jobs."

As president of the Tile Council of America, representing the 29 manufacturers who turn out most of our American-made tiles, Peter Johnson stated recently that his industry would be facing "virtual strangulation" by 1970, if there were no halt to the "marked acceleration of cheaply-made foreign tile."

AMERICAN TYPEWRITERS MADE IN EUROPE

"What was a mere trickle of imports 5 years ago has swelled to a torrent," said Johnson, "and in one field known as ceramic mosaics, imports last year accounted for 45 percent of all domestic sales. Overall, one-fifth of the total U.S. market has been captured by imported tiles."

In the typewriter field, 5 years ago only one out of every seven portables sold in the United States was made abroad. Today it's one out of every three. One American company now makes all its portable models in a European plant, for sale both here and abroad. Another builds typewriters in this country almost entirely out of parts imported from its European plants.

Last October, Underwood, a name that once was almost synonymous with American typewriters, came under foreign control when the Underwood Corp. elected to sell 35 percent of its stock to Italy's highly successful Olivetti Co.

An Italian, Ugo Galassi, is now president and executive officer of the Underwood Corp., which also makes computers and a line of business machines.

IMPORTS ENGINEERS TO UPDATE PLANT

Galassi has sent a number of Olivetti's top engineers and technicians over here to bring Underwood's "outmoded" manufacturing and sales techniques up to date and to "turn an obsolete plant to something that can make fine typewriters to sell in competition with European products at a profit."

And so the list runs—through clocks, watches, fishing tackle, gloves, clothespins, bicycles, nails, barbed wire, plywood, cameras, china dinnerware, toys, glass—you name it.

As one Midwest industrialist put it, deliberately misquoting Lewis Carroll: "The time has come, the walrus said, to talk of many things—of ships and shoes and sealing wax, and almost anything else you can think of including among the manufactured products we all use and need in the free world today."

Meanwhile, everyone agrees, there hangs overall the shadow of the hammer and sickle, symbol of International Communism. Red agents, like tips of the Red octopus' tentacles, have infiltrated such have-not nations as Japan, West Germany and Italy—probing, observing, cajoling and doing everything in their power to persuade our free world allies to trade with them on a barter basis so they can dump their produce on world markets and junk U.S. goods.

Their constantly reiterated theme is Khrushchev's oft-repeated contention that the U.S. way of life is a "limping horse worn out, outmoded" and that, with the help of the rest of the world, he will bury us.

"The challenge we as a nation face today," said Leland A. Watson, president of the Maico Electronics Co. and a prominent northwest industrialist, in an address before several hundred sales executives in Minneapolis last month, "is the greatest in our history."

MUST ADJUST TO MEET COMPETITION

Watson, killed in a plane crash only a few weeks after he sounded that warning, had added:

"If we fail, it will cost us not just our jobs, but probably our freedom, our lives and the future of our children.

"The challenge is whether we can do our part to preserve the whole structure of freedom and Western civilization as we know it a problem of adjusting to meet ruthless competition from the Communist colossus, which is using world trade and industry as a means of achieving conquest and enslavement of the rest of the world.

"America is faced with this greatest challenge in its history because the Communists are confident of defeating us within a generation by economic industrial assault rather than military * * * a war with a 20-year timetable for America's destruction."

Said Walter Reuther, president of the United Automobile Workers and chairman of AFL–CIO's Committee on Economic Policy: "Today we are no longer engaged, as a nation, in a competition for advantage over other countries. Our struggle is for survival."

[From the New York Daily News, Mar. 30, 1960]

BARGAINS OR BOOMERANGS?—WE PUT WORLD ON ITS FEET, IT SETS U.S. INDUSTRY ON EAR

(By John Lewis and Eckert Goodman)

At the end of World War II, the United States was the richest and most powerful nation on earth. Fifteen years later, we still are—but not by nearly so wide a margin. And our lead is constantly being whittled by our allies and former enemies.

How has this come about in such a short time and why are we currently being pressed so hard by foreign-made products here at home, as well as in world markets?

The situation stems largely from our efforts to put back on their feet nations whose factories and laboratories had been damaged, if not completely destroyed by war; and whose economies were sagging to the point where there was serious danger that they would go communistic.

During the past decade and a half, we have poured more than $75 billion into these countries to help rebuild their industries and to create jobs and buying power so the United States could sell goods abroad.

WE GAVE THEM BEST OF EVERYTHING

We supplied them with the best machinery, engineers, and technical know-how we could provide. We invited their trade and engineering missions here to study our sales methods and production techniques. We dispatched similar U.S. groups abroad to learn their problems.

Underlying the whole program was the hope of obtaining for the foreign worker an improved standard of living, which would make him less susceptible to the blandishments of communism.

Unfortunately, the project in part has backfired. The lot of the foreign worker has not, in most instances, notably improved. His wages have increased only slightly, while the production levels of foreign industries have increased tremendously.

Modern, highly efficient plants, built with American subsidy and know-how, are flooding world markets with quality products which we, with our high costs and salaries, are often unable to compete against.

Take, for instance, the Japanese electronics industry, which last year produced nearly 4 million radios for sale in the United States. Some of the portable transistor models turned out by Asiatic makers bear such famed American names as Bulova, Emerson, and Motorola—the American companies which ordered and will distribute the sets.

JAPANESE WORKERS GET $4.50 TO $29

Why? Because Japanese manufacturing costs are much lower than American. Osaka's giant Matsushita Electric Co., which makes the Bulova pocket radios, pays its 20,000 employees from $4.50 to $29 a week.

Semiannual bonuses, bargain-priced housing, company-owned discount stores, free medical care, family allowances, pensions and other benefits still bring the company's weekly pay cost to an average of only $27.50 per worker.

Hundreds of small workshops and factories making radios and parts pay even less. The Tamagawa Products Co., on the outskirts of Tokyo, pays its 30 workers the equivalent of from $3 to $10 a week.

Several American companies which produce their radios here assemble them partially or largely out of Japanese-made parts, and Japanese transistors selling for 80 cents are largely supplanting their American-made counterparts which cost about $1.35.

The growing flood of these imported transistors has so alarmed members of the American Electronics Industry Association that they recently asked the Office of Civil and Defense Mobilization to take action before research and U.S. production of a vital defense item is wiped out. No restrictive action has been taken.

But it isn't just low labor costs that are enabling the Japanese to compete against us so successfully in the electronic field. Industrial executives and sales engineers, recently returned from the Far East, express amazement at the strides the Japanese have made in automating their production lines and increasing the overall efficiency of their manufacturing processes.

AMERICAN DESIGNERS OFF TO THE ORIENT

Meanwhile, prominent U.S. industrial designers have set up offices in Japan, to guide native manufacturers in developing consumer products which will have the greatest eye appeal for American buyers.

Many U.S. companies, including such giants as General Electric and Monsanto Chemical, have bought into Japanese firms or set up manufacturing plants in that country; and more than 500 of them took part in a licensing program to help restart Japanese industry.

RCA has licensed three major Japanese electrical companies to make color TV sets and parts, many of which are expected eventually to appear on the American market in competition with U.S.-made sets.

More than 99 percent of the binoculars imported into this country last year—over a million pairs—came from Japan.

Germany, from which many of our finest imported field and opera glasses used to come, has within recent years been pushed almost out of the market. American makers now sell mostly to the military services.

The automobile situation is particularly complicated. Last year, our car exports dropped to less than a fifth of our imports which totaled 668,000 cars, or 1 out of every 10 new cars sold in the United States.

But American automobile makers have been increasingly spurring the manufacture and assembly of their cars abroad, in either their own plants or the plants of subsidiaries, affiliates, and licensees—some of whom use the absolute minimum of U.S.-made parts. Our industry has also bought, or bought into, companies which make European cars.

More than 100,000 of last year's imported automobiles were Anglias, made by the Ford Co. in its British factories. Simcas are sold here by Chrysler, which owns a quarter interest in the French company, and Mercedes-Benz cars are distributed by Studebaker-Packard. Opels are made in Germany by General Motors.

U.S. AUTO JOBS DOWN BY 172,000

The saving in labor costs abroad is, of course, appreciable, particularly since the completion of new, highly-efficient assembly plants.

For every car we fail to export, however, jobs are lost. On the same day, last February 29, that layoffs and cutbacks were reported in the U.S. industry because of declining car sales, England's Vauxhall Motors announced a $619 million expansion program to boost their production by a third.

In the past 5 years, employment in the U.S. automotive industry has dropped by 172,000, and at least part of the loss can be directly ascribed to the unfavorable export-import trend.

Our costume jewelry-silversmith industry is typical of the many small businesses which have been particularly hard hit by the flow of cheap imports into the United States.

Making a wide variety of men's, women's, and children's jewelry and silverware, the industry employs several thousand people in plants located principally in Providence, R.I., Attleboro, Mass., and New York City.

JEWELRY IMPORTS MORE THAN TRIPLED

In 1938, imports of low- and medium-priced jewelry and parts totaled only about $1.5 million a year. Shortly after World War II, they more than tripled to $5 million annually. By last year they had risen to almost $20 million. Approximately 80 percent of the imports came from Japan and West Germany.

George Frankovich, executive secretary of the Manufacturing Jewelers and Silversmiths of America, ascribed this influx to a single factor: "Price competition based on low wages."

"The foreign products," he explained, "are styled exactly as ours—in fact, many are direct copies. The quality is substantially comparable.

"Yet the price of the German items, landed and duty paid, is only 50 percent to 60 percent of our price; and for the Japanese items it's 30 percent to 50 percent of ours."

Frankovich estimates that this low-priced competition has cost the U.S. industry about 25 percent of its domestic sales, with such segments as watchband and imitation pearl manufacturing the worst sufferers.

Watchband making, for example, employed 7,000 persons 8 years ago and its products were valued at $32 million a year. Today, foreign imports account for half the sales of watchbands in the United States, and half of our 40 lower-priced watchband manufacturers are out of business. All but 2,000 jobs in the industry have been wiped out.

OUR TILE INDUSTRY TAKES BEATING, TOO

In 1947, imitation pearlmaking was a $13¼ million U.S. industry, employing 3,000. Japanese imports amounted to less than 2 percent of the total domestic market. Today, Japan's imports account for more than 60 percent of our national sales, at least a dozen American plants are out of business and employment has dropped to 500 persons.

Our mosaic tile industry, which once supplied most of the wall and floor tile used in American homes, has lost 45 percent of its market to foreign imports since the end of World War II.

In 1945, ceramic, mosaic and other unglazed floor and wall tile imported into the United States totaled a little over 6,000 square feet valued at $1,000. By last year, imports of this tile had jumped to 24½ million square feet, valued at more than $5 million. Tile imports in 1959 represented a fifth of all the tile sold in America.

And in the past 15 years, the American tile industry has spent more than $100 million for promotion, advertising, research and development and new equipment—only to find cheaply made imported tile taking over a larger and larger part of its market without contributing a cent.

[From the New York Daily News, Mar. 31, 1960]

BARGAINS OR BOOMERANGS?—HOW CHINESE MILLS BEDEVIL OUR SOUTH WITH DIXIE COTTON

(By John Lewis and Eckert Goodman)

In South Carolina, there are two towns about 30 miles apart. In the first, Spartanburg, homegrown cotton is sold and shipped halfway around the world to a mill in Hong Kong. There the cotton is woven into cloth and shipped back to the second Carolina town, Greenville, where it is delivered to an American buyer.

Despite the cost of transporting the cotton a distance equivalent to once around the world, plus duties and handling charges, the cloth is cheaper to buy than it would be if purchased from a mill in the neighboring town some 30 miles away.

For several years, the American textile industry has been hurting at the hands of

foreign competitors, partially as the result of the U.S. Government's cotton subsidy program.

Cotton sells in the world market for about 25 cents a pound. In America, through Government price support, it brings 33 cents a pound. To enable southern cottongrowers to compete in foreign markets, the Government buys their surplus at the established rate and sells it abroad at an 8-cent-a-pound loss.

The higher price which U.S. textile makers have to pay for their cotton, plus higher wages and employment benefits, has made it possible for foreign mills to flood American markets with fabrics, shirts, brassieres, blouses, handkerchiefs and countless other manufactured cotton products.

Ten years ago, bolts of cotton cloth were being imported into the United States in a mere trickle—under 20 million square yards a year. By last year this figure had jumped to a quarter of a billion square yards. Five years ago, only 180,000 shirts were brought into the country. In 1959 there were almost 2¼ million.

Japan was once the biggest exporter of cotton wearing apparel to America, but in the past few years the Japanese, who voluntarily limited their cotton shipments, have been nudged out of first place by Hong Kong, with Korea, Pakistan, and India also in the picture.

SAYS TEXTILES VITAL TO UNITED STATES

At a meeting in Charlotte, N.C., recently, Henry Kearns, former Assistant Secretary of Commerce for International Affairs, told members of the textile industry: "No one will argue that the textile industry is not an important part of our national economy—it is vital to our everyday living. But, by the same token, our country's total sales abroad, our exports, annually exceed greatly the total sales of the entire textile industry—and foreign trade, too, is vital to our everyday living.

"In 1959 the textile mill products industry employed some 963,000 workers. Each year about 4½ million Americans derive a livelihood from some form of foreign trade.

"Pakistan is a country where 90 million tough, industrious people literally are lifting themselves from the depths of poverty • • • their need for foreign exchange is acute.

"They must export in order that they may buy the food, machinery, raw materials, and other items they absolutely need for everyday living.

"The Pakistanis like Americans, but if we don't buy the few lines of products they can export, including textiles, they must look for other customers—and the Soviets are nearby, ready and available."

Kearns went on to warn the group that the United States could not consider import restrictions in a field like textiles, which might mean the loss of export sales in another field. He added that many industries in America were seeking new foreign markets and that the textile industry must find new outlets abroad.

A few weeks after making this speech, Kearns resigned. Some felt that his resignation was brought about by pressure from the cotton industry, but Kearns remarked in parting that if he were resigning under fire, he would have done so long ago.

IMPORTS IN WOOL MORE THAN DOUBLED

The situation in the wool industry also causes concern. To give our processors and fabricators some measure of protection, the United States—at a world trade meeting in Geneva in 1947—reserved the right to levy a 45 percent tariff on all imported wool fabrics exceeding 5 percent of our own production, based on the preceding 3-year average.

Although the wool industry enjoyed increased sales last year, imports more than doubled 1958's, reaching 5 million pounds, the highest point in 35 years. Japan sent in more than twice as much in the way of woolen products as any other nation, while England led in the export of "tops." Tops is the term for wool which has been scoured, carded, and combed for spinning. The total value of these imports was more than $84 million, compared with about $67½ million the previous year.

With Japanese-made suits already posing a threat to our men's clothing industry, Japan is expected to be exporting 10,000 suits a month, at from $15 to $20 a piece to retailers, before the end of this year.

U.S. manufacturers assert that there is no way in which they can hope to compete with such prices.

Employing 385,000 workers throughout 40 States, the men's clothing industry is one of our most highly competitive businesses. It is composed mainly of small firms whose net profits on the manufacture of suits and coats average 1 percent.

Between 1947 and 1958, the number of workers actually engaged in the production of men's and boys' suits and coats fell from 138,000 to 95,000—a drop of 31½ percent.

THREE THOUSAND PRODUCTION JOBS ELIMINATED

While a good deal of this falling off can be attributed to a change in men's wearing habits, a deluge of cheap suits and coats from abroad could, at this point, be disastrous.

American glovemakers, also facing cheap labor competition from overseas, are currently suffering even more acutely than our textile industry. There used to be two major leather glove-producing areas—Fulton County, N.Y., and New York City.

New York has virtually stopped producing the hand wear, and Fulton County's firms have dwindled from 184 to 56.

Fulton County is a typical example of an area dependent for its major support on one industry. The wheels of the tanneries turn in relation to the activity of the glove factories. Local box manufacturers and suppliers of all kinds face a similar situation, and retail activity comes almost to a standstill when glove production slows down.

Today, the county is classed as a labor surplus area—as it has been for nearly 10 years. Between 1947 and 1959, 90 glove factories and 14 tanneries ceased operations in the area, with the loss of some 3,000 production worker jobs.

While Fulton County is considered a high-cost labor area for the glove industry, workers' earnings which average under $49 for a 34-hour week are low in contrast with the $81-a-week average earnings of industrial workers in New York State as a whole.

As of last January, 3,712 persons were drawing unemployment insurance in Fulton County, 2,646 of them glove workers. Retail sales in Gloversville dropped 7 percent during 1959, a year during which they climbed 8 percent throughout the Nation as a whole. Building permits granted for residences were only a third of what they had been in 1958.

THEY'VE JUST ABOUT LOST THE MARKET

Said James H. Casey, of Gloversville, executive secretary of the National Association of Leather Glove Manufacturers: "We make 95 percent of the ladies' fine dress gloves produced in the United States, but we have just about lost the market. The rate of imports is now 126 percent of our domestic production, and it is increasing every month.

"We are not isolationists and have long known oceans act only as rivers between countries. We have over the years shared a portion of our market with exports from many European countries. In addition, we have contributed our fair share and today, as in the past, purchase 90 percent of our raw materials in foreign lands.

"We think that import quotas are the answer to our problem, not highly restrictive ones, but quotas designed to give countries with higher living standards a fair share of our market."

Harry Moss, Jr., of Gloversville, executive secretary of the American Knit Glove Association, pointed out that of 44 manufacturers in business in 1947, only 12 remain today and these have drastically curtailed operations.

Perhaps the supreme example of what can happen to an area which loses a large part of its industry as a result of foreign competition is West Virginia. One of our richest States in terms of natural resources, West Virginia has the highest unemployment ratio in the country—almost three times the national average.

A number of West Virginians, including Representative CLEVELAND BAILEY, blame imports for much of the State's economic woe.

West Virginia's coal mines, the biggest soft coal producers in America, employed some 123,000 workers 8 years ago. Today, there are only about 41,000 miners still working. Competition from residual oil imported from Venezuela and the Netherlands Antilles, and natural gas piped in from Mexico and Canada helped to make job-eliminating mechanization necessary if the mines were to remain in operation.

HAMSTRUNG ALL ALONG THE LINE

According to BAILEY, the West Virginia pottery industry was once the world's biggest. Today, 87 percent of the pottery sold in the United States is made abroad. Forty-three percent of the State's glass works industry has been lost to foreign makers, and the clothespin manufacturers have been hamstrung by cheap imports from Scandinavia.

One of America's largest dinnerware manufacturers, the Homer Laughlin China Co., of Newell, W. Va., used to boast 4,500 employees. Today it has about 1,000 and is operating at about half capacity through intensive mechanization. Laughlin was forced to the wall by Japanese dinnerware, selling at about half what U.S. manufacturers have to charge. It has driven a dozen other U.S. companies out of business.

"Our people are literally starving to death," said BAILEY. "Many of the miners and other workers have exhausted their unemployment and welfare benefits and there are currently some 468,000 people living on surplus Government food.

"There is 67 percent unemployment in the State's coal mining industry. Besides the flow of cheap residual oil from Venezuela, our mines face additional handicaps: For instance, it costs West Germany $4.76 more per ton to mine coal in their own fields than it costs us to mine it and ship it to Germany.

"So what did the Germans do? They put a duty of $4.76 a ton on coal imported from the United States.

"Canada pipes into our country every day 7,600,000 cubic feet of duty-free natural gas. West Virginia coal going into Canada, however, is subject to a tariff of 50 cents a ton."

Asked how he felt about the Government's reciprocal trade agreements policy, which determines what U.S. tariffs will be, BAILEY remarked:

"Why it's been crazy as hell."

[From the New York Daily News, Apr. 1, 1960]

BARGAINS OR BOOMERANGS?—IMPORTS JAZZ UP FOREIGN TRADE, FOR FOREIGNERS

(By John Lewis and Eckert Goodman)

A spokesman for an industry which has been hard hit by foreign imports recently remarked that if the present import trend continues, America's biggest exportable item in the foreseeable future will be surplus labor.

He was expressing the sentiments of some of the tariff protectionists groups, who feel that the continued inflow of low-priced foreign merchandise will cause further cutbacks in jobs in the United States, and spur

even greater numbers of American companies to move overseas in order to take advantage of cheap labor and manufacturing facilities.

On the other side of the international-trade fence are the liberal free trade groups, who believe that America's economic future and security are almost wholly dependent on a free flow of imports, plus a stepped-up, Government-abetted export program.

Our present tariff law is the Trade Agreements Act of 1934, known as the Reciprocal Trade Act, which controls the flow of imports into the United States. Designed as an emergency measure, the act is actually an amendment to the Smoot-Hawley Tariff Act of 1930. Its purpose was to give the President power to negotiate trade treaties with other countries, so that American industries could lift themselves out of the depression.

During the last 26 years, Congress has reextended this power to the President 10 times, for periods of up to 4 years. In 1951, an "escape clause" procedure was written into the act, whereby an industry which is being threatened by foreign imports can appeal to the Tariff Commission for relief in the form of higher tariffs.

Since 1951, the Tariff Commission has considered more than 100 such appeals. It sent 32 of them on to the President for action. As of last November, he had approved relief in only 12 cases.

A REASON FOR HIS RELUCTANCE

One reason for the President's apparent reluctance to invoke escape-clause action is that, because of the General Agreement on Tariffs and Trade signed with 37 other nations some 12 years ago, an increase in U.S. duty on an import means that other nations may take similar action against an American export.

The industries which feel themselves to be most acutely threatened by the competition of foreign imports would, naturally, like to see higher tariffs or quotas established for their protection—and the sooner the better.

They complain, with considerable justification, that by the time the Government has decided they are in straits and deserve help, they're already under water and ready to drown. By the time relief is provided, they are likely to be dead or dying.

The textile industry, for example, has asked the Tariff Commission for a country-by-country quota program.

The National Association of Wool Manufacturers says that cloth imports reached an all-time high of 22,489,000 pounds with a foreign value of $64,300,000 last year. Over 5 million pounds of yarn and more than 4 million of wool tops were also imported during 1959. The total value of wool imports for the year was over $84 million.

The Geneva reservation, an agreement made by our Government at an international conference in 1947 which permits the United States to raise the duty on wool imports above a certain quota, was not put into effect until late 1956, the wool association says. "It required terrific effort to put it into effect and it has required terrific effort to keep it in effect," they added.

LABOR CONCURS ON SOME QUOTAS

Although American labor as a whole traditionally favors the fewest possible barriers to world trade, labor leaders representing such threatened segments of industry as textiles stand squarely behind management in seeking protective quotas which limit the number of imports.

Jacob Potofsky, president of the Amalgamated Clothing Workers of America, said his union is for quotas to prevent annihilation of the men's clothing industry.

"We have always been a stanch supporter of the reciprocal trade program. But reciprocal trade was conceived as a middle-of-the-road approach to liberalizing international trade without seriously injuring the domestic industries of any nation. It was never intended to be an instrument of destroying American industry by unfair competition from sweated labor abroad," he said.

However, the administration, Congressional Joint Economic Committee, U.S. Chamber of Commerce and U.S. Council of the International Chamber of Commerce all consider quotas to be at least as dangerous—for many political and economic reasons—as higher tariffs, and potentially more disruptive to our overall international trade.

They are convinced that our economic policy must continue to be that of encouraging imports so that other nations will have the wherewithal to buy our exports and will not be forced into barter deals with the Soviet Union. And the basic solution to the present import-export dilemma, as they see it, is intensified sales promotion of U.S. products abroad.

To this end, President Eisenhower advised Congress March 17 that the administration was preparing a program to promote the growth of our export trade.

CALLS FOR MORE COMMERCIAL ATTACHÉS

Its main points will include increasing the number of State Department commercial attachés sent abroad to prospect for new markets for U.S. products, plus the number of Department of Commerce men assigned to inform American businessmen of the possible new opportunities unearthed.

It will also guarantee exporters to some extent against not being paid promptly because of some action taken by a foreign government which affects their sales. It is generally accepted, however, that most of the responsibility for making the plan a success will rest with American business itself.

Meanwhile, O. R. Strackbein, chairman of the Nationwide Committee on Import-Export Policy, believes that if we continue to follow our present world trade policies, we'll be out of business in the next 10 years.

"More and more of our industries are becoming vulnerable to imports," Strackbein insists. "People say that restrictions are a very bad thing, but by restrictions countries prevented their gold reserves from being dissipated and crawled out of an economic hole. How is it going to hurt us if we prevent an industry in our own country from being destroyed?"

"LIFE HAS DRAINED OUT OF OUR EXPORTS"

Criticizing the Government's position on exports, Strackbein added:

"The life has even drained out of our exports. It is not merely a matter of selling more energetically. We can sell until we froth at the mouth, but we cannot sell our raw cotton in foreign markets when we are 8 cents above the world market."

(Cotton subsidies were recently reduced to 6 cents a pound, effective August 1.)

"We can sell only by subsidizing to that amount—and that is what we are doing. It will avail us nothing to try to export wheat at the home-level prices, which are some 65 cents per bushel above the world level. We can do so only by subsidizing. Yet when we subsidize, the Treasury picks up the check, and that means a higher budget and a greater deficit."

Here are some other views on the current import-export quandary which have gained support:

Every possible effort must be made, in every area of our economy, to hold down inflation so higher prices won't make it even harder for us to compete against foreign producers.

In countries which employ "coolie" labor, efforts must be made to bring wage levels up to standards somewhat comparable with our own.

Senator KENNETH B. KEATING, Republican, New York, and certain representatives of industry like James M. Ashley, former national president of the Producers' Council, would accomplish this by putting quotas or higher duties on imports produced under "substandard labor conditions."

U.S. MANUFACTURERS ARE NOT FAVORED

Some political advocates of a liberal trade policy would effect it by bringing pressure to bear on foreign governments to enact new labor laws. Most labor leaders hope to further higher wages by supporting and abetting foreign labor groups in their own efforts to obtain increased wages and benefits.

Industry feels that, wherever possible, automation and mechanization must be accelerated to the greatest possible extent in order to minimize production costs; and as much money as possible should be plowed back into research and development, so America's unsurpassed inventiveness and ingenuity will have full rein to create highly salable new products.

At present, the National Association of Manufacturers contends, our high taxes and relatively small annual depreciation allowances for machine tools and plant facilities make it hard for U.S. manufacturers to stay in the forefront of industrial progress. Most foreign countries make it far easier for their industries to keep up to date.

If a given industry does not receive enough tariff or quota protection to keep it from going on the rocks, some provision should be made for the relief of its workers and management, while they are relocating or converting to another sort of manufacturing.

TRADE ADJUSTMENT BILLS WIDELY BACKED

This has been the purpose of a series of "trade adjustment" bills which have been presented to Congress. The most recent, introduced last January by Representative HAROLD D. DONOHUE, Democrat, of Massachusetts, has the backing of presidential aspirants JOHN F. KENNEDY and HUBERT H. HUMPHREY, plus the AFL–CIO, the Committee for a National Trade Policy, and several other liberal trade organizations.

The reluctance of many of the world's industrial nations to lower their barriers against U.S. goods—not to mention the cheaply produced products of the underdeveloped countries—makes trading with them a lopsided proposition. It also places on us the chief burden of supporting the newly developed nations by buying their products, so they won't be forced to barter with the Communist bloc.

U.S. Under Secretary of State C. Douglas Dillon has already warned the laggard nations that if they don't lower restrictions against imports, we may be forced to adopt restrictive policies ourselves.

DILLON SUMS UP THE PROBLEM

Addressing representatives and observers from 50 countries at a meeting of the General Agreement on Tariffs and Trade, Dillon stated: "The United States believes these countries should accept a steady, if gradual, increase of imports of manufactured products from the low-wage countries. Either we move ahead to get rid of outmoded trade restrictions or we can expect a resurgence of protectionism and restrictive actions."

Later, he said: "The entire structure of trade restriction inherited from the early postwar years has become outmoded and should be dismantled as quickly as possible. I am sure that if this is not done, it will be difficult for the United States to keep its own commercial policy moving in a liberal direction."

Mr. Speaker, some weeks ago I, along with 29 other Members of the House of Representatives, introduced Concurrent Resolution 512. It is now resting and collecting dust in the Committee on Ways and Means. I have addressed a letter to the chairman of that committee, signed by all the 29 Members of

Congress that joined me in offering this resolution, declaring it the sense of Congress that we make no further reduction in our import duties for the next 2 years. I have since secured the signatures of 112 additional Members of the House urging the Committee on Ways and Means to hold hearings. It has gotten to the point where we just cannot continually be pushed aside, because the welfare of the American people and the interests of industry are at stake, and we are going to have to convince the Committee on Ways and Means that there is enough support on the floor of this House to at least force a hearing on this resolution.

ADJOURNMENT OVER

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ROLLCALLS ON MONDAY AND TUESDAY OF NEXT WEEK

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, if there are any rollcalls on Monday or Tuesday next, I shall move that the House adjourn, unless we can get unanimous consent that any rollcalls on Monday or Tuesday go over until Wednesday.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Indiana.

Mr. HALLECK. I wonder if the gentleman would now ask unanimous consent that any rollcalls on Monday or Tuesday, except quorum calls, go over until Wednesday.

Mr. McCORMACK. I have too much respect for my friend from Iowa, in view of the fact that he objected, to make a unanimous-consent request again, unless it would be agreeable to him. I simply wanted to make the announcement that if there are any rollcalls on Monday or Tuesday, I shall move that the House adjourn.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. Can the gentleman tell me what will be taken up on Monday and Tuesday?

Mr. McCORMACK. Monday is District Day, and there is one bill, H.R. 11415, designating a portion of the District of Columbia as Plaza of the Americas. Then Tuesday is Pan American Day, and we will also take up the State, Justice, and Judiciary appropriation bill for 1961.

Mrs. ROGERS of Massachusetts. I thank the gentleman.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight tonight to file a report on H.R. 10609, the educational TV bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

BATAAN DAY ANNIVERSARY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. LINDSAY] is recognized for 15 minutes.

Mr. LINDSAY. Mr. Speaker, next Saturday, April 9, is the 18th anniversary of the fall of Bataan. Bataan Day is a day of highest importance and significance to the free world and in particular to Americans and to our loyal allies in Asia, the people of the Republic of the Philippines.

It is said that "East is East and West is West and never the twain shall meet." But East and West did meet.

At the turn of the century, the United States and the Filipino nation mutually formed themselves into a partnership which the chroniclers of time will marvel at.

Eighteen years ago that joint venture was put to a crucial test in a small peninsula called Bataan.

In the face of overwhelming odds, some 75,000 Filipino soldiers and 6,000 United States soldiers, outnumbered 10 to 1, outgunned and outplaned, fought one of the most courageous holding actions in the long annals of military history. For 4 months the besieged Fil-American troops proved to the whole world that the bond that holds these two peoples together can endure even in the face of superior arms. It did endure and I am confident it will continue to endure for countless years ahead.

The enemy put in everything it had and clobbered the Fil-American troops, so to speak, leaving them "bloody but unbowed."

On April 9, 1942, Bataan fell.

But in a historical perspective, it was decidedly a military victory. If Bataan fell sooner than it did the free world would have lost the whole of Asia. Indeed, as Gen. George Marshall stated, the delaying action in Bataan prevented the enemy from advancing clear through to Australia.

The experience of Bataan stands out in bold relief today when we think of the causes for which our own Government has stood in the defense of other smaller nations. It is also a shining example of what a true and loyal ally is capable of and to what extent the Filipino people are willing to go to preserve a friendship nursed and nurtured through long years of enviable association.

In this part of the globe, particularly in the United Nations, the United States and the Philippines have stood side by side in the incessant fight against communism.

When Bataan fell, Filipino and American guerrillas continued fighting in the hills. Filipino civilians smuggled food, clothing, and medicine to American prisoners in concentration camps.

After the war, the United States helped the infant Republic in her gigantic efforts toward rehabilitation.

Mr. Speaker, liberty is such a precious matter that it requires great men to create it and to preserve it.

Just as we have our patriots who helped create the freedoms we now enjoy so also have the Filipinos—Rizal, Mabini, Bonifacio, Quezon, Osmena, Roxas, Quirino, Magsaysay, to mention a few. Thanks to the incumbent President, Carlos P. Garcia, the things that Bataan stands for are being zealously preserved. We are fortunate enough to have in this country an able and distinguished spokesman for the Philippines, Ambassador Carlos P. Romulo, who was a veteran in the battle of Bataan.

I am fortunate in having in my office on my staff a young citizen of the Philippines, Reginaldo Arceo. We have become fast friends. With men like him it is easy for me to realize why it is that the Republic of the Philippines has brains, imagination, and toughness. I am grateful to the National Political Science Foundation and the Asia Foundation for making it possible for me and for the Congress as a whole to have the able services of this distinguished citizen of the Philippines.

For the last 15 years, political institutions in the countries of Southeast Asia have come and gone. But the Philippines has steadfastly held on to the democratic way of life. It has been aptly said that the Philippines—the "Pearl of the Orient Seas"—is the "show-window of democracy in Asia."

This great ally of the United States, the Philippines, has always stood and fought for freedom. She continues to do so. And on this date, April 9, we remember with pride and affection our friend and ally who stood with us and for us in those trying times.

EXCISE TAXES ON TRANSPORTATION INCREASE GOVERNMENT SUBSIDIES

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Nebraska [Mr. BROCK] is recognized for 10 minutes.

Mr. BROCK. Mr. Speaker, on February 16, 1960, I pointed out, in a speech made pursuant to a special order, the great conflict that exists between our national aviation policy of extended and economically healthy feeder-type air service on the one hand and the 10-percent excise tax on the domestic transportation of passengers on the other hand.

The substance of my remarks was that the Civil Aeronautics Board is midway in a nationwide region-by-region analysis to determine what additional feeder-type service should be provided to small communities throughout the United States to connect them with major economic and airline metropolitan hubs. This program requires the payment of airline subsidy but is offset by great public benefits and is kept in check and within reasonable bounds by a "use-

it-or-lose-it" policy which requires these smaller communities to enplane a certain traffic quota if it is to retain its air service. The point of my previous speech was to emphasize that the 10-percent excise tax—the primary purpose of which was to discourage travel—not only jeopardizes the success of this transportation program by impairing the cities' ability to meet minimum traffic quotas, but also because the tax, by discouraging passenger revenue, increases Federal subsidy payments. It is this latter effect—the unnecessary increase of Federal subsidy payments—which convinced me that the tax is a penny-wise but pound-foolish measure which should be repealed as soon as possible.

Since presenting this speech two further aspects of the problem have come to my attention and accordingly, Mr. Speaker, I am today extending my remarks because I believe that a full understanding of these issues will cause any thoughtful Member to conclude that this excise on domestic passenger travel must be repealed this session.

The first of these points is that the surface transportation facilities—the railroads and the buslines—are as badly affected if not worse than the feeder airlines. Indeed, the trunk airlines are also harmed by this excise.

Considering the railroads first, it is well known that rail passenger service faces a financial crisis. The dire economic conditions of the rails which led the Interstate Commerce Commission to urge in the Railroad Passenger Train Deficit case, that Congress repeal this passenger-discouraging tax, have worsened to the point that the recent Commerce Department Report on Transportation accurately characterizes the situation as crucial. Moreover, there is pending before Congress bills which would prevent or deter the railroads from suspending loss points. With these economic conditions and this atmosphere of crisis in the rail industry it is simply incomprehensible to me how anyone can favor retention of this harmful excise tax which further aggravates the monetary problems of the carriers.

The bus companies are in no better plight. I read with great interest the remarks of my distinguished colleague from Montana, Mr. METCALF, who pointed out the grave mortality rate of bus companies in this country.

As for the domestic trunk airlines, it is well known that they are embarked on a jet conversion problem entailing, when it is completed, nearly a $4 billion investment of private capital which can only be sustained if passenger revenues are fully developed.

Mr. Speaker, the issue before us is no more nor no less than the economic health of our entire domestic transportation system. I am completely convinced that it is impossible to overstate the peril that confronts this system. Only last month, on March 25, Capital Airlines—a trunkline that has been operating without subsidy for a number of years—applied to the CAB for nearly $13 million subsidy. The stated basis for this request was, inter alia, that passenger revenue was not adequate to meet costs and to service the investment they have made for jet equipment.

Now I am opposed to a return to subsidy for our trunk airlines. I believe that having come of age economically these carriers should continue on a self-sufficient basis. But, Mr. Speaker, I think there is a grave question whether the economic progress we have witnessed can continue if we retain obsolete and unjustifiable laws such as this transportation tax which impairs the carriers' ability to earn their own way.

Mr. Speaker, this leads me to my second point. The only justification that has ever been raised in defense of this excise tax since the close of World War II, when there was no longer any reason to discourage civilian travel, is the revenue it yields. I am told that this excise will provide "almost $350 million of revenue in the budget."

In this connection I read with great interest the speech of February 17, 1960, given by my distinguished colleague and fellow member of the Interstate and Foreign Commerce Committee, Congressman COLLIER, that this tax by no means really yields a net revenue figure that is at all significant. In this speech it is clearly pointed out that a significant part of the gross collected are only 48-cent dollars. Still other offsets result from lost taxes resulting from artificially depressed gross revenues of the transportation companies. In addition, every dollar of Federal subsidy paid to offset passenger revenue losses caused by this deterrent tax offsets the yield. That this factor alone could result in large unnecessary subsidy payments can be seen by the recent increase of local service subsidy from $25 million to more than $60 million and by the ominous symptoms of Capital Airlines' application for subsidy.

At best, then, the revenue argument is a poor one since the net yield is greatly below the gross. But beyond that I think it is essential to recognize that this tax endangers our entire transportation system which, in my opinion, cannot be justified regardless of the revenue yield.

This is a year in which a budget surplus is forecast. Other taxes similar to the excise on domestic passenger transportation have been cut in years when revenue sources were important—for example, the tax on international travel and the tax on freight.

There is no time like the present for eliminating this harmful and destructive tax. If another revenue source must be discovered to offset any losses occasioned by repeal of this tax, I have confidence in the distinguished Committee on Ways and Means to find one, but I feel sure that members of that committee will share my apprehension for the future of this Nation's transportation establishment if this tax is not repealed and repealed this session.

SEX CRIMES AND FEDERAL RESPONSIBILITY

Mr. CHAMBERLAIN. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. LAFORE] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LAFORE. Mr. Speaker, I have today introduced a bill to provide that known sex offenders who travel in interstate commerce shall register as prescribed by the Attorney General, and to make it a crime to travel in interstate commerce for the purpose of committing certain sex offenses, which I sincerely hope will be given early consideration by the Judiciary Committee, because I believe early floor action and passage of this bill will be a strong factor in curtailing sex crimes.

Several weeks ago the Nation was deeply shocked by the ghastly and brutal slayings of three Chicago women by a sex maniac or maniacs, in an Illinois State park. Unbelievably horrible as these Illinois killings were, most communities unfortunately need not look beyond their boundaries to remember an instance no less brutal. In December one of the most beastly sex murders in Pennsylvania criminal history was committed in my county.

While it is true that the major responsibility for curtailing this ever-increasing public menace lies with State and local authorities, through the enactment and enforcement of proper laws and the administration of sterner justice, I believe that under the provisions of my bill, the Federal Government would play an important part in effectively reducing these crimes. Inasmuch as the history of sex crimes is a history of repeated offenses by sex criminals who often move across State borders after their release from confinement, they would, under my bill, be forced to register with local authorities under regulations prescribed by the Attorney General.

It would seem self-evident that if local authorities are aware of the presence of a sex offender in their community, his chances of committing further sex crimes would be far less than if he were unknown.

The other provision of the bill, making it a crime to travel in interstate commerce for the purpose of committing sex offenses, strengthens and broadens existing law, and I believe would be an effective Federal weapon in further curtailing sex crimes.

RELATIONSHIP BETWEEN THE UNITED STATES AND THE PHILIPPINES

Mr. CHAMBERLAIN. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. CONTE] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONTE. Mr. Speaker, on April 9, 1942, the courageous Filipino and American troops gave up the battle of Bataan.

In the history of war, the sacrifice of those troops and the example set by their heroic resistance can never be forgotten. The close and loyal alliance of the men from both nations is an example which has never been equaled. Standing with us throughout this tragic moment of our history were not only the brave soldiers, but the people of the Philippines as well.

This friendship borne of blood and mutual respect between the United States and the Philippines is a glowing example of the solidarity of free men.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. KASEM, for the week of April 8 to 15, on account of official business in his district.

Mr. DIGGS (at the request of Mr. RABAUT), for April 11 through April 26, on account of official business.

Mr. DENT, for Thursday, April 7, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. BASS of Tennessee, on May 11, for 1 hour.

Mr. ROOSEVELT, for 60 minutes, on April 25.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. BARDEN and to include extraneous matter.

Mr. PHILBIN in two instances and to include extraneous matter.

Mr. REUSS.

(At the request of Mr. CHAMBERLAIN, and to include extraneous matter, the following:)

Mr. SHORT.

Mr. DORN of New York.

(At the request of Mr. KASEM, and to include extraneous matter, the following:)

Mr. JOHNSON of Maryland.

Mr. BARR.

Mr. BRADEMAS in two instances.

Mr. BOWLES.

Mr. DULSKI.

Mr. FALLON.

BILL PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 2310. An act for the relief of Hoo W. Yuey and his dependent children.

ADJOURNMENT

Mr. KASEM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 27 minutes p.m.), under its previous order, the House adjourned until Monday, April 11, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

2039. Under clause 2 of rule XXIV, a letter from the Secretary of the Army, transmitting a report from the Chief of Engineers, Department of the Army, dated February 4, 1960, on an interim report on Naugatuck River, Conn., requested by resolutions of the Senate and House of Representatives (H. Doc. No. 372); was taken from the Speaker's table, referred to the Committee on Public Works and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of New Jersey: Joint Committee on the Disposition of Executive Papers. House Report No. 1461. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. WILLIS: Committee on the Judiciary. H.R. 7847. A bill to make the uniform law relating to the record on review of agency orders (Public Law 85-791) applicable to the judicial review of orders issued under the Federal Aviation Act of 1958 and the Food Additives Amendment of 1958; with amendment (Rept. No. 1462). Referred to the House Calendar.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 11415. A bill to provide for the designation of a portion of the District of Columbia as the "Plaza of the Americas"; without amendment (Rept. No. 1463). Referred to the House Calendar.

Mr. MORGAN: Committee on Foreign Affairs. H.R. 11510. A bill to amend further the Mutual Security Act of 1954, as amended, and for other purposes; without amendment (Rept. No. 1464). Referred to the Committee of the Whole House on the state of the Union.

Mr. O'NEILL: Committee on Rules. House Resolution 498. Resolution for consideration of H.R. 10213, a bill to amend the National Housing Act to halt the serious slump in residential construction, to increase both on-site and off-site job opportunities, to help achieve an expanding full employment economy, and to broaden home ownership opportunities for the American people; without amendment (Rept. No. 1465). Referred to the House Calendar.

Mr. HARRIS: Committee on Interstate and Foreign Commerce. H.R. 10609. A bill to amend the Communications Act of 1934 to establish a program of Federal matching grants for the construction of television facilities to be used for educational purposes; with amendment (Rept. No. 1466). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALFORD:

H.R. 11644. A bill to remove the present $5,000 limitation which prevents the Secretary of the Air Force from settling certain claims arising out of the crash of a U.S. Air Force aircraft at Little Rock, Ark.; to the Committee on the Judiciary.

By Mr. BREEDING:

H.R. 11645. A bill to amend the Federal Property and Administrative Services Act of 1949 so as to permit donations of surplus property to certain educational institutions; to the Committee on Government Operations.

By Mr. COOLEY:

H.R. 11646. A bill to amend the act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton, as amended, by defining certain offenses in connection with the sampling of cotton for classification and providing a penalty provision, and for other purposes; to the Committee on Agriculture.

By Mr. DERWINSKI:

H.R. 11647. A bill to amend section 593 of the Internal Revenue Code of 1954 to limit the deduction for additions to reserve for bad debts of a domestic building and loan association to an association, none of the guaranty or permanent stock of which is owned by a holding company, or other similar corporation; to the Committee on Ways and Means.

By Mr. FOGARTY:

H.R. 11648. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. GEORGE:

H.R. 11649. A bill to authorize the appropriation of $150,000 for the acquisition of the Huron Cemetery, Kansas City, Kans.; to the Committee on Interior and Insular Affairs.

By Mr. HAGEN:

H.R. 11650. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HALPERN (by request):

H.R. 11651. A bill to authorize a 10-year program of scholarships for medical and dental education, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LAFORE:

H.R. 11652. A bill to provide that known sex offenders who travel in interstate commerce shall register as prescribed by the Attorney General, and to make it a crime to travel in interstate commerce for the purpose of committing certain sex offenses; to the Committee on the Judiciary.

By Mr. LEVERING:

H.R. 11653. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ANFUSO:

H.R. 11654. A bill to amend the act of August 25, 1959, to authorize the payment of a monetary award to recipients of the National Medal of Science; to the Committee on Science and Astronautics.

H.R. 11655. A bill to establish a Commission on Coordination of Scientific Activities to conduct a study and investigation of methods for coordinating the scientific, technological, and engineering programs of the United States; to the Committee on Science and Astronautics.

H.R. 11656. A bill to provide a means for insuring that scientific activities which involve or are related to the exploration, investigation, and utilization of outer space will be conducted to the maximum extent practicable for peaceful purposes; to the Committee on Science and Astronautics.

By Mr. HÉBERT:

H.R. 11657. A bill relating to the employment of retired commissioned officers by contractors of the Department of Defense and the Armed Forces and for other purposes; to the Committee on the Judiciary.

By Mr. HOLT (by request):

H.R. 11658. A bill to amend chapter 57 of title 18, United States Code, so as to make it a crime to use certain musical reproductions in the United States for certain commercial purposes; to the Committee on the Judiciary.

By Mr. KEARNS:

H.R. 11659. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. KOWALSKI:

H.R. 11660. A bill to amend section 107 of title 3, United States Code, so as to require the President to budget for all services, personnel, equipment, and material furnished to the White House office by any other department or establishment in the executive branch of the Federal Government; to the Committee on Government Operations.

By Mrs. WEIS:

H.R. 11661. A bill to provide for a program of Federal matching grants to the States to enable the States to provide health insurance for individuals aged 65 or over at subscription charges such individuals can pay; to the Committee on Interstate and Foreign Commerce.

By Mr. HALPERN:

H.J. Res. 679. Joint resolution to amend the Mutual Security Act of 1954, as amended, with respect to freedom of international waterways; to the Committee on Foreign Affairs.

By Mr. McSWEEN:

H.J. Res. 680. Joint resolution to provide for the designation of June 4, 1960, as Louisiana State University Centennial Day; to the Committee on the Judiciary.

By Mr. MONTOYA:

H.J. Res. 681. Joint resolution memorializing the continuous displaying of the flag of the United States over the Taos Plaza in the town of Taos, N. Mex.; to the Committee on the Judiciary.

By Mr. MORRIS of New Mexico:

H.J. Res. 682. Joint resolution memorializing the continuous displaying of the flag of the United States over the Taos Plaza in the town of Taos, N. Mex.; to the Committee on the Judiciary.

By Mr. HALPERN:

H. Con. Res. 656. Concurrent resolution relating to restoration of freedom to captive nations; to the Committee on Foreign Affairs.

By Mr. CANNON:

H. Res. 499. Resolution providing for printing additional copies of the hearings entitled "Review of the American Educational System"; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BALDWIN:

H.R. 11662. A bill for the relief of Clara G. Maggiora; to the Committee on the Judiciary.

By Mr. DEROUNIAN:

H.R. 11663. A bill for the relief of Alina and Kristina Ostalkiewicz; to the Committee on the Judiciary.

By Mrs. ROGERS of Massachusetts:

H.R. 11664. A bill for the relief of Pablo Rendaje Cave; to the Committee on the Judiciary.

By Mrs. ST. GEORGE:

H.R. 11665. A bill for the relief of Sister Mary Aurelia (Chiara Di Gesu); to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

411. Mr. BARR presented a petition of local No. 130 of the National Federation of Post Office Clerks favoring legislation authorizing pay at time and one-half for all services performed on Saturdays and double time for all services performed on Sundays, which was referred to the Committee on Post Office and Civil Service.

EXTENSIONS OF REMARKS

Polish Constitution Day and Paderewski's Birthday

EXTENSION OF REMARKS
OF
HON. JOHN BRADEMAS
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 7, 1960

Mr. BRADEMAS. Mr. Speaker, this year the 169th observance of Poland's Constitution Day coincides with the 100th anniversary of the birth of Ignace Jan Paderewski, the great Polish statesman, artist, humanitarian, and lover of liberty.

The final words attributed to Paderewski before his death on June 29, 1941 were: "Polska powstanie—Poland will rise again."

Mr. Speaker, this was the noble utterance of a man who defined the realization of a free and independent Poland as "the greatest aim of my life."

The indomitable spirit of that freedom-loving country, a spirit represented by the last words of Paderewski, has not been diminished during Poland's present time of troubles.

Let us hope that the day will soon come when the seed of liberty, deeply rooted in the hearts of the Poles, will again take flower and that Poland will once more know what it is to be free.

Mr. Speaker, I know the proud courage of the Americans of Polish origin of my own congressional district. Immigrants and sons of immigrants, they have displayed the exemplary citizenship on which a democracy depends by their activity and participation in the life of their communities.

In their churches, their work, their civic endeavors, their homes and their families, they demonstrate their fine qualities of faith, devotion, industry, and self-reliance. Having observed the Polish-Americans' worthy contributions to our country, I have no doubt that their relatives and friends in Poland will ultimately enjoy the freedom that should be theirs.

I am deeply confident that in time, as Paderewski said, "Poland will rise again."

Earl Hogan: A Hard-Working Congressman

EXTENSION OF REMARKS
OF
HON. JOSEPH W. BARR
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 7, 1960

Mr. BARR. Mr. Speaker, today I am submitting an editorial from the Lawrenceburg (Ind.) Press, which describes the activity of my colleague, the Honorable EARL HOGAN of the Ninth District of Indiana, in the location of U.S. Super Highway No. 64.

This editorial points out the fact that the Ninth District of Indiana is represented by a hard-working and dedicated Congressman, who is going to do all that he can to advance the best interests of his congressional district in our State of Indiana.

The editorial follows:

A FEDERAL SUPERHIGHWAY HERE?

Congressman HOGAN appeared before the Bureau of Public Roads hearing in Washington March 24 in support of relocating proposed U.S. Superhighway 64 substantially along the route of U.S. Highway 50 as it was originally planned. He described as a political expedient the proposal that it be shifted to enter Indiana between Princeton and Evansville, 30 miles south of the original plan, and across the Ohio River into Louisville at New Albany to tie up with such a road coming from the east and passing south of Cincinnati.

Other road and bridge elements of this area have assumed that the hearings being held and to be held are formalities only and that the Federal bureau has already determined on the southern route. To this date the Congressman appears to be the only outspoken proponent in favor of approximating the route across Indiana roughly to this area. His reasons are given in the following words:

"The matter of national defense must remain a determining factor in the location of the highway. The Crane Naval Ammunition Depot (between Bedford and Bicknell) is unquestioningly of vital importance to the defense of our country as is the availability of fast exit road to the residents of the 9th district in the event of an enemy attack. I cannot, at this point, even entertain the idea which has been propounded that U.S. 50 will be developed in the event that Interstate Highway 64 is relocated to the south. The plan of an outgoing Governor cannot be accepted as fact when it will be up to a new administration to carry out the plans projected during his fading months in office.

"Already the State has included in its current program involving right-of-way acquisition two projects involving $274,500 in interstate funds. Whether a revision of projects will allow justification of the spending of these moneys or not, I charge the very expenditure is proof of the honest intent insofar as the northern placement of this highway is concerned. I have been in Washington for less than 2 years but already I have learned how easy it is for conversation to carry six digit figures without the blink of the eye. Upwards of $275,000 still

is a lot of money to me, a Hoosier, however, and I want to assure you and the other officials of the Bureau of Public Roads that the Congress will eye, with a great deal of interest, just what happens, budgetwise to these funds.

"It is my understanding that both Federal-aid interstate funds and Federal-aid primary funds are participating in the Illinois development of the highway between Vincennes and Olney (U.S. 50 route) in the sum of $1,534,149. This money was spent, undoubtedly, in good faith in connection with the interstate highway planned program. What has changed in the geographical picture of the defense potential or the economic situation that would justify a shift in the location of this highway No. 64? Believe me, the population of the communities I represent will total an equal to the city population of Evansville; 9th district residents have the same need for this fine highway outlet for their products; an equal need for a fast and direct means of exodus in the event of enemy attack and—a safe, rapid, means of transporting the defense weapons from Crane.

"Moreover, this area has too long been denied the benefits of the tax payments by its residents. For too long, 9th district residents have been paying Federal taxes with meager return. The comparative economic benefit to be derived from the northern routing of highway 64 is overwhelming. The people of this area need the highway, deserve the highway, and I hope you will see fit to allow them the privilege of having the highway."

Taking Another Look at Grain Storage Costs

EXTENSION OF REMARKS
OF
HON. DON L. SHORT
OF NORTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 7, 1960

Mr. SHORT. Mr. Speaker, Members of Congress who have been carrying on grain storage investigations during the last few months, it seems to me, have been more interested in making headlines, and in uncovering a few spectacular instances of profits, rather than trying to dig up the true facts of our entire commodity storage program. It seems rather peculiar that in the carrying out of the so-called investigations, those in charge never saw fit to call in representatives of the grain storage industry.

It seems to me that if not direct, at least implied criticism was leveled at the Department of Agriculture for the grain storage rates that were in effect. The Department has carried out a very comprehensive investigation into the question of the cost of providing grain storage and has recently announced that it is their intention to reduce rates on future grain storage agreements. It seems real interesting to me that some of the first ones criticizing the Department for considering rate reductions are some of the very people who implied that rates were too high only a very short time ago.

Mr. Speaker, I ask unanimous consent that I be allowed to place in the CONGRESSIONAL RECORD, a news release I prepared on the subject of grain storage, and released from my office on April 4.

WASHINGTON, D.C.—Recent developments indicate that some Democrats interested in making headlines have stirred up a hornets nest among farmers and grain dealers that will unquestionably have political repercussions.

One presidential aspirant and one Congressman thought they saw an opportunity to make some political hay by carrying on an investigation of the Commodity Credit Corporation grain storage program. They had discovered some instances of generous profits and hoped to point an accusing finger at the administration of the CCC which is the Government Corporation charged with the responsibility of safely storing the huge stocks of grain surpluses now accumulated under the grain price support program. So sure were they that all was not well with CCC that they went ahead with their investigations, making headlines, and thinking that the American public would be favorably impressed. It's fair to assume that most citizens were disturbed at what the limited investigations uncovered. What was not disclosed was that there are thousands of elevator operators who are not necessarily reaping undue profits from storing Government-owned grain. No attempt was ever made by the investigators to meet with representatives of the grain storage industry. No evidence has been uncovered that the vast rank and file of storage people are enjoying undue profits at the expense of Uncle Sam.

It must be remembered that storage rates have of necessity been set at a rate to encourage construction of grain storage facilities. Faced with the responsibility of preserving the quality of all grain falling into Government ownership under the working of the price-support program, CCC has had no choice about setting rates and occupancy agreements that would assure adequate storage facilities. Since 1956, the Government has put up no storage facilities of its own due to a mandate from Congress that commercial facilities rather than Government owned should be used. There has been a natural reluctance on the part of grain handling people to make large investments in grain storage facilities when no one knew for sure how long our present price-support program would last. Presently almost every proposed revision of farm legislation contains features that would reduce surpluses rather than allow further increases. I believe it is a true statement that most country elevators in North Dakota somewhat reluctantly got in the business of storing grain for the Government.

In the normal course of their business, but later under a spotlight from the Democrat-inspired grain-storage investigations, the CCC set out in March 1959 to reevaluate the storage rates and agreements in effect. This is their responsibility and a part of the job of taking a new look from time to time at the uniform grain-storage agreement entered into between the USDA and the storage people.

After a comprehensive investigation of the cost of providing or constructing grain-storage facilities and their maintenance and operation, CCC decided to reduce the present rate of 16 cents per bushel per year to 13 cents. Country elevator people were immediately up in arms, as well as farmers who reseal some grain in their own granaries. The 16-cent rate is not a windfall either to farmers or small elevators even if it does happen to be rather profitable to some large storage companies. The USDA, however, hesitated to establish different rates for different facilities or different areas because the cheapest storage would have to be given preference at all times, as required by the General Accounting Office. This would channel grain out of small elevators or farm storage any time a terminal had space available.

Democrats are now trying to place the blame for all this on USDA. In an attempt to discredit the United States they got themselves in the position of criticizing CCC storage rates. Now when CCC attempts to revise rates downward in accordance with pretty general feeling about storage costs and a thorough survey of the industry, the Democrats are attempting to reverse themselves. One Congressman has even gone so far as to introduce legislation that would prevent CCC from lowering storage rates. The farmer's interest seems to have become secondary since he would benefit from reduced rates on grain he stores in his local elevator and puts under CCC loan. Grain-storage representatives will meet with USDA officials shortly to iron out final details of a new grain-storage agreement.

Forand Bill

EXTENSION OF REMARKS
OF
HON. THADDEUS J. DULSKI
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 7, 1960

Mr. DULSKI. Mr. Speaker, the Forand bill—H.R. 4700—is a legislative attempt to accomplish a necessary and practical result. It is not, as some are led to believe, a contest between the sick, aged, low income, retired people and the doctors of this Nation.

This bill does not solve completely the medical problems of the aged, and it was not designed to attain such a goal. It merely guards against total disaster financially as a result of medical misfortunes beyond the control of individuals. The people want and need security from the unexpected medical disasters which are inevitably encountered in the later years of their lives and the financing methods outlined in the bill are a small price to pay for such security.

All of the alternative proposals advanced as afterthoughts by groups opposed to this legislation are too little and too late. This opposition wanders and roams in the vague realms of the theory, creating mountains out of molehills on the argument of socialism and dissipating their energies attacking windmills of supposed dangers. Many of these arguments operate on the basic premise that people have no business becoming 65 years of age and getting sick.

On the shopworn argument of socialism, I defy anybody to show me a single line, page, paragraph, or section of the Forand bill that would socialize or control medicine. Nothing in the act can be construed to give the Secretary of Health supervision or control over the practice of medicine or the manner in which medical services are provided. There are specific provisions in the act to provide a "free choice by the patient" of surgeons, hospitals, and nursing homes. Any fair and objective definition of socialized medicine would call for Government-owned facilities and Government-employed personnel. Such is not the case with the Forand bill.

Much of the information distributed by the opposition to the Forand bill is distorted, incomplete, fragmentary, and untrue. If the purveyors of this material would forget individual rights and concern themselves with obligations to

society in general, we could get on with this business of prepaid public health insurance with greater speed and dispatch and with less heat and more light on the subject.

The medical profession has every right in the world to concern itself with entrance qualifications of its members, the standards and ethics of its profession, and its licensing laws. In these concerns, it acts in the public interest. When some of them venture into the field of the mechanics of paying for these services through public or private bookkeeping plans, they are operating out of their field which runs contrary to public opinion and in this respect does not carry the qualification of experts.

Most organized groups support medicine in its fight to maintain its strict professional status, and they are dismayed at the opposition to the Forand bill. This opposition is based on the theory of constant repetition of a phrase or slogan often enough until some people start believing it. The Social Security Act itself once withstood a barrage of the same sort of propaganda attack; yet, who today would have the audacity to propose its abolition?

This opposition to the Forand bill contains an element of compulsion which in my opinion is unhealthy when exercised upon a profession so highly respected. This compulsion should rest upon some intelligent consent on the part of the members of the profession in our country, and such is not the case. The medical profession has been led unwittingly to this position by autocratic leadership who have set themselves up in the image of primitive gods, hurling thunderbolts at the general public, as they attempt to delay the inevitable demands of the great mass of people, as outlined in this bill.

A look at the history of our country will show that every reactionary force must eventually give way, and I state that the opposition to the Forand bill is of a reactionary nature, with very little argument of a positive nature being offered to present an opportunity for rebuttal.

There are too many pitfalls in our present methods of providing for medical problems in the later years of life. There are too many restrictions, cancellations, and inadequacies. Those who need health insurance the most have it the least, and the Forand bill will provide retirement without fear of financial disaster because of illness.

Announcement of Rollcall Votes

EXTENSION OF REMARKS
OF
HON. HENRY S. REUSS
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 7, 1960

Mr. REUSS. Mr. Speaker, if I had been present and voting on House rollcall votes 5, 7, 11, 13, 17, 18, and 38, during the months of February and March 1960, I would have voted "yea" in each instance.

Thomas H. MacDonald

EXTENSION OF REMARKS
OF
HON. GEORGE H. FALLON
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 7, 1960

Mr. FALLON. Mr. Speaker, transportation, the movement of people and goods, has always played a tremendously important part in human progress. The means of transport have helped to fashion kingdoms, and highroads have fostered freedom in many countries—including our own.

April 7, 1960, marks the third anniversary of the death of a great roadbuilder. Thomas H. MacDonald was almost unknown to the people of this country yet they are perhaps as much indebted to him as to any nationally known figure in our American history. For 34 years Thomas MacDonald headed the U.S. Bureau of Public Roads, which administers the program of Federal aid to the States for highway construction. His imaginative foresight and strong but selfless leadership are truly reflected in the vast highway transportation that today provides the sinews of our national economy, the arteries of our national defense.

When Federal aid for highways was initiated in 1916, we needed a man of rare ability and varied achievements to envisage and formulate our road patterns for the future. From all over the country recommendations pointed toward one man—Thomas MacDonald, then head of the Iowa State Highway Commission. He was appointed Chief of the Bureau of Public Roads in 1919. Serving consecutively under 7 Presidents and 17 Congresses, Mr. MacDonald epitomized the ideal public servant, forceful yet cooperative, visionary yet practical, nonpartisan and completely dedicated to a career of service which embraced the welfare of the whole people. With rare insight he proclaimed that improved highway transportation was not an end but a means, inseparably linked with our national economy, our social and cultural well-being—our very way of life.

When Thomas MacDonald began his long and unrivaled career, the plan of Federal-State cooperation was an untried venture, without form or precedent. A man of lesser wisdom might have sought to mold the new program directly, by fiat from Washington. But not Mr. MacDonald; with an unerring sense of the future he immediately turned to our State highway officials, acting through the American Association of State Highway Officials, in shaping and developing Federal-aid procedure.

At a time when the concept of a highway system was tenuous indeed, when local views were prevalent, Thomas MacDonald set us upon a course befitting the highway needs of a great nation. During his many years in office, he consistently pursued this broad pattern of cooperative effort and focused his extraordinary vision on the national implication of highway policies. His and our reward has been the unparalleled development of 3.5 million miles of interconnected roads and streets, spanning a continent.

Mr. MacDonald was a man who believed in group rather than individual development and decision, and while he set his goals high and urged others to go along, yet he recognized the will of the majority, the need for the realistic approach. Under his leadership the relations of the Bureau of Public Roads and the State highway departments came to be widely recognized as an outstanding example of harmonious, productive intergovernmental teamwork.

Reflecting Mr. MacDonald's role, highways and highway transportation have become so essential to our well-being that this service ranks with such fundamental undertakings as national defense, education, and the maintenance of law and order. Indeed, these basic functions are closely linked with highway transport.

When Mr. MacDonald took office in 1919, Federal-aid authorizations amounted to $50 million for the year. When he retired in 1953 the amount had increased tenfold, to $500 million. During his 34 years as head of the Bureau of Public Roads more than $6 billion of Federal aid for highways was authorized; matched 50–50 by the States, the $12 billion worth of highway networks which resulted represent one of the most valuable assets the Nation possesses.

It is a fitting tribute to Mr. MacDonald's high ability and integrity that not once, through changes of Government administration and subject to pressures from widely divergent interests, were Federal highway expenditures or the policies governing their use ever seriously questioned.

He was not an acclaimed public figure, nor did he wish to be. In his view the States were the prominent part of the cooperating team; the organization he headed more important than its individual members, including himself. But in the highway transport field, among legislators, officials and leaders in the industry his competence and vision commanded the utmost respect and admiration.

To Thomas MacDonald successful highway development depended as much upon research and planning as upon construction, and under his leadership the Bureau of Public Roads ranked high in every phase of research. He sought not only better ways of building roads, but the development of the most efficient and economical highway transportation for the use of the public as a whole. He recognized, too, the importance of driver behavior and vehicle performance in safe highway design.

Mr. MacDonald's role as the principal architect of our modern highway system is exemplified by the series of important Bureau reports prepared under his direction for Congress. The first of a major series, prepared in 1939, expounded and substantiated the need for modernization of the Federal-aid primary highway system, both rural and urban, for improved secondary and feeder

roads, and for construction of a select system of interregional highways to meet both the requirements of national defense in time of war and the growing demands of peacetime traffic.

Thus Mr. MacDonald's vision and the sound logic of these reports gave rise to the National System of Interstate and Defense Highways authorized by the Congress in 1944. With the intervention of the war period and the difficulties of implementing and financing so bold a program, scheduled construction of the 41,000-mile Interstate System did not become a firm reality until 1956, after Mr. MacDonald had retired. But surely this system, the ultimate in highway transportation, is a monument to him above all men.

Thomas MacDonald was a strong advocate of highway improvement as a necessity in the solution of economic problems throughout the world, especially in underdeveloped countries. Under his direction, the Bureau of Public Roads supervised the joint work of the United States and the central American republics in the construction of the Inter-American Highway, now nearing completion.

He welcomed the opportunity granted his organization under various legislative authorizations to aid other countries, in Europe, Africa, and Asia, in repairing war-torn roads and especially in launching the development of highway systems suitable to their needs. With characteristic vision he strongly believed that our aid could best be utilized in helping these countries establish their own highway departments and in teaching their own people how to plan, build, and manage their highways.

Mr. MacDonald was keenly interested in sharing the knowledge and know-how of the United States with highway engineers and administrators of other countries. Through his efforts a host of such men, from college students to top officials, came to the United States to learn and exchange ideas. This fine precedent is being followed today.

Cooperation was a basic tenet of Mr. MacDonald's philosophy and this broad outlook embraced those concerned with all forms of transportation. He envisioned a new type of transportation research institute in which each field of transport would be represented, but in which the economic and social impact of transportation would be studied as a whole.

Over the years he discussed this concept with his old friends, Gibb Gilchrist and DeWitt Greer, of Texas, and they proposed to set up such a research organization and urged Mr. MacDonald to consider joining it as a keyman when he retired. In June 1950, the plan took form with establishment of the Texas Transportation Institute in the Texas A. & M. College system.

When Mr. MacDonald retired from his long public service career in 1953, he joined the institute staff with the title of "Distinguished Research Engineer." There, until his death on April 7, 1957, his ideas, knowledge, and influence provided brilliant guidance and inspiration to the institute staff.

Shortly after Mr. MacDonald's death, a group of his friends conceived the idea of memorializing this great man's accomplishments and continuing the work he had undertaken in his last years. With this aim in mind, they proposed to establish at the Texas Transportation Institute a Thomas H. MacDonald Chair of Transportation, endowed with gifts from his many friends and admirers and from the many segments of commerce and industry that have benefited from his great work and recognize the further gains that may follow from its continuation.

A campaign to raise funds for this purpose is underway. No greater or more appropriate memorial could be raised, nor one more to his own liking than this chair of transportation designed to carry forward Mr. MacDonald's philosophy and vision.

His dedicated career was ably summarized by a close friend and longtime associate who declared:

If ever a man deserved the name of prophet it was he. If ever a public servant could truly boast of an administration of the people's business virtually without flaw, it was he. If ever in any man there can be combined just that conjunction of the qualities of the able engineer, the perceptive political economist, the skilled diplomatist and the sure and faithful administrator that it takes to make a great highway engineer, it was in Thomas H. MacDonald that these qualities found their rarest blending.

Persecution by Chinese Reds

EXTENSION OF REMARKS
OF
HON. PHILIP J. PHILBIN
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 7, 1960

Mr. PHILBIN. Mr. Speaker, I desire to compliment the distinguished Secretary of State, our friend and former colleague, the Honorable Christian A. Herter, and the State Department for interceding so strongly to try to effect the release of Bishop James Edward Walsh who has been sentenced to 20 years' imprisonment by the Chinese Communist regime, and other Americans in a similar predicament.

It is encouraging to note that the State Department has expressed its revulsion about the unconscionable imprisonment of Bishop Walsh and has lodged the strongest possible protest with the representative of the Chinese Communist regime.

Very many people in the Nation and throughout the world will applaud the State Department for the efforts it is making to free Bishop Walsh and his colleagues.

As the Department points out, the rest of the world joins in condemning the action taken against a citizen of the United States and a distinguished member of the Catholic clergy.

It is true as the Department asserts that his only mission was religious, and his personal devotion to the spiritual welfare of his fellow Catholics was so deep as to compel him to remain on the Chinese mainland despite the persecution of his church by a godless regime.

I am pleased to have the assurances that the Department will continue to seek by every feasible means the release of Bishop Walsh as well as the four other Americans still held in prison by the Chinese Communists in violation of the 1955 pledge to free them. As pointed out, these five men are in effect political hostages of the Chinese Communists who refuse to release them regardless of all humanitarian considerations.

I know that a great many people in this country as well as in the world will be thankful to Secretary Herter, Assistant Secretary William B. Macomber, Jr., Ambassador Beam and other leaders in the State Department for their interceessions and efforts to free Bishop Walsh and his fellow political prisoners being held captive by the Chinese Reds.

Honorary Doctor of Laws Degree Conferred Upon Senator Kenneth B. Keating

EXTENSION OF REMARKS
OF
HON. FRANCIS E. DORN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 7, 1960

Mr. DORN of New York. Mr. Speaker, Long Island University, one of the most outstanding institutions of higher education in the United States, conferred an honorary doctor of laws degree upon Senator KENNETH B. KEATING, Republican of New York, on March 22 at its annual scholarship fund dinner at the Hotel Astor in New York City. Prof. Dennis Brown in reading the citation stated:

Mr. President, here is a public servant of the highest order; sagacious, judicious, courageous in his convictions; a legislator dedicated to the common weal; an articulate spokesman for his party, his State, his Nation. Native of Lima, in this Empire State, he received the A.B. degree from the University of Rochester at the age of 19, and taught high school Latin before entering Harvard to prepare for the profession of law. Possessed of the forensic gifts of a Cicero, his ability as a trial lawyer drew wide attention, and indeed his practice became a lucrative one. Yet, with characteristic conscientiousness, he relinquished an active participation in his law firm when the citizens of the 38th Congressional District first elected him their representative in 1946, and he devoted himself to his Washington duties with full vigor. He served consecutively in the House for six terms, and in 1959, invested with the purple-bordered toga of an eminence gained by diligence and skill, he took his place in the Senate of the United States. He has distinguished himself in public service as an ardent internationalist and a firm supporter of the United Nations, an advocate of liberalized immigration laws, and a militant defender of civil rights. In two World Wars he served with brilliance and valor, earning decorations from this Nation and from Great Britain as well, and now holds the rank of brigadier general. Mr. President, here is a gentleman, scholar, patriot; an American of genuine distinction who symbolizes the highest ideals of public service. He is commended to you most heartily for the degree of doctor of laws.

I congratulate the junior Senator from New York on his receipt of this well-merited honor, and join with numerous individuals and newspapers in commending the Senator for his excellent address at that time.

The text of the address by Senator KENNETH B. KEATING is as follows:

It can well be said that each of us is born with a fortune. The silver spoon of past learning is in the mouth of every infant. Millions of ancient and modern scholars and scientists are the fairy godfathers, and, let us be historically accurate, the fairy godmothers of every child who is born into the civilized society that we know. Poets have spoken of time as a thief—but, time is first of all a giver—it lumps the riches of the past before each of us and we literally come into the world with an inheritance of learning awaiting us—a treasure that is ours for the taking.

That inheritance is so often overlooked—or misconceived—because it is left lying around in books, or because it is so readily available from teachers who are the custodians of what is known and what is imperishable.

The flowering tree of American culture has its roots in faraway places, has been fed by faraway springs of thought and energy. Athens, Rome, Western Europe—yes, the East and Africa—civilizations some vanished, some flourishing—yet all form the seed of our culture, and the soil, the sun, and air that give it life.

Culture is the business of the university—its reason for being—and today I should like to speak with you about the true role of culture as opposed to a latter-day perversion of that role in certain areas of the world.

Traditionally, culture has been dedicated to the embellishment and ennobling of man's life on earth. It is a hunger satisfied, a thirst quenched, a wealth acquired. It has been self-fulfilling, as sufficient unto itself as a flower in bloom. It has been devoid of ulterior motives.

Today, a new and disturbing concept of the role of culture breaks sharply with the past. I refer to the first beginnings of a Soviet program that recognizes culture as a cold war weapon—an ideological missile if you will, that has the thrust of rubles and energies to get it aloft, and whose predetermined targets are the minds of men.

Many of you, no doubt, are aware of the project to which I refer. It is the planned establishment in Moscow of a special university for the training of African, Asian, and Latin American students. This university is scheduled to open its doors next month with an initial enrollment of 500 students. In the following years it is anticipated that that figure will rise to 4,000 students. Because the Russian language barrier will exist for these students, the new university provides a preparatory course of 1 to 3 years before students can start their 4 or 5 years of graduate studies.

According to Russian-source figures, the training of each individual student will cost the Government $10,000 a year. This amount includes transportation, tuition, and all incidental expenses. Thus, when the university is operating at expected capacity, it will involve an outlay of $40 million a year by the Soviet Government.

Now the genesis of this unique seat of learning—learning Communist style—is interesting. The project has not sprung full blown from Khrushchev's brow. Actually, its establishment is based upon what might be termed a pilot experiment. This experiment has been going on since 1947 in Czechoslovakia where the Communist Party has been conducting a school in Prague for young African intellectuals. Apparently, the success of this school has been a determining factor in the Soviet decision to embark on a full-scale cultural campaign to educate those who will be among the leaders of tomorrow in Africa, Asia, and South America.

To put it into bold, realistic terms, the Communist Party is now engaged in a campaign to make culture a weapon. Figuratively, it is beating the pen into the sword. It is perverting the great historical role of text and teacher to create a culture responding to the Kremlin pattern of conquest rather than to the intellectual growth of the individual and his society.

The basic objective is clear. It is a bold aggressive move to win over the future technical intelligentsia of countries now underdeveloped but on the verge of bursting into a tremendous and exciting and meaningful future. In its way, this is actually the rolling out onto the launching site of an ICBM whose guidance system aims at the world-to-be not the world-that-is—whose target is that often so vulnerable area—the area of the free world.

The Soviets display the ultrarefinement of their psychological warfare methods in so prosaic a field as transportation. According to an East German report, two of the new passenger ships built in Rostock for the U.S.S.R. have the assigned mission of carrying students back and forth between Africa and Indian Ocean countries and the Soviet Union. These trim, white one-class Soviet vessels are complete with libraries, educational movies and personnel versed in the languages of the foreign students.

Thus does communism build cradles for its ideologically newborn. Thus does it feed and clothe and educate those who will never be allowed to forget the name of their alma mater, nor their loyalty to it.

I spoke of the new perversion of culture. Perhaps my meaning is now clearer. Culture was meant to conquer ignorance—not territory. It was meant to ennoble man, not to enslave him.

There is a spirit of militancy in the Communist cold war approach which makes our own approach suffer seriously by comparison. Indeed, one is tempted to say that we of the West work at the extension and preservation of freedom on a 9-to-5 basis, while the Kremlin long ago instituted round-the-clock shifts.

The truth as we conceive it, as we expound it, and seek to extend it, is not, by its essence, militant. It does not have the arsenal of lies at its command. It cannot dress up in duplicity's many changes of wardrobe. But it cannot, it must not, stand idly by. It must learn a militancy of its own for self-protection. It must be taught to stand on its own two feet and counterpunch—or else it will continue to yield ground in this silent war for the minds and loyalties of men.

I do not underestimate the value of the manifold official and private programs intended to project a favorable image of America to the world. Today, as never before, we are extending the hand of friendship to foreign peoples—through our information programs, our cultural exchanges, and people-to-people effort.

It is my conviction, however, that a fresh, bolder, more imaginative restudy of this entire approach to the so-called Sell America program is urgently needed. And parenthetically, I should begin by burying the slogan "Sell America." The values we stand for, the ideals that Americans have fought and died for, are not a commodity for sale. They are a spirit to share—an experience to communicate—a freedom to make known.

I spoke of the urgency of a new appraisal of our role as the leading nation in the battle for the dignity of man. And it is a battle, no matter how still the guns, how unfurled the flags. Time bombs are being set in men's minds. One day their detonations may affect the course of history. Conquest by culture is only one of the myriad manifestations of the Kremlin's night-and-day program—across the world—to woo and to win loyalties, to trickle its red coloring into new areas of the global map. When freedom is being shot at continually—without effective counterattack—freedom ends up by being killed.

There is irony in the fact that America was—how shall I say it?—a misunderstood and suspected stranger—to the peoples of Asia until President Eisenhower—by his one appearance there—revealed, almost startlingly, the true image of this Nation. Some Americans have innocently believed that we buy friendship by our foreign aid—that it is a form of international exchange—a gift for a friend, a friend for a gift. The truth of course, is that you don't buy friends in this world. You make friends. You make them by personal contacts, by a sympathy with needs and aspirations, by an identification with their problems and by the helping hand that aids them in solving those problems. And the fact that such contacts, such assistance are developed with the cold calculation of a battle plan, as in the case of the Kremlin, does not detract from the essential result. A nation's influence is felt when it consciously makes itself felt, be the result for good or evil.

There is no more pressing necessity in the America of today than for a national awareness of the tremendous import and urgency of the need to act dynamically and positively in resisting the cultural, social, and economic erosions of communism as they operate to reduce and stifle the areas of freedom in this world.

We cannot continue to maintain a frozen or semifrozen posture of defense in this field. We must meet the fire of dedication with some fire of our own. It is not enough to pay lip service to the cause of peace, nor to think of taxes as our first line of defense. American imagination, and energy, and inventiveness must be galvanized and brought into play. Individuals and groups must be challenged to commit themselves to the problem, to explore new techniques, create new ideas, to identify themselves personally with a cause that touches them personally. We have long since come out of the isolation booth of disinterest in the rest of the world. What we have failed to do is to realize the full implications of living in a world that is only as safe as we make it, only as free as we are vigilant to keep it free.

It is not enough to bury dead slogans like "Sell America." We must bring to life a new concept—a concept that is responsive to the imperative needs of the times. Let us change "Sell America" to "Project America." Project America and what it stands for in the basic human values that are the difference between man's dignity and man's degradation.

We are in a battle, not a salesman's competition. What we are defending is the truth that makes men free and keeps them free. That truth has been a punching bag for the protagonists of government by tyranny.

Our counter-blows—let us face it—have been feeble and ineffective. If the truth is to fight back, let us at least put boxing gloves on it. Let us plan its attack—let us train it to sharpness for the struggle—let us give it the strength to challenge and to prevail.

The hammers of history are beating out a new universe of man. We can—each of us—help guide those hammers, or we can stand by and see the globe shaped by other alien energies and philosophies—shaped into a world no free man could call home.

May I close with this thought. It has meaning, I feel in the light of what has been said. History has recorded for us the many ways in which human freedom has perished—gloriously, bravely, forlornly—but the saddest, most ignominious death of all is when freedom dies in its sleep.

Hoosier Majority Favors Federal School Support—Seven Indiana Congressmen Take Strong Position on Federal School Support for Construction and Salaries

EXTENSION OF REMARKS
OF
HON. JOHN BRADEMAS
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 7, 1960

Mr. BRADEMAS. Mr. Speaker, I am pleased to insert the following article from the March 1960 issue of the Indiana Teacher in the CONGRESSIONAL RECORD.

The article makes clear the strong support of a majority of Hoosier Congressmen for increasing our national investment in education by using our Federal funds in support of State and local efforts to build more classrooms and improve teachers' salaries.

The article follows:

HOOSIER MAJORITY FAVORS FEDERAL SCHOOL SUPPORT—SEVEN INDIANA CONGRESSMEN TAKE STRONG POSITION ON FEDERAL SCHOOL SUPPORT FOR CONSTRUCTION AND SALARIES

President Eisenhower likely will have on his desk, before this session of Congress adjourns, a Federal support for school construction bill to sign or veto.

The House Education Subcommittee has reported out Representative FRANK THOMPSON, JR.'s moderate-size school construction bill which, party leaders hope, will win the approval of the House Rules Committee which has had the Murray-Metcalf bill bottled up since last session.

The New Jersey Democrat's school construction bill (H.R. 10128) calls for $325 million a year for the fiscal years 1961, 1962, and 1963. The States are required to match their grant dollar for dollar. Indiana's share at $260 per classroom unit would be $6,-300,000. This would help to alleviate the critical shortage of classrooms in Indiana which William E. Wilson, State Superintendent of Public Instruction, says now stands at 3,000 classrooms.

The Thompson bill does not call for any of the Federal moneys going for teachers' salaries as the Senate bill 8, the McNamara-Clark-Monroney bill passed several weeks ago, provides.

Indiana Congressman JOHN BRADEMAS of South Bend, a member of the House Education and Labor Committee, helped to write the House bill.

Speaking of the urgent need for additional sources of funds for needed school construction in Indiana, Robert H. Wyatt, ISTA executive secretary, says that a Federal support must be passed " if we are to avoid a real strangulation of further progress in Indiana growing out of the squeeze play that is now on State and local funds."

He cited the fact that property tax rates in some Indiana communities have passed the $10 mark which means an annual tax payment of over 10 percent of assessed valuation. Prospects for more money from the State are dim, he says, because so many State services are absorbing the money raised by the State gross income tax.

Seven of Indiana's 11 Congressmen have expressed themselves as being in favor of Federal support for schools. Here are their statements following the Thompson bill's release from the House Education and Labor Committee:

MADDEN reiterates support: "I have been a consistent supporter in other sessions of Congress for Federal legislation that will relieve the school crisis as it exists in so many metropolitan and some other areas throughout the United States. In the last session, by reason of the coalition between the Republicans and Southern Democratic leaders, we lost the school construction bill by only six votes. I do hope that a satisfactory school construction and salary bill will pass this session"—RAY MADDEN.

BRADEMAS pushes bill: "Because State and local revenues are inadequate to provide the increased investment necessary for American education, I believe we must make use of Federal funds to build more classrooms and improve teachers' salaries.

"I am confident that the McNamara-Clark-Monroney bill will go a long way toward meeting the Nation's needs in education without infringing on State and local control of our school systems"—JOHN BRADEMAS.

ROUSH pledges support: "From the beginning of our country's history the initiative and responsibility for educating our youth has rested primarily with local and State groups. Congress recognizes this, but it also recognizes its own responsibility and where, in the national interest, the need for adequate and equal educational facilities is not being met Congress should act; and I have every confidence it will act"—J. EDWARD ROUSH.

WAMPLER, exteacher, says: "From the standpoint of personal knowledge and actual experience as a former educator, I have in the past and will in the future give my wholehearted support to legislative proposals designed to aid our Nation's school system, particularly in view of our current and continuing need for high levels of education, skills, and training to fill national defense requirements.

"The bill, S. 8, which provides a $1.8 billion, 2-year program of grants to be matched by the States under a variable formula, and to be used for school construction or teachers' salaries or both, would, in my opinion, constitute meaningful legislation.

"I think the necessity for such legislation can be clearly demonstrated when one considers that the State of Indiana currently is suffering from a classroom shortage of more than 1,500 rooms, has about 20,000 pupils in excess of normal capacity, and approximately 3,000 teachers operating on substandard credentials"—FRED WAMPLER.

Congressman DENTON's support: "I strongly favor legislation providing for Federal help to improve our educational system. In order to meet the Soviet challenge, we must improve our schools. While education is primarily a local responsibility, and must so remain, the States cannot do the job alone. States and localities are already overburdened with taxes. The Federal Government has a responsibility to aid the States in carrying out this important function. Federal help in this area is a necessity if the United States is to continue her world leadership role."—WINFIELD DENTON.

Congressman HOGAN writes: "Increased school enrollment and spiraling construction costs have placed heavy burdens on the shoulders of local taxpayers who are endeavoring to provide the best possible educational advantages for their youth.

"The school construction bill recently reported out of the House Education and Labor Committee will provide much-needed relief to the local taxpayer if amended so that the local community can decide how the funds will be used—either for school construction, or for teachers' salaries, or for a combination of both."—EARL HOGAN.

Congressman HARMON says: "It has long been my opinion that the local communities have failed to have adequate schoolrooms, operation moneys, or adequate salaries for our fine career teachers. I will try my very best to support a bill that will meet the requirements and approval of the very fine people of Indiana. I am hopeful that when this bill comes to the floor of the House, the necessary amendments and deletions will be made in order that the much-needed aid will be forthcoming."—RANDALL HARMON.

Money, Trade, and Freedom

EXTENSION OF REMARKS
OF
HON. PHILIP J. PHILBIN
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 7, 1960

Mr. PHILBIN. Mr. Speaker, we have good reason to be concerned by developments in trade, money, and economics. There has been kaleidoscopic and rapid change in our entire economic and trade position and posture, and in our international balances and monetary stability. Our gold supply has gravely diminished and huge claims are now pending against it by foreign interests. If these claims should be called at any time, it is estimated that we would have something like $6 billion or less left in our reserve gold supply, or less than enough to serve as a basis for the 25-percent minimum gold cover required for currency in circulation.

Bankers and experts do not believe that foreign countries will withdraw these balances, but the fact that we are operating our economy and our currency system at the sufferance of foreign debtors who could, if they chose, demand payments in gold and cause this Nation some real perplexing monetary difficulties is not reassuring.

Some people are of the opinion that within the next 3 years we will have to devalue the dollar. One European banker, so a reliable report goes, has wagered a case of champagne with the Chairman of the Federal Reserve Board that the dollar will be devalued within 3 years.

If our gold continues to be drained off into foreign hands, that will bring about a situation never seen in America before, not even in the depression, because it would break confidence in the dollar at home and abroad and in the stability of our Government as well.

Some people have suggested that we repudiate further demands for gold payments. Can you imagine what would happen if this great Nation were to repudiate its debts and commitments? This would, in truth, be likely to cause chaos in international exchange the like of which we and the world have never known.

If the Soviet Government decides to cash in on the weakness of our position it could by the judicious use of gold in various foreign markets cause us incredible harm and produce the greatest of confusion, anxiety, and economic chaos.

Can we afford to leave our financial or economic affairs at the mercy of international manipulators?

How long can we continue to conduct trade at the sufferance of the shrewd foreign monetary and exchange experts?

I do not profess to be an expert on monetary questions, but I have given them a great deal of study, and I am genuinely concerned about present trends and believe if they are not reversed, this country could very well face a crisis in our foreign trade, monetary exchanges, and in our domestic economy.

Why is our real export trade falling off? Obviously it is for one understandable reason—because American goods have been priced out of the market by high production costs and also because some cheaply produced foreign goods are flooding foreign markets and have been permitted to come into this country under the reciprocal trade treaties almost indiscriminately.

The country is flooded with cheap goods of all kinds and they have already wrecked great segments of the textile industry and they are well on their way to wrecking other industries.

We are taxed at a higher rate than ever, probably paying more taxes than have ever been paid before in the history of mankind.

We have poured billions of dollars into foreign countries subsidizing trade and adding the tax burdens of other countries to those already being carried by the American people already struggling under a gargantuan and virtually unbearable tax load.

We have not only sent money overseas in huge bundles, we have sent goods of every kind, modern machinery, modern equipment, modern know-how, modern technical services and assistance which have enabled foreign countries to steal American markets in every part of the world and to outcompete domestic industries in the American markets.

While all these fearsome and awesome economic events are taking place we have very conveniently reduced our tariff rates so that they are now 80 percent below what they were 25 years ago, notwithstanding the fact that many foreign countries are drastically excluding or greatly limiting imports of American goods and have resorted to high tariffs, blocked exchanges, import licenses and other harsh, anti-American measures to stifle American competition in their respective countries.

Some of our Massachusetts production industries which were originally the strongest, most enthusiastic sponsors of reciprocal trade treaties and free trade on the theory that their business would be improved are now becoming the worst threatened victims of increased imports. Automobiles, steel, sewing machines, typewriters, and so forth, have now experienced sharp declines in exports and have become net importers.

Some of the so-called sophisticated American capitalist entrepreneurs who set up very costly plants in foreign countries to try to bypass trade barriers have also come croppers and are threatened with the loss of their investments; in fact, their only chance to be bailed out is through mutual aid funds, and that is now their great drive in Washington. I will not mention the large beneficiaries of the mutual aid programs, because in many respects they are not the peoples of the countries we are seeking to help. They are vested, privileged interests, big banking and related groups in many countries who are infinitely enriched from this multi-billion-dollar handout that has cost the American taxpayer almost $100 billion since World War II.

Automation is a factor, and will be an increasing factor, not only in foreign trade, but in domestic trade. There is unquestionably pressure for more rapid automation in order to compete with cheap imports. Anyone with sense knows that other countries are doing the same thing; that there has been a widespread, wholesale migration of industry skills, techniques, and know-how all over the world as a result of recent policies of this Government; and that any unemployment that comes out of automation is likely to last a long while. The transition period is bound to be attended by mischievous maladjustments.

Subsidies and bounties for foreign marketers, foreign distributors, and foreign producers have been widely placed, and now we are paying the price for shortsighted policies that set up the very competition of which we now complain, and allowed it to roll across the United States like a huge economic tidal wave.

The end is not in sight, let me assure you. If we do not find some way of checking cutthroat foreign competition, the drain on our taxpayers and the various trade, economic, and monetary manipulations that are dissipating our assets, dwindling our gold supplies to the danger point, reducing the prestige and value of the dollar abroad, threatening us with devaluation, we will live to rue the day.

High interest rates here are attracting some money from abroad but here again our own producers, our own businessmen, particularly our small businessmen, are paying the price—because money that should be available in our own loan markets is being sent overseas thus creating scarcities here that have stepped up interest rates causing dislocation and downward trends in some American business and unemployment in the midst of prosperity and plenty. There has been no special aid program for the suffering and unemployed people in parts of our own country.

Now the proposal is to empower GATT in the next 2 years to still further reduce our tariff rates and thus start further complications and worsen the conditions that plague us at present. If we yield to this type of unsound economics we will be cutting our own throats and leaving more and more of our industries, businessmen, and loyal workers at the mercy of foreign cutthroat competition.

This country needs a realistic trade policy that will encourage mutually advantageous foreign trade and drastically check cutthroat trade. In fact, we may not have many more chances to prevent the flow of cheap foreign imports that are destroying American markets and American industry and threatening the jobs and well-being of sincere, earnest and hard-working men and women.

In a word, this country needs to get down to fundamentals. The economic binge of the past 20 years and its frightful hangover of debt, headaches, costs, taxes, upset social and political conditions ought to be enough to convince the average American that it is time to call a halt and get back on the track of sanity.

It is about time we gave more thought and attention to the welfare of our own people and our own country. I think we should put foreign aid on a solid basis that would eliminate waste and extravagance and eliminate the multiple aid that has been spread injudiciously and indiscriminately around the world which as one great American said, "is like pouring money into a rathole and at the same time producing serious and grave economic problems for our economic system."

If we do not cope with these great trade, monetary, debt and wasteful giveaway programs to my way of thinking the American Nation could well face great economic peril before long.

The present situation is fraught with gravest possibilities because if we fail to resist and reverse current social and economic trends, the end of the free enterprise system may be only a question of time.

It is for us now, while the opportunity is at hand, to decide whether we intend to maintain here for the benefit of ourselves and for the world a great, free, liberal democracy committed to the transcendent importance of the individual, or whether by neglect and inaction we will allow conditions to develop here which will usher in and establish the despotic absolutism of totalitarian government and suppress personal liberty for centuries to come.

The Dangerous and Unjustifiable Common-Situs Picketing Bills H.R. 9070, H.R. 9100, H.R. 9089, H.R. 9123, H.R. 9140, H.R. 9175, H.R. 9373, and All Other Identical or Similar Bills Now Pending Bring to Life Again and Would Make Legal Secondary Boycotts

EXTENSION OF REMARKS
OF
HON. GRAHAM A. BARDEN
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 7, 1960

Mr. BARDEN. Mr. Speaker, the evils inherent in H.R. 9070, H.R. 9100, and all of the other pending so-called common-situs picketing bills, have been so smoothly glossed over and their true implications and objectives so effectively concealed that I, as chairman of the Committee on Education and Labor, feel it vitally essential that an accurate analysis and discussion of the so-called common-situs picketing bills, H.R. 9070, H.R. 9100, and other pending bills of exactly the same or similar language, is timely and necessary.

You may have been told or you may have heard that all H.R. 9070 or H.R. 9100 and these other pending common-situs picketing bills do is to guarantee the right of a union to engage in a primary strike at the site of a construction project. You may have been told or you may have heard that the Supreme Court decision in the Denver Building Trades case makes it illegal for a union to engage in a primary strike at the site of a construction project and that the enactment of H.R. 9070, or H.R. 9100, or one of the other pending common-situs bills, is necessary to overrule that decision.

Neither of these assertions is correct. Primary strikes are not prohibited in the construction industry under existing law. Perhaps I should explain here that a primary strike is one in which a union strikes the particular employer with whom it has a labor dispute. Nor did the Supreme Court in the Denver Building Trades case hold that primary strikes are illegal in the construction industry. What the Supreme Court did hold was that when the building trades unions picketed contractors and subcontractors on the construction site, other than the particular subcontractor with whom they had the dispute, in order to cause the other contractors and subcontractors to cease doing business with that subcontractor, they thereby engaged in secondary boycott activity in violation of section 8(b)(4) of the Taft-Hartley Act.

What then is the purpose of H.R. 9070 and H.R. 9100 and the other so-called common-situs picketing bills. The purpose is to legalize secondary boycotts at the site of building construction projects by permitting a union which has a labor dispute with one building contractor to strike and picket all other contractors and subcontractors merely because they happen to be working on the same building project and without regard for the fact that neither they nor their employees are involved in such labor dispute.

Under section 8(b)(4)(B) of the Taft-Hartley Act, the harassment of contractors and subcontractors on a construction project by a labor union with whom they have no dispute, in order to force them to cease doing business with a particular contractor or subcontractor with whom the union does have a dispute, is as the Supreme Court held in the Denver Building Trades case, unlawful secondary boycott pressure against neutral employers and their employees.

A basic purpose of section 8(b)(4)(B) is to protect neutral employers and their employees from harassment by a union, with whom they have no dispute, and whose object in such harassment is to force or require such neutral employers and their employees to cease handling, transporting, or otherwise dealing in the products of and to cease doing business with another employer with whom the union does have a dispute. Nothing in section 8(b)(4)(B) restricts the right of a union to engage in a primary strike against the particular employer with whom its dispute exists. In fact, a proviso attached to section 8(b)(4)(B) specifically states that "nothing contained in this clause (B) shall be construed to make unlawful, where not otherwise unlawful, any primary strike or primary picketing."

The enactment of H.R. 9070 or H.R. 9100 or any one of the other common-situs bills would mean that the protections from union harassment in connection with labor disputes in which they were not involved, which are contained in section 8(b)(4)(B) of the Taft-Hartley Act, would no longer be available to neutral employers and their employees on a construction project. The enactment of any one of these pending common-situs bills would mean that any union having a dispute with a particular contractor or subcontractor on a construction project could legally and immediately proceed to strike and picket each and every contractor and subcontractor on that construction project even though no dispute existed between them and the picketing union. Needless to say the normal result to expect from such striking and picketing activity, would be the cessation of all construction activity on the construction project until such time as the striking union and the particular contractor or subcontractor with whom it had the dispute, reached a settlement of their differences.

These pending common-situs picketing bills would legalize secondary boycott strike, picketing, and work stoppages "at the site of construction, alteration, painting, or repair of a building, structure, or other work." These bills contain no definition of the terms "construction" or "site" or any of the other terms which are used. Presumably Congress is expected to legislate in broad generalities and wait for the administrative agency and the courts to define and spell out whatever meanings they may see fit to apply to those general terms. A construction project at any particular construction site might involve construction, alteration, painting, repair, or other work on a multiplicity of buildings and other facilities, for example, at an Army base, or a missile launching site. A single building project might involve a geographic location encompassing 100,000 acres of land and a building program providing for the construction of innumerable buildings, towers, pipelines, powerlines and other facilities too numerous to mention. These structures and facilities might be separated from each other by distances measured in miles. The number of contractors, subcontractors, and subsubcontractors might be as many as 50 or 100 or even more—the total employment might add up to thousands of employees.

The Landrum-Griffin Act already gives the building trades unions special privileges enjoyed by no other class of unions. For example, the building trades unions can enter into collective bargaining agreements with employers in the construction industry, which require that all employees must join the union within 7 days. In other industries employees cannot be required to join a union until 30 days have elapsed. This and other concessions made to the building trades unions in the Landrum-Griffin Act will, if any of the common-situs bills is passed, have the inevitable result of bringing about the return of the closed shop in the construction industry. What is the need or the justification for this legislation? The construction industry is one of our most highly organized industries. Wages of our construction workers are among the highest in our entire industrial economy. Any construction trades union, anywhere, anytime can strike against the particular contractor or subcontractor with whom it has a dispute. That dispute can involve wages, hours, working conditions. That dispute can involve a real or an imagined grievance. Yes, the union can strike an employer with whom it has a dispute in support of a cause which is just or in support of a cause which is unjust. The scope of the union's freedom to strike against an employer with whom it has a dispute, whether that employer be in the construction business or some other industry, is broad indeed. Statistics show that in 1958, a total of 4,790,000 man-days of labor were lost in the construction industry because of strikes and work stoppages.

If we enact H.R. 9070, or any one of the other pending common-situs picketing bills, we will enlarge the broad scope of the legal power to strike which building trades unions, including the Teamsters Union of James Hoffa, now have to strike any building contractor with whom they have a dispute, by adding thereto a right to strike and harass all neutral contractors and subcontractors and their employees who happen to be working on the same building project as the contractor with whom the unions happen to have a dispute.

If this legislation is enacted any one of them may legally use the secondary boycott strike and picketing weapon to shut down any construction project in its entirety, including vital national defense projects, any time it suits their whim or fancy.

The building trades unions contended in the Denver Building Trades case that all contractors on a construction project should be regarded as a single employer. They and other proponents of H.R. 9070, and H.R. 9100, and the other pending common-situs picketing bills, attempt to support this contention by arguing that a building project is analogous to a factory with various categories of employees. This contention was refuted by the Supreme Court in its decision in the Denver Building Trades case, holding that the fact that the contractors and subcontractors were engaged on the same construction project, did not eliminate the status of each as an independent contractor or make the employees of one the employees of the other. The business relationship between independent contractors has been recognized for centuries and, as the Supreme Court pointed out in its Denver Building Trades decision, is well established as a matter of law.

In many other respects the attempted analogy of a construction project to a factory operation fails to withstand close scrutiny. For example, unlike a construction project, a factory is under the ownership and control of a single employer. The employees in the various departments of the factory are all employees of the same employer and they work, under a system of unified supervision and a common labor policy originating with and emanating from the office of their common employer. Most often if the factory is unionized, all of the production and maintenance employees, and not infrequently even the office employees, are all represented by a single industrial union. Thus the employees working in a factory for a single employer and represented in respect to their wages, hours, and working conditions by a single union, have a community of interest which does not exist between the highly skilled employees of one craft and the highly skilled employees of another craft each of which is represented by its particular craft union and employed by a separate employer in the construction industry.

Unlike the manufacturing industry which has become basically a mass production operation with employees of a particular factory operator generally represented by a single industrial type union, the construction industry has remained basically a craft operation where the employers as well as the employees continue to operate within the craft concept. This system of multiemployers—contractors and subcontractors—and multicraft unions has been perpetuated in the construction industry, largely and primarily because the building trades unions have so vigorously and effectively opposed and resisted all efforts to adopt the single employer type of operation which is common in the manufacturing industry. Yes, the building trades unions have always insisted upon and continue to insist upon and fight for the preservation of the multiemployer—contractors and subcontractors—type of operation which is traditional in the construction industry, and to insist, for example, that the electrical work be done by an electrical contractor and that the plumbing be done by a plumbing contractor. And the same is true with respect to other crafts. Each of the crafts has always guarded its jurisdiction over that work in the construction industry which requires its particular skills and craftsmanship. Each craft union has historically sought to preserve the identity and jurisdiction of its craft and any attempted infringement by one craft union upon the work jurisdiction of another has uniformly been met with vigorous resistance and many disputes between craft unions in the construction industry have involved such jurisdictional questions.

Indeed, it is only for the purpose of avoiding the legal restraints and prohibitions against engaging in secondary boycott strikes and secondary boycott picketing against neutral and innocent employers and their employees that the building trades unions want all contractors and subcontractors on a construction project to be considered as a single employer. For all other purposes they have always insisted and will undoubtedly continue to insist that the system of multiemployers—contractors and subcontractors—with each employer limited to the performance of that portion of the construction work which falls within the limits of his specialty be continued and perpetuated in the construction industry.

It follows, therefore, that on a construction job each contractor, if he is unionized, deals exclusively with the craft union which has jurisdiction over the particular work which he has contracted to perform. No other contractor and no other craft union can exercise any control or influence with respect to the relationship and problems which exist between him and the craft union which zealously guards its position as the exclusive representative of his employees in regard to work jurisdiction, wages, hours, and other working conditions. That being the typical situation as it exists in the construction industry, there can be no justification for a craft union involved in a dispute with a particular contractor or subcontractor to picket and harass the other contractors and their employees who are members of and represented by other craft unions, in order to bring about a cessation of their operations and employment in respect to a dispute in which they are not involved and over which they have no control. The consequence of legalizing such harassment of neutral employers and employees would bring untold hardship upon such construction contractors and often upon the taxpayers because of the delays and increased costs which inevitably result from such shutdowns. Also the loss of employment which would ensue as a result of such tactics would impose a disastrous hardship in many situations upon the other craft employees who were not involved in the dispute.

The devastating effect which such secondary boycott harassment can have on our national defense effort is exemplified by two specific examples involving the use of such tactics at two of our Nation's most vital defense installations—Redstone Arsenal and Cape Canaveral. In 1958, the Electricians' Union had a dispute with a contractor who had a contract with the U.S. Army Corps of Engineers for the construction of substations and distribution power lines at Redstone Arsenal. On August 12, 1958, the Electricians' Union placed pickets at all of the gates leading into Redstone Arsenal and thereby brought about the cessation of construction operations of all of the other contractors and subcontractors engaged in construction at Redstone Arsenal. The Electricians' Union by the maintenance of these picket lines around the entire military base shut down the entire construction program of all of the other contractors and subcontractors for a period of 32 days even though none of the other contractors and subcontractors had any dispute with the Electricians' Union and even though they were in no way involved in the dispute between the Electricians' Union and the particular contractor with whom the Electricians have a dispute.

In 1956, the Plumbers' Union, which had a dispute with a subcontractor at Cape Canaveral, picketed the entire construction project and brought about a cessation of operations of all of the other contractors and subcontractors engaged in construction at Cape Canaveral and was able to keep the entire construction program shut down for a period of more than 2 weeks. The financial loss of one of the contractors on that project who was not involved in any dispute with the Plumbers' Union amounted to $100,000 as a result of the shutdown of his operations. Other innocent contractors and subcontractors on the job also suffered financial loss as a result of the shutdown of operations caused by the picketing of the Plumbers' Union. Several other incidents of this same type of illegal picketing have occurred at Redstone Arsenal and Cape Canaveral during the past 5 years. Needless to say, such tactics employed with respect to vital defense projects could, in the event of a national emergency, result not only in financial loss but also in endangering the very preservation of our country.

Another military installation that is of vital importance to our national defense effort is a missile launching base at Cheyenne, Wyo. Under construction at that project are nine separate missile launchers. These missile launchers are physically separated from each other by distances of 30 to 40 miles. The distance around this missile-launching base is 400 miles. The entire construction project has been let to one prime contractor and a group of subcontractors. This entire missile base construction program encompassing an area, the circumference of which is 400 miles, constitutes a single construction project. The enactment of any of the pending common-situs bills would permit any building trades union having a dispute with any subcontractor on that construction project to legally strike and picket the prime contractor and every other subcontractor on that entire project, and bring to a halt the construction work on all nine of the missile-launching bases.

Sponsors and proponents of H.R. 9070 and H.R. 9100 and the other common-situs picketing bills which are pending, argue that the building trades' unions need the secondary boycott weapon which this legislation would provide so that they can protest the employment of nonunion contractors and nonunion employees who would undercut union scales of wages and union working standards. What these sponsors and proponents do not tell you is that this secondary boycott weapon has been used and would undoubtedly continue to be used to protest the employment of nonunion contractors and nonunion employees even though their wage scales and working standards equaled or exceeded those of the unions. Nor do the sponsors and proponents of this proposed legislation tell you that this secondary boycott weapon has been used and will certainly continue to be used with even greater frequency if legalized, on construction projects which are completely unionized—where every contractor and subcontractor has a contract with a building trades union and every employee is a union member. Innumerable examples could be cited with respect to completely unionized construction projects, where a dispute between a building trades union and a particular contractor or subcontractor, has resulted in such union striking and picketing all of the other contractors and subcontractors and thus causing the shutdown of the entire building project.

For example the Painters Union might have a contract with a small subcontractor employing six painters on a vast and completely unionized construction project covering an area of 100,000 acres and involving the construction of a multiplicity and wide variety of structures, facilities and equipment. A large number of other contractors and subcontractors and thousands of employees might also be engaged in work on the construction project—some of them working miles distant from the location where the small painting subcontractor was engaged in his functions. The dispute between the painters union and the painting subcontractor might involve a question of whether paint brushes or spray guns should be used.

If H.R. 9070 or H.R. 9100 or any one of the other pending common situs picketing bills is enacted into law, the Painters Union could legally strike and picket all of the contractors and subcontractors on that vast construction project and bring about a cessation of all construction activity.

A second example of a dispute arising on a completely unionized construction project could be one involving a refusal of the Sheetmetal Workers Union to install a certain metal product on the job because it had been fabricated at a factory that employed members of the United Steel Workers Union instead of members of the Sheetmetal Workers Union. The Metal Trades Union could contend that it was seeking to protect its own job standards and working conditions on the construction job and could legally strike and picket every contractor and subcontractor on the construction site, if any of the pending common situs bills is enacted into law.

It would be easy indeed to go on and cite a hundred examples of disputes which have arisen and could arise again on completely unionized construction projects. Such disputes could involve real or fancied grievances. The union involved in such a dispute might be 100 percent right or it might be 100 percent wrong. In either event the enactment of any of the pending common situs bills would legalize the use of the secondary boycott strike and picketing weapon by such union against every other contractor and subcontractor working on the same construction project with the inevitable result of bringing all construction work to a standstill.

Construction is the largest industry in our Nation. The volume of construction put in place each year amounts to more than 15 percent of our gross national product. This industry accounts directly or indirectly for about 15 percent of this Nation's total employment. Construction is the largest consumer of steel, cement, brick, stone, and gravel. In addition this industry is one of the largest users of wood, copper, aluminum, glass, and a great variety of other materials. The hauling of all these materials and fabricated products from their places of origin and/or manufacture to the job sites makes the construction industry one of the largest users of transportation facilities—trucking, railroads, ships, and even airlines. Also the construction industry is one of the principal purchasers of machinery, equipment, and tools—including hundreds of items varying widely as to size and cost. Seventy-three billions of dollars were expended for construction in 1959. It is estimated that construction expenditures in 1960 will total or exceed $76 billion.

Mr. Speaker, I cite these facts so that the Members of Congress may have before them a clearer picture of what the construction industry involves and what goes into its operations and thus be able to understand more readily how closely the economic welfare of a great number of our industries and indeed the well-being of our entire national economy are interwoven with and dependent upon our construction industry.

It has been accurately stated that the role of the construction industry is to provide the physical facilities for all of man's activities—the homes where people live; the offices, factories, and stores where they work; the schools their children attend; the churches where they worship; the hospitals which administer to them when they are ill; the highways, railroads, waterways, and airports necessary to their travel and transportation; the dams which control floods, aid navigation, produce hydroelectric power, and provide irrigation where needed; and the construction of all facilities and projects necesary to our national defense, including missile-launching bases, atomic and hydrogen bomb facilities, bomber bases, hangar accommodations, and airstrips. For all these and many other products and facilities essential to our national welfare and to the survival of our Nation and the free world we are dependent upon our construction industry.

Mr. Speaker, I cannot believe that the Members of this Congress will vote to enact into law H.R. 9070 or H.R. 9100, or any of the other pending common-situs picketing bills. The enactment of such legislation would legalize the use of the vicious and dangerous secondary boycott strike weapon by the leaders of each of the building trades unions of which there are approximately 20. These international unions are among the oldest and most powerful unions in our country. Included among their number are the Teamsters Union and the International Union of Operating Engineers. The corruption discovered by the McClellan committee investigations with respect to these two unions and some of their officials shocked the American people.

I think you should know that there are literally hundreds of thousands of Teamsters Union members working in the construction industry and it is the Teamsters who transport the construction materials to and on the construction job site. Yes, the Teamsters Union is very much in and very much a vital part of the construction industry's operations.

I cannot believe that this Congress will vote to enact H.R. 9070 or H.R. 9100 or any of the other pending common situs picketing bills which would legalize the use of another devastating weapon in the arsenal of Mr. Hoffa and the Teamsters Union—the most powerful union in this country. No; I cannot believe that this Congress could so lightly regard its sacred trust on behalf of the American people that it would enact legislation to legalize the use of the dangerous and unjustifiable secondary boycott strike and picketing weapon by Mr. Hoffa and the other leaders of the Teamsters Union, or by any other union leaders, and thereby bestow upon them the legal power to bring chaos to our Nation's largest industry, shackle our efforts to construct vitally needed facilities for our national defense, and imperil the very safety of our Nation.

The following is a partial list of the unions that would be in a position to shut down construction by taking advantage of the common-situs provisions of H.R. 9070 and the other pending common-situs picketing bills:

International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America.

International Association of Heat and Frost Insulators and Asbestos Workers.

International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers.

Bricklayers', Masons' and Plasterers' International Union of America.

United Brotherhood of Carpenters and Joiners of America.

International Brotherhood of Electrical Workers.

International Union of Elevator Constructors.

International Union of Operating Engineers.

The Granite Cutters' International Association of America.

International Hod Carriers', Building and Common Laborers' Union of America.

International Association of Bridge, Structural and Ornamental Iron Workers.

The Wood, Wire and Metal Lathers' International Union.

International Association of Marble, Slate and Stone Polishers, Rubbers and Sawyers, Tile and Marble Setters' Helpers and Terrazzo Helpers.

Brotherhood of Painters, Decorators and Paperhangers of America.

Operative Plasterers' and Cement Masons' International Association of the United States and Canada.

United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada.

United Slate, Tile and Composition Roofers', Damp and Waterproof Workers' Association.

Sheet Metal Workers' International Association.

Journeymen Stone Cutters' Association of North America.

Unions that might be in a position to shut down construction by taking advantage of the common-situs provisions of H.R. 9070 and the other common-situs picketing bills:

Aluminum Workers' International Union (AFL–CIO).

Building Service Employees' International Union (AFL–CIO).

International Union, United Plant Guard Workers of America (independent).

District 50, United Mine Workers of America.

United Construction Workers, United Mine Workers of America.

United Marine Workers, United Marine Workers of America.

Industrial Union of Marine and Shipbuilding Workers of America (AFL–CIO).

International Union of Electrical Radio and Machine Workers (AFL–CIO).

The Record in Civil Rights: Republican Promise Versus Republican Performance

EXTENSION OF REMARKS
OF
HON. CHESTER BOWLES
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 7, 1960

Mr. BOWLES. Mr. Speaker, few freshman Members of this body have ever made such a distinctly favorable impression in and out of the Congress as has the talented and conscientious Member from the Third District of Indiana, my good friend, JOHN BRADEMAS.

Typical of the effective leadership he has exhibited on many public questions are his outstanding contributions to our national thinking on the divisive issue of civil rights.

At the Democratic Midwest Conference in Detroit on March 25, he persuasively stated the case for executive leadership if we are to move ahead steadily and soberly toward genuine democracy for all Americans. I call the attention of my colleagues to the text of Congressman BRADEMAS' address, The Record in Civil Rights: Republican Promise Versus Republican Performance. Mr. BRADEMAS' speech follows:

THE RECORD IN CIVIL RIGHTS: REPUBLICAN PROMISE VERSUS REPUBLICAN PERFORMANCE

(Text of an address by Congressman JOHN BRADEMAS, Democrat, of Indiana, at Democratic Midwest Conference, Sheraton-Cadillac Hotel, Detroit, Mich., March 25)

Unquestionably the most memorable experience in my first year in Congress was hearing the magnificent address delivered by Carl Sandburg to a joint session of Congress on the 150th anniversary of the birth of Abraham Lincoln.

I vividly recall the moving and deliberate reading by Sandburg of the opening lines of Lincoln's House Divided speech of 1858: "If we could first know where we are, and whither we are tending we could better judge what to do, and how to do it."

I do not know a better way to begin a discussion of civil rights than with Lincoln, for somehow this entire problem is represented by that one tragic hero of our history.

ABRAHAM LINCOLN: "WE CANNOT ESCAPE HISTORY"

"Fellow citizens," Lincoln once warned Congress, "we cannot escape history." And we of the Prairie States, of the land that was frontier in Lincoln's time, we cannot escape him. For everywhere we go in our politics today, we find Lincoln coming back. Listen, for example, to these words from a letter Lincoln wrote in 1855 to a Kentucky friend:

"Our progress in degeneracy appears to me to be pretty rapid. As a Nation we began by declaring that 'all men are created equal, except Negroes.' When the know-nothings get control, it will read 'all men are created equal except Negroes and foreigners and Catholics.' When it comes to this, I shall prefer emigrating to some country where they make no pretense of loving liberty."

"If we could first know where we are * * *," said Lincoln. Where are we, this 100th year after his election?

WHERE ARE WE IN CIVIL RIGHTS?

Where are we in completing the great unfinished work he left us, the work of translating into reality the bold statement of the Declaration of Independence that "all men are created equal"? Where are we in civil rights?

It is nearly a century now since slaves became citizens, since the Constitution guaranteed to them the equal protection of the laws and the right to vote. No man who appreciates the complexity of human behavior will deny that time and patience are usually the sine qua non of great change. But a century is a long time to wait.

And where is Lincoln's party, the party whose Representatives in Congress were too busy last month making Lincoln Day speeches back home to sign their names to a discharge petition to force the civil rights bill out of the House Rules Committee?

Where is the Republican Party on this most crucial domestic issue confronting the American people today?

REPUBLICANS IN CONGRESS HELP WEAKEN CIVIL RIGHTS BILL

Having just come from the civil rights debate in Congress, I saw with my own eyes the skillful and cynical way in which Republicans in the House contributed to the erosion of an effective civil rights bill. I do not refer to any single dramatic rejection of civil rights, although there was one occasion when the Republicans in mass joined the Dixiecrats to strip the bill of any voting rights section at all. But I am talking about a steady, persistent effort to weaken meaningful legislation to protect the right to vote and equal opportunity in education and employment.

Day after day, on vote after vote, the majority of the Republicans in Congress either abstained on crucial civil rights votes or voted with their Southern Democratic friends who, it can at least be said, do not when home tell their constituents how hard they're working to pass a strong civil rights bill.

REPUBLICAN "OPERATION EMASCULATION"

This Republican "operation emasculation" is not on rollcall votes so much as on voice votes and teller counts—on the votes that in large part determine the shape of a bill, the votes that the folks back home don't know about.

It is easy to vote for a civil rights bill on the final rollcall. Practically everyone north of the Mason-Dixon line, Republican and Democrat, did so yesterday.

But why is the bill coming out of Congress this year likely to be a weaker bill than the Nation needs? Because when the House was sitting as the Committee of the Whole, when the crucial amendments were being voted on, the votes not recorded by name in the press, the Republicans voted with the "Dixiecrats."

Normally the Republican-Southern conservative coalition operates behind the scenes and quietly. Its cynicism sometimes shows as, for example, when a Congressman who opposes a Federal housing bill offers an amendment requiring racial integration in public housing. He realizes that the conservative Southerners will abstain in order to let the amendment pass and so make it impossible for their liberal southern colleagues to vote for the housing bill as a whole.

Some of you may recall the dramatic moment last year when this cynical effort to kill the housing bill failed because in order to save it Congressman CHARLIE DIGGS, of Michigan, and BILL DAWSON, of Illinois, and the other two Negro Democratic Members of the House courageously led our troops down the aisle to vote against such a rider.

EISENHOWER ADMINISTRATION ASKS FOR WEAK CIVIL RIGHTS BILL

But such close victories in Congress cannot prevail against the Republican-Southern coalition when the coalition is in control of the White House—when a Presidential veto awaits one progressive measure after another.

It is therefore important to understand that it is not simply the GOP-Dixiecrat coalition in Congress that resulted in an inadequate civil rights bill in the House this week. The Eisenhower administration itself recommended a weak bill.

Bowing to the pressures of the coalition, the White House did not even urge on Congress the so-called title III that was stricken from the 1957 Civil Rights Act, the title authorizing the Attorney General to bring equitable suits to enforce constitutional rights, including the right to desegregated schools.

The Eisenhower administration itself proposed this same measure a few years ago and time has only proved the necessity of granting such authority to the Department of Justice. The burden of enforcing the guarantees of the Constitution of the United States ought not to be borne completely by a private organization like the NAACP. According to the Civil Rights Commission, the average cost of one desegregation lawsuit is $15,000.

NOTRE DAME CONFERENCE BACKS TITLE III AUTHORITY

At a civil rights conference at the University of Notre Dame last month, many of the leading constitutional law experts from the major law schools of the Middle West agreed strongly and unanimously that Congress should enact title III authority for the Attorney General into law.

The Eisenhower administration made no effort to win over Republicans in the House or Senate to this proposition and it went down to defeat in both Houses.

The same charge of hesitation and vacillation can be brought against the Republican administration with respect to the central issue in the current civil rights debate—the voting rights provision.

The Commission on Civil Rights, which produced such an extraordinarily able report, was, I remind you, President Eisenhower's own Commission and therefore had not a single northern or liberal Democrat on it. It was headed by a distinguished Republican, John Hannah, president of Michigan State University. That Commission strongly recommended a bill to empower the President himself to appoint Federal registrars to enroll Negro voters when State registrars refused to do so.

U.S. CIVIL RIGHTS COMMISSION CALLS FOR FEDERAL REGISTRARS

Having found the U.S. Government "under present law to be helpless to make good the guarantees of the U.S. Constitution," the Commission declared "some direct procedure for temporary Federal registration" to be necessary—some direct procedure that avoids what the Commission described as "the delays inherent in litigation."

"The burden of litigation involved in acting against each new evasion of the Constitution, county by county, and registrar by registrar, would be immense," said the Commission.

What was the administration response? For months it said and did nothing. It poured occasional cold water on the Commission's plan. Then, when mounting pressure from Democratic Members of Congress to adopt the registrar proposal made clear that the administration could no longer defend its previous pallid civil rights recommendations, when the findings by its own Civil Rights Commission of mass disfranchisement proved too politically explosive, when it became evident that some legislation had to be proposed to enable the Federal Government to guarantee the right to vote—what did the Eisenhower administration do?

ADMINISTRATION OPPOSES FEDERAL REGISTRARS

It came up with a scheme for more court litigation and court-appointed referees.

I hope profoundly, as I know you do, that the referee plan will get the job done that needs so sorely to be done, insuring the right to vote to millions of American Negro citizens now effectively disfranchised.

But I want to make very clear that the liberal Democrats of the House and Senate have done their best to win a stronger and better measure in accord with the recommendations of the Civil Rights Commission. Much of the credit for this effort in the House of Representatives goes to two extremely able and dedicated freshman Democrats, Congressmen JIM O'HARA, of Michigan, and BOB KASTENMEIER, of Wisconsin. Although first termers, they showed vigorous leadership during the course of the civil rights fight in the House these last several days.

CONGRESSIONAL DEMOCRATS SUPPORT FEDERAL REGISTRARS

As you may know, last week Congressman KASTENMEIER proposed and brought to a vote in the House Senator HENNING'S Federal enrollment officer plan, which combines both judicial and administrative approaches. The Hennings-Kastenmeier proposal is a dual trigger plan whereby either a Federal court or the Civil Rights Commission—which is to say, either a judicial or an executive official—could make the initial finding that a voting registrar or other State or local official had deprived persons of an opportunity to register. The President would then be advised and empowered to appoint Federal enrollment officers—registrars—actually to register disfranchised Negroes on a large scale.

But the Republican Southern coalition voted this proposal down.

The liberal Democrats in the House then proposed an amendment to the Attorney General's plan to provide that once the pattern or practice of discrimination had been found, the disfranchised Negro would not have to go through the indignity of applying to the local registrars who had been found to be discriminating—they could come directly to the Federal court referee for registration. But the heirs of the party of Abraham Lincoln refused to accept even this improvement.

CONGRESSMEN KASTENMEIER, O'HARA OF MICHIGAN SHOW LEADERSHIP

We did succeed, just barely and in large part due to the articulate leadership of JIM O'HARA, in winning enough Republican votes to pass his amendment assuring a Negro swimming in the sea of this litigation the right to vote provisionally and to have his vote impounded, pending final determination of his application on appeal.

Surely this amendment will make the plan more effective. But you should have seen how many Republicans either abstained or voted against this obviously strengthening amendment.

Of equal significance was a technical amendment authored by Congressman WILLIS, of Louisiana, an amendment that placed more burdens on the back of the Negro applicant with respect to what he must do and prove to get registered—an amendment that could serve no good purpose, an amendment which even the Attorney General and the Republican leadership opposed. Yet probably a majority of the Republicans who voted, and not many did, voted with their Southern colleagues.

REPUBLICAN PARTY OPPOSES CIVIL RIGHTS COMMISSION PROPOSALS

Hear, then, the reading of the first lesson, the story of how a Commission on Civil Rights proposes and the Republican Party disposes.

Against the fundamental finding of the Commission and against the overwhelming advice of constitutional law experts who made clear that this problem was more appropriately a responsibility of the executive branch, the Republicans pressed for adding more weight to the backs of the already heavily burdened judicial branch of our Government.

The entire posture of the Republicans in this matter is another example of the effort of this administration to sweep its political problems under the judicial rug. As Prof. Paul Freund, of Harvard, said in a memorandum to Senator KENNEDY, "The Commission plan brings the President into the process of safeguarding the right to vote. The Justice plan seems designed to shield the President from any such participation."

REPUBLICANS WOULD ADD MORE BURDEN ON COURTS, SHIELD EXECUTIVE

"There is reason to believe," says this leading constitutional law scholar, "that the Federal judges have been shouldering more than their fair share of responsibility in this general area and that in all fairness the executive branch should lend its weight to the discharge of this national responsibility."

This was, I might add, the predominant view of the law teachers at the Notre Dame Conference on Civil Rights.

Yet the administration turned its back on this body of legal opinion to adopt the approach that requires Negroes to go through a court process to register. How many white people would get registered to vote if they had to go through court litigation and the possibility of cross-examination on the witness stand rather than taking 5 or 10 minutes to complete an application form?

I do not suggest that we judge the Republican record on civil rights on the basis of their actions on this bill alone. This is only the top of the iceberg, the part that shows. What doesn't show but which the Civil Rights Commission saw was what the Commission described as the disappointing record of the administration in using and testing the power granted in the 1957 act to protect the right to vote.

In over 2½ years the Attorney General has brought only four suits under this provision and all these only after the Civil Rights Commission or the press had brought the facts to light.

GOP OFFERS ONLY PLATITUDES ON SCHOOL DESEGREGATION

The lack of imaginative leadership in the field of school desegregation is, if that is possible, still more tragic. Adlai Stevenson incisively summed up the failure of the administration to show the way when he said there has been nothing between the platitudes and the bayonets.

The President has talked a great deal about law and order but he has never used the majesty and dignity of his great office to help the American people understand the nature of the problem, the constitutional and moral principles involved and the variety of possible solutions.

This year when I spoke to the freshmen at Howard University in Washington, D.C., one Negro student asked me why it was not better to have Republicans in control of Congress because of the opposition of Southern Democrats to civil rights legislation. It was a fair question but I am bold to say I think my reply was fair, too. I told him that by and large the Republicans simply didn't believe in effective civil rights action, and when I reminded him that in all President Eisenhower's 7 years in the White House he had not once made a nationwide television plea for action on the most burning domestic issue of our day, I was greeted with a volcano of applause.

The Negro students of our country are very perceptive in assigning the blame in this matter where it belongs.

STATE DEPARTMENT HITS SOUTH AFRICAN SEGREGATION BUT PRESIDENT HESITANT ON U.S. SEGREGATION

It is particularly ironic that, while the President hesitates to condemn segregation in the United States, our Department of State this week in the most blunt language deplored the violence used by South African police against Negroes who demonstrated against segregation in that country.

"In this and like communities," Lincoln said, "public sentiment is everything. With public sentiment, nothing can fail; without it, nothing can succeed. Consequently he who moulds public sentiment, goes deeper than he who enacts statutes or pronounces decisions. He makes statutes and decisions possible or impossible to be executed."

What has President Eisenhower done in these crucial years since the 1954 decision to mould public sentiment? He says that this is a problem of the minds and hearts of men but what has he done to reach their minds and hearts? It is no adequate response to say that he sent in troops to enforce the law when he says he hasn't even told his wife what he thinks about the Supreme Court's desegregation decision.

I direct your attention to the sit-in demonstrations throughout the South. President Eisenhower said that he did not want to make any judgment about the lunch-counter demonstrations "because I'm not in a position to."

Responds the brilliant New York Times correspondent, James Reston, "Why isn't he?" One hundred years after Lincoln's election, adds Reston, an American President "ought to be willing to say at least a word for the Negro trying to eat a hamburger next to a white man in Atlanta."

FATHER HESBURGH SAYS LAW HELPS CHANGE MINDS AND HEARTS

And while I have indicated my awareness of the truth in the contention that ultimate solutions must come from individual minds and hearts, I must here repeat what the Reverend Father Theodore M. Hesburgh, president of the University of Notre Dame and a distinguished member of the Civil Rights Commission, said about the role of legislation in arriving at these solutions. Said Father Hesburgh "Law, defining the goals and standards of the community, is itself one of the great changers of minds and hearts. In this democracy, law points the way toward ultimate freedom and justice for all Americans, everywhere in our land."

But this is only part of the story of the Republican record in civil rights. The other part concerns the economic and social measures necessary to lift the level of living of all the disinherited sectors of our population—the measures of economic and educational advancement required if we are to tap the full creative potential of the people of our land.

The President's Commission on Civil Rights addressed itself to this problem as well. "Prohibiting discrimination in voting, education, and housing, or other parts of our public life will not suffice," said the Commission. "The demoralization of a part of the nonwhite population resulting from generations of discrimination can ultimately be overcome only by positive measures. The law is not merely a command and government is not just a policeman. Law must be inventive, creative, and educational."

CIVIL RIGHTS COMMISSION CALLS FOR ACTION IN HOUSING

The Commission suggested some positive measures. In housing, it found that the "disabilities of colored Americans are part of a national housing crisis involving a general shortage of low-cost housing."

"Since colored people comprise a rising proportion of the city dwellers with lowest income, these slums are becoming increasingly colored," the Commission noted. From this finding, the Commission concluded "that for decent homes in good neighborhoods to be available for all Americans, two things must happen: the housing shortage for all lower income Americans must be relieved, and equality of opportunity to good housing must be secured for colored Americans."

I am sure all of us here can agree with the Commission that "equal opportunity in housing will come more readily as part of a great program of urban reconstruction and regeneration." But we must equally be aware of the way in which the effort of a Democratic-controlled Congress to frame an adequate program for slum clearance, urban renewal, and low-income housing has been frustrated and indeed twice vetoed by a Republican administration unwilling to make the investment which prudence and sound economics indicate.

PRESIDENT IGNORES CIVIL RIGHTS COMMISSION HOUSING PROPOSAL

Nor has the Executive order calling for an end to discrimination in all Federal housing programs, which the Civil Rights Commission urged the President to issue last September, yet seen the light of day. In these 8 gray years there has been little inclination to undertake the great program of urban reconstruction and regeneration which the Commission held to be essential to the promotion of human rights throughout the country.

The same negativism that has characterized the administration attitude toward housing holds true of education. The Commission report stresses the necessity of improving the facilities for public education as part of the solution to the difficulties posed by desegregation.

"Better teachers and better schools," says the Commission, "will go a long way to facilitate the transition in public education."

NIXON TALKS FOR EDUCATION BUT VOTES AGAINST IT

But again the contrast between Republican promise and Republican performance is eloquent. Only a few days after a Chicago speech on January 28 in which he said, "Inadequate classrooms, underpaid teachers, and flabby standards are weaknesses we must constantly strive to eliminate," Vice President NIXON cast a tie-breaking vote in the U.S. Senate to kill a bill to provide Federal funds for both classrooms and teachers' salaries.

Nor has the administration taken any action on the proposal by Commission Chairman Hannah, Father Hesburgh, and Commissioner George Johnson that Federal aid to colleges and universities be conditioned on the practice by those institutions of nondiscrimination.

The executive actions which the Commissioners proposed in housing and education require no lengthy congressional debate, no court litigation. They require only a President with a will to act. As Father Hesburgh told the Notre Dame Conference on Civil Rights, "this is a simple thing that could be accomplished tomorrow morning if those in power would decide to do something about it."

GOVERNOR WILLIAMS OF MICHIGAN URGES PRESIDENTIAL LEADERSHIP ON CIVIL RIGHTS

Governor Williams, whose profound dedication to human rights inspires us all, has made this same plea to the President in a first-class article in the February 18 issue of the Reporter magazine. He specifies the many powerful avenues of action the President could pursue tomorrow morning if he were determined to make a moral breakthrough on this problem—the kind of action President Roosevelt began with his wartime Fair Employment Practices Committee and that President Truman continued with his Executive orders calling for equal opportunity in the Government service, the armed services, and in the field of Government contracts.

Once again to quote the Civil Rights Commission: "To eliminate discrimination and demoralization, some dramatic intervention by the leaders of our national life is necessary."

CHESTER BOWLES SAYS CIVIL RIGHTS A NATIONAL PROBLEM

We Democrats of the Middle West cannot pretend that we have done all that we should have done or that our part of the United States is practicing what we so often preach. As CHESTER BOWLES so well reminds us, civil rights is not a regional but a national problem.

Nonetheless, good starts have been made—laws against discrimination in employment and housing in our cities and States, and not laws only, but agencies and commissions working to bring light rather than heat into these difficult areas of our public life.

The Civil Rights Commission reported that there were 13 States and 34 cities with laws against discrimination in some field of housing, but I understand that Michigan and Minnesota are the only two States of the Middle West on the list. We lag badly behind the pioneer States of Connecticut, Colorado, Massachusetts, New York, and Oregon.

MIDWEST HAS CIVIL RIGHTS PROBLEMS IN OWN BACKYARD

So we have work to do. We will be far stronger in our struggle to protect the right to vote in Mississippi and to encourage desegregation of the schools in the Deep South if we more squarely face up to the tests peculiar to our own part of the country—equal opportunity in employment and housing and the problem of de facto school segregation because of residential racial concentrations.

It ought to be clear to all of us who live in the Middle West that we will be more effective in the fight for civil rights throughout our Nation and that we will obtain a stronger platform on civil rights at Los Angeles and more resolute action from the next Democratic administration if we accept fully our own moral and political responsibility here at home.

So that, in shorthand, is where we are.

Whither are we tending?

MARTIN LUTHER KING: "IF YOU HAVE WEAPONS, TAKE THEM HOME"

"The wind of change is blowing," Prime Minister Macmillan warned the Parliament of the Union of South Africa. It is blowing not only on that continent just now emerging onto the stage of world events, but it is blowing in this country, too, in the massive Negro demonstrations at lunch counters, in the passive resistance symbolized by a Martin Luther King, who tells his people in soft but fearless words: "If you have weapons, take them home. If you do not have them, please do not seek to get them. He who lives by the sword shall perish by the sword."

This is a dedication and a spirit that will not be easily overcome. Its intensity is a measure of the change that is upon us. But it is not a change that should take us by surprise. For it is a change which means simply that the gap between the noble promise of our Constitution and its fulfillment in the life of our country is at last being closed.

EARLIEST CHAMPIONS OF CIVIL RIGHTS WERE SOUTHERNERS

For the American dream is now to become a reality for colored Americans as well as white ones. The dream which Thomas Wolfe of North Carolina put into these words—and let us remember that both the author of the Declaration of Independence and the earliest champions of civil rights, the men who got the first 10 civil rights adopted as our Bill of Rights, were Southerners—that dream is alive and at work in the minds and hearts of Southerners today, black and white, and of Northerners, too.

It is this dream which it must be the primary purpose of the Democratic administration of 1961 to shape into reality, the dream and promise described by Thomas Wolfe:

"To every man, regardless of his birth, his shining, golden opportunity, to every man the right to live, to work, to be himself and to become whatever things his manhood and his vision can combine to make—this, seeker, is the promise of America."

SENATE

FRIDAY, APRIL 8, 1960

The Senate met at 10 o'clock a.m., and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O God, who art the resurrection and the life: As nature's tomb is flung open, we are thankful for the awakening beauty of a renewed earth. Give us the grace of receptivity, lest we walk in a garden of loveliness with eyes that do not thrill and hearts that do not sing.

As Thy miracle of life is wrought anew in the tiniest bloom, in every green blade of grass, and in budding branches high against the bending sky, may the sheer wonder of it rebuke our chilling cynicism, the joy of it restore our faded hope, and its loveliness enrich our understanding of Thy promise which is sure.

In a spiritual springtime, may the high and the holy lay their touch upon us, and may our brief span of mortality be lighted with immortal dreams.

With the beauty of the Lord, our God, upon us, may we go forward with fortitude, honoring in the present all that is precious from the past, and keeping bright the promise of the future.

In the dear Redeemers' name, we ask it. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 7, 1960, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 10087. An act to amend the Internal Revenue Code of 1954 to permit taxpayers to elect an overall limitation on the foreign tax credit; and

H.R. 10959. An act relating to the employment of retired commissioned officers by contractors of the Department of Defense and the Armed Forces and for other purposes.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated:

H.R. 10087. An act to amend the Internal Revenue Code of 1954 to permit taxpayers to elect an overall limitation on the foreign tax credit; to the Committee on Finance.

H.R. 10959. An act relating to the employment of retired commissioned officers by contractors of the Department of Defense and the Armed Forces and for other purposes; to the Committee on Armed Services.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour. I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the call be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DOUGLAS:

S. 3355. A bill for the relief of Kie-Young Shim (also known as Pete Shim); to the Committee on the Judiciary.

By Mr. CHAVEZ:

S. 3356. A bill for the relief of Demetrios Nicolopoulos, Elizabeth Nicolopoulos, Dena Nicolopoulos, Panagiotis Nicolopoulos, George Nicolopoulos, Maria Nicolopoulos, and Helen Nicolopoulos; to the Committee on the Judiciary.

By Mr. LAUSCHE:

S. 3357. A bill for the relief of Renato Granduc O'Neal and Grazia Granduc O'Neal; to the Committee on the Judiciary.

By Mr. KEATING (for himself and Mr. DODD):

S.J. Res. 185. Joint resolution designating October 23 of each year as Hungarian Independence Day; to the Committee on the Judiciary.

(See the remarks of Mr. KEATING when he introduced the above joint resolution, which appear under a separate heading.)

RESOLUTION

ADDITIONAL COPIES OF FINAL REPORT OF SPECIAL COMMITTEE ON UNEMPLOYMENT PROBLEMS

Mr. McCARTHY submitted the following resolution (S. Res. 303); which was referred to the Committee on Rules and Administration:

Resolved, That there be printed for the use of the Special Committee on Unemployment Problems, three thousand nine hundred additional copies of its final report to the Senate pursuant to Senate Resolution 196, Eighty-sixth Congress (S. Rept. 1206, 86th Cong.).

DESIGNATION OF OCTOBER 23 OF EACH YEAR AS HUNGARIAN INDEPENDENCE DAY

Mr. KEATING. Mr. President, on behalf of the Senator from Connecticut [Mr. DODD] and myself, I introduce, for appropriate reference, a joint resolution to designate October 23 of each year as Hungarian Independence Day. Similar measures have been offered in the other body and I am pleased to add my voice to those who feel this Nation should recognize its solemn obligation to the martyrs of Budapest by means of a special day in their honor.

It was on October 23, 1956, that the Hungarian people rose as one man to fight—literally with their bare hands—their Soviet and Communist oppressors. The struggle which ensued thrilled and shook the world, as the courage and wit of the noble people of Hungary was pitted against the mechanized might of the Communist tyrants.

Although the Hungarian revolution of 1956 was short lived, its memory must not be allowed to die. Lovers of freedom everywhere must keep alight the bright flame of liberty which was kindled that day. We must recognize that wherever independence is threatened or suppressed in our world today is cause for alarm among the forces of freedom.

In particular, Mr. President, America shares close bonds of friendship with Hungary. The two nations share a common heritage of freedom and independence and America has benefited greatly from Hungarians who have come to our land and have contributed so much to our progress and strength. We join with the people of Hungary in our admiration for Kossuth and other champions of liberty. And today, we join men of good will everywhere in praying and hoping for the day when Hungary will once more take its place in the family of free nations.

By means of an annual celebration of Hungarian Independence Day we can give hope to the enslaved people of Hungary that their suffering is not forgotten. We can emphasize our allegiance to the cause of their freedom. Surely no more solemn obligation rests upon the shoulders of those of us who are lucky enough to live in freedom, than to encourage those who are denied that ultimate of man's ambitions. I therefore hope this joint resolution will receive the overwhelming support of Congress so that we can officially and formally recognize our fealty to the valiant people of Hungary.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 185) designating October 23 of each year as Hungarian Independence Day, introduced by Mr. KEATING (for himself and Mr. DODD), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Whereas the people of the United States and the people of Hungary have traditionally maintained strong bonds of friendship and understanding; and

Whereas the people of the United States and the people of Hungary have long shared a proud heritage of freedom and independence; and

Whereas the people of Hungary have been enslaved in recent years under the yoke of Communist domination directed by the Soviet Union; and

Whereas on October 23, 1956, the Hungarian people rose as one man against their Soviet and local Communist oppressors and shook the world with their heroic struggle for freedom; and

Whereas the willing sacrifice of life and the magnificent proof of valor that won for these patriots a short-lived independence was basely nullified by the perfidy of the official agents of the Kremlin; and

Whereas the people of the United States and the free world must give hope to the noble people of Hungary that their immense suffering under Communist domination is not forgotten and that we are working and praying for their day of liberation: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 23 of each year is hereby designated as Hungarian Independence Day, and the President of the United States is authorized and requested to issue annually a proclamation calling upon officials of the Government to display the flag of the United States on all Government buildings on such day and urging the people to observe the day with appropriate ceremonies.

RESTORATION OF FREEDOM TO CAPTIVE NATIONS—ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTION

Under authority of the order of the Senate of April 1, 1960, the names of Senators LAUSCHE, DODD, and MCNAMARA were added as additional cosponsors of the concurrent resolution (S. Con. Res. 102) relating to restoration of freedom to captive nations, submitted by Mr. DOUGLAS on April 1, 1960.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. ENGLE:

Article entitled "The China Problem Reconsidered," written by CHESTER BOWLES and published in Foreign Affairs magazine of April 1960.

By Mr. MCNAMARA:

Excerpts from testimony of witnesses before the Senate Subcommittee on Problem of the Aged and Aging, dealing with health problems of senior citizens.

GERALD DEGNAN AND OTHERS

Mr. BARTLETT. Mr. President, on March 28 the Senate approved my bill, S. 684, for the relief of Gerald Degnan, William C. William, Harry Eakon, Jacob Beebe, Thorvald Ohnstad, Evan S. Henry, Henry Pitmatalik, D. LeRoy Kotila, Bernard Rock, Bud J. Carlson, Charles F. Curtis, and A. N. Dake. After passage of this measure it was discovered that in printing the bill as reported by the Senate Committee on the Judiciary, a typographical error was made in the spelling of the name of one of the claimants.

Therefore, Mr. President, I ask unanimous consent that the vote by which S. 684 was agreed to be reconsidered, that the spelling of the name on page 2, line 8, be corrected to show the correct spelling of the name as "Thorvald," and that the title be amended to show the correct spelling of the name.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and, without objection, the vote by which the bill was passed is reconsidered, the correction in the name will be made, and the bill as thus amended will be considered as passed.

The bill as passed is as follows:

S. 684

A bill for the relief of Gerald Degnan, William C. William, Harry Eakon, Jacob Beebe, Thorvald Ohnstad, Evan S. Henry, Henry Pitmatalik, D. LeRoy Kotila, Bernard Rock, Bud J. Carlson, Charles F. Curtis, and A. N. Dake

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the persons enumerated below the sums specified, in full settlement of all claims against the Government of the United States as reimbursement for personal effects destroyed as a result of the fire which occurred on October 2, 1958, at Sherman, Alaska, when the claimants were employed by The Alaska Railroad: Gerald Degnan, $286.83; William C. Williams, $755.92; Harry Eakon, $342.49; Jacob Beebe, $743.85; Thorvald Ohnstad, $1,556.32; Evan S. Henry, $199.68; Henry Pitmatalik, $472.22; D. LeRoy Kotila, $317.70; Bernard Rock, $729.79; Bud J. Carlson, $313.05; Charles F. Curtis, $1,111.69; and A. N. Dake, $93.40.

SEC. 2. No part of the amounts appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

DEATH OF LOWELL MELLETT

Mr. GRUENING. Mr. President, the Nation is grievously poorer because of the death of Lowell Mellett. There are relatively few Members of Congress whose service extends back a few years who did not know him either personally or by reputation, and, whether personally or by reputation, that knowledge brought into their lives a journalist of character, of enlightenment, of vision. He served in his lifelong profession of journalism with outstanding distinction, and through his profession served and embodied all the principles and purposes which have made America great. His personality radiated charm and kindliness, but his gentle spirit never diminished the perspicacity and shrewdness of his judgment about men and public affairs.

As the Washington Post says this morning in a most excellent editorial, Lowell Mellett "could never withhold kindness from the younger men and women coming up in his trade," his trade being newspapering, in which he ran the gamut of services from that of reporter to that of managing editor, and, continues the editorial, "he infused warmth into all his human relations."

It is equally true, as his fellow newspaperman who wrote the editorial, says:

His death will bring direct and personal bereavement to numberless friends and newspaper colleagues—and to many more who knew him well even if they knew him only because they had been his readers.

I ask unanimous consent that the biographical sketch from yesterday's Washington Daily News, the Scripps-Howard paper of which Lowell Mellett was the first editor, a position he resigned after serving in it brilliantly and thereby starting that daily on its vigorous and enduring course, because he found himself not wholly in sympathy with the chain's policies relating to the administration of President Franklin Delano Roosevelt, between whom and Lowell Mellett there was deep mutual respect, admiration, and affection; the biographical sketch in last night's Washington Star; the Associated Press dispatch from this morning's New York Times; the editorial from today's Washington Post, and two editorials from today's Star and Washington News, be printed at this point in the RECORD.

There being no objection, the editorial and articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 8, 1960]

LOWELL MELLETT

Lowell Mellett was a wisp of a man whose wiry, almost frail, body embraced a spirit of extraordinary toughness, resiliency, and fire. A newspaperman for a full threescore years, from his boyhood until his recent retirement, he exemplified the best and most robust traditions of a craft he deeply loved. There was not much about newspapering he didn't know from firsthand experience. A city reporter on papers in small and large cities all over the country, a wire service man, a war correspondent, a bureau chief, an editor, a columnist—Lowell Mellett filled all these journalistic jobs with zest, with distinction and with honor.

Such ranging experience gave Lowell Mellett a salty and hard-bitten shrewdness about life. An enthusiasm for social reform and for the ideas of the New Deal led him from observation of politics to participation as an adviser and assistant to President Roosevelt. He contributed to the Roosevelt administration probing insights into politics and people, a skilled newspaperman's knowledge about the communication of ideas and an inexhaustible personal devotion. He was not a dominant figure in the New Deal but he was a significant figure, representative of its idealism and its interest in human beings.

With indifferent success, Lowell Mellett sometimes tried to cover up his characteristic gentleness and generosity with a surface frostiness and a rather mordant wit. But he could never withhold kindness from the younger men and women coming up in his trade; and he infused warmth into all his human relations. His death will bring direct and personal bereavement to numberless friends and newspaper colleagues—and to many more who knew him well even if they knew him only because they had been his readers.

[From the Washington Daily News, Apr. 7, 1960]

LOWELL MELLETT, AID TO FDR—THE NEWS' FIRST EDITOR DIES AT 76

Lowell Mellett, the first editor of the Washington Daily News, and adviser to President Franklin D. Roosevelt, died last night of congestive heart failure at the Washington Hospital Center. He was 76.

Mr. Mellett, who lived at 2122 Massachusetts Avenue NW., had been admitted to the hospital yesterday at noon. His daughter, Mrs. Dexter Keezer, of New York City, was at his bedside when he died at 8:10 p.m.

SERVICES

Funeral arrangements are being made by Gawler's, 1750 Pennsylvania Avenue NW. Friends are invited to a memorial service at 3 p.m. Sunday in the Cosmos Club auditorium, 2121 Massachusetts Avenue NW. Burial will be private.

In addition to his daughter, Mr. Mellett is survived by a brother, John, of Indianapolis; two granddaughters, Mrs. Benjamin H. Read, of 416 Paul Spring Road, Alexandria, and Miss Berthe M. Keezer, of Boston, and four great-grandchildren.

The family requests that no flowers be sent, but that contributions be made to the "Needy Sick Fund," at the Washington Hospital Center.

HOOSIER

Mr. Mellett was born in Elwood, Ind., and began his journalistic career before finishing high school. At various times, he worked for newspapers in Parkersburg, W. Va., Indianapolis, St. Louis, Wheeling, W. Va., Cincinnati, New York, and Seattle, where he was editor of the Sun from 1913 to 1918.

In 1918 he was appointed manager of the Washington bureau of United Press (now United Press International), and in 1917 was sent abroad as assistant European manager of United Press, with headquarters in London. Later that year he was detached from managerial duties to become a correspondent with the World War I American, British, and French Armies in the field.

During this period he made the telegraphic arrangements which permitted the United Press consistently to beat its opposition in transmission of communiques from Paris to the cablehead at Brest, France, and thence to the United States. Near the end of the war he accompanied British Gen. Edmund Allenby's forces into Jerusalem.

WITH COLLIER'S

In 1920, Mr. Mellett served as managing editor of Collier's magazine for a brief period before being appointed first editor of the Washington Daily News. The first edition of the newspaper appeared November 8, 1921.

In 1925, he became manager of the Scripps-Howard Newspaper Alliance, the Washington bureau serving the Scripps-Howard newspapers, but continued as editor of the News, as well.

Among the men who worked under Mr. Mellett on the News were Walker Stone, present editor in chief of the Scripps-Howard newspapers; Ernie Pyle, who was managing editor from 1932 until 1935 when he began writing his famous column; and John T. O'Rourke, the present editor of the News, who was managing editor when Mr. Mellett left the paper and who succeeded him as editor.

TRAINED SO WELL

Today, Mr. O'Rourke said:

"Much of the paper's character derives from Lowell Mellett, not only directly from him, because he was the editor for so many

years, but indirectly because of the men he trained so well.

"His humanitarianism guided every story and policy always, and he imparted to all of us who worked with him a sense of responsibility which every reporter and subeditor should have.

"There are newspapermen all over the world who worked under him at one time or another, and they will all mourn him as deeply as we all do here, and remember him with deep admiration and affection."

AIDE TO F.D.R.

In 1937, President Roosevelt persuaded Mr. Mellett to join the administration as director of the National Emergency Council.

In actuality, Mr. Mellett was the first of Mr. Roosevelt's anonymous assistants, but there was as yet no such administrative position.

Later, Mr. Mellett headed the Office of Government Reports, while still serving as a special adviser to the President. In 1940, he became an administrative assistant to the President in name as well as in fact.

WORLD WAR II

After the United States entered World War II, Mr. Mellett opposed the plan to unify information services in the Office of War Information, although there were constant rumors that if there was to be such an organization, he would be its chief.

Finally, when his opposition was to no avail, and the OWI was set up, Mr. Mellett was prepared to leave Government service. Mr. Roosevelt, however, persuaded him to stay on and to lend his support to the OWI's director, Elmer Davis.

In 1944, with the war nearing its close, Mr. Mellett resigned his position, and returned to journalism. For some years thereafter he wrote a syndicated column from Washington, which appeared in the Evening Star.

TRIBUTE

B. M. McKelway, editor of the Star, said today:

"All of us in the newspaper business will be saddened by Lowell Mellett's death. He made his mark as editor, as a columnist, as a presidential adviser, bringing a liberal, sensitive spirit to each area of his activity. Few of us have such varied opportunities, or live up to them so well."

J. Russell Wiggins, executive editor of the Washington Post and Times Herald, commented:

"He was one of the great newspapermen of the country and of Washington. He was a gifted writer and a brilliant editor whose work in both fields will long be remembered in his profession. He was, besides, a distinguished public servant who had a professional understanding of politics and Government and an accurate perception of the social and economic problems of the country.

"He had, moreover, a unique capacity for friendship and the area of those who counted him as a friend was constantly widening, even in his later years. He devoted much of his time to the interests of former colleagues and associates and it was characteristic of him that in his declining months he was much concerned with the Thomas Stokes Memorial Fund, which he served as chairman of the board until only a week ago."

Mr. Mellett was the brother of Don K. Mellett, one of the true martyrs of American journalism, who was shot to death some 35 years ago by racketeers against whom he was campaigning in the Canton, Ohio, newspaper of which he was editor.

[From the Washington Evening Star, Apr. 7, 1960]

LOWELL MELLETT DIES; NOTED CAPITAL NEWSMAN

Lowell Mellett, 76, a former top assistant to President Franklin D. Roosevelt and for years a leading figure in Washington journalism, died last night at the Washington Hospital Center.

He was admitted to the hospital yesterday morning. For a long time he had been suffering from a heart condition.

Mr. Mellett was first and last a newspaperman. From 1921 to 1924 and from 1928 to 1937 he served as editor of the Washington Daily News. In the intervening years he was an executive of the Scripps-Howard Newspaper Alliance. He resigned as Daily News editor because, he said, his boss—Roy W. Howard—didn't like Mr. Roosevelt.

He served the New Deal in a number of positions from 1938 to 1944; then he resigned to write a column for the Star. His column, entitled "On the Other Hand," appeared in this paper until 1956.

ZEALOUS NEW DEALER

Since then he lived quietly in retirement at his home, 2122 Massachusetts Avenue NW.

Mr. Mellett was a zealous New Dealer and a frank spokesman for the liberal cause. As could be expected, he made enemies, particularly from the extreme right wing.

A slim, quiet spokesman with a rather bashful manner, Mr. Mellett had a way of disarming his detractors. But his conservative clothes and unobtrusive manner belied his capability for the wry, devastating phrase.

He was born February 28, 1884, in Elwood, Ind., where his father, Jesse Mellett, was editor and publisher of the Elwood Free Press.

BROTHERS ACHIEVE NOTE

Three of his brothers also achieved distinction. One, John C. Mellett, has written many novels under the pen name of Jonathon Brooks. Another, Don Mellett, was slain in 1926 while conducting a news campaign against vice in Canton, Ohio. The third brother, Homer J. Mellett, was research director for the Indianapolis News until his death in 1949.

Lowell Mellett began his newspaper career before completing his high school education. At the age of 16 he was sent to cover the Democratic National Convention in Kansas City as a high school correspondent for the Muncie (Ind.) Star.

STARTED ON PATH EARLY

His coverage of that convention set him firmly on the path he was to follow the rest of his life.

When he was 17 Mr. Mellett was city editor of the Parkersburg (W. Va.) State Journal. The next year he was city editor of the Wheeling (W. Va.) Intelligencer. Then he moved on to the Indianapolis News, where he worked for a year as a reporter.

His next step up the journalistic ladder was as a rewrite man on the St. Louis Post-Dispatch. The following year he was a legislative and political reporter on the Cincinnati Post. From there he went briefly to New York as a rewrite man on Joseph Pulitzer's Evening World. He returned to Indianapolis for 2 years and then spent 5 years in Tacoma and Seattle, Wash.

MEETS SCRIPPS-HOWARD HEAD

It was in Seattle that Mr. Mellett met Mr. Howard, the top man in the Scripps-Howard newspaper chain.

In 1915 Mr. Mellett came here as manager of the Washington bureau of the United Press. He was assistant European manager for the U.P. from 1916 to 1919, and during that time served as correspondent with American, British, and French Armies. He also covered the surrender of the German fleet and was one of the staff reporting the Paris peace conference.

He left Scripps-Howard to become editor of Collier's Weekly in 1919. But he rejoined the newspaper chain in 1921 when he was named the first editor of the Washington Daily News and manager of the Washington bureau of Scripps-Howard newspapers.

ENTERS GOVERNMENT SERVICE

After Mr. Mellett resigned from the editorship of the Daily News, he was appointed executive director of the National Emergency Council. The Council had been created early in the New Deal to act as a clearinghouse and coordinating body for the multitude of emergency agencies and activities stemming from the depression.

In 1940 Mr. Mellett was named an administrative assistant to President Roosevelt. In addition to that position, he also served as head of the Motion Picture Bureau of the Office of War Information.

The late Charles G. Ross, press secretary to President Truman, called Mr. Mellett "a power in the Government—one of the half-dozen men closest to the President * * *."

As a natural corollary of that power, however, came criticism. In the yellowing newspaper clippings there are references to Mr. Mellett as "the most dangerous man in Washington." And when Mr. Mellett headed the Office of Government Reports jesters called the agency "Mellett's Madhouse" or the "Office of Fuss and Feathers."

In March 1944 Mr. Mellett's resignation from the Government was announced with the familiar exchange of "Dear Lowell" and "Dear Mr. President" letters.

Mr. Mellett's letter said: "I'd like to renew my request that I be permitted to resign and return to newspaper work. I honestly believe I can be as useful doing that as I would be in more obvious public service. If I can contribute a little bit toward popular understanding of the problems facing the country I am sure this is so.

STAR OFFERS OPPORTUNITY

"The Washington Star offers me the opportunity to test this notion. In full understanding of my views and in full disagreement with many of them, the Star is prepared to publish what I may write."

Mr. Roosevelt, telling his adviser to "go ahead and try it," said: "Seriously, I am very much impressed by what you tell me concerning the readiness of the Washington Star, and perhaps other newspapers, to publish points of view contrary to their own."

And so for 12 years Mr. Mellett's column was printed in the Star.

As he began his career as a columnist, Mr. Mellett said: "I believe that I have considerable tolerance for the views of other people. That may be the keynote of my column."

LIVED IN ALEXANDRIA

For many years Mr. Mellett lived in a house on several oak-shaded acres on Quaker Lane opposite the Virginia Episcopal Theological Seminary in Alexandria. Some time after the death of his wife, the former Berthe Knatvold, in 1938, Mr. Mellett moved into the city.

Upon learning of Mr. Mellett's death, B. M. McKelway, editor of the Star, said:

"All of us in the newspaper business will be saddened by Lowell Mellett's death. He made his mark as an editor, as a columnist and as a presidential adviser, bringing a liberal, sensitive spirit to each area of his activity. Few of us have such varied opportunities or live up to them so well."

MEMBER OF CLUBS

Mr. Mellett was a member of the Cosmos Club, the Gridiron Club, and the National Press Club.

He leaves a daughter, Mrs. Anne M. Keezer, of New York City; two granddaughters, Mrs. Benjamin H. Read, 416 Paul Spring Road, Alexandria, and Miss Berthe M. Keezer, of Boston; a brother John, of Indianapolis; and four great-grandchildren.

Funeral services will be held at 3 p.m., Sunday, in the auditorium of the Cosmos Club. Burial will be private. The family requests that expressions of sympathy be in the form of contributions to the needy sick fund of the Washington Hospital Center.

[From the New York Times, April 8, 1960]

LOWELL MELLETT, EX-U.S. AID, DIES—ADMINISTRATIVE ASSISTANT TO ROOSEVELT, 1940–44—WAS A FORMER NEWSPAPER EDITOR

WASHINGTON, April 6.—Lowell Mellett, newspaper executive and a former assistant to President Franklin D. Roosevelt, died here Wednesday night in a hospital after a long illness. He was 76 years old.

KEY FIGURE IN CAPITAL

Mr. Mellett was a key figure in Washington during the years before and during World War II. He was successively Director of the National Emergency Council in 1937–38, Director of the Office of Government Reports from 1939 to 1942 and Coordinator of Government Firms, a post he assumed in December 1941, in addition to his other duties.

He was one of President Roosevelt's immediate circle of administrative executives during this period and was Administrative Assistant to the President from 1940 to 1944.

Although Mr. Mellett had been a newspaperman all his life, his widespread activities and enthusiastic endeavors in behalf of New Deal policies frequently made him a target of the opposition.

Himself a columnist, he was one of the favorite butts of the dissenting column writers of those days, who sometimes referred to his information office as "Mellett's madhouse," and in other similarly caustic ways.

The attack on Mr. Mellett was at its height in 1942, when congressional opponents of the New Deal called the new building of the information services "a $600,000 boondoggle."

AMBASSADOR TO HOLLYWOOD

"Lowell Mellett's recent trial balloon on the subject of double features appears now to be covered by the phrase 'one of our aircraft is missing,'" a Hollywood feature man wrote in 1943. "Chief of the Motion Picture Bureau of the Office of War Information, or more simply, United States ambassador to Hollywood, Mr. Mellett called upon the picture industry to abolish twin bills for the duration. But to date, the industry has taken no steps—it isn't even shuffling its feet."

Mr. Mellett had to endure a great deal in the same vein, but he continued to carry out the Government's policies as he felt that the President wanted it done. In 1942 he brought out a special manual of information for businessmen having dealings with Washington, and in 1943 his Handbook of Politics was published. One reviewer called it a powerful little book.

"This is a handbook on how to get rid of a Congressman who has turned out to be a mistake," Mr. Mellett wrote in it.

After the war he became managing editor of Collier's Weekly, and later editor of the Washington Daily News, a post he held until 1937. From 1925 until 1937 he was manager also of the Scripps-Howard Newspaper Alliance. Mr. Mellett joined the Government in the latter year.

Mr. Mellett resigned his Government posts in March 1944 to become a columnist for the Washington Star. His column, later carried by the Bell Syndicate, had appeared in the Post in this city. He gave up the work in 1956 because of ill health.

Mr. Mellett was a widower.

[From the Washington Star, Apr. 6, 1960]

LOWELL MELLETT

Some of those who admired him most regretted Lowell Mellett's decision, in 1937, to leave newspaper work. For he was cut out to be a newspaperman. He was a good one, and the best of his years as a newspaperman were the 16 he spent as the first editor of the Washington Daily News which he helped to establish in 1921.

He was drawn to Franklin D. Roosevelt by a deep personal loyalty and perhaps a sense of duty. But as one of the original "anonymous assistants" at the White House and as a public official in other positions, he always seemed slightly out of character. When he returned to newspaper work, writing a column of comment for the Star and other newspapers, an intense partisanship overshadowed the ability to examine both sides of a coin which had contributed to his original success in journalism.

His death at 76 recalls memories not so much of his long career as of his gentleness, his generosity and his sense of compassion that were among his many fine qualities as a man.

[From the Washington Daily News, Apr. 8, 1960]

LOWELL MELLETT

All organizations, whether they are symphony orchestras or baseball teams, armies, universities or militant religions, have fire, poise, dash, character or creative verve—or lack those or other qualities—because of the personalities of men who shaped their basic structure during a formative time.

Newspapers are like that, too.

This newspaper was very fortunate, because its first editor was Lowell Mellett.

Mr. Mellett died yesterday. He was 76. He left the paper in 1937. We can't recall that he ever came into the city room since that day.

But, when he cleaned out his desk and went away, neither did he depart in an absolute sense at all, for his high standards of professional behavior remained imprinted on those who had worked with him, influencing their editorial and writing techniques, and their ethical precepts.

Lowell Mellett was a partisan, but always on the humanitarian side. One could disagree with him, but unquestionably respected the motives that formed his judgments. Indeed, the reason he left the News was because of a profound policy disagreement; over the issue which history now knows as President Roosevelt's "court packing" plan.

His resignation in those controversial New Deal days was a measure of the depth of his convictions, but reflected no personal prejudice on either side, and his fellow Scripps-Howard editors retained an abiding affection for him, and he for them.

Crusader as he was, Lowell knew how to needle an opponent, but he knew when to be kind, too. Editors are supposed to be old curmudgeons, crankily pencil-marking galley proofs and snarling at dandruffy old copy readers.

Lowell had none of that in him; he gave you a job to do, outlined it, and left you alone. You were supposed to bring it off. In that sense, he was an exacting but ideal boss.

Editing the Washington Daily News was probably the biggest part but by no means all of his very full life. He had been well seasoned on newspapers from Seattle to New York, and tempered by duties abroad with the United Press, both as a bureau executive and as a field correspondent in World War I.

After his stint as one of Mr. Roosevelt's "passionately anonymous" secretaries, he returned to newspaper work, writing a column of syndicated political comment which appeared here in Washington in the Evening Star, until failing health brought retirement.

He gave all of us who worked with him a feeling of the importance of our jobs, of the great good that it was possible for a newspaperman to do if he did his job right, and of the great harm he could do if he did it badly. He made all of us aware of the vulnerability of the ordinary man, and of the need for newspapermen to listen to the plights and problems of little people, and to be their champion. Without being the least bit stuffy about it, he gave us a sense of dedication.

We read a line in a book about Justice Oliver Wendell Holmes which could stand as the epitome of Lowell Mellett's life; in Catherine Drinker Bowen's "Yankee From Olympus" appears:

"Life is action and passion; therefore it is required of a man that he should share the passion and action of his time, at peril of not to have lived."

Lowell Mellett lived; as a newspaperman he took part in the great controveries of his time to the utmost of his abilities, and always his partisanship was animated by the highest motives.

We're proud of our first editor and we mourn his departure. We won't forget him.

Mr. MONRONEY. Mr. President, on Wednesday a distinguishhed Washington newspaperman died. He was the first editor of the Washington Daily News, a Scripps Howard newspaper.

Mr. Mellett spent 16 years in this post, building this independent and readable newspaper, and then went on to become a syndicated columnist, in 1956, writing the column "On the Other Hand." This column appeared locally in the Washington Star.

A great newspaper family were the Melletts. His father was a newspaperman, and all of the five brothers engaged in newspaper work and in writing. One brother, Don Mellett, was murdered by gangsters as he led the crusade of his Canton, Ohio, newspaper against vice in that city.

Lowell Mellett first came to Washington in 1915, to take over the management of the United Press bureau here. Later, he became assistant manager of the service's European bureau, and served it as a war correspondent with the American, French, and British forces, during World War I.

For 1 year, Mr. Mellett served as editor of Collier's Weekly, and then returned to the Scripps Howard newspapers, to take over the establishment of the Daily News. In true Scripps-Howard fashion, he doubled in office, to serve also as manager of the Scripps-Howard Washington bureau.

A simple detailing of his formal newspaper service, however, would fail indeed to spell out the impact of his life on Washington. He was a great friend, a confidant, and I expect, an adviser to President Roosevelt throughout the early New Deal days, and, later throughout the war years. The impact of his thinking, experience, and wisdom as a member of the Roosevelt inner circle was always a matter of loyal service, without any desire to retire and write a book about the White House secrets.

As founder of the Office of Government Reports and Chief of the Office of War Information's Motion Picture Service, Mr. Mellett gave the Government and the Congress the facts about the mushrooming activities of all departments and bureaus of the Government in meeting or adjusting to the great war effort. Those small reports, factual and concise, set a high mark that has never been equaled in Government reporting.

He was a man who was a genuine liberal, and who did not need to wear a fraternity pin of liberalism to prove it.

As chairman of the Tom Stokes Memorial Fund—and he served in that position until only a week ago—he carried on in Washington as a newsman who felt that the Nation needed "both sides of the story," instead of only one. He sought always to make sure that the liberal point of view would not disappear from the journalistic stage.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, as parts of my remarks, an editorial about Mr. Mellett's life being published today in all the Scripps-Howard newspapers and an article about Mr. Mellett's life and services published today in the Washington Post. I call the attention of my colleagues to the editorial published today in the Washington Daily News, the Washington Post and Times Herald, and the Washington Star which have been previously inserted by the Senator from Alaska [Mr. GRUENING].

There being no objection, the editorial and the article were ordered to be printed in the RECORD, as follows:

[From the Scripps-Howard Newspaper Alliance]

LOWELL MELLETT

The measure of a newspaper editor is the imprint he makes on his community and his times. By that measure, Lowell Mellett, who died in Washington at the age of 76, was an outstanding editor.

He was better known to a generation now gone, but there are hundreds of newspapermen throughout the United States who had the pleasure and privilege of working with Lowell Mellett and who knew him as a master of his craft and a fine and sensitive human being.

To his subordinates, he imparted a feeling of their own competence—the hallmark of a good executive.

To other editors, many of whom disagreed with him, he gave and commanded respect.

An old-fashioned radical, he was the champion of the underdog, the foe of entrenched wealth, the deflator of stuffed shirts.

We knew him well as the editor of Scripps-Howard's Washington Daily News in its formative years. We loved him and are saddened by his departure.

[From the Washington Post, Apr. 8, 1960]

LOWELL MELLETT, NEWSMAN, DIES

(By Harry Gabbett)

Lowell Mellett, veteran editor, columnist and White House confidant of President Franklin D. Roosevelt, died in Washington Hospital Center Wednesday of a heart ailment.

Burial will be private, but friends are invited to a memorial service scheduled for 3 p.m. Sunday in the auditorium of the Cosmos Club. Members of the family asked that expressions of sympathy be made in the form of contributions to Washington Hospital Center's Needy Sick Fund.

Mr. Mellett spent 16 years (1921–37) as the first editor of the Washington Daily News, and from 1944 until his retirement in 1956 his syndicated column, "On the Other Hand," appeared locally in the Star.

Mr. Mellett was born 76 years ago in Elwood, Ind., the son of a newspaperman and one of five brothers who followed writing careers. One of them, Don Mellett, was slain by gangsters in 1926 while spearheading a newspaper crusade against vice in Canton, Ohio. Of the brothers, only John, a novelist under the pen name, Jonathon Brooks, survives.

REPORTER AT 13

Mr. Mellett's assignment to cover the Democratic National Convention in Kansas City for his high school paper at the age of 13 spelled the end of his formal schooling. His convention dispatches also caught the eye of key men in his chosen profession and his rise in the field was rapid.

A succession of rather brief stints as a reporter or editor took him to newspapers in Muncie, Ind., Indianapolis, St. Louis, Cincinnati, New York and Seattle. He was city editor of the Parkersburg (W. Va.) State Journal at the age of 17.

It was on the west coast, as editor of the Seattle Sun, that he met both Berthe Knatvold, who became his wife in 1914, and Roy W. Howard, of the Scripps-Howard newspaper chain, who solidified his place in the journalistic sun.

Mr. Mellett came to Washington in 1915 as head of the United Press Bureau. The following year he was made assistant manager of the service's European bureau, also serving it as World War I correspondent with the American, French, and British forces.

EDITOR OF COLLIER'S

After covering the German surrender and the Paris peace conference, Mr. Mellett interrupted his 20-year Scripps-Howard association with a 1-year hitch as editor of Collier's weekly, now defunct.

He returned to Washington in 1921 to head establishment of the Daily News and double throughout his editorship as manager of Scripps-Howard's local bureau.

Commenting on Mr. Mellett's passing yesterday, News Editor John T. O'Rourke, who served under him, recalled that "there are newspapermen all over the world who worked under him at one time or another and they will all mourn him as deeply as we do here, and remember him with deep admiration and affection."

"He was one of the great newspapermen of the country and of Washington," agreed J. R. Wiggins, executive editor of the Washington Post. "He was a gifted writer and a brilliant editor whose work in both fields will long be remembered in his profession. He was, besides, a distinguished public servant who had a professional understanding of politics and government, and an accurate perception of the social and economic problems of the country.

HEADED STOKES FUND

"He had, moreover, a unique capacity for friendship and the area of those who counted him as a friend was constantly widening, even in his later years. He devoted much of his time to the interests of former colleagues and associates, and it was characteristic of him that in his declining months he was much concerned with the Thomas Stokes Memorial Fund, which he served as chairman of the board until only a week ago."

"He made his mark as an editor, as a columnist, and as a Presidential adviser, bringing a liberal sensitive spirit to each area of his activity," commented B. M. McKelway, editor of the Washington Star. "Few of us have such varied opportunities or live up to them so well."

From New York City, Mrs. Franklin D. Roosevelt sent word that she was "terribly sorry" to hear of Mr. Mellett's death. "I remember him well from the days we were in Washington, and I know my husband had a high regard for him."

JOINED NEW DEAL

President Roosevelt's high regard for Mr. Mellett was a determining factor in the editor's decision to join in 1940 the New Deal's inner circle of aides who became storied in their day for their passion for anonymity. Two years before that he had resigned from the News to accept appointment as director of Government Reports and Chief of the Office of War Information's Motion Picture Division.

Probably in no other of F.D.R.'s famed coterie of advisers did the passion for anonymity burn more fiercely. Mr. Mellett was by nature a quiet, soft-spoken man, shy almost to the point of bashfulness.

Though he sidestepped diligently, the brash political spotlight sought him inexorably and he found himself often in the headlines of someone else's making—usually in the role of a partisan target which proved to have no bull's-eye.

CALLED MOST DANGEROUS

In the same public prints which reported his quiet accomplishments appeared the howls of those who considered him "the most dangerous man in Washington," and half-serious jesters dubbed his Office of Government Reports in the 1400 block of Pennsylvania Avenue NW. "Mellett's Madhouse" and "The Office of Fuss and Feathers."

He left politics in 1944 to return to his first love, newspapering, and his column of trenchant comment on the ensuing political scenes persisted for the next 12 years.

For many of his years in Washington, Mr. Mellett resided on several acres in the Quaker Lane section of Alexandria, but some months after his wife's death in 1937, he moved to 2122 Massachusetts Avenue NW., his residence when he died.

Surviving besides his brother, John, of Indianapolis, are a daughter, Anne M. Keezer, of New York City, and two granddaughters, Mrs. Benjamin H. Read, of 416 Falls Spring Road, Alexandria, and Berthe M. Keezer, of Boston.

UNEMPLOYMENT PROBLEMS

Mr. CLARK. Mr. President, a few days ago the Special Committee on Unemployment Problems, on which I was privileged to serve, made its report on unemployment in the United States. In our report, we attempted to draw a picture of the distress and despair that exist in many parts of our rich country because of the decline of established industries resulting from factors beyond the control of the people who live in those areas.

Yet nothing we said in that report described the situation in these areas as eloquently as a series of letters which I have received from members of the graduating class of the high school at Nesquehoning, Carbon County, Pa., in the heart of the anthracite area.

These young men and women are asking for help to save the beautiful Panther Valley from becoming a row of ghost towns. As they point out, if one industrial plant could locate in their valley—which has transportation, power, and labor resources—they would be saved.

The area redevelopment bill, which passed the Senate last year, would help to create new industry in communities such as the Panther Valley of Pennsylvania.

In the hope that these letters might be read by members of the House of Representatives, who will consider that bill soon; perhaps by the advisers to the President of the United States, before whom that bill will come for approval and who vetoed a similar bill in 1958; perhaps even by some business executive who is looking for a site for location of a plant, I ask unanimous consent that these letters may be included at this point in the RECORD as a part of my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NESQUEHONING, PA.,
March 31, 1960.

Hon. JOSEPH S. CLARK,
U.S. Senate,
Washington, D.C.

SIR: I am a senior student at the Nesquehoning High School. Since graduation time is almost here, I have begun to think about the future. It doesn't seem too bright. The economic conditions in our beautiful valley are very poor. Most of my classmates are going away from the valley to find jobs because there is no work here for the adults, let alone teenagers.

Many would like to go away to colleges, but their parents have been out of work for such a long time that it has just become a dream.

Nesquehoning has all the facilities that any industry would want. We live in a valley; we have a railroad going through town; we have good roads; we have a powerplant; and, most important of all, we have the laborers, who are eager to work.

Here in the United States we have a foreign-aid plan to help needy countries abroad. Yet, we are a needy and distressed area and can't seem to get any help from our own Government.

Can't you, our Senator, help us? Just one big industry would serve the purpose.

If my letter at least makes you realize the conditions in our valley, then its purpose has not been in vain.

Will you please give our economic problem some constructive thought?

Respectfully yours,

MARIE MAURO.

NESQUEHONING, PA.,
March 30, 1960.

The Honorable JOSEPH S. CLARK,
U.S. Senate,
Washington, D.C.

SIR: I am a senior in the Nesquehoning Junior-Senior High School. What is my future? What am I to do? There is no future in Panther Valley. Right now it is a very distressed area without employment. I'm sure if nothing is done within another few years Panther Valley, including Nesquehoning, Lansford, Coaldale, and Summit Hill, will become "ghost towns."

We have excellent locations for industry; and if we had employment for at least 2,000 men, I'm sure people would no longer fear Panther Valley turning into a ghost region, and the future would look more bright.

Why are these towns so neglected and forgotten? An extremely high percentage of our men fought in our recent wars to help our country. We have helped so many other countries when they were in distress. Now we need help. Our returned veterans and their families need help desperately. We would like to go on living in this beautiful, but distressed area.

Please don't throw this aside as just another letter. This is so important to us. Will you do something constructive about it?

Respectfully yours,

SHARON KASHUHER.

NESQUEHONING, PA.,
March 24, 1960.

The Honorable JOSEPH S. CLARK,
The U.S. Senate,
Washington, D.C.

SIR: I am writing this letter to tell you how the working conditions are in Nesquehoning. All kinds of work have simply closed down.

I am a senior student at Nesquehoning High School. Graduation is not very far off, and I am looking toward my future.

Once the Nesquehoning Valley was very prosperous. There were many jobs, and everyone was working. Then suddenly everything fell apart. Couldn't you do something about this? This concerns a whole area. Some kind of defense plant in our valley?

We have all the facilities an industry could want. We have water power, railroads, space for new industries, a big labor supply and very good roads. What else would you need for an industry? Nesquehoning is a very clean town; the people are very industrious.

You can help us to become big tax payers once again. We are not asking for charity; we are merely asking for an opportunity to become productive again.

Respectfully yours,

MICHAEL DEGILIO.

NESQUEHONING, PA.,
March 31, 1960.

The Honorable JOSEPH S. CLARK,
The U.S. Senate,
Washington, D.C.

SIR: I am a senior in Nesquehoning Junior-Senior High School and a future citizen and taxpayer of Panther Valley. I will be graduating very shortly and then I would like very much to say what my plans are, but that is impossible since it is quite difficult for skilled workers to get work in the valley, I am quite sure I couldn't—a young graduate.

I realize now that I will have to leave the valley although I don't want to leave. At the present time my father is unemployed, and he is just one of over a thousand unemployed. I am writing this letter to try to express to you just how much our valley and the people in this valley need help. If it could just be possible to bring in an industry to this valley it would mean a great deal to all of us. Graduates wouldn't have to leave the valley; parents could give their children what they need and want. It seems so little to ask, but it means so much to so many.

Pennsylvania is a wealthy State; the United States is a wealthy country. Can either afford to let the economy of any one section fail completely? Is it good business?

The Governor and the people would benefit if the citizens of Panther Valley became productive again.

Please give my letter serious consideration. Try to use your influence and power to help us in a constructive way.

Respectfully yours,

PHYLLIS REGO.

NESQUEHONING, PA.,
March 31, 1960.

The Honorable JOSEPH S. CLARK,
The U.S. Senate,
Washington, D.C.

SIR: I am a senior in Nesquehoning Junior-Senior High School. I am about to graduate and as I look around, there just aren't many opportunities here. The people have to move from this beautiful town. What is going to be the future around here? From my viewpoint it is pretty dismal. The men don't have any jobs and they are growing older. Is a man in his forties really too old to work? I think it is a man's most productive years. Even the younger men can't find any work.

The United States has been so wonderful in helping other countries in distress, why can't the Government help the Panther Valley? All we need is a couple of good industries to make the town prosperous and productive again. We have the men who are willing and able to work. Is there any reason that the Government shouldn't help our handicapped area?

If we don't receive any help our lovely towns will turn into ghost towns. Thousands of people have already left our area. We don't want this wonderful valley to be left deserted. Times are getting rough, and if Uncle Sam has a heart, he will help us. Our Government has helped so many foreign countries. Our tax dollars have helped. Now we ask for aid.

This is one of the nicest places in the whole world to live in. Why must we move into crowded cities? One or two basic industries could change our picture completely.

Please don't say that this is not your concern or your department. That has been said so many times. Will you please give this matter your serious consideration?

Respectfully yours,

SARAH MOLINARI.

NESQUEHONING, PA.,
March 30, 1960.

The Honorable JOSEPH S. CLARK,
U.S. Senate, Washington, D.C.

SIR: I am a resident of Nesquehoning, Pa. Our town is situated on the edge of the coal-mining area. We believe that it is one of the most beautiful sections of the State, and I am sure you would agree with me if you visited our area. As you know, when the coal mining industry closed down, Nesquehoning and all surrounding towns were affected. Men were thrown out of work with no way to turn. The women of the valley had to go out and get jobs to support their families. When that happened, we were reaching the end of our rope. The answer: New industry.

Our valley is ideal for a new industry. We have railroads, water, a powerplant, which is operating at about half its capacity, excellent highways, but most important of all, we have manpower. I feel that if one sizable industry were directed into our valley, most of our problems would be solved—and I do mean problems. Our country has helped other countries by lending them millions of dollars, and as taxpayers we were willing to help countries in distress. We here in the now-idle coal mining area do not want millions. We just want a chance to work, just one big industry would help. Just one.

With the help of God and our Government, our prayers will be answered.

Respectfully yours,

JOHN VALUSEK.

NESQUEHONING, PA.,
March 24, 1960.

The Honorable JOSEPH S. CLARK,
The U.S. Senate, Washington, D.C.

SIR: I am a senior in the Nesquehoning Junior-Senior High School; and when I graduate, I would like to stay in my hometown. However, when you look around and see the employment situation of our town, I wonder if there is any future here for me or any of my fellow classmates. Just to think of how our town was years ago and how it looks today gives anybody that sad feeling of what could become of our town.

When you look around and see so many idle men leaving their homes and families to go to a distant town or city for a job it paints a pretty sad picture. If some kind of basic industry would come into our town, our problem would be solved.

Nesquehoning is a beautiful and clean little town, but we do need industries; so whom can we turn for help if not our elected governmental representatives? All the mines have closed completely. We are a very distressed area. Wage earners with large families have lost their jobs and are unable to obtain employment anywhere. Is a man really too old to work at 40? This is tragic.

We as taxpayers have helped so many needy countries abroad. Now we ourselves

need help. We want to work and to be independent again. Would it be possible to route one big defense plant into our valley? Just one big plant would solve the problem of our whole valley. It may seem so little yet it means so much. Are we the forgotten area?

Please give this your serious thought and consideration.

Respectfully yours,

ROSS ROMAN.

NESQUEHONING, PA.,
March 29, 1960.

The Honorable JOSEPH S. CLARK,
The U.S. Senate,
Washington, D.C.

SIR: On June 3 of this year I shall graduate from Nesquehoning High School. Graduation, I suppose, should be a day I can look forward to. But how can I? Graduation does mean an extra expense for my family, and the families of my classmates. We are going to find this extra expense hard to meet. There is also the senior prom. Being like any other girl, I would like a new dress. But how would I feel getting a new dress and then my sister or brother would have to do without something in order that I may get it?

This is only a small example of some of our problems here. Many people have to worry about how they are going to pay for household expenses, much less something like graduation.

The point of my letter is that we need help desperately. The people of Nesquehoning are good-living, hard-working people—people who really deserve the consideration and help you may be able to get for us.

Senator CLARK, isn't there some way in which you could possibly help us? Couldn't you please try to bring an industry into our area?

Our Government has helped many other countries of the world when they asked for it. Couldn't the Government now help us?

Many large families here, the wage earner having lost his job, don't even have enough to eat. The cost of living is very high.

We are a very independent and hard-working people here, but it's hard to be independent when you and your children are hungry.

If just one big industry could be sent to this valley—just one—our problem would be solved. Will you please work on this problem before it's too late?

I, and I'm sure the rest of our people, would be ever so grateful for anything you could possibly do for us.

Respectfully yours,

MARY JANE TREVENA.

NESQUEHONING, PA.,
March 30, 1960.

The Honorable JOSEPH S. CLARK,
U.S. Senate,
Washington, D.C.

DEAR SIR: I am a senior in the Nesquehoning High School, and a future worker of the United States of America. I will graduate in June, but the future in Panther Valley isn't very bright. Instead of industries coming into this valley, they are going out. Under this condition, our future after graduation doesn't look very good.

Getting a job here is very difficult; new industries are going up everywhere else except in our valley. The only decent job is found away from home; therefore the population of Panther Valley is decreasing. People who have lived here practically all their lives have to leave and get jobs away from their home town. Leaving means giving up and starting over at a place away from our valley which is very beautiful. This valley that was once a great coal region is now fading away to a region of loneliness. Our situation is really desperate. We have no one to turn to except our Government. Surely a Government that is so conscious of the needs of people abroad will not turn a deaf ear to the needs of some of its own citizens—citizens of a whole section.

Our homes are very nice; but even if we secure jobs at a distance, we can't sell our homes for their proper value. Who wants to buy a home in a ghost town?

We are not asking for charity—just a chance to become productive and independent citizens once more. Just one big industry would help us. As a result we would gain, and our country would also gain through additional tax money.

Please give this your serious consideration and do something constructive for us.

Respectfully yours,

MARGARET ANN HRINDA.

NESQUEHONING, PA.,
March 29, 1960.

The Honorable JOSEPH A. CLARK,
The U.S. Senate,
Washington, D.C.

SIR: I am a senior student at Nesquehoning High School. I will graduate in June. Most of the senior students will have to go somewhere else for a job, because there is no work around our town. The working conditions in our valley are not very good; in fact, most of our men are unemployed. About 3 years ago we had a mining company in our town; it employed over a thousand men from our valley, but now it is closed down and all the men are out of work. A great many of the men went away to work, and they had to leave their families here. They come home on weekends to see their families. All we need is one big industry in our town to keep it going. Couldn't you try to do something for our town?

Over the years the Government has helped many people in the world. So, Senator CLARK, couldn't you please try to use your influence to help a whole section in your own State of Pennsylvania?

The people of Nesquehoning would appreciate any help you could possibly give us.

Respectfully yours,

MARIANNE REHATCHEK.

NESQUEHONING, PA.,
March 29, 1960.

The Honorable JOSEPH S. CLARK,
The U.S. Senate,
Washington, D.C.

DEAR SIR: I am a senior in the Nesquehoning Junior-Senior High School. This coming June I will graduate and I'll have to look for a job; but the way conditions are in the Nesquehoning Valley, hardly anyone can get a job. There are a great many older people than I living in Nesquehoning who are unemployed, people whom I know very well. Some of them are my relatives; others, close friends. If these people cannot find employment, what is my future?

In the past 10 years many people have left Nesquehoning to seek employment elsewhere. Some of the men have to leave their families and go looking for jobs in distant towns. If Nesquehoning had some kind of industry all the people of our town could be together again.

The Nesquehoning Valley's location is wonderful for a new industry for several reasons. Some of these reasons are: railroads, water supply, electric power, and many ambitious people who are willing to do just about any kind of work. We also have the space for the purpose of setting up a new industry.

The people living in the Nesquehoning Valley are in great need of help; and if someone soon doesn't do something about this situation, Nesquehoning will be completely deserted in a few years.

We come to you, our representative in the Federal Government, for help. Just one really big industrial plant would solve not only our problem but the problem in our entire valley.

It seems so little to ask; yet it means so much to so many. Senator CLARK, will you work in our behalf?

Respectfully yours,

MARY ELLEN YANIGA.

NESQUEHONING, PA., *March 30, 1960.*

The Honorable JOSEPH S. CLARK,
The U.S. Senate,
Washington, D.C.

SIR: I am a senior in Nesquehoning High School and will graduate in June. As I think about our town, it seems as if it and our whole valley has been completely forgotten.

In this part of the country and in this valley in particular there are a number of once thriving little towns amid beautiful scenery. I know most people would like to stay here, but how can they when there is no employment? A town without any work or industries just doesn't keep its citizens for very long; and in the years I've lived and grown up here, I see our town fading away right under our eyes. There is no reason for this when something can be done. We've helped other countries when their need was far greater than ours. It's not as if we're asking to help fight a war, but we are asking to help fight destruction and the downfall of our whole valley.

I'm sure it wouldn't take much—just a few industries to bring back all the families that left here. Then maybe more people would start moving back and make Nesquehoning once more the thriving and prosperous community it once was.

It's as simple as this—immediate help or ghost towns. Please help us, or use your influence to see that we are helped.

Respectfully yours,

CAROLE KENNEDY.

NESQUEHONING, PA., *March 30, 1960.*

The Honorable JOSEPH S. CLARK,
The U.S. Senate,
Washington, D.C.

SIR: I am a senior in Nesquehoning Junior-Senior High School and will graduate in June. After graduation most of the seniors will have to leave home to get employment, because there aren't any jobs in our valley. Nobody wants to leave home, but there isn't anything else we can do.

Most of the men in our valley are without jobs, and those who have jobs have to go someplace else to work; they have to leave their families here and seek employment elsewhere.

My father had a job until the last mining breaker closed down; now he is one of many who are without work. Most of the women have to go to work to try to support the family. They have to work in factories and that's really hard work. Mothers should really be at home taking care of their homes and families, but someone has to make a little money to take care of at least part of the necessities of life.

When I graduate, I would like to get a job for the summer months to try and help out at home, but there isn't any employment here for me or any of the other seniors.

The reason for writing this letter is to let you know just how much the people of Nesquehoning really need help. If we soon don't get help, all the people in this valley will have to leave. We turn in desperation to our only hope—our Government. The American Government has helped so many needy countries abroad. Certainly it cannot turn its back on its own needy citizens.

Respectfully yours,

MARIANNE YORK.

GOOD RACE RELATIONS EXISTING IN GAFFNEY, S.C.

Mr. THURMOND. Mr. President, there appears in today's issue of the Wall Street Journal a very excellent article

by Mr. John F. Bridge entitled "The Quiet in the South: A Small Carolina Town Hews to Its Peaceful Ways Amid the Noise of Racial Conflict in Other Places." I call this article, which is written about the good relationship existing in Gaffney, S.C., between the members of the white and Negro races, to the attention of the Senate, because it ties in so well with a speech which I made on the floor of the Senate last Friday, April 1, pointing up the advantages of our system of segregation in the South over that of the harsh, hypocritical, and deceitful system of segregation which is found in the North. As this writer points out, Gaffney is an excellent example of the good relationship which can exist between the races in a segregated society without outside agitation. The writer also adds this important point: that there are more Gaffneys in the South than there are racial trouble spots which have been stirred up by the NAACP and other leftwing, radical groups who are merely serving the cause of the Communists by pitting race against race in some areas at a time when our people should be united as never before in the interest of our national security.

Mr. President, I ask unanimous consent to have this article printed in the body of the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Apr. 8, 1960]

THE QUIET IN THE SOUTH—A SMALL CAROLINA TOWN HEWS TO ITS PEACEFUL WAYS AMID THE NOISE OF RACIAL CONFLICT IN OTHER PLACES

(By John F. Bridge)

GAFFNEY, S.C.—As the turboprop flies, it is only a few hours from New York City to this town of 9,000, tucked away in the hills of western South Carolina. But this is a world that New York and Chicago and San Francisco do not know. And the guesses they make about it are often wide of the mark.

The headline in New York was of civil disorder sweeping across the South, of Negroes battling police to be seated at lunch counters with whites; the newscasts told of crosses flaming in the hills. But whatever the situation in some larger places, in Gaffney there is no battling, there are no fiery crosses, there is no disorder. Life goes on much as it always has. Businessmen meet for Rotary, housewives gabble with their colored cooks, and high school kids assemble in their segregated schools (Negroes in the newer, more modern one). The stranger with the northern accent may be studied with mild curiosity and a touch of anxiety. But he is greeted with unfailing friendliness and by white and Negro alike.

True there is a certain tension in the air. But one feels it is imposed largely by the world outside and the memory of things past. At the Sports Central poolhall on North Limestone Street the young white men intently mind their own business. The Negroes loafing on the bench outside Glymph's Market a block back on Petty Street do the same. Segregation remains the rule, there is no drama of change. But there is, perhaps, a certain drama in the very fact that things do remain much the same. For there are more Gaffneys in the South than there are Greensboros or Birminghams.

At the Marby Cafe, businessman-engineer Jack Blanton, a Clemson graduate and for the 46 years of his life a resident of Gaffney, spoons 10 o'clock coffee and quietly notes: "We could have trouble, any place can have trouble in these times. But the chances are we won't. We have our problems, but we don't have many hotheads—either Negro or white."

The somewhat older manager of the Belk's department store here adds: "If there's trouble, it'll be imported from outside Gaffney. White and colored get on right well here."

THE TEDIOUS GULF

Talk to leaders of the colored community, which makes up one of every four residents of Gaffney, and very much the same impression emerges. Plainly they are not enthusiastic about the segregated life as an eternal state of affairs. But that is not the same thing as favoring violence, or even sharp and sudden breaks with custom and tradition. The upper crust of educated or commercially successful Negroes seem equally unimpressed by fiery crosses on the one hand and by promises of seven-league-strides to racial equality on the other.

Certainly they are well aware of the obvious; that the gulf in education and economic acumen between themselves and most of their fellow Negroes is greater than between themselves and middle class whites. Further, the visitor gets the definite impression that they find the job of uplifting the Negro a discouragingly tedious one. It adds up to a long, difficult job of education, economic improvement, further education, further improvement. All this before the gradual erosion of the social barriers that, in the phrase of one educated Negro, "would make integration meaningful." One feels these Negro leaders believe that in the present context of Negro educational levels here, this is a long way off.

But as for present relations between the races in Gaffney, in a time of widely publicized trouble, they are typically characterized as "relatively very excellent," generally quite good," and "very satisfactory." What are some of the reasons for this view of relative amity that are given by Negroes?

Drive out South Johnson Street and visit Rev. A. W. Goforth on a Gaffney afternoon. Next to his limestone Baptist Church is the neat white parsonage among the clergyman's early spring garden of crocuses and daffodils. His preschool son riddles the stranger with a popgun, and is riddled in reply, but all else is peaceful. The youthful Negro minister leaves off feeding the baby and ushers his visitor to a chair.

By the clergyman's account, it is the everyday little items, perhaps more than bigger, idealistic ones, that matter most to broad segments of the Negro population here. Recreational facilities are important; when a committee of Negro ministers sought sports equipment from town officials, they got it. There are two new municipal swimming pools, one Negro and one white, and the dimensions are identical. When the minister himself went to qualify to vote, "No one gave me any trouble; they gave me a piece of the Constitution to read and that was it."

Yet Reverend Goforth cannot be described as uninterested in desegregation; on the contrary. But one feels that daily events and pressures within his own congregation are closer to him, that whatever the drama elsewhere, his first interests are bound up with those things nearest to his own peaceable way of life.

Interestingly enough, among Negroes as well as most whites, there is agreement that "trouble," if it comes, likely would come from outside the town. "Gaffney isn't big enough for the NAACP to bother with," comments one Negro leader. Another notes that most of the "sit-in" disturbances have been in towns where there were Negro college students and Gaffney has no such school—though he inclines to shrug off the disturbances as versions of student faddism and prankishness, rather than as a seriously organized program. There is general agreement, too, among members of both races that there is no active membership in the town of the National Association for the Advancement of Colored People.

More extreme elements in the white population are usually identified hereabouts with the Ku Klux Klan. Cherokee County was a hotbed, by one oldtimer's account, for the original Reconstruction-era Klan, but the present version is generally considered to be disreputable and is therefore shunned by the responsible citizens who were its backbone in its earlier history. This is not to say the Klan does not exist—"a few crosses were burned several years ago" by the report of Editor S. C. Littlejohn of the Gaffney Ledger. But at least thus far, opinion of that unpleasant memory has kept Klansmen quiescent amid the difficulties elsewhere.

Don Hill, manager of the chamber of commerce, likes to believe that the town's growing industry, by making more jobs available in the textile, screen-wire weaving and other mills, has helped keep things on an even keel and the extremists quiet. A certain amount of competition for jobs between white and Negro is sometimes considered a cause of racial friction.

To be sure, the white-Negro job competition is limited; the mills here generally stand by their traditions of production and office jobs for whites, servicing and maintenance jobs for Negroes. When Negroes complain in Gaffney, it is most often, in the stranger's experience, about a certain economic ceiling faced by some who might be qualified for better jobs.

But this ceiling has been penetrated in some instances, with the assistance of the white employers here who are sometimes more concerned about the Negro's future than are many Negroes.

At the Childers' Sheet Metal Works, John O. Childers employs a Negro foreman over colored workers, and quite successfully. At the Modern Laundry, 60 years a town institution, the Morgan family has long employed Negro and white workers together, at comparable rates of pay.

For Negroes, such pay at the Modern ranks them well up in the colored economic scale. For example, Roy Ratchford, in his early thirties and the father of five, draws $45 a week as the drycleaner; his predecessor was white.

Partner-manager P. E. Morgan, Jr.'s approach to the half of his 40 workers who are colored is an interesting mixture of what might be called oldtime southern paternalism, on-the-job education for prudent living, and solid private enterprising. He and his family, southerners for many generations, feel, "we brought the Negroes here, it is up to us to fit them into their benefit." So he has adopted not only comparable pay, but paid hospitalization, a pension and sick leave system (frankly paternalistic), a small interest-free loan fund (to cut out the loan sharks) and a company-sponsored savings system (last year the 40 employees saved nearly $5,000).

SATISFACTION AND SUCCESS

Dry cleaner Ratchford, with the five children, saves $7 a week from his $45. One Negro woman employee of many years has thus sent several children through college. One husband and wife combination had saved $15,000 by the time they retired.

What do the Morgans—Mr. Morgan and his mother are the present partners—get from this? Of course, there is the inner satisfaction of fulfilling old family ideas of southern responsibility of whites to Negroes. This loyalty has been reciprocated in low absenteeism and a rate of turnover that is phenomenally low in a business noted in many places for an almost annual turnover.

The four colored women who press shirts have a total of 77 years on the job. One, Molly Shifty, about to retire at 65 on a voluntary system, has been on the job for 35 years. As a result of this skilled labor developed from unskilled ranks, Mr. Morgan turns out laundry for which he can charge 20 percent more than the competition. This of course, helps pay his higher wages to colored workers.

But the Morgan operation is an undoubted exception in the economic scheme of things. And if it perhaps contributes to peace in Gaffney, it can also be attacked as the paternalism that makes colored people "too satisfied."

The overwhelming impression is that Gaffney is at peace with itself because that is the way it wants to be. And if anyone is mad about anything, he is mad that the finger has again been pointed at the South by a North that has racial troubles of its own.

Meanwhile life goes on in the quiet, unhurried way that typifies small towns in the United States from Massachusetts to Texas to Nebraska to Oregon. If the accents are different, the people are the same.

The matrons meeting in the women's store exchange the effusive cries and compliments that mean they haven't met since day before yesterday. The watchmaker labors for 30 minutes on the stranger's watch but won't accept payment because he "can't guarantee it"—and even when he knows he will never see the stranger again. Folks fuss at parking meters and gripe mildly because the Southern Railway tracks, when they came through before the Civil War, "bolixed" up Founder Michael Gaffney's layout of the town and created a traffic problem for time immemorial.

The Shakespearean troupe comes to 115-year-old Limestone College for women and the music festival is not far away. The annual wives' night at the Rotary Club convenes, the speaker strings together 40 minutes of lively jokes (sample: Why keep up with the Joneses, they'll only refinance and move on out ahead again) and the dentist's wife tells the doctor's wife the precise information the stranger has overheard in New Jersey, Ohio and California: "The kids can't keep up, and neither can I—Scouts on Monday, choir on Tuesday, dancing lesson on Wednesday, piano on Thursday." No one mentions any crises of race or school integration and life goes on.

And, at least by casual observation, it goes on also in the various colored sections of town. Gaffney, like many southern towns and unlike most in the North, has no stringent residential segregation. Around the original cluster of homes, there was an outer circle of homes of Negro domestics and their families. But as the town grew, white homes infiltrated the Negro sections and also leap-frogged across them into new, predominantly white areas. Thus the middle class Negro homes in the block with Reverend Goforth's Baptist Church adjoin one of Gaffney's better white neighborhoods.

AT GRANARD HIGH

This is one factor that has compounded the school difficulties. In part the Negro interest in integrated schools is a desire to use the nearest school; in part the white interest in segregated schools is to keep both home and school contacts of their children from becoming wholly the same.

In South Carolina segregation remains the State law and there have been no moves here, in or out of the courts, toward any degree of integration. But in the past few years there has been a heavy State school building program and among those that have been built is the new Granard High School in Gaffney, a colored high school which in appearance and curriculum is not at all unusual in the State.

What is it like? Named for town-founder Gaffney's own home town in Ireland, it has 784 students from all over Cherokee County, transported to the school by school buses. It is a long, low, red brick-faced concrete block structure, rising to two stories in the center. In total appearance it is indistinguishable from modern schools in many northern cities, including those in some wealthier suburbs of big metropolises.

Step into the office of Principal H. G. Simpson. There is a short wait while the principal administers some sharply worded advice to an erring youngster somewhere down the hall, and the neatly dressed and well-spoken young colored secretary advises the stranger he is welcome to smoke. But otherwise the stranger could well be paying a visit to the principal of the northern white school his own children attend.

A loudspeaker on the pale-green-painted wall starts paging "all members of the Library Club" to report for a meeting. On the wall behind Mr. Simpson's desk hangs a certificate of merit from the National Education Association (it meant that 100 percent of the teachers are members) and a charter from the National Honor Society for the Ralph Bunche Chapter of Granard High.

Professor Simpson, as he is sometimes called, proves to be a native of South Carolina in his forties, who holds a master's degree from New York University, and who is a born and obviously dedicated teacher. Some 25 percent of his graduates go on to college, he reports. His curriculum is comparable to most traditional high schools—commercial subjects and industrial arts are offered but the main course is academic: Chemistry, biology, physics, mathematics in the sciences; ancient and U.S. history; English; and so on.

Lunch hour is underway outside. The students stroll about quietly, their dress economical but neat. As the stranger departs he notes posters announcing the candyland ball for the pupils and the annual talent contest of the parent-teachers' association.

Out on Rutledge Street a few dogs patiently await their masters, the hot Carolina sun beats down on the teachers' well-cared for Chevrolets, Fords, and Oldsmobiles, and somewhere nearby some family's backyard cow begins to moo contentedly. The stranger cannot help but reflect that the students he has just seen, in their State-built segregated school, are a far cry intellectually from many of their uneducated parents. When they are heard from at some distant date, the story may be different. But for now, whatever the rest of the world thinks, this one small piece of the smalltown South couldn't be quieter.

ADDRESS BY FOREIGN MINISTER OF FEDERAL REPUBLIC OF GERMANY

Mr. SCOTT. Mr. President, it was my pleasure to be invited on March 18, 1960, by my colleagues, the Senator from New Hampshire [Mr. BRIDGES] and the Senator from New York [Mr. JAVITS], to a luncheon in the U.S. Senate Chambers in honor of Germany's distinguished Foreign Minister, Dr. von Brentano. In spite of the fact that this was one of the busiest days in Washington, with the civil rights legislation before the Senate and Congress, many of our colleagues attended. I want to compliment my colleagues for arranging this luncheon and having this distinguished guest present. It has enabled us all to get these important facts firsthand in regard to the forthcoming summit conference, where the fate of the free world may be decided.

It helped me, and I am sure my colleagues feel likewise, to listen to the senior Senator from New Hampshire and the senior Senator from New York and to our able Under Secretary of State, Mr. Dillon, and to the most penetrating and precise address of Germany's great statesman, Dr. von Brentano, who shares with the great Chancellor of Germany, Dr. Adenauer, who was our Nation's guest recently, the grave responsibility of not only handling the foreign affairs of Germany, but of working hand in hand with us to stop this cold war and Soviet imperialism.

Mr. President, I ask that the transcript and the commentary and the address of this historical luncheon be printed in the RECORD so that all our colleagues and friends who could not be present can share with us this experience and knowledge.

Only a few days ago in Chicago, on April 4, 1960, our distinguished great Secretary of State, Christian Herter, a worthy successor to the late John Foster Dulles, most eloquently gave the U.S. position in regard to Soviet imperialism. Let me cite here only the comment by the Chicago Daily News on Mr. Herter's eloquent speech, which will be found in other pages of the CONGRESSIONAL RECORD.

Chicago Daily News, April 5, 1960:

RUSS TRYING TO SPLIT OUR SIDE AGAIN: HERTER—NIK SOWS SEEDS OF DISUNITY—ALLIES WON'T RETREAT ON BERLIN

Secretary of State Herter Monday accused Soviet Premier Khrushchev of trying to "sow the seeds of suspicion and disunity" among the free world allies by a series of threatening speeches on West Germany.

Herter again declared the determination of the West "to protect the freedom and security of the people of West Berlin" at the forthcoming summit meeting.

"In thus making sure that the Soviet leaders do not misjudge our firmness, we reduce the chances of rash action which would greatly increase tensions," Herter said in a speech before the National Association of Broadcasters convention in the Conrad Hilton Hotel here.

This answers clearly the words of Minister von Brentano in his address, and I am quoting these two paragraphs here again to be sure that Chancellor Adenauer, Minister von Brentano, and the entire people of Germany know that all of us here in the U.S. Congress back the position of the President and Secretary Herter:

Whenever I came here or come here for an exchange of views, and in order to express what worries us, what concerns us, please do not think and do not interpret that as meaning that we had any doubts of the policy or the political attitude of the United States of America. I think the past has clearly shown that such doubts would not be justified, but if we speak about that, it is because we think it's necessary to maintain this unflinching solidarity among the nations of the free world. We do not mean to express any doubts in the American position, but we want to warn of certain possibilities which may perhaps arise; we want to point out the consequences that may occur, that may crop up for the whole free world if this solidarity were to be shaken. And this feeling was expressed and could be felt in all the talks I've had. I remember yesterday our meeting with the Foreign Affairs Committee and Senator FULBRIGHT. I notice this feeling here today and I think wherever I've been I've had this firm conviction that there is trust and confidence between our two Governments, between our two Nations, and I think it is a confidence and a trust which is genuine and will be lasting.

Your presence here today and the invitation you extended to me was highly satisfactory and was a great honor and distinction. Noting how great the understanding for the German situation is, was a few days ago also made very clear by the speech delivered by Senator DODD. It's an excellent speech. I read it with the greatest interest, when he commented on what is worrying us in Germany today, and I particularly am pleased and grateful that he, who has seen the liquidation of that rather fatefully unhappy period in Nuremberg, is now one of those who pleads for trust and confidence in this new Germany; and I am sure, Mr. Chairman, that my visit has also helped to strengthen this and to deepen this feeling of friendship, of confidence, of cooperation. I am sure that our cooperation will become even deeper, and even closer, and there must be no doubt in our common task, in our solidarity. This common solidarity of the free world must not be shaken, and the Federal Government and the Federal Republic of Germany will daily make new efforts in order to convince their newly gained friends that you can rely on this new Germany.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SPEECH OF HIS EXCELLENCY, DR. HEINRICH VON BRENTANO, FOREIGN MINISTER OF THE FEDERAL REPUBLIC OF GERMANY

Mr. Chairman, gentlemen, first of all, I would like to take this opportunity to thank my hosts today, Senator JAVITS and Senator BRIDGES, for this opportunity they have given me to speak before this very distinguished group today, and in conveying my thanks to these two Senators, I, of course, would also like to thank you for having come here in spite of your busy schedules on the floor of the Parliament in order to listen to what I have to say. You Senators are most gracious and kind to recall also my American relatives in your introductions.

I remember Theodore Brentano came to the house of my parents in Germany. At that time he was no longer chief justice in Chicago but was the first American Ambassador in Budapest. The German Brentanos were of course very proud of this great American uncle. And now Senators, Congressmen, distinguished Cabinet officers and our good friend Secretary Dillon—I would not like to speak about what has very often been said in the last few days. But I should like, gentlemen, to say a few words about the general views of the Federal Government of Germany on those political questions which have been with us yesterday, which are with us today, and which will be with us tomorrow. First of all, gentlemen, I ask you to be convinced that the German people of today unequivocally adhere to the idea of the free and democratic order. I admit that the last few months some incidents have occurred that greatly worried us. But if I say that these incidents were not of that significance which were attributed to them in some papers I do not mean to minimize the seriousness of these effects, but I assure you that we are extremely vigilant in the Federal Republic of Germany, and that we will be in a position, in a people of 52 million inhabitants, to deal with some few fools or criminals.

I think that the personality of the Federal Chancellor, Dr. Adenauer, the personalities of all those who work with him, the general attitude of the German Parliament, the general attitude of the German public opinion will give you this guarantee. I said before that Germany of today adheres to an order, of freedom and democracy. And we are not prepared to make any compromise on that issue of freedom, liberty, and democracy for all, under any heavy pressure or pretext, as far as Germany is concerned.

It is only the Federal Republic of Germany, their 52 million people, who are lucky to live under a system of liberty and freedom. But that does not mean that we will ever let up in our efforts and endeavors to see to it that the 17 million Germans who are living in the Soviet-occupied zone of Germany will also one day be able to live again under a system and order of freedom.

I hope—I am sure—that when this day will come, and come it must and come it will, these 17 million Germans will make a decision, will cast a vote, which will be regarded as one of the most impressive manifestations of the will of part of a people, and they will show to the whole world that these 17 million Germans, though they have been subjected to unparalleled pressure, have not become soft, but that the majority of them sticks to the principles which are applying in your country here, which are applying to my country, and which we sincerely hope that they will also again in those parts of the world where they are not applying today. [Applause.]

If this was the first guiding principle of German policy, I should now like to say a few words about the second guiding principle of German policy that Mr. Dillon had referred to earlier. We are conscious of our obligations in Europe. The world today is a different world. This world in which we are living today is no longer the world of the 19th century. And Europe has become too small, for these individual countries have become too small. They no longer are an economic area sufficient in themselves. There are only qualitative differences between Germany, between France, between the Benelux countries, and therefore, because we are aware of this situation, because we are aware of these changes, we are prepared to go on, on the way which we have gone so far which led from the establishment of the Coal and Steel Community to the establishment of the European Economic Community and of Euratom.

And I should like to make a very strong point by saying we have not only in mind by taking this course an economic aim, but we also thing of a great political aim. And we are also appreciative for the understanding which we receive in this country for this particular point. True enough, it is a great economic adventure, because we are going to build one single economic area comprising 160 million people with an enormous huge economic potential. But what is the political task? The political task is European integration, and this means we will in this way eliminate a very fateful past—we will remove and root out all these things that led in the past to tensions or arising out of feelings of strong nationalism in the 19th century. We will make it impossible that these conflicts between Germany and France which have led to so many wars, which finally involved the whole world, will not recur. We will put an end to this development and, therefore, we are determined to go on, on this road and to create European unity.

I am particularly happy to state here that our French neighbors think exactly along the same lines. I think never in history has there been an epoch where Franco-German relationships were so close and were so frank that there has never been a friendship like this existing between the two countries, and there is the same understanding of our joint common task in France as it is in Germany.

But let me make another point. This policy, aiming at European integration, is not directed against anyone. I am sorry that there should have been some misunderstandings. We are not going, it is not our intention to establish, to found here a bloc, an economic or a potential bloc from which others are excluded. This is not our intention. But we cannot pursue our policy of European integration if we have to wait for those who are not ready yet to join. Therefore, we must make a start with those who are ready to do that. I am sure that the political and also economic difficulties which have cropped up since the establishment of the European Economic Community and the establishment of the Efta can be solved, and I am grateful to the American contribution that was made at the Western summit conference last December. The contribution that was made by the American Government, in particular by Under Secretary Dillon, and I have not the slightest doubt that this is an imminent contribution, to bring about final success of all our endeavors. [Applause.]

Now let me mention a third guiding principle. The German people of today who live in the Federal Republic of Germany, the German people of tomorrow who live in a reunited Germany, are an integral part of the free world, and I may assure you that any attempt to break Germany out of this community of the free world will meet with a resolute resistance of the German people. This is not an expression of intransigence, it is not an expression of cold war mindedness, but we are convinced that there is no compromise, no compromise is possible between slavery and freedom, between justice and injustice. Nor is it possible to dodge the decision by trying to evade the issue and fling into neutrality. I think the expression of this determination of the German people is visible in German membership in the Atlantic community.

We will not give up our membership in this Atlantic community even if the most enticing offers will be made to us. We are ready to join in what will be genuine and real coexistence, in general and real living side by side with other nations, but the Moscow interpretation of coexistence is unacceptable for us because it is necessary that he who speaks of coexistence recognizes first the right of his neighbor of the other country to his own existence, and this has so far not been the case.

Because the German people, most German people, and in particular the 17 million Germans in the Soviet-occupied zone have, so far, not been entitled freely to decide their own fate, and freely to decide their own order under which they want to live. Each country is convinced of the right of self-determination, but the Russians and Soviets contest this right as regards Germany, and only Germany. Nobody has a right to stipulate under which internal social or economic border the people want to live but the people concerned itself. Nobody has a right to fix for another people its position and attitude as regards foreign policy but the people, and the people alone. And we are ready to join and to cooperate in any security system if under this security system everybody has the same rights and has the same obligation. But let me repeat that again, with all emphasis, that there can be no compromise whatsoever as regards the general political situation and the position and attitude of the German people. The German people are part of the free world and they will remain part of the free world as long as they are in a position to defend themselves against intervention from outside and as long as they will enjoy the support of the countries of the free world. [Applause.]

Fifty-two million Germans are living in freedom. Seventeen million Germans are living in the Soviet-occupied zone and what is happening there in the Soviet-occupied zone is nothing but a new manifestation of wanton and reckless imperialism. There

are 2½ million people living in the free part of Berlin and their freedom depends on whether the free world will be ready to resist and oppose the threat that was expressed in this Russian note of November 1958. I do not think it necessary to make this point here because I know what your position is; I know where you stand. I think that the proposal that was made by the federal chancellor 2 days ago to have a plebiscite in Berlin is a good proposal, and it seems to me necessary to study this suggestion.

We know that sometimes Soviet eastern propaganda is not without effect, but I may tell you that about a year ago I had a visit from a gentleman, an eminent politician from one of the so-called noncommitted countries. And he spoke to me about this Soviet note of November 1958, and he asked me: "Isn't that a good proposal? Do you not want to set an end to the occupation regime? That is what they suggest in this note? Do you not want to have a free Berlin? May I suggest then that you establish a free city?"

It was not a lack of good will on the part of that gentleman, but it was just a lack of understanding of the realities of the situation. Therefore, I think it would be a good thing if these 2½ million Berliners would have the opportunity as in December 1958, to express, to manifest their will. At that time 96 percent of the population participated in the elections and cast their votes in favor of the two great democratic parties. Then it would be easier to discuss this problem, then we know what their will, what their desires are because we do not want and we shouldn't leave them out of account, and I must also say that I was particularly grateful and appreciative when 3 days ago after the talks with the President, between the President and the Chancellor, this idea was also supported, strongly supported by the President and also expressed in the communique. [Applause.]

Now, in conclusion, let me say a few words about a more personal character. I remember the day when the first American forces entered the town in which I happened to live at the end of the war, and it was only a few days later that I had my first talks with American authorities. That was in the State of Hesse, and when this State of Hesse was founded and when we had our first elections after the war, when the State Parliament and the State Legislature were elected, and when we worked out a constitution for the State of Hesse, then I remembered when the three Western occupation zones were united and combined and I remember our work in the parliamentary council which was instituted and established to prepare a constitution for the Fifth Republic of Germany. And then for 10 years I have been a member of the German Federal Parliament, of the Bundestag, and I have succeeded the Chancellor as the head of the greatest parliamentary government party and also as Foreign Secretary, and in all these years I had the closest cooperation with the United States of America and their representatives.

I remember my cooperation with General Clay. I was pleased to see him again the other day. We developed a sincere friendship, and then I remember Mr. John McCloy, Dr. Conant, Ambassador Bruce, and your present Ambassador in Bonn, Mr. Dowling. I also remember my talks in 1950, my first talk with Dean Acheson, whom I met in the residence of your then High Commissioner, Mr. John J. McCloy, when we discussed the German treaty. And in particular, I remember the late John Foster Dulles. He was a warm and sincere, honest friend of ours, and our memories of him will never die.

I am also particularly grateful for the support and friendly cooperation I am meeting with here, with the present Secretary of State, Mr. Herter, and I think these friendly relations could be established on your side because there was understanding and appreciation of the difficulties and of the problems we in Germany had to face. And the Chancellor said, yesterday I think it was, that he was deeply moved and touched when, the other day, he left the President's office, he met in one of the rooms in the White House the widow of General Marshall.

We know how much we are indebted to him. And my talks this time with the President and the Vice President had shown—had given evidence that this sincere and close cooperation is going to continue. Whenever I came here, or come here for an exchange of views, and in order to express what worries us, what concerns us, please do not think and do not interpret that as meaning that we had any doubts in the policy or the political attitude of the United States of America. I think the past has clearly shown that such doubts would not be justified, but if we speak about that, it is because we think it's necessary to maintain this unflinching solidarity among the nations of the free world. We do not mean to express any doubts in the American position, but we want to warn of certain possibilities which may perhaps arise, we want to point out the consequences that may occur, that may crop up for the whole free world if this solidarity were to be shaken. And this feeling was expressed and could be felt in all the talks I've had.

I remember yesterday our meeting with the Foreign Affairs Committee and Senator FULBRIGHT. I notice this feeling here today, and I think wherever I've been I have had this firm conviction that there is trust and confidence between our two Governments, between our two nations, and I think it is a confidence and a trust which is genuine and will be lasting. Your presence here today and the invitation you extended to me was highly satisfactory and was a great honor and distinction. Noting how great the understanding for the German situation is, was made very clear a few days ago by the speech delivered by Senator DODD. It's an excellent speech. I read it with the greatest interest, when he commented on what is worrying us in Germany today, and I am particularly pleased and grateful that he who has seen the liquidation of that rather fatefully unhappy period in Nuremberg is now one of those who pleads for trust and confidence in this new Germany. And I am sure, Mr. Chairman, that my visit has also helped to strengthen this and to deepen this feeling of friendship, of confidence, of cooperation.

I am sure that our cooperation will become even deeper, and even closer and there must be no doubt in our common task, in our solidarity. This common solidarity of the free world must not be shaken, and the Federal Government and the Federal Republic of Germany will daily make new efforts in order to convince their newly gained friends that you can rely on this new Germany.

And now, distinguished gentlemen, thank you again from the bottom of my heart. [Applause.]

PROPOSED SAWTOOTH NATIONAL PARK

Mr. CHURCH. Mr. President, yesterday I introduced Senate bill 3383, which calls for a feasibility study of a Sawtooth National Park, in central Idaho. At that time, I included in the RECORD extracts from a number of favorable editorials which had appeared in Idaho newspapers.

I ask unanimous consent to include at this point in the RECORD excerpts from an editorial published in still another Idaho newspaper. The editorial deals favorably with this park study proposal.

There being no objection, the excerpts from the editorial were ordered to be printed in the RECORD, as follows:

[From the Mountain Home (Idaho) News]

THE MAJORITY SAYS, "GO AHEAD SENATOR CHURCH"

After reading editorials in several Magic Valley newspapers we got the idea that Senator FRANK CHURCH might have bitten off more than he could chew when he announced his intention of trying to create a national park in the Sawtooth Mountains. This week it looks like the bite he took might turn into a pretty nice feast for the junior Senator from Idaho.

In a public opinion poll CHURCH found out that four out of every five people wanted to see a feasibility study made on the park idea. The people from Elmore County who answered his postcard poll tabbed an even higher "yes" vote—91 yes and only 12 no.

As in the case on many big issues a lot of the firsthand uproar was caused by a lack of complete understanding. Stockmen and ranchers, as well as organizations composed of each, started yelling at the top of their voices because they didn't want their range and meadow land in the Stanley Basin taken away from them. Unless our latest information is incorrect, their yells weren't justified since those grounds were never included.

MILAN TRADE FAIR—A BUSINESSMAN'S SUMMIT

Mr. WILEY. Mr. President, during the past year, we have witnessed an unprecedented "have message, will travel" type of diplomacy in world affairs.

The leader and high-ranking representation of the free and Communist blocs have traveled to friendly uncommitted, and ideologically opposed, countries for a wide variety of purposes, including discussing issues, selling their way of life, resolving differences, promoting better understanding and other reasons.

They have tried to explain their nations and their chosen systems of government to the host nations. Many of these visits have been natural manifestations of friendship between nations sharing similar objectives and desires for their peoples. Others have been part of an attempt to win allies in the competition that exists between those nations whose peoples have chosen freedom and others governed by the Communist system.

This struggle is not, however, confined to the diplomatic, military, or propaganda battle lines.

In addition, the economic challenge is playing an increasingly significant role. In fact, it is in the realm of the economic that this competition between opposing systems may finally be won. As a frontline, the American businessman may well prove to be a most effective ambassador.

Toward this end, the U.S. Government is sponsoring, and the American businessman is participating in, international trade fairs throughout the world—not only to present our country in a proper light in the war of ideas, but also to help U.S. business expand its markets and thereby enhance both domestic and international prosperity.

I would, therefore, like to call the attention of my colleagues to what might be called the "businessman's summit"—the Milan Trade Fair, largest of its kind in the world. The fair opens next week.

At this fair there will be nearly 13,500 exhibitors from more than 120 countries showing over 1 million industrial, commercial and agricultural products in the 4½ million square feet of display space with 47 miles of display front. There will be national pavilions of 33 governments, including those of the United States and the Soviet Union, plus scores of independent exhibiting companies from every continent. This year 550 American firms will be represented—a new record. In fact, there is a reported difficulty in obtaining adequate space for the numerous U.S. exhibits.

However, it is most encouraging to find that more and more of our businessmen are becoming aware of the values of, and are participating in, trade fairs. They are to be commended for their effort to increase trade abroad and, in this way, to help rectify our current trade imbalance. The Milan Trade Fair, one of the world's largest, is illustrative of the kind of oversea marketplaces that are open to those of our businessmen who are in a position to take advantage of them.

At the fair the potential buyer can expect to find everything from safety pins for the baby to the largest mechanical and manufacturing equipment. This year five new international expositions have been added to this colossus, enlarging the fair by 250,000 square feet—more than the total size of many trade fairs elsewhere in the world, but only a small fraction of the permanent Milan Fair grounds. These new expositions will be devoted to chemical engineering, aeronautics, synthetic fibers, freight containers and motion pictures.

For example, the new international film fair will encompass exhibits and demonstrations of the creative, technical, and commercial resources of the world's motion picture industries for the first time. A special exposition will be devoted to vertical flight; and a specialized exposition of high vacuum applications have grown from what was formerly a part of the chemical engineering show.

Freight containers used as road-rail and rail-ship transport links will have their own separate exposition and the Bureau International des Containers will sponsor a special outdoor exhibition of developments of these freight carrying units. The BIC will hold its annual assembly and meeting at the fair and there will be a convention of the International Federation of Associations of Transport and Associated Enterprises at which Government and private railway officials from many countries will participate.

Among other important technical conferences to be held during the fair are a series of meetings on new chemical technologies and the regular meetings of dozens of international trade, industrial, and agricultural associations and professional groups.

In addition, representatives of NATO, the European Common Market, the CEPES and other European bodies and representatives of African nations are scheduled to meet to discuss ways by which Government and private industry can collaborate in the development of the newly emerging African nations.

Participation in fairs such as the Milan Trade Fair has proved gratifying not only from the standpoint of increased commercial activity for the businessman but, as the Director of the U.S. Commerce Department's Office of International Trade Fairs has said, as "a real contribution to world peace."

THE DRUG INDUSTRY'S TRIAL BY PUBLICITY

Mr. MARTIN. Mr. President, I ask unanimous consent to have printed in the RECORD a speech prepared by our distinguished colleague, Senator ALEXANDER WILEY, for delivery at the Iowa Pharmaceutical Association Convention, Cedar Rapids, Iowa, March 8, 1960. The speech is wonderfully informative and will be of great interest to all Members of Congress. It was reprinted in the April 4, 1960, issue of the Journal of the American Pharmaceutical Association, where it appears at pages 212 to 214.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE DRUG INDUSTRY'S TRIAL BY PUBLICITY

(By Senator ALEXANDER WILEY)

Congressional investigations may have seemed somewhat remote and abstract to you a few months ago. Yet now that the Senate drug investigation has made national headlines, you are in the middle of the puddle, too, so to speak.

It is true that these hearings are directed to the drug manufacturers—not the retail pharmacists. Indeed, we all know that you—with your long hours and large and expensive inventories—are far from being fortune makers. Yet, in the minds of some, your fortunes are somehow linked with those of the drug manufacturers. Consequently, you—who come in direct contact with the ailing and unhappy buyer—may be unjustly blamed for drug prices over which you have no control.

But congressional investigations should be of concern to you not merely because you yourselves are interested parties. The conduct of congressional business, like the conduct of our courts of justice, is a subject of direct interest to all citizens—for it is our basic liberties that are at stake. Every case in which justice is miscarried, every investigation in which the investigators are carried away opens the door for the abuse of your rights and mine.

WHAT IS A CONGRESSIONAL INVESTIGATION?

History has shown us that the best law is based upon the most widespread human knowledge and proper ascertainment of the facts. A rule made by one man is not nearly as good as the rule a man would make after consulting those intimately acquainted with the situation.

The making of laws—which is the business of Congress—is not an easy undertaking. Much raw material, a great deal of work, sweat, and care are necessary to produce what may appear, to the casual observer, a small quantity of annual legislation.

During the first session of the 86th Congress, a total of 18,627 bills and resolutions were introduced in the House and the Senate. Of these, only 619 were enacted in that session. Usually only 5 to 10 percent of the bills introduced eventually become law.

The major job of screening legislation belongs to the committees and subcommittees of Congress. Early in the history of Congress, a special ad hoc committee was set up to dispose of each bill introduced into the National Legislature. In the Third Congress, there were thus 350 select committees. Now Congress operates through standing committees which have specific subject matter jurisdiction. The so-called Kefauver Committee conducting the drug investigation is in fact the Antitrust and Monopoly Subcommittee of the Senate Judiciary Committee.

It has been said rightly that ours is a "government by committees." Probably better than 90 percent of the legislative groundwork—the research, the testimony on bills, the personal interviews, the special investigations, the debating, the weighing of factors, the compromising and redrafting—takes place not in the Senate or House of Representatives Chambers but in their workshops—the standing and special committees.

In carrying out legislative functions, the investigatory power is a major tool. It provides the legislature with eyes, with ears, and with a thinking mechanism. The investigations provide Congress with an orderly means for absorbing the knowledge, experience, and statistical data necessary for legislation in a complex democratic society.

Nowhere in the Constitution did the Founding Fathers expressly provide for investigations by congressional committees. Like Topsy, the institutions of congressional investigations "just growed." As early as 1792, the House of Representatives called for the first known investigation—an inquiry into the failure of a military expedition under Major General St. Clair against marauding Indians in Ohio and Indiana. Ever since, the power of investigation has been considered a necessary adjunct of legislation.

Of all Congresses, the 82d one earned for itself the title of "The Investigatingest Congress." Alone it conducted 236 investigations in 2 years and spent about $4 million on them.

But the present Congress need concede nothing to the 82d Congress when it comes to investigating. During the first session, committees were authorized to spend almost $9 million for investigations. This year the Subcommittee on Antitrust and Monopoly alone will receive $425,000 for investigations—the largest single appropriation for a probe in Congress.

What has the Antitrust and Monopoly Subcommittee done with this appropriation? It has been investigating the insurance business, steel prices, professional sports, the price of bread and—what you are most familiar with—the drug industry.

THE DRUG PROBE

Concluding his testimony before a recent hearing the Antitrust Subcommittee, one of the drug company executives thanked the chairman for the opportunity to present his testimony "at this trial." The chairman corrected the witness—this was a hearing not a trial; to which the latter responded: "I would have had a much easier time before a judge."

In this exchange lies the essence of my concern for the conduct of these hearings. What is the purpose of these hearings? How far can the subcommittee go? How can we assure American citizens and American business their legitimate interests and legal rights will not be abused?

The drug hearings were launched after 2 years of preparation. Ostensibly they are directed to determine whether monopolistic practices exist in the drug industry and whether new legislation is necessary to protect the interest of free enterprise. Begun on December 7, 1959, the investigation has thus far dealt with steroid hormones and

with tranquilizers. Antibiotics and vitamins are two of the pharmaceutical products next on the list.

If the purpose of these hearings is to uncover monopolistic practices, the record certainly gives little indication of success. I sat through many of the hearings myself and I obtained quite an education. Some of the Senators present said they felt they would be entitled to a medical degree after completing the course.

We found out all about detail men, patents, medical history, and prehistory, quacks, executive salaries, stock appreciation, quality controls, new drug applications, Government bids, foreign sales, advertising, merchandising, and retailing. By the time the hearing was over—we had covered the whole 40-acre lot. What we heard touched little on monopoly. It sounded more like a hearing designed to set up price controls.

What we heard, however, made big, damning headlines the country over. The headlines did not reflect the facts—they were produced by one-sided statistical and accounting manipulations. They announced to the unsuspecting reader the evil doings of the drugmakers, who supposedly collected profits of 1,000, 2,000 and up to 10,000 percent.

This type of manipulated factfinding went on for three sessions. Only at the fourth session, under my insistent cross-examination, was the bluff called. There were no 1,000 or 2,000 percent profits in the industry—there were, instead, profits averaging 13 percent of sales and dividends to stockholders amounting to 5 or 6 percent.

Figures of tremendous profits are easy to manufacture—all you have to do is select a few isolated examples and present them as proof of the total truth. Yet, to judge a total drug operation by profits from 1 successful product out of 500 is misleading. And to say that a manufacturer makes an unconscionable profit of several hundred percent—because there is a big markup between the cost of the raw material and the final cost of the product to the consumer—is not overly accurate.

I can assure you that accuracy and truthfulness are not easy to come by—especially when the whole battery of subcommittee attorneys, economists and investigators are on the other side. I felt it my duty to insist on facts but my campaign to bring out the facts was not welcome everywhere. One of the biggest newspapers in my own State of Wisconsin was so incensed it devoted an editorial to me. "Senator WILEY," it said, "should represent more the interests of the people," and again, "Senator WILEY sounds like the spokesman of the drug industry."

I do not consider myself a special advocate for the drug industry or any other special interest. What I have done I shall do in any case where the rights of the American people—their life, liberty, and property—are unjustly and improperly interfered with.

USES AND ABUSES OF INVESTIGATIONS

Ex-President Truman said, "the days are gone forever when Webster, Clay, and Calhoun personally could familiarize themselves with all major matters with respect to which they were called upon to legislate." American society and Government have become so complex that Congress can perform its function only by resorting to the investigatory process.

Still, the phenomenal growth in the use of the investigating committees cannot be ascribed alone to this greater complexity. By carefully examining the records of many recent congressional hearings, one will discover that investigations have not been used merely to secure information for legislative purposes. They have at times been improperly employed to punish individuals without a judicial trial or to perform in an extra legal way that Congress cannot do legally.

Some investigations plainly have had the purpose of exposing and punishing individuals by public ridicule and embarrassment. And this abuse of the investigatory process has not been a monopoly of conservative or reactionary witch hunters. In fact, one of my colleagues on the drug investigation reported a few years back that during one of his hearings, "the witness under the relentless questioning of the committee's chief counsel * * * broke down and became an old, beaten man. He grimaced, scowled, showed his teeth, mocked his face and stared at the ceiling in anguish. His grammar failed him and he garbled his words." Is this factfinding or is this meting out punishment?

That Congress can act as a super grand inquisition—in the infamous Spanish tradition—has been demonstrated on several occasions. In 1936 the House of Representatives decided to combat the growing power and influence of the Townsend movement. Yet, it was not within congressional power to outlaw the movement. Instead, Congress investigated it and probably dealt the cause a severe blow in the ensuing investigation.

Against such investigatory excesses we must constantly keep vigil. But we must remember, also, that the proposition that politicians are too inclined to use investigations for personal political gain has a corollary—you as a people have been too willing to let them do so.

Although congressional investigations have been under vigorous attacks for at least 25 years, the public has generally approved the investigations while they were in progress. They give the public, unfortunately, the too-easy escape of putting the blame for all public and private difficulties and unhappiness on a few selected scapegoats—whether guilty or not.

Much too often, both the public and its politicians have been willing—in their heat of reforming passion—to sacrifice the principles of government by law for the attainment of desired immediate results. Unwittingly we subscribe to the Machiavellian theory that "the end justifies the means." The prices of drugs are too high, some feel, so if the drug industry is harassed some good may come. We become so concerned and emotionally upset over the nefarious activities of Communists, munitions makers, racketeers or whomever, that it seems much more important to us to meet present evils than to stoutly defend our liberties.

CALL FOR LEGISLATIVE DUE PROCESS

Screaming headlines telling of 10,000 percent profits in the drug industry created the impression—whether intentionally or not—of an industry run by unconscientious profiteers to whom individual suffering is of no concern. Oftentimes, these hearings constituted, in fact, a public trial of the industry—a trial, conducted not in the established traditions of due process but a trial by publicity where propaganda counts more than facts.

In undertaking such trials the subcommittee has been doing exactly what the Founding Fathers sought to prevent by setting forth in the Constitution the specific prohibition against bills of attainder. The Supreme Court said:

"A bill of attainder is a legislative act, which inflicts punishment without a judicial trial. * * * In these cases the legislative body, in addition to its legitimate functions, exercises the powers and office of a judge; it assumes, in the language of the textbook, judicial magistracy, it pronounces the guilt of the party, without any of the forms and safeguards of trial; it determines the sufficiency of the proofs produced whether conformable to the rules of evidence or otherwise."

In this trial by investigation of the drug industry, little attention was paid to the balancing arguments of the defense.

The public attention was constantly directed to profits on a single product of a single company without relating these to the many thousands of products produced by the entire industry, or the overall costs of doing business.

Hardly any reference was made to the high risks of this industry, which in 1958 had to test 114,600 substances before it could produce 40 marketable drugs.

Little reference was made to the high degree of obsolescence in the drug industry where one product can have 99 percent of the market 1 year and 3 percent 2 years later.

No mention was made of the fact that while wages increased 70 percent between 1948 and 1958 and construction costs 64 percent, the increase in the wholesale drug prices was 3 percent only.

No mention was made of the fact that the Soviet Union, in which the profit motive does not exist, produced no single new drug since the Communist revolution.

And this being a monopoly investigation, it is surprising that nobody bothered to emphasize that more than 1,300 companies are engaged in the manufacturing of prescription drugs—with no one company accounting for as much as 10 percent of the total sales.

Investigating committees must stay within the boundaries of their jurisdiction, and they must pursue fact, not fancy. The congressional investigation has tremendous powers. The courts have been reluctant to interfere with the exercise of legislative investigations. The Supreme Court has held that—

"Within the realm of legislative discretion, the exercise of good taste and good judgment in the examination of witnesses must be entrusted to those who have been vested with authority to conduct such investigations."

We Members of Congress are, therefore, to a large degree our own policemen. But—if the policeman himself scuffs the law, who is there left to protect the basic liberties of American citizens and business?

Let these trials of the drug industry not be in vain. Let us all utilize this opportunity for the constant self-searching and stock-taking that are necessary for a society which believes in progress. As long as thousands of people in this country—old, indigent and sick—remain unable to pay the high prices of drugs, it is your moral responsibility—and the moral responsibility of all others connected with the health and welfare of the Nation—to continue to make medical care and attention available to all those who desire them—regardless of wealth and station.

We believe in free enterprise. But free enterprise does not mean selfishness—it means public cooperation, widespread moral responsibility and the constant striving for private and public improvements.

The PRESIDING OFFICER (Mr. BARTLETT in the chair). Is there further morning business? If not, morning business is closed.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. FULBRIGHT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, the Congress is being exhorted again to enact legislation which is repugnant and unacceptable to a large section of this Nation. The finger of scorn being pointed at the South by the advocates of this bill stirs emotions which have been dormant since the Reconstruction era. The bill constitutes an indictment of 40 million citizens in this region; an indictment which they cannot publicly refute since their representatives' voices are unheeded by the Nation's press. The thoughtful and enlightening remarks of my southern colleagues in this body are treated with derision and disdain by the northern press and information media.

Mr. President, I feel that the emotionalism surrounding the issue before the Senate has made the Nation lose sight of the basic functions of and limitations on any legislative body. The present situation reminds me of a story related by the distinguished philosopher and former Congressman from Illinois, T. V. Smith. I will read this story and Professor Smith's comments on it for the edification of those on the other side of this issue, including the press.

I met sometime ago the wife of a man who once had been a member of a middle western legislature. Being always curious as to the attitude of idealistic people toward their legislative bodies, I engaged her in conversation regarding her husband's experience in politics. She said that she had been originally worried about her husband's getting into politics at all. She had thought politics rotten, you see, calculated to corrupt whomever it touches.

Her husband must have been a very wise man, or at least a very lucky one, seeing how he handled the situation. She said that when he first went off to the Capital City, she told him that she asked only two things: that he would keep personally decent and that he would do his duty by voting his convictions on each bill. Presently he invited her to go with him to the legislature. Being himself very busy, he asked her now and then to read certain bills that he had no time to read, and advise him how to vote upon the bills.

This she undertook to do. The first bill he gave her she read with great care and told him how to vote. But then, she said, there developed a curious situation. After she had advised her husband how to vote, she would go to the committee meetings or hear the debates on the floor. She said that the people on each side would put such good arguments that after listening to the debates she did not know whether her advice to her husband had seen sound or not. This discovery was to her something of a surprise—the double discovery, you see, that each side was reasonable and that both groups were honest. After having this upsetting experience a few times, she said that she told her husband that he would just have to read the bills for himself thereafter, that she did not know anything more about what was right to do than he.

It is a great discovery for the self-righteous to make. It marks the first crack in the shell of elemental egoism. It is a crack which the Hitlers of life never suffer, nor permit others to enjoy. It is a great day when anyone is brought to suspect that he is no wiser than others, and that others are as honest as he. The beginning of collective wisdom is for each man to discover that he is not God. To discover that is to see why legislatures are necessary and to learn how they can be fruitful. For that is a discovery calculated to emancipate one from his natural narrowness and to start him upon the pilgrimage whose mecca is the full-fledged legislative way of life.

The point of Professor Smith's story is that legislative proposals are not all black and white and that reasonable men can differ on them and still have the best of motives. I commend this story to those who are implying that only the Senators favoring this legislation are honest and sincere and that those of us who oppose it are dishonest and unconcerned about the public interest. I hope that such people will give some thought to this question and come to the realization that there can be an entire spectrum of honest views on how best to serve the public interest.

Much has been said and written about the proper scope of legislative action. Our Nation's history reveals many instances where Congress has acted in an area where problems are not susceptible to legislative solutions. The most analogous to the present, the Reconstruction laws, which were coercive in nature and designed to elevate an unprepared minority group to a position of disproportionate influence over the majority. The experiment was disastrous to the South and the entire Nation. The prohibition amendment is another vivid example of the overstepping of legislative bounds. When the Congress attempts to regulate moral conduct by making the Federal Government the arbiter of such conduct it is on thin legislative ice. All of the many civil rights proposals advanced in this body year after year have as a basic objective the prescription for a particular standard of conduct toward minority groups. I submit, Mr. President, that legislation to regulate men's mores is doomed to failure from the day it is introduced. The distinguished English philosopher Herbert Spencer has commented on the dangers of overlegislating in this manner, and I quote:

To guard its [government's] subjects against aggression, either individual or national, is a straightforward and tolerably simple matter; to regulate, directly or indirectly, the personal actions of those subjects is an infinitely complicated matter. It is one thing to secure to each man the unhindered power to pursue his own good; it is a widely different thing to pursue the good for him. To do the first efficiently, the State has merely to look on while its citizens act; to forbid unfairness; to adjudicate when called on; and to enforce restitution for injuries. To do the last efficiently, it must become an ubiquitous worker—must know each man's needs better than he knows them himself—must, in short, possess superhuman power and intelligence. Even, therefore, had the State done well in its proper sphere, no sufficient warrant would have existed for extending that sphere; but seeing how ill it has discharged those simple offices which we cannot help consigning to it, small indeed is the probability of its discharging well offices of a more complicated nature.

The proposition that the Federal Government is uniquely qualified to enforce individual rights more capably than the individual himself is implicit in the pending legislation. Such a role for Government can lead only to prescription of homogeneous conduct for all citizens—conduct promulgated and enforced by some isolated Government bureau chief. We are already plagued with the problem of uniformity and a general tendency to stifle new ideas. The tendency to attempt to legislate moral values, and a national standard of conduct, can lead only to mediocrity and uniformity with a resulting destruction to the widely varying cultural differences which constitute the essence of America. Consider for a moment the pressures exerted by certain organizations to eliminate racial reference in some of the Nation's best known songs. What effect can this have on a particular person's propensity to discriminate against those of another race or color? This type of pressure can only succeed in destroying and distorting cultural variations which make ours a unique people. I submit, Mr. President, that history has been kind in forgiving our mistaken attempts to legislate away social evils not subject to political solution. Let us not press our luck too far.

Mr. President, I ask the proponents of this legislation to stop for a moment and consider this question. Who actually enforces the laws of our Nation? This may seem a strange question to pose at this point, but it is basic to consideration of any legislation directed at a particular community or group of people. We have always prided ourselves on our faith in the old cliche that we are a Nation governed by laws and not by man. Rational lawmaking rests on the foundation that conscience and public opinion actually enforce the law; not a policeman with a gun and a night stick. I commend the following statement on this point to my colleagues who are obsessed with the idea that a "big brother" approach is necessary to bring about respect for the law in the South. The comment is by the late Arthur T. Hadley, former president of Yale University. I quote:

Who enforces the laws?

The first impulse of most people would be to answer, "the police and the sheriffs, with occasional assistance from the Army in emergencies." But if we stop to think about the matter we shall see that this is a very superficial view of things, and that only a small fraction of our law enforcement is secured or needs to be secured in this way. In 99 cases out of 100 obedience to the law is quite voluntary. The people at large do not have to be compelled by the police to obey the laws against murder or burglary or the various regulations for the convenience of the public. They do it of themselves, either as a matter of conscience or in deference to public opinion. And the fact that they do it of themselves is the thing which makes civilized society possible. It enables the police to concentrate their attention on the work of protecting the public against a relatively small number of habitual lawbreakers who do not recognize their moral obligations to themselves or to society. Conscience and public opinion enforce the laws; the police suppress the exceptions.

The people of the South do not need referees, marshals, or any other Federal

officials breathing down their neck constantly to obey the law. They, as citizens in other parts of the Nation, obey the laws out of respect and a sense of social responsibility. Our section has its share, and no more, of social misfits who do not respect law and order. We do not take kindly to the implied accusation that Southerners accept disrespect for the law as part of their way of life.

It is obvious that the entire structure of modern society is based on the proposition that man is tempered by background and environment to respect the right of his fellowman without coercion from a law enforcement officer. Indeed, the basic concept of freedom is self-control and the exercise of a sense of responsibility for others. Passage of laws which do not command the respect or the sympathy of the majority of the citizens in the community to which they are directed tends to bring about disrespect for the source of those laws. This is especially true when the people affected feel oppressed and persecuted by the legislative body or by a judicial body masquerading as a legislative body. And when different governmental authorities have different policies, chaos follows. What will this crossfire between government authorities do to the respect for law and order held by the poor citizens caught in between? Such a conflict can only confuse them and tend to bring all branches of the Federal Government into further disrepute.

The community conscience of the South is keenly aware of the problems which confront it. Its conscience is sensitive to outside criticism and intervention on what is essentially a community problem. The South bitterly resents attempts to press theoretical solutions on it which do not take into account the historical background of its problem. Any law which fails to take into account the community attitudes toward that law is doomed to failure. Justice Brandeis has said:

> No law can be effective which does not take into consideration the conditions of the community for which it is designed; no law can be a good law—every law must be a bad law—that remains unenforced.

It is obvious that this truism is being violated by the proposal before us. The southern community considers these measures to be unnecessary, and an affront to its dignity. Laws must take cognizance of the peculiar problems to be encountered in enforcement. Likewise, laws must be enforced efficiently and impartially in order to maintain public respect for them. What of the many unused criminal statutes now on the book protecting voting rights. I cannot understand how respect for law and the Federal authority can be created when the laws now protecting voting rights are admittedly not enforced by the Federal Government. This is hardly conducive to creating respect for additional and superfluous laws on the same subject.

Mr. ERVIN. Mr. President, will the Senator from Arkansas yield for a question, or would he rather yield later?

Mr. FULBRIGHT. I shall be glad to yield to the distinguished Senator from North Carolina for a question.

Mr. ERVIN. I should like to ask the Senator from Arkansas if the voting rights provision in the bill will not remain entirely inoperative unless the Attorney General of the United States requests the court to pass on the question whether there is, in a particular voting precinct a pattern or practice of discrimination based upon race?

Mr. FULBRIGHT. That is correct.

Mr. ERVIN. In other words, is it not true that under this bill the Federal courts would be powerless to make any such finding unless they were first requested by the Attorney General of the United States to do so?

Mr. FULBRIGHT. That is my understanding of the bill.

Mr. ERVIN. The only person who can request such a finding, out of the approximately 170 million people in the United States, is the temporary occupant of one political office; namely, the occupant of the office of Attorney General?

Mr. FULBRIGHT. That is correct.

Mr. ERVIN. Does not the Senator agree with me in the thought that any law is bad which provides that it can be placed in operation only at the request of a single human being out of all the hundreds of millions of human beings on the face of the earth?

Mr. FULBRIGHT. The Senator is correct, especially when that particular officer under our system, quite properly, is a political appointee, no matter who occupies the office.

Mr. ERVIN. I ask the Senator whether he agrees with me that it is virtually impossible at times to distinguish between the Attorney General in his capacity as a law-enforcement officer and the Attorney General in his capacity as a partisan politician.

Mr. FULBRIGHT. The Senator is right. At one time the Postmaster General occupied that role, but in recent years the Attorney General has tended to be the political leader in the Cabinet.

Mr. ERVIN. So in the section of the bill relating to voting rights, Congress, in effect, is making the proposed law the personal political possession of a nonelected official; namely, the Attorney General.

Mr. FULBRIGHT. The Senator is correct.

Mr. ERVIN. I thank the Senator.

Mr. FULBRIGHT. That is one of the most offensive aspects of the proposed legislation. I do not like to question the motives of my colleagues in the Senate, and I do not do so, but I cannot help feeling that the principal force behind this kind of legislation is the desire of some politicians to obtain a political advantage in a few large metropolitan cities.

Mr. ERVIN. I should like to ask the Senator a question on this crucial point, in a constitutional sense. It has been held many times by the Supreme Court of the United States that under the doctrine of separation of powers, created by the first, second, and third articles of the Constitution, Congress cannot pass a law which delegates to an executive officer powers unless Congress spells out in the law certain standards or guides to be followed by the executive officer in applying that law. I ask the Senator from Arkansas if the pending bill is not totally devoid of any standards or guides which would enable the Attorney General to determine when he shall make a request that the court make a finding of the existence of a pattern or practice of discrimination, and when he shall refrain from doing so.

Mr. FULBRIGHT. Yes; the Senator is correct. However, I must add that due to the outstanding contribution made by the Senator from North Carolina on this very point, the bill is much better in that respect than it was when first introduced. I wish at this time to pay tribute to the Senator from North Carolina who, I believe, is one of the most distinguished lawyers ever to serve in the Senate. In his understanding of both the Constitution and laws pertaining to this subject he is without peer. With the amendments which he inspired, both on the floor of the Senate and in committee, he has made the bill far more palatable than it was in its original form. As a result, the bill is far less shocking to the principle of law the Senator has just stated as being inherent in our constitution.

Mr. ERVIN. I am deeply grateful to the Senator from Arkansas for his graciousness.

Mr. FULBRIGHT. I do not believe that anyone outside this body will ever realize how much the Senator from North Carolina has contributed through his capacity to elucidate the very difficult points of law involved in the debate on the pending bill. He has rendered a great service, not just to the South, by any means, but to the entire Nation. Especially in the light of history, his contribution will be recognized and appreciated. Because of his efforts we have retained some sense, some balance, some respect for our Constitution in the consideration of the pending bill.

Mr. President, I have already cited, in an earlier speech, laws which are already on the books, both State and Federal—laws which, if utilized, would be more than adequate to deal with the problem under discussion. At this point I ask unanimous consent that a memorandum, prepared by the Legislative Reference Service of the Library of Congress, containing the citations of existing Federal statutes prohibiting discrimination in voting, be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

EXISTING FEDERAL STATUTES PROHIBITING DISCRIMINATION IN VOTING

Conspiracy against rights of citizens (18 U.S.C., 1958 ed., sec. 241): Conspiracy to injure, oppress, or intimidate citizens in the free exercise of federally secured rights and privileges, is a criminal offense, punishable by a fine of not more than $5,000, or imprisonment for not more than 10 years, or both.

Deprivation under color of law (18 U.S.C. 1958 ed., sec. 242): The willful subjection of any inhabitant of a State, Territory, or District, under color of law, to the deprivation of rights, privileges, or immunities secured by the Constitution or laws of the United States or to discriminatory pains, punishments or penalties on account of his being an alien or by reason of his race or color is a criminal offense, punishable by a fine of not over $1,000 or by imprisonment of not more than 1 year, or both.

Intimidation of voters (18 U.S.C., sec. 594): Seeking to intimidate a person for the purpose of interfering with the exercise of his voting rights, is a criminal offense, punishable by a fine of not more than $1,000 or by imprisonment for not more than 1 year, or both. "Any election held solely or in part" for the purpose of electing Federal officers, is covered by this act. However, by the definition of "election" contained in 10 U.S.C., section 591, this act does not cover primary elections.

Voting rights (42 U.S.C., 1958 ed., sec. 1971): This act consists of the provisions of R. S. section 2004 (which was derived from the act of May 31, 1870, 16 Stat. 140, ch. 114, sec. 1), as amended by the Civil Rights Act of 1957 (P. L. 85-315, pt. IV, sec. 131) and is concerned directly with the elective franchise:

(a) This subsection, originally derived from the Civil Rights Act of 1870, provides that all citizens, otherwise qualified by law, shall be allowed to vote at any election without regard to race, color, or previous condition of servitude.

The Civil Rights Act of 1957 added four new subsections to this section which provide substantially as follows:

(b) Intimidation, threats, coercion: No person shall intimidate, threaten or coerce, or attempt to intimidate, threaten or coerce, another for the purpose of interfering with his right to vote in any election or primary election held solely or in part for the purpose of nominating or electing candidates for Federal office.

(c) Injunction, costs: The Attorney General of the United States is authorized to institute, for or in the name of the United States, any civil action or proper proceeding for preventive relief, whenever any person has deprived or is about to deprive another of rights secured by subsections (a) and (b) above. The United States shall be liable for costs in such a proceeding, the same as a private person.

(d) Jurisdiction, exhaustion of other remedies: The Federal district court is given jurisdiction of proceedings instituted under subsection (c), above and shall entertain such proceedings without requiring that the party aggrieved first exhaust any administrative or other remedies which may be provided by law.

(e) Contempt; assignment of counsel; witnesses: Any person who is cited for an alleged contempt of court under this act, shall be entitled, upon his request, to be assigned legal counsel without charge if he is financially unable to pay for same.

Civil action for deprivation of rights (42 U.S.C. 1983): Every person who, under the color of law, subjects another or causes another to be subjected to the deprivation of any federally secured rights, privileges, or immunities, shall be liable to the injured party in a civil action or suit in equity or other proceeding for redress. Review: Such cases shall be reviewable by the Supreme Court without regard to amount in controversy (42 U.S.C., sec. 1984).

Conspiracy to interfere with civil rights (42 U.S.C., sec. 1985(3)): If two or more persons conspire to prevent a citizen who is lawfully entitled to vote, from voting as he chooses for Federal officers, or injures him in his person or property for so voting, the party thus injured may have a civil action for damages against one or more of the conspirators.

Action for neglect to prevent (42 U.S.C., sec. 1986): Any person who has knowledge that any of the wrongs conspired to be done which are forbidden by 42 United States Code, section 1985(3), above, are about to be committed, and having power to prevent same, neglects or refuses to do so, shall be liable to the injured party for all damages caused by the wrongful act which such person by reasonable diligence could have prevented. Such an action must be commenced within 1 year after the cause of action has accrued.

Jurisdiction and venue (28 U.S.C., 1958 ed.):

Civil rights and elective franchise (28 U.S.C., sec. 1343): The district courts shall have original jurisdiction of any authorized civil action (1) to recover damages for injury to person or property, or because of deprivation of a right or privilege of U.S. citizenship, by any act done in furtherance of a conspiracy mentioned in 42 United States Code, section 1985; (2) to recover damages from any person who (under 42 U.S.C., sec. 1986) fails to prevent wrongs mentioned in 42 United States Code, section 1985 of which he had knowledge and which he could have prevented; (3) to prevent the deprivation, under color of law, of any right, privilege or immunity secured by Federal law or Constitution; (4) to recover damages or secure equitable or other relief under any act of Congress providing for the protection of the right to vote.

Election disputes (28 U.S.C., sec. 1344): The district courts shall have original jurisdiction of a civil action to recover any office except a Federal office or that of a member of a State legislature, where the only question affecting title to the office arises out of denial of the right to vote to any citizen because of race, color, or previous condition of servitude.

Removal of cases from State courts—civil rights cases (28 U.S.C., sec. 1443): The following cases, commenced in a State court may be removed by the defendant to a U.S. district court:

(1) Against a person who is denied or cannot enforce in the State court, a civil right inuring to all U.S. citizens;

(2) For an act under color of authority derived from a law providing for equal rights, or for refusing to do an act on the ground that it would be inconsistent with such law.

Reduction of representation (2 U.S.C., 1958 ed., sec. 6): Should any State deny or abridge the right of a citizen to vote, except for crime, the basis of representation of that State in Congress shall be proportionately reduced.

CONSTITUTIONAL PROVISIONS

The Federal statutes listed above, which prohibit discrimination in voting, are the implementation by Congress of certain provisions of the U.S. Constitution which grant the Federal Government the power to protect the franchise.

In addition to the provisions which have been implemented. There are other constitutional provisions, which, together with the Federal statutes listed above, have been interpreted by the Supreme Court as protecting the franchise from discrimination by States, by the Federal Government, or by private individuals.

These, briefly summarized, are as follows:

Fourteenth amendment: All persons born or naturalized in the United States and subject to its jurisdiction are citizens of the United States. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. Congress is empowered to enforce this provision by legislation.

(The elective rights guaranteed by the 14th amendment afford protection only against deprivation by States (*Hodges* v. *U.S.*, 203 U.S. 1, 14 (1906)).)

Fifteenth amendment: The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State because of race, color, or previous condition of servitude. Congress is empowered to enforce this provision by appropriate legislation.

(This provision obviously affords protection against the deprivation of voting rights by the Federal Government or by the State.)

Nineteenth amendment: Prohibits denial or abridgment by the United States or a State, of right to vote on account of sex.

Article I, section 2; 17th amendment: Those persons voting for U.S. Senators and Representatives shall possess the same qualifications as those entitled to vote for members of the most numerous branch of the State legislature.

(The Supreme Court has ruled that the right to vote for Members of Congress is a right derived from and secured by the Constitution of the United States. Ex parte *Yarborough* (110 U.S. 651 (1884)). This right is secured against the actions of individuals as well as States (*U.S.* v. *Classic*, 313 U.S. 299, 214–315 (1941)).)

Article I, section 4: The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by its legislature, but Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Mr. FULBRIGHT. Mr. President, additional laws in this explosive field of racial relations will not be widely respected in the South, and enforcement problems will bring about further strife and turmoil. An attempt by the North to decree a mode of life for the South, of whose circumstances and desires it has no understanding, can only lead to serious trouble. I cannot overemphasize the impact which this legislation will have on the southern community.

Mr. President, it is a dangerous procedure for a legislative body to attempt to remake society in its own image. The possibility of molding human nature to eliminate supposed social evils is always tempting to any large majority. On many occasions in history majorities have oppressed minorities in the name of righteousness and morality, but with little regard for the relevance of the cure for the real or imagined disease.

We would all like to rid the world of sin, corruption, greed, and the other standard vices. But, as legislators, we must recognize the frailties of human nature and realize that such a task is impossible. It is certainly impossible to legislate a model code of moral conduct capable of reconciling the myriad of moralistic concepts held by the 170 million people in this Nation. If this were not so would it not be wise to legislate the Golden Rule?

Throughout history man has come to grief from his attempts to change human nature. Warnings against such action have been sounded loud and often, but legislatures, not being infallible, continue to make further attempts to achieve this utopia in human relationships.

Discrimination and bias cannot be legislated away, regardless of how many bills we pass. As I have pointed out

many times before, the problems in this area can be solved only through education and conversion of the human heart. To enact needless laws for purely political purposes does violence to the efforts of those in the South who are deeply concerned and are trying to bring about improvements in this difficult area of human relationships.

Mr. President, the history of our Nation's experience with the prohibition laws taught us a rather short-lived lesson on the folly of the majority prescribing moral standards for all men. Lessons should have been learned from this period which are directly applicable to the present controversy. It is almost universally recognized that national prohibition was a mistake. However, there are still millions who abhor the use of alcohol in any form. In fact, a majority of the counties in my State have voted "dry" under local option. I do not believe that the citizens in those counties would wish to impose their views on the subject on citizens throughout the country. Prohibition represented tyranny at its worst—the forcing by the majority on the minority its own peculiar standards of life. The population of the United States at the time of prohibition, and as now, held extremely divergent opinions regarding the use of alcoholic beverages. The problem had an entirely different aspect in the North than in the South, and a different aspect in the cities from that in the small towns and rural areas. Prohibition was in effect the attempted control of conduct on the other sections by the South and the West. Sectional tyranny is again being urged in this body. As some of us have pointed out repeatedly, this bill is not designed merely to guarantee voting rights. It is a part of a scheme to prescribe moral standards for human conduct toward a minority race. The North has arrogated unto itself the position of supervising human relations in the South.

Let me digress at this point to discuss some aspects of majority control and responsibility which apparently have not occurred to the proponents of this bill. Any constitution or basic political compact is in effect a limitation on the power of the majority. The late Charles Nordhoff said:

> A political constitution is the instrument or compact in which the rights of the people who adopt it, and the powers and responsibilities of their rulers, are described, and by which they are fixed.
>
> The chief object of a constitution is to limit the power of majorities.
>
> A moment's reflection will tell you that mere majority rule, unlimited, would be the most grinding of tyrannies; the minority at anytime would be mere slaves whose rights to life, property, and comfort no one who chose to join the majority would be bound to respect.

It is obvious to all that a majority, by virtue of its power, should not have unlimited authority to work its will upon the minority. There are limitations on what a majority can and should do.

It will be recalled that prohibition created a nation of lawbreakers. The speak-easy and bathtub gin became symbols of the disrespect which millions of citizens had for the prohibition laws. Enforcement was a mockery. The public treasury would have become bankrupt by building jails capable of accommodating all persons who violated the prohibition laws if the laws had been enforced. Citizens broke the law with impunity and without fear of punishment. In fact, it was the popular and smart thing to do. Respect for the law reached a new low and contributed to the general decadence of that era in our history. This was without doubt one of the most violent and wicked periods in our history. The disrespect for the prohibition laws bred disrespect for all other laws and the law enforcement system. I cite this for the purpose of showing that a parallel to that unfortunate period could be created in the South by passage of this coercive measure. I do not and I will not condone violation of the laws or violence in any form, regardless of the unpalatability of the content of the law. I wish only to state a sociological truism that further Federal impositions on southern attitudes and beliefs are likely to cause people in that section to react almost involuntarily. I urge that this risk not be taken.

I yield the floor.

Mr. SPARKMAN. Mr. President, before the Senator from Arkansas yields the floor, will he yield to me?

Mr. FULBRIGHT. I shall be pleased to yield to my friend and colleague from Alabama.

Mr. SPARKMAN. A few minutes ago, the Senator mentioned the various laws on the statute books, both Federal and State. Is the Attorney General so eager to get new laws on the statute books that he does not know of the existence of the present laws?

Mr. FULBRIGHT. I think he has brought actions in four instances, but that is all.

Mr. SPARKMAN. The Senator is correct.

Mr. FULBRIGHT. Two of them have reached the Supreme Court.

Mr. SPARKMAN. Yes; that is correct. I placed in the RECORD the number of laws which are now in effect. I made that point in a previous speech. The Senator is absolutely correct.

Mr. FULBRIGHT. In my State it was found that there was no need for the laws already on the books.

Mr. SPARKMAN. I was going to ask the Senator about that. I am not familiar with the situation in Arkansas, but last night I discussed the situation with respect to Alabama.

In Alabama, any person, who believes that he has been wrongfully denied registration, may, within 30 days, file a complaint in the circuit court. He is not required to secure costs. If the court rules against him, he may take his case to the State supreme court under a preferred status.

Yet in spite of the complaints the Senator has heard directed toward Ph. D.'s at Tuskegee, for instance, does it not seem passing strange that not one of them has ever, so far as I am informed—and apparently within the knowledge of the Governor of our State, who testified to this effect—initiated an action complaining of his failure to be properly treated so far as registration is concerned?

Mr. FULBRIGHT. The Senator is absolutely correct. According to my information, it has been demonstrated that ample authority exists in the present statutes to secure whatever rights are sought to be secured.

Mr. SPARKMAN. Does not the Senator agree with me—and I wish the Senator from North Carolina would listen to my question—that an effort is being made to short circuit recognized court procedures and recognized court decisions under existing statutes? Is not that the real difference?

Mr. FULBRIGHT. That effort is being made. I may say, as I said a moment ago, that that was clearly the original intent; but due to the outstanding work of the Senator from North Carolina [Mr. ERVIN], the Senator from Alabama [Mr. SPARKMAN], and other Senators, I believe that particular aspect has been greatly diminished.

Mr. SPARKMAN. However, there is still a short circuiting of due process. The fact is that the Federal referee functions as an administrative officer.

Mr. FULBRIGHT. That is much better than to send a registrar from some ward in Chicago to supervise the matter.

Mr. SPARKMAN. Theoretically, it is.

Mr. FULBRIGHT. It is strange how pure are elections in Chicago and New York, and how the people of the North would like to supervise our elections in the South.

Mr. SPARKMAN. Does the Senator remember the Reconstruction Act of 1871, of which the pending proposal is a copy?

Mr. FULBRIGHT. Yes; and the machinery of that act was used against the entrenched machines in Chicago, New York, Philadelphia, and places like that.

Mr. SPARKMAN. And this contributed to its repeal, did it not?

Mr. FULBRIGHT. Yes.

Mr. SPARKMAN. Does the Senator recall that in 1894, when the act was repealed, not a single tear was shed in the U.S. Senate? As a matter of fact, the Democrats took the lead in repealing the act, but most of the Republicans followed along quietly, although some of them spoke out strongly on the subject.

I related a little incident last night which I had heard. I think the Senator from Arkansas would be interested in it. Frankly, I cannot document it now, although it is capable of documentation. If I recall correctly, one of the outstanding Republican Members of the Senate at that time was Senator Hoar, of Massachusetts. In later years, after he had left the Senate, Senator Hoar wrote his memoirs. He referred to the repeal of the Reconstruction Act of 1871 and told how the Republicans had been responsible for putting it on the statute books, keeping it there, and sweating with it and worrying with it through the years. In 1894, the Democrats came into control of Congress, and there was a Democratic President. In other words, the Democrats were in control of the Government.

Mr. FULBRIGHT. Grover Cleveland was President.

Mr. SPARKMAN. Grover Cleveland was President and Congress was in control of the Democrats. The Democratic Congress repealed the Reconstruction Act. Senator Hoar brought out the fact that even though he was not in a position to stand up and advocate its repeal, he had no grief over its repeal.

I think that is a rather interesting commentary on the Republicans who had placed that law on the statute books. Does not the Senator from Arkansas believe that the pending proposal may very well turn against some of the very ones who today are advocating it?

Mr. FULBRIGHT. I think it certainly may. I believe that history again will prove the unworkability of this kind of statute.

This discussion with the Senator from Alabama reminds me again of the great weakness in our educational system. It is unfortunate that some of the Members of this body have not had better teaching in history. I believe that the principal sponsors of the proposed legislation would never have been its sponsors if they had a better understanding of our country's experiences and history along the lines which the Senator from Alabama has just mentioned. This is another reason why I am such a devoted supporter of improvements in our educational system. How can we operate the Senate properly if our Members cannot learn from the mistakes of the past? If we do not learn, we will repeat all the mistakes which have been made in history. We certainly should learn from our country's experiences. The experience with prohibition should have taught us something.

Mr. SPARKMAN. It would not be at all difficult to acquire a little learning on this subject, because a rather elaborate debate took place on it in 1894.

Mr. FULBRIGHT. Senator Berry, of Arkansas, made one of the most eloquent and well-reasoned speeches on the subject, as did Senator Turpie, of Indiana, and Senator Bates, of Tennessee.

Mr. SPARKMAN. Do not forget Senator Vest, of Missouri.

Mr. FULBRIGHT. Yes; also Senator Vest, of Missouri. I quoted from his speech recently. Those Senators made very fine presentations and gave the real reasons why this kind of legislation is a great mistake and great tragedy for our country.

Mr. SPARKMAN. The report of the committee which reported the bill at that time was a tragedy.

Mr. FULBRIGHT. It is too bad that our colleagues have not paid more attention to our country's experiences in history. If they had, I do not believe they would have had the courage to try to repeat those experiences by reviving this kind of a proposal.

Mr. SPARKMAN. We spoke a few minutes ago about four cases which the Attorney General had brought under the Civil Rights Act of 1957. One of the suits which are pending in the Supreme Court now comes up from my State of Alabama. It grows out of a situation in Macon County, which is where Tuskegee Institute is located.

The Attorney General complained. As a matter of fact, he started the action, and sought to make the State a party defendant. The district judge ruled it out. It went to the circuit court of appeals, which also ruled it out, with a very decisive and incisive decision.

They sought also to make parties defendant former registrars who no longer held the office of registrar; and the Attorney General advanced what I consider to be the ridiculous argument that once a person serves in the office of registrar, he cannot resign that office or get out of it until someone else is ready to take his place; and that if he does resign, his resignation is ineffective and he is still responsible for that office until someone else is ready to take his place. One of the registrars died, but, evidently, under the Attorney General's argument, the deceased registrar would still be regarded as holding that office until his successor took office.

Mr. FULBRIGHT. In other words, the deceased registrar would still be counted as being responsible for that office?

Mr. SPARKMAN. Well, it does not seem quite right to say that, but the argument of the Attorney General would almost seem to amount to that.

We had three members of the board of registrars; and the Attorney General said there was a mass resignation. One of the registrars died, which left two registrars to constitute a quorum. Another one of the registrars decided—a year before all this took place—that he wished to serve in the State legislature; and he ran for election to the legislature, and was elected.

Under the law of our State—and I am sure the same is true under the laws of Arkansas, North Carolina, and all the other States—a person is forbidden, by constitutional provision, to hold two offices of profit under the State at the same time.

Mr. FULBRIGHT. Yes.

Mr. SPARKMAN. The registrar who ran for election to the State legislature, and was elected, wanted to be sworn in as a member of the legislature. Therefore, he resigned from the board of registrars. But the Attorney General contends that that man is still a member of the board of registrars—contrary to what is possible under the State constitution.

Another one of the registrars took another office, and resigned as registrar. But the Attorney General seeks to hold the three former registrars still responsible for what goes on there.

Mr. FULBRIGHT. That is perfectly ridiculous.

Mr. SPARKMAN. And the Attorney General has issued a statement—and I should like to have the opinions of the Senator from Arkansas and the Senator from North Carolina [Mr. ERVIN] on this matter; I may be entirely wrong in my view of this statement by the Attorney General—as follows:

> A State official may be so invested with a Federal duty as to become a Federal officer for Federal purposes.

That seems absolutely foreign to my view regarding the separation of the dual systems of government in this country—the State governments and the Federal Government.

Mr. FULBRIGHT. That theory of the Attorney General is a very strange one; it is based on a new and original idea.

Mr. SPARKMAN. It might be interesting to Senators to read the brief of the Attorney General in the case that is pending at this time in the Supreme Court.

Mr. ERVIN. Mr. President, will the Senator from Arkansas permit an interruption, if it is understood that I may say a word at this time without causing him to loose his right to the floor——

Mr. FULBRIGHT. Certainly. In fact, I am about to take my seat.

Mr. SPARKMAN. We shall be very glad to hear from the Senator from North Carolina.

Mr. ERVIN. Then I would say the Senator from Alabama is absolutely correct in the statement he has made.

As a matter of fact, this is something I thought about when I read the statement of the Attorney General, a portion of which has just now been read to the Senate by the Senator from Alabama: Although the Presidential electors are those who elect the President of the United States, under the Constitution of the United States, it has been held by the Supreme Court, in several cases, that a Presidential elector remains a State officer.

Mr. SPARKMAN. The Senator is correct.

Mr. President, I thank the Senator from Arkansas for yielding to me.

Mr. FULBRIGHT. It has been a pleasure to do so, Mr. President.

Mr. EASTLAND obtained the floor.

Mr. McNAMARA. Mr. President, will the Senator from Mississippi yield?

Mr. EASTLAND. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Michigan, with the understanding that in doing so, my right to the floor will not be prejudiced, and with the further understanding that when I address the Senate, following the remarks of the Senator from Michigan, my remarks will not be counted as a second speech by me.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McNAMARA. I thank the distinguished Senator from Mississippi for yielding to me at this time.

Mr. President, once again we are at the stage in the civil rights debates where we must cast our votes either for or against a measure.

For many Senators this will not be a hard decision to make.

There are those, for example, who like to call themselves "moderates" and for whom practically anything with the name "civil rights" attached to it would be sufficient. They will happily vote "aye."

Then, of course, there are Senators who wanted no legislation at all enacted

in this field. Naturally, they will have no problem in voting against this bill.

We may surmise, however, that some in the latter group may have to watch their step, lest they vote for the bill out of jubilation over getting off so easily.

The hardest decision, as usual, faces those of us who wanted a genuine civil rights bill, one that would really attack the problems that need solving. Unhappily, we do not have such a bill before us today.

We have a watered-down bill that has been so further diluted that it will wash right out of this Chamber and hardly will be noticed in the mainstream of American life.

It need not have been this way. Indeed, it should not have been this way, if the Congress is to be truly concerned about the hundreds of thousands of Americans who are forced to live their lives as second-class citizens.

However, the fact that the bill upon which we now must vote turned out to be as waterlogged as it is, should be no real surprise to anyone. The fact of the matter is that this was preordained.

Right from the very beginning of the so-called civil rights fight of 1960, the exact course events would take had been freely predicted.

First, the Senate, in keeping with the promises made last year, would have civil rights before it for debate by February 15. This took place on schedule.

There followed weeks of debate, with all the trimmings—including dramatic efforts to crush a filibuster, by keeping the Senate in around-the-clock sessions.

But when 31 of us signed a petition—after weeks of talk—to invoke cloture and really crush the filibuster, both the majority leader and minority leader threw their weight against us. As a practical matter, however, our cloture petition did have the effect of ending the filibuster and the ridiculous around-the-clock sessions.

But we all knew that the filibuster and the dramatics were really only window dressing. They were a show for the passing throng. They meant absolutely nothing, because what the mighty Senate really was awaiting was passage of a weak civil rights bill by the House.

Once the House acted, the Senate quickly brought the House bill before it for action, again according to plan. And that is the bill, weakened even more, that we must now vote upon.

Mr. President, I do not mean to suggest that the bill now before us does not represent the will of the majority of the Senate.

Obviously the bill does represent the will of the Senate, since those of us who wanted a strong civil rights bill have had every opportunity to propose amendments, and to have them voted on, even if many of the votes were on tabling motions offered by the majority and minority leaders.

Time after time, our strengthening amendments were rejected by a majority of the Senate; so we cannot claim we were prevented from offering our proposals.

Of course, the fact that we were beaten before we started—beaten by the committee seniority system, beaten by the combined strength of the leadership of both parties, and beaten by the usual voting coalition—does not alter the fact that we lost.

The surprising thing is that with all the leadership on the same side, it took so long to accomplish so little.

Actually, the handful of Senators who tried for a strong civil rights bill were not the ones who really lost. The real losers are the hundreds of thousands of Negroes in some areas of our country who looked to the Congress of the United States as their last hope for the protection of their rights.

They had looked to their States, and found the solid weight of these governments against them.

They had looked to the Attorney General, and found that he would not use to full advantage the considerable power he already possesses.

They looked to their President, and found him typically mute and unconcerned over their problems.

So again they looked to the Congress of the United States.

And again we raised their hopes with weeks of stirring debate directed at their problems, hopes which now have been dashed again with this bill.

As I see it, there is really only one bright spot should this bill be signed into law.

And this is that we will have established a precedent of adopting civil rights legislation in each Congress.

In 1957, in the 85th Congress, we managed to break through the barriers of tradition and prejudice and pass the first civil rights bill in more than 80 years.

This year, in the 86th Congress, we are adopting another bill that will be permitted to impersonate civil rights legislation.

There will, I am sure, be another bill in the 87th Congress, and another in the 88th.

Little by little, we will hopefully add to the arsenal of weapons necessary to combat bias and prejudice and discriminatory laws and practices.

Little by little, the true meaning and benefits of American democracy will be distributed fairly among her citizens.

Again I want to thank the Senator from Mississippi for yielding to me.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. EASTLAND. Mr. President, I move that the pending bill be recommitted to the Senate Committee on the Judiciary.

The reasons for this motion are obvious. The bill came over to the Senate from the House, and went to the Judiciary Committee with 5 days' limitation for consideration, which was wholly inadequate.

As I remember, the committee considered 36 amendments to the bill. Fifteen amendments, requiring 17 modification in the House bill were made.

Since the bill came to the floor, other "bugs" have been found in the bill; and I submit that it should go back to the Judiciary Committee for further study and further consideration. I do not think any Member of this body can say that a period of 5 days is adequate time to consider a bill that is as far-reaching as this bill; and it is the judgment of the senior Senator from Mississippi that the motion to recommit should be adopted.

Mr. President, in the long history of this country, Congress has never wasted more time on futile, useless, and unconstitutional business than it has during this debate on the so-called Civil Rights Act of 1960. Here in the Senate we are entering the eighth week of the debate. The bill that has now been read for the third time is far different in its content and character than those proposals—numerous as the sands of the sea—that were originally advanced by proponents of civil rights, extending from the liberal wing of this side of the floor to those advanced by the Eisenhower administration and urged upon this body by the Republican leadership.

The pending bill now contains six substantive titles.

As to title I, while I personally see no need or justification for a new federally defined crime involving the obstruction or attempts to obstruct Federal court orders, as long as this is a crime of general applicability extending to all court orders, it cannot be charged that the law is unjust on its face. Of course, regardless of its language and regardless of the fact that it is now a general law, no one will attempt to contradict the statement that its primary target is southern people, caught in the spider web of a U.S. Supreme Court in that area of judicial usurpation where the Federal judiciary is unconstitutionally and unconscionably attempting to integrate white and Negro children in the public schools of the Southern States.

The first section of title II also creates a new Federal crime, and this crime was originally defined as reaching only those misguided southern white people who might be guilty of damaging or destroying, by fire or explosives, public school buildings and churches. It also was enlarged to include flight to avoid prosecution for damaging or destroying any building or other real or personal property. I might say here, Mr. President, that the law enforcement agencies and courts of the Southern States are capable and efficient. Those guilty of such heinous crimes as defined in this new Federal law will be apprehended and punished by State authority, and there is no need whatsoever for Federal intervention in this field. The new crimes created and defined by section 203 of title I are not in any sense related to civil rights and have no place or part in this present pending bill. Proper consideration of these proposed statutes has never been given by the responsible subcommittee in either the Senate Judiciary Committee or the Judiciary Committee of the House of Representatives. It is entirely possible, Mr. President, that in these new statutes, well intentioned as they may be, we are sowing the wind to reap a whirlwind. I doubt that the FBI as it is now constituted is capable of undertaking the responsibilities that will fall upon its shoulders in attempting to investigate and lay the grounds for Federal prosecution for the manifold criminal acts that will here be encompassed into the body of the Federal Criminal Code.

Title III of H.R. 8601 provides for the preservation for a period of 22 months of all State election records. It further gives to the U.S. Attorney General the right and power to enter the office of a duly constituted State official and examine these election records in any manner, shape, or form he so desires. This title is a flagrant invasion of the reserved rights of the States. Its legal base is founded upon the illusionary constitutional right claimed for the Federal Government to exercise some degree of control over the time, place, and manner that Federal candidates are to be chosen. The Attorney General of the United States frankly admitted, in testifying in favor of the enactment of what is now title VI of this bill, that this section on the preservation of Federal election records which involve only Federal offices was essential for him to obtain the information that he thought would be necessary to sustain actions under title VI, which involve not only Federal elections but also every State election from constable to Governor. To my mind, this is a palpably fraudulent device by which the Government seeks to obtain information in one area where it claims jurisdiction to prosecute actions in another area where it could not obtain the same information on any legal theory involving appropriate legislation under the terms of the 15th amendment. This title is just as objectionable to me and to the people of Mississippi as is title VI itself.

Title IV gives to each member of the Civil Rights Commission the authority to administer oaths or to take statements of witnesses under affirmation. The pity of it is that this title does not abolish the Civil Rights Commission. It has no place in the life of this Nation.

Title V has been drastically altered since it was first introduced. No one can quarrel with the duty and responsibility of the Federal Government to see that children of members of the Armed Forces receive an education. By its present terms, it does no more than that.

The night before last I began a lengthy discussion of title VI, and at this time I propose to continue that discussion and analysis at the point where I then left off.

Mr. RUSSELL. Mr. President, before the Senator launches into that phase of his address, will he be kind enough to yield to me for a question?

Mr. EASTLAND. I yield.

Mr. RUSSELL. The Senator has moved to recommit the bill to the committee, in order that these novel, far-reaching and drastic provisions may be studied thoroughly. Of course, that is the function of a committee. When entirely new thoughts are advanced with respect to proposed legislation—such as those embraced in this referee proposal—the appropriate committee should analyze them to ascertain the impact that they are likely to have upon the lives of our people and the political systems of our States.

Mr. EASTLAND. The Senator is correct.

Mr. RUSSELL. I should like to ask the Senator how many hearings have been held on this new and far-reaching suggestion for placing the election machinery of the several States in receivership? I believe the Senator's committee, in the very limited time given to the committee by the Senate, was able to hold only 2 days of hearings on the proposal—or was it more than that?

Mr. EASTLAND. We had 2 days of hearings, but the Attorney General and the Deputy Attorney General of the United States took more than 1 day to testify. They were the only witnesses who appeared in favor of the bill. Mr. Charles Bloch was the other witness, and he did not have time to finish his discussion. In fact, Mr. Bloch was able to discuss, as I recall, only one part of title VI of the bill—one part of title VI—and did not get down to the referee provision at all.

Mr. RUSSELL. Title VI of the bill, which is the voting referee provision, is the most drastic provision remaining in the bill.

Mr. EASTLAND. That is correct.

Mr. RUSSELL. If I am correct in my facts, and I think I am since I have undertaken to follow the progress of the proposed legislation during its consideration by both bodies, this referee provision does not bear the approval of any standing committee of either the House or the Senate.

Mr. EASTLAND. The Senator is correct.

Mr. RUSSELL. I undertook to follow the matter when it was pending in the other body. It seemed to me that every day the proponents came up with a new version of the proposal. It would be debated for 1 day, and the next day it would be revised and brought in again.

Mr. EASTLAND. As I remember the hearings held by the House committee, Deputy Attorney General Walsh testified. Mr. Bloch happened to be in town on another matter, and he was brought before the committee without preparation.

On the Senate side Mr. Bloch told the committee he got the bill on Saturday and appeared Monday morning, so he had only part of a day or a little more than a day to prepare himself to testify.

Mr. RUSSELL. Mr. Bloch happens to be a personal friend of mine of many years standing. We served together in the General Assembly of Georgia in the early 1920's. I am well acquainted with Mr. Bloch, who is one of the outstanding constitutional scholars in this country today and a leading authority on the Constitution of the United States. However, Mr. Bloch represented only one State—and on a temporary basis. As the Senator states, he had a very limited time for preparation.

Mr. EASTLAND. Yes.

Mr. RUSSELL. What about all the others, the Governors and attorneys general of the several States? Have they had an opportunity to appear in any forum anywhere with respect to this referee matter?

Mr. EASTLAND. No; they have not had such an opportunity. They were denied that opportunity. Mr. Bloch in his testimony specified that he could only speak as the bill would affect the State of Georgia, in the area in which he lived and in the county he represented in a suit which was before the Supreme Court.

Mr. RUSSELL. Mr. President, I desire to repeat that this is a most remarkable procedure to bring a drastic and far-reaching measure of this kind to the Senate and ask to have it adopted without any scrutiny by the proper committee of the Senate and without affording the people who are most vitally affected a full and complete hearing.

Mr. President, I say again what I said at the outset of this debate. If this kind of a proceeding were brought to the Congress of the United States and aimed at any section of this common country of ours other than the Southern States, it would be spewed out in 20 minutes. It would not be countenanced long enough to be discussed. It is a sad commentary on the political life of our times that this great section of the country, which has done its full share and more in war and in peace toward the building of the defenses and in preserving this great Nation of ours, should have to be made the "whipping boy" of the politicians of both of the major political parties in this country.

Mr. EASTLAND. Mr. President, I ask the distinguished Senator from Georgia this question: Did he know that March 14, 1960, was the first time title VI, as it is in the pending bill, saw the light of day?

Mr. RUSSELL. I was not aware of the exact day, but I knew it was after the bill had been under discussion in the Senate for several weeks before the provision was ever presented to either body in this form.

Mr. EASTLAND. Does the distinguished Senator know of any other measure—even a small, picayunish bill—whose consideration has been limited in this way?

Mr. RUSSELL. With the exception of the politically inspired proposed legislation aimed at the Southern States, we do not even pass a claims bill, affecting one citizen of the United States, without giving it scrutiny by a committee, with hearings and action. We have before us a bill which will affect several million citizens and the political systems of great States of this Union. It is brought to the Senate—and the statement is made: "You have to take it and push it through, though it has not followed the ordinary parliamentary proceedings and usage which are accorded to a bill to pay a man for the death of his cow caused by some agent or employee of the U.S. Government."

Mr. EASTLAND. Mr. President, the Attorney General and the Governor of my State desired to testify against title VI. They were denied that opportunity. I understand the same is true with respect to the State of Alabama. I understand the same is true with respect to the State of Louisiana.

In fact, Mr. President, the only opposition witness who testified was the great

lawyer who said, "My preparation is inadequate. Time is too short. I can only speak as to how the bill will affect the State of Georgia."

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield for a question.

Mr. JOHNSTON of South Carolina. Is it not true that when House bill 8601 came from the House to the Senate the Senate acted in a different way upon that bill from the way in which the Senate usually acts, by sending it to the committee?

Mr. EASTLAND. Will the Senator describe the bill?

Mr. JOHNSTON of South Carolina. It is House bill 8601, the bill that is now before us.

Mr. EASTLAND. I did not remember the number.

Mr. JOHNSTON of South Carolina. When it came before us, it was sent to the Judiciary Committee of the Senate with instructions that we could keep it only 2 days, 48 hours. Is not that true?

Mr. EASTLAND. No. The bill went to the Judiciary Committee on Thursday night with instructions to report it back to the Senate by midnight the following Tuesday, which was 5 days later. What is wrong with that is that the bill went to the Government Printing Office, and it was not received back until Friday afternoon. Then there was a great amount of staff work, which required all of Friday night, and it required until Monday, and we had only Monday and we could get only one witness.

Mr. JOHNSTON of South Carolina. The earliest time we could meet was on Monday, and we had only Monday and Tuesday to study the bill, so far as members of the committee are concerned.

Mr. EASTLAND. That is true.

Mr. JOHNSTON of South Carolina. Was not that a new procedure in the Senate?

Mr. EASTLAND. It is entirely new.

Mr. JOHNSTON of South Carolina. At that time, I think the Senator from Mississippi raised the point, as I did, that we would not have sufficient time to study a bill of the magnitude of this bill in such a short period. Is not that true?

Mr. EASTLAND. Of course.

Mr. JOHNSTON of South Carolina. So we are not raising that point at this particular time for the first time.

Mr. EASTLAND. If it were not a bill aimed at the South, it would have received adequate consideration. Any other bill would have received adequate consideration.

Mr. JOHNSTON of South Carolina. Is it not true that when the bill was taken up in the committee on Monday, the Attorney General came before us, and he took up all of Monday and a part of Tuesday explaining the bill?

Mr. EASTLAND. That is correct.

Mr. JOHNSTON of South Carolina. Then, after the committee finished on Tuesday——

Mr. EASTLAND. Let me make a statement at that point.

The chairman of the Judiciary Committee first recognized the Democrats, on the basis of seniority, to ask the Attorney General and the Deputy Attorney General questions. Then the Republicans were given an opportunity. In order for Mr. Bloch to get in just a word or two, we could not give each member on the minority side the courtesy of asking questions of the Attorney General, to clarify the provisions in their minds.

Mr. JOHNSTON of South Carolina. The truth of the matter was that when Mr. Bloch came before us he was not able even to finish reading his written manuscript. Is not that so?

Mr. EASTLAND. Of course. It was placed in the RECORD. As I stated, his testimony covered only one part of title VI. It did not deal with the question of referees at all. It was confined solely to the proceeding before the district judge, before the referee was appointed.

Mr. JOHNSTON of South Carolina. So it is true that the Attorney General took the first day and a part of the second day explaining the bill. The Department had it under study probably for weeks and months. Members of the Department knew about it. Those who were opposing the legislation did not even get to see it until Friday.

Mr. EASTLAND. We were not able to see a copy of the bill until the middle of Friday afternoon, the day after the bill was referred to us. I do not remember the date. The staff could not begin work on it until then. The staff worked all of Friday night.

Mr. JOHNSTON of South Carolina. Is it not also true that when the committee started voting on amendments we had to rush through them with a great deal of haste in drawing up amendments and deciding what amendments should be offered? Many of them we thought of after the bill left the committee.

Mr. EASTLAND. The answer to that is this: We were in such a rush that we had to limit the discussion of an amendment to 5 minutes on each side. Then time was about to run out, and we had to vote on some amendments without discussion. There were members of the committee who did not have the opportunity to ask Mr. Bloch a question. There were members of the committee who did not have the opportunity to ask the Attorney General or the Deputy Attorney General a question.

Mr. JOHNSTON of South Carolina. Did we not also have to act in a peculiar way in reporting the bill back to the Senate? We were not even given sufficient time to write a report concerning the bill. Did we have any report?

Mr. EASTLAND. No. The bill was reported late Tuesday night, at 5 minutes to 12, 5 minutes before the deadline, and it was taken up in the Senate at 10 o'clock the next morning. No; there was no opportunity to write a minority report or a majority report because of the time limitation.

Mr. JOHNSTON of South Carolina. In the case of a bill of this magnitude, is it not very unusual to have a bill coming back to the Senate without any report from the committee?

Mr. EASTLAND. It has been my experience that when there is a majority report, as well as minority views, it is considered proper to give the majority a week in which to prepare its report, and the minority a week in which to prepare its views. That has been found necessary adequately to present the issue. That was denied the committee in this case.

Mr. JOHNSTON of South Carolina. When we started discussion of this matter on February 15, in reality all the time since then we were discussing another bill, before this one came over from the House. Is not that true?

Mr. EASTLAND. That is true. This is a bill which has absolutely no legislative history. Title VI, which is the heart of it, saw the light of day on the 14th of March. There was only a semblance of hearings in the House, and only a semblance of hearings in the Senate. I venture to say that every member of the Committee on the Judiciary realizes that there were no adequate hearings on the bill.

Mr. JOHNSTON of South Carolina. Was not that one of the reasons why the Senator voted against tying himself to 2 days when the bill was referred to the committee?

Mr. EASTLAND. Yes. That was one of the reasons.

Mr. JOHNSTON of South Carolina. That was one of the reasons why I voted the way I did. I did not intend to tie myself down.

Is it not true that even after the bill got back to the Senate, because we had not had hearings to bring out what was in the bill, at the last moment we found that there was a great mistake in the bill? It was proposed to herd applicants in just before the election, which could cause a very dangerous situation. Did we not find that error in the bill at the last moment?

Mr. EASTLAND. Of course.

The bill came back to the Senate with a very unique report. I judge that not in this century, so far as I know, has such a bill come with such a report. Here it is:

> By order of the Senate, agreed to March 24, 1960, H.R. 8601, to enforce constitutional rights, and for other purposes, was referred to the Committee on the Judiciary, with instruction to report back to the Senate not later than midnight, Tuesday, March 29, 1960.
>
> The committee met in executive session on March 28 and 29, 1960, during which time testimony was received from the Attorney General of the United States, William P. Rogers; the Deputy Attorney General, Lawrence E. Walsh, and the special deputy attorney general of the State of Georgia, Charles J. Bloch.
>
> The committee considered numerous amendments. The amendments agreed to by the committee are set forth in the bill as reported to the Senate.

That is a unique report occasioned by the time limitation imposed on the committee by the Senate.

Mr. JOHNSTON of South Carolina. Is it not true that of the amendments which the Judiciary Committee made to the bill, 13 out of 14 were adopted on the floor of the Senate?

Mr. RUSSELL. Fourteen out of fifteen.

Mr. JOHNSTON of South Carolina. Fourteen out of fifteen?

Mr. EASTLAND. Fourteen out of fifteen, as I recall.

Mr. JOHNSTON of South Carolina. One of the other amendments was agreed to in modified form.

Mr. EASTLAND. Yes.

Mr. JOHNSTON of South Carolina. That shows that the Judiciary Committee was doing a job on the bill in that short time, does it not?

Mr. EASTLAND. Yes; but I do not see how it is possible to have adequate discussion of far reaching constitutional proposals which will change our system of government, which place in receivership the election laws and the election machinery of a State, when a limitation of 5 minutes is placed on discussion on each side of such an amendment. That is unheard of in any legislative body in the world.

Mr. JOHNSTON of South Carolina. I agree with the Senator. I agree with him thoroughly. We will find that we will have a great many headaches as a result of the bill being enacted into law. Of course I am opposed to the Federal Government going into the State at all with respect to anything of this kind. However I agree with the Senator thoroughly that we were not given sufficient time in which to do the work that should have been done on the bill.

Mr. EASTLAND. I thank the Senator.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield to the Senator from Georgia.

Mr. RUSSELL. I do not at this late hour intend to engage in any debate with my two very close and valued friends, the Senator from South Carolina and the Senator from Mississippi, about the wisdom of my vote to send the bill to committee. I am very proud of my vote to send the bill to committee, in the light of what the committee was able to do to it in the very brief time it had the bill before it. My vote was completely justified by the committee's action on the bill.

The point I wish to make—and I am sure the Senator from Mississippi will develop it—is that the bill before us today is the clearest manifestation that could be had of two things, which I shall enumerate. The first is that it shows the value of the committee system when that system is followed. The second is the fact that the committee system was purposely avoided in trying to enact the bill.

That is why the motion now pending before the Senate should prevail and the bill should be sent back to committee.

Originally, the bill as introduced contained seven titles. It was carefully scrutinized by the Committee on the Judiciary of the House and was cut down to five titles.

In the short time that the House bill was before Senate Committee on the Judiciary, the committee was able to cut out of the bill the worst features of approximately three of those remaining titles, and the Senate has approved that action of the Senate committee.

The part of the bill to which the Senator from Mississippi is addressing himself—the monstrous proposal to put into receivership the morals and intelligence of election officials of some southern counties—has never been subjected to the scrutiny of the committee as it should have been. All six points on which the committee had an opportunity to operate, whether it was in the House or in the Senate, have been trimmed down to where they are now only a faint shadow of their original selves.

The main proposition, which no committee has had an opportunity to examine carefully, is brought here in an attempt to legislate on the floor; any such attempt always gets us into trouble, particularly so when we are dealing with politically inspired and motivated legislation that is being rushed to passage in a presidential election year. Many of the proposals that have been advanced here were brought in 3 or 4 years ago in the so-called administration package civil rights program. Those that were examined by the committees are not in the bill today. I unhesitatingly say that if the pending motion carries, and if the committee has an opportunity to really put a microscope on the bill, we would not recognize the bill when it comes back to the Senate. I am also confident such a bill would be approved by the Senate. If we could return this monstrous referee proposal to the committee, and if the committee had an opportunity to hear witnesses and to expose the proposal for what it is, it would revolt even its most ardent supporters. They would disown, disavow it. That is what happened to the other six titles of the bill.

Never has a measure cried out so loudly for committee examination. There never has been a time when the committee system—which is the heart of the legislative system—should be brought to bear upon a bill any more than in the case of this one. The bill affects the lives of millions of people. The campaigns and elections of thousands of State and local officials in vast areas of the country are involved; yet this proposal has never had the benefits of committee scrutiny. It is the result of legislating on the floor, Mr. President.

Even if this proposal might serve the political ends of a few candidates for President, we should be guided by the welfare of the millions of people affected. Above all, we should be guided by our interest in maintaining the Constitution of the United States. This bill flies in the face of the Constitution; it absolutely destroys due process so far as the local election official is concerned. The only due process he will have under the referee proposal is to be served with a petition. He cannot even get inside the courthouse to be heard when the so-called referee conducts a hearing involving him.

Mr. EASTLAND. It absolutely destroys due process. Yet it is said that it was feared the Judiciary Committee would sit on the bill. No one has said that the committee sat on title VI, which is the heart of the bill.

Mr. RUSSELL. A great many changes were made in the bill.

Mr. EASTLAND. The bill was introduced in the House on March 15, 5 weeks ago. That is the first time it saw the light of day.

Mr. RUSSELL. Since then it was rewritten three or four times on the floor of the House. The so-called O'Hara amendment was also added on the House floor. We had to get down on our knees and appeal to the Members of the Senate at the last moment to correct a monstrous injustice in the bill brought about by the adoption of that amendment on the floor. I am confident that no committee would have approved it.

As a result of the adoption of that amendment, it was necessary to appeal to Senators in person to prevent a situation in which a Negro—and in my State, according to the last census, there are more Negroes than in any other State—would have been given an advantage over any other person.

Mr. EASTLAND. The Negroes would have been put on a pedestal, above other people.

It is the judgment of the Senator from Mississippi that if the bill were sent to the Judiciary Committee, where adequate testimony could be taken on it from responsible people all over the country, Senators would not know it when it was reported back to the Senate, and the Senate would sustain the action of the committee.

Mr. President, the situation develops that when either a Federal district judge or a federally appointed voting referee accepts an application from one seeking to vote under State law and when, after being given an ex parte examination this applicant is declared to be qualified to vote it will be an abrogation by Federal law of the functions to be performed by State officers.

It puts a premium on perjury. It puts a premium on falsification. It denies the registrar the right to cross-examine the witnesses; to introduce testimony and to argue his case before the referee, so that the referee can reach an intelligent and a just decision.

There is no right or power to be found in the U.S. Constitution that would permit Federal officials to supplant State officials and exercise the power that these State officials are charged with performing under their own constitution. The enactment and application of the proposed law would destroy the republican form of government guaranteed by the Constitution to the several States.

The wrong which would be perpetuated by this voting referee plan is even more enormous when one considers that the courts have uniformly held that the responsibility for the maintenance of a republican form of government in the States is a duty and obligation of Congress, and one in which the courts have refused throughout the history of the Supreme Court of the United States to interfere with.

How many times have I heard the argument made on this floor that if a statute is of doubtful validity, Congress need not concern itself with it because the Supreme Court will straighten the matter out when it interprets what Congress intended when it enacted the statute? But if the question at issue involves what the court considers a political question, even though the statute emanates from an act of Congress

rather than a law or constitutional provision of the State itself, there is serious doubt as to whether this present court would interfere on that ground.

The contest of power between the reserved rights of the States and the Federal Government has been a continuing one insofar as Mississippi is concerned. The people of my State have never hesitated to exert to the utmost degree those sovereign powers that they are entitled to exert under the 10th amendment to the Constitution. I am proud of the fact that we have been in the forefront in this contest and that in the past as well as in the present, when the issues were justiciable, they have uniformly been resolved by the Federal courts in favor of the position of the State of Mississippi.

The first great contest arose under an interpretation of the 14th amendment. The leading case of all cases involving voting rights emanated from the State of Mississippi. This case, Williams against Mississippi, is reported in 170 U.S., page 213. The opinion, delivered by Mr. Justice McKenna for a unanimous court, posed this interrogatory:

The question presented is, are the provisions of the constitution of the State of Mississippi and the laws enacted to enforce the same repugnant to the 14th amendment of the Constitution of the United States? That amendment and its effect upon the rights of the colored race have been considered by this court in a number of cases, and it has been uniformly held that the Constitution of the United States, as amended, forbids, so far as civil and political rights are concerned, discriminations by the General Government, or by the States, against any citizen because of his race.

I must read at length exactly what was alleged by the plaintiff in error in the case. The opinion states:

Plaintiff in error says:

"Section 241 of the constitution of 1890 prescribes the qualifications for electors; that residence in the State for 2 years, 1 year in the precinct of the applicant, must be effected; that he is 21 years or over of age, having paid all taxes legally due of him for 2 years prior to 1st day of February of the year he offers to vote. Not having been convicted of theft, arson, rape, receiving money or goods under false pretenses, bigamy, embezzlement.

"Section 242 of the constitution provides the mode of registration. That the legislature shall provide by law for registration of all persons entitled to vote at any election, and that all persons offering to register shall take the oath; that they are not disqualified for voting by reason of any of the crimes named in the constitution of this State; that they will truly answer all questions propounded to them concerning their antecedents so far as they relate to the applicant's right to vote, and also as to their residence before their citizenship in the district in which such application for registration is made. The court readily sees the scheme. If the applicant swears, as he must do, that he is not disqualified by reason of the crimes specified, and that he has effected the required residence, what right has he to answer all questions as to his former residence? Section 244 of the constitution requires that the applicant for registration after January 1892 shall be able to read any section of the constitution, or he shall be able to understand the same (being any section of the organic law), or give a reasonable interpretation thereof. Now we submit that these provisions vest in the administrative officers the full power, under section 243, to ask all sorts of vain, impertinent questions, and it is with that officer to say whether the questions relate to the applicant's right to vote; this officer can reject whomsoever he chooses, and register whomsoever he chooses, for he is vested by the constitution with that power. Under section 244 it is left with the administrative officer to determine whether the applicant reads, understands, or interprets the section of the constitution designated. The officer is the sole judge of the examination of the applicant, and even though the applicant be qualified, it is left with the officer to so determine; and the said officer can refuse him registration."

Here is the same complaint we hear today. Here is the charge that is being made by the Civil Rights Commission on the basis of their half-baked information, but it is the duty of the courts not to accept opinions, surmises, guesses, and hearsay. Courts are properly concerned with shifting the conflicting charges and countercharges, the exaggerations and the imaginations, and determinating the truth. Justice McKenna continued:

It cannot be said, therefore, that the denial of the equal protection of the laws arises primarily from the constitution and laws of Mississippi, nor is there any sufficient allegation of an evil and discriminating administration of them. The only allegation is "by granting a discretion to the said officers, as mentioned in the several sections of the constitution of the State, and the statute of the State adopted under the said constitution, the use of which discretion can be and has been used by said officers in the said Washington County to the end here complained of, to wit, the abridgment of the elective franchise of the colored voters of Washington County."

Then, after reviewing and comparing the case of *Yick Wo* v. *Hopkins* (118 U.S. 356) the Justice concluded:

This comment is not applicable to the constitution of Mississippi and its statutes. They do not on their face discriminate between the races, and it has not been shown that their actual administration was evil, only that evil was possible under them.

One of the definitions in title VI to H.R. 8601 is in the very teeth of the final comment made here by Justice McKenna. It says:

The words "qualified under State law" shall mean qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have violated subsection (a) in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist.

What this definition proposes to do is to make Federal district judges or federally appointed voting referees particeps criminis in administering a valid constitutional provision or statute in an unconstitutional or invalid manner. The judge or referee is not to perform that duty and function which the constitution or statute of the State says must be performed. He is to attempt to misapply the constitution or statute in the same manner that he thinks he has found some county voting registrar misapplying it. Mr. President, I state in all sincerity that this is a travesty of every governmental and judicial function that has ever been known in all history. In the name of orderly government, it would be far better for this Congress just to declare that, irrespective of race or color, the entire franchise processes of the State will be administered by the Federal Government, than it would to place the Federal judicial machinery in the position of having to violate the positive injunctions of the constitution and statutes of the State of Mississippi.

But I say further, Mr. President, that there is nothing wrong and nothing violative of the 15th amendment in the present manner in which the duly charged election officials of the State of Mississippi administer the provisions of the constitution and statutes of that State. Previously in this discourse I mentioned a recent case in which the State of Mississippi was involved in a contest with the Federal establishment, not on the 14th amendment, as was involved in Williams against Mississippi, but on the 15th amendment, and on the very section of the United States Code which implements that amendment, and upon which the Civil Rights Act of 1957 and the presently proposed Civil Rights Act of 1960 are based—section 1971(a) of the Civil Rights Act of 1957.

In addition to part III of the opinion, which I have previously read, I want now to read to the Senate the further text of the case of Darby against Daniel:

The case before us, with some of the facts, is thus stated in plaintiff's brief: "This is an action for a declaratory judgment and injunction brought by plaintiff on behalf of himself and others similarly situated. The gravamen of plaintiff's complaint is that he and other Negro citizens of Jefferson Davis County, Miss., have been denied the right to register in order that they might vote, solely because of their race and color, through the enforcement of a policy of discrimination against Negro voters, the enforcement of unconstitutional voting requirements, and the discriminatory administration of valid requirements. The plaintiff also seeks to enjoin enforcement of a State statute which makes it a crime, punishable by imprisonment for 1 year, for him to accept financial and legal assistance in the prosecution of this action and for his attorneys and others to give such assistance.

"The plaintiff in this case is an adult Negro citizen of the United States and of the State of Mississippi, residing in Prentiss, Jefferson Davis County, Miss., since 1947. He is not an idiot, an insane person, or an Indian who is not taxed, and is more than 21 years of age. His occupation is that of a minister of the Gospel. He has never been convicted of any crime enumerated in the Mississippi constitution as grounds for disqualification as a voter. He has paid his poll tax for the years 1956 and 1957. He was a duly qualified and registered voter of Jefferson Davis County prior to January 1, 1954, and exercised his right to vote in various elections held in the county between 1950 and 1955, having registered for the first time in the early part of 1950.

"In 1954 the Legislature of the State of Mississippi proposed that section 244 of the Mississippi constitution of 1890 be amended, and after the proposed amendment was ratified by a vote of the electorate, it became law in 1955." Defendant Daniel was and is circuit clerk and registrar of Jefferson Davis County and will be referred to as defendant unless otherwise noted.

The qualifications of electors are set forth in article 12 of the Mississippi constitution of 1890 as amended, titled "Franchise," and the article embraces sections 240–253, inclusive.

The sections of the article, other than section 244 which is challenged by plaintiff, grant the right to vote to inhabitants of the State, except idiots, insane persons and Indians not taxed, who are citizens of the United States, 21 years old or over, with certain residence requirements, who have duly registered as provided in the article and who have never been convicted of certain listed crimes and who have paid all poll taxes legally required of them before February 1 of the year in which they offer to vote. Section 249 provides: "And registration under the constitution and laws of this State by the proper officers of this State is hereby declared to be an essential and necessary qualification to vote at any and all elections."

Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without losing my right to the floor and without my remarks being counted as two speeches.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EASTLAND. Mr. President, I ask unanimous consent that further proceeding under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EASTLAND. Mr. President, I continue to read:

Section 244 of article 12, prior to the amendment attacked, was in these words:

"SEC. 244. On and after the 1st day of January A.D. 1892, every elector shall, in addition to the foregoing qualifications, be able to read any section of the constitution of this State; or he shall be able to understand the same when read to him, or give a reasonable interpretation thereof. A new registration shall be made before the next ensuing election after January 1 A.D. 1892."

Amended section 244 reads as follows in its pertinent portions:

"SEC. 244. Every elector shall, in addition to the foregoing qualifications, be able to read and write any section of the constitution of this State and give a reasonable interpretation thereof to the county registrar. He shall demonstrate to the county registrar a reasonable understanding of the duties and obligations of citizenship under a constitutional form of government."

Following the quoted language the amended section goes on to provide that a person applying to register shall make a sworn written application on a form to be prescribed by the State Board of Election Commissioners, and concludes with these words: "Any new or additional qualifications herein imposed shall not be required of any person who was a duly registered and qualified elector of this State prior to January 1, 1954. The legislature shall have the power to enforce the provisions of this section by appropriate legislation."

In February 1956 the Board of Supervisors of Jefferson Davis County ordered a new registration and due notice thereof was given by publication as required by law. This new registration was in line with the practice which had been followed in the county for a number of years, new registrations having been had in the years 1906, 1923, 1934, and 1949.

Defendant Daniel first became circuit clerk and registrar of Jefferson Davis County January 1, 1956. Without dispute and based upon his opinion that, since a new registration had been ordered and forms had been sent to him by the State election commissioners, he was so obligated, he began the practice of requiring all applicants, regardless of color, to take the examination provided by the amendment and covered by the questionnaire, which policy he pursued until about October 18, 1956. Plaintiff Darby first entered his office to register on June 29, 1956, and Defendant Daniel handed him the questionnaire to be completed pursuant to the custom then universally followed by him. No discussion was had between plaintiff and defendant. Plaintiff completed a part of the written examination and signed his name and left.

He had consulted the attorney now representing him and had written a letter of complaint to the President of the United States some weeks before that, which resulted in an investigation of Defendant Daniel being made by the Federal Bureau of Investigation. About October 1, 1956, Defendant Daniel received a letter from the U.S. attorney in Jackson, Miss., requesting that Daniel come to his office for conference. He responded to the request, going in company with the county attorney to the office of the U.S. attorney. There he was advised that the Department of Justice took the position that persons who, like Plaintiff Darby had been registered prior to January 1, 1954, were required to take only the oral examination covering the qualifications as set forth in the original section 244 of article 12 of the Mississippi constitution. Daniel left the U.S. attorney and went to the attorney general of Mississippi, who advised him in writing October 12, 1956, that no person registered prior to January 1, 1954, was required to take the written examination provided by the amendment.

About November 2, 1956, Plaintiff Darby again presented himself for registration and was given the oral examination. He did not pass in the opinion of Daniel and was so advised. Neither Darby nor Daniel remembered what section of the constitution Darby was called upon to interpret. About June 8, 1957, Darby came to Daniel's office again to register and was given the oral examination, and again failed to pass. A short time thereafter the FBI made a further examination into Daniel's operation of his office in which Daniel explained freely what happened.

On June 22, 1957, Plaintiff Darby again presented himself to Defendant Daniel, this time requesting that he be given the written examination as provided by the amendment. Without dispute, plaintiff followed this course on the advice of his attorney, whom he had first consulted more than a year before. He was given the written examination on the forms furnished to Daniel by the State officials, and again Daniel ruled that he had not qualified for registration.

Plaintiff Darby appealed, as provided by law, from the ruling of Defendant Daniel rejecting his written application (he had not appealed from the other three rejections), and the evidence shows that in so doing he was guided by one of his attorneys of record who had been employed by the NAACP legal defense and educational fund. His attorney filed with the registrar a writing bearing the heading "Appellant's Contentions." Plaintiff Darby and his attorney appeared at the office of Daniel on October 7, 1957, but there was no meeting of the commissioners scheduled or held at that time. Said plaintiff and his attorney were advised that the commissioners would meet at the registrar's office on the Tuesday after the third Monday in March 1958; Plaintiff Darby testified that Daniel told them of a March meeting. No provision is made for notice to persons desiring to present contests of the actions of the registrar and we do not find that Defendant Daniel made any agreement to give any notice to plaintiff or that such an agreement, if made, would have any legal effect. The appeal, apparently begun as a test of the provisions of the constitution and statutes here under attack, was not prosecuted, but this civil action was filed 4 days before the election commissioners met in Jefferson Davis County. The appeal is still pending before them.

Other portions of the testimony will be referred to under the discussion of the several points raised by the parties.

From the written contentions so filed on the appeal, the averments of the complaint and plaintiff's brief it appears that the attack on the Mississippi constitution and implementing statutes is based upon three grounds: that section 244 is unconstitutional and void on its face because it bestows upon the registrar "an uncontrolled discretion to determine who is able to interpret the constitution of • • • Mississippi," and who is able to demonstrate an understanding of the duties of citizenship; that the section is unconstitutional and void because the purpose of said provisions was to enable the registrars to "discriminate against otherwise qualified Negroes," and that said section is being administered "in such a manner as to discriminate against Rev. H. B. Darby and other Negroes otherwise qualified, solely because of their race and color."

The complaint specifies that the uncontrolled discretion referred to results from the amendment's vague and uncertain language "which fails to set up a standard of reasonableness capable of objective measurement." The precise prayer of the complaint asks an injunction "restraining defendant from enforcing those parts of said constitutional and statutory provisions which require an elector to give to defendant a reasonable interpretation of a provision of the constitution of the State of Mississippi and which require that an elector demonstrate to defendant a reasonable understanding of the duties and obligations of citizens under a constitutional form of government." The allegations of unconstitutionality are predicated upon the due process clause of the 14th amendment and the provisions of the 15th amendment.

I

(1) Any consideration of the constitutionality of the challenged portions of this amendment begins with the fundamental fact that, under our constitutional system, the qualification of voters is a matter committed exclusively to the States. The Supreme Court has spoken on the subject in language as clear as it is decisive. Witness, for example, what it said in *Pope* v. *Williams* (1904, 193 U.S. 621):

"The privilege to vote in any State is not given by the Federal Constitution, or by any of its amendments. It is not a privilege springing from citizenship of the United States (*Minor* v. *Happersett* (21 Wall. 162)). It may not be refused on account of race, color, or previous condition of servitude, but it does not follow from mere citizenship of the United States. In other words, the privilege to vote in a State is within the jurisdiction of the State itself, to be exercised as the State may direct, and upon such terms as to it may seem proper. • • • The State might provide that persons of foreign birth could vote without being naturalized, and, as stated by Mr. Chief Justice Waite in *Minor* v. *Happersett*, *supra*, such persons were allowed to vote in several of the States upon having declared their intentions to become citizens of the United States. Some States permit women to vote; others refuse them that privilege. A State, so far as the Federal Constitution is concerned, might provide by its own constitution and laws that none but native-born citizens should be permitted to vote, as the Federal Constitution does not confer the right of suffrage upon any one, and the conditions under which that right is to be exercised are matters for the States alone to prescribe, subject to the conditions of the Federal Constitution, already stated; • • • The question whether the conditions prescribed by the State might

be regarded by others as reasonable or unreasonable is not a Federal one. • • •

"• • • The right of a State to legislate upon the subject of the elective franchise as to it may seem good, subject to the conditions already stated, being, as we believe, unassailable, we think it plain that the statute in question violates no right protected by the Federal Constitution.

"The reasons which may have impelled the State legislature to enact the statute in question were matters entirely for its consideration, and this court has no concern with them" (pp. 632–634).

Like language was used by the Court in a case so much relied upon by plaintiffs, *Guinn et al.* v. *United States* (1915, 238 U.S. 347). In striking down the grandfather clause of the Oklahoma constitution the Court fixed its eyes upon certain principles as the lodestar which should furnish the light by which it would be guided:

"It (the United States) says State power to provide for suffrage is not disputed, although, of course, the authority of the 15th amendment and the limit on that power which it imposes is insisted upon. Hence, no assertion denying the right of a State to exert judgment and discretion in fixing the qualification of suffrage is advanced and no right to question the motive of the State in establishing a standard as to such subjects under such circumstances or to review or supervise the same is relied upon and no power to destroy an otherwise valid exertion of authority upon the mere ultimate operation of the power exercised is asserted. And applying these principles to the very case in hand the argument of the Government in substance says: No question is raised by the Government concerning the validity of the literacy test provided for in the amendment under consideration as an independent standard since the conclusion is plain that test rests on the exercise of State judgment and therefore cannot be here assailed either by disregarding the State's power to judge on the subject or by testing its motive in enacting the provision (pp. 359–360).

"Beyond doubt the amendment does not take away from the State governments in a general sense the power over suffrage which has belonged to those governments from the beginning and without the possession of which power the whole fabric upon which the division of State and national authority under the Constitution and the organization of both governments rest would be without support and both the authority of the Nation and the State would fall to the ground. In fact, the very command of the amendment recognizes the possession of the general power by the State, since the amendment seeks to regulate its exercise as to the particular subject with which it deals" (p. 362).

(2) Plaintiffs base their argument that the constitutional provisions under attack are void on their face chiefly upon four Supreme Court decisions: *Yick Wo* v. *Hopkins, Sheriff* (1866, 118 U.S. 356); *Guinn et al.* v. *United States*, supra; *Lane* v. *Wilson* (1939, 307 U.S. 268); and *Schnell et al.* v. *Davis* (1949, 336 U.S. 933). Analysis of those cases will reveal that they do not apply to the constitutional and statutory provisions before us.

Yick Wo involved the constitutionality, as administered by the board of supervisors, of an ordinance of the city and county of San Francisco making it unlawful to establish or maintain a laundry without the consent of the board of supervisors unless such laundry "be located in a building constructed either of brick or stone." Two Chinese nationals were convicted of violating the ordinances and the two cases wherein they sought habeas corpus were consolidated and decided by the Supreme Court. One was Yick Wo's petition for habeas corpus denied by the Supreme Court of California, and the other a like petition by Wo Lee, on practically identical facts, denied by the Circuit Court of the United States for the San Francisco District. The facts in both cases were without dispute.

Of the 320 laundries in San Francisco, about 310 were constructed of wood, and about 240 were owned and conducted by subjects of China. The board of supervisors followed the policy of issuing permits for laundry operation to all Caucasians, and of denying it to all Chinese even though in the cases presented to the court the premises of the Chinese had been inspected and approved by the fire wardens, the health officers, and other city officials. The Supreme Court of California thought that the statute was a proper exercise of the police power, and the U.S. circuit court, in the other case, thought otherwise, expressing the opinion that the ordinances as administered violated provisions of the 14th amendment and a treaty between the United States and China. In deference to the decision of the Supreme Court of California, however, and contrary to its own opinion, the circuit court discharged the habeas corpus writ as the Supreme Court of California had done.

The Supreme Court rejected the decision of the California court, holding that the ordinances "seem intended to confer, and actually do confer, not a discretion to be exercised upon a consideration of the circumstances of each case but a naked and arbitrary power to give or withhold consent, not only as to places, but as to persons. • • • The power given to them is not confided to their discretion in the legal sense of that term, but is granted to their mere will. It is purely arbitrary, and acknowledges neither guidance nor restraint" (pp. 366–367). The final conclusion of the Supreme Court is epitomized in graphic words copied in the margin. The quotation from the Supreme Court's opinion as applied to the facts there refutes the argument the case is called upon to furnish here. The case will be discussed further in our analysis of Schnell, infra. The constitution and statutes of Mississippi do not contain any license for the exercise of arbitrary power. Plaintiffs are entitled to relief here if they can show the discrimination which was admitted there.

Guinn brought in question the constitutionality of the grandfather clause inserted by amendment into the constitution of Oklahoma. The amendment established literacy tests, but exempted from such tests every person "who was, on January 1, 1866, or at any time prior thereto, entitled to vote under any form of government, or who at that time resided in some foreign nation." The exemption was made to apply also to the lineal descendants of such persons. The court held that the language of the Oklahoma amendment was indisputably aimed directly at the 15th amendment with palpable intent of destroying the effect of that amendment. Its course of reasoning ran thus:

The 15th amendment provided that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude." The Oklahoma constitution fixed a date, January 1, 1866, as the crucial date, at which time the 15th amendment had not been passed and no Negro possessed the right of suffrage. By its terms, therefore, the exemption from the literacy test was denied to all Negroes, and was vouchsafed to all others. This being true, the Oklahoma amendment—and the Supreme Court so stated—could have no other purpose, under its very language, than to abridge the right of Negroes to vote by requiring them to pass a literacy test from which all non-Negroes were exempted.

Lane v. *Wilson* dealt with an act of the Oklahoma Legislature passed at a special session immediately following the invalidation of the constitutional amendment in Guinn, which act the Supreme Court decided was directed solely at a circumvention of the Guinn decision. The scope and reach of *Lane* v. *Wilson* can best be evaluated by quotations from the Supreme Court's opinion set forth in the margin.

It is clear that the Supreme Court thought that it was impossible to construe the Oklahoma legislation as having any efficacy which did not perpetuate as a favored class the white citizens, who were the only ones permitted to vote in 1914, and to lay a heavy burden on Negroes aspiring to register under discriminatory requirements which they were forced to meet only because they had been wrongfully excluded from voting right under the unconstitutional provisions of the grandfather clause.

The last case relied upon by plaintiffs is the per curiam opinion of the Supreme Court in Schnell et al. against Davis et al., which reads as follows:

"The judgment is affirmed" (*Lane* v. *Wilson* (307 U.S. 268); *Yick Wo.* v. *Hopkins* (118 U.S. 356)). *Cf. Williams* v. *Mississippi* (170 U.S. 213).

A three-judge District Court for the Southern District of Alabama had written a lengthy opinion and had based its decision upon a number of grounds including a finding that the Boswell amendment there under consideration "has, in fact, been arbitrarily used for the purpose of excluding Negro applicants for the franchise, while white applicants with comparable qualifications were being accepted." From the concluding words of the district court's opinion" it appears that the judgment it entered was to grant an injunction in favor of Schnell et al. The Supreme Court did nothing more than to affirm that judgment, not indicating which of the several grounds it adopted as the basis for the affirmance.

Viewed most favorably to the contentions of the plaintiffs here, it would be assumed that the Supreme Court decided that the Boswell amendment placed final and arbitrary powers in the hands of the board of registrars, which power the board had in fact exercised arbitrarily in favor of white applicants and against Negro applicants. As shown above, this was the ground common to Lane and Yick Wo, the two cases forming the predicate for the Supreme Court's action in Schnell.

It is important to note that the Supreme Court, after citing these two cases, directed a comparison with *Williams* v. *Mississippi* (1898, 170 U.S. 213). There, the literacy tests of the Mississippi Constitution of 1890 were upheld and, as demonstrated infra, the Court held categorically that the doctrine of Yick Wo did not apply. The clear meaning of the reference to the three cases by the Supreme Court was that in contrast with the valid requirements of the Mississippi Constitution, the Boswell amendment involved in Schnell came under the condemnation of the two cases wherein the Supreme Court had pointed out specifically that arbitrary power granted and discriminatorily used could not stand the test of constitutionality.

II

(1) In considering whether amended section 244 is unconstitutional on its face, it is important to bear in mind that plaintiffs concede that the voting provisions of the constitution of 1890 were valid. They could not, of course, do less because the Supreme Court of the United States specifically approved them in *Williams* v. *Mississippi* (1898, 170 U.S. 213).

Sections 241, 242, and 244 of the constitution of 1890 were attacked by motion (20 So. at 840) as being violative of the due process and equal protection clauses of the 14th amendment. The motion was grounded on the allegation that the constitutional

convention of Mississippi was composed of 134 members, of which only one was a Negro; "that the purpose and object of said constitution was to disqualify by reason of their color, race, and previous condition of servitude, 190,000 Negro voters." It was contended before the Supreme Court, 170 U.S. at page 215, that, "under prior laws, there were 190,000 colored voters and 69,000 white voters;" and "that sections 241, 242, and 244 of the constitution of this State are in conflict with the 14th amendment to the Constitution of the United States, because they vest in administrative officers the power to discriminate against citizens by reason of their color; and that the purpose of so investing such officers with such power was intended by the framers of the State constitution, to the end that it should be used to discriminate against the negroes of the State."

The contentions there made bear a marked resemblance to those now made before us. Responding to them the Supreme Court of Mississippi said (20 So. 840–841):

"At this point in the investigation it is sufficient to say that we have no power to investigate or decide upon the private, individual purposes of those who framed the constitution, the political or social complexion of the body of the convention. • • • We can deal only with the perfected work—the written constitution adopted and put in operation by the convention. • • •

"We find nothing in the constitutional provisions challenged by the appellant which discriminate against any citizen by reason of his race, color, or previous conditions of servitude. • • • All these provisions, if fairly and impartially administered, apply with equal force to the individual white and Negro citizen. It may be, and unquestionably is, true that, so administered, their operation will be to exclude from the exercise of the elective franchise a greater proportionate number of colored than of white persons. But this is not because one is white and the other is colored, but, because of superior advantages and circumstances possessed by the one race over the other, a greater number of the more fortunate race is found to possess the qualifications which the framers of the constitution deemed essential for the exercise of the elective franchise."

Affirming the decision of the Mississippi Supreme Court in Williams, the Supreme Court of the United States considered at length *Yick Wo* v. *Hopkins*, *supra*, more than half of the opinion being devoted to a study of and quotations from that case. The Court quoted what it had said in Yick Wo, which quotation—set forth supra—is the portion of Yick Wo so vigorously urged by plaintiffs before us. But concerning said quoted language the Supreme Court of the United States, after stating "We do not think that this case is brought within the ruling in *Yick Wo* v. *Hopkins*," (170 U.S. at 225), said:

"This comment is not applicable to the constitution of Mississippi and its statutes. They do not on their face discriminate between the races, and it has not been shown that their actual administration was evil, only that evil was possible under them."

The Court, in that decision, quoted and discussed all of the important provisions of the Mississippi constitution governing the right to vote, and also quoted the contention there made that the constitution vested in the registrar "the full power • • • to ask all sorts of vain, impertinent questions, and • • • reject whomsoever he chooses, and register whomsoever he chooses, for he is vested by the constitution with that power. Under section 244 it is left with the administrative officer to determine whether the applicant reads, understands, or interprets the section of the constitution designated. The officer is the sole judge of the examination of the applicant, and even though the applicant be qualified, it is left with the officer to so determine; and the said officer can refuse him registration."

It is of determinant significance that the Supreme Court in Williams rejected all of those contentions and upheld the constitutionality of section 244 as originally written.

(2) It is pertinent to observe at this point that plaintiffs, having thus conceded the validity of the original 244, make the identical argument that amended 244 is unconstitutional because (a) by its language is so vague and indefinite as to furnish no ascertainable standard of action, and (b) it invests the registrar with arbitrary and uncontrolled powers.

(a) The obvious answer to the ground first stated is that the words used in amended section 244 are the identical terms used in the 1890 constitution—"read," "reasonable," "interpret," "understand." Every one of those words was used in the original section which plaintiffs find no difficulty in comprehending. The language above quoted shows that the identical contention was made by Williams in his appeal and was rejected by the Supreme Court. It is further clear that the responsible State official was invested with exactly the same powers under the constitution of 1890 that he has under the amended section.

It is plain that what plaintiffs complain of is, not that the words used in the amendment are vague and indefinite, but that the literacy test imposed by the amendment is slightly more onerous and exacting than that of the original. They complain that the amendment requires an applicant for registration to read and write a section of the constitution. Certainly the original requirement was more rigorous at the time of its enactment than was the amendment when it was adopted.

The constitution of 1890 was passed when Negroes had just emerged from complete illiteracy—cf. the Supreme Court's language in *Brown* v. *Board of Education* (1954, 347 U.S. 483, 490) "Education of Negroes was almost nonexistent and practically all of the race were illiterate"—and when both Negroes and whites had passed through two decades of the tragedy of Reconstruction when efforts at education were close to the vanishing point. After six decades of an increasingly competent educational system it seems moderate indeed for the electorate to lay upon itself the obligation of being able to read and write the basic law of the Commonwealth. Understanding and interpretation formed a part of the original section 244 and they seem all the more proper in this time of general enlightenment.

The same can well be said of the sentence added by the amendment requiring an applicant to demonstrate "a reasonable understanding of the duties and obligations of citizenship under a constitutional form of government." In assaying the reasonableness of such requirements it is well to note that the provision of the Oklahoma constitution, which the Supreme Court found unexceptionable in *Guinn*, *supra* (238 U.S. at 357) required the applicant to both read and write, and that the Court rejected the grandfather clause only because it was not able to discover any reason for its arbitrary exemption of those possessing certain qualifications on a specified date except one which flew in the fact of the 15th amendment (238 U.S. at pp. 364–365). Such is not the case here. At a time when alien ideologies are making a steady and insidious assault upon constitutional government everywhere, it is nothing but reasonable that the States should be tightening their belts and seeking to assure that those carrying the responsibility of suffrage understand and appreciate the form and genius of the Government of this country and of the States.

(b) Literacy tests for prospective voters have been in effect in this country for a century, and no case has been brought before us holding that the people of a State have placed themselves under too heavy a burden in setting the standards which will earn the right to vote, and none condemning a literacy test as such. In *Lassiter* v. *Taylor* (U.S. D.C. E.D. N. Car., 1957, 152 F. Supp. 295, 297–298), attention is called to the fact that 19 States, only 7 of which are Southern States, prescribe literacy tests, and those States and the laws prescribing the literacy tests are listed. Plaintiffs concede that it is proper for Mississippi to enact reasonable literacy requirements for voting. That concession is bound to include the unquestioned concept that it is the States which have plenary and exclusive power to determine what is reasonable. See the language of the Supreme Court opinions in part I supra. Plaintiff's idea that a literacy test may properly embrace one facet but not two (or two facets but not three) is without sanction of either law or reason. In *Trudeau* v. *Barnes* (65 F. 2d 563), certiorari denied 290 U.S. 659, the Fifth Circuit Court of Appeals approved Louisiana constitutional requirements embracing both reading and interpreting its constitution and that of the United States.

(c) To attack the language of amended section 244 as being too vague and indefinite is to ignore a long and unbroken line of decisions approving legislative enactments whose phraseologies are far more nebulous and difficult of ascertainment than the relatively simple terms before us. A few recent examples will suffice. The Supreme Court has recently "approved a Federal and a State statute which made criminal the dissemination of literature which was 'obscene, lewd, lascivious, filthy, indecent,' " although it was necessarily left to 12 laymen constituting the jury to determine whether such dissemination had a "substantial tendency to deprave or corrupt the readers by inciting lascivious thoughts or by arousing lustful desires." The Labor Board is given power to examine protracted negotiations between representatives of employers and employees and "to determine therefrom whether there has been 'bargaining in good faith.' "

In *Screws* v. *United States* (325 U.S. 91), the Supreme Court upheld a criminal statute making it unlawful to deprive any inhabitant of a State "of any rights, privileges, or immunities secured or protected by the Constitution and laws of the United States • • • by reason of his color, or race." Those rights privileges, and immunities are legion and are being defined and expanded every day. The Court justified its decision by holding that conviction under the statute can ensue only when the jurors find, under proper instructions, that the rights violated are rights belonging to Federal citizenship as distinguished from those inherent in State citizenship. It should be remembered also that every juror in a criminal case is forced to apply his common sense in determining what is or is not a "reasonable" doubt; and jurors trying personal injury suits are required to fashion largely out of their own experience standards of "reasonable" care and "reasonable" prudence upon which to base their verdicts.

(3) To charge that the discretion vested in the registrar is arbitrary and uncontrolled is to ignore the procedures provided by Mississippi law. Administrative appeal to a board selected by the State board of election commissioners is given de novo and, on such appeal, the judgment of the registrar is so highly tentative and lacking in finality that it is not even prima facie correct. In every instance his judgment must be one based upon reason, and absolute right of appeal to the courts is also provided. This administrative machinery has the explicit approval not only of *Williams*, *supra*, but of *Peay et al.* v. *Cox, Registrar* (5 Cir., 1951), certiorari denied 342 U.S. 896.

It would be hard to conceive of constitutional provisions which safeguard the rights of applicants for suffrage as well as do the ones under attack. A permanent record is made on forms prepared by State officers and applying uniformly to all applicants, so that anything smacking of discrimination can easily be checked by examination of the public records. This provides a more certain insurance against discrimination than the requirements of original section 244—providing for oral examination—which bears the stamp of plaintiffs' approval. Right of appeal is given not only to rejected applicants but to any member of the public who may think that any applicant has been too generously dealt with.

(4)(a) In an attempt to prove that the "purpose," i.e., motive, of the people of Mississippi in amending section 244 of the Mississippi constitution was an evil one, plaintiffs sought to introduce in evidence six photostatic copies of newspaper articles expressing the opinion that the object of the constitutional amendment was "aimed at stemming the tide of Negro voters that is growing up in the State." The amendment was voted upon at an election for various officials, State and Federal. No effort was made to prove that the copies offered were in fact copies of newspapers published at the time and no proof was offered to show that the statements attributed to various individuals were made, or that the opinions were actually expressed.

These articles were permitted to be inserted in the record for whatever value they might have toward proving what the plaintiffs called climate. No statements were attributed to State officers and the articles purported to express only sentiments which were alleged to be entertained by the private citizens to whom they were attributed. The articles possessed little, if any, probative value.

(b) Plaintiffs also obtained by subpena copy of an issue of the Clarion Ledger, a newspaper published in Jackson, Miss., containing an article by Charles M. Hills in which the number of Negroes supposedly qualified and registered in various counties of the State was discussed. The article showed that Jefferson Davis County had, in 1954, 1,221 registered Negro voters. Hills was offered by plaintiff as a witness and asked as to the correctness of his figures. He replied that he had no personal knowledge at all and no information except what he had obtained, as the article set forth, from the Mississippi Citizens' Council. The figures could have been nothing but an estimate, as the registration records omit entirely any reference to the race of a registrant; but the article was received as a part of the record for whatever probative value it might have.

If the article should be accepted as dependable and as competent proof, some interesting comparisons might be made. In Jefferson Davis County 926 electors cast their ballots in favor of the constitutional amendment and 278 against it. Plaintiffs' newspaper article showed that 54 Negroes were registered voters in Itawamba County; in voting on the amendment, 228 citizens of that county voted for the amendment and 1,248 voted against it. The article reflected that 4 Negroes were registered in Pontotoc County; the vote in that county was 339 for the amendment and 1,371 against. Speculation engendered by the article would lead to the conclusion that the adoption of the amendment by well over a 2 to 1 majority statewide did not follow at all the pattern of race registration which plaintiffs attempt to ascribe to it.

(c) Plaintiffs, pursuing further the argument that the "purpose" of amending section 244 was to fashion tools the better to discriminate against Negro applicants, list a number of statutes passed by the Mississippi Legislature in 1954, 1955 and 1956 dealing with the public schools and with other aspects of what plaintiffs term "the State's declared policy of preserving segregation." If we should be tempted to accept "guilt by association" as a proper basis for condemning State action, it would not apply here, because the attack plaintiffs make here is basically upon a constitutional amendment enacted by vote of the people themselves. It was submitted at a time when only one other amendment was on the ballot and that had to do with a technical point applying to corporate procedures. The argument, like those which precede it, is lacking in force.

(5)(a) Having failed to produce any tangible proof to sustain this position, plaintiffs finally call upon us to supply the lack by judicial notice. In other words, we are importuned to rule without proof that, on its face or by reason of its unrevealed sinister "purpose," the constitutional amendment is void. The showing before us wholly fails to warrant serious consideration of so condemning a whole people, which is what we would have to do if we accepted plaintiffs' argument. Neither proof nor judicial knowledge tend to sustain plaintiffs' position.

Even if we had such knowledge by some sort of occult power of divination, we would not have the competence to do what plaintiffs advocate. No case is cited as a precedent for such action, and no proof is offered to sustain it. If we should imagine ourselves possessed of such omniscience and omnipotence, we would find ourselves confronted by a vast array of authority which forbids questioning the motives even of a legislature, certainly of a sovereign people.

(b) Commenting upon the immunity of State legislators from having their motives scrutinized, Judge Learned Hand exclaims: "But of all conceivable issues this would be the most completely political, and no court would undertake it." He also quotes Chief Justice Taney's statement in "The License cases," 5 How. 504, 583: "Upon that question the object and motive of the States are of no importance, and cannot influence the decision. It is a question of power." Mr. Justice Douglas, in *Fernandez* v. *Wiener* (326 U.S. 340), quoted the language of Chief Justice Stone in *Sonzinsky* v. *United States* (1937, 300 U.S. 506, 513): "Inquiry into the hidden motives which may move Congress to exercise a power constitutionally conferred upon it is beyond the competency of the courts." Upon a principle so unquestionable it is sufficient to add to the cases already cited a list of more recent decisions affirming it.

We hold, therefore, that plaintiffs have wholly failed to establish that the amendment to section 244 of the Mississippi constitution of 1890 is void on its face or because it was the product of base motives. We hold, on the other hand, that said amendment and the statutes passed in connection with it are valid on their face and in fact, and are a legitimate exercise by the State of its sovereign right to prescribe and enforce the qualification of voters.

This Senate is now attempting to indict and convict the State of Mississippi in the face of the repeated and uniform Court pronouncements that neither the constitution and statutes of the State nor their administration by the duly constituted officials of the State are in any manner, shape, form, or degree violative of either the 14th or 15th amendments to the U.S. Constitution. Why, Mr. President, it is a tragic day in our Nation when a high official in the Department of Justice testifying before a congressional committee in order to justify the appropriation for his useless Department—and I speak now of those officials in the so-called Civil Rights Division of the Department of Justice—would make openly and publicly such statements as these:

Since the Congress of the United States passed this act in September 1957 there has been a lot of legislation put on the books of the States deliberately designed to thwart and frustrate enforcement. This does not appear from the face of the statute. It is only by research and by the application of that statute that you can say it was designed to frustrate the intent of the Federal Congress.

Of course, the more ingenious the State action in this field is, the more difficult and the more ingenious has to be the counter moves of the Federal Government in order to try to vindicate the voting rights of the individual in accordance with the Federal statute. That is what I think makes this far more complex than it would appear from just a superficial glance at it.

This man was appearing to ask for tax money that came from the State of Mississippi. He would bite the hand that feeds him. What he is saying is in the teeth of what the courts have said from time immemorial should not be questioned by the Federal Government, and that is the motives of those individuals serving in the legislative branches of State governments who are performing their constitutional function in enacting the laws they think are best suited for the people of their sovereign State. What does he want? To send Federal officials down to the Legislature of the State of Mississippi to enact the laws that these Federal officials think should go on the statute books of that State? Mr. President, we in Mississippi never felt that we were playing any game with the Department of Justice. The courts are open. The Civil Rights Division has access to them. Why can they not make their charges in the proper forum? Why make them to Congress? The laws were then on the books, and not one action has been brought by the Attorney General against any official in my State.

But let me pursue this charge that the States are deliberately attempting to design legislation to thwart and frustrate enforcement and that this does not appear from the face of the statute.

In the case of *Cohen* v. *Beneficial Loan Corp.* (337 U.S. 541), Mr. Justice Jackson, in discussing the constitutionality of a State statute, said:

In considering specific objections to the way in which the State has exercised its power in this particular statute, it should be unnecessary to say that we are concerned only with objections which go to constitutionality. The wisdom and the policy of this and similar statutes are involved in controversies amply debated in legal literature but not for us to judge, and hence not for us to remark upon. The Federal Constitution does not invalid State legislation because it fails to embody the highest wisdom or provide the best conceivable remedies. Nor can legislation be set aside by courts because of the fact, if it be such, that it has been sponsored and promoted by those who advantage from it. In dealing with such difficult and controversial subjects, only experience will verify or disclose weaknesses and defects of any policy and teach lessons which may be applied by amendment.

And then Judge Cameron pointed out a whole series of cases in his opinion. The indictment that he made against

Darby could just as easily be applied to this witness before the House Subcommittee on Appropriations from the Department of Justice. Having failed to produce any tangible proof to sustain his position, the Department calls upon Congress to supply the lack by conclusive presumption. Congress is asked to rule without proof that on its face and by reason of its unrevealed sinister purpose the constitution and statutes of Mississippi and their application by duly appointed State officials are contrary to the 15th amendment. I say that the showing before the Senate wholly fails to warrant serious consideration of so condemning a whole people, which is what the Senate would have to do if it accepted the indictment of this official of the Department of Justice and the legislation which is proposed in title VI. Neither proof nor judicial knowledge tend to sustain this position and, as Judge Cameron further said:

Even if we had such knowledge by some sort of occult power of divination, we would not have the competence to do what plaintiffs advocate. No case is cited as a precedent for such action, and no proof is offered to sustain it. If we should imagine ourselves possessed by such omniscience and omnipotence, we would find ourselves confronted by a vast array of authority which forbids questioning the motives even of a legislature, certainly of a sovereign people.

Then he quoted further, sustaining the position which I have previously set forth in the Cohen case, saying:

Commenting upon the immunity of State legislators from having their motives scrutinized, Judge Learned Hand exclaims: "But of all conceivable issues this would be the most completely political, and no court would undertake it." He also quotes Chief Justice Taney's statement in *The License* cases (5 How. 504, 583): "Upon that question the object and motive of the States are of no importance and cannot influence the decision. It is a question of power." Mr. Justice Douglas, in *Fernandez* v. *Wiener* (326 U.S. 340), quoted the language of Chief Justice Stone in *Sonzinsky* v. *United States* (1937, 300 U.S. 506, 513): "Inquiry into the hidden motives which may move Congress to exercise a power constitutionally conferred upon it is beyond the competency of the courts." Upon a principle so unquestionable it is sufficient to add to the cases already cited a list of more recent decisions affirming it.

Mr. President, it is an insult to the people of my State for the Department of Justice and for proponents of civil rights legislation to now so question the motives of our earnest and conscientious State legislators and the executive officials of the State, from the top to the lowest echelon of county administration.

Mr. President, the chaos and confusion that would be compounded by the enactment and an attempt to apply the voting referee plan among the several States are beyond comprehension. The conflicting laws are so great that the appointed voting referee would be placed in the position of invalidating the constitution and some of the statutes of the State of Mississippi that have been in existence for generations. State election officials would be in such a predicament that nothing they could do would be right. They would either have to go to jail under the Federal law or else they would have to go to jail under the State law. Whichever way they moved, there would be only one certain result—they would wind up in jail. Let me now read section 249 of the constitution of the State of Mississippi:

No one shall be allowed to vote for members of the legislature or other officers who has not been duly registered under the constitution and laws of this State, by an officer of this State, legally authorized to register the voters thereof. And registration under the constitution and laws of this State, by the proper officers of this State, is hereby declared to be an essential and necessary qualification to vote at any and all elections.

Could anything be clearer or more explicit than the language "No one shall be allowed to vote who has not been duly registered under the constitution and laws of this State, by an officer of this State, legally authorized to register the voters thereof." The applicant to the referee is going to have a certificate in his pocket. The certificate will say "I can vote" to any person in whose face he sticks the certificate. Then the mighty contempt power of the Federal district court will come into play. The State of Mississippi will tell that official that, unless the applicant has been registered by the proper officials of the State, he will not be qualified to vote. Are these referees and these Federal district judges to become ex officio officials under the constitution of the State of Mississippi? I deny that this is possible, Mr. President, either from the standpoint of law or from that of common sense.

Now let me read the following section of the Mississippi constitution. Section 250 provides:

All qualified electors, and no others, shall be eligible to office, except as otherwise provided in this constitution.

We may ignore the words "except as otherwise provided in this constitution," Mr. President, insofar as anyone who would have one of these voting certificates in his hand would be concerned, they would not be included in this class. Neither would the holders of these voting certificates be qualified electors under the constitution of Mississippi, if section 249 has any meaning and effect.

Now let me read section 251 of the Mississippi constitution:

Electors shall not be registered within 4 months next before any election at which they may offer to vote; but appeals may be heard and determined and revision take place at any time prior to the election; and no person who, in respect to age and residence, would become entitled to vote within the said 4 months shall be excluded from registration on account of his want of qualification at the time of registration.

Every person who votes in Mississippi must be registered, Mr. President, 4 months next before any election at which he may offer to vote.

Mr. President, on page 19, in line 18, of H.R. 8601, this language will be found:

Applications pursuant to this subsection shall be determined expeditiously. In the case of any application filed twenty or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally. In the case of an application filed within twenty days prior to an election, the court, in its discretion, may make such an order. In either case the order shall make appropriate provision for the impounding of the applicant's ballot pending determination of the application.

Yesterday, that provision was modified by striking out the period after the word "provisionally," and inserting a colon and the words "*Provided, however,* That such applicant shall be qualified to vote under State laws." Although I appreciate what was attempted to be achieved by the insertion of those words, I believe the courts must in the future determine exactly what the language means. So for the present I shall overlook it, and shall continue with my explanation.

How can this section of the title be justified, in view of the section of the Mississippi constitution, that I have just read, regarding the qualifications of voters under the law of Mississippi? Why is it unreasonable to require any and all people who seek the privilege of the franchise to qualify to vote within the reasonable period of time prescribed by this provision—4 months next before an election? The truth of the business is that if Congress wished to follow the only reasonable and sensible course in drafting legislation of a character such as that I am now discussing, we would not need one legislative act. There would have to be either 50 separate legislative acts or one act with 50 separate sections—one to apply to each of the several States of this Union. It is impossible to draft legislation to fit that of the 50 sovereign States without cutting the cloth in accordance with the laws of the particular States involved. This is particularly true when we say that the words, "qualified under State law" mean qualified according to the laws of the State. But, we must write each and every one of those qualification laws into the substance of the bill, and we must tailor the bill to fit the form of the laws of each State. Even if constitutional questions were not involved, these practical considerations point out with clarity the folly of attempting to write in one short title a Federal statute, when uniformity of application is an utter impossibility because of the diversity of the laws of the States to which it will apply.

Mr. President, this bill provides for an ex parte hearing when one who seeks the right to vote applies to a Federal voting referee. But if an applicant in an ex parte hearing has a right, somebody has committed a wrong. It is inherent in our society that a person accused of a wrongful act should have the unquestioned right to be confronted by his accuser, to cross-examine the accuser and any other witnesses against him, and to present evidence in his own behalf. The ex parte procedure before a voting referee would deny to the defendant registrar—and he would be a defendant just as certainly as he was a defendant in the original action brought by the Attorney General—his day in court. That defect cannot be cured by providing for subsequent proceedings at

which he would be permitted to file exceptions to matters of fact or law with which he might disagree, in the report filed with the court by the referee who declared the applicant to be a qualified voter.

In addition to denying to the registrar a day in court, under the theory of the voting-referee proposal, as explained by Deputy Attorney General Walsh, an even more serious matter than due process of law is involved. As I understand Judge Walsh's theory, the referee procedure is justified because in connection with the original decree and injunction entered in the adversary proceeding, a canopy for the procedure would have been erected when the court found that a pattern or practice of discrimination existed. This canopy stretches to the horizon. It covers everything going and everything coming. It reaches either forward or backward—I do not know which—and inferentially attempts to make the proceeding before the referee a part of a lawsuit in which a decree might have been entered days, weeks, months, or even years in the past.

The defendant to this original action is not only estopped from defending himself as against this subsequent applicant, but, in my judgment and under Judge Walsh's theory, when either the court or the referee disagrees with the action of the registrar and finds that this registrar deprived or denied the applicant the opportunity to register to vote subsequent to the finding by the court that a pattern or practice existed, the registrar would then and there be in contempt of the injunction that was issued as a part of the original decree prohibiting him from discriminating against any potential Negro registrant on the basis of his race or color. If such an injunction was issued and the applicant was deprived or denied of the opportunity to register or to vote because he was a Negro, would this not clearly be a violation of the original injunction and, if so, could not the county registrar be then and there imprisoned up to 45 days without the benefit of a trial by jury?

The same would be true in a situation where the county registrar had given to the applicant an examination and found him not qualified to vote. Remember, the applicant came to the voting referee with a presumption in his pocket. That supplied the necessary element of proof that the reason the county registrar found him not qualified was because he was a Negro. Then, when the referee administered the examination and found the applicant qualified under State law, this contrary finding would immediately place the county registrar in the position of being in contempt of court for a violation of the injunction issued under the original decree.

Mr. President, if 100 applicants went to the referee and were found qualified contrary to the finding by the county registrar, the contempt sentences would pile up to the point where they could amount to life imprisonment, each one being taken separately. To me, this would create a fantastic situation, but if the original injunction against the registrar is of the nature that I describe, how can you arrive at any other conclusion under the language of title VI?

Mr. President, again I return to the matter of due process: the right of the defendant registrar to appear before the referee and defend himself, confront and cross-examine his accuser, and offer evidence on his own behalf. Mr. Chief Justice Hughes delivered the opinion in the case of *Morgan* v. *U.S.* (304 U.S. 1). It is elemental that the duty of courts to follow procedural safeguards is much greater than that of the administrative agencies involved in this case. Mr. Justice Hughes says:

> The first question goes to the very foundation of the action of administrative agencies entrusted by the Congress with broad control over activities which in their detail cannot be dealt with directly by the legislature. The vast expansion of this field of administrative regulation in response to the pressure of social needs is made possible under our system by adherence to the basic principles that the legislature shall appropriately determine the standards of administrative action and that in administrative proceedings of a quasi-judicial character the liberty and property of the citizen shall be protected by the rudimentary requirements of fair play. These demand "a fair and open hearing," essential alike to the legal validity of the administrative regulation and to the maintenance of public confidence in the value and soundness of this important governmental process. Such a hearing has been described as an "inexorable safeguard." And in equipping the Secretary of Agriculture with extraordinary powers under the Packers and Stockyards Act, the Congress explicitly recognized and emphasized this requirement by making his action depend upon a "full hearing."

The Court said further of this ex parte finding of the Secretary of Agriculture:

> Findings were prepared in the Bureau of Animal Industry, Department of Agriculture, whose representatives had conducted the proceedings for the Government, and were submitted to the Secretary, who signed them, with a few changes in the rates, when his order was made on June 14, 1933.
>
> No opportunity was afforded to appellants for the examination of the findings thus prepared in the Bureau of Animal Industry until they were served with the order.

And again, at a later point, the Court graphically describes the due process of law to which a defendant registrar should be entitled. It said:

> Congress, in requiring a "full hearing," had regard to judicial standards—not in any technical sense but with respect to those fundamental requirements of fairness which are of the essence of due process in a proceeding of a judicial nature. If in an equity cause, a special master or the trial judge permitted the plaintiff's attorney to formulate the findings upon the evidence, conferred ex parte with the plaintiff's attorney regarding them, and then adopted his proposals without affording an opportunity to his opponent to know their contents and present objections, there would be no hesitation in setting aside the report or decree as having been made without a fair hearing. The requirements of fairness are not exhausted in the taking or consideration of evidence but extend to the concluding parts of the procedure as well as to the beginning and intermediate steps.

Nothing could be clearer than this language to establish that the ex parte proceeding proposed by title VI is beyond the power of Congress to enact. A special master in equity proceedings is identical with a referee proposed to be established by the amendment. Serving the report of ex parte proceedings on the defendants and permitting them to file exceptions can never cure the fatal defect of a lack of a full and fair hearing—the opportunity to cross-examine and to present evidence.

On the right of a defendant to confrontation and cross-examination of his accuser, the case of *Greene* v. *McElroy* (360 U.S. 474) decided June 29, 1959, holds:

> Certain principles have remained relatively immutable in our jurisprudence. One of these is that where governmental action seriously injures an individual, and the reasonableness of the action depends on fact-findings, the evidence used to prove the Government's case must be disclosed to the individual so that he has an opportunity to show that it is untrue. While this is important in the case of documentary evidence, it is even more important where the evidence consists of the testimony of individuals whose memory might be faulty or who, in fact, might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice, or jealousy. We have formalized these protections in the requirements of confrontation and cross-examination. They have ancient roots. They find expression in the sixth amendment which provides that in all criminal cases the accused shall enjoy the right "to be confronted with the witnesses against him."
>
> This Court has been zealous to protect these rights from erosion. It has spoken out not only in criminal cases, e.g., *Mattox* v. *United States* (156 U.S. 237), 242–244; *Kirby* v. *United States* (174 U.S. 47); *Motes* v. *United States* (178 U.S. 458, 474); *In re Oliver* (333 U.S. 257, 273), but also in all types of cases where administrative and regulatory actions were under scrutiny. E.g., *Southern R. Co.* v. *Virginia* (290 U.S. 190); *Ohio Bell Telephone Co.* v. *Public Utilities Commission* (301 U.S. 292); *Morgan* v. *United States* (304 U.S. 1, 19); *Carter* v. *Kubler* (320 U.S. 243); *Reilly* v. *Pinkus* (338 U.S. 269). Nor, as it has been pointed out, has Congress ignored these fundamental requirements in enacting regulatory legislation. *Joint Anti-Fascist Committee* v. *McGrath* (341 U.S. 168–169 (concurring opinion)).

Professor Wigmore, commenting on the importance of cross-examination, states in his treaties, 5 Wigmore on Evidence (3d ed., 1940), section 1367:

> "For two centuries past, the policy of the Anglo-American system of evidence has been to regard the necessity of testing by cross-examination as a vital feature of the law. The belief that no safeguard for testing the value of human statements is comparable to that furnished by cross-examination, and the conviction that no statement (unless by special exception) should be used as testimony until it has been probed and sublimated by that test, has found increasing strength in lengthening experience."

Mr. President, this proposed procedure under title VI to H.R. 8601 is simply unconstitutional in the whole cloth. From beginning to end it violates every concept of proper judicial processes, both substantially and procedurally.

Mr. President, for the reasons already stated, I think the motion I have made to recommit the bill should certainly be agreed to.

The voting rights provision, the very heart of the bill, saw the light of day, as I have stated, on the 14th of March, about 3 weeks ago. There was no semblance of hearings on the matter in the House. I say "no semblance of hearings," because the only persons heard were the Attorney General and Judge Walsh. Mr. Charles Bloch, a great constitutional lawyer, happened to be in the city of Washington, D.C., on other business, and was called before the committee without preparation.

The bill passed the House without committee consideration to this matter, without hearing except for the three witnesses. The bill came to the Senate, and in the Senate we had a "gag" rule. The bill was sent to the committee on Thursday night, to be reported back 5 days later, on Tuesday night.

Mr. President, the committee could not meet on Friday, because we had no bill. We did not get the bill from the Government Printing Office until Friday afternoon. The staff worked all night. It was not practicable to hold a meeting on Saturday. We could not commence meeting until Monday. We met for 2 days.

The Governor and the Attorney General of Mississippi wanted to appear to testify. We had time to have only three witnesses: the Attorney General; the Deputy Attorney General, Judge Walsh; and Mr. Bloch. Mr. Bloch did not have time to finish his testimony. He discussed only part of title VI. He discussed only the provisions relating to the judge acting when a suit is instituted.

We were crowded for time on a far-reaching proposal such as this, so we had to limit debate on each amendment to 5 minutes on each side.

Mr. STENNIS. Mr. President, will the Senator yield at that point?

The PRESIDING OFFICER (Mr. McGEE in the chair). Does the Senator from Mississippi yield?

Mr. EASTLAND. I yield.

Mr. STENNIS. Is the Senator saying that the committee was limited to 5 minutes debate on amendments?

Mr. EASTLAND. That is correct.

Mr. STENNIS. In order to have the amendments considered?

Mr. EASTLAND. That is correct.

Mr. STENNIS. How many amendments did the committee have to consider?

Mr. EASTLAND. As I remember, there were some 36. We considered 36 amendments.

Mr. STENNIS. With 5 minutes to each side?

Mr. EASTLAND. I will say that there were amendments we could not consider. On the 36 amendments we ran out of time, and we could not allow more time. We simply had to offer amendments and vote. We did not have time to provide the Senate with a majority report or minority views from the committee. The report which was filed is very unique in the annals of the Senate. Inasmuch as it merely stated the action taken by the committee in complying with the mandate of the Senate.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator yield to the Senator from South Carolina?

Mr. EASTLAND. I yield.

Mr. JOHNSTON of South Carolina. Along that line, we were working under conditions which were impossible, I think. We could offer amendments, and then have 5 minutes, but of course some Senator could offer an amendment to the amendment, and then perhaps we would discuss that matter. That also took up time. Naturally it would.

Senators can readily understand we did not have sufficient time to discuss the amendments before the committee.

Mr. EASTLAND. Mr. President, the distinguished Senator from South Carolina is correct. I think that if the Judiciary Committee were given the time to go over the bill, Senators would not realize it was the same bill when it came back to the Senate, and the Senate would vote to sustain the action of the committee.

PRIZES WON BY SOUTH CAROLINA HIGH SCHOOL BANDS IN THE CHERRY BLOSSOM FESTIVAL

Mr. THURMOND. Mr. President, I take great pleasure in calling to the attention of the Senate the fact that three South Carolina high school bands were designated yesterday as winners of five of seven prizes given in the annual Cherry Blossom Festival band competition, which was held at the National Guard Armory, here in Washington. The Brookland-Cayce High School Marching Bearcats won the grand prize as the best all around band in the festival competition, after placing first in the marching contest and third in the music contest. The Brookland-Cayce Band is currently the official South Carolina championship marching band, by virtue of having won a statewide contest last November in Greenville, S.C. The band, directed by Mr. T. R. Thornley, has been commended by the South Carolina General Assembly for the excellent record it has made in the last 5 years. This is another high honor for this great band, and South Carolina is very proud of its outstanding accomplishment.

Other South Carolina high school bands which won recognition in the festival competition include the Red Raider Band, of Latta High School, Latta, S.C., which won second place in the marching contest; and the Seneca High School Band, of Seneca, S. C., which placed third in the marching contest.

We in South Carolina are proud of this splendid record of achievement by the Brookland-Cayce, Latta, and Seneca high school bands.

Mr. JOHNSTON of South Carolina. Mr. President, I am glad my colleague, the junior Senator from South Carolina, has brought this matter to the attention of the Senate and to the attention of the Nation.

I wish to point out that it is nothing new for South Carolina high school bands to win in the Cherry Blossom Festival competition, for last year and also the year before South Carolina bands were the winners.

So I wish to commend most highly the directors and the members of these South Carolina high school bands. Their accomplishments have been outstanding; and their instructors are entitled to special credit and commendation for the excellent musical skill and ability they have imparted to the members of the bands.

Mr. EASTLAND. Mr. President, the Senators from South Carolina have, with justifiable pride, informed the Senate of the prizes which have been won by South Carolina high school bands in the annual Cherry Blossom Festival.

Without attempting to detract from the credit that is due those fine groups, I wish to point out that this year's Miss America is a beautiful and talented young lady from the State of Mississippi. Furthermore, last year's Miss America was also an equally beautiful and talented young lady from the State of Mississippi. In fact, at the University of Mississippi, future Miss Americas are being "red-shirted" now; and we expect them to continue to win.

Mr. JOHNSTON of South Carolina. I should point out that because of the use of a spinning wheel in making the selection at the Cherry Blossom Festival, the winner is not necessarily the most beautiful contestant. However, if in the contest the judges had the right to award first prize to the outstanding contestant, rather than to have the winner determined by the spinning of a wheel, the winner in the beauty contest, year after year, would have been a South Carolinian—not only in the contest in Washington, but also at the Azalea Festival. In any beauty contest, young ladies from South Carolina are sure to excel.

Mr. EASTLAND. Does the Senator from South Carolina refer to the contest in Washington, D.C.?

Mr. JOHNSTON of South Carolina. Yes; and also to any other competitions in which the contestants come from all over the Nation. Whatever the contest may be, I believe that young ladies from South Carolina will win.

Mr. EASTLAND. But the "Old Miss" young ladies win the Miss America contests at Atlantic City—and very rightly so.

Mr. THURMOND. Mr. President, I would not say a word to attempt to detract from the credit due the great State of Mississippi because two Miss Americas have been from that State, in consecutive years; and Mississippi is certainly to be highly commended for her beautiful young ladies.

Mr. EASTLAND. They are very beautiful and very fine.

Mr. THURMOND. Indeed so.

In fact, I believe Mississippi is beginning to follow in the South Carolina tradition, because I believe a young lady from South Carolina won the Miss America contest the year before a young lady from Mississippi won the Miss America contest for the first time.

In addition, other beautiful and talented young ladies from South Carolina won that year, and for several years before, the Miss Dixie contest, the Miss Tobacco Queen contest, and also the Miss Universe contest.

So we are very proud of the pulchritude, the charm, the dignity, and the grace of the young ladies of South Carolina; and I am sure that both they and the young ladies from Mississippi will compare most favorably with any in the Nation; and I join my distinguished friend in complimenting the womanhood of both States.

Mr. EASTLAND. The distinguished Senator from South Carolina should be very proud of the fine young ladies of South Carolina—as I am equally proud of the fine young ladies of Mississippi. The fact is, however, that young ladies from Mississippi have won the Miss America contest for 2 consecutive years; and some of the very fine young ladies at the University of Mississippi are now being "red-shirted" for that contest, and are going to continue to win.

In addition, the University of Mississippi has had some very outstanding football teams, of which I am also very proud.

NOTICE OF HEARINGS OF THE SUBCOMMITTEE ON TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATIONS

During the delivery of Mr. EASTLAND's remarks,

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. EASTLAND. Mr. President, I ask unanimous consent that I may yield to the distinguished junior Senator from Virginia, a very able lawyer and a very great Senator, on the condition that it does not prejudice my right to the floor, and does not count as two speeches or as an additional speech.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi? The Chair hears none, and it is so ordered.

Mr. ROBERTSON. Mr. President, of course I appreciate the high tribute my distinguished friend has paid to me. I lack adequate words to express proper appreciation of a tribute beyond my just desserts.

It is with regret I have interrupted the very splendid address being made by my colleague from Mississippi, but in view of the fact that we failed to give a notice in the RECORD yesterday, I believe it is desirable to announce today that commencing on next Tuesday at 10 o'clock a.m. the Subcommittee on the Treasury and Post Office Department's appropriation bill will commence hearings in room F-39 of the Capitol. Witnesses from the Treasury Department, as is customary, will be heard first.

Again I thank my distinguished colleague for yielding to me, and I ask unanimous consent that the announcement be printed at an appropriate place in the RECORD.

Mr. EASTLAND. Mr. President, I ask unanimous consent that it be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Is there objection of the request of the Senator from Mississippi? The Chair hears none, and it is so ordered.

SECOND SUPPLEMENTAL APPROPRIATION BILL

During the delivery of Mr. EASTLAND's speech on his motion to recommit the civil rights bill,

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. EASTLAND. Mr. President, I ask unanimous consent that I may yield to the distinguished and outstanding Senator from the South—South Dakota—provided I do not lose my right to the floor, and provided my remarks when I resume will not count as another speech.

The PRESIDING OFFICER. Is there objection. The Chair hears none, and it is so ordered.

Mr. MUNDT. Mr. President, I also ask unanimous consent that these remarks may appear at the conclusion of the address of the Senator from Mississippi.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUNDT. Mr. President, as a member of the conference committee which considered the second supplemental appropriation bill, I want to register my vigorous protest to committee action which deleted the Senate amendment of $7,362,000 for payments to school districts in federally impacted areas under provisions of Public Law 874 of the 81st Congress, for fiscal year 1959.

The Senate conferees did their best to sustain the action which the Senate took, as I did personally. The House conferees were adamant. As a consequence, a compromise had to be evolved.

This action was taken because it involved operating and maintenance costs for a school year now passed. The House conferees reasoned that the 4,000 districts involved could absorb the difference between Federal assistance and costs of operation.

On behalf of the Senate, the Senate conferees said they did not feel that could be done. Very emphatically, I do not agree that it could be done, because the Federal Government had assumed at least a moral obligation to the school districts, and many of them had expected and anticipated those funds under the previous regulations and legislation.

The Federal Government assumed the responsibility of providing funds for districts whose local sources of revenue had been reduced because of Federal acquisition of real estate, or when such districts provide education for children residing on Federal property, or when the needs have increased because of some temporary upsurge in Federal employment which tends to upset the local school districts.

Assistance is given in compensation to local agencies for providing education for children whose parents are employed on Federal property and where there has been a sudden and substantial increase in school attendance as the result of Federal activities.

These school districts have honorably kept their half of the agreement, and now the Federal Government refuses to fulfill its moral obligation, not because there is any question of the validity of these claims, but, rather, based on the premise that these districts have thus far managed without these funds, and therefore can absorb the difference.

I reject that line of reasoning by the House of Representatives. I am hopeful that on some future occasion we can take what I believe is justifiable action. This is an unfortunate shirking of rightful responsibility on the part of the Federal Government, and I vigorously protest it.

I am happy that the conference committee agreed to include $22,343,000 for payments to these impacted districts for cost of operation in fiscal year 1960, despite efforts by the House conferees and on behalf of the House of Representatives to delete or reduce this sum, as well. I am pleased that my views and those of a majority of my colleagues prevailed in this instance, so it will prevent the situation from growing worse, and prevent a recurrence of the situation which the Senate tried to correct by the action it took on this appropriation bill.

I rise to express the hope that in some future supplemental appropriation bill these rightfully due funds may be included in demonstration of our good faith for the past performance of these school districts.

Mr. EASTLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. JOHNSTON of South Carolina. Mr. President, in discussing the bill now before the Senate, I invite attention to the fact that it goes into fields that the Federal Government has stayed out of ever since 1894. As Senators will recall, the Federal Government entered a field somewhat similar to this immediately following the War Between the States, and remained in this field to some extent until 1894.

In my State of South Carolina the Federal Government took absolute charge of everything until 1876. All the elections were carried out with the aid of the bayonet until 1876. Then the Federal Government began to relax in the field of elections, and it continued to relax until 1894, when the last statute on the books which gave the right to the Federal Government to interfere with State elections was repealed. That year the Federal Government withdrew from the field, and it has remained out of the field of elections to a great extent ever since then.

As we look at the Constitution of the United States, we find nothing which gives the Federal Government the right to come into a State and interfere with

an election. At the present time it is trying to enter into the field under what is known as the 15th amendment.

In the future, when the proposed law is tested out, I believe that we of the South will find that it is not what some think it is at the present time. I believe it will be found that it will interfere with elections throughout the United States.

I recognize the right of the Negro to register and vote, and to have his vote counted. I do so because it is permitted to him under the Constitution of the United States. I do so in South Carolina because our State laws permit him to register, to vote, and to have his ballot counted. We had approximately 160,000 registered Negroes in South Carolina. Something was said to the effect that there was one county in which there were none. I wish to correct that statement. Colored people are registered in every county in South Carolina. The reason it was thought that there was one county in which none were registered was that the Civil Rights Commission went into my State immediately after we canceled the old list of registered voters in my State, and before very many people had registered under the new registration period. The Commission took over before we had an election following the time when the registration system was changed.

Let us bear in mind that this represents nothing new for our State. We have a new registration period every 10 years.

So the statement that only 57,000 colored people were registered in my State, and that in one county not one colored person was registered, is not true. The inaccuracies of the Civil Rights Commission were also reflected in the report that my State has 47 counties. We have 46 counties in South Carolina. I have talked with the people in charge of registration in South Carolina, and I am advised that every county in the State has registered Negroes. Registration takes place on certain days of the month when the registration books are available at the courthouse. Both colored and white people stand in line to register, and take their turn in registering. Of course, there are certain rules connected with registration. For example, no one can register 30 days before the election. There is a reason for it. A person may move from one precinct to another during the 10 years of the registration, and the 30 days are used to purge the rolls, so that there will be no duplication on the rolls within the State. That has been the law for many years.

My opposition to all of these so-called civil rights bills—we would better call them civil strife bills—is not based upon any objection I have to the rights of Negroes to vote. No doubt the laws of South Carolina granting the free exercise of the right of franchise are not dissimilar in purpose or spirit from the laws of any of the other 49 States. These State laws, like those of my State, guarantee to all, whether white, black, brown, or whatever color or race, the equal right to vote. The qualifications for voting are the same for all races. I know of no one who can and has met those qualifications and who has been denied the right to vote in South Carolina. The attorney general of South Carolina, who has had over 10 years of almost daily contact with the problem, that is the voting rights problem with which his office is directly concerned, asserts that to his knowledge there has been but one complaint during the last 10 years.

That complaint was minor in character. The attorney general was able to solve it quickly and satisfactorily to all concerned. That is a record which compares favorably with the record of any other State in the Union.

Of course, in South Carolina we are not beset with the problems created by the influx of foreign nationals with the current wave of friction, bloodshed, turmoil and strife in our large centers of population. Our colleagues from these sections have our sympathy, but just as I feel that the operation of States rights should take place in South Carolina, I feel that these States to the north should resolve their own problems.

In South Carolina, many of our Negroes are in business, in the professions, in the farming industry, or own their establishments and are fully aware of and conversant with their rights. Many exercise their rights without harm, restraint, or interference. It is only when evildoers, do-gooders, professional agitators, so-called reformers and others, whose only knowledge of existing local conditions is gained from a one-sided, slanted, narrow, biased, and prejudiced press seeking to stir up our people, set race against race and person against person, that we find ourselves embroiled in a mesh or labyrinth of discord and civil strife. Many of these meddlers would better serve the country if they attended to their own local affairs and solved the problems facing them in their own backyards. Particularly is this true in the large metropolitan centers throughout the country.

What I am opposed to is the constant whittling away of the powers reserved to the States under the 10th amendment to the Constitution. Let us look at the provisions of title VI of H.R. 8601, so far as a voting-referee proposal is concerned. It is proposed that the voting referee be given all the powers invested in a master by rule 53–C of the Federal Rules of Civil Procedure. The number of referees can run into the thousands. Their costs can run into the millions of dollars. The only restrictions on the general powers of a master is that he is forbidden to act in any way inconsistent with the provisions of H.R. 8601. On the other hand, the general powers of a master are greatly enlarged and his authority broadened by the other provisions of H.R. 8601, as I shall later point out. Ordinarily in equity or law cases where a master is appointed, the parties to the litigation bear the additional expense of a reference to a master. Not so here. The costs which may involve an outlay of untold millions of dollars for these countless numbers of referees are to be paid by the United States. In other words, your tax dollars and my tax dollars must be increased to the extent it will be necessary not for an individual but for the Attorney General's proceedings on behalf of individual claimants who allege a denial of their voting rights. Thus the Attorney General's office must be enlarged. I can see why he is for it. The district attorneys' offices must be expanded and the whole force of both offices increased to meet the added expense when the Attorney General is authorized and empowered to engage in private litigation for those who allege that their rights are violated. This is something new. The Attorney General will be their attorney, and the taxpayers will pay for it. The people of South Carolina will be taxed, no doubt, to guarantee the right of franchise to the newly made citizens of other States, since there are no complaints originating in South Carolina.

What the country needs as a whole is the condition and experience we enjoy in South Carolina. The country needs conscientious, able, and informed election officials. But the bill does not touch them. Then there will be fewer complaints and a more able and efficient administration of all phases of our election machinery. The trouble is we are not touching it whatsoever. Our laws provide penalties now for the abuses of election laws and privileges. These penalties and the other remedies provided by law are prompt, just, and adequate. In other words, new laws are not needed. Additional statutes are not required. They would merely complicate existing laws, retard their speedy and fair administration and increase the overall costs both to the States and to the Nation as a whole.

Let me tell Senators another thing which will happen. In my State, this proposal may retard what is sought to be accomplished. Instead of doing good, I predict it will do harm. It is often said that a horse can be led to the trough, but he cannot be made to drink. That being so, laws such as this will merely complicate the existing laws and retard progress.

I call attention again to the 160,000 colored people who were registered in South Carolina up to 1958. I predict that before 1968, more than that number will be on the rolls. As I said a moment ago, I fear that a bill such as this may do more harm than good.

Instead of working for a real and sincere betterment of conditions for their race, the National Association for the Advancement of Colored People on the contrary is doing precisely the opposite. Their members are creating civil disorders, contentions, strife, and discord. This has taken place recently. This is no way to progress. This is no way to advancement. This is no way to peace and harmony among peoples of different races and backgrounds. Such conduct is conducive to mob violence, law breaking, crime, and general disorder. It is to the great credit of the great majority of our southern Negroes that they spurn the interference of these influences which they consider foreign to them.

A large majority of the colored people of my State resent outsiders coming in and telling them what to do and how to act. I think that almost everywhere one goes, he finds that when someone comes in from outside and tries to influence the reelection of someone in a State, more harm than good is done. Our colored people frown upon and disown these unsolicited interferences. Instead of discouraging these outbreaks by members of its race, the NAACP in published statements fosters and encourages a continuance of them.

I noticed in the newspapers recently that the NAACP went so far as to call an ex-President of the United States to try to get him to change a statement he had made. That was critical of sitdown demonstrations.

Moral persuasion and right thinking cannot be accomplished by statute, however strict or punitive in nature. Good will is needed. Moral values need reassessment. A little of the old-fashioned religion is required. The gospel of right, truth, and honor needs to be spread around more generously. This is not a one-way affair. It is a two-way street. Both races need more of it. More laws, I contend, are not the answer to the problems we face. What we need is more patience, a higher concept of the moral values involved and a better education in the difficulties confronting us. Progress cannot be legislated. It certainly cannot result from repressive action, punitive treatment or criminal penalties.

As I have heretofore stated, the voting referee's powers would exceed the powers of an ordinary master. The voting referee would not need to be a lawyer, although I have rarely known of any master who was not a lawyer. He is invested with the power to hold hearings, take testimony, receive evidence, issue orders and make reports. The powers of a master are judicial in nature. He may administer oaths. He rules as a preliminary matter on the admissibility of all evidence presented before him at the hearings he conducts. His powers are general by nature and are provided for in rule 53–C of the Federal Rules of Civil Procedure.

Mr. President, I want all Senators to consider carefully the provisions of rule 53–C of the Federal Rules of Civil Procedure. By reference, that rule would become a part of this law, although the provisions of the rule are not actually set forth in the proposed law. That rule reads as follows:

> The order of reference to the master may specify or limit his powers and may direct him to report only upon particular issues or to do or perform particular acts or to receive and report evidence only and may fix the time and place for beginning and closing the hearings and for the filing of the master's report. Subject to the specifications and limitations stated in the order, the master has and shall exercise the power to regulate all proceedings in every hearing before him and to do all acts and take all measures necessary or proper for the efficient performance of his duties under the order. He may require the production before him of evidence upon all matters embraced in the reference, including the production of all books, papers, vouchers, documents, and writings applicable thereto.

Mr. President, bear in mind that only one side would be permitted to present its case there, and that side would be the only one that would have a right to ask for the production of any books, papers, or vouchers. The other side would not even be allowed to make a request there; the proceeding would be ex parte.

I read further from the rule:

> He may rule upon the admissibility of evidence unless otherwise directed by the order of reference and has the authority to put witnesses on oath and may himself examine them and may call the parties to the action and examine them upon oath. When a party so requests—

And, Mr. President, note the use of the words "a party." There would be only one party at the hearing.

I read further:

> The master shall make a record of the evidence offered and excluded in the same manner and subject to the same limitations as provided in rule 43–C—for a court sitting without a jury.

Mr. President, as Senators will note, in all this the referee would be given a right to proceed behind closed doors; and he, alone, would rule upon the admissibility of evidence. He would have sole control all the way through. At the hearing, the registrar who would be accused of failing to do his duty, because of his alleged failure to register the colored person, would not be permitted to present his case. The hearing would be held only for the colored man. Obviously that would not be proper, for the law should apply generally. If there were discrimination against a white person, that person should also have a right to come into court. But this bill would not permit him to do so. This bill would give such rights and privileges only to colored people. I think that phase of the bill constitutes a direct slap at the South, which is doing a good job. It takes time to work out such problems.

The voting referee under the provisions of House bill 8601 title VI, would have the full power of a master, he, though he might not be a lawyer, also would be invested with the broad power "to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. The referee shall give the county or State registrar 2 days' written notice of the time and place of the hearing and such State or county registrar, or his counsel, shall have the right to appear and to make a transcript of the proceedings."

But the county registrar or his counsel would not be allowed to ask any questions at all.

I read further:

> His statement under oath—

Here the reference is to the statement made by the applicant, the colored man—

> shall be prima facie evidence as to his age.

But the bill says nothing about requiring the applicant to produce a birth certificate or anything of the sort. Instead, he would be the only one who would be allowed to testify about all such things. He might say, "I am 21 years old." In that case, I wonder how he could swear that that was his exact age.

After the provision, "His statement under oath shall be prima facie evidence as to his age," we then find in the bill the words, "residence, and his prior efforts to register or otherwise qualify to vote."

In other words, the applicant's statement under oath would—alone—be prima facie evidence in regard to all those matters which would have bearing on his rights.

I read further from the bill:

> Where proof of literacy or an understanding of other subjects is required by valid provisions of State law—

Mr. President, I do not know who would rule as to what was valid and what was not valid, among the laws then on the statute books, and who would separate one group from the other.

I read further from the bill:

> The answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.
>
> Exceptions as to matters of fact shall be considered only if supported by a duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts or by statements or matters contained in such report; those relating to matters of law shall be supported by an appropriate memorandum of law.

Mr. President, I do not know exactly how one who perhaps was not a lawyer could tell them what the law was.

I read further from the bill:

> The issues of fact and law raised by such exceptions shall be determined by the court or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court.
>
> A hearing as to an issue of fact shall be held only in the event that the proof in support of the exception discloses the existence of a genuine issue of material fact.

That is when they go back to the court.

I continue to quote:

> The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

Bear in mind who makes the report. It is solely the report of the voting referee on which the matter is going to be determined. That provision is written into the law.

The only qualification in H.R. 8601 which is essential for one to obtain appointment as a voting referee is that he must be a qualified voter in the judicial district in which he serves—that is, the whole judicial district. They have got to find somebody in the district to be appointed.

Mr. President, I will tell my colleagues something the sponsors have overlooked in this proposed law. I am going to call it to the attention of the other side. Thank God for the judges who have already been appointed throughout the South. I hope the ones we have will live another 100 years. We have excellent judges on the Federal bench in South Carolina. I hope in the future we get some who have the same knowledge of the law as do the Federal judges on the bench in South Carolina at the present time.

The only qualification in H.R. 8601 which is essential for one to obtain appointment as a voting referee is that he must be a qualified voter in the judicial district in which he serves. My contention is that a person invested with the powers of a master and the larger and broader powers to which I have alluded should be one versed or trained in the law, particularly the statutory requirements of one's eligibility to vote. Appointments at random can destroy the exercise of voting rights. The referee under this bill must note exceptions of fact and law. He must prepare a report on them for submission to the court for a decision.

I can imagine some persons they might appoint in my State and some of the reports they might make if those who were not lawyers were appointed. I do not know what the judges would do in my State when they received such reports. I think the proponents of the bill have forgotten that, too. The judges might scratch up the orders a little bit. They might destroy the reports and send the matters back for more evidence on which to base findings.

In the alternative, if the court delays, is busy, or, if due and speedy administration of justice requires—using the language of the bill at the bottom of page 18—the referee may supplant the judge and determine the issues of fact and law in accordance with some prearranged procedure prescribed by the court.

The bill further provides that a hearing shall be held where proof supports a genuine issue of material fact. This is a large order. No ordinary layman may possess the special knowledge to separate fact from law, distinguish and determine the existence of a genuine issue of material fact. I contend the qualifications for a voting referee should be spelled out so that only trained, efficient, morally erect, and conscientious persons can be eligible for an office carrying with it so much responsibility.

Are the powers thus conferred by reference to Federal civil rule 53–C and those added by title VI constitutional? are they necessary? Will they help anyone get the right to vote who may now be denied such a right? I contend that the attempt by this bill to confer such powers on any so-called voting referee is a denial and an abridgment of States rights as guaranteed by the 9th and 10th amendments to the Constitution. What this proposal attempts to do is to control from Washington the election machinery of the States and the officers of the States charged by State law with its administration. The only power granted by the States to the Federal Government, so far as elections or electors are concerned, is found in article I, section 2, and in the 17th amendment to the Constitution. It is unconstitutional, in my opinion, for the Congress to attempt by legislation or otherwise to usurp the function of a State or to appoint a Federal officer—a voting referee—to supervise a State election officer in the administration of his strictly State responsibilities.

Further, I think this bill, H.R. 8601, and particularly the voting referee's duties as prescribed in the bill, are unconstitutional because the Constitution in none of its provisions authorizes the Congress to intrude into State affairs in the manner the bill outlines.

I think also this bill is unconstitutional because the Constitution does not empower the Congress or the judicial branch of our Government to concern themselves with Federal or State elections. Complaints concerning nonvoting rights are not within the purview of any authority conferred upon the members of the judiciary by our Constitution. Our Federal judges are to sit in judgment in all cases of law and equity, arising under the Constitution, the laws of the United States, and treaties made, or which shall be made under their authority and with respect to admiralty cases and certain other cases wholly unrelated to the election of either a Federal or State official. We have, in my judgment, no constitutional right to pass a law which would authorize a Federal officer to superintend or supervise the election machinery or its administration by State officials. Such a bill as H.R. 8601 is usurpation, intrusion, and meddling in the raw. It becomes a rank unconstitutionality should it be passed by the Congress.

Often since I have been a Member of the Senate I have had occasion to quote the great Senator from Idaho, the late William E. Borah, who graced this body for so many years. His reasoning was clear. His arguments were sound. He was a great lawyer. He was a great American. When in 1938 there was the recurring problem of a Federal lynch law which used to haunt the Congress, Senator Borah in a speech here on this floor made an argument equally applicable against H.R. 8601. He said:

> The measure now before the body embodies the same principle upon which those measures were founded. The same arguments are made in support of the pending measure, to wit, that the southern people are to be distrusted and are incapable of local self-government.
>
> We know now what those measures in those days did. They retarded and frustrated the coming together of the people of the different States. They gave us the solid South.

That is the reason why we hear the "solid South" spoken of so much, because the rest of the United States keeps whipping the South.

> They separated us politically, which separation continues until this day. They implanted a sense of bitterness in the minds of those people, not because of what has happened upon the field but because of what happened in Congress.
>
> It is not in the interest of national unity to stir old embers, to arouse old fears, to lacerate old wounds, to again, after all these years, brand the southern people as incapable or unwilling to deal with the question of human life. This bill is not in the interests of that good feeling between the two races so essential to the welfare of the colored people.

These are the remarks of former Senator Borah. I am glad we have in the Presiding Officer's chair today the Senator from Idaho [Mr. CHURCH].

Mr. President, I quote further from Senator Borah's remarks:

> Nations are not held together merely by constitutions and laws. They are held together by mutual respect, by mutual confidence, by toleration for conditions in different parts of the country, by confidence that the people of the different parts of the country will solve their problems, and that is just as essential today as it was in 1865 and 1870.
>
> In the beginning, Mr. President, I reject the pending measure as fundamentally not in the interest of the white people of the South, not in the interest of the black people of the South, not in the interest of the national unity nor of national solidarity, not in the interest of eliminating crime.
>
> History has proven that it will be a failure, and those who suffer most will be the weaker race.

This is a quotation from the remarks of former Senator Borah in 1938. The legislation now proposed will only stir up bitterness and arouse more hatred. It will create ill will, and its enforcement will be difficult, if not impossible, so much like the antilynching law, about which the late Senator Borah said:

> Mr. President, suppose Congress passes this bill; suppose it becomes a law; where must we go for its enforcement?

Let that sink in.

Mr. President, I continue to quote Senator Borah's remarks:

> The bill may be passed by votes from other States, but for its enforcement we must go to the juries in those communities which we condemn.

In this case it is to be taken away from the juries, but left in the hands of the judge, eventually, thank the Lord.

I continue to quote:

> The bill may be passed in the theoretical atmosphere of Washington, but it must be enforced down among the people in the realistic atmosphere of the Southern States.

That is true with respect to the bill before us, also. It will have to be enforced in the Southern States.

Mr. President, I continue to quote former Senator Borah.

> There will be the southern district attorney—

I know one of those who will have a time getting his nomination confirmed, from my State. I am serving a warning on him right now. I want to know that boy very well before he has his nomination confirmed—

> the southern judges—

The ones we have now are very fine ones. I am going to vote to confirm their nominations. Those nominations will not pass the Senate, I can say that much, unless they get OLIN JOHNSTON's support.

Mr. President, I continue to quote former Senator Borah's remarks:

> There will be the southern district attorney, the southern judges, the southern juries, and they must be depended upon for the enforcement of the law. Do Senators think they will more likely enforce the law

when they have been condemned in the sight of all the world, and in the face of such condemnation, than when they are appealed to from the standpoint of the sense of duty of their State and their sense of duty of citizenry?

We get back, after all, to the people themselves for the enforcement of the law. We have had an experience in this country showing that we cannot enforce a law when public opinion is not behind the law. The only way in which we can hope to have the law enforced is by the method that is now pursued by the southern people—that is, to educate the people up to an understanding that it is to their interest and to their honor to maintain law and order in their communities—and that they are doing.

Further on Senator Borah said:

And, Mr. President, in conclusion, the progress, the development, and the advancement of the South, including the last 70 arduous years, her history from Washington and Jefferson down, rich with the names of leaders, orators, and statesmen; her soil, her sunshine, her brave and hospitable people, her patient and successful wrestling with the most difficult of all problems, are all a part of the achievements of our common country and they constitute no ignoble portion of the strength and glory of the American democracy. I will cast no vote in this Chamber which reflects upon her fidelity to our institutions or upon her ability and purpose to maintain the principles upon which they rest.

God bless him for that statement. If more people thought and acted along that line, our Nation would be much better off.

What we need now is a voice from across the aisle, and if you please, from this side too, which in clear and unmistakable language would chart our constitutional responsibility and keep us within the letter and spirit of the Constitution.

There is great need in the world today for unity. We need unity and good will at home. It is needed by the States. Our National Government must have unity among its peoples. The nations of the world, armed to the teeth with the most destructive weapons ever known or conceived by science and man's development of it, need unity, friendship with one another, and a spirit of good will. Cleavages and differences must be allayed, not sharpened—softened, not made more bitter.

The Congress has important work it should now be doing in the interest of all of us and the peoples of the world. Yet we are embittered here in a useless and needless struggle merely for the hope of some political advantage during this election year. We are engaged because we are prodded into it by the paid representatives of an association dedicated now more to agitation than it is to advancement. I do not believe the colored people in the South have any interest in their meddlesome mouthings and undertakings. I am positive that in my own State this organization which is doing so much to create confusion, strife, and ill will, does not meet with the favor of the great majority of our colored citizens. I do not believe they appreciate the harm that will come from the transgressions of members of their race living in the cities of the North.

I plead for sanity in our deliberations. I plead for sanity in our legislation. I plead for unity among our peoples. H.R. 8601 accomplishes none of the things for which I plead.

I would like to bring to the attention of the Senate an article that appeared in the current issue of the Reporter magazine of March 31 entitled "How the Northern Negro Uses His Vote."

While I do not agree with everything contained in this article, I think it is of such significance that it should be brought to the attention of the Members of the Senate and the House of Representatives. Particularly it should be brought to the attention of the so-called liberal Members of the Congress who are currently going through the throes of their annual spring drive to broaden civil rights legislation and their seemingly deep interest in stretching the meaning of provisions contained in our Constitution.

There was a time when the problem of integration, which after all is the all-encompassing phrase for these civil rights proposals, was a problem peculiar to the South. Today, however, the problems involved are applicable in a large degree more so to the large northern areas than to our southland.

The northern liberal press, of course, has blinded itself to any of the racial problems in the North and for years now, nearly a generation, has been attacking the South and its way of life and has been encouraging the various devious means of trampling our Constitution in order to bring what they call social and political emancipation to alleged minority groups of our country.

Actually in this drive to use the South as a whipping boy the basic truths of the problems have been completely overlooked.

For example, in the field of voting, the liberal newspapers keep harping that the Negro must be given the freedom to vote—the right to vote—the right to exercise his political prowess in the South. In all of these writings and editorial attacks concerning the South seldom has any large liberal newspaper mentioned conditions in the North such as in New York where thousands upon thousands of Puerto Ricans are disfranchised because they cannot meet the qualifications for voting in that State. In the South Negroes have more political freedom than they do in the North for a very basic reason. In the South Negroes vote as individuals in most elections. To my knowledge no Negro has been illegally disqualified from registering and voting in my State of South Carolina. Negroes have a right to vote in South Carolina and they do so independently and as individuals. In the large northern cities, however, where they may have a right to vote, they do not vote freely because they are frenzied into block voting or, if you please, spite voting, by race-baiters, hate agitators and political despots who dictate what the Negro voters shall do and who tell them if they do not vote a certain way what they will not get. In South Carolina, for example—I use South Carolina as an example because I know about conditions in my State—when people run for office they do not rave and rant about hatreds between the races and they do not offer one minority group over another majority group, or vice versa, special political dispensation. When people in South Carolina run for public office they run on their record and they expound what they will do for the people of South Carolina—not the Negro people—not the Catholic people—not the Jewish people—not the white people—not the low-country people—not the Piedmont people and not any other special kind of people—we say what we will do for all the people of South Carolina. Sadly, in the North the situation is not the same and if the present majority of the Congress insists and persists in continuing to dig up civil rights legislation which stirs up hatred and points up differences between minority groups, they will only worsen the situation in the North. They will not create more freedom for Negroes and other minority people, but they will actually cause the opposite effect. They will diminish the freedoms of these minority groups because they will drive these minority people away from becoming a part of our civilization and into a minority block group. Individuals in block groups do not act as individuals nor do they vote as individuals. They become blocks who vote and act like machines run by machine politicians.

In the South we have always practiced segregation, but Negroes have always held positions of authority, trust and honor both in government and in private business as do whites, Jews, Catholics or what have you. In South Carolina we treat people on individual merit. The standard of living of the average Negro in the South, in my opinion, is far above the standard of living of the average Negro of the North. There are variances, of course, in specific areas, but I do not hesitate to say that the average Negro in Columbia, S.C., for example, realizes more political freedom, social prestige and economic freedom than the average Negro in New York City.

I defy New York to treat its Negro teachers the same as we treat ours in South Carolina. They actually discriminate against the number they employ in New York. I think that is true generally in Northern States. We have far more Negro teachers in South Carolina, by percentage, than there are in any Northern State.

In the long run the drive for civil rights legislation in Congress will accomplish little or nothing for the Negroes of America or for any other minority group in America. Certainly these bills will accomplish nothing for the average American, regardless of religious or racial background.

Actually this type of legislation is just another way of accomplishing changes in our Constitution without going through the legal steps of obtaining constitutional amendments. The very blessings of our party system of government have brought with it a curse. This curse is the one placed upon the politicians who are blind to constitutional government and who would sacrifice the foundations of our Government in order to satisfy the temporary appetite of pressure groups such as the National Association for the Advancement of Colored People. One must be politically realistic in analyzing the situation as it exists today. One of these realistic facts is this fact which every Member should know, if he does not already know: The fact is that without a racial issue the NAACP would go out of business in 24 hours. Without strife, without constant stirring of racial hatreds and without a racial issue of some nature, the NAACP would just wither away. That being so, if the politicians from the North would quit listening to the ranting and mythical charges of the NAACP and similar organizations, and would conduct their politics from a high-principled constitutional platform looking to the welfare of all people rather than minority groups, then eventually the NAACP's appeals would fall on deaf ears and the Negroes would vote as individuals and would realize genuine political freedom. The natural following is that, having lost its freakish powers, the NAACP would go out of business and the politicians of the North would be free to represent all the people without having to make specific reference to minority groups in every political ward of the North. Such development would create a healthy atmosphere under which the representatives of the people would come to Washington and we would begin to work together for the welfare of all people instead of spending 4 months of a 6-month legislative year wrangling over civil rights legislation which can never accomplish any good for the people.

Mr. President, I would like now to read into the RECORD for the benefit of the Nation this deeply analytical article from the Reporter entitled "How the Northern Negro Uses His Vote":

HOW THE NORTHERN NEGRO USES HIS VOTE

(By James Q. Wilson)

In certain political quarters, one of the most eagerly—and apprehensively—awaited events of 1960 will be the publication, by the Department of Commerce, of the preliminary tabulations of the decennial census of the United States. When they appear, the first page to which many will turn will be that showing the size of the Negro population of northern cities.

The great migration of Negroes to the north has been one of the most significant events of the past 20 years. In 1940, more than three-fourths of all American Negroes lived in the South. Today, about one-half remain; the rest have gone north and west to the great Negro population centers of Chicago (800,000), New York (nearly 1 million), Philadelphia (500,000), Detroit (450,000), Los Angeles (255,000), and elsewhere. The impact of this tidal wave has been felt in housing, employment, welfare services, and crime rates, but nowhere has its long-term importance been greater than in the area of politics.

From four northern cities Negroes have gone to Congress—WILLIAM L. DAWSON from Chicago; ADAM CLAYTON POWELL, JR., from New York; CHARLES C. DIGGS, JR., from Detroit; and ROBERT N. C. NIX from Philadelphia. Negroes sit in the councils of dozens of cities and in many State legislatures. Negro leaders are expecting to capture additional congressional districts in the near future. Two in California, two more each in Illinois, Michigan, and New York, and others already have (or nearly have) Negro majorities.

The voting strength of northern Negroes is relatively high. In 1956 it is estimated that 3 million Negroes registered to vote in the North, of whom perhaps 2 to 2½ million actually voted. The Congressional Quarterly, in the same year, concluded that Negroes held the balance of power in 61 congressional districts in the North—that is, the size of the Negro vote based on 1950 figures was greater than the majority won by the incumbent Congressman.

Many Negro leaders view this development with satisfaction. At the same time, Negroes and whites alike see many problems arising as a consequence of this steady upsurge in the Negro vote.

REWARD YOUR FRIENDS?

One problem concerns the future of northern liberals. In the past, Congressmen and other elected officials from large northern cities have been sensitive to the presumed demands of Negroes and other minority groups. In part this attitude stemmed from conviction and in part from a frank appraisal of Negro voting strength.

But as Negroes move into formerly all-white political districts at an ever-increasing rate, an effort is almost invariably made to replace the white elected officials with Negroes. Many white politicians, when Negroes enter their bailiwicks, often take firm and vigorous stands on civil rights and similar matters. When Negroes become the dominant group in the district, however, the liberal performance of the white official has been of little value in insuring his continuance in office. He is placed in a hopeless situation when race appeals (a Negro leader for a Negro district) override positions on issues. Negroes argue that such changes are justified by the need for direct access to Government; whites, on the other hand, often feel they have been let down. "Why stick your neck out," one of them said, "if they will only chop it off in the end?"

Negroes themselves are split on this question. In Detroit, two white liberal Congressmen, THADDEUS M. MACHROWICZ of the 1st District and JOHN D. DINGELL, of the 15th, were challenged by Negro opponents in the 1958 primaries. The AFL–CIO, a strong political force with many Negro members in these districts, fought to reelect MACHROWICZ and DINGELL. They won decisively, but it required persuading a large number of Negroes to vote for the white candidate against the Negro in the Democratic primary. The union leaders feel that it is only a matter of time before it will be impossible to hold the seats for any white men.

SYSTEMS AND LEADERS

How and when Negroes manage to win elective office varies from city to city. In most cases, getting in office is dependent upon the electoral system in the city and the nature of the party organization. Negroes rise more quickly to public office where the city chooses its officials on the basis of a large number of relatively small districts, such as wards, councilmanic districts, and assembly districts. Chicago, for example, elects 50 aldermen to its city council from small wards, the average population of which in 1950 was only 72,000. As a result Chicago, with a large and highly concentrated Negro population, had a Negro alderman as early as 1915, and now it has six.

New York, with a larger population, elects only 25 city councilmen from districts averaging more than 300,000 in population. The result is that only one Negro sits in the New York City Council. In Los Angeles, where the Negro population is proportionately nearly half the size of Chicago's and where the councilmanic districts are twice as large, there is still no Negro on the council.

The Negroes' entry into elective office is even further slowed when the city chooses its officials at large rather than from districts of any kind. Detroit, for example, has a nine-man common council elected at large from the city as a whole. Although the Negro population is believed to be at least one-fifth of the total, it was not until 1957 that a Negro won a council seat.

Many city political organizations have come to realize that the growing Negro population is one of the largest and most dependable sources of political strength. When a party in a city like Chicago allocates the resources it has for getting out a big vote, it frequently decides to put them most heavily into the Negro neighborhoods. This strategy pays off. The majority received by Chicago's Mayor Richard J. Daley when he was first elected in 1955 came largely from the Negro wards. Today in Chicago and Manhattan, Negroes provide between one-fourth and one-half of the Democratic Party's majorities, and it seems highly probable that this proportion will increase in the future.

The possibility of sustaining a strong party organization, once thought to be a thing of the past, has revived with the influx of Negroes into northern cities. Patronage—city hall jobs and favors—has lost its attractiveness to many of the older ethnic groups as they have risen in economic and educational status. Because the Negro is typically in an underprivileged economic position and because discrimination or his lack of training often excludes him from other job opportunities, he tends to regard such patronage as valuable.

The different political systems in American cities produce different kinds of Negro political leaders. Where men are elected from a small-district system by a strong party organization, Negro (as well as other) leaders are often men like Chicago's aldermen—distinguished for their party regularity, their lack of interest in the kinds of issues that excite the newspapers, their devotion to politics as a career. Where officials are elected at large in cities without strong party machines, the Negroes who are successful often are not professional politicians and have achieved prominence in some other career, such as law, journalism, or civic work. They usually take a great interest in newspaper issues. Since they are chosen at large, they must be acceptable to large numbers of white voters. To become acceptable, Negroes must often display even higher qualifications than those required of their white counterparts. The Negro member of the Detroit Common Council, William T. Patrick, is an attorney, a graduate of Harvard Law School, and an eminently respectable and energetic man. He managed to get both union and conservative newspaper backing.

Of course, if a Negro candidate's constituents are mostly Negroes, the temptation is very strong to agitate race issues and run against the white man as a means of attracting support. ADAM POWELL in New York has found the temptation irresistible.

STRANGE DEVICES

Although almost no one will discuss the matter publicly and few will mention it privately, there is a growing concern among whites about the long-range implications of the Negro in northern city politics. Some speak apprehensively of the day when Negroes will control the city council or perhaps elect a mayor. One Chicago businessman said, "When that day comes, to hell with this city; I'm getting out."

That day is not yet imminent, but there are signs of nervous anticipation on every hand. In some cities, changes in the political system have been made or proposed in order to curtail Negro political power and reduce the number of Negro officeholders.

In Chicago, some have urged altering the old ward system and electing some or all of the aldermen at large. Other reasons for such changes exist, and fear of Negroes is not always the motive behind these plans. But to many it is an important consideration. When the Chicago Home Rule Commission proposed, in 1954, reducing the number of aldermen from 50 to 35 and electing 10 of these at large, the Negro member of the commission, and most Negroes generally, opposed the suggestion because it would reduce Negro political representation.

Other cities have found it possible to make changes which, although prompted by a variety of motives, have had as an important consequence the limitation of Negro political strength. The Los Angeles City Council redraws its district lines every 4 years, and has done so in a way that places the Negro registered voters in a minority position in any given district. Most Negro leaders publicly charge, and many whites privately admit, that this is deliberate gerrymandering to keep Negroes out of the council.

Although Negroes number an estimated 255,000 in the city and perhaps twice that in the county, they have only a single elected official in Los Angeles—State Assemblyman Augustus Hawkins.

In Cincinnati, the repeal in 1957 of the electoral system that had been in use since 1924 was closely linked with the problem of Negro political influence. Negroes number about one-fifth of Cincinnati's population, and under the system of proportional representation in effect since 1924, they had always been able to elect one or two Negroes to every city council. The proportional representation system strengthened the representation of cohesive minority groups, and a Negro could win a council seat with as little as 13 percent of the first-choice votes in a typical election. Ted Berry, a prominent and vigorous Negro lawyer, was a councilman from 1949 to 1957. In 1955 he ran second in a field of 21 candidates, and as a result the council elected him its vice mayor. In 1957 the city voted to end proportional representation and revert to a system of voting for individual candidates.

Although little public discussion centered on this point, there is no doubt that a strong undercover argument against the old system was the election of Berry as vice mayor and the possibility that he might in time be mayor. Charges were circulated that a "Negro machine" was being built by Berry and that he was instrumental in encouraging Negro entry into white neighborhoods.

After proportional representation had been repealed, a new council election was held. Although Berry had the endorsement of the charter party, an influential group in city politics since the reforms of 1924, he ran 15th in a field of 18 under the new election system. In 1959, with stronger backing, he came in 10th in a race for 9 seats.

The 1960 census will undoubtedly show great increase in the Northern Negro population over 1950. In some cities, like Washington, D.C., it will probably amount to over half the total. This will increase resistance from Southern congressional leaders to home rule for Washington. In many wards in other cities where the exact size of the Negro population is now a matter of conjecture, there will be renewed efforts by Negroes to assert their claims to political representation when they have hard facts to demonstrate their numerical strength.

Mr. President, the article calls to the attention of the Members of Congress from the Northern States the fact that what today is a headache for the South will, tomorrow, be a headache for the North. Senators from the northern part of the country may think this bill will penalize only the South. But, Mr. President, here and now I predict that it will not be many years before the Senators who now are the most insistent in demanding that the bill be enacted into law will find that it has knifed them in the back; and then they, themselves, will try their utmost to do what I am now doing, as I try to keep the South from being penalized; and all of them will then be opposing the measure which today the Senate so-called liberals are endorsing.

Mr. President, when that time comes, I would hate to say, "I told you so"; but I believe it my duty now to let them know what they are facing at this time and what, in my opinion, they will face even more in the very near future.

Mr. President, in dealing with all these problems, may God guide us and help us to proceed wisely as we endeavor to bring about better relationships between the races, particularly in connection with the handling of these problems throughout the Nation. That will ever be my goal.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. ENGLE in the chair). The Senator from Illinois will state it.

Mr. DIRKSEN. Is not the pending question on agreeing to the motion of the Senator from Mississippi [Mr. EASTLAND] that the bill be recommitted to the Judiciary Committee?

The PRESIDING OFFICER. That is correct.

Mr. DIRKSEN. Mr. President, I propose to submit a motion to lay on the table the motion to recommit. But before I make that motion, I wish to yield to the distinguished Senator from South Carolina [Mr. THURMOND], who, as I understand, desires to speak for approximately 30 minutes. Therefore, I ask unanimous consent, Mr. President, that I may temporarily withhold my motion to lay on the table, in order to yield at this time to the Senator from South Carolina.

The PRESIDING OFFICER. Is there objection? The Chair hears none; and the Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I am most concerned about the apparent unconcern in the Senate over the provisions of title III of the pending bill, which imposes on State election officials the requirement to preserve certain voting records for a period of 22 months following specified elections. I do not use the term "certain voting records" for the purpose of conveying an impression of narrowness, for the language of the section would belie such an impression. On the contrary, it imposes on duly appointed officials of sovereign States the onerous task of preserving for a period of 22 months all records and papers which come into their possession relating to any application, registration, payment of poll tax, or any other act requisite to voting in any general, special, or primary election at which a candidate for Federal office is to be voted for. Every election official who willfully fails to preserve all records and papers, which come into his possession, relating to any and every facet of an election at which a President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives is to be voted for, will be fined a maximum of $1,000, or imprisoned for a maximum of 1 year, or both.

It is at once apparent, Mr. President, that the advocates of this measure are greater in their zeal for Federal action—any kind of Federal action—than in their knowledge of the language and import of this section, or than in appreciation of the basic relationship between the States and the National Government. I deem it advisable at this time to attempt to rectify both situations.

The complete text of this section is as follows:

TITLE III

Federal election records

SEC. 301. Every officer of election shall retain and preserve, for a period of twenty-two months from the date of any general, special, or primary election of which candidates for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than $1,000 or imprisoned not more than one year, or both.

SEC. 302. Any person, whether or not an officer of election or custodian, who willfully steals, destroys, conceals, mutilates, or alters any record or paper required by section 301 to be retained and preserved shall be fined not more than $1,000 or imprisoned not more than one year, or both.

SEC. 303. Any record or paper required by section 301 to be retained and preserved shall, upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying at the principal office of such custodian by the Attorney General or his representative. This demand shall contain a statement of the basis and the purpose therefor.

SEC. 304. Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to this title, or any reproduction or copy, except to Congress and any committee thereof, governmental agencies, and in the presentation of any case or proceeding before any court or grand jury.

SEC. 305. The United States district court for the district in which a demand is made pursuant to section 303, or in which a record or paper so demanded is located, shall have jurisdiction by appropriate process to compel the production of such record or paper.

SEC. 306. As used in this title, the term "officer of election" means any person who, under color of any Federal, State, Commonwealth, or local law, statute, ordinance, regulation, authority, custom, or usage, performs or is authorized to perform any function, duty, or task in connection with any application, registration, payment of poll tax, or other act requisite to voting in any general, special, or primary election at which votes are cast for candidates for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico.

For the edification of the officials charged with the implementation of the electoral process who will be subjected to fines up to $1,000 and prison sentences of 1 year should the bill be enacted, advocates of this legislation should disclose at what point in time the collection of all records and papers should begin. It is apparent that the "preservation period" is to continue for a period of 22 months from the date of the election. However, there is no indication as to the length of prior history relating to such elections which is required under the section.

The language of the section is so comprehensive that it readily encompasses all correspondence received by election officials if there is the remotest connection between it and acts requisite to voting in an election at which a candidate for Federal office is to be elected.

Mr. President, the potential harrassment of State election officials contained in this section is unlimited. The language simply provides that the custodian of the records and papers required by the title to be preserved is subject to a demand by the Attorney General to produce such records and papers at any time. Such demand is not predicated on a violation of any voting rights, an apparent violation of voting rights, or even a reasonable belief that there has been a violation of voting rights. The Attorney General may make repeated demands for the papers or records at intervals limited only by his ability to do so.

Mr. President, I could discuss at great length the technical objections to this section. It is replete with ill-considered language—language which has been written while the advocates were blinded in their zeal for Federal encroachment in a field which is the primary responsibility of the States; language which has been written to sacrifice the rights of the majority and the dignity of the States for political expediency; and, paradoxically, language which would destroy the delicate constitutional balance between the States and the National Government, under the false banner of protecting the constitutional rights of individuals. Because of the profound, basic, constitutional issues involved in the proposed legislation, Mr. President, I shall merely invite the attention of the Senate to the language contained in the section previously referred to, and the patent errors in draftsmanship and lack of legitimate safeguards, and shall proceed to a discussion which transcends the boundaries of sectionalism, partisanship, and—I pray—political advancement.

Mr. President, at the time of the adoption of the Federal Constitution there were only two States which did not have constitutions of their own. These States were Rhode Island and Connecticut. The responsibility of the States for protecting the rights of their citizens in the electoral process was complete. Every aspect of the most important process of democratic society was controlled and determined by each State. Each State determined for itself who was to vote by stipulating the requirements for voting.

An examination of the constitutions of States which had enacted a constitution at the time of the formation of the National Government discloses varying limitations on the right to vote. There was no State which allowed all citizens to vote. Some of the various qualifications were quoted by the Supreme Court in *Minor* v. *Happersett* (21 Wallace 162) as follows:

Thus, in New Hampshire, "every male inhabitant of each town and parish with town privileges, and places unincorporated in the State, of 21 years of age and upwards, excepting paupers and persons excused from paying taxes at their own request," were its voters; in Massachusetts, "every male inhabitant of 21 years of age and upward, having a freehold estate within the Commonwealth of the annual income of 3 pounds, or any estate of the value of 60 pounds"; in Rhode Island, "such as are admitted free of the company and society" of the colony; in Connecticut, such persons as had "maturity in years, quiet and peacable behavior, a civil conversation, and 40 shillings freehold or 40 pounds personal estate," if so certified by the selectmen; in New York, "every male inhabitant of full age who shall have personally resided within one of the counties of the State for 6 months immediately preceding the day of election * * * if during the time aforesaid he shall have been a freeholder possessing a freehold of the value of 20 pounds within the county, or have rented a tenement therein of the yearly value of 40 shillings, and been rated and actually paid taxes to the State"; in New Jersey, "all inhabitants * * * of full age who are worth 50 pounds, proclamation money, clear estate in the same, and have resided in the county in which they claim a vote for 12 months immediately preceding the election"; in Pennsylvania, "every freeman of the age of 21 years, having resided in the State for 2 years next before the election, and within that time paid a State or county tax which shall have been assessed at least 6 months before the election"; in Delaware and Virginia, "as exercised by law at present"; in Maryland, "all freemen above 21 years of age having a freehold of 50 acres of land in the county in which they offer to vote and residing therein, and all freemen having property in the State above the value of 30 pounds current money, and having resided in the county in which they offer to vote 1 whole year next preceding the election"; in North Carolina, for Senators, "all freemen of the age of 21 years who have been inhabitants of any one county within the State 12 months immediately preceding the day of election, and possessed of a freehold within the same county of 50 acres of land for 6 months next before and at the day of election," and for members of the house of commons, "all freemen of the age of 21 years who have been inhabitants in any one county within the State 12 months immediately preceding the day of any election, and shall have paid public taxes"; in South Carolina, "every free white man of the age of 21 years, being a citizen of the State and having resided therein 2 years previous to the day of election and who hath a freehold of 50 acres of land, or a town lot of which he hath been legally seized and possessed for at least 6 months before such election, or (not having such freehold or town lot), hath been a resident within the election district in which he offers to give his vote 6 months before such election, and hath paid a tax the preceding year of 3 shillings sterling toward the support of the government"; and in Georgia, "such citizens and inhabitants of the State as shall have attained to the age of 21 years, and shall have paid tax for the year next preceding the election, and shall have resided 6 months within the county."

Mr. President, the voting process has always been the primary responsibility of the several States of the Union. This fact was recognized by the framers of the Constitution. Section 4 of article I provides that the legislatures of the States shall prescribe the times, places, and manner of holding elections, although the Congress was granted the authority to make or alter such regulations in some respects. Constitutional provisions relating to elections are as follows:

Article I, section 2, clause 1:

The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Article I, section 4, clause 1:

The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Article I, section 5, clause 1:

Each House shall be the judge of the elections, returns, and qualifications of its own Members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent Members, in such manner, and under such penalties as each House may provide.

Article II, section 1, clause 2:

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

Amendment XIV, section 2:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

Amendment XV, section 1:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2:

The Congress shall have power to enforce this article by appropriate legislation.

Amendment XVII:

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election of term of any Senator chosen before it becomes valid as part of the Constitution.

Amendment XIX:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

Advocates of the present section evidently rely on two constitutional provisions in urging this body to enact legislation forcing State election officials to preserve records and papers for inspection by the Attorney General of the United States. The first of these is article I, section 4, clause 1, which provides that "the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the place of choosing Senators." Are the proponents of this section urging a construction of the term "manner" which would result in consequences so serious, so far-reaching, and so pervading, so great a departure from the structure and spirit of our institutions? The pertinency of this question is accentuated because the effect of such a construction is to fetter and degrade the State governments by subjecting them to the arbitrary and unlimited demands of a Federal Attorney General in the exercise of powers of the most ordinary and fundamental character heretofore universally conceded to the States. In fact, it radically changes the whole theory of the relations of the State and Federal Governments to each other and of both these Governments to the people.

There are those who would say, "Well, why shouldn't State election officials be required to preserve the voting records of Federal elections?" Mr. President, the inquiry demonstrates both a lack of knowledge of the language contained in the bill and an understanding of the electoral process. A perusal of the section involved will disclose that the requirement of preservation of records and papers is not limited to those relative to the election of Federal candidates. On the contrary, Mr. President, it includes all records and papers relative to any application, registration, payment of poll-tax, or other act requisite to voting in any election, limited only by the requirement that one of the persons to be voted for was a candidate for election to Federal office. It may be an election in which there are candidates for election to dozens of State or county offices and a candidate for the House of Representatives. Nevertheless, to the minds of the proponents of this bill, it is a Federal election, justifying the imposition of a requirement of constant investigation of all records, and papers in the entire election which relate to any application, any registration, payment of any poll-tax, or any other act requisite to voting in the election.

Mr. President, section 4 of article I of the Constitution was bitterly attacked by the State legislatures of 1787–89, because of its alleged possible use to destroy the rights of the States to determine qualifications for voting and deteriorate its primary responsibility in the electoral process. In defense against this argument, the proponents of section 4 assured the respective State governments that it was not the intention of the controversial section to undermine the rights of the States in respect to elections. Mr. Hamilton asserted in "The Federalist":

The truth is that there is no method of securing to the rich the preference apprehended, but by prescribing qualifications of property either for those who may elect, or be elected. But this forms no part of the power to be conferred upon the National Government. Its authority would be expressly restricted to the regulation of the times, the places, and the manner of elections.

The history of the times indicates that should there have been any intention to allow the National Government to impose the type of restrictions on State election officials which are sought to be imposed by the present section of the bill which is now before us, the Constitution would not have been ratified. Due to the present centralization of government in Washington, and the failure of the States to assert their duties, responsibilities, and perquisites, it is difficult for some to imagine that prior to the adoption of the instrument which is presently being emasculated by the Congress and the Supreme Court, the sovereignty of the States was complete. There was a general recognition of the fact that the powers to be granted the National Government by means of the instrument known as the Constitution were to be subtracted from the totality of sovereignty which the States then enjoyed. This gave rise to a jealous regard for the powers that were being granted the National Government. This was particularly true in regard to the election process.

The limitations on the powers of Congress have been defined with clarity by the Supreme Court in the case of *Carter* v. *Carter Coal Co.* (298 U.S. 238) in which the Court said:

The general rule with regard to the respective powers of the National and the State Governments under the Constitution is not in doubt. The States were before the Constitution; and, consequently, their legislative powers antedated the Constitution. Those who framed and those who adopted that instrument meant to carve from the general mass of legislative powers, then possessed by the States, only such portions as it was thought wise to confer upon the Federal Government; and in order that there should be no uncertainty in respect to what was taken and what was left the national powers of legislation were not aggregated but enumerated—with the result that what was not embraced by the enumeration remained vested in the States without change or impairment. Thus, "when it was found necessary to establish a national government for national purposes," this Court said in *Munn* v. *Illinois* (84 U.S. 113, 124), "a part of the powers of the States and the people of the States was granted to the United States and the people of the United States. This grant operated as a further limitation upon the powers of the States, so that now the governments of the States possess all the powers of the Parliament of England, except such as have been delegated to the United States or reserved by the people." While the States are not sovereign in the true sense of that term, but only quasi sovereign, yet in respect of all powers reserved to them they are supreme—"as independent of the General Government as that Government within its sphere is independent of the States." And, since every addition to the legislative power to some extent detracts from or invades the power of the States it is of vital moment that, in order to preserve the fixed balance intended by the Constitution, the powers of the General Government be not so extended as to embrace any not within the express terms of the several grants or the implications necessary to be drawn therefrom.

It is no longer open to question that the General Government, unlike the States, possesses no inherent power in respect of the internal affairs of the States and emphatically not with regard to legislation. The question in respect to the inherent power of that Government as to the external affairs of the Nation and in the field of international law is a wholly different matter which it is not necessary now to discuss.

Mr. President, it has been said that it is the duty of the Congress to insure that the rights guaranteed under the 15th amendment to the Constitution are protected. The first section of this amendment provides:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2 provides:

The Congress shall have power to enforce this article by appropriate legislation.

The proponents of this section would rely upon this constitutional provision to justify the invasion upon the rights of the States to conduct elections.

However, the Supreme Court has said:

Beyond doubt the 15th amendment does not take away from the State governments in a general sense the power over suffrage which had belonged to these governments from the beginning, and without the possession of which power the whole fabric upon which the division of State and National authority under the Constitution and the organization of the Nation and the State would fall to the ground. In fact, the very command of the amendment recognizes the possession of the general power by the State, since the amendment seeks to regulate its exercise as to the particular subject with which it deals (*Guinn* v. *United States* (238 U.S. 347)).

If the advocates of this legislation rely on the 15th amendment for a basis

of authority for the enactment of a section requiring the preservation of voting records and papers, such purported authority under objective analysis will be found wanting.

The 15th amendment confers voting rights on no one. There is no new right of suffrage contained in the language of the amendment. On the contrary, it has been expressly recognized by the Supreme Court that the 15th amendment did not disturb the axiom that the right to vote in the States is derived from power reserved to the States (*United States* v. *Cruikshank* (92 U.S. 555)). It is the right of exemption from the prohibited discrimination that derives from the power of the United States and specifically the 15th amendment.

Mr. President, how can the affirmative language of the section requiring the preservation of voting records be justified under the 15th amendment, when the language is in one way predicated on the finding that the right to vote is being "denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude"? The existence of this fact is a condition precedent to the action of Congress under the 15th amendment. Are we to assume that in every election in the United States at which a candidate for President, Vice President, Presidential elector, Senate, or Member of the House of Representatives is to be voted for that such a violation is now occurring or has in the past occurred? Mr. President, that is an assumption which is an affront and source of degradation to every sovereign State of this Union. It is an assumption which has no foundation in fact. It is an assumption which ignores every precept of Anglo-American jurisprudence. Even if the States of the Union were on trial—which most assuredly is not the case—there would be a presumption of innocence of the accused crime. But no such presumption has been extended to the States in this instance.

Mr. President, the charge has been repeatedly made that there are rank violations of voting rights throughout the South. There is no factual basis for this charge. For the most part, the report of the Civil Rights Commission draws its conclusion from a compilation of statistics comprised primarily of census figures on the proportions of each race living and voting in each particular county or State. Mr. President, those of us who are familiar with the situation from personal experience see this report of the Commission as proof of the fact that statistics can be made to lie. At this point, I would like to remind the Senate that although the Civil Rights Commission received voting complaints from 29 counties in 8 States, not one was from the State of South Carolina. I would also like to mention in this connection that at least two of those eight States were border States, and another was the State of New York.

Mr. President, not only has the South been judged guilty in this matter without any facts to substantiate the findings, but, indeed, the entire philosophy of those who support this legislation is impregnated with the basic idea that white southerners are not just second-class citizens, but, apparently, should have no rights whatsoever. This attitude was demonstrated thoroughly in this body in 1957 and it was reflected—even magnified—in the attitude of the Civil Rights Commission. This is more than amply illustrated in the Commission's own words when, in outlining the procedure to be used with regard to voting complaints, the Commission said, and I quote from page 69 of the report:

And under no circumstances would the names of complainants or any identifying details of the complaints be revealed.

In other words, Mr. President, those accused of violating the United States and State laws making it a criminal offense to interfere with voting were not even to know the name of their accuser or the nature of the charge, much less to have the right to face their accuser and cross-examine him. The only encouraging note to be found in this whole sorry mess is the fact that a three-judge Federal court had the courage, the knowledge, and the respect for the Constitution to declare the procedures of the Civil Rights Commission unconstitutional.

Mr. President, the Congress has enacted extensive legislation concerning elections in the past. The first comprehensive Federal statute dealing with corruption in elections was adopted in 1870, when the Enforcement Act—16 Stat. 44—outlawed every type of fraudulent and corrupt practice in connection with elections, specifically forbidding false registration, bribery, illegal voting, making false returns of votes cast, interference in any manner with officers of election, and the neglect by any such officer of any duty required of him by State or Federal law. The laws were held invalid in part in *United States* v. *Reese* (92 U.S. 214) in 1876. The Congress recognized that these laws were a violation of the responsibilities of the States by repealing this legislation in 1894. The discussion which took place in the Congress during that period could be most enlightening and informative to the proponents of the present legislation.

Of particular interest also, is the report from the Committee on Privileges and Elections of the House of Representatives, in reporting H.R. 2331, which repealed the statutes relating to the extensive supervision of the electoral process. The historical significance of this document is great, and the House report contains language which is equally applicable to the issue which is now before this body. For this reason, I deem it advisable to quote the committee report:

The Committee on Election of President and Vice President and Representatives in Congress, to whom have been referred various House bills providing for the repeal of all statutes relating to supervisors of election and special deputy marshals at the polls, beg leave to report back to the House, House bill No. 2331, with an amendment thereto, and to recommend its passage.

The bill provides for the repeal of section 2002 of the Revised Statutes of the United States relating to the bringing of armed troops to the place of election, and of sections 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, and 2020 relating to the appointment, qualifications, powers, duties and compensations of supervisors of election; and also for the repeal of sections 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, and 2031 relating to the appointment, qualifications, powers, duties, and compensation of special deputy marshals.

Also for the repeal of sections 5506, 5511, 5512, 5513, 5514, 5515, 5520, 5521, 5522, and 5523 relating to crimes and their punishment; and also a part of section 643 as follows: "Or is commenced against any officer of the United States on account of any act done under the provisions of title 26, 'the Elective Franchise,' or on account of any right, title, or authority claimed by such officer or other person under any of the said provisions."

Section 2002 declares in effect that no military or naval officer shall bring any troops or armed men to the polls unless "it be necessary to repel the armed enemies of the United States, or to keep the peace at the polls." This act was passed in February 1865, during the war, and the object and purpose for which it was enacted must have long since passed away. Article IV, section 4, of the Constitution is as follows: "The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the Executive (when the legislature can not be convened) against domestic violence."

It is evident from this clause that the United States must guarantee to every State in the Union protection against "invasion." In order to do this it may be necessary for the Government to employ its Army; but it is difficult to see, by any stretch of the imagination, for what purpose the enemies of the United States would invade a polling precinct in any State in the Union. The armed enemies of the United States may at any time invade her soil and destroy the property of the people of the United States, and for the purpose of rapine and plunder may invade her borders, but it is difficult to see why the armed enemies of the United States should invade a polling precinct within a State. Where domestic violence has outrun State control, and the State government is unable to protect itself, this provision of the Constitution provides a direct and specific mode of action, on the application of the legislature of the State to the Government of the United States, or of the Executive if the legislature cannot be convened. Domestic violence may arise from a failure to keep the peace at the polls, and should such a state of things arise the remedy is plain.

But this section 2002 provides an extra-constitutional mode of keeping the peace at the polls, in that it lodges an implied discretion in the military or naval officer of determining when it is necessary to repel the armed enemies of the United States, or to keep the peace at the polls; whereas the determination of that question under the Constitution, is left with the legislature of the State, or, where it cannot be convened, with the Executive. Surely no officer of the Army or of the Navy should be left to determine when it is necessary to bring troops to the polls, and the Constitution has impliedly prohibited it in the provision just referred to. This section 2002 was a war measure. Twenty-eight years after it was enacted, and 28 years after the cessation of hostilities, as the last vestige of war legislation on this subject, it should be wiped from the statute books forever.

The sections from 2005 up to and including 2020, relating to the appointment, qualification, powers, duties, and compensation of supervisors of election, and sections 2021 up to and including 2031, relating to the

appointment, qualification, powers, duties, and compensation of special duty marshals, and the remaining sections up to and including 5023, may all be considered together, as they embrace and constitute the same principle and kindred subjects.

The appointment of supervisors presumes something to supervise and the right of supervision. These sections relate to the right of supervisors and deputy marshals to supervise the election of Representatives in Congress; and the initial point, therefore, is as to the right of the United States to supervise the election of Members of Congress, and if the right exists whether it is proper for them to do so.

This subject has been discussed before in Report No. 1882, part second, page 5, 1st session of the 51st Congress, as follows:

"The power is sought in the fourth section of article 1 of the Constitution, which is as follows:

"'The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.'"

We shall invoke the simple method of construction laid down by the writers, of seeking first, from the words themselves, their intrinsic meaning, and then invite the testimony of those who made them as to their meaning and their intent in making them, and, finally the construction put upon them by Congress itself and recognised authorities on the Constitution.

We notice, first that "the times, places, and manner of holding elections," etc., is primarily confided to the legislature of each State; secondarily, it is given to the Congress.

The language itself and the arrangement of the two clauses show this:

"The times, places, and manner, etc., shall be prescribed by the legislature of each State.

"But the Congress may, by law, at any time make or alter, etc."

The first is original and primary, the second is permissive and contingent. The legislatures and Congress cannot both have original and primary power to act on the same subject at the same time. Such a conflict would never have been sanctioned. Nor can we believe that the men who drafted this section intended to distinguish it from every other in the Constitution in granting to two distinct and separate authorities coequal power over the same subject at the same time. Nor can we conceive a greater absurdity than the grant of plenary power to the legislatures of the States in the first clause of the section, only to be abrogated and annulled in the second clause of the same section.

We cannot believe that the intelligence which framed that great instrument, careful in avoiding any conflict that would probably arise between the State and Federal authorities (for that hour was resonant with jealousies of power), deliberately placed this power into two distinct hands to be exercised, it may be, at the same time and in different ways; and it is equally improbable that the power given the legislatures of the States, as the authority best suited in the minds of the makers of the Constitution, to provide "the times, manner, and places of holding," etc., was intended, without reason or cause, to be taken from them and arbitrarily assumed by Congress; and that too, when there had been no failure on the parts of the States to provide the necessary machinery and no impropriety in the machinery provided.

We conclude, therefore, that the obvious and plain meaning of the section under discussion is that the legislature of each State should have the primary authority to prescribe "the times, places, and manner of holding elections, etc.," and that Congress should have such power ultimately. When? For what cause? What circumstances or conditions prevailing in the States shall be sufficient to cause a forfeiture of this right in the legislatures of each? This section and the Constitution are silent upon this subject; but the history of the adoption of the Constitution and the contemporaneous evidence of those who made it supply the answers.

Of the Original Thirteen States that framed the Constitution seven were outspoken on the subject, while in some of the others there was likewise a strong sentiment against the adoption of the Constitution containing this and other sections.

The language of some of them is most striking and instructive. On the 6th of February 1788, Massachusetts, through her State convention, presided over by the great Revolutionary patriot, John Hancock, ratified the Constitution. In the report of ratification, after expressing the opinion that certain amendments should be made to "remove the fears and quiet the apprehension of many of the good people of this Commonwealth, and more effectually guard against an undue administration of the Federal Government," the following alteration of and provision to the Constitution is suggested:

"That Congress do not exercise the powers vested in them by the fourth section of the first article, but in cases when a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress, agreeably to the Constitution."

Not satisfied with the mere suggestion of such amendment, and with a prophetic fear that, if such suggestions were not adopted by the first Congress to assemble under the Constitution, some erring son of this ancient Commonwealth might some day waver in his support of those principles in the Halls of Congress, the convention added this strong language:

"And the convention do, in the name and in behalf of the people of this Commonwealth, enjoin it upon their Representatives in Congress at all times, until the alterations and provisions aforesaid have been considered agreeably to the fifth article of the said Constitution, to exert all their influence, and use all reasonable and legal methods to obtain a ratification of said alterations and provision, in such manner as is provided in the said article."

South Carolina ratified on the 23d of May 1788, with the following recommendation:

"And whereas it is essential to the preservation of the rights reserved to the several States, and the freedom of the people, under the operation of a General Government that the right of prescribing the manner, time, and places of holding the elections to the Federal Legislature, should be forever inseparably annexed to the sovereignty of the several States; This convention doth declare that the same ought to remain to all posterity a perpetual and fundamental right in the local, exclusive of the interference of the General Government, except in cases where the legislatures of the States shall refuse or neglect to perform and fulfill the same according to the tenor of the said Constitution."

New Hampshire ratified June 21, 1788, and made a recommendation in the same language used by the State of Massachusetts.

Virginia, on the 26th of June 1788, ratified with a recommendation in the following words:

"That Congress shall not alter, modify, or interfere in the times, places, and manner of holding elections for Senators and Representatives, or either of them, except when the legislature of any State shall neglect, refuse, or be disabled by invasion or rebellion to prescribe the same."

August 1, 1788, North Carolina ratified, having held out against ratification on account of this and other objectionable clauses. The convention recommended an amendment in the same language as did the State of Virginia.

New York ratified July 26, 1788, and the recommendations of its convention are in some respects the strongest of any on this subject. Before the formal statement of ratification, a declaration of rights is set forth in which, among other provisions, we find:

"That nothing contained in the said Constitution is to be construed to prevent the legislature of any State from passing laws at its discretion, from time to time, to divide such State into convenient districts and apportion its Representatives to and amongst such districts.

"Under these impressions and declaring that the rights aforesaid cannot be abridged or violated, and that the explanations aforesaid are consistent with the said Constitution, and in confidence that the amendments which shall have been proposed to the said Constitution will receive an early and mature consideration, we, the said delegates * * * do, by these presents, assent to and ratify the said Constitution.

"In full confidence, nevertheless, that until a convention shall be called and convened for proposing amendments to the Constitution * * * that the Congress will not make or alter any regulations in this State respecting the times, places, and manner of holding elections for Senators or Representatives unless the legislature in this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same; and that in those cases such power will duly be exercised until the legislature of this State shall make provision in the premises."

And in accordance with this declaration the convention suggested an amendment to Congress embodying the above idea.

Rhode Island did not ratify until June 26, 1790, and the language of her convention on the subject and the amendments suggested were in almost the identical words of those of the State of New York, only stronger. The above extracts have been made that it might be seen how strong was the feeling on this subject at the time of the ratification of the Constitution, and that the Constitution itself was only finally adopted in the faith and belief of a majority of the States that Congress would never exercise this power except when the States had failed to do so, or from any cause could not do so.

Not alone did the States above enumerated speak out with no uncertain sound but, in the debates in the Pennsylvania Convention to ratify the Constitution, James Wilson, a member of the Federal Convention that framed the Constitution, and a member of the State convention, explained this provision to mean in effect that the States were primarily to act, and Congress only in case of their failure to do so; and the convention recommended an amendment in the following words:

"That Congress shall not have power to make or alter regulations concerning the time, place, and manner of electing Senators and Representatives, except in case of neglect or refusal by the State to make regulations for the purpose; and then only for such time as such neglect or refusal shall continue."

In the 58th number of "The Federalist" Mr. Hamilton discusses this subject and says:

"They [the Convention] have submitted the regulation of elections for the Federal Government, in the first instance, to the local administrations; which in ordinary cases, and when no improper views prevail, may be both more convenient and more satisfactory; but they have reserved to the national authority a right to interpose, whenever extraordinary circumstances might render that interposition necessary to its safety."

Judge Storey, in his "Commentaries on the Constitution," volume 2, chapter XI, discusses the whole subject and holds that the power will not be exercised by Congress unless "an extreme necessity or a very urgent exigency" should arise (secs. 820, 823, 824, et seq.). (See also 1 Tucker's Black. Comm. App. 191, 192; Curtis on the Constitution, 479, 480.)

We conclude, therefore, that Congress has the power to "prescribe the times, places, and manner of holding elections" for Members of Congress, but that such power is contingent and conditional only, not original and primary.

Under what conditions or upon what contingency?

If we accept the evidence of the States in their State conventions, ratifying the Constitution, and that of the men who made the Constitution, the conditions are—

First. Where the States refuse to provide the necessary machinery for elections; and

Second. Where they are unable to do so for any cause, rebellion, etc.

Mr. Madison, in the Virginia convention, when asked his opinion of this section, said:

"It was found necessary to leave the regulation of these (times, places, and manner) in the first place to the State governments as being best acquainted with the situation of the people, subject to the control of the General Government, in order to enable it to produce uniformity and prevent its own dissolution. * * * Were they exclusively under the control of the State governments, the General Government might easily be dissolved. But if they be regulated properly by the State legislatures, the congressional control will very probably never be exercised."

Mr. John Jay, subsequently Chief Justice of the United States, in the New York convention said, when this clause was under discussion:

"That every government was imperfect unless it had a power of preserving itself. Suppose that by design or accident the States should neglect to appoint the representatives, certainly there should be some constitutional remedy for this evil. The obvious meaning of the paragraph was that, if this neglect should take place, Congress should have power by law to support the Government and prevent the dissolution of the Union. He believed this was the design of the Federal convention."

Again, Mr. Madison says:

"This was meant to give the National Legislature a power not only to alter the provisions of the States, but to make regulations in case the States should fail or refuse altogether" (Madison Papers, vol. 3, 1282).

Has any State refused to provide the necessary election machinery, or is any State unable to do so for any cause, or what "extraordinary circumstances", what "extreme necessity", what "urgent exigency" exists now for the exercise of this power by Congress? None has been suggested, and we confidently assert none can be.

For Congress to attempt to exercise this power now in this bill against the protests of a majority of the States that made the Constitution, and when those States only ratified it upon the faith and assurance that this and other powers would never be exercised except under certain conditions, which have not arisen, is a fraud upon the Constitution that should not be tolerated.

But, conceding for the moment that section 4, article I, gives to Congress the full powers claimed by the advocates of this bill, still it must be construed in the light of the subsequent section (8) of the same article, which declares that Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers." Admit the power to be ample in the Constitution, yet the same authority limits the legislative branch of the Government in the enactment of laws, to such as shall be necessary and proper for carrying into execution the foregoing power. In *Hepburn v. Griswold* (8 Wall. 614), Chief Justice Chase, in defining these words, says the words:

"Necessary and proper were intended to have a sense, to use the words of Justice Story, 'at once admonitory and directory,' and to require that the means used in the execution of an express power should be 'bona fide appropriate to the end.'"

But again, the States for a hundred years and more have provided election laws, appointed officers for their proper execution, and provided the machinery of election. They have prescribed duties for such officers, and have imposed penalties for the failure to discharge these duties. This machinery and these officers, without distinction as to the character of the election, whether it be State or Federal, have the same duties imposed upon them in all essential qualities. With this state of things we find these statutes which are sought to be repealed create officers whose duties it shall be to supervise, scrutinize, and watch every act of the officers of the States. This of itself must create friction, and the history of the country since the enactment of these laws has demonstrated their unwisdom in this respect. The power to guard, scrutinize, and inspect implies the power to correct or prevent that which is scrutinized. The power to supervise implies the power to compel the doing or to prevent the doing of the thing which is the subject of the supervision. How then can the United States, by its supervisors and deputy marshals, supervise an election under a law which it has not enacted or scrutinize the registration (a condition of suffrage in many of the States) when the right of suffrage emanates from the State itself and the State alone can determine it?

The second section of article I of the Constitution declares: "The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

This leaves the right of suffrage and the conditions of suffrage in the States. By what authority, then, can a Federal officer, by challenge or otherwise at the polls or on registration day, determine the question of suffrage which the Constitution of the United States has left solely to the States to determine?

Many of these statutes also impose penalties upon the election officers of the States, in the conduct of elections, for a violation of the State laws. Was ever a more monstrous proposition written on the statute books of a free country? The power to make law is a sovereign power. It carries with it the power to punish for the violation of such laws, but the two powers must be coordinate. The power that creates the law can inflict punishment for its violation, but no power can inflict punishment rightfully for the violation of a law which it never made. To attempt it, as has been done in the past, has resulted only in irritation, contention, and criticism of the Government that has proposed it.

The object of legislation should be to prevent conflicts between the State and Federal authorities. These statutes have been fruitful in engendering them. Enacted in Reconstruction times, when it was deemed necessary to carry out those measures, the purpose for which they were framed having happily passed away, we feel that they cannot be too quickly erased from the statute books.

But we regard these statutes as chiefly inimical to the best interests of the people because they are in effect a vote of lack of confidence in the States of the Union. The inference is irresistible that they were enacted because of a lack of confidence in the honesty if not in the ability of the States to conduct their own elections. With such an intention plainly on their face, with what consideration could they be met by the people for whom they were intended except that of distrust and suspicion? Would the U.S. Government suffer less by the prevalence of fraud in elections than the States whose officers we sent to represent it in the Government of the United States? Is fraud in elections any less contemptible because it emanates from the people of the State without Federal interference? Or is it any less dangerous to the people of the States because it lacks Federal supervision?

Let every trace of the Reconstruction measures be wiped from the statute books; let the States of this great Union understand that the elections are in their own hands, and if there be fraud, coercion, or force used they will be the first to feel it. Responding to a universal sentiment throughout the country for greater purity in elections many of our States have enacted laws to protect the voter and to purify the ballot. These, under the guidance of State officers, have worked efficiently, satisfactorily, and beneficiently; and if these Federal statutes are repealed that sentiment will receive an impetus which, if the cause still exists, will carry such enactments in every State in the Union. In many of the great cities of the country and in some of the rural districts, under the force of these Federal statutes, personal rights have been taken from the citizens and they have been deprived of their liberty by arrest and imprisonment. To enter into the details in many cases where citizens have been unjustifiably arrested and deprived of their liberty would be useless in this report. We content ourselves in referring to Report No. 2368 of the 2d session of the 52d Congress on this subject, where many such instances are detailed.

Finally, these statutes should be speedily repealed because they mix State and Federal authority and power in the control and regulation of popular elections, thereby causing jealousy and friction between the two governments; because they have been used and will be used in the future as a part of the machinery of a political party to reward friends and destroy enemies; because under the practical operations of them the personal rights of citizens have been taken from them and justice and freedom denied them; because their enactment shows a distrust of the States, and their inability or indisposition to properly guard the elections, which, if ever true, has now happily passed away; and last, but not least, because their repeal will eliminate the judiciary from the political arena, and restore somewhat, we trust, the confidence of the people in the integrity and impartiality of the Federal tribunals.

The chief proponent of the bill to repeal the then existing election law was Senator James H. Berry, of Arkansas. On December 19, 1893, he delivered one of the finest addresses that I have ever read. I feel that I should share this experience with my colleagues, particularly because the discussion is quite applicable at the present time.

Mr. President, this bill provides for the repeal of section 2002 of the Revised Statutes of the United States, relating to the bringing of armed troops to places of election, and of sections 2005 to 2031, inclusive, relating to the appointment, qualifications, powers, duties, and compensation of supervisors of election and special deputy marshals, and also for the repeal of sections

5506, 5511, 5512, 5513, 5514, 5515, 5520, 5521, 5522, 5523, and a part of section 643, relating to crimes and their punishment. All of these laws which it is now proposed to repeal relate to the supervision of elections by Federal authority.

The power to pass these laws originally is derived, or claimed to be derived, from the following clause of the Constitution of the United States:

"ARTICLE I

"SEC. 4. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."

It has long been contended that this clause of the Constitution conferred upon Congress the power only to pass election laws when the States had neglected or refused to act in the premises, and that the laws now in question were not warranted by the provisions of the Constitution. Whether this be true or untrue I do not propose to discuss. The Supreme Court has decided in favor of the constitutionality of these laws, and each Senator will decide for himself whether or not that decision is binding upon him in construing the Constitution, which we have sworn to support in the enactment of all laws.

I propose to advocate the repeal of these laws and the passage of this bill, for the reason that I believe the laws now on the statute book to be vicious in principle and bad in policy, passed for an unjust purpose, and tending in their character to defeat the very object for which it is claimed they were enacted—that is, free and fair elections.

I take it for granted, Mr. President, that each Senator upon this floor is anxious to secure honest elections everywhere, and that each ballot cast by the citizen should be honestly counted, and any assumption upon the part of the Republican Party, the Republican press, or Republican Senators that we desire the repeal of these laws in order that fraud may be perpetrated in elections is unwarranted by the facts, unjust to us, and an insult to all honest men. We are American citizens equally interested with you in the preservation of free institutions, and equally anxious to maintain the purity of elections. The only real question at issue is, can this purity and this fairness be best secured by the General Government or by the several States.

These laws which we seek to repeal are part and parcel of the Reconstruction laws. They were passed soon after the close of the Civil War; passed at a time of great political excitement; passed for the purpose of securing the supremacy of an ignorant race in the Southern States, upon whom the right of suffrage had but recently been conferred; passed for the additional purpose of enabling the Republican Party to retain control of the State of New York and other leading States throughout the North.

If there was ever any excuse for their passage, if there was ever any condition of affairs to justify any man in supporting them, this condition has long since passed away, and there can be no excuse for their retention now.

I do not speak of the period of Reconstruction for the purpose of reviving the bitter passions, prejudices, and contentions engendered by those acts, but that period is intimately connected with the passage of these laws. It is a dark period in American history, a blot upon the name of the Republican Party. It can never be forgotten and ought not to be forgotten. It should serve as a warning not only to us but to those who come after us against the fatal policy of centralization of power in the General Government, against the policy of attempting to exercise by Federal authority that control and direction of local affairs which was intended by the framers of the Constitution to be regulated by the States alone. Its evil effects upon the Southern States and upon the country at large ought to serve as an overwhelming and unanswerable argument for the repeal of the laws connected with it, and all others of a kindred character.

The Senator from Illinois [Mr. Cullom] in a speech made in the Senate a few days ago used the following language:

"I apprehend that no Senator will fail to perceive that this discussion brings us back to the identical question which our friends in the South attempted to settle at Sumter on that April day in 1861, and which reached a final settlement in 1865."

Mr. President, it is most remarkable to me that, whenever we attempt here to correct by legislation any evil which has grown up under Republican rule, we are almost invariably met with the answer that it is a measure which has been settled heretofore by war. When we ask the repeal of laws which pretend to give fair elections, because they are used as an engine of fraud, the Senator from Illinois tells us that this was an issue settled by the war.

When we attempt to modify the tariff law, which levies tribute upon the great body of the people of the United States for the maintenance and protection of a few individuals, the Senator from Oregon [Mr. Dolph] tells us that the war which ended in 1865 was waged for free trade. This question is brought up on every possible occasion whenever the other side seek to perpetrate a fraud at elections under the pretense of protecting the ballot box, whenever they seek to take from the people of this country a large amount of their substance under the pretense of protecting American labor, or whenever they seek to take possession of a small kingdom under the pretext of improving the morals of the queen—in either and all these instances, when objection is made, we are met by the proposition that the people of the South engaged in rebellion and fired on Fort Sumter some 30 years ago. I submit that that is no answer to the proposition.

Mr. President, I deny that this discussion raises any such question. I deny the statement that there is any disposition upon the part of any Senator on this side of the Chamber to raise again the issues which were settled by 4 years of war. The great questions that the contest which began at Sumter in 1861 and ended at Appomattox in 1865 settled were these: First, that no State could secede from the Union or sever its relations with the General Government; and, second, that thereafter neither slavery nor involuntary servitude, except for crime, should exist within the United States.

These we freely concede and have never denied. These were the issues upon which the battle was fought and decided against us. We accepted the verdict in good faith and have never sought to reverse it. The people of the South have never complained either of the conduct of the war or its final result. They entered the contest boldly and fearlessly and throw down the gage of battle to a superior foe. They showed in 4 years of war that they were in deep and deadly earnest, and believed in the principles their fathers had taught them. They displayed a courage upon the field of battle, an endurance under great privations, and a patience in defeat which command the admiration and respect of the civilized world.

When defeat came they accepted its consequences without a murmur, and are today as loyal to the flag of our common country, as solicitous for the honor and glory of this great Republic and for the happiness and prosperity of the people of all the States of this Union as are the people who followed Meade and Hancock at Gettysburg or those who gathered around General Grant at Appomattox.

But if the Senator from Illinois intends to state that the war settled the question that the General Government had the right to control the local affairs and police regulations of the several States, or to state that because we believe that fair and honest elections can be better secured by the States themselves without the interposition of the General Government, that we are seeking to revive the issues of the war, then he misstates the facts of history.

We never complained of the war and its results, but we did complain of the passage of the laws which we now seek to repeal and others of a like character, enacted after the close of the war. They professed to pass these laws, and other Reconstruction laws, in the interest of fair and honest elections, and yet they enabled the Republican Party in the South to perpetrate the most glaring frauds at elections that the history of the Government has ever known. Under governments established by that party under these and other laws passed during that period, fraud and false counting became the rule and not the exception throughout the South.

The will of the people as expressed at the ballot box was habitually overthrown and disregarded, and men were foisted into high places of power and trust whom the people had repudiated at the polls, and these men by their acts of tyranny and shameless robbery perpetrated upon a helpless people cast a stain upon American manhood, and by their own wrongful acts they furnish to us here the strongest evidence that could be presented why all laws that could bring about such a condition of affairs should be taken from the statute book.

The Senator is mistaken when he says that this was an issue settled by the war. The Supreme Court of the United States has decided again and again that the amendments to the Constitution passed soon after the war did not destroy the autonomy of the States, and did not take from them the power to regulate and settle their own local affairs, and every attempt upon the part of the Government to deprive the States of this power and to usurp the functions which properly belong to the States has without an exception resulted in great evil to the country.

For more than three-quarters of a century the times, places, and manner of electing Senators and Members of Congress was regulated and controlled by the States and no laws were passed interfering in any way whatever with this control. During that time the Republic prospered as no country had ever prospered before. Peace and order prevailed everywhere. Frauds in elections, false counting, and illegal voting were of the rarest occurrence, and a charge of that kind made against a party or an individual was sure to excite the public mind and if proven, to bring the party or individual under the condemnation of all the people without regard to political affiliation.

Prior to the advent of the Republican Party in the South, in 1868, I do not think I had ever heard, with one solitary exception in Louisiana, of the use of money in elections or of false counting brought against any party in any of the States of the South, but from 1868 to 1874, under Republican rule in my own State, and I presume it was so in other Southern States, the practice of falsifying election returns became so universal, so widely and well known, that they ceased to excite comment. And yet we find the Republican Party here always posing as the champion of fair elections, ignoring these well known facts and hurling charges of wrongdoing at their political opponents.

When the Reconstruction Acts of 1868 were passed, the whites in the State of Arkansas

largely outnumbered the blacks, and the great and overwhelmingly majority of the whites were in sympathy with the Democratic Party. But when these laws were passed and the right of suffrage conferred upon the Negro the State was infested with a horde of adventurers from the North, men who could obtain neither power nor position in their former abodes, but there under the protection of the troops of the United States they took possession of the State government, framed a constitution and submitted it to the people, and when it was rejected by more than 10,000 majority, they deliberately falsified the returns and declared it adopted.

When the people protested militia forces were organized and swept over a large portion of the State, leaving murdered citizens and burning houses to mark the line of their march. The people were powerless and helpless to protect themselves for the reason that they knew that the U.S. Government was behind those who were controlling the powers of the State government. In the elections of 1870 the same frauds were perpetrated, and they became so shameless and glaring in the election of 1872, after the passage of the laws we now seek to repeal, that actual war ensued in 1874 between the opposing factions of the Republican Party, and by reason of this contest the people were enabled to recover possession of their government.

This will serve to show, Mr. President, something of the different conditions which prevailed under the two systems; the one where the time, place, and manner of holding all elections were regulated by the people of the State, and the other where the General Government usurped the control of elections by the power of United States soldiers.

In the nature of things it will always follow that the purity of elections can be better secured by officials appointed by the State government than those appointed by the General Government. The election officers of the State are invariably selected from the immediate locality where the elections are held. They are as a rule reputable citizens who have homes and families in the country. They know that any fraud upon their part will inevitably blacken their character and lose them the esteem of their neighbors. They know that all such frauds sooner or later produce ill-feeling and tend to destroy the peace and good order of society and threaten the security of their property.

Where the entire responsibility rests upon them, local pride will be a strong restraint upon any inclination they may have to falsify the returns. They know that it is absolutely impossible that practices of this character can be carried on to any great extent without detection, and however strong a partisan a man may be, it is only the basest of men who would be willing for their neighbors to know that they had deliberately stuffed a ballot box or falsified a return.

On the other hand, officers appointed by the Federal courts, supervisors and deputy marshals, do not bear the same responsibility to the local authorities and to the immediate community where the election is held as would judge of election and deputy sheriffs selected by the authority of the State government. The Federal courts are comparatively few in number, and the presiding judge cannot have an intimate acquaintance and knowledge of men in every portion of the State, and therefore do not have it in their power to make the best selections for these officials. And the same may be said of the marshals of the United States, whose authority extends over many counties, while that of the sheriff is confined to the county in which he resides.

These, it seems to me, are unanswerable reasons why the power to hold and supervise elections for all officials, including Members of Congress, should be conferred upon the States themselves and not the National Government. While these laws which it is now proposed to repeal remain upon the statute book there is something of a divided responsibility and a divided control, which in the very nature of things produce jealousies, suspicions, and antagonisms which are liable at any time to bring about conflicts between the authority of the General Government and that of the State, and which in many instances will tend to defeat the will of the people as expressed at the polls.

Supervisors and deputy marshals appointed by the Federal authority to overlook and direct State officials in the discharge of their duty carries with it a suspicion of the integrity of the State officials, and tends to diminish the causes that induce men to do right for the sake of right, and to destroy that confidence and respect which all good citizens should have toward the officers of both the State and Federal Governments. A man is far more likely to be honest when he is trusted and placed upon his honor, and where he will get full credit for his good deeds, than where he is placed under suspicion and supervised by the officers of the General Government.

The Senator from Illinois says that these laws in no way influence or affect the election of State officers, but relate only to Members of Congress. While this is true on the face of the laws it is not true in point of fact.

In those States where the Members of Congress are elected at the same time and in the same place as the State officers, in every State where this condition prevails Republican supervisors and Republican deputy marshals have almost invariably used their office to control and influence the election not only of Members of Congress, but of State officers, also, and for this reason many of the States have refused, and very properly refused, to permit the State elections to be held at the same time and place.

Throughout the South wherever and whenever these supervisors and deputy marshals have been appointed they have had a large and controlling influence with the colored population. With many of these ignorant citizens the man who holds power from the General Government is regarded as all powerful and one whose wishes cannot be safely disregarded, and that he is a kind of guardian for them, and has, to a certain extent, the right to direct how they shall cast their ballots; and those who have been appointed supervisors and deputy marshals in my State, at least by Republican judges and Republican marshals, have not hesitated to use this power and this influence on behalf of Republican candidates.

The chief supervisor in Arkansas today is Judge John McClure. The people throughout the State almost universally believe that he was perhaps more largely responsible for the frauds upon the ballot boxes which were committed from 1868 to 1874 than any other one man in the State. He has, since he has held the office of chief supervisor, used his power in every election to harass and annoy the election officers of the State in every possible way. He secured the appointment under President Harrison of assistant or special district attorney for the eastern district of Arkansas, and through this power and that of chief supervisor and under a Republican district judge succeeded in having indictments preferred against many of the best citizens of the State.

The prosecution and trial of these causes cost the Government of the United States many thousands of dollars, and notwithstanding it was a Republican judge and district attorney, and a majority of Republican jurors, nearly all of these parties were acquitted; and in the few cases where convictions were secured it was for some technical violation of the law where no fraud had been committed or intended, and where the result was in no way changed, and as I now remember, not a single man indicted was shown to have committed actual fraud in a single precinct within the State.

Laws that can be thus used ought to be repealed. They can do no good and they produce much evil.

Just preceding the election of 1890 a deputy marshal in the State of Arkansas, accompanied by a large posse which had been taken from the city of Little Rock, went into the county of Lee under pretext of summoning witnesses to attend the Federal court, and yet they showed by their acts that it was their sole object and purpose to frighten and intimidate the Negroes who had expressed a determination to vote the Democratic ticket. Written communications were distributed amongst the colored people commanding them to go to the polls and vote for the Republican candidate for Congress.

Mr. President, laws under which such men as our chief supervisor can be clothed with such power and which can be used for such purposes can be productive of no good. We want them abolished and we want our chief supervisor abolished with them; and because we thus seek to correct existing evils we do not think it is fair to charge us with seeking to reopen issues that were settled by the war. If fair and honest elections cannot be secured by trusting the people of the several States then they cannot be secured at all.

The whole structure of our Government is founded upon the theory that the great body of the people are honest, and if the time should ever come when the people are corrupt then the Government will fall; and if the people of any State cannot be trusted to conduct their own elections then no kind of force used by the General Government will suffice to produce an honest result. The whole history of the Government shows that it is better to trust the people of the States, to permit them to control their own local affairs in their own way. Such was the intention of the framers of the Constitution, and every attempt to turn from their teachings has proven disastrous to our institutions.

These are the principal reasons why I favor the passage of the present bill, and I confidently believe that time will show that complaints of fraud in the election of Members of Congress will be far less numerous when this power is entrusted entirely to the people of the several States of this Union.

Mr. President, it is apparent that with the presentation of the instant bill to the Senate for consideration, the issues which confronted the Congress in 1894 are once again revitalized. Sixty-five years ago the Congress determined that a scrutinization of elections was an indignity to the States; that legislation which allowed the Federal Government to insert itself into the electoral process under the guise of protecting civil rights was a proclamation by the Congress of the United States; that the States of which this Union is composed are unfit to be trusted with the most important governmental function of all—that is, the conduct of elections.

Aside from the indignity which is to be put upon the States by this legislation—a degradation of a self-governing community—there is the practical result that the intrusion into elections by the Attorney General and his representatives is an unwarranted assumption of superiority and supervision on the part of the Federal Government and of inferiority on the part of the States.

These facts were recognized 65 years ago, Mr. President, and Congress in its wisdom repealed the Enforcement Act and left the primary responsibility of

the conduct of elections, and the enforcement of laws protecting the right to vote, within the domain of the States. And thus, only 25 years after the ratification of the 15th amendment it became apparent that it was not the purpose of that amendment to serve as a wedge into the electoral process. The considerations which mitigated in favor of repeal of these laws in 1894 have grown and strengthened in persuasiveness with the passage of time. If it was thought unwise, unnecessary, and unconstitutional to provide Federal supervision of elections in 1894, it is infinitely more unwise, unnecessary, and equally unconstitutional to do so today.

Mr. President, I appeal to the Members of this body to reject the provisions of the pending legislation, and with it the section which would serve as a proclamation by the Congress of the United States that the States which compose this Union, and which were the primal factors in creating this Government, are not qualified for, and not fit to be trusted with, the most important governmental function of all—the conduct of elections.

Mr. President, I, for one, decline to accept the report of the Civil Rights Commission as persuasive that we should now ignore the most basic principles of our federated system, and I consider the right of the States to control their own elections to be a cornerstone of our federated system. At this point let me clearly affirm that I can find no justification or excuse for denying the right to register and vote to any person who legitimately qualifies under State laws controlling the composition of the electorate. By this affirmation I do not wish to imply that I agree with or indorse unqualifiedly the conditions or lack of conditions for suffrage in any given State. Indeed, one could not honestly indorse all of the State laws, for they differ materially. For example, it is my understanding that in the State of Florida there is no requisite under State law that a person either possess a given level of formal education or read and write English in order to enjoy the right of the ballot. Thus, for instance, the substantial Puerto Rican population in the State of Florida enjoys the right to vote. By comparison, the other States in the Union which has a most substantial Puerto Rican population, and I refer to the State of New York, does impose as a condition of suffrage that a person must read and write English. According to the Civil Rights Commission, this condition of suffrage in New York denies the ballot to substantial numbers of Puerto Ricans living in New York City, and this assertion of the Civil Rights Commission should be extended the degree of credibility to which each individual is personally disposed after scanning the results of their entire work. Although I might not agree with the conditions of suffrage imposed by either Florida or New York, were I fully conversant with all of the local factors which must be considered in formulating their conditions of suffrage, I recognize first that their problems are probably as divergent as their voting requirements; and, second, that each of them has, as has every other State, as a part of its inherent sovereignty the exclusive right to determine for itself what conditions of suffrage are best suited to accomplish the desired democratic republican form of government when generally applied as required by the U.S. Constitution.

The perversion of State voting laws and even the flagrant violation of voting laws have not been a rarity in our history, and most assuredly has not been confined to situations arising from racial differences. Stories of graveyard and multiple voting are almost so common as to approach triteness. Fortunately, such instances have usually been localized and isolated to the extent that irreparable harm has been avoided by resorting to constitutional laws, both Federal and State, which exist in great number for the specific purpose of preserving the rights of the electorate inviolate.

The instances of irregularities which the Civil Rights Commission found in the South—and I use the broader term "found" rather than the much narrower term "substantiated," advisedly—were also isolated and localized, and are being or would be corrected in due time in accordance with due process prior to the advent of irreparable harm.

I do not endorse the irregularities substantiated any more than I can endorse the excesses committed under the pretext of remedying them. I can, however, as one conversant with the source and nature of agitation from outsiders and the Federal Government, which largely inspired the irregularities, understand the sentiments which prompted the people to commit them.

In the first place, there is no need for this proposal on the statute books. As a result of congressional action in 1957 the Attorney General of the United States has been empowered to bring free of charge a suit in the name of the United States to protect and to enforce the voting rights of any person who is subjected to discrimination resulting in a deprivation of the right to vote. This remedy does not stand by itself by any means. There are innumerable other remedies both civil and criminal, enforcible in both State and Federal courts, to protect the right of any qualified citizen to vote. There are now on the books almost every conceivable protection and device against discrimination in matters pertaining to voting which are within the bounds of constitutionality, and, for that matter, some which, in my opinion, go beyond the boundaries of constitutionality.

Mr. President, I am the first to admit that most of the remedies which now exist involve some time delay in their utilization, and this is particularly true of those which fall clearly within the boundaries of constitutionality.

The substantive rights of both groups and individuals under our form of government are no better and no safer than the degree of protection afforded them through the procedural right of due process. If the procedural due process involves one element above all, it is time. Time is the very essence of a substantial portion of our due process guarantees.

The deliberate action which is built into both our body politic and our judicial machinery have traditionally been the target of abuses by zealots in all fields. These zealots, devoid of patience and robbed of objectivity by the emotions which replace their reason, are by definition incapable of understanding or of appreciating the overwhelming advantages which outbalance by far the inconveniences incurred through the lapse of time essential to deliberative action. Unquestionably, a dictatorship is capable of speed more responsive to events than a republican form of government. Indeed, a persuasive argument can be made that a dictatorship has the inherent capability of a higher degree of efficiency than has a republican form of government. Fortunately, individual freedom has always carried greater weight in the minds and hearts of a large majority of Americans at all times than either speed or efficiency or the combination of them. Experience has proven that the maximum degree of speed and efficiency are incompatible with the continuance of individual liberty.

It is the time factor involved in procedural due process, Mr. President, which apparently is the primary source of irritation to those who seek additional and excessive laws in the voting field. The only argument advanced by the proponents of such additional laws which, in my opinion, has any substance is to the effect that all desirable ends cannot be accomplished immediately—if not yesterday. If these same people had lived in an earlier day, their frustrations would have stemmed from the fact that Rome could not be built in a day.

I would remind by zealous colleagues that even their sociological champions in this field limited their zeal by the phrase, "All deliberate speed." Yes, the Supreme Court Justices, who need take second place to no one in their zeal for so-called civil rights, were constrained when considering the time element to recognize the necessity for deliberativeness.

As an example, Mr. President, of the pitfalls encountered when concern for speed overshadows consideration for due process guarantees, I should like to refer briefly to one of the constitutional defects apparent in title VI.

In his testimony during the brief period in which the Judiciary Committee was required to consider this legislation, the Attorney General testified with respect to title VI that it had as its constitutional basis the 15th amendment of the Constitution. Mr. President, as is well known by Members of this body that particular section is as follows:

> SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.
>
> SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

Mr. President, as any student of constitutional law knows, the language of the section is in negative term. This particular amendment, the legitimacy of which is open to serious question, in no way justifies an affirmative course of action set forth in legislation by Congress. Any legislation which seeks to justify its existence must do so on two grounds.

First, a prudent Congress must be convinced that there exists evidence that the right of citizens of the United States to vote is being denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. Second, the legislation must assume the character of negating this discrimination. In other words, Mr. President, the legislation must be negative in character, as opposed to a positive approach or affirmative course of action. This has been summarized in 18 American Jurisprudence, elections, page 26, paragraph 8, as follows:

> The power of Congress to legislate at all upon the subject of voting at State elections, rests upon the 15th amendment. The legislation authorized by this amendment is restricted. It extends only to the prevention by appropriate legislation of the discrimination which is forbidden by the provision. Congress has no power to punish the intimidation of voters at purely State elections where the conduct complained of is not grounded upon race, color, or previous condition of servitude.

Prior to the adoption of the 14th and 15th amendments, the field of voting insofar as State elections were concerned was reserved exclusively to the several States. The adoption of these amendments in no way granted the right to vote to anyone. The 15th amendment prescribed that the States and the Federal Government could not use race, color, or previous condition of servitude as a qualification. When these three factors do not serve as the basis for denying a citizen the right to vote, there is no legislation which can be enacted by the Congress under the 15th amendment to assure that this citizen or citizens shall vote. It is on the basic constitutional principle that I challenge the constitutionality of title 6 of H.R. 8601. The pertinent principles of title 6 are as follows:

> In any proceeding instituted pursuant to subsection (c)—

That is, of the Civil Rights Act of 1957—

> in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall, upon request of the Attorney General and after each party has been given notice and the opportunity to be heard, make a finding whether such deprivation was or is pursuant to a pattern or practice—

The following sentence in title VI is of particular interest as to the constitutionality of this section:

> If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for 1 year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has since such finding by the court been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law.

It is at once apparent that the language of this legislation does not meet the requirements for legislative provisions of the 15th amendment. The only requirement stipulated in this particular provision to require the State to register the applicant is that he shall have been a member of the same race as the persons involved or for whom the original suit was instituted. A perusal of the section will reveal that there is no requirement that the person shall have been discriminated against on account of race or color. The system embraced within the provisions of title 6 is an affirmative process whereby the Federal Government undertakes to pass on the qualifications of a citizen who is not required to have been discriminated against on account of race or color.

Mr. President, an amazingly similar corollary may be drawn between this section and the statute which was before the circuit court of appeals in Karem against United States. In that case the court was called upon to pass upon the constitutionality of 18 U.S.C. 51 which had for its objective the punishment of all persons who conspire to prevent the free enjoyment of any right or privilege secured by the Constitution or laws of Congress, without regard to whether the persons so conspiring are private individuals or officials exercising the power of the United States or of a State, and which did not draw any distinction between a conspiracy directed against the exercise of the right of suffrage based upon race or color.

It is obvious that the state of facts existent in the Karem case is not dissimilar from the situation presented by the language of title 6, which I have previously quoted. It is patent that this legislation is not appropriate for the enforcement of the 15th amendment.

Mr. President, this legislation derives its innumerable defects by virtue of the fact that the normal legislative process has been ignored and abandoned in its consideration. The violence to normal procedures in both Houses of Congress has in turn resulted from the fact that the motives prompting the consideration of this legislation are not based on need, or even demand, but rather on political expediency. This is an election year. The minority bloc votes in the country have for a number of years exercised, or at least have claimed to exercise, such a major influence on national elections that both parties now seem to think that they must bait their voting hooks with a lure of so-called "civil rights" legislation. In selecting the lure, there seems to be a partiality for the extreme. The need for protection of Constitutional safeguards and due process pales into oblivion at the prospect of landing, by fair means or foul, the minority bloc vote. Apparently, no holds are barred.

I implore Senators to control their emotions and let reason prevail for a time. In the years since our Republic was founded, many candidates, office holders, and even political parties, have appeared on the public scene, performed or failed in their functions, and have disappeared. The impression they made, and their contributions to, or detractions from, the liberties and well-being of the American citizens have, fortunately, for the most part, accomplished little change in the concepts embodied in the Constitution which guarantee a continuation of liberty in the United States. The Constitution, however, has from its origin remained on the whole inviolate in the basic safeguard of American liberty. The candidates and office holders in this election year of 1960, and possibly even the political parties now existing, will also pass from the political scene. Let us not, therefore, as an expedient for temporary political gain, and relatively short-lived political power, destroy the very political framework within which we seek to exercise the responsibilities of office, and thereby surrender the American citizens to despotism.

Mr. President, it is my sincere hope that Senators will reflect well before they cast their votes on this measure. The Constitution of the United States is the greatest bulwark of our Nation. We must rely on the Constitution to protect the individual citizen, to protect the rights of the States, and to guarantee and assure freedom, liberty, and justice under this, the flag of the greatest Nation that was ever brought into being on the face of the earth.

The PRESIDING OFFICER. Under the unanimous-consent agreement the Senator from Illinois [Mr. DIRKSEN] has the floor.

Mr. DIRKSEN. Mr. President, has the distinguished Senator from South Carolina finished his address?

Mr. THURMOND. Yes.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DIRKSEN. Under my reservation in connection with the motion to table, I think I still have the floor.

The PRESIDING OFFICER. The Senator is correct.

Mr. DIRKSEN. I ask unanimous consent, with the understanding that I reserve my right to the floor, to yield 1 minute to the distinguished Senator from Connecticut [Mr. BUSH].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUSH. Mr. President, this is an historic occasion. The Senate is about to vote on the proposed Civil Rights Act of 1960. Throughout this debate, I have sought to strengthen the bill in accordance with the recommendations of the President. I regret that those of us who have participated in this effort have not been entirely successful. Nevertheless, I regard the bill as a significant step forward toward our goal of equality before the law for all our people, regardless of race, creed, color, or national origin.

Mr. President, I ask unanimous consent that a statement I have prepared on civil rights legislation may be printed in the RECORD following these remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CIVIL RIGHTS—THE REPUBLICAN RECORD

(By U.S. Senator PRESCOTT BUSH)

Senate passage of the proposed Civil Rights Act of 1960 will mark further progress toward full achievement of the ideal of equality before the law, regardless of race,

creed, color or national origin, which has been one of the basic tenets of the Republican Party's philosophy since it was founded by Abraham Lincoln.

Steady forward advances in civil rights have been made since President Eisenhower and his Republican administration took office in 1953, in sharp contrast with the 20 years of stagnation which had preceded.

In 1956, the Republican Party's platform reviewed the progress which was made in the early years of the Eisenhower administration. The section on civil rights, drafted by the committee on resolutions on which I had the privilege of serving as chairman, reads as follows:

"The Republican Party points to an impressive record of accomplishment in the field of civil rights and commits itself anew to advancing the rights of all our people regardless of race, creed, color, or national origin.

"In the area of exclusive Federal jurisdiction, more progress has been made in this field under the present Republican administration than in any similar period in the last 80 years.

"The many Negroes who have been appointed to high public positions have played a significant part in the progress of this administration.

"Segregation has been ended in the District of Columbia Government and in the District public facilities including public schools, restaurants, theaters, and playgrounds. The Eisenhower administration has eliminated discrimination in all Federal employment.

"Great progress has been made in eliminating employment discrimination on the part of those who do business with the Federal Government and secure Federal contracts. This administration has impartially enforced Federal civil rights statutes, and we pledge that we will continue to do so. We support the enactment of the civil rights program already presented by the President to the 2d session of the 84th Congress.

"The regulatory agencies under this administration have moved vigorously to end discrimination in interstate commerce. Segregation in the active Armed Forces of the United States has been ended. For the first time in our history there is no segregation in veterans' hospitals and among civilians on naval bases. This is an impressive record. We pledge ourselves to continued progress in this field.

"The Republican Party has unequivocally recognized that the supreme law of the land is embodied in the Constitution which guarantees to all people the blessings of liberty, due process and equal protection of the laws. It confers upon all native-born and naturalized citizens not only citizenship in the State where the individual resides but citizenship of the United States as well. This is an unqualified right, regardless of race, creed, or color.

"The Republican Party accepts the decision of the U.S. Supreme Court that racial discrimination in publicly supported schools must be progressively eliminated. We concur in the conclusion of the Supreme Court that its decision directing school desegregation should be accomplished with 'all deliberate speed' locally through Federal district courts. The implementation order of the Supreme Court recognizes the complex and acutely emotional problems created by its decision in certain sections of our country where racial patterns have been developed in accordance with prior and longstanding decisions of the same tribunal.

"We believe that true progress can be attained through intelligent study, understanding, education and good will. Use of force or violence by any group or agency will tend only to worsen the many problems inherent in the situation. This progress must be encouraged and the work of the courts supported in every legal manner by all branches of the Federal Government to the end that the constitutional ideal of equality before the law, regardless of race, creed, or color, will be steadily achieved."

In the 84th and 85th Congresses our Republican administration presented comprehensive civil rights bills, of which I was a sponsor. Despite the bitter resistance of a substantial bloc of Democrats in the Congress, constant pressure by the administration resulted in the enactment of the first major legislation in the field of civil rights in more than 80 years.

In summary, the Civil Rights Act of 1957:

1. Established in the executive branch a six-member bipartisan Commission on Civil Rights, with subpena powers, to investigate alleged deprivation of voting rights because of color, race, religion, or national origin; to study legal developments constituting denial of equal protection of the laws; and to appraise Federal laws and policies regarding equal protection of the laws.

2. Provided an additional Assistant Attorney General for Civil Rights in the Department of Justice.

3. Affirmed the right of an individual to recover damages or secure other relief under any act of Congress providing for the protection of civil rights.

4. Made interference with the right to vote in Federal elections actionable at the discretion of the Attorney General under injunctive proceedings in U.S. district courts, which have jurisdiction without regard to whether other lawful remedies have been exhausted.

5. Provided that in criminal contempt cases, involving punishment for willful disobedience of injunctions or other court orders in voting-rights cases, the defendant may be tried with or without a jury, in the discretion of the judge. If in such trial without a jury the judge imposes a fine greater than $300 or a jail term longer than 45 days, the defendant, upon demand, would be given a new trial before a jury.

Maintained the courts' power through civil contempt proceedings, without a jury, to secure compliance with, as distinguished from punishment for violations of, injunctions or other court orders in voting-rights cases.

Set qualifications for Federal jurors independent of State laws, stating that any 21-year-old citizen who has resided 1 year within the judicial district is competent to serve as a juror, unless he is illiterate, a criminal, or physically or mentally incapable.

In 1958, the only action taken was to extend the life of the Civil Rights Commission for 2 additional years.

The bill, upon which the Senate now is about to act, after many weeks of debate in which a substantial bloc of Democrats has again fought tooth and nail against any civil rights legislation, contains significant additions to existing law. The major provisions of the Civil Rights Act of 1960 follow:

Title I makes it a Federal crime to use threats or force to attempt to or to interfere with or obstruct any Federal court order. Penalties: $1,000 or 1 year or both.

Title II makes it a Federal crime to flee from one State to another to avoid testifying or prosecution for bombing of any structure or building, including schools or churches, plus vehicles. Penalties: $5,000 or 5 years or both. Makes a Federal crime (a) the transportation in interstate or foreign commerce of explosives with intent to damage or destroy any real or personal property for the purpose of interfering with its use for educational, religious, charitable, residential, business, or civic objectives—subject to a graduated scale of penalties; and (b) bomb threats through the use of instruments of commerce—subject to $1,000 or 1 year or both.

Title III requires for a 22-month period preservation of voting records pertaining to Federal elections, and gives the Justice Department power to inspect any such voting records, but only at the principal office of the custodian of such records.

Title IV authorizes each member of the Civil Rights Commission to administer oaths and take statements of witnesses.

Title V makes funds available to the Commissioner of Education to make arrangements for providing local educational facilities for children of military personnel in federally impacted areas, residing off the post.

Title VI, the Attorney General's proposal, as amended, to amend the Civil Rights Act of 1957 by providing for court-appointed U.S. voting referees.

I regret that the stubborn resistance of Democratic Senators opposed to any civil rights legislation has prevented further improvements in the bill. I refer to the defeat of attempts to revive part III of the administration's 1957 program, which would have given the Attorney General the authority to bring suit on behalf of individuals deprived of civil rights to which they are entitled under the Constitution, and to the rejection of portions of the administration's program this year. It is especially regrettable that the Senate has refused to establish a Commission on Equal Job Opportunities under Government Contracts, thereby providing statutory authority for the President's Committee on Government Contracts which has done such excellent work in this field under the able chairmanship of Vice President NIXON.

Although I have voted with those who have sought to strengthen the bill and against the attempts which have been made to weaken it further, I regard the legislation we are about to pass as a substantial advance toward our goal of securing to all people, regardless of race, creed, color, or national origin, the rights to which they are entitled under the Constitution and the 14th and 15th amendments.

Mr. DIRKSEN. Mr. President, with the understanding that I reserve my right to the floor, I ask unanimous consent that I may yield to the distinguished Senator from New Mexico for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSPORTATION OF AIRMAIL

Mr. ANDERSON. Mr. President, on March 16 I introduced S. 3214, a bill to clarify the law with respect to transportation of airmail, and for other purposes. Briefly, this bill merely states that if anyone wants to send a letter by air he must make sure that an airmail stamp is placed on it. Or to put it another way, the Post Office Department shall not contract to have any first-class mail transported by airplanes unless airmail rates are charged.

My bill has been referred to the Committee on Post Office and Civil Service, and I hope the distinguished members of that committee will be able to give it consideration at an early date.

My reason for referring to this matter today is because of the action of the Post Office Department initiated on April 4 whereby new contracts for carrying 4-cent mail by air went into effect. The Post Office now sends by airlift mail intended to be sent at regular first-class rates between the three cities of Detroit, Cleveland, and Pittsburgh, and points in Florida.

Mr. President, I submit that this is a slap in the face of the recommendation made by the House Appropriations Committee in Report No. 1281. That committee, in reporting the Post Office appropriations bill, recognized the seriousness of this practice by the Postmaster General of entering into these airlift contracts on his own initiative. Since this is a matter of legislative action the committee recommended that no further extensions of the airlift be made until the Congress acted by examining the matter thoroughly. Legislation similar to my bill is pending in the House, and I understand that action is expected shortly. The Appropriations Committee felt that this was a proper subject for the legislative committee and therefore no attempt to put a rider on the appropriations bill was made. However, it is obvious that the recommendation of the committee did not do a bit of good.

The paradox of this situation is that only yesterday I received, as I am sure other Senators did, a letter dated April 4 from the Postmaster General following up his earlier letter trying to persuade the Senate that it is necessary to raise postal rates.

I am advised that the Post Office Department appropriations bill is pending before the subcommittee in the Senate. I hope that the members of that committee will take notice of this situation and question the Post Office Department officials on how highly they regard the recommendations made by the corresponding committee in the House of Representatives. I think this is a question that needs to be investigated at the earliest possible time by the Congress, and I urge the Members of the Senate, and especially the committees concerned, to give it very careful consideration.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. DIRKSEN. Mr. President, with the understanding that I reserve my right to the floor, I yield 1 minute to the Senator from North Carolina.

Mr. ERVIN. Mr. President, I wish to commend the magnificent speech which the distinguished and able junior Senator from South Carolina [Mr. THURMOND] has made. No Member of the Senate has fought with more industry and more intelligence and more courage than the able and distinguished junior Senator from South Carolina to preserve constitutional government in America during the current fight and, indeed, at all times since he has come to the Senate. He merits the thanks not only of his State and the South, but also of the entire country for his services in this respect.

Mr. THURMOND. Mr. President, I thank the able and distinguished Senator from North Carolina for his kind remarks. I especially appreciate them because they come from such a great statesman and great lawyer and great American.

During the civil rights fight, and ever since I have been in the Senate, no one has fought harder to preserve the basic principles upon which this great country of ours is founded than the able and distinguished Senator from North Carolina. I therefore especially appreciate his remarks, because they come from such a fine and able lawyer and fine citizen and great American.

Mr. DIRKSEN. Mr. President, with the understanding that I reserve my right to the floor, I ask unanimous consent that I may yield for 1 long minute to the Senator from South Dakota.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE of South Dakota. Mr. President, I shall vote against the motion to recommit the bill to committee, or, if a motion is made to table the motion to recommit, I shall vote for the motion to table the recommittal motion. On passage of the bill I shall vote for the bill.

The pending bill seeks to make it possible for a citizen to take part in his government regardless of the color of his skin.

A very great President, a Democratic President, Woodrow Wilson, once said that in America we sought to create a condition where no man could be made afraid; that it was the intention of our kind of government to set man upon the high road and to let him participate in government without fear.

Another great President, Theodore Roosevelt, a Republican President, said that it was not the man sitting by the fireside and complaining of conditions who would make good government in America, but that it was the man who did not hesitate to participate in the primary, who did not hesitate to leave his fireside and to work in the precinct who would convert bad government into good government, and good government into better government.

It is not possible for us to have good government and representative government in America unless people can go to the ballot box without fear in their hearts and without any intimidation.

The pending bill, in my judgment, seeks to make it possible for every person to take part in his government without fear, without intimidation, without the thought that someone will bar him because of the color of his skin or because of his religion or because of his race or because of any previous condition of servitude that he or his ancestors might have had. The pending bill is an attempt to make representative government work.

Therefore I shall vote against the motion to recommit the bill, and I shall vote for the passage of the bill.

Mr. DIRKSEN. Mr. President, further reserving my right to the floor, I yield 20 minutes to the distinguished Senator from Arkansas.

Mr. McCLELLAN. Mr. President, since February 15 the Senate of the United States has been unnecessarily and unjustifiably occupied in the consideration of so-called civil rights legislation. On that date, February 15, we took up in the Senate what was known as the Missouri school bill, H.R. 8315, which had no relation whatever and in no way involved the civil rights issue.

Thereafter, I believe on the 24th of February, the so-called Dirksen amendment was offered in the nature of a substitute. We continued to debate that substitute or that amendment until such time as the House passed and sent to us H.R. 8601, the bill now before us.

During this time important measures and vital issues involving the interests of our country and the welfare of our people have been shunted aside and treated with indifference and neglect, while the Senate of the United States has been subjected to this unpleasant imposition. The only real and lasting good—and I hope it will be lasting—which has come from or will come from this prolonged legislative ordeal of approximately 2 months is in what the Senate has refused to do—what it has rejected—rather than in what it has accepted and now proposes to enact into law.

Fortunately, indeed, for our country, a small group of Senators—18 to be exact, and with whom I am happy to be included, and to have served and been associated with in this great effort—this small group of Senators with resolute determination, inspired and fortified by the righteousness of their cause, fighting with their backs against the wall, and finally with the help of some colleagues who have responded to logic, reason, and justice, have been able to bring about the rejection and defeat of many far more obnoxious and odious provisions and proposals than those now remaining in the pending bill.

Many such proposals have been defeated; and so far as the pending bill is concerned, since it has already reached the stage of third reading, they no longer constitute a threat during any further consideration of the bill.

Mr. President, in winning the rejection of many amendments and provisions that came before the Senate for consideration, we in effect repelled, for the time being, at least, the further invasion of States rights and vicious assaults on many of the rights and liberties of the people which are vouchsafed to them by the Constitution of the United States.

Mr. President, I shall vote against the motion to table the motion to recommit, for I am opposed to H.R. 8601 and shall vote against the passage of the bill.

I would make it very clear, however, that in voting against the enactment of H.R. 8601 I am not opposed to the rights and privileges guaranteed by the Constitution of the United States to all citizens, whether they be white or colored. I believe in the Constitution—in the letter and spirit of it as it was written and adopted by our Founding Fathers. But I do not accept, without sadness and protest, perversions and distortions of the letter, true meaning, and intent of that great document, even when such perversions and distortions of it are engaged in or sanctioned by the Supreme Court of the United States.

I believe in the right of all citizens to exercise their privileges and guarantees under the Constitution and the laws within its framework which implement its provisions and that are supplementary thereto as may be enacted by Congress. I also believe in State sovereignty, and I respect, uphold, and defend

those powers which are reserved to the several States and to the people thereof by the 10th amendment to the Federal Constitution.

H.R. 8601, now in its final form, so far as this body's authority can be invoked, and the many amendments that were offered to it, and other proposals that have been presented to the Congress, all purport to be legislation designed to guarantee to people of the colored race the exercise of various privileges which it is claimed are now withheld from them.

Mr. President, I am not convinced that privileges and rights are withheld from the colored people, and certainly not in my State. I refer to legitimate rights under the Constitution, and not necessarily to all so-called rights it is claimed that this bill is intended to restore or enforce. In Arkansas, all Negroes vote who desire to exercise their franchise. They are not denied that right; they vote on the same terms and basis of white citizens, and their votes are counted.

The passage of the bill will not increase by a dozen the number of Negroes who will cast their votes in the coming election in Arkansas. If that be true—if I am stating a fact—then there can be no support for the charge that I am opposed to such legislation because it will increase the number of Negroes who will vote in my State. In Arkansas, Negroes are encouraged to qualify to vote—to qualify in the same manner and by doing the same acts as are required by State law of all alike, whether white or black.

In many States, the expression or requirement is to "register to vote." In my State, voters pay a poll tax. That is the way they qualify. After the other requisites for the entitlement of citizens to vote are met, such as age and residence, Negroes can qualify to vote by paying a poll tax, just as all white citizens must do to be eligible to vote.

Negroes do vote in Arkansas. They vote in large numbers. Their voting strength is steadily increasing and there is no policy, program, or purpose in the State of Arkansas with its government or with its citizens to deny or hinder any Negro citizen of that State in the exercise of his right to vote in all elections, in the primaries, in the general elections, and in local elections. On the contrary, the Negro is not only encouraged, but is urged to exercise this responsibility of citizenship.

I do not believe there will be found to be any "pattern or practice," as referred to in the bill, in Arkansas which will give rise to the jurisdiction, authority, or proceedings of the Federal court that the bill is intended to authorize or confer. Notwithstanding that, the principal involved of setting up such authority and conferring such jurisdiction upon Federal courts as the bill would do, in my judgment seriously contravenes both the letter and spirit of the Constitution, impinges upon State sovereignty, and usurps powers which are primarily reserved to the people themselves.

For that reason, I oppose the enactment of the bill. The constant, ever-increasing encroachment by the Central Government upon the prerogatives of the States and of the people, as reserved to them by the Constitution, is a danger from within, a danger which can become just as fatal and destructive to the liberties of the people as any danger which threatens us, or which could threaten us, from without.

In my judgment, Mr. President, the so-called Civil Rights Act of 1960 is nothing but a political legislative project. It is an attempt to gain favor with the Negro and so-called liberal groups throughout the country. It is inspired by political expediency. I can discover no other real motives behind it. They want to capture the Negro vote. If we remove political considerations, there would be no proposed legislation of this character before Congress. There would not have been this 2 months' waste of time and labor on the part of the Senate if there had been no such political matinees involved.

Unfortunately, Mr. President, there are those who believe it politically expedient to enact coercive and punitive legislation against one great section of the country and the citizens thereof. As has been demonstrated time and time again, there are those who would, if possible, humiliate the South. They would like to hold the Southern States and our people up to ridicule and derision. They may do so, and they may profit politically thereby. But, Mr. President, the best interests and the welfare of neither black nor white will be served thereby. The victory, if any, which they will gain will be of dubious value. It will be won at a terrible price.

The enactment of this bill at this session of Congress will really settle nothing. It will not resolve the so-called issue of civil rights. It will not satisfy or appease the extremists and the agitators. It will not promote better race relations, either in the South or anywhere else. This legislation will simply be followed by the introduction of a flood of bills, in the guise of "civil rights" legislation, in the 88th, the 89th, and 90th, and possibly in other succeeding Congresses.

Next to the ill-advised and injudicious Supreme Court school decision of May 17, 1954, this so-called civil rights legislation has done more to divide and to construct a barrier between the white people and the colored people of the United States than anything else that has been done.

The Civil Rights Act of 1957 lent impetus to the injustice and error of that Supreme Court decision; and this so-called Civil Rights Act of 1960 will serve to further aggravate the tensions and dissensions that exist. It will further divide our people, incite recriminations, and instill hatreds that have not existed heretofore.

Mr. President, when we pick up the newspapers, we read the headlines about actions throughout the country, the sit-downs and other demonstrations that are stirring up bad feeling and tension and hatred between the races. Mr. President, the travesty that has been enacted here in the Senate during the past 60 days simply feeds the flames of those tensions and the enmity and bitterness that should not exist. Mr. President, such feelings were being greatly ameliorated, and we were emerging from that unhappy and disagreeable situation, until some of these actions took place.

Prior to the Supreme Court decision of 1954 to which I have referred, and prior to the Civil Rights Act of 1957, race relations in this country and the so-called civil rights situation were improving. Rapid strides were being made. The processes of evolution were working favorably and effectively and had been so working for many, many years. This improvement was coming about through education, understanding, and mutual respect. Mr. President, that is the only way it can be done. The use of force—even the use of legislative force, Mr. President—will not do it. Laws that disregard the constitutional concepts of our liberties and the powers deposed in our sovereign States will not do it.

Those who believe that this Civil Rights Act of 1960 is going to be a panacea or cure-all are sadly mistaken. This force process will not work. The agitation that has provoked and motivated the character of the legislation we are considering has already done irreparable harm.

I cannot recall any period in my lifetime when race relations between our white citizens and our Negro citizens were more unhappy and more strained than they are today. What we are doing here is not conducive to improving that situation. It may very well cause it to worsen; and there is much evidence that that is exactly what is happening.

Mr. President, we need to return to reason, to tolerance, and to understanding. Great statesmen who served in this body before us had the wisdom—and, I may say, the political courage, as well—to understand, recognize, and handle this problem with justice and for the best interests of all.

The PRESIDING OFFICER. The time yielded to the Senator from Arkansas has expired.

Mr. McCLELLAN. Mr. President, will the Senator from Illinois yield additional time to me?

Mr. DIRKSEN. Mr. President, reserving my right to the floor, I wish to yield an additional 10 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. Without objection, the Senator from Arkansas is recognized for an additional 10 minutes; and he may proceed.

Mr. McCLELLAN. I thank the Senator from Illinois.

Mr. President, a shining example of the wisdom, discretion, and statesmanship displayed by some of our predecessors is to be found in an address made by the late William E. Borah, a great Senator from the State of Idaho, on the 7th of January 1938. At that time this body had up for consideration House bill 1507, of the 75th Congress, a measure "to assure to persons within the jurisdiction of every State the equal protection of the laws and to banish the crime of lynching." The able statesman from Idaho opposed that measure. He spoke eloquently and with compelling conviction in opposition to it. That he was correct in the view he expressed—namely, that that measure was not needed—has been thoroughly demonstrated with the passage of time and with our witnessing happily, in the ensuing years, that the crime of lynching has become practically extinct. That result has been achieved without the enactment of any unconstitutional legislation, as then proposed.

At that time among the agitators and the extremists there was urgent demand that such legislation be enacted. But—fortunately for both races and for all concerned—the wisdom of statesmen such as the late Senator Borah prevailed, and there was no action taken then which would have been tantamount to hurling insults at one section of the country in which a lynching occasionally occurred, and ignoring the situation in other sections of the country, including great metropolitan areas, where gangsterism then prevailed and was running rampant.

Yes, Mr. President, they sought then to single out one section of the country, the South, to legislate against, while condoning, by inaction and indifference, greater evils and crimes that were occurring repeatedly in other sections of the country.

They would do that again today, Mr. President. We have one great city, New York, where over 600,000 American citizens are not permitted to vote. Yet there is no provision in this bill to enfranchise them. I pointed out earlier in this debate that there were thousands of persons, both white and black, living on Government reservations in this country, who are now denied the right to vote. They are disfranchised. There is legislation pending and now on the calendar which would give them the right to vote if it were enacted; but no action has been taken, and no one has proposed by amendment to this bill that the legislation be enacted. Why? Simply because the NAACP opposes it. There is another large number of persons who are suffering the denial of voting rights, who have just as much right to vote as anyone else; but, because of a legal barrier that is unjust and could be removed, and ought to be removed, they are not accorded that privilege now. And because the NAACP objects we are doing nothing about it in this bill.

Congressman WILLIAM JENNINGS BRYAN DORN, of South Carolina, inserted that historic speech by Senator Borah in the CONGRESSIONAL RECORD on Friday, March 11, 1960. I wish every American citizen might read it, and especially would I urge Members of this body to read it again and again and meditate upon the instruction and counsel it contains. I deem it appropriate at this time, Mr. President, to quote some excerpts from that notable address:

> Mr. President, this measure (speaking of the bill then before the Senate), in a slightly different form but embodying the same principles, came to this body about 25 years ago.
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> That would have been about 1913. There was agitation away back then, nearly a half century ago, for legislation of this character. The able Senator from Idaho made this comment about it:
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> At that time I was a member of the Judiciary Committee of the Senate and was appointed by the late Senator Nelson, chairman of a subcommittee to pass upon the measure, particularly its constitutional features. I shall not at this time go into the history of the action of the committee at that time. It may be necessary to do so later in order to throw light upon some features of this matter. It is sufficient now to say that I reached a conclusion as to the merits of the bill, which conclusion I still entertain.

The Senator said further:

> Heretofore, I have confined my remarks upon this bill largely to the question of its constitutionality. Those questions still interest me, and probably I shall discuss them later. Today, however, I desire to address my attention for a time to the policy involved in this measure.
>
> Mr. President, not only is the constitutionality of the pending bill at issue, and that is a serious question, but there is also at issue the policy of the Federal Government's undertaking to inflict this imposition by usurping authority which is reposed in the States and the people thereof under the Constitution. Such usurping of constitutional powers reserved in the States is a dangerous policy.

I read further from what the Senator said:

> Assuming for the purpose of the argument that we have the constitutional power to pass such a measure as this, I desire to invite the attention of the Senate to the wisdom of doing so. I think it only a little less important, perhaps no less important, than the constitutional question itself.
>
> Notwithstanding anything that has been said or that may be said to the contrary, this is a sectional measure.
>
> It is a sectional measure, Mr. President. If there were no South in the United States, there would be no civil rights legislation before the Senate. It is, in a sense, a recrimination against one of the glorious sections of our country.

The Senator further said:

> It is an attempt upon the part of States practically free from the race problem to sit in harsh judgment upon their sister States where the problem is always heavy and sometimes acute.
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> That charge, made at that time, is applicable today. It is applicable to the pending bill, with this qualification, that the problem about which he spoke then is spreading now throughout the country, and, instead of the problem being acute in one section, some areas are reaping what they have been sowing. They are beginning to reap what they have sown, and there are areas in other sections of the country that are now beginning to feel the pressure of this problem.

I continue to read from what the Senator said:

> It is proposed to condemn these States and the people in them because it is claimed that they have failed properly to meet and adjust the most difficult of all problems. No more drastic condemnation could be offered by a measure than that which is offered by the measures now before the Senate.
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> It proposes to authorize the National Government to enter into the States and to take charge of and prosecute as criminals the duly elected officials of the States, from the Governor down. It proposes that the Federal Government shall be the sole judge of the guilt or innocence of State officials.
>
> In my opinion, that requires a review of some unfortunate history and the recalling of some unpleasant facts. These States are not to be pilloried and condemned without a full presentation of the nature of the task which fate and circumstances imposed upon them, and not without a complete record as to the weight and difficulty of the task, what has been done, and with what good faith it has been met. I shall contend that the southern people have met the race problem and dealt with it with greater patience, greater tolerance, greater intelligence, and greater success than any people in recorded history dealing with a problem of similar nature. Let us inquire what it is that the South has had to do, how it has done it, and what reason there is now, after 70 years of great effort, to pass censure or condemnation of those great States and that great people.
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> Paraphrasing the language of one of the most eloquent of men, when the Confederate soldier pulled his gray cap over his brow, and lifted his pallid and tear-stained face for the last time to the graves which dotted the hills of old Virginia, and started on his slow and painful journey home, what was he to find? What were the problems, what was the task, what were the conditions which confronted him? His home was destroyed, his plantation devastated, his help gone, his money worthless, his civilization imperiled. This was the condition in addition to the other problem with which we are more particularly concerned today, and which confronted the South as it entered upon its great task of rebuilding.
>
> I shall not go into details as to the Reconstruction period. I recall it sufficiently and only that we may understand something of the antecedents of this problem and something as to the good faith and the ability with which it has been met. I recall a single instance in the way of illustration. When Congress met in December 1865, the then leader of the House—perhaps the most complete master of the House of Representatives that history records—Thaddeus Stevens, outlined the program with reference to the then pending situation. Among other things, he said:
>
> "The future condition of the conquered power depends upon the will of the conqueror."
>
> He said further that the conquered provinces were to be admitted as States "only when the Constitution has been amended so as to secure the perpetual ascendancy of the party of the Union"—the Republican Party—"every government is a despotism. • • • The Constitution has nothing to do with it [the program]. • • • I propose to deal with you [the South] entirely by the laws of war. • • • The conquered people have no right to appeal to the courts to test the constitutionality of the law. The Constitution has nothing to do with them or they with it."
>
> Thus they were to take up the work of rebuilding and of carrying the race problem with the threat of having all constitutional guarantees withdrawn.
>
> Mr. President, I have always felt that in many respects the Reconstruction period is the most regrettable page of American history. Had Abraham Lincoln lived through his second term, it probably would have been the most readable page, one of the noblest pages in all history. It would have been characterized by wide sympathy, by breadth

of understanding, and by that wisdom which flows from the heart as well as the brain, which passeth all understanding. It would have been free from that blind partisanship which disregards constitutions and constitutional limitation as well as national honor and national unity.

A short time before the great emancipator was removed from the scene he had outlined his views on Reconstruction. What a different story would have been written had those views prevailed. What a different national life would have been lived had those views obtained. But before his body had reached Springfield the committee had met and had determined upon the complete rejection of the entire policy theretofore announced by the dead President. Ben Butler's views superseded those of Abraham Lincoln; and a more tragic thing could not happen in a crisis confronting a nation. These measures with reference to Reconstruction therefore were written from the standpoint of partisanship not unmingled with a desire to punish.

The measure now before the body embodies the same principle upon which these measures were founded. The same arguments are made in support of the pending measure, to wit, that the southern people are to be distrusted and are incapable of local self-government.

We know now what those measures in those days did. They retarded and frustrated the coming together of the people of the different States. They gave us the solid South. They separated us politically, which separation continues until this day. They implanted a sense of bitterness in the minds of those people, not because of what had happened upon the field but because of what happened in Congress.

It is not in the interest of national unity to stir old embers, to arouse old fears, to lacerate old wounds, to again, after all these years, brand the southern people as incapable or unwilling to deal with the question of human life. This bill is not in the interests of that good feeling between the two races so essential to the welfare of the colored people.

Nations are not held together merely by constitutions and laws. They are held together by mutual respect, by mutual confidence, by toleration for conditions in different parts of the country, by confidence that the people of the different parts of the country will solve their problems; and that is just as essential today as it was in 1865 and 1870.

In the beginning, Mr. President, I reject the pending measure as fundamentally not in the interest of the white people of the South, not in the interest of the black people of the South, not in the interest of national unity nor of national solidarity, not in the interest of eliminating crime. History has proven that it will be a failure, and those who suffer most will be the weaker race.

Mr. President, the race problem is the most difficult of all problems, and, in addition to the conditions which I have outlined briefly, the southern people had placed upon them the race problem under circumstances and conditions never before experienced by any people, so far as I know, in recorded history. In addition to and on top of all other problems the South had to grapple with the race problem. How well has it dealt with it?

At the close of the Civil War there were a little over 5 million white people in the South; there were 3,500,000 Negroes. In Mississippi there were 100,000 more colored people than white people. In South Carolina there were something like 150,000 more colored people than white people. There were the two races, living upon the same soil, now equally free under the Constitution, one of them untrained and unschooled in the affairs of state, and untrained in citizenship. The problem had to be met. Was it easy of solution? Can one conceive of a more difficult problem placed before a people? I wish we could place ourselves in their position. It will help us to be sympathetic, sane, and just.

I call attention to some facts which lead up to the question of lynching. History shows that in the North in 1889, 1 Negro in every 185 was in jail; in the South, 1 in every 446. In the North the percentage of Negro prisoners was six times as great as that of the native whites, in the South four times as great.

Monroe S. Work, of Tuskegee College, has said:

"There is a much higher rate of crime among the Negroes in the North than in the South."

That speaks volumes for the southern Negro and no less for the whites.

Professor Johnson, of Fisk University, has said:

"The rate for Negroes is much higher in the Northern States than in the Southern States as to crime. Judging by the figures alone, for a 10,000-Negro population, the commitments were 68 in the South, 289 in the North."

In a volume entitled "Negro Housing," published in 1932, I find the following:

"The extent of property ownership by Negroes has in the past been greater in the South than in the North."

It will be disclosed that in some of the southern cities the percentage of Negro ownership of homes runs as high as 45 percent of the Negro population; in other places as high as 30 to 39 percent of the Negroes own their own homes.

In a bulletin issued by the Department of Agriculture in 1930 we find the statement that the value of land and buildings of farm property owned by Negroes increased from 1910 to 1930 as follows, giving the round figures:

	Percent
Virginia	58
North Carolina	140
Georgia	11
Florida	39
Louisiana	142
Texas	97
Mississippi	68
Alabama	84
Oklahoma	41
West Virginia	37

I mention these figures to show the progress of the Negro throughout the South in an economic way, for, after all, only in proportion as he acquires property and economic power can he hope to be secure in his political rights. That is just as true of the white man as of the colored man. And in proportion that he advances in education, in the acquisition of property, and in the acquisition of economic rights, in that proportion he will come to be regarded as an essential factor of the southern civilization, and treated as such; and to accomplish that has been the aim of the southern Negro, encouraged and assisted by the white people of the South.

Mr. President, my time is up and I conclude—the die is cast. This bill will be passed. But its enactment will add no glory to our history; it will not enhance our liberties nor will it fortify or strengthen the Republic. Its enactment will be a sad and regrettable mistake.

Mr. DIRKSEN. Mr. President, further reserving my right to the floor, I yield 5 minutes to the distinguished Senator from Massachusetts [Mr. SALTONSTALL].

Mr. SALTONSTALL. Mr. President, I thank the Senator from Illinois. On March 10 I spoke briefly and gave my views on the problem of civil rights as I saw it. I said, in part:

It seems that our most cherished right is to have the opportunity to vote as we wish for the policies and people we support—to participate in free elections. This is the core of our democracy or of any democracy. Once it is denied, even in the smallest degree, we all feel the loss. The collective right is then in jeopardy.

Certainly one fact that has remained abundantly clear throughout this debate is that a substantial number of citizens in this country are frustrated when they try to carry out their constitutional right to vote. The evidence on this point is emphatic. So the need for legislative action to better guarantee the actual opportunity to participate in our free elections without discrimination is essential.

We will soon vote on a civil rights bill. In my view it constitutes real and vital progress toward guaranteeing participation in free elections by every citizen. The original administration bill, which I cosponsored, was primarily a voting rights bill. It contained other provisions, recognizing that civil rights problems and progress in various realms are continuing and will be closely interrelated; but the core of the bill was to protect the basic privilege of taking part in our Government by voting.

The proposal before us contains the basic provisions relating to voting rights which were contained in the original bill. Other of the original sections have been revised and some have been dropped. The proposal as it now stands I hope and trust will ultimately reach the President without change.

I believe that the Senate has effectively resisted so-called watering down amendments which would have weakened the bill.

Certain other provisions which have validity on their own merits were passed over at this time because by their inclusion they might have jeopardized the passage of the bill. This would have prevented the enactment of voting rights guarantees. I am confident, however, that favorable legislative action may well be taken by the Congress at a later date on these provisions, if they are at that time still believed to be valid.

In the passage of any legislation we must determine what is practical and realistic and go forward to obtain that result. If we try to move too far too quickly, we may accomplish nothing. I believe that in order to reach productive results in this session, the Senate should pass a bill which is substantially similar to the House bill sent over to us, so that a minimum of difficulty and danger is encountered in accommodating differences. The bill before us is of that character.

The proposal which we will shortly vote on is positive, it is constructive, and it moves forward in three different areas all concerned with the problem of lessening the practice of discrimination.

First, it effectively builds on the 1957 Civil Rights Act by preserving Federal election records for inspection by the Justice Department and by providing

for court-appointed referees, in cases where discrimination has been shown, so that qualified voters are permitted to register, to vote and to have their votes counted.

Second, it helps to make more effective the 1954 school desegregation order of the Supreme Court by making it a Federal crime (a) to use force or threats of force to obstruct court orders, (b) to carry explosives, and (c) to flee across State lines to avoid prosecution for damaging buildings or property. These buildings obviously include schools and churches. It also provides for the education of children of military personnel in areas where regular schools are closed by desegregation.

Third, it gives the Civil Rights Commission the power to administer oaths. The life of the Commission was extended last session for 2 years, but it is presently somewhat hampered by its inability to administer oaths.

The civil rights bill of 1960 will thus continue to add essential features to the laws already on the statute books toward ending discrimination in the voting privileges of our citizens, in the schooling of our youth, and in making more effective an important Commission of the Government responsible in this area.

We want legislation rather than procrastination. I hope that this bill will pass the Senate and ultimately become the law of the Nation.

Mr. DIRKSEN. Mr. President, further reserving my right to the floor, I yield 10 minutes to the distinguished Senator from New York [Mr. KEATING].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEATING. Mr. President, I thank my colleague from Illinois.

Mr. President, before the debate is concluded several points should be emphasized with respect to the operation of the provisions of this bill.

With respect to the voting referee title, the following should be made clear:

First. The title operates when there has been deprivation of any right or privilege secured by subsection (a) of section 1971, title 42, United States Code. That subsection proscribes discrimination at any stage in the registration or voting process. Thus, the operation of the title does not depend on discrimination in processing applications for registration. For example, a finding of discrimination in voting clearly would trigger the voting referee title.

Second. The right secured by title 42 United States Code section 1971(a) is the right "to vote at any election without distinction of race, color, or previous condition of servitude." This right is infringed by segregation anywhere in the voting process as well as by more obvious acts of deprivations of the right to vote.

Third. The "pattern or practice" requirement means only that the proven discriminatory conduct of the defendants was not merely an isolated instance of racial discrimination. For example, a challenging system which operated to strike Negroes from the voting rolls while leaving enrolled white persons who were equally subject to challenge would constitute a pattern or practice of discrimination. Similarly, if State registration officials applied more stringent qualification tests to Negroes than to white citizens, or attempted to frustrate Negro enrollment by failing to hold registration sessions, such derelictions of duty would constitute a pattern or practice. Moreover, a single act such as enactment of a statute directed at Negroes would in itself constitute a pattern or practice of discrimination.

Under the voting records title, two points need clarification:

First, Section 303 of H.R. 8601, which deals with the preservation of voting records and the right to inspect them, is intended to make clear that whoever has custody of the records required by the title to be preserved must make them available to the Attorney General upon his demand therefor. This would include State judicial or quasi-judicial bodies who may have temporary possession of election records.

Second. The language added by the House Judiciary Committee in section 303 that the Attorney General's demand "contain a statement of the basis and the purpose therefor" means only that the Attorney General identify in a general way the reasons for his demand. Clearly a sufficient statement would be the assertion that the demand was made for the purpose of investigating possible violations of a Federal statute. No showing even of a prima facie case of a violation of Federal law need be made. And, obviously, the Attorney General's statement is not subject to judicial review.

Mr. President, I believe that a majority of the Senate shares my understanding of the meaning of these provisions, but I thought it was important to make the record on this point abundantly clear.

The civil rights bill is not a victory for anyone. It is a compromise measure. It contains a number of useful provisions, but it omits other very important proposals. No one would contend that it fully copes with the gamut of civil rights problems confronting our Nation. But it does deal with some of these problems in an effective and meaningful manner.

Progress in this area always has been slow. This bill certainly represents progress, but we are progressing at a snail's pace when measured against the distance which must eventually be covered.

This is not a time to assess blame or to bestow credit. It is evident, however, that one of the reasons for our failure to enact more meaningful legislation was the refusal of all proponents of civil rights to unite behind the administration's original bill. This bill contained realistic and substantial measures to relieve the critical civil rights problems facing us. Two of its most useful provisions—dealing with technical assistance to school districts which need help in implementing desegregation and with equal job opportunity for employees of Government contractors—have fallen by the wayside.

This kind of halfway measure is a compelling invitation to a renewal of the struggle for effective civil rights legislation at the very next opportunity. I cannot believe that the American people will settle for a bill which does not contain any provisions for implementing the Supreme Court's desegregation decision, which does not contain any provisions for guaranteeing that Federal funds will not be used to subsidize discrimination in employment, and which does not contain any provisions allowing the legal resources of the Federal Government to be used in aid of the constitutional rights of our citizens other than voting.

In retrospect, it is apparent that these important proposals were defeated more by the shortcomings of the rules of the Senate than by any repudiation of their inherent and obvious merit. The dark cloud of a constantly threatening filibuster storm has hovered over our deliberations from the very beginning. This has had more to do with shaping this legislation than any discussion of the merits. In truth, we have obviously been engaged in shadowboxing during much of this debate on civil rights.

This strongly indicates that before any really adequate civil rights bill is enacted by Congress an overhauling and modernizing of its rules of procedure will have to take place. It has now been demonstrated that the insubstantial change in the cloture rule adopted at the beginning of the last session is utterly inadequate and that a further revision of rule XXII is essential. We should also consider adoption of other provisions which will guarantee a meaningful debate of the issues in legislation before the Senate within a reasonable period of time. I am studying a proposed rule along these lines under which the period for debate could be determined in advance and divided on an equitable basis between the proponents and opponents of any particular measure or amendment.

The objective of such a rule change would be to assure a relevant exchange of views on the merits of a proposition rather than a mere time-consuming, record-filling soliloquy for home consumption.

Of course, there are some provisions in this bill which will be of great assistance in our efforts to curb deprivations of civil rights, particularly in the field of voting. The ultimate effectiveness of the bill will only be determined by experience. But there is reason to expect that under its provisions an unprecedented number of Americans, who have been refused the right to vote in some areas of our country, will now be allowed to participate in our political processes. We have also taken an important step forward in adopting a very comprehensive section to deal with the hate bombers who have disgraced our Nation in the eyes of the whole world by their depraved acts of violence. The sections dealing with obstruction of court orders, the preservation and inspection of voting records, and the education of children of members of the Armed Forces in areas of school closings, should also be constructive.

We have climbed part way up the ladder which leads to equality of opportunity and freedom from discrimination

for all Americans. But there are still many steps ahead of us if we are ever to reach the pinnacle of freedom and justice contained in the grand design of the Constitution.

Mr. DIRKSEN. Mr. President, reserving my right to the floor, I yield 20 minutes to the Senator from Pennsylvania [Mr. CLARK].

Mr. CLARK. Mr. President, the Senate will shortly pass the Civil Rights Act of 1960. I shall reluctantly vote for this bill—a pale ghost of our high hopes of last fall.

Those of us who supported a meaningful civil rights bill have suffered a crushing defeat. The other day I said, half in jest, half in earnest, to the senior Senator from Georgia [Mr. RUSSELL]: "DICK, here is my sword. I hope you will give it back to me so that I can beat it into a plowshare for the spring planting."

Surely in this battle on the Senate floor the roles of Grant and Lee at Appomattox have been reversed.

The 18 implacable defenders of the way of life of the Old South are entitled to congratulations from those of us they have so disastrously defeated. To be sure, at critical moments, they had the assistance of the President of the United States, the Attorney General, the minority leader, and the majority leader. But they nevertheless carried the brunt of the battle.

I regret that, in my judgment, the people of the United States of America, indeed, the people of the whole free world are the losers in this fight.

Let us review the major provisions a meaningful civil rights bill should contain.

They are only four in number:

First. Legislative and executive support for the efforts of the Supreme Court of the United States to carry into effect the equal protection of the laws clause of the 14th amendment as applied to school segregation.

Second. At least a beginning in an effort to secure fair employment practices for all citizens, regardless of race or color.

Third. Protection at the Federal level for other civil rights guaranteed by the 14th amendment, such as equal access to public facilities, regardless of race or color.

Fourth. Assurance that all citizens shall be permitted to register and vote in all elections, local, State, and National, regardless of race or color, as guaranteed by the 15th amendment.

Let us review the Senate legislative history of each of these in turn:

First. School integration: The original administration bill included a declaration that the Supreme Court decisions in the school segregation cases were the law of the land and entitled to the support of both the executive and the legislature. Provisions for technical assistance to school districts seeking to integrate in accordance with the Supreme Court's decisions were included. Financial assistance was to be provided. The section was weak because it required State cooperation instead of permitting the direct intervention of the Federal Government to support any school district which desired to obey the law. Yet it was at least a move in the right direction.

Before the administration's section could come to a vote in the Senate, the House bill was passed without including this section.

Word went out that the President of the United States and the Attorney General of the United States were not particularly interested in this section. The enthusiasm of the minority leader for this part of his own amendment evaporated. To bring it before the Senate at all, it was necessary for the junior Senator from New York [Mr. KEATING] to move that the Senate consider the amendment of the Senator from Illinois [Mr. DIRKSEN].

To my regret, the Democratic whip, acting with the approval of the majority leader, moved to table the Keating amendment, and the motion carried by a vote of 61 to 30, with 9 absent.

Thirty-seven Democrats, 18 of them from the South, 4 from border States, and 5 from the Southwest, supported the 24 Republicans who followed their administration leaders.

Twenty Democrats, including all save two of those from the area north of the Ohio and east of the Mississippi, joined 10 Republicans in opposing the motion to table.

Thus the Senate, by a majority of over 2 to 1, refused to even consider a proposal to support that integration of our schools which the Supreme Court of the United States has so wisely and so justly declared to be the supreme law of the land.

Second. Fair employment practices: That there is widespread discrimination in employment because of race or color, not only in the South but in many areas of our country, has long been recognized. That this discrimination violates the equal protection of the laws clause of the 14th amendment is too clear for argument. Only last week the Special Senate Committee on Unemployment concluded that Negroes, together with other groups, were being discriminated against in terms of employment on a widespread scale, and recommended creation by legislation of a Federal agency to assist in eliminating such discrimination.

Yet the ink was hardly dry on our report before the Senate ignored the unanimous recommendation of its committee.

The administration bill in both the Senate and the House versions originally contained a pallid little section, said to have been supported strongly by the Vice President, which would have made a start in giving legislative authority to a commission charged with the duty of eliminating discrimination among the employees of Federal contractors. The section had no teeth; it had no enforcement powers. And yet, again the President of the United States, the Attorney General, and the minority leader joined with the majority leader in pulling the rug out from under their own legislative recommendation. In fact, the minority leader in this instance made the motion to table, himself. It carried by a vote of 48 to 38, with 14 absent. Supporting the motion to table were 27 Democrats, of whom all save 2 were from the South, the Southwest, and the border States. They were joined in by two-thirds of the Republicans, 21 in number, who loyally supported the President and the minority leader, somewhat to the chagrin of the Vice President of the United States.

In opposition to the amendment were 27 Democrats—50 percent of those voting—and 11 Republicans—34 percent of those voting.

Had the majority leader opposed the motion and brought with him his four colleagues from the Southwest, the resulting tie would have been broken in favor of the proposed amendment by the Vice President of the United States.

It is fair to assume the 14 absentees would have been split almost evenly on the motion.

Third. Protection for other civil rights guaranteed by the 14th amendment. This provision, often called part III, has been opposed by the Eisenhower administration ever since they pulled the rug out from under it in 1957 after it had successfully passed in the House of Representatives. It is considered by advocates of a meaningful civil rights bill to be the heart of such a measure. There are many who think it more important than the right to vote, since it would place the executive arm of the Federal Government firmly behind efforts of the Negro to attain equality in a wide variety of areas, including school segregation, equal access to public facilities and fair treatment in employment matters. It covers the waterfront in terms of assuring to the Negro his right to be treated as a first-class citizen.

The amendment was proposed by a bipartisan group of pro-civil rights Senators. The majority leader moved to table and his motion carried by a vote of 55 to 38, with 6 absent. Thirty-four Democrats followed their leader including, in addition to the Southern bloc, six Senators from the Southwest, and four from the border States.

Twenty-eight Democrats, including every one from the area north of the Ohio and east of the Mississippi, as well as a majority of those from the West, supported part III. They were joined by a noble band of 10 Republicans who had the courage to repudiate their leadership.

Had the majority leader felt differently and been prepared to exercise his influence with his Southwestern and Mountain States colleagues who numbered 10, part III might well have been passed by the Senate.

Three weeks later, when pressure to support the House bill had become heavy, the same proposal was tabled by a slightly larger vote, 56 to 34 with 10 absentees.

Thus the Senate turned its back on a proposal whose enactment is of vital importance to the cause of first-class citizenship for all Americans.

Fourth. Voting rights: From the beginning it was clear that the major controversy respecting the Civil Rights Act of 1960 would center around efforts to assure to Negro Americans the voting

rights guaranteed them by the 15th amendment to the Constitution.

After weeks of debate, the President of the United States has declared himself satisfied with the provision pressed through the Senate with the support of the Vice President and the majority and minority leaders. One cannot say that this provision is meaningless; but one can certainly assert that it is far less effective than it could and should be.

The debate has clearly disclosed, I think, that registration and voting are administrative and not judicial procedures. This is the case in each of the 50 States. Yet the bipartisan coalition ruthlessly fought down every effort to give effect to the recommendations of the Civil Rights Commission, to expand it so as to include local and State as well as Federal elections and to surround it with adequate judicial safeguards to prevent injustice.

Title VI of the bill as finally adopted plunges the courts deeply into the voting controversy. In my judgment, the referee proposal which it sets up is so full of the possibility of judicial delay, court congestion, and redtape that it affords an ineffective remedy indeed to disfranchised citizens.

Time alone will tell whether my judgment is correct. I can only say that it seems abundantly clear that some variety of the Federal registrar-Federal enrollment officer procedure would have been infinitely preferable.

The test vote in the effort to provide such an enrollment officer alternative to the administration plan came on the Clark-Javits amendment which was tabled by a vote of 51 to 43, with the bipartisan support of the majority and minority leaders, with the Attorney General of the United States out in the middle of the cheering section urging them on.

Twenty-seven Democrats, all save one from the South, Southwest, and border States, supported the leadership. Only nine were outside the Deep South.

Twenty-four Republicans—75 percent of their total—followed the minority leader.

Against the motion to table were 35 Democrats—56 percent of my party's total membership—and a gallant band of eight Republicans who defied their own leadership.

If we exclude the Deep South, Senate Democrats voted 35 to 9 against the motion to table.

Thus, in my judgment, a meaningful voting provision was defeated and we were left with a procedure later watered down even further, which I fear will do little good.

The other sections of the bill are so innocuous as not to be worthy of even passive mention.

It will be asked, in view of this, why do I vote for the bill? The question has given me grave concern. Finally I have concluded, on the basis of conversations I have had with some of my friends from the South, that there is a possibility that the bill will unlock some doors; that there are areas in the South which will voluntarily permit Negroes to register and vote under State law rather than forcing the invocation of the Federal procedure; and that there are a few other areas where there is a chance that the referee proposal will work.

Being unwilling to discourage by my vote even so small an amount of progress in the acquisition of constitutional rights nearly 100 years old, I have concluded to support the bill.

How can one explain the behavior of the Senate? I fear our membership merely reflects the indifference of the country at large to the plight of our Negro citizens. Perhaps it reflects more than that: A national failure to measure up to moral challenges; an unwillingness to distinguish right from wrong; a preoccupation with material things; that dangerous national frame of mind indulged, indeed encouraged, for over 7 years by the present administration and decried with such eloquence on the floor of the Senate a few weeks ago by the distinguished Senator from Arkansas [Mr. FULBRIGHT]. Our country, and the Senate with it, is not alert to the challenges of our times either in this pressing domestic issue or in matters of defense and education, disarmament, and world leadership. One would think we had never heard of South Africa.

Whose fault this is it is hard to say. But I, for one, believe we are approaching the end of an era; that the national mood will change; that new and vigorous leadership will arise and that the day will come again, and come soon, when the Senate and the Congress and another President will reverse the action they took on civil rights this long hard winter, and will rally again to its earlier ideals as it did 100 years ago when Julia Ward Howe wrote the Battle-Hymn of the Republic:

Mine eyes have seen the glory of the coming of the Lord;
He is trampling out the vintage where the grapes of wrath are stored;
He hath loosed the fateful lightning of His terrible, swift sword,
His truth is marching on.

* * * * * *

He has sounded forth the trumpet that shall never call retreat;
He is sifting out the hearts of men before his judgment seat;
Oh, be swift, my soul, to answer Him! Be jubilant, my feet!
Our God is marching on.

In the beauty of the lilies Christ was born across the sea,
With a glory in His bosom that transfigures you and me;
As He died to make men holy, let us die to make men free,
While God is marching on.

He is coming like the glory of the morning on the wave,
He is wisdom to the mighty, He is honor to the brave,
So the world shall be his footstool, and the soul of wrong his slave,
Our God is marching on!

Mr. DIRKSEN. Mr. President, I yield 10 minutes to the distinguished junior Senator from Alaska [Mr. GRUENING].

Mr. GRUENING. Mr. President, my decision to vote in favor of the final passage of H.R. 8601—the so-called Civil Rights Act of 1960—was arrived at only after a long and careful review of its final provisions and after considerable hesitancy.

Labels can be deceptive as well as informative.

I am not one to believe that any bill will advance the cause of civil rights—will secure for all citizens of the United States, regardless of race, creed, or color, the full enjoyment of the rights guaranteed to them under the Constitution—merely because the bill bears the label of a civil rights act.

For I am well aware, Mr. President, that the full attainment, speedily, of these civil rights objectives can all too frequently be as much held back by the passage of legislation as it can be advanced.

It is now almost 3 years since the Civil Rights Act of 1957 was enacted by the Congress. It was hailed at the time—and has been since—as a significant accomplishment, since it was, after all, the first measure dealing with civil rights enacted by the Congress in over 80 years.

However, even in 1957 there were those in the Congress—strong advocates of securing the equal enjoyment by all of the constitutional guarantees—who had doubts about voting in favor of the final passage of the 1957 bill. They were fearful that the passage of a weak bill then would serve as a roadblock for years against the enactment of a really strong civil rights bill.

Almost 3 years have passed. During the 8 weeks which have ensued since February 15, while we have been talking at length about civil rights, we have all heard repeatedly about the lack of accomplishments under the 1957 Civil Rights Act.

Mr. President, I shall not attempt to assess responsibility for such lack of accomplishments. The Congress can but give to the executive branch of the Federal Government the tools—the laws—with which to perform a given task. The responsibility for the accomplishment of a task then rests with the Executive. The interest, the zeal, the determination, and the ingenuity with which the tools are employed must be supplied by the Executive. It is all too easy—and it happens all too frequently—for executive agencies to attempt to excuse their own lack of real desire to attain the objectives of a program by shifting the responsibility to the Congress and seeking additional laws. We see that in other fields, such as that of agriculture, with its surpluses and ever-mounting storage costs while the plight of many farmers steadily worsens.

Be that as it may, the question which will forever remain unanswered is whether—if no act at all had been passed in 1957—the forces impelling action on civil rights would have been so overwhelming that a much stronger bill would have been passed by the Congress in 1958.

Will the passage of this watered-down measure now before us for final action once more lessen future efforts to assure that individuals shall not be denied their constitutional right to vote?

Will the passage of this measure mean that those who should be pressing for

action along these lines will be lulled into a feeling that all has been accomplished, and that everyone who wishes to vote is secure in the right to do so?

Will the passage of this measure mean that the executive branch will be allowed once more to delay effective enforcement until such time as the demand becomes too great and it can then say: "We are not at fault. We need more laws."

If, at that time, Mr. President, the executive branch is controlled by the Republican Party—and I trust that it will not be—then it would ill behoove it to attempt to shift the blame to the Congress.

For the bill before us now is an administration bill. It has been reportedly so characterized by the distinguished minority leader.

The President is reported in the press as being well satisfied with this bill as it now stands. That is not surprising; for the President has done little, affirmatively, in the last 6 years—since the civil rights issue was reactivated by decisions of the Supreme Court of the United States—to show his sympathy for the establishment of the basic rights guaranteed by the Constitution for those disadvantaged by custom because of their race or color. This bill, which the President approves, has the tepid character of his negative views concerning medical care for the aged. If this administration, as has been indicated by its spokesman, desires credit for this civil rights bill, by all means let the credit go there.

The Attorney General of this administration has said that this is a workable voting rights bill. It has been shaped by him. The provisions in it are his. The deletions which, in my judgment, have greatly weakened it, have had his approval. The responsibility, therefore, for its future enforcement is this administration's.

I hope that he is right. We shall see. We shall watch. The test is with the Attorney General of this administration. While I disagree with him, and that disagreement is buttressed by the frank statements of some of our ablest colleagues on both sides of this issue, to the effect that this bill will do "very little" to increase voting that has hitherto been denied, I hope that their views will prove mistaken. I hope that they and I may be proved wrong. I hope that the Attorney General can make these provisions work so that we shall find that this is a really effective voting registration bill which will result not in long and costly law suits, not in the discouragement of voting in certain areas where the obstacles to registration and voting have been clearly spelled out by the administration's own Civil Rights Commission, but on the contrary, in enabling these citizens now disenfranchised because of their race or color actually to vote. If there are continued denials of voting rights on the basis of race or color we shall have to take up this issue anew and press for the enactment of truly remedial legislation.

In determining whether or not to vote in favor of the final passage of this bill, I was forced to make my determination on the basis of what was in the bill and not what I had hoped would have been in the bill.

I had hoped the bill would have contained, as so-called, part 3, giving needed powers for the enforcement of all civil rights under the Constitution. That was lost.

I had hoped that the bill would have a provision for technical assistance to localities undertaking to desegregate their schools. That was lost.

I had hoped that the bill would provide for effective checking on whether the policy of nondiscrimination on the basis of race or color in Government contracts was being pursued. That was lost.

I had hoped that, as we witnessed the gradual attrition of even the administration's own bill, by a process of tabling by the administration's own representative in the Senate, that some of these amendments, such as those proposed by the able junior Senator from Michigan, and in somewhat milder form by the distinguished junior Senator from Colorado, would make it possible for the colored voter, who had already been denied the right to vote in an area where a clear pattern and practice of discrimination had been shown, to avoid running again the gantlet of intimidation and economic or other reprisal by not being obliged to go back and apply to the same officials who had previously shown their opposition to have him vote. But these desirable, moderate, and, it seemed to me, wholly reasonable improvements, also went by the wayside by the same tabling process.

Then what have we gained?

Outside of the bill's provisions relating to voting rights—as to which provisions I have, as stated, serious doubts of their possible effectiveness—we have a provision for the enforcement of court orders—a provision which, in my opinion, merely reaffirms existing powers of the court—a provision relating to bombing—a provision making a Federal crime of what is already a State crime but having the virtue of the possibility of Federal enforcement and detection—and a provision requiring the retention of voting records. This later provision is a real gain—a real stride forward.

Because of this provision—because of the possibility that the Attorney General will act with more vigor than he has in the past and will prove that he is right and that the referee plan he has proposed is workable, I have decided to cast my vote in favor of the final passage of this bill. I do so despite what I consider the further weakening of the bill by the amendment sponsored yesterday by the minority leader against which I voted. The Washington Post, in an editorial published this morning, called this action of the Senate "a vote for confusion." I ask unanimous consent that the editorial be printed at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD.

(See exhibit 1.)

Mr. GRUENING. Mr. President, it is my fear that this amendment jeopardizes, if indeed it does not tend to nullify, one of the most valuable aspects of the bill as it came from the House, namely, to provide safeguards in State and local elections, as well as Federal.

Finally, Mr. President, the denial of equal rights under the Constitution to citizens of the United States because of their race or color cannot continue indefinitely or be endured without striking at the very foundations of our Constitution. This is not a government where the rights of one group of citizens can be granted or denied by the actions of other citizens. Our citizens who are thus denied their constitutionally guaranteed rights do not—and should not—stand before us, hat in hand, beseeching our bounty. They are not here on sufferance. They seek merely what they have a right to exercise. To deny these rights or to infringe upon their exercise is to flaunt the very concepts and precepts on which the exercise of our own rights is based. We cannot destroy or deny the one without ultimately denying or impairing the other.

Mr. President, let it be said, however, that we have made substantial and gratifying progress in this country in the assertion of human rights regardless of race or color. That progress is continuing. It has not been easily achieved. To those who have suffered and continue to suffer discrimination, that progress must at times seem painfully slow. The protracted struggle that has centered around the bringing close to enactment of this very moderate voting rights bill furnishes graphic evidence of the difficulty of the task.

This is by no means a sectional problem, and while its abuses may vary and be graver in one part of the country than in another, let us not point the finger of reproach at any one section. Let us, to cite Scripture, not be unaware of the beams that exist in eyes in many parts of the Union. Whenever in the United States there is a denial of certain basic rights, either guaranteed by the Constitution or implicit in our presumed American faith in justice, equality and fair play, we do violence to the eternal principle that we should do unto others as we would have them do unto us. The democratic system is the application to the great society of that Golden Rule. It should be the guiding beacon of our national life.

Mr. President, I thank the minority leader for his courtesy in yielding this time to me.

I have now concluded my remarks.

EXHIBIT 1

[From the Washington Post, Apr. 8, 1960]

A VOTE FOR CONFUSION

Battle fatigue appears to be largely responsible for the strange amendment which the Senate wrote into its civil rights bill yesterday. Southern opponents of the bill had complained that its voting referee provision would permit the Federal courts to register voters previously rejected by State officials until the day before the election. This, they asserted, would be a discrimination against other citizens, who under State law, would have to register weeks or months before the election. In an attempt to meet this objection the Senate adopted, by a vote of 80 to 11, a curious amendment that has all the parliamentarians scratching their heads.

Before the amendment was adopted, the bill provided that if an application to register filed 20 days before the election had not been decided by election day, the court should issue an order authorizing the applicant to vote provisionally. Now a proviso has been added to the effect that the applicant may vote provisionally if he is "qualified to vote under State law." But if his qualification under State law had been determined, there would be no occasion for him to vote provisionally.

Sponsors of the amendment say that it is designed only to make clear that Congress does not intend to set aside State voting laws. The whole purpose of the voting referee plan, however, is to bypass the unfair operation of State laws, where a pattern of unfair disfranchisement has been shown to exist, and set up Federal machinery under which the victims of discrimination can register and vote regardless of State obstruction. Presumably the new amendment does not affect this Federal registration system, except in the case of provisional voting. It is mischievous chiefly because it introduces an element of uncertainty and confusion that no one at this point seems able to resolve.

This curious move is the more unfortunate because of the desire of most everyone to avoid a conference on the bill. To ensure its passage, the House will have to accept the Senate version. What a pity that the Senate did not at least take time to be sure of what it was doing.

Mr. DIRKSEN. Mr. President, I had contemplated at this time moving to lay on the table the motion of the Senator from Mississippi [Mr. EASTLAND] to recommit the bill to the Senate Judiciary Committee. However, I shall withhold the making of that motion, and—if I may still reserve my right to the floor—I shall now yield to my good friend, the distinguished senior Senator from Louisiana [Mr. ELLENDER].

The PRESIDING OFFICER. Is there objection?

Mr. SPARKMAN. First, Mr. President, may I ask the Senator from Louisiana and the Senator from Illinois to permit me to make some insertions in the RECORD at this time?

Mr. ELLENDER. Certainly.

Mr. DIRKSEN. Of course.

Mr. SPARKMAN. Mr. President, Senators will recall that when this debate first began, I inserted in the RECORD a copy of an editorial which appeared in the New York Times on February 9, 1894. It appears on page 2614 of the CONGRESSIONAL RECORD of February 16, 1960. I ask unanimous consent that the editorial be printed again at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 9, 1894]

THE CLOSE OF A CHAPTER

The passage by the Senate of the repeal of the Federal elections law marks the close of a most important, and at times exciting, period in the history of the country since the war. The elections law was a supplementary war measure. Its avowed intention was chiefly to protect the Republican voters of the South who were at the time of its passage almost wholly Negroes, but it was applied to the whole United States, as the Constitution required, and there was no lack of use for it in the large cities and especially in New York.

The elections law was, however, vicious in the machinery it set up, and was in many ways badly administered. The appointment of the chief supervisors by the Federal courts practically for life imposed on the judiciary functions for which it is not fitted. These officers were at once judicial and executive. Their powers were large and not very well defined. The patronage which they could distribute was almost unlimited. No court could, except by a happy chance, hit upon men fitted for these varied tasks. Our judges are, by common consent, men of probity and impartiality, but something more is needed for the proper selection of appointees like these. The result was what might have been expected. The courts were indirectly discredited, and the personnel of the force created by the law was not of a high order. Moreover, there was no adequate responsibility under the law. In theory the courts could enforce responsibility, but in practice they did not and could not. There was practically no check on abuses, and the abuses were constant and general.

The most conclusive proof that the law was either badly constructed or badly administered, or both, is that when its friends were in full power, with all the authority and force provided by the law, they never succeeded in doing any lasting good under it and rarely tried to. They appointed large numbers of deputy marshals, they made a great show of investigation and supervision, they made arrests, generally on election day. There they stopped. Now, if the law was good for anything, and if the officers under it were careful and honest, the alleged offenders arrested ought to have been tried, convicted, and severely punished, so that election offenses would have become dangerous and rare. But almost nothing of this sort was done. It became a very general belief that the law was used for partisan purposes, that it was in no sense employed as a means of purifying the suffrage or protecting the rights of voters or repressing and punishing offenses against the suffrage, but that, on the contrary, it degenerated into a device for supplying patronage to the party in power and to some extent for annoying and intimidating the opposing party. The latter charge had but little evidence to support it. The former was only too obviously true.

When the Republicans in the 51st Congress sought to replace the elections law by one of much greater severity and scope, they necessarily admitted that the law had failed, and they were logically responsible for its failure. Now that the Democratic Party comes into power and could, if it choose, avail themselves of all the abuses of the law for which the Republicans had made precedents, the Republicans can give no reason why the law should not be repealed, and repealed it has been. Certainly the Democratic Party cannot be accused of interested motives in throwing away opportunities for patronage and influence which it has only to follow Republican examples in order to use. The repeal is in reality an act of patriotism and sound judgment, so far as Democratic motives are concerned. It marks, moreover, a definite abandonment of the policy of the centralization of power in the Federal Government. In theory there is much to be said for that policy. In practice it has generally worked badly, and often very badly. Its weak point is that under our system of government there is no reasonably efficient means of securing responsibility proportioned to centralized power. We can set up a powerful central machine, as was done by the election law, but there is no adequate control over it and no chance to enforce any. Another fact of importance is that when a machine of this sort is opposed in any State there is no disposable force to overcome the opposition. That would practically require a permanent and disciplined Federal police, which is so impracticable as to be absurd. We have probably seen the last for a long time of attempts at extending Federal action and influence to the details of government in the States, and from our past experience we have no reason to regret the fact.

Mr. SPARKMAN. Mr. President, since that time, I have followed closely the coverage of this debate in the New York Times. I had hoped there would be some reference to the former editorial policy of that newspaper. Indeed, I expected that some reference to the tragic experience of the city of New York under the old Federal election law would appear in the New York Times. It seems to me, Mr. President, that an objective and fair coverage of this subject would require that that be done. However, there has been little reporting of the abuses, the corruption, and the fraud in the city of New York, following enactment of the old Federal election law.

I should think that the people of New York City and the people of this entire country are entitled to know about what happened from 1871 to 1894. They are entitled to know the kind of abuses that are possible under legislation such as that now proposed.

Mr. President, the New York Times was not alone in its condemnation of the old Federal election law. Similar editorials appeared in other New York newspapers. Accordingly, I ask unanimous consent that the following editorials and news articles be reprinted at this point in the CONGRESSIONAL RECORD: An editorial from the New York Evening Post of Thursday, February 8, 1894; an editorial from the New York World of February 8, 1894; an editorial from the New York Sun of Thursday, February 8, 1894; a news article entitled "Will Reach the Vote Today," from the New York Times of February 6, 1894; and a news article entitled "Brisk Senatorial Colloquy," from the New York Times of Wednesday, February 7, 1894.

There being no objection, the editorials and the articles were ordered to be printed in the RECORD, as follows:

[From the New York Evening Post, Feb. 8, 1894]

The passage by the Senate of the bill repealing the Federal election laws ends a long agitation, for the measure has already passed the House and is sure to be signed by the President. While all of the Republicans in the Senate but one opposed this action, there is nothing like such unanimity among the members of the party. The more candid admit that the laws in question have utterly failed of their purpose, and in many cases have led to the grossest abuses. In short, where these laws have not been useless, they have been worse than useless, and it will be a gain to the cause of good government to remove them from the statute book.

[From the New York World, Feb. 8, 1894]

THE FORCE BILL GONE

The people voted that the force bill must go, and it has gone.

The Senate yesterday passed the House bill repealing the odious and obsolete Federal

elections law. The people of the several States thus have restored to them that control of their own elections which is fundamental in our system, which they enjoyed for nearly a century, and which should never have been disturbed.

The pretense of the Chandlers, Hoars, and Lodges that Republicans are more concerned for free and honest elections than Democrats are is as preposterous as is the assumption that Davenportism tends to secure such elections.

The law has totally failed in its object, which was to enable Republican Federal officials to count the entire census of black male citizens of the South as Republican voters, and to intimidate Democrats in the northern cities. It suggested force and led to the demand for bayonets at the polls. The people condemned it, and it is repealed.

[From the New York Sun, Feb. 8, 1894]

THE END OF A GREAT FIGHT

Yesterday was a red letter day for the democracy of these United States. There is all the more occasion for rejoicing, and mutual congratulation, and general encouragement, because the days coming to the democracy just now seem to be painted black oftener than with any bright color.

The passage by the Senate of the bill repealing the odious Federal election laws of 1871 completes a reform for which the Sun has been laboring with all of its heart for many years. The whole body of statutes enacted by the Republican Party in the flush days of unscrupulous, uncontrolled partisanship, for the oppression of Democrats particularly in the South and in New York City, is wiped out forever. The fight of resistance against the force bill, designed to perpetuate and perfect the hateful system of Federal interference at the polls, has been followed by an equally successful fight of aggression against the existing laws of Davenportism, with all that the term implies. Davenportism disappears now. The iron cage is smashed. The army of spies, tramps, and loafers at the polls, holding commissions from the U.S. Government as officers of the law, is mustered out finally, and for all time. The pledge in the very first paragraphs of the Democratic platform of 1892 has now been splendidly redeemed.

The signature of the President to the repeal bill will hardly be withheld. Although this whole campaign for a principle vital to democracy has been prosecuted by the party without practical assistance from Mr. Cleveland, and withot any evidence of sympathy or interest in that quarter, we can imagine no present motive on his part for a veto of the bill. Whatever may be Mr. Cleveland's personal indifference to Democratic ideas on the subject of Federal interference and centralization of power in the Executive, he is not likely to undertake the responsibility of blocking at the last stage this glorious and long-desired Democratic achievement.

The immense importance of the victory which we record this morning will be appreciated more and more as time goes by. The statutes repealed are 23 years old this month. They have existed during a period long enough to make a voter of an unborn boy. Next November, for the first time since 1871, citizens of every State will go to the polls to vote for Federal officers, free from danger of annoyance or arrest by the hirelings of any Davenport. Federal interference, with all of its disgraceful machinery of force and fraud, is at an end.

That is something to be sincerely thankful for. To Democrats everywhere, but especially to our brethren in the South and in this great Democratic city, the Sun renews the assurance of its distinguished consideration and loyal concern.

[From the New York Times, Feb. 6, 1894]

WILL REACH THE VOTE TODAY—THE FEDERAL ELECTIONS LAW DOOMED IN THE SENATE—MR. CHANDLER RETURNS AGAIN TO HIS DEFENSE OF THE STATUTE—HE IS TERRIBLY ALARMED OVER THE PROSPECTS OF THE SOUTHERN NEGRO—MR. PALMER, OF ILLINOIS, MAKES A STRONG POINT FOR REPEAL BY REFERRING TO REPUBLICAN INTERFERENCE IN HAWAII

WASHINGTON, February 5.—There is general Democratic satisfaction in the expectation that tomorrow afternoon the Senate is to dispose of the Federal elections bill. At 4 o'clock, if nothing happens to prevent, the contentions of the Republicans for a law they no longer need will come to an end, and the bill will receive the sanction of the upper House. There are several amendments pending, but the indications tonight are that they will not be adopted.

When Mr. Chandler took his seat last week, after having debated this measure a week or more, it was generally believed that he had said all that he might be expected to say on the subject. He bobbed up again today, however, and devoted some time to a discussion of "the superior question of man and his liberty." The particular man the New Hampshire Senator had in his mind was the colored man, and he argued at length in favor of national consideration and national protection for the colored citizen, over whom, Mr. Chandler fancies, his party is entitled to a peculiar control. He was followed by Mr. Frye, who delivered one of his characteristic stump speeches, in which he was prompted several times by Mr. Hoar when the pointed interruptions of Mr. Gray threatened to leave the Senator from Maine with no basis for his argument. There was nothing particularly interesting in the debate.

Mr. Chandler began by saying that the Senate turned now from the question of money to the superior question of man and his liberty. Banks and tariffs, stocks and trade, might rise or fall, but freedom was the common heritage of the American people. Controversies over silver and bonds were incidental and ephemeral. Vigilance to protect the lives of citizens and to secure the honesty of the suffrage was vital, and had to be eternal if the Republic was to live. He wished to speak briefly in behalf of the colored people of the country, who were sadly in need of national consideration and national protection.

In the course of his remarks Mr. Chandler engaged in a colloquy with Mr. Palmer, Democrat, of Illinois, who said he favored the repeal of the Federal election laws because they had proved to be utterly useless for the accomplishment of the purpose for which they had been designed.

"The Senator from Illinois," said Mr. Chandler, "in his new political associations, abandons the 15th amendment of the Constitution, and leaves the colored people in the Southern States without the ballot with which to protect themselves."

"So far from abandoning the 15th amendment," Mr. Palmer rejoined, "I regard it as one of the crowning triumphs of modern civilization and republican government. But, regarding these Federal election laws as a mere menace, as useless as offensive, and as injurious to both races, I propose to abandon them."

"The Senator," said Mr. Chandler, in a tone of bitterness, "is in favor of the amendment, but is against its enforcement. That is substantially his position."

"The Senator from New Hampshire," said Mr. Palmer, "favors the retention on the statute book of laws which he admits are worthless, so far as the colored people are concerned."

"I did not admit that they are worthless," Mr. Chandler corrected: "I admitted that they had not accomplished the result which they were designed to accomplish."

"If they have failed," Mr. Palmer asked, "why retain them?"

"If that argument is good," Mr. Chandler replied, "it is good against any laws which do not accomplish their purpose. I ask the Senator from Illinois whether he is in favor of blotting the 15th amendment from the Constitution and abandoning the attempt to secure suffrage to the 1,500,000 colored voters in the United States?"

"I would no more abandon the 15th amendment," Mr. Palmer declared emphatically, "than I would abandon the Declaration of Independence. I regard them as being essential parts of each other."

Mr. Palmer supported the bill because he believed that the Federal election laws were useless, misleading, and a menace to every community where they were put in force. It was contended on the other side of the Chamber, he said, that the colored people in the South had not their proper representation in Government affairs. "We have been recently engaged," said he, "in a discussion of the Hawaiian question. The total population of those islands is about 90,000. The white American population is less than 2,000, and yet those 2,000 whites own more than 74 percent of the entire property of the islands, the natives owning but four-fifths of 1 percent of it. And the whites have overthrown the Government and have proclaimed, or are about to proclaim, a Constitution with property qualifications. I have heard one of the leaders of the Republican Party in this Chamber declare, a few days ago, that those men there who have overthrown the native government were to be compared with the Washingtons, Russells, Sidneys, and other devotees of freedom. This is the view of the party that now claims to be the champion and preserver of the rights of the colored race."

Mr. Frye, Republican, of Maine, said that if the States could be depended upon to do what is just and fair they ought to be allowed to administer the election laws, but that if the States could not be depended upon the Federal election laws should be retained. He went on to relate, as a "twice-told tale," the Tammany naturalization frauds in New York in 1868, when over 40,000 foreigners were naturalized within 20 days, when Judge Barnard naturalized over 2,000 in a single day, when 8 witnesses stood for 2,200 men, and when certificates signed in blank were sold for a dollar apiece. Over 10,000 men had been registered in the city of New York from vacant lots, and the same men had repeated their votes on election day from 7 to 25 times. By that sort of business the State of New York had been carried for Horatio Seymour, the Democratic presidential candidate, against General Grant. The people of the United States had been thoroughly aroused when the report came, and, as a result of congressional investigation, the national election law was enacted. Did the Senator from Illinois not believe, Mr. Frye asked, that it was the duty of the United States to take cognizance of that awful, that monumental crime against the ballot in the great Empire State? He paused for a reply.

"I answer," said Mr. Palmer, "that the instance given by no means justified the law. The fact that there was a crime in New York furnished no reason for subjecting every other congressional district in the country to the suspicion of fraud and for putting supervisors over them."

[From the New York Times, Feb. 7, 1894]

BRISK SENATORIAL COLLOQUY—MESSRS. FRYE AND DANIEL AMUSE THEIR GALLERY AUDITORS—THE VIRGINIAN REPLIES TO INSINUATIONS AGAINST HIS STATE MADE IN DEBATE ON FEDERAL ELECTIONS BILL—GETS THE BETTER OF THE MAN FROM MAINE—FINAL VOTE TO BE TAKEN THIS AFTERNOON—LETTER FROM DAVENPORT DENYING CHARGES MADE IN NEWSPAPERS

WASHINGTON, February 6.—Owing to the anxiety of Senators to deliver 11th hour speeches for or against the Federal elections bill, the final vote on that measure will not be taken until late tomorrow afternoon. In anticipation of the close of the debate today, the galleries were crowded, and this fact may be responsible for the increased interest manifested in the subject by Senators.

Mr. Frye was moved today to deliver another stump speech which served mainly to widen his reputation as an unreasoning partisan, and General Hawley of Connecticut could not resist the temptation to defend the existing law. Much of Mr. Frye's speech was in defense of John I. Davenport. That interesting person was declared to be a "God-fearing citizen," despite the attacks made upon his character by Democrats throughout the country. Mr. Daniel made a strong defense of the pending bill, and threw some sidelights on Mr. Frye's partisanship which exasperated that gentleman and pleased the galleries. Mr. Hoar will have something to say tomorrow about the bill.

Before the day shall close, Mr. Davenport will be stripped of the power he has made outrageous use of.

After Mr. Hawley of Connecticut and Mr. Perkins of California had delivered set speeches against the bill, Mr. Frye took the floor. He quoted from Richmond (Va.) papers the headlines to reports of election frauds in a recent election in that State. He was asked by Mr. Daniel whether the Federal election laws had anything to do with those frauds. They had, Mr. Frye declared. The claim had been made that the Federal election laws ought to be repealed because the States could be trusted to prevent election frauds. He was asked by Mr. Daniel if there never had been election frauds in Maine, and he denied that there had been, although there had been an attempt by a Democratic Governor to steal a legislature.

But Mr. Frye had taken the floor, he said, not to make any attack on the State of Virginia, but to defend the character of John I. Davenport, who had been the subject of charges and calumnies in the two houses for the last 16 or 18 years. He knew Mr. Davenport well, and had a profound respect for him. His courage was admirable. He was utterly fearless. He had shown a fidelity in office such as had been seldom seen in any man. He had been true and honest.

Mr. Davenport had been made a scapegoat, just as Mr. Stevens had recently been made the scapegoat for President Cleveland's blunders as to Hawaii. Mr. Frye sent to the clerk's desk and had read a letter to himself from Mr. Davenport, dated today, denying a charge frequently made against him in connection with the appointment of deputy supervisors at the polls in New York. He also read extracts from the printed reports of congressional committees favorable to Mr. Davenport, both as to his conduct and his accounts.

In the course of the afternoon Mr. Daniel, of Virginia, secured the opportunity to reply to Mr. Frye. Whenever that Senator, he said, would rise and rebuke persons of his own party whom others thought worthy of criticism, he (Mr. Daniel) would realize that the Senator was on a plane with the Democrats of Virginia. The people of Virginia were not Pharisees, and if they committed wrong, they did not do it in the name of God and Christianity and civilization.

The Senator from Maine, when he chose to steal some islands and their people, dropped all his qualms and scruples and was ready to welcome that spurious and muddy transaction. That was the biggest piece of "counting out." The Senator from Maine, in the person of Minister Stevens and with the military at the polls, had counted in 2,000 Americans and counted out the rest of the people of those islands, changed the government, and was now ready to offer for sale a government which had been acquired by the aid of that commissioner of election.

Mr. Frye with one hand in his trousers pocket, and a paper in the other hand leaned carelessly against a desk and addressed remarks to Mr. Daniel in regard to elections in Virginia, and the two Senators carried on for several minutes a free and easy colloquy on that subject. The people of Virginia, Mr. Daniel said, would vainly try to please the Senator from Maine so long as they voted the Democratic ticket. The Senator from Maine, he added, with much bitterness of manner, had said that there were no precinct election frauds in Maine; there they only stole legislatures.

"That was a Democratic steal," Mr. Frye interposed.

"Oh, of course," Mr. Daniel resumed, sarcastically. "Of course it was a Democratic steal. The Senator never heard of a steal that was not a Democratic one."

"That is true," Mr. Frye asserted.

"Perfectly so, and naturally so," said Mr. Daniel. "He is as deaf as the old lady mentioned by Tom Hood who bought an ear trumpet—

"'And the very next day
She heard from her husband at Botany Bay.'

"The Senator never heard of the Credit Mobilier business. Oh, no. He stuffed a whole cotton counterpane in his ear so soon as a newsboy ran down the street with his newspapers. He never heard of Indian frauds, or of 'star route' frauds. He only heard that every Republican born is a saint, and that every Democrat born is an imp. And I leave the Senator in that happy state. He does not need to be translated to another and better world in order to enjoy the perfection of happiness. 'Where ignorance is bliss, 'tis folly to be wise.' There he is and there he purposes to remain."

At the close of Mr. Daniel's remarks there was a short executive session, and the Senate at 4:30 adjourned until tomorrow.

Mr. CHURCH. Mr. President——

Mr. DIRKSEN. Mr. President, if I may reserve my right to the floor, then, with the forbearance of my distinguished friend, the Senator from Louisiana [Mr. ELLENDER], I shall yield 3 minutes to the Senator from Idaho [Mr. CHURCH].

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CHURCH. Mr. President, the Senate will soon reach a final vote on the Civil Rights Act of 1960. I shall vote for it, even though I had hoped the bill would be stronger and broader than it is. The amendments I favored, which would have both strengthened and extended the scope of the bill, have been rejected by majority vote of the Senate, and we are left with a bill that is largely restricted to voting rights.

The right to vote, of course, is the most fundamental right of a free citizen. It has long been extended to all our citizens, regardless of race or color, through the 15th amendment to the Constitution of the United States.

But it is nevertheless the case that, 90 years after the ratification of this amendment, large numbers of Negro citizens, in some parts of our country, are still being systematically denied the right to vote. The bill before us will furnish these Negro citizens with better legal remedies with which to enforce their right to vote.

I had hoped that we would deal more effectively with this matter than we have, and that we would enact a better bill than the one proposed by the Attorney General and endorsed by the administration. Nevertheless, the bill does represent progress in an area where progress has always come hard and slowly. I take some comfort in the certain knowledge that the struggle will be renewed in the Congress, and continued on many other fronts, until the dream of equality before the law is a reality throughout the length and breadth of this land. Since every step in this direction is worth taking, I shall support the passage of this Civil Rights Act of 1960.

Mr. DIRKSEN. Mr. President, at this time I yield to my distinguished friend, the senior Senator from Louisiana [Mr. ELLENDER], if I may do so and still may retain my right to the floor, in order that later I may move to lay on the table the motion to recommit.

The PRESIDING OFFICER (Mr. MCGEE in the chair). Is there objection? Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, earlier this week, I made two extended speeches in endeavoring to demonstrate that throughout the proud history of our Nation, the most zealously guarded right that each individual State sought to retain unto itself was the right to regulate suffrage.

As I pointed out, the 15th amendment merely protects the Negro's right to vote against denial or abridgment by a State. The pending legislation is nothing but an out-and-out attempt by Congress to further inject the long arm of the Federal Government into matters as to which it has absolutely no constitutional authority.

Local self-government has been the cornerstone of our growth and prosperity since the beginning of our history. Now, blessed by the winds of political expediency and political ambition, attempts are being made to strike at this very root of American freedom.

During my earlier speeches, I outlined the care with which our Founding Fathers protected the right of the States to determine their own standards of voting. In this connection, I began to read a study, which I have prepared, relating to the history of suffrage in each of the 50 States.

On Wednesday, before my time under the unanimous-consent agreement expired, I had discussed the history of suffrage in the States of New Hampshire, Massachusetts, Connecticut, Georgia, New Jersey, Pennsylvania, and Delaware.

Mr. President, it is my purpose during the course of my remarks today to discuss the rest of the Thirteen Original States, insofar as their suffrage laws were concerned—simply to show that the right of suffrage was most zealously guarded by those States. In fact, except for the fact that the Thirteen Original States retained for themselves the right to say who should vote and who should not vote, the chances are that our Federal Constitution would never have been adopted. Mr. President, I believe I proved, to the satisfaction of any reasonable Senator, that was the case.

I do not propose to go over that field again, but I shall simply direct my attention now to the rest of the original States. I have dealt with seven, so I have six more to go.

I desire now to continue reading from that study.

Maryland was chartered in 1632 by King Charles. In 1776 Maryland's constitution was formed. In the declaration of rights we find:

That the right in the people to participate in the legislature is the best security of liberty, and the foundation of all free government; for this purpose, elections ought to be free and frequent, and every man, having property in, a common interest with, and an attachment to the community, ought to have a right of suffrage. (Thorpe, 3, p. 1687, art. V.)

The qualifications appear in article II of the constitution:

That the house of delegates shall be chosen in the following manner:

All freemen, above 21 years of age, having a freehold of 50 acres of land, in the county in which they offer to vote, and residing therein—and all freemen, having property in this State above the value of 30 pounds current money, and having resided in the county in which they offer to vote 1 whole year next preceding the election, shall have a right of suffrage in the election of delegates for such county; and all freemen, so qualified, shall, on the first Monday of October 1777, and on the same day in every year thereafter, assemble in the counties in which they are respectively qualified to vote, at the courthouse in the said counties; or at such other place as the legislature shall direct; and, when assembled, they shall proceed to elect, viva voce, four delegates, for their respective counties, of the most wise, sensible, and discreet of the people, residents in the county where they are to be chosen, 1 whole year next preceding the election, above 21 years of age, and having, in the state, real or personal property above the value of 500 pounds current money; and upon the final casting of the polls, the four persons who shall appear to have the greatest number of legal votes shall be declared and returned duly elected for their respective counties. (Thorpe, 3, p. 1691, art II.)

In 1810 this was amended as follows:

ART. XIV. That every free, white, male citizen of this State, above 21 years of age, and no other, having resided 12 months within this State, and 6 months in the county, or in the city of Annapolis or Baltimore, next preceding the election at which he offers to vote, shall have a right of suffrage, and shall vote, by ballot, in the election of such county or city, or either of them, for electors of the President and Vice President of the United States, for Representatives of this State in the Congress of the United States, for delegates to the general assembly of this State, electors of the senate, and sheriffs. (Thorpe, 3, p. 1705, art. XIV.)

As I pointed out before, we are going to find, in the constitutions of each of the Thirteen Original States, language similar to the language I am now reading. It was a right that they themselves manifested; and today efforts are being made to take that right away from the States, to a large degree, and lodge it in the Federal Government. That is why we from the South who really and truly believe in States rights and in local self-government are so much against the pending measure.

In 1851 Maryland adopted a new constitution. In the declaration of rights we find the following:

ART. 5. That the right of the people to participate in the legislature is the best security of liberty, and the foundation of all free government; for this purpose elections ought to be free and frequent, and every free, white—

Accent on "white"—

male citizen having the qualifications prescribed by the constitution ought to have the right of suffrage. (Thorpe, 3, p. 1713, art. 5.)

This is set out fully in article I:

Every free white male person, of 21 years of age or upward, who shall have been 1 year next preceding the election a resident of the State, and for 6 months a resident of the city of Baltimore, or of any county in which he may offer to vote, and being at the time of the election a citizen of the United States, shall be entitled to vote in the ward or election district in which he resides, in all elections hereafter to be held; and at all such elections the vote shall be taken by ballot. And in case any county or city shall be so divided as to form portions of different electoral districts for the election of Congressman, Senator, delegate, or other officer or officers, then to entitle a person to vote for such officer, he must have been a resident of that part of the county or city which shall form a part of the electoral district in which he offers to vote for 6 months next preceding the election; but a person who shall have acquired a residence in such county or city entitling him to vote at any such election, shall be entitled to vote in the election district from which he removed until he shall have acquired a residence in the part of the county or city to which he has removed.

SEC. 2. That if any person shall give, or offer to give, directly or indirectly, any bribe, present, or reward, or any promise, or any security for the payment or delivery of money or any other thing to induce any voter to refrain from casting his vote, or forcibly to prevent him in any way from voting or to obtain or procure a vote for any candidate or person proposed or voted for as elector of President and Vice President of the United States, or Representative in Congress, or for any office of profit or trust created by the constitution or laws of this State, or by the ordinances or authority of the mayor and city council of Baltimore, the person giving or offering to give, and the person receiving the same, and any person who gives or causes to be given an illegal vote, knowing it to be so, at any election to be hereafter held in this State, shall, on conviction in a court of law, in addition to the penalties now or hereafter to be imposed by law, be forever disqualified to hold any office of profit or trust, or to vote in any election thereafter. (Thorpe, 3, pp. 1716, 1717.)

In 1864 a new constitution was ratified in Maryland by a slim plurality of 375 votes. Article 7 of the bill of rights provides:

That the right of the people to participate in the legislature is the best security of liberty and the foundation of all free government; for this purpose elections ought to be free and frequent, and every free white male citizen, having the qualifications, prescribed by the constitution, ought to have the right of suffrage. (Thorpe, 3, p. 1742.)

SECTION 1. All elections shall be by ballot, and every white male citizen of the United States, of the age of 21 years or upward, who shall have resided in the State 1 year next preceding the election, and 6 months in any county, or in any legislative district of Baltimore city, and who shall comply with the provisions of this article of the constitution, shall be entitled to vote at all elections hereafter held in this State; and in case any county or city shall be so divided as to form portions of different electoral districts for the election of Congressman, Senator, delegate, or other officer or officers, then to entitle a person to vote for such officer he must have been a resident of that part of the county or city which shall form a part of the electoral district in which he offers to vote for 6 months next preceding the election; but a person who shall have acquired a residence in such county or city entitling him to vote at any such election shall be entitled to vote in the election district from which he removed, until he shall have acquired a residence in the part of the county or city to which he has removed.

SEC. 2. The general assembly shall provide by law for a uniform registration of the names of voters in this State, which registration shall be evidence of the qualification of said voters to vote at any election thereafter held, but no person shall be excluded from voting at any election on account of not being registered until the general assembly shall have passed an act of registration, and the same shall have been carried into effect, after which no person shall vote unless his name appears on the register. The general assembly shall also provide by law for taking the votes of soldiers in the Army of the United States serving in the field.

SEC. 3. No person above the age of 21 years, convicted of larceny or other infamous crime, unless pardoned by the Governor, shall ever thereafter be entitled to vote at any election in this State, and no lunatic, or person non compos mentis, shall be entitled to vote.

SEC. 4. No person who has at any time been in armed hostility to the United States, or the lawful authorities thereof, or who has been in any manner in the service of the so-called Confederate States of America, and no person who has voluntarily left this State and gone within the military lines of the so-called Confederate States or armies, with the purpose of adhering to said States or armies, and no person who has given any aid, comfort, countenance, or support to those engaged in armed hostility to the United States, or in any manner adhered to the enemies of the United States, either by contributing to the enemies of the United States, or unlawfully sending within the lines of such enemies, money, or goods, or letters, or information, or who has disloyally held communication with the enemies of the United States, or who has advised any person to enter the service of the said enemies, or aided any person so to enter, or who has by any open deed or word declared his adhesion to the cause of the enemies of the United States, or his desire for the triumph of said enemies over the arms of the United States, shall ever be entitled to vote at any election to be held in this State, or to hold any office of honor, profit, or trust under the laws of this State, unless since such unlawful acts he shall have voluntarily entered into the military service of the United States, and have been honorably discharged therefrom, or shall be on the day of election actually and voluntarily in such service, or unless he shall be restored to his full rights of citizenship by an act of the general assembly passed by a vote of two-thirds of all the Members elected to each House; and it shall be the duty of all officers of registration and judges of election carefully to exclude from voting, or being registered, all persons so as above disqualified; and the judges of election at the first election held under this Constitution shall, and at any subsequent election may, administer to any person offering to vote the following oath or affirmation: "I do swear (or affirm) that I am a citizen of the United States; that I have never given any aid, countenance, or support to those in armed hostility to the United States; that I have never expressed a desire for the triumph of said enemies over the arms of the United States; and that I will bear true faith and allegiance to the United States and support the Constitution and laws thereof as the supreme law of the land, any law or any ordinance of any State to the contrary notwithstanding; that I will in all respect demean myself as a loyal citizen of the United States, and I make this oath or affirmation without any reservation or evasion, and I believe it to be binding to me"; and any person declining to take such oath shall not be allowed to vote, but the taking of such oath shall not be deemed conclusive evidence of the rights of such person to vote; and any person swearing or affirming falsely shall be liable to penalties of perjury, and it shall be the duty of the proper officers of registration to allow no person to be registered until he shall have taken the oath or affirmation above set out, and it shall be the duty of the judges of election in all their returns of the first election held under this Constitution to state in their said returns that every person who has voted has taken such oath or affirmation. But the provisions of this section in relation to acts against the United States shall not apply to any person not a citizen of the United States who shall have committed such acts while in the service of some foreign country at war against the United States, and who has, since such acts, been naturalized, or may be naturalized, under the laws of the United States, and the oath above set forth shall be taken in the case of such persons in such sense.

SEC. 5. If any person shall give, or offer to give, directly or indirectly, or hath given, or offered to give, since the 4th day of July 1851, any bribe, present, or reward, or any promise, or any security for the payment or delivery of money or any other thing to induce any voter to refrain from casting his vote or forcibly to prevent him in any way from voting, or to procure a vote, for any candidate or person proposed or voted for as elector of President and Vice President of the United States or Representative in Congress, or for any office of profit or trust created by the constitution or laws of this State, or by the ordinances or authority of the mayor and city council of Baltimore, the person giving, or offering to give, and the person receiving the same, and any person who gives, or causes to be given, an illegal vote, knowing it to be such, at any election to be hereafter held in this State, or who shall be guilty of or accessory to a fraud, force, surprise, or bribery to procure himself or any other person to be nominated to any office, national, State, or municipal, shall on conviction in a court of law, in addition to the penalties now or hereafter to be imposed by law, be forever disqualified to hold any office of profit or trust, or to vote at any election, thereafter. (Thorpe, 3, pp. 1746, 1747.)

The feeling in Maryland made evident by these provisions needs no clarification.

The year 1876 saw another constitution, with little change in the bill of rights. However, the end of the war and the readmission of Confederate States to the Union is reflected by the omission of certain noticeable prohibitions and exclusions in the 1864 constitution:

ARTICLE I. ELECTIVE FRANCHISE

SECTION 1. All elections shall be by ballot; and every white male citizen of the United States of the age of 21 years or upward who has been a resident of the State for 1 year and of the legislative district of Baltimore City, or of the county, in which he may offer to vote for 6 months next preceding the election shall be entitled to vote in the ward or election district in which he resides at all elections hereafter to be held in this State; and in case any county or city shall be so divided as to form portions of different electoral districts for the election of Representatives in Congress, Senators, Delegates, or other officers, then to entitle a person to vote for such officer he must have been a resident of that part of the county or city which shall form a part of the electoral district in which he offers to vote for 6 months next preceding the election; but a person who shall have acquired a residence in such county or city entitling him to vote at any such election shall be entitled to vote in the election district from which he removed until he shall have acquired a residence in the part of the county or city to which he has removed.

SEC. 2. No person above the age of 21 years, convicted of larceny or other infamous crime, unless pardoned by the governor, shall ever thereafter be entitled to vote at any election in this State; and no person under guardianship, as a lunatic, or as a person non compos mentis, shall be entitled to vote.

SEC. 3. If any person shall give, or offer to give, directly, or indirectly, any bribe, present, or reward, or any promise, or any security, for the payment or the delivery of money, or any other thing, to induce any voter to refrain from casting his vote, or to prevent him in any way from voting, or to procure a vote for any candidate or person proposed, or voted for, as the elector of President and Vice President of the United States, or Representative in Congress, or for any office of profit or trust, created by the constitution or laws of this State, or by the ordinances, or authority of the mayor and city council of Baltimore, the person giving, or offering to give, and the person receiving the same, and any person who gives, or causes to be given, an illegal vote, knowing it to be such, at any election to be hereafter held in this State, shall on conviction in a court of law, in addition to the penalties now or hereafter to be imposed by law, be forever disqualified to hold any office of profit or trust, or to vote at any election thereafter. (Thorpe, 3, pp. 1783, 1784.)

SEC. 4. It shall be the duty of the general assembly to pass laws to punish, with fine and imprisonment, any person who shall remove into any election district or precinct of any ward of the city of Baltimore, not for the purpose of acquiring a bona fide residence therein, but for the purpose of voting at an approaching election, or who shall vote in any election district or ward in which he does not reside (except in the case provided for in this article), or shall, at the same election, vote in more than one election district, or precinct, or shall vote, or offer to vote, in any name not his own, or in place of any other person of the same name, or shall vote in any county in which he does not reside.

SEC. 5. The general assembly shall provide by law for a uniform registration of the names of all the voters in this State who possess the qualifications prescribed in this article, which registration shall be conclusive evidence to the judges of election of the right of every person thus registered to vote at any election thereafter held in this State; but no person shall vote at any election, Federal or State, hereafter to be held in this State, or at any municipal election in this city of Baltimore, unless his name appears in the list of registered voters; and until the general assembly shall hereafter pass an act for the registration of the names of voters, the law in force on the 1st day of June, in the year 1867, in reference thereto, shall be continued in force, except so far as it may be inconsistent with the provisions of this constitution; and the registry of voters, made in pursuance thereof, may be corrected, as provided in said law; but the names of all persons shall be added to the list of qualified voters by the officers of registration, who have the qualifications prescribed in the first section of this article, and who are not disqualified under the provisions of the second and third sections thereof.

SEC. 6. Every person elected or appointed to any office of profit or trust, under this constitution, or under the laws, made pursuant thereto, shall, before he enters upon the duties of such office, take and subscribe the following oath or affirmation: "I, ———, do swear (or affirm, as the case may be), that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the constitution and laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of ———, according to the constitution and laws of this State (and, if a Governor, senator, member of the house of delegates or judge), that I will not, directly or indirectly, receive the profits or any part of the profits of any other office during the term of my acting as ———."

SEC. 7. Every person hereafter elected or appointed to office in this State, who shall refuse or neglect to take the oath or affirmation of office provided for in the sixth section of this article, shall be considered as having refused to accept the said office; and a new election or appointment shall be made, as in the case of refusal to accept, or resignation of an office; and any person violating said oath shall, on conviction thereof, in a court of law, in addition to the penalties now or hereafter to be imposed by law, be thereafter incapable of holding any office of profit or trust in this State.

On November 4, 1913, a constitutional amendment was ratified which in effect empowers the general assembly to remove the disqualification imposed upon voters convicted of vote selling. That amendment, which is an addendum to section 3, reads:

But the general assembly may in its discretion remove the above penalty and all other penalties upon the vote seller so as to place the penalties for the purchase of votes on the vote buyer alone.

In 1918 Maryland ratified a constitutional amendment—section 1A—dealing with absentee voting by members of the Armed Forces, as follows:

SEC. 1A. The General Assembly of Maryland shall have power to provide by suitable enactment for voting by qualified voters of the State of Maryland, who are absent and engaged in the military or naval service of the United States at the time of any election from the ward or election district in which they are entitled to vote, and for the manner in which and the time and place at which

such absent voters may vote, and for the canvass and return of their votes.

The right to cast an absentee ballot was extended in 1954 to all qualified voters, by amendment of section 1A of article I:

SEC. 1A. Absent voters: The General Assembly of Maryland shall have power to provide by suitable enactment for voting by qualified voters of the State of Maryland who are absent at the time of any election from the ward or election district in which they are entitled to vote, and for the manner in which and the time and place at which such absent voters may vote, and for the canvass and return of their votes.

In 1956 the voters of Maryland again amended section 1A to extend the absentee-voting privilege to those qualified voters who are unable to vote personally because they are confined to bed or in a hospital by physical disability:

SEC. 1A. Proposed amendment: The General Assembly of Maryland shall have power to provide by suitable enactment for voting by qualified voters of the State of Maryland who are absent at the time of any election from the ward or election district in which they are entitled to vote and for voting by other qualified voters who are unable to vote personally by reason of physical disability which shall confine said voters to a hospital or cause them to be confined to bed, and for the manner in which and the time and place at which such absent voters may vote, and for the canvass and return of their votes.

The 1956 general election held in November of that year also brought about changes in sections 1 and 5 of article I, both dealing with the elective franchise.

Section 1 was brought into conformance with the 15th and 19th amendments to the U.S. Constitution, by deleting the qualifying words "white male" immediately preceding the word "citizen" in the opening sentence of section 1:

SECTION 1. Proposed amendment: All elections shall be by ballot; and every citizen of the United States, of the age of twenty-one years, or upward, who has been a resident of the State for one year, and of the legislative district of Baltimore City, or of the county, in which he may offer to vote, for six months next preceding the election, shall be entitled to vote, in the ward or election district, in which he resides, at all elections hereafter to be held in this State, and in case any county, or city, shall be so divided as to form portions of different electoral districts, for the election of Representatives in Congress, Senators, Delegates or other officers, then, to entitle a person to vote for such officer, he must have been a resident of that part of the county, or city, which shall form a part of the electoral district, in which he offers to vote, for six months next preceding the election; but a person, who shall have acquired a residence in such county or city, entitling him to vote at any such election, shall be entitled to vote in the election district from which he removed, until he shall have acquired a residence in the part of the county, or city, to which he has removed.

Section 5 was also amended at the November 1956 election to delete the reference to the old 1867 laws with respect to the registration of voters:

SEC. 5. Proposed amendment: The general assembly shall provide by law for a uniform registration of the names of all the voters in this State, who possess the qualifications prescribed in this article, which registration shall be inconclusive evidence to the judges of election of the right of every person, thus registered, to vote at any election thereafter held in this State; but no person shall vote, at any election, Federal or State, hereafter to be held in this State, or at any municipal election in the city of Baltimore, unless his name appears in the list of registered voters; the names of all persons shall be added to the list of qualified voters by the officers of registration, who have the qualifications prescribed in the first section of this article, and who are not disqualified under the provisions of the second and third sections thereof.

A discussion of the prohibitions affecting citizens of the Confederacy is found in "The Self-Reconstruction of Maryland," by William Starr Myers:

The late autumn of the year 1864 found the Union men strongly entrenched in power in Maryland. Aided by the sympathy of the National Government—both active and passive—they had during the preceding 6 months elected a State convention, formed a new constitution which abolished slavery and made many radical changes in the government, and accomplished its adoption at the polls. A narrow majority of 375 out of a total of 59,973 votes cast had been secured for the constitution only by the somewhat doubtful expedient of permitting Maryland soldiers in the field to vote on the question, their overwhelming approval altering the adverse result in the State at large. But the Union party leaders felt no uneasiness as far as the future was concerned, for the constitution of 1864 was designed, rightly or wrongly, not only to free the slaves but to secure a permanent hold of the party in power. The element was known as the Union Party during the war, and was composed of the more loyal and active citizens of the State, who not only desired that Maryland should stand by the Union, but believed that the South should be conquered and that President Lincoln and the national administration should be given hearty and unswerving support. The party included men who had been of various political affiliations in times past, and it held together fairly well in spite of radical differences of opinion on many topics of State and National policy. The Republican Party did not exist under that name till at least a year after the close of the war, and the process of its formation will be shown in the events about to be narrated.

The Democratic Party in the State, defeated and discredited, still kept up all the active opposition of which it was capable. It condemned the policies of Lincoln and his administration, and more or less acknowledged the right of the Southern States to secede, though all the while protesting its loyalty to the Union, and its hope that Maryland would remain in the old federation.

The new constitution is worthy of careful attention. The Union Party based their hopes on those provisions which were designed to exclude from the franchise all southern sympathizers and other disloyal persons, and furthermore they intended so to carry out its mandate for a registration of the voters of the State that their opponents would be further rendered powerless at the polls. (Twenty-seven Johns Hopkins Studies, pp. 9 and 10.)

The constitution directed, in addition, that the legislature should pass laws requiring the voter's oath to be taken by the President, directors, trustees, or agents of corporations created or authorized by the laws of this State, teachers or superintendents of the public schools, colleges, or other institutions of learning; attorneys at law, jurors, and such other persons as the general assembly shall from time to time prescribe. Moreover, a very dangerous power was placed in the hands of the judges of election, who alone were permitted to decide as to what was conclusive evidence of the right of a person to vote. The sinister effects of this provision soon made themselves felt, and as we shall see, almost led to bloodshed in the exciting days that followed.

The aspect of military affairs in the South at this time could only add to the confidence of the Union men of Maryland. It was during the autumn of 1864 that Grant, after the awful slaughter of the Wilderness and Cold Harbor, was at last tightening his grip on Lee at Richmond and Petersburg. Sherman, by his masterful campaign from Resaca to Atlanta, overcame the brilliant strategy of Johnston and the reckless bravery of Hood, and entered upon his march to the sea. Sheridan defeated Early and drove him out of the Shenandoah Valley, and finally, to crown all, Thomas annihilated Hood's army at Nashville. Surely the Confederacy was in its death throes, and the Union would be saved. This was no time to look for weak-kneed sympathy with rebellion.

An election for National and State officials was to take place on November 8, 1864. Gov. Augustus W. Bradford on November 3 issued a proclamation or open letter addressed to the judges of election, giving it as his opinion that this would be the first election under the new constitution (by executive proclamation of October 29, it went into effect on November 1, 1864), and saying that it was obligatory upon the judges to observe the requirements and administer the test oath to all applying to vote.

A large number of these officials who were to conduct the election in Baltimore City, said to have been about one-third of the total for that district, held a meeting in the criminal courtroom on November 3, and unanimously decided to administer the oath to all voters. This oath was not to be taken as conclusive evidence of loyalty, but in addition citizens were to be sworn to give true answers to such other questions as should be propounded to them, in order to satisfy the judges of their right to the ballot. A second and more largely attended meeting of the judges was held in the same place on November 7, to consider the question which had arisen and caused some controversy, as to whether they had the right to commit perjury, and if so, whether or not they should proceed to use it. After some debate, it was decided to leave this question to individual discretion, but to keep a list of the rejected votes for future action. This matter seems in the end to have made little trouble at the election, which was very quiet, many persons of doubtful patriotic status refraining from an attempt to vote. There were few arrests by order of the judges.

Great interest in this election was aroused by the fact that not only was a full State ticket to be voted upon, but electors for President and Vice President also were to be chosen. The Union Party ratified the national Republican nominations of Abraham Lincoln and Andrew Johnson, and held its State convention on October 18, 1864, in Temperance Temple, Baltimore. A very patriotic platform was adopted, declaring the determination to stand by the administration until the wicked rebellion had been crushed out, and every rebel made to bow in submission to the Constitution and the laws of the land, and every foot of territory brought under the dominion of the Federal Government. Candidates were nominated for all the State offices, headed by Thomas Swann, of Baltimore City for Governor, and Dr. Christopher C. Cox, of Talbot County, for Lieutenant Governor. The Democratic Party made its nominations through its State central committee, which met in Baltimore on October 27, and arranged a ticket including Judge Ezekiel F. Chambers, of Kent County, for Governor, and Oden Bowie, of Prince Georges County, for Lieutenant Governor.

The result of the election was, as had been expected, a victory for the Union Party, the vote being as follows: For Governor, Swann, 40,579; Chambers, 32,068; Swann's majority, 8,511. For Lieutenant Governor, Cox, 41,828; Bowie, 32,178. Lincoln carried the State by 7,432 majority, and for Congress, Edwin H. Webster, of Harford County, Charles E. Phelps, of Baltimore City, and Francis Thomas, of Allegany County, were successful in the second, third, and fourth districts, respectfully. The Democrats, however, carried two districts, electing Hiram McCullough, of Cecil County, in the first, and Benjamin G. Harris, of St. Mary's County, in the fifth.

In the general assembly of the State the Union Party secured a large majority in the house of delegates, but the results of the election showed that the membership of the Senate would stand: Democrats 13, Union Party 11. Fortunately for the latter, W. M. Holland, Democratic senator-elect from Dorchester County, resigned on November 15, saying that circumstances of a domestic character beyond his control made it extremely inconvenient for him to serve. A special election was held on December 23 to fill the vacancy and Thomas K. Carroll, the Union candidate, was elected by a good majority. This made a tie on a party vote, but the deciding vote would be cast by Lieutenant Governor Cox. In spite of test oaths, partisan judges of election, and the supporting influence of the National Government, the Democratic Party in Maryland had made a fairly good showing, and there was a possibility of the Union control being shaken, or even broken, at any time. This was evidently realized, and efforts were at once made by the leaders of the latter party to guard against any such contingency. An editorial in the Baltimore American on the preceding October 19 had said:

"It is of the utmost importance that the control of the affairs of Maryland should be in the hands of capable, honorable, and loyal men, who will administer them not only to the direct benefit of the State itself but with regard to the maintenance and prosperity of the entire Union. The fortunes of Maryland and of the Union are indissolubly linked together, and to fill the State offices with men who have the integrity of the whole Union at heart is the true way to advance the interests of the State itself."

This statement voices the opinion of the more sober and responsible leaders in the Union cause, and gives a very fair idea of the principles upon which they based their actions during the political struggles of the following 2 years.

The general assembly met at Annapolis on January 4, 1865. In his message Governor Bradford recommended for passage various measures designed to carry out certain provisions of the new constitution, and in addition he desired that action be taken looking toward the procuring of compensation from the National Government for slaves emancipated under the State constitution, in accordance with President Lincoln's message of March 6, 1862. Also, he argued sensibly that some other time and tribunal than the day and judges of election be provided, to determine who may vote under the new laws and regulations. The neglect on the part of the legislature of this commonsense matter of justice and order was another cause of the turmoil and trouble of the succeeding years.

According to article II, sections 1 and 2, of the new constitution, the term of office of Governor Swann and Lieutenant Governor Cox was to commence on January 11, 1865, but the new executive was not to enter upon the discharge of his duties until the expiration of the term for which Governor Bradford had been elected. The latter had been inaugurated on January 8, 1862; hence, he held office until January 10, 1866, and continued the able administration he had given the State during the preceding years of trial and perplexity.

The inauguration of the new executive and his subordinate took place in the senate chamber at Annapolis on the appointed day. Governor Swann's inaugural address called upon the legislature to forget the dissensions and heartburnings of the past and come together once more, in a spirit of conciliation and harmony, to give our best energies, as one party, to the work of reconstruction and reorganization upon which we are entering with such prospects of admitted and assured success. He favored foreign colonization of Negroes, recommended an attempt to procure national compensation for the slaves, and significantly closed as follows:

"It is not a very agreeable reflection to the State of Maryland, in looking back upon the past, that many of her citizens have entertained and not infrequently expressed sympathies with the objects of this rebellion. Such evidences of disaffection at the South have been summarily dealt with heretofore, by the offer of the alternative of the oath of allegiance to the so-called Confederate States or prompt expulsion beyond their lines. The recognition of such a rule here would doubtless have been received as in the highest degree tyrannical and oppressive. It is hardly reasonable to expect, however, that this Government will permit itself to be sacrificed by those upon whom it has a right to rely, and who have made their election to share the protection of its laws. In standing by the Union, Maryland will know how to discriminate between its friends and enemies, and the time has passed when those who really desire its dissolution will be permitted to make a virtue of their disloyalty or to claim participation in the political power of the State. Differences of opinion upon National and State politics may exist without treason, but the paramount obligation of loyalty cannot be compromised, and the citizen who turns away from its duty of allegiance to his Government—no matter upon what pretext—forfeits the privileges which it confers and the protection which attaches to the rights of citizenship."

Lieutenant Governor Cox immediately entered upon his duties as president of the senate, the office of Lieutenant Governor having been created by the constitution of 1864.

The senate on February 14, by a vote of 11 yeas to 10 nays, unseated, on the ground of disloyalty, Littleton Maclin, Democratic senator from Howard County; and Republican opponent, Hart B. Holton, was declared elected. Samuel A. Graham, of Somerset County, contested upon the same grounds the seat of Levin L. Waters, the Democratic senator from that county, but the matter was deferred to the next session of the legislature in order that further testimony in the case might be taken, and was finally dropped, perhaps in consideration of the fact that a Union Party majority in the senate was now secured.

Turning our attention to the work of the legislative session, we find that on February 1 Governor Bradford submitted to both houses the 13th amendment to the Constitution of the United States. It was advanced to its third reading on the same day by the house of delegates, passing its second reading by a vote of 53 yeas to 24 nays. The senate referred it to a committee and on February 3 finally passed it by a strict party vote of 11 affirmative from the Union Party, 10 negative from the Democrats. The house immediately passed it on its final vote, by acclamation.

Some little strife was stirred up over the question of the election of a U.S. Senator to fill out the unexpired term of the late Thomas H. Hicks, but John A. J. Creswell, of the Eastern Shore, was finally chosen by a large majority on March 9, his leading opponent, Lieutenant Governor Cox, having withdrawn from the contest. Two most important bills were passed by the assembly at this session. One was the act dealing with the status of the colored population of the State and was voted by large majorities on March 24. All the disabilities which had necessarily attached to the Negro as a consequence of the institution of slavery were removed, with two exceptions, one disqualifying Negroes from being witness in cases where white men were concerned, and the other authorizing Negroes to be sold for crime for the same period that a white man might be confined in the penitentiary for the same offense.

The other bill was to provide for the registration of the voters of the State according to the requirements of the new constitution. It was reported in the house of delegates, on March 8, 1865, and after a hard struggle against it on the part of the opposition it was passed on March 22, by the vote of 51 yeas to 23 nays. The senate, after more vain opposition on the part of the Democrats, passed it finally on March 24, by a vote of 13 to 6. This act, famous in the history of the State, which formed a center for most of the political strife of the period, provided that the Governor was to appoint three citizens most known for loyalty, firmness, and uprightness as registers in each ward or election district, also three men to register the soldiers and sailors of the State, who were to visit the several regiments, camps, and hospitals, and have the results placed upon the books of the various districts. From these lists, entry on which was indispensable in order to exercise suffrage, they were to exclude all disloyal persons, and might even refuse to permit them to register, after taking the oath of allegiance.

To these officers of registration was further given power—"to compel the attendance of witnesses for the purpose of ascertaining the qualifications or disqualifications of persons registered; they shall have power to issue summons, attachments, and commitments of any sheriff or constable, who shall serve such process, as if issued by a judge of the circuit court, or a justice of the peace, and shall receive the same fees and in the same manner as allowed by the law in State cases."

The intent of the act was well summed up in an editorial of the Baltimore Sun of July 11, 1865, as follows:

"It will be seen that the question of the right of suffrage under the Constitution and the law, is left entirely to the discretion and judgment of the various officers of registration, who are to be appointed by the Governor, in the city and counties, from which judgment there is no appeal—and the disqualification is perpetual unless the person is restored to civil rights through military service or a vote of two-thirds of all the members elected to each house of the general assembly."

The following clause included in the bill as originally reported to the house of delegates was stricken out by a majority of only one vote in that body:

"Section 19, be it enacted. That the officers of registration for the purpose of ascertaining more fully whether any person is disqualified under the fourth section of article first [of] the constitution, shall, if such person's right is challenged, or they have not personal knowledge, propound the following among other questions: Have you ever given aid to the rebellion by advice, by giving or sending information? Have you ever given or sent money, clothing, provisions, medicine, or any munitions of war to persons engaged in the rebellion? Have you ever given shelter or protection to persons engaged in the rebellion? Have you ever advised or encouraged any person to enter the rebel service? Have you ever assisted anyone to enter such service by furnishing them with money, provisions, advice, letters, or information?

Have you ever in conversation or by writing justified those engaged in entering into the rebellion? Have you ever expressed a wish or desire for the success of the rebel arms or for the defeat of the Union arms? Have you ever rejoiced over any of the successes of the rebel arms or defeat of the Union arms? Have you ever desired or wished that the rebel forces might defeat the Union forces?"

It would be difficult to imagine a more stringent or dangerous measure, one more hostile to the idea of a constitutional and orderly democratic government, or one more open to abuse.

After spasmodic attempts to pass a measure requiring the oath of allegiance of all officers of corporations, and another calculated to secure compensation for emancipated slaves from the U.S. Government, but from which nothing ever came, the legislature finally adjourned on March 27, 1865.

It is now necessary, in order to make our narrative complete, to retrace our steps a little in point of time. During this period the important question of the Negro population was agitating the people of Maryland.

All slaves had become free on November 1, 1864, when the constitution went into effect, and there were now nearly 90,000 "freedmen" to be dealt with, besides a nearly equal number of Negroes who had been free when abolition was accomplished. When we think of this herd of human beings, little more than half civilized, poor, ignorant, and helpless, suddenly raised in legal status from a position of servitude to the proud estate of man, with all the attendant duties and obligations, we must realize that they still remain completely under the power of the white population. A few wished to treat them as being what they were in fact, children in intelligence with an almost unlimited potentiality of physical power, but the larger number naturally looked upon them with the contempt of former masters. Sometimes, at the other extreme, there was foolish talk about immediate social and political equality.

When the October election showed the adoption of the constitution, the major part of the people of Maryland loyally acquiesced in the result, but many of the more tenacious slaveholders speedily took advantage of an old provision in the "black code" of State laws that Negro children could be bound out for terms of apprenticeship without the consent of their parents. With the more or less open connivance of many of the court officials they had the slave children whom they owned apprenticed to them for the term of their legal minority, and usually with absolute disregard of the wishes of the parents, who were so soon to come into their natural rights. This was in many cases done before the first of November, when constitutional abolition took effect, and before the parents had any legal right to object. Even after this date the same practice was continued, Negro children being in many instances forcibly taken from their homes, and all their newly given rights ignored.

Realizing the danger that a species of slavery or peonage would thus be perpetuated in spite of the emancipation movement, and being besieged by the Negroes and their white sympathizers with complaints of illegal treatment, Maj. Gen. Lew Wallace, commander of the Middle Department of the U.S. Army with headquarters in Baltimore, decided to take matters into his own hands until the Union Party could cause the proper measures of protection to be taken at the ensuing session of the general assembly. On November 9, 1864, he issued General Orders No. 112, which created a "freedmen's bureau" for the department, with Maj. William M. Este, A.D.C., in charge. The "Maryland clubhouse" on the northeast corner of Cathedral and Franklin Streets, Baltimore, was ordered to be used as headquarters of the bureau and as a Negro hospital, under the name "Freedman's Rest." (The Maryland club was considered to be an organization particularly obnoxious to loyal people, on account of the known southern sympathies of many of its members. This part of the order, however, was revoked.) The reasons for this action were stated in the following preamble to the order:

"Official information having been furnished, making it clear that evil disposed parties in certain counties of the State of Maryland, within the limits of the middle department, intend obstructing the operation, and nullifying, as far as they can, the emancipation provision of the new constitution; and that for this purpose they are availing themselves of certain laws, portions of the ancient slave code of Maryland, as yet unrepealed, to initiate as respects the persons heretofore slaves, a system of forced apprenticeship; for this, and for other reasons, among them that if they have any legal rights under existing laws, the persons spoken of are in ignorance of them; that in certain counties the law officers are so unfriendly to the newly-made freedmen, and so hostile to the benignant measure that made them such, as to render appeals to the courts worse than folly, even if the victims had the money with which to hire lawyers; and that the necessities of the case make it essential, in order to carry out truly and effectively the grand purpose of the people of the State of Maryland • • • (therefore) there should be remedies extraordinary for all their (i.e., the freedmen's) grievances—remedies instantaneous without money or reward—and somebody to have care for them, to protect them, to show them the way to the freedom of which they have yet but vague and undefined ideas."

The order provided further that all freedmen were to be considered under special military protection until the legislature should by its enactments make such protection unnecessary, that provost marshals in their several districts, "particularly those on the eastern and western shores," should "hear all complaints made to them by persons within the meaning of this order" and "collect and forward information and proofs of wrongs done to such persons, and generally • • • render Major Este such assistance as he may require in the performance of his duty." Finally, "lest the money derived from donations, and from fine collected, prove insufficient to support the institution in a manner corresponding to its importance, Major Este will proceed to make a list of all the avowed rebel sympathizers resident in the city of Baltimore, with a view to levying such contributions upon them in aid of the freedmen's rest as may be from time to time required." Early in January, General Wallace abolished the freedmen's bureau in Maryland and made his report to the general assembly. A reading of this report and the documents submitted therewith should fill every fairminded person of today with a deep sympathy for the Negroes in their helpless condition at this time. The details there disclosed of all the suffering, sorrow, and injustice which they endured render one heartsick, even though an allowance be made for the exaggerations of heated partisanship and an excited state of public feeling.

As we have seen, the legislature, in response to the report, passed a bill removing practically all the disabilities from the Negro population which had been laid upon them under the slave code, and affairs gradually settled themselves according to the new economic and social conditions which are still in existence today. This readjustment did not come all at once, but only after much injustice and many wrongs had been committed by both whites and blacks. (At as late a date as Nov. 1, 1866, Gen. O. O. Howard, chief of the national "freedmen's bureau," stated in his report to the Secretary of War that "frequent complaints are received of outrages and atrocities without parallel committed against freedmen" in portions of Maryland.)

Richmond fell before Grant's victorious army on April 3, 1865, and by the end of the month both Lee and Johnston had surrendered. This was the practical ending of the military operations of the Civil War. About 20,000 men from Maryland had taken service in the Armies of the Confederacy, and the survivors were soon paroled and began to return home in large numbers. The Union men were much elated and joined in a hearty celebration of the national triumph of their cause, but as the ex-Confederates began to show themselves about the streets and to frequent their old haunts, and a large immigration from the South, particularly from Virginia, began to set in, this feeling gave way to alarm, too often accompanied by signs of prejudice and vindictiveness. The party in power at once began to foresee and to fear what finally took place—an active coalition between the Democrats and the southern sympathizers and the eventual overthrow of the Union Party in the State. The Registration Act had been passed just in time, and when signs of opposition to it began to appear its advocates decided to fight to the last ditch to keep it on the statute books and in active operation.

The assassination of President Lincoln on April 14, 1865, threw the Union people for a time into a panic, and naturally increased hostility toward the ex-Confederates, whom they imagined to be undertaking a new method of warfare, by means of murder and secret criminal intrigue. Gen. W. W. Morris, for a short time in command of the Middle Department, issued orders on April 15, placing Baltimore under stringent martial law, and including a provision that "paroled prisoners of war (rebels), arriving in this department are hereby ordered to report at once to the nearest provost marshal, in order that their names may be registered, their papers examined, and such passes furnished them as may be necessary for their protection. Such prisoners of war will not be permitted to wear the uniform of the army and navy of the so-called Confederate States, but must abandon their uniforms within 12 hours after reporting to the provost marshal, and adopt civilian dress."

General Wallace, who resumed command a few days later, extended these repressive measures, and was actively assisted by the officers of the U.S. Army stationed in various parts of the State. After the death of J. Wilkes Booth and the capture of the other conspirators, the military bonds were gradually relaxed, the National Government wisely leaving the settlement of the various difficulties in Maryland to the people of the State.

As a good illustration of the temper of this particular time, the following is quoted from an editorial in the Baltimore American for May 6, which was entitled "The Brand of Cain." After stating that Jeff Davis "stands convicted as a common felon" and charging him with all manner of crimes, it proceeds:

"He has sanctioned and commissioned agents of piracy, arson, and butchery. He has sent secret employees to throw passenger trains from railway tracks, incendiaries to burn northern cities, pirates to destroy commerce, to fire merchant vessels, and to slaughter their crews. He has stolen the money belonging to others, and deposited it abroad to his own credit. He has plotted offenses against society which have no parallels in brutality and outlawry in the annals of civilization. And now he is branded as one of the infernal cabal whose intrigues, carried on for more than eight months, have resulted in the murder of Abraham Lincoln."

This same journal described the ex-Confederate soldiers in Maryland as "defiant and pompous," and stated that they strutted around like conquerors. All sorts of accusations were made by this paper against southerners, even charging them with an attempt to introduce yellow fever infection from Bermuda into the northern cities. On May 9 a leading editorial said:

"To the more conspicuous leaders of the rebellion, civil and military, should be awarded the extreme penalty of the law. Nothing short of expiation on the gallows would satisfy the simplest demands of justice. As to the masses of the people who have been so terribly duped by these miscreants, we think there can be but one feeling, that they have already been subjected to such untold losses and sufferings and humiliations that they are fairly entitled to executive clemency."

On April 24, 1865, the first branch of the city council of Baltimore passed resolutions requesting General Wallace to close certain "disloyal churches," and thus to "save our city from this degradation and shame by removing these cesspools, the miasma arising from which taints the moral atmosphere with treason." Further resolutions passed the same day by a unanimous vote protested against allowing "rebels" to return to the city.

On April 25 a meeting of citizens of Cumberland, Md., was held in the markethouse, and presided over by the mayor, Dr. C. H. Ohr. It was then resolved that "those persons who voluntarily left their homes in this county (Allegany) and have taken up arms against the Federal Government, or otherwise aided the rebellion, shall not be permitted to return again amongst us." It was threatened that such as returned would be "summarily dealt with," and a vigilance committee of 25 members was appointed, with power to add to this number.

In general, the Union people were not so bitter against Confederates from other States as against those from Maryland. Perhaps the fact that the latter might become voters under a new regime added to the feelings of hostility. Finally, their contention was that "rebels should acknowledge they were wrong, if they want to be forgiven."

Very different was the attitude of the Baltimore Sun, the leading Democratic newspaper in the State, and with good reason, for it had escaped suppression during the 4 years of war only by a discreet handling of the news, and by refraining from editorials for the most part, except on such truly nonpartisan occasions as Christmas and New Year's Day. The Sun now began to pluck up courage as the use of the military power lessened, and on May 23 it stated that "such of our citizens and youth as had strayed away and made common cause with the South in rebellion, are now returning, and realizing the advantages of the terms of surrender, (are) generally willingly renewing their allegiance. No where now are Southern men more generously met than in Baltimore."

Later on, it heartily entered into the movement to raise money to aid southern sufferers from the war, particularly those in the Shenandoah Valley.

As time went on, and the feelings caused by the first flush of victory passed away, milder counsels began to prevail among the Union people. The City Council of Baltimore took care to state that their anti-rebel resolutions, lately adopted, did not refer to southern merchants coming to the city for purposes of trade, but only to the return of those who formerly had a residence among us, but who went south to aid in the overthrow of the Government. It was thought best they be not permitted to return amongst us until they came as prodigals, seeking, not claiming a home, confessing their errors and asking to be received as repentant sons. Also the American stated on June 20, 1865, that it was anxious to let the southern sympathizers alone, that it would do so if they kept their proper positions and showed some indications of humanity and contrition, and also disavowed any feelings of bigotry or vindictiveness. Most unfortunately, many of the leaders in the Union party, as we shall see, found it to be to their personal advantage to keep alive the controversies and hatreds of the past, for by this means they hoped to overcome all opposition both within and without the party. This caused the crisis in political affairs which came in the year 1866 (27 John Hopkins Studies, p. 12).

The State election in the autumn of 1865 was not of great importance, only local officers being voted upon, except in Baltimore City, where several members of the legislature were to be chosen, and in the Second Congressional District where a successor was to be elected to fill the place of Edwin H. Webster, who had been appointed collector of the port of Baltimore.

The first vague whisperings of a new question could now be heard, a question which, along with the registry law, was to cause the shipwreck of the Union party. This was Negro suffrage. It is a fact that by the constitution of 1776 the suffrage had been given to all freemen of age in Maryland who held a certain amount of property, and some free Negroes voted in the few years following. An amendment to the State constitution, adopted in 1810, limited the right of suffrage to the white citizens, and under the influence of the "black code" and the events of the war the people of both parties by 1865 had come to look with great aversion upon Negro participation in politics. Consequently, when Negro suffrage was adopted as a party measure by the national Republican leaders, many of the most conservative Union men in Maryland went over to the Democratic Party.

According to the terms of the registry law as passed by the legislature (this was the first registry law ever passed by the State of Maryland), three registers were to be appointed in each election district of the State. Governor Bradford seems to have had difficulty in performing his part of the duty, as many of his appointees resigned, and an effort had to be made to induce others to sink private differences and act for the public good. However, this being accomplished, the question arose as to what means should be taken in order to determine the right to vote of people of doubtful loyalty, who had nevertheless taken the prescribed "iron clad" oath of allegiance.

For the purpose of comparing their views as to the true interpretation of the law, and of adopting a system of registration uniform throughout the State with respect to matters confided to their discretion and judgment, a State convention of the officers of registration met on August 2, 1865. A list of 25 questions to be asked intending voters was adopted which formed such a strict catechism of political faith and activity that a Democrat who was once tainted with a breath of disloyalty would have difficulty in ever convincing his partisan judges of his character for loyalty. The most searching of these questions were as follows:

"II. Do you consider the oath just taken as legally and morally binding as if administered by a judge of the court or a justice of the peace?

"IX. Have you ever at any time been in armed hostility to the United States or the lawful authorities thereof?

"X. Have you ever been in any manner in the service of the so-called confederate States of America?

"XII. Have you ever given any aid, countenance or support to those engaged in armed hostility to the United States or (to) the so-called Confederate States of America?

"XIII. Have you ever in any manner adhered to the enemies of the United States or the so-called Confederate States or armies?

"XIV. Have you ever contributed money, goods, provisions, labor or any such thing, to procure food, clothing, implements of war or any such thing for the enemies of the United States or the so-called Confederate States or armies?

"XV. Have you ever unlawfully sent within the lines of such enemies money, goods, letters or information?

"XVI. Have you ever in any manner disloyally held communication with the enemies of the United States or the so-called Confederate States or armies?

"XVII. Have you ever advised any person to enter the service of the enemies of the United States, or the so-called Confederate States or armies?

"XVIII. Have you ever, by any open word or deed, declared your adhesion to the cause of the enemies of the United States, or the so-called Confederate States or armies?

"XIX. Have you ever declared your desire for the triumph of said enemies over the armies of the United States?

"XX. Have you ever been convicted of giving or receiving bribes in elections, or of voting illegally, or of using force, fraud or violence to procure yourself or any one else nomination for an office?

"XXI. Have you ever deserted the military service of the United States and not returned to the same or reported yourself to the proper authorities within the time prescribed by proclamations?

"XXII. Have you ever on any occasion expressed sympathy for the Government of the United States during the rebellion?

"XXIII. During the rebellion, when the armies were engaged in battle, did you wish the success of the armies of the United States or those of the rebels?

"XXIV. Have you voted at all the elections held since the year 1861, and if not, give your reasons?

"XXV. Have you, in taking this oath or in answering any questions propounded to you, held any mental reservation or used any evasion whatever?"

It was decided that the names of all white male persons resident in, or temporarily absent from, their district should be placed on the registration books, so that the status of all those not making application should be permanently fixed as disqualified voters. Of course, this would disfranchise them irretrievably, unless they should make application to the legislature for a pardon by a two-thirds vote of that body, or enter the military or naval service of the United States.

The result was, that not only were the ex-Confederates and southern sympathizers prohibited from registering, but many other citizens of the State made no attempt whatever to do so, and an exceedingly small number, in proportion to the population, were designated as qualified voters. In the writer's opinion, at least one-half of the voters were disfranchised, and of these an overwhelming proportion was Democratic. (Says Mr. Knott: "The officers of registration were swayed by a spirit of bitter and uncompromising partisanship and • • • the Republican Party was determined to perpetuate its ascendancy by the entire disfranchisement, if necessary, of its Democratic opponents." Nelson's Baltimore, 555. The writer would add that Mr. Knott is so partisan in his opinions that he is apt to exaggerate to the detriment of those who disagreed with him.)

It seems certain that a part of this number was rightly disfranchised. It was, in fact, neither right nor expedient that those who had been in arms against, or in active opposition to, the U.S. Government should have the ballot given them for some years to come, the length of time to be determined by the actions of the ex-Confederates, who should have opportunity to show their acceptance of the new situation. The radicals in the Union Party of Maryland had, therefore, a large measure of justice on

their side. It was rather the extremely usual accompaniment of trickery and wire

bers of both houses to restore any person

their side. It was rather the extremely sweeping character of the methods used, and their efforts, at times, to maintain party supremacy by unjust means, that should be condemned.

The first serious move against the registry law was made in the summer and autumn of 1865 under Democratic auspices. Naturally and reasonably, legal means were used in order to test the constitutionality of the act, before a definite political agitation was worked up against it. Two important cases before the State court of appeals decided the constitutionality of the law. The first was that of *Hardesty* v. *Taft* (23 Maryland Reports, 512). Many voters, unable to give a satisfactory answer to the list of questions decided upon by the convention of the officers of registration, were refused enrollment. Therefore, to test this action, an injunction was prayed that the registers should not hand over, nor the judges of elections receive, the registration books, but that the election might be conducted according to the law in force up to this time.

It was insisted by the appellants that the new law was unconstitutional, since it gave judicial powers to the officers of registration, and that the provision of the constitution excluding from voting those citizens who could not take the required oath was void, as enacting an ex post facto law, and hence contrary to the Constitution of the United States. It was illegal for the officers of registration to inquire into acts done prior to the adoption of the new constitution, and they had no right to put questions which tended to incriminate voters, nor to exclude them from registration in case they should not answer such questions.

On the eve of the fall election the court decided that it would not grant an injunction to the effect that the election might be held in a manner different from that designed by law. The court held further, that it had no power to give authority to the judges of election to receive the ballot of a person not on the roll of qualified voters—a ballot not only not conferred, but expressly taken away by the general assembly. The decision distinctly stated that a court of equity could not be invoked to prevent the performance of political duties such as those of an officer of registration, but that if a citizen should be willfully, fraudulently, or corruptly refused a vote by the register, or election judge, he might sue for damages at law.

The second case was that of *Anderson* v. *Baker* (23 Maryland Reports, 531), in which a mandamus was asked to compel a register to place the name of a voter on the lists. The appellant claimed that the provisions of the constitution and of the registry law were void because unconstitutional and contrary to the fundamental principles of justice and reason and of American republican government. A mandamus was the proper remedy, since a suit for damages would not give a wronged person his vote.

On November 2, 1865, the opinion of the court was delivered by Justice Bowie, Justices Cochran, Goldsborough and Weisel assenting, and Justice Bartol dissenting. It was as follows: The right of suffrage, being the creature of the organic law, may be modified or withdrawn by the sovereign authority without inflicting any punishment on those who are disqualified. The power of the registers was a police or political power, and hence constitutional.

In commenting on this decision, the Sun on November 3, 1865, said that it looked upon the question as a political rather than a legal one; hence it did not expect any redress from the courts. It was rather an opportunity to appeal to the sense of public justice and political right of the people. From now on the Democratic Party adopted this latter method, backed up by a judicious amount of shrewd political tactics, with the usual accompaniment of trickery and wire pulling then common to both parties. Meantime, however, neither party had waited to see the results of the legal contest, but both had made nomination, and considering the comparative insignificance of most of the offices at stake, the campaign was fairly active and interesting.

The "unconditional Union city convention," which met in Temperance Temple, Baltimore, on July 13, adopted resolutions by a majority of about 3 to 1, endorsing Andrew Johnson and his policy.

A meeting of about 1,500 citizens of Howard County who were in favor of supporting the Reconstruction policy of the President was held at Clarksville on August 26. Addresses were made by Montgomery Blair, who attacked Secretary Stanton and the Maryland registry law, and by W. H. Purnell. A letter was read from Governor Swann, who regretted his inability to be present, and praised President Johnson.

The Union convention of the second congressional district met at Broadway Hall, East Baltimore, on September 26, and unanimously nominated John L. Thomas, Jr., to succeed E. H. Webster.

The proceedings of the county conventions of the same party are significant, as foreshadowing the varied counsels and final disagreement of the next year. Most of them passed resolutions endorsing Johnson and opposing Negro suffrage. Washington County also endorsed the registry law, and Dorchester County declared in favor of a moderate amendment of the same. The radical Union organ, the Baltimore American, strongly supported the President, took a conservative attitude toward Negro suffrage, and was heartily in favor of sustaining the registry law as placed upon the statute books. On September 30 it commented on the campaign as follows:

"Party spirit is running high, and the party that (formerly) denounced the President without stint is running a tilt with the party which sustained him, for his exclusive possession."

That this comment was true is shown by the fact that the county Democratic conventions generally endorsed Johnson and his Reconstruction policy, while they condemned the registry law and Negro suffrage.

The Democratic State central committee on September 2 published in the Baltimore Sun an address to the people of Maryland, calling upon the latter to rise up and oppose the registry law, which it condemned for being in "marked contrast and hostility to the wise and just policy of conciliation which distinguishes the dealings of President Johnson with the Southern States." It was signed by Oden Bowie, chairman, and A. Leo Knott, secretary. It is significant that practically all these expressions of Democratic opinion were given after July 19, the date of the interview with President Johnson at the White House in Washington.

In a thoughtful and able editorial of July 11 the Sun had already foreshadowed the position and policy of the Democrats and the conservative wing of the Union Party as follows:

"It may reasonably be supposed that the framers of the constitution and those who legislated to carry out its provisions were influenced more or less by the then existing state of the country, torn and distracted as it was by civil war [but] the motives and purposes which actuated our legislators may now be presumed no longer to possess the same force. The general assembly may perhaps, therefore, be brought to consider at an early day [the modification or removal of] the constitutional and legal disabilities which affect a considerable portion of [the] citizens. The provision of the constitution which empowers the general assembly by a vote of two-thirds of the members of both houses to restore any person to his full rights of citizenship may, we presume, be made applicable to all persons disqualified, or to separate classes of such, by the passage of a general law."

The same journal, in its issue for August 31, said that should the Republican Party adopt Negro suffrage, it would throw President Johnson upon the support of the Democratic Party, with which he was identified for so long, but that it hoped that such a mischievous policy would not be undertaken.

Some question arose in the State as to the effect of the President's amnesty proclamation upon the working of the Maryland registry law. Governor Bradford seems to have set this matter at rest by an open letter to E. L. Parker, one of the officers of registration in Baltimore County, dated July 20, 1865, written as an individual citizen, but concurred in by Alexander Randall, State attorney general. In it he emphatically affirmed that neither the pardon by President Johnson nor even an act of Congress could make those who had participated in the recent rebellion voters of Maryland against the State constitution. (American, July 24; Sun, July 25, 1865. The former journal in an editorial of September 16, 1865, notes a difference of opinion between Andrew Johnson and Thaddeus Stevens in regard to southern reconstruction. This is, in point of time, the first mention of the matter that the writer could find in the Maryland papers of the period.)

The committee appointed by Governor Bradford to register all Maryland soldiers entitled to vote went to hospitals at Washington, Alexandria, and Fortress Monroe, and to others in Virginia from Fredericksburg to Richmond. They registered altogether 295 soldiers.

The election was held on November 7, 1865, and the Union Party was generally successful, getting a stronger hold on the legislature and sending J. L. Thomas, Jr., to Congress. In many places the election was almost a farce, particularly in Baltimore City, where only 10,842 citizens were registered, and of these 5,338 did not vote. In the seven lower wards Thomas received 2,040 votes, and William Kimmel, his Democratic opponent, 54.

As might have been expected from such a grant of absolute power to election officials, many illegal and even criminal acts were perpetrated both in registering the voters and in receiving the ballots. A few illustrations will suffice.

In Caroline County the officers of registration sat behind closed doors, admitted voters to register one at a time, and would not inform the individual whether they had registered his name or not. The testimony in contested election cases before the legislature during the ensuing special session shows that the judges of election in the 5th, 8th, 10th, and 15th election districts of Somerset County illegally received, counted and returned in their certificates, a large number of illegal votes. The testimony offers most conclusive and painful evidence of flagrantly vicious conduct, and a reckless disregard of the law, on the part of the judges of election.

It is charged in another instance that one of the judges of election made an improper offer to register a voter if he would vote the Republican ticket, and others they repeatedly refused to register upon the ground that they belonged to the opposite party. Voters are frequently disfranchised without the assignment of any reason (and) almost every form of error is displayed throughout the lists.

Other examples of gross wrong and injustice will appear in the course of the narrative.

"The end of the year 1865 saw the passing away of what might be called the typical conditions of Civil War times. Almost coincident with the new year began the self-reconstruction of Maryland. In the ensuing period the registration act was finally repealed and the defeated Union Party split up into two factions. The radical wing became the Republican Party in the State, and the conservatives joined the triumphant Democrats, in whose hands lay the destinies of Maryland for many years" (27 Hopkins, pp. 30 through 39).

The arguments pro and con continued with increased heat. Editorials and speeches gushed as from a fountain. Mass meetings were held. The issue became involved in the national race of Andrew Johnson. The law caused riot and even threatened insurrection at the 1866 election.

On the preceding Friday, November 2, President Johnson issued the following order addressed to Edwin M. Stanton, Secretary of War:

"There is ground to apprehend danger of an insurrection in Baltimore against the constituted authorities of the State of Maryland, on or about the day of the election soon to be held in that city, and that in such contingency the aid of the United States might be invoked under the acts of Congress which pertain to that subject. While I am averse to any military demonstration that would have a tendency to interfere with the full exercise of the elective franchise in Baltimore, or be construed into any interference in local questions, I feel great solicitude that, should an insurrection take place, the Government should be prepared to meet and promptly put it down. I accordingly desire you to call General Grant's attention to the subject, leaving to his own discretion and judgment the measures of preparation and precaution that should be adopted" (27 Hopkins, p. 73).

In 1867 at the general assembly:

No time was lost in getting to work, and a series of measures followed which aimed to complete the political transformation of the State. The most important act restored to full citizenship and the right to vote and hold office all persons deprived thereof by the fourth section of article I of the constitution of 1864. This same section had provided that any disqualified person might be restored to full rights of citizenship by an act of the general assembly passed by a vote of two-thirds of the members elected to each house, and in accordance with this a general bill applying to all the disfranchised citizens was passed by the house of delegates, after futile opposition on the part of the minority, by a vote of 59 to 19. The Senate passed the same bill by the vote of 16 to 7. The minority here attempted to amend the act by excepting from its provisions all those who had been members of the Confederate army or navy, but were defeated by the same vote. This bill secured to the political outcasts the vote which had hitherto been theirs only by the grace of Thomas Swann and his election officials. (The vote on these resolutions was, house, yeas 47, nays 17; senate, yeas 13, nays 4.) (27 Hopkins, p. 83.)

A new registration law which required that the election officials and voters should take either the oath prescribed in the constitution of 1864 or a simple oath of allegiance, in conformity with the recent act restoring to full citizenship and right to hold office those deprived thereof by the constitutional provisions. It further required that the judges of election must register all persons qualified to vote, and duly receive and count all votes of such persons registered, and in addition these officials were given the powers of justices of the peace and of sheriffs, that they might issue summons to witnesses. Finally, it required that the judges of election take the vote of the Maryland soldiers and sailors in the national service. (27 John Hopkins, supra, p. 84.)

On the basis of these provisions, the constitutional convention adopted changes, although the radical party members did everything they could to prevent the holding of the convention. However, the convention was held, May 8, 1867, at Annapolis.

And now as to the actual results of the work of the convention. The declaration of rights as finally adopted omitted article I of the constitution of 1864, which related to certain inalienable rights of the people, such as that of reform, and article III was inserted, which declared that the powers not delegated to the United States by the Constitution thereof, nor prohibited by it to the States, are reserved to the States respectively or to the people thereof.

Article VII gave the suffrage to every white male citizen of age, and article XV continued the prohibition of a poll-tax. (There was an ineffectual effort to strike out this article, on the ground that it dealt with a matter more properly subject to the decision of the legislature, and that every one should contribute to the expenses of government.)

Article XXIV substituted for the provision of 1864, which abolished slavery, the following:

"That slavery shall not be reestablished in this State, but having been abolished, under the policy and authority of the United States, compensation, in consideration thereof, is due from the United States."

It appears that there was some debate in the convention on May 28 concerning the advisability of inserting in the constitution this clause prohibiting slavery, for some members wished that it be omitted. However, others insisted upon its retention, in view of the effect on the public mind—abolition being an accomplished fact—and it was finally inserted upon this ground.

Article XXVII copied the constitution of 1851, which provided "that no conviction shall work corruption of blood or forfeiture of estate," but omitted the clause inserted in 1864 which contained the words "for any crime, except treason, and then only on conviction." Finally, the following was inserted as article XLIV:

"That the provisions of the Constitution of the United States and of this State, apply, as well in time of war, as in time of peace; and any departure therefrom, or violation thereof, under the plea of necessity, or any other plea, is subversive of good government, and tends to anarchy and despotism."

This was a direct condemnation of the war policy of President Lincoln.

As in previous constitutions, article I dealt with the elective franchise. The convention entirely omitted the retrospective test oaths of 1864, providing merely an oath of office binding a person to the support of the Constitution of the United States and the constitution and laws of the State of Maryland, and to the faithful discharge of the duties of an official. Section 5 provided for a uniform registration of the voters of the State, and made it conclusive evidence of the right to vote (27 Hopkins, supra, p. 118).

South Carolina in 1776 framed her first constitution by a provincial congress. Here they said:

The qualifications of electors shall be the same as required by law, but persons having property, which, according to the rate of the last preceding tax, is taxable at the sums mentioned in the election act, shall be entitled to vote, though it was not actually taxed, having the other qualifications mentioned in that act; electors shall take an oath of qualification, if required by the returning officer. The qualification of the elected to be the same as mentioned in the election act, and construed to mean clear of debt (6 Thorpe, supra, p. 3245).

The constitution of 1778 provides—

The qualification of electors shall be that every free white man, and no other person, who acknowledges the being of a God, and believes in a future state of rewards and punishments, and who has attained the age of 1 and 20 years, and hath been a resident and an inhabitant in this State for the space of 1 whole year before the day appointed for the election he offers to give his vote at, and hath a freehold at least of 50 acres of land, or a town lot, and hath been legally seized and possessed of the same at least 6 months previous to such election, or hath paid a tax the preceding year, or was taxable the present year, at least 6 months previous to the said election, in a sum equal to the tax on 50 acres of land, to the support of this government, shall be deemed a person qualified to vote for, and shall be capable of electing, a representative or representatives to serve as a member or members in the senate and house of representatives, for the parish or district where he actually is a resident, or in any other parish or district in this State where he hath the like freehold. Electors shall take an oath or affirmation of qualification, if required by the returning officer (6 Thorpe, supra, p. 3251).

In 1790 there was another constitution framed:

Every free white man, of the age of 21 years, being a citizen of this State, and having resided therein 2 years previous to the day of election, and who hath a freehold of 50 acres of land or a town lot, of which he hath been legally seized and possessed at least 6 months before such election, or, not having such freehold or town lot, hath been a resident in the election district in which he offers to give his vote 6 months before the said election, and hath paid a tax the preceding year 3 shillings sterling toward the support of this government, shall have a right to vote for a member or members to serve in either branch of the legislature for the election district in which he holds such property or is so resident (6 Thorpe, supra, p. 3258).

In 1810 this was amended to read:

That the fourth section of the first article of the constitution of this State be altered and amended to read as follows: "Every free white man of the age of 21 years, paupers, and noncommissioned officers, and private soldiers of the Army of the United States excepted, being a citizen of this State, and having resided therein 2 years previous to the day of election, and who hath a freehold of 50 acres of land or a town lot, of which he hath been legally seized and possessed at least 6 months before such election, or not having such freehold or town lot, hath been a resident in the election district in which he offers to give his vote 6 months before the said election, shall have a right to vote for a member or members to serve in either branch of the legislature, for the election district in which he holds such property, or is so resident (6 Thorpe, p. 3267).

Immediately after the Civil War, in 1865, a new constitution appeared:

In all elections to be made by the people of this State, or of any part thereof, for civil or political offices, every person shall be entitled to vote who has the following qualifications, to wit: He shall be a free white man who has attained the age of 21 years, and is not a pauper, nor a noncommissioned officer, or private soldier of the Army, nor a seaman or marine of the Navy of the United

States. He shall, for the 2 years next preceding the day of election, have been a citizen of this State, or, for the same period, an emigrant from Europe, who has declared his intention to become a citizen of the United States, according to the Constitution and laws of the United States. He shall have resided in this State for at least 2 years next preceding the day of election, and for the last 6 months of that time in the district in which he offers to vote: *Provided, however,* That the general assembly may, by requiring a registry of voters, or other suitable legislation, guard against frauds in elections and usurpations of the right of suffrage, may impose disqualification to vote as a punishment for crime, and may prescribe additional qualifications for voters in municipal elections (6 Thorpe, supra, p. 3276, art. IV).

In 1868 another constitution came into being:

SEC. 31. All elections shall be free and open, and every inhabitant of this commonwealth possessing the qualifications provided for in this constitution shall have an equal right to elect officers and be elected to fill public office.

SEC. 33. The right of suffrage shall be protected by laws regulating elections, and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult, or improper conduct (6 Thorpe, p. 3284).

ARTICLE VIII

SECTION 1. In all elections by the people the electors shall vote by ballot.

SEC. 2. Every male citizen of the United States, of the age of 21 years and upward, not laboring under the disability named in this constitution, without distinction of race, color, or former condition, who shall be a resident of this State at the time of the adoption of this constitution, or who shall thereafter reside in this State 1 year, and in the county in which he offers to vote 60 days next preceding any election, shall be entitled to vote for all officers that are now, or hereafter may be, elected by the people, and upon all questions submitted to the electors at any elections: *Provided,* That no person shall be allowed to vote or hold office who is now or hereafter may be disqualified therefor by the Constitution of the United States, until such disqualification shall be removed by the Congress of the United States: *Provided further,* That no person, while kept in any almshouse or asylum, or of unsound mind, or confined in any public prison, shall be allowed to vote or hold office.

SEC. 3. It shall be the duty of the general assembly to provide from time to time for the registration of all electors.

SEC. 4. For the purpose of voting, no person shall be deemed to have lost his residence by reason of absence while employed in the service of the United States, nor while engaged upon the waters of this State or the United States, or of the high seas, nor while temporarily absent from the State.

SEC. 5. No soldier, seaman, or marine in the Army or Navy of the United States shall be deemed a resident of this State in consequence of having been stationed therein.

SEC. 6. Electors shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest and civil process during their attendance at elections, and in going to and returning from the same (6 Thorpe, supra, p. 3297).

In this constitution we see the absence of the former color line—due to the 15th amendment—and also no requirement of residence or property holding.

In 1895 a convention ratified still another constitution for South Carolina. Its declaration of rights provided, in article I:

SEC. 9. The right of suffrage, as regulated in this constitution, shall be protected by law regulating elections and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult, or improper conduct (6 Thorpe, supra, p. 3307).

SEC. 10. All elections shall be free and open, and every inhabitant of this State possessing the qualificationss provided for in this constitution shall have an equal right to elect officers and be elected to fill public office.

SEC. 11. No property qualification, unless prescribed in this constitution, shall be necessary for an election to or the holding of any office. No person shall be elected or appointed to officer in this State for life or during good behavior, but the terms of all officers shall be for some specified period, except notaries public and officers in the militia. After the adoption of this constitution any person who shall fight a duel or send or accept a challenge for that purpose, or be an aider or abettor in fighting a duel, shall be deprived of holding any office of honor or trust in this State, and shall be otherwise punished as the law shall prescribe (6 Thorpe, supra, p. 3308).

ARTICLE II

SECTION 1. All elections by the people shall be by ballot, and elections shall never be held or the ballots counted in secret.

SEC. 2. Every qualified elector shall be eligible to any office to be voted for, unless disqualified by age, as prescribed in this constitution. But no person shall hold two offices of honor or profit at the same time: *Provided,* That any person holding another office may at the same time be an officer in the militia or a notary public.

SEC. 3. Every male citizen of this State and of the United States 21 years of age and upwards, not laboring under the disabilities named in this constitution and possessing the qualifications required by it, shall be an elector.

SEC. 4. The qualifications for suffrage shall be as follows:

(a) Residence in the State for 2 years, in the county 1 year, in the polling precinct in which the elector offers to vote 4 months, and the payment 6 months before any election of any poll tax then due and payable: *Provided,* That ministers in charge of an organized church and teachers of public schools shall be entitled to vote after 6 months' residence in the State, otherwise qualified.

(b) Registration, which shall provide for the enrollment of every elector once in 10 years and also an enrollment during each and every year of every elector not previously registered under the provisions of this article.

(c) Up to January 1, 1898, all male persons of voting age applying for registration who can read any section in this constitution submitted to them by the registration officer, or understand and explain it when read to them by the registration officer, shall be entitled to register and become electors. A separate record of all persons registered before January 1, 1898, sworn to by the registration officer, shall be filed, one copy with the clerk of court and one in the office of the secretary of state, on or before February 1, 1898, and such persons shall remain during life qualified electors unless disqualified by the other provisions of this article. The certificate of the clerk of court or secretary of state shall be sufficient evidence to establish the right of said citizens to any subsequent registration and the franchise under the limitations herein imposed.

(d) Any person who shall apply for registration after January 1, 1898, if otherwise qualified, shall be registered: *Provided,* That he can both read and write any section of this constitution submitted to him by the registration officer or can show that he owns, and has paid all taxes collectible during the previous year on property in this State assessed at $300 or more.

(e) Managers of election shall require of every elector offering to vote at any election, before allowing him to vote, proof of the payment of all taxes, including poll tax, assessed against him and collectible during the previous year. The production of a certificate or of the receipt of the officer authorized to collect such taxes shall be conclusive proof of the payment thereof.

(f) The general assembly shall provide for issuing to each duly registered elector a certificate of registration, and shall provide for the renewal of such certificate when lost, mutilated or destroyed, if the applicant is still a qualified elector under the provisions of this constitution, or if he has been registered as provided in subsection (c).

SEC. 5. Any person denied registration shall have the right to appeal to the court of common pleas, or any judge thereof, and thence to the supreme court, to determine his right to vote under the limitations imposed in this article, and on such appeal the hearing shall be de novo, and the general assembly shall provide by law for such appeal, and for the correction of illegal and fraudulent registration, voting, and all other crimes against the election laws.

SEC. 6. The following persons are disqualified from being registered or voting:

"First. Persons convicted of burglary, arson, obtaining goods or money under false pretenses, perjury, forgery, robbery, bribery, adultery, bigamy, wifebeating, housebreaking, receiving stolen goods, breach of trust with fraudulent intent, fornication, sodomy, incest, assault with intent to ravish, miscegenation, larceny, or crimes against the election laws: *Provided,* That the pardon of the Governor shall remove such disqualification.

"Second. Persons who are idiots, insane, paupers supported at the public expense, and persons confined in any public prison." (Quote 6 Thorpe supra p. 3309–3311, first six sections of article II.)

SEC. 7. Residence gained or lost: For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas, nor while a student of any institution of learning.

SEC. 8. Registration provided: elections; board of registration; books of registration: The general assembly shall provide by law for the registration of all qualified electors, and shall prescribe the manner of holding elections and of ascertaining the results of the same: *Provided,* At the first registration under this constitution, and until the 1st of January 1898, the registration shall be conducted by a board of three discreet persons in each county, to be appointed by the Governor, by and with the advice and consent of the senate. For the first registration to be provided for under this constitution, the registration books shall be kept open for at least 6 consecutive weeks; and thereafter from time to time at least 1 week in each month, up to 30 days next preceding the first election to be held under this constitution. The registration books shall be public records open to the inspection of any citizen at all times.

SEC. 14. Electors shall in all cases except treason, felony, or a breach of the peace, be privileged from arrest on the days of election during their attendance at the polls, and going to and returning therefrom.

SEC. 15. No power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage in this State (6 Thorpe, supra, p. 3312).

In 1931 South Carolina amended section 2 of article II to render circuit judges eligible to appointment as acting associate justices of the South Carolina Supreme Court.

Every qualified elector shall be eligible to any office to be voted for, unless disqualified by age, as prescribed in this constitution. But no person shall hold two offices of honor or profit at the same time: *Provided,* That any person holding another office may at the same time be an officer in the militia or a notary public: *Provided, further,* That the limitation above set forth "But no person shall hold two offices of honor or profit at the same time" shall not apply to the circuit judges of the State under the circumstances hereinafter stated, but that whenever it shall appear that any or all of the justices of the supreme court shall be disqualified or be otherwise prevented from presiding in any cause, or causes, for the reasons set forth in section 6 of article V of the constitution, the chief justice or in his stead the senior associate justice shall when available designate the requisite number of circuit judges for the hearing and determination thereof.

In 1951, a joint resolution was proposed to amend section 2 of article II, to permit an elective officeholder to serve as a delegate to constitutional conventions. This amendment was ratified in 1953:

SEC. 2. Every qualified elector shall be eligible to any office to be voted for, unless disqualified by age, as prescribed in this constitution. But no person shall hold two offices of honor or profit at the same time: *Provided,* That any person holding another office may at the same time be an officer in the militia or a notary public: *Provided, further,* That the limitation above set forth "But no person shall hold two offices of honor or profit at the same time" shall not apply to the circuit judges of the State under the circumstances hereinafter stated, but that whenever it shall appear that any or all of the justices of the supreme court shall be disqualified or be otherwise prevented from presiding in any cause, or causes, for the reason set forth in section 6 of article V of the constitution, the chief justice or in his stead the senior associate justice shall when available designate the requisite number of circuit judges for the hearing and determination thereof: *Provided,* The limitation above set forth shall not prohibit any officeholder from being a delegate to a constitutional convention.

Sections 4(a) and 4(c) of article II were amended in 1931 to eliminate the requirement that all taxes be paid before an elector could vote, and required only that poll taxes be paid prior to voting:

(a) Residence in the State for 2 years, in the county 1 year, in the polling precinct in which the elector offers to vote 4 months: *Provided,* That ministers in charge of an organized church and teachers of public schools shall be entitled to vote after 6 months' residence in the State, otherwise qualified.

(c) Managers of election shall require of every elector offering to vote at any election, before allowing him to vote, proof of the payment 30 days before any election of any poll tax then due and payable. The production of a certificate or of the receipt of the officer authorized to collect such taxes shall be conclusive proof of the payment thereof.

The poll tax requirement was abolished in 1951, when section 4(c) was stricken from the constitution.

Chafee briefs it as follows:

Who may vote: Persons who have resided in the State 2 years, the county 1 year, and the precinct 4 months. Elector must have paid all poll taxes due and payable by October 3 or have paid during the previous year taxes on property assessed at $300 or more.

In the period of transition from property requirements:

South Carolina further modified the landholding qualification by laying stress on the payment of taxes. One must have possessed 100 acres of unsettled land on which he paid taxes, or a settled plantation, or he must have owned a townhouse and lot worth 60 pounds on which he paid taxes, or he must have paid taxes amounting to 10 shillings per annum, which would be sufficient in itself. Residence of 1 year in the province was required, and the franchise was limited to Protestants (Porter, "History of Suffrage in the United States," p. 9).

It is interesting to note that there is still a qualified or alternative property requirement. Also the clause "acknowledge the being of a God and belief in a future state of rewards and punishments" is unusual in the constitution of 1778, and was, says Porter, probably an oversight; there is no evidence of its having been enforced, and 10 years later it was repealed.

Porter further says:

Equally of interest is it to observe that South Carolina added to her constitution in 1810 an alternative to the 50 acres or a town lot prescribed as a suffrage qualification in the Revolutionary constitution. The alternative ranks with that of Louisiana for unusualness. It was simply residence in the election district for 6 months, as well as a 2-year residence in the State. Of course this simple alternative to all intents and purposes put a complete end to the property test. Two years was quite a high residence qualification, and that, together with the new 6 months' residence as an alternative to property holding, would indicate that South Carolina had come to look upon permanence and stability as the most desirable factors to secure the good of the State. Voters, according to this provision, must be white males, but nothing is said about citizenship (Porter, "History of Suffrage in the United States," p. 40).

The inclusion of the literacy test and the post-Civil War clause speaking of "race, color, or previous condition of servitude," was discussed at the 1868 Convention:

In January a convention assembled at Charleston, in South Carolina. A campaign was launched at once to prevent the putting of any provision in the suffrage clause that would necessarily involve permanent and arbitrary exclusion on the face of it. It was urged that all disabilities which involved discriminations which men could never overcome of their own action should be abandoned. Such a policy would prevent the disfranchising of Confederates and those mentioned in the Reconstruction acts. Such sentiments as these quickly brought the convention to the consideration of literacy or property tests. The committee reported in favor of applying a reading and writing test in 1875, and debate in convention on the matter of suffrage was largely confined to this proposition.

Indignant opposition appeared at once. It was pointed out that although the committee would postpone the operation of the test for 7 years, it was very unjust to the Negro. It was said that it would take more years than seven to establish a school system throughout the South that would embrace the Negro population. Charleston was the only city in the State having a comprehensive system at that time.

(NOTE.—South Carolina convention, 1868, proceedings, p. 49: One delegate said with much point, "I think it would come with bad grace from any individual in this State, who has helped to deprive men for 2 centuries of the means of education, to demand that in 7 years all unable to read should not be allowed to vote."

In view of the committee's report and the spirited support it received, the final vote on the matter is surprising. The literacy test was snowed under 107 to 2, with 10 not voting.

There was some debate on whether foreigners should be allowed to vote after declaring intention; the need of encouraging immigration was pointed out, but the convention did not support the move.

As the constitution finally stood, it was one of the simplest of all. It enfranchised all male citizens "without distinction of race, color, or former condition." No one was specifically excluded, although an unnecessary phrase declared that none should vote who were excluded by the U.S. Constitution (Porter, supra, pp. 186–187).

Virginia's first charter was in 1606; the second in 1609; the third in 1611–12. Its first constitution was in 1776. Its bill of rights provided:

Elections of members to serve as representatives of the people, in assembly, ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed or deprived of their property for public uses, without their own consent, or that of their representatives so elected, nor bound by any law to which they have not, in like manner, assembled, for the public good (7 Thorpe, p. 3813).

In 1830 the new constitution prefixed this same bill of rights to it. Then they added:

SEC. 14. Every white male citizen of the Commonwealth, resident therein, aged 21 years and upwards, being qualified to exercise the right of suffrage according to the former constitution and laws; and every such citizen being possessed, or those tenant for years, at will, or at sufferance is possessed, of an estate or freehold in land of the value of $25, and so assessed to be if any assessment thereof be required by law; and every such citizen being entitled to a reversion or vested remainder in fee, expectant on an estate for life or lives, in land of the value of $50, and so assessed to be if any assessment thereof be required by law (each and every such citizen unless his title shall have come to him by descent, devise, marriage, or marriage settlement, having been so possessed or entitled for 6 months); and every such citizen who shall own and be himself in actual occupation of a leasehold estate, with the evidence of title recorded 2 months before he shall offer to vote, of a term originally not less than 5 years, of the annual value or rent of $20; and every such citizen who for 12 months next preceding has been a housekeeper and head of a family within the

county, city, town, borough, or election district where he may offer to vote, and shall have been assessed with a part of the revenues of the Commonwealth within the preceding year, and actually paid the same, and no other persons, shall be qualified to vote for members of the general assembly in the county, city, town, or borough, respectively, wherein such land shall lie, or such housekeeper and head of a family shall live. And in case of two or more tenants in common, joint tenants, or parceners in possession, reversion, or remainder, having interest in land, the value whereof shall be insufficient to entitle them all to vote, they shall together have as many votes as the value of the land shall entitle them to; and the legislature shall by law provide the mode in which their vote or votes shall in such case be given: *Provided, nevertheless*, That the right of suffrage shall not be exercised by any person of unsound mind, or who shall be a pauper, or a noncommissioned officer, soldier, seaman, or marine in the service of the United States, or by any person convicted of any infamous offense.

SEC. 15. In all elections in this Commonwealth to an office or place of trust, honor, or profit, the votes shall be given openly, or viva voce, and not by ballot (Thorpe 7, pp. 3825–3826).

In 1850 the bill of rights to the constitution provided:

VI. That all elections ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed or deprived of their property for public uses, without their own consent, or that if their representatives so elected, nor bound by any law to which they have not, in like manner, assented, for the public good (7 Thorpe, p. 3830).

ARTICLE III

SECTION 1. Every white male citizen of the Commonwealth, of the age of 21 years, who has been a resident of the State for 2 years, and of the county, city, or town where he offers to vote for 12 months next preceding an election, and no other person, shall be qualified to vote for members of the general assembly and all officers elective by the people; but no person in the military, naval, or marine service of the United States shall be deemed a resident of this State by reason of being stationed therein. And no person shall have the right to vote who is of unsound mind, or a pauper, or a noncommissioned officer, soldier, seaman, or marine in the service of the United States or who has been convicted of bribery in an election, or of any infamous offense.

SEC. 2. The general assembly, at its first session after the adoption of this constitution, and afterward as occasion may require, shall cause every city or town, the white population of which exceeds 5,000, to be laid off into convenient wards, and a separate place of voting to be established in each; and thereafter no inhabitant of such city or town shall be allowed to vote except in the ward in which he resides.

SEC. 3. No voter during the time for holding any election at which he is entitled to vote shall be compelled to perform military service, except in time of war or public danger; to work upon the public roads, or to attend any court as suitor, juror, or witness; and no voter shall be subject to arrest under any civil process during his attendance at elections, or in going to and returning from them.

SEC. 4. In all elections votes shall be given openly, or viva voce, and not by ballot; but dumb persons entitled to suffrage may vote by ballot (7 Thorpe, *supra*, pp. 3832–3833).

We note here, as is typical of that period, the disappearance of the property requirement.

The constitution of 1864 copied the bill of rights of the constitution of 1830. The provisions of article III:

SECTION 1. Every white male citizen of the Commonwealth, of the age of 21 years, who has been a resident of the State for 1 year, and of the county, city, or town where he offers to vote for 6 months next preceding an election, and who has paid all taxes assessed to him, after the adoption of this constitution, under the laws of the Commonwealth after the reorganization of the county, city, or town where he offers to vote, shall be qualified to vote for members of the general assembly, and all officers elective by the people: *Provided, however*, That no one shall be allowed to vote who, when he offers to vote, shall not thereupon take, or shall not before have taken, the following oath:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States and the laws made in pursuance thereof, as the supreme law of the land, anything in the constitution and laws of the State of Virginia, or in the ordinances of the convention which assembled at Richmond on the 13th day of February 1861, to the contrary notwithstanding; and that I will uphold and defend the government of Virginia as restored by the convention which assembled at Wheeling on the 11th day of June 1861, and that I have not since the 1st day of January 1864 voluntarily given aid or assistance, in any way, to those in rebellion against the Government of the United States for the purpose of promoting the same."

But the legislature shall have power to pass an act or acts prescribing means by which persons who have been disfranchised by this provision shall or may be restored to the rights of voters when in their opinion it will be safe to do so. Any person falsely so swearing shall be subject to the penalties of perjury.

No person shall hold any office under this constitution who shall not have taken and subscribed the oath aforesaid. But no person shall vote or hold office under this constitution who has held office under the so-called Confederate government, or under any rebellious State government, or who has been a member of the so-called Confederate Congress, or a member of any State legislature in rebellion against the authority of the United States, excepting therefrom county officers.

No person in the military, naval, or marine service of the United States shall be deemed a resident of this State by reason of being stationed therein; but citizens of this State, when in the military service of the United States, shall be permitted to vote, under such regulations as may be prescribed by the general assembly, wherever they may be stationed, the same as if they were within their respective cities, counties, or districts. No person shall have the right to vote who is of unsound mind or a pauper, or who has been convicted of bribery in an election, or of any infamous offense.

SEC. 2. The general assembly, as occasion may require, shall cause every city or town, the white population of which exceeds 5,000, to be laid off into convenient wards, and a separate place of voting to be established in each; and thereafter no inhabitants of such city or town shall be allowed to vote except in the ward in which he resides.

SEC. 3. No voter, during the time for holding any election at which he is entitled to vote, shall be compelled to perform military service, except in time of war or public danger, to work upon the public roads, or to attend any court as suitor, juror, or witness; and no voter shall be subject to arrest under any civil process during his attendance at elections, or in going to or returning from them.

SEC. 4. In all elections for members of the general assembly and other State officers, votes shall be given by ballot, and not viva voce, for which the general assembly shall provide by law, at its first session after the adoption of this constitution, but until such provision shall have been made, votes shall be given as heretofore (7 Thorpe, supra, pp. 3854–3856).

Here we see the special oath reaffirming allegiance to the United States as the outgrowth of the Civil War.

Still another constitution in 1870 provided:

SEC. 8. That all elections ought to be free, and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community have the right of suffrage, and cannot be taxed or deprived of their property for public uses without their own consent, or that of their representatives so elected, nor bound by any law to which they have not in like manner assented, for the public good (7 Thorpe, supra, p. 3874).

ARTICLE III

Elective franchise and qualifications for office

SECTION 1. Every male citizen of the United States, 21 years old, who shall have been a resident of this State 12 months, and of the county, city, or town in which he shall offer to vote 3 months next preceding any election, shall be entitled to vote upon all questions submitted to the people at such election: *Provided*, That no officer, soldier, seaman, or marine of the U.S. Army or Navy shall be considered a resident of this State by reason of being stationed therein: *And provided also*, That the following persons shall be excluded from voting:

First. Idiots and lunatics.

Second. Persons convicted of bribery in any election, embezzlement of funds, treason, or felony.

Third. No person who, while a citizen of this State, has, since the adoption of this constitution, fought a duel with a deadly weapon, sent or accepted a challenge to fight a duel with a deadly weapon, either within or beyond the boundaries of this State, or knowingly conveyed a challenge, or aided or assisted in any manner in fighting a duel, shall be allowed to vote or hold any office of honor, profit, or trust under this constitution.

Fourth. Every person who has been a Senator or Representative in Congress, or elector of President or Vice President, or who held any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a Member of Congress or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof.

This clause shall include the following officers: Governor, Lieutenant Governor, secretary of state, auditor of public accounts, second auditor, register of the land office, State treasurer, attorney general, sheriffs, sergeant of a city or town, commissioner of the revenue, county surveyors, constables, overseers of the poor, commissioner of the board of public works, judges of the Supreme Court, judges of the circuit courts, judge of the court of hustings, justices of the county courts, mayor, recorder, alderman, councilmen of a city or town, coroners, escheators, inspectors of tobacco, flour, etc., clerks of the

supreme, district, circuit, and county courts, and of the court of hustings, and attorneys for the Commonwealth: *Provided*, That the legislature may, by a vote of three-fifths of both houses, remove the disabilities incurred by this clause from any person included therein, by a separate vote in each case.

SEC. 2. All elections shall be ballot, and all persons entitled to vote shall be eligible to any office within the gift of the people, except as restricted in this constitution (7 Thorpe, supra, pp. 3875–3876).

In 1902 the constitution was revised and amended. The bill of rights provision on elections was the same. Article II provided:

ELECTIVE FRANCHISE AND QUALIFICATIONS FOR OFFICE

SEC. 18. Every male citizen of the United States, 21 years of age, who has been a resident of the State 2 years, of the county, city, or town 1 year, and of the precinct in which he offers to vote, 30 days, next preceding the election in which he offers to vote, has been registered, and has paid his State poll taxes, as hereinafter required, shall be entitled to vote for members of the general assembly and all officers elective by the people; but removal from one precinct to another, in the same county, city, or town shall not deprive any person of his right to vote in the precinct from which he has moved, until the expiration of 30 days after such removal.

SEC. 19. There shall be general registrations in the counties, cities, and towns of the State during the years 1902 and 1903 at such times and in such manner as may be prescribed by an ordinance of this convention. At such registrations every male citizen of the United States having the qualifications of age, and residence required in section 18 shall be entitled to register, if he be:

First, a person who, prior to the adoption of this constitution, served in time of war in the Army or Navy of the United States, of the Confederate States, or of any State of the United States or of the Confederate States; or

Second, a son of any such person; or

Third, a person, who owns property upon which, for the year next preceding that in which he offers to register, States taxes aggregating at least $1 have been paid; or

Fourth, a person able to read any section of this constitution submitted to him by the officers of registration and to give a reasonable explanation of the same; or, if unable to read such section, able to understand and give a reasonable explanation thereof when read to him by the officers.

A roll containing the names of all persons thus registered, sworn to and certified by the officers of registration, shall be filed, for record and preservation, in the clerk's office of the circuit court of the county, or the clerk's office of the corporation court of the city, as the case may be. Persons thus enrolled shall not be required to register again, unless they shall have ceased to be residents of the State, or become disqualified by section 23. Any person denied registration under this section shall have the right of appeal to the circuit court of his county, or the corporation court of his city, or to the judge thereof in vacation.

SEC. 20. After the 1st day of January 1904, every male citizen of the United States, having the qualifications of age and residence required in section 18, shall be entitled to register, provided:

First, that he has personally paid to the proper officer all State poll taxes assessed or assessable against him, under this or the former constitution, and for the 3 years next preceding that in which he offers to register; or, if he come of age at such time that no poll tax shall have been assessable against him for the year preceding the year in which he offers to register, has paid $1.50, in satisfaction of the first year's poll tax assessable against him; and,

Second, that, unless physically unable, he make application to register in his own handwriting, without aid, suggestion, or memorandum, in the presence of the registration officers, stating therein his name, age, date and place of birth, residence and occupation at the time and for the 2 years next preceding, and whether he has previously voted, and, if so, the State, county, and precinct in which he voted last; and

Third, that he answer on oath any and all questions affecting his qualifications as an elector, submitted to him by the officers of registration, which questions, and his answers thereto, shall be reduced to writing, certified by the said officers, and preserved as a part of their official records.

SEC. 21. Any person registered under either of the last two sections, shall have the right to vote for members of the general assembly and all officers elective by the people, subject to the following conditions:

That he, unless exempted by section 22, shall, as a prerequisite to the right to vote after the 1st day of January 1904, personally pay, at least 6 months prior to the election, all State poll taxes assessed or assessable against him, under this constitution, during the 3 years next preceding that in which he offers to vote: *Provided*, That, if he registered after the 1st day of January 1904, he shall, unless physically unable, prepare and deposit his ballot without aid, on such printed form as the law may prescribe; but any voter registered prior to that date may be aided in the preparation of his ballot by such officer of election as he himself may designate.

SEC. 22. No person who, during the late War Between the States, served in the Army or Navy of the United States, or the Confederate States, or any State of the United States, or of the Confederate States, shall at any time be required to pay a poll tax as a prerequisite to the right to register or vote. The collection of the State poll tax assessed against anyone shall not be enforced by legal process until the same has become 3 years past due.

SEC. 23. The following persons shall be excluded from registering and voting: Idiots, insane persons, and paupers; persons who, prior to the adoption of this Constitution, were disqualified from voting, by conviction of crime, either within or without this State, and whose disabilities shall not have been removed; persons convicted after the adoption of this Constitution, either within or without this State, of treason, or of any felony, bribery, petit larceny, obtaining money or property under false pretences, embezzlement, forgery, or perjury; persons, who, while citizens of this State, after the adoption of this Constitution, have fought a duel with a deadly weapon, or sent or accepted a challenge to fight such duel, either within or without this State, or knowingly conveyed a challenge, or aided or assisted in any way in the fighting of such duel (7 Thorpe, supra, pp. 3906–3908).

SEC. 27. All elections by the people shall be by ballot; all elections by any representative body shall be viva voce, and the vote recorded in the journal thereof.

The ballot box shall be kept in public view during all elections, and shall not be opened, nor the ballots canvassed or counted, in secret.

So far as consistent with the provisions of this Constitution, the absolute secrecy of the ballot shall be maintained.

SEC. 28. The general assembly shall provide for ballots without any distinguishing mark or symbol, for use in all State, county, city, and other elections by the people, and the form thereof shall be the same in all places where any such election is held. All ballots shall contain the names of the candidates, and of the offices to be filled, in clear print and in due and orderly succession; but any voter may erase any name and insert another.

SEC. 29. No voter, during the time of holding any election at which he is entitled to vote, shall be compelled to perform military service, except in time of war or public danger; to attend any court as suitor, juror, or witness; and no voter shall be subject to arrest under any civil process during his attendance at election or in going to or returning therefrom.

SEC. 30. The general assembly may prescribe a property qualification not exceeding $250 for voters in any county or subdivision thereof, or city or town, as a prerequisite for voting in any election for officers, other than the members of the general assembly, to be wholly elected by the voters of such county or subdivision thereof, or city, or town; such action, if taken, to be had upon the initiative of a representative in the general assembly of the county, city or town affected: *Provided*, That the general assembly in its discretion may make such exemptions from the operation of said property qualification as shall not be in conflict with the Constitution of the United States.

SEC. 31. There shall be in each county and city an electoral board, composed of three members, appointed by the circuit court of the county or the corporation court of the city, or the judge of the court in vacation. Of those first appointed one shall be appointed for a term of 1 year, one for a term of 2 years, and one for a term of 3 years; and thereafter their successors shall be appointed for the full term of 3 years. Any vacancy occurring in any board shall be filled by the same authority for the unexpired term.

Each electoral board shall appoint the judges, clerks, and registrars of election for its county or city; and, in appointing judges of election, representation as far as possible shall be given to each of the two political parties which, at the general election next preceding their appointment, cast the highest and next highest number of votes.

No person, nor the deputy of any person, holding any office or post of profit or emolument, under the U.S. Government, or who is in the employment of such Government, or holding any elective office of profit or trust in the State, or in the county, city, or town thereof, shall be appointed a member of the electoral board, or registrar, or judge of election (7 Thorpe, supra, p. 3909).

These elaborate provisions were aimed, of course, at a number of things, including the 15th amendment to the U.S. Constitution.

Today the Bill of Rights provision remains the same. The other provisions have been amended. Some of the requirements have disappeared along with the so-called "grandfather" clause—that is, one which provides that the son of a voter is qualified by the fact of relationship. The judicial decisions doubtless influenced this, which I shall discuss in the section of my argument on cases, which will follow my history of State suffrage laws:

ARTICLE II

Elective franchise and qualifications for office

SEC. 18. Qualifications of voters: Every citizen of the United States, 21 years of age, who has been a resident of the State 1 year, of the county, city, or town, 6 months, and of the precinct in which he offers to vote,

30 days, next preceding the election in which he offers to vote, has been registered, and has paid his State poll taxes, as hereinafter required, shall be entitled to vote for members of the general assembly and all officers elective by the people; but removal from one precinct to another, in the same county, city, or town shall not deprive any person of his right to vote in the precinct from which he has moved, until the expiration of 30 days after such removal.

The right of citizens to vote shall not be denied or abridged on account of sex (as amended June 19, 1928).

SEC. 19. Registration of voters; those registered prior to 1904: Persons registered under the general registration of voters during the years 1902 and 1903, whose names were required to be certified by the officers of registration for filing, record, and preservation in the clerk's offices of the several circuit and corporation courts, shall not be required to register again, unless they have ceased to be residents of the State, or became disqualified by section 23.

SEC. 20. Who may register: Every citizen of the United States, having the qualifications of age and residence required in section 18, shall be entitled to register, provided:

First, that he has personally paid to the proper officer all State poll taxes legally assessed or assessable against him for the 3 years next preceding that in which he offers to register; or, if he come of age at such time that no poll tax shall have been assessable against him for the year preceding the year in which he offers to register, has paid $1.50, in satisfaction of the first year's poll tax assessable against him:

Second, that unless physically unable, he make application to register in his own handwriting, without aid, suggestion, or memorandum, in the presence of the registration officer, stating therein his name, age, date, and place of birth, residence and occupation at the time and for the 1 year next preceding, and whether he has previously voted, and, if so, the State, county, and precinct in which he voted last; and

Third, that he answer on oath any and all questions affecting his qualifications as an elector, submitted to him by the registration officer, which questions, and his answers thereto, shall be reduced to writing, certified by the said officer, and preserved as a part of his official records (as amended June 19, 1928).

SEC. 21. Conditions for voting: A person registered under the general registration of voters during the years 1902 and 1903, or under the last section, shall have the right to vote for all officers elective by the people, subject to the following conditions:

That unless exempted by section 22, he shall, as a prerequisite to the right to vote, personally pay, at least 6 months prior to the election, all State poll taxes assessed or assessable against him, under this Constitution, during the 3 years next preceding that in which he offers to vote.

If he shall have registered after the 1st day of January, 1904, he shall, unless physically unable, prepare and deposit his ballot without aid, on such printed form as the law may prescribe; but any voter registered prior to that date may be aided in the preparation of his ballot by such officer of election as he himself may designate.

SEC. 22. Persons exempt from payment of poll tax as condition of right to vote: No person, nor the wife or widow of such person, who, during the late war between the States, served in the Army or Navy of the United States, or of the Confederate States, or of any State of the United States, or of the Confederate States, shall at any time be required to pay a poll tax as a prerequisite to the right to register or vote. The collection of the State poll tax assessed against anyone shall not be enforced by legal process until the same has become 3 years past due.

SEC. 23. Persons excluded from registering and voting: The following persons shall be excluded from registering and voting: Idiots, insane persons and paupers; persons who, prior to the adoption of this constitution, were disqualified from voting, by conviction of crime, either within or without this State, and whose disabilities shall not have been removed; persons convicted after the adoption of this constitution, either within or without this State, of treason, or of any felony, bribery, petit larceny, obtaining money or property under false pretenses, embezzlement, forgery or perjury; persons who while citizens of this State, after the adoption of this constitution, have fought a duel with a deadly weapon, or sent or accepted a challenge to fight such a duel, either within or without this State, or knowingly conveyed such a challenge, or aided or assisted in any way in the fighting of such duel. ("Constitution of the States and the United States," pp. 1850–1851).

SEC. 24. Who not deemed to have gained legal residence: No officer, soldier, seaman, or marine of the U.S. Army or Navy shall be deemed to have gained a residence as to the right of suffrage, in the State, or in any county, city, or town thereof by reason of being stationed therein; nor shall an inmate of any charitable institution or a student in any institution of learning, be regarded as having either gained or lost a residence, as to the right of suffrage, by reason of his location or sojourn in such institution.

SEC. 25. Directions to general assembly in regard to registration and transfers: The general assembly shall provide for the annual registration of voters under section 20 for an appeal by any person denied registration, for the correction of illegal or fraudulent registration thereunder, and also for the proper transfer of all voters registered under this constitution.

SEC. 26. Persons qualified to vote at next election shall be admitted to registration: Any person who, in respect to age or residence, would be qualified to vote at the next election shall be admitted to registration, notwithstanding that at the time thereof he is not so qualified, and shall be entitled to vote at said election if then qualified under the provisions of this constitution.

SEC. 27. Method of voting: All elections by the people shall be by ballot; all elections by any representative body shall be viva voce, and the vote recorded in the journal thereof.

The ballot box shall be kept in public view during all elections, and shall not be opened, nor the ballots canvassed or counted, in secret.

So far as consistent with the provisions of this constitution, the absolute secrecy of the ballot shall be maintained.

SEC. 29. Privileges of voters during election: No voter, during the time of holding any election at which he is entitled to vote, shall be compelled to perform military service, except in time of war or public danger; to attend any court as suitor, juror, or witness; and no voter shall be subject to arrest under any civil process during his attendance at election or in going to or returning therefrom.

SEC. 30. General assembly may prescribe property qualifications for voting in county, city, or town elections: The general assembly may prescribe a property qualification not exceeding $250 for voters in any county or subdivision thereof, or city or town as a prerequisite for voting in any election for officers, other than the members of the general assembly, to be wholly elected by the voters of such county or subdivision thereof, or, city, or town; such action, if taken, to be had upon the initiative of a representative in the general assembly of the county, city, or town affected: *Provided*, That the general assembly, in its discretion, may make such exemptions from the operation of said property qualifications as shall not be in conflict with the Constitution of the United States ("Constitution of the States and the United States," p. 1582).

SEC. 35. Primary elections; who may vote: No person shall vote at any legalized primary election for the nomination of any candidate for office unless he is at the time registered and qualified to vote at the next succeeding election.

SEC. 36. General assembly shall enact laws to regulate elections: The general assembly shall enact such laws as are necessary and proper for the purpose of securing the regularity and purity of general, local, and primary elections, and preventing and punishing any corrupt practices in connection therewith; and shall have power, in addition to other penalties and punishments now or hereafter prescribed by law for such offenses, to provide that persons convicted of them shall thereafter be disqualified from voting or holding office (Constitution of the States and the United States, p. 1583).

Regarding the property requirements in Virginia in 1829, Porter says:

It is necessary now to pass over a few years and come to the situation at it was in Virginia in 1829. It will be remembered that Virginia labored under a very limited franchise. Great stress was put upon ownership of real estate. This situation in some ways had exerted an unfortunate influence on the development of Virginia. Legislation and official positions were practically confined to landholders. Small landholders and very worthy men who owned no property had avoided Virginia. And just this type of men Virginia needed to develop her resources and keep her in pace with other States. Sturdy, rugged pioneers, men who were ready to seize upon undeveloped land, far from the centers of city life, and make something of it were not the sort of men who were willing to tolerate suffrage restrictions. They were the kind of men who were populating Illinois, Indiana, and Wisconsin, the kind of men who cared very little about government anyhow, who looked upon it as a mere convenience but would not consent to have it autocratic in the slightest degree. Where they were in the majority, as in the Western States, the question of property restrictions never arose. These were the men whom Virginia was driving away from her border. Then, too, there was a steadily growing class of men within the State who paid taxes and yet could not vote. Conservatism was strongly rooted in Virginia and bid fair to hold the reins a few years longer.

In these circumstances a constitutional convention was called in 1829. A majority of the delegates and people at large considered the chief question at issue that of suffrage. But the very first presentation of the question in debate closed the door against any argument on the propriety of some kind of property qualification. A resolution was put before the house providing a freehold qualification, the point left open for debate being the size or value of the freehold to be required. Such men as Madison, Monroe, Marshall, Randolph, and Upshur were there to defend the freehold qualification. At no time was there serious danger of its being lost. So the debate at once centered around fixing the size or value of the freehold.

A rather peculiar situation existed in Virginia. There were very large tracts of land in the western part of the State, but this land was practically valueless. On the other hand, it was thought desirable to allow those pioneers who explored and settled this land to vote, for in many ways they were the finest

type that any State could boast of. And, on the other hand, certain speculators had obtained title to large areas of this land, and if a mere freehold were to be a license to vote they could dispose of it in small tracts and conceivably could work great corruption by turning it over to undesirables.

Here again there were these qualifications written into the State constitution. We note the great care which was taken to prevent fraud from creeping in, to destroy the right to vote.

Hence it was better to prescribe to the freehold a fixed value or a fixed area that should entitle a man to vote. But the problem was complicated because of the more thickly populated East. If a value were fixed, the eastern owner would be satisfied, for a small piece of land would be valued relatively high, but the westerner must own a great many acres of land in order to be worth as much as the easterner. But if a certain size were fixed, the westerner could easily satisfy the test, while the man in the East would find it a hardship. But even so a property test of some kind was a foregone conclusion.

The virtues of the landowner were loudly extolled. He was the only safe repository of civil power. The very fact that he possessed land would insure his being cautious, wise, and prudent in dealing with the State finances, for he paid taxes and supported the State. If the rabble were let in property would be exploited. But it was not necessary to argue very hard. Everything went well here for the property owners. In answer to the argument about taxation and representation they said that the interests of the property owner were so closely identified with the interests of other men that no possible harm could come from leaving the exercise of the franchise with them.

The opposition to the property interests was characterized by an attitude of bitter hopelessness in great contrast to the situation in New York and Massachusetts 9 years before. Here in Virginia, the original stronghold of America's aristocracy, the democratic fever of the age had not yet penetrated. In some other States, Rhode Island, for instance, there was plenty of discontent, but inability to secure an extension of the suffrage. In Virginia all was peaceful. The element that would have made a loud outcry against the restriction of suffrage had been driven away from the State, and hence it was free of the turbulent Democrats who were making life so miserable for the old Federalists up north. Office-holders in Virginia exerted not a little influence, and to a man, of course, they favored a restriction of the suffrage to those who possessed a freehold. The feeling of bitterness was occasionally toward these smug office-holders who spoke so highly of the status quo. They said that things were moving splendidly and that it was foolish to make a change. But they did not always escape without suffering a retort.

Footnote: In answer to one of these men it was said: "A good official station has a charming effect in smoothing the asperities of life and imparting brighter tints to the scenes around one. But it does not follow from all this that the people are content with their disfranchisement. I wish the worthy gentleman a long continuance of the advantages he has so richly merited, but my first wish is for my country"—(Virginia Conv., 1829–30, "Debates," p. 360.) However, the most serious consequence of the restricted suffrage, in the minds of most of those who did urge a broader extension, seemed to be the continued tendency to drive worthy, valuable men out of the State when they were needed so badly.

Footnote: A delegate complained: "I have seen respectable young men of the country, the mechanic, the merchant, the farmer of mature age, with intelligence superior to that of one-half the freeholders, and glowing with a patriotism that would make them laugh at death in defense of their country; I have seen such commanded to stand back from the polls, to give way to the owner of a petty freehold"—(Virginia Conv., 1829–30, "Debates," p. 353).

The ultimate result of the labors of this convention was a rather muddled qualification that was sufficiently illiberal to satisfy the old guard. It provided that one must have an estate or freehold worth $25, or be in occupation of a house worth $20 yearly, or else be the father of a family and pay taxes. This convention also rounded out its work by disfranchising for an infamous crime and excluding the insane and paupers and also soldiers and sailors. The Negro question naturally could not arise in Virginia, and the position of the foreigner was no problem here (Porter, "History of Suffrage in the United States," pp. 72–76).

In speaking of the end of the property tests between 1845 and 1850,

A review of the situation at this date will reveal the fact that an uncompromising property qualification still remained in two States, North Carolina and Virginia.

Footnote: "(A great many histories, books on political institutions, magazine articles, and the cyclopedias give summaries of the early suffrage qualifications and the dates when they were altered. The evidence of these writings frequently seems to conflict, and sometimes it is actually wrong, but there is some confusion as to what, for instance, a property test is. For example, a property qualification existed in Rhode Island after 1843, but there was an alternative by the side of it. Under certain circumstances one need not satisfy the property test. Hence it is decidedly misleading to say that a property test existed there—it did, but it amounted to little. The same situation existed in Louisiana between 1812 and 1844. It was the taxpaying qualification only that was significant. So in this work, when it is said that a property test applied, the implication is that there is no alternative. When an alternative appears, it is the alternative that is significant and not the property test.)" These States were the stronghold of the southern aristocracy, if there was such a thing, and the democratic pioneers who opened up the West never went to these States, and neither did the noisy proletariat that was filling up the busy northern States. Being free of these two elements, Virginia had been able to withstand the democratic tendencies, but in 1850 a constitutional convention eliminated the property qualification without even leaving a taxpaying requirement.

The original committee report which was finally adopted admitted all white male citizens of the United States to the polls. A feeble attempt was made to introduce a taxpaying qualification, but it met with no success. There was more evidence of a desire to use the suffrage machinery as a club to force men to pay their legitimate taxes. A move was made designed to exclude from the polls all who were returned as delinquent. Quite a number of resolutions were presented with this in view. It exhibits a rather unfortunate tendency to warp the suffrage laws away from their proper function. Machinery for the collection of delinquent taxes ought to be adequate without exploiting the suffrage clause. The implication is conveyed that if a man be willing to forgo his vote he may neglect to pay his taxes.

This convention interested itself with the foreigner problem. There was no thought of giving the franchise to unnaturalized foreigners, but the committee was instructed to consider the advisability of imposing special disabilities upon those who had become naturalized, such as extra years of residence, or taking of special oaths. The convention favored the application of a special oath of allegiance to the State of Virginia. No higher residence requirement was exacted, but 2 years in the State was demanded of all. The usual disabilities were also put on soldiers, sailors, the insane, and criminals (Porter, supra, pp. 105–106).

The 2-year residence requirement in Virginia is a rather unusually long one, in contrast to the less conservative States of the West and Middle West which were more anxious to attract newcomers.

In speaking of the effect of the 15th amendment to the U.S. Constitution and the answers to it by the Southern States, it was said of Virginia:

"The last and in many ways the most illuminating and significant step taken by one of the ex-Confederate States to disfranchise the Negro came in Virginia in 1902. It is well worthwhile considering the work of the convention which drew this constitution, for it gives the best view of the situation as it exists in the South today. These delegates met as usual, with the avowed intention of excluding the Negro from the suffrage. As one writer has said, they intended to give permanent and legal form to existing conditions. The Negro did not vote in Virginia to any great extent, and they wished to make his exclusion legal. Where he did vote conditions seemed to be intolerable. A most impassioned plea was delivered in the convention begging the delegates to relieve Virginia of the blight of Negro suffrage. It was said that the real greatness of the States was being obliterated. The able statesmen were overwhelmed by the illiterate Negroes. All ambition in the white man was smothered, for their efforts came to naught in a State where there were large numbers of Negro voters. White men in the Black Belt were unable to contribute anything to the statesmanship of their time. The State could not take its proper place as a leader in the Nation. Reference was made to the gallant struggle of the white men of this State during the past 30 years against Negro misrule and corruption. Relief from this bitter struggle was sought in appropriate constitutional provisions. It was a terrible humiliation to proud Virginians, conscious of their glorious history, to realize that stupid, vicious Negroes had such a large hand in the control of the State government. The attitude of this Virginia convention undoubtedly reflects the situation as it exists in the South today. Southern white men are positively determined to exclude the Negro and only hope that they will be allowed to do it quietly and legally" (Porter, supra, pp. 215–216).

New York's first constitution, drafted by John Jay, was adopted by its convention with but one dissenting vote, in 1777.

And whereas an opinion hath long prevailed among divers of the good people of this State that voting at elections by ballot would tend more to preserve the liberty and equal freedom of the people than voting viva voce: To the end, therefore, that a fair experiment be made, which of those two methods of voting is to be preferred: Be it

Ordained, That as soon as may be after the termination of the present war between the United States of America and Great Britain, an act or acts be passed by the legislature

of this State for causing all elections thereafter to be held in this State for senators and representatives in assembly to be by ballot, and directing the manner in which the same shall be conducted. And whereas it is possible that, after all the care of the legislature in framing the said act or acts, certain inconveniences and mischiefs, unforeseen at this day, may be found to attend the said mode of electing by ballot; it is further

Ordained, That if, after a full and fair experiment shall be made of voting by ballot aforesaid, the same shall be found less conducive to the safety or interest of the State than the method of voting viva voce, it shall be lawful and constitutional for the legislature to abolish the same, provided two-thirds of the members present in each house, respectively, shall concur therein. And further, that, during the continuance of the present war, and until the legislature of this State shall provide for the election of senators and representatives in assembly by ballot, the said election shall be made viva voce.

That every male inhabitant of full age, who shall have personally resided within one of the counties of this State for 6 months immediately preceding the day of election, shall, at such election, be entitled to vote for representatives of the said county in assembly; if, during the time aforesaid, he shall have been a freeholder, possessing a freehold of the value of 20 pounds, within the said county, or have rented a tenement therein of the yearly value of 40 shillings, and been rated and actually paid taxes to this State:

Provided always, That every person who now is a freeman of the city of Albany, or who was made a freeman of the city of New York on or before the 14th day of October, in the year of our Lord 1775, and shall be actually and usually, resident in the said cities, respectively, shall be entitled to vote for representatives in assembly within his said place of residence.

That every elector, before he is admitted to vote, shall, if required by the returning officer or either of the inspectors, take an oath, or, if of the people called Quakers, an affirmation, of allegiance to the State (5 Thorpe, supra, arts. VI, VII, VIII, pp. 2630 and 2631).

In 1821, New York formed a new constitution.

Every male citizen of the age of 21 years, who shall have been an inhabitant of this State 1 year preceding any election, and for the last 6 months a resident of the town or county where he may offer his vote; and shall have, within the year next preceding the election, paid a tax to the State or county, assessed upon his real or personal property; or shall by law be exempted from taxation; or being armed and equipped according to law, shall have performed within that year military duty in the militia of this State; or who shall be exempted from performing militia duty in consequence of being a fireman in any city, town, or village in this State; and also, every male citizen of the age of 21 years, who shall have been for, 3 years next preceding such election, an inhabitant of this State; and for the last year a resident in the town or county where he may offer his vote; and shall have been, within the last year, assessed to labor upon the public highways, and shall have performed the labor, or paid an equivalent therefor, according to law, shall be entitled to vote in the town or ward where he actually resides, and not elsewhere, for all officers that now are, or hereafter may be, elective by the people; but no man of color, unless he shall have been for 3 years a citizen of this State, and for 1 year next preceding any election shall be seized and possessed of a free-hold estate of the value of $250 over and above all debts and encumbrances charged thereon, and shall have been actually rated, and paid a tax thereon, shall be entitled to vote at any such election. And no person of color shall be subject to direct taxation unless he shall be seized and possessed of such real estate as aforesaid.

SEC. 2. Laws may be passed excluding from the right of suffrage persons who have been or may be convicted of infamous crimes.

SEC. 3. Laws shall be made for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established.

SEC. 4. All elections by the citizens shall be by ballot, except for such town officers as may by law be directed to be otherwise chosen (5 Thorpe, supra, art. II, pp. 2642–2643).

The permission to colored males under certain conditions is an unusual one. In 1846 a constitution was adopted, and submitted to the people, who ratified it. Article II was somewhat modified.

SECTION 1. Every male citizen of the age of 21 years, who shall have been a citizen for 10 days, and an inhabitant of this State 1 year next preceding any election, and for the last 4 months a resident of the county where he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people; but such citizen shall have been for 30 days next preceding the election, a resident of the district from which the officer is to be chosen for whom he offers his vote. But no man of color, unless he shall have been for 3 years a citizen of this State, and for 1 year next preceding any election shall have been seized and possessed of a freehold estate of the value of $250, over and above all debts and incumbrances charged thereon, and shall have been actually rated and paid a tax thereon, shall be entitled to vote at such election. And no person of color shall be subject to direct taxation unless he shall be seized and possessed of such real estate as aforesaid.

SEC. 2. Laws may be passed excluding from the right of suffrage all persons who have been or may be convicted of bribery, of larceny, or of any infamous crime; and for depriving every person who shall make, or become directly, or indirectly interested in any bet or wager depending upon the result of any election from the right to vote at such election.

SEC. 3. For the purpose of voting, no person shall be deemed to have gained or lost a residence, by reason of his presence or absence, while employed in the service of the United States; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse, or other asylum, at public expense; nor while confined in any public prison.

SEC. 4. Laws shall be made for ascertaining by proper proofs the citizens who shall be entitled to the right of suffrage hereby established.

SEC. 5. All elections by the citizens shall be by ballot, except for such town officers as may by law be directed to be otherwise chosen (5 Thorpe, supra, p. 2656, art. II).

It was amended specifically in 1874.

SECTION 1. Every male citizen of the age of 21 years who shall have been a citizen for 10 days and an inhabitant of this State 1 year next preceding an election, and the last 4 months a resident of the county and for the last 30 days a resident of the election district in which he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to the vote of the people, provided that in time of war no elector in the actual military service of the State, or of the United States, in the Army or Navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the legislature shall have power to provide the manner in which the time and place at which such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.

SEC. 2. No person who shall receive, expect, or offer to receive, or pay, offer or promise to pay, contribute, offer or promise to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at an election, or who shall make any promise to influence the giving or withholding any such vote, or who shall make or become directly or indirectly interested in any bet or wager depending upon the result of any election, shall vote at such election; and upon challenge for such cause, the person so challenged, before the officers authorized for that purpose shall receive his vote, shall swear or affirm before such officers that he has not received or offered, does not expect to receive, has not paid, offered or promised to pay, contributed, offered, or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at such election, and has not made any promise to influence the giving or withholding of any such vote, nor made or become directly or indirectly interested in any bet or wager depending upon the result of such election. The legislature, at the session thereof next after the adoption of this section, shall, and from time to time thereafter may, enact laws excluding from the right of suffrage all persons convicted of bribery or of any infamous crime.

SEC. 3. For the purpose of voting, no person shall be deemed to have gained or lost a residence, by reason of his presence or absence, while employed in the service of the United States; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse, or other asylum, at public expense; nor while confined in any public prison (Thorpe 5, p. 2675, art. II, secs. 1–3).

Here, following the Civil War and the 15th amendment, we notice the omission of provisions concerning persons of color.

In 1894 at Albany, New York framed another constitution.

ARTICLE 2. SUFFRAGE

SECTION 1. Every male citizen of the age of 21 years, who shall have been a citizen for 90 days, and an inhabitant of this State 1 year next preceding an election, and for the last 4 months a resident of the county, and for the last 30 days a resident of the election district in which he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to a vote of the people, provided that in time of war no elector in the actual military service of the State, or of the United States, in the Army or Navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the legislature shall have power to provide the manner in which and the time and place at which such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.

SEC. 2. No person who shall receive, accept, or offer to receive, or pay, offer or promise to pay, contribute, offer, or promise to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at an election, or who shall make any promise to influence the giving or withholding any such vote, or who shall make or become directly or indirectly interested in any bet or wager depending upon the result of any election, shall vote at such election; and upon challenge for such cause, the person so challenged, before the officers authorized for that purpose shall receive his vote, shall swear or affirm before such officers that he has not received or offered, does not expect to receive, has not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at such election, and has not made any promise to nor made or become directly or indirectly interested in any bet or wager depending upon the result of such election. The legislature shall enact laws excluding from the right of suffrage all persons convicted of bribery or any infamous crime.

SEC. 3. For the purpose of voting, no person shall be deemed to have gained or lost a residence, by reason of his presence or absence, while employed in the service of the United States; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse, or other asylum, or institution wholly or partly supported at public expense or by charity; nor while confined in any public prison.

SEC. 4. Laws shall be made for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established, and for the registration of voters; which regi.tration shall be completed at least 10 days before each election. Such registration shall not be required for town and village elections except by express provision of law. In cities and villages having 5,000 inhabitants or more, according to the last preceding State enumeration of inhabitants, voters shall be registered upon personal application only; but voters not residing in such cities or villages shall not be required to apply in person for registration at the first meeting of the officers having charge of the registry of voters.

SEC. 5. All elections by the citizens, except for such town officers as may by law be directed to be otherwise chosen, shall be by ballot, or by such other method as may be prescribed by law, provided that secrecy in voting be preserved.

SEC. 6. All laws creating, regulating or affecting boards of officers charged with the duty of registering voters, or of distributing ballots at the polls to voters, or of receiving, recording or counting votes at elections, shall secure equal representation of the two political parties which, at the general election next preceding that for which such boards of officers are to serve, cast the highest and the next highest number of votes. All such boards and officers shall be appointed or elected in such manner, and upon the nomination of such representatives of said parties respectively, as the legislature may direct. Existing laws on this subject shall continue until the legislature shall otherwise provide. This section shall not apply to town meetings, or to village elections (5 Thorpe, supra, pp. 2697–2698, art. II).

Section I was amended to add education requirements in 1921—"Elections":

SECTION 1. Qualification of voters: Every citizen of the age of 21 years, who shall have been a citizen for 90 days, and an inhabitant of this State 1 year next preceding an election, and for the last 4 months a resident of the county and for the last 30 days a resident of the election district in which he or she may offer his or her vote, shall be entitled to vote at such election in the election district of which he or she shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to the vote of the people: *Provided, however*, That a citizen by marriage shall have been an inhabitant of the United States for 5 years; and provided that in time of war no elector in the actual military service of the State, or of the United States, in the Army or Navy thereof, shall be deprived of his or her vote by reason of his or her absence from such election district; and the legislature shall have power to provide the manner in which and the time and place at which such absent electors may vote, and for the return and canvass of their votes. Notwithstanding the foregoing provisions, after January 1, 1922, no person shall become entitled to vote by attaining majority, by naturalization, or otherwise, unless such person is also able, except for physical disability, to read and write English, and suitable laws shall be passed by the legislature to enforce this provision.

SECTION 1. (a) (Absentee voting): The legislature may, by general law, provide a manner in which, and the time and place at which, qualified voters who may, on the occurrence of any general election, be unavoidably absent from the State or county of their residence because they are inmates of a soldiers' and sailors' home or of a U.S. veterans' bureau hospital, or because of their duties, occupation or business require them to be elsewhere within the United States, may vote, and for the return and canvass of their votes in the election district in which they respectively reside. (Sec. 1(a) was added in 1929) (Constitution of the States and the United States, pp. 1098 and 1099).

In 1938, as a result of a special constitutional convention, New York revised not only the provisions, but the entire structure of its constitution, and the revised version was made effective January 1, 1939.

Article 2 of the revised constitution deals with suffrage:

SECTION 1. Qualifications of voters: Every citizen of the age of 21 years, who shall have been a citizen for 90 days, and an inhabitant of this State for 1 year next preceding an election, and for the last 4 months a resident of the county, city, or village, and for the last 30 days a resident of the election district in which he or she may offer his or her vote, shall be entitled to vote at such election in the election district of which he or she shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to the vote of the people: *Provided, however*, That no elector in the actual military service of the State, or of the United States, in the Army, Navy, Air Force, or any branch thereof, or in the Coast Guard, or the spouse, parent, or child of such elector, accompanying or being with him or her, if a qualified voter and a resident of the same election district, shall be deprived of his or her vote by reason of his or her absence from such election district, and the legislature shall provide the manner in which and the time and place at which such absent electors may vote, and for the return and canvass of their votes: *And provided further*, That in any election district in which registration is not required to be personal, no elector who is registered and otherwise qualified to vote at an election shall be deprived of his or her right to vote by reason of his or her removal from one election district to another election district in the same county within the 30 days next preceding the election at which he or she seeks to vote, and every such elector shall be entitled to vote at such election in the election district from which he or she has so removed.

Notwithstanding the foregoing provisions, after January 1, 1922, no person shall become entitled to vote by attaining majority, by naturalization, or otherwise, unless such person is also able, except for physical disability, to read and write English. (Amended by constitutional convention of 1938; approved by the people November 8, 1938; amended and approved November 2, 1943, November 6, 1945, November 6, 1951; effective January 1, 1952.)

In 1943 an amendment extended residence provisions to include cities or villages.

An amendment in 1945 authorized voting by persons who change residence within 30 days preceding election in permanent registration districts.

A 1951 amendment extended the provision concerning voting by electors in military service to include spouses, parents, or children of electors who are with them, and included electors in the Air Force or in the Coast Guard, and discontinued limitation to time of war.

SEC. 2. Absentee voting: The legislature may, by general law, provide a manner in which, and the time and place at which, qualified voters who, on the occurrence of any election, may be unavoidably absent from the place of their residence because they are inmates of a soldiers' and sailors' home or of a United States Veterans' Bureau hospital, or because their duties, occupation, or business, or those of members of their families, require them to be elsewhere, and qualified voters who, on the occurrence of any election, may be unable to appear personally at the polling place because of illness or physical disability may vote and for the return and canvass of their votes. (Amended and approved November 8, 1955; effective January 1, 1956.)

In other words, it is apparent, as I have pointed out, that each State had its own peculiar definitions, or qualifications, I may say, for voting. But all States reserved unto themselves the right to declare and provide what those qualifications should be.

The 1955 amendment to this section and section 5 of this article authorized the legislature to provide for absentee voting by qualified voters who are unable to appear personally at the polling place on election day because of illness or physical disability, and to provide that voters who are inmates of a veterans' hospital, regardless of its location, and voters who are unable to appear personally for registration because of illness or physical disability, or because their duties, occupations, or business require them to be outside the State of New York, and a spouse, parent, or child of such a voter, accompanying or being with him, if a qualified voter and a resident of the same election district, and if outside the county of such election district, shall not be required to register personally.

SEC. 3. Persons excluded from the right of suffrage: No person who shall receive, accept, or offer to receive, or pay, offer or promise to pay, contribute, offer or promise to contribute to another, to be paid or used, any

money or other valuable thing as a compensation or reward for the giving or withholding a vote at an election, or who shall make any promise to influence the giving or withholding any such vote, or who shall make or become directly or indirectly interested in any bet or wager depending upon the result of any election, shall vote at such election; and upon challenge for such cause, the person so challenged, before the officers authorized for that purpose shall receive his vote, shall swear or affirm before such officers that he has not received or offered, does not expect to receive, has not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at such election, and has not made any promise to influence the giving or withholding of any such vote, nor made or become directly or indirectly interested in any bet or wager depending upon the result of such election. The legislature shall enact laws excluding from the right of suffrage all persons convicted of bribery or of any infamous crime. (Formerly sec. 2, renumbered 3 by constitutional convention of 1938; approved by the people November 8, 1938.)

SEC. 4. Certain occupations and conditions not to affect residence: For the purpose of voting, no person shall be deemed to have gained or lost a residence, by reason of his presence or absence, while employed in the service of the United States; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse, or other asylum, or institution wholly or partly supported at public expense or by charity; nor while confined in any public prison. (Formerly sec. 3, renumbered 4 by constitutional convention of 1938; approved by the people November 8, 1938.)

SEC. 5. Registration of voters: Laws shall be made for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established, and for the registration of voters; which registration shall be completed at least 10 days before each election. Such registration shall not be required for town and village elections except by express provision of law. In cities and villages having 5,000 inhabitants or more, voters shall be registered upon personal application only; but voters not residing in such cities or villages shall not be required to apply in person for registration at the first meeting of the officers having charge of the registry of voters; however, voters who are in the actual military service of the State or of the United States, in the Army, Navy, Air Force, or any branch thereof, or in the Coast Guard, or inmates of a Veterans' Bureau hospital and voters who are unable to appear personally for registration because of illness or physical disability or because their duties, occupation, or business require them to be outside the State of New York; and a spouse, parent, or child of such a voter in the actual military service or of such an inmate or of such a voter unable to appear personally for registration, accompanying or being with him or her, if a qualified voter and a resident of the same election district, and if outside the county of such election district, shall not be required to register personally. The number of such inhabitants shall be determined according to the latest census or enumeration, Federal or State, showing the population of the city or village, except that the Federal census shall be controlling unless such State enumeration, if any, shall have been taken and returned 2 or more years after the return of the preceding Federal census. As amended and approved November 6, 1951, and November 8, 1955.

The 1955 amendment to this section and section 5 of this article authorized the legislature to provide for absentee voting by qualified voters who are unable to appear personally at the polling place on election day because of illness or physical disability, and to provide that voters who are inmates of a veterans' hospital regardless of its location and voters who are unable to appear personally for registration because of illness or physical disability or because of their duties, occupation or business require them to be outside the State of New York, and a spouse, parent, or child of such a voter, accompanying or being with him, if a qualified voter and a resident of the same election district, and if outside the county of such election district, shall not be required to register personally.

SEC. 6. Permanent registration: The legislature may provide by law for a system or systems of registration whereby upon personal application a voter may be registered and his registration continued so long as he shall remain qualified to vote from the same address, or for such shorter period as the legislature may prescribe. (Adopted by constitutional convention of 1938; approved by the people November 8, 1938.)

SEC. 7. Manner of voting; identification of voters: All elections by the citizens, except for such town officers as may by law be directed to be otherwise chosen, shall be by ballot, or by such other method as may be prescribed by law, provided that secrecy in voting be preserved. The legislature shall provide for identification of voters through their signatures in all cases where personal registration is required and shall also provide for the signatures, at the time of voting, of all persons voting in person by ballot or voting machine, whether or not they have registered in person, save only in cases of illiteracy or physical disability. (Formerly sec. 5, renumbered 7, and amended by constitutional convention of 1938; approved by the people November 8, 1938.)

SEC. 8. Bipartisan registration and election boards: All laws creating, regulating or affecting boards or officers charged with the duty of registering voters, or of distributing ballots to voters, or of receiving, recording, or counting votes at elections, shall secure equal representation of the two political parties which, at the general election next preceding that for which such boards or officers are to serve, cast the highest and the next highest number of votes. All such boards and officers shall be appointed or elected in such manner, and upon the nomination of such representatives of said parties respectively, as the legislature may direct. Existing laws on this subject shall continue until the legislature shall otherwise provide. This section shall not apply to town, or village elections. (Formerly sec. 6, renumbered 8, and amended by constitutional convention of 1938; approved by the people November 8, 1938.)

There is an interesting discussion of the fight against the early property qualifications in New York.

The following decade, 1820–30, witnessed three of the most noteworthy constitutional conventions in the history of the United States. Jeffersonian democracy had done its work. Delegates came to the conventions fired with determination to vindicate the teachings of democracy or, on the other hand, to make one last heroic stand for conservatism and property rights. In New York there was staged a battle royal centering largely around the suffrage question. The property interests were represented by some of the best political talent in the country, Chancellor Kent being one of the most conspicuous delegates. They were determined to save as much of special privilege for themselves as they possibly could, and only acquiesced in compromise when they saw that their cause was hopeless. For many years it had been obvious that property was bound to lose its prestige everywhere in the Union. The new incoming States in the Mississippi Valley were not even giving property a taste of special privilege. The new States farther east were tempering property qualifications with alternatives that paralyzed, and when property tests were included they were so very small and insignificant as to be of no importance. The propertied class had seen its best days and knew it. Only in such States as New York, where there were large and ancient property interests bulwarked with many years of special privilege, could a vigorous fight be put up, for it must be remembered that the electorate is something like a closed corporation, only enlarging itself by co-opting whom it pleases. All extension of the suffrage must come through those who have it. In New York there were very powerful property interests capable of exerting vast influence.

A certain amount of propaganda against property qualifications had been spread over the State previous to the convention, but the precepts of the new democracy hardly needed propagation. What was needed was talent capable of bearing down the conservative vested interests and courage to take advantage of numerical majority and draw a constitution that the people really wanted. In New York this was not quite done, and the people remedied the fault by means of a referendum 5 years later. The popular opinion now was that a property qualification always was bad. The proposition was advanced that if a property test were small it tempted to fraud, and if it were large it created an aristocracy. The idea also gained popularity that the property holder, by virtue of his wealth, was better able to protect himself than the poor man, who therefore needed Government protection most. And yet there seems to have been prevailing a sort of undeliberative feeling for manhood suffrage that felt no need for argument.

The committee on elective franchise in the New York convention of 1821 proposed to abolish all property distinctions and make the right to vote uniform. This committee advanced the proposition that property distinctions were of British origin, where the various classes of society needed special representation. In the United States there was only one homogeneous group—the people—and all interests were identical. The only qualification should be virtue and morality. But although the property interests had been unable to get a favorable committee report they marshaled their forces and proceeded to assail the liberal position of the franchise committee.

It was very soon evident that a general-property test could never be put through. All proposals, however mild, were decisively repudiated. But the property interests were not lacking in resourcefulness. They immediately proposed to retain a property qualification for voters for Senators, and on this proposition they based all their hopes. It was insisted that real property afforded the most substantial security to the Government. It was considered to be the main source of wealth from which the State could draw its revenue. Its immovable and imperishable qualities made it a secure and tangible bulwark to which the State might tie. Possession of real property was considered the best possible evidence of a firm interest in the well-being of the State, would make the owner cautious about public expenditures, insure economy, etc. The same arguments that had served the purpose for two centuries were brought forth. And the suggested compromise of having a property qualification for electors of Senators provided a fine opportunity to press these arguments with new force.

The suggested compromise also offered opportunity for a new theory of representation to be developed. It was said that men have equal rights, to be sure, but if every man has life and liberty to be protected the property owner has something more. Hence let the unpropertied man vote for members of the lower house, but let the senate serve as a protection for property and allow only property owners to vote for senators. When the government protected all a man possessed, what more could he ask? But in all justice the man with property should have that protected as well as his life and liberty. This argument supported in a new way the well-known doctrine of checks and balances. It was urged that it was not expedient to derive both houses from identical constituencies, and what could be more logical than to give to property owners special representation? These arguments made a very strong appeal. Even the ablest of the progressives seemed not to recognize the illogical position of property owners in claiming a larger share in supporting the government. The truth seemed never to be brought out that the real producer of wealth contributed to the support of the State every day he worked, and whether or not he owned property was quite inconsequential. Of course, property owners would not accept such a doctrine, but it is strange that the unpropertied men did not see it either. They found these arguments of the conservatives exceedingly hard to combat and many times just sullenly refused to agree to their arguments without attempting to dispose of them.

But the idea of looking upon legislators as representing certain defined interests, life, liberty, property, etc., involved a division of labor, as it were, that was quickly shown to be absurd. If the argument was sound, men should be represented according to the amount of property they owned, the wealthy man enjoying the largest representation, the man with only life and liberty enjoying the least. Also, it was pointed out, such a scheme would at once create clearly defined political groups based on property lines, which circumstance would have a distinctly unwholesome effect on the body politic. Cleavages on political questions would then cut horizontally, as it were, instead of vertically; that is, men of all classes would not take sides on the merits of the issue at hand, but men of particular classes would line up according to their property holdings.

Such a situation would cause to exist in every community two distinct more or less hostile factions based solely on property. This would involve a perpetuation of an illusory division of interests that would be quite unfortunate.

Another aspect of the case was this: The prejudice against foreigners developed in the 20 years following the Revolution had by no means died out, and farseeing men could easily look forward to the new foreigner problem destined to trouble the States in later years. The new influx was to be from Ireland and Germany as well; the Englishmen and the few Frenchmen were rapidly disappearing, but the other type was coming. These conventions in the early twenties really came between these two periods; but statesmen saw the coming throng and urged that property tests would protect the State against the tumultous, disorderly Irishmen in the cities and the Germans in the country. It was an argument that made a strong appeal, for men yet felt that America was for Americans and heartily resented the participation even of naturalized citizens in the affairs of government. It was not until the Western States felt the need of foreigners to develop their untilled lands that this prejudice was broken down, and even so it died hard and even resulted in the formation of very considerable political parties. It was just about this time, 1821, that the lines upon which this new problem was to be fought out began to appear. There is no doubt that this argument had as much to do as any other single point with maintaining the taxpaying qualification.

There was every evidence in the debates of this convention that the delegates were not sure of their ground, that they were not at all positive as to what the people really wanted. This comment surely is justified by the fact that less than 5 years after the convention the people repudiated their suffrage clause. In every convention advocates insist that they are backed up by a majority of the people, of course, but tendency to vacillate, propose compromises, and in general exhibit great uncertainty shows that here there was a real doubt. The mere fact that the convention was willing to tolerate the endless debates illustrates the uncertainty, and even so the final vote on the property test for senatorial electors was quite decisive. After an exceedingly long wrangle, dragged out by endless speeches merely reiterating the same old arguments, the property interests succumbed 100 to 19. Property had made its last stand and had failed. All that could be secured was a trifling taxpaying qualification with a paralyzing alternative.

The tax qualification was put in these terms: Electors must have paid a State or county tax, or have performed military service, or have worked on the highway, or have lived 3 years in the State instead of the 1 year prescribed ordinarily. These alternatives, of course, have every earmark of makeshift compromise. These were the only things many of the progressives had the courage and skill to insist upon, and of course they drew the sting out of the taxpaying test. It can be understood how these measures were nervously and apologetically inserted to secure what was really wanted, whereas the property and tax tests could have been boldly repudiated altogether.

Chancellor Kent feared excess of democracy. He would not bow before the idol of universal suffrage. It would be treason to the agricultural element, the backbone of the State; this must have safeguards thrown around it as protection from the city mob of irresponsibles. He painted a dreadful picture: "The Radicals of England, with the force of that mighty engine (universal suffrage), would at once sweep away the property, the laws, and the liberties of that island like a deluge." He heaped scathing contempt upon the proposed alternatives. Serving a day upon the road or an idle hour in the militia, said he, was a mere nominal test of merit. The convention had not the courage to defeat him utterly, and hence the compromises.

But the convention was not so disdainful about the idle hour in the militia. It seemed fundamentally unjust that the men who fought the Nation's battles might not vote. Many a veteran of the War of 1812 found the polls closed to him, and this offended the innate sense of justice in men. An attempt was made to get in a clause that would enfranchise veterans but not the militiamen, a great many of whom, it was said, never did anything but parade. One of the generals said that he was not in favor of permitting anyone to vote who was not to be found when the taxgatherer or the enemy appeared, and yet he wanted only veterans to be relieved of taxpaying tests, not the militiamen. Indeed the plight of veterans was greatly exploited in oratorical and emotional manner. The president of the convention contributed to this and elicited a sarcastic retort from one member:

"Vivid and impressive as was the picture drawn by our President of the gallant officer who died of a broken heart because, as it would seem, he was not an elector, even a limited fancy might add to the apparent injustice of our country. Suppose the gallant hero had been a youth of 20 years of age. Is it proposed to embrace his case and make brave infants voters?"

And yet not a few men were convinced that if a brave infant was able to carry a gun for his country he was able to carry a ballot to the voting booth, and there is no little doubt that if the gentleman had continued with the sarcasm "brave infants" might have been provided for as well as their elders. A deepseated affection existed then as now for the boys who went to war, and only calm judgment, not lack of appreciation of their service, resulted in keeping the age limit at 21. Militiamen as well as veterans were exempted from the tax test by a vote of 68 to 48.

As to workers on the highway, the franchise was extended to them because such work was considered equivalent to a tax. It is unnecessary to develop the argument.

But the property test was not the only problem that occupied the attention of the New York convention in fixing the suffrage qualifications. The free Negro was coming to be a problem at this time. And in fact it was in this very convention that one of the first great battles for Negro suffrage was staged. From this time on Negro suffrage was an issue everywhere outside the strictly Southern States. In the border States, of course, the battle waged the fiercest. Some Negroes were being set free, others were escaping from their owners, and naturally most of them went no farther north than across the border of a free State. The number of such men was rapidly growing, and before long the problem of Negro suffrage eclipsed the problem of the foreigner. Foreigners were quickly absorbed and ceased to advertise the fact of their difference from native Americans, but the Negro never could hide his identity, and black faces at the polls invariably roused a storm of indignation among a certain class of people. Hence there was no hope for settlement until the Civil War was over.

New York was not a State that suffered greatly from the presence of the Negro, and yet there were enough of them there to stir up very keen interest in the matter, and the convention of 1821 was very ready to discuss any suffrage issue to the bitter end. At once the proposition was set forth that color had nothing to do with ability to vote. Color was declared to be an utterly foolish standard, having no rational basis. There was no excuse for considering the matter of color at all. All freemen should be treated exactly alike. It was said that to deny the Negro the right to vote was to "punish the children for the crime inflicted upon their parents." The Negroes constituted a one-fortieth part of the population, and the present was an excellent time to begin training them for intelligent citizenship.

It seems that the State law of New York prevented the Negroes from serving in the militia, although there is little doubt that they would have been welcome enough in time of war. The argument that since they were not in the militia and hence were not under arms and ready to defend the State was answered by saying that there was no good reason why they should not be in the militia. This exclusion from the militia led to another consideration. Was it not unwise to set up and perpetuate distinctions that might cause serious rupture in the future? Such a policy of exclusion from participation in government activity was

calculated to inspire jealousy, resentment, distrust, and hatred that might prove quite inimical to the best interests of the State and would surely be inconsistent with sound policy. It would alienate one portion of the community from the other, and such a state of affairs could never make for good.

But the argument which carried the most weight seemed to be that as the Negro was subject to all acts of the legislature he should have a voice in the election of representatives. He also was taxed if he owned property (which was seldom), and in such cases the sacred principle of no taxation without representation was ruthlessly violated. It is interesting that arguments having the most weight very frequently proved weak and unworkable when carried out consistently. This has been particularly true of the doctrine of natural right, the doctrine that men had a natural right to vote. It was used so much that a few paragraphs devoted to it here will not be out of place.

In the matter of suffrage a principle of exclusion must be followed. No visionary, even worshiping and abstraction, would go so far as to support universal suffrage absolutely. The possibility of allowing infants and imbiciles to vote is not debatable. Thus inevitably, even when a person exploits the natural, inalienable, inherent right-to-vote doctrine, he necessarily excludes someone; but he sets whatever limitation seems to him consistent with his individual interpretation of natural right. Hence every expression of natural right is anomalous. Every individual who uses the phrase determines upon what he thinks is right under the circumstances and in the light of his understanding and then uses the words natural, inalienable, and inherent in order to give his opinion a sonorous sound. Hence the phrase "natural right to vote" has been quite meaningless when subjected to close analysis. Practically all who have used the doctrine have tacitly left out young men under 21, almost all have left out women, a larger number have left out Negroes, and usually criminals and paupers have been left out by common consent. But the doctrine of natural right has had tremendous influence, and there appears the strange phenomenon of suffrage being carried forward on a tide of fallacies and specious doctrine.

There would surely be reaction and a return to former conditions were it not for the fact that the forward movement has really had a sound basis. The reason suffrage has broadened is because it was best for all mankind that it should broaden, not because any particular group had an inherent right to the franchise. Personal rights are completely swallowed up in a doctrine of social good, of expediency, and in the past have been sacrificed to it almost unconsciously. Men have been unwilling to say that certain groups have been left out or admitted because it has seemed best from the social point of view. They have much preferred to dilate on personal rights.

Quite a number of men in this convention were evidently opposed to Negro suffrage, but they were more or less apologetic about it and did not like to speak out plainly. They made long explanations of their votes and based them usually on the statement that the Negroes were probably inefficient and incompetent, unable to exercise the right in a proper way. But a few strong-minded individuals spoke loudly about matters which many secretly believed but did not care to espouse because of the difficulty of reconciling popular ideas of democracy with exclusion of Negroes. The colored race was said to be far, far below the white in the social structure. It would disrupt society to admit these debased men to the suffrage. When they could be met as equals in social intercourse, then would be the time to extend the suffrage rights to them. Obviously such arguments as this and others of the same sort reflecting upon the Negro's ability and mental capacity would apply with equal force to any group of men suffering similar limitations. New York's struggle over Negro suffrage merely illustrates again the recurring situation in connection with suffrage extension—firm-rooted determination not based on logical argument that would bear analysis. Invariably the partisans on either side would argue the question of right, the questions of democracy, taxation, representation, consent of governed, social position, and always avoid the real determining factor of expediency. Those who sought to secure suffrage for the Negro knew that they could not support their cause by saying that they believed it would be for the good of the State, so they invoked democratic philosophy, sympathetic interest, and natural rights. The opponents did not care to be so brazen as to declare that admitting the Negro would be a bad thing for the State regardless of his rights, the dictates of democracy, the Declaration of Independence, and what not. So they twisted and squirmed as best they could to construe democratic philosophy against those who invoked it and to show that the Negro's rights were not invaded. They were driven to the doctrine of expediency but would not admit it. In nearly every case where the issue rose and the Negroes were excluded it was because of a sullen conviction that it would not be right to let them in. Men were easily brought to a point of violent indignation, deaf to all argument, by such persons as Colonel Young, who recalled the unfortunate mistake in New Jersey that permitted women to vote there for a time. He became almost apoplectic over the possibility of a Negress voting in New York.

The point simply is that many a time, in fact in the majority of cases, a decision was reached through ridiculous channels that would have been arrived at just the same were the question dealt with in a rational manner.

After a very long debate a compromise was affected. Full Negro suffrage had lost by a very narrow margin. Now it was proposed to grant the ballot to those Negroes who owned property. This proposition, of course, struck at the very root of the opposition argument. Evidence of holding property was considered pretty good indication of interest in the community and capacity to act intelligently. Lack of such capacity had been the chief argument against the Negroes. Enough of the opposition was persuaded that this was so, and a clause was inserted in the constitution granting the ballot to Negroes owning $250 worth of property on which they paid taxes. Of course, such a compromise was quite irrational; if there was any virtue in the principle involved, it should have been applied to all men. But there were enough men in the convention satisfied with such a compromise, and hence the property test was prolonged in New York for the benefit of the Negro race.

A great many times delegates spoke of coming universal suffrage. The concept seems to have penetrated this convention as it had no other previous to this time. Many contemplated it with great alarm; others looked upon its coming with great complacency. Some delegates saw the way the wind was blowing; that every group which had the slightest claim to suffrage could find defenders in a convention, that compromise and logrolling inevitably would let down the bars on every side, and that every step in advance made the next step doubly easy. It is significant that the suffrage extension did run smoothly until it struck the Negro problem; getting over the race barrier was a much more difficult matter than letting a few more white men in by one means or another. In fact there are three very important things to note in connection with the debates on suffrage in this particular convention: First, the property test was easily disposed of. Those who wanted it saw that their cause was lost and devoted their energies to securing a taxpaying qualification. Secondly, the taxpaying proposition elicited thorough, intelligent, honest, and moderate debate, with opinion fairly evenly divided. Thirdly, the Negro-suffrage issue plunged the convention into a turmoil of irrational, bombastic, verbose oratory, hiding prejudice, indecision, and stupidity.

Five years later, in 1826, a referendum was allowed on the taxpaying clause of the constitution and the voters of the State turned it down. Thus New York in 1826 in a most effective and democratic manner put away once for all property and taxpaying qualifications for the suffrage. There had been considerable indecision exhibited in the convention, and public opinion seems to have crystallized soon after, if indeed it had not been well formed before. Seldom has it happened that a State has made such a significant step in such a fitting way (Porter, "History of Suffrage in the United States," p. 54).

New York, of course, had to cope with a particularly difficult "foreigner" problem.

To show the influence of foreigners upon American political institutions, the city of New York is a conspicuous example: of the population in 1910, over 40 percent was foreign born and over 38 percent of foreign parentage—leaving but a little over 21 percent with a truly American heritage. About one-half of the immigrants stopped in New York City formerly. Also, just when the tide of immigration began to rise, all offices were made elective. No wonder that Tammany became a power. In 1868 Tweed's judges "naturalized" over 41,000 aliens (the annual average for the previous decade had been a little over 9,000) and there were 8 percent more votes cast than there were electors in the city. It has been said that the Irish rule Tammany and thus New York City and the Nation. New York has afforded an instance of city misgovernment that might be duplicated in other large cities of America, for the percentage of foreign-born denizens and the political status is quite similar. One reason for all this is apparent; the alien voter.

The most helpless classes of immigrants do not venture into the country. And it is because they colonize in the great cities that they are so dangerous politically. They do not there come in contact with American ideas and ideals but are directly under the influence of corrupt politicians. Hence the foreign wards are usually a unit against good and honest government. It is almost impossible for any but "their own" to reach these congested foreign quarters, because of their prejudice and clannishness. Therefore, they obey the "boss" implicitly. The "big man" operates through henchmen racially entrenched in these alien wards. The aliens that settle in the country districts come into much closer touch with their American neighbors, and after a generation they are thoroughly Americanized. Especially, is this true of immigrants from northern Europe. Theirs is a comparatively easy problem. The American city, while it leads the Nation's public opinion with its press, is at the same time the cancerous sore that contaminates the whole body politic. The core of the evil is the foreign voter—ignorant but not often vicious. It is hopeless to permanently better civic conditions until this menace is removed.

Not all foreign electors are unsafe. Even in New York City a majority of the voters are opposed to the corrupt methods in their government. The mass of honest citizens does not always submit to the rule of the boss. Samuel J. Tilden led a reform against

Tweed, who died in prison. Again, Seth Low won in the struggle for clean government honestly administered; but in the succeeding election partisanship was again active and the reformer failed of reelection. More recently, John Mitchell gave the city an efficient administration, but he failed to secure another term as mayor. The great difficulty is to maintain a sustained effort on the part of the unorganized mass of honest electors, while the machine is always at work—in season and out of season. The result has been that there have been waves of reform followed by a gradual return to the former corrupt conditions. Public opinion is mighty when aroused, but it is long suffering and has a very poor memory. The public had rather suffer than act. Because of the lethargy on the part of the average citizen, the ignorant and un-American voter in the city will continue under machine direction and, therefore, a menace to American institutions (McCulloch, "Suffrage and Its Problems," pp. 142, 143, 144).

North Carolina was chartered in 1663 by Charles the Second. The so-called fundamental constitutions of Carolina came in 1669. In 1776 the first constitution of North Carolina as a State was framed.

VII. That all freemen, of the age of 21 years, who have been inhabitants of any one county within the State 12 months immediately preceding the day of any election, and possessed of a freehold within the same county of 50 acres of land, for 6 months next before, and at the day of election, shall be entitled to vote for a member of the senate.

VIII. That all freemen of the age of 21 years, who have been inhabitants of any one county within this State 12 months immediately preceding the day of any election, and shall have paid public taxes, shall be entitled to vote for members of the house of commons for the county in which he resides.

IX. That all persons possessed of a freehold in any town in this State, having a right of representation, and also all freemen, who have been inhabitants of any such town 12 months before, and at the day of election, and shall have paid public taxes, shall be entitled to vote for a member to represent such town in the house of commons: *Provided, always*, That this section shall not entitle any inhabitant of such town to vote for members, of the house of commons, for the county in which he may reside, nor any freeholder in such county, who resides without or beyond the limits of such town, to vote for a member for said town (5 Thorpe, p. 2790).

This was amended in 1835 as follows:

SEC. 3. (1) Each member of the senate shall have usually resided in the district for which he is chosen for 1 year immediately preceding his election and for the same time shall have possessed and continue to possess in the district which he represents, not less than 300 acres of land in fee.

(2) All freemen of the age of 21 years (except as is hereinafter declared), who have been inhabitants of any one district within the State, 12 months immediately preceding the day of any election, and possessed of a freehold within the same district of 50 acres of land, for 6 months next before and at the day of election, shall be entitled to vote for a member of the senate.

(3) No free Negro, free mulatto, or free person of mixed blood, descended from Negro ancestors, to the fourth generation inclusive (though one ancestor of each generation may have been a white person), shall vote for members of the senate or house of commons (5 Thorpe, p. 2796).

The broad Negro exclusion is of interest. Clause 2 was further changed in 1856.

ARTICLE I

SEC. 3. Clause 2: Every free white man at the age of 21 years, being a native or naturalized citizen of the United States, and who has been an inhabitant of the State for 12 months immediately preceding the day of any election, and shall have paid public taxes, shall be entitled to a vote for a member of the senate for the district in which he resides (5 Thorpe, supra, p. 2799).

In 1868 a new constitution was formed under the Reconstruction Acts of Congress. Section 10 of article I provided:

All elections ought to be free (5 Thorpe, supra, p. 2801).

SECTION 1. Every male person born in the United States, and every male person who has been naturalized, 21 years old or upward, who shall have resided in this State 12 months next preceding the election, and 30 days in the county in which he offers to vote, shall be deemed an elector.

SEC. 2. It shall be the duty of the general assembly to provide from time to time, for the registration of all electors, and no person shall be allowed to vote without registration, or to register, without first taking an oath or affirmation to support and maintain the Constitution and laws of the United States, and the constitution and laws of North Carolina not inconsistent therewith.

SEC. 3. All elections by the people shall be by ballot, and all elections by the general assembly shall be viva voce.

SEC. 4. Every voter, except as hereinafter provided, shall be eligible to office; but before entering upon the discharge of the duties of his office, he shall take and subscribe the following oath: "I, ———, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office: So help me God."

SEC. 5. The following classes of persons shall be disqualified for office: First, all persons who shall deny the being of Almighty God; second, all persons who shall have been convicted of treason, perjury, or of any other infamous crime, since becoming citizens of the United States, or of corruption, or malpractice in office, unless such persons shall have been legally restored to the rights of citizenship (5 Thorpe, supra, p. 2801).

In 1875 a constitutional convention made a number of changes in the 1868 North Carolina constitution, and in 1899 additional modifications were approved.

Article VI, dealing with suffrage and eligibility to office, was redrafted and submitted to a popular vote August 2, 1900, to become effective July 1, 1902.

Except for minor changes made after that time, the 1900 revision reflects the present North Carolina voting requirements.

Under the existing North Carolina constitution, section 1 reads:

SECTION 1. Who may vote. Every person born in the United States, and every person who has been naturalized, 21 years of age, and possessing the qualifications set out in this article, shall be entitled to vote at any election by the people of the State, except as herein otherwise provided (Constitution 1868; convention 1875; 1899, c. 218; 1900, c. 2; 1945, c. 634, s. 2).

Comparing this section with section 1 of the original 1868 constitution, a number of changes are apparent. First, the convention of 1875 changed the 30-day residence requirement in the county, to 90 days, and added the sentence:

But no person who, upon conviction or confession in open court, shall be adjudged guilty of a felony, or any other crime infamous by the laws of this State, and hereafter committed shall be deemed an elector, unless such person shall be restored to the rights of citizenship in a manner prescribed by law.

This section was last amended by vote at the general election of 1946. The amendment deleted the word "male" formerly appearing before the word "persons."

Section 2 of the present constitution was added in 1900. The first sentence at that time read:

He shall have resided in the State of North Carolina for 2 years, in the county 6 months, and in the precinct, ward, or other election district in which he offers to vote, 4 months next preceding the election.

A minor change in phraseology was made in 1920, and in 1954 another revision of the first sentence was ratified. At the present time section 2 reads as follows:

SEC. 2. Qualifications of voters. Any person who shall have resided in the State of North Carolina for 1 year, and in the precinct, ward or other election district in which such person offers to vote for 30 days next preceding an election, and possessing the other qualifications set out in this article, shall be entitled to vote at any election held in this State: *Provided*, That removal from one precinct, ward or other election district to another in this State shall not operate to deprive any person of the right to vote in the precinct, ward or other election district from which such person has removed until 30 days after such removal. No person who has been convicted, or who has confessed his guilt in open court upon indictment, of any crime the punishment of which now is, or may hereafter be, imprisonment in the State's prison, shall be permitted to vote, unless the said person shall be first restored to citizenship in the manner prescribed by law (Convention 1875; 1899, c. 218; 1900, c. 2, s. 2; ex. sess. 1920, c. 93; 1953, c. 972).

Section 3 was formerly section 2 of the 1868 constitution. In 1899, it was revised and renumbered to read as follows:

SEC. 3. Voters to be registered. Every person offering to vote shall be at the time a legally registered voter as herein prescribed, and in the manner hereafter provided by law, and the General Assembly of North Carolina shall enact general registration laws to carry into effect the provisions of this article (Constitution 1868; 1899, c. 218, 1900, c. 2, s. 3).

Section 4 was added in 1899. A number of changes were made in 1920, the most important of which was eliminating language requiring payment of a poll tax as a prerequisite to voting. At present the section reads:

SEC. 4. Qualification for registration: Every person presenting himself for registration shall be able to read and write any section of the constitution in the English language. But no male person who was, on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any State in the United States wherein he then resided, and no lineal descendant of any such person, shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications herein prescribed: *Provided*, He shall have registered in accordance with the terms of this section prior to December 1, 1908. The general assembly shall provide for the registration of all persons entitled to vote without the educational qualifications

herein prescribed, and shall, on or before November 1, 1908, provide for the making of a permanent record of such registration, and all persons so registered shall forever thereafter have the right to vote in all elections by the people in this State, unless disqualified under section 2 of this article. (Constitution 1868; 1899, ch. 218; 1900, ch. 2, sec. 4; ex. sess. 1920, ch. 93.)

Section 5 was also added in 1899. It reads:

SEC. 5. Indivisible plan; legislative intent: That this amendment to the constitution is presented, and adopted as one indivisible plan for the regulation of the suffrage, with the intent and purpose to so connect the different parts, and to make them so dependent upon each other; that the whole shall stand or fall together (1900, ch. 2, sec. 5).

Section 6 of the present constitution was formerly section 3. It reads:

SEC. 6. Elections by people and general assembly: All elections by the people shall be by ballot, and all elections by the general assembly shall be viva voce. (Constitution 1868; 1899, ch. 218.)

Section 4 of the constitution of 1868 became section 7 of the present constitution, pursuant to chapter 218, Public Laws of 1899, and chapter 2, Public Laws of 1900. It now reads:

SEC. 7. Eligibility to office; official oath: Every voter in North Carolina, except as in this article disqualified, shall be eligible to office, but before entering upon the duties of the office he shall take and subscribe the following oath:

"I, ——— do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as ———, so help me, God. (Constitution 1868; 1899, ch. 218; 1900, ch. 2, sec. 7.)

Section 8 is based upon section 5 of the constitution of 1868. It reads as follows:

SEC. 8. Disqualification for office: The following classes of persons shall be disqualified for office: First, all persons who shall deny the being of Almighty God; second, all persons who shall have been convicted or confessed their guilt on indictment pending, and whether sentenced or not, or under judgment suspended, of any treason or felony, or of any other crime for which the punishment may be imprisonment in the penitentiary, since becoming citzens of the United States, or of corruption or malpractice in office, unless such person shall be restored to the rights of citizenship in a manner prescribed by law. (Constitution 1868; 1899, ch. 218; 1900, ch. 2, sec. 8.)

The only change was a rewording of the second classification of persons disqualified from office, which formerly read:

Second, all persons who shall have been convicted of treason, perjury, or of any other infamous crime, since becoming citizens of the United States, or of corruption, or malpractice in office, unless such person shall have been legally restored to the rights of citizenship.

Concerning the history of North Carolina's sweeping exclusion of the Negro at an early date, we find the following:

In spite of the schemes to be rid of him the Negro is here to stay. The Negro will not go, nor will the whites let him go. Exemplifying the attitude of the South, North Carolina prohibited the exportation of Negroes. Amalgamation is out of the question. So it may be safely concluded that the Negro will remain in America: an alien element intermixed with the whites, yet distinct and unabsorbable. In 1920 there were 10,463,131 Negroes in the United States, with total population of 105,418,284. Considering that the South contains one-third of the population of the United States and that one-third of this is Negroes (in two Commonwealths they are in the majority), the Negro problem of suffrage is paramount. There are 5,522,475 possible Negro voters, while 1,512,987 blacks of voting age are illiterate. It is purely a political question. While the Negro deserves industrial equality, social is impossible.

Race prejudice is an Anglo-Saxon trait. It has greatly hindered England in her government of India. The Romance peoples (notably the Spanish) have not shown this race aversion but have mingled their blood freely with that of the red, black, and brown races—result, Latin-America, not a desirable racial achievement, certainly. In the United States race prejudice has not been strictly sectional; nor is it so now. North Carolina prohibited the teaching of Negroes in 1830, while a mob destroyed the Crandall School in Connecticut because of Negro pupils. After following the color line, Ray Stanard Baker concluded that the South has little hope for the Negro as a race but rather likes the individual, while the North has great expectations for the race but is impatient with its concrete representative. The climate is not the only thing that has kept the Negro south of Mason and Dixon's line. In the early history of the Colonies there were no racial tests for suffrage even in the South. The first law debarring Negroes was passed in North Carolina in 1715, but at the mandatory request of the Crown was repealed in 1743. The precedent was followed by other southern colonies. South Carolina had such a law in 1716, Virginia in 1723 (repealed by proclamation and reenacted in 1762), and Georgia in 1761. The year 1835 saw the last Negro voter in the South until Reconstruction days; in that year North Carolina finally disfranchised Negroes. Tennessee had withdrawn the privilege of allowing Negroes to vote in 1834. There were no race qualifications in the North previous to the Declaration of Independence (McCulloch, "Suffrage and Its Problems," pp. 78 and 79).

In North Carolina the following year, 1855, the same problem was in evidence. Previous to this time there had been nothing in the constitution to prevent the Negro from exercising the right of suffrage. This was a rare situation in the South, but it is said on good authority that practically none of the black race was suffered to attend the polls.

(Footnote: Weeks, "Political Science Quarterly," IX, 675): Where the law was lax public opinion filled the breach, and Negroes for the most part were sufficiently content with their freedom and kept away from the polls. Virginia provided a good illustration. The constitution of 1830 did not exclude them in terms, and in fact this was not done until 1864, yet the same authority declares that "Negroes never voted in Virginia in the period from the Revolution to the Civil War." It, therefore, required some boldness for delegates to press the cause of free Negroes.

The first committee report in the North Carolina convention excluded Negroes and mulattoes within four degrees. The social inferiority of the Negro was much stressed. It was said that public sentiment would inevitably exclude him from most of the important activities of social and political life and that it was foolish to attempt to bring about a situation of equality by law that could not exist in fact. It was recognized that free Negroes were in a peculiarly difficult position. They were a sort of buffer between the whites and slaves. Some looked upon this group as a mongrel, outcast, nondescript lot that were eminently undesirable, while others looked upon them as a link between the other two groups, through whom more satisfactory and sympathetic relationships could be developed. The number of free Negroes was by no means inconsiderable in this part of the country. To a certain extent Negroes were being freed by their masters as the sentiment against slavery developed, and this very situation contained a menace, said some, for if the free Negroes were permitted to vote, their ex-masters would have such a strong influence over them as to control the suffrage to their own ends.

Compromises were introduced in the North Carolina convention as elsewhere. Whereas in some other States compensating benefits were conferred in repayment for exclusion, in North Carolina the compromises took a different form. It was suggested that additional qualifications be exacted of the Negro in order that he might vote. Two hundred and fifty dollars' worth of property was suggested by some; others thought that if a Negro had never been convicted of any misdemeanor or crime he should be permitted to vote. But such halfway measures derogated from the principle involved and really failed to satisfy either side. It was declared that if these qualifications were appropriate at all they should be applied to all men, and most of those who opposed the Negro suffrage could not be moved by additional qualifications that really had nothing to do with the Negro as a Negro.

The taxation-without-representation argument was introduced briefly, but the convention met it with some impatience. These old-time arguments, relics of Revolutionary days, always have been exploited, and it is interesting to note how irritating they were, for as the science of politics developed and new situations appeared men saw how utterly impossible it was to carry out the doctrines to their logical conclusion. It would mean that every individual who paid a tax should vote, that all who were governed should have opportunity to consent or dissent, etc. But the phrases had a charming sound until they worked like boomerangs, and then they stirred up disagreeable doubts and were dreadfully annoying.

The North Carolina convention finally decided to exclude the Negro completely and not even let him in under the various compromises that were suggested. It was a very close decision, 64 to 55. If what has been said by certain writers be quite true, that Negroes as a matter of fact did not exercise the suffrage even when it was not forbidden them, it is rather difficult to understand why so much attention should be given to the question. It would seem that public sentiment was decidedly against their voting, and yet their cause was ably supported by a considerable number in the convention. It indicates that the question was largely one of principle.

This year did not witness the complete abondonment of the property qualification in North Carolina. It was still made necessary to possess 50 acres of land in order to vote for Senators. The old aristocratic element was still able to hold a remaining vestige of their special privilege. It was on the wane, of course, and this is one of the exceedingly rare cases where they were able to avoid the last final step and make the last exit in two steps, as it were. Since 1776 it has very seldom happened that suffrage qualifications have differed for any public offices (Porter, "History Suffrage in United States," pp. 82, 83, 84, 85).

Mr. President, I come now to the great—even though small—State of Rhode Island, the last of the Thirteen Original States I shall discuss. After doing so, I hope to conclude my remarks.

Mr. President, from reading the documents and the debates in connection with Rhode Island's ratification of the Federal Constitution, we observe how the State of Rhode Island retained the right to declare who shall vote and who shall not vote. Although it may sound repetitious, yet, Mr. President, if comparison is made, it will be seen that most of the Original Thirteen States had similar requirements in regard to voting. In the early days, as I have pointed out, some of the States would not permit Catholics to vote. Some of the States would not permit Jews to vote. Some of the States would not permit Protestants to vote. From studying the early records, we find that they demonstrate that the States themselves zealously guarded that right; and in the respective constitutions of the Original Thirteen States, the qualifications of voters in the respective States were outlined or defined.

Mr. President, I cannot emphasize too often that except for the fact that the Original Thirteen States retained that right, today we would not have a Federal Constitution, in my humble judgment. I believe I pointed that out very succinctly, last Wednesday, by quoting from the debates at the great Constitutional Convention.

Mr. President, if and when the matter now at issue here comes before the courts, I hope the judges will take the time to read some of the data which some of us have placed in this RECORD, particularly the debates at the Constitutional Convention in Philadelphia and the constitutions of the Thirteen Original States, about which I have been talking for the last 3 or 4 days. If that is done, I am sure the courts will find out for themselves that the Federal Government has no right to define or declare in any way who shall vote and who shall not vote in the various States or what shall be the qualifications of the voters in the States.

Mr. President, Rhode Island had its own unique character in its inception, caused by the fact that:

Rhode Island was first settled in 1636 by Roger Williams and other immigrants who had suffered persecution in Massachusetts, and who established at Providence "a pure democracy, which for the first time guarded jealously the rights of conscience by ignoring any power in the body politic to interfere with those matters that alone concern man and his Maker." (Thorpe, 6, supra, p. 3205, footnote (a).)

The constitution of Rhode Island in 1842 provided:

ARTICLE II. QUALIFICATIONS OF ELECTORS

SECTION 1. Every male citizen of the United States, of the age of 21 years, who has had his residence and home in this State for 1 year, and in the town or city in which he may claim a right to vote, 6 months next preceding the time of voting, and who is really and truly possessed in his own right of real estate in such town or city of the value of $134 over and above all incumbrances, or which shall rent for $7 per annum over and above any rent reserved or the interest of any incumbrances thereon, being an estate in fee-simple, fee-tail, for the life of any person, or an estate in reversion or remainder, which qualifies no other person to vote, the conveyance of which estate, if by deed, shall have been recorded at least 90 days, shall thereafter have a right to vote in the election of all civil officers and on all questions in all legal town or ward meetings so long as he continues so qualified. And if any person hereinbefore described shall own any such estate within this State out of the town or city in which he resides, he shall have a right to vote in the election of all general officers and members of the general assembly in the town or city in which he shall have had his residence and home for the term of 6 months next preceding the election, upon producing a certificate from the clerk of the town or city in which his estate lies, bearing date within 10 days of the time of his voting, setting forth that such person has a sufficient estate therein to qualify him as a voter; and that the deed, if any, has been recorded 90 days.

SEC. 2. Every male native citizen of the United States, of the age of 21 years, who has had his residence and home in this State 2 years, and in the town or city in which he may offer to vote, 6 months next preceding the time of voting, whose name is registered pursuant to the act calling the convention to frame this constitution, or shall be registered in the office of the clerk of such town or city at least 7 days before the time he shall offer to vote, and before the last day of December in the present year; and who has paid or shall pay a tax or taxes assessed upon his estate within this State, and within a year of the time of voting, to the amount of $1, or who shall voluntarily pay, at least 7 days before the time he shall offer to vote, and before said last day of December, to the clerk or treasurer of the town or city where he resides, the sum of $1 or such sum as with his other taxes shall amount to $1, for the support of public schools therein, and shall make proof of the same, by the certificate of the clerk, treasurer, or collector of any town or city where such payment is made; or who, being so registered, has been enrolled in any military company in this State, and done military service or duty therein, within the present year, pursuant to law, and shall (until other proof is required by law) prove by the certificate of the officer legally commanding the regiment, or chartered, or legally authorized volunteer company in which he may have served or done duty, that he has been equipped and done duty according to law, or by the certificate of the commissioners upon military claims, that he has performed military service, shall have a right to vote in the election of all civil officers, and on all questions in all legally organized town or ward meetings, until the end of the first year after the adoption of this constitution, or until the end of the year 1843.

From and after that time, every such citizen who has had the residence herein required, and whose name shall be registered in the town where he resides, on or before the last day of December, in the year next preceding the time of his voting, and who shall show by legal proof, that he has for and within the year next preceding the time he shall offer to vote, paid a tax or taxes assessed against him in any town or city in this State, to the amount of $1, or that he has been enrolled in a military company in this State, been equipped and done duty therein according to law, and at least for 1 day during such year, shall have a right to vote in the election of all civil officers, and on all questions, in all legally organized town or ward meetings: *Provided*, That no person shall at any time be allowed to vote in the election of the city council of the city of Providence, or upon any proposition to impose a tax, or for the expenditure of money in any town or city, unless he shall within the year next preceding have paid a tax assessed upon his property therein, valued at least at $134.

SEC. 3. The assessors of each town or city shall annually assess upon every person whose name shall be registered a tax of $1, or such sum as with his other taxes shall amount to $1, which registry tax shall be paid into the treasury of such town or city, and be applied to the support of public schools therein; but no compulsory process shall issue for the collection of any registry tax; *Provided*, That the registry tax of every person who has performed military duty according to the provisions of the preceding section shall be remitted for the year he shall perform such duty; and the registry tax assessed upon any mariner, for any year while he is at sea, shall, upon his application, be remitted; and no person shall be allowed to vote whose registry tax for either of the 2 years next preceding the time of voting is not paid or remitted as herein provided.

SEC. 4. No person in the military, naval, marine, or any other service of the United States shall be considered as having the required residence by reason of being employed in any garrison, barrack, or military or naval station in this State: and no pauper, lunatic, person non compos mentis, person under guardianship, or member of the Narragansett tribe of Indians, shall be permitted to be registered or to vote. Nor shall any person convicted of bribery, or of any crime deemed infamous at common law, be permitted to exercise that privilege, until he be expressly restored thereto by act of the general assembly.

SEC. 5. Persons residing on lands ceded by this State to the United States shall not be entitled to exercise the privilege of electors.

SEC. 6. The general assembly shall have full power to provide for a registry of voters, to prescribe the manner of conducting the elections, the form of certificates, the nature of the evidence to be required in case of a dispute as to the right of any person to vote, and generally to enact all laws necessary to carry this article into effect, and to prevent abuse, corruption and fraud in voting (6 Thorpe, supra, pp. 3224, 3225, 3226, art. II).

In 1864, article IV of the amendments was added:

Electors in this State who, in time of war, are absent from the State, in the actual military service of the United States, being otherwise qualified, shall have a right to vote in all elections in the State for electors of President and Vice President of the United States, Representatives in Congress and general officers of the State. The general assembly shall have full power to provide by law for carrying this article into effect; and until such provision shall be made by law, every such absent elector on the day of such elections, may deliver a written or printed ballot, with the names of the persons voted for thereon, and his Christian and surname, and his voting residence in the State, written at length on the back thereof, to the officer commanding the regiment or company to which he belongs; and all such ballots, certified by such commanding officer to have been given by the elector whose name is written thereon, and returned by such commanding officer to the secretary of state within the time prescribed by law for counting the votes in such elections, shall be received and counted with the same effect as if given by such elector in open town, ward, or district meeting; and the clerk of each town or city, until otherwise provided by law, shall within 5 days after any such election, transmit to the secretary of state a certified list of the names of all such electors on their respective voting lists (6 Thorpe, supra, pp. 3235 and 3236, art. IV).

This article was superseded in 1930 by article XXI of the articles of amendment:

SEC. 1. The electors of this State, who are absent from the State, being otherwise qualified to vote at the general election held

biennially on the Tuesday next after the first Monday in November, shall have the right to vote in all elections in the State for electors of President and Vice President of the United States, Senators in Congress, Representatives in Congress, general officers of the State, senator and representatives in the general assembly from the respective city, town, or district in which the elector is duly qualified to vote, and for any other officers whose names appear on the State ballot, and also to approve or reject any proposition of amendment to the constitution, or other proposition appearing on the State ballot. The general assembly shall have full power to provide by law for carrying this article into effect and any ballot cast under the provisions of such law shall be received and counted with the same effect as if given by such elector in open town, ward or district meeting. The general assembly may also provide special regulations and manner of voting for those persons who are absent from the State in the actual military service of the United States.

SEC. 2. This amendment shall take in the constitution of the State, the place of article IV of articles of amendment to the constitution, which said article and all other provisions of the constitution, inconsistent herewith are hereby annulled.

On November 2, 1948, Rhode Island ratified article XXIII of the articles of amendment, which annulled article XXI of the articles of amendment. The new constitutional outline of absentee voting requirements includes aged and physically disabled persons among the categories eligible to vote in absentia, and also broadens the class of local offices which may be voted upon by absentee ballot:

ARTICLE OF AMENDMENT, ADOPTED NOVEMBER 2, 1948

ARTICLE XXIII

SEC. 1. The electors of this State who are absent from the State, or who, by reason of old age, physical disability, illness, or for other physical infirmities, are unable to vote in person, being otherwise qualified to vote at the general election held biennially on the Tuesday next after the first Monday in November, shall have the right to vote in all elections in the State for electors of President and Vice President of the United States, U.S. Senators in Congress, Representatives in Congress, general officers of the State, senators and representatives in the general assembly for the respective city, town, or districts, in which the elector is duly qualified to vote, and for any other officers whose names appear on the State ballot and for any city, town, water district officers whose names appear on the respective city or town ballots in the ward or district of the city or town in which the elector is duly qualified to vote, and also to approve or reject any proposition of amendment to the constitution or other propositions appearing on the State, city, or town ballot. The general assembly shall have full power to provide by law for carrying this article into effect and any ballot cast under the provisions of such law shall be received and counted with the same effect as if given by such elector in open town, ward or district meeting.

SEC. 2. This amendment shall take in the constitution of the State the place of article XXI of articles of amendment to the constitution, which said article and all other provisions of the constitution inconsistent herewith are hereby annulled: *Provided, however*, That the provisions of this article shall not be construed to amend or repeal article XXII of the articles of amendment to the constitution (Rhode Island Manual, pp. 81, 82).

This section, in turn, was annulled by article XXXIV of the amendments, adopted February 27, 1958.

In its place was substituted a section proposed at a limited constitutional convention called by the general assembly on December 16, 1957. It was adopted by the convention by a vote of 180 to 2, and then adopted by the people of Rhode Island by a vote of 17,973 to 1,592 on February 27, 1958.

The two sections read as follows:

1. Absentee voting: The general assembly is authorized and empowered to enact legislation prescribing the time, place, manner, and extent of voting by electors of this State, who are absent from the State, or who, by reason of old age, physical disability, illness or other physical infirmities, are unable to vote in person.

2. Existing laws remain in effect: All laws of the State in effect on the date of the adoption hereof relating to the time, place, manner, and extent of voting by the electors of the State referred to in section 1 hereof shall remain in full force and effect until amended or repealed by the general assembly.

In 1888, article VI of the amendments was approved, conferring upon alien veterans the right to vote:

All soldiers and sailors of foreign birth, citizens of the United States, who served in the Army and Navy of the United States from this State in the late Civil War, and who were honorably discharged from such service, shall have the right to vote on all questions in all legally organized town, district or ward meetings, upon the same conditions and under and subject to the same restrictions as native-born citizens. (Obsolete by article VII of amendments.)

The provisions of article VI of the amendments, as above quoted, were rendered obsolete in 1888 by article VII of the amendments; and these amendments annulled and superseded sections 2 and 3 of article II of the 1842 constitution. Article VII of the amendments was as follows:

SECTION 1. Every male citizen of the United States of the age of 21 years, who has had his residence and home in this State for 2 years, and in the town or city in which he may offer to vote for 6 months next preceding the time of his voting, and whose name shall be registered in the town or city where he resides on or before the last day of December, in the year next preceding the time of his voting, shall have a right to vote (in the election) in the election of all civil officers and on all questions in all legally organized town or ward meetings: *Provided*, That no person shall at any time be allowed to vote in the election of the city council of any city, or upon any proposition to impose a tax or for the expenditure of money in any town or city, unless he shall within the year next preceding have paid a tax assessed upon his property therein, valued at least at $134. (Annulled by article XX of amendments; see article XIX of amendments to U.S. Constitution.)

SEC. 2. The assessors of each town and city shall annually assess upon every person who, if registered, would be qualified to vote a tax of $1, or such sum as with his other taxes shall amount to $1, which tax shall be paid into the treasury of such town or city and be applied to the support of public schools therein: *Provided*, That such tax assessed upon any person who has performed military duty shall be remitted for the year he shall perform such duty; and said tax assessed upon any mariner for any year while he is at sea, or upon any person who by reason of extreme poverty is unable to pay said tax, shall, upon application of such mariner or person, be remitted. The general assembly shall have power to provide by law for the collection and remission of said tax.

Poll tax on female voters: This constitutional section does not authorize assessment of a poll tax upon female voters who, if registered, are entitled to vote for electors of President and Vice President of the United States. In re Opinion to the Governor, 42, R. I. 558, 109 Atl. 84.

SEC. 3. This amendment shall take in the constitution of the state, the place of sections 2 and 3 of articles II, of the Qualification of Electors, which said sections are hereby annulled.

Effect of section: By the provisions of this section, section 1 of this article becomes a part of article II of the constitution (*King* v. *Board of Canvassers of City of Providence* (42 R.I. 41, 105 Atl. 372)).

Article VIII of the amendments, adopted in 1889, annulled article V of the amendments, relating to soldiers and sailors of foreign birth.

Article XX of the amendments, ratified in 1928, superseded section 1 of article VII of the articles of amendments, adopted in 1888, to which I have previously referred. Section 1 of the 1888 amendment, Senators will recall, took the place of section 2 of article II of the 1842 constitution. Article XX of the articles of amendment reads as follows:

SECTION 1. Every citizen of the United States of the age of 21 years, who has had his residence and home in this State for 2 years, and in the town or city in which he may offer to vote 6 months next preceding the time of his voting, and whose name shall be registered in the town or city where he resides on or before the last day of June in the registration period next preceding the time of his voting shall have a right to vote in the election of all civil officers and on all questions in all legally organized town, ward, or district meetings: *Provided*, That no person shall at any time be allowed to vote upon any proposition to impose a tax or for the expenditure of money in any town, as distinguished from a city, unless he shall be qualified under section 1 of article II of this constitution, or unless he shall within the year next preceding have paid a tax assessed upon his personal property in said town, of the value of at least $134; *Provided*, That if the general assembly shall at any time vest the authority to impose taxes and for the expenditure of money in any town or city in budget commission, such commission shall consist of not less than 5 nor more than 15 electors, of such qualifications and with such powers as the general assembly may prescribe, to be elected by the qualified electors of such town or city: *Provided*, That no such budget commission shall be created for a town, as distinguished from a city, unless the electors thereof in a financial town meeting regularly called, due notice of such proposition appearing in the call for such meeting, shall by a majority vote of those present and voting, vote to submit such proposition to the electors of such town qualified to vote upon any proposition to impose a tax or for the expenditure of money, at the next regular election of town officers, and unless such electors at such election shall by a majority vote of those present and voting approve such proposition: *Provided*, That any elector, being otherwise qualified, whose name is on the real estate or the personal property voting list of any town or city on the date of the adoption of this article of amendment by the electors of the State, and any elector, being otherwise qualified, whose name shall thereafter be placed upon such list as a real estate or personal property voter, shall have a right to vote in the election of all civil officers and on all questions in all legally organized town, ward, or district meetings, and to have his name retained on said list without further registration, so long as he continues so qualified; and in the event that an elector whose name is on the real estate voting list of any town or city at the end of any registration period for voters shall thereafter during the next succeeding registration period for voters transfer all his real estate in said town or city as shown by record, his name shall forthwith be transferred to the list of registry voters, unless qualified as a personal voter, and such elector shall be entitled to vote as a registry voter during the remainder of the then current registration period for voters; and in the event that an elector whose name is on the personal property voting list of any town or city at the end of any registration period for voters thereafter during the next succeeding registration period for voters fails to pay the personal property tax assessed against him, his name shall be transferred to the list of registry voters, and such elector shall be entitled to vote as a registry voter during the remainder of the then current registration period for voters: *And provided*, That the registration period for voters shall include the 2 years ending June 30 next preceding the election of general officers of the State.

SEC. 2. This amendment shall take in the constitution of the State, the place of section 1 of article VII of the articles of amendment, adopted April 1888, which said section and all other provisions of the constitution inconsistent herewith are hereby annulled.

In 1950, article XXIV of the articles of amendment replaced section 4 of article II of the 1842 constitution:

ARTICLE OF AMENDMENT, ADOPTED NOVEMBER 7, 1950

ARTICLE XXIV

SECTION 1. Section 4 of article II of the constitution of the State is hereby amended to read as follows:

"SEC. 4. No person in the military, naval, marine, or any other service of the United States shall be considered as having the required residence by reason of being employed in any garrison, barrack, or military or naval station in this State: and no pauper, lunatic, person non compos mentis, or person under guardianship shall be permitted to be registered or to vote. Nor shall any person convicted of bribery, or of any crime deemed infamous at common law, be permitted to exercise that privilege, until he be expressly restored thereto by act of the general assembly."

SEC. 2. This amendment shall take in the constitution of the State the place of section 4 of article II, "of the qualifications of electors," which said section and all other provisions of the constitution inconsistent herewith are hereby annulled (Rhode Island Manual, p. 82).

At the same time—that is, in 1950—amendment XXV of the articles of amendment was ratified, by which the qualifications of electors were revised:

ARTICLE OF AMENDMENT, ADOPTED NOVEMBER 7, 1950

ARTICLE XXV

SECTION 1. Every citizen of the United States, at the age of 21 years or over, who has had his residence and home in this State for 1 year and in the town or city in which he may offer to vote 6 months next preceding the time of voting, and whose name shall be registered in accordance with this article and the statutes adopted under its authority in the town or city where he resides at least 60 days next preceding the time of his voting shall, except as provided in section 2 hereof, have a right to vote in the election of all civil officers and on all questions in all legally organized town, ward, or district meetings so long as he continues so qualified. A person who has so registered shall not be required to register again so long as he continues to have his residence and home in said town or city and continues to be otherwise qualified: *Provided, however*, That if a registered voter has not voted at least once at an election, primary, caucus, or meeting within the 5 preceding calendar years his registration shall be canceled, except that the registration of no person shall be so canceled during his service in the Armed Forces of the United States. A voter whose registration has been so canceled shall not thereafter be eligible to vote unless he shall again register in accordance with this article and the statutes adopted under its authority.

SEC. 2. No person shall, except as provided in section 3 hereof, at any time be allowed to vote upon any proposition to impose a tax or for the expenditure of money in any town, as distinguished from a city, unless he shall either (1) be really and truly possessed in his own right of real estate in such town of the value of $134 over and above all encumbrances, or which shall rent for $7 per annum over and above any rent reserved or the interest of any encumbrances thereon, being an estate in fee simple, fee tail, for the life of any person, or an estate in reversion or remainder, which qualifies no other person to vote, the conveyance of which estate, if by deed, shall have been recorded at least 90 days prior to the time of voting or (2) shall within the year next preceding have paid a tax assessed upon his personal property in said town of the value of at least $134.

SEC. 3. If the general assembly shall at any time vest the authority to impose taxes and for the expenditure of money in any town or city in a budget commission, such commission shall consist of not less than 5 nor more than 15 electors, of such qualifications and with such powers as the general assembly may prescribe, to be elected by the qualified electors of such town or city. No such budget commission shall be created for a town, as distinguished from a city, unless the electors thereof in a financial town meeting regularly called, due notice of such proposition appearing in the call for such meeting, shall by a majority vote of those present and voting, vote to submit such proposition to the electors of such town qualified to vote upon any proposition to impose a tax or for the expenditure of money, at the next regular election of town officers, and unless such electors at such election shall by a majority vote of those present and voting approve such proposition.

SEC. 4. The general assembly shall provide by law for a uniform registration of voters who possess the qualifications prescribed in this article and shall include in such provisions suitable methods of identification of such voters, by signature or otherwise.

SEC. 5. Until the general assembly shall otherwise prescribe: Whenever any person eligible to vote shall register to vote in any town or city he shall be required to sign his name on three separate and distinct cards, or in three separate and distinct books or on one or more cards and in one or more books making a total of three cards or books in all, and at the time he shall so register he shall be given by the official or clerk so registering him an identification card upon which such qualified elector shall sign his name in the presence of such official or clerk. The general assembly may provide by law that in case any person shall be unable to sign his name because of physical incapacity or otherwise he may be exempted from the foregoing provisions in regard to signing his name and the general assembly shall provide that in such cases such person shall comply with other requirements which shall assist in providing identification of such voter. One of said registration cards or books shall at all times be retained in the custody of the town or city official or board in whom or in which is vested authority to register voters, one of said registration cards or books shall be sent by said town or city official or board to the State official or board in whom or in which is vested authority to supervise elections throughout the State and one of such registration cards or books shall be sent by said town or city official or board to the polling place of meeting at which any votes are to be taken or election, primary or caucus is to be held and shall be delivered by said official or board to the moderator of said polling place or meeting and shall at all times during the conduct of such election, primary, caucus, or meeting be kept in the custody of said moderator, and following the conclusion of such election, primary, caucus, or meeting shall be redelivered by the moderator to said town or city official or board.

SEC. 6. In all elections, primaries, caucuses, or meetings held before the 1st day of July occurring next after 6 months following the adoption of this amendment, the qualifications to vote, including the registration qualifications, requirements, and periods, shall be the same as before the adoption of this amendment. No person shall, however, be qualified to vote in any election, primary, caucus, or meeting held on or after said 1st day of July, unless he shall be registered under the authority of this article and all voters, whether they have theretofore been real estate, personal property, or registry voters shall be required to register under the authority of this article in order to continue to be qualified to vote after said date.

SEC. 7. This amendment shall take in the constitution of the State the place of section I of article II and of articles XVIII and XX of the amendments to said constitution, which said section and articles and all other provisions of the constitution inconsistent herewith are hereby annulled: *Provided, however*, That nothing contained in this article shall in any way be deemed to modify or affect the provisions of article XXII of the amendments to the constitution except that the reference therein to article XX of the amendments to the constitution shall be deemed to refer to this article. (Rhode Island Manual, pp. 83, 84, 85.)

Also on November 7, 1950, Rhode Island ratified article XXVI of the articles of amendment which replaced article XX of the articles of amendment. Article XX, Senators will recall, had replaced section 1 of article VII of the articles of amendment. Article XXVI of the articles of amendment read as follows:

ARTICLE OF AMENDMENT, ADOPTED NOVEMBER 7, 1950

ARTICLE XXVI

SECTION 1. Every citizen of the United States of the age of 21 years, who has had his residence and home in this State for 2 years, and in the town or city in which he may offer to vote 6 months next preceding the time of his voting, and whose name shall be registered in the town or city where he resides on or before the last day of June in the registration period next preceding the time of his voting shall have a right to vote in the election of all civil officers and on all questions in all legally organized town, ward, or district meetings: *Provided*, That no person shall at any time be allowed to vote upon any proposition to impose a tax or for the expenditure of money in any town, as distinguished from a city, unless he shall be qualified under section 1 or article II of this constitution, or unless he shall within the year next preceding have paid a tax assessed upon

his personal property in said town, of the value of at least $134, or unless he shall be exempted from the payment of a tax upon personal property of the value of at least $134 owned by him, by reason of his having served in the Armed Forces of the United States of America: *Provided*, That if the general assembly shall at any time vest the authority to impose taxs and for the expenditure of money in any town or city in a budget commission, such commission shall consist of not less than 5 nor more than 15 electors, of such qualifications and with such powers as the general assembly may prescribe, to be elected by the qualified electors of such town or city: *Provided*, That no such budget commission shall be created for a town, as distinguished from a city, unless the electors thereof in a financial town meeting regularly called, due notice of such proposition appearing in the call for such meeting, shall by a majority vote of those present and voting, vote to submit such proposition to the electors of such town qualified to vote upon any proposition to impose a tax or for the expenditure of money, at the next regular election of town officers, and unless such electors at such election shall by a majority vote of those present and voting approve such proposition: *Provided*, That any elector, being otherwise qualified, whose name is on the real estate or the personal property voting list of any town or city on the date of the adoption of this article of amendment by the electors of the State, and any elector, being otherwise qualified, whose name shall thereafter be placed upon such list as a real estate or personal property voter, shall have a right to vote in the election of all civil officers and on all questions in all legally organized town, ward, or district meetings, and to have his name retained on said list without further registration, so long as he continues so qualified; and in the event that an elector whose name is on the real estate voting list of any town or city at the end of any registration period for voters shall thereafter during the next succeeding registration period for voters transfer all his real estate in said town or city, as shown by record, his name shall forthwith be transferred to the list of registry voters, unless qualified as a personal voter, and such elector shall be entitled to vote as a registry voter during the remainder of the then current registration period for voters; and in the event that an elector whose name is on the personal property voting list of any town or city at the end of any registration period for voters thereafter during the next succeeding registration period for voters fails to pay the personal property tax assessed against him, his name shall be transferred to the list of registry voters, and such elector shall be entitled to vote as a registry voter during the remainder of the then current registration period for voters: *And provided*, That the registration period for voters shall include the 2 years ending June 30 next preceding the election of general officers of the State.

SEC. 2. This amendment shall take in the constitution of the State, the place of section 1 of article XX of the articles of amendment, adopted November 6, 1928, which said section and all other provisions of the constitution inconsistent herewith are hereby annulled (Rhode Island Manual, pp. 86, 87).

In 1951, the qualifications of Rhode Island voters were again revised, with the adoption on June 28 of articles XXVII, XXVIII, and XXIX of the articles of amendment:

ARTICLE OF AMENDMENT, ADOPTED JUNE 28, 1951

ARTICLE XXVII

SECTION 1. Section 2 of article VII of the articles of amendment to the constitution of this date is hereby annulled.

SEC. 2. Section 3 of article II of the constitution of this State shall remain annulled.

SEC. 3. All other provisions of the constitution inconsistent herewith are hereby annulled.

SEC. 4. This amendment shall take effect whenever a majority of electors voting at a special election, to which this amendment is submitted after adoption by the constitutional convention, shall approve the same.

ARTICLE XXVIII

SECTION 1. It is the intention of this article to grant and confirm to the people of every city and town in this State the right of self-government in all local matters.

SEC. 2. Every city and town shall have the power at any time to adopt a charter, amend its charter, enact and amend local laws relating to its property, affairs, and government not inconsistent with this constitution and laws enacted by the general assembly in conformity with the powers reserved to the general assembly.

SEC. 3. Notwithstanding anything contained in this article, every city and town shall have a legislative body composed of one or two branches elected by vote of its qualified electors.

SEC. 4. The general assembly shall have the power to act in relation to the property, affairs, and government of any city or town by general laws which shall apply alike to all cities and towns, but which shall not affect the form of government of any city or town. The general assembly shall also have the power to act in relation to the property, affairs, and government of a particular city or town provided that such legislative action shall become effective only upon approval by a majority of the qualified electors of the said city or town voting at a general or special election, except that in the case of acts involving the imposition of a tax or the expenditure of money by a town the same shall provide for the submission thereof to those electors in said town qualified to vote upon a proposition to impose a tax or for the expenditure of money.

SEC. 5. Nothing contained in this article shall be deemed to grant to any city or town the power to levy, assess, and collect taxes or to borrow money, except as authorized by the general assembly.

SEC. 6. Every city and town shall have the power to adopt a charter in the following manner: Whenever a petition for the adoption of a charter signed by 15 percent, of the qualified electors of a city, or in a town by 15 percent, but not less than 100 in number, of those persons qualified to vote on any proposition to impose a tax or for the expenditure of money shall be filed with the legislative body of any city or town the same shall be referred forthwith to the canvassing authority which shall within 10 days after its receipt determine the sufficiency thereof and certify the results to the legislative body of said city or town. Within 60 days thereafter the legislative body of a city shall submit to its qualified electors and the legislative body of a town shall submit to the electors of said town qualified to vote upon a proposition to impose a tax or for the expenditure of money the following question: "Shall a commission be appointed to frame a charter?" and the legislative body of any city or town shall provide by ordinance or resolution a method for the nomination and election of a charter commission to frame a charter consisting in a city of nine qualified electors and in a town of nine electors of said town qualified to vote upon a proposition to impose a tax or for the expenditure of money who shall be elected at large without party or political designation and who shall be listed alphabetically on the ballot used for said election. Such ordinance or resolution shall provide for the submission of the question and the election of the charter commission at the same time. Upon approval of the question submitted the nine candidates who individually receive the greater numbers of votes shall be declared elected and shall constitute the charter commission.

SEC. 7. Within 1 year from the date of the election of the charter commission the charter framed by the commission shall be submitted to the legislative body of the city or town which body shall provide for publication of said charter and shall provide for the submission of said charter to the electors of a city or town qualified to vote for general State officers at the general election next succeeding 30 days from the date of the submission of the charter by the charter commission. If said charter is approved by a majority of said electors voting thereon, it shall become effective upon the date fixed therein.

SEC. 8. The legislative body of any city or town may propose amendments to a charter which amendments shall be submitted for approval in the same manner as provided in this article for the adoption of a charter except that the same may be submitted at a special election: *And provided further*, That in the case of a town, amendments concerning a proposition to impose a tax or for the expenditure of money, shall be submitted at a special or regular financial town meeting.

SEC. 9. Whenever the legislative body of any city or town consists of more than one branch, a petition for the adoption of a charter as provided in this article may be filed with either branch of said legislative body.

SEC. 10. Duplicate certificates shall be made setting forth the charter adopted and any amendments approved and the same shall be signed by a majority of the canvassing authority; one of such certified copies shall be deposited in the office of the secretary of state and the other after having been recorded in the records of the city or town shall be deposited among the archives of the said city or town and all courts shall take judicial notice thereof.

SEC. 11. The judicial powers of the State shall not be diminished by the provisions of this article.

SEC. 12. This amendment shall take effect whenever a majority of electors voting at a special election, to which this amendment is submitted after adoption by the Constitutional Convention, shall approve the same.

ARTICLE XXIX

SECTION 1. Every citizen of the United States, of the age of 21 years or over, who has had his residence and home in this State for 1 year and in the town or city in which he may offer to vote 6 months next preceding the time of voting, and whose name shall be registered in accordance with this article and the statutes adopted under its authority in the town or city where he resides at least 60 days next preceding the time of his voting shall, except as provided in section 2 hereof, have a right to vote in the election of all civil officers and on all questions in all legally organized town, ward, or district meetings so long as he continues so qualified. A person who has so registered shall not be required to register again so long as he continues to have his residence and home in said town or city and continues to be otherwise qualified: *Provided, however*, That if a registered voter does not vote at least once at an election, primary, or caucus within the 5 calendar years succeeeding his registration, his said registration shall be canceled, except that the registration of no person shall be so canceled during his service in the Armed Forces of the United States and during 2 years thereafter. A voter whose registration has been so canceled shall not thereafter be eligible to vote unless he shall again register in accordance with this article and the statutes adopted under its authority.

SEC. 2. No person shall, except as provided in section 3 hereof, at any time be allowed

to vote upon any proposition to impose a tax or for the expenditure of money in any town, as distinguished from a city, unless he shall be qualified under the provisions of section 1 hereof and shall either (1) be really and truly possessed in his own right of real estate in such town of the value of $134 over and above all incumbrances, or which shall rent for $7 per annum over and above any rent reserved or the interest of any incumbrances thereon, being an estate in fee-simple, fee-tail, for the life of any person, or an estate in reversion or remainder, which qualifies no other person to vote, the conveyance of which estate, if by deed, shall have been recorded at least 90 days prior to the time of voting or (2) shall within the year next preceding have paid a tax assessed upon his personal property in said town of the value of at least $134.

SEC. 3. If the general assembly shall at any time vest the authority to impose taxes and for the expenditure of money in any town or city in a budget commission, such commission shall consist of not less than 5 nor more than 15 electors, of such qualifications and with such powers as the general assembly may prescribe, to be elected by the qualified electors of such town or city. No such budget commission shall be created for a town, as distinguished from a city, unless the electors thereof in a financial town meeting regularly called, due notice of such proposition appearing in the call for such meeting, shall by a majority vote of those present and voting, vote to submit such proposition to the electors of such town qualified to vote upon any proposition to impose a tax or for the expenditure of money, at the next regular election of town officers, and unless such electors at such election shall by a majority vote of those present and voting approve such proposition. Budget commissions heretofore created pursuant to the provisions of section 1 of article XX of the amendments to the constitution shall be deemed to have been created pursuant to the provisions of this section.

SEC. 4. The general assembly shall provide by law for a uniform registration of voters who possess the qualifications prescribed by this article. In each city and town the registration, canvassing of the rights and correcting the list of voters shall be administered by a canvassing authority. Beginning in January of each year in which a general election is to be held a census of registered voters at their addresses appearing in the registration records shall be jointly made in each voting district of each city and town by two persons appointed by said authority, one of whom shall represent one of the two political parties, and the other of whom shall represent the other of the two political parties whose candidates for Governor shall have received the larger numbers of votes in the general election then next preceding. Said persons, having conducted the census, shall deliver their report of said census to the canvassing authority. The canvassing authority shall forthwith notify every person reported as not residing at the address on said records of voters to appear before said canvassing authority within a certain time thereafter to show cause, if any, why his name should not be stricken from said records of voters. If such person so notified fails to appear as aforesaid, or appearing fails to show such cause, the canvassing authority shall strike the name of such person from said records of voters.

The warden or moderator, as the case may be, or the clerk, supervisor or party watcher, may challenge, in the polling place, the identity of any person who offers to vote under a name appearing upon the voting list. The person so challenged may thereupon present evidence of his identity, and if such evidence is satisfactory to the warden or moderator, as the case may be, and to the clerk, he shall be permitted to vote. If he fails to present such evidence, or if the evidence presented is not satisfactory to the warden or moderator, as the case may be, and to the clerk, the person who offers to vote and whose identity is challenged shall be required to make an affidavit under penalty setting forth that he is the same person whose name appears upon the list and that the name under which he offers to vote is his own name. Upon executing said affidavit, he shall be permitted to vote.

SEC. 5. Until the first day of July 1952 the qualifications and right to vote shall be governed by the laws of this State as they existed on November 6, 1950.

No person shall, however, be qualified to vote in any election, primary, caucus, or meeting held on or after said 1st day of July 1952 unless he shall be registered under the authority of this article and all voters, whether they have theretofore been real estate, personal property, or registry voters shall be required to register under the authority of this article in order to continue to be qualified to vote after said date.

SEC. 6. Upon the approval of this article of amendment by the people, and upon the enactment of legislation pursuant to section 4 hereof, the proper officers are hereby authorized, empowered and directed to accept registrations of voters pursuant to the provisions hereof, which registrations shall become effective on the 1st day of July 1952.

SEC. 7. The general assembly shall have full power to prescribe the manner of conducting the elections, the form of certificates, the nature of the evidence to be required in case of a dispute as to the right of any person to vote, and generally to enact all laws necessary to carry this article into effect, and to prevent abuse, corruption, and fraud in voting.

SEC. 8. This amendment shall take in the constitution of the State the places of sections 1, 2, 3, and 6 of article II; and in the articles of amendment to said constitution, of article VII, section 11 of article XI and of articles XVIII and XX, and those two certain articles of amendment providing respectively for permanent registration and for qualification of electors approved the 7th day of November 1950 upon submission pursuant to chapters 2294 and 2305 of the Public Laws, of 1949, which said sections and articles and all other provisions of the constitution inconsistent herewith are hereby annulled: *Provided, however*, That nothing contained in this article shall in any way be deemed to modify or affect the provisions of article XXII of the amendments to the constitution shall be deemed to refer to this article.

SEC. 9. This amendment shall take effect whenever a majority of electors voting at a special election, to which this amendment is submitted after adoption by the constitutional Convention, shall approve the same (Rhode Island Manual, pp. 88, 89, 90, 91, 92, 93, 94).

A portion of section 4 of article XXIX dealing with uniform registration of voters was deleted and new sections dealing with the canvassing and list of electors and the effective date of the amendment were added.

The provisions of article XXXV of the amendments, adopted on February 27, 1958, are as follows:

Annulment of portion of 29th amendment: That portion of the 4th section of the 29th article of amendment to the constitution of the State reading as follows: "Beginning in January of each year in which a general election is to be held a census of registered voters at their addresses appearing in the registration records shall be jointly made in each voting district of each city and town by two persons appointed by said authority, one of whom shall represent one of the two political parties, and the other of whom shall represent the other of the two political parties whose candidates for Governor shall have received the larger number of votes in the general election then next preceding. Said persons, having conducted the census, shall deliver their report of said census to the canvassing authority. The canvassing authority shall forthwith notify every person reported as not residing at the address on said records of voters to appear before said canvassing authority within a certain time thereafter to show cause, if any, why his name should not be stricken from said records of voters," is hereby annulled.

2. Canvassing and lists of electors: The general assembly is authorized and empowered to provide by law for a method of canvassing the lists of qualified electors.

3. Effective date: If a majority of electors voting at a special election, to which this amendment is submitted after adoption by the constitutional convention, shall approve the same this amendment shall become effective on December 31, 1958, unless the general assembly prior thereto shall enact provisions for a method of canvassing said lists in which case this amendment shall take effect upon such enactment.

Article XXX of the articles of amendment, adopted June 28, 1951, permits specified classes of persons exempt from taxation to vote upon proposals imposing taxes for expenditures in a town, as distinguished from a city:

ARTICLE XXX

SECTION 1. For the purpose of determining the qualification of persons to vote upon any proposition to impose a tax or for the expenditure of money in a town, as distinguished from a city, exemption from taxation granted to any person by reason of his or her having served in the Armed Forces of the United States of America, or by reason of being the unremarried widow of such person, or by reason of being the parent of such person, which such person shall have lost his or her life as a casualty in any war in which the United States of America shall have been engaged, shall be considered payment in the amount exempted.

SEC. 2. This amendment shall take effect whenever a majority of electors voting at a special election, to which this amendment is submitted after adoption by the constitutional convention, shall approve the same (Rhode Island Manual, pp. 94, 95).

Rhode Island's property qualifications were strict. They died hard. Porter says:

In Rhode Island the demand for abolition of property qualifications for suffrage ultimately led to a small-sized revolution. This State has been mentioned several times as being particularly well fortified against the progressive movements of the day. But it seems that the longer the conservatives succeeded in staving off the day of reckoning the harder they were destined to fall. Only a complete surrender to the popular demands saved bloodshed, and if the people of Rhode Island did have to wait until 1843 to get the franchise without impediments, it is worth noting that the step from a real estate to no kind of property qualifications was made in about as quick time as it took to write it down. There was no dillydallying through the various stages of personal-property alternatives. The disorder resulting in this sudden change is known to history as the Dorr Rebellion of 1841.

Rhode Island had never provided herself with modern constitution such as the other States possessed. Rhode Island always

seemed to take pride in being eccentric, and it pleased her public men to say that their State was operating satisfactorily under the ancient charter granted by Charles II in 1663. It seems that this antiquity was supposed to lend a certain prestige to the State which the 19th century generation of Democrats failed to appreciate. The charter provided a property in real estate qualification for the suffrage. It did not excite much opposition until the Jeffersonian movement was at its height. For a time the Republicans or Antifederalists were in power, and steps were taken looking toward a cutting down of the suffrage qualification. Had those who worked for such a move been successful, in all probability a taxpaying alternative would have been provided and Rhode Island would have illustrated the same gradual tendency that was observable in other States. But the remanent of Federalists got back in power before the step was accomplished, and nothing was done. This happened in 1811.

Rhode Island naturally became a manufacturing State and thousands of workers flocked into the cities. They formed a malcontent group that was continually grumbling against repression; but the property interests were firmly intrenched back of their hoary charter, and the democratic element could not pry its way into the "closed corporation." Suffrage was being extended in all the States surrounding them, as has been seen. And there was no lack of agitation in Rhode Island either. Scarcely 10 years elapsed from the time of the former effort when in the early twenties a proposition for a new constitution was put before the electorate and failed of adoption. This was quite to be expected, for those who exercised the franchise were satisfied, and the malcontent group was not able yet to awe them. The governing class here was particularly arrogant and supercilious.

In 1829 bold demands were made upon the assembly to make some move toward establishing a more democratic government. But these demands only provoked the most amazing declarations against democratic principles. One would have thought that this assembly had never heard of the Declaration of Independence of the United States of America, and that King Charles had graciously blessed them with his charter, perhaps the year before. Democracy was roundly denounced and the freehold qualification stoutly supported.

It was about this time that one Thomas Dorr appeared upon the scene. He was a man of education and good family and seemed ready to give his entire energy to the cause of broader suffrage. He assumed the leadership of suffrage advocates and, in May 1833, organized a party for the purpose of carrying on a systematic propaganda for a taxpaying suffrage clause. This is significant. Dorr and his followers did not want full suffrage. What they wanted at this time was taxpaying qualification only. The party consisted of mechanics and workingmen for the most part, that is, the best of these, the sort who paid some taxes but did not own real estate. They held regular meetings in the townhouse at Providence and discussed the suffrage question. The occasions were not without picturesque interest, for the speakers and prominent leaders, wishing to emphasize the plebeian character of the organization, always appeared in rough clothing and assumed rude manners. They wrote messages to State and National dignitaries and would sign their names: "John Jones, carpenter," "William Smith, shoemaker," "George Clark, blacksmith," etc. They were as proud of being plebes as the aristocrats were of being proteges of the beloved King Charles.

These activities resulted in a constitutional convention being called by the assembly in 1834. But delegates were to have no pay, which shut out the poor electorate while the legitimate convention was having a recess. It was approved by an overwhelming majority at the polls. This constitution embraced a much more liberal program than had at first been intended. Every white male citizen of the United States was to have the franchise after a residence of 1 year in the State and 6 months in the town.

The legitimate convention hastened to reassemble and promptly drew up a constitution, known as the landholder's constitution, which was surprisingly liberal. It was provided that every white male native citizen of the United States could vote if he possessed $134 worth of property and had lived in the State 1 year. If he had lived in the State 2 years the property requirement was not to apply. Foreigners must have lived in the State 3 years after naturalization and in any event satisfy the property requirement. This was certainly enough to have caused the end of the revolution. There is no doubt at all that the extra year of residence would soon have been taken off, and the disabilities against foreigners ought not to have offended the original suffrage leaders, for they favored such measures themselves. But Dorr and his crowd were angry. They did not want anybody to spoil their revolution and, as a result of their agitation, the landholders' constitution was defeated on March 1, 1842. The suffrage leaders had refused to accept the equivalent of their own program when it came through a legitimate channel.

Dorr now declared that the people's constitution was legally in force and proposed to set up a government under that constitution. Of course such a proceeding was absolutely illegal, but a government was organized nevertheless. The legitimate government was very slow to oppose any of Dorr's activities. He had been elected Governor under the people's constitution and pretended to act as Governor. On May 18 he undertook to seize the arsenal as a first step in his warlike program of ousting the legitimate government and establishing his own. He had a goodly following and marched up to the arsenal boldly enough. He ordered the defenders to surrender, which they refused to do. He had brought an old cannon with him and now ordered the men to shoot it. But, as has been well said, "The men who followed Mr. Dorr to the field, it appeared, had not gone there to fight, but to witness the fulfillment of his prediction that the arsenal would be surrendered without firing a gun." He tried to fire the cannon himself, but it would not go off. The attack was then given up for the time being. The government treated the affair with great indulgence. Dorr was permitted to escape from the State, but a month later he returned and issued various proclamations as Governor of Rhode Island, calling the people to arms. The legitimate assembly now prepared in earnest to put an end to his nonsense. On June 25 the city was under martial law and a considerable force was under arms. They were well organized and proceeded to surround Dorr and his force.

On the evening of the 27th Dorr unexpectedly fled, deserting his followers, and leaving a note saying that evidently those who voted for the people's constitution were not willing to fight for it. He advised his followers to disperse. This was the end of the Dorr Rebellion. Only one man had been killed in the whole affray, and that happened in a disorderly mob. Dorr was later captured, tried, sentenced to life imprisonment, and the next year set at liberty by the legislature upon which he had made war.

In the meantime a constitutional convention had been called, the delegates to which were to be elected by native males who had lived in the State 3 years. This provision was noticeable for not discriminating against Negroes. It is quite evident that at last the assembly had come to a point where it was willing to go to almost any limits to satisfy the popular clamor. The Dorr Rebellion is a landmark. It was by far the biggest, most dramatic, and most determined attack upon property qualifications that had ever occurred, and it was practically the last struggle that was necessary to break the hold of property qualifications for good. The only incident in the history of suffrage in the United States that can eclipse this in importance is the passage of the 14th amendment.

The Dorr Rebellion had really assumed national significance and was supported by Democrats all over the United States. The President had been asked to support the legitimate government with Federal troops, but public sentiment restrained him until the last moment. There is no doubt that the movement had the full, whole-hearted sympathy of the entire Nation. If Dorr had only accepted the advances of the legitimate government in Rhode Island and had not clung to his foolish, illegal project after the real aim had been accomplished, the incident would not suffer the opprobrium with which it must now be stigmatized. The rebellion had collapsed for want of a real issue, but the leaders were too selfish to acknowledge the fact.

The modern constitution which was the ultimate outcome of this trouble was not put in force until 1843, and it embodied some unusual alternatives. Native citizens of the United States who had paid a tax of not less than $1 or had done military service could vote after satisfying a 2-year-residence requirement. If a man owned $134 worth of property, or property yielding $7 annual income, he could vote after living in the State 1 year. The taxpaying requirement amounted to nothing but a registry tax of $1, but to the conservative element it was only a slight measure of consolation. It is to be noted that naturalized citizens could not escape the property test and that there was no discrimination against Negroes. This constitution was not as liberal as the so-called landholder's constitution that had been repudiated by the suffrage advocates, but they were not disturbed over the matter. A majority of the population was quite ready to put disabilities upon the foreigner, and the $1 tax was not particularly offensive.

Indians were excluded from the suffrage, as were also sailors, soldiers, the insane, and paupers; infamous crimes, bribery in particular, were to be cause for exclusion. On the whole this constitution had a very comprehensive suffrage clause (Porter, "History of Suffrage in the United States," p. 93).

As I have pointed out, all of the original States zealously guarded the right to spell out and to fix, in their own constitutions and their own statutes, the qualifications of voters. That right was maintained and exercised not only by the Original Thirteen States, but all States admitted to our Union since the adoption of our Constitution.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. ELLENDER. I yield for a question.

The PRESIDING OFFICER. The Chair is advised that the Senator from Illinois has control of the floor.

Mr. DIRKSEN. Mr. President, before I yield to the Senator from Ohio, and with the understanding that I do not lose my right to the floor, I first want to thank the distinguished Senator from

Louisiana not only for his constructive contribution to the debate on the issue which has engaged our attention for the last 2 months, but for the fine forbearance he has shown. I am deeply grateful to him.

Mr. President, first, I yield 1½ minutes to the distinguished Senator from Wisconsin, with the understanding that I do not lose the floor.

THE DOUGLAS TRUTH IN CREDIT BILL WILL HELP BEAT THE AUTO FINANCE KICKBACK RACKET

Mr. PROXMIRE. Mr. President, yesterday, Mr. Herbert E. Cheever, vice president of the First National Bank of Brookings, S. Dak., made a remarkable statement before a Senate Banking and Currency Subcommittee supporting the Douglas truth in credit bill.

Mr. Cheever, who represents the dominant bank in Brookings, argued eloquently that banking and credit constitute a public trust. He said that his bank has been following the policy of telling its borrowers exactly what their total finance charges amount to, and also providing them with the annual interest rate on the average diminishing balance of their loans.

Of course, Mr. President, this is exactly what the Douglas bill requires.

In the course of his statement, this successful banker made this shocking observation with regard to automobile financing kickbacks—the finance equivalent for payola—by finance companies to dealers for sending them the financed deal:

> In my judgment this situation is getting completely out of control. Only a small part of the amounts credited to a dealer are a legitimate reserve. The balance represents how much the dealer can get for selling the paper. The situation has deteriorated so far that today if a dealer merely sends a customer to a financial institution, and they make a direct loan, that dealer is given a substantial check for sending someone a customer. A perfectly normal payoff on that type of a transaction is approximately 20 percent of the finance fee which again is all added to the cost of the credit to the consumer.

Mr. President, under my questioning in committee, Mr. Cheever said he felt that this practice was standard and widespread—not simply confined to a few chiselers and racketeers, but the regular way business is done.

Here, Mr. President, is a telling argument for the Douglas truth in credit bill, and I ask unanimous consent that Mr. Cheever's statement be printed in the RECORD at this point.

Also, Mr. President, the Wisconsin Home Economics Association has just passed a resolution supporting the truth in credit bill. I ask unanimous consent that the resolution adopted by this responsible and expert group be printed in the RECORD at this point, together with a letter from Chairman Louise A. Young of the family economics-home management section of the Wisconsin Home Economics Association, forwarding the resolution.

There being no objection, the statement, resolution, and letter, were ordered to be printed in the RECORD, as follows:

STATEMENT OF HERBERT E. CHEEVER, VICE PRESIDENT, FIRST NATIONAL BANK, BROOKINGS, S. DAK., BEFORE THE SUBCOMMITTEE ON PRODUCTION AND STABILIZATION OF THE SENATE COMMITTEE ON BANKING AND CURRENCY, THURSDAY, APRIL 7, 1960, ON S. 2755

I have been associated with the First National Bank in Brookings, of Brookings, S. Dak., for a period of 22 years, and for many years I have been in charge of the real estate and installment loan division of the bank.

The city of Brookings is quite a typical Midwest city of about 10,000 population. It is located in Brookings County, which is an agricultural area. There are seven banks within Brookings County, and in the city itself there are two banks and three finance companies. Total deposits in the First National Bank are a little over $10,500,000, which represents something over 50 percent of the deposit volume in the county.

The First National Bank is a completely independent bank. One thing about it, that is perhaps not typical of most banking institutions, is the fact that the only interest charge in the entire bank operation is based on simple interest and that the maximum charge and the predominant rate in the installment loan division is 8-percent simple interest. When a client wants an installment loan, he is advised that the rate is 8-percent simple interest, and he has the choice of either paying the interest annually, or, if he chooses to include the interest in the monthly payments, we then add to the principal of the note the interest which is computed with a factor of 4.33 for the first year, and one-third of 1 percent is added for each month beyond 12. In other words, the factor for a 2-year loan would be 8.33, or, if the loan were for 3 years, 12.33. When interest has been thus added to the note, a statement is typed on the back of the instrument to the effect that interest has been computed on the basis of 8-percent simple and included in monthly payments. If the note is prepaid, the same rate is used in computing the refund. In short, we want our client to fully understand the rate that he is actually paying and not be under any misconception that he is borrowing money at 4 percent because that is the annual factor used.

The growth of consumer credit during the past decade has been little short of phenomenal. Whenever we have a vast expansion in any part of our national economy, we are bound to find certain abuses that will creep into this expansion, and that is certainly true in the field of consumer credit. Maximum interest rates are regulated by the laws of each State, and I firmly believe that that is where rate control should be. Conditions that might exist in Alaska certainly would not be the same as in South Dakota or Florida.

As individuals, we are all interested in the cost price of any commodity. When the cost of that commodity is greatly enhanced by the addition of very heavy carrying or finance charges, then it is bound to affect the well-being of our economy. One of the most unfortunate things that is happening in the consumer credit field today is that very few buyers know or realize the rate of interest they are required to pay. Various misleading terminologies are used, and most people are unable to translate the finance charge in terms of actual interest.

Permit me to illustrate this point. Supposing that Joe is purchasing a car and wants to finance $1,500, which is to be repaid at a rate of $125 plus interest each month and to be paid in full over a period of 12 months. He inquires as to the interest rate and is told that this can be financed for "6 percent straight." How much interest is Joe going to pay? The answer is $90, or 6 percent of the entire amount borrowed. The fact that the borrower was making monthly payments did not cut the interest at all, and when he was down to the last month and owed only $125, he was still paying interest on the entire original amount borrowed. He thought he was borrowing money at 6 percent interest, when the truth is it was nearly 12 percent on a simple-interest basis.

I will illustrate this further by a concrete case. This man is a college graduate, and, in fact, has a master's degree in economics. Several years ago he asked us to finance $4,000 on a trailer home, and at that time we were loaning money on a 7 percent simple basis. The loan was set up 1 year at a time with the entire balance due on the 12th month. Interest was, of course, computed on the unpaid balances from month to month. The first year went by, and the loan was renewed for a second year. In the meantime interest rates had increased, and we told him that the rate would go up to 8 percent simple interest for the third year. Our client told us that he could get money at 7 percent, and that was all there was to it. Our loan was paid off with a check from a finance company. I was pretty sure that I knew what had happened, and several months later I found out, for our client came back and asked us to please figure out what was wrong with his loan. It was easy to work out, for in order to avoid our 8 percent simple interest rate, he had fallen for the so-called 7 percent straight interest talk, and too late, he found out that he was paying between 13 and 14 percent for the use of the money. This man then asked the finance company to pay off the loan, and, of course, he again had to pay a penalty for prepayment.

Here is another situation which is very common. An individual will make a purchase, and he will then be asked if he would like to arrange the financing of a part of the purchase price. The main question that he is asked is, How much per month is he able to pay? The contract will be drawn to fit his budget, but for some reason unknown to me, the purchaser will not pay any attention to the number of months that the contract is going to run. Certainly it is stupid on the part of the buyer for the contract will probably set out in black and white the dollar amount of finance charges, insurance, etc., but the buyer goes out completely oblivious as to what he is actually paying for this service. This is a concrete example. A young man with a high-school education purchased a car. The difference in the exchange was $825. The financing was arranged at $52.30 per month for a total of 24 months. The total amount to be repaid was, of course, $1,255. Thus, the finance cost of $430 was more than 50 percent of the amount of the exchange. Broken down, this included about $175 for 2 years' insurance, and the balance of $260 was the carrying charge. The buyer was, of course, purchasing the insurance, and that should be added to the purchase price, so that the amount that he was borrowing was just under $1,000. The $260 charge for carrying the $1,000 for 2 years meant that he was paying just about 25 percent on a simple interest basis. The young man showed this contract to his employer who brought it in to the bank, and the finance company was paid off. The bank loan, which also included insurance, was set up over an 18-month period. The repayment figure was $54 per month. While the monthly payment was increased by $1.70 per month for 18 months, the buyer shortened the paying period by 6 months at $52.30. I will refer to another situation in this case later in this statement.

Another similar factual situation was that a customer of ours called me one evening and said that he wanted to go to a nearby city to purchase a car that he had seen

advertised on television. I approved the loan for $1,800, payable $60 per month, which, with interest, would require about 38 months to liquidate. The man called me back the next day from this city and told me that the car had just been sold before he arrived, but that he could buy another one just about like it for a couple hundred dollars more. He also told me that the dealer had offered him a better finance deal than ours because he could get a contract at only $55 per month rather than $60. I naturally asked the customer how many months he would have to pay the $55, and he couldn't tell me. When he found out that the contract was to run for approximately 40 months, he, of course, saw daylight, but again for some reason the customer was totally ignorant as to the true finance charge and the number of months that the contract had to run.

S. 2755 is a very simple and forthright measure. It merely requires that any one that is extending credit advise the purchaser in writing before the transaction is consummated, first the amount of the charge for the credit, and second a statement in terms of simple interest as to what that charge amounts to. The use of money has a certain basic value. Any loaning institution must add to that a charge for the risk involved, plus an additional charge for the work element that may be required to handle that type of transaction. I do not say that some of these transactions should not have a high rate of interest, but I do say, and firmly believe, that the borrower has a right to know what he is actually having to pay and in the terms of simple interest. If the buyer has that awareness, then it can only be up to him as to whether or not he wants to complete the transaction. To me, one of the main objectives of government is the protection of its citizens. If there are large numbers of our people that are unable to comprehend or understand the confusing and misleading interest terminologies that are commonly used, and, if we can correct this situation by the enactment of a measure such as this, then I think we owe that obligation to our citizenry.

To me, S. 2755 is not a regulatory measure. If we were to enact a law that would attempt to limit the rate of interest that could be charged or to limit the number of months in which payments could be made, or, if we would try to prescribe the amount of the downpayment, then such a law would be regulatory. In S. 2755, all that is being required is that the buyer be informed of the truth in language that he can understand. We have legislation today that requires the manufacturer of clothing to show us the kind of materials that are in the piece of goods. We are entitled to know the percentage of wool and whether it is new or reused wool. We are entitled to know the percentage of the garment that might be cotton, dacron, or some other fiber, and, if the fiber is a trade name, we are even entitled to know of what it is made. The same situation exists with the Food and Drug Act. Whether we are buying vitamins or cornflakes, the label must tell the buyer just what is in the package or the bottle. Those measures exist for the protection of the buyer and the obvious reason for the law was to correct abuses that must have existed. S. 2755 does exactly the same thing.

Millions of people in our Nation find that it is necessary or expedient to use consumer credit, and this credit is a very integral part of our economy. When excessive charges are made, it has a very definite effect on both the people that are paying those charges and on our economy in general. In analyzing the consumer credit problem, we should give some thought as to why certain abuses exist. In the first place, the financing of consumer credit is, of course, a very competitive field. Normally competition in itself will regulate the price. Unfortunately, that has not been the case with consumer credit. The great bulk of consumer credit originates with the merchant or dealer. They are the ones that control where this finance paper is going to be sold. The competition that has developed is as to which financial institution can do the most for the dealer. What I am talking about is the "kickback" from the financial institution to the originator of the credit. This item in itself is costing the people of our country untold millions of dollars and is all being added in as a part of the cost of consumer credit to the purchaser. I am sure that I am safe in saying that with many originators of credit the fees they are receiving for these "kickbacks" will be a very substantial part of their net earnings.

Again, we should step back a few years in the history of consumer credit. As the plan was growing and developing, dealers and merchants were selling paper to financial institutions, and the originator of the credit was required to guarantee the payment of the obligation of the purchaser. Good business practice was to set up a reserve fund out of which losses would be paid. This is still done and is legitimate to a degree; that degree should be a reserve in an amount that would protect the dealer from losses that he might sustain on the paper sold. As consumer credit continued to develop, most financial institutions found that in general their experience was very satisfactory. Consequently, the provisions of the guarantee were limited. As the reserve fund became larger than was necessary for the dealer's protection, the overages were returned to the dealer.

In my judgment this situation is getting completely out of control. Only a small part of the amounts credited to a dealer are a legitimate reserve. The balance of it represents how much the dealer can get for selling the paper. The situation has deteriorated so far that today if a dealer merely sends a customer to a financial institution and they make a direct loan, that dealer is given a substantial check for sending someone a customer. A perfectly normal payoff on that type of a transaction is approximately 20 percent of the finance fee, which again is all added to the cost of the credit to the consumer.

Another situation that exists is that many financial institutions will furnish to the dealer a table of a net amount that they will have to receive on various classifications of credit. The dealer is authorized to make any additional charge that he can within the limits of the State law, and he will pocket the difference.

You will recall that I mentioned that I would refer again to a case in which the differential on a transaction was $825, with a $430 finance charge which included insurance of $175 and a carrying charge of $260. The day that we happened to take up that loan, the dealer in question let it be known to me that what we had done had just cost him $77. The dealer received approximately 23 percent of the $260 finance charge, or $60, and in addition received 10 percent of the amount of insurance that was sold, or $17 more.

It so happens that the $77 dealer "kickback" was $18 more than our interest charge for financing the loan over a period of 18 months. The young man that signed up the contract was totally ignorant as to the rate that he was having to pay. In our own bank there is no such thing as a dealer "kickback." One of the main reasons that we will not tolerate it is that the "kickback" would, of course, have to be added to the cost of financing, and we know that the customer would be told that he was getting a bank loan, and the blame for the higher rate would, of course, fall on our shoulders because whenever a bank is buying dealer paper the purchaser again is lulled into security because of the fact that he thinks that it is a bank loan.

I am frankly just as critical of banks as I am of finance companies for permitting this situation to get so far out of hand.

What salutary effect would S. 2755 have on a situation like the dealer "kickback"? In my judgment, no dealer is going to enjoy telling a customer that he is going to have to charge him 15 percent or 25 percent interest, particularly when that charge includes a substantial part of it for the dealer. Certainly, both the dealer and the customer will be seeking outlets where the price for the use of the credit will be commensurate with the risk.

In my judgment the passage of S. 2755 would give immeasurable protection to those that cannot understand the intricacies of consumer credit contract. I sincerely think and feel that it would be a good thing for the economy of our Nation.

STATE OF WISCONSIN,
AGRICULTURAL EXTENSION SERVICE,
Madison, Wis., April 6, 1960.

Hon. WILLIAM PROXMIRE,
U.S. Senate, Washington, D.C.

MY DEAR SENATOR PROXMIRE: Enclosed is a copy of a resolution passed by the Wisconsin Home Economics Association regarding legislation requiring disclosure of finance charges, which we offer in support of Senate bill 2755, which I believe you and Senator DOUGLAS are cosponsoring. We feel very strongly that credit granting institutions should give more information and should reveal the true annual interest rate, since many consumers do not understand the costs which they are paying.

Sincerely yours,

LOUISE A. YOUNG,
Chairman, Family Economics-Home Management Section, Wisconsin Home Economics Association.

RESOLUTION FROM THE WISCONSIN HOME ECONOMICS ASSOCIATION REGARDING LEGISLATION REQUIRING DISCLOSURE OF FINANCE CHARGES

Whereas consumers frequently fail to inquire regarding credit costs, are ill informed or are unable to determine true credit costs; and

Whereas credit granting institutions frequently fail to give consumers information regarding charges for financing: Be it

Resolved, That the Wisconsin Home Economics Association hereby gives support to legislation requiring the disclosure to consumers of all finance and other charges in itemized form and in terms of both monetary value and true annual interest rate in connection with the extension of credit to persons by all credit granting institutions.

This is in support of Senate bill 2755, amended or a substitute bill.

MISCONDUCT BY MILITARY PERSONNEL

Mr. DIRKSEN. Mr. President, reserving my right to the floor, I yield 3 minutes to the distinguished Senator from Ohio [Mr. LAUSCHE].

The PRESIDING OFFICER. The Senator from Ohio.

Mr. LAUSCHE. Mr. President, based upon repeated disclosures in the newspapers of imprudent management, extravagance, and, frequently, conduct bordering upon deliberate misuse of taxpayers' money in the Department of Defense, there is coming to me a deluge of letters asking why Congress does not do something about it. I have particularly in mind the footlocker episode in which a request was made by an Army base in Europe for 300 footlockers. Within a few hundred miles of that Army base there were available 700 unused footlockers, but, through some legerdemain, it was decided in the Pentagon to ship 30,017 of them—29,717 more than were needed. In the making of that shipment, $100,000 was expended as shipping costs. In addition to that, those 29,717 lockers will have to be stored and expenses paid incident thereto.

More than that, Mr. President, there recently was disclosed the abuse of engaging in the black market in Turkey. High Army officials were alleged to be involved. Turkish currency was being bought in the open black market at a price far below the official market price.

Those high officials have gone unpunished and undisciplined, although the black marketing was definitely in the realm of commercial activity.

I recognize that with a budget of $40 billion, errors and mistakes will occur in its expenditure, but they are happening with entirely too much frequency.

These reports are red lights. We ought to stop when we see them. We ought to make certain that something is not existent which is running throughout the whole structure of the Department of Defense.

Having in mind the fact that in a huge organization of that type mismanagement will occur, these things are happening entirely too frequently, without any indication that adequate disciplinary action is being taken. I am glad to see that in the House of Representatives these matters are being investigated.

Mr. President, these letters come to me. I am only 1 of 100 Senators. I have no executive power over the matter. I wish I did have. These abuses would not go unchecked. The public would know what was happening, and adequate action would be taken, to set a deterring example for others.

My own belief is that the Committee on Government Operations ought to begin investigating these matters and taking the necessary action to bring the abuses to an end.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. DIRKSEN. Mr. President, there are a few other short speeches before I make the motion to table. I can recognize the distinguished Senator from Florida [Mr. HOLLAND], if he is ready to proceed at this time, or the distinguished Senator from New York [Mr. JAVITS].

The PRESIDING OFFICER. Who receives the designation from the Senator from Illinois?

Mr. DIRKSEN. Mr. President, if the Senator from Florida is ready to proceed, I yield to the Senator from Florida with the understanding that I reserve my rights to the floor.

The PRESIDING OFFICER. Without objection, the Senator from Florida is recognized.

Mr. HOLLAND. Mr. President, I appreciate the courtesy of the distinguished minority leader.

Mr. President, as we approach the end of our consideration of the so-called civil rights proposals in this, the eighth week of debate, I believe it is appropriate to survey the results of the many hours and days of strenuous, time-consuming effort which have been devoted to the debate by Senators of all points of view. When the group of southern Senators of which I am a member began extended debate there were many persons in our States and throughout the Nation who expressed the opinion that ours was a hopeless effort, foredoomed to complete and humiliating defeat. However, as we examine the bill which seems about to be passed, I believe the inevitable conclusion is that never in the history of the Senate has the use of extended debate been more completely justified, both as a defensive shield against the extreme measures which were threatened and as a means of accomplishing sweeping changes after and as the result of an educational campaign.

A comparison of the bill before us today with the substitute to H.R. 8315 offered by the distinguished minority leader, Senator DIRKSEN, on February 24, reveals the extent to which reason, commonsense, and good will have prevailed. In title I of H.R. 8601, as the result of amendments which were approved, we now have a provision which makes it a criminal offense to obstruct all Federal court orders, not just those relating to school desegregation, as was provided in the original Dirksen measure. This provision, of course, gives the alleged offender the right of trial by jury. During the bill's consideration the Senate eliminated from this provision the flagrant threat to freedom of speech which was contained in section 1 of the original Dirksen substitute.

Title II of the pending bill has been enlarged so that it now creates a new criminal offense—to travel in interstate or foreign commerce to avoid prosecution or the giving of testimony in connection with bombings of all types of property, not just that which is used for religious or educational purposes. This is a significant change from the original wording which would have winked at other instances of hate bombings, including its actual use heretofore in some labor disputes. As now written, this section makes possible active participation of the FBI in apprehending criminals who resort to this despicable practice. Our Florida delegation was heretofore denied the help of the FBI in seeking to solve a hate bombing of a Florida synagogue.

Title III of the bill before us has been made more workable and reasonable by reducing from 3 years to 22 months the time of the period during which voting records and papers must be retained after the holding of an election. This will avoid interfering with the use of ballot boxes, voting machines, and all types of papers and records in subsequent elections of the same type, which customarily occur at 24-month intervals. Another meritorious amendment requires that any inspection or reproduction of voting records must be carried out at the principal office of the local voting official, thus sparing him the time, inconvenience, and expense required to transport his records to some other location.

Title V of the pending bill, to provide Federal schooling for defense-impacted areas, has been moderated by eliminating the extreme provision which would have given the Commissioner of Education in some cases the arbitrary power to seize local schools closed by racial difficulties.

While I regret that the voting referee provision, title VI, has been retained in this bill, it is comforting to realize that Senators have overwhelmingly rejected all efforts to include in it the provision for Federal registrars. These officials would have been political officers, appointed by the President, who would have been allowed to conduct star-chamber proceedings. While it is regrettable that a court referee, appointed under this title, may supplant locally elected registration officials, it is far better to have this function, wrong as it is in principle, carried out by an officer of a court in a judicial atmosphere, rather than by a group of political appointees. In addition, the amendment adopted yesterday expresses the intent of the bill never to override State laws for voter qualification.

Other extreme, coercive measures have fallen by the wayside during this prolonged debate as a result of the good judgment and good will of the Senate, which have come into play as an incident of the extended debate. The provision in the minority leader's substitute which sought to impose upon this great legislative body the responsibility for rubber stamping the Supreme Court decision regarding segregation in public schools has been defeated. Also rejected was the provision declaring it a Federal responsibility to share in expenses of school desegregation and authorizing the Commissioner of Education to carry out certain activities regarding desegregation. We have also decisively defeated all provisions of the type usually known as limited FEPC proposals, as represented by Section 6 of the Dirksen substitute, and by more general FEPC amendments which were advanced by several Senators.

Other extreme measures which were not in the substitute sponsored by the distinguished minority leader have been repeatedly rejected. On three separate occasions proposals of the type represented by title III of the 1957 bill have been brought up in the Senate as amendments for inclusion in the legislation before us, and all three times the Senate has repulsed these zealous efforts. These proposals were designed to permit the Attorney General to use injunctions in all kinds of civil rights cases and to use criminal contempt proceedings for enforcement which would have largely done away with the right of trial by jury. Other radical amendments such as anti-lynching proposals were lurking in the wings as printed amendments, lying on the desk and

itself will regulate the price. Unfortunately, paper the purchaser again is lulled into se- a request was made by an Army base in

ready to be presented at the first sign of encouragement, which fortunately never came.

As the debate progressed, it became clearer and clearer that a great majority of the 100 Senators were inclined to approach the race problem in the South through persuasion and conciliation and to avoid coercion, compulsion, and punitive vindictiveness.

By thus refining this measure through the course of the 8-week debate the Senate has once again demonstrated the wisdom of the Senate rule permitting unlimited debate. We have shown that this rule makes it possible to require both the Senate and the Nation to stop, look, and listen. We have once again demonstrated the wisdom of Mr. Walter Lippmann's observation:

> When there is strong opposition, it is neither wise nor practical to force a decision. It is necessary and it is better to postpone the decision * * * to respect the opposition and then to accept the burden of trying to persuade it. For a decision which has to be enforced against the determined opposition of large communities and regions of the country will, as Americans have long realized, almost never produce the results it is supposed to produce. The opposition and the resistance having been overridden, will not disappear. * * *
>
> The question is whether the vindication of these civil rights requires the sacrifice of the American limitation on a majority rule. The question is a painful one. But I believe the answer has to be that the rights of Negroes will in the end be made more secure, even if they are vindicated more slowly, if the cardinal principle—that minorities shall not be coerced by majorities—is conserved.
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> For if that principle is abandoned, then the great limitations on the absolutism and the tyranny of transient majorities will be gone, and the path will be much more open than it now is to the demagogic dictator who, having aroused a mob, destroys the liberties of the people.

Earlier in the debate, I quoted Mr. Lippmann's entire article on this subject, as well as articles of Messrs. Arthur Krock and David Lawrence on the soundness of the rule permitting unlimited debate. These three experienced observers of the American scene are entitled to the great respect of Americans of all points of view. My quotations from them will be found on pages 4370 to 4372 of the CONGRESSIONAL RECORD for March 3.

As we look back upon the past 8 weeks of debate, Mr. President, I feel that all Americans are justified in being optimistic over the future of our great Nation and of its people. We are compelled to recognize the value of unlimited debate as part of our system of checks and balances, which, while exasperating at times to the impetuous, gives time for emotions to cool and for reason to prevail, thus protecting the American people from ill-considered, unwise, and divisive proposals.

Senators of both of our great political parties, from all sections of our country, have joined in helping to defeat the plethora of punitive proposals which would have wrought so much havoc in the Southland. On behalf of all of the people of Florida, I express our profound gratitude to all those Senators who have been tolerant, understanding, patient, and considerate of us and of the difficult racial problems which we are trying to solve for the best interests of both races. We from the South will make every effort to be just as considerate of your people when other issues are before the Senate which vitally affect your areas. And we shall continue our permissive, persuasive, but not coercive course of action under which we have made so much progress.

In particular, Mr. President, I wish to express to the distinguished majority and minority leaders, Senator JOHNSON, of Texas, and Senator DIRKSEN, of Illinois, my own special appreciation of the fact that they have insisted on seeing that the South had ample time to state its case and they have not hesitated to stand with us when they thought we were right. They have not deviated from their announced intention to secure the enactment of a civil rights bill along lines which they clearly outlined, time and time again, but they have shown their concern for the rights of the States represented by the southern Senators and have insisted that the 50 million people whom we represent should not be unduly punished or humiliated by any bill which should be passed by the Senate on this subject. In the main they have shown their understanding that progress will not be accomplished in this difficult field by coercion or compulsion.

Mr. President, I wish I were in position to vote for the bill, because of the vast improvements which have been made in it, and because so many conscientious Senators from every area of the Nation, and from both sides of the aisle, have assisted us in confining the legislation within the relatively moderate provisions of the pending bill.

However, in all candor, I must and shall vote against the bill, because of the voting referee provision in title VI. I do not think it is wise procedure or sound constitutional law to displace duly elected registration officers by referees appointed by the Federal courts and under Federal law. I believe that little good and much harm will be done if that provision is activated in every county where a Negro citizen or group of such citizens may be persuaded by the NAACP to press their complaint before a Federal court instead of before the local officials and courts of their State, or the Governor of their State.

Permissive procedures are now under way in all the Southern States. My own State has gone particularly far in that regard. We repealed the poll tax in 1937. We eliminated the all-white primary in the legislative session of 1943. Last year we had more than 152,000 Negroes registered on our rolls. This year, as we prepare for the general election, that number is being sizably enlarged. Even in the five counties in our State where the procedure has not been generally accepted heretofore, there has been a large additional registration of Negro citizens in the last few weeks, just before our primaries next month.

Florida, from its practically standing start in 1937, has now come to a position in which 41.6 percent of all our Negro citizens of mature age are registered and are taking part in our government.

We shall continue in that course of permissive action. Senators will recall that a few weeks ago on this floor I strongly urged the submission of a constitutional amendment to the States of the Nation eliminating the poll tax requirement for participation in all Federal elections. The Senate adopted that amendment by an overwhelming vote. I hope that measure will be pushed to ratification by the States, because I predict that in most of the cases which may arise under title VI of the proposed law, in those States where the poll tax provision still exists, it will be found, at long last, that Negro citizens who are applying and complaining because of inability to register, as claimed by them, have not paid their poll tax, and therefore are not qualified to vote, under that completely clear provision of the State law.

I close by saying that in my judgment the Senate has abundantly justified the wisdom of the Senate system. I am grateful for the kindness, for the good feeling, for the absence of bitterness, and for the sensible way in which the debate has gone forward, as well as for the fact that I believe, without a single exception, every speech made during the course of the debate has been germane to the many issues involved, which have rightfully arisen during the discussion.

I yield the floor.

Mr. DIRKSEN. Mr. President, I am grateful to the distinguished Senator from Florida for his generous allusions to me.

Reserving my right to the floor, I yield 5 minutes to the distinguished senior Senator from New York [Mr. JAVITS]. I believe that my colleague from Illinois desires 4 minutes.

Mr. DOUGLAS. Mr. President, I should like to have 6 minutes.

Mr. DIRKSEN. Very well; I shall yield 6 minutes to my colleague. At the end of these statements I shall renew my motion to table the motion of the distinguished Senator from Mississippi [Mr. EASTLAND]. I shall then suggest the absence of a quorum and ask that the Senate may proceed to vote on my motion.

Therefore, reserving my right to the floor, I yield 5 minutes to the distinguished senior Senator from New York.

Mr. JAVITS. Mr. President, the bill we expect to pass today, which bears the name "Civil Rights Act of 1960," is not one of which either the Senate or the country properly can be proud.

It is by no means a meaningless bill, and it does constitute a modest advance which is worth voting for, since it contains provisions against hate-bombing, punishing obstruction of court orders, requiring voting record retention, providing desegregated schools for children of the members of the armed services, and for voting referees. But it is also very disappointing that after 8 weeks and so many hours of debate we should end up with a product which is so much less than the moderate bill the President had requested, and does not rise to the towering issues of racial relations at home or abroad.

Mistake it not—this bill might be considered a victory for the Old South, using that term in its traditionalist sense. It may be a Pyrrhic victory—but it may be

considered a victory nonetheless, considering what was kept out of the bill. For, in the failure of the Congress to meet the issue of laws and action to thwart compliance with the constitutional guarantee of equal educational opportunity, and in the defeat of the effort to give a statutory base to the Commission on Equal Job Opportunity Under Government Contracts—notwithstanding that the two items were part of the administration program—the Old South may be considered to have scored a marked success—again I use that term in its traditionalist sense—in the civil rights fight. This is quite apart from the fact that the voting referee provision has been reduced in its impact and that nothing was done in the bill about any authority to the Attorney General to sue in other than voting rights cases. Mr. President, I believe the New York Times this morning summed it up rather well when it said that this was "only one victory out of a dozen attempts to tighten the bill."

I hasten to say that it is no disgrace to be defeated. So I, too, would like to join in paying tribute to the leaders who did their best, according to their lights, to bring through some kind of bill, and who, from all appearances, have apparently succeeded.

It is not for any of us to say that this itself is not a very remarkable thing under the circumstances, in view of another point which I shall make in a minute.

I hope and pray that the majority may be right if it be their view that this legislation is adequate to head off deeper troubles. I have the faith in the American system to be anxious that this be so, and that everything will be done to make this bill work. That will take further action by the Executive in implementing with courage and vigor the powers which are given it in the bill; by the Congress in providing sufficient funds and personnel to carry out its objectives; and by the judiciary, which has carried the greatest burden so far in protecting the constitutional rights of all citizens to continue in this effort.

My final observation is this. I do not believe this is the civil rights bill the majority of the Senate wants. I could not believe it in the face of the growing tension on this issue in our own country and the world and the duty of legislators to seek to head off these conditions instead of letting them threaten to overtake us. It is not what they want, but this is what they thought they could get.

The Senator from Illinois [Mr. DOUGLAS], who is in the Chamber, and I tried cloture and failed to get even a majority, and it seemed that there were just not enough votes for cloture at any stage. Senators wanted the terms of the bill settled before voting cloture, and this is the very essence of the self-contradiction in the Senate rules. By this means a minority of the Senate exercises, even in the final analysis, a veto power over civil rights legislation.

In conclusion, the real lesson of the Civil Rights Act of 1960 is the failure of the Senate rules to measure up to the Senate's responsibility to the Nation at home and abroad. The Senate was again unable to secure civil rights legislation free from the threat which was constantly with us, that if the bill was not cut to a pattern which the South was willing to accept, it would be impossible to get it to a final vote. I believe that many of the needed amendments which failed to get even a majority vote were victims of an unwillingness by the Senate majority to risk a filibuster. We will not be able to get civil rights legislation adequate to the problems of our time through the Senate unless rule XXII is amended again. I believe the proposal reported by the Rules Committee which was before us at the opening of this Congress allowing cloture by a constitutional majority after 15 days of debate to be the best one. It preserves free debate without giving a veto power to a third of the Senate. I intend to join in the effort to again amend rule XXII at the opening of the next session. This effort on the rules should be followed by a new effort to get adequate civil rights legislation. This is but one in a series of civil rights Congresses, because the situation will tolerate nothing else.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, will the Senator from Illinois yield me 30 seconds?

Mr. DIRKSEN. I yield 1 additional minute to the Senator from New York.

Mr. JAVITS. Mr. President, I would like to say to the Senator from Illinois, before I close this debate—and I wish the Senator from Texas [Mr. JOHNSON] were here—that whatever may have been our disagreements in these very tense times, it was a great joy to work with men of intelligence, whose word was good, who knew what they were about, and who were real companions as well as colleagues. I had a very difficult role which the Senator from Illinois assigned to me.

I did my best with it. I am sure it was not always satisfactory. It was certainly not always satisfactory to me. But I did want to pay this personal tribute of friendship and warm affection to my colleagues, whatever might have been our differences as to the real effectiveness of this legislation, or as to what we should have done in particular cases with respect to it.

I thank my colleagues, and I yield the floor.

Mr. DIRKSEN. Mr. President, I thank the distinguished Senator from New York. He has always been a tower of strength in this whole debate. I have relied heavily on him from time to time for his efforts and for his help. For his tribute I am humbly grateful. I now yield 6 minutes to my distinguished colleague from Illinois.

Mr. DOUGLAS. Mr. President, the bill which the Senate is about to pass sets up an elaborate obstacle course which the disenfranchised Negro in the South must successfully run before he will be permitted to vote at all. At every strategic point there are high technical walls which he must scale, and along the course there are numerous cunningly devised legal pitfalls into which he may fall. The delays and the discouragements have been multiplied so that the Senator from Mississippi spoke truly and frankly in the last public meeting of the Judiciary Committee when he said that the bill would permit only a very few additional Negroes to vote.

The precise nature of these unnecessary hurdles, pitfalls, and water jumps which have been constructed by the framers of this bill has by now been fully revealed to the Senate. They will be revealed to the country in the months and years ahead.

And it should be further noted that every move to strengthen the bill, however mild, has been defeated by a coalition—operating with the threat of filibuster—of the southern opponents of any legislation, of the overwhelming majority of the administration Republicans, and of the Democratic leadership with its 12 to 15 hard core supporters.

In all kindness, may I say that these last two groups should not take either public or secret pride in their work. It is grossly inadequate to right the great wrongs which are now practiced. It will hurt rather than help the image of America abroad, and it will be one more argument which our enemies will use against us among the colored peoples of the world. Ninety years after the 15th amendment and 93 years after the 14th, this is not a good day for the American tradition of equal opportunity. While I shall not vote against this bill, I would not blame any true battler for civil rights who in disgust with the measure refuses to vote for it.

Last night in a somewhat discouraged mood, I turned to the works of T. S. Eliot and read the concluding lines of his poem, "The Hollow Men":

> This is the way the world ends
> This is the way the world ends
> This is the way the world ends
> Not with a bang but a whimper.

I thought that in a sense this should describe the results of the work of the sponsors of this bill who, saying that they were going to produce a "meaningful" civil rights bill, have produced this hollow measure.

But those of us from the North and West on this side of the aisle, and our few but gallant allies on the other side, are not ending this fight with any whimpers of failure. We shall carry this issue to the public and be back again soon to renew our drive for a more meaningful and robust proposal.

I have quoted the poet of disillusion and discouragement. But for those of us who have tried to fight the good fight I would prefer to quote the lines from a New England poet written in a similar period of national discouragement over what was basically the same issue; namely, the struggle for human rights:

> Truth forever on the scaffold,
> Wrong forever on the throne;
> Yet that scaffold sways the future,
> And beyond the dim unknown
> Standeth God within the shadows
> Keeping watch above His own.

May God indeed not only watch over His children—among whom are the Negroes and Mexican Americans, as well as ourselves—but help us all to act in a more brotherly fashion toward each other.

Mr. JAVITS. Mr. President, will the distinguished minority leader yield me a minute to say just a word to the distinguished senior Senator from Illinois?

Mr. DIRKSEN. Reserving my right to the floor, I yield 1 minute to the Senator from New York.

Mr. JAVITS. I wish to say to the distinguished Senator from Illinois, with whom I have worked so closely during the whole debate, and as we did before, in 1957, that I derived great satisfaction from this comradeship and from trying to work things out together. I think it had its effect in helping to perfect the bill. This was the job the minority leader gave me.

I express my gratification to the Senator from Illinois for his understanding, his cooperation, and his forbearance.

Mr. DOUGLAS. Mr. President, will the distinguished minority leader permit me to reply?

Mr. DIRKSEN. Reserving my right to the floor, I yield to my colleague from Illinois.

Mr. DOUGLAS. The Senator from New York has been magnificent in this whole fight. No one could have been more determined and yet, at the same time, more poised, more balanced, or more conciliatory. The privilege of working with him and with other Senators on the other side of the aisle who felt similarly is one of the memories which I shall always cherish.

Mr. JAVITS. I thank the Senator from Illinois.

Mr. STENNIS. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. Reserving my right to the floor, I yield 4 minutes to the distinguished Senator from Mississippi, who will make the final speech before the motion to lay on the table will be made.

Mr. STENNIS. I thank the Senator from Illinois.

Mr. President, before the Senate votes on the motion to recommit the bill, I express the very fervent hope that the Senate never again will undertake to enact a major piece of legislation on any subject without the language first having been referred to a committee, there to be studied by experts and measured, and a report of some kind made to this body.

I make particular reference in that connection to the language on page 16, line 17, where this most amazing sentence appears:

> Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election.

I venture to say that very few Members of the Senate realize the full import of this language; and more than that, very few realize that this language can be brought into operation on the flimsiest kind of finding, not in the trial of a lawsuit, with a conclusion reached and a decision rendered by a Federal judge, but in a mere proceeding whereby someone can walk into court from the area where it has been declared that a pattern or a practice exists, and on proof of his own, without anyone else being given notice, and with no chance for an adversary to come into court or to be heard, have the court render its conclusion that the person is a qualified elector.

Such a flimsy proceeding is held to be enough to set aside the action of State boards, State officers, or State courts, even though they be composed of learned men, who have reached a most deliberate conclusion; or to procure a decision setting aside the provisions of a State constitution or a State legislative act.

Mr. President, it is amazing that we have reached this point. No one has undertaken to define this language, unless it be a few individual Senators in their speeches. It is an alarming day when we have come to the point of casually breezing along with such language as this, particularly when it is in connection with a subject that goes to the very heart and vitals of one of the most sensitive, most important phases of government in any State, whether it be a State of the Union or any other governmental body. That is, it has to do with the election laws, the infringement of the right to vote, and the conduct of elections.

I am amazed that such a summary proceeding as this will be accepted by this body as a basis for overriding and upsetting court decisions, acts of officers, and legislative enactments. With all deference, I frankly do not believe the Senate realizes what it is doing when it accepts language of this kind.

I thank the Senator from Illinois for yielding.

Mr. DIRKSEN. Mr. President, reserving my right to the floor, I yield 2 minutes to the Senator from Nevada [Mr. BIBLE].

Mr. BIBLE. Mr. President, the action of the Senate in passing a workable bill to provide equal voting rights for all of our citizens is another forward step in the march toward better human relations.

From the time the Fort Crowder measure was called up until the final vote is taken on a meaningful civil rights voting measure, the spotlight has been on the deliberations of this great body.

In reviewing the achievement that has been wrought here, Mr. President, I speak as a moderate—as one who has tried to view this entire debate objectively, dispassionately, and with honest regard for the arguments presented by both sides.

I have consistently been on record as supporting legislation to establish strong constitutional guarantees in the field of voting.

Reasonable men quite often seek to obtain a common goal, but their methods frequently vary.

To me there has never been a question of the right of any eligible person to vote, and I so expressed myself when the Civil Rights Act of 1957 was passed.

We regarded our work in that year as an important milestone in civil rights, but the hopes we than expressed were never fully realized in certain areas of our country.

Incontrovertible evidence abounds that many of our Negro citizens have been deprived of the opportunity to benefit from the legislation we had enacted.

I have read the reams of statistics from the reports of the Civil Rights Commission, but I am not impressed as much by numbers as I am by the lamentable fact that even one American citizen should be denied his franchise.

In a democracy a man's vote is a silent weapon against tyranny; his ballot is insurance against the fall of democracy.

Today we are spreading the message of America and its freedoms to the peoples of all the world. It is certainly a sorrowful paradox, Mr. President, that we should be urging the newly developing nations to emulate our democratic processes at a time when we are not abiding by our own constitutional directives.

I am sure, Mr. President, that by enacting a strong measure on voting rights, we are also serving notice to the world that we really do practice what we preach.

This is an election year, and it would be naive to suggest that politics has not figured in the current issue. In my opinion, Mr. President, what we have resolved in the field of civil rights this session is not the handiwork of partisanship. I look upon it as the final product of long, and at times tortuous, days of debate, of sound thinking, and sensible compromise on the part of both sides.

Mr. President, I feel that had we adjourned without moving forward in the civil rights field we would and should have been the object of censure.

As the guardian of our Nation's legislative conscience, we have produced another chapter in an unfinished volume. Gradualism might draw the scorn of impatient extremists, yet to me it represents the only sensible course to follow in an area fraught with supercharged emotions and irreconciliable viewpoints.

I make no apology for the bill we are about to pass, although I know there are those who claim it goes too far and others who complain that it does not go far enough.

It took Congress 82 years before it passed the Civil Rights Act of 1957. Now, less than 3 years later, we have again moved ahead to instill added meaning to constitutional guarantees.

I predict that what we did in 1957 and what we accomplished this year will serve as historic guideposts on the path toward eventual recognition of Thomas Jefferson's meaning of democracy:

> Equal and exact justice to all men, of whatever state or persuasion, religious or political.

Mr. DIRKSEN. Mr. President, I move that the motion submitted by the distinguished Senator from Mississippi [Mr. EASTLAND] to recommit the bill to the Committee on the Judiciary be tabled; and pending the vote on that motion, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DIRKSEN. What is the pending question?

The PRESIDING OFFICER. The pending question is on agreeing to the motion of the Senator from Illinois [Mr. DIRKSEN] to lay on the table the motion of the Senator from Mississippi [Mr. EASTLAND] to recommit the pending bill to the Committee on the Judiciary.

Mr. DIRKSEN. Mr. President, on this question I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. HENNINGS. I announce that the Senator from Oklahoma [Mr. KERR] and the Senator from Montana [Mr. MANSFIELD] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD] is absent because of illness.

I further announce that the Senator from Minnesota [Mr. HUMPHREY] and the Senator from Wyoming [Mr. O'MAHONEY] are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Oklahoma [Mr. KERR], the Senator from Montana [Mr. MANSFIELD], and the Senator from Wyoming [Mr. O'MAHONEY] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN] is absent on official business.

The Senator from Colorado [Mr. ALLOTT], the Senators from Kansas [Mr. SCHOEPPEL and Mr. CARLSON], and the Senator from Arizona [Mr. GOLDWATER] are necessarily absent.

The Senator from Idaho [Mr. DWORSHAK] is absent on official business attending a meeting of the Air Force Academy. If present and voting, the Senator from Vermont [Mr. AIKEN], the Senator from Colorado [Mr. ALLOTT], the Senators from Kansas [Mr. SCHOEPPEL and Mr. CARLSON], the Senator from Idaho [Mr. DWORSHAK], and the Senator from Arizona [Mr. GOLDWATER] would each vote "yea."

The result was announced—yeas 70, nays 19, as follows:

[No. 163]

YEAS—70

Anderson	Curtis	Kefauver
Bartlett	Dirksen	Kennedy
Beall	Douglas	Kuchel
Bennett	Engle	Lausche
Bible	Fong	Long, Hawaii
Bridges	Frear	Lusk
Brunsdale	Gore	McCarthy
Bush	Green	McGee
Butler	Gruening	McNamara
Byrd, W. Va.	Hart	Magnuson
Cannon	Hartke	Martin
Capehart	Hayden	Monroney
Carroll	Hennings	Morse
Case, N.J.	Hickenlooper	Morton
Case, S. Dak.	Hruska	Moss
Church	Jackson	Mundt
Clark	Javits	Murray
Cooper	Johnson, Tex.	Muskie
Cotton	Keating	Pastore
Prouty	Smith	Tarborough
Proxmire	Symington	Young, N. Dak.
Randolph	Wiley	Young, Ohio
Saltonstall	Williams, Del.	
Scott	Williams, N.J.	

NAYS—19

Byrd, Va.	Holland	Smathers
Chavez	Johnston, S.C.	Sparkman
Eastland	Jordan	Stennis
Ellender	Long, La.	Talmadge
Ervin	McClellan	Thurmond
Fulbright	Robertson	
Hill	Russell	

NOT VOTING—11

Aiken	Dworshak	Mansfield
Allott	Goldwater	O'Mahoney
Carlson	Humphrey	Schoeppel
Dodd	Kerr	

So Mr. DIRKSEN's motion to lay on the table Mr. EASTLAND's motion to recommit was agreed to.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to reconsider was laid on the table.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that we may have the yeas and nays ordered on final passage, and that the minority leader may have 3 minutes before the rollcall.

The PRESIDING OFFICER. Is there objection?

Mr. LONG of Louisiana. Mr. President, does that unanimous consent limit the time to 3 minutes? If so, I object.

The PRESIDING OFFICER. There is objection.

The yeas and nays on final passage have been requested.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. DIRKSEN. Mr. President——

The PRESIDING OFFICER. The Senator from Illinois.

Mr. LONG of Louisiana. Mr. President, if the Senator from Illinois does not care to have the floor, he may yield.

Mr. DIRKSEN. Mr. President, I am ready to vote if the Senator from Louisiana——

Mr. LONG of Louisiana. Mr. President, I would care to say a few words on the bill.

The PRESIDING OFFICER. The Senator from Illinois has been recognized.

Mr. RUSSELL. Mr. President, the Senator from Illinois cannot hold the floor to the exclusion of other Senators.

Mr. LONG of Louisiana. Mr. President, if the Senator from Illinois does not care to speak, I do not see how he can hold the floor.

The PRESIDING OFFICER. Does the Senator from Illinois yield the floor?

Mr. DIRKSEN. Mr. President, the Senator from Illinois has not yet yielded the floor. If the Senate will indulge me, I will occupy the floor for only about 3 minutes.

Mr. PASTORE. Mr. President, will the Senator please speak a little louder?

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. LONG of Louisiana. I wish the Senator to know that I have no objection whatever to the Senator having the floor for 3 minutes. My objection was to the request to cut off debate for the other 99 Senators.

Mr. DIRKSEN. I understand.

Mr. President, this has been a long and hard and somewhat tortuous road. We have deliberated this matter for nearly 8 weeks. I suppose some feel that the effort has been wasted. Others feel that we have not gone far enough.

Mr. RUSSELL. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Illinois may proceed.

Mr. DIRKSEN. Mr. President, others may feel we have gone too far, but in my opinion, we have wrought something worth while, which is progressive, which is constructive, and which is purposeful. I believe it to be meaningful.

The whole debate demonstrates anew certain truths. The first is the caution which must be exercised when one intrudes the Federal power into the affairs of the State. I have a high regard for our State-Federal relationship, so I like to see caution exercised, as I think it was exercised in this long discussion.

This proves also, Mr. President, that the fulfillment of the American dream is a gradual process. It does not come about overnight. All its intimate relationships are involved before us, in the passion with which we can address ourselves to this question of civil rights. This demonstrates anew that by a gradual process we round out the great American dream which was sketched for us 180 years ago.

It demonstrates also that the Senate is capable of moderation and of avoiding the extremes. I think it could be said that 25 years ago sometimes we charged first down one extreme road and then down another, only to find that we had to retrieve our steps. What we have now wrought is a moderate bill, and yet it represents a significant forward step in the whole field of civil rights. I salute the tolerance of the U.S. Senate. We could have gotten into difficulties had we permitted spleen and passion and provocation to carry us to expressions which would reflect ill temper, but almost always, with very few exceptions, the entire debate was germane to the issue, and there was a rare kind of tolerance at all times in considering this matter.

What the Senate did demonstrates also that the Senate in this day and age is equal to a crisis, even as it has been in every generation of the Republic. Crises have occurred, and others will occur in every generation. The very fact that we have not shirked our responsibility, that we have wrestled with this problem for 8 weeks, demonstrates as nothing else can that when a crisis comes—and this was something of a crisis—we are equal to it. This issue has been dormant for nearly fourscore years, but finally we found it on our doorstep. Instead of sidestepping or shrinking, we have met the challenge in

of his own, without anyone else being from the legislation we had enacted. the quorum call be rescinded.

Cooper Johnson, Tex. Ribicoff
Cotton Keating Pastore

Mr. DIRKSEN. I yield.

shrinking, we have met the challenge in

a gradual and a rational fashion, which reflects credit on the entire Senate.

I believe what we are about to accomplish will enlarge the influence of the United States abroad. If we are going to sell freedom, if we are going to sell equality, then it becomes our responsibility to practice what we preach. I am not Irish at all, but I have often said that one of the glaring mistakes in British policy was that the British did not permit the people of Ireland, by a plebiscite, to vote upon their own union and the joining of those six counties which are today not properly a part of Ireland and really under the jurisdiction of Great Britain. I indicated as much to the Colonial Minister in London some years ago when I said, "How do you expect to persuade the people elsewhere in the world to follow Anglo-Saxon leadership unless you practice what you preach? Charity should begin at home."

So in what we are doing we are practicing what we preach. It will in my judgment enlarge the prestige and the influence of our beloved country.

I close on one note. I salute the majority leader of the U.S. Senate. It required no particular courage on my part to pursue the course I have followed. It would have required no particular courage on my part to have pursued an even wider course, if necessary. However, for the majority leader to have devoted his skill, his talent, his conviction—and it must have been conviction—and his courage, to the task which began on the 15th of February, is a remarkable tribute to the majority leader of the U.S. Senate. I think he is entitled to the plaudits and the tribute of every Member of this body.

I hope Senators will bear with me. I have a particular salute for my distinguished friends from New York [Mr. JAVITS and Mr. KEATING]. They have monitored this bill from start to finish. I know, since they have a situation somewhat different from mine, because of the conviction which has ever marked their course, sometimes they might have been frustrated. Never has it been reflected in temper or in feeling. Always there has been the best of spirits.

This, too, is a testimony to the Senate, when it deals with a very complicated problem.

I am glad we are at the end of the road. I think we have reflected credit upon this body. I am grateful to the Senators for their diligence and for their devotion, in remaining with this issue until we have brought it to this point, where the Senate will now determine whether the bill shall pass.

For myself, I can only humbly express my gratitude that I had a very modest part in the fulfillment of this achievement, which marks forward progress in the fulfillment of the American dream.

Mr. President, I am prepared to vote.

Mr. LONG of Louisiana. Mr. President——

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG of Louisiana. Mr. President, anyone who is sincerely interested in the welfare of the Negro should recognize that more will be accomplished by conscientious well-meaning white people of the South than any law which the Federal Government can impose upon our area.

We have before us a bill which proposes to protect the voting rights of the colored man. Very little will be accomplished by passage of this bill if the majority of the white people of the South are determined to frustrate its terms and conditions. There occur to me many ways in which white southerners can frustrate the terms of the bill before us, if they care to do so. For one thing, so long as the poll tax is legal and constitutional, a State can pass a high poll tax, particularly if it is an accumulative poll tax which denies a person the right to vote unless he has paid his poll tax for 3 or 4 successive years.

On occasion I have pointed out the extent to which poll taxes have retarded the registration of poor white voters and Negro voters alike. Thus, by means of a high poll tax, a State can prevent the great majority of Negro voters from registering and participating in elections.

Furthermore, States can require educational qualifications beyond the ability of the great majority of Negroes. These are only two of the most obvious ways in which the white southerner can overcome Federal restrictions in his effort to benefit Negro voters so long as the desire is not present to respect the purpose and the spirit of the law. However, far beyond the measures available to southern whites to resist the purpose of the legislation before us without violating the law itself, are the many measures available to southern whites to retard the progress of the Negro, if the white people care to do so.

It must be remembered that in Southern States, notwithstanding the high percentage of Negro population, the majority of people are white. With the single exception of the State of Mississippi, not a mere majority, but an overwhelming majority of the citizens of those areas are white. Furthermore, the whites as a class control most of the wealth and most of the positions of power—economically, socially, and politically. This will continue to be the case for a great number of years, whether Senators like it or not.

Anyone who even begins to understand the political, social, and economical situation in the South would be quickly forced to the inescapable conclusion that little indeed can be done for the colored minority in the Southern States without the cooperation and assistance of the white majority. As a white southerner, I have seen the tremendous progress made by the Negro people of my State. It has been a progress which has accelerated from year to year. The progress of the colored man in the South was continuing to pick up speed and momentum until the unfortunate, and I believe almost disastrous, decision of the Supreme Court in ordering an end to segregation of the public schools in the South. A great amount of this progress was accomplished because of the good will and the active assistance of the white leaders of that area.

I do not for a moment contend that this good will and active assistance in helping the colored man to better himself has been universal or without exception. The South, like every other part of the Nation, has a number of people who are motivated by fear, distrust, suspicion, and hatred. However, the South, like every other section of the Nation, is led and controlled by people of good will, human understanding, and Christian charity. The story of the Good Samaritan has just as much meaning to whites and Negroes alike in the South as it has to citizens of other sections of the Nation.

Negroes vote in great numbers in the State of Louisiana because white men and women were content that it should be so. While there has been considerable resistance to colored registration in some areas, there has been active pressure on the part of some of the outstanding and highly regarded white citizens of Louisiana to assure that qualified Negroes should be registered and that they should vote.

Today, approximately 14 percent of the registration in Louisiana is colored voters. In view of the fact that illiteracy is highest among the Negro race, it is apparent that at least half of the job of qualifying Negro voters has been accomplished. Everyone recognizes the importance of the colored man voting, if he is to receive his share of benefits which a government is capable of bestowing upon its citizens. This increase in Negro registration was achieved without even the Civil Rights Act of 1957.

I, for one, could point to a great number of examples in my own community. I recall very well that prior to the registration of large numbers of Negroes in East Baton Rouge Parish, where the State Capitol is located, very little public improvements in the way of pavements, sidewalks, sanitary sewerage, street lights, and so forth, were directed toward the areas where the colored population was concentrated. After large numbers of Negroes were registered and began to vote, all of this changed. Today, many of the best streets, sidewalks, and other facilities are located in those same areas.

Mind you, Mr. President, this was not accomplished by any Supreme Court decision. It was accomplished because the whites of the community were willing to accept the colored voter upon the basis of equality.

Mr. GRUENING. Mr. President, will the Senator yield for a question, with the understanding that he will not lose the floor?

Mr. LONG of Louisiana. I yield.

Mr. GRUENING. Will the Senator be kind enough to inform those of us who may have other engagements how long he intends to continue?

Mr. LONG of Louisiana. I cannot inform the Senator exactly how long I expect to talk.

Mr. GRUENING. Can the Senator tell us approximately how long?

Mr. LONG of Louisiana. I should like to speak for a while. If the Senator does not care to hear my presentation, he is privileged to leave.

Mr. GRUENING. I always enjoy hearing the Senator.

Mr. LONG of Louisiana. I thank the Senator. His remark is more than I deserve.

A few years ago a colored citizen ran for the school board and, although he was not elected, he received a very substantial vote and also a respectable vote in boxes in which no Negro voters were registered. Furthermore, in that community, as well as the majority of communities in Louisiana, funds for new school construction were being concentrated on equalizing school facilities for the benefit of colored children. While the Negroes numbered only one-third of the population, more than half of the funds available for school construction was being directed toward schools for Negroes.

Now let us see how some of the misguided efforts of northerners to assist our colored voters has worked out. Recently, in the same community, and after the Supreme Court decision, there occurred a race for district attorney. The candidate who ran first in the first primary received an overwhelming majority of the votes in boxes where the Negro vote was the heaviest. In the runoff he was overwhelmingly defeated. The same thing more recently happened with regard to a race for city judge. Anyone who is familiar with the political situation could see what had happened in those two cases. The fact that a candidate had received overwhelming support from the Negroes caused vast numbers of whites to vote against him in the runoff. Far from helping him, the overwhelming colored vote that the candidate received in the first primary dictated his defeat in the runoff.

Again, a similar case occurred in the recent Democratic gubernatorial primary held in Louisiana. The leader in the first primary collected a large majority of the colored vote; he was defeated in the runoff for the Democratic nomination for Governor.

In prior years, the Negro vote was no such liability. As a matter of fact, some years before, a candidate for reelection as sheriff was regarded as almost a certainty to be successful. When the election occurred, he was overwhelmingly defeated. It was the first election in which large numbers of Negroes had voted. Judging from the returns, it appeared that the Negroes had voted almost unanimously against the incumbent.

White citizens of the community did not resent the outcome in any respect, because they recalled rumors of the beating of Negro prisoners to obtain confessions. The majority of whites felt that the defeat of their sheriff was probably a step toward better government to which the overwhelming majority of Negro voters had contributed.

Prior to the Supreme Court decision on segregation, there was no organization in my community, nor anywhere else in Louisiana to my knowledge, directed toward resisting integration of the races, nor preserving segregation laws and customs. Today in almost every parish in Louisiana, white citizens councils have been organized. In many instances, we have had examples of white citizens boycotting other white citizens whom the former regarded as being overly sympathetic to the Negroes.

What I am trying to demonstrate to my colleagues is that the good will, sympathy, and cooperation of the white majority in the South is indispensable to the progress of the Negro citizen of that area. Little will be accomplished by laws which contribute to a movement that loses for the colored man the support and the assistance of the great numbers of influential southerners who have helped him in the past. It is for this reason that I urge my colleagues to recognize that their desire to benefit the Negroes of the South will be unsuccessful and will accomplish exactly the opposite of their intentions unless the laws they pass make sense and appear to be just and fair to a substantial segment of the white majority of the area.

Very little indeed will be accomplished by having the Attorney General of the United States file lawsuits against white southerners at the expense of the Federal Government, if this results in an accelerated trend toward white voters rejecting any candidate for public office who shows sympathy for the problems of the colored man.

Very little will be accomplished by securing the right of ballot for a colored man if it is followed by State laws which impose educational qualifications on voting beyond the ability of the colored voters to comply.

I plead with my colleagues from the North, East, and West—do not force upon the South laws that will further separate well-meaning southerners from the Negro minority which has benefited greatly from the assistance of those people.

In Louisiana the relationship between the Negroes and the whites was very good at the time the Supreme Court took upon itself the unprecedented power and authority to decree social judgments. Our Nation only grew to greatness because it was peopled initially by those who came to escape the kind of personal judgments on humanity which was exercised by this unanimous judgment of nine men.

Until it is explained in terms of how it was reached, this judgment will remain for me an outstanding mystery of this age.

What we have to deal with now is the situation created in large part by this decision. Those of us who are Members of the Senate representing Southern States can no more avoid dealing with this issue than can our colleagues representing the so-called Northern States. It would appear rather unnecessary to state that those of us who represent the States in which the supposed evil exists—which it is alleged should now be stamped out—should know more about it than our colleagues from States who seem so determined to point the finger of guilt. I have pointed out in previous discussions where situations worse than ours exist.

When I look at conditions in my native State, I find no quarrel with the manner in which events were developing between the white and colored races at the time the Supreme Court handed down its school desegregation creed on May 17, 1954. There was a growing understanding between white and colored citizens that their color was not the determining factor in their accomplishment. In the name of justice and in the name of our Constitution, the Supreme Court said, in effect, that it was impossible for a colored child to be given an opportunity in a public school which was composed solely of students of his own race. Certainly those of us who have grown up in the South with no prejudice and with much understanding could never agree with this judgment.

All my personal recollections are that I felt a great pleasure in observing the accomplishments of colored citizens in Louisiana. I had occasion to be helpful to many of them. I hope to be helpful to many in the future, also.

Yet, in the past few years since the school desegregation decision, there has been more and more reaction against measures to cooperate in advancing the Negro. This is the same reaction and the same feeling that free men everywhere have experienced when attempts were made by law to legislate their personal judgments.

In the almost 2 months of debate on the so-called civil rights measures, I do not believe that a single Member of the Senate has in the course of the discussion asserted that the position of the colored citizens in the Southern States was deteriorating.

They all know that the facts are directly contrary. In no single period in this country's history, or in the history of any other country of which I have knowledge, was so much progress made in improving the conditions of a minority group and in proving the acceptability of accomplishments made by a group in the community which was advancing from an inferior position.

Mr. President, I think that we witnessed a sad spectacle during the past 2 months. I hope that those of us who were born in the South and who represent it in the Nation's Capital will not again see an application of the methods that were employed here in the Senate used for a similar purpose.

To express this hope may seem to be bold and even a foolish statement. If it is, I can only say that it is based upon my own fundamental belief in the essential justice and sympathetic understanding of my colleagues. It has ever been in history that those who chased supposed evil often found themselves going too far in their efforts to stamp it out, and those who press upon us new legislative acts today are, in my opinion, already far beyond in their own thinking what they really wish to see accomplished.

They seem to be borne on and on by elements in the past which never really existed in the manner they have come to believe and which certainly today are not in existence.

The South is not a vast slave area and its white citizens are not dedicated to the suppression of its black citizens. More than anywhere else in the Nation, we in the South know that we must continue to live with the problems created

by the many differences in the ways of life of these two groups.

In closing this debate, Mr. President, I do so in the fervent hope that we are forever closing the door against force legislation that can only ultimately harm those it is supposed to help.

Mr. KEFAUVER. Mr. President, I stated 1 month ago—on March 14—that I would vote for a civil rights bill which contained measures designed to strengthen the right of every qualified citizen in this Nation to vote.

It was my feeling at that time that such a bill would evolve from the long hours of debate and the hard work of those who have aimed for this objective from the time when this legislation came before the Senate on February 15. This has been my objective.

I shall, therefore, vote for this bill—the Civil Rights Act of 1960. I shall do so because I believe it is reasonable, constructive, and morally right. It contains the three elements which, from the beginning, I have said it should contain.

It is primarily a voting rights bill. I have always been of the opinion, and shall continue to be of the opinion, that all qualified citizens—regardless of race or color—should have the right freely to register and vote. This bill strengthens the basic right, and its provisions on this subject are workable and fair.

The bill also has provisions outlawing hate-bombings and enforcing compliance with court orders, whether in the civil rights field or across the board.

I believe that from the beginning of this 8 weeks' debate, the Senate has wanted a moderate bill with these three elements. Consequently, it has rejected out of hand such far-ranging items as a new FEPC, the old title III of the act of 1957, and a number of other extraneous provisions.

The bill as it passed the House has been improved by a number of amendments. I was particularly anxious to have adopted an amendment to the voting provisions which would have assured that proceedings before voting referees would take place in public. Although my amendment was modified to specify only that the judge should set the time and place of such hearings, this is a considerable improvement over the language in the House version of the bill, and should prevent abuse of anyone's rights.

I believe the result of my efforts has been to insure the rights of public officials, without in any way impeding the rights of those who enter complaints against such officials.

The passage of this constructive bill has taken considerable time. Its passage has been achieved without a resumption of the filibuster which met the administration bill which was introduced and originally was debated in the Senate.

We were able to reach agreement on the House version of the bill without bypassing the Judiciary Committee and without taking the extreme measure of closing the debate through a cloture petition. To my way of thinking, this is a real accomplishment. It indicates that both sides are willing to be reasonable and, in the final analysis, want to avoid needless heightening of racial tensions.

Mr. McCARTHY. Mr. President, I ask unanimous consent that remarks prepared by the Senator from Minnesota [Mr. HUMPHREY] on the civil rights bill may be printed in the RECORD preceding the vote on that bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HUMPHREY

After 3 long months of debate the Senate is about to pass the pending civil rights bill.

It is my intention to support this bill on final passage, but I must candidly state that the bill falls far short of my hopes and expectations. As the debate has worn on the bill has been made weaker and weaker. The proponents of civil rights who have sought to strengthen the bill have been defeated on vote after vote. The bill as it now stands cannot be heralded as any great triumph for protection of civil rights of Negro citizens.

In the Senate on March 3 I set down what I considered as the minimum provisions of a meaningful civil rights bill this year as follows:

1. A declaration of support for the Supreme Court school desegregation decisions and the provision of step-by-step assistance to the States and local governmental bodies to aid in implementing desegregation.

2. Granting to the Attorney General authority to bring suits on behalf of individuals whose civil rights under the Constitution of the United States are violated.

3. Voting right protection for disfranchised Negroes by way of Presidentially appointed registrars in accordance with the recommendation of the Civil Rights Commission.

I deeply regret that the Senate did not include these provisions in the civil rights bill.

The bill before us contains six titles. But let no one be led to believe that the number of titles indicates great strides forward. The first five titles are of relatively minor import. The heart of the bill is title VI, which provides for court-appointed referees to register disfranchised Negroes.

In my judgment, it would have been far more desirable to have provided for Presidentially appointed registrars, as recommended by the Civil Rights Commission and as provided for in legislation such as I introduced in this body.

Many, including myself, have grave doubts that any significant number of Negroes will ever get to vote under this present bill. Anyone who sits down and reads this bill knows how complicated the procedure is which a disfranchised Negro is required to follow before he ever gets to the polls and has his vote counted. Even the esteemed lawyers who serve in this body do not seem to agree as to what the voting rights section provides. There is general agreement only on one thing—the machinery is very complex.

However, despite my disappointment over the rejection of the much simpler and less cumbersome registrar proposals, I am willing to give this referee proposal a chance to prove itself.

If, however, this bill fails in its avowed purpose of enabling any significant number of Negroes to vote due to legal redtape, those of us who have advocated civil rights legislation for so many years shall call for the passage of more effective measures.

The obligation of the Congress lies not only in the area of voting rights. We must take appropriate action to guarantee to every American, regardless of race, color, or religion, the basic rights as guaranteed in the Constitution. I am confident that the people in the coming November elections will elect a Congress and an administration which will move promptly and vigorously in this field.

The PRESIDING OFFICER (Mr. MCGEE in the chair). The question is on the passage of the bill. The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. HENNINGS. I announce that the Senator from Oklahoma [Mr. KERR] and the Senator from Montana [Mr. MANSFIELD] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD] is absent because of illness.

I further announce that the Senator from Minnesota [Mr. HUMPHREY] and the Senator from Wyoming [Mr. O'MAHONEY] are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Oklahoma [Mr. KERR], the Senator from Montana [Mr. MANSFIELD], and the Senator from Wyoming [Mr. O'MAHONEY], would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN] is absent on official business.

The Senator from Colorado [Mr. ALLOTT], the Senators from Kansas [Mr. SCHOEPPEL and Mr. CARLSON], and the Senator from Arizona [Mr. GOLDWATER] are necessarily absent.

The Senator from Idaho [Mr. DWORSHAK] is absent on official business attending a meeting of the Air Force Academy.

If present and voting, the Senator from Vermont [Mr. AIKEN], the Senator from Colorado [Mr. ALLOTT], the Senators from Kansas [Mr. SCHOEPPEL and Mr. CARLSON], the Senator from Idaho [Mr. DWORSHAK], and the Senator from Arizona [Mr. GOLDWATER] would each vote "yea."

The result was announced—yeas 71, nays 18, as follows:

[No. 164]

YEAS—71

Anderson	Fong	Magnuson
Bartlett	Frear	Martin
Beall	Gore	Monroney
Bennett	Green	Morse
Bible	Gruening	Morton
Bridges	Hart	Moss
Brunsdale	Hartke	Mundt
Bush	Hayden	Murray
Butler	Hennings	Muskie
Byrd, W. Va.	Hickenlooper	Pastore
Cannon	Hruska	Prouty
Capehart	Jackson	Proxmire
Carroll	Javits	Randolph
Case, N.J.	Johnson, Tex.	Saltonstall
Case, S. Dak.	Keating	Scott
Chavez	Kefauver	Smith
Church	Kennedy	Symington
Clark	Kuchel	Wiley
Cooper	Lausche	Williams, Del.
Cotton	Long, Hawaii	Williams, N.J.
Curtis	Long, La.	Yarborough
Dirksen	McCarthy	Young, N. Dak.
Douglas	McGee	Young, Ohio
Engle	McNamara	

NAYS—18

Byrd, Va.	Holland	Russell
Eastland	Johnston, S.C.	Smathers
Ellender	Jordan	Sparkman
Ervin	Long, La.	Stennis
Fulbright	McClellan	Talmadge
Hill	Robertson	Thurmond

NOT VOTING—11

Aiken	Dworshak	Mansfield
Allott	Goldwater	O'Mahoney
Carlson	Humphrey	Schoeppel
Dodd	Kerr	

So the bill (H.R. 8601) was passed.

Mr. DIRKSEN. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. JOHNSON of Texas. Mr. President, I move to lay on the table the motion to reconsider.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that House bill 8601, just passed by the Senate, be printed with all the Senate amendments thereto numbered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, will the Senator from Texas request that the bill, as amended, be printed in the RECORD?

Mr. JOHNSON of Texas. Yes.

Mr. President, I ask unanimous consent that House bill 8601, as amended by the Senate, be printed in the RECORD immediately following a memorandum and a compilation of the yea-and-nay votes on the bill which I submit. There were 43 yea-and-nay votes in connection with the bill, and they show the unmistakable fact that a substantial majority of the Senate in each instance had its opinion prevail. Therefore, I have asked unanimous consent that a memorandum and a compilation of the yea-and-nay votes, beginning with vote No. 16, and continuing through vote No. 65, be printed at this point in the RECORD; and that immediately thereafter, House bill 8601, as amended by the Senate, be printed in the RECORD.

There being no objection, the memorandum, compilation, and bill were ordered to be printed in the RECORD, as follows:

MEMORANDUM

1. Liberals or conservatives have the unquestioned right to criticize the civil rights bill as being too weak or too strong. Nobody would deny them this right.

2. But it should be made absolutely clear that in criticizing the bill they are criticizing the Senate itself. The facts are that every conceivable civil rights proposal had a fair day in court and was either adopted or rejected by a majority vote. The bill that has emerged is the handiwork of the majority of the Senate itself.

3. The critics of the bill are going to drum up various reasons why the bill fell short of their expectations or went further than they would like to go. But these reasons are completely beside the point. Anyone who is dissatisfied with the bill must trace his dissatisfaction to one source—he could not muster enough votes among 100 Senators representing all parts of the country to secure adoption of his viewpoint.

4. There can be no objection to anyone who wants to "educate" the public and try to win majority acquiescence to his views. But he must bear in mind the fact that the bill is what it is today simply because a majority of the Senate thought that this is the way it should be.

COMPILATION OF CIVIL RIGHTS VOTES, 1960

Vote No. 16, Russell motion to postpone further consideration of H.R. 8315 until February 23, 1960: Yeas 28, nays 61, not voting 11.

Vote No. 17, discharge resolution (final passage), Senate Resolution 273, a resolution to discharge under certain conditions the Committee on the Judiciary from further consideration of the Senate bill 2391, a civil rights measure: Yeas 4, nays 68, not voting 28.

Vote No. 20, on Johnson motion that the Senate adjourn at 5 o'clock Monday, February 29, 1960: Yeas 10, nays 67, not voting 23.

Vote No. 21, on Morse motion that the Senate adjourn at 8 p.m., March 1, 1960: Yeas 6, nays 55, not voting 39.

Vote No. 22, on Johnson motion that the Sergeant at Arms be directed to request the attendance of absentee Senators: Yeas 55, nays 5, not voting 40.

Vote No. 23, Johnson motion to request absentee Senators: Yeas 62, nays 7, not voting 31.

Vote No. 23, Johnson motion to table Ellender motion to adjourn Senate until 12 o'clock noon, March 2, 1960: Yeas 64, nays 6, not voting 30.

Vote No. 25, Johnson motion to table Ervin motion to adjourn Senate until 12 o'clock noon, March 3, 1960: Yeas 65, nays 7, not voting 28.

Vote No. 26, Johnson motion to table Long amendment: Yeas 64, nays 8, not voting 28.

Vote No. 27, Johnson motion to request absentee Senators: Yeas 56, nays 1, not voting 43.

Vote No. 28, Johnson motion to proceed to consideration of executive business: Yeas 56, nays 0, not voting 44.

Vote No. 29, Johnson motion to request absentee Senators: Yeas 52, nays 0, not voting 48.

Vote No. 30, Johnson motion to request absentee Senators: Yeas 56, nays 2, not voting 42.

Vote No. 31, Johnson motion to request absentee Senators: Yeas 53, nays 3, not voting 44.

Vote No. 32, Johnson motion to request absentee Senators: Yeas 53, nays 3, not voting 44.

Vote No. 33, Johnson motion Senate adjourn 4:05, March 8, 1960, to establish new legislative day: Yeas 53, nays 4, not voting 43.

Vote No. 34, cloture petition: Yeas 42, nays 53, not voting 4.

Vote No. 35, Johnson motion to table the Case of South Dakota amendment (to the Ervin amendment): Yeas 55, nays 38, not voting 6.

Vote No. 36, Ervin amendment to the first section of the amendment, in the nature of a substitute, offered by Senator DIRKSEN: Yeas 89, nays 0, not voting 10.

Vote No. 37, Lausche amendment to section 1 of the Dirksen substitute (the administration bill) (across-the-board court orders): Yeas 65, nays 19, not voting 15.

Vote No. 38, Morse motion to table section 1 of the Dirksen substitute, as amended: Yeas 49, nays 35, not voting 15.

Vote No. 39, Goldwater (and five others) amendment (to sec. 2 of the Dirksen substitute), antibombing section: Yeas 85, nays 1, not voting 13.

Vote No. 40, Keating amendment (to sec. 2 of the Dirksen substitute), antibombing section: Yeas 87, nays 0, not voting 12.

Vote No. 41, vote on section 2 of the Dirksen substitute, as amended: Yeas 86, nays 1, not voting 12.

Vote No. 42, Dirksen motion to table Douglas-Javits amendment (to sec. 3 of Dirksen substitute): Yeas 53, nays 24, not voting 22.

Vote No. 43, Johnson motion that Senate recess until 12 noon on March 24, 1960: Yeas 85, nays 1, not voting 14.

Vote No. 44, Morse motion to table the Clark-Javits (and 11 others) amendment to section 3 of the Dirksen (administration) proposal: Yeas 51, nays 48, not voting 6.

Vote No. 45, Eastland motion to refer H.R. 8601 to Senate Judiciary Committee: Yeas 19, nays 72, not voting 9.

Vote No. 46, Johnson motion to refer H.R. 8601, the House-passed civil rights bill, to the Senate Judiciary Committee with instructions to report back by Tuesday, March 29, 1960: Yeas 86, nays 5, not voting 9.

Vote No. 54, Johnson motion that the Senate proceed to the consideration of H.R. 8601: Yeas 71, nays 17, not voting 12.

Vote No. 55, vote on committee amendment to H.R. 8601 across-the-board court orders: Yeas 68, nays 20, not voting 12.

Vote No. 56, Carroll amendment (to the committee-Kefauver amendment) to require, under the revised referee plan, that the applicant be given an ex parte hearing at such times and places as the court shall direct: Yeas 69, nays 22, not voting 9.

Vote No. 57, Dirksen motion to table equal job opportunity amendment: Yeas 48, nays 38, not voting 14.

Vote No. 58, Mansfield motion to table Keating financial assistance amendment: Yeas 61, nays 30, not voting 9.

Vote No. 59, Dirksen tabling motion of Javits intervention amendment: Yeas 56, nays 34, not voting 10.

Vote No. 60, Dirksen motion to table Hart amendment: Yeas 52, nays 38, not voting 10.

Vote No. 61, Dirksen tabling motion of Hennings amendment: Yeas 58, nays 26, not voting 16.

Vote No. 62, Ervin-McClellan rules of procedure amendment: Yeas 29, nays 64, not voting 7.

Vote No. 63, Kuchel motion to table Ervin amendment, limiting the voting rights section to candidates for Congress (instead of applying the right to all elections): Yeas 72, nays 16, not voting 12.

Vote No. 64, Dirksen motion to table Johnston (S.C.) amendment, limiting the right to vote to general elections in lieu of special primary, and general elections: Yeas 68, nays 18, not voting 14.

Vote No. 65, Dirksen motion to table Carroll amendment: Yeas 62, nays 32, not voting 6.

H.R. 8601

An act to enforce constitutional rights, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civil Rights Act of 1960".

TITLE I

Obstruction of court orders

SEC. 101. Chapter 73 of title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 1509. Obstruction of court orders

"Whoever, by threats or force, willfully prevents, obstructs, impedes, or interferes with, or willfully attempts to prevent, obstruct, impede, or interfere with, the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime."

SEC. 102. The analysis of chapter 73 of such title is amended by adding at the end thereof the following:

"1509. Obstruction of court orders."

TITLE II

Flight to avoid prosecution for damaging or destroying any building or other real or personal property; and, illegal transportation, use or possession of explosives; and, threats or false information concerning attempts to damage or destroy real or personal property by fire or explosives

SEC. 201. Chapter 49 of title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 1074. Flight to avoid prosecution for damaging or destroying any building or other real or personal property

"(a) Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody, or confinement after conviction, under the laws of the place from which he flees, for willfully attempting to or damaging or destroying by fire or explosive any building, structure, facility, vehicle, dwelling house, synagogue, church, religious center or educational institution, public or private, or (2) to avoid giving testimony in any criminal proceeding relating to any such offense shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"(b) Violations of this section may be prosecuted in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement: *Provided, however*, That this section shall not be construed as indicating an intent on the part of Congress to prevent any State, Territory, Commonwealth, or possession of the United States of any jurisdiction over any offense over which they would have jurisdiction in the absence of such section."

SEC. 202. The analysis of chapter 49 of such title is amended by adding thereto the following:

"1074. Flight to avoid prosecution for damaging or destroying any building or other real or personal property."

SEC. 203. Chapter 39 of title 18 of the Untied States Code is amended by adding at the end thereof the following new section:

"§ 837. Explosives; illegal use or possession; and, threats or false information concerning attempts to damage or destroy real or personal property by fire or explosives

"(a) As used in this section—

"'commerce' means commerce between any State, Territory, Commonwealth, District, or possession of the United States, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory, or possession of the United States, or the District of Columbia;

"'explosive' means gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuzes (other than electric circuit breakers) detonators, and other detonating agents, smokeless powders, and any chemical compounds or mechanical mixture that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound or mixture or any part thereof may cause an explosion.

"(b) Whoever transports or aids and abets another in transporting in interstate or foreign commerce any explosive, with the knowledge or intent that it will be used to damage or destroy any building or other real or personal property for the purpose of interfering with its use for educational, religious, charitable, residential, business, or civic objectives or of intimidating any person pursuing such objectives, shall be subject to imprisonment for not more than one year, or a fine of not more than $1,000, or both; and if personal injury results shall be subject to imprisonment for not more than ten years or a fine of not more than $10,000, or both; and if death results shall be subject to imprisonment for any term of years or for life, but the court may impose the death penalty if the jury so recommends.

"(c) The possession of an explosive in such a manner as to evince an intent to use, or the use of, such explosive, to damage or destroy any building or other real or personal property used for educational, religious, charitable, residential, business, or civic objectives or to intimidate any person pursuing such objectives, creates rebuttable presumptions that the explosive was transported in interstate or foreign commerce or caused to be transported in interstate or foreign commerce by the person so possessing or using it, or by a person aiding or abetting the person so possessing or using it: *Provided, however*, That no person may be convicted under this section unless there is evidence independent of the presumptions that this section has been violated.

"(d) Whoever, through the use of the mail, telephone, telegraph, or other instrument of commerce, willfully imparts or conveys, or causes to be imparted or conveyed, any threat, or false information knowing the same to be false, concerning an attempt or alleged attempt being made, or to be made, to damage or destroy any building or other real or personal property for the purpose of interfering with its use for educational, religious, charitable, residential, business, or civic objectives, or of intimidating any person pursuing such objectives, shall be subject to imprisonment for not more than one year or a fine of not more than $1,000, or both.

"(e) This section shall not be construed as indicating an intent on the part of Congress to occupy the field in which this section operates to the exclusion of a law of any State, Territory, Commonwealth, or possession of the United States, and no law of any State, Territory, Commonwealth, or possession of the United States which would be valid in the absence of the section shall be declared invalid, and no local authorities shall be deprived of any jurisdiction over any offense over which they would have jurisdiction in the absence of this section."

SEC. 204. The analysis of chapter 39 of title 18 is amended by adding thereto the following:

"837. Explosives; illegal use or possession; and threats or false information concerning attempts to damage or destroy real or personal property by fire or explosives."

TITLE III

Federal election records

SEC. 301. Every officer of election shall retain and preserve, for a period of 22 months from the date of any general, special, or primary election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than $1,000 or imprisoned not more than one year, or both.

SEC. 302. Any person, whether or not an officer of election or custodian, who willfully steals, destroys, conceals, mutilates, or alters any record or paper required by section 301 to be retained and preserved shall be fined not more than $1,000 or imprisoned not more than one year, or both.

SEC. 303. Any record or paper required by section 301 to be retained and preserved shall, upon demand in writing by the Attorney General or his representatives directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying at the principal office of such custodian, by the Attorney General or his representative. This demand shall contain a statement of the basis and the purpose therefor.

SEC. 304. Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to this title, or any reproduction or copy, except to Congress and any committee thereof, governmental agencies, and in the presentation of any case or proceeding before any court or grand jury.

SEC. 305. The United States district court for the district in which a demand is made pursuant to section 303, or in which a record or paper so demanded is located, shall have jurisdiction by appropriate process to compel the production of such record or paper.

SEC. 306. As used in this title, the term "officer of election" means any person who, under color of any Federal, State, Commonwealth, or local law, statute, ordinance, regulation, authority, custom, or usage, performs or is authorized to perform any function, duty, or task in connection with any application, registration, payment of poll tax, or other act requisite to voting in any general, special, or primary election at which votes are cast for candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico.

TITLE IV

Extension of powers of Civil Rights Commission

SEC. 401. Section 105 of the Civil Rights Act of 1957 (42 U.S.C. Supp. V 1975d) (71 Stat. 635) is amended by adding the following new subsection at the end thereof:

"(h) Without limiting the generality of the foregoing, each member of the Commission shall have the power and authority to administer oaths or take statements of witnesses under affirmation."

TITLE V

Education of children of members of Armed Forces

SEC. 501. (a) Subsection (a) of section 6 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as amended, relating to arrangements for the provision of free public education for children residing on Federal property where local educational agencies are unable to provide such education, is amended by inserting after the first sentence the following new sentence: "Such arrangements may also be made to provide, on a temporary basis, minimum school facilities for children of members of the Armed Forces on active duty, if the schools in which free public education is usually provided for such children are made unavailable to them as a result of official action by State or local governmental authority and it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children."

(b)(1) The first sentence of subsection (d) of such section 6 is amended by adding before the period at the end thereof: "or, in the case of children to whom the second sentence of subsection (a) applies, with the head of any Federal department or agency having jurisdiction over the parents of some or all of such children".

(2) The second sentence of such subsection (d) is amended by striking out "Arrangements" and inserting in lieu thereof "Except where the Commissioner makes arrangements pursuant to the second sentence of subsection (a), arrangements".

SEC. 502. Section 10 of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), as amended, relating to arrangements for facilities for the provision of free public education for children residing on Federal property where local educational agencies are unable to provide such education, is amended by inserting after the first sentence the following new sentence: "Such arrangements may also be made to provide, on a temporary basis, minimum school facilities for children of members of the Armed Forces on active duty, if the schools in which free public education is usually provided for such children are made unavailable to them as a result of official action by State or local governmental authority and it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children."

TITLE VI

SEC. 601. That section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), is amended as follows:

(a) Add the following as subsection (e) and designate the present subsection (e) as subsection "(f)":

"In any proceeding instituted pursuant to subsection (c) in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall upon request of the Attorney General and after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has since such finding by the court been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. Such order shall be effective as to any election held within the longest period for which such applicant could have been registered or otherwise qualified under State law at which the applicant's qualifications would under State law entitle him to vote.

"Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with notice of such order to permit any person so declared qualified to vote to vote at an appropriate election shall constitute contempt of court.

"An application for an order pursuant to this subsection shall be heard within ten days, and the execution of any order disposing of such application shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

"The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, who shall subscribe to the oath of office required by Revised Statutes, section 1757 (5 U.S.C. 16), to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. In a proceeding before a voting referee, the applicant shall be heard ex parte at such times and places as the court shall direct. His statement under oath shall be prima facie evidence as to his age, residence, and his prior efforts to register or otherwise qualify to vote. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

"Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceeding together with an order to show cause within ten days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered unless prior to that time there has been filed with the court and served upon all parties a statement of exceptions to such report. Exceptions as to matters of fact shall be considered only if supported by a duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts or by statements or matters contained in such report; those relating to matters of law shall be supported by an appropriate memorandum of law. The issues of fact and law raised by such exceptions shall be determined by the court, or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court. A hearing as to an issue of fact shall be held only in the event that the proof in support of the exception discloses the existence of a genuine issue of material fact. The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

"The court, or at its direction the voting referee, shall issue to each applicant so declared a certificate identifying the holder thereof as a person so qualified.

"Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(c) of the Federal Rules of Civil Procedure. The compensation to be allowed to any persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

"Applications pursuant to this subsection shall be determined expeditiously. In the case of any application filed twenty or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally: *Provided, however*, That such applicant shall be qualified to vote under State law. In the case of an application filed within twenty days prior to an election, the court, in its discretion, may make such an order. In either case the order shall make appropriate provision for the impounding of the applicant's ballot pending determination of the application. The court may take any other action, and may authorize such referee or such other person as it may designate to take any other action, appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees. This subsection shall in no way be construed as a limitation upon the existing powers of the court.

"When used in the subsection, the word 'vote' includes all action necessary to make a vote effective, including, but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election; the words 'affected area' shall mean any subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have violated subsection (a); and the words 'qualified under State law' shall mean qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have violated subsection (a) in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist."

(b) Add the following sentence at the end of subsection (c):

"Whenever, in a proceeding instituted under this subsection any official of a State or subdivision thereof is alleged to have committed any act or practice constituting a deprivation of any right or privilege secured by subsection (a), the act or practice shall also be deemed that of the State and the State may be joined as a party defendant and, if, prior to the institution of such proceeding, such official has resigned or has been relieved of his office and no successor has assumed such office, the proceeding may be instituted against the State."

TITLE VII

Separability

SEC. 701. If any provision of this Act is held invalid, the remainder of this Act shall not be affected thereby.

Mr. JOHNSON of Texas. Mr. President, I wish to say that there is nothing that I could add to what has already been said with regard to the measure just passed by the Senate.

I do want all my colleagues to know that I am very grateful to each one of them for their understanding, their courtesy, and their patience; and I am particularly grateful to the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], for his complete cooperation at all times, and also for the undeserved statements he made regarding me.

Mr. DIRKSEN. Mr. President, before the distinguished senior Senator from Georgia [Mr. RUSSELL] leaves the Chamber, I just wish to salute a great parliamentarian, a great captain, a worthy antagonist, and a man of deep

conviction, whom I have learned to admire and to revere in 25 years of legislative service. My respect and my admiration for him are greater today than they ever were before.

Mr. RUSSELL. Mr. President, I deeply appreciate the very kind comments of the distinguished Senator from Illinois. I have met him as an adversary time and again over a period of 25 years. He is a tough but a fair fighter. He keeps all of his blows above the belt.

I am very grateful to him for the generous sentiments he has expressed, even though he wears the garlands of victory because of the passage of this bill, which I opposed as vigorously as I know how.

ORDER FOR CALL OF THE CALENDAR ON MONDAY

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that on Monday, at the conclusion of routine morning business, the bills and other measures on the calendar, beginning with Calendar No. 1242, be called, for the consideration of measures to which there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNUAL AUDIT OF BRIDGE COMMISSION AND AUTHORITIES

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1109, Senate bill 1511, in order to make that bill the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title, for the information of the Senate.

The CHIEF CLERK. A bill (S. 1511) to provide for the annual audit of bridge commissions and authorities created by act of Congress, for the filling of vacancies in the membership thereof, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

There being no objection, the Senate proceeded to consider the bill (S. 1511), which had been reported from the Committee on Public Works with amendments.

STELLA REORGANIZED SCHOOLS, MISSOURI

Mr. RUSSELL. Mr. President, will the Senator from Texas yield to me?

Mr. JOHNSON of Texas. I yield.

Mr. RUSSELL. I wonder whether the Senator from Texas can advise the Senate as to when it might expect to resume the consideration of House bill 8315, the Stella School District bill?

Mr. JOHNSON of Texas. I am prepared to call it up now.

Mr. President, I ask unanimous consent that the Senate resume the consideration of Calendar No. 924, House bill 8315, the Stella School District bill.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. JOHNSON of Texas. Mr. President, I move that the Dirksen amendment to the bill be stricken out.

Mr. RUSSELL. Mr. President, I do not believe there is an amendment to the bill.

The PRESIDING OFFICER. The Chair is advised that an amendment to the bill is pending.

Mr. JOHNSON of Texas. I ask that the amendment be withdrawn.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MORSE. Mr. President, I realize the mood of the Senate; but I have pending an amendment to the bill, and I wish to discuss the amendment at some length, unless we can obtain an agreement that the bill can be amended so as to conform to the Morse formula. But at present the bill does not do so.

I have discussed this matter briefly before now. I do not think the difference between us is very great, except over the matter of principle.

My amendment provides that the value of the leasehold interest be appraised, and that the school district pay half the fair market value of the leasehold interest.

As I said once before during the debate on this matter, I think there are a good many offsets, and that the amount of money, if any, which the school district would owe the Federal Government would not be very great. In fact, it might even be a nominal amount.

But in its present form the bill clearly violates a principle for which I have fought in the Senate for many years; and I do not intend to let the bill be rushed through tonight without having adequate consideration given to my amendment and to a review of the problem involved in connection with it.

I have no objection to having the bill made the pending business; but I served notice of this matter on February 15, I believe.

However, I think we might obtain an agreement from the Senator from Georgia [Mr. RUSSELL], because during the debate on February 15, I believe we were almost in agreement that probably the school district would not have to pay anything by way of rent, after the offsets were taken care of.

But certainly a determination should be made as to whether the leasehold is of any remaining value to the Federal Government.

I should like to have the Senator from Georgia state what his view regarding this matter is.

Mr. RUSSELL. Mr. President, it would seem that the Stella School District bill is almost as controversial now as it was on February 15. So I suggest that the Senator from Texas withdraw his request.

Mr. JOHNSON of Texas. Mr. President, I have no desire to involve the Senate in controversy this evening. I thought the bill did not involve the Morse formula, and I understood that the Armed Services Committee felt that it would be proper to have the bill passed by the Senate.

However, if the Senator from Oregon objects to the passage of the bill at this time, then I intend to move that the bill be brought up at a later date, in view of the fact that the bill involves some rental payment.

Mr. MORSE. Mr. President, I do object to having the bill passed at this time, until there has been adequate discussion and consideration of this problem.

Mr. JOHNSON of Texas. Very well.

Mr. President, I ask unanimous consent that House bill 8315 be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO MONDAY

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations this evening it stand in adjournment until Monday at 12 o'clock noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

CIVIL RIGHTS

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that there may be printed in the RECORD a statement prepared by me on the civil rights bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BYRD

Now that the battle of the so-called civil rights bill is over in the Senate of the United States, I want to make this statement to the people of Virginia.

In my 28 years of service in the Senate I have never known such a determined effort to enact punitive legislation, most of which was unconstitutional and offensive to the South.

The debate has gone on for 2 months, and in one period the Senate was forced to meet around the clock for 125 consecutive hours in an effort to wear down the southern Senators.

Eighteen Senators were opposing 82.

In the main the result has been a victory for the South when the substance of the bill as passed is compared with the provisions of the original bill and the 40-odd amendments which were proposed.

Superbly led by Senator RICHARD B. RUSSELL, of Georgia, the southerners in the Senate demonstrated the effectiveness of courageous massive resistance. The opposition of southerners in the House of Representatives, led by Representative HOWARD W. SMITH, of Virginia, was equally resolute and formidable.

With our backs to the wall, the southerners withstood the power of the Federal Government, the political pressure of those States appealing to the Negro vote, and the propaganda of the facilities available to the NAACP. The more vicious proposals and the worst features of the administration bill were eliminated.

One of the most offensive provisions was a declaration by statute that the illegal Warren Court school decision was the supreme law of the land. This was defeated by a vote of more than two to one. Also defeated was the provision to bribe with Federal payments States or localities which, without opposition, would integrate public schools under the Warren decision.

Another defeated provision would have made it a felony to resist Federal court orders in school cases, and this was so loosely worded as perhaps to make those who have set up the private school system in Prince Edward County guilty of a felony.

The FEPC provision was defeated. The language of the so-called antibombing section was greatly modified; and so were the provisions for voting referees and preservation of voting records.

All in all, the southerners in Congress succeeded in defeating the most offensive provisions and modifying others in measurable degree. There were times in the debate when this appeared to be impossible.

Of course, the bill is still objectionable and all southerners voted against it, but to paraphrase Sir Winston Churchill, So few at such great odds have done so much for so many.

MEMORIAL SERVICE FOR THE LATE SENATOR NEUBERGER, OF OREGON

Mr. JOHNSON of Texas. Mr. President, on March 13 a group of our colleagues attended the memorial services for the late Senator Richard L. Neuberger in Portland, Oreg.

It was a moving service, one that was in keeping with the high character and the simple directness of our late colleague. Those who were present spoke of the tremendous work that Dick Neuberger had done for his country. They listed his many accomplishments and his dedication to the service of his fellow men. I ask unanimous consent that the transcribed text of the memorial service be printed in the body of the RECORD in memory of our colleague.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

MEMORIAL SERVICES FOR THE LATE SENATOR RICHARD L. NEUBERGER, OF OREGON

Memorial services for the late Senator Richard L. Neuberger of Oregon were held Sunday, March 13, 1960, at Temple Beth Israel, in Portland, Oreg., with Rabbi Emanuel Rose officiating. Members of the committee of the U.S. Senate and the House of Representatives attending the services were the senior Senator from Texas, Mr. JOHNSON; the senior Senator from Oregon, Mr. MORSE; the senior Senator from Illinois, Mr. DOUGLAS; the senior Senator from Idaho, Mr. DWORSHAK; the junior Senator from Washington, Mr. JACKSON; the junior Senator from Kentucky, Mr. MORTON; the junior Senator from Idaho, Mr. CHURCH; the junior Senator from Texas, Mr. YARBOROUGH; the senior Senator from Alaska, Mr. BARTLETT; the junior Senator from Alaska, Mr. GRUENING; the junior Senator from Wyoming, Mr. MCGEE; Representative HENRY S. REUSS, of Wisconsin; Representatives WALTER NORBLAD, EDITH GREEN, CHARLES O. PORTER, and AL ULLMAN, all of Oregon. Also attending were Mesdames Church, Bartlett, and McGee.

Memorial addresses were delivered by Rabbi Emanuel Rose of Temple Beth Israel, the Honorable Mark O. Hatfield, Governor of the State of Oregon; the Honorable Lyndon B. Johnson, U.S. Senator from the State of Texas and majority leader of the U.S. Senate; the Honorable Robert D. Holmes, former Governor of the State of Oregon; the Honorable E. Palmer Hoyt, editor and publisher of the Denver Post of Denver, Colo.; the Honorable William O. Douglas, Associate Justice of the Supreme Court of the United States; the Honorable Paul H. Douglas, U.S. Senator from the State of Illinois; the Honorable Ernest Gruening, U.S. Senator from the State of Alaska; Dr. Richard M. Steiner, pastor of the First Unitarian Church of Portland, Oreg. Transcribed text of the ceremonies follows:

Rabbi Emanuel Rose: "Oh, God, who art our master of life and death, we know how limited is our wisdom, how short our vision. One by one the children of men passing along the road of life disappear from our view. We know that each of us must walk the same path to the doorway of the grave. We strain our eyes to see what lies beyond the gate, but all is darkness to our mortal sight. For Thee, oh God, the night shineth as the day, the darkness is even as the light. Into Thy gracious hands we commit the spirits of our dear ones who are gone from this earth, assured that Thou keepest faith with Thy children in death as in life. Sustain us, oh God, that we may meet with calm serenity the dark mysteries that lie ahead, knowing that when we walk through the valley of the shadow Thou art with us, Thou art our loving Father, and in Thee do we put our trust.

"'The Lord is my Shepherd, I shall not want. He maketh me to lie down in green pastures. He leadeth me beside the still waters, He restoreth my soul, He guideth me in straight paths for His name's sake. Yes, though I walk through the valley of the shadow of death, I will fear no evil, for Thou art with me. Thy rod and Thy staff they comfort me. Thou preparest a table before me in the presence of mine enemies, Thou hast anointed my head with oil, my cup runneth over. Surely goodness and mercy shall follow me all the days of my life, and I shall dwell in the house of the Lord, forever.'

"Early one morn I had an interview with death. The place, a lonely dell where winter lingered and swathed in snow. In the sky a waning moon, one last star paling, prophetic of the dawn. A spirit prompted me to hail this heartless being. Said I in accents strained, as if to keep my courage up, 'Death of thee no one speaks well. Thy tread, though soft and silent, makes fireside tremble, and in thy presence, flowers die. No gleeful child is safe from thy all-withering touch, no parent dost thou spare, no lovers weaving life's threads of hope into fancies colored green. No saint in humble prayer. Why not content thyself with beasts of prey, why devastate our homes, oh death? I wish that thou were dead.' And then death replied, and filled me with amaze. His voice was even mild and sweet, and through the gloom I saw suggestion of a smile. 'I am God's servant, as thou art,' he said. 'The flock must be gathered home. I am sent to bring the wandering to their fold. I give to weary feet the gift of rest.' But I asked, 'Might not some brighter messenger be sent—an angel with music in his voice and laughter in his eyes? His coming would be welcome as to birds the coming spring, or opening day. Thou dost alarm us so, and make us die so often, dying once. If one we knew full well might come.' 'I understand you well,' said death, 'but this grimness thou alone dost see. The living never see me as I am. Only the dying see death. What life is to the living, death is to the dead. I am a mask. The angel thou hath asked for is behind. Sometimes 'tis sainted mother, sometimes sainted father, sometimes parted lover. Only to the living seem I what I'm not. No more revile me, I am thy friend in disguise.'

"Dear friends, our rabbis, many centuries ago sought to select the most meaningful character quality of man, and one of the phrases which they selected was a good name. Senator Richard Neuberger had a good name, and testimony to this, not only his family, but the citizens of our Nation, also mourn his passing, and testimony to his good name. We are honored to have in our presence today a number of men who worked with him. The Honorable Mark O. Hatfield, Governor of the State of Oregon."

Governor Hatfield: "Senator Richard L. Neuberger utilized every ounce of energy and strength to advance his beliefs, whether in the spoken or written words. He was well on his way to becoming one of the foremost authors of our time, when public service began taking more and more of his time; first as a State representative, then as a member of the armed services, later, in the State senate, and, finally, in the Senate of the United States. During my service in the State legislature, it was an educational experience to work with Dick Neuberger as he advocated, pleaded, implored, beseeched, and pressed fully for legislation in which he believed. He had a handfull of members of his party from a period in their history when their senate caucus numbered four, until a majority was attained shortly after his elevation to the Nation's Capital. Equipped with a brilliant intellect, Dick Neuberger fought the status quo. He ceaselessly, restlessly wanted to move forward, to do more for his people, to leave them a legacy of carefully husbanded natural resources, a future as bright as that which our pioneer predecessors envisioned. Even as he was held high in the esteem by those with whom he associated, so he extolled the memory of those he emulated. Similarly, one of those he admired most, Franklin Delano Roosevelt, also won out over almost insurmountable odds of an earlier dread disease, but was struck down by a like attack. Each had work yet to do, each had plans not yet fulfilled, and yet another parallel exists. Both were aided immeasurably by an able wife, who had developed complementary talents in her own right over the years. And even as Mrs. Roosevelt today is an elder stateswoman, so do I predict Mrs. Neuberger will contribute much to the society in the years ahead. As Governor of the State of Oregon, as a former State legislative colleague, I acknowledge with deep gratitude this afternoon the lasting contributions Senator Neuberger made to this State and to the Nation. He grew tall to match our forests, he saw to the horizons as from our mountaintops, he spoke with the eloquence of his writings, he shared himself with us, he spared himself not. He was our faithful servant, may he rest in peace."

The Honorable LYNDON B. JOHNSON, U.S. Senator from the State of Texas and majority leader of the U.S. Senate: "Rabbi Rose, Governor Hatfield, Justice Douglas, my colleagues, fellow Americans, Mrs. Johnson and I were shocked and saddened when we learned of Senator Neuberger's untimely death. My colleagues and I have flown across the country, 2,400 miles today, in order to share the privilege of joining all of you in paying tribute to one of the great Americans of our time. Dick Neuberger was my devoted friend. I might add that it was a mutual friendship. He was never afraid to be on any unpopular side once he was convinced that this course of action was in the best interests of the country he loved so much. He was an impeccably honest public servant. I think he was the truest and most genuine liberal I have ever known. Sham and hypocrisy, and demagoguery were foreign to his nature. He was a great humanitarian. He loved people—all the people, but particularly little people. He fought their battles, he bled for them, he stayed awake at night attempting to devise means to improve their lives. It mattered not whether it was the postman who bore the burden of a mailsack on his back, or the widowed clerk who needed health insurance. He was a dedicated conservationist, he was a lover of the beauties of nature.

"His career in the U.S. Senate was entirely too short. He was loved and respected by Democrats and Republicans, as attested by their presence here today. During 30

years of service in the Nation's Capital, I have never heard as many eloquent eulogies as those paid to Dick Neuberger by his colleagues in the Senate last week and I have never known them to be more deserved. My life has been enriched as a consequence of my very brief association with him. Dick Neuberger was constantly reaching out, searching for legislation that would make a better world for all citizens, irrespective of their nationality, their race, their religion, their color, or their creed. He was chiefly responsible for the elimination of unsightly billboards from our Interstate Highway System. No Senator has ever worked harder to secure adequate appropriations for research in cancer, and heart, and the other dread diseases. And some of us are here today because of efforts of Dick Neuberger and men like him. Because of his leadership, because of his inspiration, because of his noble fight, the battle to end these disease killers will go forward with greater impetus and with a more determined dedication. And we who are left will pick up that flag that he had to drop.

"I have never known a man that was more devoted to his lovely wife, Maurine, or one who received more inspiration from their helpmate than Dick did from Maurine. I have always heard that it took two great women to make one good man, and I have been enriched by the privilege of seeing his lovely Maurine today and meeting his wonderful mother. I have never seen a team that was more dedicated or more effective. They seemed always to know where the ball was and they knew how to carry it together. Oregon has lost a great son; Maurine has lost a devoted husband; Mr. and Mrs. Neuberger have lost a proud child. Yet I know all of you will go forward with greater determination so that we can truly say that he did not die in vain. The Northwest, the Nation, the free world, I am confident history will record are much better because Dick Neuberger came our way."

The Honorable Robert D. Holmes, former Governor of the State of Oregon: "With real humility I am privileged to share with you today some observations of Dick Neuberger's great service as a State senator, speaking in behalf of all of those of us who served with him. His work in this capacity, as was all of his work, was monumental, an enormous fund of information, his vision about necessary reforms, his ability as a speaker and debater, and his inherent know-how in the art of politics, his absolutely unlimited capacity for work—all contributed, I think, to the passage of some of the most important State legislation in two decades: fair employment practices, Portland State College, reapportionment. A list of the many accomplishments that began with Dick's ideas would be endless. And much more such legislation that started with one of his ideas will certainly be enacted in later years because of his vision. Always, as a State senator, a member of the minority, he somehow always could provide the ideas, and to drive and to marshal our forces so effectively, that it finally helped lead to majority status. The opposition always respected him. I think perhaps they feared him. He was their conscience. Had Dick Neuberger never been privileged to serve in the U.S. Senate, our State of Oregon would still owe him a great debt and great homage for his contributions to our social progress in this State. It was a privilege to serve with him, it was an even greater privilege to call him friend."

E. Palmer Hoyt, editor of the Denver Post and former editor of the Oregonian: "Dick Neuberger was many different things to many people but he never tried to be all things to all people. Dick was, in my judgment, a true liberal in the classic sense. He was completely dedicated to making democracy work. I knew Dick in different ways than many people. I knew him as a newspaperman, a writer, and a personal friend. He was, if you please, a protege of mine, in his early years. Remarkably enough, we both survived that relationship and became fast and firm friends. I well remember my first official contact with Dick Neuberger. He had been hired in the early thirties as a cub reporter in the sports department of the Oregonian. Came a Monday when most of the sports department reporters had a day off. Came the first edition, then out at 7 p.m. The sports pages showed some radical changes. Radical changes at that time were not easily tolerated in the Oregonian. These radical changes were called to my attention. I asked for Gregory, McCloud, Buck, Buxton, Bostwick. I asked, 'Who is in charge?' I was told 'Neuberger.' I said, 'Who is Neuberger?' 'The new cub reporter in sports,' I was informed. I sent for Dick and discovered a bright young man, who from then on occupied a part of my heart, and I must say of my attention, too. Dick Neuberger set at the feet of many men. Some of these men lived in return to sit at his feet. Dick in his youth was a hero worshipper. Among his heroes were Franklin D. Roosevelt, Senator George Norris, William O. Douglas, Bernie Baruch, Senator Lehman, Senator Borah, Senator Bert Wheeler, to name a few. Dick had the faculty, while still in his teens, of making friends in high places. Probably the greatest shock ever to be experienced by the Democratic hierarchy of Oregon was in 1932 when they learned that Mr. Roosevelt was getting his political dope on Oregon, not from the national committeeman, not from the State chairman, but from phone calls to young Dick Neuberger, age 19. Dick was curious but not contentious. We disagreed on many things but always disagreed intelligently. Dick was essentially a man of good will. It always troubled him deeply that men should hate him. Dick was a smart political campaigner but with solid techniques inborn. As in his campaign for the U.S. senatorship in 1954, there were many reasons why he scored one of the great upsets of Oregon's political history, but one reason was that he put a picture of Hells Canyon Dam in the front room of every home in a public power State. Dick Neuberger deserves this tribute. The world is a better place because he lived in it."

The Honorable William O. Douglas, Justice of the U.S. Supreme Court: "Rabbi Rose, friends of Dick Neuberger, those of us who just arrived from Washington dropped by Dick's house a few moments ago to see his parents, to see Maurine, to extend to them our deepest sympathies, and Maurine suggested that perhaps we would like to see Dick's study. And so the few things that I have to say to you are things that came flooding back to me a few minutes ago when I was in Dick's study because there on the walls were some wonderful photographs of mountain trips that Dick and I had taken together. I knew Dick when he was just out of the University of Oregon, a young newspaperman, and that was the beginning of a very warm and enduring friendship. All of us who have lived in the Northwest and call this our home have a special debt to Dick because he translated this great Northwest to all the peoples of America, telling them about its wonders and its mysteries; about its waterfalls and its people; about its forests, and its problems, and its cattle and sheep. And a bit more, I suppose, than any person in American history, to bring to the attention of the Nation at large the great potential of a particular area of the United States. These trips that Dick and I had together in the mountains were sometimes written up by him. Sometimes little paragraphs appeared in his books and articles, but mostly they were hours and days of relaxation. The days, the hours we spent floating the McKenzie here in Oregon, the days we spent on the high trails in the Wallowas and in the Cascades—those were very rich experiences for both of us.

"Dick had a real passion, I think, for the soil and the trees and the grass, and the rivers and the mountains of America. Dick had a real passion, I think, for the wilderness of America and the wildlife in America—the birds, the geese, the ducks, the deer, the beaver, the fish, the coyotes—the great community that makes up life. He knew how empty America would be if we ended up our destructive practices with nothing but people left, because man needs these creatures of the wilderness to live a full life.

"And I suppose that there was no greater passion in Dick's life than the preservation of the wilderness and his wilderness bill that he nurtured before the Senate, and the long hearings that he attended and conducted. I don't suppose that there is any living American who has done more to inculcate into the minds of this generation and the oncoming generation the need for conservation, the need for preservation of the richness in the woods, in the lakes, and the streams and the meadows of America.

"So I think, this afternoon, as I thought when I saw those wonderful pictures in Dick's study a few minutes ago, that he had probably done more to impress upon all of us in this time that we are merely life tenants here, and that we should pass on some of the greatness of the wilderness of America to those who come behind.

"And I think that if we do end up with bits of wilderness that we can pass on to our sons and our grandsons and granddaughters, that we will owe it in very large measure to the great American who passed this way, who came out from Oregon to tell the world and America about the greatness of this wonderful region."

The Honorable PAUL DOUGLAS, Senator from the State of Illinois: "Friends, you in Oregon and the Pacific Northwest have known, admired and loved Dick Neuberger for many years, but until 1955 we in the Senate, with the exception of ERNEST GRUENING, had in the East only known him from afar as a penetrating writer upon the history, the outdoors and the social and political movements of the Northwest. During these last 5 years, however, he won for himself universal respect, general admiration, and wide friendship, while there were many of us who really loved him, and when I speak of Dick, I, of course, speak of Maurine as well, for the two were indeed one. As Justice Douglas has said, Dick loved the striking places of natural beauty in this country, of which this region contains so many. The majestic mountains—some of them snowclad—the fertile valleys, the green forests, the swift flowing rivers, and even the tawny deserts. He wanted these preserved in their beauty for the use of the people of the United States and to prevent them from being defiled, debased or exploited. If the roadsides of the great highways of America are protected from becoming canyons of defacing billboards, he will have effected it. If great forests are preserved, he will have helped. And if some of the beauty of our ocean and lake shoreline is saved, his labors will have helped. If the rushing waters of your magnificent rivers turn increasingly the turbines which bring production, employment and well-being to the people of the Northwest, his voice and pen will have played an honored and important part. But Dick also had a deep feeling for people, and he was anxious to help the poor, the sick, the old, the weak, and yet in doing so he was scrupulously fair to the strong.

"His close brush with death 18 months ago made him even more compassionate, if that was possible, and at the same time anxious to lift the curse of cancer from man-

kind. As a true outdoorsman should, Dick had also a basic and fundamental feeling for freedom: for freedom of thought, freedom of expression, and freedom of assemblage. He believed in a wide diffusion of both economic and political power so that all men may have enough power to be secure, and yet none may have so much as to threaten the liberty of others.

"Dick, as we all know, had also an extraordinarily able and analytical mind; and having literary skill, he was certainly one of the most gifted writers of our time. To this he added never-ceasing industry, and unfailing personal kindness and courtesy. As I have said, Dick had a scrupulous sense of fairness. To opponents, to people who differed with him, to the man on the street, he was ethical, indeed fastidiously ethical, in his private and in his public life. He was in fact everything that a man should be and, to my mind, everything that a Senator should be. The country has suffered a loss which we can ill afford to bear. It seems cruel to lose him at an age while the arc of his abilities was still rising. But Dick's life proved the aptness of old Ben Johnson's line, 'And in short measure life may perfect be.' Like many others in these last difficult months, I have pondered about the relative balance of good and evil in human life, and of the comparative strength of love and hate. There is certainly much good in man, but whether there is enough good to save him from ultimate destruction, may indeed be questionable.

"But whatever the final result, the struggle is worth making, and Dick's example will give us courage on the way. And if by chance or by divine providence, or by the structure of biological and physical life itself, the cause of human brotherhood should ultimately triumph—which it may not do—he will have had an honorable and important part in its achievement. The State of Oregon can indeed be proud for having given such a noble son to the Nation."

The Honorable ERNEST GRUENING, U.S. Senator from the State of Alaska: "Friends of Dick and Maurine Neuberger, it's really difficult to speak of Dick in the past tense. Not only was he such an alive and vivid personality, so keenly interested in the many worthy, all good, deserving causes in which he was enlisted, but the really important thing is he does live on, he lives on in a great variety of activities: some of which he saw fulfilled, some of which he started on their way, and which will carry on and will be monuments to him—not that he wanted that type of monument—but because the community, the State, the Nation, will be all the better for their ultimate realization.

"I think I have known Dick Neuberger perhaps longer than any other Member of the Senate, unless he was an Oregonian, and my first encounter with Dick, I think, was very characteristic of him. It was in the late summer of 1933. He had been to Europe. He had been to Germany. Adolf Hitler had come to power a few months before and very little of what had really transpired under this totalitarian regime had reached the outside world and the American people. In fact the word had been brought back by a few superficial commentators that Germany had awakened from a period of doldrums, it was on the march forward, and that on balance what had happened was beneficial. Dick, as a great journalist, when he got through as to what was going on in Germany, left the beaten path to which tourists were directed, and he went out and saw for himself the horror and the brutality and the ruthlessness of National Socialist Germany under Adolf Hitler. And when he came back to New York in August of 1933, he came into the office of the Nation, to which he had been a subscriber, thinking that we might be interested and told me what he had seen, and I asked him to write it. And it appeared at that time, and it was the first realistic article that told the truth about what was going on. It had tremendous effect—had effect on all journalism and all the reporting—because here was the clear record of the ruthlessness and the horror that was going on, and that was being concealed from the world by censorship.

"Now this episode was typical of Dick, in that he turned everything that he saw and everything he experienced, to good use, to public use. Throughout the years everything that he did, when he went outdoors as Justice Douglas has told us, when he enjoyed his mountain climbs, when he enjoyed swimming in lakes—that stimulated in him the desire that others could enjoy these things and enjoy them in perpetuity. Never has the great outdoors, never has the inherited beauty, the primitive beauty of America had such a stanch defender, and if it is perpetuated it will be largely due to the energy, to the enthusiasm, and to the message of Dick Neuberger. And you can carry this through all his activities. He wasn't merely interested in nature. There was no subject that didn't interest him. You heard our majority leader say to you that in all his long experience he never heard tributes to a departed Senator which were so sincere, so devoted, so moving, as those which were paid to Dick—and he knows.

"And I think it is particularly striking in that there was very little time for preparation. The morning paper in Washington did not carry the news of Dick's death. It came over the radio. And when the Senators came to an early session of the Senate, they were not prepared but they spoke spontaneously, and they spoke from the heart. And though my experience is very brief in the Senate, I think I would like to say in the presence of my colleagues that it is my belief that no Senator ever accomplished so much in his first and single term as did Dick Neuberger. There is a tradition which we all know about, that freshmen Senators are supposed to be seen and not heard for a long time, and are not supposed to speak very often. Dick didn't adhere to that. He was so full of the things he believed in, that he spoke early. And I think if anybody has shattered that tradition, and perhaps shattered it well and wisely, it was Dick Neuberger, because people listened to him, and he had something to say on every subject.

"He has left a great legacy, long before he came to the Senate, when he started on his writing career. And if you recall the many articles that he had written in every type of magazine, magazines of wide circulation, such as the Saturday Evening Post and Collier's, magazines of limited circulation appearing to special audiences, all kinds of obscure magazines, but never did he write anything that didn't contain a kernel of great truth; something that hadn't been discovered before; a new, fresh point of view; a new and keen analysis that was constructive, and that left a thinking reader, who hadn't thought about these things before. In a foreword of one of the books which is a part of Dick's great legacy, a book entitled 'Integrity,' the life of George W. Norris, whom Dick admired greatly, and whom he greatly resembled, in the beginning of that book is a quotation from a speech which Franklin Delano Roosevelt made in behalf of George Norris in which he said we should remember that the ultimate analysis of history asks these questions: 'Did the man have integrity, did the man have unselfishness, did the man have courage, did the man have consistency?' And he went on to say, 'If the individual under the scrutiny of the historic microscope measures up to an affirmative answer to these questions, then history has set him down as great indeed in the pages of all the years to come.'

"He, of course, applied that to George Norris. I tell you my friends it applies in no less degree to Richard Neuberger. He had integrity, he had unselfishness. I can think of no man who had it to a greater degree. He was always thoughtful and considerate of others. Even in the great rush and bustle, and the pressures which we are under, I never knew Dick not to pause and stop to perform some kindly act, utter some kindly word, to do some generous geture for his fellow men; and that just as much for those with whom he differed politically. He was able to differ politically and leave everybody feeling friendlier and better than ever before. Did he have courage? He had the courage of a lion. He fought unceasingly for the many things that he believed in.

"As PAUL DOUGLAS has said, all the freedoms, the basic freedoms, with an independence of thought, and a perspicacity that brought those freedoms home in lots of new ways. Today there are millions of people who are the better because Dick Neuberger served in the Senate. All the Federal employees today have health insurance because of a bill that he sponsored and pushed through to completion.

"Unfinished, but soon finished, will be a similar bill I trust for all those retirees who could not get this insurance under the ordinary procedures and the ordinary channels. And the thing that must make you lift up your hearts, I say to you, is that Dick Neuberger's work goes on. It's permanent, it's constructive.

"He died last week, and if he had lived longer, he could have done many more things, but he has done more in his short life than very few men can accomplish in a much longer life. Oregon, the Nation, and the world, are infinitely better for his being there."

Dr. Richard M. Steiner of the First Unitarian Church of Portland: "It is for me a great honor to have been asked to pay the final tribute at this hour to the life and influence of Richard L. Neuberger. We were friends, but not intimates. He sometimes came to me for advice—more often I offered it unsolicited, which he took with good nature albeit not always following it, for Dick could sift the wheat from the chaff. I recall vividly one piece of advice I gave him which, had he followed it, would have robbed our State and Nation of a great public servant. He came to me in 1948, I think, to ask my opinion about the advisability of running that year for Governor or for U.S. Senator. I told him I thought it unwise, not only for him to run in 1948 but for some years to come. Fortunately for our State and the Nation, he did not heed my advice. Instead, he ran for the Senate in 1954 and was victorious in that race. He was a driven man, with the blood and fire of the prophets in his veins.

"To him freedom was more than a word; it was something to be achieved and cherished. It was something for which he felt responsible.

"For him freedom was more than a word. It was a schoolbus stopping at the country crossroads picking up children to be taught at the expense of the community—the liberating art of literacy. It was the secret ballot, the primary, the legislature, and the courts, by which and through which people expressed their desire to live under law for the protection of their lives and property. It was the initiative and referendum, the recall, and procedures of impeachment by which people might display their displeasure and pleasure with laws and with men. It was the microphone in every radio and television station which could be purchased for 30 seconds or an hour to tell the Nation or a part of the Nation that you were running for office, and why. Freedom to him was more than a word. It was to make a better mousetrap than your neighbor and sell it for a profit;

it was the right to strike, that the sweat of your brow should not be sold for a farthing, and that you should have leisure hours to enjoy the fruits of your labor. It was not to wake up in the night in fear that the knock on the door was a squad of secret police, who had come to take you away for your words of criticism or condemnation. It was not looking over your shoulder for fear that an informer might hear those words and run to the authorities.

"Freedom to him was more than a word. It was walking into the church or synagogue of your choice, to worship God in accordance with your conscience without having your choice affect your livelihood or your availability for public office. It was to be born black, red, or yellow without having that fact deprive you of educational, political, economic or social equality by those who had been born white, and for that fact alone.

"Freedom to him was George W. Norris and the U.S. Senate, speaking and voicing his convictions about freedoms and about our natural resources without regard to political consequences but only with regard to what he thought was right. It was because freedom meant so much to him that Dick felt compelled to enlist in the service of freedom, even as the Senator from Nebraska had enlisted.

"His work is done, and yet not done. Somewhere, we trust, in a public or parochial school, in a State university, or private college, a young man or young woman will find inspiration from the life and from the works of Richard L. Neuberger, to dedicate his or her life to the preservation of our natural resources and to the extension of the freedoms of this our beloved land. I cannot bring this tribute to a close without a word about Dick's humanity—a humanity that concerned itself with people as persons and not as creatures to be manipulated. He had the divine but troublesome gift of empathy. He could feel another's hurt whether it be a college student suffering the indignities of a hazing or whether it be a Negro refused service at a lunch counter.

"No effort was too great for him to redress what he believed to be a wrong. A personal injustice to someone known only to him perhaps by name. No effort was too great to bring to some humble soul a sense of personal worth. No sacrifice was too great to assure some youngster an education.

"He will be remembered by the State of Oregon and by the Nation for his statesmanship. He will be remembered by persons for the humaneness of his spirit—a spirit that is now at peace with God, who gave him to us. It is that spirit which will ever remain with us. We all sorrow for his family and for ourselves, but we rejoice that he lived to enrich our lives with his service to us. We rejoice also in the sure and certain faith that he has now joined with the immortal souls of all the dear and faithful dead who belong to the family of God. Let us pray.

"Oh, thou whose never failing providence ordereth all things both in heaven and on earth, by whose loving kindness we are given to know life and death and all things, we have brought to thee this hour the gratitude of our hearts for the life which thou did givest for a season and which now has been surrendered unto thee. We thank thee for the endless renewing of life and for thy patience with us. Though we know nothing of the morrow, may we be faithful today to the vision of thy prophets and their servants, who sought to bring unto this world thy peaceable kingdom ruled by thy law and governed by thy wisdom. We pray for the good estate of this, our beloved land, that all men of every race and faith may enjoy the blessings of an impartial freedom and thus fulfill the dream of brotherhood among all peoples, for which men of good will have lived and died throughout all generations—even as he whose life we have praised this day. May his memorial be in our words and thoughts and made precious by our deeds. In thy name we ask it. Amen."

Rabbi Rose: "After the closing prayer will the congregation please remain standing until the members of the family, those distinguished guests in the procession who have honored the memory of Senator RICHARD L. NEUBERGER, and the speakers on the rostrum have left the sanctuary.

"When cherished ties are broken and fond hopes shattered, only faith and confidence can lighten the heaviness of the heart. The pang of separation is hard to bear, but to brood over our sorrow is to embitter our grief. The psalmist said that in his affliction he learned the law of God. Indeed, not unavailing will be our grief, if it send us back to serve and bless the living. We learn how to counsel and comfort those who like ourselves are sorrow stricken. Though absent, the departed still minister to our spirits, teaching us patience, faithfulness and devotion. In the remembrance of their virtues and affections, the best and purest part of their nature lies eternally in shrine. Let us lift our head in hope, and summon our strength for duty. We dwell in the shelter of the Almighty for He is our refuge and our fortress."

HEBREW PRAYER

"Extolled and hallowed be the name of God, throughout the world which He has created according to his will. May His kingdom come and His will be done in all the earth. The departed whom we now remember has entered into the peace of life eternal. He still lives on earth in the acts of goodness he performed, and in the hearts of those who will ever cherish his memory. May the beauty of his life abide among us as a loving benediction, may the Father of peace send peace to all who mourn, and comfort all the bereaved among us here, and wherever they may be. Amen."

CIVIL RIGHTS LEGISLATION

Mr. MORSE. Mr. President, I have discussed civil rights legislation so many times in the Senate that there is little I can add to what I have already stated for the RECORD. Therefore, my remarks at this time will be very brief, in explanation of my vote in support of the inadequate civil rights bill which we just passed.

The civil rights bill just voted on is a great disappointment to all of us who are seeking to bring the colored people of America into first-class citizenship.

What its voting section provides is not the protection of the suffrage for the large mass of disenfranchised Negroes of the South, but an individual-by-individual proceeding in court whereby a few of them can get registered and vote.

In other words, as I have said before, this is a bill characterized chiefly by the descriptive term "litigious bill." It is a bill which makes it necessary to find that there was discrimination in denying a colored person the right to vote, and after such a finding, that colored person is put in a position wherein he is the complainant, and must come forward and run all the harassments and risks that go with his seeking to raise an issue over denial of his right to vote.

As I have said elsewhere, I say here tonight. To use a hypothetical example, if Mr. Jones is a colored clerk in a grocery store in an area where the right to vote is being denied on a discriminatory basis, and he finds himself in a position where he is, in effect, the complaining witness, the chances are good that economic pressure will be brought against him and he will find himself, in many instances, out of a job once he files a complaint. That is why I fought so hard in the debate for the Clark-Javits amendment, of which I was one of the cosponsors, which amendment would have provided for an enrollment system as an alternative to the referee system, which would have resulted, in my judgment, in tens of thousands of Negroes being registered to vote, in contrast with what I predict tonight will be but a few hundred a year that will ever get the right to vote under the system, called the referee system, which has been adopted and made a part of this bill.

The language of the bill now really provides what we might call "token" voting by Southern Negroes. It opens up a procedure whereby those colored Americans who are so anxious to cast a ballot that they are willing to undergo considerable effort, make public issue as individuals of voting discrimination in their community, and be prepared to spend a good deal of time in court may, in the end, be able to cast a vote on election day which they cannot now cast.

Another section of the bill requires preservation of State voting records for 22 months, and opens them to inspection by the Attorney General. That section accomplishes the purpose of my own bill, S. 2722, introduced last fall.

The bill further enables the Federal Bureau of Investigation to enter into cases of bombings, where pursuit across State lines is involved. It authorizes the armed services to provide for the education of children of servicemen if local schools near military bases are closed.

For these minor advances in the guaranteeing of our civil rights, I voted for the bill.

On balance, I do not think section 1 adds anything to present protection of Federal court orders. It permits prosecution of those who obstruct such orders, by threat or force, but it assures the individual of a jury trial both in the prosecution and in the contempt proceeding.

I do not believe that very many Southern juries will convict in cases involving obstruction of court orders in desegregation cases. We need to keep in mind that these are Federal cases and will require the unanimous verdict of the jury, which means only one member of the jury is necessary to hang the jury and prevent a verdict. In my judgment, therefore, section 1 will not be very effective in really preventing obstruction of court orders, particularly in desegregation cases.

Because the voting rights section of this measure sets forth such an elaborate legal procedure, it is far short of coming to grips with the administrative problem of registering great numbers of people.

For that reason, this bill is only a small, tentative step in the direction of making the 15th amendment meaningful to those for whom it is now only a paper guarantee.

I consider H.R. 8601 a foot in the door. But the door must still be widened. We must continue keeping the pressure on for enfranchisement of every American of voting age, and we cannot relax our efforts until that goal is attained.

It may be that this token voting procedure, established by law to operate in the Federal courts, may indicate, to those areas where voting discrimination still prevails, that theirs is a losing way of doing things. It may influence some communities to abandon voluntarily their discriminatory practices, used to keep Negroes from the voting booth. I fervently pray that that will be one of the results.

It may have an effect similar to that of a handful of court decisions on desegregation, which have produced desegregation in many additional areas, without litigation.

I hope and pray that will continue to be the effect.

But our efforts to gain first-class citizenship for every American cannot flag for a moment. This issue of voting rights and of equal protection of the law will continue to come up in Congress after Congress until it is settled in favor of full exercise of all constitutional rights.

I serve notice that I shall not put this issue aside just because this token voting rights bill has been passed in the Senate. I have voted for it because it, at long last, places a legislative sanction on the 15th amendment. However, I shall continue, so long as I serve in the Senate, to work for the passage of a broad civil rights bill which will bring to the colored people of our country the full rights of first-class citizenship to which the Constitution of the United States entitles them.

Mr. President, I turn to another matter. I have two or three other items I am going to put in the RECORD tonight, because I shall catch a plane later for my home State, where I shall be for the next several days, and these are matters on which I have announced previously to interested constituents and interested parties I would make these comments before adjournment tonight.

The PRESIDING OFFICER. The Senator from Oregon has the floor.

CAUCASIANS ONLY—BOOK REVIEW

Mr. MORSE. Mr. President, in the April 11, 1960, issue of the New Leader, there is reviewed a book recently published entitled "Caucasians Only."

The book is written by Prof. Clement Vose of the University of California, and is reviewed for the New Leader by Samuel Krislov.

This book is the story of the legal battle which culminated in the decision of the U.S. Supreme Court in the case of Shelley against Kraemer, denying the enforceability of so-called restrictive covenants in real estate transactions.

As is duly brought out in the review, this decision was one of the greatest civil rights triumphs achieved by litigation.

In connection with it, I wish to mention my bill, S. 1000, which would ban inclusion of a restrictive covenant in real estate transactions in the District of Columbia. While the courts have held them not to be enforceable, their continuance in any form is obnoxious. They simply seek to deny property ownership to individuals of minority races and religions.

That is a practice we are trying hard to stamp out in all our economic and political life. I ask unanimous consent that this review be printed in the RECORD at the close of these remarks. Professor Vose has made a great contribution to the study of the legal history of the protection of our constitutional rights by the courts of America. His book deserves to be widely read.

The PRESIDING OFFICER (Mr. PROUTY in the chair). Is there objection to the request of the Senator from Oregon?

There being no objection, the book review was ordered to be printed in the RECORD, as follows:

HOUSING IN BLACK AND WHITE

Hopefully, the problem of southern school integration has entered a phase of compromise and solution. Certainly issues of integration in the North are and will be coming to the fore; discrimination in housing, and not in education, gives promise of emerging as the Nation's most serious interracial problem.

Clement Vose's timely new book, "Caucasians Only," is an absorbing, if unevenly written, account of the first round of the battle on racism in housing. It is a detailed record of the 31-year fight, which culminated in the Supreme Court's 1948 ruling that agreements restricting the sale of property to specific racial groups could not be enforced through Court procedures. This decision in *Shelley* v. *Kraemer* ranks with the segregation decision and the invalidation of the white primary as among the greatest civil rights triumphs achieved by litigation, and on that basis alone, deserves study.

What makes the book unique, however, is that the author has not limited himself to legal questions, but has given us an absorbing account of the genesis and conduct of the litigation. Vose is the first to attempt to give an account of the gestation and birth of legal change.

By emphasizing the tactics and maneuvers of opposing group forces as an element in litigation, Vose is forging a new tool of analysis that scholars and lawyers will be able to use to supplement more traditional doctrinal exegesis. By delving beneath the legal facade and concentrating on the flesh-and-blood basis of law traced in the activities of men and organizations, Vose has earned a debt of gratitude from all students of American government and legal processes. The pattern of activity traced here, though, is so absorbing that it would be unfortunate if "Caucasians Only" were to be relegated to the scholar's shelf. Every case has its share of drama, but this is one of the few instances of nonfictional litigation told in all its richness and human complication.

Vose is particularly at home in the narrative sections that begin with an NAACP meeting of lawyers and experts in 1945. The conference was the result of the wartime intensification of the problem of Negro ghettoes in the North. Neither the improvement of Negro economic status nor the increase of Negro populations in industrial cities had resulted in significant opening up of new neighborhoods to ease the overcrowding that has been the pattern of Negro life in the ubran North.

The result of the conference was a determination to place high priority on the fight against restrictive covenants. A nationwide publicity campaign was inaugurated, and a full-time staff member in the NAACP office assigned to the problem of housing. Attorneys were encouraged to bring cases on the lower court level, more with the thought of using the trials as vehicles for dramatizing issues and educating the public on such questions as alleged deterioration of property values when Negroes move into neighborhoods, than with the hope of winning at this level. Articles were encouraged in both popular and scholarly journals. Charles Abrams' article on housing in "Commentary" (May 1947) was one of the fruits of this policy: Dudley McGovney's article in the "California Law Review" suggesting a new legal argument, which eventually meant success in the Supreme Court, was another.

While forces friendly to Negro rights were mobilizing, defenders of the status quo were not idle. Neighborhood associations (often one-man affairs), real estate brokers, and their legal representatives took the lead in enforcement and defense of covenants.

While tactics were similar on both sides, the NAACP had many advantages. The objective situation aided their cause, and the cooperation of scholars like Louis Wirth in fully developing the inequities of residential restrictions was valuable. Then, too, the structure of the Negro community aided their cause. The separatism of prejudice was an advantage in a legal and logical struggle, with the unity of the Negro community lending coherence and devotion to the cause of Negro rights. This is particularly true of Negro attorneys, many graduates of Howard University Law School, and until quite recently, largely excluded from the American Bar Association and organized in their own National Bar Association. The cooperation of other national organizations devoted to civil liberties was another asset.

But the advantages of organization of the antirestrictive covenant group were clearly relative. By no standard can the conduct of the litigation be described as efficient. Only on the most superficial level does the book conform with the ultra rightwing view of a coordinated conspiratorial effort on the part of a "big four" (or any other number) of civil rights organizations. What stands out, indeed, is all too often dissonance and the impossibility of complete coordination.

This is perhaps best illustrated in the cases actually put before the Court. The title case, Shelley against Kraemer, was not one NAACP strategists wished brought to the Court; the filing was independently made by George Vaughn, the attorney in the case, and was premature in the judgment of some NAACP counselors. Only one of the four cases the Court finally considered could properly be referred to as conducted by the association. Within the ranks of the lawyers handling the cases there was considerable disagreement. Against the advice of all involved, Vaughn wished to deemphasize sociological data and to concentrate the legal argument upon the antislavery provisions of the 13th amendment.

In an embarrassment of riches so many organizations filed amicus curiae briefs ("friend of the Court" statements, developing ideas of parties interested but not actually involved in the litigation) that the attorneys and strategists were fearful of alienating the Justices by what might be construed as a naked show of strength. Another problem was the repetitiousness of these briefs, threatening another danger—boredom on the part of the Justices.

In an informative letter, Charles Abrams sought to have the American Jewish Committee brief altered, and developed his ideas on the role of amicus curiae briefs. His advice to Newman Levy was that the AJC brief avoid the major issues the principal attorneys should be responsible for, but should rather develop side issues and novel arguments with moral overtones, which the main advocates would have to avoid, but which might have an effect on judicial decision. "Why desert all these rich and adventurous passages to jam the safe waters that should be reserved for the main advocates?" he

asked. An NAACP assistant counsel applauded Abrams for his letter. "I wish I'd had the courage," she said, "to write that kind of letter to all the amici." Levy, on his part, admitted the logic of Abrams' position, but justified his actions in terms of his own organization and his responsibilities. Should the Court cite the expected arguments, "we all will be able to say to our members 'isn't that exactly what we told the Court?'"

If the spectacle of human frailties and individualistic, even egoistic, strivings sometimes lacks epic and heroic elements, it nonetheless rings true to life. Within the pages of the book, too, there are chronicled instances of cases handled at considerable sacrifice, of houses bought and lived in at risk of life and injury. It is, in any event, fitting that the cause of human liberty should be advanced in this almost haphazard, human way, rather than with the stern efficiency of Spartan phalanxes. It is, above all, fitting that this struggle should be chronicled in a book that opens up new understanding of man and the law.

STREETCAR CONVERSION

Mr. MORSE. Mr. President, I recently received a copy of the opinion of the Public Utilities Commission in support of findings, conclusions, and the order of March 2, 1960, establishing a new fare schedule for D.C. Transit. The opinion runs to 34 pages, and seems to be the product of much careful study of the testimony taken in public hearings. In reading it, I noted particularly the attention given to the factors entering into the decision to raise fares.

It is not with respect to the fare increase, however, that I wish to address myself primarily today. I am more concerned at this time about the rapid conversion of our streetcars into buses. I feel most sympathetic toward the many District citizens who have voiced their concern about streetcar displacement on many lines, and who view the future of a trolley-free Washington with dismay.

Let me say at the outset that I cannot quarrel with the Public Utilities Commission. The Commission is bound to follow the law as we wrote it in the 84th Congress, when we gave a charter which contained fairly clear directions to the Public Utilities Commission and to D.C. Transit. If second thoughts are to be had about that decision, they must originate in the Congress. We cannot expect the Commission to perform our function for us.

Senators will recall that in Public Law 757 of the 84th Congress, section 7 stated:

SEC. 7. The corporation shall be obligated to initiate and carry out a plan of gradual conversion of its street railway operations to bus operations within seven years from the date of the enactment of this Act upon terms and conditions prescribed by the Commission, with such regard as is reasonably possible when appropriate to the highway development plans of the District of Columbia and the economies implicit in coordinating the corporation's track removal program with such plans; except that upon good and sufficient cause shown the Commission may in its discretion extend beyond seven years, the period for carrying out such conversion. All of the provisions of the full paragraph of the District of Columbia Appropriation Act, 1942 (55 Stat. 408, 533), under the title "Highway Fund, Gasoline Tax and Motor Vehicle Fees," subtitle "street improvements," relating to the removal of abandoned tracks, regrading of track areas, and paving abandoned track areas, shall be applicable to the corporation.

Mr. President, it will be further recalled that section 4 of the franchise stated:

SEC. 4. It is hereby declared as a matter of legislative policy that in order to assure the Washington metropolitan area of an adequate transportation system operating as a private enterprise, the corporation, in accordance with standards and rules prescribed by the Commission, should be afforded the opportunity of earning such return as to make the corporation an attractive investment to private investors. As an incident thereto the Congress finds that the opportunity to earn a return of at least 6½ percent net after all taxes properly chargeable to transportation operations, including but not limited to income taxes, on either the system rate base or on gross operating revenues would not be unreasonable, and that the Commission should encourage and facilitate the shifting to such gross operating revenue base as promptly as possible and as conditions warrant; and if conditions warrant not later than August 15, 1958. It is further declared as a matter of legislative policy that if the corporation does provide the Washington metropolitan area with a good public transportation system, with reasonable rates, the Congress will maintain a continuing interest in the welfare of the corporation and its investors.

Mr. President, the interrelationship between these two sections of the franchise provide a strong incentive to D.C. Transit to complete the conversion program as rapidly as it can. I document this by the data appearing upon pages 3, 4, 5, and 6 of the opinion in support of the Public Utility Commission's fare raise findings wherein are detailed the conditions laid down by the Commission for the establishment of a shift to the gross operating revenue method desired by D.C. Transit. Pages 3, 4, 5, and 6 read as follows:

On January 14, 1959, the company by letter requested a decision from the Commission as to when it would approve the adoption of the gross operating revenue method for the determination of the return to be earned by the company. On January 27, 1959, the Commission replied, in part, as follows:

"It is the considered view of the Commission that the major conditions to be met by the company before a shifting to gross operating revenue method is warranted, would include compliance with the following:

"1. A conversion of street railway operations to bus operations measured by abandonment of not less than 55 percent of street railway track on the basis of mileage; or

"2. Completion of not less than 51 percent of the conversion program as measured on the basis of new buses purchased (or committed to be purchased) to replace retired street cars; and

"3. Adoption of a firm program of gradually replacing existing buses which are more than 16 years of age."

The Commission has been mindful of the legislative policy as enunciated by Congress in section 4 of the Franchise Act that we should encourage and facilitate a shifting from the system rate base to the gross operating revenue base "as promptly as possible and as conditions warrant." It is apparent from the very language of the Franchise Act that Congress intended for this Commission to adopt the gross operating revenue method, leaving to us the sole duty of determining the time when such adoption should take place. In other words, Congress has charted a course which this Commission can postpone for cause but cannot change.

In light of the declaration of Congress, we are unable to reconcile the opposition of some of the parties in this proceeding to utilizing the gross operating revenue method of fixing rates. An intervenor's witness (Dr. Ezekiel Limmer) testified that, although he had not read the Franchise Act, he opposed the theory of the gross operating revenue method in rate proceedings, and that such method would not be "proper" or "warranted" at any time under any conditions even though he was aware of the fact that for many years the Interstate Commerce Commission has employed gross operating revenues in fixing motor bus rates. The same witness testified that the gross operating revenue method is nothing more than a cost-plus method and therefore undesirable. The validity of this argument is open to question for, in the final analysis, every rate determination is nothing more than the sum of cost plus a reasonable profit.

The Commission does not feel that it is necessary in this proceeding to discuss or to pass upon the merits of the gross operating revenue method of rate fixing.[1] Suffice it to say, it is the opinion of the Commission that the Franchise Act explicitly prescribes the use of the gross operating revenue method as soon as possible and as conditions warrant, and, accordingly, this Commission has no recourse but to adopt such method if conditions warrant. The Franchise Act did not enumerate the conditions which would warrant the adoption of the gross operating revenue method. Our problem therefore has been to determine the intent of Congress as to just what conditions would warrant a shifting to the gross operating revenue method and to determine whether the company has met those conditions.

The Commission in its letter to the company of January 27, 1959, laid down two conditions that should be met before a shifting to the gross operating revenue method would be warranted, namely: that the company would have to (1) make substantial progress in converting street railway operations to bus operations; and (2) adopt a firm program of gradually replacing existing buses which are more than 16 years of age.

With respect to the first condition, the Commission specified that conversion to bus operations would be deemed substantial if (a) not less than 55 percent of the street railway track was abandoned, or (b) if not less than 51 percent of the conversion program as measured on the basis of new buses purchased or committed to be purchased to replace retired streetcars was completed.

The evidence of record in this proceeding shows that before the close of the hearing the company had successfully met both of the foregoing considerations relating to conversion. With respect to track abandonment, the record shows that by January 3, 1960, the company had abandoned 61.1 percent of street railway track on the basis of mileage, or 6.1 percent more than required by the Commission.

[1] We are aware that the gross operating revenue method has been used by the Interstate Commerce Commission and by many State regulatory commissions to regulate the motor carrier industry. These State commissions include California, Connecticut, Florida, Hawaii, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, Utah, Washington, and Wisconsin. We are also aware of the fact that the ordinary rate-base-rate of return approach to allowable earnings is not as reliable a gage in the case of a transit company as it is in the case of electric, gas, and telephone utilities, for the reason that the revenues and expenses of transit companies are both relatively high as measured against their plant accounts.

With respect to new buses purchased to replace retired streetcars, the record shows that 100 new buses were delivered in the fall of 1958, that 75 new buses were delivered in the fall of 1959, that 25 new buses were scheduled for delivery before the end of 1959,[2] and that 100 new buses were scheduled for delivery in the spring of 1960.[3] The first two deliveries, aggregating 175 buses, constituted 55.5 percent of the buses required to replace streetcars, or 4.5 percent more than required by the Commission. With the delivery of the next 25 buses, the aggregate of 200 buses constituted 63.5 percent, or 12.5 percent more than required by the Commission. With the delivery of the next 100 buses, the aggregate of 300 buses will constitute 95.2 percent, or 44.2 percent more than required by the Commission. On the basis of the foregoing the Commission finds that the company has complied with the condition relating to the conversion of street railway operations to bus operations.

With respect to the second condition, that the company adopt a firm program of gradually replacing existing buses which are more than 16 years of age, the record discloses that in addition to the 100 buses presently on order for delivery in the spring of 1960 the company, during the course of the hearings, through its witness Flanagan committed itself to a firm program of purchasing 100 buses in 1961 and 100 buses in 1962. Staff witness Falk questioned the adequacy of the company's replacement program and pointed out that at the end of 1962 when the conversion program is scheduled for completion there will still be 175 buses more than 20 years of age. He testified that the replacement program to which the company is now committed was inadequate and recommended that the company be required to commit itself to purchase 125 buses in each of the years 1961, 1962, and 1963.

We agree with the staff that a more extensive replacement program than that proposed by the company would be desirable, both from the standpoint of benefit to the riding public in comfort and service and to the company in economy and efficiency of operation, but we believe it would be unwise to require the company to commit itself at this time to making heavy capital outlays for a period in the future when operating revenues and expenses cannot be forecast with any reasonable accuracy. We believe that the sounder course to follow is to adopt a replacement program which the company can meet financially and which has a reasonable assurance of being successfully attained. The Commission will adopt a policy of making a continuous study of the need for replacing overage buses and, as well, of the financial ability of the company to satisfy such need. If, in the future, the need for new buses becomes more acute than at present the Commission will initiate appropriate action to require the company to step up its replacement program. Moreover, we cannot foresee the possible effect on the company of legislation pending in the Congress to create a temporary National Capital Transportation Agency and to authorize creation of a National Capital Transportation Corporation. Until present plans to develop a unified and integrated system of transportation for the National Capital region progress to the point when the impact of such plans on private transit can be evaluated, we believe it desirable to adopt a moderate policy in the area of bus replacement. On the basis of the foregoing the Commission finds that the company has substantially complied with the condition that it adopt a firm program of gradually replacing existing buses which are more than 16 years of age.

After giving careful study to the provisions of the Franchise Act, and after careful consideration of the evidence of record bearing on the issue of whether the gross operating revenue method should now be adopted in fixing the rates of the company, the Commission finds that the company has complied substantially with the intent of the Franchise Act and with the conditions heretofore indicated by the Commission as warranting the utilization of the gross operating revenue method for ratemaking purposes in keeping with the legislative policy declared in section 4 of the Franchise Act, and concludes that the gross operating revenue method should be utilized to fix rates in this proceeding.

[2] The Commission is advised that this group of 25 buses was placed in service on January 3, 1960.

[3] The Commission is advised that this group of 100 buses will be placed in service during March 1960.

Mr. President, last year, on December 31, 1959, I wrote to the Chairman of the Public Utilities Commission regarding the discontinuance of the Cabin John line and I received a reply on January 11, 1960, to that letter. Since at that time a hearing upon the rate case was pending, I did not feel justified in pursuing the matter until the rate case was finally disposed of. With the receipt of the March 31, 1960, opinion, I feel that the correspondence can, with propriety, be released.

Mr. President, I ask unanimous consent that the two letters to which I have referred be printed in the RECORD at this point in my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DECEMBER 31, 1959.

Mr. GEORGE E. C. HAYES,
Chairman, Public Utilities Commission,
District Building, Washington, D.C.

DEAR MR. HAYES: My attention has been directed recently by a number of District citizens to the proposed discontinuance, effective January 3, of the Cabin John streetcar line.

It is my understanding that the adoption by the Public Utilities Commission of the plan proposed by the management of D.C. Transit to effectuate the gradual conversion from street railway to buslines in accordance with the provisions of section 7 of Public Law 757, 84th Congress, was not preceded by a formal public hearing. It is my further understanding that the Commission is of the opinion it lacks the statutory authority to hold such a public hearing in advance of the adoption of the specific stages of the conversion operation. I am also informed it is the position of the Commission that, even if the authority to hold such a hearing could be construed from the language of the statute, no useful purpose would be served through scheduling a public hearing because the intent of Congress has been expressed in the statute.

I should very much appreciate being informed whether the foregoing is in fact a fair statement of the view of the Commission. Secondly, I should appreciate being informed of the dates upon which the company plan for conversion was submitted to the Commission, considered by the Commission, and ordered by the Commission.

If the information is available and can be released, I should appreciate receiving from the Commission a statement as to what time schedule has been adopted for the coming 3-year period for the completion of the conversion program; specifically, in what order the remaining routes are to be converted.

I should further like to inquire of the Commission whether, in implementing the conversion program under the statute, the Commission has taken cognizance of (a) the Mass Transportation Survey Report, and (b) the hearings upon that report before the Joint Committee on Washington Metropolitan Problems, insofar as these affect mass transit within the District of Columbia.

The latter point is one upon which I would particularly appreciate information for the reason that opponents of the conversion program have pointed out that the discretionary powers of the Commission under the Charter Act are such that a delay in placing into operation the stages of the conversion program might well be in the public interest if the conversion program has not been related to the needs shown by the mass transportation survey. It is the feeling of those who present this point of view that until the basic decisions concerning the mass transportation survey are made by the Congress it may be premature to take steps which by their very nature are irrevocable.

I am sure that you and the other members of the Commission can appreciate that in this matter I am simply seeking information which will be helpful to me in the consideration of proposed legislation, and that, as I have demonstrated in public hearings, I have no wish in any manner to suggest to the Commission any action upon any proposal before it which is inconsistent with the necessarily independent and autonomous nature of the Public Utilities Commission.

Please convey to the staff and members of the Commission my best wishes for the coming year.

Sincerely,

WAYNE MORSE.

PUBLIC UTILITIES COMMISSION
OF THE DISTRICT OF COLUMBIA,
Washington, D.C. January 11, 1960.

The Honorable WAYNE MORSE,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR: Please allow me to address myself to the matters set forth in your letter to me of December 31, 1959, having to do primarily with the discontinuance of the Cabin John streetcar line as of January 3, 1960.

It is a fact that the adoption by the Public Utilities Commission of the plan proposed by the management of D.C. Transit System, Inc., to effectuate the gradual conversion from street railway to buslines in accordance with the provisions of section 7 of Public Law 757, 84th Congress, was not preceded by a formal hearing. It is our belief that the circumstances of the case did not warrant such a hearing. We have no question as to our statutory authority to hold a public hearing in advance of, or following, the adoption of any specific stage of the conversion operation for the purpose of determining the adequacy of proposed substituted bus service. However, we do not believe that we could with propriety hold a public hearing looking toward the possible retention of streetcars and by so doing circumvent the will of Congress in requiring the Transit Co. to convert from streetcars to buses in an approximate 7-year period.

Up until December 1959 no requests were received by our Commission for hearings relative to the timing of any of the publicized program of the Transit Co. nor as to the adequacy of the proposed substituted bus service. All prior requests for a public hearing on the streetcar-bus conversion program have appeared to be based on a desire to retain streetcar service indefinitely in the future. Our Commission has taken the position that the authority granted to it by section 7; namely, that upon a showing of good and sufficient cause we may extend the time beyond August 26, 1963, did not include the right to countermand the expressed intent

of Congress to convert from streetcars to buses.

Our position that no useful purpose would be served by holding a public hearing had to do generally with the proposed holding of a hearing by our Commission to retain streetcars throughout the District of Columbia. Our specific holding that no useful purpose would be served had to do with a request for a public hearing on the retention of the Cabin John streetcar service. As to this phase of the conversion program, I would like to give you something of a chronological picture of happenings:

The first stages of the 7-year conversion program were effectuated on September 7, 1958, when the company converted its Michigan Avenue-North Capitol and Rhode Island Avenue carlines to motorbus operations. Prior to and as of that date, D.C. Transit had failed to inform the Commission of any subsequent plans or overall program the company had for the elimination of its remaining streetcar routes. Accordingly, on October 3, 1958, the Commission requested the company to provide the details of its complete conversion program through 1963.

On January 14, 1959, D.C. Transit replied to the Commission letter by setting out an eight-stage schedule for replacing streetcars with buses. Stage one was the already-completed Michigan and Rhode Island Avenue conversions; stages two and three, tentatively timed for 1959, were encompassed in the rail substitutions effectuated on January 3, 1960. The replacement of the Cabin John rail service was a part of stage three of the program. The company plan was accepted by the Public Utilities Commission as satisfactory in a January 27, 1959 letter to D.C. Transit, and the completely detailed conversion program was publicized by local newspapers on January 28. There were no requests for a public hearing on the conversion schedule at the time it was accepted by the Commission and announced in the local press.

On November 24, 1959, D.C. Transit formally requested permission, effective January 3, 1960, to discontinue rail operations on the Cabin John, Friendship Heights, and Georgia Avenue-7th Street routes, in accordance with stages two and three of the program approved January 27, 1959. Authority for the proposed changes was granted by the Commission on December 3, 1959.

Civic opposition developed to only one of the three proposed route changes, the Cabin John rail substitution. Much of the opposition appeared to be based on the proposed substitution of a shuttle-bus service for that portion of the rail operation in Maryland. Although the matter of the operation in Maryland was a matter beyond our jurisdiction, we had concern as to the adequacy of service under the proposed substituted bus service and, with a view of correcting the situation before the substitution became operative, we held an informal public hearing in our offices on December 11, 1959, to which we invited representatives from civic associations in the areas affected (including Maryland groups) and representatives from D.C. Transit. A staff member of the Maryland Public Service Commission was present in an observer capacity. As a result of the discussion we suggested to D.C. Transit that it establish an additional rush-hour bus service to link directly the MacArthur Boulevard area, near the District line with the Federal Triangle employment area. This new operation was effected by our Order No. 4604, dated December 21, 1959.

I enclose a copy of identical letters which were sent to persons present at our December 11 hearing in their respective representative capacities. This letter will reveal to you our position taken in the Cabin John matter and is also an expression of our prepared-ness to hold public hearings in this and other instances where the purposes sought are within our jurisdiction. I enclose the orders issued incident to this phase of the conversion.

You are perhaps aware of the fact that as of November 24, 1959, there was before us a hearing instituted by D.C. Transit seeking an increase in rates. That case is still pending and testimony will again be taken on January 25, 1960. A representative of D.C. Transit testified in this hearing that the remaining routes to be converted would be so converted by August 1963. A request was made at that time that detailed information on the remaining stages be furnished our Commission. Thereafter, and by letter of December 30, 1959, we directed D.C. Transit to provide the company's best estimate of the specific dates for the remainder of the conversion program. As soon as the company provides this requested information we shall see that you are furnished with a copy thereof.

Our Commission has endeavored to keep itself informed on all phases of the mass transportation survey. We reviewed the study's conclusions and recommendations when they were released. Two members of the Commission (Commissioner Kertz and I) testified last year before a subcommittee of the House Judiciary Committee at hearings on the Washington metropolitan area transit regulatory compact. Commission staff members were present at all of the recent sessions of the joint congressional committee hearings on Washington metropolitan area transportation problems, and have reported to us thereon. The Commission has requested printed copies of those hearings, as soon as they become available, for a more detailed review of the testimony. We have encountered nothing so far which would interfere with the transit company's proposed plan of implementing the conversion program. In this connection, your attention is invited to the last paragraph of page 69 of "Transportation Plan—National Capital Region." The paragraph states:

"The use of present-day streetcars for express service was also considered, but rejected. Streetcars do not have sufficient capacity to carry the passenger volumes that will be attracted to the two recommended rail transit routes. Substitution of streetcars for express buses on any of the other routes would require extensive construction not needed by buses, similar to that envisaged in the hypothetical rail transit system. Costly downtown subway construction for streetcars would not be justified by their low carrying capacity. Omission of subways would require operation of streetcars on surface streets as at present."

"Transportation Plan" (p. 70) also states:

"The use of existing railroad tracks and the sharing of railroad rights-of-way was considered, but found to be an unsatisfactory arrangement on most routes. Some use of railroad property is proposed for the route to Alexandria, but in other cases the small number of vehicles that could be operated on railroad facilities in the peak hours without interfering with railroad operations constitutes a serious drawback. Other difficulties include the present lack of a downtown distribution system and the present lack of railroad rights-of-way through many of the areas needing rapid transit service."

We are presently unaware of any circumstance that would justify any step on our part to delay placing into operation stages of the transit company's conversion program, as it is presently known to us.

Please know that we are happy to furnish you any information which you desire at our hands.

Our Commission and staff wholeheartedly return to you our best wishes for the coming year.

Sincerely yours,

GEORGE E. C. HAYES,
Chairman.

PUBLIC UTILITIES COMMISSION,
OF THE DISTRICT OF COLUMBIA,
Washington, D.C., December 21, 1959.

DEAR ———: The Commission has considered the oral and written representations made by you and by other representatives of civic groups at the informal hearing in the office of the Commission on December 11, 1959, with respect to (1) the advisability of converting at this time the Cabin John line (Route 20) from streetcar to bus operations; (2) the adequacy of proposed bus substitution on Cabin John line; and (3) the need for a public hearing with respect to 1 and 2 above.

We shall discuss the representations in the order stated.

CONVERSION OF CABIN JOHN LINE

Section 7 of the franchise granted D.C. Transit System, Inc. (Public Law 757, 84th Cong., 2d sess.) provides that the company "shall be obligated to initiate and carry out a plan of gradual conversion of its street railway operations within 7 years" from July 24, 1956.

The Commission considers that the company has a contractual obligation to convert within the prescribed time. The Commission also considers that it has the duty to see that the company performs its obligation under the franchise in an orderly and efficient manner consistent with the public interest.

At the request of the Commission the company filed a program setting forth the contemplated stages of conversion from street railway to bus operations to comply with the provisions of section 7 referred to above. The Commission concluded that the conversion program proposed by the company would satisfactorily meet the congressional mandate set forth in section 7 of the Franchise Act. Pursuant to such program, the company in September of 1958 embarked on stage 1 of the conversion program by substituting bus operations for rail operations on the North Capitol Street line between 12th and Monroe Streets NE., and Washington Circle, and on the Maryland line between Branchville in Maryland and Potomac Park. The company has now requested authority to accomplish stage 2 of its program by substituting bus operations for rail operations on the Georgia Avenue-Seventh Street line (routes 70, 72, and 74), the Tenleytown-Pennsylvania Avenue line (route 30), and the Cabin John line (route 20)—such substitutions to be made as of January 3, 1960.

The Commission has been mindful of the congressional mandate that there shall be "a gradual conversion" over a period of 7 years. The necessity for a program of gradual conversion is obvious. The magnitude of the overall program prohibits a simultaneous conversion of all the lines involved. The only practical course of meeting and solving the operating and economic problems incident to conversion is to effectuate the conversion by well-planned stages. The stages of conversion proposed by the company and approved by the Commission resulted from separate as well as joint studies on the part of the company and the Commission covering a period of more than 2 years, and the program which eventually evolved was well publicized in the press.

The Commission considers that the conversion contemplated by stage 2 is a logical and necessary step in accomplishing the overall plan. Completion of stage 2 will mean that approximately 50 percent of required conversion will have been accomplished within the first half of the allotted period of 7 years.

It has been suggested by interested parties that stage 2 of the conversion plan be accomplished without including the Cabin John line. This suggestion has received our earnest consideration. The Commission is of the opinion that the elimination of the Cabin John line from stage 2 of the program would pose many practical operating problems. Even if it could be shown that the operating problems resulting from the elimination of the Cabin John line from stage 2 could be successfully overcome, there would remain the very substantial economic problems of operating the Cabin John line following the abandonment of street railway operations on Wisconsin Avenue. Experience dictates that such an operation would involve unwarranted financial loss which in the final analysis would have to be subsidized by other transit riders. The Commission can only conclude that if stage 2 of the conversion program is to be successfully accomplished it must include the Cabin John line.

It has also been suggested by interested parties that conversion of the Cabin John line be postponed until the public has had an opportunity to present its views as to the advisability of converting the line either now or hereafter. It has been the policy of this Commission to accede to requests for a public hearing when the issue in dispute involves an exercise of authority or discretion on the part of the Commission. In the instant matter, however, the Commission does not possess the statutory authority to take any action contrary to the specific mandate of section 7 of the Franchise Act. The Commission is, therefore, foreclosed from granting a hearing on the merits as to whether the Cabin John line should or should not be converted from street railway to bus operations, as it must be assumed that Congress was fully cognizant of the pros and cons of conversion and gave full consideration to the same when it directed that the company should convert in 7 years. It follows, therefore, that no useful purpose would be served by a public hearing.

Even if a strained interpretation of the Franchise Act would permit the Commission to delay the conversion of the Cabin John line, such delay, as indicated above, could not be justified either from an economic viewpoint or from an operational viewpoint.

In view of the foregoing, the Commission has concluded that it is in the best interest of the public to permit D.C. Transit System, Inc., to abandon streetcar operations on the Cabin John line in conjunction with like abandonment on the Tenleytown-Pennsylvania Avenue line and the Georgia Avenue-Seventh Street line.

We enclose for your information a copy of our Order No. 4602 entered today authorizing the company to proceed to abandon streetcar operations in accordance with section 1 of the order.

ADEQUACY OF PROPOSED BUS SERVICE ON FORMER ROUTE 20

It has been suggested by you and other interested parties that the proposed bus service to be substituted for the Cabin John line is inadequate in that it does not provide as good service as that presently being received by Cabin John streetcar riders. The Cabin John line operates between Cabin John, Md., and Union Station via Prospect Street, 36th Street, 35th Street, O Street, P. Street, Wisconsin and Pennsylvania Avenues. With respect to that part of the route west of Georgetown, the proposed bus service must of necessity operate on MacArthur Boulevard as there is no other roadway on which buses can operate. The company proposes to operate a shuttle bus from the District line to Manning Place, where it will connect with the existing D-4 Bus Line. The route D-4 bus operates on MacArthur Boulevard westbound from Foxhall Road to Manning Place, and eastbound from Manning Place to Q Street and thence on Q Street to Foxhall Road. Thus far the substitute bus service generally parallels streetcar route 20 although requiring a transfer at Manning Place. The necessity for a transfer at Manning Place cannot be avoided as the 12,000-pound weight limitation imposed on MacArthur Boulevard will not permit the operation of a normal-size bus. From Foxhall Road the D-4 route operates to Georgetown via Reservoir Road, 35th Street, and Q Street, and thence to the downtown area. This route does not serve the same area presently served by Route 20 between the junction of MacArthur Boulevard and Canal Road and downtown Pennsylvania Avenue. For those desiring to reach the downtown area via Pennsylvania Avenue a transfer can be made at Wisconsin Avenue and Q Street.

The Commission fully realizes that the requirement of a transfer at Manning Place and a second transfer at Wisconsin Avenue for those desiring to reach the downtown area via Pennsylvania Avenue would constitute a hardship involving inconvenience and delay. In order to ameliorate an admittedly undesirable situation and to provide fast one-transfer service to the downtown area via Pennsylvania Avenue, the Commission is requiring the company to add a new rush period route to be known as D-3. This route will operate between MacArthur Boulevard at Manning Place and 9th Street and Constitution Avenue via MacArthur Boulevard, Foxhall and Canal Roads, M Street, Pennsylvania Avenue, 23d Street, and Virginia and Constitution Avenues. It will provide direct service for residents of the MacArthur Boulevard area and transferees from the Cabin John shuttle bus line to the Potomac Park and Federal triangle areas.

The Commission has had the benefit of engineering and traffic studies by both the company and its own staff and is of the opinion that the combined D-4 and D-3 bus services will give the residents of Maryland and of the District presently being served by Route 20 adequate public transportation. Accordingly, the Commission has concluded to authorize the proposed substituted bus service as set forth in section 2 of order No. 4602 referred to above, and to institute additional rush hour service in accordance with its order No. 4604, a copy of which is enclosed for your information.

It has also been suggested by interested parties that the adequacy of the proposed bus substitution on the Cabin John line be made the subject of a public hearing. Ordinarily the Commission would be most happy to accede to this suggestion but we do not believe that a public hearing would produce any facts which have not already been presented to this Commission by the interested parties.

Moreover, it is believed that the new D-3 rush hour service now required of the company will meet most, if not all, of the objections previously advanced.

The Commission proposes to make a continuing investigation as to whether the substituted bus service on the Cabin John line adequately fills the needs of the area residents. Should experience prove that the substituted bus service as now proposed is not adequate, the Commission will give favorable consideration to a request for a public hearing.

We desire to assure you and your associates that the Commission will cooperate in every way possible in providing good and adequate service.

By direction of the Commission.

NORMAN B. BELT,
Executive Secretary.

Mr. MORSE. Mr. President, in reviewing these matters which I have just brought to the attention of the Senate, I have become about convinced that to unravel this interlocked skein of congressional action, D.C. Transit action and Public Utility Commission action is important and justified, and I have asked myself how best it could be accomplished.

As far as I am concerned, there is one question of fact which seems to me to be controlling in this matter once we are sure that we have all the facts necessary for a sound answer to the question. That question of fact is this, "Will the mass transportation needs of the District of Columbia be best served now and for the future by the elimination of the streetcar system?"

To answer this question we must know what the current facts are in regard to the relative cost of an all-bus system in comparison with a partial bus system and a partial streetcar system. We need to know what the effect of a dual system would be on fare rates. We need to know which system will move the greatest number of riders to and from their work in the District of Columbia at the lowest fares, the shortest time, and with the greatest comfort and efficiency, and at the same time permit the D.C. Transit Co. to earn a fair rate upon its investment.

On the basis of the representations which have been made to me by those who are urging that the District of Columbia should not reduce further its streetcars, I have come to the conclusion that further conversion from streetcar service from bus service should be delayed until Congress can review this problem and make certain as a result of thorough public hearings that an all-bus service is in fact the transportation system which will best meet the transportation needs of the citizens of the District of Columbia.

In this connection, the report of the House Committee on Interstate and Foreign Commerce in the 84th Congress, in commenting upon the conversion program contained in the House bill is worthy of note for the word of caution it contains.

Mr. President, I ask unanimous consent that material from pages 14 and 15 of the House report to which I have made reference be printed in the RECORD at this point in my remarks.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SECTION 6. CONVERSION OF STREETCAR OPERATIONS TO ALL-BUS OPERATIONS

As has been mentioned, the invitations to bid issued by the Public Utilities Commission relative to a successor private operator restricted applicants to an all-bus system. The public authority contemplated by the legislation introduced was also based on all-bus operations. As will appear from the hearings, the District Commissioners expressed the view that immediate conversion to all-bus operations is desirable although witnesses representing civic groups urged retention of street railway service.

In 1955, the Capital Transit Co. retained W. C. Gilman & Co. to study and make a report on the desirability of conversion of street railway operations to motorbus, and, if conversion were desirable, what the conversion

timing should be. This report, submitted September 26, 1955, which is set forth in full in the committee hearings at pages 287–307, recommended a conversion program calling for completion about 1962.

In reaching its conclusions, W. C. Gilman & Co. stated it had studied and considered the following:

(1) The extent of the existing street-railway operations, the physical plant used for such operations, and the type and quality of service which that plant is furnishing.

(2) The prospective and reasonable service life of that street-railway plant and the dates at which specific portions of that property will require substantial capital expenditures for replacements.

(3) The type and quality of substituted motorbus service, its relative rider appeal, and the capital costs and physical problems involved in a conversion to such service.

(4) The effect of such motorbus substitution, or lack of it, on the general traffic situation in Washington and on proposed highway improvements in the area.

In the light of these and other factors, W. C. Gilman & Co. concluded:

"Based on the existing overall conditions of the rail system and the quality of service being furnished, it is our opinion that an immediate complete conversion to motor bus of the entire streetcar operation would be an economic waste that would not be justified by the service results which could be secured. We have developed, however, a conversion program for Washington to be completed over the next 7 or 8 years. The approximate timing of the abandonment of various sections of the present rail operations has been determined so as to make unnecessary the major portion of the expenditures which have been estimated would be required at various times for track replacements at various locations if rail service is to be perpetuated. This will permit the realization of several years of additional service life from major portions of present rail property, although still not to the extent to which such potential service life has been used up in other cities before conversion to rubber-tired vehicles."

It is obvious that if there were to be a complete cessation of street-railway service in the District this coming August, as was contemplated by the Commissioners of the District, it would be impossible to furnish to the residents of the area the full transit service to which they are entitled. However, the committee approves gradual conversion to an all-bus operation within a reasonable time, in the interest of economy and efficiency of operation.

Accordingly, the committee has included this section making it the duty of the Capital Transit Co. to carry out a plan of gradual conversion of its street-railway operations to bus operations in general conformity with the economic concepts contained in the Gilman report, above referred to.

Mr. MORSE. Mr. President, Senators will note that the W. C. Gilman Co. in its conclusions, based upon its study, recommended against an immediate conversion at that time as an economic waste. Further it will be noted that the 7- to 8-year conversion program which was developed by the company was done for the purpose of obtaining additional years of service life for the rail equipment. The last point to be noted is the language of the consultant firm when it states that even with the 7- to 8-year postponement major portions of the rail property would not be used up to the extent of potential service life of comparable equipment in other cities.

I ask unanimous consent that a letter from the W. C. Gilman Co., enclosing their report, be printed at this point in the RECORD.

There being no objection, the letter and report were ordered to be printed in the RECORD, as follows:

CAPITAL TRANSIT CO. REPORT ON CONVERSION OF STREET RAILWAY OPERATIONS TO MOTORBUS

W. C. GILMAN & CO.,
New York, N.Y., September 26, 1955.

Report on a program of conversion to motorbus of the street railway operations of Capital Transit Co.

MR. J. A. B. BROADWATER,
President, Capital Transit Co., Washington, D.C.

DEAR SIR: Transmitted to you herewith is our report on whether the street railway operations of Capital Transit Co., should be converted to motorbus and, if so, what the conversion timing should be. In reaching our conclusions on this matter we have studied and considered the following:

(1) The extent of the existing street railway operations, the physical plant used from such operations, and the type and quality of service which that plant is furnishing;

(2) The prospective reasonable service life of that street railway plant and the dates at which specific portions of that property will require substantial capital expenditures for replacements;

(3) The type and quality of a substituted motorbus service, its relative rider appeal and the capital costs and physical problems involved in a conversion to such service, and

(4) The effect of such motorbus substitution or lack of it, on the general traffic situation in Washington and on proposed highway improvements in the area.

Our summarized conclusions are as follows:

(a) The present street railway plant is an exceptionally good one and comprises a major part of the Capital Transit system. To show the relationship of this rail operation to the total system the following basic facts with respect to it are set forth below:

	Streetcar system units	Streetcar in percent of total system operations
Passenger revenues [1]	$13,388,889	51.2
Revenue passengers [1]	83,466,603	50.4
Streetcar-miles operated [1]	12,254,997	36.1
Streetcar-hours operated [1]	1,479,507	40.3
Street miles of route [1]	72	18.0
Miles of single track:		
Conduit [2]	80.54	
Overhead trolley [2]	63.39	
Total [2]	143.93	
Number of primary street-car routes [2]	14	
Streetcars required for 1954 fall schedules, excluding spares	379	33.3
Streetcars owned [2]	508	36.4
Number of operating car stations [2]	6	
Number of substations [2]	20	

[1] Year ended Dec. 31, 1954.
[2] As of Dec. 31, 1954.

This rail system is currently providing safe and comfortable transportation at speeds which, for a large part of the operations, are much below the operating capabilities of the streetcars and the track because of the interference to such service caused by general vehicular traffic.

(b) The service furnished by the present rail system is good and would be improved little, if any, by motorbus substitution, except for increased flexibility in case of delays and possibly more express service where warranted by traffic volumes. In many respects the well-maintained PCC car on good track has a greater rider appeal than a motorbus. Under comparable operating conditions the PCC cars in Washington maintain speeds equal to the motorbuses. There is not in Washington, the picture of wornout and sometimes unsafe track frequently combined with old, uncomfortable and slow-moving streetcars which has been present in practically all cities where long-term programs for conversion from rail to bus have been completed or are still in progress. The present rail operations of the company are far from obsolete either physically or functionally.

(c) The present streetcar property was well built and has been well maintained. The average remaining service life of the present rail system as a whole is, in our opinion, in excess of 20 years. The cars are in uniformly good condition. The same is true of the buildings with minor exceptions. As would be expected, the track condition covers a wide range from sections which will require extensive work within the next few years to sections which are as good as new and can render service for the next 35 or 40 years, with an overall average present condition approximating that of the system as a whole.

Unfortunately, the poorer and better sections of track are scattered throughout the system and the various routes, and the poorer track is not necessarily at the outer ends of the lines. Frequently the reverse is true. Track replacements, therefore, necessary for the continuation of rail service will be required on different parts of the system at various dates in the future. The estimated expenditures required for these replacements of conduit track are as follows:

Estimated cost of replacements—Conduit track

Approximate time periods:	
1955–65	$7,573,000
1966–75	7,056,000
1976–85	5,078,000
1986 and thereafter	11,303,000
Total	31,010,000

Similar replacement requirements for overhead trolley track are nominal for the next 15 years.

(d) The physical and financial problems incident to a conversion to motorbus of the entire street railway service of Capital Transit, and particularly to an expedited or immediate conversion, are substantial and would include the following:

1. The purchase of some 430 51-passenger motorbuses at a cost of approximately $9,460,000.

2. The reconstruction of existing car stations, enlargements of present garages or the development of new garage locations to provide facilities for the fueling, lubricating, inspecting, and housing of these 430 additional buses, which would, in our opinion, require expenditures of from $2 million to $4 million, depending on the extent to which present facilities could be utilized for the efficient handling of motorbuses and on the extent and costs of the construction required, and would take a considerable period of time. Heating, clearances between columns, the presence of track pits, and conformity with building code regulations for fire protection are some of the problems faced in converting present carhouses.

3. The development of the Fourth Street shops, or elsewhere, of automotive and body-repair facilities capable of handling efficiently the maintenance of a motorbus fleet nearly 50 percent larger than the present fleet, which would also take time and for which we estimate that the necessary expenditures would run from $1 million to $2,500,000, again depending on the adaptability of the existing plant.

4. The training of some 600 operators for motorbus operations and a substantial number of mechanics for automotive inspection and maintenance and the making of adequate provisions for any present company personnel not able to qualify for these new occupations.

These several essential steps would require capital expenditures of from $11 million to $16 million and, in our opinion, the minimum time element required for an immediate 100 percent conversion would be from 18 to 24 months. These approximate estimates give no consideration to the costs of removal of permanent loading platforms or track structure from paved streets.

(e) Based on the existing overall condition of the rail system and the quality of service being furnished, it is our opinion that an immediate complete conversion to motorbus of the entire street car operation would be an economic waste that would not be justified by the service results which would be secured. We have developed, however, a conversion program for Washington to be completed over the next 7 or 8 years. The approximate timing of the abandonment of various sections of the present rail operations has been determined so as to make unnecessary the major portion of the expenditures which have been estimated would be required at various times for track replacements at various locations if rail service is to be perpetuated. This will permit the realization of several years of additional service life from major portions of present rail property, although still not to the extent to which such potential service life has been used up in other cities before conversion to rubber-tired vehicles.

(f) Our recommended conversion program consists of five phases, the timing of each and the major conversions in each phase being as follows:

Phase	Timing	Major streetcar operations discontinued
1	1956–57	West end of Mount Pleasant (routes No. 40 and No. 42) west of 14th and H Sts. NW. 13th and D, NE (route No. 42) east of Union Station Plaza. 11th and Monroe (route No. 60), entire line. Routes No. 90 and No. 92 west of 14th and U Sts. NW. Double tracks in south half of Union Station Plaza.
2	1957–58	Maryland Line (route No. 82) north and east of 5th and G Sts. NW.
3	1958–59	All rail service west of Pennsylvania Avenue and 19th St. NW. (routes No. 20, Cabin John; No. 30, Friendship Heights; No. 80, Rosslyn). Route No. 92 from Florida and New Jersey to 8th and Pennsylvania Ave. SE. Bureau of Engraving (route No. 50), south of 14th and Pennsylvania Ave. NW.
4	1960–61	14th St. (routes No. 50 and No. 54) north of 14th and G Sts. NW. 7th St. and Georgia Ave. (routes No. 70, No. 72 and No. 74) north of 7th and Pennsylvania NW. East Capitol (route No. 40) east of 1st St. east. Pennsylvania Ave. and 7th St. NW. to Independence and 1st St SE., all of 1st St. west and all track from 5th to G NW. on 5th, Indiana Ave. and C St. North to 1st and C Sts. NE. Pennsylvania Ave., 8th St. SE. to Barney Circle.
5	1961–62	All remaining track, which would include F and G Sts. NW., New Jersey Ave., 7th St. south of Pennsylvania, Independence Ave. from 7th St. to and including the Southwest Mall Loop, north half of Union Station Plaza, 1st East and Pennsylvania and 8th St. SE. From 1st and Independence SE to the Navy Yard.

This program, in our opinion, could be accomplished with expenditures for track replacements in the 7 years between now and 1962 of approximately $1 million and would require the purchase of new buses as follows:

Estimated bus purchases for conversion

Years	Number of buses	Estimated costs
1956–57	90	$1,980,000
1957–58	30	660,000
1958–59	115	2,530,000
1960–61	115	2,530,000
1961–62	80	1,760,000
Total	430	9,460,000

The expenditures for bus inspection, fueling, and housing facilities would be similarly spread over the period. No expenditures would be required for the construction of new track or track connections. From 1 to 7 or possibly 8 years of additional service life would be realized from present streetcar property and even then the streetcars, most of the overhead trolley tracks and substantial portions of the conduit track would go out of service many years before the end of their potential future service life.

We believe that this conversion program will present no serious interferences with proposed highway improvements.

(g) Traffic congestion is caused primarily by too many vehicles in relation to available street space rather than by the type of vehicle. It is our opinion that many conclusions as to the causes of and possible remedies for traffic problems are based too frequently on sentiment rather than on facts. Transit vehicles of any type do contribute somewhat to traffic delays, but so do all other types of vehicles. It is our opinion that the conversion of present streetcar operations to motorbus will have no material effect on the general traffic situation except at the 53 locations (out of a total of 487) where general traffic is prohibited from using the traffic lane to the left of streetcar loading platforms. Of these 53 locations, 24 are on Pennsylvania Avenue, an exceptionally wide street.

(h) We are living in a motorized age. Millions of dollars have been spent in Washington and elsewhere and similar future expenditures are contemplated in attempts to enable motor vehicles to move more freely. None of these expenditures have been or will be of much, if any, benefit to mass transportation and many actually make local transit operations more difficult. The real problem is the movement of people and essential goods. A large part of these expenditures could be saved if existing street space were used more efficiently as would be the situation if more of the public used transit vehicles, particularly in the congested areas. Unfortunately the trend is the other way, primarily because of this subsidized competition with which transit has to compete without the benefits of any similar assistance.

Very truly yours,

W. C. GILMAN & CO.

REPORT ON CONVERSION OF STREET RAILWAY OPERATIONS TO MOTORBUS, SEPTEMBER 26, 1955

PURPOSE AND SCOPE OF REPORT

This report, and the study on which it is based, have been undertaken by us at the request of Capital Transit Co. as one of the matters agreed to in the Memorandum of Understanding issued by the Public Utilities Commission of the District of Columbia under date of August 6, 1954. The problem involved is whether the present street railway operations of Capital Transit Co. should be converted to motorbus operations and, if so, what the conversion timing should be.

The solution of the problem requires the consideration and weighing of the effects of such a conversion on transit service and on the users of such service, on the community in general and on Capital Transit Co. or any other operator which in the future may be supplying transit service to the District of Columbia. More specifically this involves consideration of the present physical condition of the existing street railway plant, the type and quality of service which that present plant can continue to furnish, the prospective reasonable service life of that plant prior to the time when there will be the necessity for substantial capital expenditures for replacements, the type and quality of a substituted motorbus service and its relative rider appeal, its capital costs and the effect of such motorbus substitution or lack of it on the general traffic situation in Washington and on proposed highway improvements in the area. All of these matters are discussed in detail is various sections of this report.

RELATION OF PRESENT RAIL OPERATIONS TO TOTAL SYSTEM

In order to develop a proper perspective, we have set forth below certain indicative figures for the total operations of Capital Transit Co. and the division of these total figures between present bus operations and street railway operations. The tabulated data is for the year ended December 31, 1954, unless otherwise indicated:

	Total Capital Transit System	Present motorbus	Streetcar operations	
			Amounts	Percent of system total
Passenger revennes	$26,153,391	$12,764,502	$13,388,889	51.2
Revenue passengers carried	165,742,957	82,276,354	83,466,603	50.4
Vehicle-miles operated	33,901,214	21,646,217	12,254,997	36.1
Vehicle-hours operated	3,673,405	2,193,898	1,479,507	40.3
Vehicle-miles per vehicle-hour	9.23	9.87	8.28	
Maximum vehicles required for 1954 fall schedules, excluding spares	1,137	758	379	33.3
Street-miles of operation [1]	400	328	72	18.0
Per vehicle-mile:				
Passenger revenues	$0.77	$0.59	$1.09	
Revenue passengers	4.89	3.80	6.81	

[1] As of Dec. 31, 1954.

The figures above indicate that the streetcars, representing 33.3 percent of total scheduled vehicles and 36.1 percent of the vehicle-miles, collected 51.2 percent of system passenger revenues in 1954 and carried 50.4 percent of system revenue passengers. It is evident from these comparisons that the present streetcar operations comprise a major portion of the transit system.

The streetcar passenger revenues were $1.09 per car-mile and the bus revenues were $0.59 per bus-mile operated. Corresponding revenue passengers per vehicle-mile were 6.81 for the streetcar operations and 3.80 for the present bus operations. The passenger volumes carried per vehicle-mile are substantially larger for the streetcar operations than for the motorbus operations. This is not due to the fact that the one type of service is streetcars and that the other type is motorbus. These differences in traffic volume characteristics are due to the locations

of the streetcar routes as a whole and to the areas served by them as compared with the locations of the bus routes as a whole and the areas served by them.

As shown by map 1, the streetcar routes all pass through the downtown area of Washington and in general do not extend into the outer areas of the District of Columbia or into Maryland. In contrast, many of the motorbus routes are crosstown lines which do not enter the downtown area or are routes radiating from the outer terminals of rail lines so that a larger proportion of the mileage of the bus system is in the outlying areas, including Maryland. These differences in traffic and operating characteristics are reflected also in the average operating speeds, which are 8.28 miles per hour for the streetcar operations as a whole and 9.87 miles per hour for the present bus operations as a whole.

These differences in the operating and traffic characteristics of those two portions of the present system which now happen to be streetcar or motorbus operations will continue to exist irrespective of the type of service.

THE PRESENT STREETCAR SYSTEM

Trackage

The present rail system of Capital Transit consists of 143.93 miles of single track. Of this total, 80.54 miles of single track are of conduit or underground trolley type of construction. The remaining 63.39 miles of single track are of the more conventional overhead trolley type of construction. There are five locations on the system where there are "plow pits" at which a change is made from conduit operation to overhead trolley operation outbound and the reverse change is made inbound. These pits, in which the current collector plows used on conduit track are detached or attached, are located as follows:

LOCATIONS OF PLOW PITS AND ROUTES USING PITS

1. End of Prospect Avenue west of 36th Street NW.: Cabin John (No. 20).

2. Wisconsin Avenue north of P Street NW.: Friendship Heights (No. 30).

3. Georgia Avenue and Barry Place NW.: Georgia and Alaska (No. 70), Takoma (No. 72), Soldiers Home (No. 74).

4. North Capitol Street and W Street: Brookland (No. 80).

5. T Street east of 3d Street NE.: Branchville (No. 82).

All of the other rail routes operate entirely on conduit track.

The rail system is essentially 100 percent double tracks for operational purposes. At a few locations there is one-way operation on a single track on one street with the reverse direction operation on a single track on an adjoining street. The only case of two-way operation on a single track is the 0.21 mile at the outer end of the Branchville line (Route No. 82). The rail system, therefore, represents approximately 72 route-miles.

All of the track of the company in the District of Columbia, with minor exceptions, is in the street center and is paved. The two most important exceptions are Pennsylvania Avenue SE. from Independence to Barney Circle where the tracks are in a reservation strip in the center of the street with the track zone paved, and Independence Avenue between First Street SW. and First Street SE. where the double tracks are in the street pavement but adjacent to the north curb. All of the track in Maryland is on private right-of-way and is unpaved except at highway crossings.

Much of the trackage is used by two or more streetcar routes. Of the total conduit track mileage approximately 45 percent is jointly used and of the overhead trolley track mileage approximately 12 percent is similarly used, giving a system total of 31 percent or about 44 miles of single track which is jointly used. This is all in the District of Columbia.

Streetcars

The company owns 508 streetcars, 488 of which are PCC type (President's Conference Committee) and the remaining 20 are "Streamliners" which are similar in design and operating characteristics. The number of streetcars needed to fill the maximum requirements of the 1954 fall schedules was 379, excluding spares. This total was divided by routes as follows:

Maximum streetcars needed for schedule requirements

Route No:	
20	16
30	46
40–42	73
50–54	58
60	13
70–72–74	56
80	27
82	38
90–92	52
Total	379

These streetcars represent the most modern design. They are capable of maximum rates of acceleration, deceleration, and free running speed. The average seating capacity is 49. They are equipped with trucks and wheels which were especially designed to give quiet operation and smooth riding. They are well lighted, ventilated and heated.

Carhouses

These streetcars are housed at 6 carhouse locations at which are also located facilities for divisional supervisory personnel, station cashiers, and streetcar operators as well as for the washing, cleaning, and inspecting of the streetcars. The carhouses, their locations and the numbers of cars assigned at each are as follows:

Station	Location	Streetcars assigned
1. Eastern	East Capitol and 14th and 15th Sts. NE.	111
2. Navy Yard	8th and L and M Sts. SE.	81
3. Northeastern	4th and T Sts. NE.	96
4. Northern	14th and Decatur Sts. NW.	103
5. Southern	Maine Ave. and P St. SW.	83
6. Western	Wisconsin and Harrison NW.	44
Total		508

Streetcar routes

The present streetcar operations of Capital Transit comprise 14 routes which are in reality 9 trunkline routes with various branches or split terminals, as listed below:

Route number	Between	And
20	Union Station	Cabin John.
30	Friendship Heights	17th and Pennsylvania Ave. SE.
40	Mount Pleasant	Lincoln Park.
42	do	13th and D Sts. NE.
50	14th and Colorado NW.	Bureau of Engraving.
54	do	Navy Yard.
60	11th and Monroe NW.	Pennsylvania Ave. and 6th St. NW.
70	Georgia and Alaska NW.	Southwest Mall.
72	Takoma	7th Street Wharves.
74	Soldiers' Home	Do.
80	Brookland	Bossiyn.
82	Branchville	Potomac Park.
90	Calvert Street Bridge, Northwest.	17th and Pennsylvania Ave. SE. via New Jersey Ave.
92	do	Navy Yard via Florida Ave.

During the rush hours certain cars are operated to short route or intermediate terminals and service from several routes is operated to special areas such as the Navy Yard, Southwest Mall, Bureau of Engraving, and Potomac Park to supplement basic route services and reduce the necessity for passenger transfers.

These car houses are individually described in more detail in following paragraphs.

CONDITION OF PRESENT RAIL SYSTEM

We have carefully examined the present streetcar operations by riding all of the routes and noting rail wear and alinement and the condition of track zone pavement. We have visited and inspected the car houses and shops and noted the layout, type of construction, and present condition of the buildings at each location. Our extensive riding of the routes and our car house and shop inspections have enabled us to form an opinion as to the condition of the streetcars. Our own observations as to these matters have been supplemented by an examination of certain operating records and special studies prepared by the company.

The streetcars are in exceptionally good condition. The following records indications of this:

Year	Armature failures		PUC inspections	
	PCC cars in service	Armature failures	Number of cars inspected	Number of cars reported with defects
1946	489	57		
1947	489	35	729	427
1948	489	26	693	327
1949	489	8	649	312
1950	509	7	509	289
1951	509	10	509	295
1952	509	3	509	188
1953	509	15	509	183
1954	509	9	509	125

With a continuation of adequate maintenance, the present fleet of PCC cars can continue to operate efficiently for an almost indefinite period.

The average estimated service life of conduit track is 40 years and the average estimated remaining life of such track is at least 20 years. This is indicated by the estimated annual expenditures required in future years for conduit track reconstruction. Such reconstruction costs for the 80.54 miles of conduit track are estimated at approximately $31 million distributed over future periods as follows:

Estimated required expenditures for reconstruction of conduit track

Future periods:	
1955–65	$7,573,000
1966–75	7,056,000
1976–85	5,078,000
After 1985	11,303,000
Total	31,010,000

The average remaining estimated service life of the overhead trolley track is even longer with only minor amounts of reconstruction required within the next 10 years.

Special work for both types of track is replaced on a piecemeal basis wherever possible rather than on the basis of an entire installation. Out of 20,783 lineal feet of special work track, only 3,511 lineal feet is estimated for replacement in the next 10 years.

The car house and shop buildings are, with minor exceptions, substantial structures which have been well maintained and have an almost indefinite future service life under present conditions of use. The principal exception is western car house.

RELATIVE RIDER APPEAL

Unfortunately transit systems are not in a position to provide as much rider appeal

in their services as both the transit operators and the public desire. The two major factors conducive to building up rider appeal are increased speed of operation and greater rider comfort. The comments in this section represent our conclusions as to the extent to which an immediate or expedited conversion of the Capital Transit streetcar service to motorbuses would generate improvement in rider appeal.

The speed of operation of transit service is determined primarily by the combination of three major factors; namely, (a) the operating characteristics of the transit vehicle, (b) the time consumed by passenger stops and the loading and unloading of passengers, and (c) the time consumed by the inability of transit vehicles to utilize their potential operating characteristics because of the interference of other vehicular traffic and the additional or lengthened stopping time resulting from traffic-control devices or traffic officers.

As expressed elsewhere in this report the potential operating characteristics of the PCC-type streetcars as to acceleration, deceleration, and maximum running speed are at least equal to the modern bus. As shown above the average realized speeds for present system motorbus operations are greater than for system streetcar operations, but this is not due to the primary operating characteristics of the two types of vehicles. It arises from the average system conditions under which the two types of service operate. The major part of present system motorbus mileage is in outlying areas where general traffic is less congested. The streetcar routes are more generally confined to the more heavily congested area and, in addition, handle larger volumes of passengers.

Our observations are that where there is no outside interference with either vehicle the PCC cars in Washington can usually keep pace with a bus and can sometimes cover ground more expeditiously. Under rush-hour conditions of general traffic we have seen a PCC car keep pace with the paralleling lines of automobiles for over half a mile in spite of traffic lights and passenger interchange.

While left turning general traffic frequently imposes substantial delays to streetcar progress, right turning general traffic causes greater delays to buses than to streetcars. The motorbus is more flexible in case of delays, caused by equipment failures or otherwise, and does permit express or limited-stop operation.

For riding comfort it is our opinion that the PCC car has more to offer than the motorbus. It is a roomier vehicle with better lighting, cooler in the summer, and better ventilated in the winter. Its wider aisles and entrance and exit doors facilitate passenger movement within the vehicle as well as when boarding and alighting. On even moderately smooth track the streetcar offers a smoother ride than the bus, free from the bumps and vibrations caused by uneven pavements. The streetcar produces no fumes or odors to irritate either the passengers or the general public.

These comments are made to point out that solely from the standpoint of rider appeal the rail service operated by Capital Transit is not inferior to that offered by the motorbus. This comparison would be even more favorable to the streetcar if its potential operating characteristics could be utilized to a greater extent. From the standpoint of this study these conclusions are important as indicating to us that a conversion from rail to bus in Washington would not offer the same improvement in quality and comfort of service as has resulted from similar conversions in cities such as Minneapolis, St. Paul, Milwaukee, Baltimore, Cincinnati, Buffalo, and New York City. In these and other cities the rail services which have been converted to bus represented principally slow moving and uncomfortable streetcars operating on wornout, and in some cases unsafe, track. These conditions do not exist in Washington.

THE PHYSICAL AND FINANCIAL PROBLEMS OF CONVERSION

The physical job of converting to motorbus a rail system operating some 400 streetcars over 72 miles of route and having passenger revenues of some $13,389,000 a year is a problem of substantial magnitude and cannot be accomplished overnight. This physical job requires the following:

(a) The purchase and procurement of delivery of 450 motorbuses.

(b) The providing of facilities for the storage, inspection, and fueling of these 450 motorbuses.

(c) The revamping of present motorbus shops to provide maintenance facilities for a bus fleet 50 percent greater than that now owned by the company.

(d) The training of operators to operate and mechanics to inspect and maintain these additional buses.

(e) The working out of routes over suitable highways for the buses which would be substituted for streetcars now operating on track located on private right-of-way and determining the methods of bus operation in other locations where present streetcars use off-street facilities.

(f) The preparation of schedules for the operation of these buses.

These are the physical problems. Many of the items will involve financial problems in the form of either substantial cash payments of the making of substantial cash commitments, or both. Both the physical and financial aspects of these items are discussed in detail in the following paragraphs.

Bus requirements

As stated above 379 streetcars were required to meet the maximum schedule requirements for the present rail operations based on 1954 fall schedules. We have examined the maximum load point checks on these streetcar lines and we estimate that 398 motorbuses of 51-seat capacity would be required to furnish the equivalent service during peak hours. These vehicle requirements by routes have been estimated by us as follows:

Vehicles needed to meet maximum schedule requirements

Present streetcar routes Nos.	Streetcars	51-seat buses
20	16	16
30	46	49
40–42	73	78
50–54	58	60
60	13	14
70–72–74	56	57
80	27	30
82	38	41
90–92	52	53
Total	379	398

In order to assure continuity of service an additional 8 percent or 32 buses would be required as spares to provide replacements for buses which would have to be temporarily withdrawn from service for current maintenance requirements or for repairs caused by accidents. Total conversion of all streetcar routes would require, therefore, the purchase of 430 motorbuses. Bus manufacturers have indicated to us that the delivery period on these buses would range from 4 to 8 months depending on the number of buses ordered from a single manufacturer. The current price for a modern 51-seat motorbus is about $22,000 including delivery to the Washington area and the 8 percent Federal tax but excluding tires. A fleet of 430 buses would cost approximately $9,460,000. Financing could probably be arranged on the basis of a minimum down payment of 10 percent or $946,000, with the balance payable over 72 months with interest within the range from 4 to 5 percent.

Bus housing

This new fleet of 430 motorbuses will have to be provided with facilities for cleaning, washing, fueling, and inspection. Off-street storage will have to be provided and even with the climatic conditions in Washington there are operating and cost advantages of having such storage under cover and heated, although the company is storing many of its present buses outdoors. The following are the several possibilities for the solving of this problem:

(a) Utilizing spare capacity in existing bus garages or expanding such facilities by additional buildings on present sites or enlargement of present sites, to the extent that such expansion might be possible at any of the present garage locations.

(b) Utilization of present carhouse structure to the extent that it would prove to be physically and economically feasible to adapt any of these structures for efficient use as motorbus garages, or utilization of present carhouses.

(c) Purchase of new sites and construction of new buildings.

The company now has 6 bus garages, as follows:

Garage location	Total bus storage capacity		Number of assigned buses	Undercover storage capacity
	A	B	C	A
1. Western—Wisconsin Ave. and Harrison St. NW.[1]	105	90	101	70
2. Northern—14th and Decatur NW.[2]	165	140	160	80
3. Central—Georgia Ave. and W St. NW	100	85	86	100
4. Brookland—9th and Michigan NE	195	166	185	56
5. Trinidad—16th and Benning Rd. NE	200	170	183	35
6. Southwestern—Half and M Sts. SE	177	151	136	93
Total	942	802	851	434

[1] Adjoins the rear of Western car house.
[2] Adjoins the rear of Northern car house and utilizes basement level of the car house for bus storage.

A—Based on 35-foot buses.
B—Estimated for 40-foot (51-seat) buses.
C—Buses of assorted sizes, present fleet.

It is obvious from the figures above that present bus garage facilities taken as a group, offer little, if any, additional bus storage capacity when consideration is given to the fact that all future increases in the bus fleet will probably be 40-foot buses. This

means that additional capacity in connection with present garage locations would necessitate the purchase of additional property. Such a procedure would, of course, be expensive, would probably require condemnation and for certain of the locations might encounter the problem of zoning regulations.

From the standpoint of the most economical operation with a 100 percent motorbus fleet, it would be desirable to consolidate as many as possible of the present operating locations. With a total fleet of somewhere around 1,300 buses, operations could be most economically carried on from not to exceed 6 total locations as against the 10 which the system would have if all present garage and carhouse locations were maintained.

The most obvious procedure to provide inspection and housing facilities for some 430 additional buses would be to utilize the present carhouse facilities as they become available with the termination of rail operation. This is the procedure which has been used to a large extent on other properties where streetcar service has been converted into motorbus. In Washington, however, this procedure presents certain serious problems.

Of the six present carhouses, four, namely, northern, eastern, navy yard, and southern are located on the conduit track system. While cars do not operate with the underground trolley on the storage tracks at these carhouses, the plows are left on the cars, which means that all of the storage tracks in these four carhouses are built over pits and the transfer of the cars from the operating tracks to the storage tracks is accomplished by the use of transfer tables. For movement of the cars on the storage tracks the car is powered by a plug-in feeder cable which is energized from a small trolley carriage running on a pair of overhead wires. The conversion of this type of structure from streetcar to motorbus use involves the problem of either filling up or covering over the depressed floor area on which the transfer table operates and the pit space between the rails. With respect to eastern, navy yard, and southern carhouses, there would be no structural problem in this connection as the tracks are located on ground level. At northern carhouse the problem is more serious. The car storage floor which is at street level on the 14th Street side of the building is in fact the second-floor level for the major portion of the building with a ground level floor which opens to the rear of the structure and which is now used for the storage of buses housed at northern garage. The rails in the car storage space on the second floor are supported on columns and beams but there is some question as to whether the concrete floor covering the space between adjacent tracks is of sufficient strength to permit motorbus operation which could not, of course, be confined to the exact location of the present rails.

Another problem, particularly with respect to northern, navy yard, and southern carhouses is that the bays between the supporting roof columns are barely wide enough for two or three lanes of streetcars, as the case may be, and are not wide enough to be utilized for the same number of lanes of free wheeling buses. A further drawback is that in these carhouses, most of the buses would have to be backed into the storage lanes, a procedure which is time consuming and dangerous.

In the case of eastern carhouse the clearances between supporting columns is much more adequate and additional doors could be placed in each end of the structure to permit the through operation of buses. That structure, however, has a considerable amount of exposed steel and some exposed timbers and would probably require extensive fireproofing in order to conform to the building code regulations applicable to structures used for motorbus storage. This problem would not be encountered at northern, navy yard, or southern carhouses as they are reinforced concrete structures.

The two remaining carhouses, namely, western, and northeastern, are located on overhead trolley track and do not have pits except to the limited extent necessary for streetcar inspection purposes. The building structure at northeastern is reasonably modern and that carhouse location could be converted to motorbus use at what might be considered a nominal cost. Western carhouse immediately adjoins western garage and the land area and possibly the present structure could also be adapted to bus use at nominal expense.

At the present time all motorbus maintenance is carried on at the Fourth Street shops, at which the body repair and painting work is done for streetcars. The mechanical and electrical work in connection with streetcar maintenance is now carried on at the M Street shops of the company in Georgetown. Since all motorbus maintenance work for a 100-percent bus fleet should be carried on in one location, there would be no economic justification in attempting to adapt the M Street shops for any portion of bus maintenance. There is some question in our minds as to whether the floor space which would be made available at the Fourth Street shops by the elimination of the streetcar body and paint work would provide a sufficient area for increasing the facilities at that location for the efficient maintenance of a motorbus fleet 50 percent larger than that which the system now has.

These comments are made to point out some of the physical difficulties which will have to be overcome in providing proper storage, inspection, and maintenance facilities for 430 motorbuses. The reconstruction costs involved at all of the present car stations except western and northeastern would be very substantial and it is questionable in our minds whether, even with such substantial expenditures in money, the resulting structures would provide for efficient operation.

Another important aspect of this problem is that little, if any, of the required reconstruction could be carried on as long as streetcar operations were maintained at a given location. This would mean that the major part of the reconstruction work at any one location would have to be done after streetcar operation was terminated from that location and until such work was completed that particular location would not be available as a bus garage. The structures at navy yard car house and Fourth Street shops occupy the entire site area. At eastern car house there is a small open yard at one corner of the site and at southern car house there is a small open yard on an adjacent piece of property.

Based on these various problems which we have discussed, it is our estimate that the provision of adequate storage and servicing facilities for 430 additional buses would involve expenditures ranging from a minimum of $2 million to as much as $4 million and that the providing of adequate shop facilities for the increased bus fleet would involve costs from $1 million to $2,500,000, depending in each case on a more careful study of the properties to determine to what extent the present sites and structures could be utilized.

Other conversion problems

All present streetcar operators have not qualified as motorbus operators, and some of them would not be able to meet the requirements for such operations. It would be necessary, therefore, to train a substantial number of men as motorbus operators. The same situation exists with respect to the present streetcar shop personnel. Time would be required to procure the necessary number of men and further time would be needed for operator training.

Present employees who could not qualify for these new job requirements would present a problem to the system, particularly if there was an immediate 100 percent conversion to motorbus. With such a program spread over a number of years, as we have recommended, there would be more opportunity to work out this problem.

There are two locations, at least, on the system where the direct substitution of motorbuses for streetcars present operating problems. The major one is the Cabin John route (No. 20) where there is no adequate immediately paralleling highway. Also, we are advised that certain limitations as to the weights of vehicles which can operate on Conduit Road would prevent the use of large-capacity buses. Another location is the underground rail terminal at the Bureau of Engraving where short-radius turns and ventilating problems would require some alterations to the present structure. We understand that the Du Pont Circle rail underpass could be used for motorbuses with little, if any, expenditures except for paving the approaches.

EFFECT OF CONVERSION ON GENERAL TRAFFIC CONDITIONS

Traffic congestion is caused primarily by too many vehicles in relation to the available street space, rather than by the type of vehicle. It is our opinion that many of the conclusions as to the causes of and possible remedies for traffic problems are based too frequently on sentiment rather than on facts.

Transit vehicles of any type do without question contribute somewhat to traffic delays, but this is also true with respect to all other types of vehicles using public streets. One major utilization of street space by the streetcars in Washington is the presence of some 487 fixed or movable passenger-loading platforms adjacent to the car tracks. However, with respect to only 53 of these loading platforms are nontransit vehicles prohibited from using the lefthand lane and of these 53 exceptions 24 of them are on Pennsylvania Avenue NW., an exceptionally wide street. In these particular cases, where nontransit vehicles are prohibited from using the lefthand lane, the presence of these loading platforms reduces the number of traffic lanes available for such vehicles. It is probably true that in a few of the some 434 locations where nontransit vehicles can use either the left- or right-hand lanes at loading platforms, the presence of such platforms may also reduce the total number of traffic lanes. The other side of this picture is that at these 434 locations the presence of nontransit vehicles on the left-hand side of passenger-loading platforms frequently causes substantial delays to streetcars.

The turning movements of vehicles and the presence of pedestrians are also contributing causes to traffic delays. There is no question but what streetcars are delayed more frequently than buses by left-turning vehicles. On the other hand the right-turning movements of general traffic universally cause greater delays to motorbuses because of pedestrian interference than they do to streetcars. All transit vehicles whether streetcars or motorbuses cause delays to other traffic which are unavoidable because of the necessary stops which transit vehicles must make for the pickup and discharge of passengers.

It is our opinion that in the overall picture the conversion of the present rail operations to motorbus will not result in any material improvement in the general traffic situation. It is, of course, obvious that the removal of two-way streetcar operation would permit reversible traffic lanes or 100 percent one-way vehicle operation in the relatively few locations on street car routes where such traffic devices might be advantageous.

It has been our belief for some time that the only permanent and effective method of securing real traffic relief is to reduce the number of nonessential vehicles which are at present using available street space in downtown areas, either as vehicles in motion or as parked vehicles. It would definitely be to the economic advantage of the Washington metropolitan area if the movement of both people and goods could be expedited, particularly in the downtown area.

To accomplish this with existing street facilities requires the most efficient use of present pavement widths and this can best be accomplished by a reduction in some way of the present excessive use of such pavements by private automobiles, particularly the automobile commuters who drive to and from their places of work every day. This condition is more acute in Washington than in most other cities because of the unusually extensive facilities in or adjacent to the downtown area for free all-day automobile parking.

RECOMMENDED CONVERSION PROGRAM

As indicated above the expenditures required for track replacements in the next 11-year period—1955 through 1965—have been estimated at $7,573,000 if the entire present rail system is to be continued as an operating entity. These expenditures have been estimated by years as follows:

Estimated expenditures for track replacements

1955	$392,000
1956	662,000
1957	543,000
1958	572,000
1959	244,000
1960	1,877,000
1961	705,000
1962	386,000
1963	187,000
1964	485,000
1965	1,520,000
Total (11 years)	7,573,000

In working out our conversion program we have attempted to arrive at the best compromise combination of all factors to arrive at the following objective:

To secure the longest possible future service life of the present track with the minimum aggregate expenditures for track replacements and have at all times a useful rail operation utilizing existing terminal and looping facilities, maintaining access to adequate car house and shop facilities and fitting in, as far as possible, with proposed highway improvements. Our program requires the construction of no new track or track connections.

In our timing of the conversions to bus of the various routes or portions of routes we have been guided primarily by the track replacement costs which have been estimated as necessary at various locations and during various future years. These estimates have been based on a program which would keep the rail system in approximately its present average physical condition and not on the premise of maintaining a safe and serviceable system for only a limited future period of operation as is contemplated in our conversion program. We have, therefore, based our program on the assumption that with an early retirement date in sight, certain sections of present track can be kept in service somewhat longer without making the major expenditures at the times estimated.

Our suggested conversion program is divided into five sections or phases as follows:

Phase 1: To be completed during 1956–57. Streetcar operation to be discontinued over the following locations: Mount Pleasant, routes No. 40 and No. 42 west of 14th and H Streets NW.; 13th and D NE., route No. 42 east of Union Station Plaza; 11th and Monroe, route No. 60 on 11th Street north of E, on E Street and on 9th Street from Pennsylvania Avenue to G Street NW.; double track in south portion of Union Station Plaza; routes No. 90 and No. 92 west of 14th and U Streets NW.

Route No. 40, Lincoln Park, cars would then have to be terminated at some point downtown such as Potomac Park loop or on F Street, 14th Street and G Street loop. Route No. 90 and No. 92 cars would be divided between northerly terminals at the T Street, 7th Street and U Street loop or 14th and Decatur. The removal of the south half of the loop at Union Station Plaza will require a relocating of the eastern terminal of the Cabin John No. 20 carline and should permit the proposed rearrangement of the roadways in the plaza without additional track changes. These changes should release about 77 streetcars and require the purchase of 90 buses.

If it proves to be economically feasible to convert eastern car house to a bus garage, that work could be commenced in connection with phase 1, and a portion of the new buses housed at that location. The remainder of the additional buses should be housed in the north central area of the city if facilities could be made available at either northern or central garages.

Phase 2: To be completed during 1957–58. Streetcar operation to be discontinued over the Maryland line (route No. 82) between 5th and G Streets NW. and Branchville.

This change should release about 25 streetcars and will require the purchase of about 30 buses. It will be necessary to retain the track on Fourth Street NE. from the northeastern car house to Michigan as the Brookland, route No. 80, cars are housed at that car house and should continue to be housed there together with the 30 new buses.

Phase 3: To be completed during 1958–59. Streetcar operation to be discontinued over the following locations: Routes No. 20, No. 30 and No. 80 west of Pennsylvania Avenue and 19th NW.; route No. 92 between Florida and New Jersey and Eighth and Pennsylvania SE.

Route No. 50, on 14th Street south of Pennsylvania (Bureau of Engraving).

These changes are necessitated primarily because of major track reconstruction requirements on Pennsylvania Avenue west of 19th and on M Street. They will eliminate the Cabin John route (No. 20) for which motor bus replacement represents a serious problem because of the lack of an immediately paralleling highway and certain vehicle weight limitation on Conduit Road. The elimination of the Rosslyn end of route No. 80 would remove the question of track reconstruction in connection with the widening of the Key Bridge. Western car house would be isolated from the remaining rail system and should be converted to become an enlargement of western garage for the housing of some of the new buses required. These changes should release about 105 streetcars and would require the purchase of 115 buses.

This will isolate the M Street shops. Temporary arrangements would have to be made to carry on all streetcar maintenance for the balance of the period of rail operation at the 4th Street shops and southern car house.

Phase 4: To be completed during 1960–61. Streetcar operation to be discontinued over the following locations: 14th Street, routes No. 50 and No. 54 north of 14th and G Streets NW.; 7th and Georgia Avenue, routes No. 70, No. 72 and No. 74 north of 7th and Pennsylvania NW.; U Street from 7th to 14th NW.; East Capitol (Lincoln Park) route No. 40, east of First Street; Independence Avenue from First SW. to First SE.; First Street west from Independence to C Street NW.; C Street, D Street, Indiana Avenue and Fifth Street from First and C Streets, NE. to Fifth and G Streets NW.; Pennsylvania Avenue from 7th Street NW. to Peace Monument, including loop; Pennsylvania Avenue from 8th Street SE. to Barney Circle.

These major changes would leave a rail system serving the Potomac Park and Southwest Mall loops, the Navy Yard, south Seventh Street and Brookland with a crosstown line from the Navy Yard to Seventh Street and Florida Avenue. Service to Barney Circle has been dropped because of the lack of track connections to reach Barney Circle from Navy Yard car house.

These changes would release about 108 streetcars and require the purchase of 115 buses. Both eastern and northern car houses become isolated from the rail system, leaving Navy Yard and southern car houses.

Phase 5: To be completed during 1961–62.

This final phase discontinues all remaining streetcar service and releases the streetcars required to provide the 64 necessary to operate the rail system existing after phase 4. This final phase will require the purchase of 80 buses.

This conversion program is outlined for completion about 1962. Existing track conditions would probably permit certain of the route conversions to be made at somewhat later dates than those indicated. Our program would permit the realization of from 1 to 7 or 8 years of additional service life for the present streetcar system, and we estimate that the required expenditures for track renewals and repavements in the meantime would aggregate approximately $1 million. Even then the streetcars, practically all of the overhead trolley track and substantial portions of the conduit track would go out of service many years before the end of their potential future service life.

This program would also provide time for working out the physical and financial problems incident to a conversion of this magnitude and would be generally in line with the procedures which have been followed in most other cities. The purchase of new buses would be distributed over the conversion period as follows:

Estimated bus purchases for conversion

Years	Number of buses	Estimated cost
1956–57	90	$1,980,000
1957–58	30	660,000
1958–59	115	2,530,000
1960–61	115	2,530,000
1961–62	80	1,760,000
Total	430	9,460,000

IMPACT ON THE FUTURE OF TRANSIT OF PROPOSED HIGHWAY IMPROVEMENTS

Currently there are under consideration several specific plans for highway improvements in the District of Columbia. The major projects, on the layout of which De-Leuw-Cather & Co. has been working, is a limited access belt highway to provide for by-passing traffic around the central business area, with new bridges over the Potomac River, access to the Anacostia River bridges and a north and south center connection of similar characteristics running roughly from the Belt Highway at F and Second Streets SW. along Second and First Streets and New Jersey Avenue to the Belt Highway at about Q or R Streets NW.

Among the proposed local projects are a rearrangement of the roadways in and around Union Station Plaza, the widening of Independence Avenue east of about Second Street SW., the widening of the roadway on the Key Bridge and additional one-way streets or the use of reversible traffic lanes.

In our conversion program we have provided for the elimination at an early date of the double tracks now located in the southern portion of the Union Station Plaza and

the double track branchoff leading from the Plaza into Massachusetts Avenue SE. This should permit the retention of the present northerly tracks in the Union Station Plaza connecting Massachusetts Avenue NW., with First Street NE., and still allow for satisfactory roadway rearrangements.

The proposed widening of Independence Avenue is at a location where the tracks in that street are an important link between the rail system in the southeastern section of Washington and the downtown area. Our proposed conversion program contemplates the retention of these tracks in their present location for a short future period so as to avoid the necessity of circuitous routings.

The proposed Key Bridge widening is specifically referred to in the outline of our conversion program.

The comprehensive Belt Highway program will present some problems to the transit system for both its present bus as well as its rail operations. Insofar as phase I of the Belt Highway is concerned, the principal problems relate to the present Southwest Mall track loop situated immediately south of Independence Avenue, on Third, Second, and D Streets SW. The proposed route of the center connection of the Belt Highway will require the closing of Second Street SW., from Independence Avenue to south of M Street, and will mean that rail service over the Southwest Mall loop will have to be discontinued whenever highway construction at that location is commenced. Also, in connection with phase I of the Belt Highway, separated grades will have to be provided on Seventh Street SW. at approximately F Street and on Independence Avenue at Canal Street.

Separated grades with provision for streetcar tracks will also have to be provided at 22 other locations provided construction of future stages of the proposed Belt Highway commence before streetcar operations are eliminated on these particular streets.

These locations and the dates at which our program contemplates the discontinuance of streetcar service are as follows:

Street on which there are now tracks	Section of Belt Highway crossed	Date of conversion to bus shown in program
Pennsylvania Ave. NW. at Washington Circle	West	1958-59
Connecticut Ave. NW	do	1956-57
14th St. NW	North	1960-61
11th St. NW	do	1956-57
7th St. NW	Northeast	1960-61
New Jersey Ave. NW	Northeast and central	1961-62
North Capitol St	Northeast	1961-62
New York Ave. NE	do	1957-58
Florida Ave. NE	do	1958-59
8th St. NE	do	1958-59
D St. NE	East	1956-57
C St. NE	do	1956-57
East Capitol St	do	1960-61
Pennsylvania Ave. SE	do	1960-61
8th St. SE	Southeast	1961-62
7th St. SW	Southwest	1961-62
New York Ave. NW	Central	1957-58
G St. NW	do	1961-62
D St. NW	do	1960-61
Indiana Ave. NW	do	1960-61
Pennsylvania Ave. NW. near Peace Monument	do	1960-61
Independence Ave. SW	do	1960-61
2d St. SW	do	1961-62

On New Jersey Avenue between N and O Streets NW. and on Florida Avenue from Fourth to Eighth Streets NE., the indicated street changes are so substantial that street railway track relocation would be required. We are advised, however, that construction on those particular portions of the proposed Belt Highway is a considerable distance in the future.

It also should be noted that the proposed extension of the Belt Highway eastward from 11th Street NE. to the Anacostia River would deprive the transit system of its present Trinidad motorbus garage located on Benning Road immediately east of 15th Street NE. Also the connection of the Belt Highway with the John Philip Sousa Bridge would necessitate the elimination or relocation of the present streetcar and bus terminal at Barney Circle.

These highway improvements in the District of Columbia which are currently being planned and many others which have been completed in the past few years are primarily for the benefit of the private automobile driver. None of them has or will be of much, if any, benefit to local mass transportation. Many actually make local transit operation more difficult, some have actually cost the transit system substantial amounts of money, and all of them contribute materially to the increased use of private automobiles and, therefore, to the continuing decline in transit riders. Many millions of dollars are spent in attempts to enable vehicles to move more freely when the real problem is the movement of people and essential goods. A large part of these expenditures could be saved if existing street space were used more efficiently, as would be the situation if more of the public used transit vehicles, particularly in the congested areas. Unfortunately, the trend is the other way, primarily because of this subsidized competition with which transit has to compete without the benefits of any similar assistance.

W. C. GILMAN & Co.

Mr. MORSE. Mr. President, our system is now about 61 percent converted. I would like to find out for District citizens the service life potential of the remainder of the street railway system. The best way to do this is through public hearings where the facts can be developed.

It may be that such a delay might cause some hardship upon the D.C. Transit Co. in view of the mandate now contained in the franchise, as passed by the Congress in 1956, requiring it to convert its transportation system to an all-bus system within 7 years. In the event that any hardship would be imposed upon the D.C. Transit Co. by such a delay as I suggest, I think it would be only fair that an equitable adjustment be made by the Congress in whatever manner that would be necessary in order to be fair to the company.

However, it should be pointed out that the franchise does say, "* * * except that upon good and sufficient cause shown the Commission may in its discretion extend beyond 7 years the period for carrying out such conversion."

What I am suggesting tonight, Mr. President, is that this section of the franchise be used by the Public Utilities Commission to delay for a while further conversion of the remainder of the streetcar system into a bus system, until there can be conducted the hearings necessary to get all the facts on a public record as to the desirability of a complete conversion from a street railway system to a bus system.

In my judgment, the legislative situation in this session of Congress practically precludes any possibility of getting any legislation on this subject passed before Congress adjourns in July. Therefore, I wish to avoid raising any false hopes on the part of those people who are seeking some legislative action in this session of Congress for a change in the franchise before we adjourn.

I want the RECORD to be perfectly clear. The groups which are interested in having the remainder of the streetcar system continued have come to me as chairman of the Subcommittee of the Senate District of Columbia Committee which has jurisdiction over the subject matter, and asked for the introduction of a bill which would have the effect of seeking to have the franchise amended so that there could be a stoppage to the conversion from street railways to buses.

I have never knowingly or intentionally raised false hopes on the part of citizens who have sought legislative action, when I was satisfied that the request they were making was simply impossible of accomplishment in that particular session of Congress. I may be proved wrong in my judgment as to the timing, but I do not think it is within the realm of probability, in the few weeks remaining in this session of Congress, that this very complicated problem of amending a franchise for the D.C. Transit Co., with all the intricate legal questions that any proposed amendment to the charter would be bound to raise, could be acted upon in this session of Congress. If I had wanted to play politics, I would have gone through the gesture of introducing such a bill and saying, "Well, I did the best I could, but Congress did not get to it."

What I have done has been to say to those people, "You are probably not going to accomplish anything that way in this session of the Congress. Let us take a look at the procedures which are available to you. In my judgment you cannot do it by way of legislation."

There is a bill on the House side on this subject matter. If the House should take action and get the bill over to the Senate, we might be able to take a look at it between now and adjournment. In my judgment, however, no action will occur on the House side. However, there is a procedure available in the existing franchise, through the Public Utilities Commission itself.

The suggestion I am making on the floor of the Senate tonight is that the Public Utilities Commission take a second look at that section of the franchise

which, in effect, authorizes the Public Utilities Commission upon good and sufficient cause shown to extend the period of conversion from streetcars to buses. The Commission is vested with discretion by that section, when such an issue has been raised, and there are requests for a public hearing to take another look at the public interest in connection with the matter of conversion from street railways to buses to hold such a hearing.

Also I have said to those who have come to me and said that they do not think there should be any further conversion from streetcars to buses, "I do not know what the facts are from the standpoint of the best public interest, and I do not intend to prejudge the question. I shall wait until the facts are in." The only way to get the facts, it seems to me, is through such a procedure of hearings as I am suggesting here tonight.

I note that the Public Utilities Commission in commenting upon the adequacy of the service rendered by D.C. Transit on page 33 of the opinion says:

In this connection, we feel it is appropriate to comment upon the proposal of the company to convert its remaining rail operations on January 2, 1962. In our opinion the proposal as submitted is too general and unsupported in detail to warrant any commitment from us as to its desirability or feasibility. We shall require of the company a detailed outline of its plans, and if the facts demonstrate a necessity therefor we shall set the matter down for hearing in order that we may have before us as complete a picture as possible to enable us to carry out our function, not only of supervising the conversion from rail to bus as required by Congress, but of performing our duty, of seeing that the company gives adequate service to the public.

Mr. President, I ask unanimous consent that the entire page 33 of the opinion be printed in the RECORD at this point in my remarks.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

ADEQUACY OF SERVICE

In making the findings and conclusions herein set forth we do not disregard our continuing responsibility to see to it that an "adequate transportation system" is maintained. We conceive the definition of adequacy as having to do, among other things, with service. Service has many facets, and a broad comprehensive look must be taken of the picture, not only as it is related to the fare structures, but also as to the quality of service being afforded the community, now and in the foreseeable future. The entire matter must be approached with a realization that the company has been called upon to convert from streetcars to buses within a 7-year period. Section 7 of the Franchise Act reads in part as follows:

"SEC. 7. The corporation shall be obligated to initiate and carry out a plan of gradual conversion of its street railway operations to bus operations within seven years from the date of the enactment of this Act upon terms and conditions prescribed by the Commission, with such regard as is reasonably possible when appropriate to the highway development plans of the District of Columbia and the economies implicit in coordinating the corporation's track removal program with such plans; except that upon good and sufficient cause shown the Commission may in its discretion extend beyond seven years, the period for carrying out such conversion."

Discounting what we believe to be the improper interpretations that have been placed upon this language to the effect that this Commission can presently postpone or halt the requirement for conversion, we face the issue that adequate service must be maintained while meeting the requirement of conversion. With this in mind, we feel called upon to see that an orderly conversion is effected, and that the substituted bus operation is adequate both as to service and equipment, to meet the public demand. This is our continuing obligation and we shall investigate and act promptly upon any failure of the company in any of these areas. We shall keep ourselves constantly informed of the quantity and quality of the service which the company is affording to the public.

In this connection, we feel it is appropriate to comment upon the proposal of the company to convert its remaining rail operations on January 2, 1962. In our opinion the proposal as submitted is too general and unsupported in detail to warrant any commitment from us as to its desirability or feasibility. We shall require of the company a detailed outline of its plans, and if the facts demonstrate a necessity therefor we shall set the matter down for hearing in order that we may have before us as complete a picture as possible to enable us to carry out our function, not only of supervising the conversion from rail to bus as required by Congress, but of performing our duty, of seeing that the company gives adequate service to the public.

Mr. MORSE. Mr. President, I am confident that the Public Utilities Commission will perform its duty of seeing that the company gives adequate service to the public, and will keep itself constantly informed of the quantity and quality of service which the company is affording the public. But I would suggest, in view of the questions that have been raised as to the desirability now, at this time, of continuing the conversion program that the Commission would be well within its authority in scheduling a hearing upon the merits of the conversion program per se, so that it could come before the legislative committees of the 87th Congress to testify upon the current situation and present its factual recommendations to the legislative committees for changes in the charter language that it would find to be justified with respect to this program.

Such a hearing by the Public Utilities Commission would have a secondary benefit besides that of marshalling in orderly fashion the basic facts of the situation; it would permit sufficient care to be exercised in the drafting of legislation, if such is needed, so that the Congress could act in this intricate field of utility control in an informed manner free from the pressures of time and circumstance which surrounded the enactment of Public Law 757.

To encourage the Public Utilities Commission to give careful attention to the suggestion I have outlined, I wish to give formal notice by this comment upon the floor of the Senate today that I propose to offer suitable legislation in the 87th Congress, upon which hearings will be held, which will have for its goal the full exploration of the conversion program prior to the end of the 7-year period. Such legislation, when introduced, would, I believe, be a sufficient basis for the Commission to exercise its discretion in extending the conversion period for at least until the legislation can be disposed of by the Congress.

I believe that in giving that notice of intention to introduce a bill at the beginning of the 87th Congress, I am being fair to all concerned. I will not be a party to what I consider to be an empty gesture. Introducing such a bill in the closing weeks of this session of the Congress seems to me to be an empty gesture. I say to those who have been urging me to do it that they need to take a look at the schedule of the Senate. We have a great legislative backlog that we must still dispose of. If I were to introduce a bill tonight I could give no assurance of early hearings on the bill before the Senate Committee on the District of Columbia this session. I think that would be a form of political deception on my part, to give any such false hope. But I have outlined in this speech what I think is a procedure which should be made available to the interested parties. I hope the Public Utilities Commission will take note of the remarks I am making in the Senate tonight. I hope it will proceed to give consideration to this question and to the representations of the parties, and make clear that it will use that section of the franchise which permits it to extend the period of 7 years for conversion to a reasonable degree, until the bill which I shall introduce in the first part of the 87th Congress can be considered on the basis of the current factual situation.

Mr. President, I turn now to another subject.

The PRESIDING OFFICER. The Senator from Oregon.

THE GOVERNMENT'S GROWING RECOGNITION OF SOCIAL SCIENCE

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks an article entitled "The Government's Growing Recognition of Social Science," written by Dr. Harry Alpert and published in the Annals of the American Academy of Political and Social Science, in the issue of January 1960.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE GOVERNMENT'S GROWING RECOGNITION OF SOCIAL SCIENCE

(By Harry Alpert)

Abstract: Important new developments have strengthened the standing of the social sciences in the Federal Government. Historical analysis emphasizes the recency of the Government's recognition of the national contributions of social science research. Significant progress has been made despite critical fluctuations. Five factors contributing to the more favored governmental position of social science research are (1) changing congressional attitudes; (2) acceptance of the social sciences at the White House level; (3) inclusion of the social sciences as part of broad definitions of scientific disciplines; (4) the general postsputnik interest in American education; and (5) the concern with redressing imbalances in American higher education. Research support for the social sciences is growing but a critical shortage remains in funds for fellowships and

assistantships. The social sciences approach the next decade in a climate of acceptance and encouragement.

"They never had it so good." This vernacular phrase may startle grammarians, but it describes accurately the present position of the social sciences with respect to support and interest by the Federal Government. As the result of important new developments which have served to consolidate the standing of the social sciences in the Federal Government, there is every likelihood that the 10 years from 1950 to 1960 will be viewed as the "March" decade of the social sciences. March, according to folk weather lore, comes in like a lion and goes out like a lamb. Similarly, the 1950's may be said to have come in with a roaring antipathy to the social sciences and to be departing with attitudes of positive interest and quiet acceptance.

That it has taken so long for the Federal Government to develop a modus vivendi with the social sciences is quite ironical, for its involvement in social research was written into the U.S. Constitution. By providing for a decennial census and making this count of the population the basis for representation in Congress, our Founding Fathers made a social science activity the ultimate basis of political power.[1] In fact, the gathering, analysis, and dissemination of social and economic statistics has continued to be one of the three major ways in which the Federal Government relates itself to the social sciences. The other two are: exploitation and utilization of the findings and results of social research; and direct support of social sciences through the intramural conduct of social science research in the Federal Government's own research laboratories and units or through contracts and grants for extramural social science studies at colleges and universities, other nonprofit organizations, and business and commercial establishments.

PRE-WORLD WAR II STATUS

Up to World War II, the role of the Federal Government in the social sciences consisted largely of the first two of these functions, namely, producing mass statistical series and exploiting social science findings produced outside of the Government. During the 19th century, the social sciences played a modest but effective role in the development of Government powers and programs. Don K. Price has called attention to the contribution of economic and statistical series in the growing development of the regulation of business, as well as to the impact of John R. Commons' institutional economics on labor legislation and of Charles Francis Adams' studies on the regulation of railroads.[2]

Even as late as 1940, the Government's direct activities in the social sciences were still predominantly confined to the collection and analysis of statistical information.[3] However, the roots of later developments in the Government's social science programs were discernible in the 1920's. The appointment by President Hoover of a research committee on recent social trends provided significant White House endorsement of a major social science enterprise. Further impetus for governmental support of the social sciences came in the thirties from the practical programs of the New Deal. An outstanding example was the Department of Agriculture's Division of Program Surveys which assumed the leadership in introducing the sample interview survey as a basic social science tool and as an instrument of governmental policy.

IMPACT OF WORLD WAR II

But the defense mobilization period and World War II itself were undoubtedly the major catalytic events leading to the expansion of the Federal Government's programs of social science research. The events of the war on both the military and civilian fronts and the problems of postwar adjustment as they affected the Nation and the individual provided the social sciences with dramatic opportunities to demonstrate their practical value and essential role in modern society. A brief review of illustrative uses of social science during World War II lists eight examples of problem areas in which important social science research accomplishments were achieved: soldier orientation and morale; analysis of command problems, particularly among Negro troops; more efficient use of psychiatry; venereal disease control; analysis of the American soldier's problems of adjustment, combat performance, and response to mass communications; evaluation of Japanese morale; estimation of war production requirements; and regulation of prices and rationing.[4] To this list may be added the media analysis activities of the Office of War Information and the Foreign Broadcast Intelligence Service; the propaganda studies of the Library of Congress, Department of Justice, and various intelligence agencies; the surveys of war bond purchases and other evaluations of the effectiveness of drives; the testing of the public comprehension of governmental information materials; and research on national character and other problems related to a better understanding of the behavioral characteristics of foreign peoples.

POSTWAR DIFFICULTIES

The immediate postwar period of demobilization witnessed the dismantling and disappearance of many of these wartime programs. Dissatisfaction with the limited accomplishments of some of these social science activities was expressed, largely as the result of the disillusionment which set in when excessive promises of achievement were unfulfilled. Social scientists became their own worst enemies by promising too much, too fast, and accepting funds in excess of what could be effectively expended. Moreover, the social sciences have suffered from their minority group status among the scientific disciplines. Like minority groups on the labor market, they are subject to the rule of "last hired, first fired." Thus, many social science programs were speedily demobilized because of their relatively low priority and because of a failure to appreciate their long-range implications and future contributions.

Nevertheless, significant efforts were made to continue programs which had demonstrated their effectiveness during the war. The Office of Naval Research, created shortly after World War II, supported research on manpower problems, personnel and training, group morale, organizational structure, and related social psychological areas. The Army continued, in abbreviated form, its studies of opinions and attitudes of American soldiers. The new Department of the Air Force, proud of the accomplishments of the aviation psychology program, organized units to undertake and support research in problems of selection and training, manpower, leadership, human relations and morale, and psychological warfare. When the Research and Development Board was established in the Department of Defense it included a Committee on Human Resources.

However, the skepticism and disenchantment which many of these programs engendered did not provide a favorable environment for their persistent growth and development. There set in, consequently, a period of recurring ups and downs, of "acute, and sometimes critical fluctuations," as Leonard S. Cottrell, Jr., has described it.[5] A "starts and fits" pattern became evident: an activity got started and then was curtailed or discontinued when some Congressman or general threw a fit. The Division of Research of the Housing and Home Finance Agency, the excellent survey research unit of the Veterans' Administration, the Air Force's Human Resources Research Institute at Maxwell Field, and its personnel and training center at Lackland Air Force Base were but a few of the research units which experienced difficulty.

Despite the "on again, off again" character of some of these programs, the long-term trend was toward increasing appreciation of the social sciences as valuable national assets. As the postwar pattern of extramural support developed, the social sciences, too, received encouragement, although not at the same rate and magnitude as the physical and life sciences.

THE "MARCH" DECADE

The "March" decade, 1950–60, will perhaps be viewed historically as the turning point in Federal Government recognition of the social sciences. The full measure of the change from the "lion" to the "lamb" phase of this decade may be observed in comparing the National Science Foundation Act of 1950 with the National Defense Education Act of 1958. In the former legislation, the social sciences are included only on a permissive basis and are referred to only as "other sciences." In the 1958 act, the section dealing with graduate fellowships mentions no limitations whatsoever with respect to disciplines. Moreover, a separate title provides for research and experimentation in more effective utilization of television, radio, motion pictures, and related media for educational purposes. This act also recognizes the importance of improving statistical series in the field of education.

Note must be taken, also, of other evidences of changing attitudes toward the social sciences, such as the establishment, in December 1958, of an Office of Social Sciences within the National Science Foundation; the appointment, in the spring of 1959, of a sociologist, President Logan Wilson of the University of Texas,[6] as a member of the National Science Board; and the expansion of the social science research activities of the Department of Health, Education, and Welfare.

In the vernacular of the boxing ring, it may be said that the social sciences were, for several years, definitely "rocky and punch drunk," but were still on their feet when the fight was over. They have survived Cox Committee and Reese Committee investigations. They have endured pariah status and innumerable reorganizations. They have weathered appropriation storms which threatened to cut off funds for studies of child-rearing practices, mother-love among lambs, population dynamics, message diffusion, and other projects which became the pet peeves of individual legislators.

[1] See Don K. Price, "Government and Science" (New York): New York University Press, 1954, p. 5.

[2] Ibid, pp. 11–12.

[3] The several paragraphs which follow are adapted from the author's chapter on "The Growth of Social Research in the United States" in Daniel Lerner, editor, The Human Meaning of the Social Sciences (New York: Meridian Books, 1959), pp. 73–86.

[4] Russell Sage Foundation, "Effective Use of Social Science Research in the Federal Services" (New York, Russell Sage Foundation, 1950).

[5] Leonard S. Cottrell, Jr., in Foreword to Morris Janowitz "Sociology and the Military Establishment" (New York: Russell Sage Foundation, 1959), p. 5.

[6] Dr. Wilson was subsequently required by Texas law to give up his membership on the National Science Board.

MAJOR DYNAMIC FACTORS

In attempting to assess the major factors that account for the more favorable position in which the social sciences find themselves at the end of this decade, I am able to identify five important considerations: (1) changing congressional attitudes; (2) acceptance of the social sciences at the White House level; (3) inclusion of the social sciences as part of broad umbrella definitions of scientific disciplines; (4) the general postsputnik interest in American education; and (5) the concern with redressing the imbalances in education which stemmed from the earlier almost exclusive emphasis on natural science and mathematics. Brief comments on each of these five factors follow.

CHANGING CONGRESSIONAL ATTITUDES

In his report on the crucial Senate debate in 1946 which preceded the vote to exclude from the then pending bill to establish a National Science Foundation the specific provision which created a Division of Social Sciences, George A. Lundberg concluded that the Senate thought of the social sciences as at best "a propagandist, reformist, evangelical sort of cult."[7] The unfortunate phonetic confusion of social science with socialism reinforced such viewpoints. Just a few years later, however, more positive attitudes were being expressed. In 1953, the Cox committee, in its "Final Report," noted the special importance of the social sciences in the contemporary world. It stated:

"It is entirely possible that in a time when man's mastery over the physical sciences threatens him with possible extermination the eventual reward from the pursuit of the social sciences may prove even more important than the accomplishments in the physical sciences."[8]

Other important turning points in congressional expressions toward the social sciences were the vigorous statements by Senator ESTES KEFAUVER'S Subcommittee on Juvenile Delinquency in 1955, 1956, and 1957; the 1955 recommendations of Representative RICHARD BOLLING'S Subcommittee on Economic Statistics of the Joint Committee on the Economic Report; Senator HUBERT HUMPHREY'S report to the Senate in 1957 of his experiences in the Middle East; and speeches by Senator WAYNE MORSE, Representative CHARLES O. PORTER and others.[9] This year neither House of Congress raised any objections to the National Science Foundation's request for $2 million for support of basic research in the social sciences in fiscal year 1960, even though this represented a considerable increase over the $850,000 appropriated for this purpose for fiscal year 1959. (The actual budgetary allowance for social science research in the National Science Foundation for fiscal year 1960 is $1,600,000.)

This is an encouraging picture, indeed. But congressional confusion regarding social science has by no means been completely eliminated. Negative attitudes still persist and need to be reckoned with.[10]

WHITE HOUSE INTEREST

The White House, too, has shown increasing interest in the support of the social sciences. In his state of the Union message delivered on January 9, 1959, President Eisenhower expressed his desire to undertake a systematic study of American values, goals, and social trends, comparable to the earlier Hoover committee study.

The objective, President Eisenhower said, would be "the establishment of national goals that would not only spur us on to our finest efforts but would meet the stern test of practicality." He hoped that this new study would be concerned, among other things, "with the acceleration of our economy's growth and the living standards of our people, their health and education, their better assurance of life and liberty and their greater opportunities." He noted that the report of Hoover's Recent Social Trends Committee "has stood the test of time and has had a beneficial influence on national development." Here, indeed, is a significant compliment to social science.

And in its report on "Strengthening American Science," issued December 27, 1958, the President's Science Advisory Committee included social psychology among the scientific disciplines for which a strong case could be made for intensifying the Nation's scientific effort. The Committee stated, "And advances in social psychology might help to reduce tension and conflict at every level of human intercourse—in our communities, in business and industry, in Government, and even among nations."[11] Furthermore, as previously noted, President Eisenhower has appointed a social scientist to the National Science Board. This policy-determining body for government science on January 23, 1959 adopted the following statement:

The National Science Board recognized the importance, as well as the complexity and difficulty, of research in the social sciences. It is clear that the intellectual, economic, and social strength of our Nation requires a vigorous approach to social problems, with scientific techniques of study making their maximum contribution.[12]

PROTECTIVE UMBRELLAS

The social sciences have prospered best in the Federal Government where they have been included under broad umbrella classifications of the scientific disciplines such as agricultural sciences, military sciences, medical sciences, and health sciences. Under such umbrellas and in close company with scientific areas which enjoy the prestige and status of biological or physical sciences, the social sciences have enjoyed a protection and nourishment which they normally do not have when they are identified as such and stand exposed, naked and alone.

Agricultural research has been heavily supported by the Federal Government from its very inception. Quite early the concept of agricultural sciences was broadened to include not only biological research but agricultural economics and rural sociology as well. In fact, for many years the Department of Agriculture's Bureau of Agricultural Economics was internationally famous for its leadership in significant areas of social and economic research. Although from time to time specific social science projects of the Department of Agriculture have suffered congressional attack, there has been little question of the legitimacy of the inclusion of social research in the scientific program of the Department. In fact, one appropriation committee, with remarkable indifference to the distinction between biological and social science research, once included, in a list of fields for which research funds were not to be expended, the orchids of Guatemala, the flora of Dominica, child-rearing practices, research methodology, and population dynamics.

The medical sciences and health sciences rubrics have also provided generous hospitality to the social sciences. Social science research projects are given careful and sympathetic consideration by at least five study sections of the National Institutes of Health: Behavioral sciences, hospital facilities research, mental health, nursing research, and public health research. Social scientists serve as members of these study sections as well as on several other committees of the National Institutes of Health. The National Institute of Mental Health's Laboratory of Socio-Environmental Studies is outstanding in the quality of its research program.

Research undertaken by the Military Establishment in relation to the defense needs of the Nation develops strong immunities to congressional or other attacks if military authorities certify its importance to the mission of the Department of Defense. Despite the ups and downs previously referred to, the Army, Navy, and Air Force have arrived at a realization of the importance of basic research in the social sciences. The Office of Naval Research includes a Psychological Sciences Division. The Air Force has established a Behavioral Sciences Program in its Office of Scientific Research. And here is the testimony of an Army general presented recently before an appropriations committee:

We can never afford to neglect basic research and the Army wants to do more of it whenever we find applicable projects to further this increase of scientific knowledge. Such research is not confined to the physical sciences. Investigation of the social sciences to help us to utilize more effectively our manpower and insure man-machine compatibility with complex engines of war being developed is vital. Should we neglect these important considerations we only aggravate the trend in which the physical sciences are outstripping the social sciences and may, in time, reach a point where the machine may destroy its maker.[13]

These are the words of Lt. Gen. Arthur G. Trudeau, Chief of Research and Development, Department of the Army.

Another important umbrella for the social sciences is Operations Research. The various operations research units supported by the Federal Government have invariably included a social science component.

IMPACT OF SPUTNIKS

The social sciences have not been indifferent to the whir of the Russian sputniks and have directly felt the impact of these successes in space technology. It was recognized that Soviet Russia's accomplishment was not only the result of advances in science and engineering but also the consequence of a social system that was capable of making and carrying out significant decisions. Interest developed in studies of the social, economic, and political implications of the space age. It became imperative that we keep ahead of the Russians in the social science fields. For this reason, Vice President RICHARD M. NIXON encouraged the formation of a

[7] "The Senate Ponders Social Science," The Scientific Monthly, Vol. 64, No. 5 (May 1947), p. 399.

[8] Final report of the Select Committee to Investigate Foundations and Other Oganizations, 82d Cong., 2d sess., H.R. No. 2514, Union Calendar No. 801 (Washington: Government Printing Office, January 1, 1953), pp. 9–10.

[9] For details and references, see Harry Alpert, "Congressmen, Social Scientists, and Attitudes Toward Federal Support of Social Science Research," American Sociological Review, vol. 23, No. 6 (December 1958), pp. 682–686.

[10] See, for example, Independent Offices Appropriations for 1960. Hearings before the Subcommittee of the Committee on Appropriations, House of Representatives, 86th Congress, 1st session (Washington: Government Printing Office, 1959), p. 527. For a discussion of persisting negative attitudes, see Harry Alpert, op. cit.

[11] *Strengthening American Science:* A Report of the President's Science Advisory Committee (Washington: Government Printing Office, 1958), p. 4.

[12] Reproduced in CONGRESSIONAL RECORD by Representative CHARLES O. PORTER, Mar. 10, 1959.

[13] "Department of Defense Appropriations for 1960," hearings before the Subcommittee on Appropriations, House of Representatives, 86th Cong., 1st sess. (Washington: Government Printing Office), p. 339.

committee on National support for Behavioral Science which reported on social science needs to the President's Scientific Advisory Committee. Substantially increased appropriations were made available to the National Science Foundation, and in the National Defense Education Act of 1958, Congress officially declared as national policy the doctrine that the defense of this Nation depends upon the mastery of modern techniques developed from complex scientific principles, and, as well, upon "the discovery and development of new principles, new techniques, and new knowledge." [24]

REDRESSING IMBALANCES

For a time, it looked as if only the natural sciences and mathematics would be the beneficiaries of the increased responsibilities of the Federal Government toward research and education. Programs were quickly organized to improve the quality of science teaching, to train more scientists and engineers, and to intensify the pace of research in the physical, mathematical, and biological sciences. It became evident, however, that the neglect of other areas of scholarship and learning would spell national disaster. The Government's difficulties in international relations led to intensified interest in language study. Soon voices were heard calling attention to the need to redress the imbalances in American education which a predominant concern with the natural sciences and engineering was creating.[25] Cognizance of this requirement is found in the newly released report of the President's Science Advisory Committee on "Education for the Age of Science." This report stresses the fact that, "Today in America we need a very wide variety of human talents." [26] It goes on to urge that "a proper balance be maintained in our educational offerings." [27] To achieve such a balance we must encourage intellectual leadership in the humanities and social sciences as well as in the natural sciences and mathematics.

HEALTHY PROGNOSIS

The social sciences thus face the 1960's in an atmosphere of encouragement and with the active support of influential well-wishers. Research funds are becoming more plentiful. The Federal Government alone will soon be spending in the neighborhood of $60 million a year in support of the social sciences. This estimate does not include the $100 million or so that the Decennial Census of 1960 will cost.

MORE FELLOWSHIPS NEEDED

A major problem, however, remains. The most urgent need of the social sciences is expansion of the pool of available trained, specialized manpower. Recent studies have indicated that the length of time required to obtain the Ph. D. degree is strongly influenced by the availability of financial support to graduate students in the form of assistantships and fellowships. It is here that the social sciences, and humanities, too, are most seriously disadvantaged vis-a-vis the natural sciences. The major bottleneck in the advancement of the social sciences is not research funds, but fellowship and scholarship opportunities for basic and advanced training. If the social sciences are to fulfill the general public's expectations of them, they must double, at least, the number of trained practitioners. To make the training process more productive and more effective, however, additional fellowships and other types of financial support for training are an imperious and critical necessity. Title IV of the National Defense Education Act has been extremely helpful in this regard. Almost a fourth (23 percent) of the first 1,000 graduate fellowships were awarded in the social sciences. The various training programs of the National Institutes of Health also provide valuable opportunities for social science education. But more needs to be done. The National Science Foundation, for example, has the basic legislation to include the social sciences within its "education in the sciences" program. It also has reasonably adequate funds for training and education. It has broadened its conception of the social sciences in its research support program. Only administrative nearsightedness prevents it from giving the social sciences, broadly conceived, their deserved place within the various program activities of its Division of Scientific Personnel and Education.

COMPLACENCY TO BE AVOIDED

We can be proud of the achievements of the social sciences in government, but we cannot afford to be complacent. Certain past mistakes must be avoided; premature promises, excessive expectations, hasty growth, disastrous indifference to the political process, unwarranted impatience with the administrative processes of justification and review, and lack of concern with the public image of the social sciences. By careful planning and effective operations a solid basis can be established for future growth.

Advance in the social sciences will depend most immediately on what in fact social scientists do: how well they teach at the undergraduate level, how well they communicate with the general public, how effectively they respond to calls from industry and government for help in resolving practical problems, and how much they devote to fundamental research. It depends also on their willingness to cultivate patience and humility.[28] Charles Dollard has well defined the problem: "The long-term contract of the social scientist with society is not to perform miracles but to bring to the study of man and his problems the same objectivity and the same passion for truth which have in the past given us some understanding and control of the physical world." [29]

Mr. MORSE. Mr. President, this article bears upon an issue on which I have spoken many times during by 16 years in the Senate, an issue with regard to which I have been helpful in obtaining some recognition, both in the Foreign Relations Committee legislation and legislation before the Committee on Labor and Public Welfare at various times; namely, the issue of giving greater recognition to the social sciences, both in our foreign aid program and in our education program.

This very able and scholarly item was written for the Annals of the American Academy of Political and Social Science by a fine scholar, Dr. Harry Alpert, dean of the graduate school, and professor of sociology at the University of the State of Oregon. The article is entitled "The Government's growing Recognition of Social Science."

It is with some pride that I ask unanimous consent to have this article inserted in the RECORD, not only because of the great scholarship of Dean Alpert, but because I am indebted to Dean Alpert for the excellent assistance he has been to me in the past as these social science issues have been raised in connection with legislation in the Senate. He has been most helpful to me in making available to me the facts and data from his store of learning that I needed in order to buttress by arguments. In this article he further strengthens the position I have taken many times in the Senate in urging that the Senate give greater recognition in its legislation to the need for strengthening the social sciences in our country.

SITUS PICKETING

Mr. President, last Friday, April 1, the junior Senator from Arizona [Mr. GOLDWATER] made extensive comments about his views on the undesirability of enacting legislation which would permit situs picketing in the building and construction industries. He also made some observations concerning the accuracy and consistency of the views expressed by the Senator from Oregon on March 24. The Senator from Arizona would have us believe that the purpose of this legislation embodied in a bill I introduced on February 25, S. 3097, and S. 2643, introduced by the Senator from Massachusetts and others, is to permit a wholesale and widespread use of the secondary boycott in the construction industry, and, furthermore, to permit the building trades unions to enforce closed shop conditions.

I am especially gratified to note that on this very day April 8, 1960, the Committee on Education and Labor of the House has by an overwhelming vote reported a common situs picketing bill favorably.

The real issue which this legislation involves is simple economics. I have had occasion recently to spend some time in the State of Maryland. Figures have been brought to my attention relating to wage rates among building tradesmen in the city of Baltimore. Much of this material was presented to the House Committee on Education and Labor on February 26, 1960, and appears in the printed hearings—H.R. 9070, and others—on pages 266 and those following. In Baltimore an organization known as the Associated Builders and Contractors, Inc., has grown up over the past 10 years dedicated to the cause of breaking down union conditions in an ever widening area of operations. Today this organization, according to its own figures, lists 660 member firms—page 221. In 1953 the Associated Builders and Contractors endeavored to attack a law passed by the city of Baltimore establishing prevailing rates for construction jobs—in effect, a municipal Davis-Bacon Act. It was the position of A.B.C. that the wage rate set by the city of Baltimore was not, in reality, a prevailing rate, but was, on the other hand, a union negotiated rate. It sought by documents—its own documents, note—to prove that the prevailing rate paid by its members was substantially lower. Carpenters in 1953 by the union rate were paid $2.58—by the open shop rate, $2.05. Comparable figures for electricians were $2.87, compared to $1.70. Today comparable rates for electricians are $3.75, compared to the open shop rate of $2.25—a difference of $1.50 an hour.

[24] Public Law 85–864, sec. 101.

[25] See, for example, statements by Pendleton Herring and Harry Alpert in the February 1, 1958, issue of the Saturday Review (vol. 41, No. 5).

[26] "Education for the Age of Science." President's Science Advisory Committee (May 24, 1959), p. 3.

[27] Ibid., p. 6.

[28] See the Saturday Review, vol. 41, No. 5 (Feb. 1, 1958), p. 38 and the Saturday Review, vol. 42, No. 14 (Apr. 4, 1959), p. 64.

[29] "Strategy for Advancing the Social Sciences," in Social Science Research Center of the Graduate School, University of Minnesota, "The Social Sciences at Mid-Century" (Minneapolis: University of Minnesota Press, 1952), pp. 19–20.

Mr. President, it seems to me that we should think through the meaning of these wage differentials. A contractor, when he bids on a job, ascertains his costs long before the job is started. He makes this estimate in relation to the labor costs. He, therefore, makes a decision when he puts in his bid as to whether or not he will employ a union subcontractor who pays the union wage scale or whether he will utilize a nonunion subcontractor at the open shop rate. If he knows he can get the open shop contractor at the cheaper rates on the job without interference from the building trades organizations, it is not surprising that he will make that choice. Whether Congress, in accordance with the wishes of many Senators and Congressmen and the recommendations of the President of the United States, will permit situs picketing is therefore a simple issue as to whether or not the building trades will be able to protect their negotiated wage scales. In Baltimore, as well as many other areas throughout the country, the issue is not whether an employer will hire exclusively union men—and if he did so it would be against the law—but whether or not he can be persuaded to sign an agreement which will obligate him to pay the union negotiated scale.

The issue is whether building trades unions are to be allowed to use their legitimate right to picket a jobsite to persuade nonunion employers to agree to fill their hiring needs among building trades craftsmen paid at union scale rates.

The Senator from Arizona has made a fairly elaborate effort to suggest that I, along with others, rejected common situs picketing during the debate on the labor bill last April, because we rejected a substitution of S. 748 for the bill which we had reported out of committee. S. 748, it will be recalled, was the administration bill introduced by the Senator from Arizona; it contained extensive restrictions on secondary boycotts, as well as organizational picketing. This bill was so clearly antilabor that even the Landrum-Griffin bill passed by the House of Representatives did not go so far. It is true that S. 748 did contain in section 503 what appeared to be a relaxation of situs picketing. However, its restrictions on organizational picketing in section 504 went so far as to leave the building trades organizations in a worse position than they were under existing interpretations of the Taft-Hartley Act. In other words, we rejected the administration's bill, not because it permitted situs picketing, but because, among other things, it would have been more restrictive.

The Senator from Arizona has attempted to provide himself with some amusement at the expense of the Senator from Oregon by suggesting that consistency requires him to be against a situs picketing bill because it is legislation for a special interest. The Senator from Arizona illustrates his point by my opposition to hot-cargo exemptions applied to the coal industry. There are many industries as highly integrated as the coal industry—printing, for instance, certain kinds of metal processing such as electroplating—and many others which might well deserve to be treated in the same way. In my speech of last September 3 opposing passage of the bill, I said this:

> My objection to singling out industries in the conference bill was related primarily to the hot-cargo issue. Here is a new and far-reaching notion in the law which would ban a union and a company from stating conditions upon which the company would do business with other companies. The number of industries which will be affected by this proviso are incalculable, and it would have been a serious injustice to have taken care of the problems of one industry, which was relatively integrated, without taking care of other industries with similar problems of integration.

Unfortunately, the Senator from Arizona is discussing an extremely complex field of activity in which the subleties escape him. The reason, in justice, why the situs picketing bill should be passed is because the building trades organizations are, in a manner not shared by any other group, suffering under the disability of not being able to utilize the procedures of the National Labor Relations Board to put themselves in a position to bargain collectively with the employers in the industry. The National Labor Relations Board election conducted on a jobsite on which employees work for short periods of time for employers with whom such employees have only casual relationships means very little. These casual relationships do not fit into the legal concepts under which the employer is obligated to bargain with a labor organization for an appropriate bargaining unit. In no other industry in the country is the bulk of the working force in as casual a relationship with their employers as in the building industry.

I am indebted to the Senator from Vermont [Mr. PROUTY] for corroborating my views. On September 2, 1959, he said:

> I regret that more was not done to ameliorate the problem of employees in the construction industry. Because of the peculiar nature of this industry, rights enjoyed by other segments of organized labor have not been available to workers in the building trades and to me this represents a definite inequity. For this reason I proposed an amendment which has been recommended by President Eisenhower since 1954, has the full support of the Secretary of Labor, and was included in the administration's labor bill.

The Senator from Arizona derives some pleasure from his effort to prove that I was inaccurate in my belief that the Senate had made clear it was not opposed to situs picketing. Had the Senate affirmatively approved situs picketing, it would have done so by voting in favor of an amendment, and I would have said as much. But I chose my words more carefully because I knew whereof I spoke.

I should like to go back to Friday, August 28, 1959. On that day two resolutions—Senate Resolution 180 and Senate Resolution 181—were submitted, in effect seeking instructions from the Senate for the guidance of the conferees. Senate Resolution 181 submitted by the four Senate Democratic members of the conference, contained a situs picketing provision. It was there because a majority of the Senate conferees wanted it there—it was also there because a great deal of very careful conferring had taken place among many Members of the Senate. We included situs picketing and insisted on it in conference on August 31 and September 1 because we had made very certain of what position we would find ourselves if we found it necessary to recess the conference and ask for instructions.

Interestingly enough, I believe it is the Senator from Arizona who has let the cat out of the bag when he said, as he did on April Fool's Day, that, "I think all of us are aware that the point of order obstacle was no real obstacle at all under either the House or Senate rules; it served merely as a convenient pretext for not putting the issue of common situs picketing to the test of a Senate vote."

Until April 1, I had not thought the point of order was a contrivance to prevent a vote. I had instead taken at face value the account of the minority leader set forth in the CONGRESSIONAL RECORD, volume 105, part 13, page 17228, when he described on September 2 what had happened on September 1:

> At this time I wish to say a word about the allusion which was made by my distinguished friend, the Senator from Vermont, in regard to a point of order, because I am afraid I had something to do with it. It was not partisan in any sense whatever. But inasmuch as I had served a long time in the House of Representatives, and had served for 16 years on conference committees, and had developed some familiarity with the Rules of the House of Representatives, it occurred to me yesterday afternoon that language dealing with so-called situs agreements involving the construction industry and the legality or illegality of a strike which involved many contractors—including prime contractors and subcontractors—was new matter. It did not appear in the Senate version of the bill; it did not appear in the House version of the bill; and although it was germane to a House provision under the general subject of boycotts and picketing, yet it was a new substantive provision.
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> So while there was a hiatus in the conference on yesterday afternoon, I said to the distinguished Representative from Georgia, PHIL LANDRUM, that I would like to go to the House and talk to the Parliamentarian. So, together with Representative LANDRUM, I went to the House, and talked to the Parliamentarian.
>
> Inasmuch as I have known Lewis Deschler intimately for a long time, I said to him, "Lew, here is the picture. I think you know the whole situation. Can you give us some suggestions as to what your notions are in regard to whether this is in order in the conference report?"
>
> He replied, "I will give you an opinion off the top of my head; I don't want to be committed at the moment. But I would say, offhand, that, generally speaking, under the House rules, new matter is not within the frame of the conference, and therefore it would be out of order."
>
> I initiated that, if no one knew it before; and it was said to me in the presence of Representative LANDRUM, one of the authors of the House version of the bill.

So, Mr. President, at the proper time, in the conference, that point was made. I helped energize it up to a proper degree; and we let it go at that.

Upon reading this, I prefer to believe that the minority leader acted out of respect for the Rules of the House and not to prevent the adoption of a situs picketing amendment. Moreover, I know the minority leader believes that we should join this year in passing this legislation which I also had assumed had the support of the Senator from Arizona. Senator DIRKSEN went on to say on page 17229:

Mr. President, I believe the chairman of the conference will agree with me when I say that if we have not completed the necessary action, in the sense that something still remains to be done in connection with the construction field, certainly the majority leader has given his word, and the chairman of the conference committee has given his word, and the distinguished junior Senator from Arizona [Mr. GOLDWATER] concurs, and I concur, that when we come back here in January, if there is something to be done in that field, we will do it, so that nobody will feel aggrieved or feel that he has been forgotten in the process.

In summary, the building trades unions operate in an industry the unusual nature of which has been recognized by the President of the United States in three messages to the Congress. Not only do they suffer from the disability of not having NLRB election procedures available, but they also suffer from the disability of not being able to engage in primary organizational picketing, even to the extent permitted by the bill which we enacted into law last year. The Denver Building Trades decision of the Supreme Court affirmed the view of the National Labor Relations Board that the existence of several employees on a jobsite meant it was extremely difficult to conduct a picket line at a jobsite without violating the secondary boycott provisions of the Taft-Hartley law. We therefore are presented with a group of citizens who are encouraged by national policy to believe in the value of collective bargaining, but who, in fact, are denied any method by which to bring the collective bargaining relationship into reality.

Mr. President, I commend the Senator from Arizona for his ardent exposition of his reasons for opposing a common situs picketing bill. I know he will take pleasure in knowing that he advocates breaking down the wage conditions of a very substantial group of the citizens of this country.

WHITHER AMERICA?

Mr. BYRD of West Virginia. Mr President, the junior Senator from Wyoming [Mr. MCGEE] delivered a sermon on Sunday, March 6, 1960, in the Universalist Church of New York City. The sermon was titled "Whither America?" It presents a challenging question and an equally challenging solution thereto. I congratulate the Senator on his excellent presentation, and I commend it to the attention of our colleagues in the Congress.

Mr. President, I ask unanimous consent to have Senator MCGEE's sermon printed in the RECORD.

There being no objection, the sermon was ordered to be printed in the RECORD, as follows:

SERMON BY THE HONORABLE GALE MCGEE, U.S. SENATOR FROM WYOMING, AT THE UNIVERSALIST CHURCH OF NEW YORK CITY, MARCH 6, 1960

"No man can serve two masters • • • God and mammon," was the winged warning of Jesus to Israel. Its terrible truth applies as inexorably to us as it did to Canaan, Babylon, Egypt, Persia, Greece, Rome, medieval Europe and a dozen other civilizations that passed from the earth because of inner decay and outer attack. In fact, more than 100 years ago, the British historian Lord Macauley warned, "Your republic will be as fearfully plundered and laid waste by barbarians in the 20th century as the Roman Empire was in the fifth, with this difference: that your Huns and Vandals will have been engendered within your own country by your own institutions."

That our decline impends is reason enough to sound the alarm. But that redirection of our national forces is called for without delay is an imperative not readily admitted to by a majority of our compatriots. Wishful thinking about peace and prosperity seems still to be preferred to realistic thinking about national priorities and personal sacrifice. Yet, the latter must come—and now—if we are to survive.

The time has come for Americans to rededicate themselves to clearly defined goals, to establish serious objectives and to set a new course on the high level that inspired the earlier, richer chapters of our national history. This would involve:

1. Assessing our total national needs and, in equating them with our international obligations, arrive at an honest price tag as a budget goal.

2. Refocusing our total effort in the direction of people instead of things. For example; to help people help themselves not because they're anti-Communist, not because they will oppose Russians or Chinese, but only because they are people.

3. Dedicating our national behavior to a deep and abiding faith in the militant pursuit of truth and freedom.

Let us make it clear that in our abundance, we desire to help others out of the goodness of our heart rather than out of the desperation of our souls. This simple formula of forthright honesty with ourselves at home and abroad will provide the edifice of the new America of the decade ahead. This simple formula will reestablish a nation that replaces hypocrisy with forthrightness, uncertainty and fear with national courage, cringing distrust with massive confidence in the pursuit of truth both within and without, and a simple dedication to the goodness of man whatever his nationality, his color, or his religion.

WHITHER AMERICA?

Struggle in the present world has come to be a conflict between consistently conflicting ways of life, that of totalitarianism on the one hand and of our own free society on the other. After a heroic crusade by ourselves through both hot and cold wars, we in America have emerged as the hope for those peoples who believe in the integrity of the individual in national independence and in moral strength.

Yet at the very moment when the challenge to our leadership is the greatest, our position seems to be wobbly and uncertain; at the time when Mr. Khrushchev openly declares economic war on the United States, we seem to cringe in uncertainty behind an economics of scarcity rather than develop and use our God-given abundance in the interest of mankind. All around us we see fellow Americans who have confused luxury with national prosperity; an entire nation which wallows amid surplus foods when most of the world has too little; a nation that seems to have lost its dedication to high principles amid an abundance of materialistic gimmicks; a nation that has surrendered ideals to gadgetry. These passing attributes reveal a nation and a people who have lost sight of their national purpose. They prompt one to ask, "Whither America?"

Two facets of American life reveal the moral decadence of public responsibility and the emergence of a massive public hypocrisy which have overtaken our land. One is in the realm of economics, the other in ideology.

In the first, our national obsession has become that of producing less and less in a world that cries out for more and more. We have been seduced by the wishful image of bargain-basement taxes and balanced budgets. We have been afraid to ask ourselves the right questions for fear that the right answers would require greater sacrifice. As a consequence, a great national hypocrisy has emerged with citizens demanding lower taxes and balanced budgets in the same breath that they demand more services for themselves and the country as a whole. Unless and until someone confronts the American people themselves with the harsh consequences of this hypocrisy, our position of great economic strength will have been forfeited.

Marshal Petain was moved to declare at the time France fell to the Nazis in 1940:

"Our spirit of enjoyment was greater than our spirit of sacrifice. We wanted to have more than we wanted to give. We spared effort, and we met disaster."

And so it may be here, with us.

Yet, in an election year, who has the courage in whatever political party to tell the electorate the frightening burden of need rather than the more pleasing illusions of personal comfort? Who has the courage to discipline the public mind to the harsh requirements of economic warfare and the drafting of a national budget geared to such goals? While it is easy to blame the politician, the root of the blame goes back in large measure also to the public mind that has become dishonest with itself.

It is time that we lay on the table what it is we, as a nation, must do to survive rather than what we can get by with in order to exist. This will require setting up national priorities which put first things first and leave convenience and comfort last.

If our materialistic opportunity in economic warfare stems from our God-given abundance, our ideological and psychological opportunity stems from our example of dedication to freedom. Yet at the very moment we are upholding freedom as a torch by which to light the world, we ourselves seem to be stumbling in the darkened shadows of selfishness, suspicion, and fear.

Selfishness has overtaken us through the abundance of our agricultural production. We make no bones of the fact that our most troublesome domestic problem is surplus farm commodities. And more and more we strive to produce less and less.

In a world in which three-fourths of the people have too little rather than too much, it is understandable perhaps that non-Americans in Africa and particularly Asia find this image of the United States at best perplexing and at worst revolting.

Last Thanksgiving Day we were in South Asia. Enjoying wide circulation by radio and the press in that part of the world was a Thanksgiving Day editorial from a New York newspaper. Its theme: "Dear God, we in America are floundering amid abundance. We thank Thee not for plenty—for our plentifulness has turned into too much. Our petition to Thee on this Thanksgiving 1959 is for less not more."

Asians asked us repeatedly, "How can you wish for less while we in this part of the world desperately need so much more?" How do we explain to developing Asia the complexities of distribution?

Suspicion is reflected in the recent regrettable incident of the Air Force manual. While the manual itself makes it clear that the most dangerous attribute of communism is that it resorts to appealing ideas, the Air Force manual nonetheless proposes to combat those same ideas with professionally trained patrioteers; to pursue hostile ideas with uniformed vigilantes.

How ridiculous the philosophy of the manual when arrayed alongside the philosophy of the great Thomas Jefferson. President Jefferson reminded us in his first inaugural that "If there be any among us who would wish to dissolve this Union or to change its Republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it." The attempt to attack the great churches of America through the innuendos of suspicion is but a sordid remnant of those moments not too many years ago when America not only distrusted herself, but Americans were said to distrust one another.

What our long history should have taught us is that you cannot legislate ideas out of existence. One can only fight ideas with better ideas.

A manifestation of the creeping fear within ourselves is reflected in the drive of supposedly well-intentioned groups to demand loyalty oaths of certain college students. Once again this reflects a distrust of what we have always proudly held up as the greatest strength and resource of our way of life—education. There can be no explanation of the Communist disclaimer oath other than a lack of confidence in the basic principles of education. My deep conviction remains that the pursuit of truth, wherever it may lead, is the greatest bulwark of all against alien philosophies and ways of life; it remains the taproot of democracy engendered through the basic institutions of education. Once more, however, our Hollywood-Madison Avenue jag has tempted us to believe that loyalty can be packaged and bought. What we have yet to learn again is that loyalty cannot be legislated; loyalty cannot be coerced; loyalty can only be earned and inspired. Loyalty is an article of faith and a deep sense of dedication.

Concerning this decline in American goodness and the resultant tarnishing of the American image, no one has written more perceptively than my old friend and your esteemed trustee, Roland Gammon. In a recent penetrating tract entitled "Ethics Is Everybody's Business," he petitions his fellow businessmen to reexamine their ethics and their personal codes. His message was so moving that I inserted it in the CONGRESSIONAL RECORD so that my colleagues might share his thoughts. In a flaming indictment of our current national drift, Roland Gammon writes: "Having tried everything else, let us try honesty for a while. If we can't go back to plain living, let us at least practice high thinking, gracious speaking, just dealing."

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

ADDITIONAL BILL INTRODUCED

Mr. LONG of Hawaii, for himself and Mr. FONG, by unanimous consent, introduced a bill (S. 3358) to broaden the coverage of the Federal Flood Insurance Act of 1956 to include losses resulting from lava flow due to volcanic activity, which was read twice by its title and referred to the Committee on Banking and Currency.

(See the remarks of Mr. LONG of Hawaii when he introduced the above bill, which appear under a separate heading.)

EXTENSION OF FEDERAL FLOOD INSURANCE ACT TO DAMAGE FROM LAVA FLOWS

Mr. LONG of Hawaii. Mr. President, on behalf of my colleague the senior Senator from Hawaii [Mr. FONG] and myself, I introduce, for appropriate reference, a bill to amend the Federal Flood Insurance Act of 1956. The act already extends to damage from tidal waves, which from time to time sweep up to the shores of Hawaii.

However, it does not presently apply to damage from another type of flow which in the past year alone ruined many acres of agricultural land on the island of Hawaii and destroyed scores of buildings. This destroyer is the flow of lava from the volcanoes on our big island. The volcanoes of Mauna Loa and Kilauea offer spectacular attractions for the people of Hawaii and for their visitors. They are safe to watch and thrilling. Unfortunately, the lava has caused millions of dollars of property damage as recently as this past winter.

Under the bill I am introducing, the Federal Flood Insurance Act would apply to damage caused by flows from active volcanoes, either in Hawaii or wherever they may occur in the rest of the Nation.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3358) to broaden the coverage of the Federal Flood Insurance Act of 1956 to include losses resulting from lava flow due to volcanic activity, introduced by Mr. LONG of Hawaii (for himself and Mr. FONG), was received, read twice by its title, and referred to the Committee on Banking and Currency.

ADJOURNMENT TO MONDAY

Mr. MORSE. Mr. President, in accordance with the previous order, I move that the Senate stand adjourned until 12 o'clock noon on Monday.

The motion was agreed to; and (at 8 o'clock and 44 minutes p.m.) the Senate, in accordance with the order previously entered, adjourned until Monday, April 11, 1960, at 12 o'clock meridian.

EXTENSIONS OF REMARKS

The "China Problem" Reconsidered

EXTENSION OF REMARKS
OF
HON. CLAIR ENGLE
OF CALIFORNIA
IN THE SENATE OF THE UNITED STATES
Friday, April 8, 1960

Mr. ENGLE. Mr. President, our distinguished colleague in the House of Representatives, CHESTER BOWLES, has presented a penetrating analysis of the present situation with regard to American relations with Red China, in the April 1960 issue of Foreign Affairs magazine.

Providing us with a very realistic approach to the problem in an article entitled "The 'China Problem' Reconsidered," Representative BOWLES makes certain recommendations about ways we can "start to move off dead center in east Asia."

This is exactly the kind of thought-provoking assessment of the needs of U.S. Far Eastern foreign policy I had in mind when I made an address on this subject on the floor of the Senate last May. While my conclusions were not the same as Representative BOWLES' in every instance, we share the common belief that this country must develop a more flexible policy in Asia if we are to contribute to the stability of the free nations in that area. CHESTER BOWLES has made a major contribution to American thinking on a very complex problem and I commend his article to my colleagues.

I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE "CHINA PROBLEM" RECONSIDERED
(By CHESTER BOWLES)

In the autumn of 1949, after 22 years of bitter and protracted struggle, Mao Tse-tung and his Red armies finally established Communist rule over mainland China. The initial American reaction was division and confusion. It has remained so to this day. We still are certain only of what we will not do about China. We will not give formal recognition to the government in Peiping. We will not agree to Chinese Communist membership in the United Nations.

For too long now we have remained at the mercy of events set in motion by leaders in Taipei and Peiping. We have neglected to make constructive use of the periods of uneasy calm between recurring crises. We have failed to take into account adequately the long-range forces which seem certain to shape future developments. Has the time not come to face the fundamental realities of our "China problem"? Until we do, we shall continue to be severely hampered in our relations with all of Asia.

Under present conditions, debate over recognition of Communist China by the United States is largely a dead-end street. If we should propose an exchange of Ambassadors, Mao Tse-tung would surely ask if our recognition extended to Communist sovereignty over the Province of Formosa. And when we replied that it did not, his response would inevitably be a contemptuous refusal of our offer. A similar outcome can be predicted if we proposed that "both Chinas" be admitted to the United Nations. Chiang Kai-shek would also reject such a proposal. The stalemate would persist.

This means that the two primary questions which have caused such deep discord here in America are not at the moment solvable. At some later stage we may find it useful to test the peaceful intentions of the Chinese Communists by proposing that both sides accept a situation which neither we nor they can alter short of war. But until then, let us bypass the question of formal relationships and focus on the immediate and, perhaps, obtainable.

If there were no other reason to seek a fresh perspective on Communist China, the crucial issue of disarmament would in itself be enough. For it is clear beyond doubt that no disarmament plan can have meaning without her participation. She possesses not only the world's largest army but a potential capacity for the production of nuclear weapons. Nor is there any reason to believe that we can hold the Soviet Union accountable for Peiping on this matter. Either we must give up any thought of reaching an agreement on a safeguarded system of worldwide disarmament or search for ways to influence the course of events in the China theater.

While we may be almost totally unable to affect short-term developments in Communist China, our capacity to influence other aspects of the China problem is greater than we seem to realize.

Formosa (Taiwan) offers a case in point. The island is rich and its economic development has been spectacular; yet its political position remains precarious, not only in regard to mainland China but also in its relations with the whole arc of free Asia from India to Japan. This is so because Formosa's political status is founded on a myth that Chiang Kai-shek, who was driven from the mainland 11 years ago, remains the ruler of 650 million Chinese. This myth—rejected by most Asians, by our NATO allies, by our closest friends the Canadians, and by a large number of Americans—is supported only by three or four Asian governments under heavy pressure from Washington, by our Department of State and by some Members of Congress. Perpetuation of the myth will increasingly isolate Formosa at a time when its leaders should be striving in every way to identify their future with the mainstream of thought and action in free, non-Communist Asia.

Americans and Nationalist Chinese alike should now strive to find a common ground with their allies and friends, and to relate their policies more rationally to the forces which will shape events in Asia during the next decade. Such policies, I believe, may be based on the following assumptions:

1. That the Peiping government, although beset with difficulties, is in firm control of mainland China.

2. The mainland China, with an inadequate resource base, spiralling population, ruthless Communist leadership and intense nationalist spirit, will develop fiercely expansionist tendencies directed toward the weaker neighboring states to the south.

3. That a primary aim of American policy should be to prevent the armed expansion into southeast Asia which Chinese Communists leaders may be tempted to undertake.

4. That any effective disarmament program will ultimately require Peiping's participation.

5. That in the present circumstances no negotiation of our major differences with the Peiping government seems likely to be productive.

6. That the 8 million Formosans and the 2 million mainland Chinese on Formosa have the right to a secure, independent existence and to cultural development outside the Communist orbit; and that such an evolution on Formosa is in the interests of the American people.

7. That for the time being Formosa's independence will continue to depend on American military guarantees and economic assistance.

8. That in the long run the security and prosperity of the people of Formosa will depend on the orderly political growth of the non-Communist nations of Asia, particularly India and Japan, and on their attitudes toward the Formosa Government.

9. That if ever it becomes practicable it will be in our national interest to restore our traditionally friendly ties with the Chinese people on the mainland.

Let us now examine, within the framework of these assumptions, the realities with which American policy must grapple.

II

Formosa, an island of 14,000 square miles of lofty mountains and fertile valleys, has hovered on the edge of Chinese history for several hundred years. In the mid-17th century, when the invading Manchus displaced the Ming emperor in Peiping and overran China, Formosa served as a refuge for adherents to the Ming régime, much as it now serves Chiang Kai-shek. In 1683, after 40 years of fitful struggle, the Manchus finally annexed the island and made it for the first time a province of China. In 1895, following the Japanese victory over China, Formosa passed under the rule of Tokyo and remained there until its liberation by American forces 50 years later.

Today political power in Formosa rests exclusively with the Generalissimo's authoritarian Nationalist Government. The 2 million mainlanders who fled with Chiang across the Formosa Straits in 1949 provide most of the Central Government's staff and account for two-thirds of his army of nearly 600,000 men. For a decade, American policy in regard to Formosa has largely focused on this Nationalist Chinese ruling minority. Yet in the long run it is the 8 million native Formosans who will shape the island's fate. We hear very little about their wishes, hopes, and fears. One of them, writing in this review recently, noted that there are no independent Formosan newspapers and no recognized Formosan political parties.[1]

Some observers have suggested that the ultimate solution in Formosa may be to hold a plebiscite. As a practical matter, however, a plebiscite would almost certainly be rejected by both the Taipei and Peiping Governments. We, therefore, can only guess what most Formosans really want. Several significant facts can nevertheless be cited.

For nearly two generations prior to 1945, Formosans knew only Japanese rule. Although most of them speak the Fukien dialect of southeast China, they were educated in Japanese schools. Because the island prospered, many of them had come to feel closer to Tokyo than to the mainland. But 15 years of Nationalist rule have brought significant changes. Time, proximity, and education are creating, among the younger ages in particular, a gradual amalgamation of the island's Chinese and Formosan communities. There may slowly be emerging a new national identity predominantly Chinese by culture but Formosan in outlook.

This process has been aided by several important economic and political developments which critics of Chiang Kai-shek often neglect. Since 1949 the Nationalist Government has taken a series of constructive steps which it failed to take while it was on the mainland. Among the most important is its recognition of the decisive importance of the villagers who, as in all Asian nations, not only constitute the majority but also control the food supply and hence provide the economic and political key to orderly growth. Under Chiang's direction, a reform program which limits land ownership to 10 acres and substantially reduces rentals has been combined with a competent rural extension service, easy credit, and an expanded fertilizer industry. The result has been a sharp increase in the output of rice and cotton per acre and an easier and more prosperous life for the peasants. Formosan living standards are now the second highest in Asia, surpassed only by Japan.

The internal political situation has also improved since the bloody 1947 uprising against the misrule of a carpetbagging Nationalist Governor. To be sure, the National Government is still run almost entirely by mainlanders. The assembly has 1,576 members, of whom only 26 are Formosans. Yet there has been some progress toward democratic participation by Formosans. In the provincial assemblies and county administrations, for instance, the islanders hold large majorities through reasonably free elections. The mayors of most towns are also native Formosans.

For over 30 years in victory and defeat the Generalissimo has almost singlehandedly held the Kuomintang together. But though he is robust at 73 he cannot rule forever. Formosa's future depends on the stability of the government which will survive his passing from the scene.

As long as the United States maintains adequate sea and air power in east Asia, and the will to use it, there is only one way in which Mao Tze-tung can establish his sovereignty over Formosa and that is by a coup d'état which would depose Chiang or his successor and place in power a new island government prepared to come to terms with Peiping.

This development is improbable but not impossible. For 10 years the 2 million Nationalists on Formosa have been told that sooner or later Chiang's army—backed by massive American military support—would invade the Fukien coast and start the long-promised reconquest of the motherland. An increasing number of them have come to understand the practical impossibility of such a venture. Meanwhile, Peiping's propaganda broadcasts have skillfully played on their nostalgia and promised them forgiveness for their past sins, a hearty welcome home and even privileged positions in the new China. At the same time, Peiping has offered Formosa a special status as an autonomous area.

The persuasiveness of these appeals has been cut, of course, by reports of the way the commune system is working on the mainland and by Peiping's actions in Tibet. Yet the pull of the homeland still contributes to the potentially unstable political situation.

On the mainland, powerful totalitarian forces are reshaping Chinese society, remolding Chinese thought, and rewriting Chinese history within the constructing framework of the Lenin-Stalin-Mao ideology.

An independent Sino-Formosan nation can offer the contrast of a modernised non-Communist Chinese society, free from mass regimentation, with an increasing measure of political liberty and with expanding economic opportunities for all citizens. In building such a society the younger generation of Taiwanese and Chinese can find a common sense of purpose and at the same time supply a cultural base for the 18 million overseas Chinese.

III

How can we adjust our policy to foster such a development?

Let us accept the fact that Formosa's adoption of an affirmative new role in non-Communist Asia cannot be stage managed by American policymakers, however well supplied with good will and dollars. Nor can it be arbitrarily imposed on the Formosan majority by the Nationalist refugees from the mainland. Our role must be that of a genuine friend. The native Formosans, the Nationalist Chinese, and the world generally must be convinced that our objective is not to create a military base for the invasion of the mainland but to encourage the orderly growth of a new, independent nation.

[1] Li Thian-hok, "The China Impasse: A Formosan View," Foreign Affairs, April 1958.

In this perspective, our exposed position on Quemoy and Matsu makes very little sense. As Secretary of State Herter said on September 29, 1958, in a speech at Atlantic City: "Anyone can see from looking at the map" that these islands "are not strategically defensible in the defense of Formosa • • •" despite the fact that the Nationalist Chinese "have a fixed devotion to these islands which is almost pathological." In spite of this the State Department still hesitates to bring its tactics into harmony with such realities. So long as our position remains unclear we leave the initiative to others and expose ourselves to the possibility, if not the probability, that once again we will face the unhappy choice of retreating under fire or attempting to stand firm on a militarily untenable position.

On the one hand, we should encourage the neutralization of the offshore islands immediately adjacent to the Chinese coast. In their present status they serve only to keep alive the myth that a Nationalist invasion of the mainland is imminent and thereby give Peiping a handy excuse for "counter" hostilities.

On the other hand, our assurance that we will offer all-out military opposition to a Communist attack on Formosa itself should be substantially strengthened and extended to include any measures necessary to deter a coup d'état. In the event of such a coup, we should institute an economic and naval blockade to deny the Peiping Government effective occupation.

It might well take some time for Formosa's position in the United Nations as an independent nation to become accepted. Once this happened, its security would be backed by the organization's full guarantees. In the meantime our unilateral military commitment to defend the island must be unequivocal. We can no more abandon the people of Formosa than we can those of West Berlin.

As our military obligations in the area are gradually brought in line with the realities, we shall be able to reduce our military grants substantially. The savings can be profitably diverted into a further expansion of the Formosan economy.

The solid industrial and agricultural base now in process of creation will be a long step toward economic self-reliance. If the resulting economic benefits are directed largely to the peasants and workers instead of to the Nationalist minority already at the top of the economic pyramid, orderly political growth will be further stimulated. Private capital investment in Formosa should also be vigorously encouraged. If the island's independent future could be made more sure, increased capital would become available from Hong Kong.

American policy and American funds should also be directed toward the development of Formosa as a cultural center for non-Communist Chinese everywhere. Substantially increased assistance to Formosan colleges from public and private American sources can be an important first step in that direction. Scholarships for overseas Chinese to study on Formosa as well as scholarships for both Chinese and Formosans to study in the United States should also be increased. Similarly, more fellowships to enable talented American students to follow Chinese studies in Formosan institutions would help create the basis for a new partnership. Despite our long association with the Chinese, too many Americans are ignorant of their history and culture.

Finally, and of the utmost importance, every effort should be made to persuade the Nationalist Government to adopt a more realistic approach to their non-Communist fellow Asians. Formosa's future as an independent nation is tied to the future of free Asia and particularly to those two great geographic and political anchors, India and Japan. Unhappily, many Nationalist leaders have shown nothing but contempt for those free Asian governments which do not share their own doctrinaire interpretation of the world conflict. Instead, they often seem to speak and act on the assumption that a third world war is inevitable and that anyone who fails to agree is a Communist dupe. And, of course, such an assumption is basic to the myth of mainland reconquest. A wide gap therefore exists between the Nationalist Government and most of the peoples and leaders of non-Communist Asia. We should do all we can to close this gap and thus diminish Formosa's present political isolation.

Now what of "the other China," the giant on the mainland? Here our field for creative action is inevitably more restricted.

The Chinese Communist Government today is embarked upon a gigantic effort to industrialize its 650 million people on a resource base which is woefully inadequate. There seems to me to be three possible results of this experiment.

The Chinese Communists may be impelled by the harsh economic limitations of their position to modify their policies gradually, reduce their objectives, and seek to relieve their food and other shortages through peaceful foreign trade. In view of their intense, deeply rooted and doctrinaire Communist nationalism this development appears unlikely in the foreseeable future.

A second possibility is that they will seek to resettle part of their swelling population in the vast expanses of the Soviet Union bordering on China. But a large-scale development of these inner Asian regions of severe and uncertain climate would not be easy, and it is hard to imagine the conditions under which the Soviet Union would accept a great influx of Chinese settlers.

The third possibility is expansion into southeast Asia, with its wealth of underpopulated, food-rich countryside, as well as the great reserves of oil, tin, rubber, and other resources which China badly needs. Our objective must be to create a military, political, and economic barrier sufficient to discourage any such attempt.

For us to indulge in threats of atomic war would merely frighten the non-Communist Asian nations and further feed the fires of aggressive Chinese nationalism. It is vital, however, that we make clear in temperate language and through diplomatic channels our total commitment to defend southeast Asia against Chinese attack. And unlike an attack on Formosa, a Chinese thrust southward would also bring into play the existing guarantees in the United Nations Charter.

Ultimately, however, the fate of the non-Communist nations of south and southeast Asia will be determined by two factors which we can influence only indirectly: first, by their own economic and political stability and by their willingness to oppose any infringement on their sovereignty; and second, by the willingness of the two principal nations of the region, India and Pakistan, to add their weight more and more to the balance against Chinese aggression.

The role of India is of particular importance. Indeed, it is fair to say that an India which is politically stable and developing economically, and which works in harmony with the rest of non-Communist Asia, is the key to the ultimate balance of power in Asia and the Middle East as well. The recent Chinese probings of the Indian border regions have underscored both the significance of India and the dilemma she faces. Nor has the lesson been lost on India's neighbors. Indeed, the attitudes in free Asia seem to be moving closer together in face of the common danger.

By wise and sensitive diplomacy we can contribute to this development. In the military sense, our role should be one of quiet readiness for any emergency, much as the British Fleet gave meaning to the Monroe Doctrine during our neutralist 19th century. Our direct economic assistance should give the highest priority to those nations which are willing and competent to help themselves and to devise programs to stabilize raw material prices at levels fair to the producers.

We undoubtedly have the strength to play our proper role in Asia; the question is whether we have the necessary tact, subtlety and flexibility. Let us, to begin with, put aside some of our own doctrinaire preconceptions and examine realistically the complex nature of the Sino-Soviet relationship.

Deep potential differences exist between Chinese and Russian communism as a result of the radically different cultures, experiences and leaderships in the two countries. These are magnified by the fact that the two societies are at different stages of development—the one industrialized, with rich resources and an abundance of land; the other with a shortage in agriculture, inadequate resources and a burgeoning population.

Because of these differences we may assume the the Soviet Union and Communist China view the cold war from quite different perspectives. The Peiping government utilizes the present tense situation in east Asia to fan the nationalistic fervor of its people, divert attention from internal difficulties and assure continued economic assistance and military support from the Soviet Union. When Moscow professes a desire to lessen tensions with the non-Communist world, there is every reason to believe that Peiping tends to pull hard in the other direction.

No outsider can be sure of the present nature or future development of the Sino-Soviet alliance, but certainly it is an infinitely complex and delicate arrangement. The assumption that it is rigid, monolithic and unchangeable is out of date. In view of this, recent efforts of State Department spokesmen to score debaters' points by depicting Mr. Khrushchev as leader of the world Communist movement and twitting him for not keeping China in line are naive and self-defeating. Let us realize that Communist alliances as well as Communist nations are subject to the eroding effects of economics, nationalism and history.

Between 1919 and 1933 the United States had no diplomatic relations with the Soviet Union. Yet during that period thousands of Americans traveled in Russia and thereby increased both our knowledge of developments there and the Russian people's awareness and understanding of us. It seems to me that today we should be striving by all reasonable means to establish people-to-people contacts with mainland China. It may be useful as a first step to offer a fresh approach to the exchange of correspondents with Red China. We are badly in need of the facts and perspective that able American reporters can give us, and we have no reason to be embarrassed by what Chinese journalists may see in America.

Such a two-way exchange has been obstructed so far both by Peiping and by our State Department. It would be wishful thinking, of course, to assume that our attempts to reopen communications with the people of China will be welcomed by Peiping. In many ways, the Communists serve their own interests best by keeping us their public enemy. It is up to us, however, to remove all technical obstacles to the travel of correspondents still existing on our side so that responsibility for the continuing communications barrier will clearly rest with Peiping.

But the freer flow of news is only the beginning. Educators, politicians, businessmen—all the many Americans who could profit by a first-hand understanding of the Chinese

revolution and who could transmit their understanding to the rest of us—should be allowed access to the mainland by our authorities, with reciprocal privileges for the Chinese. A by-product of such contacts would almost surely be the freeing of the five Americans charged with espionage and still held in Chinese prisons.

As I have already pointed out in regard to trade, it would be unrealistic at this stage in China's development to expect the doctrinaire Communist government in Peiping to attempt to meet its steadily growing food and raw-material needs by major purchases overseas. Yet in the longer perspective it seems clear that China's only practical alternative to an effort to seize the material and land resources of southeast Asia by force is to embark on a greatly expanded trade program. Since world peace will depend on which road China ultimately chooses, this question deserves the most urgent attention of American policymakers.

Only when we start to move off dead center in east Asia, beginning with the creation and implementation of imaginative policies based on the reality of two Chinas, will we start to exert a constructive influence on the shape of events to come. And as we do so, is it too much to hope that the sheer magnitude of the war danger in east Asia may gradually bring a degree of at least tacit cooperation between the United States and the Soviet Union in that area? Despite our profound ideological and political differences and aims we seem to have a common interest in the development of a less precarious military, economic, and political balance of power in Asia.

Nationalist extremists on Formosa will not be happy about the policies which I have suggested, and the Communists in Peiping will denounce them violently. The patriotic but quite unrealistic Formosan Nationalists who demand that we push Chiang aside and help them set up their own government will reject them also.

At this point, our policy should be directed toward proving these things to the Chinese Communist leaders: One, we will oppose by all necessary means any movement of theirs into southeast Asia. Two, we will not allow them to overrun Formosa either by direct attack or by subversion. Three, our military installations on Formosa are not designed to aid or abet a Nationalist attack against the mainland. Four, Formosa is to remain a free entity and all its people should eventually be consulted as to its form of government.

If we adopt these objectives, it is possible that as the prosperity and stability of Formosa become evident the Peiping government may grudgingly come to accept the island's independence as one of the facts of life in non-Communist Asia.

Health Problems of Senior Citizens

EXTENSION OF REMARKS
OF
HON. PAT McNAMARA
OF MICHIGAN
IN THE SENATE OF THE UNITED STATES
Friday, April 8, 1960

Mr. McNAMARA. Mr. President, the Senate Subcommittee on Problems of the Aged and Aging has been holding hearings this week on the health problems which face 16 million senior Americans citizens.

We have heard important and illuminating testimony on the extent of health needs, the problems of financing health care and the kinds of health services older persons require to live not only longer but healthier and happier.

I expect to present a detailed report on the health problems of older persons at the conclusion of these hearings and to introduce legislation which will provide a program of balanced health services for a healthier-dignified life in retirement.

I thought—however—that it would be of interest to the Members of the Senate to have a few of the highlights of these hearings as they are going on.

Mr. President, I ask unanimous consent to insert at this point a memorandum which—in brief fashion—highlights some of the testimony of the witnesses.

There being no objection the memorandum was ordered to be printed in the RECORD, as follows:

DR. JOHN D. PORTERFIELD, DEPUTY SURGEON GENERAL, U.S. PUBLIC HEALTH SERVICE

Of the 10 million persons in the Nation who have heart disease—4 million, 40 percent—are 65 or older. At any given time, some 750,000 persons have cancer and most of these are persons who are over 65. Almost 3 million persons have diabetes and the elderly have more than their proportionate share.

This is also true of the 5 million who suffer from arthritis and the 6 million who are affected by related rheumatic disorders.

Forty-nine percent of those who are 65 or older are limited in activity—compared to 21 percent of all ages. Only 3 percent of all ages have limitations of mobility—compared with 19 percent of those who are over 65.

WALTER P. REUTHER, PRESIDENT, UNITED AUTO WORKERS

"Mr. Flemming has indicated on a number of occasions, that his Department has been continuing to explore ways to meet the undeniable need of older people for help with their medical and hospital bills. In the last few weeks the press has been full of accounts of struggle inside the Republican administration about what action shall be taken on this politically explosive subject.

"But as in so many other questions where Government spending is being balanced against human welfare—the people have apparently lost again. The New York Times of Thursday, March 24, reported Mr. Flemming's comment: 'All the administration has endorsed is exploration.'

"In spite of our capacity for the highest standards of health—we Americans are not the healthiest people in the world. The life expectancy of older citizens in our country is less than in a great many countries including Canada, Cyprus, Denmark, West Germany, Iceland, Israel, Japan, the Netherlands, Norway, and Sweden," Mr. Reuther declared.

DR. JAMES E. APPEL, MEMBER, BOARD OF TRUSTEES, AMERICAN MEDICAL ASSOCIATION

"Physicians themselves are doing what they can as individuals to soften medical expenses for persons over 65 with modest resources," Dr. Appel said.

The indigent are cared for by public welfare—religious and fraternal programs—as well as donated services by the doctors.

State medical societies and physicians should take action to expedite the development of low cost voluntary health insurance and prepayment programs for the elderly with low family incomes.

The AMA also recommends that physicians accept reduced compensation for their services.

GUY R. JUSTIS, DIRECTOR, STATE DEPARTMENT OF PUBLIC WELFARE, COLORADO

Each old age pensioner in Colorado receives $106 a month less any income he may have in cash or kind. In addition he receives necessary hospitalization, nursing home care, surgery, and physician visits paid for out of a $10 million medical care fund administered through Blue Cross and Blue Shield.

JERRY VOORHIS, EXECUTIVE DIRECTOR, GROUP HEALTH ASSOCIATION AND COOPERATIVE LEAGUE OF AMERICA

"Our organization would take the position that while voluntary health plans of every sort should do everything possible to provide protection for the health of our older citizens, it is probably impossible for them to do this in any adequate way without assumption of at least a portion of the financial responsibility by some governmental unit, Federal, State, or local," Mr. Voorhis asserted.

DEAN DOUGLAS BROWN, DEAN OF FACULTY AND ECONOMICS, PRINCETON UNIVERSITY

"Subsidation of private insurance carriers by the Government from taxation to permit them to provide health insurance to aged persons at less than true cost is a most clumsy-hybrid arrangement which involves overwhelming administrative difficulties and excessive costs," Dean Brown said.

"It seems to me that it is far better to have what is 'insurance within insurance' under the OASDI program with costs averaged over the whole working lives of all participants," he advised.

DR. JAMES DIXON, PRESIDENT, ANTIOCH COLLEGE, YELLOW SPRINGS, OHIO

"The evidence all indicates that if one uses the health status of the employed person as a norm—the older person is disadvantaged relatively and absolutely in terms of services and their availability. I share entirely Dean Brown's feeling concerning the use of the social security mechanism as the appropriate device at this point of time in our country under the present circumstances to begin to meet this problem," Dr. Dixon said.

DR. MICHAEL DACSO, DIRECTOR, DEPARTMENT OF PHYSICAL MEDICINE, GOLDWATER MEMORIAL HOSPITAL, NEW YORK

In order to prevent excessive institutionalization disabilities must be prevented.

Physical disability is preventable even if the disease causing it cannot be corrected. For example, in many, if not all heart diseases, physical incapacity caused by heart disease can be prevented.

A great deal more research will have to be done in this field as well as in training disabled persons to the point of self-sufficiency, Dr. Dacso emphasized.

JAMES CAREY, PRESIDENT, INTERNATIONAL UNION OF ELECTRICAL RADIO AND MACHINE WORKERS

"Investigation shows that the majority of our retired elder citizens depend almost entirely upon Federal old-age insurance benefits for subsistence.

"While people seek desperately to put a few dollars aside for their old age—only one person in six who retires at age 65 has as much as $5,000 in savings," Mr. Carey said.

"Costs of voluntary health insurance continues to rise at the rate of 10 percent a year. It now costs about $15 a month for the average retiree to cover himself and his wife for Blue Cross and Blue Shield. For most retirees who depend on old-age benefits this is an impossible price tag," he stated.

HON. ARTHUR FLEMMING, SECRETARY, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Estimates indicate that 42 percent of the aged—approximately 6½ million persons—have some health insurance and that 56 percent of the aged would have coverage by 1965 and about 68 percent by 1970.

"Nevertheless, even though we do experience continued progress in this area, I believe we will still be left with serious problems. There will still be aged persons whose policies provide inadequate protection. Also there will still be aged persons who will have no protection but who would be willing to participate in voluntary programs if provided with policies at rates they could afford to pay.

"This administration is acutely aware of the need for approaching these problems with a sense of urgency," Secretary Flemming said.

An intensive study is currently being made of the problem, the subcommittee was told.

"In an effort to arrive at sound conclusions we are now consulting not only with experts in the Government—but also with outside experts and groups—and with State officials. I expect to complete these consultations within the next 2 weeks. I will then move at once to develop a specific proposal within the executive branch," Secretary Flemming said.

On April 7, the Washington Post published a perceptive editorial summarizing a number of important facts developed in these hearings and concluding with the following statement:

"The one practical way to provide insurance against the health hazards of retirement years is to let people pay the premiums in the form of social security taxes while they are earning wages and are able to do so. This is precisely how they now provide retirement income for themselves under the social security program—and this kind of protection is made compulsory because the lack of it would have a disastrous social impact. Those who denounce this proposal as 'socialistic' without proposing any workable alternative are foolishly doctrinaire.

"They might just about as sensibly oppose as socialistic the Nation's public schools, fire departments and parks because these represent communal efforts financed through taxation. One of the fundamental purposes for which the U.S. Government was established was 'to promote the general welfare.'"

The subcommittee has scheduled additional hearings on the general problem for next Monday, Tuesday, and Wednesday, April 11, 12, and 13.

It will devote extensive attention to one of the crucial questions in this area; namely, the extent to which private insurance is meeting the problem and can be expected to do so in the future. Executives of profit and nonprofit insurance groups plan to participate in these hearings and to give us the benefit of their experience in this field to such a large segment of American society.

SENATE

MONDAY, APRIL 11, 1960

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, we would enter this Holy Week with the light of a cross upon the tasks which await in this Chamber of national deliberation.

Forbid that we should come to this cloister of faith without anything holy touching our spirits and bidding us take off our shoes on sacred ground. Make vivid to us that it is the ground where men and women of whom the world was not worthy, having saved others, could not save themselves.

For us and an uncounted multitude, above the brightest and best of all the sons of men who have sacrificed self on the altar of service, and who found their lives by losing them, towers the Man of Nazareth, who in so brief a time blazed the trail for all who would find life's enduring rewards and satisfactions.

May these days of the week of weeks, which for Him, in the anguish of loneliness, was reddened with blood, bring us face to face with the truth He dared to follow, the words He dared to utter, the hypocrisy He dared to flay, and the steadfast purpose from which He would not shrink, even when the road He took grew bleak and black before Him.

For these days of the Passion, hear this, our prayer—"O God, to us may grace be given to follow in His train." Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Friday, April 8, 1960, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on April 8, 1960, the President had approved and signed the following act and joint resolution:

S. 2220. An act to strengthen the Commissioned Corps of the Public Health Service through revision and extension of some of the provisions relating to retirement, appointment of personnel, and other related personnel matters, and for other purposes; and

S.J. Res. 128. Joint resolution to establish a commission to formulate plans for a memorial to James Madison.

REPORT OF ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 376)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and, with the accompanying report, referred to the Committee on Public Works:

To the Congress of the United States:

Pursuant to the provisions of section 10 of Public Law 358, 83d Congress, I transmit herewith for the information of the Congress the report of the St. Lawrence Seaway Development Corporation, covering its activities for the year ended December 31, 1959.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *April 11, 1960.*

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had severally agreed to the amendment of the Senate to the following bills of the House:

H.R. 135. An act to amend the Internal Revenue Code of 1954 to exclude from gross income amounts paid by the United States to certain nonresident alien employees or their beneficiaries;

H.R. 3472. An act to repeal section 1505 of the Social Security Act so that in determining eligibility of Federal employees for unemployment compensation their accrued annual leave shall be treated in accordance with State laws, and for other purposes;

H.R. 6155. An act to amend the Internal Revenue Code of 1954 to exempt from taxation certain nonprofit corporations or associations organized after August 31, 1951; and

H.R. 6785. An act to amend section 4071 of the Internal Revenue Code of 1954 so as to fix a tax of 1 cent per pound of certain laminated tires produced from used tires.

The message also announced that the House had severally agreed to the amendments of the Senate to the following bills and joint resolution of the House:

H.R. 529. An act to discharge more effectively obligations of the United States under certain conventions and protocols relating to the institution of controls over the manufacture of narcotic drugs, and for other purposes;

H.R. 7588. An act to amend the Internal Revenue Code of 1954 with respect to the treatment of copyright royalties for purposes of the personal holding company tax; and

H.J. Res. 621. Joint resolution making supplemental appropriations for the National Aeronautics and Space Administration for the fiscal year ending June 30, 1960, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 10743) making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes, and it was signed by the President pro tempore.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. MANSFIELD. Mr. President, under the rule, there will be the usual morning hour; and I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

JAMES W. MURPHY

Mr. MANSFIELD. Mr. President, it is with regret that I inform the Senate today that James W. Murphy, Official Reporter of Debates, passed away this morning, at 8:15, after a long illness.

Mr. Murphy first became connected with the Office of the Official Reporters in 1896. So his tenure has covered a span of nearly 65 years. He has participated in producing and editing the debates of the Senate for the CONGRESSIONAL RECORD during all the critical years of the century; and he gave up only when he was physically unable to come to his office in the Capitol.

His father, E. V. Murphy, became Official Reporter about 1860. His uncle, Dennis F. Murphy, joined the Official Reporters in 1848, and in 1873 was largely instrumental in establishing the CONGRESSIONAL RECORD.

Mr. President, Mr. Murphy has performed his services honorably and well. He has become a tradition in the life of the Senate; and we are deeply disturbed and tremendously sorry that at long last his productive life has come to an end.

May his soul rest in peace.

Mr. DIRKSEN. Mr. President, I have thought often about Jim Murphy and his identity with Government, particularly with the legislative branch. I have thought often of his diligence and his devotion over a long period of time to make sure that the record of the proceedings of the Senate was accurate, was authentic, and could be consulted with confidence by Members.

No one could think of him without thinking of the continuity of the Republic and of how young it really is, for when his uncle first became identified with the same function, back in 1848, Lincoln was then a Member of Congress from Illinois.

Then, in 1873, when Dennis Murphy established what we know as the CONGRESSIONAL RECORD, the country was in the throes of its third major economic depression, or panic.

His father came, in 1860, to become identified with the same work.

And finally came our beloved Jim Murphy.

When I think of his coming to the Office of the Official Reporters in 1896, I obviously identify it as the year in which I was born. It makes me feel a little younger, of course, to think about it.

What a long and great record he had, and how faithfully he performed his services. He felt that was his highest duty; and he rose to it so nobly on every occasion.

We shall miss him.

Mr. WILEY. Mr. President, when I first came to the Senate, 20 years ago, one of the first to welcome me with a good smile and a good Irish story was James W. Murphy.

For 65 years he served this body. No one can realize the amount of work he performed.

As suggested by the distinguished Senator from Illinois, I think in terms of the years that Jim Murphy lived right in this very room; I think of the issues he has reported, commencing before the Spanish American War. Then, as all of us know, he reported the League of Nations debates in this Chamber; and his service continued through the years, into the period of the last war, and up until now. He was always pleasant, always congenial. Many times I would go into his office and visit with him.

Of course, we who believe there is no end to life realize that James Murphy has merely gone ahead on the journey, and probably he now has answers that he did not have before he left this mortal coil.

Mr. President, I think of the times when I would go into his office and would see that he had some Wisconsin cheese. He would talk about that cheese and what it meant to him and what effect it had on him. He was a booster for that product.

James Murphy leaves behind two sons, who are lawyers; and a daughter, who married a lawyer; and he has a host of grandchildren. He has left them a heritage of dedication to service. None has ever performed better the service to which he was devoted. His was a dedication to American principles.

So, Mr. President, when I think of James W. Murphy, I think of him working over yonder as he worked here—industriously, and with a smile on his lips.

Mr. President, let me read a beautiful poem which is very appealing and comforting:

Death is only an old door
Set in a garden wall.
On gentle hinges it gives
At dusk when the thrushes call.
Along the lintel are green leaves,
Beyond the light lies still.
Very willing and weary feet
Go over that sill.
There is nothing to trouble any heart,
Nothing to hurt at all.
Death is only a quiet door
In an old wall.

—*Nancy Turner.*

Mr. PROXMIRE. Mr. President, I knew James Murphy for a very short period of time, compared with his 65 years of service in the U.S. Senate. I knew him in a different way, I suppose, than did most other Senators. I can recall a number of occasions when I went into the Official Reporters room late at night. Mr. Murphy would always be there, sometimes after a session lasting nearly until midnight, and sometimes even later.

I was greatly touched by the dedication Mr. Murphy gave to his work. Here was a man obviously in his eighties, a man in very ill health, a man who had trouble breathing, a man who obviously had a struggle to remain alive.

He was so dedicated to his work that he would continue working hour after hour, in spite of pleas by his colleagues to go home and safeguard his health.

Mr. Murphy was dedicated to the U.S. Senate. He took great pride in his work on the CONGRESSIONAL RECORD. I believe that anyone who reads the CONGRESSIONAL RECORD for 1 year deserves a medal. Mr. Murphy read every issue of it for 65 years, often under the most difficult circumstances. He contributed greatly to its accuracy and quality.

Mr. CASE of South Dakota. Mr. President, only a few moments ago I learned that the dean of the employees of the Senate had passed away this morning. Presumably, before I was able to come to the floor, something may have been said about the passing of James W. Murphy. I should not want the day to pass without recording my own personal appreciation of the very high quality of service given to the U.S. Senate, to Congress, and to the United States itself by the 65 years of service which has been rendered by this outstanding public servant.

Mr. Murphy began his service with Congress early in 1896. During the years, he has come to be, if not the best versed, one of the best versed men in the traditions of Congress. He has been a veritable living cross-reference encyclopedia as the editor of the remarks made on the floor of the Senate before they were printed in the CONGRESSIONAL RECORD.

During the 83d Congress, I had occasion to make a study of some of the senior or veteran employees of the Senate, and placed in the RECORD a statement covering the lives and service of several of them up to that time. Among all the senior employees, the name of James W. Murphy will stand high.

His father and two of his uncles had served on the Senate reporting corps before him. He carried on the tradition well, and performed a day-to-day service of which the country probably was seldom aware, but which was all-important to the work of this body.

I join with other Senators in paying tribute to his memory.

Mr. COOPER. Mr. President, I was saddened today when I learned of the death of the Honorable James W. Murphy, Chief Official Reporter of Debates of the U.S. Senate. I know that Members of the Senate, those who have served in the Senate in past years, his coworkers, and hundreds of others who knew him share my feeling of great loss.

Mr. Murphy was outstanding in ability. To the difficult task of editing the remarks, speeches, and reports that come daily before the Senate, he brought not only great ability, but also profound historical and literary knowledge.

He was faithful to his duties. In recent years he had been ill. At times it was necessary for him to be away from work. But always, as quickly as possible, he returned to his desk. Early and late, whether he was sick or well, he gave of his best to the task that he loved.

We will not forget the rare qualities of good humor and gentleness, with those with whom he worked and all of us here in the Senate.

I understand Mr. Murphy worked for 65 years on the staff of the Senate, and his father and two of his uncles also served the Senate as official reporters. He was a part of the tradition of the Senate.

We shall miss Mr. Murphy, and I know that we should like to convey to his family and to his many friends the knowledge that we admired, respected, and held him in great affection.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I should like to ask the acting majority leader about the schedule for today and what he envisions for the remainder of the week.

Mr. MANSFIELD. After discussing this matter with the distinguished minority leader, Mr. President, it is my understanding that the Senate, at the conclusion of its session today, will go over until Thursday, at which time we hope to have the Treasury-Post Office appropriation bill ready for consideration. If that bill is not ready this week, it is not anticipated that there will be any rollcalls after today.

So far as the nominations on the Executive Calendar are concerned, it is my understanding that the only nomination which we still have before us—that of the Honorable James R. Durfee, of Wisconsin, to be an associate judge of the U.S. Court of Claims—will not be considered this week.

Mr. DIRKSEN. In other words, it is definite that the Durfee nomination will not, at the earliest, come up until next week. Is that correct?

Mr. MANSFIELD. That is correct.

Mr. DIRKSEN. And probably no earlier than Tuesday next. Is that correct?

Mr. MANSFIELD. That is correct; that would be my guess, at the very earliest.

Mr. DIRKSEN. One more inquiry. I presume we shall have a calendar call today.

Mr. MANSFIELD. Yes. We will consider all the items on the calendar to which there is no objection, and perhaps a few others about which there is little dispute. Then it is the intention of the leadership, after consultation with the distinguished minority leader, to go over until Thursday next.

Mr. DIRKSEN. I thank the acting majority leader.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on Interstate and Foreign Commerce:

"ASSEMBLY JOINT RESOLUTION 3

"Joint resolution relative to west coast shipbuilding

"Whereas bill H.R. 8093 has been introduced in the Congress of the United States to delete subsection (d) of section 502 of the Merchant Marine Act, 1936 (49 Stat. 1985), which allows a 6-percent differential for bids of west coast shipyards for the construction of ships to be operated by steamship companies whose home office is located at Pacific coast ports; and

"Whereas Congressman JOHN F. SHELLEY has introduced H.R. 9899 to extend the allowance of a 6-percent differential for bids of west coast shipyards for the construction of all ships regardless of the location of the home port of the steamship company; and

"Whereas the retention and expansion of the 6-percent differential is vital for the preservation of the west coast shipbuilding industry because of the higher construction costs of this area; and

"Whereas the security of the United States requires a healthy and vigorous shipbuilding industry on the Pacific coast as well as on the Atlantic and gulf seaboards; and

"Whereas not only California but the other 12 Western States including Alaska and Hawaii will be affected by the proposed repeal or extension of the 6-percent differential, since they furnish both raw materials and manpower to the shipbuilding industry on the Pacific coast: Now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California (jointly)*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to retain and expand the 6-percent differential allowed for bids of west coast shipyards for the construction of ships by rejecting H.R. 8093 and supporting the Shelley bill H.R. 9899; and be it further

"*Resolved*, That the chief clerk of the assembly is directed to send copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California, and the other 12 Western States, in the Congress of the United States, and to Jeremy Ets-Hokin, chairman of the California Governor's committee for ship construction and repair, Thomas A. Rotell, executive secretary of the Pacific Coast Metal Trades District Council, Hugh Gallagher, chairman of the San Francisco mayor's committee for shipping, shipbuilding, and ship repair, and Louis Ets-Hokin, president of the Western Shipbuilding Association."

A concurrent resolution of the Legislature of the State of New York; to the Committee on Foreign Relations:

"RESOLUTION 143

"Concurrent resolution memorializing the Congress and Department of Defense of the United States and the Government of Canada in relation to undertaking and progressing the development of the proposed New York-Montreal Seaway project

"Whereas construction of a deepwater seaway between the city of New York and the city of Montreal, Canada, would be of inestimable benefit to the development of the commercial, economic, and natural resources of the State of New York; and

"Whereas this seaway would revitalize the port of New York, the Hudson Valley, and the Champlain region through increased industrialization and seaborne commerce; and

"Whereas this seaway would cut the water distance between New York City and Montreal by 1,350 miles; and

"Whereas its construction would reduce the cost of delivery of newsprint and other Canadian materials to residents of the State of New York and residents of adjacent States; and

"Whereas it would assure an unlimited supply of fresh water for all cities adjacent to the Hudson River; and

"Whereas the International Joint Commission reported that construction of a New York-Montreal Seaway could be justified after completion of the St. Lawrence Seaway; and

"Whereas the St. Lawrence Seaway is now an accomplished fact; and

"Whereas the committee for the New York-Montreal Seaway, composed of leading engineers and responsible persons from other fields of endeavor, has deemed construction of this seaway an essential element in the growth of the State's economic climate: Now, therefore, be it

"*Resolved (if the assembly concur)*, That the Congress of the United States and the U.S. Department of Defense be and hereby are respectfully memorialized to have the route of the proposed seaway surveyed by the Army Engineers; and be it further

"*Resolved (if the assembly concur)*, That the Government of Canada be and hereby is respectfully memorialized to continue its interest and cooperation in the development of this project; and be it further

"*Resolved (if the assembly concur)*, That the Joint Legislative Committee on Commerce and Economic Development and the Joint Legislative Committee on Interstate Cooperation be urged to lend assistance to governmental and private agencies interested in construction of this seaway; and be it further

"*Resolved (if the assembly concur)*, That copies of this resolution be transmitted to the Secretary of the U.S. Senate, the Clerk of the House of Representatives of the United States, the Secretary of Defense of the United States, the Prime Minister of Canada, the Premier of the Province of Quebec, the Governor of the State of Vermont, and all Members of the U.S. Congress elected from the States of New York and Vermont.

"By order of the senate,

"JOHN J. SANDLER,
"Secretary.

"By order of assembly.

"ANSLEY B. BORKOWSKI,
"Clerk."

A resolution adopted by the Polish Legion of American Veterans, U.S.A., at a national executive conference in Elizabeth, N.J., protesting against the adoption of the resolution (S. Res. 94) relating to the recognition of the jurisdiction of the International Court of Justice in certain disputes hereafter arising; to the Committee on Foreign Relations.

Memorials signed by W. A. Lucker and sundry other citizens of the State of Wisconsin, remonstrating against the adoption of the resolution (S. Res. 94) relating to the recognition of the jurisdiction of the International Court of Justice in certain disputes hereafter arising; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 2087. A bill for the relief of Janis Papulis (Rept. No. 1242);

S. 2499. A bill for the relief of Halina Konik Wojtusiak (Rept. No. 1243);

S. 2769. A bill for the relief of John George Sarkis Lindell (Rept. No. 1244);

S. 2792. A bill for the relief of Luigia Mion (Rept. No. 1245);

S. 2822. A bill for the relief of Low Wing Quey (Kwai) (Rept. No. 1246);

S. 2966. A bill for the relief of Antigone Apostolaki Cassel (Rept. No. 1247);

S. 2923. A bill for the relief of Ki Su (Theresa) Moun (Rept. No. 1248);

H.R. 1456. An act for the relief of Universal Trades, Inc. (Rept. No. 1254);

H.R. 6083. An act for the relief of Mary V. Jones (Rept. No. 1255);

H.R. 6493. An act for the relief of Robert Dolton (Rept. No. 1256);

H.R. 7226. An act for the relief of Mr. Hughie D. Martin and Ione Martin (Rept. No. 1257);

H.R. 7363. An act for the relief of Chester A. Spindler (Rept. No. 1258);

H.R. 8280. An act for the relief of Clarence T. Tolpo (Rept. No. 1259);

H.R. 8383. An act for the relief of Maj. Jack E. Hudson (Rept. No. 1260);

H.R. 8456. An act for the relief of Capt. Jack Rubley (Rept. No. 1261);

H.R. 8868. An act for the relief of the Albertson Water District, Nassau County, N.Y. (Rept. No. 1262);

H.R. 8941. An act for the relief of Mrs. Alice Anderson (Rept. No. 1263);
H.R. 9216. An act for the relief of Daniel C. Turner (Rept. No. 1264); and
H.R. 9476. An act for the relief of George E. Williams and William L. Johnson (Rept. No. 1265).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 477. A bill for the relief of Joanna Lea (Buffington) Lybarger (Rept. No. 1249);
S. 2369. A bill for the relief of Sachiko Kato (Rept. No. 1250);
S. 2528. A bill for the relief of John Lipset (Rept No. 1251);
S. 2681. A bill for the relief of Yi Young An (Rept. No. 1252); and
H.R. 1607. An act for the relief of Mrs. Anne Morgan (Rept. No. 1266).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 2765. A bill for the relief of Sofia Skolopoulon (Rept. No. 1253).

By Mr. CARROLL, from the Committee on the Judiciary, without amendment:

S. 511. A bill for the relief of the estate of Eileen G. Foster (Rept. No. 1240).

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Mr. EASTLAND, from the Committee on the Judiciary, reported an original concurrent resolution (S. Con. Res. 103) favoring the suspension of deportation in the cases of certain aliens, and submitted a report (No. 1241) thereon; which concurrent resolution was placed on the calendar, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Congress favors the suspension of deportation in the case of each alien hereinafter named, in which case the Attorney General has suspended deportation for more than six months:

A-7197635, Apsis, Chrysostome Alexander.
A-7415400, Apsis, Diane Helen.
A-7351220, Donze, Peter.
A-4031108, Farfan, Domingo.
A-3544790, Fatovic, Sime.
A-7137472, Rodriguez-Guzman, Guillermo.
A-10255185, Santos, Manuel.
A-9678132, Tsakiridis, Anastasios.
A-8960659, Young, Richard Kai.
A-2068506, Gomes, Salvador.
A-7083633, Lyras, Sozon.
A-6799270, Ojeda, Miguel Carrizales.
A-11134483, Ojeda, Simona Hernandes.
A-5962211, Schoenfeldt, Rudolf Herman.
A-10088698, Yew, Lai Wo.
A-10073984, Sirakof, Mehmadale Ibrahim.
A-3848598, Ying, Shih Tseng.
A-3354528, Ying, Agnes S.
A-4314277, Hochstaedt, Amalie.
A-3870732, Hochstaedt, Samuel.
A-9799578, Wong, How Tung.
A-9734746, Wai, Young.
A-5631916, Cooper, Morris.

REPORT ENTITLED "ORGANIZATION OF FEDERAL EXECUTIVE DEPARTMENTS AND AGENCIES" (S. REPT. NO. 1267)

Mr. McCLELLAN. Mr. President, I submit herewith on behalf of the Committee on Government Operations a report on "Organization of Federal Executive Departments and Agencies." This report was compiled by the staff of the Committee on Government Operations along with a chart showing in detail the organizational structure of the executive branch of the Federal Government and the number of employees assigned to its various operations.

The report, which was compiled upon information submitted to the committee by the heads of the various departments and agencies of the Federal Government, reflects that the total number of Federal civilian employees increased to 2,378,961 as of January 1, 1960, compared to 2,352,863, as of January 1, 1959, a net increase of 26,098 during the year. This compares with a net increase of 26,987 in 1958.

In the 20th of a series of special reports to the Senate on "Organization of the Executive Branch of the Government," dating from 1947, the committee reported a total increase of 57,455 during 1959 in the civilian executive departments of the Government which was offset by a decrease of 36,277 civilian employees in the military departments, resulting in a net increase of 21,228 in the 10 Cabinet departments alone. In addition, there was a 4,706 increase in the 55 independent agencies. On top of that, the White House reported an increase of 140 employees in the Executive Office of the President bringing that Office's total paid civilian employees to 2,814. These additions bring the total increase in executive branch employment for 1959 to 26,074. The judicial branch reported an increase of 54, but the legislative branch a decrease of 30, resulting in the total increase for the Government of 26,098.

The total Federal employment of 2,378,961 as of January 1, 1960, was divided among the three branches of Government as follows: The executive branch 2,351,786, the legislative branch 22,242, and the judicial branch 4,933. Of the 2,351,786 employees in the executive branch, 168,654—of which 59,558 were American citizens—were employed overseas as of January 1, 1960, compared to 196,561—of which 85,595 were American citizens—on January 1, 1959, a decrease of 27,907.

The executive branch's total of 2,351,786 as of January 1, 1960, compares with 2,334,697 as of January 1, 1955, 5 years ago, and with 1,961,029 as of January 1, 1950, 10 years ago, an increase during the past decade of 390,757 Federal civilian employees.

Total executive branch employment as of January 1, 1950, to January 1, 1960, by years follows:

Jan. 1:	
1950	1,961,029
1951	2,165,362
1952	2,484,412
1953	2,564,111
1954	2,349,962
1955	2,334,697
1956	2,329,019
1957	2,376,513
1958	2,298,883
1959	2,325,712
1960	2,351,786

Included in the report is a section showing that 63 agencies, commissions, boards, and other instrumentalities of Government have been created since January 1, 1947, including a Cabinet Department, the Department of Health, Education, and Welfare, and the establishment of the Department of Defense. During this same period 43 agencies, commissions, and components of Government have been abolished, consolidated with or their functions transferred to other agencies, reflecting a net increase of 20 agencies during that period.

The committee report contains a special section covering the creation of Government commissions, which covers 20 permanent and 10 temporary commissions, including an outline of the objectives and status of each of the latter. In addition, during the period from January 1, 1947, to January 1, 1960, 13 temporary commissions have been abolished or terminated after performing the functions assigned to them.

I ask that the report be printed.

The PRESIDENT pro tempore. The report will be received and printed, as requested by the Senator from Arkansas.

REPORT ENTITLED "NATIONAL PENITENTIARIES" (S. REPT. NO. 1268)

Mr. HENNINGS, from the Committee on the Judiciary, pursuant to Senate Resolution 60, 86th Congress, 1st session, as extended, submitted a report entitled "National Penitentiaries," which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. BYRD of Virginia, from the Committee on Finance:

Robert A. Forsythe, of Minnesota, to be an Assistant Secretary of Health, Education, and Welfare.

By Mr. EASTLAND, from the Committee on the Judiciary:

William F. Howland, Jr., of Virginia, to be a member of the Board of Parole.
Richard A. Chappell, of Georgia, to be a member of the Board of Parole.

By Mr. HENNINGS, from the Committee on the Judiciary:

William H. Webster, of Missouri, to be U.S. attorney for the eastern district of Missouri.

By Mr. HRUSKA, from the Committee on the Judiciary:

Clemente Ruiz Nazario, of Puerto Rico, to be U.S. district judge for the district of Puerto Rico.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PROXMIRE:

S. 3359. A bill to amend the Administrative Procedure Act to provide for the public disclosure of certain congressional communications relating to proceedings conducted by administrative agencies, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. PROXMIRE when he introduced the above bill, which appear under a separate heading.)

By Mr. JOHNSTON of South Carolina (by request):

S. 3360. A bill to amend sections 22, 23, and 24, title 13, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

CONCURRENT RESOLUTION SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Mr. EASTLAND, from the Committee on the Judiciary, reported an original concurrent resolution (S. Con. Res. 103) favoring the suspension of deportation in the cases of certain aliens, which was placed on the calendar.

(See the above concurrent resolution printed in full when reported by Mr. EASTLAND, which appears under the heading "Reports of Committees".)

AMENDMENT OF ADMINISTRATIVE PROCEDURE ACT TO PROVIDE PUBLIC DISCLOSURE OF CERTAIN CONGRESSIONAL COMMUNICATIONS

Mr. PROXMIRE. Mr. President, the Subcommittee on Administrative Practice and Procedure of the Judiciary Committee has been studying the problem of ex parte contacts with regulatory agencies. Hearings have been held on a bill introduced by the junior Senator from Colorado [Mr. CARROLL] (S. 2374) which would attempt to publicize such contacts so that the country could know what is going on behind closed doors.

In their quasi-judicial capacity, members of the regulatory commissions must behave much as judges should. One of the basic canons of the judicial code of ethics is that a judge must not receive ex parte communications without making them known to the opposition counsel—Judicial Canon 18, American Bar Association Canons of Judicial Ethics.

We have had a long series of revelations in recent months of the kind of ex parte communications, as well as social favors—6 days of hospitality on a yacht, social weekends and so forth—received by members of the Federal Communications Commission, the Civil Aeronautics Board, and the Federal Power Commission. In the most recent case it appears entirely possible that the private representations of a gas company lawyer resulted in a change of heart in the Federal Power Commission and brought about a more favorable ruling for the gas company than might otherwise have been given.

The junior Senator from Colorado is to be highly commended for introducing S. 2374 and for seeking a solution to this problem in his subcommittee. It is my understanding that in the discussions on this bill, certain questions have been raised about whether it will do the whole job, and that the subcommittee is still receptive to ideas for sharpening and clarifying the procedures to be prescribed.

With this background in mind I am introducing today my own bill dealing with at least one phase of this problem. When Members of Congress point the finger at private companies for this kind of ex parte communications there are those who feel that this is a case of the pot calling the kettle black. Critics point out that Senators and Representatives frequently do make inquiries or representations on behalf of their constituents with the regulatory commissions. The bill that I am introducing requires that all such contacts by Members of Congress be recorded in a public congressional file to be maintained in each agency. With this kind of procedure, any citizen, member of the press, or opposition politician could judge for himself the nature of the communications taking place between Members of Congress and persons charged with making these delicate quasi-judicial, quasi-administrative decisions. This file would be permanently available whereas a record in case file would be closed after the hearing is concluded.

I would point out that in addition to the fact that my bill proposes a congressional file, there are one or two other points which might be taken into consideration by those who are studying this question. It is proposed as an amendment to section 5 of the Administrative Procedure Act—5 U.S.C. 1004—rather than as a new act. Finally, we have tried to make the language of the bill, including the definitions of just what proceedings are to be covered, as clear and concise as possible.

In this kind of question we are dealing again with this very difficult area of personal conduct. There are those who feel that these things cannot be regulated by law, but I believe that the requirement of publicity in this case will give new confidence to the American people that the activities of their elected representatives are entirely in the public interest and need no concealment from the scrutiny of public opinion.

I introduce the bill I have described and ask that it be appropriately referred.

Mr. President, I ask that the bill which I am introducing be printed in the RECORD and also that an editorial in the Milwaukee Journal March 27, 1960, which strongly endorses the principle of this bill, be placed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and without objection, the bill and editorial will be printed in the RECORD.

The bill (S. 3359) to amend the Administrative Procedure Act to provide for the public disclosure of certain congressional communications relating to proceedings conducted by administrative agencies, and for other purposes, introduced by Mr. PROXMIRE, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 5 of the Administrative Procedure Act (5 U.S.C. 1004) is amended by adding at the end thereof the following new subsection:

"(e) CONGRESSIONAL COMMUNICATIONS.—Whenever any agency proceeding is conducted by any agency with regard to any matter as to which agency action can be taken only after notice and an opportunity for hearing has been accorded to interested parties, and any written communication with respect to the status, disposition, or merits thereof is received by such agency from any Member of Congress, such communication and a true and correct copy of any written response made by the agency to any oral or written communication received by the agency from any Member of Congress with respect to the status, disposition, or merits of any such agency proceeding, shall be deposited promptly in a congressional file which shall be established and maintained in the principal office of that agency. The true and correct substance of any oral communication received by any agency from any Member of Congress, and the true and correct substance of any oral response made by any agency to any communication received from any Member of Congress, with respect to the status, disposition, or merits of any such agency proceeding, shall be reduced to writing by any member, officer, or employee thereof who receives such communication or responds thereto. The original of each such writing shall be deposited promptly in the congressional file, and a copy thereof shall be transmitted promptly to the Member of Congress concerned. The congressional file established within any agency in compliance with this subsection shall be available for public inspection during all business hours of that agency. The documents deposited in any such file shall be so arranged, classified, and indexed as to facilitate the examination of all such documents which relate to each particular agency proceeding. As used in this subsection—

"(1) The term 'agency' includes any member, officer, or employee of any agency; and

"(2) The term 'Member of Congress' includes any Member of Congress, any elected officer of either House of the Congress, any employee of any Member of Congress, and any employee of any joint committee of the Congress or any committee or subcommittee of either House of the Congress.

(b) The amendment made by this Act shall take effect on the first day of the second month beginning after the date of enactment of this Act.

The editorial presented by Mr. PROXMIRE is as follows:

LIMITING IMPROPER INFLUENCE

In discussing ways to protect regulatory agencies from improper outside influence, Congressmen shy away from imposing curbs on Congress. It is the duty of Congressmen, they say, to serve constituents by asking the status of cases before regulatory agencies in which constituents are interested.

One proposed curb seems innocuous enough—but important. It would merely do this: When a Congressman called a regulatory agency or any official connected with it a record of the call and its purpose would be included in the official case record. Thus it would be out in the open where the public could see it.

If a Congressman's inquiry or call at an agency was legitimate the record would speak for itself and he would have nothing to fear. He could serve his constituent and get credit for it while being protected from any implication that he was up to anything wrong. Who could object to this rule except the Congressman who did mean improperly to influence an agency?

PROVISION FOR PRIVATE AIRCRAFT TO TRAVEL BETWEEN THE UNITED STATES AND CANADA OR MEXICO WITHOUT REQUIRING CERTAIN REIMBURSEMENT — ADDITIONAL COSPONSOR OF BILL

Mr. MURRAY. Mr. President, on January 21, 1960, I introduced the bill (S. 2874) to provide that private aircraft may travel between the United States and Canada or Mexico without requiring the owners or operators thereof to

reimburse the United States for extra compensation paid customs officers and employees.

I ask unanimous consent that the name of the senior Senator from Minnesota [Mr. HUMPHREY] be added as a cosponsor of the bill the next time it is printed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENSION OF TIME FOR FILING REPORT—INDEFINITE POSTPONEMENT OF RESOLUTION

Mr. McCLELLAN. Mr. President, I ask unanimous consent that Calendar No. 1244, S. Res. 294, a resolution extending the time for filing the final report of the Select Committee on Improper Activities in the Labor or Management Field and continuing its authority, be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, let me ask the Senator from Arkansas a question. What the indefinite postponement of Calendar No. 1244, Senate Resolution 294, really means is that the so-called McClellan committee, the Select Committee on Improper Activities in the Labor or Management Field, came to an end at midnight on March 31 this year, and is no longer in existence.

Mr. McCLELLAN. That is correct; and there is now nothing pending before the Senate to revive it.

NOTICE OF HEARING ON NOMINATION OF LOUIS WELLINGTON CABOT TO BE REPRESENTATIVE OF THE UNITED STATES TO THE 15th SESSION OF THE ECONOMIC COMMISSION FOR EUROPE OF THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS

Mr. FULBRIGHT. Mr. President, on behalf of the Committee on Foreign Relations, I desire to announce that the Senate today received the nomination of Louis Wellington Cabot, of Massachusetts, to be the representative of the United States of America to the 15th session of the Economic Commission for Europe of the Economic and Social Council of the United Nations.

In accordance with the committee rule, the pending nomination may not be considered prior to the expiration of 6 days.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. WILEY:

Broadcast by him over Station WGN, Chicago, on April 3, 1960, relating to the economic situation.

NEED FOR TAX REFORM

Mr. WILEY. Mr. President, on April 15, the American taxpayer, if he has not previously done so, will feel the "cut" of Uncle Sam's "take" of his income.

Over the years, the administration of public affairs, particularly as these relate to defense as well as promoting the general welfare, has resulted in higher and higher costs to Mr. and Mrs. John Q. Public.

The U.S. tax system has grown to gargantuan size through enactment of new laws, revision of old ones—in rare cases, repeal, and in other modifications of the tax system.

The taxpayers, today, particularly those in the lower income bracket, are "hard put," because of the high costs of living, to pay bills, including taxes.

From time to time, evidence, reveals that there are inequities in our tax system, including escape of a substantial amount of revenue, either in part or altogether.

The philosophy of a realistic, equitable tax system should be not to destroy, but, insofar as possible, to create incentive, while at the same time requiring and allowing individuals, businesses, and industries to make a necessary contribution to the general welfare.

The fast-changing times and economic conditions, I believe, warrant a new look at our tax laws, to assure that they reflect, and take into account, the changing economic conditions of our society.

Since the outlook for immediate, large-scale reductions is extremely dim, this would be a particularly opportune time to make a comprehensive overhaul of the tax structure.

Yesterday This Week magazine, a Sunday supplement, published a thought-provoking article entitled "Our Scandalous Income Tax Snarl," by Dexter M. Keezer, family-finance editor of this fine publication.

Among other conclusions, Mr. Keezer, in the constructive article, finds our tax system "(1) tortuously complicated, (2) grossly unfair, and (3) bountifully equipped with loopholes."

Interestingly, he concludes as follows:

The only way I can see of having a tolerably good chance of adequate income-tax reform is to:

1. Create a special task force with personnel and prestige comparable to that of the original Commission on Governmental Reorganization, headed by former President Hoover.

2. Give the commission the duty of preparing for Congress and the Nation a comprehensive set of plans for a fair and efficient Federal income-tax structure to replace the present lopsided, jerry-built contraption.

In the Treasury Department, in Congress, and congressional tax staffs, in the Internal Revenue Service, in the universities and in the business community we have the technical capacity to put the Federal income-tax system in respectable order. But it must be mobilized and given strong and sustained direction. Also, it must be accorded the highest prestige that the Government and the people can confer.

My colleagues will recall that in the 1st session of this Congress I introduced a bill, S. 1885, to establish a Hoover-type Tax Commission. The purpose would be to iron out inequities, plug loopholes, so far as possible, more fairly distribute the tax burdens, and generally provide a fairer tax system.

Currently, the measure is pending before the Senate Finance Committee.

In the light of the great need, as well as the fact that this appears to be an opportune time for such an action, I respectfully urge action by Congress on this legislation as soon as possible.

At this time I ask unanimous consent to have the article printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From This Week magazine, Apr. 10, 1960]

OUR SCANDALOUS INCOME-TAX SNARL

(By Dexter M. Keezer)

"Our tax system has become a house of horrors." The characterization is that of Congressman WILBUR D. MILLS, Democrat, of Arkansas, whose Ways and Means Committee has legislative responsibility for seeing that our Federal tax system meets the revenue needs of the Government fairly and efficiently.

Today the odds are that the income tax you are preparing to send Uncle Sam is neither a fair nor efficient cut of your income. And every year the law tends to get less fair and less efficient, as new amendments and interpretations are tacked on to the rickety, jerry-built structure.

Let's look at some of the fantastic details of our tax tangle before I tell you how you can help get a sweeping tax cleanup under way.

In hearings recently completed by Chairman Mills and his committee, no less than 175 tax experts convincingly demonstrated that our Federal income tax system is (1) tortuously complicated; (2) grossly unfair; (3) bountifully equipped with loopholes.

One observer put it bluntly: "These characteristics are making crooks of millions of men."

Let's take a closer look.

Complications: Even the person fervently intent on paying every cent of income tax he owes may not succeed because of the vast complexity of the forms, rules and regulations. The chasing of income exemptions, deductions and tax calculations back and forth around Form 1040 and through the dozen packed pages of instruction is a maddening process.

As a small sample, take this gem from the instructions on handling "Medical and Dental Expenses": "If you pay someone to perform both nursing and domestic duties, you can deduct only that part of the cost which is for nursing." So you have a relapse trying to break down the practical nurse's time between bedroom and kitchen.

This is an infinitesimal part of the complexity embodied in over 3,000 (yes, 3,000) pages of law and basic regulations, plus some 225 large volumes of decisions and interpretations, which form the groaning library of facts about our income tax.

Unfairness: Fifty million of us have our wages or salaries subjected to witholding tax. But while 95 percent of this income is caught in the tax collector's net, the experts say that several other types of income never appear on Federal income-tax returns: 50 percent of the total income of farmers, 25 percent of income of unincorporated businesses, 15 percent of dividend payments, 58 percent of interest payments.

The Government loses a billion dollars a year in taxes not collected on interest payments and dividends alone.

Another example of unfairness is the unequal treatment shown married and unmarried persons. The tax law discriminates against bachelors and spinsters, who with exactly the same incomes as married couples pay for larger income taxes.

An expert who works with Chairman MILLS demonstrated for me how an elderly couple with an income of $6,000 may be getting off income-tax free while a young couple with exactly the same income, but without the benefit of special tax dispensations for older people, is being stuck with paying a tax of about $800.

Loopholes: It is possible to have an annual income of $100,000 and pay no Federal income tax at all. This is done by having the income in the form of interest on State and municipal bonds which are exempted from the Federal tax. About $49 billion of these bonds are outstanding, to provide a major escape hatch from Federal income tax.

Another escape route is provided by the way capital gains are handled. On income in the form of long-term capital gains (roughly, profits on the sale of property held more than 6 months) the tax is never higher than 25 percent. This is not much higher than the 20-percent rate for the lowest tax bracket. People in the higher tax brackets often manage to take advantage of the much lower capital gains rate for part of their income.

THAT CAPITAL-GAINS LOOPHOLE

Although it is often called a loophole, the special 25 percent maximum rate on capital gains was no oversight by Congress. This special treatment has been deliberately enacted to encourage capital investment by giving preferential treatment to gains from it. So were a whole series of provisions for special allowances on income from oil wells and mines to offset the depletion of the resources being used up.

There is nothing wrong with a policy aimed at encouraging a high rate of investment. But Congress hasn't followed up to see that its income-tax incentives to a high level of investment are working. There currently is a hodge-podge of depletion allowances, running from 27½ percent for income from oil and gas wells, 23 percent for uranium, 10 percent for asbestos (yes, that's mined) down to 5 percent for sand and gravel. Capital gains provisions apply to some sales of cattle and sheep but not to sales of turkeys and chickens.

THE TAX STAYS THE SAME

The 25 percent capital-gains tax applies if the capital involved is held for 1 day over 6 months. But after that the tax remains 25 percent indefinitely and the capital can be held from them on to eternity, including transfer at death, without being required to pay the tax. Result: Far from encouraging new investment, the tax keeps billions of dollars tied up in old investments.

There is no tax on a whole range of "fringe benefits" (free medical service, free insurance, etc.) and often payments in kind (free meals, lodging, etc.) provided by business firms for their employees. I was told that they add up to about $30 billion a year.

Business people with expense accounts to entertain their customers almost inevitably increase their own tax-free real income in the process.

There are obviously a lot of business expenses for travel, entertainment of customers, and so forth, which are legitimate. But when the expenses of maintaining yachts and going on safaris to Africa get deducted and approved as "ordinary and necessary" business expenses, the whole process seems designed to encourage the artful dodger.

The experts say that around $1.5 billion a year is improperly deducted from taxable income for dubious business expenses and that the Government loses somewhere around $750 million in taxes as a result.

But, in the minds of many people, the tax loss through income-tax evasion is not as serious as another loss—that of business and personal honesty. On this, Senator JOSEPH S. CLARK, Jr., Democrat, of Pennsylvania, said to me, "Tax reform is a 'must' not only to insure that public revenues cover national needs, but also to eliminate those provisions which reward deceit, dishonesty and immorality."

The present income tax setup is undermining what has been one of the Nation's greatest strengths. That is the general inclination of the people to pay their taxes willingly and honestly. In too many countries beating the tax collector is a way of life. It is also a well-worn way to political and economic decay.

It was made very clear to me, however, that the income tax is never going to be straightened out by piecemeal efforts to eliminate abuses and discriminations. One obvious reason is that the large army of those getting special tax breaks can readily be rallied to squash isolated reform efforts.

Also, an adequate revision of the income tax code is a job of such great technical complexity that it calls for the full-time effort of a large and, needless to say, competent staff especially assigned to it.

The only way I can see of having a tolerably good chance of adequate income-tax reform is to:

1. Create a special task force with personnel and prestige comparable to that of the original Commission on Governmental Reorganization, headed by former President Hoover.

2. Give the commission the duty of preparing for Congress and the Nation a comprehensive set of plans for a fair and efficient Federal income-tax structure to replace the present lopsided, jerry-built contraption.

In the Treasury Department, in Congress and congressional tax staffs, in the Internal Revenue Service, in the universities and in the business community we have the technical capacity to put the Federal income-tax system in respectable order. But it must be mobilized and given strong and sustained direction. Also, it must be accorded the highest prestige that the Government and the people can confer.

A LETTER MIGHT HELP

Probably the preeminent requirement, however, is that the harassed legions of income taxpayers let it be known unmistakably that they want the job done. So, along with paying your income tax as honestly as you possibly can, send a note expressing your sentiments to the tax collector. He doesn't write the laws but he'll pass the word along.

You might send your Congressman a copy of your note. Also, you can insist that the candidates in the coming presidential election commit themselves on the problem of cleaning up the income tax "house of horrors."

Doing your part to get the mess cleaned up has become a patriotic duty. For, again in the words of Chairman MILLS, "bringing order out of chaos is as important to our national survival as is our defense program."

UTAH'S COMPARATIVE POSITION IN EDUCATION

Mr. MOSS. Mr. President, the Utah Foundation, a private, nonprofit research agency dedicated to a study of State and local government in Utah and to the effect of taxes and public expenditures on the State's economy, has recently published a report entitled "Utah's Comparative Position in Education." There is a striking similarity between the figures and conclusions in this report and those I gave on the floor of the Senate in my speech in support of S. 8, the Senate-passed Federal aid to education bill. The report takes no stand on Federal aid, of course, but it makes an excellent case for it.

Through necessity and by profound conviction, Utah has always placed a heavy emphasis on education. The size and scope of Utah's educational responsibility is outlined in a highlight summary which preceded the body of the foundation's report. The summary states:

Utah has one of the highest—if not the highest—educational burdens in the Nation. This situation is due to a combination of high birthrate, a traditional zeal for education, stringent school attendance laws, low personal income, few private schools, and a recent influx of new inhabitants.

To fulfill this immense responsibility, Utah squeezes the most out of every education penny by consolidating school districts, cutting down one-teacher schools, and making the system as efficient as possible. This efficiency has been widely recognized and commended.

The size of the problem is compounded by the great desire in Utah for higher education, where the percentage of the population enrolled in public colleges and universities is twice the national average.

Financing this huge educational system at all levels has put a tremendous strain on the tax structure of the State.

"By almost any standard of measurement," the foundation summary points out, "Utah's financial ability to support education is low when compared with other States. Utah ranks 43d in the amount of personal income per school child enrolled in public schools—total individual income payments in the State divided by the public school enrollment—and 47th in the amount of income per student enrolled in the public colleges."

This point is expanded in the body of the report:

The State's per capita personal income is approximately 16 percent below the national average.

The average wage received by Utahans in covered employment (jobs subject to unemployment compensation laws) is 7 percent below the average of the United States.

In 1956 the amount of assessed valuation for property tax purposes (in most States the major revenue source for schools) per enrolled pupil in Utah was 38 percent below the national average, and 18 percent under the Rocky Mountain average.

Utah has watered down these handicaps by devoting a much higher proportion of its personal income to education than most other States. In 1959–60, the report says, it has been estimated that the "State and local school revenue in Utah will be equal to 5.42 percent of the State's personal income. This percentage is approximately 59 percent greater than the average for the entire United States—3.49—and 27 percent above the average for the Rocky Mountain States—4.26."

Despite this heroic effort to give Utah's children the best education in the country—and here the report reveals figures which are the crux of the matter—the State is able to spend only $345 a year per schoolchild, in comparison to a national expenditure of $369 and an expenditure for the Rocky Mountain States of $374.

Mr. President, Utah has done a magnificent job of educating its children

with fewer dollars than most States, and it has acquired a high academic reputation in the Nation. Because of the lack of funds there are naturally some shortcomings in the program, and these have been pointed out by surveys conducted by the Utah Public School Survey Commission and by a committee of management and industrial leaders. These surveys state that we are failing, as the foundation report reiterates, to prepare fully Utah young people for the opportunities of today and that our schools are below desirable standards in teaching certain basic skills.

In total impact, therefore, the foundation report offers an unanswerable argument for the equalization formula. It is an argument offered unintentionally, but it is none the less emphatic.

Under the provisions of S. 8, as everyone remembers, every State would receive grants-in-aid totaling $20 per school child for each of the next 2 years. This would enable relatively low per capita income States like Utah to spend more on the education of each of its children and to approach the educational standards reached by the richer States. It would give those States at the bottom of the educational ladder a fighting chance to provide educational opportunities for their children equal at least to those of the average States. It would raise the quality of education out across the land.

The equalization provisions of S. 8, to a very small extent, do on a nationwide basis exactly what the State of Utah has done on a statewide basis for years. Larger and richer districts and counties have provided tax funds which have been diverted into the schools in poorer districts and counties. No one has questioned the right or the wisdom of the State in doing this. Most people have considered it a matter of pure necessity. This policy has equalized educational opportunities within the State, and it can equalize educational opportunities across a nation—to the undeniable benefit of all. With Americans, and young people particularly, on the move, no one area can afford to turn its back on poor schools and educational opportunities in another. Illiteracy and half learning know no State boundaries.

Grants for Federal aid to education are, of course, not the only equalizing Federal grants. All of the Federal Government's grants to State and local governments have equalizing factors since they balance expenditure opportunities between the so-called poor and rich States.

Detailed information on the aiding and aided States was published recently by the New Jersey Taxpayers Association. Their report shows that there are 14 States which contribute more to the Federal Government than they receive in Federal aid. The outgoing Federal aid tax cost to these 14 States is $2.2 billion, and their incoming Federal aid is $1.4 billion.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. MOSS. Mr. President, I ask unanimous consent to have an additional 2 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MOSS. Mr. President, the amounts taxpayers in each of these States pay in taxes for each dollar returned in Federal aid is as follows:

Delaware	$2.68
New Jersey	2.62
Connecticut	2.06
Indiana	1.87
New York	1.79
Illinois	1.71
Pennsylvania	1.67
Ohio	1.40
Maryland	1.38
Michigan	1.38
Wisconsin	1.30
Massachusetts	1.29
Virginia	1.15
California	1.06

I want to point out here, Mr. President, that for these 14 "aid-ing" States, it is not entirely a matter of all outgo, with nothing in return. Their Federal tax dollars which are invested in other States are not an expense, but a capital investment. Take, for example, the tax dollars which would go into Federal grants-in-aid for education.

Most of these 14 States are the great industrial States which draw personnel from all over the country. Good elementary and secondary educations are basic for the type of personnel they want and need. When they can contribute a very small fraction of the educational costs of a State that is doing the job Utah is—and a State that sends as many men and women to work in the highly industrialized States—they are getting a real bargain. They know that Utah is already making a creditable contribution to their scientific and professional staffs and to their general work forces—but that under equalization, Utah could make an even more substantial contribution.

The "aided" States—the remaining 36 States and the District of Columbia—received Federal aid dollars which, according to the New Jersey report, cost them anywhere from 16 to 97 cents. These States, and the amounts they paid for each $1 of Federal aid returned to them are:

Florida	$0.97
Minnesota	.93
Hawaii	.83
Nebraska	.81
Rhode Island	.78
Oregon	.75
Washington	.75
District of Columbia	.74
New Hampshire	.74
West Virginia	.74
Kansas	.73
Texas	.73
Maine	.71
Iowa	.67
Missouri	.65
Tennessee	.64
Vermont	.64
Utah	.62
North Carolina	.61
Kentucky	.60
Colorado	.54
South Carolina	.54
Georgia	.51
Idaho	.49
Arizona	.48
Montana	.48
Nevada	.48
Louisiana	.45
Alabama	.41
South Dakota	$0.37
Oklahoma	.34
North Dakota	.32
Wyoming	.31
Arkansas	.30
New Mexico	.27
Mississippi	.25
Alaska	.16

It is obvious, therefore, that, on the basis of the New Jersey study, all States would get a good buy of one type or another under the equalization formula of the Federal aid to education bill. The "aid-ing" States would get better trained people for their industrial operations; the "aided" States would receive more money to build a better educational system, which in the case of Utah would be almost $2 in Federal aid returned to the State for every $1 in Federal taxes paid out. And, most important of all, the country as a whole would profit by the added strength and security that a better educated citizenry could give it.

I believe that a Federal aid to education measure is scheduled to come before the other body shortly, and I hope that it will be summarily passed. In my opinion, this Congress must not adjourn before taking action to move us more closely to our ultimate goal of a quality education for every American child.

In conclusion, I ask unanimous consent to have printed in the RECORD at the close of these remarks the entire "highlight" section of the Utah Foundation research report, entitled "Utah's Comparative Position in Education."

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

HIGHLIGHTS

Historically, Utahans have placed a great amount of emphasis on education. A number of impartial studies over the years have placed Utah at or near the top in overall educational performance.

Utah has one of the highest—if not the highest—public educational burdens in the Nation. This situation is due to a combination of a high birthrate, a traditional zeal for education, stringent school attendance laws, low personal income, few private schools, and a recent influx of new inhabitants.

In addition to a high public school load, Utah has a large burden of providing higher education. The percent of population enrolled in public colleges and universities in Utah is twice the national rate.

Most Utah residents (more than 90 percent) choose to remain in the State for their college training. Utah institutions of higher education, however, tend to attract many students from other States. This is true for both the public and private colleges. As a result, the net inmigration rate of college students at public colleges and universities in Utah is third highest in the Nation.

By almost any standard of measurement, Utah's financial ability to support education is low when compared with the other States. Utah ranks 43d in the amount of personal income per child enrolled in the public schools (total individual income payments in the State divided by the public school enrollment), and 47th in the amount of income per student enrolled in public colleges.

Utah ranks near the top among the 50 States in the percentage of personal income which is devoted to public education. If every State in the Nation made the same relative effort as does Utah, an additional $7.7 billion in State and local revenue would be available to the schools across the Nation.

Capital outlay expenditures for public schools last year were equal to 1.77 percent of Utah's personal income, compared to 0.91 in the Nation. If all States had spent the same percentage of personal income for public school capital outlay as did Utah, an additional $3,076 million—enough to build 77,900 new classrooms—would have been available in the Nation for this purpose last year.

Despite the high proportion of personal income being devoted to education in Utah, the amount spent per schoolchild is somewhat below the national average. National Education Association estimates place the current expense per schoolchild this school year (1959–60) at $365 for Utah, $369 for the United States, and $374 for the eight Mountain States.

Because of differences in the relative efficiencies of the respective school systems, the cost per schoolchild measurement is not always an accurate indicator of effort or quality of education. In general, Utah operates an efficient school system with few one-teacher schools (fewer than 5 percent compared with 27 percent for the Nation), a limited number of separate administrative units (only 40 as contrasted with an average of 812 school districts per State throughout the United States), and a high degree of school consolidation.

When school expenditures are related to the number of teachers, or classrooms, the amount spent in Utah is above the United States and Mountain States averages.

National Education Association estimates indicate that the average salary received by Utah teachers this year (1959–60) is approximately equal to the averages for the United States and the eight Mountain States.

Utah has a higher percentage of male teachers in its school system than any other State. Approximately 42 percent of Utah's 1959–60 teaching force were men, compared with 27.6 percent for the Nation as a whole.

Nearly 92 percent of Utah's elementary teachers have had 4 or more years of college preparation. Nationally, only 75 percent of the elementary teachers have completed 4 or more years of college.

TREASURY OFFERING OF 4¼ PERCENT 25-YEAR BONDS

Mr. BUSH. Mr. President, I wish to comment upon the recent Treasury offering of 4¼ percent 25-year bonds. I will say, inasmuch as the name of the senior Senator from Illinois [Mr. DOUGLAS] comes into this discussion, I notified the Senator on Friday that I intended to comment, but unfortunately he cannot be present. I hope his staff will bring my remarks to his attention.

Mr. President, in commenting upon the Treasury offering of 4¼ percent 25-year bonds that drew only $370 million of public subscriptions, the senior Senator from Illinois, according to the Wall Street Journal and the New York Times, said:

> I do not charge the Treasury with deliberately planning to have the issue fail, but I do say that if it had planned for failure it would not have acted much differently.

This is in effect a condemnation of either the integrity or judgment of those Treasury officials charged with the responsibility of managing the public debt.

Mr. President, I take strong exception to this charge, or to this implication. While the Senator from Illinois says he does not charge that failure was planned, he raises the question and by implication does indict the Treasury for having planned a failure in this important offering. I object to this, because the Secretary of the Treasury is my constituent, my friend, and my neighbor in the State of Connecticut, and I believe he is one of the most honorable men who has ever sat in the office of Secretary of the Treasury. I deplore this reflection upon his integrity.

One would think that so serious an implication would be supported by strong convincing evidence. But such is not the case. The Senator, taking the role of a "Monday morning quarterback," bases his case on his absurd contention that—and I quote the New York Times—the Treasury "did not give adequate notice to the special types of investment institutions which would have been interested in this issue of bonds."

The fact is that the offering was announced Thursday afternoon, March 31, and the terms were carried on Friday morning in newspapers throughout the country; the Federal Reserve banks, acting as fiscal agents for the Treasury, distributed tens of thousands of notices describing the issue, and these were in the hands of most potential buyers by Friday and at the latest, by Monday morning; and the so-called market letters which many investors received Monday morning carried not only a description of the offering but a detailed analysis of the securities from an investment standpoint.

I also wish to say, Mr. President, the issue had the biggest buildup of any issue the Treasury has had in many a year. Therefore, any investor who was at all interested in this type of security had plenty of notice.

This is convincing evidence that the offering was indeed well advertised, and that even the smallest investors had adequate information to make up their minds and submit their subscriptions by midnight, Tuesday, April 5.

The position of the senior Senator from Illinois is puzzling in still another respect. He has argued at length that the Treasury should sell all of its long-term bonds on an auction basis; this method, he maintains, would assure the Treasury the lowest possible interest rate. Thus, he is asking us to believe that the savings type investors, such as pension funds, would be eager to enter bids for new bonds, figured to the last decimal point, despite the fact that chances of loss because of a high bid in terms of price might be very great indeed.

The PRESIDING OFFICER (Mr. Moss in the chair). The time of the Senator from Connecticut has expired.

Mr. BUSH. Mr. President, I ask unanimous consent that I may continue for another 3 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut? The Chair hears none, and it is so ordered.

Mr. BUSH. Mr. President, while the Senator would argue that such investors are sufficiently informed and sophisticated to make such bids with confidence, he now states that they are not sufficiently aware of the terms of a widely advertised new Treasury bond issue to prepare and submit a subscription at a stipulated price within a period of 5 days. Are we to assume that the Senator is no longer in favor of the auction technique for selling long-term bonds? Or are we to assume that sometime within the past few weeks the degree of sophistication of investors in Government securities throughout the country has somehow decreased greatly?

I will say parenthetically, Mr. President, that all these investors can buy all the bonds they want now at a discount, because this morning the bonds are selling at 99 11/32. Everyone can come and get them. This is several days after the books were closed, so it is plenty of notice.

All of this, I believe, gives a very dubious value to the assertions of the able Senator, my good friend, the senior Senator from Illinois.

If the pension funds want to buy these bonds so badly, they can do so now and get them at a discount.

"Monday morning quarterbacking" is fair play in the sporting world, but we cannot accept such reasoning when applied to so serious a matter as management of the public debt. The Senator said nothing about the terms of the issue on Thursday night, March 31; Friday, April 1; Saturday, April 2; Sunday, April 3; Monday, April 4; Tuesday, April 5; or Wednesday, April 6. But on Thursday, April 7, after the announcement of the results, he suddenly tells us that the offering was, in effect, doomed to failure from the very first. And he strongly implies that the Treasury planned it that way.

This is a cruel indictment, indeed.

In conclusion, Mr. President, the fact is, of course, that there simply is not any significant demand for long-term Treasury bonds at interest rates of 4¼ percent or below. This is the reason only $370 million of the bonds, out of a maximum offering of $1.5 billion, were subscribed for. The evidence is clear that the outmoded interest rate ceiling still prevents the Treasury from engaging in the debt lengthening that is so badly needed at this time. I call upon the senior Senator from Illinois, and his associates, to refrain from further speculation with the Government's credit; to face up to the central issue; and to return the authority over debt management to the Secretary of the Treasury, where the responsibility should and does rest.

Mr. President, I ask unanimous consent that some comments on adequate notice which I have prepared be printed in the RECORD at this point in my remarks.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

COMMENTS ON ADEQUATE NOTICE

There were no over-10-year bonds issued from 1946 through 1952. Not including yesterday, 7 issues were offered in the period 1953–59.

In no case was the elapsed time from announcement to book closing more than 6

days. Specifically 6 days, two issues; 5 days two issues; 4 days, two issues; 2 days, one issue. (All except one issue had 2-day weekends in middle.)

Participation by savings-type investors ranged from 29 to 73 percent of total issued (excluding Government accounts); participation in the recent issue by such investors was at least 54 percent.

Federal Reserve mailing lists have 30,000 to 35,000 names including all savings-type investors who have ever indicated interest.

Mr. BUSH. Mr. President, I also ask unanimous consent that an editorial from today's Washington Post and Times Herald entitled "The Squeeze Confirmed," be printed in the RECORD. The Washington Post and Times Herald points out in the editorial:

The disappointingly small subscription to the 25-year, 4¼-percent issue tends to show that any substantial lengthening of the average maturity of the Federal debt in prosperous times—when the effort ought to be made—will remain very difficult unless the ceiling is raised.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 11, 1960]

THE SQUEEZE CONFIRMED

The Treasury's testing of the long-term Government bond market was a bold move politically. This is true even if Senator DOUGLAS and others are right in arguing that the test was not as vigorous as it might have been. And the gamble has paid off, we think, for advocates of Treasury-sponsored legislation to lift the 4¼-percent ceiling on bond interest rates. The disappointingly small subscription to the 25-year, 4¼-percent issue tends to show that any substantial lengthening of the average maturity of the Federal debt in prosperous times—when the effort ought to be made—will remain very difficult unless the ceiling is raised.

This does not mean that better procedures for bond marketing are unnecessary. Mr. DOUGLAS and his colleagues on the Joint Economic Committee have suggested some improvements that the Treasury and the Federal Reserve Board ought to be acting upon. But despite the short notice, the existence of a kind of monopoly in Government bond marketing and other shortcomings, the experimental 25-year offering showed plainly enough that the 4¼-percent ceiling is too low to allow needed flexibility in debt management. We hope that the experience will persuade Congress that the compromise plan for partial removal of the ceiling already approved by the House Ways and Means Committee ought to be adopted as a minimum.

Mr. BUSH. Mr. President, I also ask unanimous consent that in addition there be printed in the RECORD an article from the Washington Post and Times Herald, written by Harold B. Dorsey; an editorial from today's issue of the Wall Street Journal on the same subject; and an article from the New York Times entitled, "Response Is Weak to Treasury 4¼s."

There being no objection, the articles and editorial were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 11, 1960]

TREASURY EXPERIMENTS

(By Harold B. Dorsey)

The Treasury offering last week of a long-term Government bond was not only significant because it was the first bond issue beyond 5 years maturity that the Treasury has been able to offer within the restrictive 4¼-percent ceiling in the past 12 months. Perhaps more significant, it also demonstrated a willingness on the part of the Treasury to experiment with some of the more important suggestions which have been made by congressional critics of the Government's financing techniques.

In view of the fact that credit markets eased sharply in the past couple of months, perhaps it can be argued that some interest savings occurred because the Treasury was not able to borrow long-term funds at the high interest rates prevailing in the past winter. At the same time, thousands of borrowers, small and large, find it difficult to forget that because the Government consequently was forced to compete with them for the available supply of short-term credit, they have had to pay excessively high interest rates in the past 9 months. The distortions forced on the credit markets also had an adverse effect on the availability of mortgage money, to the detriment of residential construction activity. In brief, the freezing of the interest rate in one sector of the credit market seriously disrupted the supply and demand for credit in the other sectors.

I would judge from an interview which I had with Senator DOUGLAS about 10 days ago that he is not so much opposed to the removal of the interest rate ceiling on Government bonds as he is anxious to use the occasion as an opportunity to demand certain changes in the techniques of the Treasury's financing operations. He is the generally recognized leader of the group which is blocking the legislation which would remove the 4¼-percent ceiling.

Over the years he has made very clear his convictions that Government financing should not be a prime determinant of national credit policies. And as a highly respected economist, he knows that arbitrarily fixing the price of anything—in this instance the interest rate on bonds—usually causes distortions in supply-demand-price relationships.

But he strongly believes that it would be in the best interest of the taxpayers if: (1) Steps were taken to eliminate unhealthy speculation that has been apparent in some of the Government's refunding operations; (2) if new bonds issued during periods of high interest rates had a provision which would permit the Government to call them before maturity during some future period when they could be refunded at lower interest rates; and (3) if the Treasury would offer its bonds at auction (rather than offering a set amount of bonds at a set price), thus letting the supply and demand forces establish the proper price.

To a considerable extent, the Treasury's most recent announcement of new financing encompassed these three ideas.

The announcement made it clear that future refunding operations would not necessarily give the holders of maturing bonds the right to exchange for the new bonds. This would seem to preclude speculation in the sometimes valuable rights of the old bonds to swap into the new issue.

The new 4¼ percent would mature in 25 years, but would give the Treasury the right to call them in for repayment after 15 years, if the Treasury then felt that the issue could be refunded into an issue carrying a lower interest rate.

While the new 4¼-percent bond was offered at a set price (par), one aspect of the auction feature was used, in effect, by permitting the market to establish how many bonds it is willing to buy at that price—any quantity up to $1.6 billion, with the hope that subscriptions would be at least $500 million. As the actual facts developed, however, investors would only take $370 million because the ceiling rate of 4¼ percent was not quite high enough.

During recent hearings before the Congressional Joint Economic Committee, Senator DOUGLAS and his group requested a letter from Treasury Secretary Anderson which would express his willingness to accept the foregoing suggestions. At that time Secretary Anderson demurred. But DOUGLAS will probably recognize in last week's financing the tangible evidence that the Treasury is giving very practical consideration to techniques which he has criticized.

And since these points have appeared to be an important portion of his reasons for objecting to lifting the interest rate ceiling on Government bonds, it would seem logical to presume that his resistance to that legislation has been considerably reduced.

Now that a change in the condition of the credit market is permitted the Treasury to obtain a very small portion of its needs in the long-term market within the 4¼-percent ceiling, there is a broad feeling that legislation to lift the ceiling has become academic. This attitude, however, presumes that credit conditions later on—possibly in the second half of this year—will not become just as tight as they were in the second half of last year.

The disappointing results of last week's bond offering clearly demonstrated that if credit tightens only a little from present levels, the Treasury again will be completely excluded from the long-term credit market, and again have to confine its credit needs to the short-term market, and again cause thousands of borrowers—large and small—to pay very high interest rates. Thus it would seem that those who are responsible for the failure to lift the ceiling are assuming the responsibility for the possible recurrence of a similar painful disturbance.

[From the Wall Street Journal, Apr. 11, 1960]

SHIFTLESS SAM

Then there's the story about the shiftless fellow who had a leaky roof. He couldn't fix it when it was raining; and when it wasn't raining, why bother?

This has been pretty much the attitude of the Democrats in Congress toward the Government's leaky fiscal structure.

When interest rates were high and rising the Treasury found it impossible to borrow any money at all on bonds at 4¼ percent, the maximum the law permits it to pay. But, said the Democrats, the law shouldn't be fixed then because it wouldn't do to let Uncle Sam pay more when money was already tight. Then when interest rates dropped somewhat, and it looked as though the Treasury might float a 4¼-percent bond issue, the Democrats said, "Why bother about changing the law?"

Now it has turned out, of course, that the Treasury can't borrow money that way in any appreciable amount. Secretary Anderson offered the public a 25-year 4¼-percent bond issue, expecting to sell a minimum of $500 million and hoping for $1.5 billion to bail him out. Mr. Anderson got offers of barely $370 million. So there you are.

Naturally, this altered the Democrat's views not a whit. With much grave shaking of heads they decided the failure of the Treasury's bond issue meant this was not the time to fix the law. In one of the most magnificent nonsequiturs of the season, Senator DOUGLAS said this was just "proof that the Treasury should develop better methods for marketing bond issues"—without the slightest intimation that meeting the market price for bonds is one of the best methods ever devised.

Oh, well. We suppose nobody should be surprised. After all, it's the same attitude that says Uncle Sam can't afford to cut his budget in hard times and in good times it ain't necessary. Shiftless Sam is just goin' to set 'till the roof falls in.

[From the New York Times, Apr. 10, 1960]

RESPONSE IS WEAK TO TREASURY 4¼s—ISSUE VIEWED AS MANEUVER IN CONTROVERSY OVER THE BOND RATE CEILING

(By Paul Heffernan)

The Government's cash borrowing last week of nearly $2,500 million on notes due in 1962 and bonds due in 1985 was one of the Treasury's lesser accomplishments in public debt management.

The transaction may be remembered, however, as the reductio ad absurdum of the statutory 4¼-percent long-term borrowing ceiling enacted by Congress during World War I.

The Treasury had invited subscriptions up to $1,500 million for a new issue of 4¼-percent bonds due in 25 years and callable in 15 years. The response of the public was $370 million. It was the first postwar Government borrowing at long-term at the statutory 4¼-percent ceiling. It could be the last.

Alongside the national budget, the total Government debt, and the annual aggregates of financing transactions executed by the Treasury, the $2,470 million raised last week was slight.

NO CAUSE FOR APPREHENSION

Certainly there was little about it to bring on any chills of apprehension like those that must seize the Treasury whenever it looks ahead and sees the encircled date of November 15, 1961, when $11,177 million of 2½-percent bonds have to be paid off or refunded with a new offering of violets.

It is, of course, incredible that a nation with a public debt of $286,750 million should flunk out on raising $400 million in the public market on long-term bonds. The explanation probably lies in the fact that the 4¼s were conceived with a split personality. One function was to raise whatever money they could—a lot, a little, or none, it mattered not. The larger purpose was to place on the record that the Treasury had at least tried to borrow long-term money at the statutory ceiling.

In the latter respect, the borrowing was a response to the sham warfare visited on the Treasury by a group of Democratic legislators who seem to feel that the Treasury functions in a chronic state of ineptitude and that the Federal Reserve System has outlived the functions set up for it in 1912 and should be transformed, by radical changes.

LEVERAGE VALUE

By and large, this legislative band, which is headed by Senator PAUL DOUGLAS, of Illinois, itself sees little point either in the 4¼-percent cost ceiling or in any limit on the total national debt. But they regard their legislative power over the interest cost ceiling as leverage for enforcing on the Treasury and the Federal Reserve schemes for managing money, credit, and debt that are largely unproved in the free world and have historical existence chiefly in the enthusiasm of academic theorists and the experiments of socialist administrators.

With the Treasury's basic short-term borrowing rate—that incurred on weekly offerings of discount bills—now approximately less than 3 percent, and with only one of the Treasury's interest-bearing securities selling in the market to yield more than 4¼ percent, it is difficult to see how Congress is going to get stirred up about changing the 4¼-percent ceiling, especially in a presidential election year.

It is unfortunately true that few people in Washington or elsewhere have any sympathy with or understanding of the Government's money-raising problems. Most legislators of both parties tend to view the necessary borrowings of the Treasury as a national obscenity and to regard any interest cost incurred as excessive. Even high spokesmen of the Federal Reserve System have helped foster the cheap-money cult of the wishful populists and the deliberate inflationists.

Probably the cost of short-term money must again soar well beyond 5 percent and stay there before the Treasury can hope realistically to get the ear of the legislators. Conceivably, the public could empty the Nation's thrift institutions of savings and switch the money into Treasury bills before the national legislators could get themselves to give the matter any serious attention.

TEACHERS FOR THE DEAF

Mr. GRUENING. Mr. President, I have received an excellent letter from a doctor in the Alaska Native Health Service, in behalf of Senate Joint Resolution 127, a bill for the training of teachers for the deaf and the training of speech pathologists and audiologists, which is now pending before the Senate Labor and Public Welfare Committee. I call this admirable resolution, introduced by the Senator from Alabama [Mr. HILL] and cosponsored by the Senator from Pennsylvania [Mr. CLARK], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Mississippi [Mr. STENNIS], the Senator from Missouri [Mr. SYMINGTON], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from Wisconsin [Mr. WILEY], to the attention of my colleagues, because I think that many of us do not fully realize the pressing need for this kind of assistance to children handicapped by deafness. In a survey of various kinds of educators carried out by the Office of Education, it was brought out that of all the categories of teachers, those with special training to help the deaf are the most difficult to obtain. This is so, primarily, because there simply are not enough of them—or enough facilities to train them. The entire country offers only 25 such training programs a year, yet to meet the general need, at least 500 teachers ought to be trained yearly. As it is, less than one-third of this figure receive training and lack of funds is certainly a major cause for this deficiency.

The letter I referred to earlier gives an especially poignant picture of the need for teachers of the deaf for Alaskan children, but I know this same story can be duplicated over and over again in other States. The Senate should be glad, indeed, to have had a resolution introduced to change this story of need, and I hope it will be possible for us to consider and act on it at this session.

I ask unanimous consent that the letter to which I have referred may be printed at the conclusion of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MOUNT EDGECUMBE, ALASKA,
March 17, 1960.

Hon. ERNEST GRUENING,
Senator from Alaska,
Senate Office Building,
Washington, D.C.

DEAR SENATOR GRUENING: I am writing with reference to Senate Joint Resolution 127, introduced by Senator LISTER HILL, an act for the training of teachers of the deaf and for the training of speech pathologists and audiologists. I believe that the substance of this resolution is particularly important to residents of Alaska.

You are aware that social and economic problems and the difficulty of providing emergency medical care at all times in our more remote villages have been particularly harmful to the health of children in Alaska. Resulting handicaps have been especially prevalent in preschool children and particularly native youngsters from the more isolated villages. And among the most frequent resulting disease situations is chronic infection of the middle ear with mastoiditis. If untreated the sequel of this chronic ear infection is deafness in a majority of cases.

As pediatrician for the Alaska Native Health Service at Mount Edgecumbe, pediatric consultant for the Alaska Department of Health, and school physician at the two boarding schools operated by the Bureau of Indian Affairs, I have had unusual opportunities to observe the prevalence of chronic ear infections and consequent deafness among children. Chronic ear infections are found in as many as 30 percent of children admitted to Mount Edgecumbe Hospital from outside the local community for reasons other than ear infection. Chronic ear infections are found in 10 percent of the students enrolled at Wrangell Institute Elementary Boarding School who come from the more remote villages of Alaska and in more than 5 percent of the students enrolled at Mount Edgecumbe Secondary Boarding School. Chronic ear infections have been found in as many as 30 percent of randomly selected children evaluated in certain native villages and are prevalent in a large number of the villages particularly in the Bethel area, but widely scattered throughout Alaska.

Educationally handicapping deafness due almost entirely to chronic ear infections has been found in as many as 50 percent of those children under treatment for ear infections at Mount Edgecumbe Hospital and in as many as 8 percent of the students at Wrangell Institute and approximately 4 percent of the students at Mount Edgecumbe School. Only in southeast Alaska has reasonably complete audiometric testing in the village schools been possible through a hearing and speech program of the Maternal and Child Health Section of the Division of Health of the State Division of Health. This program, supervised by Mrs. Henrietta Krantz, has revealed an incidence of educationally handicapping deafness less than that mentioned above but still far greater than that found in a population of comparable age in other States.

Fortunately, treatment of chronic ear infection even if of several years duration may produce acceptable hearing. Also, improvements in emergency medical care available in the villages, particularly in the past 3 years, is materially decreasing the number of new cases of otogenic deafness, but these measures cannot eliminate the large number of cases of deafness already discovered and awaiting discovery.

At present, speech therapy and auricular training for most of these deaf children must, in the majority of cases in Alaska, be given by untrained volunteers under the occasional supervision of a qualified teacher of the deaf. This is due much less to lack of funds and to the unavailability of qualified teachers of the deaf, speech pathologists, and audiologists. During the next 10 years there will be a particular need in Alaska for people with these professional qualifications.

For these reasons, I trust that you will review with particular care the figures prepared by the Division of Health regarding the incidence of deafness among Alaska children and that you will give your support

to Senate Joint Resolution 127 and to any comparable resolution introduced in the House.

Very sincerely yours,

DAVID L. SPARLING, M.D.

THE COLD WAR GI EDUCATIONAL BILL IS A GOOD INVESTMENT—IT WILL PAY FOR ITSELF

Mr. YARBOROUGH. Mr. President, in July of last year the Senate, after weeks of hearings, careful consideration and considerable debate, passed the cold war veterans GI bill extending educational and on-the-job training opportunities to our young men who serve in our armed services during the cold war.

That bill is now under consideration by the House Veterans Committee, and it is hoped it may be favorably reported by that committee in the near future.

At this point, the Council of State Chambers of Commerce has seen fit to oppose the bill, principally on the mistaken view that it would encourage men to leave the armed services. This position is wrong, and the hearings on this bill, over which I had the privilege of presiding last year for the Senate Veterans' Affairs Subcommittee, proved they are wrong. On page 177 of the Senate record of hearings for April 24, 1959, Department of Defense statistics clearly show that reenlistment rates are almost wholly independent of the existence of educational benefits. In the last few years, the Armed Forces were able to increase reenlistments threefold in groups all of whom were eligible for training under the Korean GI bill. The Defense Department's own figures clearly indicate that no one can demonstrate any relationship between a low reenlistment rate and the availability of readjustment benefits.

There are grounds for belief, however, that the GI bill did offer an additional incentive for first term enlistment for those who wanted to go to college and did not have the funds to enroll without the help of the GI bill or some other program.

The claim of military injury is spurious. I say this as one who was in active service in World War II, is now a colonel in the active Army Reserves, and as a member of the national legislative committee of the Reserve Officers Association, and as one who worked in the Senate for the incentive pay increases which were enacted for the Armed Forces.

Mr. President, experience not only tells us that the Council of State Chambers of Commerce position on this is wrong, experience also has taught us that the council's decisions on education seem always to be made with the blinding light of dollar marks shining in its eyes. The position of the chambers in opposing this sound and proven national education program, which could so improve and enrich the lives of millions of Americans, is more than intellectually unsound. It is a blatantly reprehensible blow at the education of our youth, and, therefore, at the future of America.

This Nation can never go wrong by instituting programs which afford all its young men and women an opportunity to attend college. Events of these times have proven that we need to greatly expand our national educational program and to develop our greatest resource—the brainpower of our youth.

Costs of education, just as in the case of everything else, have gone higher than ever before. Parents are having more and more trouble raising the money to keep their youngsters in college.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent to be allowed to proceed for 3 additional minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. YARBOROUGH. The Kiplinger magazine recently reported that it now costs approximately $2,750 a year to send a student to one of our major universities. The admissions officer at one institution said it's tough for a family with below $10,000 a year income to send a student to the university without outside aid, and it's almost impossible for a family earning below $6,000 or $7,000. It just happens, I am sure, that most of the key figures of the chambers who entered into this decision are in at least that income range and usually considerably higher. Most of them have no personal problem with educating their youngsters, sending them to college, and I congratulate them on their success. I do feel they might find it in their conscience to at least not oppose programs which would help our young people who come from low income families to have a better chance for an education.

Since the Council of Chambers of Commerce are chiefly concerned with dollars, the need for this program is apparent, even if considered only on a dollar basis. Dr. Paul G. Glick, Chief Social Statistician of the U.S. Bureau of Census, has analyzed lifetime earnings and compared them with years of schooling. He found that the average lifetime earning of a man who graduated from high school was $165,000 while that of a man who graduated from college was $268,000 in his lifetime. He also found that in families headed by high school graduates, the median annual family income was $5,667 as compared with $8,143 for families headed by college graduates.

If the chambers will take time to have a little faith in the future and belief in the ability of our young people, they will see that within a very few years of higher productivity and taxes, our GI's who are educated will much more than repay the costs of this modest program. The increased income taxes they pay will, alone, more than repay it.

The views in the chambers of commerce memorandum do not reflect the aims and aspirations of America of these times, when the whole national conscience is stirred by the need to develop our greatest resource—the brainpower of our youth.

Mr. President, I hope the Council of State Chambers of Commerce will reconsider its position on this matter and instead of opposing will put its very considerable influence in support of the proposal to extend educational benefits to our veterans of the cold war.

After all, these young men are spending 2 or more years of their lives protecting Americans, their property and institutions, including the chambers of commerce. It does not seem to me that it is asking too much for the veterans to expect the chambers of commerce to help them with the proposed minimum program of educational opportunities.

THE MINORITY LEADER ON THE SENATE STAGE

Mr. KEATING. Mr. President, a spate of newspaper articles in recent days have dealt with the performance of the distinguished minority leader of the Senate. A case in point is an interesting article which appeared in the New York Times of April 6.

Although this article could scarcely be characterized as extravagant praise, few will argue with the statement that Senator DIRKSEN is "probably the most effective leader the Republicans had had in the Senate for years." Members of this body—on both sides of the aisle—can also testify emphatically to the fairness with which the minority leader has carried out the trying responsibilities of his position. Although he and I have sometimes found ourselves differing on certain issues, and at times he may secretly have felt I was one of his greatest headaches, our dealings have always been most cordial and friendly. Senator DIRKSEN has at all times been considerate, at no time arbitrary.

At the same time, the manner in which the Senator from Illinois has carried the banner of administration policies in this body has won the admiration of political friend and foe alike. None can dispute that he has discharged this duty with skill, diligence and perseverance.

Perhaps the highest tribute which can be paid to the minority leader is that although he has often been a controversial Member of this body, he has remained a true friend to every Member. His word can always be relied upon. It is a quality to be envied and emulated by all of us.

Mr. President, I ask unanimous consent that the article from the New York Times to which I have referred be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENATE IS HIS STAGE—EVERETT MCKINLEY DIRKSEN

WASHINGTON, April 6.—In the political era of the organization man, EVERETT MCKINLEY DIRKSEN is as refreshing a remnant of old Americana as a rocking chair in the Museum of Modern Art. Moving among the Senate's legions of earnest, firm-principled, young men, all tailored and mentally accoutered in the latest Westport style, one comes upon him with a sense of delight and relief, as though discovering Long John Silver at a congress of social workers.

His manner is florid and expansive, in the old style, and he has the old-fashioned imposing physique to match—the portly Republican facade sloping upward to noble brow crowned by gray and slightly curly locks just right for theatrical rumpling.

In his role as Senate Republican leader responsible for protecting the administration's position on such issues as civil rights and health insurance for the aged, he has been rumpling the tousled locks more often than usual these last few weeks, and not always for theatrical effect.

Today he was berating a labor leader with such terms as "stinking" and "shameful" for charging the administration had betrayed the health needs of the aged.

This is obviously a strange trial for a one-time isolationist from Illinois who has never been excessively zealous for too long about anything and who started his relations with this administration in a state of open warfare.

His pale blue eyes can be as innocent one moment as a baby's and as crafty a moment later as a roadshow Iago's. His organ-tone rhetoric is an echo from the old Chautauqua stump delivered with mock-tragic passion. It was an unfortunate day for the theater when young EVERETT decided to enter politics, but the political stage is the richer for it.

Liberals everywhere have cataloged him as a "bad guy" in their cast of Washington heroes and villains. It is fashionable to say, "DIRKSEN is utterly without principle." While it is true that during his 30 years in Washington, he has stood on every possible side of every major issue, the charge that he is utterly unprincipled is unjust.

He firmly believes in the sanctity of his word in a deal and in getting EVERETT MCKINLEY DIRKSEN and the Republican Party elected. Occasionally, he notes, it is necessary to change one's position in politics. Thus, at various times he has been a bitter opponent of Dwight D. Eisenhower, and a fierce champion of Dwight D. Eisenhower, a supporter of Senator Joseph R. McCarthy, and an opponent of Joseph R. McCarthy, a bitter opponent of foreign aid and a champion of foreign aid.

When he was elected Republican leader last January, nearly half his party—the Senate's liberal Republicans, opposed him as a symbol of the Old Guard they thought the party should hide from public view.

Since then most of them have been grudgingly won over by the hard cunning of a political master, by his refusal to take sides and his insistence on giving all factions a full chance to be heard. Although many in the administration suspected that he would play Trilby to the Svengali of LYNDON B. JOHNSON, the Democratic impresario, it began occurring to everybody late last session that he was probably the most effective leader the Republicans had had in the Senate for years.

Mr. DIRKSEN was born January 4, 1896, in Pekin, Ill., to German-born parents who added McKinley to his name when he was 11 months old in honor of President McKinley.

After working his way through the University of Minnesota, he served briefly with the World War I Army overseas. Back home, he made an unsuccessful attempt to start a washing-machine manufacturing business, worked for a while as manager of a dredging company, then entered the wholesale bakery business.

He was elected to Congress in 1932 and served until 1948 when he decided not to stand for reelection. In 1950, running as an old-fashioned Midwestern isolationist after a wartime flirtation with internationalism, he won the Senate seat of Scott Lucas, then Democratic Senate leader.

Mr. DIRKSEN is married to the former Luella Carter, and has a daughter, Mrs. Howard H. Baker, Jr.

Besides politicking, he has written more than 100 short stories and 5 novels, all unpublished.

Mr. BUSH. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. BUSH. Mr. President, I am very glad that the distinguished Senator from New York has brought this subject before the Senate today. I agree with all the Senator has said about our able friend, the minority leader. His performance in that post has exceeded my very fondest hopes and expectations. I believe that all of us feel that way. Last week I read an article, written by William White, in which he also spoke of Senator DIRKSEN as being the most effective leader we have had since the elections of 1952. I subscribe to that statement also.

An evidence of that was shown last year by the degree of unanimity we achieved under Senator DIRKSEN's leadership on the minority side of the Senate. It has been repeatedly shown by the action of the Senate in sustaining the vetoes of the President of the United States. No minority leader, and no leader of either party, could more solidly support an incumbent President through thick and thin than Senator DIRKSEN has supported President Eisenhower and the President's policies and his administration. For that I also commend my good friend from Illinois.

Finally, I should like to say that it is an inspiration to work under the leadership of one so enthusiastic as the Senator from Illinois. By his own enthusiasm and his own vigor and direction he carries us along together and makes this job of ours, which is a difficult one, at times really a very pleasurable one.

Mr. KEATING. I thank my good friend from Connecticut for his remarks.

Mr. COOPER. Mr. President, will the Senator yield on that point?

Mr. KEATING. Mr. President, I ask unanimous consent that I may proceed for an additional minute on this subject, so that I may yield to the distinguished Senator from Kentucky.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. I wish to join the junior Senator from New York [Mr. KEATING] and the senior Senator from Connecticut [Mr. BUSH] in their tributes to our minority leader, Senator DIRKSEN. Two months ago Senator DIRKSEN brought the civil rights bill before the Senate. After 8 long weeks of debate, a civil rights bill was passed. Many labored to that end, but I believe that major credit for the passage of the bill goes to our minority leader. Throughout these weeks he has been faithful in prosecuting its passage. He has shown great ability in reconciling different points of view. When the record is finally read in history, the Senator from Illinois will be shown, I believe, as deserving greatest credit for the passage of the bill.

I associate myself also with the remarks which have been made about the leadership of our friend, the Senator from Illinois since he became minority leader in 1959. His energy, his steadfastness, his work with us, and his fighting qualities have given us true leadership. I join with my colleagues in paying tribute to our good friend, the Senator from Illinois.

Mr. KEATING. I am grateful to the Senator from Kentucky for these remarks.

Mr. President, I ask unanimous consent that I may yield myself an additional minute so that I may yield to the Senator from South Dakota on this subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE of South Dakota. Mr. President, I join in what has been said in commendation of the outstanding leadership given by the distinguished Senator from Illinois [Mr. DIRKSEN], not merely with respect to the civil rights bill, but also in his work generally as the minority leader of the Senate.

There is only one point I should like to modify with respect to what the Senator from Connecticut has said. He said that the minority leader's performance had exceeded the expectations of the Senator from Connecticut. I have always had high hopes and expectations in that regard. Of course, I had a privilege the Senator from Connecticut did not have. I was privileged to serve with the Senator from Illinois for many years in the House of Representatives. He was my senior there on the Appropriations Subcommittee for the Independent Offices. He was my mentor and my leader there. I knew what he could do. So I have always had high hopes for him.

Perhaps he has exceeded my expectations in some respects. However, I do want the Senate to know that by reason of my long experience with the Senator from Illinois in the House of Representatives, and from what I was able to observe of him there, I had high expectations, and that those expectations have not been disappointed in any respect.

I wish to second what the Senator from Kentucky has said with regard to the credit that ought to be given to the Senator from Illinois respecting the passage of the civil rights bill.

It was the Senator from Illinois who diplomatically, but insistently, before the adjournment of the 1st session of the 86th Congress secured from the majority leader the promise that on or about the 15th of February 1960, during the second session, the Senate would take up civil rights. It was that pledge, I think, which the majority leader honored in due course, that enabled the Senate to get under way on that subject, and it was the demonstration that the Senate was going to do something about civil rights which, I believe, had much to do with the House of Representatives taking up a similar bill, passing it, and sending it to the Senate. Now a civil rights bill has been passed by both the House and the Senate.

I thank the Senator from New York.

Mr. BUSH. Mr. President, since the Senator from South Dakota has mentioned my name, I hope he will yield me half a minute to say that my expectations of the Senator from Illinois were also very high, but they were exceeded.

Mr. KEATING. I am grateful to all my colleagues for joining with me in this testimonial to our distinguished minority leader.

Mr. MANSFIELD. Mr. President, will the Senator from New York yield?

Mr. KEATING. Mr. President, I ask unanimous consent that, without losing the floor, I may yield for an additional minute to the distinguished Senator from Montana to speak on this subject.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I wish to join with my colleagues in the congratulations and commendations which have been paid to the minority leader, the distinguished Senator from Illinois [Mr. DIRKSEN], for the part he has played in the passage of a reasonably good, strong civil rights bill. It was a long and difficult task and there is enough credit to go around. I believe the majority leader, the distinguished Senator from Texas [Mr. JOHNSON], and the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN] did a good, responsible job. They were more interested in the passage of a bill which had merit to it than they were in creating an issue. I think that to both of them, and especially to the Senator from Illinois, much credit must be given. The Senator from Illinois has demonstrated the qualities which make for leadership. He has shown them consistently in his spirit of tolerance and understanding since his assumption of the leadership of the Republicans in this body. I believe the Republican Party is extremely fortunate to have a man of the caliber of Senator DIRKSEN to lead it in the Senate. I believe the Senate is fortunate, as well.

Mr. KEATING. Mr. President, I express my gratitude to the distinguished Senator from Montana for the very gracious and sincere words which he has spoken on this subject.

USE OF SUEZ CANAL AS POLITICAL WEAPON DECRIED

Mr. KEATING. Mr. President, an editorial entitled "Colonel Nasser's Canal," and published in the New York Times of Sunday, April 10, serves to focus deserved attention upon the vital questions of right and of principles so flagrantly and arbitrarily flaunted by Colonel Nasser in his use of the Suez Canal as a weapon of revenge against the State of Israel. Among others in Congress, I have already raised my voice in sharp protest against the restrictive actions taken by the United Arab Republic in denying access to the canal to Israeli and Israeli-bound shipping.

The recent acts of the Nasser regime in implementing their anti-Israel policy represent outright theft of ship's cargo, in keeping with the planned design of stifling by all means the growth and prosperity of Israel. In view of my expressed opposition to the recent World Bank loan for the development of the Suez Canal, I would draw special attention to the contention of the Times editorial that no policy of loans or assistance to the United Arab Republic should be undertaken by the United States so long as the Suez Canal continues to be used as a political weapon.

Mr. President, I ask unanimous consent that the New York Times editorial cited be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

COLONEL NASSER'S CANAL

United Nations Secretary General Hammarskjold's statement of last Friday on Colonel Nasser's Suez Canal policy was mild in its terms, but severe in its implications. The Secretary General did not speak lightly when he said that the detention and confiscation of Israeli cargoes carried in ships of other nationalities went against the principles upheld by the United Nations. Since the beginning of 1959 the Cairo government has been seizing the cargoes of ships bound to or from Israeli ports whenever they attempted to pass through the Suez Canal. Four such ships and cargoes are mentioned in a current Israeli statement. The latest is a little Greek freighter called the *Astypalea*, loaded with cement and bound for the port of Djibouti. In each of these cases Colonel Nasser's government has confiscated—if this polite word is the correct one—the ship's cargo.

Colonel Nasser has done this thing contrary to the original Canal Convention of 1888, contrary to his own agreement with the United Nations, and contrary to international law. The Israelis believe that he has also violated an agreement privately made with Secretary General Hammarskjold, although the Secretary General did not allude to such an agreement in his statement last Friday. The only defense Colonel Nasser can make is that there is at least a theoretical state of war between Israel and the United Arab Republic. It is a shabby defense indeed. Colonel Nasser should not expect loans or other assistance from the United States for the development of the canal while he continues to use that waterway as a political weapon.

ANNIVERSARY OF BATAAN DAY

Mr. KEATING. Mr. President, the date of April 9, designated as Bataan Day, commemorates one of the imperishable anniversaries of our history as a nation. It is an anniversary whose deep significance we are proud to share with our brothers in war and in peace, the splendid people of the Philippines.

In the epic battle of Bataan, American and Filipino troops fought side by side, with a common valor and a common fortitude, and they exemplified to the highest degree the union of free men dedicated to the precious cause of freedom.

It will be remembered that at the time of the outbreak of war with Japan, the Philippine Islands held a commonwealth status. It was American territory, and it was under the protection of our flag and our might. The magnificent manner in which the loyal Filipinos rallied in the defense of that flag, standing shoulder to shoulder with our troops, remains one of the most inspiring pages of our common history.

Despite the tremendous military pressures exerted by the enemy, the combined U.S.-Filipino forces immortalized the name Bataan in the epochal heroism of their defense.

In paying due and loving tribute to the soldiers who laid down their lives at Bataan, let us resolve that this anniversary must remain undying in our memory. Let it refresh, as well, our traditional sense of kinship with the great and courageous nation of the Philippines, our comrades in war, our friends in peace.

WHO REALLY BENEFITS FROM FARM SUBSIDY

Mr. CASE of South Dakota. Mr. President, honest figures do not lie, but figures used carelessly do deceive. Today the farmers of America are the victims of a big deception.

That deception is the use of the total budget estimates for the Department of Agriculture as an amount of money Uncle Sam spends on farmers. So used, the figures do not give a true picture.

The truth is that American consumers in general actually receive a larger share of the Federal funds spent each year in the name of agriculture than the farmers themselves.

For current 1960 the budget total is $5.7 billion. But of that amount, only $2.6 billion really goes to farmers. The other $3.08 billion are for programs having multiple benefits not correctly chargeable to farmers.

For example, $208 million this year go to the Forest Service. Now, the Forest Service actually collects more in timber sales and grazing fees than it spends but this does not show. Besides that, who needs the national forests more? The city dweller or the rural resident?

Two hundred and thirty-seven million dollars this year is for strategic minerals bought for the national stockpile by barter of U.S.-owned agricultural commodities. Is it more for the benefit of the farmer than of the urbanite that Uncle Sam stocks up on tin and chrome and tungsten?

Eighty million dollars is for school milk and $154 million for the school lunch program. Is it the city child or is it the country child who drinks the milk that is provided in the city schools or eats the school-provided lunch? Yet, Mr. President, the funds required for these programs are charged to the agricultural program.

Then there is the $115 million for emergency famine relief to friendly peoples abroad. For whose benefit do we try to win the friendship of peoples abroad? Is it for the benefit of the farmers, or is it for the benefit of everyone in this country?

Why should the farmer be charged the $1,055 million we obtain in foreign currencies for our agricultural commodities which are sold abroad? Those foreign currencies are used to pay the expenses of our embassies, to build homes for our troops stationed overseas, and to purchase critical items for our national stockpile.

Then there are the repayable loans—$251 million for the Farmers Home Administration and $325 million for the Rural Electrification Administration. All those loans are repayable with interest. Once in a while we hear something said about charging the going rate on Government bonds; but to date the total interest collected by the Government from farmers has exceeded what the Government paid on these funds that were loaned. So, Mr. President, how does that program line the pockets of the farmers? And has not all America gained by the extension of electricity to the farms? That has resulted in the selling of washing machines, refrigerators, water pumps, and plumbing. Farmers are good customers.

And, Mr. President, who benefits from the funds expended for meat inspection, soil and water conservation, and pest control? Does the consumer not benefit from those expenditures? Does all America not benefit from them?

Even of the $2,600 million, the lesser half of the total budget figure, $1,800 million is for price-support loans that are secured by the grain itself—loans which either are paid off or are paid out by taking the grain. Those are not expenditures which are gone forever. The farmer gives up his product, and the net proceeds get back into the Treasury.

Mr. President, the American people have been deluded and deceived long enough on this score. It is time for a fair story to be told about these matters, and it is time for there to be a general and widespread realization that everyone has a stake in a healthy, prosperous agriculture.

Steel processors, farm machinery manufacturers, automobile makers—all workers—and main street business and professional men have a vital interest in the prosperity of the man who starts the production of new wealth at its source—in the soil of America.

Mr. President, I have obtained tables which show the actual breakdown of the budget figures for agriculture for the fiscal years 1960 and 1961.

In addition, I wish to call attention to a very fine article on this general subject, which was published on April 9 in the Saturday Evening Post. The article is entitled "The Farmer's Side of the Case," and was written by the wife of a Kansas dairy farmer.

I now ask unanimous consent that these tables and the article from the Saturday Evening Post be printed in the RECORD at the conclusion of my remarks.

There being no objection, the tables and the article were ordered to be printed in the RECORD, as follows:

U.S. Department of Agriculture budget expenditures (based on 1961 budget)

[In millions of dollars]

	Estimated, 1960	Estimated, 1961
PART A		
Programs having multiple benefits and not directly chargeable to the farmer:		
Programs having foreign relations and defense aspects:		
Sales of surplus agricultural commodities for foreign currencies	1,055	1,172
Emergency famine relief to friendly peoples	115	120
International Wheat Agreement	49	66
Transfer of bartered materials to supplemental stockpile	237	127
Payments to Veterans' Administration and armed services under sec. 202 of the Agricultural Act of 1949, as amended, for milk and other dairy products used in excess of normal requirements	29	24
Value of foreign currencies used by Defense Department for military housing	5	−9
Total	1,490	1,508

U.S. Department of Agriculture budget expenditures (based on 1961 budget)—Con.

	Estimated, 1960	Estimated, 1961
Food distribution programs:		
Commodity purchases under the program for removal of surplus agricultural commodities	108	108
School lunch program	154	150
School milk program	80	84
Total	342	342
Investment in REA and FHA loans, which are subject to repayment:		
REA loans	325	345
FHA loans	251	203
Total	576	548
Long-range programs for the improvement of agricultural resources, including research, meat inspection, disease and pest control, education, market development and services, protection of soil and water resources, and forest and public land management:		
Forest Service	208	206
Agricultural Research Service	172	185
Soil Conservation Service	130	127
Extension Service	64	67
Agricultural Marketing Service, marketing research and service	40	43
Farmers Home Administration, salaries and expenses	31	32
Other, including FCS, FAS, OEA, FOIC, REA expenses, and staff offices	31	63
Total	676	723
Total, part A	3,084	3,121
PART B		
Programs predominantly for the benefit of the farmer:		
Agricultural conservation program	244	233
Soil bank programs:		
Acreage reserve program	5	
Conservation reserve program	365	304
Total	370	304
CCC price support, supply, and related programs:		
CCC price support, supply and related programs	1,828	2,270
Less payments to Veterans' Administration and armed services under sec. 202 of the Agricultural Act of 1949, as amended, for milk and other dairy products used in excess of normal requirements	−29	−24
National Wool Act program	94	70
Acreage allotments and marketing quotas	41	40
Total	1,934	2,365
Sugar Act program	74	78
Total, part B	2,622	3,070
Grand total, parts A and B	5,706	6,201

[From the Saturday Evening Post, April 9, 1960]

THE FARMER'S SIDE OF THE CASE

(By Mary Conger)

My husband Carl and I firmly believe that our farm—a large, beautiful, family-type farm—makes a substantial contribution to the economy and health of our country. Every day of the year the dairy herd on our Triple C Farms produces enough milk to feed 1,000 children their daily quart of milk.

Our 720 acres of land are located in Allen County in southeastern Kansas, an area of diversified crops and livestock. Carl was born in this county, where he has a lifetime knowledge of the idiosyncrasies of weather and soil. To this understanding he has added a college degree in scientific agriculture and a number of years of professional experience as a county agricultural agent and soil conservationist.

Our herd of 200 registered Holsteins—100 cows and 100 heifers—are considerably above average in production. We market Grade A milk, for which we receive premium prices. Our farm's gross income ranks in the upper 3 percent of farms in the United States. Our farm is adequately capitalized and highly mechanized for large-volume production.

SEVEN THOUSAND DOLLARS IN DEBT

Supposedly ours is a successful farm enterprise—and it has been. We bought our farm in 1939, making the downpayment with money we had saved for years from Carl's modest salary as a county agent. Since then much of our life, our thought and our work has gone into building up our land and herd. The only trouble is that since 1952 our farm has made little, if any, profit in good years—and in bad years, such as 1955, we have lost as much as $4,058. By the end of 1958—a bumper-crop year—we had accumulated $7,000 in unpaid bills for operating expenses. Last year we just about broke even, so we had to borrow $3,500 at the bank to pay off the most pressing part of that $7,000.

We now are caught in a merciless cost-price squeeze, and each year that economic turnbuckle tightens another notch. Back in 1952 all political parties were in favor of 100 percent of parity in purchasing power for the farmer; then there was no public hint of a national policy to drive down the prices of food. Then we were getting 11 cents a quart for our milk. Now we are getting 8.1 cents.

When that first slash in farm prices came 6 years ago, we doubled our milking herd in an effort to increase gross income so that, in turn, we could meet our fixed charges—such as interest and taxes—and the rising cost of things we must buy. We built a new labor saving milking parlor—a sort of assembly-line milking system—equipped with a pipeline milker and a bulk refrigeration tank. No expensive labor is wasted carrying milk buckets on our farm. But then came years when our crops were cut by drought, hail and wet weather, and we fell behind on the feed bill for the cattle. In good years we struggled to catch up. We tripled the milking herd. Milk prices declined further. Costs went on up. We were on a treadmill, always running faster just to keep in the same place.

REASSURANCE GIVEN

While we were struggling to meet our expenses, we constantly were reassured by some of our spokesmen for agriculture that efficient, commercial farmers were doing just fine. Statistics showed the average per capita farm income to be just half of that for nonfarmers, but these figures didn't tell the true story, the spokesmen said, because they included 2 million small, inefficient subsistence farmers who produced only a minute part of the Nation's food supply. Also, so many people were leaving the farms that the income of agriculture, even though shrinking, was being divided among fewer and fewer farmers. And there were always success stories at the top. These were the farmers who most often were sought out for interviews and publicity.

So it appeared that there was nothing the matter with anyone but us. Still our neighbors kept complaining, saying such things as "If I count a fair return on my investment, I'm throwing in my labor free of charge." And at a recent meeting of the board of directors of the Kansas Dairy Association in Topeka, I stepped into a group of prominent farmers just as George Schumann, of Hiawatha, Kans., was saying, "The thing that has me worried is how we're going to stay out there on the farm with no profit."

T. Hobart McVay, of Nickerson, a nationally known Holstein breeder and president of the Kansas Dairy Association, added, "It just won't figure. I've been farming all

my life, and I know it can't be done with the present cost-price situation." He shook his head. "I'm sure I don't know the answer."

FEELING OF FUTILITY

This discussion reflects the farmer's feeling of futility. At all meetings of farm organizations I have attended recently there is an undercurrent of despair—and there is a belief that the general public, seeing news stories about the surpluses and the farm subsidies, is not aware of the true farm situation at all.

It was after this meeting that I began to wonder just what was happening to our kind of farmer—to the operator of the modern, bigger-than-average commercial farm. I sympathize with the too small, marginal, or subsistence farmers, but after all, the problem of fitting them into the industrial age, so that they contribute more to the economy and also can improve their own lot, is primarily a sociological challenge. But what is the size of the remaining problem after this particular portion has been set off to itself?

For some answers I turned to the records of members of our State's Farm Management Association, made available to me by Kansas State University. The facts I found there proved I had not just been mumbling to myself as I scrubbed the dairy barn walls—and I do scrub them.

The farmers in this association are above average in their area by almost any yardstick. They own larger farms, have more livestock, keep accurate records under supervision of an association management specialist, and utilize the technical advice the State agricultural college has to offer.

What did I find?

FARMER'S WAGES

Let me explain that the management association figures farm returns this way: First, operating expenses are deducted from gross receipts of the farm. From this profit is deducted a fair investment return of 6 percent on net working capital and 4 percent on net fixed capital. Then the value of any unpaid family labor—such as mine—is subtracted. What is left—if anything—is the farm operator's wages, his return for his own labor and management of his farm enterprise.

In our own southeastern Kansas, association farms had averaged only $805 per year in labor and management income during the past 6 years. Or put another way, the average farm earned a total of only $4,834 in wages for its operator for the whole 6 years. In fact, the farmers had received even less pay than their hired men—and hired farm labor is at the absolute bottom of the industrial wage scale.

However, our particular part of the State has poorer soil than many other areas. So I looked at the records for the State as a whole. I found that the 1958 returns for association farms had been the best in 11 years, owing to bumper crop weather that coincided with a peak in the price cycle of cattle and hogs. And that year the labor and management earnings per farmer in the association were $4,120—nothing more than any skilled laborer earns.

But 1958 was the only year in 11 in which Kansas association members drew such fancy wages. In 1955, the poorest year, the net labor loss per farm for all association members in the State was $988. Everybody worked all year, received no pay, and went into debt besides. From these figures it was easy to see that many other "good" farmers were in the same boat as the Congers.

SHOCKINGLY LOW RETURN

The fact is that the farmer has been getting a shockingly low return for his labor and skill. Wages lost in industrial strikes are microscopic as compared to the loss which farmers have suffered in the last decade. And I mean the commercial farmer, such as those in our association—the man who runs an agricultural enterprise with a capital investment of $54,800 per worker, about three times as large as the average industrial investment per worker.

The usual farm-income figures, low as they are, don't accurately reflect the situation because they are computed as "net income" above production expenses and include the financial returns from investments in land and equipment that the farm family may have accumulated over a lifetime of frugality—or may even represent the saving of several generations. The net income per farm also includes the labor of the entire family in producing such income. To this is added the value of whatever food the family may have raised for its own use, the rental value of the farm home—often an old farmhouse that is far from being "modern" by urban standards of today. On top of this is put any off-the-farm income that some member of the family may have earned. All this is lumped into a thing called the "real income" of the farm family, a figure that is used to disguise the disgraceful disparity of the actual wages earned by farmers for producing the Nation's food.

SUBSIDIES INCLUDED

The farm-income figures also include any Government subsidies the farmer may have received. I am quite aware that many city people believe that farmers are getting richly paid by the Government for not growing crops, or in artificially supported prices for their farm products. I'm not going to argue that price supports don't cost the Government a lot of money or that Government storage of surplus crops is not expensive—but I do know these things aren't making farmers prosperous. For the record, such Government programs have little effect on the income of our Triple C Farms. We have no land in the soil bank; we need it for our cows. Our milk price is not subsidized. During the war years, when wheat was greatly needed, we usually raised 150 acres of this crop; since then our allotted acreage of wheat has been cut to 61 acres. Wheat produced on that land is eligible for a Government loan—last year it ran $1.98 per bushel. In any case, income from wheat amounts to less than 9 percent of our gross receipts; our major enterprise is dairying.

We also received soil-conservation payments last year amounting to $282.30 for the establishment of soil-saving crops, in this case a permanent pasture. Part of the payment, $143, went directly to a dealer in payment for the necessary fertilizer, and the balance, $139.30, came to us to help pay for preparing the land and seeding the pasture. These soil-conservation payments are supposed to encourage the conservation—in fact, the improvement—of the Nation's limited soil resources for the benefit of future generations when, say the population experts, we won't be troubled by surplus crops, but rather will need all the good land we can find.

That is the total of the Congers subsidy.

BIGGEST SUBSIDY

The most gigantic subsidy in the United States is not the Federal agricultural price-support program, but the unpaid or underpaid labor that farmers and their families contribute to the production of cheap food for the American people. Even in 1955, that year of crop failure when members of the Kansas Farm Management Association earned less than nothing, the average member produced $9,000 worth of food, or so valued when sold at the farm price level. At the supermarket this per-man output of meat, milk, eggs and bread cost housewives around $34,300.

We farmers don't want sympathy, but we would like better understanding of what we are up against. We don't like to be accused of being greedy or of being tax-eating parasites. We don't like to have our "real income" misrepresented for political purposes. We know that an urban worker may also have income from investments, may enjoy certain fringe benefits, may live in his own home without paying rent, may raise food in his garden, and members of his family may have other jobs—all without being considered part of his wages. And then, if he is a steelworker, he also gets gross hourly earnings that are 85 percent higher than they were in 1950.

On the battleground of inflation farmers have been hit hard on all sides. The tractor we bought in 1950 for $2,200 must now be replaced at $3,800, but the milk that brings in our income has dropped 27 percent in price. Thus we are helping to pay the bill for the wage-price spiral on one front and are absorbing a part of the consumer's grocery bill on the other.

FOOD PRICES STABLE

Now I know that groceries seem higher to the housewife, but that's because the housewife doesn't just buy flour and beans and potatoes these days; she buys more semi-processed foods, such as cake mixes and packaged frozen vegetables that are ready for the pot or oven. The manufacturer is doing more of the housewife's kitchen work for her, and he's charging her for that extra service. Also people are eating more of the expensive foods—more fresh fruits, more meats (and more expensive cuts) than ever before. The truth is that food was never cheaper. People in the United States buy their food with the fewest hours of labor ever required in the history of mankind. Month after month the financial pages report increases in the cost of housing, medical expenses, transportation and all the goods and service—except food. Food prices hold steady or go lower.

It is impossible to figure exactly how much the Nation's farmers have sacrificed to inflation. For example, I wonder what Triple C Farms milk would cost the consumer if it had increased in the same proportion as other living costs—40 cents a quart? Fifty cents? I do know that some economists have estimated that farmers have been shortchanged about $70 billion which they would have earned had their products risen in price at the same rate as other commodities. There is evidence that the farm family has been absorbing about 25 percent of the Nation's grocery bill.

Perhaps it is just our hard luck—and the hard luck of millions of other farmers—to be in this business during a time of inflation, and also in a time when a great technological revolution is sweeping many of those farmers from the land. There are some people who believe the solution is obvious. They say, "If the nincompoops can't make a go of farming, why don't they get a job in town like everybody else?" And thousands of farm families are solving their individual problem in just that way. They are leaving the land.

WANT TO STAY

Carl and I don't see it that way. We can't. We've invested too much of our lives in this land of ours. Rather than let go, we've been trying to grow. Five years ago, when we needed additional space for our expanding herd, we bought a neighboring 80-acre farm. It had been the subsistence home of an old couple and came on the market when the husband, a carpenter and painter, passed away. The only crop on the wornout land was some drought-stunted sorghum.

Carl promptly applied a complete soil conservation plan to our new land. He bulldosed out old hedges and brush, built terraces and dug ponds. He spread lime and fertilizer. He plowed up the weedy pastures and seeded them to brome grass and alfalfa. Within 6 months that old farm was under a luxuriant cover of soil-building grasses and legumes.

Statistics recorded one less farm and farmer, but farm production didn't decline. It increased. An inefficient unit had been absorbed into a larger, more efficient one. And so, while people have been leaving agriculture at the rate of 1 million a year for the last 16 years—an exodus that is amazing by any standards—the productive capacity of our farms has been expanding rapidly.

But there is a tragic catch to this process. While we were expanding our dairy herd, improving the output per cow and building up our pastures, so were all our neighbors. Our concerted efforts flooded the local market with a record flow of milk last fall—and the price of milk slipped lower and lower. Collectively we destroy ourselves by individual actions we are forced to follow.

Carl and I will have to stay on our farm and ride out the storm. All our resources—education, experience, finances—have been committed to farming. We have had a busy, happy life on our farm. Our children grew up here and helped with the farmwork and were 4-H members.

Still with us is our daughter, Carleen, a 16 year old. But gone from home are our 2 sons—as soon as he came of age, we encouraged them not to stay on the farm but to leave and make their start in the business world without losing time. This they have done. Our son Gordon, 25, is with a construction firm in Kansas City, and David, 21, is a distributor for a bread company. Practically all their classmates have left the country. Very few of the once-hopeful veterans who took on-the-farm training after the war now remain in agriculture. They have been forced to find other ways of making a living after losing 10 youthful years in a lost cause. As in so many rural areas, our neighborhood rapidly is becoming a place of old- and middle-aged people.

CHANGE IS NOT EASY

In any case, making a change is not easy. A neighbor of ours, Maurice Wray, 44 years old and farming 210 acres, says, "What would I do in the city? I'd just be unskilled labor." Yet as a farmer he utilizes a whole range of highly developed mechanical and scientific skills—in addition to duties of management and the responsibility of handling his investment in a high-risk enterprise.

As I write this I think back to a winter evening * * * everyone else in the family has gone to a meeting. I retire early to my favorite cold-weather pastime, reading in bed with the heat pad turned on. My book is about the difficulties of flight into outer space, but I don't get farther than the first asteroid when there is a crunching of snow outside my window—a sound that may be made by a cow walking close to the house.

I get up and turn on the yard light. It's a cow, all right; the whole herd is out, all over the yard and scattering down the road. It's up to me and to old Queen, our dog, to round them up.

This calls for long underwear, jeans, overshoes, winter wraps. Outside, the crisp air is exhilarating as I set out with Queen trotting along beside me. The stars glittering coldly on the snow reflect enough light to pick out black-and-white cows wandering everywhere. Queen enters the game enthusiastically, barking around the pond, beyond the shelter belt, behind the granary. Rounding up the first few dozen cows is great sport, but finding and chasing all the stragglers begins to be hard work. Even Queen loses her enthusiasm.

My overshoes are beginning to get heavy as I plod patiently on. There is time for thinking, and my mind is in a resentful turmoil over the latest city newspaper editorial which denounced the pampered farmers and righteously demanded that agriculture return to a free economy where prices are determined only by supply and demand. Farmers should stand on their own feet and compete on an efficiency basis, the same as other industries.

HOW TO COMPETE

Indeed, I think, why shouldn't farmers adopt the methods of other economic groups? Perhaps we should start with a 27½-percent soil-depletion allowance for income-tax purposes, the same as the depletion allowance granted the oil industry. However, I must admit that income-tax relief would be a hollow mockery to the millions of farmers who aren't making enough income to pay taxes.

How about enabling legislation that would extend to farmers the same rights of collective bargaining, without antitrust penalties, such as labor enjoys? Or, if we can't have monopoly, how about a fairly well developed oligopoly, a combination that might act to curtail production and maintain prices? This might even up the odds, as it is oligopoly with which farmers must bargain.

And then there's the strike weapon. How about a 116-day farm strike? Farmers make up 12 percent of the population and receive only 5 percent of the total gross national product, so a booming economy shouldn't suffer much from this little loss. In fact, the Nation could survive on all those surpluses we're always complaining about. Of course, a diet of bread and cornmeal mush might get tiresome, without even cheese or meat to make sandwiches after the first week. But look what we'd save on storage costs.

Of course, if farmers struck for a few months, about 40 percent of the Nation's labor force would have to be laid off; all those engaged in processing and marketing food and those who sell services and supplies to agriculture. Things might get slightly dull, too, for the steel, petroleum, and transportation industries with one of their major customers out of business.

On the other hand, the wall-to-wall carpet industry and the central-heating and air-conditioning companies would scarcely feel the pinch at all—except indirectly—since they do only a trickle of farm business anyway.

FOREIGN AID, MAYBE

If we get really hungry, we could appeal for foreign aid, or reverse lend-lease. Maybe some of our friends of the free and twilight world would send CARE packages. Even powdered milk would improve all this mush. But what would other nations have to spare? We could import plenty of wheat, which we already have—indeed we would be having it three times a day. Or there's coffee, although most people soon would be in a mood to drink something stronger. But meat, milk, eggs—the high-protein foods; the sinews of muscle, health, and the very essence of the life cell itself—protein, is a very scarce world commodity. We could import only the merest fraction of the amount needed to relieve our distress. There is no other land on the face of this earth or several other planets that can pour forth the wealth of food produced by our own midwestern farm States.

It's hard to imagine just what phrases the financial page would use to describe a farm strike after months of referring to steel as the "most basic industry." Comfortably overfed as we now are, it's easy to forget that for countless eons of time mankind devoted his entire time and energy to the acquisition of just enough food for survival. Only recently has man been able to produce enough surplus food to enable him to develop his intellect and finally think of such things as steel.

But now the cows are relatively docile after their first wild ecstasy of running free. I round up the stragglers alone. Queen is tired and just politely refuses to help. The sharp air feels like pure oxygen, and my head spins.

SHOULD FARMER PAY?

How about the immutable old law of supply and demand? Has anyone ever considered whether or not the Nation would like to have its food supply reduced to the precarious scarcity that would be necessary to raise prices to a fair level in the marketplace? If the country wants a comfortable margin of food over and above our immediate daily needs, who should pay for this insurance? Should farmers be expected to carry the entire premium in the form of depressed prices?

While a farmer does not want to become a ward of the Government, there are some suggested remedies that give him the uncomfortable suspicion that he is being told, "This operation is going to be painful, and you may not survive. But it surely will cure what ails you."

Just exactly how free is the free economy to which agriculture is supposed to be returned? In a period of recession which is supposed to bring about adjustments, people refuse to buy, yet prices do not drop; there is unemployment, yet wages do not decline. Other parts of our economy seem to have developed some gimmicks that rather effectively prevent a free economy from adjusting itself at their expense.

Agriculture already is one of the most competitive of all enterprises. All different foods compete for the limited space in the human stomach. Geographical areas are pitted against one another for a share of the market. Efficiency of production is a relentless pressure within the industry, ruthlessly grinding the less fortunate into the necessity of accepting failure. And then the industry as a whole competes against all other economic groups for a fair share of the Nation's income.

Perhaps we should return the rest of the economy to the competitive status of agriculture.

FANTASY FADES

The last cow walks into the lot at her own deliberate, dignified rate. I shut the gate. Back in the warm house, I am tired. The intoxicating spell of the night air fades, and fantasy is dispelled by glaring light. I return to the practical.

When the Nation's farmers totaled their records for 1959, they found that their income had declined 15 percent from the year before. All predictions now are for a further downhill slide in 1960. Not a single economist forecasts any significant improvement in the farm-income situation in the years ahead. There is every evidence that the farmer has the technical ability to expand production even faster than the population increases for quite a few years to come. The farm surpluses will be with us for a long time.

And there is no sound, unified program to meet this situation. The voice of the farmer is weak and faltering because the several national farm organizations which are supposed to speak for him are deadlocked in uncompromising disagreement on possible solutions. They have taken fixed positions and continue to defend them, come what may, while the situation steadily worsens.

HOW WE HANG ON

How then, if we are losing money, do we—Carl and Mary Conger—manage to hang on? We have done it, thus far, by the very inflationary force which threatens to destroy us. Inflation operates in strange ways, and while it has put our income in a cost-price squeeze, it has caused a rise in land values. Also, the desperate need to grow larger, for efficiency's sake, has caused farmers themselves to bid up the price of land. Thus our farm, like most others, is worth more each year—on paper—and we borrow against that increased value to meet our losses. We know

this is a dangerous process, one that is under way in much of agriculture, one that could engulf us all unless the decline in farm income can be halted.

Meanwhile we tighten our belts. We put off reshingling the roof yet another year. And we don't really need a new refrigerator—the old one has run for 17 years without stopping. We hang on, knowing that for farmers everywhere there will be more debts, a gradual loss of their equity in their land and a widespread fear that someday, unless something is done, the scales will tip too far, and family farms such as ours will be a thing of the past.

THE CUBAN SITUATION

Mr. KEFAUVER. Mr. President, during recent months, our relations with Cuba have gone from bad to worse. Under our present approach to the problem, I can see no prospect other than further deterioration of these relations.

I believe the situation is serious; and I believe that a more constructive approach is urgently needed, unless we are willing to see Cuba become a hostile cold war outpost against the United States.

A principal cause of the unfortunate state of our present relations with Cuba is the controversy over charges that the United States is condoning, if not encouraging, raids against Cuba from American soil.

On this issue, Castro has made a mountain out of a molehill. I believe he has blown up a whirlwind of propaganda out of a few isolated incidents over which the United States had no adequate control. This propaganda campaign is apparently based on Castro's fears that the United States is trying to torpedo his government.

These fears are wholly without foundation in fact. The United States has not condoned, and does not condone, raids against Cuba from our soil. The President has ordered the FBI to take special precautions against such raids, while Congress has recently passed a $500,000 appropriation to employ more agents to check airfields and to clamp down as tightly as possible on these unfortunate free-lance, light-plane raids. This country is not the enemy of Cuba.

Despite these measures, Fidel Castro has continued to level charges that the United States is "out to get" Cuba. There can be no solution to our misunderstanding with Cuba unless the air is cleared of suspicion and of the deplorable propaganda war which presently is being waged. This dispute must be lifted from the street level to a higher plane. It must be placed beyond the reach of exaggerated fears and unfounded propaganda attacks.

I suggest—as others have done—that the U.S. Government offer to have the Organization of American States investigate Cuba's charges, and make recommendations for the resolution of our current difficulties with that country. After all, the Organization of American States was established for that very purpose—to help iron out difficulties which may arise among nations of the Western Hemisphere.

The Organization has a high reputation for impartiality and for exercising an effective and constructive influence on disputes on which it has been requested and permitted to act. The purpose of submitting the dispute to the OAS would be to request the use of the good offices of our Western Hemisphere neighbors to settle a dispute which hitherto we have been unsuccessful in settling bilaterally.

Under international law, every country has a clear obligation to use due diligence to prevent its own territory from being used as a base for hostile operations against other countries. I am confident that most of the allegations which have been levelled against the United States are greatly exaggerated. Quite obviously the U.S. Government is not attempting to destroy Cuba by means of occasional light-plane raids.

On the other hand, respect for international law is very much a part of our basic political philosophy; and if any damage at all to Cuba has resulted from our failure adequately to discharge our international legal obligations, we should not seek to evade responsibility for it.

A declaration of our willingness to submit the dispute to the Organization of American States would be an undeniable demonstration of good faith. And an investigation by that body would do much to clear the air of the various charges and countercharges which have done so much to poison America's relations with Cuba.

Moreover, Cuba could not turn down an American offer to submit the charges to the Organization of American States, for investigation, without lending substance to the American position and without casting doubts on the integrity of, and thus offending, the other Latin American countries.

Our present policy toward Cuba is basically negative. We have taken the preventive measures of which I spoke, and in one case we have apologized for damage caused by a light plane which raided Cuba from American soil. Generally speaking, however, we have denied or denounced Cuban allegations, without disproving them. We have raised the threat of possibly cutting Cuba's sugar quota. There are frequent suggestions that Fidel Castro is personally Communist inclined, and therefore should be treated as a pariah. All of these things tend to confirm Castro's exaggerated suspicions of the United States and to alienate him further.

The Cuban revolution has produced many excesses, and they are to be deplored. But an attitude of general hostility by the United States will not result in a decrease in such excesses. A hostile attitude is more likely to aggravate the atmosphere of suspicion and fear in which excesses take place.

We should certainly not condone anything which runs contrary to our principles. We should be firm in defense of our morally legitimate rights. We should, however, adopt a more positive approach to Cuba and to Latin America in general than we have in the recent past. We should encourage and assist constructive economic and political developments in Latin America, instead of merely contending ourselves with expressions of disapproval in connection with things which we may find distasteful.

We must either make positive efforts to place our relations with Cuba on an honorable, friendly basis, or we must content ourselves with the prospect of a continued deterioration in our relations with that country.

The administration apparently assumes that if Castro is given enough rope, he "will hang himself." I do not believe that should be our attitude. Moreover, I am sure that it will not work. Our experience with Nasser should warn us that Castro will look elsewhere for help, rather than accept failure, and that the Soviets will regard the situation as a Heaven-sent opportunity to extend their influence to the Western Hemisphere.

Recent Cuban trade negotiations with Communist bloc countries are ominous straws in the wind. The long-range prospect of our present policy toward Cuba is destruction of the Monroe Doctrine.

Despite this prospect, it is neither in the interest of the United States nor in the interest of Fidel Castro himself that he be forced into heavy dependence on the Soviet-led Communist bloc or on their domestic sympathizers. The basis for a more fruitful relationship between the United States and Cuba exists. But a more constructive American policy toward Cuba is needed now, before the situation gets out of hand.

RELIEF FOR THE FAMILIES OF NINETEEN NAVY BANDSMEN

Mr. KEFAUVER. Mr. President, President Eisenhower's triumphal tour of South America already is fading into history; but it will not be forgotten in 19 homes. The families of the 19 Navy bandsmen who died in the air tragedy over Rio de Janeiro harbor cannot easily forget the flag-draped coffins which came home to them.

If these 19 men had died in battle, the Nation would have honored them as heroes, and there might now be more concern for their families. But the 19 died in the cause of peace; they had been sent on a good-will mission.

For the bereaved families, their great personal loss was not the only tragedy. The widows and children of these servicemen have been left in serious financial difficulties. Their financial plight is due at least in considerable measure to the fact that—as nearby as can be discovered—not one of them had any accident insurance for the fatal flight.

There have been a great number of accusations that their failure to take out insurance, as they normally did when flying, was due either to misfeasance or malfeasance on the part of the Navy. These accusations, which have been leveled at the Navy from a number of different directions, have been steadfastly denied by the Navy Department.

In brief, the accusations are that the bandsmen were kept in the dark as to their itinerary in Latin America, and were discouraged from taking out insurance which would have covered them on the fatal flight.

Without going into the merits of these accusations, Mr. President, I would like to ask unanimous consent to place in the record at this point a remarkably restrained document which has been signed by all but one of the widows of the Navy bandsmen.

If the circumstances are roughly similar to those as described in this letter and in various newspaper articles which have appeared on this subject, I believe we have a case which falls outside of the usual statutory relief and which demands special consideration on the ground of equity.

I have drafted a private bill to provide equitable relief for the widows and children of these men.

I am delaying introduction of this bill because of the announcement of two investigations of the tragic event by committees of the House of Representatives. Representative PAUL J. KILDAY of the House Armed Services Committee and Representative JOHN MOSS of the House Committee on Government Operations will hold special investigations of the matter.

When they have developed all of the facts, it will be appropriate to decide whether equitable relief is in order, and if so, the manner in which such relief can best be given.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

There being no objection, the document was ordered to be printed in the RECORD, as follows:

We are the widows of the Navy bandsmen who died in the air crash on February 25, 1960 over Rio de Janeiro while being transported to perform at a reception to be given by the President of the United States for the President of Brazil and other dignitaries at the American Embassy. We are writing to acquaint you with the facts as we know them and to enlist your help and support for such congressional action as you deem equitable and just.

On January 26, 1960, the bandsmen were alerted to the possibility of a South American tour. On January 26 this was confirmed and the date of departure established as February 6. On February 5, the day before departure, the bandsmen were handed two forms for insurance coverage made available by Mutual of Omaha. One covered only the trip to Trinidad at the rate of $1 per $25,000 (maximum $50,000), and the other $10,000 maximum for $12 for 45 days covering the entire tour. At that time the only flights on the tour of which the men had knowledge were the flight to Trinidad for embarkation on the *Macon*, and a possible helicopter flight from Buenos Aires to Montevideo (which did not take place) of about 70 miles. It was also understood that there would be a return flight from Rio de Janeiro to Washington, but that insurance at a slightly higher rate than for the flight to Trinidad would be made available at the time of return. No itinerary had been announced and, as nearly as we can determine, none existed at that time.

Since the only known flights of any length were the one to Trinidad and the return flight from Rio de Janeiro, and in view of the relatively high cost and inadequate $10,000 blanket 45-day coverage, the majority of the men purchased the $25,000 or $50,000 Trinidad trip insurance with the expectation that they would purchase insurance for the return trip from Rio de Janeiro at that time. So far as we know no one purchased the $10,000 blanket coverage.

After flying to Trinidad the band traveled via the *Macon* to Rio de Janeiro where they played one performance, and from there to Buenos Aires, arriving on the 20th. The itinerary was not made available until February 22. This itinerary scheduled a flight in an Argentine navy plane for February 24 (which did not take place) and the fatal flight by the string orchestra to be directed by Lieutenant Fultz on the 25th from Buenos Aires back to Rio de Janeiro and return to Buenos Aires on the 26th.

Although Lieutenant Fultz and the eight string players of the group were thus given notice on the 22d, the 10 wind players of the group were not designated until the list was read to them on the 24th. The departure time was 6:30 a.m., on the 25th. We have been told that the men asked for insurance for this flight and were told that it was not available. After the tragic flight, $20,000 coverage for each member for the remainder of the trip was arranged for by telegraph by the Navy with the North American Insurance Co. for $10 per man to be paid for on return.

Whatever the reason for the sudden decision to send the band to South America, the facts are that regularly scheduled tours are known and the itinerary prepared months ahead of time, and adequate flight insurance is regularly made available in advance at reasonable cost. In this case the absence of an advance itinerary due to the hasty arrangements were, as explained earlier, the direct cause of the unavailability of adequate insurance and of the decisions by the men not to take out the $10,000 high cost insurance that was available. We know without question that, but for these circumstances, our husbands would have protected their families with the maximum flight insurance available (usually $20,000, sometimes more) because this is what they have always done in the past. We feel that, having given their lives for their country in the struggle to win the hearts of our South American neighbors to our side, they would wish that their country ease at least the financial burden of their loved ones to the extent that they would have done so had they had a fair chance.

We respectfully urge that you give this your most earnest consideration and, if you believe in our cause, introduce or join in sponsoring or voting on such legislative measure as you deem just.

Respectfully yours,

Norene Micallef, Brooklyn, N.Y.; Majorie H. Albrecht, San Francisco, Calif.; Ann Armiger, Hillside, Md.; Margaret K. Clark, Lockport, N.Y.; Judith J. D'Amico, Jersey City, N.J.; Isabel M. Gaglio, Compton, Calif.; Patricia Harl, Altoona, Pa.; Elizabeth L. Mohs, Cincinnati, Ohio; Phyllis A. Penland, Iowa City, Iowa; Arlene E. Richey, Seattle, Wash.; Francis Rosenthal, Chillum, Md.; Beatrice Tramentane, New York City; Beverly J. Wilklow, Perry, N.Y.

THE IMMORTAL MESSAGE

Mr. BYRD of West Virginia. Mr. President, spiritual awareness was not confined to those who formed our Government. It was rooted in the hearts of the people, and, therefore, appeared in every facet of American life. This is clearly emphasized by the following historical event.

In 1839, when Morse had perfected his telegraph to the point where he could send a message more than 3 miles, he took it to Washington. He appealed unsuccessfully to Congress for an appropriation to continue his experiments.

Disappointed and dejected, Morse went to Europe and tried to patent his invention. His applications in England and Russia failed. France accepted the telegraph, but never paid Morse.

He returned to Washington. On the last day of the congressional session in February 1843, 4 years after his original appeal, Morse still had not received the necessary appropriation. Discouraged and broken in spirit, he packed his bag, paid his hotel bill, and bought a train ticket for home. On the way to breakfast, Morse met the daughter of a friend. Running up to him, she said breathlessly, "I have to congratulate you."

"Congratulate me. What for?" asked Morse.

Then she told him. Congress had appropriated $25,000 for a telegraph line.

Overjoyed, Morse told the young woman that she would write the first message to go over the telegraph wire.

A little over a year later, in May 1844, the wire was completed. It stretched from Washington to Baltimore. Alfred Vail, Morse's coworker, was at the Baltimore end of the wire. In Washington, Morse kept his promise to the young woman, who was on hand for the great occasion. She handed him a piece of paper. On it was written the first message ever to go over the telegraph. Morse tapped out the words: "What hath God wrought?"

A few minutues later the same words came back over the wire: "What hath God wrought?"

Vail had answered with the same immortal message.

HEALTH PROBLEMS OF THE AGED

Mr. MCNAMARA. Mr. President, as chairman of the Subcommittee on Problems of the Aged and Aging, I have been impressed by the many thoughtful statements that are being made at the hearings we are now conducting on the critical health problems facing the elderly citizens of our Nation.

I would like especially to draw attention to the testimony of the distinguished junior Senator from New Jersey [Mr. WILLIAMS] before the subcommittee April 6. I am pleased by his strong support for prompt action to help meet the health needs of the aged, and I am especially pleased by his comments stressing the need for comprehensive low-cost medical care to provide coverage for a broad range of medical services.

Mr. President, I ask unanimous consent that Senator WILLIAMS' statement to the subcommittee be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR HARRISON A. WILLIAMS, OF NEW JERSEY, BEFORE SENATE SUBCOMMITTEE ON AGING, APRIL 6, 1960, ON HEALTH PROBLEMS OF THE AGED

Mr. Chairman, I am extremely grateful for the opportunity to appear here today to say a few words on the very serious health problems facing the elderly people of our country.

And may I say, I think the Subcommittee on Problems of the Aged and Aging has been doing an outstanding job in dramatizing the implications of the trend that is adding a full 1 million people every 3 years to the ranks of the 15.3 million men and women who are now 65 years or older.

It is especially helpful that, with these hearings, you have focused on the most overwhelmingly important aspect of this trend—the health problem.

For it is the onset and continuation of serious illness at a time of minimum income that has made a mockery of the pursuit of happiness for millions of Americans in their last years of leisure.

With just subsistence income and a little savings to carry them through their years of retirement, millions of our elderly men and women have seen their modest dreams for a decent life go up in smoke with the receipt of no more than a single hospital bill.

There are, of course, vast quantities of statistics to document the seriousness of the problem. We know that the aged suffer two to three times as much chronic illness as the rest of the population under the age of 65.

We know that their expenditures for all kinds of health care are at least twice as great as the rest of the population has to pay.

We know that medical costs have, since 1947, been rising twice as fast as the cost of living as a whole.

And we know that the incomes of those over 65 are hardly adequate to cover the bare costs of normal living, much less the special health costs of a serious and chronic illness.

According to the statistical abstract of the United States, there were a full 6 million people in 1958 over the age of 65 with income from all sources, of $966 or less. Somewhat less than 150,000 of our 15 million aged people had incomes of more than $10,000. The great bulk are way down at the bottom of the income scale.

Perhaps some are inclined to say, "perhaps their income may be low after 65, but most of them have enough of a nest egg tucked away to take care of things."

Unfortunately, the statistical abstract gives no support to this belief.

Of all the people receiving old-age and survivors insurance, 35.9 percent of them had no nest egg or liquid assets at all; no money in the bank, no postal savings, no stocks or bonds, and no money loaned out to others.

Another 19.5 percent had liquid assets ranging from $1 to $999—making a total of 55 percent who had less than $1,000 to spend on an emergency without having to hock the family car or the living room furniture.

I think, then, it is fair to say that there is a vast number of elderly people who are barely managing to get by with a minimum of creature comforts.

Nevertheless, suppose we assume that most of these people are able to scrape enough together to maintain a private health insurance policy.

As I understand it, about the most liberal private health insurance program now available for the aged costs $6 a month, or $72 a year. This would be nearly 10 percent of the total income of nearly 6 million people at the present time.

In return for this extremely costly expenditure, the policyholder gets about $10 a day for 31 days in the hospital; $200 for surgical benefits and only 50 percent of the miscellaneous hospital expenses—which sometimes is a very large item on the bill—up to a total of $125. And, of course, this policy does not cover doctor bills, or any nursing home care that may be needed, or the cost of drugs—which we all now know are high indeed.

Now in New Jersey, the average cost of a hospital bed is $25 a day and this rate is, no doubt, much the same across the Nation. So if our hypothetical policyholder should be forced to spend 30 days in the hospital, it would cost the person $15 a day extra for the bed, for a total of $450.

This alone would wipe out nearly half of the yearly income of some 6 million people.

It seems to me that these facts take a good deal—if not most—of the luster off all the talk we have been hearing recently about what a vast increase there has been in the number of elderly people who now have voluntary health insurance.

And there has been a great deal of this talk. The American Medical Association is fond of saying that voluntary health insurance programs have made revolutionary progress since World War II, that by 1970 about 90 percent of the population will be covered. They often neglect to add that by 1970 more than 30 percent of those over 65 will still have no health insurance.

At the present time, there are some 9 million old people, or 60 percent of that age group, who are not covered by health insurance of any shape or form.

But the bone that sticks in the craw—and that will continue to stick—is the extremely high cost of any voluntary health insurance. Six dollars a month is high enough for people with the kinds of income we are talking about, and still the benefits of a premium of this price are sadly inadequate. One can imagine what the premium would have to be for anything approaching necessary coverage for such poor risk people as the aged.

I am sure, Mr. Chairman, that you are familiar with the remarkable letter received recently by Congressman FORAND from the distinguished Dr. Basil C. MacLean, who recently retired as president of the National Blue Cross Association.

But I think his comments on the costs of insurance are worth repeating, for he writes:

"A lifetime's experience has led me at last to conclude that the costs of care of the aged cannot be met, unaided, by the mechanism of insurance or prepayment as they exist today. The aged simply cannot afford to buy from any of these, the scope of care that is required, nor do the stern competitive realities permit any carrier, whether nonprofit or commercial, to provide benefits which are adequate at a price which is feasible for any but a small proportion of the aged."

It is because of these virtually inherent difficulties in our present medical care system that Congress is unavoidably confronted with the choice of making a "new departure" or decreeing severe economic hardship and often more painful and shorter lives for the men and women who nurtured most of us, sacrificed themselves for our benefit, educated us, fought our wars, built our country and made possible everything that we are able to enjoy today.

If nothing else, simple humanity should compel us all to find some way of guaranteeing our elderly citizens that quiet dignity, the peace of mind and freedom from catastrophe they so clearly deserve.

Yet what do we see today? We see a propaganda campaign of utter hysteria being directed at a proposal that wouldn't even stiffen the bristle of the most reactionary Tory in Great Britain.

This is, of course, the proposal that the able and dedicated Congressman from Rhode Island [Mr. FORAND], has sponsored—to permit the people of the United States to enjoy adequate medical care after retirement by paying for their insurance during their working years through small, steady tax contributions to the social security trust fund.

Of course, there are defects to this proposal which render it less than a perfect solution to the health problems of the aged.

But to listen to some of the more fervent opponents, one would think that everything that could possibly be subsumed under the phrase, the American way of life, hangs on whether a Forand-type bill is passed by Congress.

For example, we have heard the argument that "the adoption of this program at this time would impose a serious and indefensible burden on private enterprise" at a time when it is already badly overtaxed.

Or that this legislation "will eventually be dictated by political expedience and not by considerations based on sound economics."

Or that "this program would result in the creation of a new, extensive, and costly Federal bureaucracy which would assume prerogatives which rightfully belong to the States."

Or that the experience of European countries with compulsory social insurance legislation has demonstrated that such legislation as this is unwise.

Or that "this program would undermine the fabric of our economic and social life by destroying initiative, discouraging thrift, and stifling individual responsibility."

These criticisms have such a ring of antiquity about them that you would almost think they were pages torn from the days of the great New Deal debates.

In fact, that's just where they came from.

All the arguments I have just mentioned are taken from the testimony of a representative of the Illinois Manufacturers Association at the hearings in 1935 on H.R. 4120, the Economic Security Act.

Today we are hearing much the same thing about the Forand bill. And most of the criticism is wrapped up in the charge, made recently in a special "Forand issue" put out by the AMA newspaper, that this whole business is but a "bold attempt to foist off on the American people a scheme of compulsory health insurance that would carry this country into the abyss of socialism."

To me this illustrates the kind of old guard, ostrichlike statements, in the face of a serious social problem, that historically have been the motive power for eventual changes of a far more drastic nature than would have been the case had some sort of accommodation and constructive action been taken promptly.

I think there is as much reason to argue that the present position of the AMA and its allies, is more likely to lead to socialized medicine than the passage of the Forand-type bill.

Another frequently voiced criticism concerns the compulsory nature of the Forand-type legislation and the alleged inequity of making one group, the employed, pay for the benefits of another, the retired.

On the question of compulsory insurance, I would say that this is something that should be weighed very carefully by Congress, for certainly no one wants to limit anyone's freedom of choice any more than is absolutely essential.

But the opponents of any health insurance legislation have distorted this problem all out of proportion. They have tried to turn this word into something sinister and subversive.

Actually, however, every time Congress passes a law it is engaged in the process of limiting the freedom of choice of some, in order to insure a greater freedom or more social justice for others.

But even more to the point is that there are already many compulsory features to the present voluntary health plans. In many companies, if you wish to work for them, you have no choice but to contribute to their pension system or take out health insurance or whatever else is decided upon as a result of collective bargaining or management decision.

Furthermore, the employer who makes his part of the contribution to these plans then turns around and claims a tax deduction from the Federal Treasury, which in turn, collects from the taxpayer, who has no choice in the matter at all.

As for the inequity argument of making one group pay for the benefits of another, this is already happening to every single person who holds Blue Cross insurance.

We have all read of the serious financial difficulty of the Blue Cross organizations all across the country and the steep premium increases that are being made. This has happened in large part because of the Blue Cross commitment to universal coverage and level-payment premiums. But to cover the costs of the increasing number of older people who have joined, the premium has to be increased far beyond the actuarial cost of covering young people. There is no question that the younger members of Blue Cross are subsidizing the older.

But nowhere is the hollowness of the logic of the opponents more evident than in the charge that passage of compulsory health insurance legislation would lead to overutilization of hospital facilities that could not be controlled, resulting in "runaway costs, with consequences that could be disastrous to hospitals and the public."

Yet in the very same breath, these prophets of gloom are loudly boasting that by 1970 more than 90 percent of the people in the United States will be covered by voluntary health insurance plans.

It is incomprehensible to me how anyone can say the danger of overcrowding is any greater in the one case than in the other—if, in fact, these people believe that eventually 90 percent of the population will be covered and that the insurance will be genuinely adequate to the needs of our aged.

Either the danger is going to be the same in both cases or the voluntary insurance will have to be much more severely limited in benefits than we are being led to believe.

I personally believe the danger of overutilization will be very small if the proper precautions are taken.

In the first place, under the proposals now being considered, no one would be put in a hospital unless admitted by a doctor.

Thus overutilization would only occur if doctors sent their patients to hospitals when they didn't need to go. And it is somewhat ironic that the AMA and others who espouse this theory of overutilization seem to hold the integrity and responsibility of our doctors in such low esteem.

It seems to me, however, that this possibility of abuse is something that Congress ought to consider very carefully in the formulation of any legislation.

And this abuse would be much less likely to occur, I think, if the legislation is not narrowly drawn in the interests of passage.

By this I mean, if benefits are limited, for example, to just the cost of hospitalization, a great many doctors would be put under unnecessarily severe pressure to abuse the program, it seems to me.

For suppose an elderly person has need for a great deal of nonhospital care but can't afford to pay for the treatment. The doctor, then, is faced with the hard choice of foregoing all or more of his fee or sending the patient to the hospital for the service.

A good illustration of the problems of narrowly conceived health insurance can be seen in the operation of the Blue Cross.

Mr. Chairman, I would like to have included in the record of these hearings a very informative analysis of the many-faceted problems besetting the health insurance field, written by Mr. Edward Chase, in the October 29, 1959, issue of the Reporter. In connection with what I have said, he writes:

"Blue Cross now finds itself backed to the wall by the fact that its coverage is, with only the rarest exceptions, confined to treatment in hospitals. The resultant overutilization of the hospital has become something of a national scandal," simply because many patients can't afford to pay for complete health examinations, X-rays and laboratory tests, and the insurance policy doesn't cover these services unless performed in the hospital.

In addition to throwing unduly heavy burdens on the hospitals, the present scope of Blue Cross coverage, according to Mr. Chase, runs "directly counter to the prevailing trend in contemporary medical thinking" which puts the emphasis on more and better preventive practices and true rehabilitation care. As he correctly states, "Blue Cross is not contributing to realization of this ideal" and indeed it cannot give the nature of its coverage, which is of course dictated by underwriting costs.

Therefore, it seems to me of greatest importance, if there is to be legislation on the subject, to have benefits for the most complete range of medical services possible and necessary.

If proper attention is given to this matter, it seems to me that the danger of overutilization could be greatly reduced, that the total cost of medical care could be lessened by including a few ounces of prevention, and that the overall health of the aged would be materially enhanced.

Some of the things I think ought to be included would be adequate coverage for hospital costs, including bed and certain miscellaneous expenses; coverage for such services such as X-rays, diagnostic and laboratory tests on an out-patient basis, to help in the prevention and early cure of illness; coverage for necessary skilled nursing services to help in more effective rehabilitation; and coverage for limited amounts of expensive drugs that are prescribed by physicians for patients receiving care outside of hospitals.

Mr. Chairman, to me, the need for action now and the need for comprehensive low-cost medical care for our elderly citizens is of far greater importance than the particular method of financing it.

It seems to me that the use of the social security mechanism is a common sense approach with many advantages. It is a way of providing immediate coverage to the widest number of people without forcing severe financial burdens on them. Because of its virtual universality among the present working force, it will insure coverage for nearly everyone when they reach retirement and its strong financial base will permit a much lower premium cost per person than any other approach. It would eliminate the need of premium payment after retirement which most voluntary plans require.

Perhaps other financing mechanisms would work as well but these are matters that could be worked out by reasonable men who genuinely felt the pressing health problems of our aged. I sincerely hope the efforts of your committee will succeed in making the health needs of the aged more clearly felt by all.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. Is morning business concluded?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

FUNERAL EXPENSES OF THE LATE SENATOR NEUBERGER

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The call of the calendar is now in order, commencing with Calendar No. 1242, Senate Resolution 289.

Mr. BARTLETT. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1242, Senate Resolution 289.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The LEGISLATIVE CLERK. A resolution (S. Res. 289) to pay certain funeral expenses of the late Senator Richard L. Neuberger, of Oregon.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion to proceed to the consideration of S. Res. 289.

The resolution (S. Res. 289) was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed to arrange for and attend the funeral of the Honorable Richard L. Neuberger, late a Senator from the State of Oregon, on vouchers to be approved by the chairman of the Committee on Rules and Administration.

ADDITIONAL FUNDS FOR THE COMMITTEE ON APPROPRIATIONS

The resolution (S. Res. 282) to provide additional funds for the Committee on Appropriations was considered and agreed to, as follows:

Resolved, That the Committee on Appropriations hereby is authorized to expend from the contingent fund of the Senate, during the Eighty-sixth Congress, $20,000, in addition to the amounts, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946, and Senate Resolution 137, agreed to July 6, 1959.

RESOLUTION PASSED OVER

The resolution (S. Res. 294) extending the time for filing the final report of the Select Committee on Improper Activities in the Labor or Management Field, and continuing its authority, was announced as next in order.

Mr. BARTLETT. Over, Mr. President, as not properly calendar business.

The PRESIDING OFFICER. The resolution will be passed over.

PAYMENT OF SALARIES OF SENATE EMPLOYEES

The joint resolution (S.J. Res. 178) relating to the payment of salaries of employees of the Senate was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the compensation of officers (other than Senators) and employees, whose compensation is disbursed by the Secretary of the Senate, shall be payable on the fifth day of the

month following the month in which such compensation accrued, except that—

(1) all such compensation for the month of December shall be payable on the twentieth day of December;

(2) when such fifth or twentieth day falls on Saturday, Sunday, or on a legal holiday, such compensation shall be payable on the next preceding workday; and

(3) any part of such compensation accrued for any month may, in the discretion of the Secretary of the Senate, be paid prior to the day specified in the preceding provisions of this section.

For accounting and reporting purposes, disbursements made in accordance with this section on the fifth day of a month, or on the next preceding workday if such fifth day falls on Saturday, Sunday, or a legal holiday, shall be considered to have been made on the last day of the preceding month.

SEC. 2. (a) The joint resolution of May 21, 1937 (50 Stat. 199; 2 U.S.C. 60d), is amended by striking out the words "the Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed to pay to the officers and employees of the Senate and House of Representatives" and inserting in lieu thereof the following: "the Clerk of the House of Representatives is authorized and directed to pay to the officers and employees of the House of Representatives".

(b) Section 2 of the joint resolution approved May 21, 1937, as amended (53 Stat. 802; 2 U.S.C. 60e), is amended by striking out "The Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed to pay to the officers and employees of the Senate and House of Representatives", and inserting in lieu thereof "The Clerk of the House of Representatives is authorized and directed to pay to the officers and employees of the House of Representatives".

(c) The last paragraph under the heading "Contingent Expense of the House" in the First Deficiency Appropriation Act, 1946 (59 Stat. 633; 2 U.S.C. 60e–1), is amended to read as follows:

"Whenever the usual day for paying salaries in or under the House of Representatives falls on Saturday, such salaries may be paid on the preceding workday."

SEC. 3. This joint resolution shall be effective with respect to compensation accruing on or after the first day of the month following the month in which it is enacted.

PUBLIC HEARINGS ON WASHINGTON METROPOLITAN PROBLEMS

The concurrent resolution (S. Con. Res. 101) authorizing public hearings and recommendations on the bills S. 3193 and H.R. 11135 by the Joint Committee on Washington Metropolitan Problems was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Joint Committee on Washington Metropolitan Problems, created by House Concurrent Resolution 172, agreed to August 29, 1957, is hereby authorized to hold public hearings on the bills S. 3193 and H.R. 11135, and to furnish transcripts of such hearings, and make such recommendations as it sees fit, to the Committees on the District of Columbia of the Senate and House of Representatives, respectively.

PROPOSALS TO LEASE RESERVED MINERAL LANDS

The bill (S. 1268) to provide for notice to States owning surface of lands in which minerals are reserved to Federal Government of proposals to lease such minerals was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall, in each case where he has authority to lease deposits of oil, gas, or other minerals where title to the surface is held by one of the several States, give written notice to the State in which the lands are situate of offers to lease such rights promptly upon receipt of such offer. He shall afford the affected State an opportunity to present its views within thirty days of receipt of such notice, and shall give such views full consideration. Where multiple offers are made on a particular tract, a single notice to the State shall be deemed adequate notice.

ADDITION OF CERTAIN DONATED LANDS TO EVERGLADES NATIONAL PARK

The bill (S. 2576) to authorize the addition of certain donated lands to the Everglades National Park was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to accept for Everglades National Park purposes, title to approximately 1,160 acres of land and submerged land lying within sections 25, 26, and 36 of township 53 south, range 29 east, and section 30, township 53 south, range 30 east, Tallahassee meridian, and being a portion of the land and submerged land donated and conveyed by three Collier deeds in 1951 and 1952 to the trustees of the internal improvement fund of the State of Florida for subsequent inclusion in the Everglades National Park. Such three Collier deeds are dated December 12, 1951, December 26, 1951, and March 21, 1952, and are recorded in deed book 22, page 240, deed book 22, page 244, and deed book 39, page 25, respectively, in Collier County, Florida. The aforesaid land and submerged land shall be subject to the reservations set forth in the aforementioned Collier deeds for public utility easements and rights-of-way of the public with respect to Indian Key Channel, and also to a public right-of-way for the State highway or causeway from Everglades City to Chokoloskee Island.

SEC. 2. All lands and submerged lands title to which is accepted by the Secretary of the Interior pursuant to the provisions of this Act shall, upon the acceptance of title thereto, become parts of the Everglades National Park and shall be subject to all laws and regulations applicable thereto.

REMOVAL OF RESERVATION OF TIMBER RIGHTS FROM PATENT ISSUED TO IVAN H. McCORMACK

The joint resolution (S.J. Res. 9) to provide for the removal of a reservation of timber rights from a patent issued to Ivan H. McCormack was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act for the relief of Ivan H. McCormack", approved August 23, 1935 (49 Stat. 2163), is amended by striking out ": *Provided further*, That the patent issued hereunder shall contain a reservation to the United States of the timber on the northeast quarter southwest quarter and the northwest quarter southeast quarter of said section 31, which timber shall remain subject to sale, and the proceeds thereof shall be credited to the 'Oregon and California land-grant fund' in accordance with the provisions of the Act of June 9, 1916 (39 Stat. L. 218)".

SEC. 2. The Secretary of the Interior shall execute and deliver to Clarence A. Sapp and Pearl E. Sapp of Philomath, Oregon, an appropriate written instrument which will effect with respect to the land conveyed under such Act the amendment made by the first section of this Act.

The preamble was agreed to.

BILL PLACED AT FOOT OF CALENDAR

The bill (H.R. 725) to provide for the establishment of the Wilsons Creek Battlefield National Park in the State of Missouri, was announced as next in order.

Mr. KEATING. Mr. President, I ask unanimous consent that the bill be placed at the foot of the calendar, to be called again.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? The Chair hears none; and, without objection, the bill will be placed at the foot of the calendar.

PRESERVATION OF THE ANTIETAM BATTLEFIELD

The bill (H.R. 1805) to provide for the protection and preservation of the Antietam battlefield in the State of Maryland was considered, ordered to a third reading, read the third time, and passed.

STONES RIVER NATIONAL MILITARY PARK, TENN.

The bill (H.R. 9543) to revise the boundaries and change the name of the Stones River National Military Park, Tenn., and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

REVISION OF BOUNDARIES OF FORT DONELSON NATIONAL MILITARY PARK

The Senate proceeded to consider the bill (S. 1066) to revise the boundaries of Fort Donelson National Military Park, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs, with an amendment on page 2, line 13, after the word "elevation", to strike out "367" and insert "369", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in furtherance of the purposes of the Act of March 26, 1928 (45 Stat. 367), and to facilitate an appropriate observance of the one hundredth anniversary of the Battle of Fort Donelson, the Secretary of the Interior is authorized to designate for addition to the present Fort Donelson National Military Park such lands and interests in lands adjacent to said park as in his discretion are necessary to preserve and interpret this historic battleground, including the nearby historic Surrender House and the land upon which it is situated on Spring Street in the town of Dover, Tennessee: *Provided*, That the total area commemorating the Battle of Fort Donelson shall not exceed six hundred acres.

SEC. 2. Within the area so designated the Secretary is authorized to acquire non-Federal lands and interests in lands by purchase, donation, with donated funds or in such other manner and by such means as he may deem to be in the public interest, except that the Surrender House and land upon which it is situated shall be acquired only by donation or with donated funds. Administrative jurisdiction and control over lands administered by the Corps of Engineers, Department of the Army, above contour elevation 369 and which, under authority of section 1 of this Act, are designated for inclusion in the park shall upon agreement of the administering agency be transferred to the Secretary of the Interior, without a transfer of funds.

SEC. 3. Upon acquisition of the additional lands, pursuant to authority contained in this Act, the Fort Donelson National Military Park shall be redesignated as the Fort Donelson National Battlefield by publication of notice thereof in the Federal Register, whereupon any remaining balance of funds appropriated for purposes of said park shall be available for the purposes of the Fort Donelson National Battlefield.

SEC. 4. The administration, protection, and development of the Fort Donelson National Battlefield shall be exercised by the Secretary of the Interior in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535), entitled "An Act to establish a National Park Service, and for other purposes," as amended.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WEST VIRGINIA PULP & PAPER CO.

The Senate proceeded to consider the bill (S. 2128) for the relief of the West Virginia Pulp & Paper Co. which had been reported from the Committee on Interior and Insular Affairs, with an amendment on page 1, after the enacting clause, to strike out:

That the Secretary of the Interior is authorized and directed to convey by quitclaim deed without consideration to the West Virginia Pulp and Paper Company all oil, gas, and other mineral rights of the United States in the following-described lands located in Calhoun County, South Carolina:

And, in lieu thereof, to insert:

That the Secretary of the Interior is authorized and directed to convey to the West Virginia Pulp and Paper Company, under the same terms and conditions as those established by the Act of September 6, 1950 (64 Stat. 769), except as to the required time within which application must be made and except that the Secretary of the Interior shall perform the duties assigned to the Secretary of Agriculture by that Act, all the mineral rights of the United States in and to the following described lands in Calhoun County, South Carolina:

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to convey to the West Virginia Pulp and Paper Company, under the same terms and conditions as those established by the Act of September 6, 1950 (64 Stat. 769), except as to the required time within which application must be made and except that the Secretary of the Interior shall perform the duties assigned to the Secretary of Agriculture by that Act, all the mineral rights of the United States in and to the following described lands in Calhoun County, South Carolina:

Beginning at a point of intersection of the southeast right-of-way line of South Carolina Highway Numbered 31 with the northwest boundary line of a tract of land designated as unit numbered 70 of the Orangeburg Farms Project, the said point being also a common corner of lands of the said unit numbered 70, with lands now owned or formerly owned by one Caldwell Estate, and thence leaving the said highway right-of-way line and running south 44 degrees 44 minutes west 417.40 feet thence north 45 degrees 29 minutes west 506.65 feet, thence south 42 degrees 38 minutes west 165.00 feet, thence south 49 degrees 56 minutes west, 2,023.20 feet to the point of beginning of the tract hereinafter described; thence south 43 degrees 58 minutes west 580.00 feet, thence south 44 degrees 02 minutes west 1,215.25 feet, thence south 44 degrees 00 minutes west 422.15 feet, thence south 44 degrees 04 minutes west 509.35 feet, thence south 43 degrees 36 minutes east 815.50 feet, thence south 44 degrees 02 minutes east 444.00 feet, thence north 48 degrees 26 minutes east, 2,122.50 feet, thence north 50 degrees 06 minutes east 152.90 feet, thence north 44 degrees 26 minutes east 308.75 feet, thence north 38 degrees 10 minutes west 1,455.80 feet to the point of beginning, containing 83.216 acres, more or less.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PERMISSION TO FILE APPLICATION FOR PATENT TO CERTAIN LAND IN FLORIDA

The Senate proceeded to consider the bill (S. 2174) to permit M. Margaretta Van Horne to file application for a patent to certain land in Florida, which had been reported from the Committee on Interior and Insular Affairs, with an amendment, on page 1, line 8, after "(69 Stat. 541)", to strike out "a patent may be issued pursuant to the provisions of such Act to M. Margaretta Van Horne, of Miami, Florida, to the following described tract of land if she files application therefor within one year after the date of enactment of this Act:

"Beginning at a point on the south line of lands deeded by Maragaret P. and William Wilson to John W. Y. Stelfox, recorded in deed book U, at page 154, public records of Brevard County, Florida, said point being 846 feet west of the east line of lot 4 in section 25, in township 27 south of range 37 east; thence running west along said Stelfox south line to the margin of Indian River; thence southerly along the margin of Indian River to a line 515 feet due south of said Stelfox south line; thence east and parallel with said south line to a point 846 feet west of the east line of lot 4 aforesaid; thence north 515 feet to the place of beginning and containing 17 acres of land to be the same more or less" and, in lieu thereof, to insert "patents should be issued pursuant to the provisions of that Act to the following-described tracts of land if application therefor is filed within one year after the date of approval of this Act: Lots 11, 12, section 13, lots 15 and 16, section 14, and lot 13, section 25, township 27 south, range 37 east, Tallahassee meridian, Florida."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any limitation upon the time within which applications for patents must be filed in order for patents to be issued pursuant to the provisions of the Act entitled "An Act to authorize the Secretary of the Interior to issue patents for certain lands in Florida bordering upon Indian River", approved August 9, 1955 (69 Stat. 541), patents should be issued pursuant to the provisions of that Act to the following-described tracts of land if application therefor is filed within one year after the date of approval of this Act: Lots 11, 12, section 13, lots 15 and 16, section 14, and lot 13, section 25, township 27 south, range 37 east, Tallahassee meridian, Florida.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to permit the filing of applications for patents to certain lands in Florida."

ACQUISITION OF CERTAIN LANDS FOR ADDITION TO HARPERS FERRY NATIONAL MONUMENT

The Senate proceeded to consider the bill (S. 2674) to authorize the acquisition of certain lands for addition to Harpers Ferry National Monument, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs, with an amendment, on page 1, line 8, after the word "Federal," to strike out "arsenal" and insert "armory," so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to further the commemorative purposes of the Act of June 30, 1944 (58 Stat. 645), by providing historic properties and administrative facilities, the Secretary of the Interior is hereby authorized to acquire, in the manner hereafter stated, the Storer College site, the original site of John Brown's "Fort" and the old Federal armory, comprising altogether approximately thirty acres, for addition to Harpers Ferry National Monument.

SEC. 2. (a) The Secretary of the Interior may accept the conveyance of all right, title, and interest of the trustees of Storer College in and to the lands and improvements in Harpers Ferry, West Virginia, granted to their predecessors for educational purposes pursuant to section 2 of the Act of December 15, 1868 (15 Stat. 366), upon payment to said trustees of not more than the current fair market value of the improvements located upon such lands. The Secretary may also purchase lands, interests therein, and improvements thereon, which lands were granted to the trustees of Storer College pursuant to such Act of 1868 and subsequently were alienated by the trustees: *Provided*, That he may pay not in excess of the amount paid thereof by the then owners plus the cost of existing improvements placed thereon by them, and, in no event may he pay more than the current fair market value. The Secretary may also purchase

from the trustees of Storer College, at not more than their fair market value, other lands and interests in lands acquired by them or their predecessors as a part of the college site, together with any improvements thereon. In addition, up to seven acres of privately owned lands, interests therein, and improvements thereon, which are interspersed with the aforesaid college lands may be purchased by the Secretary. Lands and interests purchased under this subsection may be exchanged for other lands, and interests therein, of approximately equal value, which comprise the college and interspersed lands otherwise authorized herein for purchase.

(b) To facilitate the acquisition of the original site of the engine house known as John Brown's "Fort" and the old Federal arsenal, the Secretary of the Interior is hereby authorized to exchange therefor federally owned park lands or interests in lands of approximately equal value in the vicinity of Cumberland, Maryland, which he finds are no longer required for park purposes.

SEC. 3. There are authorized to be appropriated such sums, not to exceed $300,000, as may be necessary for the purchase of lands, interests therein, and improvements thereon pursuant to this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. RANDOLPH. Mr. President, S. 2674, which has just been passed, is a measure as to which my colleague from West Virginia [Mr. BYRD] and I have joined in sponsorship. A like measure has been introduced in the House of Representatives by Representative STAGGERS of the Second Congressional District.

Mr. President, the acquisition of additional land and facilities at Harpers Ferry National Monument is most important at this time. The area is becoming increasingly attractive to Americans from the East and, in fact, from all sections of the country. In 1959 there were more than 650,000 persons who signed the guest book at the headquarters at scenic and historic Harpers Ferry National Monument.

This legislation is in the public interest, and I am sure it will add to the attractiveness of the area I have mentioned, as well as provide the National Park Service with valuable and useful facilities.

Mr. President, it was my privilege to have been the sponsor of legislation, originally proposed in 1936 under the Historic Sites Act, and enacted June 30, 1944, which created a boundary study and otherwise authorized the acquisition of appropriate lands for the Harpers Ferry National Monument. Following the required boundary investigations, acreage was set at 1,383 of the possible 1,500 acres authorized. On August 21, 1945, then Secretary of the Interior Harold L. Ickes approved the boundary report and thereafter the progression of events continued toward the goal of creating the national monument.

The West Virginia Legislature appropriated $350,000 for land acquisition in March 1951 and the Maryland Legislature appropriated $40,000 the same year. The State of West Virginia deeded 515 acres to the U.S. Government on January 16, 1953. A park ranger was assigned to the Harpers Ferry National Monument project in June of 1954 and a superintendent was appointed in August of 1955.

Mr. President, we have passed this measure today with the knowledge that it would permit the Secretary of the Interior to purchase at fair market value certain lands, the title to which is held by the trustees of Storer College, as well as other lands now in private ownership which were acquired from the trustees of the college.

Storer College no longer operates and there is contemplated a disposition of its properties within and in the vicinity of Harpers Ferry. On the college grounds are located several historic buildings associated with the armory and rifle works and prominent landmarks in the Civil War. Also on the campus is the famed John Brown "fort" which was relocated on the property many years ago. In addition, there are substantial buildings formerly used for classrooms and related purposes, for college administration, and as residences.

These properties offer a desirable solution to certain long-range problems at the Harpers Ferry National Monument, such as the need for housing, office space, general headquarters, and utility areas, the provision of which should not impinge on objects and places of historic significance in the town. Certain of these facilities are readily adaptable for use as a needed eastern National Park Service training center.

The PRESIDING OFFICER. The clerk will state the next item on the calendar.

CONVEYANCE OF CERTAIN PUBLIC LANDS IN THE STATE OF NEVADA

The bill (H.R. 7359) to direct the Secretary of the Interior to convey certain public lands in the State of Nevada to the Colorado River Commission of Nevada acting for the State of Nevada was considered, ordered to a third reading, read the third time, and passed.

ESTABLISHMENT OF THE FORT BOWIE NATIONAL HISTORIC SITE, ARIZ.

The bill (S. 939) to authorize the establishment of the Fort Bowie National Historic Site in the State of Arizona, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to designate, for preservation as the Fort Bowie National Historic Site, the site and remaining historic structures of old Fort Bowie, situated in Cochise County, Arizona, together with such additional land, interests in land, and improvements thereon, as the Secretary in his discretion may deem necessary to accomplish the purposes of this Act: *Provided,* That the Secretary shall designate no more than one thousand acres for inclusion in said site.

SEC. 2. Within the area designated pursuant to section 1 hereof, the Secretary of the Interior is authorized, under such terms, reservations, and conditions as he may deem satisfactory, to procure by purchase, donation, with donated funds, exchange, or otherwise, land and interests in land for the national historic site. When the historic remains of old Fort Bowie, and all other privately owned lands within the aforesaid designated area have been acquired as provided in this Act, notice thereof and of the establishment of the Fort Bowie National Historic Site shall be published in the Federal Register. Thereupon all public lands within the designated area shall become a part of the Fort Bowie National Historic Site.

SEC. 3. The Fort Bowie National Historic Site, as constituted under this Act, shall be administered by the Secretary of the Interior as a part of the national park system, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535), as amended, the Historic Sites Act of August 21, 1935 (49 Stat. 666), and all laws and regulations of general application to historic areas within the national park system.

SEC. 4. There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this Act.

RESTORATION OF CERTAIN PUBLIC LANDS IN ALASKA

The bill (S. 1411) to amend the act of August 1, 1956 (70 Stat. 898) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of August 1, 1956 (70 Stat. 898), is hereby amended by adding section 5 thereto, reading as follows:

"SEC. 5. For the purposes of this Act, the words 'restored lands' include, without limiting the meaning thereof, those lands at Big Delta and Tok Junctions that are withdrawn by public land orders numbered 808 and 975 and that lie between the centerline of the Richardson and Glenn Highways and the land included within United States surveys 2727, 2728, 2770, 2771, 2772, 2773, 2774, 2723, 2724, 2725, and 2726."

CONVEYANCE OF CERTAIN LANDS TO THE CITY OF TILLAMOOK, OREG.

The Senate proceeded to consider the bill (H.R. 3676) to direct the Secretary of the Interior to convey certain lands to the city of Tillamook, Oreg.

Mr. LUSK. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement by my colleague the senior Senator from Oregon [Mr. MORSE] with reference to the pending measure.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MORSE

H.R. 3676 provides for conveyance by the Secretary of the Interior to the city of Tillamook, Oreg., of 1.98 acres of federally owned land. The report of the Senate Committee on Interior and Insular Affairs states that there is no Federal need for the 1.98 acres and that the tract is desired by the city for development of a boat-launching and marine park.

The bill would require the city to pay the Government the appraised fair market value of the property. In view of this fact, the bill is consistent with the Morse formula. I am pleased to state that the bill has my full support.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill was ordered to a third reading, read the third time, and passed.

ESTABLISHMENT OF NATIONAL HISTORIC SITE AT BENT'S OLD FORT NEAR LA JUNTA, COLO.

The Senate proceeded to consider the bill (S. 1833) authorizing the establishment of a national historic site at Bent's Old Fort near La Junta, Colo., which had been reported from the Committee on Interior and Insular Affairs with an amendment, on page 1, line 5, after the word "otherwise", to strike out "all right, title, and interest in and to such lands, together with any" and insert "such lands, interests therein and", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall acquire, on behalf of the United States, by gift, purchase, condemnation, or otherwise, such lands, interests therein and improvements thereon, as the Secretary may deem necessary for the purpose of establishing a national historic site at the site of Bent's Old Fort on the Old Santa Fe Trail, located in Otero County, Colorado, approximately seven miles east of La Junta, north of the Arkansas River.

SEC. 2. (a) The property acquired under the provisions of the first section of this Act shall be designated as the Bent's Old Fort National Historic Site and shall be set aside as a public national memorial to commemorate the historic role played by such fort in the opening of the West. The National Park Service, under the direction of the Secretary of the Interior, shall administer, protect, and develop such monument, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916, as amended and supplemented and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935, as amended.

(b) In order to provide for the proper development and maintenance of such national historic site, the Secretary of the Interior is authorized to construct and maintain therein such markers, buildings, and other improvements, and such facilities for the care and accommodation of visitors, as he may deem necessary.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXEMPTION FROM TAXATION OF CERTAIN ADDITIONAL PROPERTY IN THE DISTRICT OF COLUMBIA

The bill (H.R. 9451) to amend the act of July 19, 1954, to exempt from taxation certain additional property of the Veterans of Foreign Wars of the United States in the District of Columbia, and to provide that the tax exemption granted the property of the Veterans of Foreign Wars of the United States in the District of Columbia shall be effective with respect to taxable years beginning on and after July 1, 1959 was considered, ordered to a third reading, read the third time, and passed.

EXEMPTION FROM TAXATION OF CERTAIN PROPERTY OF THE AMERICAN WAR MOTHERS, INC.

The Senate proceeded to consider the bill (S. 2671) to exempt from taxation certain property of the American War Mothers, Inc., which had been reported from the Committee on the District of Columbia, with an amendment, on page 2, after line 3, to insert a new section, as follows:

SEC. 2. The tax exemption authorized by this Act shall take effect on July 1, 1960.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the real estate described as lots numbered 837 and 838 in square numbered 2205, situated at 2615 Woodley Place Northwest, in the city of Washington, District of Columbia, owned by the American War Mothers, Incorporated, is hereby exempt from all taxation as long as the same is owned and occupied by the American War Mothers, Incorporated, and is not used for commercial purposes, subject to the provisions of sections 2, 3, and 5 of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (56 Stat. 1091; D.C. Code, secs. 47–801b, 47–801c, and 47–801e).

SEC. 2. The tax exemption authorized by this Act shall take effect on July 1, 1960.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXEMPTION FROM TAXATION OF CERTAIN PROPERTY OF THE NATIONAL WOMAN'S PARTY, INC.

The Senate proceeded to consider the bill (S. 2306) to exempt from taxation certain property of the National Woman's Party, Inc., in the District of Columbia, which had been reported from the Committee on the District of Columbia, with amendments, on page 2, line 6, after the word "taxation", to strike out "national and municipal,"; in line 9, after the word "Inc.", to insert "and is not used for commercial purposes or for the purpose of securing a rent or income,"; in line 15, after the word "public", to insert "without charge or payment of a fee of any kind"; in line 19, after the word "sections", to strike out "3" and insert "2, 3,"; in line 22, after the word "Code", to strike out "secs. 47–801c" and insert "secs. 47–801b, 47–801c"; and, after line 23, to insert a new section, as follows:

SEC. 2. The tax exemption authorized by this Act shall take effect on July 1, 1960.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That certain property in the District of Columbia, known in the sixteen hundreds and seventeen hundreds as Cerne Abbey Manor; later the property of members of the distinguished Carroll and Sewall families; still later the office and residence of Albert Gallatin, Secretary of the Treasury, 1801–1813, who here directed the financing of the Louisiana Purchase; since 1929 the headquarters of the National Woman's Party and known as the Alva Belmont House—described as lots numbered 863, 864, and 885 in square numbered 735, together with improvements thereon and outbuildings, and the furniture, furnishings, and other personal property therein, owned by the National Woman's Party, Inc., a nonprofit corporation organized and existing under the laws of the District of Columbia—shall be exempt from taxation, in recognition of the patriotic efforts made by the National Woman's Party, Inc., to preserve this historic monument, so long as the same property is owned by said National Woman's Party, Inc., and is not used for commercial purposes or for the purpose of securing a rent or income, subject to the proviso that said corporation shall maintain the said property as historical buildings which shall be preserved for their architectural, historical, and educational significance, which buildings shall be accessible to members of the general public without charge or payment of a fee of any kind at such reasonable hours and under such regulations as may from time to time be prescribed by said corporation, subject to the provisions of sections 2, 3, and 5 of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (56 Stat. 1091; D.C. Code secs. 47–801b, 47–801c, and 47–801e).

SEC. 2. The tax exemption authorized by this Act shall take effect on July 1, 1960.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTABLISHMENT OF OFFICE OF CIVIL DEFENSE FOR THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (S. 2446) to amend the act entitled "An act to authorize the District of Columbia government to establish an Office of Civil Defense, and for other purposes," approved August 11, 1950, which had been reported from the Committee on District of Columbia, with amendments, on page 6, line 6, after the word "any", to strike out "of the Armed Forces of the United States or any" and insert "civilian"; in line 20, after the word "the", to strike out "retired pay,"; in line 14, after the word "same", to strike out "retired pay,"; after line 17, to strike out:

(c) (1) Each person employed pursuant to this Act shall execute the loyalty oath or appointment affidavit prescribed by the Civil Service Commission. Each person, other than an alien, enrolled to serve as a volunteer pursuant to this Act shall, before entering upon his duties, take an oath in writing before a person authorized to administer oaths, or such other person as may be designated by the Commissioners for this purpose, which oath shall be substantially as follows:

And, lieu thereof, to insert:

(c) (1) Each person employed pursuant to this Act shall exclude the oath of office, loyalty oath and other affidavits required of other persons employed by the District of Columbia.

(2) Each person, other than an alien, enrolled to serve as a volunteer pursuant to this Act shall, before entering upon his duties, take an oath in writing before a person authorized to administer oaths, or such other person as may be designated by the Commissioners for this purpose, which oath shall be substantially as follows:

On page 8, at the beginning of line 6, to strike out "(2)" and insert "(3)"; on page 10, line 2, after the word "of", to strike out "$200" and insert "$300"; after line 2, to strike out:

(2) As used in paragraph (1), the term "injury" means injury arising out of and in the course of service as a member of such unit or organization while serving as such member and engaged in active duty or while engaged in training under orders of competent authority related to specific training assignment, and includes disease proximately caused by such service as such member of such unit or organization.

And insert:

(2) As used in paragraph (1), the term "injury" means injury arising out of and in the course of actual service as a member of such unit or organization while serving as such member and engaged in authorized active duty or while actually engaged in training under orders of competent authority related to specific training assignments and does not include injury sustained in travel to or returning from an active duty or training assignment.

After line 18, to insert:

(3) The term "injury" as defined in paragraph (2) includes such disease or infection as arises naturally out of such actual service or training or naturally or unavoidably results from an accidental injury incurred in such service or training.

At the beginning of line 24, to strike out "(b)" and insert "(b)(1)"; on page 11, after line 7, to insert:

(2) The Secretary shall have a lien and a right of recovery, to the extent of any payments made under this section on account of injury or death, against any compensation payable under any other workmen's compensation law on account of the same injury or death; and any amounts recovered under this subsection shall be covered into the fund established under section 35 of the Act of September 7, 1916, as amended.

On page 15, line 13, after the word "of", to strike out "trainin" and insert "training"; at the top of page 18, to insert:

(p) PRESERVATION OF RECORDS.—To provide for the preservation of records considered essential to the functioning of the government of the District, including the copying of such records, where necessary, and the storage thereof in a safe place either within or outside the District.

On page 30, line 10, after the word "section", to strike out "307" and insert "306", and at the beginning of line 16, to strike out "307" and insert "306", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to authorize the District of Columbia government to establish an Office of Civil Defense, and for other purposes", approved August 11, 1950 (Public Law 868, Eighty-first Congress), as amended, is amended to read as follows:

"SECTION 1. PURPOSES.—Because of the existing and continuing possibility of the occurrence of disasters or emergencies of unprecedented size and destructiveness resulting from an attack and in order to insure that preparations of the District will be adequate to deal with such disasters or emergencies, and generally to provide for the common defense and to protect the public peace, health, and safety, to stabilize the economy, and to preserve the lives and property of the people of the District, it is hereby found and declared to be necessary: (1) to take preliminary precautionary steps; (2) to confer upon the Commissioners emergency powers; and (3) to authorize the establishment of such organizations and the taking of such steps as are necessary and appropriate to carry out the provisions of this Act. The Congress also finds, and declares, that it is necessary to make provision for the protection of lives and property of persons in the District from major disaster.

"SEC. 2. DEFINITIONS.—As used in this Act, unless the context indicates a different meaning—

"(a) 'District' means the District of Columbia;

"(b) 'Commissioners' means the Board of Commissioners of the District of Columbia;

"(c) 'Civil defense' means all those activities and measures designed or undertaken (1) to minimize the effects upon the civilian population of the District caused by an attack upon the United States; (2) to deal with the immediate emergency conditions which would be created by any such attack; and (3) to effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by any such attack. Such term shall include, but shall not be limited to, (A) measures to be taken in preparation for anticipated attack, (B) measures to be taken during attack, and (C) measures to be taken following an attack.

"(d) 'Metropolitan area of the District' means the District and the counties of Arlington and Fairfax and the cities of Alexandria and Falls Church in Virginia and the counties of Prince Georges and Montgomery in Maryland.

"(e) 'Facilities' includes buildings, shelters, utilities, and land.

"(f) 'Materials' includes raw materials, supplies, medicines, equipment, component parts, and technical information and processes necessary for civil defense.

"(g) 'Attack' means any act or series of acts by an enemy of the United States causing, or which may cause, substantial damage or injury to civilian property or persons in the United States in any manner by sabotage or by use of bombs, shellfire, or atomic, radiological, chemical, bacteriological, or biological means or other weapons or processes.

"(h) 'Major disaster' means any flood, drought, fire, hurricane, earthquake, storm, or any catastrophe other than attack, in any part of the metropolitan area of the District which, in the determination of the Commissioners is or threatens to be of such severity and magnitude that the personnel, materials, and facilities normally available for the protection of life and property are inadequate and emergency assistance is warranted.

"TITLE I—ORGANIZATION AND PERSONNEL

"SEC. 101. (a) OFFICE OF CIVIL DEFENSE.—To effectuate the purposes of this Act the Commissioners are authorized (1) to create in the District government an Office of Civil Defense to be headed by a director; (2) to employ personnel, including temporary and part-time personnel, and to fix their compensation in accordance with the Classification Act of 1949, as amended: *Provided*, That no person shall be employed pursuant to this section unless an agency of the District government designated by the Commissioners has made an investigation concerning such person and made a finding that he is suitable for employment: *Provided further*, That upon request of the Commissioners, the United States Civil Service Commission shall conduct on a reimbursable basis, a full field investigation of any such person and furnish a report thereon to the Commissioners: *Provided further*, That in the event any investigation made pursuant to this section develops a question concerning the loyalty or subversive activities or affiliations of the individual who is the subject of the investigation, the investigating agency of the District government of the United States Civil Service Commission shall refer the matter to the Federal Bureau of Investigation for a full field investigation, the results of which shall be furnished the Commissioners; (3) to establish such civil defense units and organizations, including an auxiliary police force, as they may deem appropriate; (4) to expand existing agencies of the District government concerned with civil defense; (5) to recruit, organize, equip, and train volunteers and to accept and utilize their services; (6) to make orders, rules, and regulations governing the operation of such civil defense units and organizations and the discipline of members and personnel thereof: *Provided*, That nothing contained in this Act shall be construed to authorize any such volunteer to demand or receive any salary or wages by reason of such training or service: *Provided further*, That during any period in which title III or title IV of this Act is in effect no person shall be entitled to any benefits under the Federal Employees Compensation Act, approved September 7, 1916, as amended, by reason of such training or service of any such volunteer; and (7) to cooperate with governmental and nongovernmental agencies, organizations, associations, and other entities, and coordinate the activities of all organizations for civil defense within the District.

"(b) RETIRED PERSONNEL MAY BE EMPLOYED.—Notwithstanding any limitation of any other law, there may be employed in such Office of Civil Defense any person who has been retired from any civilian office or position in the Federal or District governments, and while so employed in such Office of Civil Defense any such retired person may receive the compensation authorized for such employment or the retirement compensation, or annuity, which ever he may elect, and upon the termination of his employment in such Office of Civil Defense, he shall be restored to the same status as a retired officer or employee with the same retirement compensation, or annuity to which he was entitled before having been employed in such Office of Civil Defense.

"(c)(1) Each person employed pursuant to this Act shall execute the oath of office, loyalty oath and other affidavits required of other persons employed by the District of Columbia.

"(2) Each person, other than an alien, enrolled to serve as a volunteer pursuant to this Act shall, before entering upon his duties, take an oath in writing before a person authorized to administer oaths, or such other person as may be designated by the Commissioners for this purpose, which oath shall be substantially as follows:

"'I, ----------, do solemnly swear (or affirm) I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

"'I do further swear (or affirm) that I have not at any time heretofore advocated, that I do not now advocate and that during such time as I am a member of the (name of civil defense organization) I will not advocate the overthrow of the Government of the United States by force or violence.'

Any person who shall be found guilty of having falsely taken such oath shall be punished as provided in section 1621, title 18, United States Code.

"(3) Notwithstanding the requirements of section 403(b) of the Federal Civil Defense Act of 1950, as amended, any alien enrolled to serve as a volunteer pursuant to this Act shall, before entering upon his duties, take an oath in writing before a person authorized to administer oaths, or such other person as may be designated by the Commissioners for this purpose, which oath shall be substantially as follows:

"'I, ----------, do solemnly swear (or affirm) that I have not at any time heretofore advocated, that I do not now advocate, and that during such time as I am a member of the (name of civil defense organization) I will not advocate, the overthrow of the Government of the United States by force or violence.

"'And I do further swear (or affirm) that I have not been a member or an affiliate, that I am not now a member or an affiliate, and that during such time as I am a member of the (name of civil defense organization) I will not become a member or affiliate of, any organization, group, or combination of persons that advocates the overthrow of the Government of the United States by force or violence; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.'

Any person who shall be found guilty of having falsely taken such oath shall be punished as provided in section 1621, title 18, United States Code.

"SEC. 102. (a) INJURY AND DEATH BENEFITS FOR VOLUNTEERS.—(1) Except while title III or title IV of this Act is in effect, in case of injury or death resulting from injury (as defined in paragraph (2) of this subsection) to any duly enrolled volunteer member of any civil defense unit or organization created pursuant to this Act, the provisions of the Act entitled 'An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes', approved September 7, 1916, as amended, subject to the other subsections of this section, shall apply and such Act shall be administered by the Secretary of Labor (hereinafter called the Secretary) in the same manner and to the same extent as if such person were a civil employee of the United States and were injured while in the performance of his duty: *Provided*, That for benefit computation, regardless of pay or status, such person shall be deemed to have had a monthly pay of $300.

"(2) As used in paragraph (1), the term 'injury' means injury arising out of and in the course of actual service as a member of such unit or organization while serving as such member and engaged in authorized active duty or while actually engaged in training under orders of competent authority related to specific training assignments and does not include injury sustained in travel to or returning from an active duty or training assignment.

"(3) The term 'injury' as defined in paragraph (2) includes such disease or infection as arises naturally out of such actual service or training or naturally or unavoidably results from an accidental injury incurred in such service or training.

"(b)(1) Where, because of a concurrent employment status of such a member, benefits for disability or death would accrue to a person under the District of Columbia workmen's compensation law, or the workmen's compensation law of any State or Territory, or the Federal Employees' Compensation Act, or under a pension or disability system applicable to members of a police or fire department, the person entitled to such other benefits shall not be entitled to benefits under this section.

"(2) The Secretary shall have a lien and a right of recovery, to the extent of any payments made under this section on account of injury or death, against any compensation payable under any other workmen's compensation law on account of the same injury or death; and any amounts recovered under this subsection shall be covered into the fund established under section 35 of the Act of September 7, 1916, as amended.

"(c) Whenever a claim is filed with the Secretary for benefits because of an alleged injury or death within the purview of this section, he shall notify the Commissioners and they or their designee shall investigate the facts surrounding such alleged injury and make certification with respect thereto, including certification as to such injured or deceased person's membership in a civil defense unit or organization created pursuant to this Act, and whether the injury or death arose out of and in the course of service as a member of such unit or organization while serving as a member and engaged in active duty or while engaged in training under orders of competent authority related to a specific training assignment. Such certification shall not excuse the making of such reports as are required by such Act of September 7, 1916, nor shall it be conclusive as to any facts therein.

"(d) Any compensation award made pursuant to the authority contained in this section shall be paid in the manner provided by law for the payment of general expenses of the government of the District.

"TITLE II—POWERS AND DUTIES

"SEC. 201. The Commissioners are authorized, in order to carry out the purposes of this Act:

"(a) PLANS AND PROGRAMS.—To prepare comprehensive plans and programs for civil defense, including plans for utilization of shelters or evacuation, or both, as protective measures, such plans and programs to be integrated into and coordinated with the civil defense plans and programs of the Federal Government and of States and appropriate political subdivisions thereof.

"(b) TRAINING AND PREPARATION.—To conduct training programs and public information programs; to publicly disseminate appropriate civil defense information by all appropriate means; to organize, equip, and train civil defense units and organizations, including auxiliary police and firefighting forces, and the personnel thereof; to conduct blackouts and practice blackouts, air raid drills, mobilization of civil defense forces, and other tests and exercises; to construct or prepare shelters for protection from enemy attack; to participate either within or outside the District in drills or tests jointly with States and political subdivisions thereof; to provide for the effective screening or extinguishing of all lights or lighting devices and appliances; and to take other preparatory steps, including the partial or full mobilization of civil defense units and organizations.

"(c) CONTROL DURING DRILLS.—To control pedestrian and vehicular traffic, transportation, communication, and other public utility facilities and services, and the conduct of persons other than members of the armed services of the United States during drills and tests and immediately prior and subsequent thereto.

"(d) COMMUNICATION, ATTACK WARNING, AND CONTROL FACILITIES.—To provide and maintain necessary civil defense communications and devices for warning the civilian population of attack; and to establish and maintain control and reporting centers and other operational headquarters and facilities, including one or more such facilities outside the District.

"(e) POLICE POWERS FOR AUXILIARY POLICE.—To vest such members of the auxiliary police force with such of the powers, and to impose upon them such of the duties, of members of the Metropolitan Police force as the Commissioners may determine: *Provided*, That the Commissioners shall not vest any such power in any such member unless they are satisfied that such member has received sufficient training and is otherwise qualified: *Provided further*, That powers of members of the Metropolitan Police force so vested shall be exercised only during a state of civil defense emergency established or declared in accordance with the provisions of section 301 of this Act and, when authorized by the Commissioners (a) during drills and tests, (b) during periods of training, and (c) immediately prior to and during major disasters.

"(f) SURVEYS OF RESOURCES.—To make studies and surveys of the resources and facilities within or available to the District for civil defense, and to plan for the most efficient emergency use thereof.

"(g) STOCKING OF MATERIALS.—To procure and stockpile necessary materials and to store them within or outside the District.

"(h) PROTECTION OF VITAL FACILITIES AND MATERIALS.—To provide for the guarding and protection of water supplies, railroads, public utilities, bridges, highways, public buildings, communication facilities, vital and strategic materials, and other focal points of possible attack, the loss or destruction of which might menace or endanger the security and safety of the civilian population or impede the defense effort.

"(i) ACCEPTANCE OF GIFTS OF FACILITIES, MATERIALS, AND FUNDS.—Notwithstanding the provisions of any other law, to accept gifts of facilities, materials, and funds that may from time to time be offered to the government of the District and to use or expend the same for purposes of this Act.

"(j) UTILIZATION OF FEDERAL DEPARTMENTS AND AGENCIES.—To request any Federal department or agency, to provide the District with assistance for purposes of planning for civil defense and natural disasters and of training District government employees and others in civil defense and natural disaster methods, techniques and practices; and such departments and agencies are authorized to provide such assistance."

"(k) (1) ASSIGNMENT OF FUNCTIONS TO DISTRICT DEPARTMENTS, AND SO FORTH.—To assign specific civil defense functions to any District department, office, board, commission, or agency. In order to perform such assigned functions, each District department, office, board, commission, and agency is authorized to utilize its personnel, facilities, resources, and funds, and recruit, organize, train, equip, and utilize volunteers.

"(2) Each officer and employee of each department, office, board, commission, or agency (a) which has no specific civil defense function assigned to it by the Commissioners, or (b) which is not, in the judgment of the Commissioners, immediately necessary for the continued operation of essential services while title III of this Act is in effect, shall be assigned to and trained in such civil defense duties as the Commissioners shall direct, such duties to be performed during any period when title III of this Act shall be in effect.

"(l) ACQUISITION AND USE OF MATERIALS, FACILITIES, LANDS, AND SERVICES.—To acquire by loan, donation, purchase, or rental, and to use, operate, and maintain, equipment and materials of all kinds; to acquire, by loan, donation, purchase, or condemnation, or to rent, lands and buildings or any interest therein; to construct, maintain, repair, alter, and use structures of all kinds and to procure, by contract or otherwise, services of any nature.

"(m) WAIVER OF BUILDING REGULATIONS.—To waive any regulation governing the erection, alteration, height, or use of structures, buildings, towers, or appurtenances, or parts thereof, whenever the same shall be necessary for civil defense purposes.

"(n) (1) REGULATIONS AND PENALTIES.—To make regulations to carry out the purposes of this Act, including regulations establishing security requirements and safeguards and restricting access to information and property, and to prescribe penalties for violations of such regulations not exceeding a fine of $900 or imprisonment for ninety days. Prosecutions for violations of such regulations shall be brought in the name of the District of Columbia by the Corporation Counsel or any of his assistants. Regulations which are to become effective only when title III or title IV of this Act shall become effective may be promulgated prior to the taking effect of such title III or title IV.

"(2) LIABILITIES AND PENALTIES UNDER REPEALED REGULATIONS SAVED.—When any regulation made under the authority of this Act is repealed, rescinded, or ceases to be effective, penalties and liabilities thereunder shall not be released or extinguished, unless there be an express provision to so release or extinguish, but such regulations shall be treated as remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of any such penalty or liability.

"(o) INTERSTATE COMPACTS.—To take all necessary actions to carry out the purposes of interstate civil defense and disaster compacts entered into pursuant to the joint resolution entitled 'Joint resolution authorizing the District of Columbia to enter into interstate civil-defense compacts', approved April 22, 1954 (68 Stat. 59).

"(p) PRESERVATION OF RECORDS.—To provide for the preservation of records considered essential to the functioning of the government of the District, including the copying of such records, where necessary, and the storage thereof in a safe place either within or outside the District.

"TITLE III—EMERGENCY POWERS

"SEC. 301. WHEN EFFECTIVE.—The provisions of this title shall be operative (a) whenever a state of civil defense emergency in the District has been proclaimed by the President or by Congress in accordance with the provisions of the Federal Civil Defense Act of 1950; or (b) whenever the Commissioners invoke the provisions of this title in the absence of a declaration of civil defense emergency (1) upon receipt of strategic intelligence from the Director of the Office of Civil and Defense Mobilization indicating an attack is probable, (2) upon warning of attack by the Office of Civil and Defense Mobilization, or (3) upon the occurrence of an attack.

"SEC. 302. POWERS AND DUTIES OF COMMISSIONERS.—In addition to the powers and duties which are now or may hereafter be vested in the Commissioners, they are hereby authorized to take such measures during any such emergency as may be necessary for the protection, relief, and assistance of persons and property without regard to the provisions of any other law to the extent that such provisions interfere with or prevent the carrying out of such measures, including, but not limited to, the following:

"(a) POWERS UNDER TITLE II EXTENDED TO TITLE III.—To exercise all powers and authority vested in them by title II of this Act.

"(b) POLICE POWERS.—To vest members of District civil defense units and organizations with such authority, including such of the powers of the Metropolitan Police force as the Commissioners may deem appropriate, as will enable such members to carry out and perform the functions and duties imposed upon them pursuant to this Act.

"(c) PROTECTION OF PERSONS WITHIN THE DISTRICT.—To prepare for, order, and regulate the carrying out of measures for the protection of persons in the District, including the evacuation of persons from the District or from any part thereof, to such places, including shelters, in the District, as the Commissioners may designate, or outside the District as the Commissioners may designate with the approval of the Governor of any State or the designee of such Governor, and to provide for the reception, housing, maintenance, and care of such evacuees: *Provided*, That the evacuation of personnel of any activity of the Federal Government shall take place only upon the consent of the Office of Civil and Defense Mobilization or of such other authority or authorities as may be designated by the President; however, upon agreement, any prearranged plan between such Office or such other authorities and the Commissioners shall constitute such consent.

"(d) AUTHORITY OF THE COMMISSIONERS OVER THE SEMIAUTONOMOUS AGENCIES OF THE DISTRICT OF COLUMBIA.—For the purposes of civil defense only, to exercise full authority over those semiautonomous agencies, officers, and individuals exercising governmental authority in and performing governmental functions for the District of Columbia, including the Apprenticeship Council, the Board for the Condemnation of Insanitary Buildings, the Board of Education, the Board of Elections, the Board of Library Trustees, the Board of Recreation, the Board of Zoning Adjustment, the National Zoological Park, the Public Utilities Commission, the District of Columbia Redevelopment Land Agency, the Zoning Commission, the District of Columbia Tax Court, the Juvenile Court of the District of Columbia, the Municipal Court for the District of Columbia, and the Municipal Court of Appeals for the District of Columbia.

"(e) AVAILABILITY OF FUNDS.—For the purposes of carrying out the provisions of this Act, to expend at the discretion of the Commissioners: (a) the unexpended balances of appropriations in any District of Columbia Appropriation Act, including but not limited to any funds obligated for accounting purposes but which in the judgment of the Commissioners may be diverted to civil defense purposes; and (b) any funds to the credit of the District of Columbia in the Treasury not otherwise appropriated, and such funds are hereby appropriated for such purposes.

"(f) DISPOSITION OF MATERIALS.—Either within or outside the District, to sell, lease, lend, transfer, or deliver materials or perform services for civil defense purposes on such terms and conditions as the Commissioners shall prescribe.

"(g) DISTRIBUTION OF SUPPLIES AND FINANCIAL ASSISTANCE FOR TEMPORARY RELIEF.—Either within or outside the District, to expend and distribute materials, including but not limited to food, fuel, and clothing; to provide emergency housing; to provide financial assistance for the temporary relief or aid of any civilian injured or in want as the result of attack; and to take whatever other action may be necessary for the purpose of preventing and alleviating suffering of persons and preventing the spread of disease and to obligate the District for the payment therefor.

"(h) ALLOCATION OF FOOD, FUEL, AND OTHER VITAL SUPPLIES.—To promulgate regulations prohibiting or regulating the sale, use, disposition, or transfer, and the transportation from within the District to any point outside the District, of such food, fuel, medical supplies, electric power, gas, or other articles necessary to prevent or alleviate suffering of persons or to prevent the spread of disease in said District, and to allocate all or any of the same in such manner, upon such conditions, and to such extent as they may deem necessary or appropriate to effectuate the purposes of this title: *Provided*, That every such regulation shall cease to be effective on the ninetieth day after the effective date of such regulation or upon the effective date of any regulation of general application and dealing with the same subject matter issued by any agency of the United States.

"(i) SHUTTING OFF UTILITIES SERVICES.—To shut off, disconnect, or suspend service from or by, or require the shutting off, disconnection, or suspension of service from or by, gas mains, electric powerlines, or other utilities.

"(j) DESTRUCTION OF CONTAMINATED PROPERTY.—To destroy or cause to be destroyed any property, real or personal, in the District found to be contaminated by radioactive or poisonous substance, or contaminated by germs, viruses, or other matter deleterious to life or health, and, by reason of such contamination, dangerous to persons or property, and pending the time when any such contaminated property shall be rendered safe, to prohibit persons from contacting or approaching so close to such property as to endanger their lives or health.

"(k) OTHER MEASURES FOLLOWING ATTACK.—To take such other measures as are necessary following attack, including but not limited to, firefighting, rescue, medical, health and sanitation services, radiological monitoring, unexploded bomb reconnaissance, debris removal, and essential emergency repair or restoration of vital facilities.

"(l) BURIAL OF DEAD.—To provide for the burial of the bodies of human beings whose deaths are caused by or result from the occurrence of disaster contemplated by this Act and whenever the public interest is such as to require the same, the Commissioners may provide for the burial of such bodies in common graves.

"(m) REQUISITIONING OF PRIVATE PERSONAL PROPERTY.—To requisition, take possession of, and use privately owned personal property of whatever kind and nature or any rights therein as may in their opinion be necessary for the purposes of this Act and to ascertain and pay just compensation for such property or any rights therein to be determined as hereinafter provided. The Commissioners shall promptly determine the amount of compensation to be paid for any such property or the use thereof requisitioned pursuant to this Act but each such determination shall be made as of the time it is requisitioned in accordance with the provision for just compensation in the fifth amendment of the Constitution of the United States. If the person entitled to receive the amount so determined by the Commissioners as just compensation is unwilling to accept the same as full and complete compensation for such property or the use thereof he shall be paid promptly 75 per centum of such amount and shall be entitled to recover from the District in an action brought in the appropriate court within three years after the date of the Commissioners' award, an additional amount which, when added to the amount so paid to him, shall be just compensation.

"(n) DISPOSAL OF PERSONAL PROPERTY.—Whenever the need for the purposes of this Act of any personal property requisitioned under this title shall terminate, the Commissioners may dispose of such property under such terms and conditions as they deem appropriate, but to the extent feasible and practicable they shall give the former owner of any property so disposed of an opportunity to reacquire it (1) at its then fair value as determined by the Commissioners or (2) if it is to be disposed of (otherwise than at a public sale of which he is given reasonable notice) at less than such value, at the highest price any other person is willing to pay therefor: *Provided*, That such opportunity to reacquire need not be given in the case of fungibles or items having a then fair value of less than $1,000.

"SEC. 303. NONLIABILITY OF DISTRICT AND OTHERS FOR DAMAGES.—Neither the District nor any officer, agent, employee, or regularly appointed volunteer worker in the service of said District, nor any individual, receiver, firm, partnership, corporation, association, or trustee, or any of the agents thereof, in good faith and without willful or gross negligence carrying out, complying with, enforcing, or attempting to carry out, comply with, or enforce this Act or any order, rule, or regulation issued or promulgated pursuant to this Act, shall be liable for any damage sustained by any person, including volunteers, or property as the result of such activity. The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under section 102 of this Act, or any workmen's compensation law, or under any pension, retirement, or disability law, nor the right of any such person to receive any benefits or compensation under any other Act of Congress.

"SEC. 304. REMOVAL FROM DISTRICT.—During such time as this title is in effect the Commissioners may order the government of the District, or any part thereof, its personnel and its property, removed from the District; and while outside the District the personnel are authorized to perform such duties as are assigned by the Commissioners or by the civil defense authorities of the State in which they are then located.

"SEC. 305. OPERATIONS OUTSIDE THE DISTRICT.—During such time as the District government is located outside the District the Commissioners shall continue to exercise the powers conferred upon them by this or any other Act: *Provided*, That such powers shall be exercised only over and with respect to the District of Columbia, property owned by the District of Columbia, or property owned by the United States and used by the District with the permission of the United States.

"SEC. 306. OPERATIONS IN THE ABSENCE OF A QUORUM OF THE BOARD OF COMMISSIONERS.—In the absence of a quorum of the Board of Commissioners, one Commissioner, or the Assistant to the Engineer Commissioner authorized to perform the functions of the Engineer Commissioner in his absence or disability, shall exercise all of the powers and perform all of the functions of the Board of Commissioners including, but not limited to, (a) making and adopting regulations, (b) approving contracts in excess of $25,000, (c) appointing or removing the head of any agency responsible directly to the Board of Commissioners, (d) approving the budget for the District of Columbia, and (e) authorizing the performance of any of the Board's functions by any officer, employee, or agency of the government of the District of Columbia, except the courts thereof: *Provided*, That such Commissioner or such Assistant to the Engineer Commissioner shall not provide for the performance by any other officer, employee, or agency of the functions enumerated in (a) through (d) of this section.

"TITLE IV—MAJOR DISASTERS

"SEC. 401. WHEN EFFECTIVE.—The provisions of this title shall be operative only during a major disaster, as determined by the Commissioners to exist and as proclaimed by them with the approval of the President. The Commissioners shall announce the termination of a major disaster by a proclamation issued on their own initiative or upon direction of the President.

"SEC. 402. POWERS AND DUTIES OF COMMISSIONERS.—Whenever a major disaster has been proclaimed (a) there shall be vested in the Commissioners, in addition to the powers and duties which are now or may hereafter be vested in them, the powers and duties which would be vested in them as if title III of this Act was in effect, and (b) all provisions of such title III shall, insofar as they are applicable, be operative as if they were set forth in this title.

"TITLE V—GENERAL PROVISIONS

"SEC. 501. MOTOR VEHICLE SAFETY RESPONSIBILITY ACT INAPPLICABLE.—During such periods of time that any privately owned motor vehicle is used by the District under the authority of this Act the operator thereof shall not be deemed or held to be the agent of the owner of such vehicle within the meaning of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (68 Stat. 120, ch. 222), as amended (title 40, ch. 4, D.C. Code, 1951 edition).

"SEC. 502. NONLIABILITY OF PERSONS PERMITTING USE OF REAL PROPERTY AS SHELTER.—Any person owning or controlling real property who, voluntarily and without compensation, grants to the District a license or privilege, or otherwise permits the District to inspect, designate, and use the whole or any part or parts of such real property for the purpose of sheltering persons during periods when title III of this Act is operative, or at any time for purposes of drilling persons in or familiarizing persons with emergency procedures, shall together with his successors in interest, if any, not be civilly liable for negligently causing the death of, or injury to, any person, or for loss of or damage to property of such person on or about such real property under such license, privilege, or other permission.

"SEC. 503. DELEGATION OF AUTHORITY.—The Commissioners are authorized to delegate to officers and employees of the District and to such other persons as the Commissioners deem appropriate such of the powers conferred upon them by this Act as they may determine and may by regulation provide for the subdelegation of any delegated power: *Provided*, That except when title III or title IV of this Act is in effect, the Commissioners shall not delegate the power to make regulations authorized by this Act.

"SEC. 504. APPROPRIATIONS.—Appropriations to carry out the purposes of this Act are hereby authorized.

"SEC. 505. ACT OF MAY 21, 1951, AS AMENDED.—The provisions of the Act approved May 21, 1951, as amended by the Act approved July 6, 1953 (Public Law 103, Eighty-third Congress), authorizing the appointment of a member of the Metropolitan Police Department or a member of the Fire Department, District of Columbia, to any position in any office or agency succeeding to the functions of the Office of Civil Defense (abolished pursuant to Reorganization Plan Numbered 5 of 1952) shall be applicable with respect to the Office of Civil Defense created by this amendatory Act.

"SEC. 506. ARMED SERVICES.—Nothing contained in this Act shall be construed as authorizing the Commissioners to direct or control in any manner the activities, personnel, installations, facilities, or equipment of the armed services of the United States, or any of the subordinate agencies of such armed services.

"SEC. 507. Nothing in this Act shall be construed to amend or modify the provisions of the Federal Civil Defense Act of 1950, as amended, or the Act 'To authorize Federal assistance to States and local government in major disasters, and for other purposes', approved September 30, 1950 (64 Stat. 1109).

"SEC. 508. SEPARABILITY.—If any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the remainder of the Act, and the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

"SEC. 509. REORGANIZATION PLAN NUMBERED 5 OF 1952.—Except as otherwise provided in section 306 of this Act, this Act shall not be considered as affecting the authority vested in the Commissioners by Reorganization Plan Numbered 5 of 1952 (66 Stat. 824; D.C. Code, title 1, appendix, 1951 edition, Supp. VI). Any function vested by this Act in any agency established pursuant to this Act or such plan shall be deemed to be vested in said Commissioners and shall be subject to delegation in accordance with section 306 of this Act.

"SEC. 510. SHORT TITLE.—This Act may be cited as the 'District of Columbia Civil Defense Act'."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF FINANCE CHARGES FOR RETAIL INSTALLMENT SALES OF MOTOR VEHICLES IN THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (H.R. 10683) to provide for the regulation of finance charges for retail installment sales of motor vehicles in the District of Columbia, and for other purposes.

Mr. HARTKE. Mr. President, as chairman of the subcommittee which handled hearings on a Senate companion bill to the pending measure, H.R. 10683, I want to say that this legislation will impose necessary curbs on a few unscrupulous used-car dealers and fly-by-night finance companies in the District of Columbia.

It has been the practice of these dealers and finance companies to pry every last dollar possible from those members of the public who patronize used-car lots. This legislation will permit the fixing of fair ceilings on finance charges and the bonding of used-car salesmen.

It will protect the unsuspecting citizens of the District of Columbia and the metropolitan area from the fast-talking salesmen who have preyed too long on the service men and women and the public in general here in the Nation's Capital city.

Likewise, Mr. President, may I say that I believe Miss Miriam Ottenberg, a staff correspondent of the Washington Evening Star, and her paper, deserve the plaudits of this city and the Congress for presenting the "Buyer Beware" series which focused attention on these unethical practices.

Mr. President, I request unanimous consent that an explanation of the bill, H.R. 10683, be inserted into the body of the RECORD at this point in my remarks.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

There is at present in the District of Columbia no regulation of the rate of finance charges made in connection with sales of motor vehicles on time, that is, sales of motor vehicles whereby any part of the purchase price is to be paid in installments. Although the District Commissioners, under authority vested in them by acts of Congress, have required motor-vehicle dealers to be licensed and to be regulated in respect to many phases of their activity, and although the Commissioners have authority to require the licensing of persons engaging

in the business of financing installment sales of motor vehicles and to regulate their activities, the Commissioners are without authority to fix and regulate the rates of finance charges made for installment sales of motor vehicles. The Commissioners also are lacking in authority to require bonds of motor vehicle dealers or of persons licensed to engage in the business of financing installment sales of motor vehicles.

Testimony during the hearings developed the fact that 30 or more States regulate finance charges made in connection with detail installment sales of motor vehicles.

The committee believes that with the enactment of this bill, together with the promulgation and enforcement by the Commissioners of stricter regulations governing the businesses of motor-vehicle dealers and financing of installment sales of motor vehicles, the evils prevailing in the District in connection with the installment selling of motor vehicles, can be dealt with properly.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill was ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 2131) to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954, as amended, was announced as next in order.

Mr. BARTLETT. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

MANAGEMENT OF CERTAIN DISTRICT OF COLUMBIA CORPORATIONS

The bill (H.R. 9737) to amend the act of March 3, 1901, to eliminate requirement that certain District of Columbia corporations be managed by trustees the majority of whom are citizens of the District of Columbia was considered, ordered to a third reading, read the third time, and passed.

TEMPORARY SUSPENSION OF TAX ON FIRST DOMESTIC PROCESSING OF COCONUT OIL AND PALM OIL

The bill (H.R. 8649) to continue for a temporary period the existing suspensions of tax on the first domestic processing of coconut oil, palm oil, palm-kernel oil, and fatty acids, salts, combinations, or mixtures thereof was considered, ordered to a third reading, read the third time, and passed.

TEMPORARY FREE IMPORTATION OF CERTAIN TANNING EXTRACTS

The bill (H.R. 9820) to extend the period during which certain tanning extracts, and extracts of hemlock or eucalyptus suitable for use for tanning may be imported free of duty was considered, ordered to a third reading, read the third time, and passed.

SUSPENSION OF DUTY ON CERTAIN ALUMINA AND BAUXITE

The Senate proceeded to consider the bill (H.R. 9307) to continue for 2 years the suspension of duty on certain alumina and bauxite, which had been reported from the Committee on Finance, with amendments, on page 1, after line 7, to insert a new section, as follows:

SEC. 2. (a) Section 1 of the Act entitled "An Act to suspend for two years the duty on crude chicory and to amend the Tariff Act of 1930 as it relates to chicory", approved April 16, 1958 (72 Stat. 87; 19 U. S. C. 1001, par. 776 and note), is amended by striking out "the two-year period beginning the day following the date of enactment of this Act" and inserting in lieu thereof "the period beginning April 17, 1958, and expiring at the close of July 16, 1960".

(b) Section 3 of such Act is amended by striking out "after the date of the enactment of this Act and prior to the expiration of two years after such date" and inserting in lieu thereof "after April 16, 1958, and prior to the close of July 16, 1960".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to continue for two years the suspension of duty on certain alumina and bauxite, and to extend until July 16, 1960, the suspension of duty on imports of crude chicory and the reduction in duty on ground chicory."

DELIVERY OF WATER TO LANDS IN CERTAIN IRRIGATION DISTRICTS, STATE OF WASHINGTON

The Senate proceeded to consider the joint resolution (S.J. Res. 162) authorizing the Secretary of the Interior during the calendar years 1960 and 1961 to continue to deliver water to lands, in certain irrigation districts in the State of Washington, which had been reported from the Committee on Interior and Insular Affairs, with an amendment on page 2, after line 2, to insert a new section, as follows:

SEC. 2. (a) There is hereby established a Board of two members appointed by the Secretary of the Interior, who shall have an intimate knowledge of irrigation farming and related economic factors, who are not officials or employees of the Department of the Interior and have no financial interest in the matters to be investigated by the Board. One of such members shall be selected by the Secretary from a list of not less than three qualified citizens submitted to the Secretary by the Governor of the State of Washington. The members of the Board shall select a Chairman. The Board shall make an investigation of all phases of the reclamation program on the Columbia Basin project, including repayment problems, the utilization of power revenues, and all related economic considerations, with particular reference to the repayment ability of water users. This investigation shall be for the purpose of recommending bases for amendatory repayment contracts between the project districts and the United States. The Board shall submit a report of its findings and recommendations to the Congress, through the Secretary of the Interior (with his comments) by February 1, 1961. Each member of the Board shall receive $50 per diem and reimbursement for travel, subsistence, and other necessary expenses when engaged in the performance of duties vested in the Board.

(b) The report of the Board shall not be presented as an arbitration of the matters in dispute, but shall be considered by the Secretary and the Congress with other presentations in resolving the questions at issue.

And, on page 3, after line 6, to insert a new section, as follows:

SEC. 3. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts not in excess of $50,000, as may be necessary to carry out the provisions of this resolution. The Board is authorized to appoint and fix the compensation of such employees as it deems advisable without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended.

So as to make the joint resolution read:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That pending completion of amendatory repayment contracts the Secretary of the Interior is authorized during the calendar years 1960 and 1961 to continue to deliver water to, and to construct such drainage works as are required for, the lands in the Quincy-Columbia Basin Irrigation District, the East Columbia Basin Irrigation District, and the South Columbia Basin Irrigation District, State of Washington, under the provisions of the existing repayment contracts with such districts, notwithstanding the provisions of article 7 of such contracts.

SEC. 2. (a) There is hereby established a Board of two members appointed by the Secretary of the Interior, who shall have an intimate knowledge of irrigation farming and related economic factors, who are not officials or employees of the Department of the Interior and have no financial interest in the matters to be investigated by the Board. One of such members shall be selected by the Secretary from a list of not less than three qualified citizens submitted to the Secretary by the Governor of the State of Washington. The members of the Board shall select a Chairman. The Board shall make an investigation of all phases of the reclamation program on the Columbia Basin project, including repayment problems, the utilization of power revenues, and all related economic considerations, with particular reference to the repayment ability of water users. This investigation shall be for the purpose of recommending bases for amendatory repayment contracts between the project districts and the United States. The Board shall submit a report of its findings and recommendations to the Congress, through the Secretary of the Interior (with his comments) by February 1, 1961. Each member of the Board shall receive $50 per diem and reimbursement for travel, subsistence, and other necessary expenses when engaged in the performance of duties vested in the Board.

(b) The report of the Board shall not be presented as an arbitration of the matters in dispute, but shall be considered by the Secretary and the Congress with other presentations in resolving the questions at issue.

SEC. 3. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts not in excess of $50,000, as may be necessary to carry out the provisions of this resolution. The Board is authorized to appoint and fix the compensation of such employees as it deems advisable without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended.

The amendments were agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "Joint resolution authorizing the Secretary of the Interior during the calendar years 1960 and 1961 to continue to deliver water to lands in certain irrigation districts in the State of Washington, and for other purposes."

CONVEYANCE OF CERTAIN LAND IN CASCADE, EL PASO, COLO.

The bill (S. 2772) to authorize the Secretary of Agriculture to convey land in the town of Cascade, El Paso County, Colo., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to convey by quitclaim deed, without consideration, to Mary E. Cusack, her heirs, devisees or other successors in interest, donor in a certain deed to the United States dated May 5, 1920, filed for record in El Paso County on December 30, 1920, and recorded in book 627, page 439, all the right, title, and interest of the United States in and to the following described land located in the town of Cascade, El Paso County, Colo.: The easterly one hundred feet of lots numbered 7, 8, 9, 10, 11, 12, 13, and 14, block 24, all in addition numbered 1 to the said townsite of Cascade, El Paso County, Colo., and lying and being within section 26, township 13 south, range 68 west of the Sixth principal meridian: *Provided*, That application for any such conveyance and proof of interest satisfactory to the Secretary of Agriculture shall be made within five years from the date of this Act.

Mr. BARTLETT. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a brief explanation of Senate bill 2772, prepared by the senior Senator from Louisiana [Mr. ELLENDER].

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR ELLENDER

This bill provides for the reconveyance of certain land in order to clear the title to it. The land was donated to the United States for use as a ranger station site. The deed conveying it to the United States specified that the conveyance was for only so long as the property was used for the purpose specified. Such use ceased in 1928 and the donor resumed possession at that time. Neither the donor nor the United States intended that the United States should continue to have any interest in the property after such use ceased. However the deed to the Government was defective in that it failed to provide specifically for reversion of title upon cessation of use for the purpose specified. The bill would remedy this defect.

BILL PASSED OVER

The bill (H.R. 4781) to amend the Watershed Protection and Flood Prevention Act to provide that its loan provisions shall be applicable to certain other projects and for other purposes, was announced as next in order.

Mr. BARTLETT. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

CONSTRUCTION OF CHENEY DIVISION, WICHITA FEDERAL RECLAMATION PROJECT, KANSAS

The Senate proceeded to consider the bill (S. 1092) to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 4, line 7, after "section 2", to strike out "of the Act of August 14, 1946 (60 Stat. 1080), as amended," and insert "of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended, 16 U.S.C., sec. 661, and the following)"; and in line 22, after the word "laws", to insert "Appropriate portions of the project area may be made available by the Secretary of the Interior to the Kansas Forestry, Fish, and Game Commission for fish and wildlife management as provided in sections 3 and 4 of said Act.", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to construct, operate, and maintain the Cheney division, Wichita Federal reclamation project, consisting of a dam, reservoir, and related facilities near Cheney, Kansas, on the North Fork of the Ninnescah River, Kansas, for the purposes of furnishing water for municipal uses, controlling floods, facilitating irrigation, enhancing recreational opportunities, preserving and propagating fish and wildlife, and for related purposes.

SEC. 2. In constructing, operating, and maintaining the works authorized by this Act, the Secretary shall be governed by the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Act amendatory thereof or supplementary thereto), except as is otherwise provided in this Act.

SEC. 3. Construction of the project shall not be commenced, and no construction contracts therefor shall be awarded, until a contract or contracts complying with the provisions of this Act have been entered into with the city of Wichita under which it shall have obligated itself to repay to the United States, within a period of not more than forty years from the time water is first made available from said works, those portions of the Federal costs of constructing, operating, and maintaining the works herein authorized which are allocated to municipal water supply, and interest on the unamortized balance of the amount of construction costs so allocated including interest during construction. If any net revenues are derived from temporary water supply contracts, prior to the end of the repayment period for water furnished from, by, or through the works authorized herein, the construction cost obligation of the city may be decreased by that portion of the amount of any such net revenues which bears the same proportion to the total amount of such net revenues as the amount of the project costs allocated to municipal water supply bears to the total Federal costs of constructing the project. Interest shall be at the average rate, which rate shall be certified by the Secretary of the Treasury, paid by the United States on its marketable long-term securities outstanding on the date of this Act and adjusted to the nearest one-eighth of 1 per centum. Upon the completion of the payment of the city's construction cost obligation, together with the interest thereon, the city shall have a permanent right to the use of that portion of the storage space in the project allocable to municipal water supply purposes.

SEC. 4. Contracts may be entered into with the city of Wichita pursuant to the provisions of this Act without regard to the last sentence of subsection (c) of section 9 of the Reclamation Project Act of 1939.

SEC. 5. The Secretary is authorized to transfer to the city of Wichita the care, operation, and maintenance of the works herein authorized and, if such transfer is made, to deduct from the obligation of the city the reasonable capitalized equivalent of that portion of the estimated operation and maintenance costs of the undertaking which, if the United States continued to operate the works, would be allocated to flood control and fish and wildlife purposes. Prior to taking over the care, operation, and maintenance of said works, the city shall obligate itself to operate them in accordance with criteria specified by the Secretary of the Army with respect to flood control and by the Secretary of the Interior with respect to fish and wildlife.

SEC. 6. The Secretary may make such reasonable provision in connection with the works of the Cheney division, Wichita Federal reclamation project, in accordance with section 2 of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended, 16 U.S.C., sec. 661, and the following), as he finds to be required for the preservation and propagation of fish and wildlife, and to acquire approximately 2,500 acres of land for wildlife management purposes within and adjacent to Cheney Reservoir. A minimum pool of approximately ten thousand acre-feet shall be maintained in said reservoir for fish life. An appropriate portion of the construction cost of the Cheney division of the project shall be allocated as provided in said Act and it, together with the portion of the construction cost allocated to flood control and the portions of the operation and maintenance costs allocated to these functions or the equivalent capitalized value thereof, shall be nonreimbursable and nonreturnable under the Federal reclamation laws. Appropriate portions of the project area may be made available by the Secretary of the Interior to the Kansas Forestry, Fish and Game Commission for fish and wildlife management as provided in sections 3 and 4 of said Act.

SEC. 7. The Secretary may, upon conclusion of a suitable agreement with any qualified agency of the State of Kansas or political subdivision or agency thereof for assumption of the administration, operation, and maintenance thereof at the earliest practicable data, provide minimum basic public recreation facilities at or near Cheney Reservoir and the cost thereof incurred by the United States shall be nonreimbursable and nonreturnable under the Federal reclamation laws.

SEC. 8. Expenditures for Cheney Reservoir may be made without regard to the soil survey and land classification requirements of the Interior Department Appropriation Act, 1954 (67 Stat. 261, 266–267).

SEC. 9. There are hereby authorized to be appropriated such sums as may be required to carry out the purposes of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRINTING OF ADDITIONAL COPIES OF THE UNEMPLOYMENT SELECTED READINGS

Mr. HAYDEN. Mr. President, there are on the calendar two printing resolutions which I reported from the Committee on Rules and Administration; namely, Calendar No. 1126, Senate Resolution 256, and Calendar No. 1127, Senate Resolution 257. In each instance the

number of copies to be printed was reduced, and, as amended, I should like to have the two resolutions considered.

The PRESIDING OFFICER. The resolutions will be stated by title.

The CHIEF CLERK. A resolution (S. Res. 256) authorizing the printing of additional copies of the unemployment selected readings prepared by the Special Committee on Unemployment Problems.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Rules and Administration with an amendment, in line 2, after the word "Problems", to strike out "one thousand" and insert "six hundred", so as to make the resolution read:

Resolved, That there be printed for the use of the Special Committee on Unemployment Problems six hundred additional copies of the unemployment selected readings prepared by that committee.

The amendment was agreed to.

The resolution, as amended, was agreed to.

PRINTING OF ADDITIONAL COPIES OF THE STUDIES IN UNEMPLOYMENT

The CHIEF CLERK. A resolution (S. Res. 257) authorizing the printing of additional copies of the studies in unemployment prepared by the Special Committee on Unemployment Problems.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Rules and Administration, with an amendment, in line 2, after the word "Problems," to strike out "three" and insert "one," so as to make the resolution read:

Resolved, That there be printed for the use of the Special Committee on Unemployment Problems one thousand additional copies of the studies in unemployment prepared by that committee.

The amendment was agreed to.

The resolution, as amended, was agreed to.

ESTABLISHMENT OF WILSON'S CREEK BATTLEFIELD NATIONAL PARK, MO.

The PRESIDING OFFICER. The bill passed to the foot of the calendar is next in order. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 725) to provide for the establishment of the Wilson's Creek Battlefield National Park in the State of Missouri.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MARTIN. Mr. President, H.R. 725, to establish the Wilson's Creek Battlefield National Park in the State of Missouri, was passed by the House of Representatives on February 15, 1960, and it has been approved unanimously by the Senate Committee on Interior and Insular Affairs.

While this bill is under consideration, I want to extend credit to our senior Senator from Missouri [Mr. HENNINGS], who introduced in the Senate S. 290 on January 14, 1959, to provide for the establishment of this national park. The junior Senator from Missouri [Mr. SYMINGTON] joined with Senator HENNINGS as cosponsor of that bill.

I wish to extend credit also to Dr. Lewis E. Meador, professor emeritus of history and political science at Drury College, Springfield, Mo., for his valuable assistance in supplying us with the historical information in support of this bill.

Because of the importance of the battle of Wilson's Creek, I urge passage of this bill.

Mr. YARBOROUGH. Mr. President, on behalf of many people in my home State, I desire to state our support of H.R. 725, establishing Wilson's Creek Battlefield National Park in Missouri.

This matter has been under consideration by the State and Federal Governments for a number of years. I desire to commend Representative BROWN, the bill's sponsor in the House, for his fine work on it; I also commend the able and distinguished Senators from Missouri for their support of this measure.

With the nearness of the Civil War Centennial, and the renewed interest of the people in the Civil War and its battlefields, this is a propitious time for the creation of this battlefield national park in Missouri.

Not only will it mark the site of the first major battle fought west of the Mississippi in the Civil War, it will be established in an area not as well marked historically as the areas east of the Mississippi.

Located near Springfield, Mo., Wilson's Creek Battlefield will be near both U.S. Highways 60 and 66, two great arteries of travel across the heartland of our country. That gives assurance of a heavy patronage for the park.

Higher assurance is given by the interest of this generation in the valor of the brave men who fought there. The Federal forces from Missouri, Iowa, and Kansas, with a number of regular Army units also, were boldly led by the dashing Gen. Nathional Lyons, who lost his life on the field of battle.

The Confederate forces from Missouri, Arkansas, Louisiana and Texas, were led by Gen. Benjamin McCulloch, of Texas, and Gen. Sterling Price, of Missouri.

Texas troops in this battle were Col. Elkanah Greer's Regiment of First South Kansas-Texas Cavalry. The Good-Douglas Battery of Artillery from Dallas and Tyler arrived on the field a few hours after the battle. Men from more than a dozen east Texas counties were with the Texan force of over a thousand in this battle. Their descendants are now widely scattered over the country, but in common with the descendants of Union soldiers participants, many would like to see the battleground where their forefathers valorously fought.

Mr. Jack Greer, great-grandson of Col. Elkanah Greer who commanded the Texas Regiment at Wilson's Creek, now lives at Tyler, Tex., and leads the work of the Smith County, Tex., Historical Society. The Houston Civil War Round Table Group through communications by Messrs. Cooper K. Ragan and Palmer Bradley has strongly supported this measure.

Mr. President, turning to the need for national parks in the United States, and in this area in particular, the need for more parks is illustrated by noting the estimated population increases of the United States which is expected over the coming years.

The estimated U.S. populations:

December:	*Million*
1959	179
1962	188
1964	195
1965	198
1970	219

Mr. President, I have obtained from the National Park Service the record of attendance for the 163 units of national parks, for the year 1959. This record shows that almost 63 million Americans visited our national parks last year.

Our battlefield parks drew attendance in the following numbers in 1959:

Gettysburg National Park	870,000
Vicksburg National Park	445,000
Fort Donelson National Park	222,700
Look Out Mountain Park, Chickamauga, Chattanooga	339,000
Chalmette Park, New Orleans	354,600
Harpers Ferry National Park	605,000

Mr. President, it seems clear that it is probable that we will have 60 to 70 million people visiting our national parks annually in the very near future.

The strategic location of this park near the center of the United States makes it accessible to a large segment of our population, and the historic interest in this Trans-Mississippi struggle assures that public interest so necessary to make a park a place of living interest.

The PRESIDING OFFICER. If there is no amendment to be offered, the question is on the third reading of the bill.

The bill was ordered to a third reading, was read the third time, and passed.

ANNUAL AUDIT OF BRIDGE COMMISSIONS AND AUTHORITIES

Mr. CHAVEZ. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1511, Calendar No. 1109.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1511) to provide for the annual audit of bridge commissions and authorities created by act of Congress, for the filling of vacancies in the membership thereof, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Public Works with amendments on page 1, line 5, after the word "independent", to strike out "firm of certified public accountants" and insert "public accountant of recognized standing"; in line 8, after the word "with", to strike out "the principles and procedures applicable to commercial corporate transactions" and insert "generally accepted auditing standards"; on page 2, after line 7, to strike out:

(b) The commission or authority within four months following the close of the fiscal year for which the audit is made shall submit a copy of the audit report to the Governors of the States concerned. The report shall set forth the scope of the audit and shall include a statement of assets and liabilities, capital, and surplus or deficit; a statement of surplus or deficit analysis, a statement of income and expense; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep the Governors of the States concerned informed of the operations and financial condition of the commission.

After line 19, to strike out:

(c) The Governor of either State concerned is authorized to provide for the conduct of further audits of any bridge commission or authority created by Act of Congress if the audit report submitted under subsection (b) is not satisfactory to said Governor.

At the top of page 3, to strike out:

(d) The commission or authority shall bear all expenses of auditing its financial transactions as required by this section.

After line 3, to insert:

(b) The commission or authority within four months following the close of the fiscal year for which the audit is made shall submit a copy of the audit report to the Governors of the States concerned and to the Secretary of Commerce. The report shall set forth the scope of the audit and shall include a statement of assets and liabilities, capital, and surplus or deficit; a statement of surplus or deficit analysis, a statement of income and expenses; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep the Governors of the States concerned and the Secretary of Commerce informed of the operations and financial condition of the commission.

After line 16, to insert:

(c) The Governor of either State concerned or the Secretary of Commerce is authorized to provide for the conduct of further audits of any bridge commission or authority created by Act of Congress if the audit report submitted under subsection (b) is not satisfactory to said Governor or to the Secretary of Commerce, respectively.

After line 22, to insert:

(d) The commission or authority shall bear all expenses of the annual audit of its financial transactions as required by this section. All expenses of any additional audit required under this section shall be paid by the official or agency requesting such additional audit.

On page 5, after line 2, to strike out:

(c) A vacancy in the membership of any bridge commission or authority to which this Act is applicable occurring by reason of expiration of term, failure to qualify as a member, death, removal from office, resignation, or otherwise, shall be filled by the Governor of the State having the minority of members on the commission or authority. If both States have equal representation, the Governor of the State from which the last member was appointed to the position then vacant shall fill the vacancy. Incumbent members whose terms have expired shall hold over in office until their successors are appointed and qualified.

After line 13, to strike out:

(d) Each member appointed under this Act shall qualify within thirty days after appointment by filing with the Governor of the State in which he resides an oath that he will faithfully perform the duties imposed upon him by law.

After line 17, to strike out:

(e) Each member appointed under this Act shall be removable for cause by the Governor of the State in which he resides.

After line 20, to strike out:

(f) This section shall not be applicable to ex officio members of such bridge commissions or authorities.

After line 22, to insert:

(c) A vacancy in the membership of any bridge commission or authority to which this Act is applicable occurring by reason of expiration of term, failure to qualify as a member, death, removal from office, resignation, or otherwise, shall be filled by the Secretary of Commerce. Incumbent members whose terms have expired shall hold over in office until their successors are appointed and qualified:

On page 6, after line 6, to insert:

(d) Each member appointed under this Act shall qualify within thirty days after appointment by filing with the Secretary of Commerce an oath that he will faithfully perform the duties imposed upon him by law.

After line 10, to insert:

(e) Each member appointed under this Act shall be removable for cause by the Secretary of Commerce.

After line 12, to insert:

(f) This section shall not be applicable to ex officio members or State highway department members of such bridge commissions or authorities.

On page 7, after line 21, to strike out:

Section 12 of the Act approved August 9, 1939 (53 Stat. 1272).

On page 8, after line 10, to strike out:

(2) Louisiana-Vicksburg Bridge Commission, created by the Act approved August 9, 1939 (53 Stat. 1267).

At the beginning of line 14, to strike out "(3)" and insert "(2)"; at the beginning of line 16, to strike out "(4)" and insert "(3)"; at the beginning of line 19, to strike out "(5)" and insert "(4)", and at the beginning of line 22, to strike out "(6)" and insert "(5)"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) each bridge commission and authority created by Act of Congress shall provide for an annual audit of its financial transactions by an independent public accountant of recognized standing in such manner as prescribed by the Governors of the States concerned and in accordance with generally accepted auditing standards. Each such commission and authority shall make available for such purposes all books, accounts, financial records, reports, files, and all other papers, documents, or property belonging to or in use by such commission or authority. The General Accounting Office is authorized and directed to make available its advice on any matter pertaining to an audit performed pursuant to this section.

(b) The commission or authority within four months following the close of the fiscal year from which the audit is made shall submit a copy of the audit report to the Governors of the States concerned and to the Secretary of Commerce. The report shall set forth the scope of the audit and shall include a statement of assets and liabilities, capital, and surplus or deficit; a statement of surplus or deficit analysis, a statement of income and expense; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep Governors of the States concerned and the Secretary of Commerce informed of the operations and financial condition of the commission.

(c) The Governor of either State concerned or the Secretary of Commerce is authorized to provide for the conduct of further audits of any bridge commission or authority created by Act of Congress if the audit report submitted under subsection (b) is not satisfactory to said Governor or to the Secretary of Commerce, respectively.

(d) The commission or authority shall bear all expenses of the annual audit of its financial transactions as required by this section. All expenses of any additional audit required under this section shall be paid by the official or agency requesting such additional audit.

SEC. 2. (a) Each person who is a member, on the date of enactment of this Act, of a bridge commission or authority created by Act of Congress shall continue in office until the expiration of his present term, except as provided under subsection (b) of this section.

(b) Where provision is made in the Act creating a bridge commission or authority for membership thereon without limitation as to length of term of office the Secretary of Commerce shall, on or before the expiration of ninety days after the date of this Act, reappoint not more than one-third of the persons who are members of such bridge commission or authority on the date of enactment of this Act as members of such bridge commission or authority for a term of two years from the date of reappointment, reappoint not more than one-third of the members of such bridge commission or authority for a term of four years, and reappoint the remaining members for a term of six years. Thereafter, the term of each member appointed to such commission or authority shall be six years, except when an appointment is made to fill an unexpired term or when an incumbent member whose term has expired holds over until his successor is appointed and vacancies shall be filled as provided under subsection (c) of this section.

(c) A vacancy in the membership of any bridge commission or authority to which this Act is applicable occurring by reason of expiration of term, failure to qualify as a member, death, removal from office, resignation, or otherwise, shall be filled by the Secretary of Commerce. Incumbent members whose terms have expired shall hold over in office until their successors are appointed and qualified.

(d) Each member appointed under this Act shall qualify within thirty days after appointment by filing with the Secretary of Commerce an oath that he will faithfully perform the duties imposed upon him by law.

(e) Each member appointed under this Act shall be removable for cause by the Secretary of Commerce.

(f) This section shall not be applicable to ex officio members or State highway department members of such bridge commissions or authorities.

SEC. 3. Each bridge commission and authority created by Act of Congress shall submit an annual report, covering its operations and fiscal transactions during the preceding fiscal year, its financial condition and a statement of all receipts and expenditures during such period, to the Governors of the States concerned and to the Secretary of Commerce not later than four months following the close of the fiscal year for which the audit required under section 1 of this Act is made.

SEC. 4. Authority is hereby granted to transfer all functions, powers, duties, responsibilities, authority, assets, liability, obligations, books, records, property, and equipment of any existing bridge commission or authority created by Act of Congress to the highway department or other agency of the State or States concerned, or to joint agencies established by interstate compact or agreement. Such transfer shall be carried out in a manner as may be prescribed or authorized by the laws of the State or States concerned. Upon such transfer, such bridge commission or authority shall cease to exist.

SEC. 5. (a) All provisions of Acts of Congress creating bridge commissions or authorities may be enforced or the violation thereof prevented by mandamus, injunction, or other appropriate remedy by the chief legal officer of either State concerned, in any court having competent jurisdiction of the subject matter and of the parties. The following provisions of law are hereby repealed.

Section 11 of the Act approved October 30, 1951 (65 Stat. 699);

Section 15 of the Act approved July 26, 1956 (70 Stat. 676);

Section 12 of the Act approved April 12, 1941 (55 Stat. 144).

(b) Members and employees of bridge commissions and authorities created by Act of Congress shall not be deemed to be Federal officers and employees.

SEC. 6. The provisions of this Act shall apply to any bridge commission or authority created by Act of Congress and authorized to construct and/or acquire an interstate bridge, including—

(1) Arkansas-Mississippi Bridge Commission, created by the Act approved May 17, 1939 (53 Stat. 747);

(2) White County Bridge Commission, created by the Act approved April 12, 1941 (55 Stat. 140);

(3) City of Clinton Bridge Commission, created by the Act approved December 21, 1944 (58 Stat. 846);

(4) Sabine Lake Bridge and Causeway Authority, created by the Act approved October 30, 1951 (65 Stat. 695); and

(5) Muscatine Bridge Commission, created by the Act approved July 26, 1956 (70 Stat. 669).

SEC. 7. If any provision of this Act, or the application of such provision to any person or circumstance, is held invalid, the remainder of the Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Mr. MARTIN. Mr. President, the purpose of S. 1511, as proposed to be amended, is to provide that each bridge commission and authority created by act of Congress shall provide for an annual audit of its financial transactions by an independent public accountant of recognized standing at its own expense in a manner prescribed by the Governors of the States concerned, with a copy of the audit report and an annual report to be furnished to the Governors and to the Secretary of Commerce. If the audit report is not considered satisfactory to the Governor or the Secretary of Commerce, further audits are authorized, and such additional audit expenses shall be borne by the official or agency requesting it.

Under the provisions of the bill, each member of such bridge commission or authority shall continue in office until the expiration of his present term, except that where a member is serving without limitation as to length of term, the Secretary of Commerce will reappoint such members for specific terms, eventually to get all members on a 6-year term basis. Vacancies in the memberships of the commissions will be filled through appointments by the Secretary of Commerce. Incumbent members will hold over until successors qualify. The provisions of the bill do not apply to ex officio members.

The annual report of each bridge commission or authority will be submitted to the Governors and the Secretary of Commerce within 4 months following the close of the fiscal year for which the audit is made. Authority is granted to transfer the functions, powers, duties, assets, records, and so forth, of the commissions to highway departments or to other agencies of the State or States concerned, or to any joint agency created by interstate compact or agreement, after which transfer the bridge commission or authority will cease to exist.

The bill provides for enforcement of the provisions of the laws creating the bridge commissions, prevention of the violation thereof by the chief legal officer of either State concerned, by injunction or other appropriate remedy in any court of competent jurisdiction, and it repeals the enforcement provisions of the laws establishing the bridge commissions. Members of the bridge commissions and employees are not deemed to be Federal officers and employers.

An amendment now proposed by the committee would equalize the compensation of members of the various bridge commissions and authorities, increase the mileage allowance, and permit ex officio members and State highway department members to be compensated for their actual and traveling expenses where they are not so compensated for such in their present capacity. This would bring the compensation of all members more nearly up to date and equitable. The rates of compensation for some of the commissions established a number of years ago are out of line with those established in recent years.

This legislation was requested by the Secretary of Commerce in compliance with the statement of the President on July 26, 1956, when he approved the Muscatine Bridge Commission bill, Public Law 811, 84th Congress, wherein he recommended that legislation be considered with respect to existing federally created bridge commissions to require that they be subject to uniform safeguards providing for an annual audit by competent authority, and for fixed conditions for filling commission vacancies. He pointed out that the construction and operation of interstate bridges traditionally has been a State rather than a Federal responsibility, and that a serious legal and administrative problem is presented in that no official or agency is charged with the responsibility of assuring that commissions faithfully carry out their public responsibilities.

Opposition to the legislation developed primarily on two points: First, that the bill would require the bridge commissions to bear the cost of any audits performed under the legislation; and, second, that the bill would provide for further appointments to the commissions to be made by the Governors of the States involved rather than by the Secretary of Commerce.

The commissions have no objection to paying for their regular annual audits, but believe that any additional or special audits should be paid for by the party requiring them. It was suggested that appointment of members of the commissions by the Governors might result in political clashes between commissions of different States interested in a bridge between those States. Also at some future time, the Governors concerned might be disinterested or unsympathetic toward the bridge commissions.

Members of certain bridge commissions met with representatives of the Secretary of Commerce and worked out some proposed amendments that would meet their objections. The suggested amendments were transmitted to the committee by the Acting Secretary of Commerce on July 15, 1959.

The legislation would apply to six commissions and authorities created by acts of Congress. Since its introduction, one commission has been abolished by Federal law and one of the authorities has only ex officio members.

S. 1511 will establish standard procedures for an audit of the various bridge commissions and authorities created by act of Congress, establish uniform terms of office for members of such commissions and authorities, provide for the transfer of functions and property to State agencies, equalize rates of compensation, and authorize State law enforcement officers to enforce all provisions of the various acts of Congress creating bridge commissions and authorities. It is believed that proper administration of such agencies should primarily be a matter of concern to the State involved, but that the Federal Government, having created such bodies has a continuing responsibility to insure proper, efficient, and economic administration.

It is further believed that S. 1511 will provide adequate procedures under which the operations of the bridge commissions and authorities will be subject to periodic review by Federal and State officials to insure that the intent of Congress in establishing such commissions will be carried out.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is on agreeing to the committee amendments en bloc.

The amendments were agreed to, en bloc.

Mr. CHAVEZ. Mr. President, on behalf of the Committee on Public Works I send an amendment to the desk and ask that it be stated.

The LEGISLATIVE CLERK. On page 8, between lines 3 and 4, insert the following:

(c) The members of such bridge commissions and authorities shall each be entitled to a per diem compensation for their services of $20 for each day actually spent in the business of the commission or authority, but the maximum per diem compensation of the chairman in any one year shall not exceed $3,000, and of each other member in any one year shall not exceed $2,000. The members of such commissions and authorities shall also be entitled to receive traveling expense allowance of 12 cents a mile for each mile actually traveled on the business of the commission or authority. Ex-officio members or State highway department members of the commissions or authorities shall not receive a salary for their services as members, but shall be paid their actual expenses not exceeding $25 per day for each day actually devoted to the performance of their duties as such members, and shall also be entitled to receive traveling expense allowance of 12 cents a mile actually traveled on the business of the commission or authority, whenever such reimbursement for their actual expenses and traveling expenses is not provided from some other source. Payments under the provisions of this subsection shall be in lieu of any other payments for salary or expenses authorized for service as a member of any such commission or authority under the provisions of any other Federal law relating to such commission or authority, but nothing in this subsection shall affect any other Federal law with respect to the funds from which any such payments shall be made.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

LIONIE TARPINIAN AND SIRVART KASABIAN

Mr. BARTLETT. Mr. President, on behalf of the chairman of the Committee on the Judiciary, I make the following statement:

On August 24 and July 6, 1959, the Senate passed S. 594 and S. 1241, respectively, which granted the status of permanent residence in the United States to the beneficiaries, who are 61 and 43 years of age.

On March 15, 1960, the House of Representatives passed S. 594 and S. 1241, each with an amendment to provide only for cancellation of outstanding deportation proceedings in behalf of the beneficiaries. Under the amended bill, the beneficiaries will be permitted to remain in the United States, but will be unable to proceed toward United States citizenship.

The Senate Judiciary Committee favors the language of the bills, as passed by the Senate, which included a quota deduction for each beneficiary, to that of the bills as amended by the House of Representatives. However, in view of the fact that at least the younger beneficiary of S. 1241 may be able to later adjust her status administratively to that of a lawful resident alien, I move that the Senate concur in the House amendments to the bills, S. 594 and S. 1241.

LIONIE TARPINIAN

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 594) for the relief of Lionie Tarpinian, which was, to strike out all after the enacting clause and insert:

That the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Lionie Tarpinian. From and after the date of the enactment of this Act, the said Lionie Tarpinian shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska.

The motion was agreed to.

SIRVART KASABIAN

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1241) for the relief of Sirvart Kasabian, which was, to strike out all after the enacting clause and insert:

That the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Sirvart Kasabian. From and after the date of the enactment of this Act, the said Sirvart Kasabian shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska.

The motion was agreed to.

THE IMPLEMENTATION OF REGULATORY ORDERS AFFECTING PROCESSED FOODS AND OTHER COMMODITIES BY THE FOOD AND DRUG ADMINISTRATION

Mr. HOLLAND. Mr. President, on behalf of the Florida congressional delegation and the citrus industry of our State and of California I want the RECORD to show that, contrary to the popular belief that the Food and Drug Administration is completely impractical in implementing regulatory orders which hurtfully affect processed foods and other commodities, that agency, when fully informed on the hurtful aspects of such proposed regulations, can and does act with understanding, reason, and practicality in staying the effectiveness of its orders pending full hearings on the matters at issue where no hazard to the health of consumers is involved.

On Friday, April 8, it was my responsibility, along with representatives of my colleagues in the Senate and our colleagues in the House of Representatives, to meet with Food and Drug officials and with leading people from the Florida and California citrus and citrus-processing industries to engage in a discussion of the very harmful effect on those industries of a proposed new labeling requirement contained in the proposed Food and Drug order of March 1, 1960, on standards of identity for orange juice and orange juice products. Provisions of the order were to be effective as of June 1, 1960. When it was shown that extensive chainstore buyer resistance was being generated by the proposed labeling requirement and that the processors could not possibly move into trade channels the huge inventory of citrus concentrate now on hand and to be accumulated within the next 2 months because of it, the Food and Drug officials acted promptly in issuing an order staying the effective date of the basic order pending a hearing. They also issued a policy statement designed to allay the fears of retailers that they might be caught, when the final order was to go into effect, with large stocks of improperly labeled citrus products in their warehouses and on the shelves of their retail outlets.

Mr. President, I know that none of us are perfect and that sometimes in overzeal to get a job done quickly we make mistakes. However, I want the RECORD to show that in this instance I observed the Food and Drug Administration, when the facts were properly presented, to be understanding, reasonable, and practical in their action.

AMENDMENT OF MOTOR VEHICLE SAFETY RESPONSIBILITY ACT OF THE DISTRICT OF COLUMBIA

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1267, S. 2131.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 2131) to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954, as amended.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection the Senate proceeded to consider the bill, which had been reported from the Committee of the District of Columbia, with amendments, on page 1, line 3, after the word "That", to strike out "sectioin" and insert "section"; on page 2, line 13, after the word "approved", to strike out "August 28, 1958" and insert "May 25, 1954"; in line 18, after the word "approved", to strike out "August 28, 1958" and insert "May 25, 1954"; and in line 22, after the word "the", to strike out "Owner's" and insert "Owners' "; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved

May 25, 1954 (68 Stat. 121; sec. 40-419, D.C. Code, 1951 edition), as amended, is amended by adding the following subsection:

"(d) The Commissioners shall retain records required for the administration of this Act for a period of five years, after which the Commissioners may destroy or otherwise dispose of such record."

SEC. 2. Section 14 of such Act approved May 25, 1954 (68 Stat. 124; sec. 40-430, D.C. Code 1951 edition), as amended, is amended by inserting the words "and registration" immediately after the word "license".

SEC. 3. Section 30 of such Act approved May 25, 1954 (68 Stat. 129; sec. 40-446, D.C. Code, 1951 edition), is amended by striking "or by reason of having received no information".

SEC. 4. Subsection (a) of section 37 of such Act, approved May 25, 1954 (68 Stat. 130; sec. 40-453, D.C. Code, 1951 edition), as amended, is amended by inserting the words "shall have been convicted of, or" immediately after the words "by a final order or judgment".

SEC. 5. Section 58 of such Act, approved May 25, 1954 (68 Stat. 135; sec. 40-474, D.C. Code, 1951 edition), is amended by deleting "or expiration" wherever such phrase appears in such section.

SEC. 6. The second paragraph of section 82 of such Act, approved May 25, 1954 (68 Stat. 139; sec. 40-498c, D.C. Code, 1951 edition), is amended to read as follows: "The Act of May 3, 1935 (49 Stat. 166, ch. 89; title 40, ch. 4, D.C. Code, 1951 edition), as amended, known as the Owners' Financial Responsibility Act of the District of Columbia, is hereby repealed except with respect to any accident or judgment arising therefrom occurring prior to the effective date of this Act. Section 68 of this Act shall govern as to the duration of proof of financial responsibility in all cases arising under the aforementioned Act of May 3, 1935."

ADDITIONAL FUNDS FOR COMMITTEE ON GOVERNMENT OPERATIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business may be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 1125, Senate Resolution 255.

The PRESIDING OFFICER. Is there objection?

There being no objection the Senate proceeded to consider the resolution (S. Res. 255), providing additional funds for the completion by the Committee on Government Operations of its study of worldwide health and medical research and authorizing the employment of additional personnel, which had been reported from the Committee on Rules and Administration, with an amendment, on page 3, line 6, after the word "committee,", to strike out "from date of approval to January 31, 1961, inclusive," and insert "from February 1, 1960, through January 31, 1961,", so as to make the resolution read:

Resolved, That the Committee on Government Operations, or any duly authorized subcommittee thereof, is authorised under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate—

(a) to complete its study of worldwide health research, assistance, and rehabilitation matters; and

(b) to examine, investigate, and make a complete study of any and all matters in scientific and other fields where there may be indications of a need for (a) improved budgeting, accounting, and other managerial practices on the part of agencies of the United States Government; (b) strengthened cooperation and coordination among Federal agencies; (c) effectiveness of international organizations of which the United States is a member; and (d) avoidance of Federal duplication of private responsibilities and activities.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1960, through January 31, 1961, is authorized to (1) make such expenditures as it deems advisable; (2) employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized at its discretion to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $1,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable to the Senate at the earliest practicable date, but not later than January 31, 1961.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $8,500, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. McCLELLAN obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator from Arkansas yield, to permit me to suggest the absence of a quorum?

Mr. McCLELLAN. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I offer an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 4, after line 3, insert the following new section:

SEC. 5. (a) Upon the filing of the final report of the Select Committee on Improper Activities in the Labor or Management Field, established by S. Res. 74, 85th Congress, agreed to January 30, 1957, as amended and supplemented, all files, papers, records, and documents in the possession of such select committee shall be transferred to the Committee on Government Operations for the use of such committee or any duly authorised subcommittee thereof in carrying out its functions under S. Res. 346, 86th Congress, agreed to February 6, 1960, and under this section: *Provided*, That any of such files, papers, records and documents, or photostatic copies thereof shall, upon written request of the chairman of the Committee on Labor and Public Welfare specifying or identifying the material desired, be made available to said committee for use by it in carrying out any of its legislative oversight functions over the administration of the Labor-Management Reporting and Disclosure Act of 1959.

(b) The Committee on Government Operations or any duly authorized subcommittee thereof is authorized April 1, 1960-January 31, 1961, to conduct an investigation and study of the extent to which criminal or other improper practices or activities are, or have been engaged in in the field of labor management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities. Nothing contained in this section shall affect or impair the exercise by the Committee on Labor and Public Welfare of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(c) For the purposes of this section, the committee from April 1, 1960, to January 31, 1961, inclusive, is authorized, as it deems necessary and appropriate, to (1) make such expenditures from the contingent fund of the Senate; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpena or otherwise the attendance of such witnesses and production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony, either orally or by deposition; (7) employ on a temporary basis such technical, clerical, and other assistants and consultants; and (8) with the prior consent of the executive department or agency concerned and the Committee on Rules and Administration, employ on a reimbursable basis such executive branch personnel as it deems advisable; and further, with the consent of other committees or subcommittees, to work in conjunction with and utilize their staffs, as it shall be deemed necessary and appropriate in the judgment of the chairman of the committee.

(d) The expenses of the committee under this section, which shall not exceed $75,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Amend the title so as to read: "Resolution providing additional funds for the Committee on Government Operations to complete a study of worldwide health and medical research; for the transfer of all papers of the Select Committee on Improper Activities in the Labor or Management Field, and authorizing continuing studies."

The PRESIDING OFFICER. A committee amendment is pending and is awaiting action before further amendments may be considered. The clerk will state the committee amendment.

The CHIEF CLERK. On page 3, line 6, after the word "committee," it is proposed to strike out "from date of approval to January 31, 1961, inclusive," and insert "from February 1, 1960, through January 31, 1961,".

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment offered by the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, the amendment I offer does no violence to Senate Resolution 255, the pending resolution. It is not designed to affect or in any way interfere with that resolution. It simply adds to Senate Resolution 255 a revised version of Senate Resolution 287, originally submitted by me, to transfer certain functions of the Select Committee on Improper Activities in the Labor or Management Field to the Committee on Government Operations.

At or subsequent to the time Senate Resolution 287 was submitted, a question arose concerning the wisdom of making such a transfer, because there was some thought that such a transfer might transgress upon the prerogatives and regular functions of the Committee on Labor and Public Welfare.

Thereafter a resolution, Senate Resolution 294, was submitted and is now pending on the calendar as Calendar No. 1244, to continue the Select Committee on Improper Activities in the Labor or Management Field.

In the meantime, after a number of conferences, apparently all parties at interest, including the Senator from Alabama [Mr. HILL], who is chairman of the Committee on Labor and Public Welfare, and the majority leader and minority leader, have agreed that the amendment now being considered is possibly the best way and the proper course in which to handle the matter.

I am certain that the chairman of the Committee on Labor and Public Welfare, the distinguished Senator from Alabama, is thoroughly satisfied that the language now contained in the amendment will not in any way infringe upon, in any sense or to any degree, the proper functions and jurisdiction of the Committee on Labor and Public Welfare.

Mr. HILL. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I yield.

Mr. HILL. I agree with the statement of the Senator from Arkansas. The amendment as it is now written and before the Senate for action fully protects the jurisdiction of the Committee on Labor and Public Welfare. I am in agreement with the Senator from Arkansas, the majority leader, and the minority leader. I hope the Senate will agree to the resolution as amended by the amendment of the Senator from Arkansas.

Mr. McCLELLAN. The amendment should prove to be a bit more economical than Senate Resolution 294 would be, because the staff which has been doing the work of the select committee, or a large part of it, is already on loan from the Committee on Government Operations or a subcommittee thereof.

The experienced staff of the select committee would thus be made available to the Committee on Government Operations, and the select committee's valuable files would be within the custody of the Committee on Government Operations, with the specific provision in this measure that the Committee on Labor and Public Welfare shall be entitled to the use of any of the files which it may desire to use in connection with its work—or photostatic copies of them; in most instances I am sure photostatic copies would serve that purpose, thus keeping the original files intact.

The entire purpose is to provide the necessary authority for the Committee on Labor and Public Welfare and the Committee on Government Operations, both of which have, under the Senate rules, certain jurisdiction in this field, but neither of which has the authority which must necessarily be had if they are to go beyond certain areas, in order to obtain in other areas proof which might be needed.

All these purposes are now being served economically, and would continue to be served more economically in this way than if we were to continue the life of the select committee and to have its staff maintained separately. I trust that point is clearly understood.

By placing this authority in the Committee on Government Operations, only one Senate committee and its staff will do the work, whereas if two separate committees were assigned this responsibility, an additional staff would have to be maintained, at additional expense. The way we now propose is the economical way to proceed.

I may point out that one of the principal reasons for this proposal is to make available to the proper authorities the records of the select committee, which are valuable. Day by day we are called upon to make those records available to the Department of Justice and to other law-enforcement agencies. So it is important that the records be kept here, under the control of the Senate or some agency of the Senate, so that the full benefit of the labors of the select committee may be realized. If the records were sent to the National Archives, anyone who would have custody of them there would not be familiar with them, and they would not be made available for purposes which are legitimate and essential if the full fruits of the labors of the select committee are to be realized.

We are trying to proceed in the most economical way.

As I have previously stated, I now state without any reservation that if I had had in mind in a continuing crusade, I would simply have requested a continuation of the Senate select committee, with all its powers, and possibly with the same amount of funds which the committee has been receiving in the past—in other words, approximately $750,000. But that is not the purpose. Instead, our purpose is to have these records preserved, with standby authority if some emergency situation arises, and to do so in the most economical way possible.

I believe this matter has been worked out with some wisdom and discretion, and with full justification. So I hope the amendment will be agreed to.

Another way to proceed would be, of course, to call up Senate Resolution 294, and then offer this measure as an amendment in the nature of a substitute. But since Senate Resolution 255, which the Senate is now considering, came from the Committee on Government Operations, I believe it appropriate, and possibly the most orderly way, simply to offer this measure as an amendment to Senate Resolution 255. If the amendment is agreed to and if the resolution as thus amended is adopted, then Senate Resolution 294, Calendar No. 1244, would be subject to a motion to postpone indefinitely. In that event, the matter would be resolved and the question would be settled in what I believe to be the proper way.

Mr. MANSFIELD. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I am glad to yield.

Mr. MANSFIELD. Then, as I understand the statement of the Senator from Arkansas, if his amendment to Senate Resolution 255 is adopted and if the resolution as thus amended is agreed to, it will then be in order to postpone indefinitely the further consideration of Senate Resolution 294, which calls for an extension of the so-called Select Committee on Improper Activities in the Labor or Management Field and a continuation of its authority. In other words, there would then not be an extension of the McClellan committee, as such, because the objectives the Senator from Arkansas seeks, would be achieved through adoption of the Humphrey resolution, as thus amended. Is that correct?

Mr. McCLELLAN. The Senator from Montana is entirely correct. I have always taken the position that the select committee was created to do the particular thing it has done. But we should bear in mind that the information which gave impetus to, if it did not direct, the creation of the select committee came about from an investigation made by the Committee on Government Operations, which developed certain facts and indicated other conditions which the committee lacked authority, under its regular jurisdiction, to go into far enough to be able to make a full disclosure to the Congress.

Mr. MANSFIELD. Mr. President, will the Senator from Arkansas yield further to me?

Mr. McCLELLAN. I am happy to yield.

Mr. MANSFIELD. Then the Senate is faced with the alternative of either agreeing to the resolution now under consideration, Senate Resolution 255, as thus amended, or a continuation of the so-called McClellan committee—the Select Committee on Improper Activities in the Labor or Management Field—until January 31, 1961?

Mr. McCLELLAN. Yes, those are the two alternatives.

I prefer the former course; I have always thought that since the bulk of the work of the Select Committee was done, this power should be vested on a standby basis in the Committee on Government Operations, which has a qualified staff, and is familiar with the work, and has the records; and thus the full benefits, as well as any further benefits, could be derived from the labors of the select committee, and would be kept available to us, rather than to have the entire matter washed out and the records sent to the National Archives, and thus be of no great value to us.

Mr. ELLENDER. Mr. President, will the Senator from Arkansas yield to me?

Mr. McCLELLAN. I am very glad to yield to the distinguished Senator from Louisiana.

Mr. ELLENDER. As I recall, the distinguished Senator from Arkansas in

earlier debate, said that the select committee would cease functioning on March 31.

Mr. McCLELLAN. That is correct; and this is what I had in mind, and I had said from time to time that a vacuum should not be created, but some committee should have this authority.

Mr. ELLENDER. In other words, as I understand, under the action now proposed, if the amendment is adopted, the life of the select committee would be terminated on March 31?

Mr. McCLELLAN. That is correct.

Mr. ELLENDER. Very well. What use will then be made of the $75,000 that this amendment provides?

Mr. McCLELLAN. It will be used to carry out the authority provided in the amendment. Among other things, we shall keep those records; and we shall keep a skeleton staff, to make investigations, if and as they may be needed. I point out that we are not undertaking to carry on a crusade of investigations.

But I do say to my friend that this authority should not at this time be washed out; and I make that statement on the basis of knowledge of, and experience with, the conditions which prevail. In my judgment, it would be a sad mistake to do that at this time.

Mr. ELLENDER. Then, as I understand, it is the intention of the Senator from Arkansas to continue this work, through another way.

Mr. McCLELLAN. Yes, on a standby basis.

Mr. ELLENDER. Who will be the chairman of that committee?

Mr. McCLELLAN. I am the chairman of the committee.

Mr. ELLENDER. What will it be called?

Mr. McCLELLAN. It will not be called anything; we shall transfer this authority to the Committee on Government Operations; and, as the Senator from Louisiana will recall, that committee has a permanent Subcommittee on Investigations. This work will be done by that subcommittee of the committee which originally discovered the need for such authority, and reported that to the Congress, and was, I think I can correctly say, primarily responsible for the creation of the select committee, with these powers to make the investigations.

Mr. ELLENDER. Is it the purpose of the Senator from Arkansas to maintain this study from now on? Will there be any end to it?

Mr. McCLELLAN. Let me say here that the Senate Committee on Government Operations is a permanent committee of the Senate. The duties and the powers of that committee are set forth in the Senate rules, of course. There has been created, in order to carry out these functions of that committee, what is known as its permanent Subcommittee on Investigations. That subcommittee conducts such investigations into the activities of the Government, in order to ascertain their efficiency and economy at all levels.

Mr. ELLENDER. Is this an added duty?

Mr. McCLELLAN. This will be, temporarily, an added duty.

Mr. ELLENDER. What is that subcommittee now obtaining from the Congress by way of money?

Mr. McCLELLAN. I believe the last amount was $275,000. That is my recollection.

Mr. ELLENDER. So to that amount of $275,000 there is going to be added another $75,000, which will make $350,000 that is going to be given to the subcommittee. Is that correct?

Mr. McCLELLAN. That is correct. May I say we have been returning money. This past year——

Mr. ELLENDER. It is not a question of returning money, I say to the Senator.

Mr. McCLELLAN. Out of last year's appropriation of $225,000 for the committee, we returned $112,000. The primary reason for it was not that there was not work to do, but that the time of the chairman and other members of the committee was all taken with the select committee. We have a backlog of work which needs to be done. This is a most reasonable request, if we are going to hold these records together, and if we are going to keep the full value of the labors of the select committee.

Mr. ELLENDER. Will the Senator yield further?

Mr. McCLELLAN. The Senator from Louisiana is interested in economy, and I believe I am, too. I may say to him that we returned $112,000 last year, and, according to my recollection, the select committee returned $120,000. The money that has been appropriated for the select committee amounted to about $2 million. I had the clerk of the committee give me a statement as to how much of that money had been spent to reimburse me as chairman, for transportation or other expense. I may tell the Senator I have that statement somewhere.

Mr. ELLENDER. I know that the distinguished Senator from Arkansas has been consistent in his attempts to conserve the taxpayer's dollars, but some committees at times are disposed to ask for a little more than they expect to spend. I am not accusing the Senator of making such a request, but the Senator knows that it sometimes occurs.

Mr. McCLELLAN. I do not operate committees that way. I operate them as economically as it is possible for them to function.

Mr. ELLENDER. I am wondering, if the Senator from Arkansas desires to save money merely to preserve these records, why that could not be done within the $225,000 which the committee normally receives. Why add this $75,000?

Mr. McCLELLAN. The preservation of records is not all that will be done.

Mr. ELLENDER. If that is not all that is going to be done, then the Senator expects to keep on investigating.

Mr. McCLELLAN. I have said this is standby authority and that if occasion arises for an investigation, it can be had. I do not want to have any misunderstanding about it. I say such authority ought to be vested today in some committee of the Senate, and this is the most economical way to do it.

Before I conclude and yield further, I wish to say I had the clerk give me a certificate of the amount of money that had been spent by or for the chairman in the performance of his duties. The total amount is $68.73 over a period of 3 years and 2 months. Mr. President, that is how we have tried to operate. I have done everything I could to function economically and at the same time carry out, effectively and properly, the assignment that was given to the committee by the Senate.

Now I am glad to yield.

Mr. ELLENDER. Mr. President, I wish to say to my good friend from Arkansas I do not suppose there is any Senator who has done more work beyond the call of duty than has the Senator from Arkansas. I am not questioning that fact at all. What I am finding fault with, if it is a fault, is that the select committee was supposed to terminate its duties on March 31. The Senator admits that intention. It is there in the record. But now, merely to preserve these records, and perhaps hold hearings in the event the occasion may arise, he wants the Senate to appropriate an additional $75,000, which, as I have said, is going to be requested as a yearly contribution for that purpose.

As I brought out earlier in the Senate, the distinguished Senator from Alabama [Mr. HILL] secured passage of a resolution which allowed the Committee on Labor and Public Welfare to hire two additional professional staff members, and one additional clerical assistant to act as a sort of watchdog in regard to the legislation which was enacted and which resulted from the hearings that my good friend from Arkansas held through the years.

I go back to the proposition that when these committees are organized they seem never to expire. I am rather disappointed that even this small sum of $75,000 is requested. It strikes me that the mere preservation of these records is something the committee itself should do. I do not want to pinch pennies, but it strikes me it could be done in that way, and thereby do away with the subcommittee. For transferring these functions to the subcommittee the request this year is for an additional $75,000. But my guess is that next year the request will be for $100,000, or perhaps $150,000. That is what happens to these committees.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. ELLENDER. The Senator from Arkansas has the floor.

Mr. McCLELLAN. I did not want to interrupt the Senator. I think the record I have made as chairman of this committee and the other committee clearly refutes the alarm or suspicions the Senator from Louisiana may have. I have not shown a record of exaggerated expenditures. I have shown a record of returning money to the Senate. I point out now that this power ought to be continued somewhere. The Select Committee is ending. I want it to end, so that there will be only standby authority and so economy can be effected and so we shall not be asking for more money than is needed. But if more money is granted than is needed, the record shows it will be returned to the Treasury. I hope that is not a disappointment to my friend from Louisiana.

Mr. ELLENDER. It will not be a disappointment to me, Mr. President, but what I find fault with, as I have said, is that after these committees are created they seem never to die; they keep on going.

Mr. McCLELLAN. This one is dying. I want it to die. We are getting rid of it. We are not operating it at a tremendous expense. We are doing all the practical things that ought to be done to handle this property.

Mr. ELLENDER. I think this is a mighty expensive item, the spending of $75,000 merely to preserve records.

Mr. McCLELLAN. That is not all.

Mr. ELLENDER. As I pointed out, this subject matter is in the realm of functions which belong to the Committee on Labor and Public Welfare. As I said before, we have already provided quite a bit of money in order that the Senator from Alabama may be a watchdog for this new labor bill. I do not know how much will be spent for that. But I imagine that the time will come when this watchdog group in labor and public welfare will find a little more work to do and the need for a little more money to be spent.

Mr. McCLELLAN. Mr. President, neither the Committee on Labor and Public Welfare nor the Committee on Government Operations has all the authority which is needed, or which was needed. That prompted the Senate to create the select committee. From the standpoint of law enforcement, from the standpoint of getting the benefits which should result and which are a potential result of the work of the select committee, which has now expired, it is essential that the provision be in the proposed legislation.

There is no desire to take anything away from—and nothing is taken away from—the Committee on Labor and Public Welfare. Neither the Committee on Labor and Public Welfare nor the Committee on Government Operations can reach out into certain areas where it may become necessary to reach to bring to the Congress the information it needs. Neither committee can do that under the regular powers. Unless there is a provision such as is proposed, applicable to one committee or the other, or to the select committee, it cannot be done.

Mr. ELLENDER. Mr. President, do I correctly understand that Calendar No. 1244, Senate Resolution 294, will be indefinitely postponed?

Mr. McCLELLAN. I shall make that motion upon the adoption of this resolution.

Mr. ELLENDER. Mr. President, I should like to ask a few questions about the original resolution to which this amendment is to be attached. I notice we are being asked to contribute $85,000 that this subcommittee of the Committee on Government Operations can (a) complete its study of worldwide health research, assistance, and rehabilitation matters; and (b) examine, investigate, and make a complete study of any and all matters in scientific and other fields where there may be indications of a need for (a) improved budgeting, accounting—Lord knows we need that—and other managerial practices on the part of agencies of the U.S. Government; (b) strengthened cooperation and coordination among Federal agencies; (c) effectiveness of international organizations of which the United States is a member; and (d) avoidance of Federal duplication of private responsibilities and activities.

Is there any Senator present who can give us a little information as to what the subcommittee has already done with the money we have appropriated, as to how much money the subcommittee has spent, and what the subcomittee proposes to do with the funds it now seeks, plus any other pertinent information?

Mr. MANSFIELD. Mr. President, if I may speak, inadequately, for the Senator from Minnesota and his subcommittee, it is my impression that the subcommittee has done an outstanding job over the past year. The subcommittee does have the authority to investigate the fields which the Senator from Louisiana has listed. The subcommittee has returned portions of the funds which have been allocated to it on two previous occasions. The subcommittee intends to broaden the scope of its activities, which is fully within the scope of the authority of the Committee on Government Operations in the study of health, in the study of better managerial practices, and in the documentation necessary in this field.

I would point out to the Senator from Louisiana that health is something which is not confined to a national border or frontier, but is worldwide in its implications.

It is my belief that this subcommittee has been doing an outstanding job.

Mr. ELLENDER. What has the subcommittee done? Can the Senator tell us that? Has it held hearings? Where were the hearings held? Has any legislation been passed because of the work of the subcommittee? Exactly what has occurred?

Mr. MANSFIELD. The subcommittee has issued reports. It is my understanding that one of the finest reports ever issued in the field of medical diseases was the result of the work of this subcommittee. The subcommittee has held hearings, and will hold more hearings. Of course, the subcommittee has given evidence of the work which has been done. I think the members of the subcommittee have entered into this activity with a great deal of vigor as well as with a great deal of support from the medical profession, from the administration, and also, I believe, from the Senate as a whole.

Mr. ELLENDER. To what extent is the work of the subcommittee to be expanded, may I ask my good friend?

Mr. MANSFIELD. The total expenditure, I understand, will be $85,000, for the next year.

Mr. ELLENDER. So that the request is to increase the committee budget by $30,000?

Mr. MANSFIELD. That is correct, compared to last year. I would point out that when the subcommittee has received the appropriations in the past, it has on both occasions turned back funds to the Treasury.

Mr. ELLENDER. Mr. President, I ask unanimous consent to have printed at this point in my remarks the budget of the subcommittee, indicating how the money is to be spent.

There being no objection, the budget was ordered to be printed in the RECORD, as follows:

Budget

Position	Number	Base salary (per annum)	Gross salary (per annum)	Monthly salary (gross)	Total for period of budget (gross)
STAFF					
Legal and investigative: General counsel or staff director	1	$8,000	$14,979.48	$1,248.29	$14,979.48
Editorial and research:					
Research assistant	1	6,000	11,709.76	975.81	11,709.76
Staff member	1	4,200	8,868.87	714.07	8,868.87
Administrative and clerical:					
Stenotypist	1	3,600	7,231.53	602.63	7,231.53
Assistant clerk	1	3,880	6,062.04	505.33	6,062.04
Stenographer	1	3,240	5,064.66	422.05	5,064.66
Typist	1	3,100	4,612.56	384.37	4,612.56
Total					83,568.66
ADMINISTRATIVE					
Contribution to employees health benefit programs (Public Law 86-382, effective July 1, 1960)					200.00
Contribution to civil service retirement fund (6½ percent of total salaries paid)					3,804.97
Contribution to employees Federal employees group life insurance (22 cents per month per $1,000 coverage)					191.14
Reimbursable payments to agencies					10,000.00
Travel (inclusive of field investigations)					4,000.00
Hearings (inclusive of reporters' fees)					4,200.00
Witness fees, expenses					300.00
Stationery, office supplies					300.00
Communications (telephone, telegraph)					200.00
Newspapers, magazines, documents					180.00
Contingent fund					2,304.00
Total					26,431.12
Grand total					85,000.00

Fund requested, S. Res. 255, $85,000.

Mr. ELLENDER. Mr. President, I notice the subcommittee will have a general counsel or staff director, $14,979.45; an editorial research assistant, $11,709.76; a staff member, $8,568.87; a stenotypist, $7,551.53; an assistant clerk, $6,082.04; a stenographer, $4,064.68; and a typist, $4,612.55; for a total of $58,568.88.

I notice also there will be reimbursements to agencies of $10,000. Can the Senator tell us how that money is going to be spent? Will that be used to obtain information from Government agencies?

Mr. MANSFIELD. It may well be so used. It is the usual practice among congressional committees to make use on occasion of the services of governmental agencies, and to reimburse them for the cost of the services rendered. This is nothing unusual. This is something which is rather common.

Mr. President, I ask unanimous consent, following the request of the Senator from Louisiana, to have printed in the RECORD certain excerpts from the report accompanying Calendar No. 1125, such as the letter to the chairman of the Committee on Rules and Administration, from the Senator from Minnesota [Mr. HUMPHREY]; the memorandum to the chairman of the Committee on Rules and Administration from the Senator from Minnesota [Mr. HUMPHREY]; and other pertinent material in the report.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

LETTER FROM COMMITTEE ON GOVERNMENT OPERATIONS, SUBCOMMITTEE ON REORGANIZATION AND INTERNATIONAL ORGANIZATIONS

JANUARY 20, 1960.

Hon. THOMAS C. HENNINGS, Jr.,
Chairman, Committee on Rules,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: May I respectfully submit the enclosed memorandum in support of Senate Resolution 255 which was introduced by myself on January 20, 1960, on behalf of the Committee on Government Operations, as approved the previous day.

Senate Resolution 255 would grant authority to the Committee on Government Operations for the following purposes:

1. To complete the study of world health "research, assistance, and rehabilitation," which was authorized under Senate Resolution 347, 85th Congress, and extended under Senate Resolution 42, 86th Congress.

2. To examine, investigate, and make a complete study of "any and all matters in scientific and other fields where there may be indications of a need for (a) improved budgeting, accounting, and other managerial practices on the part of agencies of the U.S. Government; (b) strengthened cooperation and coordination among Federal agencies; (c) effectiveness of international organizations of which the United States is a member; and (d) avoidance of Federal duplication of private responsibilities and activities."

What we propose under this resolution is, in effect, a study of interagency coordination.

Thus, we would examine in a select number of significant fields; for example, research and development in the physical sciences, the extent to which Federal agencies coordinate among themselves in handling related activities.

We propose to study the expenditures of the agencies in these related fields, to examine their budgeting and accounting practices, to learn about their respective allocations of personnel.

This study of interagency coordination is clearly within the scope of the Committee on Government Operations as defined under the legislative reorganization law.

The authority of this committee places it in an excellent position to analyze diverse activities which are handled in common by a number of Federal agencies.

Specifically, the proposed resolution would enable us to complete the study of that phase of interagency coordination which relates to international health (as authorized by previous Senate resolutions).

We believe that out of the study of that phase, and now of other phases of interagency coordination, will come (1) recommendations for new legislation and/or (2) recommendations for administrative changes which we trust might result in improved economy and efficiency in the operations of the U.S. Government. In particular, we believe that we will be able to recommend actions which will lead to reorganization of various Federal activities.

Through the $85,000 being requested under the resolution, we hope to examine broad activities within the executive branch which currently involve expenditures of literally billions of dollars each year in taxpayers' resources.

We feel that this relatively small sum to carry out our study will thus be amply justified by the savings and increased efficiency which we believe will result therefrom.

I will appreciate the opportunity of presenting to the Committee on Rules in person any supplementary information which may be desired on this resolution and to answer any questions which your members would like to ask.

Sincerely,

HUBERT H. HUMPHREY,
Chairman, Subcommittee on Reorganization and International Organizations.

JANUARY 19, 1960.

Memorandum to: The Honorable THOMAS C. HENNINGS, JR., Chairman, Committee on Rules.

From: Senator HUBERT H. HUMPHREY, Chairman, Subcommittee on Reorganization and International Organizations.

PURPOSE

This memorandum presents reasons in support of the attached resolution, introduced on January 19, 1960, on behalf of the Committee on Government Operations.

The memorandum describes—

(a) What has been accomplished to date by the Committee on Government Operations through its Subcommittee on Reorganization and International Organizations, in accordance with authority previously conferred by the Senate for an international health study.

(b) What we propose to do in the future, if the present resolution is approved and if we can thereby complete the health study and carry through on other studies of interagency coordination.

This memorandum summarizes therefore, the need for an overall study of interagency coordination.

STANDING AUTHORITY OF COMMITTEE

First, it should be noted that under rule XXV of the Standing Rules of the Senate, the Committee on Government Operations has the duty of studying the operation of Government activities at all levels with a view to determining its economy and efficiency, and the further duty of studying intergovernmental relationships between the United States and international organizations of which the United States is a member.

Thus, it is to our committee that legislation has been assigned when issues of Federal reorganization have arisen. This has been the case in connection with legislation arising out of the important work of the Hoover Commissions on the Organization of the Executive Branch of Government.

And so, the proposed resolution now before the Committee on Rules would enable us to carry out our continuing responsibility for study of Federal organization and of relationships between the work of Federal agencies.

In this memorandum, part I which follows describes how we propose to devote the overwhelming proportion of our future work if the proposed resolution is approved.

Part II shows how we propose to devote a small part of our future work toward completing the health study previously approved by the Senate and now far along toward termination.

Part III sums up our recommendations for the resolution.

PART I. PROPOSED FUTURE STUDY OF INTERAGENCY COORDINATION

Broader review than last year

Most of our proposed future budget would be devoted to new analysis of interagency coordination.

Thus, the reason we are proposing a larger budget than last year is that we propose to conduct a much broader review than the previous specialized study which involved but one field.

Our new work will require examination of work in the executive branch, involving ultimately literally billions of dollars of taxpayers' resources.

Key to this examination is study of common, related activities shared by several agencies and in which there may be, at present, overlapping, duplication, or waste.

This committee is in a particularly strong vantage point to appraise such across-the-board, interagency problems more conveniently than other committees, which have expert but more limited jurisdiction (involving but one or two agencies).

Interagency work in physical sciences

First, we propose to make an intensive analysis particularly with respect to the "economy and efficiency" of certain phases of activity of Federal agencies' work in the physical sciences.

Again, it is this committee which can appropriately review this problem, since it is we who have studied proposed Department of Science and Technology, Commission on Science, and other related bills involving interagency scientific work.

An illustration: Review of lack of central Federal indexing

We may illustrate one possible type of future analysis as follows:

A very important problem for interagency management concerns "How to organize Federal documentation in the physical sciences, particularly current research and development projects of interest to more than one agency."

As my colleagues are aware, the executive branch's proposed 1961 fiscal year budget contemplates $8.3 billion in scientific spending. Somewhat less than half that amount is apparently for research, the remainder for development.

We have noted that today there are being performed an estimated 100,000 separate, active research and development tasks in some 7,000 different research installations. A striking fact is there is a wide diversity in recordkeeping on all this scattered work. There is no central index or inventory of projects sponsored by the Federal Government.

A great many separate indexes—simple or complex—manual or automatic, now exist among the Federal agencies. These systems are disuniform in nature, in use, and in effectiveness.

Many able Federal scientists are keenly aware of this problem and have given thought to a proposed Federal Clearinghouse of Information for the Physical Sciences.

How much would such a proposal cost? How much has been the cost of study which has already gone into it? What is the administrative cost of all the present scattered indexes? How effective are they? To what extent, for example, does Agency A which may be considering proposed specialized electronics research (unclassified) know what Agency B has done or is now doing in the same or related field?

These are a few of the questions which we may explore.

Interagency documentation

But indexing, it will be recalled, is but one small phase of the overall Federal documentation problem. It is hardly enough merely to index; the actual reports must be stored and retrieved for circumstances when they are needed, how they are needed, where and by whom.

This reportkeeping problem is therefore one of the major tasks to which we may devote further intensive effort if adequate resources become available to us.

While we are especially interested in recordkeeping on scientific projects, we may review other areas of active report-management as well.

And with the funds which we propose, if time is available, we may make comparatively brief, intensive studies of additional areas of Federal interagency management problems, as may concern domestic and/or foreign activities.

One professional staff member used last year

Thus, the Committee on Government Operations proposes with careful use of funds to analyze a vital, costly, and diverse range of Federal problems.

Our own committee cost will be comparatively minimal. Already, we have been conducting a somewhat similar review in the health field with but a single professional staff member. The same staff member with but two research assistants would represent the sole full-time professional staff contemplated for the subcommittee's payroll, aided by reimbursable support from the agencies.

PART II. COMPLETING PREVIOUSLY AUTHORIZED HEALTH STUDY

The proposed budget contemplates the orderly rounding out of the previously authorized study of oversea health activities of Federal agencies.

In completing this study, we will have published a series of what we regard as significant tools for analysis of the coordination of these particular activities.

Funds previously expended for health study

This study "of any and all matters pertaining to worldwide health assistance, research, and collaboration" was authorized under Senate Resolution 347, 85th Congress, in August 1958, and extended under Senate Resolution 42, 86th Congress, January 1959.

Under Senate Resolution 347, $30,000 was authorized. Over $21,000 was returned to the Senate as of January 31, 1959.

Under Senate Resolution 42, $45,000 was authorized, and later, under Senate Resolution 176, an additional $10,000 was authorized. Of the $55,000 which has been made available for the year ending January 31, 1960, the subcommittee estimates that around $2,000 will be returned.

It is respectfully submitted that for the expenditures above outlined we have made available to the Congress information of an importance which amply justifies the total.

Our professional staff consisted solely of a project director. Together with a stenographic force and with the cooperation of Federal agencies and private sources we have developed certain data never heretofore available to the Federal Government.

We have stimulated a number of organizational changes in the executive branch, and we have achieved a number of other objectives which will be stated below and in future reports by the subcommittee.

Small sum necessary to complete health study

Of the $85,000 now being sought to carry on our work only the very smallest fraction will be used to complete the health study as such.

Only the part-time work of a few of the personnel on the staff will be required; the remainder of time will be devoted to the new projects in other fields.

We contemplate the opening of no new phases of the health study, only the completion in a logical manner of work projects already well under way.

This includes the completion of a number of proposed committee publications now in manuscript, galley proof, or page proof form. In that way, the investment in labor which we of the legislative branch and which cooperating offices in the executive branch have already made in these now incomplete tasks, will be fully realized.

These publications, largely in the nature of staff compilations, will provide indispensable background for appraisal of both economy and efficiency.

Favorable public reactions to health study

Public reaction to this study has been enthusiastic. In the CONGRESSIONAL RECORD published September 30, 1959, will be found a few dozen quotations from among hundreds of favorable messages from leading physicians, scientists, and scientific organizations, as received by the subcommittee.

A wide number of additional favorable reactions have been received since the compilation as of September 30, 1959.

It can be soundly estimated that well over 95 percent of all reactions received have been favorable. Many have expressed profound gratification that the U.S. Senate is taking up a subject of this nature, affecting the health of everyone.

Hearings and publications

Since the passage of Senate Resolution 347, the subcommittee has held hearings both in Washington and in several European capitals.

By the end of this month, we will have issued a volume of hearings (with comprehensive exhibits) and 10 committee prints on topics within this broad field, e.g., statutory authority for these activities, basic research by the National Science Foundation, the budgets and work of international organizations of which the United States is a member, oversea budget of the National Institutes of Health, etc.

We are now completing a work summary which we anticipate filing as an interim report, assuming that the Senate will see fit to extend the deadline of the study.

Importance to the taxpayer—$3 billion involved

Our work has, in our judgment, been well merited from the standpoint of the American taxpayer. Thus—

(a) The number of Federal agencies involved in health-related programs is large—over a dozen—and growing larger;

(b) The United States is moreover a member of no less than 3 international official organizations with major health programs and of 11 additional international organizations with limited health programs.

The American taxpayer has, therefore, a definite interest in being informed through his Congress as to (a) how and why all of these programs are being conducted and (b) with what degree of coordination.

In the interim report mentioned above, a section will present for the first time a comprehensive budget picture of all health-related activities in the U.S. Government at home and abroad. This section, which requires more than 150 pages of text, includes a series of statistical tables, one of which for the first time is an authoritative summary of all totals obligated for international health activities as such.

This overall section will bring together information which even the U.S. Bureau of the Budget has heretofore not compiled.

Our tentative figures indicate a grand total of $2.9 billion of health-related expenditures by Federal agencies in the 1958 fiscal year and $3.2 billion in the 1959 fiscal year. (Of this total, a sum somewhat in excess of $100 million is spent for oversea health activities as such.)

Achievements under health study to date

It would be far too early to attempt to estimate results of the health study. Other sources would be in a more objective position to appraise our results.

Three observations may, however, be noted:

1. In accordance with sound congressional procedure, this study will result and has already begun to result in specific proposals for legislation to remedy various difficulties, as they are determined.

2. A number of administrative changes have already been made within the executive branch which this subcommittee has informally helped to induce.

The subcommittee would not attempt to estimate what proportion of credit might be properly assigned to its informal suggestions. The executive branch itself was apparently dissatisfied with certain previous structure and procedure; the subcommittee's suggestions may merely have served as a catalyst.

The fact of the matter is, however, that we have reason to believe that had it not been for this subcommittee, executive branch changes might not have occurred at all, or as rapidly as they have occurred.

For example, there is now functioning for the first time, an Interdepartmental Committee of International Health Policy. It does not have a formal charter, but its task forces are in operation.

The subcommittee might have formally recommended such an interdepartmental group as a first step toward improving coordination which had been rather deficient and which still apparently leaves something to be desired.

Moreover on January 8, 1960, Dr. Wallace Brode, science adviser to the Secretary of State, advised in response to our inquiry: "[There] will soon be operating an International Committee of the Federal Council for Science and Technology. * * * Its overall purpose is to provide recommendations to the Council on measures to promote and enhance U.S. participation in and support for international scientific activities compatible with foreign policy."

This statement is of deep interest to the Committee on Government Operations not merely from the standpoint of health, but in view of this committee's deep interest in overall scientific work by the U.S. Government at home and abroad, as mentioned earlier.

In fact, it is believed that no committee of the Congress has concerned itself in more detail or with more continuity than has this committee in connection with the overall organization of Federal scientific work.

3. According to a number of leading private organizations, the subcommittee has served as a catalyst in encouraging them to help meet international health problems by their own resources.

The subcommittee has consistently asked this question:

"What tasks can voluntary agencies perform privately which might otherwise be performed with public money, either in whole or in part?"

As chairman of the subcommittee, I have followed the axiom that it will serve the public interest to help encourage private philanthropic groups to relieve overseas burdens which might otherwise confront the Federal Government.

A number of private groups have enthusiastically praised the committee for helping moreover to clarify the present roles of public and private sources.

Fulfillment of committee's obligations

Our committee has acted with all due dispatch. We believe that, considering the technical and detailed workload which we took on, we have carried out our obligations as effectively as the Senate would expect. The virtual unanimity of commendations received from both official and private sources confirms the soundness of our efforts.

PART III. SUMMARY

The resolution which was introduced in the Senate on behalf of the Committee on Government Operations is based on recognition of these facts:

1. Jurisdiction: The Committee on Government Operations has standing jurisdiction for review of problems of interagency coordination, budgeting, and accounting.

2. Staff: To make such a review requires additional resources over and above those presently available to the committee.

The regular professional staff of the committee is necessarily engaged in a review of a wide number of bills referred to this committee in a vast range of legislative fields.

3. Value: The budget which we propose is comparatively minimal in relation to the broad task which we propose to undertake.

It is a budget whose implementing should result in worthwhile "dividends" to the Congress and to the American taxpayer—"dividends" in terms of findings which will result in increased economy and efficiency.

4. Nonduplication with other committees: This committee deeply respects the jurisdiction of other standing committees of the Senate. In no way do we propose to duplicate the work of such other committees. We have enjoyed excellent cooperation from them in the past.

We propose to concentrate now, as previously, on common and related activities of Federal agencies which are performed within such diverse departments or units as to be beyond the scope of review of other committees.

The scientific field is cited as an illustration.

As far back as 4 years ago, the National Science Foundation reported that scientific activities are distributed among no less than 38 of the 80 executive agencies. Eight Federal agencies account for about 98 percent of total expenditures for scientific research and development. Ten percent of the total Federal budget is involved.

5. Analysis: In our future study we would follow a pattern of analysis which we believe we have been successfully carrying out in the case of the international health review.

Thus, we would first analyze the statutory authority which the Congress has granted for present activities, the budget of the various agencies' related activities, the numbers of personnel involved, a description of the technical nature of the work, a reporting of expert appraisals by authorities on present interagency coordinations, etc.

6. Completion of present study: The health study, if carried to logical completion, will constitute an important asset to future review by the Congress of appropriations and expenditures in this general field.

It may result, we believe, in both statutory and administrative changes.

In the above points, I have summarized what I believe are the most pertinent factors involved in the Senate's consideration of our authorizing resolution and our future committee budget.

However, I have compiled for use of the Subcommittee on Reorganization and International Organizations and for the use of the Committee on Government Operations as a whole, additional factual analyses which I will be more than happy to make available to my colleagues, as to the need for interagency coordination.

Mr. MANSFIELD. Mr. President, I also ask unanimous consent that a statement by the Senator from Minnesota [Mr. HUMPHREY], the chairman of the Subcommittee on Reorganization and International Organizations, sent to the Senate, be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MEMORANDUM OF MARCH 30, 1960

From: Senator HUBERT H. HUMPHREY, chairman, Subcommittee on Reorganization and International Organizations.

On: Senate Resolution 255, Calendar No. 1089, 86th Congress, authorizing completion of study on international health and medical research and conduct of review of inter-agency coordination.

Senate Resolution 255 was reported to the calendar from the Committee on Rules on February 17, 1960.

Purpose of Senate Resolution 255 is twofold:

1. To authorize completion of a study previously authorized under Senate Resolution 347, 85th Congress and Senate Resolution 42, 86th Congress, relating to international health.

2. To authorize broad review of problems of inter-agency coordination. Terminal date for the activity under Senate Resolution 255 would be January 31, 1961 (replacing the date of January 31, 1960 in S. Res. 42, 86th Congress).

Funds proposed for broader study

Eighty-five thousand dollars is sought under the resolution.

This compares with slightly under $55,000 spent under Senate Resolution 42. However, the later sum was devoted to but one specialized problem—Federal biomedical work.

By contrast, the authority proposed under the new resolution is far broader. It involves a much heavier assignment in numerous fields. The first of those fields might involve an accounting-type review of diverse Federal research and development work in many physical sciences. (This work involves around $7.5 billion in Federal expenditures.)

Text of resolution

Senate Resolution 255 authorizes the Committee on Government Operations, pursuant to its jurisdiction under rule XXV of the Standing Rules of the Senate to:

(a) To complete its study of worldwide health research, assistance, and rehabilitation matters; and (b) to examine, investigate, and make a complete study of any and all matters in scientific and other fields where there may be indications of a need for (a) improved budgeting, accounting, and other managerial practices on the part of agencies of the U.S. Government; (b) strengthened cooperation and coordination among Federal agencies; (c) effectiveness of international organizations of which the United States is a member; and (d) avoidance of Federal duplication of private responsibilities and activities.

Under the legislative reorganization law, this type of study is especially pertinent to the Committee on Government Operations in view of its continuing authority to study problems of "budgeting and accounting, other than appropriations" and to study activities of intergovernmental organizations of which the United States is a member.

PART I. PAST SUBCOMMITTEE'S WORK IN HEALTH

Vast scope of Federal health programs

With regard to the first phase to be authorized under Senate Resolution 255, namely, completion of the health study, its significance can be partially noted in terms of these facts:

Internationally, the United States is a member of three intergovernmental organizations with major health activities and of 11 more with limited health activity.

Domestically, no less than seven Federal agencies perform and/or support medical research. No less than 20 agencies have related health activities.

Fiscal significance of health study—$3.2 billion involved

Pertinent financial facts include:

(a) Federal medical research currently involves over $400 million in annual expenditures.

(b) International medical assistance and research under State Department and mutual security programs alone involve over $86 million.

(c) Oversea health spending involves over $130 million.

(d) Total Federal medical and health-related activities, which are affected by research, involve over $3.2 billion in expenditures.

All of these and other facts will be set forth in a comprehensive budget report expected to be issued, shortly after Senate approval of Senate Resolution 255.

Large volume of evidence

The evidence on international health which the subcommittee has compiled is undoubtedly the largest body of information on the oversea phase ever compiled by a legislative group. This evidence, it is believed, helpfully supplements information available from other expert committees of the Senate.

The evidence is based on:

(a) Two days of formal hearings in Washington on July 9 and 16, 1959, at which a dozen famous medical experts testified.

(b) Three weeks of meetings in Western Europe as conducted by the chairman of the subcommittee in November and early December 1958. These meetings were held, successively in Paris, Geneva, Copenhagen, Stockholm, Helsinki, Moscow, Oslo, and London.

(c) Scores of informal meetings in Washington.

(d) A formal conference in Washington on how foreign currencies owned and/or jointly controlled by the U.S. Government are planned to be used for a proposed research hospital in Poland.

(e) Hundreds of replies and reports from many of America's leading medical authorities—Federal agency officials, officers of the American Medical Association and of specialized medical organizations, heads of voluntary health agencies, deans of medical schools, superintendents of leading hospitals and rehabilitation centers, winners of the Nobel Prize, famous biologists, chemists, physicists and others—commenting on international scientific collaboration.

(f) Hundreds more of replies and reports from comparable medical experts abroad, including ministers of health, and officials of international organizations, etc.

Many months required

The amassing of this evidence, has inevitably consumed considerable time. This is particularly the case in connection with technical correspondence to and from foreign nations. Often detailed letters to directors of foreign medical organizations have involved many months in time lapse prior to response. This has included the period from the time the subcommittee originally inquired through the time required for the letters' receipt abroad, translation, response, mailing, receipt and retranslation here.

Virtually unanimous approval of subcommittee's work

The committee has met with virtually unanimous approval from the start of its study.

Literally hundreds of enthusiastic messages have been received from medical experts and laymen.

Minimum staff; single professional staff member used

The committee has carried out its considerable operations while employing but a single professional staff member—its project director.

Together with a stenographic-clerical staff, he has assisted the members of the subcommittee in—

(a) responding to literally thousands of expert suggestions, contained in letters from medical authorities, in addition to responding to letters from the public.

(b) cooperating with official and private sources in developing the eight committee prints issued to date.

(c) working on an almost equal number of draft prints which are now in galley proof, page proof, or manuscript form.

(d) conferring with scores of medical visitors from the United States and abroad, at the suggestion in part, of numerous Members of the Senate and House.

(e) meeting with experts in their own institutions in the United States and abroad.

Eight committee prints issued to date

Under this study, eight committee prints have been issued to date. Three of these have been filed, as well, as Senate reports.

The titles of the committee prints are "International Medical Research"; "Statutory Authority for Medical and Other Health-Related Research in the U.S. Government"; "The Status of World Health"; "The United States and the World Health Organization"; "Cancer—A Worldwide Menace"; "Patterns of Incidence of Certain Diseases Throughout the World"; "The National Science Foundation and the Life Sciences"; and "Rehabilitation of the Disabled in 37 Countries of the World."

Requests for several of the prints have completely exhausted both the initial supply and reruns.

Achievements under the study

In the report of the Committee on Rules favoring the extension of the health study (S. Rept. 1089), a subcommittee memorandum is reprinted citing what are regarded as achievements to date:

Thus:

1. Significant shortcomings in certain existing practices among the Federal agencies have been discovered, particularly as these practices relate to interagency coordination or lack of it.

2. Partly or perhaps entirely as a result of the work of this subcommittee, strengthened coordination of Federal agency activities has been commenced. For example, there has been formed a new Interdepartmental Committee on International Health Policy.

3. For the first time, comprehensive budget information has been assembled on the diverse nature of research and health activities in the Federal Government, especially in relation to international expenditures of both dollars and foreign currencies.

This information reveals that current expenditures for health at home and abroad are higher than have been indicated in previous executive branch estimates to the Congress.

4. Numerous draft recommendations for proposed new legislation to correct existing inadequacies have been prepared.

PART 2. PROPOSED WORK IN INTERAGENCY COORDINATION

On the second phase of the resolution, the relatively new field of study, Senate Report No. 1089 quotes the subcommittee in the memorandum previously cited as follows:

"Broader review than last year

"Most of our proposed future budget would be devoted to new analysis of interagency coordination.

"Thus, the reason we are proposing a larger budget than last year is that we propose to conduct a much broader review than the previous specialized study which involved but one field.

"Our new work will require examination of work in the executive branch, involving ultimately literally billions of dollars of taxpayers' resources.

"Key to this examination is study of common, related activities shared by several agencies and in which there may be, at present, overlapping, duplication, or waste.

"This committee is in a particularly strong vantage point to appraise such across-the-board, interagency problems more conveniently than other committees, which have expert but more limited jurisdiction (involving but one or two agencies).

"Interagency work in physical sciences

"First, we propose to make an intensive analysis particularly with respect to the 'economy and efficiency' of certain phases of activity of Federal agencies' work in the physical sciences.

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"Again, it is this committee which can appropriately review this problem, since it is we who have studied proposed Department of Science and Technology, Commission on Science, and other related bills involving interagency scientific work.

"An illustration: Review of lack of central Federal indexing

"We may illustrate one possible type of future analysis as follows:

"A very important problem for interagency management concerns: How to organize Federal documentation in the physical sciences, particularly current research and development projects of interest to more than one agency.

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"As my colleagues are aware, the executive branch's proposed 1961 fiscal year budget contemplates $8.3 billion in scientific spending. Somewhat less than half that amount is apparently for research, the remainder for development.

"We have noted that today there are being performed an estimated 100,000 separate, active research and development tasks in some 7,000 different research installations. A striking fact is there is a wide diversity in recordkeeping on all this scattered work. There is no central index or inventory of projects sponsored by the Federal Government.

"A great many separate indexes—simple or complex—manual or automatic, now exist among the Federal agencies. These systems are disuniform in nature, in use, and in effectiveness.

"Many able Federal scientists are keenly aware of this problem and have given thought to a proposed Federal clearinghouse of information for the physical sciences.

"How much would such a proposal cost? How much has been the cost of study which has already gone into it? What is the administrative cost of all the present scattered indexes? How effective are they? To what extent, for example, does Agency A which may be considering proposed specialized electronics research (unclassified) know what Agency B has done or is now doing in the same or related field?

"These are a few of the questions which we may explore.

"PART III. SUMMARY

"The resolution which was introduced in the Senate on behalf of the Committee on Government Operations is based on recognition of these facts:

"1. Jurisdiction: The Committee on Government Operations has standing jurisdiction for review of problems of interagency coordination, budgeting, and accounting.

"2. Staff: To make such a review requires additional resources over and above those presently available to the committee.

"The regular professional staff of the committee is necessarily engaged in a review of a wide number of bills referred to this committee in a vast range of legislative fields.

"3. Value: The budget which we propose is comparatively minimal in relation to the broad task which we propose to undertake.

"It is a budget whose implementing should result in worthwhile dividends to the Congress and to the American taxpayer dividends in terms of findings which will result in increased economy and efficiency.

"4. Nonduplication with other committees: This committee deeply respects the jurisdiction of other standing committees of the Senate. In no way do we propose to duplicate the work of such other committees. We have enjoyed excellent cooperation from them in the past.

"We propose to concentrate now, as previously, on common and related activities of Federal agencies which are performed within such diverse departments or units as to be beyond the scope of review of other committees.

"The scientific field is cited as an illustration.

"As far back as 4 years ago, the National Science Foundation reported that scientific activities are distributed among no less than 38 of the 80 executive agencies. Eight Federal agencies account for about 98 percent of total expenditures for scientific research and development. Ten percent of the total Federal budget is involved.

"5. Analysis: In our future study we would follow a pattern of analysis which we believe we have been successfully carrying out in the case of the international health review.

"Thus, we would first analyze the statutory authority which the Congress has granted for present activities, the budget of the various agencies, related activities, the numbers of personnel involved, a description of the technical nature of the work, a reporting of expert appraisals by authorities on present interagency coordination, etc."

Mr. ELLENDER. I wonder if the Senator could give us any assurance as to how long will it be necessary to have the committee.

Mr. MANSFIELD. I can only say to the Senator that committees are usually of 1-year or 2-year duration. Each year the committees have to come before the Committee on Rules and Administration for reinvigoration, so to speak. All I can say is that this subcommittee will not go beyond January 31 of next year.

Mr. ELLENDER. The Senator means the subcommittee is seeking money for

1-year. As is true with regard to all subcommittees, they will come back for more, and I guess the Senate is going to be generous enough to give them anything they ask for.

Mr. MANSFIELD. No; I would not say that.

Mr. ELLENDER. Oh, yes. That has been the case in the past. I have tried with all my strength to curtail these expenses, but to no avail. But while I am disappointed, I am not ready to quit. I want to present the full facts to the Senate and the American people.

Mr. MANSFIELD. Mr. President, I certainly want to commend the Senator from Louisiana, who is determined, who is dogged, who is obdurate, who is obstinate—who is always trying to do something, and who I believe is to be commended because of the efforts he has made. I honor him for his consistency and dedication and I want to say that, in my opinion, the Senate is better off because of what he has always endeavored to do in this field.

There are occasions—rare, I will admit—when I can go along with the Senator. I only wish there were more occasions when I could join the Senator in cutting the budgets requested by the various senatorial committees and subcommittees.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arkansas [Mr. MCCLELLAN].

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended.

The resolution (S. Res. 255), as amended, was agreed to, as follows:

Whereas, pursuant to S. Res. 347, Eighty-fifth Congress, and S. Res. 42, Eighty-sixth Congress, the Committee on Government Operations has been conducting a "complete study of any and all matters pertaining to the international activities of Federal executive branch departments and agencies relative to worldwide health matters"; and

Whereas the study indicates significant problems of coordination between (a) numerous agencies of the United States Government engaged in health activities, (b) agencies of the United States Government and international organizations of which the United States is a member, (c) official programs of the United States Government and related nonofficial programs of private voluntary organizations, in addition to problems of Federal budgeting and accounting; and

Whereas the study confirms the continued existence of certain problems of the interagency organization of common Federal activities such as documentation and other problem areas of management of the general type revealed in past studies by the Commission on the Organization of the Executive Branch of Government; and

Whereas pursuant to rule XXV of the Standing Rules of the Senate, the Committee on Government Operations has the duty of studying the operation of Government activities at all levels with a view to determining its economy and efficiency, and the further duty of studying intergovernmental relationships between the United States and international organizations of which the United States is a member: Now, therefore, be it

Resolved, That the Committee on Government Operations, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate—

(a) to complete its study of worldwide health research, assistance, and rehabilitation matters; and

(b) to examine, investigate, and make a complete study of any and all matters in scientific and other fields where there may be indications of a need for (a) improved budgeting, accounting, and other managerial practices on the part of agencies of the United States Government; (b) strengthened cooperation and coordination among Federal agencies; (c) effectiveness of international organizations of which the United States is a member; and (d) avoidance of Federal duplication of private responsibilities and activities.

SEC. 2. For the purposes of the first section of this resolution the committeee, from February 1, 1960, through January 31, 1961, is authorized to (1) make such expenditures as it deems advisable; (2) employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized at its discretion to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $1,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings upon the study and investigation authorized by the first section of this resolution, together with its recommendations for legislation as it deems advisable to the Senate at the earliest practicable date, but not later than January 31, 1961.

SEC. 4. Expenses of the committee, under sections 1, 2, and 3 of this resolution, which shall not exceed $85,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SEC. 5. (a) Upon the filing of the final report of the Select Committee on Improper Activities in the Labor or Management Field, established by S. Res. 74, Eighty-fifth Congress, agreed to January 30, 1957, as amended and supplemented, all files, papers, records, and documents in the possession of such select committee shall be transferred to the Committee on Government Operations for the use of such committee or any duly authorized subcommittee thereof in carrying out its functions under S. Res. 246, Eighty-sixth Congress, agreed to February 6, 1960, and under this section: *Provided*, That any of such files, papers, records, and documents, or photostatic copies thereof shall, upon written request of the chairman of the Committee on Labor and Public Welfare specifying or identifying the material desired, be made available to said committee for use by it in carrying out any of its legislative oversight functions over the administration of the Labor-Management Reporting and Disclosure Act of 1959.

(b) The Committee on Government Operations or any duly authorized subcommittee thereof is authorized April 1, 1960, through January 31, 1961, to conduct an investigation and study of the extent to which criminal or other improper practices or activities are, or have been engaged in, in the field of labor management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities. Nothing contained in this section shall affect or impair the exercise by the Committee on Labor and Public Welfare of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(c) For the purposes of this section, the committee from April 1, 1960, to January 31, 1961, inclusive, is authorized, as it deems necessary and appropriate, to (1) make such expenditures from the contingent fund of the Senate; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpena or otherwise the attendance of such witnesses and production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony, either orally or by deposition; (7) employ on a temporary basis such technical, clerical, and other assistants and consultants; and (8) with the prior consent of the executive department or agency concerned and the Committee on Rules and Administration, employ on a reimbursable basis such executive branch personnel as it deems advisable; and further, with the consent of other committees or subcommittees, to work in conjunction with and utilize their staffs, as it shall be deemed necessary and appropriate in the judgment of the chairman of the committee.

(d) The expenses of the committee under this section, which shall not exceed $75,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The preamble was agreed to.

The title was amended so as to read: "Providing additional funds for the Committee on Government Operations to complete a study of worldwide health and medical research; for the transfer of all papers of the Select Committee on Improper Activities in the Labor or Management Field, and authorizing continuing studies."

AUTHORIZATION TO VICE PRESIDENT OR PRESIDENT PRO TEMPORE TO SIGN BILLS AND JOINT RESOLUTIONS DURING ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that during the adjournment of the Senate after today, the Vice President or the President pro tempore be authorized to sign enrolled bills and joint resolutions passed by the two Houses and found to be truly enrolled.

The PRESIDING OFFICER. Without objection, it is so ordered.

MRS. BESSIE S. CHEATHAM

Mrs. SMITH. Mr. President, today is the 80th birthday of a grand lady who is well known and beloved to the Members of the U.S. Senate. I think the shortest and best description that we could give to her is the unofficial title of "The 101st Senator"—for she has truly become one of the fixtures of the Senate.

Almost every day that the Senate is in session, she can be seen in the first row of the Senate gallery near the clock.

Timeless as she is, she is a marked contrast to that nearby clock. Her steady attendance of the Senate sessions is almost as constant as that of most Members of the Senate. And she is probably a better parliamentarian than most Members of the Senate.

She follows the debate on legislation closely with her ever keenly analytical mind. In fact, at times fellow galleryites will overhear her "quarterback" remarks intended for her favorite candidate for President, Senate Majority Leader LYNDON JOHNSON.

She is so well known to the Members of the Senate that it really is not necessary for me to identify her by name. I am sure that the Members of the Senate know that I am speaking of Mrs. Bessie Staley Cheatham, of Washington, D.C., and North Carolina, the mother of the Senate's capable assistant to the Sergeant at Arms.

I know that all Members of the Senate join me in saluting her today on her 80th birthday and wishing her many more happy birthdays—and in expressing our happiness with her presence in the Senate gallery.

I ask unanimous consent to place in the RECORD at this point an article about Bessie Staley Cheatham appearing in the May 31, 1958, issue of the Burlington (N.C.) Daily Times-News

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MRS. BESSIE CHEATHAM COMES BACK TO AREA FOR VISIT AND GRADUATION

(By Ruth Rush)

Not every college can boast of an alumnae of the class of 1898 who attends reunions regularly.

But Elon College has that distinction because of Mrs. Bessie Staley Cheatham, of Washington, D.C. She attended the Elon commencement this week after a trip from Raleigh where she visited Peace College, her school from 1888 through 1890.

Today she is on her way to Chapel Hill to renew friendships with fellow graduates from the class of 1900 at the University of North Carolina where she was the school's second coed to register.

Mrs. Cheatham, a native of Graham, also is doing quite a bit of visiting in this area where she has numerous friends and relatives. Her father, Dr. W. W. Staley, was the second president of Elon College.

At present, the 78-year-old lady resides in Washington, D.C., and leads an active life working for civic groups, visiting hospitals, and taking part in church work.

Friends say she also can act as an excellent guide any place in the city. Her son, William Staley Cheatham, is assistant to the Sergeant at Arms of the U.S. Senate, and her daughter-in-law is secretary to Justice Harold Hitz Burton of the U.S. Supreme Court.

The active little lady who follows a rigorous schedule all year long, hasn't missed a University of North Carolina reunion in 10 years.

Commenting on a reception this week at Elon College, Mrs. Cheatham told of a companion who suggested they "pull up a chair and rest a bit" during the long periods while waiting in the receiving line.

"I had no idea of doing that," she exclaimed. "Couldn't let people think I'm getting old. I may call myself old, but I'm not ready to act that way yet."

And proof of that statement comes to light when Mrs. Cheatham tells a little of her background.

She went to Washington after the death of her husband and when her son "was just a youngster in rompers." She continued working there until her son was educated.

"They finally retired me from my Government job. But then I went right to work in a printshop, doing proofreading from midnight until 8 a.m. And the graveyard shift didn't bother me a bit—not even when we had dinner at 4 o'clock in the morning," she asserted.

Describing her life in Washington, Mrs. Cheatham says she has seen all the Presidents since Theodore Roosevelt. She speaks of meeting Wilson, Taft, Harding, Hoover, and Coolidge at open houses held at the President's home every New Year's.

Going a little further back, Mrs. Cheatham's first job after graduating from college, was teaching school, and she held positions in Raleigh, Suffolk, Va., and Greenville, N.C. And all through her life, she notes that there has been a great deal of traveling.

"My father used to say that travel was the best way to educate—next to studying books. First, you have to learn what's in the books, and then you can appreciate what you see while traveling," she stated.

Mrs. Cheatham's first big trip was a tour of Europe—her father's present to her after she graduated from the university.

And she's kept up with her traveling through the years with excursions to South America, Canada, Cuba, Jamaica, Mexico, and 40 States in the United States.

Mrs. Cheatham pointed out that her son took numerous trips with her that all began when he first saved enough money to buy a model T coupe.

"It was quite a surprise when he told me he had bought a car," she said. "But, of course, I was proud of him."

She explained that he began working as a Senate page when he was 12 years old. And Mrs. Cheatham remarked that she still remembered the valedictory address he gave when he graduated from night grammar school.

Her son was one of the first Washington officials to arrive here for the funeral of the late Kerr Scott.

Commenting on friends and family ties in this area, Mrs. Cheatham expressed her pleasure returning for visits each year.

"It's something I always look forward to—I have a special interest in the people here and, of course, in Elon College," she said.

Mrs. Cheatham showed a ring she was wearing—a miniature pansy enameled in royal purple and lavender with a tiny chip diamond in the center, set on a thin gold band.

She explained that it was the ring she designed for her graduating class at Elon College. Underneath the tiny flower, petals bear her initials, and the initials for Elon College, and the year, 1898.

"A good year," remarked Mrs. Cheatham.

And her friends will agree: a good year for Elon when a cum laude graduate became one of the most loyal alumnae.

AMENDMENT OF MOTOR VEHICLE SAFETY RESPONSIBILITY ACT OF THE DISTRICT OF COLUMBIA

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (S. 2131) to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954, as amended.

TREASURY FINANCING

Mr. CLARK. Mr. President, earlier today the senior Senator from Connecticut [Mr. BUSH] rose and attacked my colleague the senior Senator from Illinois [Mr. DOUGLAS] for certain comments the Senator from Illinois made with respect to the recent effort of the Treasury to float long-term bonds within the 4¼-percent ceiling.

With his usual courtesy, the Senator from Connecticut stated that he had advised the office of the Senator from Illinois that he intended to make this talk, but found, unfortunately, that the Senator was out of the city. Because the matter seemed so important to several of us on this side of the aisle, we concluded to reply today to what the Senator from Connecticut had to say, rather than to await the return of the Senator from Illinois, who, of course, is well able to take care of himself on this floor and elsewhere, and no doubt will do so at an early date.

The Senator from Connecticut stated that in his judgment the Senator from Illinois was attacking either the integrity or the judgment of the officials of the U.S. Treasury. To my way of thinking, this charge is at least in part incorrect, because the Senator from Illinois made no attack on the integrity of the Treasury officials. He and we do attack, and attack vigorously, the judgment of the Treasury officials.

Mr. BUSH. Mr. President——

Mr. CLARK. I shall be glad to yield in just a moment.

I point out that while neither the Senator from Illinois nor I, nor, so far as I know, any Member on this side of the aisle, has attacked the integrity of the Treasury officials—nor would I, for one, ever do it. However, in the Wall Street Journal of today, that bible of so many of our friends on the other side of the aisle, the following comment appears in an article dealing with the interest rate ceiling:

A number of private financial men expressed the belief the Treasury's 4½ percent bond was motivated by reasons other than simply to raise funds.

DONE TO IMPRESS CONGRESS?

"Frankly," declared a top executive of a big consumer finance company in Chicago, "I think the Treasury put these bonds on the market, not really expecting them to sell at all, but to break the logjam in Congress. Now the Treasury can go to Congress and say, 'See, we couldn't raise the money we needed at 4½ percent.'"

A New York financial expert goes so far as to suggest the debt managers may have actually invited failure by selecting an issue due in 1985 and callable in 1975, clashing with outstanding issues in the same range—the 3¼s of 1985 and 3¼s of 1978–83.

In other words, neither the Senator from Illinois nor the Senator from Pennsylvania is attacking the integrity of the Treasury, and I know of no other Senator on this side of the aisle who is attacking the integrity of the Treasury. But here is a comment in the Wall Street Journal which certainly raises grave question as to the motivation of the Treasury. I do not deal in motivations. I specifically do not endorse the comments of the Wall Street Journal. I say only that they are interesting.

I am happy now to yield to my friend from Connecticut.

Mr. BUSH. I thank the Senator for yielding.

I merely repeat what I said earlier, namely, that I consider the remarks of the Senator from Illinois as a reflection upon the integrity of the Secretary of the Treasury, because the clear inference from what he said was that the Treasury had planned to offer a failure in this long-term bond issue. The Senator from Illinois said that if they had planned a failure, it would not have looked any different than it did. If he did not think there was something deliberate about it, why did he call attention to it?

Mr. CLARK. I think he called attention to it because he, as do I, and as do many of the rest of us, attack the judgment of the Treasury, which I think was deplorable. That has nothing to do with the question of integrity. It involves the question of judgment.

Mr. BUSH. Yes; it does involve the question of integrity. I think any Secretary of the Treasury who tried to plan an issue of long-term bonds of the United States to be a failure would be lacking in integrity.

Mr. CLARK. The Senator from Illinois said no such thing, as a careful reading of his remarks will show. He will be able to defend himself when he returns. I reiterate that he did not attack anyone's integrity. He attacked the judgment of the Treasury officials.

Mr. BUSH. The Senator from Illinois can deny it, if he wishes—and I hope he will. But what he said left nothing but a clear inference of reflection upon the character of the Secretary of the Treasury, and that is why I so strongly resent it.

Mr. CLARK. I find myself in complete disagreement with my friend from Connecticut. In this regard I would suggest that he has raised a strawman and then has very effectively knocked him down.

Turning to the merits of the situation, my friend from Connecticut suggested that the Senator from Illinois had made the "absurd contention" that there had been inadequate notice given of the sale of these bonds. Mr. President, there is nothing absurd about what the Senator from Illinois has said. It is true that it had been customary for the Treasury to give no more than 1 week's notice of its intention to sell long-term Government bonds. However, the Senator from Illinois thinks—and I am inclined to agree with him—that this is one of the many bad procedures which the Treasury has been following for many years.

More adequate notice would make it possible for the financial institutions to get the approval of their boards of directors in order to subscribe to bonds of this sort, and therefore it would substantially widen the market for these bonds. I believe the Senator from Illinois is correct and, with due deference, I believe the Senator from Connecticut is wrong. I now yield to my friend the Senator from Wisconsin.

Mr. PROXMIRE. Is it not true that although the Treasury may be acting properly with notice of this kind when it is selling notes, and if it is selling to professionals, but when it is selling long-term bonds, which ought to be bought by institutions, which cannot act with such complete alacrity, it should allow more than 5 days, particularly when 2 of those days are a Saturday and a Sunday, which leaves only an effective 3 days?

An issue of this kind should find its way into credit unions and other institutions. That takes time, particularly to have the boards of directors of such institutions pass on the question, after due consideration. After all, such institutions do not make investments every day. Under those circumstances a period of 3 days' notice would not be logical.

Mr. CLARK. I thank my friend from Wisconsin. He is correct, of course. In addition, he has put his finger on another unfortunate, longstanding procedure which has been followed by the Treasury in connection with the marketing of long-term bonds; namely, that the Treasury wants to deal only with the pros, and they do not want the people to get an opportunity to buy these bonds. That was shown when they offered the fabulous 5s earlier in the year, when the public was willing to come in.

Mr. BUSH. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield.

Mr. BUSH. The bonds were offered 10 days or more ago. In the first instance, as of today, the bonds are actually selling at a discount.

Mr. CLARK. I find that statement quite nonpersuasive.

Mr. BUSH. Well, that is the fact. What I mean to show is that even after 10 days of discussion about this bond issue which, as I said, has been more widely advertised than any that I can remember, the bonds are selling at a discount. Therefore, anyone who wants to buy the bonds is better off by buying them now than when they were first offered.

Mr. CLARK. There are a good many reasons why in my judgment what my friend from Connecticut has said is not wholly correct. There are other reasons why the bonds are selling at a discount. One of them is that there was not enough notice. The other reason I will come to in a moment.

Mr. MONRONEY. Will the Senator yield so that I may ask a question of the Senator from Connecticut?

Mr. CLARK. I yield.

Mr. MONRONEY. May I ask the distinguished Senator from Connecticut which market he is quoting when he says that the bonds are selling at a discount?

Mr. BUSH. The Government bond market.

Mr. MONRONEY. As of what date?

Mr. BUSH. This morning.

Mr. MONRONEY. I called what is probably the largest brokerage house in Washington and asked what the bonds were selling for. I was advised that they did not have a quotation on those bonds, and will not have one until the market closes. Last Thursday I read that brokers were quoting a price when issued of 99$^{30}/_{32}$. I cannot find this morning what the bonds are selling for. Perhaps the Senator has better sources of information.

Mr. BUSH. I suggest that the Senator call the U.S. Treasury. They keep very close contact with the market. If he calls the Treasury, he will find that as of this morning the market for these bonds is 99$^{12}/_{32}$, bid.

Mr. MONRONEY. Apparently the Treasury is ahead of the local brokerage houses.

Mr. BUSH. I do not know which brokerage house the Senator has in mind, but certainly the Treasury keeps in close touch with the Government bond market.

Mr. MONRONEY. I did not know that they were in such close touch. It is a little strange to me that the Senator can say that the bonds are selling at a discount. Perhaps they will sell at a discount, because of the nature of the ugly duckling that was put out. It was a bad mistake, in my judgment. I am certainly not questioning anyone's integrity. I have the highest regard for Secretary Anderson, and I have repeatedly so stated.

That does not mean that I have not questioned repeatedly the failure of the Treasury to modernize the E-bond program, to let people in on the Government bond issues, and their failure to put out a package that would make it very attractive for the people to invest in Government bonds. Now, for the first time since 1953, the Government chooses to issue a callable bond. Certainly that is not playing it safe. Clearly its maximum sales potential was for a 10-year bond. The Government need only look at the yield of its 4s, due in 1969, which is the closest to a 10-year period. Those bonds are selling at 99.14, with a yield of 4.04 percent. That would indicate that they could have floated a half billion dollars or so, and perhaps more, if they had tailored them to about a 10-year term.

Mr. BUSH. Is the Senator objecting to the fact that it is a callable bond?

Mr. MONRONEY. Yes; I object very much.

Mr. BUSH. That is one of the points the Senator from Illinois has been trying to drive home with the Treasury, that they should sell callable bonds.

Mr. MONRONEY. The Senator from Connecticut did not follow what the Senator from Illinois has said. He said that if we did give a suspension or take off the historic limitation of 4¼ percent on the interest rate, then if they issued bonds at the higher rates, the bonds should be callable. It is the same thing that Mr. Humphrey, as Secretary of the Treasury, did when he sprung the 2½ and 2¾ ceiling on Government long-terms, and surprised the whole financial community with the "Humphrey-Dumphreys" at 3¼. This was a callable bond. Of course, in such a case if the interest rate goes up, the investor is stuck with the bond. The Senator from Illinois has stated repeatedly that if we are to suspend the ceiling on the interest rate, then the bonds should be callable, so the Government can be protected to some extent.

The Government says, "We will not put out a straight bond, but one that is callable in 15 years, if the interest rate goes down. However, if the interest rate goes up, you will be stuck for the 25 years."

Mr. BUSH. Mr. President, I should like to observe one thing. If the Treasury had issued the 4½-percent issue without making it callable, the Treasury would have been under attack from the very people who are now attacking them for putting a call price on it. It would have been contended that the Government should have put a call price on them. Therefore the Treasury is in the position of the man who gets "damned if he does and damned if he does not."

Mr. CLARK. I am sure the Senator, in his enthusiasm for the cause which he so ably represents, has fallen again into the egregious error of believing that the callable feature of the 25-year bond is not one of the things which, as the distinguished Senator from Oklahoma has said, has brought this issue to the point where subscriptions were discouraged. I think most competent financial observers thought the Treasury would have the good sense to offer a 10-year bond, period. If they had done so, I think there are many sound economists who would attest to the fact that the issue would have been a success. When a 25-year bond is issued, which nobody thought would be done, making them callable at the end of 15 years, I would make the suggestion to the Senator from Oklahoma that that factor alone pushed up the interest rate perceptibly in connection with the offer.

Mr. MONRONEY. Mr. President, will the Senator further yield?

Mr. CLARK. I yield.

Mr. MONRONEY. Would not the Senator also say that putting an acceptable limit of a billion and a half, but announcing at the time the sale was made that the Treasury would be very happy if only a half or one-third were accepted, did not increase the enthusiasm on the part of the investor?

Mr. CLARK. It may not have increased enthusiasm, but it helped save the oriental face of the Treasury.

Mr. MONRONEY. That is true; but if they had really wanted to demonstrate that a 4¼-percent bond would sell for a long-term period, they would have fixed a definite, direct yield. The best financial advice I have received from those who have had long familiarity with successful financing of U.S. Government securities had so indicated.

Mr. CLARK. I think that is true.

Mr. MONRONEY. They would have issued a limited amount to test the market. They could have taken a casual reading of what bonds were doing in the market. They were doing well with 4-percent bonds due in 1969, which were selling on a 99.8 to 99.6 bid-and-asked basis, or a 4.04-percent yield on the market as of Friday. They could have sounded out the market to demonstrate their capability by comparing it with something which was selling on the market. This they did not do.

This is why we were fearful when this issue was announced. I had calls from two men whom I consider as experienced and just as knowledgeable about securities of the United States as the present people in the Treasury. They cautioned me that this package was destined to failure. We had numerous conferences.

I talked with several people in the active bond markets. They also expressed some doubt. They thought the market might be strong enough to at least sustain $500 million of direct Treasury bonds. These men, who have had long experience, said that we get the worst of both worlds with the 15-year callables in the time-money market. They do not have the vast amount of sugar which Mr. Humphrey put on his 3¼ Humphrey-Dumphreys. He was jumping them up a half of 1 percent, and he could afford to put a callable weight around the neck of that bond.

Mr. CLARK. Mr. President, I may say to the distinguished Senator from Oklahoma and the distinguished Senator from Connecticut that I have an important engagement with the chairman of the Republican National Committee at 3 o'clock, an appointment I am most desirous of keeping. I should like to complete my relatively brief remarks. At the end of that time I shall be glad to yield the floor to my two friends, so that they may continue the colloquy. But I regretfully shall have to hold the floor for the next 4 or 5 minutes, so that I can finish what I have to say.

In other words, the mistake which the Treasury made in connection with this issue were in making a 25-year bond callable at the end of 15 years, and not giving enough notice to prospective investors who might come in to make this issue a success. There were, however, in my judgment, at least two other important failures by another governmental agency, the Federal Reserve Board, which contributed to the failure, or comparative failure, of this issue.

The first is the bills-only policy, which made it impossible for the Federal Reserve Board to go in and buy a few Government bonds, not to peg the market, but to render that kind of normal support for an issue which is being floated, which the investment bankers of the country, including the firm to which the distinguished Senator from Connecticut has so long belonged, constantly do when a corporate bond issue comes on the market after having been registered with the Securities and Exchange Commission.

The failure of the Federal Reserve Board to abandon its obsolete, unwise bills-only policy was really a contributing factor to the failure of this issue.

Another factor was the most important failure of the Federal Reserve Board—a long-range failure which contributed to this situation, and which has contributed to the unnecessarily high interest, tight money policy which this administration has followed. This was the failure of the Federal Reserve Board to permit the money supply to increase in proportion to the increase in gross national product. This has been a long-standing failure on the part of the Board. It has had more to do with tight money and high interest than many other factors. They contend that the country lives in a stable free market, whereas we actually live in a manipulated money market. So the failure of the Fed to get an increased flow of money into circulation, so as to keep up with the increase in gross national product, is, in my judgment, one of the outstanding reasons why money is tight and interest is high. Its policy has done nothing to enable the Government to refinance its long-term debt.

The Senator from Connecticut raised a query as to whether the Senator from Illinois [Mr. DOUGLAS] was backing away from the technique of auctioning these bonds. I am quite confident he is not backing away from it.

I wonder to what extent the offer could be termed a bona fide auction. It certainly was not in the form of the ordinary auction. I think all of us feel that the offer to open up the bond market on an auction basis to other than the 17 dealers in Government bonds is a wise and sensible move. I hope future issues will be opened up on an even wider basis. I believe that what was done is not the best kind of auction technique which could be devised.

The Senator from Connecticut also inquired why the Senator from Illinois did not take the floor last week, during the advertising days for this issue, to state then what he said later. The reason for that is perfectly clear, indeed. None of us did so because we did not want to rock the boat. We wanted to give the Treasury an opportunity to sell the bonds. We held off until the issue was all over.

I know exactly what would have happened if the Senator from Oklahoma, the Senator from Wisconsin, the Senator from Illinois, and I had taken the floor and attacked the terms of this issue. We would have been accused of sabotaging it. So we held our peace until it was over. I am glad we did so.

I have a rather extensive speech on this subject which I hope to make at a later date. I hope the Senator from Connecticut will not think I am hitting and running on him if I now go to meet the chairman of the Republican National Committee. If he has a question he wishes to ask for a moment or two, I should be happy to yield to him for a minute.

Mr. BUSH. I thank the Senator from Pennsylvania. I do not wish to detain him. I hope he will not mind if I question a few of his remarks before he leaves.

Mr. CLARK. That is quite all right.

Mr. BUSH. I think I have said about all I want to say. But I direct the Senator's attention to the 1960 Joint Economic Report, in which a majority of the committee, the chairman being the senior Senator from Illinois [Mr. DOUGLAS], on page 16, speak of the needed reverse in the Treasury debt management and monetary policy. At the bottom of the page, under that title, are the recommendations for what the Treasury should do in connection with offering bonds. Three out of four of the recommendations were, I think, positively valid in connection with the last issue of long-term bonds.

Recommendation (a) possibly was not valid, but this is what it is:

(a) Avoid seeking advice on new issues from organized groups of their customers who are interested parties.

I do not know whether that was valid.

Mr. CLARK. It was not valid, because the newspapers announced that the same old advisers were going to be consulted again.

Mr. BUSH. I think it is rather bad advice, anyway. I hope it will not be followed.

The next recommendation is: That the Treasury should

(b) Institute a system of callable bonds, so that the public will not be saddled interminably with high interest rates.

That is exactly what the Senator from Oklahoma was talking about.

Mr. CLARK. The Senator is not correct about that.

Mr. BUSH. Item (c) is a recommendation that the Treasury should extend the auction method to other than short-term bills, and to agree to sell long-term bonds, in the main, when interest rates are low. That was just when they sold these bonds—when interest rates were going down and were low in relation to recent levels of interest rates.

Mr. CLARK. The rates had not gone down low enough.

Mr. BUSH. That is the Senator's judgment now.

Mr. CLARK. I think it is the judgment of the Senator from Connecticut, too, is it not?

Mr. BUSH. I am not attempting to judge the course of interest rates in the next few months or during the remainder of the year. But in that connection, I will say that the Senator from Pennsylvania and his friends who agree with him are taking a terrible responsibility when they endeavor to keep the interest ceiling, because of the possible very harmful effects of such a development in the event of business expansion and a tightening up of the interest rates.

Mr. CLARK. And I think the Senator from Connecticut and his associates are taking a terrible responsibility when they attempt to put this heavy and unnecessary high interest burden on our children and our grandchildren. I am not sure who is taking the greater responsibility, but I am not prepared to vote for the course the Senator from Connecticut is urging.

Mr. BUSH. The Senator from Pennsylvania is implying that the course I favor would result in placing such a burden on future generations. But that is not a correct statement. I am seeking what is logical and what all the other free governments are doing; namely, to give the Treasury the right to handle the debt in a way that is consistent with common sense and national security.

Mr. CLARK. I am afraid that my friend's reference to common sense and national security cannot be sustained on the basis of a historical analysis. But I shall have more to say about that matter at a later time.

Mr. BUSH. Every financial analyst and financial observer who has been studying this matter during the past year is in agreement with the President's request that the ceiling on the interest rate be lifted.

From reading the newspapers published all over the country, I find very, very little agreement with the viewpoint of my friend, the Senator from Pennsylvania, and that of his colleagues who so strongly agree with him.

Mr. MONRONEY. Mr. President——

Mr. CLARK. Mr. President, I now defer to my friend, the Senator from Oklahoma.

Mr. MONRONEY. Mr. President, will the Senator yield to me?

Mr. BUSH. I yield.

Mr. MONRONEY. Mr. President, one of the difficulties we have with the so-called financial writers and experts arises from the fact that they have done very little research in regard to the origin of the 4¼ percent interest rate ceiling.

This interest rate ceiling goes back to the time of the founding of the Republic. The power to float long-term bonds and the power to fix the interest rate has been an inherent power of the Congress since the very First Congress.

That power extended not only to the interest rates which should be paid, but also to the amount of each bond issue. That was the situation throughout our history until 1918. During World War I, the then Secretary of the Treasury, Carter Glass, requested the right to determine the amount of each issue, under a fixed debt ceiling. Congress then fixed the interest rate ceiling at not to exceed 4¼ percent. So that is the origin of this "silly old law," to which all the financial writers refer as just a casual operation of the Congress during World War I. It was carefully considered legislation by means of which Congress surrendered its power to determine the amount of each issue, but imposed a debt ceiling.

It is true that the ceiling has been raised. But Congress still imposes the debt ceiling.

And by the same token, Congress still imposes—and properly so, I believe—a ceiling on the interest on the long-term debt. That ceiling has stood the test of the World War I financing and the financing during the great depression of the 1930's, and the expansion of our debt from $52 billion to $275 billion over a period during which the interest rate has remained stable, as a result of the wise action of the Federal Reserve System and the Treasury.

Now we reach a point where we are told we should remove this "silly old ceiling," in order to provide flexibility. The administration does not want any ceiling. Yet, every time we have raised the ceiling on federally guaranteed securities, such as GI mortgages or FHA's, we have experienced an upward cycle of interest rates.

The form of indebtedness most nearly comparable to a Government bond is a mortgage which the Government backs and guarantees with its full faith and credit.

Mr. BUSH. Mr. President, the able Senator from Oklahoma deserves great credit for having introduced the bill—he introduced it last year, I believe—which resulted in the formation of the International Development Association.

Mr. MONRONEY. I received great help, in many, many ways, from the distinguished Senator from Connecticut.

Mr. BUSH. I was pleased to be associated with the Senator from Oklahoma in that effort; but certainly he was the author of the bill, and he handled it very well through the Congress.

That organization now finds itself under the general supervision of the World Bank; it is an adjunct and an affiliate, we may say, of the World Bank.

The nearly 67 or 68 countries which are members of the World Bank admire the Senator from Oklahoma very much for his taking the initiative in that important matter. But I must say that when the representatives of those countries were in Washington in September, at the annual meeting of the World Bank, not one of them could understand the reluctance of the Congress and, I may say, of my good friend, the Senator from Oklahoma, who has been one of the most ardent advocates of keeping the interest ceiling where it is. Not one of them could understand the reluctance of the Congress to provide the necessary authority; not one of them could understand the insistence of the Congress on keeping the hands of the Secretary of the Treasury tied in connection with the matter of debt management. They could not believe that a great government such as ours would place such a handicap upon its own administration and its own Secretary of the Treasury. It was only because they felt that Congress had shown some conservatism during the last months, in the course of sustaining Presidential vetoes and generally supporting the administration in other fields, except this particular one, that they were somewhat comforted in their anxiety, at least to a certain degree, I may say, concerning the effect this policy was having upon the credit of the United States.

So the financial writers and the analysts are not the only ones who agree with Secretary Anderson, and who call this a "silly old law"——

Mr. MONRONEY. I did not say Secretary Anderson called it a "silly old law." I say the financial writers who make that statement have never bothered to look up the history of these powers of the Congress.

Mr. BUSH. Mr. President, I do not choose to yield at this time.

Mr. MONRONEY. But I do not want the RECORD to show that I said Secretary Anderson said this is "a silly old law."

Mr. BUSH. At any rate, the Senator from Oklahoma said the financial writers say it is a "silly old law"; and I, myself, think it is. So I shall associate myself with the view of those writers.

But the fact is that Congress passed the law in 1916 or 1918, as I recall; and Congress has just as much right now to remove the ceiling as it originally had to impose the ceiling.

I say this ceiling has completely outlived its usefulness. No other country in the world would so handicap itself in connection with debt management. I am afraid that all this is doing now

is putting a ceiling on maturities of 5 years, and not at all a ceiling on interest rates. We saw that effect during the closing months of 1959, when the short-term interest rates were higher than the long-term interest rates; and the reason was that the Government, with its gigantic operations, was forced into the short-term market, in order to obtain long-term money. I think that is one of the most ridiculous ways to run a government.

Mr. MONRONEY. Mr. President, will the Senator from Connecticut yield further?

The PRESIDING OFFICER (Mr. FONG in the chair). Does the Senator from Connecticut yield to the Senator from Oklahoma?

Mr. BUSH. I yield.

Mr. MONRONEY. Evidently the Senator from Connecticut prefers a higher peak on the interest rates, such as the one we experienced when the rate on short-term Government bonds reached 5 percent; and evidently the Senator wishes to have us bound by the 5 percent rate for 25 years, as part of an Eisenhower legacy.

Or would the Senator prefer to have the high interest rate apply only for the 90-day, 6-month, 1-year or 2-year issues, after which we would not be burdened with so high a rate? Why is it necessary to penalize ourselves by insisting that the peak interest rate be the rate at which the Government will obtain the necessary funds for the running of the Government for many, many years to come?

Mr. BUSH. Mr. President, I shall answer that question at once. The effect of the policy the Treasury has been forced into has been to force the Government into the short-term markets. That imposes a great burden on those who need to borrow money in order to build homes. That burden is very great on the homebuilders, the contractors, and small business. More and more we hear complaints from the small business associations. They were in Washington last week. I attended some of the hearings. Perhaps some other Senators here did.

What has been the program they have called for? Removal of the interest-rate ceiling. The reason is that it has been hurting their business and has done them great harm. The Home Builders Association has come out recently for removal of it. The mortgage bankers of the United States, who handle most of these mortgages that go into the insurance companies and savings banks and make possible funds that go into home building, are in favor of the interest rate removal. So it is not just a few newspaper or magazine writers. It is these people who are in this business up to their elbows that are against this "silly old law," as it was referred to.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. BUSH. Yes.

Mr. MONRONEY. I do not know exactly what motivated the heads of the National Home Builders Association. I had the privilege of addressing them at their national convention in Chicago. From my estimation of the crowd and the condemnation of what the tight money policy and the high interest rate was doing to the home-building industry, the rank and file of the home builders were not in favor of a policy that was causing them to sell more mortgage than house, which is happening under the program which the Senator has advocated and which I have opposed. Under that program money did not get looser, it got tighter, and mortgage rates went up and up, and buyers of straight Government bonds demanded higher interest rates. It was like a man bidding against his wife at an auction. I do not see how, on 15- to 25-year mortgages, the financing of which has to be undertaken by the home building industry, we are getting in the way of short-term financing.

Mr. BUSH. First, I think the Senator will have to agree that the Home Builders Association know what is good for them.

Mr. MONRONEY. They know what is good for them. They want to sell their mortgages.

Mr. BUSH. No; they want to build homes.

Mr. MONRONEY. Sometimes it has been dictated by the investment mortgage companies, and not by the rank-and-file poor individual who has to build a home.

Mr. BUSH. The association is interested in building homes. They are interested in legislation that will help promote the building of homes. That is why they think the Senator's plan is interfering with such home building, because it keeps a lid on interest rates. It drives the Government into the short-term money market. I have said this repeatedly. It pushes the short-term market rate up for the people who have to go into the short-term market to borrow money to build homes before they can sell homes. When short-term money is selling above the long-term rate, we are hurting the homebuilder and the small businessman. They were down in Washington pleading with us to take this interest rate ceiling off so small business would not be under the handicap of high interest rates.

Mr. MONRONEY. Then it is the short-term construction money, which a builder has to borrow in the short-term market, that the Senator is concerned about. I happen to be concerned with the GI who is paying high interest rates and is getting more mortgage than he is house.

Mr. BUSH. I want to make this clear to the Senator. It has the effect of diverting funds for lending for mortgages into short-term investments, because the money rates are so high. The lenders are going to take it where they can get it best. Mortgage funds are being diverted, and that is the complaint of the Home Builders Association.

Mr. MONRONEY. The Senator well knows most of these short-term bonds go to the banks and the short-term moneylenders. The investment bankers or mortgage bankers willing to buy mortgages have managed to push the interest rates up to 7 percent in California and 6 percent in most other places on Government-guaranteed mortgages. Short-term borrowing is not in the same field as 15- to 25-year mortgage financing.

It used to be that the insurance companies, fiduciary trusts, and others were taking a responsible share of the burden of the public debt. They have been liquidating their portfolios.

I talked to the Chairman of the Federal Reserve Board and asked him if they were in this market. He said they were not, that they wanted to adhere to their policy of bills only. I say to the Senator that by their own announced policy they will not come into the long-term market. They are assisting the high-interest-rate policy because they do not have to come into it; but when they take themselves out of it, every banker who may be desirous of having higher and higher interest rates knows he is not going to have to compete with the Federal Reserve in buying $100 or $200 million worth of long-term Government bonds.

Mr. BUSH. The Senator talks about high interest policy. There is no high interest policy, and never has been a high interest policy. The only thing that has brought about high interest rates is the demand for money, the law of supply and demand. It is as simple as that. There is no tight money policy or high interest rate policy, which the Senator has said repeatedly on the floor. If there was a high-interest-rate policy, why would the Government allow the interest rate to go down, as it has gone down in the last few weeks, and why would it have let it go down as it did in 1957 and 1958? The interest rate went down to 1½ percent, and then went back up when the demand for money increased. There is no policy, I repeat, for the 488th time on the floor, of tight money or high interest rates.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. BUSH. Yes.

Mr. PROXMIRE. There is no question that interest rates can fluctuate in response to business conditions independently of the policy of the Federal Reserve. There is also no question the Federal Reserve can in the long run—and the long run is not very long—determine the course of interest rates and when they wish, push the rate of interest up. That has been so since 1914.

It is also true that the Federal Reserve has been keeping the money supply restricted while the gross national product has been rising. The effect of that has been to push interest rates higher and higher.

In the last few weeks it is true that temporarily in response to business conditions interest rates have dropped, but that is only on a short-term basis, and if the Federal Reserve continues to restrict the money supply, the interest rates will go up again.

The Senator from Connecticut said short-term interest rates have gone down. He has argued on both sides of the question. He has said the policy that the Senate Democrats have been advocating, and which they have followed successfully since the end of the last session, namely, the maintenance of interest rate ceilings, has had very

serious effect on small business because

The Senator asked why those of us

What has happened? Have prices

not building a house or providing a tank

In other words, that is the last thing

Mr. PROXMIRE. I yield.

and financial observer who has been studying this matter during the past year

which resulted in the formation of the International Development Association.

in connection with debt management. I am afraid that all this is doing now

From my estimation of the crowd and the condemnation of what the tight

on Government-guaranteed mortgages.

of interest rate ceilings, has had very

serious effect on small business, because in the short-term market they have had to pay more interest. Yet the Senator has said that those interest rates have gone down——

Mr. BUSH. I want to correct what the Senator has said. It was small business themselves who said it was hurting them. It was not my statement. I repeated it. I thank the Senator.

Mr. PROXMIRE. I can get the floor in my own right when the Senator finishes his statement.

Mr. BUSH. I will yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, the point I wish to establish, as emphatically and as clearly as I can, is that at the end of the last session a number of Senate Democrats, led by the Senator from Illinois [Mr. DOUGLAS], the Senator from Oklahoma [Mr. MONRONEY], the Senator from New Mexico [Mr. ANDERSON], and the Senator from Tennessee [Mr. GORE], served notice that we were going to do the best in our power to maintain the ceiling on interest rates. We were told this would have a devastating effect on Treasury financing and that it would drive up short-term interest rates. What has happened?

The fact is that since that time, as Sylvia Porter reported only 2 or 3 days ago, if any Senators have ever been in the position of being able to say, "I told you so," it is the Senate Democrats who made this fight. What has happened is that business conditions have changed. In spite of the policy of the Federal Reserve, the short-term interest rates have not gone up but instead have gone down. The consequence of this has been that small business has not been seriously handicapped by the policy. The consequence has been that the Treasury can borrow money on a short-term basis now at a lower cost.

If we had yielded last August and last September to the entreaties of the Treasury, if we had taken off the 4¼ percent interest rate ceiling, and if the Federal Government had borrowed $2 billion, $3 billion, $4 billion or $5 billion at an interest rate of 5 percent or 5½ percent, we would be frozen into that position for 25 years. Now it is possible for the Treasury to borrow at less than 4 percent interest. The Treasury can borrow at 3½-percent interest for 1 year bills, and even for some notes. Of course, this is a far lower rate. It also puts the Treasury in a much more flexible position. As interest rates begin to fall—I feel very strongly that the Federal Reserve Board may change its policy and may make it possible to expand the money supply as the gross national product increases—and as we get into the long term drop, which has historically been the tendency, then the Treasury can step in, and the Federal Government will be able to borrow money at a lower rate.

I should like to make a few comments on some of the points the distinguished Senator from Connecticut raised in his very, very able defense of the Treasury policy.

The Senator asked why those of us who have been arguing as we have, along with the distinguished Senator from Illinois [Mr. DOUGLAS], did not speak out at the time the bonds were advertised, to point out that this callable feature in the new 25 year 4¼ test bonds was a foolish feature, and to say that 25 years was the wrong term. It seems to me that if we had wanted to speak out, we would have spoken out at that point by saying, "I told you so." This was a temptation. We were crowding the heroes' bench by not doing it, by not pointing out that the Treasury has come around to our way of thinking and has decided it can, indeed, sell long-term bonds.

We did not do that. We did not want to rock the boat. We did not criticize or try to evaluate the kind of instrument which the administration was trying to sell. Instead of that, we felt the wise and proper thing to do was to let the Treasury go ahead with the instrument, which we thought was very defective, and which has been shown to be defective, and then, after this was tried, when we would not cause any damage to the Treasury, we might speak out.

Mr. BUSH. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). Does the Senator from Wisconsin yield to the Senator from Connecticut?

Mr. PROXMIRE. I yield to my good friend from Connecticut.

Mr. BUSH. I will say to my friend from Wisconsin, speaking as to the causing of damage, I think that—though certainly not wittingly—the position which the Senator and his colleagues have taken has caused more damage to the credit of the United States than any similar position which has been taken within my memory affecting the whole question of debt management and finances.

Mr. PROXMIRE. Mr. President——

Mr. BUSH. I shall be through with this statement very quickly. I say this only for the reason that the credit of the United States is of tremendous importance to the whole free world. The free world cannot understand how the Congress can take such a shortsighted view of this matter and restrict the Treasury in its ability to manage the debt. Soon our friends will begin to worry about the $17 billion or $18 billion of short-term notes and gold which they have in the United States, which is payable in dollars.

Mr. PROXMIRE. Now, Mr. President——

Mr. BUSH. It is a very, very serious matter.

Mr. PROXMIRE. I should like to reply to my good friend from Connecticut. The argument has always been, on the part of those who advocate keeping the money supply constricted and those who feel that we should accept high interest rates as the price of this, that if we do not do so we will have inflation. The argument against our position of maintaining the ceiling on the interest rate on long-term bonds is that it would be inflationary for the Federal Government to have to be in the short-term market.

What has happened? Have prices risen? In fact, we have had fairly stable price levels since last August; remarkably stable, under the circumstances. Furthermore, the bond market has steadily improved.

It seems to me that the consequences of following the policy advocated by the Senator from Oklahoma and the Senator from Illinois have been good for the Government bond market and have been good in terms of our price level.

Mr. MONRONEY. Mr. President, will the Senator yield to me?

Mr. PROXMIRE. I yield to the Senator from Oklahoma.

Mr. MONRONEY. Would the Senator not agree that the Congress, since it is concerned with the budget and is concerned with keeping a balanced budget, in accordance with national defense requirements, must be concerned also with the cost of money to Uncle Sam? The Government is the biggest borrower we have in this country.

I was amazed to look at some of the statistics which were provided the other day, when I learned that under the high interest rate policy, the tight money policy—consciously adopted and followed by the Federal Reserve and the administration—this year the cost of the interest on the public debt will exceed the cost of running the entire Federal Government during any year from 1933 until 1940.

Mr. PROXMIRE. If the Senator will permit, I should like to make a comment.

Mr. MONRONEY. This is the cost of the interest alone. The interest cost for this year will exceed the cost for any single year of the administration of that so-called "wild spender." The Republicans charged Franklin Delano Roosevelt with being a "wild spender," yet during all of those prewar years, those peacetime years, the expenses were not as high as the present interest cost. During all of that time the total cost to the Federal Government did not run as much as the cost of carrying the interest on the debt today, which has now gone up over $9 billion.

Mr. PROXMIRE. If the Senator will yield to me at that point, I should like to point out also that the cost of servicing the national debt is the second biggest cost of this Government, only exceeded by the cost of defense itself.

Furthermore, this is not only the second biggest cost to the Government, but it is the fastest rising. There is no other cost to this Government which has been rising as rapidly as the cost of servicing the national debt.

Furthermore, this cost is not rising because the Federal debt is increasing; it is rising because the Federal Reserve Board and the Treasury Department, as the Senator from Oklahoma has pointed out, are following a policy of tight money, of constricting the money supply, which has had an inevitable effect of driving interest rates up.

This is the second greatest burden upon the American taxpayers today, and it is the fastest rising burden.

Not only that, but there is no return, for the Federal Government is buying nothing but air. The Government is

not building a house or providing a tank or providing a plane, but is simply getting nothing for the additional expenditure. This entire national debt could be financed at a $4 billion saving to the taxpayer without sacrificing a single service to our citizens.

Mr. MONRONEY. Not only is that true, but in many cases the Federal Government is receiving practically no taxes from the money income involved in the interest payments. There are certain tax-exempt foundations and certain institutional groups—life insurance and others—which have a tax structure so favorable that the Government does not get an adequate return on the income earned by those groups and institutions, from the interest.

This is the fastest rising portion of our economy. The percentages of earnings during this administration show that more has been lavishly spent on the money lenders than on any other segment of the economy.

I should like to ask the Senator if he noticed that the Wall Street Journal, which is, again, the bible of our dear friends on the other side of the aisle, has commented on the "Monday morning quarterbacking"?

Mr. BUSH. Mr. President, will the Senator yield to me?

Mr. PROXMIRE. I yield to the Senator.

Mr. BUSH. I notice that whenever our friends across the aisle want to make an important point they quote the Wall Street Journal themselves.

Mr. MONRONEY. We do. We like to have our statements unchallenged, because if any statement bears the stamp of the name "Wall Street," then the Republicans say, "This is gospel."

Mr. BUSH. I know this is the favorite "whipping boy" of our colleagues across the aisle, but I wish to say that the American Association of Newspaper Editors has ranked the Wall Street Journal sixth among the newspapers, in excellence, in a judging of all the newspapers in the country. I thought that was a significant fact. I am not surprised that the Senator would quote the Wall Street Journal.

Mr. MONRONEY. As an old newspaperman, I would rank the Wall Street Journal higher than sixth for reportorial ability. For editorial ability I would not rank that paper more than 25th, but but for reportorial ability, for perspicuity and so on, the Wall Street Journal is very good.

I should like to read a paragraph from the Wall Street Journal, from an article entitled "Drop in Interest Rates May Have Ended, Bankers Say; Cite Disappointing Response to 25-Year U.S. Bond."

In other words, here we go again. We are on the toboggan. We are having a free ride.

It is quite interesting to note some of the comments by the financial authorities.

In San Francisco, an official of Kern County Land Co. said: "If this thing (the 4¼-percent bond sale) had gone over with the banks, I would have considered it a reflection of a widely held attitude that credit was going to be relaxed.

In other words, that is the last thing in the world that the people who were to buy these bonds wanted to see. I do not think there was any great enthusiasm, whether the package was wrong or whether the ultimate result, if the Treasury had succeeded in this bond issue, might have been an end to the cycling up of high interest rates, which many long-term investors like to see. They associate high interest rates with prosperity—their own prosperity—and they are willing to do almost anything they can to maintain a satisfactory condition.

I am afraid that some of the banker-oriented advisers to the Treasury—not within the Treasury, but the banker-oriented advisers—see absolutely nothing wrong with the fact that the cost of carrying the public debt has gone up by $4 billion a year. They think it would be twice as good if it went up $8 billion a year. But we on the Democratic side feel that the Government interest ceiling, as it goes up, acts as a brake on the expansion of all business, big and little. The historic periods of expansion of our economy, our industrial components, construction, homebuilding, and so forth, have been largely in periods of low interest rates.

Mr. BUSH. Mr. President, will the Senator yield for a question?

Mr. PROXMIRE. I yield to the Senator from Connecticut for a question.

Mr. BUSH. What did the Senator from Oklahoma say about the interest rates going up $4 billion a year?

Mr. MONRONEY. The interest rate cost has risen from 1952, when it was $5 billion, to well over $9 billion.

Mr. BUSH. Is that $4 billion a year?

Mr. MONRONEY. That is an annual rate, which is budgeted; and I presume the Budget Bureau knows what it is doing.

Mr. BUSH. I understand what the Senator is saying. What he said previously was that it had been going up at the rate $4 billion a year.

Mr. MONRONEY. It is $4 billion a year now above the annual cost of servicing the public debt in 1952. The Senator from Oklahoma was not trying to say anything else. I think that is plenty. I do not think we should go beyond that. I believe that by wise management and by a decent cooperative effort to buy a few long-term bonds to be held by the Federal Reserve, we would be able to influence the rate downward, instead of influencing it upward. If the Federal Reserve could remain neutral, that would be one thing; but they have been on the side of high interest rates by their announced public withdrawal and abstension from the long-term money market. They have succeeded in reducing by a considerable amount, through the maturing of the long-term issues which they hold, the portfolio of long-term U.S. bonds, while at the same time the Treasury is pleading with everyone to buy long-term issues. I would like to have the Treasury and the Federal Reserve get together. Long-term bonds are so good for everyone else, but they are bad for the Federal Reserve.

Mr. BUSH. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. BUSH. Of course the total interest rate has gone up, on an annual basis; but I also observe that, as the Senator from Wisconsin pointed out a little while ago, we have enjoyed a relative degree of stability in price levels during the same period.

Mr. PROXMIRE. I was talking about the stability since last August. We have not enjoyed the same degree of stability.

Mr. BUSH. I appreciate what the Senator is talking about, but it reminded me of the relative degree of stability which we have enjoyed through the past 7 or 8 years. Checking of the inflationary forces due to that period of relative price stability has been a very important matter to the savers of the country, whose savings now amount to $800 billion and more. The fact that the interest cost of financing the debt has gone up is the result of an end to the artificial suppression of interest rates for so long, over a period of some 20 years. The result of the artificial depressing of interest rates was an inflation which, as we all know, resulted in erosion of the dollar savings of the people of the country to the extent of something like 50 percent.

Mr. PROXMIRE. I should like to ask my good friend from Connecticut, who understands economic history as well as any Member of the Senate, if he can cite any peacetime period in American history in which the cost of living has increased more rapidly than it has since the Eisenhower administration took over in 1953. Since then we have been at peace. In spite of that fact, we have had inflation. It has been a fairly moderate inflation, as compared with some of the wartime inflations; but has there been any comparable peacetime period—except, of course, immediately after a cataclysmic war such as World War II or the Civil War—when the cost of living has risen so rapidly? With the exception of those overwhelming catastrophes, which involved the entire economy, dammed up and artificially restricted purchasing power temporarily, and resulted in 5 or 6 years of enormous spending after the war, can the Senator think of any comparable peacetime period? It seems to me there has been no other such inflationary peacetime period in history. At the same time we have had tight money.

Mr. BUSH. The Senator has asked a comprehensive question, and I am afraid I cannot answer it directly, because I do not have the figures handy enough to answer such a comprehensive question.

The Senator is talking now about a long period in history, and I do not carry the charts in my mind well enough to make an intelligent answer.

I am reminded by the Senator's question that during the period of the 1920's we had a very rapid and remarkable expansion in this country. During that period interest rates were very much higher than they have been in recent years, in the last year or two, when there has been so much complaint about them. It is also interesting to observe that during that period, which was one of the really important periods of expansion,

policy.

market.

nothing but air. The Government is

growth, and employment in our country, interest rates were quite high, and the price level was relatively stable throughout that period.

Mr. PROXMIRE. There has been a tendency for interest rates to be reduced as we have achieved more security in business, as there has been more stability in the economy, and in the growth of the United States as a nation. The whole business economy has been able to operate in a more stable way. There has been less risk.

This is logical and to be expected. At the same time, we have had very sharp increases in the interest rate level since 1953, and prices have gone up at the same time.

I conclude by saying that I think the Senator from Oklahoma and the Senator from Pennsylvania have made a very devastating case this afternoon in arguing that the Treasury, in following a policy of trying to sell 4¼-percent bonds, with a 25-year term, callable in 15 years, has obviously given the investor the worst of all possible choices. If interest rates had gone down, the Treasury then could call the bonds, and the yield to the investor would disappear. If interest rates went up, the investor would be locked in, and could only sell at a loss.

Furthermore, it has been established very clearly that the Treasury did not permit the logical investors in this 25-year instrument, the institutions, the time to make an investment. The Treasury is too habituated to selling bills and notes to the fast "wheel-and-deal pros" instead of giving ample time for the credit unions, the insurance companies, and others who might be interested in this kind of investment to come in. The Treasury allowed only 5 days, 2 of which were holidays, and therefore allowed only 3 days. Under those circumstances—I think the Senator from Pennsylvania and the Senator from Oklahoma have made the case unanswerable—that the opportunities to sell long-term bonds have not been tested by the Treasury Department.

Mr. President, I yield the floor.

Mr. BUSH. Mr. President, I wish to conclude. I thank my two friends for their courtesy, and also my friend from Pennsylvania, who has participated in the colloquy this afternoon.

I wish to make this observation in concluding my own comments: We hear a great deal of talk about high-interest rates and a tight-money policy, both of which are nonexistent, as I have said many times. But during all the time this has been going on in the past few years, and a political issue has been in the making by those who talk about high-interest rates, the United States has enjoyed the lowest interest rate structure of any country in the free world except two.

I believe Switzerland is one of the countries. There is one other country, which is also a smaller country; however, all the great countries of the free world are enduring higher interest rates than we are. Those countries are growing and their economies are growing. We have seen the tremendous growth of Germany, Italy, France, Belgium, and the Scandinavian countries. In all of those countries the interest rate structure has been higher than ours.

Therefore, I cannot understand how a case can be made for the statement that high-interest rate policies have retarded the growth of this country. They certainly have not. They have not retarded growth in any of the other countries either. We have seen the growth that has been going on in these countries, and we have become a little concerned about it, because they are competing in the free market with us. They are offering competition to us not only in the free world markets, but also in our markets at home. That is true not only with respect to automobiles, but also with respect to other commodities. It is felt particularly in the automobile market because of its effect on unemployment. However, the same competition is being faced by our companies in products like barbed wire, which comes into our country through the St. Lawrence Seaway and is landed at Cleveland. There it is underselling the barbed wire made by the American Steel Wire Co. in that city.

Therefore, I feel we should not think we know it all. We should not be afraid to learn what we can from our good friends in the free world.

In conclusion——

Mr. MONRONEY. Mr. President, will the Senator yield before he concludes his statement?

Mr. BUSH. I yield.

Mr. MONRONEY. The Senator has been identified for a long period of time with international finance. Would he not say that it has been traditional and historic that the interest rate on government bonds issued by France, Denmark, Holland and other countries has been customarily higher than the rate which has been paid by the U.S. Treasury? This is nothing new.

Mr. BUSH. I do not know whether I can answer that question statistically. However, if it is true, then that fact lends support to my statement that our interest rate structure is not high, and has not been high.

Mr. MONRONEY. What I am trying to point out is that one of the reasons for our American industrial progress has been the fact that money did not cost as much to borrow for expansion in America as it did overseas. In Europe 10 percent on money is not unusual. Ten percent on money is customary for private industry. Likewise, 5 percent and 6 percent on private bonds has been rather customary in European countries. I cannot say as much for England, but for almost all the other countries, that would be about right.

Mr. BUSH. During the period of the twenties, or from the twenties to the thirties, or at least during most of that period, we had relatively high money rates, even higher than some of the countries abroad, for a brief period of time. Our good friend, the president of the World Bank, said a few months ago that he remembered buying one bond of the Reynolds Tobacco Co. with a yield of 9 percent. Companies like General Motors Acceptance Corp. were offering paper for a reasonable medium term yielding 7 and 8 percent. I recall an issue from the State of the Senator from Wisconsin, the Ajax Tire & Rubber Co., which had a yield of 8 percent. That was one of the best growth periods we had, in spite of the high interest rate.

Mr. MONRONEY. Of course at that time our public debt was under $125 billion. It should be remembered also that that period was followed by the biggest depression we had ever experienced. The Government interest rate formerly had been quite firm, and it had a minor significance, and it had a minor effect on the national interest rate policy and on the going rates of interest. However, today, when we have $270 billion of Government bonds, it sets the pattern, it is the granddaddy of all interest rates. When it is high, all other interest rates, those for the small borrower as well as those for the large borrower, rise above the plateau of the Government interest rate.

That is what depressed me. It depresses me that the Government should not be trying to advance some new programs, such as the distinguished Senator from Delaware [Mr. WILLIAMS] has been advocating, a modern E-bond policy, which gives us the largest amount of long-term financing that we have outstanding, and which we are getting at 3¾ percent, instead of 3¼ percent, of course, but which is still a great deal less than the 5 percent that we paid on the magic 5s.

What we Democrats are complaining about is that there has been no modern thinking, no progressive thinking, no searching out for new funds, no development of a new program that can be sold as a package which is modern enough to give us money at a reasonable rate.

Mr. BUSH. Mr. President, I thank the Senator. In conclusion, I should like to go back to what my friend the Senator from Illinois said on the floor of the Senate. I am sorry that he is not here to participate in the debate. I go back to a speech he made on the floor of the Senate in 1951. It bears on the situation today. The burden of what he said at that time—and I am not attempting to quote him directly—was that if the Federal Government were to continue to artificially depress the interest rate and keep it down, the inflationary effect would be so disastrous as to greatly increase the cost of national financing and greatly increase the cost of living, and the people would be a lot worse off because of the inflationary effects of artificial monkeying with the interest rate.

So I conclude by saying that I beg my good friends across the aisle, in all sincerity, to abandon their policy, and to cooperate, instead, with the Treasury of the United States, in order not to injure our credit, in order not to disturb the confidence of our allies abroad, and not to bring about a deleterious effect upon the grand alliance and upon our defensive position vis-a-vis the cold war and the potential hot war.

The credit of the United States, as I have said before, is the great bulwark of defense of our free world. It should not

be monkeyed with by putting an artificial restraint upon the Treasury in the management of its debt.

Mr. PROXMIRE. I wish to make 2 very brief remarks, and then, unless other Senators wish to make some remarks, I shall move that the Senate adjourn.

Mr. President, the argument which the Senator from Connecticut has made, that lower interest rates would be inflationary, only applies if we have full employment and full utilization of our resources, a shortage of manpower, and a shortage of factory capacity.

The fact is that today we have almost as many unemployed as we had during the recession of 1954. The fact is that our steel industry, the bellwether of the economy, is operating at 85 percent of our capacity, and a good deal of it has been below 80 percent of capacity. The fact is that our plants are operating at two-thirds of their capacity. Machine tools are at two-thirds of capacity. Throughout America today our factories are far short of capacity operations.

What would happen if interest rates were lowered and plant expansion and other industrial activity were encouraged, would be good for the economy. We would expand and grow. The Senator from Connecticut is absolutely right that lowering interest rates excessively in periods of full employment, or virtually full employment, is inflationary. But we are arguing for a moderate decrease in the interest rate, to be maintained at a reasonable level when our resources are far below capacity utilization. We are not arguing that we should have 2 percent interest.

HIDDEN INTEREST COSTS

Mr. PROXMIRE. Mr. President, the Washington Daily News today has published a very informative article entitled "Hidden Interest Costs Buyers Millions in Tax Deduction," written by Jack Steele, a Scripps-Howard staff writer.

The article shows convincingly that if the Douglas-Bush bill, which provides for truth in credit, is enacted by Congress and signed by the President, one of the many benefits which will flow from it is that people will know what interest they are paying and can take legitimate deductions for their income tax.

Mr. President, I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HIDDEN INTEREST COSTS BUYERS MILLIONS IN TAX DEDUCTIONS

(By Jack Steele)

A Senate Banking Subcommittee is looking into credit practices which deprive consumers of millions of dollars of tax deductions each year for the "interest" they pay on loans and installment purchases.

The subcommittee's interest in this little-understood tax problem comes at a time when most taxpayers are making out their 1959 Federal tax returns.

It came across the problem in the course of its hearing on a bill proposed by Chairman PAUL H. DOUGLAS, Democrat, of Illinois, to require lenders and installment sellers to label their finance and interest charges.

HERE'S HOW

Here is the tax situation which results in this "loss" of interest deductions:

The Internal Revenue Code permits taxpayers to claim deductions for the full amount of interest they pay on loans and other forms of credit.

But the fine print of the code provides that when a taxpayer cannot determine what part of his finance or carrying charges are actually interest, he can deduct an amount equal to only 6 percent of the average unpaid balance of his credit in the tax year.

A preliminary inquiry by the subcommittee's staff indicates that this means, in practice, that many consumers are limited to an interest deduction of only 6 percent on their outstanding credit.

But the subcommittee's hearings have revealed that finance charges on automobiles, appliances, small loans, and so forth, usually range from 12 to 36 percent—and in some fringe cases run as high as 60, 80, or even 100 percent.

HEARINGS

The hearings have shown that lenders and installment sellers now rarely break down their finance charges so that consumers can determine either the amount or rate of interest they are paying.

And spot checks by the subcommittee's staff indicate that these creditors—even when they are requested to do so for income tax purposes—seldom will break out their actual interest charges on loans or installment sales.

This apparently is the case with most auto finance companies, small loan firms, and retailers and department stores which sell goods either on the installment plan or on revolving credit plans.

Mortgage lenders are the only major exception to this practice. Banks and savings and loan associations usually give homeowners and other mortagagees exact breakdowns on their annual interest payments.

NOT 6 PERCENT

As it happens, however, interest on mortgages usually does not exceed 6 percent. And the Revenue Code provides that the flat 6 percent interest deduction can be used only when the finance charges exceed that rate.

As a result, most borrowers and installment buyers—except those who are paying on mortgages—can claim only 6 percent interest deductions on their tax returns even though they pay much higher interest charges for their credit.

The Douglas bill, by requiring lenders and retailers to set forth their interest charges, would enable most consumers to claim larger tax deductions for interest.

The amount of taxes they would save as a result are anybody's guess. But sponsors of the Douglas bill and Internal Revenue Service officials agree that the annual tax savings would run into millions of dollars.

INTEREST RATES ON GOVERNMENT BONDS

Mr. MONRONEY. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "Demos Have Boast; Ceiling on Bonds Causes Wide Claims," written by Sylvia Porter, a nationally known financial journalist, and published in the Anniston, Ala., Star of April 8, 1960.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DEMOS HAVE BOAST—CEILING ON BONDS CAUSES WIDE CLAIMS

(By Sylvia Porter)

NEW YORK.—"Now the Democrats are going to boast 'We told you so.' Now they're going to claim they have saved taxpayers enormous sums in excessive interest payments on the public debt by refusing the administration's urgent request for removal of the 4¼-percent interest rate ceiling on sale of new bond issues.

"Now the Democrats are going to say that if a handful of their leaders hadn't stood firm against the administration and the Wall Street bankers, all taxpayers would be saddled with an unnecessary interest load running into hundreds of millions of dollars a year."

When early this week the U.S. Treasury sold a hefty chunk of new 4¼-percent bonds to large investors all over the Nation, just about every conversation I had with my financially sophisticated friends in Washington and Wall Street included the above lament.

DEMOS CLAIM CREDIT

Well, to be fair about it, the Democrats in the House and Senate who have fought so relentlessly against removal of the 4¼-percent rate ceiling on new U.S. bonds can now properly make just that claim.

For, despite the fact that no one believed it could be done until right before it was done, the Treasury did sell this week an issue of new marketable U.S. bonds due 25 years from now with a 4¼-percent coupon—within the ceiling imposed on rates back in World War I.

Despite the fact that the ceiling has no logical justification, its existence has protected us against a further skyrocketing in the cost of the national debt—and all taxpayers pay this debt interest.

Behind this financial-political tale lies a fascinating history. It goes back to mid-1959, when President Eisenhower and Secretary of the Treasury Anderson first formally asked Congress to eliminate the rate ceiling on new U.S. bond issues because the climbing level of interest rates was making it extremely difficult for the Treasury to manage the public debt intelligently.

As rates continued to soar in late 1959 and the Treasury was blocked out of the bond market, its dilemma got worldwide headlines.

OFFICIALS MAKE OFFER

As holders of low-coupon U.S. bonds dumped them at huge losses, Treasury officials openly pledged that if the ceiling was removed, they'd offer holders of these bonds new ones returning them as much as 4½, 4¾ percent a year or more.

But the Democratic opposition in Congress remained powerful. Some of it was strictly political. The lawmakers didn't want to be identified with any high interest rate law and they figured tight money could be a superb campaign issue.

Some of it was definitely informed—based on honest concern over the cost to taxpayers, honest worry about whether high rates were stifling economic growth.

Then out of nowhere in February came forces which turned the picture upside down. The economy lost its post-steel-strike exuberance, the demand for loans became less fierce, the supply of credit started to ease a bit, interest rates began to fall at an accelerating pace.

BOND DUE IN 1985

And this week, the Treasury successfully sold a bond due in 1985 with a coupon as low as 4¼ percent.

Had the ceiling on new bond rates been eliminated, by now the Treasury undoubtedly would have sold huge amounts of high-coupon bonds and the cost of the debt would have been raised way above where it is. As it is, the ceiling stands.

"It will be interesting to see what the administration, the Reserve, the financial community, and the financial writers will say in the light of these developments and facts," remarked Illinois Senator DOUGLAS,

chairman of Congress' Joint Economic Committee and leader of the opposition, rather plaintively to the Senate the other day.

Relax, Senator. They're lamenting that you're going to boast, "We told you so." Which, of course, you are.

ADJOURNMENT TO THURSDAY

Mr. PROXMIRE. Mr. President, I move that the Senate adjourn until 12 o'clock noon on Thursday next.

The motion was agreed to; and (at 3 o'clock and 51 minutes p.m.) the Senate adjourned until Thursday, April 14, 1960, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate, April 11, 1960:

United Nations

Louis Wellington Cabot, of Massachusetts, to be the representative of the United States of America to the 15th session of the Economic Commission for Europe of the Economic and Social Council of the United Nations.

Appointments in the Regular Air Force

The following persons for appointment in the Regular Air Force in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

To be captains, USAF (Medical)

Philip W. Andrews, AO3079276.
Jack B. Crosby, AO3078041.
William L. Foster, AO3077539.
Harold G. Hutson, AO3090227.
Joseph A. Lucarella, AO3079048.
Alfred L. Thompson, Jr., AO3077180.
Harry A. Whitaker, Jr., AO3074784.
John R. Wiley, AO3074986.

To be captains, USAF (Dental)

John D. Bigbie.
Robert J. Clement, AO3075910.
James C. Clower, AO785477.
George T. Greer, AO3045132.
Paul J. Hungerman, AO3043708.
Robert T. Solinski, AO3075245.
Thomas J. Treloar, AO3000465.
Charles R. Wellner, AO3045041.

To be captains, USAF (Medical Service)

Larry E. Brown, Jr., AO2220978.
Philip A. Taylor, AO2221452.

To be captain, USAF (Medical Specialist)

Jean T. Smith, AR1906251.

To be captains, USAF (Nurse)

Billie B. Green, AN804932.
Ellen L. Gregory, AN2241676.

To be first lieutenants, USAF (Medical)

James F. Arens, AO3089064.
Billy A. Finney, AO3075256.
John B. Laubach, AO3089253.
William F. McKee, Jr., AO3091147.
William D. Munroe, AO3075101.
Giles M. Schanen, AO3089105.

To be first lieutenants, USAF (Dental)

Darwin L. Brendlinger, AO3088993.
Charles J. Cappetta, AO3090262.
Samuel R. Willis, AO3089028.

To be first lieutenants, USAF (Judge Advocate)

Ronald R. Austin, AO3102094.
Robert L. Bates, AO3060079.
Thomas P. Keenan, Jr., AO3060618.
James S. Okazaki, AO3060916.
Robert C. Ripple, AO3059955.
Loyd A. Shookman, AO3030555.

To be first lieutenants, USAF (Medical Service)

Harold L. Newman, AO3077282.
Nelson E. Wilder, AO2246197.

To be first lieutenants, USAF (Nurse)

Pauline V. Ellis, AN3044853.
Myrtle Y. Pounds, AN2243170.
Lois D. Richard, AN3089669.
Cathleen M. Walsh, AN2243496.

The following persons for appointment in the Regular Air Force in the grades indicated, under section 8284 of title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be first lieutenants

Norman B. Alter, AO3067856.
Arthur D. Anderson, AO3066072.
Melvin J. Anderson, AO3066387.
Charles E. Archie, AO3054757.
Lantz A. Balthazar, AO3066092.
John D. Bell, AO3070596.
Arthur J. Benjamin, AO3070364.
William I. Blanton, Jr., AO3056587.
Neil H. Bowles, AO3067898.
Alfred A. Breaud, Jr., AO3054317.
Donald E. Brown, AO3055527.
Raynova B. Burck, AO3056591.
Gaylord W. Clark, AO3056596.
Thomas S. Clark, Jr., AO3055579.
Otto F. Crumroy, Jr., AO3069535.
Richard W. Cullom, AO3056602.
Verla O. Eary, Jr., AO3054812.
Richard K. Ellingson, AO3069538.
Kenneth V. Gasior, AO3069891.
Charles W. Gentry, AO3056609.
Paul A. Hamrick, AO3054035.
James E. Haynes, Jr., AO3055445.
Heinrich F. Hogendorf, AO3059723.
Clifford M. Jackson, AO3069250.
Joseph Kohut, AO3066865.
William A. Laur, AO3056640.
Billy J. Lewis, AO3056641.
Robert G. Lippemeier, AO3071409.
Curtis R. Lynch, AO3054106.
Joseph G. Martin, AO3070506.
Roger E. Maves, AO3056648.
Jerry K. McCallister, AO3070043.
William F. McGovern, AO3054684.
Richard J. Miles, AO3066434.
Robert W. Morgan, AO3056653.
Lajuana J. Morton, AL3059762.
Jonathan Myer, AO3070569.
John D. Nail, Jr., AO3066288.
Gerald A. Newburger, AO3070116.
George R. Nicholas, AO3056657.
Ernest B. Paliszewski, AO3068821.
Randall D. Peat, AO3055669.
Kenneth W. Pichon, AO3067480.
Dale K. Polenske, AO3053944.
Harry E. Ragsdale, AO3067481.
Edward O. Rapp, AO3070988.
Roy H. Reiman, AO3069463.
Robert J. Revisky, AO3066290.
Kenneth J. Richards, AO3069735.
William L. Richards, AO3053945.
James A. Riggs, Jr., AO3070125.
Alan R. Schaertel, AO3070574.
William E. Schesser, AO3070344.
Robert F. Schram, AO3066340.
Thomas G. Seigler, AO3055017.
Benton E. Sheats, AO3066447.
William H. Simpson, AO3067492.
Jerrold F. Smith, AO3070959.
William A. Smith, AO3066294.
William L. Smith, AO3067495.
George R. Stewart, AO3067501.
James D. Thompson, AO3067512.
Gerald D. Walker, AO3071118.
Kenneth H. Wallace, AO3054075.
Richard A. Wehr, AO3066347.
Robert E. Welch, AO3071664.
Charles M. Williams, AO3068431.
Denzel G. Wilson, AO3012909.
George R. Wilson, AO3055884.
Walter T. Winkler, AO3067894.

To be second lieutenants

Distinguished Aviation Cadet Graduates

David L. Altic, AO3102406.
James F. Baird, AO3102931.
Charles H. Croninger, AO3103159.
Arthur W. Draut, Jr., AO3103116.
David L. Driscoll, AO3102938.
Joseph A. Galemmo, AO3103031.
Clifford J. Lanning, Jr., AO3103108.
William F. Needham, AO3103093.
Florian R. Neveu, AO3102959.
Stanley C. Pettersen, AO3103206.
Jennings K. Scarborough, Jr., AO3103156.
William E. Smith, AO3103125.
Merlin F. Stevens, AO3103158.
Francis E. Wood, AO3103167.

Distinguished Officer Candidate Graduates

Robert L. Haley, AO3101857.
William H. Hill, AO3101889.
David M. Sibbald, AO3101945.
Susan J. Thompson, AL3101917.
Samuel M. Ward, AO3101903.

Subject to medical qualification and subject to designation as distinguished military graduates, the following distinguished military students of the Air Force Reserve Officers' Training Corps for appointment in the Regular Air Force, in the grade of second lieutenant, under section 8284 of title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Donald N. Bersoff — Thomas H. Sheridan
Dale A. Doty — Robert J. Zapotocky
Edward L. Gieszelmann

The following-named cadets, U.S. Air Force Academy, for appointment in the Regular Air Force, in the grade of second lieutenant, effective upon their graduation, under the provisions of section 8284 of title 10, United States Code. Date of rank to be determined by the Secretary of the Air Force:

Derry Allan Adamson
James William Alexander
Norman Cope Alexander
Donald Henry Almanzar
Kenneth John Alnwick
Richard Conrad Ames
James Wilbur Anderson III
Fuller David Atkinson
Robert Errol Badger
Robert Louis Baker
Andrew William Biancur
Kenneth Hubert Biehle
James Anthony Bilello
William Stephen Bishop
Valmore William Bourque
John Frederick Boutz
Gregory Boyington, Jr.
Dean Leroy Bristow
Howard Franklin Bronson III
Harold Garfield Brost
John Paul Browning
John Stanley Brush
Michael George Buchen
James Henry Bujalski
Thomas Edward Burke
David William Burns
Anthony Joseph Burshnick
Peter Jacquet Burton
Alfred Kirkland Canterbury, Jr.
William Andrew Carnegie
James Richard Carter
Jerry Lewis Caskey
James Walker Clark, Jr.
Michael Anthony Clarke
Michael Jerome Clarke
Alfred Joseph Cler, Jr.
George M. Collier
Norman Buck Congdon
Garth Robert Cooke
Phillip Arthur Cooke
Gary Francis Crew
Bert Charles Croft
John Russell Currey, Jr.
William Robert Currier
Jerry Morris Daily
Robert Charles Davis
Jon Roby Day
Brian Alvin Deem
Ronald Deep
Gerard de la Cruz
Neil Phillip Delisanti

Billy Gene Delony
Charles Stewart Diver
Clemeunt Tranumn Douglass III
Richard Lee Doyle
Herbert Michael Eckweiler
George Emerson Elsea
Jerry Lance Farquhar
James Carl Fey
Robert Henry Fischer
Gordon Robert Flygare
Charles Stanley Folkart, Jr.
George Joseph Charles Fries
Ben Tadashi Furuta
Walter Leonidas Futch
Gerald Hunter Gammill
Charles David Georgi
John Crowe Giffen
William Allen Gillis
Jerry Lynn Girard
James Frederick Glaza
John Peter Gonsky
Wilfred Leon Goodson
William George Goodyear
Frank Wimberley Gorham, Jr.
Athos Eugene Guillot, Jr.
Gary Gunnar Gulbransen
Sydney Ellsworth Gurley
John Edward Gutzweiler, Jr.
Edward John Haerter
William Donald Hales
Norman Mehlhorn Haller
Denis Joseph Haney
Jasper Horace Hardison, Jr.
Charles Edgar Hart
Richard Glenn Head
Robert Harlan Heiges, Jr.
Joseph Leo Higgins
Richard Joel Hillman
George Hamilton Hines
Leslie Alden Hobgood
William Thomas Hodson III
James Nicholas Holly
Charles Andrew Holman, Jr.
Stephen Ray Holt
Edward Donald Hopkins
John Henry Huhn
Michael Lewis Hyde
John Robert Jansen
Daniel Keith Johnson
John Allen Johnson
Lawrence Merlin Johnson
William Roy Jolly
Karl McMaster Jones, Jr.
Tony McMackin Jones
Brian Grant Kaley
Gary Lyle Karschnick
Miles Alfred Kaspar, Jr.
Wayne Franklin Kendall, Jr.
James Alexander Kerr, Jr.
Harrison Edward King, Jr.
Richard Allyn Kingman
William John Kornitzer, Jr.
John David Kuenzel
David Erwin Lachelt
Thomas Ralph Lalime
Hardy Franklin Lebel
William Harold Leninger
Roger Charles Lent
Edward Watson Leonard, Jr.
George Thrower Lester
Arthur Joseph Lewis
Charles Franklin Liggett
John Michael Loh
Anthony Hugh Long
Michael Vickers Love
Clifton Cameron Lovell
David Barclay Luce
George Elliott Luck
John David Macartney
Russell Reed MacDonald, Jr.
Willard Richard Macfarlane
Jerry Lee Mason
Richard Thomas Mathews
Frank David Mayberry
Dale Quentin Mayo
Charles Milton McCain
Michael James McCall
Jon Wilton McClure
John Robert McCullough
Florian Philip Meinhardt
Richard Farrior Meyer, Jr.
Kerry Douglas Miller
Ralph Edward Miller
James Dale Mills
Leon F. Molinelli
James Edward Morton, Jr.
Bruce Morton Mosier
Richard James Mroela
Sidney Howard Newcomb
Robert James Newson, Jr.
Edmond Joseph Nogar, Jr.
Robert Paul Odenweller
Richard Dennis O'Keefe
James Clinton O'Rourke
William Reno Ouellette
Ronald Durward Patchett
John Franklin Peebles
James Earl Peel
Wayne Albert Peterson
Fred Howard Porter III
Lew Paxton Price
Hoyt Leroy Prindle, Jr.
George Samuel Pupich
Robert Gene Rager
Neal Taylor Reavely
David John Reed
Douglas Arland Rekenthaler
Martin Edwin Richert
Philip Francis Roberts
Peter Hobson Roe
Ronald Dwight Sandholzer
Charles Dudley Sands II
Robert Byron Sapp
Gordon Stanley Savage, Jr.
Richard Robert Schehr
John Albert Schira, Jr.
Thomas Walter Schlechte
Jock Charles Henry Schwank
Thomas Frederick Seebode
Richard Raymond Sexton
Gary Dean Sheets
Richard Bayley Shepard
Isham Creston Shields, Jr.
Lloyd Ellis Shier
William David Siebecker
Donald Edward Singer
John Thomas Smith
Patrick John Smith
Gerald Thomas Stack, Jr.
Donald Duane Stevens
Theodore Joseph Stumm
Paul Matthew Sullivan
Walter Campbell Sweeney III
David Lee Sweigart
William Wallace Taylor
Victor Ralph Thomas
James Howard Thomasson
Charles Hilary Thompson, Jr.
Dale Willard Thompson, Jr.
Aaron Dean Thrush
Donald Lee Thurman
Johnnie Floyd Townsend
Charles Warren Upton
Paul Joseph Vallerie
Earl Sumner Van Inwegen
Gary Lynn Van Singel
Dean Franklin Vikan
James Edward Waddle
Clark Miles Walker
Frederick Thomas Walker
Denis Leo Walsh
Christian Adam Warack
Donald Frank Ware
Charles Russell Waterman, Jr.
Samuel Edwin Waters, Jr.
Grant Reed Waugh
Robert Paul Weinaug
Kenneth Philip Werrell
Ernest Derieux Whaley, Jr.
Howard McLean Whitfield
Edwin Lewis Whitman
David Lewis Wiest
Donald Lee Wolfswinkel
Ronald Wilburn Yates
Victor Emmett Yoakum
William Frederick Hugo Zersen
Alex Drewe Zimmerman

The following-named cadets, U.S. Military Academy, for appointment in the Regular Air Force, in the grade of second lieutenant, effective upon their graduation, under the provisions of section 8284 of title 10, United States Code. Date of rank to be determined by the Secretary of the Air Force:

Herbert William Barnett
Larry Albert Bauermeister
John Christian Birkholz, Jr.
William Martin Breit
Jimmy Donald Carver
Frank Louis Cloutier
Craig Goldsbrough Colter
Charles Ray Coon
James Maurice Crabbe
John Kneeland Davidson
Glenn Edwin Dawson
James Howard De Ment, Jr.
Robert Gene Drennan
John Vincent Ello
Lee Alexander Farmelo
Henry Bishop Fisher, Jr.
Lawrence Nelson Geist
Ralph Fred Gerens
Warren Henry Glenn
Karl Trueheart Gould II
John Francis Hargrove
Melvin Blair Hayes
Calvin Robert Johnson
Lyle Thomas Jones
Robert Lavern Keen
John Patrick Kirby, Jr.
George Wayne Kramer
Henry Dillon Lambert
John Anthony Lopiano
Henry Lewis Meloan
William Alvin Myers
Keith James Nance
Patrick James O'Donnell
Edward Allen Osborne, Jr.
Joseph Michael Robinson
Jay Hilyard Rodman
Garrett Ross Sampson
Robert Neal Schannep
Kenneth Ellsworth Sindora
James Richard Smith
John Cecil Stanley
Larry Duane Struck
Davis Stevens Tarr
Donald James Usry
Duncan Wilmore
Cyrus Clarke Wilson
John Evon Young

The following-named midshipmen, U.S. Naval Academy, for appointment in the Regular Air Force, in the grade of second lieutenant, effective upon their graduation, under the provisions of section 8284 of title 10, United States Code. Date of rank to be determined by the Secretary of the Air Force:

Alan Buford Adler
Carl Joseph Aglio
Thomas Berry Albershart
James Michael Alford
Gary Carl Bagnard
John Peter Bevans
George Michael Bezek
John Edward Blum
Richard Leroy Brown, Jr.
Raymond Thomas Burkley
Robert Anthony Byrne
William Eldridge Cartwright, Jr.
Charles Vernon Collins
John Paul Cotis
Walter Lee Daudel
Francis Xavier Delano
Charles Samuel Della Peruta
Thomas Edmund Doherty
George Washington Dowell III
Anthony James Dunne
Henry Patrick Egan, Jr.
William Eugene Ellington, Jr.
William Roy Fannemel
Francis Van Rensselaer Ganss
Thomas Charles Glew
Robert Daniel Hastings
Marshall Lee Heard
Alfred Charles Holden, Jr.
Daniel Henri Jean
Charles David Jenkins
Norman Lewis Jones
Salim Joseph Kanakry
Walter Ray Land
Hal Phillip Lansing

Anthony John Lanzetta
Axel Martin Larsen, Jr.
Joseph Francis Law
Joseph Crumpler Maiolo
Paul Mankowich
James Gateley Maxfield, Jr.
Thomas McCarthy
Calvin Richard McConnell
Dennie Lockhart McCrary
William Justin Mitchell
Donald Allan Mollicone
David Eugene Mullen
Harold Dean Neeley
Melvin Anthony Nosal
John Ernest Carl Paepcke
Donald Arthur Peasley
Daniel Fred Reid
John Joseph Reilly
Kevin Thomas Ryan
John William Sammon, Jr.
David John Schnegelberger
Clifford Francis Schumann
Lee Charles Seligman
Freeman Robert Shaw, Jr.
James Edward Sweeney
Robert Alan Ulrich
Edward Wayne Vinje
Charles Dennis Volzer
David Crow Williams
Richard Lloyd Wolf
David Jeremiah Young
Salvatore Albert Zaccagnino

HOUSE OF REPRESENTATIVES

MONDAY, APRIL 11, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Psalm 72: 17: *His name shall endure forever; and men shall be blessed in Him; all nations shall call Him blessed.*

Almighty God, who art the Supreme Ruler of the Universe, we have entered humbly and reverently upon Holy Week, commemorating days in the life of our Saviour, whose solemn and sacred meaning our finite minds can only faintly comprehend.

We thank Thee for Palm Sunday when the King of Kings, who wore no crown, carried no scepter or sword, and displayed none of the emblems of temporal authority, but having in His heart the spirit of sacrificial love, went forth on His glorious mission of releasing the hidden splendor of humanity, emancipating it from everything that defiles the life of man and mars the image of God in which we have been created.

Grant that we may continue His triumphal march and mission, having in our own hearts that same spirit of love and in our hands the palm branches of peace and good will, striving for that blessed day when all mankind shall accept his regal claims and be inspired to build a nobler civilization.

Hear us through the merits and mediation of our Saviour. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, April 7, 1960, was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Ratchford, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On April 4, 1960:

H.R. 24. An act to provide that certain real property of the United States situated in the State of Nevada shall be held in trust for members of the Fort McDermitt Paiute and Shoshone Tribe of Indians of the Fort McDermitt Indian Reservation, Nev.;

H.R. 4483. An act to amend the act of December 24, 1942 (56 Stat. 1086, 43 U.S.C., 360), entitled "An act to authorize the Secretary of the Interior to acquire lands or interest in lands for the Geological Survey";

H.R. 5270. An act to authorize the Secretary of the Interior to convey to the Metropolitan Water District of Salt Lake City, Utah, all right, title, and interest of the United States in certain lands located in Salt Lake County, Utah;

H.R. 5301. An act for the relief of Harry E. Nelson;

H.R. 5887. An act to amend the Tariff Act of 1930 to place ground, powdered, or granulated seaweeds on the free list;

H.R. 6136. An act to authorize the sale of certain tribal land of the Lac du Flambeau Band of Lake Superior Chippewa Indians, Wis.;

H.R. 6516. An act to approve a contract with the Conejos Water Conservancy District, Colorado, to ratify its execution, and for other purposes;

H.R. 7037. An act for the relief of Carl J. Fisher, captain, U.S. Army, retired;

H.R. 7116. An act for the relief of George W. Gibson;

H.R. 7447. An act for the relief of Paul Levitt;

H.R. 7456. An act to extend until July 1, 1960, the suspension of duty on imports of casein;

H.R. 8801. An act for the relief of the Maco Warehouse Co., and

H.R. 7889 An act to require marketing quotas for rice when the total supply exceeds the normal supply.

On April 5, 1960:

H.R. 1540. An act for the relief of the estate of John Steve;

H.R. 6948. An act for the relief of Miss Marion A. Cramer; and

H.R. 9599. An act to provide transportation on Canadian vessels between ports in southeastern Alaska, and between Hyder, Alaska, and other points in southeastern Alaska, and between Hyder, Alaska, and other points in the United States outside Alaska, either directly or via a foreign port, or for any part of the transportation.

On April 8, 1960:

H.R. 2164. An act to reduce the cabaret tax from 20 percent to 10 percent;

H.R. 2740. An act to amend section 2734 of title 10, United States Code, to extend the statute of limitations in the case of certain foreign claims;

H.R. 2849. An act for the relief of Oscar A. LaBranche;

H.R. 4586. An act to amend section 4021 of the Internal Revenue Code of 1954;

H.R. 6027. An act for the relief of Joseph J. O'Loughlin;

H.R. 6132. An act relating to the rate of tax on the issuance of shares or certificates of stock by regulated investment companies;

H.R. 6402. An act for the relief of Victor Stigic;

H.R. 6885. An act for the relief of Neal E. Andersen;

H.R. 7079. An act for the relief of Don L. Herring;

H.R. 7365. An act for the relief of Mrs. Nell C. Player;

H.R. 7636. An act for the relief of Mrs. Viola H. Rooks;

H.R. 8106. An act to provide for the relief of certain members and former members of the Department of the Navy for the expenses of temporary storage of household effects;

H.R. 8318. An act to amend the Internal Revenue Code of 1954 to exempt bicycle tires and tubes used in the manufacture or production of new bicycles from the manufacturers excise tax on tires and tubes; and

H.R. 10233. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes.

On April 9, 1960:

H.R. 4874. An act to amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty;

H.R. 6329. An act to convey certain land in McKinley County, N. Mex., to the Navajo tribe of Indians;

H.R. 8251. An act for the relief of Tatsumi Ajisaka and others;

H.R. 8343. An act relating to the preservation of acreage allotments on land from which the owner is displaced by reason of the acquisition thereof by a Government agency in the exercise of the right of eminent domain;

H.R. 9444. An act for the relief of Hsiao-li Lindsay (nee Li-Hsiao-li); and

H.J. Res. 283. Joint resolution to authorize participation by the United States in parliamentary conferences with Mexico.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 8601. An act to enforce constitutional rights, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 684. An act for the relief of Gerald Degnan, William C. Williams, Harry Eakon, Jacob Beebe, Thorvald Ohnstad, Evan S. Henry, Henry Pitmatalik, D. LeRoy Kotila, Bernard Rock, Bud J. Carlson, Charles F. Curtis, and A. N. Dake; and

S. 2434. An act to revise the boundaries and change the name of the Fort Laramie National Monument, Wyo., and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10743) entitled "An act making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 4, 8, 15, 19, and 40 to the above-entitled bill.

SUPPLEMENTAL APPROPRIATIONS, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, FISCAL YEAR 1960

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 621) making supplemental appropriations for the National Aeronautics and Space Administration for the fiscal year ending June 30, 1960, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, lines 4 and 5, strike out "for the National Aeronautics and Space Administration."

Page 1, after line 6, insert:

"LEGISLATIVE BRANCH

"Senate

"Contingent expenses of the Senate

"Joint Committee on Atomic Energy

"For an additional amount for 'Joint Committee on Atomic Energy,' $79,000."

Page 1, after line 6, insert:

"Independent offices

Amend the title so as to read: "Joint resolution making additional supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

EXCLUSION OF CERTAIN AMOUNTS FROM GROSS INCOME

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 135) to amend the Internal Revenue Code of 1954 to exclude from gross income amounts paid by the United States to certain nonresident alien employees or their beneficiaries, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 3, line 4, strike out "1958" and insert "1959."

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, as Members will recall, this bill deals with the taxation of civil service annuities received by nonresident aliens. The people affected by this bill are nonresident alien individuals not engaged in a trade or business within the United States.

The House bill, which the Treasury Department favored, and which passed the House unanimously last session, applied to taxable years beginning after December 31, 1958.

The Senate amendment merely changes the effective date to taxable years beginning after December 31, 1959.

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BYRNES of Wisconsin. Mr. Speaker, the House-passed version of H.R. 135 would have excluded from U.S. tax for nonresident alien individuals the portion of amounts paid to them by the United States under existing law with respect to civil service annuities and other retirement benefits for services performed abroad as employees of the United States. Such individuals are exempt from U.S. tax on their earned income and this legislation would accord similar tax treatment with respect to their pension income.

As passed by the House the legislation would have been effective for taxable years beginning on or after January 1, 1959. Because of the passage of time since the House acted on this bill the Senate has approved an amendment so that the effective date will be taxable years beginning on or after January 1, 1960. The Treasury Department and the Civil Service Commission are in accord with the objectives of this legislation.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

NARCOTIC DRUGS

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 529) to discharge more effectively obligations of the United States under certain conventions and protocols relating to the institution of controls over the manufacture of narcotic drugs, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 14, after line 11 insert:

"(d) The amendment to subsection (g) of section 4731 of the Internal Revenue Code of 1954 made by subsection (b) of this section, shall not affect any proceeding commenced before such amendment, but such proceeding shall be continued to final disposition as if the amendment had not been made."

Page 20, line 6, strike out "1960" and insert "1961".

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, the bill, H.R. 529, is designed to give full effect to treaty obligations of the United States to limit exclusively to medical and scientific purposes the manufacture of narcotic drugs and to require that such manufacture be restricted to persons and premises that have been licensed for the purpose. It also brings the laws dealing with narcotic exports into conformity with current treaty obligations and it permits import and export of certain narcotic drugs for scientific research. One Senate amendment changes the effective date from January 1, 1960, to January 1, 1961. The other amendment made by the Senate also deals with an effective date problem. It provides that for certain legal procedures already undertaken the existing law will continue to apply until the particular action is disposed of.

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BYRNES of Wisconsin. Mr. Speaker, the House passed version of H.R. 529 pertained to the performance by the United States of undertakings prescribed in treaty obligations affecting narcotic drugs so as to limit their manufacture exclusively to medical and scientific purposes. The legislation would require that such manufacture be restricted to persons and premises that have been licensed for that purpose.

The Senate has amended the House passed bill so as to adjust certain effective dates. The Senate amendments are consistent with the House objectives and it is appropriate that the House should concur in those Senate amendments.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES—TREATMENT OF ACCRUED ANNUAL LEAVE

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3472) to repeal section 1505 of the Social Security Act so that in determining eligibility of Federal employees for unemployment compensation their accrued annual leave shall be treated in accordance with State laws, and for other purposes, with Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

After line 10, insert:

"SEC. 3. Section 213(a)2(B) of the Social Security Act is amended by adding at the end thereof the following language: 'If, in the case of an individual who did not die prior to January 1, 1955, and who attained retirement age or died before July 1, 1957, the requirements for insured status in section 214(a)(3) are not met because of his having too few quarters of coverage but would be met if his quarters of coverage

in the first calendar year in which he had any covered employment had been determined on the basis of the period during which wages were earned rather than on the basis of the period during which wages were paid (any such wages paid that are reallocated on an earned basis shall not be used in determining quarters of coverage for subsequent calender years), then upon application filed by the individual or his survivors and satisfactory proof of his record of wages earned being furnished by such individual or his survivors, the quarters of coverage in such calendar year may be determined on the basis of the periods during which wages were earned.'

"This amendment shall be applicable in the case of monthly benefits under title II of the Social Security Act for months after June 1957, and in the case of the lump-sum death payments under such title, with respect to deaths occurring after such month; the requirements for filing applications for such benefits and payments within certain time limits, as prescribed in section 202(i) and 202(j) of such title, shall not apply if an application is filed within the one-year period beginning with the first day of the month after the month in which this Act is enacted."

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, this bill deals with eligibility of Federal civilian employees for unemployment compensation during periods after separation covered by accrued annual leave. Present law prohibits payment of unemployment compensation benefits during this period. The bill removes this prohibition and leaves the matter to the unemployment compensation laws of the States. Some State laws recognize that these two payments are made for different reasons and, therefore, permit employment benefits to be paid during the period after dismissal covered by accrued annual leave.

The Senate amendment amends the coverage provisions of the Social Security Act. In general an individual has OASI coverage if he receives wages in covered employment for 6 quarters immediately prior to retirement. The amendment extends coverage to certain individuals who would have received coverage under this provision except that the actual receipt of wages happened to fall entirely into 5 quarters while the employment itself was spread over 6 quarters. The amendment is limited in application to certain individuals who attained retirement age before January 1, 1957.

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BYRNES of Wisconsin. Mr. Speaker, H.R. 3472 as approved by the House of Representatives last year provided that in determining eligibility of Federal employees for unemployment compensation their accrued annual leave would be treated in accordance with State law.

The Senate in acting on this legislation added a meritorious amendment which was designed to correct an undue hardship resulting from a technical provision of title II of the Social Security Act. Under existing law in determining eligibility for OASI benefits a quarter of coverage is based on the quarter in which wages are paid. This Senate amendment would make it clear that with respect to qualification for social security benefits the mere fact that wages are paid a few days after the quarter of actual employment will not keep that quarter from being taken into account in determining eligibility. This Senate amendment was concurred in by the Department of Health, Education, and Welfare, and it is appropriate that the House has just acted to accept the Senate amendment.

INCOME TAX FOR CERTAIN NONPROFIT ORGANIZATIONS ORGANIZED AFTER AUGUST 31, 1951, AND BEFORE SEPTEMBER 1, 1957

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6155) to amend the Internal Revenue Code of 1954 to exempt from taxation certain nonprofit corporations or associations organized after August 31, 1951, with Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Line 8, strike out "1958" and insert "1959".

The SPEAKER. Is there objection to the request of the gentleman from Arkansas [Mr. MILLS]?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, this bill which was unanimously passed by the House provided tax exemption for certain mutual nonprofit organizations operating to provide reserves and insurance for building and loan associations, cooperative banks, or mutual savings banks. Such organizations are presently exempt from tax if organized before September 1, 1951. The House bill changed this qualifying date for organization to September 1, 1957.

The Senate amendment merely provided that the bill would be applicable to taxable years beginning in 1960 rather than in 1959 as would have been provided under the House bill.

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BYRNES of Wisconsin. Mr. Speaker, H.R. 6155 as it passed the House provided exemption for a corporation or association of the type described in section 501(c)(14) of the Internal Revenue Code if it was organized prior to September 1, 1957. The effective date of the House-passed version would have made the change applicable to taxable years beginning after September 30, 1958. The Senate has changed the effective date so as to make the provision applicable to taxable years beginning after December 31, 1959. It is appropriate for the House to have concurred in this Senate amendment.

TAX ON CERTAIN LAMINATED TIRES

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6785) to amend section 4071 of the Internal Revenue Code of 1954 so as to fix a tax of 1 cent per pound of certain laminated tires produced from used tires, with Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Page 2, line 11, strike out "(4)" and insert "(3)".

The SPEAKER. Is there objection to the request of the gentleman from Arkansas [Mr. MILLS]?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, this bill as unanimously passed by the House provided a tax of 1 cent per pound on certain laminated tires produced from used tires. These tires are solid rubber taken from used highway tires and are intended for off-highway use. The regular tire tax of 5 cents a pound for off-highway vehicles produces an unrealistic burden. The bill reduces this rate to 1 cent a pound for laminated tires.

The Senate amendment simply corrects a typographical error in the referred print of the bill, and makes no substantive change.

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BYRNES of Wisconsin. Mr. Speaker, present law imposes a tax of 8 cents a pound in the case of tires for highway vehicles and a tax of 5 cents a pound in the case of other tires. The tax is imposed on the rubber content of the tire. It was demonstrated that existing law imposes a particular hardship on a relatively recent development in a tire product known as laminated tires. Therefore, last year the House approved a bill to correct this hardship by providing a tax of 1 cent a pound in the case of the sale of laminated tires not of the type used on highway vehicles where the tire consisted wholly of scrap rubber. The Senate has amended this bill so as to correct a typographical error, and it is appropriate of course that the House should concur in this clerical amendment.

TREATMENT OF COPYRIGHT ROYALTIES FOR PURPOSES OF PERSONAL HOLDING COMPANY TAX.

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7588) to amend the Internal Revenue Code of 1954 with respect to the treatment of copyright royalties for purposes of the personal holding company tax, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 3, line 14, after "544." insert: "This paragraph shall not apply to compensation which is rent within the meaning of paragraph (7), determined without regard to the requirement that rents constitute 50 percent or more of the gross income."

Page 5, line 17, strike out "1958" and insert "1959".

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, this bill, as passed by the House, was designed to prevent the application of the personal holding company tax to income from copyright royalties to certain companies. The problem arose on the fact that music publishing companies presently get most of their income from royalties on record sales where previously the principal income came from sheet music sales. Despite the fact that the income is technically in the form of royalties, the bill prevents it from being personal holding company income where the income arises in substance from the active conduct of a business. The Senate made two amendments. One was to change the effective date from 1959 to 1960. The other amendment was designed to prevent a possible unintended effect of the House bill as treating certain motion picture and TV film and tape rentals as personal holding company income.

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BYRNES of Wisconsin. Mr. Speaker, H.R. 7588 as passed by the House was designed to prevent the personal holding company tax from applying to operating income in the music publishing industry. This is accomplished in the bill by excluding copyright royalties from the definition of personal holding company income under certain prescribed circumstances.

The Senate amended the House-passed bill to make it clear that copyright royalties do not include income from the leasing of motion picture films which have been held under existing law to be rents and not royalties. The Senate also amended the legislation so as to make the change applicable to taxable years beginning after December 31, 1959.

Mr. Speaker, it is appropriate that the House should concur in the Senate amendments.

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 376)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Public Works and ordered to be printed with illustrations:

To the Congress of the United States:

Pursuant to the provisions of section 10 of Public Law 358, 83d Congress, I transmit herewith for the information of the Congress the report of the St. Lawrence Seaway Development Corporation, covering its activities for the year ended December 31, 1959.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *April 11, 1960.*

OFFICE OF THE MAJORITY LEADER

Mr. McCORMACK. Mr Speaker, I offer a resolution, House Resolution 500, and ask unanimous consent for its present consideration.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the resolution, as follows:

Resolved, That, effective April 1, 1960, there shall be allocated from the contingent fund of the House, until otherwise provided by law, for personal services in the office of the majority floor leader of the House, an additional basic sum of $1,500 per annum.

The resolution was agreed to.

A motion to reconsider was laid on the table.

WILLIAM J. KAISER—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 374)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return herewith, without my approval, H.R. 6023, a bill for the relief of William J. Kaiser.

The bill would relieve Mr. Kaiser of all liability to refund to the United States amounts improperly paid to him as sickness and unemployment benefits under the Railroad Unemployment Insurance Act while he was also receiving a pension as a retired member of the New York City Fire Department. The bill would further direct the Railroad Retirement Board to repay to Mr. Kaiser from the railroad unemployment insurance account of the unemployment trust fund the amounts already recovered from him.

The Railroad Unemployment Insurance Act itself provides that the Railroad Retirement Board may extend equitable or compassionate relief in appropriate cases of overpayment when the Board finds recovery would be against equity or good conscience. This the Board did not do and there is no evidence available to me that indicates the Board's decision to have been erroneous.

The payments which the bill would require are not authorized by general law. More importantly, the money for the payments would have to come from a trust fund. The beneficiary has no valid claim to this money and its payment would constitute a discriminatory gift from funds which the Government holds in trust for railroad employees.

For these reasons, and because the bill would create an undesirable precedent, I am constrained to withhold my approval.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *April 11, 1960.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Without objection, the bill and message will be referred to the Committee on the Judiciary and ordered to be printed.

There was no objection.

MRS. VIRGINIA BOND—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 375)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith, without my approval, H.R. 7933, "For the relief of Mrs. Virginia Bond."

The $1,582.89 of death pension benefits authorized by this bill are for the period between Mrs. Bond's husband's death on June 29, 1957, and May 13, 1959, the effective date of the pension Mrs. Bond currently receives. The benefits provided by H.R. 7933 are retroactive and may not be paid under existing legislation. Such an exception to general law should be made only to correct a serious inequity or in other unusually meritorious circumstances. I find no such basis for approving this bill.

Mrs. Bond on July 11, 1957, filed a claim for death pension benefits with the Veterans' Administration. Had this claim been allowed Mrs. Bond's pension, because applied for within a year of her husband's death, would have been retroactive to the date of her husband's death. Her claim was denied, however, because it was determined that her husband's death was not due to his service—nor was the evidence in support of the claim sufficient to entitle Mrs. Bond to a non-service-connected death pension. This denial was affirmed on appeal.

On May 13, 1959, Mrs. Bond filed a second claim with new evidence and on the basis thereof she was awarded the death pension she is now receiving. The law, however, specifically requires that such a second claim be treated as a new claim. The effective date of the award, therefore, was the date of the second claim because it had been filed more than 1 year after the death of Mr. Bond.

This history affords no valid justification for the special relief the bill would accord. The language of the law requiring that second claims be treated as new claims is clear and unmistakable. Furthermore, the insufficiency of the evidence in support of the first claim is attributable to Mrs. Bond, not to the Government.

Because the bill would discriminate against others similarly situated and would create an undesirable precedent, I am constrained to withhold my approval.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *April 11, 1960.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Without objection, the bill and message will be referred to the Committee on the Judiciary and ordered to be printed.

There was no objection.

THE CHERRY BLOSSOM FESTIVAL

Mr. WHITENER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Speaker, the Cherry Blossom Festival held each year here in Washington is an outstanding event which brings to the Nation's Capital, people from every section of our country. I have always looked forward to the festivals for they give me an opportunity to greet many of my constituents who are making their first visit to Washington.

This year I had more than a usual interest in the Cherry Blossom Festival. Several weeks ago I was pleased to receive the news from festival officials that the 87-member Cherryville, N.C., High School Band had been selected to attend the festival and take part in the band concert and march in the parade. I was delighted to receive the news in that I had called to the attention of the Washington Board of Trade this outstanding band.

The band is considered one of the superior high school bands in the United States and is under the able direction of Mr. C. Ravon Smith, of Cherryville, N.C. I was not surprised when I learned last week that the band on its way to Washington had won a superior rating at Greensboro, N.C., in the North Carolina high school band contest.

Last Thursday the band took part in the Cherry Blossom Festival concert contest. The members of the band performed in their usual magnificent manner, and, as a result, won first place in the contest. A beautiful 20-inch gold trophy was awarded to the band by festival officials in recognition of its splendid performance.

Mr. Speaker, I am very proud of the wonderful record that has been made in the Nation's Capital by the Cherryville High School Band. The boys and girls in the band have brought honor and recognition to their home community. I know that their parents and the many people and business firms who made their trip to Washington possible share my pride in their achievement.

I congratulate the band for a superior performance, and commend the people who gave my young constituents the opportunity to come to Washington.

ADEQUATE HEALTH INSURANCE FOR PEOPLE OVER 65

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Mr. Speaker, I notice that this morning the President of the United States left for a golfing vacation. I am also happy to note that he has been given a special putter, guaranteed to cut two strokes off his score, by one of our distinguished colleagues in the House. It is my hope that this putter will enable the President of the United States to complete his golf game a little earlier and finish his vacation a little sooner and come back to Washington and devote himself to just one of the many pressing issues facing the United States. I refer to the problem of providing hospitalization insurance to the people of the 65 and over age group. I would urge that he listen to some of the remarks that his Secretary of Health, Education, and Welfare made on the inadequacy of existing private prepaid medical insurance plans to meet the needs of the aged for some kind of adequate medical care. I would commend to his sincere attention the provisions of the Forand bill, which will meet this need.

The SPEAKER. The time of the gentleman from Michigan has expired.

HON. JOHN E. FOGARTY

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BOLAND. Mr. Speaker, this Chamber can rejoice in the decision of our beloved colleague, Congressman JOHN E. FOGARTY, of Rhode Island, that he will seek reelection to the House of Representatives.

The opportunity to move to the Senate came with the announcement many weeks ago that the distinguished senior Senator from Rhode Island, THEODORE FRANCIS GREEN, would not be a candidate to succeed himself. Anyone familiar with politics knows that this kind of a statement usually stirs a State with a rash of candidacies for the senatorial vacancy. But, Mr. Speaker, this was not the case within the Democratic Party in Rhode Island. There were no announcements. It was generally assumed that Congressman FOGARTY would declare for the Senate. The field was clear and open to him alone. This, in and of itself, was a magnificent tribute by the Democratic Party to JOHN FOGARTY. The nomination was his for the asking and it was generally conceded that he would be overwhelmingly elected.

Mr. Speaker, last Saturday afternoon, Congressman FOGARTY took himself out of the Senate race. Knowing him as well as we do, we know that he reached this decision after a long, thorough, painstaking review. It was not an easy thing to do. For, how often, Mr. Speaker, does one reach this kind of an impasse in life? The opportunity to serve in the Senate of the United States comes to few men and few men would pass it by. What motivated his conclusion?

It could not be better stated than in his own words:

> In considering whether or not to become a candidate for the U.S. Senate, I am not insensitive to the honor that position would confer upon me. I believe, however, that in making a decision such as this, personal considerations must be put to one side. I must consider first how I can best serve all of the people of the State and Nation.

So, Mr. Speaker, it was these impersonal considerations that prompted his declaration. And this is typical of him.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and announce that I will seek further time to expand on Congressman FOGARTY's record and his welcome intention to come back to this great body.

DISPLAY OF AMERICAN FLAG OVER U.S. EMBASSIES

Mr. JOHANSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. JOHANSEN. Mr. Speaker, the State Department took a firm stand this past week.

It upheld the right of our diplomatic representatives abroad to defend our flag by keeping it in hiding—except on special occasions.

Specifically, the State Department notified the House Committee on Foreign Affairs that it does not favor enactment of my House Joint Resolution 599 making mandatory regular display of the U.S. flag on our diplomatic establishments abroad.

I introduced this resolution in February after I learned that the U.S. Ambassador to Panama has curtailed display of our flag on the Embassy in Panama City ever since desecration of our flag by a Panamanian mob.

Following the usual legislative procedure, my bill was sent to the State Department for comments. Here is the key paragraph in the reply of Assistant Secretary of State William B. Macomber, Jr., sent to Chairman THOMAS E. MORGAN this week:

> The Department believes that the chief of mission should have discretion regarding display of the flag to conform with local custom or with local situations as they arise. In several countries it is customary among all accredited diplomatic missions to display the flag only on national days of the host country, on national days of the country represented, or other special occasions. It is believed that the chief of mission is in the proper position to judge whether failure to comply with such customs is inimical to the interests of the United States and should have authority to conform should he deem it advisable.

Stripped of its verbiage, this means that the State Department wants to retain authority to practice appeasement by curtailing and restricting display of our flag whenever it sees fit to do so.

That is the real significance of the phrase:

> The chief of mission should have discretion regarding display of the flag to conform with * * * local situations as they arise.

I have notified the State Department that I am completely dissatisfied with the position it has taken and I have requested the chairman of the House Foreign Affairs Committee to hold hearings on my resolution.

Just as our flag is the symbol of our national authority and sovereignty, the curtailment or restriction of display of the flag over our extraterritorial diplomatic establishments abroad is a symbol and symptom of weakness, appeasement, and loss of national self-respect.

That is why I am so insistent on making an issue of what has happened in Panama and, quite possibly, elsewhere throughout the world.

I am sure you cannot legislate iron in the spine where there is so obvious a deficiency.

But it is just possible that an informed and aroused public sentiment could bring some changes in policy and personnel even in so sacrosanct an agency of our Government as the State Department.

PROPOSED COMPROMISE ON TERRITORIAL SEA LIMIT IS GIVE-AWAY

Mr. PELLY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. PELLY. Mr. Speaker, some 88 nations are meeting in Geneva to discuss a change in the traditional 3-mile limit.

The U.S. delegation has joined in a compromise proposal with Canada. George A. Drew, of Canada, says that the compromise involves sacrifices for all.

The United States would give up its historic and legal rights to fish outside Canada's 3-mile limit except that for 10 years we could fish in the 6-mile zone outside a new 6-mile limit.

Canada would gain an immediate exclusive right to fish from the present 3-mile limit to a new 6-mile limit. After 10 years this would be extended to include an additional exclusive fishing right in a 6-mile zone beyond the new 6-mile limit.

What a sacrifice. Canada gives up nothing and gains everything.

The United States gains nothing and gives up everything.

If this giveaway is adopted, Mr. Speaker, I hope Congress will put a perpetual embargo on fish caught in this fishery where our rights are in process of being bargained away.

What a sacrifice poor Canada is making. She would gain exclusive sovereignty to our fishing grounds and then sell us back our own fish.

COMMITTEE ON GOVERNMENT OPERATIONS

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN of Michigan. Mr. Speaker, I do not know whether I speak on behalf of the Michigan delegation, but I assume that I do not, for Michigan Republicans are an independent group, each intent on his own work, and each, at heart, an individualist, but all desirous of reelection, and convinced that he can be of value to the country, and perhaps to the party as well. Each willing to do battle with the common enemy while it may be taking on some of his Republican colleagues. If the gentleman from Bay City, Mr. CEDERBERG, our Michigan whip, will remain here, he can correct me if I am wrong in my statement.

Permit me to congratulate the gentleman from Detroit, Mr. DINGELL, for expressing his pleasure that someone had given the President a gadget which may enable him to get through with his vacation a little quicker and so get back on the job. The President is on the job as has been no other since President Hoover. F.D.R. and Sinless Harry certainly attended to their party duties as distinguished from the Presidential duties far better than does Ike, and the harder they worked, the less the benefit to the country.

I hope my colleagues from Michigan, and most of them seem to be present, will join me in making a request of the chairman of the Committee on Government Operations who just last month got $400,000 in addition to the $640,000 he had last year, for impartial investigations when investigations are held. Two of the subcommittees of that committee, in my opinion, are using some of this money for what appear to be political purposes. One of them is writing the President trying to find out what he is doing.

If the gentleman from Michigan [Mr. DINGELL], who seems to be worried about the President's golf, will exert a little influence on that particular subcommittee and let the President alone, the President might have time to attend to some of these jobs which the gentleman from Michigan thinks the President may be neglecting.

The gentleman from Michigan [Mr. DINGELL] apparently is worrying about the President's golf and the few hours of relief he may get from official duties—if he gets any, when he is not sleeping.

It seems to me that the minority members of the committee ought to know the names of the majority staff—but to this moment, I have not been able to get them, or to learn how many we have.

The Committee on Government Operations, which has unknown number of employees in addition to the ten authorized by the Reorganization Act, has at least two subcommittees which are continually making trouble for the departments.

It is undoubtedly true that there is, and will be as long as we have a government, because of its size, instances where there is inefficiency, waste, extravagance, and worse, malfeasance and criminality, always with us.

It is equally true that it is commendatory as well as the duty of the Congress and its committees, to attempt to minimize, and, if possible end, the wrongdoing. But the fact that evil exists is no excuse for mere harassment of the Executive departments for the sake of harassment.

There should always be an effort to correct, and, once again, let me refer to "The Enemy Within," by the very brilliant young man, Robert Kennedy, where, in chapter 14, beginning on page 300, he attempts to set forth the old, old formula and pattern for congressional hearings. It is regrettable that he did not follow through on his own advice in the committee hearings where

he was chief counsel. Too bad the boy fouled off, apparently because the scent was strong on a course which, if he followed it, would expose Reuther and the UAW.

Apparently, some of our Democratic friends will never forgive the people for electing a Republican President and an executive department, the heads of which do not, each morning, call a congressional committee chairman or subcommittee chairman, ask for the day's program and, as the sun sets in the west, call upon some Congressman, preferably a Democrat, to tell the heads of these departments when to go to bed, whether to sleep on his back, side, or face, what time to again get up in the morning, and call for a chart as to how to conduct the office to which they have been elected or appointed.

Why not, may I ask my dear Democratic friends, why not let the administration go ahead, stumble over its own feet if it so desires; then submit the issue to the people at election?

THE HONORABLE CLARENCE CANNON

Mr. JONES of Missouri. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. JONES of Missouri. Mr. Speaker, I am taking this opportunity to remind the Members of the House that today is the birthday of one of the most distinguished Members of this body, a man who came to Washington more than 49 years ago, and who since has been associated with the House of Representatives in many capacities, including that as a Member of this body since March 4, 1923.

I am referring, of course, to the Honorable CLARENCE CANNON, to whom I would like to extend felicitations on his birthday, and I am sure I am joined by every Member of the House in the wish that he may continue to serve his district, his State, and his Nation for many more years.

When the distinguished chairman of the Appropriations Committee came to Washington in 1911, as a temporary clerk in the office of the late Speaker Champ Clark, his plans were to stay here 6 weeks, but the weeks extended to months and the months to years, and somewhere along the way our friend and colleague evidently decided to make a career of this business. And what a career he did carve for himself, one that is without parallel and which I believe most of us will readily agree will never be equaled.

From a temporary clerk, he became the confidential secretary of Speaker Clark and later served as journal clerk of the House, in which capacity he instituted some practices which are followed to this day.

At the outbreak of World War I, when the son of Speaker Clark—the late Senator Bennett Champ Clark—entered the service, it was CLARENCE CANNON who succeeded him as Parliamentarian of the House, a post in which he served faithfully and well under both Democratic and Republican administrations during the 64th, 65th, and 66th Congresses. Following the death of Speaker Clark, CLARENCE CANNON, without opposition in the Democratic primary, was elected to the 68th Congress and has been returned at each election since, usually without opposition in either the primary or general elections.

For me to attempt to elaborate on the many honors which have been bestowed upon him during the time he has served here so faithfully and so well, and to attempt to point out the many services he has rendered his district, State, and Nation would be like attempting to "gild the lily," so in closing may I just say that on this 11th day of April we salute a great guy, and pray that God, in His infinite wisdom, may preserve and keep this great American and his wonderful helpmate, "Miss Ida," for many years, that we all may continue to enjoy his friendship and wise counsel which grows increasingly valuable with the years.

Mr. TABER. Mr. Speaker, I wish to join the gentleman from Missouri [Mr. JONES] in felicitating the gentleman from Missouri [Mr. CANNON] on his birthday. He has been doing a remarkable job this year, as he has over a number of years past, in trying to keep down and keep out the unnecessary expenditures of the Federal Government. I think that that is probably as much of a job as anybody can successfully tackle. That he is doing it and doing it as well as he has bespeaks the sincere respect and admiration in which he is held by the members of the committee and by the Members of the House. I hope that he will have very many happy returns of the day.

Mr. RAYBURN. Mr. Speaker, I want to join my colleagues in wishing the gentleman from Missouri [Mr. CANNON] many happy returns of the day. He is a great servant of the American people, a great chairman of a great committee, and a man whose lifelong dedication to the service of his country will be an inspiration to all down through the corridors of time.

His contributions in the field of parliamentary law alone would have been the hallmark of a great career, but these are just one phase of this devoted man's labors in his country's behalf for nearly half a century.

For my great friend in the years ahead I wish all good health and happiness that he may continue his great service to all the people.

Mr. JONES of Missouri. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is District of Columbia day. The Chair recognizes the gentleman from Florida [Mr. MATTHEWS].

PLAZA OF THE AMERICAS

Mr. MATTHEWS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 11415) to provide for the designation of a portion of the District of Columbia as the "Plaza of the Americas," and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the portion of the District of Columbia located between Constitution Avenue and C Street, Northwest, and between Nineteenth and Seventeenth Streets, Northwest, is hereby designated as "Plaza of the Americas."

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MATTHEWS. I will be delighted to yield to the gentleman from Iowa.

Mr. GROSS. Will the gentleman state whether this bill will cost anything now or in the future?

Mr. MATTHEWS. I will say to the gentleman from Iowa that the bill will not cost anything now or in the future, and I would be very disappointed if this bill is used as a background to try to get any money for any purpose in the future.

Mr. GROSS. Well, it is not a question of the gentleman's disappointment altogether. It would be a disappointment, I am sure, to the other Members of the House and to the taxpayers at large if we were to pass here a bill that would call for some more spending, as some of these bills do indirectly. So, I hope the gentleman can give the House assurance that this bill, by virtue of its passage, is not going to cost any money today or in the future.

Mr. MATTHEWS. I will say to the gentleman that certainly in my opinion about this matter this bill will not cost any money. If the gentleman will permit me, I would like to make a brief statement in explanation of the bill.

Mr. Speaker, this bill was introduced by the distinguished gentleman from Alabama [Mr. SELDEN] who, as the House knows, is the chairman of the subcommittee of the House Committee on Foreign Relations that deals with inter-American affairs. The gentleman from Alabama felt that things of the spirit are eternally important, and oftentimes, in thinking what we can do to cement relations with our friends to the South, we forget these things of the spirit. So, it was his idea that we take a certain area of the District of Columbia and call it the Plaza of the Americas to emphasize our concern for and our interest in the Latin American republics.

Now, Mr. Speaker, the purpose of this legislation is to designate an area bounded by Constitution Avenue on the south, C Street, NW., on the north and from 17th Street to 19th Street as the "Plaza of the Americas."

Within these two blocks are concentrated a number of monuments to inter-American friendship and cooperation.

On the corner of 17th Street and Constitution Avenue stands the magnificent Pan American Union Building, seat of the Organization of American States and center of many of the dramas that have highlighted the American Republics' 70-year efforts to attain peace and justice in the Western Hemisphere through cooperative endeavors. Behind the Pan American Union Building stands the new Pan American Administration Building which houses the Secretariat of the Organization of American States.

Also within this area are statutes of Simon Bolivar, great liberator of the northern states of South America and Jose Artigas, the national hero of Uruguay.

This legislation has the strong support of the Pan American Liaison Committee of Women's Organizations, which is engaged in effectively furthering inter-American understanding and good will.

At a hearing before a subcommittee of the House District Committee on April 1 Hon. ARMISTEAD I. SELDEN, Jr., a Member of Congress from the State of Alabama, who is a member of the Foreign Affairs Committee of the House and also chairman of the Subcommittee on Inter-American Affairs, testified and strongly urged the passage of this legislation and emphasized that the naming of this area as the "Plaza of the Americas" would be a symbol of U.S. friendship and a fitting tribute and durable demonstration of the esteem in which we hold our sister Republics.

Hon. David B. Karrick, the acting president of the Board of Commissioners of the District of Columbia, also appeared at this hearing and stated that the Commissioners of the District believe that the designation of the area described in this bill as the "Plaza of the Americas" is appropriate and desirable and recommended the enactment of such legislation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MATTHEWS. I am delighted to yield to the gentleman.

Mr. GROSS. Will this area include block 59 which was authorized for purchase by the House a few days ago at a cost of $879,000 on which, if the other body gives its consent, there will be constructed apparently a new multimillion-dollar Pan America building?

Mr. MATTHEWS. It is my understanding it will not include that particular building about which the gentleman is talking.

Mr. GROSS. Then this will not be the Plaza of the Americas; will it?

Mr. MATTHEWS. Yes, sir; I believe it will. Naturally they are not trying to set the limit within which all things pertaining to Latin America would be included. But this comparatively small area will have such substance in the composition of these Latin American buildings and statues and sentiments that I think very definitely it could properly be called the Plaza of the Americas.

Mr. GROSS. I am pleased to hear that there is one building dealing with the South American countries here that is not going to cost us any money.

Mr. MATTHEWS. I thank the gentleman.

Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. SELDEN] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. SELDEN. Mr. Speaker, last Wednesday we heard President Lleras Camargo of Colombia say eloquently of the 21 American republics:

Whatever may happen, we are, above all, members of the most ancient regional community in existence, partners in the most effective enterprise for the elimination of war, for collective defense and peaceful cooperation.

It was this sentiment of respect for our inter-American community which I hoped to embody in the bill now under consideration.

Here in Washington we are privileged to have the core of the unique regional organiaztion of which President Lleras Camargo spoke. Inside the Pan American Union Building on 17th and Constitution Avenue and its companion building, the Pan American Administration Building, representatives of the 21 American nations meet regularly to advance our common goals of hemisphere peace and well-being.

This measure, if enacted, would designate as the "Plaza of the Americas" that portion of the Nation's Capital which encompasses the Pan American Union Building, the Pan American Administration Building, and the statues of the Latin American heroes, Simon Bolivar and Jose Artigas.

I have received a letter from Dr. Jose Mora, the Secretary-General of the Organization of American States, in which he states:

I hope very much that your proposal may be favorably received by the Congress. The name you have suggested would not only serve to remind the citizens of Washington and visitors to the city of the strong ties uniting the United States with its neighbors to the south, but would also be a distinct tribute to our regional organization, which this year celebrates, as you know, its 70th anniversary.

I would like to commend the chairman of the District of Columbia Committee, Representatives MCMILLAN, and Representative BILLY MATTHEWS, chairman of the subcommittee, for the courteous and expeditious manner in which they handled this legislation.

I hope Congress will agree that a Plaza of the Americas at the site indicated in this legislation would be a fitting tribute to our sister republics and a demonstration of the esteem in which we hold them.

Mr. MATTHEWS. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. FASCELL] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FASCELL. Mr. Speaker, it is with great pleasure that I rise in support of this legislation, which I was privileged to cosponsor, providing for the designation of the "Plaza of the Americas" in downtown Washington, D.C.

Those of us privileged to serve on the Inter-American Affairs Subcommittee of the Committee on Foreign Affairs are particularly interested in the passage of this bill as another manifestation of our respect for the people and nations of the Americas.

Without question, there is greater need today than ever before for the preservation of the solid bond of friendship between the United States and her great neighbor nations to the South. We have enjoyed, and are enjoying, growing friendship; but at no time in history has there been a stronger effort from the outside to divide us.

Passage of the bill before us today would, I believe, show to the world the high esteem in which we hold our neighbors in the Americas, and would be another gesture by which we could strengthen the bonds of friendship in existence today.

It is entirely fitting that the District of Columbia should have within its boundaries an area designated as the "Plaza of the Americas." It is my sincere hope that all Members of Congress will join in warm endorsement of this proposal.

The SPEAKER. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

IMPORT DUTIES ON CERTAIN COARSE WOOL

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 9322) to make permanent the existing suspension of duties on certain coarse wool, which was reported unanimously by the Committee on Ways and Means.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. GROSS. Mr. Speaker, reserving the right to object, I trust the gentleman is going to explain this bill.

Mr. MILLS. I shall be glad to.

Mr. GROSS. Mr. Speaker, with that understanding, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to provide for the temporary suspension of the import duties on certain coarse wool, and to provide additional time for the Tariff Commission to review the customs tariff schedules", approved May 19, 1958 (Public Law 85-418; 72 Stat. 130), is amended by striking out "during the period beginning on the sixtieth day after the date of the enactment of this Act and ending at the close of June 30, 1960"

and inserting in lieu thereof "on or after the sixtieth day after the date of the enactment of this Act."

Mr. MILLS. Mr. Speaker, H.R. 9322, as amended by the Committee on Ways and Means, would make permanent the existing suspension of import duties on certain coarse wools used in the manufacture of carpets, papermakers' felts and certain other products.

The Committee on Ways and Means held public hearings on this bill and, as amended, the bill enjoys the support of all segments of the wool industry including the carpet industry, the papermakers' felt industry, the wool growers and the wool trade.

The Committee on Ways and Means was unanimous in recommending the enactment of this bill.

As I have indicated, there is presently in effect a suspension of duties on certain coarse wools imported under bond for use in the manufacture of rugs and carpets. This suspension was provided in Public Law 418 of the 85th Congress and continues until June 30 of this year. The rug and carpet industry has traditionally enjoyed the privilege of duty-free importation of the coarse wools necessary in the manufacture of carpets. Because of the change in competitive conditions in the world market and the declining availability of certain types of coarse wools, the Congress broadened somewhat the types of coarse wools eligible for duty-free importation by the carpet industry in enacting Public Law 418 of the 85th Congress.

When the Committee on Finance of the Senate reported favorably the legislation that subsequently became Public Law 418, it also called on the U.S. Tariff Commission to make a thorough study of this whole subject. The amendments adopted by the Committee on Ways and Means to H.R. 9322 reflect certain considerations brought to the attention of your committee by the report of the U.S. Tariff Commission as well as by representatives of the domestic industry that appeared at the public hearings which the committee held.

The committee adopted two amendments to the bill. First, it extended the duty-free importation privilege with respect to the coarse wools under consideration to the papermakers' felt industry. Thus, any competitive disadvantage that the papermakers' felt industry might face in competing with the rug industry for the supply of coarse wools available in the world market, would be removed.

Secondly, the committee removed a limitation in existing law which has prevented the Secretary of Agriculture from developing and promulgating new and improved standards for the grading of imported wools. This amendment was supported by the Department of Agriculture and by the domestic wool-growing industry.

Thus, as reported unanimously by the Committee on Ways and Means, H.R. 9322 has the support of all segments of our domestic wool industry.

I urge enactment of the bill.

Mr. BAILEY. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from West Virginia.

Mr. BAILEY. Naturally I am suspicious of any proposal to take articles off the dutiable list. May I ask the gentleman if representatives of the Wool Growers Association testified before the committee?

Mr. MILLS. Yes; they did. They appeared in the hearings. The gentleman understands the wool industry has been concerned about the inability of the Secretary of Agriculture to have authority to promulgate these new methods of classifying wool. In the interest of taking care of their problems, the committee adopted this second amendment to which I have already referred. The wool growing industry is very anxious to have that particular provision enacted into law.

Mr. BAILEY. Will the gentleman advise the Members of the House if there is any of this coarse grade of wool produced in this country?

Mr. MILLS. The carpet industry has always had to obtain its coarse wool from the world market. As I pointed out, the industry has always been able to do that duty free. There is very little if any of this type of wool grown in the United States, so that this action would not, in the opinion of those who testified before the committee, pose any threat whatsoever to the wool growing industry here in the United States.

Mr. BAILEY. May I say to the distinguished chairman of the Committee on Ways and Means that my State of West Virginia is building up its wool industry. We are anxious to know whether this is going to be beneficial or injurious to our efforts in the State. Apparently there is no danger in this legislation in that connection.

Mr. MILLS. I do not think there is anything adverse to that industry in the gentleman's State in this bill.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield.

Mr. BYRNES of Wisconsin. It should be noted that one of the primary objectives of the legislation is to make raw materials not available in the United States available to our domestic manufacturers so as to improve the competitive position of domestic products of the United States in world markets. This legislation represents an endeavor to do something to put our producers in a better competitive position.

Mr. MILLS. The gentleman's point is well taken. It is one of the very important reasons for the adoption of the bill.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks, that the gentleman from Wisconsin [Mr. BYRNES] be permitted to extend his remarks at this point in the RECORD, and that the author of the bill also have that privilege.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BYRNES of Wisconsin. Mr. Speaker, the legislation which has just been approved by the House, H.R. 9322, was reported favorably to the House by the unanimous action of the membership of the Committee on Ways and Means.

The purpose of this legislation as amended by the committee is to make the existing suspension of import duties on certain coarse wools brought into the United States under bond a permanent suspension. The types of wools covered in the act are certain wools used in the manufacture of rugs and carpets, in the manufacture of papermakers' felts, and in the manufacture of certain other products. In addition, the legislation would authorize the Secretary of Agriculture to establish modern standards for determining grades of wool.

It will be recalled that the original suspension of duty on coarse wools imported into the United States for use in the manufacture of carpets and rugs was approved on May 19, 1958. That legislation excluded papermakers' felts as one of the end uses for which these coarse wools could be imported under the suspension. Objection was made to the legislation in that form because it served to discriminate against other American industries that were competitive buyers with the carpet industry for available supplies of the types of wool covered by the legislation. We have now succeeded in removing this discrimination from the proposal by including the end use of papermakers' felts and therefore there was no opposition presented to the Committee on Ways and Means to the broadening of the scope of the suspension and to making the suspension permanent.

I should be noted that one of the primary objectives of this legislation is to make raw materials not produced in the United States available to our domestic manufacturers so as to improve the competitive position of domestic products in the United States and in world markets.

Mr. HARRISON. Mr. Speaker, our distinguished chairman has set forth succinctly the purposes of, and justification for, this legislation.

The various affected groups have cooperated fully in framing appropriate language, and I have been happy to sponsor a bill which not only can contribute to the economic welfare of a substantial number of experienced and efficient Virginia craftsmen in the carpet industry but contains also a provision recommended by domestic woolgrowers in the interest of orderly modernization of wool standards.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read the committee amendment, as follows:

Page 1, after line 12, insert the following:

"SEC. 2. (a) The first sentence of paragraph 1101(b) of the Tariff Act of 1930 (19 U.S.C., sec. 1001, par. 1101(b)) is amended by inserting 'papermakers' felts,' immediately after 'press cloth,'.

"(b) The amendment made by subsection (a) shall be effective only with respect to wool or hair entered, or withdrawn from warehouse, for consumption, on or after the 30th day after the date of the enactment of this Act.

"SEC. 3. Paragraph (5) of paragraph 1001(c) of the Tariff Act of 1930 (19 U.S.C., sec. 1001, par. 1101(c)) is amended to read as follows:

"'(5) the standards for determining grades of wools shall be those which are established from time to time by the Secretary of Agriculture pursuant to law and which are in effect on the date of importation of the wools.'"

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PATMAN] may extend his remarks in two instances at this point in the body of the RECORD and include extraneous matter, and also that the gentleman from Michigan [Mr. DINGELL] may extend his remarks at this point in the body of the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

THE TREASURY SOLD LESS BONDS AT 4¼ PERCENT THAN IT SAYS IT HOPED TO SELL, IN WHICH CASE THE PUBLIC WON A VICTORY

Mr. PATMAN. Mr. Speaker, the financial writers and many of the newspapers are now saying that the Treasury's issue of a 25-year, 4¼-percent bond last week was a failure, and Congress will have to repeal the 4¼-percent interest-rate ceiling after all.

I say that the issue was a great success, because the public was not saddled with anything like the amount of 4¼-percent bonds it might have been saddled with. The Treasury's peculiar handling of this issue, which helped to make it a failure, and Wall Street's boycott of the issue, resulted in a public victory.

FAILURE ARRANGED TO IMPRESS CONGRESS?

The point has been made that the Treasury permitted only 3 working days between the announcement of this bond and the date when it closed its books. It thus afforded no opportunity for consideration by the many pension funds and mutual funds that have to hold a board meeting, or a meeting of a large finance committee, before they can make investment decisions.

I might point out another peculiar circumstance: The Treasury required only 2 percent downpayment with subscriptions to its 4-percent, 25-month notes, which were offered at the same time, and are being hailed as a great success, though it required a 20 percent downpayment to accompany subscriptions to its bonds.

This morning's Wall Street Journal quotes several operators in the bond market to the effect that the Treasury wanted the issue to fail. For example, the Wall Street Journal quotes a top executive of a big consumer finance company in Chicago as saying:

I think the Treasury put these bonds on the market, not really expecting them to sell at all, but to break the logjam in Congress. Now the Treasury can go to Congress and say "See, we couldn't raise the money we needed at 4¼ percent."

Further, it quotes a New York financial expert to the effect that—

The debt managers may have actually invited failure by selecting an issue due in 1985 and callable in 1975, clashing with outstanding issues in the same range—the 3¼s of 1985 and 3¼s of 1973–83.

Actually the Treasury did not have to try very hard to make this bond issue a failure. All it had to do was signal its wishes to obtain the cooperation of Wall Street. On Monday and Tuesday of last week when the books were opened, the word was being passed around Wall Street not to subscribe to these bonds, because it would jeopardize the Treasury's chance of getting Congress to repeal the interest-rate ceiling.

This boycott was an amazing success, one which we really cannot fully appreciate until we consider the vast difference between the yields on these bonds and market yields on exactly comparable bonds already outstanding.

Several different organizations report market prices and yields on Government bonds. All of these show that on Monday and Tuesday of last week, when the Treasury was taking subscriptions for the new bonds, traders in the market were buying exactly comparable outstanding bonds at much smaller yields, while passing over the new bonds paying the higher yields.

TRADERS BOUGHT COMPARABLE BONDS AT LOWER YIELDS WHILE REFUSING THE NEW BOND AT HIGH YIELDS

In order to have the most authoritative figures, I have obtained the market averages compiled by the Federal Reserve System. This is what they show: On Monday and Tuesday, when the Wall Street operators were passing over the new 25-year bond paying 4.25 percent, the Treasury's 3¼s of 1985, which also mature in 25 years, were being traded at a yield of 4.11 percent. In other words, on the basis of actual market yields on Monday and Tuesday, the bond buyers passed over a tremendous bargain.

Is it not interesting that buyers were bidding a price which would yield them 4.11 percent on outstanding bonds at the same time they were refusing to buy new bonds which would yield them 4.25 percent? Is the difference between a yield of 4.11 percent and one of 4.25 percent of small consequence in the bond market? I assure you it is not.

To illustrate, I have had the yields computed on the asking prices—for 7 consecutive trading days—in order that we may compare these to the yields on the bid prices, which is the normal method of computation.

On Monday, April 4, bid price on the Treasury's 3¼s of 1985 was 86²⁄₃₂, while the asking price was 86³⁰⁄₃₂. The yield to the purchaser at the bid price was 4.11 percent, while the yield at the asking price was 4.09 percent. In other words, there was only two one-hundredths of 1 percent difference between the yield on the bid price and the yield on the asking price. On none of the 7 days was the difference greater, and on most occasions the difference between the yield on the bid and asking prices was only one-hundredth of 1 percent.

In other words, all that stood in the way between all proposed purchases and all proposed sales during this week was two one-hundredths of a percentage point. Yet purchasers were passing over a new bond which offered them 14 one-hundredths of a percentage point more than the bonds they were actually trying to buy, at the price they were trying to buy them. Rather remarkable, is it not?

I will insert in the RECORD the table showing market prices and yields on this bond, beginning Thursday, March 31, and going through last Friday, April 8.

Market prices and yields of outstanding Treasury bonds maturing in 25 years (Treasury 3¼s of 1985)

	Bid [1]	Ask [1]	Yield computed on—	
			Bid price	Ask price
			Pct.	Pct.
Thursday, Mar. 31	87.20	87.10	4.08	4.07
Friday, Apr. 1	86.18	86.26	4.12	4.11
Monday, Apr. 4 [2]	86.22	86.30	4.11	4.09
Tuesday, Apr. 5 [2]	86.30	86.28	4.11	4.09
Wednesday, Apr. 6	86.12	86.20	4.13	4.11
Thursday, Apr. 7	86.40	86.12	4.14	4.13
Friday, Apr. 8	83.24	86.00	4.17	4.16

[1] Fractions of prices are in 32ds of a dollar; quotations are at market close.

[2] Dates on which subscriptions were being taken on the new 4¼-percent bond due in 25 years, callable in 15 years.

Source: Federal Reserve System.

It is true that the Treasury's issue of last week is callable in 15 years. In other words, after 15 years the Treasury may, if it sees fit to do so, call these bonds in at that time. So it may be fairer to consider the new bonds as 15-year bonds, rather than 25-year bonds. Consequently, I have made the same comparison between market yields on already outstanding bonds maturing in 15 years. These were being traded last Monday and Tuesday at a price which yields 4.16 percent. In other words, people in Wall Street were buying these bonds also at a much smaller yield than they could have had on the new issue. The prices and yields on these bonds were as follows:

Market prices and yields on outstanding Treasury bonds maturing in 15 years (Treasury 3⅞s of 1974)

	Bid [1]	Ask [1]	Yield computed on—	
			Bid price	Ask price
			Pct.	Pct.
Thursday, Mar. 31	97.16	97.24	4.10	4.08
Friday, Apr. 1 [2]	96.26	97.20	4.17	4.15
Monday, Apr. 4 [2]	96.28	97.40	4.16	4.14
Tuesday, Apr. 5	96.26	97.20	4.16	4.14
Wednesday, Apr. 6	96.16	96.26	4.19	4.17
Thursday, Apr. 7	96.12	96.20	4.21	4.19
Friday, Apr. 8	96.60	96.14	4.23	4.20

[1] Fractions of prices are in 32ds of a dollar; quotations are at market close.

[2] Dates on which subscriptions were being taken on the new 4¼-percent bond due in 25 years, callable in 15 years.

Source: Federal Reserve System.

THIS ADMINISTRATION SHOULD BE DISCOURAGED FROM WRITING ITS INTEREST-RATE POLICY INTO LONG-TERM CONTRACTS

At the time this issue was announced, and in the days following, the Treasury widely publicized a statement that it hoped to sell $500 million worth. In reality it sold only $370 million worth. The general public is most fortunate that the Treasury did not hit what it claimed to be its target. It would be even more fortunate if the Treasury sold no long-term bonds whatever at 4¼ percent. That rate is much too high. Furthermore, this administration will leave office in January next, and it is to be hoped that the next administration will have a more reasonable interest-rate policy. I say let the present administration obtain its money on the short-term basis—the shorter, the better—and not write its interest-rate policy into contracts running over the next 10, 15, and 25 years. Four and one-fourth is much too high a rate for the Treasury to pay on its bonds.

PASSOVER, 1960 (5720)

Mr. DINGELL. Mr. Speaker, this happy season of the Passover brings to the hearts of Jew and Christian alike the warm realization that our freedom is of divine origin, and under divine protection. The faith in God, the religious fortitude and perseverance, that brought the children of Israel through plagues and perils and wanderings, from slavery and oppression to a land they could inhabit in freedom and peace, still inspire the devotion and bravery with which we face the hostile forces in the world today. Well may we Christians, at this festive time, join our brothers of the Jewish faith in the beautiful benediction that concludes the Seder:

With songs of praise we have lifted up the cup, symbolizing the divine promises of salvation, and we have called upon the name of God. Let us again lift our soul to God in faith and hope. May He who broke Pharaoh's yoke, forever shatter all fetters of oppression and hasten the day when swords shall at last be broken and wars ended. Soon may He cause the glad tidings of redemption to be heard in all lands, so that mankind—freed from violence and from wrong and united in an eternal confidence of brotherhood—may celebrate the universal Passover in the name of our God of Freedom.

HEALTH INSURANCE FOR THE AGED ACT

Mr. RIEHLMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RIEHLMAN. Mr. Speaker, today I have introduced a bill that would make voluntary health insurance coverage available to every person in the United States who is over age 65.

This program would not be tied to social security. It would be administered by the States and the insurance coverage would be provided through private insurance firms. The Federal and State Governments would participate with the individual subscriber in the payment of premiums. The degree of Federal-State participation would be determined by the income of the individual subscriber.

Adequate provision for the health needs of America's senior citizens constitute one of our most pressing domestic problems.

The existence of this problem should be clear to any person who is attuned to the needs of our society.

Sixty percent of those people over 65 have an annual income of less than $1,000.

Yet there is little question that the health needs and the costs of meeting those needs are much greater for persons in this group than for any other age group in the population.

So the aged are faced with the devastating problem of accelerated medical and health needs at the very time in life when income is at its lowest level.

Tremendous credit is due the private health insurance firms in this country. They have seen this need and have made rapid progress in establishing health insurance programs for the aged. I hold firm to the belief that nothing should be done to put a damper on this progress.

We are still faced, however, with the critical problem of having a large number of persons over age 65 whose incomes simply do not permit them to maintain sufficient health insurance and for whom a serious or prolonged illness would be catastrophic.

When faced with this situation I feel it becomes the responsibility of Federal and State governments to assist the individual in obtaining adequate health care.

I have long recognized the need for making adequate health care available to those individuals in this age group who, in all probability could not otherwise obtain it.

I have held in the past to my belief that any governmental program offering the aged a means of obtaining health insurance must satisfy several conditions to be acceptable. The legislation I have introduced today satisfies those conditions.

The established program would be voluntary. It has no compulsory features.

The coverage would be available to every person in the United States over age 65. It would not be confined to any particular segment of this age group.

The insurance would be provided through either private or nonprofit insurance carriers under contract with participating State agencies. In other words, this program would supplement, and not supplant, private efforts. It would work through private insurance firms and not against them.

This bill emphasizes the special health needs of the aged. The coverage provided could consist of 60 days of full cost, semi-private care in a general hospital or equivalent-cost care in a nursing home or home for the aged; surgery in or out of hospital, medical care in a hospital, visits to a doctor's office with needed laboratory tests, diagnostic X-rays and specialist consultation; and visiting nurse service at home.

Insurance companies have estimated that such a plan could be provided at a cost of about $150 per year per person.

This program is geared to help those persons who are clearly in need of help. It is aimed at persons with relatively low incomes. Any person having an annual income of $3,600 or above, would bear the entire cost of the $13 monthly premium. A person with an annual income below $500 would have his premium paid by Federal and State funds. Those individuals with incomes between $500 and $3,600 would receive Federal and State assistance in varying amounts depending upon the individual's income.

This bill is also consistent with the pattern of doctor-patient relationships that constitutes such an important facet of our unequaled system of medical care. It would allow the patient complete freedom in choosing a doctor.

We are all able to recognize the existence of this problem.

We differ as to the most desirable means of solving it.

The approach embodied in the bill I have introduced is, I feel, clearly superior to that of the so-called Forand bill. It is voluntary, it is handled by private insurance firms, and it covers those of our senior citizens who need help the most.

I might also add that this bill in my estimation meets the guidelines for an acceptable program that have been laid down by the administration.

This bill embodies a sound approach to a pressing problem.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. DENT (at the request of Mr. WALTER), for 1 hour, on Wednesday next.

Mr. STEED, for 30 minutes, on Thursday next.

Mr. THOMPSON of New Jersey (at the request of Mr. ALBERT), for 30 minutes, on Wednesday next.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. ROBERTS.

Mr. LEVERING and include extraneous matter.

Mr. PELLY in two instances and include extraneous matter.

Mr. HOFFMAN of Michigan and to include extraneous matter.

Mr. STEED and to include the text of a speech delivered by Hon. JAMES ROOSEVELT.

Mr. ALGER.

(At the request of Mr. CUNNINGHAM and to include extraneous matter the following:)

Mr. BYRNES of Wisconsin.

Mr. SCHWENGEL in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 684. An act for the relief of Gerald Degnan, William C. Williams, Harry Eakon, Jacob Beebe, Thorvald Ohnstad, Evan S. Henry, Henry Pitmatalik, D. LeRoy Kotila, Bernard Rock, Bud J. Carlson, Charles F. Curtis, and A. N. Dake; to the Committee on the Judiciary.

ENROLLED BILL SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 10743. An act making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes.

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 12 o'clock and 42 minutes p.m.) the House adjourned until tomorrow, Tuesday, April 12, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2040. A letter from the Assistant Secretary of Agriculture, transmitting a report showing no significant developments for the month of March relating to the cooperative program of the United States with Mexico for the control and eradication of foot-and-mouth disease, pursuant to Public Law 8, 80th Congress; to the Committee on Agriculture.

2041. A letter from the Secretary of Commerce, transmitting copies of the report entitled, "The Role of the Department of Commerce in Science and Technology"; to the Committee on Interstate and Foreign Commerce.

2042. A letter from the president of the Board of Commissioners of the District of Columbia, transmitting a draft of proposed legislation entitled "A bill to amend the act relating to the small claims and conciliation branch of the municipal court of the District of Columbia, and for other purposes"; to the Committee on the District of Columbia.

2043. A letter from the president, Boy's Clubs of America, transmitting a report which describes the growth and activities of the Boy's Clubs of America, which is a supplement to the financial report submitted on February 29, 1960, as executive communication No. 1885; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of April 7, 1960, the following bill was reported on April 8, 1960:

Mr. ROONEY: Committee on Appropriations. H.R. 11616. A bill making appropriations for the Departments of State and Justice, the Judiciary, and related agencies for the fiscal year ending June 30, 1961, and for other purposes; without amendment (Rept. No. 1467). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted April 11, 1960*]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROBERTS: Committee on Interstate and Foreign Commerce. H.R. 7480. A bill to amend the Federal Food, Drug, and Cosmetic Act, with respect to label declaration of the use of pesticide chemicals on raw agricultural commodities which are the produce of the soil; without amendment (Rept. No. 1468). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, pursuant to the order of the House of April 7, 1960, the following bill was introduced April 8, 1960:

By Mr. ROONEY:

H.R. 11666. A bill making appropriations for the Departments of State and Justice, the Judiciary, and related agencies for the fiscal year ending June 30, 1961, and for other purposes.

[*Introduced and referred April 11, 1960*]

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABERNETHY:

H.R. 11667. A bill to amend the Natural Gas Act to prohibit a rate increase from becoming effective, subject to bond, before a pending rate increase proceeding has been finally determined; to the Committee on Interstate and Foreign Commerce.

H.R. 11668. A bill to provide for adjusting conditions of competition between certain domestic industries and foreign industries with respect to the level of wages and the working conditions in the production of articles imported into the United States; to the Committee on Ways and Means.

By Mr. BROYHILL:

H.R. 11669. A bill to amend section 11 of the Administrative Procedure Act; to the Committee on the Judiciary.

By Mr. DERWINSKI:

H.R. 11670. A bill to amend section 37 of the Internal Revenue Code of 1954 to equalize for all taxpayers the amount which may be taken into account in computing the retirement income credit thereunder; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 11671. A bill to amend the National Labor Relations Act to make it an unfair labor practice for an employer or a labor organization to discriminate unjustifiably on account of age; to the Committee on Education and Labor.

By Mr. FASCELL:

H.R. 11672. A bill to provide for the designation of a portion of the District of Columbia as the "Plaza of the Americas"; to the Committee on the District of Columbia.

By Mr. GEORGE:

H.R. 11673. A bill to repeal the tax on transportation of persons; to the Committee on Ways and Means.

By Mr. GROSS:

H.R. 11674. A bill to amend the Migratory Bird Treaty Act to increase the penalties for violation of such act, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GUBSER:

H.R. 11675. A bill to provide for a study of the advisability of establishing the West Coast Skyline National Parkway; to the Committee on Interior and Insular Affairs.

By Mr. HALPERN:

H.R. 11676. A bill to create and prescribe the functions of a National Peace Agency; to the Committee on Foreign Affairs.

By Mr. LINDSAY:

H.R. 11677. A bill to provide for a program of Federal matching grants to the States to enable the States to provide health insurance for individuals aged 65 or over at subscription charges such individuals can pay; to the Committee on Interstate and Foreign Commerce.

By Mr. McDOWELL:

H.R. 11678. A bill to amend the Public Buildings Act of 1959 to provide a study as to the best location for a new building for certain courts of the United States, to preserve the Dolly Madison House and other historic buildings near the White House for cultural and educational purposes in keeping with the national policy enunciated in the Historic Sites, Buildings, and Antiquities Act, and for other purposes; to the Committee on Public Works.

H.R. 11679. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. MACHROWICZ:

H.R. 11680. A bill to amend section 902(b) of the Internal Revenue Code of 1954 to allow a credit for foreign taxes paid by a foreign corporation 20 percent or more of the voting stock of which is owned by another foreign corporation in which a domestic corporation has a substantial stock interest; to the Committee on Ways and Means.

By Mr. KNOX:

H.R. 11681. A bill to amend section 902(b) of the Internal Revenue Code of 1954 to allow a credit for foreign taxes paid by a foreign corporation 20 percent or more of the voting stock of which is owned by another foreign corporation in which a domestic corporation has a substantial stock interest; to the Committee on Ways and Means.

By Mr. CLEM MILLER:

H.R. 11682. A bill to provide for the retirement of the public debt in amounts which reflect annual increases in the gross national product; to the Committee on Ways and Means.

By Mr. PIRNIE:

H.R. 11683. A bill to provide for a program of Federal matching grants to the States to enable the States to provide health insurance for individuals aged 65 or over at subscription charges such individuals can pay; to the Committee on Interstate and Foreign Commerce.

By Mr. REES of Kansas:

H.R. 11684. A bill to repeal the tax on transportation of persons; to the Committee on Ways and Means.

By Mr. RIEHLMAN:

H.R. 11685. A bill to provide for a program of Federal matching grants to the States to enable the States to provide health insurance for individuals aged 65 or over at subscription charges such individuals can pay; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBERTS:

H.R. 11686. A bill for the relief of Elmore County, Ala.; to the Committee on the Judiciary.

By Mr. ROGERS of Texas:

H.R. 11687. A bill to eliminate acreage allotments for sugar beets; to the Committee on Agriculture.

H.R. 11688. A bill to amend the Sugar Act of 1948 to increase sugar quotas for domestic producers; to the Committee on Agriculture.

H.R. 11689. A bill to amend the Sugar Act of 1948 to provide that future increases in sugar quotas will be allocated to domestic beet sugar producers in a manner which will assure new growers a fair share of such increases; to the Committee on Agriculture.

By Mr. SMITH of Virginia (by request):

H.R. 11690. A bill to supplement the Motor Vehicle Safety Responsibility Act of the District of Columbia, to provide for the indemnification of persons sustaining injuries as a result of the operation of motor vehicles by uninsured motorists, by persons operating vehicles without permission of the owners thereof, by hit-and-run drivers, and for other purposes; to the Committee on the District of Columbia.

By Mr. THOMPSON of New Jersey:

H.R. 11691. A bill to amend the Public Buildings Act of 1959 to provide a study as to the best location for a new building for certain courts of the United States, to preserve the Dolly Madison House and other historic buildings near the White House for cultural and educational purposes in keeping with the national policy enunciated in the Historic Sites, Buildings, and Antiquities Act, and for other purposes; to the Committee on Public Works.

By Mr. WILLIS:

H.J. Res. 683. Joint resolution to provide for the designation of June 4, as Louisiana State University Centennial Day; to the Committee on the Judiciary.

By Mr. ANFUSO:

H. Con. Res. 657. Concurrent resolution expressing the sense of the Congress with respect to the participation by other nations in the space exploration program of the United States; to the Committee on Science and Astronautics.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By Mr. FORAND: Memorial of the Rhode Island General Assembly memorializing Congress respectfully requesting that the Federal statutes be amended to increase the income of a widow or widower of a deceased member of the Armed Forces from $1,400 to $2,400 total earnings before stopping payment and to increase payments from $50 to $100 a month; to the Committee on Veterans' Affairs.

By The SPEAKER: Memorial of the Legislature of the State of Alaska, memorializing the President and the Congress of the United States requesting that Senate bill 1123 not be enacted into law; to the Committee on Interior and Insular Affairs.

Also, memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States relative to a White House Conference on Narcotics; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of California:

H.R. 11692. A bill for the relief of C. W. Jones; to the Committee on the Judiciary.

By Mr. ROONEY:

H.R. 11693. A bill for the relief of Penelope Pappatheodorou; to the Committee on the Judiciary.

By Mr. SMITH of Kansas:

H.R. 11694. A bill for the relief of Fritz J. Urbanek, Jr., to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

412. By Mr. GIAIMO: Petition of Comdr. C. A. Cullen and 29 other members of the West Haven, Conn., Barracks No. 850, Veterans of World War I of the U.S.A., Inc., pertaining to H.R. 9336 (World War I Pension Act of 1960); to the Committee on Veterans' Affairs.

413. By Mr. WESTLAND: Resolution adopted by members of Orchard Grange No. 346, Ferndale, Wash., recommending the enactment of legislation which would require all imported farm products be plainly labeled to show origin, and standards of same comply with food laws and standards of Washington State and the Federal Government; to the Committee on Agriculture.

414. Also, petition of Clayton J. Sayer and 79 other members of the Small Business Organization of Washington, Seattle, Wash., in support of H.R. 1253 and/or S. 1083, fair trade legislation; to the Committee on Interstate and Foreign Commerce.

EXTENSIONS OF REMARKS

"Traffic Court" Seen by Bar

EXTENSION OF REMARKS
OF
HON. KENNETH A. ROBERTS
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 11, 1960

Mr. ROBERTS. Mr. Speaker, the television program produced here in Washington, "Traffic Court," is certainly an effective manner of bringing highway safety to the attention of the public.

Recently, this program was seen by those attending the American Bar Association's Traffic Court Conference at the Yale Law School at New Haven, Conn., March 28 through April 1.

Municipal Court Judge George D. Neilson who appeared on the first 10 TV "Traffic Court" programs and who has taken a keen interest in traffic problems for many years and the program producer Lou Brott were invited by the bar association to introduce and present a recent kinescope of "Traffic Court" and explain how the program has served to mold and support community interest in traffic safety on a Washington metropolitan areawide basis.

Format of "Traffic Court" is the reenactment of previously decided cases taken from the official files of the District of Columbia, and nearby Maryland and Virginia.

Participating in the broadcasts on a rotating basis—with "Juvenile Court" seen every fourth week—are the police, judges, and prosecutors of Alexandria, Arlington, District of Columbia, Falls Church, Fairfax County, Montgomery County, and Prince Georges County.

It is now sponsored by the Metropolitan Area Traffic Council as an important part of the Council's traffic safety education efforts of the jurisdictions in the District, Maryland, and Virginia.

It is estimated that current audience ratings of the "Traffic Court" period give the program a weekly audience of over 200,000 persons in the WRC–TV viewing area.

Federal School Funds Without Strings

EXTENSION OF REMARKS
OF
HON. THOMAS M. PELLY
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Monday, April 11, 1960

Mr. PELLY. Mr. Speaker, I have introduced a bill—H.R. 11705—which is my proposal to meet the problem of financing public education without permitting Federal control in any way, shape, or form. This legislation would give Federal aid in a manner that would preclude any risk of reducing local and State responsibility for the administration of public education. Substantial and increasing amounts would be available to each State to be used as the State legislatures direct, under my plan, by the return to the respective States for education of three-quarters of the Federal cigarette tax collected by the Federal Government on each package of cigarettes sold in each State.

Some of us honestly feel that education should be administered locally in order to insure its freedom from regimentation and regulation such as once led Japan, Germany, and Italy to thought-control and dictatorship, and is presently the basis for Communist domination of almost half the population of the world.

Aside from the risk of Federal control, however, I see no valid reason why the Federal Government should not cooperate with the States by giving up certain revenues so that the States can better meet the pressing needs of public education.

In this connection, last year I made a suggestion and introduced legislation providing for the return to each State of a portion of the amount each State contributed to the Federal Treasury through income taxes.

Objections were raised to this plan in that certain large taxpayers do not pay their taxes in the State where their profits are earned and thus branch office areas such as Seattle would not get their fair share of the money to which they would be entitled. In the meanwhile, some major school legislation is under consideration by Congress and there is much difference of opinion on various plans so that considerable doubt exists as to passage of any school bill at this session.

That the total cost of public education will require greatly increased finances I do not believe anyone denies. The Federal Government of course already is

aiding education. The Library of Congress tells me that the expenditures for federally impacted areas and other school aid in fiscal 1959 was $294,490,051, so those of us who voted for such funds certainly are not flatly opposed to Federal dollars for schools. We are opposed only to controls over the dollars. We want the States to control.

Because I am convinced that the school experts are justified in seeking additional sources of revenue, I am offering this new proposal. For the convenience of my colleagues I will insert a table showing by State the money which is estimated under my new bill would be available based on fiscal 1959 cigarette sales. The total transfer to the States under this proposal would approximate $1.2 billion per annum.

The tabulation also shows the sums available the first year under three other plans. These latter ones are those feared to contain toe-in-the-door controls and that could lead to Federal regulation of public schools.

Before setting forth the comparative table showing the amount each State would receive under my bill as against various other bills, I think it would be in order to say this: nobody at the moment can foretell what action the Rules Committee will take on any education legislation. Each proponent of a plan to help the schools hopes to offer an amendment if and when a bill is considered by the House. Each would substitute or add provisions which coincide with his ideas. I hope to offer my plan.

However, while the dollars involved may not vary as between different plans, the philosophy of how and why assistance is given to public education is the basic issue. Certainly the House cannot pass a bill that does not satisfy the objections of the President. Congress could not override a veto. Of that I am sure.

Thus and in view of widespread concern of legislation which might involve Federal controls, I want to point up the philosophy and absolute simplicity of my proposal.

The objective, of course, is to strengthen State finances so each State is itself better able to provide an adequate education to every child residing in that State.

The bill clearly declares that responsibility for and over education is one of the powers not delegated to the Federal Government but reserved under the 10th amendment of the Constitution to the States.

Secondly the bill affirms and reenacts a part of article III of the Ordinance of 1787, adopted by the Confederation Congress, that religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools, and the means of education shall forever be encouraged.

Encouragement of education is then provided for by the financial strengthening of the States and in this connection the bill authorizes the Secretary of the Treasury to return to each State 6 cents of the 8-cent Federal cigarette tax.

In conclusion, let me just say that friends and foes of Federal aid to education are, so to speak, locked in mortal combat as far as the Murray-Metcalf and other school bills are concerned. But here in my proposal is a measure that both sides could agree on. It is a bill—the only one in my opinion of all the various bills—that could be enacted into law. I hope those who are dedicated to preserving our schools from Federal regimentation, and my friends on the other side of the argument who are equally determined that each child in America have the opportunity of quality education will think this over and study my plan.

Meanwhile, here is a computation of the amount each State would receive under the three bills now being considered:

A comparison of estimated 1st year Federal allotments to individual States under various bills

	H.R. 11705, the Pelly bill to strengthen State finances for education	H.R. 22, as amended, the so-called Murray-Metcalf bill for school construction and salaries	H.R. 10128, the so-called Thompson bill for school construction	S. 8, as passed by the Senate for school construction and teachers' salaries		H.R. 11705, the Pelly bill to strengthen State finances for education	H.R. 22, as amended, the so-called Murray-Metcalf bill for school construction and salaries	H.R. 10128, the so-called Thompson bill for school construction	S. 8, as passed by the Senate for school construction and teachers' salaries
Alabama	$17,232,000	$22,275,000	$6,695,000	$25,855,000	Nevada	$3,906,000	$1,780,000	$468,000	$1,125,000
Alaska	1,314,000	1,350,000	233,000	523,000	New Hampshire	6,768,000	2,425,000	1,008,000	2,982,000
Arizona	8,556,000	7,975,000	2,275,000	7,985,000	New Jersey	44,652,000	3,425,000	9,653,000	17,927,000
Arkansas	8,874,000	11,675,000	3,575,000	13,749,000	New Mexico	5,246,000	6,300,000	1,853,000	6,305,000
California	(1)	87,800,000	25,090,000	80,211,000	New York	140,807,000	90,350,000	26,320,000	44,226,000
Colorado	(1)	11,100,000	3,218,000	9,660,000	North Carolina	(1)	31,325,000	8,226,000	26,061,000
Connecticut	21,510,000	13,525,000	3,983,000	8,926,000	North Dakota	2,516,000	4,440,000	1,300,609	4,742,000
Delaware	3,912,000	2,775,000	813,000	1,286,000	Ohio	67,170,000	58,050,000	17,020,000	43,499,000
District of Columbia	7,980,000	4,025,000	1,170,000	1,680,000	Oklahoma	14,550,000	13,952,000	4,193,000	13,411,000
Florida	26,798,000	26,700,000	7,605,000	23,399,000	Oregon	(1)	11,230,000	3,263,000	9,821,000
Georgia	21,492,000	26,275,000	7,930,000	30,013,000	Pennsylvania	77,526,000	64,925,000	19,175,000	47,662,000
Idaho	3,846,000	4,525,000	1,333,000	4,701,000	Rhode Island	7,176,000	4,875,000	1,420,000	3,642,000
Illinois	78,246,000	57,950,000	16,933,000	34,026,000	South Carolina	12,616,000	17,925,000	5,130,000	22,054,000
Indiana	33,534,000	29,250,000	8,516,000	24,667,000	South Dakota	4,122,000	4,600,000	1,365,000	4,877,000
Iowa	17,754,000	17,250,000	5,103,000	15,579,000	Tennessee	19,698,000	22,900,000	6,825,000	26,338,000
Kansas	13,404,000	13,250,000	3,908,000	11,706,000	Texas	61,746,000	63,825,000	18,526,000	62,901,000
Kentucky	20,628,000	20,457,000	6,143,000	23,039,000	Utah	3,420,000	6,425,000	1,853,000	6,836,000
Louisiana	19,230,000	22,050,000	6,468,000	24,238,000	Vermont	2,130,000	2,225,000	714,000	2,231,000
Maine	7,692,000	5,825,000	1,723,000	5,571,000	Virginia	(1)	25,430,000	7,475,000	25,538,000
Maryland	22,158,000	19,000,000	5,493,000	14,784,000	Washington	17,676,000	17,675,000	5,135,000	14,004,000
Massachusetts	38,208,000	27,080,000	8,028,000	16,047,000	West Virginia	11,472,000	13,175,000	3,998,000	14,067,000
Michigan	56,228,000	51,400,000	14,885,000	41,164,000	Wisconsin	24,984,000	24,675,000	7,248,000	21,541,000
Minnesota	21,474,000	21,550,000	6,338,000	19,762,000	Wyoming	2,508,000	2,175,000	630,000	1,927,000
Mississippi	10,176,000	15,625,000	4,660,000	16,857,000	Hawaii	(1)	(1)	1,203,000	3,993,000
Missouri	33,090,000	24,900,000	7,345,000	19,566,000					
Montana	4,590,000	4,525,000	1,333,000	4,167,000	Total [2]	1,200,000,000	1,085,000,000	325,000,000	916,000,000
Nebraska	8,898,000	8,900,000	2,633,000	8,070,000					

[1] The separate statistics for cigarette sales in 6 States presently are not available so these figures are omitted although they are included in the estimated total.

[2] Estimated total includes the new State of Hawaii and territories of the United States.

The Interest Rate Ceiling Hinders Treasury Debt Financing Operations

EXTENSION OF REMARKS
OF
HON. JOHN W. BYRNES
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Monday, April 11, 1960

Mr. BYRNES of Wisconsin. Mr. Speaker, in this calendar year the Secretary of the Treasury will be required to refinance $80 billion in maturing public debt obligations of the United States.

Unless the Congress acts on legislation removing the stringent shackles of the 4¼-percent interest rate ceiling, that refinancing will have to be done in the short-term money market. The only other escape from the ceiling limitation trap would be an economic downturn.

On April 9, 1960, I issued a statement reiterating a call for immediate legislative action to repeal the archaic 4¼-percent interest rate ceiling. I pointed out the fact that a Treasury offering of up to $1.5 billion of 4¼-percent, 25-year bonds received public subscriptions only to the extent of $370 million. This recent Treasury experience in unsuccessfully seeking to extend the maturity of the public debt forcefully demonstrates the need for removal of the ceiling.

Crisis seldom is the proper motivation for sound legislative action nor should it be considered a prerequisite to such action. Despite the fact that projections of budgetary surpluses for fiscal years 1960 and 1961 have served to ease

somewhat Treasury financing problems we still are confronted with the need to maintain the $290 billion existing public debt as economically as possible. By avoiding future budgetary deficits we have bolstered confidence in our Government's determination to avoid inflation. However, Congress has the obligation to give to the Secretary of the Treasury the tools for proper debt management so that his authority will be commensurate with his responsibilities in this area. The removal of the ceiling would provide flexibility to the Treasury in its debt operations; the removal would not cause interest rates to go up or down. The Treasury would still finance the debt at minimum possible cost.

Mr. Speaker, as a part of my remarks I will include at this point in the RECORD the text of the statement I issued on April 9 and also an article from the April 8, 1960, issue of Business Week captioned "Rate Ceiling Compromise":

STATEMENT OF HON. JOHN W. BYRNES

The public subscriptions for only $370 million of the Treasury's offering of up to $1.5 billion of 4¼-percent, 25-year bonds conclusively prove the urgency of removing the 4¼-percent interest rate ceiling as requested by the administration 10 months ago. The disappointing results make poor prophets indeed of the self-designated experts in the Congress who have been proclaiming in recent weeks that the Treasury could sell substantial amounts of long-term bonds within the limit of the ceiling.

The Treasury is in a trap—a trap blindly insisted on by the majority party in the Congress which apparently believes that the Secretary of the Treasury should bear the responsibility, but not have the authority, for proper debt management. It is a sorry spectacle for our great Government to have to conduct important public debt operations, with all that the success of these operations mean to the people of America, within the straitjacket of a senseless and an inflationary restriction. The interest rate ceiling has not kept interest rates down and the removal of the ceiling would not cause interest rates to go up.

Certain would-be congressional monetary experts erroneously construed recent bond market conditions, in which outstanding Government bonds were yielding less than 4¼ percent to mean that the Treasury could now sell "substantial amounts" of bonds within the stringent limitations of the ceiling. The Treasury cautioned and the facts proved that the Government bond market had been so inactive that the market quotations were misleading. The facts also proved that these self-appointed congressional oracles on monetary matters were wrong.

The prevailing market conditions and the continued existence of the ceiling prevented the Treasury from selling any marketable bonds for a year. There was no way to gage the strength of the market demand at 4¼ percent. The Treasury took the logical course of testing the market with a 4¼-percent bond issue. The results of the test are in; the results are conclusive. The ceiling continues to bar the Treasury from proper and efficient debt management practices.

Unless this Congress is to sit idly by while our huge Government debt grows shorter and shorter in maturity, with possible severe damage to our domestic economy and impairment of public confidence, the archaic 4¼-percent interest rate ceiling must be removed once and for all without delay.

[From Business Week, Apr. 8, 1960]

THE FINANCE PATTERN—RATE CEILING COMPROMISE

For almost 2 years, the U.S. Treasury has been unable to sell any new long-term bonds. This was because outstanding long-term Treasury issues sold to yield more than 4¼ percent, the legal maximum that can be placed on any new Government issue with a maturity longer than 5 years. The Treasury could have marketed bonds at a discount, but it chose not to take this back-door out. Instead, the administration requested Congress to raise the ceiling.

This week, without the help of Congress, Treasury Secretary Robert B. Anderson was able to sell a long-term issue, priced at 4¼ percent, because of a sharp drop in outstanding interest rates. Undoubtedly, Anderson recognized that Congress may take this move as an excuse to maintain the ceiling, but he had pledged that the Treasury would sell long-term bonds whenever economic conditions—and the market—permitted, and he lived up to his word.

LITTLE CHOICE

Debt management has not been a very useful weapon over the past few years. With the ceiling in effect, the Treasury has been unable to use the debt in true contracyclical fashion. This job has been done solely by the Federal Reserve, and while monetary policy has been extremely useful at times, even the money managers say that they cannot do it all.

A case, in fact, can be made that monetary policy must be tighter than conditions call for as long as debt management is of no real use. This suggests that if debt management can be utilized effectively, monetary policy could be eased somewhat.

DEMOCRATIC VIEW

This possibility escapes the Democratic opposition in Congress who refused to yield on the ceiling. They argue that the public has been saved millions of dollars in payments on the debt by their efforts. And they say that the administration's request should be buried because interest rates are now back to normal.

This I-told-you-so attitude is both premature and harmful. The Treasury still needs maximum freedom if it is to manage the national debt with any effectiveness. Over the past year, the interest rate ceiling has forced Anderson to market short-term obligations at increasingly higher interest rates and in an atmosphere of near crisis. This was not only expensive but also posed a threat of inflation. And there is no assurance that we will not see a return of those conditions.

ACADEMIC BARRIER

The opposition refuses to consider this possibility. They insist that there will be no return to higher rates or, if there is, that the Treasury will be able to scrape through again.

But if rates were artificially high, then there should be no logical objection to raising the ceiling. For the Treasury naturally wants to do its financing as cheaply as it can.

POSSIBLE COMPROMISE

Last summer, Congress would have been willing to lift the ceiling if the administration had agreed to a resolution suggesting that the Federal Reserve follow a more flexible monetary policy. Anderson—and Federal Reserve Chairman William McC. Martin—felt that Federal Reserve policy should not have been an issue and considered the resolution too high a price to pay. Congress retaliated by keeping the ceiling on interest rates. But Anderson is now ready to accept a compromise deal—one that would allow the Treasury to exceed the ceiling for some, but not all, of its financing.

Certainly it would be wrong to wait for another crisis. Legislation adopted under crisis conditions often needs repairing once the worst is over. Congress now has an opportunity to reexamine the situation without the pressure of a crisis. If it uses this opportunity, it will realize that debt management cannot be effective as a stabilizing weapon so long as it is hampered by an archaic and unrealistic barrier.

Civil Rights: Less Talk, More Action

EXTENSION OF REMARKS
OF
HON. CLARE E. HOFFMAN
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Monday, April 11, 1960

Mr. HOFFMAN of Michigan. Mr. Speaker, ever since my vote was cast against the House civil rights bill, politicians high in the party command have said and written that my vote was hurting their efforts to induce the colored people to vote the Republican ticket. The colored vote cannot be bought.

They asked why my vote was cast against the House bill. The answer is simple. It was a bad bill. It gave arbitrary power to politically appointed referees and established procedures which could have been corruptly used. It was discriminatory in that it gave the courts power to punish the violators of some injunctions, not of others.

We have legislation which, if enforced, would protect the right of every qualified voter to cast a secret ballot. The House bill contained unsound provisions which have been eliminated. The bill was a political maneuver—top politicians in both parties thinking they would get a political advantage out of the issue in the coming November election. The Senate has now so amended the bill that when returned to the House, it is my intention to vote for it.

TOO MUCH POLITICAL MANEUVERING

One trouble, caused in the main by agitators who have too much leisure on their hands and by a comparatively few sincere, charitable individuals who misjudge the national need, was on the way to a satisfactory solution. The present agitation has retarded the ultimate goal of equal justice for all.

As the daily press has indicated, the controversy has not been minimized, but emphasized, not only here, but in other parts of the world, especially South Africa. Today's issue is not alone the right to vote, but the extent of the right of association. There has been far too much talk, too little action. I have always acted, not just talked—done what I could to end discrimination.

Let me give you the facts: In 1934, my first primary campaign, we had eight young women, university graduates, two young white men, and one colored man, Elijah Ampey, a personal friend from my home county, campaigning. We toured the six counties in the district. There was no discrimination until we hit Benton Harbor at the Bridgman Hotel.

The clerk, a young Jewish man, told us Lija could not eat in the dining room with us. A controversy arose. It was settled when I insisted there would be no discrimination against him because of color. He ate with us. We had no other trouble.

In 1951, in Benton Harbor and St. Joseph, our committee held hearings to correct an order of the food department. The chairman of our committee, William Dawson, a colored veteran, presided. He was a guest at the Whitcomb Hotel, owned and operated by my personal Jewish friend, Leon Harris. Friend Dawson was welcomed as a guest at a dinner in his honor, was treated with every courtesy. Even the most critical agitator could not discover any trace of discrimination because there was none.

If more people would adhere to the Golden Rule, attend to their own business, cease their efforts to regulate the social and business life of their neighbors, discrimination because of color would end more quickly.

As often happens, the votes against the House bill, the debate in the Senate, has resulted in far more equitable proposed legislation. If it comes back to the House with the Senate amendments, I shall vote to adopt it, even though adequate enforcement of our present laws at this time would seem to make it unnecessary.

I am wondering what the professional agitators will bring up next; when, if ever, they will enforce the legislation which permits a man to work at an acceptable job without paying tribute to some pressure group; when more will back their enactments with action as some have been doing; when we will get labor legislation without partisan political implications.

Positive Action Needed To Save Small Business

EXTENSION OF REMARKS
OF
HON. TOM STEED
OF OKLAHOMA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 11, 1960

Mr. STEED. Mr. Speaker, I have asked permission to include in my remarks the full text of a speech delivered recently by the Honorable JAMES ROOSEVELT, of California, before the annual convention of the National Independent Dairy Association.

Mr. ROOSEVELT has served as a member of my special subcommittee on dairy problems since its inception. In addition, his own subcommittee's work in the full industry and the gasoline price war problem of the Nation have given him an unusually broad introduction to some of our most distressful economic problems of our times.

I especially commend his comment on remedies that are available by this Congress to all my colleagues. I heartily endorse his views on these matters.

The text follows:

POSITIVE ACTION NEEDED TO SAVE SMALL BUSINESS

(Speech of Hon. JAMES ROOSEVELT before the National Independent Dairies Association, Washington, D.C., Tuesday, April 5, 1960)

It is a pleasure to attend and participate with you in this third annual convention of the National Independent Dairies Association. You are to be congratulated on the fact that you have taken positive action in organizing and sustaining a trade association, through which Members of Congress are enabled to learn about your problems and to ascertain your views on what should be done to help save small business. Also, you are to be complimented on your selection of the leaders of your association. Mr. Stovall, your president, and Mr. Daniel, your counsel, have demonstrated that they are alert to small business problems in the dairy industry, and have been quick to act in requesting Members of Congress to give these problems appropriate consideration.

As chairman of the House Small Business Committee's Subcommittee No. 5, I have learned much about small business problems. However, it has been a revelation to sit as a member of the special subcommittee under the chairmanship of our colleague, the Honorable TOM STEED, and hear about your problems. In hearing about the small business problems in the dairy industry, we have learned that there are more troublesome problems than the milking of cows in the dairy industry. We have learned that small and independent processors and distributors of dairy products are subjected to the trials and tribulations incident to ruthless price wars and various other practices, which weaken small business concerns and tend to eliminate competition. I know I could spend several hours reciting to you what I have learned about your problems, but why do that? I suspect that you not only want to get rid of your problems, but that you would like to be free from hearing about them.

It has been suggested that I devote some of my time before you today to a discussion of H.R. 9898, a bill I introduced on January 25, 1960. That bill, as you know, is designed to prevent the integration of food distribution through the operations of large chain retail food organizations with the processing and production of food items.

The bill would accomplish this objective by making it unlawful for anyone engaged in the retail sale of merchandise in any more than one market area, through food or grocery stores, to engage in the manufacturing, processing, or preparation of any such merchandise. This would be done through an amendment of the Federal Trade Commission Act. The amendment would make it unlawful and an unfair act and practice in commerce within the meaning of section 5 of this act, for any person, partnership, or corporation, engaged in the retail sale of merchandise, or the distribution for retail sale of merchandise in or affecting commerce, to engage in the manufacturing, processing, or preparation of any such merchandise, where the effect of integrating the retailing of such merchandise with such manufacturing, processing, or preparation may be substantially to lessen competition or tend to create a monopoly in any line of commerce.

It should be emphasized that the bill would not apply to all integrated processing and retailing operations. Many small business concerns are engaged in processing and retailing food items. For example, the retail bakers prepare bread in the backroom and retail it in the frontroom of a single establishment. Likewise, small processors and distributors of dairy products operate from a single plant, and frequently deliver the processed dairy products directly to homes in retail lots. The bill would not apply to small business concerns engaged in operations of this kind. I say that because the bill would have application, as I have pointed out, to the integrating of retailing with manufacturing, processing, or preparation of food items only where the effect may be substantially to lessen competition. It is inconceivable that a small, independent processor and distributor of dairy products, who has confined his operations to a single market, would be charged with a violation of the provisions of H.R. 9898 simply because he has integrated his processing and packaging of milk with a few deliveries and sales to homes at retail. Of course, it is clear that the provisions of the bill could not be applied to the operations of small business concerns whose operations could not possibly have the effect of substantially lessening competition or tend to create monopoly in any line of commerce. Instead, the bill would apply to those firms which have integrated their activities to include the manufacturing, processing, preparation, and retailing of food items in such large volume and over such a wide area as to affect competition adversely and substantially. In that respect, the attention would be directed particularly to the multiple-market operators. We know that in the dairy industry we have multiple-market operators with farflung organizations—some extending over the breadth and length of the country. Their activities embrace manufacturing, processing, preparation, and retailing of dairy products. Their integrated activities and pricing practices, when considered in the light of the size of their organization and volume of business, would undoubtedly be considered to be within the purview of H.R. 9898. In other words, it is simply another case where character and size are factors which would require or compel good conduct. Misconduct by a large overgrown evil man usually is more damaging than misconduct by a small innocent child. The provisions of the bill would apply only to those having the size and power to do damage and the use of that size, power, and position in damaging competition.

We did not reach lightly the conclusion that action such as is provided for in H.R. 9898, should be taken. We have made our proposals only after giving much thought and study to the problems of small business in food distribution.

When the program for Subcommittee No. 5 was announced March 17, 1959, we stated that it was the intent and purpose of the subcommittee to review the trade relations and trade practices in the field of food distribution. We noted that in that connection it had been alleged that monopolistic and unfair trade practices were becoming matters of great concern to those who cherish and fight for a free and competitive enterprise system in this country. We were told that the anticompetitive conditions and anticompetitive practices present a threat to those things needed for the growth and survival of a healthy small business community.

Only a short time before we announced our program for the study of small business problems in food distribution by Subcommittee No. 5, the Federal Trade Commission had stated that "There have developed tendencies to concentration of economic power, to collusive price action, and to unfair competitive methods." In that connection, Hon. John W. Gwynne, then Chairman of the Federal Trade Commission, in announcing that the Federal Trade Commission would study the situation said:

"We want to know why the industry is getting so tough for the smaller operator. * * * The trend seems to be to eliminate the small man entirely."

We made field investigations and we conducted extensive hearings in Washington, D.C., San Francisco, Calif., and in Denver, Colo. We received testimony and considerable additional evidence from scores of witnesses, and accumulated a printed record of approximately 2,000 pages. We heard from the chainstores and the co-ops, from the frozen food people and the poultrymen, from the wholesalers and retailers, and from the farmers. The Government agencies gave us facts on how many retail grocery stores there are and how much money we spend in them. From all of this information we have a broad picture of small business problems in food distribution.

Out of this mass of information emerged the showing of need for legislation to help small business in dealing with some of these problems. For example, in the course of our hearings in Washington, we found that approximately 40 percent of all markets for preserves and jellies have been captured by large chain retailers who are either producing their supplies or have made special long-term arrangements for their supplies. In the face of these facts, small independent producers and packers of jams, jellies, and preserves are under severe handicaps in their efforts to survive.

During the course of our hearings in San Francisco, we were told that a few buyers or large chain food retailers, with offices on or near California Street, San Francisco, were buying 80 percent of the annual output of canned fruits and vegetables produced in that section of the country. Incidentally, California produces almost 50 percent of the national output. We were told that these few buyers for the large chain food retailers are utilizing their combined economic power in such a way as to result in the destruction of countless independent business enterprises.

Our Denver hearings disclosed that large chain food retailers are getting into the production, preparation, and distribution of meat food products. Large food retailers have captured a substantial portion of the total retail market of meat food products. Proceeding from that vantage position, they are integrating backward into the processing, slaughtering, and even the feeding of cattle.

Representatives of small meatpackers, feedlot operators, ranchers and many other businesses testified that the practices of large food retailers in integrating the retailing with the feeding, slaughtering, and packing of meat food products are destroying small and independent business enterprises and competitive markets for those products. It was pointed out that the strongest argument now being put forward by the large packers for relief from the provisions of the meatpacking decree of 1920 is the fact that the large food retailers are integrating backward into the meatpacking business. In that connection, I stated on the record during the course of our hearings in Denver that "If the basic and fundamental principles which brought about that consent decree were sound, and we must believe they were sound—they remained in operation for many, many years, and were therefore in the public interest—it would seem to me a poor excuse to upset them simply because someone else in the other direction was going forward to accomplish the same thing. And my question would be, Would it be unreasonable to think that should the 1920 consent decree be reversed, or be obliterated, that there would also be the great danger that that would be the opening door for an amalgamation of the chainstore and the large packer to accomplish exactly what was prohibited in 1920?"

Through the information we have developed during the course of the hearings before Subcommittee No. 5, and the special subcommittee, regarding small business problems in the dairy industry, we have been impressed with the fact that certain large chain retail food distributors are integrating the processing and packaging of dairy products with their retail operations. Safeway, with its Lucerne brand, and Kroger, with its private brand on dairy products for a long time, have been engaged in these integrated operations. More recently, we noted during the course of the hearings before the special subcommittee in Boston on February 17, 18, and 19, 1960, that one of the largest retail food chains in that area has integrated or brought under its control the processing and packaging of milk and other dairy products distributed through its retail stores. Information available to us is to the effect that another one of the leading food retail chain organizations in that area is engaged in preparations for integrating the processing, packaging, and distribution of dairy products.

How much these integrated activities will affect the small independent processors and distributors of dairy products remains unanswered. However, we are informed that many independent processors and distributors of dairy products have lost or are in the process of losing their markets as a result of these integrated operations, coupled with the pricing practices involved in the marketing of dairy products in the affected areas. If these effects should rise in their significance to the point of substantially lessening competition or tend to create a monopoly in any line of commerce, then H.R. 9898, if enacted into law, could be applied to help save small business concerns. In my view, therefore, its enactment could well be positive action taken to save small business. It is hoped that you will study and consider H.R. 9898 and conclude that it has the virtues for saving small business, as we do.

In conclusion, I thank you again for your graciousness in permitting me to attend and participate in this third annual convention of the National Independent Dairies Association.

Congressman Edward J. Derwinski's Remarks at Pulaski Foundation Banquet, Honoring Congressman Clement J. Zablocki and Architect Biernacki-Poray, March 28, 1960

EXTENSION OF REMARKS
OF
HON. FRED SCHWENGEL
OF IOWA
IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1960

Mr. SCHWENGEL. Mr. Speaker, it was my privilege to be present at the General Pulaski birthday dinner sponsored by the Pulaski Foundation, Inc., March 28.

Our colleague, Congressman CLEMENT J. ZABLOCKI, of Wisconsin, was honored on that occasion along with the famous architect Biernacki-Poray.

During the course of the festivities, Congressman E. J. DERWINSKI, of Illinois, paid tribute to these gentlemen for their roles in the building of a children's hospital in Krakow, Poland.

Under leave to extend my remarks, I would ask that Congressman DERWINSKI's remarks appear in the RECORD so that all Members who did not attend the banquet can have the opportunity of knowing about the significance of this occasion.

The remarks follow:

Before I deliver my statements on the importance of this occasion, I have a personal message to deliver to Majority Leader JOHN MCCORMACK. As you know JOHN, I am speaking on behalf of the Republican Members of the House honoring our good friend and colleague, CLEMENT ZABLOCKI. CHARLIE HALLECK, our gentle, quiet, soft-spoken minority floor leader, has a great admiration for you, JOHN, and he asked that I deliver this reminder to you. CHARLIE is aware that your preoccupation with helping us balance the budget has made you a bit absent-minded and wants to remind you that you are speaking to the Pulaski Foundation, a Polish-American organization, rather than to one of your fine Irish groups in Boston where you would be more apt to be singing "Mother Machree."

Seriously, it is a pleasure for me to represent the Republican Members of Congress in honoring our colleague CLEM ZABLOCKI. Actually, I wish to speak to you this evening not in my position as a Member of the House, but as an American of Polish extraction who appreciates the bipartisan nature of this evening. We are gathered here to join the Pulaski Foundation as they honor CLEM and Wladek Poray.

When I attended the Interparliamentary Union in Warsaw last fall I had occasion to consult with Mr. Poray and to examine with him the proposed site of this wonderful hospital that will soon be a reality. It was obvious to me that this action represented a concrete example of the effectiveness of a true "People to People Program." This project is a wonderful example of what we, as ordinary citizens with humanitarian hearts, can do to help people in a nation less fortunate. By a program such as this we effectively display personal interest and spirit that a cold precise government cannot convey. We further prove that our Nation above all else can be proud of the great hearts that our citizens possess and our truly national desire to, whenever possible, be of help to afflicted peoples.

Poland is one of the unfortunate countries entrapped behind the Iron Curtain as a result of the unfortunate Yalta Agreement, but her proud people maintain a hope that the future will alleviate their present distress. The development of this hospital plan, first sparked by the vision of Wladek Poray, spearheaded by CLEM ZABLOCKI and all our colleagues on the Foreign Affairs Committee, approved by both Houses of Congress in a great display of bipartisanship, approved by our State Department and signed by President Eisenhower, proves to witnesses throughout the world that the heart of our Nation remains as great and as vigorous as it has always been. When we give public recognition to these gentlemen and all who cooperated with them, we cannot help but have tremendous hope and stanch confidence that acts like these will help create in the future a much better, healthier, happier, and freer world.

The President's and Vice President's Statements in Connection With National Library Week, April 3–9, 1960

EXTENSION OF REMARKS
OF
HON. FRED SCHWENGEL
OF IOWA
IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1960

Mr. SCHWENGEL. Mr. Speaker, in a democracy such as ours, it is important

that the people be up to date in all of their information about this great country of ours and the operation of its Government. That is why our libraries and their services are so essential and why we must do everything we can to see that these services be made available to more people.

In Iowa I take special pride in the role I played in the expansion of library services within the State. I was the author of many bills which brought the great world of books and the printed word to more of our citizens. The literacy rate in Iowa is among the highest in the Nation.

During National Library Week—April 3–9—I was impressed by the statements of President Eisenhower and Vice President NIXON. Under leave to extend my remarks, I would like to bring these statements to the attention of my colleagues.

The President's statement was made in a letter to Benjamin E. Powell, president of the American Library Association. The President said:

During National Library Week, our people have the opportunity to renew their interest in, and support for, the libraries of America. These libraries contribute much to the pleasure and intellectual growth of us all. Unfortunately, many citizens have no access to library. This handicaps the minds of both young and old. I am glad that the programs of National Library Week will emphasize the need to broaden the availability of books for a better-read, better-informed America. I wish every success to these efforts.

Vice President NIXON's statement was printed in the April 3 edition of This Week magazine. It is as follows:

BE READY! BE LUCKY!

(By RICHARD M. NIXON, Vice President of the United States)

At our house, as in the homes of millions of other American families, we enjoy a good television program. However, we sometimes find it too easy to spend more time than we should just watching. Stimulating as television can be, we realize afterward that there are other spare time activities which make for a rich and interesting life and have more permanent value.

Take reading as an example. I think our young people in particular miss a great deal when they deny themselves the opportunity of reading in their spare time. Reading is not only fun—but through it we have at our fingertips the whole of Western civilization.

And reading has an added attraction. When someone handles a difficult situation well, you often hear it said that he is lucky. There is no question but that the breaks do play an important part in life.

Generally, however, you will find that what seems to be luck comes to those who have done their homework.

The phrase "he is lucky" more often than not applies to a person who has prepared himself to take advantage of the breaks when they come his way.

Words are not simply things in themselves but keys to ideas. Every word and every sentence you read is a tool for unlocking your mind. And once the mind is unlocked, it becomes the doorway to ever-widening vistas of knowledge. With ideas and opinions in your mind, you can be prepared for any eventuality.

Jonathan Swift once referred to the "artillery of words." This phrase has vital meaning for us today. The Communists are waging an all-out war for men's minds. We must counter their barrages of words with meaningful ideas of our own.

To win a battle in which words are artillery and ideas have the impact of missiles, we need minds of broad caliber and depths of intellect. People are not born with minds like this; but they can develop them. The reading you do when you are young disciplines your mind and increases your capacity for understanding of the problems of the future.

For this reason reading, study, and the intellectual discipline in an atmosphere of freedom in the long run will be the major strengths in the free world arsenal. And today's young Americans, who tomorrow will have to assume leadership in this battle, must be prepared to meet the challenge.

Knowledge is no luxury. It is the key to survival.

Washington Report

EXTENSION OF REMARKS
OF
HON. BRUCE ALGER
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1960

Mr. ALGER. Mr. Speaker, I include the following newsletter of April 9, 1960:

WASHINGTON REPORT

(By Congressman BRUCE ALGER, Fifth District, Texas)

How to compromise differences in viewpoints without abandoning one's own principles is a problem often confronting every conscientious officeholder. A Member of Congress, for example, has moral obligations to (1) himself and his own set of values, (2) the Nation as a whole, (3) his constituents, whom he is charged to represent, and (4) his political party. More often than not, these responsibilities parallel one another and are easily discharged. But the possibility for conflict is pretty obvious. Any single controversial piece of legislation—any burning issue—may pose a real dilemma.

It was with all these thoughts in mind that I paid a visit to Vice President NIXON the other day. For myself, I felt a duty in conscience to share with him some accumulated hopes and concerns. Too, I wanted to pass on the views of many constituents who have told me personally and by mail what course they believe the Vice President should adopt, both in his present office and in his candidacy for the White House. As for our party, I hoped to express and bolster the more conservative viewpoint about which we hear a good deal less in today's press.

It was the newspaper image of DICK NIXON becoming more liberal—an image at variance with his long voting record—which had disturbed many, including me. If there were any truth in that picture, it seemed to me most important that the Vice President realize the tremendous underlying voting strength of conservatives. True, the conservatives are not as vocal, nor as well organized, as are the so-called liberals and some of the minority pressure groups, but I'm convinced that a great reservoir of political strength is there, awaiting only adequate leadership.

Due to their lack of organization—their failure to unite and campaign effectively—all too many candidates have felt no need to appeal to the great body of conservatives, and they have stayed away from the polls in alarming numbers, losing by default. However, the conservative—the fellow who believes in a balanced budget for his Government as he believes in one for his family, who believes in paying down our debts and in preserving a sound dollar, who believes in protecting and strengthening individual freedom and who rejects the bureaucratic regimentation so dear to the self-styled "liberals," is today opening his political eyes. He is organizing, and winning, in certain congressional districts already. He needs and wants a leader he can follow.

So I pointed out to the Vice President that to the degree his own course might move to the left, or that others might successfully picture him as having moved left, he would lose political strength. A Republican Presidential aspirant can win only as a conservative. The Democrats have the "liberal" votes sewed up. By appearing to woo these groups, a Republican can only discourage and lose support among the conservative majority. As I see it, DICK NIXON has only to encourage and inspire action by the commonsense and conservative majority. He can best do this by stressing his own dedicated convictions on the role of Federal Government in our lives, as demonstrated by his own voting record.

Without quoting the Vice President, I can at least relate my own very clear impressions of some points he made, and with which I agree. (1) Politically, he'd be foolish indeed to come out with a lot of flatfooted pronouncements on any and all issues until his opponent in the race is determined; meantime, though, he's admittedly vulnerable to attack by liberal columnists and members of the press who choose to misrepresent or misinterpret his views. (2) He has a responsibility as Vice President, to be a spokesman for administration positions, at this time. (3) The campaign against the Democrat nominee, when known, will permit a clear differentiation of viewpoints that will be encouraging to conservatives. (4) There is, and must always be, room for honest difference of opinion between members of the same party.

It is my hope that conservatives will remember that it isn't enough to complain. Political action is what counts. And political action backing bedrock, constitutional principles, aimed at limiting the role of the Government in our lives, can win out, hands down. True, demagogery and political expediency have won elections in the past. This year, I believe, will be the year for aroused conservatives. DICK NIXON can be their leader.

Remarks of Congressman Robert W. Levering on the Occasion of the Presentation of the Plaque Commemorating the Anniversary of the Fall of Bataan at the Tomb of the Unknown Soldier, Arlington, Va., April 9, 1960

EXTENSION OF REMARKS
OF
HON. ROBERT W. LEVERING
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1960

Mr. LEVERING. Mr. Speaker, on Saturday last, April 9, the 18th anniversary of the fall of Bataan, the American Defenders of Bataan and Corregidor, an organization unique in this country, presented a beautiful plaque to the trophy room at the Tomb of the Unknown Soldier in Arlington, Va., in the name of the unknown among those who died in defense of freedom in the early months of World War II in the Philippines.

Present for the ceremony on behalf of the American Defenders of Bataan and Corregidor were Kenneth Stull, national commander, John S. Koot and Joseph Vater, of the tribute committee, as well as Albert Senna, former national commander, and several other members of the organization. Col. Ismael Lapus and Lt. Alejandro Melchoir from the Philippine Embassy appeared on behalf of the Independent Republic of the Philippines.

Mr. Speaker, I can attest personally to the fact that many of the defenders of Bataan and Corregidor were buried in unmarked graves during the 3½-year period our troops were confined in prisoner-of-war camps. By unanimous consent heretofore granted, I include, for the RECORD, the remarks it was my privilege to make on the occasion of the trophy presentation:

Today as we observe the 18th anniversary of the fall of Bataan, we perform a conscious act of recalling those far-off days of suffering and sacrifice. As we dedicate this plaque we pay tribute to those who did not return.

In December 1941 the ground forces available to meet the Japanese invasion of the Philippines comprised the Philippine Army, with a total strength of less than 100,000, and a U.S. Regular Army contingent of some 25,000. The Philippine Army was ill-equipped and its training was incomplete. These forces, we quickly learned, were inadequate to stop the enemy at the shoreline, and General MacArthur withdrew them into the mountainous peninsula of Bataan and to the island of Corregidor. This withdrawal was conducted with consummate skill under constant enemy attack.

The epic struggle against overwhelming odds began on December 10, 1941, when the initial Japanese amphibious landings were made on the island of Luzon. The Japanese timetable of conquest called for the overwhelming of the Philippines in 10 days. But the enemy had not anticipated the heroic resistance of the American soldiers and their Filipino comrades in arms. Actually, it was almost 120 days before the Americans and the Filipinos, too weakened to resist any longer, were forced to surrender.

Shortage of food had reduced the defenders of Bataan to less than one-fourth rations. The supply of needed clothing had long been exhausted and a large part of the troops were barefooted and clad in rags. Wounds and disease had taken their toll; less than half the men were capable of walking any distance. Those indescribably weary men still capable of action in the twilight hours of Bataan had little left with which to continue the fight other than their will and their pride. They had no antitank weapons and little or no artillery. They had only rifles and small amounts of ammunition. Four long months of bitter fighting against a well-trained and well-equipped foe, without replacements in men, equipment, or supplies, had brought them to the brink of annihilation.

April 9, 1942, when Bataan fell, was a dark day in the course of our struggle in the Pacific. But Bataan has become a word of honor and courage in the language of freedom the world over. Bataan was a valuable lesson in the relationship of free peoples. Even as this gallant band of Filipinos and Americans laid down its arms, the loyalty of the Filipinos, soldiers and civilians alike, to the cause of freedom remained steadfast.

Bataan was a military defeat, but it was a victory of the spirit—the spirit which moves men of different nationalities to fight shoulder to shoulder for their common freedom.

This plaque commemorates those men who fought as heroically and tenaciously as any military force has ever done. It commemorates especially those who did not return. Their desperate resistance, holding as they did a sizable portion of the Japanese strength at bay for so long, allowed American forces to be dispatched to Australia, New Caledonia, and other islands for the counter-offensive which began 4 months later at Guadalcanal. Nobody could have done more.

It seem to me the words of Jose Rizal, the Philippines' greatest hero, spoken on the night before his execution, are appropriate at this time. "The place matters not, cypress or laurel or lily white, scaffold or open plain, combat or martyrdom's plight."

A Higher Living Standard for American Migrant Workers

EXTENSION OF REMARKS
OF
HON. THOMAS M. PELLY
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES

Monday, April 11, 1960

Mr. PELLY. Mr. Speaker, I believe there is an opportunity to improve the lot of the American migratory farmworker. In this connection, under unanimous consent I include in the CONGRESSIONAL RECORD an address on this subject by Secretary of Labor James P. Mitchell which he made last week to the National Travelers Aid Association.

This speech has a close relationship to a bill, H.R. 11313, introduced by me to eliminate the importation of foreign farm labor and to replace it with our own transient farmworkers who now average less than a thousand dollars' earnings a year and who could do the work now done by imported Mexican nationals.

The address follows:

ADDRESS BY SECRETARY OF LABOR JAMES P. MITCHELL AT THE LUNCHEON OF THE 1960 BIENNIAL CONVENTION OF THE NATIONAL TRAVELERS AID ASSOCIATION, WASHINGTON, D.C., APRIL 6, 1960

Members of the National Travelers Aid Society. I was pleased by your invitation to luncheon with you this afternoon, and to remark briefly on the status, and the prospects, of our migratory farmworkers—families that are often desolate, always in need of some kind.

It is my hope to use this time to recount for you some of the things that have been done to help the migrant, and to talk about some of the things that I feel must be done in the future if the migrant is ever to take his place as a full citizen of this wealthy Nation, with full access to the responsibilities and rewards of our social and economic life.

I would like to remark first, however, on the work of the Travelers Aid Society. There is no lonelier person than a traveler in trouble; our clearest example of the virtue of charity is the story of the Samaritan who helped a traveler in trouble.

Each year 30 million Americans of every background and income group change their city of residence. This ability to move freely, to pursue opportunity, to change jobs at will, was a breathtaking freedom to the people who came to this new world from the social confines and economic strictures of the old. In a dynamic economy such as ours, it remains an American characteristic.

Yet most people on the move must rely upon the uncertain help of strangers in case of trouble. To all travelers, the glow of the Travelers Aid lamp in bus, rail, and air terminals throughout the Nation is a welcome one.

Unfortunately, there are few such "kindly lights" for the 500,000 American migratory farmworkers to steer by.

Anyone familiar with American agriculture is aware of the extraordinary changes that have taken place in recent decades, and that are continuing. We can produce immense crops from fewer acres, far beyond our limit to consume them or profitably dispose of them. Modern processing, packaging and marketing techniques have brought to agriculture the stylization and management methods of industrial production—a system in which the migrant appears as an economic element, as one of the phases in the process.

President Eisenhower has warned that failure to confront the complex problems of the new mass agriculture "can cause serious strains on the firm freedom supports of our society." Of particular interest to us is the fact that the "scientific revolution" that causes headaches to agricultural producers also brings grief to agricultural labor—helps, in fact, to perpetuate the migratory labor system itself.

This much seems certain to me: We may have learned to use the tools of technology to dramatically increase agricultural production but we have failed to use those tools of progress to benefit many of the men, women, and children who labor for hire on American farms.

The migrants will be coming north now. As I speak to you, migrant families in our Southern States are gathering their few belongings, boarding the old trucks and buses to begin their long trek. They will work long days, travel great distances before autumn brings them home again. And they can expect certain things:

The migrant can expect to receive the lowest wages in the entire American economy, less than $900 a year.

He can expect to be unemployed, numbering the jobs he is able to pick up away from the farm as well as those on the farm, about half of the days of the year.

He is expressly left out from the protection of most of our social and labor legislation.

He can expect to be ineligible, in all but a very few cases, for health and welfare services because of residency requirements fashioned, in some places, with him in mind.

He can expect that his children will be forced by economic necessity to work beside him in the fields, and that those same children, because they move with their parents from place to place, will often be deprived of the opportunity for an education.

Our 500,000 domestic American migrants can expect, also, to be in competition with 500,000 foreign workers, brought into this country every year.

And the migrant can expect to be considered, by many who employ him, and in the literal sense of the word, a "commodity" to be bought and used at the lowest possible price.

Those are his expectations, right now, as he starts north to harvest our crops and fill our supermarkets.

I have never been able to understand the apathy of most farm employer organizations over the years when it comes to finding solutions to this vast and compelling human problem.

Even more distressing is the traditional and historical opposition of those farm employer organizations to any and all suggestions that are put forward for the relief of the substandard conditions of farmworkers.

Now I do not doubt that American growers and their organizations are not devoid of humanitarian instinct, nor that they have contributed their just share to the Albert Schweitzers and the Dr. Dooleys who dedicate their lives to the underprivileged of foreign countries. I have no doubt that many of these organizations support our foreign aid programs to assist those nations that are underprivileged.

Yet, when suggestions are made that would raise the status of our own migratory workers, who live in the poverty of a $900-a-year average income, these same individuals and organizations are seized with a pious horror at this assault upon free enterprise.

During the past 2 years I have made several speeches on the problems of the migrant farmworker. I have attempted to show that it is a problem that cannot be rationalized out of existence, that our posture as a nation founded on human dignity is seriously impaired by a farm labor system based upon the availability of a large supply of poverty-stricken workers.

In response to this position, recommendations have been made by farm employer organizations that would have the effect of making it the policy of the U.S. Government to help maintain that supply of underemployed and underpaid workers for the benefit of agricultural employers.

I do not believe that American agriculture does, can or should depend upon such a labor system.

In accordance with that conviction, I have made proposals and advanced programs that, in my opinion, would improve agricultural labor conditions and, in the long run, the health of agriculture itself.

Today I would like to summarize briefly what progress we have been able to make in the past 4 years. I would also like to summarize briefly some of the more important proposals, and advise you on their status.

I have the honor to serve as chairman of the President's Committee on Migratory Labor, established by President Eisenhower in August 1954.

One of the most important projects of the committee is the promotion of joint Federal-State action through the establishment of State migratory labor committees. Much of the responsibility for the well-being of migrants and their families rests with the States. Workmen's compensation, unemployment insurance, residency laws, and regulations for housing and transportation are, for example, primarily State responsibilities.

At the time the committee was established, only seven States had migratory labor committees. Today, the total has reached 28. Of the 31 States which employ 4,000 or more domestic migrants per year, 24 have organized migratory labor committees.

It seems to me that during the next general State legislative year, 1961, we should see a good deal of action by the States in the field of migratory labor. My optimism is based on a new source of support for migratory labor legislation. In the past what has been lacking in attempts to extend protective legislation to farmworkers has been support from most farm employer organizations.

At a speech in Chicago last year, I suggested that such organizations might contribute constructive suggestions in this area. I am delighted by the news that the American Farm Bureau Federation has recommended that its affiliated State farm bureaus consider State legislation to (1) improve housing standards for migratory workers; (2) extend occupational insurance to farm workers; (3) license farm labor contractors; (4) enact safety standards for truck transportation of farmworkers; (5) insure availability of school facilities to children of migratory workers; and (6) establish minimum age restrictions for the employment of minors in agriculture.

I welcome this somewhat belated action on the part of the Farm Bureau, and I would like to suggest that they join with those groups and individuals which have traditionally fought for such legislation through the years to put their recommendations across.

In addition to the growth of State interest stimulated by the President's Committee, the Department of Labor has been moving ahead in those areas within its competence and interest. Among those programs are:

Development and expansion of the annual worker plan through which an estimated 200,000 workers will move this year.

Development and issuance of amendments to the regulations governing the interstate recruitment of migratory farmworkers.

Development and introduction of a bill for national registration of crew leaders operating across State lines.

Development under PCML auspices of proposed legislation for the establishment of overnight rest facilities for migrant workers.

Initiation of studies now under way in several States to determine the advisability and feasibility of extending unemployment compensation to farmworkers.

Development of much stronger foreign worker standards—protecting our own workers from substandard competition.

These are concrete accomplishments by the Department of Labor in the field of farm labor. Taken together, they represent more significant progress than was made in any comparable period of time in history. I think that in the years to come the record will show that the programs undertaken by the Department of Labor over the past 4 years on behalf of farmworkers will have laid the groundwork for the accomplishments of the future.

In regard to that future, I believe there are a number of items of the first priority.

There is, first, the question of a minimum wage in agriculture.

In February of last year I first announced my conviction that a minimum wage for farmworkers was an essential first step in providing our migrants with the necessary economic improvement from which other improvements would follow, and without which no lasting improvement is possible.

At that time, I directed a special study to determine both the desirability and the feasibility of extending the minimum wage to agricultural workers.

A report will be released at the end of this month, and it will show that minimum wage for hired farmworkers is both feasible and desirable.

It will also show that such a minimum would apply to a relatively small percentage of farm employers, all of them large, who hire a substantial portion of the hired farm help in the United States, and would not apply to the small family farmer.

To assume, of course, that such legislation would receive the appropriate attention of Congress in a political year is to avoid the realities of our society. I am releasing this report however, so that ample discussion and thought can be given to it, in sufficient time and detail, to insure a meaningful consideration in the next Congress.

A second broad question relating to the future of the American migrant is the status of our foreign labor programs.

A little over a year ago, I appointed four distinguished consultants to advise me on the operation of Public Law 78, the act which enables the Secretary of Labor to recruit supplemental farm labor from Mexico.

The consultants reported that the mass importation of Mexican farmworkers, occurring at the rate of 450,000 last year, is having a definite adverse effect on the wages and working conditions of American farmworkers. To cure this, the consultants made recommendations.

In recent weeks, the Subcommittee on Equipment, Supplies, and Manpower of the House Committee on Agriculture has held hearings on the extension of Public Law 78.

Several of the bills before that subcommittee would do the opposite of what the consultants recommended. They would not only dilute the Secretary of Labor's authority to administer this very difficult program; three of the bills would also revoke the Secretary of Labor's authority to issue regulations governing the use of the U.S. Employment Service—a service through which many farm employers recruit domestic farm help.

I think that those bills are hostile to progress. I consider them dangerous to the progress that has been made so far, and I urged strongly that the administration declare itself against them by opposing them without dissent—and this was done.

It is the Department of Labor's position that Public Law 78 should not be extended unless and until adequate remedial measures are adopted and substantial improvements are made in the program.

The Department of Labor, in accordance with that position, will make recommendations for improving the operation of the Mexican farm labor program before the present law runs out.

To the individuals and organizations that have supported the Department of Labor's farm labor programs, I would like to say that even though the attention of Congress is distracted in a political year, that is not an indication that the momentum toward reform is slackening. Rather the opposite is true. Indifference is giving way to concern; ignorance is declining before knowledge.

This problem is going to be solved. Despite the long history of frustration that has been the lot of those who have worked to find just solutions to this great human need, the tide is beginning to run with them. I believe that the day will come when the migratory American farm worker will be able to hold up his head as a self-sufficient and self-sustaining member of our society, like every other American worker.

When that day comes—and it will come—then we will have held out a genuine hand of help to the families that wander on the face of our land, and know so little of its true richness.

Thank you.

Address by Hon. Alexander Wiley, of Wisconsin, Over Radio Station WGN, Chicago

EXTENSION OF REMARKS
OF
HON. ALEXANDER WILEY
OF WISCONSIN
IN THE SENATE OF THE UNITED STATES

Monday, April 11, 1960

Mr. WILEY. Mr. President, in further regard to the economic situation, I was privileged to participate this weekend in a special broadcast series over WGN, Chicago.

In the broadcast, I reviewed a number of ways in which, in my humble judgment, constructive efforts could be made to further strengthen our country.

These included: First, encouraging more of our people to invest in our economy; second, as previously stated, to revise our tax system; third, effectively combat inflation; and a number of other general ways in which we can improve the economy.

Reflecting upon this great challenge before the American people, I ask unanimous consent to have the text of the broadcast printed in the CONGRESSIONAL RECORD.

There being no objection, the broadcast was ordered to be printed in the RECORD, as follows:

WILEY URGES PUBLIC TO "INVEST IN AMERICA"; STRESSES NEED FOR HOOVER-TYPE COMMISSION FOR OVERHAUL OF TAX SYSTEM; OUTLINES SEVEN PROGRAMS FOR STRENGTHENING ECONOMY

(Excerpts of address prepared for delivery by Senator ALEXANDER WILEY, Republican, of Wisconsin, over radio station WGN, Chicago, April 9, 1960)

Friends, I welcome the opportunity to discuss with you a number of issues confronting our country and the world.

As citizens, you and I face daily decisions on a wide variety of issues affecting the personal lives of ourselves and families; community projects and programs; issues at the State level; national and international developments that relate to our security, progress, and outlook for the future.

Briefly, now, I would like to review challenges in the domestic economic picture that, I feel, are of special interest to all of us.

As a people we face such problems as:

Does the bread winner earn enough take-home pay to meet the family bills?

Is it possible to afford to send eligible children to school, and to college?

Do self-employed folks in business and professions retain enough income to meet needs and obligations?

Do we have opportunities to enjoy enough of the good things created by the free enterprise system?

For the answers to these questions, we must turn a microscopic eye on our domestic economy to determine (1) how it is meeting the needs of our people; (2) where it may be failing; and (3) what can be done to further improve the economic outlook for all of us?

WILEY SAYS: INVEST IN AMERICA

Question. Senator WILEY, what can we do toward a better, stronger economy for the future?

Answer. First, I believe we need to further educate the American people on the merits, benefits, and opportunities provided by our free enterprise system. All too often it is taken for granted that our economy has created the highest standard of living and the greatest agriculture and industrial output in the history of the world.

As citizens of a free country, it is important that we do everything possible to further strengthen our system.

Question. How would you suggest this be done?

Answer. A major contribution can be made by encouraging more people to invest in our economy.

Today, there are more than 12 million shareowners of publicly owned corporations in this country. These shareowners, represent not just the rich, but a broad cross section of our people, including modest income individuals such as workers, housewives, teachers, professionals, and many others.

To encourage such investment, I have introduced a resolution in Congress to authorize and request the President to proclaim April 24 through 30, 1960, as National Invest-in-America Week.

By observance of such a week, Americans can reaffirm their belief in the power of work, savings, and investments to create new business and better job opportunities for all our citizens.

This is particularly important since our free system is now on trial globally in a battle of survival against communism.

NEEDED REVISION OF OUR TAX SYSTEM

Question. What are some further recommendations for strengthening our economy?

Answer. Secondly, I believe we must carry out a sound, fair, top-to-bottom revision of our tax system. As you and I well know, taxes—direct and hidden—take one of the biggest bites out of our income.

In themselves, also, taxes can be inflationary—driving up prices, and thus further reducing the buying power of our dollars.

Unfortunately, the great demands on Uncle Sam—particularly the high cost of a space age defense—dims the outlook for early relief from Federal taxes at the present time.

In view of this fact, I believe this provides a good opportunity to undertake a complete—and much needed—overhaul of the tax structure.

We recall, of course, that over the past months, the Ways and Means Committee of Congress has held hearings on various aspects of this system. However, these studies have not as yet, in my humble opinion, been of a sufficiently broad scope to really do the job.

That is why I am again urging enactment of my bill, S. 1885, for establishment of a Hoover-type commission to revise the tax system.

Question. Just what would you do, Senator WILEY?

Answer. The purpose would be to iron out inequities; plug loopholes; if possible, establish a fairer distribution of the tax burden; and, overall, encourage tax policies that would stimulate, not stunt, economic growth and opportunity for individuals, as well as businesses and enterprise.

The Commission, comprised of competent individuals from both private and public life, would also aim at reflecting new light on such aspects of our tax system as (1) the interrelationship of Federal, State, and local taxes; (2) the impact of the present system on individuals and enterprises; (3) "rooting out" taxes that may be discriminatory; and (4) generally assuring that the system allows incentive to earn, grow, expand, and enjoy the fruits of labor.

Question. What taxes would be involved?

Answer. Although the whole system should be scrutinized, special studies should include—

Taxes on job-creating businesses and industry, particularly those included in the small business category;

Treatment of retirement benefits;

Possible tax adjustments to help meet the increasingly high costs of education, and thus help to fill a national need;

Depletion allowances for oil, gas, and other similar resources;

Treatment of working mothers under the tax laws;

Deductions for business expense accounts;

Excise taxes continued long beyond their wartime purposes;

Capital gains taxes.

In addition there are a great many other areas of taxation which deserve careful reconsideration.

We recall that it has been traditionally stated that "the power to tax is the power to destroy."

In our own system, we need to assure that our taxes do not destroy individual incentive and progress in our economy. Rather, the system must be designed to assure that taxes are imposed only to meet real needs of our people—and, insofar as necessary, these be fairly proportioned, according to sound principles in the best interests of the economy.

Question. Now, what are some of your other recommendations for strengthening the economy, Senator WILEY.

Answer. Although these cover many fronts, they should include:

Third. Improving job opportunities for our working force of almost 69 million workers, of which nearly 4 million are still unfortunately out of jobs.

Fourth. Encourage realistic Federal spending policies, including a balanced budget and, if possible, a surplus to begin reduction of the national debt. This also involves—

Carefully restricting Federal programs to proper limitation of Federal responsibility so as to prevent undue competition on the money market or to create unnecessary competition with private enterprise; and

Further educating our people to the realism that demands for more and more services by the Federal Government can only postpone the time for a lessening of the tax burden.

Question. What else should be done?

Answer. Fifth, assuring a competitive climate in which businesses, industries, and other enterprises—both small and large—have an opportunity to prosper and make their contribution to our economic life;

Sixth. Encourage management and labor to plan cooperatively together for the common good, and to work together against the destructive powers of inflation; and

Seventh. Public encouragement should be given to nongovernmental sectors of the economy to increase productivity, guide production into items of greater durability, and less obsolescence, and lower prices.

Overall, the Government, as well as consumers, labor, industry, and all others, have a proportionate responsibility not only for sharing in the efforts to combat inflation, but also to promote economic health for the country.

Question. How can this be accomplished, Senator WILEY?

Answer. Through sound buying, borrowing, spending, and saving practices by consumers.

By labor making only realistic demands for pay and better working conditions based among other factors upon increased productivity.

And by industry establishing realistic pricing and profit practices on commodities.

And prospects for an ever-brighter future can be fulfilled only if there is full cooperation of all segments of the economy, with planning based on realistic economic principles, not wishful thinking.

CONCLUSION

Senator Wiley, thank you very much for this fine review of ways for strengthening our economy.

I have welcomed the opportunity to present these ideas to you.

If you folks listening in have any comments on these proposals, I would be glad to hear from you. Also, if you feel that some of the recommendations have merit—for example, the invest-in-America and tax revision proposals—you might want to directly contact Members of Congress—in addition to myself—to express your interest in them.

Many thanks for listening.

HOUSE OF REPRESENTATIVES

TUESDAY, APRIL 12, 1960

The House met at 12 o'clock noon.

The Reverend Father Joseph F. Thorning, D.D., pastor of St. Joseph's Church, Carrollton Manor, Md., and professor of Latin American history, Marymount College, Arlington, Va., offered the following prayer:

Heavenly Father, author of light and of love, let the brightness of Thy countenance shine radiantly upon the Speaker of this House and all the Members of the U.S. Congress.

Impart, we beseech Thee, Thy best blessings to the Presidents of all the American Republics, to public servants everywhere, and to the peoples themselves, granting them the divine graces they need to uphold human freedom, their national independence, genuine social progress, and the sacred truths and values confided to us in the Old and New Testaments.

In this moment of history, when the shadows of a new slavery are apparent over nearby American skies, strengthen our God-loving leaders throughout the Western Hemisphere to show the vision and courage essential to a secure peace, inspiring all citizens with a determination to remain loyal to their plighted word and to the noble principles of inter-American friendship and cooperation.

In our rededication to the ideals of the good-neighbor policy on this 16th congressional celebration of Pan-American Day, we implore fresh gifts of wisdom, bravery, resourcefulness, and imagination characteristic of men and women of prayer, that we may grow in Thy friendship and in our love for one another.

We humbly seek Thy daily blessings in the name of our most Holy Redeemer, the Christ of the Andes. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 725. An act to provide for the establishment of the Wilsons Creek Battlefield National Park, in the State of Missouri;

H.R. 1805. An act to provide for the protection and preservation of the Antietam Battlefield in the State of Maryland;

H.R. 3676. An act to direct the Secretary of the Interior to convey certain lands to the city of Tillamook, Oreg.;

H.R. 7359. An act to direct the Secretary of the Interior to convey certain public lands in the State of Nevada to the Colorado River Commission of Nevada acting for the State of Nevada;

H.R. 8649. An act to continue for a temporary period the existing suspensions of the tax on the first domestic processing of coconut oil, palm oil, palm-kernel oil, and fatty acids, salts, combinations, or mixtures thereof;

H.R. 9451. An act to amend the act of July 19, 1954, to exempt from taxation certain additional property of the Veterans of Foreign Wars of the United States in the District of Columbia, and to provide that the tax exemption granted the property of the Veterans of Foreign Wars of the United States in the District of Columbia shall be effective with respect to taxable years beginning on and after July 1, 1959;

H.R. 9543. An act to revise the boundaries and change the name of the Stones River National Military Park, Tenn., and for other purposes;

H.R. 9737. An act to amend the act of March 3, 1901, to eliminate the requirement that certain District of Columbia corporations be managed by trustees the majority of whom are citizens of the District of Columbia;

H.R. 9820. An act to extend the period during which certain tanning extracts, and extracts of hemlock or eucalyptus suitable for use for tanning, may be imported free of duty; and

H.R. 10683. An act to provide for the regulation of finance charges for retail installment sales of motor vehicles in the District of Columbia, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 9307. An act to continue for 2 years the suspension of duty on certain alumina and bauxite.

The message also announced that the Senate had passed bills, joint resolutions, and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 939. An act to authorize the establishment of the Fort Bowie National Historic Site, in the State of Arizona, and for other purposes;

S. 1066. An act to revise the boundaries and change the name of Fort Donelson National Military Park, and for other purposes;

S. 1092. An act to provide for the construction of the Cheney Division, Wichita Federal reclamation project, Kansas, and for other purposes;

S. 1268. An act to provide for notice to States owning surface lands in which minerals are reserved to Federal Government of proposals to lease such minerals;

S. 1411. An act to amend the act of August 1, 1956 (70 Stat. 898);

S. 1511. An act to provide for the annual audit of bridge commissions and authorities created by act of Congress, for the filing of vacancies in the membership thereof, and for other purposes;

S. 1833. An act authorizing the establishment of a national historic site at Bent's Old Fort, near La Junta, Colo.;

S. 2128. An act for the relief of the West Virginia Pulp & Paper Co.;

S. 2174. An act to permit the filing of applications for patents to certain lands in Florida;

S. 2306. An act to exempt from taxation certain property of the National Woman's Party, Inc., in the District of Columbia;

S. 2446. An act to amend the act entitled "An act to authorize the District of Columbia government to establish an Office of Civil Defense, and for other purposes," approved August 11, 1950;

S. 2576. An act to authorize the addition of certain donated lands to the Everglades National Park;

S. 2671. An act to exempt from taxation certain property of the American War Mothers, Inc.;

S. 2674. An act to authorize the acquisition of certain lands for addition to Harpers Ferry National Monument, and for other purposes;

S. 2772. An act to authorize the Secretary of Agriculture to convey land in the town of Cascade, El Paso County, Colo.;

S.J. Res. 9. Joint resolution to provide for the removal of a reservation of timber rights from a patent issued to Ivan H. McCormack;

S.J. Res. 162. Joint resolution authorizing the Secretary of the Interior during the calendar years 1960 and 1961 to continue to deliver water to lands in certain irrigation districts in the State of Washington, and for other purposes;

S.J. Res. 176. Joint resolution relating to the payment of salaries of employees of the Senate; and

S. Con. Res. 101. Concurrent resolution authorizing public hearings and recommendations on the bills S. 3198 and H.R. 11135, by the Joint Committee on Washington Metropolitan Problems.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 504. An act for the relief of Lionie Tarpinian; and

S. 1241. An act for the relief of Sirvart Kasabian.

TRANSFERRING TO MASSACHUSETTS PORT AUTHORITY CERTAIN LANDS

Mr. VINSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5888), an act to authorize the Secretary of the Navy to transfer to the Massachusetts Port Authority, an instrumentality of the Commonwealth of Massachusetts, certain lands and improvements theron comprising a portion of the so-called E Street Annex, South Boston Annex, Boston Naval Shipyard, in South Boston, Mass., in exchange for certain other lands, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference with the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia? [After a pause.] The Chair hears none and appoints the following conferees: Mr. VINSON, Mr. KILDAY, Mr. PHILBIN, Mr. ARENDS, and Mr. GAVIN.

PAN AMERICAN DAY

The SPEAKER. Pursuant to House Resolution 491, this day has been designated as Pan American Day. The Chair recognizes the gentleman from Alabama [Mr. SELDEN].

Mr. SELDEN. Mr. Speaker, I offer a resolution (H. Res. 501), and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Whereas April 14 marks the seventieth anniversary of the founding of the Pan American Union, the nucleus from which grew the present inter-American regional system called the Organization of American States; and

Whereas the Organization of American States is dedicated to the promotion of hemispheric understanding and friendship, the advancement of the principles of individual freedom and justice, the maintenance of peace, and the mutual defense of the sovereignty, territorial integrity, and independence of the American Republics; and

Whereas the House of Representatives has encouraged activities which promote hemispheric cooperation and solidarity and, during the last seventy years, has recognized the valuable contributions of the inter-American system to those ends; and

Whereas the twenty-one respective legislatures traditionally honor the observance of April 14 as Pan American Day, symbolizing inter-American friendship; and

Whereas the House of Representatives recognizes that friendship is one of the basic foundations for the continuing search for peace and progress in this hemisphere: Therefore be it

Resolved, That the House of Representatives extends to the representative bodies of each of the other American Republics on the occasion of Pan American Day its cordial greetings and expresses its profound desire for the strengthening of the bonds of friendship and cooperation which have made possible the maintenance of a unique regional organization devoted to our common objectives of hemispheric peace and well-being.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

The SPEAKER. The Chair recognizes the gentleman from Alabama [Mr. SELDEN].

Mr. SELDEN. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks immediately following the remarks I am about to make, and I also ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks on the subject of Pan-American Day.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. SELDEN. Mr. Speaker, April 14 marks the 70th anniversary of the Western Hemisphere regional organization, the Organization of American States.

We are all familiar with the modest beginning of our pan-American system. The first Pan American Conference in 1890 ventured to establish only a commercial bureau for the purpose of distributing trade information to merchants and shippers. As representatives of the American Republics became accustomed to meeting around the conference table, the idea of Western Hemisphere cooperation toward shared goals grew. Topics of mutual concern other than commerce became subjects of discussion.

Perhaps the greatest milestone in inter-American developments prior to World War II occurred at the conference in Montevideo in 1934. There the United States renounced every form of intervention in the affairs of its sister republics. Thus the foundation was laid for an international organization based on the rule of law, binding on the strong as well as upon the weak. When war clouds gathered in Europe, the American nations had at hand mechanisms for an inter-American alliance which emerged from earlier efforts at cooperation.

After World War II, we formalized our loosely knit system in two principal documents, the Charter of the Organization of American States and the Inter-American Treaty of Reciprocal Assistance.

As President Lleras-Camargo of Colombia said in his speech to a joint session of Congress only last week:

> We are partners in the most effective enterprise for the elimination of war, for collective defense and peaceful cooperation. Our related lives are ruled by the clearest statutes of reciprocal obligations and rights amongst our 21 nations, statutes which are at once a kind of inter-American constitution and, as Franklin Delano Roosevelt would have it, a declaration of interdependence.

Several generations of Americans, north and south of the Rio Grande, can be justifiably proud of the progress made in the past 70 years by our remarkable regional organization. But our work is far from finished. We cannot expect the system to be self-operative, running on past momentum. Changing conditions within the hemisphere, as well as outside pressures, create new situations with which the inter-American system must deal if it is to fulfill its role.

NEW CHALLENGES

Within the last several years we have witnessed in Latin America increased opposition to authoritarian government. At the same time, the Latin American people are demanding an end to poverty and illiteracy. Both currents inevitably are affecting the inter-American system.

In the first instance, the OAS has found itself called upon to resolve an apparent conflict in its own statutes. While the charter declares that representative government shall be the foundation of the Organization of American States, some hold the view that the OAS, by answering calls to halt foreign-based aggression, has shielded autocratic governments. On the other hand, any attempt by the OAS to protect human rights within a member State gives rise to the protest that the OAS is violating the principle of nonintervention.

Last year revolutionary activities in the Caribbean caused sharp tensions. The turmoil which threatened the peace in that area led to the convocation of the fifth meeting of consultation of Ministers of Foreign Affairs of the 21 member countries in Chile last August. At Santiago the foreign ministers were confronted with the problem of maintaining hemisphere peace without lending support to unpopular governments.

In the declaration of Santiago, the foreign ministers restated the democratic principles of the inter-American system. The Inter-American Peace Committee was assigned the task of examining the relationship between violations of human rights or the nonexercise of representative democracy, on the one hand, and the political tensions that affect hemisphere peace, on the other. The Committee may act either at the request of governments or on its own initiative. However, a government's consent is needed for on-the-spot investigations.

At the same time, the foreign ministers requested the Inter-American Council of Jurists to draft a convention on human rights. The OAS Council, in another step growing out of the foreign ministers' meeting, has named an additional special committee to prepare a draft convention on the effective exercise of representative democracy.

The OAS undoubtedly has a long road ahead before desirable and acceptable norms can be established to assure that inter-American peace can be maintained. The important thing is that the inter-American system has moved promptly and vigorously to hammer out guideline.

ECONOMIC COOPERATION

The second great challenge to the inter-American system lies in the realm of economics. At this time in Latin America more people are represented by democratically elected governments than at any time in the history of the region. The capable and responsible men who head the governments know that they must produce hope for progress toward decent living conditions or see democracy seriously discredited in the hemisphere.

In the postwar era a number of inter-American conferences have been held. There the Latin American delegates tried to make their needs understood. Often discussions were bitter, and the delegates departed with feelings of frustration.

But these conferences were by no means wasted effort. They led, on the one hand, to a greater understanding in the United States of Latin American problems, and on the other hand, to an appreciation in Latin America of the limitations on the United States imposed by world commitments. In any case, our views have moved closer together. We have reached the point where economic cooperation to spark Latin American development is now possible.

The OAS is proving to be an effective instrument in achieving economic progress. Through negotiations carried on at the Pan American Union, the agreement establishing the Inter-American Development Bank was consummated last December 30. The Economic and Social Council of the OAS and the Committee of 21 are at work on recommendations for other cooperative ventures. Through inter-American cooperation, the smaller nations can enjoy the benefits of a combined technical staff whose services would otherwise be beyond their reach.

For an extended period, we can probably expect instability in parts of Latin America. However, I have great faith that through cooperative efforts the OAS will be a major force in guiding events toward our mutual goals of peace and well being for all the people of the Western Hemisphere.

PLAZA OF THE AMERICAS

I was very pleased when the House only yesterday passed legislation designed to strengthen the bonds of friendship between the United States and our Latin American neighbors. The approved measure designates as the "Plaza of the Americas" that portion of the District of Columbia in which are located the buildings of the Organization of American States and the statues of the South American heroes, Simón Bolívar and José Artigas.

Again and again the Congress of the United States has given evidence of its support of the inter-American system and its profound belief that together the 21 American Republics can forge a great bulwark of freedom and prosperity.

Mr. FLOOD. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I yield to the distinguished gentleman from Pennsylvania.

Mr. FLOOD. Mr. Speaker, the gentleman from Alabama [Mr. SELDEN], we know, is the distinguished chairman of the subcommittee of the great Committee on Foreign Affairs of the House specializing in the affairs of Central and South America. I have had occasion to work with him this year. I know of his attention to this very important problem of hemispheric solidarity. In connection with the recent disturbances in Panama—in which, Mr. Speaker, you know, I was concerned—and in connection with resolutions presented by me to the gentleman's committee, he gave great and careful attention and subsequently led this House to commendable action. Further, I have presented a resolution in which I urge the extension of the Monroe Doctrine based upon the thoughts which I will read in one sentence from the Declaration of Caracas of March 1954, where the American Republics declared:

> International communism, by its antidemocratic nature and interventionist tendency, is incompatible with the concept of American freedom, the domination or control of the political institutions of any American State by the international Communist movement, extending to this hemisphere the political system of an extracontinental power, would constitute a threat • • • endangering the peace of America.

Now, I am sure my friend from Alabama, and I believe every Member of this House, knows of the Organization of American States; its whole concept of relationship with our southern friends. The celebrations here on this floor every year since 1931 all go to prove and endorse the language of the Caracas agreement that I have just read. It is to be deplored, it is to be regretted that the Republic of Cuba, that great friend of ours for generations, the pearl of the Antilles, has seen fit to declare against the precepts and the principles of the Caracas agreement. It is to be hoped that this is only a passing fancy and that reason will return to our Cuban neighbor in this connection.

So, Mr. Speaker, I commend my friend the gentleman from Alabama [Mr. SELDEN] for leading us on this Pan American Day. It is good to know that we had the word of God asked today, as we have in previous years, by a great friend of Pan America and of this country, Father Thorning, a distinguished Jesuit priest. These things are good to know, and I give my compliments to my friend from Alabama who led us so well.

Mr. Speaker, 70 years ago, on April 14, 1890, a conference of 18 nations of this hemisphere adopted a resolution forming the Pan American Union. Out of that resolution has grown one of the most productive and mutually beneficial regional international organizations in history, the Organization of American States. Since 1931 April 14 has been set aside as Pan American Day to honor this great association of republics bound together not only by geographical proximity but also by their common devotion to liberty.

Throughout its history, the Organization of American States and its predecessor groups have been living, growing organisms, adding new functions as the need arose. In 1947 the Inter-American Treaty of Reciprocal Assistance, signed at Rio de Janeiro, became the first regional collective security organization, expressing the principle that an armed attack by any state against an American State shall be considered as an attack against all the American States. Later, in the declaration of Caracas of March 1954, the American Republics declared that "international communism, by its antidemocratic nature and interventionist tendency, is incompatible with the concept of American freedom" and that "the domination or control of the political institutions of any American State by the international Communist movement, extending to this hemisphere the political system of an extracontinental power, would constitute a threat endangering the peace of America." The latest example of this essential ability to adopt new machinery when necessary to handle new problems is the Inter-American Development Bank, which will help bring about the massive economic development needed in so many Latin American countries.

The Organization of American States has an impressive record in the peaceful settlement of disputes, for which it has developed procedures unmatched anywhere in the world. It has also done much to carry out its purposes of solving economic problems and promoting economic, social, and cultural development. For example, it has undertaken to eradicate illiteracy and to bring about free and universal education everywhere in the Western Hemisphere. It provides technical assistance for the improvement of agricultural and rural life. Through the Pan American Sanitary Bureau the member states cooperate in the prevention of epidemics and the improvement of health services.

The vitality of the Organization of American States is a result of the knowledge that hemispheric cooperation will benefit all the participants. We in the United States recognize the economic, political, and strategic importance of Latin America and it grieves us when misunderstandings occur between us and any of our southern neighbors. On this Pan American Day let us express our good will and admiration for all the peoples of Latin America. May the Organization of American States continue to develop new avenues of cooperation, maintain peaceful relations within the hemisphere, and strengthen the defenses against any aggression from abroad.

Mr. SELDEN. Mr. Speaker, I am aware of the deep and sincere interest the gentleman from Pennsylvania has in our neighbors to the south. I thank him for his complementary remarks and commend him for his untiring efforts to promote good will and mutual understanding in this area.

Mr. SELDEN. Mr. Speaker, I yield to the distinguished minority leader, the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Speaker, this year Pan American Day and Week have acquired especial significance because of the very recent visit of President Eisenhower to South America, and the present visit of President Lleras of Colombia to the United States. We have fresh in mind both President Eisenhower's heartening report to the Nation upon his return, and the eloquent address made by the Colombian President to a joint session of the Congress.

Hemisphere relations have unquestionably benefited from the interchange of ideas, the increased good will and understanding, generated by these visits of the two Chiefs of State. The welcome given to President Eisenhower by the peoples and the governments in the countries on his itinerary, and the welcome our own people and Government are according President Lleras, demonstrate the real friendship that unites the citizens of this hemisphere.

When we speak of the American family of nations we are using a figure of speech justified by reality. The American Republics are alike in their origins as Old World settlements in a New World, in their growth generation by generation into true citizenry no longer of the Old World but the New, in their national emergence as independent countries, and in their political development as constitutional democracies.

We are also alike in our adherence to the free world of which our nations are so integrally a part; of which, indeed, they are the most powerful support. Perhaps we are most alike in the inherent devotion of all our peoples to the basic principles of peace and freedom. We know that peace without freedom becomes servitude, and that freedom without peace becomes gangsterism. Our American peoples demand for themselves, and desire for all mankind, peace with freedom, liberty with law. It is in that spirit we commemorate Pan American Day and Week. It was from that concept that the inter-American system has developed as a pattern and a program.

The Organization of American States, the regional group of our 21 American Republics within the global framework of the United Nations, has brought the method of the conference table to the greatest effectiveness ever known over so long a period by so many governments. Pan American Day this year marks the 70th anniversary of inter-American cooperation. That cooperation is made fruitful and beneficial through many channels; not political and diplomatic only, but economic and cultural as well.

It is furthered by people-to-people contacts as well as—perhaps even more than—by official agencies.

My own State of Indiana can offer many examples of the widespread, nationwide, ever-growing consciousness of the importance of our relations with the other Republics of this hemisphere. Let me cite just two examples. At Brazil, Ind., there is a beautiful replica of a famous Brazilian colonial fountain which was given by the people of the Republic of Brazil, in recognition of continuous inter-American activities, to this Indiana community which bears their great country's name.

Our famous Indiana State Fair accords special place and honor year by year to exhibits representing Latin America. And I should add that in our educational system, from the primary grades through the university, increasing attention is paid to Latin American developments and achievements, and to the importance of inter-American relations.

During Pan American Week and the other 51 weeks of the year, let us all, in public life and private, remember how important that relationship really is. In this connection I should like to cite an affirmation made by President Eisenhower on February 26 to the Congress of Argentina:

> It was once possible to think of democratic freedom as a matter of purely national concern. But now, in a world of exacting interdependence, freedom must be fostered, developed, and maintained cooperatively among many nations. Hence, across national boundaries, among peoples and governments, a constant increase in mutual understanding must prevail. Based on that understanding, political, cultural, and economic cooperation will succeed, with benefits for all.

Mr. SELDEN. Mr. Speaker, I thank the distinguished minority leader for his very fine statement.

At this time I yield to the distinguished gentleman from Massachusetts, the majority leader of the House of Representatives [Mr. McCORMACK].

Mr. McCORMACK. Mr. Speaker, observance of the anniversaries of events is perhaps the best way of refreshing one's memory of the significance of such events. I was happy to welcome, several years ago, the suggestion to support the congressional resolution providing for the annual observance of Pan American Day on the 14th of April. The idea was not new then, for the initial suggestion to have the founding date of the Pan American Union celebrated in all countries of the Americas was made by the governing board of the Union several decades ago, but it was significant to have such a resolution adopted by our Congress.

Today's celebration, marking the 70th anniversary of the Pan American Union, or, to give that body its present designation, the Organization of American States, is of immense national and international significance. More than any other date or event, and its annual observance, the Pan American Day celebrations in all countries in this hemisphere indicate the spirit of union and cooperation that motivates the peoples of the Americas. It is a most heartening sign to learn and be convinced that all peoples in this hemisphere, though living under different circumstances and of course in different climes, have one common bond of friendly feeling. Despite occasional irritations among them, caused by mere misunderstandings rather than by deep-seated animosities, they all are conscious of this common bond of friendship.

It is fitting and eminently appropriate that we commemorate the birth of an organization which has been the promoter of such a warm bond of friendship among the peoples of this hemisphere. On this 70th anniversary celebration of the founding of that organization we have the opportunity to take a fresh look at the common principles and policies, ideas and ideals, which bind the countries of this hemisphere so firmly together.

In today's world, while the inevitable trend seems to be in the direction of world and universal organizations, there is, and has always been, a definite place for closely knit and smoothly working regional organizations. As such the Organization of American States is a successful and living model. It has done good work without fuss or fanfare, and that is well recognized among all member States. New levels have been reached in political and economic cooperation among many member States. The Committee of Presidential Representatives, which came into being in 1956, has been active in its consideration of economic and social problems. Recommendations of this Committee have been translated into such tangible programs as malaria eradication, agricultural improvement, public housing, and a variety of technical studies.

Ceaseless efforts are being made to broaden the cultural ties between the United States and Latin America. Our educational exchange programs have been expanded and accelerated. In the academic year 1957–58, for instance, some 8,000 Latin American students studied in the institutions of learning in this country. Then there is the large number of specialists and technicians exchanged under bilateral cooperation programs. Growing interest in Latin America is evidenced by the scores of Pan American societies and organizations throughout the United States, which are actively engaged in promoting a better and broadened understanding of our neighbors to the south.

One of the most significant developments in recent years was the establishment of the Inter-American Development Bank with the participation and support of this country. The creation of such a huge, multilateral development institution serving the needs of the region as a whole represents an important milestone in inter-American relations. At the same time our Government has been active in stimulating the flow of assistance by public and private financial institutions to South American countries. All such assistance and similar measures advocated and adopted have the common purpose of raising inter-American cooperation to new, high levels.

On this 70th anniversary one cannot help but recall that the cooperative spirit, first sparked by that great Venezuelan statesman, Simón Bolívar, in 1826, again ignited in 1890 by the founding of the Pan American Union, and under its encouraging guidance, spreading ever since, is a sure guarantee for the welfare and well-being of all concerned in this hemisphere. Without the wholehearted cooperation, without the united and unified efforts of all the governments in the Organization of American States, it is difficult if not impossible to attain the goals which all of us have before us. But with an understanding of each other's problems, and with an honest effort to solve them, without causing irritations and frictions, peoples and governments are resolved to live in peace and amity. In all this the Organization of American States is rendering a valuable and inestimable service. On this 70th anniversary celebration we all wish it more power to carry on its worthy endeavors and success in the attainment of its goals.

Mr. SELDEN. I thank the gentleman from Massachusetts.

Mr. Speaker, I yield to the gentleman from California [Mr. JACKSON], the ranking Republican member of the Inter-American Subcommittee.

Mr. JACKSON. Mr. Speaker, it is fitting that on one day every year, we North Americans pay tribute to the other Americas, and to the millions of other Americans who populate our great hemisphere. While the course of true love never runs as smoothly as poets sometimes picture it, I think it can be said, in all truthfulness, that the Republics of North, Central, and South America, together with our great neighbor on the north, Canada, have given the world some excellent examples of harmonious relationships between countries and peoples of diverse races and origins.

On this Pan American Day, as on others in the past, there are differences between some of the sister Republics, but for the large part a trend has been steadily maintained toward the ultimate and end goal of greater freedom under law, and toward a fuller exercise of personal freedom of action as guaranteed in all of the constitutions of these republics. That there is still governmental repression exercised in one form or another in some countries should not be a source of discouragement to others, but rather a challenge to demonstrate by example and precept the advantages which flow from a system which permits the maximum expression of self-determination and personal initiative.

The United States has accepted an obligation to preserve peace in the hemisphere, not by unilateral force, but in willing concert with its neighbors. In pursuit of this policy of nonintervention in political and economic affairs of its coequal partners, the past few months have witnessed this country become the target for unbridled vilification and abuse from the government of a sister

Republic, whose people owe their independence, in part, to the North Americans who died at Santiago and at San Juan Hill.

As we North Americans cherish liberty for ourselves, we support its principles and espouse its tenets for others. As we exercise our own privilege of free worship, we recommend its exercise to others. As we gather together to discuss and ofttimes criticize the Government we elect freely, we view with deep concern the inability of others to associate freely together in their own interests. As we read the columns of a free press, upon which the heavy hand of governmental censorship does not rest, we regret reprisals and the rigid control which serves to still the pen of principle and truth elsewhere throughout the world. As we voice our opinions on any subject without fear of a prison cell, we grieve for those who are voiceless in the grip of tyranny.

Government as a master is worse than no government at all. This we believe, and our conviction in this is shared by millions of our neighbors in the hemisphere. A tyrannical dictatorship, whether of right or left, which brooks no difference of opinion among its people, contains the seeds of its own destruction, and must certainly crumble in history's dust. Nor can the trappings of tyranny be hidden behind a professed concern for land reform, social security, or other sanctimonious professions. There are too many examples amongst the sister Republics of progress in freedom to sustain the argument that progress can come garbed in dictatorial array. One can be for human progress without linking arms with those whose devotion to human progress has been spelled out in terms of terror, suppression, and violence. One can be for land reform without adopting the tactics and techniques which have characterized the brutal invasions by Communist aggressors in China, along the frontiers of India and in Tibet. To contend that known agents of a philosophy alien to all concepts of individual freedom can be trusted to lead a country to peace and tranquillity is to suggest that terror is a fit companion for compassion, and the lust for power synonomous with wisdom and justice. Men can be free and judicious only when their hands and their minds are unfettered. Criticism, when directed to the welfare of one's native land and one's own people, is the bridge by which reason crosses the gulf of misunderstanding. Deprive an honest man of his right to comment freely upon the actions of those in power, and frustration seeks an outlet in violence and bloodshed.

The United States does not covet a foot of the soil belonging to any nation. It seeks harmony and understanding based upon a just peace. Toward this goal, and in concert with our allies, we have shed the blood of our sons, and given freely of our human, physical, and financial resources. We desire that others shall benefit, not only by our contributions to the common welfare, but by the mistakes we have made as a Nation.

On this occasion, we North Americans reaffirm our purposes. We salute those of the sister Republics whose peoples have achieved a state of advanced political maturity and whose destinies are guided today by men whose minds and talents are devoted to the erection of standards of honesty, tolerance and understanding. We pledge our continued support to forward-looking policies in the economic area, and to unwavering support of the undertakings upon which this country has embarked with the other Republics. Our commitments for the common defense of uncommon ideals will be observed to the letter, and our devotion to collective defense of the Western World remains unswerving and unchanged.

To the Organization of American States—the Ambassadors of that organization—and to the governments and peoples whom they have the honor to represent, we offer our congratulations. The record of peaceful negotiation—of patient representations—of effective mediation—compiled by the OAS is the brightest achievement in the entire history of pan-American relationships. The great moral force represented by this oldest of regional groupments, remains the most effective instrument for order and stability in the Western World. OAS has demonstrated in its specialized committees as well as at the consultative level, a unique capacity to meet with and deal effectively with every recurrent threat to the security of its member states. At this moment, OAS is confronted with many problems of a complex nature, problems which at times appear to defy unilateral adjudication. To unravel these military and diplomatic knots will require a high degree of statesmanship—patience of an unbelievable order—and firmness to implement findings and recommendations in any instance. We have confidence that the OAS can and will meet the challenges in a forthright manner designed to maintain the Western World under God and under law.

Mr. JACKSON. Mr. Speaker, I ask unanimous consent that the gentlewoman from Ohio may extend her remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mrs. BOLTON. Mr. Speaker, on this 70th anniversary of the Organization of American States, I am delighted to join with my colleagues in extending greetings to the Latin American Republics. Each year at this time, Pan American Day provides us opportunity to renew the traditional ties of friendship which bind the countries of the Western Hemisphere so firmly together.

The past year has seen the attainment of new levels in inter-American cooperation, and numerous demonstrations of friendship and good will. President Eisenhower's unforgettable reception during his recent trip to Latin America attests to the respect and affection which our peoples have for one another. Moreover, the President's trip demonstrated that we are genuinely interested in the social and economic advancement of our neighbors to the south.

The United States is actively cooperating with the Latin American countries to improve living standards all over the hemisphere. Capital and technical assistance are supplied through the channels of the mutual security program, supplemented by loans from the Export-Import Bank and other Government sources. Private U.S. investments in Latin America total more than $9 billion, and are increasing at an average of some $600 million per year.

Earlier this year the Inter-American Development Bank became a reality, with the United States subscribing 45 percent of the capital and the Latin American countries themselves putting up the remainder. It is expected that the Bank will come to occupy a central role in development efforts, providing technical assistance to participating countries so that projects may be soundly conceived and implemented.

As we join in this 70th anniversary of Pan American Day, Mr. Speaker, it is well to remember that North and South America are bound together strategically, and culturally, as well as economically. The American Republics are truly interdependent, and vitally concerned with the problems of one another.

The hemisphere cooperation which has been achieved through the Organization of American States dramatically emphasizes the maturing relationships between our two continents.

Mr. CHIPERFIELD. Mr. Speaker, I want to commend the distinguished gentlemen from Alabama, Mr. ARMISTEAD I. SELDEN, JR., chairman of the Subcommittee on Inter-American Affairs, and Mr. JACKSON, of California, for so ably expressing our sentiments of friendship for our sister Republics to the south.

The occasion today is even more auspicious since we are fortunate to have His Excellency the President of Colombia and Madam Lleras visiting in our country at this time. President Lleras was formerly head of the Organization of American States and he and his country have contributed much to its development.

It was my good fortune to represent the House of Representatives of the United States at an International Conference of Representatives of Legislative Bodies of the Americas at Santiago some time ago.

I simply want to stress the importance of this day and repeat some of the historical facts leading up to this celebration.

April 14 marks the date on which the resolution creating Pan American Day was adopted in 1890 at the first International Conference of American States. For us in the New World it is a day peculiarly our own—the day of the Americas—when Americans both to the north and south can join hands to bring about a better understanding of one another and cement hemispheric solidarity.

Painfully, with measured steps and in spite of many weaknesses and misunderstandings the nations of the Americas have progressed along a weary road until now they clearly understand that while they are equal independent and sovereign nations, at the same time they

are interdependent neighbors with similar problems.

As far back as 1810 the eminent Chilean, Don Juan Egana, made the first proposal for pan-American unity, foreseeing with statesmanlike outlook the importance of unity of purpose and policy of the American Republics.

Many important steps have been taken to increase the effectiveness of the inter-American system and of course one of the greatest of these was the founding of the Pan American Union 68 years ago today.

Another was when President Hoover, 28 years ago, proclaimed April 14, 1931, as Pan American Day.

From a series of inter-American conferences a better understanding was brought about and the keystone for closer ties of friendship was the machinery set up for prompt consultation on matters of common concern.

In 1940 at Havana it was recognized an aggression of the territory or sovereignty of any nation in the Americas should be considered as an aggression against all.

These policies led ultimately to the act of Chapultepec at Mexico City where it was agreed not only acts of aggression from without should be the concern of all, but also acts of aggression from within the hemisphere against another American State.

The United Nations at San Francisco recognized the importance of such regional arrangements by approving of such agreements in its charter just as the signers of the Act of Chapultepec recognized the United Nations by agreeing its activities should be consistent with the purposes and principles of the general international organization.

So today the Americas have adopted a charter of their own to keep the peace. The 3,000-mile unfortified border between Canada and the United States, the towering figure of the Christ of the Andes high on the border between Chile and Argentina take on a new and added significance.

As I have indicated there have been many factors which have tended to bring about hemispheric security and to consolidate the ties of understanding and confraternity.

Among these is the fact that the Americas of all the areas of the world are best suited for geographical unity. Without the racial and historical prejudices of the Old World they comprise an area equal to 25 percent of the globe—consisting of 12 million square miles of the richest and the most diversified resources of the world. Their climates and crops supplement each other which in and of itself draws the peoples of the hemisphere closer together and creates bonds of solidarity.

Just as we, in the years past, fought and died for our independence in the New World so did the patriots of our neighbors to the south fight for the independence of their respective countries. This, too, provides a common bond of understanding as all these countries have heritages dedicated to the same ideals of independence of nations.

I need not add that in the fields of culture, music, art, and sciences there are great opportunities for progress, because contacts of this character ignore national borders and local differences.

It is significant that in the Americas alone of all the world there is no quota restrictions on immigration to this country.

While I have recited many instances of progress which we in the Americas have made in the past it does little good to blink the fact that there are still many problems to be solved.

The so-called good-neighbor policy is not dependent on any one administration for its execution. The good-neighbor policy is a continuing one. It is the universal desire of the vast majority of our people to have hemispheric unity for the betterment of us all—not just for the present, but as a permanent policy.

As has so well been said, let us improve the inter-American system and remember its interdependence is its foundation, cooperation is its keystone.

Mr. SELDEN. Mr. Speaker, I yield to the gentleman from Texas [Mr. BURLESON].

Mr. BURLESON. Mr. Speaker, it is highly appropriate that special observance should be dedicated to this day. Perhaps no one would contend that all is perfect between our neighbors to the south and us to the north. But, when one looks back at the comparative progress that has been made, as the gentleman from California [Mr. JACKSON] has described, one can see that it is an amazing accomplishment. At this time, I think it is well that we look to the future to accomplish still greater things in the full realization that we have a common purpose. That common purpose and mutual aspirations expresses itself in the Organization of American States. It is highly appropriate at this time, Mr. Speaker, for us to dwell upon the promise of the future.

Mr. Speaker, it is also apropos to this occasion to add my compliments to the gentleman from Alabama [Mr. SELDEN] for his diligent efforts and his dedication in leading the Subcommittee on Inter-American Affairs of the Committee on Foreign Affairs. The gentleman is doing a splendid job. He has performed ably and with energy and enthusiasm. I compliment the gentleman in highest terms and assure him of my cooperation as a member of his committee to accomplish the greatest possible good in the future.

Mr. SELDEN. Mr. Speaker, the gentleman from Texas is an extremely able member of the Inter-American Subcommittee of the Committee on Foreign Affairs, and I am deeply grateful to him for his kind remarks.

Mr. SELDEN. Mr. Speaker, I yield to the gentleman from Louisiana [Mr. BOGGS].

Mr. BOGGS. Mr. Speaker, I am happy to join with the gentleman from Alabama in paying my small tribute to our neighbors to the South of us whose friendship we are fortunate to enjoy.

I think that each of these nations has been our friend in time of war, at the political conference, and in trade relations. Not only have those nations been our allies in two great World Wars; but at the conference tables they have, almost without exception, helped us with free world policies. They have stood with us against the Soviet bloc.

One of the significant things that we have not touched on today is the growing economic potential of these nations. As they continue to develop, they become our best customers. One time some years ago, in the early days of the two Republics, there was a war between the United States and Mexico. Today quite the contrary. Mexico, our nearest neighbor to the South, is one of our best customers. As Cordell Hull said, "Nations that trade do not fight." As we look into the future and contemplate the tremendous growth in population in Latin America and the need for roads, for schools, for industrial installations, and all of those things that go with great industrial development, they will continue to take billions and billions of dollars' worth of American goods both from our plants and our farms.

Some of us are inclined to think about Latin America in terms of being undeveloped. This is true in some areas, but I would invite my colleagues to go to Brasilia, beautiful new capital growing up on the plains of Brazil, with its beautiful architecture—a whole city being built at one time by the largest nation in Latin America. Or if you would prefer a great industrial complex where skyscrapers are being built at an unbelievable pace, go to São Paulo, Brazil, or go to Lima, Peru, where was established the first seat of learning in the New World. So these people are undeveloped only in the sense that they do not have the great industrial development that we have in the United States, but they do have the desire, they do have the same dedication to freedom and to the Christian tradition which has built the New World.

I am happy to join with my colleagues on both sides of the aisle in paying tribute to these our friends and neighbors. I, too, regret the development in Cuba. I think this demonstrates so well what happens when you have Communist infiltration and where the institutions of communism take over in place of the institutions of freedom. I would hope that we would succeed in helping the people of Cuba, and that that nation will soon be rid of the problems they have.

My own town of New Orleans has built an institution that we call International House, and there come many visitors from all of these other nations. In International House they have found an atmosphere of friendship and helpfulness.

Mr. SELDEN. I thank the gentleman for his very fine contribution.

Mr. ROONEY. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I yield to the gentleman from New York.

Mr. ROONEY. Mr. Speaker, it was indeed a joy once again to hear a beautiful prayer offered today by my friend and a friend of many distinguished Members of the U.S. Congress, the Reverend Father Joseph F. Thorning, Ph. D., D.D., pastor of historic St. Joseph's Church, Carrollton Manor, Md., and honorary

professor of international relations in the Catholic University of Chile, a pontifical institution.

I should like to join in today's celebration of Pan American Day. The Pan American Union was started in the year 1890, 70 years ago, and has had as its objective the task of bringing the peoples of the Americas closer by advocating constant cooperation mutually advantageous to all concerned.

In the course of its long history, the Pan American Union, and in recent years under its present name as the Organization of American States, still clings to that lofty idea of advocating and advancing mutual aid, better understanding, and pacific settlement of all disputes. It also stands for the creation of a massive common front for combating the forces of Communist totalitarianism in this hemisphere. On this 70th anniversary, let us all hope for success in all its worthy endeavors, and work to strengthen it in the performance of its mutually beneficial, difficult, and delicate tasks. It is my fervent wish that we shall always celebrate Pan American Day in peace and respect and understanding of one another.

Mr. BECKER. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I yield to the gentleman from New York.

Mr. BECKER. Mr. Speaker, in recognition of Pan American Day, it is appropriate that Father Joseph Thorning gave the opening prayer of the House on this occasion because certainly he has given many years of his life, ability, and energy to promotion of good will and understanding between the Americans in both North and South America. He continuously exerts every effort in this direction.

As time moves on, it must be apparent to all of us that our relations with the people of South America must have a firm foundation brought about by a mutual understanding.

Certainly, the recent visit made by President Eisenhower to our Latin American neighbors must have indicated to the world, as it did to me, that on behalf of the United States, President Eisenhower demonstrated the great good will of the American people and the desire for friendship and peace.

It is my sincere hope that today and in the future the friendship between North and South America will ever increase.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. Mr. Speaker, Pan American Day is growing in importance year by year. One indication of this is the fact that President Eisenhower for several years past has been proclaiming not only Pan American Day but Pan American Week. There is a very friendly and practical reason for that. Throughout our land, many schools and other organizations, and even entire communities, carry out pan-American festivities on such a large scale that 1 day does not give enough time for celebrating inter-American solidarity and friendship. Of course, the best thing about this is that it represents a continual, year-long attitude, not just a sporadic ceremony. In fact, mutual good will is the basic, the fundamental, attitude of the peoples of our 21 American Republics, no matter what problems or disagreements may from time to time trouble the surfaces of relationship.

One hundred and thirty-four years ago, in 1826, a great President of the United States, a great citizen of my own State of Massachusetts, John Quincy Adams, defined our country's inter-American policy. During the succeeding generations that policy has continued to be fundamental in our hemisphere relations. It has been accepted by the citizens of this country, and supported by our two great national political parties. It was never a partisan pronouncement but the enunciation of a doctrine to which all patriotic citizens can subscribe wholeheartedly.

The occasion was an invitation for the United States to take part in the Pan American Congress in Panama, the first such meeting, which had been convoked by Simón Bolívar. In his message to this House of Representatives regarding acceptance of the invitation, President Adams stated that our country's relations with the other peoples of this hemisphere—we were not yet 21 American Republics, then, but only 9—rest on three basic principles. These principles may be summarized as follows:

First. We should not, in our dealings with the sister nations, seek only our own advantage.

Second. We should maintain cordial good will toward them.

Third. We should all have fair and equal sovereignty.

More than a hundred years later, in 1930, President Hoover issued our first Pan American Day proclamation; and all successive Presidents have done the same. Five years ago President Eisenhower, as I have noted, proclaimed Pan-American Week as well as Pan American Day, and has continued that as an annual custom.

There have been many historic milestones in hemisphere progress toward cooperation and interdependence. One of the most impressive was the Inter-American Conference on Problems of War and Peace, held in Mexico City in 1945. It is one of my proudest memories as a citizen that I was a member of the U.S. delegation to that meeting, which restated so eloquently the justification for continental consultation. It was this Conference which adopted the act of Chapultepec, calling for joint defense of all the American Republics in event of foreign aggression against any one of them since, when the safety of one American Republic is endangered, the threat is to the safety of all.

Our inter-American policy is not just an emergency measure to aid in time of crisis, however. It is a day-to-day relationship, something that has become a part of our national way of life. The American Republics have firmly established and developed good neighborliness and good partnership. Inter-American cooperation is of utmost value in maintaining peace in this hemisphere, and in enlarging the horizons of opportunity and progress for all the American peoples. In so doing, nothing is more sure than that we are likewise contributing toward peace throughout the world, and enlarging opportunities for all mankind.

Mr. MATTHEWS. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I yield to the gentleman from Florida.

Mr. MATTHEWS. Mr. Speaker, I want to associate myself with the many wonderful things that have been said about our neighbors and friends in the Latin American nations.

I want particularly to congratulate the gentleman from Alabama for the leadership he has taken in this matter, and to remind the House that just yesterday under his leadership we passed a bill which would designate a certain area in the District of Columbia as "The Plaza of the Americas."

I think it is of special interest for me to point out to the House that just this morning in my office I had the pleasure and honor of speaking to about 25 young men from Bolivia who have been attending my alma mater, the University of Florida, at Gainesville, and who are now visiting in the Nation's Capital.

In the plaza designated yesterday there is a statue of Simón Bolívar, and these young men from Bolivia, a country named after the great liberator, were very pleased to note the action that the House took yesterday.

I emphasize again, Mr. Speaker, the fact that the problems of this world are not all economic and material; they are also, at least to a very great extent, spiritual problems; and that our friends appreciate the amity we have for them so far as the same spiritual yearnings are concerned.

The State of Florida is very close to the Latin nations. The very name "Florida" is a Spanish word. We entertain great friendship toward our sister nations to the South, and I am sure we will extend to our sister Republics in the Latin American nations tangible evidence of that friendship in the years that are to come.

I thank the gentleman for yielding to me.

Mr. SELDEN. Mr. Speaker, I thank the gentleman from Florida for his complimentary remarks and I would like at this time to commend him for the very fine leadership he showed in bringing before his subcommittee and the full Committee on the District of Columbia the bill to which he referred a moment ago, and for the expeditious passage of the measure.

In closing, Mr. Speaker, let me say it is most meaningful to have with us today a clergyman who has for many years taken a very active and effective interest in the proceedings of Pan American Day here in the House of Representatives. I refer, of course, to our friend, Dr. Joseph Thorning, who opened the session today with a beautiful prayer asking for divine guidance and the strengthening of friendship between the peoples of the Western Hemisphere. We are most

happy to have him with us during the observance of the 70th anniversary of the Organization of the American States.

Mr. FASCELL. Mr. Speaker, today the Congress of the United States and the legislatures of many of our sister Republics in the Americas pause in the consideration of government business to dramatize Pan American Day—to give oratorical form to the mutual feeling of friendship which is manifest in our day-to-day relationships.

It is coincidental to the observance of Pan American Day that there have been so many recent evidences of multilateral interest in the maintenance and strengthening of the historic bonds which unite the Americas in the common cause of freedom and justice.

Just last week, the Congress of the United States was honored to hear in joint session the remarks of Dr. Alberto Lleras-Camargo, the distinguished and able President of the vibrant and growing Republic of Colombia.

During his stay in Washington, Dr. Lleras and President Eisenhower conferred on conditions in Latin America. This week, Dr. Lleras will be guest of honor at a civic banquet and round of appearances in Miami, Fla., as a part of the activity of the People to People Program, which has done so much in its 4-year history to advance the cause of world peace.

The people of the Fourth Congressional District and the State of Florida are very grateful to this outstanding world statesman for taking the time from a very demanding schedule to meet with us in the interest of global understanding.

Just yesterday, the House of Representatives passed a resolution to designate an area in the District of Columbia as the "Plaza of the Americas" as a symbol of our high respect for our neighboring nations.

And it was just 3 weeks ago that the House of Representatives passed a bill, which I also was privileged to cosponsor, to purchase certain land in the District of Columbia for donation to the Pan American Health Organization as a site for its new headquarters.

Within the past few months, the President of the United States and the distinguished junior Senator from Florida, the Honorable GEORGE SMATHERS, have traveled south of the border to show our interest in that area and to give official meaning to our friendship. In addition, Mr. Adlai E. Stevenson, one of the Nation's leading citizens, has just concluded a Latin American tour to learn of the problems of our neighbors and to foster good will.

Each of these incidents certainly is important in itself. But, taken together they reflect a pattern of interest and concern that augurs well for the maintenance of sound relations. The complexity of international affairs today demands that we constantly reevaluate our policies and programs, keeping ever in mind the problems being created by change daily in our Nation and within and among the Republics of Pan America.

Static friendship is not durable. Friendship taken for granted is not friendship at all. Meaningful friendship among nations must be vital, dynamic. It must be based on understanding of one another's problems. This kind of understanding is born of exchange of ideas and frank discussion among leadership in all walks of life. This is one reason I am so pleased with the visit here of Dr. Lleras and the trips to the Americas of our leading officials and citizens.

The people of the Republics of Pan America have set their sights high; and as the result of the indomitable spirit with which they are blessed, and an overwhelming dedication to the cause of self-sufficiency and freedom, they are taking giant steps forward culturally and economically.

We should be, and are, proud of our friendship with people of this character. We can learn much from them. Our continued friendship can be mutually invaluable.

So, on this observance of Pan American Day, we pay tribute to our neighbors to the south. And, further, we should resolve to continue and to broaden our mutual cooperation and to remain constantly alert to each other's problems lest we stumble over avoidable misunderstanding.

Mr. GALLAGHER. Mr. Speaker, Pan American Day provides all Americans of this hemisphere with the opportunity to stop and contemplate where we are heading and to assess the strengths and weaknesses of the American system. For us of the United States it is a fitting occasion to look to our responsibilities as a great power and consider whether or not we are bearing these responsibilities commensurate with our power.

No one can seriously doubt that our greatest enemy, real and potential, in world affairs is communism. We of the United States have understood this threat to our security in all its diverse manifestations; but we have understood it more in terms of its application to Europe rather than to our own backyard. For seemingly inexplicable reasons, we have taken for granted our sister republics of Latin America and held the naive faith that they would never be threatened by Soviet Russia.

But as recent events have shown, many of us have underestimated the strength of Moscow's fifth column, the world Communist movement. We witnessed an attempted Communist coup in Guatemala a few years ago, but seemed to relax when that danger subsided. Now, however, we are witnessing an even greater threat in Castro's Cuba which lies at our very doorstep. Reports by responsible authorities indicate that leading minds in the Castro movement are probably Communists or at least fellow travelers. This shift to the left in a movement that originally had our wholehearted support seems to be accelerating, and at this moment we honestly do not know how far it will go. We do know—and there can be no doubt about this—that the Cuban situation is full of danger for us and our sister Republics in the American system.

Yet, the problem of Cuba is only a microcosm of the larger problem of Latin America, namely, the state of protracted economic distress. Democracy as we know it cannot flourish in poverty, and it cannot exist for long in political and social structures unsuited for the current era.

On this Pan American Day it behooves us, therefore, to think through some of the imminent dangers to our security, as that posed by Castro's Cuba. It also behooves us to think through the larger and underlying economic problems besetting our hemisphere so that we as the leading nation of this American constellation of states can assume the responsibility our power imposes.

Mr. DADDARIO. Mr. Speaker, as we come to Pan American Day we recall again the reasons for the unity among the American Republics and for setting aside this day to celebrate our solidarity and common interests.

From the beginnings of the independent existence of these Republics we began an experiment in this hemisphere, an experiment in republicanism, in government of, by, and for the people. Isolation from the old centers of power in Europe offered a measure of security for this experiment. But isolation was not sufficient to provide certain security. Divided and weak, many of the new Republics found themselves relatively defenseless. The famous warning to threatening powers issued by President Monroe, a manifestation of the pan-Americanism we are celebrating, was made in the attempt to safeguard the Republics and the precious experiment which has contributed so much to human liberty.

We have seen in more recent times how a new threat from Europe, the threat of fascism and Hitlerism, brought the American Republics still closer together. I am sure we all recall how complete was the mutual assistance and cooperation manifested during those years of World War II when democracy hung in trembling balance.

With the end of the war came an inevitable relaxation and each country turned to its own problems and to its own pursuits. With the physical threat to the security of the hemisphere removed, the sense of allegiance to mutually held ideals was somewhat dimmed, the close unity was somewhat faded.

But although one physical threat was removed 15 years ago, another threat to the fundamental principles we all share has arisen. Now, as much as ever before, we need to stand together and to work actively together for the common good and security. We have stood fast when the threat to our democracy and our way of life came from the outside. We must also stand fast against the threat when it burrows from within. We know the nature of the threat. We know how it operates—by stealth, deception, and force. We know that if this power establishes itself in any part of this hemisphere, the unity which has been our strength will be breached.

This is a threat and a challenge which we can meet as we have met other challenges and threats in the past. The way to meet this challenge is by improved democratic procedures, higher standards of living, education, land reform, all of those economic and social measures which would put into practice the ideals of freedom and of equality of opportunity which we have always cherished. Although each country bears primary responsibility for meeting this challenge within its own borders, mutual cooperation could strengthen us all. We must reforge pan-Americanism on a new basis of greater freedom and rising standards of living.

Only by doing so will the cherished unity which has prevailed in the past continue in the future. Only by doing so can we continue to celebrate Pan American Day with the gratitude we feel at this moment.

Mr. O'HARA of Illinois. Mr. Speaker, it is a privilege and a pleasure to join with the great chairman of the Inter-American Subcommittee of the Committee on Foreign Affairs, the distinguished gentleman from Alabama [Mr. SELDEN] in extending to our sisters Republics and the men, women, and children in all the areas of our hemisphere, our greetings and our every good wish. This hemisphere is our home and all who live on it are of the same hemispheric family. What is good for any of the Republics is good for all the Republics. As time moves on, I think we will more and more realize the truth of this statement. Our annual observance here in the House of Representatives of the Congress of the United States of Pan American Day is the very best indication of the depth and sincerity of our interest in hemispheric friendship and hemispheric solidarity.

I am greatly heartened by the progress we are making. The recent visit to this Chamber at a joint session of the Congress of His Excellency Alberto Lleras-Camargo, President of the Republic of Colombia, pinpointed the closeness of the ties that bind us. The words of the President of Colombia, framed in the diction of a scholar and voiced in the eloquence of sincerity, moved us deeply. The warmth of his reception, Members standing on their feet and applauding long and loud, must have impressed the President of Colombia with our friendship for him, for his country, and for the peoples of all our sister Republics to the south of us.

Soon the Inter-American Highway will be opened as far as Panama, and thousands of touring Americans will get to know personally the peoples of the many lands that stretch from the United States to Panama and Colombia. We get closer in understanding when we get to know people. Misunderstanding quickly disappears when hands are clasped in greeting.

The establishment of an Inter-American Development Bank is another long step forward. I expect great benefits to come from the credit this Bank will extend to worthy ventures, especially in the smaller nations. It is something that our hemisphere has long needed. I would say, Mr. Speaker, that its establishment will prove the greatest contribution that has been made in many years to hemispheric solidarity.

Mr. Speaker, I think I should take this opportunity to mention something that I find cropping up in the conversation whenever I talk with visitors from Latin America. This is the need for stabilization. Unless there is a stabilization of prices for their products, many of our neighbors to the south will suffer from fluctuating economies. I appreciate that it is a difficult problem, but it is a problem to which we must give our most serious attention. I anticipate with confidence that the stabilization so urgently demanded will be accomplished. As the years roll on more and more the people of this hemisphere will be united in understanding and in affection. I repeat, this hemisphere of ours is the common home of all who live on it. It is the mission of the United States to serve, in the spirit of a family member, the other members of the hemispheric family. All we seek is the opportunity to help in every way, as one of good heart serves his friend and his neighbor.

I am happy to have had this opportunity of participating in this observance of Pan American Day.

Mr. IRWIN. Mr. Speaker, I am happy to comment on the pending celebration of Pan American Day.

At this time, I believe it is more important than ever before that we reaffirm the expressions of friendship and cooperation among the 21 Republics of the Organization of American States.

We have been told that our prestige in Latin America is at its highest point in history but I believe we all realize that this is not a fact, that our position in Latin America has never been as perilous.

We must reestablish strong, wholesome relationships with Latin American nations to avert the consequences toward which we are presently headed.

Through the Organization of American States, we have made progress in fostering inter-American economic, political, and cultural cooperation.

It is urgent that we increase our participation in such efforts.

At the same time, it is of critical importance that we give all Latin America a precise description of our long-range objectives, of our programs and hopes for the free people of Latin America. We must explain our democratic system of government and outline the role that private enterprise can serve in development of Latin American countries.

Mr. MULTER. Mr. Speaker, on April 14, 1890, the Latin American Republics and the United States adopted a resolution by which the first attempt at continuing cooperation between the nations of the Americas was launched.

Today marks the 70th anniversary of that memorable occasion when the inter-American system was born.

Since 1890 many changes have taken place. The name of the Pan American Union has been changed to that of the Organization of American States. With a change in name there was also a change in policies, attitudes and programs between the nations forming this novel experiment in international relations. Mutual understanding and cooperation increased.

No longer is the inter-American system simply a clearinghouse for economic and commercial information. The measures taken by the member states since World War II to strengthen the bonds of cooperation are numerous.

It is gratifying that on the 70th anniversary of this unique institution—the Organization of American States—one of the most important projects for inter-American cooperation has been officially established. I refer to the creation of the Inter-American Development Bank. Undoubtedly economic cooperation in the inter-American system is in the forefront of our relations with our neighbors to the South.

It is impossible to view with indifference the increasing economic problems confronting the Latin American people today. Consequently, more effective cooperation of all the inter-American system in the economic field is needed today. The creation of the Inter-American Development Bank should be a great stimulus to those forces working to bring about greater prosperity and well-being to all of us in the Western Hemisphere.

Without a doubt the inter-American system has advanced a long way since 1890. Its record is one of continuous progress and positive achievements. It is a record that will also show our united determination for a happier and a better America.

Mr. BOLAND. Mr. Speaker, on the occasion of the 70th anniversary of the founding of the pan-American system, it gives me great pleasure to extend my best wishes and sincere feelings of friendship and admiration to our sister Republics south of the Rio Grande. Pan American Day has come to be a commemorative symbol of the sovereignty of the American nations and the voluntary union of all in one continental community.

It should be restated that the Latin Americans are in a special position with relation to us. They constitute the one really effective regional organization—in the full sense of that term—that exists in the world today—an organization with a long, historical tradition that on many occasions has demonstrated its effectiveness. It is not a mere military alliance, for the inter-American regional system has far broader purposes and objectives.

It is my dearest hope, therefore, that the unity, friendship, and understanding, that has traditionally characterized the pan-American system, will be increased and strengthened. Thus, on this memorable day I move to ask all of the Americas to join in a common effort to fortify this free and unique association.

PUBLIC WORK PLANS UNDER WATERSHED PROTECTION AND FLOOD PREVENTION ACT

The SPEAKER laid before the House the following communication, which was read and referred to the Committee on Appropriations:

APRIL 11, 1960.

Hon. SAM RAYBURN,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of section 2 of the Watershed Protection and Flood Prevention Act, as

amended, the Committee on Public Works has approved the work plans transmitted to you which were referred to this committee. The work plans involved are:

State	Watershed	Executive Communication No.	Committee approval
Alabama and Georgia	Terrapin Creek	1964	Apr. 6, 1960
Arkansas	East Fork Point Remove Creek	1964	Do.
Do	West Fork Point Remove Creek	1964	Do.
Kentucky	Beaver Creek	1964	Do.

Sincerely yours,

CHARLES A. BUCKLEY,
Member of Congress, Chairman, Committee on Public Works, House of Representatives.

PAYMENT OF SALARIES OF EMPLOYEES OF THE SENATE

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent for the present consideration of Senate Joint Resolution 178.

The Clerk read the Senate joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the compensation of officers (other than Senators) and employees, whose compensation is disbursed by the Secretary of the Senate, shall be payable on the fifth day of the month following the month in which such compensation accrued, except that—

(1) all such compensation for the month of December shall be payable on the twentieth day of December;

(2) when such fifth or twentieth day falls on Saturday, Sunday, or on a legal holiday, such compensation shall be payable on the next preceding workday; and

(3) any part of such compensation accrued for any month may, in the discretion of the Secretary of the Senate, be paid prior to the day specified in the preceding provisions of this section.

For accounting and reporting purposes, disbursements made in accordance with this section on the fifth day of a month, or on the next preceding workday if such fifth day falls on Saturday, Sunday, or a legal holiday, shall be considered to have been made on the last day of the preceding month.

SEC. 2. (a) The joint resolution of May 21, 1937 (50 Stat. 199; 2 U.S.C. 60d), is amended by striking out the words "the Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed to pay to the officers and employees of the Senate and House of Representatives" and inserting in lieu thereof the following: "The Clerk of the House of Representatives is authorized and directed to pay to the officers and employees of the House of Representatives".

(b) Section 2 of the joint resolution approved May 21, 1937, as amended (53 Stat. 803; 2 U.S.C. 60e), is amended by striking out "The Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed to pay to the officers and employees of the Senate and House of Representatives", and inserting in lieu thereof "The Clerk of the House of Representatives is authorized and directed to pay to the officers and employees of the House of Representatives".

(c) The last paragraph under the heading "Contingent Expense of the House" in the First Deficiency Appropriation Act, 1946 (59 Stat. 633; 2 U.S.C. 60e–1), is amended to read as follows:

"Whenever the usual day for paying salaries in or under the House of Representatives falls on Saturday, such salaries may be paid on the preceding workday."

SEC. 3. This joint resolution shall be effective with respect to compensation accruing on or after the first day of the month following the month in which it is enacted.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 43]

Adair	Flynt	Morris, N. Mex.
Addonizio	Fogarty	Morris, Okla.
Albert	Ford	Multer
Alexander	Frazier	Mumma
Allen	Gallagher	Norrell
Andersen, Minn.	Gilbert	O'Brien, Ill.
Barden	Granahan	Osmers
Barrett	Grant	Philbin
Bass, N.H.	Gubser	Pilcher
Baumhart	Hargis	Pillion
Bennett, Mich.	Harrison	Porter
Bentley	Healey	Powell
Blitch	Hess	Preston
Bonner	Hoffman, Ill.	Pucinski
Bowles	Holt	Quigley
Bray	Horan	Reece, Tenn.
Brewster	Jackson	Riehlman
Brooks, La.	Jarman	Rodino
Brown, Mo.	Jones, Ala.	Rogers, Colo.
Buckley	Judd	Rostenkowski
Burdick	Kasem	St. George
Canfield	Kearns	Santangelo
Casey	Kluczynski	Schwengel
Celler	Lafore	Shelley
Chamberlain	Landrum	Sheppard
Chelf	Lesinski	Siler
Coffin	Libonati	Spence
Cohelan	Loser	Steed
Collier	McDowell	Taylor
Colmer	McGovern	Teller
Corbett	Marshall	Thompson, Tex.
Davis, Tenn.	Mason	Ullman
Dawson	May	Van Pelt
Dent	Merrow	Weis
Diggs	Meyer	Wharton
Dowdy	Michel	Wier
Doyle	Miller, George P.	Willis
Duliski	Miller, N.Y.	Withrow
Edmondson	Mills	Yates
Farbstein	Mitchell	Zelenko
Fascell	Montoya	

The SPEAKER. On this rollcall 309 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

APPROPRIATIONS FOR DEPARTMENTS OF STATE, JUSTICE, JUDICIARY, AND RELATED AGENCIES FOR FISCAL YEAR 1961

Mr. ROONEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11666) making appropriations for the Departments of State and Justice, the Judiciary, and related agencies for the fiscal year ending June 30, 1961, and for other purposes; and, pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be limited to 2 hours, the time to be equally divided between the gentleman from Ohio [Mr. Bow] and myself.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 11666, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from New York [Mr. ROONEY] will be recognized for 1 hour, and the gentleman from Ohio [Mr. Bow] will be recognized for 1 hour.

The Chair recognizes the gentleman from New York [Mr. ROONEY].

Mr. ROONEY. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, this bill carries appropriations for the coming fiscal year, to wit, fiscal year 1961, which begins this coming July 1 for the Department of State, the Department of Justice, the Federal Judiciary, the U.S. Information Agency, the President's so-called special international program, and the Commission on Civil Rights.

At the outset I should like to extend my grateful appreciation for their splendid cooperation in preparing this bill to my colleagues on the subcommittee, the gentleman from Georgia [Mr. PRESTON], the gentleman from Florida [Mr. SIKES], the gentleman from Washington [Mr. MAGNUSON], the ranking minority member, the gentleman from Ohio [Mr. Bow], the gentleman from California [Mr. LIPSCOMB], and the gentleman from Michigan [Mr. CEDERBERG].

Also, I should like to express the appreciation of myself and all the members of the subcommittee to the highly capable staff assistant to the subcommittee, Mr. Jay B. Howe.

Mr. Chairman, the committee had before it for consideration appropriations estimates submitted by the President's Bureau of the Budget in the total amount of $713,803,755. After extended hearings, the subcommittee—and the action was subsequently approved by the full committee—recommended in the pending bill a total amount of $676,579,807. This is a reduction of $37,223,948, or over 5 percent in the amount of the President's budget estimates and is an increase of $14,563,161 over the appropriations to date for the current fiscal year.

It should be noted, however, that the fiscal year 1960 appropriation figures do not include substantial amounts contained in the second supplemental appropriation bill for 1960, the conference report on which bill was acted upon in this House one day last week.

Of the total recommended by the committee in the bill, the committee has required that no less than $53,095,000, or approximately 8 percent of the total 1961 fiscal year appropriation, be used to purchase foreign currencies or credits owed to or owned by the Treasury of the United States.

The following table summarizes the amounts recommended in the bill in comparison with the corresponding budget estimates and 1960 appropriations:

Department or agency	Appropriations, 1960 [1]	Estimates, 1961	Recommended in bill for 1961	Bill compared with—	
				1960 appropriations	1961 estimates
Department of State	$222,306,800	$247,013,610	$223,784,754	+$1,479,254	−$23,228,856
Department of Justice	265,100,000	280,900,000	278,220,180	+12,120,180	−2,679,820
The Judiciary	48,450,900	52,501,965	49,800,045	+1,349,145	−2,701,920
U.S. Information Agency	118,234,746	122,793,180	116,988,980	−1,245,766	−5,804,200
President's special international program	6,145,500	8,000,000	6,935,848	+790,348	−1,644,152
Civil Rights Commission	780,000	905,000	850,000	+70,000	−145,000
Total	662,016,946	713,803,755	676,579,807	+14,563,161	−37,223,948

[1] Appropriations contained in the 2d supplemental appropriation bill, 1960, are not included.

The first item in the bill concerns the Department of State. The request for that Department was in the amount of $247,013,610. The committee allowed $223,784,754 which is a reduction of $23,228,856 in the amount of the budget estimates, or an increase of $1,479,254 over the appropriations for that department in the current fiscal year.

I might say before I get into the Department of State figures, that in the overall bill, as the result of the committee action on this bill, there will be a net increase in positions of approximately 190. Of these added positions 137 of them are in connection with the FBI, and a program for the hiring of low-salaried personnel, all of them clerks, to work in improving and substantially increasing the efficiency of the FBI identification division fingerprint operations.

With regard to the requests for additional personnel submitted to the committee, the committee has decreased these requests by approximately 1,100 positions.

To revert to the Department of State phase of the pending bill, and in connection with the item salaries and expenses for that Department, the committee points out that in the present fiscal year the Department of State has 13,331 permanent positions provided for, of which 4,589 are domestic and 8,742 are in the Foreign Service. Their requested increase was for 568 new positions in the coming fiscal year. The committee has not approved this request for these additional 568 positions, but has provided sufficient funds to maintain the current 1960 position level. The necessary reduction in positions can be made in existing operations to supply the positions required for new programs including new posts and elevations of posts to diplomatic status.

It is expected in connection with the completion of the new $53 million building for the Department of State here in the District of Columbia, that substantial savings will be made. The effectiveness of the operations of the Department should be increased for the reason that the Department has been, prior to the completion of this building—and it is not totally completed as yet—as I recall, in 22 different locations here in Washington.

With regard to the Foreign Service Institute which is connected with the Department of State, and funds for which are included in the overall item of salaries and expenses, Department of State, the committee found that approximately 700 wives of personnel were being given foreign language courses without any authority in law whatever. We point out on page 3 of the committee report that it seems somewhat incongruous that approximately 700 dependents can be trained in the Foreign Service Institute at a cost of practically nothing, as claimed by Foreign Service Institute officials, although whenever they propose to train a small number of additional personnel, such a proposal is always accompanied by a request for additional funds. The fact that the Foreign Service Institute has been training dependents without legal authority therefor might conceivably have some bearing on these estimated costs.

The Foreign Service Institute, together with the Office of Personnel of the State Department, have done many things which have been pretty hard to understand. You will recall the situation described in the printed hearings where, after teaching a gentleman Chinese at substantial cost to the taxpayer, he was then assigned to London. There have been some newspaper accounts with regard to this and I understand an article appears in a magazine today offering some explanation to the effect that he was sent to London to serve as a translator. There is not any accuracy at all in this belated assertion. He was a low-level employee and was sent to London to sit down with a chap in the British Foreign Office who was also a student of Chinese so they would transact their British-American diplomatic business together in Chinese rather than in English. The Department agreed that the postcurriculums study of these two gentlemen extended to visits to Chinese restaurants in London where they could discuss their business and the topics of the day with one another in Chinese.

We have tried to get the State Department to do something with regard to this Foreign Service Institute for the past number of years. There is not a member of this committee who does not believe that our Foreign Service personnel should be adequately trained and fully equipped in a foreign language, but the Department just does not seem to want to change its course. The Foreign Service Institute is presently leasing garage space in Arlington Towers across the river in Virginia at a cost of $3.75 a square foot. They have a 5-year lease on that space, but 60 out of 100 classrooms were found on a number of occasions to be vacant during the hours of 9 in the morning to 4:30 in the afternoon.

I think the story of the mismanaged Foreign Service Institute is fairly well covered in the hearings which have been printed and which you have available to you. This is one area of the State Department that once again I say must be cleaned up. They just do not know what they are doing. They cannot tell you how much it really costs to teach a Foreign Service officer or an employee foreign languages. The committee has felt all along that they should consult with recognized universities. There are three universities here in Washington giving courses in all languages. You have great universities throughout the United States teaching languages. The committee is convinced that the taxpayer would be far better off to send these people to recognized universities, such as Syracuse, the University of Indiana or in other parts of the country, as well as to Georgetown University, American University, and George Washington University here in the District of Columbia. The committee thinks that if the department will well and truly explore this we could very well conclude the foreign language teaching in the Foreign Service Institute where they do not know what they are doing, and if they do not know what they are doing I wonder what good their teaching is as far as their students are concerned.

As to representation allowances, a subject dear to the heart of my distinguished friend the gentleman from Iowa, the committee has seen fit to cut this request by $40,000. The amount would be an increase of $10,000 over the amount for this purpose in the current fiscal year. This increase is allowed in order to provide for the opening of new posts and the elevation of consular posts to full diplomatic status.

As to acquisition, operation, and maintenance of buildings abroad, the committee has included in the bill $15,223,000 for these purposes. The amount allowed is $2,149,000 less than the amount appropriated for the current fiscal year and $6,999,000 below the amount of the President's budget estimates.

There are two items involved here. As to the first item of $10,723,000 included in the bill under this heading this amount exhausts the total authorization for both dollars and foreign credits. The committee, therefore, had no alternative but to deny the remaining $6,649,000 of the request, for which there is no legal authority.

Proceeding now to the item "Extension and Remodeling, State Department Building," the committee has included the amount of $225,000 for this purpose, which is $575,000 below the sum requested in the President's budget. The amount allowed is for recording, projection, and interpreting equipment and for furnishings and finishings of the eighth floor where the State dining room and adjacent reception areas are located. The committee feels that, of course, this State dining room and these reception areas must be completed as part of this new $53 million building, the largest here in the Nation's Capital, but it should be done on a more modest scale than the one presented to the committee.

You will recall that the committee fully explored the details of the items which make up the requested $180,800 for these furnishings and finishings, and has furnished the facts in the printed hearings.

As to "Contributions to international organizations," the committee, as in every year, is confronted with no alternative but to sign the check for commitments previously made with regard to these international organizations. We take the position that if we are members of these international organizations we must pay our dues. The dues are determined in the organization itself and as long as we are members we must pay our share.

Now, as to international conferences and contingencies, the committee has included in the bill $1,843,000 to provide funds for the cost of participating in recurring and emergency international conferences and other activities arising in the conduct of foreign affairs. The amount allowed is $57,000 below the amount originally appropriated for the current fiscal year and is $607,000 below the amount of the President's budget estimate. However, when comparative transfers are taken into consideration, the amount allowed for fiscal year 1961 is the same as that for fiscal year 1960.

Next is the item entitled "International Tariff Negotiations," and I think this is the one that my distinguished friend from West Virginia intended to rise on. I should be glad to yield to him later on in regard thereto. We had a budget request in the amount of $900,000, which we considered utterly exorbitant, and therefore included in the bill two-thirds of this amount, to wit, $600,000.

Now, to pass on to the Department of Justice, the total amount contained in the bill for that Department is $278,220,180, a reduction of $2,679,820 in the amount of the budget estimates and an increase of $12,120,180 over the amounts appropriated for the current fiscal year.

The increases allowed are distributed as follows: Legal activities and general administration, $1,475,180; Federal Bureau of Investigation, $3,400,000. This will include, as I said awhile ago, the 137 additional clerical positions in that agency. The increases, further, are in the Immigration and Naturalization Service in the amount of $2,300,000, and the Federal Prison System, $4,945,000.

There is an item in connection with the appropriation for U.S. attorneys and marshals which has been given careful consideration by the committee. It concerns the appointment of land commissioners by judges in certain parts of the country. A practice on the part of these judges has developed into such a highly costly procedure that the committee has inserted language in the bill which would provide that none of the funds may be used for the compensation of commissioners appointed in lands cases under rule 71A(h) of the Federal Rules of Civil Procedure. This has been done at the suggestion of not only the Department of Justice but representatives of the Federal judiciary who advise that the use of these commissioners has gotten entirely out of hand, and that certain judges have been using the method presently permitted by law to incur exorbitant expenses which were never previously anticipated. For that reason there is no money included in the bill for these land commissioners. You will notice that at page 11 of the committee report reference is made to certain testimony of Assistant Attorney General Perry W. Morton, head of the Lands Division.

As to the Federal prison system, the amount included in the bill will provide for the carrying on of that system in the coming fiscal year. The committee has allowed the full amount, namely, $8,875,000 to complete the construction of the new maximum security institution at Marion, Ill., for which $1 million, you will recall, was appropriated last year. It is expected that this will complete the cost of construction of this new maximum security prison.

As to the Judiciary, the bill includes appropriations for the highest court, the Supreme Court of the United States, the Court of Customs and Patent Appeals, the Customs Court, the Court of Claims, the Courts of Appeal, the District courts, as well as other judicial services including salaries and expenses of referees in bankruptcy.

It should be noted, at page 17 of the committee report, that bankruptcies are once again at an all-time high. I should point out that in 1952 we had in number of bankruptcy cases filed 34,873 cases. Now we find that the expert estimate for the coming fiscal year of number of bankruptcy cases to be filed is 110,000.

In explaining this item for the Courts of Appeal, District courts, and other judicial services we found an interesting situation which shows how some bills get by this House and the other body on the Consent Calendar.

In this budget there was orginally a request in the amount $953,600 for additional law clerks and secretaries to judges. This request, mind you, for $953,600, was based upon the passage of Public Law 86–221 approved last September 1. When the request for this legislation was forwarded here to Capitol Hill and to both Houses of Congress, a letter of transmittal which accompanied the submission of this legislation to the Congress, which letter was signed by the Director of the Administrative Office of the United States Courts, in urging the passage of this legislation now known as Public Law 86–221, said:

> It would thus make for better and more expeditious administration of justice in the Federal courts and improve the service to the public with, it is important to emphasize, no additional expense to the Government.

In the House report on this very bill, House Report No. 344 from the Committee on the Judiciary this was stated:

> The committee believes that enactment of this legislation will result in eliminating an unnecessary administrative requirement and will improve the operation of the Federal courts at no additional expense.

Notwithstanding the statement in the letter and the statement in the report of "no additional expense," the additional sum of $815,900 was requested in this item as well as $137,700 for travel and miscellaneous expenses.

Needless to say the committee, after consultation with Members concerned from the House Committee on the Judiciary, disallowed every nickel of this request.

We now come to the U.S. Information Agency where a total of $116,988,980 is included in the bill in four appropriation items for this agency. The total allowed is a decrease of $1,245,766 below the amount appropriated for the current fiscal year and is a decrease of $6,804,200 in the budget request.

We feel, those of us on the subcommittee, all of whom believe in having an adequate Information Agency and having it operate properly, that they have just too much money. We came across, not one instance such as the one I am going to relate to you, but many, many instances throughout Europe, particularly in Germany, where people were and are being paid far in excess of the amounts allocated by the agency itself for the positions they hold or held.

For example, there was a cultural affairs officer in Iceland. We inquired as to his salary. It was $8,610 per annum. We further inquired as to the kind of job he did. We were told he did a fine job, he was a fine cultural affairs officer. Incidentally he was administering, as we found out later in the bill, a $1,900 a year cultural program.

He was doing this very fine job according to the agency when it was decided to transfer him to Vienna. So they moved up from Germany a lady employee who took the place of this $8,610 a year competent gentleman at a salary $5,500 a year in excess of his; a $14,190-a-year employee to take the place of and do the same job as an $8,610-a-year employee.

Now you may understand why I say they just plain have too much money. They cannot handle it. The committee seeks by its action on this bill today to attempt to tighten their belt a bit so that we get some semblance of common sense in their administration.

In regard to this instance of a $14,190-a-year employee taking the place of a satisfactory $8,610-a-year employee, when Mr. Allen, the Director, was asked by the distinguished gentleman from Ohio [Mr. Bow] what a situation such as this would mean to morale in the agency, what that cultural officer who was getting $8,610 a year would think when he found he was supplanted by a lady getting $5,500 a year more, Mr. Allen said, why, he would write back to the folks at home and tell what a great thing it was that the $8,610-a-year position he filled was later filled by a lady getting $5,500 a year more.

I believe I can fairly say that this was the best explanation given by the Information Agency as to facts to which I have alluded. I do not want you to think this is just an isolated instance. If you will read the hearings you will find maybe 30 instances of the same sort of thing in Europe alone, all plush jobs to take care of people who have good standing in the club.

With that I shall pass on to the item, "Funds Appropriated to the President." Included in this bill is the sum of $6,935,848 for expenses necessary to enable the President to carry out the provisions of the International Cultural Exchange and Trade Fair Participation Act of 1956. Since there will be as of June 30 next an unobligated balance of $104,652 from the moneys appropriated for the American National Exhibition held in Moscow last summer, the committee has allowed this balance together with new funds in the bill which will provide a total of $7,040,500 for this program. Of this total amount $630,000 is for the Turin Centennial Exposition at Turin, Italy. When the amount for the Turin Centennial is deducted from the total available there remains $6,410,500 for the regular phases of the program, which is exactly the same amount as they have for these purposes in the current fiscal year.

As to the item in the bill entitled "Federal Prison Industries, Inc.," the committee has nothing but praise for the operation of this program. This is a Government corporation which has earned millions upon millions of dollars for the taxpayers in keeping inmates of our penal institutions busy with work, and then realizing a profit from the work. I should say that this item does not at all require the expenditure of taxpayers' dollars.

Finally, with regard to the Commission on Civil Rights, there is included in the bill the sum of $850,000 for necessary expenses of the Commission in the coming fiscal year. The amount carried in the bill is $70,000 over the amount appropriated for the Commission in the current fiscal year. As to this item, there was a difference of opinion in the committee. Some, as I, thought the reduction in the budget request should not be as much as it was. Others, thought it should have been more.

So, Mr. Chairman, I now yield to the distinguished gentleman from Iowa [Mr. GROSS].

Mr. GROSS. I thank the gentleman for yielding. I wonder why we have any cultural program at all in Iceland? Can the gentleman give us any reason why we should have a cultural program there?

Mr. ROONEY. Well, I always frankly admit that when it comes to culture I might be called the uncultured gentleman from Brooklyn. I say this as the result of the 16 years that I have had to do with this bill. I do not understand a lot of things that they do these days under the guise of culture. But I do recognize the fact that we Americans have quite some culture and so in connection with the program in Iceland, if they wish to present some proper aspects of our American culture to the folks in Iceland, it may very well be a good thing.

Mr. GROSS. With respect to the new State Department building; does the gentleman not think that even with the reduction in the amount of money to be expended that that is going to be a pretty plush establishment?

Mr. ROONEY. I will agree that it is not by any means going to be a niggardly approach. But this is a new $53 million building. Included in the plans of the building there is a state dining room and reception area. Instead of having the situation such as happens at times when the President of France or the head of some other government necessarily has to be entertained, when our Government must use Anderson House, as it does on occasion, or if there is a larger group invited, must use the Pan American Union, this will concentrate this sort of thing all in one place. I do not see any objection to this as long as it is done on a modest, appropriate scale. For that reason, the committee has included in the bill sufficient moneys to appropriately do the job.

Mr. GROSS. I was interested in reading in the hearings where someone from the Department of State suggested that Members of Congress were apparently already looking with longing eyes at those new dining and drawing rooms—looking with these longing eyes to the use of these facilities. Does the gentleman think that that is going to become, as someone on his committee referred to it, Washington's Top of the Mark?

Mr. ROONEY. I am the gentleman who referred to it as Washington's Top of the Mark, and I meant that as a compliment. The view from the eighth floor of this new State Department building, the view overlooking the Washington Monument and the Capitol at night is really beautiful. This is truly going to be the top spot in town. If the gentleman from Iowa is suggesting my using the state dining room or the facilities there for a party, the gentleman is mistaken. I recall asking about the use of this building and I got the answer that some Members from Capitol Hill might use it. I pursued that further and, as I recall, the result was "Well, they did not know exactly who might use it, but that anybody could use it because the building belonged to the Government here in Washington."

I assure the gentleman from Iowa that I will have no use for it.

Mr. GROSS. Does the gentleman from New York suppose that the operations there will be put on a catering basis?

Mr. ROONEY. Oh, yes; whatever food is served there will have to be served on a catering basis because there are no facilities for cooking food adjacent to the dining room.

Mr. GROSS. Of course they will have no trouble with a bar in this establishment.

Mr. ROONEY. Of course in these days they have what they call "portable bars." All you need is the wherewithal.

Mr. GROSS. I am interested in this establishment, and I am going over and take a look at it one of these days. I want to see some of those $26-a-yard drapes.

Mr. ROONEY. The gentleman cannot say that the gentleman from New York has not fairly put the proposition up on the table for the membership of the House. I think a reading of the record will show that we gave you the most minute detail as to all of these items for furniture and finishings in these three rooms. It would appear from some of the newspaper accounts that this area is like a three-room apartment. Of course that is not so at all. This is a huge area on top of this building. Having spent $53 million on the building, I think it should be finished in decent, moderate decor.

Mr. GROSS. Yes. I agree with the gentleman that we should have the very best.

Mr. ROONEY. Oh, but I do not say the very best.

Mr. GROSS. Any nation with a $292 billion debt ought to set up the plushest affair in the world.

Mr. ROONEY. In approaching this we certainly must realize that last year the Eisenhower administration spent $12½ billion more than it took in. So we have approached all the items in the bill with that unfortunate situation in mind.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. ROONEY. I gladly yield to the gentleman from West Virginia.

Mr. BAILEY. I would like to ask the distinguished chairman of the subcommittee some questions for clarification. On page 8 of the act under "International tariff negotiations":

> For necessary expenses of participation by the United States in the fifth round of tariff negotiations beginning in fiscal year 1961, including not to exceed $1,000 for representation allowances * * * and for entertainment, $600,000: *Provided*, That this appropriation shall be available in accordance with authority specified in the current appropriation for "International conferences and contingencies."

In the section just preceding that, on page 7, "International conferences and contingencies" and "Missions to international organizations," I fail to find the General Agreement on Tariffs and Trade mentioned in that section, but the closing part of that section on top of page 8 makes available $1,843,000, "of which not to exceed a total of $100,000 may be expended for representation allowances as authorized by section 901(3) of the act of August 13, 1946, and for entertainment."

It is plain that the committee is trying to take that $600,000 for the use of the Tariff Commission out of this appropriation and other international conferences that the United States is supposed to have representation in.

Going to page 7 of the committee report, I read:

> Included in the bill is the amount $600,000 to provide for U.S. participation in negotiations of trade agreements under the General Agreement on Tariffs and Trade, pursuant to the Trade Agreements Extension Act of 1958.

I have here a copy of the act of 1958, and I fail to find any authorization for appropriation. I do find in the last paragraph of the bill a section which says the enactment of this act shall not be construed to determine or indicate approval or disapproval of the Congress of the executive agreement, known as the General Agreement on Tariffs and Trade.

I would like to remind the gentleman that the Congress has not approved what we call GATT, the General Agreements on Tariff and Trade, yet here you are proposing to make an appropriation to carry on activities which have never been approved by the Congress. Here when they are considering these different activities which are enumerated on page 7 of the bill I do not find the Tariff Commission as being one of them listed there. They are attempting to make this appropriation that is not properly covered, and I would like for the gentleman to explain just what kind of maneuvering they did to put it in.

Mr. ROONEY. I should like to reply to the gentleman. He is asking, in effect, two or three questions at the same time.

First, this appropriation for international tariff negotiations is set up as a separate item rather than included in the appropriation for international conferences and contingencies. That is the way the administration sent it up, as a separate item. Second, we prefer that it be sent up as a separate item, because it then stands right out there by itself, and is not a recurring conference or meeting such as contemplated in most of the international conferences and contingencies provided for at page 7 of the bill.

The gentleman referred to representation allowances and entertainment in connection with this expected year-long negotiation with other nations of the world. I should like to point out that the request was in the amount of $7,000, and the committee cut that by $6,000, allowing $1,000.

As to there being authority for the allowance of the $600,000 recommended by the committee, which is a cut of $300,000, or only two-thirds of the amount requested, there is authority in law, I should say to the gentleman.

Mr. BAILEY. Mr. Chairman, will the gentleman yield further?

Mr. ROONEY. I yield.

Mr. BAILEY. May I say to the gentleman that I would consider, and I think the Congress would consider if the matter were laid squarely before it, that unless the Congress takes action approving the General Agreement on Tariffs and Trade set up at Geneva, which we have disapproved continuously, by putting this caveat in the appropriation bills and authorization bills—until that is done I think this item of $600,000 is entirely illegal.

Mr. ROONEY. What this comes to is a matter of opinion. The distinguished gentleman from West Virginia and I are not always in accord on tariff matters. But is not the gentleman better off, taking the opposing position he does with regard to GAAT, to have this appropriation set out as a separate item entitled, "International Tariff Negotiations" apart from the appropriation for numerous international conferences and meetings, so that if the gentleman sought to strike out the entire paragraph on page 8, it would be so much easier for him to attempt to do so.

Mr. BAILEY. I want to agree with the gentleman that I think it was proper to bring this item out into the open. Here we are planning to send 162 members from various departments and agencies, to pay their living expenses and their entertainment expenses while they are in Geneva. Now they are coming out in the open with it and I think it might be a good time to question the legality of the appropriation.

Mr. ROONEY. I should again like to point out to the gentleman that they requested $900,000, which the committee reduced to $600,000. But I want him to understand that by no means does this $600,000 include the cost of the salaries of American representatives at that conference. There will be people from the Labor Department whose salaries will be paid out of Labor Department money.

Mr. BAILEY. And the Commerce Department.

Mr. ROONEY. And people will be there from the Commerce Department whose salaries will be paid out of Commerce Department funds. State Department salaries will be paid out of salaries and expenses. An amusing thing in connection with this request was an item for the purchase of four automobiles and the providing of four private chauffeurs to be at the beck and call of this delegation in the city of Geneva, Switzerland. The committee has disallowed funds for those four automobiles and the four chauffeurs.

Mr. BAILEY. And I think properly so. Now, just one more point and then I shall desist from my inquiry.

The gentleman suggests that I try to remedy this by some other means.

Mr. ROONEY. No; I did not make any suggestion to the gentleman at all.

Mr. BAILEY. I got that impression, at least.

Mr. ROONEY. Please do not get that impression, because I am going to defend the allowance by the committee of $600,000 for this purpose. I think the committee properly operated on the patient when it cut him by one-third, from $900,000 down to $600,000. But these reciprocal trade agreements are the law of the land. There is definite authority under the law for sending a delegation to these tariff meetings.

Mr. BAILEY. But no authority to appropriate the money to pay the bill.

Mr. ROONEY. Oh, I think we have. The gentleman might test that by making a point of order.

Mr. BAILEY. I will take that under consideration.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. ROONEY. I yield to the gentleman from California.

Mr. TEAGUE of California. I should like very much to call the attention of the distinguished gentleman from New York to section 207 which he discussed in his explanation of the bill and to ask him a question as to his interpretation and the interpretation of the committee about a situation which I will briefly explain.

Out in California, in Ventura County, at the present moment there is pending a condemnation procedure or, rather, a series of condemnation procedures, involving several thousand acres of land and several million dollars of property, all in relation to the condemnation necessary as a result of the Bureau of Reclamation Ventura River Dam, which is being built out there.

Several years ago now one of the Federal judges out there appointed three commissioners to hear these cases. It is my understanding that this matter is not completed, it is still in the process of being developed, and it is to be hoped fairly soon a settlement will be reached with these landowners or a decision made by the commissioners.

My question is this: Under these circumstances is it the intention of the committee that this prohibition in section 207 against the use of funds appropriated under this bill for compensation to commissioners is intended to cut off cases that are pending at the present time?

Mr. ROONEY. The committee action refers only to 1961 fiscal year funds. The gentleman previously discussed this with me. At that time I said to him that in this particular case, since the action has already been taken by the judge in California and the commissioners have already been appointed, that if they have performed certain duties, they are entitled to be paid a reasonable amount therefor by the Government for services prior to 1961.

It is the very case that the gentleman mentions which has brought about the action of the committee in inserting section 207 in the bill. This judge in the southern district of California has been the greatest contributor to the increase in these costs. These land commissioners were never intended to serve except in highly unusual and rare cases. Instead of that, we find a practice developing, which has now alarmed not only the Department of Justice but also certain members of the judicial conference. The cost of these commissioners is expected to increase by $80,000 due to the recent action of this certain judge in the southern district of California appointing three separate commissions of three members each for an indefinite period to consider condemnation matters in that district. We are going to have to get away from this. The taxpayers cannot afford it, the Government lawyers, the Attorney General, and his representatives, say we have to discontinue it, some members of the Federal judiciary agree with this, and the committee action is an attempt to discontinue this sort of thing in the future.

Mr. TEAGUE of California. I am not for a moment questioning the judgment of the committee in laying down this general prohibition.

Here we have a situation where large sums have been spent, and the cases are pretty well along. To call it off at this stage and require the landowners to start all over again before a Federal judge would be a costly undertaking.

Mr. ROONEY. I have but very little time left, I must say to my distinguished friend from California, but I should think, as a lawyer, that if the commissioners have already been appointed and they have performed some service, they have a claim against the Government for those services, and their services have to be paid. The action that the committee seeks to prevent is the use of any 1961 funds or any funds in the future for this purpose.

Mr. TEAGUE of California. I thank the gentleman.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. ROONEY. I yield to the gentleman from Connecticut.

Mr. MONAGAN. In connection with the item "Contributions to International Organizations," does that include an appropriation for financing the international refugee program?

Mr. ROONEY. No; it does not. That money is included, generally, in the foreign aid bill.

Mr. MONAGAN. What is the status of the construction of the Embassy building at Dublin at the present time?

Mr. ROONEY. Well, as far as I am personally concerned, they may go ahead any day with it. Sufficient funds for it have already been appropriated, and if the State Department wants the office building in Dublin on Elgin Road, they can proceed with the project.

Mr. MONAGAN. As far as this committee is concerned, there is no inhibition to the construction of this building?

Mr. ROONEY. There is none on my part.

Mr. MONAGAN. What about the alien property program? How long is that going to continue?

Mr. ROONEY. The alien property program as now constituted expires on June 30. It will then go into the Office of the Attorney General as a part of the regular activities of the Attorney General's Office.

Mr. MONAGAN. I thank the gentleman.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. ROONEY. I yield to the gentleman from Illinois.

Mr. GRAY. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GRAY. Mr. Chairman, I rise at this time to congratulate the distinguished chairman of this subcommittee, my good friend the gentleman from New York [Mr. ROONEY], and the members of his committee for their diligent efforts and forthright action in the handling of the bill before us. The very able gentleman from New York and his committee can always be counted upon to closely scrutinize every item requested by the departments.

I particularly want to congratulate the committee for allowing a request for $8,875,000 to complete construction on the maximum security prison near Marion, Ill. As you know $1 million was provided by Congress last year to start the survey and planning work, site clearance, extension of utilities, and other necessary work preparatory to awarding the main contract for construction of this much needed institution. Mr. Chairman, the prison population has had another sharp increase and we see in the newspapers very often of new prison riots because of crowded conditions and antiquated facilities. So I think everyone will agree that the quicker we finish the new maximum security institution, the better.

Mr. Chairman, by allowing the full $8,875,000 it will not be necessary to piecemeal the awarding of contracts that would unquestionably cost several million dollars more but instead announce for bids and award one contract for the entire plant. This is to be a modern institution that will attract worldwide interest and I feel confident that bidding will be keen and we will get a much needed Federal Prison for a very reasonable cost. I might add that the 1 million appropriated last year has been obligated and all the contracts were near or below estimates.

In closing, let me again thank this subcommittee headed by my good friend and highly capable chairman, Mr. ROONEY and the other members of the committee for their wisdom and understanding in allowing this item. I know when this institution has been completed and the Bureau of Prisons under the leadership of its very able Director, James V. Bennett, starts the arduous task of rehabilitating some of America's most hardened criminals, every Member of Congress will be proud of this accomplishment. If it is at all possible to return some of these almost irredeemable people to useful lives outside, this should be the place where it can happen. Thank you very much.

Mr. BOW. Mr. Chairman, I yield 10 minutes to the gentlewoman from Ohio [Mrs. BOLTON].

Mrs. BOLTON. Mr. Chairman, in order that some of the record may be, shall I say, straightened out a little bit, I would like to make certain statements here that I think need to be made. I happen to be on the board of the Foreign Service Institute, and have been for a number of years. I have worked diligently in an effort to make that institute a thoroughly productive organization. Naturally, anything of that kind takes time to build up, but we have done some exceedingly interesting things, very worthwhile things. The board is made up of men of top caliber and capacity and reputation, and for the last 5 years extraordinary things have been done in the improvement of the training of foreign service officers.

First, I want to make just one brief statement. It has been brought to my attention several times by a member of your committee that the rent paid over there is exorbitant. I have inquired of GSA and I find that the Government is paying $3.75 a square foot. The State Department is not responsible because these matters are handled by GSA, so I would suggest that it not be laid upon the already overburdened shoulders of the Department of State. As far as GSA can advise me, that is one of the lowest rents paid by any government office in the District. Various figures which they gave me are $4.20, $4.00, $3.85, and $4.56, for remodeled buildings.

The Institute moved into the Arlington Towers space. I understand that the people who own the building made the changes in it at their own expense. I can well believe that there may be some empty rooms. That is perfectly possible in any school; but I have not had the time to look up how many other organizations use those facilities. ICA has space there, and their people have classes there as well as other agencies of the Government.

In regard to the language teaching may I say that we looked very carefully into the possible economy that might be obtained from having languages taught in universities and found that it was not only not as economical but that in most of them they did not teach the kind of language work that is essential to a Foreign Service officer.

In the matter of the officer trained in Chinese, Mr. Chairman, may I say to the committee that the man in question is Chinese language trained and is an expert in Chinese affairs. He is in London, yes, and probably going to Hong Kong, so it is well for him to stop in London on the way. But a great deal of his present work consists of going to Warsaw where he is the interpreter for the Americans in the conversations that are going forward between the Red Chinese and ourselves. May I suggest that this is not an unimportant job.

Mr. Chairman, I would also like to give you just a little rundown, if I may, of the number of students we have recently trained. During 1959 there were 9,267 students enrolled in training programs conducted by the Foreign Service Institute in the United States and overseas. Of this total 4,811, or 52 percent, were Department of State personnel; 4,456, or 48 percent, were enrolled from 25 other Federal agencies concerned with foreign affairs, in accordance with the authority given in the Foreign Service Act of 1946.

The expanded effort which began in 1958, and only in 1958, to improve the foreign language capabilities of the Foreign Service was sustained in 1959. In 1958 a total of 1,981 State Department employees received language training. In 1959 the total was increased to 2,216. The scope of this effort during 1959 was

further brought out by the following indicators:

Twenty-nine languages taught in Washington and 43 abroad.

One hundred and five full-time students in 21 hard languages for periods of 6 months to a year.

If you have ever done a full-time language study you will have some conception of what that means. You spend 24 hours a day of each day in that language, you literally live in that language.

Four hundred and forty-five full-time students in the five world languages for periods of from 12 to 16 weeks.

Three hundred and ten part-time students in Washington in 19 languages of whom 241 took instruction on their own time before working hours. That means about 7 o'clock in the morning.

One thousand three hundred and fifty-six part-time students as of June 30, 1959, at 164 posts training in 43 languages.

The result of this effort is beginning to become very evident. In March 1958 for example, it was estimated that only about 50 percent of the officers in the Foreign Service possessed a working knowledge of any foreign language. The results of language proficiency tests which are now mandatory for Foreign Service officers indicate that progress has been made in correcting this deficiency: currently 83.5 percent of the officers have at least a working knowledge of one or more foreign languages.

At the same time it should be noted, however, that only 60.1 percent of the officers have a minimum professional knowledge. Therefore, before any slackening in the amount of language training can safely be considered, further improvement in the level of language proficiency of the Service must still be made.

The full-time training goals for the current fiscal year have again been fixed by the Institute in collaboration with the Office of Personnel of the Department of State, which is responsible for all assignments including training, and with the Committee on Foreign Service Training, a group of senior operating officials appointed by the Deputy Under Secretary for Administration to advise on the training requirements of the Department. One major exception to the amount demanded is the hard language training objective. In 1959 there were 105 officers on full-time assignment to hard language training, and hard languages are those such as Russian, Swahili, Hindi, and some of those very difficult languages. This year there are 128 officers on assignment to hard language training. The increase is consistent with the Department's plan to overcome over the next 5 years, and we need the 5 years, the deficit in officer proficiency in a number of the hard languages.

Two new functional programs were initiated in 1960 to meet recognized shortages in labor and administration. Four Foreign Service officers have been assigned to this program for a full year. During this time they will receive training assignments with several agencies of the Government responsible for labor affairs and with selected labor unions, supplemented by academic work at a local university. The other new development is the assignment of two officers to universities for a full academic year of study in the field of advanced public administration and management.

The House committee also was concerned with the high cost of teaching certain languages to employees and directed the Department to ascertain if these languages could not be more ably and economically taught in existing, reputable educational institutions. That has been very carefully gone into. We, in the Institute, believe, and I speak as a member of the board of that organization, that universities cannot teach the kind of language in the time allowed that is needed by the Foreign Service officers. Possibly they will adjust their training because the schools today are being forced to begin teaching languages again, so that they will become a part of the background and the capacities of all of our young people. The results of the survey undertaken indicate that none of the universities or commercial schools has quoted a cost for comparable training below the cost of training by the Institute.

The major expansion which we are proposing over there, which we hope we will be able to put into effect, is the hard language training. The Department initiated and expanded hard language training in 1960 and is going on with it from 1960 to 1964.

There is another thing which we are hoping very much will happen as universities and schools throughout the country recognize their responsibility in the teaching of language to Americans. We Americans have been entirely too isolated in our attitude toward languages. We are hoping that in a very few years we shall be able to say to all applicants for State Department Foreign Service positions that they must speak one of the soft languages, that they must be proficient in them. That will mean a very great advantage to the Service. At the moment we cannot do that as some of the best applicants we have were missing the skill in the soft languages—French, German, Italian, and Spanish. They did not have what we anticipated as very necessary and what we hope to make possible. But once the emphasis upon languages begins to be felt everywhere we shall hope to make this a qualification for application to the Foreign Service.

Mr. ROONEY. Mr. Chairman, will the distinguished gentlewoman yield?

Mrs. BOLTON. I yield.

Mr. ROONEY. I should first like to agree with the gentlewoman that this is a highly unusual school. It is the sort of school we just do not understand—at least those of us who believe in our Foreign Service officers knowing something about languages. The gentlewoman realizes, does she not, that the Congress has increased year after year the funds for the training of personnel in foreign languages. Is that correct?

Mrs. BOLTON. Oh, indeed, it is.

Mr. ROONEY. Of course it is. And the committee is entirely in accord with our people having these languages, but would not the gentlewoman say that it is a highly unusual school that has 60 out of 100 classrooms closed between the hours of 9 in the morning and 4 o'clock in the afternoon? Further, is it not a highly unusual school that when the investigators made visits between 4 and 5 o'clock in the afternoon, 95 percent of the classroom space remained vacant? Further, is it not a highly unusual school that has never flunked a student?

Mrs. BOLTON. The gentleman is very clear in his questioning—may I say it is a highly unusual school and thank heaven we have it. As to the fact that some of the rooms are empty—is the gentleman quite sure that all the rooms are used by the Foreign Service because some of the rooms are used by other departments.

Mr. ROONEY. Mr. Chairman, I can do no more than to call the attention of the gentlewoman to page 649, I believe it was——

Mrs. BOLTON. Yes; I have read that, Mr. Chairman.

Mr. ROONEY. I would call the attention of the gentlewoman to pages 649 and 650 of the printed hearings in which they admitted that these things were so.

Mrs. BOLTON. Naturally, they would not say that they were not so if they were.

Mr. LINDSAY. Mr. Chairman, will the gentlewoman yield?

Mrs. BOLTON. I yield.

Mr. LINDSAY. I do not know whether the gentlewoman from Ohio can answer the question or not, but we all recognize, I am sure, that the question of language training is of utmost importance and that the Foreign Service Institute is a vital factor in this program. What I am trying to understand is—has the Department of State made a request for an additional budget appropriation directly affecting language study programs which request was not granted by the subcommittee?

Mrs. BOLTON. No, sir; as far as I know, they have been granted. I think the difficulty arises from the understanding that people have as to what is supposed to be taught under this program.

Mr. LINDSAY. I see. What I am trying to determine is whether the gentlewoman is making the point that a budgetary request had been denied or that a cut had been made which should be restored, perhaps, in order to enable the Department of State to go forward on this language training program.

Mrs. BOLTON. Of course, being a member of that board, I would like to see more money appropriated, but that does not affect the situation at the moment.

Mr. ROONEY. Mr. Chairman, will the distinguished gentlewoman yield?

The CHAIRMAN. The time of the gentlewoman from Ohio has expired.

Mr. ROONEY. Mr. Chairman, I yield the gentlewoman 1 additional minute.

Mr. Chairman, will the gentlewoman yield?

Mrs. BOLTON. I yield.

Mr. ROONEY. I should like to call the attention of the distinguished and highly capable gentlewoman from Ohio to the fact that as to the FSO–6, this very important fellow, the student in Chinese that they sent to London, according to

the printed hearings, they had not the slightest intention of locating him in Hong Kong at all; and this business of him having something to do with relations with the Red Chinese in London or in Poland was an afterthought, because they could not justify such a thing before the subcommittee.

Mrs. BOLTON. Of course, Mr. Chairman, I must say that I have more confidence than the gentleman from New York appears to have in the judgment of the people who are involved.

I am sorry I do not have the time to take up some of the questions bearing on the matter of foreign buildings which I would very much have liked to discuss, and I regret it is not possible in the time that has been allotted to me.

The CHAIRMAN. The time of the gentlewoman from Ohio has expired.

Mr. BOW. Mr. Chairman, I yield 15 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, at the outset, I want to commend the committee and the gentleman from New York [Mr. ROONEY] in particular for spreading on the record of the hearings some of the facts of life about the Department of State and the innumerable international organizations and missions.

I also want to commend the gentleman from Ohio [Mr. BOW] and the gentleman from California [Mr. LIPSCOMB] for aiding in making one of the most complete hearing records in connection with the State Department, USIA, the Judiciary, and other agencies.

In this connection I want especially to commend the committee for the pressure it applied to the State Department, International Cooperation Administration, and others, that effected a savings of $267,377 in the crating and warehousing of personal effects of employees who roam back and forth from the United States to all corners of the world. This has resulted in a saving of more than half a million dollars when spread to other agencies, but the incredible part of this deal is why the State Department, ICA, and others had to be forced to these economy measures. Now it is revealed through competitive bids in the matter of crating and warehousing of personal effects, that the Federal and Security Storage Companies, which previously had a virtual monopoly, were 100 percent higher than the present costs for the same services.

I notice the committee had an almost impossible task of trying to find out the actual costs of language training at the Foreign Service Institute which was established in the Arlington Towers Apartments just across the Potomac. The committee did establish that last year a large number of students trained in languages were sent to countries where the languages are of little or no use. And the committee has revealed to the public for what I believe is the first time, that the cost of the language training school that was operated at Nice, on the French Riviera, and described in some quarters as a "rest home," was $16,618 per student man-year. It is also indicated that to add further glow to this training on the Riviera the Government supplied the trainees with wine.

But back to the Foreign Service Institute. It is indicated that for one period there were four students studying the Serbian-Croatian language under three instructors who were paid $2 and $3 per hour.

And the record further shows, as the gentleman from New York [Mr. ROONEY] has already stated, that 694 dependents of those stationed overseas have been given language training without the slightest authority in law for spending Federal funds for such purpose.

My question is did the committee grant the Foreign Service Institute the same amount of money it had last year, and if so, why?

Mr. ROONEY. No. The committee left the amount in the hands of the Secretary of State to allocate a reasonable amount to this purpose in view of the testimony adduced during the hearings.

Mr. GROSS. Let me say to the gentleman that situations of this kind will never be corrected with a slap on the wrist. The only language that these people seem to understand is a substantial cut in the appropriations for a year or until such time as it takes to convince them that Congress means business. In this case of the Foreign Service Institute, the man most responsible appears to be Harold B. Hoskins, Director of that Institute, who knew he did not have authority for spending the money to send 694 dependents to language-training schools in foreign countries. He ought to be fired, and Secretary of State Herter will be derelict in his duty if he fails to remove him immediately.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. HAYS. Do I understand the gentleman feels that $2.25 an hour is too much to pay somebody to teach the Serbian-Croatian language?

Mr. GROSS. Yes, when there are three instructors for four students.

Mr. HAYS. Presumably there is only one teaching at a time.

Mr. GROSS. I do not presume that to be the fact.

Mr. HAYS. Coal heavers in my district get $3 an hour.

Mr. GROSS. Let us turn now for a brief look at the hiring of consultants in the State Department, and let me add at the outset that I am sick and tired of almost every department and agency, with the number of Government employees steadily increasing, hiring people to do the work Foreign Service and Classification Act employees ought to be doing.

I am unable to determine from the bill or from the hearings how much money is to be appropriated for the hiring of individual and institutional consultants. I note in the hearings one list of individual consultants who have been paid many thousands of dollars on a per diem and travel basis. And among the institutional contractors, peddling a lot of consulting service to the Government is Johns Hopkins University, whose president is Mr. Milton Eisenhower. I get the impression from reading the hearings that travel expense in connection with these consultants in the State Department alone runs to about $200,000 a year.

I note on page 366 of the hearings some interesting information. I also note on page 367 of the hearings that the State Department apparently failed to comply with the specific request of the gentleman from New York [Mr. ROONEY] the subcommittee chairman.

I wonder if someone on the committee would tell the House approximately how much this bill provides for the pay of so-called consultants and whether about $200,000 will be made available for travel all over the world of these consultants who all too often are only propagandists for larger foreign handout programs?

I note on page 366 of the hearings figures such as these: a Dr. Alexander Stoehr from the Bernice P. Bishop Museum upon Little Hawaii, who drew down $1,515.34 as salary and $4,211.81 for travel.

Marian Anderson, an alternate representative on the U.S. delegation to the 13th General Assembly of the United Nations, got $6,903.62 as salary and $889.20 for travel.

Here is an alternate representative to the Executive Board of the World Health Organization, Dr. Lowell T. Coggeshall, who got $571.91 and drew down $2,043.94 for travel.

There are a number of others on this page.

I notice on page 367, despite the chairman's insistence, that the per diem paid consultants under the title "International Educational Exchange Activities Appropriation," not a single one has listed the per diem compensation. They listed their travel, but not per diem compensation. I wonder if somebody on the committee could tell the House how much approximately this bill provides for the pay of consultants.

Mr. ROONEY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. ROONEY. The gentleman is looking at details of the International Educational Exchange Activities appropriation on page 367 of the printed hearings. I take the printed presentation to indicate that there was no money spent for salaries, but that the sum of $21,471 was spent for travel, and I consider this to be an honest and full compliance with the request of the committee.

Mr. GROSS. Certainly it is, if that is the story.

Mr. ROONEY. If that is the fact, and to this moment I do not have any reason to suspect that they are submitting false information and that salaries were paid but not included in the chart.

Mr. GROSS. I did not say they were submitting false information.

Mr. ROONEY. If the consultants were paid no salary they would have no figure to insert.

Mr. GROSS. That is right, but in that case they might well have noted the fact that they were not paid a per diem. Does not the gentleman think that would have been reasonable?

Mr. ROONEY. There is a blank after each name in the column headed "Salary"—in fact, all of the these names are a total blank for salary—there is $21,471 for travel, and then a total of the figures for travel and for salary in the entire Department of State.

Mr. GROSS. Let us test it and see whether they got anything.

Mr. ROONEY. I am sure if the gentleman were to communicate with the Department they would advise him promptly.

Mr. GROSS. I am sure they will, too. I intend to find out, and I am sure the gentleman will find out.

Now, I want to again commend the committee for laying on the record the near scandalous situation that apparently exists with respect to the foreign exchange student program. I did not realize until I read the hearings that American taxpayers are paying foreign student leaders $17 per day and foreign students $6 to $8 per day, plus their transportation, and it is my understanding that tuition and other expenses are being paid on top of that. As Mr. ROONEY has well stated, the purpose of this program is to educate foreign students and send them back to their countries to practice their professions and spread the gospel of this Republic. Yet the evidence clearly shows that all too few of them are returning to their home countries and the administration of these programs is so scattered that no one department or agency seems to care very much about what is taking place. That was not the intent of Congress and this entire student-exchange program ought to be suspended temporarily until a clear line of authority is put into effect. There must be an immediate end to the education of foreign students who have no thought of returning to their home countries.

We have with us in this bill another waste of more than a million dollars in connection with missions to international organizations. This includes $30,000 each or a total of $90,000 for the Interparliamentary Union, NATO Parliamentary Conference, and the Canada-United States Interparliamentary Group—three of the best junketing outfits yet devised by Members of Congress. If anyone can tell me of any accomplishment that has resulted from these expenditures except to provide Members of Congress, their wives, and others with free junkets to foreign countries I will be glad to hear about it. And remember, the appropriations to be made here are only part of the total bill, for in many instances the Military Air Transport Service has provided the planes that ferried the freeloaders to the far corners of the earth. I remember one report of the Interparliamentary Union junket to Vienna which emphasized the great pleasure that was derived by the Members of Congress and their companions from the boat ride that was given them on the blue Danube.

This year I came across something which I had not previously noticed—the U.S. resident delegation for international organizations in Geneva, Switzerland, which cost around $300,000 last year and probably is down for the same amount in this bill. It seems there are so many American missions floating in and out of Geneva that it takes a super-duper mission to hold the hands of all the rest.

Speaking of Geneva, Switzerland, it was with more than passing interest that I read on page 1070 of the hearings of the insistence by the State Department that it be given $8,000 for entertainment in behalf of tariff negotiations, and this is the way the money would be spent: a dinner for 40 people at $7.50 a head; another for 20 people at $7.50 a head; a luncheon for 500 persons at $5 apiece; cocktail parties for 400 persons, divided into groups of 10 to 20, at $3 a head; another so-called working luncheon for 500 persons at $5 apiece, and a reception for all delegations—approximately 800 persons—at $4 a head. I may have missed one or two of the proposed whing-dings, but what I have just related from the hearings ought to be enough to provide an idea of what it is supposed to take by way of food and liquor at a GATT conference in Geneva to induce our so-called foreign friends to continue their drive for ever lower U.S. tariffs so they can continue to flood us with their imports and wreck American agriculture and labor.

This ought to be a good time and place in this discussion to mention the $835,000 contained in the bill to provide the State Department with a year's supply of entertainment and liquor. In the State Department this is known as the "representation allowance." In other areas in which the internationalists operate it is known as "hospitality," and in still other areas it has been ferreted out of hiding in "salaries and allowances."

In any event there is firewater in almost any direction you care to look in the funds sought to keep the international merry-go-round in operation.

For instance, the outfit with the glorified title of United Nations Educational, Scientific, and Cultural Organization—UNESCO—asked for a "hospitality" fund of $36,245 for next year. It might be added that the latest report shows that some 40 foreign countries are in arrears by more than $4 million in their contributions to UNESCO, but apparently the liquor will flow whether their debts are paid or not.

Another example of how this booze business operates is gleaned from the hearings concerning the International Atomic Energy Agency. The chairman, the gentleman from New York [Mr. ROONEY], had before him a request for $7,500 for "hospitality" that that Agency but earlier he had been given a figure of $22,500 for the same purpose. When he finally hammered the facts out of Deputy Assistant Secretary Henderson he found that the other $15,000 was "included in the amount for salaries and wages in the form of allowances."

In response to further questioning by Mr. ROONEY, Secretary Henderson finally admitted that an American taxpayer would have a tough time finding out how much entertaining was going on.

Just to keep the record straight, the State Department requested—and it was apparently approved by the budget—that no less than $355,043 be provided for entertainment and liquor for United States missions to international organizations. Add to this the $835,000 which the State Department allots to its Embassies for its own use in Washington and it appears that fiscal 1961 will be a good year for the guzzlers if not for the Americans who pay the bills.

Mr. ROONEY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I will be glad to.

Mr. ROONEY. I should like to correct the RECORD, if I may. The gentleman, I believe, mentioned the figure of $355,000 for liquor and entertainment for American missions to international organizations.

Mr. GROSS. It is $355,043.

Mr. ROONEY. I am sure there is a mistake.

Mr. GROSS. No; I do not think there is any mistake. The gentleman will find this information in his hearings.

Mr. ROONEY. What is the page?

Mr. GROSS. I do not have the page number at the moment, but I will be glad to search it out for the gentleman later.

Mr. ROONEY. I believe that refers to an answer somebody from the Department made, which was not correct, which would indicate that this was the amount of money for American missions to international organizations entertainment. Actually it is the total for entertainment, hospitality, or what have you, of all international organizations from U.N. down, not for the American missions thereto.

Mr. GROSS. That is what I said.

Mr. ROONEY. I understood the gentleman to say this was for American missions.

Mr. GROSS. I did say that it was for U.S. missions, and if I am wrong I will correct the RECORD and make it all missions to international organizations. The gentleman does not dispute that we will put up most of the money for this additional liquor fund, does he, since we pay the big end of the bills for all international organizations?

Mr. ROONEY. I very often think that we put up too much of it, and I deplore the fact that this administration has gone along in building up and building up these costs. They do not seem to be able to do anything about it.

Mr. GROSS. Well, I will say to the gentleman I will give him an opportunity later on. I will offer an amendment to cut the State Department liquor fund.

Mr. ROONEY. But, I, as chairman of the committee, will have to oppose it. The committee has cut the item sufficiently.

Mr. GROSS. I am sure the gentleman will do just that.

I want to return for a minute or two to UNESCO, whose new international headquarters in Paris has been described as "a $3 million modernistic palace, featuring a 400-square-foot Picasso mural which exposes the world's largest navel on a reclining figure of undeterminable sex."

This organization continues its drive for world government, a drive that received a big boost from Mr. Milton S. Eisenhower when he was Chairman of the U.S. National Commission for UNESCO.

Let me quote briefly from one of the speeches by Milton Eisenhower in which he said:

> Every member of the United Nations has accepted, in theory, the principle that the United Nations must be able to impose military sanctions in order to keep the peace—which is to say that every member is committed in theory to the sacrifice of individual sovereignty of the group. • • • But even the theoretical commitment to limited sovereignty marks, I think, a considerable advance in our progress toward effective and orderly world government.

Now we find the promoters of UNESCO telling this appropriations subcommittee that "It seems imperative, in the year ahead, to do more than we have in the past to tell the UNESCO story to the American public."

Despite the millions already spent on this organization and the fact that the UNESCO propaganda staff is constantly issuing publicity releases for the U.S. National Commission for UNESCO, the State Department, through its new bureau for the coordination of international education and cultural relations, sought to obtain additional funds to carry on the campaign of selling the United States down the river and into the unholy state of world government.

Mr. Chairman, this appropriation for the State Department and innumerable international commissions, missions, and bureaus calls for the spending next year of $224 million. That is $1½ million more than was spent for the same purpose last year, and it comes at a time when this Government ought to be cutting expenditures rather than increasing them.

I give the Appropriations Committee credit for a cut of some $24 million below what the administration requested, but that is paper economy. The real economy that the country must have is reductions in spending as compared with the previous year.

I have no intention of supporting this bill. It ought to be cut several million dollars below the figures which we have before us.

Mr. BOW. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today in the consideration of this bill we have heard a great deal of criticism of the State Department, of USIA, and other agencies included in the bill. I suppose it is rather natural, after hearings of this kind, where searching inquiry is made of the conduct of the agencies, that these matters are highlighted.

Mr. Chairman, it seems to me that we would be amiss if, in the consideration of these bills, all of the comments were critical because, of course, in these hearings we do not always bring out those things for which the various agencies, the State Department or USIA and others, could be complimented.

It would seem to me that we should pay a tribute to many fine Americans all over the world who are working hard to preserve the peace, who are bringing to the peoples of the world the American way of life, people who have devoted themselves to trying to carry out the policies of this administration, of President Eisenhower, so that we may have world peace. There are many, as I have said before, and I repeat today, among those people, who are doing magnificent jobs in our State Department throughout the world. And among those are many who have been with the State Department for more than 8 years, who were there under previous administrations. We have many people who have made great contributions to this Nation and I do not believe we should let this day go by without paying tribute to those who have contributed so much to our Nation and who receive so little credit for what they do.

Mr. Chairman, as I say, in these hearings we are critical. We try to find places where we may be able to save for the American taxpayer. But I would not want the day to go by without saying that we have thousands of fine Americans in these agencies, in these departments, working for the best interests of our Nation.

Mr. Chairman, I would like to review some of this testimony because I think it is important. Some of it has already been covered. But with regard to the matter of the Foreign Language Institute across the river, where the rent is $3.75 a square foot in this garage, and with respect to which something has been said that it was pretty cheap, I think $3.75 a square foot for garage space is more than any Member of this Congress would pay. So we are using garage space at $3.75 a square foot, and that is high rent for these empty classrooms.

May I say further on the question of foreign languages that the gentleman from New York [Mr. ROONEY], the chairman of our subcommittee, has rightly said that every member of this subcommittee believes we should be teaching foreign languages and believes the Foreign Service officers should have foreign languages. We have urged at times that we try to find other areas where we can do it more cheaply. It is amazing to me that the Assistant Under Secretary of State, Mr. Loy Henderson, in his testimony had this to say:

> The Department hopes to be able to carry on its foreign language training program in such manner that in spite of the generally inadequate foreign language training offered by our national education system, our Foreign Service will eventually become the most accomplished Foreign Service in the world.

We hope it will, too. But I pointed out to the Secretary that he had made quite an indictment against the colleges and other schools of this country in saying they were inadequate and could not properly teach foreign languages. This was his answer to me when I said he was making quite an indictment of our national educational system. He said:

> I intend it to be.

So here instead of trying to find out whether we can do it more cheaply at Harvard, Yale, in the Carolinas, in the State of Michigan, at Northwestern—I could go around the floor of this House and have suggested many other fine colleges, and may I say Ohio State, where they have fine language classes—here is that indictment that we do not teach properly in this country.

But let me point out this fact, Mr. Chairman, that if this is true we have made some terrible mistakes. Just within the past few days or few weeks we appropriated money in the bill for the Department of Health, Education, and Welfare for these loan funds. There is more than $20 million in that bill to provide scholarships to send people to learn languages in these colleges that the State Department says do not know how to teach them, and for other grants and payments directly connected with teaching foreign languages.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from North Carolina.

Mr. JONAS. Is it or is it not true that the courses in the Institute are far more concentrated than the language courses are in the universities?

Mr. BOW. Yes; I think that is right. I would say so.

Mr. JONAS. I would think that a person from the State Department in the Foreign Service who is trying to learn a foreign language could do so much more quickly at the Institute than he could by attending a university where the course would be extended throughout a semester.

Mr. BOW. That is the point the committee has made and the point I feel the State Department has failed to carry out, that they have failed to try to work with these colleges to establish these courses within the confines of a college or a university where these courses can be handled in that same manner, where they are prepared to do it probably at a much smaller cost than they can do it down here at this very expensive school where time and classrooms are being wasted.

Mr. JONAS. Would they not have to put in a very accelerated and concentrated course?

Mr. BOW. Perhaps they would. I hope this will be checked on. I hope the State Department in connection with the Spanish language will consider the University of Puerto Rico. Here is a fine university, in an area of the United States where Spanish is the language. People could live in a Spanish-speaking area. This would be a place where we might be able to have very good training, if they will do it.

Mr. ROONEY. Mr. Chairman, will the distinguished gentleman yield?

Mr. BOW. I yield to the gentleman from New York.

Mr. ROONEY. In connection with the colloquy just had with the distinguished gentleman from North Carolina, may I point out that included in the investigators' report, part of which is printed at page 696 of the hearings, we have this statement by these impartial investigators:

> Eight universities and two commercial language schools contacted by the staff are

interested in training Government employees. The methods of training at the universities, with one exception, are the same as at FSI—

Meaning the Foreign Service Institute.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield.

Mr. HAYS. I would say to the gentleman, I have a little experience personally and Ohio State could teach French just as well as they can at the FSI. They may not be able to do it as intensively because normally it is spread over a longer period of time, but I believe if proper negotiations were made, perhaps not with Ohio State, but with certain universities, something could be accomplished in many languages. I am not so sure about the so-called hard languages.

Mr. BOW. I think the gentleman is right so far as the hard languages are concerned. It is much more difficult to teach them here. I believe in teaching the languages in the area where they are used, and that could be done at a savings of thousands of dollars of the American taxpayers' money.

Mr. HAYS. There is a myth abroad that languages cannot be taught in the universities. I studied French more than 20 years ago at Ohio State, and thought that I did not know how to speak it until I had an opportunity one time in France to speak it and I was amazed to find out that they could understand me. I was not perfect, but they knew what I was talking about. And as to the rent over there, I would like to agree with the gentleman, if he will continue to yield, that it is too high. And, again, speaking from personal experience, because I used to rent garage space over there, and I think the space was about 25 feet long and 8 feet wide, which would be 200 square feet for which I paid $90 a year or about $40 and some cents a square foot.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield.

Mr. JONAS. May I make it clear at the outset that I am not defending this situation at all. The purpose of my question is to find out some information that will help me to understand the situation better. But, with respect to sending students to Puerto Rico, of course they have a fine university there, but I do not want to run the risk of compounding the extravagance that we have been criticising in the south of France. I am afraid if we send many students to Puerto Rico, next year the committee will be here denouncing the Department for sending them on a junket to some foreign university.

Mr. BOW. Of course, I will say to the gentleman that the question of the language school at Nice was not as to whether they were being sent to a university, but to the Villa Warden, which is one of the most beautiful estates in Nice, which was owned by the Department of State, but which has since been sold. I would certainly not approve that. But, I do believe it is well sometimes to have the students study in an area where the language is spoken. I propose that merely as a suggestion as to what the Department of State might do.

Mr. ROONEY. Mr. Chairman, will the gentleman yield once again before we leave this subject?

Mr. BOW. I yield.

Mr. ROONEY. I should like to point out further reliable comment made at the same page in the printed hearings as follows:

Five members of FSI's linguistic staff who also taught the intensive method at universities are of the opinion little difference exists between FSI and university methods of training except perhaps in length of courses or supervision—

Meaning there are more supervisors at the Foreign Service Institute.

Mr. BOW. And so far as the Chinese student is concerned, may I point out that page 622 of our printed hearings shows there is absolutely nothing said about the gentleman going to Hong Kong. Mr. Brown said he probably would have gotten more Chinese in Hong Kong but there is nothing which said he was on his way to Hong Kong. The only thing in the record about anybody going to Hong Kong from the Foreign Service Institute was about a graduate in French. So here we have the man who graduated in the Chinese language being sent to London, and the man who had been graduated in French being sent to Hong Kong where they speak Chinese. This is the type of thing that just does not make sense to the committee.

I am going to move on from the foreign language school. May I suggest to the gentleman from New York, my chairman has raised some question about the $53 million State Department Building, probably because it cost $53 million, and that is one reason why we have this expensive furniture. I hope that does not become a criterion as to why we should buy expensive furniture. The House of Representatives is building a $69 million building. What they put on the roof of this building would be pretty expensive furniture. So I do not think we should take that amount into consideration.

Now, on USIA, they have a very important mission to fill. I think they have done an excellent job in some areas. But may I point out one thing that disturbed me in these hearings, and I think it would disturb other Members of Congress. In my questioning "What does Radio Moscow do?" and "What does the Voice of America do?" so that we could make a comparison, I said, "Where is there an area in the world that we can get a broadcast for the same date and translated into English and compare it?" After some thought it was decided we could take them from Iran. So I asked them to get them both for a particular day. I said "Let us take any day." I think it was March 6. So they got them for us and they are in the hearings. Much to my surprise, in reading the broadcasts I find that was the day that Mr. Khrushchev had landed at Kabul in Afghanistan. The Voice of America said that Mr. Khrushchev had landed at Kabul in Afghanistan and that he was enthusiastically greeted by a half million visitors. Enthusiastically greeted by a half million. That was the Voice of America.

But what did Radio Moscow say? They said he was warmly greeted by thousands. Our broadcast said "a half million enthusiastically." Their broadcast said "warmly greeted by thousands."

The next item in the Voice of America was that on the arrival of President Eisenhower in Uruguay. The Voice of America said he was greeted by some thousands, but on his way into the city there were demonstrations and tear gas was used and the President had to get the tear gas out of his eyes. Most of the broadcast went to the demonstrations against the President of the United States. What did Radio Moscow say about it? Absolutely nothing. So, if the people of Iran were listening only to radio for their news, they would have known from our broadcasts about the demonstrations against the President, not from Moscow Radio. They would have been told by their radio that he was greeted by a half million instead of thousands. Those are the types of things that worry you when you sit on an Appropriations Committee in an area where you feel there is an important function to be done.

Then another thing that startled me was when I read the broadcast on Abraham Lincoln. The high point was that when Lincoln was elected President of the United States he received congratulations and they named one person who congratulated him, and that was Karl Marx.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield.

Mr. JONAS. What does the Director say in explanation of this type of broadcasting?

Mr. BOW. I will say that the Director was as concerned about it as we were. He had not seen it. I cannot take the time to look at the hearings now, but this is the type of thing that disturbs your committee.

Mr. JONAS. It disturbs me, and I am wondering what steps we can take to cure it.

Mr. BOW. I wish I could bring in all the broadcasts. I am sure I could also show you some of the fine things the Agency has been doing. I do not want anything I am saying here to be interpreted as saying I am condemning; I am simply pointing out that these are the things we must deal with and that disturb the committee when it comes to this bill.

Now I would like before closing to discuss one other matter, and that has to do, I will say to my colleagues, with an area which I do not like to enter because one of the greatest institutions for the preservation of our rights in this Nation is our judiciary. I have always objected to those who stepped over the line in our separation of government and became critical of another branch of government. But I have been disturbed, and I should like to call the committee's

attention to the hearings starting on page 154 of the small book of hearings on the judiciary where it relates to the travel of judges. We hear so much at times about the travel and junkets of Members of Congress, but I think we ought to take a look at this, it has occurred to me, because senior judges and acting judges are spending a lot of money traveling all over the country trying cases. I point out to you, however, that one of the most congested districts in the entire United States is the southern district of New York. They tell us they need more judges there. In our hearings we are told stories about their great congested dockets, but let me say to you that they have time to travel to California and try cases out in California; and, lo and behold, around theater season—I do not know what season it is there, but anyway around theater season—and we are into the fifth season now, I think—at least there is a theater season in New York, and lo and behold, the California judges around that season find time to go to New York to try cases.

And in the springtime in Carolina. I am telling you they should not be a case behind in their dockets in the Carolinas, because in the springtime you will find, if you look at the record, the number of Federal judges who go down there in the balmy beautiful spring.

Mr. COHELAN. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield.

Mr. COHELAN. I am sure the gentleman does not mean by his remarks that there is not a great backlog of cases in California.

Mr. BOW. No, I do not mean that; but the point I am making is—I do not like to say this—but the judges in California find time to travel to these other areas. I think they should be back home trying their own cases. I am looking at the hearings hurriedly, but if you take time to go through them you will find where a certain judge spent 114 or 115 days in one area, and if you take the trouble to look at the actual time spent in trial during his stay in the area I think you will see it is proper that we begin to take a look at this item.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I shall be delighted to yield to the gentleman from North Carolina.

Mr. JONAS. Of course, the seasons are so fine, and the scenery is so grand, and the people are so hospitable in North Carolina that I do not blame these judges from other parts of the country desiring to be sent down there to try cases. But there is one point I wish the gentleman would clarify for the benefit of the Members: What is the current per diem in addition to travel of these judges holding court away from their home jurisdiction?

Mr. BOW. I think it is $25 a day in addition to their transportation; and you will find in this table that they take their secretaries, their criers, their law clerks along with them. I have just gotten a little weary of some of our friends and colleagues talking about the junkets of Congress.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield.

Mr. McCULLOCH. Mr. Chairman, I am very happy to know that this subcommittee has delved into this problem, and I think it serves a very good public purpose to have it written in the RECORD. I should like to ask the gentleman from Ohio this question: Who requests the assignment of these judges from one district or one circuit to another?

Mr. BOW. I am advised that is done through the administrative office of the courts. The assignments are made there. I could not say to the gentleman specifically who has made the request in the cases I have outlined. I have been told in some areas certain judges will request that they be assigned to other areas.

I regret to say to the gentleman from Ohio, the ranking minority member of the Committee on the Judiciary, that we did not delve that far into this. We will do it in hearings at a later date. I am sure his committee will now become interested in these judge bills that we have up; that they will become interested in the question of active judges leaving their districts when they are claiming they are so far behind.

Mr. McCULLOCH. I want to again compliment the gentleman from Ohio and his subcommittee for alerting us to this condition which I do not think serves too good a purpose. In view of the fact that we have been requested, that is, the Committee on the Judiciary, to provide from 40 to 60 additional Federal judges in this session of Congress, it is well that this matter come to light at this time and I hope the committee will continue to furnish this evidence.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. Am I justified in assuming that the gentleman is conveying to the Members of the House that we ought to be very careful in passing any bill increasing Federal judgeships?

Mr. BOW. I am conveying that we ought to take a good look at the way they are leaving their districts.

Mr. McCORMACK. I mean, in increasing the number of judges.

Mr. BOW. I understand that. We ought to take a good look at it.

Mr. McCORMACK. As majority leader, I assure the gentleman we are going to take a long look at it.

Mr. McCULLOCH. I am happy to note that the majority leader is going to take that look. We have been attempting to take that kind of look for nigh on to 14 months.

Mr. BOW. I think it would be proper to say that in a matter as important as the creation of new judgeships, both the majority leader and the minority leader, as well as every Member of the House, should take a good look because it is obvious that every Member of Congress will have to be convinced after taking a good look.

Mr. COHELAN. Mr. Chairman, I trust that in his remarks with reference to State Department expenditures, in which he mentioned Miss Marian Anderson, the gentleman from Iowa [Mr. GROSS] did not intend criticism of this great American and world-renowned artist.

Miss Anderson's 1957 State Department tour of 13 Far Eastern countries, during which she gave 24 concerts in the period of 2 months, 20 of them in such major cities as Hong Kong and New Delhi, will not soon be forgotten, either by millions of our friends there or by Americans who saw the record of her tour in the CBS television presentation, "Lady From Philadelphia."

Mr. ROONEY. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, the able presentation of the distinguished gentleman from Ohio [Mr. BOW] in which there was included reference to certain broadcasts, both of Radio Moscow and the Voice of America, with regard to Iran, brought to my mind the fact that we had before us the broadcast service of the U.S. Information Agency, the so-called Voice of America, and we asked them to bring up the scripts of the broadcasts which had been delivered on September 15, 1959, the first day of the visit of Khrushchev to this country.

At page 4 of the 8 a.m. roundup of that date, a very important time, incidentally, in the broadcast day, we found that the following language had been X'd out in the account of the Khrushchev visit to the United States:

There have been protest demonstrations in several American cities over the Khrushchev visit. These have included silent parades with marchers displaying black armbands and funeral crepe in memory of victims of Communist oppression. In many churches, special prayers were said.

I immediately sought to inquire why it was that such facts were deleted from the broadcast, and particularly of the broadcast to people behind the Iron Curtain. The following colloquy ensued:

Mr. ROONEY. What does this page we're looking at indicate to you?

Mr. LOOMIS. I believe that indicates——

Mr. ROONEY. What language?

Mr. LOOMIS. I believe that appeared—I know that appeared—on the central news file as optional. I believe the X's indicate that optional paragraph was not carried in the Russian language as of that date.

Mr. ROONEY. Why not?

It was the fact, was it not—and I assume you would be interested in broadcasting the truth—that there were protest demonstrations by several American citizens over the Khrushchev visit?

Mr. LOOMIS. Yes, sir; that is the fact.

Mr. ROONEY. And it was the fact that these included silent parades with marchers displaying black armbands and funeral crepe in memory of victims of Communist oppression?

Mr. LOOMIS. That is also a fact.

Mr. ROONEY. And it was a fact that in many churches special prayers were said?

Mr. LOOMIS. That is also a fact.

Mr. ROONEY. Can you conceive why we shouldn't broadcast these truths to the Russian people? And rebroadcast them hour after hour?

Mr. LOOMIS. One of the problems, Mr. Chairman, in the Russian broadcast are that the translation of English into Russian, you find that it takes 25 percent more space to say in the Russian language what you say in

the English language. So that whenever you take a central script written in English, you will have to reduce about 25 percent of it to stay within the program time.

This requires constant editorial judgment. It is one of our most difficult problems which we face constantly.

Mr. ROONEY. Wasn't it more important to broadcast these truths to the Russian people behind the Iron Curtain than a great many of the other items?—and I hand you your file.

Wasn't this the nub of the whole thing? This was the most important news of all—the fact that there were protest demonstrations and that there were silent parades with marchers displaying black armbands and funeral crepe in memory of the victims of Communist oppression, and that in many churches special prayers were said.

This went on all over America; didn't it?

Mr. LOOMIS. Yes, sir.

Mr. ROONEY. There were church services at the time of the Khruschev visit, praying for the deliverance of the Russian people. Isn't that correct?

Mr. LOOMIS. Yes, sir.

Mr. ROONEY. Why wasn't that used in Russia, regardless of whether it took 25 percent more time or space?

Mr. LOOMIS. I can check with the desk people who made the translation.

I can only say it must have been the judgment of the editor at that time, in view of the other material in the news file. Some days news is very plentiful; other days it is scarce. It is a difficult judgment.

This is the problem which we are living with all the time—how to make these editorial judgments.

The CHAIRMAN. The time of the gentleman from New York has expired. All time has expired.

The Clerk will read the bill for amendment.

The Clerk read as follows:

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 901(3) of the Foreign Service Act of 1946 (22 U.S.C. 1131), $835,000.

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 4, line 8, strike out the figure "$835,000" and insert "$400,000".

Mr. GROSS. Mr. Chairman, before I speak to the amendment, I should like to call the attention of the gentleman from New York to page 940 of the hearings in connection with the statement that I made a while ago with respect to an additional hospitality and liquor allowance, and quoting from page 940 I read:

Mr. ROONEY. No; I mean with regard to U.S. missions to all international organizations.

Mr. HENDERSON. No, sir. * * * The total of their representation amounts within those budgets comes to $355,043.

I do not believe I will change my remarks, since the question was asked as to how much is being spent on entertainment by U.S. missions. Those were the words I used in my statement.

Mr. ROONEY. Mr. Chairman, if the gentleman will kindly yield, the gentleman may fairly make that conclusion, because the question and answer were mixed up; one did not understand the other. But I assure the gentleman that there is no such sum as $355,043 for American missions to international organizations entertainment. This figure represents the total for all the countries of the world that belong to these international organizations, for hospitality, entertainment, and so forth. I thought the gentleman understood that.

Mr. GROSS. I do not understand that and that is not what the hearing record shows. I am relying on the hearing record. I will say to the gentleman.

Mr. ROONEY. If the gentleman will yield for a moment further, so as to get this clear—and if the gentleman does not have sufficient time to discuss his amendment, I shall ask unanimous consent that he be granted additional time—let me quote from the hearings.

Mr. GROSS. I yield to the gentleman.

Mr. ROONEY.

Mr. HENDERSON. You mean with regard to U.S. mission to the U.N.?

Mr. ROONEY. No; I mean with regard to U.S. missions to all international organizations. This figure could not be right.

Both of us are mixed up. So, referring to the figure $355,043 previously given, I say to him—

This figure could not be right.

Mr. HENDERSON. No, sir; we have a breakdown for those organizations whose annual budgets are in excess of $500,000.

The total of their representation amounts within those budgets comes to $355,043.

Those are printed in the record, the budgets of those organizations.

The total of their representation amounts within those budgets comes to $355,043.

Mr. ROONEY. It is quite a bill; is it not?

Mr. HENDERSON. Yes, sir.

Mr. GROSS. Mr. Chairman, I am not going to argue the point any longer. Cut it as thick or thin as you want, we are putting up most of the money. If they are spending $355,043 for entertainment and liquor, all international organizations of which we are members, we are putting up the bulk of the money. So I shall leave it right there.

With reference to my amendment, I would have offered an amendment to strike the entire $835,000, but I am well aware that probably would not be accepted. We have here a situation that has been going on for some years and, as with a narcotic addict, you do not want to take all of the dope away at one time. So I am willing to cut this item down to size and save the taxpayers $435,000. And you cannot make such a saving every 15 minutes around here.

The State Department can get along very well with $400,000 for liquor and entertainment next year. I believe the gentleman from New York will agree with that and I hope that he will accept this amendment in the interest of saving the taxpayers some money.

Mr. ROONEY. Mr. Chairman, will the distinguished gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. ROONEY. Does the gentleman understand that this item as for expenses incurred in pursuance of the following official duties: Promotion of U.S. national interests; promotion of U.S. citizens' interests; promotion of economic activities, and commemorative and ceremonial requirements?

Mr. GROSS. Oh, yes. I have heard that in years past. I have read the gentleman's discussions with those appearing before his committee. The gentleman is well aware what this money is spent for and the records of the hearings this year and in previous years show that.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. GROSS] has expired.

Mr. ROONEY. Mr. Chairman, I ask unanimous consent that the gentleman from Iowa [Mr. GROSS] may proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GROSS. Mr. Chairman, I yield to the gentleman from New York.

Mr. ROONEY. Let us get down to cases, I shall say to my distinguished friend from Iowa. If we are going to have diplomatic establishments all over the world, at over 180 locations, some of which are quite lonely, hardship posts, and if we are going to be represented in Paris, London and Rome, and if we are going to have our diplomats working hard in the best interests of the people of the United States, surely the gentleman will not refuse them enough to serve a drink—a martini or a scotch and soda.

That is about what the distinguished gentleman would do if this amendment of his were to be adopted. Why, you would cripple the State Department. They would all be in debt. They have not had an amount as low as $400,000, I believe, in many, many years. The committee has cut this appropriation every year. They have come along and asked for $1,200,000 but we did not go along. We want them to have just enough to function properly.

Mr. GROSS. Mr. Chairman, I did not realize until the gentleman explained what an important part bourbon and scotch play in the foreign policy of the United States, and at meetings of international organizations.

Mr. REES of Kansas. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. REES of Kansas. The gentleman knows and the gentleman from New York also realizes that this fund started at about $250,000 a few years ago, then it grew to $300,000, $400,000, or $500,000. I go along with the gentleman in that. I think we can get along with $400,000.

Mr. ROONEY. This fund amounted to $675,000 in 1958. The Eisenhower administration has been doing fairly well in increasing it. With the approval of Congress, it is now up to $825,000.

Mr. HOFFMAN of Michigan. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, just a few minutes ago the gentleman from Ohio [Mr. BOW], if I understood his argument correctly, and I came in a little late, was intimating, or suggesting, or drawing some inference, that perhaps our judges did not work in office and library as hard as they should, that they were off at social activities part of the time when they might better have used that time to

study the law books or the legal precedents. That may be all very well and perhaps true. I would have no objection to the judges' having vacations—they are supposed to work pretty hard and I think they do—if they spent part of that time when they are away from their law books, their briefs, and their records—if they would spend just a small part of that time getting acquainted with the people in the country and some of their customs and some of their thinking and beliefs.

Those thoughts came to me because of two recent decisions. I recall the segregation cases where, if memory serves correctly, the Court cited one Kansas case, and the rest of the citations they made were to books of some writers on social problems.

The argument as finally developed was that it was impossible to properly educate a colored individual for him to succeed in his efforts to become educated unless he was associated with white students. It could not be done. It did not matter who the instructors were or what he studied or what his books were, nothing counted unless he had white associates.

All right, but with that connection in mind where do we get from a practical standpoint? Here in Washington we have schools with more than 1,000 colored individuals and perhaps 50 to 60, no more than 100, white youths. In other places you have schools where you do not have any white pupils. If the Supreme Court is right, if you cannot educate either race without association with the other, if you must have that association or intermingling, otherwise you cannot learn to read or write, cannot learn the alphabet, cannot learn the multiplication table, cannot learn much of anything except perhaps how to swim in a swimming pool, something of that kind, we must all remain uneducated.

If that is true, you see where we get. With schools with only colored individuals in them, no white people, the colored people cannot be educated? That is the argument—and the conclusion—certainly a false one as history has demonstrated, for we have educated in both races.

That argument is an absurdity on the face of it; is it not? So what do they do? They tell us that in New York they go over to the other side of the city to another school district and pick up a bunch of white pupils and take them over to a colored school. I assume they do the same thing with the colored pupils. Transfer some to a white school. That is one decision that makes me think that if the judges did not know so many things about situations that are not true, and if they would just use a little more common sense and have a little more association with the people back home—in the sticks, if you wish—they would learn something about how the laws should be written, if the Court intends to write the laws and, apparently, we know from the recent decisions, the Supreme Court is making the laws rather than the Congress. So I would not object if the judges did not spend all their time with their books, but got out and mingled with the people and found out something about the facts of life, what the people thought and believed and did away with some of these ideas that just do not work out nor conform to the thinking and living of our people.

There is another recent case that rather shocked me and many of our people too. Shocked us because it is contrary to our way of life, to our religious thinking, to our accepted customs to our family substance. It was that case which came up from New York where the court said that a certain picture should not be shown because the implications were all wrong and that that picture should not be permitted to be publicly shown. You remember the New York regents, I think it was there, banned this picture from the screen. The Supreme Court wrote six opinions. They were quoted in the CONGRESSIONAL RECORD, volume 105, part 14, pages 17581–17584. I have spoken about this before, will probably speak about it again some time, especially back home where the people have what I call decent ideas in their heads and do not go along with some of this, what I would call, rot. Of course, I may be mistaken but it does not seem to me we have gone back to licentious days of old nor have become so liberal that we have forgotten all of the Ten Commandments nor the decency of our parents. Anyway, the decision in that case which was written by the first justice was in substance, and it goes back to freedom of thought and freedom of speech—and that is where you get this divergence of opinions—the decision in New York banned this picture, because the thought back of the picture was that a little adultery by the proper people at the proper time was a subject which you might advocate. I was wondering—I know some fellows, some people think ought to be killed. Can I go out, am I permitted to go out on the highway and the byway in public wherever I may desire and suggest that a certain group be killed right off the bat? Have I the freedom under the freedom-of-speech doctrine to advocate the commission of crime? Have I the right to suggest that some group be liquidated? That is the logic of what that decision boils down to. To me it is complete and utter nonsense. There may be a time in the years to come when advocating that sort of thing will be all right, but as I recall it, it goes contrary to the Ten Commandments. It is contrary to our own thinking for—well, ever since we became a nation. So why should the Supreme Court go off on that kind of a tangent? Nonsense.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. GROSS. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan may proceed for 1 additional minute.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield.

Mr. GROSS. I asked the gentleman to yield to find out what the leader of our party thinks of my amendment and whether he thinks the Department of State ought to have more martinis or less martinis?

Mr. HOFFMAN of Michigan. I will support the amendment. They can do with less. I do not use the stuff myself, no doubt am biased, but I am sort of liberal in my attitude—and that is the trouble with the Supreme Court. It has been going from one extreme to the other. First, the Supreme Court says under the first amendment, I have the right anywhere to get up and advocate whatever policy I may have in mind. Then it steps over the other way and it says—no; I cannot do that, you may injure the public, we will have to protect the welfare of the people. Now between those two extremes, the Court has been going back and forth and back and forth. First one side of the road—then the other. The course which will give individual freedom and protect the welfare of the public is, we all admit, a difficult one to follow. Perhaps we should thank the Court instead of condemning it. Read the decisions of Justice Frankfurter—now the great conservative. He gave expression to more utter nonsense from the viewpoint of the average individual who just knows a little common sense that any Justice who has ever been on that Court. He has now learned from experience to use a little common sense. God bless him. I hope he keeps on drifting a little bit toward the right, toward protecting the welfare of the people and not go along, as the Court did for so long, and so often, with the right of the individual to do just as he darn pleases.

Mr. SIKES. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment offered by the gentleman from Iowa to the State Department appropriation would make it impossible for necessary public functions to be carried on by the Department during the next fiscal year. It is just as simple as that. The State Department must deal with representatives and citizens of other nations other than in purely formal negotiations, and a representation allowance is needed for this purpose. The money in this bill for representation allowance is now down to a rockbottom figure. I do not think we can properly reduce it. But before I talk about his amendment, I do want to take a few moments to say that I personally appreciate the studious, diligent, and patriotic effort that the gentleman from Iowa [Mr. GROSS] makes in this House day after day after day after day. I think he knows more about more bills than any one of the rest of us. He is one of the most valuable men in the Congress. I want the RECORD to show that I appreciate his efforts for a better America.

Now, Mr. Chairman, we have recommended the sum of $835,000 for representation allowance. This is $40,000 less than the State Department felt it must have for this job. It is only $10,000 more than the Congress appropriated for the fiscal year 1960. In other words, we are

recommending about 1 percent more than the amount of money that was appropriated last year for this purpose, despite the fact there has been an increase in all costs during that period, and despite the fact that 8 or 10 new American posts must be established with the funds that are available. We have 183 diplomatic posts spread around the whole world, and each of them must carry on certain diplomatic social activities which require expenditures from the representation allowance.

Actually, per diplomatic post, there will be less money for this year's requirements, even though the costs are higher than they were a year ago.

Now let us face it. This is not a whisky allowance. Of course some whisky is bought. It is served at most social functions, including those to which we Congressmen are invited in Washington. Certainly it is a part of diplomatic functions. So is food. So are flowers. So are service costs. In other words, this is just what it says, a representation allowance. Our representatives are entertained at social affairs by diplomats from other nations. We have to reciprocate. It is to our advantage to show the proper courtesies to the leading figures in the nations to which our representatives are accredited. People are human. They appreciate these things. What is more, they expect them. Everybody does it. There are national days to which all the diplomatic corps are invited, such as our own Fourth of July. When those things take place it is very important to show proper recognition of local customs and to maintain cordial relations with the people in other embassies and in the other nations where we have our own representatives. Each of us on the floor recognizes the value of social gatherings. We attend them quite frequently. We participate in them. We do these things because we can see the advantage of maintaining contact with other people. Sometimes more can be accomplished or more learned at a social function than in any other way. The State Department does exactly the same thing with its representation allowance in order to further the interests of this Government. If we were not to follow this procedure we would be the only country, major or minor, that fails to do so. We would be looked upon with scorn by our neighbors in the world. Our representatives abroad have a big and important job to do and that job they must do for the good of this Nation, and for our world interests.

I trust the amendment will be rejected.

Mr. BOW. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, if this were $400,000 for liquor I would join the gentleman in support of his amendment, but this is not $400,000 or $800,000 for liquor. This is the amount set aside for the work of our ambassadors and consuls general and others abroad. Frankly, it is an entertainment allowance. Entertainment takes up something more than serving liquor and meals. In large capitals there is the usual round of dinners, and much of the work of these people is done in these areas. I would say that if we should adopt this amendment we would very seriously affect the work.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield.

Mr. HAYS. I just want to point out that one of the very important embassies in this city has a representation allowance of $106,000. For our embassy to that country we allow our ambassador a representation allowance of $25,000. Consequently we have to appoint a millionaire to such embassies or you just could not run the embassy.

Mr. BOW. The gentleman is quite correct, and that is true of other embassies throughout the world. In some we have career men. Even they have to go into their own pockets to take care of some of these expenses. And I think, looking at it for what it is, we just cannot support this amendment. It is going to affect the work of our people abroad. It is not fair to stand up and call it the whisky allowance or gin allowance. We have got to be big enough to face the facts. May I say to you that I join with the gentleman from Michigan; if I go there I will not use any of it, but I just do not believe we should cripple this area in this bill.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I shall be delighted to yield to the gentleman from Iowa.

Mr. GROSS. Accepting the formula set up by the gentleman from Ohio [Mr. HAYS], I suppose that impersonally if we increased this to a million dollars it would still be subject to the same criticism. The hearings will show how lightly this was referred to and some of the things that were said about it impersonally.

Mr. BOW. Now, the gentleman has made a statement as if I were trying to mislead. Just go through the record and show me any place where I have referred to it as anything else.

Mr. GROSS. I said your subcommittee, your hearings, members of the committee. This was referred to as firewater, as hospitality in quotation marks, and so on and so forth. Let us not kid ourselves.

Mr. BOW. I cannot tell the gentleman where the quotation marks came from. If my dear friend from New York in his enthusiasm in the interrogation of witnesses at times refers to firewater, that does not change the fact as to what it actually is.

Mr. ROONEY. Mr. Chairman, will the gentleman yield?

Mr. BOW. Certainly I yield.

Mr. ROONEY. I am sure if I inadvertently used the term "firewater" it was not used in any sense or in any way referring to bad liquor.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield.

Mr. GROSS. The gentleman from Ohio [Mr. HAYS] I think has a formula that you must have a representation allowance or you must have a millionaire in a foreign post. Do you mean to say that if we were to increase this to $5 million that we would go out and get some ordinary citizens and send them overseas as ambassadors?

Mr. HAYS. If the gentleman will yield, we might want to send the gentleman from Iowa as ambassador to some foreign country, to send him to Cuba or Russia. The gentleman has talents we could use and cannot afford to let waste.

Mr. BOW. In closing I may say that the increase in this item comes about because we have a number of new embassies which will be set up this year, in Africa, Cyprus, and other places. The increase is small, roughly, $10,000.

I sincerely hope the Committee will reject the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GROSS].

The amendment was rejected.

The Clerk read as follows:

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

Contributions to international organizations

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, conventions, or specific acts of Congress, $48,700,784.

Mr. PELLY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the discussion of appropriations for the Department of State and with particular reference to funds for international conferences leads me to call to the attention of the Committee that right now in Geneva, Switzerland, there is such a meeting in the form of the United Nations Conference on the Law of the Sea.

There has been reference to inclusion of funds for entertainment or, as it is called, representation allowances which includes social gatherings and I suspect cocktail parties. For all I know, right at this moment the representatives of the State Department and our delegates in Geneva are attending such a social gathering. On these occasions, as I understand, the delegates of foreign nations are softened up for supporting our proposals and program. This is important because in Geneva there are 88 nations each of which has an equal vote. We are negotiating an important matter having to do with a change in the old 3-mile limit and the extension of the territorial sea to include an exclusive fishing zone. A nation that has no seacoast or interest in fishing gets the same vote that we do.

Now, Mr. Chairman, as I said yesterday on the floor of this House, in the Geneva Conference, Canada and the United States have made a joint proposal. The chairman of the Canadian delegation has suggested that this proposal entails great sacrifice by all nations. What sacrifice is it for a nation that loses nothing? The facts of the case are that this joint proposal contains an opportunity for Canada to gain valuable fishing grounds at the expense of the United States. Mr. Chairman, 54 percent of all ground fish imports that come into the United States are from Canada. We imported in 1959, 184 million pounds of such fish. Ninety-four million pounds of this came from Canada which is more than the entire annual ground fish production of the United States. On the Pacific coast including

Alaska the United States ground fish production last year was approximately 40 million pounds. Of this amount, a little over half were harvested by American fishermen outside the 3-mile limit of British Columbia.

Now, by international negotiation we are threatened with a loss of all fish caught off Canada up to the 12-mile limit. In the outer 6-mile zone we would lose our rights after 10 years. In the area in which Canada would gain exclusive rights, our Pacific Northwest fishing fleet has harvested about 8 million pounds per year—$2 million in value. We would lose this to Canada, but what is more important, of course, is that Canada would expect to export the fish to the United States. We would be buying our own fish caught in an area which we pioneered and in which we have legal and historic rights. Nor does this include the loss in the way of migrating salmon and also our annual catch of crab and shellfish.

I call this to the attention of the Committee because if this international giveaway is consummated, Mr. Chairman, I would hope that the Congress would afford some protection for our American fishing industry. I would hope the treaty would not be ratified at the other end of the Capitol. Further, I certainly would hope Congress either by tariff or embargo would take steps to protect the fishing industry in this country.

The gentleman from Iowa [Mr. GROSS] has always been vigilant in calling to the attention of Congress these international intrigues. I know I can count on his support. In the meantime, I think Members of Congress should know of the threat to the American fishing industry that exists in Geneva.

The Clerk read as follows:

MISSIONS TO INTERNATIONAL ORGANIZATIONS

For expenses necessary for permanent representation to certain international organizations in which the United States participates pursuant to treaties, conventions, or specific acts of Congress, including expenses authorized by the pertinent acts and conventions providing for such representation; salaries, expenses, and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801–1158); hire of passenger motor vehicles; printing and binding, without regard to section 11 of the act of March 1, 1919 (44 U.S.C. 111); and purchase of uniforms for guards and chauffeurs; $1,850,000.

Mr. GROSS. Mr. Chairman, I make a point of order against the language on page 7 beginning with line 1 and running through line 12 on the ground that it contains an appropriation not authorized by law.

Mr. Chairman, I call your attention to page 7 of the report on the pending bill, H.R. 11666, which states:

The following table sets forth the amounts allowed for each organization.

Item 7 provides $30,000 for the Interparliamentary Union.

Mr. Chairman, I also call your attention to page 1035 of the hearings and the justification for this appropriation, from which I read as follows:

The act of June 28, 1935, as amended by Public Law 409, approved February 6, 1948 (22 U.S.C. 276), authorizes an amount of $15,000 to assist in meeting the expenses of the American group of the Interparliamentary Union for each fiscal year.

I further read from the justification to be found on the same page:

Although the enabling legislation authorizes an appropriation of $15,000, there is included in this request $30,000.

Mr. Chairman, I make the point of order that this violates rule 21, paragraph 2, of Cannon's Procedures which provides that no appropriation shall be made without prior authorization.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. ROONEY. Yes, Mr. Chairman. This is going to be a great deal of tweedledee and tweedledum. It is the fact, and we concede, that the Interparliamentary Union, which has been in existence for some 70-odd years, does not have an authorization for expenditure beyond $15,000 per annum, whereas the newly created NATO Interparliamentary Union and the Canadian Interparliamentary Union have authorizations for $30,000. The committee felt that the oldest one, the 70-year-old one, should be put on the same basis as the two lately formed ones, and for that reason inserted in the bill $30,000.

Mr. Chairman, I am now constrained to concede that the point of order is well taken and I shall immediately offer an amendment.

The CHAIRMAN. The point of order is conceded and sustained.

Mr. ROONEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROONEY: On page 7, line 12, strike out "$1,850,000" and insert "$1,835,000".

Mr. ROONEY. Mr. Chairman, this should cure the situation to which I referred. Instead of the amount being $1,850,000, as originally provided in the pending bill, we have reduced that by $15,000 to $1,835,000.

The CHAIRMAN. Let the Chair point out to the gentleman from New York that on the point of order the entire language on page 7, line 1 through line 12, was stricken out.

Mr. ROONEY. The proposed amendment is exactly the same as the language contained on page 7, lines 1 to 12, with a change in the amount from $1,850,000 to $1,835,000. We shall have the amendment prepared in just a few seconds.

The CHAIRMAN. The Clerk will report the amendment.

Mr. GROSS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GROSS. Would it be in order to call for the regular order?

The CHAIRMAN. The regular order is that the Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ROONEY: On page 7, line 1, insert:

"MISSIONS TO INTERNATIONAL ORGANIZATIONS

"For expenses necessary for permanent representation to certain international organizations in which the United States participates pursuant to treaties, conventions, or specific acts of Congress, including expenses authorized by the pertinent acts and conventions providing for such representation; salaries, expenses, and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801–1158); hire of passenger motor vehicles; printing and binding, without regard to section 11 of the Act of March 1, 1919 (44 U.S.C. 111); and purchase of uniforms for guards and chauffeurs; $1,835,000."

Mr. ROONEY. Mr. Chairman, this would cure the paragraph printed in the bill at page 7, lines 1 to 12, the change being to take out $15,000, the amount of the unauthorized appropriation for the Interparliamentary Union.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ROONEY. I yield to my distinguished friend from Iowa.

Mr. GROSS. Mr. Chairman, I had just the faintest hope that I would be able to kill the whole thing, because I think we have gone far overboard on these international missions. But the gentleman was too fast afoot for me.

Mr. ROONEY. Mr. Chairman, of course we could not do that. There would not be much sense in our belonging to the United Nations and paying our share for it if we did not have a spokesman up there, Ambassador Lodge, and a staff; and there would not be much sense in our belonging to the international organizations at Geneva, the International Civil Aviation Organization, and the Organization of American States, to which reference was made earlier today, since this is Pan American Day, and to the International Atomic Energy Commission and other international organizations, without having American representatives there to express our viewpoint.

Mr. GROSS. That is exactly right. I said that the gentleman sustained what I had said, that we have gone overboard on this business of financing international missions and organizations.

Mr. ROONEY. Mr. Chairman, I am grateful that the gentleman from Iowa gives me approbation in having gotten the parliamentary situation together so that we now are prepared to vote on inserting what was originally in the bill, except for the $15,000, the unauthorized amount for the 70-year-old international parliamentary organization which I insist—although I have not been to one of their meetings since the one in Rome in 1948—which I insist is one of the most worthwhile organizations to which we belong.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ROONEY. I yield to the distinguished gentleman.

Mr. GROSS. The gentleman cannot point to a single worthwhile accomplishment on the part of that organization.

Mr. ROONEY. Oh, I think if nothing happened other than that parliamentarians and elected representatives from the free nations of the world met, it would be well worth the $15,000 that the gentleman has been referring to this afternoon.

Mr. GROSS. The gentleman well knows that they are going to get another $15,000; that nobody can stop it.

Mr. ROONEY. We all try to be realists. There will be a bill on the Consent Calendar in the next week or so and this situation will be straightened out by the will of a majority of the Members of the House.

Mr. GROSS. And then we will roll out the jet planes and haul the junketers overseas.

Mr. ROONEY. I do not know whether they travel in jets or propeller planes, but I take it they will attend the conferences wherever they are held in the world. Personally, I do not go to these conferences but I think they are worthwhile.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. ROONEY. I yield to the distinguished gentleman from Ohio.

Mr. HAYS. I have been to some of them and we have never gone in a jet yet. But if the President is not using his to go to Augusta, I would be happy if he would let us have it this fall.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. ROONEY].

The amendment was agreed to.

The Clerk read as follows:

INTERNATIONAL CONFERENCE AND CONTINGENCIES

For necessary expenses of participation by the United States upon approval by the Secretary of State, in international activities which arise from time to time in the conduct of foreign affairs and for which specific appropriations have not been provided pursuant to treaties, conventions, or special Acts of Congress, including personal services without regard to civil service and classification laws; salaries, expenses, and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801–1158); hire of passenger motor vehicles; contributions for the share of the United States in expenses of international organizations; and printing and binding without regard to section 11 of the Act of March 1, 1919 (44 U.S.C. 111); $1,843,000, of which not to exceed a total of $100,000 may be expended for representation allowances as authorized by section 901 (3) of the Act of August 13, 1946 (22 U.S.C. 1131), and for entertainment.

Mr. GROSS. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I would like to go back to page 4 of the bill. I neglected to ask a question earlier about these 10 automobiles at $7,800 apiece. Who is going to get those?

Mr. ROONEY. This is the same as carried in the bill in the current fiscal year. This is a replacement program of cars for your important ambassadors abroad.

Mr. GROSS. At $7,800, they are all air conditioned, I assume, even those in the Scandinavian countries, where they would not have much need of it?

Mr. ROONEY. I do not believe so.

Mr. GROSS. I thank the gentleman, and I wish to add only this that $7,800 automobiles for public officials are fast becoming a symbol of a nation that is $292 billion in debt.

Mr. ROONEY. President Eisenhower has requested these 10 automobiles. It is claimed they are necessary.

The Clerk read as follows:

EDUCATIONAL EXCHANGE

International educational exchange activities

For necessary expenses, not otherwise provided for, to enable the Department of State to carry out international educational exchange activities, as authorized by the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431–1479), and the Act of August 9, 1939 (22 U.S.C. 501), and to administer the programs authorized by section 32(b)(2) of the Surplus Property Act of 1944, as amended (50 U.S.C. App. 1641 (b)), the Act of August 24, 1949 (20 U.S.C. 222–224), and the Act of September 29, 1950 (20 U.S.C. 225), including salaries, expenses, and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801–1158); hire of passenger motor vehicles; entertainment within the United States (not to exceed $1,000); services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); and advance of funds notwithstanding section 3648 of the Revised Statutes, as amended; $23,210,000, of which not less than $5,500,000 shall be used to purchase foreign currencies or credits owed to or owned by the Treasury of the United States: *Provided*, That not to exceed $1,437,500 may be used for administrative expenses during the current fiscal year.

Mrs. CHURCH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to ask the chairman of the subcommittee about some amounts as carried in the table on page 24 of the report, with reference to the educational exchange program.

I notice that the budget estimate for fiscal year 1961 for the international educational exchange activities was $28,200,000, and that the committee is recommending in this bill $23,210,000. With regard to international educational exchange activities in connection with the special foreign currency program, the amount sought by the Bureau of the Budget was $6,960,610, of which amount $6,600,000 has been recommended by the committee. I wonder if the chairman of the subcommittee could tell me what particular curtailment of anticipated activity might be involved by this decision not to appropriate the requested amount.

Mr. ROONEY. There will be no curtailment at all of the present activity. The action of the committee in connection with the total request of $35,160,610 is to be found in two items, which combined make $29,810,000. The committee allowed the amount to which the distinguished gentlewoman referred, $23,210,000, for what has been heretofore carried in the bill as international educational exchange activities, as well as $6,600,000 for the special foreign currency program under Public Law 480, relating to disposal of surplus agricultural commodities, which give a total figure of $29,810,000. This would provide the same amount in the first instance as is provided in the present fiscal year, and would amount to a cut of $360,610 in the $6,960,610 item for the special foreign currency program.

Mrs. CHURCH. So that it is true, as the report states, that the total for fiscal year 1961 will be $3,600,000 over what was appropriated in 1960? Is that correct?

Mr. ROONEY. That is correct.

Mrs. CHURCH. I would say to the gentleman that I certainly hope that there will be no unwise curtailment of this program.

Reference was made during general debate to some perhaps merited criticism of some aspects of the operation of the program, but I would like to state that this is one of our international activities in which I have put most faith. I have had occasion, through my university connections, to interview and know intimately many of these students that have come here from foreign countries. It has furthermore been my privilege abroad as a member of the Committee on Foreign Affairs to talk to students who have returned to their own countries, after the rich experience gained as foreign exchange students here. This is one way in which we build mutual knowledge and mutual good faith, and lay the intimate groundwork for the understanding that underlies friendship and the pursuit of peace.

Mr. ROONEY. I assure the gentlewoman that under the suggested action of the committee the administration would have between $5 million and $6 million more in foreign credits than they have in the current year.

Mrs. CHURCH. I am very glad to hear that. I would particularly hope that more local currencies, which we seem to be accumulating so rapidly, could be made available for this purpose.

Mr. GROSS. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I should like to ask the gentleman from New York about the $6 to $8 a day pay to foreign students in the student exchange program.

Mr. ROONEY. That is for living expenses, to provide meals and accommodations.

Mr. GROSS. Under our GI bill of rights, were not our servicemen paid $120 a month, that is, an unmarried student?

Mr. ROONEY. Something like that.

Mr. GROSS. Then why pay foreign students $6 to $8 a day?

Mr. ROONEY. At the demand of the Eisenhower administration there are $17 per diems included in this bill.

Mr. GROSS. For leaders?

Mr. ROONEY. Yes. I am sure the gentleman has run across that testimony.

Mr. GROSS. Yes, I spoke of it a while ago and mentioned the $6 to $8 per day per diem paid to these students who come over here and your hearings are very complete as to the defects in this program in that these students are staying in this country; they are not going back to their own countries as this educational program intended they should.

Mr. ROONEY. Yes; that is one of the failures of the program. We spend taxpayers' money to bring these folks here from overseas and then have them with us for a certain period of time, hoping that they will learn to like us so much that when they return to their native country, they will be friends of ours for life. Unfortunately they come to like our country so much, that very few of them want to go back home. They want to stay here.

This is one of the failures of the program. I do not know what the complete

answer to it is, but I am not willing to destroy the entire program because of a number of such instances.

Mr. GROSS. That is a very basic defect in the program and it is so serious that it must be stopped.

Mr. ROONEY. I would agree. I do not want to infer that this is a general statement that I am making, but it certainly applies in particular areas. We have alien doctors who come here from abroad. A great many of them are not here at Government expense. They are employed in our hospitals and are paid for their services. When they get here, they come to like our country so much that the next thing that happens, they meet a nice looking American girl and then the next thing that happens is that they get married, and then there is an American citizen born of that marriage. They do not then want to return to their native country. What the answer to this is, I will say to my distinguished friend from Iowa, I just do not know.

Mr. GROSS. I still do not understand why we should pay foreign students $6 to $8 a day when under the GI bill of rights we paid our own servicemen less than half that amount.

Mr. ROONEY. The gentleman is talking about a long time ago. I am sure the gentleman knows that there have been increases in prices and even in cost of representation over the years.

Mr. GROSS. I am well aware of that. You have over a million dollars in this bill for representation allowances; and, if we could find them all, there would be much more than that.

Mr. COHELAN. Mr. Chairman, if the gentleman will yield, is the gentleman aware of the very stringent regulations in respect to this type of visa by the Immigration Department? I am sure the Chairman must recall that that is so. As a matter of fact, within my recollection on the floor of this House, the gentleman from Pennsylvania [Mr. WALTER] made a very firm statement with reference to this problem. I am aware of this problem because some students at the University of California in the district I represent have been very seriously affected by these regulations and are required to go home.

Mr. GROSS. But the facts do not bear that out.

Mr. ROONEY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. ROONEY. I suggest that that is not the fact at all with reference to the matter to which my distinguished friend refers. He will find testimony on this bill, although I just cannot put my finger on it at the moment, but I will be glad to get it, showing that there are a great many who have had waivers of the 2-year requirement that they go home.

Mr. GROSS. That is right.

Mr. TOLL. I would like to commend the gentleman from New York on his explanation and comment that at least the relatives of these students who are in this country know that the students love this country so much that they do not want to return to their native land, and we do earn the reputation that America is a good country in which to live.

Mr. ROONEY. May I say to the distinguished gentleman from Pennsylvania, if the gentleman will permit me, that that is not the purpose of the expenditure of these funds at all. These funds are intended to be spent in order to project our friendship all over the world, to make friends for us in countries all over the world, and I am not so much interested at this moment in talking about the money that is included in this bill, as to whether or not they like our country. They could not help but like it.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

RAMA ROAD, NICARAGUA

For an additional amount for necessary expenses for the survey and construction of the Rama Road, Nicaragua, in accordance with the provisions of section 5 of the Federal-Aid Highway Act of 1952 (66 Stat. 160), as supplemented by section 8 of the Federal-Aid Highway Act of 1954 (68 Stat. 74) and the Act of September 2, 1958 (72 Stat. 1709), $1,000,000, to remain available until expended: *Provided*, That transfer of funds may be made from this appropriation to the Department of Commerce for the performance of work for which the appropriation is made.

Mr. MEADER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time simply to call attention to an item that has been kicking around here for a great many years, namely, the Rama Road in Nicaragua.

This item originated from an informal conversation between President Roosevelt and President Somoza of Nicaragua in 1939. President Somoza was unhappy because the Corps of Engineers had recommended against building a canal across Nicaragua. So to make him happy President Roosevelt offered to give him $2 million out of his emergency fund to build the road from San Benito to Rama, a port on the Escondido River in Nicaragua.

It turned out that $2 million would not build much of a road. So the President gave Nicaragua another $2 million from his emergency fund. This was before Congress passed on the matter. But from 1942 to date the Congress has authorized a total of $16 million on a project that was originally to cost $2 million.

On page 848 of the hearings of the Appropriations Subcommittee Mr. Stewart gives notice that there is going to be some more. I quote from page 848.

An annual appropriation of $1 million will force the remainder of the highway construction to be let on a piecemeal basis. This means that the project will have to absorb price increases in steel, other materials, and labor, as well as higher contractor costs for the moving of equipment to piecemeal jobs rather than one move in a major contract. Because of the necessity for constructing this highway on a piecemeal basis, no assurance can be given that an additional authorization will not be required for the completion of the Rama Road.

They have been building this road since 1943. It is only 158 miles long. After the $1 million in this bill, there will be a remainder of $2½ million authorized but not yet appropriated to date. Now we are put on notice that when that $2½ million is appropriated we are going to have still another authorization bill. Can the gentleman tell me if we are ever going to get this road finished?

Mr. ROONEY. Undoubtedly, this Rama Road is the brainchild of the late Franklin D. Roosevelt. This road construction was appropriated for piecemeal over the years in amounts which were stated to be required by the U.S. Bureau of Public Roads. When the new administration came in I did not expect President Eisenhower or the Republicans to embrace this road, which is 158 miles long, and which would connect this river port town with the Inter-American Highway. So the administration began to get tired of appropriating for it piecemeal every year. Last year we appropriated $3½ or $4½ million——

Mr. MEADER. Four and a half million, and the Senate cut it to one million.

Mr. ROONEY. The $4½ million was to complete the road. We put that amount of money in the bill, and the distinguished gentleman and everyone else in the House approved of it. But the other body, either thinking they were going to save some money or to make the figures in the bill look better, decided to appropriate but $1 million. So we are back here now with another request by President Eisenhower and increased costs and prices. I properly criticize President Eisenhower and his Bureau of the Budget for not presently asking enough money so that we would be through with this road once and for all. I hope my explanation is satisfactory to the gentleman.

Mr. MEADER. I know what the gentleman says is printed in the hearings. I do not find anywhere in the hearings where the gentleman asked Mr. Stewart just how much more money he thought would be necessary to complete the road. He gives notice here they are going to come in for further and additional authorization.

Mr. ROONEY. Is the gentleman suggesting that the gentleman from New York and his colleagues should appropriate to the President more money than he wants?

Mr. MEADER. I was not suggesting that at all.

Mr. ROONEY. He has only asked for $1 million.

Mr. MEADER. I was not suggesting that. I was asking the gentleman why he did not find out from Mr. Stewart how much this road was going to cost.

Mr. ROONEY. Mr. Stewart frankly says he does not know how much more it is going to cost; but you cannot build a road on this basis, not down in that part of the world.

Mr. BOW. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I, too, would like to talk a little bit about the Rama Road. It has been one of my favorite subjects for the last 10 years. I agree with the gentleman from Michigan that it would be well if we could find out when we were going to get rid of it.

I remind you of another highway, the Inter-American, that we dealt with in another subcommittee on appropriations. When it came to the floor the last time

it was said that this would be the last appropriation and we served notice there would be no more. I am told now, however, that probably next year we will have a request for a new authorization for the Pan American Highway.

Now, let us get the record straight. My distinguished friend from New York is agile on his feet, as always, but he has blown a little hot and cold with us here this afternoon on this matter of appropriations. He has blamed the Eisenhower administration for not asking for the full amount. I would remind him that last year the Eisenhower administration through the Bureau of the Budget did just that, asked for enough money to finish the job; and the House in its wisdom granted the appropriation. We agreed with the administration. I might say that I was delighted to see that my friend from New York, the chairman of this subcommittee, agreed with the President that it should be done that way. Then when the bill went over on the other side of the Capitol, the leadership of that body also being Democratic, struck it out. They did not like it over there and they only appropriated a million dollars, and the House went along with it in conference. So now we are following the criterion set by the Democratic leadership in Congress. President Eisenhower and the Bureau of the Budget want to get rid of it, but Congress under Democratic leadership only appropriated a million dollars.

Mr. ROONEY. Mr. Chairman, will the gentleman yield?

Mr. BOW. I will yield after a bit. I know exactly what the gentleman is going to say, for we went all through this in subcommittee.

After this Democratic Congress denied the full amount last year which the gentleman from New York now says it should have granted, but recognizing the leadership here the Bureau of the Budget said: "Well, they knocked us down last year, why march up the hill and march back down again? They gave us only $1 million." Anticipating that the leadership here would act as they did last year the Bureau of the Budget did not ask the full amount. So, you see, you cannot blame the Eisenhower administration. It just illustrates the old story that there is a separation between downtown and up here on the Hill.

I now yield to the gentleman from New York, but I know just exactly what he is going to say. Let us see.

Mr. ROONEY. Is the gentleman implying that President Eisenhower and the brain trust that surrounds him down at 1600 Pennsylvania Avenue and his Bureau of the Budget are succumbing to the leadership of the Democratic Congress?

Mr. BOW. I would say to the gentleman that at this particular time where they tried to do what was right, as the gentleman says was the proper thing to do—they tried it last year—the same leadership is here today as was here last year and they have little reason to hope they would get any different treatment this year from what they got last year; so they just said, "We will go along with it this year on the basis of what they did last year."

Mr. ROONEY. Is the gentleman now saying that President Eisenhower and his Bureau of the Budget have a defeatist attitude with regard to constructing this road down in Latin America?

Mr. BOW. I do not have any defeated attitude. I think they are just rather weary with this procedure which has gone on over the years since Franklin Delano Roosevelt brought it into existence and the millions that have been poured into it; they are a little bit disgusted.

Mr. ROONEY. I think the gentleman was on the subcommittee when we used to go to conference with the other body and the distinguished then Senator from the State of Michigan, Homer Ferguson, made this his life work, trying to stop construction of this highway.

As long as we have spent $16 million on this highway so far, let us get it done. If President Eisenhower had only asked for the amount of money necessary to finish it this very year, the gentleman from Ohio, I and other members of the subcommittee would have succumbed to his judgment.

Mr. BOW. We probably would, because in our wisdom we recognized the ability of the people downtown, but for some reason or other the other body has not gone along with us.

Mr. ROONEY. I am more inclined to agree with that than anything else the gentleman has said.

Mr. JOHANSEN. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I take this time to address an inquiry to the gentleman from New York as to whether there is included in this appropriation, particularly under the item for the Inter-American Organizations, any funds direct or indirectly, for the Republic of Panama.

Mr. ROONEY. I should say to the gentleman that there is an item in the budget but not in this bill for the Republic of Panama. It is shown at page 22 of the committee report: "Payment to the Republic of Panama, $1,930,000."

As I understand it, this is the usual payment in connection with the Panama Canal. It is a permanent appropriation.

Mr. JOHANSEN. Are there any other benefits for the Republic of Panama in connection with the Inter-American Organizations? Do they participate directly or indirectly in our share or in our contribution to that organization?

Mr. ROONEY. No; they would not participate in our share. We pay our own share, for instance, in the Organization of American States.

Mr. JOHANSEN. Do they participate in the benefits of our payment toward the organization insofar as they benefit from it?

Mr. ROONEY. I suppose so, the same as a fellow member of a club would participate as a result of your paying your dues and keeping your membership up.

Mr. JOHANSEN. I thank the gentleman for his answer. I want the RECORD to show that as of the latest information I have, the flying of the U.S. flag over our Embassy in Panama is curtailed under authority of regulations of the State Department to curtail the display of the flag when local conditions are held by the chief of mission to make it desirable so to do.

I simply make the point because that curtailment occurred following desecration of the flag on the 3d of November last. The State Department has endeavored to avoid acknowledgement to a Member of Congress that there was any connection between the riot and the desecration of the flag and its curtailment. However, according to a national news magazine it is the direct result of it and because of that I have introduced a resolution to make mandatory the display of the flag over our Embassies.

I want to offer the observation that perhaps we might not win so many friends but we may win a great deal more respect if we at least stood behind our flag and its display on our own extraterritorial properties in our embassies abroad and in Panama.

The Clerk read as follows:

SALARIES OF SUPPORTING PERSONNEL

For salaries of all officials and employees of the Federal Judiciary, not otherwise specifically provided for, $22,035,520: *Provided*, That the compensation of secretaries and law clerks of circuit and district judges shall be fixed by the Director of the Administrative Office of the United States Courts without regard to the Classification Act of 1949, as amended, except that the salary of a secretary shall conform with that of the General Schedule grades (GS) 5, 6, 7, 8, 9, or 10, as the appointing judge shall determine, and the salary of a law clerk shall conform with that of the General Schedules grades (GS) 7, 8, 9, 10, 11, or 12, as the appointing judge shall determine, subject to review by the Judicial Conference of the United States if requested by the Director, such determination by the judge otherwise to be final: *Provided further*, That (exclusive of step increases corresponding with those provided for by title VII of the Classification Act of 1949, as amended, and of compensation paid for temporary assistance needed because of an emergency) the aggregate salaries paid to secretaries and law clerks appointed by one judge shall not exceed $14,835 per annum, except in the case of the chief judge of each circuit and the chief judge of each district court having five or more district judges, in which case the aggregate salaries shall not exceed $19,815 per annum.

Mr. LINDSAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LINDSAY: On page 26, line 9, strike out "$22,035,520" and insert "$22,435,520".

Mr. LINDSAY. Mr. Chairman, I take this time in order to point out a matter in the committee report. I ask the committee to refer to page 16 of the report wherein it is stated that a request by the Administrative Office of the United States Courts for approximately $800,000 for additional costs in the matter of clerks and secretaries for the U.S. judges was denied solely for the following reason: It is indicated on this page that the Administrator of the United States Courts misled the subcommittee as to the amount of money that would be required in order to achieve the objectives of Public Law 86–221.

Mr. ROONEY. Mr. Chairman, will the gentleman yield?

Mr. LINDSAY. I yield to the gentleman from New York.

Mr. ROONEY. Whom did the gentleman say misled the committee?

Mr. LINDSAY. The head of the Administrative Office of the United States Courts is, by clear implication, accused in the committee report of having misled the Subcommittee on Appropriations. I refer to page 16.

Perhaps I can shed some light on this matter or perhaps I can be enlightened myself. In any event I should like to get to the bottom of it. In the first session of this Congress a bill was passed which created greater flexibility in the use of law secretaries and clerks for U.S. judges. Prior to this law, a judge was limited to one law clerk. Under the new law he could have a greater number.

What it meant in substance was that professional help could be employed who would require higher salaries. At all times the judges have been controlled by an appropriation which limits the aggregate amount that a judge may spend for help in his office, both professional and nonprofessional, to approximately $14,000. Until Public Law 86–221 was passed, which provides for greater flexibility in the kind of personnel that may be employed by a judge, the judges had not been spending up to the full amount of the allowance that they were given. It is somewhat comparable to the clerk hire situation we have here in the House except that our elaborate formula is not used in the court system.

Now, the Committee will note on page 16 of the committee report that it is stated that the Director of the Administrative Office of the U.S. Courts stated to the House Committee on the Judiciary that he believed Public Law 86–221 would not result in any additional expense. And indeed this same statement appeared in the report of the House Committee on the Judiciary when it reported out the bill.

Apparently there is misunderstanding as to what was meant by that comment. What was meant, according to the Administrative Office, was that no additional appropriation would be required which would bring the aggregate allowed for each judge for total office help over and above $14,000 per judge. This is fixed by law, and in theory at least judges should be given money to use up to that figure. If I am wrong on that I would like to be corrected. Nevertheless, the statement that appears on page 16 of the committee report is as follows:

> The committee deplores the practice of Government officials appearing before the legislative committees of the Congress and presenting misleading statements minimizing the ultimate cost of the legislation they are sponsoring and/or supporting. Such a practice, whether it be intentional or otherwise, must be stopped. The committee will do its utmost to discourage such practice by denying the requests for funds.

If this is the sole reason why the amount requested was denied, it is important that we get to the bottom of it. The matter is too important not to be considered on the merits.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. LINDSAY. I yield.

Mr. WHITENER. Mr. Chairman, I may say to the gentleman that this bill which we passed in 1959 came before the subcommittee of the Committee on the Judiciary, of which I am a member, and Judge Biggs, representing the judiciary, testified before that committee, along with other witnesses. They said emphatically that it was a housekeeping bill, that it would not involve any additional cost. They said it without qualification or equivocation. And if the gentleman will refer to the letter written by Mr. Warren Olney 3d, Director of the Administrative Office of the United States Courts, he will find that Mr. Olney said emphatically in the letter:

> It would thus make for better and more expeditious administration of justice in the Federal courts and improve the service to the public with, it is important to emphasize, no additional expense to the Government.

The CHAIRMAN. The time of the gentleman from New York [Mr. LINDSAY] has expired.

Mr. WHITENER. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. LINDSAY] may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Chairman, I might say to my friend from New York that, having heard that testimony as a member of the subcommittee, I went along with this bill in subcommittee, as did other members of our subcommittee. I can say, speaking only for myself, that had we had any notion that there would be a request for additional money, that this bill, H.R. 2979, passed in the 1st session of the 86th Congress, in my judgment, would not have been on the statute books of this country. I hope that the gentleman will not insist upon assisting some people in breaking faith with the Committee on the Judiciary at this time.

Mr. LINDSAY. Again, may I say to the distinguished gentleman from North Carolina, I hark back to my original premise, which is that I believed there was a clear misunderstanding as to what was meant by additional expense. As I understand it, each district judge is controlled by the appropriations laws as to the aggregate amount of money that he may spend for clerical and professional help in his office. The new law as to which Mr. Olney was testifying before the gentleman's committee did not have anything to do with a change in that aggregate. The only thing it permitted was a change in the type of clerk hire that could be employed by any particular judge.

This actually resulted in more judges using more professional help, law clerks, at higher salaries, which meant that more judges needed to draw the aggregate maximum amount to which they were entitled by law. That is the point.

May I say that when we go back into the House I shall ask unanimous consent to have inserted in the RECORD a letter by the Administrator of the United States Courts, Mr. Olney, dated February 4, 1960, to the Chairman of the Subcommittee giving a full history of this matter, explaining the misunderstanding, and expressing his regret that it occurred.

My point, again, is that I think it is regrettable that the cut should be made solely for this reason. The amendment I have offered would restore only 50 percent of the amount that was estimated would be needed. I do that because as I understand it, the original amount requested, $800,000 is also an estimate. If we are to do anything about this backlog in the courts, an aspect of which is to provide a better system for clerk hire, I would think that restoring at least some of the amount cut would be a sensible step.

Mr. WHITENER. I know my friend from New York is not a member of the subcommittee which heard this testimony in the Committee on the Judiciary.

Mr. LINDSAY. That is correct.

Mr. WHITENER. Let me say to him that the true facts about this matter were that the administrative office and the judges came to us and said that they were running into a situation which was somewhat embarrassing to the local district judges and that they in order to employ personnel such as clerks and stenographers, were required to go through the indignity of getting approval from the chief judge of the circuit, as well as undergo other administrative detail. They thought that a man entrusted with the office of Federal judge should be given permission to employ personnel without dictation or interference from anyone else; also that they were not asking for additional money but they wanted to give this power to the judges to employ this personnel within the limits then imposed by law upon them.

May I say to the gentleman that it was with that in mind that I went along, and I am sure the other members of our subcommittee went along, with the proposition that these local judges should have this authority, but we were told not only by this letter from this office but by the testimony of the spokesmen of the Judicial Conference, Judge Biggs, I think, of Indiana, and others, that there need be no apprehension about any additional cost at any time to the taxpayers because it was merely an administrative change that they sought to make.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LINDSAY. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. LINDSAY. I yield.

Mr. GROSS. Where is this misunderstanding supposed to have occurred?

Mr. LINDSAY. I think where the misunderstanding occurred was between the Subcommittee of the Committee on Appropriations and Mr. Olney, Director of the Administrative Office of the United States Courts.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. LINDSAY. I yield.

Mr. GROSS. I have not researched the CONGRESSIONAL RECORD, but I certainly will do so. If I remember correctly, this bill came in on the Consent

Calendar. If I remember correctly, I raised the question, or perhaps others did about the cost of this bill. There was absolutely no misunderstanding when the bill went through the House, whether I raised the question or someone else did, as to the statement that it was not going to cost any additional money.

Mr. LINDSAY. Mr. Olney is an honorable man as is Judge Biggs. Here again, what they were talking of, for example, is the Appropriation Act of 1957 which provides, and these are the words, that "the aggregate salaries paid to secretaries and law clerks appointed by one judge shall not exceed $13,485 per annum." Now this is not changed. This is the law under which they operate. There is no change made here.

Mr. ROONEY. Mr. Chairman, will the gentleman yield?

Mr. LINDSAY. I yield.

Mr. ROONEY. Does not the gentleman realize that unless the law were changed, they could not ask for any more money? Does not the gentleman realize that after telling Congress it would not cost the taxpayers an additional nickel, they sent out all over the country, I believe under date of October 15, following the passage of the new law, an invitation to "Send in your names and amounts so that we can put them in the 1961 budget." Does the gentleman not realize that this then resulted in an increase in an item which formerly cost the taxpayers a bit over $4 million—resulted in them coming in here with a request for $953,600. Does not the gentleman realize that the judges presently have 625 secretaries and law clerks throughout the country?

Mr. LINDSAY. Again I do not think the gentleman sees the point I am making.

Mr. ROONEY. Mr. Chairman, will the gentleman yield further?

Mr. LINDSAY. I yield.

Mr. ROONEY. When the gentleman talks of a misunderstanding, let me say that there was no misunderstanding in this subcommittee. If there was any misunderstanding, it might have been with the subcommittee of the Committee on the Judiciary. I am glad to see the distinguished chairman of the Judiciary subcommittee who managed this legislation through the House present here on the floor, and I am sure that if the gentleman from New York will ask him, he will explain what went on with regard to the passage of this law which now would cost the taxpayers—what does the gentleman want them to pay—$400,000?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LINDSAY. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LINDSAY. In answer to my distinguished colleague, the gentleman from New York, what was requested was $815,900. Now, is it not correct that there exists a limitation on the aggregate amount that may be spent by any one judge?

Mr. ROONEY. Mr. Chairman, will the gentleman yield?

Mr. LINDSAY. I yield.

Mr. ROONEY. The gentleman is incorrect in that statement too because there was a request not for only $815,900 but for $137,000, making a total of $953,600.

Mr. LINDSAY. That was for travel. The $137,700 does not apply specifically to the point I am talking about.

Mr. ROONEY. It certainly does. There would be travel for law clerks and secretaries.

Mr. LINDSAY. What I am stating is, Is it not correct that in the past in some courts the judges had not used up to the full amount of their allowances and the reason they have not done so is because of the inflexibility that had existed in the system prior to the passage of Public Law 86–221?

Mr. ROONEY. Mr. Chairman, will the gentleman yield once again?

Mr. LINDSAY. I yield.

Mr. ROONEY. I should like to point out to the gentleman that this subcommittee does not want to do anything to harm the functioning and operation of the judiciary, but this was such a barefaced thing put over on the Congress of the United States that this subcommittee communicated with everybody concerned. Of all the people concerned, mind you, in the Congress and in the judiciary, the only one who takes the position that the gentleman from New York takes is Mr. Olney.

Mr. FORRESTER. Mr. Chairman, will the gentleman yield?

Mr. LINDSAY. I yield.

Mr. FORRESTER. Would the gentleman be kind enough to tell me where that misunderstanding arose? I believe you said there was some misunderstanding.

Mr. LINDSAY. I should like to quote from a letter from Mr. Olney to the chairman of the subcommittee.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, at the request of Mr. FORRESTER, Mr. LINDSAY was granted 3 additional minutes.)

Mr. LINDSAY. Here is what Mr. Olney states:

> In view of the foregoing legislative history, there can be no doubt but that the Congress passed H.R. 2979 fully aware of all the facts and circumstances concerning the probable expense and specific limitations. Even further, the Congress had full knowledge of the number of existing district judgeships, and the amount of the limitation on each, and therefore had before it the precise formula for determining the very maximum expense which could possibly be incurred as a consequence of the legislation.
>
> I very much regret that in my letters to the Speaker of the House and the President of the Senate I included the sentence: "It would thus make for better and more expeditious administration of justice in the Federal courts and improve the service to the public with, it is important to emphasize, no additional expense to the Government," and for this I did not hesitate to apologize at the hearing.
>
> I regret the use of this language because when taken out of context, as you have done, it appears inconsistent with our appropriation request.
>
> The above-described record, however, shows that when my letters are considered in their entirety that the actual situation was correctly and fully explained in both letters.
>
> For the Committee on Appropriations to deny sufficient funds within the limitation to achieve the objectives of Public Law 86–221 because of this sentence would appear to me to be quite unfair both to the author of the letter and even more so to the hard-working district judges of the country who in fact need this assistance in the proper performance of their official functions.

Mr. FORRESTER. I happen to be chairman of the subcommittee that heard that particular letter. It is somewhat embarrassing to me to stand up here and say that the testimony produced before that subcommittee, even involving Mr. Olney, was that that legislation would not cost the taxpayers of this country 1 cent. Not only was that testified to before the subcommittee, but when the matter of appropriations came before the gentleman from New York [Mr. ROONEY], the gentleman took it up with me, and I told him that was the fact. Then the gentleman from New York communicated with Mr. Olney, and I did not think there was any argument or dispute about it. The facts simply are that they testified positively.

Mr. LINDSAY. Very well. Let me ask this one question: Apart from the question of whether or not Mr. Olney was talking about one thing and the Subcommittee of the Judiciary Committee about another thing, I would like to ask the distinguished chairman of the Appropriations Subcommittee whether or not the merits of the question were examined and whether or not the subcommittee came to any conclusion as to the actual need for the appropriation?

Mr. ROONEY. Of course the merits were examined, and we consulted everyone concerned. The only one who did not agree that not a nickel should be put into this bill was Mr. Olney. Mr. Olney was the gentleman who told the Congress that the legislation would not cost an additional nickel, and after the bill passed both the House and Senate and was signed by the President, then wrote an invitation to every judge in the country asking them to submit the names and amounts for additional people to be put on the payroll.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LINDSAY. Mr. Chairman, the full text of Mr. Olney's letter to the subcommittee follows:

> ADMINISTRATIVE OFFICE OF THE U.S. COURTS,
> *Washington, D.C., February 4, 1960.*
>
> Hon. JOHN J. ROONEY,
> *Chairman, Subcommittee of the House Appropriations Committee on the Appropriations for 1961 for the Departments of State and Justice, the Judiciary, and Related Agencies, House of Representatives, Washington, D.C.*
>
> DEAR CONGRESSMAN ROONEY: During the recent hearings on the judiciary appropriation for fiscal 1961, it was stated that the committees of Congress, and the Congress

itself, had been misled and, as a consequence, had enacted Public Law 86–221, 73 Stat. 452, on the representation that the objective of the statute could be accomplished with no additional expense to the Government.

This it patently untrue, and the legislative history of the act bears this out. Therefore, in order to have the full facts on the record, I should like to have this letter appear at the appropriate place in my testimony.

The law regarding the employment of law clerks and secretaries to district judges prior to the enactment of Public Law 86–221 was as follows (28 U.S.C. 752):

"Each district judge may appoint a secretary and upon certification of necessity by the chief judge of his circuit, a law clerk. The chief judge of a district having five or more district judges may also appoint an assistant secretary."

The Comptroller General of the United States, in his decision B–102063, dated April 25, 1951, ruled that this provision permitted a district judge to have but one law clerk.

The salary allotment available to each district [and circuit] judge for his secretary and law clerk, and the grades of such employees, as controlled by the annual Judiciary Appropriation Act, which at that time was Public Law 85–49, approved June 11, 1957, read as follows:

"*Provided*, That the compensation of secretaries and law clerks of circuit and district judges shall be fixed by the Director of the Administrative Office without regard to the Classification Act of 1949, as amended, except that the salary of a secretary shall conform with that of the general schedule grades (GS) 5, 6, 7, 8, 9, or 10, as the appointing judge shall determine, and the salary of a law clerk shall conform with that of the general schedule grades (GS) 5, 7, 9, 11, or 12, as the appointing judge shall determine, subject to review by the Judicial conference if requested by the Director, such determination by the judge otherwise to be final: *Provided further*, That (exclusive of step increases corresponding with those provided for by title VII of the Classification Act of 1949, as amended, and of compensation paid for temporary assistance needed because of an emergency) the aggregate salaries paid to secretaries and law clerks appointed by one judge shall not exceed $13,485 per annum, except in the case of the chief judge of each circuit and the chief judge of each district court having five or more district judges, in which case the aggregate salaries shall not exceed $18,010 per annum."

In March 1956, the Judicial Conference of the United States recommended the amendment of 28 U.S.C. 752 to read as follows:

"District judges may appoint necessary law clerks and secretaries."

This recommendation was intended to make the statutory authorization for law clerks and secretaries to district judges identical with that allowed to circuit judges by 28 U.S.C. 712, and to eliminate the existing requirement for a certificate of necessity by the chief judge of the circuit. Moreover, each district judge who wished to do so would then have been able to employ additional employees at lower grades within his salary allotment, instead of one law clerk and one secretary at the maximum grades (GS–12 and GS–10, respectively). This would, of course, have made a number of alternative staff arrangements available to each district judge.

The recommendation of the Judicial Conference was transmitted to the Speaker of the House of Representatives on January 18, 1957, and introduced by Congressman EMANUEL CELLER, chairman of the Committee on the Judiciary, as H.R. 3816. The pertinent language of the bill embodied the precise proposal of the Judicial Conference, as follows:

"District judges may appoint necessary law clerks and secretaries."

Hearings were held on the bill on February 3, 1958. Chief Judge John Biggs, Jr., of the Court of Appeals for the Third Judicial Circuit, and I attended the hearings, and Judge Biggs, who testified in favor of the bill, was explicit in the matter of additional expense. The following excerpt is from his testimony:

"The proposed change would leave it to the individual district judge, just as it is now left to the individual circuit judge, to select the number of his employees within the qualifications—the job qualifications—set up by the Administrative Office under the direction of the Judicial Conference of the United States.

* * * * * *

"Now the limitations on the amounts which can be spent by a judge for his personal employees are set up year by year in the Judiciary Appropriation Act. For example, presently in Public Law 85–940, approved June 11, 1957, it is provided that each judge other than a chief judge of a court of five or more judges, or a chief judge of a circuit, shall have for his personal employees not to exceed $13,485 a year; and that a chief judge of a district court having five or more judges or a chief judge of a circuit shall have for his personal employees an aggregate salary allowance not to exceed $18,010 a year.

"The change embodied in H.R. 3816 would give the judge much greater flexibility in appointing these individual employees than he presently has so far as district judges are concerned.

* * * * * *

"There is no reason to think that a district judge would want a law clerk unless he really needed one, and this is demonstrated I think by the fact that only about 75 percent of them now have law clerks. I think those judges, the remaining 25 percent, would not get law clerks; but if an assistant secretary was needed and the judge could bring that within his appropriation of $13,485, if he were a district judge, or within his $18,010 if he were a chief judge of a district. A district judge could mold, so to speak, his personal employees into his appropriation limit, if the proposed amendment were effected. He would be able to employ an assistant secretary or an assistant law clerk or a law-clerk secretary.

"Set out on this memorandum which has been prepared by Mr. Ellis, the Assistant Director of the Administrative Office, are some of the combinations of employees which would be possible, and I doubt very much if it would result in any at all substantial increase in the expenditures. It certainly would not result in any substantial increase in the budget, because the aggregate limits are now in the Judiciary Appropriation Act. This, as I have said, is merely to put district judges on the same basis as circuit judges. I would be glad to answer any questions."

On March 12, 1958, the bill H.R. 3816 was favorably reported to the House with a committee amendment, which read:

"District judges may appoint necessary law clerks and secretaries subject to any limitation on the aggregate salaries of such employees which may be imposed by law."

As stated in the committee report (Rept. No. 1498, 85th Cong.): "The purpose of the committee amendment is merely to emphasize the need to remain within that limitation," i.e., the ceiling on aggregate salaries available to a judge under the annual appropriation act. The bill, as amended, passed the House of Representatives on April 21, 1958, but there was no action in the Senate.

The House Judiciary Committee considered the legislation (H.R. 2979) again during the 1st session of the 86th Congress, and again reported it favorably to the House (Rept. No. 344, 86th Cong.) with the following admonition:

"This bill would make it possible for district judges to appoint such law clerks and secretaries as he requires without obtaining approval of the chief judge, provided, of course, that the aggregate salaries of his staff remain within the limitations imposed by law. The authority which this bill gives district judges is the same as that now given to circuit judges.

"The committee believes that enactment of this legislation will result in eliminating an unnecessary administrative requirement and will improve the operation of the Federal courts at no additional expense."

This is the very first time in the legislative history that the term "at no additional expense" was used, and it obviously was used by the committee, when taken in context with the preceding sentence, to acquaint the House of Representatives with the fact that no additional expense would be entailed beyond the limitations on the aggregate salaries imposed by law.

The report of the committee also contains the letter from the Director of the Administrative Office, including the following representations:

"The amendment would change the section to read that 'District judges may appoint necessary law clerks and secretaries subject to any limitation on the aggregate salaries of such employees which may be imposed by law.' This would make the section conform with the provision of section 712 of title 28 authorizing circuit judges to 'appoint necessary law clerks and secretaries.' The proposed change in section 752 would eliminate the requirement of a certificate of necessity by the chief judge of the circuit for the appointment of a law clerk by a district judge. It would also make it possible, within existing approved limits on the aggregate salaries paid to the secretaries and law clerks of one judge, for district judges to appoint more than one secretary or law clerk if needed.

* * * * * *

"A sufficient safeguard against the employment of unnecessary supporting personnel is the limit upon the aggregate salaries of secretaries and law clerks for any one judge fixed in a resolution adopted by the Judicial Conference of the United States at the above-mentioned meeting. The limit prescribed is $14,835 per annum for a single judge, except in the case of the chief judge of a circuit, and the chief judge of each district court having five or more district judges, in which case the aggregate salaries shall not exceed $19,815 per annum (exclusive of step increases conforming with title VII of the Classification Act of 1949 and of compensation paid for temporary assistance).

* * * * * *

"It would thus make for better and more expeditious administration of justice in the Federal courts and improve the service to the public with, it is important to emphasize, no additional expense to the Government."

When considered in its full context, this language of the Director makes it abundantly clear that the district judges would have full flexibility within the limitation on the aggregate salaries and that, beyond the already existing limitation of law, Congress would not be asked to authorize any additional expense whatsoever to the Government.

The bill H.R. 2979 passed the House of Representatives on May 18, 1959.

In the Senate, the bill was considered by the Committee on the Judiciary and favorably reported (Rept. No. 788, 86th Cong.), with this language:

"The purpose of the proposed legislation is to permit district judges to appoint necessary law clerks and secretaries subject to any limitations on the aggregate salaries of such employees which may be imposed by law.

• • • • •

"It would also make possible, within existing approved limits on the aggregate salaries paid to the secretaries and law clerks of one judge, for a district judge to appoint more than one secretary or law clerk if needed.

• • • • •

"In relation to the aggregate amount of salaries to be paid, there exists a resolution adopted by the Judicial Conference of the United States in which the limit prescribed is fixed at $14,835 per annum for a single judge, except in the case of the chief judge of a circuit, and the chief judge of each district court having five or more district judges, in which case the aggregate salaries shall not exceed $19,815 per annum. This, of course, is exclusive of step increases conforming with title VII of the Classification Act of 1949 and of compensation paid for temporary assistance. The proposed legislation, therefore, will allow the judges to make such appointments as they deem necessary, so long as they remain within the total amounts fixed by the Judicial Conference of the United States, as hereinbefore set forth.

"The report of the Administrative Office of United States Courts states that the pressure of business on the district courts is now very great and the courts are, on the whole, putting forth their best efforts to handle their cases as promptly as possible and reduce delays. The greater latitude which the proposed legislation will give to the district judges in the employment of law clerks and secretaries seems to the committee to be of material aid to them in their endeavors. The committee, therefore, recommends that the bill, H.R. 2979, be considered favorably."

Included in the Senate report was the full text of the letter from the Director of the Administrative Office, setting forth the identical details with respect to the limitations as contained in the House report.

The bill passed the Senate and was sent to the President. Before his signature was requested by the Bureau of the Budget, the Administrative Office was asked for its views on the bill and amendment, and responded as follows:

"The amendment would allow a district judge to appoint more than one secretary or law clerk, if needed. The exercise of this power to appoint by the district judge is limited, in that the aggregate salaries, authorized by statute, payable to law clerks and secretaries may not be exceeded. This provision thereby removes the possibility of the employment of unnecessary personnel."

In view of the foregoing legislative history, there can be no doubt but that the Congress passed H.R. 2979 fully aware of all the facts and circumstances concerning the probable expense and specific limitations. Even further, the Congress had full knowledge of the number of existing district judgeships, and the amount of the limitation on each, and therefore had before it the precise formula for determining the very maximum expense which could possibly be incurred as a consequence of the legislation.

I very much regret that in my letters to the Speaker of the House and the President of the Senate I included the sentence, "It would thus make for better and more expeditious administration of justice in the Federal courts and improve the service to the public with, it is important to emphasize, no additional expense to the Government," and for this I did not hesitate to apologize at the hearing.

I regret the use of this language because when taken out of context, as you have done, it appears inconsistent with our appropriation request.

The above described record, however, shows that when my letters are considered in their entirety that the actual situation was correctly and fully explained in both letters.

For the Committee on Appropriations to deny sufficient funds within the limitation to achieve the objectives of Public Law 86-221 because of this sentence would appear to me to be quite unfair both to the author of the letter and even more so to the hard working district judges of the country who in fact need this assistance in the proper performance of their official functions.

Sincerely yours,

WARREN OLNEY III,
Director.

Mr. ROONEY. Mr. Chairman, I rise in opposition to the pending amendment. I am not going to delay the decision on this matter any longer. I reiterate that the subcommittee consulted everybody concerned. I have learned that one of the judicial witnesses who appeared before the subcomittee of the distinguished gentleman from Georgia [Mr. FORRESTER] in behalf of the legislation with Mr. Olney agreed that not a dime should be allowed under method of procedure used. If you are going to stand for anybody coming up here to Capitol Hill and saying, "If you pass this bill it will merely straighten out some redtape; it will not cost the taxpayers a nickel," and then go to the other body, say the same thing and have the bill signed by the President, then come a couple of months later to the Congress with a request for over $900,000 additional as the consequence of that so-called legislation—if you are going to stand for this sort of thing we do not need any subcommittee on appropriations, and it is useless for us to hold hearings.

Mr. FORRESTER. Mr. Chairman, will the gentleman yield?

Mr. ROONEY. I yield to the distinguished gentleman from Georgia.

Mr. FORRESTER. I would like to ask the distinguished gentleman from New York if it is not true that the gentleman went into that very matter and he found that there was incorporated in the record a statement to the effect it was not going to cost the taxpayers anything? And then when there was this request he came to me and asked me to discuss the matter with him?

Mr. ROONEY. That is the fact.

Mr. FORRESTER. Is it not true that as the chairman of this subcommittee I brought the ranking minority member of the subcommittee, the gentleman from Virginia [Mr. POFF], and we both said to you that the testimony positively and unequivocally was that this would not cost 1 cent? That was the testimony of Mr. Olney himself and also Judge Biggs.

Mr. ROONEY. I am given to understand that Judge Biggs really thought it was not going to cost the taxpayers a nickel. That is my information. He did not tell me directly, but he did advise a member of the Judiciary Committee, and I believe he meant it.

Mr. FORRESTER. There is no question of doubt that Judge Biggs believed that. Every member of the subcommittee was told that, and we understood that, and we came out with a favorable recommendation because of that. Under no circumstance would we have done so had we known it was going to cost more money.

Mr. ROONEY. The gentleman is entirely correct.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ROONEY. Briefly.

Mr. GROSS. And the Subcommittee on Appropriations is simply keeping faith with the House. To take any other position would be unconscionable.

Mr. ROONEY. It certainly would be unconscionable. Finally, the subcommittee has cleared this with everybody concerned in the House of Representatives on both sides of the aisle. We have discussed this with members of the judiciary, everybody concerned, and everybody with the exception of the Director of the Administrative Office of the United States Courts and the distinguished gentleman from New York [Mr. LINDSAY], agree that the funds should be denied.

Mr. Chairman, I ask that the pending amendment be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LINDSAY].

The amendment was rejected.

The Clerk concluded the reading of the bill.

Mr. ROONEY. I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11666) making appropriations for the Departments of State and Justice, the Judiciary, and related agencies for the fiscal year ending June 30, 1961, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. ROONEY. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes had it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground a quorum is not present and make the point of order that a quorum is not present.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that further proceedings on the pending bill go over until tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

GENERAL PERMISSION TO EXTEND REMARKS

Mr. ROONEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill, H.R. 11666.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

APPOINTMENT OF MEMBERS OF THE U.S. DELEGATION TO THE CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of section 1, Public Law 86-42, in addition to the gentlewoman from New York, Mrs. KELLY, chairman; the gentleman from Maine; Mr. COFFIN; the gentleman from Minnesota, Mr. JUDD; and the gentleman from New Hampshire, Mr. MERROW; who were appointed to serve for the 86th Congress, the Chair appoints as members of the U.S. Delegation of the Canada-United States Interparliamentary group for the meeting to be held in the United States during April 1960, the following Members on the part of the House: Mr. POAGE, Texas; Mr. ASPINALL, Colorado; Mr. YATES, Illinois; Mr. IKARD, Texas; Mrs. SULLIVAN, Missouri; Mr. DULSKI, New York; Mr. FORD, Michigan; Mr. BUDGE, Idaho.

AMENDMENT TO MUTUAL SECURITY ACT OF 1954

Mr. TRIMBLE, from the Committee on Rules, reported the following privileged resolution (H. Res. 502, Rept. No. 1494) which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11510) to amend further the Mutual Security Act of 1954, as amended, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

A LONG LOOK TO THE FUTURE

Mr. CUNNINGHAM. Mr. Speaker, I ask unanimous consent that the gentleman from Maine [Mr. MCINTIRE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. MCINTIRE. Mr. Speaker, May Craig, one of America's distinguished newspaper correspondents, recently toured Africa. While out of the country—February 18 to March 24—she continued her column, "Inside Washington," which is published in the Guy Gannett papers of Portland, Maine. I regularly read her daily reports, deriving great satisfaction from her interesting observations and keen introspections. Although I feel that each of May's columns had a high interest quotient, I was particularly intrigued by the graphic summary of the trip which she prepared upon her return to America.

Feeling that this summary is deserving of the attention of my colleagues, I am inserting into the RECORD, May Craig's April 3 column entitled "A Long Look to the Future," as follows:

A LONG LOOK TO THE FUTURE

(By May Craig)

WASHINGTON.—The heart turns homeward from the foreign land before the body leaves it for the beloved homeland. So it was with me in Algeria, the last stop at the end of the circle trip around Africa, which began with Morocco, next neighbor to Algeria on the west.

There is a gladness that is almost keen as anguish, when one glimpses the homeland. Patriotism is not bad, one might remember in the fashionable internationalism of today. The modern promotion of internationalism at the expenses of family and own land may not be in the best interest of individual liberty and development. The Red Chinese are trying to destroy family and religion in working their will to subordinate everything to the state control, even the age-old devotion of ownership of a piece of land. The farmer, owning his own land, has always been a foundation stone of the United States and the development of the corporation instead of small business, the factory farm instead of the individual farm, the centralization of power in the Federal Government at the expense of States and communities and private enterprise may be the end of individual choices and development. The end is in a conformity that does not foster free thought, free religion and free education. The individual is not free to think, to choose his government, his education, his God, to follow his individual conscience.

Internationalism would further this dilution of individual development nationally. Africa, determined to get freedom from outside colonialism, talks of pan-Africanism, of federating the whole continent. No whole continent has ever been federated. Even in North America there are three countries, Canada, United States, Mexico, all individual, all independent, all friendly, with not even a border fort. This is a pattern that might well be followed by all homogeneous groups of people, countries, if they choose freely and carefully.

All over Africa I found different political and social and religious setups. South Africa is determined to live alone; the middle and western groupings who do not want to join the blacks or the Middle East-Egyptian-Arabs-Moslems. The blacks are determined not to be dominated by north African Arabs. Yet the newly free, or almost free colonial blacks talked of pan-Africanism—though most will privately admit, and some publicly (as Ethiopia) that they want to be independent of all, but friendly to all.

There is danger of replacing the European colonialism by black colonialism, Red Chinese colonialism, Communist imperialism from Russia. There is already civil and tribal war in the free or nearly free black countries. Most of them are unprepared for freedom and would do well in their new freedoms to keep their former white masters on as hired help to show them how to run their countries. Tripoli did that; Burma did not and now regrets it. Those who do not step carefully, may fall into chaos and find themselves under dictatorship, red or black.

One thing is for sure. The whites are doomed as such all over the world. Not today or tomorrow, but eventually. We are the minority. The rising tide of color—yellow, brown, black—will submerge us, dilute the whiteness. In the United States, the blacks will be swallowed up in the whites; in thin dilution, their African personality will be lost. When the Founders of this Republic said all men are born equal, and the Supreme Court of the United States said that racial segregation is inherently unconstitutional, they doomed the African Americans to be absorbed into the white population.

Segregation in the South is doomed. But the white race everywhere will be absorbed into the colored. There will be a battle between the yellows and blacks and they and the browns will all become browns with perhaps slant eyes and less curly hair than present blacks. The present browns are too lazy or too diluted to win in this battle. Nobody knows the fate of religions as we know them now. The Union of South Africa, fighting for pure white, is doomed; their apartheid cannot win despite the killing.

In the far north there are a few Eskimos left, they are dying a natural death, unable to adjust to civilization. There are oases of pure whites in Scandinavia, where blacks cannot live because they need more sun. The browns who may be the ultimate unified color can live there with modern discoveries of artificial sunlight, vitamins, air conditioning. The Russians, afraid of the Red Chinese, may in the not-too-distant-future, join the West in the battle against the yellow, though themselves diluted already by the Mongol and Manchurian. It is useless, though it may delay the day of complete amalgamation of all races into one in conformity.

One day creatures from other worlds may come here and stand on the ruins of Carthage as I did. They may look upon the desolate remains of an earth whose people ate of the tree of knowledge, who knew good and evil, who split the atom but were not worthy to know the secrets of nature. There is no assurance that a unified race will be any better than a mixture of races. The unified race could destroy itself in the fury and fire of nuclear fusion. Perhaps beings from other planets will be better than we; perhaps not. The universe is dotted with dead planets and suns and stars and moons and the dust of what once was. This may be earth's destiny.

WEST BERLIN: EASEMENTS—WAYS OF NECESSITY

Mr. MCCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCCORMACK. Mr. Speaker, it is a universally established principle that where a tract of land is conveyed which

is separated by other lands of the grantor or surrounded by his lands or by his and those of third persons, there arises, by implication, in favor of the grantee, a way of necessity across the premises of the grantor to the highway. The granting of an easement under such circumstances is due to the fact that it is against public policy for land to be owned to which there are no means of ingress or egress. This principle of law is universally recognized and established.

The application of this principle of law to the West Berlin situation seem to be equally sound on the international level. In the case of West Berlin, which is an integral part of West Germany, and which is geographically isolated from West Germany, international law should recognize and provide that under such circumstances an area situated like West Berlin is, should have means of ingress and egress to the country of which it is a part.

In connection with this question and the geographical situation of West Berlin, I requested Charles S. Sullivan, Jr., who was special assistant to the Attorney General for 10 years from 1948 to 1958, to make a study of the law, both domestic and international.

I include in my remarks a memorandum, or brief, prepared by Mr. Sullivan and submitted to me. This memorandum or brief, in my opinion, is of particular application to West Berlin. It would be indefensible for any country, or countries, to deny the people of West Berlin physical means of communication with the Republic of West Germany, of which West Berlin is an integral part. Certainly the extension of the law of easement, through necessity, to any international situation is a sound and logical one. It is also evident from Mr. Sullivan's memorandum or brief to me that there is precedence in accordance with the "Law of Nations" or as more recently termed "International Law."

WEST BERLIN: EASEMENTS—WAYS OF NECESSITY

A way of necessity is an easement arising from an implied grant or an implied reservation (*Corea* v. *Higuera* (153 Cal. 451, 95 Pac. 883), *Rater* v. *Shuttlefield* (146 Iowa 512, 125 N.W. 235)) and originates from the common law, supported by the rule of sound public policy that lands should not be rendered unfit for occupancy (*Wiese* v. *Thien* (279 Mo. 524, 214 S.W. 853), *Bismarck* v. *Casey* (77 N.D. 295, 43 N.W. 2d 372)).

"A way of necessity arises as an implication of law from the principle that where anything is granted, the means to attain it are granted, and a grant of ground includes a way to it" (*Wauburn Beach* v. *Wilson* (265 N.W. 474)).

"It is just what it purports to be, a way arising by implication of law out of the necessities of the case" (*Bismarck* v. *Casey, supra*; see also *Adams* v. *Cale* (48 N.J. Super 119, 137 A 2d 92); *Perodeau* v. *O'Connor* (146 N.E. 2d (Mass.) 512); *Condry* v. *Laurie* (184 Md. 317, 41 A 2d 66)). A way of necessity is the result of the application of the presumption that whenever a party conveys property, he conveys whatever is necessity for the beneficial use of that property and retains whatever is necessary for the beneficial use of the land he still possesses (*Bussmeyer* v. *Jablonsky* (241 Mo. 681, 145 S.W. 772); see also *Powers* v. *Hefernan* (333 Ill. 597, 84 N.E. 661); *Pyramid Coal Corporation* v. *Pratt* (229 Ind. 648, 99 N.E. 2d 427); *Palmer* v. *Palmer* (150 N.Y. 139, 44 N.E. 966); *Ashby* v. *Justus* (183 Va. 555, 32 S.E. 2d 709); *Galloway* v. *Bonesteel* (35 Wis. 79, 26 N.W. 262)).

It was said in *Brigham* v. *Smith* (4 Gray (Mass.) 297), which is quoted in *Pyramid Coal Corporation* v. *Pratt* (99 N.E. 2d 427 (1951)):

"It is settled law that if one conveys a part of his land in such form as to deprive himself of access to the remainder, unless he goes across the land sold, he has a way of necessity over the portion conveyed. This is because the law presumes an understanding of the parties that the one selling a portion of his land shall have a legal right of access over the part sold to the remainder, if he cannot reach it in any other way. * * * The law presumes that one would not sell his land to another without an understanding that the grantee should have a legal right to access thereto over the part not conveyed."

In *Barrick* v. *Gillette* (187 S.W. 2d 683 at 687) the following comment appears:

"The element of necessity is a component part of the controlling issue or ground of recovery in a case where the establishment of an easement, implied from the use made of the adjoining tract of land by a common grantor, is sought to be established. The degree of necessity requisite to the establishment by necessity is such merely as renders the easement necessary for the convenience and comfortable enjoyment of the property as it existed when the severance was made."

It is a universally established principle that where a tract of land is conveyed which is separated by other lands of the grantor or surrounded by his lands or by his and those of third persons, there arises, by implication, in favor of the grantee, a way of necessity across the premises of the grantor to the highway (*Pinnington* v. *Galland* (9 Exchequer 1)); see also the following cases where the foregoing principle is repeated, *Robinson* v. *Clapp* (65 Conn. 365, 32A939); *Finn* v. *Williams* (376 Ill. 95, 33 N.E. 2d 226); *Ellis* v. *Bassett* (128 Ind. 27 N.E. 334); *Adams* v. *Marshall* (138 Mass. 228); *Berlin* v. *Robbins* (180 Wash. 176, 73 Pac. 2d 1047); *Screven* v. *Gregorie* (42 S.C.L. (8 Rich.) 158); *Othen* v. *Rosier* (148 Tex. 485, 226 S.W. 2d 622); *Derifield* v. *Maynard* (126 W. Va. 750, 30 S.E. 2d 1C); *Backhousan* v *Mayer* (204 Wis. 286, 234 N.W. 904)).

The requirement that an easement be apparent and continuous in order to imply a grant or reservation does not apply to a way of necessity (*Barrick* v. *Gillette*, supra), and it is immaterial whether the grant is voluntary or involuntary by operation of law (*Ritchey* v. *Welch* (149 Ind. 214, 48 N.E. 1031); *Proudfoot* v. *Saffle* (62 W. Va. 51, 57 S.E. 256)).

It will be seen in the application of international law to the type of easement under discussion that the reason why it is immaterial whether the easement is voluntary is because an easement by necessity is based on the law of necessity which was defined as "the law of nature" by Numa about 629 B.C.

While it has been held that the necessity must be reasonable necessity as distinguished from mere convenience, nevertheless an inconvenience may be so great as to amount to the kind of necessity required to create a way by necessity (*Screven* v. *Gregorie* (42 S.C.L. (8 Rich.) 158. 64 Am. Decisions 747); *Lawton* v. *Ruers* (13 S.C.L. (2 M'Cord) 445, 13 Am. Dec. 741)).

A way of necessity is not sanctioned where there is available another means of ingress and egress to and from the claimant's land even though it may be less convenient and will involve some labor and expense to repair and maintain (*Jennings* v. *Lineberry* (180 Va. 44, 21 S.E. 2d 769)). However, it has been held that where the alternate to using a way through a mountain pass is to scale a mountain, the way of necessity will be granted (*Ashby* v. *Justus* (183 Va. 555, 32 S.E. 2d 709)).

Thus the general rule is that inconvenience alone will not create a way by necessity, the prevailing rule is that the creation of such an easement is implied only by a reasonable necessity (*Greenwalt* v. *McCardell* (178 Md. 132, 12 A. 2d 522); *Olson* v. *Mullen* (244 Minn. 31, 68 N.W. 2d 640); *Paine* v. *Chandler* (134 N.Y. 385, 32 N.E. 18); *Gorman* v. *Overmeyer* (199 Okla. 451, 190 P. 2d 447); *Jack* v. *Hunt* (200 Ore. 263, 264 P. 2d 461, 265 P. 2d 251); *Evich* v. *Kovacevich* (33 Wash. 2d 151, 204 P. 2d 839)).

INTERNATIONAL LAW—THE LAW OF NATIONS

The obligations of the fundamental principles of "The Law of Nations" arise from "The Law of Nature," deducing the duties, both of individuals and states from one common origin, pursuing these deductions into their different ramifications, both of social and of national obligation. (Manning, "Law of Nations," p. 2.)

The "Law of Nature," guiding the conduct of mankind, constitutes the basis of the "Law of Nations." In the Institutes of Justinian, it was referred to as "Jus Naturae." The law of nations became more fully developed in the Rhodian code of laws and was first recognized and sanctioned by the Emperor Tiberius, subsequently by Adrian and then by all succeeding emperors.

In commenting on the right of passage through another country in order to enter territory beyond, Grotius asserts: "Nothing but extreme necessity can give us any right over the property of another and before necessity can give us any such right it must be shown that the owner has not an equal necessity for the same thing. It must be shown that the exercise of the right to forbid passage is not equally important to the sovereign of the neutral country" (Grotius, "Law of Nations," 1625). In the Parthian expedition of Alexander Severus, it was an act of necessity for an easement through a neutral country in order to reach another territory, thus acquiring an easement by necessity for passage of his troops. The passage of troops through the neutral nation was quite innocuous as his troops were so well disciplined. Severe punishment was imposed upon the soldiers of Alexander's army by his own generals and officers for any violations of the local laws of the neutral country. This action resulted in a feeling of tranquillity of the citizens of the neutral nation toward Alexander's army (Grotius).

Vattel, "The Law of Nature as Applied to the Necessary Law of Nations," 1785, is of the same opinion, and states: "Extreme necessity may force passage through neutral territory as when an army finds itself exposed to imminent destruction or is unable to return to its own country, unless it pass through neutral territories."

De Martens, "The Law of Nations," 1785, published the same year as that of Vattel, is of the same view as Grotius and Vattel.

The procedure by which an easement through necessity was effected among nations, was established by Numa about 629 B.C. Of his council of 20, four ambassadors were selected to inform the neutral nation that, since there was no other avenue of ingress or egress to reach the desired territory, a passage by necessity for the Roman troops was imperative. The ambassadors were to assure the foreign government that the passage would be:

1. Peaceful;
2. All local laws strictly obeyed;
3. Integrity of the sovereignty guaranteed, and
4. Noninterference with the neutrality of the country.

The latter included a promise that the neutral country would not be used for stockpiling, erection of fortifications, etc.

NOTE.—This procedure is not to be confused with an easement obtained through contract (or treaty).

In the event the neutral nation refused easement, the matter was to be negotiated, if possible, and the specific conditions agreed upon set forth in a contract (or treaty). Failure of agreement often resulted in the passing through by military force.

It is the consensus of most historians that, in early times, immediately following Numa's promulgation of "The Law of Nations," easements by necessity, acquired by armies, were absolutely necessary in order to reach their objective. (Grotius, Vattel, De Martens, "Law of Nations.")

Numa was the first to maintain that the "Law of Nations" was based upon the natural law which is derived from "The Law of Necessity," when he gave to the world the first legal code, reduced to writing, for the conduct of sovereign governments, known as "The Law of Nations." In the early part of the 10th century the term, "The Law of Nations," was changed to "International Law," by the authors of that period, and is known as such by all countries today.

Both the private and international "easement by necessity" are so interwoven, it may be said that the requirements for each appear to be identical, as illustrated by previous cases cited on the domestic law, and the reiteration of historical events in the intercourse of nations.

Grotius asserts that there have been several occasions in history where easements by necessity were established by armies because there was no other means of passage but that these were inconsequential, due to the strict observance of the internal laws of the neutral nations, and noninterference with the peaceful business of its citizens.

It was not until the Crusades that the easement by necessity among nations changed from peaceful passage to invasion. This was due to abuses inflicted upon the people of neutral countries by the armies moving through their territories. As a result of these abuses, easement by necessity practically passed into oblivion, and entrance by a foreign army was accomplished either by specific agreement (treaty), or military aggression (Grotius, Vattel, De Martens). These last two methods are the only kinds of passage employed by nations today, according to authors of the 20th century (Manning, Hall, Hallack, Finn, DuFol, etc.).

The only known instance in modern times, where an easement by necessity was acquired in the absence of a treaty or armed aggression, was during the Russo-Japanese war when Japan's Army marched through Manchuria to invade Russia. Passage through the Polish Corridor, Danzig, Panama Canal Zone, Greco-Turkish easement, and all other rights-of-way obtained by nations in the 20th century are the result of treaties.

It will be seen that the "easement by necessity," so well known to law in this country and England among litigants, originates from "the natural law," which is, in reality, "the law of necessity."

Acclaimed by Numa as essential for the benefit of countries and recognized by man as indispensable to progress, the principles upon which this doctrine was formed remain the same today for both individuals and nations.

Respectfully submitted.

CHARLES S. SULLIVAN, Jr.

APRIL 4, 1960.

According to the Encyclopedia Britannica, two explorers, in 1851, found the code containing the "Law of Nations," alleged to have been written by Numa, a forgery. This same claim was made by some historians in the latter part of the last century, B.C. But Plutarch, the biographer who wrote the life of Numa and boasts of standing very close on one occasion to the Emperor Nero, states that the original writings were found by the Praeter Petilius who made oath on the senate floor, about 400 years after Numa's death, that he had read the code of laws promulgated by Numa. Notwithstanding some of the exaggerations about Numa, Plutarch says that, nevertheless, Numa gave to civilization the laws for nations by which they may live together in peace and tranquillity.

The two explorers claimed they found two chests which had been uncovered by the rains and storms. One chest was empty while the other contained the Laws by Numa, which they assert were a forgery. It is interesting to observe that the conditions under which they discovered the purported forgery were described by Plutarch over 1,800 years previous although there was no contention that the original writings were not genuine, as revealed below.

Plutarch states on page 92 of his biography of Numa that "about 400 years afterward (Numa's death) when P. Cornelius and M. Baebius were consuls, in a time of heavy rains, a violent torrent washed away the earth and dislodged the chests; and, their covers falling off, one of them was found wholly empty, without the least relic of any human body; in the other were the books before mentioned (the "Laws of Numa"), which the Praeter Petilius having read and pursued, made oath in the senate that, in his opinion, it was not fit for their contents to be made public to the people; whereupon the volumes were all carried to the Comitium and there burnt."

Plutarch says in the second paragraph preceding the above quotation that, "Numa's original writings were considered so sacred it was decreed that they should be buried with his body and placed in a coffin beside that of his remains in order that they may not be divulged to an unworthy person, for the gods would punish this wickedness and profanity by a signal and widespreading calamity."

Hence, it is easily understood why Petilius refused to divulge their contents and the senate voted to have them burned.

FRANKLIN DELANO ROOSEVELT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks in the body of the RECORD on the anniversary of the death of the late Franklin D. Roosevelt.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MURPHY. Mr. Speaker, the death of a hero brings sadness to the hearts of all who admire ability. But in no way does it parallel the response to news that a friend has passed away. Heroes are far removed from our personal lives and when one goes to rest, another can generally be found to replace him. Yet none of us can so regard the permanent loss of friendship, rarest and dearest of all the commodities on earth.

In recalling America's response to the death of Franklin D. Roosevelt, 15 years ago today, one memory is paramount: that the people were moved in a personal way.

Certainly, the President was a national hero. Had he not taken the governmental reins in the midst of the great depression, and guided us back to economic stability? Had he not directed the great awakening of American industrial might and overseen the destruction of our foreign enemies? Yes, he was unquestionably a hero.

But he was also a friend, whose familiar radio voice had become an American institution; whose triumph over the rigors of infantile paralysis was popularly regarded with a pride generally reserved for family members; whose comings and goings over the years came to seem like the actions of some personal acquaintance. And the question, "Is the President back from Casablanca?" had an air of asking if Uncle Roscoe had returned from the candy store.

Many statesmen earn popular respect but few establish a sense of personal friendship with the people. It is a thought worth remembering as we pay our respects today to Franklin D. Roosevelt, the hero of many, a friend to all.

Mr. PUCINSKI. Mr. Speaker, on this beautiful spring day in Washington, when the cherry blossoms have finally burst into bloom, we pause to recall that day 15 years ago when the news of the death of President Franklin D. Roosevelt halted the entire Nation in a vise of grief.

Throughout the Presidential tenure of Franklin D. Roosevelt, winter served as the traditional time of crisis. It was in March 1933, when first he was inaugurated, that the Nation wallowed in a condition bordering on economic collapse. It was in December 1941 that foreign enemies attacked Pearl Harbor. It was in December 1944 that the enemy turned upon us in the terrible Battle of the Bulge.

In each instance the President called upon the American people to meet the threat to the national security, and on each occasion the fire of his appeal warmed the people to the mighty tasks ahead.

Few statesmen in American history have possessed such a capacity for leadership, and none needed the talent more than Franklin D. Roosevelt during the dramatic times through which he moved.

Perhaps it would be well on this day to again recall that statement from his inaugural address of March 4, 1933, with which he won the confidence and heart of this Nation:

> The only thing we have to fear is fear itself—nameless, unreasoning, unjustified terror which paralyzes needed efforts to convert retreat into advance. In every dark hour of our national life a leadership of frankness and vigor has met with that understanding and support of the people themselves which is essential to victory. I am convinced that you will again give that support to leadership in these critical days.

This became the keynote of his entire administration. America responded enthusiastically and, under the clear and forceful leadership of the new President, threw off the shackles of economic depression. Then, when war came, Mr. Roosevelt once again rallied the people in the same manner of confident resolution, and once again they responded, in the face of the most trying circumstances.

In the final analysis it is the will of the people that carries a nation forward to greatness. Yet, it is the power of leadership that sparks all such forward efforts.

That Franklin D. Roosevelt supplied this leadership in the face of unparalleled difficulties, the world is well aware.

It was just this winter that a definite decision was made to erect an appropriate memorial to honor the memory of this great man within the Washington-Lincoln-Jefferson triangle here in the Capital of our Nation. When it has been completed, we will have a quadrangle grouping of our four great Presidents, and it is my hope that the planners of this project will capture for all Americans of all generations his faith in our country and the contributions of Franklin D. Roosevelt to this Nation.

Mr. KEOGH. Mr. Speaker, 15 years ago today every American, regardless of his political faith, was stunned by the news of the sudden death of our President, Franklin D. Roosevelt. Never in the memory of any individual alive today had the death of a man had such a profound impact upon the intellect and emotions of the American people—in fact, upon all the freedom-loving people throughout the entire world.

The dauntless President, who, in the face of odds and circumstances that would have seemed insurmountable to anyone of lesser greatness, had with supreme courage planned for victory and had united all Americans in harmony against two enemies in a global war, had been taken from us while news from the battlefronts was attesting to his foresight and wisdom. Within 4 weeks our Armed Forces were to attain a victory in the European war that was the implementation of the policies of their Commander in Chief.

Those of us who served in this body before and during the war years had many occasions to be grateful for the foresight of President Roosevelt. Even those who had opposed his earlier warnings and heroic efforts for preparedness were to come to a realization of the validity of his position. His vast understanding and interpretation of the implications of prewar events had been justified. Fortunately, for the destiny of America, a majority of the Congress had agreed with him and had authorized the armed services and the materiel that he knew would be required to preserve freedom.

Ten years before his passing the United States had been in the depths of a terrible depression and hundreds of factories throughout the land were decomposing from desuetude. On the day of his death the United States stood transformed as the greatest military power in the history of the world on the verge of victory over enemies that had for many years deprived their people of freedom in order to prepare for war.

All the actions of the illustrious President Franklin D. Roosevelt seemed to have been inspired by a paraphrase of the prayer of Admiral Nelson, 140 years earlier:

> May the great God whom I worship grant to my country and for the benefit of the world in general, a great and glorious victory, and may no misconduct in anyone tarnish it, and may humanity after the victory be the predominant feature in the American people.

Mr. BREEDING. Mr. Speaker, I am happy to have an opportunity to pay tribute to the memory of Franklin Delano Roosevelt.

When this great man died 15 years ago the entire world suffered a grievous loss. Millions upon millions of people throughout the world felt as if they had lost a close personal friend or a member of their own family. I have had hardbitten soldiers and sailors—men who were risking their lives in defense of our country in farflung reaches of the world—tell me that they broke down and cried when news of Roosevelt's death was flashed to our troops.

Roosevelt was a great man. He was an intensely human person. He enjoyed life to its fullest.

He has left an indelible mark upon this great Nation of ours. He stepped into the Presidency at one of the most serious moments of our history, at a time of grave crisis. He mastered the many serious problems besetting our Nation; he turned deadly pessimism over the future into an inconquerable spirit which triumphed over depression and war.

Roosevelt was fearless. He did not hesitate to propose bold answers to the Nation's many problems. A sizable segment of the population feared and, yes, even hated him. He was pilloried in the press.

Yet, in the face of this opposition—probably as bitter as that known by any President in history—he persevered in his fight to remake America.

Roosevelt has been attacked by some of his detractors as a dangerous revolutionary. In my mind, this criticism is not only unfair; it is simply not true.

The truth of the matter is that Roosevelt saved our system of free capitalism. He pointed the way toward a sound banking system, one that has thrived and prospered under the ground rules he laid down. He restored confidence in the stock market. He lead the fight for free trade unionism. He rescued the farmers from the edge of bankruptcy and ended a dangerous feeling of unrest among men who had been pushed to the brink of desperation by years of grinding poverty.

Roosevelt saved and strengthened our free enterprise system. It would have been much easier for him to have called for completely new and revolutionary approaches to the many grave problems facing the country. He was dedicated to our system of capitalism. He wanted to save it and strengthen it for future generations.

His wartime leadership was an inspiration to a world threatened by total subjugation by Nazi Germany. He rallied free people everywhere. His moving and eloquent statements in behalf of freedom kept alive the belief in ultimate victory, even among those peoples living directly under the heels of the oppressor.

Franklin Delano Roosevelt has been dead for 15 years, Mr. Speaker, but his spirit lives on. His unquenchable dedication to liberty, freedom, and justice everywhere strengthens us today as we again face a serious challenge from abroad. As long as freedom exists in this great Nation of ours, the memory of Franklin Delano Roosevelt will live on.

Mr. FRIEDEL. Mr. Speaker, it is proper that we pause in our deliberations today to pay tribute to the memory of Franklin Delano Roosevelt on this, the 15th anniversary of his passing from our midst. We still mourn this great man who was the 32d President of the United States, and courageous leader of the people in World War II. He lived to see the assurance of the victory, but not to share it.

We can never forget Franklin D. Roosevelt, who took office at the gravest moment of an economic crisis which threatened the security of the Republic. He played a great part in major events in the world's history. Under his leadership, our country reached the position of great importance and power among the nations of the earth.

Perhaps the outstanding characteristic of this truly great man was his love of mankind and his deep concern for the forgotten man. There was no one in public life in our time who had the confidence and genuine affection of a greater number of the people of the earth than Franklin Roosevelt. The world to him was not composed of nations only, but of human beings. He loved men, but he loved them to be free and to be themselves.

Few men in history were ever braver. He conquered a frightful and crippling disease. He helped America conquer its enemies and he dared to act with courage in the face of tremendous opposition. In two great crises, one national, the other international, his acts altered history. The reaffirmations of the rights of man to which he committed his administration and his country in the domestic and foreign crises of his years as President stand with the imperishable documents of all time. Those who know and appreciate what risks he had to take, what burdens of responsibility he had to bear, know his true greatness.

The passing of the years has not dimmed our respect for him, but has only increased it. We do not honor his memory today because the American people shattered precedent and elected him as their President four times; we do not honor him merely because he was an instrument of destiny and became a world leader; we honor his memory because of his personal qualities—of his great humanitarianism and intellectual stature.

Although Franklin D. Roosevelt's voice is silent, his faith and hope are not extinguished. His soul is with his Maker and his spirit still moves us to strive and work for a still greater America in a world at peace. In his words:

> Let us move forward with a strong and active faith, remembering that the only limit to our realization of tomorrow is our doubts of today.

Mr. BARRETT. Mr. Speaker, so heedless of the past is youth and so short the recollection of their elders, that April 12, 1945, may seem to some as merely a remote moment in history. Yet to those of us who grew up in the time of the great depression and World War II, there is every reason to hold this date in reverence, for it marked the end to an era of greatness, bringing to a close the life of Franklin D. Roosevelt: a man of genius, of heart, and idealistic purpose.

Ascending to the highest elective office in the land at a moment when the people stood faced with economic tragedy, President Roosevelt brought order out of chaos and won the confidence of the democratic world.

And when there arose foreign tyrants to threaten the hard-won freedom of every democratic nation on earth, it was President Roosevelt who marshalled the strength of our Nation, led us forward, and banished the threat to oblivion.

He was a great man—a great President—and a leader among men. His deeds will live forever in the pages of history. His memory will endure.

Mr. BUCKLEY. Mr. Speaker, today marks the 15th anniversary of the passing of a man who was not only one of the great men of our time but of all time. This man, because of the scope and magnitude of his character and his actions during his lifetime, has left a lasting imprint on the pages of history. His work will be remembered and felt for untold generations yet to come. I am speaking of our late great President Franklin Delano Roosevelt. He died on April 12, 1945.

At his death the whole world mourned. He died while the free world's struggle against tyranny was still in progress but he died with the knowledge that victory for the forces of peace was in sight. He was indeed during his lifetime the true leader of all freedom-loving men throughout the world and the spiritual inheritance that he left us is an inspiration to all who oppose tyranny in any size, shape, or form.

Might I say, for I remember the time well, that when one looks back to the great depression days of 1933 and the early days of the Roosevelt Presidency one can fully appreciate what he did for his country. He assumed office in those days with the Nation drifting helplessly in the grip of an economic depression the like of which the world had never seen before. Men were disheartened. There appeared to be no hope anywhere. Millions were unemployed. And yet through the magnitude of his efforts and the spirit he engendered the Nation became revitalized and today as a direct result of the many social reforms he fostered it is stronger than ever.

I am proud to salute the memory of this man today with the firm knowledge that through the years the ideals which his very actions embodied will continue to grow stronger as the course of humanity and justice advance throughout all nations.

Mr. NIX. Mr. Speaker, April 12 marks the 15th anniversary of the death of Franklin Delano Roosevelt. On this anniversary of his passing it is fitting that we pause to pay tribute to the memory of a great American.

Franklin D. Roosevelt was an apostle of hope and of freedom. When he assumed office in 1933 the Nation was in the depth of the great depression. All around us there was no hope, no confidence, no future. Unemployment and want had robbed the people of faith in their Government. The Nation was in despair and chaos, and the agitators who feed on discord and misery were becoming increasingly more active. New and dangerous ideologies were dangled before the American people and won many converts in the midst of unemployment, want, and misery. There were many who doubted that our democratic institutions could survive.

It was against this background on Inauguration Day that a new spirit came to America. The voters had elected a man of courage and faith—a man not dismayed by disaster but rather emboldened by it. In this time of crisis Franklin D. Roosevelt provided the firm and farsighted leadership that the country so desperately needed.

Seldom has there been a leader who knew and understood so well the common man and the role of the Federal Government in providing for his welfare in those areas where individual efforts or local or State activities were powerless to help. It was Franklin D. Roosevelt's philosophy of Government that made it possible for the New Deal to assist the American people in pulling themselves up from the depths of depression. It was a philosophy which did not fear Government but saw in it a force for good rather than a necessary evil.

Under his leadership, great social and economic reforms were conceived, initiated and accomplished. Emergency relief and public works projects were established. Closer supervision was established over the issuing of corporate securities. Social security and unemployment compensation programs were enacted into law. Bank deposits were protected by the Federal Deposit Insurance Corporation. These and many other pieces of social legislation constitute an enduring memorial to our great President.

Roosevelt had been President for more than 6 years when the German armies marched into Poland. He was prepared for the full implication of that challenge to freedom. To him more than to any other man belongs the credit for leading the free world out of a threatening engulfment by the forces of despotism and tyranny.

When we think of Franklin D. Roosevelt, we think first of all of courage. His was not only the personal courage which overcame a crippling handicap, but the even deeper courage with which he was able to inspire the Nation and the free world. From the words he spoke in his first inaugural address—"the only thing we have to fear is fear itself"—to the last words he wrote just before his death—"the only limit to our realization of tomorrow will be our doubts of today"—Roosevelt gave to the people of our country a confidence in a destiny that they themselves could bring about.

Roosevelt believed intensely in the individual—in his rights, his freedom, and his capacity to create for the benefit of his fellow men. Under his leadership Americans put forward their best efforts to meet social problems, to build new institutions, and to win a war against the forces of oppression.

Franklin D. Roosevelt's position in history is firmly established. His spirit will live as long as our civilization endures. On this occasion we can best commemorate the anniversary of his death by rededicating ourselves to the objectives for which he labored—for world peace, and for full employment and economic abundance for Americans and for all people everywhere.

Mr. McDOWELL. Mr. Speaker, courage is the mark of a true statesman. And to those of us who grew up during the period of the great depression and World War II, courage is a word forever to be associated with the name of President Franklin D. Roosevelt, whom we honor today on the 15th anniversary of his departure from this earth.

Elected to the highest office in the land in a period fraught with economic uncertainty and popular despair, President Roosevelt faced the crisis in the manner of a gladiator born to battle.

His famous observation: "We have nothing to fear but fear itself," electrified the Nation and keynoted an economic recovery, unprecedented in our history. His courage in the face of adversity, his confidence in the face of serious obstacles proved like a tonic to the popular mind, previously sickened by pessimism. Overnight, morale was reestablished, as if the confidence of one man were sufficiently contagious to life the spirits of millions.

And when, again, the people were troubled by the ominous threat of totalitarian aggression—once more the statesmanlike courage of Roosevelt shined through; and once more the people closed ranks beneath his triumphant banner.

There were other qualities in evidence, also, for Franklin D. Roosevelt was no mere man of iron. He was deeply sensitive and personally concerned over the troubles of groups and individuals. This the American people recognized, full well. Moreover, as time passed, and the influence of Roosevelt spread throughout the world, the peoples of many lands came under the spell of his love for humanity, and its splendor took on worldwide significance.

Few generations are privileged to experience such leadership or sense the thrill of its effect upon the masses. Indeed, as we honor his memory today, we cannot fail to recognize that it was Franklin D. Roosevelt who honored us in his life time. For certainly it is honor enough to say that one lived in the time of true statesmanship and served in accomplishing its purpose.

Mr. ZABLOCKI. Mr. Speaker, today marks the 15th anniversary of the death of Franklin Delano Roosevelt. It is a fitting time for a lesson in courage that his life offers.

President Roosevelt was elected during a time of grave economic crisis for the United States, presided and led the free world during the cataclysmic struggle of World War II, and having spent his strength for the cause of peace, died shortly before the final victory was achieved. The years of his Presidency witnessed the initiation of such farsighted programs as the trade agreements program, the social security program, basic legislation to help the farmer and the city worker, the good-neighbor policy, the lend-lease program, and many others. During those years, also, the Atlantic Charter was signed, and the groundwork

was laid for the United Nations Organization, reflecting President Roosevelt's unceasing interest in and dedication to the attainment of just and lasting peace in the world.

Courage was apparent in the momentous decisions which President Roosevelt made in the interest of the Nation, and in his own personal life. Beset with a crippling disease in his prime years, he nevertheless aspired to and attained greatness. Determined to help others suffering the same tragic plight, he marshalled the will of our people in a campaign aimed at eradicating polio—a campaign, I may add, which has borne great fruits in recent years. He respected his fellow men without discrimination, and, in return, was loved by his own people and by the people from many lands. As any human being, he had his shortcomings and his faults; but I believe all will agree that he was a great man quick to act when action was needed, steadfast, and loyal to the interests of our Nation.

In our present conflict with communism, the courage and bravery shown to us by President Roosevelt should be an inspiration for every American.

Mr. CELLER. Mr. Speaker, 15 years ago the entire world stood in shock when the news of the death of President Franklin Delano Roosevelt spread to all the corners of the earth. It is a day of vivid memory. The sense of personal loss was universal.

Franklin Roosevelt had led this country through the national disaster of depression and out of the wreckage had grown an America stronger, with a keener sense of justice and humanity. He had led this country as President and as Commander in Chief to its ultimate victory over the bitter foes of civilization. He did not live to see the final fruits of that victory, though he was its chief architect. He brought to life the concept of the United Nations and it was in the very act of preparing his major address for the opening session of that collective body that he died.

The United States, indeed the world, is different because Franklin Delano Roosevelt lived and served. When he stated, "We have nothing to fear but fear itself," he conquered the heart of America and when he talked of the four freedoms, the world responded. He saved the Nation from disaster and gave it the vision with which to grow.

F.D.R. shall always be remembered as one of the symbols of American greatness.

THE PRICE OF SHORT-TERM MONEY HAS BEEN BOOSTED BY 33 PERCENT WITHIN THE WEEK; NEW ANTICS IN THE GOVERNMENT SECURITIES MARKET CRY FOR CONGRESSIONAL INVESTIGATION

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PATMAN] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. PATMAN. Mr. Speaker, if the price of steel had been increased by 33 percent within the past week, there is no doubt there would be an immediate congressional investigation. The same would be true if there had been such a price increase in automobiles, gasoline, or almost any other important industrial commodity.

Thirty-three percent is the amount by which the price of short-term money has been boosted within the past week. And this will have a much greater effect on consumers, on business—in short, the economy of the country—than would a comparable increase in the price of steel.

The morning newspapers report that the interest yield on 91-day Treasury bills issued by the Treasury yesterday jumped to 3.622 percent, as compared to a yield of 2.731 percent on the same bills issued last week.

Such a jump as this in the price of short-term money represents the kind of market reaction we would expect from a world-shaking event such as the outbreak of war. This, and the events of last week, cry for a congressional investigation.

Yesterday's phenomenal rise in the short-term bill rate is not the result of any sudden surge in the demand for short-term credit. On the contrary, there are no facts and no reports in the financial press to suggest that there has been a spectacular increase in the demand for short-term credit.

This jump in the short-term rate represents a renewed hope in Wall Street that Congress will be maneuvered into repealing the interest rate ceiling on Treasury bonds after all, and that all interest rates will be on the way up. The renewed hope has been built up by newspaper reactions to the so-called failure of the Treasury's issue of a 23-year, 4¼-percent bond last week.

I believe that the Members are aware of how this bond issue arose. The Treasury was in the embarassing position of continuing to lobby for removal of the 4¼-percent ceiling on bonds of 5 years or more long after credit had been eased and interest yields on outstanding bonds had drifted much lower than 4¼ percent. Some of the opponents of this mad proposal to repeal the interest rate ceiling have pointed out that at current interest rates the Treasury could sell bonds under the present ceiling.

BONDS BOYCOTTED

To test this charge, the Treasury offered long-term bonds last week at the 4¼-percent rate. The bonds were successfully boycotted, and the Treasury sold much fewer than it said it expected to sell. At the same time the Wall Street traders were refusing the new bonds, they were buying exactly comparable bonds already outstanding at interest yields much below that of the new bond.

The surgeon who wields the knife should wish the patient to live. But the surgeon in this operation—the Treasury—seems not to want the patient to live. It has not wanted to cut interest rates, and it has not wanted its 4¼-percent bond issue to succeed.

The Treasury is operating through a clique of 17 Wall Street dealers who serve as agent-wholesalers for most of its securities. These are all headquartered in Wall Street, all have direct telephone lines among themselves, and all carry on their so-called competition over a party telephone line.

This so-called Government securities market is completely unsupervised and unregulated, though the volume of trading done is more than three times the combined volume of business of all stock and commodity markets in the country. It is not a free market, it is a Republican political market.

BUSINESS IN ORDER ON MONDAY NEXT

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that on Monday next the call of the Consent Calendar be postponed until the following day and that the Speaker on that day may recognize Members to suspend the rules.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. GROSS. Mr. Speaker, reserving the right to object, does that mean that there is no business to be transacted next Monday?

Mr. McCORMACK. There will be no business on next Monday, because I had given the promise, by implication, at least, with the recess starting Thursday, the Monday following Easter would be a free day. If I could have made it Wednesday, I had intended to do so. I am hopeful that we can dispose of this week's business tomorrow.

Mr. GROSS. Under that schedule it means that the 4-day Easter recess is something more than a 4-day Easter recess.

Mr. McCORMACK. The gentleman from Massachusetts had that in mind all the time.

Mr. GROSS. The gentleman from Iowa did not understand that some time ago when the notice was sent around that we would have a 4-day recess.

Mr. McCORMACK. I could not announce publicly, but I told everyone I possibly could who asked me, if I could get through with business on Wednesday, I would, and that Monday following Easter would be as light as possible, and that meant to me that the only business we had was the Consent Calendar, and, so the Members might know definitely, that is the reason for my request that the Consent Calendar and any suspensions be in order on Tuesday next.

Mrs. BOLTON. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentlewoman from Ohio.

Mrs. BOLTON. I understand that there is a primary in New Jersey on Tuesday.

Mr. McCORMACK. Exactly, and any rollcalls on Tuesday except on a rule or a quorum call, of course, I would ask the

indulgence of the House to go over until the next day.

Mr. GROSS. I withdraw my reservation of objection, Mr. Speaker.

Mrs. ROGERS of Massachusetts. Mr. Speaker, reserving the right to object, I know the gentleman wants to have every attention paid to Lexington and Concord, because that is the day when the first blow for freedom was struck in this country. We celebrate that in my district, in the gentleman's district, and in the rest of Massachusetts. It comes on the 19th of April, as the gentleman well knows.

Mr. McCORMACK. Of course, the 19th of April is next Tuesday. There are going to be no rollcalls on that day. I know that there is no harder working legislator in the Congress than the gentlewoman from Massachusetts, so I am glad to tell her that she can adequately celebrate April 19 and be here on Wednesday.

Mrs. ROGERS of Massachusetts. I try to keep up a little with the gentleman from Massachusetts [Mr. McCORMACK], but I am a poor second.

Mr. McCORMACK. I am willing to admit that the lady is ahead of me all the time.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. McCORMACK]?

There was no objection.

VOLUNTARY HEALTH INSURANCE PROGRAM FOR THE ELDERLY

The SPEAKER. Under previous order of the House, the gentlewoman from New Jersey [Mrs. DWYER] is recognized for 10 minutes.

Mrs. DWYER. Mr. Speaker, I have today introduced a bill to provide for Federal assistance to the States to establish a voluntary health insurance program for persons aged 65 and older and their spouses. This bill is identical to the legislation introduced last week in the other body by Republican Senators JAVITS, COOPER, CASE of New Jersey, PROUTY, SCOTT, AIKEN, FONG, and KEATING.

I can think of no other national issue, Mr. Speaker, for which various legislative proposals have been offered, which has remained unresolved for so long a time. As each year passes, health care for the elderly becomes a more urgent necessity. The rapid growth of our Nation's population has been marked by an even faster growth in the number of persons in the age group above 65. The dramatic progress in the health and living standards of most Americans has, ironically, magnified the problem, for while the frontiers of age have been pushed back we have not advanced equally as far in assuring sufficient resources for the particular needs of elderly people.

If we examine the situation of those who are presently over 65, we can understand why this is so. During the most productive years of their lives, this group has been beset by two World Wars, by the most severe depression in our history, and by one of the most prolonged periods of inflation we have ever witnessed. Consequently, not only have many older people been handicapped in saving for their old age, but even the savings they have accumulated have been subjected to the steady deterioration of climbing prices.

Furthermore, Mr. Speaker, it is common knowledge that older people have lower per capita incomes than the rest of the adult population. As a group, they also have much greater need of medical, surgical, nursing home, and visiting nurse services, as well as drugs and medicines, than other have. Yet the elderly have considerably less than half as much private health insurance coverage by which to meet these needs.

It is my conviction, Mr. Speaker, that the Federal Government has an obligation to help older people obtain the health protection they require and cannot otherwise afford by themselves. The question, of course, is how best to accomplish this.

As our colleagues well know, current interest has been centered on the bill, H.R. 4700, popularly known as the Forand bill. Admittedly, the Forand bill would be the easy way to achieve the very laudable goal of health care for the elderly. It would simply expand the old-age and survivors' insurance program to include, in effect, a health insurance policy for all OASI beneficiaries. Its simplicity, however, masks a number of objections which make the Forand bill—for me—very questionable.

By utilizing the social security system, the Forand bill would create a compulsory health insurance program and would inevitably destroy private and cooperative insurance programs for the over-65 group and severely handicap the private health insurance industry generally.

Among its worst features, the Forand bill would exclude millions of people who need health protection most, the approximately 4,500,000 elderly persons who are not now eligible for OASI benefits, the average incomes of whom are below those of OASI beneficiaries.

There would be no need criteria under the Forand bill. Therefore, the benefits of the health protection would go equally to those who need it and those who don't. The ability to pay for one's own health care would be completely eliminated as a factor under the Forand bill.

Finally, there is considerable doubt whether the estimated cost of financing the Forand bill will be adequate. Whereas proponents of the social security approach expect to finance the new program with an additional tax of from one-quarter to three-eighths of 1 percent, more conservative estimates indicate that the tax increase will necessarily be in the range of from 2½ percent to nearly 3 percent above present levels.

Mr. Speaker, the bill I have cosponsored today removes each one of these objections and in addition offers several notable advantages.

It would be voluntary, which in a free society is an important matter.

It would offer prospective beneficiaries a choice among insurance programs most suited to their specific requirements.

All persons over 65 years of age would be eligible to participate, not just a select group. No one would be excluded.

Everyone who could afford to do so would contribute at least his fair share toward the costs of health insurance protection, from 50 cents a month to $13 a month, depending on ability to pay.

A person's need would be the determining factor in the amount of assistance he would receive. No one would go without; the neediest would obtain the highest degree of help.

Private, cooperative, and nonprofit health insurance systems would be utilized, rather than scrapped. Appropriate regulations would protect the participants.

The several States, which clearly have a similar responsibility, would contribute with the Federal Government to make up the portion of health insurance costs which participants could not meet.

Federal controls would be minimized.

Continued progress under our traditional private health insurance system would be assured, and the private relationship between patient and doctor would be safeguarded.

Finally, the benefits to participants under the bill I have cosponsored would be more extensive and would include those tailored especially for elderly people—such as nursing care at home, prescribed drugs and medicines, and outpatient care, which services can help relieve the strain on limited hospital facilities.

For these reasons, Mr. Speaker, I commend this bill to the earnest study of our colleagues. I believe it is the most hopeful and practicable plan yet advanced whereby our people can successfully meet our obligations to those of advanced age who cannot, by themselves, afford the cost of the medical care they need.

It is in the best American tradition, I believe, to take cooperative action to help those who need help. For anyone who has seen the impact on families of major medical or surgical expenses or who has witnessed the steady drain on resources because of lingering sickness among older members of the family, the need is apparent.

The sponsor and many of the supporters of the Forand bill have stated that they would welcome alternative proposals. I do not maintain that the bill I have introduced today is the last word or the perfect plan, but I suggest, Mr. Speaker, that it represents a major improvement over the Forand bill.

I hope it will receive early and sympathetic consideration.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. BREWSTER (at the request of Mr. JOHNSON of Maryland), for Tuesday, April 12, on account of illness.

Mr. DOYLE (at the request of Mr. JOHNSON of California), for today and the balance of the week, on account of the death of his sister.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. CURTIN (at the request of Mr. CUNNINGHAM), for 10 minutes, on April 13.

Mrs. DWYER, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. ROONEY, the remarks he made in the Committee of the Whole today, and to include tables and extraneous matter.

Mr. LINDSAY, the remarks he made in the Committee of the Whole today, and to include extraneous matter.

Mr. MCCORMACK and to include extraneous matter, notwithstanding the fact it exceeds the limit and is estimated by the Public Printer to cost $297.

(At the request of Mr. ALBERT, and to include extraneous matter, the following:)

Mr. MULTER in three instances.

Mr. MCDOWELL in two instances.

Mr. O'BRIEN of New York.

Mr. BLATNIK.

(At the request of Mr. CUNNINGHAM, and to include extraneous matter, the following:)

Mr. SAYLOR in four instances.

Mr. DEROUNIAN.

Mr. CURTIS of Missouri.

SENATE BILL, JOINT RESOLUTIONS, AND CONCURRENT RESOLUTIONS REFERRED

Bills, joint resolutions, and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 939. An act to authorize the establishment of the Fort Bowie National Historic Site, in the State of Arizona, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1066. An act to revise the boundaries and change the name of Fort Donelson National Military Park, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1092. An act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1268. An act to provide for notice to States owning surface lands in which minerals are reserved to Federal Government of proposals to lease such minerals; to the Committee on Interior and Insular Affairs.

S. 1411. An act to amend the act of August 1, 1956 (70 Stat. 898); to the Committee on Interior and Insular Affairs.

S. 1511. An act to provide for the annual audit of bridge commissions and authorities created by act of Congress, for the filling of vacancies in the membership thereof, and for other purposes; to the Committee on Public Works.

S. 1633. An act authorizing the establishment of a national historic site at Bent's Old Fort, near La Junta, Colo.; to the Committee on Interior and Insular Affairs.

S. 2128. An act for the relief of the West Virginia Pulp & Paper Co.; to the Committee on Interior and Insular Affairs.

S. 2174. An act to permit the filing of applications for patents to certain lands in Florida; to the Committee on Interior and Insular Affairs.

S. 2306. An act to exempt from taxation certain property of the National Woman's Party, Inc., in the District of Columbia; to the Committee on the District of Columbia.

S. 2446. An act to amend the act entitled "An act to authorize the District of Columbia government to establish an Office of Civil Defense, and for other purposes," approved August 11, 1950; to the Committee on the District of Columbia.

S. 2576. An act to authorize the addition of certain donated lands to the Everglades National Park; to the Committee on Interior and Insular Affairs.

S. 2671. An act to exempt from taxation certain property of the American War Mothers, Inc.; to the Committee on the District of Columbia.

S. 2674. An act to authorize the acquisition of certain lands for addition to Harpers Ferry National Monument, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 2772. An act to authorize the Secretary of Agriculture to convey land in the town of Cascade, El Paso County, Colo.; to the Committee on Agriculture.

S.J. Res. 9. Joint resolution to provide for the removal of a reservation of timber rights from a patent issued to Ivan H. McCormack; to the Committee on Interior and Insular Affairs.

S.J. Res. 162. Joint resolution authorizing the Secretary of the Interior during the calendar years 1960 and 1961 to continue to deliver water to lands in certain irrigation districts in the State of Washington, and for other purposes; to the Committee on Interior and Insular Affairs.

S. Con. Res. 101. Concurrent resolution authorizing public hearings and recommendations on the bills S. 3193 and H.R. 11135, by the Joint Committee on Washington Metropolitan Problems; to the Committee on Rules.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 135. An act to amend the Internal Revenue Code of 1954 to exclude from gross income amounts paid by the United States to certain nonresident alien employees or their beneficiaries;

H.R. 3676. An act to direct the Secretary of the Interior to convey certain lands to the city of Tillamook, Oreg.;

H.R. 6155. An act to amend the Internal Revenue Code of 1954 to exempt from taxation certain nonprofit corporations or associations organized after August 31, 1951;

H.R. 6785. An act to amend section 4071 of the Internal Revenue Code of 1954 so as to fix a tax of 1 cent per pound of certain laminated tires produced from used tires;

H.R. 8649. An act to make permanent the existing suspensions of the tax on the first domestic processing of coconut oil, palm oil, palm-kernel oil, and fatty acids, salts, combinations, or mixtures thereof; and

H.R. 9737. An act to amend the act of March 3, 1901, to eliminate the requirement that certain District of Columbia corporations be managed by trustees the majority of whom are citizens of the District of Columbia.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 594. An act for the relief of Lione Tarpinian; and

S. 1241. An act for the relief of Sirvart Kasabian.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On April 11, 1960:

H.R. 10743. An act making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes.

On April 12, 1960:

H.R. 135. An act to amend the Internal Revenue Code of 1954 to exclude from gross income amounts paid by the United States to certain nonresident alien employees or their beneficiaries;

H.R. 3676. An act to direct the Secretary of the Interior to convey certain lands to the city of Tillamook, Oreg.;

H.R. 6155. An act to amend the Internal Revenue Code of 1954 to exempt from taxation certain nonprofit corporations or associations organized after August 31, 1951;

H.R. 6785. An act to amend section 4071 of the Internal Revenue Code of 1954 so as to fix a tax of 1 cent per pound of certain laminated tires produced from used tires;

H.R. 8649. An act to make permanent the existing suspension of the tax on the first domestic processing of coconut oil, palm oil, palm-kernel oil, and fatty acids, salts, combinations or mixtures thereof; and

H.R. 9737. An act to amend the act of March 3, 1901, to eliminate the requirement that certain District of Columbia corporations be managed by trustees the majority of whom are citizens of the District of Columbia.

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 4 minutes p.m.) the House adjourned until tomorrow, Wednesday, April 13, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2044. A letter from the Governor of the Canal Zone, President, Panama Canal Company, transmitting a draft of proposed legislation entitled "A bill to provide for reimbursement of the Treasury by the Panama Canal Company for the annuity paid to the Republic of Panama, and for other purposes"; to the Committee on Merchant Marine and Fisheries.

2045. A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation entitled "A bill to amend the Federal Employees' Group Life Insurance Act"; to the Committee on Post Office and Civil Service.

2046. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation entitled "A bill to authorize user charges for certain services performed by the Department of Agriculture, and for other purposes"; to the Committee on Agriculture.

2047. A letter from the Administrator, General Services Administration, relative to a notice of a proposed disposition of approximately 6,285 short tons of ground steatite talc now held in the national stockpile, pursuant to the Strategic and Critical Materials Stock Piling Act (53 Stat. 811, as amended, 50 U.S.C. 98b(e)); to the Committee on Armed Services.

2048. A letter from the Comptroller General of the United States, transmitting a report on the audit of the retirement and survivor benefit program of the Railroad Retirement Board as of July 1959; to the Committee on Government Operations.

2049. A letter from the executive vice president, National Safety Council, transmitting a report of the audit of the financial transactions of the National Safety Council for the year 1959, pursuant to Public Law 259, 83d Congress; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. IRWIN: Committee on Post Office and Civil Services. H.R. 10695. A bill to provide for the rotation in overseas assignments of civilian employees under the Defense Establishment having career-conditional and career appointments in the competitive civil service, and for other purposes; without amendment (Rept. No. 1469). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. S. 2804. An act to donate to the Keweenaw Bay Indian Tribe, L'Anse Reservation of Michigan, a certain tract of Federal land with improvements located thereon; without amendment (Rept. No. 1484). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. S. 2877. An act to authorize the reconveyance of tribally owned lands by the Muckleshoot Indian Tribe of the State of Washington to the original allottees, their heirs, devisees, or assigns; without amendment (Rept. No. 1485). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 5870. A bill to place in trust status certain lands on the Wind River Indian Reservation in Wyoming; without amendment (Rept. No. 1486). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 8295. A bill to authorize the transfer to the Navajo Tribe of irrigation project works on the Navajo Reservation, and for other purposes; without amendment (Rept. No. 1487). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 9026. A bill to provide that certain funds shall be paid to the Kickapoo Tribal Council of Oklahoma; with amendment (Rept. No. 1488). Referred to the Committee of the Whole House on the State of the Union.

Mr. LESINSKI: Committee on Post Office and Civil Service. H.R. 1907. A bill to amend the Veterans' Preference Act of 1944 to define mothers for purposes of such act; without amendment (Rept. No. 1489). Referred to the Committee of the Whole House on the State of the Union.

Mr. DULSKI: Committee on Post Office and Civil Service. H.R. 9507. A bill to authorize the Postmaster General to waive collections on raised money orders cashed by banks and other business concerns, and for other purposes; without amendment (Rept. No. 1490). Referred to the Committee of the Whole House on the State of the Union.

Mr. PORTER: Committee on Post Office and Civil Service. H.R. 9889. A bill to eliminate the mandatory requirements for penalty charges on short-paid mail, and for other purposes; without amendment (Rept. No. 1491). Referred to the Committee of the Whole House on the State of the Union.

Mr. PROKOP: Committee on Post Office and Civil Service. H.R. 10996. A bill to authorize the use of certified mail for the transmission or service of matter required by certain Federal laws to be transmitted or served by registered mail, and for other purposes; without amendment (Rept. No. 1492). Referred to the Committee of the Whole House on the State of the Union.

Mrs. GRANAHAN: Committee on Post Office and Civil Service. H.R. 11516. A bill to create a judicial officer for the Post Office Department; without amendment (Rept. No. 1493). Referred to the Committee of the Whole House on the State of the Union.

Mr. TRIMBLE: Committee on Rules. House Resolution 502. Resolution for consideration of H.R. 11510, a bill to amend further the Mutual Security Act of 1954, as amended, and for other purposes; without amendment (Rept. No. 1494). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FEIGHAN: Committee on the Judiciary. House Joint Resolution 678. Joint resolution relating to the entry of certain aliens; with amendment (Rept. No. 1470). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 1466. An act for the relief of Sofia N. Sarris; without amendment (Rept. No. 1471). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 1856. An act for the relief of Frank Podany; without amendment (Rept. No. 1472). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 2309. An act for the relief of Gim Bong Wong; without amendment (Rept. No. 1473). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H.R. 1493. A bill for the relief of Antonio Mendes Garcia and Palmira Lavin Garcia; with amendment (Rept. No. 1474). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 2095. A bill for the relief of Mrs. Margaret Baker; without amendment (Rept. No. 1475). Referred to the Committee of the Whole House.

Mr. MOORE: Committee on the Judiciary. H.R. 2588. A bill for the relief of Buck Yuen Sah; without amendment (Rept. No. 1476). Referred to the Committee of the Whole House.

Mr. SMITH of California: Committee on the Judiciary. H.R. 2665. A bill for the relief of Briccio Garces de Castro; without amendment (Rept. No. 1477). Referred to the Committee of the Whole House.

Mr. CHELF: Committee on the Judiciary. H.R. 2671. A bill for the relief of Antonia Martinez; with amendment (Rept. No. 1478). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H.R. 2823. A bill for the relief of Fumie Yoshioka; with amendment (Rept. No. 1479). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H.R. 3789. A bill for the relief of Preciolita V. Corliss (nee Preciolita Valera); without amendment (Rept. No. 1480). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 4670. A bill for the relief of Karnail Singh Mahal; without amendment (Rept. No. 1481). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 7033. A bill for the relief of Jack Darwin; with amendment (Rept. No. 1482). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H.R. 7895. A bill for the relief of Gloria Anne Loveday; with amendment (Rept. No. 1483). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDONIZIO:

H.R. 11695. A bill to provide a health benefits program for certain retired employees of the Government; to the Committee on Post Office and Civil Service.

By Mr. BARING:

H.R. 11696. A bill to provide for the allocation of portions of the costs of Davis Dam and Reservoir to servicing the Mexican Water Treaty, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 11697. A bill to permit certain service performed by employees of the Walker Irrigation District, of Yerington, Nev., to constitute "employment" for purposes of the insurance system established by title II of the Social Security Act; to the Committee on Ways and Means.

By Mr. BLATNIK:

H.R. 11698. A bill to amend the Housing Amendments of 1955 to expand the public facility loan program of the Community Facilities Administration in the Housing and Home Finance Agency, and for other purposes; to the Committee on Banking and Currency.

By Mr. CLARK:

H.R. 11699. A bill to help restore the balance between the production of and the market demand for wheat, and for other purposes; to the Committee on Agriculture.

By Mr. DAVIS of Georgia (by request):

H.R. 11700. A bill to amend the act "An act to establish a code of law for the District of Columbia," approved March 3, 1901; to the Committee on the District of Columbia.

By Mr. DENT:

H.R. 11701. A bill to amend the Fair Labor Standards Act of 1938 to increase to 40 cents per hour the minimum wage applicable to blind workers and to provide for periodic increases beginning January 1, 1961; to the Committee on Education and Labor.

By Mrs. DWYER:

H.R. 11702. A bill to provide for a program of Federal matching grants to the States to enable the States to provide health insurance for individuals aged 65 or over at subscription charges such individuals can pay; to the Committee on Interstate and Foreign Commerce.

By Mr. McFALL:

H.R. 11703. A bill to amend the Federal Trade Commission Act to strengthen independent competitive enterprise by providing for fair competitive acts, practices, and methods of competition, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11704. A bill to amend the Federal Trade Commission Act to provide for the issuance of temporary cease-and-desist orders to prevent certain acts and practices pending completion of Federal Trade Commission proceedings; to the Committee on Interstate and Foreign Commerce.

By Mr. PELLY:

H.R. 11705. A bill to strengthen State governments, to provide financial assistance to States for educational purposes by returning a portion of the Federal taxes collected therein, and for other purposes; to the Committee on Education and Labor.

By Mr. SAUND:

H.R. 11706. A bill to authorize an extension of time for final proof under the desert land laws under certain conditions; to the Committee on Interior and Insular Affairs.

By Mr. UTT:

H.R. 11707. A bill to readjust postal rates, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11708. A bill to provide for adjusting conditions of competition between certain domestic industries and foreign industries with respect to the level of wages and the working conditions in the production of articles imported into the United States; to the Committee on Ways and Means.

By Mr. ZABLOCKI:

H.R. 11709. A bill to amend the Mutual Defense Assistance Control Act of 1951; to the Committee on Foreign Affairs.

H.R. 11710. A bill to amend section 8(b)(4) of the National Labor Relations Act, as amended; to the Committee on Education and Labor.

By Mr. CEDERBERG:

H.R. 11711. A bill to require contractors having certain contracts with the United States to name their subcontractors, material men, and supply men, to quote subcontract and material and supply prices, and for other purposes; to the Committee on the Judiciary.

By Mr. DAVIS of Georgia:

H.R. 11712. A bill to amend title 38, United States Code, to provide for the payment of pensions to veterans of World War I; to the Committee on Veterans' Affairs.

By Mr. DURHAM:

H.R. 11713. A bill to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mrs. GREEN of Oregon:

H.R. 11714. A bill to amend the Longshoremen's and Harbor Workers' Compensation Act, as amended, to provide increased benefits in case of disabling injuries, and for other purposes; to the Committee on Education and Labor.

H.R. 11715. A bill to authorize the establishment of a Youth Conservation Corps to provide healthful outdoor training and employment for young men and to advance the conservation, development, and management of national resources of timber, soil, and range, and of recreational areas; to the Committee on Education and Labor.

By Mr. HAGEN:

H.R. 11716. A bill to provide for the issuance of a special postage stamp which shall symbolize the American people's aspirations for world peace, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HARMON:

H.R. 11717. A bill to amend the Federal Trade Commission Act to provide for the issuance of temporary cease and desist orders to prevent certain acts and practices pending completion of Federal Trade Commission proceedings; to the Committee on Interstate and Foreign Commerce.

H.R. 11718. A bill to amend the Federal Trade Commission Act to strengthen independent competitive enterprise by providing for fair competitive acts, practices, and methods of competition, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11719. A bill to amend the Federal Trade Commission Act, to promote quality and price stabilization, to define and restrain certain unfair methods of distribution and to confirm and define the rights of producers and resellers in the distribution of goods identified by distinguishing brands, names, or trademarks, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HÉBERT:

H.R. 11720. A bill to provide for the designation of June 4, 1960, as Louisiana State University Centennial Day; to the Committee on the Judiciary.

By Mr. KOWALSKI:

H.R. 11721. A bill to provide for the construction of a shellfisheries research center at Milford, Conn.; to the Committee on Merchant Marine and Fisheries.

By Mr. LAIRD:

H.R. 11722. A bill to bring employees of agricultural stabilization and conservation county committees within the purview of the Civil Service Retirement Act, the Federal Employees' Group Life Insurance Act of 1954, and the Federal Employees Health Benefits Act of 1959; to the Committee on Post Office and Civil Service.

By Mr. MORRIS of New Mexico:

H.R. 11723. A bill to amend section 5001 of title 38, United States Code, to provide for the establishment of domiciliary facilities in each State for the care of war veterans; to the Committee on Veterans' Affairs.

By Mr. SAUND:

H.R. 11724. A bill to amend the Internal Revenue Code of 1954 to permit the deduction of irrigation and other water district assessments; to the Committee on Ways and Means.

By Mr. SAYLOR:

H.R. 11725. A bill to change the method of payment of Federal aid to State or territorial homes for the support of disabled soldiers, sailors, airmen, and marines of the United States; to the Committee on Veterans' Affairs.

By Mr. WILLIAMS:

H.R. 11726. A bill to consolidate Vicksburg National Military Park and to provide for certain adjustments necessitated by the installation of a park tour road, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FLYNN:

H.J. Res. 684. Joint resolution to establish a commission for the celebration of the 100th anniversary of the birth of Gen. John J. Pershing; to the Committee on the Judiciary.

By Mr. GILBERT:

H.J. Res. 685. Joint resolution declaring the first Tuesday after the first Monday of November in each even-numbered year to be a legal public holiday; to the Committee on the Judiciary.

By Mr. PASSMAN:

H.J. Res. 686. Joint resolution to provide for the designation of June 4, 1960, as Louisiana State University Centennial Day; to the Committee on the Judiciary.

By Mr. BOSCH:

H. Con. Res. 658. Concurrent resolution authorizing and requesting the President of the United States to set aside a week during 1960 to be known as Hungarian Youth Week; to the Committee on the Judiciary.

By Mr. BOLLING:

H. Res. 503. Resolution providing for concurrence in the Senate amendments to the bill H.R. 8601, to enforce constitutional rights, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BUDGE:

H.R. 11727. A bill to confer jurisdiction upon the U.S. District Court for the Eastern District of Idaho to hear, determine, and render judgment upon certain claims of Bert Ruud and Emma Ruud; to the Committee on the Judiciary.

By Mr. DEVINE:

H.R. 11728. A bill for the relief of Mary S. Apostolopoulou; to the Committee on the Judiciary.

By Mr. DOOLEY:

H.R. 11729. A bill for the relief of Vilma D. Beckles; to the Committee on the Judiciary.

By Mr. FRIEDEL:

H.R. 11730. A bill for the relief of Jung Yee Chan; to the Committee on the Judiciary.

H.R. 11731. A bill for the relief of Fuk Lum Kwong; to the Committee on the Judiciary.

By Mrs. GRANAHAN:

H.R. 11732. A bill for the relief of Bill Joseph Gordon, Jr.; to the Committee on the Judiciary.

By Mr. KASEM:

H.R. 11733. A bill for the relief of Peter Holtz; to the Committee on the Judiciary.

H.R. 11734. A bill for the relief of Zenaida Torres de Lewis; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 11735. A bill for the relief of Clyde M. Alexanderson; to the Committee on the Judiciary.

H.R. 11736. A bill for the relief of Jan Majka Formanek; to the Committee on the Judiciary.

By Mr. WAINWRIGHT:

H.R. 11737. A bill for the relief of Clarence G. Marshall; to the Committee on the Judiciary.

H.R. 11738. A bill for the relief of Teresa Coluccio Ieraci; to the Committee on the Judiciary.

By Mr. ROOSEVELT:

H.J. Res. 687. Joint resolution providing for the award of the Silver Star to Herbert Wilkin Wier, formerly a first lieutenant, Army of the United States; to the Committee on Armed Services.

By Mr. WALTER:

H.J. Res. 688. Joint resolution for the relief of certain aliens; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

The Department of Defense Is Using College and University Talent To Entertain Our Troops Abroad and Should Schedule Them To Appear Before Students of Other Countries—Mankind Will Profit When Young Men and Women of All Nations and in Great Numbers Study and Learn Together, President Eisenhower Says

EXTENSION OF REMARKS
OF
HON. HARRIS B. McDOWELL, JR.
OF DELAWARE
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 12, 1960

Mr. McDOWELL. Mr. Speaker, President Eisenhower gave top priority to a massive interchange of mutual understanding in his highly important speech at Delhi University in India last December. At that time the President said:

More enduringly than from the deliberations of high councils, I believe mankind will profit when young men and women of all nations and in great numbers study and learn together. In so doing, they will concern themselves with the problems, possibilities, resources and rewards of their common destiny.

Through the centuries nations have sent their youth armed for war to oppose their neighbors. Let us in this day look on our youth, eager for a larger and clearer knowledge, as forces for international understanding; and send them, one nation to another, on missions of peace.

The President's special international cultural exchange program has so far failed miserably to include young people from our colleges and universities in its program. Yet I am assured by Dr. Howard Hanson, president and chairman of the board of the National Music Council, that student groups "will contribute even more importantly to the cultural exchange program than the exchange of commercial professional groups."

I have introduced legislation to provide the massive interchange which President Eisenhower has called for, and this legislation has been cosponsored by my good friend and colleague from New Jersey, the Honorable FRANK THOMPSON, JR. At the same time, the Department of Defense—which sends college and university talent abroad to entertain our troops—could schedule them to appear before students of those countries where our troops are stationed. Such a step would be a highly significant addition to our Nation's foreign policy and would be the most important step to implement the President's suggestions at Delhi University which has been made to date.

At the same time, the administration should abandon its plans to destroy the historic buildings on Lafayette Square in the Nation's Capital just across the street from the White House. These buildings could be utilized for educational and cultural purposes in the expansion of the massive interchange the President has called for. Congressman FRANK THOMPSON and I have sponsored legislation—H.R. 11678 and H.R. 11691—for this purpose too. Similar legislation has been cosponsored by Senators KENNEDY, MORSE, HUMPHREY, DOUGLAS, HENNINGS, GRUENING, MANSFIELD, and MURRAY.

I include as part of my remarks a speech on the subject of "The Arts and Sciences and International Understanding," which I made on April 11, 1960, to the members of the University Women's Club of Washington, D.C.:

THE ARTS AND SCIENCES AND INTERNATIONAL UNDERSTANDING

I am happy to have this opportunity to discuss with you the Nation's need to further develop its creative resources. This country is richer than we know in artistic achievement. The Communists, however, are telling people around the world that Americans are hardhearted materialists interested only in making money. This is strange talk from the irreligious materialists of Moscow, but it is sometimes a convincing argument to people around the world who know little of our cultural achievements. This type of Communist propaganda makes it obvious that today the United States is involved on a new front in its struggle to win the support and understanding of the world for democracy. We face a committed, energetic, formidable competitor in the Soviet Union. The Communist cause is stretching out to reach millions of persons around the world. We must compete more actively if we are to reach the minds and hearts of the youth of other countries who are to be the leaders of tomorrow.

Experience has demonstrated that military, political, and economic diplomacy, although practiced so effectively in the past, are no longer enough to win peoples' understanding. In a world whose political and military geniuses are stalemated by the discoveries of scientists, we have learned that negotiations over the green baize tables of diplomacy are only one way for nations to try to reach an understanding. Direct contacts between our people and people of other nations are essential to help dispel some of the misconceptions they have concerning the philosophy and goals of the United States.

We must provide new avenues by which we can demonstrate the American imagination and its creative force to many more of our own citizens as well as to people throughout the world. An intensified encouragement of our participation in the arts would make it manifest that cultural endeavor is an integral part of this Nation's way of life. We need to establish a cultural breakthrough at both the national and international levels. A concerted effort must be made to better display America's cultural image.

In the field of music alone, how many people realize, for example, that Americans in a recent year spent more money at the box office for concerts than they spent for baseball games; that we support in this country 1,000 symphony orchestras and 450 opera-producing groups; that over 255 educational institutions offer degree courses in music and advanced level musical training. We have a plentiful reservoir of artistic talent in this country. We should place this talent in the spotlight.

If we are going to take significant steps toward making far-reaching contributions in the cultural field, the task before us is a great one. Today, I want to discuss some of the specific actions which should be taken to accomplish these ends. If the United States is to be able to establish a cultural and scientific breakthrough around the world, we have to take definite action.

President Eisenhower gave top priority to massive interchange of mutual understanding in his speech at Delhi University last December. At that time the President said:

"More enduringly than from the deliberations of high councils, I believe mankind will profit when young men and women of all nations and in great numbers study and learn together. In so doing, they will concern themselves with the problems, possibilities, resources and rewards of their common destiny.

"Through the centuries nations have sent their youth armed for war to oppose their neighbors. Let us in this day look on our youth, eager for a larger and clearer knowledge, as forces for international understanding; and send them, one nation to another, on missions of peace."

As a corollary to this idea we must make certain that many more of America's talented young artists are included in the President's special international cultural exchange program. To achieve this end I have proposed legislation to create an actual two-way exchange program since no such cultural exchange now exists. So far, the major, if not the entire, emphasis of the program has been restricted to large professional groups and individual professional artists. Moreover, the price of tickets of admission in many instances has been beyond the pocketbooks of most people in other countries. There is some doubt that the program as presently administered is as much of a success as some of its proponents would have us believe. Under the present program the large professional groups and distinguished American artists perform in opera houses and great halls and usually for only limited engagements because of the expense.

Why should we display only that portion of America's artistic talent which draws huge impersonal audiences? Why should we play only to a world of gilded mirrors and red plush? Truly these performances do not reach the man in the street, the university student with limited funds, and the student artists in the countries around the world. It is the individual whom we must reach. Our international cultural exchange program must include our students and their teachers, community groups, and university and conservatory groups. There is not only a vast audience abroad for every one of them, but also a vast reservoir of friendship for them to tap. In addition to the professional artists, we should be most certainly sending our talented young artists and art groups on a university circuit all over the globe.

My proposal envisages an actual two-way cultural exchange program. It would support the performances of individual artists, choral groups, youth orchestras, and drama groups from other countries on their tour of the university circuit in the United States. Thus, young artists from around the world would have a chance to see this country, to learn something of our way of life on university campuses and, what is most important, have a chance to talk with other young people who have similar interests and talent. The merits of this type of exchange

are undeniable for, as Isaac Stern declared at the recent International Music Conference, the most effective penetration in cultural exchange is at the youth level, on both sides.

Recently I returned from an inspection tour of the operations of the mutual security program in some 20 countries in Asia, Africa, and southern Europe. I was impressed especially by the fact that the leaders in many of these nations are very young, under 30 years of age in many cases. It is my firm belief that we can best reach the young people in other countries through a cultural exchange program such as I have described.

Van Cliburn made the most significant cultural breakthrough in the last decade, yet he received absolutely no financial help at all from the President's special international cultural exchange program.

Van Cliburn's expenses were paid with funds raised by the Institute of International Education from the Martha Baird Rockefeller Fund. Many others of our highly talented young people who could help to carry the message of international goodwill have not been able to secure such distinguished private patronage. Furthermore, the door of the Government's cultural exchange program has been closed by administrators in the Department of State who seem surprisingly unaware of the tremendous potential of the young talent in our colleges and universities.

So far the President's special international cultural exchange program has devoted almost its entire congressional appropriations to sending major professional groups abroad. The State Department overlooks the opportunity of utilizing young talented American artists in this program. This shortsightedness must be corrected if we are going to effect a massive interchange of mutual understanding through student exchanges. The legislation which I have proposed would make permanent the inclusion of young American artists in our cultural exchange programs. No longer would this endeavor be subject to the whim of individual officials or of any political administration in Washington. The enactment of this legislation would insure that a specific provision for young artists has the support of the Congress which is vital if we are to enhance America's cultural image.

In addition to the need for the Federal Government to place a broader emphasis on the arts in direct connection with international cultural activities, we should provide a means to promote among more of our own citizens a knowledge of and interest in the creative arts. For example, I believe we should establish in Washington, D.C., a national showcase program to display the very excellent fine arts programs of our institutions of higher education. The primary purpose of the showcase would be to encourage the further development and growth of all the arts in colleges and universities. The time is right to establish a permanent program to encourage our young people with interest and talent in the arts, instead of leaving their discovery—as in the case of Van Cliburn—to the U.S.S.R.

As R. L. Bruckberger emphasized in his recent book "The Image of America," "America does not always give its own creative minds the recognition due them, indeed it sometimes ignores them altogether. This is so often the case that an observer as casual as the average European traveler in America finds it only too easy to assume that in certain fields there are no creative minds. • • • In their hearts, Americans do not believe that there could ever be found among them men of such stature as Stravinsky, Picasso, and Bergson."

It is my firm conviction that we do have talent which can be encouraged through the showcase program by giving national recognition and encouragement to young American artists. The bill I have introduced is sponsored also by Representative CARL ELLIOTT, of Alabama; Representative EDITH GREEN, of Oregon; Representative FRANK THOMPSON, of New Jersey; and Senator WAYNE MORSE, of Oregon. It would inaugurate an International Olympiad of the Arts and Sciences. This program, to be held every 2 years, would present high quality international exhibitions, productions, festivals, and programs in these fields. I am sure that such an enterprise would greatly strengthen the mutual understanding of the peoples of the world.

I have often been asked how I would expect the International Olympiad of the Arts and Sciences to be initiated, organized, and operated. Here are some answers to the questions that have been raised.

The President of the United States would communicate with the heads of all the nations in the world, inviting them to send representatives to Washington for a conference. This meeting could be under the chairmanship of the Secretary of Health, Education, and Welfare, who would be responsible for practical arrangements. The President would address this conference, calling upon the nations to join with the United States in competitions in the arts and sciences.

Following this conference I would expect that most of the nations would set up committees which would be responsible for arranging participation in the competitions. An American committee would work through the Department of Health, Education, and Welfare, under appropriate guidance from the Department of State. Distinguished private citizens would be appointed by the President to serve on this committee.

As I mentioned before, my bill calls for an International Olympiad of the Arts and Sciences to be held every 2 years. I would hope that the first Olympiad might take place in the new Lincoln Center in New York, and that our proposed National Cultural Center in Washington would be completed in time for the second. If a cooperating nation extended an invitation for the Olympiad, I think that this invitation should be carefully considered and accepted if approved by a meeting of representatives of all participating countries. Pending the assurance that there would be facilities for the competitions overseas, I believe we should continue to hold them at 2-year intervals in the Nation's Capital.

As I see it, the Olympiad of the Arts and Sciences could include competitions in five main fields.

First, I should like to see an international folk festival, where the nations of the world would compete in dancing and folk singing, and in displaying native handicrafts including fabrics, woodcarving, and other traditional crafts. This would help to preserve the folk heritage of mankind, a heritage which is rapidly being dissipated around the world. The industrialization of the modern world is seriously diminishing the interest of many in the folk arts. It would be a tragedy if these noble traditions were to be lost. I believe that the International Olympiad program would be a strong influence in preserving this inheritance from man's past.

Secondly, there could be festival of drama and the dance which would involve competition in the presentation of assigned classical plays, such as Shakespearean tragedy; competition in the presentation of original plays; competition in the presentation of national theatrical forms such as the Kabuki and plays of Japan; and finally, competition in classical dance forms such as the ballet. The difference between these dances and those which might be presented under the folk festival is that there are certain types of dances which are common to a variety of cultures and competition here would be on the basis of national interpretation of these classical dance forms.

There could be a music festival which would involve individual competition in all of the principal instruments in use today around the world. We should have competition in piano, the stringed instruments, the brasses, and the woodwinds. Special categories for national instruments which would make it possible for the world to become acquainted with the unique musical heritage of various cultures could be included.

There could also be a competition in painting and sculpture. Here an international body of critics might set up the appropriate categories, and select qualified judges. I hope there will be several categories, including both the classical and modern schools, and the traditional art of the world's civilizations.

The fifth competition might be in the sciences. A group of distinguished international scientists could decide upon the type of competitions to be held. It might be patterned after the science talent search and National Science Fair, which are sponsored by Science Service.

The International Olympiad could follow the tradition of the sports olympics with the lighting of the traditional flame, the reciting of the Olympic oath, and the awarding of medals.

However, I believe that the winners in the Olympiad should receive additional prizes, such as opportunities for concert tours, gifts of musical instruments, and opportunities for additional exhibits of their artistic or scientific achievements.

Many benefits are to be derived from these contests. First, there would be an opportunity for young artists or scientists to win distinction. Secondly, people would have a chance to learn that Americans are not materialistic money-minded individuals. Finally, the world would be enriched by this exchange of artistic and scientific ideas.

Unquestionably an appropriation would be required from the Congress to initiate these contests. However, I think that there would be enough public interest after the first Olympiad to warrant reliance upon public subscription to finance future American participation. The revenue from admission to various events would be very substantial, and should go a long way toward financing the entire project.

The arts and the sciences are a universal language. We should use this language to become better acquainted with our friends around the world, and to enable them to understand us.

The millennium will have to be achieved by hard work. The alternative may be the destruction of mankind. I believe the International Olympiad of the Arts and Sciences and the two-way cultural exchange program of young artists would be gigantic steps toward more effectively promoting international stability and mutual understanding of the world's peoples.

As we go about living our busy lives today, we think of and pray for peace in our time. And as we ask for divine guidance, we should remember that it is not enough just to ask for peace—we must work for it.

Pesach, 5720—Passover, 1960

EXTENSION OF REMARKS
OF
HON. ABRAHAM J. MULTER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 12, 1960

Mr. MULTER. For people who share the precious heritage of the Jewish faith, history, and cultural traditions, the Pass-

over is, of all seasons of the year, perhaps the fullest of religious depth, historical significance, human warmth and youthful gladness.

It is a reminder, in the prescribed foods of the Seder, as well as in the four questions asked thereat and their answers, of one of the greatest events of history, the delivery of the children of Israel from their bondage in Egypt.

It is a reminder of our reliance, then and now, upon divine providence. It is an exacting test of the knowledge and wisdom of the father, in replying to his son's four questions, and a stimulus to the faith and courage of all who share in the ceremony. In this religious ceremony, in this family meal, in this glad festival, families are drawn together, renewing their old bonds of affection, and resolving anew to live in the warmth of these human relationships and religious traditions.

In the singing and storytelling, in the ceremonial sharing of the wine, in the beautiful words of the benediction that concludes the Passover service, we feel ourselves brought together in affection and happiness—parents and children and guests, and all the broad world upon which we call down the blessings of redemption, and peace, and justice, and brotherhood.

This Is the Man

EXTENSION OF REMARKS
OF
HON. LEO W. O'BRIEN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 12, 1960

Mr. O'BRIEN of New York. Mr. Speaker, I hesitate to burden the RECORD with a dispute over dead men's bones and to weary my colleagues with a discussion now of a bill which was passed unanimously last year by the House. But, the double task has been thrust upon me by a distinguished Member from Indiana who, on March 24, revived a claim, first circulated in 1928, that a Samuel Wilson, buried in Merriam, Ind., was the progenitor of "Uncle Sam," our national symbol.

This House, acting on the recommendation of the Committee on Interior and Insular Affairs, and by unanimous vote, passed early last summer a joint resolution honoring Samuel Wilson, of Troy, N.Y., as the real progenitor of "Uncle Sam" and declaring his grave in Oakwood Cemetery, Troy, to be a national shrine.

The statement by the gentleman from Indiana obviously was not made to influence House action, already taken, but to persuade the other body to sidetrack or kill the resolution, denying Samuel Wilson of Troy the full recognition nationally already accorded him by historians, the city of Troy, and the State of New York.

Is it not fair to ask why those who now revive the bit of Merriam, Ind., folklore were silent last year when this matter was before the House? Where were they on May 7, 1959, when the Subcommittee on Public Lands, headed by the Honorable GRACIE PFOST, of Idaho, conducted a day long public hearing on the bill which the House later passed? Where were they when the resolution came before the Committee on Interior and Insular Affairs, headed by the Honorable WAYNE ASPINALL, of Colorado, which committee passed it unanimously? Where were they when the matter was before a Senate subcommittee earlier this year, which committee subsequently approved it?

Perhaps it will be claimed that they did not know about the Troy resolution. All the wire services carried stories about it. Many great newspapers and national magazines carried feature articles about it.

A large delegation came from Troy to Washington, stopping at Philadelphia en route for well-publicized ceremonies at Independence Hall. Leading the delegation was a distinguished citizen of Troy, attired in a colorful "Uncle Sam" garb. He walked about Capitol Hill and posed for national television shots on the Capitol steps. Certainly the whole effort was not made in the dead of night.

The Troy group did not press their case with a newspaper feature story. They brought with them men who had made long and careful studies of historical fact. They included historians Thomas I. Gerson of the Record Newspapers, Troy, N.Y., Col. Edgar T. Noyes of Texas, and Dr. J. Almus Russell of Pennsylvania.

At the hearing, there was not a written word of opposition to the resolution expressing the sense of the Congress with respect to the recognition of the grave of Samuel Wilson in Oakwood Cemetery, Troy, as a national shrine.

The resolution was also supported by the American coalition of patriotic societies, the Eastern Regional Council of the U.S. Flag Committee, the National Society of U.S. Daughters of 1812, and many other groups.

As to the value of testimony submitted at the House subcommittee hearing on May 7, 1959, the Honorable JAMES E. MURRAY, U.S. Senator, chairman of the Committee on Interior and Insular Affairs, wrote to Mr. Gerson on March 30, 1960:

> I believe the record made before the House committee is complete and that it makes out a prima facie case warranting the enactment of the resolution. It is my intention to make that record available to the Indiana parties, with the suggestion that they disprove the record, if possible. If they cannot successfully challenge the record, the committee will proceed with the consideration of the resolution.

Passage of this legislation is important, because the "Uncle Sam" symbol represents very much the same in the minds and hearts of our people as does the U.S. flag, and as such it must be protected. The testimony before the House subcommittee revealed that some writers have attacked the symbol "Uncle Sam" as being archaic and suggested that it be abandoned. The enactment of this resolution would be an expression of the determination of Congress not to yield to forces which would destroy this enduring symbol.

It has been proved by testimony that the symbol of "Uncle Sam" is not the creature of a cartoonist's pen, but the result of the evolution of the American dream—as expressed in the life story of a most representative American, Samuel Wilson, who was born in Menotomy, now Arlington, Mass., on September 13, 1766, and who died in Troy, N.Y., July 31, 1854, and who is buried in Oakwood Cemetery, Troy, N.Y., where a bronze tablet marks his final resting place. Over his peaceful grave fly the Stars and Stripes maintained by the Uncle Sam's Council, Boy Scouts of America, Troy, N.Y.

The story of Sam Wilson's life is an abridged story of America. As a boy, Sam helped his brothers and sisters run the Wilson farm at Menotomy when their father, Edward Wilson, answered Paul Revere's dramatic call to arms on April 18–19, 1775, and took part in the Battle of Lexington which signaled the birth of New World freedom. Samuel Wilson, then but a boy of 8½, helped to ring the church bell and beat the drums that aroused the other Minute Men. The American Revolution had truly begun, and the Wilson family, all settlers and farmers, took an active part in it. Sam's older brothers, Joseph and Edward, Jr., fought with Gen. George Washington. Sam Wilson himself, as a boy of 14½, ran away from home to serve as a service boy with the American Army until the end of the war.

Samuel Wilson did not know it, but this was his training ground for the next war with England, the War of 1812, when he would emerge as "Uncle Sam," the symbol of an aspiring America and the embodiment of its spirit.

Young Sam was tall, lanky, and strong as a young bullock when he returned from the war. The dark fighting days of the Revolutionary War had broadened his vision, sharpened his wits. Just as Sam Wilson had spoken out against those defeatists who believed that the 13 separate and loosely joined Colonies could not win their independence from England, so he now opposed those pessimists who believed that the new Nation, perpetuated on September 17, 1787, could not survive as a weak and debt-burdened infant nation.

In February of 1789, almost penniless, Samuel Wilson and his brother Ebenezer migrated to Troy, where by dint of hard work Sam took root in the community and became known for his honesty and common sense, wielding great influence for good.

By the beginning of the War of 1812 Sam Wilson had become prominent in the State. A tall, slender man with a "nutcracker" face, he was especially liked by children who called him "Uncle Sam." People came for miles around for his counsel. He was deeply religious, and was quoted as saying:

> The big thing is not what happens to us in life, but what we do about what happens to us.

He had left his mark upon Troy and the State of New York by the time 1812 rolled around. He had spurred the development of waterpower, championed

many civic improvements—helped to give America its purpose and direction.

Sam Wilson and his brother, besides operating a brickmaking plant, a general store, and freightage service on the Hudson River—also owned and operated a meatpacking plant under the name of E. & S. Wilson," where they slaughtered 150 head of cattle a day.

In October of 1812 Sam Wilson was made inspector of provisions for the Army in New York by Elbert Anderson, Jr., the contractor for the Army. Anderson lived in New York City, and had no known holdings in Troy, other than his contract with Samuel Wilson.

Early in 1812, as the war got under way, Mr. Anderson arrived in Troy with Theodorus Bailey, the postmaster of New York City, according to Col. Edgar T. Noyes. Mr. Bailey, who represented New York State in Congress during his lifetime, had attained the rank of brigadier general in the New York State Militia. When Mr. Bailey died in 1828, according to Colonel Noyes, he left a written account of the origin of "Uncle Sam," for he had witnessed the incident that had linked Samuel Wilson who is now buried in Oakwood Cemetery, Troy, N.Y., to America's symbol.

That incident revealed that one of the visitors to the Wilson plant in Troy on October 1, 1812, asked what the initials "EA-US" on the barrels of meat stood for. A workman replied that the "EA" stood for Elbert Anderson, the contractor, and added jokingly that the "US" stood for "Uncle Sam" Wilson, or an abbreviation for the United States.

The allusion caught on and spread rapidly, for Sam Wilson was popular. He epitomized the plain American, with a devotion to honesty, self-reliance, and a passion for justice for himself and all men. The step from this to an impersonation of our country by an ideal "Uncle Sam" was a logical sequence. The term caught on like wildfire and the rest is history—history made largely by newspapers and cartoonists whose classic figure of Uncle Sam wears striped trousers, frock coat, and tall hat—clothing typical of successful businessmen of that era.

Cartoonists of the day such as Thomas Nast and Frank Bellew joined the crusade for Uncle Sam as the symbol of our national aspirations. They were displeased with the earlier symbol of colonial America personified by "Brother Jonathan," a country bumpkin created during the Revolutionary War, who often got the best of King George. They found him just as inadequate as they did "Yankee Doodle," which had served its purpose.

The need for another national symbol was felt after America won independence, and around the turn of the century when Americans began to feel there was poetry and drama in the continental sweep of their expansion.

The Troy Record newspapers helped to bring the story of the origin of Uncle Sam to the attention of the Nation. Artists like Joseph Keppler propagated the figure of "Uncle Sam" built by Nast, Bellew, and others.

European caricaturists also accepted "Uncle Sam" with open arms, and even made him a rare target for the barbed jibes of jealous Old World nations.

Today, thanks to our testimony, "Uncle Sam" lives on for Americans as a flesh-and-blood human being, because we have accepted his origin. He is the neighbor who swaps yarns over the back fence at sunset; he is easy-walking, easy-talking. You know where you are with "Uncle Sam." And yet he remains a spokesman for all that went before him in the building of America, and all that is yet to come. For there is that sense of dedication in him, that urge of destiny running through him, because "Uncle Sam" Wilson who lies buried at Oakwood Cemetery, Troy, N.Y., faced the problems of his troubled times with faith and courage, and with a deep conviction in the glorious destiny of the United States of America which the Wilson family helped to create.

Samuel Wilson, the prototype of "Uncle Sam," never left Troy except for several years after the War of 1812 when he and a younger brother opened another meat-processing plant in Catskill, N.Y. Oddly enough, there were many Samuel Wilsons living in the United States at that time, and many of these Samuel Wilsons were mistaken for the kindly, genial prototype of "Uncle Sam" who lived at 144 Ferry Street, Troy, N.Y.

Samuel Wilson died at his home, 144 Ferry Street, Troy, N.Y., on July 31, 1854, at the age of 88. He died of old age, and was buried the next day in Mount Ida Cemetery, Troy.

Some years later members of the extensive Wilson family moved Sam Wilson's body from Mount Ida Cemetery in Troy, N.Y., to its present location in Oakwood Cemetery, Troy, N.Y.

In 1931, a granddaughter, Marion Wilson Sheldon, erected a 5-ton granite shaft to his memory at his grave at Oakwood Cemetery, with an appropriate bronze plaque:

U.S.: In loving memory of "Uncle Sam," the name originating with Samuel Wilson, 1766–1854, during the War of 1812 and since adopted by the United States.

Appended for inclusion is the affidavit of the record of burial in Oakwood Cemetery:

TROY CEMETERY ASSOCIATION,
OAKWOOD,
TROY, N.Y., *May 1, 1959.*

To Whom It May Concern:

This is to certify that, according to the permanent records of Oakwood Cemetery, Troy, N.Y., Samuel Wilson is interred in lots Nos. 46 and 47, section F, grave No. 3. The records also show the interment number as 922.

Samuel Wilson was born in Massachusetts and died in Troy, N.Y., on July 31, 1854, at the age of 88. Cause of death is listed as old age. His parents are shown as Edward and Lucy Wilson.

We further certify that his wife, Betsy M. Wilson, is interred beside him in grave No. 4 in the above-mentioned lots and section. Interment No. 1642. Betsy M. Wilson was born in New Hampshire and died in Troy, N.Y., on August 20, 1863, at the age of 90. Cause of death, old age.

ELBERT A. HOFFMAN,
Assistant Secretary and Superintendent.

Elbert A. Hoffman, to me personally known, appeared before me on May 1, 1959, and swore that the above information are statistics taken from the permanent records of the Troy Cemetery Association.

MARGARET A. BRENNAN,
Notary Public.

I assure the gentleman from Indiana that I respect the memory of the old gentleman buried in his State, but there is no historical proof that he was "Uncle Sam" or that he even lived in Troy.

We have submitted full proof and we ask that the honor due "Uncle Sam" Wilson not be rejected on the basis of a bit of folklore submitted at the 11th hour.

The spirit of our "Uncle Sam" might well, in the midst of this controversy, paraphrase Shakespeare to say:

He who steals my purse steals trash;
He who steals my name steals all.

The "Samuel Wilson" said to be buried in Merriam, Ind., must have been a member of another Wilson family and not the Samuel Wilson who died in Troy in 1854 at the age of 88. According to the accounts accepted in Indiana, he was quite a patriot in his own right.

But he was not the Samuel Wilson, the original "Uncle Sam," whose family fought in the War for Independence; whose life from 1766 to 1854 witnessed the birth and progress of the United States, spanning as it did the period before the Declaration of Independence to the emergence of the United States as a world power.

On April 2, 1856, Benjamin Mann Wilson, a son of "Uncle Sam" Wilson and "Aunt Betsy" Wilson, purchased two lots at Oakwood Cemetery—because Troy was growing, and plans were afoot to use the Mount Ida Cemetery for other purposes. And a few years later, Samuel Wilson's body was disinterred and reburied in its present resting place at Oakwood Cemetery, where he lies beside his beloved "Aunt Betsy."

Moral Principles Should Be Paramount

EXTENSION OF REMARKS
OF
HON. ABRAHAM J. MULTER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 12, 1960

Mr. MULTER. Mr. Speaker, not only does the United Arab Republic continue to violate international morals and the resolutions of the United Nations but it also is now stirring up trouble in countries in the Western Hemisphere.

There is more than ample evidence that Nasser's agents are operating throughout the Caribbean, in Cuba, and in the Republic of Panama, as well as elsewhere. We will never be able to make him behave nor prevent other Nassers from cropping up all over the world if, on the one hand, we condemn by moralistic resolutions their conduct, and, on the other hand, make grants and loans to them so that they can carry on their nefarious conduct.

It is quite true that the grants and loans are always made for purposes and projects which are in complete harmony with our desire to improve the standards of living and the economies of free peoples the world over. But when foreign countries misuse their own funds for the building up of war materiel for purposes of aggression, we aid their unjust and immoral cause by freeing their own funds for that purpose as we make other funds available for peaceful purposes.

The recent World Bank loan to the United Arab Republic is a typical example of how the free world should not act with reference to a country that has established its immorality in international affairs by flaunting everything that is good and decent.

The following editorial from the New York Herald Tribune of April 12 is most apropos:

THE SUEZ BLOCKADE ISSUE PERSISTS

If U.N. Secretary General Dag Hammarskjold were a man given to bluster and denunciation, his recent statement on Egypt's blockade of the Suez Canal against Israeli shipping would merit little attention. But precisely because Mr. Hammarskjold customarily avoids the slightest indication of annoyance or displeasure his assertion that the detention by the Egyptians of the Greek ship *Astypalea* "goes against the principle upheld by the United Nations" has all the force of a rebuke to Cairo.

That the rebuke will go unheeded is a reasonable assumption, for President Nasser has so far ignored all efforts by Mr. Hammarskjold to obtain either an end to the United Arab Republic's blockade or a least a modification which would permit Israeli cargoes in foreign-owned ships to pass.

Mr. Hammarskjold, discouraged though he has every right to be by Nasser's rebuffs, indicated in his statement that he intends to pursue his efforts to arrive at workable practices in the Suez Canal. We're glad he hasn't given up. But we would like to see him get some positive support from those nations—especially our own—which have an interest in maintaining freedom of navigation in general and preserving the peace in the Middle East in particular. Even Prime Minister Nehru of India, who is currently entertaining President Nasser, could do worse than bring up the subject of Suez in his conversations with his distinguished guest.

Mr. Speaker, the Congress will shortly be asked to act upon H.R. 11001, a bill sponsored by the State and Treasury Departments to provide for the participation by the United States in the International Development Association which is being created as an arm or a division of the International Bank for Reconstruction and Development, often referred to by its initials "IBRD" and more commonly known as the World Bank.

In connection with that bill, I have suggested that the World Bank Board of Governors adopt, by Board action, a policy which would enunciate the principle that no member who declares itself to be at war with another member could borrow money from the Bank. The startling answer came back that for the Board of the World Bank to enunciate such a policy would in effect be an admission that they made a mistake in granting a loan to the United Arab Republic. I accordingly am urging an amendment to H.R. 11001 which will provide, in so many words, that no loan shall be made by the International Development Association to any member which claims to be at war with any other member.

There can be no sound objection to such an amendment. The Departments undoubtedly will urge, as they have already done, that such a provision will require a renegotiation of the underlying agreement. The answer is that no matter how long it might take for such renegotiation, the United States, which claims to be the leader of the free world, has no right to sacrifice moral principle because it might take a little time to negotiate what is morally right and proper, and, above all, sound in international law.

What has already happened with the United Arab Republic might very well happen in the Caribbean, in Central America, or in South America. We would be the laughing stock of the world if we contributed our gold to the World Bank to be loaned by it to countries bent on destruction of world peace.

Can any American in his right mind condone the making of a loan to the Republic of Panama if it attempted to seize the Panama Canal? All of the trouble we are having now with reference to the Panama Canal is directly traceable to what Nasser did with the Suez Canal. If Egypt had a right to violate its international obligations and take the Suez Canal, the Republic of Panama has the right to do the same with the Panama Canal.

Both the Republic of Panama and Cuba are members of the World Bank and are signatories to the underlying agreement sought to be approved by H.R. 11001. Most of the Central and South American countries are also members and signatories. Shall we permit the World Bank to make loans to Cuba if it seeks to invade any of these countries? Will we permit the World Bank to make loans to any of these countries who attacks a neighbor? The questions answer themselves.

It Would Be an Act of Folly To Destroy the Dolly Madison House and the Other Historic Buildings Near the White House

EXTENSION OF REMARKS
OF
HON. HARRIS B. McDOWELL, JR.
OF DELAWARE
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 12, 1960

Mr. McDOWELL. Mr. Speaker, it would be an act of folly to destroy the Dolly Madison House and the other historic buildings on Lafayette Square near the White House in the Nation's Capital.

Many organizations are interested in preserving these historical buildings, among them the General Federation of Women's Clubs, the National Trust for Historic Preservation, the American Institution of Architects, the National Federation of Music Clubs, the AFL–CIO, the Washington (D.C.) Post and Times Herald, the Commission of Fine Arts, and the National Capital Planning Commission.

Governor Rockefeller and Mayor Wagner have sponsored legislation to save historic Carnegie Hall in New York City. Here in Washington, my able colleague from New Jersey, Congressman FRANK THOMPSON, JR., and I have sponsored legislation to save the Dolly Madison House and other historic buildings on Lafayette Square from destruction. Bills for the same purpose have been sponsored by Senators JOHN F. KENNEDY, WAYNE MORSE, HUBERT H. HUMPHREY, THOMAS C. HENNINGS, JR., PAUL H. DOUGLAS, ERNEST GRUENING, and MIKE MANSFIELD.

I include the text of the bill which Congressman FRANK THOMSON, JR., and I have cosponsored:

TEXT OF THOMPSON-McDOWELL BILLS: H.R. 11678 AND H.R. 11691

A bill to amend the Public Buildings Act of 1959 to provide a study as to the best location for a new building for certain courts of the United States, to preserve the Dolly Madison House and other historic buildings near the White House for cultural and educational purposes in keeping with the national policy enunciated in the Historic Sites, Buildings, and Antiquities Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Public Buildings Act of 1959 is amended by adding at the end thereof the following new sections:

"SEC. 18. The Administrator is authorized and directed to conduct a joint study, together with the National Capital Planning Commission and the Commission of Fine Arts, for the purpose of determining the feasibility of constructing in the area bounded by Pennsylvania Avenue on the north, Seventeenth Street on the east, New York Avenue on the south, and Eighteenth Street on the west, in the Northwest sector of Washington, District of Columbia, or near the Supreme Court of the United States, adequate facilities to house the Court of Claims, and the Court of Customs and Patent Appeals of the United States. As soon as practicable after the date of enactment of this section, the Administrator shall submit a report on the results of such study, together with such recommendations as the three agencies may deem advisable, to the Committees on Public Works of the Senate and House of Representatives.

"SEC. 19. (a) In keeping with the national policy of protecting and preserving historic American buildings and sites for the inspiration and benefit of the people of the United States, the Administrator shall preserve and maintain the Dolly Madison House, the Benjamin Tayloe House, and the Belasco Theater on Lafayette Square near the White House in the District of Columbia for historical, civic, cultural, and educational purposes and to further the purposes of the Act of June 5, 1860 (12 Stat. 35) chartering the National Gallery and School of Arts; the Act of March 3, 1863 (36 U.S.C., 251–253), chartering the National Academy of Sciences; the Act of March 3, 1901 (26 Stat. 1093), providing for a National Conservatory of Music; the Act of March 3, 1901 (31 Stat. 1438), chartering the General Federation of Women's Clubs for educational, literary, artistic, and scientific culture; the Act of June 3, 1906 (34 Stat. 804), chartering the National Education Association of the United States; the Act of February 4, 1913 (37 Stat. 660), chartering the National Institute of

Arts and Letters; the Act of April 17, 1916 (39 Stat. 51), chartering the American Academy of Arts and Letters; the Act of July 5, 1935 (49 Stat. 457), chartering the American National Theater and Academy; the Act of October 26, 1949 (16 U.S.C., 468–468e), establishing the National Trust for Historic Preservation; and the Act of August 1, 1956 (36 U.S.C., 661–669), chartering the National Music Council. The Administrator is authorized and directed to restore the Belasco Theater to a condition at least equal to its condition at the time it was acquired by the Federal Government, and to accept contributions of money which shall constitute 'charitable contributions' for purposes of section 170 of the Internal Revenue Code of 1954 (relating to deductions for charitable, etc., contributions and gifts), for the purpose of assisting him in the restoration of the Belasco Theater.

"(b) The President is authorized to create such interagency committees and advisory committees as in his judgment may be of assistance in carrying out the purposes of this section. The provisions of section 214 of the Act of May 3, 1945 (59 Stat. 134; U.S.C., sec. 691), shall be applicable to any interagency committee created pursuant to this section."

Hofstra College: A Community Accomplishment

EXTENSION OF REMARKS
OF
HON. STEVEN B. DEROUNIAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 12, 1960

Mr. DEROUNIAN. Mr. Speaker, I am justifiably proud of an outstanding educational accomplishment in my congressional district. This month, Hofstra College, in Hempstead, N.Y., celebrates the 25th anniversary of its founding.

HOFSTRA COLLEGE BACKGROUND INFORMATION

Twenty-five years ago, on April 8, 1935, the executors of the estate of Mrs. William S. Hofstra signed over a 12-acre Hempstead property to New York University. The following September, Nassau College-Hofstra Memorial opened its doors to 159 full-time freshmen and 631 evening students.

This was in keeping with Mrs. Hofstra's wish that the home, then called "The Netherlands," be used for the benefit of the Long Island community as a memorial to her deceased husband. At first a 2-year college, it was granted a provisional charter in 1937 to operate as a 4-year institution known as Hofstra College of New York University. Two years later, in 1939, the independent board of trustees terminated the contract with NYU and, in 1940, an absolute charter was given by the regents of the University of the State of New York to Hofstra College.

All classrooms and offices were housed in The Netherlands, the homestead renamed Hofstra Hall, in 1935. By 1938, additional acreage had been acquired and Calkins Gymnasium, Brower and Barnard Halls were erected, forming, with Hofstra Hall, the first or main quadrangle. Mason Hall, the library, was completed soon after. Today the library has 90,000 volumes.

Memorial Hall, devoted to student activities and named in memory of the Hofstra students who gave their lives in World War II, opened in 1949. Three wings have been added to the building which houses the cafeteria, bookstore, game rooms, lounges, dean of students and activities offices. The cafeteria seats 910 persons at one time and makes more than 5,000 daily sales, ranging from a cup of coffee to full-course meals.

Hofstra now has 18 buildings located on its 70-acre campus. Two additional buildings are under construction. All new buildings from the first one have been designed by one architect, Aymar Embury II.

Dr. Truesdel Peck Calkins was the first president of Hofstra. When he died in 1942, Howard S. Brower, one of the Hofstra estate executors and chairman of the college board of trustees, became acting president, serving until Dr. John Canford Adams became the second president in 1944.

The college has seen its period of greatest growth under the direction of President Adams, a world-recognized Shakespearean authority. The only 4-year college in Nassau or Suffolk Counties to cater exclusively to the commuting student, Hofstra has no dormitories but does have parking spaces for some 2,000 cars. It is estimated that 92 percent of its 8,500 day and evening enrollment comes from Long Island.

This enrollment consists of some 3,000 day students, most of whom carry full schedules and are working toward the bachelor's degree; of 5,000 late afternoon and evening students who are employed during the day or are housewives; and about 500 students in 2 extension programs at Brentwood and Huntington.

According to a survey published in January 1960, by School and Society magazine, Hofstra today is the largest private independent college of liberal arts and sciences in this country and ranks fifth among all independent colleges, including public institutions.

President Adams is proud of the young, vigorous faculty Hofstra attracts. Of the 205 teachers serving full time, 114 hold the Ph. D. degree. Most of the 77 holding master's and the 14 with bachelor's degrees are currently studying toward the higher degrees. Two regular faculty members are on leave this year to accept Fulbright fellowships for teaching and study abroad. The part-time faculty of 157 includes many experts in their fields who are employed elsewhere when they are not teaching.

Always interested in experimentation, Hofstra will open, in September 1960, an experimental branch to be called the New College. With the help of a $170,000 grant from the fund for the advancement of education of the Ford Foundation, it will attempt to combine the freshman and sophomore academic years into one calendar year. Under the direction of Dr. Jack T. Johnson, Hofstra vice president and provost of the New College, the branch will emphasize a close faculty-student relationship and self-study. Enrollment will be limited to 120, with a handpicked faculty of 6. The branch will open in a new building at the extreme western end of the campus but it is hoped that it will be moved away from the parent institution when another location is found.

Hofstra's curriculum is organized into five divisions: Humanities; natural sciences, mathematics, and engineering; social sciences; business; and education. Advanced degrees include the master of arts in a number of specializations; master of business administration; and master of science in education. The college recently announced that 1,316 schoolteachers of the metropolitan area are working toward their master's degrees in the evening program.

The Hofstra Playhouse, completed in 1958, provides a most modern and attractive setting for the numerous cultural and civic events sponsored by the college for its students and the Long Island community. The second annual subscription series of outstanding entertainers opened last fall with Katharine Cornell and Brian Aherne in "Dear Liar." The Hofstra Symphony Orchestra concerts and productions by the drama department are open to the public. The college is noted for its annual Shakespeare festival.

Other services, available not only to the Hofstra students but to the community, include a reading center for the improvement of that skill, a speech clinic, and a testing and counseling service. Civic, business, and educational organizations frequently use meeting spaces for lectures, films, and forums.

Although a commuter's college, Hofstra provides an atmosphere of campus life. Fraternities and sororities, chapters of national honor societies, and many special interest clubs abound. The memorial hall meetingrooms and lounges are used by these groups during winter months, and in the warm spring and fall the students can be found relaxing, between classes, on the well-kept lawns of the three large quadrangles. This year, most of the co-curricular groups have been busy for weeks, planning their floats for the annual spring day parade through the streets of Hempstead. Appropriately, the theme of the parade, which will complete the 25th year festivities on June 4, will be "celebrations."

Save Our River

EXTENSION OF REMARKS
OF
HON. JOHN P. SAYLOR
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 12, 1960

Mr. SAYLOR. Mr. Speaker, the Evening Star of March 30, 1960, printed a letter to the editor from F. S. Wilson entitled "Save Our River." I do not know Mr. Wilson, but I think all true conservationists should be interested in what he wrote. For this reason I want to insert it in the RECORD following my remarks.

We have spent billions of dollars in this country building huge mainstem dams on our rivers. This has been done in the name of conservation. The people and organizations backing these big dams claim to be conservationists—but are they? A true conservationist will not unnecessarily sacrifice one irreplaceable natural resource in order to develop another or wastefully spend Federal funds that could be more gainfully employed in a sounder method of preserving our resources.

Water and land are our two greatest irreplaceable resources. The conservation of both is essential to our national economy. Promiscuous construction of large mainstem dams, however, is not the answer to conservation of either.

To conserve both land and water we should start by retaining the raindrop as near as possible where it falls. This is accomplished best in two primary stages. The first stage entails contouring, sodding, and reforestation of the land. This stage will not always retain all the water, so a second stage should be construction of smaller temporary retention reservoirs where necessary in the upper reaches of the watershed. These first two methods of attack will retard runoff and greatly reduce erosion of the soil. This is of extreme importance because of the many years it takes to build up even a quarter of an inch of topsoil. It is also very important because it builds up our ground water supply which in many cases is becoming critical.

After the potential of the first two stages has been exploited, it may still be necessary to construct some dams on the mainstem of our rivers for flood control, navigation, irrigation, and other water uses. But, Mr. Speaker, there is no engineer, irrespective of his ability, who can tell us with any degree of accuracy, how many mainstem dams we need, what size they should be, or where they should be located until we have utilized the potential of stages one and two.

Our so-called planners have put the buggy before the horse. They wanted to build large dams. The less spectacular approach of preserving our soil and construction of small dams in the upper reaches of the watershed has not appealed to them. Often the construction of large dams has actually depleted both our land and water supply. Construction of large reservoirs frequently inundates some of our most fertile lands permanently. This forever deprives us of the use of these lands for production. The Tennessee Valley is a good example of this. In the name of flood control it permanently flooded more land than was ever subjected to infrequent floods.

While we build big dams, flooding valuable land, we let our reservoirs gradually fill up with irreplaceable topsoil because we have not protected our watersheds. In talking about the conservation of water we also forget that ground water and water flowing in our streambeds from return ground water does not evaporate like it does from the surface of our large reservoirs. We can actually develop storage on rivers to the extent that we lose more water from evaporation than we conserve.

Mr. Speaker, I am afraid that those in charge of our conservation programs and those pseudoconservationists, both individuals and organizations, who are so vociferous in their demands for big dam construction are more interested in other things than they are in true conservation. Read the releases of the Bureau of Reclamation and the Army engineers and see how many times they point with pride to their developments as being the biggest this and biggest that. A committee of the Congress visits Russia and comes back with the report that the Russians are building a bigger dam or hydroelectric plant than we have over here. Immediately, certain elements in this country begin the cry that we have to start a crash program of more and larger dams over here in order to keep ahead of them. It seems to make no difference whether the dams are needed, whether they are economic or what other resources they may destroy, just so they are bigger and there are more of them.

Even some otherwise conservative businessmen may want a big dam—not in your or my area but in theirs—if it will drop a big payroll in their trading territory.

Probably the most ardent supporters of the big dam are the Government power advocates. They want the Government to build more hydroelectric developments, irrespective of the need for power in the area or regardless of economic feasibility, so long as it will supply their tax-exempt distributors with some federally subsidized power. And they use every subterfuge in the book to get the Government involved—navigation, flood control, irrigation, and all the rest.

Mr. Speaker, we have our bureaucrats wanting to build something spectacular; our businessmen wanting a big Government payroll dumped in their backyard; and the public power crowd wanting more Federal subsidy—so the big dam program goes on in the name of conservation while true conservation takes a back seat. We can go ahead spending ourselves into bankruptcy on plans guided more by selfishness than by accomplishment.

It is too bad that we do not have more unselfish, intelligent people in this country taking an active interest in our conservation program.

The letter follows:

SAVE OUR RIVER

I was glad to see your March 24 editorial, "Save Our River," and I am sorry this is not one of the items I see in your "50 Years Ago in the Star." It is too late now to save "our river." I should like to quote as pertinent some extracts from "Road to Survival," an alarming and well-authenticated book published by William Vogt, an expert on conservation and wastage of natural resources, with a preface by Bernard Baruch. This is pertinent to your appeal to the Army Engineers.

"Effective conservation has been made impossible, in many parts of the world, by man's failure to recognize the indispensability of scientific treatment. When a man is sick, he goes to a highly trained general practitioner who may send him to a specialist. A sick river valley is vastly more complicated than a sick man. In some parts of the world the sick valley may be subjected to the blundering management of a lawyer. In the United States we are likely to turn it over to an Army engineer. Is it any wonder that flood peaks are steadily rising?

"It [elementalistic thinking] is partly responsible for the antics of such people as Army engineers, who seem literally incapable of understanding the necessity of beginning flood-control work on the hilltops.

"To reduce temporary floods by building a series of dams that would permanently submerge some of the richest land in the world—the project of the U.S. Army Engineers—would seem to compound the foolishness. We can no longer afford to waste fertile fields beneath hydroelectric reservoirs. We do not have enough good land to meet current needs.

"In the southeastern part of the United States 13 costly major reservoirs have been filled to the top of the dam with the products of erosion over an average of less than 30 years. Engineers have not found an economical method for cleaning a reservoir once it is filled with sand and mud. * * * During the past 100 years the Potomac River has carried more than half a billion tons of soil past Washington. * * * Small wonder that the deep harbor into which came ocean-going ships from the seven seas has filled with silt and is now the site of the Lincoln Memorial.

"An especial danger is that the Engineers will be turned loose before adequate studies have been made. To locate dams without them—as the Army Engineers and Bureau of Reclamation have been doing—seems like irresponsible abuse of both the land and the taxpayer."

In view of these statements, it appears that the plan to build big dams and pools north of Washington is going to be much less effective in the long run than reforestation of denuded slopes. And most certainly, in view of past failures, any plan of the Army Engineers should be scrutinized by scientists with broader backgrounds than the engineers have.

F. S. WILSON.

Community Facilities Act of 1960

EXTENSION OF REMARKS
OF
HON. JOHN A. BLATNIK
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 12, 1960

Mr. BLATNIK. Mr. Speaker, almost 3 years ago the President's Special Assistant for Public Works Planning advised him:

In almost every category of public works, severe shortages have arisen. Our highways, water and antipollution facilities, hospitals, transit systems, school buildings and others have fallen, on the average, below minimum acceptable requirements.

The report to the President cited two specific examples—highways and water supply—to dramatize the extent and urgency of the Nation's public facilities needs.

With regard to highways the President was told:

The Nation has fallen so far behind in highway construction that 80 percent of the highway needs for the next 10 years are really backlog.

The President's reaction was to recommend a substantial cutback in highway construction. Congress did not

agree and has enacted legislation designed to assure an adequate program of highway development.

With regard to water, the President was told:

To meet our needs for water, conservation is the order of the day. We cannot manufacture this necessity of life. We must store and use it more efficiently, learn to convert saline waters, and find ways to improve the distribution of it. Most important of all, our rivers will have to be cleaned, and adequate treatment facilities installed to prevent upstream pollution. To accomplish this job, we need almost 8,000 municipal treatment plants alone, and, in all, some 17,000 facilities, public and private, to insure that all of the potential sources of pollution are adequately controlled.

The President's reaction was swift. Within 6 months he recommended that Federal aid to communities for the construction of needed waste-treatment facilities be cut back by 60 percent and terminated altogether by 1960. Congress again disagreed and enacted legislation expanding Federal aid in this vital field, only to have their efforts thwarted by a Presidential veto.

As a member of the House Committee on Public Works I am especially interested in these two areas of public works—highways and water pollution control. But the public works problem does not end there. As the President's public works planning assistant further advised him 3 years ago:

These examples are unfortunately typical ones. In almost every field in public works—hospitals, schools, civic centers, recreational facilities—shortages are the rule, not the exception. In almost every category we are falling farther and farther behind in meeting even current demands. Backlogs, inadequate replacement schedules, urgent new requirements are characteristic of public works problems across the Nation.

In short, Mr. Speaker, the lack of adequate community facilities has become the most critical domestic problem we face today. According to Walter Lippmann in a recent article:

This is the central issue of our time, and no one who is interested in public life can ignore it.

To meet this issue, and it seems all others, the President and his advisers recommend that we reduce the share of the national income which is spent by the Federal Government. In their view, it seems, the purpose of our economy is to make bigger and better automobiles with higher and wider tail fins and other shining consumer baubles and gadgets. This philosophy was expressed recently by the Chairman of the President's Council of Economic Advisers when he said:

As I understand an economy, its ultimate purpose is to produce more consumer goods. This is the object of everything we are working at: to produce things for consumers.

Maximum consumer consumption is a worthy object, Mr. Speaker, but is it truly our ultimate purpose? Does our national strength increase in a direct ratio to the number of television sets or souped-up automobiles that are purchased each year? Have we become so affluent, smug, and self-satisfied that we think we can lead the world to peace, with justice and freedom for all, on our Detroit-made chariot viewing the latest adult western?

The sacrifice of public needs to private consumption has left its scar across the length and breadth of this Nation. The President's own expert on public works confirms this. In certain specific areas such as highways, water pollution control, education, airports, and housing the Congress has attempted to enact adequate programs designed to cope with the problem, and fill the needs in these areas. Without exception the administration has thwarted these efforts with vetoes, threats of vetoes, and reduced budget requests.

In the general field of community facilities, also, legislation has been delayed by administration opposition. Nonetheless, Mr. Speaker, I feel it is our duty to the American people to consider and enact a bill designed to encourage and stimulate local community facilities construction. Our local communities are unprepared for the new demands being placed upon them for additional public services. They are simply unable financially to support them. It is essential, therefore, that we institute a program on a national scale which will provide these communities with loans at reasonable rates of interest with which to finance these projects.

Apart from the social and community aspects of such a program, Mr. Speaker, its enactment would greatly bolster and strengthen our economy. As was pointed out recently by the Committee on Banking and Currency under the chairmanship of the able and distinguished gentleman from Kentucky [Mr. SPENCE]:

By providing long-term financing on extremely favorable terms, local governments will be encouraged to undertake community facilities and public works which will have a strong generating effect on the economy.

According to reports just received, Mr. Speaker, the economy needs such a boost. Unemployment for March shows 4.2 million unemployed. Instead of a seasonal increase in employment usually realized the past month showed instead an actual increase in unemployment. Other economic indicators show a dangerous softening in our economy that we must begin to cope with now before it is too late.

I have today introduced a bill to accomplish this purpose, Mr. Speaker. It would authorize Federal loans to municipalities for public works construction with major emphasis on hospitals, nursing homes, water and sewer works, and other community facilities. Under leave to extend my remarks, I include the following section-by-section summary of the bill:

COMMUNITY FACILITIES ACT OF 1960—SECTION-BY-SECTION SUMMARY

SHORT TITLE

The first section of the bill provides that the act may be cited by its short title (the Community Facilities Act of 1960).

COMMUNITY FACILITY LOANS

Section 2 extensively amends title II of the Housing Amendments of 1955 so as to expand the public facility loan program presently provided by that title.

Section 201 of the new title II sets forth the congressional policies which form the basis for the expanded program embodied in the bill. After expressing the long-established policy of the Congress to assist and encourage the development of well-planned and healthy communities (an objective which in many instances would be thwarted by the community's lack of financial resources without such assistance), and finding that the immediate construction of essential community facilities (including nonprofit hospitals and nonprofit nursing homes) would enhance the public health and welfare and contribute substantially to achieving the steady economic growth essential to a full-employment economy, it is declared to be the policy of the Congress and the purpose of the new title II to extend credit to aid municipalities and other political subdivisions of States in providing essential community facilities (and to aid in the modernization and construction of nonprofit hospitals and nursing homes) where such credit is not otherwise available on equally favorable terms.

Section 202(a) authorizes the Community Facilities Commissioner to make loans to municipalities and other political subdivisions of States (including purchases of their securities and obligations) to finance the construction, repair, and improvement of specific community facilities, and to make loans to nonprofit hospitals and nonprofit nursing homes (including purchases of their securities and obligations) to finance specific projects for hospital or nursing home construction, repair, or improvement.

Section 202(b) sets forth certain restrictions and limitations upon the Commissioner's authority to make these loans:

1. No loan may be made unless the assistance applied for it not otherwise available on equally favorable terms and conditions (and no securities or obligations may be purchased unless they cannot be disposed of at public sale on equally favorable terms and conditions). All loans must be of such sound value or so secured as reasonably to assure repayment; and participations are permitted.

2. The maximum maturity of any such loan is 40 years.

3. Any such loan will bear interest at not more than the average annual interest rate on all interest-bearing obligations of the United States forming a part of the public debt, as computed on the preceding May 31 or November 30; except that loans made for projects in communities of 5,000 or less will bear interest at the rate applicable to REA loans.

4. The total amount of funds available for such loans at any time will be allotted to States (i.e., to communities within such States) in proportion to their population. Amounts allotted to any State but not used can be reallotted by the Commissioner after a reasonable period (not less than 2 years).

5. Of the total amount of funds available for such loans at any time, at least 25 percent will be reserved for water and sewer works and at least 25 percent for hospitals and nursing homes. These reservations are computed without regard to State allotments under paragraph 4.

6. Of the total amount of funds available for such loans at any time, at least 33⅓ percent will be reserved for communities of less than 50,000. This reservation is computed without regard to State allotments under paragraph 4 or the special reservations under paragraph 5.

7. The amount of any such loan may not exceed the development cost of the project or (except in the case of a hospital) $5 million.

8. A loan for a hospital or nursing home may be made only after the Surgeon General has certified that it complies with certain provisions of the Hill-Burton Act. Loans for hospitals or nursing homes in metropolitan areas which are covered by approved area-wide hospital plans will have a priority. Funds to be used for hospital or nursing home projects will be allotted among the several States on the basis of population, relative need, and other pertinent factors.

9. Loans for water and sewer works and other public facilities (except hospitals and nursing homes) will be granted under a system of priorities based on financial and community needs, with primary consideration being given to need for more adequate water and sewer facilities, particularly those which would serve rural areas, areas with small financial resources, and suburban areas adversely affected by extensive construction (existing or proposed) of federally insured or guaranteed dwellings.

10. No loan may be made for a publicly owned public utility which would compete with a regulated privately owned public utility unless the State regulatory agency determines that the community requires an increase in service which the existing utility cannot meet.

Section 203 authorizes appropriations aggregating not more than $1 billion which, together with loan repayments (including repayments of loans made under the old title II), would constitute a revolving fund to be used by the Commissioner in carrying out the program.

Section 204 provides that the Commissioner shall have the same functions, powers, and duties for purposes of this title (in addition to those specifically vested in him by law) as the Housing and Home Finance Administrator has for purposes of the college housing program, to the extent delegated to him by such Administrator.

Section 205 contains definitions of terms used in the new title II—"Commissioner," "State," "community facilities," "hospital," "nursing home," "nonprofit hospital," "nonprofit nursing home," and "development cost."

Section 206 provides that the Commissioner shall require the application of the Davis-Bacon Act and the payment of time-and-a-half for overtime on all projects assisted under the program.

RESERVE OF PLANNED PUBLIC WORKS

Section 3 of the bill amends section 702 of the Housing Act of 1954 to increase by $50 million the amount which may be appropriated to the revolving fund which is established under such section 702 and from which the Housing and Home Finance Administrator makes advances to public agencies for the maintenance of a reserve of planned public works.

Unification of Supplies

EXTENSION OF REMARKS
OF
HON. THOMAS B. CURTIS
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 12, 1960

Mr. CURTIS. Mr. Speaker, for the past 10 years I have been actively interested in reducing waste in common supply and service activities in the Defense agencies. I was on the so-called Bonner committee for 2 years and we made extensive investigations and reports and I can say unhesitatingly that every member of that subcommittee was of the opinion that billions of dollars could be saved if we had proper unification of the supply and service activities in the Department of Defense.

As a result of the work of the Bonner committee a bill was introduced which would have established a supply corps for the DOD. The supply corps would have been similar to the one which it was found necessary to create to integrate common activities in the several bureaus of the Navy by the establishment of the Bureau of Supplies and Accounts.

While the bill sponsored by the Bonner committee was never enacted it did stimulate sufficient action in the Senate so that the so-called O'Mahoney amendment was enacted as a rider to the Defense appropriations bill for 1953. In essence, the O'Mahoney amendment required the Secretary of Defense to issue regulations designed to bring about an integrated supply system for the DOD. In the fall of 1952 Secretary Lovett issued regulation 4000.8 which was intended to carry out the O'Mahoney amendment. Considerable progress was made at that time toward achieving economy and efficiency in the military supply activities and of particular importance was the establishment of an integrated medical supply distribution system under the Army at Alameda, Calif. This successfully demonstrated that one service could buy, store, and distribute medical supplies for all services.

I am unhappy to relate that with the advent of the new administration the idea of an integrated supply system was abandoned and the concept of three departments separately administered was advocated and pressed by Secretaries Wilson, Keyes, Thomas, Pike Lanphier, and so forth.

The single managership for medical supply was abandoned in November 1954 and it was not until a storm of protest developed as a result of the Hamburger hearings, the Hoover Commission reports, protests from the Bonner committee members and others that Secretary Wilson belatedly in 1955 began a single managership program first for subsistence and a few months later in 1956 for clothing and textiles, petroleum products, and medical supplies and equipment. The medical single managership was reinstated this time by parceling it out to the Navy which had scuttled the 1954 effort.

After 1956 no additional single managerships were established until the gentleman from Massachusetts [Mr. McCORMACK] with my assistance and the assistance of other Members, secured the passage of what is known as the McCormack-Curtis amendment to the DOD Reorganization Act of 1958. This important piece of legislation gives the Secretary of Defense undisputed authority to manage supply and service activities in such a way as to best achieve economy, efficiency, and effectiveness. The McCormack-Curtis amendment is much broader than the O'Mahoney amendment in that service activities are included in addition to supply activities. Little progress was achieved by the DOD under the McCormack-Curtis amendment until the chairman of the Joint Economic Committee established a Special Subcommittee on Defense Procurement to consider the impact of military supply and service activities upon the national economy. The announcement of these hearings had a remarkable effect in producing results in the Pentagon, and single managerships have now been established for hand tools and housekeeping supplies assigned to the Army; and hardware, paint, and related items assigned to the Navy. Announcements are expected momentarily of assignment of automotive equipment and construction equipment.

Studies are also being made as to the assignment of 990,000 electronic electrical items. It is my understanding from articles I have seen in the papers and from other information that the usual struggle is developing as to which service will receive this single managership since great stakes are involved. I have taken the liberty to address a letter to the Secretary of Defense whom I consider to be an excellent Secretary and have admonished him to use the greatest care in the assignment of these 990,000 items which comprise a fairly large percentage of the Defense procurement budget. My letter to Secretary Gates follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 11, 1960.

Hon. THOMAS S. GATES, Jr.,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: On January 28, 29, and 30, 1960, the Special Subcommittee on Defense Procurement of the Joint Economic Committee held hearings on the impact of defense procurement on the economy.

One of the most interesting aspects of the hearings was the report made by the Office of the Assistant Secretary of Defense (S. & L.), Hon. Perkins McGuire, on "Management of General Supplies." We discussed this excellent report in considerable detail, and I was particularly impressed by the fact that a very important decision must soon be made as to the manner in which the 990,000 electronic electrical items, which I understand take a large percentage of the procurement dollar, will be managed.

I have been interested in improvement of military supply management since I have been in Congress. As you know, the McCormack-Curtis amendment (sec. 3(a)(6), P.L. 85-599) gives you great authority in deciding the manner in which common supplies and services will be handled in the Department of Defense. I am sure that you are also aware that the Congress did not desire that the Department of the Air Force duplicate supply and service functions of the Army where the Air Force had received its support. The Eisenhower-Spaatz agreements were intended to implement this congressional intent.

Still later in 1952 the O'Mahoney amendment was designed to provide beyond any doubt an integrated supply system for the Department of Defense.

The history of the road to the development of the single manager systems since the Draper-Strauss reports were first made in 1944, has been disgraceful to say the least. I have often expressed the idea that there has been a systematic parceling of common supply and service activities in order to keep each service relatively happy and in business. This parceling out system which necessitates the continuation of three or more sets of existing facilities rather than their integration, results in the "giantism"

which we all deplore. I, for one, am confident that the proper integration of these common supply and service functions will result in a much smaller overall organizational arrangement than we now have in the multiple systems which place such a heavy drain upon our resources and our taxes. It will also be much more effective, efficient, and economical.

My reason for writing to you at this time, therefore, is to urge that most careful topside consideration be given to the assignment of the single manager for the 960,000 electronic electrical items. These items utilize a considerable part of the expenditure budget each year and are, of course, vitally important to weapons development and practically every other activity in each of the armed services.

I am most hopeful that the decision you reach in this matter will be consistent with the intent of the National Security Act, the Eisenhower-Spaatz agreements, the O'Mahoney amendment, and the McCormack-Curtis amendment.

This matter is of such importance to me that I am sending copies of this letter to the Director of the Bureau of the Budget, the Chairman of the Council of Economic Advisers to the President, Chairman DOUGLAS and members of the Special Subcommittee on Defense Procurement of the Joint Economic Committee, Congressman MCCORMACK, majority leader of the House of Representatives, and others who have joined with me in highlighting this matter in the last few years. It is also my plan to place the letter in the CONGRESSIONAL RECORD with appropriate remarks.

May I hear from you personally on this matter?

Sincerely,

THOMAS B. CURTIS.

To Extend the Library Services Act, H.R. 11175

EXTENSION OF REMARKS
OF
HON. ABRAHAM J. MULTER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1960

Mr. MULTER. Mr. Speaker, on March 15, 1960, I introduced H.R. 11175 to extend the Library Services Act for 5 years. On April 5, the Subcommittee on Special Education of the House Education and Labor Committee held hearings on this and similar measures.

My statement before the subcommittee follows:

STATEMENT OF HON. ABRAHAM J. MULTER BEFORE THE SUBCOMMITTEE ON SPECIAL EDUCATION OF THE HOUSE COMMITTEE ON EDUCATION AND LABOR IN SUPPORT OF H.R. 11175, TUESDAY, APRIL 5, 1960

Mr. Chairman, I appreciate this opportunity to appear before your committee in support of my bill, H.R. 11175, proposing a 5-year extension of the Library Services Act.

During the week of April 3 through April 9, many communities throughout America will be celebrating National Library Week. We shall be hearing and seeing such slogans as: "Read Books That Have Shaped the World," and "Open Wonderful New Worlds: Wake Up and Read."

Posters, programs, and displays will spotlight the many satisfactions of reading. One of the aims of National Library Week is to remind the American people that reading can help them to explore and to satisfy their need for a greater sense of purpose and meaning in their lives.

During National Library Week, when we are considering the multiple rewards of knowledge and pleasure gained from reading, and when we are again directing our hopes and energies to the goal of a better read, better informed America, we must be forcibly reminded that millions of our citizens are still totally without library facilities, while millions of other Americans are in the position of having to make do with very little.

Estimates suggest that something like 46 million Americans are limited to inadequate library facilities; 25 million have none at all. If these Americans who have not yet experienced the benefits of the Library Services Act are overlooked the clarion calls of National Library Week will to them, indeed, have a hollow ring.

It seems, therefore, particularly appropriate at this time to call attention to, and ask support for, pending legislation to extend the Library Services Act.

Since the 84th Congress enacted the Library Services Act in 1956, over 800 rural communities, representing a population of over 11 million, have obtained new or somewhat more adequate library services. The work accomplished clearly indicates that the Federal allotments have stirred State and county governments to make efforts that they had not been able to manage alone. Congress has shown its growing understanding of the value of programs resulting from the Library Services Act by steadily increasing appropriations.

My bill, H.R. 11175, which I introduced in the House of Representatives on March 15, 1960, would amend the Library Services Act in order to extend for 5 years the authorization for Federal appropriations. It also proposes that the Federal share for any State shall be 100 percent minus the State share. The State share shall bear the same ratio to 50 percent as the per capita income of such State bears to the national per capita income. In no case shall the Federal share be more than 66 percent or less than 33 percent. For Puerto Rico, Guam, and the Virgin Islands, the Federal share shall be 66 percent.

Current proposals for legislation to extend the act may be supported on several grounds. Two reasons particularly convince me of the merits of extending the Library Services Act:

First, the goals originally envisioned when this legislation was passed remain unaccomplished to a substantial extent, due to the fact that earlier appropriations of Federal funds lagged considerably below the amount authorized by the act. Second, since the proof of the pudding is in the eating, accomplishments reported by the States have certainly given many of us a clearer appreciation of how worthwhile the supporting expenditures are in this fruitful partnership between Federal, State, and local resources.

In New York State, for example, Federal allotments, coupled with new State aid, are stimulating the greatest period of change and growth in rural public library development that my State has ever seen. The program has led to a notable expansion of field consultant services which has been very helpful in accelerating the development of cooperative library systems.

Between July 1958 and June 1959, 5 new cooperative library systems serving 13 counties were established. A bookmobile, purchased with Library Services Act funds, has been a great success. Demonstrated on the road and exhibited at county fairs, it has made many rural New Yorkers aware of its exciting possibilities.

Presently arrangements are being made to purchase two additional bookmobiles to be used in similar demonstration projects during the 1960 fiscal year.

Another interesting project has resulted in faster communication between four library systems and the New York State Library. Teletypewriter service is now being used to speed up the transmittal of requests for interlibrary loans, thereby cutting down on the time a borrower must wait for a specially requested book.

Other developments include a program that awards scholarships to college graduates interested in rural librarianship and also provides modest grants that help pay the expenses of librarians who visit and study another New York State rural system as an aid in planning improved library service in their own areas.

In addition, over 50 regional workshops have been held, with over half of them concentrated on reference and children's library work.

Problems of rural library size and distribution and problems of securing adequately trained librarians are the tough nuts that every State is trying to crack. In 1956 the American Library Association stated in its pamphlet called Public Library Service; A Guide to Evaluation, With Minimum Standards:

"Achieving standard library facilities presents special difficulties in small cities, scattered suburbs, towns, villages, and rural areas. Even with a substantial financial effort, the small locality is often not able to buy the books needed and to employ the requisite personnel. For these reasons the many smaller libraries in the country have usually not approached the range and standard specified in national standards."

Recent studies have indicated that for real efficiency and economy a library should serve a population grouping which consists of at least 100,000 persons. To manage this, will require the kind of imagination and ingenuity that lends itself to creative and skillfully worked-out innovations.

I am told that cooperative library systems which cut across county and township lines have great possibilities in many areas. In order to reap the gains of pooling rural library resources and personnel, the smaller units are looking for ways of organizing themselves together in constructive patterns that best serve their communities.

Bookmobiles; improved communications such as that furnished by teletypewriter; more rural librarians who are trained to meet the special challenges of their work—these are some of the steps that will carry us toward the goal of making it possible for any American, no matter where he lives in our country, to be, if he so desires, part of a better read, better informed America.

Enthusiasm for the results of the Library Services Act is dramatically tangible, in the reports of State library extension agencies, in the overwhelming response of librarians, and in the many letters which have requested an extension of the act.

The satisfaction of rural librarians and communities in better serving their public is unquestioned. A great start has been made. However, every person interested in better library facilities has a distinct consciousness of what must still be accomplished if we are to be credited with making more than a small dent in the problem. We must now decide upon a less than adequate program, or one that fulfills its finer possibilities. I very much hope that the answer will be in the affirmative.

Thank you.

Chaotic and Deplorable Condition Found in the Dairy Industry

EXTENSION OF REMARKS
OF
HON. JOHN W. McCORMACK
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1960

Mr. MCCORMACK. Mr. Speaker, hearings which have just been concluded before the House Small Business Committee's Special Subcommittee on Small Business Problems in the Dairy Industry, produced evidence of chaotic and deplorable conditions in the dairy industry. This has been shown to be the case in several sections of the United States, including our own great Commonwealth of Massachusetts. The Honorable WRIGHT PATMAN, chairman of the House Small Business Committee, had appointed a special subcommittee to look into this matter. The hearings to which I have made reference were before that special subcommittee, over which our distinguished colleague, the gentleman from Oklahoma [Mr. STEED] presided. In the course of these hearings, the chairman of the special subcommittee, the Honorable TOM STEED, stated:

The Chair would like to say that in the Congress we have two types of committees that conduct public hearings. We have legislative committees and then we have the special select committees such as this one here today. Our Small Business Committee is not a legislative committee. It has been set up as a factfinding committee to keep the House of Representatives informed on troubles and problems of the small business community.

This special subcommittee deals with the dairy industry. All of the complaints that have been looked into, both from the staff and from the public hearing level, have been brought to this subcommittee by Members of the Congress at the request of constituents of theirs. We have operated in many States because this problem is a widespread problem. When price wars are involved, naturally every consumer is interested in buying what he wants at as low a price as he can get it and it is often an easy feeling on the part of the buyers that low prices are to be desired, and because of that we sometimes find ourselves in the position of, in the minds of some, of being interested only in raising prices, making the public pay more than it otherwise has to pay. That is not so. This subcommittee is not interested in prices as such. We believe that only when there is free and open competition can the consumer have quality service and prices that are fair to him, and since milk is the most widely and largely consumed item of food that we have, we feel that there is no more important industry in our country than the dairy industry, and our purpose is trying to determine the facts of the chaotic and unstable conditions we find in this industry today and to see if recommendations can be made to the legislative committees of remedies that might help insure that the traditional old tried and true American system of free enterprise can be maintained.

Mr. Speaker, it should be noted that as a result of the work of this Special Subcommittee on Small Business Problems in the Dairy Industry, two very important bills have been introduced to assist and encourage small business in its struggle to survive and prosper. Those bills are H.R. 8841, introduced by our colleague the gentleman from Oklahoma [Mr. STEED], and H.R. 10235, introduced by our colleague the gentleman from Texas [Mr. PATMAN]. The first of these would empower the Federal Trade Commission to enter temporary cease-and-desist orders in an effort to help save small business. The other bill, H.R. 10235, would help save small business by prohibiting sales at prices below cost in certain situations where the existence of small business concerns and competition are threatened.

In the hearings before the special subcommittee, a large amount of additional evidence of the chaotic and deplorable condition in the dairy industry resulting from unfair trade practices was received and considered by the subcommittee. This included the presentation of factual evidence by Mr. Brooks Robertson, a research analyst of the subcommittee. Mr. Robertson's presentation is a brief of the conditions in the industry as he found them in making many of the spot investigations as a result of the complaints received from Members of the Congress who had, in turn, received these complaints from their constituents throughout the United States.

Under leave to extend and revise my remarks I include in the RECORD at this point the presentation of these facts as made to the special subcommittee by Mr. Brooks Robertson on April 6, 1960:

STATEMENT OF BROOKS ROBERTSON, INVESTIGATOR-ANALYST FOR THE SPECIAL SUBCOMMITTEE ON SMALL BUSINESS PROBLEMS IN THE DAIRY INDUSTRY

Mr. ROBERTSON. Mr. Chairman and members of the subcommittee, Congressman STUBBLEFIELD and Congressman JOHNSON of Colorado, my name is Brooks Robertson and I am investigator-analyst for the Special Subcommittee on Small Business Problems in the Dairy Industry of the Select Committee on Small Business of the House of Representatives.

At your request, I have prepared summaries of the results of investigations that I have made for the subcommittee in various sections of the United States where the subcommittee has not as yet been able to schedule public hearings. These investigations, as well as those which led to public hearings, were without exception made at the request of one or more Members of Congress representing the areas involved, who had received complaints from their constituents relative to alleged improper acts and practices noted in the dairy industry.

Among the Members of the House of Representatives who requested formal public hearings were Hon. JOHN W. MCCORMACK, Hon. MORGAN M. MOULDER, Hon. BYRON L. JOHNSON, Hon. CHARLES H. BROWN, Hon. JOHN B. BENNETT, Hon. E. ROSS ADAIR, Hon. JOHN BRADEMAS, Hon. RANDALL S. HARMON, Hon. CLARE E. HOFFMAN, Hon. BYRON G. ROGERS, Hon. SILVIO O. CONTE, Hon. EDWARD BOLAND, Hon. TOM O'NEILL, Hon. J. CARLTON LOSER.

Complying with requests of several Congressmen in whose districts these investigations have been made, as well as in which public hearings have been held, copies of the results, including confidential material, have been transmitted by you, Mr. Chairman, to the Federal Trade Commission or the Antitrust Division of the Department of Justice, for their assistance and guidance in looking into alleged law violations in this industry. As a result, complaints have been issued by the Federal Trade Commission and indictments secured by the Department of Justice, and it is understood that several investigations are being made at this time by these two enforcement agencies of the Federal Government.

With your consent, I shall read the summaries mentioned and request that they and the attached affidavits, statements, photographs, and other data mentioned be included in this record of the final hearings of this subcommittee during the 86th Congress.

It is also requested that the confidential and other data received during these investigations and not included in the record, be received into the files of the committee for future reference.

GREATER METROPOLITAN WASHINGTON, D.C., AREA

This milkshed includes the area within a radius of approximately 150 miles of Washington, D.C., and the marketing area served includes Washington, the three nearby counties of Maryland, and the nearby area of Virginia.

Early in 1959, the dairy industry of this area was, through the acts of the local operating division of the National Dairy Products Corporation, thrown into a chaotic condition which condition affected the entire industry in this area from the individual dairy farmer producers through the various handler levels and, of course, the consumers.

The Special Subcommittee on Small Business Problems in the Dairy Industry was requested to investigate this matter by the Honorable HOWARD W. SMITH, Member of Congress from the affected area, who had received numerous complaints from farmer-producer constituents. Complaints were also received from numerous individuals and concerns at other levels in the industry and the consuming public manifested its interest and concern as this situation was developing.

On April 1, 1959, I was directed to make an aggressive, thorough, and comprehensive investigation into this matter with a view of providing information on which might be based a public hearing in Washington, D.C., by your subcommittee. I was actively engaged in this investigation for several months, during which time dozens of interviews were held with representatives of the industry at all levels. Maryland, Virginia, and District of Columbia health officials, officers of milk producers cooperatives and retail outlets, including virtually all of the large grocery chain stores and supermarkets were interviewed. I attended numerous meetings and conferences held by the District of Columbia Commissioners and meeting held by other interested groups.

As is well known, this alleged milk price war was widely publicized by radio, television, and the press, with the two sides purchasing time and space on these media to present their respective positions to the public on this controversy.

Information obtained indicated that the largest processor and distributor in the area, the National Dairy Products Corp., had taken the position that the price of the raw product from local sources was too high and their continuing to pay it was rendering their position noncompetitive in this market. It was reported that this concern was making an effort to cause the District of Columbia health code to be relaxed to permit the importation, processing and distribution of milk from areas other than this milkshed and thus endeavor to avail themselves of a less expensive supply of raw milk.

It appears that to offset this move and thus to preserve their market, the farmer-producers acting through their marketing cooperatives, petitioned the Secretary of

Agriculture to issue and make effective a Federal milk marketing order for this area which was accomplished and which became effective July 1, 1960. Under this order minimum prices paid producers for milk were established by the Secretary.

The activities of your subcommittee in thoroughly investigating and following these developments closely were well known in the industry at all levels, as well as by health officials involved, and shortly after July 1, 1960, the effective date of the Federal milk marketing order, the situation started to improve. The public hearings by your subcommittee, already postponed from a tentative starting date in June, were again postponed pending further resolution of the problems noted. The greatest contribution, it is believed, to the solution of the many problems, appeared to have come from the industry itself and all segments participated. Late in July, it was decided by your subcommittee that the situation had so improved and that as all segments were endeavoring to continue this improvement, it would not be necessary to hold public hearings at that time.

Following your instructions, your staff has continued to observe and note further developments in this area and will continue to do so. Should acts or practices reoccur that would tend to demoralize the industry and the market, the information already obtained and that the subcommittee is continuing to receive, will be available for an early public hearing into the matter.

In view of the present status of the market in this area at this time, as described above, the only document offered into the record at this time is the attached statement of Mr. William B. Hooper, general manager of the Maryland and Virginia Milk Producers Association, which outlines some of the problems of the milk producers in this area and milkshed.

Mr. STEED. Without objection, his statement will be received as a part of the record.

(Above-mentioned statement not included in CONGRESSIONAL RECORD.)

UPPER BAY, SACRAMENTO AND SAN JOAQUIN VALLEY, CALIF., AREA

Mr. ROBERTSON. This area includes the cities of San Francisco, Berkeley, and Oakland, and the rather extended section north of San Francisco, the milkshed adjacent to Sacramento and the entire San Joaquin Valley south to and including the area adjacent to Los Angeles.

The Special Subcommittee on Small Business Problems in the Dairy Industry was requested to investigate the problems of milk producers and independent processors by Hon. JOHN J. MCFALL, Hon. HARLAN HAGEN, and Hon. B. F. SISK, Members of Congress representing districts in this area.

Requests for the investigation which I made during the week of October 26–30, 1959, were received as a result of complaints from the constituents of these Congressmen and from the Associated Independent Dairies of America, San Francisco, as well as from several milk producers' cooperatives concerning practices employed by the major processors and distributors of milk and other dairy products in the area described.

The Association of Independent Dairies has a membership of approximately 22 which concerns appear to be all of the independents that are left in this area at this time. This group has, since the completion of my investigation, filed a suit in the State courts of California against the major dairies alleging violations of the State law. A large percentage of the complaints received were from many independent producers presented, in some cases, through the particular cooperative to which they belong and all allege unfair treatment by the major dairies.

The situation in California is unique in that there appear to be no effective bargaining cooperatives such as found in other areas and the individual producer in a large majority of the cases has no alternative but to negotiate individually with the particular dairy to which his milk is sold. The State law provides a minimum price to be paid to producers as well as a maximum price to be charged consumers and the difficulty in which the producers find themselves is brought about through the terms of the contracts through which the milk is purchased and the various bases of utilization as class I and class II. It is alleged that an actual feudal system is in effect in this connection and that the major dairies who purchase the raw product from the producers are arrogant and unfair to the producers in their arbitrary handling of the contracts and their determination of the usage and subsequent payments. In general, the complaints describe the agent of the purchasing dairy as submitting a contract to the producer calling for delivery of a certain percentage of his production at the class I rate, sometimes as low as 50 percent of his entire daily production. The purchaser will then require the producer to sell him the balance of his production at the class II or manufacturing rate.

There appears to be no successful appeal channel open to these producers and history has shown that if the producer objects to this usage ratio, the big dairy will cancel the contract, summarily, thus causing the producer to become a grade B producer with all of his milk going to the manufacturing plants at the low class II rate. It is further alleged that once a producer has failed to comply with the terms of the large dairy and his grade A contract has been thus canceled, he finds it impossible to get a contract with another dairy and hence remains a grade B producer indefinitely.

Information tending to confirm these and other charges of unfair practices in the industry as described above, was received from the following:

California Milk Producers Federation, San Francisco, Calif.
DeLash Distributing Co., Patterson, Calif.
Charles J. DeMartini Dairy, Petaluma, Calif.
Pete Van Ruiten Dairy, Artesia, Calif.
Delbert F. Bettencourt, Gustine, Calif.
John Verboon, Hanford, Calif.
Jack W. Lowe, Hanford, Calif.
Wallace R. Clark, Hanford, Calif.

The information provided by the above concerns was received on a confidential basis and is included in the committee files for future reference. Additional information received and submitted herewith for inclusion in this report is as follows:

1. Resolution No. 11, dated November 2, 1959, of the Western Dairymen's Association.
2. Statement on vertical integration and contract buying in the dairy industry of the California Milk Producers Federation, dated September 29, 1959.
3. Statement of experiences of the Central Valley Milk Marketing Association with milk distributors, dated October 30, 1959.
4. Statement of Virgil E. Ernest and Nelson S. Riddle, doing business as Laurel Farms, Tulare, Calif., dated November 9, 1959.

Mr. STEED. Without objection, the material will be received for the record.

(Above material not included in the CONGRESSIONAL RECORD.)

Mr. ROBERTSON. Mr. Chairman, in reading the next summary, which concerns the southeastern Florida area, attention is invited to a more recent report given by the Honorable BYRON L. JOHNSON a few minutes ago.

This area includes cities from Vero Beach on the north to Key West on the south, and intermediate points.

The Special Subcommittee on Small Business Problems in the Dairy Industry was requested to investigate pricing practices in this area by the Honorable PAUL G. ROGERS and the Honorable DANTE B. FASCELL, Members of Congress representing districts within the area, and Mr. D. C. Daniel, executive vice president of the National Independent Dairies Association.

Requests for the investigation which I made on September 8, 9, and 10, 1959, were received as a result of complaints of constituents of the Congressmen and members of NADA concerning pricing practices noted in the area. These practices, it was alleged, involved accusations against Foremost Dairy, Inc., the Borden Co., and Sealtest Southern Dairies, a division of National Dairy Products Corp.

During the course of these investigations, information was received to the effect that the large dairies operating in the area had broken the market to the point that half gallons of milk were sold out of stores at 19 cents and in some instances at lower prices. This milk price war, being carried on at sales below cost and alleged discriminatory pricing, was proving disastrous to the smaller independent dairies. There is attached an affidavit made by Tripson Dairy, Inc., Vero Beach, Fla., a statement from the Velda Corp., Miami, Fla., and a statement from the Adams Dairy, Key West, Fla., which documents are submitted for inclusion in this report and which tend to verify the complaints described above.

In addition to the attached information, additional information has been received for the confidential use of the committee and is included in the committee files.

Mr. STEED. Without objection, the statements will be received for the record.

(Above material not included in CONGRESSIONAL RECORD.)

MEMPHIS, TENN., AND VICINITY AREA

Mr. ROBERTSON. This milkshed and marketing area consists of an area with a radius of about 30 miles from Memphis on both sides of the Mississippi River at this point.

The Special Subcommittee on Small Business Problems in the Dairy Industry was requested to make an investigation by the Honorable CLIFFORD DAVIS, Member of Congress from this district, who had received complaints from his constituents, and Mr. D. C. Daniel, executive vice president of the National Independent Dairies Association, who had received complaints from his members concerning the pricing practices in this area.

My investigation, which was made August 27–30, 1960, revealed a truly chaotic condition in this market and tended to verify the complaints from the small businessmen which had been received. Four major dairies appeared to control the pricing policies in the area which, during the price war, resulted in sales below cost and discriminatory pricing. The three small independent dairies surviving this type of competition were struggling against great odds to stay in business. Here, again, as in many other areas investigated, the supermarkets and chain grocery stores appeared to be accomplices of the giant dairies in these sales and pricing programs and immediate relief was sought by the small businessmen.

Attached to this report for inclusion in the record are affidavits submitted by Meadow Brook Dairies, Inc., Cedar Grove Dairies, both of Memphis, and the Southern Guernsey Dairy of nearby Hernando, Miss.

Considerable additional information was secured relative to the milk market situation in this area and has been included in the committee files for future reference.

Mr. STEED. Without objection, the statements will be received for the record.

(Above information not included in CONGRESSIONAL RECORD.)

PADUCAH, MURRAY, AND MAYFIELD, KY., AREA

Mr. ROBERTSON. This area includes the three cities mentioned and intermediate and adjacent points.

The Special Subcommittee on Small Business Problems in the Dairy Industry was requested to make an investigation by the Honorable FRANK A. STUBBLEFIELD, Member of Congress from this area, who had received complaints from constituents, and Mr. D. C. Daniel, executive vice president of the National Independent Dairies Association, who had received complaints from his members concerning the chaotic pricing situation which had developed in this market.

My investigation, which was made on August 30, 31, and September 1, 1959, revealed that in the city of Paducah, only one independent processor and distributor of milk and dairy products has survived the alleged unfair competition of certain of the nationwide chain dairies and that in the entire area the competition presented by the large dairies owned outside of this area were repeatedly reducing local competition and tending to create monopolies. Information received tended to verify these complaints as well as the complaints that large nationwide supermarket and chain grocery stores were cooperating with the large dairies with the result that in the entire area fluid milk was being sold at prices below cost of production and intra-area discriminatory pricing was apparent.

Attached hereto for inclusion in this report are affidavits from the Dairy Brand Products Co., Harrisburg, Ill., Ryan Milk Co., Inc., Murray, Ky., and the Sunshine Dairy, of Paducah, Ky., outlining the situation investigated in detail.

In addition to these affidavits, considerable other information was received tending to confirm the merits of the complaints received and are made a part of the committee files for future reference.

Mr. STEED. Without objection, the statements will be received for the record.

(Above material not included in CONGRESSIONAL RECORD.)

INDIANAPOLIS, COLUMBUS, AND MUNCIE, IND., AREA

Mr. ROBERTSON. The entire State of Indiana has been suffering from a chaotic condition existing in the dairy industry from the producer through the consumer levels in which connection reference is respectfully made to the hearings held by the Special Subcommittee on Small Business Problems in the Dairy Industry at South Bend, Ind., on July 1, 1959. The particular area, subject of my investigation on January 20, 21, and 22, 1960, includes Indianapolis, Columbus, and Muncie, Ind., and intermediate points.

The Special Subcommittee on Small Business Problems in the Dairy Industry was requested to investigate pricing practices in this area by the Honorable JOSEPH W. BARR, the Honorable RANDALL S. HARMON, and the Honorable EARL HOGAN, who represent congressional districts in this area.

These requests for an investigation were made as a result of the Members of Congress receiving complaints from their constituents concerning pricing practices noted in the area. These practices, it is alleged, involved wholesale and retail sales below cost, discriminatory pricing, and other trade practices believed to be unfair to these smaller and independent businessmen.

Cited in the complaints received are several of the large grocery chains reported by some to be in collusion with the larger dairies operating in this area, the result of which collusion appearing to be lessening of competition and thus tending to create monopolies.

Affidavits received from the following independent processors and distributors verifying the complaints received are attached and made a part of this report:

Maplehurst Farms, Inc., Indianapolis, Ind.
Hoosier Dairy Products Co., Noblesville, Ind.
William R. Roberts & Sons, Inc., Indianapolis, Ind.
Thompson Dairy, Inc., Columbus, Ind.
Hornaday Milk Co., Indianapolis, Ind.
Banquet Ice Cream & Milk Co., Inc., Indianapolis, Ind.

In addition to these affidavits, letters and statements were received from the following independent processors and distributors which are also made a part of this report:

Golden Guernsey Farms, Inc., Indianapolis, Ind.
Riggins, Inc., Muncie, Ind.
Mutual Milk Co., Indianapolis, Ind.

Mr. STEED. Without objection, the statements will be received in the record.

(Above affidavits not included in CONGRESSIONAL RECORD.)

PASCAGOULA, BILOXI, AND GULFPORT, MISS., AREA

Mr. ROBERTSON. This area includes the three cities mentioned and intermediate points located on or near the Gulf of Mexico.

The Special Subcommittee on Small Business Problems in the Dairy Industry was requested to investigate pricing problems in this area by the Honorable WILLIAM M. COLMER, Member of Congress, representing the area and by Mr. D. C. Daniel, executive vice president of the National Independent Dairies Association.

These requests for an investigation were made as a result of the Member of Congress receiving complaints from his constituents and NIDA from its members concerning the pricing practices noted in the area. Charges were made that through the use of milk as a loss leader, sales below cost and discriminatory pricing by the large nationwide dairies, the smaller independent dairies in the area are being damaged to an irreparable extent.

On March 17 and 18, 1960, I conducted a thorough investigation into the complaints received from this area and received information tending to substantiate the charges. This included discriminatory pricing by the utilization of unrealistic large discounts and rebates to particular customers resulting in the practice of sales below cost which, it is charged, could be designed only to reduce and eliminate the competition of independent dairies and the creation of a monopoly.

There is attached and made a part of this report an affidavit dated March 24, 1960, from Suni-Land Dairy, Inc., Pascagoula, Miss., verifying most of these allegations and additional information was received from the Home Milk Products Co., Biloxi, Miss. In addition to the information hereby included in the record, other information of a confidential nature is included in the committee files for future reference.

Mr. STEED. Without objection, the statements will be received for the record.

(Above statements not included in CONGRESSIONAL RECORD.)

DETROIT AND FLINT, MICH., AREA

Mr. ROBERTSON. This area includes the eastern part of the State of Michigan, including the cities of Flint, Detroit, and intermediate points. The Special Subcommittee on Small Business Problems in the Dairy Industry was requested to investigate pricing practices in this area, particularly Detroit, by Members of Congress from Michigan, including Hon. LOUIS C. RABAUT, Hon. JAMES G. O'HARA, Hon. JOHN D. DINGELL, Hon. CHARLES C. DIGGS, Hon. THADDEUS M. MACHROWICZ, and Hon. MARTHA W. GRIFFITHS.

These requests for investigations were made as a result of the Members of Congress receiving complaints from their constituents concerning the pricing practices noted in the area. These practices, it is alleged, involve collusion between supermarket foodstores and large processors and distributors of fluid milk and other dairy products. Particularly, attention was invited to the plight of the now independent retail routemen who, until about a year ago, were employees of the large dairies, but who were forced to purchase their routes or have their employment terminated.

Several hundred of these men were thus virtually compelled to purchase their routes and have made full payment to the large dairies involved. It is alleged that within a short time thereafter, the chain supermarkets, through special discounts or other means, offered milk for sale at retail at their stores at prices below those being charged these routemen by the same large wholesale distributors.

On March 14, 15, and 16, 1960, I conducted an investigation into this situation based on the complaints that had been received. The investigation developed information to the effect that supermarkets and other retail stores were, in fact, selling milk at prices far below cost—in some cases as low as 19 cents per half gallon. At the same time, routemen were being charged from 35 cents to 41 cents per half gallon by the same wholesale suppliers, thus making an obviously impossible competitive situation. It was generally charged that the large dairies, in collusion with the large supermarkets, were willfully attempting to eliminate the home delivery service through these pricing practices and thus concentrate the retail distribution of milk in the stores.

Information confirming the situation as described herein was received through interviews with officers and members of the United Dairy Workers, AFL–CIO, Local No. 83, Highland Park, Mich., and Local No. 383, Flint, Mich. In addition, newspaper clippings, photographs, and written statements were secured and the following such material is submitted for the record: Letter dated March 21, 1960, from the United Dairy Workers, Local No. 383, Flint, Mich.; photostatic copies of supermarket advertisements taken from Michigan newspapers; and letter dated January 18, 1960, and resolution from United Dairy Workers Local No. 83, and 116 letters received from the following independent milk deliverymen described above, which letters are to be retained in the subcommittee files for future reference; letter dated April 1, 1960, from Twin Pines Dairy Farm, Detroit, Mich., and statement from Mr. Glenn Lake, president, Michigan Milk Producers Association.

Mr. STEED. Without objection, the statements will be received for the record.

(Above statements not included in CONGRESSIONAL RECORD.)

EAST ST. LOUIS, BELLEVILLE, GRANITE CITY, AND SOUTHERN ILLINOIS AREA

Mr. ROBERTSON. This area includes, in addition to the cities mentioned above, practically the entire southern half of the State of Illinois. In this general area, all of the more disturbing factors are found at all levels of the dairy industry.

The Special Subcommittee on Small Business Problems in the Dairy Industry was requested to investigate pricing practices in this area by the Honorable MELVIN PRICE and the Honorable KENNETH J. GRAY, Members of Congress representing districts within this area.

Requests for the investigation were received from the Congressmen as a result of complaints received from their constituents which included independent processors and distributors, dairy workers' local unions, individual employees of dairies employed as retail deliverymen on a commission basis, and producers. On February 23, 1960, I proceeded to this area, interviewing several dozen members of the industry on all levels, completing the investigation in 4 days, on February 26, 1960.

The complaints investigated were sales below cost, discriminatory pricing and a planned program by the large national dairies to eliminate home delivery and the small independent dairies. I covered this area thoroughly and noted that in a majority of instances fluid milk was advertised in the windows and offered for sale in the stores at the ridiculously low price of 10 cents per half gallon and in some cases even less. I arranged for pictures to be taken of this evidence of this milk price war and they are attached and made a part of this report.

The most common general complaint encountered was one which I verified involving particularly the large Pevely and Adams Dairies of St. Louis, Mo., which concerns continue to flood the market in nearby Illinois with their milk at wholesale prices always below wholesale prices offered by independent dairies in Illinois regardless of the general and comparative price levels.

Affidavits were received from the Edwardsville Creamery Co., Edwardsville, Ill., the New Era Dairy, Inc., Carbondale, Ill., and the Dressel-Young Dairy of Granite City, Ill., which reflect and substantiate the complaints and which are attached and made a part of this record.

In addition to these affidavits, statements were received and are made a part of this record from the Collinsville Dairy, Collinsville, Ill., Joseph L. Powers, representing employees of the Niederer Dairy, East St. Louis, Ill., Pat Quick, representing Sealtest Dairy employees, East St. Louis, Ill., and Milk Haulers & Dairy Workers Local No. 528, Greenville, Ill.

Also submitted herewith for inclusion in the printed record are photographs taken in the area visited, advertising milk for sale at prices as low as 10 cents per half gallon. Your attention is invited to the last picture of this series taken of a sign in the window of the State Street Supermarket, El Dorado, Ill. The sign reads as follows: "Going Wild, We Don't Have Cheap Milk, But We Do Have a Bargain in Dollar Bills, We Will Give You a Dollar Bill for 75 Cents."

This comedy relief is introduced as portraying the general confusion, misunderstanding and fear that prevails in the lower economic levels in the dairy industry in this area of Illinois.

An abundance of material, including newspaper advertisements of below-cost prices, statistics and other statements of a confidential nature, were received and are being held in the committee files.

Mr. STEED. Without objection, the material will be received for the record.

(Above material not included in CONGRESSIONAL RECORD.)

NORTHWEST ARKANSAS AREA

Mr. ROBERTSON. This area includes the northwest section of Arkansas from Fort Smith north to the Missouri line and east to the area of Siloam Springs, Ark., and intermediate points.

The Special Subcommittee on Small Business Problems in the Dairy Industry was requested to investigate the dairy industry in this area by the Honorable JAMES W. TRIMBLE, Member of Congress representing the area and Mr. D. C. Daniel, executive vice president of the National Independent Dairies Association. These requests for the investigation were made as a result of the Congressman receiving complaints from his constituents and NIDA receiving complaints from its members concerning the pricing practices noted in the area. These practices, it is alleged, involve sale of milk below cost through the supermarkets, chainstores and other outlets, the excessive use of milk as a loss leader and other unfair trade practices alleged to be followed for the purpose of reducing or eliminating competition of small independent processors and distributors. Direct charges were received against Foremost, Beatrice, and other large dairies alleging unfair competitive trade practices as mentioned.

I conducted an investigation in this area on February 24, 25, and 26, 1960, and received information tending to verify the allegations made. For example, in one retail store that I visited, I received a quart of Meadow Gold milk distributed by Beatrice Foods Co., by surrendering a small coupon taken from the local paper. This milk was given away free with no purchasing performance required. This appears to be the most flagrant loss leader use of milk that the subcommittee has encountered and presents an example of apparent collusion between the large distributors and certain retail outlets designed to provide unfair competition to the local independent dairies and their commission deliverymen. Obviously, the home delivery service of the industry in this area cannot survive a continuation of these practices.

Information confirming the practices herein described was received through interviews with officers of independent dairies, routemen, and from newspaper advertisements which are attached and made a part of this record. Statements were also received from the Dixie Dairy, Inc., Siloam Springs, Ark., and the Cottage Club Dairy, Inc., Fayetteville, Ark., which are attached and made a part of this record. Likewise attached for inclusion in the record is a picture which I had taken of the milk display case in the Thriftway IGA store in Fayetteville, Ark., on February 24, 1960, attached to which is a page from the newspaper mentioned above, which has the coupon mentioned describing the gift of one quart of Meadow Gold milk free.

In addition to the above information that is included in this record concerning this area, an abundance of additional supporting material is included in the committee files for future reference.

Mr. STEED. Without objection, the statements will be made part of the record.

(Above statements not included in CONGRESSIONAL RECORD.)

BURLINGTON, IOWA, AREA

Mr. ROBERTSON. This area includes the city of Burlington, Iowa, and all nearby points within a radius of approximately 30 miles. The population served is estimated at 40,000 and the total fluid milk product is produced, processed, and consumed within this area. Import and export of fluid milk is negligible.

The Special Subcommittee on Small Business Problems in the Dairy Industry was requested to investigate pricing practices in this area by the Honorable FRED SCHWENGEL, representing this district in Congress, and by Mr. D. C. Daniel, executive vice president of the National Independent Dairies Association.

Requests for the investigation, which I made on March 24 and 25, 1960, were received as a result of complaints from constituents of the Congressman and members of the NIDA concerning the pricing practices noted in the area. These practices, it is alleged, involve a concerted effort on the part of supermarkets and chain stores, apparently in collusion, toward the illegal control of prices of milk and in and out of the stores. The objectives are alleged to be (1) the control of pricing, (2) use of milk as a loss leader, and (3) the elimination of the home delivery feature of the industry in this area. There are three well-established and efficient independent processors and distributors in this area, all of whom are receiving 36 cents per half gallon with no quantity or other discounts admitted, and during my visit to the area the out-of-store price was 29 cents per half gallon. Obviously a continuation of this practice would eliminate the home deliverymen who work on a commission basis for the dairies and are required to sell to their customers at prices far in excess of the current out-of-store prices.

Information confirming the situation as described herein was received through interviews with managers of supermarkets, officers of the three dairies and home deliverymen employed by these dairies. Inasmuch as it appears that retaliatory pricing practices are being used against some small business concern and these retaliatory pricing actions were being used because the small busines concerns did not participate in and carry out an agreement fixing the resale price of dairy products and inasmuch as the Federal Trade Commission is presently investigating the situation in this area, no documents are submitted at this time for inclusion in the record. The statements and other information received during this investigation are included in the committee files for future reference.

MONAHANS, ODESSA, AND MIDLAND, TEX., AREA

This area includes the three cities mentioned above and some additional territory in the east central part of the State of Texas.

The Special Subcommittee on Small Business Problems in the dairy industry was requested to investigate pricing practices in this area by the Honorable J. T. RUTHERFORD, Member of Congress representing this district.

Requests for the investigation, which I made on March 19, 1960, were received as a result of complaints of constituents of the Congressman concerning pricing practices noted in the area.

Information received during the investigation revealed that very little milk is produced in this immediate area and that the requirement of this commodity is, therefore, necessarily imported from other points such as New Orleans, La., Dallas and Abilene, Tex. Thus, very little fluid milk is processed in the area and the complaints were received from local distributors of the out-of-area processors and several of the local retail stores. It appears that the intense competition for this business has produced the use of large discounts and rebates involving discriminatory pricing in many instances. One independent businessman, having the agency for the product of a New Orleans dairy, advised that he does not grant discounts or pay rebates, but simply reduces his list price to meet wholesale and retail competitive prices that have been reduced by the discount system. The alleged cutthroat competition in this market has, in the opinion of those interviewed, resulted in below cost selling and discriminatory pricing resulting in a disastrous effect on the small distributors in the area.

Confusion and fear of reprisals and loss of business appear to dominate the small businessmen in this industry in this area and reluctance was noted on their part to document their problems. The investigation, however, produced some detailed information which was received in confidence and which is made a part of the committee files for future reference.

Mr. STEED. Thank you, Mr. Robertson.

HOUSE OF REPRESENTATIVES

WEDNESDAY, APRIL 13, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Luke 4: 4: *Man shall not live by bread alone, but by every word of God.*

Almighty God, grant that these days of Lent and of Holy Week, which we are now observing, may be for all of us not only a special season for commemorating the great sacrificial love of our blessed Lord but a time when our minds and hearts are stirred with a passion to consecrate and dedicate ourselves anew to that which is highest and holiest.

Forgive us for so frequently directing our thoughts and energies merely to a search for those temporal and transient things which we feel will gratify and minister to our epicurean desires for physical ease and comfort and with little concern for the abiding spiritual blessings.

Inspire us daily with that true humility of spirit and those nobler impulses, which befit the solemnity and sanctity of Holy Week, and help us to recognize and understand more clearly that if we are to achieve a deeper insight and a well-ordered inner life of peace and joy then we must give primacy to Thy word and the spiritual values, for man cannot live by bread alone.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

APPROPRIATIONS FOR DEPARTMENTS OF STATE, JUSTICE, JUDICIARY, AND RELATED AGENCIES FOR FISCAL YEAR 1961

The SPEAKER. The unfinished business is the passage of the bill (H.R. 11666) making appropriations for the Departments of State and Justice, the Judiciary, and related agencies for the fiscal year ending June 30, 1961, and for other purposes.

The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 312, nays 31, not voting 87, as follows:

[Roll No. 44]

YEAS—312

Abbitt	Anfuso	Ayres
Albert	Arends	Baker
Alger	Aspinall	Baldwin
Anderson, Mont.	Auchincloss	Baring
	Avery	Barr
Barrett	Green, Pa.	Mumma
Barry	Griffin	Murphy
Bass, N.H.	Griffiths	Murray
Bass, Tenn.	Hagen	Natcher
Bates	Haley	Nelsen
Baumhart	Halleck	Nix
Becker	Halpern	Norblad
Beckworth	Hardy	O'Brien, N.Y.
Belcher	Hargis	O'Hara, Ill.
Bentley	Harris	O'Hara, Mich.
Berry	Harrison	O'Neill
Betts	Hays	Oliver
Blatnik	Healey	Osmers
Boggs	Hechler	Osterag
Boland	Henderson	Passman
Bolling	Herlong	Patman
Bolton	Hiestand	Pelly
Bosch	Hoeven	Perkins
Bow	Hogan	Pfost
Boykin	Holifield	Philbin
Brademas	Holland	Pirnie
Bray	Holt	Poage
Breeding	Holtzman	Poff
Brock	Hosmer	Porter
Brooks, Tex.	Huddleston	Price
Broomfield	Hull	Prokop
Brown, Ga.	Ikard	Pucinski
Brown, Ohio	Inouye	Quie
Broyhill	Irwin	Quigley
Budge	Jackson	Rabaut
Burke, Ky.	Jarman	Randall
Burke, Mass.	Jennings	Ray
Byrne, Pa.	Jensen	Reece, Tenn.
Byrnes, Wis.	Johnson, Calif.	Rees, Kans.
Cahill	Johnson, Colo.	Reuss
Cannon	Johnson, Md.	Rhodes, Ariz.
Carnahan	Johnson, Wis.	Rhodes, Pa.
Casey	Jonas	Riley
Cederberg	Jones, Mo.	Rivers, Alaska
Chelf	Judd	Robison
Chenoweth	Karsten	Rodino
Chiperfield	Karth	Rogers, Fla.
Church	Kastenmeier	Rogers, Mass.
Clark	Kearns	Rooney
Coad	Kee	Roosevelt
Coffin	Keith	Roush
Cohelan	Kelly	Rutherford
Conte	Keogh	St. George
Cook	Kilday	Saund
Cooley	Kilgore	Saylor
Corbett	King, Calif.	Schenck
Cramer	King, Utah	Schwengel
Cunningham	Kitchin	Shelley
Curtin	Knox	Sheppard
Curtis, Mass.	Kowalski	Shipley
Curtis, Mo.	Kyl	Simpson, Ill.
Daddario	Lafore	Sisk
Dague	Laird	Slack
Daniels	Lane	Smith, Calif.
Davis, Ga.	Langen	Smith, Iowa
Davis, Tenn.	Lankford	Smith, Va.
Delaney	Latta	Spence
Dent	Levering	Springer
Denton	Lindsay	Steed
Derounian	Lipscomb	Stratton
Devine	McCormack	Stubblefield
Dixon	McCulloch	Sullivan
Donohue	McDonough	Taber
Dorn, N.Y.	McDowell	Teague, Calif.
Downing	McFall	Thomas
Durham	McGinley	Thompson, N.J.
Dwyer	McGovern	Thompson, Tex.
Edmondson	McIntire	Thomson, Wyo.
Fallon	McSween	Thornberry
Farbstein	Macdonald	Toll
Feighan	Machrowicz	Tollefson
Fenton	Madden	Trimble
Fino	Magnuson	Tuck
Fisher	Mahon	Udall
Flood	Mailliard	Ullman
Flynn	Martin	Vanik
Foley	Mason	Van Zandt
Forand	Meader	Vinson
Ford	Merrow	Wainwright
Forrester	Metcalf	Wallhauser
Fountain	Miller, George P.	Walter
Frelinghuysen	Miller, N.Y.	Watts
Friedel	Milliken	Weaver
Fulton	Mills	Westland
Gallagher	Minshall	Whitener
Garmatz	Moeller	Widnall
Gary	Monagan	Willis
Gathings	Moorhead	Wilson
George	Morgan	Wolf
Giaimo	Morris, Okla.	Wright
Gilbert	Morrison	Yates
Glenn	Moss	Young
Goodell	Moulder	Younger
Gray	Multer	Zablocki
Green, Oreg.		

NAYS—31

Alford	Blitch	Elliott
Ashmore	Burleson	Everett
Bennett, Fla.	Dorn, S.C.	Gross
Harmon	Norrell	Smith, Kans.
Hemphill	O'Konski	Smith, Miss.
Hoffman, Mich.	Rivers, S.C.	Thompson, La.
Johansen	Rogers, Tex.	Whitten
Landrum	Scherer	Williams
Lennon	Scott	Winstead
McMillan	Selden	
Matthews	Short	

NOT VOTING—87

Abernethy	Doyle	Montoya
Adair	Dulski	Moore
Addonizio	Evins	Morris, N. Mex.
Alexander	Fascell	O'Brien, Ill.
Allen	Flynt	Pilcher
Andersen, Minn.	Fogarty	Pillion
Andrews	Frazier	Powell
Ashley	Gavin	Preston
Bailey	Granahan	Rains
Barden	Grant	Riehlman
Bennett, Mich.	Gubser	Roberts
Bonner	Hébert	Rogers, Colo.
Bowles	Hess	Rostenkowski
Brewster	Hoffman, Ill.	Santangelo
Brooks, La.	Horan	Sikes
Brown, Mo.	Jones, Ala.	Siler
Buckley	Kasem	Staggers
Burdick	Kilburn	Taylor
Canfield	Kirwan	Teague, Tex.
Celler	Kluczynski	Teller
Chamberlain	Libonati	Utt
Collier	Loser	Van Pelt
Colmer	Mack, Ill.	Wampler
Dawson	Marshall	Weis
Derwinski	May	Wharton
Diggs	Meyer	Withrow
Dingell	Michel	Zelenko
Dooley	Miller, Clem	
Dowdy	Mitchell	

So the bill was passed.

The clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Bailey against.

Until further notice:

Mr. Libonati with Mr. Taylor.
Mr. O'Brien of Illinois with Mr. Withrow.
Mr. Kirwan with Mr. Adair.
Mr. Brewster with Mr. Gavin.
Mr. Preston with Mr. Gubser.
Mr. Pilcher with Mr. Hoffman of Illinois.
Mr. Clem Miller with Mr. Kilburn.
Mr. Bowles with Mr. May.
Mr. Dulski with Mr. Riehlman.
Mr. Addonizio with Mr. Siler.
Mr. Abernethy with Mr. Van Pelt.
Mr. Alexander with Mrs. Weis.
Mr. Burdick with Mr. Bennett of Michigan.
Mr. Dingell with Mr. Canfield.
Mrs. Granahan with Mr. Allen.
Mr. Montoya with Mr. Moore.
Mr. Morris of New Mexico with Mr. Horan.
Mr. Rogers of Colorado with Mr. Dooley.
Mr. Lesinski with Mr. Derwinski.
Mr. Sikes with Mr. Hess.
Mr. Andrews with Mr. Michel.
Mr. Brown of Missouri with Mr. Pillion.
Mr. Colmer with Mr. Utt.
Mr. Doyle with Mr. Wharton.
Mr. Flynt with Mr. Collier.
Mr. Loser with Mr. Chamberlain.
Mr. Rains with Mr. Andersen of Minnesota.

Mrs. BLITCH and Messrs. RIVERS of South Carolina, ELLIOTT, ASHMORE, and EVERETT changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

AUTHORIZING THE CONSTRUCTION OF NAVAL VESSELS

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 497 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10474) to authorize the construction of modern naval vessels. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. O'NEILL. Mr. Speaker, I yield 30 minutes to myself; and at the conclusion of my remarks, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. O'NEILL. Mr. Speaker, House Resolution 497 makes in order the consideration of H.R. 10474, to authorize the construction of modern naval vessels. This resolution provides for an open rule and 1 hour of general debate.

The bill would authorize the construction of 8,000 tons of amphibious warfare vessels and landing craft, 4,000 tons of patrol vessels, and 20,000 tons of auxiliary vessels. The vessels to be constructed are one amphibious transport, dock, two escort vessels, and one fast combat support ship.

The amphibious transport, dock was designed to replace the attack transport and attack cargo ship, and will carry transport helicopters and landing craft. The big advantage is that the men and their equipment will both be carried in the same ship. It will combat load, transport, and land about 900 troops and their equipment via helicopters and landing craft.

The escort vessels are especially designed for optimum performance in locating and destroying enemy submarines. They can operate as part of a hunter-killer group, screen amphibious forces, patrol coastal waters for missile-firing submarines or escort convoys.

The fast combat support ship is of a new design. It will operate as an integral unit of a fast task force to provide continuous replenishment of black oil, aviation fuel, diesel oil, conventional ammunition, fleet missiles, selected underwater ordnance, special weapons, and provisions and fleet freight for selective issue.

The basic consideration in the preparation of the annual shipbuilding and conversion program of the Navy is the maintenance of the security of the United States. This is the paramount objective of the Joint Chiefs of Staff in assigning force levels and manning levels to the various Armed Forces. The Department of the Navy, to implement the maintenance of its assigned force levels with modern equipment and installations, has a long-term shipbuilding and conversion program which is reflected in the annual shipbuilding and conversion program presented to Congress. The continuing shipbuilding program is based on many considerations: for example, the rate of obsolescence of existing ships and equipment; the capability of such ships and equipment to be modernized economically; and the force levels and capabilities of potential enemies and allies.

The rapid growth of the Soviet Navy has placed the U.S.S.R. in the position of a major naval power. The Russian submarine fleet now numbers about 450, most of which are long-range boats built since the end of World War II. In addition the U.S.S.R. has built a large number of cruisers and destroyers since the end of World War II. The impact of this on our ability to control the seas of war is obvious. Loss of such control would be a major catastrophe, one which might well determine the outcome of a war.

I urge the adoption of House Resolution 497.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Massachusetts [Mr. O'NEILL] has explained, House Resolution 497 makes in order the consideration of H.R. 10474. The rule is an open rule and provides for 1 hour of general debate.

The purpose of the bill is to authorize the construction of certain naval vessels.

Mr. Speaker, apparently there was no opposition to this bill in the Committee on Armed Services, nor was there opposition before the Committee on Rules.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. HIESTAND].

Mr. HIESTAND. Mr. Speaker, I ask unanimous consent to proceed out of order, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HIESTAND. Mr. Speaker, I am today introducing a bill to repeal certain laws which are generally known as the silver purchase laws. The first of these laws was enacted in 1934 and provides for Treasury purchases of silver abroad. The other two laws require the Secretary of the Treasury to accept domestically produced silver at a fixed price.

The silver purchase law of 1934 declared it to be the policy of the United States to purchase silver, which policy, if carried out today, would necessitate the purchase of 1.6 billion ounces of foreign silver. This silver would, of course, have to be paid for in gold and would result in a loss of approximately $2 billion in our current stocks. There is not that much silver available in the world. If the Treasury undertook to purchase this silver, the resultant price rise would disrupt every monetary system in the world where silver is used. Fortunately, there is a provision in this law which states that the Secretary of the Treasury is authorized to make such purchases as he may deem reasonable and most advantageous to the public interest. For nearly 20 years no Secretary of the Treasury has deemed such purchases to be in the public interest. This law should obviously be repealed.

A section of the act of July 6, 1939, generally referred to as the domestic silver law of 1939, required the Treasury to receive domestically mined silver at 71.11 cents per ounce. This was amended by the silver law of 1946 to provide for 90.5 cents per ounce. The market price dropped to 60 cents in 1947. However, because of the above market price, the miners have turned into the Treasury 375 million ounces of silver since 1946, keeping domestic silver off the market. As a result, the market price has risen to 91⅜ cents per ounce, which is above the Treasury price.

The silver producers estimate that consumption is now and will be greatly in excess of production. Consequently, a subsidy or a support price is superfluous. Under these circumstances, a free and open market would obviously be to the advantage of the silver producers, and accordingly, I expect their support in the repeal of the laws set forth in the bill. Any further governmental action to force up the market price for silver would largely benefit foreign producers who would, of course, be paid in gold. At the present time approximately two-thirds of the silver consumed in this country comes from foreign sources.

Although the silver purchase laws were purportedly passed as monetary laws, they were actually passed to benefit the mining industry. Their obvious intent was to provide a subsidy for domestic silver producers. Approximately two-thirds of domestically produced silver is actually a byproduct in the production of copper, lead, and zinc. No one can contend that the copper producers need a higher price for silver in order to enable them to produce copper profitably. Testimony before the Mining Committee in the House last year brought out the fact that an increase in the price of silver would not materially benefit the lead-zinc industry as a whole and that producers outside the Rocky Mountain area would receive no assistance. Most of the silver produced in this country is obtained as a byproduct of copper, lead, and zinc mining in proportions so small that an increase in the price would have no great effect upon the fortunes of the major companies. The only beneficiaries of any governmental action to force up the price of silver would be a few companies employing a few hundred men in the production of silver.

There has been much said about the background of the silver purchase laws. I should like to introduce in the RECORD the minority report of the Committee on Ways and Means on H.R. 9745, which became the silver purchase law of 1934. This report can be found in Document No. 181 containing the hearings on May 25 and 26, 1934, 73d Congress, 2d session.

I hope that members of both parties will join me in seeking repeal of the outmoded silver purchase laws.

MINORITY VIEWS

(Hearings before the Committee on Ways and Means, House of Representatives, 73d Cong., 2d sess., on H.R. 9745, May 25 and 26, 1934. Doc. No. 181—A bill to authorize the Secretary of the Treasury to purchase silver, etc.)

Mr. Treadway, in behalf of himself and the undersigned minority members of the Committee on Ways and Means, submitted the following minority views:

"The minority protest most vigorously against the haste with which this legislation has been considered and reported to the House. It is one of the important pieces of legislation coming before the Congress, and may have a profound and far reaching effect upon the economic welfare of our people.

"Under section 2 of the bill it is declared to be the policy of this Government that the proportion of silver to gold in the monetary stocks of the United States should be increased, with the ultimate objective of having one-fourth of the monetary value of such stocks in silver. This represents a drastic and complete change of policy upon the part of this Government, yet the Democratic members of the committee proceeded to the consideration of the bill upon the theory that the change of policy should be taken for granted, and that the committee should only be concerned with the other features of the measure.

"On Tuesday, May 22, the President sent to Congress a message urging the enactment of this legislation. The pending bill was introduced in the House the following day. On Friday the committee was called together to consider the bill, it being stated that the Secretary of the Treasury would be present to explain its provisions.

"When the committee met Friday morning, it developed that the session was to be executive, that the public and the press had been excluded, and that there were to be no open hearings on the bill. Upon the protestation of minority members, the doors were later opened. However, the chairman frankly stated that it was not the purpose of the committee to have a debate upon the pros and cons of the silver question, but that the meeting had been called merely to have an explanation of the bill. The Democratic majority did not want any information upon the issues involved, and did not want the minority to have any. They were told by the Secretary of the Treasury at the outset that the bill was an administration measure, and with that assurance they were satisfied to approve the same without what we believe to be proper and deliberate consideration.

"It is almost inconceivable that a measure as important as the pending bill, involving as it does such a complete change of national policy, should be considered by a committee of the House without attempting to secure information against as well as for it. So far as we know there has been no time when a committee considering a bill involving a complete change of an important policy of Government has not diligently sought views opposed to the measure.

"We believe that the public good cannot be served except by a full discussion of proposed legislation, and after hearing both sides of the issues presented. The minority asked that time be allowed for opponents of the measure to put in an appearance, and suggested that a certain outstanding authority upon the money question appear in opposition to the bill. It was the purpose of the chairman to conclude the hearing in 1 day, if possible, but when it appeared late Friday afternoon that a Saturday session would be necessary in order to hear the Member sponsoring the bill, the minority were told that if the witness they desired to have testify could be present at 10 o'clock the following morning he would be heard.

"The gentleman whom the minority desired to hear was Dr. Edwin W. Kemmerer, of Princeton University, an international authority upon money questions. A telegram was sent to him at Princeton, N.J., at 4:30 p.m., Friday, asking him if he would care to testify the following morning. No response was received to this telegram until Monday, when it developed that Dr. Kemmerer had been out of the city on a western trip and would not have been able to put in an appearance on Saturday in any event.

"The arbitrary manner in which the hearings on this bill were conducted is all the more surprising when it is considered that the Ways and Means Committee does not have general jurisdiction of money questions. Were it not for the taxation features of the present bill, it would have been considered by the Committee on Coinage, Weights, and Measures. Naturally, the members of the Ways and Means Committee do not have the same degree of familiarity with money questions as the members of the committees having jurisdiction of such matters. Yet the majority members were willing to pass upon this important question after hearing a representative of the Secretary of the Treasury give a technical explanation of the bill, without explaining its purpose or philosophy, and after listening to an able presentation of the history of the money question by the gentleman from Texas, Mr. Dies. The Secretary of the Treasury made only a brief statement, and no one was able to give any reason for the change of policy contemplated by the bill.

"The hearings were begun at 10 o'clock Friday morning and were concluded late Saturday afternoon, with only a few members present at the time. Immediately thereafter the chairman called the committee into executive session to consider the bill. The minority members had no notice that an executive session was to be called Saturday afternoon, and apparently few of the majority members had any such information, because at no time during the executive session was there a quorum present. Without any discussion of the issues involved, the handful of members present, of whom only one was of the minority, proceeded to the consideration of a few administration amendments to the bill and reported it out in a session lasting only a few minutes.

"No better evidence could be had than this in support of the oft-repeated allegation that the Democratic majority is nothing but a rubber stamp in the hands of the administration.

"In view of the lack of information upon the bill, the minority are not prepared to enter into a discussion of the merits of the proposed legislation.

"ALLEN T. TREADWAY."

We concur in the above views:
Isaac Bacharach, Frank Crowther, Harold Knutson, Daniel A. Reed, Roy O. Woodruff, Thomas A. Jenkins, W. E. Evans, Thomas C. Cochran.

Mr. BROWN of Ohio. Mr. Speaker, I have no further requests for time.

Mr. O'NEILL. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

Mr. VINSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10474) to authorize the construction of modern naval vessels.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10474, with Mr. DELANEY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. VINSON. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, the subject matter of this bill is the authorization of 8,000 tons of amphibious warfare vessels, 4,000 tons of patrol vessels, and 20,000 tons of auxiliary vessels.

The specific ships to be constructed pursuant to this bill are as follows:

1 amphibious transport, dock—7,800 tons	$41,400,000
2 patrol vessels (similar to destroyer escorts) of 1,850 tons each	50,500,000
1 fast combat support ship of 19,200 tons	66,000,000
Total	157,900,000

The amphibious transport, dock which carries in its hull small boats for landing operations, and carries helicopters on its deck.

The patrol vessels are destroyer escort types especially designed for locating and destroying enemy submarines.

The fast combat support ship is a new design. It will operate as a part of a task force to provide continuous replenishment of oil, aviation fuel, diesel oil, ammunition, missiles, and special weapons.

The total estimated cost of the ships in this bill is $157,900,000.

It should be understood, of course, that this bill represents only a very small portion of the total shipbuilding program of the Navy for fiscal year 1961. The ships in the bill must be specifically authorized since these ships, unlike warships, do not have the pool of residual tonnage to draw from as such was provided in the Vinson-Trammell Act and subsequent tonnage authorization bills.

Actually, the total shipbuilding and conversion program for fiscal year 1961 involves 57 ships. Of this number, 42 are new construction and 15 are conversions. The total cost of the whole fiscal year 1961 shipbuilding and conversion program is $2,032 million.

One last fact that I think will be of interest to the Members of the House. There are 105 fleet and naval vessels which are being built today or are planned for building at the present time. There are also 27 conversions of existing vessels in the current program.

The combined total cost of the Navy's current construction and conversion programs, including development, is a little over $7 billion. This money has already been appropriated in the past. To this, of course, would be added the budget figure for fiscal 1961 of another $2,032 million.

This indicates a healthy shipbuilding industry and, of course, under existing law there is a division of new warship construction between Navy and private shipyards (48 Stat. 504) and also a provision (10 U.S.C. 7302) for the construction of ships on the west coast when the President deems it necessary to maintain

facilities for national defense in this fashion.

Now, that is what this bill would do and I urge prompt and favorable consideration of this important measure.

Mr. Chairman, that is the whole story of this bill, and if there are no questions I will reserve the balance of my time.

Mr. HOFFMAN of Michigan. There are a whole flock of questions. It is extremely difficult for many of us to understand, first, one time we give away or loan ships. Was it just last week? Did we not lend a string of ships to some other country?

Mr. VINSON. Yes; we loaned ships to a few countries.

Mr. HOFFMAN of Michigan. How many ships?

Mr. VINSON. I think the last bill was for about one or two destroyers. Yesterday, we delivered to the West German Government a destroyer in Charleston, S.C. It was reconditioned at the expense of the German Government, and becomes temporarily a part and parcel of their navy. Now that has happened. Congress had to authorize it. It cannot be done until we have a hearing on it, and until Congress passes a law for it.

Mr. HOFFMAN of Michigan. Why do we loan these ships?

Mr. VINSON. We loan these ships because they are in the reserve fleet and are surplus to our needs at this time. They, when loaned, are valuable in contributing to the cause of the free world.

Mr. HOFFMAN of Michigan. Will the gentleman yield just there? I would like to have some other folks hear the gentleman, and I just do not want to have to ask the gentleman to compete with the other speakers.

Mr. VINSON. Well, you have to be like the gentleman from Michigan and have a strong voice to contend with all the competition, oftentimes, when we address the House.

Mr. HOFFMAN of Michigan. My colleague, Reuther, was down here and had lunch with some of you gentlemen just this noon.

Mr. VINSON. He did not have lunch with me.

Mr. HOFFMAN of Michigan. We ought to get him up here and give him a little information, and get him back to common sense in government.

Mr. VINSON. The only information I am trying to give now to the Members of the House is that relating to how to enable us to keep a strong national defense.

Mr. HOFFMAN of Michigan. What I am trying to learn is only an answer to letters that come to me wanting to know why we first maybe make an appropriation of millions or billions of dollars to build implements of war, ships in this particular case, and then the folks back home read the papers where we have given away other ships which cost millions and billions of dollars. Is it because we are so progressive—or why is it?

Mr. VINSON. It is because we want to utilize to the best degree possible those ships for which we do not have any immediate need, so far as that particular type of ship is concerned.

Mr. HOFFMAN of Michigan. Do you mean we anticipate our needs then?

Mr. VINSON. We did anticipate our needs, in that sense. This is a continuing program, keep and use the new and efficient ships, loan the old to our friends.

Mr. HOFFMAN of Michigan. Then have our needs changed?

Mr. VINSON. Those ships were built during wartime. Loaning them to our friends is the best use we can put them to.

Mr. HOFFMAN of Michigan. If the gentleman will wait just a moment—we either anticipated our needs or our needs changed.

Mr. VINSON. Of course, our needs change so far as keeping up our fleet in peacetime, and so far as the strength that is necessary in wartime.

Mr. HOFFMAN of Michigan. No; I still do not get it.

Mr. VINSON. I am sorry.

Mr. HOFFMAN of Michigan. Do the people who manufacture these ships or whatever it is that we are buying, these new implements of war all the time, do the ideas come from them or do they come from our own Government or do they come from individuals who anticipate our needs who are experts?

Mr. VINSON. I would say the genesis of this bill was in the Defense Department, sanctioned by the President of the United States, on the basis of the security of the country requiring these additional ships. No shipbuilder guides the defense policy of this country.

Mr. VAN ZANDT. I am sure the gentleman will agree that when we loan these ships to the foreign country, the foreign government makes those ships part of their navy. Their navy is assigned the particular ship.

Mr. VINSON. That is right.

Mr. VAN ZANDT. In other words, these destroyers will be employed in patrolling the coast in antisubmarine warfare. They will be manned by officers and men of that navy.

Mr. VINSON. The gentleman is correct. In addition, those governments reconditioned the ships without any expense to the United States.

Mr. HOFFMAN of Michigan. Will the gentleman yield further?

Mr. VINSON. I yield.

Mr. HOFFMAN of Michigan. All of which, as the gentleman has just stated—and I know of no one in this House for whose knowledge and patriotism I have more respect than the gentleman from Pennsylvania [Mr. VAN ZANDT], but everything he said rests upon the assumption that those people to whom we gave those ships are going to remain our friends.

Mr. VINSON. We hope and expect they will remain our friends.

Mr. HOFFMAN of Michigan. Meantime, we do not have the money to give post office workers the money they need. We cannot give the people on social security what they need, as we are short of funds. We know that, but we put this money into the Defense Department. I am not critical. I am just inquiring why it is, first, that we appropriate billions for new construction of something and then shortly we give it away. Is it because science makes so much progress or is it because friendships throughout the world change?

Mr. VINSON. The advances in science give us better ships. Our friendships have not changed so far as the loan of ships is concerned.

Mr. VAN ZANDT. Will the gentleman yield?

Mr. VINSON. I yield.

Mr. VAN ZANDT. Is it not true that these ships cannot be converted to fulfill the mission of these new ships for which we are asking authorization today?

Mr. VINSON. That is right.

Mr. GROSS. Will the gentleman yield?

Mr. VINSON. I yield.

Mr. GROSS. Let us take the case of the aircraft carrier we gave to France on a so-called loan. Is there any assurance that that aircraft carrier would be used in our behalf if the chips were down, and we were really involved in war? Does the gentleman think the French would be in another war with us?

Mr. VINSON. The gentleman's conclusion is just as good as mine.

Mr. GROSS. That is what I thought. I am still interested in the abandonment of the San Jacinto Ordnance Depot in Texas. I am wondering if the Navy is being used to dump some of that ammunition into the Gulf of Mexico.

Mr. VINSON. No. There is no Navy ship being used to dump ammunition into the Gulf of Mexico.

Mr. GROSS. I wonder what ships they are using.

Mr. VINSON. If they are dumping any, and I doubt that they are dumping any ammunition unless it is obsolete. If the effectiveness of the ammunition has deteriorated, if it has no strength or firing power to it, it ceases to be of any value, of course.

Mr. GROSS. If the gentleman will yield further, let all doubt be dispelled in his mind as to whether or not they are taking ammunition from the Government arsenal at San Jacinto and dumping it in the gulf, for I have a letter from the Defense Department in which they admit that a good many thousand tons are being dumped.

Mr. VINSON. May I ask the distinguished gentleman from Iowa what that has to do with the construction of these ships?

Mr. GROSS. I merely raise the question here for I would like to keep it before the House.

Mr. VINSON. It is a good thing to keep it before the House, but there is always an opportune time to bring it up. This is the inopportune time because it is not relevant. I hate to see the gentleman scatter his shots; I would like to see them effective when he fires his guns.

Mr. GROSS. Is there any money in this bill for an atomic-powered icebreaker?

Mr. VINSON. No; none at all. All this bill does is to provide for the building of these three different types of ships. It is absolutely necessary that we do that to keep progressing and to maintain an adequate national defense.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. VINSON. I yield.

Mr. HOFFMAN of Michigan. Just a few days ago, without any hearings being available, the House passed an authorization bill of $915 million for the space agency.

Mr. VINSON. That is right.

Mr. HOFFMAN of Michigan. Is there any thought that perhaps we are appropriating too much money for investigations into space and for progress? Of course, that grows out of this, that if we are continually creating implements of war which shortly go obsolete, which we give away and then have to replace with something else, should we not give a little more thought to what is happening to the pocketbooks of our taxpayers?

Mr. VINSON. The gentleman will not get me involved in anything except this one thing we have before us.

Mr. HOFFMAN of Michigan. If the gentleman will yield further, it has a direct connection with the bill before us.

Mr. VINSON. What is it?

Mr. HOFFMAN of Michigan. Because the folks back home are wondering whether or not they will have money enough to live on if we carry out all these programs that have been advocated. However, I do not know anything except what I read or someone tells me.

Mr. VINSON. That is right; that is all I know.

Mr. HOFFMAN of Michigan. That is not information enough.

Mr. VINSON. We are both in the same boat.

Mr. HOFFMAN of Michigan. I do not know what to tell the folks back home, but they are asking these questions and they are entitled to know.

Mr. VINSON. Well, you tell those constituents who have sent you here for the past 25 or 30 years that you always stand for strong adequate national defense and they will continue to send you back here for an additional 25 years. The first function of Government is self-preservation.

Mr. HOFFMAN of Michigan. Yes, and the first function of the people is to keep themselves strong and stable so they can support the Government.

Mr. VINSON. That is right.

Mr. HOFFMAN of Michigan. But if the Government takes everything away from them before they can spend it what are they going to do?

Mr. VINSON. We are taking $157 million for our defense.

Mr. HOFFMAN of Michigan. But there is always more and more taking. Remember the old hymn.

Mr. ARENDS. Mr. Chairman, I yield myself such time as I may need.

Mr. Chairman, as the report on this bill indicates, "if we ever lose command of the seas, we lose the war—whether it be big or little, cold or hot."

This statement is as true today as it was during World War II or World War I. Freedom of the seas and its use for all of our many wartime purposes is an absolute essential to victory.

This bill is a relatively small step toward insuring that the seas will be available to us should the requirement for their use arise again.

As has been pointed out, the four ships which are authorized by the bill constitute only a very small portion of the total shipbuilding program for fiscal year 1961. Their number is small but their importance is great, indeed. One of them, the fast combat support ship, is of new design. It is not only interesting as a ship, it is interesting as an idea because it illustrates the continuous movement and change of our defensive and offensive concepts.

We are not standing still and attempting to utilize in today's world—ships that were adequate for the circumstances existing 5 or 10 or 15 years ago. As the methods of war change so must we and so must our ships. We can all agree that the aggressive, imaginative approach, well illustrated by the request of the Navy for this particular ship, can give us all assurance that those in the executive branch charged with the responsibilities of our defense are taking this job seriously and are doing it well.

I am very much encouraged as I know every Member of the House will be, to note also the widespread distribution of shipbuilding in the United States as such is set out in the committee report. The 73 major combatant ships which are being built or which are just about to be built are distributed through 41 private and naval shipyards scattered throughout the whole country.

In addition to these ships, there are, of course, many other smaller vessels also being constructed in shipyards throughout the country thereby providing employment and economic stability to the particular areas involved while at the same time keeping us strong in the field of naval warfare.

H.R. 10474 is a bill which every Member of the House can support without any hesitation and I can give you my personal assurance that the hearings held before the Armed Services Committee clearly indicated the need for these ships in the program for the coming fiscal year.

Mr. ARENDS. Mr. Chairman, I yield such time as he may desire to the gentleman from Pennsylvania [Mr. VAN ZANDT].

Mr. VAN ZANDT. Mr. Chairman, in this bill which we are considering today, H.R. 10474, to authorize the construction of modern naval vessels, is contained the authorization for the construction of an amphibious transport, dock—LPD. It would therefore seem appropriate to discuss, in connection with this bill, the modern concepts of amphibious warfare and what changes have been made in amphibious warfare concepts since World War II.

With the development of atomic bombs came the beginning of the end of World War II type of amphibious operations. During World War II an amphibious operation involved tremendous concentrations of shipping and personnel. You have all seen portrayals of an amphibious operation as it was done during that war. Such concentrations were feasible and workable when in use against the weapons of the day. But against nuclear weapons, concentration of shipping and personnel is highly hazardous. Tactically speaking, nuclear weapons are revolutionary only in the magnitude of their effect. The atom and hydrogen bombs have not made any type military operation impossible, but they have made large concentrations unprofitable. Every increase in firepower since the beginning of military history has caused increased dispersion. This is the case today. Dispersion in itself is a relatively simple matter, but to be combat effective there must also be the ability to reconcentrate the fighting force at the point of decision.

Thus it is seen that the development of the atomic and hydrogen bombs has made it necessary for amphibious operations to change in design and concept. The new doctrine for modern amphibious operation calls for complete integrated marine air-ground landing forces, organized, trained, and equipped to exploit the speed and flexibility of the helicopter. The new doctrine is called vertical assault. It is comprised of seven points:

The first is tactical mobility. By reorganizing the troops and equipment required for the assault, they can be lifted in helicopters instead of boats or amphibian tractors.

The second is rapid assault. By carrying the entire assault force in ships designed for unloading by helicopter it can close on objectives quickly.

Third, isolation of the objective. By utilizing long range aircraft operating from carriers as much as 1,000 miles at sea, and through use of missiles, it is possible to effect the sudden and concentrated destruction of enemy air and ground forces, thus isolating the specific objectives of our mission.

The fourth feature is unrestricted movement. By transporting assault forces from ship to shore by helicopter widely dispersed objectives can be seized as deep as 100 miles from the launching ships and along a frontage of 50 miles. Forces can approach from any direction.

Fifth, by exploiting the speed and versatility of the helicopter tactical opportunities can be developed after the landing.

Sixth is all-weather air support. Operating from carriers at sea, all-weather air support can be utilized for continued isolation of the objective area, for reconnaissance, to furnish fire support for ground troops, and to protect our helicopters.

The last feature is transport aircraft. Both land and sea planes can provide additional reinforcements and supplies for the landing force. Only by airlift can logistic support be provided for widely dispersed landing forces.

It is easy to see from what I have described that the World War II concepts have been changed greatly. And with these changes there must also be a change in the type of ships used to support an amphibious operation. Since future amphibious operations will depend so greatly on the use of the helicopter, ships had to be designed to carry

type of ship is concerned.

shortly we give it away. Is it because

adequate national defense.

and provide launching facilities for these helicopters. Thus the key ship in the modern amphibious striking force is the amphibious assault ship designated LPH. The first of this type to be built from the keel up will be the U.S.S. *Iwo Jima* now under construction. Two others are currently in the Navy's shipbuilding program as indicated in the committee report on the bill. Meanwhile an immediate, though interim, helicopter assault capability is provided to the fleets by one converted escort carrier and two former *Essex*-class support carriers. The first of these is the *Thetis Bay*. Although it cannot do the job which will ultimately be required of an amphibious assault ship, it has done much to aid in the development of the heliborne tactics and techniques during the last few years. The *Boxer* and *Princeton*, both of which saw much action in Korea as attack carriers and subsequently operated as antisubmarine carriers, have taken interim roles as amphibious assault ships in the Atlantic and Pacific fleets.

The companion ships to the amphibious assault ships will be the amphibious transport dock, or LPD. This ship resembles in outward appearance the Thomaston-class landing ship dock. The new LPD will differ from the old LSD in that it has a large helicopter deck, greater troop and cargo carrying capacity and a smaller well in which landing craft may be carried and operated. Two such ships have been funded. The first was included in the fiscal year 1959 program and the second was in the 1960 program. The bill under consideration here contains the authorization for construction of a third. These ships are designed to replace the attack transport and attack cargo ship. The big advantage will be that the men and their equipment will both be carried in the same ship. It will combat load, transport and land about 900 troops and their equipment via helicopters and landing craft. They will carry six of the large transport helicopters, one large utility landing craft, and three of the smaller personnel landing craft or other equivalent combinations. Both the landing craft and the helicopters may be launched when the ship is underway or stopped. This is a major contribution to the changing concepts of amphibious warfare.

The amphibious capabilities of the U.S. fleet will be called upon in the future despite the development of super bombs. We must be ready to deter aggression and to reassure our friends of our ability to come quickly to their assistance. Marine landing forces in fast and modern amphibious ships, such as authorized by this bill, will provide a versatile, flexible, and highly mobile means of doing this.

Mr. ARENDS. Mr. Chairman, I yield such time as he may desire to the gentleman from Washington [Mr. PELLY].

Mr. PELLY. I wish to address a question to the distinguished chairman of the Committee on Armed Services. I have been concerned about dispersal of our fleet and where we keep our vessels. I would like to ask the chairman if his committee is constantly reviewing that situation.

Mr. VINSON. Does the gentleman mean by dispersal of ships, where they are kept?

Mr. PELLY. Ships that are in port at one time. I refer to active combat ships such as the gentleman from Iowa once referred to when he stated he has seen a picture of five aircraft carriers all right together at San Diego where one bomb could have sunk them all.

Mr. VINSON. We keep a constant surveillance of that situation.

Mr. PELLY. Regarding the deployment of our combat vessels—and I am speaking again of our active ships—I have noticed that naval operations policy, as far as the Atlantic coast is concerned, has been one of basing the fleet so as to greatly reduce the hazard of attack. In other words, I think that the distinguished chairman of the Armed Services Committee knows that the Navy has followed a policy of dispersal on our eastern seacoast.

Unfortunately, Mr. Chairman, as far as the Pacific coast is concerned, this has not been true. The Chief of Naval Operations, for whom I have the highest regard, has taken the position that additional west coast dispersal entails capital expenditures and for budgetary reasons the Navy has not recommended, or perhaps I should say approved, studies which have recommended the basing of active naval components of the fleet outside California. My colleague the gentleman from Washington [Mr. TOLLEFSON] and I have been urging the matter of wider dispersal for some time. Sometimes we have felt that the Pacific Northwest was considered by the Navy as expendable, because the entire Pacific Fleet was based either in Pearl Harbor or San Diego.

Of course H.R. 10474 authorizes construction of additional amphibious warfare vessels and landing craft together with auxiliary vessels. I am in full support of the bill, but I take this occasion as I said earlier to bring to the attention of the distinguished gentleman from Georgia [Mr. VINSON] the matter of basing the Navy vessels after they are built because it seems a good time to point up the situation.

In this connection, I just want to add one thing more. There is one unique advantage of the Puget Sound area and that has to do with the testing and operation of submarines. I have been told that nowhere else in the world are there more suitable waters for the testing of submarines and training of submarine personnel.

With the new emphasis on nuclear-powered submarines and the strategic importance of Polaris missiles, I trust that consideration will be given to establishing a base in the Pacific Northwest for these new submarines. My colleague, the gentleman from Washington [Mr. TOLLEFSON] and I are firmly convinced of the desirability of locating such a base in the Puget Sound area and with our fine facilities at the Puget Sound Naval Shipyard and likewise the deep-water ammunition depot at Bangor, together with a supply depot at Seattle to supplement such a submarine base, we hope that the great concentration of naval facilities in southern California will not be aggravated by continued lack of dispersal. The public interest would hardly be served by a new base located in California where the sunshine seems to be so important to the morale of the golf-playing high brass of the Navy.

In this latter respect we trust that the chairman of the Armed Services Committee will see the merit of our argument and lend us the benefit of his support for a new submarine base in the Pacific Northwest.

Certainly the recent article in the newspapers saying the British have developed a traveling mechanical spy, a new device capable of discovering enemy submarines a thousand miles away, has a bearing on the location of a submarine base.

Killer attack submarines would be a day or two closer to a home port and to the potential enemy operating from a Puget Sound base as against sunny California. Also, the Polaris would be closer to both the icecap or Siberia. I hope the chairman, for whom I have great admiration, will continue to watch that situation.

Mr. VINSON. We are watching it all the time.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. VINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. PUCINSKI].

Mr. PUCINSKI. Mr. Chairman, I should like to address a question to the chairman of the Committee on Armed Services. I have heard several statements made here in support of this legislation that if we ever lose command of the seas all sorts of dire things are predicted. Is this legislation going to make the difference between losing command of the seas and not losing it?

I would like to ask the chairman whether or not this is as important legislation as some of the Members have indicated.

Mr. VINSON. I am glad to answer the gentleman's question. It is very important legislation because this is a part of the whole; therefore, if we do not have this type of ship we cannot be as efficient with the whole as we would have been if we had it. It is highly important legislation.

Mr. PUCINSKI. The committee report says that we now have 198 various craft under construction. In the program involving the 198 are any of these ships included?

Mr. VINSON. Of this type, none are included. The gentleman will see in the report where we state what is being built now. It appears on page 7. That gives a description of each one of them. These are auxiliaries, these are not combatant ships. But the auxiliaries play just as prominent a part in a total fleet as a combatant ship.

Mr. PUCINSKI. I thank the chairman. Earlier we heard the statement that the ships we now have in mothballs cannot be converted to this type of operation. I wonder if someone would be willing to expand on that.

Mr. VINSON. In reply to that I will say that those we do have in mothballs

of this type that could be converted to meet this situation have been converted; but we do not have enough to meet our requirements, therefore we have asked for an authorization to build these auxiliaries.

Mr. PUCINSKI. I am sure that there is not an American who would oppose any appropriation for an adequate Defense Establishment for this country. But, as I see these various bills coming in here, we keep hearing the statement that, if we do not get this, we are going to lose command of the sea, or we are going to lose command of the air. I am wondering myself if perhaps we should not wait with this legislation until after the summit meeting. We have been hearing all sorts of promises for disarmament. Other proposals are going to be made at the summit meeting. We are appropriating tremendous amounts of money. There is a question about all this, in my mind.

Mr. VINSON. Let me comment on that, because I think the gentleman is somewhat in error in the premise he has taken. You cannot hesitate to keep this country prepared in every phase, notwithstanding the fact that there is in the atmosphere some conversation about a summit meeting. When disarmament reaches a conclusion and is accomplished, then you will not have this type of bill brought in. We can talk about disarmament, but in the meantime we know we need to be prepared, and we have to keep the fleet modernised.

Mr. PUCINSKI. The only reason I asked these questions, Mr. Chairman, is because I have been receiving mail from my constituents, as have all other Members, and I am convinced that the American people are willing to make their financial contribution to an adequate Defense Establishment for America; but I am also aware of the fact that the people back home who are footing the bills are demanding from their Representatives in Congress that every cent we spend on this type of appropriation be carefully considered. I trust this is the committee's recommendation, and that in the opinion of the chairman this particular type of program is absolutely essential.

Mr. VINSON. I can assure the gentleman that in the judgment of 37 members of the Committee on Armed Services it is absolutely essential that we pass this authorization.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

The time of the gentleman from Georgia has expired. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to undertake the construction of not to exceed eight thousand tons of amphibious warfare vessels and landing craft, not to exceed four thousand tons of patrol vessels, and not to exceed twenty thousand tons of auxiliary vessels.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Now, Mr. Chairman, we have given foreign countries hundreds of millions of dollars worth of naval craft. May I ask the chairman of the House Armed Services Committee this question: Is this included in the foreign hand-out program? That is, the value of these ships that we have given to foreign countries.

Mr. VINSON. This particular bill is straight authorization legislation. It is necessary to have this legislation in order to have a well-rounded-out Navy.

Mr. GROSS. But is the value of the ships we have given away listed as a part of the foreign give-away program?

Mr. VINSON. Of course not, not the value of the ships. Some of the rehabilitation costs of the ship is, of course, but only some, not all.

Mr. GROSS. Well, then, we should add many millions of dollars to the bill for the so-called foreign aid program; is that correct?

Mr. VINSON. Well, the foreign aid program and this authorization are entirely different things.

Mr. GROSS. No; it is not entirely different. If we are giving them ships they do not have to build them, and therefore that is still another contribution to their aid.

Mr. VINSON. We are not giving them; we loan them. And, these ships are old ships. We are not repairing them. We permit the foreign governments, by an act of Congress, to come here and employ our industry to repair them largely at their own expense, and then we turn them over to them on loan.

Mr. GROSS. And if we ever get those ships back, they will be ready for the junk yard.

Mr. VINSON. I hope not. They will be good ships, and they will be used for good purposes while loaned.

Mr. GROSS. Some of these ships are more than 5 years old before they are loaned, are they not?

Mr. VINSON. Yes. They are modernized and brought up to date, just like you repair an automobile. It increases the life if you put a new motor in it, and the same thing is true with a ship.

Mr. GROSS. The gentleman previously said that some of these ships were obsolete.

Mr. VINSON. They are old, it is true. They are obsolescent and they have been in the mothball fleet. We permit them to be taken out under an act of Congress and loaned.

Mr. GROSS. If they are loaned to a foreign government and they are obsolete and they come back to us, they are going to be scrapped, are they not? You have scrapped better than obsolete ships, have you not?

Mr. VINSON. Well, here is the great advantage to the ship loan program. If these countries did not do the patrolling, the responsibility would fall upon us. It would increase our budget. Every ship that we turn over to any of our friendly nations is used for our mutual defense, and they perform their military mission with their navy. It lessens to that degree our responsibility, and it is in the interest of economy and mutual defense to do it.

Mr. GROSS. Of course, the gentleman and I disagree about the help we will ever get from some of these so-called friendly nations.

Mr. KOWALSKI. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Connecticut.

Mr. KOWALSKI. I rise in support of the bill, Mr. Chairman, but I cannot agree entirely with the benefits that we get from this loaning of vessels outside the country. For example, Germany today is only contributing 3.1 percent of its gross national product for defense while we are contributing some 9 percent. I think this is a significant thing. I think it is important to our constituents. I think we should make these other countries pay more for the kind of help they are getting. It is not only to our own benefit; it is just as much to the benefit of Germany as any other nation.

Mr. GROSS. I will say to the gentleman that I think some of these countries ought to be buying these ships rather than we loaning them, which is in the nature of a giveaway.

Mr. KOWALSKI. And many other areas, too. They could support some of our very expensive installations in Europe as well as other places.

Mr. GROSS. That is certainly right.

Mr. RIVERS of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from South Carolina.

Mr. RIVERS of South Carolina. Germany has spent $40 million on six destroyers they have gotten under the loan program. They have paid every nickel of the cost of rehabilitation, and they are one of the two countries that have done that. Germany has paid its way on everything they have gotten to the extent of $40 million, to my certain knowledge. Germany has done that.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

The Clerk read as follows:

Sec. 2. There is hereby authorized to be appropriated such sums as may be necessary for the construction of the foregoing vessels.

Mr. HOFFMAN of Michigan. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the chairman of the committee, the gentleman from Georgia [Mr. VINSON] has been talking about progress and how things including ships become outmoded or obsolete. There is one thing that is absolutely sure; the folks back home are catching on to what is going on. They not only have the TV, the radio, and the newspapers, they have the columnists and the editors—all of that—and hardly a day goes by but that in the press and over the air are these statements about the waste and extravagance, the misfeasance, the nonfeasance, the malfeasance—the whole long list—telling where the Nation's dollars are being wasted. The people are not being fooled. They know that we are spending more money than they can afford to pay. They want to know how to get around this practice. That is my interest. And the trouble back home is increasing all the time because of the fact that when it is an election year the candidates are talking about how the administration wastes our money, asking the people to forget that it is the Congress, controlled by the gentleman's

party which authorizes the expenditures. The press picks up the story and they can sell it. And they tell about how strong the other nations are. Here just recently I noticed that one of the Democratic candidates for President—and because he is a Member of the other body I suppose I cannot speak about him by name; at least, somebody thinks I cannot, although I think under the rules I can—he said that Ike is all wrong. If I read the papers correctly he says that Ike is not telling the truth about our preparedness. That Ike does not know what he is talking about and when he does know, even then he is misrepresenting the situation.

If my information is correct, the other countries, including Russia, capitalize on that. It causes the Communists, especially the Russian Communists to think that we are weaker than we actually are. It certainly lends them encouragement. It would seem that all that propaganda that these Democratic candidates are feeding us day after day just makes the other nations who might be inclined to be our enemies think that perhaps they can push us a little bit harder—and all the time.

So what is the answer? The answer is that our folks at home must dig up more money for national defense. There is so much of it, as the gentleman from Georgia [Mr. VINSON] conceded a while ago, he and I do not know all of it. The trouble is I do not know much, if any, of it; in fact, none of it, as to what we need. All I can rely upon is what those in authority or those who pretend to be our experts tell me.

I thought that the people of our country did not want a military man for President. Apparently I was mistaken about that. Now when we have elected a military man, President Eisenhower, the man who was at the top, the man who commanded during the World War, who is given some credit at least for winning it, when he comes along with his flock of advisers, we are told by these experts on the majority side—I said experts; they presume to speak as experts—that we do not have anything adequate for defense. That the President does not know anything about what we actually need and what we actually must have. What is a poor fellow from the sticks to do about it? You can take it to the Lord in prayer, as I do. But I do not get an answer printed in the newspapers. I do not get an answer for the people back home to hear. So there you are, and in an election year when the safety of the Nation—do I put this too strong?—depends upon the reelection of the present Congressmen. What nonsense. But it leaves a fellow confused.

Mr. VINSON. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield.

Mr. VINSON. The gentleman stated he did not have the information, that he did not know about these things. I suggest to the gentleman that he have faith.

Mr. HOFFMAN of Michigan. Faith without works?

Mr. VINSON. Faith, just have faith.

Mr. HOFFMAN of Michigan. I have faith in the President's military knowledge and ability—even the bitter outcries and charges made day after day by the Democrat candidates does not weaken it but certainly gives encouragement to our enemies. But everything we do, according to the gentleman's committee, is not enough. They always want more and more. We cannot travel into outer space. There was that $915 million that we authorized the other day to study space. But we cannot travel into outer space to get the dollars or the implements of war that the gentleman says we must have. We cannot get out there. There is no way at the present time, if I am correctly informed, to get those things back from the moon or any of the planets—the ships, the implements of war.

The people, our folks, must dig and dig again. The least we can do is not to spend ourselves into inability to do what must be done if we are to survive. We just have to make implements of war in our own factories and we cannot survive unless we protect our ability to produce.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentleman from Iowa.

Mr. GROSS. According to the distinguished chairman of the Committee on Armed Services this bill has the complete support of the White House and the Budget Bureau in behalf of national defense.

Mr. HOFFMAN of Michigan. I can get an overwhelming majority for the spending of other people's money any time I want to ask for it, as long as those voting on the proposition do not have to contribute.

Mr. GROSS. I reiterate that the pending legislation is an administration measure in support of national defense.

Mr. HOFFMAN of Michigan. I thank the other half of my party.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. ALBERT] having assumed the chair, Mr. DELANEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 10474) to authorize the construction of modern naval vessels, pursuant to House Resolution 497, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

VETERANS' MEDICAL SERVICES

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mr. ROGERS of Massachusetts. Mr. Speaker, 2 days ago a very fine chief of one of the veterans' medical services performed one of the kindest acts I have ever known of, taking care of a very ill nurse with a very special kind of operation. This is the kind of thing the veterans' medical services are doing. This was one of the kindest. It makes you feel that God is in his heaven and all is well with the world.

PERSONAL ANNOUNCEMENT

Mr. CHAMBERLAIN. Mr. Speaker, because of official business I was absent during rollcall No. 44, on the passage of the appropriation bill for the Departments of State, and Justice, the Judiciary, and related agencies, for the fiscal year 1961. I take this occasion to state that had I been present I would have voted "yea."

THE TEAMSTERS UNION SHOULD HAVE FREE AND FAIR ELECTIONS

The SPEAKER pro tempore (Mr. ALBERT). Under previous order of the House, the gentleman from Pennsylvania [Mr. DENT] is recognized for 60 minutes.

Mr. DENT. Mr. Speaker, for some time now I have been receiving communications and phone calls concerning internal matters of public interest in the much publicized Teamsters Union.

In order to bring the matter squarely before you and the other Members of this Congress I want to insert at this point a telegram from local No. 30 of the Teamsters from my home town, Jeannette, Pa., marked "Exhibit A":

EXHIBIT A

JEANNETTE, PA., *April 11, 1960.*

Congressman JOHN H. DENT,
House of Representatives,
Washington, D.C.:

We, the undersigned members of the rank and file of Teamsters Local Union No. 30, Jeannette, Pa., ask for redress of the following:

1. Demand of our Federal rights for a free and fair election in our international union as guaranteed by the Landrum-Griffin law and which are being denied by arbitrary action of the Federal district court.

2. Urge you to use your good office and influence, as our Representative in Congress, to bring this matter to the attention of Congress.

3. Urge you to do all in your power to secure hearing for our rank-and-files denial of our rights, and the waste of our union dues at the rate of $2,000 per day by the monitors.

Sincerely,

Luther B. Ickes, Walter Chrzan, John Odorisio, Domenick Detore, Philip Cristina, Edward Welser, Betty McIlvaine, Ruth Acito, Albert Yanosko, William Miller, Ray Lash, Charles E. Smith, Jr., Jay Ruffner, John Sakos, Albert Dorundo, John Hohider, Paul Todd, Robert Peoples, Thomas Dursa, Michael Murkley, Louis Vitace, Margaret Fox, Glenn A. Turney, Joseph Di Cecco, Charles Wisniewski.

You will note, Mr. Speaker, that point 2 of this telegram requests that I bring this matter before Congress. Pursuant to their constitutional rights and my sworn duties as a Member of Congress, I shall comply with their request.

By way of explanation, let me say that the Luther B. Ickes who heads the list of signers has been associated with this local since its infancy and has always been a resident in good standing in my home community.

Amongst the rest of the signers are many personal friends and acquaintances whom I have known over these many years.

Pursuant to this request, allow me to elaborate on the points of inquiry and interest as contained in this wire and covered in other correspondence.

In line with point No. 1 of their petition, I requested detailed information showing action on the part of their union for an election pursuant to their much heralded rights under the Landrum-Griffin bill. I herewith submit documented papers marked "Exhibit B" which answers my query as to whether proper action has been taken to comply with the requirements of the law:

EXHIBIT B

IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA—JOHN CUNNINGHAM, ET AL., PLAINTIFFS *v.* JOHN F. ENGLISH, ET AL., DEFENDANTS—CIVIL ACTION NO. 2361–57—DEFENDANTS' MOTION FOR A CONVENTION

The defendants, by their undersigned attorneys, hereby move the court for an order directing the immediate calling of a convention of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, for the election of officers for a 5-year term, the said convention to be held as soon as is permitted by the notice provisions of the international constitution. As grounds for their motion, the defendants state, all as more fully appears from their points and authorities filed herewith, that (1) it is desirable that there be early transition from court supervision of the international to normal organizational management; (2) the ever-increasing cost of the monitorship is a burdensome charge against the funds of the international which charge ought to be eliminated without unnecessary delay; (3) the monitorship, having ceased to function as the advisory institution intended by the consent decree to render a valuable service to the international and its membership and having adopted an adversary and prosecutional attitude which creates more difficulties than it solves, has outlived its usefulness; (4) performance under the consent decree of January 31, 1958, has advanced to a point which gives reasonable assurance of new elections in accord with membership rights under the international constitution; (5) further assurance in this regard is provided by the Labor-Management Reporting and Disclosure Act of 1959, which became effective on September 14, 1959; (6) the sanctions and remedies provided by the said act guarantee also that the obligations of the defendants embodied in the consent decree will continue to be performed in the future; and (7) any remaining doubt as to the efficacy of an early convention as an expression of the free preference of the membership of the international will be obviated by such supervision of the convention and the antecedent elections of delegates as to the court shall seem necessary and proper, in which connection the defendants are willing that the election of local union delegates to the convention be supervised by such independent public or private agencies as the court may select.

EDWARD BENNETT WILLIAMS,
RAYMOND W. BERGAN,
HAROLD UNGAR,
Attorneys for Defendants.

Of counsel:

DAVID PREVIONT,
Warner Theater Building,
Milwaukee, Wis.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion, together with the points and authorities in support thereof, has been mailed this day of March 1960 to each of the following: Godfrey P. Schmidt, Esq., 12 East 41st Street, New York, N.Y.; Martin F. O'Donoghue, Esq., 831 Tower Building, Washington, D.C.; Herbert J. Miller, Esq., World Center Building, Washington, D.C.; J. Benjamin Simmons, Esq., 1010 Vermont Avenue NW., Washington, D.C.

IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA—JOHN CUNNINGHAM, ET AL., PLAINTIFFS *v.* JOHN F. ENGLISH, ET AL., DEFENDANTS—CIVIL ACTION NO. 2361–57—POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANTS' MOTION FOR A CONVENTION

1. This action was commenced in September 1957 because of an alleged "rigging" of the 1957 convention of the international, as a result of which alleged rigging the adoption of the new international constitution and the election of international officers at such convention were claimed to be in violation of the 1952 international constitution and the rights thereunder of the membership represented by the plaintiffs. The complaint further alleged various breaches of fiduciary duties and responsibilities by some of the named defendants and by other officers of the international and its affiliates. The plaintiffs prayed that a temporary receivership be established for the limited purpose of assuring and supervising elections and a convention that would be conducted in strict compliance with the international constitution.

2. The litigation terminated in a compromise embodied in a consent decree adopted by the court on January 31, 1958, the purport and intent of which compromise were to assure a new convention at the earliest possible time in accordance with the terms and conditions set forth in the said consent decree. Specifically, section 8 of the consent decree provided:

"A new convention and election of officers shall be held at any time after the expiration of 1 year from the date of this order when the general executive board by majority vote shall resolve to call such convention and hold such election."

Thus, it was contemplated that the new convention could have been held more than a year ago.

3. This court, however, having found that conditions for a new convention were not yet ripe after a year of operation under the consent decree, ordered, on February 9, 1959, that section 8 of the decree be modified to make the time for the new convention "subject to recommendation by the board of monitors to the general executive board of the international brotherhood, with the exact time of holding the convention being subject to the final approval of the court."

So much of this modification as subjected the date of the new convention to control by the monitors was held by the court of appeals to be error. *English, et al.* v. *Cunningham, et al.* (—U.S. App. D.C.—, —, 269 F. 2d 517, 524 (1959)). The principle that the new convention date be controlled by the district court itself was, however, upheld. Ibid. The basis upon which this court is to exercise that control is sufficiently indicated in the opinion of the court of appeals. That court said:

"We realize the desirability of early transition from court supervision to normal organizational management, but the district court is not required by law, or by the consent decree, to step aside until conditions advance to a point which gives reasonable assurance of new elections in accord with membership rights under the Teamsters' constitution. If defendants' obligations are not yet fulfilled we think the time for doing so may be enlarged" (—U.S. App. D.C. at —, 269 F. 2d at 524).

In short, this court is to extricate itself from the somewhat unaccustomed role of labor union supervision and is to restore to the international the full management of its own affairs as soon as there is a proper atmosphere for the transition. In determining the existence vel non of such an atmosphere, the court is to consider whether operation under the monitorship has progressed to a point giving reasonable assurance that the membership's preferences will be reflected in the transition to independence. In making that determination, moreover, the court must give due regard to the effect of the Labor-Management Reporting and Disclosure Act of 1959, adopted after entry of the consent decree herein. The effect of the act is hereinafter discussed. The mere fact that certain monitorial recommendations have not received full compliance would not necessarily mean that the proper atmosphere for the transition does not exist, because some of the recommendations may have no significant relation to the fulfillment of the defendants' obligation to produce an atmosphere in which a transition to independence can be made with "reasonable assurance of new elections in accord with membership rights." What the court of appeals has required is not that the defendants shall have crossed every "t" and dotted every "i" that the monitors may have seen fit to demand of them, but only that they present an overall picture of compliance with their obligations to protect membership rights. Indeed, in spelling out the areas in which this court may direct action by the defendants, the court of appeals repeatedly limits such direction to cases where "the defendants fail to comply in any significant respect with their obligations under the consent decree" (— U.S. App. D.C. at —, —, 269 F. 2d at 522–23, 525).

5. The monitorship established under the consent decree has now been in existence for more than 2 years—a period more than double that originally contemplated by the parties and the court. That there may still be room for improvement in some of the international's policies and practices is no justification for further prolongation of the monitorship. It was never contemplated that the monitorship would produce perfection. Indeed, no organization as large and complex as the international can ever be expected to reach perfection. Certainly nothing like perfection could possibly be attained in a period of 1 year. Therefore, in agreeing to the provision of section 8 of the consent decree that the general executive board of the international could terminate the monitorship after 1 year by holding a new convention, the parties must necessarily have contemplated that some minor complaints would not be considered by the monitor, but would be left for future correction by the normal operation of a democratically constituted international. What the monitorship was designed to accomplish was, as the court of appeals said, "reasonable assurance" that new elections and a new convention could be conducted in a manner according with membership rights under the constitution. As soon as there is such "reasonable assurance," the international and its membership are entitled to a termination of

the monitorship and a restoration of autonomy without delay. That time, we submit, has arrived.

6. The very substantial degree of compliance by the defendants with the various orders of the court under the consent decree is well known to the court and need not here be set forth in detail. That some of the court's orders may not have been fully executed (in some measure, because of foot dragging by the monitors, as will hereinafter appear) does not detract from the fact that the basic obligation under the decree—that of assuring free and democratic elections leading to a fair convention—has been carried out. Witness, for example, the promulgation by the general president of proposed uniform local union election rules. Small deviations from perfection in peripheral matters should not be seized upon as a justification for continuing the monitorship to a point where it disserves the interests of the membership.

7. Since the appointment of the present chairman of the board of monitors, and more particularly since the denial by the Supreme Court of the defendants' petition for certiorari, the majority of the board of monitors has adopted a position adversary and hostile to the defendants, abandoning the advisory role assigned to the board under the consent decree, with the result that the monitorship has now become merely a continuation of the litigation which the decree was to have settled. The board has repeatedly neglected and refused to consult with the officers of the international toward the solution of problems. It has repeatedly disregarded or rejected invitations to attend meetings of the general executive board of the international. The court will recall one occasion when it found it necessary to instruct the monitors to meet with the general executive board. What the monitors are presently devoting their time and energies to are the various alleged acts of misconduct by some of the defendants which acts were charged in the complaint and which were disposed of by the compromise embodied in the consent decree. They are, for example, busily gathering evidence to support a charge against the general president of the international which the plaintiffs had alleged in their complaint and, on April 28, 1960, they expect to prosecute him on that charge before this court, notwithstanding that the plaintiffs gave up the charge by consenting to the decree. This adversary, hostile, and prosecutory position violates the spirit of the decree, perverts its purpose, and frustrates the attainment of the ultimate objective of the suit and the decree to assure a free, fair, and democratic election of international officers. The bias and the adversary attitude of the chairman of the board of monitors appear from the affidavit of Monitor Maher attached hereto as exhibit X.

8. The effect of the monitors' foot dragging is well exemplified by their record regarding the formulation of model local union bylaws. The drafting of such bylaws was a duty placed on the board of monitors by section 4 of the consent decree on January 31, 1958. To date, there has not yet been a formal submission by the board of monitors to the international of a draft of proposed bylaws. The chairman of the board of monitors did, however, almost 2 years after the board's duty arose, submit a draft which had not been formally adopted by the board. To get the monitors to submit their proposal and to discuss it with the general executive board of the international took very considerable pressure on the part of the defendants and even the intercession of this court. As a result of this pressure, it now appears that a model code of local union bylaws will soon be recommended for adoption by the local unions. The chairman of the board of monitors, however, with an apparent abhorrence of accomplishment, has recently announced that the present unofficially proposed provisions for insertion in the bylaws are not final, that he reserves the right to propose others, and that he anticipates that it may take another year or a year and half for the board of monitors to complete its duty under section 4 of the decree. The right of the international and its membership to a restoration of self-government cannot in justice and equity be thus frustrated at the whim of the chairman of the board of monitors.

9. The monitors' performance under section 5 of the consent decree is another example of foot dragging which should not be allowed to result, even if so designed, in undue prolongation of the monitorship. That section gives the monitors a consultative role in the duty imposed on the general executive board to "review and where needed establish accounting and financial methods, procedures and controls affecting all funds and properties held, received and disbursed by or on behalf of the international * * * and its subordinate bodies." To perform that role the monitors obtained the consent of the international to hire an accounting firm at the international's expense. That firm, although it has acknowledged the excellence of the international's present system of recordkeeping with the exception only that records of the good-standing status of all members of local unions are not kept at the international office, has yet to recommend any revised bookkeeping system. The accounting firm has, however, billed the international to date for $18,721 for consultation fees alone. To remedy the one alleged defect of the international's recordkeeping system (a course not yet formally recommended by the monitors) would involve an initial expenditure in excess of $330,000 and would increase recordkeeping costs by over $142,000 per year.

10. A large component of the plaintiffs' complaint that the 1957 convention did not fairly reflect membership preferences was the fact that 109 of the international's local unions were in trusteeship. The consent decree provided, therefore, in section 7, for elimination of trusteeships "with all deliberate speed consistent with the best interests of the membership of such locals." The international, in compliance with this provision, immediately embarked upon a vigorous campaign to eliminate trusteeships and restore local unions to autonomy wherever possible. It had already restored 41 locals to autonomy and was in the process of restoring 21 more to autonomy when the Board of Monitors, on June 17, 1958, issued an order of recommendation that the campaign of restoration be suspended until the monitors could consider what rules should apply to election at trusteed locals. There followed more than a year of discussion between the monitors and the international concerning proposed election rules for autonomous as well as trusteed locals, the greater part of this period being consumed by long silences on the part of the monitors. The logjam was not broken until October 13, 1959, when the general president promulgated a set of temporary local union election rules, recommending them for adoption by all autonomous locals and announcing that he would use them in all trusteed locals. The international thereafter acceded to the monitors' demand that the release of trusteed locals remain suspended until 12 pilot elections could be held under supervision of an outside agency. The international, desiring the speediest possible elimination of trusteeships, cooperated fully with the Honest Ballot Association, which had been selected by the monitors to supervise six of the pilot elections, and a modus operandi was agreed upon for the conduct of the elections. There was, therefore, every prospect that the ultimate release of all of the trusteed locals could be accomplished very quickly. Thereafter, however, the American Arbitration Association, the agency selected by the monitors to supervise the other six pilot elections, proposed a modus operandi not only far more expensive than that proposed by the Honest Ballot Association, but also extremely burdensome and rationally inapplicable to the circumstances of the six locals whose elections were to be supervised. The monitors' apparent disenchantment with the Honest Ballot Association and their stubborn espousal of the procedures suggested by the American Arbitration Association have had the effect, thus far, of delaying the completion of the international's program of restoring all trusteed locals to autonomy. Some of the trusteed locals have been in trusteeship for more than 18 months, contrary to the spirit and purpose of title III of the Labor-Management Reporting and Disclosure Act of 1959, hereinafter more fully discussed. It is hoped that, despite difficulties injected by the monitors, the program of release of trusteeships can shortly be brought to substantial completion. To the extent that it has not been completed, however, there is no reason, on that account, to postpone the holding of a new convention. Since, under section 303(a) of the new act, convention delegates from a trusteed local are required to be elected by secret ballot, there is as much assurance of democratic control as there would be if all the locals were autonomous. The condition for a new convention imposed by the court of appeals has, therefore, been satisfied.

11. In the fall of 1959 almost half of the local unions constituting the international held their elections of officers. In some cases, disputes arose as to eligibility, which disputes were to be expected in view of the fact that a new eligibility standard was being used at the instance of the board of monitors. These disputes have been decided by this court to the satisfaction of the board of monitors. As for complaints to the monitors about the manner in which these elections were conducted, they have rejected those they have thus far acted upon. There can be no stronger evidence, we submit, that there is now reasonable assurance that delegates to a new convention can be elected in full accord with membership rights under the constitution.

12. During the more than 2 years since the entry of the consent decree and despite the increasingly hostile and adversary attitude of the majority of the board of monitors, the officers of the international have not only produced an atmosphere satisfying the court of appeals' requirement of "reasonable assurance of new elections in accord with membership rights under the Teamsters' constitution," but have discharged their obligations under the decree and the international constitution in the handling of receipts and disbursements each in excess of $24 million; they have faithfully managed and conserved over $39 million of assets; the membership of the international has increased by over 28,000 members; the international has paid out over $4,400,000 in strike benefits; it has expended more than $3,597,000 in organizing campaigns; the international officers have assisted the various area conferences and local unions in negotiating thousands of contracts covering collective bargaining units ranging from two or three employees to 100,000 employees; the international's investments have been handled in strict accord with fiduciary standards; and the general president and general secretary-treasurer have worked efficiently and diligently, often more than 12 hours a day and for 6 or 7 days a week, in the discharge of their duties to the international, its subordinate bodies, and its membership.

13. The number of complaints received by the board of monitors alleging grievances

claimed to have occurred since the entry of the consent decree has probably averaged no higher than three or four per week. The great majority of these complaints are acknowledged by the monitors to be either without merit or beyond the jurisdiction of the monitors under the decree. The continuation of the monitorship for the purpose of processing an ever diminishing trickle of ever less meritorious complaints cannot be defended on any rational basis and cannot justify the drain on union funds which the monitorship entails. The direct expense of this litigation to the international has already been more than $690,000, without counting the $210,000 of fees allowed for plaintiffs' attorneys and now on appeal. The cost of the monitorship has accounted for the fact that, for the roughly 2 years of the monitorship, the international's expenses have exceeded its income by over $84,000. The monthly cost to the international entailed by the monitorship has now risen to about $35,000. The board of monitors which consisted originally only of its three members, has grown and grown, until it now employs a full-time staff of five lawyers, six secretaries, and a staff analyst, all paid by the international, as well as retaining the services of a law firm whose bill, for its first 8 weeks of work, is over $18,000. This court will, of course, follow Mr. Justice Frankfurter's admonition to be thrifty in the expenditure of the international's funds. The most significant consideration in such thrift, we submit, is that the machinery upon which the funds are expended not be kept in operation beyond the point of economic utility. That point has long since passed.

14. In considering the need for and the utility of the machinery established under the consent decree, the court must be mindful that, subsequent to the entry of the decree, Congress adopted and the President signed the Labor-Management Reporting and Disclosure Act of 1959, which became effective on September 14, 1959. A copy of that act is attached hereto as exhibit II. In the course of the debates and arguments in Congress and before its various committees, it was repeatedly stated and acknowledged that the principal purpose of the legislation was to correct and to prohibit the repetition of those very conditions and circumstances alleged in the complaint in the instant litigation. Accordingly, the act deals specifically with the very matters which were the subject of the suit herein and which are now covered by the consent decree, to wit:

(a) The right to vote periodically for elective officers, the right to honest advertised elections, the right to fair and uniform qualifications to stand for office, and freedom to express views at meetings (section 3, consent decree) are specifically covered by titles I, III, and IV, as well as sections 609 and 610 of the act, which secures these rights through penal sanctions and civil injunctive proceedings either at the instance of aggrieved members or upon application of the Secretary of Labor.

(b) The adoption of local union bylaws (section 4, consent decree) is required by sections 101(a)(1) and 201(a) of the act.

(c) The establishment of accounting and financial methods and procedures and the imposition of fiduciary standards (section 5 of the consent decree) are covered by titles II and V of the act.

(d) The provision against conflict of interest (section 6, consent decree) is covered by section 202(a) and title V of the act.

(e) The provisions for restoration of autonomy to local unions under trusteeship (section 7, consent decree) are covered by title III of the act.

(f) The requirements for a full and fair convention of the international union (section 9, consent decree) are covered by titles I and IV of the act.

(g) The prohibition against reprisals (section 13, consent decree) is covered by sections 101(a)(5), 102, 401(c) and 610 of the act.

Under the act, the State courts, the Federal courts, the Department of Labor, and the Department of Justice are empowered, upon individual or class complaints, to seek and provide remedies, both criminal and civil in nature, against any of the wrongful conduct covered by the consent decree. Accordingly, the use of the new procedures available under the law will eliminate all of the costs and expenses of the monitorship, while at the same time achieving all of the objectives and purposes of the monitorship, to wit: democracy in union affairs, full reporting and disclosure, adherence to fiduciary standards and democratic elections. Indeed, Mr. Godfrey Schmidt has observed to this court that "had the Landrum-Griffin bill been a law at the time we instituted this case, we might very well have adopted other procedures under such a bill." It was because of the absence of such statutory procedures, he added, that the plaintiffs "were forced to have recourse to a court of equity" (transcript of hearing of Oct. 16, 1959, p. 241).

15. By the enactment of the new law, Congress clearly expressed its desire and intention that matters such as are involved in this proceeding be handled in the manner set forth in such law. Congress also reaffirmed and gave protection to individual rights of members to participate in and to conduct their own affairs in accordance with their own constitution and bylaws and in the exercise of the democratic rights assured by titles I and IV of the act. Further prolongation of the monitorship would deprive the members of this international of those rights.

16. For the remedies of title IV of the act, relating to elections, to be available to the members of this international, it is necessary that there be changes in the international constitution; e.g., as to terms of office of local union officers, as to election of unopposed candidates, and as to election of officers of intermediate affiliated bodies, etc. Under section 404(2), these changes are to be made, within a year of the date of enactment of the statute, by action of a convention. If a convention is not held within a year, the general executive board is empowered to make the changes. The only impediment to holding of a convention by September 14, 1960, can be this court's refusal to permit it. In view both of the purpose of the complaint which started this action and of the policy of the new act that the membership of the international have the strongest possible voice in the affairs of their organization, we submit that there is every reason for this court not to interpose any impediment to an early convention.

17. Section 403 of the new act provides:

"No labor organization shall be required by law to conduct elections of officers * * * in a different form or manner than is required by its own constitution or bylaws, except as otherwise provided by this title. Existing rights and remedies to enforce the constitution and bylaws of a labor organization with respect to elections prior to the conduct thereof shall not be affected by the provisions of this title. The remedy provided by this title for challenging an election already conducted shall be exclusive."

Thus the statute, having provided for certain democratic safeguards for future elections and having required that such safeguards be included in the international constitution, forbids the imposition of rules or restrictions other than those so stated in the constitution. For this or any other court to require elections to be conducted in any other form or manner would violate the clearly expressed statutory policy. So far as concerns elections already held, the statutory challenge procedure is made exclusive. It need not here be decided whether this has the effect of terminating the jurisdiction of this court over this lawsuit brought to challenge the 1957 elections. Cf. *Kline v. Burke Construction Co.* (260 U.S. 226, 234 (1922)). It is enough to observe that proper effectuation of the policy expressed in the statute would require this court to conclude that such part, if any, of the controversy remaining for justification has been rendered moot.

18. If the court requires further assurance that the earliest possible convention of the international will be a true reflection of the desires of the membership and will be conducted in full accord with the constitutional rights of the membership, the defendants hereby state to the court their willingness and agreement that all local union elections of delegates to the convention be conducted by secret ballot under the supervision of such independent public or private agencies as the court may select.

CONCLUSION

It is submitted, in the light of the foregoing, that, as a matter of law and equity, a new convention of the international should immediately be authorized.

Respectfully submitted.

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Insofar as point 3 in the wire is concerned, I have had to rely on conversation, some documentary evidence, and various published stories of the apparent friction within the monitors' group, between the monitors and the court and between the monitors and the union.

The serious charge of waste of union funds by the monitors, of course, cannot be declared valid without an investigation by an outside body interested in the matter from the viewpoint of public interest and public welfare.

Many charges have been made against various union officials during Senate hearings both before the committee and in the public media of press, TV, and radio.

However, few lines have appeared in connection with the rank-and-file charges of union members that the monitors are spending union funds at the rate of $2,000 a day or better than $700,000 yearly in their operations as monitors of the union.

If this is so, then this Congress ought to look into the matter if for no other reason than to fulfill the promises contained in both the arguments and the language of the Landrum-Griffin bill for fair play, personal rights, and guarantees against waste of union funds.

Tyranny, dictatorial, and arbitrary power and abuse are elements we seek to eliminate from union activities according to our promises to the public and to say that any charges of such practices are only to be investigated when perpetrated by union officials is to give a blessing to such practices if practiced by others who by whatever means gain control of the purse strings and everyday activities of any union, local, national, or international.

I sincerely believe that the time has come for an interrogation and investigation into the monitors against union controversy. We cannot hide our heads

in the sand because of the much-publicized hue and cry against individuals within the union and stand idly by while the rights, privileges, and the economic welfare of every union member is in jeopardy.

These charges, whether substantiated by the record or not, are serious enough to compel this Congress to set up a special committee to look into the entire matter since the very preamble of the so-called labor's bill of rights for rank and file members appears to be completely ignored.

It might be interesting and certainly important at this time to insert here in part the wording and intentions of the preamble: "A bill to protect the members of labor organizations within their labor unions; to establish standards and procedures for the election of officers and other representatives of labor organizations in order to protect the right of members of labor organizations to be represented by representatives of their own choosing; to reinforce the rights of members of labor organizations with respect to funds and property, and create fiduciary duties and responsibilities with respect to the administration, disbursement, and reporting of funds of labor organizations by their officials; to prevent abuses in the establishment and administration of trusteeships by labor organizations; and for other purposes."

How can any body of duly elected representatives sit idly by and watch such charges as have appeared in the public press against the monitors and apparently reaching over into criticizing of the court itself. In this regard, note the following excerpt from the Wall Street Journal, dated April 6, 1960:

MONITORING HOFFA

We hope no one will take what follows here as an argument to keep James R. Hoffa in his job as president of the Teamsters. The man is as much a menace now as he was before Federal Judge Letts switched the Teamsters' monitors around.

The three monitors, it will be recalled, were appointed 2 years ago as the result of a compromise in a court suit filed by some dissident Teamsters against Hoffa's rule; they claimed Hoffa's election as president was rigged, and they asked for a new election. Under the compromise, Hoffa was permitted to take office provisionally under the eye of a three-man monitor panel. One member was to be nominated by the union, which is to say Hoffa; one member by the dissidents, and one, an impartial chairman, by Judge Letts.

As a result of the ineffectiveness of the monitors, Judge Letts recently decided to make some changes. So he removed Lawrence T. Smith, the panel member who represented the anti-Hoffa Teamsters because he thought Mr. Smith did not have his heart in his work.

To replace Mr. Smith, Judge Letts appointed a former Federal Bureau of Investigation agent who in past years has investigated Hoffa. Simultaneous with that change, Hoffa's member of the monitor panel, Daniel Maher, notified Judge Letts that he wished to resign and Hoffa nominated a Teamster lawyer to take his place. Judge Letts not only declined to accept Hoffa's nominee; he declined to accept Maher's resignation.

Thus the monitor panel is composed of a Hoffa man who has been ordered to continue serving though he doesn't want to, and two men both appointed by Judge Letts.

Some comments, we think, are in order.

First, anyone who thinks Hoffa is going to overlook the opportunity to call this present monitor board "rigged" just doesn't know his man. Hoffa will use this development to obtain as much sympathy for Hoffa as he can force from it.

More important, though, is the fact that a Federal court has become as entangled as this one in trying to manage the Teamsters. In retrospect, it would appear far better to have gone ahead with the rigged election suit against Hoffa, instead of permitting such a compromised snarl. If Hoffa stole the election, he could have been ousted by the court. If it could not have been proved that the election was rigged, that issue would have at least been disposed of.

But, because a different course from a Federal trial with witnesses and evidence was sought, what have we now? A Federal judge with other judicial duties has to spend a great deal of time trying to run a labor union.

And we have 2 years during which not very much has been done about Hoffa and the Teamsters.

On April 5, 1960, the Detroit News carried a story by Robert Ball, headed "Plot To Frame Hoffa Charged to Monitors," as well as other related stories. A copy of this article follows with another critical analysis of the issue from the Detroit Free Press:

[From the Detroit News, Apr. 5, 1960]

PLOT TO FRAME HOFFA CHARGED TO MONITORS

(By Robert S. Ball)

WASHINGTON, April 5.—A Teamster lawyer today accused officers of the board of monitors of conspiring to frame James R. Hoffa on charges that he violated the terms of a Federal court consent decree which installed him as provisional president of the union in January 1958.

The accusation was made by Jacob Kossman, representing the Teamsters Union, in the course of taking depositions preparatory to the trial of Hoffa later this month on charges of misuse of union funds.

TARGET OF CHARGES

Target of his accusations was Martin F. O'Donoghue, chairman of the watchdog monitor board, and John Joseph Cassidy, 30-year-old executive assistant to the board.

It was during the questioning of Cassidy that Kossman accused the two of conspiring to circumvent the orders of the court by not permitting the Teamster executive board to clean up the union, thus causing the court to throw out Hoffa.

"Did you ever say that Hoffa must not be given a chance to comply with court decisions and thus get off the hook?" Kossman asked Cassidy.

"I don't recall," the $10,000-a-year monitor staff member replied.

REFUSES TO ANSWER

When the union attorney asked Cassidy if he formed policy for the monitors, Cassidy refused to answer.

At one point Kossman exploded and accused Cassidy of taking the fifth amendment by his failure to recall earlier action and his slow answers.

"It looks like I'll have to go into district court to get Cassidy to answer questions in order to show that there is a conspiracy to bypass the instructions of the court of appeals," Kossman said.

Meantime, the refusal of the Teamster-designated member of the board of monitors to continue to serve had brought no rejoinder from the court.

Daniel E. Maher, who has been seeking to resign for reasons of health since last January, has been blocked by Judge F. Dickinson Letts, supervisor of the monitor setup, who has refused to accept repeated letters of resignation.

[From the Detroit Free Press, Apr. 5, 1960]

TEAMSTERS MONITOR WON'T SERVE

WASHINGTON.—A member of the Teamsters Union board of monitors advised Federal Judge F. Dickinson Letts Monday that he is unable and unwilling to serve on the court-appointed "watchdog" panel any longer.

Daniel B. Maher, 54, said he has been trying to resign for 3 months. He said his health has been "seriously impaired."

"I, therefore, reluctantly advise the court that as of this date, I shall no longer serve on the board," he wrote the judge.

[From the Detroit Free-Press, Mar. 30, 1960]

HARD TALK ABOUT HOFFA—MORE BITTER THAN HURTFUL

The Senate Rackets Committee wound up its 3-year investigation of Teamster President James Hoffa with what amounted to a declaration that "Hoffa must go."

The Teamster boss, said the committee, is a pariah "who makes only a pretense of fulfilling the grave responsibility and trust that his position as general president entails."

The Senate committee's indictment of Hoffa was loud and bitter, but it does not convict him. For the better part of 3 years, the McClellan committee exposed Hoffa's operations, and brought out charge after charge that the Teamster president has betrayed his own membership, the whole labor movement, and has lined his pockets at the expense of his followers.

The Justice Department moved against him, but has not been able to get a conviction. The AFL–CIO expelled the Teamsters because they did not clean up corruption within their organization. A Federal court appointed a board of monitors to clean up the union and force Hoffa out.

Despite all of these things, Hoffa still rules the Teamsters in much the same fashion that he always has. A. H. Raskin, the New York Times labor commentator, states that Hoffa is stronger than ever.

[From the Nation, Apr. 9, 1960]

MONITORS VERSUS THE TEAMSTERS

(By William Goffen)

Last week's ousting of Godfrey P. Schmidt as attorney for the dissident Teamsters, and the scheduled trial next month of James Hoffa on charges of misusing his union's funds, focus attention on what Justice Felix Frankfurter has called "a most unusual manifestation of the equity powers" of a court—the monitorship which has ruled the union since early 1958.

Shortly after the union election of 1957, 13 rank-and-file dissidents, then represented by Schmidt, instituted legal action to set the election aside as rigged. After 22 days of trial, the plaintiffs rested, whereupon the defendants (the union's elected officials), agreed to a settlement without ever having taken the stand in their own defense. The terms were expressed in a consent decree entered on January 31, 1958, by Judge F. Dickinson Letts, of the U.S. District Court for the District of Columbia, who had presided over the trial.

The settlement provided for a board of three monitors to serve until a new convention for the election of officers. One of the monitors appointed by Judge Letts was Schmidt. The officials who had been elected at the 1957 convention were to serve provisionally until the new election, which the general executive board of the Teamsters was authorized to call after 1 year, and the balloting was to be held with such guarantees of the democratic process as the secret ballot and supervision by an outside agency like the Honest Ballot Association.

Had the defendants, instead of agreeing to a settlement, gone through with the trial and then lost, the victorious plaintiffs would have achieved no more than the prompt

calling of a new convention and an election under court supervision. Since Hoffa, who had been chosen president at the 1957 convention by overwhelming vote, seemed certain to win again in a new election conducted under any conditions, it is difficult to understand why defense counsel consented to the agreement calling for a monitorship.

As authorized by the consent decree, the Teamsters' general executive board issued a call for a new convention and election for March 1959. At this point Schmidt, who had signed the consent decree as plaintiff's counsel, nevertheless petitioned Judge Letts to postpone the balloting. The judge obliged by issuing a modification order postponing the holding of any new election until such time as recommended by the board of monitors.

Schmidt's opposition to a new ballot (which under the terms of the agreement would have dissolved the monitorship and terminated the lawsuit) is understandable for reasons other than his professed concern for the welfare of the rank-and-file Teamsters he represented. Since February 1958, the board of monitors has taken more than $350,000 in fees out of the dues of the rank-and-file membership. In addition, Schmidt and his co-counsel have so far claimed sums amounting to $210,000, plus expenditures exceeding $17,000, for services as plaintiffs' attorneys.

Judge Letts' modification order, aside from postponing the election to which the Teamsters' membership was entitled, granted to the monitors unlimited authority to investigate the international union and its locals, and even to institute disciplinary proceedings leading to expulsion of its duly elected officials. The court avowed that the plaintiffs had proved that the 1957 convention was "rigged" even though the case had been voluntarily settled without a single word of testimony on behalf of the defendants.

Hoffa and his fellow union officials appealed the modification order in vain; the Court of Appeals sustained the power to prohibit an election, although at the discretion of Judge Letts rather than of the monitors. If this determination is a sound precedent, it would appear that any litigant is ill-advised to settle his lawsuit, but should always fight his case until final judgment.

While generally upholding Judge Letts, the Court of Appeals did find that Schmidt had been guilty of conflict of interest, in that while serving as a monitor, he further profited by representing numerous employers in their negotiations with the Teamsters. Forced to resign as monitor, he was permitted by Judge Letts to appoint Lawrence T. Smith, a member of his own law firm, as his successor. And until last week, he continued as plaintiffs' counsel. (Judge Letts has now also dismissed Smith, and the original three-man monitorship has been reduced to one.—Editor)

Despite the extraordinary national and legal importance of a case involving denial of due process through judicial deprivation of the right of 1,600,000 union members to a free election, the U.S. Supreme Court has refused review. Attorneys for the plaintiffs have surgued persistently that a democratic election was impossible without a prior, undefined "housecleaning" of the union. This aspect has been given widespread coverage by the press. Yet, according to the Election Institute (specialists in the conduct of honest labor elections), and the Honest Ballot Association, a free and democratic election could have been arranged for the Teamsters in 3 months, let alone the long-expired 1-year minimum set by the consent decree.

The refusal of the Supreme Court to act has apparently been construed by Judge Letts and the monitors as a warrant for wide-ranging intervention in the internal affairs of the union. Judge Letts has granted subpena power to the monitors, despite the absence of statutory authority for its exercise. The monitors, for their part, are presently engaged in an attempt to oust Hoffa as president and as a member of the Teamsters. Their chief ground—it is the issue involved in the Hoffa trial scheduled for next month—is that Hoffa was guilty of a conflict of interest in connection with a project in Sun Valley, Fla., for the construction of homes for aged Teamster members. At one point in the course of complicated realty and bank negotiations, Hoffa had an option to purchase stock in the firm which was to construct the homes.

It is ironic that Hoffa and Schmidt, who for so long have been battling each other in and out of the courts, should both stand accused of conflicts of interest. The trial, of course, will fix Hoffa's legal responsibility in the Sun Valley affair. But it seems reasonable to draw a distinction, on moral grounds at least, between the acts charged to Hoffa and those of Schmidt's which resulted in the latter's dismissal as a monitor. Whatever profit Hoffa may personally have stood to gain in the Sun Valley project, his union would have gained an old people's home—certainly a worthy plan. But Schmidt's activities, while of profit to himself and perhaps to the employers in whose behalf he negotiated with the union, can in no way be construed as having profited the Teamsters, whose membership, as a monitor, he was supposed to protect.

The Teamsters' membership has expressed its opposition to the monitorship through the following petition to Judge Letts:

"We, the undersigned members of the International Brotherhood of Teamsters, want an election of officers of the I.B.T. now. We do not want the monitorship which is eroding the foundations of our union by maligning our membership, generating an atmosphere of fear, weakening our organizational functions and depleting our treasury."

There can be no question of a Hoffa victory if a new election were to be held. The union, as a matter of fact, has "never had it so good." While other unions—notably the Auto Workers, Steelworkers, and Machinists—have been losing membership, the Teamsters gained more than 20,000 new members last year.

The truth is that to deprive union members of the right to vote for their international officers is no more defensible, legally, than to deprive stockholders of their right to elect the officers of United States Steel.

It would seem that if the Teamsters' monitors sincerely believed that a union housecleaning was desirable, they would willingly withdraw their opposition to an election, the democratic way for housecleaning of any group. Their continued opposition can be regarded as consistent with a general tendency, in recent years, to erode labor's rights.

These are just samples of the many stories appearing in our public press on this issue. The time has certainly come for a showdown by way of a free election to either put the Teamsters back under their duly elected officials or to at least have an accounting from the monitors who appear to have, as the newspapers point out, accomplished none of the objectives that prompted their appointment.

The courtroom of Judge Letts has become too confining for a problem involving not alone millions of dues dollars, but, more important, the economic welfare of the very members whose rights were to be protected.

If these various charges are false, then the searching sunlight of an honest investigation will show just that; if they are true then is it not time for the public to know what is going on?

It is no longer a mere rumor and/or gossip topic to hear charges that the monitors have set out to destroy the Teamsters' Union.

It may be a worthwhile objective to destroy a union and its memberships' welfare, but certainly it should not be part of the duty of a Congressman to watch it happen under the guise of a benefit for his constituents.

The men who signed the wire exhibited in the foregoing part of this presentation have the right to be heard and attention be given to their complaints.

I am sure other Members of this Congress feel as I do in the matter of justice for the rank and file members of this union, as well as all other unions.

This is no time to discuss the question of whether unions are or are not necessary but it is time to discuss the right to freedom of action by union members.

It doesn't matter whether the arbitrary and dictatorial power comes from an elected or an appointed official, it is still arbitrary and dictatorial and as such must be stamped out and the rights of all persons put in proper order.

Mr. Speaker, before coming before the House on this very touchy subject I made every effort to get evidence that would substantiate the charges being made by the rank and file members; to wit, that the monitor setup is costing the union members exhorbitant sums of money.

I submit the pertinent information I gathered from correspondence and facts submitted:

The total hours spent by the board of monitors from March 18, 1959, to March 25, 1960, totals 156 hours, 16 minutes; total number of meetings, 84; average time spent per week, 2 hours and 56 minutes; the bill submitted by each of the monitors has averaged over $45,000 for this period for each monitor.

This amounts to over $500 per meeting per member, and approximately $265 per hour of actual time spent in doing their duties.

There is nothing in their appointment that restricts their activities to tending only to the business of the Teamsters' Union. This appears to be a rather high income for a part-time job.

The monitors have averaged 2½ to 5 hours per week in meetings.

The union has spent well over $1 million since the inception of the monitorship.

Total paid is estimated to be for monitors technical staff, monitors themselves, their regular staff and expenses, over $3,000 per day. This does not include expenses of the international union which is over $1,000 per day for monitor business; plus the fact that the monitors have required the international union to agree to use the American Arbitration Association to conduct the release of six trusteed local unions at the average rate of $10,000 per local union, which could be handled by little or no expense by the local union, by using governmental agencies to conduct these same elections. Since the present new labor law establishes the procedures for such elections and guarantees the democracy in such elections, it is only necessary to have an

observer and tellers, which can be supplied by State agencies at no cost to the unions. Taking the above as the initial cost for 6 trusteed local unions, there are 54 local unions still in trusteeship and this would mean a cost of over $500,000 from the treasury of the international union which belong to the rank and file members. Adding all of this together, it is conceivable this monitorship could cost well over $2 million. Under the present plans of the monitors, who refuse to complete any arrangements for the orderly conduct of a convention which could return the International Brotherhood of Teamsters to its local officers, members, and executive board of the IBT by so doing, they could perpetuate themselves in office. One can anticipate well over $5 million in expenditures for the monitorship in the very near future.

In closing I would like to call your attention to a story by Dickson Preston in last night's Washington Daily News.

I quote in part:

No. 1 job of the Senate Rackets Committee, now that it has been officially revived in a new form, will be to investigate what goes on between James R. Hoffa and the monitors who are supposed to clean up his Teamster Union.

Reliable sources confirmed this today after the Senate voted to turn over powers of the old McClellan committee to a permanent Government Operations Investigating Subcommittee also headed by Senator JOHN L. MCCLELLAN, Democrat, of Arkansas.

Senator MCCLELLAN himself said "some information has come to us" on the Hoffa-monitor problem and "I expect the committee to consider it." He added, however, that "I don't want to give the impression the Teamsters are the only thing we are interested in."

"We are a watchdog group on enforcement of the whole (Landrum-Griffin) labor law," Senator MCCLELLAN added. "We're not making a project out of the Teamsters."

It appears to me, sir, that the matter of the rights of union members and their welfare is properly a subject for this committee to study.

Mr. FEIGHAN. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Ohio.

Mr. FEIGHAN. I would like to inquire whether or not the expenditures for monitors must not be approved by the courts.

Mr. DENT. To the best of my knowledge, that is so.

Mr. ROOSEVELT. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield.

Mr. ROOSEVELT. May I say to my colleague that the rank and file of the Teamster unions have acted as he has quoted, but I believe the record will also show that on February 2, 1960, a petition to intervene in the case pending before Judge Letts' court was presented on behalf of 160,000 rank-and-file members, and that from that time to this in spite of diligent effort by their counsel, the judge has refused to give a decision one way or another as to whether he would entertain that motion and, therefore, he has blocked any ability to appeal to a higher court to get some action. This by itself would be an arbitrary denial of plain justice.

Mr. Speaker, for the RECORD I include the telegrams received by me at this point:

LOS ANGELES, CALIF., *April 12, 1960.*
Congressman JAMES ROOSEVELT,
House Office Building, Washington, D.C.:
We plead you assist in stopping monitors in interfering in the internal affairs of the Teamsters International Union.

A. J. MENARD,
Secretary-Treasurer, Los Angeles Meat and Provision Drivers Union, Local No. 626.

LOS ANGELES, CALIF., *April 13, 1960.*
Congressman JAMES ROOSEVELT,
House Office Building, Washington, D.C.:
Please assist in stopping the monitors interfering in the operation of the Teamsters International Union.

JOHN ENNIS,
Los Angeles Meat and Provision Drivers Union, Local No. 626.

LOS ANGELES, CALIF., *April 13, 1960.*
Hon. JAMES ROOSEVELT,
Washington, D.C.:
As spokesmen for 5,000 members of Local No. 208 we feel that our rights under the Landrum-Griffin bill have been denied us by the district court and the monitors. We the members ask you to use your offices in helping us gain a convention for our international union. This monitorship program is not only costing us over $2,000 a day but is preventing us from electing our international officers which is our democratic right.

INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
RAY SANTANA, *Los Angeles, Calif.*
CALVIN NICHOLS, *Artesia, Calif.*
HENRY WILLIAMS, *La Puente, Calif.*
JACK WIEMER, *Garden Grove, Calif.*

LOS ANGELES, CALIF., *April 13, 1960.*
Hon. JIMMIE ROOSEVELT,
House of Representatives, Washington, D.C.:
The undersigned rank-and-file member of Teamsters Local No. 208, feels that we are being denied our rights and freedom guaranteed under the Landrum-Griffin bill by the Federal district court and the monitors appointed by that court; therefore, within the rights guaranteed us by this Federal law we demand that a convention be granted our international union at the earliest opportunity so that we can, under the provisions of the law, resume the democratic control of our organization. We feel that Congress has a responsibility to guarantee these rights to us and, therefore, should call hearings by the appropriate committee to find out why these rights are being denied us. We understand that the monitorship is costing the rank and file $2,000 a day. This expensive program has been prolonged for 2½ years, during which time the right for us to elect our international officers has been denied us. We can inform you that the sentiments expressed in this telegram are the sentiments of the 5,000 members of local No. 208. Will you please use your good offices to be of assistance to us in this matter?

SIDNEY H. COHEN,
Monterey Park, Calif.

LOS ANGELES, CALIF.
Hon. JIMMIE ROOSEVELT,
House of Representatives, Washington, D.C.:
The undersigned rank-and-file member of Teamsters Local No. 208, feels that we are being denied our rights and freedom guaranteed under the Landrum-Griffin bill by the Federal district court and the monitors appointed by that court; therefore, within the rights guaranteed us by this Federal law we demand that a convention be granted our international union at the earliest opportunity so that we can, under the provisions of the law, resume the democratic control of our organization. We feel that Congress has a responsibility to guarantee these rights to us and, therefore, should call hearings by the appropriate committee to find out why these rights are being denied us. We understand that the monitorship is costing the rank and file $2,000 a day. This expensive program has been prolonged for 2½ years, during which time the right for us to elect our international officers has been denied us. We can inform you that the sentiments expressed in this telegram are the sentiments of the 5,000 members of local No. 208. Will you please use your good offices to be of assistance to us in this matter.

WILLIAM CROTSDELL,
Azusa, Calif.

LOS ANGELES, CALIF., *April 13, 1960.*
Hon. JIMMIE ROOSEVELT,
House of Representatives, Washington, D.C.:
The undersigned rank-and-file member of Teamsters Local, No. 208, feels that we are being denied our rights and freedom guaranteed under the Landrum-Griffin bill by the Federal district court and the monitors appointed by that court; therefore, within the rights guaranteed us by this Federal law, we demand that a convention be granted our international union at the earliest opportunity so that we can, under the provisions of the law, resume the democratic control of our organization. We feel that Congress has a responsibility to guarantee these rights to us and, therefore, should call hearings by the appropriate committee to find out why these rights are being denied us. We understand that the monitorship is costing the rank and file $2,000 a day. This expensive program has been prolonged for 2½ years during which time the right for us to elect our international officers has been denied us. We can inform you that the sentiments expressed in this telegram are the sentiments of the 5,000 members of local No. 208. Will you please use your good offices to be of assistance to us in this matter.

AUDO PISETTI,
Downey, Calif.

LOS ANGELES, CALIF., *April 13, 1960.*
Hon. JIMMIE ROOSEVELT,
House of Representatives, Washington, D.C.:
The undersigned rank-and-file member of Teamsters Local No. 208 feels that we are being denied our rights and freedom guaranteed under the Landrum-Griffin bill by the Federal district court and the monitors appointed by that court; therefore, within the rights guaranteed us by this Federal law we demand that a convention be granted our international union at the earliest opportunity so that we can under the provisions of the law resume the democratic control of our organization. We feel that Congress has a responsibility to guarantee these rights to us and therefore should call hearings by the appropriate committee to find out why these rights are being denied us. We understand that the monitorship is costing the rank and file $2,000 a day. This expensive program has been prolonged for 2½ years during which time the right for us to elect our international officers has been denied us. We can inform you that the sentiments expressed in this telegram are the sentiments of the 5,000 members of local No. 208. Will you please use your good offices to be of assistance to us in this matter?

GENE BLACKWELL,
Downey, Calif.

LOS ANGELES, CALIF., *April 13, 1960.*
Hon. JAMES ROOSEVELT,
Washington, D.C.:
As members of Local No. 208, International Brotherhood of Teamsters, we are stating that our right and freedom which was guaranteed us under the Landrum-Griffin bill and by the Federal district court and its appointed monitors is being denied us. We unanimously request and demand a convention be called immediately for our international union. This so-called monitorship program has prevented us for the past 2½ years from electing our international officers and has at the same time cost our union over $2,000 a day.

INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
DAVID W. FUEHRING,
JAMES DAW,
JOHN P. WILLIAMS,
COMPTON WITT BLANEY.

LOS ANGELES, CALIF., *April 13, 1960.*
Hon. JIMMIE ROOSEVELT,
House of Representatives,
Washington, D. C.:
The undersigned rank and file member of Teamsters Local No. 208 feels that we are being denied our rights and freedom guaranteed under the Landrum-Griffin bill by the Federal district court and the monitors appointed by that court; therefore, within the rights guaranteed us by this Federal law we demand that a convention be granted our international union at the earliest opportunity so that we can under the provisions of the law resume the democratic control of our organization. We feel that Congress has a responsibility to guarantee these rights to us and therefore should call hearings by the appropriate committee to find out why these rights are being denied us. We understand that the monitorship is costing the rank and file $2,000 a day. This expensive program has been prolonged for 2½ years during which time the right for us to elect our international officers has been denied us. We can inform you that the sentiments expressed in this telegram are the sentiments of the 5,000 members of local 208. Will you please use your good offices to be of assistance to us in this matter?

ROBERT SAVAGE.
ELMONTE, CALIF.

LOS ANGELES, CALIF., *April 13, 1960.*
Hon. JIMMY ROOSEVELT,
House of Representatives,
Washington, D.C.:
Under the Landrum-Griffin bill and by the Federal district court and monitors our right and freedom which supposedly is guaranteed us has been denied us. Our international union is wholeheartedly in favor of a convention. This is Congress' responsibility and we request that it be found out why our rights have been denied us. The expensive monitorship program is costing our union over $2,000 a day and has been for 2½ years and during this time our right to elect our international officers has been denied us.

INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
ROBERT FOX, *Covina, Calif.*
WALLACE TRIGGS, *Los Angeles, Calif.*
HUGH STRICKLAND, *Alhambra, Calif.*
JACK STEWART, Sr., *Norwalk, Calif.*

LOS ANGELES, CALIF., *April 13, 1960.*
Hon. JIMMIE ROOSEVELT,
Washington, D.C.:
We the members of Local No. 208, Teamsters, demand we be granted a convention so that we can resume the democratic control of our organization. Under the Landrum-Griffin bill our right and freedom is guaranteed us by Federal district court and the monitors appointed by that court. We feel that this right is being denied us and also feel that Congress has a responsibility in finding out why these rights have been denied us. An expensive monitorship program for the past 2½ years has been costing our international union over $2,000 a day and has prevented us from the right of electing our international officers.

INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
JOE LADLANK, *North Hollywood, Calif.*
KENNETH E. SUCHER, *El Monte, Calif.*
JAKE NUNES, *Whittier, Calif.*
FRANK V. MORRELLO, *Compton, Calif.*

LOS ANGELES, CALIF., *April 13, 1960.*
Hon. JAMES ROOSEVELT,
Washington, D.C.:
We feel that we have been denied our right and freedom which has been guaranteed us under the Landrum-Griffin bill by the Federal district court and the monitors appointed by that court. We demand a convention be granted our international union. We feel Congress has a responsibility in guaranteeing us these rights. We know that the monitorship is an expensive program, costing over $2,000 a day and it has been prolonged for 2½ years. During this time our right to elect our international officers has been denied us.

INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
JAMES MENRY, *West Covina.*
Mr BURGESS,
GLEN BUNDEM, *Los Angeles.*
OSCAR S. ECKMAN,
Lakewood, Calif.

LOS ANGELES, CALIF., *April 13, 1960.*
Hon. JIMMIE ROOSEVELT,
House of Representatives,
Washington, D.C.:
The undersigned rank-and-file member of Teamsters Local No. 208, feel that we are being denied our rights and freedom guaranteed under the Landrum-Griffin bill by the Federal district court and the monitors appointed by that court, therefore, within the rights guaranteed us by this Federal law. We demand that a convention be granted our international union at the earliest opportunity so that we can, under the provisions of the law, resume the democratic control of our organization. We feel that Congress has a responsibility to guarantee these rights to us and therefore should call hearings by the appropriate committee to find out why these rights are being denied us. We understand that the monitorship is costing the rank and file $2,000 a day. This expensive program has been prolonged for 2½ years during which time the right for us to elect our international officers has been denied us. We can inform you that the sentiments expressed in this telegram are the sentiments of the 5,000 members of local 208. Will you please use your good offices to be of assistance to us in this matter?

ROBERT SAVAGE.
EL MONTE, CALIF.

LOS ANGELES, CALIF., *April 13, 1960.*
Hon. JAMES ROOSEVELT,
Washington, D.C.:
This is a plea asking you to use your offices in helping us, the members of local No. 208, obtain a convention for our international union. We feel that our right and freedom which is guaranteed us under the Landrum-Griffin bill and by the Federal district court and its monitors is being denied us. This monitorship program has been a waste of time and funds of our international union and it has prevented us from electing our international officers which is our democratic right.

INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
JOHN ROETH, *Artesia.*
REX LUNEY, *Baldwin Park.*
PHIL SCHUSTER, *Long Beach.*

LOS ANGELES, CALIF., *April 13, 1960.*
Congressman JAMES ROOSEVELT,
House Office Building,
Washington, D.C.:
I respectfully request that you try to assist the Teamsters International Union in arranging for another convention. We are sick and tired of having the monitors destroy our Teamsters International that we have worked so hard for so many years to achieve decent working conditions for our members in the Teamsters Union.

MIKE SINGER,
Business Representative, Los Angeles Meat and Provision Drivers Union, Local No. 626.

LOS ANGELES, CALIF., *April 13, 1960.*
Congressman JAMES ROOSEVELT,
House Office Building, Washington, D.C.:
Respectively request that you stop the monitors from interferring in the operation of the Teamsters International Union.

CHARLES A. POTTER,
Business Representative, Los Angeles Meat and Provision Drivers Union, Local No. 626.

LOS ANGELES, CALIF., *April 13, 1960.*
Congressman JAMES ROOSEVELT,
House Office Building, Washington, D.C.:
I respectfully request that you stop the monitors from interferring in the operation of the Teamsters International Union. In my opinion these tactics by the monitors seems to be the ways and means of weakening our local No. 789.

MORRY MOZER.
CULVER CITY, CALIF.

LOS ANGELES, CALIF., *April 13, 1960.*
Congressman JAMES ROOSEVELT,
House Office Building, Washington, D.C.:
Request that you insist in stopping the monitors in interferring with operation of the Teamsters International Union.

MIKE M. GRANCICH,
Business Representative, Los Angeles Meat Provision Drivers Union, Local No. 626.

LOS ANGELES, CALIF., *April 13, 1960.*
Congressman JAMES ROOSEVELT,
House Office Building, Washington, D.C.:
Please assist in stopping the monitors in interferring with the operation of the Teamsters International Union.

CHARLES A. RICO,
Business Representative, Los Angeles Meat Provision Drivers Union, Local No. 626.

I would ask my colleague whether he would not agree with me that what we are attacking or defending here is not Mr. Hoffa one way or another; that what we are actually trying to do is to make sure that the monitor proceedings will not be used as an excuse for prosecution or persecution.

Would my friend not agree that perhaps the judge has overplayed his individual powers at this point and is in fact denying not only justice to some who want it, but also is actually preventing the trial which the general public as well as many others have an interest in seeing come to a head.

Mr. DENT. I would answer the gentleman by saying that that is exactly one of the complaints one local union has put into its document to me.

They are being denied their right under existing law, and this petition that the gentleman talks about is another example of the arbitrary attitude taken by these monitors.

Mr. ROOSEVELT. May I also say that this is not an opinion that has just suddenly risen on the part of a few people but has been under observation across the country. The gentleman has quoted an editorial from the Wall Street Journal. If he does not mind, I would like to put the entire editorial at this point in the RECORD.

The editorial referred to follows:

[From the Wall Street Journal, Apr. 6, 1960]

MONITORING HOFFA

We hope no one will take what follows here as an argument to keep James R. Hoffa in his job as president of the Teamsters. The man is as much a menace now as he was before Federal Judge Letts switched the Teamsters' monitors around.

The three monitors, it will be recalled, were appointed 2 years ago as the result of a compromise in a court suit filed by some dissident Teamsters against Hoffa's rule; they claimed Hoffa's election as president was rigged, and they asked for a new election. Under the compromise, Hoffa was permitted to take office provisionally under the eye of a three-man monitor panel. One member was to be nominated by the union, which is to say Hoffa; one member by the dissidents, and one, an impartial chairman, by Judge Letts.

As a result of the ineffectiveness of the monitors, Judge Letts recently decided to make some changes. So he removed Lawrence T. Smith, the panel member who represented the anti-Hoffa Teamsters because he thought Mr. Smith did not have his heart in his work.

To replace Mr. Smith, Judge Letts appointed a former Federal Bureau of Investigation agent who in past years has investigated Hoffa. Simultaneous with that change, Hoffa's member of the monitor panel, Daniel Maher, notified Judge Letts that he wished to resign and Hoffa nominated a Teamster lawyer to take his place. Judge Letts not only declined to accept Hoffa's nominee; he declined to accept Maher's resignation.

Thus the monitor panel is composed of a Hoffa man who has been ordered to continue serving though he doesn't want to and two men both appointed by Judge Letts.

Some comments, we think, are in order.

First, anyone who thinks Hoffa is going to overlook the opportunity to call this present monitor board "rigged" just doesn't know his man. Hoffa will use this development to obtain as much sympathy for Hoffa as he can force from it.

More important, though, is the fact that a Federal court has become as entangled as this one in trying to manage the Teamsters. In retrospect, it would appear far better to have gone ahead with the rigged election suit against Hoffa, instead of permitting such a compromised snarl. If Hoffa stole the election, he could have been ousted by the court. If it could not have been proved that the election was rigged, that issue would have at least been disposed of.

But, because a different course from a Federal trial with witnesses and evidence was sought, what have we now? A Federal judge with other judicial duties has to spend a great deal of time trying to run a labor union.

And we have 2 years during which not very much has been done about Hoffa and the Teamsters.

Not only does the Wall Street Journal, which cannot be considered in any way a prolabor newspaper, make these comments, but in the Toledo (Ohio) Blade of April 5, 1960, a similar editorial states the case very concisely.

Getting away from the conservative side, there is an article in the Nation magazine, edited by William Goffen, who is coauthor of the New York Criminal Law and who teaches at the College of the City of New York, in which he analyzes the situation.

The editorial from the Toledo Blade follows:

MONITOR TURNOVER

This might be as good a time as any for U.S. District Judge F. Dickinson Letts to dissolve the board of monitors he appointed to supervise operations of the Teamsters Union before the board disintegrates from internal bickering.

Since the monitors were established early in 1958, supposedly to prevent abuses by the union's leadership, it has had precious little time to devote to its knitting, for most of the period has been taken up trying to keep three monitors in office long enough to grasp their function.

The firing by Judge Letts of L. T. Smith, New York attorney, as a monitor and the naming of Terrence McShane, ex-FBI agent, to succeed him are only the latest moves in a bizarre episode of judicial tightrope walking that, so far, has gone nowhere. A week earlier, Daniel B. Maher submitted his resignation (which Judge Letts has refused to accept), and before him came former Judge Nathan Clayton, and Attorneys L. N. D. Wells, Jr., and Godfrey P. Schmidt—all of whom left the board for one reason or another in little more than 2 years.

Is it any wonder that the monitors have wracked up a record notable for its lack of any concrete accomplishment? And meanwhile, Teamster President James Hoffa, whose disputed election in 1957 led eventually to creation of the monitors, has kept a firm hand on union reins, and shows no apparent signs of slipping from office.

How much better it might have been if Judge Letts had faced up to the question confronting him back in 1958—whether Mr. Hoffa was legally entitled to the union presidency or not—instead of sidestepping a decision by setting up the clumsy monitor arrangement. It was obvious from the beginning to most observers that the three-man board would be in constant disagreement, composed, as it is, of one member recommended by Mr. Hoffa, one by anti-Hoffa forces, and the third by the court.

In view of its dubious record over the past 2 years or so, and the questionable wisdom of setting up such a creation in the first place, Judge Letts could put an end to the whirling dervish atmosphere that has prevailed by withdrawing all monitor appointments, and letting the courts handle any proved violations of law, which is as it should be.

The article from the Nation follows:

MONITORS VERSUS THE TEAMSTERS

(By William Goffen)

Last week's ousting of Godfrey P. Schmidt as attorney for the dissident Teamsters, and the scheduled trial next month of James Hoffa on charges of misusing his union's funds, focus attention on what Justice Felix Frankfurter has called "a most unusual manifestation of the equity powers" of a court—the monitorship which has ruled the union since early 1958.

Shortly after the union election of 1957, 13 rank-and-file dissidents, then represented by Schmidt, instituted legal action to set the election aside as "rigged." After 22 days of trial, the plaintiffs rested, whereupon the defendants (the union's elected officials) agreed to a settlement without ever having taken the stand in their own defense. The terms were expressed in a consent decree entered on January 31, 1958, by Judge F. Dickinson Letts of the U.S. District Court for the District of Columbia, who had presided over the trial.

The settlement provided for a board of three monitors to serve until a new convention for the election of officers. One of the monitors appointed by Judge Letts was Schmidt. The officials who had been elected at the 1957 convention were to serve provisionally until the new election, which the general executive board of the Teamsters was authorized to call after 1 year, and the balloting was to be held with such guarantees of the democratic process as the secret ballot and supervision by an outside agency like the Honest Ballot Association.

Had the defendants, instead of agreeing to a settlement, gone through with the trial and then lost, the victorious plaintiffs would have achieved no more than the prompt calling of a new convention and an election under court supervision. Since Hoffa, who had been choosen president at the 1957 convention by overwhelming vote, seemed certain to win again in a new election conducted under any conditions, it is difficult to understand why defense counsel consented to the agreement calling for a monitorship.

As authorized by the consent decree, the Teamsters' general executive board issued a call for a new convention and election for March 1959. At this point Schmidt, who had signed the consent decree as plaintiff's counsel, nevertheless petitioned Judge Letts to postpone the balloting. The judge obliged by issuing a modification order postponing the holding of any new election until such time as recommended by the board of monitors.

Schmidt's opposition to a new ballot (which under the terms of the agreement would have dissolved the monitorship and terminated the lawsuit) is understandable for reasons other than his professed concern for the welfare of the rank-and-file Teamsters he represented. Since February 1958, the board of monitors has taken more than $350,000 in fees out of the dues of the rank-and-file membership. In addition, Schmidt and his cocounsel have so far claimed sums amounting to $210,000, plus expenditures exceeding $17,000, for services as plaintiffs' attorneys.

Judge Lett's modification order, aside from postponing the election to which the Teamsters' membership was entitled, granted to the monitors unlimited authority to investigate the international union and its locals, and even to institute disciplinary proceedings leading to expulsion of its duly elected officials. The court avowed that the plaintiffs had proved that the 1957 convention was rigged even though the case had been voluntarily settled without a single word of testimony on behalf of the defendants.

Hoffa and his fellow union officials appealed the modification order in vain; the court of appeals sustained the power to prohibit an election, although at the discretion of Judge Letts rather than of the monitors. If this determination is a sound precedent, it would appear that any litigant is ill-advised to settle his lawsuit, but should always fight his case until final judgment.

While generally upholding Judge Letts, the court of appeals did find that Schmidt had been guilty of conflict of interest, in that while serving as a monitor, he further profited by representing numerous employers in their negotiations with the Teamsters. Forced to resign as monitor, he was permitted by Judge Letts to appoint Lawrence T. Smith, a member of his own law firm, as his successor. And until last week he continued as plaintiffs' counsel. (Judge Letts has now also dismissed Smith, and the original three-man monitorship has been reduced to one.—Editor)

Despite the extraordinary national and legal importance of a case involving denial of due process through judicial deprivation of the right of 1,600,000 union members to a free election, the U.S. Supreme Court has refused review. Attorneys for the plaintiffs have argued persistently that a democratic election was impossible without a prior, undefined housecleaning of the union. This aspect has been given widespread coverage by the press. Yet, according to the Election Institute (specialists in the conduct of honest labor elections), and the Honest Ballot Association, a free and democratic election could have been arranged for the Teamsters in 3 months, let alone the long-expired 1-year minimum set by the consent decree.

The refusal of the Supreme Court to act has apparently been construed by Judge Letts and the monitors as a warrant for wide-ranging intervention in the internal affairs of the union. Judge Letts has granted subpena power to the monitors, despite the absence of statutory authority for its exercise. The monitors, for their part, are presently engaged in an attempt to oust Hoffa as president and as a member of the Teamsters. Their chief ground—it is the issue involved in the Hoffa trial scheduled for next month—is that Hoffa was guilty of a conflict of interest in connection with a project in Sun Valley, Fla., for the construction of homes for aged Teamster members. At one point in the course of complicated realty and bank negotiations, Hoffa had an option to purchase stock in the firm which was to construct the homes.

It is ironic that Hoffa and Schmidt, who for so long have been battling each other in and out of the courts should both stand accused of conflicts of interest. The trial, of course, will fix Hoffa's legal responsibility in the Sun Valley affair. But it seems reasonable to draw a distinction, on moral grounds at least, between the acts charged to Hoffa and those of Schmidt's which resulted in the latter's dismissal as a monitor. Whatever profit Hoffa may personally have stood to gain in the Sun Valley project, his union would have gained an old people's home—certainly a worthy plan. But Schmidt's activities, while of profit to himself and perhaps to the employers in whose behalf he negotiated with the union, can in no way be construed as having profited the Teamsters, whose membership, as a monitor, he was supposed to protect.

The Teamsters' membership has expressed its opposition to the monitorship through the following petition to Judge Letts:

"We, the undersigned members of the International Brotherhood of Teamsters, want an election of officers of the I.B.T. now. We do not want the monitorship which is eroding the foundations of our union by maligning our membership, generating an atmosphere of fear, weakening our organizational functions, and depleting our treasury."

There can be no question of a Hoffa victory if a new election were to be held. The union, as a matter of fact, has "never had it so good." While other unions—notably the Auto Workers, Steelworkers, and Machinists, have been losing membership, the Teamsters gained more than 20,000 new members last year.

The truth is that to deprive union members of the right to vote for their international officers is no more defensible, legally, than to deprive stockholders of their right to elect the officers of United States Steel.

It would seem that if the Teamsters' monitors sincerely believed that a union housecleaning was desirable, they would willingly withdraw their opposition to an election, the democratic way for housecleaning of any group. Their continued opposition can be regarded as consistent with a general tendency, in recent years, to erode labor's rights.

I will say to the gentleman it seems to me if the judge persists in such a course of action he is inviting investigation by the proper committee of this House, which I believe would be the Committee on the Judiciary. If it was found he had so far overstepped his bounds, as indicated by these disinterested editorials, serious consideration should be given to a request directed at the Committee on the Judiciary as to what proper action, perhaps even including impeachment, could be taken against someone who is going beyond the bounds of this judicial orbit and preventing the resolving of one of the great issues of our time. As long as the matter remains unresolved, not only does great harm come to all organized labor because of the weapon it gives those who oppose organized labor by the use of innuendo, but also as I think my good friend from Pennsylvania has pointed out, it denies the right that we voted in this House, to provide the rank and file with complete control over their own affairs.

Today we see that control specifically denied to the rank and file of one of the greatest unions and completely placed in the hands of three people who are obviously not in agreement as to the carrying out of their own official duties as set up by one man in the person of Judge Letts.

I hope the gentleman in his time will engage in a thorough review of these actions and that it will result in the resolving of this issue in order that it may come to an end at an early date.

Mr. DENT. I thank the gentleman from California. I might say that in a paragraph of my statement I have covered the very ground that the gentleman has questioned on when I said: It does not matter whether the arbitrary and dictatorial power comes from an elected or appointed official, it is still arbitrary and dictatorial, and as such must be stamped out so that the rights of all persons are put in proper order under the Constitution.

Mr. MULTER. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman from New York.

Mr. MULTER. Mr. Speaker, I would like to say at this moment that prior to being advised by the distinguished gentleman from Pennsylvania that he intended to take this time to talk about this important subject—and I certainly commend him for bringing it to the attention of the House—I had intended to insert in the RECORD the two editorials which he and the gentleman from California [Mr. ROOSEVELT] have referred to.

It is a strange thing. On the one hand, on April 6, the Wall Street Journal writes an editorial—and surely the least we can say is that the Wall Street Journal has been the voice of the capitalist classes—and on the other hand, from the Nation, on April 9, which I think we can fairly say has most frequently talked for the masses of the working people of this country, comes another item on the same subject. Both arrived at the identical conclusion as has been so well stated to the House here today by the gentleman from Pennsylvania and reaffirmed by the gentleman from California.

It matters not whether Mr. Hoffa is doing a good job or a bad job. The fact of the matter is that the most that could have been sought by this litigation, as the result of which we have this most unusual and unheard of procedure of monitors running a union—the most that could have been accomplished by that litigation was to bring about a new election, as the result of which, the union rank and file, could have voiced their selection and elected either the same officers or new ones.

Instead of that we had a consent decree, and how the court could have confirmed this situation I do not know. It is entirely unheard of in the law. On the one hand the president of the union says he will appoint a monitor who is going

to participate in the running of this union, the operations of which by law and its bylaws are vested in the duly elected officers, and on the other hand, the plaintiffs, representing a minority of the rank and file, say, "We will appoint a monitor who will also participate in the operation of this union," and the judge says that he, too, will appoint a monitor, and the three together are going to run this organization.

Now, it seems to me that the only reason that the court could have approved that kind of an arrangement is because there was some awfully nice patronage involved, as the gentleman pointed out, to the extent of over $700,000 a year. The money comes from the union funds. There is no doubt that the rank and file of this union have a right to protest against this unusual proceeding.

Then we get the situation where for physical reasons, for medical reasons, the monitor appointed by the union president wants to resign and the court says, "You can't resign; I am not going to let you resign." He nevertheless persists and the court says, "I am not going to let you resign; I am not going to approve the appointment of your successor," named by the same people who named the original man who wants to resign. On the other hand, this same judge, the same court, lets the monitor resign who was appointed by the plaintiffs. And, who does he then approve as the successor of these plaintiffs' monitor but the person recommended not by the plaintiffs but by the plaintiffs' monitor who is now resigning. I never heard of such legal proceedings.

Then, as has already been said, when the rank and file come into court and say, "We want to be represented in this proceeding; we want an election," the court takes no proceedings, does not let them in, does not say, "You can't come in," as the gentleman pointed out. No order has been entered, so that they cannot appeal. But the judge is going to run this union as he sees fit. I happen to be one of those that challenged the proponents of the Landrum-Griffin bill which the gentleman referred to as a new union labor rights bill. He referred to it in quotes, I am sure. But the proponents of the bill put it forth as a means, a method, of stopping this kind of procedure and putting Hoffa in his place if he is doing wrong and thus make sure that the rank and file have an election by which they can elect the men they want to represent them.

I now challenge the proponents of the Landrum-Griffin bill to put it to the test, if that bill is going to do the things they said it would, and prove me wrong, when I said that it will not do those things; let us put it to the test in this very case.

Let us see if the rank and file are protected by this new bill of rights. If they are, then there should be a convention ordered immediately and they can voice their opinion under the protections thrown around them by this new bill of rights. Certainly they ought to be able to have a free election and name their choice, whoever that may be who should then run this union. The court can then go back to attending to its judicial business and get out of the business of running the union.

Mr. DENT. Mr. Speaker, I might say to the gentleman from New York that one of the main arguments presented for the passage of the Landrum-Griffin bill was the argument that many local union members were being disfranchised of their rights. There is no record of any larger group in the history of this country being disfranchised under their own election than is presented today in the arbitrary position of the court in denying these members the right to hold an election.

Mr. HOLLAND. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to my colleague from Pennsylvania.

Mr. HOLLAND. Mr. Speaker, I want to join my colleague from Pennsylvania in the remarks he has made. I, too, have received a great many letters, a lot of mail from the rank-and-file membership of unions back home. I tried to draw up a concise statement of their demands and they are as follows:

First, they want their Federal rights for a free and fair election in their international union as guaranteed by the Landrum-Griffin bill, which are now being denied by the arbitrary action of a Federal district court.

Secondly, they urge me to use my office and influence as their Representative in Congress to bring this matter to the attention of the Congress. They also urge me to do all in my power to secure hearings on the rank and file being denied their rights and on the waste of their union dues at the rate of $2,000 per day.

These letters and telegrams were sent to me by the actual membership, the rank-and-file membership of locals Nos. 305, 485, 609, 341, and 635. Every name represents a rank-and-file member. After I got these communications I did a little research work on how often these monitors have met. Here is a report which I have condensed to show what they have done.

The monitors are milking the treasury of the rank and file of the local Teamsters Union at the rate of $2,000 per day.

During the past year the monitors have met on an average of 2 hours and 56 minutes per week; from March 18, 1959, to March 25, 1960, they totaled 156 hours, 16 minutes, and held a total of 84 meetings, an average of 1 hour and 45 minutes per meeting. The average bill for this period for each monitor was $45,000.

Mr. Speaker, I say to you, instead of destroying rackets by the Landrum-Griffin bill we are permitting the existence of a legalized racket under the supervision of a Federal judge. This entire expenditure could be eliminated by utilizing machinery already provided for by the Landrum-Griffin Act. This duplication of machinery and extravagant use of union funds by the monitors should be investigated by Congress to protect the rights given the rank-and-file members under the Landrum-Griffin Act. These rights and privileges should be given to each individual member.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman.

Mr. PUCINSKI. The gentleman from New York in his remarks has, in effect, thrown out a challenge to those who supported the conference report on the labor-management bill last year. I was one of those who opposed the Landrum-Griffin bill but supported the conference report because I believed the conference report contained adequate machinery to deal with problems involving the Teamsters Union or any other union. I hope that the appropriate committee of this House can consider this matter or that an appropriate resolution can be prepared which will in fact call for the Labor Department to exercise its rights and responsibilities under the 1959 Labor-Management Reporting and Disclosure Act to bring some degree of order out of the utter chaos which confronts the Teamsters Union today under the present monitor system.

It is interesting, however, to find that a local of the Teamsters international should be petitioning Congress for redress under the provisions of the 1959 Labor-Management Reporting Act, when the president of the union, Mr. Hoffa, has said repeatedly that this is a bad act. It would indicate to me that this local, at least, sees in this 1959 act some hope of relief. I believe that the local is correct. The 1959 act does provide that the Secretary of Labor may order a secret election of delegates to a convention and supervise and spell out the procedure for a convention.

Certainly if the present leadership of the Teamsters Union does not share the confidence of the rank-and-file membership, that situation can be corrected within the framework of the 1959 act. It certainly appears conclusive that order cannot be restored into this present situation under the monitor plan. But the monitor plan continues to cost the members of the Teamsters vast sums of money. The press reports $700,000 of union funds already has been spent on the monitors.

I recall how Mr. Godfrey Schmidt testified before the Labor Committee last year on the labor bill. I recall very vividly his certainty that if the circuit court had sustained the recommendations made by the monitors at the time that Mr. Schmidt was a member of that board, and these were his words, "the fur would fly in the Teamsters Union." This is the same Mr. Schmidt who has since been ordered to resign as a monitor because of a conflict of interest.

We now see the three monitors feuding very bitterly among themselves, apparently unable to agree on a course to follow.

I do not believe you are going to get any cure through the monitor procedure. Therefore, I suggest the challenge of the gentleman from New York be accepted. I do hope provisions of the 1959 act will be applied to bring some order to this union. Under provisions of this act, there is sufficient power vested in the rank-and-file membership of the Teamsters to clean their own house, and the monitors be discharged.

Mr. DENT. The gentleman will remember there is no other act these members can go to at the present time but the 1959 act.

Mr. KARTH. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Minnesota.

Mr. KARTH. I do not want to be repetitious and therefore repeat what has already been said by the very distinguished gentleman from Pennsylvania and our other able colleagues, but I should like to associate myself with their remarks.

I, too, have received telegrams from rank-and-file members of the Teamsters Union back home. I have checked them very carefully. These are not elected officers, they are not business agents, they are rank-and-file Teamster members. On several occasions, I found, the rank-and-file members were opposed to Jimmy Hoffa as an individual. In other instances I found that some of the rank-and-file people who contacted me thought he had done a fairly good job on an overall basis. But, more important than that, they all agree they should have the right under the law that passed some 7 months ago to settle their own problems and their own troubles and decide their own destiny by the free and democratic process of election at a national convention.

I submit to the Members of the House of Representatives that there is more involved than personalities. There is a very deep principle involved in this thing and we must pay more attention to the principle than to the personality. The Landrum-Griffin bill, and I am sure you all know this, but apparently it does not hurt to call it again to the attention of the House, was passed to assure the democratic process of the rank and file to choose their representative at national conventions as well as within the four walls of their union halls. It is for that very reason, I stand here and call to the attention of the House that there is apparently little faith on the part of those people who are responsible for the implementation of this law, and that may well include the courts, and as a result of this it increases my suspicion that the only reason for the Landrum-Griffin law was not to protect the "rank-and-filer," but perhaps to hamstring him.

Again, may I thank the gentleman from Pennsylvania for yielding to me for this purpose, and I commend him for his courage in standing up and calling this to the attention of the Congress and the American people.

Mr. DENT. I thank the gentleman very kindly.

Mr. SHELLEY. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield.

Mr. SHELLEY. Mr. Speaker, I think the whole crux of the situation, as contained in and described by the remarks of the gentleman from Pennsylvania [Mr. DENT], can be summed up in one sentence; whether individual Members of the House of Representatives voted for or against the Landrum-Griffin bill—and I voted against it down the line—it is now the law of the land. Once it became the law of the land, there was no longer any necessity for setting up a monitors provision to handle, differently than the law provides, the situation inside the International Brotherhood of Teamsters. As a matter of fact, I pointed that out to one of the very strong proponents of the Landrum-Griffin bill, Senator GOLDWATER, in a TV discussion just a day or two after it passed the other body. I said that the Teamster attorneys can go in at any time with good grace and on good legal grounds now and say that since there is a regulatory statute, there is no need for this special court overseer. Evidently, they saw fit not to do so for reasons of their own. But, this situation is becoming so oppressive to the members that it has become a denial of the rights that are supposed to be set up under the existing law. The action of the monitors and the court—or I should say lack of action—has made the entire thing completely ridiculous. I have telegrams from members of the Teamsters Union in my district also.

Mr. Speaker, I think the airing of this situation at this time is a healthy thing and may contribute to opening this matter up and letting either a committee of this House go into the situation or the judge examine his own conscience in this situation. But, in any event, out of this there should come some result that will give these people an opportunity to know where they are going and to know that they are protected and they are not being discriminated against.

Mr. DENT. I thank my colleague kindly.

Mr. SHELLEY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include some telegrams.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. I agree fully with the gentleman from Pennsylvania, and also the gentleman from California [Mr. SHELLEY]. Over the weekend I was contacted by many rank-and-file members of the Teamsters Union, and also some of the leadership. One of the leaders for teamsters in New England is Nicholas Morrissey, who has been in the labor movement for many, many years. I know him as a close personal friend. His neighbors and friends have the highest regard for him. Through my many years of political experience I know him to be an outstanding labor leader, highly conscientious and a terrific worker in the vineyard for those who drive a truck for a living. He in a group contacted me and told me of the unfairness of the present situation. Here is one of the monitors wanting to quit; the judge refusing to allow him to. The law of the land should be enacted and we would not have to have these monitors. The rank and file of the membership of the union I have the greatest respect for. I know nothing about the teamsters in other sections of the country. I only speak of my own home locale. I know they are spending $2,000 a day of their hard-earned dues. I saw the editorial in the Wall Street Journal. They hit it right on the nose when they said the whole situation is a ridiculous thing. The monitor system and the judge should be eliminated at this time and a free and fair election should be held under the direction of the National Labor Relations Board.

Mr. DENT. I thank the gentleman.

Mr. McFALL. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman from California.

Mr. McFALL. I thank the gentleman for bringing this matter before the Congress.

Mr. McFALL. Mr. Speaker, I have received a number of telegrams today from San Joaquin and Stanislaus County, Calif., constituents who are members of the Teamsters Union. These people have the right to petition Congress, and I believe it is my duty to call their appeal to the attention of the Congress. I will read the identical telegrams as follows:

We, the undersigned rank and file members of the Teamsters local feel that we are being denied our rights and freedom guaranteed under the Landrum-Griffin bill by the Federal district court and the monitors appointed by that court. Therefore, within the rights guaranteed us by the Federal law, we demand that a convention be granted our international union at the earliest opportunity so that we can, under the provisions of the law, resume the democratic control of our organization. We feel that Congress has a responsibility to guarantee these rights to us and therefore should call hearings by the appropriate committees to find out why these rights are being denied us. We understand that the monitorship is costing the rank and file $2,000 a day. This expensive program has been prolonged for 2¼ years during which time the right for us to elect our international officers has been denied us. We can inform you that the sentiments expressed in this telegram are the sentiments of the vast majority of the membership of our local. Will you please use your good offices to be of assistance to us in this matter?

These telegrams were signed by the following: Teamsters Local No. 386, Modesto, Calif., Bud Austin, C. W. Marcher, William Sperry, Harvey Elzea, James Crawford, Robert Bacigalupi, Marie Poland; Cannery Warehousemen, Food Processors, Drivers, and Helpers Local No. 748, Modesto, Calif., Ed Seagraves, Barney Wilson, Sallie A. Turner, Minnie Shamberg, Esther M. Frazier, Beala M. Colvard, Jim K. Stark, John Mota, Josephine Abbey, Mayme Neil; Cannery Warehousemen, Food Processors, Drivers, and Helpers Local No. 601, Stockton, Calif., Frank Morelli, Tony Romero, Joe Sejas, John B. Jones, Elvin R. Mitchell, James Linford, Robert L. Martinez, Sal Correa, Floyd Humeston.

Teamsters Local No. 386 in Modesto, Calif., voted against the election of James Hoffa as president of the International Teamsters at the last election.

The troubles of the board of monitors is described in an editorial in the April 12, 1960, edition of the Washington Post which I quote as follows:

The troubles of the board of monitors to the Teamsters Union are a keen disappointment to those who have looked upon it as

a promising device for cleaning up union corruption. Under the best of circumstances the monitors had an extremely difficult task in trying to rescue the big truckers' union from unscrupulous chieftains. But they have complicated their problem by internal squabbles, and now the board is enmeshed in legal tangles that threaten further to undermine its usefulness.

The chief hope for purifying the Teamsters Union lay in a working partnership between Chairman Martin F. O'Donoghue and Lawrence T. Smith on the board of monitors. Instead, they pulled in opposite directions, with the result that Federal Judge Letts has ousted Mr. Smith to save the board from chaos. Mr. Smith has challenged the validity of that action in the Court of Appeals, however, and questions have been raised about the naming of Terence F. McShane, former FBI agent, to the vacancy.

A further complication arises from the efforts of the union to replace Daniel B. Maher on the Board by William E. Bufalino, president of Teamsters' Local 985 in Detroit. Last year the McClellan committee described this union as "a leech preying upon working men and women to provide personal aggrandisement for Mr. Bufalino and his friends." Apparently the proposed shift is designed further to embarrass the monitors and complicate their important task. Judge Letts has refused to accept Mr. Maher's resignation, but the latter insists that he will no longer serve because of ill health.

The Teamsters Union is entitled to nominate one of the three monitors, but they constitute an agency of the court and the judge cannot be expected to accept a nominee in whom he may have no confidence. Nor would it appear reasonable to allow the union to hamstring the Board by nominating only unacceptable persons. As we see it, the public interest would best be served by letting the two monitors function until the union nominates a third who can win approval by the court.

Meanwhile the monitors certainly have an obligation to end the squabbling and agree upon a fair and workable plan to purge the union of its corruptionists. Charges looking to the ouster of James R. Hoffa from the presidency of the Teamsters will be pressed in a hearing before Judge Letts on April 27. Whether they succeed or fail, it is of great importance to demonstrate the effectiveness of the Monitor Board approach to union corruption—if that is possible.

Members of the Teamsters Union should have the opportunity to belong to an honestly operated union which they themselves control, and I would hope that some committee of this Congress would consider taking whatever action is necessary to investigate these charges.

Mr. DENT. I thank the gentleman.

I think that is slightly above the minimum wage this Congress is trying to fix for many millions of Americans making less than a dollar an hour in many industries of our Nation.

Mr. SISK. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman from California.

Mr. SISK. I want to compliment the gentleman from Pennsylvania for the amount of work he has done in the preparation of the statement he has made to us today.

I have been vitally concerned with seeing orderly procedure brought out of what has amounted to chaos with reference to the Teamsters' Union. All of us, have a lot of members in our districts. They are good, honest, sincere, hard-working people. I am sure the great majority of conscientious members do not condone some of the things the leadership has done, and I have been frank to say so publicly. At the same time I am concerned for the protection and the proper procedure for the individual members of the union and to permit them to work out their problems in an orderly way.

I want to compliment the gentleman for his great interest in this matter. I think he and I agree that what we are concerned with, is the great mass of people in this organization, and to see to it that they have an opportunity, in a democratic way, to work out their problems and live under the laws which Congress has enacted for the control and guidance of organized labor in this country.

Mr. DENT. I want to thank the gentleman from California for his contribution, and to assure him that I want him and the rest of the Members to know that is the only interest I have, and I believe it is the only interest of all of those who participated in this discussion today, to see to it that these rights of the individuals be not paper rights but that they be the kind of rights they can exercise.

Mr. Speaker, I yield back the balance of my time.

THE TEAMSTERS UNION

Mr. OSMERS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. OSMERS. Mr. Speaker, because my district is located at the threshold of the New York metropolitan area, scores of the Nation's largest trucking firms have located terminals in and near the communities which I represent. Consequently, thousands of truck drivers, many of whom are members of the Teamsters Union, are constituents of mine.

At the outset of these brief remarks, let me say that I have never received nor sought the endorsement of the International Brotherhood of Teamsters or any of its locals. Nor have I ever met or communicated with President James Hoffa of the Teamsters.

Some of my constituents, however, who are members of the Teamsters Union, have been asking questions about the present board of monitors created on January 31, 1958, by a consent decree entered into after 22 days of a trial before Judge F. Dickinson Letts of the U.S. district court. The original court action was instituted by rank-and-file Teamsters who sought to set aside the Teamster election of 1957. Under the terms of this consent decree, the officers elected at the disputed 1957 election were to serve until a new election had been held which the general executive board of the Teamsters was authorized to call after 1 year from the date of the decree. The election was to be held under strict supervision with full guarantee of the democratic process, of course.

The Labor-Management Reporting and Disclosure Act of 1959 establishes the basic right of every member of every union to have a voice in selecting his union officers. Because of the refusal of Judge Letts and the monitors to agree to an election, 1,600,000 members of the Teamsters Union are presently denied these rights provided by law and by the consent decree. The actions of Judge Letts and the board of monitors indefinitely substitutes the judgment of the Federal courts for the judgment of the members of the union and continues the present officers.

To a layman like myself, the disputes among Judge Letts and individual monitors are reaching comic opera proportions. One of the monitors was found guilty of conflict of interest and is now trying to collect a very large fee for his work. A successor has been dismissed by Judge Letts. Another monitor has been forbidden to resign.

The confidence of the public and of Teamster members that a square deal will result from board of monitors' activity has largely disappeared.

Mr. Speaker, the Labor-Management Act of 1959, over which so much blood was spilled here in Congress, was passed to bring democracy to unions. Has not the board of monitors, as constituted and directed by Judge Letts, become largely ineffective? The election provided for in the original consent decree of January 31, 1958, has not been held and apparently will not be held in the foreseeable future. Should the pertinent clauses of the Labor-Management Reporting and Disclosure Act of 1959 not now be applied to the Teamsters? It is not time for an honest, secret ballot election to determine what leadership the Teamsters themselves want? It at some future time, Hoffa, or any other officer in the Teamsters, or in any other union, should be found guilty of offenses which require removal from union office under the law, then such removal should be made at that time without question or delay.

Possibly the most succinct comment on operating a union by a Federal judge is contained in the Wall Street Journal of April 6, 1960:

> A Federal judge with other judicial duties has to spend a great deal of time trying to run a labor union.
>
> And we have 2 years during which not very much has been done about Hoffa and the Teamsters.

JEFFERSON ANNIVERSARY

Mr. ALFORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ALFORD. Mr. Speaker, 217 years ago this date, on April 13, 1743, was born in that beloved cradle of America, the sovereign State of Virginia, Thomas Jefferson.

Jefferson probably gave to the world more broad principles of government that any other man. Jefferson stands

in history as the author of the Declaration of Independence, a Member of Congress, Secretary of State, third President of the United States, and founder of the Democratic Party.

He stands in history for a republican form of government, sovereignty of the people, universal education, local self-government, constitutional government, freedom of religion, freedom of speech, and freedom from tyrannical and oppressive government.

As long as democratic principles and republic forms of government exist the name of Thomas Jefferson will be uttered with reverence and respect. Thomas Jefferson, the author of American independence.

GENERAL LEAVE TO EXTEND

Mr. Speaker, I ask unanimous consent that all Members may have permission to extend their remarks on Jefferson anniversary at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday of next week be dispensed with.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

THOMAS JEFFERSON

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, it is well that we pause today in connection with the birthday anniversary of the immortal Thomas Jefferson. As the gentleman from Arkansas has so well said, he is recognized in history, and properly so, as the author of the Constitution of the United States.

Thomas Jefferson was also the founder of the Democratic Party; Thomas Jefferson fought for the rights of the people during his entire lifetime and the Democratic Party ever since has always been the hope and the party of the people.

As long as we adhere to Jefferson and the great immortal truths and idealisms he gave to mankind, the Democratic Party will always exist, it will always strengthen, and it will always prosper.

Some of us may disagree as to certain of the interpretations of Jefferson's great philosophy, but the fact is he was not only one of the greatest Americans in history, but he is one of the great figures in world history and on the constructive side of world history.

Among the many sweet philosophies expressed by Thomas Jefferson is one I read some years ago and which I remember now. It might be well for Democrats of all sections of the country, north, east, south, and west to remember. Thomas Jefferson said—and how sweet the philosophy is—that "disagreement among friends is no cause for separation."

Jefferson will always live in the mind of the average person, not only in America, but throughout the world, for the great truths of government that he stood for, that he fought for, that he enunciated, and which he put into operation. Jefferson gave the leadership that was close to the people.

I am a Democrat because I believe in Jefferson. I have studied Jefferson, I have studied his life, I have studied the great truths enunciated by Jefferson, the great ideals of Jefferson. Coming from Boston, Mass., I am a Democrat because of the great truths and ideals that Jefferson stood for and which he gave to the people of America—yes, to the people of the world. Those great truths and ideals are the foundation of the great Democratic Party of which I am a member and which I love and respect so much.

I believe that the best interests of the party calls for complete harmony within the Democratic Party. I am one of those Democrats who also believes that with the ideals and the truths of Jefferson the people of the country, the people of the several States are best served when they elect the Democratic Party to have control of government. While I believe in government above party, nevertheless the best way for government to function in the interest of the people is by the Democratic Party being in control.

So, today, it is well to pause on Jefferson's birthday because he was not only a great American, a great world figure, but he was the founder of the Democratic Party, and Democrats everywhere throughout the country this year should never forget it. He believed in religious freedom, which he helped so effectively to give to the country; he gave to the country the great principle of freedom of speech, he believed that suffrage should be possessed by all the people.

We know the history of America as it was written in those days. There was the Hamiltonian theory of government as distinguished from the Jeffersonian theory of government. We know, thank God, that the Jeffersonian theory of government prevailed, that suffrage is not dependent upon the exercise of the vote by a selected few, based upon property possession or wealth alone, but suffrage is inherent in all Americans and should be possessed by all Americans under the Constitution. Jefferson stood for equal opportunity under the law. That is one of the great truths that Jefferson gave to the American people and to mankind throughout the world.

People of other countries, adopting and following the great truths and the great ideals of Jefferson, applied them to their own forms of government as they emerged from colonialism.

Mr. Speaker, I congratulate the gentleman from Arkansas [Mr. ALFORD] for addressing the House on the birthday anniversary of this great man, and I am glad I was on the floor when he made the comments about the immortal Jefferson, the great American, and the founder of the Democratic Party.

Mr. HECHLER. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from West Virginia.

Mr. HECHLER. Mr. Speaker, I was very inspired by the remarks of our majority leader regarding Thomas Jefferson. Along with the gentleman from Indiana [Mr. BRADEMAS], I had the honor of being in Charlottesville, Va., last evening to attend the Founder's Day exercises, and to hear a moving address on Jefferson's heritage delivered by the Honorable Adlai E. Stevenson. Governor Stevenson stressed the Jeffersonian principle of the people's right to know, and he remarked:

> To Jefferson, this tendency to stifle debate struck at the very heart of our idea of government by consent, the moral foundation on which government rested.

He also remarked that:

> Our Chief Executive will have to be a man who agrees with Franklin Roosevelt's definition of the Presidency as "preeminently a position of moral leadership," and who deeply believes, as Jefferson did, that "the spirit of liberty, when conducted by public virtue, is invincible."

Yesterday was the 15th anniversary of the death of Franklin D. Roosevelt. I wonder if the able majority leader recalls that the very last address which Franklin D. Roosevelt prepared for delivery, which was a speech to be delivered on Jefferson's birthday, President Roosevelt penned these words:

> Let us move forward with strong and active faith.

I believe that President Roosevelt and all the leaders of the Democratic Party have carried out the spirit of Thomas Jefferson in their lives actions.

Mr. McCORMACK. No question about that. And, might I say in connection with Franklin Delano Roosevelt and the gentleman's comments about him, that I have two unusual recollections that I will always carry with me. I presided at the last big political rally in Boston that he addressed before his death, and I was the Speaker pro tempore at the last joint session of the Congress that he addressed. The Speaker was out of town at the time, and I was the Speaker pro tempore. So, I have many cherished memories of that great man, Franklin Delano Roosevelt, who was a disciple of Jefferson, like I am, or try to be. But, those two incidents will always remain with me, that at the last political rally he addressed I presided and introduced him and at the last joint meeting of the Congress that he addressed at that time from the well of the House I was the Speaker pro tempore of the House.

HEALTH BENEFITS FOR OUR AGED

Mr. MACHROWICZ. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include a statement.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MACHROWICZ. Mr. Speaker, I rise today to make some brief comments on a development which has taken place recently in connection with proposals to provide health benefits for our aged.

There should no longer be any doubt about the fact that the American people have rallied in tremendous numbers and with tremendous enthusiasm to the basic concept of the Forand bill. Under that bill, which I have been very proud to support from its very inception, the social security mechanism would be used to provide health insurance for old people, who need it most and can afford to purchase it the least.

I will not take the time now to burden the record with all of the evidence which has been adduced in support of this important step in providing security for our people. The evidence has been so overwhelming, as a matter of fact, that there are few in this country who question the need for some governmental action in this field. The big question now facing us, here in the Congress and throughout America, is what kind of governmental action should be taken.

Because I believe that we are now at the point where some action will in fact be taken, I rise to point out the dangers of taking the wrong kind of action. Action which would take us down the wrong road would of course be terribly unwise; action which would do nothing to meet the problems that concern us would be futile.

I believe most strongly that a proposal presented to the Congress last week by a group of eight Republican members of the other body, and since sponsored by a number of Members of this House, would at best do nothing and at worst be taking us down a wrong road from which it would be most difficult to return.

S. 3350, the proposed Health Insurance for the Aged Act, has been properly labeled "pie-in-the-sky." It presumes to meet the basic health needs of our older people, but fails completely to provide the tools for doing so. It is, to put it bluntly, a transparent political device to take some shaken Republican politicians off the hook. Unable, for political reasons, to support legislation along the lines of the Forand bill, they have found it necessary to develop and promote some gimmick which will sound like it meets the problems for which the Forand bill was developed. It is a "Rube Goldberg" contraption and just as cumbersome.

It does not take very long to see the obvious deficiencies of this approach. Without going into great detail, let me list its glaring weaknesses:

First. There are no—I repeat, no—benefits guaranteed in the bill. The glowing description of broad benefits contained in the press release which accompanied the introduction of the bill reflects merely the rosy hopes of the sponsors and not the contents of the proposed legislation.

This is what I mean by "pie in the sky."

Second. The principal sponsor of S. 3350 estimates that it will cost the U.S. Treasury approximately $480 million for the first year. Do we have the right to assume that this Congress will appropriate such funds without concurrent action to raise such funds?

This is what I mean by "pie in the sky."

Third. Assuming that the Federal moneys are available, the next hurdle must be overcome by the States which, under the bill, must match this with a total of $640 million for the first year. Do we have the right to assume that the States, already in serious financial straits, will in fact appropriate such funds?

This is what I mean by "pie in the sky."

Fourth. Even before they can know how much money they need to raise, and long, long before any American will spend a day in a hospital or get nursing home care under this program, the State will have to pass the enabling legislation, set up complex administrative machinery, and negotiate contracts with a multitude of insurance carriers.

This is what I mean by "pie in the sky."

Fifth. But it isn't enough that Uncle Sam and the individual States find the necessary funds to meet the costs of the proposed program. The beneficiary himself must make a substantial contribution—unless he is totally or almost totally without income. Rates go as high as $26 per month per couple for undetermined benefits. This is a "pig-in-a-poke" proposition that would not appeal to me—whether it is offered by an insurance salesman, or by a politician.

This is what I mean by "pie in the sky."

Sixth. Assuming that all these barriers are crossed, that all of the machinery is developed, we then have the question of determining what will be purchased with the moneys raised by the Federal Government, the State governments, and the beneficiary himself. We have the horrible experience of workmen's compensation—with its use of private insurance carriers—where only 56 cents of every premium dollar goes to actual benefits. I warn the American people that only part of their money would result in actual health benefits.

This is what I mean by "pie in the sky."

Mr. Speaker, I do not enjoy this role of tearing down a proposition which may seem to some people to offer some hope for health security. I am sure that at least some of the plan's supporters are sincere in their promotion of it. But it would be a disservice to our senior citizens, and to all America, to permit them to be hoodwinked into acceptance of an unworkable, unrealistic, pig-in-a-poke plan.

There is simply no proper alternative to the use of the social security mechanism for meeting this vital need of our people. Twenty-five years ago, the Congress defied the cynics, the do-nothing crowd, the calamity howlers, when it passed the Social Security Act. We heard then of "compulsion," of "regimentation," of "bureaucracy," of "socialism." We proved them all wrong—and we will again.

This Congress must—and I feel confident, will—act on health benefits for the aged. The Ways and Means Committee has refused to endorse the Forand bill, but this does not end the matter. I hope the committee will reconsider its action and pass a bill along the lines of the Forand bill. Whether the committee does so or not, I know the Congress will find a way to take appropriate action.

Mr. Speaker, a very useful analysis of the Javits bill has come to my attention. It is a statement by the director of the social security department of the AFL-CIO, Mr. Nelson Cruikshank. Under unanimous consent I include it at this point in the RECORD:

STATEMENT OF NELSON CRUIKSHANK ON S. 3350, A HEALTH INSURANCE FOR THE AGED BILL, INTRODUCED APRIL 7, 1960, BY SENATOR JAVITS AND OTHERS

We have studied S. 3350, the health insurance for the aged bill, introduced last week by Senator JAVITS and several of his colleagues. The scope of benefits and the objectives described by Mr. JAVITS in introducing the bill are laudable. We have come to the conclusion, however, that the mechanisms provided in the bill cannot accomplish the fine things it aims to do.

1. STATE FINANCING

We see virtually no possibility that each of the 50 States, many of which are already in substantial debt and financial difficulty, would raise the necessary funds to put this program into operation. By Senator JAVITS' own conservative estimate, $640 million of State funds would be required.

There is no question but that the major legislative problem faced by the State today is that of raising funds to meet the growing needs for which the States have already assumed responsibility.

The States and localities are currently going deeper and deeper in debt. Between 1946 and 1958 their total debt increased from $16 billion to over $57 billion. By 1970, State and local outlays for programs to which the States and localities are already committed may well reach $85 billion—nearly twice the present level—according to projections of the National Bureau of Economic Research.

Most State tax structures already impose the heaviest burden on families least able to pay. Additional taxes would be most likely to take increasingly regressive forms.

2. FEDERAL FINANCING OUT OF GENERAL REVENUES

The prospect of getting an appropriation of nearly half a billion dollars (again using Senator JAVITS' own estimate) out of general revenues for the health care of the aged, passed by Congress and signed by the President this year, is at best, remote.

3. SCOPE OF BENEFITS

Senator JAVITS' statement which accompanied the introduction of S. 3350 contained this hopeful description of benefits: "Generally, a service plan would provide 60 days of full cost, semiprivate hospital care or the equivalent cost care in a nursing home for the aged and make satisfactory provision for surgery both in and out of the hospital, hospital medical care, visits to the doctor's office, along with necessary laboratory tests, diagnostic X-rays, specialist consultations, and visiting nurse service in the home."

There is nothing in the bill to justify such an optimistic view of the benefits which would be provided. The only benefit specifications which the bill contains are that each plan must provide outpatient care up to one-third of the premium cost, that coverage during an individual's temporary absence from the State must be included, and that plans of both the indemnity and the service variety must be offered in all of the States. This last provision is weakened by the qualification that service plans need only provide service benefits in part, with no limitation on how small the service part may be.

Thus, it is altogether possible that a plan could obtain approval to participate in the proposed program and receive Government subsidies under it while providing partial and inadequate indemnification for only a few of the services and only some of the care listed by Senator JAVITS.

4. NEGOTIATIONS WITH CARRIERS

The task set by S. 3350, for 50 State governments, to negotiate with a multitude of insurance carriers is not only formidable, it is most unlikely to be carried to a successful conclusion. Early this year, a crack task force of experts within the U.S. Civil Service Commission, trying valiantly to negotiate one similar program for far fewer people (U.S. Federal employees), was nearly overwhelmed by the complexity of the task.

The original authors of S. 3350 were perhaps not unaware of this difficulty, for the analysis which accompanies the bill states that "In instances where State cannot contract with a private carrier, State is permitted to provide the coverage." At some stage, however, the provision of the bill to which this statement refers must have been deleted, for it can be found nowhere in the bill as introduced.

5. INCOME TEST

We cannot conceive of any way that the income test provided for in S. 3350 could be made to work with any degree of equity and some guarantee of the preservation of the dignity of the potential health plan subscriber. There is no indication in the bill as to whether it would be a State or Federal agency which would bear the responsibility of prying into the income of the elderly citizens of the Nation. The income test as proposed is clumsy and inequitable.

6. USE OF COMMERCIAL INSURANCE CARRIERS

Commercial insurance companies would be eligible, along with nonprofit health plans, to write Government subsidized health insurance for old people under this proposal. There is no evidence available to lead one to believe that a substantially greater part of the subsidy would go into benefits for old people than would go into insurance company profits.

Fifty years of practical experience in the field of workmen's compensation demonstrates that putting what is in essence a social insurance program in the hands of commercial carriers results in extravagance, waste, inefficiency, and deterioration of the basic purposes of the program. In 1958 employers in the United States paid $1,235 million to private insurance carriers to insure their risk under State workmen's compensation laws. In this same year the insurance carriers paid cash and medical benefits in the amount of $694,373,000; in other words, 56.2 cents out of every premium dollar went into benefits to injured workmen and their dependents that year.

The total benefits paid under all accident and sickness policies underwritten in the United States by commercial carriers in 1958 amounted to 71.2 cents out of each premium dollar. Under individual policies only 48.6 cents of each premium dollar went into benefits in 1958.

The record of commercial insurance carriers with individual non-cancelable policies, to which the policies in the Javits bill would be most analogous, was even worse. Under these policies, during 1958, only 40.8 cents out of each premium dollar was paid in benefits.

We trust that the objective of Senator JAVITS and his colleagues who are cosponsors of S. 3350 is the same as ours: to find a way to lighten the financial burden of sickness in old age. We are dismayed that they should propose a route to this goal so circuitous that it cannot reach the goal at all.

There is a direct and workable method: the use of the Social Security System. The use of the Social Security System would allow aged people to draw benefits as a simple matter of right, with their income or their poverty not at issue. The funds under a program like the Forand bill would go into health benefits for old people and not into insurance company profits. Financing would come from the contributions made by people during their working lives, with a matching contribution by employers. There would be no added financial burden on Federal or State Governments, or on the meager incomes of people who have retired.

The Forand bill would make it possible for voluntary insurance plans, both commercial and nonprofit, to grow and prosper by relieving them of a risk which they cannot cope. It would provide health benefits to old people in an effective and economic way.

RISING TRAFFIC IN OBSCENE MATERIAL

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Pennsylvania [Mr. CURTIN] is recognized for 10 minutes.

Mr. CURTIN. Mr. Speaker, the problem of curbing the rising traffic in obscene material is a matter of increasing concern to parents, religious leaders, educators, and to other thoughtful citizens in many walks of life in America who share a common interest in the moral standards of our country.

It was a perceiving philosopher who wrote that "Morality, when vigorously alive, sees farther than intellect," and another who observed that "Veracity is the heart of morality." Perhaps Will Durant summed it up best of all when he commented in his work, "The Story of Philosophy," as follows: "Morality, said Nietzsche, is the bravery of the strong; morality, said Plato, is the effective harmony of the whole." Probably all doctrines must be combined to find a perfect ethic.

These definitions should be considered as we look to the reasons why it is so urgently important to address ourselves seriously and with utmost earnestness to a formula for countering the insidious efforts of peddlers in obscene material. For these purveyors of corrupt matter have set out to profit on a bold and blatantly commercial basis by engaging in the procuring and the sale of all nature of salacious matter, and there seems to be no limit to the purulent depths to which they will descend in their shameless, unfeeling activity in which decency and right ideals of human conduct are altogether bypassed. If ever the oftheard phrase "filthy lucre" applied, it is to these callous traffickers in obscene literature.

So very often the dealers in corrupt and depraved material strive to cloak their activity behind the argument that no one of us has either the wisdom or the license to decide what is right or wrong. Unfortunately their cause sometimes is unwittingly supported by well-intended individuals who rise to the bait and defend them by citing the dangers of increased censorship and who fear the circumventing of previous privileges guaranteed under our Constitution and Bill of Rights.

Those well-meaning persons raise the specter of censorship, insist stoutly that any attempt to draw a bead on so-called obscene matter is to engage in thought control and say all this is completely alien to our constitutional rights which entitle every individual to full enjoyment of art and literature. They advance the argument that no one is forced to buy an obscene book or a magazine that is pornographic, no one is compelled to look at salacious reading or films.

Such reasoning is based on the mistaken premise that everyone is strong, with full power to perceive good from evil. It assumes that everyone is adult both in years and mental attitude. Would that this were so; we would then require few if any rules or regulations in society. But the stark truth is that some are stronger than others; some are more susceptible than others; some are weaker than others. It would be a wonderful world of Utopian proportions if we could arrive at the point where every individual was of such strength and moral fiber as to be capable of deciding what is good for him and what is bad for him. Unfortunately, we have not gotten there yet and I am afraid we are a long way off.

I am as much concerned as anyone about the preservation of the freedoms assured by our American Constitution and Bill of Rights. I deplore any heavy-handed invasion by Government of the rights of any citizen. I recognize the danger of censorship and abuse of authority that comes with undue exercise of authority by the state. I perceive that there is a narrow and delicate dividing line between the realm of genuine art and literature, and the darker area of coarse material that is openly designed to appeal to the basest instincts.

But how can we, in the name of freedom and fear of censorship, allow traffic in obscene material to run wild and unchallenged? To do this is to default on our duty as parents, as citizens and as legislators. We should not and I am sure do not want to evade our responsibility to affirm in the strongest possible terms a determination to no longer tolerate this commerce in depraved, blighted material that poisons and saps the strength of our people.

Mr. Speaker, it is for these reasons that I have introduced a bill, H.R. 10957, which proposes to amend certain sections of the United States Code to provide mandatory prison sentences in certain cases for mailing, importing, or transporting obscene material. This bill would amend section 1461 of title 18 of the United States Code, relating to mailing obscene matter, to provide that anyone who knowingly uses the mails for the mailing, carriage in the mails, or delivery of any obscene, lewd, lascivious, indecent, filthy, or vile matter, or who knowingly takes any such thing from the mails for the purpose of circulating or disposing thereof, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both, for the first such offense, and shall be imprisoned not less than 1 year nor more than 5 years for each offense thereafter.

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The same penalties would apply under this bill, by amendment to section 1465 of title 18 of the United States Code, relating to transportation of obscene matter for sale or distribution. This would cover those who knowingly transport in interstate or foreign commerce for the purpose of sale or distribution any obscene, lewd, lascivious, or filthy book, pamphlet, picture, film, paper, letter, writing, print, silhouette, drawing, figure, image, cast, phonograph, recording, electrical transcription or any other article capable of producing sound, or any other matter of indecent or immoral character.

Mr. Speaker, when we talk about morality, we are, in the words of Charles Dickens, contemplating existence itself. It is part and parcel of life. We cannot evade it, we cannot sidestep it. We cannot put on blinders to the jeopardy that exists to America's vigor and robustness if we permit to go unchecked this growing traffic in obscene material. We dare not flinch from this duty; it is not enough to preach and protest piously. We must toughen the enforcement provisions of existing laws against purveyors of lewd material and thereby put them on notice that stronger, sterner penalties than ever before await those who besmirch the standards of decency.

The effect of my bill is to provide more stringent measures, against repeat offenders. In short, repeat offenders would go to jail. I urge the early passage of this bill, Mr. Speaker, because I sincerely believe that teeth must be put in the existing statutes covering these offenses.

NATIONWIDE SUPPORT FOR H.R. 9488, TO END AIRLIFT OF 4-CENT LETTERS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Nebraska [Mr. CUNNINGHAM] is recognized for 10 minutes.

Mr. CUNNINGHAM. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include certain letters.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. CUNNINGHAM. Mr. Speaker, support for H.R. 9488, the legislation to prohibit the airlift of 4-cent letter mail, has come from all parts of the country, from railroad people, postal employees, persons interested in saving some of their tax dollars, those wanting dependable service, and others.

Little attention has been paid to these important groups in the proposed expansion of the experimental airlift of 4-cent letter mail. Little attention has been paid to securing the necessary congressional authorization for such an expansion. In fact, so little attention has been given to these important aspects of the program that I wonder just how well such a program would work if it is ever instituted. I wonder whether the implications of this expansion have been fully considered.

I have found no evidence that there would be any reduction in the cost of running our Government if this airlift is expanded. In fact, I strongly suspect there will be increased costs for such services as taking the mail to the airport—and frequently back again when there is no space available—sorting after the mail is delivered to its destination instead of en route sorting now used, higher cost of flying mail as compared to surface transportation, delayed delivery, and so forth.

The reliance of business and Government on railroads during adverse weather and during national emergencies has often been demonstrated. Suffice to say now that any expansion of the experimental airlift—now nearly 7 years old—would have a definite adverse effect on railroads and their employees, and there can be little doubt that an expansion of this program will mean the difference betwen train service and no train service to hundreds of towns. As of today, there are many lines which stay in operation only because of the mail they carry. If this is withdrawn, there will be no more service.

Thus we find a real concern by many thoughtful people who are not connected with the post office or railroads about this airlift program. As an indication of this concern and the support for H.R. 9488 which would end the experimental airlift, I include portions of a few of the many letters I have received from across the country on this bill:

OMAHA, NEBR.

With all the taxes the railroads pay, and the hard struggle they are having in competing with other forms of transportation, which, unlike the railroads, are subsidized by the Government, it is hard to understand why our Postmaster General or any other Government official would propose to further jeopardize the position of the railroad industry by diverting more business away from them. With all the subsidies that go to other forms of transportation, it's like knocking the poor railroads down, and then proceeding to step on them.

Mr. and Mrs. W. H. A.

ELKHART, IND.

If the sender wished it to be air mail, he would have put postage thereon to send it as such.

Mr. E. R. B.

OMAHA, NEBR.

It is only reasonable to expect that if the public knows that they can get equal or almost equal service for less money, the air-mail revenue is bound to take such a setback that it might even have to be discontinued, thereby causing more loss.

Mr. E. A. B.

MALVERN, IOWA.

I believe those who want their mail to move by airplane are willing to pay the legal airplane postage rate. It seems to me it is illegal to handle mail by airplane at lower postage rates.

Mr. W. A. C.

SEATTLE, WASH.

I heartily endorse your bill restricting air transportation to that portion of the mail bearing prepaid air-mail postage.

The public has not been apprised of the action about to be undertaken by the Post Office Department and neither has it been asked for its opinion in the matter. Neither has advance information been released on the cost for air transportation of the mail (reputed to be well over three times the cost of surface transportation).

Mrs. K. L. C.

CHADRON, NEBR.

There is an important reason why mail should not go by airplane without the sender's consent. Papers that cannot be replaced, as well as letters containing money, are liable to destruction. Such a case happened near Jacksonville, Fla., in 1955 when a large plane carrying valuable papers and large sums of money crashed and the contents were burned.

Mr. H. C.

FORT WORTH, TEX.

The Postmaster General states that he will give next day delivery on letters between metropolitan centers by virtue of the airlift program. As far as I know, nobody expects next day delivery on mail between, for instance, New York City and Kansas City.

As far as I am personally concerned, I am more interested in getting next day delivery on letters right here in the city of Fort Worth. Under the present post office system it takes about 46 hours for a letter to be delivered to some of my friends.

Mr. J. E. D.

COSTRO VALLEY, CALIF.

We all know if a mail-carrying railroad did not or could not accommodate all the mail that was offered at all times, it would be fined. Now can anyone fine an airline for turning down mail offered to them? You could not even fine them if they accepted mail at a given point and unloaded it short of destination to accommodate baggage or freight.

Mr. R. G.

MIAMI BEACH, FLA.

I am sending our sincere thanks for the introduction of a bill in the House (H.R. 9488) which we sincerely hope will do away with the flying of ordinary surface mail.

If a postal patron is to get airmail service and the benefit of premium service, he should pay for the service. If the Post Office Department decides to fly all mail, then there should be only one domestic letter rate.

Mr. R. L. M.

CHATTANOOGA, TENN.

I am very much in favor of your bill H.R. 9488 on the airlift.

Mr. R. H. P.

KANSAS CITY, MO.

Thank you for introducing the bill to prohibit the airlifting of 4-cent letters. This airlift is a great injustice to the railroads and the general public. There is no reason for a 4-cent letter to receive the same service as 7-cent letters.

Mr. C. L. S.

DENVER, COLO.

I write to thank and congratulate you on your bill H.R. 9488. It is very gratifying to know we have able men in Washington that cannot be sold such a ridiculous plan as airlift of 4-cent mail. There could be no clearer way to waste such a terrific amount of money, to damage American railroads, and ruin the U.S. postal service.

Mr. J. A. W.

Mr. Speaker, the bill H.R. 9488 is scheduled to be heard before the Committee on the Post Office and Civil Service some time in the near future. I hope all the Members of Congress who are concerned about this problem, and it is an urgent one, and who want this matter to be settled in a legislative way, will prepare their arguments in favor of this legislation so that they may be presented when the bill is heard before that committee.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BREWSTER (at the request of Mr. POLEY), on Wednesday, April 13, 1960, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. JACKSON, for 30 minutes, on Wednesday, April 20.

Mr. CUNNINGHAM, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

(At the request of Mr. HOLLAND, the following Members were granted permission to extend their remarks and include extraneous matter in the RECORD.

Mr. RUTHERFORD.
Mr. DADDARIO.
Mr. ANFUSO.
Mr. MONAGAN in two instances.

(At the request of Mr. CUNNINGHAM, the following Members were granted permission to extend their remarks and include extraneous matter in the RECORD:)

Mr. GLENN.
Mrs. ST. GEORGE.
Mr. LANGEN.

(The following (at the request of Mr. MCCORMACK) and to include extraneous matter:)

Mr. HULL.

Mr. KEARNS (at the request of Mr. CUNNINGHAM) and to include extraneous matter.

Mr. FLYNN (at the request of Mr. LEVERING) in four instances and to include extraneous matter.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 529. An act to discharge more effectively obligations of the United States under certain conventions and protocols relating to the institution of controls over the manufacture of narcotic drugs, and for other purposes;

H.R. 725. An act to provide for the establishment of the Wilson's Creek Battlefield National Park in the State of Missouri;

H.R. 1805. An act to provide for the protection and preservation of the Antietam Battlefield in the State of Maryland;

H.R. 3472. An act to repeal section 1505 of the Social Security Act so that in determining eligibility for unemployment compensation their accrued annual leave shall be treated in accordance with State laws, and for other purposes;

H.R. 7588. An act to amend the Internal Revenue Code of 1954 with respect to the treatment of copyright royalties for purposes of the personal holding company tax;

H.R. 9451. An act to amend the act of July 19, 1954, to exempt from taxation certain additional property of the Veterans of Foreign Wars of the United States in the District of Columbia, and to provide that the tax exemption granted the property of the Veterans of Foreign Wars of the United States in the District of Columbia shall be effective with respect to the taxable years beginning on and after July 1, 1959;

H.R. 9543. An act to revise the boundaries and change the name of the Stones River National Military Park, Tenn., and for other purposes;

H.R. 9620. An act to extend the period during which certain tanning extracts, and extracts of hemlock and eucalyptus suitable for use for tanning, may be imported free of duty;

H.R. 10683. An act to provide for the regulation of finance charges for retail installment sales of motor vehicles in the District of Columbia, and for other purposes; and

H.J. Res. 621. Joint resolution making additional supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.R. 529. An act to discharge more effectively obligations of the United States under certain conventions and protocols relating to the institution of controls over the manufacture of narcotic drugs, and for other purposes;

H.R. 725. An act to provide for the establishment of the Wilson's Creek Battlefield National Park, in the State of Missouri;

H.R. 1805. An act to provide for the protection and preservation of the Antietam Battlefield in the State of Maryland;

H.R. 3472. An act to repeal section 1505 of the Social Security Act so that in determining eligibility of Federal employees for unemployment compensation their accrued annual leave shall be treated in accordance with State laws, and for other purposes;

H.R. 7588. An act to amend the Internal Revenue Code of 1954 with respect to the treatment of copyright royalties for purposes of the personal holding company tax;

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H.R. 10683. An act to provide for the regulation of finance charges for retail installment sales of motor vehicles in the District of Columbia, and for other purposes; and

H.J. Res. 621. Joint resolution making additional supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes.

ADJOURNMENT

Mr. LEVERING. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 25 minutes p.m.) the House adjourned until tomorrow, Thursday, April 14, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

2050. Under clause 2 of rule XXIV, a letter from the Director, International Cooperation Administration, transmitting a copy of his reply to the Comptroller General of the United States which relates to a report by the General Accounting Office on the economic and technical assistance program for Guatemala as administered by the International Cooperation Administration under the mutual security program, which was transmitted to the Congress March 22, 1960, and recorded as Executive Communication No. 1973, was taken from the Speaker's table and referred to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. ST. GEORGE: Committee on Armed Services. H.R. 6479. A bill to provide for the conveyance of certain real property of the United States to the village of Highland Falls, N.Y.; with amendment (Rept. No. 1509). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS of South Carolina: Committee on Armed Services. H.R. 8024. A bill to amend the act of May 9, 1876, to permit certain streets in San Francisco, Calif., within the area known as the San Francisco Palace of Fine Arts, to be used for park and other purposes; without amendment (Rept. No. 1510). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS of South Carolina: Committee on Armed Services. H.R. 8713. A bill to authorize the Secretary of the Navy to convey certain real estate to the Oxnard Harbor District, Port Hueneme, Calif., and for other purposes; with amendment (Rept. No. 1511). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS of South Carolina: Committee on Armed Services. H.R. 10068. A bill to amend section 303 of the Career Compensation Act of 1949, to authorize travel and transportation allowances, and transportation of dependents and of baggage and household effects to the homes of their selection for certain members of the uniformed services, and for other purposes; without amendment (Rept. No. 1512). Referred to the Committee of the Whole House on the State of the Union.

Mr. KILDAY: Committee on Armed Services. H.R. 11318. A bill to provide that those persons entitled to retired pay or retainer pay under the Career Compensation

Act of 1949 who were prohibited from computing their retired pay or retainer pay under the rates provided by the act of May 20, 1958, shall be entitled to have their retired pay or retainer pay recomputed on the rates of basic pay provided by the act of May 20, 1958; without amendment (Rept. No. 1513). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LANE: Committee on the Judiciary. S. 1328. An act for the relief of Parker E. Dragoo; without amendment (Rept. No. 1495). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. S. 1408. An act for the relief of Ronald R. Dagon and Richard J. Hensel; without amendment (Rept. No. 1496). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. S. 1410. An act for the relief of Jay R. Melville and Peter E. K. Shepherd; without amendment (Rept. No. 1497). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. S. 2173. An act for the relief of Mrs. John Slingsby, Lena Slingsby, Alice V. Slingsby, and Harry Slingsby; without amendment (Rept. No. 1498). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. S. 2234. An act for the relief of the estate of Hilma Claxton; without amendment (Rept. No. 1499). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. S. 2333. An act for the relief of the heirs of Caroline Henkel, William Henkel (now deceased), and George Henkel (presently residing at Babb, Mont.), and for other purposes; without amendment (Rept. No. 1500). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. S. 2507. An act to relieve Joe Keller and H. E. Piper from 1958 wheat marketing penalties and loss of soil bank benefits; without amendment (Rept. No. 1501). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 9760. A bill for the relief of Sam Doolittle; without amendment (Rept. No. 1502). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 9652. A bill for the relief of Lt. Col. Alonso C. Tenney; without amendment (Rept. No. 1503). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H.R. 9563. A bill for the relief of Josef Ensinger; with amendment (Rept. No. 1504). Referred to the Committee of the Whole House.

Mr. MOORE: Committee on the Judiciary. H.R. 7367. A bill for the relief of Chieko Sakano; with amendment (Rept. No. 1505). Referred to the Committee of the Whole House.

Mr. SMITH of California: Committee on the Judiciary. H.R. 8155. A bill for the relief of Jack Kent Cooke; with amendment (Rept. No. 1506). Referred to the Committee of the Whole House.

Mr. TOLL: Committee on the Judiciary. H.R. 11190. A bill for the relief of Cora V. March; with amendment (Rept. No. 1507). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. S. 2430. An act for the relief of certain employees of the General Services Administration; without amendment (Rept. No. 1508). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. House Joint Resolution 688. Joint resolution for the relief of certain aliens; without amendment (Rept. No. 1514). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BETTS:

H.R. 11739. A bill to amend paragraph 1810 of the Tariff Act of 1930; to the Committee on Ways and Means.

By Mr. BREEDING:

H.R. 11740. A bill to provide that the Secretary of the Treasury shall coin special 50-cent pieces in commemoration of each centennial anniversary of the admission of each of the several States into the Union; to the Committee on Banking and Currency.

By Mr. BROOMFIELD:

H.R. 11741. A bill to provide for a Capitol Pages' Selection and Residence Board which shall be responsible for the selection of pages for the Senate and House of Representatives and for providing a residence for such pages, and for other purposes; to the Committee on House Administration.

By Mr. GEORGE:

H.R. 11742. A bill to provide that the Secretary of the Treasury shall coin special 50-cent pieces in commemoration of each centennial anniversary of the admission of each of the several States into the Union; to the Committee on Banking and Currency.

By Mr. HERLONG:

H.R. 11743. A bill to repeal that portion of the act of March 3, 1893, which prohibits the employment, in any Government service or by any officer of the District of Columbia, of any employee of the Pinkerton Detective Agency or any similar agency; to the Committee on Government Operations.

By Mr. HIESTAND:

H.R. 11744. A bill to repeal certain legislation relating to the purchase of silver, and for other purposes; to the Committee on Banking and Currency.

By Mr. JONAS:

H.R. 11745. A bill to authorize the donation by Commodity Credit Corporation of surplus feeds to State agencies to provide feed for wildlife in areas determined to be emergency areas, and for other purposes, to the Committee on Agriculture.

By Mr. LAFORE:

H.R. 11746. A bill to amend paragraph 1810 of the Tariff Act of 1930; to the Committee on Ways and Means.

By Mr. LAIRD:

H.R. 11747. A bill to protect the public health by requiring appropriate warning labels on packages of substances intended or suitable for household use, where the substance or the container thereof may cause accidental injury or illness in the absence of proper precautions; to the Committee on Interstate and Foreign Commerce.

By Mr. MACHROWICZ:

H.R. 11748. A bill to continue until the close of June 30, 1961, the suspension of duties on metal scrap, and for other purposes; to the Committee on Ways and Means.

By Mr. MOORE:

H.R. 11749. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. SCHWENGEL:

H.R. 11750. A bill to amend the Soil Bank Act, as amended, and the Agricultural Act of 1956, as amended; to the Committee on Agriculture.

H.R. 11751. A bill to help restore the balance between the production of and the market demand for wheat, and for other purposes; to the Committee on Agriculture.

By Mr. SISK:

H.R. 11752. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. STUBBLEFIELD:

H.R. 11753. A bill to amend the Federal Trade Commission Act to strengthen independent competitive enterprise by providing for fair competitive acts, practices, and methods of competition, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11754. A bill to amend the Federal Trade Commission Act to provide for the issuance of temporary cease and desist orders to prevent certain acts and practices pending completion of Federal Trade Commission proceedings; to the Committee on Interstate and Foreign Commerce.

By Mr. WESTLAND:

H.R. 11755. A bill to amend section 6(c) of the Civil Service Retirement Act with respect to the retirement of employees engaged in the investigation, apprehension, or detention of persons suspected or convicted of violations of the criminal laws of the United States; to the Committee on Post Office and Civil Service.

By Mr. HULL:

H.J. Res. 689. Joint resolution to establish a commission for the celebration of the 100th anniversary of the birth of Gen. John J. Pershing; to the Committee on the Judiciary.

By Mr. RANDALL:

H.J. Res. 690. Joint resolution to establish a commission for the celebration of the 100th anniversary of the birth of Gen. John J. Pershing; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By Mr. STRATTON: Resolution No. 139 of the Senate and Assembly of the State of New York memorializing the Congress and the President of the United States to initiate a program for radioactive fallout protection for all citizens of the United States; to the Committee on Armed Services.

Also, Concurrent Resolution No. 143 of the Senate of the State of New York memorializing the Congress and Department of Defense of the United States and the Government of Canada in relation to undertaking and progressing the development of the proposed New York-Montreal Seaway project; to the Committee on Public Works.

By the SPEAKER: Memorial of the Legislature of the State of Hawaii, memorializing the President and the Congress of the United States requesting passage of the Price bill (H.R. 1157), or similar legislation; to the Committee on Armed Services.

Also, memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States relative to the excise tax on the transportation of persons; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States relative to old-age, survivors, and disability insurance; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT:

H.R. 11756. A bill for the relief of Cato Bros., Inc.; to the Committee on the Judiciary.

By Mr. BROWN of Ohio:

H.R. 11757. A bill for the relief of Mary A. Combs; to the Committee on the Judiciary.

By Mr. FRIEDEL:

H.R. 11758. A bill for the relief of Edward P. Wall; to the Committee on the Judiciary.

By Mr. LIPSCOMB (by request):

H.R. 11759. A bill for the relief of Faustino Caballero-Corral; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

415. By Mr. STRATTON: Resolution No. 57 of the Board of Supervisors of Fulton County in the 32d Congressional District of New York, opposing the proposal of the New York Central Railroad to isolate Fulton County by discontinuing passenger service at Fonda, N.Y., and urging that every proper method be pursued, in company with other afflicted communities, to resist; to the Committee on Interstate and Foreign Commerce.

416. Also, petition of 41 members of Glenville Barracks 1674, Veterans of World War I of the USA, Scotia, N.Y., in support of H.R. 9336, providing for the payment of a pension to World War I Veterans; to the Committee on Veterans' Affairs.

417. Also, petition of 63 members of United Papermakers and Paperworkers Local No. 530 who, are residents of the 32d Congressional District of New York, urging passage of the Forand bill as a minimum first step toward providing decent medical care (hospitalization, surgical services and nursing home care) for those persons eligible (retired or not) for social security benefits; to the Committee on Ways and Means.

418. By Mr. WESTLAND: Petition of Bert Sorensen, president of the Whatcom County Cattlemen's Association, Bellingham, Wash., requesting the 86th Congress to revise the importation laws pertaining to livestock, livestock products and commodities; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

Text of Pony Express Centennial Address by Representative William R. Hull

EXTENSION OF REMARKS
OF
HON. W. R. HULL, JR.
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 13, 1960

Mr. HULL. Mr. Speaker, it was a privilege for me to make the principal speech April 3 at the centennial celebration of the pony express in St. Joseph, Mo.

Under leave to extend my remarks, I include my speech on that occasion:

TEXT OF PONY EXPRESS CENTENNIAL ADDRESS BY REPRESENTATIVE WILLIAM R. HULL

Governor Blair, Governor Docking, Mayor Meers, distinguished guests, ladies and gentlemen, thank you very much. It is an honor to be with you on this memorable occasion.

This great celebration has been made a reality through the efforts of a great many public-spirited citizens and I want to take this moment to congratulate each and every person who has contributed, in time and effort, to the success of this occasion.

To try to list the names of all these citizens would be quite impossible but I do believe it is fitting for us to pay tribute to the memory of one man who did much to make this day one to remember.

I refer of course to our friend, the late Karl Goetz, and I know that all of us wish he could be here with us to enjoy this great day.

Ladies and gentlemen, near this spot 100 years ago, a stirring scene in the drama which is the development of America was enacted.

A young man—it matters not whether Johnny Fry or Billy Richardson or Alex Carlyle—mounted his horse and galloped off through the gathering darkness on the first leg of a perilous journey which today symbolizes the winning of the West.

It is not difficult for us to recapture the excitement and significance of that day. As we retell and reenact the events of 100 years ago, we share in its color and drama.

Through the eyes of Johnny Fry or Billy Richardson we can look west, across our familiar river, at the huge untamed territory lying beyond the outpost States of the Mississippi Valley.

In all this vast expanse between our Missouri River and California is a pioneer land, where the Indian and the buffalo roam at will, where civilized people are few and far between, and where the yoke of law hangs lightly on every shoulder.

On the western rim of the Mississippi Valley, the land begins to rise across semiarid stretches to the foothills of the Rockies.

Beyond these towering mountains lay more than a thousand miles of plateau and basin, split by mountains, slashed by valleys, and blistered by deserts.

Across the plains and mountains and deserts, trails have been worn deep by the tread of oxen and the grind of wheels, and near the trails are many graves.

This vast, rich dominion is yet to be conquered and exploited. In 1860, the territory is American, but just barely.

This is the challenge to the men of the pony express: To link East with West, to provide a fast communication link between the old territory east of Missouri with the new area west.

The difficulties to be surmounted are formidable. We must overcome savages and weather and terrain, and brave hundreds of unknown dangers which lurk along the trail from St. Joseph to Sacramento.

The reward is $25 a week and immortal glory.

In the San Francisco newspapers, an advertisement has appeared. It reads: "Wanted, young skinny, wiry fellows not over 18. Must be expert riders willing to risk death daily. Orphans preferred. Wages $25 per week."

That is a quaint way to recruit employees by present-day standards but remember, this is 1860, and today in St. Joseph there are any number of fellows who, with the vision of $25 per week, will gladly change places with Johnny Fry or Billy Richardson.

Although the businessmen who are in charge of the operation, Messrs. Russell, Majors, and Waddell, do not know, their pony express venture is destined to become a financial failure.

In less than 2 years, it will be a business of the past.

But in that short span of time, it will make contributions to the development of America which will be forever inscribed on the pages of our history books. Its significance is unquestioned. The pony express has blazed a new trail from east to west, the trail of communication.

By swiftly conveying news of great national importance from Washington and the East to the Pacific coast, the pony express cements the loyalty of the western territory to the Federal Union in the perilous days of 1860 and 1861.

It opens the West to orderly progress and seals its loyalty to the Nation.

Thousands of people preceded the lonely pony express rider across the great reaches of the West, but he helped open the door for many millions to follow.

Today, of course, is 1960 and the world has turned over many times since the pony express rider dashed away from these stables, which are now a great historical shrine.

Times have changed a very great deal. The transmission of a message from St. Joseph to Sacramento, for example, can be accomplished almost instantaneously, instead of in 10 days.

But this city of St. Joseph, which we love, still is an important crossroad of our Nation. It remains a vital link between the old East and the still young and ever growing West.

Likewise, we in St. Joseph still face challenges, as did the intrepid men of the pony express whom we honor here today.

And I believe we can take a page from the book of these men who, whether by personal design or accident, wrote a courageous chapter in the history of our country.

Today, our Nation still is threatened by savages, of a different sort.

We still must contend with perverse weather and the occasional obstinacies of terrain.

In a word, we are plagued by the same type of conditions and circumstances which beset the heroes of the pony express, although perhaps they appear in a different guise.

Our national goal is not too much different than it was in the boisterous 1860's, the achievement of a strong and stable America and the perpetuation of our own form of democracy.

To solve our national problems and achieve our national aspirations, we can certainly borrow the quality which distinguished above all others the riders of the pony express, courage.

We must acknowledge that the greatness of our country has not been easily achieved, and cannot be easily protected. We must realize that no goals worthy of the name can be attained without sacrifice, and to sacrifice requires courage.

We must unswervingly protect and augment what we know to be our just credo, that every person born by the grace of God has the right to live in freedom and pursue happiness, regardless of origin of birth, race, color or creed.

In this troubled world, we must strive to bring about a moral rejuvenation which alone can achieve the lasting peace which nuclear bombs and diplomatic convolutions cannot possibly achieve.

Yes, even though our world today is in many respects a world apart from that of the men of the pony express whose work immortalized this spot at which we are gathered, we can borrow very liberally upon

their qualities to build an even better America.

St. Joseph, Mo., the proud birthplace of a great episode in American history, is the best place in the world to dedicate ourselves to the job of carrying forward, with similar courage and enterprise, the American goals so nobly served by the pony express.

My friends, the men of the pony express pursued a dream, and captured it.

Let us have the courage to do the same.

The Landrum-Griffin Bill

EXTENSION OF REMARKS
OF
HON. GERALD T. FLYNN
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 13, 1960

Mr. FLYNN. Mr. Speaker, labor in the United States had during the 18th century and the first half of the 19th century a very stormy existence. It was a federally unregulated commodity when management-labor disputes arose. The only recourse that either side had to a responsible legal tribunal was in the event the criminal law was violated or in the event a situation existed which permitted the seeking of an injunction. The days from Samuel Gompers to William Green were hectic days for labor; days when working men and women found that they had no rights that could be protected in a court of justice and that the democracy for which this country was known throughout the world including the right to a fair trial did not exist when a labor dispute was involved. Criminal prosecution for violence was frequently prosecuted by management against individuals whose emotions caused them to violate the criminal law during their picketing operations. Management used the injunction to the fullest extent possible, but there was no legal tribunal prior to the passage of the Wagner Act during the Roosevelt administration in 1934 that could determine whether a bargaining unit existed among the employees and what union, if any, represented the employees. There was no law that required management to sit down with labor's representatives and bargain collectively on the issues involved in the labor dispute. Working men and women were thus powerless to demand better wages, hours or working conditions. The Wagner Act became the Magna Carta of the American working man and woman. For 25 years, American labor grew and prospered under the protective arm of the Wagner Act. Congress attempted to repeal it, to amend it out of existence, or in other ways to scuttle it. Nineteen States passed right-to-work laws which virtually repealed the Wagner Act insofar as those 19 States were concerned. Congress refused to appropriate adequate funds to permit the act to be administered properly throughout the United States. This required the Labor Relations Board to reject many classes of cases. These became known as the "no-man's land" cases because there remained no court to which the issues and disputes could be taken. However, basically the Wagner Act stood as a monumental bulwark for the protection of American working men and women as well as for the protection of employers in the event of unlawful or unfair claims by the working man and woman.

The enemies of labor scored in 1959 during the 86th Congress. They were able to blow up a national prejudice against certain labor leaders because of unfair or unscrupulous conduct in their individual cases and that developed a national hysteria and hatred against labor and the labor movement throughout the United States. This hysteria descended on Congress through a campaign carried on by the national chamber of commerce and the National Manufacturers Association in 1959 when Congress was considering a perfectly fair and reasonable bill which was designed to regulate labor just as the banks are regulated; to regulate it with the thought in mind of improving it and with no thought of injuring the labor movement. Honest labor and labor leaders were cooperating with the Congress in an attempt to pass a fair regulatory piece of legislation.

Hysteria among the people fomented by every known media of communication caused Congress to pass the now infamous Landrum-Griffin bill which did the following things:

First. Authorized the National Labor Relations Board on a permanent basis to continue limited operation of the National Labor Relations Board and to continue to refuse to act upon those classes of cases which fell within the "no-man's land" cases. This meant that the National Labor Relations Board could permanently give up jurisdiction over management or labor grievances as was provided for in the Wagner Act. This was a repeal of the Wagner Act insofar as it affected those cases.

Second. The cases involved in the "no-man's land" dispute affected 90 percent of the employers of the United States and approximately 30 percent of the working men and women of the United States.

Third. The above constituted an emasculation of the Wagner Act and was an absolute repeal of the Wagner Act insofar as it applied to 90 percent of the employers and 30 percent of the employees of this Nation.

Fourth. The Landrum-Griffin bill requires the payment of excessive bonding fees to a chosen few insurance companies. This excessive expense will be a burden to many trade unions in this country.

Fifth. The Landrum-Griffin bill permits both unions and employers to be sued for union or nonunion activity. One employer in my district at Whitewater, Wis., is now being sued for $1½ million because of antiunion activity. Many unions throughout the country are similarly being sued.

Sixth. Because of the removal of the jurisdiction of the National Labor Relations Board from labor disputes involving merchants doing business in every city in this country, it has made these merchants "prey" of whatever demands James Hoffa may make upon them when he organizes them into his union. I mention this because the bill was passed for the purpose of controlling James Hoffa and, as a matter of fact, it has given to him a large field where he can work without the fear of any Federal control or intervention and beyond the veil of the National Labor Relations Board.

Captive Europe and the Summit

EXTENSION OF REMARKS
OF
HON. JOHN S. MONAGAN
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 13, 1960

Mr. MONAGAN. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to draw the attention of the Members of Congress to a statement by Senator THOMAS J. DODD which appears as the lead article in the current issue of Free World Review.

In this article, Senator DODD makes the argument that we would be on sure ground—legally, morally, and politically—if we raise the issue of the captive nations at the forthcoming summit meetings; and he argues further that this is the only way in which the West can go over from its present defensive position to a diplomatic offensive.

Because of its significance, I include the text of Senator DODD's article, entitled "Captive Europe and the Summit," in the RECORD. I believe that Senator DODD has formulated his proposal in a manner which makes it appear both logical and politically realistic.

The article follows:

CAPTIVE EUROPE AND THE SUMMIT
(By THOMAS J. DODD, U.S. Senator)

If the Western Powers continue further along the path they followed so far at Geneva, the forthcoming summit conference may very well result in a new "Munich."

On the other hand, if the Western Powers go to the summit with a clear awareness of what is at stake, the summit may yet be used as an opportunity to seize the initiative from the Kremlin and reverse the sorry trend of recent years.

As the distinguished editors of Protracted Conflict have pointed out, the cold war has thus far been conducted according to a one-sided set of rules. It has always been fought on the territory of the free world, while the territory controlled by the Communist world has been considered sacrosanct. We have fought back against Communist offensives—sometimes successfully, sometimes unsuccessfully—but we have never ourselves launched a political offensive or counter-offensive.

I fear that if we continue to adhere to this self-imposed set of rules through very many more years of cold war, the free world will be lost.

At the forthcoming summit meeting the Communists will endeavor to confine the discussion to Berlin, as they did so successfully at Geneva. If we permit them thus to limit the agenda to the territory of the free world, the conference, almost inevitably, will result in a further retreat by the West. Somehow the West must find a way of going over to the offensive. But how do we do it, and at what points?

In my opinion, the only answer to this question is—the captive nations. On this issue we are on sure ground—legally, morally, and politically.

Legally, we can point to the series of postwar covenants assuring the captive nations of the right to choose their governments in democratic elections.

Morally, we can invoke the Atlantic Charter and we can point to the overwhelming vote by which the U.N. General Assembly condemned Soviet intervention in Hungary.

Politically, there is no issue on which the Kremlin is more sensitive or more vulnerable.

There may have been a time when the Kremlin believed that it could crush the spirit of resistance in the captive nations and ultimately produce a generation of Communist robots. If they seriously entertained this illusion, the events of the past few years have certainly destroyed it. In quick succession there have been the East German uprising, the Poznan uprising, the Polish revolt against Moscovite control, the Hungarian revolution, the Tibetan revolution.

That the will to freedom which exploded so heroically in Hungary in October 1956 remains unsubdued was once again proved by the spontaneous emotional mass demonstration which greeted Vice President NIXON in Warsaw. Marguerite Higgins quoted a senior European diplomat as saying that the Warsaw demonstration convinced him that, if it came to war, the Kremlin would have to place the whole of Poland under military occupation.

In my opinion, this is a great understatement. If it came to war in Europe, the Kremlin would have to place its entire satellite empire and much of the territory of the Soviet Union under military occupation. This task alone would strain the resources of the 100 Red army divisions west of the Urals. As for the 75 satellite divisions, there is a far greater chance that they would fight on our side than that they would fight on the side of the Soviet Union.

I believe we should call Khrushchev's bluff by saying these things frankly to him. And, having done this, I believe we should place before the summit conference a package deal that calls for—

(a) Free elections under U.N. supervision in East Germany and the captive nations;

(b) Disengagement in depth on both sides of the prewar Soviet frontiers;

(c) A nuclear test ban and a substantial degree of disarmament, with adequate inspection; and

(d) Increased East-West trade, including the extension of credits.

The liberation of the captive nations, in my opinion, is the one objective for which we should be willing to pay with substantial reciprocal concessions. If the Soviets were to agree to liberation, then we could afford to offer such concessions without endangering our future security.

From the Soviet standpoint, the package deal I have outlined would have definite advantages. It would enable them to disembarrass themselves of the troublesome, rebellious captive nations under the protection of a face-saving formula. It would offer them security, disarmament, trade credits—all objectives that have figured high on their list of demands. And, in pursuing this line of argument, it might be pointed out to them—in all accuracy—that their relations with independent, non-Communist Finland have in many respects been more satisfactory than their relations with some of their satellites.

In pursuing the objective of liberation, we should use all the devices of diplomacy. We must first of all establish our strength and persuade the enemy that we are aware of his weakness. We must place him on the defensive by shifting the arena of diplomatic controversy to territory under his control. We must offer counterconcessions that are not only intrinsically valid but provide the enemy with a face-saving formula. We must show ourselves as persistent in pursuit of our goals as the enemy is in pursuit of his.

And finally, we must hold forth to the world the possibility of genuine coexistence.

(The dictionary defines imperialism as a "doctrine leading to the territorial expansion of a state or to its domination of others.")

Year	Countries	Population (thousands)	Area (square miles)
	ANNEXED OR UNDER SOVIET ADMINISTRATION		
1940	Part of Finland	450	17,600
1940	Estonia	1,122	18,300
1940	Latvia	1,951	25,400
1940	Lithuania	2,957	21,500
1945	Part of German East Prussia	1,187	5,400
1945	Part of Poland	11,800	69,900
1945	Part of Czechoslovakia	731	4,900
1945	Part of Rumania	3,700	19,400
	Total	23,898	182,400
	CONTROLLED BY U.S.S.R.		
1945	East Germany	18,807	42,900
1945	Poland	26,500	120,355
1945	Czechoslovakia	12,340	49,381
1947	Hungary	9,750	35,902
1948	Rumania	16,100	91,584
1946	Bulgaria	7,160	42,796
1946	Albania	1,175	10,629
	Total	91,832	393,547

In all, within 3 years Moscow succeeded in extending its control over an area of 575,947 square miles with 115,730,000 inhabitants.

Only one power used the Second World War as a cover for its own territorial expansion—the Soviet Union.

Dr. Murry H. Fly

EXTENSION OF REMARKS
OF
HON. J. T. RUTHERFORD
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 13, 1960

Mr. RUTHERFORD. Mr. Speaker, one of Texas' greatest educators, Dr. Murry H. Fly, passed away in Odessa, Tex., on April 4, 1960, after a lifetime of dedicated service to his profession and his fellow men. The people he helped numbered in the thousands, and I think that every person whose life was touched by Murry Fly is better for it. I personally will always owe him a debt of gratitude for the guidance and kindly assistance he gave me during my formative years. It shall always be a matter of deep pride and personal satisfaction to me that I had the opportunity to graduate from a public school system which Murry Fly guided with wisdom, kindness, and a dedication almost beyond belief.

At the time of his passing, Dr. Fly was president of Odessa College, which he founded in 1946. The college started first as a dream of Murry Fly's, but he was not one to idly dream and do nothing about making it a reality. When the Odessa College was first founded, students met in borrowed or makeshift classrooms, utilizing whatever facilities were available. But Murry Fly was a builder and in the 14 years he served as president of Odessa College he fashioned an excellent, modern school with many beautiful buildings located on its own campus. Those houses of learning will stand as a monument to Murry Fly, and the good that he did will continue to be reflected in the thousands of young people who attend Odessa College in years to come.

Before founding Odessa College, Dr. Fly served for 24 years as superintendent of Ector County schools, and it was here that I first came to know him when I was a schoolboy looking for the leadership that he provided. Prior to his long and distinguished service with the Ector County schools, Dr. Fly had served as superintendent of school systems in Red River County, Collin County, and Strawn County, all in Texas. On July 1, 1959, he celebrated his 50th year in education, and received justly deserved tributes from friends, outstanding citizens, former students and fellow educators all over the world.

Dr. Fly was himself the product of the rural public schools of his native Mississippi, and received his bachelor of arts degree at East Texas State College. He took bachelor of arts and master of arts degrees from the University of Texas, and graduate work at the University of Chicago and Denver University. He received his doctorate degree at Texas Tech College.

Dr. Fly was born October 8, 1886, at Friar's Point, Miss., and in 1913 married Mildred Hamm, of Fort Worth, Tex. From their long happy union came five sons and two daughters, each of whom are outstanding people worthy of their heritage, and I am proud to call them my personal friends.

Dr. Fly was a tireless worker for any cause in which he enlisted. He served his community in many ways, and was proud of the fact that he had a record of 24 years of perfect attendance in the Lions Club. He served as governor of 2-T-2 District, Lions International, and held 1 of the 11 international keys presented in the history of international lionism. He was active in many educational and teachers organizations, serving in many elective capacities within them. He also served a term as president of the Odessa Chamber of Commerce, and was a devout member of the First Christian Church.

I extend my sincere sympathy to Dr. Fly's bereaved widow, to his children, grandchildren and other relatives. I feel a sense of personal loss in his passing, but I am consoled by the thought that the good works he did will live on.

Questionnaire Results

EXTENSION OF REMARKS
OF
HON. ODIN LANGEN
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 13, 1960

Mr. LANGEN. Mr. Speaker, our office has just finished tabulating the results of a questionnaire which we sent out

earlier in the session to residents of Minnesota's Ninth Congressional District. This questionnaire deals with eight of the issues facing this body, and the 7,027 replies which we have thus far received have been evaluated both totally and in five separate occupational groupings.

In the hope that the opinions expressed in this poll might be of benefit to my colleagues, I am calling them to the attention of the House at this time.

Comments and a percentage summary follow:

1. In the field of Government spending, the replies which we received indicated an overwhelming majority in favor of payment on the national debt or, at least, a balanced budget.

2. In response to the agricultural question, 63.5 percent of those replying indicated their favor with some type of controls and supports. The differences of opinion with regard to what form this program should take, however, reflect the general lack of agreement on how best to improve agricultural income and reduce taxpayer expense.

3. Regarding our mutual security (foreign aid) program, a large majority was almost equally divided between appropriations smaller than last year and appropriations the same as last year; 5.5 percent voted for increased foreign aid spending.

4. A raising of the present $1,200 limitation on outside earnings of those receiving social security benefits was favored by a majority of those who replied. This majority was largest among business and professional people, and smallest among those who are presently retired. A majority of farmers replying were against the raising of this limitation.

5. Together with the question concerning agriculture, that regarding a medical and surgical health plan for social security recipients resulted in the greatest difference of opinion. The replies against such a proposal were 1.1 percent larger than those in favor. Replies against were more common among business and professional people; replies for were more common among retired and salaried people.

6 and 7. A majority of those who replied were against Federal financial assistance for school construction, and a very large majority were opposed to such aid for teachers' salaries. This was uniformly true among all groups, with the exception of professional people, who comprised about 10 percent of the total replies. Those in this occupational grouping, while substantially opposed to Federal assistance for teachers' salaries, voted slightly in favor of aid for construction.

8. The large majority in all groups who voted in favor of Federal legislation to deal with such situations as the recent steel strike indicated the general response to such labor-management disputes.

PERCENTAGE SUMMARY

1. Which approach to Government spending do you believe will best serve the Nation's economy at this time? (1) Deficit spending, 2.9 percent; (2) a balanced budget, 37.1 percent; or (3) income exceeding outgo, permitting payment on the national debt, 56.1 percent. No opinion, 3.9 percent.

2. Which do you believe will best serve to bolster farm income, and at the same time decrease costs to the taxpayer? (1) Increased controls and supports, 12.8 percent; (2) reduced controls and support, 20.4 percent; (3) increased use of the soil bank principle, 5.2 percent; (4) a combination of controls, supports, and increased use of the soil bank, 25.4 percent; or (5) absolutely no Government participation in agriculture, 29.9 percent. No opinion, 7.3 percent.

3. Do you believe this year's budget for our Nation's mutual security (foreign aid) program should be (1) smaller than, 44.3 percent; (2) roughly the same as, 44.2 percent; or (3) larger than, 5.5 percent—the approximately $3.1 billion appropriated by the Congress last year? No opinion, 5.5 percent.

4. Do you believe the present $1,200 limitation on outside earnings for those receiving social security benefits should be raised? Yes, 54.6 percent; no, 43 percent; no opinion, 2.4 percent.

5. Do you believe this country should institute a medical and surgical health plan for those receiving social security benefits which would be administered and financed by the Social Security Administration? Yes, 47.9 percent; no, 49 percent; no opinion, 3.1 percent.

6. Do you believe the Federal Government should provide financial assistance for elementary and secondary school construction? Yes, 42.5 percent; no, 53.2 percent; no opinion, 4.3 percent.

7. Do you believe the Federal Government should provide financial assistance for teachers' salaries? Yes, 19.8 percent; no, 76 percent; no opinion, 4.2 percent.

8. Do you believe the latest steel strike has shown a need for Federal legislation in this field? Yes, 80.4 percent; no, 15.6 percent; no opinion, 4 percent.

Transfer of the U.S.S. "Charles Ausburne" to the Federal Republic of Germany

EXTENSION OF REMARKS
OF
HON. KATHARINE ST. GEORGE
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 13, 1960

Mrs. ST. GEORGE. Mr. Speaker, the following remarks by our colleague, Congressman RIVERS, of South Carolina's First District, were made at the transfer ceremonies of the U.S.S. *Charles Ausburne* (DD–570) to the Federal Republic of Germany, in Charleston on April 12, 1960.

This gallant ship was Adm. Arleigh Burke's flagship in the war in the Pacific.

These ceremonies, that I had the honor to attend, were impressive and moving, and Mr. RIVERS' splendid speech was one of the high points of this truly great and historic occasion. The speech follows:

Never before in recorded history has a vanquished nation risen from the depths of adversity to regain and reclaim its position among the freedom-loving nations of the world.

The success of the Federal German Republic in reasserting its economic position in European and world trade is due in large part to the faith and understanding of the American people.

The Congress of the United States has reflected this confidence of the American people by joining hands with the leaders of the Federal German Republic to provide it with the necessary tools to insure its freedom against possible future oppression. As a Member of the Congress of the United States, and also as a citizen of the great State of South Carolina, I am particularly aware of the problems that have faced the Federal German Republic since World War II.

As you know, we in the South have also known the heartbreak and anguish that faces a great people when the fortunes of war turn against them. Most importantly, however, we know the burning desire of the vanquished for freedom and the right to live as a God-fearing people, and therefore, I think it is particularly appropriate that the people of Charleston have joined hands with the peoples of West Germany to assist them in their continued fight for freedom.

We in America recognize the splendid recovery which is the story of postwar West Germany. We share your hopes and aspirations for the future and therefore, I think it particularly significant that upon the occasion of the recent visit of Chancellor Adenauer, our President reassured him personally, that we would not abandon West Berlin under any circumstances.

We know that some of our allies appear not to share our strong views on this issue. However, in America we recognize full well that the future of West Berlin is inextricably tied to the future freedom of all Europe. And, to the extent that we may compromise our stand on West Berlin, to the same extent we compromise forever the principles of freedom for which we all stand.

I think it also significant that the President of the United States endorsed the necessity for future tariff reductions among the free nations of Western Europe so as to insure the continued economic growth of this vital bastion of freedom.

Great words have been said about the importance of this last destroyer being transferred to the German Republic. Nothing more need be said on this subject for I am certain that my good friend Admiral Ruge will do a masterful job of welding this latest link into the defense armor of the free nations of Western Europe.

We in America are not militarist, nor are the people of Western Germany. However, we have all learned to be realists. We know that we cannot continue to enjoy the fruits of freedom without paying the price of an adequate defense; therefore, in closing I think it important to reiterate that the cost of freedom and peace is high, but it is well worth the price we pay.

Thank you.

Tribute to Farrell Senior High School

EXTENSION OF REMARKS
OF
HON. CARROLL D. KEARNS
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 13, 1960

Mr. KEARNS. Mr. Speaker, I wish to pay tribute to the Farrell Senior High School, where I was superintendent of schools before coming to Congress, on its fine record in the field of athletics.

Farrell High School is a comparatively young school so far as organized and competitive sports are concerned, having competed only since 1916. The Farrell High School basketball team has won five State championships—1952, 1954, 1956, 1959, and 1960. This is more State championships than any other school in Pennsylvania has won—and under one coach, Mr. Edward J. McCluskey. These championships won since 1952 are in class A, the highest classification in basketball among schools in the State.

I not only pay honor to the coach, Mr. Edward McCluskey, but also to Mr. John Hetra, who succeeded me as superintendent of schools in Farrell, and who was a great basketball player and referee himself.

My tribute to the superintendent and the coach reflects back also on each and every member of the team and the student body.

Salaries for Postal Employees Should Be Raised

EXTENSION OF REMARKS
OF
HON. GERALD T. FLYNN
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 13, 1960

Mr. FLYNN. Mr. Speaker, the Federal employees, and in particular postal employees, are complaining bitterly about the failure of the U.S. Government to keep their pay schedule on a par with the cost-of-living index. Postal employees are a dedicated group. They are men who have given up the chance of larger earnings for the security that goes with Federal employment. They cannot strike. They cannot even bargain collectively. They are at the mercy of a Government that should be dedicated to fair and equitable treatment of its employees. The Government, however, is taking advantage of the employees and their inability to bargain collectively or to strike, and is failing to pay the postal workers a rate that is commensurate with similar employees in municipal and private employment.

Starting in 1952 the wage rates of policemen and firemen throughout the country have gone consistently upward. The increases for postal workers has failed to keep pace with increases to firemen and policemen, and today many a postal employee's family finds that the annual salary of the breadwinner of the family falls several hundred dollars short of paying the normal costs of supporting a family. This group was shocked to find that the President did not provide additional funds for a pay increase in his budget message, or ask for an increase in the state of the Union message. Instead, double talk was used and it was suggested that a study be made of Federal wage rates. It reminds one of Nero playing the fiddle while Rome burns. This callous disregard of the immediate needs of the postal employees for a fair and adequate raise in pay cannot be understood by the postal employees or their families, or justified by the Government. It appears that a fair and adequate wage rate is sacrificed to the desire of the administration for a surplus in the budget. We all want a surplus in the budget, but not at the expense of being unfair to postal employees or to other Federal employees. It has been said that we cannot afford an adequate military defense, that we cannot afford to keep even with Russia in the missile race, that we cannot afford the money necessary to protect the health of our people through initiation of an adequate water pollution program, that we cannot afford to spend money on public works to maintain our physical plant; such as preventing flood control on the rivers of Indiana where millions of dollars in damage is caused through floods every spring, that we cannot afford housing programs or the expenditure of a reasonable amount of money for slum clearance and for urban renewal. To the above must now be added that we cannot afford to pay our own postal employees a fair day of pay for a fair day of work.

We can, however, in the thinking of the administration, afford passage of the vault cash bill, to raise the interest rate for the benefit of the bankers at a cost to the Federal Government and private enterprise of approximately $40 billion a year. We can afford to spend approximately $4 billion a year on foreign aid.

Do you not think that our Nation can afford to treat its Federal employees and, in particular the postal employees, in a just manner insofar as their wages are concerned?

Accolade to Atlantic City Commissioners

EXTENSION OF REMARKS
OF
HON. MILTON W. GLENN
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 13, 1960

Mr. GLENN. Mr. Speaker, in New Jersey, a certain form of municipal government widely used is the commission form, with either five or three commissioners, according to population, and who in turn elect one of their members as a mayor. One of the unusual aspects of this form of government is that it has its own special election date, and the candidates run without any official designation of a political party. It is a political nonpartisan election.

The largest city in my Second District of New Jersey is Atlantic City, the mecca of thousands of vacationists every year, and the convention capital of the world. It was incorporated as a city in 1854 and was under a councilmanic form of government until 1912, when it adopted the commission form with a mayor and four commissioners. During all these years, there was never an election without opposing candidates or tickets, and I may say many Atlantic City elections of the past were turbulent to say the least.

This year on May 10, there will be another election for five commissioners, and for the first time in the history of Atlantic City no opposing candidates have filed to oppose the incumbents. This is so unprecedented it calls for comment.

The present commissioners are Mayor Joseph Altman and Commissioners John O'Donnell, Meredith B. Kerstetter, William F. Casey, and Richard S. Jackson, and they are all candidates for reelection. As natives of Atlantic City, they have seen and lived through many periods as the prosperity of Atlantic City follows the economic trend of the Nation. It is a health and pleasure resort with little industry, and has annual problems to face with a fluctuating population of 60,000 in winter to over 300,000 in summer, on an island 5 miles from the New Jersey mainland. The municipal maintenance and supervision of the economy are difficult under such circumstances, but added to this is the fact that Atlantic City must compete with scores of other cities and areas as a health, and recreation resort and convention city.

Down through the years the city has held its own, but in the past decade it began to show signs of wear. True, the ocean, the beach, and the sunshine were always there, but these were not enough in this modern world.

These five commissioners under Mayor Altman—these five dedicated officials saw these things and decided the world's playground needed a face lifting—that its facilities and the economy needed help. They proceeded with a planned program of municipal renovation—removing the antiquated trolley car system running the length of the island and replacing it with buses; widening and repaving the main through streets; improving and modernizing the world's largest convention hall; rebuilding, redecking, and beautifying the world-famous boardwalk; changing municipal ordinances to encourage the removal of old wood constructed side avenue hotels for modern fireproof motels with side-by-side swimming pools and ice skating rinks. These things—this encouragement—this leadership has brought results. In the last several years, Atlantic City has and is undergoing an economic revolution. Scores of new modern motels in all locations have been erected, and are still going up. Convention business is increasing, bank deposits making new records, and thousands of satisfied guests are being served weekly.

Therefore, it must be that the citizens of Atlantic City have recognized these things and do honor to their incumbent commissioners by not opposing them for reelection. They have taken cognizance of the fact that their welfare depends on the good management of their city by experienced and dedicated officials. To one in the political field, I know of no way that an electorate could better show their confidence in their elected officials than by this reelection by unanimous acclaim. I join them in this accolade to Mayor Joseph Altman and Commissioners O'Donnell, Kerstetter, Casey, and Jackson.

Franklin Pierce Adams

EXTENSION OF REMARKS
OF
HON. JOHN S. MONAGAN
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 13, 1960

Mr. MONAGAN. Mr. Speaker, I was saddened recently to read of the death of Franklin Pierce Adams, the famed

columnist, "F.P.A.," who for so many years conducted the noted "Conning Tower" column in various metropolitan newspapers.

For those of us who came of age in the twenties and thirties, "F.P.A." and his column had a place in our lives which has never been duplicated.

Urbane and witty, Adams through his life fostered a respect for classical learning, a love for good literature and a sense of the importance of the ability to construct a clear and coherent English sentence.

In a time when regard for cultural matters was not as current in America as it is today, Adams through the persistence of his efforts inculcated in his readers an interest in great poetry, in notable writing and in artistic creation generally which was then encouraged by too few others in positions of such influence.

To remember how we awaited his translations of Horace, his Gilbertian verse or his weekly diary in the style of Samuel Pepys is to evoke the atmosphere of another day.

It is my conviction that we as a nation must return to adherence to many of the values which Franklin P. Adams thought important and which we have thoughtlessly discarded in the hectic war and postwar years.

Franklin P. Adams' efforts to raise our American cultural standards have been monumental and I can think of no finer tribute to his memory than to say that these efforts are still bearing fruit.

The Folly of the Buy-European Program

EXTENSION OF REMARKS
OF
HON. GERALD T. FLYNN
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 13, 1960

Mr. FLYNN. Mr. Speaker, my thoughts turn to the folly of the buy-European program because of a letter written by one of my constituents to Mr. Charles Coe, editor of the Whitewater (Wis.) Register. The letter is set forth as follows:

MARCH 23, 1960.

Mr. CHARLES COE,
Whitewater Register,
Whitewater, Wis.

DEAR CHARLES: I do not know whether this information is of interest to your readers or not. Sometimes I think there is no interest, again I believe there is interest but they do not know what to do about it.

As you know 80 percent of our production is in plastics. We have just received a letter from the Society of the Plastic Industry telling us that a total of 6,547,000 plastic raincoats were imported to the United States from Japan and other foreign countries in 1959. When this is a broken down against our labor in Whitewater it means a total of 4 coats per hour or a total of 818 people working 40 hours per week for 1 year's time.

This is what is happening to the plastic raincoat industries in the United States. Now, this is but a small example, what about the 1,001 other products and industries in the United States where imports are taking command.

I would think that if politicians and union leaders would get out and promise relief and fight this infiltration of foreign goods it would mean a lot more to our economy than many of the things being promised and offered to get votes.

It can only mean that many a worker will be seeking unemployment compensation and then relief if this situation continues. Any worker that goes out and buys foreign products is asking for trouble, as we cannot have our cake and eat it too. I am beginning to think we should again think in terms of "Buy America First."

Very truly yours,

LEO PERRY.

It has been brought to my attention, through a committee in which I serve, that this country is a customer for 12,000 fishing vessels in the next 10 years. These vessels can be bought in foreign shipyards for one-half of what they can be purchased for in this country. Our committee is informed that it is the policy of the administration to permit these fishing vessels to be purchased in foreign shipyards. Our committee is almost unanimously opposed to this policy. I have a special interest in that particular contract, because most of the powerplants in these boats will be manufactured by Fairbanks, Morse Co., a substantial industry in my district.

I have many cases in my district where manufacturers have reported to me that they were the low American bidder, and that the bid was so low that they could not reduce it and make out on the job; nevertheless, because of low wages in foreign countries, coupled with a lower standard of living, which means a lesser cost for raw materials involved, and because the manufacturer is not paying American taxes, the 6-percent preference granted to American bidders was wholly insufficient to make up the difference in cost and the work is going to Japanese, German, Italian, or other European concerns. I refer to a wire cable company in my district, a fine organization with a background of about 100 years of manufacturing, which lost a large contract in competition with a European bidder. I refer to a $6 million contract for locomotives at the Panama Canal where several American bidders, including one in my district, lost out to the Mitsubishi Co. of Japan. Each of you who read this article can add many specific examples to this list, I am sure, and I could, also, add many others. These, however, pinpoint the fact that American business is going European. When this happens, it means that American citizens lose employment. When they lose employment, the Government loses taxes for the reason that the Government is a partner with every individual workman and manufacturer. The manufacturer loses the normal profit and suffers idleness of his plant, causing harm to his corporation and loss to the entire community, because of the loss of payroll and subcontract work in the area where the manufacturer is located. If the manufacturer takes the contract at a price competitive with European bidders, it means that he must lower wages in his plant and lower other costs. The result of this is that his workmen and those dealing with him must, because of their lowered income, reduce their standard of living. This tends to lower the American standard of living and brings it down to the standard of living of people in European or Asiatic countries.

I do not believe this is proper. I believe it is the duty of every elected representative to support, maintain, and improve the standard of living of all American citizens. People, the world round, desire American citizenship because of the fact that this country has been able to offer its citizens a better way of life and a higher standard of living than they have known in other countries. It is the duty of all of us to maintain this and to continue to build our country and to improve the way of life in our country.

It is appalling to most of us to see the Eisenhower administration supporting, encouraging, and promulgating the "buy European" program. We all know that we must buy abroad if Europe is to buy from us, but—there is such a thing as Government control—such as we had during the days when Cordell Hull was Secretary of State when he negotiated independent trade treaties with each foreign country and thereby improved trade relations for American merchants throughout the world and at the same time kept a balance of trade in favor of this country. This kept moderation in the "buy European" programing and prevented unnecessary high tariffs. Today, we have a steam engine running without an engineer. There appears to be no one steering the ship of State. American purchasing power is being spent abroad to improve the standard of living in Europe, while American manufacturers have idled their factories, and American workmen are unemployed because they cannot secure American orders unless they reduce their standard of living to that of Europe or Asia. The result of this is loss of taxes to the United States and a lower standard of living for American citizens.

I believe that Leo Perry of Whitewater, Wis., was entirely correct in the position that he took in his letter to the editor of the Whitewater Register. His small industry is typical of the thousands like it throughout the country who have suffered, and will continue to suffer, if this country permits the "buy European" program to grow without the imposition of controls and regulations.

Congressman Donald J. Irwin on Cuba

EXTENSION OF REMARKS
OF
HON. EMILIO Q. DADDARIO
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 13, 1960

Mr. DADDARIO. Mr. Speaker, my distinguished colleague from Connecticut, Congressman DONALD J. IRWIN, is most knowledgeable about matters dealing with Latin America.

He recently made a statement concerning Cuba which prompted editorial comment in the Bridgeport Sunday Post on April 10, 1960.

Congressman IRWIN said:

WHAT MUST WE DO CONCERNING CUBA?

It is important, I think, that we respond with vigor to unfavorable and unwarranted attacks upon us by the Castro government. We must do so, I feel, with the idea in mind of protecting our interests in the rest of Latin America. At the same time, we must take every step to prevent any untoward incident that will give Castro an opportunity to attack us further. Specifically, we must halt unauthorized flights by American planes over Cuba, for such flights only weaken our position at home and abroad.

I am very much opposed, incidentally, to proposals for broadcasting directly from the United States to Cuba. Such plans, it seems to me, would be repeating the fatal mistake made during the days of Peron in Argentina when our Ambassador tried to interfere. If we broadcast anti-Cuban programs, then we will be identified as the only anti-Castro force in Cuba and all Cubans will rally behind Castro. This suggestion only underlines the need for a full-blown Voice of America program for all of Latin America which would bring to the Latin Americans a clear idea of what the long-range U.S. objectives are. The VOA would spell out specifically what our programs and hopes are for the free people of Latin America.

President Eisenhower's recent trip aroused all kinds of hopes for the roles we are to play in the future development of Latin America and we must be ready to help meet these expectations. I disagree with Mr. Eisenhower's claim upon his return from his recent goodwill tour, however. The President maintained that our prestige was never higher in Latin America. In my opinion, our position in Latin America has never been more perilous.

It is of vital importance, I believe, that we explain our democratic system of government and outline the role that private enterprise can play in the development of Latin American countries. Private American capital invested abroad can do much to help Latin America meet its needs.

These remarks not only initiated the following article but caused a change of opinion within the editorial staff of the Bridgeport Sunday Post:

IRWIN REPORTS ON CUBA

Congressman DONALD IRWIN, of Norwalk, recently back from a meeting of the Caribbean Assembly and a personally financed side trip to Cuba to get firsthand impressions of the situation there, says the island republic is headed for "serious economic troubles in the near future."

All signs point to it, but despite the fact, Cubans do not want Fulgencio Batista, or anyone like him, back in power. Representative IRWIN had only 48 hours to make observations in Cuba but his fluency in the Spanish language made the gathering of information comparatively easy for him.

Anti-American attacks by Castro, he believes, should be answered "with vigor" but with the idea in mind of protection for our interests in other Latin American countries. He failed to notice, he reports, any spontaneous anti-Americanism, as he walked about the streets. Cubans knew at once he was an American, yet there was no demonstration of the hatred that has been generated by the head of the rebel regime.

The Fairfield County Congressman came away convinced that Castro's management of economic affairs will surely lead to crisis. He favors a ban on unauthorized flights to Cuba from Florida, but he is opposed to broadcasting directly from this country to the island.

We had regarded the broadcasting idea as a good one, to talk directly to the Cuban people, but Representative IRWIN says if we do it, we will be identified as the only anti-Castro force in Cuba, and all Cubans, of all shades of opinion, will rally to Fidel against the United States. That seems to be sound reasoning.

Representative IRWIN suggests the need for broadcasting the Voice of America to all Latin American nations, to give them a clear idea of our long-range friendly objectives, spelling out our hopes and our programs for the free peoples.

Our Congressman's is the latest voice to be raised in explaining what now seems to be inevitable. Castro was big enough to lead a revolt against brutality, thievery and general economic distress. But he has proved beyond any doubt that he is not big enough to lead his nation toward prosperity and good relations with us. His campaign against us has been deliberate, not accidental, and is without basis in fact.

This is known by the business and professional people in Cuba, and the middle-class citizens. Soon the peasants and the poorest workers will know it, too. And then things will have to change—for the better we hope.

Address by Chairman Overton Brooks on Government and Outer Space

EXTENSION OF REMARKS
OF
HON. VICTOR L. ANFUSO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 13, 1960

Mr. ANFUSO. Mr. Speaker, under leave to extend my remarks, I wish to insert in the RECORD a major address delivered by the gentleman from Louisiana [Mr. BROOKS], who is chairman of the Committee on Science and Astronautics, of which I am a member.

Congressman OVERTON BROOKS spoke at the University of California at Los Angeles on Wednesday, April 13, 1960, in the fourth of a series of 12 lectures on "Peacetime Uses of Space." Other speakers in the series include Lt. Gen. J. H. "Jimmy" Doolittle, Lloyd V. Berkner, Ralph J. Cordiner, Dr. Willard F. Libby, Vice Adm. John T. Hayward, and Dr. Edward Teller.

In this distinguished company, Congressman BROOKS delivered a sound and discerning address on "The Place of Government in the Utilization of Space." He pointed out that our space lag, in comparison with the U.S.S.R., resulted from our own past decisions and not from any inability to do things in outer space as well and as fast as the Russians. In fact, he said, we have apparently taken only about half as long as the Russians to develop IRBM's and ICBM's. Congressman BROOKS proposed a number of steps that would enable this country to make the best possible effort in outer space.

I particularly welcome the statements by Congressman BROOKS that new international accommodations will be necessary in the peaceful uses of outer space, and that the space age will increase the incentives and opportunities for nations to live together in peace and harmony.

The address follows:

THE PLACE OF GOVERNMENT IN THE UTILIZATION OF SPACE

I. INTRODUCTION

It is a great pleasure to take part in this exceptional series of lectures on the peacetime uses of space. The University of California has earned the gratitude of all Americans by providing a forum for a distinguished array of speakers to examine in detail the sweeping implications of space technology. Dr. Simon Ramo, who suggested the series, has expressed the hope that public understanding and responsiveness will be enlarged and heightened. All of us who have been honored with the opportunity of speaking here must share that hope and accept its challenge.

My topic is the place of Government in the utilization of space. In dealing with so broad a subject matter, it will be necessary to pick out certain aspects as most suitable to the purposes of the lecture series.

I will begin with the present circumstances of the national space program; the values we can expect it to achieve; its importance to our international position; proposed changes, and historical background.

Then I will take up some problems of space regulation and control. Space law is not only needed, but needed urgently, in view of the facts of space and the participation by other countries in space exploration and research. Later, it will also be necessary to regulate the activities of private enterprise in space. Up to now, all American space activities have been conducted by the National Government. For some time to come, the Government will continue to be the principal space entrepreneur. In a society dedicated to private enterprise, however, it seems inevitable that space will sooner or later be used for private purposes. Space law must anticipate this development.

Finally, I will list some steps that would enable this country to reap the benefits of space technology both sooner and more certainly. Time is short. The opportunities are vast.

II. NEED AND VALUE OF ASTRONAUTICS

The year 1960 began in Washington with a great debate over the national space program. I wish I could tell you that the outcome was a clear set of conclusions. Unhappily, the charges and rebuttals are still flying through the air like ballistic missiles. Many outsiders complain that they feel confused. Some insiders may secretly feel the same way, though they may never admit it. And no wonder. For example, at least four different sets of comparisons of American and Soviet missile strength have appeared in major newspapers of the Nation.

I am not going to try to clear up the missile gap or even the space lag. The roots of the disagreement go deeper. If you want to know about the prospects and problems of using outer space, including our chances of outstripping the U.S.S.R. in the long run, and what our Government can do to help, you need information of a more fundamental kind. Perhaps we should return to fundamentals, and start with the need and value of space flight. The debate in Washington has revealed a difference of opinion on this subject, even within the executive branch of the Government.

People have been dreaming about space travel for thousands of years. Now that we have the means to make the dream come true, however, many people begin to doubt the value of our space program. Is it merely political and psychological—that is, are we going into outer space just for reasons of national prestige and advantage in the cold war? Or is it military—to prevent outer space from being used against us, and to

use it, if need be, against our enemies? I would answer that the value of our space program is both psychological and military, in the cold war and the hot war alike, and could be amply justified on either ground, in the perspective of 10 or 20 years. Or we can justify it on the ground that it leads mankind further along the roadway toward his destiny.

More directly, for most of us, the value of our space program is also scientific and economic. If you happen to be a teacher or a housewife, it may be hard to think of outer space as something that affects you. Yet it does just this; and sooner or later, a lot of our prosperity as well as our national security is going to be wrapped up in outer space.

For example, we can look forward to better and cheaper methods of radio communication, weather forecasting and navigation by means of satellites. Already new developments in treating diseases and in analyzing the human anatomy, which will have a direct effect upon human beings, are being developed in our space program. New space exploration may unlock the ancient secrets about the origin and use of the solar system and even of life itself.

Admittedly, such wonders lie in the future. Yet I expect to see some of them myself in the next 10 years or so.

At present, space exploration is first and foremost a new means of scientific research. Naturally, this aspect appeals to the scientific community, both at home and abroad. It is only the beginning.

III. MILITARY AND CIVILIAN USES OF SPACE

From what I have just said, you can see that the benefits we hope to gain in outer space are both military and civilian. We all welcome the fact that the value of space exploration is apparently much greater than just the military possibilities. At the same time, the relationship between the military and civilian space programs has raised problems from the very beginning. The first successful American satellite was launched with a military missile in the hands of military personnel. We thus began to acquire the ability to explore space, in the first place, through military efforts to develop missiles as weapons of war. The U.S.S.R. had the same experience.

All concerned, including our military leaders, agree that space exploration is not solely a military program. Neither can we deny that space has tremendous military significance. The problem, then, is either to separate military and civilian space functions, or to link them in some effective relationship.

As many of you know, this kind of problem is not confined to space alone. It is a perennial problem of government in dealing with new technology. For example, the Atomic Energy Commission was given the job of providing nuclear warheads for military missiles. The armed services, however, remained responsible for the means of delivery and for developing and using the military weapon systems. In the field of atomic energy, then, civilian and military functions are not entirely separated. This arrangement has worked well.

The Space Act of 1958 created a new civilian space agency. The result is a system of cordinate civilian-military control, which was recommended by the President in his message to Congress of April 2, 1958. In its final form the act had the full approval and signature of the President.

The civilian space agency was given general authority to plan, direct and conduct aeronautical and space activities. At the same time, the act provided for full cooperation between the civilian agency and the defense establishment. Because civilian and military interests in space are often difficult to separate and unavoidably overlap, machinery was created both for coordination and for overall control. For this purpose the act established a National Aeronautics and Space Council, of which the President has been chairman, and a Civilian-Military Liaison Committee for the day-to-day coordination of civilian and military space activities.

As time has gone on, it has become apparent that neither the Space Council nor the Liaison Committee was used effectively. On the other hand, there is general agreement that the Space Act provides an adequate basic framework for national space activities.

In a recent message to Congress, President Eisenhower declared that—

"A single program embracing military as well as nonmilitary space activities * * * does not exist and is in fact unattainable."

There are certain questions that trouble me on this score: Are the military and civilian space programs really so separate and distinct? How should they be coordinated? How should the space effort be divided between military and civilian agencies? Is there a need for long-term planning, direction and coordination, encompassing both the military and the civilian space programs; and, if so, how should the need be met?

On all these questions there is a clear-cut difference of opinion. For example, in contrast to President Eisenhower's views, General Medaris told the Committee on Science and Astronautics:

"I believe strongly, and feel that it is wholly demonstrable, that the fields of ballistic missilery and space exploration and exploitation are in fact naturally indivisible elements of a single broad technology and that a continuance of divided efforts in this broad area cannot but result in delay, duplication, and waste of both money and manpower.

"From a purely technical viewpoint, there is so little difference between civilian and military space programs that there is no justification for their division and resulting duplication."

In dealing with the various proposals to proceed with space development, the U.S. Government must draw upon the thinking of its ablest leaders—in politics, science and economics. As time moves along and developments indicate shortcomings in the space program, changes in space legislation as well as in the organization of the executive branch may be necessary.

In order to make wise decisions, the Federal Government must determine what priorities should be assigned to the space program; and, as time goes on, this decision will have to be reviewed repeatedly.

President Eisenhower has indicated that in his mind this Government is not engaged in a space race with the U.S.S.R. For example, he was asked whether he felt any sense of urgency in catching up with Russia either in space exploration or in military missiles. He replied (according to the New York Times):

"I am always a little bit amazed at this business of catching up. What you want is enough, a thing that is adequate."

We may naturally ask: "Adequate for what?" Surely not adequate for catching up with Russia.

Again, when he was asked whether our national prestige was at stake in space exploration, he replied:

"Not particularly, no."

At that time he seemed to take issue with the overwhelming, if not unanimous, opinion of vigorous leaders who have come by the hundreds before the committees of Congress declaring that our national prestige was, in fact, in great jeopardy. Every witness who has stated his views on the subject to the Committee on Science and Astronautics has agreed that our status in space development is a major factor in the cold war, and tends to be taken abroad as an indication of our civilian and military prowess.

President Eisenhower also said in his state of the Union message:

"Our effort in space exploration * * * is often mistakenly supposed to be an integral part of defense research and development."

This fits in well with the other statements I have quoted. The view that we are not, or need not be, in a space race with the U.S.S.R. in my opinion, ignores both the effect of space achievements on other nations and the military potential of space technology—which I believe cannot be denied.

And, of course, space developments do have a vital military potential. It is difficult to conceive of any major development in space that may not in time fulfill vital military needs.

Like the automobile and the truck, space vehicles must in time fulfill military needs. All means of communication and conveyance have military potentialities, and having these potentialities, are subject to military use. Nuclear energy in time may be diverted entirely to meet civilian energy requirements, but will continue to have important military applications. Space developments, too, may be devoted to peacetime pursuits and requirements, but they will still have vital military applications which we should not attempt to deny.

Under these circumstances, what is most needed in space research? Surely, basic research is fundamental to the needs of the military as well as to peacetime necessities. It is fundamental, not only in the field of space but also in other types of research and development. For example, the knowledge that we gain from the man-in-space program will apply to the medical treatment of man-on-earth.

All these considerations affect the question whether the space program should be divided among different departments of the Government or should be placed entirely in the NASA. Of course, no one would deny to the military the development of weapons in their field applications.

I know that there are, in this country, people to whom competition is still the "spice of life," and who urge that it will make for better progress if basic research is divided among different Government agencies. They argue, naturally, that the need of economy in these new developments will be met by efficiency and reducing unnecessary effort. Of course, no system can avoid some degree of duplication. But competition in pure science is costly in both time and money.

It would be better to have competition among individual scientists, and complete cooperation among the various agencies of Government in our space program. America has neglected basic science. Only in recent years have our leaders given thought to better, more aggressive and more efficient programs for building up our treasures of basic research. In our official program of pure (as contrasted with applied) space science, NASA can be expected to put forth its full effort with a minimum of overlapping and duplication (and without the bickering and back-biting which in the past have muddied our major space efforts).

IV. STATUS AND PROSPECTS OF THE NATIONAL SPACE PROGRAM

At present, the space program is drifting with the winds of expediency. While continuing to deny that our space program involves national prestige, competes with the Soviet program or requires any particular urgency, the present administration is nevertheless devoting more money to the development of this program. Federal funding of the space program must of necessity increase year by year. The demands of NASA will increase, and the space development of the armed services will not diminish for many years.

Only three Polaris submarines were included in the current budget. Without prior warning, Admiral Burke stated on February 8 that the Navy will ask for funds to build six more.

The administration had directed a drastic cut in funds requested by the Atomic Energy Commission to develop a nuclear-powered space rocket (Project Rover). As a result, the project was expected to be delayed by a year or more. There are those who say that the delay was not justified on technical grounds. On March 8, 1960, the AEC transferred funds within its own budget to add $11 million to Project Rover.

Naturally, I am pleased that these vital programs will be getting more support. It does seem to me, though, that they should have had adequate support at an earlier date in accordance with an overall plan. Must we proceed by fits and starts—one step forward and two steps back? Surely it is costly and dangerous to play our national space policy by ear.

Suppose we take a longer look ahead. What are the long-term plans for our space program?

On January 26, 1960, the National Aeronautics and Space Administration gave the Committee on Science and Astronautics an estimate of its budget needs for the next 10 years. The total was less than $15 billion, or an average annual rate of some $1.5 billion. Recall that the agency received more than $500 million for this year—its first full year of operation—and is requesting $915 million for fiscal year 1961.

Yet the agency presented its 10-year budget forecast as sufficient to wrest space leadership from the U.S.S.R.

Although it seems to lack sufficient urgency, the 10-year program is technically well thought out. It calls for the flight of a Mercury astronaut (not in orbit) in 1960; an unmanned "hard" landing on the Moon in 1961; planetary probes of Mars or Venus in 1962; and an unmanned "soft" landing on the Moon in 1963.

By the standard of meeting our competition, however, it seems too low, overoptimistic, and unrealistic.

For example, the only big space boosters included in the 10-year program are those already under research and development: the Saturn and the Nova. As you know, our space lag is mainly in boosters. The Saturn is expected to become available by 1965. Four F–1 engines (six in some versions), each producing 1½ million pounds of thrust, will be clustered to make the Nova. The first flight test of the F–1 engine is not scheduled till 1968. No date has been set for completion of the Nova. If the U.S.S.R. develops even bigger boosters in the meantime—before 1970—ours space budget will need to be raised very sharply, or we will fail to reach the goal of catching up. Dr. Wernher von Braun told my committee: "I consider it quite likely the Russians have a larger rocket than any they have flown so far."

To give another example, manned flight to the moon is not scheduled in the 10-year program until after 1970. Dr. von Braun also told my committee that he "would not be surprised if Russia makes a soft landing on the moon this year."

Can we catch up with the Soviet Union? I believe we can, and I have yet to meet any American who thinks otherwise. Even Khrushchev seems to agree. At the U.S. Fair in Moscow last summer, Khrushchev talked with Dr. John Turkevich, a Princeton professor who speaks fluent Russian. Dr. Turkevich later reported that he said to Khrushchev:

"We will catch up to you and beat you in satellite weight before you surpass us in wheat production" (an astute remark in more ways than one).

Khrushchev replied seriously: "America is a strong and powerful country. If it sets its mind to do something, it will succeed."

V. THE SPACE LAG

Ever since the first Russian satellite was launched in 1957, we have heard loud cries that we were lagging behind the Russians in space. This charge is not to be lightly brushed aside. Qualified witnesses have agreed that the mainstage rocket, or booster, used in Soviet space missions produces from six to eight hundred thousand pounds of thrust. In this country, the largest rocket booster is still the 300,000-pound-thrust Atlas. We are trying to bridge the gap by developing high-energy upper stages as well as bigger boosters. Within a few years, we may have perfected the giant Saturn rocket. In the meantime, however, the U.S.S.R. is not likely to stand still.

According to testimony given to my committee, the Soviet space lead is based primarily on this 2-to-1 superiority in rocket thrust. Greater thrust permits the U.S.S.R. to carry out space missions that would otherwise be impossible. It also shortens leadtime, and increases reliability.

As you all know, the result has been a string of firsts and other exhibitions of Soviet prowess in rocketry. These are not hollow triumphs; they reflect an ability to put men and instruments into orbit, or into deep space, for a variety of purposes. They have also convinced many people around the world of Soviet leadership not only in rocketry but in broad areas of science and technology. While it is clearly a delusion to take rocketry alone as a proof of general scientific progress, the fact that many people do so has affected the world position of the United States.

The impact of Soviet space feats on world opinion has now been recognized by many high officials of the present administration—including Dr. George Kistiakowsky, the President's scientific adviser, who recently said that we "cannot ignore the very real political implications of various spectacular accomplishments in outer space that have come to have symbolic meaning to the world at large."

A month or so earlier, Dr. Kistiakowsky observed that this country is engaged in "a scientific and technological contest with the Soviet Union, which today involves our national prestige, and tomorrow, perhaps, our very survival."

Now, I am not recommending national self-flagellation, though I think a little self-criticism is good for the soul and good for the country. On the contrary, I believe that Soviet superiority in rocket thrust, while undeniably an important index of space capabilities, should be kept in proper perspective.

Whether in space research or military astronautics, the best results are not always obtained with the biggest boosters. Nor can progress in space research be measured by the chronology of spectacular feats. There are too many partial measures which cannot simply be added up—for instance, the variety and types of missiles and space vehicles, the number of successful launchings, instrumentation, reliability, tracking and control devices.

Dr. Homer Newell of the National Aeronautics and Space Administration recently completed a study of American and Soviet space research programs. He concluded that the U.S.S.R. leads us in high-altitude measurements, biological experiments, payload package ejection, deep-space probes, and vehicle technology. On the other hand, he said, the two countries appear to be nearly equal in upper air research and in satellite studies of the earth's environment; and the United States has taken the lead in solar radiation experiments and in studies of the atmosphere up to an altitude of about 200 miles.

The detailed comparisons made by Dr. Newell may be cause for concern but hardly for despair. In fact, he might well have included a list of the very creditable American "firsts" in outer space—for example, putting the first satellite into a polar orbit; putting the first satellite into a (near) circular orbit; the first ejection of capsules from satellites; and the first use of a satellite for communications relay. It is widely believed, furthermore, that we have more than held our own in guidance, miniaturization, and data recovery. There is even some feeling, though it is hard to verify, that we have acquired more useful scientific data.

I particularly wish to point out that our space lag, in comparison with the U.S.S.R., is the result of conscious choices.

It is not the result of inability to do things in outer space as well and as fast as the Russians. In fact, the Russians have developed more powerful rockets than ours because they began their development 5 or 6 years earlier.

We did not give high priority to ballistic missiles until 1954, when we first knew that we could make light, small nuclear warheads. Government witnesses told my committee that we made a choice at that time between lighter warheads and more powerful rockets. We chose the lighter warheads. Why could we not pursue both courses, and make both the lighter warheads and the more powerful rockets? If we had done so, according to expert testimony, we might not now be trailing the Russians in outer space.

Is it possible that the space and missile programs have been tailored to fit budgetary preconceptions?

In August of 1955, Dr. von Braun told a high-level meeting that he had the hardware to put the world's first satellite into orbit. He was not allowed to proceed.

In 1956, General Medaris received an order from Washington, instructing him not to let the Jupiter C go into orbit. At that time, General Medaris and his scientific colleagues were about to test-fire the Jupiter C. They believed it could be put into orbit at will.

Remember, the first Russian satellite was not launched until October 1957.

Yet, as you know, our Thor and Jupiter IRBM's are now available in quantity, and our Atlas ICBM's became operational at about the same time as their Russian counterparts. Considering the dates when we began our programs, it appears that we developed IRBM's and ICBM's in about half as much time as the Russians.

This is an accomplishment in which we can all take pride. But it was made necessary by our own earlier decisions not to develop large rocket boosters and not to engage in a satellite program. The same decisions have hampered our efforts in outer space up to this very day.

VI. SPACE LAW AND INTERNATIONAL COOPERATION

So far, I have been talking about our own national space program, what it means to us, and how it seems to be progressing. Now I should like to turn for a moment to the less evident but no less vital problems of space regulation and control.

There is a need now to begin work on the establishment of general space law. Man's ability to explore and use outer space is developing rapidly. Not only the United States and the U.S.S.R. but many other nations will soon be in the game. Any delay in creating applicable rules of international law may make our later efforts more difficult.

The need for space law is more than a mere matter of traffic control, important though that may be. Perhaps it would help to give a few examples.

A pressing problem of space law concerns responsibility for the effects caused by the return of spacecraft to earth. In addition to the need for international agreements dealing with liability for the resulting injury or damage, it may well be necessary to change domestic law. At present, it is by

no means certain that an American citizen harmed by an American space vehicle could recover damages in an action against the Government.

Another problem is the allocation of radio frequencies for space use. Frequencies have been used in violation of treaty provisions, and transmissions have continued, interfering with normal communications, long after their purpose had been served. Looking to the future, we can see a coming "war" of the radio frequency spectrum. In effect, the spectrum is a scarce natural resource, already overloaded, which will be required to carry more and more traffic. The growing overload will come not only from military but from scientific and commercial use. Rapid communications will be needed among an increasing number of points for production, transportation, and other economic activities. In outer space, unless agreement is reached on frequency allocations, the information acquired by difficult and costly experiments may well be lost.

To give another example, scientists are beseeching their governments to help in keeping space clean. At the first international meeting on space science, held at Nice in January of this year, great concern was expressed over the dangers of contaminating other planets with living organisms from the earth and of contaminating the earth if space vehicles return from other planets. In H. G. Wells' novel, "War of the Worlds," man himself could not overcome the invaders from Mars, but man's diseases did. The dangers of interplanetary contamination are far-reaching and not at all fanciful. They are certainly a proper subject for space law.

It is apparent that new international accommodations will be necessary in the peaceful uses of outer space. Without trying to make a complete list, we can see now that conflicts may arise, unless an understanding is reached, in a number of fields including the extension of national sovereignty into outer space, interference among space systems and rivalry on the moon and the planets.

There is a more positive side to the novel forms of international cooperation which are likely if not certain to develop as a result. It is true that the use of outer space may create new international problems and tensions. We should not forget, however, that it also increases the incentives and opportunities for nations to live together in peace and harmony.

I will not trespass any further on the domain of the space lawyers except to repeat that their work and its practical applications are of great concern to us all. In order to benefit from the full fruits of space exploration, I believe, we must proceed at once to develop the principles of space law, and try to reach early agreement on the scientific and commercial uses of space.

VII. CONCLUSIONS

To me, the most hopeful omen of our future space progress is the growth of public understanding and support. Two years ago, there were many doubters. Today, most informed people in this country seem convinced of the necessity for going ahead in space at urgent speed.

Let me suggest some definite steps that would enable us to make the best possible effort. My suggestions will not be startling. In fact, I believe that each of these steps is self-evident and that most of you will find yourselves in agreement that each should be taken.

First, recognize that we are engaged in a long-run space race with the U.S.S.R., and make up our minds to compete.

I am speaking, of course, about the scientific and peaceful investigation of outer space. In the field of military missiles, however, there are two matters that deserve special mention: defense against the ICBM and the Polaris program.

An adequate means of defense against ICBM's has not yet been developed. We should not rest until it has been perfected.

Polaris is not just another missile system. It is a different kind of weapon—an almost invulnerable means of inevitable retaliation, if it can be made ready in time. The Minuteman, with mobility made possible by trucks and rail transportation, has a finite ability to land nuclear warheads at the end of an 8,000-mile range, doubtless within a mile of its target, as the Russians claim for themselves.

To close the missile gap by matching the U.S.S.R. missile for missile would be costly, protracted, and perhaps unprofitable at this time; to leap it with Polaris and Minuteman could transform our whole strategic situation. To develop Nike-Zeus as a sure, effective means of stopping nuclear warheads launched from 8,000 miles away would give us in America the possibility of returning to a posture of composure which is badly needed.

Second, emphasize large rocket boosters and high-energy upper stages, including the possibilities of nuclear and ion propulsion.

Third, improve the management of our military and civilian space programs. I will not try to predict what precise form of organization will finally emerge. There is a crying need, however, for comprehensive long-range planning, clear lines of authority, vigorous leadership, and continuity of effort.

Finally, further emphasize basic and supporting research and scientific training—the indispensable reservoir on which all our future progress must depend.

VIII. EPILOGUE

In conclusion, I want to say that we are now crossing the threshold into a new and expanding era of human development—the space age. It is perhaps the most interesting and exciting age through which mankind has ever passed. It is an age filled with tremendous developments, discoveries, and changes, the character of which we cannot at this hour even predict.

At the inception of this entirely new era, the Government must take the leadership in space. As time moves on and the age of space takes form and becomes more sharply focused, activity will tend to move from complete Federal control and direction into the hands of private commerce and enterprise. As it grows, space will become a human activity, felt in the channels of commerce, industry, and even in the normal and routine activities of everyday home life. We today are laying the basis for life in this new age.

The Terrible Cost of Inflation

EXTENSION OF REMARKS
OF
HON. GERALD T. FLYNN
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1960

Mr. FLYNN. Mr. Speaker, American citizens and constituents in all of our districts are sincerely and vitally concerned about the effect that inflation will have and is having upon our country, our economy and the value of the property which American citizens own. It is well that the people of this country should be aroused, because it is only through an aroused citizenry that anything effective can or will be done to stop the paralysis of inflation from engulfing and paralyzing the economy of our Nation.

This is an election year and matters of such great concern to the people will, during the coming campaign, be discussed openly and vigorously. It is well that this be done. I, as a Democratic Member of this body, place the blame for the inflation that already exists and for that which may come upon our Republican leadership. We had little or no inflation during the Korean war and after World War II because President Truman and the Democratic leadership inaugurated steps to prevent it. When the Republicans took office in 1952, they virtually invited inflation and are continuing today the very policies that have caused the inflation that presently exists. The Republicans refused to take steps to have the Federal Reserve bank support the bond market of the Treasury Department. The Federal Reserve bank then went on strike against the Government of the United States and refused to buy the 2½-percent bonds which the Government was issuing to finance its public debt. During the Democratic administration, steps were taken to force the Federal Reserve bank to support the Treasury Department. This resulted in the bond retaining the full value of 100 cents on the dollar and in interest remaining at 2½ percent on the public debt. Private interest rates follow the public interest rates and remain about 2 percent above. It, therefore, resulted in private interest rates ranging from 4 to 5 percent.

When the Federal Reserve Bank went on strike against the Treasury of the United States, it forced the Secretary of the Treasury to offer an increased rate of interest on the Government bonds. This policy continued with the Federal Reserve Bank continuing to keep pressure on the Secretary of the Treasury until they forced the interest rate on the long term bonds to the maximum legal limit of 4¼ percent. This drove the private interest rate to approximately 6 percent and in some cases 7 percent. The President of the United States then led the drive to secure for the bankers of this country a further increase in the interest rate; and has continued, to the present time, to put pressure on Congress to remove the 4¼ legal rate on long term Government bonds. To date, Congress has resisted this pressure but may possibly weaken before the end of this session. If Congress does weaken, it will mean that the interest rate on long-term Government bonds will increase, I believe, to at least 6 percent. This would bring the private interest rate to 8 or 9 percent. The result of the present interest increase is that the interest on the public, private, corporate, and municipal debt has increased by approximately $15 billion per year. These are all inflationary dollars, since neither the Government nor the people receive anything in return, either in the way of service or commodities for the additional interest that is paid. Inflation is also brought about by constant wage increases where employers pay more for the same productivity, and no one denies that wage increases have had an inflationary effect. The Government, however, and the Republican Party attempts to deny that the interest increase has had a deflationary effect. They are wrong. The Republicans issue news releases to the paper viewing with alarm the inflationary trend, and then inaugurate interest increase which is the most inflationary act that any government or people could permit at a time such as we are living in. This same party advocated the vault cash bill which gave without consideration to the Federal Reserve banks $15 billion worth of American bonds, and then required the taxpayers of America to repurchase these same bonds with further tax dollars to the tune of another $15 billion. This act also denies the U.S. Treasury the interest that it was receiving on the $15 billion worth of bonds which it has authorized to be turned over to the Federal Reserve bank without consideration. I ask each Representative in Congress if the people in your congressional district can afford to pay the taxes necessary to repurchase the $15 billion in bonds that the Republican Party wanted given without consideration to the Federal Reserve banks. I ask you if the people in your congressional districts can afford to pay the increased interest on the private and public debt to the tune of $15 billion per year that the Republican policy has brought about as a result of their permitting the Federal Reserve bank to strike against the Treasury of the United States.

I point out, too, that Republican administration increased the cost of operating the Department of Agriculture from slightly over $2 billion per year when they took over in 1952 to better than $7 billion per year at the present time. They removed the local committee jobs that were handled gratis by local committeemen on an honorary basis and replaced them with an army of bureaucrats drawing from $5,000 to $10,000 per year each. They have failed to improve the farm situation, but they are spending $5 billion inflationary dollars each year more than was being spent under the Democratic administration when the farmers were receiving 100 percent of parity for their produce. The Republican Party continues to engage in diversionary tactics to attempt to throw the blame for inflation upon the Democrats, while they yield to the big money interest and the banking interest and engage in consistent inflationary programs that injure the taxpayer and help only the banks.

I have recently received a communication from the St. Mark's Home and School Association which is located in my district. Those who prepared this resolution are sincere, honest, God-fearing Americans and who truly have at heart, the best interest and the welfare of this country and its people. They are thinking of the future of their children and of the American way of life and they have good reason to be concerned. I print at length the resolution received, as I believe that it testifies to the thinkings and feelings of the average American citizen in this country today:

RESOLUTION OF ST. MARK'S HOME AND SCHOOL ASSOCIATION

Whereas for nearly two decades, and particularly following World War II, the United States has experienced a sharp inflation of its currency, which inflation is still continuing; and

Whereas during the last decade the value of the U.S. dollar has been reduced more than half; and

Whereas if this trend continues it will seriously affect our economy, destroy our position as a leader in world affairs, aid Russia's avowed intention to destroy us as a democracy, and may even destroy the form of government under which we now live; and

Whereas such inflationary trend has already wreaked havoc upon many of our citizens who depend upon fixed incomes such as pensions and other like means of income, and has debilitated the savings of the older citizens who have frugally prepared for their old age and further inflation will wreak even further havoc upon them; and

Whereas one of the causes of such inflation has been the Federal Government's policy of refusing to live within its income, borrowing money for current expenses and increasing the legal debt limit; and

Whereas during times of war it may be necessary for the Government to borrow in order to meet extraordinary expenses, but to continue to do so in times of peace is against the rules of sound economy and against our tradition as a nation; and

Whereas our Government, by pursing a policy of thrift and frugality can, we believe, live within its income, balance its budget and reduce its indebtedness, and by pursuing such a policy reduce the heavy burden of taxes as well: Now, therefore, we do hereby

Resolve, That we urge our elected Members of the Congress of the United States to use their voices, influence, and votes to reduce waste and extravagance in Government, to cease borrowing additional moneys with which to meet current expenses, to work for a balanced budget, and to refuse further raises in the debt limit except in cases of extreme emergency.

Dated at Kenosha, Wis., this 21st day of March A.D. 1960.

MRS. LAWRENCE RUETZ,
President.

Attest:
MRS. EDWARD W. JEANNAT,
Secretary.

SENATE

THURSDAY, APRIL 14, 1960

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, in these holy days when we observe the passion even unto death of the one Thou didst send to reveal Thy love which will not let us go, forgive us that too often we call ourselves by His name, and then measure success in material terms which He would scorn. In the light of this Holy Week, save us from the supreme folly of making money and security the goals of personal living and of national existence.

Grant us the grace to rekindle the candles of devotion and sacrifice upon the inner altar of our hearts.

For all through life we see a cross
Where sons of God give up their breath.
There is no gain, except by loss;
There is no life, except by death.

Beneath the cross of Jesus, help us to write this redeeming truth upon our own lives. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Monday, April 11, 1960, was dispensed with.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Under authority of the order of the Senate of Monday, April 11, 1960,

The Secretary of the Senate received the following messages from the House of Representatives:

On April 12, 1960:

That the Speaker had affixed his signature to the following enrolled bills:

S. 594. An act for the relief of Lione Tarpinian;

S. 1241. An act for the relief of Sirvart Kasabian;

H.R. 135. An act to amend the Internal Revenue Code of 1954 to exclude from gross income amounts paid by the United States to certain nonresident alien employees or their beneficiaries;

H.R. 3676. An act to direct the Secretary of the Interior to convey certain lands to the city of Tillamook, Oreg.;

H.R. 6155. An act to amend the Internal Revenue Code of 1954 to exempt from taxation certain nonprofit corporations or associations organized after August 31, 1951;

H.R. 6785. An act to amend section 4071 of the Internal Revenue Code of 1954 so as to fix a tax of 1 cent per pound on certain laminated tires produced from used tires;

H.R. 8649. An act to make permanent the existing suspensions of the tax on the first domestic processing of coconut oil, palm oil, palm-kernel oil, and fatty acids, salts, combinations, or mixtures thereof; and

H.R. 9737. An act to amend the act of March 3, 1901, to eliminate the requirement that certain District of Columbia corporations be managed by trustees the majority of whom are citizens of the District of Columbia.

On April 13, 1960:

That the Speaker had affixed his signature to the following enrolled bills and joint resolution:

H.R. 529. An act to discharge more effectively obligations of the United States under certain conventions and protocols relating to the institution of controls over the manufacture of narcotic drugs, and for other purposes;

H.R. 725. An act to provide for the establishment of the Wilson's Creek Battlefield National Park, in the State of Missouri;

H.R. 1805. An act to provide for the protection and preservation of the Antietam Battlefield in the State of Maryland;

H.R. 3472. An act to repeal section 1505 of the Social Security Act so that in determining eligibility for unemployment compensation their accrued annual leave shall be treated in accordance with State laws, and for other purposes;

H.R. 7588. An act to amend the Internal Revenue Code of 1954 with respect to the treatment of copyright royalties for purposes of the personal holding company tax;

H.R. 9451. An act to amend the act of July 19, 1954, to exempt from taxation certain additional property of the Veterans of Foreign Wars of the United States in the District of Columbia, and to provide that the tax exemption granted the property of the Veterans of Foreign Wars of the United States in the District of Columbia shall be effective with respect to the taxable years beginning on and after July 1, 1959;

H.R. 9543. An act to revise the boundaries and change the name of the Stones River National Military Park, Tenn., and for other purposes;

H.R. 9620. An act to extend the period during which certain tanning extracts, and extracts of hemlock and eucalyptus suitable for use for tanning, may be imported free of duty;

H.R. 10683. An act to provide for the regulation of finance charges for retail installment sales of motor vehicles in the District of Columbia, and for other purposes; and

H.J. Res. 621. Joint resolution making additional supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED DURING ADJOURNMENT

Under authority of the order of the Senate of Monday, April 11, 1960,

The PRESIDENT pro tempore, on April 12, 1960, signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 504. An act for the relief of Lione Tarpinian;

S. 1241. An act for the relief of Sirvart Kassbian;

H.R. 135. An act to amend the Internal Revenue Code of 1954 to exclude from gross income amounts paid by the United States to certain nonresident alien employees or their beneficiaries;

H.R. 3676. An act to direct the Secretary of the Interior to convey certain lands to the city of Tillamook, Oreg.;

H.R. 6155. An act to amend the Internal Revenue Code of 1954 to exempt from taxation certain nonprofit corporations or associations organized after August 31, 1951;

H.R. 6795. An act to amend section 4071 of the Internal Revenue Code of 1954 so as to fix a tax of 1 cent per pound on certain laminated tires produced from used tires;

H.R. 8649. An act to make permanent the existing suspensions of the tax on the first domestic processing of coconut oil, palm oil, palm-kernel oil, and fatty acids, salts, combinations, or mixtures thereof; and

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H.R. 9543. An act to revise the boundaries and change the name of the Stones River National Military Park, Tenn., and for other purposes;

H.R. 9620. An act to extend the period during which certain tanning extracts, and extracts of hemlock and eucalyptus suitable for use for tanning, may be imported free of duty;

H.R. 10683. An act to provide for the regulation of finance charges for retail installment sales of motor vehicles in the District of Columbia, and for other purposes; and

H.J. Res. 621. Joint resolution making additional supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, notified the Senate that, pursuant to the provisions of section 1, Public Law 86-42, the Speaker had appointed Mr. POAGE, Mr. ASPINALL, Mr. YATES, Mr. IKARD, Mrs. SULLIVAN, Mr. DULSKI, Mr. FORD, and Mr. BUDGE as additional members of the U.S. delegation of the Canada-United States interparliamentary group.

The message announced that the House had passed, without amendment, the joint resolution (S.J. Res. 178) relating to the payment of salaries of employees of the Senate.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 5883) to authorize the Secretary of the Navy to transfer to the Massachusetts Port Authority, an instrumentality of the Commonwealth of Massachusetts, certain lands and improvements thereon comprising a portion of the so-called E Street Annex, South Boston Annex, Boston Naval Shipyard, in South Boston, Mass., in exchange for certain other lands; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. VINSON, Mr. KILDAY, Mr. PHILBIN, Mr. ARENDS, and Mr. GAVIN were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 9307) to continue for 2 years the suspension of duty on certain alumina and bauxite.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 9322. An act to make permanent the existing suspension of duties on certain coarse wool;

H.R. 10474. An act to authorize the construction of modern naval vessels;

H.R. 11415. An act to provide for the designation of a portion of the District of Columbia as the "Plaza of the Americas"; and

H.R. 11666. An act making appropriations for the Departments of State and Justice, the Judiciary, and related agencies for the fiscal year ending June 30, 1961, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 9322. An act to make permanent the existing suspension of duties on certain coarse wool; to the Committee on Finance.

H.R. 10474. An act to authorize the construction of modern naval vessels; to the Committee on Armed Services.

H.R. 11415. An act to provide for the designation of a portion of the District of Columbia as the "Plaza of the Americas"; to the Committee on the District of Columbia.

H.R. 11666. An act making appropriations for the Departments of State and Justice, the Judiciary, and related agencies for the fiscal year ending June 30, 1961, and for other purposes; to the Committee on Appropriations.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. MANSFIELD. Mr. President, under the rule, there will be the usual morning hour, for the introduction of bills and the transaction of routine business. I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

JAMES W. MURPHY

Mr. BRIDGES. Mr. President, during my 24 years as a Member of the Senate, a number of faithful employees have passed on to their reward. On those occasions it has been my sad experience to call attention to what their loss has meant to Congress, and to their great devotion to their duties to the American people.

Today I feel very deep sadness in the passing of our beloved and devoted Official Reporter, Jim Murphy, who had been with the Senate for an extraordinary period of service—64 years. In all, Jim, his father before him, and earlier two of his uncles, served in the aggregate 112 years—starting in 1848. I doubt very much that a similar record will be attained by any other family. Jim Murphy was to me, and I am sure he was to all of us, more than an Official Reporter. He was a real friend, a man who served not only faithfully over the years in a very exacting duty, but brought his personal warmth, his Irish witticism, and cheer to us during trying days and nights of debate and other Senate business.

Despite the nerve-wracking tension of his office, his patience with everyone seemed indestructible. Few can claim that quality.

Jim Murphy saw modern history unfold itself since before the turn of the century. He was on the scene for the great debates of our time. He recorded for the American people and for history the decisions of this body before, during, and after tragic wars, depressions, and prosperity.

There have been few Jim Murphys in history. We will miss him, and we can only console ourselves in the conviction that he has left behind him a record of great love of his work and an unshakable faith in his Government for others to study and pursue.

My deep sympathy goes to the family of Jim Murphy, and I join with them in the sadness brought by the loss of a wonderful person.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the new reports on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. MAGNUSON, from the Committee on Interstate and Foreign Commerce:

Bradley Fisk, of New York, to be an Assistant Secretary of Commerce;

William G. Stokes, for permanent appointment as ensign in the Coast and Geodetic Survey; and

Sigfrid B. Unander, of Oregon, to be a member of the Federal Maritime Board.

The VICE PRESIDENT. If there be no further reports of committees, the nominations on the calendar, beginning with the new reports, will be stated.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The Chief Clerk read the nomination of Robert A. Forsythe, of Minnesota, to be an Assistant Secretary of Health, Education, and Welfare.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

U.S. DISTRICT JUDGE

The Chief Clerk read the nomination of Clemente Ruiz Nazario, of Puerto Rico, to be U.S. district judge for the district of Puerto Rico for a term of 8 years.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

U.S. ATTORNEY

The Chief Clerk read the nomination of William H. Webster, of Missouri, to be U.S. attorney for the eastern district of Missouri.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

BOARD OF PAROLE

The Chief Clerk read the nomination of Richard A. Chappell, of Georgia, to be a member of the Board of Parole for the term expiring September 30, 1966.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of William F. Howland, Jr., of Virginia, to be a member of the Board of Parole for the term expiring September 30, 1966.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

That completes the new reports on the calendar.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of all these nominations.

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. DIRKSEN, and by unanimous consent, the Monopoly and Antitrust Subcommittee of the Committee on the Judiciary was authorized to meet during the session of the Senate today.

GREETINGS OF SENATE ON 70TH ANNIVERSARY OF FOUNDING OF PAN AMERICAN UNION

Mr. DIRKSEN. Mr. President, on behalf of myself, the Senator from Texas [Mr. JOHNSON], the Senator from Oregon [Mr. MORSE], the Senator from Vermont [Mr. AIKEN], and the Senator from Montana [Mr. MANSFIELD], I submit a resolution extending greetings of the Senate to the other Republics of the Western Hemisphere on the 70th anniversary of the founding of the Pan American Union. I ask unanimous consent for the present consideration of the resolution.

The VICE PRESIDENT. The resolution will be read for the information of the Senate.

The resolution (S. Res. 304) was read as follows:

Whereas April 14 marks the anniversary of the founding of the Pan American Union, from which the present Organization of American States has evolved;

Whereas the Organization of American States seeks to promote understanding and cordiality among the Republics of the Western Hemisphere;

Whereas understanding and cordiality among the American Republics is a foundation for the peace and economic and social progress of the Americas: Therefore be it

Resolved, That on this seventieth anniversary of the founding of the Pan American Union the Senate of the United States extends to the legislative bodies of each of the other Republics of the Western Hemisphere its warm greetings and expresses a sincere hope for the continuance and intensification of the cooperation of the Americas in the Organization of American States and in other feasible ways.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and unanimously agreed to.

The preamble was agreed to.

PAN AMERICAN DAY

Mr. MANSFIELD. Mr. President, today marks the 70th anniversary of the founding of the Pan American Union, which we now know as the Organization of the American States. This is the principal organization through which the American Republics give institutional form to their common desire for close and continuing cooperation in all matters affecting the Western Hemisphere.

The past year in hemispheric history, Mr. President, has not been without its grave difficulties. One has only to note, in this connection, the unfortunate tensions which exist between this Nation and our close neighbor, Cuba. On the other hand, there have been encouraging developments during the past year. The frank exchanges which occurred between Mr. Eisenhower and Latin American leaders during the course of the President's recent visit and the straight-talking of President Frondizi, of Argentina, and President Lleras, and others, on their visits to the United States, have helped to clear the air.

The stage is set to go forward to a new era of hemispheric cooperation; and I hope that we shall see that era begin in the near future. I express particularly the hope that the passions will cool in our difficulties with Cuba, and that the present antagonism and estrangement will be replaced by a determined effort on both sides to reach an understanding of one another's complaints, attitudes, and aspirations, and that in that fashion we shall begin to close the present unfortunate breach.

Hemispheric cooperation is something every American Republic—our own no less than any other—needs in its own national interest. It is a foundation of the peace and the economic and social progress of the Americas. I can think of no better occasion on which to reaffirm our determination to face frankly and to deal patiently, but persistently, with the problems which beset that cooperation, than this anniversary, this Pan American Day.

Mr. SMATHERS. Mr. President, I would like to take this opportunity to

associate myself with the remarks of the distinguished assistant majority leader, in his tribute to Pan American Day and the spirit of pan-Americanism. His knowledge of Latin American history, culture, and traditions is indeed broad. His application of this knowledge in working for greater inter-American understanding is a service to the nations of our hemisphere.

MEMBERS OF U.S. DELEGATION FOR THE CANADA-UNITED STATES INTERPARLIAMENTARY GROUP MEETINGS

The VICE PRESIDENT. The Chair, pursuant to the provisions of Public Law 42, 86th Congress, which authorizes participation by the United States in parliamentary conferences with Canada, appoints the following Senators as members of the U.S. delegation for the Canada-United States interparliamentary group meetings which will convene on April 20, 1960:

Senators FULBRIGHT, RUSSELL, WILEY, AIKEN, MAGNUSON, CAPEHART, MORSE, CASE of South Dakota, MANSFIELD, COTTON, CHURCH, and BARTLETT.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

AUTHORIZATION OF USER CHARGES FOR CERTAIN SERVICES PERFORMED BY DEPARTMENT OF AGRICULTURE

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to authorize user charges for certain services performed by the Department of Agriculture and for other purposes (with accompanying papers); to the Committee on Agriculture and Forestry.

REPORT ON COOPERATION WITH MEXICO IN CONTROL AND ERADICATION OF FOOT-AND-MOUTH DISEASE

A letter from the Assistant Secretary of Agriculture, reporting, pursuant to law, that there have been no significant developments to report for the month of March, 1960, relating to the cooperative program of the United States with Mexico for the control and eradication of foot-and-mouth disease; to the Committee on Agriculture and Forestry.

NOTICE OF PROPOSED DISPOSITION OF CERTAIN GROUND STEATITE TALC

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a copy of a notice to be published in the Federal Register of a proposed disposition of approximately 6,285 short tons of ground steatite talc now held in the national stockpile (with an accompanying paper); to the Committee on Armed Services.

REPORT ON AIR FORCE MILITARY CONSTRUCTION CONTRACTS AWARDED WITHOUT FORMAL ADVERTISING

A letter from the Director, Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report of the Air Force military construction contracts awarded by that Department without formal advertising, for the period July 1, 1959, through December 31, 1959 (with an accompanying report); to the Committee on Armed Services.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954, RELATING TO TAX UPON THE SALE OF AVIATION FUEL

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 by imposing a tax upon the sale of aviation fuel, and for other purposes (with an accompanying paper); to the Committee on Finance.

IMPROVEMENT OF BUDGET AND ACCOUNTING PROCEDURES OF LOAN GUARANTY PROGRAM OF VETERANS' ADMINISTRATION

A letter from the Administrator, Veterans' Administration, Washington, D.C., transmitting a draft of proposed legislation to improve the budget and accounting procedures of the loan guaranty program of the Veterans' Administration by establishing a revolving fund (with an accompanying paper); to the Committee on Finance.

AUDIT REPORT ON RETIREMENT AND SURVIVOR BENEFIT PROGRAM, RAILROAD RETIREMENT BOARD

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the retirement and survivor benefit program, Railroad Retirement Board, July 1959 (with an accompanying report); to the Committee on Government Operations.

ECONOMIC AND TECHNICAL ASSISTANCE PROGRAM FOR GUATEMALA

A letter from the Director, International Cooperation Administration, Washington, D.C., transmitting, for the information of the Senate, a copy of his letter to the Comptroller General of the United States, relating to the economic and technical assistance program for Guatemala, as administered by the International Cooperation Administration (with an accompanying paper); to the Committee on Government Operations.

REPORT ON THE ROLE OF THE DEPARTMENT OF COMMERCE IN SCIENCE AND TECHNOLOGY

A letter from the Secretary of Commerce, transmitting, for the information of the Senate, a report on the role of the Department of Commerce in science and technology (with an accompanying report); to the Committee on Interstate and Foreign Commerce.

AMENDMENT OF INTERSTATE COMMERCE ACT, RELATING TO CIVIL LIABILITY FOR VIOLATIONS OF THAT ACT

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting a draft of proposed legislation to amend the Interstate Commerce Act in order to provide civil liability for violations of such act by common carriers by motor vehicle and freight forwarders (with an accompanying paper); to the Committee on Interstate and Foreign Commerce.

REIMBURSEMENT OF TREASURY BY PANAMA CANAL COMPANY FOR ANNUITY PAID TO REPUBLIC OF PANAMA

A letter from the Governor of the Panama Canal Zone, transmitting a draft of proposed legislation to provide for the reimbursement of the Treasury by the Panama Canal Company for the annuity paid to the Republic of Panama, and for other purposes (with accompanying papers); to the Committee on Interstate and Foreign Commerce.

AMENDMENT OF TITLE 18, UNITED STATES CODE, RELATING TO ESCAPE OR ATTEMPTED ESCAPE OF JUVENILE DELINQUENTS

A letter from the Attorney General, transmitting a draft of proposed legislation to amend chapter 35 of title 18, United States Code, with respect to the escape or attempted escape of juvenile delinquents (with an accompanying paper); to the Committee on the Judiciary.

AMENDMENT OF SECTION 1073, TITLE 18, UNITED STATES CODE, THE FUGITIVE FELON ACT

A letter from the Attorney General, transmitting a draft of proposed legislation to amend section 1073 of title 18, United States Code, the Fugitive Felon Act (with an accompanying paper); to the Committee on the Judiciary.

FINANCIAL REPORT OF NATIONAL SAFETY COUNCIL

A letter from the executive vice president, National Safety Council, Chicago, Ill., transmitting, pursuant to law, a report of the audit of the financial transactions of that council, for the year 1959 (with an accompanying report); to the Committee on the Judiciary.

COST ASCERTAINMENT REPORT OF POST OFFICE DEPARTMENT

A letter from the Postmaster General, transmitting, pursuant to law, the cost ascertainment report of that Department, for the fiscal year 1959 (with an accompanying report); to the Committee on Post Office and Civil Service.

AMENDMENT OF FEDERAL EMPLOYEES' GROUP LIFE INSURANCE ACT

A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to amend the Federal Employees' Group Life Insurance Act (with an accompanying paper); to the Committee on Post Office and Civil Service.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Finance:

"RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT THE FORAND BILL TO PROVIDE HEALTH INSURANCE COVERAGE AS PART OF SOCIAL SECURITY BENEFITS

"Whereas the Forand bill now pending before the Congress of the United States provides health insurance coverage as part of social security benefits thereby providing 9 out of 10 people 65 years of age and over with health and hospitalization benefits as part of their social security benefits, said benefits to be paid for by the beneficiaries during their working years; and

"Whereas said bill has the endorsement of many medical and hospital authorities and is considered essential to meet the growing need for more adequate medical care for elderly people: Therefore be it

"*Resolved*, That the General Court of Massachusetts respectfully urges the Congress of the United States to give early and favorable consideration to the enactment of the Forand bill providing health insurance coverage as part of social security benefits; and be it further

"*Resolved*, That copies of these resolutions be sent forthwith by the secretary of the Commonwealth to the Senators and Representatives in Congress from this Commonwealth.

"Adopted by house of representatives, February 29, 1960.

"LAWRENCE R. GROVE,
"*Clerk*,

"Adopted by senate in concurrence, March 2, 1960.

"IRVING N. HAYDEN,
"*Clerk*.

"Attest:

"JOSEPH D. WARD,
"*Secretary of the Commonwealth*."

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on Armed Services:

"HOUSE CONCURRENT RESOLUTION 10

"Concurrent resolution relating to urging the Congress of the United States to pass the Price bill (H.R. 1157, 86th Cong.) or similar legislation

"Whereas the United States has assumed the right to exercise all and any powers of administration, legislation, and jurisdiction over the territory and inhabitants of Ryukyu Islands under the treaty of peace with Japan; and

"Whereas under Executive Order No. 10713 dated June 5, 1957, the Secretary of Defense is directed to 'encourage the development of an effective and responsible Ryukyuan Government, based on democratic principles and supported by a sound financial structure,' and to 'make every effort to improve the welfare and well-being of the inhabitants of the Ryukyu Islands,' and to 'continue to promote the economic and cultural advancement of the inhabitants'; and

"Whereas the U.S. Civil Administration of the Ryukyu Islands was established pursuant to said Executive order to assure that the Ryukyu Islands will contribute most effectively to the peace and security of the free world and that its basic functions are concerned with the entire operation of the Ryukyuan Government; and

"Whereas the basic operating objectives of the U.S. Civil Administration are as follows:

"1. To promote and encourage the development of an effective and responsible Ryukyuan Government, based on democratic principles and supported by a sound financial structure.

"2. To assist the Ryukyuan people in achieving a viable economy by encouraging all suitable forms of agriculture, fishing, all forms of industry and commerce under a system of free competitive enterprise.

"3. To motivate and encourage the Government and the people of the Ryukyu Islands in achieving constant improvement in the standard of living including housing, education, sanitation, health, and welfare; and

"Whereas it has been difficult for the U.S. Civil Administration of the Ryukyu Islands to implement the aforesaid objectives due to the lack of any revolving funds of reliability to assure the Government of the Ryukyu Islands; and

"Whereas the Price bill (H.R. 1157, 86th Cong.) provides for the establishment of a revolving fund up to $6 million to be available to the Government of the Ryukyu Islands so that it may be the basis for planned long-term economic and social development which would facilitate a more rapid progress toward a self-sufficient Ryukyuan economy and to further the aforesaid objectives of the Executive order; and

"Whereas such a fund would enable the U.S. Civil Administration of the Ryukyu Islands and the Government of Ryukyu Islands to work together as partners to build a "showcase of democracy" in the Far East: Now, therefore, be it

"*Resolved by the House of Representatives of the First Legislature of the State of Hawaii, regular session of 1960 (the Senate concurring)*, That the Congress of the United States be and it is hereby urged to pass the Price bill (H.R. 1157, 86th Cong.) or similar legislation; and be it further

"*Resolved*, That duly authenticated copies of this resolution be transmitted to the President of the United States, to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States, to the majority and minority leaders of the Senate and the House of Representatives of the Congress of the United States, to the chairman of the Committee on Armed Services of the Senate and of the House of Representatives of the Congress of the United States, to the Honorable Senator HIRAM L. FONG, the Honorable Senator OREN E. LONG, and the Honorable Representative to Congress DANIEL K. INOUYE.

"ELMER F. CRAVALHO,
"*Speaker, House of Representatives.*
"HERMAN T. F. LUM,
"*Clerk, House of Representatives.*
"WILLIAM H. HILL,
"*President of the Senate.*
"WALTER CHUCK,
"*Clerk of the Senate.*"

A joint resolution of the Legislature of the State of California; to the Committee on Armed Services:

"SENATE JOINT RESOLUTION 2

"Joint resolution relative to the transfer of certain military lands for establishment of the Golden Gate Memorial State Park

"Whereas the major western entrance to continental United States has world renown as the Golden Gate; and

"Whereas the Golden Gate has many rich historical associations, including legendary Chinese voyages, the sea expeditions of Cabrillo in 1542, Drake in 1579, Cermeno in 1595, Viscaino in 1602–03, the Portola discovery expedition in 1769, the entrance of Ayala's San Carlos in 1775, the founding of the Mission Dolores and the San Francisco Presidio in 1776, and the voyages of Vancouver in 1792–94 and Rezanov in 1806, among others; and

"Whereas this scenic area, so rich in historic beauty, has a special aura of romance in the opening and development of California and the West, particularly in connection with thousands of gold-rush argonauts who entered California by ship through the portals of the Golden Gate; and

"Whereas both shores of the Golden Gate in California have been held by the United States as historic military forts for more than 100 years; and

"Whereas great numbers of America's Armed Forces departed and returned through the Golden Gate during the Mexican, Civil, and Spanish-American Wars, and during World War I, World War II, and the Korean war; and

"Whereas modern military methods have revised defense tactics to the extent that portions of these romantic and historic military reservations have been declared surplus; and

"Whereas more lands are expected to become surplus in the future; and

"Whereas undeveloped lands within the San Francisco Bay area will be increasingly important for recreation, offered in this historic setting of outstanding natural land and seascape to millions of people, now and in the future: Now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California (jointly)*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to consider the transfer to the Division of Beaches and Parks of the State of California of these military lands, if and when they are no longer required for national defense, to be dedicated as the Golden Gate Memorial State Park, a memorial to the history and romance of the West, both military and pioneer, for the enjoyment and use of the people of the State of California and the people of the United States for all time; and be it further

"*Resolved*, That the secretary of the senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the Interior."

Three joint resolutions of the Legislature of the State of California; to the Committee on Finance:

"SENATE JOINT RESOLUTION 1

"Joint resolution relative to old-age survivors, and disability insurance

"Whereas employees of the largest public agencies in this State, including the State of California, the University of California, the several California State colleges, the city and county of Los Angeles, and other jurisdictions, constituting an estimated 300,000 employees, are not yet covered under the old-age, survivors, and disability insurance program of social security; and

"Whereas the employees of these public agencies may, within the next 2 years, be given the opportunity to come under the old-age, survivors, and disability insurance program by action of this body at its regular session in 1961, and by action of the governing bodies and electorate of certain local jurisdictions; and

"Whereas unlike public employees who were enabled to come under the program prior to 1960, the employees who come into the old-age, survivors, and disability insurance system after 1959 will be at a disadvantage with respect to benefits available to themselves and their beneficiaries, unless the provisions of the Social Security Act relating to retroactive coverage are amended by Congress; and

"Whereas these employees should not be penalized because of the special conditions and problems involved in extending old-age, survivors, and disability insurance to public employees, and in the interests of fulfilling the social objectives of social security and of encouraging universal coverage, Congress should be urged to adopt technical amendments to the Social Security Act required to permit these employees to obtain retroactive coverage to January 1, 1956: Now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California (jointly)*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation which will enable public employees who come under old-age, survivors, and disability insurance of social security prior to 1962 to have retroactive coverage to January 1, 1956; and be it further

"*Resolved*, That the secretary of the senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the chairman of the House Ways and Means Committee, and to each Senator and Representative from California in the Congress of the United States; and be it further

"*Resolved*, That this resolution does not constitute an expression of legislative policy with respect to the question of social security for State employees."

"SENATE JOINT RESOLUTION 3

"Joint resolution relative to a White House Conference on Narcotics

"Whereas the illegal traffic in narcotics is both national and international in its scope; and

"Whereas California continues to suffer from the failure of agencies of the Federal Government to reduce or prevent the smuggling of narcotics into this State; and

"Whereas the Members of the Senate who officially represented the Senate at the symposium on the history on drug addictions (sponsored by the U.S. Department of Health, Education, and Welfare, and held at Bethesda, Md., on March 27–28, 1958) have observed an apparent lack of cooperation by responsible Federal agencies, in that the Commissioner of Narcotics and his staff were conspicuously absent from the symposium, and,

unaccountably, the proceedings of the symposium have never been published; and

"Whereas the inability of the Federal Government to control the illegal traffic in narcotics through several agencies with overlapping, divided enforcement responsibilities, including the Treasury Department's Bureau of Narcotics and Bureau of Customs and the Justice Department's Immigration and Naturalization Service, utilizing a multiplicity of laws with varied penalties, urgently warrants reevaluation by the President of the United States, of the present approach to the problem; and

"Whereas there have been introduced at the current session of Congress, by a Senator and a Representative from California, Senate Resolution 284 and House Resolution 431, calling upon the President for stated reasons to convene a White House Conference on Narcotics to submit recommendations with respect to the problems relating to the traffic, and in addiction to, narcotics: Now, therefore, be it

"Resolved by the Senate and Assembly of the State of California (jointly), That the Legislature of the State of California urges the adoption of Senate Resolution 284 and House Resolution 431 by the respective Houses of Congress and urges the early convening of a White House Conference on Narcotics; and be it further

"Resolved, That the secretary of the senate is directed to transmit copies of this resolution to the President of the United States, the Vice President of the United States, the Speaker of the U.S. House of Representatives, the chairman of the Committee on the Judiciary of the U.S. Senate, the chairman of the Committee on the Judiciary of the U.S. House of Representatives, and to each Senator and Representative from California in the U.S. Congress."

"SENATE JOINT RESOLUTION 4

"Joint resolution relative to the excise tax on the transportation of persons

"Whereas in 1941, as a wartime expediency, the Congress of the United States enacted as an excise tax a levy on the transportation of persons; and

"Whereas the principal purpose in levying such a tax was to discourage unnecessary wartime travel; however, today, 15 years after the cessation of hostilities, there continues a 10-percent levy on the transportation of persons; and

"Whereas the present transportation tax imposes an unfair burden on the long-distance traveler; and

"Whereas this is of vital concern to the people of California and the other Western States who are located some distance from other areas of great population; and

"Whereas it should be a principle of Federal taxation to levy taxes in such a manner as to prevent them from falling as an unequal burden on citizens residing in different areas of the country; and

"Whereas the State of California is particularly interested in protecting and developing its vacation and tourist travel on an equal basis with other vacation travel areas, but is being seriously handicapped in this endeavor by the unfair burden imposed by this tax on the long-distance traveler; and

"Whereas the transportation of persons plays such a vital role in the economic life of this country that the costs of transportation should always be kept at the lowest possible level; and

"Whereas there is sound reason for distinguishing between the transportation tax and other excise taxes that are imposed upon luxury items, for transportation is no longer a luxury for a few, but is a vital necessity for a great many; and

"Whereas it is the opinion of the Legislature of the State of California that the best interests of the country, and particularly those of the Western States who are discriminated against by the present transportation tax, would be served by a repeal of that tax; and

"Whereas there is presently pending before the Congress of the United States legislation which would repeal the tax on transportation of persons: Now, therefore, be it

"Resolved by the Senate and Assembly of the State of California (jointly), That the Legislature of the State of California respectfully memorializes the California Members of Congress of the United States to urge upon the Speaker of the House, the chairman of the House Committee on Ways and Means, and the chairman of the Senate Finance Committee the immediate need to enact into law such legislation or any other bill or bills which would repeal the tax on transportation of persons; and be it further

"Resolved, That the secretary of the senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Labor and Public Welfare:

"SENATE JOINT RESOLUTION 6

"Joint resolution relative to facilities for the treatment of narcotics addicts

"Whereas the Congress of the United States and the Legislature of the State of California are vitally concerned with the increase in the number of narcotics addicts in the State of California; and

"Whereas the United States, at present, has but two hospitals of the U.S. Public Health Service providing treatment for certain narcotic drug addicts, namely, at Lexington, Ky., and Fort Worth, Tex.; and

"Whereas the U.S. Public Health Service has a hospital located in San Francisco, Calif.; and

"Whereas both houses of the Legislature of the State of California are anxious that the State employ all means possible, alone and in coordination with the Federal Government, to diminish the number of narcotics addicts in California: Now, therefore, be it

"Resolved by the Senate and the Assembly of the State of California (jointly), That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to appropriate sufficient funds to build an addition to the U.S. Public Health Service Hospital located in San Francisco, Calif., in which narcotics addicts can be selected for treatment and treated by the Public Health Service; and be it further

"Resolved, That pending such action, not less than 10 beds with supportive professional treatment staff services be made available for cooperative research in the control of formerly addicted Federal probationers or parolees resident in the State of California; and be it further

"Resolved, That the secretary of the senate be hereby directed to prepare and transmit suitable copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of Health, Education, and Welfare, and the Director of the Administrative Office of the U.S. Courts."

A resolution of the House of Representatives of the State of Alaska; to the Committee on Interior and Insular Affairs:

"HOUSE MEMORIAL 13

"To the Honorable RICHARD M. NIXON, PRESIDENT OF THE SENATE; THE HONORABLE SAM RAYBURN, SPEAKER OF THE HOUSE OF REPRESENTATIVES; THE HONORABLE E. L. BARTLETT AND THE HONORABLE ERNEST GRUENING, SENATORS FROM ALASKA; AND THE HONORABLE RALPH J. RIVERS, REPRESENTATIVE FROM ALASKA:

"Your memorialist, the House of Representatives of the State of Alaska in first legislature, second session assembled, respectfully represents that:

"Whereas the great advancement of industry, agriculture, and transportation in the United States has been made possible through an assured supply of fuels, minerals, timber, and arable land; and

"Whereas the United States, with only 7 percent of the world's population, consumes over a third of the world's production of fuels, minerals, and timber products; and

"Whereas increasing population and improved living standards throughout the world are placing increased demands on natural resources to the extent that this Nation's dominant use of such resources is seriously threatened; and

"Whereas the State of Alaska is the largest, underdeveloped, integral part of the United States and the most attractive source from which to replenish these dwindling resources of the Nation and their development will assure continued prosperity to the United States; and

"Whereas Senate bill No. 1123, the Wilderness Act, would effectively discourage and prevent the development of the mineral wealth of Alaska, the scientific harvesting of its timber, the development of power for industry and the economical location of processing plants for wealth from the sea; and

"Whereas although congressional hearings on said bill were held in some parts of the State, no hearings were held in northwestern Alaska thereby depriving the people of that area who are affected by the bill from being heard:

"Now, therefore, your memorialist urges that the Senate of the United States of America, in the national interest, not enact into law Senate bill No. 1123.

"Passed by the house March 15, 1960.

"WARREN A. TAYLOR,
"Speaker of the House.

"Attest:

"ESTHER REED,
"Chief Clerk of the House."

A paper in the nature of a petition from William M. Cavaney, of Los Angeles, Calif., relating to a town site for the Aerofoil Mark I, AMI, and air and space center development; to the Committee on Interior and Insular Affairs.

The petition of Corda C. Cox, of Springfield, Mo., praying for a redress of grievances; to the Committee on the Judiciary.

A resolution adopted by the Student Association of the Hebrew Union College-Jewish Institute of Religion, Cincinnati, Ohio, protesting against capital punishment; to the Committee on the Judiciary.

The petitions of C. C. Childress, Albert Henrichs, and Eugene Gilbert, all members of the Teamsters Local Union No. 135, of Indianapolis, Ind., praying for a redress of grievances; to the Committee on Labor and Public Welfare.

A resolution adopted by the executive council of the Brooklyn College Student Activities Organization, Brooklyn, N.Y., relating to the loyalty oath in regard to student loans; to the Committee on Labor and Public Welfare.

The memorial of George Washington Williams, of Baltimore, Md., remonstrating against the creation of a memorial to Woodrow Wilson; to the Committee on Rules and Administration.

RESOLUTIONS OF CITIZENS' ACTION COMMITTEE OF NASSAU AND SUFFOLK COUNTIES, N.Y.

Mr. KEATING. Mr. President, I ask unanimous consent that two resolutions which I have received from the Citizens' Action Committee of Nassau and Suffolk Counties, N.Y., relating to the authority of the Secretary of State in regard to denial of passports and the foreign aid program, be printed in the RECORD at this point and appropriately referred.

There being no objection, the resolutions were referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE CITIZENS' ACTION COMMITTEE OF NASSAU AND SUFFOLK COUNTIES, N.Y.

Whereas since 1856 the Secretary of State of the United States had had the authority, by law, to issue or deny passports, and traditionally passports were denied on the ground that individual's activities abroad were prejudicial to the foreign relations of the United States; and

Whereas in 1950 the Congress enacted legislation establishing procedures to identify and label subversive organizations and made it a crime for any member of such group to apply for or be issued a passport, and the State Department had set up elaborate regulations to prevent bureaucratic injustices; and

Whereas such safeguards caused the Communist Party to spend an estimated $300,000 for propaganda to get the courts to demolish the barriers to Red travel operations; and

Whereas three test cases were carried to the Supreme Court of the United States, all three cases being of known and proven Communists; and

Whereas on June 16, 1958, the Supreme Court ruled (5 to 4) that all three were entitled to passports because of stated lack of authority to control travel even by revolutionaries; and

Whereas in the next 10 months 1,150 persons whose passports should have been withheld, because of Communist activity and were not, traveled abroad: Be it

Resolved, by Citizen's Action Committee Nassau, Suffolk Counties, That Congress be petitioned wholly and severally to act promptly and wisely to legislate power (that the Supreme Court cannot nullify or circumvent) to the State Department to permit it to withhold passports from our enemies, the Communists and their associates.

RESOLUTION OF THE CITIZENS' ACTION COMMITTEE OF NASSAU AND SUFFOLK COUNTIES, N.Y.

Whereas the question of the character and extent of foreign aid given by the U.S. Government, its planning and administration, have long been the subject of great concern to many Americans; and

Whereas a subcommittee of the Foreign Affairs Committee of the House of Representatives has recently submitted its report, after having inspected foreign aid installations in 17 countries, involving over 40,000 miles of travel; and

Whereas that report finds that there is evidence of careless planning and lax administration in many of the areas visited; and

Whereas the economy of American taxpayers and the prestige of our Government in the eyes of distant countries suffer seriously as a result of extravagance and maladministration in those fields: Now, therefore, be it

Resolved, That the Citizens' Action Committee of Nassau and Suffolk Counties, N.Y., at its executive board meeting of April 6, 1960 (a) commends the operation of the aforenamed subcommittee and the intention to scan carefully the expenditure of taxpayers' money in foreign aid; and (b) urges that the International Cooperation Administration plan only for such projects as will positively promote practical improvement in the living standards of the people who receive our assistance and enable them to be self-supporting as early as possible; and be it further

Resolved, That copies of this resolution be sent to the chairman of the subcommittee, to Long Island Representatives and to Senators JAVITS and KEATING.

RECOGNITION OF JURISDICTION OF INTERNATIONAL COURT OF JUSTICE—LETTER

Mr. KEATING. Mr. President, I ask unanimous consent that a letter to me from Angelo R. Cavaliere, secretary, Holy Name Society, Our Lady of Peace Church, Brooklyn, N.Y., in opposition to repeal of the Connally amendment, be printed at this point in the RECORD and appropriately referred.

There being no objection, the letter was referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

HOLY NAME SOCIETY,
OUR LADY OF PEACE CHURCH,
Brooklyn, N.Y., March 28, 1960.

Senator KENNETH B. KEATING,
Senate Office Building,
Washington, D.C.

Hon. SENATOR KEATING: Whereas un-Christian and un-American ideology now infests our national bloodstream, and whereas domestic Communists, fellow travelers, pseudo-liberals, opportunists and dupes (some knowingly, some otherwise) have taken our Nation far down the road to Communist enslavement, and whereas aforementioned persons have sought unceasingly to stampede the United States of America into the Communist version of world government, and whereas they have succeeded in engineering throwaway after throwaway of our national sovereignty, and whereas to permit any world court, on which (among others) avowed enemies of our country would sit, to decide which issues involving the United States of America would come under its jurisdiction, is the ultimate folly, and would in all likelihood result in national suicide, I am most strongly opposed to repeal of the Connally amendment, and request my protest be read into the CONGRESSIONAL RECORD.

Thank you.

ANGELO R. CAVALIERE,
Secretary.

RESOLUTION OF NIAGARA FALLS BRANCH OF NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

Mr. KEATING. Mr. President, I ask unanimous consent that a resolution adopted by the Niagara Falls Branch of the National Association for the Advancement of Colored People, relating to the lunch-counter incidents in the South, be printed at this point in the RECORD and appropriately referred.

There being no objection, the resolution was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas the United States of America is the leading country in the struggle for democracy against totalitarianism in a world of social unrest; and

Whereas acts of bigotry, disunity, and flagrant injustice within its territory are amplified and exhibited as proof positive of decadence and unworkability of a democratic form of government in contributing to the edification of the dignity of man; and

Whereas the lunch-counter incidents as occurring in the southern area of the United States of America are unquestionably acts which clearly demonstrate man's inhumanity to man, intolerance, and a denial, to some, of the rights and privileges guaranteed to all under the Constitution of the United States: Now, therefore, be it

Resolved, That persons and organizations who engage or participate in denying service to a segment of the population solely on the premise of race, creed, or national origin are guilty of grave disservice to the cause of American leadership and world democracy; and be it further

Resolved, That any law or ordinance which permits or ordains such denials are in direct opposition to the spirit and principles of the Constitution of the United States of America and should and ought to be declared herewith and henceforth illegal; and be it further

Resolved, That copies of this resolution be sent to the President of the United States; the two New York State Senators; the 42d District Representative in Congress; the Governor of the State of New York; the national office of the National Association for the Advancement of Colored People and to the Speaker of the House of the U.S. Congress, and the majority leader of the U.S. Senate.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BENNETT, from the Committee on Finance, without amendment:

H.R. 9661. An act to continue for a temporary period the existing suspension of duty on certain istle or Tampico fiber (Rept. No. 1269);

By Mr. BENNETT, from the Committee on Finance, with amendments:

H.R. 9662. An act to continue for 2 years the existing suspension of duties on certain lathes used for shoe last roughing or for shoe last finishing (Rept. No. 1270);

By Mr. BARTLETT, from the Committee on Interstate and Foreign Commerce, with amendments:

S. 2462. A bill to establish a joint board and to permit the filing of through routes and joint rates for carriers serving Alaska, Hawaii, and the other States (Rept. No. 1271).

REPORT ENTITLED "IMMIGRATION AND NATURALIZATION"—SUPPLEMENTAL VIEWS (S. REPT. NO. 1272)

Mr. JOHNSTON of South Carolina. Mr. President, on behalf of the Senator from Mississippi [Mr. EASTLAND], from

the Committee on the Judiciary, pursuant to Senate Resolution 55, as amended and extended, I submit a report entitled "Immigration and Naturalization," and I ask that the report, together with the supplemental views of the Senator from New York [Mr. KEATING], may be printed.

The PRESIDING OFFICER (Mr. CARLSON in the chair). The report will be received and printed, as requested by the Senator from South Carolina.

REPORT ENTITLED "STUDY OF THE FEDERAL JUDICIAL SYSTEM"—SUPPLEMENTAL VIEWS (S. REPT. NO. 1273)

Mr. JOHNSTON of South Carolina. Mr. President, pursuant to Senate Resolution 91, 86th Congress, 1st session, as extended, from the Committee on the Judiciary, I submit a report entitled "Study of the Federal Judicial System." I ask that the report, together with the supplemental views of the Senator from New York [Mr. KEATING], be printed.

The PRESIDING OFFICER. The report will be received and printed, as requested by the Senator from South Carolina.

STUDY OF USES OF GOVERNMENT LICENSED MEDIA FOR DISSEMINATION OF POLITICAL OPINIONS, ETC.

Mr. YARBOROUGH, from the Committee on Interstate and Foreign Commerce, reported an original resolution (S. Res. 305) providing for a study of the uses of Government licensed media for the dissemination of political opinions, news, and so forth, which was referred to the Committee on Rules and Administration, as follows:

Whereas freedom of communication is essential to the maintenance of a democracy; and

Whereas Congress has established a national policy of fairness and impartiality in the use by political candidates of communications media operating under Government license; and

Whereas Congress by the passage of Public Law 274 of the 86th Congress modified the "equal time" requirement in the use of broadcast facilities by legally qualified candidates on newscast and similar type programs; and

Whereas Public Law 274 states the intent of Congress that oversight will be exercised over the Federal Communications Commission in its determination of questions arising under the amendment in order to assure fulfillment of the national policy of fairness and impartiality: Now, therefore, be it

Resolved, That the Committee on Interstate and Foreign Commerce, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to—

(1) Federal policy on uses of Government-licensed media for the dissemination of political opinions, news, and advertising, and the presentation of political candidates; and

(2) a review and examination of information and complaints concerning the dissemination of news by such media.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1960, to January 31, 1961, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, on a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $1,200 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. The committee shall report its findings, together with its recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1961.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $45,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ELLENDER (for himself, Mr. HOLLAND, Mr. LONG of Hawaii, Mr. CHURCH, and Mr. YOUNG of North Dakota):

S. 3361. A bill to amend and extend the provisions of the Sugar Act of 1948, as amended; to the Committee on Finance.

(See the remarks of Mr. ELLENDER when he introduced the above bill, which appear under a separate heading.)

By Mr. MANSFIELD:

S. 3362. A bill for the relief of Kurt E. Weber; to the Committee on the Judiciary.

By Mr. JOHNSTON of South Carolina:

S. 3363. A bill to validate certain overpayments inadvertently made by the United States to several of the States and to relieve certifying and disbursing officers from liability therefrom; to the Committee on the Judiciary.

(See the remarks of Mr. JOHNSTON of South Carolina when he introduced the above bill, which appear under a separate heading.)

By Mr. SCHOEPPEL:

S. 3364. A bill for the relief of the Great American Life Insurance Co.; to the Committee on the Judiciary.

By Mr. CURTIS:

S. 3365. A bill to provide further for permissible writing and printing on third- and fourth-class mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DIRKSEN:

S. 3366. A bill to amend title 18, United States Code, sections 871 and 3056, to provide penalties for threats against the successors to the Presidency and to authorize their protection by the Secret Service; to the Committee on the Judiciary.

By Mr. LONG of Hawaii:

S. 3367. A bill for the relief of Dr. Herman Piet Kramer and Marie Kramer; to the Committee on the Judiciary.

(See the remarks of Mr. LONG of Hawaii when he introduced the above bill, which appear under a separate heading.)

By Mr. BENNETT:

S. 3368. A bill to permit a civil action to be brought against an officer of the United States in his official capacity, a person acting under him, or an agency of the United States, in any judicial district of the United States where a plaintiff in the action resides; to the Committee on the Judiciary.

(See the remarks of Mr. BENNETT when he introduced the above bill, which appear under a separate heading.)

By Mr. CAPEHART (for himself and Mr. FREAR):

S. 3369. A bill to establish the procedure for the determination of the economic justification of certain inland waterway improvement projects, and for other purposes; to the Committee on Interstate and Foreign Commerce.

(See the remarks of Mr. CAPEHART when he introduced the above bill, which appear under a separate heading.)

By Mr. YARBOROUGH:

S. 3370. A bill to amend title II of the Social Security Act to increase the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; and

S. 3371. A bill to amend title I of the Social Security Act to provide that the States disregard certain income in determining need for old-age assistance under the State programs established pursuant to such title; to the Committee on Finance.

(See the remarks of Mr. YARBOROUGH when he introduced the above bills, which appear under a separate heading.)

By Mr. BIBLE:

S. 3372. A bill for the relief of Amaran Bin Jamil; to the Committee on the Judiciary.

By Mr. HARTKE:

S. 3373. A bill for the relief of Marcelle Mallah and Louise Najib; to the Committee on the Judiciary.

By Mr. HARTKE (for Mr. MCNAMARA):

S. 3374. A bill for the relief of Ivan Balog; and

S. 3375. A bill for the relief of Salim David Sesi; to the Committee on the Judiciary.

By Mr. ALLOTT (for himself and Mr. MURRAY):

S. 3376. A bill to amend the Helium Act of March 3, 1925, as amended, for the defense, security, and the general welfare of the United States; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. ALLOTT when he introduced the above bill, which appear under a separate heading.)

By Mr. COOPER:

S. 3377. A bill to amend the Internal Revenue Code of 1954 to extend the time within which a minister may elect coverage as a self-employed individual for social security purposes; to the Committee on Finance.

S. 3378. A bill to amend the act to promote the education of the blind, approved March 3, 1879, as amended, so as to authorize wider distribution of books and other special instruction materials for the blind, and to increase the appropriations authorized for this purpose, and to otherwise improve such act; to the Committee on Labor and Public Welfare.

By Mr. WILEY (for himself and Mr. RANDOLPH):

S.J. Res. 186. Joint resolution to provide for the designation of the first Tuesday after the first Monday in November of each year as "National Voters' Day"; to the Committee on the Judiciary.

(See the remarks of Mr. WILEY when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. SALTONSTALL (for himself, Mr. KENNEDY, Mr. BRIDGES, and Mr. O'MAHONEY):

S.J. Res. 187. Joint resolution to provide for the designation of the month of September 1960, as "National Wool Month"; to the Committee on the Judiciary.

(See the remarks of Mr. SALTONSTALL when he introduced the above joint resolution, which appear under a separate heading.)

RESOLUTIONS

GREETINGS OF THE SENATE ON 70TH ANNIVERSARY OF FOUNDING OF PAN AMERICAN UNION

Mr. DIRKSEN (for himself, Mr. JOHNSON of Texas, Mr. MORSE, Mr. AIKEN, and Mr. MANSFIELD) submitted a resolution (S. Res. 304) extending greetings of the Senate to the other Republics of the Western Hemisphere on the 70th anniversary of the founding of the Pan American Union, which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. DIRKSEN, which appears under a separate heading.)

STUDY OF USES OF GOVERNMENT LICENSES MEDIA FOR DISSEMINATION OF POLITICAL OPINIONS, ETC.

Mr. YARBOROUGH, from the Committee on Interstate and Foreign Commerce, reported an original resolution (S. Res. 305) providing for a study of the uses of Government-licensed media for the dissemination of political opinions, news, etc., which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. YARBOROUGH, which appears under the heading "Reports of Committees.")

ADDITIONAL COPIES OF HEARINGS ON ORGANIZING FOR NATIONAL SECURITY

Mr. JACKSON submitted the following resolution (S. Res. 306); which was referred to the Committee on Rules and Administration:

Resolved, That there be printed for the use of the Committee on Government Operations one thousand five hundred additional copies of the hearing entitled "Organizing for National Security," which was held by that Committee during the second session of the Eighty-sixth Congress.

AMENDMENT AND EXTENSION OF SUGAR ACT OF 1948

Mr. ELLENDER. Mr. President, I introduce, for appropriate reference, a bill to amend and extend the provisions of the Sugar Act of 1948, as amended, on behalf of myself, the senior Senator from Florida [Mr. HOLLAND], the junior Senator from Idaho [Mr. CHURCH], the junior Senator from Hawaii [Mr. LONG], and the senior Senator from North Dakota [Mr. YOUNG], and ask unanimous consent that the bill lie on the table through Wednesday, April 20, so that Senators who may desire to do so may join me in cosponsoring this proposed legislation.

Mr. President, the bill has five major features. First, it would extend the Sugar Act, which, as Senators know, is based upon a quota system, for a period of 4 years.

It would provide fixed increases of 50,000 tons in the quota for the mainland cane area, and 150,000 tons in the quota for the sugar-beet area, in exchange for domestic areas waiving all rights to receive any reallocation of deficits which may accrue from Puerto Rico.

It would rewrite the deficit area provisions of section 204(a) of the act to provide that future Puerto Rico deficits shall be reallocated to foreign countries. Further, it would accomplish minor adjustments in supplies such as the reallocation of deficits which may occur in the mainland cane area to other cane areas, and not to the beet area and, in addition, would simplify language and eliminate qualifications pertaining to situations which are no longer likely to exist.

As drafted, our bill would specify that the quota of any foreign country, other than the Republic of the Philippines, can be reduced to the extent that the Secretary of Agriculture determines a deficit to exist. This, in effect, would accord to the Secretary authority to deal with any adverse situation which might result in the event any foreign country presently authorized a quota under the act should willfully fail to periodically meet its quota privileges.

Along these same lines, Mr. President, our bill would provide authority to cope with situations which might occur in the nature of threats or actual damages unduly imposed upon American interests by foreign countries presently accorded a quota under the Sugar Act.

As Senators will recall, the President originally requested that he be given power to adjust foreign sugar quotas. Our bill specifies that upon appropriate findings by the President, and, should the Congress be in session, the President must recommend action involving adjustments in foreign quotas to the Congress. However, should the Congress not be in session, authority is given to the President to meet emergency situations by permitting him to adjust quotas upon the publication of such a determination in the Federal Register.

Authority to supply sugar to fill any unfilled portion of quotas which might be adjusted under this authority is accorded to the Secretary of Agriculture with the further provision that, in so doing, he must give consideration to acquiring such sugar from foreign producers who now supply us in such a manner as to accord them equitable treatment.

Senators will look in vain in this bill for any language designed to penalize the people of Cuba. This is not punitive legislation. Authority is given, as I have indicated, initially to the Congress or, should the Congress not be in session, to the President, to deal with any arbitrary or high-handed actions on the part of foreign governments whose sugar producers are accorded a quota under the act.

I do not believe that I need to dwell any further on this particular point, except to say that the Sugar Act was not designed as, or must be permitted to become a punitive economic weapon, designed to wreak hardship upon peoples with whom we have enjoyed friendly relations in the past. By the same token, I do believe it is reasonable to include in any extension of the act realistic emergency power, designed to protect American interests and American citizens from the wanton ravages of foreign dictators.

In this connection, Mr. President, the Sugar Act, prior to 1952, contained similar emergency authority designed to deal with essentially the same kind of contingencies with which our measure is concerned. The amendments we propose today involve a refinement of this prior authority.

Mr. President, the Sugar Act, since its inception back in 1937, has worked well. It has provided ample supplies of sugar to consumers at reasonable prices. Domestic producers have been protected against wild fluctuations which, prior to the enactment of the present sugar quota system, periodically brought ruin to the domestic beet and cane industries, as well as to foreign producers.

It is one of the few farm programs which has consistently shown a profit, in that benefit payments to producers have been less than the fund from which such payments are made, a fund derived principally from a modest tariff on sugar and a processing tax.

We suggest a 4-year extension of the act, since American sugar producers deserve, indeed they urgently need, relatively long-term assurance as to price and market, in order to sufficiently plan and conduct their operations.

A similar bill has been introduced in the House of Representatives. I express the hope that the House will soon take action on this important legislation.

I ask unanimous consent that the bill lie on the table through Wednesday, April 20, so that Senators who may desire to do so may join in cosponsoring the proposed legislation.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk, as requested by the Senator from Louisiana.

The bill (S. 3361) to amend and extend the provisions of the Sugar Act of 1948, as amended, introduced by Mr. ELLENDER (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Finance.

Mr. BENNETT. Mr. President, I congratulate the senior Senator from Louisiana on the introduction of his bill. So far as I understand it, it varies from the bill I introduced on behalf of the administration only with respect to the limitations that would be put on the proposed powers of the President. This may be an important variation; if so, it will certainly be possible to work it out by a bipartisan approach to this very important problem, and we will be able to work out a definition of the powers of the President when the Committee on Finance has an opportunity to consider the two bills.

VALIDATION OF CERTAIN OVERPAYMENTS TO STATES

Mr. JOHNSTON of South Carolina. Mr. President, under the authority of the Flood Control Act of 1941, the Corps of Engineers was authorized to pay to the

local counties 75 percent of the proceeds derived from the lease rental of lands having been declared surplus. These moneys were paid to the local counties. The Corps of Engineers also paid inadvertently to these counties 75 percent of the proceeds derived from the sale of certain licenses for recreational activities in connection with these same lands. During the fiscal years ending in 1954, 1955, and 1956 the Corps of Engineers overpaid to these counties located in 18 States a total of $72,451.86.

Since this overpayment the General Accounting Office has directed the Corps of Engineers to deduct this amount from the future allotments paid to these counties from the proceeds of the lease rentals. Because of the serious financial conditions in these counties which was part of the very motive for the original authorization, I feel that Congress should validate these payments.

As we know, many thousands of acres of land were taken over, and that land was taken off the tax books.

Mr. President, I, therefore, introduce, for appropriate reference, a bill which would validate these payments with the hope that the Senate will see fit to enact this bill before Congress adjourns. Otherwise, the Corps of Engineers will deduct this amount. The States involved, the number of counties, and the amounts overpaid are as follows:

Alabama, 2 counties	$112.50
Arkansas, 8 counties	16,045.67
Georgia, 3 counties	17,988.15
Illinois, 2 counties	1,254.75
Kansas, 2 counties	109.87
Louisiana, 9 parishes	5,086.12
Massachusetts, 1 county	502.50
Mississippi, 6 counties	7,272.51
Missouri, 4 counties	2,534.08
New Jersey, 1 county	18.75
Oklahoma, 3 counties	476.35
Pennsylvania, 1 county	11.25
South Carolina, 1 county	4,964.31
South Dakota, 2 counties	281.25
Texas, 6 counties	14,754.38
Vermont, 1 county	1.50
Virginia, 1 county	914.17
Washington, 1 county	123.75
Total	72,451.86

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3363) to validate certain overpayments inadvertently made by the United States to several of the States and to relieve certifying and disbursing officers from liability therefrom, introduced by Mr. JOHNSTON of South Carolina, was received, read twice by its title, and referred to the Committee on the Judiciary.

DR. HERMAN PIET KRAMER AND MARIE KRAMER

Mr. LONG of Hawaii. Mr. President, I introduce, for appropriate reference, a bill to facilitate U.S. citizenship for Dr. and Mrs. Herman Piet Kramer of Kalaupapa, Molokai.

Dr. Kramer is the only doctor at the Kalaupapa settlement and has been with the Hawaii Department of Health, department of Hansen's disease, since September 1957.

From 1952 to 1955, Dr. Kramer, a Dutch national, served as medical superintendent of the hospital in Apai, Western British Samoa. In 1955 he was offered a position in the medical service of American Samoa, where Dr. Kramer became chief of surgery.

Gov. Peter T. Coleman, of American Samoa, has cited Dr. Kramer for his work and noted that it contributed to "the mutual benefit of the Government and the Samoan people."

In September 1960, Dr. Kramer will have rendered 5 continuous years of service under the American flag, 2 of them in American Samoa. Under the Immigration and Nationality Act he is eligible to apply for naturalization after 5 years of American residence. The act, however, specifies that residence in American Samoa cannot be counted as part of the 5-year American residence requirement. This bill would provide that Dr. Kramer's 2 years in American Samoa would count toward American residence and enable Dr. Kramer to apply for naturalization in September 1960.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3367) for the relief of Dr. Herman Piet Kramer and Marie Kramer, introduced by Mr. LONG of Hawaii, was received, read twice by its title, and referred to the Committee on the Judiciary.

CIVIL ACTIONS AGAINST CERTAIN GOVERNMENT OFFICERS IN JUDICIAL DISTRICT WHERE PLAINTIFF RESIDES

Mr. BENNETT. Mr. President, I introduce, for appropriate reference, a bill to permit civil actions to be brought against the Federal Government in the judicial district in which the plaintiff resides.

The purpose of this bill is simple. It is intended to make justice available to many who are now denied it for purely geographical reasons. Many types of legal actions must be brought by a plaintiff in Washington, which involves a considerable investment of both time and money. The result is that in many cases, particularly if the amount involved is only a few hundred dollars, the plaintiff forfeits his legal rights rather than risk the uncertainties of litigation over distances ranging up to several thousand miles.

And even in cases where the amounts involved may be larger, the possibility of a protracted suit often discourages the plaintiff from asserting his legal rights. For those living far from the Nation's Capital this amounts, in practice, to a denial of the right of equal protection under the law.

This problem has been particularly acute in the field of grazing suits, and I am cosponsor of a bill (S. 3174) introduced by the junior Senator from Idaho which would correct the problem in that one area. The purpose of the bill I am introducing today is to extend the principle to cover other types of suits. It would provide that when a citizen disagrees with the findings of an agency of the Federal Government, he may, after exhausting the administrative remedies available to him, file civil action with the U.S. attorney for the judicial district in which he resides.

Passage of this bill would help to establish stronger safeguards against capricious or ill-considered exercise of administrative powers by Federal agencies. I urge its early enactment.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3368) to permit a civil action to be brought against an officer of the United States in his official capacity, a person acting under him, or an agency of the United States, in any judicial district of the United States where a plaintiff in the action resides, introduced by Mr. BENNETT, was received, read twice by its title, and referred to the Committee on the Judiciary.

PROCEDURE FOR DETERMINATION OF ECONOMIC JUSTIFICATION OF CERTAIN INLAND WATERWAY IMPROVEMENT PROJECTS

Mr. CAPEHART. Mr. President, on behalf of myself, and the Senator from Delaware [Mr. FREAR], I introduce, for appropriate reference, a bill to establish the procedure for the determination of the economic justification of certain inland waterway improvement projects, and for other purposes. I ask unanimous consent that a brief statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the statement will be printed in the RECORD.

The bill (S. 3369) to establish the procedure for the determination of the economic justification of certain inland waterway improvement projects, and for other purposes, introduced by Mr. CAPEHART (for himself and Mr. FREAR), was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

The statement presented by Mr. CAPEHART is as follows:

THE INTERSTATE COMMERCE COMMISSION SHOULD PARTICIPATE IN SURVEYS OF ECONOMIC JUSTIFICATION OF PROPOSED INLAND WATERWAY IMPROVEMENT PROJECTS DESIGNED TO AID NAVIGATION

Under present statutory procedures the agency that makes the recommendation to Congress regarding the desirability of inland waterway improvements is the Corps of Engineers, U.S. Army.

There is no specific injunction from Congress that requires the Corps of Engineers to give due regard to the effect of an improvement of an inland waterway upon the national transportation system. The corps has no responsibility for the development and maintenance of a sound national transportation system. Moreover, its functions and its past experience do not provide a basis upon which the corps could properly evaluate the effect of proposed inland waterway improvements upon existing transportation facilities. It is clear from a study of the reports of the Corps of Engineers on inland waterway improvement projects that it makes its recommendations without giving due consideration to the effect which the improvements would have either on competing forms of transportation or on the national transportation system as a whole.

The broad purpose of this bill is to place upon the Interstate Commerce Commission the duty and responsibility for making the principal study and report concerning the economic justification and the public convenience and necessity for the transportation features of every proposed inland waterway improvement project. The Interstate Commerce Commission is clearly the logical agency to be charged with this duty and responsibility.

The construction of a canal or the improvement of an inland waterway in aid of navigation constitutes an addition to the transportation facilities of the Nation. These waterways form a part of our national transportation system. The determination whether to build them should be based primarily upon transportation considerations. At the very least their feasibility should be considered and reported upon by a transportation agency.

We have a declaration of national transportation policy the avowed objective of which is the development, coordination, and preservation of a national transportation system by water, highway, and rail, as well as other means, adequate to meet the needs of the commerce of the United States, of the postal service, and of the national defense. The Interstate Commerce Commission is charged with the duty of administering and enforcing the Interstate Commerce Act with a view to carrying out that declaration. Also the Interstate Commerce Commission is already charged with the responsibility of regulating domestic water carriers with respect to most of their activities, including the issuance of certificates of convenience and necessity to common carriers and permits to contract carriers.

Clearly, if the Commission is to have control over the issuance of certificates and permits it should be the agency delegated by Congress to make recommendations with respect to the wisdom of the Government constructing additional waterways, the provision of which has so much bearing on the effective exercise of authority over certificates and permits.

The basis upon which the Corps of Engineers generally has reached its determination of whether to recommend a particular inland waterway improvement project is very narrow and inadequate. In arriving at their recommendations, the Engineers first perform their appropriate function as engineers in estimating the total cost to build the project. From this they calculate annual costs, against which they balance benefits, consisting almost wholly of assumed savings in transportation costs as compared with charges over existing means and routes of transportation.

These so-called savings are, of course, not true economic savings but result principally from shifting true transportation costs from shippers to taxpayers through providing the waterway at public expense.

The determination of the economic impact upon existing transportation facilities and overall economic feasibility of an inland waterway project from a transportation viewpoint requires a careful analysis of rate structures, traffic generating possibilities and existing transportation facilities. The Army Engineers are not transportation experts and should not be expected to evaluate these complex considerations.

It seems perfectly clear that a sound integrated national transportation policy can never be achieved so long as waterway improvements are made without regard to their effect on the transportation system as a whole. The true test of the economic justification for the improvement of an inland waterway should be the broad public interest. By that is meant that the determination should depend upon whether, in the event the improvement were made, the transportation system as a whole would be stronger or weaker and whether the total cost of transportation including the cost to taxpayers as well as to shippers would be greater or less. This points to the necessity of having the recommendation on the need of particular waterway improvements made by the agency responsible for the effectuation of a sound national transportation policy and the maintenance of a sound national transportation system.

This bill would provide that the national transportation policy as set forth in the Transportation Act of 1940 shall be a guide in the exercise of jurisdiction over the construction of works and improvements on the inland waterways of the United States in aid of navigation. Under its provisions no project is to be undertaken, nor any Federal funds expended or allocated on projects already authorized if less than 25 percent completed, until the Interstate Commerce Commission, after hearing, files a report with the Corps of Engineers with respect to the economic justification and public convenience and necessity for its transportation features.

The bill would also provide that no inland waterway improvement project to aid navigation shall be recommended by the engineers to Congress or to the appropriate committee thereof unless such recommendation is accompanied by a report on such project submitted by the Interstate Commerce Commission. It would impose a duty on the Interstate Commerce Commission to investigate as to whether the present or future public convenience and necessity requires or will require construction of a proposed project with respect to which the report of the Army Engineers contains a favorable recommendation. The Interstate Commerce Commission would also be required to report with respect to any review report a congressional committee by resolution may have directed the Board of Engineers for Rivers and Harbors to make. Detailed findings and conclusions with respect to eight specific matters relating to transportation would be required to be made by the Interstate Commerce Commission and included in its report.

The interjection of the Interstate Commerce Commission into the existing procedure by which inland waterway projects are recommended would not alter in any respect the requirement upon the Corps of Engineers to furnish an engineering cost, and related study upon which the Congress may rely in determining the feasibility of a proposed project. It would simply provide additional data for the guidance of Congress in the form of the ICC report that is required to accompany the engineers' report. Such additional data is vital to the preservation and development of a sound national transportation system.

NATIONAL VOTERS' DAY

Mr. WILEY. Mr. President, my mail indicates that there is considerable concern over the lack of participation in voting. The people of the United States, who have the right to vote, should exercise that right. But the percentage of those who vote has declined a great deal. Ever since the women of the United States were given the right to vote, the percentage of American women who exercise the franchise has decreased.

Mr. President, this is no time for Americans to forget the history of the last 30 years. In countries where people failed to exercise their franchise, Hitlers and Mussolinis arose, and the right to vote was taken from the common people.

Therefore, Mr. President, I introduce for appropriate reference, a joint resolution to designate a National Voters Day.

The purpose is to stimulate greater voter participation in local, State, and national elections.

Regrettably, the percentage of eligible voters who exercise their suffrage rights in elections has been deplorably low. In recent national elections, for example, voter participation was as follows: 1952, 63 percent; 1954, 42.5 percent; 1956, 60 percent; 1958, 44 percent.

What does this mean? Among other things, it signifies:

First. Too many of our citizens are staying home on election day;

Second. The low level of voter participation results in rule, not by a majority, but by a minority;

Third. The nonvoters—who deprive themselves of a voice in Government—may not find the policies and programs to their liking; and this may result in discord among our citizens.

As prescribed by law, the first Tuesday after the first Monday in November is the day for the election of Members of both Houses of Congress and the President.

In the light of these factors, I am recommending that the first Tuesday after the first Monday of November each year be designated National Voters' Day.

During the years in which there were no national elections, the observance of a special day for voters would offer an opportunity to educate the public on the following: The significance of the voters' role in a republic; encouragement to go to the polls; education, as necessary, on ballot marking, operating voting machines, and other fundamentals of voting; ascertaining that qualified individuals are properly registered, so as to be eligible at election time; and similar activities.

This proposal does not envisage the establishment of a national legal holiday at this time, although this may be done at some future time. However, the purpose includes:

The President shall proclaim the first Tuesday after the first Monday of the month of November each year as National Voters' Day.

State and local communities shall be encouraged to carry on observances to stimulate voter activity.

Civically oriented organizations shall be encouraged to voluntarily carry on activities to increase voter participation in elections.

Business, industry, and local, State, and Federal governments, and other employers should make a real effort to encourage and provide an opportunity for employees to go to the polls.

The establishment of a National Voters' Day would, I believe, create a greater sense of civic responsibility among our citizens, and, as a result, would strengthen and further improve the electoral process of our free system.

Mr. President, I ask unanimous consent to have the text of the joint resolution printed at this point in the RECORD, and that the joint resolution lie on the table until the close of business

next Wednesday. This will afford any of my colleagues who may wish to do so an opportunity to join in cosponsoring this measure to designate a National Voters' Day.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD, and lie on the desk, as requested by the Senator from Wisconsin.

The joint resolution (S.J. Res. 186) to provide for the designation of the first Tuesday after the first Monday in November of each year as "National Voters' Day," introduced by Mr. WILEY (for himself and Mr. RANDOLPH), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the first Tuesday after the first Monday in November of each year as "National Voters' Day," and calling upon Federal, State, and local governments; civic, industrial, and business groups and organizations; and upon the people of the United States, in general, to observe such day with activities and ceremonies designed effectively (a) to impress upon the American people the importance of the elective franchise under our republican form of government; (b) to educate them with respect to the qualifications requisite for the privilege of voting and the manner in which ballots are cast; and (c) to encourage all who are eligible to do so to exercise the privilege of voting.

Mr. WILEY. Mr. President, I am privileged to state that the distinguished Senator from West Virginia [Mr. RANDOLPH] has just now requested that his name be added as a cosponsor of the resolution; and I so request.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATION OF MONTH OF SEPTEMBER 1960, AS NATIONAL WOOL MONTH

Mr. SALTONSTALL. Mr. President, from the earliest days of its history, the growth and production of wool has played a key role in the economic life of our country.

At the start, it was a domestic industry. Later it developed into a major industry principally concentrated in New England with thousands of workers in many textile mills. Today, an industry of truly nationwide scope, it represents more than $5 billion a year in retail value, and is fighting valiantly to maintain its position in the face of heavy competition.

Mr. President, to properly honor this great American industry, I introduce, for appropriate reference, a joint resolution on behalf of myself and Senators KENNEDY, BRIDGES, and O'MAHONEY, to provide for the designation by the President of the United States, of the month of September 1960, as "National Wool Month."

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD immediately following these remarks.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 187) to provide for the designation of the month of September 1960, as "National Wool Month," introduced by Mr. SALTONSTALL (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Whereas September 1960 marks the 200th anniversary of the recognition of wool production and wool manufacture in the United States as an industry; and

Whereas from its humble beginning in the homes and on the farms of the colonists in the early 1600's, the American wool growing and textile industry has become an integral part of our national economy and one of our great industries with millions of citizens directly, or indirectly, dependent upon it, and representing more than $5 billion a year in the retail value of its products; and

Whereas its nationwide scope is evidenced in that over 3,000 of the 3,068 counties in the United States are involved in one or more wool production or textile operations, with wool grown in every State of the Union, including Alaska and Hawaii; and

Whereas this great industry has been and is now facing severe competition from various sources, and is fighting in every way to preserve wool growing and wool manufacturing in the United States, it is most fitting that national recognition and support be given the wool industry: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the month of September 1960, as "National Wool Month," and calling upon the people of the United States to observe such month with appropriate activities and ceremonies.

CONSTRUCTION, REPAIR, AND PRESERVATION OF CERTAIN PUBLIC WORKS ON RIVERS AND HARBORS—AMENDMENTS

Mr. LONG of Louisiana (for himself and Mr. ELLENDER) submitted amendments, intended to be proposed by them, jointly, to the bill (H.R. 7634) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and other purposes, which were referred to the Committee on Public Works and ordered to be printed.

Mr. DIRKSEN submitted an amendment, intended to be proposed by him, to House bill 7634, supra, which was referred to the Committee on Public Works, and ordered to be printed.

EXTENSION OF TIME FOR COMMITTEE ON THE JUDICIARY TO SUBMIT CERTAIN REPORTS

Mr. JOHNSTON of South Carolina. Mr. President, at the request of the chairman of the Committee on the Judiciary, the Senator from Mississippi [Mr. EASTLAND], and on behalf of the committee, I ask unanimous consent that the time for the filing of reports pursuant to Senate Resolutions 54, 56, and 61, of the 86th Congress, be extended to May 16, 1960. This request concerns annual reports of certain subcommittees of the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on April 12, 1960, he presented to the President of the United States the following enrolled bills:

S. 594. An act for the relief of Lione Tarpinian; and

S. 1241. An act for the relief of Sirvart Kasabian.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. RANDOLPH:

Address delivered by Senator JOHNSTON of South Carolina at flag raising and dedicatory exercises at D.C. Home for Crippled Children, April 9, 1960.

Letter dated April 5, 1960, written by Joseph E. Moody, president of the National Coal Policy Conference, Inc., to the Honorable Fred A. Seaton, Secretary of the Interior, dealing with the importation of foreign residual oil.

THE BOEING B–52G BOMBER

Mr. SCHOEPPEL. Mr. President, it long has been my contention that the most effective striking weapon which this Nation has today in long-range combat is the B–52G, predecessor of the B–52H, which now is ready for production. These bombers are products of the Wichita Division of the Boeing Airplane Co.

In the past I have consistently urged that the Strategic Air Command be given an increased number of B–52 wings. I believe it is a matter of public record that the Russians are giving top priority to the manufacture of manned interceptors. Certainly this means they fear our intercontinental B–52 force much more than our intercontinental missile force. We cannot shoot down missiles with fighters.

The B–52 has proved itself and, as I have repeatedly stated, one wing of B–52's is worth more than many other modernistic weapons which still are blueprints on the drawing board. Let us beef up our striking power with these superbombers which now are equipped with deadly accurate missiles.

This very week, a Boeing B–52 bomber of the Strategic Air Command carried two GAM–77 Hound Dog missiles from Eglin Air Force Base, Fla., to the North Pole and back to the coastal waters off Cape Canaveral, Fla. In the course of this 22-hour, 10,800-mile nonstop flight there occurred a successful launching and free flight of one of these missiles over the Atlantic Missile Range.

I ask unanimous consent to have printed in the body of the RECORD the official Air Force release about this amazing accomplishment.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

OFFICIAL AIR FORCE RELEASE FROM HEADQUARTERS, STRATEGIC AIR COMMAND, OFFUTT AIR FORCE BASE, NEBR., APRIL 12

A Boeing B–52G bomber of the Strategic Air Command has carried two GAM–77 Hound Dog missiles from Eglin Air Force Base, Fla., to the North Pole and back to the coastal waters off Cape Canaveral, Fla.

Climax of the 22-hour, 10,800-mile nonstop flight was a successful launching and free flight of gone of these missiles over the Atlantic Missile Range.

Flying high over the polar ice for several hours, an aircrew of Eglin's 4135th Strategic Wing completed extensive tests of bomber and missile guidance systems in temperatures as low as 75 degrees below zero (Fahrenheit).

The supersonic air-to-surface missile was launched at 10 a.m. eastern standard time today. It flew several hundred miles on a preset path which included evasive action before striking the target.

Mounted on the long-range B–52, this demonstrated a high degree of mobility and speed of reaction.

SAC officials expressed satisfaction with this demonstration of long-range striking power by the Air Force strategic bomber and air-to-surface missile combination.

Equipping the Stratofortress with the Hound Dog provides a significant increase in the firepower and operational flexibility of the B–52 force.

The eight-jet Boeing bomber was manned by the same crew of six that launched the first two Air Force operational-type Hound Dogs on February 29. After today's launching they returned to Eglin with one North American-built missile still in carrying position beneath the wing of the aircraft.

Aircraft commander was Capt. Jay L. McDonald, Oklahoma City, Okla., of the 301st Bombardment Squadron.

Leaving Eglin shortly after noon Monday, central standard time, the pioneer aircrewman scored another "first" when they took on jet fuel high over the polar ice cap. Boeing KC–135 jet tankers out of Westover Air Force Base, Mass., provided the first air-to-air refueling of a SAC bomber carrying two Hound Dog missiles.

Continuing north in daylight while the sun had set over the United States, the B–52G passed over the North Pole shortly after midnight and turned for the flight back. The missile bomber took on another load of jet fuel over Lake Superior and pushed south to Key West before rounding Florida for the Atlantic range.

Accuracy of the Hound Dog's free flight was monitored and recorded by a chain of radar sites on the islands southeast of Florida. Ground safety observers could have destroyed the missile in flight at any time if these stations had shown it was veering from the preset course.

As an added precaution, several safeguards make it impossible for any Hound Dog to drop accidently while carried beneath the bomber's wing.

Lt. Col. William T. Wilborn, Missoula, Mont., Test and Evaluation Director for the SAC Project Office at Eglin, directed the missile launching and monitored its flight from the missile control center at Cape Canaveral.

The bomber crew included three men responsible for launching the Hound Dog. 1st Lt. Bennie F. Leatherwood, Hutto, Tex., navigator, doubled as missile operator, programing its course, and making the actual launch.

The missile's Pratt & Whitney turbojet engine was started and controlled before launching by 1st Lt. Franklin G. Rutty, Jr., Kannapolis, N. Dak., pilot. Radar navigator, 1st Lt. Gale Stokes, Hamilton, N.Y., provided data for the missile's inertial guidance system, and took over navigation of the B–52G while the navigator was working on the "bird."

Observers aboard the aircraft were Col. Guy M. Townsend, Columbus, Miss., Chief of the Requirements Division at SAC Headquarters, and Capt. John E. Meyers, Carlsbad, N. Mex., of the SAC project office at Eglin. Other crew members were 1st Lt. George H. Edwards, Troy, Mo., electronics warfare officer, and S. Sgt. James H. Jurney, Mount Airy, N.C., gunner.

Final testing of the GAM–77 is being conducted at Eglin by a SAC-directed joint test force composed of personnel from the 4135th Strategic Wing, Air Proving Ground Center and North American Aviation. When testing is completed the wing will be the first combat-ready unit of the Strategic Air Command to be equipped with the new missile.

FIFTEENTH ANNIVERSARY OF THE DEATH OF PRESIDENT FRANKLIN D. ROOSEVELT

Mr. RANDOLPH. Mr. President, these brief remarks would have been made on Tuesday had the Senate been in session.

On April 12, 1945, the peoples of the free world were shocked and saddened by the loss of President Franklin Delano Roosevelt, one of the truly great leaders of this century. Our Commander in Chief gave his life in the cause of human freedom and the dignity of man as surely as though he had died on the beaches of Salerno.

Those of us who were Members of his original congressional team during the famous first 100 days well remember the electric sense of action and purpose which he brought to our citizens at a desperate time.

Those always-to-be-remembered 100 days occurred during the 1st session of the 73d Congress, which convened March 9, 1933, and 26 of us who served then are Members of this 86th Congress. Senators who continue to be Members of the Senate and who were serving in this body at that time are the senior Senator from Arizona [Mr. HAYDEN], the senior Senator from Georgia [Mr. RUSSELL], and the senior Senator from Virginia [Mr. BYRD]. Senators presently in the Senate who were Members of the House of Representatives during those memorable days are the senior Senator from New Mexico [Mr. CHAVEZ], the senior Senator from Alabama [Mr. HILL], the junior Senator from Illinois [Mr. DIRKSEN], the junior Senator from Virginia [Mr. ROBERTSON], and the senior Senator from West Virginia [Mr. RANDOLPH].

The roster of the membership of the House of Representatives today includes the following 18 Representatives who were Members of that body that first session of the 73d Congress: Speaker SAM RAYBURN, of Texas; Majority Leader JOHN W. MCCORMACK, of Massachusetts; Representaitve HOWARD W. SMITH, of Virginia; Representative CLARENCE CANNON, of Missouri; Representative CARL VINSON, of Georgia; Representative LEO E. ALLEN, of Illinois; Representative EMANUEL CELLER, of New York; Representative WILLIAM M. COLMER, of Mississippi; Representative WILLIAM E. HESS, of Ohio; Representative JOSEPH W. MARTIN, JR., of Massachusetts; Representative THOMAS J. O'BRIEN, of Illinois; Representative WRIGHT PATMAN, of Texas; Representative B. CARROLL REECE, of Tennessee; Representative EDITH NOURSE ROGERS, of Massachusetts; Representative BRENT SPENCE, of Kentucky; Representative JOHN TABER, of New York; Representative FRANCIS E. WALTER, of Pennsylvania; and Representative GARDNER R. WITHROW, of Wisconsin.

Most of the battles Franklin Roosevelt fought have been won, and his contributions have become an organic part of the continuing life of our Government, our laws, and our society.

But even today, 15 years after his death, in an era which he only dimly foresaw, there remains something eternally fresh in the spirit of F.D.R. from which we may today draw strength if we will. This was his delight in the challenge, his sense of alertness to the possibilities of life, and his determination to use the power of government to make these possibilities become realities.

Mr. President, as we face the challenges of a new and, at times, alien world—a world in which our country is opposed by a ruthless and resourceful protagonist—we may no longer find our answers in the philosophy of the New Deal, nor in the wartime coalition built by F.D.R. But we may consult with profit the ideals to which Franklin Roosevelt devoted his life—the spirit of daring, the regard for the inquiring mind of man, and the dedication to belief in human progress.

Mr. GRUENING. Mr. President, 15 years ago, this week, President Franklin Delano Roosevelt died. It is appropriate that, as is being widely done, tributes be paid to his great service to the Nation and to the world. This service appears all the more outstanding as the passage of time places it in its proper perspective. This service appears all the greater as the passions and animosities which inevitably beset any truly great occupant of the White House fade into the past, and a truer valuation of the man and the statesman emerges.

We are witnessing the publication of a great volume of literature about President Roosevelt. Much of it is excellent. Far more is yet to come. The transcendent reforms which his leadership accomplished which restored the national economy and established long overdue social reforms at the end of our worst domestic crisis since the Civil War, and the service rendered in World War II which surmounted the totalitarianisms that then menaced mankind, and raised the United States to world leadership are yet to be further appraised and evaluated.

The passage of time and our presence in a year of a presidential election, throw into salient relief for the consideration of the American people the requirements of the Presidential office. What are the characteristics that make a great President? What made President Roosevelt one of the alltime greats among the Presidents? For I would say, at the risk of inviting differing opinions, that I consider him one of the greatest of our

Presidents to be ranked in a category immediately after Washington, Jefferson, and Lincoln.

One of the finest appraisals of what made F.D.R. a great President appears in the concluding pages of the second volume of Arthur Schlesinger, Jr.'s, definitive opus, "The Age of Roosevelt." Two volumes have been published, and I understand that three more are in prospect. I know of no finer analysis of President Roosevelt's qualities as President than this, and I desire to read it:

In the end, a President of the United States must stand or fall by his instinct for the future as well as by his understanding of the past and his mastery of the present. Implanted within him, there must be an image, not necessarily—or even desirably—explicit or conscious, but profoundly rich, plastic, and capacious, of the kind of America he wants, of the vision of the American promise he is dedicated to realize, of the direction in which he believes the world is moving. Without such a sense, his Presidency will be static and uncreative. As Franklin Roosevelt's successor once put it, "The President's got to set the sights." This vision of the future becomes the source of his values; it justifies his strivings; it renews his hopes; it provides his life with its magnetic orientation.

It was this astonishing instinct for the future which above all distinguished Roosevelt, his extraordinary sensitivity to the emergent tendencies of his age and to the rising aspirations of ordinary people—a sensitivity housed at the same time within a personality and intelligence sufficiently conventional to provide in itself a bridge holding together past and future. Indeed, his very position on the breaking point between an old world and a new one gave him a special freedom and spontaneity which only a man can possess who is nourished by older values. When Roosevelt accepted the inevitability of change, he did so, not by necessity, but by conscious choice. He had made a deliberate decision, both temperamental and intellectual, in favor of adventure and experiment. "My impression of both him and of Mrs. Roosevelt," wrote H. G. Wells, "is that they are unlimited people, entirely modern in the openness of their minds and the logic of their actions." Nothing could daunt him, very little surprised him, he was receptive to everything, and not in a passive sense either, he received, not to accumulate, but to act; the future which he perceived was (this he deeply believed) to be in part his own creation. Wells summed him up: "The most effective transmitting instrument possible for the coming of the new world order. He is eminently 'reasonable' and fundamentally implacable. He demonstrates that comprehensive new ideas can be taken up, tried out and made operative in general affairs without rigidity or dogma. He is continuously revolutionary in the new way without ever provoking a stark revolutionary crisis."

The essence of Roosevelt, the quality which fulfilled the best in him and explained the potency of his appeal, was his intrepid and passionate affirmation. He always cast his vote for life, for action, for forward motion, for the future. His response to the magnificent emptiness of the Grand Canyon was typical: "It looks dead. I like my green trees at Hyde Park better. They are alive and growing." He responded to what was vital, not to what was lifeless; to what was coming, not to what was lifeless; to what was coming, not to what was passing away. He lived by his exultation in distant horizons and uncharted seas. It was this which won him confidence and loyalty in a frightened age when the air was filled with the sound of certitudes cracking on every side—this and the conviction of plain people that he had given them head and heart and would not cease fighting in their cause.

Mr. SYMINGTON. Mr. President, on April 12, 1945, 15 years ago, the hearts and minds of peoples everywhere were saddened. The life of Franklin Delano Roosevelt, one of the world's greatest men, had ended.

His personality, his dynamic leadership, had become so much a part of this country that it seemed at the time as if a close friend—a member of everyone's family—had been taken away. And, in a sense, that is actually what had happened.

Today, as we indulge in the brief luxury of looking back, we cannot help being impressed with the realization of how much of Franklin Roosevelt still lives, and prospers, and helps those who otherwise might be overwhelmed with the struggles of life.

All of us owe much to the courage, the concern for the less fortunate, and the vision of this man.

His memory and his deeds live on in the greatness of this Nation. When we forget these things, we are weaker; when we remember them, we cannot help being stronger.

Mr. LONG of Hawaii. Mr. President, I wish to be associated with the distinguished Senators who have spoken earlier today in beautiful and deserved tribute to the memory of one of the greatest Americans—Franklin Delano Roosevelt. At the present time, when leadership is so sorely needed by the Western World, one remembers the late Mr. Roosevelt for the inspiring leadership he gave to our country in those trying days between the depression and the end of World War II.

Harry L. Hopkins put his finger on Mr. Roosevelt's quality for leadership when he wrote about F. D. R.'s speeches in "Nothing To Fear":

When great issues were at stake, Roosevelt never faltered. He had a genius for driving home in simple language the controversial economic issues which beset his first two terms in office. And, beginning with the quarantine speech of 1937, he made crystal clear to the whole world the vital issues between those who loved freedom and those who were devoted to the tyranny of Hitler's Nazi state. Roosevelt had more to do than any man of his time in arousing the conscience of the civilized world to the menace of fascism and nazism.

Fifteen years after his death, the words of the late President Roosevelt still ring out to us, as they will continue to ring through future generations, to remind us of the great leadership which he offered, both in word and deed, in times of domestic and foreign crisis.

CUBA'S "HATE THE UNITED STATES" CAMPAIGN

Mr. SMATHERS. Mr. President, the news which comes out of Cuba grows ever more disheartening. In last night's Washington Evening Star there was published a story written by Mr. William L. Ryan, Associated Press foreign news analyst, entitled "Cuban Schools Teach Children To Hate the United States."

In that article it is stated:

Under Cubela, all levels get an indoctrination in hate, principally for the United States. It reaches all the way down to the ranks of children just learning to read. And there is indoctrination in a cult of Fidel.

Children now singsong these lines in Spanish:

"Si las cosas de Fidel son Communists que me pongan en la vista, pues yo estoy conel."

The translation of which is:

If the things a student sees Fidel doing are Communist, I am with him.

The article further says:

New textbooks, required for primary schools, have been published. These make an undisguised attempt to focus young hatred on the United States.

One such book is "Geography of Cuba," by Antonio Nunez Jimeneny, rebel army captain who now, as Executive Secretary, heads the extremely powerful and often oppressive National Institute of Agrarian Reform. On page 16, he writes:

"In 1898, Cuba was able to gain her independence in the struggle which began February 24, 1895. Then the North American soldiers disembarked at Santiage de Cuba and the United States took over the country, seized the sovereignty won in struggle and sacrifice, and later imposed the Platt amendment on the newborn of intervention."

The Platt amendment was abolished 25 years ago, but Nunez says it really was in effect all the time until January 1959.

Mr. President, I shall not read all the article. I ask unanimous consent that it be printed as a part of my remarks at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CUBAN SCHOOLS TEACH CHILDREN TO HATE UNITED STATES

(By William L. Ryan)

CAMAGUEY, CUBA.—"Tomorrow," says the teacher, "the class will—"

A student interrupts: "Gomez says no school tomorrow."

"Gomez has declared a holiday," shouts another.

Who is Gomez? (The name here is fictitious to protect sources.)

Allegedly he is a student, although he may be years overage for the school. If his assignment is the provinces, likely he has been sent by Havana. He is the local leader of the student union, and in effect directs the school. He can tell teacher or principal whether there will be classes on any given day. He can, when and if he chooses, declare a holiday.

If students do not like what the teacher is saying, or do not agree, they shout her down. The student leader usually is in the forefront of this curious activity in the secondary and higher schools. Some teachers have stopped fighting—resigned rather than go on under such conditions.

CULT OF FIDEL

Gomez, or his counterpart anywhere in Cuba, is the representative of ambitious, opportunistic Roland Cubela, a brown-haired, good-looking former revolutionary army major who resigned the promising job of Deputy Interior Minister to take over the presidency of the union of university students. He is Prime Minister Fidel Castro's agent in the important field of direction and propagandizing of students. Many support him, but a large number of students—and teachers—detest him.

Under Cubela, all levels get an indoctrination in hate, principally for the United States. It reaches all the way down to the ranks of children just learning to read. And there is indoctrination in a cult of Fidel.

Children now singsong these lines in Spanish:

"Si las cosas de Fidel son Communists que me pongan en la vista, pues yo estoy conel."

The translation of which is:

If the things a student sees Fidel doing are Communist, I am with him.

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The Platt amendment was abolished 25 years ago, but Nunez says it really was in effect all the time until January 1959, when Cuba for the first time won economic and political liberty. He suggests, echoing the current official line, that the United States itself sank the battleship *Maine* in 1898 to provide an excuse to declare war on Spain and seise Cuba.

This book tells children the United States plundered Cuba for a half a century in a manner typical of colonialism throughout the world. If Cuba is underdeveloped now, that is the United States fault. All Cuba's troubles are blamed on Washington and Yankee imperialism.

ONE-SIDED COMMUNISTS

History is being rewritten industriously. Writers support their thesis by the texts of Jose Marti. Cuba's George Washington, quoting his criticisms but never his appreciations of the United States.

In Camaguey Province, a cartoon book is being distributed under the title, "Cuba, a Heroic People." The cover shows an octopus, wearing a dollar sign, its tentacles labeled "traitors" and "monopolies" being cut off by the machete of heroic-looking revolutionary.

The cartoon story goes back to the discovery of Cuba and the conquest of the Indians by wicked Spaniards, overlooking the obvious fact that today's Cubans are of Spanish, not Indian, descent. It jumps to the Spanish-American War and depicts the United States as seizing Cuba, saying "the people began to be enslaved again." The face of Fulgencio Batista, the former dictator who has some Negro blood, is pictured unnecessarily dark as he accepts bombs and guns from the United States to battle the Castro revolution.

After glorifying the revolution, it continues with the story, attacking U.S. press media, listing the Associated Press first. The AP is pictured as one of the claws on a horrifying beast labeled with a dollar sign. Uncle Sam is shown trying to take over Latin America. A Cuban with a machete stands alert, ready to defeat this design.

GLORIFICATION OF CASTRO

Another textbook just issued is a second grade Spanish language reader, an ordinary one until the last four pages. These are devoted to an extravagant glorification of Castro. Teachers are required to read it daily. Unfortunately for the publishers, this panegyric includes among the heroes surrounding Castro the name of Maj. Huber Matos, since sentenced to 30 years as a traitor for opposing Communist influence. Teachers have been told to skip that name.

Schools remain a problem for the Castro government. Rural schools are being built, similar to those constructed under the Batista regime, but teachers for them are scarce. A beginning teacher gets 67 pesos monthly, from which she must pay her own transportation and expenses in the village. This is $67 at the official exchange rate. New teachers last, often, only 3 months.

Some areas now have schools for the first time. Some have adult education for the first time, and many a peasant is learning the thrill of writing his name. But the program is slowed for lack of money.

Mr. Castro promised to turn military barracks into schools. He has done that in Camaguey and Oriente Province, in the rosy flush of the first months of revolutionary victory when Mr. Castro was saying there would be no more need of arms and soldiers. Cuba would be at peace with everybody. Now his army is bigger than General Batista's ever was. He is spending enormous sums for arms.

But the barracks had been changed into schools. There was only one solution.

Mr. Castro built new barracks.

Mr. SMATHERS. Mr. President, I cannot help believing that those who have made the statement they do not think we should do anything with respect to Cuba—that we should, as a matter of fact, continue for another year the sugar quota, which now gives to Cuba in the neighborhood of $375 million a year—must reassess this evaluation which has been made by some, and remember that the $375 million, as has been so well pointed out in the article, is being used in order to subsidize a "hate the United States" program. This money is being used to subsidize a Communist government in the Caribbean. This money is being used to indoctrinate young minds to hate the United States, something which will plague the United States for generations to come.

I hope particularly that our U.S. State Department, which has given some indication that it hopes we will continue somehow to carry on the preferential sugar quota for the Cuban Government, will reassess the statements made in the light of what is happening, so that no longer will we see the American people subsidizing a Communist government, a government which is using the money which it is getting from us to create a "hate America" program.

Mr. GRUENING. Mr. President, will the Senator yield for a question?

Mr. SMATHERS. I am happy to yield to the distinguished Senator from Alaska.

Mr. GRUENING. Is it not a fact that the Cuban Government officially or semi-officially has declared that our present sugar arrangement, by which, in addition to giving Cuba a generous quota we pay for the existing quota of sugar at 5 cents a pound, is an oppressive example of our imperialism?

Mr. SMATHERS. The able Senator is absolutely correct. What is ironic about that statement, Mr. President, is that because we are today paying the Cuban Government approximately 5½ to 6 cents a pound for sugar, it enables them to sell sugar to the Soviet Union at 2½ or 3 cents a pound, at less than cost. What does this mean? It means that the American taxpayers are subsidizing the sale of sugar to the Soviet Union at less than cost. How ridiculous can we get?

Mr. GRUENING. Mr. President, will the Senator yield for another question?

Mr. SMATHERS. I am happy to yield to the Senator.

Mr. GRUENING. Would it not seem reasonable, therefore, in the interest of better relations, and to demonstrate our lack of imperialism, to relieve the Cuban people of some of this oppression and to reduce the quota and the price we pay, so that they may no longer feel oppressed?

Mr. SMATHERS. I could not agree with the able Senator more.

It is a little ridiculous for the Cubans to say that the arrangement which they have made with the Soviet Union is helpful to them, when they charge the Soviets 2½ or 3 cents a pound for sugar, and that the arrangement we have made with them, whereby we give them 6 cents a pound, is somehow economic oppression.

I thank the able Senator from Alaska.

ORDER FOR ADJOURNMENT UNTIL MONDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its business today it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). Without objection, it is so ordered.

ORDER GRANTING PERMISSION FOR AMBASSADOR OF CANADA AND PARTY TO ACCOMPANY CANADIAN FOREIGN MINISTER INTO SENATE CHAMBER

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Ambassador of Canada, Hon. Arnold I. P. Heeney, and his party be allowed to accompany the Canadian Foreign Minister, Hon. Howard Green, when he arrives at the Senate Chamber at approximately 12:30 today.

The PRESIDING OFFICER. Without objection, it is so ordered.

WHAT IS INFLATION?

Mr. CARLSON. Mr. President, there is much discussion on the subject of inflation. How it affects our everyday life and how it affects our future is of concern to every one of us.

History is replete with instances of uncontrolled inflation, which has destroyed, first, the economy of a nation, which has been followed by a collapse of the government. Savings and investments have been wiped out, resulting in tragic consequences for people who deserved a better fate.

Despite the lessons of the past, there are many who believe we can spend ourselves to prosperity and that the Government should be continually entering into every field of endeavor with Federal funds.

The April issue of Dun's Review carries an editorial entitled "What Is Inflation," written by A. M. Sullivan, editor of that publication.

I ask unanimous consent that the editorial be printed as a part of these remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHAT IS INFLATION?

Inflation is not increased wages, nor rising prices alone. Neither productivity, nor money value is the only measure of inflation.

The value of any product or service is best measured against the investment of money, labor, skill, and faith that went into the total project. Our generous level of American living, with its spread of wealth, bodily comforts, recreational benefits, and educational opportunities is not inflationary in itself, if there is an honest exchange of time and effort to acquire these symbols of a civilized existence. The rising cost of food, clothing, shelter, education, and recreation is not the immediate result of inflation. It costs more to live nowadays, because life demands more in convenience and comfort. When a person gives more to get more, there is no inflation. But any attempt to evade the effort or reduce our own moral and physical contribution to the system that supports us is inflationary, because it means we are demanding more for thinking less and doing less.

The tough and elastic skin of our economy can stand the pressures of economic expansion, but there is danger when the internal pressures exceed the pressures outside. Inflation is welcomed by some businessmen because it eases resistance to price increases. A creeping inflation offers a kind of false security to some, but a day of reckoning is inevitable. Deflation, when it comes, is as impartial as a bomb thrown in a crowd, and it leaves many economic scars on the body of business.

Long ago, Bishop Fleetwood, an Anglican cleric with an eye for economics, studied prices current in England from the Battle of Hastings in 1066 to the year 1707. He found that barter, a clumsy method of exchange, was a fair test of values. For instance, the price of a pair of brogues or shoes at any period was equal to a day's labor in the fields or at the work bench. Even today, the price of shoes on a barter basis is still a day's effort for the working man.

Some liberal economists defend a creeping inflation as the necessary price we pay for accelerating the momentum of trade. They welcome the Keynesian philosophy of spending our way to prosperity. They encourage the Government to move into minor lulls in the rhythm of business with the stimulus of public works spending, a device which often interferes with the natural corrections in business cycles. The investment in public works can spread the tensions and ease the pain of economic shock, but it is never a substitute for individual incentive and productivity.

Inflation is not primarily a matter of money but of social behavior. Currency values are a statistical guide established for the convenience of traders of goods and services, but to negotiators at a bargaining table, money fluctuations and cost-of-living indices can be more deceptive than helpful in measuring a fair exchange. In the end, inflation is the revealing mirror of the conscience of man—the man who wants something for nothing and needs an excuse to justify his action.

THE FARM PROBLEM

Mr. CARLSON. Mr. President, one of the important problems concerning this Congress is the farm problem. It is the No. 1 domestic issue, and is one which is not easy to solve.

Net farm income went down 16 percent in 1959, and it is expected that there will be a further reduction in farm income in 1960.

The American farmer is entitled to his fair share of the national income, and that is all that he is asking. At the present time, the farmer is forced to buy his machinery, pay for his labor, and pay his taxes in an economy which is continually rising, while, at the same time, his income is gradually going back.

Recently the Consumers' Cooperative Association of Kansas City, Mo., sponsored a full-page advertisement which appeared in the Wall Street Journal and other newspapers concerning the plight of agriculture.

The Consumers' Cooperative Association extends to parts of 11 States and serves approximately 500,000 farm families through 1,700 local retail cooperatives.

The late Senator Arthur Capper, of Kansas, one of America's great leaders in agriculture, recognized the importance of farmers working together with the following statement:

With the legal status of cooperatives clearly defined * * * farmers can do something to cut down the spread between the prices they now receive and those paid by consumers. All over this country a great cooperative movement is taking form and will not be denied. Our American farmers are beginning to see that their very existence depends on pushing cooperative organizations.

I ask unanimous consent that the article appearing in the press entitled "Me Take a 20-Percent Pay Cut?" with the subheading "The Farmer Has Done Just That," be printed as a part of these remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Net farm income went down 16 percent in 1959. It is expected to go down 7 to 8 percent more in 1960. To the farmer this means a pay cut of more than 20 percent in a 2-year period. It comes at a time when the cost of living is going up. What would a 20-percent pay cut mean to you—today?

The farmer's real problem is how to keep up—with less money.

WHERE DOES YOUR FOOD DOLLAR GO?

You pay 12 percent more for your food today than you did in 1950. But this increase does not help the farmer. He gets 9 percent less of the money you spend for food than he got 10 years ago. Where does the money go? It goes into processing, handling, and selling * * * into higher profits and wages for the people who own and work in these industries. While the farmer is getting 9 percent less than he was 10 years ago, these industries are taking 31 percent more.

MORE OF YOUR DOLLAR IS FREE FOR OTHER USES

In 1950 the farmer got 47 cents of each dollar you spent for food. Today he gets about 38 cents. The consumer spends a much smaller percentage of his income on food than he did 10 years ago.

The farmer, through new efficiency and lower net return in relation to expenses, has freed part of the consumer's dollars so that it can be spent for other things * * * new homes, new automobiles, new appliances, clothing, boats, and vacations.

WHAT IS THE FARMER'S ANSWER?

He has tried a lot of things. He has tried efficiency. He has bought new machinery, new fertilizers, improved feeds, hybrid seeds, better breeding stock, new chemicals to fight insects and diseases. Productivity has soomed. The average hen produced 60 more eggs in 1958 than in 1940. The average acre produces more corn, more wheat. But the farmer is on an economic treadmill and his increase in efficiency has been offset by a decrease in income. Average per capita farm income, according to most recently available Government figures, is only about $1,066, compared to $2,066 for the nonfarm population. And the figure for farmers includes income from part-time jobs off the farm.

EFFICIENT PRODUCTION NOT THE ANSWER

The farmer's output per man-hour has increased 69 percent since 1950. People who work in factories and offices have increased their output only 21 percent. Their income, through wages, has gone up 58 percent. The farmer's income still is where it was 10 years ago. He is producing more efficiently—and he is not getting paid for it.

WORKING TOGETHER—A TIME-TRIED POLICY

Chief Justice Warren has said, "Working together is the imperiahable policy of America." Farmers have worked together to clear land, build barns, and harvest crops. For many years now they have worked together to market crops and buy supplies. They do this through their cooperatives. Department stores get together in the same manner to share New York buying offices. Newspapers cooperate in the gathering of news, through the Associated Press. Railroads join in the ownership of bridges and terminals. This is economic cooperation, a practice of business as well as of agriculture. It is self-help without government intervention. It is free enterprise in the purest sense.

THE FARMER'S OWN FARM PROGRAM

Farmer cooperatives are one answer to the problems that have plagued farmers for this "decade of progress." By working together in their cooperatives to market crops and buy supplies, they have cut the gap between cost and income. At Johnson, Kans., last year, a combined grain marketing and farm supply cooperative earned net savings of $415,000. At Sioux Center, Iowa, the combined savings of four cooperatives serving farmers of that area were $359,000. The fact that farmers can make savings like these through their own businesses should point the way to greater use of cooperatives in solving the farm problem. All Americans should be proud that farmers are tackling the problem in their own way, through their own organizations. We invite your understanding of what farmers are doing—through their cooperatives.

PLIGHT OF THE RADIO AND TELEVISION INDUSTRY

Mr. McGEE. Mr. President, we have been assembling in the RECORD the testimony of experts and people otherwise concerned with the state of the television and radio industry. Recently, the new Chairman of the Federal Communications Commission, Frederick W. Ford, made his maiden public address in Chicago. A summary of the principal points

in that speech is the subject of a discussion by John Crosby in a recent Washington newspaper column. The point of Mr. Crosby's observation is that this speech has sent shivers through the television industry, because here, for one of the rare moments in recent years, we seem to have a regulatory official who believes that it is the duty of his office to regulate.

Of course, the days ahead will test the validity of this observation. I ask unanimous consent that the column by Mr. Crosby be printed in the RECORD at this point as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 11, 1960]

FORD'S TALK MUST SEND SHIVERS THROUGH INDUSTRY

(By John Crosby)

The new Chairman of the Federal Communications Commission, Frederick W. Ford, has made his maiden public address at the Chicago convention of the National Association of Broadcasters and it is a dilly. That is, from the point of view of the intelligent viewer, the concerned citizen, and the outraged parent. The broadcasters may call it something else.

To the visitors from Mars, Mr. Ford's speech might seem almost prosaic. All he did, really, was remind the broadcasters they had certain responsibilities. He reminded them that their obligations could not "be sidetracked by or subordinated to the business aspects." This is like saying that the Bill of Rights is not suspended because business is bad. These truths, to coin a phrase, should be self-evident. But they are not. It's heartening to see someone high in a regulatory body state them.

It is also unusual to find a person in a regulatory body—particularly this regulatory body—who believes his function is to regulate.

One passage in Ford's talk that must have caused discomfort in the upper echelons of broadcasting was: "It is not merely a question of whether there is too much of this type or that type of program or advertising matter. Rather, it is a question of whether this industry will measure up to its self-imposed responsibilities with respect to the advancement of education, religion, and culture, the provisions of wholesome entertainment, its special responsibility toward children, decency and decorum in production, its unique position as a vehicle for community affairs, and in its factual, fair, and unbiased treatment of news, public events, and controversial issues."

Let's break that down a little. How well has the industry fulfilled its responsibilities toward education, religion, and culture? Towards education, it has hardly paid more than lip service. Ditto religion. Culturally, it had its own thriving field of drama once (about 5 years ago) which has just about disappeared. There are flashes—NBC opera, Leonard Bernstein's series on CBS—of good music. There is hardly a single good program for children on the networks.

As for "its unique position as a vehicle for community affairs," that is strictly for laughs. Neither radio nor television ever paid much attention to the communities they lived in. The one field mentioned by Ford in which the broadcaster has an excellent record is that of news, public events, and controversial issues (on the last of which it's sometimes much better than the press). Now it just happens that last category is the one the networks run themselves. The news staffs work directly for the networks or the stations, not for a package outfit. This meant they were not nearly so susceptible or vulnerable to the whims of advertisers or the people who package shows in this business, which has a very high concentration of blithering idiots.

Mr. McGEE. A similar summary of the White House Conference on Youth has brought about a summation of the concern of that Conference with the radio and television industry. In this summation, by Isabelle Shelton, points were raised with respect to the caliber of the programs now being offered. I ask unanimous consent that this article be printed in the RECORD at this point as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Mar. 30, 1960]

RADIO-TV INDUSTRY BLASTED—HORROR SHOWS, BAD GRAMMAR, SEEN HARMING YOUTH

(By Isabelle Shelton)

The radio-television industry, already under fire on Capitol Hill for payola and related evils, is about to be blasted again, this time for harmful effects on children and youth.

Work groups at the White House Conference on Children and Youth meeting here this week, were polishing strong statements yesterday denouncing the industry for:

"Too much crime, horror and violence on TV," not enough "high quality" programs at prime viewing hours, "offensive insidious advertising, exploitation of children," not presenting a "truthful, realistic reflection of our society," teaching bad grammar to children by allowing it to be used on programs, and scheduling the relatively few "good" programs in competition with each other.

Networks, local stations and sponsors are included in the indictment.

FCC RAPPED TOO

The Federal Communication Commission is likely to be rapped on the knuckles too, for not "carrying out its mandate" to be sure that stations are operating in the public interest, as their license requires.

In this connection, several delegates thought the FCC should not have to wait until a station seeks renewal of its license to crack down on it for failing to live up to the "public interest" requirement. A law establishing "some power of review," including authority to cancel a license, probably will be recommended.

Parents won't escape without criticism, either. There was a widespread view that they do not exericse enough supervision over the programs their children watch.

TURN IT OFF

"We are losing our perspective," one delegate complained. "We are talking as if we can't turn the set off."

"That isn't practical," rejoined another. "If the broadcasting industry doesn't have a sense of responsibility, Heaven knows what our children will be looking at. Sometimes mother is busy cooking dinner in the kitchen and Dad isn't home from work yet. It's up to the stations."

Another proposal would denounce programs "which seek to appeal to animal instincts, especially things that degrade sex."

The group that proposed this, however, said its members then "got to talking about how much more there is in print in this field than on the air." Sometimes, they decided, programs were "simply boring."

Asked for examples of boring shows, they listed the Ed Sullivan and Steve Allen programs.

There were some kind words for broadcasting, however. A pat on the back was given several programs for being "true to life, natural, wholesome, and presenting positive ideals with a desired emphasis."

Listed were: "Father Knows Best," "Leave It to Beaver," the Danny Thomas show, Walt Disney programs, "Twentieth Century", and "Omnibus."

COMMISSION SOUGHT

Other proposals being drafted called for:

1. Establishment of a permanent commission, probably in the Office of Education in the Department of Health, Education, and Welfare, "to supervise and evaluate this important area of mass communications."

When one delegate pointed out he thought that this was what the FCC was supposed to do, another commented: "Well, if that's so, they certainly aren't doing it."

2. Another proposal, along similar lines, would call on the FCC to appoint a "watchdog" to monitor programs for good taste.

3. Establishment of a research program, probably to be carried on in universities or by an organization like the Brookings Institution, and paid for by Government and foundation grants, "to establish scientifically just what effect shows of violence have on children."

Although many delegates were willing to accept the premise that TV crime and violence obviously were bad for children, others seemed to feel the need of scientific data to support this view.

ADMINISTRATION OF THE PACKERS AND STOCKYARDS ACT

Mr. McGEE. Mr. President, I have recently been in correspondence with the Secretary of Agriculture with respect to the administration of the Packers and Stockyards Act. Out in the West we are deeply concerned with the Packers and Stockyards Act. I raised with the Secretary a series of questions pertaining to some of the enforcement provisions of that act. I ask unanimous consent that my communication to the Secretary of Agriculture be printed in the RECORD at this point as part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
April 12, 1960.

Hon. EZRA TAFT BENSON,
Secretary of Agriculture,
Department of Agriculture, Washington, D.C.

DEAR MR. SECRETARY: A matter which is of vital importance to the people of the United States, especially those of us who live in the West, is the administration of the Packers and Stockyards Act. As you are well aware, my colleague, the Honorable JOSEPH C. O'MAHONEY, conducted rather extensive hearings on the administration of this act and as a result of these hearings, amendments were agreed upon in 1958 which changed the law.

The law has been in effect for well over a year now, and I believe the Department has had an opportunity to review its effect. One of the more important aspects of the law is the enforcement regulation which the Department of Agriculture had which was greatly broadened and extended to cover all livestock marketing in the United States, both to packers and to feeders, whether at a terminal market, at auction yards, or by individual traders. The intent, of course,

being to secure equal and uniform enforcement of Packers and Stockyards Act regulations on all segments of the livestock marketing industry.

In view of congressional action, I should like to have the answers to several questions relating to this act:

1. Will you please provide me with a complete record of the new cases brought against meatpackers by the Department of Agriculture for violation of the Packers and Stockyards Act since the 1958 amendment, the names of the parties involved, and descriptions of the nature of the actions, and the present status of each of these.

2. A list of all instances where the Federal Trade Commission has requested the Department of Agriculture's permission to conduct investigations involving meatpackers under the terms of the 1958 amendment and the action your Department took on these requests.

3. The number of instances when the Agriculture Department requested the Federal Trade Commission authority to conduct investigations against meatpackers at the retail level in accordance with the terms of the 1958 amendment and the action the Federal Trade Commission took on these requests.

4. What actual changes have been made in the organizational setup of the Department dealing with the enforcement of the Packers and Stockyards Act?

5. How many new people have been assigned to work exclusively on the enforcement of the Packers and Stockyards Act; and of this number, how many are in Washington and how many are in the field?

6. How much additional posting of stockyards has been done as a result of the 1958 amendments and where did these postings occur?

7. What funds were requested from the Bureau of the Budget for the enforcement of this act for fiscal year 1961?

8. What funds would be needed to conduct effectively a program of equal and uniform enforcement as intended by Congress?

Realizing the time is short, I feel this matter is of utmost importance and in all probability, the subcommittee of the Appropriations Committee for the Department of Agriculture and related agencies will want to give this matter considerable thought. It is hoped this information can be available to the subcommittee during our hearings.

Sincerely yours,

GALE W. MCGEE,
U.S. Senator.

WRONG KIND OF AMERICANS IN ETHIOPIA

Mr. MCGEE. Mr. President, I have received from a constituent in Casper, Wyo., a clipping of a column by Mr. Robert C. Ruark, entitled "Wrong Kind of Americans in Ethiopia." The burden of Mr. Ruark's column was that we were sending the wrong Americans there, and too many of them were doing the wrong things. My constituent wanted to know the reason why.

On the House side a gesture was made to include Mr. Ruark's column in the RECORD some days ago. Since then I have received from the International Cooperation Administration a reply to a communication from me, in behalf of my constituent, qualifying and modifying some of the more extreme assertions made in the Ruark column.

I ask unanimous consent that my correspondence with the ICA on this subject be made a part of the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

INTERNATIONAL
COOPERATION ADMINISTRATION,
Washington, D.C., April 6, 1960.

The Honorable GALE W. MCGEE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCGEE: I am pleased to have the opportunity to reply to your letter of March 11, to which was attached a letter from your constituent Mr. T. J. Files of Casper, Wyo., concerning an article by Mr. Robert C. Ruark, entitled "Wrong Kind of Americans in Ethiopia." Mr. Ruark's informant has considerably distorted the facts and has presented a very exaggerated picture of the standard of living of American families in Ethiopia.

I am informed that there are a total of 326 U.S. Government personnel (direct hire and contract) assigned to Ethiopia, of whom a majority have families. Sixty-eight of these are with the Military Assistance Advisory Group of the Department of Defense, 60 are employees of the U.S. Embassy and consulate, and 5 are on the staff of the U.S. Information Agency. The remaining 193 are direct hire personnel of the International Cooperation Administration or participating agencies, and contract employees funded by ICA charged to USOM-Ethiopia rolls at the end of last month. Of the ICA total, 171 were present in Ethiopia at the end of February. The ICA personnel are located at Addis Ababa and at five outlying towns in Ethiopia. The Mission Director and Deputy Director have complete responsibility for all ICA projects and staff in the country. They also are responsible for the negotiation of U.S. assistance programs with the Ethiopian Government and serve as members of the U.S. Ambassador's country team along with senior Embassy staff and heads of MAAG and USIS. There never has been nor is there now an assistant deputy director to the mission.

ICA oversees personnel receive salaries and allowances in accordance with the standards established by the Foreign Service Act. In a recent study made on costs incurred for ICA technicians, it has been determined that total expenses of transporting a technician with three dependents from St. Louis to Addis Ababa amounts to $7,820. This includes transportation and per diem of employee and family, unaccompanied baggage, automobile, and limited household effects. This cost is about equally divided between family travel and transportation of goods. The average cost last year was $5,000 per technician. Therefore, our information does not support the statement made that "it costs the American Government about $25,000 to bring a family to Ethiopia."

Because of the great distance involved and the high cost of shipping, we have found that it is less expensive to provide basically furnished housing for our personnel in Ethiopia, rather than to ship each employee's furniture to and from that country. Consequently, it is our policy to provide Government-leased and Government-furnished quarters rather than to grant housing allowances. We do provide a refrigerator and stove to each house, but we do not provide such things as a washing machine or other electrical appliances, nor, of course, such things as dishes and silverware, glassware, or decorative ornaments. Although the nights are cold at the high elevation in Addis Ababa and the houses are not centrally heated, we nevertheless do not provide space heaters except to families with very small children and except in those cases where it is found to be essential for medical reasons. Generally speaking, the housing we provide is modest in size, furnishing, and equipment. It conforms with that occupied by Europeans in Ethiopia. A housing committee was established some 2 or 3 years ago at ICA's initiative, under the chairmanship of the U.S. Embassy, in order to prevent competitive bidding for available housing and to hold down rental costs. I am told that ICA's average rental is one of the lowest of any organization of any size in the city.

Mr. Ruark's mention of Greenbelt, Md., undoubtedly refers to the large U.S. Department of Agriculture Experiment Station at Beltsville near Washington. We have helped the Ethiopian Ministry of Agriculture to establish a small agricultural experiment station at a site about 30 miles from Addis Ababa. Ethiopia has a considerable potential for developing its agricultural resources, and this experiment station is doing some highly important work basic to that development. However, it hardly compares with Beltsville.

Ethiopia does observe a considerable number of holidays, most of which are Coptic Church religious holidays. Our mission observes only those few important holidays which the Embassy has determined must be observed in respect to local custom.

Mr. Ruark's informant suggests that the Americans in Ethiopia are living more comfortably, or more luxuriously than they would in the United States—that they have "got it made." The fact is, on the contrary, that we have difficulty recruiting for Ethiopia and similar posts, and our turnover is high because of the more attractive employment opportunities available elsewhere.

The size of the ICA mission reflects the requests of the Imperial Ethiopian Government for U.S. assistance on a variety of projects and the interests of the U.S. Government to respond to these requests. Ethiopia's greatest need is for trained manpower. Accordingly the program is primarily one of technical cooperation. American specialists are helping to train a nucleus of Ethiopians in such basic fields as health, education, and agriculture. As a matter of policy our technicians are assigned at the specific request and approval of the Ethiopians.

The fiscal year 1960 technical cooperation program in Ethiopia includes 33 projects at a total cost of just under $5 million. The major portion of this assistance is being provided for the establishment and strengthening of several educational institutions and for the development of the governmental school system. The Imperial Agricultural College at Alemaya and the agricultural technical school at Jimma are staffed with U.S. technicians provided under an ICA contract with Oklahoma State University. To date 53 students have been awarded bachelor of science degrees and an additional 34 are expected to graduate this year. Over 200 Ethiopians have graduated from the agricultural technical school. The Oklahoma staff of 65 persons are also training Ethiopians for the agricultural extension service and carrying out important agricultural research and experimentation work at several research centers in various parts of the country.

ICA staff at the Haile Selassie I Public Health College and Training Center, working with representatives of the Ministry of Public Health, and WHO, have developed an effective training program for community health service teams. A total of 49 health officers, 28 community nurses and 31 sanitarians have been graduated. Other U.S. technicians are working with two teacher training schools, two vocational trades schools, and the national airlines training center.

One major area of assistance is the Blue Nile River Basin investigation project which is being carried out for ICA by the U.S. Coast and Geodetic Service and the Bureau of Reclamation. This project includes a reconnaissance study of an area of approximately 113,000 square miles. U.S. technicians are also helping to establish a permanent Department of Water Resources and train Ethiopian personnel to staff it. Other areas of U.S. technical cooperation which have been undertaken at the request of the Ethiopian Government include community development training, audiovisual center, livestock improvement, and community water supply. In addition the ICA mission has responsibility for a small commodity import program and the use of local currencies generated therefrom.

Mr. Marcus J. Gordon, who is now ICA's regional director for Africa and Europe, and Mr. Herman Kleine, assistant deputy director for Operations, have both served as directors of our ICA mission in Addis Ababa. I asked them to give me a statement concerning the Ruark article. In addition to providing the above facts, they made the following comments, which may be of interest to you:

Mr. Gordon: "As mission director, I enjoyed somewhat better facilities than the average U.S. technician. Houses tend to be large in size and perhaps impressive looking to the casual visitor. However, the plumbing and electricity functioned intermittently, water was often off, one always had to boil any water to be used for drinking, etc.

"When living in Africa one has to accept hospitality that is offered and do his utmost to be a creditable representative of the United States. As a result, one cannot avoid many serious health hazards. During my time in Africa I personally had yellow jaundice, frequent bouts of dysentery, two tapeworms, and two attacks of malaria.

"After 7 years of this 'high living' in Africa, I can assure you that my family and I consider it somewhat of a luxury to be living temporarily back in the United States, in a small but modern house, and close to good educational and medical facilities."

Mr. Kleine: "While in recent years there has been some improvement in the problems noted by Mr. Gordon, the mission continues to experience considerable difficulties as regards housing, health, and education facilities for its personnel. As regards housing, it should be noted that the recent influx of numbers of personnel assigned to the newly created UN Economic Commission for Africa and the buildup of staffs of other foreign embassies as well as private firms have served to create heavy demand for relatively limited availabilities in housing. Consequently our personnel often must spend long periods in hotels prior to finding family housing facilities at reasonable rentals. To obtain the greatest return on U.S. Government expenditures for housing, the combined housing board of the U.S. agencies in Ethiopia has been very effective. Through this system we were able to obtain housing at an overall cost lower than would be involved if individuals had to negotiate for their own housing based on individual rental allowances. Turnover of personnel continues relatively high in Ethiopia because of the continuing inadequate facilities for serious medical attention for our personnel and their families and education for children."

Sincerely yours,

L. J. SACCIO,
Deputy Director.

LOYALTY OATH IN CONNECTION WITH STUDENT LOANS

Mr. MCGEE. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a news column entitled "Loyalty Vow for Loans Is Protested," written by Erwin Knoll and published in the Washington Post of April 10, 1960, summarizing the present status of the loyalty-oath question. The point is made that the great citadels of learning in America are one by one lining up in protest against these loyalty oaths.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LOYALTY VOW FOR LOANS IS PROTESTED
(By Erwin Knoll)

At least two dozen colleges and universities, including most of the Nation's top prestige institutions, are not participating in the student loan program of the National Defense Education Act because they object to a controversial loyalty affidavit requirement.

Trustees of Brandeis University voted recently to add their institution to the list of those which have withdrawn from the student loan program since it was inaugurated in 1958.

Other schools which have withdrawn include Amherst, Antioch, Bennington, Goucher, Grinnell, Harvard, Oberlin, Radcliffe, Reed, St. John's, Sarah Lawrence, Wilmington, Wesleyan (Connnecticut), Yale, and the Interdenominational Theological Center (Georgia).

Eight institutions refused from the very beginning to take part in the student loan program because they found the loyalty affidavit objectionable. They are Beloit, Bryn Mawr, Haverford, Mills, Princeton, Swarthmore, Wellesley, and the University of Richmond.

The student loan program permits low-interest loans of up to $1,000 a year, to be administered by the colleges, which put up $1 for every $9 of Federal loan funds.

OATH AND DISCLAIMER

Each student receiving a loan must swear on oath of allegiance to the United States and file an affidavit that he "does not believe in, and is not a member of, and does not support any organization that believes in or teaches the overthrow of the U.S. Government by force or violence or by any illegal or unconstitutional methods."

Most opposition has been directed not against the oath of allegiance but against the "disclaimer affidavit."

Educators protest that it is discriminatory, singling out students—and particularly students in need of loans—as subjects of distrust.

The administration has asked for repeal of the affidavit requirement, and legislation to that effect, sponsored by Senator JOHN F. KENNEDY, Democrat, of Massachusetts, has been approved by a Senate committee. It may come to a vote when the civil rights debate ends.

But in the House, where similar legislation has been introduced, no hearings have been held and action in this session is regarded as unlikely.

EIGHTY-THREE COLLEGES OBJECT

The U.S. Office of Education, which administers the National Defense Education Act, says at least 83 colleges and universities participating in the loan program have voiced objections to the loyalty affidavit. There may be more, since the Office of Education has never asked the institutions to state their position.

Among the protesting institutions are State universities in Arizona, Colorado, Connecticut, Delaware, Hawaii, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, New Hampshire, North Carolina, Pennsylvania, Rhode Island, Washington, and Wisconsin.

A number of national organizations, including the major education groups, the National Council of Churches of Christ, the American Jewish Congress, and the New England Society of Newspaper Editors, have also objected to the affidavit.

The American Legion has come out in favor of the requirement, as have a few small colleges participating in the program.

SUBSCRIPTION TELEVISION

Mr. MCGEE. Mr. President, there appeared in the Wall Street Journal for April 11, 1960, an article entitled "Oklahoman Seeking Paramount Pictures Franchise for Pay-TV." Since this article bears on the subject of S. 2653, a bill which would put community antenna television systems under the jurisdiction of the Federal Communications Commission, and which is now on the Senate Calendar, I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OKLAHOMAN SEEKING PARAMOUNT PICTURES FRANCHISE FOR PAY-TV—MOVIE OPERATOR'S WIRED SYSTEM WAS UNSUCCESSFUL IN 1957; SAYS TELEMETER SOLVES PROBLEMS

NEW YORK.—An Oklahoma movie theater operator, who made an early experiment in subscription television, said he is negotiating for franchises for Paramount Pictures Corp.'s telemeter pay-TV system.

The announcement was the first indication of where the initial telemeter installation in the United States may come. Paramount's International Telemeter Co. division is testing the system in Etobicoke, a suburb of Toronto, Canada. The system, which pipes programs into homes through coaxial cables, doesn't require sanction of the Federal Communications Commission, unlike broadcast systems using the air waves.

The telemeter franchises are sought by Henry Griffing, president of Video Independent Theaters Corp., Oklahoma City, which operates 200 theaters in Oklahoma, Texas, and New Mexico. The chain also has community TV antenna systems in Oklahoma, Texas, Kansas, Florida, and Mississippi.

In 1957 and 1958, Mr. Griffing tried out his own cable pay-TV in Bartlesville, Okla. "Financially we were unsuccessful," he said, "but telemeter solves the problems we had." He indicated that his first telemeter installations would be in cities having community antenna systems. In these cities, where TV reception is poor because of terrain, TV sets already are linked by cable to a central pick-up and transmission station.

Terming the Bartlesville experiment "premature and primitive," Mr. Griffing pointed out that he had charged his customers a flat monthly fee of $9.50, no matter how many shows they watched, confined programs essentially to motion pictures, and offered only one movie at a time. Telemeter, he said permits the viewer to choose among three simultaneous programs and pay only for what he sees, because of a meter attached to his receiver. Mr. Griffing said he planned a wide variety of programing, obtained from all available sources.

Lewis Novins, president of International Telemeter, attended a news conference at which Mr. Griffing made his announcement. Mr. Novins said the two companies are 85 apart in financial discussions, but he declined to say whether negotiations with other interested concerns are closer to completion.

VISIT TO THE CHAMBER BY THE FOREIGN MINISTER OF CANADA AND THE AMBASSADOR FROM CANADA

Mr. AIKEN. Mr. President, our country does business with over 80 different countries of the world. However, there is one country with which we are more closely aligned—geographically, racially, economically, militarily, and so on—than with any other country. I refer to the country to the north of us, with whom we have a long boundary of 3,000 miles, and where we have common works which are carried on cooperatively by the two countries. It is a country which is closer to us than any other country in the whole world.

We are honored today by having as a visitor to the Senate the distinguished Minister for External Affairs of Canada, whose office in this country corresponds to that of our Secretary of State. He is the Honorable Howard Green. I am pleased to introduce to the Senate the Minister for External Affairs, of Canada, the Honorable Howard Green.

[Applause, Senators rising.]

Mr. AIKEN. Mr. President, I wish to introduce also that good-looking gentleman who is accompanying the Minister for External Affairs. He is none other than Mr. Arnold I. P. Heeney, Ambassador from Canada to the United States.

[Applause, Senators rising.]

Mr. MANSFIELD. Mr. President, it is a singular pleasure and privilege to join with my distinguished colleague the senior Senator from Vermont [Mr. AIKEN], who is also chairman of the Senate section of the Canadian-American interparliamentary group of the Senate to greet the distinguished Foreign Minister of Canada, the Honorable Howard Green. Mr. Green is with us as the representative of a nation which is most close to us; it is close to us not only in a geographic sense but, more important, in the sense of a shared outlook, shared ideals, and one may say, even a shared destiny.

It is possible to conceive of points of differences between the foreign policies and the immediate interests of Canada and the United States; that is inevitable among independent and equal nations. It is inconceivable, however, that Canada and the United States will ever permit these differences to transcend the deeper intermingling of the fortunes of the two countries.

I know I speak for my colleagues, Mr. Minister, when I say that the Senate of the United States nourishes only the warmest sentiments toward Canada and the Canadian people. We wish for nothing more than a continuing abatement of any differences which may exist and a continuing growth of cordiality and cooperation in all spheres of relations with our great neighbor to the north.

It is with that thought, Mr. Minister, that we bid you and the able and distinguished Ambassador to the United States from Canada welcome to the Senate.

[Applause, Senators rising.]

Mr. DIRKSEN. Mr. President, there is a durability to the friendship between the people of the United States and the people of Canada which I believe transcends all difficulties, and is a living testament to the fact that we can have our differences of opinion and yet never impair that friendship and that sense of understanding.

You may not know it, Mr. Minister, but I am one of those who on occasions have tried, for my constituents, to secure some additional water from the Great Lakes, particularly Lake Michigan, by way of diversion for domestic purposes. Yet I have found it always agreeable to have Mr. Heeney come to pay me a call, at which time we can, in the most friendly fashion, discuss the problem, with each one continuing to hold his own views.

The very fact that matters of this kind are ventilated before the committees of the Senate—no matter how vigorous our efforts, no matter how purple the language that might at times be employed—shows that the friendship between our countries is immune to all difficulties and all misunderstanding.

I am confident that that very felicitous relationship which has existed between our two countries will continue forevermore.

It is a delight to see you gentlemen and to extend our hand of fellowship to you.

Mr. AIKEN. Mr. President, in view of the precedent established by the Senator from Illinois, I might perhaps suggest that this would be a good opportunity for me to put in a plug for the Hudson-Champlain-Richelieu Waterway. [Laughter.]

Mr. GRUENING. Mr. President, in joining in welcoming our distinguished visitors from Canada, I should like to call to the attention of my good friend from Vermont, with whom I have enjoyed friendship for many years, that the unguarded border between our two countries is not 3,000 miles long, but 4,400 miles. Alaska has added 1,400 miles to that boundary. Since Alaska has joined the Union, the importance of that boundary has been greatly increased and its length extended.

Mr. AIKEN. I apologize to the Senator from Alaska. I am sure that the length of the boundary will continue, unless we have a very long hot spell, when it may be shortened at the northern end. [Laughter.]

SPECIAL MILK PROGRAM—CONFERENCE REPORT

Mr. HOLLAND. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9331) to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9331) to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be stricken by the Senate amendment insert the following:

"SEC. 2. Such Act is further amended by adding after the first sentence thereof the following new sentence: 'There is authorized to be appropriated for the purposes of this Act for the fiscal year beginning July 1, 1960, separate from any other appropriation of funds for Commodity Credit Corporation, such amount as may be deemed to be necessary to reimburse Commodity Credit Corporation for amounts advanced by it under this Act.'"

And the Senate agree to the same.

That the Senate recede from its amendment to the title.

ALLEN J. ELLENDER,
SPESSARD L. HOLLAND,
HUBERT H. HUMPHREY,
WILLIAM PROXMIRE,
GEORGE D. AIKEN,
MILTON R. YOUNG,
B. B. HICKENLOOPER,
Managers on the Part of the Senate.
HAROLD D. COOLEY,
W. R. POAGE,
THOMAS G. ABERNETHY,
LESTER R. JOHNSON,
CHARLES B. HOSVEN,
PAUL B. DAGUE,
CLIFFORD G. MCINTIRE,
Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. HOLLAND. Mr. President, the report is a unanimous report of all the conferees of the Senate and House of Representatives.

The House bill would have increased the amount which could be expended from Commodity Credit Corporation funds on the special school milk program to $85 million for the current fiscal year, and $85 million for the fiscal year beginning this July. In addition, it authorized the appropriation of up to an additional $15 million for the program for the fiscal year beginning this July.

The House bill did not provide for extension of the program beyond its present expiration date of June 30, 1961. The first Senate amendment would have made the program permanent. The conference report recommends that the Senate recede from this amendment, leaving the matter of extension of the program to await later legislation.

The second Senate amendment would have increased the amount of Commodity Credit Corporation funds which might be expended on the program during the fiscal years beginning this July to $95 million. The conference report recommend that the House recede from its disagreement to this amendment, so that adequate funds will be available from a single source to carry out the program next year.

The third Senate amendment struck out the language proposed by the House bill authorizing the appropriation of an additional $15 million for the program for the fiscal year beginning this July. The purpose of the House provision was to begin a transition to the use of appropriated funds, rather than Commodity Credit Corporation funds, for the program. The objective of using appropriated funds was to make it clear that expenditures for the program are not to be considered price-support expenditures. The law already provides that such expenditures are not to be considered price-support expenditures; and the Committee of Conference felt that the objective of the House provision could be reached by authorizing a special appropriation to reimburse the Commodity Credit Corporation for its expenses in carrying out this program for the fiscal year beginning this July. Such appropriation would be kept separate and apart from any appropriation to restore funds expended by Commodity Credit Corporation under the price-support program. The conference report, therefore, recommends that the House recede from its disagreement to the third Senate amendment with an amendment providing for such a separate appropriation.'

The Senate also amended the title of the bill so that it would reflect the Senate amendment extending the program on a permanent basis. Since the conference report recommends that the Senate recede from its amendment making the program permanent, it also recommends that the Senate recede from its amendment to the title.

Mr. President, I have already stated that the conference report is supported by the unanimous agreement of the conferees of both bodies. I am willing to answer any questions, if there be any.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

AFRICA FREEDOM DAY

Mr. SYMINGTON. Mr. President, the American Committee on Africa convened in New York City yesterday to observe Africa Freedom Day.

I ask unanimous consent to have printed at this point in the RECORD a message I sent to the meeting.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

Mr. GEORGE HOUSER,
American Committee on Africa,
New York, N.Y.:

I join you in celebrating Africa Freedom Day as the symbol of the independence of 16 African nations and as the symbol of hope for near future self-rule for many others. The successes in breaking the chains of colonialism and the vigorous desire to become self-sufficient find a parallel in the beginnings of our own Nation.

Further, I am in full accord with the action of our Government and the United Nations in protesting the brutality in South Africa. It was a shocking example of man's inhumanity to man. We can hope it will swing the pendulum back toward respect for human dignity.

STUART SYMINGTON,
U.S. Senator.

THE NECESSITY FOR COST KNOWLEDGE IN SETTING FAIR GRAIN STORAGE RATES

Mr. SYMINGTON. Mr. President, recently the Secretary of Agriculture announced that he planned to negotiate new and lower grain storage rates with the grain trade.

It has now come to my attention that certain Members of the Senate have requested the Secretary of Agriculture to suspend these negotiations until a report is filed by the Special Senate Agriculture Investigating Subcommittee, of which I have the honor to be chairman.

Any report from the Special Agriculture Investigating Subcommittee should not and would not contain any specific recommendations as to the rates to be paid under the uniform grain storage agreement.

The establishment of those rates obviously is the proper function of the executive branch, through agreements between the Secretary of Agriculture and the warehousemen who store Government grain. Neither the farmers nor the Congress is a party to these negotiations.

Upon direction from the full committee, this subcommittee was directed to determine the facts concerning the administration of the Commodity Credit Corporation, of which the negotiation of the uniform grain storage agreement is a segment.

In this work we have had the wise and constructive cooperation of the General Accounting Office and its able head, Comptroller General Joseph Campbell.

According to testimony before the subcommittee, in the last 7 years the Department of Agriculture has spent $2½ billion for commodity storage; and the Secretary of Agriculture repeatedly refers to the high cost of this program.

In recent years the Department has negotiated the grain storage agreement twice; and, according to the testimony of the Director of the Grain Division itself, it has done so without any actual knowledge of the cost of storing grain.

Such action—reaching rate decisions without knowledge of costs—violates the basic concept of good business management under sound accounting principles.

Any businessman, whether in a city or on a farm, knows you cannot operate efficiently unless you have knowledge of your costs.

Unless and until, therefore, the Department of Agriculture has the same type and character of cost information about grain storage that any businessman has about his costs, the grain storage program can never be handled with fairness and efficiency.

If the Department continues to try to operate without a proper knowledge of costs, it can only continue to set storage rates which result in excessive profits to some operators, but denies others the opportunity to earn a fair profit.

All the waste which results from this kind of "management in the dark" procedure is charged to the overall farm program—and therefore to the farmers themselves.

The subcommittee has invited the National Grain Trade Council, the Grain and Feed Dealers National Association, the National Federation of Grain Cooperatives, as well as any others interested, to testify before the subcommittee.

The subcommittee will thereupon see to it that any such testimony is forwarded promptly to the Secretary of Agriculture, in the hope that the testimony will be of assistance to the Department.

The subcommittee will continue its review of the management of the Department of Agriculture, and will ask the same type and character of questions that are being asked by farmers, members of the trade, and all citizens interested in a sound farm program. As an example, we shall ask:

First. Is the Department of Agriculture undertaking an adequate cost study to negotiate rates so as to prevent some excessive profits at the expense of farmers and other taxpayers—but so as also to give opportunity for a fair profit to those who are providing needed storage service to the farm communities of this country?

Second. Is the Department conducting an adequate cost study survey to determine the cost of on-the-farm grain storage?

Third. Does the Department recognize that the farmer does not receive a handling rate for his on-the-farm storage as is paid the commercial warehouseman?

Fourth. Has the Department considered the fact that any proposed new rate will proportionately add to or subtract from the income of the individual farmer, since the latter is charged for the initial storage payments paid when crops are taken to the elevator for storage under the loan program?

Fifth. Is the Department taking the necessary steps to find out the differences in costs between storing grain in certain parts of the country as against others?

Sixth. Is the Department considering a "renegotiation clause" to prevent excessive profits? Its own recent survey shows the differences in the cost of storage to be as much as 50 cents per bushel.

Seventh. Is the Department considering the plight of the operators who, while providing necessary services to the farmers in their communities, are losing on every bushel of Government grain stored?

These conditions can be corrected only if the Department has a proper knowledge of the costs involved.

The Secretary of Agriculture often talks about the huge cost of storing Government grain. Only now, however, is any real effort being made to obtain normal data about the cost of doing this business.

If there is anyone who believes the Federal Government should allow some to make tremendously excessive profits on grain storage, while at the same time

denying others a fair and reasonable profit, let him come forward and say so.

We urge the Secretary of Agriculture to hurry up and get the facts. Only with the facts can he make decisions in this matter which are based on good business practice under sound accounting principles.

INCREASED OLD-AGE ASSISTANCE AND SOCIAL SECURITY PAYMENTS—INTRODUCTION OF BILLS

Mr. YARBOROUGH. Mr. President, one of the facts of life of our day is that there are over 8 million Americans who cannot afford a square meal, cannot meet the rent on a decent place to live, cannot pay for the medical care and medicine they need.

There is much debate and study over what we should do to alleviate the problems of the aged and aging, one of the most complex social dilemmas of our times. While the debate and the studies continue, I propose that we take immediate, emergency action in this manner: Let us allow and encourage those who are able to work, to earn more money, without being penalized by deductions from their pensions or their social security payments.

Therefore, Mr. President, I introduce, for appropriate reference, and send to the desk, two bills to help achieve this purpose. The first bill will rewrite the socalled "retirement test" in the Social Security Act, which applies to almost half a million people in Texas alone, in order to raise the annual earning limitation to $2,400.

Under present law, a social security beneficiary loses 1 month's benefits for each $80, or fraction thereof, by which his annual earnings exceed $1,200. This low earnings limitation works a great hardship on many beneficiaries who must work to supplement their social security benefits if they are to maintain a decent standard of living. The average old-age benefit under social security is still just $72 per month.

If we cannot provide benefits in an amount which would relieve the necessity for work, we must allow the beneficiaries to earn supplemental amounts which will, together with benefits, permit them to live in a decent manner. Today, the minimum benefit is $33 per month, or $396 per year. I submit that the resulting ceiling of $1,596 a year is not enough to maintain a person adequately for a year. Moreover, we are expending a great deal of energy toward the rehabilitation, retraining, and reemployment of older persons; but at the same time we are discouraging them from taking employment, by this low limit on annual earnings by the recipients of social security benefits.

Therefore, Mr. President, one of the bills I am introducing would raise the annual earnings limitation to $2,400. Even this change is little enough, but it is far better than the present law. In the example given above, the beneficiary could have a combined income of $2,796.

I hope the Congress will enact such legislation during this session, since it is already long overdue.

Mr. President, the second bill which I am introducing requires that in determining need, the first $50 per month of earned income must be disregarded in figuring old age assistance pensions.

One of the main complaints that I have received about our State and Federal old age pension programs is that they often discourage people from working, even when they want to work and are able to work, and in many cases would be happier with at least some additional employment.

In my State, an elderly person—for instance, a widow 70 years of age—might be able to earn a few dollars a week as a baby sitter or even as a practical nurse. However, if her earnings exceed the permissible minimum, which is very low, she would have her name taken off the pension rolls. If thereafter that temporary employment ceased, it would take her many months to have her name restored to the pension rolls. Such a situation is most discouraging to the persons who are in this group. It has an adverse effect on their happiness, and it discourages them from doing such work as they may be able to do. This situation also has a most depressing effect on the spirit of these people.

Under my amendment, we are saying to some 2,400,000 penniless older men and women in the United States, of whom some 229,000 are in my own State of Texas, that if they can manage to add a few dollars to the pitifully small payments they are receiving under these programs, those payments no longer will be "docked." To those who might protest that such a change will increase the expenditures for old-age assistance, I point out that the average old-age assistance recipient is a widow, age 75, who, in my State, is receiving $52 a month. I know that many of them are so feeble that they cannot earn as much as they need for adequate food, clothing, and shelter; but I certainly think they should have the opportunity to do so if they can.

Most of the people now on old-age assistance are unable to qualify for social security because the family breadwinner worked all of his life in a job not covered by social security—particularly in States like mine and that of the distinguished Senator from Kansas [Mr. CARLSON] who is now presiding, which have been agrarian States, and people in those States worked in an agrarian economy.

The kind of a ceiling on submarginal income imposed by existing law goes back to the Elizabethan age poor laws for its justification. Mr. President, we live in the 20th century, not in the 16th. It is time we adopted a more enlightened policy, one which would exempt at least the first $50 a month of earned income in figuring old-age pensions for our needy senior citizens.

Mr. President, this is the first session of the Senate since the 15th anniversary of the death of Franklin D. Roosevelt. It is appropriate that these bills be introduced today, for they aim to extend two of the humane programs of social justice, social progress, and public welfare initiated by the late beloved Franklin D. Roosevelt.

It is in his spirit of action rather than talk that I introduce these bills, in the hope that action will be taken on them this session.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. MONRONEY. I should like to congratulate my colleague from the neighboring State of Texas for his foresight and humanity in introducing the two bills, which are so badly needed. It was brought out in the Appropriations Subcommittee on the Department of Health, Education, and Welfare, that over 47 percent of those on old-age assistance are also recipients of social security. They receive an average of $43 a month from social security, and they must have the earned old-age retirement benefit implemented by old-age assistance of $50, thereby cutting down the availability of funds that might prove to be of benefit to others who do not have the benefit of such programs.

Further, the prohibition against the earning of more than $100 a month denies to those persons the right to implement their meager social security retirement payments. They must, therefore, seek public assistance out of funds half of which are matched by the Federal Government, in order to maintain the most meager standard of living.

The Senator is moving in the right direction in seeking to enlarge the amount which retirees under the social security program can earn. Thus, we shall not only encourage the initiative of older citizens to seek work to supplement their retirement benefits, but we shall also take away a heavy drain on the old-age assistance program, which can be utilized in other needed ways. Further, we shall reduce the workload of the caseworkers, because 27½ percent of the old-age assistance program under State and Federal funds must be monitored by thousands upon thousands of social service workers. As a result, there is extra overhead expense, which funds could more properly be devoted to improving the health of the aged. If those funds are not necessary for old-age assistance, they can be used for a desperately needed program to improve the health of the aging people of America.

Mr. YARBOROUGH. Mr. President, I thank the distinguished Senator from Oklahoma for his contribution on this question. As usual, he is in the forefront of thinking in this body on programs of social advancement, as well as showing leadership in foreign programs. The Senator has given us a great deal of very valuable information in support of these bills. There is a sort of popular belief that those who are the recipients of social security benefits receive much larger payments than those who receive old-age pensions, and are therefore better off. The Senator from Oklahoma has pointed out that 27 percent of those who receive social security benefits receive payments that are so low that they must also receive old-age pension payments in order that their income may be brought up to the level received by old-age recipients.

The Senator has pointed out that money that may be saved as a result of eliminating the need for extra caseworkers, in order to take care of cases of those receiving old-age pensions, to be sure they do not get over $75 a month, can be used for other purposes. The very fact that those people are receiving such low benefits results in aging their minds and bodies more than does the passage of time. We ought to make it possible for them to earn a few more dollars. It is contrary to the American spirit to deny them that right.

I thank the Senator from Oklahoma for making such a fine contribution to this discussion.

The PRESIDING OFFICER (Mr. CARLSON in the chair). The bills will be received and appropriately referred.

The bills, introduced by Mr. YARBOROUGH, were received, read twice by their titles, and referred to the Committee on Finance, as follows:

S. 3370. A bill to amend title II of the Social Security Act to increase the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; and

S. 3371. A bill to amend title I of the Social Security Act to provide that the States disregard certain income in determining need for old-age assistance under the State programs established pursuant to such title.

Mr. JOHNSTON of South Carolina. Mr. President, I wish to commend the junior Senator from Texas for having introduced these bills in regard to benefits for aged people in the United States. I think when the matter is before the committee we should look into the question of the present value of the dollar. I am sure we will learn that the dollar has been stretched out, and that $1,200 is not what it used to be. Such an inquiry will help us to carry out what the Senator has in mind at the present time should be carried out. The Senator from Texas thinks a higher exemption than $1,200 should be allowed. It should be $2,400. I desire to express my appreciation to the Senator.

Mr. YARBOROUGH. I appreciate the contribution made by the senior Senator from South Carolina in pointing out that the limitation of $1,200 is even smaller now than it was years ago, because of the decreased purchasing power of the dollar.

Having the privilege of serving on the Post Office and Civil Service Committee under the leadership of the senior Senator from South Carolina, who is the chairman, I have watched his leadership in the field of pay increases for the underpaid Federal workers and the underpaid postal workers, his leadership in helping push through the passage last year of the Federal health and hospitalization program for Federal employees, his constant work now for similar benefits for retired civil service employees, his part in matters relating to social security and old age pensions for older people. The humanitarian support that the distinguished Senator from South Carolina gives all these programs has been known for a long time in my State. I appreciate his added support today.

Mr. JOHNSTON of South Carolina. I thank the junior Senator from Texas for his remarks concerning me, but he well remembers that he was on the committee and he worked hard on these matters when they were before the committee at the time.

Mr. YARBOROUGH. I thank the Senator.

TEXAS SHEEP AND GOAT RAISERS' RESOLUTIONS ON PREDATOR CONTROL

Mr. YARBOROUGH. Mr. President, I ask unanimous consent to have printed in the RECORD two resolutions recently passed by directors of the Texas Sheep and Goat Raisers Association at their spring meeting.

These resolutions are concerned with the increase in predatory animals, which has resulted in excessive losses of livestock in some areas of Texas and other States, and the necessity of furnishing means to control predators.

I ask unanimous consent that the resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION ADOPTED BY TEXAS SHEEP AND GOAT RAISERS ASSOCIATION, MARCH 26, 1960, BROWNWOOD, TEX.

Whereas coyote-getters, traps, and toxic baits are essential for the control of wild animals which prey upon and destroy livestock, crops, and game; and

Whereas the branch of predator and rodent control of the Bureau of Sport Fisheries and Wildlife and the rodent and predatory animal control service of the Texas A. & M. College system is continually working toward the development of more humane methods of capturing such injurious wild animals; and

Whereas the American Humane Association has not recognized any new trap or device as being eligible for the $20,000 humane trap award; and

Whereas the passage of H.R. 5737 and S. 2030 by the 86th Congress would no longer permit such devices and materials to be used on public lands: Now, therefore

The Texas Sheep and Goat Raisers Association opposes the passage of H.R. 5737 or S. 2030 or any similar legislation that would limit the methods or taking of injurious wild animals.

RESOLUTION ADOPTED BY TEXAS SHEEP AND GOAT RAISERS ASSOCIATION, MARCH 26, 1960, BROWNWOOD, TEX.

Whereas the increase in predatory animals has resulted in excessive losses of livestock; and

Whereas there has been an increase in the trapper force from 140 to 150 without any increase in funds appropriated by the State legislature or the Federal Congress; and

Whereas the Texas Predatory Animal Control Association members and cooperators have had to increase their proportionate share of the local cost of predatory animal control to meet this emergency; and

Whereas the increase in predators has been brought about by intensified land development programs sponsored and supported financially in part by Federal funds; and

Whereas, the addition of 10 trappers is not an expansion of the predatory animal control program: Now, therefore, be it

Resolved, That Texas Senators and Representatives in the Federal Congress be requested to provide for an increase of funds during this and succeeding fiscal years in the amount of $7,000 per quarter.

ALASKA GAVE A HAND

Mr. BARTLETT. Mr. President, the Congressional Information Bureau publishes a daily newsletter reporting items of interest to the steamship industry. Court cases, committee hearings, Federal Maritime Board proceedings—all developments bearing upon the steamship industry—may find their way into the daily newsletter.

The newsletter of April 11, 1960, Mr. President, was of particular interest to me. A hearing held under the auspices of the Federal Maritime Board hearing examiners' office and dealing with proposed freight rate increases in the Guam trade is reported in it. No Alaskan could read the report of the hearing without a feeling of nostalgia. Here in Guam is an area in which U.S. military forces constitute a major part of the economy. In Guam, as in Alaska, the costs of borrowing money are higher than in the 48 contiguous States. Guam merchants, like Alaska merchants, must maintain high inventories with low turnovers, and face substantial competition from military post exchanges, ship stores, commissaries, and package stores, to which goods are shipped at Government expense. Mr. Won Pat, the Speaker of the Guam Legislature told the hearing examiner that if the proposed new rates become effective, "the increases will be borne by the United States," because, "the U.S. Government is the big industry on Guam." "In the meantime," Mr. Won Pat added, "the people on Guam will be sorely squeezed."

Farming in Guam, like farming in Alaska, is an infant industry. The Legislature of Guam, like the Legislature of Alaska, has appropriated money to resist freight rate increases.

Mr. President, it is not my intention to imply that the Territory of Guam and the State of Alaska have more in common than other areas under the U.S. flag. Indeed, there are many differences. The economies, the peoples, the cultures, are different. The treatment afforded Guam and the treatment afforded Alaska are not comparable.

One very great difference comes to mind, Mr. President. When Alaskans protested a rate increase just a few months ago, the Federal Maritime Board allowed the increase to become effective without hearings. The Board said that its suspension powers were limited to 4 months, and that 4 months would not afford adequate time for a hearing. The Board told the people of Alaska that their remedy—if it could be called that—was to bear the burden of the rate increase and show at a future date that the increase was unmerited. Upon such a showing, the Board announced, refunds would be made to shippers who had paid the rate increase during the period between the effective date of the increase and the time of the finding that the increase was unwarranted. Of course, Mr. President, the Board suggested no way, under such a procedure, whereby consumers in Alaska would receive refunds

for the higher cost to them of shipped-in commodities.

As a consequence, the people of Alaska are engaged in a legal struggle to remove the burden of higher freight rates, even in the knowledge that if the new rates which have been imposed are found to have been unwarranted, no way exists for refunds to the Alaska consumers who, in the meantime, are paying increased prices for commodities.

It is gratifying to note that the Federal Maritime Board has adopted a different procedure with respect to proposed rate increases in the Guam trade. The Federal Maritime Board has suspended the imposition of the new rates and afforded the people of Guam an opportunity to challenge the rates before they become effective. Of course, I do not know whether the rates asked for the Guam trade should be granted. But I do know that the procedure used by the Board in the Guam case is better procedure than that which the Board followed in the Alaska case. The proposed Guam rate increase is more complicated than the Alaska rate increase, I understand, yet the Board found that suspension of rates pending hearings is proper and feasible. Mr. President, I muse upon the possibility that the protests raised by us Alaskans at the procedure followed in the Alaska proceedings have contributed to the Board's decision to follow a better procedure in the case of Guam.

INTERNATIONAL CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE IN HAWAII

Mr. LONG of Hawaii. Mr. President, since Hawaii was granted statehood, no project has so fired the imagination and enthusiasm of its people as has the proposal of our farsighted majority leader for establishing an international center for cultural and technical interchange in Hawaii. The proposal gives the people of Hawaii the opportunity they have been seeking to be of service to the Nation which has now embraced them as full citizens.

Each day my mail brings letters from individual citizens of Hawaii expressing their pleasure that our island community can contribute through the East-West center to better understanding between the United States and its neighbors in the Pacific. An especially good expression of this sentiment was made in a letter which I just received from John M. Aki, Jr., student government president of the Church College of Hawaii. I ask unanimous consent that Mr. Aki's letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE CHURCH COLLEGE OF HAWAII,
Laie, Hawaii, April 7, 1960.

Senator OREN E. LONG,
Congress, Washington, D.C.

DEAR SIR: The Church College of Hawaii has been following with deep concern the interest and speculation which has been built up for the possibility of the establishment of an East-West cultural center at the University of Hawaii.

The Church College of Hawaii is Hawaii's newest institute of higher learning, but already it is the second largest in the State. Although we are privately endowed by the Church of Jesus Christ of Latter-day Saints, and therefore fall under the classification of a private school rather than a land-grant college, we nevertheless feel a close relationship and a deep affinity to the University of Hawaii.

We here feel that there is a tremendous potential for Hawaii becoming the bridge for a closer and friendlier understanding and relation between the people of the United States and the rest of Asia. The University of Hawaii and the people of Hawaii have helped to contribute to the building of this bridge of human relations with our Asian brethren in the past, but we feel that the strengthening of the bridge between East and West is needed in these times.

The University of Hawaii and the State of Hawaii have done as much as they can possibly do to build and maintain this bridge and we who represent a part of the Hawaiian educational community and the brotherhood of Hawaii's colleges and universities would like to urge you to give careful consideration and your wholehearted support to the forthcoming proposal in Congress of the establishment of an East-West center at the University of Hawaii. We feel that nothing but the greatest good, not only for the University of Hawaii or for the State of Hawaii, but also for the good of the United States and its relations with the people of Asia and the Pacific, can come from such a worthy project as the establishment of the East-West cultural center at the University of Hawaii.

We are sure that you feel that in these times and in future times much of our Nation's future and much of the peace of the world will depend on how many friends we have in Asia. We therefore feel that the establishment of an East-West center at the University of Hawaii is an investment in the future of not only the United States but in the peace and understanding of the whole world.

We are certain that you will agree that textbooks cost less than atom bombs, and we are also certain that you would rather be hit by a textbook than an atom bomb. Therefore, may we urge you to consider, with your customary care, the importance and necessity of establishing this East-West cultural center at the University of Hawaii.

Sincerely yours,

JOHN M. AKI, Jr.,
Student Government President.

CIVIL DEFENSE WASTE

Mr. YOUNG of Ohio. Mr. President, the awkward and wasteful ways of unwieldy bureaucracy are nowhere more evident than in the Office of Civil and Defense Mobilization.

Since 1951, taxpayers have seen over a billion dollars wasted on civil defense, as now conducted. This superannuated Agency now seeks authority to spend $76 million next year—$20 million more than it was allotted in fiscal year 1960.

Much of this hard earned taxpayers' money has been spent fiddling around with pamphlets, posters, model shelters, screeching sirens, and other items all of doubtful use.

Americans are tired of hairbrained schemes to provide identification bracelets for teenagers to exchange; of stockpiled penicillin going to waste because of faulty planning; of millions of contradictory and confusing pamphlets; of highly publicized bomb shelter honeymoons; of silly short-sighted planning—in short, of the whole confused mess we call our civil defense program.

Only recently $40,000 of taxpayers' money was completely wasted when 44,000 bottles of penicillin were destroyed by the civil defense organization in my home city of Cleveland, Ohio. To make matters worse, a similar amount will have to be destroyed there in the near future.

The penicillin was purchased by the Federal Government and given to the Cuyahoga County civil defense organization 8 years ago. Boondoggiers here in Washington purchased penicillin with an oil base. Present penicillin has a water base instead of an oil base. This stockpiled penicillin is completely useless today, and might even be deadly if used.

This incident is reminiscent of the waste of $73,000 of penicillin by the State civil defense organization in Ohio last year for the same reason.

Mr. President, if over $150,000 worth of stockpiled penicillin has deteriorated in Ohio because of faulty planning, think of what the cost must be when the waste of just this one stockpiled item is totaled nationally. The total of $4½ million of outdated penicillin is being destroyed in the Nation.

Of course, this is just one item. In Cleveland alone, the local defense organization has approximately a million dollars worth of stockpiled medical supplies, communications equipment, and other material.

Even the local civil defense director, who has a vested interest in continuing his outdated agency, has admitted that much of this material is bound to deteriorate.

This latest Cleveland throw-away is chicken feed compared to the recent announcement by the civil defense boondogglers that a $700,000 civil defense traffic light system in Columbus, Ohio, has been completed and is ready to aid in evacuating the city in case of atomic attack.

The Federal Government is paying $240,000 of the total cost of this moron's brainchild while the city is paying the remaining $460,000.

This idiotic, half-baked program, promulgated by some high-salaried civil defense official, is planned for that time when the Russians fire a missile directed at the city of Columbus, or at the time the nuclear warhead strikes its target. This civil defense planner doubtless figured that Ohio's capital city would be a prime target, instead of an American missile base or air base. That is a silly idea. Possibly he considers that Soviet dictators fear the Ohio Legislature which meets there.

Mr. President, I am certain that if an atomic bomb were to strike the non-industrial city of Columbus, Ohio, and perchance kill some of the legislators in the august body of the General Assembly of Ohio, a divine providence would come to the aid of our beloved country and fill the vacant chairs.

At best, there would be 15 minutes' warning of a nuclear attack, and then all traffic signals would be switched to steady green and flashing amber for outgoing traffic, with flashing amber and flashing red facing all cross streets.

Does any intelligent person think that civilians fleeing an atomic attack would watch, much less obey, traffic signals?

Can any reasonable human being imagine all the automobiles in Columbus, a city of half a million people, being driven from the city at one time? The idea is too ridiculous to contemplate under the best peacetime conditions.

Even assuming ample warning time—which will not be—the chaos would be unbelievable and would probably produce as many casualties as the bomb or missile itself.

Mr. President, the truth is that the theory of evacuation in the nuclear age is not only silly, but dangerous. Soviet submarines off our coasts could send rockets with nuclear warheads 1,500 miles or more inland with accuracy. We would be lucky to have 5 minutes' warning.

Intercontinental ballistic missiles fired from the Soviet Union or Red China proper would perhaps allow us 15 to 20 minutes' warning time. To consider evacuation under these circumstances is absolutely absurd.

The thermonuclear weapon, with its tremendous destructive power, and the missile, with its great speed, have now made evacuation not only impractical, but impossible.

As long ago as 1944, sirens were useless in London against V–2 rockets which were primitive toys compared with modern weapons.

In spite of this, Russ Pennell, the salaried civil defense director at Columbus, publicly stated at this late date: "Evacuation represents our greatest hope of survival." Of course, Mr. Pennell must have some project, foolish and expensive as it may be, to justify his place on the public payroll.

During the last 4 years alone, the Columbus civil defense organization has been allotted over $150,000 from the city treasury. It is interesting to note that approximately half of this amount is for salaries. Even at that, this percentage still does not equal the national civil defense average of 62 percent of the proposed civil defense budget for salaries and expenses.

I am convinced the citizens of Columbus, Ohio, are not one whit more secure today, in event of atomic attack, than they were 4 years ago.

In fact, I assert that not only are the people of Columbus no more secure, but they have been hoodwinked into spending over a half million dollars for salaries and traffic light schemes that have no justification in reality whatsoever. These are downright silly, except that an outrage has been perpetrated against our taxpayers.

In my home city of Cleveland, Ohio, the local civil defense agency enjoys an annual slice of a quarter of a million dollars of taxpayers' money.

Recently, its director disclosed that his outfit wants $30,000 to erect 1,800 blue arrow signs on all major roads in Cuyahoga County. The purpose is to point out the routes citizens should follow to evacuate the Cleveland area in event of an atomic attack. Of course, the Federal Government would pay the cost of the roadside signs, as it has for many another equally ridiculous local civil defense project.

It is contemplated that these signs will replace the earlier ones which said the roads would be closed to all but civil defense traffic in event of emergency. I am sure that practically every American, including my colleagues here in the Senate, have seen untold numbers of these signs on every major highway in the Nation.

At the time they were placed on these highways, the civil defense policy was to ask everyone to run. Then the civil defense doctrine was to stay home and hide. Now the advice appears to be to evacuate—or hide—or both. With the exception that before we evacuate, we are to build shelters in our basements and backyards which we are to leave behind when we run.

Perhaps what the Nation really needs at this time is another agency to interpret the puzzling ambiguities issued by the present civil defense agency.

Mr. President, the truth is that neither evacuation nor the makeshift shelter program has any validity in modern warfare. An adequate shelter system to minimize casualties would cost at least $20 billion. Even then there is no assurance that they would not be outmoded by more advanced weapons, or that they would offer protection against an attack even more deadly than a nuclear attack—biological warfare.

It is time we stop fooling ourselves and the American people. Paid civil defense officials are perpetrating a cruel deception upon the thousands of worthy civil defense volunteer workers who are really the only persons making any sacrifice whatever in connection with civil defense. These officials draw high salaries, issue directives from lush offices paid for by taxpayers, and give out high-sounding phrases about survival shelters which really would be utterly useless and, in fact, might become dangerous fire traps in urban centers in event a powerful enemy, such as the Soviet Union, were to suddenly strike at targets in this country with their nuclear missiles.

General Curtis LeMay recently testified that the real question is whether we should build holes in the ground or more weapons. It is his belief that we would be promoting the defense of our civilians by strengthening our retaliatory and deterrent power by building more missiles; and if we hasten and perfect our preparedness, we will never be hit first nor at any time.

If Columbus or Cleveland or Washington were to be hit by a few missiles with nuclear warheads, everything in the civil defense handbooks would certainly go out the window.

There is only one real defense against a nuclear war, and that is peace. Instead of spending billions for useless bomb shelters, we would be far wiser to spend this money in a massive effort to improve the lot of mankind everywhere.

If the brainless planners of the Office of Civil and Defense Mobilization have their way, there will be $12 million more this year for matching funds to pay salaries of State and local civil defense officials. It may not save any more lives in event of attack, but it certainly will add over 4,000 more jobholders feeding at the public trough in city halls and county courthouses throughout the land. It will assuredly expand and encourage a lethargic bureaucracy that has already sent about a billion dollars down the drain.

At a time when State and local governments are desperately searching for new sources of revenue, it is foolhardy to encourage paid civil defense officials to spend an additional $12 million in matching funds on useless inane projects.

Nothing should shock us, Mr. President, after the latest civil defense fiasco when civil defense boondogglers scheduled another one of their ridiculous and ineffective nationwide alerts, including massive test evacuations, on May 3, the very day that important elections are to take place in 4 States and in the District of Columbia.

It is my fervent hope that the Congress will deny requests for appropriations for the Office of Civil and Defense Mobilization this year. Otherwise, there will be no end to this ever-growing bureaucratic monstrosity geared to a bygone age.

I again pay tribute to the hundreds of thousands of patriotic Americans who volunteered their time and efforts, often at risk to themselves. These people have performed important service in times of floods, fires and hurricanes, while paid officials directed them from places of safety. Americans have responded before in times of disaster, and will do so again. The doubtful leadership of the Civil Defense Agency is no leadership.

Mr. LONG of Louisiana. Mr. President, will the Senator from Ohio yield?

The PRESIDING OFFICER. The Chair reminds the Senator that the Senate is still in the morning hour. The Chair has tried to be very generous in the matter of time.

The time of the Senator from Ohio has expired.

Mr. LONG of Louisiana. I will wait until the Senator concludes, and speak briefly in my own time.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent to proceed for 2 additional minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator may proceed.

Mr. YOUNG of Ohio. The civil defense we have today is a myth. The only sensible thing to do is to abolish the entire present setup. Defense of our civilians is an important factor in the defense of our Nation. Civil defense is a part of our total defense. As such, it should be under the direction of those who know most about defense—the officers and men of our Armed Forces. The Nation can ill afford to separate the defense of its most valuable resource—our people—from the defense of the Nation as a whole.

In event of a missile attack, the military would take over as it did in our Civil War, as the Senator from Louisiana well

knows, when Abraham Lincoln immediately declared martial law and seized a series of powers that amounted to a virtual dictatorship.

Civilians in armbands will cut no figure whatsoever—certainly not with hard-boiled Army sergeants. The sensible thing to do is to face this fact and merge our civil defense program with the military.

In addition, we should initiate a vigorous and continuing campaign of education on self-protection in a nuclear war, using all media of communication at our command—television, radio, newspapers, magazines, and our schools.

Truly, Mr. President, we seek the day when we in the United States may safely end the armaments race with the Soviet Union and Red China, plus adequate safeguards. We must proceed to end nuclear bomb testing, plus strong and adequate safeguards.

The history of the world since 1900 has proven that every armaments race seems inevitably to have resulted in a devastating war.

We must unify our Armed Forces. We must end duplication which is wasting at least $5 billion of taxpayers' money each year. We must go ahead with the greatest urgency to close the missile gap between us and the Soviet Union. No doubt, we should reinforce our airborne alert so that if war and destruction bursts suddenly upon us within the United States, our jet bombers and missiles will be on the way—and in force—in instant and massive retaliation.

That, Mr. President, is the defense of American civilians.

Civil defense, in this nuclear age of challenge, has no more place than flintlock muskets and tallow dips of the Revolutionary era and the era of the Dictator Napoleon Bonaparte.

Siren sounders and civilian armband wearers and politicians on the civil defense payroll, from ex-Governor Hoegh on down, accomplish no useful purpose now or ever.

May I ask what sane reason can any high-salaried official in the Office of Civil and Defense Mobilization give for the shrill sounding of sirens at 12:15 o'clock every Monday afternoon in Cleveland, Ohio, and in other cities?

Mr. President, mine is not a voice in the wilderness crying out against the stupidity of the Civil Defense Agency. Representative CHET HOLIFIELD, a distinguished Member of the other body, says that the Nation's civil defense program is deplorable. This outstanding Member of the Congress from California, has been a member of the President's special evaluation Commission on Atomic Bomb Tests; he is a member of the Joint Committee on Atomic Energy; he was, in fact, congressional adviser to the American delegation at the conference at Geneva, Switzerland, in 1959 on the discontinuance of nuclear weapon tests.

Mr. President, it is high time that we put an absolute end to this boondoggle operated under the high sounding title of "Office of Civil and Defense Mobilization."

The PRESIDING OFFICER. Is there further morning business?

Mr. LONG of Louisiana. Mr. President, I should like to claim the floor for only a moment in the morning business to congratulate the Senator from Ohio for the statement he has made today and the others he has made on the subject of civil defense.

This is a subject which certainly needs some restudy. As one who has visited in various parts of the country, I know that not only in my area but also in the area around Washington every road leading out of a big city has on it the familiar sign stating: "In case of enemy attack, this road will be closed to all traffic except military."

I should like to ask the Senator from Ohio if he can tell me what roads will be left open. So far as I know, people are supposed to get out of cities in an atomic attack. However, with so many signs stating that the roads will be closed, no one has advised the people whether there will be any road left open for the purpose of getting out of the cities.

Mr. YOUNG of Ohio. I thank the distinguished Senator from Louisiana for his commendatory comment, which means so much to me, coming from him.

In Cleveland, Ohio, for example, the road from Cleveland to Lorain, 26 miles distant on the main lake road, is reserved in case of an atomic attack, just as the Senator has stated. It is also marked for evacuation from Cleveland toward Lorain. In Lorain the civil defense planners have a harebrain scheme to evacuate the people of Lorain on the same road toward Cleveland. So it goes throughout the country.

HARRY MORGAN'S FRIENDSHIP AMBASSADORS

Mr. FULBRIGHT. Mr. President, this year nearly 50,000 foreign students are enrolled in American colleges and universities. Most of them are here at their own expense. Since these students are potential leaders of their native lands, it is difficult to overestimate the effect that they can have on future relations between our country and theirs.

It has become apparent, however, that many of these foreign guests have not been given a full opportunity to benefit from their experience. They are going away from America without having really learned about this country. They come here and we tend to forget about them. They may soon feel like outsiders—not because of anything we do deliberately, but through our indifference.

When a foreign student arrives in this country, he is likely to need some help—perhaps with his English—perhaps to find housing. But most of all, he needs our active interest to draw him into the mainstream of American life.

This is not to say that we are entirely neglecting the foreign students who come here. Our small schools in college towns, which have a limited number of foreign students, generally do a good job in meeting their needs. In these small schools the foreign student is almost automatically integrated into campus life.

A very high proportion of foreign students, however, attend colleges in urban areas. Due to difficult financial problems, many of these institutions have not been able to devote the necessary resources to developing ways and techniques to integrate these foreign students into American life.

To help meet this problem, I introduced an amendment to the U.S. Information and Educational Exchange Act which will, if enacted, authorize a small program of assistance to colleges and universities in the United States on a matching basis so they can provide minimum counseling and orientation assistance.

Individuals and organizations can also help meet this problem and make the stay of these foreign visitors more meaningful.

I have in mind among other things, the extension of home hospitality programs which some communities have developed and which have been described by many students as among the most rewarding parts of their American experience.

Another imaginative plan begun by Mr. Harry Morgan, a student at Rutgers University, was described in the February 1960, issue of the Reader's Digest. Financed by individual contributions, Mr. Morgan personally conducts foreign students on grassroots tours of the United States, introducing them to various aspects of American life. Such a program not only provides a way for these students to learn about Americans, but just as important, it helps Americans to understand other countries.

Mr. President, I ask unanimous consent that the article entitled "Harry Morgan's Friendship Ambassadors" by Clarence W. Hall, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HARRY MORGAN'S FRIENDSHIP AMBASSADORS

(By Clarence W. Hall)

One day last spring Harry Morgan, student-body president at Rutgers University, New Brunswick, N.J., listened aghast as an exchange student from Pakistan ticked off his impressions of the United States. Nural Khan's opinions embraced many of the stock criticisms of this country that are voiced abroad—stereotypes gained from newspaper headlines, from American movies, and tourists.

These false images—many of them Communist-inspired—picture the United States as the land of disrupted family life, low moral standards, quick discrimination against all people of color. According to surveys made by the U.S. State Department, Americans are believed to be smugly complacent, shallowly religious, politically naive, lovers of gadgets and luxury, frenzied pursuers of the fast buck. They are said to know little of foreign peoples—and to care less.

Harry Morgan was shocked to discover that Nural Khan held these opinions—since the young Pakistani had been living in the United States for 2 years. Nural Khan was slated to return home soon, and would be taking with him these twisted images of his host country.

"Tell me, Nural," Harry Morgan asked, "how much of the United States have you seen beyond this campus? How many American have you met?"

Khan admitted that he'd been no farther than New York City. His off-campus contact with Americans had been limited to an occasional visit to a fellow student's home for a holiday dinner.

Harry Morgan did some research into our gigantic student-exchange program. He discovered that there were then in the United States 47,845 foreign students from 131 countries. A large majority were here on scholarships provided by the U.S. Government or private philanthropy, representing an investment of more than $300 million. And only a tiny minority ever had a chance to see the country and meet Americans in their own homes and communities, sample their friendliness, grasp their way of life.

Convinced that Americans were getting small return on their whopping investment in good will, Harry Morgan resolved to do something about it. A personable young man of 26, with an easy charm and quick smile, he was not without experience in helping visitors from abroad learn about the United States. For 3 previous years—the first time when he was on leave from the Air Force—he'd brought to the States small groups of average but critical Europeans. Supported by friends who bought "shares" (at $1 each) in his one-man Ambassadors for Friendship program, he'd given the visitors grass-roots tours, sent them home singing praises of the United States.[1] In his ambassadors treasury he had $1,000, and he determined, with the approval of his "shareholders," to use this for a nationwide tour with four foreign students.

Nural Khan, of course, was first on his list. A Fulbright scholar studying for his master's degree in economics, Khan was a leader among foreign students at Rutgers, was committed to enter Pakistan's diplomatic service upon his return home. To find three others to join Khan on the tour, Harry Morgan talked with 150 foreign students at Rutgers and New York City's International House. Beyond a warped point of view about the United States, his guests-to-be needed certain qualifications: A winning personality, a sufficient facility in English to communicate to Americans an interesting picture of their own countries and customs, and an ability to interpret to their homelands what they saw of this country. After 6 weeks, Morgan had found his three other young ambassadors for friendship.

Dorio Mutti, a student at Rutgers, came from Parma, Italy, a town largely Communist. Dorio was acting as U.S. correspondent for his home newspaper, Gazzetta di Parma—and his dispatches had been bitter.

José Aruego, Jr., from the Philippines, a lawyer turned artist, was studying at Parsons School of Design in New York. José was doing a series of American-life sketches which he planned to send to a Manila newspaper. Titled "This Is America", the drawings were clever caricatures of New York City's worst aspects.

Hugo Vercelli, from Argentina, was a civil engineer attending classes at Columbia University. Handsome and a fiery speaker, Hugo had been a student leader in the revolt against Perón. He had come to the States "to learn from Americans how to preserve our democracy," had found little chance to learn about the real America save through textbooks. Bitterly he said, "I could have read these at home."

Calling the four together, Morgan explained the all-expenses-paid, 2 months' trip for which they had been selected.

"But where's all the money coming from, Harry? Are you rich?"

[1] See "Harry Morgan's 'People-to-People' Adventure," The Reader's Digest, February 1960.

He replied, "Yes. Rich in friends, many of whom I haven't even met." He showed the students the long list of his shareholders who had financed his previous Ambassadors for Friendship tours.

His tentative itinerary covered 38 States. "We'll see a lot of natural beauty," he said. "But mainly we'll meet people, the kinds who make America what it is. You've got your ideas about them. Let's find out if you're right."

When they had examined the itinerary, he asked, "Anywhere else you'd like to go?" One said, "How about Little Rock?" Harry promptly added it. Nothing was to be off limits on this tour.

Needing a car for transportation, Harry wrote to George Romney, president of American Motors. Back came a wire: "What color?"—and a few days later a new red-and-white Rambler station wagon was delivered, inscribed with the words "Ambassadors for Friendship" and the names of the countries represented by the students. From the Hilton Hotels Corp. came a letter offering hospitality in any city where the Hilton organization had a hotel. From friends of former tours came offers of hospitality in their homes, more than Harry could ever use.

After 4 days' briefing on facets of American life by history professor George Frick, the young ambassadors set out to see how the facts fitted their notes. The first leg of the itinerary took them to Washington, D.C., to see the U.S. Government at work, thence to Williamsburg, Va., shrine of the American heritage. Among the first private citizens they met were Harry Golden and Carl Sandburg, in North Carolina.

Golden, author of the best-seller "Only in America," took the boys to his home, talked for hours of his experiences as a poor kid with all the strikes against him, member of a minority group, growing up in all the wrong places, doing most of the wrong things, but—thanks to the understanding encouragement of Americans of all creeds and colors—managing to snatch a measure of success out of it all.

The day spent with Sandburg at his home was, as one of the students expressed it, like a visit with Lincoln himself. Sandburg received them warmly, recited for them his poems in praise of America and excerpts from speeches by Lincoln "who gathered the feel of the American dream and saw its kindred over the earth." They left the great poetic interpreter of America's spirit with his words ringing in their ears: "We need your understanding of America. We need you to help us understand your countries. Let's weave the strands of understanding from both ends. Only so can we truly join the family of man."

Sandburg's parting shot: "From here you go to Little Rock. You'll find members of the family of man there, too."

To their surprise they did. At no other place on their tour did their image of what's wrong with America undergo such a sharp change. Harry Morgan saw to it that they met representatives of every shade of opinion on the issues and events that have given Little Rock an ugly reputation around the world. They talked with school board members and teachers, with white and Negro students. Harry S. Ashmore, Pulitzer prize-winning editor of the Arkansas Gazette, spent an afternoon with them, reviewing the segregation problem from the Civil War to the present.

Nural Khan was fearful at first that his own dark skin would cause trouble. His fears melted fast. Standing on the street the first day in Little Rock, he was approached by a man who, with hand extended, said, "You're one of the foreign students I read about in the paper? As just an average citizen, may I welcome you to my town?"

Hundreds of other average citizens displayed equal eagerness to correct the unhappy image of Little Rock projected around the globe. After every press mention of the students' presence, calls flooded in: "Please give us a chance to entertain these boys in our homes. We'd like them to hear the other side of the story."

"We got the humbling reminder that the U.S. South has no exclusive corner on prejudice," Nural Khan said. "When I get home and hear someone mention Little Rock, I must remind him that we Pakistanis have not entirely banished our caste system." Dorio Mutti wrote home, "Before we condemn Little Rock, we should remember that Italians are not bereft of their prejudices toward Ethiopians."

Everywhere across the country Harry Morgan showed his students how average Americans live, work, play, worship, think. He took them to church clambakes and ball games; to PTA meetings, women's clubs and political rallies; to factories and industries to see how management and labor get along; to courts to see how U.S. justice works.

While traveling through the West, one of them said, "Look, Harry, how about the American Indians? Don't they hate the Government for taking their land, herding them into reservations?"

Harry replied, "Let's look up some and find out."

In Arizona they visited a section of the Hopi Reservation. The chief took them on a tour of a village, introduced them to members of the tribe, told how they spent their time hunting, building homes, working together to make a better life for all. "My people are happy," said the chief. "They are free to pursue their own life and culture as they wish."

Most stops during the trip were impromptu—depending upon where nightfall caught them. "We'll take potluck with American hospitality," Harry told them, "spontaneous and unrehearsed."

Passing a farmhouse at day's end, Harry Morgan would drive up, explain the purpose of the tour—and invariably the whole group would be invited in. They would be fed a huge farm supper, then made comfortable for the night in spare rooms or invited to spread their sleeping bags in a barn.

At an Oklahoma farm, one such stop was extended to 3 days when a farmer and his neighbors insisted on giving the boys a taste of American farm life and themselves an experience in international understanding. The students got up at 4:30 in the morning to do farm chores. Just before they left, a community dinner was organized and farmers and their families came from miles around to hear the boys tell of their experiences in the United States and answer questions about their homelands.

Passing a park in Mayo, Kans., Harry spotted a picnicking crowd, stopped to inquire about road conditions ahead. "If you are looking for America, you have found it," said the chairman, who promptly swept them in to share the food and fun.

In Marshalltown, Iowa, one night, they stayed at the home of a truckdriver. His wife cooked up a big chicken dinner, and the guests were bedded down on cots and sofas in the living room.

Amazed at "such friendliness from people I've never seen before," Hugo Vercelli from Argentina commented, "The most wonderful thing about America is its wonderful 'little people.'"

Stops were made in national parks—the Grand Canyon, Yellowstone, the Grand Tetons—where the boys camped out and cooked their national dishes for casual guests, sat around the campfires of vacationing American families, swapping cups of coffee and stories of their experiences.

Another of their distorted images faded fast: that Americans are provincial, isolationist, selfishly uninterested in other peoples and their problems. Said the boy from Pakistan, "You know, I've just realised where my Fulbright scholarship comes from—not from some Government agency, but from the pockets of people like these."

The notion that Americans generally are basically uncultured with little interest in art, literature, and music, was quickly debunked as the students were taken to art galleries, museums, libraries; saw overflowing crowds at community-sponsored concerts; observed in humble homes well-stocked bookshelves and stacks of recordings of the world's finest music.

Said Mutti, the Italian, "The thing that amazes me is that Americans don't depend on government, as we Europeans do, to provide their cultural programs. They sponsor them themselves, pay for them themselves."

The Communist-inspired stereotype of the "greedy American capitalist" underwent sharp revision at the home of a wealthy industrialist in Michigan. "We expected to find him huddled over a stock ticker," said Vercelli. "Instead we found him in his basement, in overalls, hammer in hand, repairing a table for a library he'd founded. He talked at length about the educational foundation he had set up, and the fun he was having in giving away practically everything he had."

Aruego added, "Wealthy men in our countries don't do such things."

American family life—formerly pictured for them as "disrupted and spoiled by easy money and easy living"—also was a revelation. Speaking before civic clubs or giving newspaper interviews, they told their audiences, "Nobody is so unjustly maligned in our countries as the American woman." They stated their amazement at discovering "how smoothly she runs her home without servants, all the while serving as wife and mother, cook and seamstress, counselor and chauffeur—yet somehow finding time for community services as a volunteer worker."

As for America's alleged "loose living and immortality," one told a reporter, "We've visited towns all across the country; none of them looked like 'Peyton Place' to us." Another demanded, "Why do you allow your movies sent abroad to misrepresent you so horribly?"

Perhaps the sharpest effect was registered by Dorio Mutti's weekly articles on America published in his Communist hometown's Gazzetta di Parma. His descriptions of Americans (the Iowa truckdriver who "can afford to have a TV set in his home and a new car in his garage," or the housewife in Salinas, Calif., who "stayed up late to wash and iron our laundry") created a sensation. Parma's Communist mayor told Dorio's father, "Your son is giving us an understanding of America we have never had before."

The tour over, three of the students returned to their studies. Nural Khan applied to the U.S. Information Agency in Pakistan for a job. "I'd like to spread my message about America," he said, "before entering my country's diplomatic service."

Following his graduation from Rutgers University this June, Harry Morgan plans to devote his full time to widespread development of his Ambassadors for Friendship program in the United States. Next summer he will conduct another tour for students from abroad. As he says, "For generations the Statue of Liberty in New York Harbor has been inviting the world to send its tired, its poor, its huddled masses. Today they're sending us their brilliant, their gifted, their leaders to be. It takes so little—for an individual, a group, a community—to show these, too, at firsthand what American freedom is."

"THE UGLY AMERICAN"—LETTER

Mr. FULBRIGHT. Mr. President, for more than 72 weeks now a book of fiction, "The Ugly American," by William Lederer and Eugene Burdick, has been on the bestseller lists. I have been deeply concerned that the many Americans who are reading this book may accept the authors' claim that this is a work based on fact. I have pointed out several times before how dangerous it would be to accept as representative of loyal Americans serving overseas the stream of reckless, irresponsible and usually unfounded criticism which these authors and others have directed at our representatives.

Recently I received a letter from William A. Ulman, president of the Institute of World Travel, Inc., who has just returned from an extensive trip through Western Europe, Greece, Turkey, and Iran. Mr. Ulman, who is a private citizen, wrote that he had contacted American Foreign Service officers and commercial attachés in each of these countries and that he was both proud and overwhelmed with the energy, efficiency, and cordiality with which he was received, and his problems attended to.

I wish the message contained in Mr. Ulman's letter could be turned into a bestseller. However, the fiction that our American agencies overseas are staffed with incompetents seems to have more appeal than the fact that we have an efficient Foreign Service Corps serving our Nation abroad.

Mr. President, I ask unanimous consent that Mr. Ulman's letter commenting on the outstanding performance of our Foreign Service be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INSTITUTE OF WORLD TRAVEL, INC.,
WASHINGTON, D.C., *March 2, 1960.*

The Honorable J. W. FULBRIGHT,
Senator of Arkansas, Chairman of the Foreign Relations Committee of the Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR: I have just returned from an extensive trip through Western Europe, Greece, Turkey, and Iran. The reason for my trip was the development of the research aspects of my company, the Institute of World Travel, which is dedicated to the promotion of travel at the intergovernmental level, with strong attitudes concerning the economy of those countries currently undersaturated as far as U.S. tourists are concerned, and with a strong acknowledgment of the people-to-people program.

It is therefore with a great deal of pleasure that I address you at this time to comment enthusiastically upon the outstanding performance of the Foreign Service officers and the commercial attachés with whom I had contact in every country.

Too often, we as Americans have been led to believe that nationals of other Western countries receive outstanding help from their embassies and that we receive little or nothing. It is a pleasure to be able to contradict that thinking flatly. As I have informed the Deputy Under Secretary of State, and the Assistant Secretary for International Affairs of the Department of Commerce by letter this date, I was both proud and overwhelmed with the energy, efficiency, and cordiality with which I was received, and my problems attended to.

We are all aware that we have a Foreign Service in which we can have just pride when it comes to the management of our international relations; too often at the level of the citizen-businessman we forget entirely the day-to-day work which these men carry out in assisting the American businessman abroad.

In this day of criticism, let me add my word of praise.

Yours truly,

WILLIAM A. ULMAN.

BILLS DEALING WITH TAX MATTERS

Mr. MANSFIELD. Mr. President, on behalf of the distinguished chairman of the Senate Finance Committee, the Senator from Virginia [Mr. BYRD], I make the following statement:

The House has disagreed to the Senate amendments on H.R. 9660, H.R. 8684, and H.R. 7947, and has asked for a conference on each bill.

I, therefore, ask unanimous consent that the Chair lay before the Senate the messages from the House on H.R. 9660, H.R. 8684, and H.R. 7947, and that the Chair appoint conferees on the part of the Senate.

AMENDMENT OF INTERNAL REVENUE CODE WITH RESPECT TO PROCEDURE FOR ASSESSING CERTAIN ADDITIONS TO TAX

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 9660) to amend section 6659(b) of the Internal Revenue Code of 1954 with respect to the procedure for assessing certain additions to tax, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MANSFIELD. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BYRD of Virginia, Mr. KERR, Mr. FREAR, Mr. WILLIAMS of Delaware, and Mr. CARLSON conferees on the part of the Senate.

TRANSITIONAL PROVISIONS FOR INCOME-TAX TREATMENT OF DEALER RESERVE INCOME

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 8684) to provide transitional provisions for the income-tax treatment of dealer reserve income, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MANSFIELD. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BYRD of Virginia, Mr. KERR, Mr. FREAR, Mr. CARLSON, and Mr. BENNETT conferees on the part of the Senate.

INCOME-TAX TREATMENT OF CERTAIN NONREFUNDABLE CAPITAL CONTRIBUTIONS

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 7947) relating to the income-tax treatment of nonrefundable capital contributions to Federal National Mortgage Association, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MANSFIELD. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BYRD of Virginia, Mr. KERR, Mr. FREAR, Mr. CARLSON, and Mr. WILLIAMS of Delaware conferees on the part of the Senate.

APPLICATION OF LOAN PROVISIONS TO CERTAIN PROJECTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 1275, H.R. 4781. Consideration of this bill was objected to by one of the Senators last Monday, on the call of the calendar. The Senator has since withdrawn his objection. It has been cleared with the Republican leadership.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 4781) to amend the Watershed Protection and Flood Prevention Act to provide that its loan provisions shall be applicable to certain other projects, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry, with amendments, on page 1, line 10, after the word "improvement", to strike out "for any of the purposes provided for by this Act" and insert "(as defined in section 2 of this Act)", and on page 2, after line 20, to insert a new section, as follows:

SEC. 3. Section 10 of the Watershed Protection and Flood Prevention Act (68 Stat. 666), as amended, is amended by adding at the end thereof the following: "No appropriation hereafter available for assisting local organizations in preparing and carrying out plans for works of improvement under the provisions of section 3 or clause (a) of section 8 of this Act shall be available for any works of improvement pursuant to this Act or otherwise in connection with the eleven watershed improvement programs authorized by section 13 of the Act of December 22, 1944 (58 Stat. 887), as amended and supplemented, or for making loans or advancements to State and local agencies as authorized by clause (b) of section 8."

Mr. MANSFIELD. Mr. President, I ask unanimous consent that an explanation of the bill be incorporated in the RECORD, as follows:

There being no objection, the statement was ordered to be printed in the RECORD at this point.

EXPLANATION OF H.R. 4781

This bill does two things.

First, it authorizes the Secretary of Agriculture to prosecute non-flood-prevention water management measures in connection with the 11 watershed improvement programs authorized by the Flood Control Act of 1944. The additional measures which could be prosecuted would be similar to those provided for by the Watershed Protection and Flood Prevention Act and the same local organization participation would be required. By undertaking them pursuant to the special provisions of the bill, however, instead of under the general provisions of the Watershed Protection and Flood Prevention Act, it is hoped that funds for the entire program for these 11 watersheds can be kept together in the same appropriation, so that better budgetary control may be obtained. To make this purpose clear the committee has recommended an amendment prohibiting funds appropriated for carrying out the general purposes of the Watershed Protection and Flood Prevention Act from being used for these 11 programs.

Second, the bill permits the Secretary to make loans to cover the local share of these 11 programs in the same manner that he is authorized to make loans to cover the local share of programs under the Watershed Protection and Flood Prevention Act. This is intended to apply both to the flood-prevention and non-flood-prevention features of these programs; and the committee has recommended an amendment to make it clear that this loan provision is not limited to the additional measures provided for by the bill. Funds appropriated generally for the Watershed Protection and Flood Prevention Act would not be available for loans in these 11 watershed programs.

The possible cost of this proposal will depend upon the local demand for assistance under it and the amounts that Congress will be willing to appropriate in order to meet that demand. While such cost cannot therefore be estimated, the Department contemplates that it will not add significantly to the total cost of the 11 programs.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendments en bloc.

The amendments were agreed to en bloc.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

FOUNDER'S DAY ADDRESS AT THE UNIVERSITY OF VIRGINIA BY ADLAI E. STEVENSON

Mr. MONRONEY. Mr. President, on Tuesday evening, on the 15th anniversary of the death of Franklin D. Roosevelt at Warm Springs, Ga., the founder's day address at the University of Virginia was delivered by Adlai E. Stevenson. His address on that occasion was scholarly, clear, strong, and incisive. In it he discussed Jefferson's great contribution to our freedoms and to our Nation's influence in the world. His address was also an appeal to regain the leadership the United States has lost—certainly, a theme which is not foreign to Jefferson's philosophy.

Political writers have sought for political significance in this address. The speech is far more than just a speech with some current political connotations. It is a guide to the philosophy of America's future, and I commend it to the reading of all Senators. I therefore ask unanimous consent that it be published in the body of the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF VIRGINIA FOUNDER'S DAY ADDRESS BY ADLAI E. STEVENSON, APRIL 12, 1960

This is the 15th anniversary of the death of Franklin D. Roosevelt at Warm Springs, Ga. It was at Warm Springs, after he had been crippled by paralysis, that he said, "We will build a cottage here and begin a new life."

To build a cottage and begin a new life seems to me a peculiarly Jeffersonian idea, for that is what he helped to do in this country, and that is what he wanted for the world. I was reminded of this in South America, from whence I have just returned. When Jefferson was Ambassador to France in 1787, he met a young Brazilian patriot who was seeking aid for their struggle for independence. Jefferson explained to Senhor da Maia that he had no authority to discuss such a delicate subject, but that while the very young Government of the United States could not get involved, the American people could and should be concerned with Brazil's freedom. He made a distinction between the acts of governments and the acts of citizens, who played such a significant part in the independence struggle in Latin America.

I like to think about that talk long ago in a little French provincial inn and of what Jefferson may have said to the eager young Brazilian. Historians have long since released Jefferson from the narrow partisan and States rights prisons that could never confine his universal dimensions. And he must have revealed that his great hope, as expressed in some magnificent letters, was not to extend our national power but to spread the dominion of our national ideals: "May it be to the world what I believe it will be (to some parts sooner, to others later, but finally to all) the signal of arousing men * * * to assume the blessings and security of self-government."

South America must have been much in his mind when he wrote that. And I wonder if he didn't warn his young friend about the evils of the European social order as well as the colonial system of that time; how, as he put it, "they have divided their nations into two classes, wolves and sheep." While he loved Europe, he was horrified by a system in which, in words he quoted from Voltaire, every man was either the hammer or the anvil.

"Cherish therefore," Jefferson wrote, "the spirit of our people, and keep alive their attention. Do not be too severe upon their errors, but reclaim them by enlightening them. Once they become inattentive to

public affairs, you and I, and Congress and * * * judges and governors shall all become wolves."

Jefferson today would, I suspect, scent some wolves and prescribe a large dose of enlightenment to keep alive "the people's attention." To be sure, the agrarian society that delighted Jefferson is a lost world, and he would have been dismayed by the urban, industrialized, automated society in which we live today. But he would have understood that, as the population swelled from 5 million to 180 million, it brought profound changes; that with the machine age would come tremendous pressures toward impersonalized conformity. For Jefferson knew full well that the world does not stand still. "The earth," he said, "belongs always to the living generation," and "nothing is unchangeable but the inherent and inalienable rights of man."

So Jefferson today would be plunged into a battle that was familiar to him, even though the terrain is different. The challenge of free men to stay free in a swiftly changing world would absorb all his energies. As he fought for the Bill of Rights in his own lifetime, so would he be fighting today for their application to all Americans. What mattered to him, as to all liberals, was the extension of freedom and the rights of the individual. And he would be shocked to hear his name invoked in defense of doctrines no longer designed to extend civil rights, but to curtail them.

He would, I think, be quick to remind the Americans of today that they cannot take their freedom and security for granted, that they can no longer indulge in the comfortable illusion, as one historian put it, that "history does not happen to us." For we are no longer far removed from the tidal waves of history, and the Western world is no longer the center of gravity on our planet. And our common culture and convictions are challenged as they have not been since Islam's challenge to Christianity hundreds of years ago.

I also believe that Jefferson would be deeply disturbed by the slowness with which this reality is sinking in. Not only has our society become infinitely more complex, but life itself has become infinitely more perilous. Not long ago, I visited Dr. Albert Schweitzer in his jungle hospital in equatorial Africa. He told me he thought this the most dangerous period in all human history. Why? Because, he said, man is no longer controlled by nature. He has learned to control the elemental forces of nature, before he has learned to control himself.

To one who spent a dauntless, restless lifetime in the service of his fellow men, some other symptoms of our times would also be profoundly disturbing. Jefferson thought of democracy as a moral principle. What of our public morals today? He knew how hard it was to win and preserve freedom. But the freedom many people want today is freedom from responsibility. Jefferson toiled night and day to serve his country. But in our time, millions of Americans are seemingly so indifferent to public affairs that they do not even feel an obligation to vote.

We can hear his pleading again: "Cherish the spirit of our people, and keep alive their attention * * * by enlightening them." Would he not say to us, "Man your defenses, and reaffirm your faith in salvation by works"? Would he not say, "Strengthen the morals and might of your society to meet and master the new challenge of tyranny"? Would he not say, "Rise up to the altitude of man's peril to prevent forever the thermonuclear tragedy"?

What would he say about leadership? Jefferson's whole philosophy was based on belief in the ability and decency of the average man. But would he not caution us to beware of easy options and of men on horseback? Would he not remind us again that any dominant group, however ostensibly enlightened, would, if given a chance, exploit the people? (The way beekeepers do to bees, was the way he put it.) Would he not decry our anti-intellectualism and the cult of the lowest common denominator at a time when terrible and dangerous decisions have to be made?

There is no doubt in my mind where Jefferson would stand. He was—to use a contemporary term—an egghead, and proud of it. "Of all the charges brought against me by my political adversaries," he said on leaving the Presidency, "that of possessing some science has probably done them the least credit. Our countrymen are too enlightened themselves to believe that ignorance is the best qualification for their service." He would see that our national leadership has not prepared us for the tasks of this searching century; that it has not summoned us to our duty; that it has not, in his words, "kept alive our attention." Too often—and I wish I could call Jefferson as a witness—our leadership has been hesitant and half-hearted, and has concealed from us the nature and dimensions of the crisis.

Such failure of leadership and communication touches the roots of the idea of democratic society. Our system of government was founded, as Jefferson declared, "not in the fears and follies of man, but on his reason, on his sense of right, on the predominance of the social over his dissocial passions." For the people can neither grant nor withhold consent on rational or just grounds unless they are informed—"enlightened," to use Jefferson's word. Government by concealment, by soothing assurances rather than candid communication, cannot be long tolerated if our system is to endure.

Concealment of the true nature of the crisis—even assurances from a Secretary of State, as late as 1956, that communism is "a gigantic failure"—has been accompanied by an attitude on the part of our leaders that seems almost to equate discussion with disunity and criticism with disloyalty. When some of our most distinguished citizens and generals express concern about the obvious fact that our defenses are not as strong as they were, the President becomes angry, Mr. NIXON considers that it undermines our security, and the Republican national chairman contributes a sarcastic remark about their "paper hats and wooden swords."

And this recent history of truth trifling and misrepresentation goes way back to the talk about liberating Eastern Europe, unleashing Chiang Kai-shek, Communists in government, and a long procession of impostures born of political expediency and cynical salesmanship.

But these impostures also derive from misunderstanding or disrespect for our system—from a vague feeling that the best kind of government is one in which the people turn their hopes and fears over to a kind of caretaker for the national welfare and conscience, to a benign chief magistrate who countenances little criticism and comforts the people with good news or none. This concept of leadership is in sharp contrast to Jefferson's conviction that the people must be kept attentive by enlightening them, and that democracy needs the fertilization of dissent if it is not to wither like a plant without water.

But if what I have been saying seems too contemporary for a memorial lecture, my excuse is that these attitudes about leadership are not new. Thomas Jefferson knew them well. Indeed, they represent one of the two enduring polarities of thought around which our political life has centered. What distinguished the Federalists, the Whigs, and in our day the Republicans from the party that Jefferson founded is that their leaders never really trusted what he called "the good sense of the people." Instead, they felt that the business of government should be left in the hands of those who believed they knew best.

This distinction was perceived by Tocqueville more than a hundred years ago. He called it a division "between two opinions which are as old as the world * * * the one tending to limit, the other to extend indefinitely the power of the people." This is a moral issue that has always kindled strong feelings, and he concluded that whenever America lost this distinction dividing the two parties, "her morality * * * suffered by their extinction."

Jefferson, too, discerned a natural division of men into opposing parties in every free and deliberative society—with each taking his side according to his fear of or confidence in the good sense of the people. And although historical parallels are never exact, we can see similarities between the central issue of today—the right of the people to know—and the one that the Nation faced in what Jefferson called the momentous crisis of 1800.

Then, too, the Nation had recently experienced an effort to suspend political debate, a drift away from government through discussion and toward a curbing of criticism. Even Washington, a military and world hero, cautioned in his Farewell Address against those self-created societies that had fomented so much political dissent. He spoke warmly of respect for law and order, little upon the subject of liberties and not at all upon the right to criticize. And at the close of the 1790's, this tendency reached its most extreme form in legislation which sought, in the name of national security, to apply a checkrein to criticism of public officials.

To Jefferson, this tendency to stifle debate struck at the very heart of our idea of government by consent, the moral foundation on which government rested. That is why I think he would be dismayed at today's public relations techniques which are designed to smother political debate with images, slogans, and catchwords. In 1952, you remember, it was "communism and corruption" and "I shall go to Korea." In 1956, it was "I like Ike" and "peace, progress, and prosperity." And in 1960 it will probably be something about "7 wonderful years"—or more accurately, "7 comfortable years."

But whatever the slogans that are being tooled for us this year, we who trust the good sense of the people must report the facts and raise the questions the people must answer. In Jefferson's phrase, we must cherish the spirit of our people, even though we will no doubt be accused of gloom and doom, extravagance, hysteria, socialism and, if Mr. NIXON again lets himself go, of something just short of treason. For, as Jefferson once said, "No experiment can be more interesting than that which we are now trying, and which we trust will end in establishing the fact that man may be governed by reason and truth. Our first object should therefore be to leave open all the avenues to truth."

In the months ahead, I hope his party, the Democratic Party, will open up the avenues to many truths, avenues that have been obscured too long. The people have a right to know why we have lost our once unquestioned military superiority; why we have repeatedly allowed the Soviets to seize the diplomatic initiative; why we have faltered in the fight for disarmament; why we are not providing our children with education to which they are entitled; why—nearly a century after the 14th and 15th amendments—all of our citizens have still not been guaranteed the right to vote; why we spend billions of dollars storing surplus food when one-third of humanity goes to bed hungry; why we have not formulated an economic development program geared to the worldwide passion for economic growth; why we have failed to win the confidence and respect of the billions of impatient people in Asia, Africa, and Latin America; why millions of Americans lead blighted lives in our spreading urban slums; why we have fewer doctors per capita than we did 50 years ago and pay more for our medical care than ever before; why we spent more money last year on tranquilizers than on space exploration, and more on leisure than on learning; why the richest nation in the history of the world cannot support the public services and facilities we must have not only for world power but for national growth and opportunity.

The people have a right to know—and their leaders have a duty to tell them—the truth about the nature of our crisis and the dimensions of the problems that will have to be faced by the next administration. We are entering a decade of great decisions affecting our nation, our civilization and our very survival as human beings—a decade as fateful for the Republic as the one that began with Jefferson in 1800, and the one that began with Lincoln just a hundred years ago, in 1860. And one of the first of these decisions will be to select new leadership—leadership that will treat Americans as grown up people, that will help us understand our choices and our dangers, and how to cope with them.

The next President's task is heavier than any autocrat's because in the decade of the 1960's democracy and the slow process of persuasion must match the efficiency of central planning and the swiftness and certainty of dictatorial decision. Our chief executive will have to be a man who agrees with Franklin Roosevelt's definition of the Presidency as "preeminently a position of moral leadership," and who deeply believes, as Jefferson did, that "the spirit of liberty, when conducted by public virtue, is invincible."

Jefferson was this kind of President. In 1800, we as a nation were a defenseless confederation standing at the mercy of two great world powers. Yet this was the nation that Jefferson proclaimed to be the strongest on earth, not because of its military might or its productive capacity—for it had little of either—but because its people believed profoundly in a moral purpose from which they could not be swayed, even when men in office sought to curb their energies and suppress their criticisms.

Jefferson believed that the American revolution belonged to all mankind. "The inquiry which has been excited by our revolution, and its consequences," he said, "will ameliorate the condition of men over a great portion of the globe." There was no lethargy in 1800, no confusion about our values or objectives. Excitement was in the air, for we stood as a nation at the head of a crusade for freedom that was just beginning to unshackle humanity from the servitude of centuries.

Today we are no longer poor and defenseless. We are by far the richest nation on earth and, until recently, the most impregnable. Yet, ironically, our actions have been timid and irresolute. Our leaders talk of freedom—and embrace dictators. We do not act as frightened as we did during the shameful McCarthy era. But to millions of people just emerging from feudalism or colonialism we still look like a nation that has forgotten its revolutionary heritage and moral purpose, and that prefers the political status quo, business profits, and personal comforts to the traditions on which our Republic was founded.

Rich and endowed as we are, the dominant concerns of our leadership have been almost wholly defensive. Our foreign policy has been dominated by sterile anticommunism and stupid, wishful thinking. our domestic policy by fear of inflation and mistrust of government. We offer aid less to help others than to shield ourselves. We have been reassured on the one hand that America has never been stronger or more prosperous or more respected in the world. And on the other hand, we have been warned that in spite of a gross national product of $500 billion, bankruptcy stares us in the face if we divert any more of our wealth from private self-indulgence to the urgent task of meeting the challenge of a totalitarian society, already growing faster than ours, whose leaders are determined to remake the whole world in their own image.

And our leaders tell us in effect that if we can just balance the budget and produce more consumer goods, the Soviet challenge will somehow disappear.

This is dangerous deception. It is impossible to spend years traveling around the world, as I have, without a disquieting awareness of the thrust and purpose of Soviet society. Its leaders believe in their revolution as the leaders in the American Revolution believed in theirs. They are quietly confident that it will sweep the world, that collective man in a collective state is the ultimate unfolding of human destiny. Their agents are everywhere. No effort is too great that may help to realize their goals, and no corner of humanity is too insignificant to those who believe the whole human race is destined to become one in Communist brotherhood.

And beyond Russia, in a nation that our leaders pretend does not exist, there is an even greater thrust of power and purpose by 650 million Chinese under a system even more disciplined and under leaders even more dedicated to the triumph of their fanatical dream.

Our own leaders have deceived us by underrating the magnitude of the crisis. But haven't we, as a people, also deceived ourselves? The harsh verdict of history will be that our Nation was quiescent and complacent, content with illusions; that we failed to insist, through our press and other agencies of opinion, that all the avenues to truth be kept open.

Our strength does not lie in the iron discipline of the state. Nor does it lie in the balance of a budget. It does not even lie in the productive capacity of our farms and factories. These are instruments of power, and we must wield them to accelerate our growth. In the final analysis, as Jefferson said, our national strength lies "in the spirit and the manners of the people." And late in life, Jefferson reflected upon the good fortune that "the full experiment of a government democratical, but representative, was reserved for us." But knowing that we would never be a perfected society and should never think of ourselves as one, he added, "and is still reserved for us."

The experiment, he knew, could never be concluded. Political action alternates endlessly between the great poles of attitude that determine policy. Periods of high purpose and endeavor yield to periods of complacency and relaxation, eras of energy and innovation are supplanted by eras of static timidity, stages of high public virtue are succeeded by stages of moral confusion, long years of struggle over mountainous terrain are followed by years of slumber in green valleys.

We are emerging—we must emerge—from one of these valleys today with leaders who will have the courage to tell us the truth, the heart to inspire us and the energy and wisdom to show us the way. We do not have such leadership now. Early this year RICHARD NIXON admitted that a crisis provokes demands that the President "lead the people up to the mountain top." And he added that this was the easy way, but not often the wise way. Mr. NIXON is wrong. It is the wise way. But it is not the easy way.

And today, Jefferson would not understand why anything should stop us from showing this restless, inquisitive world—only now beginning to sense its common humanity—that our free civilization is just as vigorous as the Soviet civilization, and that we Americans are just as capable of great deeds as we were when our frontier was not the wilderness of space but the wilderness of our own continent.

"We are never permitted to despair of the commonwealth," said Jefferson. To do so would be the ultimate treason, the last refuge of the faithless citizen. But hope, in the face of universal and revolutionary change, cannot be sustained by platitudes and pieties. Publicity photographs are no substitute for making decisions; personal appearances in foreign capitals, for the hard work of imaginative diplomacy. Nor can we longer let our fears and mistaken priorities deter Federal action where Federal action is needed on defense, on education, on civil rights, on housing and slums, on industrial strife, on farm income and surpluses, on water resources, on the cost of medical care—on all the problems that affect the strength and well-being of the whole Nation.

These have been tranquil, comfortable years, but the great decisions have been postponed. This is why the year 1960, like the year 1860 and the year 1800, is one in which the issues transcend all the usual political passions of a quadrennial election. This year we will be making a choice between two approaches. We shall have to decide whether to go on putting private consumption first or shift the first priority to our public needs. Not long ago, the Chairman of the President's Council of Economic Advisers said, "As I understand our economy, its ultimate purpose is to produce more consumer goods. This is the objective of everything we are working at: to produce things for consumers."

This preference for private indulgence to public need is a far cry from the ideals expressed by Thomas Jefferson. So long as this kind of thinking prevails in our leadership, America will continue to entice talented young people into entertainment rather than teaching; into high-priced psychiatry rather than low-cost public health. And America, as a nation, will be the weaker for it.

We can no longer pretend that the challenge of the 20th century can be met with better detergents and more toothpaste—with private opulence and public squalor. It can only be met with better education and more attention to our public needs.

But to achieve a greater tempo in the development of national power, our President has told us that we will have to "take our country and make it an armed camp and regiment it * * * and get people steamed up like you did in wars."

Is the President saying that we cannot meet the Communist challenge without changing our system and giving up our freedoms? Is he saying that our system of liberty is so fragile that it cannot keep up the pace in this great contest of national power? Is he saying that with a $500 billion economy the Nation will be imperiled if it devotes a somewhat larger share of its resources to public purposes?

This is the language of those who fought Jefferson in 1800. It is the language of those who fought Roosevelt's great initiative, the New Deal, at another time of decision nearly 30 years ago. It is the language of those who have no confidence in the good sense of the people.

But our national character has not deteriorated beyond repair in this period of leaderless lassitude. Whatever their condition, Jefferson believed in the capacity of the people to rise to greatness once they know, once they are told, once they are summoned. In 1800 he brought a drifting Nation back to a sense of its proper mission, not for the sake of any narrow, selfish nationalism but for those maxims of a free society that Lincoln reaffirmed in 1860.

So now he would call upon this still young, still vigorous Nation to rouse itself and resume the everlasting work of preserving the blessings and security of self-government.

His power, his leadership, did not come just from the fact that he was a philosopher-statesman, a teacher, and that, in Henry Adams' phrase, he dared to legislate for all humanity. Rather his power lay in his unshaken confidence in the capacity for good in human beings, a confidence based not on fatuous illusions but on a clear, hardheaded realization that only on such a foundation could "the last best hope of earth" endure.

Jefferson's use of the power of the Presidency communicated a respect for the intelligence as well as the virtue of the people. As the avenues to truth are opened up, he would expect the people to understand the gravity of the issues and the decisions that lie before them. This is the Jeffersonian mission—the sacred obligation that confronts all Americans who honor his name today—the overwhelming challenge, the exciting opportunity to show the world that the American Revolution still belongs to all mankind.

TRIBUTE TO JACK BELL, AUTHOR OF "THE SPLENDID MISERY"

Mr. MONRONEY. Mr. President, most of us know Jack Bell, of the AP. We know him as an objective, dispassionate reporter who chronicles the facts without opinion or interpretation in an embodiment of the very core of Associated Press tradition.

We see another side of Jack Bell in his new book, "The Splendid Misery," a bestseller. Here we observe, not detachment, but strong opinion. The style is neither that of a news writer nor of a historian dealing with a dead past. Jack Bell has used his many years of first-hand experience in Washington to give his story of the Presidency color and interest, but he also has done the deep research to place the facts in perspective.

In "Splendid Misery," the past is comprehensible because of the contrast shown to recent events with which we already are familiar. Similarly, the present becomes more understandable because the author interprets it in the light both of the recent past and earlier epochs.

There is much of interest to Senators in this book and there is a great deal of pride in it down in Jack's former State of Oklahoma. I ask unanimous consent to have printed at this point in the RECORD a review of his book from the Daily Oklahoman, the Oklahoma City paper where he once served as city editor.

There being no objection, the book review was ordered to be printed in the RECORD, as follows:

REPORTER LOOKS AT OUR LEADERS

(Review of "The Splendid Misery," by Jack Bell)

(By Paul Hood)

A reporter, particularly a press association reporter, is bound to a creed of objectivity. So when he breaks out of the bounds of his everyday writing assignment and into the comparative freedom of the pages of a book, he usually has some definite opinions waiting to be uncorked.

Jack Bell, an experienced Washington Associated Press reporter who worked in his early years on the Daily Oklahoman and Times, lets fly with plenty of opinions in this study of the presidency and the men who have filled it. With some of them you'll agree, while others will strike sparks. The net result must inevitably be a better understanding of our Government.

While there is more than a smattering of history in this study, the book is much more concerned with the present and immediate past. As such it offers one of the first comprehensive and critical estimates of the Eisenhower administration (and a not very flattering one). Written by a man who has had a close working knowledge of the Government and the personalities involved, the book is no effort to flaunt the "I was there" theme. Bell rarely projects himself into this stream of history, and then only to lend a needed touch of authenticity to the story.

The newsman hopscotches through history to draw contrasts and parallels among various individuals' approaches to problems of the presidency. Sometimes this makes for a jerky and disconnected treatment that leaves the reader uncertain as to the period under discussion.

Out of it all you sense the feeling of frustration on the part of a skilled observer when he believes the full powers of leadership are not exercised for the Nation's benefit. And you see his admiration when, even though constitutional authority may be exceeded, a strong personality grabs the initiative and pushes a positive, aggressive program. In this respect Presidents such as Jackson, Lincoln, the two Roosevelts and Truman draw the author's praise.

In a year when all should be considering the qualifications of a man for occupancy of the White House, Bell's well-documented analysis of the triumphs and failures of the past could be extremely helpful in influencing your ballot decision.

LEAVE OF ABSENCE

Mr. MONRONEY. Mr. President, as most of my colleagues are aware, I have been assigned to represent the Senate at the meeting of the Executive Council of the Interparliamentary Union which will be held next week in Athens, and I should like at this time to formally request the permission of the Senate to be absent for this purpose during the week beginning April 18.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, it should also appear in the RECORD that the Senator from Oklahoma is representing the Senate at the meeting at the request of the Senate leadership.

Mr. MONRONEY. I thank the Senator for that statement. I deeply regret that the program in the Senate will be such next week that other Members of the Senate will be unable to be present at the meeting in Athens to represent the Senate.

NOMINATION OF JAMES R. DURFEE TO BE A JUDGE OF THE U.S. COURT OF CLAIMS

Mr. MONRONEY. Mr. President, I had intended to make some brief comments at the time the Senate considered the nomination of the Honorable James R. Durfee, present Chairman of the Civil Aeronautics Board, to be a judge of the U.S. Court of Claims. I now understand that this matter will be considered by the Senate next week during the time when I will be absent. I shall, therefore, make my comments at this time, and ask unanimous consent that I may proceed for 10 minutes for this purpose.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Oklahoma is recognized for 10 minutes.

Mr. MONRONEY. Mr. President, I support the confirmation of the nomination of the Honorable James R. Durfee, of Wisconsin, who has been appointed by the President to be judge of the U.S. Court of Claims.

I regret that in this matter I find myself in opposition to the position taken by my friend the distinguished junior Senator from Wisconsin [Mr. PROXMIRE], since I am convinced that his opposition is quite sincere, and because all of us are inclined to give great weight to the recommendations of the Senators from the home State of a nominee.

However, in the case of Jim Durfee I feel that I have a clear duty to the Senate to support his nomination and to comment on some of the charges which have been made against him. I do not purport to judge whether his background and experience properly equip him in a professional way for service on the Court of Claims. This is a matter which has been carefully considered by the Committee on the Judiciary, certainly the Members of the Senate best able to make such a judgment, and that committee has unanimously concluded that the nominee is well fitted for the office to which he has been named.

Rather, my responsibility in connection with this nomination arises from the fact that questions have been raised as to the propriety of certain conduct by the nominee during the time that he has been Chairman of the Civil Aeronautics Board. During the entire 4 years of his service on the Board, I have served as Chairman of the Aviation Subcommittee of the Committee on Interstate and Foreign Commerce, and therefore have probably had more direct contact with James Durfee and a more adequate basis on which to evaluate his service as Chairman of the Board than any other Member of the Senate.

I can say to Senators in all sincerity that that service has been distinguished by Mr. Durfee's diligence, courage, and fairness. I know James Durfee as a man of great integrity and great dedication. I know of no public official whose elevation to the Federal judiciary I could more enthusiastically support.

A member of the Civil Aeronautics Board, and particularly its Chairman, must constantly seek to find the public interest in matters where private interests are conflicting. Not only must he pass upon the competing claims of individual airlines for a particular route, but what is even more difficult he must constantly pass upon the competing claims of different segments of the aviation industry. He must weigh the effect of the Board's actions not only upon trunk carriers, but upon local service carriers, all-cargo carriers, supplemental carriers—and each group's interests are frequently in conflict with those of other groups. He must weigh the impact of the Board's actions upon municipal and State aviation authorities and upon

fixed base operators. During most of the time which James Durfee has served as a member of the Board its responsibility extended not only to economic regulation, but to traffic control, safety regulation, and accident investigation. Throughout this constant clamor of conflicting interests, a member of the Board is faced with the almost impossible task of dealing fairly with all of them and yet maintaining an overriding concern with the interests of the general public.

I know of no member of the Board during my experience who has succeeded more brilliantly in fulfilling this most difficult role. I know of no single carrier or group of carriers who has ever expressed, either publicly or privately to me, the slightest misgivings as to James Durfee's integrity or fairness.

More than this, however, James Durfee's service as Chairman of the CAB has been distinguished by the vigor of his response to the first and primary admonition of the Federal Aviation Act:

> In the exercise and performance of its powers and duties * * * the Board shall consider * * * as being in the public interest * * * the encouragement and development of an air transportation system properly adapted to the present and future needs of the foreign and domestic commerce of the United States, of the postal service, and of the national defense.

It is this admonition which not only explains, but justifies, the conduct for which James Durfee has been subjected to criticism.

Three incidents have been called into question in the course of the hearings on the nominee's confirmation. Two of them involve his participation in inaugural flights by U.S. international carriers, one to Mexico City and one to Rome. I do not intend to discuss either of these incidents in detail, for I believe they have absolutely no bearing upon the question before the Senate. I assure Senators that it has been customary for members of the Board to participate in such inaugural flights to foreign countries as a matter of carefully considered Board policy. Such participation has taken place for as long as I have any recollection, because it is in connection with the inauguration of a line carrying the American flag to new areas of the world.

There are a number of excellent reasons for this policy. One is that it affords an opportunity for members of the Board to meet and become acquainted with foreign officials with whom they must negotiate bilateral agreements in behalf of the United States. American planes cannot land at foreign airports unless the United States has bilateral agreements with the foreign nations concerned. More important, since such flights normally represent the fruits of successful agreements, their failure to do so might well be considered as an official diplomatic affront.

I cannot help but remark in passing that because of the serious attitude which James Durfee has toward his administrative responsibilities as Board Chairman, his participation in these occasions has been infrequent. I would also say that his choice of the flights to Rome and Mexico City—the two which he has made—seem to me to show excellent judgment in selecting those in which he would take part.

It is perhaps more difficult for some of my colleagues to understand the third incident for which Chairman Durfee is criticized—his attending with a number of other people a meeting at Pinehurst, N.C., where he was the guest of two carriers, Flying Tiger Line and Overseas National Airways. I can only say to my colleagues that it was an extremely useful meeting, and that had Chairman Durfee consulted me in advance, I personally would have urged him to attend.

Because he takes seriously the statutory admonition to encourage and develop an adequate air transportation system, Chairman Durfee has actively participated with Mr. E. R. Quesada, Administrator of the Federal Aviation Agency, members of our committee, and similar committees in the House, in efforts to solve what is one of the most basic and most difficult of the problems facing American aviation today: that is, the proper role of civil aviation in meeting military airlift requirements.

The meeting at Pinehurst was for the purpose of discussing these problems. It was attended by the deputy commander of the Military Air Transportation Service; another member of the Civil Aeronautics Board in addition to Mr. Durfee, representatives of three carriers engaged in international air transportation—one a trunk carrier, one a cargo carrier, and one a supplemental carrier—and a number of distinguished former officials of the Department of Defense. The kind of prolonged and relaxed discussion which occurred could only have taken place in relative privacy, away from the demands of a hectic Washington office, particularly the office of the Chairman of the Civil Aeronautics Board. The different groups which participated were acting from competing positions and represented different points of view.

I will also say to my colleagues that if participation in such a meeting is to be condemned, then not a single responsible official concerned with civil aviation would escape censure. During the last few years we have met with the military, with the presidents of airlines, with carrier operating personnel, with economists, and with bankers. As a result of these meetings, the most fruitful of which have been informal social occasions, we have made substantial progress in mutual understanding of our problems and in finding common approaches to their solution. In this effort no one has contributed more than has the present Chairman of the Civil Aeronautics Board, whose appointment to a vacancy on the Court of Claims is being considered.

The necessity for informal consultation with industry representatives and others by members of the Civil Aeronautics Board is not confined to special problem areas such as military air transportation. Such meetings have occurred and must occur with respect to a wide range of matters in which the Board is interested. For example, only recently members of the Board have participated in off-the-record conferences in connection with aviation safety in efforts to prevent recurrence of some particularly alarming aviation accidents. They have conferred on subsidy problems with local service carriers to explore informally possible approaches to reduction in the present level of subsidy payments. They have conferred with carriers on the problems connected with the air transportation of nonpriority mail. I would emphasize that this is a far different thing from discussing the issues in a contested proceeding between two or more carriers with one of the interested parties in the absence of the others. Rather, these meetings represent efforts to find solutions to problems which are industrywide and on which the Board must remain available to the carriers and must seek useful suggestions and ideas from every source within the industry without being inhibited by an atmosphere of suspicion and distrust because these carriers are also litigants before the Board in connection with other matters.

Chairman Durfee has aptly described the role of the Board in the hearings on the confirmation of his nomination:

> We in the regulatory field are sometimes told that we should at all times maintain the same judicial aloofness from the industry which we regulate as judges do from litigants. As to matters involved in adjudication following hearings on the record, this is correct. But the Board is not entirely a court. It is also a quasi-legislative body, with powers to make, as well as judge, law in aviation, within the rulemaking powers delegated to it by Congress.
>
> In defining these powers of the Board, Congress at the outset directs the Board to encourage and develop an air transportation system properly adapted to meet the present and future needs of the foreign and domestic commerce of the United States, of the postal service, and of the national defense. In essence, we are directed to promote aviation in these three directives. There are those who criticize these dual quasi-legislative—quasi-judicial functions of the Board as imposing inconsistent standards of ethical conduct, but, Mr. Chairman, that is the law under which the Board operates.
>
> Generally speaking, the courts construe and apply the statutory law as Congress writes it in arriving at their judgments. Courts are not expected to promote or develop aviation or any other business. The Board is not only expected to do this, it is directed and required to do it by Congress.
>
> We certainly do not go about this promotion and development of aviation in the aloof atmosphere of a courtroom or the strict isolation of a judge's chambers. We work with this industry every day to encourage and develop aviation. That is a very important part of the job that Congress has directed us to do.

Each Member of the Senate must arrive at his own judgment as to propriety of any conduct on the part of a Government official. Many of us I am sure would reach different conclusions as to particular conduct, but one's judgment of a man must be based on more than a single incident.

So my judgment of James Durfee, and perhaps the construction which I place on these individual incidents which have been criticized, must be based upon my knowledge and observation of him in one of the most difficult jobs in our Government over a period of 4 years. On the

basis of that knowledge and that observation, I can only say to my colleagues again that it is my personal conviction that James Durfee is a man of stature, of integrity, and of courage, and that he will serve with distinction and with honor in any task to which his country calls him.

AMENDMENT OF MOTOR VEHICLE SAFETY RESPONSIBILITY ACT OF THE DISTRICT OF COLUMBIA

The PRESIDING OFFICER. The hour of 2 o'clock has arrived; and the Chair lays before the Senate the unfinished business, which will be read by title.

The LEGISLATIVE CLERK. A bill (S. 2131) to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954, as amended.

WIRETAP BAN—AN OPEN LINE FOR CRIME

Mr. KEATING. Mr. President, last week I introduced a bill (S. 3340) which would make it clear that no Federal law prohibits court-authorized wiretapping by State law-enforcement officials. I have previously introduced a more comprehensive measure (S. 1292), which would regulate all forms of eavesdropping, including wiretapping. In my opinion, it is essential that legislation in this field be enacted at the earliest possible time by Congress. In the case of New York, which has its own very carefully devised program for regulating all forms of eavesdropping, what is particularly needed is enactment of the bill which would revalidate the provisions of the New York statutes. The same is true of at least two other States—Maryland and Oregon—and probably of others which have similar statutes.

The difficulty in New York is, however, that a decision of a State court has enjoined the law-enforcement officials from introducing such evidence in criminal cases, because of the fact that to do so would violate a Federal law.

The problems in this field have received considerable attention in the New York press. There have appeared in many newspapers throughout the State editorials endorsing the principles of the legislation I have proposed on this subject.

Incidentally, similar proposed legislation has been introduced in the other body by the distinguished chairman of the Judiciary Committee of the House of Representatives, Mr. CELLER.

Recently, one of New York's leading newspapers, Newsday, published a series of articles, by Michael Dorman, entitled "If Wiretaps Are Banned—An Open Line for Crime." This series describes many important examples of the serious law-enforcement problems which have arisen as a result of the inadequacies of the present laws on this subject. In an editorial commenting on this series, Newsday concluded that wiretapping should be permitted by Federal and State agents under "strict controls," and that at the same time "eavesdropping by the unauthorized for purposes of curiosity, blackmail, and so forth, should be flatly outlawed." This dual objective is the goal of both measures which I have introduced on this subject.

Mr. President, this series of articles and the editorial in Newsday should be considered by all Members of the Congress who are interested in dealing with this vital problem of law enforcement. I, therefore, ask unanimous consent that the editorial and the Newsday series of articles be printed at this point in the RECORD.

There being no objection, the editorial and the articles were ordered to be printed in the RECORD, as follows:

[From Newsday, Mar. 25, 1960]

THE WIRETAPPING PROBLEM

The third article of a series by Michael Dorman on wiretapping appears on page 1–C of today's paper, summing up the inconsistencies of the Federal communications law. This forbids "eavesdropping" on phone, radio, and other wire communications, and the divulging of information thus obtained.

The Federal courts have held that investigators from the FBI or other Government law-enforcement agencies may make a wiretap, but what they hear cannot be admitted as evidence. Thus the FBI knew through a tap the names of the 11 gangsters who carried through the $1,200,000 Brink's holdup in Boston for a full 5 years before arrests could be made—and then only because one of the gang confessed. In other cases, notably that of the spy Judy Coplon, known offenders have gone scot free because wiretapping was used to collect information leading to an arrest.

In New York State, up to now, wiretapping has been permitted police and prosecutors subject to approval by a judge, and admitted as evidence. A recent decision by the circuit court of appeals places even this limited prerogative in jeopardy. Manifestly, the law has to be changed. It should be available to Federal and State agents alike under strict controls; and at the same time eavesdropping by the unauthorized for purposes of curiosity, blackmail, etc., should be flatly outlawed.

This ambiguous law has to be made more specific. Otherwise, criminals and traitors will continue to go free. The safety of our country, as well said by Senator KENNETH B. KEATING, Republican, of New York, must be paramount.

[From Newsday, Mar. 23, 1960]

IF WIRETAPS ARE BANNED—AN OPEN LINE FOR CRIME

(By Michael Dorman)

Did you know that Judy Coplon was caught redhanded giving secret Government documents to a Soviet agent?

Did you know that she walks free today, not because of moral innocence, but because FBI men were led to her rendezvous by a wiretap?

Ex-Justice Department employee Coplon was turned loose under a legal provision that has long hamstrung Federal investigations: A Federal court defendant cannot be convicted on the basis of evidence gathered—directly or indirectly—through a wiretap. It makes no difference that the wiretapped conversation itself is not introduced in evidence. The defendant may go free merely if the tap plays a significant role in providing clues that lead to his arrest.

Now, officials in New York and elsewhere are expressing grave fears that appeals court rulings are about to extend the Federal ban on wiretap evidence to the State courts. They feel this would cripple law enforcement—compelling the average lawman to struggle with one legal arm tied behind his back in the battle against such resourceful criminals as kidnapers and syndicate racketeers.

Though the problem of wiretapping has tormented legal experts for years, the tap cases with perhaps the most far-reaching consequences have been argued in court only in the last 7 weeks. February 11, Judge Harold Medina handed down a majority ruling for the Second U.S. Circuit Court of Appeals in New York— a ruling that strikes at the very heart of legalized wiretapping in New York and other States. The ruling granted a temporary injunction preventing the use of wiretap evidence in the Bronx County Court trial of Burton Pugach, a Westchester attorney accused of hiring three men to throw blinding lye into his former fiance's eyes.

The effect of the decision was to delay Pugach's trial pending a permanent ruling by the circuit court on whether tap evidence is admissible in any court—local, State, or Federal. It became immediately apparent that court orders such as the Pugach temporary injunction could be used by defense attorneys to seek interminable delays in cases involving wiretap evidence—unless a later ruling or new legislation resolved the murky legal situation.

O'ROURKE LOST HIS BID

Attorneys for East Coast Teamster Boss John J. O'Rourke, on trial in Mineola on juke box extortion charges, promptly walked into Federal court and demanded the same kind of ruling granted in the Pugach case. They were turned down on the basis that O'Rourke's trial was already under way, while the Pugach trial had not yet started. But Nassau prosecutors, fearful that a conviction might be reversed if wiretap evidence were used, have postponed introducing such proof in the hope that a new ruling will clear up the current muddle. Both the Pugach and O'Rourke cases seemed destined for the Supreme Court.

There have been many attempts over the years to pin the blame on the parties responsible for what Attorney General Rogers calls the "thoroughly unreasonable and unrealistic" Federal wiretap law. Some critics blame the Supreme Court. But most experts put the chief responsibility on Congress for permitting a vast superstructure of confusing court rulings to be built around a "sleeper" of 31 obscure words slipped into the Federal Communications Act of 1934.

The fact that these 31 words were not intended as definitive legislation on wiretapping seems clear when you consider that the wiretap issue was never even mentioned in Congress during the debate leading up to passage of the 20,000-word act. Apparently, Congress intended the 31 words to prevent indiscriminate taps by private detectives and other citizens. But the effect has been to restrict the crime-busting tactics of Federal agents.

The crucial words of the act ban "eavesdropping" on phone, radio, and other wire communications in this language: "* * * no person not being authorized by the sender shall intercept any communication and divulge or publish the existence, contents, substance, purport, effect or meaning of such intercepted communications to any person. * * *" Of the 31 words, the most significant is "divulge." This lone word represents a vast gulf between the positions on wiretapping taken by the States and the Federal Government.

Under the Federal statutes, it is legal for an FBI man to make a tap, provided he does so with the permission of top Justice Department officials. But it is illegal for him to "divulge" what was heard during the tap, either on the witness stand or elsewhere.

Some experts claim he has no right to tell what he heard even to other FBI agents. But the Supreme Court has held that the Government constitutes a single legal "person" and G-Men therefore may inform other Government personnel what was said during a tapped conversation.

The practical effect of court rulings has been to force Federal agents to use the wiretap merely as a means of uncovering crime and espionage—rather than a means of proving cases in court. As the Coplon case illustrated, FBI use of the wiretap is so restricted that agents cannot even base a criminal complaint on wiretap information, but must develop other evidence sufficient to warrant an arrest.

Four-fifths of the States, including New York, have laws permitting taps by peace officers, generally with permission of a judge. But now, prosecutors fear, this valuable weapon is about to be taken away. If they read the signs properly, the Federal courts are preparing to decide that the Federal law overrules all State wiretap laws.

Tomorrow: Case histories; wiretaps at work.

[From Newsday, Mar. 24, 1960]

IF WIRETAPS ARE BANNED—AN OPEN LINE FOR CRIME

(By Michael Dorman)

Did you know that the FBI learned the names of the 11 hoodlums who pulled the $1,200,000 Brink's holdup a full 5 years before any arrests were made?

Did you know that FBI agents were helpless to make the arrests until 4 days before the statute of limitations would have run out—freeing the robbers from prosecution? Did you know that the Federal men, after breaking the case, turned it over to State prosecutors in Boston? And did you know that all this came about chiefly because of quirks in the Federal wiretap laws?

Though no wiretapped conservations were introduced as evidence in the State court trial, Newsday learned that a tap provided a key clue that enabled FBI agents to track down the holdup gang. For 5 years, the G-men were frustrated in efforts to round up the holdup men.

They knew they could make no arrests on the basis of wiretap evidence. For not only is such evidence inadmissable in Federal court, but any arrest based on significant clues provided by a wiretap is illegal under Federal law—without other evidence sufficient to warrant a complaint. The G-men had the wiretap—but not the other evidence from 1950 to 1955.

ONE TURNED INFORMER

Finally, in January of 1956, Joseph (Specs) O'Keefe, knowing of the wiretap and fearing he was marked for death by fellow gang members for beefing about his cut of the loot, loosened his tongue. He squealed first to FBI agents, then to a Boston grand jury. The FBI rounded up the other gang members and turned them over to State authorities, who used O'Keefe as a star witness in sending the majority of the robbers to prison for life.

The Brink's case provides an excellent example of what could happen if the right to wiretap were taken away from both Federal and State officers; or if evidence stemming from a tap were outlawed in State trials under a Federal court ruling. Lawmen and prosecutors fear this kind of decision may be in the offing. Under such a ruling, many of the Brink's robbers—all professional hoods, one with a record of 63 arrests and another a convicted killer—might still be walking the streets.

Law enforcement people point to scores of criminals who were put behind bars with the help of wiretaps. They mention syndicate racketeers such as gambling kingpin Frank Costello of Sands Point and Manhattan; kidnapers such as Angelo John LaMarca, who went to the electric chair after handwriting specimens and wiretaps led to his arrest for stealing 33-day-old Peter Weinberger from a baby carriage in Westbury and later leaving the child to die; political bosses such as Huntington GOP strongman John Hulsen, convicted last year in a major Suffolk scandals case.

The lawmen point also to numerous cases where taps established key evidence of official corruption, links between politicians and gangsters, subversive activities and labor-management racketeering. While not all of this evidence resulted in criminal convictions, it was put to good use in forcing reforms. Conversely, peace officers, prosecutors, and Government officials point to a number of miscarriages of justice and catastrophes that might have been averted if use of wiretaps had been permitted. For example, some FBI men feel the Pearl Harbor disaster could have been prevented if the Federal Communications Commission (FCC) had allowed G-men and intelligence officers to intercept Japanese messages in the days just before the sneak attack.

This opinion was bolstered by the report of a commission which investigated the Pearl Harbor affair. Associate Supreme Court Justice Owen J. Roberts, who headed the commission, advised President Roosevelt: "Efforts were made by the FBI to uncover espionage activities in Hawaii * * * (but) restrictions imposed (by the FCC) prevented resort to certain methods of obtaining the content of messages transmitted by telephone or radio telegraph over the commercial lines operating between Oahu and Japan."

THE COSTELLO WIRETAPS

Wiretaps were used by Manhattan District Attorney Frank Hogan, congressional investigators and other corruption-hunters to link racketeer Costello with such assorted figures as former New York Mayor William O'Dwyer, Lido Beach Gangster Thomas (Three Fingers Brown) Luchese, and Roosevelt Raceway officials.

In hearings before the Kefauver committee, wiretap evidence gathered by New York police under a court order was used to establish that raceway officials paid Costello $600,000 to help solve problems at the raceway. Costello claimed his sole mission was to chase bookies from the raceway, but the wiretap evidence included a statement from a raceway official to the racketeer that "we can't jeopardize the bookmakers." Costello never explained the inconsistency, nor did he explain references to the fact that Costello was the boss.

KIDNAPER'S VOICE HEARD

In the LaMarca case, wiretaps helped greatly in bolstering the identification of the kidnaper. One man on the inside of the investigation said: "The taps helped us tremendously. They gave us the kidnaper's voice right on the tape, telling the Weinbergers exactly where to leave the ransom money—in a bag made from pieces of an automobile seat. The seat was later found and linked with the material in the bag. Taps also were responsible for our catching at least one of a number of cranks who had been phoning the Weinbergers."

The Hulsen case was perhaps a classic in demonstrating the difference between a trial in which wiretap evidence is used and one where it is not used. No tap evidence was introduced in his first trial on charges of trying to shake down businessmen with threats of his vast political power. The verdict: Not guilty. In his second trial, tap evidence was used to substantiate evidence similar to that in the first case. The verdict: Guilty. The sentence: 2½–7½ years in Sing Sing.

[From Newsday, Mar. 25, 1960]

IF WIRETAPS ARE BANNED—AN OPEN LINE FOR CRIME

(By Michael Dorman)

("I daresay that the most violent critic of the FBI would urge the use of wiretapping techniques if his child were kidnaped and held in custody."—J. Edgar Hoover.)

These words from FBI Director Hoover take the problem of wiretapping out of the realm of abstract legal theory and place it squarely in perspective for any parent. What would you do if your child were kidnaped? Would you want lawmen to use every means available—including wiretaps—to bring the child back alive? Or would you tell the officers not to employ any taps, for fear of invading the kidnaper's privacy?

The answers are obvious. Perhaps some critics of wiretapping might accuse Hoover of resorting to emotional appeals in bringing the safety of small children into the long-standing debate over use of taps. But there is no disputing that wiretaps have often been used effectively in cracking cases where lives of both children and adults have been at stake.

Hoover's opinions on the necessity of wiretaps, voiced often in the past, are now more appropriate than ever. They are being echoed and amplified by law enforcement experts all over the country in a drive to obtain new legislation or court rulings that will clearly spell out the right of lawmen to employ taps in rooting out crime.

Prosecutors fear that recent rulings by Federal appeals judges threaten to take away the time-honored rights of local and State lawmen to make taps and use tap evidence in court. If such rulings become the law of the land, penalties up to 1 year in prison and $10,000 fines could be imposed on officers, district attorneys, even judges who make possible wiretaps authorized under State laws. For that reason, several New York judges recently have refused to sign court orders permitting police to make taps.

OUTSPOKEN ADVOCATE

One of the most outspoken advocates of new Federal legislation to clear up the murky wiretapping picture is New York Assemblyman Anthony P. Savarese Jr., Republican of Queens, chairman of a joint legislative committee which made a lengthy study of the problem. "Recent court events have multiplied what was already a serious Federal threat and challenge to the police power of New York and other States in the area of law enforcement wiretapping," Savarese said. "Unless Congress acts, New York seems almost certain to be stripped of its court-regulated system of wiretapping—a major weapon against organized crime." Savarese called the 26-year-old Federal Communications Act's ban on wiretaps an "inadequate, slipshod, half-baked" piece of legislation which needs amending.

Six district attorneys from the New York metropolitan area, including Nassau District Attorney Manuel Levine, went to Washington March 2 with a personal plea to Congress for new legislation. This week, Representative EMANUEL CELLER, Democrat of Brooklyn, whose position as chairman of the powerful Judiciary Committee makes him a keyman in debate over such legislation, told Newsday: "There is considerable disagreement among members of the committee on whether we should recommend a bill that would change the situation in States which now do not permit wiretapping. I am sponsoring a bill that would permit both Federal and State officers to make wiretaps in States where the legislatures have legalized taps. In such a State, like New York, wiretap evidence would be admissible in both State and Federal courts. But it

would not be admitted as Federal court evidence in States where the legislatures have not legalized wiretapping."

NO WORSE THAN INFORMANTS

Attorney General William Rogers, one of the leaders in the fight for new wiretap legislation, calls taps necessary for the pursuit of spies, saboteurs, and other subversives and criminals. "Wiretaps are no worse, when used by proper officials and subject to adequate safeguards, than the use of informants, decoys, dictaphones, peeping, and the like—all of which have been accepted practices for many years," Rogers said.

Former Federal Prosecutor Peter Megargee Brown and New York attorney Richard S. Peer, coauthors of a study of labor racketeering, have urged in the Cornell University Law Quarterly that three major changes be made in Federal wiretap law: (1) Wiretapping must be made available to Federal agents under court orders, with necessary safeguards and use restricted to certain specified crimes; (2) the States could be given clear authority to permit taps; (3) the law must be brought up to date on indiscriminate, unauthorized eavesdropping to prohibit use of newly developed devices that make possible recording of conversations even though actual contact with phone wires is not made.

USED IN SCANDALS CASES

A man who can talk from personal experience on the value of wiretaps is Edwyn Silberling, who has made key use of tap evidence as special prosecutor in the Suffolk scandals cases. "If there should be any attempt to block use of wiretap evidence in our courts, there would be a tremendous loss of protection to the public," Silberling said. "All the advantages of technical development are available to organized criminals. To prevent prosecutors or investigators from availing themselves of modern technical methods in fighting modern criminals would pose a very serious law-enforcement problem."

Two main objections raised by opponents of wiretapping are that it constitutes an invasion of privacy and that the possibility exists for indiscriminate tapping by lawmen or private citizens. Supporters of tapping say they will countenance no relaxing of the strict regulations that govern authorized taps. As for the question of invasion of privacy, they point to the statement of Senator KENNETH B. KEATING, Republican, of New York: "Invasion of privacy is repugnant to all Americans. And it should be. Nevertheless, the safety of our Nation and its people must be paramount."

THE TRAGIC AND REPREHENSIBLE IMPRISONMENT OF BISHOP WALSH

Mr. KEATING. Mr. President, the Communist leaders of Red China have exemplified all too often before the civilized world their callous disregard of the basic principles of right and justice. The wanton jailing and maltreatment of American soldiers and civilians, as well as those of other lands, over a period of years, has made Communist China a symbol of savage criminality in the eyes of the free world. Ironically enough, their own people have felt this brutality through the dehumanizing system of communes created by the Government of Red China. More recently, the tragedy of Tibet has again brought home to the free world the brutal disregard both of the territorial integrity of a people and of the sanctity of ancient and cherished beliefs.

As all of us know to our sorrow, the latest Red Chinese affront to human decency has taken the form of the sentencing of Bishop James Walsh to 20 years of imprisonment, on charges so transparently invented that it is idle even to cite them. To those who would call for recognition of the regime responsible for this and other atrocities, it can well be said that we recognize Red China for what it is—a nation committed to fighting humanity, rather than to joining it. We recognize, as well, the deep atheistic nature of this regime.

In the name of the Government and people of the United States, and, indeed, in the name of the conscience of the world, Secretary of State Herter has vigorously condemned the heinous brutality of the Chinese Communist regime in their treatment of Bishop Walsh. All possible diplomatic representations have been made, and will continue to be made, to secure the bishop's deliverance from the sufferings and indignity of his captivity. I shall continue to press for action to rectify this wrong. It remains the fervent hope and prayer of all Americans, of freemen everywhere, that that day of deliverance may be hastened.

Mr. President, in testimony of our sorrow and our resolve in this unfortunate circumstance, I ask that a resolution of the New York chapter, Knights of Columbus, bearing upon the inhumanity visited upon Bishop Walsh, be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE NEW YORK CHAPTER KNIGHTS OF COLUMBUS

Whereas the imprisonment by the Communist government of China of the Most Reverend James E. Walsh, M.M., former superior general of the Maryknoll Fathers, is a travesty of international justice and decency; and

Whereas the malicious, spurious and specious charges of espionage against his excellency as the result of the efforts of the communistic leaders to discredit the Catholic Church among the Chinese people and to deprive the faithful of this most important link with Christianity; and

Whereas this is a further evidence of the contemptible and brazen attitude of the leaders of the communistic government of China in imprisoning American citizens without legal cause or merit; and

Whereas by their own actions the leaders of the communist government of China can at best be termed barbaric and not in consonance with the moral philosophy of the free world: Now, therefore, be it

Resolved, That the New York Chapter Knights of Columbus unanimously urge that the U.S. Government exert fully, every diplomatic and legal resource at its command to solicit freedom for Bishop Walsh; and be it further

Resolved, That the President of the United States and his Secretary of State continue to maintain an alert vigil to prevent the barbaric Communist government of China from gaining admission to the world society of the United Nations; and be it further

Resolved, That the President of the United States and his Secretary of State exert their powerful world positions to instill in other free nations of the world the necessity of denying diplomatic recognition to the Communist government of China; and be it further

Resolved, That this resolution be publicized with the widest of latitude to urge others to similar action and, in particular, that copies hereof be forwarded to Dwight D. Eisenhower, President; Christian Herter, Secretary of State; Luke E. Hart, supreme knight, Knights of Columbus; Emmett Burke, State deputy, New York State council, Knights of Columbus; Jacob K. Javits, U.S. Senator; Kenneth B. Keating, U.S. Senator; the Catholic News; the Tablet; and to various lay newspapers.

SOCIAL SECURITY EARNINGS LIMITATION IS UNREALISTIC

Mr. KEATING. Mr. President, there has of late been a great deal of discussion of the need for various changes and improvements in our Federal social security statutes. One of the aspects of our social security programs which has received wide attention is the limitation on the amount which an individual can earn while receiving old age benefits.

Earlier today we heard from our distinguished colleagues, the Senator from Texas [Mr. YARBOROUGH], the Senator from South Carolina [Mr. JOHNSTON], and other Members of the Senate about this problem.

Under the present law, if an individual earns over $100 in a given month he must forfeit his social security benefit for that month. On an annual basis, the recipient loses one monthly benefit check for every $80, or fraction thereof, in earnings over the $100-a-month earnings limit. I ask unanimous consent that a Social Security Administration table, which illustrates how this limit works, appears in the RECORD at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows.

Annual earnings:	Number of monthly checks not due you
$1,200.01 to $1,280	1
$1,280.01 to $1,360	2
$1,360.01 to $1,440	3
$1,440.01 to $1,520	4
$1,520.01 to $1,600	5
$1,600.01 to $1,680	6
$1,680.01 to $1,760	7
$1,760.01 to $1,840	8
$1,840.01 to $1,920	9
$1,920.01 to $2,000	10
$2,000.01 to $2,080	11
$2,080.01 or more	12

Mr. KEATING. Mr. President, as a Member of Congress, I have long supported legislation to remove this arbitrary and unrealistic Social Security earnings limitation. In my opinion it is extremely unfortunate that many retired persons, who would be much happier and more contented if they could continue to work, are deterred from working, because they feel they have paid for their Social Security coverage and should not surrender its benefits. I feel strongly that it is essential to the self respect of these retired persons that our Social Security statutes should not discourage them from continuing to work and leading useful and active lives after they have reached retirement age.

Mr. President, last year I introduced in the Senate a bill (S. 1168) which called for the complete removal of the social security earnings limitation. I think that is the only action we should take here. My bill is straightforward and uncomplicated. It would simply remove the limitation by deleting the sections of existing law which restrict the earnings of old-age benefit recipients to $100 a month.

Mr. President, an able and very well informed writer, Inez Robb, recently wrote an article on the earnings limitation, which appeared in the Rochester, (N.Y.) Times-Union. Miss Robb characterized this limit as "cruel and unfair" to America's senior citizens, and called for its total elimination. She referred with respect to the action of one of our colleagues in introducing a bill which would permit such persons to earn $2,000 annually; and she wrote, "I respect the Senator for trying to up the ante, but I wish he had tried for a touchdown instead of a place kick."

Mr. President, I ask unanimous consent that the article be printed in full at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Rochester Times Union, Mar. 30, 1960]

SOCIAL SECURITY'S LIMITS ON EARNINGS: ASININE

(By Inez Robb)

If a qualified jury were asked to choose the silliest law in the whole, jerry-built Federal tax structure, it would be hard put to select the really ultimate "lulu."

However, I have a nomination: the majestic statute that now forbids anyone, between the ages of 65 and 72 and receiving social security, to earn in excess of $1,200 annually. Any senior citizen with the "git-up-and-go" to earn in excess of $1,200 is penalized by cuts in or loss of his social security benefits.

Senator CLINTON P. ANDERSON, Democrat, of New Mexico, former Secretary of Agriculture, has introduced a bill that would permit willing and able elders to earn $2,000 annually before the penalties set in. Well, I respect the Senator for trying to "up the ante" but I wish he had tried for a touchdown instead of a placekick.

It is not only silly but cruel and unfair to restrict the earning power of any free American who is willing to roll up his sleeves and pitch in. It is a crazy infringement on the guaranteed liberties of the citizen to tell him what he can or can't earn, or how much he can work, or to restrict him to a bare livelihood on the subsistence level that social security provides.

Social security is not a gift or a free-will offering of the Federal Government. Those who receive social security have, by law, contributed regularly to the fund, as have their employers. It represents part of the savings of the worker against old age and should be free of strings.

It is not only asinine but a waste of the Nation's skilled and experienced manpower to insist that the worker at age 65, who accepts social security, must for the next 7 years twiddle his thumbs. The Government graciously allows the oldster, after he reaches 72, to make all the money he can.

Such restrictions on an American's right to earn, not only plays ducks-and-drakes with his freedom, but there is a vicious inequity in the law. The Government is only interested in the earned income of oldsters between 65 and 72. The penalty is all on earned income; there is none on unearned income.

Thus, the retired citizen who has been able to save a fair share of his earned income during his working life and has an income, no matter what the amount, in addition to social security is not touched by these penalties.

As a result, the retired worker with an income of $8,000 a year, in addition to social security benefits, suffers no penalties. Nor do I think he should, perish forbid. It would be dastardly to penalize such a citizen.

The idea that the time would ever come in this Nation when a citizen would be penalized for his willingness to work is enough to make the Founding Fathers whirl. Such a penalty might make sense during a catastrophic economic depression with resultant widespread unemployment, such as gave birth to social security in the first place.

But it makes no sense in times of surpassing prosperity, such as these we live in. The Nation cheats itself no less than its oldsters, with their reservoir of skills and talents, when it transgresses on the liberty of citizens by prescribing at any period in their lives the hours they may work and the sums they may earn.

The basic law of our land provides for a redress of civilian grievances. This imbecilic penalty on grit and gumption bedded in the social security laws screams for redress.

Mr. KEATING. Mr. President, I also ask unanimous consent to have printed at this point in the RECORD an article which I wrote on this subject, which appeared in the December 1959 issue of the magazine Greater Rochester Commerce.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARTICLE BY SENATOR KENNETH B. KEATING ON SOCIAL SECURITY AND PROPOSED CHANGES WHICH APPEARED IN THE GREATER ROCHESTER COMMERCE, DECEMBER 1959

As is well known, a person receiving social security payments is limited as to the amount of income which he can earn and still receive benefits under existing social security procedures. The law states that if an individual earns more than $100 a month, he is not entitled to receive social security for that month. Spread over the year, this means that if he has an annual earned income of more than $2,080, or monthly wage of more than $100 he forfeits OASI payments for the period.

I do not believe that there is any justification for this arbitrary limitation on earnings. If an individual regularly pays into the social security trust fund, he should be entitled to the full benefits for which he has paid. Social security payments are not simply relief. Social security is and should be a bona fide form of insurance in which all qualified may participate.

Like any similar insurance program, a man should be expected to pay his premiums and when he reaches a certain age, should be entitled to payments at a given level regardless of whether he works and how much he earns.

There is another important humane reason for removing this limitation on earnings. Many older persons are much happier and contented to continue working, even at a reduced pace, but they are deterred from doing so because they feel they have paid for their social security and should not surrender its benefits. They should not be forced to do so.

I have introduced a bill which would remove the limitations on earnings for persons covered under social security. This bill (S. 1168) was referred to the Senate Committee on Finance where it is still pending. The bill is straightforward and uncomplicated. It would simply remove the limitation by deleting those sections of the existing law which limit earnings to $100 per month.

I shall continue to press for this legislation and in this way seek to bring our social security program more in line with our economic system and our ideas about government. It is my hope that in the near future every person covered under social security will receive equal treatment as to the level and frequency of benefits and the present discriminations will be removed.

HEALTH INSURANCE FOR THE AGED

Mr. KEATING. Mr. President, a number of proposals have been put forth in the field of health insurance for the aged, beginning, of course, with H.R. 4700, the widely discussed Forand bill. Last week, eight Senators, including myself, introduced a voluntary health-insurance-for-the-aged bill, which, while agreeing with the Forand bill as to objectives, encompasses a somewhat different approach to the health needs of our Nation's senior citizens.

I am informed, also, that the administration is about to make its recommendation for legislation in this field. In addition, it is reported that the majority leader of the Senate and the Speaker of the House are working on legislation to provide some form of health insurance for the aged.

Mr. President, this is just what we need. As more groups and more Members of Congress make known their views on this issue, it will increasingly become possible for us to get down to the all-important business of framing legislation based on a consensus as to what is needed in the way of health assistance for the aged.

Mr. President, I am of the firm opinion that we can and will pass a bill this year to relieve persons over 65 of part of the heavy expenses of medical care. It is likely that this bill will resemble in essentials a bill similar to ours, which is based upon the guidelines set down by the President at his March 30 press conference, at which he thoroughly discussed this entire subject.

In brief, our bill, S. 3350, calls for Federal-State participation in a program to provide health and medical insurance to all persons over 65 who want such insurance and who could not otherwise afford it. This plan has several advantages:

First. It is voluntary.

Second. It builds upon the progress already made by various mutual and private insurance organizations.

Third. It helps all of the aged—not just those under social security, as is the case with the Forand bill.

Fourth. It is keyed to the needs of those of the aged whose incomes do not permit them to purchase such insurance.

Fifth. It would not be unduly expensive for the Federal Government, as it involves State participation and contributions from policyholders.

Sixth. It would involve very little direct Federal control. The States would have primary jurisdiction over the structure and administration of this program.

Seventh. It is not tied to social security. It is a public health measure, and

for this reason is presently pending before the Senate Labor and Public Welfare Committee.

Eighth. The benefit package places stress upon the special health needs of the aged; namely, home, outpatient, and nursing home care, as well as actual hospital care, and perhaps that more importantly.

Mr. President, I was pleased that the editors of the Washington Star, in an editorial which was printed on April 12, endorsed the guidelines set down by the President in this field and which, as I said earlier, are clearly encompassed in S. 3350, the bill of which I am a cosponsor.

I consider this bill a basic vehicle. I am confident that Congress will press forward and will build on and improve existing proposals in order to develop and enact an acceptable bill in this vital area.

Mr. President, I ask unanimous consent that the editorial to which I just referred appear at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Apr. 12, 1960]

GUIDANCE NEEDED

Despite politically flavored criticism, Welfare Secretary Flemming is justified in his insistence that an administration-supported plan for providing health insurance for the aged should be sound, should be based upon solutions that expedite rather than impede accomplishment of their purpose. It has been indicated by other administration spokesmen that when and if recommended it will be a voluntary rather than a compulsory program, involving Federal, State, and individual participation, and not financed by an increase in social security taxes.

This is a better approach than the costly, compulsory program, limited only to social security pensioners, contained in the Forand bill which the House Ways and Means Committee already has pigeonholed.

At the same time, there are good reasons why the administration should not justify the charge of labor leader James B. Carey, that it "seems intent upon studying this problem to death." One reason is the need of older citizens, and particularly those of limited means, to have a wider choice of insurance against the high costs of medical care. Another reason is that this issue already is becoming a political football, with the danger that administration inaction or lack of guidance will only encourage support for something like the Forand formula. With a national election campaign coming up, Congress not only is under pressure, but apparently in a mood, on both sides of the party aisle, to do something. If so, the administration can help to see that that something is sound and constructive.

Mr. KEATING. Mr. President, my distinguished colleague from New York [Mr. JAVITS], the chief architect of S. 3350, has done a great deal of hard work on this bill.

In this connection, he recently appeared before Senator MCNAMARA's Subcommittee on Problems of the Aged and Aging and presented testimony on S. 3350. I ask unanimous consent that this valuable and informative statement be printed at this point in the RECORD, and that the RECORD also include a copy of S. 3350.

There being no objection, the statement and bill were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JAVITS ON S. 3350 (HEALTH INSURANCE FOR THE AGED ACT), BEFORE THE SUBCOMMITTEE ON PROBLEMS OF THE AGED AND AGING OF THE COMMITTEE ON LABOR AND PUBLIC WELFARE AT 10 A.M., WEDNESDAY, APRIL 13, 1960

Modern medical science has brought about a miracle in extending the life expectancy of the individual. Today men can expect to live an average of 71 years. Sixty years ago life expectancy was 48 years. Between 1900 and 1850 it had increased only 10 years. In 1850 a man could expect to live only 38 years. In 1960 the even larger miracle is that having attained 65 years of age the individual has a life expectancy of 14 years. As a result, it has been estimated that there are 35 million more Americans alive today than there would be if no medical progress had been made since 1900. Approximately 16 million Americans are 65 years of age or older, and the statistics which are available make it amply clear that their numbers will increase rapidly within the next decade.

Today it is becoming increasingly clear, as medical care costs and the pressure on medical facilities increase, that without some form of help our senior citizens in the main cannot get the health care they need. The question is, What kind of help for health care shall they get?

It is of the utmost concern to us that these Americans who have given much to building up our country shall have the health care they need. Admittedly the problem is one of major proportions. I regard it as one of the very important issues confronting our country. This means that we must take measures toward a solution promptly and effectively before the problem reaches such proportions that it will get completely out of hand.

To meet the objective of providing adequate health care for our senior citizens at a cost they and we can afford, I have introduced S. 3350 with Senators COOPER, SCOTT, AIKEN, CASE, KEATING, FONG, and PROUTY. In connection with this bill, there are three general points which I should like to make clear:

First. It is a practical, complete, and effective voluntary health care plan, and I am convinced that it can become law at this session of the Congress; it is not a political stopgap. It is a measure within the administrative and financial means of all concerned, from the individual to the Federal Government. It will provide the special kind of health care benefits that older citizens need on a basis that they can afford without imposing a means test or taxing every able-bodied worker—whether or not they have social security.

Second. It will do the most good in the shortest practicable time. It provides medical security rather than social security for persons 65 years of age and over—as well as their spouses—who need it. It builds on existing agencies and facilities within each of our 50 States—according to the medical facilities and means in each State and makes the plan feasible without establishing a large bureaucracy to do the job. By permitting private nonprofit cooperatives, group practice units and prepayment health plans and insurance companies under State supervision to come in under the plan, it makes use of existing facilities and experience in dealing with this problem.

Third. It is designed to meet the medical facilities available in each of the 50 States by allowing each State to set up its own health care plan for the aged subject only to the approval of the Secretary of HEW. Availability of doctors, nurses, hospitals, nursing homes and so forth varies greatly from State to State, and these local conditions must be reflected in the design in any plan. The bill, therefore, provides for the primacy of health care administered by State agencies.

I have just written to the Governors of the 50 States to ascertain their opinion and comments on the feasibility of our bill and whether their States would come in under the bill.

There is no other proposal before the Congress which fulfills all these desirable conditions and would benefit as many people as quickly as this bill. Even those presently receiving old-age assistance benefits could be brought in under this coverage—and there were 2,390,000 such individuals in December 1959 while those 65 and over who received benefits from Social Security in that month totaled only 7,188,000.

The administration should support this plan because it follows the guidelines set down by the administration following the President's statement at his press conference on March 30. These guidelines as stated by the Secretary of the Department of Health, Education, and Welfare in his testimony before this committee call for a program providing:

1. No compulsion on anyone to participate.

2. It build on the existing basis of private enterprise in the health insurance field and stimulate the growth and development of its coverage.

3. Preservation of doctor-patient relationship.

4. Eligibility for all elderly persons to participate.

5. Adequate protection, particularly in lower income groups, against catastrophic illness.

It is estimated that good basic coverage of health care for people over 65 can be provided, on the kind of group basis proposed, even in high-cost parts of the country for about $150 a year per person the country over—this then is the maximum payment for subscribers in the highest income bracket. Under such a program, it is estimated, except in the highest cost areas, a service plan could provide 60 days of full-cost semiprivate care in a general hospital or equivalent-cost care in a nursing home or home for the aged; surgery in or out of hospital, medical care in the hospital, visits to the doctor's office with needed laboratory tests, diagnostic X-rays, and specialist consultations, with few limitations; and visiting nurse service at home.

Under such a program in a similar area it is estimated an indemnity plan could be provided on a nationwide basis to provide a maximum benefit for all years combined of $10,000. This assumes that a person who has reached age 65 will have a life expectancy of 14 years.

The major medical benefits under this indemnity plan would be as follows: $250 of hospital room and board (semiprivate) expense incurred in any calendar year, then 75 percent of any such additional expenses; after deducting the first $75 of any medical or surgical expenses, 75 percent of all such expenses; and 75 percent of the cost of all out-of-hospital drugs after deducting the first $30 of expense.

The difference between the aggregate of subscriptions paid by beneficiaries and the full premium cost of approved plans would be divided between the States and the Federal Government, the Federal share running from a minimum of one-third to a maximum of three-quarters in inverse ratio to average per capita income of the State compared to the national average (basically, the Hill-Burton Hospital Construction Act formula).

Based on the likelihood that 70 percent of those eligible will join the plan because the others are carried now in a suitable health plan or for other reasons are not included, the estimated median average cost per year of this program to the Federal Government based on expected allocations by States would be about $480 million; to the States $640 million, and $400 million to the subscribers.

Although the number of eligibles under this program is expected to grow at the rate of about 1 million a year, the cost to government, both State and Federal, should increase only a little if at all, because progressively smaller proportion of those reaching 65 will fall into the lowest income categories. Today, only about 70 percent receive or are eligible for social security benefits, whereas at least 80 percent of the present employed will be covered.

This type of program lends itself to progressive improvement through a combination of voluntary subscription, public subsidy and the cooperation of the voluntary health insurance system.

S. 3350

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Health Insurance for the Aged Act."

SEC. 2. The Public Health Service Act is is hereby amended by inserting at the end thereof the following new title:

"TITLE VIII—HEALTH INSURANCE FOR THE AGED

"Declaration of purpose

"SEC. 801. It is the purpose of this title to assist the States in establishing State plans of health insurance designed to enable aged individuals to obtain needed personal health services.

"Definitions

"SEC. 802. As used in this title, the term—

"(a) 'Service benefits' means the actual furnishing of health services to an insured individual by and through licensed physicians, hospitals, and other health personnel and institutions which have entered into contracts with insurance carriers to provide such services to such individuals;

"(b) 'Indemnity benefits' means benefits provided to an insured individual by an insurance carrier in the form of money payments toward the cost of specified personal health services, such payments being made either to the insured individual or to the provider of such services, and not necessarily covering the full cost of such services;

"(c) 'Income of insured individual' means income from whatever source derived; provided, however, that it shall include the value of gifts received by the subscriber and the computed value of board and lodging, according to regulations of the Secretary, furnished to the subscriber by any other person; and

"(d) 'Secretary' means the Secretary of Health, Education, and Welfare.

"Requirements of State plans

"SEC. 803. A State plan under this title shall—

"(a) designate a single State agency to administer the State plan;

"(b) provide for financial participation by the State;

"(c) permit participation in the health insurance program established under such plan of every individual in the State who has attained age 65 or is married to an individual who has attained such age; but may not permit any individual to participate in such program who has not attained such age or is not married to an individual who has reached such age.

"(d) provide to each individual eligible for health insurance under the plan a choice of at least two types of health insurance, one of which shall provide 'service benefits' in whole or in part and the other 'indemnity benefits';

"(e) provide that (1) the coverage of home medical services and physician's office calls and other ambulatory services or hospital outpatient treatment under any health insurance program under the State plan shall constitute not less than one-third of the total premium cost of such insurance program; and

"(2) under any such program, care in skilled nursing homes or equivalent licensed institutions may be substituted for care of equal cost in general hospitals;

"(f) conform to reasonable standards prescribed by the Secretary with respect to (1) the providing of benefits to subscribers of health insurance programs under the State plan during temporary absence from the State in which they reside, (2) the eligibility to participate in such programs of otherwise eligible individuals who have previously discontinued participation therein, (3) the provision of additional periods after the date subscription charges become due during which subscribers may pay such charges without forfeiting coverage under such programs, (4) eligibility of individuals to transfer coverage from one type of health insurance to another type offered under the State plan of a State, (5) the period of eligibility to participate in such programs of individuals who do not elect to participate therein at the earliest date for which they are eligible to do so, and (6) the eligibility of individuals who are covered by such a health insurance program of one State to become covered by such a health insurance program of another State;

"(g) provide that the subscription charges for individual subscribers of health insurance programs under the State plan shall conform to the following schedule (except that the maximum monthly subscription rate of no individual shall exceed the maximum premium cost in such State if it is less than $13 per month):

I. Income of subscriber for preceding year	II. Monthly subscription rate
Under $500	None
$500 and under $1,000	$0.50
$1,000 and under $1,250	1.00
$1,250 and under $1,500	2.00
$1,500 and under $1,750	3.00
$1,750 and under $2,000	4.50
$2,000 and under $2,250	6.00
$2,250 and under $2,500	7.50
$2,500 and under $2,750	9.00
$2,750 and under $3,000	10.00
$3,000 and under $3,250	11.00
$3,250 and under $3,500	12.00
$3,500 and over	[1] 13.00

[1] Or such greater amount as may be provided by the State plan.

"(h) provide that the State agency administering State welfare or public assistance programs shall be permitted to secure for the recipients of such programs health insurance under the State plan on a negotiated rate basis;

"(i) make provision (1) authorizing employees' pension or welfare funds to contribute to the payment of subscription charges under the State health insurance program for or on behalf of eligible members of beneficiaries of such funds, (2) authorizing employers (including the State or any political subdivision thereof when acting as an employer) or trustee or other governing body of such fund to deduct from his wages or from such fund, as the case may be, an amount equal to his subscription charges under the State health insurance program and to pay the same to the State agency administering the State plan;

"(j) provide that the State agency will make such reports, in such form and containing such information, as the Secretary may from time to time require, and comply with such provisions as the Secretary may from time to time find necessary to assure the correctness and verification of such reports;

"(k) provide for the collection of subscription charges for health insurance under the State plan;

"(l) provide that the health insurance coverage extended to individuals eligible therefor under the State plan shall be provided by private, commercial, prepayment or nonprofit insurance carriers under appropriate contracts entered into between such carriers and the State agency;

"(m) provide that such contracts extend health insurance coverage to individuals eligible therefor under the State plan of any or all of the following: (1) Services rendered by licensed physicians, licensed dentists, and, under the supervision of licensed physicians or dentists, by auxiliary personnel. (2) the use by such licensed or auxiliary personnel of any and all apparatus or machines designed to aid in the diagnosis or treatment of disease or injury, (3) the provision of bed and board in general or special hospitals, skilled nursing or convalescent homes, or other institutions licensed or designated as such institutions is prescribed by and under the supervision of licensed physicians, and (4) the provision of drugs and medicines, dressings and supplies, prostheses and appliances, and ambulance service, when prescribed by licensed physicians; and

"(n) make adequate provision out of general revenues of the State for the expenses incurred by the State under such plan.

"Payment to States

"SEC. 804. (a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for health insurance for the aged, for each quarter (beginning with the quarter commencing July 1, 1961) (1) an amount equal to the Federal percentage of the amount by which the amount produced by multiplying—

"(i) the per capita premium cost up to but not exceeding $13 per month, by

"(ii) the sum of the total number of subscribers of health insurance for the aged for each of the months in such quarter,

exceeds the total sum of the amounts actually paid by such subscribers as subscription charges during each of such months; plus (2) an amount equal to one-half of the sums expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of State plan.

"(b) The method of computing and paying such amounts to the State shall be as follows: The Secretary shall, prior to the beginning of each quarter, estimate the amounts to be paid to the State under subsection (a), such estimate to be based on (A) reports filed by the State containing its estimates of the total sums to be expended by it in such quarter in accordance with subsection (a), and (b) such other investigation as the Secretary may find necessary.

"(c) The Secretary shall then certify to the Secretary of the Treasury the amount so estimated by the Secretary, reduced or increased, as the case may be, by any sums by which he finds that his estimates for any prior quarter were greater or less than the amounts which should have been paid to the State under subsection (a).

"(d) For the purposes of this section the 'Federal percentage' for any State shall be 100 per centum less than percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the continental United States (including Alaska and Hawaii), except that (1) the Federal percentage shall in no case be more than 75 per centum or less than 33⅓ per centum, and (2) and Federal percentage for Guam, Puerto Rico,

and the Virgin Islands shall be 75 per centum each. The Federal percentages shall be promulgated by the Secretary between July 1 and August 31 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the continental United States (including Alaska and Hawaii) for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce.

"Operation of State plans

"SEC. 805. (a) If the Secretary, after reasonable notice and opportunity for hearing to the State agency, finds (1) that the State agency is not complying substantially with the provisions of the State plan, or (2) that any Federal funds have been diverted from the purposes for which they have been paid under this title, the Secretary shall forthwith withhold further payments to the State under section 804 until he is satisfied that the conditions which required him to withhold such payments no longer exist.

"(b) If any State is dissatisfied with the Secretary's action under subsection (a), such State may appeal to the United States court of appeals for the circuit in which such State is located. The summons and notice of appeal may be served at any place in the United States. The Secretary shall forthwith certify and file in the court the transcript of the proceedings and record on which he based his action.

"(c) The findings of fact by the Secretary, unless substantially contrary to the weight of evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the transcript and record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive unless substantially contrary to the weight of the evidence.

"(d) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28 of the United States Code, section 1254.

"Authorization of compacts between States

"SEC. 806. In order that individuals who are covered by a health insurance program established under this title by the State in which they reside shall not, by reason of their temporary presence in another State at the time benefits provided by such program are needed by them, be hampered in actually receiving such benefits, the consent of Congress is hereby granted to any two or more States to enter into appropriate compacts or agreements with respect to the administration and operation of their respective health insurance programs established under this title.

"Administration

"SEC. 807. (a) The Secretary of Health, Education, and Welfare is authorized to make such administrative regulations and perform such other actions as he finds necessary to carry out the provisions of this title.

"(b) In administering the provisions of this title, the Secretary is authorized to utilize the services and facilities of any executive department of the Government in accordance with an agreement with the head thereof. Payment for such services and facilities shall be made in advance or by way of reimbursement, as may be agreed upon between the Secretary and the head of the executive department furnishing such services or facilities.

"(c) In administering this title the Secretary shall cooperate with and render advice and assistance to States and the appropriate public authorities therein in formulating and operating State plans under this title.

"Savings provision

"SEC. 808. Nothing in this title shall modify obligations assumed by the Federal Government under other laws for the hospital and medical care of veterans or other presently authorized recipients of hospital and medical care under Federal programs."

RELATIVE WATER AND POWER RESOURCE DEVELOPMENT IN THE U.S.S.R. AND THE U.S.A.—STATEMENT BY SENATOR MOSS, OF UTAH

Mr. CHURCH. Mr. President, on April 5, 1960, the distinguished junior Senator from Utah [Mr. MOSS] summarized his trip to the Soviet Union for the student body of the Utah State University at Logan, Utah. As the Senate knows, members of the Interior and Public Works Committees, staff members and consultants, traveled extensively in the Soviet Union last fall, and following their return issued a report entitled "Relative Water and Power Resource Development in the U.S.S.R. and the U.S.A."

Senator Moss' talk to the students of this university in his State is an admirable summary of this report, and I ask that it be printed in the RECORD at this point in my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR MOSS BEFORE STUDENT BODY, UTAH STATE UNIVERSITY, LOGAN, UTAH, APRIL 5, 1960

Kuybyshev, on the Volga River in the Soviet Union, with an installed capacity of over 2 million kilowatts, is the largest power-producing dam in the world today. It has taken the title away from the United States, which for years led the world—first with the Hoover Dam on the Colorado and later with the Grand Coulee on the Columbia.

In 1961, the Stalingrad Dam, located virtually within the heroic city of World War II, will wrest from Kuybyshev the title of the world's largest power dam. Stalingrad will have an installed capacity of 2½ million kilowatts.

By 1963, the giant Bratsk Dam on the Angara River, deep in Sibera, will take its turn at being the world's largest, only to be supplanted a few years later in the kilowatt tug-of-war by another Siberian dam, Krasnoyarsk on the Yenisey.

Krasnoyarsk will have an installed capacity of 5 million kilowatts, which is almost 5 times as much as Hoover Dam, 2½ times more than Grand Coulee, and practically twice that of all 31 dams in the Tennessee Valley.

These are some of the facts which were propelled with the force of a Russian ICBM at the special Senate subcommittee I headed to the Soviet Union last fall to study hydroelectric development—facts which exploded like hydrogen bombs around us during the entire month in which we traveled more than 12,500 Russian miles—10,800 by air, mostly by comfortable and fast jet planes, about a thousand miles by automobile, and 300 each by boat and train.

We made eyewitness inspections of Kuybyshev, Stalingrad, and Bratsk, and eight other dams. We visited power substations, hydroelectric research institutes and thermal plants. We saw models of the great regional grids which will eventually tie into an integrated transmission system, criss-crossing the Soviet Union and putting every kilowatt to work, often hundreds of miles from the spot at which it was produced, and at higher voltages than we are presently using in the United States.

Everywhere we went we were allowed to ask all of the questions we wished, and we received frank and explicit replies. We came away convinced that if the Russians continue power production development at their present pace while we continue at our present rate of growth, the Soviet Union could overtake the United States in power production in about 15 years.

And since Russia has about 10 percent of the world's water resources, while the United States has only 3 percent, the long-range potential for hydroelectric development is relentlessly in Russia's favor.

Let me remind you at this point that there are two main ways of driving turbines to generate electricity—by coal, gas, oil, or peat steamplants (which is called thermal), and by using the weight of falling water (which is called hydro). Depending on costs in relation to output, up to a point the hydro method is cheaper. So the usual practice is to utilize as much of the water power of a country as can be harnessed efficiently, and make up the balance with thermal plants.

We may therefore be very deeply concerned about the drive of this immense country whose land mass is three times larger than ours to build great power dams and complete a vast transmission grid.

We do not know, of course, what the men in the Kremlin are planning. And I do not want to claim to be a specialist on Russia on the basis only of one month's intensive study in the country. But I am fully convinced that the Soviet Union is mounting a worldwide trade offensive aimed primarily at America. I believe that the challenge of America is now total—that to the besetting military, political, and intellectual challenge the Soviets have added a passionate and determined industrial challenge.

The study of Soviet hydroelectric development was authorized by the U.S. Senate before I was elected. It was a joint study project of the Senate Interior and Insular Affairs Committee and of the Senate Public Works Committee, both of which I am now a member.

More than a year of negotiations with the Russians had gone into the trip before I was asked to accept the assignment as chairman. Two other Senators agreed to become members of the subcommittee: Senator ERNEST GRUENING, of Alaska, and Senator EDMUND S. MUSKIE, of Maine. The remainder of the party consisted of four staff members of each of the two Senate committees, and four nonpaid consultants with a broad background in the fields of engineering, power development, dam construction, and rural electrification.

We entered Russia from Helsinki, Finland, and our fast jetplane had scarcely set down at the giant Moscow airport before we became aware of the motivation for the spectacular economic progress the country is making.

In the place of billboards selling soap and baby food, we saw on all sides of us large posters exhorting the people to greater effort to meet the nation's goals under the 7-year plan. These goals are set forth in bold and dramatic style: "Raise More Food," "Weave More Cloth," "Build More Houses," "Generate More Electricity." Goals in every field which will strengthen the economy of the Soviet Union.

The zeal whipped up by these bold goals, coupled with the satisfaction all human beings derive from winning against odds, has impelled the Russian people not only to meet them, but to exceed them. Kuybyshev Dam, for example, was completed just about on

schedule, but Stalingrad will be completed a year ahead of schedule, and Bratsk—barely half done—is already 2 years ahead of schedule.

Russian engineers say frankly that the basis of their accomplishments is American and western European technical know-how. But for the past 9 years the design, construction, and machinery have all been Russian. They are exploring some new ground with skill and imagination. For example, because Russia is a northern country with long bitter-cold winters, they have developed heated forms and a heated mix, so they can pour concrete all winter long. They are also using large precast concrete blocks which spectacularly speed up work on a dam.

The Soviet Union is now exporting power equipment to more than 20 countries many of them former U.S. customers. The Soviets are also exporting engineering knowledge. The great Ichang Gorge Dam on the Yangtze in China, which was originally planned at 15 million kilowatts by John Savage of the U.S. Bureau of Reclamation, has been redesigned by Communist Chinese and Soviet engineers for a first-stage capacity of 25, and later 40 million, kilowatts. This will make it 12 to 20 times larger than Grand Coulee. Russian engineers and construction experts are building the Aswan Dam on the Nile in Egypt and will install generators built in Leningrad.

With so much of Russia's capital effort going into heavy industry, little is left to lift the standard of living of Russia's people. The giant strides Russia has made in hydroelectric development have not been matched in the construction of homes or the production of consumer goods. Russia is, therefore, a land of great and ever-present contrasts.

The center of Moscow itself is most impressive. Red Square is one of the finest squares in the world. At one end of it stands St. Basil's Cathedral, its onion domes and multicolored cupolas so beautiful and unique that Ivan the Great is reported to have blinded the Italian architect so he could not build another. The austere red granite tomb of Lenin and Stalin is nearby—orderly and reverent crowds always lined up to go through it.

The Kremlin, whose wall borders Red Square, is a magnificent architectural ensemble of palaces and ancient cathedrals, belfries, and towers. Within the walls are also the great Kremlin Palace, where the sessions of the Supreme Soviet are held, and the offices of the Soviet leaders. Adjacent to them are museums with collections of magnificent items from the days of the czars—crowns and scepters and armors and swords and saddles and coaches and miters and china and tapestry—opulence without end. The grounds are beautiful with flowers and trees.

Outside, the city is big and crowded. Most of its 5 million citizens live in poorly lighted, crowded, rundown log houses. Streets and streets of these shabby houses stretch out in every direction. In fact, I looked down from the magnificence of the hotel in which I stayed when in Moscow on a row of cramped log houses.

I shall never forget my first view of my Moscow Hotel suite because I was completely unprepared for its magnificence. It consisted of four rooms and a large hall. Every room had hardwood floors, silk brocade walls, 12-foot ceilings, and crystal chandeliers. The entrance was room-sized. An office to one side was furnished with blue brocade chairs, a round table for conferences, a desk, and a telephone. The living room was immense, and had a TV set which, incidentally, I could not work. There was a complete dining room with a table, side board, a vitrine filled with fine porcelain, figurines, and other objects of art, and enough silver, linen, and dishes for a banquet. The bedroom had double beds with golden velvet spreads, and silk draperies—and two bathrooms with cheap and poor plumbing fixtures and rusty water.

Let me hasten to point out that there was not only a great contrast between this suite and some of the homes of the Russian people near the hotel, but between this Moscow hotel and some of the others in which we stayed. In the larger cities, notably in Leningrad, the former St. Petersburg which was the home of the czars, in Stalingrad, which has been completely rebuilt, and in Sochi, the resort city on the Black Sea which is now a workers' vacation spot, our accommodations were relatively comfortable. But in some of the other places we found ourselves back in the middle of the 19th century, with floors of staggered wood blocks, ancient plumbing, cold water, or no water in the room at all. In the frontier towns of Siberia, our quarters were often quite primitive.

Housing is the one consumer area where the Russians, who now have less than 60 square feet per person, have set high accomplishment goals. New apartments are going up at a rapid rate in Moscow and other cities. By our standards they are plain and uninviting, but by Russian standards they are most desirable. Made of precast concrete blocks, there are rows and rows of them as alike as peas in a pod. Most of the buildings are four or five stories high, and the average family has two rooms. Little of the electric power being generated at the new dams goes into making living easier or more pleasant—electricity is pretty much limited to a single light hanging on a cord from the ceiling, and to some refrigerators and televisions.

Although no new single-dwelling units can be built in Moscow, we did see a few going up outside Tbilsi, which is in Georgia, and outside Irkutsk in Siberia.

In Siberia we found new log apartment houses being built, as well as a few single-dwelling houses. Siberian houses are most picturesque, with gingerbread frames painted blue or green. Painting the gingerbread sashes is a countrywide practice in Russia, but in most places they are faded and washed out, and add to the general rundown appearance of the log houses. In the Ukraine the houses have thatched roofs and have cane stalks fastened to the outside walls for insulation.

Adjacent to all of the new dams, we found whole new cities and towns being built—towns going up almost overnight.

Some of the boulevards in Moscow are wide and well paved. They reminded me of our wide Utah streets. But as soon as you move off these boulevards, and into the side streets, the mud is ankle deep the moment it rains, which it did practically all of the time we were in Russia. Rubber boots are a must for both men and women.

If there is one word which generally describes Russian life, it is the word "bleak." The homes, as I have said, are rundown and crowded. The clothes of both the men and women are adequate but plain, with little variation in style. The shawl or the scarf is almost the universal headgear for women. Women seldom wear hats, and for the benefit of the young women in the audience, I will tell you that the spiked heel has not yet invaded Russia. Heels are much broader than any we have seen in a decade in this country.

The people are starved for consumer goods. You see them waiting in long lines for consumer goods outside of the small shops, the roadside markets, and even the occasional supermarkets which one finds in Russia. They snatch up quickly anything that is offered. The department stores are as jammed all the time as ZCMI is at Christmas.

There are few luxuries in Russia, and they are so expensive that almost no one can buy. Necessities are hard to find, and they, too, cost a great deal. I saw shoes in Moscow priced at 600 rubles or about $60. Few people have private cars, although the streets are packed with trucks and buses. I saw only two gasoline stations in Moscow. I say "gasoline station" advisedly. In no wise could they be described as "service stations." I also saw only one sports store, although throughout Russia I observed many basketball standards fastened to barn doors and poles and anywhere else the boys could find a place to hang them.

The life of a woman in Russia is particularly hard. Women do almost every type of heavy manual labor handled in this country by machines or by strong young men. I saw women as section hands driving spikes on the railroad, as hod carriers, as brick masons, as policemen, as construction workers in jack boots and quilted coats, as stevedores loading boulders on railroads, and comprising entire roadbuilding gangs. I saw women soldiers and sentries, complete with rifles.

In the fields women were topping beets, and digging carrots and shoveling soil. In Siberia, they were doing their washing in the Angara River in weather like one of our cold December days. I saw women street-cleaners with brooms made of twigs, and on one occasion I saw two old ladies sawing wood with a buck saw.

All barbers in Russia are women. There are no expensive hydraulic chairs which can be raised or lowered. Women barbers are all small, and they put you in an armchair set flat on the floor, and stoop over as much as necessary to cut your hair. They have few barber tools, but they do have electric clippers. There is no nonsense about shampoo lotions or extra towels or other foo foo. But then a haircut costs only 2 rubles (20 cents).

There is little beauty in the material surroundings of the Russian people—with the exception of some of their art galleries and theaters. The famous Bolshoi Theater, the home of the Russian ballet, is a magnificent building filled with gold leaf and crystal. It seats more than 2,000, and the sets and costuming are striking. The opera in every city is a beautiful building, and there are outstanding theaters in Leningrad and some of the larger towns outside of Moscow. (More description here.)

One of the most splendid sights in Moscow is, strangely enough, the subway, or the metro, as it is called. Each station represents one of the Soviet republics and depicts its history and products. The stations are sumptuous, made of marble tile or glass, with paintings and mosaics. Escalators are long and steep, and extremely fast. The trains run every 2 minutes, and every minute in the rush hour. The crowds are like those on Broadway in a rush hour. But most Russians are courteous. A young boy of 14 rose to give me his seat when I entered a subway car.

The interiors of Russian churches still maintain much of their medieval magnificence, though the exteriors are often neglected. The icons, which are paintings or mosaics, are all still very beautiful, and the ritual has the marvelous pageantry and opulence of the Russian Orthodox Church.

The churches have survived in Russia only because of the old people. The young people have been brought up without any religion, and they are almost insulted if you ask them if they go to church. Perhaps they fear reprisals—I don't know. But thousands of older people are quietly asserting their right to go to church.

It is impossible to say how many believers there are in the Soviet Union today. But it is clear that the church, which was "disestablished" when the Soviets took control, has been gaining ground steadily. The Roman Catholics, the Jews, the Protestants as well as the Russian Orthodox have churches still open.

ices or facilities.

hydroelectric research institutes and thermal plants. We saw models of the great them, but to exceed them. Ruybyshev Dam, for example, was completed just about on

dishes for a banquet. The bedroom had double beds with golden velvet spreads, and too, cost a great deal. I saw shoes in Mos- buy. Necessities are hard to find, and they churches still open.

The institution in Russia which has priority over all others is the school. Schools are built first, and then other public buildings and apartments and homes. The Soviets have obviously decided that education is the best means of winning their place in the sun—and on the moon.

The University of Moscow is housed in a giant skyscraper with a breathtaking view on a high point southwest of Moscow. More than 22,000 undergraduates and 14,000 postgraduates are enrolled in its 12 departments. It has a great auditorium, a stadium which will seat 100,000 and a swimming pool at which 45,000 can watch a swimming meet. The cafeterias are large and well run. However, the living quarters for the students are small by our standards—no one in Russia has much living space.

The atmosphere on the campus is serious and determined. One feels the desire of the students to go far and fast in a passionate surge for knowledge which spreads out across the boundaries of the campus. Dr. Lawrence Derthick, U.S. Commissioner of Education, has said:

"The Soviet Union is like one vast college campus on the eve of a football game with its greatest rival. That rival is the United States."

I realized the depth of the Russian educational challenge when I visited an elementary school in Stalingrad and had a fifth grade girl student translate back immediately in Russian to her classmates the brief talk I had just made to them in English. All children in Russia study two languages, beginning in the second grade in some areas and from the fifth grade on everywhere.

While I was in Georgia, I had an opportunity to visit an agricultural college. I was delighted because Georgia, more than any other area I saw, resembles Utah in topographical appearance and climate.

The college is coeducational on a 60-40 basis. The students attend for 6 months out of every year for 6 years, and do all of the work on the state farm. They also live there.

The grapes which they produce are distributed by the Ministry of Trade, and the operating funds for the school come from the sale of that produce. Students earn about 300 or 900 rubles a month, which is about $30 or $90, and they also have a small stipend each month for living costs. They can earn up to 800 additional rubles a month as a bonus.

Without question, agriculture is the weakest link in Russia's economy. Nearly half of the country's 210 million people are engaged in agricultural pursuits as compared with only 10 percent of our 177 million people.

Even so, the Soviets do not yet produce enough food to give all the people a good, well-balanced diet. On all sides Russian billboards proclaim the intensity of the drive to produce more food.

We all know that a corollary exists between agricultural production per capita and the amount of electrical usage per farm. Or to put it another way, the more electricity that is used efficiently in farmwork, the greater the production per farmworker.

We can only surmise the extent to which Russia's fantastic step-up in power dam construction, and her large and efficient generators and transmission lines, will be applied to electrifying Russia's farms. But it will undoubtedly allow the Soviet Union to produce more food with fewer man and woman work hours, and release more of the population for industry and other purposes.

Russia, which is still using the oxcart, has already gone to the moon—what's ahead?

The longer I stayed in Russia the deeper became the enigma of the people and the country. They were friendly and eager to talk. They were willing to return in kind every friendly gesture I made to them. Only the very young children, to whom I gave chocolate and bright new pennies, did not try to give me back more than a grin in return. Children are the same everywhere, I guess.

Whenever I handed an older boy or girl an American coin, they dug down in their pockets and handed me back a Russian coin. On one occasion when I gave an official a silver dollar which I had as a pocket piece, he insisted on giving me a hundred-ruble note in return.

The people I saw in Russia were eager to talk. When we encountered adults who knew English, they delighted in trying it out on us. They seemed to think highly of all Americans, despite the anti-American propaganda barrage which they have borne for decades.

All of the Russians whom I met accepted their limited consumer goods standards cheerfully, even proudly. All seemed converted to the Soviet goals and to the state. They have great pride in the fact that their country has emerged from the dark ages into the 20th century in only 40 years, with most of the advances made since World War II, and they are willing to dedicate themselves to whatever course is necessary to keep their forward momentum.

The Russian people want peace. If the Khrushchev proposals for disarmament are sincere, the people will implement them if given the chance.

To maintain her position in the world, America must understand these people and their dedication to their way of life. I wished many times that we Americans could be as imbued with a sense of national purpose, and aspire as wholly to national goals—goals which we could reach and still retain our sacred personal freedoms.

Our free enterprise system is fundamental to our accomplishments. The tremendous gains we have achieved for our citizens, the fine, free, abundant life we have made for ourselves, are mute testimony of the superiority of our system.

I am deeply convinced of the inherent strength of our free enterprise system, and I feel that Russia will never overtake us if we arouse ourselves to meet the challenge.

But I feel we would make one of the most serious mistakes of our national lives—one of the most serious mistakes of all history—if we underestimate the firmness of purpose and the capabilities not only of the Soviet leaders but of the Soviet people.

SENATOR JOHNSON OF TEXAS AND CIVIL RIGHTS LEGISLATION

Mr. MANSFIELD. Mr. President, in her column, "My Day," which appeared in the New York Post on April 11, 1960, Mrs. Eleanor Roosevelt comments on the Senate passage of the civil rights legislation. Mrs. Roosevelt notes, with great perception, the importance of this measure and the singular role which the distinguished majority leader [Mr. JOHNSON of Texas] with his great parliamentary skill, played in furthering, through this measure, the right of Americans to vote.

The achievement takes on an especial significance in the light of developments in South Africa, which, as Mrs. Roosevelt also notes in her column, have not only brought grave difficulties to that nation but have also posed enormous problems for the entire Commonwealth.

I ask unanimous consent that these wise observations of Mrs. Roosevelt, as expressed in the column previously referred to, be included at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Post, Apr. 11, 1960]

MY DAY

(By Eleanor Roosevelt)

It is a good thing that the Senate has finally passed the civil rights bill after an 8-week fight, with 42 Democrats and 29 Republicans in favor. This is only the second civil rights legislation to pass the Senate since the Reconstruction era. The first Civil Rights Act of 1957 was also a voting rights measure. Already those who want a really fair bill giving the Negroes their full rights are denouncing this bill, and I am quite sure that it will continue to be denounced. But I hope it is at least a step in the right direction.

All of us in the Democratic Party, I think, owe Senator JOHNSON a vote of thanks. He has risked repercussions among his southern colleagues and among his own constituents. He has made it possible for the Democrats to claim equal, if not more, responsibility for the passage of the bill, which, of course, should never have had to be passed—for the right to vote should be something that every citizen of this country enjoys without any question. Since it was necessary to pass the bill, however, we are fortunate to have had a parliamentary leader with the skill of Senator JOHNSON.

My one fear is of the intimidation that I feel sure will be tried to prevent Negro citizens in the South from registering and voting. I hope the Attorney General can find ways of protecting the registration and of preventing retaliation when the Negro citizens of the South exercise their constitutional right.

It is notable that the House of Commons in London unanimously approved the resolution deploring South Africa's racial policies and urging the British Government to voice a strong feeling of disapproval at the forthcoming Commonwealth conference. It is difficult to imagine the kind of atmosphere that will exist at this conference—with Ghana, India, and Great Britain itself, as well as other Commonwealth countries, protesting the policy of one of their members. A Labor Party member presented the resolution with backing from all parties, and the feeling was voiced that this was not a party question.

Things seem to go from bad to worse in South Africa, and nothing seems to move the people there but fear. When you have to arrest hundreds of Africans and formally ban two African political groups, you are not living in a safe community or one that has reached a point of understanding where reasonable living condition can be arranged between the races. It is a very sad situation and one where the fundamental rights of human beings are so clearly involved that world public opinion is turning completely against South Africa.

LIBBY DAM—A SYMBOL OF CANADIAN-UNITED STATES COOPERATION

Mr. MANSFIELD. Mr. President, the visit of the Honorable Howard Green, the Canadian Secretary for External Affairs, to the United States, and to the Senate today, is symbolic of the wonderful cooperation that exists between the United States and our neighbor to the north.

The United States and Canada have much in common—our people, our natural resources, and our capacity to get things done. Perhaps one of the greatest resources that we share is the hydroelectric power and flood control potential

that exists in the Columbia River Basin. As we all know, negotiators from both countries are now actively negotiating an agreement which will facilitate the development of the Columbia Basin to the fullest extent and to the benefit of both nations.

In the Columbia River Basin we have the finest undeveloped multi-purpose damsite that exists today in the United States—Libby Dam. This project's major benefits are in the form of a vast supply of electric power at low rates, and flood control, which is vital in northern Idaho, northwestern Montana, and British Columbia. This project has been enthusiastically supported for many years by everyone, but its construction has been delayed because the construction of the project would create a reservoir which would back waters into Canada, thus requiring an international agreement between our two nations. This has not been forthcoming, and I feel that this project is too important to all of us to let it stand idle for all time to come.

I recently discussed this matter with our Secretary of State Christian A. Herter, and I proposed that Libby Dam be constructed on the border between our two countries within the State of Montana and the Province of British Columbia. This would be a joint effort which would serve as a symbol of the friendship and dependence, one upon the other, of the people of Canada and the United States.

I am hopeful that the U.S. negotiating team will actively explore this proposal, which might lead to a solution of the differences that have existed in this area for many years. I also hope that Mr. Green will take these thoughts on Libby Dam home to our friends in Ottawa and British Columbia.

Mr. President, I ask unanimous consent to have printed at the conclusion of my remarks in the CONGRESSIONAL RECORD my letter of April 6, 1960, addressed to Hon. Christian A. Herter, Secretary, Department of State.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
April 6, 1960.

The Honorable CHRISTIAN A. HERTER,
Secretary, Department of State,
Washington, D.C.

DEAR MR. SECRETARY: As you know, negotiations are now in process between Ottawa and Washington covering boundary water questions between the United States and Canada. On March 23, 1960, the U.S. Ambassador to Canada, the Honorable Richard B. Wigglesworth, in a speech to the Massena, N.Y., Chamber of Commerce, said:

"A current problem of considerable importance is the question of the development of the Columbia River Basin. This is actually and potentially a tremendous resource for western Canada as well as for the northwestern part of the United States. Arriving at an agreement as to the best way to use the resources of the Columbia River Basin to benefit both countries and to avoid damage to either is extremely complicated and difficult. Negotiations are now under way, and no one expects them to be easy. Nevertheless with good will and a proper spirit of give and take, a solution to the Columbia River Basin problem can be found."

Because of my deep interest in the development of the Libby Dam project in northwestern Montana, I noted in press reports out of Ottawa that Gen. A. G. L. McNaughton, Chairman of the Canadian section of the International Joint Commission, came out very vigorously and emphatically against the proposal to build Libby Dam in Montana. I have a great respect for General McNaughton and admire his integrity and his devotion to Canadian affairs. I had hoped that with the passage of time and with the development of better understanding concerning Libby that perhaps General McNaughton's attitude would become more conciliatory and understanding. In this I was disappointed.

In view of the general's widely publicized statements in opposition to Libby and in view of the fact that the situation is now being considered at higher levels in both Canada and the United States, I would like to advance this new proposal and ask you to give it your most serious consideration.

Would it be possible to build the Libby project on the border between our two countries within the State of Montana and the Province of British Columbia?

Would a joint effort of this kind not serve as a symbol of the friendship and the dependence, one upon the other, of the people of Canada and the United States?

Would it not be on the Canadian-American border a counterpart to the Falcon Dam on the border between Mexico and the United States?

Could a joint agreement not be arrived at whereby each Government could assume its fair share of the cost of construction and a distribution of the power from this project?

It is my hope that the above proposals will be given your personal attention; that they will be passed on to the negotiating committees of the two countries now meeting; and that out of these proposals will come a joint solution which will bring to an end the differences which have marked our two countries on this particular matter before too long.

Again referring to Ambassador Wigglesworth's speech, I find myself in complete accord with the following: "With good will and a proper spirit of give and take, a solution to the Columbia River Basin problem can be found," and I hope that the joint negotiations will continue to operate in that spirit.

With best personal wishes, I am,

Sincerely yours,

MIKE MANSFIELD.

SECRETARY OF THE INTERIOR DISCUSSES INDIAN AFFAIRS

Mr. MANSFIELD. Mr. President, one of the outstanding portions of the recent White House Conference on Children and Youth was the participation, for the first time, by a group of Indian young people. There were 25 delegates representing Indian groups throughout the country. Montana sent a very fine representative group, including Miss Indian America, Delores Racine, from Browning, Mont., and the Blackfeet Indian Reservation.

This group of Indian young people were honored at a luncheon sponsored by Arrow, Inc., an organization concerned with the welfare of American Indians and in cooperation with the Department of the Interior.

The luncheon speaker was the Secretary of the Interior, Fred Seaton, who outlined what we have in the way of a Federal Indian policy, the improvements that have been made, and the things that must be done in the very near future. The Secretary shows an excellent grasp of Indian affairs, both past and present.

As the Senate knows, I have been in sharp disagreement with the Bureau of Indian Affairs on several occasions over policy questions, but I do think that the Secretary of the Interior has shown a very fine cooperative attitude in most Indian matters.

I recognize that certain improvements have been made on many of our Indian reservations, but much remains to be done. Several reservations in Montana are vivid examples of why we need a more imaginative and dynamic Indian policy. The administration is not entirely to blame and the Congress has not indicated a willingness to sit down and really discuss these problems. But it is my sincere hope that, with the leadership of Secretary Seaton and the cooperation of Congress, something can be done to improve the economic and social status of America's first citizens, the Indians.

Mr. President, I ask unanimous consent to have printed in the body of the CONGRESSIONAL RECORD the text of the address by Secretary of the Interior Fred Seaton before the Arrow, Inc., luncheon on March 31, 1960.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY FRED A. SEATON, SECRETARY OF THE INTERIOR, AT THE ARROW, INC., LUNCHEON, WASHINGTON, D.C., MARCH 31, 1960

Arrow, Inc., has established a unique place for itself as an organization concerned with the welfare of American Indians.

Two and a half years ago the Department of the Interior was privileged to join hands with Arrow in sponsoring the first nationwide conference on Indian youth. Since then we have worked together on various projects, such as this one in which we here participate, today.

This luncheon was arranged to help pay the expenses of these Indian young people who are taking part, for the first time, in a White House Conference on Children and Youth.

To Arrow as an organization, to Mrs. Robert Guggenheim, honorary chairman for the luncheon, to Mrs. Glenn L. Emmons, chairman for the luncheon, and to all the volunteers who have helped make this project such a conspicuous success, you all deserve the highest commendation.

To the 25 delegates present as representatives of your tribal groups—please accept my congratulations on having been chosen for this honor. I do hope your stay in Washington is an enjoyable one. Certain it is that your very presence will do much to spotlight public attention on the special needs and problems of the Indian segment of America's younger population.

It is my purpose today to outline for you what we are striving to accomplish in the broad field of Indian affairs.

Toward that end, we should recall to mind that at the beginning of the last decade, the Indians living on reservations and other lands under Federal jurisdiction were unquestionably one of the most disadvantaged and neglected groups in our whole national population. Far too many of the youngsters were doomed to face adulthood without even a smattering of elementary education. Far too many families were mired down in poverty and disease, in ignorance and despair.

The reasons were as varied as they were many. To see why, let us look back a bit.

Beginning in the latter part of the 19th century, the Indian population on reservations throughout the country steadily increased while the available land resources at best remained static. In many cases the land actually dwindled for one reason or another, including some for which America has cause to feel ashamed.

Along with this, during the first half of this century, in my opinion, there was an unfortunate tendency on the part of the Federal Government to regard all Indians as basically an agricultural people.

Federal policies and programs were all too often drawn up in a way which actually accentuated the dependence of the growing population on the narrowing land base. We now realize that little or nothing was done to encourage a broadening of social outlook or a healthy diversification in the means of making a living. Under these circumstances, it is not at all surprising that so many of the reservation communities became veritable islands of poverty and despair, and that they were largely cut off from the main currents of our 20th century progress.

One of the results of what we now recognize to be the inadequate and ill-conceived policies of the past, no matter how sincere their authors were, is that most American Indian reservations have become seriously overpopulated—overpopulated in the sense of measuring the population against the available land resources and the local opportunities for making an adequate living. It is a fact that while there were approximately 230,000 Indians resident on reservations in 1940, there are 275,000 today. Yet the land area involved in the reservations remains approximately the same. Obviously, something has to give. Just as obviously, our Indian policy cannot be static, if ever we were justified in having it so. What we have now and must have in the future is a policy which is imaginative, dynamic, and productive of results.

Now, of itself, there is neither anything radical nor anything basically wrong about a movement of Indian population away from the reservations. As a matter of record, for many years there has been a movement away from reservations as the population has built up and the social and economic pressures have gradually intensified. What has been wrong was the fact that altogether too many of the Indian people have not been suitably equipped, either by education or training, for off-reservation life.

I am absolutely convinced that it is an important part of our job to do our best to help every Indian prepare to meet the challenge of living off the reservation, if he decides to leave.

Let me assure you that we have no thought whatever of trying to force Indian people off the reservations, or even of subtly persuading them to move against their will. That would be cruel and inhumane, and foredoomed to failure. I will have no part of it. Nor will I be a party to insisting that they remain on the reservation, no matter what.

Experience teaches us that a very large percentage of the younger people are voluntarily seeking to make their livelihood away from the reservations. Therefore, it seems clear we must continue—as one of our primary goals in working with younger Indians—to provide them with an opportunity for a sound education. Education for every Indian child is now the keystone of our policies. It must be so in the future.

As recently as 1953, only 79 percent of the Indian children between the ages of 6 and 18 were enrolled in school. Approximately 20,000 Indian youngsters were therefore in danger of going through life as illiterates. It was a desperately urgent problem and it called for quick and effective action.

The Department of the Interior, with the backing of the President and with bipartisan support in the Congress, took such action. Each year since there has been steady improvement, and by next fall we confidently expect to meet, for the first time in history, the educational needs of all school-age Indian children throughout the entire United States. In addition, the groundwork has been laid for the most fully educated adult Indian population, a generation from now, this Nation has ever known.

We have also emphasized the importance of providing the Indian children, wherever possible, and wherever desired by tribal groups, with a public school rather than a Federal school education. Our purpose in that respect is to give these youngsters the advantages of mingling fully and freely with their non-Indian neighbors during their formative years, so that they will be better prepared for the contacts and the competitions that inevitably come in later life.

You will be interested to know that whereas the enrollment of Indian children in our Federal schools has increased by only 8 percent since 1953, enrollment of Indian children in public schools has jumped almost 50 percent. In the long run, this shifting of emphasis in the public school direction may well turn out to be as second in importance only to the gross increase of enrollment which has taken place over the past 7 years.

We have taken active steps to repair the damages of past educational neglect among the adult Indian people.

Since 1955, an adult education program has grown to the place where it is being conducted at 90 locations on Indian reservations and in the native villages of Alaska. Altogether, some 3,000 adult Indians and native Alaskans are enrolled. Some of them, to be sure, are presently being taught only the rudiments of reading, writing, and speaking the English language; others are learning how to manage more effectively their personal and household finances, and how to play a more significant role as participating citizens of American democracy. It is the sort of program which was long overdue in our administration of Indian affairs.

Much progress has also been made in the field of higher education for Indian youth. Today there are 29 tribal organizations which have funds for this purpose, and scholarships for Indian students are being furnished by State governments, by private organizations such as Arrow, by church groups, and by the Bureau of Indian Affairs in greater volume than ever before. As a result, the enrollment of Indian young people in colleges and other institutions of higher learning has almost doubled in the last 5 years. I am sure most of you youngsters being honored today are recipients of scholarships or grants from these various groups.

Beyond general education, the Bureau of Indian Affairs is engaged in other important activities to stimulate and encourage Indian advancement.

One of these is the conservation and development of the lands and other physical resources which the Federal Government holds in trust for the Indian people. Here our objective is twofold—protecting these basic assets against misuse and deterioration and providing the management to insure the best possible income for the Indian owners.

Yes, much has been accomplished but there is more remaining to be done. Evident to anyone are the improved roads which have been built to open up some of the more isolated sections of Indian country. Additional acres of Indian lands have been brought under irrigation. Up-to-date Indian forest management practices have made possible more extensive sales of Indian timber. The tremendous increases in both tribal and individual income which some of the more fortunate tribes have realized from leasing their lands for oil and gas, uranium, and real estate development have provided badly needed funds for a wide variety of proper tribal activities.

Yet, even after the resources on Indian reservations have been developed to the fullest practical extent, I do not believe we can realistically expect these resources alone to provide an adequate livelihood for all the families living on all the reservations. And even if we could, we must reckon, again, with the fact that only a comparatively small number of the younger Indian people have shown any interest in making a living directly from the land.

For this reason, we are engaged in several other important economic development programs.

The oldest of these, begun in 1952, is referred to as voluntary relocation services. Under its terms, Indians who decide on their own initiative to move to some of the larger metropolitan centers are given aid and guidance in making the transition.

The second, which is a necessary corollary to the first, began in 1956. It is a program of vocational training in trade schools and on-the-job training in industrial plants. The obvious purpose is to equip the adult Indian with an occupational skill so he can qualify for better paying jobs and enjoy a fuller measure of security than he could otherwise possibly expect. This program is one which I believe holds much promise and should be accelerated as time goes on.

A third is designed to encourage industry to locate on or near Indian reservations. With this in mind, we are helping tribal organizations and local groups such as chambers of commerce to work together in creating and publicizing an environment that will be more attractive to industry. One of the prime inducements the Federal Government itself can provide is to compensate industrial concerns for furnishing Indian workers with on-the-job training in their plants through the adult vocational training program. This, we are doing, with welcome bipartisan support in the Congress. All these varied activities are aimed at one overriding objective.

Simply stated, that objective is to provide our Indian citizens with adequate opportunities for personal development and growth so they can ultimately take whatever place they choose in the larger fabric of our national life. It is not to try to mold Indian people into some abstract image of what we think they ought to be. Neither is it to terminate special Federal protection and services for any tribe or group of Indians until they themselves are ready, prepared, and willing to take on the full responsibilities for managing their own affairs.

Encouraging as our progress has been of late years, I must warn that much more must be done before we can completely bridge the gap still separating so many Indian people from full participation in the benefits of modern America.

For one thing, although Indians who have left reservations have generally been welcomed in the 50 States as full-fledged citizens (which they are) in the communities in which they settle, there are, unfortunately, some exceptions. It is my sincere hope that soon there will be no such exceptions. True enough, Indians must earn their place in life—just as non-Indians must. But when they have done that, it is not only contrary to the law of the land, it is utterly reprehensible that they should be denied the rights of any other American.

One final thought, ladies and gentlemen, about the sponsoring organization for this luncheon—Arrow, Inc. Just as the arrow is a device which throughout mankind's recorded history has signified an object which flies straight to the point, it seems to be peculiarly fitting, therefore, that the name "Arrow, Inc." has been adopted by this organization. Arrow, Inc., the Department of the Interior through its Bureau of Indian Affairs, and you as citizens interested in the welfare of our fellow citizens—the American

Indians—have a common objective. Once more, I cheerfully acknowledge the tremendous debt of gratitude all of us owe to Arrow.

Now, please let me say this—in spite of many foreseeable problems, I am resolutely optimistic about the future outlook for the American Indian. Certain it is there will be many more like Maria Talichief in the arts, Allie Reynolds in sports, Dr. Ben Reifel in government, W. W. Keeler in business, others in law, teaching, and every other line of constructive endeavor. There will be many more such as the 25 fine, young delegates we honor here today—young men and women whose future prospects are great for themselves, and for us.

America has always been a land of opportunity, and with God's help we all mean to keep it so. Granted that, it remains for each of us to seize opportunity—not only to share in the material advantages of our free society—but share in its challenges, its responsibilities, and in the many rich rewards it holds for the human spirit. We must see to it that our Indian fellow citizens are privileged to the same hopes and aspirations as are all other Americans. Working together, I am sure we can accomplish that purpose.

Mr. MANSFIELD. Mr. President, is morning business concluded?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

THE DEEPENING DISQUIET

Mr. MANSFIELD. Mr. President, today is a quiet day, and it is a good day to get some things which have been bothering me off my chest.

I make these remarks, today, to express what I believe to be a deepening disquiet in the Nation. It is as though we were passing through a stretch of stormy seas in a ship which is obviously powerful and luxurious, but a ship, nevertheless, frozen in a dangerous course and with a hull in pressing need of repair.

Let me say at the outset that I do not speak solely of questions of national defense or of space exploration. To be sure there are grounds for concern in these matters.

We will distort the problem, however, if we view it solely from that perspective. The disquiet, the deepening national disquiet, is many-sided in its origins. We shall measure it in full dimension only as we see the multiple sources from which it derives. We shall deal with it only as we have the courage and the will to act as heart and mind tell us we must act in the light of what we see.

If the disquiet in the Nation is due in part to apparent deficiencies of national defense, it comes even more from a growing awareness that international peace is held together by a thread stretched taut. That is the case even though, as never before, the hopes for peace are universal. That is the case even though, as never before, the fearful price of another war is accurately estimated everywhere in the world. That is the case, even though, as never before, the world is flooded with cries for peace and, indeed, with deeply sincere efforts for peace.

Why, Mr. President? Why, despite these universal hopes, these universal estimates, these universal cries, these universal efforts, are we no closer to peace? For years we have answered this question or thought that we have answered it in a fashion which was at once simple and reassuring. We had only to charge the Russians or the Chinese with keeping the goal of peace beyond the outstretched fingers of mankind. The evidence was enough and more to brand these nations for their disservices to peace, and so we branded them. We did it again and again. But has it been enough, Mr. President? Has it been enough for this Nation? Has it been enough—this simple formula—for the human race?

Do shortcomings elsewhere, though they be many, relieve us of the necessity of facing our own? Do shortcomings elsewhere explain why there is so little to show for the enormous sacrifice for peace and national defense which the people of the United States have made in these postwar years?

I know, Mr. President, that it is regarded in some quarters as fashionable to belittle that sacrifice. It has been caricatured many times. Let us not in the Senate, however, make the mistake of confusing the caricature with the character of the effort. In a decade and a half, the people of the United States, through the Congress, have appropriated $500 billions for the Defense Department and countless additional billions for related purposes. They have made available foreign aid over the same period which is now approaching a total of $100 billion.

These are not small sacrifices. They are unprecedented sacrifices for peace and defense, unequaled anywhere in the world. Add to them the priceless human sacrifices in Korea. Add to them, finally, the searing revolution of the soul which the American people have undergone and the change which they have accepted in consequence. That change, Mr. President, is implicit in the move from a high degree of national isolation 25 years ago into the role of foremost exponent of the United Nations system and of alliances and other international undertakings which stretch from one end of the globe to the other.

No, Mr. President, let us not speak lightly of the burden which the people of the United States have borne on behalf of the common defense of the Nation and on behalf of peace. The question is not, Why have the people of this Nation been willing to do so little for defense and peace? Rather, the question is, Why has not more been done for defense and peace with what the people have been willing to do?

Indeed, it is that question which is asked more and more by the citizens of this Nation. In that question lies one of the great sources of the deepening disquiet in the land.

GLITTERING NATIONAL STATISTICS VERSUS HUMAN REALITIES

And there are other questions, many others, from whence this disquiet springs. There are those questions involving the inner state of the Nation and its economic well-being. It is difficult to raise these questions without being reminded that ours is the most powerful and affluent Nation anywhere in the world.

Let me say that I do not need such reminders. The power and affluence are there, and it is fortunate for us that they are there. The statistics make it clear, very clear, that we still are as we have been, for decades, the most producing, the most consuming Nation the world has ever known. That point is not at issue.

But if man does not live by bread alone, much less does he live by national statistics. These statistics of vast national production and vast consumption have meaning, ultimately, only in terms of individual Americans and their families. And where in these statistics do we find the American family which struggles against the high cost of living on an income of $3,000 or $4,000 or less a year? How well does $3,000 or $4,000 a year or less take care of a family's needs for food, clothing, shelter, and medical services? How well does $3,000 or $4,000 or less provide for the education of children and for a measure of recreation? Yet, in 1958, out of the 45 million families in this Nation almost 25 percent, or 11 million, had incomes of $3,000 or less and over one-third, or 15 million families, had incomes of $4,000 or less. Are these families to bask in the reflected glory of the Nation's great economic power and affluence, or are they to sense the deepening disquiet?

Probe the national statistics more deeply, Mr. President. Put the question to those who live on an old-age pittance or on retirement incomes fixed years ago at far lower price levels. What Member of the Senate does not know of these people? What Senator's mail does not bring, every day, grim reminders of countless personal tragedies of this kind? The glitter of the Nation's power and affluence may obliterate but it does not alleviate the disquiet of these Americans.

Nor does the power and affluence reach the mining families of West Virginia or Montana, nor the textile families in Rhode Island or Massachusetts, nor the men and women in many other parts of the land where millions of willing hands are held in pockets of unemployment or inadequate employment. It does not matter much whether these hands are stilled by automation, by shifting internal markets, by new oversea trade channels, by resource underdevelopment or resource exhaustion, by mergers, by recession-depression, or whatever. The hands that are stilled belong to Americans; Americans stranded by the vast waves of industrial change which sweep through the basic economic structure of the Nation and break suddenly upon one segment or another of the people. They are hands which belong to Americans shunted aside by forces which are often beyond the power of individuals and localities and States even to comprehend, let alone control.

It has been said that these great forces of change contribute to the welfare of all Americans. The Nation is made more powerful by them. The national statistics glow more brightly in consequence of them. That may well be true. In time, the changes—at least those changes

which tend to greater national productivity—undoubtedly bring with them attendant benefits. But, Mr. President, what of the meantime? What of those Americans who feel, now, the backlash of change? What of those who will feel it in the near future in order that all Americans may ultimately benefit? For them, unfortunately, there is the disquiet today, sensed more deeply than the golden promise of tomorrow.

STATE OF AGRICULTURE AS A FACTOR IN THE NATION'S DISQUIET

I turn next to still another source of the Nation's deepening disquiet—to the state of American agriculture. We have great farm lands, able farmers, and brilliant scientists and technicians. These assets have been combined with mechanical ingenuity to create an incredibly productive agriculture in this Nation. There is food in abundance; and for that abundance there can only be gratitude.

But, Mr. President, when Government stimulates production beyond abundance, beyond superabundance, when it diverts the energies and resources of the Nation, insensibly, into the creation of ever-mounting surpluses, then gratitude gives way to disquiet. It gives way in spreading doubt as to whether we know what we are about. It gives way in a growing public awareness of an enormous waste of effort and resources and of the cynical subordination of the welfare of the Nation to the gain of the few.

Whatever justification Government agricultural subsidies—and let us call a spade a spade, for subsidies are what these programs provide—whatever justification they may have had in the past, what is their justification now? The justification, now, can rest only on insuring to working farm families an income sufficient to remain on the land because we find in the family farm unit, beyond mere economics, some special national virtue. I do not question this objective. I question the manner in which it is pursued. Instead of preserving the family farm unit, the number of farms in the Nation has declined from 5.6 million in 1950 to 4.6 million in 1959, a loss of one million in a decade. Last year, moreover, farm income fell 16.8 percent, despite a program which has cost the American people billions of dollars to operate.

And still the surpluses accumulate. Today the Government owns or has under loan a total of $7 billion of agricultural products. Storage and other handling costs alone may well exceed a billion dollars in 1960.

In short, what began as a decent effort to preserve the family farm has become a monstrous thing. It has swallowed the concept and is disgorging in its place a new get-rich-quick class of Government-subsidized farm industrialists and surplus-storage operators.

Is there any wonder that the disquiet deepens? It deepens among those who seek only an adequate income in order that they may remain on the land. It deepens among all Americans who see no benefit in the form of lower food prices for the billions of public funds which have supported the agricultural programs. It deepens among those who perceive the fundamental immorality of rotting stockpiles of food, even as human beings, both at home and abroad, hunger for adequate sustenance.

STATE OF PUBLIC SERVICES AS A FACTOR IN THE NATION'S DISQUIET

With the threat to peace and the problems of defense, with the human dislocations brought about by rapid industrial and commercial change, and with the chaos in Government agricultural programs, we have still not exhausted the sources of the Nation's disquiet. We must inquire into other spheres to grasp its full dimension.

Ask, Mr. President, after our capacity to prevent the stoppage of production in basic industries, such as steel, whether such stoppages be due to labor-management disputes or to that which is hardly less damaging to the Nation, stoppages in consequence of recession. Note in this connection that steel production was 54.2 million tons below capacity in 1959 largely because of a labor-management dispute. But in 1958 it was 55.5 million tons below capacity largely because of the business recession.

Ask, too, particularly in the West, after the manner in which the power, irrigation, and other basic resource needs of our own underdeveloped States are being met, even as we recognize and strive to fill such needs abroad.

Ask in the metropolitan areas, whether they contain 50,000, 500,000, or 5 million or more citizens, ask of the urban decay which spreads its blight of slums and attendant evils, spreads it faster than rebuilding takes place. Ask, too, of the strangulation of cities in the toils of inadequate roads and transportation facilities and the growing contamination of the very air that is breathed. Ask of the reliability of the Nation's supply of water, pure and simple, over the next few years in the light of rising demand and of an industrial, atomic, and human pollution which more and more clogs the lakes, streams, and rivers.

Ask, too, after the Nation's children and youth and whether or not they are receiving equal and adequate opportunity for education and sufficient constructive outlets for their energies.

Ask after the mounting crime rate and the inadequacies of the machinery of law enforcement. And ask after the adequacy of the Nation's correctional procedures and facilities.

Ask after the Nation's sick, particularly the aged and the mentally ill, of the vast human need for care and cure which now goes unfilled and, in the face of it, the supercommercialization of the drug industry and the hospitals, if not, indeed, of the medical profession itself.

Ask after the Nation's recreational facilities, particularly in the crowded East—the adequacy of the wilderness areas, parks, and shorelines which must meet growing needs now and explosive needs in the near future. It was these areas which our late colleague, the Senator from Oregon, Mr. Neuberger, with great foresight and dedication, sought to safeguard for all, for the future as well as the present, against the inroads and depredations of the predatory and the unthinking.

I know, Mr. President, that these problems and many others of the same kind have been with the Nation for a long time. I know that someone, somewhere—the States or the localities or private citizens—is supposed to be taking care of these matters. But the dangerous strains do not lessen; they grow more intense, and these inner weaknesses mock the vast power and affluence of the Nation, which can mask them no longer.

This Nation has suffered a long night of national neglect in its ordinary and essential public services no less than in matters of defense and peace, no less than in its management of the implications of vast and sweeping industrial and agricultural change. All of us who presume to exercise leadership and authority share the responsibility for this neglect. That the responsibility is multisided, however, does not exonerate those who exercise the highest powers in the land. In this Nation, whether it is recognized or not, it is the Federal administration which sets the tone. And as the tone is set so rings the bell.

FOREIGN POLICY AND THE NATION'S DISQUIET

In no other area is the authority and, hence, the responsibility of the Federal administration more clear cut and absolute than in the conduct of this Nation's quest for a durable peace and adequate national defense. Individuals have not stood in the way here. Nor have the localities or States. Nor, in truth, has the Congress.

All that has been asked by the administration for defense and more has been provided. What has been honestly sought for foreign policy has not been denied, including, year in and year out, the President's request for foreign aid. If we have become more reluctant of late in matters of foreign aid, we have become so only as the evidence of aimlessness, of ineffectiveness and waste in administration, and of political manipulation has accumulated. In spite of this reluctance, Mr. President, I say again that the administration has had the cooperation and the support of the Congress in all decisive matters of foreign relations and defense.

FAR EAST

What has the administration done with this cooperation and support? Has it directed foreign relations in a fashion which has closed the gap between the hope and the reality of peace? Have we really moved closer to peace, even in Korea, as has been proclaimed or implied over the years? I am not aware that in Korea we did more than convert the unwritten truce, which had prevailed in that country for months prior, into a written truce, when in July 1953, the administration signed an agreement with the Communists.

To be sure, Americans are not now being killed in combat in Korea; that is a source of deep gratitude. To draw relief from a truce in Korea, however, should not blind us to the fact that there is no peace in Korea. To call peace that which is no peace at all is to make a

mockery of the sacrifices of those who gave so much in Korea.

The fact is that in the 7 years which have elapsed since the signing of the Korean truce not one further step toward a durable peace has been taken in that region. If there is any doubt on that score, read the sterile debates at the United Nations on the Korean issue, year in and year out. The ideas do not change. Even the words change scarcely at all.

In short, the situation in Korea remains as it was in 1953 except, so far as can be determined, the Chinese are no longer directly engaged with large numbers of military forces in that country, and we are. The situation is, as it was, a makeshift, supported on our part by armed forces and by hundreds of millions of dollars of aid for South Korea each year. And I may add in this connection that some of the recent reports emanating from that Nation suggest—to say the least—a grave and shocking misuse of this aid.

If there is not peace in Korea, where in the Far East is it to be found? At Formosa? In Vietnam? In Laos? All we have obtained in these places and others in Asia is time. We have obtained it at the cost of billions of dollars in aid and a vast and costly deployment of American military forces in the Far East. And more and more, Mr. President, it appears that we have bought time only in order that we may continue to buy time.

What has time, this costly time, produced with regard to the key action of China? We have stood by while the Chinese Communists have consolidated their position on the Asian mainland and vastly expanded their power until its use along its borders grows more arrogant and aggressive.

With a closed-eyes policy we have done nothing more than reinforce our own official ignorance and diplomatic isolation with regard to one of the most crucial areas of the globe. This policy has not brought about the downfall of the Peiping regime, but it has made certain that a new generation of tens of millions of Chinese will come of age in this decade, with a high degree of hatred in their hearts for this Nation and its people.

MIDDLE EAST

Have we done better elsewhere? In the Middle East are we closer to peace now than a decade ago? Countless millions of dollars of public funds have been thrown into currying favor with this leader or that. Time and again, we have seen this practice blow up in our faces and still those who manipulate the policies and administer the public funds do not learn.

For some strange reason, we have persisted in ignoring the one course which might conceivably contribute to a durable peace in the Middle East, insofar as it rests within our capacity so to contribute. That course is one of clear and consistent cooperation with any nation in that area which is prepared to observe a consistent pattern of responsibility and forbearance in the face of the grave problems of peace in that area, a willingness to search now for peaceful and permanent solutions. If that course will not succeed, then I wonder at what strange reckoning we continue to pour millions upon millions of dollars of public funds haphazardly into the Middle East year after year. This attempt to placate the implacable, to purchase the cooperation of the uncooperative with resources of the people of the United States is as immature as the immaturity to which it is addressed. Yet the attempt goes on and on and there is not yet in sight an end to it. And peace—a durable peace—is no closer in the Middle East, but even now, once again, edges toward collapse.

EUROPE AND GERMANY

Are the prospects better in Europe? A foundation for peace was built a long time ago in Western Europe, with the Marshall plan, with the practical initiation of the European movement toward integration, and with the whole encased in the North Atlantic Treaty alliance. Yet, this foundation can give way. It can give way through internal dissensions within Western Europe, and a failure to adjust the institutions of Western unity to ever changing circumstances. It can give way in Germany, particularly over the issue of Berlin.

Once again the forces of incipient conflict are rising at Berlin to a point of naked and devastating confrontation. Are we more ready now in a diplomatic or in a practical military sense for the second German crisis than we were for the first? Are we equipped in policy with new and powerful ideas which might hold the promise of peace without appeasement? Are we joined with the Western European nations in a deep sense of common purpose as the crisis approaches? We are on paths to summits, Mr. President, but apparently, we have yet to find the paths for continued Western unity and for a closing of the division in Germany and Europe, a closing upon which peace ultimately depends.

UNDERDEVELOPED AREAS AND AID

If we are no closer to peace, a durable peace in Germany and Europe, can anyone say that there exists the conditions of progress on which a stable peace depends in the underdeveloped regions of Asia and Africa indeed, even in this hemisphere? The administration uses words of constructive challenge in justification of its request for billions of dollars of aid for these areas each year. But, Mr. President, they are the words of a decade ago and they are tired words. The same clarion has sounded too many times and its notes grow feeble. The inspiration of the point 4 program of helping others to help themselves has been exhausted in a labyrinth of bureaucracy and in a haphazard accumulation of activity for activity's sake. More and more people at home, no less than people abroad, cease to hear the promise and ask after the results. Still we go on and on largely in the same pattern of aimlessness and endlessness that has persisted in this program since the Marshall plan came to a close.

ARMS CONTROL

Nor are we nearer to peace, Mr. President, in the matter of arms control. Fifteen years of costly negotiation, within the United Nations and without, have yet to yield one signed and sealed agreement of substance. The Soviet Union announces cuts in its fighting forces. We make them. In the most deadly fields of missiles and nuclear weapons, the competition to refine the instruments of universal annihilation goes on. Nuclear testing is under a moratorium imposed by world opinion but clouds, heavy with the rain of radioactive death, still hang ominously over the earth.

Once there was one, then two, then three, and now four members of the nuclear club. The countup is likely to continue as the scientific and technical bars to membership come down. More and more fingers will probe the triggers of weapons of immense human destruction, weapons primed and reprimed to respond evermore quickly.

Mr. President, it is this panorama of a world, less, not more peaceful today, in any real sense of the word "peace," than it was a decade and a half ago, which is unfolding its deepening disquiet in the consciousness of the people of the United States. This grim and clouded panorama spreads a growing public awareness that our policy has become, less a positive search for peace and more a vast and costly holding action. It is no wonder that the question is more and more asked in the Nation: Why has not more been done for peace with what the American people have been willing to do?

NATIONAL DEFENSE AND THE NATION'S DISQUIET

Even as this question is asked in the realm of foreign policy where the Russians or the Chinese still offer an excuse—in part accurate and in part glib—for our own inadequacies and inertia, it must be asked even more in matters of national defense. At the end of a decade and a half of spending, $500 billion later, a half-trillion dollars later, we are now at a point where the gravest uncertainties exist among those who should know, as to our military capacity and readiness to defend ourselves.

What has been said in public, what can be seen with one's own eyes and heard with one's own ears, is sufficient to persuade me and, I believe, other Americans that there are grounds for concern—deep concern—over the operation of the national defense system, quite apart from the Soviet threat, the Chinese threat, or whatever. There are grounds for concern which have to do with our own shortcomings, and they cannot be dismissed by general reference to motes in other eyes.

There are grounds for deep concern over our rate of achievement in space technology in a world which, for better or worse, increasingly measures national competence with the yardstick of advanced scientific progress. There are grounds for concern over the present system of administration by which the vital questions of defense are interrelated with the vital questions of foreign

policy, the system by which these questions are answered by decisions—if, indeed, they are answered at all. There are grounds for concern over the manner in which the supposedly unified Defense Department is organized and staffed to fulfill its primary functions of military defense at the direction of responsible civilian authority. There are grounds for concern over the manner in which the Department of Defense handles the public funds of the people of the United States.

What other conclusion can be drawn from the visible gaps in space exploration? What other conclusion can be drawn from the words of experienced Americans who have been appearing before the special committee on national policy machinery under the chairmanship of the able Senator from Washington [Mr. JACKSON] which suggest that the premium in this administration is on the avoidance rather than the making of decisions by responsible political authority? What other conclusion can be drawn from the conflicting testimony of representatives of the Air Force, the Navy, and the Army as they push for appropriations for their particular service almost as though the others were nonexistent, almost as though it was incumbent upon each service alone to defend the Nation without aid or interference from the others? What other conclusion can be drawn from the revelations of the waste of enlisted manpower and the abuse of the privileges of rank, the revelations which have been made by Representative KOWALSKI and others in the other House? What other conclusion can be drawn from the questionable training manuals of the Defense Department which were recently brought to light? What other conclusion is to be drawn from what is, to say the least, a careless regard for conflict of interest in the part of many retired officers—civilian and military—now retained at high salary by firms whose primary business is selling to the Defense Department? What other conclusion is to be drawn from what would have been, except for the pressures from Congress, the passing over for promotion and, hence, the retirement of one of the most creative officers in the service—the admiral who was the driving force behind the development of the atomic-powered submarine?

What other conclusion can be drawn, when a decade and a half after the urgency of World War II, 7 years after the urgency of the Korean conflict, the Defense Department still places 80 percent of its $20–$25 billion of procurement orders each year on the urgent and extraordinarily expensive basis of cost-plus contracts without competitive bids?

What other conclusion can be drawn when we learn that the Defense Department wrote off—got rid of—in 1958, $7.5 billion of its public assets at a fraction of their value? When we learn that through mistakes of judgment and what appear to be fantastic concepts of need and obsolescence, the practice of write-off of assets in something of this same magnitude is repeated over and over each year and is likely, when the figures are in, to reach $10 billion for 1959? Even the mountains of surplus agricultural products rotting in the warehouses at Government expense pale into insignificance in comparison with this waste. Note in this connection that the British defense establishment has a budget of only $4 to $5 billion annually. In other words, the British operate their entire military establishment—army, navy, and air force—each year at about half of the cost of the assets which our Defense Department abandons each year; in short, at about half the cost of what our Military Establishment—avoidably or unavoidably—wastes each year.

Mr. President, I do not know whether we need to keep a third, as some have suggested, or a half or two thirds of the Strategic Air Command aloft at all times to insure our national survival. I do not know whether we need to convert the basement playgrounds into bombproof shelters or otherwise to burrow into the earth, as others have suggested, in order to insure our national survival.

I do believe, however, that we need decisions by the responsible elected leadership rather than the aimless drift either through mutual accommodation or unrelated action among the swollen bureaucracies of administration if we are to have even a chance to assure our national survival in freedom. I do believe that we need to bring about an alert, streamlined, and disciplined administration of the Military Establishment if we are to have even a chance of insuring our national survival in freedom.

It is becoming crystal clear that the ills of national defense, no less than those of foreign policy, are not of a kind which lend themselves to cure by additional injections of dollars.

CONCLUSION

Mr. President, in giving voice to these thoughts, to this deepening disquiet which is spreading through the Nation, I said and I say again that all, all who presume to exercise leadership and authority share responsibility for the present state of the Nation's public affairs. That is true of the local official, no less than the State official, no less than Congress and the administration. But as the public power is not equally divided, so, too, is the responsibility for the deepening disquiet in the Nation not equally divided.

If the remarks which I am now concluding seem to apply more pointedly to the Federal Government and to its administration it is because the Federal administration—regardless of party—wields the primary public authority and occupies the citadel of national leadership. That is clearly the case, as I have noted, in regard to matters of peace and defense. It is more and more the case as regards the fibers of the public services which bind together the Nation and safeguard its inner health and vitality.

This era, Mr. President, began as a crusade with the bright promise of change for the better. It began with the promise of peace; it began with an almost built-in guarantee of more effective defense. It began with the assurance of the new broom that sweeps clean. This era, Mr. President, is ending with the broom still in the closet, with the inner problems of the Nation accumulating, through neglect and evasion, at a rapid rate, a rate the more shameful because of the vaunted power and affluence of the Nation. This era is ending with the Nation, relatively, far less secure than it was 15 years ago, less secure than it was a decade ago, still less secure than it was 5 years ago. As this era is ending, durable peace is still as elusive as the Abominable Snow Man of the Himalayas, pursued from summit to summit by one goodwill expedition after another.

Whatever is achieved in the remaining months, one certainty there is: There will pass to the next administration—Republican or Democratic—a monumental accumulation of unfilled needs for public action. The needs will not be filled by crusades which crumble after the first flush of political victory. They will not be filled by the manipulation of words. They will be filled by an administration which, with the cooperation of the Congress, accepts—rather than evades—the responsibilities of the second half of the 20th century. They will be filled by an administration which serves, equitably, all the people of the United States. They will be filled by an administration which does more, far more, with what the people are willing to do for peace and for defense. They will be filled by an administration which has the capacity to lead and the determination to lead, by an administration which calls forth from this Government and from this people a new dedication to the unfinished work of freedom.

Mr. CHURCH. Mr. President, I desire to let the distinguished Senator from Montana know how heartened I have been by his remarks this afternoon. I desire to commend him on the outstanding address he has just now concluded.

Certainly I would not attempt to add to so sweeping an analysis of our national afflictions. But I would ask the Senator from Montana whether he believes that the core of our problem may be the question of our national values. In the course of his remarks, he has alluded to this question.

I am struck by the fact that a country so rich in private automobiles that they "constipate" its city streets, yet—for lack of funds—finds its public transportation at least 30 years behind its needs.

I am also struck by the fact that private entertainment flourishes, while public education is confronted with a growing crisis. The classroom shortage has not been solved, and each year the problems facing our public schools grow more serious.

I am also struck by the fact that our private drugstores display a billion bottles of perfumed water; yet the water in our public rivers is polluted, and our urban air thickens with contamination which each day poses a more serious threat to the public health.

So I wonder whether we are headed toward a point where America will become a kind of modern Babylon of private plenty in the midst of public poverty.

Therefore, I would ask the Senator from Montana, who has just now given us the benefit of such an outstanding address, whether he shares my feeling that at the root of these afflictions, which beset us at home and plague us abroad, this question of values may be the most fundamental of all?

Mr. MANSFIELD. Mr. President, in response to what my distinguished friend, the Senator from Idaho, has said, I can only state that in a few words he has said what I tried to convey with many. The Senator from Idaho has stated more simply and more accurately than I did, or than I could, just what the nub of the question is.

I am afraid that we, as a people, have a distorted sense of values; and that we are trying, ostrichlike, to hide our heads in the sand, in order to avoid confronting some of the difficulties which we face today; that our people are looking to Washington, to "a great White Father," in hopes that he will take them into his arms; that we are eager to avoid such questions, rather than face up to them and pay the price which solving them will entail.

Let me say that I am in full accord with what my friend, the Senator from Idaho, has said; and again I state that in a few words he has said what I have endeavored to say in many words.

Mr. CHURCH. Mr. President, I thank the Senator from Montana for his generosity. But let me say that since I first came to the Senate, I have been one of many to be impressed with the reflective and well-reasoned addresses of the distinguished Senator from Montana. He has done much to instruct the Senate and to enlighten the country. I think the address he has just now delivered is climatic; and I hope that many will read it and will take it to heart.

Mr. McGEE. Mr. President, will the Senator from Montana yield to me?

Mr. MANSFIELD. I yield.

Mr. McGEE. I wish to join my colleague, the Senator from Idaho, in expressing deep personal appreciation for the searching nature of the questions which have been raised here, this afternoon, by the remarks of the distinguished Senator from Montana. My only regret is that the proximity of the Easter holiday has resulted in the absence from the floor, this afternoon, of so many of our colleagues.

The questions the Senator from Montana has described as disquieting queries are the kinds that any man responsible for the direction of government ought to be haunted by, day and night.

I wish the Senator from Montana to know that there are those of us who personally will do everything that we can in order to see to it that others have the benefit of the penetrating inquiries he has launched this afternoon.

I did not intend to be in the Chamber myself, this afternoon, until I learned, quite by chance, that the Senator from Montana was going to develop some of his thoughts on this afternoon, which he has described as a quiet one.

At this time I should like to suggest that when the Senator from Montana, in the beginning of his remarks today, stated that at this time the ship of state is frozen on a dangerous course, perhaps he was putting the matter too kindly. I believe that the record shows that our ship of state is frozen; but probably it is not frozen on any course at all, and therefore we find ourselves in our present plight.

Will the Senator from Montana accept that modification—that there seems to be no direction, rather than even a direction on a dangerous course?

Mr. MANSFIELD. If I may reply to my friend from Wyoming, I think that there are evidences of direction now and again, but so far as a true and steady course is concerned, it was lacking, in my opinion. I would point out, too, that this is a matter in which blame can be divided; that the Congress as well as the American people have, to a certain extent, been at fault, even though the contributions of the American people, large though they have been, and made through Congress, have indicated evidence of a desire to face up to the difficulties that confront us. However, under our system, responsibility for the administration of defense, foreign policy, and related matters in the domestic field falls on the administration, on the executive branch of the Government, and I think it is there that there has been a lack of direction as to what course we should pursue—perhaps understandably so—because there are many questions to face and many problems to solve. I would say that we are not exactly frozen; but that, instead, we have not shown what course we should pursue.

Mr. McGEE. I thank the Senator for that answer. I desire to pursue one other thought in connection with his speech today. I think he has left his remarks on a statesmanlike level, with no partisan wranglings contained in it, which is proper. I fear that the plight in which we find ourselves as a nation today has resulted in part because politicians, regardless of party, seem to have their eyes focused on November 1960 in preference to the long period ahead, which requires the kind of imagination and defining of direction to which the Senator from Montana repeatedly alluded in his remarks.

I think one of the real dangers we are indulging at this moment is the temptation somehow to squeeze by next November, regardless of party, rather than face the facts. There is a reluctance, in my judgment, to tell the people the truth—at least the whole truth—to try to submit them to the opiates of wishful thinking, rather than shock them with the kind of realism, in the form of penetrating questions, such as the Senator from Montana has propounded here this afternoon. People would much rather hear about peace and prosperity than face the harsh requisites of human want and need—national need, I may add—and international hopes. Sometimes those things cost money. Certainly, if they are to be achieved in balance, they require sacrifice.

If we can have our cake and eat it, too, it seems to me we have concocted a delightful formula for waging an election campaign. The tragedy is that we are not likely to be pleased with the result, and we are going to have to make a choice, and I think that choice must be directed at two ends: One, at the real price on national need, and the other at the real hope for international expectations; and they become substantial programs on both grounds, if I assess the events around us at all accurately.

How can we, for example, as legislators, honestly go to the people and say that we are going to lower taxes, or we are going to lower the budget, or we are going to balance the budget, when we are confronted with reports from our own experts that we are falling far short of our needs? How can we, with real conscience, claim to direct the ship of state, with whatever small modicum of responsibility we possess unless we tell the people the truth?

I am a member of the Select Committee on National Water Resources in which we have been told that if we are going to meet our water requirements in the next 10 years—our own requirements, not those of areas of the world that are even shorter of water than we are—somebody, somewhere, sometime in that period, is going to have to spend $171 billion. Who is going to tell the people that and try to run for public office at the same time?

The Senator from Montana and I are deeply concerned about the deterioration of our national forests. The harvesting of trees is a big business in this country, and the Forest Service is warning us that we are running out of trees and running out of other forest products. To keep up with the programs advocated by both Franklin and Theodore Roosevelt, we must expand our forest resources. At the present rate of budgetary control, it is going to take 400 years in my own State of Wyoming to catch up with the replenishment of our deteriorated forest supplies. For the State of Montana the figure is still higher. In some States, at present rates, it is going to take 5,000 years to do so.

That is why many of us argue that the people should be told the truth. It seems to me we ought to place on a great national table, for all to observe, what it is that this Nation must do, what is necessary for this country of great strength and richness to do, and then to adjust a budget discipline to national need. Such a program will require national priorities, putting first things first; but I fear we have fallen for the gimmick of budgetry. I fear we have confused personal luxury with national prosperity. Gimmicks and gadgets are easily confused with progress, because, for a day, for a few moments, they seem to make life more convenient. But in terms of the needs of the people, in terms of the national requirements, in terms of expectations on international quiet, which some call peace, we have missed the mark in the telling ways in which the Senator's questions have pointed out.

A gentleman with whom I had a discussion at some length in Hong Kong in December had just returned from Moscow. I do not know what his own affiliation was. He may have been leaning toward the regime in Peiping, for all I know. He did not say. But he did say, "I have been to your country, America, and I was impressed with your conveniences, with the tail fins on your automobiles, with the high standard of living your people seem to have achieved in a material way. But," he said, "sir, if I may say so, I had the feeling that you are through, that you are not going anywhere, and I hope you will not take offense at my saying that. I have just returned from Moscow," he went on, "and there, while they have not yet overtaken you in personal comforts and in individual luxuries, one still had the conviction that these people seemed to be going somewhere and intended to get there."

Whether he is telling the truth or not, he certainly has raised an analogy that ought to concern every American; and I suggest the time has come, as the Senator's questions imply, for all Americans to ask themselves this question: "America, where are we heading? America, what are we for? And, America, what are we willing to sacrifice in order to get there?"

It seems to me we need to rededicate our national energy as well as our personal expectations. Is it not time that we subscribe once again to that which Thomas Jefferson represented? He stood for people. That was what distinguished Jefferson from his colleagues. He believed in people.

What set Andrew Jackson aside from his contemporaries was that he believed in the common man.

This is what marked Abraham Lincoln.

That is what set aside the New Deal and Franklin D. Roosevelt.

The moment has come when Americans must set up a charter of goals, ask the price, and weigh the processes for meeting that price. It is time we can afford to be for people, whether they be our own people or our fellow men whom God has created elsewhere around the world.

There is nothing so wrong with people that we could not correct the drift in the present American position, both at home and abroad.

I personally resent the attitude among many groups in my own country, who pretend that if we simply will sit still and not "rock the boat" somehow we will make it through. History is not going to be that kind to us, Mr. President. History teaches us nothing if it does not teach us the inevitability of change. We are not going to stop history. We can be swept aside by it.

Because of our role, in my judgment we have an opportunity to make history. In my judgment, the Senator from Montana has made history today by asking the right questions, to which courageous Americans of any political faith ought to be seeking answers—and sooner, rather than later, if we are to triumph.

Once again I thank my colleague for having done what should have been done long ago in this body, for bringing into focus the need, and for asking the proper questions, in the hope that we can find the proper answers.

Mr. MANSFIELD. Mr. President, I wish to express my deep thanks to the Senator from Wyoming for his kind remarks, and to assure him that I listened to him this afternoon, as I always do, with great interest, because I know he has a tremendous background and a great well of knowledge on which to draw. When the Senator speaks he speaks with knowledge as well as with wisdom. I can well understand why he was such a popular and much sought after professor while he served on the faculty of the University of Wyoming, before coming to this body.

Again I express my deep personal thanks for the kind remarks he made this afternoon.

Mr. HARTKE. Mr. President, I should like to add my words of commendation to the distinguished assistant majority leader for the fine address he has made this afternoon. As I briefly stated to the Senator in private, and as I now state publicly, I think the Senator speaks as a man of wisdom, a man of learning, and a man of foresight, who is telling the Nation what it should hear.

The Senator from Montana is to be congratulated upon a fine address. I know he will continue to bring to the attention of the Nation those things which the Nation must hear if we are going to continue to live the way Americans have always lived.

Mr. MANSFIELD. Mr. President, I express my deep thanks to the Senator from Indiana for his kind words.

UNEMPLOYMENT

Mr. HARTKE. Mr. President, following what the distinguished Senator from Montana has had to say, I should like to discuss for a few moments a matter which it seems to me is very important for all of America. I refer to the problem of what we are going to do about more than 4 million Americans who do not know where to find a job. These Americans are looking for some place to work, and they do not know where to go.

Frankly, Mr. President, I am an optimist by nature, but I see these reports and observe that they are glossed over without much attention being paid to conditions, and it is sort of shocking to me. I can understand why people should become disturbed at this time.

Mr. President, the New York Times is certainly not considered to be anything except a wonderful newspaper, with its feet upon the ground and its head high in the air. That newspaper commented editorially upon the April Labor Force report issued by the Secretary of Labor, Secretary Mitchell, concerning the employment situation for March 1960. I should like to quote a bit of that New York Times editorial, to show the concern about people who want to work and who cannot find a place to work.

The editorial states:

Our economy is so large and diversified that even temporary weakness in the automobile and steel industries is no necessary harbinger of general difficulty. But certainly the latest data on employment and unemployment, as well as on production trends, suggest that this is a time for increased alertness among economic observers in business and government. The balance of probability is still in favor of this year being one of the most prosperous in our history. But it would not be inappropriate for those in responsible position to start thinking about what might be done should the present spotty weaknesses in the economy show signs of becoming cumulative and more general.

Mr. President, I think anyone who reads the report will certainly be shocked by it. These are ordinary Americans, who like to look upon their country as one of the greatest countries in the world. The words themselves are shocking. It is hard to understand how they would not be given serious consideration.

I wish to read what the Secretary of Labor had to say in his monthly report on the labor force for March, 1960:

The unemployment situation in March was seriously affected by the unusually cold weather and heavy snowfalls throughout large areas of the country. Instead of showing the customary March increase, total employment edged down by a quarter of a million to 64.3 million. Agriculture and construction failed to show any other substantial seasonal pickup which normally occurs at this time of year.

The Secretary went on to say:

Unemployment increased by nearly 300,000 to 4.2 million between February and March.

Everyone knows that between February and March ordinarily the employment picks up and unemployment goes down. In fact, this is the most outrageous report on the unemployment picture for our Americans which we have had since World War II for the month of March.

As I stated, Mr. President, when we presented the report of the Special Committee on Unemployment Problems to this body not over a month ago, we learned of an unemployment rate in Western Europe, in the great country of Sweden, for example, which, since World War II, has never been more than 2½ percent. The unemployment rate in West Germany has not been more than 2 percent, and the unemployment rate has not been more than 2 percent in England. In the great country of America we have an unemployment rate of 5.4 percent, with more than 4 million people out of work.

It is contended that a large part of the rise in unemployment has occurred among the outdoor workers, although there were some cutbacks in automobile and aircraft plants.

Mr. President, though I do not remember it very well, since I was quite young at the time, I remember a time when we had 4 million people unemployed, at another time in our history. I will tell Senators that one time we had 4 million people unemployed, at the bottom of the 1954 recession, not in a time of prosperity and not in a time when we are supposed to be "going great guns" and when we are supposed to be in a great big boom. At the bottom of

the 1954 recession we had 4 million people out of work.

Mr. President, there was another time when we had 4 million people out of work. That was in the spring of 1930. At that time we had 4 million people out of work. I will tell Senators that the weather during the winter of 1929–30 was exceptionally good and exceptionally mild. I am going to tell Senators what was said about the weather conditions on March 4 of 1930, approximately 6 months after the stock market crashed, when we had millions of people looking for work. These are the words of Tom Lamont, one of the greatest financiers of the United States. This is a quote from a statement of March 4, 1930:

As weather conditions moderate we are likely to find the country as a whole enjoying its wanted state of prosperity.

The statements made are very similar. We are talking about the same thing, over 4 million people who are out of work.

I remember another great man at that time, the then President of the United States, who, on the day following the stock market crash, gave the same optimistic reports as to what the condition of business was going to be. He said, on October 30, 1929, the day after the stock market crash:

The fundamental business of the country, that is, production and distribution of commodities, is on a sound and prosperous basis.

This is the prosperity we hear people talking about today. Let us see what is involved. Let us simply look at the report of Secretary Mitchell for a moment. We see that it contains these very selfsame warnings.

Mr. President, I do not want anyone to think I am saying that the country is in the same shape it was in in 1932, but certainly these are some warnings which should be carefully considered.

In the Secretary's report he says that automobile production is declining at a time when it should be increasing. He says that the average weekly hours of production workers in manufacturing industries declined when they should have been increasing, from February to March. He says that overtime declined in the last month, when normally it should be increasing. He says that the number of long-term unemployed—that is, those people who are out of work for 15 weeks or longer—still exceeds the all-time high. The figure stands at 1.2 million; and he says that whereas we should have an expanding economy with a growing population and the overall size of our labor force should be increasing rapidly, ours—not in his words, but, in effect, in his terms—is growing at a snail's pace.

Let us see exactly where we are in March 1960. Unemployment went up 300,000, to a total of 4,206,000. It should have dropped by 170,000. According to the Secretary's own words, this means that there are now—even from February 1960 to March 1960—475,000 more people out of work than normally should have been the situation.

Consider employment, the other side of the picture. The figures show that employment, instead of going up, dropped 250,000. The Secretary said it should have increased by 450,000, which means that we should have 700,000 more people employed this month than are actually employed.

There is one great light shed, one great ray of hope, one field in which employment went up substantially; namely, in the number of Government workers. There are 180,000 additional Government workers, because of the census. If we add those 180,000 to the 700,000 less who are employed at the present time, we come up with the staggering total of 880,000 people more than the number in February who should be working today, who are not working.

These are the Secretary's figures. What does he say? Has he any program? Only excuses are offered. The weather is blamed. Last fall it was the steel strike. After the steel strike, the inventories. The situation is even the subject of jokes. Men talk about going out and eating their hats, made from cake. In my opinion, humor is not proper under such circumstances.

These people are humans, and not mere statistics. They want to work for a living. As we have shown in the hearings conducted all over the United States, these people want to work. They say, "We want work. We do not want to draw unemployment compensation checks"—even though in many cases unemployment compensation has expired. They say, "We are too proud to go on relief. We do not send our children to school, because we do not have decent clothes for them."

The distinguished Senator from Kentucky [Mr. COOPER] knows that it was testified in some places that the situation was such that shoes were being collected to give to people who were out of work.

There were some agreements among our Committee on Unemployment Problems. Basically the majority and minority agreed upon one simple fact—in the first place, that we had a problem of national concern. No one can deny that today.

The majority made 13 distinct recommendations; and I think honestly we can look at those and divide them into two sections. The first group are designed to alleviate the effects of unemployment, the actual immediate effects of human suffering.

I think it is appropriate during Holy Week to remember that the Christian duty must concern itself with human suffering. That is a Christian duty. Much more, it should be a governmental duty for the Government to concern itself with human suffering. When we find a man who is out of work and sees his children starving, he will steal before he lets them starve. I know that we do not want to contribute to such a situation.

As I have stated, the 13 recommendations can be divided into two parts:

In the first group, those solutions designed to alleviate human suffering. First, we talked about legislation to assist distressed areas; second, about unemployment insurance to take care of the immediate needs of the unemployed; third, public assistance to take care of those people whose unemployment compensation has been exhausted.

Fourth, we talked also about strengthening the employment services themselves.

Fifth, we talked about legislation to take care of industries hurt by foreign competition.

In the second group we have measures, generally speaking, designed to prevent unemployment and to promote economic growth. If we are going to get at the heart and nub of the problem, the thing to do with the unemployed men is to put them to work. But it is not a mere matter of words. We must have action.

We relied to a great extent upon the report of the Joint Economic Committee, which made its study of the economic conditions of the United States. The Joint Economic Committee pointed out that the economic growth of the United States was not keeping pace. In fact, if our growth had been 5 percent from 1947 to 1959, our gross annual product would have been increased by $371 billion. Along with this, we could have satisfied many of the human needs and provided many jobs. But frankly, it appears that this administration and the President have put a governor on our economy. The only thing which seems to be ahead of schedule today is the predicted recession. It is coming much sooner than most people anticipate.

Many people say, concerning the predicted recession, "This is a political year. These statements come from the mouths of politicians." I should like to quote from a rather reputable magazine, which does an excellent job, namely, Nation's Business, the official organ of the U.S. Chamber of Commerce. On page 7 of the April 1960 issue we find the following:

Next news you'll hear about overtime work is that it's slipping.

Here's picture in advance:

Average factory worker is putting in 2 hours, 48 minutes a week overtime.

It's 3 hours a week for workers in durable goods industries, 2 hours, 36 minutes for nondurable goods.

Average has been creeping up.

Now it's expected to plateau, then begin creeping back down.

That'll reduce average workweek (now little less than 40½ hours).

Importance to all businessmen—big or small—is this:

Changes in length of average workweek usually come months ahead of major economic fluctuations.

Study covering economic changes since end of World War I indicates length of average workweek will taper off, begin to decline about 7 months ahead of business dip.

This is April 1960. Let me tell Senators what some of our people out in Indiana are doing. This is what some of those who are studying business conditions think. This comes from the Indiana University School of Business, in the April 1960 issue of their magazine. They come forth with some rather informative statements. I think I shall let

them speak for themselves. I read from

economic program. The tight-money demanding greater efforts by this coun-

them speak for themselves. I read from page 6 of the report for April 1960:

Thus, it seems premature to predict a recession beginning within the next 3 to 6 months.

On the other hand, a recession within the next year to 18 months seems likely.

We have seen more than 4 million people out of work, at a rate of unemployment of 5.4 percent, in a period which we call prosperity. This is a paradox. According to Nation's Business, and according to the people who are working at Indiana University, we are heading for another recession, with a backlog of more than 4 million people who want to work, but cannot find jobs.

I read further from the report of the University of Indiana:

When it comes, many economists feel that an informed public policy should see to it that the budget is unbalanced with greater alacrity than was the case in the last two recessions. A good many of us argued in the winter of 1957–58 that an across-the-board tax reduction was called for to bring the economy soaring out of the recession of 1957–58, and hindsight should convince many legislators of the validity of this view. For the economy has not yet returned to anything like its vast potential, and it begins to look as though it will not do so in 1960.

More and more people in this country are beginning to feel that in the short run a restrictive monetary policy is awfully bad for business and that in the long run it impedes the growth of the economy.

Mr. President, these are statements by people concerned with the future of America. Some people, on the other hand, say, "You should not bring these facts out, because they are rather pessimistic."

There never was a period of greater optimism in the history of the United States than that which preceded the crash of 1929. Optimism and optimistic talk cannot assure prosperity. It will take more than words. It will take action. The administration, even though it knows it is faced with a grave national problem, has not come forward with a solitary piece of legislation or other proposal to alleviate the human suffering of 4 million Americans tonight. They refuse to do so. If they will not do anything about it, it will be necessary for us in Congress to give consideration to the problem, and do something about it. Of course, no matter what laws we pass, unless they are administered properly, that action will not be effective.

There may be some other solutions. Dr. Arthur Burns, former Chairman of the President's Council of Economic Advisers, and now president of the American Economic Association, gave some ideas on what should be done. He talked about having standby public works programs. He also spoke about tax revision on a real basis as a means of preventing economic recession.

Therefore it is possible that we will have to give some thought to the congressional action along three definite lines. We must substitute for the tight-money policy of the administration a new program, not necessarily one of loose money, but one which will accomplish economic growth through a managed economic program. The tight-money policy has only slowed our growth and has not halted inflation. It has certainly made it more difficult for business to live and to provide jobs for people who want to work.

I believe that we must certainly give some consideration to some real tax relief which will help economic growth, including efforts along the lines which have been suggested by former Presidential Adviser Arthur Burns during the 1958 recession.

We must also help restore our status in foreign trade, so that we can stop "exporting jobs." In this particular field I believe I can give some more ideas at a later time, along with what might be a possible solution.

The worst that the administration, in standing before the American people, can be accused of is not that they do not see the problem but, rather, that the problem is there but they have failed to offer any solution.

Congress is offering some solutions. Before they criticize these solutions too seriously, I believe it is proper for them to come up with some suggested solutions of their own.

SPACE ACCOMPLISHMENTS

Mr. COOPER. Mr. President, last month, on March 11, the United States successfully launched Pioneer V into orbit around the Sun. It carries the first long-range communications system designed to return signals over truly interplanetary distances in space, which is expected to radio data to the Earth across 50 million miles from the vicinity of the orbit of Venus. Pioneer V, the "paddlewheel" space probe, at noon today will be 4,586,063 miles from Earth, and is sending back scientific information daily. Within 2 or 3 weeks, its long-range radio will be called upon.

On April 1—2 weeks ago—at 6:40 a.m. e.s.t., the United States put Tiros I into a nearly perfect circular orbit. By tomorrow morning at 6:40, it will have made 202 circuits of the Earth—and hundreds of pictures. Tiros, the "weather eye" takes pictures of the weather on a global scale—an advance which is clearly a meteorological breakthrough. It is, I think, the first true space platform doing peaceful work useful to all mankind.

Yesterday, the United States launched Transit IB, a satellite testing a navigation system which could be used by ships and planes of every nation, in all parts of the world in any weather. Transit is this country's third space-age "first" within a month—in as many specific fields.

These historic feats compel the attention of the world to the accomplishments of this country in the peaceful use of space.

Since Russia launched Sputnik I on October 4, 1957, and Lunik I on January 2, 1959, great concern has been expressed in this country about our defenses, our progress in science and technology, and about our position of world leadership. There have been many critical speeches on the floor of the Senate calling attention to the Russian achievements, and demanding greater efforts by this country in the realm of space. This has been true, although while the United States has launched 2 highly successful Earth satellites within 2 weeks, and now has 9 satellites orbiting the Earth of the 17 it has successfully launched, the Soviet Union, as far as we know, has not launched an Earth satellite for nearly 2 years, since Sputnik III.

Had the launching of Pioneer V, Tiros, and Transit been Russian accomplishments, we would have heard many speeches about it on the floor of the Senate, expressing great concern about the state of our scientific progress and the delinquencies of our space program—and calls for imagination and urgent steps by the administration.

As it is, these exciting demonstrations of scientific progress and technical capability by U.S. satellites have not been mentioned by the critics of the Nation's space program.

In fact, the only comment I have heard in the Senate was made a few days ago by the distinguished Senator from South Dakota [Mr. CASE].

Two nights ago, the able titular leader of the Democratic Party, Mr. Stevenson, speaking in Charlottesville, Va., on the subject of truth to the people of this Nation, as I understood the subject, did not see fit to call to the attention of his audience or the people of the United States these tremendous achievements of our country in the field of space within the last 2 weeks.

I was sorry that I could not be here a few minutes ago to hear the speech of my friend and distinguished colleague, the Senator from Montana [Mr. MANSFIELD]. I would say about him—as I am sure most Senators would say—that when he speaks, he speaks from deep patriotic impulses. He is as little partisan as anyone in the Senate, particularly when he speaks on questions which affect the security of the United States.

I am sorry he is not here. However, in reading his speech, I find at page 20 the statement:

There are grounds for deep concern over our rate of achievement in space technology in a world which, for better or worse, increasingly measures national competence with the yardstick of advanced scientific progress.

That is a true statement, but again I say that there has been no critic of this administration or of the space program of our country, who has hailed the achievement of our scientists in the last 2 weeks with reference to the tremendous achievement in the launching of these Earth satellites.

I should like to speak today particularly about Tiros I, not only because it represents a demonstration of techniques, skill, and organization which testifies to tremendous progress in space, and points most hopefully toward even greater achievements. I speak of Tiros because I believe it is the first in the generation of useful satellites, which will benefit mankind.

I point out these obvious conclusions, which scientists have stated; and, of course, I draw from their conclusions.

First, certainly a primary consideration in rocketry is precision, and accuracy of launching. I understand that Tiros I is in the most perfect orbit ever achieved, having an apogee of 468 miles and perigee of 435 miles. I had not learned what those terms meant until several years ago, when the first satellite was placed in orbit. They mean that in its orbit almost 9,000 miles across, the satellite swings toward and away from the earth only 16 miles each way. Such an orbit, as nearly round as the earth itself, must have required a launching accuracy of four one-hundredths of a degree, and a cut-off speed timed within 22 feet per second of the planned velocity of 24,633 feet per second.

Second, Tiros I, launched by a Thor-Able three-stage rocket, not only weighs 270 pounds and is the largest "live" satellite flying, but is fully equipped with two television cameras, tape recorders, and transmitting equipment for each; receivers, sequence timers, and controls; position sensors; solar generators, batteries, and converters. Our first small satellites merely bleated the fact of their existence. Tiros I receives instructions, stores millions of bits of information, and transmits detailed photographs showing global cloud cover, and cloud types over smaller areas, to our receiving stations—on demand.

Third, our first satellites had a short, useful life. The surface of Tiros I is tiled with a mosaic of 9,200 solar generating cells, again a development of the United States, which during the illumined half of the trip convert sunshine into enough electricity to operate its cameras and recording and transmitting equipment, and can do so for an indefinite period.

Fourth, the early satellites tumbled through space. Obviously, Tiros I is stabilized and maintains its position. Its cameras will continue to scan the earth until its orbit and the position of the Sun put them in darkness after 3 months.

Fifth, while the Russians were able to take pictures of the hidden side of the Moon—and that was a historic achievement—the photographs taken by Tiros I are as useful and practical as they are technically spectacular.

These scientific and technical achievements do great credit to our continuing efforts in rocketry, communications, and the peaceful use of space. Tiros should be recognized for its combination of launching power and precision, together with its extremely complex payload, command control, and the wealth of information communicated. But greater than the prestige and satisfaction which the successful combining of these separate achievements permits us, is the contribution of Tiros I to the store of man's knowledge about his environment.

A record of the constantly changing and shifting cloud cover over large portions of the earth's surface represents a tremendous advance in weather information, with great potential for both short- and long-range forecasting, and toward developing basic meteorological theory. No possible combination of observations laboriously compiled from the surface of the earth could match the speed and scope of this feat—which a few years ago would have been considered fantastic.

As Dr. Wexler, Research Director of the U.S. Weather Bureau, has pointed out, even with the most elaborate networks we are now observing only about one-fifth of the total atmospheric mass. Large areas of the ocean, desert, and polar regions are completely uncovered by weather stations. Storms may brew in these areas for a day or longer without our being aware of them. So a Tiros system would improve the accuracy of forecasts, if for no other reason than that it will be observing parts of the atmosphere never observed before.

The Honorable T. Keith Glennan, Administrator of the National Aeronautics and Space Administration, has said that, of course, the purpose of the launching of the Tiros satellites is peaceful. Last Sunday, anyone who had the opportunity to hear Dr. Glennan on the program "Meet the Press," must have been impressed by his recital of the achievements of the Space Agency, and of the purposes of its satellites. But we know that satellites have other possibilities.

I shall not dwell on the implications of Tiros I for a more accurate mapping of the Earth's surface, for infrared sensing, and for defense. It may be hoped—and I mention this as a possibility—that observation from space could in time contribute toward disarmament by overcoming objections to observations carried out on the ground. In this respect, it seems to me that some future Tiros might very well carry out the purposes of the President's "open skies" proposal. It offers the hope of observation which could reduce tensions by overflying, in space, national barriers.

I hope we may be able to look back on these tangible achievements of the past month as a turning point, after which talk about losing the space race will have lost its point. If we maintain and increase our efforts as planned, I believe this will prove to be the case.

I take these accomplishments as a sign for the future, and as scientific and organizational achievements before the world which say that this Nation is, and promises to be, second to none.

Now, Mr. President, Mr. Glennan in his remarks last Sunday—and I intend to ask that parts of them be placed in the RECORD at the conclusion of my remarks—made a very interesting statement. I do not believe it has been questioned that the United States in its space program, so far as precision and accuracy are concerned, is at least equal to and may be ahead of the Russians. The criticism which has been made of the United States in its space program is that we have not yet developed an engine having the thrust to place large satellites into outer space, as have the Russians. It is believed that the Russians may have an engine with a thrust of 750,000 pounds, or perhaps 1 million pounds. We know that our own engines develop 350,000 pounds of thrust, and that we are working on engines which will develop a thrust of 1,500,000 pounds.

We hear criticism of the administration, especially the criticism that it is not doing enough. Dr. Glennan was asked on the "Meet the Press" program, "What effect did the cut by Congress last year in the appropriation for the space program have upon the planned projects of the Space Agency? Dr. Glennan said the Agency had been working on the F–1 engine. I have inquired about that engine and have been told that it is one of the scientific developments being worked on by the space agency, toward developing an engine which could produce a thrust of 1,500,000 pounds. Last year Congress—and I assume some of those who criticized our space programs had a part in it—reduced the appropriation for the space agency. Dr. Glennan said it was necessary to make a choice, and that, in his opinion, the reduction of the appropriation had set back the development of the F–1 engine at least 6 months. He said others thought it had set back the program from a year to a year and a half.

Mr. President, today I have suggested to the Senate and to the country, and particularly to those who, day after day and month after month, are critical of the efforts of this Administration, that the developments of the last few weeks have again shown that in regard to precision, techniques, and scientific developments, we have made great progress. The critics who say to the Nation that they are stating the truth, should at least give the Nation all the truth, and should tell the people of the great progress that has been made by the National Aeronautics and Space Administration, under the able leadership of Dr. Glennan and supported by the devoted efforts of hundreds and hundreds of scientists, technicians, and workers.

I now ask unanimous consent to have printed in the RECORD certain excerpts from the "Meet the Press" program; a very fine editorial published in the April 11 issue of Aviation Week and Space Technology; also a summary of the satellite situation, which shows the scorecard in regard to United States and Russian satellites; an editorial from the Christian Science Monitor of April 5; and an article from the New York Times of April 3.

There being no objection, the excerpts, editorials, summary, and articles were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM NBC RADIO AND TELEVISION PROGRAM "MEET THE PRESS" SUNDAY, APRIL 10, 1960

Moderator: Ned Brooks.

Guest: T. Keith Glennan, Administrator, National Aeronautics and Space Administration.

Panel: John Finney, New York Times; Peter Hackes, NBC, news; William Hines, Washington Evening Star; Lawrence E. Spivak, regular panel member.

Mr. BROOKS. Welcome once again to "Meet the Press."

The dramatic performance of the weather satellite, Tiros, now circling the earth has again focused world attention on the extraordinary possibilities of space exploration.

Our guest today is the head of the NASA, Dr. Keith Glennan. His agency was set up 18 months ago to conduct research and development of a program for the peaceful use of outer space. One of his top priority projects is the Mercury program for sending the first man into space.

Dr. Glennan served on the scientific team which made notable contributions to the war effort. For his work in the Navy's Underwater Sound Laboratory he was awarded the Medal of Merit. He served for 2 years as a member of the Atomic Energy Commission.

Dr. Glennan is now on leave from the presidency of Case Institute of Technology in Cleveland, a position he has held since 1947.

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Mr. SPIVAK. Dr. Glennan, there are many people in this country who believe that unless we outstrip the Soviet Union in the exploration and exploitation of space we could as a nation face destruction. Do you?

Dr. GLENNAN. Mr. Spivak, I do not feel that the space business is the only business in which this Nation must win a competitive advantage with the Russians.

Mr. SPIVAK. Dr. Glennan, you yourself at one time said that Russia's head start in the space race—and I think these were your words "represents a real threat to our security."

Now what did you mean by that?

Dr. GLENNAN. I don't recall, Mr. Spivak, having made that statement, but I would think that if I did make it, and you say I did, that what I really meant was that unless we got on with the business of developing the scientific and technological know-how which we have in this country and putting it to very good use, we could fall behind in a variety of fields of technology and this we would not want to do.

Mr. SPIVAK. Well, I am only raising the question of what would happen if the Russians beat us in space? I am not suggesting that they are going to. I want to know how serious that would be? Men like Von Braun, for example, have said that we would be in mortal danger if the Russians first gained control of outer space. And this is the question I am asking: Do you think that we would be in mortal danger if the Russians did beat us? I am not saying that they have or will.

Dr. GLENNAN. I don't think we would be in mortal danger if the Russians gained control of outer space. I'd put it the other way, Mr. Spivak. I think the nation which is the leader on earth is going to control outer space. I don't believe myself that the control of outer space for military purposes such as the launching of missiles or anything of that sort is a probability in the very near future and thus I can't say that I would consider that the United States was in mortal danger if we did not control outer space.

Mr. SPIVAK. You say the nation that was the leader on earth will control outer space?

Dr. GLENNAN. I think so.

Mr. SPIVAK. What do you mean by that?

Dr. GLENNAN. I mean that the strong nation on earth is undoubtedly the nation which will be first in outer space.

Mr. SPIVAK. But the question I come back to is not whether we are going to be the first there, but how serious would it be if we were not there ahead of the Russians?

Dr. GLENNAN. I think it would be serious in the sense that it would mean that our total technology had in essence broken down. This is probably the most difficult and complex technology that any of us have ever tried to deal with, and thus I think that it would mean that we had really given up.

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Mr. FINNEY. You are one of our leaders here in the space program, Dr. Glennan. Would you have any objection to the Soviet Union putting a military reconnaissance satellite over our Nation?

Dr. GLENNAN. They can get the information they need about our Nation very much more easily just by reading your paper, Mr. Finney.

Mr. FINNEY. One further question on Tiros: When Mr. Khrushchev was here last fall he presented President Eisenhower with a model of the payload the Soviet Union put on the moon.

I wonder if there are any plans now for President Eisenhower to present Mr. Khrushchev with an album of photographs of the Soviet Union taken by an American satellite?

Dr. GLENNAN. That might be an idea. I don't know of one, but we ought to take that into consideration.

Mr. FINNEY. I wonder if we might propose that to President Eisenhower?

Dr. GLENNAN. I will tell him that you have suggested it.

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Mr. HINES. Now I would like to ask you a few more questions about the Mercury astronaut program. One of them relates to the time, the approximate time of the first Redstone shot. I understand you are going to put a man up about 100 miles up and about 100 miles out and bring him back to earth sometime this year.

Can you give us a little closer fix of time?

Dr. GLENNAN. No; I think not, Mr. Hines. We have said consistently that we will not attempt a manned flight until we are as certain as possible of the reliability of the various systems and subsystems that are involved in the Mercury package.

The way the program is presently going, we feel fairly confident that late this year we will be able to attempt a training flight of the astronaut on the nose of a Redstone missile.

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Mr. SPIVAK. Well, the question I am raising: We have all begun to take it for granted now that someone is going to the moon sooner or later, and coming back. Now do we know enough scientifically now to be able to say that that is a certainty, that sooner or later if not in our lifetime, shortly after, someone will go to the moon and come back?

Dr. GLENNAN. Well, I have no question of this. I think this will be done. Just as men for decades attempted to climb Mount Everest. Someone got there finally.

Mr. SPIVAK. Is this a hope on your part, but do we know enough scientifically now to be able to say that it is going to happen? Is certain to happen?

Dr. GLENNAN. It is a conviction on my part. I simply say there is a great deal of information that must be found out before it can be done. I am optimistic about our finding out that information.

Mr. SPIVAK. Do you think we would be able to work this out faster if the Russians and the Americans worked together on this plan?

Dr. GLENNAN. I don't know that we would work it out any faster, but I think we might do a better job. This is strangely enough one of the areas which interests me most. That in the space business we have, I think, perhaps a new mechanism for international cooperation which we ought to push just as hard as we can.

Mr. SPIVAK. Have you or has anybody in the United States proposed to the Russians that we work on this one project together, of getting a man to the moon and back?

Dr. GLENNAN. No; we have not, Mr. Spivak. The——

Mr. SPIVAK. Would you like to see this happen?

Dr. GLENNAN. Yes; I would like to see this happen. I did make a proposal in a speech which was covered by a letter to the Russians, offering them the use of, or offering to provide them information from our tracking stations for whatever man-in-space program they might have. They responded saying that this was an offer which they were grateful for and if they needed it they would make use of it.

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Mr. FINNEY. I'd like to go to your budget, Dr. Glennan. Last year the Democratic Congress cut your budget by about 6 percent, giving you $500 million.

What effect did this cut have in slowing down our space program?

Dr. GLENNAN. Well, it required us to make some decisions with respect to particular projects which would be reduced in support. In a situation of that kind one most often takes the long-range project and reduces that and says, "Well, we will pick this up a year from now."

This was the case with the F–1 engine, for instance, which we reduced by some $6 million. This probably slowed it down—I think somebody used the figure of 12 to 18 months. I don't really know what it would be, but my guess is perhaps more nearly 6 months.

Mr. FINNEY. Now there is a report circulating on Capitol Hill that the House Appropriations Committee is about to cut your budget for the coming fiscal year—you requested $915 million—by 4 percent. If such a cut were made, would it have a harmful impact upon our space program?

Dr. GLENNAN. Most certainly, Mr. Finney. We don't play at putting budgets together. That is a serious request. In my opinion it is a tight budget in the sense that we have not provided for a lot of extra money that would help us were we to have a failure in some particular element in our program.

No, it would hurt us.

Mr. HINES. Dr. Glennan, I would like to go back to follow up on Mr. Spivak's question about the joint effort. His question was directed to joint efforts between the Soviet Union and the United States. Do you think perhaps our space dollar would go further if we had a joint effort between the military and civilian ends of the space business in the United States?

Dr. GLENNAN. I doubt at the present time whether this would be the case, actually. We do have, of course, a very well articulated effort as between NASA and the military. They are pursuing a series of projects which they believe will allow them to do a particular task in space better than they can do it in some other medium.

Mr. HINES. Some time ago on this same program, Chairman McCone of the Atomic Energy Commission, a member of the Space Council at that time, said that he favored a single, coordinated civilian-dominated space agency, including military applications. How do you feel about this same thing?

Dr. GLENNAN. I do not favor that. This is the essence of democracy. We each state our own point of view. I feel rather strongly that the way we are organized presently is perhaps the best, at least for the present time.

[From Aviation Week and Space Technology, Apr. 11, 1960]

SPACE PROGRAM TURNS A CORNER

(By Robert Hotz)

The successful operations of the Pioneer V deep space probe and the Tiros weather-eye satellite during the past few weeks may indicate a significant upturn for the U.S. space program as currently operated by the National Aeronautics and Space Administration. Both of these space shots were executed with technical precision that placed their payloads in their anticipated positions in space. Both payloads have been functioning with a high degree of reliability and returning a significant amount of useful scientific data to earth. The almost perfect circular orbit of Tiros is another major advance.

These successful space ventures are also significant because they prove a point many people made in the early days of the sputnik era. This was that this country has the technical capability to mount a scientifically significant and internationally useful space exploration program and that the only essential ingredient lacking was national leadership and organization.

All of the hardware utilized in both Pioneer V and Tiros came from groups long established in the aerospace industry: Radio Corp. of America, Space Technology Laboratories, Douglas Aircraft, North American Aviation, Aerojet, Hercules Powder Co. and several universities. Launchings were handled by the USAF Ballistic Missile Division which has managed the ballistic missile program so expeditiously. NASA, of course, served as the overall systems manager for both of these projects.

There are some notable differences between Pioneer V and Tiros, on the one hand, and the Soviet lunar ventures of last fall. The Soviets have still not furnished much useful scientific data from these lunar ventures despite the successful execution of both the impact and satellite missions. Nor have the Soviets, for all their lip service to scientific interchange, made much tangible contribution to this cause. This may be because the data returned from their impressive list of successful space vehicles is meager and they might be internationally embarrassed by this exposure or it may be simply another manifestation of the centuries-old Russian passion for secrecy in conflict with its modern environment.

However, both Pioneer V and Tiros are already firmly established by their performance in space as scientifically useful ventures. This significance is expanding with each passing day of their performance. Pioneer V, among other things, has proved the feasibility of long-range communications in outer space and has given a remarkable demonstration of the reliable use of solar energy in this area. Tiros, providing its global cloud cover strips, certainly must have an impact on some of the early skeptics who refused to believe that anything really useful to man on earth could come from this space nonsense. Tiros is the first of the initial generation of useful satellite programs whose benefit will soon be available.

On the basis of the data made available by pioneer NASA on its variety of space programs, particularly Pioneer V and Tiros, compared with what the Soviets have made public on their efforts, it appears that we have begun to produce more scientifically useful space efforts than the Soviets, although it will be a long time before the international propaganda luster is worn from their initial successes.

It would be a mistake to conclude that Pioneer V and Tiros, have in themselves won the space race with the Soviets and that we can now relax and coast along comfortably. It is obvious that the Soviets have more tricks to pull from their space bag. With the decay of Sputnik III it is not likely that they will leave space bare of devices bering the "CCCP" label of their Cyrillic alphabet. It takes no special crystal ball to predict that the next Soviet space efforts will be timed to obtain maximum political effect from the summit meetings in May and President Eisenhower's visit to the U.S.S.R. in June.

Thus far, the Soviet space scientists have loftily rejected U.S. proposals to establish an International Academy of Space Sciences (AW March 28, p. 25) as premature. This attitude is apparently stimulated by the Soviet feeling that they are the primary fount of space science, and little contributions are available now from other countries. Dr. Theodore von Karman, one of the authors of the international proposal, has wisely observed that this Soviet intransigence is likely to melt once we have a few successes. It will be interesting to watch the Soviet attitude toward the international academy proposal as a possible barometer of their own space technology and an indication of when they feel they may have something to gain from an international scientific exchange.

One other aspect of the Soviet space program, in contrast with our own, that emerges with the passing of time is the surprising lack of depth and scope to their effort. They have conducted no satellite launchings since Sputnik III on May 15, 1958. In the interval, they have mounted only three lunar missions. This is ample for an international propaganda program but can hardly fill the requirements of a serious space exploration program.

In contrast, both the NASA and USAF space programs are now moving on an extremely broad front covering the entire spectrum of immediately feasible space exploration projects and aimed at providing immediately useful results from space such as long-range communications, reconnaissance, weather information, and precise navigation fixes.

Thus, as we pass the halfway mark of the third year of the space era, we can see some significant changes developing in our position versus that of the Soviets.

There is general agreement that NASA has developed a sound 10-year program for the scientific exploration of space and the military services keenly appreciate the potential of space systems to deter aggression and blunt the edge of enemy surprise.

The problem now is to stick to the objectives detailed in the NASA program and to push their achievement with the full budgeting and technical support they require.

We are certainly in a bitter international contest with the U.S.S.R. for the minds of men, and space is an important sector in that battle. But, regardless of this important aspect of our space program, there are many other valid reasons for pressing on at a maximum technical pace to reap for ourselves and the rest of mankind the immediate benefits available in space and to provide more knowledge of the universe around us that is the truly distinguishing mark of man himself.

Satellite situation report

	Code name	Source	Launch	Status	Period, minutes	Statute miles	
						Apogee	Perigee
Satellite:							
Alpha 1	Rocket body	U.S.S.R.	Oct. 4, 1957	Down Dec. 1, 1957			
Alpha 2	Sputnik 1	U.S.S.R.	do	Down early January 1958			
Beta	Sputnik 2	U.S.S.R.	Nov. 3, 1957	Down Apr. 14, 1958			
Alpha	Explorer 1	United States	Jan. 31, 1958	In orbit	108.6	1,232	216
Beta 1	Rocket body	do	Mar. 17, 1958	do	134.3	2,453	409
Beta 2	Vanguard 1	do	do	do	132.5	2,465	401
Gamma	Explorer 3	do	Mar. 26, 1958	Down June 28, 1958			
Delta 1	Rocket body	U.S.S.R.	May 15, 1958	Down Dec. 2, 1958			
Delta 2	Sputnik 3	U.S.S.R.	do	Down Apr. 6, 1960	99.7	226	105
Epsilon	Explorer 4	United States	July 26, 1958	Down Oct. 23, 1958			
Zeta	Atlas	do	Dec. 18, 1958	Down Jan. 31, 1960			
Alpha 1	Vanguard 2	do	Feb. 17, 1959	In orbit	125.0	3,049	347
Alpha 2	Rocket Body	do	do	do	128.6	3,270	347
Beta	Discoverer 1	do	Feb. 28, 1959	Down early March 1959			
Gamma	Discoverer 2	do	Apr. 13, 1959	Down Apr. 26, 1959			
Delta	Explorer 6	do	Aug. 7, 1959	In orbit	636.2	26,180	117
Epsilon 1	Discoverer 8	do	Aug. 13, 1959	Down Sept. 26, 1959			
Epsilon 2	Capsule	do	do	In orbit	103.2	1,004	121
Zeta	Discoverer 9	do	Aug. 16, 1959	Down Oct. 20, 1959			
Eta	Vanguard 3	do	Sept. 18, 1959	In orbit	130.0	2,530	315
Iota 1	Explorer 7	do	Oct. 13, 1959	do	101.2	671	343
Iota 2	Rocket body	do	do	do	101.1	670	343
Kappa	Discoverer 7	do	Nov. 7, 1959	Down Nov. 26, 1959			
Lambda	Discoverer 8	do	Nov. 26, 1959	Down Mar. 6, 1960			
Tiros 1		do	Apr. 1, 1960	Orbiting earth	99.15	468	455
Transit 1		do	Apr. 13, 1960	do	94		
Lunar and space probes:							
Lunik 1	Mechta	U.S.S.R.	Jan. 2, 1959	Orbiting sun			
Pioneer 4		United States	Mar. 3, 1959	do			
Lunik 2		U.S.S.R.	Sept. 12, 1959	Hit moon, Sept. 13, 1959			
Lunik 3	86 Theta	do	Oct. 4, 1959	Orbiting earth			
Pioneer 5		United States	Mar. 11, 1960	Orbiting sun			

SCORECARD ON SPACE SATELLITES

This is a report on satellites and space probes since 1957. Fourteen American and two Soviet satellites are still in orbit in outer space. The apogee and perigee—or maximum and minimum altitudes—of the satellites also is listed in cases where this data is known.

[From the Christian Science Monitor, Apr. 5, 1960]

PEACEFUL SATELLITES

The peaceful uses of space should predominate over its potentialities for strife. The space age opened under happier auguries than the atomic age. The earth satellites, from sputnik to Tiros, have been devoted to widening the horizons of knowledge. So have the moon probes. Men seeking peace should endeavor to preserve this emphasis.

World thought is too much obsessed with weapons. From some discussions of defense one might gather that all rockets are missiles and missiles alone count in military preparedness. And now Tiros is being labeled a "spy in the sky."

Of course the reconnaissance value of satellites is obvious. Tiros' pictures give startling evidence of the possibility of keeping a continual photographic and infrared watch on the globe. Such an aid to inspection could become important in arms control.

But Tiros' immediate concern is with the weather; it is spying on cloud formations and movements. This kind of service could become highly valuable to the whole world. It could well be established as a cooperative international undertaking. And similar values should be developed by communications satellites.

Moreover, it should be recognized that even when satellites are developed for reconnaissance they will still be primarily agents of peace—promoting arms controls and lessening both the fears and the temptations of surprise attack.

[From the New York Times, Apr. 3, 1960]

NEW TIROS SATELLITE WILL HELP IN FORECASTING GLOBAL CONDITIONS

(By John W. Finney)

On April Fool's Day this week a "weather eye" satellite was launched which some day should help keep the weatherman from being fooled by the weather. Eventually the satellite may also lead to the day when man can modify and control the weather. In the long history of weather forecasting, which over the ages has developed from personal hunches to a science of meteorology, the satellite marks the most revolutionary step forward in understanding and predicting the weather.

The 270-pound pillbox shaped satellite, known as Tiros I, for the first time was giving the earthbound weatherman a glimpse, from the vantage point of space, of how the weather looks. Within the satellite are two television cameras taking pictures of the cloud cover below from an altitude of over 400 miles. One of the cameras is taking pictures covering a 640,000-square-mile area. The other is taking more detailed pictures within this area. The series of space "snapshots," stored on magnetic tape within the satellite, are relayed by radio to two tracking stations—one in Hawaii and the other in New Jersey—where they are reconstructed into pictures.

PICTURES TRANSMITTED

Within a few hours after the launching early Friday morning Tiros I was relaying back pictures as it circled the earth between 50° north and south.

The pictures were somewhat fuzzy, but they clearly showed a cloud mass stretching from north to south over the gulf of St. Lawrence. Most importantly, they demonstrated the feasibility of using satellites as global weather stations.

This is the basic significance of Tiros I for it points to the day when man at last can get a global picture of the weather which is obviously global in its nature. At present, the meteorologist is forced to piece together a global weather picture from a series of widely separated observations made from the ground. And there are great gaps in this observational network.

As a weather-eye satellite, the weatherman will at last be able to get a global insight into the weather, the basic mechanics of the earth's weather, how storms are formed, the influence of solar disturbances upon weather patterns. From the standpoint of basic knowledge of the weather, information will be obtained on how the earth's great heat machine works in taking in energy from the sun, absorbing and storing the energy and reradiating it back into space. It is the operation of this heat machine, taking in energy near the equator and transferring it toward the polar regions to be sent back into space, which regulates the formation of weather.

HEAT BALANCE

But the operations of this heat machine are still not well understood. The balance between the energy acquired near the equator and lost over the polar regions is still a mystery. If this mystery can be solved—and satellites now provide the tools for solving it—the weatherman will acquire the basic knowledge necessary for constructing patterns of weather as well as for answering that intriguing question of whether earth is gradually warming up.

More practically, the weather-eye satellite will fill in the great gaps in the observation of the weather and permit not only better forecasts but early detection of storm patterns which will grow into hurricanes, cyclones and thunderstorms.

Tiros I is but a crude forerunner of weather-eye satellites which will follow. Future meteorological satellites—such as Tiros II, which will be launched this summer—will contain infrared detection devices which will measure the earth's heat budget, or how much energy is received by the earth over different regions, how much is reflected back by the clouds, how much is stored in the earth, and how much is reradiated later back into space. The infrared devices will also be able to measure the temperatures on top of the clouds and below the clouds.

Future weather satellites now being planned by the National Aeronautics and Space Administration will carry improved television cameras which will be able to take more detailed pictures of the cloud cover and storm formations. They will also carry small radars which will be able to measure the thickness of cloud formations and spot rain and snowstorms in much the same manner as the Weather Bureau's ground radars.

NOT OVER POLES

As a weather-eye satellite, Tiros suffers from two basic handicaps. Its orbit does not carry it over the polar regions where much of the weather is formed. Secondly, it is so stabilized in space that its television cameras, jutting out from the bottom, do not always point toward the earth. The space agency is now working on a satellite, known as Nimbus, which will overcome both of these handicaps.

Nimbus is the prototype for the network of meteorological satellites which the space agency hopes to establish in space before the end of this decade. The space weather system will consist of about half a dozen satellites, in polar orbits and spaced apart so that they will be able to maintain virtually continuous surveillance of all parts of the earth. And circling around the equator would be one or two satellites looking for potential hurricanes or typhoons.

Before the end of this decade, therefore, the successors of Tiros I should be providing man with greatly improved forecasts of the weather over every region of the earth. And by the end of this decade, meteorologists believe they should have enough basic knowledge about the weathermaking process to be able to say whether man can, at least in some small measure, modify or control the weather.

Down-to-earth technical and political problems remain to be solved before such a space weather system can be placed into operation. The weather satellites will literally deluge the weather man with information and large electronic computer centers will have to be developed to collect and analyze the satellite data and translate it into weather forecasts.

In the years to come, the April 1 launching of Tiros will probably be looked back upon as the day when man began to use space for practical applications and in the process to save mankind from untold losses through better weather prediction.

Mr. CARLSON. Mr. President, will the Senator from Kentucky yield?

Mr. COOPER. I yield.

Mr. CARLSON. I wish to commend the distinguished Senator from Kentucky for his very timely statement on our space program. His statement is most helpful, and I am delighted that this afternoon he was informed the Senate and the country of the great progress that is being made in the space field.

I think the RECORD should show what has already been demonstrated, namely, that not only are we getting underway with this program, but we are also making rapid progress; and it will be only a matter of time until we achieve—if we have not already achieved them—results equal to, or greater than, those of Russia.

The Senator from Kentucky has this afternoon given a most encouraging report, and I thank him for it.

Mr. COOPER. I thank the Senator from Kansas for what he has said. I appreciate very much his kind remarks.

Mr. ALLOTT. Mr. President, will the Senator from Kentucky yield?

Mr. COOPER. I yield.

Mr. ALLOTT. I wish to say that in my opinion the Senator from Kentucky has performed a most worthwhile service by calling to the attention of the country and the Senate the kind of job our country has been doing in this particular field.

Only this morning I had an opportunity to have made a considerable review of the situation and the facts in regard to Tiros I. I believe it significant that 9 of our 17 successful earth satellites are still circling the earth, whereas I believe that the last Russian satellite is now out of the skies; and we have two far out, circling the sun.

What the Senator from Kentucky has done is good for us, because it calls the attention of the American people to the fact that we are making positive scientific achievements. The spectacular results of Tiros I already are such as to justify great faith in our scientists.

In calling this matter to the attention of the Senate and to the attention of the country, the Senator from Kentucky has, by his very thoughtful remarks, certainly rendered a very worthwhile service.

Mr. COOPER. I thank the Senator from Colorado.

I agree with him that these developments are signs of healthy progress and good progress in this field.

CENSUS STATISTICS CAN'T BE MADE COLORBLIND

Mr. COOPER. Mr. President, questions have been raised about the propriety of the census question asking about race. As I understand, the short form distributed in advance asks: "Color or race—white, Negro, American Indian, Japanese, Chinese, Filipino, other?" I understand that race has been asked in every decennial census since 1790, and that it was originally required by section 2 of article I of the Constitution. Since 1870 it has had added pertinence under the 14th and 15th amendments to the Constitution.

In this connection, I ask unanimous consent that an editorial from the Louisville Courier-Journal for Sunday, April 10, be printed at this point in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Louisville Courier-Journal, Apr. 10, 1960]

CENSUS STATISTICS CAN'T BE MADE COLORBLIND

The American Civil Liberties Union's zeal is so customarily well directed that we note an exception with both surprise and regret. The ACLU has in effect challenged the Government's right to collect statistics bearing on the race and color of the population. It offers to defend anyone threatened with prosecution for refusing to answer a question which, in essence, the Census Bureau says, has been part of every decennial enumeration, beginning in 1790.

About 20 years ago, the Carnegie Corporation of New York imported a noted Swedish scholar, Gunnar Myrdal, to make a comprehensive study of the Negro in the United States. The corporation, a philanthropic foundation, felt that it and other foundations needed more light than was readily available on the racial problem before funds meant to hasten its solution could be intelligently distributed. The corporation also felt that a foreign scholar from a country having no background or traditions of imperialism would be desirable.

Mr. Myrdal went about his work with extraordinary diligence, producing in 1944 a two-volume work entitled "An American Dilemma." The book is the opposite of unsympathetic to the Negro. We refer to it now because we don't see how it could have been published without reference to the vast libraries of statistics which the Government during many decades has gathered relating to the subject matter. In listing his sources, Mr. Myrdal names no fewer than 30 Census Bureau publications, and a much larger number of other Government publications which Mr. Myrdal found useful because of their bearing on race and color in this country.

The Census Bureau's question may be awkwardly or confusingly phrased, as the ACLU alleges. This is a characteristic common to most bureaucratic questions—a characteristic to which, in another field, thousands of tax lawyers owe their livelihood. But to say, as the ACLU does, that a mere attempt to collect relevant statistics "raises in the minds of many people the specter of some threatened discrimination" is to insult the intelligence of every American who is not white.

Mr. COOPER. Mr. President, I should like to add, for myself, that I do not see how problems in the field of civil rights can be defined, or their scope known, if such statistics are not kept. Certainly the census figures compiled by the Department of Commerce are among the most fundamental data on which departments of the Government, the Congress, the press, and the public must depend for the factual information which precedes any informed discussion.

The Congress has just completed a long debate on civil rights. Although many figures which might have been helpful were not available, Members of Congress have at least been able to relate the problems of desegregation and voting rights to the size of the Negro population of particular areas. If population figures by race are not kept, it would confuse even this starting point for discussion, and perhaps would lead to fruitless argument over the most basic assumptions.

Furthermore, it seems to me a disservice to those most directly concerned to recommend wiping out a basis on which economic progress and changes taking place in the distribution of population can be measured.

All of us are familiar with the legitimate objections to questions as to race or color, when there is a possibility that they could be improperly used. But the census seeks only to compile totals, and cannot be applied to individual situations as a means of discrimination.

We know also of the sensitivity to such questions, aroused undoubtedly by the fact of discrimination. To a lesser degree there is also sensitivity as to questions about age, income, and the other information required by the census. But in the census, all these questions are objective; each individual response disappears into the totals.

If any census category is dropped, there are two results: First, it becomes impossible to make the distributions for that group by area, income level, occupation, housing and facilities, age or any other factor—that is, to describe the group. Second, if it is a significant category, with differences, these differences are merged into an average which may be meaningless for either group.

I suggest that the most helpful course for those interested in minority groups is to encourage more information, rather than the curtailing of information. For example, I note that the U.S. Civil Rights Commission, in its 1959 report—chapter IX, page 136—directed its first voting rights recommendation to a count by the census of individuals who are registered, and who have voted—by race, color, and national origin. The Commission cited a "compelling need" for such statistics, such that a supplementary census ought to be considered.

And in its second education recommendation—chapter XI, page 327—the Commission recommended that the decennial census, and an annual census thereafter, compile data on the number and race of all students enrolled in public educational institutions, by States and by school districts. It did so because basic data on desegregation are no longer available.

I do not at this time support these recommendations; they may not be practical. But I think they make clear the fact that reliable, basic census data, by race, is essential to progress in civil rights, and to intelligent discussion of the problems we face.

INTEGRATION ENDORSED BY CHURCHES

Mr. President, I also ask unanimous consent to have printed in the body of the RECORD an editorial entitled "The Churches Endorse Business Integration," which was published on April 9 in the Louisville Courier-Journal. The editorial commends the action of the Louisville Ministerial Association on this issue.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Louisville Courier-Journal, Apr. 9, 1960]

THE CHURCHES ENDORSE BUSINESS INTEGRATION

The question of segregation, as we observed in these columns in February, is a constant challenge to white church leaders and to all who like to think of themselves as bound by moral laws.

After long deliberation, the Louisville Ministerial Association, a Protestant group with a white majority membership, met this challenge courageously by calling for strong measures against segregation in restaurants, theaters, hotels, and motels. The ministers' resolution did not mention churches, some of which draw no racial lines, but it did bespeak "voluntary desegregation by persuasion through individual contacts with businessmen" before legal action in the business field is invoked.

For the sake of continued progress in good racial relations in Louisville, to which the far-sightedness and patience of Negro leadership has contributed so much, we hope the community will support the voluntary-desegregation program of the churches. It will be better for all concerned if it works, with progress instead of possible trouble insured.

The legal issue, of course, is not as simple as the moral issue. The Attorney General has found nothing in the State or Federal constitutions to prevent an ordinance compelling business houses to desegregate, but the almost unanimous resolution of the board of aldermen against such force, and Mayor Hobiltzell's insistence that "integration of private business must be a voluntary thing," reflects a wide belief that attempts to force integration by law would set back progress rather than advance it. Louisville has made considerable progress in voluntary desegregation. We believe it should and will make more.

HELIUM CONSERVATION

Mr. ALLOTT. Mr. President, on behalf of myself and the senior Senator from Montana [Mr. MURRAY] I introduce, out of order, and send to the desk, for appropriate reference, a bill to amend the Helium Act of March 3, 1925, as amended. The bill provides for a helium conservation program similar to that under Senate bill 2567, sent up last year by Secretary Seaton, and introduced at that time by Senator MURRAY. Since the introduction of that bill, which I cosponsored, a variety of suggestions for improving it have come to my attention.

Briefly, the bill will permit the Secretary of the Interior to acquire—although the Secretary already has many of these powers—for purposes of conserving, producing, buying, and selling helium, the authority to acquire by purchase, lease, gift, exchange, or eminent domain, lands, or interest therein or options thereon, including sites and rights to use oil and gas leases and oil and gas and helium mixtures, as well as helium itself, in order that helium may be collected, gathered, and preserved in

underground storage or other storage, for the safety and welfare of the United States.

Mr. President, it is no secret that helium is today becoming more and more valuable to the United States. A great deal of the natural helium in our country is now being burned in furnaces, stoves, and all sorts of manufacturing processes, because the gas which contains helium is burned, and the helium then goes up the flues.

Therefore, if we are to preserve for our great future scientific progress the helium we have in this country, and if we are also to preserve it for our aircraft and for all of the other thousands of increasing uses to which it can be put, it is necessary that we expand the legislation in this field, in order adequately to protect the helium we now have, and take care of that which now is being wasted, but which hereafter will be stored, under the authority proposed by this bill to be given to the Secretary of the Interior.

For almost 2 years I have been engaged in continuing discussions with representatives of the Department of the Interior and affected industry representatives. These have led to the development of this bill, which I sincerely believe is in much cleaner form and more technically sound than the original bill, S. 2567, introduced by Senator MURRAY. In drafting this bill, with the excellent help of the Office of Legislative Counsel, it has been my concern to insure that the program envisaged by this legislation be effectively administered in the national interest by the Department, and also be equitable to those who have found and developed these helium-bearing gases.

I should like to take a moment, at this late hour, to discuss one very real and substantive problem in connection with the earlier draft of the bill. This problem relates to the power of the Secretary of the Interior to condemn and take not only the helium and gas but also an entire gas-producing field and appurtenant pipelines and property. This authority may be necessary under extreme circumstances, and I believe the Secretary should have such authority. Everyone seems agreed that it would be much better to purchase only the helium itself; and ordinarily that procedure will be utilized by the Secretary. This bill specifically directs the Secretary to attempt to negotiate such contracts, but authorizes him to condemn any property or rights necessary if, after a hearing, he makes a finding that he is unable to acquire the helium upon reasonable terms and at the fair market value.

House bill 10548, introduced by Representative ROGERS of Texas on February 18, 1960, and other bills introduced this year in the House, would meet this problem by precluding the Secretary of Interior from utilizing the eminent domain procedure when the owner is willing to sell such helium "upon terms and at a price which is commensurate with the fair market price." I am concerned lest such a provision allow someone arbitrarily to hold up this much-needed helium conservation program by several years of court proceedings before the Secretary could even initiate a condemnation action.

I believe sincerely that the provisions of this bill represent a fair compromise under which the owner of natural gas properties will be protected from any possibility of the arbitrary use of eminent domain authority; but, under the bill undue burdens will not be imposed on the Secretary if it should become necessary to enter into a condemnation proceeding.

The bill also would avoid the problems inherent in using a fair market price concept in a situation in which there is actually no market and, accordingly, no price.

I am advised that the Public Lands Subcommittee of the House Committee on Interior and Insular Affairs has today considered legislation on this subject, and reported it favorably to the full Interior Committee of the other body. I hope the provisions of my bill will be considered as the legislation moves through the Congress. I believe my bill represents an improvement over the earlier measures.

In the interest of national defense and our general welfare, it is urgent that as soon as possible we get on with the long overdue job of conserving our scarce supply of helium, much of which is now being wasted. Enactment of this bill will make it possible to meet these objectives without endangering the traditional and basic tenets underlying our system of private enterprise in the production of fuels.

I ask unanimous consent that the bill be printed at this point in the RECORD.

The bill (S. 3376) to amend the Helium Act of March 3, 1925, as amended, for the defense, security, and the general welfare of the United States, introduced by Mr. ALLOTT (for himself and Mr. MURRAY), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertaining to the national defense, and to the development of commercial aeronautics, and for other purposes", approved March 3, 1925 (43 Stat. 1110), as amended, is amended to read as follows:

"That this Act may be cited as the 'Helium Act of 1960'.

"SEC. 2. As used in this Act:

"(1) The term 'Secretary' means the Secretary of the Interior;

"(2) The term 'person' means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, or State or political subdivision thereof; and

"(3) The terms 'helium-bearing natural gas' and 'helium-gas mixture' mean, respectively, natural gas and gas mixtures containing three-tenths of 1 per centum or more of helium by volume.

"SEC. 3. (a) For the purpose of conserving, producing, buying, and selling helium, the Secretary is authorized—

"(1) to acquire by purchase, lease, gift, exchange, or eminent domain, lands or interests therein or options thereon, including but not limited to sites, rights-of-way, and oil or gas leases containing obligations to pay rental in advance or damages arising out of the use and operation of such properties; but any such land or interest in lands may be acquired by eminent domain only when the Secretary determines (A) that he is unable to make a satisfactory agreement to acquire such land or interest in land, and (B) that such acquisition by eminent domain is necessary in the national interest;

"(2) to make contracts and agreements for the acquisition, processing, transportation, or conservation of helium, helium-bearing natural gas or helium-gas mixtures upon such terms and conditions, and for such periods, not exceeding twenty-five years, as may be necessary to accomplish the purposes of this Act, except that such contracts and agreements shall not require payments by the Government in any one fiscal year aggregating more than the amount which shall be established initially in an appropriation Act and which may be increased from time to time in appropriation Acts, or if the Secretary—

"(A) determines that the national interests require the conservation of any helium or require any helium-bearing natural gas or any helium-gas mixture for the production or conservation of helium, and

"(B) after a hearing granted to the owner of such helium, helium-bearing natural gas, or helium-gas mixture, makes a finding that he is unable to acquire such helium, helium-bearing natural gas, or helium-gas mixture upon reasonable terms and at the fair market value,

he is authorized to acquire by eminent domain such helium and so much of such helium-bearing natural gas or helium-gas mixture as is necessarily consumed in the extraction of such helium after removal from its place of deposit in nature and wherever found, or the temporary use of such helium-bearing natural gas or helium-gas mixture for the purpose of extracting helium, together with the appropriate interest in pipelines, equipment, installations, facilities, personal or real property, including reserves, easements or other rights necessary or incident to the acquisition of such helium, natural gas, or mixture, but the condemnation of any such helium, helium-bearing natural gas, or helium-gas mixture, shall be effected in the same manner and following the procedures established in section 8(a) of this Act, the just compensation for such condemnation to be measured by terms and prices determined to be commensurate with the fair market value, and in the temporary use of any helium-bearing natural gas or helium-gas mixture for the purpose of extracting helium the Secretary shall cause no delay in the delivery of natural gas to the owner, purchaser, or purchasers thereof, except that required by the extractive processes;

"(3) to construct or acquire by purchase, lease, exchange, gift or eminent domain, plants, wells, pipelines, compressor stations, camp buildings, and other facilities, for the production, storage, purification, transportation, purchase, and sale of helium, helium-bearing natural gas, and helium-gas mixtures; and to acquire patents or rights therein and reports of experimentation and research used in connection with the properties acquired or useful in the Government's helium operations;

"(4) to dispose, by lease or sale, of property, including wells, lands, or interests therein, not valuable for helium production, oil, gas, and byproducts of helium operations not needed for Government use, except that property determined by the Secretary to be 'excess' within the meaning of section 3(e) of the Federal Property and Administrative Services Act of June 30, 1949 (60 Stat. 378; 40 U.S.C. 472(e)), as amended, shall be disposed of in accordance with the provisions

of that Act; and to issue leases to the surface of lands or structures thereon for grazing or other purposes when the same may be done without interfering with the production of helium; and

"(5) to accept equipment, money, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private.

"(b) Any known helium-gas-bearing land on the public domain not covered at the time by leases or permits under the Mineral Lands Leasing Act of February 25, 1920, as amended, may be reserved for the purposes of this Act, and such reservation may include the right to extract such helium, under such rules and regulations as may be prescribed by the Secretary, from all gas produced from lands so permitted, leased, or otherwise granted for development, except that in the extraction of helium from gas produced from such lands, it shall be extracted so as to cause no delay, except that required by the extraction process, in the delivery of gas produced from the well to the purchaser or purchasers thereof at the point of delivery specified in contracts for the purchase of such gas.

"SEC. 4. The Secretary is authorized to maintain and operate helium production and purification plants together with facilities and accessories thereto; to acquire, store, transport, sell, and conserve helium, helium-bearing natural gas, and helium-gas mixtures, to conduct exploration for and production of helium on and from the lands acquired, leased, or reserved; and to conduct or contract with public or private parties for experimentation and research to discover helium supplies and to improve processes and methods of helium production, purification, transportation, liquefaction, storage, and utilization.

"SEC. 5. (a) Whenever the President determines that the defense, security, and general welfare of the United States requires such action, the Secretary shall issue such regulations as he deems necessary for the licensing of sales and transportation of helium in interstate commerce after extraction from helium-bearing natural gas or helium-gas mixtures. Thereafter it shall be unlawful for any person to sell or transfer helium in interstate commerce except in accordance with such regulations or pursuant to the terms of a license issued by the Secretary, or in accordance with the terms of a contract or agreement with the Secretary entered into pursuant to this Act. For the purpose of this section, the term 'helium' shall mean helium, after extraction from helium-bearing natural gas or helium-gas mixtures, in a refined or semirefined state suitable for use.

"(b) Each license shall be issued for a specified period to be determined by the Secretary, but not exceeding five years, and may be renewed by the Secretary upon the expiration of such period. No such license shall be issued to a person if in the opinion of the Secretary the issuance of a license to such person would be inimical to the defense and security of the United States. No such license shall be assigned or otherwise transferred directly or indirectly except with the consent or approval of the Secretary in writing. Any such license may be revoked for any material false statement in the application for license, or for violation or a failure to comply with the terms and provisions of this Act, the regulations issued by the Secretary pursuant thereto, or the terms of the license.

"(c) In issuing licenses under this section, the Secretary shall impose such regulations and terms of licenses as will permit him effectively to promote the common defense and security as well as the general welfare of the United States.

"(d) Whenever Congress or the President declares that a war or national emergency exists, the Secretary is authorized to suspend any license granted under this Act if in his judgment such suspension is necessary to the defense and security of the United States, and he is further authorized to take such steps as may be necessary to recapture or reacquire supplies of helium.

"SEC. 6. (a) The Department of Defense, the Atomic Energy Commission, and other agencies of the Federal Government, to the extent that supplies are readily available, shall purchase all major requirements of helium from the Secretary.

"(b) The Secretary is authorized to sell helium for Federal, medical, scientific, and commercial uses in such quantities and under such terms and conditions as he determines.

"(c) Sales of helium by the Secretary shall be at prices established by him which shall be adequate to cover costs incurred in carrying out the provisions of this Act and to repay to the United States by deposit in the Treasury, together with interest as provided in subsection (d) of this section, the following:

"(1) Within twenty-five years from the date of enactment of the Helium Act of 1960, the net capital and retained earnings of the helium production fund, determined by the Secretary as of the date of enactment of such Act, plus any moneys expended thereafter by the Department of the Interior from funds provided in the Supplemental Appropriation Act, 1959, for construction of a helium plant at Keyes, Oklahoma;

"(2) Within twenty-five years from the date of borrowing, all funds borrowed, as provided in section 12 of this Act, to acquire and construct helium plants and facilities; and

"(3) Within twenty-five years from the date of enactment of the Helium Act of 1960, unless the Secretary determines that said period should be extended for not more than ten years, all funds borrowed, as provided in section 12 of this Act, for all purposes other than those specified in clause (2) above.

"(d) Compound interest on the amounts specified in clauses (1), (2), and (3) of subsection (c) which have not been paid to the Treasury shall be calculated annually at rates determined by the Secretary of the Treasury taking into consideration the current average market yields of outstanding marketable obligations of the United States having maturities comparable to the investments authorized by this Act, except that the interest rate on the amounts specified in clause (1) of this subsection shall be determined as of the date of enactment of the Helium Act of 1960, and the interest rate on the obligations specified in clauses (2) and (3) of this subsection as of the time of each borrowing.

"(e) Helium shall be sold for medical purposes at prices which will permit its general use therefor; and all sales of helium to non-Federal purchasers shall be upon condition that the Federal Government shall have a right to repurchase helium so sold that has not been lost or dissipated, when needed for Government use, under terms and at prices established by regulations.

"(f) All moneys received under this Act, including moneys from sale of helium or other products resulting from helium operations and from the sale of excess property shall be credited to a helium production fund, which shall be available without fiscal year limitation, and the Secretary may draw on said fund to carry out the provisions of this Act. Amounts accumulating in said fund in excess of amounts the Secretary deems necessary to carry out this Act and contracts negotiated hereunder shall be paid to the Treasury and credited against the amounts required to be repaid to the Treasury under subsection (c) of this section.

"SEC. 7. The Secretary of Defense and the Chairman of the Atomic Energy Commission may each designate representatives to cooperate with the Secretary in carrying out the purposes of this Act, and shall have complete right of access to plants, data, and accounts.

"SEC. 8. (a) Proceedings for the condemnation of any property under section 3 of this Act shall be instituted and maintained pursuant to the provisions of the Act of August 1, 1888 (25 Stat. 357; 40 U.S.C. 257), as amended, and sections 1358 and 1403 of title 28 of the United States Code, or any other Federal statute applicable to the acquisition of real property by eminent domain. The Acts of February 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a–258e) and October 21, 1942 (56 Stat. 797; 40 U.S.C. 258f), shall be applicable to any such proceedings. Wherever the words 'real property', 'realty', 'land', 'easement', 'right-of-way', or words of similar meaning, are used in such code provisions or Acts relating to procedure, jurisdiction, and venue, they shall be deemed, for the purposes of this Act, to include any personal property authorized to be acquired hereunder.

"(b) In the event of disposal under section 3(a)(4) of this Act of any property acquired by eminent domain pursuant to this Act, the former owner or successor in interest of the rights therein shall have the preferential right to reacquire such property on terms as favorable as those terms whereby disposition may be made under such section.

"SEC. 9. The Secretary is hereby authorized to establish and promulgate such rules and regulations, as are consistent with the directions of this Act and are necessary to carry out the provisions hereof.

"SEC. 10. (a) The provisions of the Administrative Procedure Act of June 11, 1946 (60 Stat. 637; 5 U.S.C. 1001–1011), as amended, shall apply to any agency proceeding and any agency action taken under this Act, including the issuance of rules and regulations, and the terms 'agency proceeding' and 'agency action' shall have the meaning specified in the Administrative Procedure Act.

"(b) In any proceeding under this Act for the granting, suspending, revoking, or amending of any license, or application to transfer control thereof, and in any proceeding for the issuance or modification of rules and regulations dealing with the activities of licenses, the Secretary shall grant a hearing upon the request of any person whose interest may be affected by the proceeding, and shall admit any such person as a party to such proceeding. Any final order entered in any such proceedings shall be subject to judicial review in the manner prescribed in the Act of December 29, 1950 (64 Stat. 1129; 5 U.S.C. 1031–1042), as amended, and to the provisions of section 10 of the Administrative Procedure Act.

"SEC. 11. The provisions of the Natural Gas Act of June 21, 1938 (52 Stat. 821; 15 U.S.C. 717–717w), as amended, shall not be applicable to the sale, extraction, processing, transportation, or storage of helium either prior to or subsequent to its separation from the natural gas with which it is commingled, whether or not the provisions of such Act apply to such natural gas, and, in the determination of rates under sections 4 and 5 of the Natural Gas Act, as amended, the income received from such helium shall not be considered and no exploration, production, gathering, extraction, processing, compression, transportation, storage, or other costs which were or would have been incurred in the absence of the extraction of the helium shall be allocated or assigned to the helium.

"SEC. 12. (a) The Secretary is authorized to borrow annually from the Treasury and

imprisonment. A classic addendum to Ashley Street's 1919 Dyer Act, and §/28 convictions for Dupree, robberies for Dunleavy, and §/28 convictions for Dupree, robberies for Dunleavy, and §/28 convictions for Dupree, robberies for Dunleavy

over H.R. 9308 without prejudice and that legislation dealing with chicory remains on the docket of the Senate Finance Committee for further consideration. However, the laws now affecting the tariff status of chicory are scheduled to expire on April 16, 1960, and the Senate amendments to H.R. 9307 have the effect of continuing existing tariff treatment for an additional 90 days.

It is appropriate that the House should agree to the Senate amendment to H.R. 9307.

LEGISLATIVE PROGRAM

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute to ask the acting majority leader, the gentleman from Oklahoma [Mr. ALBERT], if he will kindly inform us as to the program for next week.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman.

ADJOURNMENT OVER

Mr. ALBERT. It is the intention when the House adjourns today to adjourn over until Monday, and if the gentleman would yield for that purpose, I now ask unanimous consent, Mr. Speaker, that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PROGRAM FOR WEEK OF APRIL 18

Mr. ALBERT. Monday: No business.

Tuesday: The Consent Calendar will be called.

The Private Calender will be called.

Under agreement previously obtained, there will be one suspension, H.R. 8074, agriculture attaché rotation.

The independent offices appropriation bill will then be taken up.

Should any rollcall vote be demanded on Tuesday, it will go over until Wednesday, because of the New Jersey primary.

Wednesday, Thursday, and balance of the week: The authorization bill, Mutual Security Act of 1960.

And if a resolution from the Committee on Rules is ready it will be called up. It would take from the Speaker's table and agree to the Senate amendments to the bill H.R. 8601, the Civil Rights Act of 1959.

I advise the gentleman that it is intended, if the rule is reported on the civil rights bill, to make that the first order of business on Thursday.

I make the usual reservation that any change in program will be announced and that conference reports may be called up at any time.

THE SHIPBUILDING STRIKE

Mr. BURKE of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BURKE of Massachusetts. Mr. Speaker, the present strike in the shipbuilding industry in the eight east coast shipyards is now in its 84th day. It is my understanding that negotiations are going on in New York City today. Everything possible has been done by the Members of Congress to have the Department of Labor, the Department of Defense, and other agencies in the administration to be more energetic in their efforts to bring about a settlement of conditions. Special pleas have been made to officials of the Bethlehem Steel Co., Shipbuilding Division, and to officials of the Shipbuilding Workers Union of America to get together and end this work stoppage that has proved to be so costly to the Nation, the company, the employees, and the communities wherein the shipyards are located.

For the information of the Members of Congress I am including the petition filed by Bernard L. Alpert, regional director of the first region of the National Labor Relations Board, for and on behalf of the National Labor Relations Board. I am also including the findings made by Judge George C. Sweeney of the U.S. District Court, District of Massachusetts.

Both parties have filed appeals to these findings.

(U.S. District Court, District of Massachusetts: Bernard L. Alpert, regional director of the First Region of the National Labor Relations Board, for and on behalf of the National Labor Relations Board, Petitioner, against Bethlehem Steel Co. (Shipbuilding Division); Bethlehem-Sparrows Point Shipyard, Inc.; Industrial Union of Marine and Shipbuilding Workers of America, AFL–CIO; Industrial Union of Marine and Shipbuilding Workers of America, AFL–CIO, Local No. 5; Industrial Union of Marine and Shipbuilding Workers of America, AFL–CIO, Local No. 90; American Federation of Technical Engineers, AFL–CIO; and American Federation of Technical Engineers, AFL–CIO, Local No. 151, Respondents; Civil No. 60–217–S.)

COMPLIANCE WITH RULE 65 (D) OF THE FEDERAL RULES OF CIVIL PROCEDURE

(April 11, 1960)

Sweeney, chief judge: In this action the plaintiff seeks under section 10(j) of the National Labor Relations Act (29 U.S.C., par. 160(j)) appropriate temporary injunctions against all defendants named therein. This action is filed in aid of two cases presently before the National Labor Relations Board. The defendants Bethlehem Steel Co. (Shipbuilding Division), and Bethlehem-Sparrows Point Shipyard, Inc., hereinafter referred to as the company, and the other above-entitled defendants, hereinafter referred to as labor, are presently engaged in a contractual controversy which affects the public interest, the public economy, and possibly the national defense. Although the Board is the complainant, the antagonistic parties to the contract are the defendant company and the defendant labor. They will hereinafter be referred to as the parties. The present status of the parties grows logically out of abuse by both the company and labor of rights granted and reserved by the act.

Beginning in February 1959, the company, in preparation for a new contract with labor, made certain studies of its contract and position in the competitive shipbuilding market, and reduced its studies to proposals for a contract which resulted in the so-called white book. In May of 1959 both the company and industrial, local No. 5 and local No. 90, advised each other of the intention to terminate the then-existing 1956 contract effective July 30, 1959. On July 7, 1959, by mutual agreement, the parties met, and on that day and the ensuing day, each advised the other of its suggested terms of a new contract. From then on the parties met many times in joint session up to October 1959. I find that there is reasonable cause to believe that from the outset the company had no intention of bargaining with these unions in the commonly accepted meaning of the word. It had closed its mind to anything other that a contract based on the terms of the white book which it had on July 8 outlined to labor. In all of the meetings thereafter the company refused in effect to discuss any retreat from the position that it took in the white book on the many clauses of the contract. The company had a take it or leave it attitude, and in spite of all of its protestations of good faith, that attitude persists to this moment and precludes bargaining within the meaning of the act, and within its normal connotation. The negotiations with local No. 151 were conducted in a similar manner.

"[The act] obligates the parties to make an honest effort to come to terms; they are required to try to reach an agreement in good faith. 'Good faith' means more than merely going through the motions of negotiating; it is inconsistent with a predetermined resolve not to budge from an initial position. But it is not necessarily incompatible with stubbornness or even with what to an outsider may seem unreasonableness." *National Labor Relations Board* v. *Truitt Mfg. Co.* (351 U.S. 149, 154 (1956)), opinion of Frankfurter, J., concurring in part and dissenting in part.

Labor, on its part, sought to explore many items of the white book, but because of the company's adamant attitude there was no real agreement on any item of the white book. In fact, during the months of alleged bargaining conferences, the parties discussed but 19 out of 26 proposals therein. On August 11, 1959, the company unilaterally put into effect the white book, and on January 23, 1960, labor called a strike, and posted picket lines in front of all of the company's gates. Picketing can be a normal adjunct to a labor strike, and when properly conducted serves to notify the public that labor is on strike against the company. But the use of the picket line can be so abused as to be a menace to law and order, and can become a threat to, and accomplishment of bodily injury. It can approach the low level of being a riot inciter. In the case under consideration, labor has abused the use of the picket line and some violence and considerable potential danger has resulted. This has been so found in a proceeding pending in the superior court of the Commonwealth of Massachusetts, and as those findings are now on appeal, they are used as a reference rather than as a basis for my findings. Testimony from witnesses and photographs of actual violence on the part of the pickets have convinced me that there is ample reason to believe that unfair labor practices were committed by the unions.

On the basis of the above findings, the court will issue the injunctions as prayed for in the Board's original petition.

The parties on entering the bargaining room should not, in a spirit of controversy, insist on their initial positions and completely refuse to recede, on terms. The object of a bargaining conference is to arrive at a contract. This can be done only by deliberation, mutual concession, and a due deference to the position of the other party.

The court will retain the case for possible future orders in the light of future developments.

ORDER GRANTING TEMPORARY INJUNCTION

This cause came on to be heard upon the verified petition of Bernard L. Alpert, regional director of the first region of the National Labor Relations Board, for and on behalf of said Board, for a temporary injunction pursuant to section 10(j) of the National Labor Relations Act, as amended, pending the final adjudication of said Board with respect to the matters involved, and upon the issuance of an order to show cause why injunctive relief should not be granted as prayed in said petition; and

Counsel of record for all respondents having appeared, and the court having made findings of fact and conclusions of law, it is—

Ordered, adjudged, and decreed that respondents Bethlehem Steel Co. (shipbuilding division), and Bethlehem-Sparrows Point Shipyard, Inc., their officers, agents, representatives, servants, employees, attorneys, and all persons acting in concert of participation with them, are enjoined, pending the final disposition of the matters involved pending before the Board from:

(a) Refusing to bargain collectively in good faith with Industrial Union of Marine and Shipbuilding Workers of America, AFL–CIO, and Local 151, American Federation of Technical Engineers, AFL–CIO, as the exclusive bargaining representatives of their employees with respect to rates of pay, wages, hours of employment, and other conditions of employment; or

(b) In any like manner interfering with, restraining, or coercing their employees in the exercise of the right to self-organization, to form labor organizations, to assist Industrial Union of Marine and Shipbuilding Workers of America, AFL–CIO, and Local 151, American Federation of Technical Engineers, AFL–CIO, or any other labor organization, to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any or all of such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in section 8(a)(3) of the act, as modified by the Labor Management Reporting and Disclosure Act of 1959.

Done at Boston, Mass., this 11th day of April 1960.

Judge GEORGE C. SWEENEY,
Chief Judge, U.S. District Court.

ORDER GRANTING TEMPORARY INJUNCTION

This cause came on to be heard upon the verified petition of Bernard L. Alpert, regional director of the First Region of the National Labor Relations Board, for and on behalf of said Board, for a temporary injunction pursuant to section 10(j) of the National Labor Relations Act, as amended, pending the final adjudication of said Board with respect to the matters involved, and upon the issuance of an order to show cause why injunctive relief should not be granted as prayed in said petition; and

Counsel of record for all respondents having appeared, and the court having made findings of fact and conclusions of law, it is—

Ordered, adjudged, and decreed that respondents Industrial Union of Marine and Shipbuilding Workers of America, AFL–CIO, its officers, agents, representatives, servants, employees, attorneys, and all members and persons acting in concert or participation with it or them, are enjoined, pending the final disposition of the matters involved pending before the Board, from in any manner, including mass picketing, assaults or threats thereof, acts of violence or threats thereof, physical blockading of entrances or exits, or by permitting any such to continue in existence or effect, restraining or coercing employees of Bethlehem Steel Co. at any of its shipyards, or of any other employer, in the exercise of their rights guaranteed in section 7 of the act.

Done at Boston, Mass., this 11th day of April 1960.

Judge GEORGE C. SWEENEY,
Chief Judge, U.S. District Court.

ORDER GRANTING TEMPORARY INJUNCTION

This cause came on to be heard upon the verified petition of Bernard L. Alpert, Regional Director of the First Region of the National Labor Relations Board, for and on behalf of said Board, for a temporary injunction pursuant to section 10(j) of the National Labor Relations Act, as amended, pending the final adjudication of said Board with respect to the matters involved, and upon the issuance of an order to show cause why injunctive relief should not be granted as prayed in said petition; and

Council of record for all respondents having appeared, and the court having made findings of fact and conclusions of law, it is—

Ordered, adjudged, and decreed that respondents Industrial, Local 5, Local 90, Engineers and Local 151, their officers, agents, representatives, servants, employees, attorneys, and all members and persons acting in concert or participation with them, are enjoined, pending the final disposition of the matters involved pending before the Board, from:

(a) Engaging in mass picketing at any of the entrances to, or exits from, the Bethlehem Steel Co.'s Quincy and Hingham shipyards, or in any other manner physically blockading said entrances or exits; or

(b) Assaulting or threatening to assault any person attempting to enter or leave Bethlehem Steel Co.'s Quincy and Hingham shipyards; or

(c) In any manner or by any means, including mass picketing, assaults or threats thereof, acts of violence or threats thereof, physical blockading of entrances or exits, or by permitting any such to continue in existence or effect, restraining or coercing employees of Bethlehem Steel Co., or of any other employer, in the exercise of their rights guaranteed in section 7 of the act.

Done at Boston, Mass., this 11th day of April 1960.

Judge GEORGE C. SWEENEY,
Chief Judge, U.S. District Court.

SECONDARY BOYCOTTING IN THE BUILDING AND CONSTRUCTION INDUSTRY

Mr. LANDRUM. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia.

There was no objection.

Mr. LANDRUM. Mr. Speaker, the House Committee on Education and Labor has seen fit to report H.R. 9070, a bill legalizing so-called common situs picketing—another name for secondary boycotting in the building and construction industry. While the technicalities of this sugar-coated pill are cloudy and complex, the consequences of passage are brilliantly clear—indeed, so clear as apparently to blind many to its disastrous results.

In good conscience, and in view of the mandate of the American people last year, resulting in the passage of the 1959 labor reform law, I feel impelled to speak out on this vital matter.

I am opposed to legalizing such secondary boycotts for the following reasons:

First. It would surrender millions of honest American men and women in this important industry to the tender mercies of such men as Mr. Hoffa. Free choice would become only a thing of the past. Employees and employers alike would be forced to capitulate, or die an economic death.

Second. It would result in virtual closed shop conditions in the building and construction industry, something specifically outlawed in the Taft-Hartley law.

Third. It would help directly not only those unions which, in last year's law reform, were given certain benefits, but directly aid and comfort those unions which as the record shows, are grossly guilty of secondary boycott activities.

Fourth. It would invite imitation of racketeer, hoodlum and gangster power tactics by, at least, the 26 unions which would gain from this law. Such invitations are often not refused.

Fifth. It also could have disastrous results upon the national defense efforts and activities of this country. For instance, in 1958 at the Redstone Arsenal in Alabama, the Electricians' Union, by placing pickets at all entrances, succeeded in shutting down the entire construction program, employing many contractors and subcontractors at the arsenal for 32 days, although the dispute was with only one contractor. Similarly, in 1956 at Cape Canaveral, the Plumbing Union, by engaging in such picketing, shut the entire construction program down for more than 2 weeks. One contractor lost more than $100,000. Nor is it hard to see what could happen at a missile launching base in Wyoming. There, there are under construction 9 separate missile launchers; 30 to 40 miles separate some of these launchers, and the distance around this base is 400 miles. This entire construction program constitutes one construction project. Enactment of this bill would permit a union, in a dispute with any one of many subcontractors, to picket and subsequently close down the entire construction job.

Shall we give any group such a life-or-death legal stranglehold upon such a life and death matter?

I refuse to believe, in view of the overwhelming demand by America last year for an effective reform law, that it will view, with compassion, enactment of one of the most vicious pieces of class legislation which I have seen since coming to Congress.

Enactment of this bill could only open a Pandora's box of trouble, strife and confusion—for ourselves, for our children and for our country's future.

THE FAMILY FARM ACT OF 1960

Mr. POAGE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. POAGE. Mr. Speaker, on February 10 I was joined by some 20 colleagues in introducing H.R. 10355, known as the Family Farm Income Act of 1960. During the intervening 2 months many Members of Congress and many interested parties outside of Congress have sought to improve this legislation. The Agriculture Committee has held hearings at which all parties interested in general farm legislation have had an opportunity to express their views on this and similar bills. This legislation, as introduced, was admittedly imperfect. It needed revision. Today I am introducing a new bill known as the Family Farm Act of 1960.

This measure has been worked out in cooperation with many other Members of Congress. We think that it is a great improvement on the original proposal, although the basic idea is the same. This bill, like its predecessor, makes it possible for producers of any farm commodity, in cooperation with the Secretary of Agriculture, to work out a stabilization program for the commodity. Doubtless, with many of the lesser commodities marketing orders will be used. For the major commodities, programs must be kept within certain guidelines set down in this bill. If the program meets these requirements, the Secretary will submit it to the Congress along with his recommendation. Either House of the Congress will have the opportunity to disapprove the program if it desires. If, however, the Congress approves, the program will be submitted to the producers of the commodity, where a two-thirds vote will be required to put the program into effect.

Certainly this is democracy in action. Certainly there is no way under the terms of this proposal whereby a program may be imposed upon producers of any agricultural commodity without the support of an overwhelming majority of those producers. Nor can producers ignore the rights of consumers and taxpayers. If they tried, the Congress would surely slap them down.

This bill has three basic objectives:

First, to reduce the cost of the agricultural program to the taxpayers. It achieves this by prohibiting the expenditure of more than 10 percent of the value of any crop on supports for that crop. This is far less than we are presently spending. But present excessive expenditures will not be necessary to maintain farmer income if we actually balance supply and demand as this bill requires.

This bill instructs the Secretary to make sure that any program submitted to the Congress will bring about a balance and, in calculating that balance, the interests of the public are protected because the Secretary must determine that the program will insure adequate production to meet consumer demands. The interests of farmers are protected because the controls will be in units of production—that is, pounds, bales, or bushels, not in acres as in the past. The interests of the taxpayers are protected because the Secretary must, in calculating this balance, provide for the movement of at least 10 percent of the needed supplies out of surplus stocks as long as such surpluses exist. The bill will further protect taxpayers by eliminating completely the buildup of unneeded surpluses. Under the programs authorized by this bill there can be no further acquisition of agricultural commodities by the U.S. Government. There can be no further increase in burdensome storage charges. The one and only tool denied to producers in developing programs is the use of devices which result in acquisition of title by the Government. The President has told us that we would shortly be spending a billion dollars a year for storage alone. This bill stops the buildup of these stocks where they are and the provision above referred to provides for their gradual disposition.

The second major objective of the bill is to protect the public as consumers. Under the terms of this bill no program can be approved which results in restricting supply to a point below the needs of our people. It charges the Secretary of Agriculture with the obligation to protect the needs of consumers as well as the needs of producers and to secure a balance between supply and demand at a fair price level.

The bill makes provision for moving additional quantities of protein food into the hands of low-income groups. It authorizes the use of such distribution devices as food stamps, et cetera.

In the third place, this bill protects the income of farmers. It gives the producers of any commodity which is or becomes in surplus the right to elect committees to work with the Secretary of Agriculture to develop a stabilization program for the particular commodity which will give a fair price income—90 percent of parity. Corn, grain sorghum, oats, barley, and rye are considered feed grains, and posted as one commodity. In developing these programs producers are allowed to use any tool which does not result in the acquisition of commodities by the U.S. Government. That is, the Government cannot continue to build up surpluses as it has done in the past. If this bill contained no other feature, this provision alone should entitle it to general support. If the farm program developed by producers involves production controls, and they must be used if the Secretary finds they are necessary to balance supply and demand, they are to be expressed in units of production—that is, pounds, bales, or bushels—so as to make them really effective.

The only major farm program which has actually balanced production and demand over any extended time in the past has been the tobacco program and it is, of course, the one program which has resulted in an increased income to producers with a minimum of cost to the Government. For most commodities the balancing of supply and demand will of itself provide a fair price. To the extent that it fails to achieve this fair price in the market, this bill allows the use of other programs, but in no event to involve the Government in costs exceeding 10 percent of the value of the crop. This 10 percent should be adequate to care for every crop. It should be far more than is needed for most crops.

To help balance supply and demand the bill authorizes a substantial land retirement program. Indeed, it requires that every producer who participates in any of the farmer developed support programs would be required to retire 10 percent of his total tilled acres from production for a period of at least 3 years. For this he would receive no payment. This 10 percent, if all of the major commodities adopted programs, would remove more land than is presently in the existing soil bank, although it would undoubtedly be land of low productivity.

The bill further provides that cooperators may, if they desire, remove an additional acreage up to a total of 40 percent. For this extra 30 percent they will receive payment in kind—that is, they will receive from the Commodity Credit Corporation two-thirds of the normal production of the extra land thus removed. I think that this is going to result in the removal of a very substantial amount of land, but since whole farms cannot be removed under this program, there will be no such movement of farm families off of the land as has been caused by the present soil bank.

Since payment for retiring this land will be made from surplus commodities, the out-of-pocket cost to the Government will be kept to a minimum. Since the program is applicable only to commodities which are in surplus, the public is protected against any squeeze on or shortage of supplies

Title 4 of this bill simply provides for the immediate authorization of a new wheat program. The program provided is substantially similar to the legislation which was vetoed last year, except that, in an attempt to secure Presidential approval, the support price of wheat, which was fixed at 90 percent of parity in last year's bill, is dropped to 85 percent. This should eliminate the objections which the President expressed last year. While I think, and most of the authors of this bill think, that 90 percent was and is entirely justified, the President has indicated that he thinks it should be something less. We are giving him something less. At the same time we are requiring enough cut in acreage—25 percent—to materially reduce the buildup of surplus wheat. In order to protect the farmer whose income is dependent upon the price of wheat times the volume he is allowed to produce, we provide for payments in kind for retired acreage at a rate of 55 percent of his normal production as against 33 percent in last year's bill. According to the figures we have, this means that the total of wheat farmers' income will remain just about the same that it would have been under last year's bill, but the support level to which the President objected will be reduced. This special provision as to wheat will remain effective only until such time as wheat producers avail themselves of the right given in other sections of the bill to adopt a program which they themselves have worked out. It was felt desirable to insert a wheat section in order that there might be an adjustment of the present unsatisfactory wheat program, effective this fall. It is clear that this bill, even though adopted at this session, could not provide the basis for any new program until sometime in 1961, because farmers would have to work out their programs, the Congress would have to approve them, and they would have to be ratified by two-thirds vote of the producers before they would become effective. The authors of this bill felt that it was undesirable to let the wheat situation remain as it is for another year.

It should also be noted that the general provisions of the bill specifically continue all existing stabilization and adjustment programs in full force and effect until they are replaced by farmer-developed programs. In other words, this bill cannot interfere with any satisfactory program unless two-thirds of the producers want it changed.

Section 5 of the bill is nothing more than legislative findings which are required from a technical or drafting standpoint.

In summary, this bill, if passed and signed by the President, would:

First. Establish real democracy for agricultural producers. Under it the producers of any surplus crop could develop their own program.

Second. It would absolutely stop the movement of surplus commodities into Government warehouses. It prohibits further acquisition of agricultural commodities by the Government.

Third. It would materially reduce the cost of our agricultural program. Basically, it would do this by balancing supply and demand so as to achieve the much talked of "parity in the market place," but unlike this meaningless talk, the bill provides for the use of any programs, except Government acquisition of title, which may be desired by the producers to bring their returns up to a "fair price"—90 percent of parity.

Fourth. The bill recognizes the interest of consumers and provides machinery for the disposal of additional foods to needy people. At the same time it provides for a fair accounting of the cost of these programs.

Fifth. The bill meets the problem of the existence of an excess of productive lands by using surplus commodities to encourage the retirement of unneeded acres.

Sixth. The bill provides a wheat program which is a compromise between the positions heretofore adopted by the Congress and by the President. It provides an effective means of promptly stopping the dangerous buildup of surplus wheat.

The bill does not contain any provisions extending marketing orders to canning crops nor to the basic commodities.

The bill does not contain any mandate that producers must use direct production payments. Neither does it contain any inhibition against their use.

The bill does not contain any limitation on the size of payments or other benefits. Again, this is left to the discretion of the producers themselves.

Finally, the bill does not embrace the philosophy of the Secretary of Agriculture to the effect that it is better, or even possible, to achieve adjustments in supply and demand of total agricultural production by constantly lowering prices. It recognizes that no matter how low farm prices go, the same number of acres will still be available for production. On the contrary, the authors of this bill believe that so long as farmers must buy in a controlled or administered market, they must be able to use governmentally authorized programs to administer the price of things they sell. Since we feel that it would be but inviting disaster to remove the bargaining tools we have given to industry, labor, and business, we feel that common sense, as well as common justice, requires that we extend the use of the same tools to agriculture.

A BILL TO ESTABLISH THE BONNEVILLE POWER CORPORATION

Mr. PORTER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD, to revise and extend my remarks, and to include a bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. PORTER. Mr. Speaker, the development of a sound pattern for self-financing for the Federal power system in the Pacific Northwest was one of the objectives pursued with vigor by my friend and colleague, the late Senator Richard L. Neuberger, of Oregon.

Dick introduced legislation to establish the Bonneville Power Corporation, which he envisioned as the planning, financing, and power-wholesaling agency which would meet the net power needs of the area in the future.

S. 1927, which Senator Neuberger introduced last year, was the latest of a series of drafts of the Bonneville self-financing legislation. Each draft had been discussed extensively in the Northwest and the 1959 draft had the benefit of two public hearings and of Senator Neuberger's conscientious and thorough deliberations.

S. 1927 had made substantial progress toward reconciling the divergent views of the people of the Northwest on the future role of the Federal power system. It promised to be the vehicle for developing the abundant supply of low-cost power which is essential to the long-term growth of the region.

Today I am introducing an identical bill in the hope that the progress made under Senator Neuberger's leadership will be carried forward. No similar bill has previously been introduced in the House of Representatives.

The bill contains provisions which may need improvement and further clarification. It may be that the preference clause changes require further qualification. Some sort of permanent agency must soon take responsibility for coordinating the efforts of the various public and private groups which are now attempting to meet the power needs of the area. Only a regional approach can be effective.

This legislation proposes to incorporate the Federal Bonneville Power Administration and give it the authority, under congressional control, to issue up to $750 million in revenue bonds to pay for power facilities at projects to be built by the Bureau of Reclamation and the U.S. Army Corps of Engineers, to build its own thermal plants, including atomic plants, and to provide for necessary transmission lines and substations.

Private money costs more than public money and this means higher power costs. However, TVA leaders finally concluded that development needs went beyond what public money could finance. The situation in the Northwest is similar.

The new corporation would be responsible for estimating the power needs of the region, for determining what portion of these needs would be supplied by electric plants of local public agencies and private utility companies, and to construct such facilities as are necessary to meet area needs.

The utility responsibility which would be undertaken by the new corporation under the Neuberger bill would, I believe, assure a stable power supply to present and potential residents of the Northwest and to the expanding industries which we need to provide a sound economic base for the region.

The text of the bill follows:

H.R. 11770

A bill to amend the Bonneville Project Act in order to establish the Bonneville Power Corporation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Bonneville Reorganization Act of 1959".

SEC. 2. Section 1 of the Act entitled "An Act to authorize the completion, maintenance, and operation of Bonneville project for navigation, and for other purposes", approved August 20, 1937 (50 Stat. 731), is amended to read as follows:

"(a) That for the purposes of facilitating the orderly, timely, and efficient development of the electric power aspects of the water resources of the Pacific Northwest on a self-sustaining, businesslike basis, of administering such development from centers close to the people most directly affected, and of facilitating greater participation in the formulation and administration of such development by the people of the region and their local instrumentalities, there is hereby created as an instrumentality of the United States a body corporate to be known as the Bonneville Power Corporation (hereinafter referred to as the "Corporation"). The Corporation shall be operated under the direction and supervision of the President and shall maintain its principal office within the Pacific Northwest.

"(b) It is hereby declared to be the policy of the Congress that the conservation and development of the water resources of the Pacific Northwest, to the extent that it is undertaken by the Federal Government or is subject to the control or regulation of the Federal Government, shall be based upon adequate and reliable data and shall be planned on a regional, comprehensive multiple-purpose basis and be prosecuted so as to attain the maximum sustained public benefit from such resources through their use for all beneficial purposes which may economically be served consistently with such sustained public benefit. The plans, programs, and activities of the Corporation and of all other Federal agencies concerned with water resources development in the Pacific Northwest shall conform to this policy. It is the further policy of Congress that one

of the equal purposes for which the Federal Government should participate in comprehensive multiple-purpose water resource development is the development of electric power as a means of increasing national productive capacity, promoting the general welfare, strengthening the national defense, and assisting the economic feasibility of navigation, flood control, and irrigation developments in the Pacific Northwest. In carrying out its responsibilities under this Act, the Corporation shall be guided by the policies and objectives of the Employment Act of 1946, as amended.

"(c) The management of the Corporation shall be vested in a board of five directors (hereinafter referred to as the "Board") who shall be appointed by the President, by and with the advice and consent of the Senate and who shall receive compensation at a rate of $20,000 per annum, except that the Chairman shall receive compensation at the rate of $20,500 per annum. A Director shall be appointed for a term expiring five years after the expiration date of the term for which his predecessor was appointed, except that the terms of office of the Directors first taking office after the enactment of this Act shall expire as designated by the President at the time of appointment, one on each of the first five anniversaries of such date of enactment, and a Director appointed to fill a vacancy on the Board occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Upon the expiration of his term, a Director shall continue in office until his successor is appointed and has qualified. The Chairman of the Board shall be designated by the President.

"Vacancies in the Board so long as there be three Directors in office shall not impair the powers of the Board to act. Three Directors shall constitute a quorum to transact the business of the Board, and the vote of a majority of Directors present shall be sufficient to decide any issue before the Board. Directors shall be residents of the Pacific Northwest at the time of their appointment and during their tenure in office, and all directors shall be persons who profess a belief in the feasibility and wisdom of this Act. The Board shall include a Director appointed from the residents of each of the States of the Pacific Northwest. No Director shall, during his tenure in office, be actively engaged in any other business, be an officer or employee of, or have a financial interest in, any public utility engaged in the business of generating, transmitting, distributing, or selling electric power to the public, or in any holding company or subsidiary company of a holding company as those terms are defined in the Public Utility Holding Company Act of 1935, or in any other private firm doing business with the Corporation or having a direct financial interest in its operations.

"The Board shall direct the exercise of all the powers of the Corporation, confer with the Advisory Council, attend all meetings thereof, and prepare the Council's bylaws and rules, and may divide the Advisory Council into geographical divisions.

"The Corporation shall seek counsel, assistance, and participation of the people of the Pacific Northwest, particularly through representatives of State and local governments and other organizations, public and private, and through the Advisory Council. To this end the Corporation shall hold public meetings at least annually in each State in the Pacific Northwest at which the views of those interested can be presented and information concerning the Corporation's policies and programs shall be made available. The Corporation also may, on its own motion, and upon request of the Advisory Council shall, conduct hearings on any aspect of its program or activities. The Corporation may make additional arrangements for such consultation and interchange of views with respect to the formulation and execution of its programs as it may deem advisable.

"(d) The Board shall appoint a General Manager who shall be the chief executive officer of the Corporation and who shall discharge such of the administrative and executive functions of the Corporation as the Board may direct. The General Manager shall serve at the pleasure of the Board, shall be removable by the Board, and shall receive compensation at the rate determined by the Board, but not in excess of $20,000 per annum.

"(e) The General Manager shall appoint, with the approval of the Board and without regard to the civil service laws, an Assistant General Manager, a Chief Engineer, and a General Council and shall fix the compensation of each, but not in excess of $19,000 per annum. The Assistant General Manager shall act in the stead of the General Manager during the latter's absence or disability or in the event of a vacancy in the office of the General Manager, and shall perform such other administrative or executive functions of the General Manager as the latter shall direct. The Assistant General Manager, Chief Engineer, and General Counsel shall serve at the pleasure of the General Manager and shall be removable by him.

"(f) To make continuously available independent assistance and counsel reflecting the needs and opinions of the people of the Pacific Northwest, there shall be an Advisory Council to be composed of individuals who, except for the representatives of Federal agencies, shall be residents of the Pacific Northwest who are not officers or employees of the United States. For the purpose of this Act, Reserve personnel of the Armed Forces not on full-time active duty and experts and consultants employed by the United States only occasionally shall not be considered to be officers or employees of the United States. Advisory Council members shall not be considered to be officers or employees of the United States by reason of such membership. The Advisory Council shall consist of (1) not more than forty members at large appointed by the Board, (2) one member appointed by each Member of the United States Senate and House of Representatives from the Pacific Northwest and by the Governor of each State of the Pacific Northwest, and (3) ex officio nonvoting members representing Federal agencies which desire representation on the Council. In its appointments the Board shall endeavor to obtain representation of the diverse interests and geographical areas affected by the activities of the Corporation. The Advisory Council shall elect a chairman annually and shall meet at the call of its chairman or the Board, but not less often than once each year. The Council's meetings shall be open to the public.

"The Council may make such reviews or studies related to the program, policies, and activities of the Corporation as it deems appropriate and may advise the Board and the General Manager of its views with respect thereto. It may publish or otherwise publicize its findings and recommendations. The Corporation shall cooperate with the Council in furnishing appropriate information and shall furnish such facilities and personnel as the Council may reasonably require to carry out its functions. All expenses of the Council within maximum limitations fixed by the Board, including necessary transportation expenses and per diem in lieu of subsistence for Council members who are not Federal employees while engaged in the performance of their duties, shall be paid from the funds of the Corporation as current expenses."

SEC. 3. Section 2 of said Act, as amended, is amended by substituting the following for subsections (a) and (b) thereof and by redesignating the existing subsections (c) through (f) as subsections (d) through (g) of section 9:

"SEC. 2. (a) Except as otherwise provided herein, any Federal agency operating power-producing facilities at any project now or hereafter constructed in the Pacific Northwest shall deliver the electric energy not consumed by such agency, or otherwise reserved by law, to the Corporation for disposition in accordance with the terms of this Act. Any agency constructing or operating any Federal water resource project in the Pacific Northwest shall, from funds advanced by the Corporation hereunder, install, operate, and maintain such machinery, equipment, and facilities for the generation of electric energy as the Corporation finds appropriate to carry out the purposes of this Act and as will not adversely affect the operation of the project for the other purposes for which it was authorized, and such installation is hereby authorized. The operating agency shall schedule the operations of the several electrical generating units and appurtenant equipment of any such project in accordance with the requirements of the Corporation to the extent not inconsistent with other laws relating to the operation of the project. The operating agency shall, from funds advanced by the Corporation hereunder, provide and maintain for the use of the Corporation at such projects adequate station space and equipment, including such switches, switchboards, instruments, and dispatching facilities as may be required by the Corporation for proper reception, handling, and dispatching of the electric power produced at the project, together with transformers and other equipment required by the Corporation for the transmission of energy at suitable voltage from the project to the markets to be served by the Corporation. The Corporation shall reimburse the Federal agency operating and maintaining any project which is operated under this section for power purposes for the costs of such operation and maintenance which are allocated to power or are assigned for repayment out of power revenues, and upon request may advance to any such agency sums to cover such costs.

"(b) The Corporation may provide to the constructing agencies, on schedules mutually agreed upon, funds for the capital costs of such authorized Federal water resource development facilities in the Pacific Northwest (whether or not allocable to power if such facilities are necessary for the operation of the project for the production of power at that or any other project) as the Corporation deems to be necessary or desirable to enable it to meet electric power demands for all uses to maintain an expanding economy or otherwise improve the general welfare throughout the Pacific Northwest. The agencies charged with the construction of such facilities are authorized to receive such funds and expend them for the purposes specified. The Corporation and the constructing agencies shall consult with each other and with other affected Federal, State, or local agencies to the fullest extent necessary to facilitate their advance planning and financing arrangements and to secure timely construction of such facilities in the most advantageous sequence and economical manner consistently with the development of the water resources of the Pacific Northwest for multiple-purposes, including the improvement of navigation, control of floods, development of irrigation and reclamation, generation of electric power, creation of recreational opportunities, preservation and propagation of fish and wildlife resources, and other purposes.

"(c) The Corporation may construct, acquire (but not by condemnation), improve, operate, and maintain such thermal or nuclear powered facilities for the generation of electric power as may be necessary to permit the Corporation to carry out its functions and meet its responsibilities under this Act, including the best utilization of the hydroelectric power subject to its disposition. The construction, acquisition, or operation of such facilities shall be limited to the Pacific Northwest and to power facilities, facilities jointly used for power and one or more other purposes, and such nonpower facilities as may be necessary for or incidental to the generation of electric power, and except upon the express order of the President in time of war or national emergency, which shall have been included in the Corporation's budget program approved by the Congress. The Corporation shall dispose of all electric power produced at such facilities in accordance with the terms of this Act.

"(d) In order to encourage the widest possible use of all electric power that can be generated and marketed and to provide reasonable outlets therefor, to prevent the monopolization thereof by limited groups, and to promote the diversified economic and industrial development of the several States of the Pacific Northwest, the Corporation is authorized and directed to provide, construct, operate, maintain, and improve such electric transmission lines and substations, and facilities and structures appurtenant thereto, as it finds necessary, desirable, or appropriate to transmit electric power available to it for disposition to existing and potential markets, to interconnect its system with projects and power systems now or hereafter constructed, and to carry out its contracts or agreements for the transmission or interchange of electric power from non-Federal projects.

"(e) Subject to the limitations of this Act, the Corporation may carry out such activities as may be necessary or appropriate for the generation, transmission, and sale of electric power, including contracting or arranging for (1) the purchase or exchange of electric power, (2) the use of transmission facilities, and (3) the purchase, exchange, sale, storage, or release of water incident to the generation of electric power. Such arrangements may include the exchange of such water or water use, electric power or the use of transmission facilities, one for the other. The limitations in subsection (c) of this section on the area within which the Corporation may construct or acquire generating facilities shall not apply to the purchase or exchange of electric power or to such purchase, exchange, sale, storage, or release of water. Nothing in this Act shall authorize the Corporation to (1) acquire water for hydroelectric generation purposes by condemnation, (2) divert or cause the diversion of water from the Pacific Northwest, (3) construct or condemn any hydroelectric generating facility, or (4) construct, acquire, or operate any 'production facilities' as that term is defined in the Atomic Energy Act of 1954, except pursuant to a license from the Atomic Energy Commission.

"(f) The Corporation may, subject to the supervision of the Secretary of State or of the United States section of any international commission or agency having jurisdiction in the Pacific Northwest, participate in studies or surveys of the water or electric power resources of the Pacific Northwest and British Columbia and make appropriate arrangements, contracts, or agreements for coordinating its activities with those of appropriate United States, Canadian, or international agencies with respect to any utilization of water or electric power resources of British Columbia or the Pacific Northwest which affects the land, water, or electric power resources of the other country. When authorized by, and subject to the provisions of, any treaty or other agreement between the United States and Canada, the Corporation, to the extent necessary to assist it in carrying out the purposes of this Act, may carry out in British Columbia any activity or function which it is authorized to carry out in the Pacific Northwest, and may advance funds to any construction agency for capital costs of water resource development facilities (whether or not allocable to power if such facilities are necessary for the operation of the project for the production of power at that or any other project) for the purposes provided by subsection (b) of section 2 of this Act for Federal water resource development facilities in the Pacific Northwest. Nothing in this Act shall affect the jurisdiction, powers, or prerogatives of any international commission or agency having responsibilities in the Pacific Northwest or any portion thereof, nor shall anything contained herein authorize the Corporation to make any arrangements with any foreign government, or subdivision, agency, or representative thereof, except through or with the approval of the Department of State.

"(g) Subject to the provisions of this Act, the Corporation is authorized and directed to schedule and construct or arrange for the construction of generating and transmission facilities, or to purchase and exchange electric power, so as to enable it to supply the net wholesale electric power needs of all distributors or consumers within the Pacific Northwest who desire and are willing to enter into contracts to purchase such power from the Corporation. In order to promote the diversified agricultural, industrial, and economic development of the several States of the Pacific Northwest it is hereby declared to be the policy of the Government to distribute electric power equitably throughout the States of the Pacific Northwest so that there will be no unreasonable geographic concentration thereof.

"(h) The Corporation shall prepare and submit to the President and Congress annually an advance program for the construction of such facilities as will permit it to meet its responsibilities under this Act for the next six years. The first such program shall be submitted within two years from the effective date of this section. In preparing such programs the Corporation shall consider pertinent surveys and plans of other agencies, conduct such additional investigations as may be necessary, and obtain the advice and assistance of appropriate Federal, State, and local agencies. The Corporation shall endeavor to coordinate its programs with such programs for flood control, navigation improvement, irrigation development, fish and wildlife preservation and propagation, recreation development, pollution control, and protection and improvement of water supplies as shall have been developed by the agencies primarily responsible therefor. The advance program shall among other things set forth the nature, extent, general location, sequence, and timing of major projects and major transmission facilities recommended; the method by which such major projects are proposed to be undertaken, including any arrangements recommended for joint and cooperative action by the Corporation and other agencies; evidence that each project is economically sound and in the public interest including, where appropriate, estimates of costs and benefits over its economic service life; the tentative allocation of costs to various purposes to be served, to be determined as herein provided; and the amounts to be repaid by the beneficiaries. At least sixty days prior to the presentation of any advance program to the President and Congress it shall be submitted to the Governors of the States of the Pacific Northwest, the Secretary of the Interior, the Secretary of the Army, and to such other Federal or interstate agencies as the President may designate from time to time. The comments submitted by the Governors or agencies shall be transmitted to the President and Congress with the advance program."

SEC. 4. Section 3 of said Act is hereby amended by adding thereto the following: "As employed in this Act, the term 'Pacific Northwest' means the area comprising the States of Washington, Oregon, and Idaho, and that part of the State of Montana which lies west of the Continental Divide".

SEC. 5. The first sentence of subsection (a) of section 5 of said Act, as amended, is amended to read as follows: "Subject to the provisions of this Act, the Corporation shall negotiate and enter into contracts for the sale at wholesale of electric energy, either for resale or direct consumption, to public bodies and cooperatives and to private agencies and persons and for the disposition of electric energy to Federal agencies".

SEC. 6. Section 6 of said Act, as amended, is amended to read as follows:

"SEC. 6. (a) Schedules of rates for the sale of electric power shall be established by the Corporation from time to time, after public hearings, with a view to encouraging the widest possible diversified use of electric power at the lowest possible rates to consumers consistent with sound business principles but not less than those which, together with other revenues of the Corporation, will produce revenues at least sufficient in the aggregate to cover all costs or other charges to be paid out of power revenues, including (1) costs of generating, purchasing, and marketing of such power, (2) costs of services to be contracted hereunder, (3) costs allocated to purposes other than electric power but assigned for repayment out of power revenues, and (4) such additional amounts, if any, as may be required to repay all obligations issued to the Secretary of the Treasury within the term of such obligations or any authorized renewal thereof. Rate schedules may provide for uniform rates, or rates uniform throughout prescribed transmission areas, in order to extend the benefits of an integrated transmission system and encourage the equitable distribution of electric power to the maximum number of consumers at the lowest possible price. Rate schedules shall be based upon allocations of costs heretofore made pursuant to law and hereafter made pursuant to this Act.

"(b) The Corporation may fix rates and charges for wheeling, storage, and other services authorized hereunder.

"(c) The Corporation shall at all times maintain complete and accurate books of account, including, with respect to the purchase, generation, transmission, and disposition of electric power, accounts kept in accordance with section 303 of the Federal Power Act, as amended, except that in lieu of depreciation accounting the accounts shall reflect amortization of the Capital Account in accordance with the requirements of section 12 of this Act. In the maintenance of such accounts, appropriate obligations shall be established for annual and sick leave of absence as earned.

"(d) Hereafter, allocations of costs for any multiple purpose water resource project, the construction or repayment of which is financed in whole or in part from funds of the Corporation, shall be made in accordance with this section. Any final allocation of cost made prior to the effective date of this Act shall remain in effect unless modified in accordance with this section.

"Except where Congress expressly authorizes allocations to other purposes, costs of such water resource projects shall be allocated under this section among the following purposes only: (1) generation, transmission, and disposition of electric power; (2) reclamation; (3) domestic, municipal, or industrial water supply, including anticipated future demands for such purposes pursuant to the Water Supply Act of 1958; (4) flood control; (5) navigation; (6) preservation and propagation of fish and wildlife; (7) recreation development; and (8) pollution control

or abatement. Costs with respect to facilities and activities serving more than one purpose shall be allocated among such purposes so as to achieve an equitable sharing of the savings of multiple purpose construction. Costs with respect to facilities and activities serving only one purpose shall be allocated to that purpose.

"Any report submitted to the Congress by the Corporation requesting authorization of appropriations or other approval for the start of construction, or major modification for any such project or separate division thereof, shall include a tentative allocation of costs prepared by the Board taking into account the advice of each Federal agency directly affected, and such tentative cost allocation report shall be accompanied by such comments as any such Federal agency desires to make. When reclamation is one of the project purposes, the amount assigned for repayment by the water users or landowners (as distinguished from the amount allocated to reclamation) shall be fixed by the Secretary of the Interior pursuant to the Federal reclamation laws. Such tentative cost allocation report shall be the temporary basis for allocating costs, subject to adjustment when any such subsequent tentative cost allocation report or the final cost allocation report becomes effective. The Corporation and the constructing and operating agencies shall make such adjustments as may be necessary to reflect the retroactive application of all such cost allocations.

"Within one year after the substantial completion of any project or separate division or modification thereof, the Board, following the same procedure provided above for the tentative cost allocation report, shall prepare a final cost allocation report and submit it to the President, who, if he approves, shall transmit it to the Congress. The final cost allocation report shall become effective upon the passage by the two Houses of a concurrent resolution stating in substance that the Congress favors the report, or upon the expiration of a period of ninety calendar days of continuous session of the Congress following the date on which the report is transmitted to it, unless there has been passed by the two Houses a concurrent resolution stating in substance that the Congress does not favor the report.

"When justified by changed operations or benefits of a project, final allocations of costs may be modified in accordance with the above procedure but such modification shall not be applied retroactively."

SEC. 7. Section 7 of said Act is amended to read as follows:

"SEC. 7. (a) Penstocks and other facilities adapted to possible future use in the development of hydroelectric power shall be installed in any Federal dam hereafter constructed in the Pacific Northwest when approved by the construction agency upon the recommendation of the Corporation.

"(b) With respect to any project constructed by the Department of the Interior, the construction or repayment of which is financed in whole or in part by the Corporation pursuant to this Act, the Secretary of the Interior shall have the same authority as is conferred upon the Chief of Engineers and the Secretary of the Army by section 209 of the Flood Control Act of 1954 (68 Stat. 1266)."

SEC. 8. Section 8 of said Act is hereby amended by striking the figure "$500" appearing therein and substituting therefor the following: "$2,500; or (4) in any instance in which authority for the Corporation to negotiate purchases and contracts for property or services is delegated by the General Services Administrator pursuant to the Federal Property and Administrative Services Act of 1949, as amended;".

SEC. 9. (a) Subsections (a), (b) and (c) of section 9 of said Act, as amended, are amended to read as follows:

"(a) The Corporation—

"(1) shall have succession in its corporate name; may adopt, alter, and use a corporate seal; may sue and be sued in its corporate name; and may adopt, amend, and repeal bylaws, rules and regulations governing the manner in which its operations may be conducted and the powers vested in it exercised;

"(2) shall be held to be an inhabitant and resident, within the meaning of the laws of the United States relating to the venue of civil suits, of any judicial district in whole or in part within the Pacific Northwest, in which the Corporation carries on activities at the time of the commencement of suit. The Corporation may be sued in the district court of the United States for any such district without regard to the amount in controversy. Any proceeding brought against the Corporation in a court of any State may be removed by the Corporation to the district court of the United States for the district in which such proceeding is pending, and, to effect such removal, it shall not be necessary that any other party or parties defendant join in the petition for removal;

"(3) may determine, settle, compromise, submit to arbitration, and pay any claim for not in excess of $1,000 against the Corporation or the United States for bodily injury, death, or damage to or loss of real or personal property resulting from the activities of the Corporation and which is presented to the Corporation in writing within two years after the claim accrues, and for this purpose the Corporation shall have, with respect to claims within the scope of title 28, United States Code, chapter 171 (tort claims procedure), the functions assigned to the Attorney General by that chapter; may with respect to any such claim repair all or any part of damage to property in lieu of making payment therefor; may determine, compromise, and settle any claims of the Corporation or the United States against other parties or persons for any losses, injuries, or damages to property of the Corporation; and any determination, compromise, settlement, or payment of a claim under this subsection shall be final and conclusive upon all officers of the Government;

"(4) may, subject to the applicable rules and practices of such body, appear or intervene before any Federal, State, or local body in any matter which the Corporation believes will affect its responsibilities under this Act;

"(5) may make mutual assistance or other arrangements with any public or private agency for using personnel, equipment, or facilities of the Corporation, with or without reimbursement, in emergency situations involving the preservation of life, health, or property or the maintenance or restoration of electric power service;

"(6) may enter into agreements with its power customers and power systems interconnected with its facilities for the performance by either party for the other of operating and maintenance services, emergency repairs, or the maintenance of power facilities on a reimbursable, exchange or replacement basis;

"(7) may make such expenditures for offices, vehicles, furnishings, equipment, supplies, books, and publications; for attendance at meetings; and for such other facilities and services as it finds necessary for the proper administration of this Act;

"(8) may accept gifts, donations, or grants of services, money, or property, in the interest of itself or its activities and may cooperate with public or private agencies in studies, surveys, research, testing, or development on matters affecting or affected by the Corporation's activities;

"(9) shall, in cooperation or consultation with the United States Fish and Wildlife Service, State fish and game agencies, or other public or private agencies, undertake a program of research and development on means to minimize any adverse effect of dams, reservoirs, or other power facilities on the passage or propagation of fish;

"(10) may conduct such studies, research, and development on any means of generation, transmission or use of low cost electric energy, or as may otherwise be necessary or useful to it in carrying out the purpose of this Act;

"(11) may obtain services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates not to exceed $100 per diem for individuals;

"(12) may employ retired commissioned officers of the Armed Forces of the United States and compensate them at the rate established for the positions occupied by them within the Corporation, subject only to the limitations in pay set forth in section 212 of the Act of June 30, 1932, as amended (5 U.S.C. 59a);

"(13) may, where such facilities are not otherwise reasonably available, provide by contract or otherwise for cafeterias and other necessary facilities for the welfare of its employees at its installations and furnish and maintain equipment therefor;

"(14) may conduct any of its activities through or in cooperation with Federal agencies or instrumentalities, States, counties, municipalities, cooperatives, individuals, educational or scientific institutions, or other bodies or agencies, public or private, and may use or advance its funds in carrying out such activities; Federal agencies and instrumentalities are hereby authorized to participate in or carry out such activities on terms mutually agreeable to the agency involved and the Corporation: *Provided*, That before entering into any agreement for the construction or operation of any electric power generating facility by a non-Federal agency, the Corporation shall make a finding that the agreement is in the public interest, shall give notice thereof to its customers, and upon request by parties affected, shall conduct public hearings thereon;

"(15) may, in accordance with such regulations as it may prescribe and to the extent it determines to be fair and reasonable, but not to exceed 25 per centum of the fair value, as determined by the Corporation, of the land interest acquired, reimburse owners and tenants of land who are required to move because of the acquisition of such lands or any interest therein by the Corporation, for actual expenses, losses, and damages incurred by them as a result of such moves; and

"(16) shall annually file with the President and the Congress a financial statement and a complete report as to the business of the Corporation covering the preceding governmental fiscal year.

"(b) Section 101 of the Government Corporation Control Act is hereby amended by inserting after 'Saint Lawrence Seaway Development Corporation;' the following: 'Bonneville Power Corporation;'.

"(c) Subject to security regulations, any Federal agency or instrumentality having information pertinent to the functions of the Corporation shall make such information available to the Corporation."

(b) The subsection herein redesignated as subsection (d) of section 9 of said Act is amended by inserting the word "exchange," after the word "lease". The subsection herein redesignated as subsection (f) of section 9 of said Act is amended by inserting the word "exchange," after the word "lease" and by deleting the proviso.

SEC. 10. Section 10 of said Act, as amended, is amended to read as follows:

"SEC. 10. (a) The Corporation shall appoint, subject to the civil service laws, such officers, employees, attorneys, and agents as may be necessary to carry out the functions of the Corporation, the appointment of whom is not otherwise provided for, define their duties, and fix their compensation in accordance with the Classification Act of 1949, as amended. Subject to the standards and procedures of section 505 of the Classification Act of 1949, as amended, the Corporation is authorized to place not to exceed ten positions in grades 16, 17, or 18 of the General Schedule established by such Act in addition to the number of positions (including positions transferred to the Corporation pursuant to this Act) authorized to be placed in such grades by such section 505. The Corporation may employ laborers, mechanics, and workmen in accordance with the civil service laws and may fix their compensation without regard to the Classification Act of 1949, as amended, or any other laws, rules, or regulations relating to the payment of employees of the United States except the Civil Service Retirement Act, to the extent that it otherwise is applicable. Subject to the provisions of this Act, the Corporation may deal collectively with its employees through representatives of their own choosing and may enter into written or oral agreements with such employee representatives. The Corporation may employ physicians, under agreement and without regard to the civil service laws or regulations, to make physical examinations of employees or prospective employees who are, or may become, laborers, mechanics, or workmen. The Corporation may require bonds of such of its officers, employees, attorneys, and agents as it deems appropriate, the premiums for which shall be paid by the Corporation. The Corporation may accept and utilize such voluntary and uncompensated services and with the consent of the agency concerned, with or without reimbursement, may utilize such officers, employees, or equipment of any agency of the Federal, State, or local governments as it finds helpful in carrying out the purposes of this Act. In connection with the utilization of such services, reasonable payments may be allowed for necessary travel and other expenses.

"(b) In the employment, selection, classification, and promotion of officers and employees of the Corporation, no political test or qualification shall be permitted or given consideration, but all such employments and promotions shall be given and made on the basis of merit and efficiency. It shall be unlawful to make or assist in the making of or cause to be made any employment, selection, classification, or promotion of any officer or employee of the Corporation on the basis of or because of any political qualification or test. Any employee of the Corporation who is found to be guilty of a violation of this subsection shall be removed by the Board.

"(c) The benefits of the Federal Employees' Compensation Act (39 Stat. 743), as amended, shall extend to persons given employment pursuant to subsection (a) of this section; and the right to benefits under such Act, as amended, shall be exclusive and in place of any and all other liability of the Corporation and the United States to pay damages or workmen's compensation to such persons, or to the dependents, next of kin, or legal representatives of such persons, or to any person otherwise entitled to recover damages, on account of injury or death within the purview of such Act.

"(d) (1) All laborers and mechanics employed by contractors or subcontractors in the performance of work within the United States financed in whole or in part with Federal funds under the provisions of this Act, pursuant to contracts in excess of $2,000 for the construction, alteration, or repair of buildings, dams, locks, or other structures or facilities, shall be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5), and every such employee shall receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any workweek in excess of eight hours in any workday or forty hours in the workweek, as the case may be. The Corporation shall not make any payment of Federal funds without first obtaining adequate assurance that these labor standards will be maintained.

"(2) The Secretary of Labor shall have, with respect to the labor standards specified in paragraph (1) of this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176, 64 Stat. 1267, 5 U.S.C. 133z–15), and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948, as amended, 40 U.S.C. 276c).

"(e) The Corporation shall contribute to the civil service retirement and disability fund, on the basis of annual billings as determined by the Civil Service Commission, for that part of the Government's share of the cost, which is not covered by the Corporation's contribution under section 4(a) of the Civil Service Retirement Act, of the civil service retirement system applicable to the Corporation's employees and their beneficiaries. The Corporation shall also contribute to the employee's compensation fund, on the basis of annual billings as determined by the Secretary of Labor, for the benefit payments made from such fund on account of the Corporation's employees. The annual billings shall also include a statement of a fair portion of the cost of the administration of the respective funds, which shall be paid by the Corporation into the Treasury as miscellaneous receipts."

SEC. 11. Section 11 of said Act, as amended, is amended to read as follows:

"SEC. 11. (a) To carry out the functions authorized by this Act, there shall be established in the Treasury of the United States a Bonneville Power Corporation Operating Fund (hereinafter referred to as the 'Operating Fund'). The Operating Fund shall consist of the funds transferred to the Corporation in accordance with subsection 12(c) of this Act, funds credited to the Operating Fund under subsection (c) of this section, all appropriations made to the Corporation as authorized by subsection (e) of this section, and all cash receipts of the Corporation.

"(b) Expenditures from the Operating Fund may be made for any purposes necessary or appropriate to carry out the purposes of this Act, including, but not limited to—

"(1) the payment of administrative expenses of the Corporation;

"(2) the expenses of operating and maintaining the Corporation's properties, and reimbursements and advances for operation and maintenance expenses pursuant to section 2 of this Act to agencies supplying power to it;

"(3) payments for the operation or rental of other facilities or for the purchase of power or water;

"(4) capital costs of expanding the Corporation's power system, including funds advanced to other agencies pursuant to section 2 of this Act, and costs of acquisition, construction, improvement, and replacement of equipment, facilities, or other properties as authorized in this Act;

"(5) interest and principal on all obligations issued under subsection (c) of this section;

"(6) all interest and principal payments required for the service and retirement of the Capital Account; and

"(7) to provide reserves in such amount and manner as the Corporation may deem necessary and appropriate.

All funds advanced by the Corporation which are not utilized for the purpose or purposes for which advanced shall be returned to the Corporation. Moneys in the Operating Fund derived from appropriations shall be used only for the purposes for which such funds are appropriated.

"(c) In order to effectuate the purposes of this Act, the Corporation may from time to time issue to the Secretary of the Treasury negotiable interest-bearing obligations, secured by a pledge of its revenues to the extent required for the payment of the interest on and principal of such obligations and redeemable at the option of the Corporation before maturity in such manner as may be stipulated in such obligations, subject to the following conditions:

"(1) Each issue of such obligations, together with all issues renewing or refunding such issues, shall mature in not to exceed fifty years from the date of initial issuance, and provision shall be made, by serial maturities, sinking fund payments, or otherwise, for the complete amortization and retirement of each issue of such obligations within a period of fifty years from date of initial issuance.

"(2) The amount of any such issue added to the outstanding long-term obligations of the Corporation, not including the Capital Account, shall not exceed $1,100,000,000.

"(3) As soon as practicable after the Corporation considers it probable that additional obligations must be issued, but not less than ninety days preceding the approximate proposed date of issue of such obligations, it shall consult with the Secretary of the Treasury, or such officer as he may designate, regarding the probable terms and arrangements pertaining to such obligations. If after such preliminary consultation the Corporation decides to proceed with the issuance of such obligations, it shall so inform the Secretary of the Treasury, who shall set the exact terms and date of the issue: *Provided*, That the determination of the Corporation regarding the need for and the approximate timing of any proposed issue shall be final. The rate of interest in each fiscal year on such obligations shall be equal to the computed average interest rate payable by the Treasury upon its total marketable public obligations as of the beginning of said fiscal year. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Corporation issued hereunder if he is satisfied that it appears reasonably probable that all installments of principal and interest on such obligations will be met from revenues of the Corporation. For the purposes of this subsection the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under said Act are extended to include any purchases of the Corporation's obligations hereunder. All sums loaned to the Corporation in accordance with this subsection shall be credited to the Operating Fund upon the date of issuance of the obligations purchased by the Secretary of the Treasury.

"(d) The Corporation shall at all times keep the Secretary of the Treasury informed concerning its fiscal operations and status and, not less than once each year, shall transmit to him a report containing an estimate of its capital requirements for the ensuing six years, its earnings and expenses

during the same period, and such supplemental information as it deems necessary and appropriate or as he may request.

"(e) Appropriations to carry out any of the purposes of this Act are hereby authorized.

"(f) At the start of the first regular session of Congress following the eighth anniversary of the effective date of this Act, the Corporation shall submit to the President and the Congress a report on the operation of the financing method herein provided and its recommendation concerning the permanent method of financing to be provided for the Corporation, based upon its experience to that time and such additional investigations as it may find necessary or useful."

SEC. 12. Section 12 of said Act, as amended, is amended to read as follows:

"SEC. 12. (a) The properties, facilities, contracts, accounts receivable, and miscellaneous and other assets of the Bonneville Power Administration are hereby transferred to the Corporation, and such transfer shall be carried out by the Secretary of the Interior at the earliest feasible time after the effective date of this Act. The Secretary of the Interior also shall transfer to the Corporation such properties, facilities, contracts, accounts receivable, and other assets of the Bureau of Reclamation and other offices of the Department of the Interior as he determines are connected with the activities transferred to the Corporation and deems appropriate to carry out the purposes of this Act.

"(b) Employees of the Bonneville Power Administration, and such other employees of the Department of the Interior as the Secretary of the Interior and the Corporation shall determine are connected with the activities transferred to the Corporation and shall designate, shall, at the time of transfer pursuant to this section, become employees of the Corporation.

"(c) In connection with the transfers pursuant to subsections (a) and (b) of this section, the unexpended balances of funds appropriated or otherwise made available for the Bonneville Power Administration, of any balance in the special fund receipt account into which revenue from the sale of electric power by the Bonneville Power Administrator is payable pursuant to Executive Order Numbered 8526, dated August 26, 1940, and such funds appropriated or otherwise available to the Bureau of Reclamation or other offices as the Director of the Bureau of the Budget determines are connected with the facilities, activities, and personnel transferred to the Corporation, shall be transferred to the Corporation. All funds transferred hereunder shall be available for expenditure and shall be expended in the same manner and to the same extent as all other funds of the Corporation, except that they shall be expended by the Corporation subject to such limitations as may be prescribed by any applicable appropriation Act during such period as may elapse between their transfer and the approval by the Congress of the first subsequent annual budget program of the Corporation.

"(d) The Corporation shall assume all of the obligations and liabilities of the United States pertaining to any properties and contracts transferred to the Corporation, except that in the sale or disposition of power from any generating unit completed after the effective date of this Act the Corporation shall not be bound by the provision of any contract which purports to restrict sales for industrial purposes in any manner not expressly provided for by this Act.

"(e) There is hereby authorized to be established in the Treasury of the United States a Bonneville Power Corporation Capital Account (hereinafter referred to as the 'Capital Account'). The Capital Account shall be charged with (1) the unrepaid balance of the Federal investment in the assets transferred to the Corporation pursuant to subsections (a) and (c) of this section (in the event of a disagreement over the amount of such balance, the matter shall be referred to the Comptroller General of the United States whose decision shall be final), (2) all appropriated funds subsequently received by the Corporation and not expressly excepted by the Congress from inclusion in the Capital Account, and (3) all other unrepaid capital costs assigned for return from revenues from the disposition of power marketed by the Corporation and not contributed by the Corporation.

"(f) As of the close of each fiscal year the Corporation shall cover into the Treasury to the credit of miscellaneous receipts interest on the unrepaid balance of the Capital Account, after deducting the unrepaid balance of all capital costs allocated to purposes other than power including those assigned for repayment out of power revenues, at a rate equal to the computed average interest rate payable by the Treasury upon its total marketable public obligations as of the beginning of said fiscal year.

"(g) The Corporation, from the Operating Fund, shall cover the principal of the Capital Account into the Treasury pursuant to the following schedules: (1) as to the unrepaid balance of the Federal investment in the assets transferred pursuant to subsections (a) and (c) of this section, over a period of fifty years from the effective date of this Act, (2) as to appropriated funds subsequently received by the Corporation, over a period of fifty years from the date of completion of each generating unit or other feature constructed therewith, (3) as to unrepaid capital costs of projects allocated to power and not contributed by the Corporation, over a period of fifty years from the effective date of this Act or from the date of completion of each generating unit or feature, whichever is later, and (4) as to unrepaid capital costs of projects allocated to purposes other than power but assigned for repayment out of power revenues, over such period as may be provided by law. The principal of all charges in the Capital Account of the types specified in subdivisions (1), (3), and (4) of this subsection shall be credited with all funds advanced by the Corporation pursuant to subsections (b) and (f) of section 2 of this Act which are allocable to purposes other than power and are not assigned for return from power revenues. Interest paid by the Corporation on any obligations which it issues to provide funds for such advances shall be credited in the same manner. Appropriate adjustment in the charges and credits to the Capital Account shall be made to reflect retroactively any changes made by, and to conform with, each final cost allocation and prospectively any subsequent modification thereof. The Secretary of the Treasury shall credit all payments and credits provided for in this subsection to the Reclamation Fund, miscellaneous receipts, or other fund as may be provided by law.

"(h) Unless or until a system of capital accounting has been established in the Treasury of the United States, in any accounting computation involving the total of the national debt such total as otherwise computed shall be reduced by the sum of the Capital Account and the total of the outstanding obligations of the Corporation held by the Secretary of the Treasury."

SEC. 13. Said Act, as amended, is hereby further amended by adding thereto the following new sections:

"SEC. 14. The consent of Congress is hereby given to the States of Idaho, Montana, Oregon, and Washington to negotiate a compact providing in whole or in part for the assumption of the functions, duties, and powers of the Corporation upon condition that one qualified person shall be appointed by the President who shall participate in said negotiations as the representative of the United States and shall make report to the Congress of the proceedings and of any compact agreed upon. Any such compact shall not be binding or obligatory upon any of the parties thereto unless and until the same shall have been ratified by the legislature of each of the four States and thereafter consented to by the Congress.

"SEC. 15. (a) Except as expressly provided in this subsection, nothing in this Act shall affect, enlarge, impair, diminish, or subordinate the rights, powers, or authority of the United States or of any State to appropriate, use, divert, or store, or to control the appropriation, use, diversion, or storage of water for beneficial consumptive purposes, or modify or repeal any provision of any existing Act of Congress requiring that rights of the United States or its licensees or permittees to the use of water be acquired pursuant to State law. The use of water for navigation, in connection with the operation and maintenance of any works the construction or repayment of which is financed in whole or in part by the Corporation pursuant to this Act, shall be only such use as does not conflict with any present or future beneficial consumptive use in the Pacific Northwest, or in any portion of the affected watershed lying outside of the Pacific Northwest, of such water for domestic, municipal, stock water, irrigation, mining, or industrial purposes.

"(b) Nothing in this Act shall alter, repeal, or supersede the provisions of any interstate compact pertaining to water resources of the Pacific Northwest heretofore consented to by the Congress or the provisions of any Act of Congress consenting to our approving any such compact.

"(c) All provisions of other Acts authorizing or directing any Federal agency or official to enter into contracts or otherwise sell or dispose of electric power and energy not required for project uses from any Federal project located in the Pacific Northwest are modified to the extent necessary to comply with the provisions of this Act: *Provided*, That nothing in this Act shall change, with respect to any project, the requirements of any existing Act with respect to (1) the periods established for the repayment of costs of such project allocated to purposes other than power, (2) the use of power revenues for repayment of any portion of the costs of such project allocated to purposes other than power, (3) the rate of interest to be charged with respect to the repayment of any of the costs of such project allocated to purposes other than power or the application to be made of the interest component of the power rates, (4) any reservation of power or energy for use for specific project or nonproject purposes or for use in any State or area, or (5) any special rates, or special factors affecting rates, with respect to any power or energy required to be so reserved.

"(d) The Bonneville project authorized by section 1 of the Act of August 30, 1935 (49 Stat. 1028), shall continue to be operated and maintained under the direction of the Secretary of the Army and the supervision of the Chief of Engineers subject to the provisions of this Act.

"SEC. 16. This Act may be cited as the 'Bonneville Power Corporation Act'."

SEC. 14. Said Act, as amended, is hereby further amended by striking the word "Administrator" wherever it appears therein and substituting therefor the word "Corporation" and by striking the pronouns "he" or "his" wherever they appear therein with reference to the Administrator and substituting therefor the pronouns "it" or "its" respectively.

SEC. 15. Effective on the effective date of the amendments made by this Act—

(a) section 5 of the Act of December 22, 1944 (Public, Numbered 534, Seventy-eighth Congress, second session), shall not apply to projects located in the Pacific Northwest;

(b) the two proviso clauses set forth in that portion of section 3 of the River and Harbor Act approved March 2, 1945 (Public, Numbered 14, Seventy-ninth Congress, first session), authorizing projects on the Snake River, Oregon, Washington, and Idaho, in accordance with House Document 704, Seventy-sixth Congress, and the first two proviso clauses of that portion of said section 2 of said Act authorizing the construction of the Umatilla (McNary) Dam, Oregon and Washington, are repealed;

(c) section 6 of the Act of July 27, 1954 (Public, Numbered 544, Eighty-third Congress, second session), is amended by changing the terms "Bonneville Power Administrator" and "Secretary of the Interior" to "Bonneville Power Corporation" and by changing "Bonneville Project Act" to "Bonneville Power Corporation Act".

SEC. 16. The amendments made by this Act shall be effective on such date, not more than six months after the date of enactment of this Act, as may be designated by the President, except that effective on such date of enactment and in accordance with such amendments (1) the members of the Board may be appointed, and (2) such other officers and employees may be appointed and such expenditures made as may be necessary prior to the effective date of such amendments to organize the Corporation and prepare for the transfer of functions and activities authorized herein. The President is authorized to make available such funds appropriated to the Bonneville Power Administration as may be necessary to defray the costs of such activities until the effective date of such amendments. Prior to such effective date the Secretary of the Interior may authorize officers and employees of the Department of the Interior to perform functions requested by the Corporation, in addition to their functions for the Department of the Interior.

REUNIFICATION OF ALL ARMED FORCES UNDER A SINGLE CIVILIAN COMMAND

Mr. JOHNSON of Colorado. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. WOLF] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. WOLF. Mr. Speaker, I am introducing a bill today which calls for the reunification of all Armed Forces under a single civilian command.

The purpose of this bill is to eliminate the impossible duplication and waste which presently exists in our Defense Establishment.

Mr. Speaker, more specifically this bill will—

Eliminate all existing distinctions between the individual military services and merge them into one defense force;

Give full command authority to a civilian Secretary of Defense subject only to the President as Commander in Chief;

Establish the post of Deputy Secretary of Defense, to be filled by a career member of the Military Establishment;

Abolish the Joint Chiefs of Staff; and

Establish within the Department of Defense nine functional branches, each under a chief of branch answerable directly to the Secretary of Defense. The branches would be identified as Combat, Program, Personnel, Development, Procurement, Transportation, Training, Inspection and Service.

It is a mystery to me that people who cry "spender" when one votes for a million dollar appropriation bill to encourage flood control are peculiarly silent on the issue of getting rid of the waste and duplication in the Armed Forces. Congressman KOWALSKI, who is one of the great specialists on our defense program, has estimated that about $7 billion a year of our military budget can be saved if we are willing to reorganize the Defense Department.

I believe this saving could be had without losing one bit of the military security we presently have. I hope that the slogan-throwers will begin using some of their power to get behind a serious attempt to cut down on needless defense spending. Or are there too many vested interests and are there too many crass and cynical men who are not truly interested in saving the tax dollar but are more expert in creating the illusion that they are savers?

I would like to add one more reason why I support this bill. Presently in the Defense Department, the left hand does not know what the right hand is doing—Navy competes with Army, the Air Force with the Marines. Each has its own pet programs—its own weapons systems and its own axes to grind. Each group would gladly subvert the position of the other.

This is shocking for two reasons. First of all, our national defense posture is, in fact, unclear, and secondly, and more important, until we have unification and central control in the Defense Department there is no chance at all for effecting disarmament agreements. Our programs must be integrated and controlled which is not the case at all at this time.

How will it be possible to negotiate disarmament agreements when we have no idea what our weapons systems should or should not be—or more to the point, what our weapons systems are? Thus, there is no doubt that if we are ever going to achieve a strong national defense position unification must occur, and if we are ever to negotiate seriously disarmament agreements, we had better begin making order out of chaos and decide what we will give up first and what we will give up last. This can occur only if there is unified control.

AUTHORIZING PRESIDENT TO USE ITEM VETO

Mr. SCHWENGEL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. SCHWENGEL. Mr. Speaker, today I have introduced three separate joint resolutions to amend the Constitution and empower the Congress to authorize the President to use the item veto authority.

This legislation is the outgrowth of a strong conviction of mine that the framers of the Constitution never intended that the President should be required to sign a bill and thus give official approval to an item which he does not approve in order to avoid vetoing the whole bill, some provisions of which he may consider very important.

My decision on this matter has come after long study and from experience in Congress and in the legislature in Iowa.

All of us know that this has happened many times. As a case in point, we only have to look back to the civil works appropriation bill last year. The President disapproved some 67 projects, but it was necessary for him to veto an entire bill with hundreds of worthy projects just to eliminate the ones he did not approve—most of which I believe were not justified. As it turned out, a new bill in which a slight reduction was made, was also vetoed, but passed over the Presidential veto by the Congress—the only time the Congress has seen fit to override the President during his 7 years in office.

Because I felt that the President was right in this action, I voted to sustain his veto although I was in reality voting against several worthy projects in my district—all with a high benefit-cost ratio—and none of them among the 67 to which the President objected.

I know of other Members who were placed in this position and as a consequence had some explaining to do to their constituents.

Had the President been able to use the item veto he could have deleted the undesirable projects, approved the others, and returned the bill with his signature.

The American taxpayer would have been the beneficiary in a situation of this kind. He would not have been saddled with the expense of a lot of pork barrel items where the comparatively small initial cost is just the beginning of an annual drain on the Treasury and where each succeeding year sees an increase in the appropriation requests until the project is completely milked.

Last year's experience on this particular bill was all of the prompting I needed to realize that there is a crying need for legislation to give the President the item veto authority.

To provide me with the background on the issue, and assemble the pros and cons, as well as to work out tentative drafts for the bills, I called upon my legislative research team at the State University of Iowa.

Three law students serve on this team. None is a relative, but each is on my payroll. They are paid the going rate for this type of work on the campus. They are a tremendous help to me and the money they receive is a tremendous help to them in defraying the costs of their education.

To supervise the activities of these assistants, I am fortunate to have the services of Dr. Russell Ross, instructor

in the Political Science Department at the State University of Iowa. Dr. Ross serves without pay. Besides being an outstanding political science instructor, he is also a recognized authority on State and local government. He is the author of several books and lectures regularly outside the classroom on the need for reform in our county system of government within the States.

Dr. Ross presently directs the activities of D. T. Doan, Robert Downer and Tom Scheuerman. The current project since last September has been the item veto. Soon the team will start on another project.

In the past he has given direction to research on small business, tax deductions for college costs, equalization of collection procedures for the Federal tax on gasoline and the feasibility of an extension service for small business firms.

I was especially gratified 2 years ago when Dr. Ross and the members of the research team were invited to appear before the Select Committee on Small Business and present their findings on needed legislation to aid small businessmen. To my knowledge this is the first testimony of its kind to be presented before a congressional committee.

Many of the recommendations to come out of the research of this group have been enacted into law. I am sure that there will be others.

With a record of this type, it is easy to see why I place such great store in their findings. I know the work will be thorough, accurate, and tempered with good judgment.

Besides the drafts of the resolutions which I am offering today, the team has also provided me with material for a series of speeches which I plan to deliver on the House floor in the weeks ahead so that I can generate public support for the item veto. I expect to go into the history of this legislation before Congress; the history of the use of the item veto in State government and the pros and cons of the legislation.

The resolutions which I am introducing today afford three approaches to the granting of the item veto authority: One bill would authorize the President to approve or disapprove separate items in any bill; another to limit the disapproval and/or reduction to items in general appropriation bills and the other joint resolution would grant the authority to approve or disapprove separate items except in those instances where a specific item has been approved by all interested departments and agencies of the executive branch of the Government and by all the appropriate committees in Congress.

All of these resolutions would seek to amend the Constitution so that this authority would be explicit. All of them provide that any item disapproved by the President can be repassed by two-thirds of the House and Senate. This would enable the Congress to decide a controversial project or item on its merits, and in cases involving the expenditure of public funds, Congress should certainly exercise that prerogative.

In the introduction of these resolutions and in the preparation of my remarks which I will make on the floor of the House in the weeks to come, I have worked closely with the Bureau of the Budget. Their advise and counsel has been invaluable to me and I feel that the legislation will be more effective by incorporating the suggestions which came from the Bureau of the Budget.

Based on the extensive study I have made, it certainly amazes me to realize how slow Congress has been in measuring up to its responsibilities in this respect. I feel that part of the reason lies in the fact that the taxpaying public has not been aroused to the vital necessity of this authority in order to help control Federal spending. I plan to do something about this and by taking the floor and emphasizing the need, I am hopeful that the people will be as concerned about this as they were about inflation and the sound dollar. I want them to put the pressure on Congress so we can get this authority on the books.

THE FEDERAL NATIONAL DEBT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Oklahoma [Mr. STEED] is recognized for 30 minutes.

Mr. STEED. Mr. Speaker, our Federal national debt on March 17, the latest date for which figures are available, stood at $290.2 billion.

For several years the annual interest payments have been curving upward at an alarming rate. In fiscal 1959 the interest alone came to $7.7 billion. It is estimated officially that in the current fiscal year this figure will skyrocket to $9.4 billion. A further increase to $9.6 billion is deemed likely for fiscal 1961. The interest on the national debt is now the second largest single item in our Federal budget, exceeded only by defense.

Thus, this year we will be paying on the national debt $9.4 billion—$275 for each head of household in the country—which at the end of the year we will still owe.

As long as we make no payment on the principal of the debt we are in the position of a man who has borrowed $10,000 to buy a home but whose monthly payments cover the interest only. Thus he goes on owing $10,000 indefinitely.

The trend toward higher interest rates threatens to make this burden even greater.

Should things go on as at present, within 28 years we would have paid a sum equal to the entire present debt, yet we would still owe it all.

In behalf of our children and grandchildren as well as ourselves we should adopt a plan now to begin the systematic retirement of this debt. This can be done by writing into law the requirement that in each year we shall pay on the principal an amount equal to at least 1 percent of our indebtedness today, or $2.9 billion.

Such a policy would pay off the debt within 100 years. A century is a long time, but the size of this burden is tremendous, and so will be the savings to the people if this plan is carried out.

Within 100 years, a table compiled by the gentleman from Texas, Mr. Wright, shows, we can pay the entire debt and the required interest for $485 billion less than it would cost us to continue the debt at its present level and pay the interest alone.

In the beginning, of course, it would be an added load to make a $2.9 billion payment in each budget. But within a relatively short time the reduction of the principal and interest would begin to tell and the savings would make themselves felt.

The American people are wise enough and farsighted enough to approve this policy. It merely carries out for the Nation as a whole what any prudent citizen realizes would be sound for him as a person.

Therefore I am happy to join my distinguished colleagues, Hon. JIM WRIGHT and Hon. FRANK IKARD, the gentleman from Texas, in sponsoring this proposal, which I am introducing today.

In traveling through my home district during the period between sessions I discussed this issue with many citizens. The response was overwhelmingly favorable and encouraging.

It may be pointed out that exceptions to the annual payment might be necessary in time of unlimited national emergency—war or depression. That is true, but such exceptions should be made only after solemn deliberation and with the approval of the President and Congress of the United States. And such exceptions, should they lamentably have to be made, would serve to underline the larger aim.

The essential strength of our economy needs more emphasis. In deploring the size of the debt, too often we forget that $230 billion of this $290 billion came during World War II when we were fighting for survival. Much of the remainder can be attributed to World War I and the Korean conflict.

Many believe that since the end of World War II the debt has been rocketing out of control. Actually, it has followed a zigzag course under administration of both parties.

We must not forget that the size of the national debt has remained relatively stable since 1945. It has increased only 10 percent in that 15-year period, which included Korea. And this is despite the fact that in fiscal 1959 we had the biggest peacetime deficit in history. In the same 15 years local and State debts have mounted by 350 percent.

Compared with the overall size of our steadily growing economy, the debt is relatively smaller and more manageable now than in 1945.

Of course, this record could be improved upon. But it shows there is room for hope and achievement.

The passage of this measure would dramatize fiscal responsibility. In the history of our country the direct threats to prosperity have flowed from weak financial policies, not strong ones. By publicly committing ourselves to this goal we will unify our purpose for effective action. This program means self-restraint for both people and Congress, and I believe they are equal to the responsibility.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Florida.

Mr. HALEY. Mr. Speaker, I am glad to join with my colleague from Oklahoma in this matter. It has been a very disturbing thing insofar as the gentleman from Florida is concerned that in a time of high prosperity in this Nation, the greatest that we have ever known, we continue to operate this Government on the basis of a deficit financing.

At the beginning of the 1st session of the 86th Congress I introduced a bill, H.R. 5203, that would make it mandatory for the President of the United States to submit to the Congress a balanced budget and require the Secretary of the Treasury to set aside the first 5 percent of the income, based on the income of the previous year, to apply on the national debt. Of course, the gentleman realizes that under the proposition of the income of the Federal Government now being approximately $80 billion, we could apply approximately $4 billion a year toward this tremendous debt. I think it is about time that the Members of the Congress begin to take cognizance of this tremendous, staggering debt. We have shirked our responsibility in that regard and have continued to finance the Government on a deficit operation, thereby placing on the shoulders of future generations the responsibility of paying this staggering amount of money. I commend the gentleman for his interest in this matter. I might say that the bill that I introduced has been referred to the Committee on Government Operations, and I hope the gentleman will join me in an attempt to dislodge that bill, or at least have some hearings, so that the American people will know that some of us in the Congress are interested in this very vital situation. Let us assume some fiscal responsibility in our own time and not pass along this huge debt for future generations to pay.

Mr. STEED. I thank the gentleman for his contribution, and I am happy to know that we share this concern together. The legislation we are sponsoring has the same general purpose, and I do hope that we, as he suggests, can get some favorable action in that direction. I think it is certainly high time to do so.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. BALDWIN and to include extraneous matter.

Mr. BOW.

(The following Member (at the request of Mr. CUNNINGHAM) and to include extraneous matter:)

Mr. HENDERSON.

ADJOURNMENT

Mrs. GRIFFITHS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 17 minutes p.m.), under its previous order, the House adjourned until Monday, April 18, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2051. A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation entitled "A bill to amend the Interstate Commerce Act in order to provide civil liability for violations of such act by common carriers by motor vehicle and freight forwarders"; to the Committee on Interstate and Foreign Commerce.

2052. A letter from the Attorney General, transmitting a draft of proposed legislation entitled "A bill to amend section 1073 of title 18, United States Code (the Fugitive Felon Act); to the Committee on the Judiciary.

2053. A letter from the Attorney General, transmitting a draft of proposed legislation entitled "A bill to amend chapter 35 of title 18, United States Code, with respect to the escape or attempted escape of juvenile delinquents"; to the Committee on the Judiciary.

2054. A letter from the Secretary of the Army, transmitting a draft of proposed legislation entitled "A bill for the relief of Loren W. Willis"; to the Committee on the Judiciary.

2055. A letter from the Secretary of the Army, transmitting a draft of proposed legislation entitled "A bill for the relief of Maj. Howard L. Clark"; to the Committee on the Judiciary.

2056. A letter from the Postmaster General, transmitting the cost ascertainment report of the Post Office Department for the fiscal year 1959, pursuant to 39 U.S.C. 826; to the Committee on Post Office and Civil Service.

2057. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation entitled "A bill to amend the Internal Revenue Code of 1954 by imposing a tax upon the sale of aviation fuel, and for other purposes"; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PRICE: Committee on Armed Services. H.R. 1157. A bill to provide for promotion of economic and social development in the Ryukyu Islands; with amendment (Rept. No. 1517). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLATNIK: Committee on Public Works. H.R. 10164. A bill to change the name of the locks and dam No. 41 on the Ohio River at Louisville, Ky.; without amendment (Rept. No. 1518). Referred to the House Calendar.

Mr. THOMAS: Committee on Appropriations. H.R. 11776. A bill making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices for the fiscal year ending June 30, 1961, and for other purposes; without amendment (Rept. No. 1519). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KASEM: Committee on the Judiciary. H.R. 4497. A bill for the relief of Mrs. Mauricia Reyes; with amendments (Rept. No. 1515). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 5589. A bill for the relief of Michael J. Collins; with amendment (Rept. No. 1516). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOGGS:

H.R. 11760. A bill to amend and extend the provisions of the Sugar Act of 1948, as amended; to the Committee on Agriculture.

By Mr. COOLEY:

H.R. 11761. A bill to simplify, consolidate, and improve the authority of the Secretary of Agriculture with respect to loans to farmers and ranchers, and for other purposes; to the Committee on Agriculture.

By Mr. DIXON:

H.R. 11762. A bill to further amend section 2276 of the Revised Statutes of the United States (43 U.S.C. 852) with respect to certain lands granted to States and Territories for public lands; to the Committee on Interior and Insular Affairs.

By Mr. FLYNN:

H.R. 11763. A bill to improve commerce and industrial development through the establishment of a county industrial agent program; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAY:

H.R. 11764. A bill to amend the Federal Trade Commission Act to strengthen independent competitive enterprise by providing for fair competitive acts, practices, and methods of competition, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11765. A bill to amend the Federal Trade Commission Act to provide for the issuance of temporary cease and desist orders to prevent certain acts and practices pending completion of Federal Trade Commission proceedings; to the Committee on Interstate and Foreign Commerce.

By Mr. HALPERN:

H.R. 11766. A bill to amend section 35 of title 18 of the United States Code so as to increase the punishment for knowingly giving false information concerning destruction of aircraft and motor vehicles; to the Committee on the Judiciary.

By Mr. KEOGH:

H.R. 11767. A bill to provide that for estate tax purposes a donor's gross estate shall not include certain property which he transferred before his death for the benefit of minors; to the Committee on Ways and Means.

By Mr. MOORE:

H.R. 11768. A bill to provide for the acquisition by the Secretary of the Army of certain real property to be used for the expansion of the national cemetery at Grafton, W. Va.; to the Committee on Interior and Insular Affairs.

By Mr. POAGE:

H.R. 11769. A bill to reduce the cost to the U.S. Treasury of farm price and income-stabilization programs, to provide means by which producers may balance supply with demand at a fair price, to reduce the volume and costs of maintaining Commodity Credit Corporation stocks, to provide for distribution to needy people and public institutions of additional needed high protein foods, to preserve and improve the status of the family farm through greater bargaining power, and for other purposes; to the Committee on Agriculture.

By Mr. PORTER:

H.R. 11770. A bill to amend the Bonneville Project Act in order to establish the Bonneville Power Corporation; to the Committee on Public Works.

By Mrs. ST. GEORGE:

H.R. 11771. A bill to grant natives of the Dependency of Malta unlimited access to the immigration quota for Great Britain; to the Committee on the Judiciary.

By Mr SCHWENGEL:

H.R. 11772. A bill to provide career status as rural carriers without examination to certain qualified substitute rural carriers of record in certain cases, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. STEED:

H.R. 11773. A bill to amend section 21 of the Second Liberty Bond Act to provide for the retirement of the public debt; to the Committee on Ways and Means.

By Mr. WILLIS:

H.R. 11774. A bill to amend and extend the provisions of the Sugar Act of 1948, as amended; to the Committee on Agriculture.

By Mr. WOLF:

H.R. 11775. A bill to organize the Department of Defense and to provide for the administration thereof; to the Committee on Armed Services.

By Mr. THOMAS:

H.R. 11776. A bill making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1961, and for other purposes.

By Mr. SCHWENGEL:

H.J. Res. 691. Joint resolution proposing an amendment to the Constitution of the United States empowering the Congress to authorize the President to approve and disapprove separate items in bills with certain exceptions; to the Committee on the Judiciary.

H.J. Res. 692. Joint resolution proposing an amendment to the Constitution of the United States relative to disapproval and reduction of items in general appropriation bills; to the Committee on the Judiciary.

H.J. Res. 693. Joint resolution proposing an amendment to the Constitution of the United States empowering the Congress to authorize the President to approve and disapprove separate items in any bill; to the Committee on the Judiciary.

By Mr. WAMPLER:

H. Con. Res. 659. Concurrent resolution to create a Joint Committee on a National Fuels Policy; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANFUSO:

H.R. 11777. A bill providing for the extension of Patent No. 2,331,420; to the Committee on the Judiciary.

By Mr. DULSKI (by request):

H.R. 11778. A bill for the relief of Jerzy N. Kosinski; to the Committee on the Judiciary.

By Mr. HERLONG:

H.R. 11779. A bill for the relief of Mrs. Asuncion Ylagan Colvin; to the Committee on the Judiciary.

By Mr. SANTANGELO:

H.R. 11780. A bill for the relief of Maj. Katherine F. Bradspires; to the Committee on the Judiciary.

H.R. 11781. A bill for the relief of Mr. and Mrs. Salvatore Mortellitti and son, Antonio Mortellitti; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

419. By the SPEAKER: Petition of Miss Corda Corrine Cox, Springfield, Mo., relative to a citizen's urgency appeal and petition for protection and constitutional rights to face accusers; to the Committee on the Judiciary.

420. Also, petition of Citizens Congressional Committee, Los Angeles, Calif., relative to the U.S. Supreme Court; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Address by Senator Johnston of South Carolina

EXTENSION OF REMARKS
OF
HON. JENNINGS RANDOLPH
OF WEST VIRGINIA
IN THE SENATE OF THE UNITED STATES
Thursday, April 14, 1960

Mr. RANDOLPH. Mr. President, I desire to have printed in the CONGRESSIONAL RECORD, and ask unanimous consent to do so, the very excellent address delivered on April 9 by our esteemed colleague, Senator OLIN D. JOHNSTON, of South Carolina, when he was the orator at the flag raising and dedicatory exercises for the District of Columbia Home for Crippled Children, the organization before which he spoke on this occasion being the Woodmen of the World.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

FLAG RAISING AND DEDICATORY EXERCISES AT DISTRICT OF COLUMBIA HOME FOR CRIPPLED CHILDREN, UNDER AUSPICES OF THE WOODMEN OF THE WORLD, CAMP NO. 4, WASHINGTON, D.C., APRIL 9, 1960

Mr. President, ladies and gentlemen, it is a real pleasure for me to participate with you in these dedication ceremonies.

The cause being served by the Crippled Children's Society is worthy and needed. Possibly only here in free America are we permitted, without restriction or hindrance, to freely give and generously support organizations of the commendable character possessed by yours.

I have been a member of the Woodmen of the World longer than any other organization to which I have belonged in my entire life, except the church. I joined the Woodmen of the World in 1913 and even when I was a soldier in France I sent my dues back regularly. For nearly a half century I have been deeply interested in the excellent work which the Woodmen of the World have accomplished for the youth of our country. So it is a special pleasure for me to be here today speaking at this exercise dedicating this flagpole upon which will fly the flag of our Nation.

Our flag, the emblem of civil and religious liberty and freedom, well deserves to fly in honor and glory over our institutions dedicated to the service of worthy mankind.

Holy Writ teaches us, "Suffer little children to come unto Me and forbid them not, for such is the kingdom of heaven."

The words of the Master imply physical fitness and mental development. We know that one's mental growth and full intellectual achievement may be retarded when handicapped by physical disabilities. To cure, mend, repair, and rehabilitate young children are to insure stronger, better, and more useful adults. The individual is served immensely by your efforts, assistance, and donations. The Nation is benefited by more useful and dedicated citizens.

You may recall the story of the visitor to a hospital for crippled children who, in talking to a little boy and trying to be considerate, asked, "Do you know many little boys and girls who are crippled?" The answer was, "I don't know any." That sort of spirit is the result of the work of organizations such as yours.

One of the happiest moments abroad is to enter our Embassies or other American installations where we find Old Glory waving in the breeze. It gives you an uplift in spirit and thought. You have the same fulsome experience upon returning to America from abroad. There is always an indefinable feeling that fills your being. It was my good fortune and privilege to experience these feelings early in my young manhood as a member of our American Expeditionary Forces in France and Germany in World War I. The passage of the years has not lessened the feeling of joy or the spiritual uplift that comes to me on occasions like this. Last year Mrs. Johnston and I were on an official visit to Greece in connection with my duties as a member of the Senate Committee on Agriculture and Forestry. The authorities at the hotel, upon learning of our official visit, placed an American flag outside our window. This simple demonstration made our visit more homelike and enjoyable.

The greatness of our country, its noble aims and purposes, the dedication of its people, all find a responsive chord in our hearts when we honor our flag at our meetings and on our buildings. Every civilized nation honors its flag. Every citizen of every nation is happy to honor its presence and welcome the meaning of its glories.

The flag abounds in our Nation's Capital over public and private buildings. This is natural. This is to be expected. It is a constant reminder to us of its significance. Our free institutions are honored by its ever-present flying. We who have followed it in time of war know its meaning. We who have been baptized by fire in battle have a deep reverence for what it stands. May she, to paraphrase the words of Nathan Hale, be always right, but right or wrong, I shall follow our flag.

The flag is a symbol of the principles for which it stands. It is our duty as Americans

to see that these principles are right. They have made America strong. We must transmit them unimpaired to our children and they to their children.

There is abroad in our midst those who would degrade our flag, its meaning and the principles for which it stands. Against such subversion we must be on guard both day and night.

No other flag the world over has represented the dawn of individual liberty as has our flag. It bears no symbol of force, no fierce beast—just a simple banner that pictures the faith, asptrations, and history of free men.

To Americans—and to free men everywhere—our flag means honor, honesty, integrity, and faith in the divine power; it represents our homes, schools, churches; it symbolizes a heritage that is ours to cherish and maintain from generation to generation; it stands for the free enterprise system and the rights of the individual as the two basic principles of our economy.

May we always accept the flag in its fullness of meaning. It is our American history, it is our Constitution, it is our Republic. Let it be our prayer and struggle that we never forget the history and tradition which have made our flag the symbol of the highest form of government ever devised by man; and may we always be proud to call ourselves a part of those valiant patriots from Valley Forge through Heartbreak Ridge who were willing to make the supreme sacrifice for the flag of the United States.

Such is the nature of our flag. Such are the obligations to it. Let it ever fly over the land of the free and the home of the brave.

Results of Questionnaire Mailed by Hon. John F. Baldwin, of California, to Residents of the California Sixth District

EXTENSION OF REMARKS
OF
HON. JOHN F. BALDWIN, JR.
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 14, 1960

Mr. BALDWIN. Mr. Speaker, 2 months ago I mailed a questionnaire to every family of registered voters in the California Sixth Congressional District. The response to this questionnaire was so large that my office was swamped for weeks with returned completed questionnaires and accompanying correspondence. Many constituents not only answered the questionnaire, but wrote detailed comments on the back of the questionnaire, or attached supplementary letters. I have spent many hours personally reading all these comments, and they have been most helpful. I am firmly convinced that a Congressman can better represent his constituents if he knows the views of his constituents on important issues pending before Congress, than if he does not know them.

The tabulation of the questionnaire is summarized below:

1. The President has submitted a budget for fiscal year 1961 which contains an estimated surplus of $4.2 billion. Do you feel this surplus should be: (a) Applied to reduce the national debt, 64 percent; (b) applied to reduce taxes, 29 percent; (c) no opinion, 7 percent.

2. Do you feel Congress should pass a law to make illegal the rigging of television quiz shows? Yes, 56 percent; no, 31 percent; undecided, 11 percent.

3. There is now a surplus of over $3.4 billion in wheat stored by the Government under the present price support program. Would you favor legislation to lower wheat price supports in an effort to reduce such surplus production? Favor, 86 percent; oppose, 6 percent; undecided 9 percent.

4. Under present Federal law, there is no interest rate ceiling on Federal bonds of less than 5 years' duration, but there is a 4¼-percent interest rate ceiling on bonds of more than 5 years' duration. President Eisenhower has recommended legislation to remove this 4¼-percent ceiling on long-term bonds. Do you favor or oppose the removal of this ceiling? Favor, 48 percent; oppose, 32 percent; undecided, 20 percent.

5. Would you favor legislation to authorize Federal registrars to be appointed to register voters for Federal elections where local registrars have discriminated upon the basis of race or color in registering voters? Yes, 64 percent; no, 24 percent; undecided, 12 percent.

6. A "national wilderness preservation bill" is pending which would require present wilderness areas in national parks, national forests, wildlife refuges, and on public lands to be preserved from invasion or use by grazing, lumbering, mining, petroleum, and other commercial interests. Would you favor this bill? Favor, 77 percent; oppose, 14 percent; undecided, 9 percent.

7. The present Cuban Government has been seizing American-owned property in Cuba without any agreement for compensation to the owners. In view of this fact, do you feel that Congress should modify our Sugar Act to reduce our yearly commitment to import Cuban sugar at prices above world prices? Yes, 80 percent; no, 10 percent; undecided, 10 percent.

8. The present law allows the recipient of a social security pension to earn up to $1,200 per year before being disqualified from receiving the pension. Would you favor an increase in this exemption to $1,800? Yes, 88 percent; no, 9 percent; undecided, 3 percent.

9. Would you favor legislation to establish more stringent safeguards against the sending of obscene literature through the mails? Yes, 82 percent; no, 11 percent; undecided, 7 percent.

10. Would you favor legislation to require a secret ballot vote by union members before a strike is called by the union? Yes, 91 percent; no, 5 percent; undecided, 4 percent.

Answers from union members: Yes, 90 percent; no, 7 percent; undecided, 3 percent.

Answers from nonunion members: Yes, 92 percent; no, 4 percent; undecided, 4 percent.

11. Would you favor the elimination of all deductions under the Federal income tax laws (such as charitable, medical, and tax deductions), and establishing lower income tax rates which, because of the elimination of deductions, would raise the same amount of revenue? Yes, 37 percent; no, 48 percent; undecided, 15 percent.

Sunrise Easter Services

EXTENSION OF REMARKS
OF
HON. FRANK T. BOW
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 14, 1960

Mr. BOW. Mr. Speaker, nearly 200 years ago in the village of Schoenbrunn, near the present city of New Philadelphia, Ohio, Moravian missionaries and the Christian Indians, among whom the Moravians lived, celebrated what was surely one of the first sunrise Easter services in frontier America.

Sunday at Schoenbrunn and in the Moravian churches at nearby Gnadenhutten and Tuscarawas this traditional service will be repeated.

Easter dawn will be heralded by the sound of 18th century trombones from the church tower in Gnadenhutten. Later the trombone choirs will march through the village, calling the faithful to worship. Services beginning in the churches will be concluded in nearby cemeteries just as the first rays of the sun appear.

The liturgy used in these services is the most complete statement of creed that the Moravians have.

The special character of this traditional service in Tuscarawas County recalls to us the splendid contribution of religious faith, spiritual strength, and rugged individualism, for which all Ohio is indebted to its earliest Christian settlers.

Presidential Poll—15th District of Ohio

EXTENSION OF REMARKS
OF
HON. JOHN E. HENDERSON
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 14, 1960

Mr. HENDERSON. Mr. Speaker, each year for the past 4 years, it has been my privilege to conduct a poll of public opinion in the 15th Congressional District of Ohio which I represent here. The poll this year, taken during the last 6 weeks was based upon a questionnaire containing 22 questions dealing with a broad range of public issues which will occupy the attention of the Congress during the current session.

In the preparation of the questions, every effort was made to eliminate wording which would influence responses. The questionnaire was distributed throughout the seven counties of the district in southeastern Ohio without regard to the political philosophies held by those receiving it. It was also reprinted in a number of daily and weekly newspapers of the district. Many of those participating in the poll obtained their copy of the questions from these publications. Schools using the questionnaire as a basis for the discussion of current issues reported the results of classroom debates. None of these student reports indicated unanimity of thinking on any of the questions. I am convinced, therefore, that this poll represents a broad and representative sample of the thinking of the people of the district.

The tabulation of the results includes all of the replies which I received prior to April 2. This number totaled almost 6,000 replies. Although the expression of affirmative or negative opinions on each of the questions is a valuable gage of popular attitudes, the detailed and thoughtful comments I received on the

various questions multiply the value of this survey. Although it is not possible to reduce these remarks to statistical terms, I should like to explain some of the reactions I received to several of the questions.

The importance of Government economy and the need to balance national spending and income was perhaps the most important single issue according to the several thousand comments included in the questionnaires returned. It was generally recognized that increased Federal spending is a temptation of popular government which can often cause disillusion through resulting inflation and increased taxation affecting those who were to be benefited most.

A total of 46 percent of those responding expressed opposition to legislation for an additional temporary one-half cent per gallon gasoline tax. The temporary character of the proposed tax was often doubted and the question was asked in return, "Is there such a thing as a temporary tax?"

Perhaps the most perplexing question proved to be that regarding defense spending. The text of the question was "Do you feel that the $45½ billion requested for defense next year is sufficient for our national security?" Of those responding, 66.2 percent expressed their feeling that the amount was sufficient. However, 21.4 percent did not answer the question with a categorical "yes" or "no." Many persons cited the complexity of technological developments in defense weapons as their reason for failing to answer. Large numbers insisted that the Nation must provide whatever funds are necessary for this program vital to our survival. At the same time, they stated the belief that a careful balance must be struck and that blank check policies for defense would be both ineffective and uselessly costly. Veterans were particularly vigorous in stating their opinion that service rivalries, duplication, and waste in our Armed Forces remain major obstacles to both defense strength and efficient management.

The question pertaining to providing medical benefits under the Social Security program received considered comment. Few persons doubted the seriousness of the problem. A majority of the 36.7 percent favoring the proposal were outspoken in their support of such assistance to older persons. Among the 57.4 percent opposing the plan, many pointed out difficulties of financing, entry of Government into the field of medical care, and a feeling that such a program would prove inadequate for real needs after years of investment.

The following is a tabulation of the results of my 1960 poll:

	Yes	No	No answer
1. Do you believe it advisable that the Federal Government balance its budget and reduce the national debt?	87.5	8.0	4.5
2. Are you in favor of providing Federal tax benefits to companies which will employ greater numbers of persons over 50 years of age?	50.2	43.7	6.1
3. Do you believe that the Defense Education Act should be changed to eliminate the requirement that students receiving Federal loans take loyalty oaths?	20.8	75.9	3.3
4. Would you favor Federal aid for school construction even though it would require tax increases or deficit financing?	28.3	66.4	5.3
5. Do you feel that the $45½ billion requested for defense next year is sufficient for our national security?	66.2	12.4	21.4
6. Would you favor granting the President the power to veto parts of appropriation bills passed by Congress in place of the present system requiring his acceptance or veto of entire bills?	64.4	30.3	5.3
7. Do you support a temporary increase in the Federal gasoline tax of ½ cent per gallon to pay for the highway construction program?	46.0	50.8	3.2
8. Do you favor changes in the Taft-Hartley Act to eliminate the power of States to enact their own right-to-work laws?	24.2	68.4	7.4
9. Are you in favor of the United States greatly increasing spending in its program for the exploration of outer space?	23.2	69.1	7.7
10. Do you believe Communist China should be admitted to the United Nations?	11.9	81.5	6.6
11. Are you in favor of proposals to give up U.S. ownership of the Panama Canal in favor of international control?	12.9	81.1	6.0
12. Do you feel that Congress should enact legislation to give the Federal Government greater power in negotiating settlements of prolonged nationwide labor-management disputes?	71.3	24.4	4.3
13. Do you support a national fair trade law whereby a manufacturer could require that his product be sold to a consumer for a stated minimum price?	32.1	60.5	7.4
14. Do you favor increasing the hourly minimum wage from $1 to $1.25?	51.5	43.7	4.8
15. Do you favor ending agricultural controls and the termination of price supports?	73.2	18.3	8.5
16. Do you favor legislation to provide medical benefits under the social security program financed by an increase in the tax? (Present social security law provides that the combined employee-employer tax will become 9 percent on incomes up to $4,800 in 1999.)	36.7	57.4	5.9
17. Would you favor the Federal Government exercising greater surveillance over practices in radio and TV programs and advertising?	50.7	43.1	6.2
18. Do you believe Congress should pass civil rights legislation providing Federal guarantees of individual voting rights in Federal elections?	73.9	17.5	8.6
19. Are you in favor of policies which seek to fight inflation through increases on interest rates for installment credit buying?	50.8	40.5	8.7
20. Do you feel that the chances for world peace are better today than they were 10 years ago?	51.6	38.6	9.8
21. Would you support legislation to provide a Federal pension of $100 per month for all World War I veterans at age 65?	46.2	48.1	5.7
22. Are you in favor of continuing our present policy of purchasing sugar from Cuba at prices higher than those prevailing on the world market?	5.3	91.1	3.6

Residual Oil Imports

EXTENSION OF REMARKS
OF
HON. JENNINGS RANDOLPH
OF WEST VIRGINIA
IN THE SENATE OF THE UNITED STATES

Thursday, April 14, 1960

Mr. RANDOLPH. Mr. President, approximately a year ago, the President of the United States issued a proclamation establishing import quotas on crude oil, petroleum products, and residual fuel oil. This step, said to have been in the interest of national security, set the amount of oil to be imported at the level of 1957—a year in which substantial quantity of oil was brought into this country. It was determined by the Office of Civil and Defense Mobilization that the level of imports in 1957 could not be greatly exceeded without endangering the stability and well-being of America's domestic fuels industries. This decision led to the Presidential proclamation.

Since that time the administration of the mandatory controls on oil imports has been a considerable problem. The quotas granted oil importers have been revised upward several times by the Department of the Interior—the executive establishment unit charged with responsibility for this program. The basis on which these revisions were made seem to have always been nebulous at best; yet a recent development with regard to imported residual oil indicates that the entire program of mandatory controls is now in jeopardy.

The development to which I refer is the decision of the Department of the Interior, on April 9, to grant additional quotas for the importation of residual oil for the months of April, May, and June 1960, despite the fact that reasonable quotas for the period January through June 1960 had already been established by that Department.

This increase appears to have been made in response to the pleas of several large oil importers who had unwisely, I believe, used up the greater part of their 6-month allowance in the months of January and February alone. The damage done the domestic coal industry—an industry of vital importance to the State of West Virginia, as well as many other States of the Union—by this quota augmentation is very serious. At a time when the coal industry is fighting for survival this decision could have far-reaching effects.

Recently, a significant letter was sent by Joseph E. Moody, president of the National Coal Policy Conference, Inc., to the Honorable Fred A. Seaton, Secretary of the Interior, which I commend to my colleagues. Mr. President, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL COAL POLICY CONFERENCE, INC.,
Washington, D.C., April 5, 1960.

HON. FRED A. SEATON,
Secretary, Department of the Interior, Washington, D.C.

DEAR MR. SECRETARY: We continue to hear disturbing rumors, perhaps inspired by international oil importing interests, that there may be an increase in residual oil import quotas for the remainder of the present 6 months' quota period. We want again to call your attention to the serious effect such action would have on the 2 million American people in this country who are dependent on the domestic coal industry.

We find it hard to believe that our Government could seriously consider an increase in quotas, which are already 26 percent higher than the level of 1957 established in the President's proclamation of mandatory controls last year, merely to meet a situation brought about by the frantic sales efforts of three or four giant international oil companies seeking to extend their markets.

It is obvious that a few of these large international companies, who have imprudently exhausted much of their half year's quotas while creating an artificial demand through sales well below listed prices, are using this rigged situation to claim that shortages will soon deprive many users of essential fuels, and are thus putting tremendous pressure on your Department further to increase allocations between now and June 30.

We do not refer to the many companies who, as Mr. Bennett pointed out in his recent letter to the president of Standard Oil Co. (New Jersey), have "fully met" a "responsibility equal to that of the Government in connection with this (program), as with other national security programs." Instead, the present situation has been created by a few companies which have expended a large percentage of their quotas in the first 3 months, and are now exerting pressures for an allotment increase which would virtually wreck the import control program and would be disastrous to the domestic coal and domestic oil industries.

We trust that imperative considerations of the welfare of millions of Americans, as well as of national security, will prevail and that these attacks on the President's mandatory control program will be unsuccessful.

Indeed, we believe the facts prove that, instead of increasing import quotas, the amount of residual oil now being permitted to be imported into this country should be materially reduced.

When the President was forced to impose mandatory quotas on petroleum and petroleum products in March of 1959, following unsuccessful attempts to limit imports voluntarily, his proclamation provided that the imports of residual fuel oil should not exceed the level of imports of that product into district I–IV during the calendar year 1957 (or 343,445 barrels per day.) The mandatory program was extended to residual oil because of a finding by the President that unrestricted imports posed a threat to the national security.

Twice since then the Department of the Interior, by administrative decision as permitted in a revision of the President's proclamation, has increased quotas above the 1957 level so that present quotas permit the import of 425,000 barrels daily. On an annual basis, this is the equivalent of 38 million tons of coal, compared to 90 million tons lost to imported residual oil in 1957.

The loss of this tonnage is a severe economic blow to the domestic coal industry. Recent press stories have pointed to the pitiful plight of thousands of unemployed coal miners in this country, and any further inroads on coal's markets by cheap imported residual could only add to their suffering. Also, it should be realized that the effect of this unemployment spreads widely throughout the communities and areas in which it exists—to merchants, school and tax districts, transportation agencies, service establishments and all who depend secondarily on a healthy coal industry for their prosperity.

Mr. George H. Love, chairman of the National Coal Policy Conference and chairman of the board of Consolidation Coal Co., Pittsburgh, recently told the annual dinner of the conference that residual imported at a level higher than that for 1957 would "tend to put the coal industry and railroads on a standby basis, and on such a basis there is no way to maintain either of them."

"Certainly the threat of war prevents us from letting our country become dependent on these importations, but even without war, governments and circumstances can change and foreign oil sources be cut off," he pointed out.

In view of all these facts, we think that the Oil Import Administration and the Department of the Interior should give serious consideration to an immediate reduction on quotas to no more than the 1957 levels originally contemplated in the President's proclamation.

Since the heavy burn season is now ending for this year, demand will be considerably less for the next several months, even despite the new consumption recently stimulated by the price-cutting marketing activities of certain importers. Therefore, we urge that the next quotas be set for a 3-month period beginning July 1, and be based on a 1957 level (daily) seasonally adjusted downward to allow for the normally low consumption during the summer. If this resulted in any legitimate shortage of stocks by fall, ample time would remain to rebuild them for heavy winter demand beginning in October.

Meantime, however, such a firm stand by the Department of the Interior would serve to convince these few large international oil companies that they must meet their responsibilities to the Nation and to national security.

It would likewise be of tremendous encouragement to the millions of American citizens dependent on the domestic fuels industries and to all those seriously concerned with a self-sufficiency of dependable fuel within our borders to meet any demands of national emergency.

Sincerely yours,

JOSEPH E. MOODY,
President.

Mr. RANDOLPH. Mr. President, I request also that a joint statement issued to the Associated Press, April 10, 1960, by my colleague from West Virginia [Mr. BYRD] and me, in response to an inquiry, be printed in the RECORD following Mr. Moody's letter to Secretary Seaton.

There being no objection, the joint statement by the Senators from West Virginia was ordered to be printed in the RECORD, as follows:

(Joint statement by Senators JENNINGS RANDOLPH and ROBERT C. BYRD, Democrats, of West Virginia, April 10, 1960)

UNITED STATES BOOSTS IMPORTS OF RESIDUAL OIL

The Government yesterday boosted import levels for residual fuel oil by 12 million barrels for the April 1–June 30 period.

The action came shortly after the National Coal Policy Conference asked Congress and the Interior Department to investigate what it called efforts to sabotage the oil import control program. In its protest it named the Standard Oil Co. of New Jersey, Texaco, Inc., and Hess, Inc.—the Nation's three largest residual oil importers.

The increase for the area east of the Rocky Mountains was announced by Secretary of the Interior Fred A. Seaton. He said it was needed because of higher than anticipated demands resulting from cold weather in March and the "irregular marketing pattern of a few major importers."

(After publication of the above, the Associated Press asked for comment from the Members of the U.S. Senate from West Virginia, and in response Senators RANDOLPH and BYRD jointly issued the statement below:)

"The 12-million barrel increase in the April through June quota for residual oil imports is, of course, a disappointing development because it highlights the fact that the Secretary of Interior has relied too much on voluntary response by the international oil companies to the mandatory quota system.

"But out of this situation the Senators from West Virginia were assured Saturday, April 9, during a conference with Interior Secretary Fred A. Seaton and his principal assistants, that major changes in departmental policy for administration of the import controls will be ordered.

"The most significant of the revamped procedures impending, we were told, will be a shortening of the period for which quotas will be set from the present semiannual arrangement to a quarterly basis.

"This change, while potentially helpful, we suggested to the Interior officials, will not be effective unless the Department more stringently controls inventory replacements such as the 12-million barrel addition just authorized for the April through June period.

"Assurances were given in response to this suggestion, that the Interior Department will establish a plan for bringing inventory build-up within the quarterly quotas—and hopefully at 1957 import levels. Unless this is accomplished we will consider the quota system breached and we will suggest corrective procedures."

SENATE

MONDAY, APRIL 18, 1960

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God: From the beauty of the lilies, in the afterglow of earth's gladdest day, we come girding ourselves with its deathless message, as in the sense of the eternal we take up our daily tasks again.

Amid all the fret and fever of present demands, may we be steadied by the conquering assurance that even when truth seems crushed to earth, with absolute certainty the third day comes, and banished truth is not vanquished truth; that error on the throne is always on the way to the dungeon, and that right in the dungeon is always on the way to the throne.

With that invincible defense, strengthen us to face whatever the future holds, e'en though it be a cross, calm and confident that:

There lives the beauty that man cannot kill;
Yea, that shall kill all ugliness at last.
And Christ risen, in love's white vesture
Moveth still among us.
May we hold that creed and hold it fast!

We ask it in the name of the Redeemer who saves us by the power of an endless life. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 14, 1960, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on April 14, 1960, the President had approved and signed the act (S. 231) for the relief of Patricia Crouse Bredee.

MESSAGE FROM THE HOUSE—ENROLLED BILL AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Vice President:

H.R. 7359. An act to direct the Secretary of the Interior to convey certain public lands in the State of Nevada to the Colorado River Commission of Nevada acting for the State of Nevada; and

S.J. Res. 178. Joint resolution relating to the payment of salaries of employees of the Senate.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. MANSFIELD. Mr. President, under the rule, there will be the usual morning hour; and I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to consider executive business, to act on the new reports on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

The VICE PRESIDENT. If there be no reports of committees, the new reports on the Executive Calendar will be stated.

DEPARTMENT OF COMMERCE

The Chief Clerk read the nomination of Bradley Fisk, of New York, to be an Assistant Secretary of Commerce.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

FEDERAL MARITIME BOARD

The Chief Clerk read the nomination of Sigfrid B. Unander, of Oregon, to be a member of the Federal Maritime Board for the remainder of the term expiring June 30, 1961.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

COAST AND GEODETIC SURVEY

The Chief Clerk read the nomination of William G. Stokes to be ensign for permanent appointment in the Coast and Geodetic Survey, subject to qualifications provided by law.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON DISTRIBUTION OF FEDERAL SURPLUS FOODS TO NEEDY FAMILIES

A letter from the Acting Secretary of Agriculture, transmitting, pursuant to law, a report on the distribution of Federal surplus foods to needy families (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT OF U.S. ADVISORY COMMISSION ON EDUCATIONAL EXCHANGE

A letter from the Chairman, U.S. Advisory Commission on Educational Exchange, transmitting, pursuant to law, a report of that Commission, for the period July 1, 1959, to December 31, 1959 (with an accompanying report); to the Committee on Foreign Relations.

LAWS ENACTED BY LEGISLATURE OF GUAM

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, copies of laws enacted by the Fifth Guam Legislature, 1959 (with accompanying papers); to the Committee on Interior and Insular Affairs.

MAJ. HOWARD L. CLARK

A letter from the Secretary of the Army, transmitting a draft of proposed legislation for the relief of Maj. Howard L. Clark (with an accompanying paper); to the Committee on the Judiciary.

LOREN W. WILLIS

A letter from the Secretary of the Army, transmitting a draft of proposed legislation for the relief of Loren W. Willis (with an accompanying paper); to the Committee on the Judiciary.

REPORT OF DIRECTOR OF ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

A letter from the Director, Administrative Office of the United States Courts, Washington, D.C., transmitting, pursuant to law, his annual report for the fiscal year 1960 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF BOYS' CLUBS OF AMERICA

A letter from the President and National Director, Boys' Clubs of America, New York, N.Y., transmitting, pursuant to law, a report of that organization, for the year 1959 (with an accompanying report); to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITION

The VICE PRESIDENT laid before the Senate the petition of H. Joseph Mahoney, of Bronxville, N.Y., relating to the ratification of certain treaties with France and Pakistan, transmitted to the Senate by the President of the United States on April 6, 1960, which was referred to the Committee on Foreign Relations.

BILL AND JOINT RESOLUTION INTRODUCED

A bill and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SPARKMAN:

S. 3379. A bill to establish an annual or biannual national housing goal, to provide for a research and study program to improve the quality of residential construction without increasing the cost thereof, to encourage advanced techniques in housing construction, and to continue the farm housing program under title V of the Housing Act of 1949; to the Committee on Banking and Currency.

(See the remarks of Mr. SPARKMAN when he introduced the above bill, which appear under a separate heading.)

By Mr. WILEY:

S.J. Res. 186. Joint resolution to establish a Commission on Manpower Needs for Defense in the Space Age; to the Committee on Armed Services.

(See the remarks of Mr. WILEY when he introduced the above joint resolution, which appear under a separate heading.)

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, April 18, 1960, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 178) relating to the payment of salaries of employees of the Senate.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Record, as follows:

By Mr. WILEY:

Suggested 12-point space program.

U.S. MILITARY AID PROGRAM IN LATIN AMERICA

Mr. MANSFIELD. Mr. President, at my request, Mr. Charles R. Gellner, of the Library of Congress, has prepared an unusually fine and well-balanced paper on the U.S. military aid program in Latin America. I ask unanimous consent that the study be printed at this point in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

[From the Library of Congress Legislative Reference Service]

THE U.S. MILITARY AID PROGRAM IN LATIN AMERICA

(By Charles R. Gellner, Foreign Affairs Division)

HISTORY OF MILITARY ASSISTANCE TO LATIN AMERICA

The United States began sending military missions to other countries in this hemisphere in the 1920's, and this policy was stepped up in the 1930's. However, during the pre-World War II period most of the military equipment and military missions received by Latin American Governments came from the Axis countries. During World War II the idea was developed of a cooperative inter-American defense system and this reached fruition in the defense pact of Rio de Janeiro concluded in 1947.

The worsening postwar international situation inspired a U.S. program of military aid to the NATO countries under the Mutual Defense Assistance Act of 1949. After the outbreak of the Korean war the U.S. Government came to the conclusion that military aid should be extended to many countries around the world, including Latin America. Congressional authorization for such a program was given in the Mutual Security Act of 1951. This act specified that "military assistance may be furnished to the other American Republics only in accordance with defense plans which * * * require the recipient nations to participate in missions important to the defense of the Western Hemisphere."

An amendment to the Mutual Security Act in 1958 required the President to make a review annually of the Latin American recipient's participation in a hemispheric defense plan, and to determine annually whether military assistance from the United States was necessary to enable such participation to be carried out. It was also stipulated in the law that internal security requirements of the countries concerned would not normally be the basis for extending military aid.[1] Thus under the law American military aid to Latin America is strictly limited to the support of hemispheric defense plans.

The record of deliveries of military materiel to Latin American countries from the inception of the program to fiscal 1959 has been as follows: [2]

[Shipments in millions of dollars]

Fiscal year:	
1952	0.2
1953	65.2
1954	37.9
1955	36.9
1956	21.2
1957	32.0
1958	56.8
1959	67.0

On February 15, 1960, the Defense Department released the following breakdown of military aid deliveries to Latin America:

[In thousands of dollars]

Latin America	Fiscal year 1959	Fiscal years 1950–59	Estimated fiscal year 1960
Argentina			223
Brazil	18,142	144,411	27,364
Chile	6,750	43,793	5,888
Colombia	2,718	27,717	3,261
Costa Rica			9
Cuba	543	15,694	249
Dominican Republic	1,089	7,846	445
Ecuador	3,055	16,534	3,874
El Salvador			69
Guatemala	107	843	405
Haiti	67	1,547	255
Honduras	62	726	154
Mexico	485	1,102	3,051
Nicaragua	138	1,154	222
Paraguay	13	147	161
Peru	4,900	48,048	4,054
Uruguay	5,165	22,457	2,183
Venezuela	13,272	13,272	17,393
Undistributed	1,488	2,530	671
Total	52,983	347,821	66,951

DID THE DEFENSE DEPARTMENT VIOLATE THE LAW?

The question was raised on the floor of the Senate on February 25, 1960, whether the Defense Department had violated an injunction written into the Mutual Security Act of 1959. This injunction (sec. 105(b)(4) of the Mutual Security Act) reads in part:

"The aggregate amount of funds which may be obligated or reserved during the fiscal year 1960 for furnishing military assistance to American Republics shall not exceed the aggregate amount of funds obligated or reserved for such purpose during the fiscal year 1959."

The question was raised because figures released a short time previously by the Defense Department stated that $53.8 millions were programed for the Latin American military assistance in fiscal 1959 and that $68.9 millions were programed for fiscal 1960.[3]

The Defense Department has stated in explanation [4] that the totals released to the public had not shown the breakdown between military assistance grants and other programed deliveries which did not involve any obligation or expenditure of military assistance funds. The latter, according to the Defense Department, are not affected by the restriction written into the 1959 act since this restriction applies only to appropriated mutual-security funds.

The two categories included in the published military aid totals that do not involve a charge on military aid funds are (1) "excess equipment," and (2) equipment furnished on a reimbursable basis, in other words, sold, to the Latin American countries. The "excess equipment" is that defined in section 545 of the Mutual Security Act as "in excess of the mobilization reserve of such equipment or materials." The money valuation assigned to it in the totals released by the Defense Department represents acquisition cost but not a charge on the military assistance appropriation.

The amounts programed for excess and reimbursable equipment in fiscal 1959 and 1960 were as follows:

[In millions of dollars]

Excess equipment:	
Fiscal year 1959	$1.116
Fiscal year 1960	2.037
Reimbursable equipment:	
Fiscal year 1959	5.500
Fiscal year 1960	22.850

If these sums are deducted from the totals first published, the amounts of programed military aid chargeable to appropriated funds are $47.2 millions for fiscal 1959 and $44.1 millions for fiscal 1960.

ARGUMENTS PRO AND CON ON MILITARY AID

Arguments that have been advanced for and against military aid to Latin America can be divided into military and political.

Military pro

Proponents of continuing assistance to Latin America make points along the following lines insofar as military considerations are concerned.[5]

1. There is a threat to the security of Latin America arising from both external and internal sources. There is an external military threat to the communication lines of the hemisphere as well as to population and industrial centers. There is also an internal Communist subversion threat. Although the military threat is perhaps not as great as in other areas of the world, it is nevertheless a real one.

2. Defense today must be collective and cooperative. Military assistance is necessary to complement and give teeth to the Rio Treaty and other collective defense obligations agreed upon for protecting the Western Hemisphere. The Latin American countries do not themselves have the means of providing the military equipment and training required to fulfill the collective defense obligations that they have undertaken and are most anxious to fulfill.

3. Latin America is of great strategic importance to the United States because of its location and because it is a source of strategic raw materials. Control of a Latin American country by an enemy would be a threat to the United States whether it occurred by overt aggression or by covert subversion.

Raw material sources in Latin America must not only be guarded but lines of transportation between them and the United States must also be protected. For this reason arms and equipment for antisubmarine warfare now form a large part of military aid.

4. The United States had to station 200,000 Army, Navy, and Air Force personnel in Latin America during World War II. It does not want to shoulder such a burden in another war because it will have so many commitments elsewhere. Consequently, the Latin Americans should be assisted to build up their own forces for participation in hemisphere defense, especially for guarding lines of communications, ports, and other transportation facilities.

5. The United States, by the military assistance program, is not trying to expand Latin American forces so much as it is trying to modernize them. The United States can best encourage the Latin American nations to the development of the modern mobile units needed for hemisphere defense by

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[1] In 1959 the word "normally" was eliminated. The Conference Report on the Mutual Security Act of 1959 asserted: "The elimination of the word "normally" from the sentence providing that internal security requirements shall not "normally" be the basis for military assistance programs to Latin America makes it clear that it is the intent of the committee of conference that internal security requirements shall not, in the absence of a Presidential exception, be the basis for furnishing military assistance to Latin America. Rather, it is the intent of the committee of conference that such military assistance as is furnished shall be in accordance with hemisphere defense planning and should be in furtherance of hemispheric missions."

[2] Edwin Lieuwen, "Arms and Politics in Latin America," Council on Foreign Relations, 1960, p. 202.

[3] See figures quoted above on p. 3. The figures for "programs" were listed in the same Defense Department release that gave the "delivery" figures quoted above.

[4] By phone to LRS.

[5] Based largely upon statements of administration witnesses in Senate foreign relations hearings on mutual security in 1959, and on Lieuwen, op. cit.

extending military aid. By modernising forces through the military aid program, the United States hopes to get the Latin American armies to discard old equipment and reduce the overall size of their forces.

6. Military aid must be provided by the United States in order to promote standardization of Latin American arms and equipment. If we do not provide it, the Latin Americans will, as they have done in the past and do in the present, go elsewhere to get equipment and end up with a conglomeration of different kinds of guns, ships, planes, and armaments that greatly complicates both training and logistics.

Military con

The military objections that have been raised against military aid to Latin America include the following considerations:

1. There is no serious external threat to the security of Latin America. Between the Soviet Union and Latin America stand NATO and U.S. Armed Forces. Because of the character of the present strategic situation the Soviet Union would not pay much attention to Latin America in the event of a major nuclear war. Latin America has little interest in sending armed forces outside the hemisphere to oppose Soviet aggression. In fact, the percentage of men under arms in Latin America is relatively very small, and the military potential of Latin America counts for little in comparison with the major powers of the world. In other words, the role they can play in meeting the external Communist threat is insignificant.

Although there may be a Communist threat from within, it is not serious as a military problem. It is more a political and economic problem, and any disorder it causes can be handled by the police. If anything, the latter should be strengthened rather than the military forces. Moreover, U.S. military assistance is nowhere near large enough to enable Latin America to contribute significantly to free world strength against the external or internal threat of Communist aggression.

2. The concept of collective planning and defense in the Western Hemisphere has little practical application. There is little practical cooperation among hemispheric defense forces. The Inter-American Defense Board has not evolved a comprehensive defense plan and such practical defense arrangements as exist are the result of bilateral agreements between the United States and some Latin American countries. Collective hemispheric defense is a political concept rather than a practical working arrangement.

3. The military aid program contributes little to Latin America's defense capabilities. Much of the arms and equipment supplied consists of obsolete or obsolescent materiel, that is soon destined to become practically useless as spare parts and suitable ammunition cease to be manufactured by the United States and thus become unavailable.

Military aid to Latin America has been very modest compared with that to the rest of the world. Since 1951 less than 2 percent of American mutual defense assistance funds have gone to Latin America. The U.S. contribution represents only about 5 pecent of what Latin America spends annually on its own armed forces. The program is so small it scarcely serves any constructive military purpose.

4. The military aid program has little or no efficacy as a guarantee of access to Latin America's strategic materials. It does not appreciably increase the protection of such materials in Latin America nor protect the transfer of such materials to the United States. It cannot be convincingly argued that military aid tends to make those governments in which the military are influential more willing to furnish strategic materials to the United States. The United States is their best customer and out of economic self-interest they are willing to sell to the United States.

POLITICAL ARGUMENTS FOR AND AGAINST MILITARY AID

Political pro

Among the political arguments that have been advanced for military aid to Latin America are the following:

1. The objectives of the military assistance program are primarily political even though the military aims are often more prominently presented in official programs.

Like the United States the Latin American countries have a patriotic tradition of bearing arms. They won their independence by force of arms, and out of a sense of national pride and self-respect they wish to defend their sovereignty and freedom by maintaining their own military forces. Consequently, they want military forces as an expression of national honor, sovereignty, and prestige. We can win their esteem and friendship by helping them fulfill this desire.

2. Hemispheric cooperation has been built up largely on the notion of collective self-defense. The Rio Treaty of 1947 was justified in terms of collective security. When NATO was formed shortly afterward and large quantities of military aid were funneled into Western Europe, the United States for political reasons could not then completely deny Latin American requests for military aid. The United States then decided to grant military assistance to the Latin American countries largely to reinforce the inter-American political system. If the United States were to act as if there were no danger of aggression against the hemisphere or as if it thought the other American Republics had no contribution to make to hemispheric security the foundations of inter-American cooperation would be endangered.

Military aid strengthens inter-American unity because it furnishes concrete evidence that we believe the American States have stature and are worthy of sharing responsibility for joint defense.

3. The military aid program involves in part the expenses of training Latin American military officers in the United States. This is a very valuable part of the program because the military are often a class of influence or of leadership in many Latin American states and their training in the United States helps to cement bonds of friendship with this country and to give them an appreciation of American democracy. The Draper Committee has urged that this phase of the program should not only be continued but increased.

4. If the Latin American countries do not obtain arms from the United States they will merely turn to other sources. This might expose them to undesirable influences, including military missions from other countries.

5. By striving for standardization and qualitative improvement of armaments, through our military aid we can encourage the Latin Americans to discard old armaments and armaments from other sources and thus effect an overall reduction of arms.

6. In terms of the entire military assistance program the grant aid provided to Latin America is very small in monetary terms. But this small investment brings in large political dividends. Specific political considerations that prompt military aid are often of great importance. For instance, the largest country program in 1960—$17 million—is that for Brazil. A major factor in this program is the fact that Brazil is furnishing us with land for a missile tracking station on the island of Fernando de Noronha.

Political con

Among the political arguments that have been made against the extension of military aid to Latin America are the following:

1. Military aid to dictatorial governments in Latin America has done the United States much harm. It has tended to identify the United States in Latin American public opinion with the maintenance of dictatorships. This is true despite provisions of the mutual security law that aid should not be used for internal security purposes.

Aid to Cuba and the Dominican Republic especially has aroused popular resentment in Latin America. Arms sent to Batista for instance were used against those opposing his dictatorship. For these reasons arms aid should not be given to dictators.

2. Nor should arms aid be extended on the grounds that it strengthens American influence with the military classes in Latin American countries. Actually arms aid tends to strengthen militarism and encourages the armed forces to play politics. The contest for power between civilian and military elements in a number of Latin American countries is a close one. The United States by its aid should not tip the balance in favor of the military, but rather it should do all it can to encourage democratic elements.

3. In fact, in its general policy toward Latin America, the United States has been overemphasizing military defense. The character of the cold war is changing more to competition with the Communist world on nonmilitary grounds. We have reached a point where we should give more stress to economic, social, and political factors in our Latin American policy. As part of the deemphasis upon military factors in our policy we should shift away from grants of arms assistance.

4. The Latin American governments should spend much more of their scarce economic resources on economic development. In many Latin American countries a large portion of the available national product is spent on the armed forces, more for reasons of prestige than for any pressing hemispheric defense purpose. More of this arms money should be channeled into economic growth.

President Eisenhower repeatedly suggested this on his recent trip to Latin America. Latin American opinion is also shifting in favor of reduction of armaments. The Chilean and Peruvian Governments, among others, have recently been voicing support of a disarmament agreement among Latin American states. The United States should support this trend in Latin America and thus coordinate its own policy with emerging Latin American policy by reducing arms aid.

5. Military assistance to certain Latin American governments could also encourage international friction in the hemisphere. Some governments have been trying to carry out aggressive or subversive policies against other governments. The United States should not provide arms that might be used to disturb the peace of the hemisphere.

6. It is a mistake and undignified to attempt to buy the friendship and cooperation of other American states by a policy of military aid that amounts to little more than a sort of bribe. American hemispheric friendship rests on a sounder foundation than this, and military aid is not necessary for this purpose.

7. The Draper Commission has suggested the phasing out of grant military aid to Latin America in favor of credit or direct sales. It has suggested, however, that it be done gradually, rather than suddenly or drastically, in order not to create an impression of slighting Latin America or of being unheedful of the feelings of our Latin American friends.

TRIBUTE TO THE U.S. AMBASSADOR TO MEXICO

Mr. MANSFIELD. Mr. President, one of the outstanding Ambassadors of this country is the Honorable Robert C. Hill, at present our Ambassador to Mexico. He has done a remarkably efficient job in the 3 years he has represented us in that nearby and friendly country.

An excellent article, entitled "U.S. Envoy Cements Mexican Friendship," has been written by Marion Wilhelm and was published in the Christian Science Monitor of April 15. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. ENVOY CEMENTS MEXICAN FRIENDSHIP

(By Marion Wilhelm)

MEXICO CITY.—Anyone who pictures a U.S. Ambassador sitting behind his desk in formal conferences will have to change the picture when thinking of diplomatic relations in Mexico.

Ambassador Robert C. Hill is more often seen in a charro suit watching a bullfight tienta at a ranch; batting off a baseball game in a city stadium, and kicking a football 60 yards down the university gridiron; riding horseback over the countryside with a State Governor before breakfast (then pitching into a typical Mexican morning meal of "huevos rancheros" and steak) or receiving gifts from Indian pueblos—most recently a live turkey.

The remarkable young envoy, a big, smiling American from New Hampshire, has completed a series of official calls on capitals and villages in all Mexico's 29 States and two Territories.

FRIENDSHIP HAILED

He has accomplished this record during less than 3 years in Mexico, traveling usually in the company of Latin American Ambassadors.

"Everywhere that my staff and I have gone," he recalls, "we have been received with the friendship and cordiality characteristic of the Mexican people. We feel these sentiments were not meant as much for us, personally, as they were for the Nation we represent in Mexico."

He is not referring, of course, to the turkey placed in his arms in Oaxaca by the beaming Indian women in the "Guelaguetza" dance.

When the Zapotecs of that southern State entertain visitors they follow a ritual dating back to pre-Cortes days: After each dance, they bestow indigenous gifts. Some give flowers, others hand-woven blankets, or clay pots full of spicy foods.

The Ambassador took his turkey and two chickens back in the Embassy plane and put them in his garden to the delight of his sons, Graham, 11, and Jimmie, 6.

In other trips through the 760,373 square miles of Mexican territory he has visited the cotton farms and cattle ranches of northern Sonora, the steel works and factories of Nuevo Leon and Jalisco, pyramids and temples in Yucatan, fishing wharves in Campeche on the Gulf of Mexico, a gas and oil city in the jungles of Tabasco.

Mr. Hill—he prefers to be called Bob—has been the guest of Governors in every State, and he has invited Ambassadors of other Latin American countries to share the provincial honors.

This Pan-American approach to winning friends for the United States makes a good impression on Mexican officials.

The U.S. Ambassador, though, is a good deal more interested in the impressions North Americans make on the ordinary citizens of the country, and no previous Ambassador has worked harder at it.

"This is a tough battle we're in today," he explains, "a fight for the minds and hearts of the peoples of the world. You cannot ignore the people, their hopes and aspirations, and hope to win. I think the people of other countries want to be friends. I want them to know we do, too.

ENTHUSIASM NOTED

"Compare the Mexican revolution with the Russian revolution. In every aspect, the Mexican revolution, evoking the words of Lincoln, has been a revolution of the people, by the people, for the people, and not—as was the revolution in Russia—for the glorification of the party and the state against the individual's liberty and search for happiness.

"I am impressed by the enthusiasm and the spirit of progress of the Mexican people, their national pride and love of country. I have visited some 54 countries around the world and, in my opinion, Mexico stands out among all the others in these important qualities."

The Governor of Oaxaca, Alfonso Pérez Gazga, was pleased when Mr. Hill showed up with the director of the nation's tourist department.

Oaxaca was the seat of the Zapotec and Mixtec civilizations. Tourists come to see the monumental ceremonial centers at Mitla and Monte Albán.

EARLY ARRIVAL

Gov. Alberto Trueba Urbina met the plane in Campeche, and was delighted to find the Ambassador had invited along his colleagues from Peru and France, Ambassadors Germán Aramburu and Jean Vyau de Lagarde.

He took them to see the new wharves built around the harbor full of shrimping boats, on to the town's new hotel and the seaside museum stocked with relics of pirate days.

When several of the press were invited to breakfast with Gov. Gustavo Baz, of the State of Mexico, before touring the State's federal electricity system, we were told to arrive at 8 a.m. Driving from Mexico City, 50 miles away, we arrived at the gubernatorial house in Toluca 15 minutes before the breakfast hour.

"Where is the Governor?" asked the writer of the Mexican group gathered in the garden.

"Oh, he's out riding with Ambassador Hill," was the reply. "The Ambassador got here at 6 a.m. to try out one of the Governor's prize rodeo horses."

PROPOSED MANPOWER COMMISSION FOR SPACE DEFENSE

Mr. WILEY. Mr. President, I introduce, for appropriate reference, a joint resolution for the establishment of a Hoover-type Manpower Commission to determine personnel defense requirements of the space age.

The advent of the space age, a shrinking world in which new relationships among the people of the earth are emerging, the impact of the miracles of science and technology—all of these and other factors are having a revolutionary effect upon our way of life, economy, and security. Particularly, the space age—with its revolutionary developments—will have a great effect on our defense.

NEEDED: ESTABLISHMENT OF MANPOWER COMMISSION

How can we best cope with the challenge?

Overall, I believe it will require a whole "new look" at our defense system: the organizational pattern of each of the armed services; the military draft, and its ability, or inability, to provide the manpower for a complex space-type defense; requirements of industries that provide support for our overall defense program; enlisting the scientific manpower, not only for producing and manning weapons, but also to carry on research for the even more advanced equipment, instruments, and vehicles of the future.

How can this be accomplished? Frankly, I believe it will require an objective, top-to-bottom reevaluation of our manpower for defense. To help accomplish such a goal, I am proposing the creation of a special Commission.

The Manpower Commission would be comprised of members representing the Defense Department, National Space Agency, the scientific field, industry, related fields, and last, but not least, the American taxpayer.

OBJECTIVES OF MANPOWER COMMISSION

What would be the objective of the Commission? Among others, the purposes would be: First, to determine the impact of the space age upon manpower requirements of the Armed Forces; second, to evaluate the adequacy of existing programs for training personnel of the Armed Forces to operate and service the advanced weaponry of the space age; third, to determine where, and how, the lack of trained personnel impairs or lessens the value of technological advances in weaponry; fourth, to eliminate overlapping, duplication, and unnecessary rivalry in the armed services in utilizing personnel; fifth, to explore the need for training requirements of the civilian components of national defense; sixth, to recommend ways and means, not only for providing, but also for more effective utilization of, adequately trained manpower.

The far-reaching impact of space weapons on our defense, I believe, requires no less than a top-to-bottom review, accompanied by recommendations for remodeling the defense system to equip us for the future. I ask unanimous consent to have the joint resolution, followed by a supplementary statement, printed at this point in the RECORD, and, in addition, I also request unanimous consent to have the joint resolution lie on the table until the end of this business week. This will allow any of my colleagues who may wish to do so an opportunity to join this proposal.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and the statement will be printed in the RECORD, and the joint resolution will lie on the desk, as requested.

The joint resolution (S.J. Res. 188) to establish a Commission on Manpower Needs for Defense in the Space Age, introduced by Mr. WILEY, was received, read twice by its title, referred to the Committee on Armed Services, and

ordered to be printed in the RECORD, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS AND PURPOSE

SECTION 1. The Congress finds that the development of intercontinental ballistic missiles, intermediate range ballistic missiles, air-to-air, ground-to-air, air-to-ground, and other complex types of missile weaponry has caused extensive changes to occur in the defense requirements of the Nation. One of the most significant of these changes is the increased time which is now required to train personnel for the complex tasks which are required for defense in the space age. It may be reasonably expected that as the technology of the space age advances the need for highly trained personnel in the military services and in the civilian components of national defense will increase tremendously. It is the purpose of this joint resolution to establish a high level commission to assess the manpower requirements for defense in the space age, to formulate a program for meeting the complex training needs of defense personnel in that age, and to provide recommendations with respect thereto.

ESTABLISHMENT OF COMMISSION

SEC. 2. (a) There is hereby established a commission to be known as the Commission on Manpower Needs for Defense in the Space Age, hereinafter referred to as the "Commission."

(b) The Commission shall be composed of twelve members, as follows:

(1) Four members appointed by the President of the United States, from public and private life, including at least one from the Armed Forces of the United States, and one from the National Aeronautics and Space Administration;

(2) Four members appointed by the President of the Senate, two from the Senate, and two from private life; and

(3) Four members appointed by the Speaker of the House of Representatives, two from the House of Representatives, and two from private life.

(c) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(d) Seven members of the Commission shall constitute a quorum but a lesser number may conduct hearings.

(e) The Commission shall elect a Chairman and a Vice Chairman from among its members.

(f) Service of an individual as a member of the Commission or employment of an individual by the Commission as an attorney or expert in any business or professional field, on a part-time or full-time basis, with or without compensation, shall not be considered as service or employment bringing such individual within the provisions of section 281, 283, 284, 434, or 1914 of title 18 of the United States Code, or section 190 of the Revised Statutes (5 U.S.C. 99).

DUTIES OF COMMISSION

SEC. 3. (a) The Commission shall carry out the purposes set forth in section 1 of this joint resolution. In carrying out such purposes the Commission shall give particular attention to—

(1) the impact of the space age upon manpower requirements of the Armed Forces;

(2) the adequacy of existing programs for training personnel of the Armed Forces to operate and service the advanced weaponry of the space age, and whether the lack of trained personnel impairs or lessens the value of technological advances in weaponry;

(3) the training requirements of the civilian components of national defense in the space age;

(4) the adequacy of existing procedures for meeting overall manpower needs for national defense in the space age; and

(5) ways and means for the more effective utilization of adequately trained manpower for defense in the space age.

(b) The Commission, not later than ———, shall submit to the President for transmittal to the Congress its final report. Such report shall contain the findings and recommendations of the Commission, together with such proposals for legislative or administrative action as it may deem necessary or desirable. The Commission may also submit such interim reports as it may deem advisable.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 4. (a) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) The members of the Commission who are in the executive branch of the Government shall serve without compensation in addition to that received for their services in the executive branch, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(c) The members from private life shall each receive $50 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

STAFF OF THE COMMISSION

SEC. 5. (a) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended.

(b) The Commission may procure, without regard to the civil service laws and the classification laws, temporary and intermittent services to the same extent as is authorized for the departments by section 15 of the Act of August 2, 1946 (60 Stat. 810), but at rates not to exceed $50 per diem for individuals.

POWERS OF THE COMMISSION

SEC. 6. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this joint resolution, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee or member may deem advisable. Subpenas may be issued under the signature of the Chairman of the Commission, of such subcommittee, or any duly designated member, and may be served by any person designated by such Chairman or member. The provisions of sections 102 to 104, inclusive, of the Revised Statutes (title 2 U.S.C., secs. 192–194), shall apply in the case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this section.

(b) The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics for the purpose of this joint resolution; and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon requests made by the Chairman or Vice Chairman.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 7. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this joint resolution.

TERMINATION OF THE COMMISSION

SEC. 8. On the sixtieth day after the transmittal to the Congress of the final report provided for in section 3(b) of this joint resolution, the Commission shall cease to exist.

STATEMENT BY SENATOR WILEY

The advent of the space age is likely to have a far-reaching effect on the Armed Forces of the United States.

A space defense with tremendously increased atomic hydrogen firepower will, no doubt, require redeployment of personnel to best maintain and operate modern, space-age weapons. Too, a broad-scale study is essential to determine just how many soldiers of security—civilian and military—will be needed to create, maintain, and keep at the-ready a space-age defense system.

MANPOWER—KEY TO NATIONAL DEFENSE

The question of adequate manpower deserves consideration equal to that of development of weapons systems. Until now, the public spotlight—to a large degree—has been focused upon the weapons themselves—that is, missiles, jet planes, military potential of satellites, atomic submarines, and others.

However, a major key to effective defense is manpower. In accordance with our best American traditions, I am confident that—once the missile program is really underway—our economy, through its mass production system, can produce weapons as rapidly—and in whatever quantity—as will be required for national defense.

However, we cannot roll highly skilled personnel off the assembly line. Instead, the training of technicians, engineers, scientists, and other personnel for operations and replacement, may well take considerably longer than producing the weapons.

Consequently, we need a long-range manpower program to serve as the foundation for our defense.

NEEDED: NEW LOOK AT MILITARY DRAFT

Now let's take a look at the military draft.

As we know, the draft has provided the Nation a means—although a controversial one—of providing manpower for the defense, not only for hot wars but also for the post-World War II cold war era. The long arm of conscription reaches in every State, community, and almost every family. Throughout the Nation, there are now about 23 million veterans—including over 470,000 in Wisconsin who have answered the call to the colors and served in our Armed Forces. With their families, these comprise about 45 percent of our total population of nearly 180 million people.

Throughout our history, more than 32 million have served in the Armed Forces of the United States.

The years ahead—with the ever-growing power of the Communist bloc—promises no relief from the need of readiness and preparedness by our country. However, there is a serious question as to whether, for example, the present 2-year draft system would be able to provide the highly skilled personnel needed to man a complex defense system. Consequently, this program—as well as our overall manpower utilization policies—will need to undergo careful scrutiny.

DETERRENTS—NOT JUST MILITARY WEAPONS

Recognizing the need for effective armed forces, I want to stress, however, that defense is not all weapons or military prowess. Fundamentally, the ability of a nation to defend itself, to promote progress, and to meet challenges to its survival, depends upon the spirit of its people.

In the space age—as in historical times—the oft-repeated adage is still true that: The price of liberty is eternal vigilance. More than vigilance, however, it means an eternal willingness of our people to dedicate themselves, their resources, and energies and ingenuity to protect our ramparts and to lift our Nation and its people to ever-higher plateaus of economic, moral, cultural, and spiritual life—in accordance with the ideals and principles of our forefathers.

In designing programs for security and progress, it is necessary to consider a great many additional factors—at home and abroad. These include: (1) an effective internal security program comprised of well-enforced laws and Federal regulations—as well as an alert citizenry—to protect our country from internal enemies; and (2) effective cooperation with other nations (a) to promote mutual interests economically, politically, culturally, ideologically, and in other ways; and (b) to combine strengths against a common enemy—at this time in history, communism.

In addition to marshaling the people, and the natural resources of the free world, we cannot realistically write off the people behind the Iron and Bamboo Curtains. One billion strong, these people represent a tremendous will for freedom. We recognize, of course, that they are now dominated—and strongly so—by the iron hand of communism. I firmly believe, however, that these people, imbued with common human desires for freedom, will ultimately make their voices heard: (1) for a greater degree of personal liberty; (2) for a larger share of the fruits of their labor—rather than have it siphoned off for building of ever-greater war machines; and finally (3) as an antiwar deterrent, recognizing that because of modern destructive weapons, men and nations must either learn to live together on the globe—or perish.

CALL OF THE CALENDAR DISPENSED WITH

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the calendar, under the rule, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL TOMORROW AT NOON

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its session today, it adjourn until tomorrow, at noon.

The VICE PRESIDENT. Without objection, it is so ordered.

CONSIDERATION TOMORROW OF NOMINATION OF JAMES R. DURFEE TO BE ASSOCIATE JUDGE OF THE U.S. COURT OF CLAIMS

Mr. MANSFIELD. Mr. President, I wish to announce to the Senate, after consultation with the distinguished minority leader, that tomorrow the Senate will take up the nomination of James R. Durfee to be associate judge of the U.S. Court of Claims.

HOME MORTGAGE CREDIT

Mr. SPARKMAN. Mr. President, in the fall of 1958 the Subcommittee on Housing began a project concerned with legislation which might be required to satisfy the demand for home mortgage credit anticipated during the decade of the sixties. This work was started at the conclusion of the 2d session of the 85th Congress, during which many legislative proposals were unresolved. These proposals, and the demand for credit which could be foreseen, indicated that it would be necessary for the subcommittee to make informed judgments about the need and the demand for homes and rental units; the quantity and sources of required credit; the maximum maturity, minimum equity, and other terms of required loans; anticipated construction cost levels; income characteristics of families in the housing market; and many interrelated subjects.

The subcommittee attempted to answer the basic question: How should Federal housing programs be supplemented or modified to insure a supply of home mortgage credit adequate to meet the great demand anticipated in the 1960's, upon terms and conditions which consumers can afford and which are economically sound?

This basic question was expanded into an outline of component topics concerned with factors contributing to the demand for housing and factors contributing to the supply of housing. Recognized authorities from government, industry, and educational institutions were requested to prepare papers on each of the component topics. Insofar as possible, where the handling of a subject was susceptible to differing points of view, authors representative of these different views were invited to participate.

The outline of topics, and authors who submitted papers, are as follows:

DEMAND AND NEED FACTORS

Changes in inventory of households:

"Growth in Households in the United States, 1960, 1965, and 1970"; Elmer C. Bratt, professor of economics, Lehigh University, Bethlehem, Pa.

"Projection of Number of Households, 1961–70"; Commerce Department, Bureau of the Census.

Changes in inventory of dwelling units:

"Importance of Net Replacements in Householding Demand"; Sherman J. Maisel, professor of business administration, University of California, Berkeley, Calif.

"Substandard Dwelling Units and Their Replacements, 1961–70"; Reinhold P. Wolff, director, bureau of business and economic research, University of Miami, Coral Gables, Fla.

"Family Income and Buying Power"; Commerce Department, Office of Business Economics.

Relationships between family income and housing expense:

"Relationships Between Family Income and Housing Expense"; James Morgan, survey research center, University of Michigan, Ann Arbor, Mich.

"Housing Costs and Family Income"; H. E. Riley, Labor Department.

Credit terms:

"Credit Terms and Effective Demand for New Housing"; Charles Abrams, visiting professor, Massachusetts Institute of Technology, Cambridge, Mass., and Morton Schussheim, director of research, New York State Rent Commission.

"Credit Terms and Demand for Residential Construction"; Ramsay Wood, bureau of business and economic research, University of California, Los Angeles, Calif.

Farm housing: "Demand and Need Factors—U.S. Farm Housing, 1960–70"; Glenn H. Beyer, director, housing research center, Cornell University, Ithaca, N.Y.

SUPPLY FACTORS

Housing:

"Technological Changes in Residential Construction, 1961–70"; Ralph J. Johnson, director, research institute, National Association of Home Builders, Washington, D.C.

"Expected Technological Developments in Home Construction, 1961–70"; George Price, president, National Homes Corp., Lafayette, Ind.

Requirements for basic residential construction materials during the 1960's; Joseph L. Fisher, associate director and secretary, Resources for the Future, Inc., Washington, D.C., and Edward Boorstein, economist, Resources for the Future, Inc., Washington, D.C.

Residential construction labor supply and costs, 1961–70; Emerson P. Schmidt, director of economic research, Chamber of Commerce of the United States, Washington, D.C.

The provision of adequate residential building sites in the sixties; Richard U. Ratcliff, professor of land economics, school of commerce, University of Wisconsin, Madison, Wis.

Critical problems to be faced in obtaining residential building sites; 1961–70; Max Wehrly, executive director, Urban Land Institute, Washington, D.C.

"Farm Housing"; E. V. Smith, director, agricultural experiment station, dean, Auburn University, Auburn, Ala.

"Supply of Dwellings for Underhoused Farm Families"; Agriculture Department.

Financing:

"Financing the Housing Market of the Sixties"; David L. Grove, economist, Bank of America National Trust & Savings Association, San Francisco, Calif.

"The Availability of Residential Mortgage Credit"; Saul B. Klaman, economist, National Association of Mutual Savings Banks, New York, N.Y.

"Postwar Trends in the Sources and Uses of Capital Funds"; James J. O'Leary, director of economic research, Life Insurance Association of America, New York, N.Y.

"The Effects of Monetary Policies on the Residential Mortgage Market"; James J. O'Leary, director of research, Life Insurance Association of America, New York, N.Y.

"The Impact of Monetary Policy on Residential Construction, 1948–58"; Warren L. Smith, University of Michigan and Harvard University.

"Improvements of Federal Home Loan Bank Programs"; Edward E. Edwards, professor of finance, School of Business, University of Indiana, Bloomington, Ind.

"A Program for the Federal Home Loan Bank System Designed To Improve the Distribution of the Pool of Credit Available for New Residential Construction"; Kurt E. Flexner, associate professor of finance, New York University, New York, N.Y.

"Changes in Federal Home Loan Bank Programs"; Robinson Newcomb, economic consultant, Washington, D.C.

"Increasing Credit for New Construction"; Neal J. Hardy, director, National Housing Center, Washington, D.C.

"A More Effective Mortgage Insurance Corporation"; Miles L. Colean, economic consultant, Washington, D.C.

"Suggested Modifications of the FHA, VA, and FNMA Programs To Improve the Supply and Distribution of Mortgage Credit Available for Home Financing"; Robert E. Scott, realtor, Elizabeth, N.J.

"The FHA Mortgage Insurance Premium—An Analysis and an Alternative"; Ernest M. Fisher, professor of urban land economics, Columbia University, New York, N.Y., and Chester Rapkin, research associate professor, University of Pennsylvania, Philadelphia, Pa.

"FHA Premiums and Fund Mutuality"; Harry Held, vice president, Bowery Savings Bank, New York, N.Y.

"Proposal for a Central Mortgage Reserve Bank"; Thomas P. Coogan, president, Housing Securities, New York, N.Y.

"Facilities for Mortgage Credit"; James W. Rouse, mortgage banker, Baltimore, Md.

"Housing Credit for Middle-Income Families"; William L. C. Wheaton, director, Institute for Urban Studies, University of Pennsylvania, Philadelphia, Pa.

"Government Aids to Financing Private Purchase of Houses"; Sherman J. Maisel, professor of business administration, University of California, Berkeley, Calif.

"Sources of Farm Housing Credit"; Agriculture Department.

The compendium of papers was published in December 1958, and was distributed to participating authors, Government agencies, trade associations having an interest in housing legislation, and members of the public who expressed an interest in the publication.

During the period May 14 through May 29, 1959, the subcommittee held hearings to further amplify information contained in the December publication. Participating authors appeared to discuss their papers, with the following exceptions:

Everett Ashley III, Director, Statistical Reports and Development Branch, Housing and Home Finance Agency, appeared in place of Professor Ratcliff, who could not be present.

Hobart Carr, chairman, Department of Banking and Finance, New York University, appeared in place of Dr. Flexner, who could not be present.

David K. Gillogly, graduate fellow in economic research, University of Miami, Coral Gables, Fla., appeared in place of Dr. Wolff, who could not be present.

David L. Grove was unable to appear, but submitted a statement for the record of the hearings.

In addition, Mr. L. Durward Badgley, director of real estate and mortgage research, Mutual Life Insurance Co. of New York; Mr. Cornelius R. Gray, administrative assistant to the president and secretary-treasurer, Building and Construction Trades Department, AFL-CIO; Mr. Louis Paradiso, Assistant Director, Office of Business Economics, Department of Commerce; Kenneth L. Scott, Director of Agricultural Credit Services; Mr. Kermit H. Hansen, Administrator, and Charles C. Barnard, Director, Budget and Statistics Division, Farmers Home Administration, Department of Agriculture—appeared before the subcommittee and submitted testimony. The Federal Home Loan Bank Board did not appear at the hearings, but submitted a statement for the record.

The record of these hearings was published later in 1959.

Since adjournment of the 1st session of the 86th Congress, the subcommittee has reviewed data obtained in the compendium of papers and in the public hearings, has reached certain conclusions, and has made recommendations for legislation. These recommendations, supported by findings and conclusions, have been submitted for the consideration of the Committee on Banking and Currency.

I ask unanimous consent that the subcommittee's conclusions and recommendations be inserted at this point in my remarks.

There being no objection, the conclusions and recommendations were ordered to be printed in the RECORD, as follows:

SUMMARY OF CONCLUSIONS

DEMAND AND NEED FACTORS

Estimate of new units required

New permanent residential construction required for the period 1961–70 is estimated at a minimum of 16 million nonfarm units, provided an active effort is made to eliminate substandard housing. Substandard housing could be reduced from 11.5 million in 1960 to 5.5 million in 1970. The total inventory of housing would increase from 58.3 million dwellings in 1960 to 70.8 million in 1970.

Family income, purchasing power, and housing expense

Average family income, representing real purchasing power, should be 22 percent higher in 1970 than in 1960, but despite some flattening of the income curve there is no prospect for a significant reduction in the 20 million families and individuals who have current annual incomes of less than $4,000.

The effect of this on housing is to expect the construction of better quality and higher priced homes, corresponding to the 22-percent increase in real family income. However, unless this is accompanied by a building program to supplement the supply of housing for occupancy by low- and moderate-income families, it will leave unresolved the housing problems of many American families. Furthermore, the estimated large number of low-income families by 1970 points up the difficulty of demolishing or otherwise eliminating 4 million units of substandard housing on which is predicated the construction of 16 million nonfarm permanent homes during the sixties.

The American people have demonstrated a great desire for better living conditions and a willingness to make the necessary sacrifices to satisfy this desire. The potential purchasing power in this Nation should be adequate to support a demand for a new construction program of 16 million permanent nonfarm units from 1961 to 1970, although greater flexibility in qualifying potential consumers may be required to satisfy this demand.

Credit terms and demand for residential construction

Existing law gives considerable discretion to administrative agencies of the Federal Government to cause changes in credit terms for transactions in residential real estate. The principles related in the summary by Mr. Ramsay Wood are generally sound and are recommended to the careful attention of Federal agencies which have this discretion.

SUPPLY FACTORS

Materials

The prospects are good for an adequate supply of basic building materials to meet the needs of residential construction during the sixties. Special types of lumber products may show up in short supply in some areas but not enough to cause a serious rise in prices.

Land

The supply of land for residential development is adequate. The economical development of this land, however, depends upon the availability of community facilities at minimum cost.

An alternative to acquisition and development of raw land in the suburbs is more intensive and efficient use of available areas in the cities made possible by urban renewal programs.

Labor

Labor supply for residential construction does not appear to be a problem for the sixties. Local shortages in particular skills may occur from time to time, but unless there are sporadic sharp increases in demand for labor because of instability of construction activity, no overall shortages are expected.

Technology and research

If new homes of the sixties are to improve in quality in conformity with other great advances anticipated in our economy, and if advanced technology is to compensate for increases in the prices of developed land and materials, a comprehensive and aggressive research program to develop new and better techniques in all phases of residential construction is essential.

In addition to such technical research, studies should be undertaken on other important phases of our shelter problem—marketing, financing, and consumer abilities and desires.

Mortgage loan requirements

New funds required to finance 16 million new permanent nonfarm units in the sixties are estimated at $160 billion, or about 60 percent greater than the quantity used during the past decade. The need for these funds will vary as home starts vary, increasing from about $11 billion in 1961 to about $30 billion by 1970.

These estimates assume that mortgage funds to finance existing home purchases will come from repayments and prepayments of existing mortgages.

Supply of mortgage credit

A supply of mortgage funds for residential construction amounting to an estimated

$160 billion will be available for the decade of the sixties only if the past rate of savings and the proportion flowing into mortgages continues as in the past decade. This is not likely to occur unless positive action is taken to assure it. New sources of credit may have to be used, and new financial instruments may be needed to insure a required flow of $160 billion.

Monetary policy and the flow of mortgage credit

In an economic environment where general credit controls operate in connection with Federal housing programs characterized by relatively inflexible interest rates, the volume of credit flowing into mortgages is extremely sensitive to changes in monetary policy. The flow of home mortgage funds fluctuates more violently than capital flow to other sectors of the economy, and the movement upward and downward usually precedes the movement in other sectors. Thus, housing, as an industry, is relatively less stable than the economy in general.

This instability might be relieved by (1) more selectivity in the application of monetary restraint or ease, or (2) more active use of fiscal policy, in cooperation with monetary policy to achieve economic stability, or (3) more flexibility in FHA and VA interest rates, or (4) supplementing the free flow of funds to insure that FHA and VA programs do not fluctuate so rapidly, or (5) a combination of these actions.

FEDERAL PROGRAMS

Federal Home Loan Bank System

The Federal Home Loan Bank System could provide a source of long-term credit to member institutions to an extent greater than is now being done. The System does not contain machinery to permit the operation of a secondary market in conventional mortgages. A policy to supply long-term credit to member institutions in conjunction with a market for conventional loans would probably increase the supply of home mortgage credit and would permit funds to move more freely from one area to another.

Federal Housing Administration, Veterans' Administration, and secondary market for FHA and VA loans

The insurance and guarantee programs administered by the Federal Housing Administration and the Veterans' Administration contribute to the distribution of mortgage credit to the extent that private investors judge FHA and VA maximum interest rates to be attractive. In the absence of Federal support for FHA and VA interest rates, the activity of these programs rises and falls as their interest rates may be more or less competitive with alternative investments. The activity of these programs could be made more stable by more flexible interest rate policies or by more Federal support.

The contribution of the Federal Housing Administration could be increased by further study and experimentation. For example, (1) the question of the FHA insurance premium—amount, method of collection, and mutuality—should be considered in conjunction with the need to serve borrowers who may represent greater risks; (2) the increased use of certified agents to reduce processing delays should be considered in conjunction with the need to maintain high standards of appraisal and construction; and (3) the question of providing FHA operating funds by the usual appropriation process should be reviewed in the light of economies which might be achieved through permitting the agency to operate by use of fee and premium income.

The Federal National Mortgage Association, as presently constituted and administered, cannot be expected to supplement and stabilize the flow of mortgage credit to the extent that may be desirable. If this supplementation and stabilization are to be objectives of Federal policy during the 1960's, it will be necessary to (1) reconstitute the Federal National Mortgage Association, or (2) change its administrative policies, or (3) create new institutions, such as a Central Mortgage Bank, to operate in lieu of or in conjunction with the FNMA, or (4) a combination of these actions.

Middle-income housing

Existing institutions available to help achieve the national housing policy of "a decent home and suitable living environment for every American family * * *" are inadequate. It is evident that families of low and moderate income cannot be housed decently, within the foreseeable future, unless new programs for this purpose are fostered by the Federal Government, or by State and local governments, or by all levels of government.

Farm housing

A large segment of the farm population occupies substandard housing. This has been true for many years and is likely to continue in the future, unless positive action is taken to change existing conditions.

The farm housing problem is inseparable from the farm problem in general—it is basically an income problem. In some respects, however, housing of farmers is worse than warranted by economic conditions. Substantial improvements can be made in farm housing through an intensive program—sympathetically and conscientiously administered—of education, research, and the extension of credit.

RECOMMENDATIONS

RECOMMENDATION NO. 1

The subcommittee believes that a minimum of 16 million permanent nonfarm housing units should be constructed during the 10-year period beginning in January 1961. The subcommittee further believes that the achievement of this goal is consistent with economic growth and stability throughout the economy. This goal cannot be achieved, however, without perfection and supplementation of existing Federal housing laws and without deliberate action by the executive branch of the Federal Government to administer these laws in terms of the achievement of this minimum goal. Consequently, the subcommittee recommends, as an initial step, an amendment of existing law to require the following annual report from the President: At the beginning of each session of the Congress the President shall transmit to the Senate and the House of Representatives a report stating, among other things, (1) the minimum number of housing units which should be started during the calendar year, or 2 calendar years following submission of the report, in order to be consistent with the program of the President; (2) the manner in which discretion contained in law will be used by Federal agencies to achieve this minimum volume of starts; and (3) recommendations for changes in law which may be required to enable the achievement of this minimum number of starts.

RECOMMENDATION NO. 2

Among the physical factors which contribute to the production of new housing—land, labor, and materials—only land appears to represent a serious problem. Although the supply of land is adequate, the cost of preparing land for residential development and the cost of providing essential community facilities and services may seriously retard the achievement of the minimum goal of 16 million units from 1961–70. Consequently, the subcommittee recommends the continuation and liberalization of several existing programs, as follows:

1. The program of urban planning assistance, under which the Federal Government grants funds on a matching basis for urban planning by smaller communities, should be continued with average annual resources of at least $10 million.

2. The program of public facility loans, under which the Federal Government lends funds to State and local governments to finance construction of essential community facilities, should be continued at an interest rate which does not return a profit to the Federal Government and with average annual resources of at least $50 million.

3. The program of advances for public works planning, under which the Federal Government makes interest-free advances for the planning of future public works projects, should be continued with average annual resources of at least $15 million.

4. The Federal urban renewal program, under which the Federal Government makes grants to assist localities complete projects for urban renewal and redevelopment, should be continued with average annual resources at a level substantially higher than at present.

RECOMMENDATION NO. 3

The subcommittee believes that technological advance represents the best opportunity for improving the quality of residential construction without increasing unit cost. In order that this opportunity may be fully exploited, the subcommittee recommends implementation of existing law to establish a research program within the Housing and Home Finance Agency. The objective of this program should be to identify problems in residential construction which could be solved by further research and to foster this research by direct activity of the Agency, by contracting with agencies or organizations outside the Federal Government, and by encouraging research that may be undertaken independently of the Federal program.

RECOMMENDATION NO. 4

The subcommittee further recommends that existing law be amended to direct the Federal Housing Administration to encourage research and experimentation in residential construction by insuring loans and minimizing the risks of private lenders who are willing to accept residential units of advanced design and technology as security for mortgage loans.

RECOMMENDATION NO. 5

The subcommittee believes that the instability of residential construction, which is partially attributable to monetary policy, should be minimized. Consequently, the subcommittee recommends that the Board of Governors of the Federal Reserve System be requested to submit a report not later than January 1, 1961, which report shall, among other things, include the following:

1. An analysis of residential construction activity during the period 1946 through 1959, and a comparison of this activity with general economic activity over the same period.

2. An explanation of the factors which have contributed to instability in residential construction during this period.

3. Recommendations for minimizing this instability during the 10-year period beginning in January 1961, recognizing the need for a minimum construction of 16 million permanent nonfarm units and recognizing the need for general economic growth and stability.

RECOMMENDATION NO. 6

The subcommittee believes that the Federal Home Loan Bank System can make a significant contribution toward the achievement of a construction goal of 16 million permanent nonfarm units during the 10-year period beginning in January 1961, and that this contribution might be assured by changes in the System which would permit

a larger volume of long-term borrowing by member institutions and which would provide a secondary market for conventional loans. Consequently, the subcommittee recommends that the Chairman of the Federal Home Loan Bank Board be requested to submit a report not later than January 1, 1961, which report shall, among other things, include the following:

1. The extent to which member institutions could, with safety, be permitted to increase their volume of long-term borrowings from sources within as well as without the Federal Home Loan Bank System.

2. Legislative proposals which may be necessary to permit such long-term borrowings.

3. The desirability of establishing a secondary market for conventional loans within the Federal Home Loan Bank System.

4. Legislative proposals which may be required to inaugurate such a secondary market.

RECOMMENDATION NO. 7

The subcommittee believes that the flow of mortgage credit required to produce 16 million permanent nonfarm units during the 10-year period beginning in January 1961 may not be achieved without the perfection or supplementation of existing institutions designed to provide a secondary and supplementary market for loans insured by the Federal Housing Administration or guaranteed by the Veterans' Administration. Consequently, the subcommittee recommends that the Administrator of the Housing and Home Finance Agency be requested to submit a report, not later than January 1, 1961, which report shall, among other things, include—

1. An analysis of total mortgage credit requirements which may be required to support new residential construction activity of 16 million permanent nonfarm units, on a stable basis, during the 10-year period beginning on January 1, 1961.

2. The extent to which this volume of credit may be available, on a stable basis, without revision of the enabling legislation or the administrative policies of the Federal National Mortgage Association or without the creation of a new institution to provide an active secondary market for loans insured by the Federal Housing Administration or guaranteed by the Veterans' Administration.

3. The desirability of creating an independent board to establish interest rate policies for programs administered by the Federal Housing Administration and the Veterans' Administration, and to establish purchase and marketing policies of the Federal National Mortgage Association or any other institution created to provide a secondary market for loans insured by the Federal Housing Administration or guaranteed by the Veterans' Administration.

RECOMMENDATION NO. 8

The subcommittee recognizes that the Federal Housing Administration has passed its 25th anniversary and has in a large measure been successful in working toward the purposes of its enabling legislation. The subcommittee believes that the programs administered by the Federal Housing Administration should be continued but that its usefulness could be increased by changes in its basic statutes and by changes in administrative policies made to implement these statutes. Consequently, the subcommittee recommends that the Administrator of the Housing and Home Finance Agency be requested to submit a report, not later than January 1, 1961, which report shall, among other things, include—

1. An analysis of the present rate of, method of collection, and mutuality of the FHA insurance premium; and recommendations concerning the desirability of reducing the rate, changing the method of collection, and eliminating or extending mutuality; such recommendations to be made in the light of the necessity to serve the needs of borrowers who may represent greater risks than borrowers who now receive benefits of FHA programs.

2. An analysis of the present program by which the actions of certified agents are accepted in lieu of normal FHA processing, and recommendations regarding the extent to which this activity might be expanded without jeopardizing high standards of appraisal and construction.

3. Recommendations regarding the desirability of amending existing law to permit the Federal Housing Administration to staff its field offices at levels consistent with variations in field office activity and by the use of funds derived from fee and premium income.

RECOMMENDATION NO. 9

The subcommittee believes that the national housing policy of "a decent home and suitable living environment for every American family * * *" cannot be achieved within the foreseeable future without the creation of new programs designed to solve this problem. Consequently, the subcommittee recommends that bills now pending, which propose a Federal program to increase the volume of residential construction for middle income families, should be given high priority and should be considered as soon as possible during the current session of Congress.

RECOMMENDATION NO. 10

The subcommittee believes that significant improvement in the housing conditions of millions of farm families can be achieved only through an intensive program of education, research, and extension of needed credit to worthy farm families. Consequently, the subcommittee recommends that existing law be amended to authorize and direct the Department of Agriculture and the Housing and Home Finance Agency to undertake a program of education and research designed to reduce the volume of substandard farm housing. The subcommittee further recommends that existing programs administered by the Department of Agriculture be continued with annual resources of not less than $50 million for loans on adequate farms, $2 million for contributions on potentially adequate farms, and $10 million for loans and grants on farms not eligible for regular loans or contributions.

Mr. SPARKMAN. Mr. President, some of these recommendations contemplate legislation without further delay. Other recommendations contemplate legislation after receipt of reports from executive agencies next January. I send to the desk a bill which would implement recommendations numbered 1, 3, 4, and 10.

I ask unanimous consent that the text of this bill and a summary of its provisions be printed at this point in my remarks.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and the summary will be printed in the RECORD.

The bill (S. 3379) to establish an annual or biannual national housing goal, to provide for a research and study program to improve the quality of residential construction without increasing the cost thereof, to encourage advanced techniques in housing construction, and to continue the farm housing program under title V of the Housing Act of 1949, introduced by Mr. SPARKMAN, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

NATIONAL HOUSING GOAL

SECTION 1. The program of the President as expressed in his annual message to the Congress shall include statements and recommendations concerning a residential construction goal. In furtherance of the realization of this goal the President shall transmit to the Senate and the House of Representatives, after the beginning of each session of the Congress, but not later than January 20, a report which shall include the following: (1) a statement indicating the minimum number of housing units which should be started during the then current calendar year, or such year and the next following calendar year, in order to be consistent with the program of the President, (2) an indication of the manner in which the law will be administered by the executive agencies to achieve the number of housing units specified under clause (1), and (3) any recommendations for legislative action that the President determines are necessary or desirable in order that the construction of such specified number of housing units may be started.

HOUSING RESEARCH

SEC. 2. (a) It is the sense of the Congress that technological advance represents the best opportunity for improving the quality of residential construction without increasing unit cost. In order that this opportunity may be fully exploited, the Housing and Home Finance Administrator is authorized and directed to undertake and carry out a research and study program (1) to identify problems in residential construction which are preventing an improvement in the quality of construction and which could in all probability be solved without increasing the unit cost thereof, if the necessary research were undertaken, and (2) to undertake such research.

(b) In performing the functions vested in him by this section, the Administrator may—

(1) carry out research and studies within the Housing and Home Finance Agency;

(2) enter into contracts with any State or local public agency or instrumentality, or educational institution, or other agency or organization, and for such purpose exercise any of the powers vested in him by section 502(c) of the Housing Act of 1948; and

(3) encourage research and studies which are not instigated by the Federal Government, but which hold promise of results furthering the purposes of this section, and, when requested, provide technical advice and guidance in the conduct thereof.

(c) The Administrator shall disseminate, without regard to section 306 of the Act of June 25, 1948, as amended (39 U.S.C. 321n), the results of the research and studies conducted under this section in such forms as may be most useful to industry and to the general public.

(d) The provisions of the third and fourth sentences of section 301(a) of the Housing Act of 1948, as amended, shall apply to contracts and appropriations pursuant to this section.

(e) Nothing in this section shall limit any authority of the Administrator under title III of the Housing Act of 1948, as amended, or any other provision of law.

(f) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

ENCOURAGEMENT OF IMPROVED DESIGN AND TECHNOLOGY IN HOUSING CONSTRUCTION

SEC. 3. Title V of the National Housing Act is amended by adding at the end thereof a new section as follows:

"HOUSING CONSTRUCTION

"SEC. 517. The Congress hereby declares that the provisions of this Act should be administered to encourage the utilization of advanced design and technology in the construction of residential structures where such design and technology will reduce unit costs without sacrificing quality or livability. In accordance with this policy, the Commissioner shall, in the processing of applications for mortgage insurance, give careful and sympathetic consideration to applications for the insurance of mortgages which are secured by residential properties designed and constructed in accordance with advanced techniques to reduce unit cost without sacrificing quality or livability."

FARM HOUSING

SEC. 4. (a) The second sentence of section 511 of the Housing Act of 1949 is amended—

(1) by inserting "(1)" after "section"; and

(2) by inserting before the period a comma and the following: "and (2) during the period beginning July 1, 1961, and ending June 30, 1971, shall not exceed $500,000,000: *Provided*, That the total principal amount of such notes and obligations issued in any fiscal year commencing after June 30, 1961, shall not exceed $50,000,000".

(b) Section 512 of such Act is amended—

(1) by inserting "(1)" after "aggregating"; and

(2) by inserting before the period a comma and the following: "and (2) not to exceed $20,000,000 during the period beginning July 1, 1961, and ending June 30, 1971: *Provided*, That the aggregate commitments for contributions made in any fiscal year after June 30, 1961, shall not exceed $2,000,000".

(c) Clause (b) of section 513 of such Act is amended to read as follows: "(b) for grants pursuant to section 504(a) and loans pursuant to section 504(b), not to exceed (1) $50,000,000 during the period beginning July 1, 1956, and ending June 30, 1961, and (2) $10,000,000 for any fiscal year commencing after June 30, 1961, and ending prior to July 1, 1971; and".

The summary presented by Mr. SPARKMAN is as follows:

DIGEST OF BILL

Section 1 requires the President, in furtherance of the National Housing Goal, to transmit an annual report to the Congress containing recommendations indicating (1) the minimum number of housing starts which should be undertaken during the following year or 2 years; (2) the manner in which the Federal Government proposes to assist in achieving the number of starts specified; and (3) legislation which may be necessary to achieve such starts.

Section 2 directs the Administrator of the Housing and Home Finance Agency to undertake and carry out research and studies for improving residential construction without increasing costs. Permits the Administrator to carry out these studies within the HHFA or to enter into contracts for such studies to be made by State or local public agencies or educational institutions. Further requires that the results of such studies and research be published for general public use.

Section 3 declares it to be the intent of the Congress that the Commissioner of the Federal Housing Administration should encourage the utilization of advance design and technology in the construction of residential structures in order to reduce costs, provided that such design and techniques do not sacrifice quality or livability.

Section 4 extends title V of the Housing Act of 1949 to provide for a 10-year farm housing program, commencing July 1, 1961, and ending June 30, 1971, by authorizing (1) $500 million to be made available, at not to exceed $50 million in any one year, for direct farm housing loans; (2) $20 million to be made available, at not to exceed $2 million in any one year, for contributions pursuant to commitments made by the Secretary of Agriculture to prevent defaults in payments on loans for potentially adequate farms; and (3) an appropriation of $10 million per year for grants and loans for minor improvements and repairs to keep farm houses safe and sanitary and also to encourage family size farms.

Mr. SPARKMAN. This bill, and other bills pending before the Subcommittee on Housing, will be considered in open hearings which I plan to announce within the next 10 days.

I have requested the reports from executive agencies as recommended by the subcommittee, in order that action on the mortgage credit study may be completed in the next session of Congress. I hope that before adjournment of the 1st session of the 87th Congress, we shall have enacted proposals designed to assure an adequate and stable supply of housing credit throughout the next decade.

THE HEAVY CRUISER "SAN FRANCISCO"

Mr. SPARKMAN. Mr. President, one of the finest fighting ships in World War II, and one which had an excruciating, agonizing trial in one of the early battles of the war—the Battle of Guadalcanal—was the heavy cruiser *San Francisco*. The chaplain on the *San Francisco* was Francis B. Sayre, Jr., who now is the dean of the Washington Cathedral.

Recently it has been decided to scrap the *San Francisco*. When Dean Sayre heard of that, he ascertained where the ship is now located—in Philadelphia—and obtained permission to go aboard her, and to take his young son with him. Following that visit, he wrote to his former shipmates a letter in which he told of his experience, and recalled some of the experiences they had had together during their service on that fine fighting ship, the *San Francisco*.

This is a very readable, very interesting, and very informative letter by Dr. Sayre. I believe everyone will find it interesting reading. I therefore ask unanimous consent that it be included at this point in the RECORD, as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FAREWELL "FRISCO"

DEAR SHIPMATE: Herewith an erstwhile padre sends you the final report from our old ship.

A week ago I read in the Washington paper that the U.S.S. *San Francisco* is to be scrapped. At once I called the Navy Department and found that the old maru had been sold to the Union Mineral Alloy Corp., of New York. A long-distance call to Mr. Hecht of that company disclosed that our ship was now lying at pier 16 south in Philadelphia, preparatory to being towed away to the ironmongers.

It's a strange nostalgia that long afterward makes a man think wistfully of the ship where many lived and some died, and none was very comfortable. But she took us half way around the world, through many a tight spot, and back under the Golden Gate again. And no one who was ever aboard failed to know that she was an old gal of character. Call her "Asiatic bucket," or what you like, but she had guts.

So this morning I took the train to Philly, with Tom, my 9-year-old son. He'd heard so much about the ship that now he wanted to see if she really existed. He didn't have long to wait. As our taxi made its way along the rain-soaked riverfront, suddenly there she was, the big "38" on her bow soaring up over the dockside. The *Portland* was alongside, awaiting the same fate, but the *Frisco* was next to the pier. We let the cab go and rang the bell for the watchman on the dock. It was Saturday, the place was deserted, and the watchman, though sympathetic, told me he had no authority to allow us aboard the ship. "She's a dead ship, anyway," he said, "no lights, no power, nobody on board." "She'll never die," I said and picked up the phone to call the Globe Detective Agency, which now replaces the Fleet Marine Force to repel all boarders and guard the ship. It took considerable arranging, but after several calls to the New York owners, and goodness knows what other snipped redtape, we were given a cordial green light.

But how to get on board? Unlike the first time I ever set foot on her deck, there was no gangway now. Incidently, do you remember that time in Mare Island when the ship's first chaplain made his initial appearance? I recall what a time I had trying to salute the colors, salute the officer of the deck, and at the same time balance on my shoulder a fresh case of very good communion wine. I think the astonished crew was somewhat amused when the officer of the deck immediately commanded the orderly to put the wine under lock and key, and almost included the chaplain with it.

Well, this time there was no saluting—only an old ladder to climb, which we found lying on the wharf. But it was sufficient to span the murky water, and up we clambered to the well deck, hard by the port silo.

It's funny how the years can drop away at such a moment. There was the hangar where we held church. There was the teak deck, warped a bit and dirty from 10 years of moth-balled neglect at the Philadelphia Navy yard. I thought of the deck division and the bos'un mates who used to swab and scrub, dungarees rolled up to their knees. What would Mr. Manown have said if he had seen the wooden pins holding down the planks half out of their sockets as they are now? Or the paint peeling off the galley hatch?

Atop the silos, the catapults had been removed, though the big crane on the boat deck was still there, silhouetted against the sky. But the planes were gone, just as Mr. Peterson and Mr. Bowers and Mr. Gable and Mr. Duttweiler and Johnny Crews and the other pilots were gone. No more antique SOC's for the modern Navy: no need of obsolete open-crockpitted biplanes to spot for the big guns. The guns themselves are all but gone on the newer ships. It's all rockets now. But there, on the *Frisco*, you could still see the big 8-inchers, poking their grey snouts over the quay in the direction of Independence Hall. Tom climbed up into turrent 2, and it's a good thing that Jim Belcate, who was turret captain long ago, explained to me how the gunner's mates made those babies belch, for I had to tell the boy exactly how the shells came up the hoists and were laid in the cradle, with the cordite bags behind. How well I remember the marvelous precision of the gun crew when the shell

was rammed home, the breach closed and the ready signal pulled. As I stood there today I could almost feel the sideways leap of the ship as those guns went off, rattling every bulkhead in the vessel.

It was a strange feeling, taking my son around the ship. The last time I had seen a kid on the *San Francisco* was the Christmas party that we held in 1942 for children of the yardworkers at Pearl Harbor. Do you remember them how they flocked aboard and made mincemeat of shipboard discipline? I think it was the very day that Captain Overesch just came on board to take command of the ship. What must he have thought of the Christmas tree in the hangar and the small banshees operating the 40 mm. directors and Arnold Vasa handing the pretty little girls down the ladders? What a flock of presents you all piled up under that tree for those kids. And what a nice dinner in the mess hall afterwards, turkey and all.

That was in the darkest days of the war. But now the ship was silent. McDonald was not presiding over the crap game in the photographer's shop in the loft of the starboard silo. "Fuzzy" was not there to hand out mail, and the chiefs were not loafing on the fantail. But Tom, his eyes wide, peopled the ship with all the many friends of whom his father had often told him. We climbed to the 5-inch guns, and there in the passage by the admiral's cabin he saw Elbert Pittman, pharmacist's mate, whittling boat models, as he and I used to do every morning during predawn GQ. Up a little higher, and there was Snow presiding over the signal bridge, only now the flags are gone and the halyards, too. Then on to the bridge where Captain France used to sit quietly on his chair looking out over the gray calm of a twilight night in Aleutian waters, while whales and porpoises played 'round our wake, and the snow-clad Komandorski Islands lifted pink peaks above the glassy sea. We even went up by the forward director, though, like the 40 millimeters below, it too had a protective cocoon around it to fend off rust and decay. There I told Tom of the boys who manned the big telescope, and how through it we had watched the soldiers and Marines fighting on Saipan. Even as we bombarded them, you could see the Japs, shooting from their holes over on the beach.

We had brought a flashlight with us from Washington, and a good thing it was that we did. For when we came to pick our way past the wardroom to the cabin which Fred Hanbury and I shared up in the port bow, we had to make our way in the darkness past upturned tables and hanging cables that would once have horrified Commander Schonland as executive officer. But my boy had to see where his old man had bunked, and even the head where a bullet once penetrated while the chaplain occupied the throne. It was pretty gloomy in that part of the ship, so we retreated aft to the well deck again, collecting an old soup ladle at the galley on the way, as a souvenir to keep in memory of Chief (ship's cook) Baca, the mainstay of our boxing team, who I learned recently was later killed.

Undogging the hatch to the hangar, we entered the kingdom of the V-division. That was a good gang who ran the aviation radio shop, engine and repair shop, and who so lovingly tended the obsolete monsters which they were always having to roll in or out of the hangar to make way for movies or church. I can just hear Chief Kelly grumbling, while Otto Birch in his beard and stocking cap would swing his bird up to the catapult.

Now the place is stacked almost to the overhead with life preservers, rafts and lines and all the loose gear from the whole ship. I suppose they just dumped it all there when the last honest-to-God sailor was piped over the side. But there, just outside the after hatch, I found what used to be the captain's chair. It was in the very spot to which I once had it removed after he had sent it down from his cabin for divine service. I remember that Sunday when the Old Man arrived and discovered he would have to sit on a mess hall bench after all. After church, I explained to him that for at least 1 hour in the week we ought to remember that we are all equal in the sight of God. I thought he took it very well—at any rate I didn't end up in the brig, and I was pleased to see the skipper sans chair arrive the following Sunday morning.

We tried to go below, but most of the hatches were painted shut. The engine room was sealed off impenetrably. But we did manage to reach the chaplain's office where T. O. Preston Y2c used to preside over the ship's library. That was a compartment which I remember persuading Bruce McCandless, the navigator, to let me "borrow" in the crew's behalf. He never got it back, and in fact the chaplain even succeeded in stealing the little office next door as well. We cut a square hole in the bulkhead between the two compartments, so Preston could exchange scuttlebutt with Shorty Shelburne, editor of the famous ship's journal Fore 'n Aft. The hole still remains, and I could almost hear the sound of voices firing salvoes through the opening at one another, in the paper game of "Battleship." Come to think of it, that game was once a lifesaver: in the long dull patrol of the Bering Sea. Our men were rotting of boredom in those months of 1944, when cold weather shut us all up in our cramped tin box. Mr. Bieri, the supply officer, parted reluctantly with 10,000 sheets of scarce mimeograph paper, which soon found their way to every corner of the vessel, as men squatted in the passages and gun turrets preferring the make-believe war of a game to the real thing around us.

The well deck, in the waist of the ship was once the core of her life. There Doc Brown had his head shaved when we crossed the "line", and was made to carry a sign that read "Butcher 1c." But he was only one of the many who felt the tickle of McDermatt's shillelagh as the pollywogs faced the fire hose and the padre was made a "special case." It seemed strange today to see the place deserted: even the whaleboats had abandoned ship along with the crew. As I stood for a moment before going down over the side for the last time, I conjured up many a scene that you will recognize.

In the deck you could still see where the stanchions had been set to rig the ring for Mr. Gebert's boxers. Where the Provost brothers now? And Augie Augustine and Hammers and Ransome and Gastelum and Warren Guidry? I wished I knew, though I do have the comfort of knowing that Red Britton, the heavyweight smasher, is today the sheriff of Klamath County, Oreg. It makes you feel safe in that part of the world. And I thought of Sherer and Collingsworth, too, who used to wow the smokers with their guitars. And Shorty Pascini on the mouth harp, clowning all the way.

On March 10, 1944, the *Frisco* was in Pearl, girding her loins for the next strike. Will you ever forget the word that was passed over the ship's speakers that evening? "Now hear this: all hands lay up to the well deck for a hula hula show." And up they came through scuttles and hatches like rockets from below. There was hardly room on the deck for all the "Asiatic" admirers of the ancient art, which the chaplain announced was presented through the courtesy of the USO Wichita.

And then there was the time the hurricane hit us in the Aleutians. That was a bleak and dangerous scene on the well deck. A plane was loose, careening from rail to rail until it was twisted pulp. And one gigantic wave cracked the deck from side to side. But despite the bitter wind and the wildly rolling ship, we were all glued to our perches on top of the hangar or the gun deck, fascinated by the scene of destruction and the gallant old ship which weathered the storm and kept us afloat amid the icy surf.

And now she must go. Ship of 17 battle stars. Ship of the Presidential unit citation. Ship who was home to 1,172 fighting seamen. She responded to their spirit as if she had a stronger spirit of her own. And I believe she did too, for every one of us is better for having served aboard her. She made men out of boys and then knit them as shipmates together. And I was not sorry that I could not stay to see the gaunt old gal bow her proud neck to the ignominy of the tug that will come to take her off to her grave. Farewell *Frisco*.

FRANCIS B. SAYRE, Jr.

SUMMIT CONFERENCES AND THE QUESTION OF BERLIN

Mr. HRUSKA. Mr. President, it is a source of considerable reassurance that the Foreign Ministers of the Big Three, currently meeting in Washington, have achieved a unified stand on the question of Berlin, thus strengthening the hand of our President at the summit conferences in Paris next month. The prospect that the position on our rights in Berlin might be modified must have given comfort to the Kremlin, as it worried our friends in West Germany. Now the way has been cleared for crisp talks with the gentlemen from Moscow, who will realize that neither threats nor cajolery can melt down our determination not to let Berlin fall into Communist hands. The blueprint for the summit conference has been drawn, and the world watches and waits.

In this connection, I ask unanimous consent for permission to print in the CONGRESSIONAL RECORD a letter to the New York Herald Tribune by the distinguished Gen. Julius Klein, of Chicago, who summarizes well the situation in present-day Germany. I also ask such consent for printing in the RECORD editorials in the New York Mirror of April 15, in the New York Herald Tribune of April 14, and the text of a television interview with Chancellor Konrad Adenauer on "Meet the Press" recently.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Herald Tribune, Apr. 14, 1960]

GERMANY VITAL TO WEST

To the New York Herald Tribune:

On May 16 the Big Four Summit Conference will open in Paris in an atmosphere of gloom bordering on despair, particularly among the peoples of divided Germany whose destiny is not in their own hands, but rather under the control of alien states—men far from the state, from the actors, and from the dramatis personae as well.

The reason for this attitude of negativism, which I observed on my trip to Germany a few weeks ago, basically is the threat of atomic extermination which is hurled at the German people day after day, week after week, by Radio Moscow and its satellites. While Khrushchev prates about the Camp David spirit and the relaxation of tensions, his psychological warfare specialists raise the specter of missiles with atomic warheads on German soil, extinction by nuclear bombs, etc. But even more menacing than these belligerent warnings is a lurking fear on the part of the West German population that they will be abandoned by their NATO allies, chiefly the United States, in the upcoming Paris negotiations.

The free peoples of the Western Alliance clearly state that they will never sacrifice Berlin in the interest of expediency.

We must make certain that these reassurances reach the ears of the German people, but particularly the ears of Nikita Khrushchev, who seems to have reached the false and dangerous conclusion that the free world is intimidated by his claims to power and supremacy.

JULIUS KLEIN,
Major General, U.S. Army, retired.

CHICAGO.

[From the New York Daily Mirror, Apr. 15, 1960]

GERMANY AFTER 15 YEARS

The central issue of international relations at the present time is Germany. The summit conference in May will deal with it first. The Foreign Ministers Conference which has been meeting in Washington dealt principally with the German question.

It is impossible to separate Berlin from Germany, which is what Soviet Russia is really trying to do.

West Germany was represented at the Washington meeting by its Foreign Minister, Dr. Heinrich von Brentano, who is adamant that Berlin should not become absorbed among satellites of Soviet Russia.

He is fighting the policy of Great Britain which is one of opportunistic appeasement. If West Germany is to be betrayed at the summit conference, West Germany will take steps not to be reduced to a Soviet satellite. In this, West Germany will be supported by France.

Thus 15 years after the end of World War II, the wheel of history has turned and the United States is now no longer the enemy of Germany but the friend and supporter. True, West Germany has engaged not only in a brilliant reconstruction of its economy and its industry, but has conducted a worldwide political propaganda, the best example of which was the recent meeting in New York between Chancellor Adenauer and Prime Minister Ben-Gurion of Israel.

This meeting brought to a close the Hitler era. It was an open assertion that nazism as a racial doctrine was offensive to West Germany and that the West German Government opposes any recurrence of anti-Semitism. The importance of this is that it is widely believed that the recent attacks on Jews throughout the world were Communist inspired.

Von Brentano, in his address before a group of U.S. Senators, restated West Germany's position, the essence of which is:

1. West Germany favors the unification of Germany, but not as a Soviet satellite;

2. West Germany insists that Berlin should not be absorbed by Communist East Germany which is a satellite of Soviet Russia;

3. West Germany is not to be sacrificed to appease the imperialistic ambitions of the Kremlin.

The policy of the United States has been to build up West Germany as a modern state, associated with France in the Common Market and as a bulwark against further aggression in Europe by Soviet Russia.

This was the Dulles-Adenauer line which has proven to be historically correct. Any other position imperils France and can lead either to the reduction of Western Europe to a satellite of Soviet Russia or to forcing West Germany into some kind of an understanding with Soviet Russia which would imperil our economic position in Europe.

The queer thing about all this is that while the United States is wobbling between the British policy of appeasement and the Adenauer-Dulles policy of insistence upon maintaining the right of Germany to its own existence, it is West Germany which is really maintaining the position that the fundamental rights of the United States as the victor in a war be fully respected.

The question is: Do we have to lose everything we fought for in World War II? Does Soviet Russia have to have all the gains from World War II? President Eisenhower will have to answer at the summit conference.

[From the New York Herald Tribune, Apr. 14, 1950]

NO MOUNTAIN FEVER THIS TIME

The Foreign Ministers of France, Britain, and the United States, with other Western colleagues, are meeting this week in Washington in formal preparation for the summit conference in Paris next month. They will meet twice again before the curtain actually goes up. But this time the approach to the summit is being made at a deliberate and measured pace, quite different from the breathless scramble which brought East and West together at Geneva 5 years ago. This time, there is little mountain fever. The trails seem plainly marked and the ascent looks routine.

One reason for the lack of agitation and excitement is that the summit of 1960 is clearly not viewed by public opinion as a desperate rescue operation on which the fate of humanity depends. At Geneva, the heads of government were looked on as surgeons who had the world on their operating table in dire need of amputations and blood transfusions if it was to survive. But the Geneva meeting accomplished nothing in particular, and the world survived anyway.

At Paris, it will not be so much a question of rescue as of preservation, of holding present advantages as against the risks of seeking new ways to set the world, once and for all, in order. Of course, there is a more positive prospect in the field of disarmament. The possibility of some form of agreement to ban nuclear tests has become a strong one, and it is in this field that the greatest flexibility, perhaps the only flexibility, exists. Therefore disarmament is the most potentially fruitful of all topics of discussion, and that is why Western statesmen hope it will be the principal one.

It is unlikely that Mr. Khrushchev will show flexibility over Berlin or German reunification. Dr. Adenauer's belief that any change in the status of Berlin itself will be to the West's disadvantage is surely the right one. The big worry here is that Mr. Khrushchev will make a brutal effort to force the issue.

Another reason for the summit atmosphere is that in the past year the ground has been so often and so carefully covered. There has been the Foreign Ministers' Geneva Conference of last summer on Berlin. There are the two current disarmament conferences, again on the shores of Lake Leman, and the issues and positions are being endlessly aired. There have been spectacular visits between the world's capitals. In the past month only, Mr. Khrushchev has been to Paris, General de Gaulle to London, Dr. Adenauer to Washington, and Prime Minister Macmillan to both Washington and Paris. The summit, in a manner of speaking, is a continuing body.

On the whole, these things are to the good. A summit meeting which arouses no great hopes can cause no great disappointments. And it should be easier to gain the painful inch when no one is talking about the grandiose but vacuous mile.

"MEET THE PRESS"

(Produced by Lawrence E. Spivak; guest, Dr. Konrad Adenauer, Chancellor of the Federal Republic of Germany; panel, Frank Bourgholtzer, NBC News; Marquis Childs, St. Louis Post-Dispatch; James Reston, the New York Times; Lawrence E. Spivak, regular panel member; moderator, Ned Brooks; March 20, 1960)

ANNOUNCER. Now, "Meet the Press," produced by Lawrence E. Spivak. Remember that the questions asked by the members of the panel do not necessarily reflect their point of view. It is their way of getting the story for you. Now here is the moderator of "Meet the Press," Mr. Ned Brooks.

Mr. BROOKS. Welcome once again to "Meet the Press." Our guest today is the Chancellor of West Germany, Dr. Konrad Adenauer. He is in Washington for an exchange of views with President Eisenhower on the forthcoming East-West summit conference.

Dr. Adenauer, now 84 years old, has served as Chancellor since 1949. He was an outspoken foe of nazism. He was twice arrested. Today he is recognized throughout the world as an unyielding enemy of communism.

Dr. Adenauer has been the chief architect of West Germany's postwar recovery and renewed participation in world affairs. Under his leadership West Germany regained her sovereignty and obtained the right to rearm as a partner in the NATO defense organization.

He began his career as mayor of Cologne, and he was one of the founders of the Christian Democratic Party.

Assisting us today in our program are two translators. With their help we will bring you a simultaneous translation. That accounts for the earphones.

Now, Dr. Adenauer, if you are ready, we will start the questions with Mr. Spivak.

Mr. SPIVAK. Chancellor Adenauer, the joint statement issued at the White House after your conference with President Eisenhower said this, and I quote: "They further agreed that the preservation of the freedom of the people of West Berlin and their right of self-determination must underlie any further agreement affecting the city."

Do you interpret that to mean that President Eisenhower has agreed that there should be no change in the status of West Berlin?

(The remarks of Chancellor Adenauer are made through an interpreter.)

Chancellor ADENAUER. I think it is necessary to add to that statement what President Eisenhower has said in the press conference, which took place yesterday, and only when you combine the two will you get the real picture, and that is why I can answer your question in the affirmative.

Mr. SPIVAK. Are there, in your judgment, any significant changes that you can agree to on West Berlin that would not jeopardize the freedom of the city?

Chancellor ADENAUER. The status will have to be preserved, and the rights of the Berlin population will have to be preserved. During the past—since 1945—some changes have been made, but still the flag of the United States will have to continue to fly over Berlin, and it will.

Mr. SPIVAK. I take it then that you do see some area for compromise?

Chancellor ADENAUER. Well, I think that when facing as difficult negotiations as the ones on the summit meeting, one should not now start talking about possibilities of compromise. One will have to discuss, and then we will see whether compromises will be possible. At any rate, there are no big compromises possible.

Mr. RESTON. Chancellor Adenauer, are you satisfied that the British agree with you and President Eisenhower and General de Gaulle on what the policy should be at the summit meeting?

Chancellor ADENAUER. I think we may assume that, that they are all agreed on it. They were agreed in Paris in December last in the Western summit meeting.

Mr. RESTON. Is it your policy to stand on the rights of conquest of the understanding of 1945, or are you willing to negotiate a new interim agreement for Berlin?

Chancellor ADENAUER. The right of conquest is, of course, a little misleading. It is the right stemming from conquest. The Berlin population, and the opinion of the Berlin population is, of course, decisive for all of us Germans. They have the most urgent wish that no changes should be made as regards that right. So you have the rare case where the conquered is very satisfied with the conqueror.

Mr. RESTON. Could I ask you one other thing: What is the end of all this? How do you see this thing finally ending, by a diminution of Soviet power, or how?

Chancellor ADENAUER. Dear Mr. Reston, I think an answer to that question can't be expected from me. Nobody knows now. We will have to wait and see how development goes. That is the purpose of the conference, of finding out exactly what the intentions are, and to find out what really is the situation, and I think that it is a good procedure for us to assume that the essence of the status of Berlin must not be affected.

Mr. BOURGHOLTZER. Mr. Chancellor, you have said during your present visit to America that you think, should the Russians or the East Germans put obstacles on the access routes to Berlin, that the Western Powers could safely act to remove them because you have said you don't think Khrushchev is willing to risk a nuclear war on this subject. Do you believe President Eisenhower is willing to risk nuclear war to take such action, if it is necessary, for Berlin?

Chancellor ADENAUER. My dear Mr. Bourgholtzer, who am I to know what President Eisenhower is prepared to do, and what he is not prepared to do? Such things are only discussed once they become burning, but not 6 weeks before it. But I don't even believe that such possibility exists. I am convinced that Khrushchev does not want any war. He just hasn't any use for a war. He needs the whole force of Soviet Russia for peaceful reconstruction for the next 7 years at least to carry through his 7 years' plan.

Mr. BOURGHOLTZER. May I just follow up to clarify, Mr. Chancellor? Does that mean that as of now you have no commitment from President Eisenhower or any of the other Western leaders to go to that limit in defense of Berlin if it is necessary?

Chancellor ADENAUER. Well, I ask, beg you—I would never ask for such a commitment, nor would the President be able to give me such a commitment—but I am quite satisfied if the President says what he has said in the communique and in his press conference, and I can add to that that he said that the flag of the United States will continue to fly over Berlin.

Mr. CHILDS. As I am sure you know, Chancellor Adenauer, there has been an increase in distrust and fear of Germany since the anti-Semitic outbreaks and since Minister Strauss' negotiations for the Spanish bases. What assurance here on your visit can you give the American people that a nationalistic Germany will not again threaten the peace of the world?

Chancellor ADENAUER. First of all, we will have to separate the anti-Semitic and the Semitic outbreaks, and the Spanish events.

Now, insofar as the anti-Semitic outbreaks are concerned, you certainly have seen the picture of the Prime Minister of Israel and myself sitting together—is really the best proof of what the actual atmosphere is between our two countries. And, believe me, the German people are not anti-Semitic, and it is not national socialist.

There may be the one or the other old fool running around in the streets—you can't imprison them all—but he is being laughed at, and I think that is the best thing you can do about it. You shouldn't make him a martyr.

Now as to the Spanish legend, this is a rather strange thing—not to use any other word—the logistics are of greater importance with regard to military defense, and with the present weapons technique the territory of the Federal Republic and of other NATO partners is not large enough, not deep enough to be able to even install any depots. Unfortunately, up to now the problem of logistics has remained a national problem to be solved by each nation partner to NATO, and we have been advocating for a long time that this is a matter to be dealt with in common and to be solved by NATO. And all NATO countries in our neighborhood had been asked by us whether they had any space for us, and they didn't have any.

Now what has happened in Spain is nothing but a question that was put whether there is any space available. No precise negotiations have been carried out, and we were quite clear from the very beginning that we would not do anything without consulting NATO and without approval by the Council of NATO, and SHAPE was informed by the way.

Mr. CHILDS. But this matter is so important in terms of logistics that you feel if your partners in NATO will not grant you space you will have to go to Spain or another country?

Chancellor ADENAUER. I think the question is of the greatest importance, and it is related to the fact that since NATO has been established, the progress in armament has been so terrifying—NATO was formed in 1949—if a war had come in 1950, then the appropriations would have been sufficient to counteract the attack. But now in 1960 if there were to be a war, the organization of NATO will have to be adjusted to the new developments and this organization of NATO which needs adjustment in the field of weapons techniques, this field also includes logistics.

Mr. SPIVAK. Chancellor Adenauer, what do you hope will come out of the summit conference?

Chancellor ADENAUER. I am of the opinion that one should never have too great hopes; but you shouldn't be desperate either, but to take the patient way of moderate hope, and that is also true for the summit meeting. But this will not be the one and only summit meeting. There will be others, because the questions that are being touched upon are so difficult that they cannot simply be solved within a few days.

Mr. SPIVAK. Do you think a satisfactory solution of the summit will be simply to go back to before May 27, before Mr. Khrushchev made his threat on West Berlin? Will that be satisfactory to you and to the West, or must we expect more from the summit?

Chancellor ADENAUER. Much more must be done. You don't even mention the question of disarmament. That is the really vital problem for all peoples: controlled nuclear disarmament and controlled conventional disarmament. That is the question, the solution of which mankind is expecting and very justly so. But this cannot be solved in this summit meeting. But on the other hand one cannot say that now there is the 10-nation committee of the United Nations that deals with it, and you cannot even say that in Geneva, for many months they have been discussing the question of atomic tests. The question of controlled disarmament is not only a technical question but it is of the utmost political importance. And I am of the opinion that the four gentlemen who will be on the summit meeting have the obligation toward all mankind to have a very profound discussion on controlled disarmament and to be very much in favor of it. That is the basic question, without the solution of which we will never come to rest, and humanity will never be freed from its worries.

Mr. SPIVAK. These disarmament conferences have been going on for a very considerable time, and nothing has come of it. Do you think that the four leaders can settle in a few days what they have been unable to settle in years, on the matter of disarmament?

Chancellor ADENAUER. May I just repeat: You have got to distinguish the technical and the political side of disarmament. Now the technicians, the experts, cannot decide really the political. The politicians will have to give the decision, and the four heads of government in that summit meeting will have to have a very clear and very detailed discussion and be in favor of disarmament so as to allow the experts really to make progress.

Mr. SPIVAK. But Mr. Chancellor, all the heads of government for years have been in favor of disarmament. It has been the technicians, when they get down to the details, who have made it impossible to get anywhere. Do you think then that the four heads will get anywhere?

Chancellor ADENAUER. I don't think it is true that all the leaders were in favor of it because the Soviets weren't. The United States of North America have offered several times at a time when they were holders of the atomic monopoly to submit all their bombs and fission material to an international commission so as to use that power for peaceful purposes, and the Soviets have rejected it at the time. And in 1957, in the London Disarmament Subcommittee's discussions, they had already progressed to a very great extent, and in these negotiations not only experts were there but also politicians. It was then that the Russians suddenly said, "Now we just don't go on."

If we thought that they have always been in favor—well, I am convinced that Mr. Khrushchev does not always speak exactly what he has—say always what he has in mind, but there has to be a very committal statement; it has got to be made.

Mr. RESTON. Chancellor Adenauer, going back to Mr. Childs' question, have you made similar inquiries as you made in Madrid, say in North Africa, on the southern shore of the Mediterranean? Have you discussed it with De Gaulle, the possibility of having space in that region as well?

Chancellor ADENAUER. I didn't discuss it with De Gaulle, nor have we tried any investigation in Africa, but as the United States themselves have these large airfields in Spain, we thought that would perhaps be a place where one could get something.

Mr. RESTON. Could I ask you a quite different question: Would you tell us something about the postwar generation in Germany? What is the spirit of that generation? Is it more European minded, say, than your generation? Is it different? Could you define the spirit of these young people rising in Germany?

Chancellor ADENAUER. I would certainly like to answer that question. First of all the European idea, which didn't exist in the time that I was young—don't forget that that was the time of national states—the European spirit is very strong with our German youth, and quite generally our youth is very comparable to the youth of other countries. They are a little upset by the technical progress. They want to earn without working hard for it, and they want to get entertainment on Saturday and Sunday. They sometimes even do it at the expense of their health, but I think we can say here that the free peoples altogether owe much greater attention and must give much greater attention to the youth of all peoples, because our

youth is now growing into an age—and it will only be able to meet the dangers of that age if they have a sound moral basis and if they know something.

Now you know certainly very well the memorandum of Dr. Conant, and you know that the Democrats have requested to give, I think, $250 million to these countries. But unfortunately the request was—the version was rejected. But it is a question which is of burning importance in all countries. And the danger of communism is not only a military one, the menace is also a moral one, and that is where we must really strengthen our youth.

Mr. BOURGHOLTZER. Mr. Chancellor, you were one of the very first Western leaders to visit Moscow. You went shortly after the last summit conference, as I recall, and established personal contact with Mr. Khrushchev. But since that time, Khrushchev and his government have made a great many very bitter personal attacks against you, and I wonder if it is still possible for you to have a personal meeting with Khrushchev, or are you and Khrushchev all washed up?

Chancellor ADENAUER. We are exchanging letters, you know, and I am the one who has got to answer the last letter from Khrushchev. I have already asked our Ambassador in Moscow to tell Khrushchev that I will answer his letter when I come back from my trip, because I hope to gain a lot of knowledge and to learn much on this trip. Now why should a meeting between Khrushchev and myself be excluded? I think that in some way we do respect each other. In other cases we don't.

Mr. CHILDS. Chancellor Adenauer, you are going to run for reelection next year, I understand, and you have said in the past that one thing wrong with German democracy is that the opposition is so feeble. Is there anyone in Germany who can give you a real race next year?

Chancellor ADENAUER. What am I supposed to have said? That their position was so weak?

Mr. CHILDS. So weak. Isn't that true, Chancellor, that your political opposition is very weak?

Chancellor ADENAUER. But they in turn will say the same thing when they hear what you say. They are very strong.

No, I have said the following thing: I have said that I very urgently desire that in decisive questions which really affect the whole of the people, that coalition and opposition should work together. And then during election campaigns, the opposition can still lose a little bit. Not too much, but a little bit.

Mr. BROOKS. Gentlemen, I think at this time I will have to interrupt. I see that our time is up. Thank you very much Chancellor Adenauer, for being with us.

RELIGIOUS ISSUE IN PRESIDENTIAL RACE GROSSLY EXAGGERATED

Mr. PROXMIRE. Mr. President, as the junior Senator from Wisconsin, I deplore some of the press and radio-TV coverage of our recent presidential primary in my State because of its unwarranted and unhealthy emphasis on the so-called religious issue.

Of course, there are differences among Americans because of religion, just as there are differences among us by reason of ethnic origin, economic position, social preference, geographical location, and so forth. And I suppose there may be some tendency for persons to vote for a German name if they happen to be of German origin, to vote for a southerner if they are southerners, to vote for a businessman if they are businessmen; so we might expect Jews, Catholics, Protestants, in some cases, to be influenced by their identity with a candidate for office.

Mr. President, all observers agree that to give any of these factors serious weight distorts the citizen's good judgment because it prevents him from basing his decision on the candidates' qualifications, their record, and the kind of programs for which they stand.

Mr. President, it seems to me that the reports on the Wisconsin presidential primary are exactly the kind of terribly exaggerated overemphasis on religion which will drum up and provoke religion into a devisive issue that can only embitter and befog the enormously important election that confronts the country this year.

For these reasons, I welcome a splendid editorial from the Washington Post, entitled "An Issue Overblown," which puts the whole problem in perspective in a sensible and responsible way. I ask unanimous consent that this fine editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 14, 1960]

AN ISSUE OVERBLOWN

The American voter will be psychoanalyzed so extensively between now and November 8 that he may begin to feel as if his brain were in a goldfish bowl. Political speculation is among the oldest national sports, and the current focus is the effect of the religious issue in the campaign. A substantial share of Senator KENNEDY'S victory in Wisconsin, it is said, stemmed from bloc voting by Catholics for a coreligionist. But, it is also said, the fact that Mr. KENNEDY is a Catholic will make much more difficulty for him in the West Virginia Democratic primary because the percentage of Catholics there is the smallest of any State.

Well, perhaps so. Perhaps there were groups of Catholic citizens in Wisconsin who voted for Mr. KENNEDY for no other reason than that he is a Catholic, and perhaps there were groups of Protestant voters who cast their ballots against him for the same solitary reason. Perhaps these considerations will weigh heavily in the West Virginia primary. We simply don't know. But we don't think that anyone else knows for sure, either. Furthermore, we don't think that anyone will know for sure after the primary is over.

There are at least a score of reasons for favoring or opposing Senator KENNEDY'S nomination that have nothing to do with his religious persuasion. There are at least a score of influences among voters other than religion—economic issues, social preferences, special interest concerns among them—that may make for atavistic responses. In seeking to isolate the effect of the religious issue from all these influences, the analysts and pollsters may well be exceeding the limitations of their art.

The temptation is altogether understandable. It has become fashionable to attempt to reduce everything to purely rational terms by analysis. The habits of consumers can be dissected; the general impact of a certain product on the buying public can be forecast with some degree of accuracy; and even the preference of dogs for certain food preparations can be predicted.

But when it comes to the absolute determination of human motivations at a given moment, polling and analysis are inexact techniques. They can show conclusively the fact that certain voters have behaved in certain ways. But they cannot show precisely why. Some aspects of the emotions and thought process are unfathomable. One might as well attempt to define a sunset or prescribe the sure formula for a happy marriage.

Thank heaven for this last refuge of privacy. If the reactions of the political animal were ever to become totally predictable, regimentation would inevitably follow. Elections would become a matter of subliminal appeal and response; the victory would go to the fellow who poured in the most money and followed the Madison Avenue cues most meticulously. Here would be a clearcut formula for totalitarian manipulation.

Happily it just isn't so. Historians are still arguing over why Woodrow Wilson won in 1916 and why Harry S. Truman defeated Thomas E. Dewey in 1948. Assumptions may have greater or lesser validity, but none of them is susceptible of absolute proof. Some persons went into the polling booths in 1948 intending on every logical basis to vote for Mr. Dewey and simply could not bring themselves to do it. The motivations in what happened may have varied from last-minute admiration for the underdog to aversion for mustaches.

Now, unquestionably Senator KENNEDY'S religion has become a factor in the 1960 campaign, but to say that it has become a determining factor would be to endow analysis with occult powers. His religious preference can be exploited on his behalf as well as against his nomination or election. One result may be to create a dilemma for the Democratic Party. If Senator KENNEDY should fail to receive the nomination, some persons have argued, this would indicate that the Democratic Party was anti-Catholic and thereby alienate many voters. The companion of this heads-I-win-tails-you-lose argument is the notion that when the other Democrats contending for the nomination oppose Mr. KENNEDY they will automatically be appealing to religious prejudice.

Further speculation on the matter doubtless is inevitable. It may be just as well that the religious issue has been raised early in the campaign, because perhaps by election time the public will have become surfeited with it and the good sense of the voters will have reduced it to perspective. To the extent that overemphasis magnifies the issue into more of a consideration than it really is, however, it tends to transform political preference into a moral problem.

Religion may indeed be an influence upon voter response, but no one knows how much. It would be a relief to be able to let the matter go at that. There is a great distinction between a vote for Senator KENNEDY because he is a Catholic and a vote for him because he has political appeal and happens incidentally to be a Catholic; and there is a great distinction between a vote against him because he is a Catholic and a vote against him because someone else has more appeal. As the members of the French Assembly are said to have chanted when advised by a learned analyst that there is very little difference between men and women, "Vive la difference."

SPACE EXPLORATION

Mr. BRIDGES. Mr. President, in recent months much has been said and written about this country's efforts in the field of rocketry and space exploration. While I have my own thoughts as to the motives of those who are criticizing this administration's policy in this field, the loudest critics have assured the Nation

that they have no intention of making a political football out of so serious an issue.

In the light of the recent controversy, I think it is well at this time to set the record straight as to just what has been accomplished under the present administration in the field of space exploration. An editorial which appeared in last Thursday's edition of the Washington Evening Star entitled "Box Score in Space" categorically states the record of accomplishments along this line. This is a most informative commentary, and I wish to call it to the attention of my colleagues in the Senate, particularly those who have seen fit to belittle our achievements in this field. I ask unanimous consent that this editorial be printed in the body of the RECORD at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD as follows:

BOX SCORE IN SPACE

Coming so soon after Pioneer V's flight into orbit around the sun, and Tiros I's bow as the world's first picture-taking weatherman with a globe-encircling eye, the successful launching of Transit I–B serves as striking additional evidence of the steady progress our country is making in its effort to be second to none in space.

The Navy, using Air Force rocketry, is responsible for having put this latest of our earth satellites into orbit. Although described as only a test vehicle, Transit I–B represents a vital step in the development of a great new navigational system of far-reaching military significance, not merely in terms of guiding warships at sea, but also in terms of insuring the accuracy of nuclear ballistic missiles like the Polaris.

Indeed, according to spokesmen for the Navy, this new traveler in space confirms predictions that the United States—by 1962, if not sooner—will have in operation a full-scale Transit system made up of four signaling satellites (each in a different orbit) covering every square mile of earth. Clearly, as soon as such a system is functioning, missile-bearing vessels, particularly the Polaris submarine, will be endowed with a deadly new degree of effectiveness, and all other ships, including nonmilitary passenger liners, will have spatial navigational assistance enabling them, as never before, to determine their exact positions almost instantaneously.

So Transit I–B, though basically a military project, holds out a good promise of important peaceful applications. More than that, it helps to remind the world at large that our country is doing rather well in competing with the Soviet Union in space. The box score may be set forth as follows, dating it from October 4, 1957, when the Russians startled all of us by putting into orbit Sputnik I, history's first manmade earth satellite:

(1) Seventeen earth satellites launched successfully thus far by the United States, with eight continuing in orbit; (2) three launched successfully by the U.S.S.R., with none now in orbit; (3) four deep-space probes successfully launched by us, with two—Pioneers IV and V—hurtling perpetually around the sun; (4) three deep-space probes, including Lunik II's hard landing on the moon, launched successfully by the U.S.S.R.; and (5) all Soviet instruments now absolutely silent as important information is still being transmitted by five of ours—Vanguard I, Explorer VII, Pioneer V, Tiros I, and now Transit I–B.

This is a comparison that speaks pretty much for itself. Although the Russians still excel us in the rocket power needed to put heavy payloads into space (an advantage they are likely to lose in the next year or so), our American program continues to produce scientific data more efficiently and in greater volume than theirs. We have no reason to be complacent, of course; but neither have we any reason to belittle ourselves.

FEDERAL AID TO EDUCATION

Mr. BRIDGES. Mr. President, the pressure for Federal aid to education is rapidly achieving the status of becoming a perennial as far as the Congress is concerned. While it is generally considered a new pressure due to the unusual circumstances of the present day, actually it has been a pressure on the Congress since 1872. The pressure is founded on the spurious premise that somehow or other the Federal Government can do what the body of people which makes up the Federal Government cannot do for themselves.

Standing up to the annual pressure becomes increasingly difficult because those who resist are now castigated as enemies of young children and foes of improved education, which, we all realize, is one of the foundation stones of survival in the highly competitive world of today.

Each year the most dire figures are trotted out showing the need for aid in the whole gamut of the educational process from teachers' salaries to school construction. In the face of all this, it is somewhat refreshing to read "D-Day for Federal School Aid?" written by Mr. Roger A. Freeman.

Mr. Freeman is vice president of the Institute for Social Science Research. After a distinguished business career in merchandising and financing in the manufacturing and retailing branches of the shoe business, he served as an assistant for 6 years to Governor Langlie, of Washington, when the Governor took over as chief executive of that State and found a floating deficit of $50 million. During Mr. Freeman's service with Governor Langlie, he was responsible for budget and planning legislative liaison and was the Governor's representative on the State's Little Hoover Commission. Following that, Mr. Freeman conducted the research of the education study made by the U.S. Commission on Intergovernmental Relations and on the conclusion of that work, he served as consultant on school finance to the White House Conference on Education. Subsequently, he became a member of the White House staff in the Executive Office of the President, working on problems of fiscal policy, intergovernmental relations, and public works planning. In recent years, just prior to his present employment, he has served as financial adviser to the Bolivian Government on a joint mission of the U.S. State and Treasury Departments and the ICA.

Mr. Freeman's other accomplishments are as follows: chairman of the Committee on the Financing of Public Education of the National Tax Association; a member of the Advisory Council of the Tax Institute, Princeton, N.J.; a former chairman of the State and Local Government Advisory Committee to the U.S. Bureau of the Census, and a member of a number of professional societies including the National Tax Association, Governmental Research Association, American Political Science Association, American Society for Public Administration, American Economic Association, Municipal Finance Officers Association, and National Municipal League.

Mr. President, I ask unanimous consent that his very penetrating article, "D–Day for Federal School Aid?" which appeared in the April 1960 issue of Social Order magazine, be printed in full in the body of the RECORD, because it contains most valuable information on a little understood subject, on which there has not hitherto been a great deal of objective information.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

D-DAY FOR FEDERAL SCHOOL AID?

(By Roger A. Freeman [1])

Last month the campaign for Federal school aid celebrated an anniversary that is rare among nationwide movements; just 90 years have passed since the first bill authorizing Federal funds for the common schools was introduced in Congress on February 25, 1870. Close to a thousand bills have since been submitted, there have been weeks of committee hearings, thousands of pages of testimony, lengthy and acrid floor debates. But the bills that became laws concern only peripheral or minor aspects of school operations.

On the whole, the battle for Federal aid to education has been one of the most bitter and emotion-charged, most ardently fought-over and most frustrated drives on the national scene. The House passed a general school aid bill in 1872, the Senate went through the motions no fewer than seven times: In 1880, 1884, 1886, 1888, 1948, 1949, and again on February 4, 1960. Although none of those bills was enacted, the protagonists of Federal aid are neither discouraged nor deterred by their repeated defeats. They have been predicting final victory each year for a long time and appear more certain than ever of their eventual triumph. Many expect it confidently in 1960.

It is certain that the House is not ready to accept the Senate-passed $900 million a year bill for teachers' salaries and construction aid. It may, however, be willing to approve a program it has repeatedly rejected in recent years: About $300 million in annual school building grants. If it does and if the Senate agrees (which it probably will), only the President's pen stands between the bill and its enactment into law. Will the President sign or veto it?

The present administration's stand on Federal aid to education has vacillated. In its early years it adhered to the principle that schools are a State and local responsibility. After the 1954 elections the President relented sufficiently to send a message to the Hill on February 8, 1955, that recommended Federal credit assistance on school bonds and $66.7 million a year in construction grants for 3 years. In 1956 and 1957 his attitude softened further and he upped the proposed annual grants to $250 million and $325 million respectively, for 4 or 5 years. The bills were defeated in the House, both in 1956 and 1957. That seemed to settle the issue

[1] Mr. Freeman has been a member of the research staffs of both presidential commissions that have studied school finance within the past 20 years. He subsequently served on the White House staff and is now vice president of the Institute for Social Science Research in Washington, D.C.

until sputnik came along and caused Congress to pass the administration-sponsored National Defense Education Act of 1958 which provided aid for science and foreign language teaching, counseling, fellowships, etc.

Soon after, proposals for general Federal aid to education were again gaining congressional attention. In 1959 the President sanctioned a program (though he refused to send a message to Congress recommending it), that would pay half the debt service on school bonds in "needy" districts. He left no doubt that he would veto any bill providing aid for teachers' salaries and that he opposed outright grants for school purposes. Yet he permitted the Department of Health, Education, and Welfare and its Office of Education to issue reports and statements which, if true, would prove that the administration program is inadequate. The advocates of massive Federal aid, not surprisingly, built their case upon these reports which supplied them with all the ammunition they needed to attack the President's program and to substantiate their own case. The chairman of the Republican National Committee, Senator MORTON, had no sooner finished presenting the administration's case in the Senate than he was faced with citations from statements by the Secretary of Health, Education, and Welfare and the Commissioner of Education. This inconsistency is one of the enigmas of the present administration which outsiders find hard to comprehend.

The case for Federal school aid has changed very little since the 1870's and some of the congressional speeches of 70 or 80 years ago could with a few adjustments have been given last month. Of course, the statistics have grown bigger: enrollment in the public schools has multiplied 5 times, school expenditure 250 times.

The case for massive Federal aid is disarmingly simple: rapid enrollment increases are making heavier financial demands upon the schools than States and local communities can meet from their limited financial resources. Teachers are badly underpaid and serious shortages of teachers and classrooms have developed all over the country. Federal support will cure all these ills.

EXPANDED ENROLLMENT

How well does this case stand up under close analysis? School enrollment has been growing at an unprecedented rate. Public school enrollment climbed 42 percent in the past 20 years. That is a spectacular expansion. Set beside the 147-percent increase in private elementary and secondary schools, however, it does not look quite as impressive. Somehow the private schools managed to expand two and one-half times within 20 years not only without Federal aid but without any public funds whatsoever. But the significant fact is that in the 20 years when the number of children increased 42 percent, the expenditure of the public schools jumped 567 percent (this is not a typographical error, expenditures went from $2.3 billion in 1940 to $15.5 billion in 1960). Even with the dollar's value cut in half this would look to a lay observer to be a phenomenal increase which should have amply taken care of essential needs. We are told, however, that it has not, that the real breakthrough to a new and higher level of school support is yet to come.

Here lies a deep ideological chasm. On the one side are those who believe that America's educational problem can be expressed in numbers of teachers and classrooms and the size of the teachers' pay, that lack of adequate finances is solely responsible for whatever deficiencies exist in our schools and colleges, and that "there is nothing wrong with the schools that more money won't cure." On the other side are those who blame the low status of American education and its product upon a lack of sense of purpose, a lowering of standards of teaching, of promotion, of graduation; these people hold that available human and physical resources are used inadequately and wastefully, and that what is needed above all is not so much more money but greater wisdom in spending it. The antitheses may be concisely expressed by the question whether the more urgent need is to get more dollars for education or more education for the dollars. To be sure, nobody questions that the schools will need additional billions in the years ahead. Some observers doubt, however, that any amount of money can improve the educational product without major changes in the schools' methods and practices.

SCHOOL FUNDS INCREASED

By how much will school funds need to be increased in the 1960's? The heaviest enrollment increases are almost over. As the war and postwar babies are reaching school-leaving age, annual enrollment increases will shrink to less than half toward the end of the decade, from 1.2 million now to about 600,000 a year between 1965 and 1970. The number of children in the public schools will grow 20 percent between 1960 and 1970 or, according to more expansive projections, 24 percent. Yet the demand is being raised insistently that school outlays be at least doubled. An increase of 100 percent in funds during a period of a 20–24 percent enrollment rise is deemed necessary because vast shortages of classrooms and teachers are reported to exist which were created during the past 20 years when the schools suffered from inadequate support.

The classroom shortage, which has been very much in the public eye for the past 10 years, was placed at 182,400 in the fall of 1959 by the Office of Education. That looks very big and serious indeed, until we remember that the Commissioner of Education only 5 years earlier (in October 1954) testified before a congressional committee to a deficiency of 370,000 classrooms which he expected to increase. Soon after, the chairman of the Senate Labor and Public Welfare Committee predicted that we would be 600,000 classrooms short by 1958. Contrary to these expert forecasts, shortages have been coming down ever since. Over the past 5 years, while enrollment climbed 20 percent, the number of available classrooms grew 30 percent. When the various State reports are analyzed more closely, they reveal such sharp discrepancies and inconsistencies that it becomes difficult to accept any of them at face value. But they are, at this time, the only available official information on the classroom situation.

PROJECTED CONSTRUCTION

Two years ago, in my book "School Needs in the Decade Ahead," [2] I projected classroom needs to 1970, counting in the so-called backlog or current shortage, increasing enrollments, abandonments, etc. I arrived at an annual construction need of 60,000 classrooms for the succeeding 12 years (to 1970). Since new construction averaged close to 70,000 classrooms a year, the outlook did not seem overly disturbing. But my projection was in some circles regarded as disturbing. However, in December 1959, the Chief of the Projection Section in the Office of Education, Louis Conger, presented a paper at the convention of the American Statistical Association in which he estimated the construction need in the ensuing 10 years at an average of 61,000 classrooms yearly. For some reason, the Department of Health, Education, and Welfare never got around to publishing Mr. Conger's paper nor referred to it in its subsequent statements or reports. The fact remains that the classroom construction rate has been running higher for over 5 years than the level at which it needs to be maintained during the next 10.

DIFFICULTY IN FUND RAISING?

It has been asserted that many school districts all over the country have reached the limit of their bonding capacity and that, without adequate Federal or State aid, cannot build the schools they need. When the Department of Health, Education, and Welfare—not on its own initiative—canvassed the chief State school officers in January 1960, it found that out of a total of 40,000 school districts in the country, only 237 (which needed 3,086 classrooms) reported to be borrowed-up.

Some of the low-income States may, at times, find it difficult to raise the required funds. Fortunately, almost all of the big enrollment increases are taking place in the wealthier States; low-income States are experiencing an outmigration and tend to lose population. Moreover, schools cost less in some areas than in others. The huge construction program of the Georgia State School Building Authority runs at $500 per pupil, while public schools in northern States usually cost $1,000 or more. New York City school projects cost from $2,000 per pupil up and some exceed $3,000. It is most enlightening to compare the cost of public and parochial schools in some of the larger cities. Public schools cost anywhere from 50 to 100 percent more than parochial schools. The reason is usually obvious: space allowances have almost doubled in public schools over the past quarter century, from around 50 square feet per pupil to 100 or more. Parochial schoolchildren still get along on 50 square feet, as do the children in European and Soviet schools. No evidence has ever been shown that children learn more if their schools are more spacious. Spacious schools, of course, cost more money and the argument over the cost, or the difficulty of raising the higher amount, sometimes delays completion for years.

TEACHER SHORTAGE DUBIOUS

The teacher shortage picture is even more confused than the classroom situation. The Department of Health, Education, and Welfare reported on August 30, 1959, a shortage of 195,000 teachers; further, that the number of teachers in the schools would decline 32,700 between 1958–59 and 1959–60. But statistics in its magazine School Life, December 1959, showed that there were 61,000 more teachers in the schools than there had been the year before. In its August report the Department upped the shortage for 1958–59 retroactively from 132,000 to 182,000—that is, by 49,800—although simultaneous statistics revealed that there had been 65,900 more qualified teachers in the schools than the Department had estimated 1 year before.

In the case of the classroom shortage the Department can at least plead that it is only compiling reports submitted by the State departments of education. But the States prepare no teacher shortage reports. The estimates are computed in the U.S. Office of Education and have for the past 5 years consistently understated the number of qualified teachers in the schools by 60,000 to 70,000—as the statistics released 1 year later regularly reveal. This is no error but outright and deliberate deception which has been sharply and repeatedly criticised but so far not corrected.

The fact is that between 1953 and 1959, when according to the Office of Education the teacher shortage grew from 72,000 to 195,000, the certified staff in the public schools increased 34 percent, the number of children only 25 percent. The number of children per teacher has been consistently reduced, from 36 around 1900 to 29 in 1930 and

[2] Institute for Social Science Research, Washington, D.C., 1958, $5.

to 25 in 1980. Yet the teacher shortage is reported to be growing. Many educational researchers set out to prove that children learn more in small classes than in large. Dozens of such studies have been conducted, but the evidence has been negative. If anything it seemed to point in the other direction (compare a series of six editorials on class size in the Catholic School Journal, 1959). It is well known that class sizes in parochial schools are usually far larger than in public schools.

The outlook for the teacher supply is highly assuring. The percentage of all college graduates who prepared for teaching has risen from 21 percent in 1948 to 32 percent in 1959, and the number of college graduates is projected to double between 1958 and 1970. So if the percentage of students choosing a teaching career is only maintained, we shall double the supply of new teacher graduates. On the other hand, the annual pupil enrollment increase will shrink to half during the 1960's, as I mentioned earlier. This means, then, that the demand to meet higher enrollments will be cut in half, while the supply of new teachers will double.

Are teachers underpaid? Many undoubtedly are, as they must, under a system which pays by uniform schedules rather than by individual merit and performance. Particularly teachers with family obligations often have a difficult time making ends meet. However, only 1 teacher in 10 is a man with a family and he usually takes a supplemental job when his 36-week school year ends. Something will have to be done about teachers' salaries, but it may not be across-the-board raises for everybody. It may be a full workyear (like everybody else), increased productivity, and pay according to professional principles rather than union scale.

On the whole, teachers have done better than others. Over the past 30 years their average salary has gone up 103 percent, the earnings of all employed persons only 83 percent (in constant dollars). Since 1950 teachers' salaries have advanced 40 percent (in constant dollars). How much should they go up in the 1960's? Secretary of Health, Education, and Welfare Flemming proposed at the dedication of the new NEA building in Washington early in 1959 that teachers' salaries be doubled within 10 years. A short time later, at the librarians' convention, he suggested that librarians' salaries be doubled. It seems fortunate that Mr. Flemming was not invited to address the steelworkers, or we would never have gotten the steel strike settled.

RISING SALARIES

States and communities have been raising teachers' salaries right along and, to all appearances, will continue to do so. Between 1952–53 and 1959–60 the percentage of teachers earning less than $3,500 a year dropped from 62 to 13 percent; those making more than $4,500 jumped from 13 to 57 percent. Not many other occupational groups could schedule their annual convention in Hawaii (as the NEA Department of Classroom Teachers did in 1960), and expect their members to afford to attend.[2] Probably few family heads will. But they number only 1 teacher out of 10.

By and large, it seems that the way to attract a higher caliber of candidates to the teaching profession—and, in fact, the answer to most school problems—is not just do more of what we have been doing but to seek better ways of doing it.

The historical record of public school support in the United States is truly outstanding. Since the end of the war, public school expenditures have risen from 1.6 percent of the national income in 1945–46 to 2.7 percent in 1949–50 and to 3.8 percent in 1959–60. A comparison of the material investment—equipment, spaciousness of buildings, recreational facilities, class size, teacher salary, etc.—with European or Soviet schools, or with American private schools, shows our public schools to be far ahead. This, unfortunately, cannot be said of the level of learning. In terms of acquired skills and knowledge, students of European and Soviet schools are reported to be 2 or more years ahead.

In any case, it is clear that the cost of the public schools is going up and that additional billions will be needed to support them. How shall they be raised? The principle of subsidiarity suggests that the preferred solution be sought at the lowest level of government that is capable of performing the task. The claim that the residents of New York, California, Illinois, or Connecticut cannot afford to pay for the education of their children and need outside aid is silly on its face. A better case can conceivably be made for assistance to some of the low-income States. But even here, shrinking income differentials, relatively stable population size, and lower costs weaken the case. Experience has shown time and again that Congress will not touch an aid bill that benefits only a few States. This is a case of bringing home the bacon; charity begins at home. In fact, the sentiment has tended away even from equalizing bills (allocating relatively more to low-income States) and toward the flat grant principle embodied in the Murray-Metcalf bill. It is today plainly unrealistic and naive to suggest Federal aid to low-income States only. They don't have the votes—and, if they did, they'd vote it down. Federal school aid will be enacted for all States or for none.

The Murray-Metcalf bill would have authorized grants to all States rising from $25 to $100 per child within 4 years. The Monroney amendment to the McNamara bill (S. 8), which was approved by the Senate, allows each State $20 per year for every child of school age (5 to 17 years). All children residing in a State will count but Federal funds will be divided among public schools only. In other words, public schools will receive relatively more where a larger percentage of the children attends private schools.

AVOIDS FATEFUL ISSUE

The bill is very cleverly drafted. Its authors tried to avoid the argument over aid for auxiliary services to private schools that sealed the fate of the 1948 and 1949 bills. They provided that Federal funds be available not for general school purposes but only for teachers' salaries and school construction. Church-connected schools are ineligible for both under the Supreme Court decisions in the Everson and McCollum cases.

The Morse amendment would have permitted $75 million annually in loans to private nonprofit schools at 2¾ percent interest. It should come as no particular surprise that it was voted down.[3] Its passage would, in the view of some of the advocates of Federal aid, have defeated one of the bill's major purposes. The sharp expansion of the private schools—at a far more rapid rate than public schools—has caused anxiety among some of the public school administrators who fear continuance of the trend. They know that private schools have long waiting lists and that their enrollment would jump several additional millions if they had the money to build facilities and hire teachers.

During the 1958 Senate hearings the executive secretaries of the Council of Chief State School Officers and of the National School Boards Association objected vigorously to benefits to private schools in the Defense Education Act. The latter volunteered his belief that the educational benefits in the GI bill violated the principle of separation of church and state and that if similar tuition grants were made available to the parents of school children, usable at schools of their choice, "the public schools of the Nation would be doomed."

Those who view the apparent preference of a growing number of parents for private schools not as a challenge to the public schools but as a menance will rather forgo Federal aid than acquiesce in a provision that would even in the smallest way benefit private schools. The NEA could have had a school aid bill in 1948 if it had been willing to concede 1 or 2 percent of the amount to private schools for auxiliary services. But, as one of the leaders in that fight told me years later: "On this point we cannot and we shall not compromise." Father Neil McCluskey, S.J., commented in his excellent "Catholic Viewpoint on Education":

"An even larger group of Americans bases its opposition on the fear that whatever favors the growth of private education serves to weaken public education—that any Government step facilitating the expansion of parochial schools redounds to the harm of public schools."[5]

PRIVATE SCHOOLS DISADVANTAGED

To reverse the 20-year enrollment trend to private schools and to direct it again toward the public schools is one of the major impelling forces in the organized drive for Federal aid. Federal support of the public schools could make private schools less able to compete in terms of teachers' salaries and school facilities, and might gradually tip the scales against them. Those who favored a sharing of the Federal funds (for auxiliary services) by private schools, joining with the opponents to all Federal aid, succeeded in 1948 and 1949 in blocking bills that restricted benefits exclusively to public schools. It is doubtful whether they could do so today. It is obvious that those who want private schools to participate lack the votes to pass their type of bill. Nor are they likely to get the votes—at least for a long, long time.

The immediate financial impact of the bill now under consideration in the House would be slight. It would raise Federal funds from $2 to $3 billion in 3 years during which the public schools will spend at least $50 billion. But the long-range effects would be significant. If public school expenditures are to be boosted by $15 billion over the next 10 years, and if States and communities cannot do this under their own power, then Federal aid amounting to $300 or $500 million, or even $1 billion a year is no answer. It would take at least $5 billion a year, as the original Murray-Metcalf provided, to make an impact. To assure early consideration of an increase in the amount, the Monroney amendment out the Senate bill's authorization to 2 years.

APPROPRIATIONS—INFLUENCE

Federal appropriations of $5 billion a year or more, of course, would lead to growing Federal influence upon the schools, as James Bryant Conant has pointed out in his recent book, "The Child, the Parent, and the State." The real significance, however, goes beyond the old question of Federal control. Federal funds would vest unprecedented powers in State departments of education and school administrators in general. All of the school aid bills place the distribution of Federal funds among school districts in the hands of chief State school officers, whether through the drafting of State plans or otherwise. Those officials would no longer be dependent upon the legislature for the parceling out of aid to the local schools. Nor would local school administrators remain as dependent upon their boards and communities for the approval of funds.

THE CRUX

Here is the real crux of the fight over Federal aid. Lay control of the schools is exercised largely through the power over the purse, through the approval or denial of the funds demanded by the administrators. To the extent to which centrally raised funds are supplied, lay influence wanes. Public dissatisfaction with the schools and their products has multiplied in recent years. In the rising wave of unhappiness over the appalling lack of skills and knowledge displayed by the schools' graduates, administrators at times find it difficult to get their tax and bond proposals adopted. They are afraid that ever-growing tax bills will cause parents to take a more critical look at the efficiency in the use of manpower and facilities, at curriculum, educational standards, and grade promotion practices. Federal aid offers a way out. It would tend, for better or worse, to shift the control of the schools from lay communities to the professional administrators at local, State, and Federal levels.

The American public has been subjected to exaggerations and distortions for so long that, in the absence of any organized effort to correct the picture, it has come to believe the mythology of Federal aid. The vast propaganda effort that has gone into this campaign over many years is now paying off.

The road toward sharply increased school support is not being presented as offering the alternative routes of higher State-local taxes or higher Federal taxes. Rather, it is being represented as a choice between higher State-local taxes and Federal aid. Federal money is viewed as coming for free from the inexhaustible Federal Treasury. Why should local citizens vote for a local bond issue or tax rate when they may soon be able to get the new school (or teachers' salary hike) for 50 cents or less on the dollar? Many ask: If school costs are to double, as we are told they must, why should we pay for them? Let Uncle Sam do it, then it won't cost us so much.

Viewing it realistically, the chances of passing a school aid bill in the 86th Congress are better than even. It almost always pays to vote for all appropriations and against all taxes (unless they are levied upon a vote-weak minority) especially during an election year. The Powell amendment (which would prevent Federal funds from going to segregated schools) may be less effective in blocking passage in a year in which Members of Congress have a chance to demonstrate their conviction against racial discrimination by voting for a strong civil rights bill.

Nobody can foretell at this time what the President will do. If the bill is scaled down and divested of some of its most objectionable features, he might well yield to the pressures upon him and sign. If he vetoes the bill, who will repeat the feat in 1961?

The VICE PRESIDENT. Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

[2] It is hard to conceive of a national society of college teachers staging their annual meeting in Hawaii. They certainly could not afford it.

[3] Nine Senators voted for the Morse amendment who later voted against passage of the bill without it (eight Republicans, one Democrat [LAUSCHE]). Twenty-three Senators voted against the Morse amendment who later voted for the passage of the bill without it (19 Democrats, 4 Republicans [CASE of South Dakota, COOPER, JAVITS, MUNDT]). Senator KENNEDY was absent, but registered his vote against the Morse amendment and for the passage of the bill. The House Education and Labor Committee, on February 25, 1960, voted 18–6 for a construction bill and against benefits to private schools.

[5] Hanover House, New York, 1959, p. 175.

The VICE PRESIDENT. The clerk will call the roll.

The chief clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

ADJOURNMENT

Mr. MANSFIELD. Mr. President, I understand that there are no Senators who wish to address the Senate at this time. Therefore, under the order previously entered, I move that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 12 o'clock and 13 minutes p.m.), under the order previously entered, the Senate adjourned until tomorrow, Tuesday, April 19, 1960, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 18, 1960:

U.S. AIR FORCE

Lt. Gen. William H. Tunner, 374A (major general, Regular Air Force), U.S. Air Force, to be placed on the retired list in grade of lieutenant general, under the provisions of section 8962, title 10, of the United States Code.

The following officers to be assigned to positions of importance and responsibility designated by the President in the rank of lieutenant general, under the provisions of section 8066, title 10, of the United States Code:

Maj. Gen. Ralph P. Swofford, Jr., 547A, Regular Air Force.

Maj. Gen. Edward H. Underhill, 421A, Regular Air Force.

Maj. Gen. Donald N. Yates, 584A, Regular Air Force.

Maj. Gen. Joe W. Kelly, 612A, Regular Air Force.

U.S. COAST GUARD

The following-named persons to be commanders in the U.S. Coast Guard:

Richard H. Puckett
Arthur C. Hoene, Jr.
James W. Conway
Arthur A. Atkinson, Jr.
Thomas F. Dunham, Jr.

The following-named person to be a lieutenant commander in the U.S. Coast Guard:

James M. Winn

The following-named persons to be lieutenants in the U.S. Coast Guard:

David P. Bosomworth
Paul F. Bade
George H. Garbe

The following-named persons to be lieutenants (junior grade) in the U.S. Coast Guard:

Robert Burke
John W. Kime
Richard J. Green
Thomas D. Combs, Jr.
Paul T. Kaufmann
Louis K. Bragaw, Jr.
Charles S. Niederman
Ronald A. McClellan
David R. Markey
William C. Parish, Jr.
Frederick C. Bruner
Henry J. Harris, Jr.
Keith D. Ripley
Harold E. Fallon, Jr.
Arnold B. Beran
Donald M. Morrison, Jr.
Ronald G. Malone
Tommy G. Woodworth
Robert L. McMichiell
John I. Maloney, Jr.
Russell C. Bishop, Jr.
Terrill M. Gloege
Thomas T. Matteson
Ralph N. Pennacchini
Thomas W. Finnegan
John P. Flaherty, Jr.
John B. Mitchell
Albert D. Super
John B. Lynn
Harlan D. Hanson
David J. Meskell, Jr.
James E. Brown, Jr.
George D. Passmore, Jr.
Richard J. Collins
George P. Vance
John C. Wirtz
Robert A. Johnson
Richard W. Michaels
Douglas B. Thurnher
James C. Osborn
John M. Cece
Richard "D" Thompson
Robert J. Cardinal
Donald B. Davis
Thomas P. Nolan
Peter J. Botz
Matthew J. Ahearn
Everett L. Crowell
Ralph E. DelGiorno
John R. Erickson
William R. Rahtesan
Richard Buell
Ernest J. Beder
Carol E. Conry
Richard J. Marcott
Andrew R. Rippel

The following-named persons to be ensigns in the U.S. Coast Guard:

Leonard Francis Alcantara
Rudolph George Anderson
Leon Elwood Beaudin
Daniel Francis Bobeck
Carl Melvin Brothers
Robert Allen Burt
Richard Oliver Buttrick
Frederick Michael Casciano
Robert James Cheney, Jr.
Gerald Francis Corcoran
Robert Austin Creighton
Ian Stuart Cruickshank
Kenneth Charles Cutler
Randolph DeKroney
Michael Bernard Dunn
William Joseph Ecker
John Norman Faigle
Jerome Patrick Foley
Bailey Moso Geeslin
Robert Alan Ginn
Donald Charles Greenman
William Henry Hall, Jr.
John Richard Hay
Neal Frederick Herbert
Eugene Joseph Hickey, Jr.
John Heaton Hill
Douglas Anthony Hlousek
Ronald Paul Hunter
George Forsyth Ireland
Robert Edward Isherwood
Michael Richard Johnson
Frederick Paul Karres
Eugene Martin Kelly
Charles Harold King, Jr.
Richard Robert Kuhn
Thomas Youlden Lawrence, Jr.
Walter Ted Leland
Paul Robert Lewis
Jan Darryl Long
Merrill Conrad Louks
Terry Luther Lucas
James Edwin Margeson, Jr.
Paul Anthony Joseph Martino
John Eugene McCarty
Angus McKinnon
George Henry Moritz III
Martin James Moynihan
Jerome Marvin Myers
William Edgar Neal
Harry Ellis Obedin
James Harold Parent
David Loren Parr
George Henry Peek III
Keith Palmer Penaom
Theodore Hugh Purcell
Kenneth Monfort Rappolt
Rupert Blue Reynolds, Jr.
Paul Dennis Russell
John Allan Schmidt
Robert Allen Schwartz
Joseph Kenneth Shartzig, Jr.
Clifford Gerard Spelman, Jr.
Thomas Norman Sullivan
William Robert Allen
Robert Stanley Bates
Joseph Snowball Blackett, Jr.
Gary Joe Boyle
Lloyd Cornell Burger
James Franklin Butler
William Joseph Campbell
Donald Robert Casey

David Brett Clamoaglini
Charles William Craycroft
Gary Fred Crosby
David Frederick Cunningham
Wesley Gwynne Davis, Jr.
Michael Alan Duke
William Earl Baker, Jr.
Roderick Kerbas Edwards, Jr.
Robert James Finan
David Herman Freese, Jr.
Ralph Edward Giffin
Joseph Bramble Goodwin III
Richard Earl Haas
James William Haugen
William Hugh Hayes, Jr.
Jack Duran Howes
Frederick Andrew Hill
Paul Kenneth Hinkley
Gerald Francis Hotchkiss
Robert Austin Ingalls
Thomas Bone Irish, Jr.
Donald Frederick Jenkins
Manuel Josephs, Jr.
Charles Lee Keller
Lawrence Allen Kidd
Leroy George Krumm
Carl Eugene Kunkel, Jr.
James Theodore Leigh
Jack Walter Lewis
Lloyd Ralph Lomer
Richard Wayne Long
William Henry Low, Jr.
Fred Ernst Maiser
Joseph Marotta
Michael Paul Maurice
John Thomas McKean
Alan Francis Miller
Frank Clay Morgret III
Michael Paul Munkasey
Donald Anthony Naples
Merlin Gerald Nygren
John Francis Otranto, Jr.
William C. Park III
James David Partin
Gregory Alden Penington
Ronald Chester Pickup
Joel Graydon Rainwater
Wayne Elmer Rentfro
Edwin John Roland, Jr.
James Vincent Sayers
Leo Nicholas Schowengerdt, Jr.
Kyle Arnold Shaw
David Stewart Smith
John Robert Sproat
Allen John Taylor
William Thomas Troutman
James Lee Turman
Alfred David Utara
Jefferson James Walsh IV
William James Walsh
James Garfield Williams
Hugh Daniel Williams
Robert Gray Williams
John Knox Witherspoon, Jr.
Robert Milton Wood
Richard Walter Zins

The following named persons to be chief warrant officers, W-2, in the U.S. Coast Guard:

Warren O. Nilsson
William H. Bellow
John H. Olsen
John H. Coppens
Raymond W. Gifford
Frank A. Coleman
Fred Permenter
Albert Debrase
Karl M. Ashby
Paul R. Cornell
Eugene K. Kindschi
John Rekuc
Leonard L. Bouler
Robert L. Wilson
Clifton Cuthrell
James D. Toler
William A. Shaffer, Jr.
Kirven L. Dunn
Joseph P. Baranowski
Lester H. H. Oneil
Richard R. Anthony
Charles F. Potter, Jr.
George R. Brower
Wasey S. Hayes
Clark A. Johnson
James E. Butler
Dorris L. Steele
Ivan J. Anderson
Peter Lindquist
Joseph C. Waldrop
Jack G. Smith
Mortimer Jeffords
Robert E. Penny
Carl A. Carlson
Melvin G. McCoy
Harlan Montgomery
Edward T. Rollins
Charles H. Buckley
Merle L. Cochran
Earnest C. Justis
Harold G. Trapp
Douglas E. Walker

Harry C. Strother, Jr.
John J. Lencmeyer
Charles E. Bunkley
Leslie M. Furst
Robert C. Bainbridge
Eugene E. Moore
Richard M. Burdick
William R. Miller
George E. Rongner
Andrew Pietrykowski
Elmer E. Johnson
Howard B. Tarr, Jr.
Harold E. Gavin
Eric G. Bragg
Edward L. Muller
James E. Gill
Cleo Hack, Jr.
Donald C. Davey
Roy M. Schwanekamp
Darrel B. Sinift
Edmund A. Novak
Jerome R. Morton
Jack W. McDonald
William W. Muensel
Asa M. Jones
Euclid L. Wade
Eugene W. Darcy
Joseph F. Cody
Eugene R. Lockhart
Richard A. Krueger
Wallace N. Anderson
Floyd J. Mulberen
Charles W. Oldham
Robert Judice
Frederick H. Muesse
Jack E. Halbert
Richard J. Swally
Roland A. Woodward
Morgan C. Hutto, Jr.
James A. Winslow
Roger G. Stanton
Thor B. Olson
Slavko Gockich
Donald W. McNaughton
Raymond B. Pote
Donald L. Janse
Robert G. Cameron
Olce F. Marshall
Everett J. Matteson
Russell A. Scruggs, Jr.
Arno J. Bowden
William B. Miner
William A. Vasques
Grover C. Newberry
Edwin H. Cornell
Andrew Yackovetsky
Richard J. Laflin
Donald R. Myers
Clark W. Straus
Frank P. Huotte
Charles J. J. McGrath
Anton J. Foydl, Jr.
Paul L. Tomardy
Melvin Midgett
Russel H. Stockfleth
Bruce M. Buchanan
Paul G. Patrince
David C. Adkins
Hollis L. Beard
Andrew J. Brovey
Lewie F. Trawick
James F. Jones
John C. Bevels
Arthur B. Meyer
Keith R. McClinton
Clarence A. Long
Richard K. Mitchell
James V. Rigo
Harold L. Baker
Stanley J. Aymond
Myron E. Chesley
John A. Ritter
John T. Hartmann
Charles A. Hatfield
Alfred L. Hunt
Alvadore C. Grant
Herbert W. Conger
Edward F. Mattingly
Edward D. Wyman
Keith R. Bruhl
Wallace P. Stembler
Joseph J. Glynn
Harlan P. Smith
Harry G. Lee
Joseph S. Moulton, Jr.
Eldred Bolinger
Carl B. Kaiser
George W. Tate
Orval K. Halsey
Donald C. Ebert
Milton M. Midgette
Karl C. Teater
Edward F. Barber
Leon D. Shea
William L. Patterson
Lyle G. Tilden
Donald S. Grisham
Louis E. K. Pall
William T. King
Ralph E. St. John
William M. Price, Jr.
Foster C. Spruill
Wilbert D. B. Williams
Bruce L. Stiford
Earl J. Weaver
John H. Liedke
Thomas D. Galliher
John F. Minster
Robert C. McClanahan
Stephen J. Fiess
James Skokoley
Morris M. Spector
Richard P. McMullen
Frederick R. Nickerson
George G. Bannan
Walter W. Make
William T. Morrison, Jr.
Herman H. Keith
Charles R. Fowler
Clyde S. Delaney
Robert B. Collins
Wilbur E. Lincoln
Cyril L. Fennelly
Donald W. Olson
John W. Laine
Robert W. Conway
Wilfred C. Bullis
Robert A. McCarten
Raymond E. Masker
Donald B. Fish
William H. Westin
John E. Kenny
William W. Watkins
Raymond C. Herrington
Paul C. Carman
John W. Forster
Ray Johnson
Ernest B. Roark
Michael H. Bower
Eugene H. Kelly
Harold E. Stone
Norman A. Whitney
Elliott J. Echols
Fay K. Thompson
John D. Green
John W. McMinn
James L. Reynolds
Maurice K. Nelson
Fred Pilatsky
Robert J. W. Collins
Marion K. Reynolds
Ludvig Slavich, Jr.
Robert A. Kemmett
Leroy P. Phelps
Zigmond Golaszewski
William B. Eichler, Jr.
John Sabath
Theodore L. Turgeon
James C. Bond
Harry A. Benson
Alan H. J. Dowd
Joseph W. Dunhour
Wilbur J. Davis
Robert R. Barber, Jr.
Walter A. Evans
Porter F. Ammerman
Gordon L. Sims
Charles T. Buckner
Robert L. Sellers
Frederick Jones
Edward H. Askew, Jr.
Frank H. Bussel, Jr.
Melvin H. Bateman
Baker W. Herbert
Paul H. Johannas
George M. Bruner
Herman Schmidt
Jesse B. Lowe
Lee R. Green
Lester M. H. Roehr
Raymond J. Moen
Kenneth C. Oliver
George A. Saunders
Lee O. Madden, Jr.
Edward A. Liles
Marion O. Simmons
Calvin W. Pratt
Thomas E. Bockman
Phillip E. Thompson
Joe D. Wright, Jr.
William K. Bailey
James P. McBride
Herbert L. Shuey
Lavern G. Ketcherside
George V. Stauffer
Charles E. Shook
James R. Comerford
Don E. McDonald
John C. Lippincott
Norval E. Cosby
Earl J. Potter
Benjamin R. Teal
Charles H. Dyer, Jr.
Norman F. Muench
Edmund J. Smenner
Jesse H. Burgess
Robert B. Paris
Lester E. Howe, Jr.
George A. Menge
Ralph E. Ford
Hubert A. Anderson
Reckner B. Mos
Charles W. Price
Robert H. McGinnis, Jr.
George C. Hickman
Arnold M. Deshaw
Curtis W. Chamberlain
Robert E. Callmer
Thomas H. Renfroe
John W. Hammack
Wilfred J. Sellers

CONFIRMATIONS

Executive nominations confirmed by the Senate April 18, 1960:

DEPARTMENT OF COMMERCE

Bradley Fisk, of New York, to be an Assistant Secretary of Commerce.

FEDERAL MARITIME BOARD

Sigfrid B. Unander, of Oregon, to be a member of the Federal Maritime Board for the remainder of the term expiring June 30, 1961.

COAST AND GEODETIC SURVEY

William G. Stokes to be an ensign for permanent appointment in the Coast and Geodetic Survey, subject to qualifications provided by law.

HOUSE OF REPRESENTATIVES

MONDAY, APRIL 18, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Romans 6: 4: *Like as Christ was raised from the dead, even so we also should walk in newness of life.*

Eternal God, during these days after Easter Sunday, may our minds and hearts continue to be thrilled and inspired by the historic victory of our blessed Lord and be hallowed by the glorious assurance that life is ever lord of death and that love can never lose its own.

Grant that His resurrection may be a present experience, quickening our listless and languid souls into newness of faith, hope, and love and constraining us to be fearless and faithful followers of the living Christ.

May we daily pray and labor to bring to fulfillment our desires and dreams of a better world wherein dwelleth the spirit of the risen Lord.

In His name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, April 14, 1960, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4781. An act to amend the Watershed Protection and Flood Prevention Act to provide that its loan provisions shall be applicable to certain other projects, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9331) entitled "An act to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children."

The message also announced that the Senate insists upon its amendments to the bill (H.R. 7947) entitled "An act relating to the income tax treatment of nonrefundable capital contributions to Federal National Mortgage Association," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD of Virginia, Mr. KERR, Mr. FREAR, Mr. WILLIAMS of Delaware, and Mr. CARLSON to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 8684) entitled "An act to provide transitional provisions for the income tax treatment of dealer reserve income," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD of Virginia, Mr. KERR, Mr. FREAR, Mr. CARLSON, and Mr. BENNETT to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 9660) entitled "An act to amend section 6659 (b) of the Internal Revenue Code of 1954 with respect to the procedure for assessing certain additions to the tax," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD of Virginia, Mr. KERR, Mr. FREAR, Mr. WILLIAMS of Delaware, and Mr. CARLSON to be the conferees on the part of the Senate.

JOINT MEETING TO RECEIVE THE PRESIDENT OF THE FRENCH REPUBLIC

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Monday, April 25, 1960, for the Speaker to declare a recess for the purpose of receiving in joint meeting the President of the French Republic, His Excellency Charles de Gaulle.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

THREE HUNDRED AND TWENTY-FIFTH ANNIVERSARY OF THE BOSTON LATIN SCHOOL

Mr. McCORMACK. Mr. Speaker, I offer a resolution (H. Res. 504) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

Whereas April 23, 1960, is the 325th anniversary of the establishment of the Boston Latin School; and

Whereas the Boston Latin School is one of the leading preparatory schools in the United States; and

Whereas the Boston Latin School has a distinguished roster of alumni who have made their marks in history; and

Whereas the Boston Latin School continues to prepare young men for useful lives just as it has throughout its long illustrious history: Now, therefore, be it

Resolved, That the House of Representatives extends its greetings and felicitations to the Boston Latin School and to all of its alumni on the occasion of the 325th anniversary of its establishment and extends best wishes for the success of the Boston Latin School in its programs and activities for the future.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. GROSS. Mr. Speaker, reserving the right to object, Mr. Speaker, do I understand that this is a Latin school?

Mr. McCORMACK. The Boston Latin School.

Mr. GROSS. L-a-t-i-n—is that it?

Mr. McCORMACK. L-a-t-i-n; Boston Latin School, which was first established in 1635. Among its graduates were five signers of the Declaration of Independence. It is one of the great schools of its kind not only in this country but in the world. I shall insert in the RECORD a history of the school for the enlightenment of my dear friend.

Mr. GROSS. I would be pleased to read the full story that merits this kind of treatment for a school.

Mr. McCORMACK. It certainly has a great history covering 325 years. If any of my colleagues have any vacancies for appointments to West Point or Annapolis, if they come to me, I will get them graduates of the Boston Latin School and there will be no difficulty about their passing the examination for entrance to those academies.

Mr. GROSS. This resolution will not cost any money now or later?

Mr. McCORMACK. No money.

Mr. GROSS. Not later?

Mr. McCORMACK. Not later; no.

Mr. GROSS. I thank the gentleman; and, Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE BOSTON LATIN SCHOOL'S 325TH ANNIVERSARY

Mr. McCORMACK. Mr. Speaker, I asked unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, on April 25 the Boston Latin School will celebrate its 325th year as a renowned institution of classical education for high school boys. This remarkable institution for 325 years has been constant to one idea and one purpose.

As the noted philosopher, George Santayana, class of 1882, wrote for the school's 300th anniversary in 1935:

> There may be older schools in other countries; but almost always they have suffered a complete change in spirit and have endured only by ceasing to be themselves. • • • But the Latin School, in its simpler sphere, has remained faithfully Latin. In spite of all revolutions and all the pressure of business and all the powerful influences inclining America to live in contemptuous ignorance of the rest of the world, and especially of the past, the Latin School, supported by the people of Boston, has kept the embers of traditional learning alive, at which the humblest rushlight might always be lighted; has kept the highway clear for every boy to the professions of theology, law, medicine, and teaching, and a window open to his mind from these times to all other times and from this place to all other places. • • •

The merely modern man never knows what he is about. A Latin education, far from alienating us from our own world, teaches us to discern the amiable traits in it, and the genuine achievements; helping us, amid so many distracting problems, to preserve a certain balance and dignity of mind, together with a same confidence in the future.

As America's oldest public secondary school of continuing existence, the Boston Latin School stands today as a beacon of traditional learning at a time when American education is searching for more effective ways to meet the challenges of the space age. For here is a school, supported by public funds, which for over three centuries has maintained a reputation for excellence by stressing the values of the past in preparing young men for the future.

The Boston Latin School is unique, therefore, not only for its consistent adherence to the classical curriculum but also for providing such learning within the framework of public education in a school which can enroll not just a select few but rather as many as 2,500 students.

Since the founding of the Boston Latin School in 1635, the consistent emphasis in the curriculum has been on imbuing the students with "the cultures of the world and imparting mastery of the fundamental tools of learning." As Headmaster George L. McKim has so eloquently pointed out:

> We believe in training the intellect, training boys how to think, training boys to become leaders. We give them the proven wisdom and intellectual skills of mankind—something they'll have the rest of their lives.
>
> We don't want them to learn vocations here. We teach them how to apply themselves, how to think, work, study. The businessmen tell us, "You give us boys with trained minds—we'll show them the trade."

Clearly, the Boston Latin School sharply contrasts with the many modern secondary schools of our day. In fact, the school is considered old fashioned

by many educators. And George McKim frankly admits:

We're terribly old fashioned here. We insist on teaching them something. We insist that they get a good education.

By some, Boston Latin has even been called "a bastion of the Middle Ages." But Headmaster McKim explains:

We trick to our course while the fashions in education come and go. The experimenters try out their new ideas, they see their errors, and eventually they come back to us. * * * Of course, the project approach of some modern schools—for example, a class undertaking to solve the city's traffic problems—is more showy. But we stress individual application and concentration. We do not try to make education palatable. We are convinced that a good part of education is learning to do things you don't like to do. It pays off later in life.

To illustrate what Mr. McKim means by a good basic education, we need only to look at the course requirements for boys at Boston Latin from the 7th through the 12th grades: 6 years of English, 6 years of Latin, 5 years of mathematics, 4 years of history, 3 years of French, 2 years of Greek or German, 2 years of general science, 1 year of physics. Seniors may elect additional French, Greek, or German, chemistry or solid geometry and trigonometry.

There are extracurricular activities as well including many club activities, but they are after-class hours. Boys may enroll in Boston Latin if they have B's or better in English, mathematics, history, and geography. Or, they may be admitted by taking qualifying examinations.

This emphasis on quality and high scholastic standards has proven worthwhile in terms of preparing students well for college entrance. In a recent compilation of college board examinations, for example, 60 percent of Boston Latin School boys scored honor grades. The national average for honor grades in these same examinations was 17 percent.

President A. Whitney Griswold, of Yale, has made some enlightening remarks on the value of the kind of solid education for which the Boston Latin School is renowned:

We look at the high school records of boys seeking admission to Yale to see what kind of courses they took. We find their curriculums loaded with such subjects as band music, auto driving, bookkeeping, social adjustment. These subjects are all very well, but where are the solid liberal arts?

We don't want to see the ablest students tied to the lockstep of the weakest. We'd like to see them all tied to the strongest—to get strength from them. The very essence of education is to stretch the mind, not to cushion it. Every boy and girl should be started up the path to solid education and carried as far as he and she can go.

Furthermore, the importance of a basic education is also borne out by achievements of the graduates of Boston Latin who have made significant contributions in all fields of endeavor throughout the years. Five signers of the Declaration of Independence—John Hancock, Samuel Adams, Benjamin Franklin, Robert Treat Paine, and William Hooper—were among its earliest graduates. Among its other illustrious graduates are Charles Bulfinch, architect; Harrison Gray Otis, U.S. Senator; Brig. Gen. Henry Knox; Gov. James Bowdoin; Gov. William Eustis; Gov. Christopher Gore; Judge Samuel Sewall; Sir William Pepperell; British Adm. Isaac Coffin; Wendell Phillips; Henry Ward Beecher; Charles Francis Adams, Minister to England; Charles Sumner, U.S. Senator; Ralph Waldo Emerson; Edward Everett Hale; Dr. Charles William Eliot, Harvard president; Bishop Phillips Brooks; Henry Lee Higginson; Samuel P. Langley, pioneer in aviation; Darius Cobb, famed artist; Leonard Bernstein, conductor; Joseph P. Kennedy, former Ambassador to Court of St. James; Howard Lindsay, playwright; George Santayana, philosopher; and A. M. Sonnabend, hotel man.

In fact, Boston Latin has probably graduated more men of note than any other public high school.

The 325th anniversary of the Boston Latin School will be celebrated on April 25 with day-long reunions of more than 1,000 of the 10,000 living graduates. Bishop John J. Wright of Pittsburgh, a distinguished graduate of 1927, will deliver the anniversary address. Bishop Wright is the third Catholic bishop to graduate from the school at which such famed Puritans as Cotton and Samuel Mather were also educated.

In its 325 years of existence the Boston Latin School has kept faith with our democratic tradition. It pays tribute to those enlightened Puritans who established the school in 1635 and invited the sons of those less favored than themselves to share the advantages of a college-preparatory public school education. The Boston Latin School was not only a major contributor to the establishment of Boston as an early center of intellectual life in America but also has maintained throughout our history a high standard of classical scholarship and dedication to excellence in public education.

SPECIAL MILK PROGRAM FOR CHILDREN

Mr. POAGE submitted a conference report and statement on the bill (H.R. 9331) to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children.

CENTENNIAL OF THE FIRST PERMANENT WHITE SETTLEMENT IN IDAHO

Mr. BUDGE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. BUDGE. Mr. Speaker, I take this opportunity to invite the attention of my colleagues to the fact that on Thursday, April 14, Idaho celebrated the 100th anniversary of the establishment of the first permanent white settlement in the State. The community of Franklin and the surrounding areas commemorated this event and concluded the celebration with a formal dinner that evening.

This event, in addition to calling attention to the first white settlement of Idaho, serves as the forerunner for the centennial celebration of the establishing of the Territory of Idaho in 1863.

The first permanent settlement in Idaho was established at Franklin on April 14, 1860, by 13 Mormon families who had left the pioneer settlements in the Salt Lake Valley to colonize farther north. They thought they were in Utah Territory but were in reality just across the line into the Idaho area. The site for this colony had been chosen in the previous year. Franklin D. Richards led this first colony of settlers. When the Idaho State Legislature divided off part of Oneida County to create the new county it gave it the name of Franklin after this colonizer.

In the fall of 1860 about 50 families had joined the new community just across the Idaho-Utah boundary. These settlers crossed Bear River at Park Ferry, which they established in 1861. In 1869 a toll bridge replaced the ferry, and the site became a stopping place and station for the Overland stage and mail route. The establishment of Franklin led to the development of the surrounding area and this led to the end of Indian hostilities in the Battle of Bear River.

This group of brave families which included wives and children had left the stronger communities of the Salt Lake Valley area to build up the intermountain region. They were not seeking to take from the area furs and gold but rather they were seeking to establish homes, churches, schools, farms, and communities. As a result, this group of families became a part of history. They established the first school for white children in the future State. More than this, they set up the first irrigation system in Idaho by diverting the waters of Maple Creek to their section of Cache Valley. Meanwhile, the indefatigable Brigham Young, their prophet leader, had bought a steam engine back east; had caused it to be shipped up the Missouri River to Fort Benton; then overland to Franklin. As one of the writers in Idaho has said, this alone is no small feat:

When it is remembered that this engine weighed 10,000 pounds, the long trek for hundreds of miles by wagon and oxen over mountains and rivers is to be seen as a small epic in itself.

This engine, which may be described as the first historical relic of the future State, was used first as a sawmill in Franklin, was afterward moved to Soda Springs, then back to Franklin, and for a long time abandoned and forgotten. Finally, a group of citizens decided it was a relic worthy of preservation and placed it in the public hall at Franklin, where it may be seen to this day.

As a direct descendant of two of the early pioneer families of Idaho, it is an honor and pleasure to join with all other Idahoans in saluting these great Americans who helped build this Nation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. NORBLAD (at the request of Mr. BYRNES of Wisconsin), for an indefinite period, on account of death in the family.

Mr. MOULDER, Mr. BROCK, Mr. DEROUNIAN, and Mr. YOUNGER (at the request of Mr. MCCORMACK), for this week on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mrs. GREEN of Oregon, for 1 hour, on Tuesday, April 19.

Mr. JOHNSON of Colorado (at the request of Mrs. GREEN of Oregon), for 1 hour on Tuesday, April 19.

Mr. SCHWENGEL, for 1 hour, on Tuesday, April 19.

Mr. LANKFORD, for 45 minutes, on Thursday next.

Mr. NELSEN (at the request of Mr. BYRNES of Wisconsin), for 30 minutes, on Wednesday next.

Mr. BRAY (at the request of Mr. ARENDS), for 10 minutes, on April 20.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. PORTER and to include extraneous matter.

Mr. HUDDLESTON and to include extraneous matter.

Mr. BOYKIN (at the request of Mr. SELDEN).

(At the request of Mr. MCCORMACK, and to include extraneous matter, the following:)

Mr. BARING.

Mr. COOLEY.

ENROLLED BILL SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 7359. An act to direct the Secretary of the Interior to convey certain public lands in the State of Nevada to the Colorado River Commission of Nevada acting for the State of Nevada.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 178. Joint resolution relating to the payment of salaries of employees of the Senate.

ADJOURNMENT

Mr. MCCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 8 minutes p.m.) the House adjourned until tomorrow, Tuesday, April 19, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2058. A letter from the Chairman, U.S. Advisory Commission on Educational Exchange, Department of State, transmitting the 23d semiannual report on the educational exchange activities conducted under the U.S. Information and Educational Exchange Act of 1948 (Public Law 402, 80th Cong.), from July 1 through December 31, 1959 (H. Doc. No. 379); to the Committee on Foreign Affairs and ordered to be printed.

2059. A letter from the Acting Secretary of Agriculture, transmitting a report on the distribution of surplus foods to needy families, pursuant to section 306 of Public Law 480, 83d Congress, as amended; to the Committee on Agriculture.

2060. A letter from the Administrator, General Services Administration, transmitting the report of the Archivist of the United States on records proposed for disposal under the law; to the Committee on House Administration.

2061. A letter from the Assistant Secretary of the Interior, transmitting one copy each of certain laws enacted by the Fifth Guam Legislature, 1959, pursuant to section 19 of the Organic Act of Guam; to the Committee on Interior and Insular Affairs.

2062. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation entitled "A bill to clarify the ownership of certain church properties located in the Virgin Islands"; to the Committee on Interior and Insular Affairs.

2063. A letter from the Director, Administrative Office, U.S. Courts, transmitting a copy of the annual report of the Director for the fiscal year 1959, which includes the reports of the annual and special meetings of the Judicial Conference of the United States held in 1959, pursuant to section 604(a)(4) of title 28 of the United States Code; to the Committee on the Judiciary.

2064. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases where the authority contained in the Immigration and Nationality Act was exercised in behalf of such aliens, pursuant to section 212(d)(6) of the Immigration and Nationality Act; to the Committee on the Judiciary.

2065. A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation entitled "A bill to improve the budget and accounting procedures of the loan guaranty program of the Veterans' Administration by establishing a revolving fund"; to the Committee on Veterans' Affairs.

2066. A letter from the Administrator, General Services Administration, transmitting a report on a proposed Presidential archival depository to be known as the Eisenhower Library, pursuant to section 507(f) of the Federal Property and Administrative Services Act of 1949, as amended (69 Stat. 695); to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee of conference. H.R. 9331. A bill to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children (Rept. No. 1630). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROCK:

H.R. 11782. A bill providing for the disposition of judgment funds of the Omaha Tribe of Indians; to the Committee on Interior and Insular Affairs.

By Mr. COAD:

H.R. 11783. A bill to reduce the cost to the U.S. Treasury of farm price and income stabilization programs, to provide means by which producers may balance supply with demand at a fair price, to reduce the volume and costs of maintaining Commodity Credit Corporation stocks, to provide for distribution to needy people and public institutions of additional needed high protein foods, to preserve and improve the status of the family farm through greater bargaining power, and for other purposes; to the Committee on Agriculture.

By Mr. GEORGE:

H.R. 11784. A bill to authorize the appropriation of $5,000 for planning of works for the protection of the banks of the Kansas River against erosion; to the Committee on Public Works.

By Mr. JOHNSON of California:

H.R. 11785. A bill to amend the Tariff Act of 1930, so as to impose a duty upon the importation of montan wax produced in Communist-dominated or Communist-occupied areas of Germany; to the Committee on Ways and Means.

By Mrs. PFOST:

H.R. 11786. A bill to amend the Internal Revenue Code of 1954 to impose import taxes on lead and zinc; to the Committee on Ways and Means.

By Mr. RIVERS of South Carolina:

H.R. 11787. A bill to amend title 10, United States Code, to make permanent the authority for flight instruction for members of Reserve Officers' Training Corps, and for other purposes; to the Committee on Armed Services.

By Mr. SISK:

H.R. 11788. A bill to amend the Federal Trade Commission Act to strengthen independent competitive enterprise by providing for fair competitive acts, practices, and methods of competition, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11789. A bill to amend the Federal Trade Commission Act to provide for the issuance of temporary cease and desist orders to prevent certain acts and practices pending completion of Federal Trade Commission proceedings; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMPSON of Texas:

H.R. 11790. A bill to repeal transportation excise tax; to the Committee on Ways and Means.

By Mr. HALPERN:

H.J. Res. 694. Joint resolution designating the second Sunday in September in each year as National Grandparents' Day; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

The SPEAKER presented a memorial of the Legislature of the State of New York, memorializing the President and the Congress of the United States and the Department of Defense of the United States and

the Government of Canada in relation to undertaking and progressing the development of the proposed New York-Montreal Seaway project; to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KEOGH:

H.R. 11791. A bill to confer jurisdiction on the U.S. Court of Claims to hear, determine, and render judgment on the claim of Paul Bernstein against the United States; to the Committee on the Judiciary.

By Mr. MOORE:

H.R. 11792. A bill for the relief of George Steve Eraklianos; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 11793. A bill for the relief of Capt. Arnold M. Anderson; to the Committee on the Judiciary.

By Mr. QUIGLEY:

H.R. 11794. A bill for the relief of Mrs. Telisa Prendic de Milenovic; to the Committee on the Judiciary.

By Mr. ROONEY:

H.R. 11795. A bill for the relief of Martin Albert Maidenbaum; to the Committee on the Judiciary.

By Mr. TEAGUE of Texas:

H.R. 11796. A bill for the relief of Arnold George Kelly and his wife, Melvina Birdylyn Kelly; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

421. By Mr. LOSER: Petition of rank-and-file members of Teamsters' Union, Local No. 327, Nashville, Tenn., stating alleged grievances arising under Public Law 86-257 (Landrum-Griffin labor bill) and the first amendment to the Constitution of the United States, as well as alleged abuses of monitors appointed by U.S. district court; to the Committee on Education and Labor.

422. By the SPEAKER: Petition of Pfc. Michael O. Tockey and others, San Francisco, Calif., requesting passage of Senate bill 1138, extending educational benefits to Armed Forces veterans after January 1, 1955; to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

National Space Goals

EXTENSION OF REMARKS
OF
HON. ALEXANDER WILEY
OF WISCONSIN
IN THE SENATE OF THE UNITED STATES
Monday, April 18, 1960

Mr. WILEY. Mr. President, to us as a Nation, and to a world poised on the brink of a new frontier—outer space—the future promises great new illuminations, experience, discoveries, and progress for the human race.

Historically speaking, our space exploration accomplishments of today—impressive as orbiting satellites, moonshots, and other accomplishments may be—will, in all likelihood, be topped by even greater discoveries, advancements, and accomplishments of tomorrow.

As in all fields, the Nation, meaning not only the leaders, but also the people as a whole, needs to crystallize, insofar as possible, a concept of just where we are and where we are going in the space age, if we are to progress at maximum speed.

The challenge, of course, is highly complex. Realistically, however, we are in a space race, whether we like it or not.

The clear establishment of a program of national goals, supplemented or modified as required by time and changing events, would serve, I believe, to, first, give greater direction to our national efforts to explore space; second, create greater confidence of what we are shooting for in space; and third, provide a program to encourage trained and aspiring individuals to enter the field vocationally, and provide us with space engineers, scientists, technicians, astronauts, and other skilled personnel needed for the future.

Recently, I outlined a series of recommendations which, I believe, could well serve as a foundation for our new venture into space, both for defense and for peaceful purposes. By no means would I consider this an all-comprehensive program. In the days ahead, the space exploration efforts of all nations—still in infancy—will unveil new mysteries and unknowns of space environment, vehicles, instruments, and knowledge.

Based upon moderate experience, however, I believe there are fundamental programs and objectives which can now be crystallized as space goals. At this time, I ask unanimous consent to have my suggested 12-point program printed at this point in the RECORD.

There being no objection, the program was ordered to be printed in the RECORD, as follows:

TWELVE-POINT SPACE PROGRAM

In the interest of our national progress and international prestige, I believe we must go "full speed ahead" with an independent space program—not attempt to imitate, or even match one for one, feats by the Soviets. The U.S. goals should include:

1. Successfully manned space flights by 1961.

2. Establishment of a communications-satellite system, including transmission of radio, telephone, teletype, and television.

3. Further improvement of the weather satellites—and maximum utilization of its information data—for improved weather forecasting.

4. Hitting the target date of 1964—or, if possible, earlier—for completion of the Saturn booster of 1½-million-pound thrust and early followup development of a second-generation Saturn with a 15-million-pound thrust.

5. Effective accomplishment, as planned by NASA, of the following: Lunar impacts (reconnaissance), 1961–62; planetary probes to Mars and Venus, 1962; and lunar soft landings, 1963–64, carrying television, seismograph, radiation-detection devices to observe and analyze the surface and subsurface of the moon.

6. For scientific purposes, blasting of successive satellites, sounding rockets, and other launchings, including astronomical observance satellites to make observations from the obscuring and blanketing effect of the earth's atmosphere; through directed spectroscopes and other satellite instruments, to determine, among other things, the role the sun plays in natural events upon the earth; and, with satellites, investigate the upper atmosphere, ionosphere, the earth's magnetic field, the aurora and radiation phenomena, and the measuring of gamma and cosmic rays, and gathering other scientific data.

7. Adapting scientific and technological knowledge for creating a more effective space arsenal, including ICBM's, and military satellites, as needed, to act as a deterrent power, until safeguarded international agreements are reached—if they are—for inspection of armaments to carry out policies of dedication of space for peaceful purposes.

8. Creating an adequate national warning-tracking system—i.e., radar system, sentinel satellites, etc.—to provide us with a "space guard" against surprise attack.

9. Setting up an international traffic-control system, including exchange of information among nations on launchings and flights of satellites, and other space vehicles, to prevent unidentified flights from being interpreted as possible attacks and triggering a war.

10. Development of nuclear, ion, or other types of rocket power for flight control of space vehicles.

11. Establishing a Space Academy—similar to the Army, Navy, Air Force, Coast Guard, Merchant Marine—to provide an adequately trained Space Corps.

12. Establishment of space law, through cooperation of nations, the United Nations, and other international organizations, to assure protection of peaceful flights, to avoid unnecessary clashes of interest, and to attempt to assure nonviolation of rights of nations in space.

SPACE LEADERSHIP—OR FOLLOWSHIP?

Will this program be expensive? Yes. According to present planning, the Nation is expected to spend $12 to $15 billion in the next 10 years. For the future the cost will, in all likelihood, be even higher.

However, the question is not whether we will shoot for these and other objectives. Rather, I believe the big question is when will we do it—now, or later? Will we run ahead of—or lay behind—the Communists?

NEEDED: FLEXIBLE PROGRAMS

We recognize, of course, in a new exploratory field, the adoption of such national goals must be flexible to accommodate new developments and discoveries in vehicles, instrumentation, space environment, and other factors that may affect the program. Nevertheless, these goals, I believe, will—and should—serve as a "solid pad" for the national program for the immediate future.

PRACTICAL BENEFITS OF SPACE EXPLORATION

What will be the practical benefits of our space program? Among others, these should include: (1) A stronger defense; (2) improved radio, telephone, teletype, and television communications; (3) more effective weather forecasting to minimize loss from tornadoes, hurricanes, and other storms, and benefit agriculture and conservation programs for preservation of our natural resources; (4) further man's efforts to utilize heat and light from the sun and other natural forces of the universe; and (5) generally gather other data and information about the elements and forces of space for harnessing them to serve mankind.

WHY A SPACE PROGRAM?

In man's eternal quest for knowledge, space provides the new frontier for exploration.

During normal times, the exploratory efforts probably would go forward at a slower pace. However, communism—the foe of freedom—is "up there."

Consequently, we need an effective program to pursue our fundamental interests, to protect our rights, to assure to ourselves the benefits of space potentials—many of which are yet unknown—and to counter any attempt by communism to use space vehicles as a tool for conquest by that international conspiracy.

What is at stake? Our survival.

Baring Telegraphs Question on Advisability of Narrows Bridge Bond Flotation While Charges Remain Unrefuted

EXTENSION OF REMARKS
OF
HON. WALTER S. BARING
OF NEVADA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 18, 1960

Mr. BARING. Mr. Speaker, under leave to extend my remarks, I wish to place in the RECORD a telegram I sent on April 16, 1960, to Dillon, Read & Co., Inc., attention, Mr. Frederic H. Brandi, president; White, Weld & Co., attention, Mr. Philip M. Neagle, partner; W. H. Morton & Co., Inc., attention, Mr. William H. Morton, president; and Allen & Co., attention, Mr. Charles Allen, Jr., partner. All addresses are located in New York City.

This telegram refers to the well-documented charge, among others, that the Narrows Bridge is improperly placed and would provide the key to a planned waste of $453 million in public roadbuilding funds.

The various charges have been made known to the superintendent of public works of the State of New York; to various members, I am informed, of the Legislature of the State of New York; and to the Governor of the State of New York.

None of the charges has been refuted.

On the contrary, the New York Times, April 16, 1960, reports that the Governor of the State of New York signed on April 15, 1960, a bridge bond bill to lift the 4-percent interest limit on securities sold to speed work on Narrows span.

In light of the increasing knowledge of the highway program scandal now spreading across the United States and as further revealed by the editorial and lead article "New Roads and Urban Chaos" in the April 14, 1960, Reporter magazine, it appears that attention to the charges discussed in this telegram and an investigation of the facts by members of the underwriting investment and banking professions and by the investing and general public at large can only be to their personal, the public, and the national interest.

The first of the four identical telegrams follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., April 16, 1960.

DILLON, READ & CO., INC.,
New York, N.Y.

Attention: Mr. Frederic H. Brandi, president.

As I have been informed that you are actively seeking to implement a financial program of the Triborough Bridge and Tunnel Authority and are seeking to arrange the sale of its bonds for its proposed Narrows Bridge, and as I understand charges of misstatement of engineering fact and exaggeration of representation of Narrows vehicular traffic flow have been made in connection with the proposed Narrows Bridge and its proposed associated Seventh Avenue Brooklyn approach, and against the desirability of the Narrows Bridge arterial plan itself, and as I understand these charges have not been answered, and as the Seventh Avenue approach if constructed is to be financed in part with Interstate Highway program Federal funds, and as false information concerning the status of demolition activity on the Seventh Avenue approach was presented to me by the superintendent of public works of the State of New York, and as this false information was baselessly alleged to me to be accurate by the city construction coordinator who was then and now is chairman of the Triborough Bridge and Tunnel Authority, and as a special committee of the Congress is now in existence to examine the Interstate Highway program, do you believe your best action in connection with the Narrows Bridge would be to withhold further support until said charges have been answered or refuted?

WALTER S. BARING,
Congressman for Nevada.

Joe D. Newton of the National Postal Transport Association

EXTENSION OF REMARKS
OF
HON. GEORGE HUDDLESTON, JR.
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 18, 1960

Mr. HUDDLESTON. Mr. Speaker, Joe D. Newton, of Birmingham, Ala., has long been considered to be a fixture on the scene of postal employees relations in Birmingham and throughout Alabama and the Memphis postal region. Mr. Newton is president of the Alabama Branch of the National Postal Transport Association, the organization which represents postal employees who work in railway mail cars, in highway post offices and at airports and in terminal post offices throughout the United States. We thought Mr. Newton would remain as president of the Alabama branch for as long as he continues in the postal service. I have just learned that Mr. Newton will not be a candidate for reelection when his term expires on May 7, 1960. I hope that some other avenue will be found for utilizing Mr. Newton's unique talents because certainly now, if ever, postal employees need capable spokesmen to defend their position.

As a Member of Congress I have been very close to the National Postal Transport Association and even before coming to Congress I have been intimately friendly with Mr. Newton. I may have been the first Member of Congress to ride in a railway post office car. Certainly I was first in the sense that the ride, which was arranged for me by Mr. Newton, was accomplished even before I came to Congress in 1964. Under Mr. Newton's wise guidance I learned the specialties of railway mail clerks, the things they need to know, the importance of the service they perform. Today, 6 years after that ride on the railway post office car, I realize that no one either within or outside the Post Office Department has yet developed a method of mail handling which will equal the ides of en route distribution as a benefit to the postal service.

Partly because of the education I received on the trip, and partly because of the supporting material furnished me by Mr. Newton and his colleagues, all my distinguished congressional colleagues from Alabama joined me in a joint appeal to the Post Office Department to establish, or to extend highway post office service. This was done in the realization that with a contracting railway transportation structure the best alternative to the superlative railway post office would be to transplant the same type of operation to the Nation's highways.

My colleagues and I also joined in an appeal to the Post Office Department to continue the district transportation office in Birmingham. From what I can see the information provided by Mr. Newton to the Senators and Members of Congress from Alabama was extremely persuasive and I feel that had it not been that the program of closing district offices was a nationwide plan, we would have been able to succeed permanently as we did initially in maintaining the transportation office at Birmingham.

Thus, if after his term of office expires on May 7, Mr. Joe D. Newton of Birmingham continues to be a representative of postal employees, I hope that he will be able to exercise his persuasive talents at the level of the Memphis postal region. Communications, after all, are the heart of the postal service and so too, I as a Member of Congress, feel that I will be able to communicate more effectively with the several levels of the Post Office Department if Mr. Joe Newton, president of the Alabama branch of the National Postal Transport Association is persuaded to change his mind and to continue to serve as an employee representative.

Presidential Poll—Fourth District, Oregon

EXTENSION OF REMARKS
OF
HON. CHARLES O. PORTER
OF OREGON
IN THE HOUSE OF REPRESENTATIVES
Monday, April 18, 1960

Mr. PORTER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following press release

from my office and the results of a poll of choices for President which I included on my recent questionnaire sent to 131,000 of my constituents:

Senator WAYNE MORSE and Vice President RICHARD NIXON are the favorite presidential primary candidates of residents of Oregon's Fourth Congressional District. They led the field of presidential hopefuls in the postcard questionnaire mailed to 131,000 constituents by Representative CHARLES O. PORTER, Democrat, of Oregon.

Senator JOHN F. KENNEDY and Adlai Stevenson placed third and fourth. Stevenson's name will not appear on the Oregon primary ballot.

A total of 17,831 persons named their choices for President. NIXON received 5,883 votes (33 percent of that total). MORSE got 2,957 votes (16.5 percent). KENNEDY received 2,536 votes (14.2 percent). Stevenson received 2,179 votes (12.2 percent).

A total of 10,423 (58.5 percent) voted for Democrats. A total of 7,407 (41.5 percent) voted for Republicans.

Oregonians in the Fourth District also had other favorites. Senator HUBERT HUMPHREY received 1,160 votes (6.5 percent). Senator LYNDON JOHNSON received 817 (4.6 percent). Senator STUART SYMINGTON received 746 (4.2 percent). Gov. Nelson Rockefeller received 1,477 (8.3 percent).

A total of 76 miscellaneous votes (0.5 percent) were cast. Two votes went to "none of your business."

Senator MORSE was the leading Democratic candidate in five of the seven counties in the district. Senator KENNEDY outpolled him in two (DOUGLAS and JACKSON).

The presidential preference question was 1 of 13 in PORTER's questionnaire. Results on the others, which deal with Federal issues, are now being compiled. In all, 20,419 people in the district responded to the poll.

PORTER said his wife, Priscilla, tabulated almost all of the returned questionnaires.

A complete breakdown of the presidential-poll results follows. It lists figures and percentages for the district and for each county:

Analysis of votes for President in the 4th Congressional District of Oregon on questionnaires distributed by Representative Charles O. Porter

	Morse	Kennedy	Stevenson	Humphrey	Johnson	Symington	Nixon	Rockefeller	Miscellaneous	Total Democratic	Total Republican	Total votes
4th district:												
Number	2,957	2,536	2,179	1,160	817	746	5,883	1,477	76	10,424	7,407	17,831
Percent	16.5	14.2	12.2	6.5	4.6	4.2	33.0	8.3	0.5	58.5	41.5	100.0
Coos:												
Number	514	247	158	162	57	49	465	134	1	1,187	600	1,787
Percent	28.8	13.8	8.9	9.0	3.2	2.7	26.0	7.6	0	66.4	33.6	100.0
Curry:												
Number	122	78	66	25	14	17	164	48	0	322	212	534
Percent	22.8	14.6	12.4	4.7	2.6	3.2	30.7	9.0	0	60.5	39.5	100.0
Douglas:												
Number	252	261	270	141	126	142	720	174	10	1,299	900	2,199
Percent	11.5	16.5	12.3	6.4	5.5	6.5	32.9	7.9	0.5	58.9	41.1	100.0
Jackson:												
Number	348	379	351	153	156	140	984	311	23	1,531	1,314	2,845
Percent	12.2	13.3	12.3	5.4	5.5	4.9	34.7	10.9	0.8	53.8	46.2	100.0
Josephine:												
Number	230	175	129	49	96	48	482	73	6	728	560	1,288
Percent	17.9	13.6	10.0	3.8	7.5	3.7	37.4	5.7	0.4	56.5	43.5	100.0
Lane:												
Number	1,206	1,026	1,055	514	291	284	2,372	652	33	4,394	3,039	7,433
Percent	16.2	13.8	14.2	6.9	3.9	3.8	32.0	8.8	0.4	59.1	40.9	100.0
Linn:												
Number	285	270	150	116	83	66	808	85	3	972	782	1,754
Percent	16.3	15.4	8.5	6.6	4.7	3.8	39.7	4.8	0.2	55.4	44.6	100.0

Statement by Congressman Edward A. Garmatz

EXTENSION OF REMARKS
OF
HON. FRANK W. BOYKIN
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 18, 1960

Mr. BOYKIN. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks and include in the RECORD a statement made at a Merchant Marine and Fisheries Committee hearing by one of the greatest Congressmen in this Nation. I have known and served with him for many long, wonderful years. I have traveled to shipbuilding plants and repair plants in many lands with my old friend, Congressman EDWARD A. GARMATZ, of Maryland.

Mr. Speaker, this man has brains and ability and an unlimited supply of energy and he is one of the greatest Americans that I have ever known, and I wish every one of his constituents could know, as I know, what he has done for his district, his State, and his Nation.

Mr. Speaker, I believe we will wipe out this 6 percent differential that the west coast has on shipbuilding. It should have been wiped out long, long ago, but now we have the Great Lakes and the east coast joining with us on the gulf coast, and I am sure we will put an end to this very unfair, unfavorable, and uncalled for 6 percent differential which has been granted to the west coast for so long. There was a time, Mr. Speaker, when the west coast needed this differential and I joined with a great Congressman on the west coast in helping to give it to them. That was the great Congressman Dick Welch, of California, who has gone to his reward. I will guarantee you, if Dick Welch were living today, he would vote to abolish this 6 percent differential. I do not want any part of this great Nation to have an unfair and unjust advantage of any other part of the United States. It is just like two people doing business with a bank—one that had to pay interest at 6 percent and one that did not have to pay any interest at all. You could not compete with the man who had the advantage of the 6 percent that the west coast is getting.

Now, I consider this as practically finished and it is "peanuts" compared to what is going on in the rest of the world in the building of ships, tankers, repair plants, and so forth. What I think we should do, Mr. Speaker, is to give the west coast, the gulf coast, the east coast, and the Great Lakes a real differential in building ships, so we can compete with all of the foreign nations that have more business than they can handle. Congressman GARMATZ and I visited many shipyards, and everywhere we went in England, France, Italy, and Scotland, these yards—these yards that the United States had helped them build—had more business than they could handle, and we were told in many instances they had a backlog that would carry them over until 1965.

Our committee has just passed a resolution to grant a 33⅓ percent subsidy to fishing boatbuilding. I am sure we will have no trouble in passing this bill when it is finally voted out of our committee, and I believe it will be voted out on our return from our Easter recess. What we did for harassed fishermen who had been told they should have their ships built in Japan and other foreign countries, we should do for the builders of cargo ships and all other ships; even if it takes more than 33⅓ percent—say 40 percent—this should be done, and at once, if we expect to survive as a shipbuilding nation.

I believe that Chairman Clarence Morse and his Maritime Board would go along on this a thousand percent, because Chairman Morse and his Commissioners accompanied us on the trip above referred to, where we found the shipyards in every country we visited loaded with work and in every instance it was ships and tankers for our great firms in this Nation—the United States of America.

The statement follows:

Mr. Chairman and members of the committee, we are, indeed, grateful to the members of the Merchant Marine Subcommittee that they have scheduled these hearings on H.R. 8205 and similar bills, to eliminate the

As long ago as 5 years, we knew that the 6-percent differential applying to certain bids of Pacific coast shipbuilders.

need for this differential no longer existed, and at that time I introduced the same bill as H.R. 8205, but the subcommittee did not reach it on the agenda. In the meantime, the situation continues to improve in favor of the west coast shipbuilders, until now, the point has been reached where the 6 percent proves to be a subsidy to them.

In its report on this legislation last August, the Navy Department stated, and I quote:

"It now appears, however, that Pacific coast private shipyards are gradually overcoming their previous competitive disadvantage through increased efficiency, application of improved industrial techniques and because of expanded west coast production of basic materials. During recent years, Pacific coast shipyards have been quite successful in competing for naval ship work.

"The Department of Defense has no convincing evidence that west coast shipyards are now at a significant disadvantage. The Department of Defense, however, is not in a position to state whether or not some degree of subsidization is still required to enable those shipyards to participate in ship-construction programs on a competitive basis."

Mr. Chairman, the Defense Department may not be in a position to state whether such subsidization is still required, but facts and figures available prove that it definitely is not required, and they will be presented by other witnesses during these hearings.

If there ever was justification for a differential in favor of the Pacific coast shipyards, it no longer exists. The Pacific coast shipbuilding industry is not an infant industry, but a thriving giant. During the Second World War over 44 percent of all tonnage built in this country's record-breaking shipbuilding effort (embracing Atlantic, gulf, Great Lakes, and Pacific shipyards) was constructed in Pacific coast yards. Today 36.5 percent of all tonnage under construction for the Maritime Board is in Pacific coast yards.

One of the justifications offered for the 1936 differential was the higher cost on the Pacific coast of material and components, which were believed to be more costly because they were manufactured in the East and had to be shipped by rail to the West. Today this is not true. Whereas in 1936 only 8 percent of the Nation's steel producing capacity was in plants west of the Rockies; today 9 percent of all steel capacity in the United States is west of the Rockies. By contrast, only 1½ percent of our steel production today goes into shipbuilding, so that there is enough steel capacity west of the Rockies to supply our entire shipbuilding industry nationwide many times over. Certainly there is enough to supply the Pacific coast shipyards, without any need on their part to purchase it in the East, or pay transcontinental freight rates. And the prices of steel sold by plants west of the Rockies are fully competitive with those of eastern steel manufacturers.

What is true of steel is likewise true of the other major components of shipbuilding. We are all aware of the tremendous growth of manufacturing on the west coast since the Second World War. West coast manufacturers now produce substantially all of the component parts used in shipbuilding and do so at prices competitive with those of the east coast manufacturers. Indeed, in many instances, the west coast manufacturers of major components are so competitive with east coast manufacturers, that shipyards on the east coast have found it cheaper to buy components from west coast suppliers, and have them shipped by rail across the country, paying transcontinental freight, than to buy from eastern suppliers.

For example, Maryland Shipbuilding & Drydock Co., a major shipyard in Maryland, recently purchased, after nationwide competitive bidding by suppliers, six cargo cranes at a price in excess of $1 million from a supplier in Alameda, Calif., for installation on two ships under construction in Baltimore.

Similarly, the same shipyard, after competitive biddings, placed an order for two main propulsion engines with the Sunnyvale, Calif., plant of the Westinghouse Electric Co., as the low bidder.

Such examples, which could be multiplied many times over, demonstrate that the west coast yards have not a disadvantage, but an actual cost advantage.

Even in the occasional instance where the west coast shipyards may look to the East for material or components, in almost all instances, the suppliers will deliver the components laid down at the shipyards, at the same delivered price, regardless of location. In short, the suppliers will absorb the rail freight. These facts suggest that any difference in cost which may have existed in 1936, is now wholly illusory, or, indeed, favors the west coast shipyards.

And the results bear out this view. Only the other day a west coast shipyard outbid east coast and Great Lakes competitors on a major contract for the construction of Navy vessels. In that bidding no 6-percent differential was involved. The west coast yard was the low bidder.

Results like these make clear that whatever economic justification may once have existed for a differential favoring Pacific coast shipyards has now disappeared.

At the time section 502(d) was enacted, the proponents of the legislation acknowledged that the differential could only be considered as temporary. A continuation of this differential at this time is unjust, unfair, and discriminatory.

If west coast shipyards believe it should be continued, let them come forth with some facts to prove it.

Coming from a district in which the shipbuilding industry is a vital part of the city's economy, I would be interested in having some concrete facts and figures to pass on to my constituents, who find it difficult to understand why the west coast should receive such favored treatment at their expense, especially so since such preferential treatment exists in no other area of procurement.

I am confident that when all the facts and figures have been submitted to your committee, you will see the fairness and necessity for favorable action on H.R. 8205 and similar legislation.

Soil Conservation Service—Quarter Century of Achievement

EXTENSION OF REMARKS
OF
HON. HAROLD D. COOLEY
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 18, 1960

Mr. COOLEY. Mr. Speaker, all Americans will want to join in a salute to the Soil Conservation Service on its 25th birthday. SCS is the evangelist of the gospel of the conservation of our most vital resources—soil and water. Through its leadership we not only are blessed with abundance of food and fiber in our time but we also are bequeathing plenteousness of the land to the generations to follow us.

As a part of the celebration marking this quarter century of achievement, Mr. Speaker, and by permission of the House, I am placing in the CONGRESSIONAL RECORD the text of remarks I made over radio station WKIX, Raleigh, N.C., on April 17. These remarks follow:

CONSERVATION

(By HAROLD D. COOLEY)

During this month of April we celebrate a date important to all Americans. This Nation marks the 25th anniversary of the establishment of the Soil Conservation Service. On April 27, 1935, the Soil Conservation Act was signed into law. In the last quarter century, the Soil Conservation Service has influenced not only our farming operations but also the lives of millions of Americans. The work of our farmers, healing and protecting the land under the guidance of this service, will mean better lives for the generations that will follow us. I salute the men of the Soil Conservation Service who do credit to the Nation they serve.

The people of North Carolina have a special interest in the 25th anniversary of the nationwide program of soil and water conservation. Chiefly, this is because it is the home State of Hugh Hammond Bennett. And you literally can't think of Hugh Bennett without thinking of soil conservation—nor can you think of soil conservation without thinking of Hugh Bennett.

Since his graduation from the University of North Carolina in 1903, he has devoted his entire life to a study of the soil. In 1905, as a member of a soil survey party in Louisa County, Va., he first discovered the cause and true significance of soil erosion. From that point on, Bennett's life became a crusade for conservation.

In observing the 25th anniversary of the Soil Conservation Service, we have an opportunity to take stock of accomplishments. We are prone to forget, after a quarter of a century, the problems and the obstacles that had to be overcome in soil and water conservation. We forget the gullied land, the barren acres, the overgrazed pastures that were commonplace only 25 years ago. Today North Carolina, like much of the rest of the Nation, is a green and fertile land because of Hugh Bennett, the wisdom of a forward-looking Government, and because of the devoted and dedicated work of thousands of our farmers.

We forget, too, the rehabilitation of the thousands of young men who worked in CCC camps in those early days. Many of us can remember the great depression and the hordes of distraught young men riding on freight trains across the country, looking for work and finding none. The CCC camps gave them jobs on the land that made possible a quick demonstration of conservation measures.

In demonstration projects throughout the country, farmers learned that gullies and wasted land were not the inevitable result of farming. They learned that the land could be rebuilt, pastures could be improved, crop yields and farm income could be increased, timber and pulpwood could be produced through sound conservation farming. In North Carolina we had demonstration projects at High Point, Wadesboro, Greensboro, Reidsville, Franklinton, Charlotte, Burlington, and Lexington.

Another major event in the progress of soil and water conservation was the establishment of soil conservation districts. Bennett had felt from the beginning that the farmers themselves should take over the soil conservation movement. And it was significant that the Brown Creek Soil Conservation District, the first soil conservation district in history, included Hugh Bennett's home county, Anson. The Brown Creek Soil Conservation District was set up on August 4, 1937.

Soil conservation districts were established under State laws. The first such law was passed on March 3, 1937. By the end of that year, 22 States had enacted such laws authorizing creation of soil conservation districts, with legal status. They were created by action of farmers to assure continuance and progress of soil and water conservation throughout the Nation.

By July 1, 1945, all 48 States had enacted soil conservation district laws. Puerto Rico and the Virgin Islands passed such laws in 1946, and Hawaii and Alaska in 1947.

The soil conservation movement quickly took on international aspects. Agricultural leaders from countries all over the world came to America to get the inspiration and the know-how that farmers in this country had developed. Hugh Bennett himself traveled to many foreign countries to help them get under way conservation programs that would conserve their resources of soil and water. Soil conservation services, patterned after our own, were set up in many countries.

In our own country, June 9, 1947, was observed as Billion Acre Day. On that day the

San Juan Soil Conservation District in Colo-

Whereas the International Joint Commis-

democracy against totalitarianism in a

that I have ever known, and I wish every one of his constituents could know, as I

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In our own country, June 9, 1947, was observed as Billion Acre Day. On that day the

San Juan Soil Conservation District in Colorado was chartered, bringing the total farm and ranch land in soil conservation districts to 1 billion acres.

From the beginning, Bennett had insisted that the fundamental principle of sound soil and water conservation was the use of each acre within its capabilities and the treatment of each acre in accordance with its needs for protection and improvement. There was on September 8, 1948, an occasion of special significance to the people of North Carolina. It was the celebration of Hugh Bennett Day arranged by the Brown Creek Soil Conservation District.

Thomas Wolfe, one of the greatest writers North Carolina has ever produced, was the author of a novel titled "You Can't Go Home Again." But Hugh Bennett came home to North Carolina that day to a welcome in which the whole State joined. The principal speaker on that occasion was another great North Carolinian, Jonathan Daniels, author, journalist, and former Presidential secretary. I should like to quote briefly from the speech that Jonathan Daniels made on that occasion:

"In wartime," Daniels recalled, "we were fed from acres which, when Hugh Bennett began as Chief of the Soil Conservation Service, were producing only dusterms for dark skies. But any people who think that Hugh Bennett's science is a mere matter of water and wind, soil and plows, have only the slightest understanding of the meaning of the man. What he discovered was the carelessness and blindness of man.

"What Hugh Bennett taught us," Jonathan Daniels continued, "was that in our ignorance and blindness and almost in secrecy, the treasure of our lands and our lives can slip from beneath us—and suddenly be gone forever."

That was a great tribute to a great man and to the relentless force of a personality that awakened America to the danger of the wasteful, careless road we were following with respect to our soil and water resources. Once awakened, we have remained alert to the needs of the land.

We have made tremendous progress in soil and water conservation in the past 25 years. We think today of soil conservation as a way of life. We have learned to think in new terms about the land. We realize that our present bounty can be as fleeting as a desert mirage, unless we guard continuously our precious heritage of soil and water.

Conservation farming is efficient farming. It includes such practices as irrigation to assure production when droughts occur; drainage to prevent damage to crops during wet years. It means growing trees, pastures, and row crops on land where these crops are best adapted, where they can be grown with less damage to the land. It means the preservation of the very source of life itself. It means a good life in our time and, above all, a priceless heritage for our children and for our children's children.

Truly, this is a momentous event that we shall commemorate on April 27—the 25th anniversary of the establishment of the Soil Conservation Service. I should like to quote again from the speech by Jonathan Daniels:

"This earth and its promise are ours," he said. "And upon it we shall measure ourselves and the future. The good earth is lacked but not lost. The hope of the Garden is not gone. But suddenly—very suddenly—in surprise and chagrin, we could face a desert where we hoped to behold fulfillment of our dreams. Blindness is not restricted to agriculture. Indeed they are blind who see what Hugh Bennett has taught us only in our fields. He has been talking and teaching not about our soils but ourselves. We need to contemplate not only our fields, but our old fears."

SENATE

TUESDAY, APRIL 19, 1960

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

Rev. Robert W. Duke, minister, People's Congregational Christian Church, Dover, Del., offered the following prayer:

Gracious Heavenly Father, who hast called us into families, communities, and nations, we give Thee thanks for Thine eternal laws upon which we build our societies, for the indwelling presence of Thy spirit that encourages us to build, and for the voice of conscience which guides our labors.

Help us to remember, as we work, that except we build upon Thee, our families and our world will not be sustained.

O Thou who hast called us with our talents and abilities to serve, we thank Thee for our vocations, and pray that, whether we lead or follow, whether we give or receive, our decisions may be for the sake of the common good. Give us the courage to walk the high road of self-sacrifice; and, if we stumble, or are confused by the difficulties on our chosen way, will Thou forgive us and accept us with our weaknesses and our strengths into Thy fellowship. In His name we pray. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Monday, April 18, 1960, was dispensed with.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. MANSFIELD. Mr. President, under the rule, there will be the usual morning hour. I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

LEGISLATIVE PROGRAM AND COMMITTEE SESSIONS

Mr. MANSFIELD. Mr. President, I should like to make a request of the Senate, and this request meets with the concurrence of the minority leader, the Senator from Illinois [Mr. DIRKSEN]; namely, that the committees resume their meetings; that they begin to meet early, if need be; and that they begin to report proposed legislation, so the Senate can consider the bills and other measures in ample time before the adjournment for the conventions early in the summer.

On request of Mr. DIRKSEN, and by unanimous consent, the Subcommittee on Flood Control, Rivers and Harbors, of the Committee on Public Works, was authorized to meet during the session of the Senate today.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT OF NATIONAL ADVISORY COUNCIL ON INTERNATIONAL MONETARY AND FINANCIAL PROBLEMS

A letter from the Chairman, National Advisory Council on International Monetary and Financial Problems, Washington, D.C., transmitting, pursuant to law, a report of that Council, for the period January 1–June 30, 1959 (with an accompanying report); to the Committee on Foreign Relations.

REPORT ON PROPOSED PRESIDENTIAL ARCHIVAL DEPOSITORY

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a report on a proposed presidential archival depository to be known as the Eisenhower Library (with accompanying papers); to the Committee on Government Operations.

ADMISSION INTO THE UNITED STATES OF CERTAIN DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

AMENDMENT OF ATOMIC ENERGY ACT OF 1954, AS AMENDED

A letter from the Acting Chairman, U.S. Atomic Energy Commission, Washington, D.C., transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended (with accompanying papers); to the Joint Committee on Atomic Energy.

CONCURRENT RESOLUTION OF LEGISLATURE OF NEW YORK

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a concurrent resolution adopted by the Legislature of the State of New York, relating to the development of the proposed New York-Montreal Seaway project.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION 143

Concurrent resolution memorializing the Congress and Department of Defense of the United States and the Government of Canada in relation to undertaking and progressing the development of the proposed New York-Montreal Seaway project

Whereas construction of a deepwater seaway between the city of New York and the city of Montreal, Canada, would be of inestimable benefit to the development of the commercial, economic, and natural resources of the State of New York; and

Whereas this seaway would revitalize the Port of New York, the Hudson Valley, and the Champlain region through increased industrialization and seaborne commerce; and

Whereas this seaway would cut the water distance between New York City and Montreal by 1,260 miles; and

Whereas its construction would reduce the cost of delivery of newsprint and other Canadian materials to residents of the State of New York and residents of adjacent States; and

Whereas it would assure an unlimited supply of fresh water from all cities adjacent to the Hudson River; and

Whereas the International Joint Commission reported that construction of a New York-Montreal seaway could be justified after completion of the St. Lawrence Seaway; and

Whereas the St. Lawrence Seaway is now an accomplished fact; and

Whereas the Committee for the New York-Montreal Seaway, composed of leading engineers and responsible persons from other fields of endeavor, has deemed construction of this seaway an essential element in the growth of the State's economic climate: Now, therefore, be it

Resolved (if the assembly concur), That the Congress of the United States and the U.S. Department of Defense be and hereby are respectfully memorialized to have the route of the proposed seaway surveyed by the Army Engineers; and be it further

Resolved (if the assembly concur), That the Government of Canada be and hereby is respectfully memorialized to continue its interest and cooperation in the development of this project; and be it further

Resolved (if the assembly concur), That the Joint Legislative Committee on Commerce and Economic Development and the Joint Legislative Committee on Interstate Cooperation be urged to lend assistance to governmental and private agencies interested in construction of this seaway; and be it further

Resolved (if the assembly concur), That copies of this resolution be transmitted to the Secretary of the U.S. Senate, the Clerk of the House of Representatives of the United States, the Secretary of Defense of the United States, the Prime Minister of Canada, the Premier of the Province of Quebec, the Governor of the State of Vermont, and all Members of the U.S. Congress elected from the States of New York and Vermont.

By order of the senate:

JOHN J. SANDLER,
Secretary.

By order of assembly:

ANSLEY B. BORKOWSKI,
Clerk.

RESOLUTIONS OF ORGANIZATIONS IN STATE OF NEW YORK

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a series of resolutions adopted by organizations in the State of New York.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION ADOPTED BY CITIZENS ACTION COMMITTEE, NASSAU-SUFFOLK COUNTIES, N.Y., AT THEIR EXECUTIVE BOARD MEETING ON APRIL 6, 1960

Whereas the question of the character and extent of foreign aid given by the U.S. Government, its planning and administration, have long been the subject of great concern to many Americans;

Whereas a subcommittee of the Foreign Affairs Committee of the House of Representatives has recently submitted its report, after having inspected foreign aid installations in 17 countries, involving over 40,000 miles of travel;

Whereas that report finds that there is evidence of careless planning and lax administration in many of the areas visited; and

Whereas the economy of American taxpayers and the prestige of our Government in the eyes of distant countries suffer seriously as a result of extravagance and maladministration on those fields: Now, therefore, be it

Resolved, That the Citizens Action Committee of Nassau and Suffolk Counties, N.Y., at its executive board meeting of April 6, 1960—

(a) Commends the operation of the aforenamed subcommittee and the intention to scan carefully the expenditure of taxpayers' money in foreign aid; and

(b) Urges that the International Cooperation Administration plan only for such projects as will positively promote practical improvement in the living standards of the people who receive our assistance and enable them to be self-supporting as early as possible; and be it further

Resolved, That copies of this resolution be sent to the chairman of the subcommittee, to Long Island Representatives and to Senators JAVITS and KEATING.

RESOLUTION OF MONTGOMERY COUNTY MEDICAL SOCIETY OF FONDA, N.Y.

Whereas efforts to place the practice of medicine under governmental control are increasing each year; and

Whereas amendments to the Social Security Law are the favorite instruments for those who favor governmental medicine; and

Whereas the Forand Bill (H.R. 4700) is the 1960 version of the continuing efforts of the proponents of governmental medicine; and

Whereas the bill would set up a system whereby a Federal agency would set arbitrary standards for medical care and dictate fees and charges; and

Whereas the doctor-patient relationship would be seriously impaired, if not destroyed; and

Whereas it would put the Federal Government into an area of health care with which it is not equipped to cope; and

Whereas it would be most difficult if not impossible to provide the best medical care under a Government-dominated program, which the passage of the Forand bill, or any bill of a similar type would bring about: Now, therefore, be it

Resolved, That the members of the Montgomery County Medical Society marshal all their resources for the purpose of preventing the enactment of the Forand bill, or any bill of a similar type; and be it further

Resolved, That a copy of this resolution be sent to Congressman SAMUEL S. STRATTON, Senator JACOB K. JAVITS, Senator KENNETH B. KEATING and Hon. WILBUR MILLS, chairman, Ways and Means Committee, House of Representatives.

RESOLUTION ADOPTED UNANIMOUSLY BY SYRACUSE UNIVERSITY SENATE, MARCH 9, 1960

Voted that the senate of Syracuse University go on record as disapproving the disclaimer affidavit of the National Defense Education Act of 1958 (sec. 1001(f), title X), on the following grounds:

1. That it will serve no useful purpose;

2. That it discriminates against students as if they were a class prone to disloyalty, as distinct from other recipients of Federal grants, and it also discriminates against other special academic groups receiving grants under the act (e.g., certain fellowship recipients and faculty personnel);

3. That it is so vaguely worded as to be susceptible to irresponsible interpretation, involving issues of "belief" rather than of action, and involving organizations not clearly identified. This brings it dangerously close to a concept that "belief" as opposed to overt action may be punishable by law.

Voted also that the action of this senate be reported by the secretary to U.S. Senators JACOB K. JAVITS and KENNETH B. KEATING, and U.S. Representatives R. WALTER RIEHLMAN and ALEXANDER PIRNIE.

RESOLUTION OF NIAGARA FALLS BRANCH OF NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, NIAGARA FALLS, N.Y.

Whereas the United States of America is the leading country in the struggle for democracy against totalitarianism in a world of social unrest;

And whereas acts of bigotry, disunity, and flagrant injustice within its territory are amplified and exhibited as proof positive of decadence and unworkability of a democratic form of government in contributing to the edification of the dignity of man,

And whereas the lunch counter incidents as occurring in the southern area of the United States of America are unquestionably acts which clearly demonstrate man's inhumanity to man, intolerance, and a denial, to some, of the rights and privileges guaranteed to all under the Constitution of the United States: Now, therefore, be it

Resolved, That persons and organizations who engage or participate in denying service to a segment of the population solely on the premise of race creed or national origin, are guilty of grave disservice to the cause of American leadership and world democracy; and be it further

Resolved, That any law or ordinance, which permits, or ordains such denials, are in direct opposition to the spirit and principles of the Constitution of the United States of America and should and ought to be declared herewith and henceforth illegal; and be it further

Resolved, That copies of this resolution be sent to the President of the United States; the two New York State Senators; the 42d District Representative in Congress; the Governor of the State of New York; the National Office of the National Association for the Advancement of Colored People, and to the Speaker of the House of the U.S. Congress, and the majority leader of the U.S. Senate.

Adopted this 27th day of March 1960, in the city of Niagara Falls, Niagara County, State of New York by representatives of the community in assembly for support of southern students arrested in lunch counter incidents troughout the Southland.

H. GERALD WHITAKER,
President, National Association for the Advancement of Colored People.

VERRAZANO DAY—PROCLAMATION

Mr. KEATING. Mr. President, the name of the great explorer, Giovanni da Verrazano, has been overshadowed in our history by famous names more closely identified with the discovery of the New World. Verrazano was, in fact, an outstanding pioneer in the exploration of the continent on which we live. Indeed, almost a century before the coming of the Pilgrims, Verrazano touched our shores and made preliminary explorations.

The State of New York is particularly cognizant of the role of this courageous prober into the unknown, for he and his French companions were the first white men to enter New York Harbor. In recognition of this great historical contribution of Verrazano, Nelson A. Rockefeller, Governor of the State of New York, proclaimed April 17 as Verrazano Day.

Mr. President, in view of the national significance of this proclamation, I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PROCLAMATION BY GOV. NELSON A. ROCKEFELLER, OF NEW YORK

Giovanni da Verrazano, for whom the great bridge across the mouth of New York Harbor will be named, was unquestionably the first man to sail from Europe to the

chases of North America, with the express intention of exploring them. This feat is recognized by the foremost historiographers and historical societies of the world. It is officially affirmed by the New York State historian.

This illustrious Florentine was not merely an expert pilot and navigator. He was learned in cosmography and an exceedingly well-informed, well-read man.

He was also a true pioneer. Sixty years before the men sent by Raleigh, 86 years before Hudson, 96 years before the Pilgrims of the Mayflower, he came to these shores, explored them carefully and wrote a report which is one of the most accurate of those made at the time. Verrazano and his French companions were the first white men to enter New York Harbor. They were the discoverers of the greater part of the Atlantic seaboard of the United States.

Now, therefore, I, Nelson A. Rockefeller, Governor of the State of New York, do hereby proclaim April 17, 1960, as Verrazano Day in New York State.

Given under my hand and the privy seal of the State at the capitol in the city of Albany this 15th day of March in [SEAL] the year of our Lord one thousand nine hundred and sixty.

By the Governor:

(Signed) NELSON A. ROCKEFELLER.

(Signed) WILLIAM J. ROMAN,
Secretary to the Governor.

RESOLUTION ON IMPORTATION OF GLOVES ADOPTED BY REPUBLICAN CHAIRMEN OF FOURTH JUDICIAL DISTRICT, NEW YORK

Mr. KEATING. Mr. President, I want to invite attention to a forthright and informative resolution adopted by the Republican Chairmen of the 4th Judicial District of my State. The resolution protests the recent Tariff Commission finding of "no injury" in the case of leather dress gloves, and outlines the serious economic and employment difficulties which have been faced by the people of Fulton County, N.Y.—the center of what remains of the American glove industry.

I have on a number of occasions spoken on the floor of the Senate urging that some measure of real relief be granted to American industries, such as the glove industry, which have been seriously injured as a consequence of increased foreign competition over the past several years.

I have introduced a bill, S. 2882, which is cosponsored by a number of my colleagues in the Senate, which I believe would accomplish this purpose, and would, within the structure of our existing trade agreements legislation, tend to prevent a few American industries from bearing the full burden of increased competition from abroad.

Mr. President, the people of Gloversville have suffered enough. This fact is clearly documented by the resolution of the Republican Chairmen of the 4th Judicial District. The time has come for thoughtful and sensible attention to this situation, and for action. I sincerely hope that the Congress will in the very near future evaluate all of the several pending proposals in this field (including my bill, S. 2882) and that we will then get down to the business of enacting legislation which will permit the United States to strike a better and more realistic balance between our domestic and international economic policies.

Mr. President, I ask unanimous consent that the resolution which I referred to be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas an application recently submitted to the U.S. Tariff Commission by the National Association of Leather Glove Manufacturers, Inc., requesting that a quota be set on the import of women's fine leather dress gloves; and

Whereas said application was denied on the ground that such imports weren't in such a quantity as to cause injury to the domestic glove industry; and

Whereas 95 percent of such gloves are manufactured in Fulton County, and glove manufacturing accounts for 70 percent of the manufacturing employment in Fulton County; and

Whereas over 90 percent of raw materials used by Fulton County glove manufacturers tanned by Fulton County tanners are obtained from foreign sources and over the years have contributed greatly to international trade; and

Whereas the ratio of imports to domestic production of table cut and pattern cut gloves has increased from 1950 to 1959 from 20 percent to 150 percent, and domestic production of such gloves has dropped from 1950 to 1959 from 256,000 to 137,000 dozen; and

Whereas unemployment in Fulton County in January 1960 was 3,712 (2,046 of which were gloveworkers); and

Whereas the depressed economy of Fulton County could be revitalized by affording the glove industry some measure of protection from unlimited imports; and

Whereas the domestic glove industry has no market other than the domestic market; and

Whereas the unit value of domestic gloves in 1950 which was $26.04 has decreased to $24.87 in the face of a decade of rising prices in other industries; and

Whereas the 225,000 dozen of women's fine leather dress gloves imported into the United States has affected the production of leather dyes—chemicals, finishes, and many other materials—and has otherwise affected local industry so as to provide $6 million less in wages for the county of Fulton; and

Whereas the domestic glove industry is needed in the United States as the 180 million pairs of gloves supplied to the U.S. Armed Forces during World War II emphatically showed; and

Whereas there is a definite lack of job opportunities for young folks in Fulton County; and

Whereas the lack of employment due to the closing of glove factories (from 1946 to 1960 from 184 to 56) has had a disastrous effect on the morale of the people of Fulton County; and

Whereas the entire glove industry, let alone the manufacture of women's fine leather dress gloves is so relatively small that a quota on imports cannot too seriously affect world trade; and

Whereas Fulton County has been and still is considered by the U.S. Bureau of Unemployment in group "F," that is job seekers substantially in excess of job opportunities (rate of employment 12 per cent); and

Whereas self-help activity in the county of Fulton although vigorous and in part effective the stealing of industries from other distressed areas is and has been no solution; and

Whereas the city of Gloversville contains approximately half of the population of Fulton County; and

Whereas the construction of one family houses in the city of Gloversville dropped from 69 in 1950 to 6 in 1959 (a period when construction throughout the rest of the Nation was increasing); and

Whereas number of units in the city of Gloversville lost by demolition has increased from 2 in 1950 to 21 in 1959 (and are not being replaced); and

Whereas retail sales in the city of Gloversville dropped from $24,078,000 in 1957 to $22,168,000 in 1958 and dropped another 7 percent in 1959 (a year when the rest of the Nation increased by 8 percent): Now, therefore, be it

Resolved, That the county chairmen of the 4th judicial district in meeting assembled protest the recent decision of the U.S. Tariff Commission that there is no injury to the glove industry in Fulton County and that relief is not necessary by way of the quotas requested; and let it be further

Resolved, That a copy of this resolution be sent to the U.S. Tariff Commission, Senators Jacob Javits and Kenneth Keating, Governor Nelson Rockefeller, and to any and all others who can or may be able to help remedy the matter, and let it be further

Resolved, That the aforesaid Senators and Governor be requested to initiate and sponsor the necessary legislation or take any and all other steps that may be necessary (to protect the people of the county of Fulton, and the glove industry of Fulton County.)

James E. Cushing, chairman; Howard C. Marsha, Clinton County; Harry M. MacDougal, Essex County; Hayward Piumadore, Franklin County, William H. St. Thomas, Fulton County; Earl C. Farber, Hamilton County; Donald A. Campbell, Montgomery County; Cecil S. McConnell, St. Lawrence County; John W. Nichols, Saratoga County; James P. Kalteux, Schenectady County; Earl R. Vetter, Warren County; Herman Benjamin, Washington County.

APRIL 13, 1960.

RESOLUTION OF CITY COUNCIL OF VIRGINIA, MINN.

Mr. HUMPHREY. Mr. President, a growing number of local communities are going on record in support of a Federal program of medical care for the aged of our Nation. The City Council of the City of Virginia, Minn., on April 5 adopted a resolution call for such a program.

Mr. President, I ask unanimous consent that the Virginia, Minn., City Council resolution be printed in the RECORD, and appropriately referred.

There being no objection, the resolution was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

RESOLUTION 6034

Resolution of the City Council of the City of Virginia urging enactment of hospital and medical assistance to the aged

Whereas the great majority of those over the age of 65 years are in no position to pay the cost of proper medical services and hospitalization; and

Whereas it is essential and necessary that proper medical and hospital services be provided for the aged who can least afford it: Now, therefore, be it

Resolved, That the City Council of the City of Virginia deplores the inability of the aged to procure such services at a reasonable cost without aid from the Federal Government; and be it further

Resolved by the City Council of Virginia, That Congressman BLATNIK and Senators HUMPHREY and MCCARTHY be urged to support and father legislation by the Congress of the United States which will aid the aged in procuring proper medical and hospital services at a reasonable cost; and be it further

Resolved, That copies of this resolution be transmitted to Representative BLATNIK and Senators HUMPHREY and MCCARTHY.

RESOLUTIONS OF GROUP HEALTH MUTUAL, INC., ST. PAUL, MINN.

Mr. HUMPHREY. Mr. President, I have received resolutions in support of the Forand bill and a ban on further nuclear testing because of its dangers to health which were adopted by the membership of Group Health Mutual, Inc., of St. Paul, Minn., at their annual meeting.

Mr. President, I ask unanimous consent that these resolutions be printed in the RECORD, and appropriately referred.

There being no objection the resolutions were received, appropriately referred, and ordered to be printed in the RECORD, as follows:

To the Committee on Finance:

"RESOLUTION ON THE FORAND BILL

"Whereas hospital and medical care for citizens over 65 years of age is not now and cannot be adequately provided by private enterprise: Therefore be it

"*Resolved*, That Group Health hereby expresses support of the Forand bill or similar national legislation that will provide adequate hospital and medical care for this age group; and be it further

"*Resolved*, That a copy of this resolution be sent to all Congressmen and Senators in Group Health's six-State operating area and to the President of the United States; and be it further

"*Resolved*, That all delegates to this annual meeting be urged to write to their Congressmen and Senators urging support of the Forand bill."

To the Joint Committee on Atomic Energy:

"RESOLUTION ON BAN ON NUCLEAR TESTING

"Whereas scientists generally agree that nuclear bomb testing endangers the health of this generation as well as future generations because of genetic ill effects on children yet to be born; Therefore be it

"*Resolved*, That Group Health expresses itself as being opposed to further nuclear bomb testing because we consider it a serious health hazard; and be it further

"*Resolved*, That a copy of this resolution be sent to all Congressmen and Senators in Group Health's six-State operating area and to the President of the United States."

RESOLUTION OF ITASCA, MINN., COUNTY DEMOCRATIC FARMER-LABOR CONVENTION

Mr. HUMPHREY. Mr. President, among the many letters and messages I have received in support of medical care for the aged, such as the Forand bill and my own proposal, S. 1151, is a telegram from delegates to the Itasca, Minn., County Democratic Farmer Labor Convention who voted their support of these measures.

Mr. President, I ask unanimous consent that this wire be printed in the RECORD, and appropriately referred.

There being no objection, the telegram was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

HIBBING, MINN., *April 7, 1960.*

Hon. HUBERT H. HUMPHREY,
Senate Office Building,
Washington, D.C.:

All delegates at the Itasca County Democratic Farmer Labor Convention voted to request you to do all in your capacity as Senator to promote H.R. 4700 extending social security to provide health and medical care for our older citizens.

VLADIMIR SHUFRA,
NICK KEMPOVICH,
Chairman.

RESOLUTION OF FARMERS' UNION CENTRAL LOCAL, ROSEAU, MINN.

Mr. HUMPHREY. Mr. President, the Farmers' Union Central Local of Roseau, Minn., including 157 farm families in this area of my State, has adopted a resolution opposing measures to raise interest rates and encourage the administration in its unfortunate tight-money policy.

Mr. President, I ask unanimous consent that this resolution be printed in the RECORD, and appropriately referred.

There being no objection, the resolution was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Whereas the Congress is about to take up a bill which would compromise the traditional interest rate ceiling and thus remove one of the last effective bulwarks protecting us and all consumers from the ever-spiraling interest costs that are being imposed everywhere under the tight-money policy; and

Whereas this bill, if enacted, will give the President the authority to establish interest rates at any level he chooses, a fiscal power the Congress has never before seen fit to hand over to any President at any time; and

Whereas this bill, if enacted, will touch off a chain reaction that can result only in crippling damage to such programs as rural electrification resource development, housing, farm credit, education, small business, slum clearance—not to mention the extra costs it would inflict on national defense and government operations at all levels; and

Whereas the President has recommended that the Congress increase the REA rate to the level of interest on long term issues, plus an additional amount: Now, therefore, be it

Resolved, That we who are assembled in this local of 157 farm families in the Roseau area, appeal to our Senators and Congressman to defeat this legislation and begin forthwith a drive to get our national monetary policies back on a sound and sane basis.

MRS. GEORGE GOOS,
Secretary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ENGLE, from the Committee on Interstate and Foreign Commerce, with amendments:

S. 1987. A bill to promote the foreign trade of the United States in grapes and plums, to protect the reputation of American-grown grapes and plums in foreign markets, to prevent deception or misrepresentation as to the quality of such products moving in foreign commerce, to provide for the commercial inspection of such products entering such commerce, and for other purposes (Rept. No. 1274); and

S. 2612. A bill to authorize the exchange of certain war-built vessels for more modern and efficient war-built vessels owned by the United States (Rept. No. 1275).

By Mr. MAGNUSON, from the Committee on Interstate and Foreign Commerce, without amendment:

S. 3166. A bill to change the title of the Assistant Director of the Coast and Geodetic Survey (Rept. No. 1276); and

H.R. 9084. An act to repeal certain retirement promotion authority of the Coast and Geodetic Survey (Rept. No. 1280).

By Mr. MAGNUSON, from the Committee on Interstate and Foreign Commerce, with amendments:

S. 3189. A bill to further amend the shipping laws to prohibit operation in the coastwise trade of a rebuilt vessel unless the entire rebuilding is effected within the United States, and for other purposes (Rept. No. 1279).

By Mr. BARTLETT, from the Committee on Interstate and Foreign Commerce, with amendments:

H.R. 4049. An act to amend the Federal Aviation Act of 1958 in order to authorize free or reduced-rate transportation for certain additional persons (Rept. No. 1281).

By Mr. KERR, from the Committee on Finance, with amendments:

H.R. 6462. An act relating to the credits against the unemployment tax in the case of merged corporations (Rept. No. 1276).

AUTHORIZATION FOR APPROPRIATIONS FOR ATOMIC ENERGY COMMISSION—SEPARATE VIEWS—REPORT OF A COMMITTEE

Mr. GORE. Mr. President, on behalf of the Senator from New Mexico [Mr. ANDERSON], from the Joint Committee on Atomic Energy, I report an original bill to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, and I submit a report (No. 1277) thereon. I ask unanimous consent that the report may be printed, together with separate views.

The VICE PRESIDENT. The report will be received and printed, as requested by the Senator from Tennessee, and the bill will be placed on the calendar.

The bill (S. 3387) to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, was read twice by its title, and placed on the calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

S. 3380. A bill to provide further for permissible writing and printing on third- and fourth-class matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CHAVEZ:

S. 3381. A bill to amend the National Cultural Center Act, as amended, to enlarge the site within which the National Cultural Center may be built; to the Committee on Public Works.

By Mr. BEALL (for himself and Mr. JAVITS):

S. 3382. A bill for the relief of the estates of certain former members of the U.S. Navy Band; to the Committee on the Judiciary.

(See the remarks of Mr. BEALL when he introduced the above bill, which appear under a separate heading.)

By Mr. ENGLE:

S. 3383. A bill to amend section 4 of the Watershed Protection and Flood Prevention Act; to the Committee on Agriculture and Forestry.

By Mr. CASE of New Jersey:

S. 3384. A bill for the relief of citizens of the State of Illinois and of the State of New Jersey, organizers and owners of First, Second, and Third National Steamship Cos.; to the Committee on the Judiciary.

By Mr. LONG of Hawaii (for himself, Mr. FONG, Mr. JOHNSON of Texas, Mr. DIRKSEN, Mr. MANSFIELD, and Mr. WILEY):

S. 3385. A bill to promote the foreign relations of the United States by providing for the establishment of a center for cultural and technical interchange between East and West in Hawaii; to the Committee on Foreign Relations.

(See the remarks of Mr. LONG of Hawaii when he introduced the above bill, which appear under a separate heading.)

By Mr. JOHNSTON of South Carolina:

S. 3386. A bill to provide for the acquisition or construction of a building to be used as a residence for pages of the Senate and of the House of Representatives, for a Capitol Pages' Residence Board, and for other purposes; to the Committee on Public Works.

(See the remarks of Mr. JOHNSTON of South Carolina when he introduced the above bill, which appear under a separate heading.)

By Mr. ANDERSON:

S. 3387. A bill to authorize appropriations for the Atomic Energy Commission in accordance with Section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; placed on the calendar.

(See reference to the above bill when reported by Mr. ANDERSON, which appears under the heading "Reports of Committees.")

By Mr. MAGNUSON (by request):

S. 3388. A bill to provide for reimbursement of the Treasury by the Panama Canal Company for the annuity paid to the Republic of Panama, and for other purposes; and

S. 3389. A bill to amend the Interstate Commerce Act in order to provide civil liability for violations of such act by common carriers by motor vehicle and freight forwarders; to the Committee on Interstate and Foreign Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bills, which appear under separate headings.)

By Mr. HUMPHREY:

S. 3390. A bill to incorporate the Indoor Sports' Club, Inc.; to the Committee on the Judiciary.

(See the remarks of Mr. HUMPHREY when he introduced the above bill, which appear under a separate heading.)

ESTATES OF CERTAIN FORMER MEMBERS OF NAVY BAND

Mr. BEALL. Mr. President, on behalf of myself, and the Senator from New York [Mr. JAVITS], I introduce, for appropriate reference, a bill for the relief of the estates of certain former members of the U.S. Navy Band.

The purpose of this proposed legislation is to provide a gratuity in the sum of $50,000 to the families of those 19 Navy Band members who lost their lives in an airplane crash while on tour in South America.

I have prepared an explanation of the bill, which I ask unanimous consent may be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the explanation will be printed in the RECORD.

The bill (S. 3382) for the relief of the estates of certain former members of the U.S. Navy Band, introduced by Mr. BEALL (for himself and Mr. JAVITS), was received, read twice by its title, and referred to the Committee on the Judiciary.

The statement in explanation of the bill presented by Mr. BEALL is as follows:

EXPLANATORY STATEMENT BY SENATOR BEALL

My bill provides a payment of $50,000 to each of the bereaved families, and this figure is based partly on the fact that most of the bandsmen had purchased insurance in that amount for a part of the flight, but unfortunately such insurance did not cover the specially arranged side trip during which the bandsmen were killed. Full justification for this gratuity is found in the fact that the men were not afforded the opportunity to purchase insurance for the ill-fated flight.

Although the purchase of flight insurance is a personal matter, the Government has a certain paternal responsibility especially when the individuals were not given the opportunity to buy insurance for the quickly arranged side trip.

The Navy Band, totaling 92 members, including an 18-man choral group (the Sea Chanters), departed on a good will tour of South American capitals as an important part of the U.S. people-to-people program. The Navy Band was bringing its great music to the people of South America and was winning not only acclaim but further friendship and understanding for the United States in that vitally important area of the world.

After flying by Navy plane to Trinidad, the Navy musicians boarded the cruiser U.S.S. *Macon* which was to provide transportation and logistic support for the major portion of the tour. They arrived in Rio de Janeiro on February 16 for their first concert, and received a tremendous ovation from 6,000 Brazilians, indicative of the receptions they would be receiving throughout the tour.

Their next port of call was Buenos Aires. The February 22 concert at La Plata, 190 miles down the coast, jammed the theater with a capacity crowd of cheering Argentines while the program was broadcast throughout the country. The next 2 days in Buenos Aires were a continuation of the success they had enjoyed thus far on the tour.

The band's tour was not scheduled by or at the request of the White House. However, its schedule ran parallel to a part of the schedule of President Eisenhower's South American tour. The band was made available to American Ambassadors arranging the receptions for the President, and was used to play at occasions where the President was present. Some side trips for parts of the band were quickly arranged, and it was on one of these that the tragic accident occurred.

Band members could not be given much advance information about the plans, and for this reason they were not afforded opportunity to buy special flight insurance.

Although the Navy—or the U.S. Government—is not technically responsible for insurance for these men's families, under the circumstances I think we owe these families this gratuity. It is, of course, a poor substitute to these families for their loved ones who were killed, but it will help them in the necessary rearranging of their lives.

The figure set here does not, of course, place a monetary value of a life lost in service. Neither should it be considered as setting a precedent. This is an unusual circumstance—calling for an unusual action.

The value of the South American tour in advancing good will must not be overlooked. On February 27, two days after the tragic accident, the remaining members of the band appeared before a Buenos Aires crowd of 13,000. Upon completion of the program the audience, which included a large number of governmental leaders, gave the band a ten-minute standing ovation. It was a tribute, not only to the playing musicians, but to their comrades who had perished in the crash.

The next night they played before a crowd of 42,000 in a stadium in Santiago, Chile, receiving another tremendous ovation. The remainder of the tour was equally successful.

The ambassadors in every country they visited stated the U.S. Navy Band contributed inestimable support to promoting better ties with South America and endeared itself to the citizens of the visiting countries.

The news of the terrible disaster that took the lives of the 19 men shocked and saddened the entire naval service. However, the Navy takes comfort that the men died in the service of our great country, and while on a mission of great importance to the country.

The following message was sent to the band from the Chief of Naval Operations:

"For U.S. Navy Band. The numerous glowing reports received by CNO indicate your recent South American Tour was an outstanding success. The fact that you were able to carry on so magnificently in spite of the tragic loss suffered in Rio is indeed a tribute to your group and typical of the performance we have come to expect from our wonderful band.

"Our South American neighbors have been exceptionally enthusiastic in their praise of your group. You have added another brilliant page to the accomplishments of the U.S. Navy Band. Such performance brings credit to our Navy and enhances the prestige of our country abroad. Well done.

"ARLEIGH BURKE."

I am introducing this bill because I feel that the men who died on this mission deserve special consideration. Lacking prior knowledge of the ill-fated flight, these men had no reason to think that insurance would be needed. The gratuity provided here is in lieu of the insurance which presumably they would have purchased, had they had advance information about the flight plans.

CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST, HAWAII

Mr. LONG of Hawaii. Mr. President, for myself and on behalf of my distinguished colleagues, the senior Senator from Hawaii [Mr. FONG], the distinguished Majority Leader [Mr. JOHNSON], the distinguished Minority Leader [Mr. DIRKSEN], the distinguished Majority Whip [Mr. MANSFIELD], and the distinguished ranking minority member of the Foreign Relations Committee [Mr. WILEY], I introduce, for appropriate reference, a bill to promote the foreign relations of the United States by providing for the establishment of a Center for Cultural and Technical Interchange between East and West, Hawaii.

This bill would implement the recommendations of the Department of State to the Congress. In its report, which was undertaken pursuant to chapter 6 of the Mutual Security Act of 1959, the State Department stated:

The center as proposed could make a valuable contribution to the program of the United States for the promotion of international, cultural and related activities * * * of better relations and understanding among the United States and the nations of Asia and the Pacific.

The bill would place with the Secretary of State responsibility for creation of the Center. This is appropriate, since the basic purpose of the Center is to promote the foreign relations of our country by promoting mutual understanding of our problems and aspirations and those of other nations across the Pacific Ocean.

However, the Secretary of State would have ample authority, under this bill, to enlist the cooperation of other Federal agencies, such as the Department of Health, Education, and Welfare, which routinely deals with educational programs and facilities.

The ultimate purpose of this act would be the establishment and operation in Hawaii of a center under the operation of the University of Hawaii, which has been making detailed studies of how the center could be best established and operated. There would be two major divisions within the center. One would be an International College which would provide facilities for students from abroad to study, together with American students, the history, institutions, and problems of their respective nations. An international training facility would offer technical instruction in a wide variety of work skills, through on-the-job and in-service training for participants from overseas. The training facilities would use Hawaii's government agencies, private businesses, and institutions to provide technical training.

Mr. President, there is urgent need for the establishment of this Center. Throughout our Nation, we now have thousands of students from abroad; but there is no facility especially designed for the interchange of ideas between the Occident and the Orient. No existing institution provides the physical facilities, specialized faculty, opportunities for practical training, and professional environment needed to accommodate, in quick order, a sizable number of persons from the nations of the Pacific and Asia. We want to bring in the potential leaders of Asia and offer them excellent training at a Center designed for this special purpose.

There are good reasons for establishing the East-West center in Hawaii, rather than in some other part of the United States. One obvious reason is geography. Hawaii is the extended hand of friendship of the United States across the Pacific, and it is readily grasped from the western shores of that broad ocean. Furthermore, Hawaii's unique amalgam of peoples, many of whom trace their ancestry to the nations of Asia, helps provide an ideal cultural setting for the center. Hawaii, while thoroughly American, has a quality that puts visitors from overseas quickly at their ease. This quality has been remarked on by many a visitor to international meetings in the Hawaiian Islands.

In the University of Hawaii there exists a going educational concern which possesses an excellent faculty of varied ethnic background. Many members of this faculty are fluent in the languages of Asia. Many of them have studied and worked in Asia. The University of Hawaii is already accustomed to serving students from the nations of Asia, and possesses one of the finest collections of oriental literature in the United States.

Mr. President, we of Hawaii want this center to be established in our new State. This desire is born of an urge to be of service to the Nation which granted us statehood and the full rights of being Americans. We of Hawaii feel that we have a contribution to make in bridging the gap of mutual ignorance between the two sides of the Pacific Ocean. We want to be used in creating a better understanding between our country and the nations of the Far East. We believe that in this way we can make our best contribution to the United States and to the cause of international understanding and peace.

The State of Hawaii is, within the limits of its financial capacity, supporting this institution. The State legislature has appropriated funds for planning the center and for an interim office during its construction. In addition, the University of Hawaii is making available the acres of land necessary for construction of the center, which would house up to 2,000 students and trainees. It will also make available its classrooms, its laboratories, libraries, and other facilities for the students, on the same basis as it does for its own students.

However, the State of Hawaii does not have the financial resources to establish this international center without assistance from the Federal Government. Nor should it be asked to. The East-West center is conceived as an instrument of national policy, whereby we can gain the sympathetic understanding of the future leaders of the nations of the East. This national objective is sufficiently broad as to require Federal support.

I urge with all the force I can exert that this session of Congress enact legislation necessary to establish the East-West center. We cannot set our own leisurely pace. Here, as in other fields, the Russians are working ahead with great speed. As I called to the attention of the Senate on February 25, the Soviet Government has announced that it has established a "University of Friendship of Peoples" in Moscow. Comrade Khrushchev said that this would be done when he was on tour in Indonesia. A few days later, it was announced in Isvestia that the new university would accept 4,000 to 5,000 students from the countries of Africa, Asia and South America.

Our plan for the East-West center in Hawaii should be more attractive to nations overseas and more productive of international good will. Under the Soviet program, students from abroad would study apart from Russian students. They would get the word from the Russians, but the Russians would not learn from them. The program we are proposing for America, Mr. President, provides for a bridge of understanding, with traffic moving in both directions, from east to west, and west to east. Only by such two-way traffic can there be established the mutual understanding and respect which is the necessary foundation for a lasting peace.

The importance of this becomes evident when we consider that billions of dollars are being spent each year for weapons whose destructive power is beyond human comprehension. These staggering sums of money are being paid, year after year, by the American taxpayer in an effort to preserve world peace. Here, with the proposed East-West center, we have a chance, as the majority leader has described it, "for an adventure down a new road," a road which may lead eventually to the real and lasting peace we are striving for. Mutual understanding, the keystone for peace, is born, not in the arsenals of hydrogen bombs, but in the minds of man. This experiment, this thrilling "adventure," at a fraction of what we are spending to develop a single intercontinental bomber or missile, is an investment which, for the sake of future generations, we cannot afford not to make.

But we must move ahead, with full speed, Mr. President. No matter how sound our proposal, no matter how willing the people of Hawaii are to serve as hosts to our friends from abroad, nothing can be accomplished of sufficient scope to have a real impact upon our international relations in the Pacific area until this Congress acts to make available the Federal support which is essential to the program. I ask the support of each Member of the Senate for this program.

Last session, the majority leader was joined by the chairman of the Committee on Foreign Relations and by the senior Senator from Wisconsin, ranking minority member on that committee, in proposing this imaginative approach to strengthening our bonds with the nations of Asia. This bill has similar bipartisan support, and we wish to give every Senator who so desires an opportunity to join as cosponsors. Therefore, Mr. President, I ask that the bill lie on the table for 3 days to be available for additional cosponsors.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will lie on the table as requested by the Senator from Hawaii.

The bill (S. 3385) to promote the foreign relations of the United States by providing for the establishment of a Center for Cultural and Technical Interchange Between East and West in Hawaii, introduced by Mr. LONG of Hawaii (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Foreign Relations.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Hawaii may have an additional 1 minute for the purpose of yielding to me.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. I want to commend the distinguished Senator from Hawaii [Mr. LONG] and his colleague [Mr. FONG] for introducing this proposed

legislation for an East-West Cultural Center. I am delighted that he has been joined in this bill by the leadership, in the presence of the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], the distinguished majority leader, the Senator from Texas [Mr. JOHNSON], and the ranking Republican member of the Foreign Relations Committee, the Senator from Wisconsin [Mr. WILEY].

I want to commend the Senator from Hawaii for the nonpartisan, unbiased statement he has made of the need for this particular center in Hawaii. Certainly, it will be a step forward, not only insofar as creating a center in the middle of the Pacific is concerned, but in bringing the people of the Pacific closer and closer together.

So I want to say to the Senator from Hawaii that, so far as the leadership is concerned, we will do our very best to see that action is taken this year, to the end that this worthy project can get under way at the earliest possible moment.

Mr. LONG of Hawaii. I thank the distinguished Senator from Montana for his words of commendation and support.

Mr. FONG. Mr. President, it is an honor for me to join my distinguished colleague, the junior Senator from Hawaii [Mr. LONG], the distinguished majority leader, the Senator from Texas [Mr. JOHNSON], the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], the distinguished senior Senator from Wisconsin [Mr. WILEY], and the distinguished majority whip, the Senator from Montana [Mr. MANSFIELD], in sponsoring the bill which was just introduced to establish an international center in Hawaii for cultural and technical interchange between the East and the West. Many Senators are already familiar with it. It was the subject of bills introduced last year, both in the Senate and in the House. As a result of these proposals, the Secretary of State was directed, under the provisions of chapter 6 of the Mutual Security Act of 1959, to prepare and submit to the Congress a plan and program for the creation of such a center. This report was submitted to the Congress early this year. The report concluded that such a center could constitute a valuable long-term contribution to the promotion of better relations and understanding among the United States and the nations of Asia and the Pacific.

The legislation introduced today implements the report of the Secretary of State and authorizes an appropriation for establishment and operation of the center.

It is important to recognize that an international culture center in Hawaii is neither a vague dream nor a new idea. The proposal is the culmination of a long history of ethnic integration, cultural interchange, and dynamic growth, all of which mark Hawaii's emergence into the modern world. Thus Hawaii is, in a sense, already an international center for cultural and technical interchange, which makes her unique in the world and which at the same time charges her with deep responsibility to the world. Our great President recently stated while on his visit to India:

> Hawaii cries insistently to a divided world that all our differences of race and origin are less than the grand and indestructible unity of our common brotherhood. The world should take time to listen with attentive ear to Hawaii.

The University of Hawaii, to which the East-West center is to be a part, is already geared to the role of international interchange and has long served in that capacity. Its faculty represents East and West, as does its 7,500 students. Its curricula over many years reflect serious attention to Asian-American relationships. Its imaginative sponsorship of the highly successful East-West philosophers' conferences for the past 30 years has demonstrated its earnest concern with the bringing together the underlying basic ideas of East and West cultures.

The university has also held an international conference on race relations in world perspective; for 3 successive years conducted summer schools in Guam and the trust territory; repeatedly had its faculty and staff called upon to act as technical consultants in Asian countries; and at the present time is setting up, through a university team, technical and vocational training schools in 16 communities of Thailand. For the past 6 years the university has conducted an orientation center on behalf of the State Department, serving Asian scholars bound for graduate study on the mainland. Last year the university initiated an Asian institute for school teachers and military personnel, an undergraduate Asian studies program, and a graduate overseas operations program.

It has just completed a very successful orientation program for a large group of students from Asia and Africa. We have brought students and teachers and ideas together in a climate where no man or woman is a stranger, for Hawaii knows no strangers. We have laid the physical, intellectual, and philosophical foundations for the future.

In addition, the Legislature of the State of Hawaii has authorized an appropriation of $534,000 for the beginnings of such a center.

I do not intend here to outline the plan for the international center, except to say that it has been worked out in meticulous and scholarly detail, and with a realistic approach oriented to the needs of our Nation and those of our Asian neighbors.

Recently I returned from a 45-day tour of 14 countries of Asia and southeast Asia, and I have come back fully convinced of the need for better understanding between the people of America and the people of Asia and that whatever gap exists between us should be bridged.

Hawaii's statehood has brought the United States 3,000 miles closer to these people of Asia. The people of Asia know it and they feel it. From my trip—as I know others have found who made similar trips—I learned that there are many people ready to bridge the gap that exists between East and West.

Let us help build that bridge with this legislation.

Mr. WILEY. Mr. President, I commend the distinguished Senator from Hawaii. It was my privilege to be associated with him and the other distinguished Senator from that great State in relation to what we think is a most important project. We feel if we can go through with this project, it will mean bringing to the islands an indication that we of the United States really recognize Hawaii as one of us. We want the institution to be placed there. We want it because it will provide what we think is a light for the door to the Orient.

Mr. FONG. Mr. President, I thank the Senator from Wisconsin for cosponsoring the bill with us. I know his work on the Committee on Foreign Relations will be of great help in obtaining passage of the bill.

Mr. LONG of Hawaii. Mr. President, will the Senator yield?

Mr. FONG. I yield.

Mr. LONG of Hawaii. Mr. President, I thank my good friend and distinguished colleague, the senior Senator from Hawaii, for the very able and inspiring interpretation he has given us in relation to the proposed East-West Cultural and Technical Center. I do not know of anyone in the United States who has a better background for appreciating the importance of it and for a clear-cut understanding of its meaning. I thank the Senator very much for the assistance he has given, and for the opportunity he is affording the rest of us to work with him.

Mr. FONG. I thank the Senator from Hawaii for his very kind remarks. The Senator from Hawaii [Mr. LONG] has worked hard and long on the bill. He was the superintendent of public instruction of the Territory of Hawaii, now the State of Hawaii, for many years. He has also been a regent of the University of Hawaii. He has a great understanding of the problems of Hawaii and of the problems of the Far East, which will help us make Hawaii a true center for East and West culture.

I thank the Senator very much.

RESIDENCE FOR CAPITOL PAGES

Mr. JOHNSTON of South Carolina. Mr. President, I introduce, for appropriate reference, a bill to provide for the acquisition or construction of a building to be used as a residence for the pages of the Senate and of the House of Representatives, for a Capitol Pages' Residence Board, and for the appointment of a headmaster to be responsible for the operation and maintenance of this place of residence.

Since I have been a Member of the Senate many incidents have come to my attention which makes it very necessary to have such a home for these young men.

Members of Congress have appointed these young men to leave their homes and travel to the city where they will work and attend school. We should feel a certain responsibility toward them and their families back home. I feel very keenly that it is our duty and moral obligation to establish such a Residence Board which would place these pages under adult supervision. This bill provides for the acquisition of property on which to locate the place of residence. I am sure that the cost will be very nominal compared to the benefit derived.

I sincerely hope that Congress will see fit to take some action this year on this legislation.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3386) to provide for the acquisition or construction of a building to be used as a residence for pages of the Senate and of the House of Representatives, for a Capitol Pages' Residence Board, and for other purposes, introduced by Mr. JOHNSTON of South Carolina, was received, read twice by its title, and referred to the Committee on Public Works.

REIMBURSEMENT OF PANAMA CANAL COMPANY FOR ANNUITY PAID TO REPUBLIC OF PANAMA

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to provide for reimbursement of the Treasury by the Panama Canal Company for the annuity paid to the Republic of Panama, and for other purposes. I ask unanimous consent that a letter from the Governor of the Canal Zone, President of the Panama Canal Company, requesting the proposed legislation, may be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 3388) to provide for reimbursement of the Treasury by the Panama Canal Company for the annuity paid to the Republic of Panama, and for other purposes, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

The letter presented by Mr. MAGNUSON is as follows:

APRIL 11, 1960.

The PRESIDENT OF THE SENATE,
U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for consideration of the Congress is a draft of proposed bill "To provide for the reimbursement of the Treasury by the Panama Canal Company for the annuity paid to the Republic of Panama, and for other purposes." The proposed legislation would increase the fiscal obligations of the Panama Canal Company in three respects, as hereinafter discussed, section by section.

SECTION 1. RE ANNUITY PAYMENTS

Paragraph (c) of section 246 of title 2 of the Canal Zone Code, as added by section 7 of the act of September 26, 1950 (64 Stat. 1041), now obligates the Panama Canal Company to reimburse the Treasury for the annuity payments to Panama under article XIV of the Canal Convention of November 18, 1903, as modified by article VII of the treaty of March 2, 1936; or, in other words, obligates the Company to reimburse the sum of $430,000. However, by article 1 of the treaty signed January 25, 1955, the annuity payable to Panama was increased (by $1,500,000) to $1,930,000. Section 1 of the proposed legislation would obligate the Panama Canal Company, beginning with the first annuity payable after its enactment, to reimburse the entire annuity.

The bill to implement the 1955 treaty and accompanying memorandum (H.R. 6709, 85th Cong., later enacted with amendments as act August 30, 1957, Public Law 85-223, 71 Stat. 509) would have required the Panama Canal Company to reimburse the Treasury for the entire annuity. However, the provision was taken out of the bill in conference between the Senate and House on the ground that "this matter of internal accounting as between the Treasury and the Panama Canal Company should more properly be the subject of a separate bill" (H. Rept. 1196). A new separate bill (S. 2846) containing the annuity provision omitted from H.R. 6709, was introduced in the Senate and referred to the Committee on Interstate and Foreign Commerce, but was not acted upon.

The section is presented again on the premise that the increased annuity amount is of the same nature as the basic annuity amount now treated as an operating expense of the Panama Canal Company, rather than a national policy item payable by the State Department, and should therefore be borne by the Company.

The financial effect of enactment of section 1 would be to prospectively increase the operating costs of the Panama Canal Company by $1,500,000 annually.

SECTION 2. RE MARKET VALUE

Subsection (b) of section 102 of the act entitled "An act to implement a treaty and agreement with the Republic of Panama and for other purposes," approved August 30, 1957 (71 Stat. 509) now provides in pertinent part:

"(1) That the market value of the property of the Panama Canal Company conveyed to Panama under the directive of that act and of the 1955 treaty should be treated as extraordinary expenditures or losses incurred through directives based on national policy not related to the operations of the company (i.e., should be deducted from the net direct investment of the United States in the Company on which interest is paid to the Treasury).

"(2) That the market value of the property of the Canal Zone Government conveyed to Panama under the directive of that act should be removed from the capital investment of the United States in the Canal Zone Government without charge to the costs of operation of that agency."

Section 2 of the proposed legislation would amend "market value" in each of the two cases underlined above to read "book value."

In the bill, H.R. 6709—85th Congress, later enacted on August 30, 1957, as above stated, the original phraseology in each of the two cases was "book value." However, after extensive discussion of the question whether to use "book value" or "market value," the bill was reported and passed using the latter terminology.

Submission of section 2 is based on the fact that the financial interests of the Government would be better served if the measurement of the losses to the Panama Canal Company and the Canal Zone Government were in terms of book value rather than market value.

This section would be considered to apply retroactively to the conveyances already made as well as those remaining to be made. The remainder of the conveyances are expected to be accomplished this year. The total market value involved is $19,468,000 for the Panama Canal Company and $2,792,500 for the Canal Zone Government. Approximate corresponding book values are $2,850,000 for the Panama Canal Company and $1,250,000 for the Canal Zone Government.

The use of book value in lieu of market value would restore $16,618,000 to the directly invested capital of the Company resulting in a base that much higher upon which are computed annual interest payments to the U.S. Treasury. The financial effect of this would be an immediate obligation for payment of $640,000 covering retroactive interest, and future annual interest payments would be increased by $450,000. Also, the change would result in an immediate obligation for payment by the Company of $1,500,000 covering retroactive net costs of Canal Zone Government.

SECTION 3. RE BRIDGE AT BALBOA

Section 1 of the act "To authorize and direct the Panama Canal Company to construct, maintain, and operate a bridge over the Panama Canal at Balboa, Canal Zone," approved July 23, 1957 (Public Law 753, 84th Cong., 70 Stat. 597) now provides in pertinent part:

"That the expenses of construction, maintenance, and operation of any such bridge and the approaches thereto should be treated as extraordinary expenses incurred through a directive based on national policy and not related to the operations of the Panama Canal Company."

The act authorizes appropriations to cover the construction, operation, and maintenance of the bridge.

Section 3 of the proposed legislation would repeal section 1, supra. The effect of the repeal would be to obligate the Panama Canal Company to finance the construction, maintenance, and operation of the bridge either (1) through use of Company funds, or (2) through use, as at present, of appropriated funds but with the difference that such funds would form a part of the investment of the United States in the Company (the base on which the Company pays interest to the Treasury). The obligations of the Company under the legislation would also include bridge depreciation.

Section 3 is offered on the premise that if there were no Panama Canal there would be no requirement for the bridge and that, accordingly, costs of operation, maintenance, interest and depreciation should be borne by the Panama Canal Company.

The financial effect on the Panama Canal Company of enactment of section 3 would be (1) an immediate obligation for payment by the Panama Canal Company of $150,000 covering retroactive interest on accumulated withdrawals from the U.S. Treasury bridge appropriation account, (2) an increase in payments thereafter of $600,000 annually, covering interest on the amount appropriated to construct the bridge, (3) an addition to Company operating costs after construction is completed of $250,000 annually for depreciation, and (4) assumption of costs of maintenance and operation of the bridge ($100,000 annually).

OVERALL FINANCIAL EFFECT

The overall financial effect of enactment of the proposed legislation would be (1) an immediate obligation, resulting from sections 2 and 3, for payment of $2,290,000 by the Panama Canal Company covering retroactive interest and net costs of Canal Zone Government, and (2) an increase in operating costs thereafter, resulting from sections 1, 2, and 3, of $2,900,000 annually. A more detailed computation in tabular form of the fiscal effects of the proposed legislation is attached.

The Bureau of the Budget advises that the enactment of this legislation would be in accordance with the program of the President.

Sincerely yours,

W. E. POTTER,
Governor of the Canal Zone,
President, Panama Canal Co.

Financial effect on Panama Canal Company of proposed draft bill to provide for reimbursement of the Treasury by the Panama Canal Company for the annuity paid to the Republic of Panama and for other purposes, assuming enactment July 1, 1960

	Retroactive lump-sum payment to U.S. Treasury	Increase in annual costs
Sec. 1 of bill: Reimbursement for increase in annuity payable to Panama		$1,930,000
Sec. 3 of bill: Substitution of book value for market value:		
Additional interest, retroactive to dates of PCC conveyance to Panama	$640,000	450,000
Increase in net cost of Canal Zone Government—conveyance to Panama	1,800,000	
Sec. 3 and 4 of bill: Repeal of national policy concept re Balboa bridge		
Additional interest retroactive to dates of appropriations	180,000	600,000
Operation and maintenance		100,000
Depreciation		200,000
Total lump-sum retroactive payment to U.S. Treasury	2,280,000	
Increase in annual cost		2,900,000

CIVIL LIABILITY FOR CERTAIN VIOLATIONS OF INTERSTATE COMMERCE ACT

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to amend the Interstate Commerce Act in order to provide civil liability for violations of such act by common carriers by motor vehicle and freight forwarders. I ask unanimous consent that a letter from the Administrator, General Services Administration, requesting the proposed legislation, may be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 3389) to amend the Interstate Commerce Act in order to provide civil liability for violations of such act by common carriers by motor vehicle and freight forwarders, introduced by Mr. MAGNUSON, by request, was received, red twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

The letter presented by Mr. MAGNUSON is as follows:

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., April 13, 1960.

Hon. RICHARD M. NIXON,
President of the Senate,
Washington, D.C.

MY DEAR MR. PRESIDENT: There is enclosed for your consideration a draft of a bill to amend the Interstate Commerce Act in order to provide civil liability for violations of such act by common carriers by motor vehicle and freight forwarders.

This legislative proposal is designed to correct an existing situation which adversely affects the shipper interests of the Federal Government as well as the interests of private shippers. Because of its responsibilities under section 201 of the Federal Property and Administrative Services Act of 1949, as amended, with regard to transportation and traffic management on behalf of the executive agencies of the Government, General Services Administration recommends that the proposal have the early consideration of the Congress.

Under the provisions of parts I and III of the Interstate Commerce Act relating respectively to rail and water carriers, the shipper may litigate as to the reasonableness of past transportation charges. Parts II and IV of the act relating to motor carriers and freight forwarders do not contain comparable provisions. However, since the passage of the Motor Carrier Act in 1935 (part II), the Interstate Commerce Commission had interpreted the act as leaving shippers the right to sue in the courts for damages resulting from unlawful rates on a determination by ICC that the rates sued on were unreasonable or otherwise unlawful, thus providing essentially the same rights to shippers as were specified in parts I and III of that act.

In an opinion handed down May 18, 1959, the Supreme Court of the United States, in *T.I.M.E., Inc.* v. *United States of America* and *Davidson Transfer and Storage Company, Inc.* v. *United States of America*, Nos. 68 and 96, ruled, however, that under the statute, the recovery of reparations or damages arising from the application of unreasonable rates on past motor carrier shipments is precluded.

The effect of this ruling is to deprive shippers, including the U.S. Government, of a right to damages resulting from unreasonable or unlawful rates on past shipments. The Comptroller General of the United States has estimated, on the basis of the limited experience since the court's ruling, that the U.S. Government will suffer a loss of about $25,000 a week because of inability to recover charges in excess of those based on reasonable rates in connection with shipments by motor carriers subject to part II of the Interstate Commerce Act.

The enactment of this amendment will establish procedure for reparation awards and limitations of actions with respect to motor carrier and freight forwarder operations subject to parts II and IV of the Interstate Commerce Act comparable to that now provided in parts I and III of the act for rail and water transportation.

Congress has been on previous occasions considered legislative proposals to amend the act along lines similar to those now proposed. Legislative history seems to indicate that the principal reason for failure of enactment was reliance on the then existing Interstate Commerce Commission interpretation of the Motor Carrier Act that shippers could sue for damages resulting from unreasonable rates.

Under the present interpretation of the statute, a tariff rate filed by a motor carrier or freight forwarder, regardless how unreasonable or unlawful, is required by law to be charged by the carrier and paid by the shipper until that rate is ordered changed by the ICC. Shippers are now, by reason of the ruling of the Supreme Court, deprived of their right to a determination as to just and reasonable rates on shipments already made or to recover reparation for the excess paid over the reasonable rates.

This situation does not exist in rail and water charges. The Interstate Commerce Act gives shippers a legal right to reparation for unreasonable rail and water charges collected by the carrier. Enactment of the proposed amendment would, in this respect, place on a uniform footing all four classes of carriers under the jurisdiction of the Interstate Commerce Commission.

For these reasons, GSA recommends early enactment of the proposed bill.

The Bureau of the Budget has advised that there is no objection to transmittal of this legislative proposal to the Congress.

Sincerely yours,

FRANKLIN FLOETE,
Administrator.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954, RELATING TO EXEMPTION FROM INCOME TAX FOR SUPPLEMENTAL UNEMPLOYMENT BENEFIT TRUSTS—AMENDMENTS

Mr. CASE of New Jersey submitted amendments, intended to be proposed by him, to the bill (H.R. 8229) to amend the Internal Revenue Code of 1954 to provide an exemption from income tax for supplemental unemployment benefit trusts, which were referred to the Committee on Finance and ordered to be printed.

UP-TO-DATE SUPPLEMENT TO ANNOTATED CONSTITUTION—ADDITIONAL COSPONSOR OF JOINT RESOLUTION

Mr. WILEY. Mr. President, on March 28, the Senator from Mississippi [Mr. STENNIS], for himself and his colleague, the senior Senator from Mississippi [Mr. EASTLAND] introduced the joint resolution (S.J. Res. 176) authorizing the Library of Congress to prepare an up-to-date supplement to the annotated Constitution of the United States, previously published as Senate Document No. 170, 82d Congress. No doubt my colleagues are familiar with the 1953 edition of the annotated Constitution. This 1,361-page document represents the culmination of efforts which began at my request during my chairmanship of the Senate Judiciary Committee during the 80th Congress. The response to this document has been universally favorable. This document has been found indispensable, not only to legislators, but also to the practitioners of the American bar, teachers, librarians, students, and other countless constitutional scholars.

Several thousand copies of this document were sold. Several thousands are used for reference in congressional offices. I am informed that the annotated Constitution was one of the most sought after of Government publications.

The joint resolution introduced by the Senator from Mississippi would provide for an up-to-date supplement of this important document. The new publication would thus include annotation of cases decided by the Supreme Court of the United States since June 30, 1952—which was the closing date for the 1953 addition. Many cases bearing upon the analysis and the interpretation of the Constitution have been decided since that date and it is, therefore, very important that this document be brought up to date and be made available to both Members of Congress and the general public. It is, therefore, with great pleasure that I asked to add my name as a cosponsor of Senate Joint Resolution 176.

The VICE PRESIDENT. Without objection, it is so ordered.

SUPPORT FOR THE WATER POLLUTION CONTROL BILL

Mr. MOSS. Mr. President, it now appears that the defeat the people sustained when President Eisenhower vetoed the water pollution control bill has put steel and momentum into the campaign for Federal assistance to combat the Nation's polluted waters, poisoned streams, and sewage-choked rivers. As every military man knows, the loss of a skirmish can sometimes insure victory in a full-scale battle.

I have found most encouraging the increase in articles and editorials, which have appeared in Utah publications, indicating that there is now more support for House bill 3610 than there was when it was before Congress.

An example of forceful thinking on the problem appeared in the April issue of the attractive and informative Utah Fish and Game magazine, published by the Utah State Fish and Game Commission, in the administration of our Republican Governor, the Honorable George D. Clyde. The article, entitled "Water Pollution," was written by Lee Kay, the magazine's editor. I ask unanimous consent that it appear in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WATER POLLUTION
(By Lee Kay)

It has been said that if you look into a glass of wine you will see the image of love and romance, and if you look into a glass of clear water you will see your own reflection, but if you look into the streams of America you will see the reflection of the conscience of the communities of America. America's streams, clouded and befouled with the silt-ation from mountains and prairie lands, dirtied with the refuse from factories, and made dangerous and unproductive with the refuse of man and other animals, presents a picture that indicates the American people have little conscience. The husbandry of the prairie lands and mountains has been apprised of their land-use practices, yet it has caused them to change their ways but very little.

Through research work, business has been shown that water can be cleaned, but it is slow to do anything about it unless forced to, or, if by cleaning the water, they can make a profit from products fabricated from the polluted streams. Towns dump the human wastes into the streams with the expression: "Jerk the chain. Greenville down the stream needs the water."

Water pollution is nationwide. Local governments cannot cope with the problem. Although some aid has been given as Federal appropriations, it has not been enough.

Senate bill 3610 was vetoed by the President. This bill would have amended the present Water Control Pollution Act and would have increased to $90 million annually the amount to be used to help cities build sewage disposal plants. The funds would have to be appropriated annually. Water pollution appropriation funds are matching funds.

Aside from the expenditure of Federal funds, there are several other factors of the bill that have great merit. The bill was intended to help with the joint construction of facilities by communities wherever it was practical. It also authorized recovery of unused funds already allocated to that purpose. It also wisely established within the Department of Health, Education, and Welfare an Office of Pollution Control, thus eliminating the overhead of another expensive Federal department.

The problem is so great it is foolish to think that, without some subsidization, most States can carry on the work of making clean water from the mess created.

In recent years, as a result of national emergencies such as the building of atomic plants, the opening up of extensive uranium mining sections, the establishment of military bases, and much other activity, relating to the defense of the Nation, small towns have become moderately large cities and communities have been built that never before existed. It is true that some of these municipalities have had their water pollution problems taken care of, but there are many that have not, mainly because the local governments could not afford it and they got little or no help from the Federal Government. It should also be remembered that in States like Utah, where 75 percent of the land belongs to the Federal Government, that a considerable amount of pollution and siltation of our streams had its beginning on the lands belonging to the Federal Government. Should not the Nation accept the responsibility for the conditions they, themselves, have allowed to be created?

Certainly, this is no time and no area in which to get parsimonious with Federal expenditures.

THE "CREDIT LABEL" BILL

Mr. MOSS. Mr. President, the Deseret News is one of the great newspapers of the State of Utah, and is published in Salt Lake City. On April 12 of this year the Deseret News published an editorial entitled "Trust Never Hurt Business." In the editorial, that newspaper supports the "credit label" bill which has been introduced by the Senator from Illinois [Mr. DOUGLAS]; and I have the honor of being a cosponsor of the bill. I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Deseret News, Apr. 12, 1960]

TRUST NEVER HURT BUSINESS

Congressmen who will be lining themselves up soon on one side or another of a proposed "credit labeling" plan would do well to consider the results of another controversial, somewhat similar law on automobile pricing.

The "credit label" bill, backed chiefly by Senator PAUL DOUGLAS of Illinois, would require lenders to tell borrowers exactly what a loan would cost. It would apply whether the loan involved a carrying charge on a charge account or a mortgage on a house or anything in between.

The effect of such a law is outlined in a few examples given by the magazine U.S. News & World Report.

The present car buyer who borrows $1,800, for example, might be told he would pay $59.22 a month for 36 months, including 6 percent a year interest. Under the proposed Federal law, the costs might be outlined this way: Investigation fee, $8; total interest, $324, representing 12 percent annually on the declining balance.

Or the buyer of a TV set with $180 unpaid balance might be told at present his payments would be $11.30 a month for 18 months, including carrying charges. The new law would require a statement something like this: Total interest, $23.40—a 16.4 percent annual rate on the declining balance.

Or on a personal loan of $600, the lender, under present practice may deduct $10 for life insurance and ask repayment at the rate of $37.53 a month for 20 months. Under the new law, the statement would be: Total interest, $160.60—an annual rate of 31.1 percent on the declining balance.

Those examples are fairly representative of the credit structure that has come to play such a dominant place in our economy. The effect of spelling out exactly the costs involved in credit are rather obvious. Certainly such knowledge would make many persons much more careful about getting in over their heads.

Senator DOUGLAS says his mail is running 5 to 1 in favor of the bill. But opposition can be expected from the money lenders, certainly, and perhaps also from some businesses who might believe curtailing of credit would cut their sales volume.

To these businessmen, two observations might be pertinent.

First, it is not hard to recall the strenuous opposition of many automobile dealers to the bill a few years ago requiring dealers to list the exact price of automobiles with a detailed account of the cost of extras. The bill was intended to prevent such abuses as price packing in which the new car price was jacked up and the buyer then given what seemed an exorbitant tradein on his old car.

After a couple of years of operation under the labeling law, the auto industry seems universally persuaded it has helped strengthen and stabilize sales. It has built public confidence and trust in auto dealers, and we know of no instance in which confidence and trust has hurt a business.

The second consideration for retailers to ponder in respect to credit labeling is the extent to which credit costs drain off the public's real purchasing power. If more people, fully aware of the costs of credit, determine to save more diligently—at interest—until they can pay all or a bigger part of the cost of their purchases, the result ultimately will be more purchasing power and a stronger economy.

The credit labeling bill appears to represent a useful concept.

INSPECTIONS OF LOCKHEED ELECTRA

Mr. DIRKSEN. Mr. President, this morning's press carried an account of a statement made by the Senator from Indiana [Mr. HARTKE] which has the caption "HARTKE Cites High Toll of Turboprop Crashes."

I ask unanimous consent, first to insert in the RECORD the Associated Press article, and then to include a press release dated April 15, which came from the Federal Aviation Agency, and which is in the nature of an explanation of the whole matter. I ask that they be included in the body of the RECORD as a part of my remarks.

There being no objection, the article and press release were ordered to be printed in the RECORD, as follows:

HARTKE CITES HIGH TOLL OF TURBOPROP CRASHES

Senator VANCE HARTKE, Democrat of Indiana, yesterday said 76 percent of 147 deaths caused by plane crashes in the first 3 months this year involved turboprop planes.

In a written statement to newsmen, which he planned to read to the Senate today, HARTKE said he has only a layman's knowledge of aviation safety.

"But I certainly know that when a type of airplane flies only about 10 percent of the total hours and accounts for 76 percent of the deaths, its safety record is not good."

HARTKE said the Federal Aviation Agency should give publicly a detailed explanation of its refusal to ground all Electras propjet planes until they have been reinspected and declared airworthy.

He said Friday that the Civil Aeronautics Board had recommended that all Electras be kept on the ground pending such a reinspection, and that E. R. Quesada as FAA Administrator had rejected the recommendation.

In reply to HARTKE's statement Friday, Quesada said that special inspections of Electras have yielded no information that would warrant grounding the planes.

"Of 226 air deaths in 1959," HARTKE's statement said, "two-thirds were from propjet planes. During the first 3 months of 1960, there were 147 air deaths. Of these, 76 percent were on turboprops."

HARTKE said the figures embraced deaths from airplane crashes, and that Electras are not the only propjet planes covered by the figures.

STATEMENT BY E. R. QUESADA, ADMINISTRATOR, FEDERAL AVIATION AGENCY, ON INSPECTIONS OF THE LOCKHEED ELECTRA

The American air carriers who are operating Electra aircraft have, according to Federal Aviation Agency instructions, completed special comprehensive inspections of a total of 52 Electra aircraft. Nine additional planes of this type are in the process of being inspected. Forty-nine others are awaiting inspections. These special inspections are to be completed in 2 days.

In 52 Electra aircraft inspected to date, the findings do not indicate a need for imposing additional limitations on the aircraft. The results of our special inspections show that the extent of service defects is that which can be expected to be found on any comparable fleet after a similar service life. In no case have we identified any condition which would warrant the grounding of the Electra fleet.

I should like to emphasize that should future inspections reveal the need for additional limitations these limitations will be imposed immediately.

In accordance with instructions given Lockheed by the FAA, an extensive test program has been under way for the past 2 weeks. The National Aeronautics and Space Administration is assisting the FAA in the monitoring of this program. Comprehensive in-flight strain tests are being conducted with highly instrumented aircraft flown through conditions of severe atmospheric turbulence and unusual flight maneuvers. Although all of the results of these tests have by no means been fully analyzed, nothing has been revealed to date which would warrant the grounding of the fleet.

An extensive operational survey in which FAA inspectors are currently engaged indicates strict compliance by air carriers and air carrier pilots with the operating restrictions applied by the FAA in the special action taken March 25, 1960.

Unless future inspections or the additional investigations on the Electra reveal the need to revise our program, the series of safety measures imposed on the Electra by the Federal Aviation Agency on March 25 shall continue in effect. These measures were originally ordered to provide the necessary margin of safety essential to the operation of this aircraft. Nothing that we have learned since these orders were originally issued leads us at this time to believe that they are not wholly adequate.

The recent 100-knot reduction on the speed of the Electra gives it a structural margin as great, if not greater, than any aircraft in our air transport fleet today.

ANALYSIS OF EDITORIALS CITING "POSTAL FACTS"

Mr. DIRKSEN. Mr. President, I have received the following letter from the Postmaster General:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D.C., April 19, 1960.

Hon. EVERETT M. DIRKSEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DIRKSEN: A number of newspapers have printed editorials entitled, "Postal Facts" which are practically identical, word for word. It is obvious that these have been provided to the papers by some common source. The editorials have attacked the President's recommendation for postal rate increases on the basis of alleged facts which actually are complete misstatements of facts or material distortions of the facts.

Members of both Houses of Congress who are opposed to the present proposals for postal rate increases have been inserting these so-called editorials in the CONGRESSIONAL RECORD, frequently referring to them as sound and worthy of serious consideration. It is believed that these Congressmen are unaware of the fact that the editorials must represent the special pleading of some vested interest and are based almost entirely on erroneous information.

The attached is an analysis of such an editorial by the Detroit Times on March 21, 1960, as published in the CONGRESSIONAL RECORD of April 1, on pages 7186 and 7187.

Yours most sincerely,
ARTHUR E. SUMMERFIELD,
Postmaster General.

Mr. President, I noted that similar editorials have been inserted in the CONGRESSIONAL RECORD from the Baltimore News-Post, by Representative THOMAS F. JOHNSON; from the Boston Daily Record, by Representative PHILIP J. PHILBIN and Representative THOMAS J. LANE; from the Detroit Times, by the Senator from Michigan [Mr. HART], and Representative JOHN D. DINGELL; from the Milwaukee Sentinel, by Representative CLEMENT J. ZABLOCKI; from the Pittsburgh Sun Telegraph, by the Senator from Pennsylvania [Mr. CLARK]; and from the San Antonio Light, by the Senator from Texas [Mr. YARBOROUGH].

The Postmaster General has made an analysis of the statements in those editorials, and I ask unanimous consent, Mr. President, in connection with my remarks, that all this appear seriatim in the body of the RECORD, including the analysis made by the Postmaster General.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

POST OFFICE DEPARTMENT ANALYSIS OF SYNDICATED NEWSPAPER EDITORIAL ENTITLED "POSTAL FACTS"

THE EDITORIAL

"President Eisenhower's special message to Congress urging another postal rate increase presents one of those seemingly plausible arguments which is easily demolished by facts. Let's consider the facts.

"In essence the President says the Post Office is losing a lot of money. Therefore mail rates should be raised to wipe out the loss, or at least come close.

"This position, which apparently came to the President special delivery from Postmaster General Summerfield, is based on a fallacy.

"It is the error of assuming the Post Office is a business. In reality, in historical precedent and in everyday fact, it is a public service. It cannot possibly be conducted as both."

THE FACTS

The Post Office is indeed a public service. There are, however, many public services provided by the Government, charges for which are made to those using the service to cover the cost thereof. These include such activities as the Panama Canal, the St. Lawrence Seaway, the Patent Office, the issuance of passports, the sale of public documents, and so forth. Congress recognized the general principle of user charges for specific services to the public in 1951 (5 U.S.C. 140) and required its general application throughout the Government. Subsequently in 1958, it formally adopted as a matter of policy for the Post Office Department, the principle that postal rates and fees shall be adjusted from time to time as may be required to produce the amount of revenue approximately equal to the total cost of operating the Postal Establishment less the amount deemed to be attributable to certain identified public welfare items (Public Law 85-426, title I). For fiscal 1960 the Congress found that the cost of such public welfare items amounted to $37 million.

THE EDITORIAL

"Certainly it costs taxpayers money to run the Post Office Department. It also costs taxpayers money to run the White House, the Commerce Department, the Federal judiciary system, the FBI—almost every Federal activity.

"The costs of such public services are taken for granted. But the costs of the postal service are labeled 'deficit' and become issue.

"Why? The answer is that the Post Office takes in a great deal of money, about $2½ billion a year. No other Government department produces anywhere near as much revenue.

"But because the Postal Establishment costs more to operate than it takes in, and because a law requires annual reports comparing receipts with costs, the Post Office is singled out and charged with operating at a deficit."

THE FACTS

The comparison of the Post Office Department with the White House and the other governmental activities mentioned is obviously fallacious. If it were valid, no charges should be made for the postal service and the mail should be free to everyone. There is no inherent reason why taxpayers should subsidize the users of the mail except for the limited and recognized public-welfare-type services.

The excess of costs over revenue of the postal service is properly labeled "deficit" since it is generally the measure of the deficiency of postage rates in covering costs. The law properly requires annual reports comparing revenues with costs.

THE EDITORIAL

"Postal rates actually are a form of taxes. The Post Office does not keep the money it gets for selling stamps, but turns it into the Treasury. Thus in urging a postal rate increase, the administration is seeking an indirect tax increase."

THE FACTS

Postal rates are not a form of taxes. They are paid only by voluntary users of postal services and only when and to the extent that they use such services. Postage is paid by the postal patron for value received. At the present time, the value received in most instances exceeds the price paid and it is to correct this condition that postage rate increases are being proposed.

The Post Office in effect keeps the money it gets for selling stamps and does not turn it into the general fund of the Treasury. While Congress limits through the appropriation process the amount which the Department can spend annually, it actually appropriates from the Treasury the difference between the Department's receipts and its authorized obligations. It is this deficiency which is a perennial charge to the taxpayer and which the administration is seeking to eliminate.

THE EDITORIAL

"Finally, the theory that the Post Office is a business doesn't make sense. Would a business charge the same fee to deliver a message across the street as it does to handle a letter from Florida to Alaska?

"Would a business operate a branch office in every hamlet in the Nation, most of them losing money because of slight patronage? Would a business take on sideline jobs without remuneration, like selling duck stamps or registering aliens?"

THE FACTS

The implication that the Post Office is not operating on a business basis because it does not apply zone rates to letter mail is also specious. It is not generally known that transportation cost is the small element of the cost of delivering a letter. The clerical expense at both ends far exceeds the transportation costs. It would be expensive and administratively infeasible from a collection viewpoint to have zone rates for letter mail. Where transportation is a principal factor in cost as in the case of parcel post and catalogs, zone rates are used. It should be noted that local transportation systems which at one time used zone rates have generally abandoned them. One can travel on the New York subway from the Bronx to Coney Island for the same price that one pays to ride from one station to the next.

Public utilities extend electrical lines into rural areas where the business initially may not justify the cost. Any public service activity must meet the test of public convenience and necessity. As long as the enterprise as a whole is self-supporting and individual consumers receive full value for the rates they pay, the extent to which individual subunits may or may not be self-supporting is without significance. In the case of the postal service, the revenue generated at a fourth-class post office is not a true measure of the contribution of that unit to the system as a whole. Much mail, particularly parcel post, originating in metropolitan areas would not be generated but for the delivery outlets in the country. Thus, some share of the postage on all incoming items is properly creditable to any post office.

The Post Office is specifically reimbursed for most of the service which it renders to other governmental agencies such as those referred to in the editorial. To the extent that it is not so reimbursed, the Postal Policy Act has provided that the resulting loss shall be treated as a public welfare item reimbursable by appropriation from the Treasury.

THE EDITORIAL

"The Post Office is an essential public service, worth what it costs to operate.

"We suggest Mr. Summerfield ought to stop proclaiming (and complaining) how much his Department has lost and concentrate on getting the mails delivered as speedily and economically as possible."

THE FACTS

There is no quarrel with the statement that the Post Office Department is "worth what it costs to operate." The only question is who should pay this cost. It is congressional intent as expressed in the Postal Policy Act of 1958 that the users of the mail and not the taxpayers should pay the cost.

This administration has exerted every effort to improve the quality of the mail service and to reduce its cost. The metropolitan area plan recently instituted now provides overnight delivery of first-class letter mail within some 67 metropolitan areas involving a total population of 140 million. Rural delivery service has been extended to 460,000 additional farm families since 1958 and many other important service improvements have been instituted since 1953. A 20-percent increase in the volume of mail since 1953 has been handled with only 8 percent increase in employment. Excluding the increase attributable to city carriers as a result of the rapid spread of suburban areas throughout the country, the increase in employment would be only 2 percent.

THE EDITORIAL

"And Congress ought to ignore the request for another boost in rates."

THE FACTS

The editorial opinion that Congress ought to ignore the request for another increase in rates flies in the face of the Postal Policy Act which Congress enacted in 1958 which specifically provides that the postal service should be self-supporting after reimbursement for public services as determined by the Congress, and that an increase in rates should be made when necessary to achieve that end.

EXPORT TRADE

Mr. JAVITS. Mr. President, the New York Times of April 3 contained an interesting and fairly optimistic article on the revival in U.S. exports and on the continuing ability of U.S. producers to compete in the world markets. The article cites export gains during the 6 months, August 1959 to January 1960, as compared to the same period 1 year earlier, among certain items which are indicative of healthy oversea demand for American goods.

Broken down into greater detail, these items consist of power-generating machinery, textile machinery, office machines and parts, tractors, and parts and accessories, commercial trucks, and construction machinery. It should be noted that all of these, except the last (construction machinery) held remarkably steady even during our worst period for exports, January–June 1959, with office machines, tractors, and trucks even registering gains while total exports and exports of machinery and vehicles registered a 5-percent loss compared to the same period in 1958. By November of 1959, all of these items, except construction machinery, showed export gains over the previous year, while total exports and exports of machinery and vehicles still registered a 2-percent loss. However, all of these items, except office machinery, did participate in the great drop in exports which the United States experienced between 1957 and 1958, and nearly all of them either registered a decrease or had no increase in exports in 1958 as compared to the 1954–56 average. The exception is again office machinery, as well as certain power-generating machinery and one type of tractor.

Further investigation shows that in the years 1954 through 1957 these items accounted for more than $20 billion worth of domestic production; an average of between 10 percent and 40 percent on individual items was exported.

For instance, more than 30 percent of $2 billion of textile and sewing machinery production during those years was exported—but more than half of the $130 million production of industrial sewing machinery which falls into this general category—more than 40 percent of $1.5 billion production of track-laying tractors was exported while between 15 percent and 20 percent of $2.4 billion of other type tractor production was exported; and about 11 percent of $4.1 billion of office machinery production was exported. Since available statistics do not give export values for all items, it is difficult to assign a grand total export value to the production items under discussion, but the figures cited above certainly indicate that exports accounted for an important part of total production in these key industries. Again, insofar as data are available, the percentage of exports in relation to a diminished 1956 production in several of these items remained fairly steady—in other words, diminished domestic production and diminished exports were reflected in each other.

Several significant conclusions can be drawn from this discussion:

First. The items cited in the New York Times article have been lead items during the past year in our export recovery which has been taking place during only the past few months.

Second. Even so, most of these lead items are only recovering ground lost since 1954–56, and are not showing gains over an export average established 4 to 5 years ago in a fast-moving expanding and highly competitive trading world.

Third. These export items form an important part of our basic domestic production and, as indicators of our export position, also serve as signposts of our general productive competitiveness. They show only that the United States is recovering this competitiveness in relation to mid-1956 levels.

Fourth. The pace of the 1960's will demand an increase in our productivity (productive competitiveness) which, in turn, will become evident in increased exports, if exports are stimulated by imaginative implementation of the administration's export program.

Legislation in support of the Export-Import Bank's new export credit guarantee program, to support the creation of voluntary labor-management productivity councils, and to aid in the adjustment of business and labor to necessary imports in which increases are recorded are all directly related to the success of U.S. foreign and domestic economic policy in the 1960's.

Mr. President, I ask unanimous consent that the New York Times article may be printed in the RECORD as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIGURES REFUTE GLOOM ON EXPORTS—CONTENTION THAT U.S. ITEMS ARE PRICED OUT OF MARKETS ABROAD NOT SUPPORTED—LEVEL UP BY 7 PERCENT—EARLIER DOWNTREND SAID TO REFLECT GENERAL DIP FOR TOTAL WORLD TRADE

(By Brendan M. Jones)

The fairly widespread contention that American products are being priced out of world markets is given practically no support in detailed export data of recent months.

Examination of figures by commodity and product classes of exports since last August shows generally a moderate to vigorous rise in most branches of trade. A study of the data for a 6-month period from last August to January of this year, in fact, tends to provide an effective antidote for the priced-out-of-the-market phobia.

This 6-month period is an appropriate basis for appraising the export trend because it has been one of sustained improvement. It also represents the latest 6 months for which detailed export statistics are available.

EXPORTS RISE 7 PERCENT

The figures, compiled by the U.S. Department of Commerce, show a gain of nearly 7 percent in commercial exports in comparison with a like 6-month period a year before. In the latest 6 months (August through January), the volume of commercial exports was $6,430 million. In the corresponding year-before period the export volume was $7,925 million.

The gain of more than $500 million in the recent 6 months ended a steady downward trend dating roughly from the end of 1957. This downtrend, which stirred much of the consternation over American export competitiveness, reflected a general and relatively moderate decline in world trade as a whole.

A tendency to view the slump in this country's exports, now showing every sign of a reversal, without regard for the general world trend, probably has caused much of the concern about its significance. The detailed facts and figures for the recent 6 months of sustained export recovery should now begin to provide a different perspective. It is apparent also that the upturn in American exports has coincided with a general upturn in world trade.

Among items indicative of economic development that have made sizable export gains are construction and power equipment; textile and general machinery; tractors and parts and trucks. Exports of office machines, which are something of a bellwether of business activity abroad, also have shown a marked increase.

While a 6-month period cannot be taken as conclusive evidence, that detailing the recent improvement in American exports provides strong reasons for optimism on this country's trade outlook.

Of the five major categories of exports, comparative year-to-year figures show gains for three; one even and one trailing moderately. Statistics for these groups show:

	August 1958 to January 1960	August 1956 to January 1959
Crude materials: Cotton, coal, oil, etc.	$1,222,000,000	$1,020,800,000
Crude foodstuffs: Grains, vegetables, etc.	704,500,000	705,000,000
Manufactured foodstuffs: Meats, dairy foods, etc.	590,000,000	527,800,000
Semimanufactures: Fibers, chemicals, metals, etc.	1,312,000,000	1,186,000,000
Finished manufactures: Machinery, vehicles, textiles, etc.	5,155,200,000	5,047,000,000

NOTE.—These figures include a small amount of mutual-security shipments.

While the big category of finished manufactures shows a fairly substantial lag, it should be noted that the last 2 months of the latest period indicated marked improvement. This generally was true of the other categories also. The upturn apparent in the early months of the recent period tended to become more pronounced from November onward throughout nearly all of the export classifications.

A few of the large-volume key items of exports in finished manufactures, which have registered notable gains during the recent 6-month period, are the following:

Construction, mining and related machinery: $640 million, up by $90 million over the period a year ago.

Power-generating machinery: $122 million, also up by $30 million over the level a year ago.

Tractors: $66 million, up by $22 million. Tractor parts: $73,500,000, also up by $22 million.

New trucks and buses: $146 million, up by $22 million. Automotive parts for assembly: $271 million, up by $66 million.

In addition, chemicals, drug products, finished textiles and various metal items have made substantial gains or shown evidence of a rising trend.

On the whole the recent trend of exports, particularly in its sustained nature, has given every indication that most American products are again in strong demand abroad.

Weak spots in the overall list of exports are the exception rather than the rule. The marked recovery in cotton exports has contributed substantially to the recent gains, but the improvement also in exports of power and construction equipment, trucks, tractors and the like are significant.

Forecasts of a few months ago of a substantial improvement in exports this year seem well on the way to realization.

ADDRESS BY UNDER SECRETARY OF STATE C. DOUGLAS DILLON IN REGARD TO CONTRIBUTION OF GERMAN FEDERAL REPUBLIC TO NATO

Mr. JAVITS. Mr. President, the testimonial luncheon given on March 18, 1960, in honor of German Foreign Minister Dr. Heinrich von Brentano by Members of the U.S. Senate and House of Representatives heard an excellent address by the Honorable C. Douglas Dillon on the contribution of the German Federal Republic to NATO. Distinguished members of the Republican and Democratic Parties were present at this gathering, and listened with great interest to this address.

Several members of President Eisenhower's Cabinet were also present, including the Attorney General of the United States, William P. Rogers, and the Secretary of Commerce, Frederick H. Mueller.

I had the honor to preside over the luncheon jointly with the distinguished Senator from New Hampshire [Mr. BRIDGES].

Mr. President, I ask unanimous consent that there may be printed at this point in the RECORD, the remarks the Senator from New Hampshire [Mr. BRIDGES], in introducing Dr. von Brentano, as well as my introductory remarks at the luncheon, and the excellent address by Under Secretary of State C. Douglas Dillon.

There being no objection, the remarks and address were ordered to be printed in the RECORD, as follows:

SENATOR JAVITS' REMARKS

It is a great honor for Senator BRIDGES and myself to entertain a distinguished guest from abroad—and from a country which has distinguished itself so markedly as an ally of freedom in the free world. We all know Germany's history and, therefore we are doubly impressed by what is occurring today. So, on behalf of Senator BRIDGES and myself, I bid our guest of honor welcome, and welcome all you gentlemen to this gathering. I also want to express our pleasure and to say that we are honored to have with us several distinguished members of the President's Cabinet.

Some of our colleagues dropped by to pay their respects to our honored guest, and then had to return to the floor where debate on the civil rights bill is now taking place. (Senator JAVITS then introduced guests.)

The Vice President, RICHARD M. NIXON, could not be here today but to represent him are both Herbert Klein and Maj. Donald Hughes.

And now, gentlemen, in Minister von Brentano's party I would like to present to you at the head table the Chargé d'Affaires of the German Embassy, Minister Frans Krapf, and two of the Consul Generals of Germany are here with us today—the one from my home city of New York, Consul General George Federer and the Chicago representative, Consul General Friederich von Lupin. Also, from the Germany Embassy staff in Washington we have Dr. Rolf Paulls, First Secretary; and Mr. Robert Borchardt, Press Secretary. And in Minister von Brentano's own party we have Dr. Peter Limburg, the Minister's aide. And you will hear in due course the very gifted interpreter with whom I have had the pleasure of working, Mr. Heins Weber, who will be translating for the Minister.

Now, STYLES and I want to thank our Senate and House colleagues for being here today. We are very grateful to them. After all, the purpose of having this kind of function in the Senate is to have as many of our colleagues as possible attend. When they turn out, I can't tell you how it warms the cockles of your host's heart.

If I may, I would like to read for Minister von Brentano the names of some of our colleagues who are here, and then present one or two of our senior Members who have honored us with their presence. Here today are Senator JOHN ALBERT CARROLL, of Colorado; Senator ROMAN LEE HRUSKA, of Nebraska; Senator STROM THURMOND, of South Carolina; Senator RALPH W. YARBOROUGH, of Texas; Senator GALE W. MCGEE, of Wyoming; Senator HUGH SCOTT, of Pennsylvania.

And now may I present in person, first, the dean of the Senate Foreign Relations Committee and, I suppose, the most admired young man in the Senate, Senator THEODORE FRANCIS GREEN. Then we have two committee chairmen present—Senator TOM HENNINGS, chairman of the Senate Committee on Rules and Administration, and Senator OLIN JOHNSTON, of the Post Office and Civil Service Committee. Also, to keep this strictly bipartisan we have our own minority whip, the distinguished Senator from California, Senator TOM KUCHEL; and the Senator from our newest State, Senator ERNEST GRUENING of Alaska.

And now, for the Members of the House. A number of them have had to make their apologies for not being able to be present today. Congressman EMANUEL CELLER, chairman of the Judiciary Committee, was very anxious to be with us but he is needed on the House floor, and it was simply impossible for him to remain with us. Congressman JOHN W. MCCORMACK, the majority leader of the House was here, but he, too, had to leave because of debate on the civil rights bill. Congressman LEO ALLEN, senior Republican on the Rules Committee, and one of the very powerful Members of the House also had to leave the gathering for the same reason—the pending bill.

However, we have with us three of our colleagues whose names I would like to present—Congressman D. S. SAUND, of California; Congressman CHESTER E. MERROW, of New Hampshire; and Congressman LINDLEY BECKWORTH, of Texas.

Now I would like to present to you, Mr. Minister, and to our colleagues one of our real seniors, the man I call my boss, in the House of Representatives, the former Speaker of the House, the Honorable JOSEPH MARTIN. My colleague, Senator BRIDGES, calls to my attention that we are also honored here with another senior Senator—Senator FRANK CARLSON of Kansas.

[After luncheon]

I would like to welcome Bob Merriam, Deputy Assistant to the President, who is here from the White House; former colleagues, the Honorable Homer Ferguson, a former Senator from Michigan and now judge of the U.S. Court of Military Appeals, and Owen Brewster, former Senator from Maine, who now enjoys the luxury of being a kind of private citizen; and, finally, there is Jack Martin, who we all know and love as Bob Taft's first assistant, and now also a U.S. judge.

I now have the honor to present the Honorable C. Douglas Dillon, Under Secretary of State.

ADDRESS BY THE HONORABLE C. DOUGLAS DILLON

Mr. Chairman, it is a great pleasure for us to welcome the representatives of the German Federal Republic to Washington. We had a most pleasant talk with the Chancellor of the Federal Republic, Dr. Adenauer, when he was here with Foreign Minister von Brentano. The reason our talks are always such a pleasure to us is that we find our views on the problems we face today, the great problems of the world, are always closely paralleled. The Federal Republic of Germany is, of course, a stanch member of the NATO alliance, and presently her contribution to the defense of the free world is coming very rapidly into full being. And it will not be many months before the contribution of the Federal Republic in ground strength to the NATO shield in Europe will be by far the strongest contribution in ground strength by any member of the NATO alliance. This represents a considerable effort on the part of the Federal Republic which they make most willingly and entirely from their own funds and resources.

The German Federal Republic has been from the beginning a stanch advocate of the principle of integration in Europe, as against the former system where we had extreme nationalism dividing Europe into many different and differing countries. The German Federal Republic has joined and has been a prime mover in the creation of the European Common Market, the Coal and Steel Community, and Euratom. In these organizations she has joined closely with France and Italy, and with the three Benelux countries. Thus, a new situation has actually arisen in Europe where the ancient differences between France and Germany which have made history—some of it not very pleasant over the past years—are now buried. We all think once and for all, when there has taken its place a feeling of cooperation which, to those of use who work with these two countries, is really wonderful to behold.

And now today we are moving into a new and third phase where, as the countries of Western Europe have grown in economic strength, they are prepared and ready to begin to join with us more fully in trying to carry the burden of the great challenge which we face in the coming years, the challenge of helping with the development of less developed countries. And in this field we have been having a series of talks with the Federal Republic and we have met with the greatest understanding on the part of her leaders.

This is a new concept for the Federal Republic. They have done a tremendous job in rebuilding their own country, but they have assured us that they recognize the problems involved in economic aid and the responsibility of those who are fortunate enough to be able to make a contribution to the common task. The Federal Republic is now engaged in working out ways and means by which her contribution can increase to the level where it will be a fully comparable one to that which we have been carrying ourselves. So it is a great pleasure for us, as you can see, to have these talks with the representatives of the Federal Republic and, in particular, with the very able, energetic, and friendly Minister of Foreign Affairs, Dr. Heinrich von Brentano, who is here with us today.

Senator JAVITS. Thank you very much, Mr. Secretary. And now I have the great honor to introduce the Honorable STYLES BRIDGES, one of the most respected Members ever to serve in the Senate, a friend of all other Senators, regardless of party.

REMARKS OF SENATOR BRIDGES

Senator BRIDGES. My colleague, Senator JAVITS, Mr. Minister, Mr. Attorney General, Mr. Secretary of Commerce, Mr. Dillon, Under Secretary of State, and friends. This is the first time we have had an opportunity of meeting in this room in the New Senate Office Building. This is a part of the Appropriations Committee chambers and it's the first time it has been used for a meeting of this kind.

Now, we like to have foreign visitors on our shores. And like Winston Churchill, who had American ancestors, our guest of today is no exception to that rule. Lorenz Brentano came to America in 1848 with Carl Schurz and others and settled in Chicago where a new German-American colony emerged. The families of Brentano, Schurz, and others remained in Chicago. His son, Judge Theodore Brentano, the distinguished jurist later became American Ambassador to Hungary and his nephew is our guest of honor here today.

When our late Secretary of State, John Foster Dulles, died there appeared a note of esteem in a Frankfurt newspaper which I take the liberty of quoting. This tribute was included in the CONGRESSIONAL RECORD of July 14, 1959, in a reprint prepared by our friend Gen. Julius Klein of Chicago, who is with us today. It quoted Minister von Brentano as follows:

"John Foster Dulles always dealt calmly and seriously with the political issues which put their stamp on the foreign policy picture of our time. His sense for the possible which was sharpened by experience, did not allow him to chase after illusions with which many of his critics would have liked to replace the facts.

"He represented the legitimate interest of the German people with the passion of the righteous thinker."

Our guest of honor is in many ways very much like our late Secretary of State whom he admired so much.

Dr. Heinrich von Brentano reflects the political philosophy and the credo of our late Secretary of State with whom he was on the friendliest of terms. They shared a passion for German reunification, a devotion to the ideal of European unity and cooperation, a dedication to their countries' own interests. They admired and respected one another, and met often to discuss the common objectives of West German and American policies. And today, Herr von Brentano is a loyal teammate of our distinguished Secretary of State, Christian Herter.

Let me say that there's no more stanch exponent of the theory of the Western civilization, there's no greater anti-Communist today in the free world than the very able Foreign Minister of the Federal Republic of Germany.

Gentlemen, may I present Chancellor Adenauer's loyal associate and coarchitect of the German foreign policy—so like ours which is geared against Soviet imperialism. It is my pleasure to present him to you.

His Excellency, the Foreign Minister, Dr. von Brentano of the Federal Republic of Germany.

SENATOR JAVITS' CONCLUDING REMARKS

Senator JAVITS. Minister von Brentano, we are very grateful. This marks a historic milestone in your visit here with the Chancellor. I believe the Chancellor's conversations with the President, your speech here, and the Chancellor's meeting with the Premier of Israel, David Ben-Gurion, are three historic events which all of us can be grateful for. I think what you said on this very great subject, all of us can say., And I think that our feeling in the Senate is clear and that we shall do our utmost to implement it. We thank you for being with us.

I have just one other small note. I omitted to introduce Dr. Draher, the legal counselor of the German Embassy, who is here—and another guest at our head table, Gen. Julius Klein of Chicago, who is a great friend of the German Federal Republic.

Gentlemen, you've been wonderful to come. We are very grateful to you and to your colleagues, Mr. Minister, and we can only hope to see you soon again. And to my cohost, STYLES BRIDGES, thank you very much.

Mr. JAVITS. Mr. President, I also ask unanimous consent to have printed in the RECORD at this point an editorial from the New York Times and an editorial from the New York Herald Tribune in regard to the situation in Berlin.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 19, 1960]

SOVIET OFFER IN BERLIN

Following the firm stand taken by the Western Powers at Washington on Germany and Berlin, the Soviets now seek to surround Premier Khrushchev's brinkmanship with a deceptive air of reasonableness that does nothing to lessen their demands or threats. They continue to reject the Western peace plan based on German reunification by means of free and properly supervised elections, starting with Greater Berlin. But they do begin to talk about the possibility that the summit meeting next month might reach a partial and temporary agreement on West Berlin that would permit the West to avoid an immediate crisis at the price of giving the Soviets what they want later.

A first hint to this effect appeared in the Moscow Pravda immediately after the Washington stand became known. Now Walter Ulbricht, the Soviet puppet boss of East Germany, acting on obvious instructions from the Kremlin, spells out the details of this offer.

Soviet Army Colonel Ulbricht maintains, of course, that the best solution is still Premier Khrushchev's plan for a free city of West Berlin, free from Western protective troops and subject to the same Communist pressures that drove the East German farmers into Communist collectives despite all the constitutional guarantees given them. But he is willing to wait. He therefore proposes a gradual reduction of Western military forces and a step-by-step abolition of the occupational status. To sweeten this new demand, he professes to adopt some of the Western concessions previously offered for an interim arrangement on Berlin, including a ban on nuclear weapons in West Berlin and curtailment of propaganda from West Berlin.

What Colonel Ulbricht ignores is that this arrangement was offered on a strictly reciprocal basis, applicable to both East and West Berlin, and was conditioned above all on continued Soviet recognition of the Western right to maintain troops in West Berlin and on Soviet guarantees of free access to that city, until Germany is reunited. In keeping with Premier Khrushchev's plan, Colonel Ulbricht proposes to abrogate that right, and though he offers guarantees on access for the interim period, the implication is that these guarantees would be extended by his East German puppet regime. This would not only put Berlin's lifelines at his mercy; it would also involve some

sort of Western recognition of his puppet regime, thereby implying Western acceptance of Germany's partition as the risk of an immediate crisis in the North Atlantic alliance.

This Soviet offer may, of course, represent only a bargaining position for later modification. If so, the new Soviet interest in an interim arrangement can be welcomed. But as it stands, the offer is merely an invitation to the West to commit suicide gradually, and the West is in no mood to do so.

[From the New York Herald Tribune, April 16, 1960]

MISUNDERSTANDING IN WASHINGTON

The Foreign Ministers of Great Britain, France, and the United States have congratulated themselves on their progress toward agreed positions for the summit talks. Outside observers are in dispute as to whether these congratulations are really deserved.

There are certain predispositions, if not policies, on which the Big Three have usually disagreed and probably only when the summit talks are concluded will the world at large know whether these differences were resolved in advance—and whether they were important.

The preparations for the meeting of Premier Khrushchev with Presidents de Gaulle and Eisenhower and Prime Minister Macmillan are intrinsically difficult, quite apart from any divergences in the Western approach to East-West relations. This is because, in large part, the preparations require a certain amount of mindreading, which is never easy and is particularly difficult when the mind in question is so agile, so little bound by precedents or hampered by public opinion as that of Nikita Khrushchev.

The Russian leader is quite articulate, not to say voluble. He has had long conversations with all of his opposite numbers in the Western camp and he has made a great number of public speeches. At no time has he ever openly indicated any departure from his position on Berlin—that the West must get out, and that if the West does not do so willingly, he will turn the whole access question over to East Germany.

This would, unless the West can find some way around or through the roadblock, require direct negotiations with East Germany and a de facto recognition of East German sovereignty. It would put the seal of finality on a divided Germany and the impress of legality upon the fraudulent East German Government. And this in turn would undercut the basis for the Western presence in West Berlin, since that presence was agreed upon with the Soviet Union—not with the defeated Germans or the puppets Moscow placed over them.

That is the crux of the dilemma which the summit meeting has been convened to resolve. Of first importance are Mr. Khrushchev's intentions. Will he hold to his stand, and take steps to implement it that would certainly raise the threat of violence? Or will he hold in letter and spirit to his other, often repeated, assertion that international questions must be solved by negotiation and not by force?

Spirit is the key word in the second alternative. Signing a peace treaty with East Germany and giving that satellite full control to the access routes to Berlin would not, in itself, be a violent act. But it would clearly be an act that might produce violence. Mr. Khrushchev knows that very well; he has made all sorts of threats about what Russia would do if violence erupted at the gates of West Berlin.

On the face of the record, there is nothing reassuring about Mr. Khrushchev's intentions. But to press them to extremes would incur great risks and forfeit considerable potential advantages. It is, therefore, almost impossible to predict just how the cat will jump when the summit meeting gets under way.

The peoples of the world cannot expect the Western leaders to be clairvoyant. They can expect them to be ready for anything, and surprised by nothing that Mr. Khrushchev may advance in Geneva.

LEAVE OF ABSENCE

Mr. JAVITS. Mr. President, as chairman of the Economic Committee of the NATO Parliamentarians Conference, I have been invited to address the Council of Europe at Strasbourg on April 28, 1960, and to consult with a number of the delegations in Europe contiguous to that time.

Accordingly, since it seems to be in the best interests of all the policy in which we are engaged that I accept these invitations, I ask unanimous consent that I may be excused from attendance at the sessions of the Senate from Friday, April 22, 1960, to and including Saturday, April 30, 1960.

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). Without objection, leave is granted.

BROTHERHOOD WEEK, 1960

Mr. WILEY. Mr. President, the annual observance of Brotherhood Week, celebrated earlier this year February 21–28, contributed, I believe, much to strengthening the bonds of human relations not only among our own citizens, but among people around the world.

We realize, of course, we need more than passive observances, even if laudable. Rather, the ideals and principles must be translated into action programs designed to meet the challenge of our time.

Recently I was privileged to receive from Maurice H. Terry, director of the National Conference of Christians and Jews, a résumé of a realistic, constructive effort to put into action not only the letter but also the spirit of Brotherhood Week.

Director Terry kindly forwarded a brief résumé of their program, designed to educate public thinking on the necessity for fair campaign practices. This is particularly significant in an election year.

My colleagues will recall that from time to time I have stressed that in addition to attempting to attain their goals of winning elections, candidates have a responsibility for clarifying, not obscuring, issues.

For the good of the country, as well as our prestige as a world leader, I believe we need a positive, not a negative, approach in conducting national elections.

Reflecting fundamental views of interest to candidates, campaign organizations, and the individuals who have the last word in elections—the voters—I request unanimous consent to have the brochure entitled "With Liberty and Justice for All" printed in the RECORD at this point as a part of my remarks.

There being no objection, the brochure was ordered to be printed in the RECORD, as follows:

WITH LIBERTY AND JUSTICE FOR ALL

Brotherhood Week, 1960, is dedicated, as always, to strengthening the bonds of confidence, neighborliness and good will upon which the future of every American community depends. Civic unity, fair play, community cooperation, and integrity are among the most valuable possessions of any American community. Our democracy depends upon these bonds of human relationships.

In 1960, the citizens of 50 States will elect a President and Vice President, Senators, Congressmen, Governors, jurists, and a host of other State and local officials.

To preserve the spirit of unity, civic cooperation, and good will in the midst of a hard-fought political campaign is not easy. It becomes impossible when appeals to bigotry, race prejudice, or religious hostility are used.

The use of bigotry in political campaigns is forcing Americans to give great concern to this problem. For any activity, individual, or group which seeks to pit race against race—sect religion against religion—or exploit nationality groups, does a disservice to the total community. Such behavior is an immediate warning to responsible citizens.

If civic leaders act firmly in the spirit of unity and good neighborliness, they can prevent the ugly tragedy of having hostility, animosity, suspicion, and fear arise in their local communities.

NECESSITY FOR PROGRAMING

The National Conference of Christians and Jews appeals to civic leaders to protect our precious American heritage with an intelligent program of education for fair play in political campaigns. All organizations are urged to incorporate programs on this subject into their schedules during February. Such programs would not attempt to take sides in an election, but rather would stimulate concern for standards of justice and fair play.

Bruce L. Felknor, of the National Fair Campaign Practices Committee, states:

"If the world watches to see how we pick our leaders, we are apt to be in for some embarrassment. For it is virtually certain that some of them will win elections in campaigns marked by bigotry, vicious innuendo, and vilification. This forecast can be made on the basis of statewide studies of smear. The picture it presents is an ominous one.

"Episodes of smear in major (congressional and statewide) campaigns in 1958 exactly doubled those reported in the 1956 campaign. Appeals to racial and religious prejudice were up proportionately and accounted for one-quarter of the total."

The committee reported that appeals to bigotry were directed primarily at Catholics, Negroes, and Jews as targets.

SAMPLES OF PRACTICES

Let's be clear on one point: The concept of fair play for all and of hard, freeswinging political campaigns is very much in the American tradition. The hazard your community faces in such campaigns is the unjust and unfair appeal to prejudice and bigotry, which endangers civic unity and cooperation.

Charles P. Taft, of the National Fair Campaign Practices Committee, reports samples of unfair practices which endanger good community relations:

"On the basis of reports from 48 of the 49 States participating in the 1958 general elections, the incidence of unfair campaign tactics in last fall's elections was up 100 percent over the last previous study into the general elections of 1956.

"There were 64 episodes of unfair electioneering involving 35 candidates for congressional or statewide office reported for 1958 from a total of 21 States. This compares with 32 episodes from 19 States in 1956. Only nine States reported smears in both 1956 and 1958.

"In the 1956 study, the fair campaign practices committee said that nearly all smears reported were local or regional in origin and effect. Similarly in 1958, only a few episodes showed planning on a wider scale, and these involved application to election campaigns of hate literature prepared for general purposes by established operators in this field."

Among the types of unfair tactics reported by the committee were racial or religious bigotry; alleged former association with the underworld; under undue religious influence; last minute rumors of death or illness (this happened to President Eisenhower); publication of long-disproved charges against a candidate; and publication of statements, voting records, and excerpts from correspondence out of context, to support unfounded charges of venality or un-Americanism.

QUESTIONS WE MUST FACE

1. The first amendment guarantees the right of free speech. Does this right include the right to use groundless accusations and other similar tactics to win an election? Does it permit parties, candidates, or workers to appeal to prejudice, fear, or bias to win support? How can society cut down on the use of smear without infringing either the candidate's right to free speech or the voter's right to make the actual choice between the candidates?

2. Election campaigns are an important part of American political life. They are expected to be hard fought. They generate partisan loyalties. Men are vying with each other; critical of each other; citing records and experience. How can we assure a likelihood of the voter's choice being made on the basis of principles and ability, not on bias and prejudice?

3. Who is responsible for the ethical level of an election campaign? Voter? Candidate? Political parties? Political clubs? Special interest groups?

4. What is the difference between a "hard-fought" and a "dirty" campaign?

5. What can civic, fraternal, religious, and other organizations do to support fair play and integrity in campaigns?

STANDARDS WE MAY FOLLOW

Let's look at two codes which embody good standards of campaign practices:

Fair practices pledge prepared and adopted by the Milwaukee (Wis.) Bar Association

"We, being all of the candidates seeking election to the office of judge of the _____ court of Milwaukee County, branch _____, do hereby adopt and pledge to adhere to the following Canons of Fair Practices in Judicial Elections as adopted by the Milwaukee Bar Association.

"1. No candidate shall use, or permit to be used, in his behalf, any advertising or campaign material, or issue any public statement, verbal or written, which shall appeal to or reflect upon any race, creed, religion, or nationality.

"2. No candidate shall use, cause or permit to be used, any ambiguous, or misleading advertising, either in his behalf or against any other candidate.

"3. No candidates shall request, solicit, or urge any lawyer qualified to vote in the Judicial Poll, to vote, solicit, or urge, or induce himself or any other lawyer to vote, for or against, any one or more of the candidates whose qualifications are being considered in the Judicial Poll.

"4. No candidate shall spend, authorize, encourage, or permit any person, committee, club, or association organized to advance and promote his candidacy to spend or incur liability for more than the total aggregate sum of $30,000 in the advancement and promotion of his entire campaign for election, and no liability for more than $10,000 of said amount may be incurred for the primary election.

"5. Any alleged violations of the foregoing Canons of Fair Practices shall be submitted to the Committee on Judicial Qualifications, which shall take such action as it shall deem appropriate."

Code of fair campaign practice produced by the Fair Campaign Practices Committee

"There are basic principles of decency, honesty and fair play which every candidate for public office in the United States has a moral obligation to observe and uphold, in order that after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammeled choice and the will of the people may be fully and clearly expressed on the issues before the country.

"Therefore:

"I shall conduct my campaign in the best American tradition, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticising without fear or favor the record and policies of my opponent and his party which merit such criticism.

"I shall defend and uphold the right of every qualified American voter to full and equal participation in the electoral process.

"I shall condemn the use of personal vilification, character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or his personal or family life.

"I shall condemn the use of campaign material of any sort which misrepresents, distorts, or otherwise falsifies the facts regarding any candidate, as well as the use of malicious or unfounded accusations against any candidate which aim at creating or exploiting doubts, without justification, as to his loyalty and patriotism.

"I shall condemn any appeal to prejudice based on race, creed, or national origin.

"I shall condemn any dishonest or unethical practice which tends to corrupt or undermine our American system of free elections or which hampers or prevents the full and free expression of the will of the voters.

"I shall immediately and publicly repudiate support deriving from any individual or group which resorts, on behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics which I condemn."

IT IS THE AMERICAN WAY

Citizens ask candidates for office

1. What experiences qualify you for the office you seek?

2. What personal qualities do you bring to the position that make you a more desirable candidate than your opponent?

3. What is the platform established by your party—which will limit or assist you? Will you, in general, be guided by it?

4. What will be your stand on the major issues now facing the American people?

5. What policies and programs do you propose to deal with those issues constructively?

6. What support or resistance will your political colleagues offer when you advocate these policies and programs?

Citizens do not make issues of these

1. Economic status: In America, the poor, the rich, and the middle class may seek public office without fear or favor because of their economic status. Brilliant performance in public office, as well as dull performance, comes from men of every station in life.

2. Racial or nationality background: In America, we do not judge a man by his ancestors. We have long since learned that performance in business, education, government, or religion is not related to national origin or ancestral traditions.

3. Religious convictions: In America, a man's religious faith is a personal matter. To make it a test of loyalty or government service violates our sense of justice and fair play. Religious convictions are respected in a democracy but they do not qualify or disqualify an individual for political office.

4. Fraternal associations: In America, no candidate should be judged by the number of social, fraternal, civic, or veterans' organizations in which he holds memberships. His participation in such organizations may give him wide contacts but it does not necessarily increase or decrease his ability to serve as a responsible official of government.

5. Personal family triumphs or tragedies, achievements, or failures: In America, each man is judged on his individual merit. He is neither favored nor penalized because of the success or failure of other members of his family. He is neither blamed nor praised for misfortune, hardship, heartbreak, brilliance, achievement, or good luck that his family may have experienced.

While religious affiliation, fraternal membership, business association, racial, and nationality background will be common knowledge in a political campaign, they should not be made a test for political office. Nevertheless, candidates may expect questions on political issues that have been stimulated by religious and other affiliations. When such questions are asked, honest answers are rightfully expected. However, the way such questions are asked is important. To put them in a "Do you still beat your wife?" way would be unfair and violate good practice. Furthermore, for a candidate to accuse his questioner of prejudice in order to avoid giving an honest answer is also grossly unfair. Your community's best hope is not to try to stop such questions, but to work to develop rules for the intelligent and honest handling of them.

WHAT CAN YOU AND YOUR ORGANIZATIONS DO TO HELP?

1. You can urge your friends to become interested and informed supporters of fair campaign practices.

2. You can ask your organizations to develop programs on this subject, using speakers, panels, or discussion.

3. You can let the candidates know that you stand for fair play.

4. You can secure the cooperation of your press, television, and radio stations for fair campaign practices.

A great number of civic, religious, veterans', professional, and other community organizations will be using this material in programing. They will do this because they recognize that our communities, as well as our State and Nation, can no longer afford the luxury of prejudice and bigotry in political campaigns or in other community activities. Civic unity, fair play, and community cooperation are too valuable to be endangered by any divisive activity. As J. Edgar Hoover has warned:

"Many of our problems spring from the failure of individuals to work together. We allow prejudice and bigotry to divide us. Hate and enmity often replace love and friendship. The best offense against these evils of society is a united effort of the entire community."

OUR LEADERS SPEAK

President Dwight D. Eisenhower: "The fight for freedom today is, in a real sense, a fight for the idea of brotherhood. • • • Bigotry and intolerance, racial or religious

hate and discrimination are spiritual acts of treason.

"It is imperative that * * * by word and deed, we give voice to our faith: that every man is indeed his brother's keeper, that no human being in the world can escape his spiritual involvement in what happens to any other human being."

Ralph J. Bunche: "To exert every possible effort to eliminate undemocratic practices and undemocratic attitudes, to do all that we can do to close the gap between our professions of democracy and our practice of it * * * is the only way that we can achieve our maximum national strength and unity and fully discharge our international responsibilities. In these critical times, this we must do. We cannot afford to do less."

Bernard M. Baruch: "To discriminate against a man because of race, color, creed, or national origin is antithetical to democracy and dangerous to America. In this time of democracy's testing, we must proclaim our faith in it and live closely by its principles. In these days of danger to America we can permit nothing to undermine the unity which is so essential to our safety. Nothing is so destructive of unity as the hate, discord, suspicion and bitterness which prejudice breeds."

Carlton J. H. Hayes: "What has saved us as a nation in the past from despotism and the denial of human liberties is primarily our religious, ethnic and cultural pluralism. And the only way by which such pluralism can be retained is general recognition that each group enriches rather than impoverishes the American scene and the national tradition, and that while learning to respect one another's peculiarities, all should learn to cooperate in the responsible tasks of American citizenship. We differ as groups, but we have like human interests and joint civil obligations. We certainly can and should cooperate to achieve social and economic justice in this country, to work for world peace, to deal intelligently with delinquency and crime, to cultivate standards of good taste to safeguard human rights."

Paul Hoffman: "We are the strongest free society in the world, but we must remain so and grow stronger. We can best accomplish that by holding fast to the concepts of freedom and justice which are our great heritage. We must strive to make our Bill of Rights a living document and to see that equality of opportunity for everyone regardless of race or creed or color is a fact rather than a pious hope. Working for brotherhood at home is vitally important in combating communism abroad."

Cornelia Otis Skinner: "The fact that racial and religious prejudice should, in any form, exist in a great democracy, is an incredible mockery of the very word democracy. It should be considered in the light of a personal disgrace to every citizen of that same democracy. For prejudice is a crime. It is a crime against the democratic ideal, a crime against the teachings of Christianity, Judaism and the great religions, a crime against human decency and a crime against just plain common sense. Furthermore, it is a crime for which every American citizen, directly or indirectly, is responsible, if not for its inception, at least for the continuance of its presence in our world today. We are responsible because of our apathy in sidestepping the issue, because of our outmoded give-it-time-it-will-cure-itself attitude, because of our kidding ourselves with the preposterous fable that it is a special problem to be solved by the special persons affected. The problem is our problem, and as long as prejudice exists in our land, we are the persons affected. The solving of it must be done by all of us, each and every man, woman and child of this Nation, of every walk of life and of every race, creed or color."

RELIEF OF WIDOWS AND FAMILIES OF NAVY BANDSMEN KILLED IN AIR DISASTER OVER RIO DE JANEIRO, BRAZIL

Mr. JAVITS. Mr. President, I am a cosponsor of the bill introduced by the Senator from Maryland [Mr. BEALL] today to provide some financial compensation for the families of the Navy bandsmen who were killed in a tragic air accident last February in Brazil during President Eisenhower's goodwill tour of South America. I had been personally requested by four of these Navy widows who are New York constituents of mine to offer legislation, and in fact was preparing a bill similar to that of my colleague. However, I am most happy instead to join forces with Senator BEALL as a cosponsor of this legislation and hope that others representing the States from which the Navy bandsmen came will join with us in a nonpartisan effort to win some relief for these 19 unfortunate families of servicemen killed in the line of duty.

In the letters written to me by the four New York widows, and in numerous news articles, it appears that due to last minute scheduling, the Navy bandsmen did not have an opportunity to provide for their families through the purchase of flight insurance to cover what proved to be the fatal lap of their journey. The four wives wrote me that normally on such journeys their husbands would have bought the maximum amount of insurance in case of mishap, and each widow asks that the Congress provide some measure of financial relief for them and their children.

I believe that their cause based on the facts as they are known to us is eminently just, and that the Congress should consider this legislation during this session so that there will not be any unnecessary delay in easing the financial burdens faced by the 15 widows, many of whom have young children, following their husbands' untimely deaths.

To the four New York widows who have contacted me, I am sending the following telegram today:

> The country and the Congress are most sympathetic to your plight and share in your grief over the tragic death of your husbands while on active duty. Today, I have joined Senator J. GLENN BEALL, of Maryland, in cosponsoring legislation to provide financial compensation of $50,000 to you as the maximum amount of flight insurance which could have been purchased by your husband had he had the opportunity prior to his departure. I believe your cause to be just and I shall do my utmost to seek passage of this legislation.
>
> Sincerely,
>
> JACOB K. JAVITS,
> *U.S. Senator.*

The four New York constituents whose husbands died in the tragic accident were Margaret K. Clark, Lockport, N.Y.; Norene Micallef, Brooklyn, N.Y.; Beatrice Tramentana, New York City; and Beverly J. Wilklow, Perry, N.Y.

MONTANA CADETS AT WEST POINT

Mr. MURRAY. Mr. President, an excellent article on Montana Cadets presently at West Point appeared in the Sunday, April 3, 1960, issue of the Great Falls Tribune of Great Falls, Mont.

Several of my appointees to the Military Academy are mentioned in the article which points out the very good foundation these young men are obtaining in military science and leadership during their 4 years at the U.S. Military Academy. I am very proud of these young Montanans who are making a sincere and conscientious effort to serve our country.

I request unanimous consent that the article from the Great Falls Tribune entitled "Montana Cadets at West Point" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MONTANA'S CADETS AT U.S. MILITARY ACADEMY—ELEVEN TREASURE STATE MEN AT HISTORIC WEST POINT

WEST POINT, N.Y.—Eleven Montana men are among the 2,500 cadets currently enrolled at the U.S. Military Academy which has operated here since 1802.

Like hundreds of thousands of other young men, they're busily engaged in getting a college education. But while they're doing that, they're also getting a good foundation in military science and in leadership.

As are the rest of the present Cadet Corps, the Montanans are a cross section of American youth, selected on the basis of ability and promise. They come from cities and ranches. Their parents include teachers, ranch foremen, ranch operators, accountants, social workers, executives, and military men.

John B. Seely is Montana's lone first classman, or senior. He is the son of Mr. and Mrs. Brad Seely, who live summers at Whitefish where they operate a resort and winters at Great Falls where Seely is president of the Montana Pipe and Concrete Co.

Cadet Seely is a Whitefish High School graduate. He was on the ski team for 4 years and a member of the State championship squad in 1953–54. He also played football for 4 years and was all-Western Conference tackle.

Seely is a member of the Ski Club at the Academy and also belongs to the Skeet and Handball Clubs.

The four Montanans in the second (junior) class are Ted A. Showalter of Roundup, Lawrence H. Prather, Jr., formerly of Hamilton, Charles H. Armstrong, of Malta, and Thomas J. Minnehan of Inverness.

Showalter's parents are Mr. and Mrs. Albert D. Showalter. His father operates ranches in Musselshell and Yellowstone Counties and a motel at Roundup. Showalter was winner of the regional science fair at Billings during his senior year at Roundup High School.

At West Point he is photography editor for the 1961 Howitzer, and a member of the Sailing, Outdoor Sportsmen's, and Camera Clubs. He also is on the Debate Council and Forum.

Prather is the son of Col. and Mrs. L. H. Prather, now at Chateauroux, France, where Colonel Prather is commanding officer of the military advisory program. Prather's mother is the former Helen Hayward of Hamilton. Cadet Prather was born there.

Prather belongs to the Spanish Club, Hi-Fi Club, Camera Club, and Rocket Society at West Point, plays on the 150-pound football squad, and the baseball C squad.

Armstrong is the son of Mr. and Mrs. Bert H. Armstrong of Malta. His father is a store manager. Armstrong was graduated from Glasgow High School and attended Montana State College for a year. He is manager of the Academy's hockey A squad and belongs to the French Club, Handball Club, Skeet Club, and the Chapel Choir.

Minnehan's mother, Ruth M. Minnehan, lives at Inverness but teaches at Hingham. His father, the late John J. Minnehan, coached and taught at Columbia Falls, Froid, and Hi-Line towns in Montana for 25 years. Minnehan played with Shelby High's class B basketball champions in 1954–55 and also played 3 years of football. He played with the plebe basketball team at the Academy and is a member of the Rocket Society, German Club, Astronomy Club, and Ski Club.

The two Montana third classmen (sophomores) are Fred R. LaRoque, Eureka, and Lewis Higinbotham, Sunburst.

LaRoque's parents are Mr. and Mrs. Fred R. LaRoque, Sr. His father is a teacher and athletic coach at Lincoln County High School, Eureka. Higinbotham's parents, Mr. and Mrs. Robert Lewis Higinbotham, now live in Barcelona, Venezuela. Mr. Higinbotham is an oil accountant with Texaco, Inc. He formerly worked at the Texaco refinery at Sunburst.

LaRoque is on the Army varsity track squad. He runs the mile and 2-mile events and cross-country. He also is a French Club member.

Higinbotham won numerals in gymnastics at the Academy and belongs to the Chapel Choir, Glee Club, Pistol Club, Ski Club, and Cadet Sunday School Teachers. He is on the staff of the cadet magazine, the Pointer, and is a lifeguard.

Fourth classmen plebes (freshmen) are the Ellerson brothers, John C. and Geoffrey D., Jr., formerly of Butte; Thomas A. Dolighan, of Bozeman, and Joe F. Galle, of Shelby.

The Ellersons' parents are Col. and Mrs. Geoffrey Dixon Ellerson, now at Poitiers, France. Colonel Ellerson is assistant commander at the Army's 5th Logistic Command there. Both Mr. and Mrs. Ellerson are natives of Butte and Mrs. Ellerson, the former Mary F. Thomas, also resided at Grant. The cadet's grandmother, Mrs. R. E. Thomas, lives in Butte.

Dolighan's mother, Florence Burns Dolighan, is supervisor of the Gallatin County welfare department at Bozeman. His father, the late James Russell Dolighan, was a coach of the Great Falls hockey team when the family lived in the Electric City. The Dolighans also have lived in Helena and Deer Lodge.

Galle's stepfather and mother are Mr. and Mrs. E. E. Learn. Learn is foreman of a ranch near Shelby. The family formerly lived in the Manhattan area.

John Ellerson won his football numerals last fall and is a member of the Ski and Rocket Clubs. His brother Geoffrey is a member of the Cardinal Newman Club and takes part in intramural boxing.

Dolighan was on the Academy's C squad in wrestling and belongs to the Ski Club, Glee Club, Debate Council and Forum. Galle is a member of the C pistol squad, the Pistol Club and the Debate Council and Forum.

These cadets' rigorous academic and extracurricular activities get under way each day at 5:30 a.m. when reveille sounds. Breakfast is at 6:30. There are two classes in the morning, with a study period in between, and at least one class in the afternoon.

Each cadet spends at least two afternoon periods a week, following classes, in intramural sports.

The Academy practice of small classes allows each cadet a chance to recite or prepare a problem analysis, for scrutiny by his instructor, in each class. Except for a choice of one of five languages, the same curriculum is prescribed for all.

Evenings are devoted to study, in either the cadet rooms or the Academy library, until taps at 11 p.m.

Today's cadet has only 2 hours a week during the academic year of military instruction, but actually his every waking hour is spent in a military atmosphere and he is constantly being trained in the manner and bearing of the soldier.

Two summer months are devoted exclusively to military training. With a 9-month academic term, that leaves only 1 free month a year, but for these young men with a purpose, that's enough.

ANNIVERSARY OF THE DEATH OF FRANKLIN DELANO ROOSEVELT

Mr. WILLIAMS of New Jersey. Mr. President, millions of Americans paused, I am sure, on April 12, to remember the anniversary of the death of Franklin Delano Roosevelt.

Perhaps many of us felt once more some of the shock and dismay, when, on that day 15 years ago, we learned that a great leader was lost to us.

Many words have been written about F.D.R. He himself has contributed many speeches and statements which serve as inspiration to Americans as they face new challenge. One of the finest collection of statements by the late President was gathered by Richard B. Morris, chairman of the department of history at Columbia University, for the April 10 edition of the New York Times magazine.

And, from that collection, one of the most inspiring excerpts was taken from F.D.R.'s last written words in the unfinished manuscript of the Jefferson Day address he was preparing for delivery on April 13, 1945.

Mr. President, as we remember the past and look to the future, we may find guidance and comfort in those words. I ask unanimous consent to have them printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

> Today, as we move against the terrible scourge of war—as we go forward toward the greatest contribution that any generation of human beings can make in this world—the contribution of lasting peace, I ask you to keep up your faith. I measure the sound, solid achievement that can be made at this time by the straightedge of your own confidence and your resolve. And to you, and to all Americans who dedicate themselves with us to the making of an abiding peace, I say: The only limit to our realization of tomorrow will be our doubts of today. Let us move forward with strong and active faith. (F.D.R.'s last written words in the unfinished manuscript of the Jefferson Day address he was preparing at Warm Springs for delivery April 13, 1945.)

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). Is there further morning business? If not, morning business is concluded.

Without objection, the Chair lays before the Senate the unfinished business.

AMENDMENT OF MOTOR VEHICLE SAFETY RESPONSIBILITY ACT OF THE DISTRICT OF COLUMBIA

The Senate resumed the consideration of the bill (S. 2131) to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954, as amended.

RESIDUAL OIL

Mr. BYRD of West Virginia. Mr. President, the administration's position on residual oil import controls has been "elasticized" so frequently during recent months that the entire import control program is in jeopardy. The recent action of the administration in increasing import allocations on residual oil by an additional 12 million barrels for the period April–June 1960 threatens to destroy the integrity of the program and to weaken public confidence in the efficacy, not only of the program, but also of the Presidential Executive order upon which the import program is based.

When the increase of April 9 is considered in relation to the 26 percent increase in quota allocations granted when the 6-month quotas—January–June—were originally made, the volume of imports reaches staggering proportions.

An article in the New York Times of Wednesday, April 13, points out that the current increase of 12 million barrels represents 15.5 percent of the import quotas for the 6-month period.

The administration's action in acceding to demands for higher quotas during the current period resulted in the greatest benefits to the larger importers of residual oil. According to the previously referred to New York Times article, the largest increases went to Standard Oil of New Jersey, with 3,648,216 barrels; Texaco, Inc., 1,934,012 barrels, and Hess, Inc., with 1,362,768 barrels. The action of the administration in granting higher quotas was a complete about face on the part of administrating officials. It was on March 9, just 1 month previous to the current action that Elmer F. Bennett, Acting Secretary of the Interior, wrote Joseph E. Moody, president of the National Coal Policy Conference, as follows:

> The allocation level for residual for the first half of 1960 was set in a fully responsible way at a level which, everything taken into consideration, was completely reasonable. If those who have allotments under the program make the decision to so gear their import and sales policies as to exhaust their allotments substantially before the end of the allocation period; that is their right, and it is a right with which this Department will not quarrel. I think, however, that these importers should be on notice that nothing has come to the attention of this Department which leads us to doubt the validity of the import level which was established for the first half of 1960, and that we have no information which would appear to warrant an upward adjustment in the residual allocation for this 6-month period.

West Virginia is the principal victim of these continuing increases of residual oil import allocations. The additional 12 million barrels of residual imports cleared for delivery between now and June 30 under the rearranged schedule, are equal to almost 3 million tons of coal in energy value. Most of this coal would have come from West Virginia's mines and been shipped over our railroad systems. Nowhere in these States of ours can you find greater distress and want than among the workmen engaged in these two major industries.

In a conference with Secretary of the Interior Seaton on April 9, participated

in by Senator RANDOLPH, Representative CLEVELAND BAILEY, and me, it was pointed out that one of the disturbing factors in the operations of the oil import control program was the lack of stability and the reliance on voluntary response by the international oil companies to the mandatory quota system. The Secretary and his principal assistants assured that major changes in departmental policy for administration of the import controls would be ordered.

It is now urgent that the Interior Department give serious consideration to a thorough study and investigation of the manner in which the oil import control program is being administered. It is our opinion that some of the economic factors used in basing the allocations are impractical and improvident. This particularly applies to the system of consumer demands estimates. Originally the program was to be based on the 1957 import levels. However, more recently this basis seemingly has been disregarded, and the artificially created market demand for residual oil has governed. This impact has been of such effect that in reality the snowballing of increased demands induced by "distress" prices offered by the major oil importers in order to move still larger quantities of the imported "liquid coal" is approaching proportions of "sabotage." It is a well-accepted fact in the trade that large percentages of the residual import allocations are being used by the major oil companies to convert not only customers who previously and traditionally had burned coal, but also to raid the markets of their other oil-supplying competitors. Little or no consideration has been given by the major importers to reserving a part of their periodic quotas for the use of regular customers. The regular customer is taken care of in the day-to-day operation, but the major selling effort is leveled at meeting and getting larger volumes in order that the importer, in turn, can show an increased demand and again come to the Government for increased import licenses.

This situation was recognized by Secretary Seaton in his announcement covering the increased quotas for the April-June period. In that announcement he attributed the necessity for the additional volume, not only to the colder weather during the month of March, but also to the "irregular marketing pattern of a few major importers." I believe the time has come when the influence of these major importers, not only on the fuel markets, but also on the administration of Government policies and programs, must be brought to an end.

It is my hope, and Senator RANDOLPH and the West Virginia delegation in the House will vigilantly pursue with the Department of Interior the accomplishment of such, that in the future, oil import allocations may be substantially reduced below the 1957 import levels or at least permitted to come in at no higher level, and in addition, that some program will be established whereby inventory buildup—for the protection of the regular residual customers—will be done within quarterly quotas.

Any action other than this is unfair not only to the domestic fuel industries, but to our entire national security.

THE "STOP KENNEDY COALITION"

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD at this point a news release which was issued from my office yesterday.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

SENATOR ROBERT C. BYRD HAS JUST RETURNED TO WASHINGTON FROM A 27-COUNTY VISIT IN WEST VIRGINIA THE WEEK OF APRIL 11 THROUGH 16. THE SENATOR ISSUED THE FOLLOWING STATEMENT CONCERNING THE PAST WEEK'S PUBLICITY ON A SO-CALLED STOP KENNEDY COALITION REPORTEDLY BEING FORMED UNDER HIS (BYRD'S) LEADERSHIP

There has been an effort to make it appear that a coalition has been formed against Senator KENNEDY in West Virginia and that I have urged such a forming of a coalition. This is not the case. I have merely endeavored to alert the Democrats of West Virginia to the significance of the West Virginia presidential primary, and I have indicated to them that if they are supporters of any presidential aspirant other than KENNEDY, it is vital that they go to the polls and vote.

This is not meant to be a reflection on Senator KENNEDY. I think that he is a good Senator, and this can be said of the other Senators who are being mentioned for the Presidency. I do think that Senator KENNEDY lacks the age and experience to be President in these perilous days. I find it difficult to be secure in the thought of his sitting down with the Adenauers, the de Gaulles, the Macmillans, and the Khrushchevs, as our country wrestles with important problems in the field of international affairs. If he were a man with the years and experience of Governor David Lawrence of Pennsylvania, himself a Catholic, it would be entirely different.

As to the formation of any coalition, it should be remembered that the man that I support as the Democratic presidential nominee, Senator LYNDON JOHNSON, who has as yet announced no intention to be a candidate for the Presidency, has no organization in West Virginia which could be used in Senator HUMPHREY's behalf. Nor do I have knowledge of any organization there in behalf of Senator SYMINGTON or Adlai Stevenson. I think that the Kennedy forces would like to capitalize upon the so-called gang-up of forces against their candidate so as to make him appear to be the underdog. There is no question in my mind as to who bears the underdog title. Senator HUMPHREY's lack of adequate finances with which to purchase ample television time and other advertising aids, his lack of an army of professional organizers to cover the State in his behalf, these things and more make him the underdog.

I deplore the effort being made upon the part of some persons to make it appear that a victory for Senator HUMPHREY in West Virginia would be a victory for religious prejudice. The effort is being made to put Senator HUMPHREY in the role of the anti-Catholic candidate. It is regrettable that anyone who happens to be for someone other than Senator KENNEDY is immediately attacked as being anti-Catholic. This is the course that is being followed by some of those who disapprove of my efforts in Senator HUMPHREY's behalf. I am finding that there are a few persons who, while they abhor religious bigotry, prove themselves to be very intolerant of those of us who just happen to favor someone other than their candidate.

CALL OF THE ROLL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, will the Senator from Indiana yield, without his losing the floor?

Mr. HARTKE. I am glad to yield to the Senator from Texas.

WATERSHED PROTECTION AND FLOOD PREVENTION

Mr. YARBOROUGH. Mr. President, a remarkable example of a unique approach to economy is contained in the administration's budget suggestions for appropriations in flood control and soil conservation work. It wants to limit expenditures that will protect and improve our farmers' croplands, and invest more tax money in higher interest rates on Government bonds. With the farmers' share of the food dollar at the lowest point in over 20 years, and interest rates at their highest point in history, it seems logical that the administration might suggest doing something to improve the state of agriculture rather than to increase interest rates. Whether the Budget Bureau approves it or not, I strongly urge that we appropriate funds for a sound, adequate watershed protection and flood prevention program.

Mr. President, men in the best position to know—leaders of the Association of Texas Soil Conservation Districts—have advised me that Budget Bureau recommendations for watershed protection and flood prevention work will not nearly meet the acute need. The Budget Bureau wants to limit planning funds to $3½ million and installation funds for installations under Public Law 566 projects to $21,900,000, in the next fiscal year.

Mr. W. S. Gibbs, president of the association, recently wrote me explaining the need for additional planning and installations funds, in this manner:

In this present fiscal year there were 14 Public Law 566 projects that started operations in Texas, as compared to 26 similar projects that are now expected to be ready for operations next fiscal year. On a national basis, our information is that at the beginning of this present fiscal year there were 180 such projects authorized for operation whereas it is estimated that 260 such projects will have been authorized by this July 1.

Mr. President, I am in complete agreement with Mr. Gibbs and members of his association in the position that this vital program should not be limited or stinted. For that reason—to keep this great program moving forward in efficient coordination with long range plan-

ning—I am urging that funds for studies during the next fiscal year be increased from $3½ million to $5 million and that installation work be increased from the budget recommendation of $21.9 million to $35 million.

Mr. President, in order to give those interested an up-to-date report on accomplishments in watershed protection and flood prevention work in Texas, I ask unanimous consent to have printed at this point in the RECORD a letter from Mr. H. N. Smith, State Conservationist, U.S. Department of Agriculture, Soil Conservation Service, at Temple, Tex.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
SOIL CONSERVATION SERVICE,
Temple, Tex., March 4, 1960.

Hon. RALPH W. YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: As we have done in the past, we would like to bring you up to date on progress in watershed protection and flood prevention work in the State.

One of the most important developments in the progress of upstream watershed projects during the past year has been the efforts of local people to organize special-purpose districts with authority and financial ability to carry out their responsibilities under current watershed legislation. In some instances, city and county governments, or other existing subdivisions of State government, have agreed to cosponsor proposed projects.

The ability of the sponsoring organizations to furnish all land rights, administer construction contracts and to operate and maintain installed works of improvement is a primary consideration before the State Soil Conservation Board will recommend a Public Law 566 watershed for a planning priority. Local sponsoring organizations must, of course, show ability to fulfill their responsibilities before planning assistance can be furnished by the Soil Conservation Service.

A State summary of watershed activities under Public Law 566, as amended, shows the following:

Applications received by the State soil conservation board	149
Approved by board as feasible for planning	92
Disapproved by board	51
Applications pending before board	4
Applications withdrawn	2
Watersheds for which SCS Administrator has authorized planning assistance	36
Work plans approved	20
Work plans completed and in process of review	2
Watersheds on which planning is under way	9
Projects found not feasible during planning	5

PILOT WATERSHED PROJECTS

Installation of the planned works of improvement has been completed in three of the four pilot watershed projects being provided Federal assistance in installation of improvement measures under the watershed protection item in the appropriation bill for 1954. These three projects are Calaveras Creek, Bexar, and Wilson Counties, with nine floodwater retarding structures; Escondido Creek, Karnes County, with 11 floodwater retarding structures; and Green Creek, Erath County, with 13 floodwater retarding structures. The fourth pilot watershed, Cow Bayou, McLennan and Falls Counties, has nine floodwater retarding structures completed to date. The total Federal construction cost in the projects has been Calaveras, $315,917; Escondido, $506,968; Cow Bayou, $481,104; and Green, $775,475.

Considerable progress has been made in upstream flood prevention projects developed in those river watersheds for which work was authorized by the Flood Control Act of 1936, as amended and supplemented. These included the Upper Trinity River, the middle portion of the Colorado River and the Upper Washita River.

TRINITY RIVER WATERSHED

To date, construction has been completed or is currently under way on 246 floodwater retarding structures in the Trinity River watershed. It is anticipated that construction contracts will be awarded on 85 additional structures and approximately 14 miles of stream channel improvement during the remainder of the current fiscal year.

MIDDLE COLORADO RIVER WATERSHED

Seventy floodwater retarding structures have been completed or are under construction in the middle Colorado River watershed. It is anticipated that contracts will be awarded for construction of six additional structures and approximately 51 miles of stream channel improvement prior to June 30, 1960.

WASHITA RIVER WATERSHED

A watershed work plan has been developed for the upper portion of this watershed, Texas and Oklahoma, and the work plan was approved on July 8, 1959. The planned works of improvement in Texas include 26 floodwater retarding structures. Contracts for construction of eight of the structures should be awarded prior to June 30, 1960, and seven more are scheduled for construction during the 1961 fiscal year, providing funds are available.

U.S. STUDY COMMISSION—TEXAS

The Soil Conservation Service is participating in the work of the U.S. Study Commission—Texas. Currently, field investigations are under way to obtain pertinent data in connection with upstream flood prevention and water resources development in the eight river basins and intervening areas included in the study. Floodwater and sediment damage appraisals are being completed in all tributary areas preparatory to tabulating and summarizing by subbasin and river areas. Watershed problems are studied and the feasibility determined of needed works of improvement. This work is progressing a little ahead of schedule at the present time and it is anticipated that all necessary fieldwork by the Service will be completed by about August 1, of this year.

Field specialists and technicians are developing drainage information to be used by the Study Commission. The information includes location of drainage problem areas, those areas adequately drained at present, areas in need of drainage and a determination of the availability and adequacy of outlets. Estimates are also being prepared of expected future land use conversions with drainage installed. All field work is scheduled to be completed by July 1, 1960, and it is anticipated that summarized data in final form will be presented to the Commission by October 1, 1960.

The Soil Conservation Service is also utilizing its personnel and equipment to conduct studies, investigations, inventories and evaluations necessary to secure data on present and potential irrigation within the study area. The information will include the total acres under irrigation, acreages irrigated in 1958 by principal crops and the acres of dry land soil that could be irrigated if water were available. All work is nearing completion and it is anticipated that the desired information will be ready for the U.S. Study Commission by April 1, 1960.

I send best regards and good wishes.

Very truly yours,

H. N. SMITH,
State Conservationist.

Mr. YARBOROUGH. Mr. President, this letter shows, among other things, the total number of applications received, the number of applications approved as feasible, and other data which are pertinent to support the position taken.

I call attention to the fact that during the short session of the Senate yesterday the distinguished senior Senator from West Virginia [Mr. RANDOLPH] pointed out that the seventh annual nationwide meeting of soil conservation districts and of State watershed districts is taking place in Washington at this time. Thus it is appropriate that the need for this money be demonstrated while this great meeting of the National Watershed Congress is taking place in this city.

The National Watershed Congress is a group composed of some 20 associations, themselves nationwide in scope. The Watershed Congress points out the need for the comprehensive study of the Nation's watersheds.

The administration's effort to limit the services growing out of this work and to curtail the studies for comprehensive watersheds, with their influence for good on the habitat of the human race, of wildlife, and of plant life, is one of the most shortsighted policies of the Government.

In connection with my statement, I call attention to the issue of the CONGRESSIONAL RECORD for yesterday, April 18, 1960, where appear the very pertinent remarks of the distinguished Senator from West Virginia [Mr. RANDOLPH], the colleague of the distinguished junior Senator from West Virginia [Mr. BYRD], the present President Officer. These two Senators ably represent one of the great States of the Union.

TEXAS CLASSROOM TEACHERS ASSOCIATION RESOLUTIONS

Mr. YARBOROUGH. Mr. President, I ask unanimous consent to have printed in the RECORD two resolutions on public education recently adopted by delegates to the convention of the Texas Classroom Teachers Association in Beaumont, Tex., on April 8 and 9, 1960.

In view of the public-school construction and teachers' pay bill, which passed the Senate several weeks ago and is now awaiting House action, I believe these resolutions should be of special interest to all Members of Congress and the administration.

It has long been my belief that the crisis of financing a vastly enlarged and improved public education system must be met with teamwork and cooperation among all levels of government—school district, county, State, and National. Texas classrooms teachers concur in this belief. One portion of their resolutions reads:

We believe that it is the responsibility of the local, State, and National Governments to

provide maximum educational opportunities throughout the country; furthermore, means must be found by these agencies to share in this program of finance without sacrificing local autonomy.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

I. EDUCATION IN A DEMOCRACY

(a) We reaffirm our faith in public education as a significant agency for the perpetuation of American ideals of freedom, equality of opportunity, and self-government; and urge that greater emphasis be given in the instruction of children, youth, and adults concerning the vital place public schools have in our democratic way of life.

(b) We believe that our free public schools contribute immeasurably to our national security by the development of moral stamina, physical vigor, mental health, scientific knowledge, basic academic skills, and understandings.

II. LEGISLATION AND SCHOOL FINANCE

(a) We believe that it is the responsibility of the local, State, and National Governments to provide maximum educational opportunities throughout the country; furthermore, means must be found by these agencies to share in this program of finance without sacrificing local autonomy.

(b) Mounting school enrollments, rising costs, and the demands for an ever higher quality of education make it imperative that immediate legislation provide adequate support for the entire Hale-Aiken program.

(c) We believe that Federal funds should be appropriated to build classrooms and to increase salaries of teachers. We believe that legislation for these purposes should assure that funds will be distributed among the States and made available for public-school purposes according to an objective formula based on school-age children. We recommend that these funds be administered by the U.S. Office of Education and allocated to the local districts by the regular State education agencies.

Mr. YARBOROUGH. Mr. President, the first resolution expresses the need for education in a democracy and a reaffirmation of faith in an extended public education program for the perpetuation of American ideals. It urges that greater interest be shown in the instruction of children, youth, and adults concerning the vital place which schools have in our democratic way of life.

The second resolution, a very vital one, endorses the action of the authorities in their support of Federal appropriations for public education. In my own State, this is a very forward step, as many bodies in Texas have been taught by certain greedy, selfish interests that there is something wrong about seeking Federal aid for education. Yet in this country we are spending an amount equivalent to 4½ percent of our gross national product for education, and even such education is impaired. I favor the support of education at the local level, the State level, the Federal level, and at every other level necessary to provide adequate education.

We can no longer indefinitely hold our position of leadership in the world by spending for education, an amount equivalent to only 4½ percent of our gross national product, when another nation, having a greater land area and larger population than ours, spends 12½ percent of its gross national product on education.

GROUNDING, INSPECTION, AND APPROVAL OF ELECTRA AIRPLANES

Mr. HARTKE. Mr. President, I had planned to make these remarks yesterday, but due to the extremely short session I did not reach the floor in time to do so. I was engaged in a telephone conversation with an official of American Airlines, concerning the inspection of that company's planes. He explained that all the Electras flown by American Airlines have been inspected under the recent order for inspection. That was his statement. Although I cannot verify it, I understand it is correct.

During the holiday weekend, I became aware of some disturbing moves within some agencies whose activities come within the purview of this body.

I learned from newspaper friends on Friday that the Civil Aeronautics Board had on the previous day unanimously recommended to Gen. E. R. Quesada, the Administrator of the Federal Aviation Agency, that all Electra airplanes not yet inspected and approved be grounded. I have since been informed that the recommendation was originally issued on April 12, and that subsequent thereto, on April 13, the CAB met with the FAA officials, and again met with them on April 15. I talked of this with General Quesada.

General Quesada himself confirmed this to me. But he also told me he had no intention of following this recommendation.

He said that 60 percent of the Electras in use had been inspected; and, although most of them showed broken tabs where the metal covering is hooked together, he considered this rather minor. I suggested to him that it would seem prudent, nevertheless, to follow the advice of safety experts with the CAB. In any case, I continued, the Administrator most certainly should make a full explanation to the public.

Assuming that the Electra, once it is inspected, is a safe airplane, how is the public to know which Electras have been so inspected and approved? This is one thing that the officials of the American Airlines were talking about to me on yesterday.

The present uncertain state of affairs does grave damage to all airlines, including those flying equipment which the CAB considers safe.

At first, General Quesada said he would not make any public statement—a sort of brass-hat curtain of secrecy. But, later, he acknowledged that perhaps he should. While he was making this decision, I said I made a public statement expressing shock concerning his overall refusal to follow the CAB recommendation.

The question of whether this type of aircraft is safe or unsafe, or whether in its structure there are some "bugs" which remain to be worked out, has been the subject of controversy for many weeks. Last fall, near Buffalo, Tex., an Electra crashed under circumstances that led investigators to believe that the ship had fallen apart under the strain of speed when striking clear air turbulence.

A few weeks ago, the same thing occurred near Tell City and Cannelton, Ind. Senators may recall that I was at the crash scene in my own State, and that I suggested the grounding of this type of airplane, pending inspection and approval of all of them.

General Quesada at that time issued a slowdown order, indicating that this would make the plane safe. Shortly thereafter he issued a second slowdown order, and told all airlines that Electras would have to face a tough safety check. The Members of this body may recall that I applauded that move, and added that I hoped it would do the job of making flying in Electras safe. General Quesada himself congratulated me on my interest in safety.

I am certainly a layman when it comes to judging what is safe and what is not. I only know that when I was at the scene of the horrible disaster in southern Indiana, it was perfectly obvious that the wings had been ripped from that airplane. I also know that investigators there told me it was almost exactly like the crash near Buffalo, Tex., a few months earlier. I also know that experienced airmen have told me other facts about propjet flight.

Of 226 air deaths in 1959, two-thirds were from propjet planes. During the first 3 months of 1960, there were 147 air deaths. Of these 76 percent were on turboprops.

As I have said, I am a mere layman in this field. But I certainly know that when a type of airplane flies only about 10 percent of the total hours, but accounts for 76 percent of the deaths, its safety record is not good.

I believe that in fairness it should be pointed out that of the 192 turboprop planes in operation, 34 are Fairchild F-27's which have had no fatal accidents in 48,000 flying hours.

Again, as a layman, I was immensely impressed with the CAB investigators I saw in Indiana. It is my impression that the CAB has an excellent record in promotion of air safety.

General Quesada has chosen to ignore the recommendations of this Board, and to proceed according to information which I am told comes from investigators in his agency—the FAA. It may be that he and his people are entirely correct. At this late date, we can only hope that they are.

But we do know this much: First, the CAB experts and the FAA experts do not agree. CAB people, we hear by the grapevine, say the Electra airplane is not safe unless it has undergone a careful check and unless repairs have been made. FAA people, we hear, also via the grapevine, say it is safe, now that it has been slowed down. At best, our Government experts cannot agree. Do we need two sets of experts? Are not they duplicating each other's efforts? Second, the whole matter has been strangely secret. We, in the Congress, find things out by the rumor route. We are witnessing government by the grapevine.

Had I not received information from unofficial sources, the public might still not know as much as it does. Even after I released the facts as I knew them, General Quesada delayed his short statement for several hours, continuing an unjustified secrecy. Even then he chose to ignore any reference to the unanimous CAB recommendations, with the obvious intention of pretending such recommendation did not exist. I have contacted the CAB, and requested from it a copy of its report. The CAB told me the report was submitted to the FAA. I contacted the FAA, and am told by it that the report is not available. It is still a secret report, and it still has not been officially released by either agency. Yet everyone, even the press, seems to know the contents of the report; and today no one denies that the CAB unanimously recommended the grounding of all such planes until they were inspected and repaired.

Certainly everyone, the general public included, deserves to know the whole truth. After all, the experts did not agree to slow down the Electra until many, many lives had been lost. Right now, the experts cannot agree on whether it is a safe airplane. General Quesada has the responsibility of deciding what to do. He has made a decision, which all of us pray was the correct one. I, for one, feel that he owes all of us an explanation of how he arrived at this decision and what recommendations had first been given him. General Quesada should recognize a duty to the public, and should come forward with a detailed explanation without further delay.

Mr. SYMINGTON. Mr. President, I congratulate the able Senator from Indiana for the interest he has on this all-important subject and his statement.

Mr. President, no one knows what caused this Electra airplane to shed a wing twice.

The Lockheed Co. is being required by the FAA to conduct a three-prong program.

First, a vigorous flight test program of a highly instrumented airplane in which the airplane will be subjected to the severest of turbulence and the severest of flight maneuvers.

Second, a highly instrumented static test program.

Third, a reexamination of all the theoretical data that has gone into the design of the airplane.

This series of tests will cost approximately $25 million and will, in the opinion of the FAA, determine the cause.

The restrictions now imposed on the airplane will not be lifted until the cause is determined.

The Civil Aeronautics Board has recommended the grounding of these Electra aircraft that have not been inspected as per the FAA requirement.

More than 90 airplanes have completed their inspection. On 60 there is a detailed and accurate tabulation of every minor fault found.

The minor and major faults found do not establish any pattern leading to probable cause.

The CAB made this recommendation on grounds the FAA does not accept as valid.

There is a difference between the FAA and CAB—and the former has the responsibility.

The CAB has recommended the grounding of these airplanes.

The FAA, which will have inspected all the airplanes by the end of next week, does not believe this is necessary.

Mr. President, I rise not only to commend my colleague, the Senator from Indiana, for his interest in this important matter, but also to say that I, myself, do not know the condition of the airplane or whether the decision of the FAA is or is not right and proper.

But I do know that it is up to the FAA to make the decision—and, of course, there is an element of risk in any such decision.

Based on many years of firsthand knowledge and experience with Elwood Quesada, I know he is an able and patriotic public servant, a credit to the Government for which he works.

Mr. President, I thank my colleague for letting me make my statement.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am glad to yield to the distinguished chairman of a great committee.

Mr. MAGNUSON. Mr. President, the Senator from Indiana, as I think the Senator from Missouri has pointed out, has done a great service by indicating his deep interest in this matter.

Mr. SYMINGTON. He certainly has.

Mr. MAGNUSON. I know of no one who has paid closer attention to this problem. However, what the Senator from Missouri has said is true. I have, for the last 3 or 4 days, kept in touch, as has the Senator from Indiana, with what is being done in this matter. The company involved is making most exhaustive tests. As a matter of fact, so unique has been the problem that other airplane companies, such as Boeing, have sent their experts there, free of charge, so they might find, for the benefit of everybody, just what the problem is all about. It is true that the CAB and the FAA did have some difference, apparently, as to what should be done. General Quesada reduced the load and speed of the airplane.

The Senator from Indiana and I discussed this matter a few minutes ago, privately. What the Senator from Missouri has said is correct. I think that within the week we shall know a great deal more about this situation.

Some problems will be posed that have not yet been brought out. As the Senator from Missouri well knows from experience, there are involved some problems in aerodynamics which are somewhat unusual. I am hopeful we can let this exhaustive investigation continue to its conclusion.

In the meantime, I know the Senator from Indiana is trying to do what everybody wants done; namely, not have any conflict on these matters so the public will know the facts. I just assured him that I shall be glad to have our committee stand at his disposal, in the way of hearings or in other lines.

The Senator from Indiana and the Senator from Oklahoma rendered a great service with respect to the so-called bomb accident in North Carolina, wherein the committee was a sort of forum for that incident, and it was cleared up in the public mind.

A tremendous stake is involved. Of course, airplane companies build airplanes, and want them to fly, and want to know what is wrong with them when something goes amiss. I think the Senator from Indiana has hastened the conclusion of the investigation.

Mr. SYMINGTON. I agree with the able senior Senator from Washington, and point out, having ridden on an Electra in the last few days, that as a result of the diligence and attention paid to this matter by our able colleague from Indiana the restrictions now placed on this airplane are rigid and apparently being observed. When I ask what time we would arrive in Chicago, the stewardess said, "Due to the restrictions that have been placed on this airplane, we shall not arrive until such-and-such a time," many minutes after scheduled arrival.

Mr. MAGNUSON. And if they can solve the problem involved in the recent accidents—and I am sure our top aerodynamic engineers can—I think the Senator from Indiana will agree it will mean a great deal for the future in this big field.

Mr. SYMINGTON. No question about it, and the results will be reflected in future airplanes. My primary purpose in taking the floor was not only to commend the Senator from Indiana, but also to assure our colleagues that there is no public servant rendering more service toward taking care of a great public responsibility than the Chairman of the FAA.

Mr. HARTKE. I wish to thank the Senator from Missouri for his kind remarks. The information he has given us is of great help. That information was not made available to me, and I have been trying to get it for several days. That points up what bothers me. Why all the secrecy? We are not in a war, except a war against death and a war for safety. We have two conflicting reports from two Government agencies. No one seems to know what is going on. Why all the secrecy?

Mr. SYMINGTON. I am sure the Senator from Indiana knows that any information I have is automatically his.

Mr. HARTKE. I appreciate that. The exhaustive tests which the Senator has described are certainly fine. I do not question that they possibly will cost a great deal of money. The tests were ordered by the FAA. So no one is questioning the validity of having the tests.

Even if the tests being made by the manufacturers, under the requests of the FAA or CAB, shall cost $25 million, that fact to me is immaterial. The accident in Indiana cost 63 lives, including the life of my good friend, Bob Orr. The lives of the wife and three children of a friend of mine were also lost in that

accident. Lives are involved in these accidents, and they cannot be measured in dollars.

Mr. SYMINGTON. I am sure the able Senator from Indiana knows I was not attempting in any way to characterize the money involved as being on the same plane as the value of those priceless human lives. I simply mentioned the amount to show the test was to be a most exhaustive one. I assure the Senator that I have nothing but admiration for his intense and experienced interest in the problem. We now once more run into something which the Senator from Washington and the Senator from Indiana know is characteristic of Government today. We have two agencies, one with the responsibility and authority, attempting to do the job, and one without the responsibility and authority criticizing the job the other agency is trying to do. I desire to keep this discussion on the highest plane, but must say that, whoever is the head person in the CAB, I am not impressed with the attempt to take potshots at the FAA action, because the latter people have made a real effort to ascertain the cause of this problem. The company is under orders to do its best to resolve the problem and of course wants to do just that, because if such accidents continue, they might have a serious effect on all air travel.

Mr. HARTKE. I appreciate that. I thank the distinguished chairman of the Interstate and Foreign Commerce Committee [Mr. MAGNUSON] for being so cooperative with me. I know of his interest also in air safety. I do not know what is wrong with the airplane. The public does not know. The agencies had the same facts. Now the facts are being kept secret. The two agencies made evaluations based on the facts, and the conclusions are directly contradictory to each other. Somebody ought to try to straighten the matter out, because some people must fly. I have flown in an Electra at reduced speed since the accident I have referred to. I was not too happy about it. The Senator from Maine [Mr. MUSKIE] and I flew together in one. I have great faith in these people. But here is a question of secret documents which the press knew about and which the public is going to know about. But the public cannot find out what the decision was based on. I think General Quesada should inform the public of all the facts, so members of the public can make up their minds as to whether they want to ride on the Electra. They are entitled to have the Government inform them of the facts concerning the investigation of these airplanes.

INTEREST RATE CEILING

Mr. SYMINGTON. Mr. President, for about a year now, the administration and some of its supporters have publicized the dire effects of the interest rate ceiling on long-term Government bonds.

Some of us have taken the position that the Treasury Department could stay well within the ceiling, and thereby avoid pushing up the price of money in general and the tax burden in particular.

Now there has been sufficient improvement in the bond market to ease the upward pressure on interest rates.

Fortunately, the informed leadership of experts like the able and experienced senior Senator from Illinois helped forestall the administration's efforts to inflate the price of money.

In a recent article from the Washington Star Miss Porter states:

Had the ceiling on new bond rates been eliminated, by now the Treasury undoubtedly would have sold huge amounts of high-coupon bonds and the cost of the debt would have been raised way above where it is * * *.

I ask unanimous consent that Miss Porter's entire column be printed at this point in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

DEMOCRATS BOAST "WE TOLD YOU SO"

(By Sylvia Porter)

"Now the Democrats are going to boast 'We told you so.' Now they're going to claim they have saved taxpayers enormous sums in excessive interest payments on the public debt by refusing the administration's request for removal of the 4¼-percent interest rate ceiling on sale of new bond issues. Now the Democrats are going to say that if a handful of their leaders hadn't stood firm against the administration and the Wall Street bankers, all taxpayers would be saddled with an unnecessary interest load running into hundreds of millions of dollars a year * * *."

When the Treasury sold a hefty chunk of new 4¼-percent loan last week to large investors, just about every conversation I had with friends in Washington and Wall Street included the above lament.

Well, to be fair about it, the Democrats in the House and Senate who fought so relentlessly against removal of the 4¼-percent rate ceiling on new Treasury bonds can make just that claim.

FEW BELIEVERS

Despite the fact that few believed it could be done, the Treasury did sell last week an issue of new marketable U.S. bonds, due in 25 years with a 4¼-percent coupon—within the ceiling imposed on rates in World War I.

Despite the fact that the ceiling has no logical justification, its existence has protected us against a further skyrocketing in the cost of the national debt.

Behind this financial-political tale lies an interesting history. It goes back to mid-1959, when President Eisenhower and Secretary of the Treasury Anderson first asked Congress to eliminate the rate ceiling on new U.S. bond issues because the climbing level of interest rates was making it extremely difficult for the Treasury to manage the public debt intelligently.

As rates continued to rise in late 1959 the Treasury was blocked out of the bond market. As holders of low-coupon Treasury bonds dumped them at huge losses, Treasury officials openly pledged that if the ceiling was removed, they'd offer holders of these bonds new ones returning them as much as 4½, 4¾ percent a year or more.

But the Democratic opposition in Congress remained adamant. Some of it was strictly political. The lawmakers didn't want to be identified with any high interest rate law and they figured tight money could be a superb campaign issue. Some of it, based on honest concern for the cost to taxpayers, honest worry about whether high rates were stifling economic growth.

PICTURE ALTERED

Then out of nowhere, in February, came forces which altered the picture. The economy lost its post-steel-strike exuberance, the demand for loans became less fierce, the supply of credit started to ease a bit, interest rates began to fall at an accelerating pace. And this week, the Treasury successfully sold a bond due in 1985 with a coupon as low as 4¼ percent.

Had the ceiling on new bond rates been eliminated, by now the Treasury undoubtedly would have sold huge amounts of high-coupon bonds and the cost of the debt would have been raised way above where it is. As it is, the ceiling stands.

"It will be interesting to see what the administration, the Federal Reserve, the financial community and the financial writers will say in the light of these developments and facts," remarked Illinois Senator DOUGLAS, Chairman of Congress' Joint Economic Committee and leader of the opposition, rather plaintively to the Senate the other day.

Relax, Senator. They're lamenting that you're going to boast, "We told you so." Which, of course, you are.

OUTER MONGOLIA AND NEWSMEN TO CHINA SUGGESTED NEW APPROACHES

Mr. MANSFIELD. Mr. President, it has long been the policy of this Government not to establish diplomatic relations with the Chinese Government at Peiping. And so far as I am aware, the Peiping Government has not indicated any desire to establish diplomatic relations with this Nation. The Chinese in Peiping, in short, appear to be as wedded to the continuance of the present diplomatic situation as we are.

The question of whether or not to seek to establish diplomatic relations—to extend official recognition—depends on many factors. I presume that this administration has weighed these factors in the same unemotional, objective, and nonpolitical fashion as its predecessor, and has come to the same conclusion—that to establish diplomatic relations with Peiping is not in our national interest. I do not quarrel with that decision. The executive branch has custody of all the facts which go into the decision, and the responsibility for the decision ultimately rests with that branch. I must say, however, that on the basis of such information as is public, it seems to me that the decision of the executive branch, in this connection, is the correct one.

Whether or not to establish diplomatic relations with any nation is one question. Whether or not to seek unofficial contacts is another. And in this situation, it seems to me that any avenue of contact which may help us to understand and to act intelligently on what is one of the most formidable developments of our times—the emergence and transformation of China into a militant Communist state—is not only not to be avoided but is to be sought out. I assume that this is one of the major considerations which has prompted this administration to keep a representative talking on and off with a Chinese Communist counterpart in Geneva and Warsaw since 1954. I assume that this is one of the considerations which prompts the administration to spend public funds in obtaining, wherever possible, information about developments within China and in analyzing and interpreting this information. I assume that this is one

of the considerations which inspires various departments of the administration to spend public funds in training employees in the Chinese language.

It seems to me that no opportunity should be lost for providing to the people of the Nation—no less than to those who conduct foreign policy—as much objective information about developments in China as can be obtained. That information should be drawn, if it is at all possible, from the actual source of the developments.

Since the Communists achieved military supremacy on the Chinese mainland, American journalists have been trying to do this job of information-gathering for the American people in much the same way as the executive branch does for its official purposes. They have put together a scattering of facts and rumors with the glue of speculative interpretation. Most American journalists recognize, I believe, that this is an inadequate way to do their job, even though it is the best that can be done in present circumstances.

But some years ago, apparently, an opportunity existed for reporters to get news as they would prefer it—first hand in China. That opportunity, which depended on the cooperation of the executive branch, was withheld for a time. Many months later the executive branch recognized the right of the newsmen to go there, but the situation had changed. By then, the Chinese Communists had closed the door which for a moment appeared to have opened.

I do not know what it will require now to get American newsmen into China. I do not know whether any arrangement is even possible. I believe now, however, as I did when the issue first arose, that it will be greatly in the interest of this Nation if the newsmen can gain entry. If for no other reason, it will give the people of the United States an opportunity to check, against their objective reporting, the secondhand, composite picture of the cataclysmic changes in China which trickles down to us through the sieve of speculation. In the long run, if our present policies with respect to China are to maintain their validity, in this as in any other matter, they must be supported by public attitudes arrived at through an independent evaluation of the facts. The failure, in the past, to grasp the opportunity to gain entry into China, the failure now to seek to reopen the opportunity, helps our policies not at all, and serves only to deny to the people of the United States the contribution which a free press is intended, under the Constitution, to provide to them in the conduct of the public business.

While the responsibility for paving the way rests within the administration, I would suggest most respectfully that a sincere and determined effort be made at this time to reach some agreement with Peiping for the reciprocal exchange of newsmen. That effort has little, if anything, to do with the question of formal diplomatic relations with China. It has much to do with an eyes-opened, rather than an eyes-closed policy regarding an area which carries the most far-reaching implications for the future of the Nation and the peace of the world.

In a similar vein, I refer to the situation in Outer Mongolia. Merely to mention Outer Mongolia in a serious vein is to invite a humorous reaction, or at best, a look of perplexity. While it may be difficult to grasp the relationship of a vast stretch of deserts and desolate mountains in Central Asia to major trends in world affairs, the relationship, nevertheless, is there. It is there, because in those deserts and mountains, the outward pulsations of Chinese and Russian society converge in a setting which is not in the least fixed or static.

Brought into direct juxtaposition in this fashion are two great powers, two sets of national interests and fears, as well as two variations of a shared ideology. That is the reality, whatever may be the apparent universality of international communism. How these national interests and these ideological variations reconcile or diverge, how these fears intensify or relax on contact—these questions involving Russia and China are of the greatest significance for the conduct of effective foreign policy. Indeed, the importance of this contact has been recognized in the many words which have been written by skilled people on this question, without specific reference to Outer Mongolia.

In Outer Mongolia, however, the living drama of the convergence is being enacted. It has been brilliantly described by Mr. Harrison Salisbury, of the New York Times, who visited the area last year. If there is any need for evidence of the extraordinary value to the people of this Nation and, indeed, to our Government, of having competent American journalists penetrate where the Government does not choose to tread, I would most respectfully submit these articles by Mr. Salisbury.

According to Mr. Salisbury, Chinese and Russians in large numbers are present in that borderland. Separate missions from each are at work on separate undertakings. Each acknowledges, formally, the national independence of the Mongolian people; but each seeks to influence in its own fashion the orientation and development of the Mongols. The picture which emerges from Mr. Salisbury's articles is by no means one of a monolithic, single-minded Communist superstate extending from Eastern Europe to Peking.

We have chosen in official policy—under both Democratic and Republican administrations—not to be firsthand witnesses to the drama in Outer Mongolia. We have chosen, apparently, to exclude ourselves from the legitimate and continuing observations which would be possible in Outer Mongolia if official contact were maintained with that country—observations which would be extremely helpful in the formulation of effective policies with regard to all of Asia, as well as Russia.

So far as I am aware, we have not explored the possibilities of some kind of formal ties with the Mongolian Government at Ulan Bator. That is the case, although the arguments against recognition of Peking do not apply in this situation; and although there are indications that the Mongolian Government, which is recognized by certain Asian countries, is anxious to establish contact with Western States. Furthermore, we have frowned upon the admission of Outer Mongolia to the United Nations. We apparently have marked it—perhaps in error—as just another Soviet province. In short, we may well be imprisoning our policies in an unnecessary separation of ourselves from a most valuable source of information and official contact in the heart of Asia, out of inadequate facts, inertia, or a fear of derision.

The decision to act in the case of Outer Mongolia, as in the case of a reciprocal exchange of newsmen with the Chinese mainland, is one which rests with the administration. I suggest, however, that we stand to gain by an initiative in this remote and little-known, but highly significant, area. I have yet to learn of any persuasive reason why we should not offer to exchange exploratory missions with the Outer Mongolian Government, with a view to considering the establishment of diplomatic or other ties. Furthermore, I believe our Government should propose in the United Nations that the Outer Mongolian Government, if it still desires admission to that organization, should exchange missions with the Secretary General of the United Nations. If the Secretary General finds a reasonable basis—comparable to some of the other admissions with which that organization has been able to live—for the admission of Outer Mongolia then the United States should not stand in the way.

Mr. President, I ask unanimous consent that there be printed in the RECORD, following my remarks, the series of articles written by Mr. Harrison Salisbury, and published in the New York Times.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 3, 1959]

OUTER MONGOLIA SEEMS TO CATCH UP WITH 20TH CENTURY—TEACHERS LEADING IN DRIVE TO CHANGE LIFE OF NOMADS

(By Harrison E. Salisbury)

ULAN BATOR.—A profound revolution is in the making in this ancient land.

Outer Mongolia still lives by the social pattern carved across her terrain by the ruthless hand of Genghis Khan. But after nearly 700 years this remote Asian country stands on the brink of change.

This correspondent has spent 3 weeks in Outer Mongolia, which calls herself the Mongolian People's Republic. He has traveled more than 750 miles by jeep through roadless pastoral valleys and rugged mountains. He has talked with herdsmen in their yurts, the traditional Mongol round tents. He has interviewed officials from Premier Yumzhagiin Tsedenbal on down and visited industrial and agricultural enterprises.

The picture that emerges is that of a country at a turning point in history, a point likely to be marked by stress, strain, and radical overturn of an ancient and stubbornly held way of life.

The interest of the United States in Outer Mongolia's evolution from centuries of isolation is not inconsiderable. Outer Mongolia makes no secret of her desire to establish diplomatic and other contacts with the United States, a desire closely linked with the country's emerging future.

What is happening in Outer Mongolia is simply this: The nation's Communist rulers have embarked on a program designed to catapult the country from the 13th to the 20th century within not more than 10 years.

As Premier Tsedenbal puts it, "radical changes" are coming in the life of the people.

SOVIET AND CHINA PLAY ROLE

Under any circumstances social and economic change of such magnitude would attract world attention.

This interest is intensified by other factors. Outer Mongolia sprawls for 1,500 miles along the frontiers of the Soviet Union and China.

Both of these powers are participating in the Mongolian social and economic revolution. Each has a special interest in the outcome. And over the shoulders of the two great Communist powers watch the eyes of a dozen other nations of Asia, many of which face similar problems of development.

Listening to Premier Tsedenbal and his chief executives expound their plans for their country's future, one feels that the program makes technological sense.

AN ANACHRONISTIC NATION

In a century dominated by electronics and nuclear power, a herdsmen's nation—still living by the horse, by the nomadic raising of sheep and cattle, still housed in tents of felt and canvas and dedicated to much the same warrior's code of old—is an anachronism.

But it is one thing to draw a plan on paper for transforming prefeudal life into the civilization of 1960. It is another to persuade people committed to ancient ways to abandon them for strange new forms.

Thus, it is no surprise to find abundant signs of social, political, and economic stresses, such as inevitably accompany transformations in living patterns.

PARTY SPLIT OVER PLANS

These strains have not left the Mongolian People's Revolutionary (Communist) Party untouched. More than half the party's presidium, including Dsrv Dsmba, the first secretary, have been purged in the last 6 months. The split centered on the ambitious scope of Premier Tsedenbal's plans.

The essence of Mr. Tsedenbal's program is: full speed ahead in a plan to change a nation of nomads into a nation based on the agriculture of the plow and the industry of the production line.

But one has to spend only a few days in the area to witness how fiercely Mongols cling to their ancient way of life. Genghis Khan died in 1227, but the imprint of the culture and tradition of his day is far stronger than any mark made by the 38 years of Communist rule.

HORSE THE CENTRAL ELEMENT

Today, as in 1227, the horse is the central element in the Mongol's life. The Mongol still lives in a round, portable, quickly erected tent. He still drinks "five elements" tea, a beverage consisting of tea, water, salt, milk, and sugar, to which often is added sheep's fat or butter.

The Mongol is still skilled in the traditional three "games of men," horseracing, archery, and Mongol wrestling. He drinks kumiss (fermented mare's milk) bowl after bowl. Mongol women and children are still at home on horseback.

Though many temples have been closed and idols put into museums, the name of Buddha is still revered throughout the land.

PLOWED FIELDS

It is still possible to ride from the snow-clad Altai Mountains on the west through the high grass valleys and plateaus to the Great Khingan Mountains in China's autonomous region of Inner Mongolia without seeing a plowed field.

The Mongols maintain that no man needs money, shelter or transport of his own in this country of unlimited horizons. A meal and overnight shelter are still the hospitable tradition of the yurt, the Mongols' tent. And anyone will lend a traveler a horse. For, of course, everyone in Mongolia has horses.

But nothing would be more misleading than to suppose that, because these patterns of Mongol life stand almost unchanged, there has been no change.

The best place to see change is here in Ulan Bator, which today is the battlefield of a struggle to smash the grip on Mongol traditions.

Ulan Bator even looks like a battlefield. The streets are trenched and barricaded. Earthworks surround the central plazas. These are the scars of a program to install water mains, sewerage, and central heating conduits.

On every side new buildings are going up—blocks of apartment houses, Government offices, factories, and educational institutions.

Ulan Bator may still appear as an encampment of yurts. But its character has changed almost beyond recognition in the last 3 or 4 years.

"I first saw Ulan Bator in 1950," a Russian said. "Then, it truly was a camp of yurts. Now it has changed beyond measure."

And it will change much more, according to the plans outlined by Mayor Bata, who was called back from Moscow, where he was serving as Ambassador, to take a key post in the Government at the time of the party split last winter.

Mr. Bata is a tough, able executive. He is building housing as rapidly as possible in a drive against the yurt. The yurt is a fine accommodation for nomadic herdsmen. But it is not a practical form of urban housing.

The yurts of Ulan Bator are enclosed in fenced compounds. Most of the occupants own livestock. This would be fine out on the open range, but it does not fit Mr. Bata's conception of a city.

"We have many problems," he says. "The great one is water. We must solve the water problem in the next 3 years. We hope the city will grow from 160,000 population to 230,000 by 1972. But it cannot without water. And we cannot live with so much livestock in the city."

Outer Mongolia is also pressing her fight against disease and squalor. Twenty years ago venereal disease was widespread. In the last 7 years field teams have been flown into even the most remote mountain valleys. A universal public health examination has been carried out. By use of modern techniques the venereal frequency in Outer Mongolia has been brought down.

DISEASES ARE REDUCED

A start has been made at reducing a high incidence of tuberculosis. Typhus, cholera, smallpox, and other epidemic diseases have been virtually eliminated. Standards of cleanliness are good. Even in roadside eating places of the interior, tables are clean, dishes well washed, and flies infrequent.

The effect on the population, now estimated at 1 million, has been dramatic. Deputy Health Minister Radnadorj said that in 1952 the birth rate was 18.4 per 1,000 and the death rate 6 per 1,000, giving a net increase of 7.4 per 1,000. In 1958, he asserted, the birth rate was 40.3 per 1,000, and the death rate 10 per 1,000, giving an increase of 30.3 per 1,000.

The Minister put infant mortality at 8 per 1,000 in 1952 and 5.6 per 1,000 in 1958. He attributed the phenomenal gain in birth rate primarily to the success of the campaign against venereal disease.

One great area of problems remains. This is what Director Lubsandagva of the Ulan Bator Children's Hospital calls winter sickness.

COMMON AILMENTS LISTED

Winter sickness includes pulmonary and bronchial infections that afflict Mongol children and adults in the winter. The sickness stems from life in the yurt, which, despite heavy felt and a pot-bellied stove, is likely to be a drafty place at 40 below.

Other common children's ailments are what Dr. Lubsandagva called diseases of the stomach. These are dietary disturbances, dysentery, and other ailments stemming from the Mongol diet, in which green vegetables and fruits are almost completely absent. The diet consists almost entirely of meat and milk in an infinite number of forms.

For real progress in combating these ailments, the Mongol yurt must go and the Mongol diet must be overturned.

The shock troops of the drive to revolutionize the Mongol way of life are the growing body of trained Mongol teachers, scientists, and engineers.

Many Mongols have received higher education and special training in recent years in the Soviet Union, Eastern Europe, and China. But the chief citadel of educational advance is the Mongolian State University of Ulan Bator.

The university was set up in 1942 with 90 students. To date it has graduated 2,000 students, 340 of them this year. It now has 2,500 students, 700 in medicine and the others in liberal arts, languages, and natural sciences. There is an agricultural institute with 700 students and a teacher's college with 500.

UNIVERSITY TO EXPAND

Next year, Rector D. Tsevegmid says, the university will add faculties of engineering, geology, and general technical education. The university has a library of 300,000 volumes and there is a state library with a large collection of Buddhist source materials in Mongol, Tibetan, Indian languages, and Chinese.

Outer Mongolia's university graduates are dedicated advocates of a change in the Mongol way of life. They wear Western clothes instead of the bright silk robes and sashes of the Mongol tradition.

The Mongol robe seems to be the accepted mode of dress only in the countryside.

The Mongol intellectuals hate the yurt. They are ashamed of every sign of Mongol backwardness, ancient traditions of culture.

The intellectuals drink kumiss, but they stress its healthful qualities and its supposed value as a curative for tuberculosis. "It is better than your Coca-Cola," one of them said.

The camel, used in the Gobi, the vast Mongolian desert, and other arid regions, is despised by the intellectuals as a symbol of backwardness.

"Foreigners used to come to Mongolia and take pictures of camels and yurts," one young university graduate said. "Now they no longer find them interesting."

SENSITIVE TO CRITICISM

The educated Mongols are sensitive to criticism by foreigners. Young officials assigned to accompany foreigners are fearful that the foreigner will acquire negative impressions. Foreign guests are usually lodged in guest houses outside Ulan Bator and are always escorted.

Of course, no foreigner can fail to see that living conditions, services, stores, and other facilities in Ulan Bator are sharply below the level found even in the back areas of Soviet Central Asia.

Unquestionably many Mongols resent the efforts to revolutionize their way of life. But the number of such rebels who would, by mastery of some foreign tongue, be able to communicate their ideas to a foreign visitor appears small.

BORDER CHECKS RIGOROUS

Outer Mongolian border precautions seem to be rigorous. Planes are not permitted to take off from Irkutsk, the Soviet air transit point, except at hours that permit them to cross the frontier by daylight.

Customs officials make the most minute search of foreign luggage. Every piece of luggage carried by this correspondent was searched. Shaving soap was examined.

On exit from Outer Mongolia, customs officials tried to seize film taken in the country, although every picture had been made with the approval of officials. A half dozen Outer Mongolian small coins were seized, but four coins were allowed to be taken out as souvenirs.

A Western correspondent who had been invited by the Outer Mongolian Journalists' Association to attend the national holiday celebrations was expelled after he had made remarks critical of an escorting officer's refusal to let him visit a bookstore in Ulan Bator.

POLICE ACTIVITY LIMITED

On the other hand, police activity did not seem excessive. The police inspect credentials of all wheeled traffic moving in and out of Ulan Bator, especially after dark. However, uniformed policemen do not seem more frequent than in other Communist countries. This correspondent saw no forced labor battalions or prisoners working under armed guard.

On the outskirts of Ulan Bator, about a mile from the Soviet Embassy, are two compounds, surrounded by wooden fences and barbed wire barricades and guarded by watchtowers equipped with floodlights. These presumably are the Ulan Bator prison facilities.

Government leaders do not appear to use excessive security precautions. Premier Tsedenbal moves about Ulan Bator with only one security car. His plainclothes detachment is small and inconspicuous.

"KREMLIN DOCTORS" CITED

One visitor to the state museum recently was struck by a remark made by his guide. The guide was pointing to the portraits of the joint leaders of the Mongolian Communist revolution, Sukhe Bator and Choibalsan.

"That is our great revolutionary leader, Sukhe Bator," the guide said. "He died in 1923—of poison administered by our enemies. And that is Choibalsan. He died in 1952—after an operation by the Kremlin doctors."

The phrase "the Kremlin doctors" was used in Moscow in the winter of 1953, when Stalin charged that there had been a plot, particularly by Jewish doctors, directed against high state figures. The charge has been repudiated.

The use of the phrase "the Kremlin doctors" suggests the existence of continuing tensions and suspicions in Outer Mongolia.

EXPLORER'S IMPRESSION

However, there is no doubt that progress is being made. The Russian explorer, Nikolai M. Przhevalsky, on his first visit to Urga (as Ulan Bator was then called) in 1870, painted a picture of sheer horror.

Starving beggars, many of them near death, surrounded the Buddhist monasteries. As they sank into a final coma, starving dogs would appear. There were no cemeteries. Corpses were disposed of by dogs and vultures.

Przhevalsky reported that he had never seen a people so dirty, so depressed, so lazy. But he added that he had never seen more magnificent horsemen or men more able to withstand the sandstorms of the Gobi.

Matched against the Mongol of today, Przhevalsky's picture sounds like a nightmare. The revolution that lies ahead for Outer Mongolia in the next few years is bound to change the nation's life beyond recognition. The social foundations on which it can be carried forward already seem to have been laid.

[From the New York Times, Aug. 4, 1960]

SOVIET AND RED CHINA COMPLETE FOR POWER IN OUTER MONGOLIA

(By Harrison E. Salisbury)

ULAN BATOR, OUTER MONGOLIA.—The Soviet Union and Communist China are competing in classic great-power fashion for dominant influence in Outer Mongolia.

The competition is being carried on behind a camouflage of honeyed words and platitudes about collaboration and friendship among Communist states.

But neither camouflage nor verbiage can conceal the fact that here in Central Asia Soviet and Chinese policies are competitive and are directed toward divergent goals.

It may be that the Chinese-Soviet struggle for influence in Outer Mongolia is an isolated phenomenon stemming from peculiarities of geography and history. Outer Mongolia for 1,500 miles lies on the flanks of the two great Communist powers. Conflict between Czarist Russia and the old Chinese Empire arose in this area more than a hundred years ago.

There are indications that there are deeper divergencies in Outer Mongolia than either Moscow or Peiping would like to acknowledge. Diplomatic observers familiar with the situation in Peiping, Ulan Bator, and Moscow believe that Mongolia may well prove the harbinger of future conflict between the two powers.

The importance of these developments to the United States is obvious. To even the most casual visitor it is apparent that Mongolia affords an unsurpassed laboratory for examination of divergent Soviet and Chinese policies.

UNITED STATES AVOIDS RELATIONS

Thus far, U.S. policy appears to have disregarded the opportunity. The United States has no diplomatic relations with Outer Mongolia.

The United States could easily play a considerable role here. The Outer Mongolian Government is eager to win recognition from the United States. It wishes to join the United Nations and to break out of its isolation.

No responsible official in Ulan Bator would think of saying anything publicly to offend Moscow or Peiping. But it is evident that Outer Mongolia is attempting to play the classic role of a weak country situated between two powerful neighbors, trying to balance one against the other. In this delicate game the ability to call in third powers is of major importance.

Outer Mongolia's ability to play the balancing game is handicapped by the fact that it is a member of the Communist bloc. For many years Outer Mongolia was treated as a Soviet protectorate with no real voice in foreign relations.

RED CHINA'S RISE A FACTOR

The rise of Communist China has brought an end to Outer Mongolia's role as a quasi-vassal of Moscow. Today the Ulan Bator Government is seeking to establish non-Communist international relationships on a broad scale.

Thus far, the steps have been halting. Diplomatic ties have been obtained with several Asian nations. An effort is under way to extend these ties to Arab and African States.

What Ulan Bator really wants is recognition by Western great powers. A few Western correspondents have been permitted to come to Outer Mongolia. In September, an international congress of specialists in Mongol language and literature is scheduled. Mongolists from 26 countries have been invited. The participants will spend about 10 days in Outer Mongolia, visiting historic sites.

An outstanding feature of the conflict between China and the Soviet Union is China's superior attractive force. Young Mongol intellectuals return from Peiping with a crusading spirit. No such emotional change seems to be produced by study or visits to the Soviet Union or Eastern Europe.

PEIPING'S DRIVE NOTED

Diplomats stationed in Red China say a similar enthusiasm is instilled in many young Asians who view Peiping as the Mecca of their dreams.

These diplomats view China's efforts to influence Outer Mongolia within the framework of a diplomatic offensive to win wider influence, especially in Asian and African countries.

It is not easy for the Soviet Union to combat the ideological pull of Peiping. In the first place, Moscow's record in Mongolia is hardly such as to inspire any enthusiasm.

True, the Communist regime was set up in 1921 with the support of the Red Army. But it is difficult to discover signs of any real Soviet assistance to or interest in Outer Mongolian problems from that time until about 1952, except for military questions.

Only a few small industrial enterprises were set up before 1952—a vodka factory, a small packing plant, a little leather tannery, and a coal mine. Traditional social patterns and the primitive nomadic life were hardly affected.

Moscow did display military interest in Outer Mongolia as a bridgehead against Japanese attack from Manchuria.

NO MODERN ARMY BUILT

Even this interest hardly extended to building up a modern army. Instead, Outer Mongolia was treated as a cavalry supply base. The Red Army drew on the country's fine horses. It requisitioned huge quantities of meat. It is probable that the Soviet Union deliberately held back the military development of Outer Mongolia lest the Japanese move in and take over any improvements installed by the Russians.

Not even the liquidation of the Japanese military threat with the Manchurian campaign of 1945 brought material change in Soviet policy.

Nor did the victory of the Chinese Communists in 1949 have any immediate effect. Only in 1952 and 1953, about the time of Stalin's death, did the Soviet Union begin to offer substantial assistance to Outer Mongolia's reforms. It was probably no coincidence that the adoption of a new Soviet aid policy coincided with the emergence of a vigorous Communist China on Outer Mongolia's southern and eastern borders.

The Soviet Union's ability to compete with China for Mongolian primacy should not be underestimated. The upper echelons of the Outer Mongolian Government and party bureaucracy are Moscow-trained men. There is no doubt that the Soviet Union exercised an effective veto over Outer Mongolia's personnel and policy during most of the years from 1921 to 1952.

Premier Yumzhagiin Tsedenbal, an able, intelligent and vigorous chief executive, is a Moscow-oriented man.

UNIFORMS ARE SIMILAR

So are most of his assistants in the government apparatus and in the Foreign Ministry. Russian is the second language of most educated Mongols. English rather than Chinese is likely to be the third language. Uniforms worn by the Mongolian Army and police resemble those of their Soviet counterparts.

Mongols who have abandoned the national dress of brilliant silk gowns have adopted

Russian-style clothing. They do not wear the blue uniforms and caps of the Chinese. The repertories of the Ulan Bator theatres resemble those of Soviet provincial theaters, not Chinese.

And the vast and windy Sukhe Bator Square in the center of Ulan Bator, with its red stone mausoleum housing the remains of Sukhe Bator and Choibalsan, derives inspiration from Red Square and the Lenin-Stalin Mausoleum.

Such contemporary art as Outer Mongolia has developed stems from Soviet Socialist realism. The architecture of the government and residential buildings rising in Ulan Bator is patterned after Soviet style.

The chief Mongolian newspaper is called Unen, which means "truth" in Mongol, just as Pravda means "truth" in Russian.

CYRILLIC SCRIPT USED

Unen is printed in the Cyrillic script used by the Russians. This is no accident. In 1946 Outer Mongolia at Soviet insistence replaced her ancient vertical script with a modified phonetic kind of Cyrillic.

This script is now taught in the schools and used in books and newspapers. But older Mongols still use the traditional script. Three weeks' close observation failed to uncover a single official who employed Cyrillic for writing notes of interviews or similar memoranda. Newspapers of Inner Mongolia, a part of China, are said to be popular in Outer Mongolia because they are printed in the old Mongol script.

The question of Mongol writing is closely associated with Soviet and Chinese maneuvering in the sphere of Mongol nationalism.

There are three principal areas of Mongol population. Independent outer Mongolia has a population of about 1 million. The Chinese autonomous province of Inner Mongolia, inhabited by 1,500,000 Mongols and 7 million Chinese, is an area of more advanced economy and culture than Outer Mongolia. Inner Mongolia is a Chinese base for exerting influence upon the Mongols of Outer Mongolia. It is probably no accident that easy population movements between the two areas are not permitted.

The third Mongol area, within the Soviet Union, was until about a year ago known as the Buryat-Mongol Autonomous Republic. The population of this area, just north of Outer Mongolia, is 671,000, of whom about half are Mongols.

Without explanation in July 1958, the Soviet Union dropped the word "Mongol" from the designation of the autonomous area, which became simply the "Buryat Autonomous Republic." It is possible that this move was designed to weaken the cohesive ties of the Mongol populace and to set up a bulwark against any future "Greater Mongolia" concept advanced by the Chinese.

Great emphasis is placed by Outer Mongolia authorities on population growth. This seems to be related quite clearly to the fact that the population density of adjacent Chinese areas is sharply higher than that of Outer Mongolia. The demographic ability of Outer Mongolia to resist population pressures indefinitely is obviously limited.

These pressures are already being felt. The biggest element in China's aid program to Outer Mongolia is laborers, of whom there are said to be 20,000.

Chinese laborers are at work constructing roads, laying asphalt, digging sewer mains, erecting buildings, installing machinery. Every big project under way in Ulan Bator is being built with Chinese labor.

The contrast in appearance between the Chinese and the Mongols is striking.

The Chinese are uniformly dressed in blue. They wear dark blue caps, except in rain, when they don broad straw hats and bright blue raincapes. They are strong, tall, fine-looking young men who move purposefully and confidently about the construction sites. The Mongols are smaller and diversely garbed.

The Chinese working force is not limited to Ulan Bator. Wherever there is a construction project, the Chinese are building it. A rush job to replace a bridge torn out by floods? The Chinese are working hard on it under arc lights at 2:30 a.m. A new irrigation project to turn a semidesert into agricultural land? The Chinese, 500 strong, are carrying it out.

Peiping is said to be pressing Ulan Bator to take more laborers, often without charge. These are proposals that a small nation, struggling to lift itself by its economic bootstraps, finds hard to refuse.

Yet, the question that Outer Mongolia's Soviet-oriented officials must face is the ultimate outcome of the influx of vigorous young Chinese, highly skilled and culturally advanced. The danger of domination at the hands of the more vigorous, more advanced race is obvious.

SOVIET AID REVIEWED

Compared with the pervasive efforts of the Chinese, the Soviet Union's aid program seems conventional. The unbalanced economic arrangements of the Stalin era have been liquidated. Joint Soviet-Mongolian enterprises have been turned over to the Mongols. About 1 billion rubles of aid, much of it in the form of repayable loans, has been advanced.

More beneficent export-import relationships have been established. These, in effect, constitute a substantial subsidy to Outer Mongolia. The Soviet Union is now paying world market prices for meat. Chinese credits run about one-third of those offered by Moscow. But the Mongols say that the Russians drive a tough, hard bargain. Chinese credit, they say, is almost a gift.

Although for centuries the Mongols hated the Chinese for their overlordship and, thus, welcomed Russia's advance to their frontiers in the 19th century, the position now seems to be reversed. The memories of Chinese rule are in the dim past. The Soviet Union is the more recent overlord.

"The momentum of the Chinese initiative is so great, the attractive force of Chinese dynamism is so overpowering," an Asian diplomat said, "that it is hard to see how, over the long run, Russia can maintain her position here. She is still the first power in Outer Mongolia. But 5 years from now this may well no longer be true."

The Western visitor to Outer Mongolia is struck by many unique impressions. Not the least of these is the immediate understanding that he feels with the Soviet community here.

JOINT INTERESTS NOTED

In Geneva, New York or Moscow, Americans and Russians may find themselves on opposite sides of ideological and diplomatic barricades. But in Ulan Bator they seem part of the same European community.

"It is curious," a recent Western visitor to Ulan Bator remarked, "how I feel toward the Russians. And, I must say, they are equally warm to me."

"I do not find that so strange," said an Asian diplomat who had just arrived from Peiping. "I think that you are merely experiencing a sensation which will be far more common in the future. To those of us who watch the world from Peiping there seem to be far more grounds for accord than discord between America and Russia. What you and your Russian friends feel today in Outer Mongolia will tomorrow be experienced in Gorky Street, Moscow, and Pennsylvania Avenue, Washington."

And a Soviet official who has spent many years in Outer Mongolia said over a glass of vodka to an American visitor to Ulan Bator:

"Really now, standing here tonight can you think for any reason why we Russians and you Americans should fight? Is there anyone here to whom you feel closer?

"To peace," the American proposed, raising his glass.

"To peace and the closest friendship of Russia and America," replied the Soviet official.

[From the New York Times, Aug. 5, 1959]

MONGOLIAN COMMUNISM LIVES VIBE WITH GENGHIS KHAN'S TRADITION

(By Harrison E. Salisbury)

KARAKORUM, OUTER MONGOLIA.—For 600 years not one stone atop another has remained to mark the site here of the mighty Mongol capital that a son of Genghis Khan built to fulfill his father's dream.

But in the Communist-directed state that Outer Mongolia has become, the memory of Karakorum's glory still burns more brightly than any vision of Marx or Engels.

The stubborn persistence of such past images and the vitality possessed by the legends of Genghis Khan confront Outer Mongolia's Communist rulers with their most difficult problems.

Unless and until the symbol of the hammer and sickle can be superimposed upon the icons of medieval grandeur, progress toward dedicating Outer Mongolia to the cult of materialist technology will be slow and hazardous.

Nowhere does this critical confrontation of Communist dictatorship and nomadic warrior ethos present itself more forcibly than in Karakorum.

Here it was that the greatest Mongol capital—the capital whose construction was decreed by Genghis Khan just before his death in 1227 and whose erection was faithfully carried out by Ugedi, the third and ablest son.

The walls of Karakorum arose in 1235, at a moment when the Mongols held sway from the pleasure palaces of Peking to the besieged castles of the Danube.

But those days lie far back in history. The Mongol Empire crumbled. Transcontinental rule based on the horse and his warrior rider disintegrated with the rise of the Renaissance state. Karakorum was razed in 1380. Its four great gates and their markets for hay, sheep, cattle, and horses vanished. Even the location of Karakorum disappeared from the memory of man.

SITE IS REDISCOVERED

Not until 1889, when an expedition of the Russian Geographic Society began to investigate the archeology of the Orkhan River, was the site of Karakorum rediscovered and traces of its fabulous richness once again brought to light.

But the memory of Karakorum and the years in which the world paid it tribute has never disappeared from the consciousness of the Mongol people.

Nor is this the only vein of tradition strongly persisting into contemporary Mongol life. Two hundred years after the destruction of Karakorum, there was another Mongol flowering. A new capital was erected, occupying a small quadrant of the area where Karakorum once stood.

The new capital was called Erdeni Dzu, in honor of Buddha, to whom it was dedicated. Erdeni Dzu is the Mongol name for Buddha. Then as now the name of Buddha was the most honored in Mongolia.

In time the new capital suffered the same fate as Karakorum. But the temples to Buddha remained. They still stand today, surrounded by a great wall with 108 decorative turrets, each of them honoring Buddha.

THREE TEMPLES IN AREA

Within the great wall stand three great temples to Buddha as a young man, as an old man and in middle age. There is a special shrine to Buddha. Also here are the tombs of Mongol rulers and the stone foundations of a great royal yurt, a conical tent as big as those once used by the Ringling Brothers. The 1,500 Buddhist priests who once lived within the compound are gone. Rocks haunt the empty squares. The temples are closed and have been for 25 years. They are now regarded by the state as a museum. It is said that services are no longer held. Yet the odor of incense within the temples is as strong as if the monks left only yesterday.

Every relic and every image is in place, from the flowing bowls of grain that symbolize the Buddhist heaven to the great 30-foot prayer trumpets.

Such care and reverence for the Buddhist faith are not accidental. Outer Mongolia is the only example of a Communist state that was originally set up as a Buddhist theocracy. When the Communists came to power in 1921 they recognized the Buddhist theocrat, Bogdo Gegen, as the nation's constitutional monarch. This anomaly ended with the death of the theocrat in 1924, but the special attitude toward Buddhism did not.

Today in Outer Mongolia there is no officially inspired atheistic propaganda. Children are not taught in the schools, as in the Soviet Union, to despise religion as superstition. True, many ancient Buddhist shrines are no longer open. No longer is one out of three residents of Ulan Bator a Buddhist monk as was the case 100 years ago. No longer must each family possessing two or more sons designate one for the priesthood.

FOUR TEMPLES IN CAPITAL

But Ulan Bator, the present capital, still has four great temples of Buddhism. The temples have 10,000 monks and servitors, according to the chief lama of the Gandan monastery, the seat of the Buddhist faith in Ulan Bator. The chief lama is an honored figure in Outer Mongolia. He is a member of the audience on state occasions and a guest at Government receptions. State publications never fail to point out the positive role of Buddhism in developing and preserving Mongol culture, literature, and tradition

True, many collections of rare manuscripts, such as those of the 108-volume Ganjar and the 226-volume Danjur—classic Indian works translated into Mongol and Tibetan—have been removed from the temples and placed in the State library. But Buddhist literature is recognized as one of the glories of Mongol culture.

Under these circumstances it is not surprising to find small brass images of Buddha in the yurts of the nomads and even in the city apartments of some members of the intelligentsia. The images may be curios in the apartments. But they certainly are not so in the yurts.

There seem to be no reliable statistics on the actual numbers of Buddhist followers in Outer Mongolia. However, there is nothing to indicate that the Buddhist faith is losing its grip.

The Mongols received their Buddhism from Tibet. For countless centuries there have been Buddhist pilgrimages to and from Ulan Bator (or Urga, as it used to be called) and Lhasa. Connections between Mongolia and Tibet have always been close, although they must be carried out over difficult mountain passes or across the burning Gobi.

PILGRIMAGES HALTED

Pilgrimages have been curtailed in recent years. But they continued, at least on a small scale, until the anti-Communist outbreaks in Tibet last spring. Now, according to Outer Mongolia's Chief Lama, the pilgrimages have come to an end. It was not possible to determine whether there was a connection between the Tibetan troubles and the cessation of pilgrimages. Nor was it possible to establish how much the Mongols know of events in Lhasa and their reaction to the Chinese repression of Tibetan autonomy.

However, it is hardly likely that the Mongols would remain completely indifferent to the fate of a people with whom they have so long been closely linked by tradition and religion.

It is not only the Genghis Khan tradition and the Buddhist faith that have persisted so strongly in contemporary Outer Mongolia. The whole fabric of society is woven of an inheritance from the past.

Mongol men and women still prefer the traditional long robe with high collar and long sleeves that extend beyond the hands. The sleeves can be used as a kind of primitive gauntlet and protection against winter cold and snow. The robe enfolds the body from left to right. It is held around the waist by a sash. In winter it is padded with lambskin. In summer it is usually silk in dazzling colors, electric blue, shocking pink, shimmering yellow and royal purple.

Today as in the days of Genghis Khan men and women wear knee-high soft leather boots, often with a turned-up decorated toe piece. Hats are often conical, and rimmed with sable or beaver in winter.

HANDSHAKE IS NEW

The Mongols are only now beginning to learn the Western custom of shaking hands. The big personal and social holiday of the year is New Year's Day. But not the New Year of the Christian calendar. It is the new year of the ancient Mongol calendar, which usually falls in February. This is the one occasion when the people exchange gifts and when they greet each other by stretching out their arms slightly and giving a small bow.

These may seem to be trivial beliefs and habits. But in Outer Mongolia they are bound into a coherent and integrated way of life—a stubborn way against which the Communist agitators must prevail if they are to inculcate in this nomad state the drives and ideals necessary for radical transformation of society.

The task of the Communist Party is not one to be envied. If here at Karakorum it is possible to catch some sense of the weight of history upon contemporary Mongol character, there is one national event that etches the impression even more deeply.

This is the season of the national holiday, the Naadam. In literal translation this means games. In the day of Genghis Khan the Naadam lasted a month. It occurred in July, traditionally a time of relaxation for the nomad people. By July the herds were safely in the upper valley pastures. The shearing of wool was well behind. The foaling and the lambing was over. It is a season of plenty, a good time to relax and prepare for the campaigns of fall and the trials of winter.

THREE GAMES PLAYED

In ancient days the Naadam was devoted to what the Mongols still call the three games of men: Horse racing, archery, and Mongolian wrestling.

By the time of the autonomous Mongol regime of 1911–21, the Naadam had been reduced to a week. Today it lasts only 3 days.

But today, as it was 700 years ago, the Naadam is basically the same three games of men. True, the Communist regime has added a full program of track and field sports. There are parades and pageants by the inevitable physical culture societies.

Ulan Bator has a great new stadium with 15,000 seats, in which spectators may watch the Naadam, in place of the grassy lawns between the ceremonial tents of ancient days.

But none of the modern innovations has materially altered the character of the Naadam. In the week before the festival cavalcades of horsemen begin to descend upon Ulan Bator from all the ends of Outer Mongolia. They come as families and as tribes. They pack their yurts on wooden wheeled carts or on camels. In the encampments outside the city, white yurts spring up like enormous mushrooms after a rain.

WRESTLERS TOP ATTRACTION

When the great holiday finally dawns it is not the grandiose ballet of the gymnasts that draws the spectators. It is the archers, sometimes men of 70, sometimes boys of 17, whom the crowds watch as they compete to the keening chant of the old men. The chant rises and falls. It rises when an arrow topples the target of earthen pots. It falls when the winged shaft falls short of the mark.

The largest stadium crowd is attracted by the wrestlers, who present themselves to the audience in an arm-flapping pirouette that is said to be modeled on the walk of the eagle. The wrestling, too, is conventionalized on ancient formula. If an elbow or knee touches the ground the contestant loses. This year's champion was 28-year-old Damdin, a four-time winner, nicknamed "the Lion." He won over opponents bearing the titles "the Elephant," "the Eagle," "Great Mongol," and "Titan."

But the greatest competition of all is that of the horsemen. They are not necessarily men. Many are children, both boys and girls. The biggest race this year was that for boys and girls 6 to 14 years old.

Four hundred and forty youngsters competed, wearing the strange crusaders helmet of cloth that Mongol racers have worn for centuries. Only a handful failed to finish. This was not a sprint race over the turf but a gallop of 45 kilometers (about 28 miles) over cattle trails in the open grass plains. There was nothing about the scene that Genghis Khan would have had difficulty in recognizing, except the dozen automobiles of the diplomatic corps that raced alongside the young riders.

EACH BUILT A CAPITAL

No one who has witnessed the passion with which Mongols devote themselves to their traditional forms and concepts is likely to underestimate the task faced by Outer Mongolia's Communist rulers in attempting to move Mongol society onto a new socio-economic plane.

There are without doubt many reasons why so few Communist innovations were brought into Mongol life in the 30 odd years of Communist rule that preceded the present decade.

But not the least, certainly, has been the stubborn passion that Mongols have displayed century after century for maintaining the living patterns inherited from their fathers.

Why is it, a young Mongol was asked, that your capital has been changed so often from one city to another.

Every great conqueror wants to perpetuate his memory, the Mongol replied. He said each built a new capital. The country has had many capitals. All of the old capitals lie in ruins now. But no matter how often the capitals are destroyed the Mongol nation goes on. The Mongol people are a sturdy race and they know how to preserve their life, the youth said.

This does not mean that the Communist regime will not succeed in its efforts to revolutionize the basis of Outer Mongolian life. But success will not be lightly won.

Hidden under the hot sands of the desert for centuries have lain what the Mongols call dragon's eggs. These eggs, tradition holds, will release once more upon the earth the dragons that ruled the world of primitive man.

Under Communist rule not a few of the dragon's eggs have been dug out of their ancient nests of sand and brought to Ulan Bator for exhibition in the museums. The eggs, say the scientists, are those of dinosaurs. Talk of dragons is nothing but ancient and primitive superstition. To this, older Mongols gravely shake their heads in

doubt. Time will tell, they seem to believe, the fate of those who fly in the face of ancient tradition.

[From the New York Times, Aug. 6, 1959]

OUTER MONGOLIA A VISTA OF VAST FLOWERY VALLEYS—MONGOLIA OFFERS A FLOWERY VISTA—UNCHANGED SINCE DAYS OF GENGHIS KHAN, LAND NOW FACES MACHINE AGE

(By Harrison E. Salisbury)

TSETSERLIK, OUTER MONGOLIA.—A journey into the heartland of Outer Mongolia is a trip across forgotten pages of history into a time and space where the horse is king and man is only his companion.

It is a journey into a world of endless grass—the high green valleys and grass plateaus that nourished the cavalry with which Genghis Khan conquered most of the known lands of his day.

We think of Outer Mongolia as a country of fierce and burning deserts—of the Gobi bronzed by sun—a wasteland without water or life.

But like so many impressions of Outer Mongolia this is far from the fact. A 745-mile trip into the interior shows how little popular conception conforms to Mongol reality.

PASTURES SEEM ENDLESS

The horse armies of the Mongols were bred and nourished not in hot desert sands but in the greatest natural pasture man has ever seen, the lush and beautiful grass plains that lie hidden like an emerald jewel in the secret recesses of Asia.

Nothing has changed in this green universe since the era of the Mongol warrior. Indeed, it is from the enduring nature of this pasture land and the life that has been erected on it that stem most of Outer Mongolia's contemporary problems of economy, society, and politics.

Today, as it was a thousand years ago, this is a land of grass reaching to the infinity of blue heavens. But this will not be true much longer. This may be the last summer one may travel the virgin meadows, free of bulldozed roads or plowed fields. The era of machinery lies just ahead.

But this summer one still follows the trails of the caravans, the yellowed traces made by centuries of horsemen and grazing animals. Cities do not exist. Towns lie hundreds of miles apart. The next village is a day's ride distant.

YURTS DOT LANDSCAPE

The boundless grazing lands are dotted only here and there by colonies of white conical yurts, the canvas and felt-lined tents that for centuries have been the home of the Mongol nomad.

Only jeeps, horses, and camels can navigate this high green universe. The Mongol highway is a multiple-lane, unlimited access thoroughfare. If you do not like it you can make your own track, fresh and new across the green carpet.

Here and there on the high divides, on the crests of foothills and the jagged peaks a lonely cairn of stones has been erected. Sometimes these are adorned with a sheep's skull or the skeleton of a mountain goat. These aid the horseman in his solitary course toward the endless blue horizon.

Nowhere is there a sign or an arrow. Nowhere is there a highway policeman or a service station.

At night the traveler finds his way by the stars or, sometimes, by the dim silhouette of distant telegraph poles that march, like matchstick men across the plateaus and valleys. Travel over the boundless plain sometimes seems more like a sea voyage than an overland expedition.

FLOWERS CARPET VALLEYS

This is a world of men and animals and plants such as John C. Frémont found when he first rode west across the great American plain. To travel the high plateaus of Outer Mongolia in midsummer is to traverse an endless carpet of flowers that perfume the valleys. Yellow primroses and golden buttercups splash against the thick grass, along with violet canterbury bells, wild larkspur, tall and spiked white and gold milkweed, acres of wild mustard and great beds of nodding purple asters.

The air is heavy with a pungent herblike fennel that perfumes the flesh of the lambs. After a rain the heavy scent of a burning nettle puckers the nostrils. Some fields look like a painter's smock, splotched with tiny scarlet lilies, Indian paint, creeping lavender, delicate bluebells, columbine, and white mushrooms the size of a saucer.

So the land appeared when the hordes of the great Khan gathered for the midsummer Naadam, or games. So it appears today.

This is no empty vegetative world. Overhead drones a great carnivorous hawk, as big as an eagle. It circles like a vulture and poises, brown and menacing, ready to dive. Suddenly from a clump of bushes two brown thrushes fly upward, desperately wheeling with piteous chirps to draw the hawk away from their threatened nest. The hawk closes in on one thrush. Then the other wings closer in a feint and draws him away. For 10 minutes the birds maneuver the great predator as picadors maneuvered a bull, gradually drawing it farther and farther toward the horizon. Finally the birds vanish in the distance, their tactics apparently successful.

Near the water courses, brimming with the midsummer rains, are flocks of handsome Mongolian ducks, orange and brown and white, and as large as geese. They sturdily stare at the approaching jeep, but are quickly into the air every time Tasha, the chauffeur, a lover of hunting and fishing, halts to put them under the sights of his single-shot .25-caliber rifle.

Occasionally, there are wild turkeys, scrawny and bony as those colonial Americans first saw in New England, and statuesque gray and black cranes that look as if they stepped out of a Japanese print.

Tasha's eyes rove the countryside as he drives. He pays little attention to the great brown hares that bound out of sight in the tall grass. He merely gestures to the countless Mongolian prairie dogs that sit with folded paws beside their holes and then flash down them.

But it is a different matter when he spots a daub of alien color high on a neighboring butte. He slows the jeep to a halt, takes a long penetrating look, then reaches with one hand for his rifle and slowly points the jeep across the meadow and up the steep incline. As the jeep growls and roars Tasha pulls back the string of his cotton cartridge bag with his teeth and fingers out a bullet. He slips it into the chamber as the jeep climbs higher and higher.

Suddenly the jeep noses over a narrow ledge. There, a hundred feet higher, its forelegs sprawled like a lazy dog, sits a great fox, grayish red and as large as a wolf. Tasha brakes the jeep swinging it broadside and raising his rifle. The fox rises, ambles a few paces higher. Tasha pulls the trigger. A dull click. The cartridge (like half of those he uses) is defective. Fumblingly he ejects the shell and drops a fresh one into place. But now the fox is suspicious. Just as Tasha's shell rams forward the animal whisks about and disappears in the higher ledges.

FISHING IS BETTER

Tasha's luck is better with fishing. Below the surging falls of the Ulan (Red) River, he pulled out three fat fish, resembling pike or muskies. He took two others with a metal spinner and nylon casting line in the muddy waters of the Orkhon River.

"Ours is a wonderful country," said a young Mongol doctor as he sat under blue skies and hot sunshine beside the carved gorge of the Orkhon.

"We have very few people," he explained. "Only a million or so. And our land is very wide. So our rivers are filled with fish. And our fields and forests are filled with animals. When we want to hunt or fish there is always good sport."

Certainly few countries are richer in wildlife—mountain goats and snow panthers in the high peaks, bears and wolves at lower elevations and antelopes, wild donkeys, wild camels and wild horses, first observed by the Russian explorer, Nikolai M. Przhevalsky, and smaller game on the plains and deserts.

Life in the Outer Mongolian interior is reduced to a simple formula. If the rains are good, the grass is good. If the grass is good, the animals are fat and abundant. If the animals fare well, the people live well.

GRASS IS LUSH

Seldom has the grass been better than it is this year. The rains have drenched the land. Life in the yurts is easy and pleasant. Here in the high grassland the yurt seems a perfect kind of habitation—at least in summer. The tents are set up on the greensward, the canvas fitting around a crisscross of flexible wands. There is a circular opening at the top where the chimney of the potbellied stove protrudes. In rainy weather it is closed by an extra piece of canvas. In fine weather it is open to the blue skies. Oriental rugs, carpets, straw mats or oilcloth are laid on the grass. When the turf wears thin, the yurt is moved. It can be taken down or set up in 20 minutes by a Mongol woman and her children.

Inside, the yurt is surprisingly roomy. Chests, benches or narrow beds are arranged around the edges. The people squat on the carpet.

Nowhere does hospitality flow more warmly than in the yurt. The visitor hardly has time to seat himself before he is confronted with a great bowl of kumiss, or fermented mare's milk. A huge Chinese jar, sometimes almost as big as those in which Sinbad hid his sailors, is used to contain the kumiss.

A moment later a dozen other dishes appear—soft fresh yoghurt, cottage cheese, curds that are hung by a string along the yurt wall until they are as brown as ginger and hard as stone, and steaming bowls of the national "five elements" tea, which is made of milk, salt, sugar, water, tea, and sometimes a sixth or seventh element, such as butter or sheep's fat or meat.

But the pièce de résistance is a great metal basin of meat. In this the visitor finds a whole lamb, carved, and roasted. For the children there are the tender lamb hooves; for the honored guest, the delicate morsels of the lamb's jaw and cheeks.

GUEST SERVES

It is the guest's duty to serve the company. A beautiful knife of inlaid silver and enamel is placed in his hand. He carves the lamb and hands it out on the point of the knife.

At this moment the host's wife appears with a great jar of a fresh, colorless liquid. Spring water, or so it looks. Each guest receives a bowl of the beverage, a harmless milk product. Or so the host says. In reality it is raki, a high potency alcoholic beverage, flavored with anise, common to a dozen Asian lands from the Middle East to the borders of China.

This is life in the Mongolian heartland in this summer of 1959. Below the surface, of course, there are changes from the time of Genghis Khan. And more changes—deeply revolutionary ones—are just around the corner. But of this the residents of the yurt seem oblivious. They chew their lamb bones and wash the meat down with cups of raki.

"There is nothing better than lamb," one says.

"True," says another, leisurely drawing out his thin ebony and silver pipe and putting into its narrow bowl some dry and fragrant morsels, which he calls tobacco, but which certainly would never be recognized at a North Carolina auction.

"What more can a man want," says the first. "Good lamb to eat and good horses to ride."

"Ah, yes," says the other. "Our animals are good this summer and so our life is good. After all, we live for our animals. And our animals live for us."

[From the New York Times, Aug. 7, 1959]

MONGOLIAN PLOWED STRIP DENOTES START OF CHANGE—RED RULERS STRIVE TO SOVIETIZE LAND OF HERDSMEN

(By Harrison E. Salisbury)

ULAN BATOR, OUTER MONGOLIA.—For 20 miles along the valley of the Tarany River in Outer Mongolia, a 2-mile swath has been slashed by tractor-driven gangplows across the virgin grassland.

This swath is the frontline in a massive struggle by Outer Mongolia's Communist rulers to transform their country from a herdsman's paradise into a 20th century state.

Some say the signal for launching the battle came from Moscow. It is said that Moscow told the Mongolian leaders that only by turning the virgin lands, only by putting the plow to this kingdom of the horse could the foundations of a socially viable economy be laid.

Whatever the inspiration, the battle has been joined. Conflict over the wisdom of the move split Outer Mongolia's People's Revolutionary (Communist) Party. But advocates of change headed by Premier Yumzhagiin Tsedenbal won the day.

The struggle to transform Outer Mongolia is not going to be won easily. It has international ramifications. Both the Soviet Union and Communist China have a stake in the Mongolian scene. The interest of the United States in what happens in this remote but critical area of the world is not inconsiderable. Yet the United States has thus far largely been isolated from events in Outer Mongolia. It does not recognize the state and has little knowledge of what occurs on this key segment of the frontier between the Soviet Union and China.

PLOWED AREA STILL SMALL

Plowed fields are still few and far between in Outer Mongolia. Only three small experimental plots were encountered in a 300-mile drive west from Ulan Bator.

But in selected areas like the Tarany Valley the pastures have been taken from the herdsmen. New state farms have been set up. The herdsmen have a choice. They may work for the state farm or they can move away.

Out of such harsh decisions as this social tensions inevitably arise.

Land cultivation is new to Mongolia. For a 1,000 years or more Outer Mongolia has lived by her animals. A man reckoned his wealth by his horses and his sheep. Cattle counted for less. And none but barbarians tilled the soil.

COLLECTIVIZATION CITED

Now all of this will change. As recently as 4 years ago 90 percent of Outer Mongolia's livestock was owned by individual herdsmen. Collective enterprises and state farms split the remaining 10 percent. Now Mr. Tsedenbal says Outer Mongolia has been 100 percent collectivized, largely within the last 12 months.

The rapidity of the collectivization leaves doubt as to its thoroughness. But there is no doubt that many large-scale state and collective farms have been established in order to provide the framework of the intended changeover to an economy based on tillage, grain production, fodder production, cattle feeding and dairying rather than meat raising on natural grass pasture.

To introduce tillage and fodder feeding means an end to the nomadic life of the people. To introduce the state and collective farm means to weaken the traditional ties of tribe and family.

So far the new enterprises are largely mixed. For example, the Tuvsherulek State Farm is described as a combination animal breeding and land cultivation enterprise. It has 20,000 animals—14,000 sheep, 5,000 cattle and about 2,000 horses. Of its 80,000 hectares (about 197,000 acres) of land, 14,000 are in crops, mostly oats and forage for the animals.

GRAZING AREA STILL BIG

On the other hand, its chairman calls the new Karakorum State Farm a land cultivation enterprise devoted to the growing of wheat and oats. However, alongside the 15,000 hectares sown to wheat and oats this year and the 10,000 hectares prepared for grain sowing next year the farm has 175,000 hectares on which to graze its 15,000 sheep, 3,000 horses, and 2,000 cows.

Some indication of the practical problems encountered in converting these herdminded people into sedentary farming is given by the fact that, although Chairman Shlen Bator of the Karakorum State Farm had more than 12,000 hectares sown to wheat, he was unable to say what variety had been planted or when it would be ripe for harvest.

"I think it is called pahenitas," he said. "Pahenitas" is the Russian word for wheat.

According to directors of state and collective farms, the government is paying heavy premiums to encourage cultivation of land. Workers on state farms are said to be drawing 600 and 700 tugriks a month. This stated wage scale is above that of Outer Mongolia's small-scale industrial enterprises. Moreover, workers on both state and collective farms are permitted to pasture up to 30 head of individually owned animals with the common flock.

Backing up the government drive to end Outer Mongolia's nomadism is the new State Agricultural Institute, headed by Y. Zhamianzhav, a smiling young man who was graduated from the Ulan Bator State University 10 years ago.

The institute is turning out about 200 trained agricultural specialists a year. But the experts in livestock and veterinary studies outnumber the land cultivation men 3 to 1.

Director Zhamianzhav was asked why Outer Mongolia clung to the horse with such passion. The nation has 1 million people. Of somewhat more than 20 million head of livestock, 2 million are horses and 2 million are cattle.

Would it not be more economic, Mr. Zhamianzhav was asked, to reduce the number of horses and devote more pasturage to cattle, particularly if the range was to be turned more and more to the plow?

The question seemed to shock the director and his associates.

"In Mongolia, we respect the horse," he said with dignity. "The horse is our national tradition."

In the courtyard of the school, outside the director's office a group of students were busy erecting a platform. "They are putting up a monument to the horse," the director explained.

EROSION IS A DANGER

Not all the problems of transforming the Outer Mongolian countryside lie in the realm of habit and tradition. There are grave natural hazards in the experiment upon which the country has embarked.

Outer Mongolia is not a land of excessive water, although very heavy downfalls occur in June and July. Cloudbursts are not infrequent at those times. The soil does not readily absorb such quantities of water, and the runoff across the grass plains is swift and broad.

Where the natural grass cover has been removed, erosion occurs with stupefying suddenness. The swift water cuts down through the land like a hot knife in ice cream. It does not merely wash away the soil—it carves it out, 2 yards at a time.

In winter there is little snow and much wind.

The combination of summer cloudburst and January windstorm, striking at plowed land no longer protected by its eternal grass cover, could bring a national disaster. Outer Mongolia's green pastures might be turned by wind and water into a desert more barren than the Gobi.

Presumably the Outer Mongolian soil specialists, and the Russian experts who are advising them on the basis of their own gamble with somewhat similar conditions in the virgin lands of Kazakhstan, have calculated this risk and think the chance worth taking.

If Outer Mongolia is to become an agricultural land rather than a herdsman's pasture, it must, of course, have a supporting industrial basis.

In this effort Outer Mongolia has been relying extensively on the assistance of her two great Communist neighbors, China and the Soviet Union.

The effort to create an industrial base has had to start from almost as rudimentary point, as is the case with agriculture. Prior to 1952 Outer Mongolia possessed a minor meatpacking industry, a small leatherworking plant, a vodka mill, a few dairies, and little else.

Now rapid progress is being made. The biggest enterprise under construction is a combination textile and leather factory being set up on the basis of the old leather plant. By 1960 the plant will be capable of processing 1,300,000 sheepskins a year. It will turn out 1,200,000 pairs of shoes and will have a woolen textile layout as fine as any in the world.

MINE OUTPUT GROWS

The woolen plant is being installed free by Chinese technicians according to plans drafted by Soviet engineers. Every bit of machinery in the plant has come from Britain, purchased for Outer Mongolia through the Chinese National Sales Corp. Pay in this factory runs from a minimum of 300 tugriks a month to a maximum of 900. The average is 600.

Another rapidly expanding enterprise is the Nalaikha coal mines, 40 miles outside Ulan Bator. The output soon will reach 600,000 tons a year, sufficient to meet Ulan Bator's requirements. This is a high-level mine that soon will begin open-cut operations along plans devised by Soviet engineers. Wages run from 500 to 800 tugriks a month. The mines have 25,000 cattle and 5,000 horses to provide employees with food and drink.

Other industrial plants under construction or expansion include a flour mill (Ulan Bator hopes soon to be self-sufficient in flour), a large modern dairy installed with Soviet aid, a glass factory put up with Chinese Communist help, a candy factory, and a macaroni mill. Wages in these enterprises run from 300 to 600 tugriks a month, with incentive bonuses for high production as in the Soviet Union.

The question of what a tugrik is worth is almost impossible to determine. Soviet sources quote the tugrik at par with the ruble and the official exchange rate gives 4 tugriks for $1. But the tugrik is also traded here at the rate of 2.4 rubles per tugrik. Thus the rates quoted in Moscow and in Ulan Bator are not compatible. Presumably, the rates are arbitrary. Not more than a

few thousand dollars a year flow into the Mongolian treasury. The ruble rate may be adjusted in favor of the tugrik as a kind of indirect subsidy by the Soviet Union to the Outer Mongolian economy.

PRICES VARY

Outer Mongolian prices seem to lack any rational basis. In general they are high. A short leather jacket costs 156 or 190 tugriks, depending on quality. A long leather coat is priced at 306 and a woman's nutria coat at 15,000 tugriks. Lamb costs 5 tugriks a kilogram (2.2 pounds) or 100 tugriks for a whole lamb. A camel sells for 200 tugriks and a horse for 300 to 400. Bread is 2 tugriks a kilogram (few Mongolians eat bread). Cigarettes cost 1.5 to 3 tugriks a pack. A postcard costs 1 tugrik and a steel knife with a little bonework and engraving 88 tugriks. A more elaborate knife and case costs 1,800 tugriks. A suit is priced at 500 tugriks, a pair of shoes at 90, a shirt at 80, a woman's rayon dress at 179 and a woman's calfskin jacket at 220.

An airmail postage stamp is 1.5 tugriks, and a 12-by-12-foot wool rug 3,480. Vodka is 40 or 50 tugriks a bottle. A meal in a hotel is 40 to 50 tugriks and overnight charges for a room may run as high as 100 tugriks. Yet rent of a two-room flat in one of the few Ulan Bator apartment buildings is only 6 or 7 tugriks a month.

Retail trade is rudimentary. Stores are few, stocks of goods scant and whole sections of stores may be closed for days because the sales girl assigned to a particular counter is on vacation.

SKILLED LABOR LACKING

The country suffers from an acute shortage of skilled labor. Every construction project observed in Outer Mongolia—whether it was the new bridge across the Tola River at Ulan Bator, the new shops for the glass factory at Nalaikia, the irrigation works on the Tarany River, the repair of the walls of the big Buddhist Temple or the construction of apartment houses for the new textile factory workers—was being carried on by Chinese crews.

In part this appeared to be a shortage of skills rather than an actual shortage of hands. Almost every Mongol official commented on the relaxation of the great burdens that armament and military defenses had laid on the economy until after World War II. It is obvious that there has been a radical demobilization of the Mongol military forces in recent years. Men in uniform were not numerous. And nowhere were military construction crews seen laying foundations, digging ditches or building roads, as used to be common in the Soviet Union before 1955.

The presumption is that the demobilized men have gone back into the traditional herdsman's life rather than joining the slowly growing city proletariat.

PLANS ARE GRANDIOSE

It is obvious even from so sketchy a résumé of the Mongol economy that the program upon which the Communist rulership has embarked is grandiose indeed. Unless the herdsmen prove far more malleable than they have been, it is going to be a task of extreme difficulty to persuade and compel them to abandon their ancient customs and dedicated way of life. Moreover, they have few of the skills needed either by cultivated agriculture or a factory industry.

The job of converting such a country and such a people is one that might well give pause even to a tough, experienced party leadership such as that of the Soviet Union. The fact that the neighboring Chinese Communists have rapidly moved their people into active Communist industrial and agricultural development offers no real parallel. The Chinese people have never had a pattern of nomadic, tribal, fiercely traditional and almost warrior-like existence such as has been found in Outer Mongolia for generations.

These are the factors that make Outer Mongolia so sensitive an area within the Communist world. Couple them with the active intervention, participation and rivalry of the two big Communist powers, Communist China and the Soviet Union, and you have a situation of the greatest complexity and highest importance. The theory of Mongol herdsmen that he who disturbs the dragon's eggs of the Gobi Desert will let loose a new era of monsters in the world may not be correct. But enough will probably happen in Outer Mongolia in the next few years to repay somewhat closer U.S. interest than is now the case.

FISHTRAPS IN ALASKAN WATERS

Mr. BARTLETT. Mr. President, the Federal Register for Saturday, April 9, contained regulations, prepared in the Bureau of Indian Affairs, approved and proposed by the Secretary of the Interior, and entitled "Alaska—Indian Fishing Regulations." I have read these regulations. I have studied them. They should concern every American who believes in a proper balance of authority and jurisdiction between the States and the Federal Government, every American who advocates civil rights, and every American who supports conservation of natural resources.

The regulations state that their purpose is to protect "certain fishing rights which have long been recognized." The regulations purport to control, protect, and preserve "existing fishing rights of Indians in Alaska," and they would permit the use of fish traps by three selected Indian communities, notwithstanding provisions in the constitution and laws of Alaska which prohibit traps in Alaska waters without exception. The regulations proposed by the Department of the Interior would resolve any conflicts with State laws and regulations by a provision that "the native Indians and Indian villages of Alaska shall be governed by the regulations in this part in the waters where they apply or by the regulations of the State of Alaska, whichever are least restrictive to their fishing operations."

That provision means one thing, and one thing only, Mr. President. It means that if the Secretary has his way, certain Alaskans will be immune from State laws and regulations to which other Alaskans will be subject, and it means that the Secretary is encouraging the use of fish traps in Alaska, in spite of a prohibition against such traps in the constitution of Alaska.

The regulations published on April 9 cite the act of June 6, 1924—the White Act—as a source. They purport to establish an exclusive right of fishery in the waters of the Karluk Indian Reservation "to the bona fide native inhabitants of the village of Karluk and vicinity." Disregarded and unmentioned is the 1948 decision of the Supreme Court of the United States, which dealt with the authority of the Secretary of the Interior to establish an exclusive right of fishery in these very waters. The Supreme Court held void regulations of the Secretary of the Interior which established the exclusive privilege. The Court said:

We find nothing in the White Act that authorizes the Secretary of the Interior to grant reservation occupants the privilege of exclusive commercial fishing rights. "Exclusive," as used in section 1 of the White Act, forbids not only a grant to a single person or corporation but to any special group or number of people. The White Act fishing preserves were not intended to furnish a monopoly to a favored few. Whatever may be the powers of the Department of the Interior or the natives as to regulating the entrance of persons other than natives in possession of Karluk Reservation into or on the area of land and water in that reservation, they are not broad enough to allow the use of the White Act sanctions to protect the reservation against trespass. White Act sanctions are for White Act violations • • • an exception in favor of the natives • • • seems to rest on the fact that the natives are on a reservation that includes the White Act conservation area. This cannot be done. The welfare of the 57 electors of Karluk Reservation and their families is important. The Secretary of the Interior, however, cannot give them such preferences as are here given under the authority of the White Act. Other American citizens are equally entitled to the benefits from White Act preserves.

In spite of the Supreme Court decision, the Secretary proposes an exclusive right of fishery to be protected, under section 88.9 of the proposed regulations, by White Act sanctions. Indeed, Mr. President, the regulatory powers of the Secretary under the White Act were limited to "the purpose of protecting and conserving the fisheries of the United States in all waters of Alaska." Since Alaska's admission to the Union, the Secretary has certified to Congress "that the Alaska State Legislature has made adequate provision for the administration, management, and conservation" of fish and wildlife resources "in the broad national interest." What a paradox is this, Mr. President. Prior to statehood, the Secretary of the Interior could not grant exclusive rights of fishery and could regulate under the White Act only for the purpose of conservation. After statehood, the Secretary assumes prerogatives which he could not exercise before statehood. I submit the very simple premise that the powers of the Secretary in Alaska are less great now than they were when Alaska was a territory. The Department of the Interior, however, seems to proceed from an opposite premise.

After these regulations were published, Mr. President, I discussed them with one of my good friends at the Department of the Interior. He asked me what my reaction was to the regulations. I was surprised by his question. After all, I was one of the 21,285 Alaskans who voted for Ordinance No. 3 of the Alaska constitution, prohibiting without exception the use of fishtraps for the taking of salmon for commercial purposes.

Moreover, I was one of the 17,447 Alaskans who, in April, 1956, voted to adopt the constitution prepared and agreed upon by the 1956 Alaska Constitutional Convention. That constitution is now the Constitution of the State of

Alaska. Article 1, section 1, of the Alaska constitution provides:

This constitution is dedicated to the principles that all persons have a natural right to life, liberty, the pursuit of happiness, and the enjoyment of the rewards of their own industry; that all persons are equal and entitled to equal rights, opportunities, and protection under the law; and that all persons have corresponding obligations to the people and to the State.

Yes, the question concerning my reaction to these proposed regulations was a great surprise, for I have always feared the introduction into Alaska of the theory that the natives of Alaska are destined to be wards of the Secretary of the Interior. Mr. President, I was first elected to Congress, as Delegate from Alaska, in 1944. On November 10, 1944, prior to my departure for the District of Columbia, I issued a statement on this very subject:

Simple justice, entirely aside from laws, calls for and should compel equal treatment for all classes of citizens. That is a principle we most assuredly aim at constantly.

Establishment of reservations over such a broad expanse of country and over the bordering ocean where settlement both of natives and whites has proceeded for generations according to an entirely different principle would be a departure from established American procedure as unique as it would be unworkable.

Let us not overlook the certainty that bitter antagonisms would be aroused. Where they would lead no man can foretell and I, for one, care to speculate as little as possible on that feature.

For economic advantages which would accrue in greater or lesser degree, the native would be compelled to surrender a precious heritage. He would become a ward in the typical, generally accepted sense. Likewise, he would soon find that his life would be hinged about with restrictions imposed by government. For every gain, there would be a double loss.

Gone forever would be the prospect, which has gradually appeared brighter, of whites and natives working together in real equality for a better Alaska. A racial wall which has been crumbling rapidly would be raised to a higher level than ever before.

Mr. President, article 1, section 1 of the Alaska constitution, as well as the fishtrap ban in Ordinance No. 3 of the constitution, was ratified, accepted, and confirmed by Congress in the Statehood Act.

Moreover, article 8, section 1, of the Alaska constitution provides that:

It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest.

And section 3 of the same article states:

Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.

Mr. President, the words "for common use" are the key words, and are in contrast to the exclusive use provided in the proposed Federal regulations. Section 15 of article 8 is even more emphatic. It is subtitled "No Exclusive Right of Fishery." It reads:

No exclusive right or special privilege of fishery shall be created or authorized in the natural waters of the State.

I have been quoting from the constitution accepted, ratified, and confirmed by Congress. The words in the constitution reflect a community where all men stand equal in the eyes of their fellows, and where people of all races oppose efforts to create artificially political distinctions which have no basis in reason and which are alien to the Alaska tradition. Clearly, the policies of the Secretary of the Interior are inconsistent with the policies expressed by the people of Alaska in the constitution of Alaska. Congress has accepted the policies of the people of Alaska, and it appears that the Department of the Interior has gone off on a fishing expedition in Alaska without statutory authority and, in fact, in a manner prohibited by the White Act and the Statehood Act cited by the Department as warrants for its expedition.

Mr. President, a press release dated April 7, 1960, by the Department of the Interior Information Service, as it is called, deals with some of these mysteries. The press release states that the right to use traps was "preserved for the natives by section 4 of the Alaska Statehood Act." Two contradictory paragraphs later, the press release quotes the Secretary. "The Supreme Court," the Secretary states in the press release, "has already enjoined the State of Alaska from interfering with native fish traps until it is determined whether these traps involve native fishing rights protected by the Statehood Act." It appears that there is some confusion within the Department whether the right to use traps was preserved, was not preserved, or remains to be determined.

Mr. President, my remarks in chief will be directed, first, to the act of admission, or the Statehood Act; second, to the White Act. I feel invited to discuss these statutes because, according to the proposed regulations, "fishing rights of Indians in Alaska derive from the act of June 6, 1924"—the White Act—and were declared in "section 4 of the act of July 7, 1958"—the Statehood Act. These are the sources of authority cited by the Secretary himself for his regulations of this year which, according to the Secretary, "preserve such rights." Let us see whether those statutes can be used properly as authorization for the proposed regulations of the Department of the Interior.

Section 4 of the act of admission is a compact between the people of Alaska and the United States, under which the State and people of Alaska disclaim right or title, or jurisdiction, to property held by Indians, Eskimos, or Aleuts, or held by the United States in trust for them. The Secretary bases his regulations upon the proposition that section 4 "secured certain fishing rights to the Alaska Eskimos, Indians, and Aleuts," quoting from the regulations. That proposition is simply unsupportable, Mr. President. The language of section 4 of the Statehood Act is similar to the language of the constitution of the State of Alaska—section 12 of article 12—which the people of Alaska approved in 1956, and again in the statehood referendum of 1958. If section 4 "secured" certain fishing rights, including the right to use traps or to enjoy exclusive rights of fishery, how could the constitution of Alaska, where section 4 appears in substance, prohibit traps absolutely and prohibit exclusive right of fishery? Obviously, the securing of the right to use traps or enjoy exclusive right of fishery was not what the people of Alaska intended by the compact ratified in 1958 at the referendum and agreed to as early as the referendum of April 1956.

Mr. President, section 12 of article 12 of the constitution of Alaska has been likened by me to section 4 of the Statehood Act. Section 4, however, differs in some respects. I have discussed section 4 with Department of the Interior lawyers on several occasions. Sometimes they read section 4 to me, but the reading of section 4 always seems to stop at the colon before the first proviso. Now I quote the proviso:

Provided, that nothing contained in this Act shall recognize, deny, enlarge, impair or otherwise affect any claim against the United States, and any such claim shall be governed by the laws of the United States applicable thereto; and nothing in this Act is intended or shall be construed as a finding, interpretation, or construction by the Congress that any law applicable thereto authorizes, establishes, recognizes, or confirms the validity or invalidity of any such claim, and the determination of the applicability or effect of any law to any such claim shall be unaffected by anything in this Act.

Now it is clear that a "claim," within the meaning of the proviso, relates to the "rights" mentioned in section 4 before the proviso. This must be so, because the proviso refers back to the earlier portions of section 4 where "rights" are discussed. There is no other reference. It must be so, too, in the light of the legislative history. Quoting from the Senate committee report in the 85th Congress on the statehood bill:

The first proviso of section 4 directs that nothing contained in the act shall be construed to affect the existence or validity of any claim against the United States nor be construed as an interpretation of the meaning or application of any Federal law pertaining to such claims. The purpose of the proviso is to leave the legal question as to the existence or validity of any claim against the United States, including native claims, in exact status quo, and to leave the question for subsequent legislation or judicial decision without expressing any opinion or mandate in this act.

With this background, Mr. President, is it not hard to maintain that section 4 recognized "certain fishing rights," the jurisdiction over which was disclaimed by the State and people of Alaska? The real fact is that Congress neither expanded nor contracted any special rights of the native people, if any such rights exist. That is the position I urged Congress to take. That is the position that was taken.

The House committee report accompanying H.R. 7999, which became Public Law 85-508, the Statehood Act, is equally clear on this issue. Referring to page 19 of the House report, I quote:

Finally the section provides that no attempt will be made to deal with the legal

merits of the indigenous rights but to leave the matter in status quo for either future legislative action or judicial determination.

Incidentally, Mr. President, I wonder how the proponents of these regulations, who claim that Congress intended the Secretary to exercise regulatory powers over the Alaska fishery, explain away section 6 (e) of the Statehood Act. In that section, Congress directed that:

All real and personal property of the United States situated in the Territory of Alaska which is specifically used for the sole purpose of conservation and protection of the fisheries and wildlife of Alaska * * * shall be transferred and conveyed to the State of Alaska by the appropriate Federal agency: *Provided*, That the administration and management of the fish and wildlife resources of Alaska shall be retained by the Federal Government under existing laws until the first day of the first calendar year following the expiration of 90 legislative days after the Secretary of the Interior certifies to the Congress that the Alaska State Legislature has made adequate provision for the administration, management, and conservation of said resources in the broad national interest: *Provided*, That such transfer shall not include lands withdrawn or otherwise set apart as refuges or reservations for the protection of wildlife nor facilities utilized in connection therewith, or in connection with general research activities relating to fisheries or wildlife * * *.

In other words, Mr. President, Congress told the Secretary of the Interior to transfer to Alaska all property used for the sole purpose of conservation of the fisheries, and Congress instructed the Secretary to retain property used in connection with wildlife refuges and general research. This is the same Congress, under the Secretary's view, which wanted him to regulate certain Alaskans because of their race in their fishery activities. I submit that it is not logical to presume that a Congress which strips the Department of the Interior of the property used formerly by the Department to regulate the Alaska fishery, which commands the Department to transfer such property to the State, is a Congress that wants the Department to continue to regulate part of the Alaska fishery.

Mr. President, the Department of the Interior's press release tells a story, but not the whole story. Reference is made in the release to the Department of Justice communication to the House Committee on Interior and Insular Affairs regarding Alaska statehood in 1957:

Secretary Seaton pointed out that when the Alaska Statehood Act was being considered by the Congress the Department of Justice informed the Congress that the inclusion of a reference to fishing rights could well result in raising an implication that there is a "right or title" to fishing rights in the natives of Alaska despite prior court holdings to the contrary.

That is the quotation from the press release.

Now I shall quote from the Department of Justice communication itself so that Senators may note what was actually told the House committee by the Department.

Under section 4, the State and its people would agree and declare as a compact with the United States that they forever disclaim all right and title to "any lands or other property" not granted or confirmed to the State or its political subdivisions by or under the authority of the bill, the right or title to which is held by the United States "or is subject to disposition by the United States" and "to any lands or other property (including fishing rights), the right or title to which may be held by any Indians, Eskimos, or Aleuts (hereinafter called natives) or is held by the United States in trust for said natives." Except as to such property held by individual natives in fee without restrictions on alienation, such property would be under the absolute jurisdiction and control of the United States, and such property and property hereafter acquired by the United States would not be taxable by the State, except as Congress prescribed.

Section 4 also includes a proviso with respect to claims against the United States so drafted as to make it clear that such claims are to remain unaffected by the act. House Report No. 88, on H.R. 2535, 84th Congress (pp. 26 and 47) includes the following statement on page 47 with respect to an identically worded proviso: "It is provided that no attempt will be made to deal with the legal merits of the indigenous rights but to leave the matter in status quo for either future legislative action or judicial determination.

In view of the foregoing and in the light of the judicial determinations hereinafter mentioned, it is recommended that the parenthetical phrase "(including fishing rights)" appearing on page 2, lines 24 and 25 of the bill be eliminated. The Court of Claims decided on July 12, 1955, in *The Tee-Hit-Ton Indians* v. *The United States* (132 Ct. 624), that the Indians had not since the acquisition of Alaska acquired any right to fish, by immemorial usage or otherwise, against the Government. In an earlier case, *Hynes* v. *Grimes Packing Company* (337 U.S. 86), an Indian group was held to have no exclusive irrevocable right to fish commercially in an area designated as a reservation by the Secretary of the Interior. These cases establish that the Alaskan Indians have no compensable claim to a right to fish, which is applicable as well to the Eskimos and Aleuts. The inclusion of a reference to "fishing rights" may have the consequence of raising an implication that there is a "right or title" to fishing rights by the natives of Alaska notwithstanding the above-cited judicial determinations.

Mr. President, that is the full statement of the Department of Justice to the Committee on Interior and Insular Affairs, House of Representatives, 85th Congress, relating to section 4. The Department of Justice statement cites the legislative history showing the intention of Congress was not to "deal with the legal merits of the indigenous rights but to leave the matter in status quo." The Department of Justice statement cites two court decisions holding that the Indians of Alaska have acquired no right to fish peculiar or exclusive to themselves, and no compensable claim to a right to fish. Yet upon the slenderest reed of a suggestion in a single sentence extracted from the statement as a whole, the Secretary rests his authority for the proposed regulations.

Why, it may be asked, was not the recommendation of the Justice Department followed and the words "including fishing rights" stricken from the statehood bill? I have a very lively memory as to what occurred in respect to the so-called disclaimer provision over the years during which the two legislative committees of the Congress considered Alaska statehood legislation. This arrangement, whereby the people of the State to be expressed willingness to forgo any claim to property which might be found at some later date to have been owned "since time immemorial," as the phrase goes, by the original Indian inhabitants was a customary provision in many statehood acts for the western territories. So far as I am aware there had not been previously in any statehood bill a specific reference to fishing rights. I can recall the strong insistence on the House side that the words which we now find in the law be inserted. This insistence came because many Alaska Indians have traditionally lived from the sea. And why should the words not have been inserted? So far as I am concerned, they had a very proper place there. For they conferred nothing—or so all of us on the House committee then believed and so the Congress assumed—to the native inhabitants and they took nothing away from the other people of the State or from the State itself; they merely left the subject open for later judicial or congressional determination. I do not recall that the suggestion was ever made that the determination should originate with the executive department of the Government. And, very frankly, views of the Justice Department relating to language changes in this disclaimer provision were very closely scrutinized in the light of the Department's historic position in opposition to these Indian claims wherever and whenever they were presented. I do not criticize this opposition; I merely state it. Speaking for myself, I should not have wanted to follow the recommendations of the Justice Department. I believed then and I believe now that Alaska natives should have opportunity to exhaust every legislative and judicial process in their efforts to demonstrate property rights, without being foreclosed by the Statehood Act or any other legislation.

Mr. President, the proposed regulations mention three other public laws—in addition to the White Act and the Statehood Act—as statutory bases for the exercise of regulatory power. One of the references is to section 485 of title 5, United States Code. That section says merely:

The Secretary of the Interior is charged with the supervision of public business relating to the following subjects and agencies: * * * Indians.

That is hardly a mandate, or even an authorization for regulations which anticipate judicial findings and contravene the constitution of Alaska which Congress has accepted, ratified, and confirmed.

Another of the references is to section 2 of title 25, United States Code, which states:

The Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior, and agreeably to such regulations as the President may prescribe, have the management of all Indian affairs and of all matters arising out of Indian relations.

The question, "What are 'Indian affairs' and what are 'Indian relations' in which the Federal Government may participate rightfully?" should not be begged; it should be answered.

The final statutory reference in the regulations is to section 9 of title 25, which provides:

The President may prescribe such regulations as he may think fit for carrying into effect the various provisions of any act relating to Indian affairs, and for the settlement of the accounts of Indian affairs.

What is an act relating to Indian affairs and which such act do these proposed regulations carry into effect?

I need hardly suggest, Mr. President, that these statutes are bare bones indeed out of which to make a regulatory feast.

Mr. President, in the months before I came to Washington to become Delegate in Congress from Alaska in January 1945, and in the months which followed I was constantly "invited" to submit legislation to extinguish Indian rights without any provision for compensation in any manner or in any degree. I consistently refused, and would so refuse today, to do any such thing. But I must say that the wildest speculations on this subject back in 1945 would never have envisioned a situation whereby statehood would have been achieved and the Secretary of the Interior would then have acted unilaterally without awaiting legislative or judicial consideration.

Mr. President, the legal position of the Secretary of the Interior comes down to heedlessness of the following authorities:

First, there is heedlessness of the Alaska constitution, which prohibits exclusive right of fishery, bans all fish traps, and provides for common use of natural resources.

Second, there is heedlessness of section 1 of Public Law 85–508, the Statehood Act, in which Congress "accepted, ratified, and confirmed" the constitution of Alaska.

Third, there is heedlessness of Hynes against Grimes Packing Co., in which the Supreme Court of the United States held that the White Act bars an exclusive irrevocable right to fish commercially in an area designated as a reservation by the Secretary of the Interior. That case, says the Department of Justice, "establish(ed) that the Alaskan Indians have no compensable claims to a right to fish, which is applicable as well to the Eskimos and Aleuts."

Fourth, there is heedlessness of the second Tee-Hit-Ton case, which held, as the Department of Justice notes, "that the Indians have not since the acquisition of Alaska acquired the right to fish, by immemorial usage or otherwise, against the Government."

Fifth, there is heedlessness of the Court of Claims decision of October 1959, in the Tlingit-Haida case, in which the Court described the Indians' fishing rights in the area they once used and occupied to the exclusion of all others as an "asset lost."

Sixth, there is heedlessness of the Senate committee report and the House committee report which indicated that the question of compensable claims was left by the Statehood Act in exact status quo.

Seventh, there is heedlessness of the prohibition in the White Act against exclusive or several rights of fishery, a prohibition which the Supreme Court has found bars exclusive rights in native communities, as well as in other parties.

Eighth, there is heedlessness of the first proviso in section 4 of the Statehood Act itself, which, as the Department of Justice said, made "it clear that native claims are to remain unaffected by the act."

Ninth, there is heedlessness of the White Act provision allowing the Secretary of the Interior to regulate only "for the purpose of protecting and conserving the fisheries of the United States in all waters of Alaska." The face of these proposed regulations concedes that their design is to help Indians assert conjectural claims, and are not designed to conserve natural resources. Incidentally, as I shall show later, these regulations do not make it easier for natives to assert their claims and cannot be justified by the proposition that they do.

Tenth, there is heedlessness of the equal footing doctrine of constitutional law, under which all States have equal political powers. This doctrine was cited by Mr. Justice Brennan in his opinion last summer in the consolidated Angoon, Kake, and Metlakatla cases.

Eleventh, there is heedlessness of the only judicial decision since statehood in which the question of Indian fishing rights was answered on the merits by a court. I refer to the opinion of Judge Kelly of the U.S. District Court for the District of Juneau, in the consolidated Angoon, Kake, and Metlakatla versus Egan, Governor of Alaska, cases. Judge Kelly referred to the equal footing doctrine and to the meaning of the statutory phrase, "Indian fishing rights." He held:

The new State of Alaska is entitled to such powers as have been given to all States by the Submerged Lands Act.

"Indian fishing rights" do not include the right to fish with forbidden gear or in a manner prohibited to other citizens of the State.

No property right exists in fish traps and their use has been legally prohibited in the State.

The "equal footing" clause has long been held to refer to political rights and to sovereignty and to have a direct effect on certain property rights, and the question arose early in controversies between the States and the Federal Government as to ownership of the shores of navigable waters, and it was held that to deny to the States, admitted subsequent to the formation of the Union, ownership of this property, would deny them admission on an equal footing with the original States. *Pollard's Lessee* v. *Hagan* (44 U.S. 212, 228–229) and cases cited.

Upon the admission of a State to the Union, the title of the United States to lands underlying navigable waters within the State passes to it as incident to the transfer to the State of local sovereignty and is subject only to the paramount power of the United States to control such waters for purposes of navigation in interstate and foreign commerce. *United States* v. *Oregon* (295 U.S. 1, 14).

The lands on which the fish traps are to be moored are tidelands or lands underlying inland waters, and subject to the authority of the State to regulate fishing.

Judge Kelly held that the White Act prohibits exclusive right of fishery, as the Supreme Court decided in the Hynes case.

The proposed regulations, Mr. President, disregard completely the opinion of Judge Kelly. In an apparently apologetic statement, the Secretary is quoted in the April 7 press release as following "the best legal advice I have been able to obtain from the Department of Justice and the Department of the Interior. Under the circumstances, I have no alternative but to permit these natives to operate the traps if they choose to do so." Mr. President, I can hardly imagine better legal advice than that which the judge of the District Court for the District of Juneau has already given the Secretary. The opinion is at 174 Federal Supplement.

The Interior Department's press release made brief reference to the opinion of Mr. Justice Brennan who, between sessions of the Supreme Court, restrained the State of Alaska from interfering with the fish traps of Kake, Angoon, and Metlakatla. It should be emphasized that Mr. Justice Brennan made no determinations of the legal questions involved. He balanced the hardships, and held that the restraining order would prevent hardship to the communities. Why? Because, he said:

The communities have prepared for this (1959) season in reliance on the Secretary of Interior's opinion that, despite the State statute, they would be able to use their traps as authorized by him, and it is alleged that it is now impossible for them to conduct a successful operation without the traps. It is further alleged that without a successful season this year the three communities will be unable to sustain their economy and will default on their obligations to the United States to make repayment for their fishing and cannery equipment purchased for their use by the Federal Government.

He found that no corresponding hardship would accrue to the State of Alaska by the granting of the restraining order, and said "the questions proposed to be presented for review by this Court"—that is, the questions upon which Judge Kelly had passed—"are of such significance and difficulty that there is a substantial prospect that they will command four votes for review." Judge Kelly was never overruled, and his opinion remains the substantive law statement on the subject today, notwithstanding the decision by the Secretary of the Interior to disregard it.

The Secretary of the Interior's press release attempts to justify these proposed regulations on the ground that they make it possible for the natives to litigate any rights that they may have. Quoting the release:

"Furthermore," Secretary Seaton said, "I would not eliminate the rights of any native by administrative action without giving him his day in court. These native people have taken their cause to the highest Court in our land and I am not going to act so as to deny them the very rights they seek to protect."

The fact is, Mr. President, that with or without the regulations of the Secretary, the communities concerned can obtain injunctive relief, if relief should be warranted, from the enforcement by the State of the fish trap ban. The Supreme Court, in the Hynes case, noted that

normally courts will not restrain the enforcement of the criminal law. But the court held:

> If respondents show that they are without an adequate remedy at law and will suffer irreparable injury unless the enforcement of the alleged invalid regulation is restrained, a civil court will enjoin. While ordinarily criminal prosecutions will not be restrained even under an invalid statute, a civil action will lie in exceptional circumstances that make an injunction necessary to effectually protect property rights.

So, Mr. President, any desire of these communities to have their day in court can be satisfied without the regulations proposed by the Secretary. Further indication of this fact is found in the opinion of Mr. Justice Brennan, whose grant of the restraining order against State enforcement was made upon the time-honored principle that equity will balance hardships and will avoid irreparable injuries. Indeed, Mr. President, if I believed that the regulations were necessary to preserve to the Indians the right to litigate, I would not criticize the regulations as I do today. My position dates back to my support of section 4 in the Statehood Act, section 11 of the Alaska constitution, and my statement of November 10, 1944. Nothing should be done to foreclose the right to litigate. I introduced the act of June 4, 1945, extending the time within which the Tlingit and Haida Indians of Alaska could file suits for compensation. The 1945 statute made possible the October 1959 decision of the Court of Claims. Senators are familiar with my bill in this session of Congress, S. 3345, which would compensate the Yakutat local community for takings subsequent to 1952. In my statement of November 1944 I said this:

> There is another way, a better way, to redress whatever wrongs may have been done. That is through presentation of claims for damages to the Court of Claims or other court of competent jurisdiction. As Delegate I shall stand ready to introduce and work for the passage of whatever legislation may be required to get the matter before a court.
>
> Then, if the court makes an award and Congress passes the necessary appropriation bill—as it surely would—we shall have gained a common objective without the objectionable features of reservations. That, in my judgment, is the proper manner to settle this matter. It is the manner endorsed by many prominent native leaders who see disaster lying ahead for their race if they become reservation people.
>
> This would permit, and in truth encourage, a common solidarity as between the whites and the natives. It would make it possible to lift eventually the sheltering hand of the Federal Government from the native people.

Clearly, Mr. President, the Secretary's regulations add nothing to the right to litigate, a right which is inherent, a right which I endorse.

Reduced to its essentials, the position of the Secretary is that section 4 is the source of fishing rights, in spite of all of the authorities mentioned above. Such a construction of the section contravenes the language and the legislative history I have mentioned.

Mr. President, the Secretary of the Interior has expressed reliance upon the White Act, and the Statehood Act, for his authority to promulgate regulations. I believe I have demonstrated how flimsy his basis for these regulations really is, with regard to the Statehood Act, and how contrary to the spirit of the White Act is the substance of the regulations.

Turning now from the legal aspects to the policy aspects, I want to emphasize the practical consequences of the Secretary's proposed regulations. The practical consequences will be to set Alaskan against Alaskan and to make more difficult the State's conservation efforts. The State will be in the position of requiring certain people to obey State regulations, while other people will assert immunity from them—on the basis of race. Can one imagine an atmosphere more unlikely to promote that voluntary cooperation and community understanding upon which fishery regulations so largely rely for their effectiveness? State efforts to conserve the fishery resource will be thwarted, if the Secretary's regulations go into effect. The Secretary may say he envisions cooperative effort between his agents and the Governor's agents. Be that as it may, the State will have a hard time persuading nonnative fishermen to obey State regulations which adjacent native fishermen are encouraged to flaunt.

Mr. President, I ask unanimous consent that a statement issued by the attorney general of Alaska, relating to enforcement problems, be inserted in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT FROM THE OFFICE OF THE ATTORNEY GENERAL, HON. JOHN L. RADER, APRIL 14, 1960

This office has received a set of the proposed Indian fishing regulations issued by Secretary of the Interior Fred A. Seaton and recently published in the Federal Register. All interested parties, according to the notice, are given 30 days from date of publication, which we understand was approximately April 7, 1960, within which to register objections with the Commissioner, Bureau of Indian Affairs, Washington, D.C.

Although the proposed regulations have only recently been received by the State government and are under study by the departments of law and fish and game at this time, it appears that on the basis of race, the regulations purport to exempt persons of Indian or native blood from State fish and game regulations at the option of the Secretary of the Interior, in some areas and for some purposes.

The Karluk fishery of Kodiak Island has been open to natives and whites alike as have all the rest of the fishery resources of Alaska for many years. However, Secretary Seaton's proposed regulations purport to now give these fishery resources exclusively to persons of Indian blood in Karluk. In the past years it is estimated that approximately 50 to 100 non-Karluks have fished in the area to every Karluk. The non-Karluks, under the Secretary's regulations, will now be excluded, and the Karluks exempted from State licensing.

In southeastern Alaska the Secretary has blocked off a great area of water which extends from Magic River south to Juneau through Stevens Passage and Frederick Sound south to approximately Petersburg. He has blocked off another area of water extending from Tenakee Inlet south to where Chatham Strait joins Frederick Sound, and including within this body of water Peril Strait and the various arms and bays connected to the same. For Metlakatla the Secretary has blocked off an area of water extending from the southern tip of Cleveland Peninsula (which is 10 or 15 miles northwest of Ketchikan) south to the international boundary between Canada and the United States at Dixon entrance. This includes waters both north and south of Ketchikan, although it does not include the waters immediately adjacent to that city.

The proposed regulations provide that "the native Indians and Indian villages of Alaska shall be governed by these regulations in the waters where they apply or by the regulations of the State of Alaska, whichever are least restrictive to their fishing operations."

Within the bodies of water in southeastern Alaska above described, the Secretary has designated 11 fish trap sites to be operated by Kake, Angoon, and Metlakatla. These are the same 11 that were operated in 1959. However, in addition to this the Secretary has also designated an additional 10 trap sites within the bodies of water described which will be fished in the future at the option of the Secretary of the Interior—regardless of the State fishing regulations or conservation efforts.

The only intent and meaning which we can place upon these regulations of the Secretary is that if and when the people of Alaska, white and native alike, restrict their gear and their fishing efforts to conserve our fisheries and rebuild them, then as they are rebuilt the Secretary will authorize additional traps to be fished. He has already blocked them out. This is asking the fishermen of Alaska to restrict their gear and open periods so that fish traps can be used as an instrument of discrimination to catch the increased fish which may result from their sacrifices in the interest of conservation.

The Federal Government has controlled the fisheries of Alaska from the date of purchase from Russia until the present time. The fisheries resources of Alaska have practically been destroyed by Federal mismanagement and the Department of the Interior. Secretary Seaton has stated in the past that there was no conservation problem with fish traps, and his recorded statements in congressional hearings and otherwise indicate that he refused to abolish fish traps on the grounds of conservation prior to statehood.

Secretary Seaton in his regulations not only mentions Indian villages but also "native Indians." According to the last decennial census approximately half the Alaskans in the fishing industry are natives. The Secretary in effect is claiming that because of race, he has a right to continue, through a Federal bureaucracy, to control Alaska fisheries after statehood even though the State was supposed to have received complete control of its fisheries January 1, 1960, under the Westland proviso of the Statehood Act. Every fisherman knows that conservation methods cannot be effective if applied to only half the industry. This attempt to retain control of Alaska fisheries is against the constitution of the State of Alaska, against the interests of the people of Alaska, both native and white and, we believe, against the fundamental law of the United States which says that every State is equal in its sovereignty over its waters and its control of its fisheries, and that no resource can be taken from the people as a whole and given to any group as a special privilege, particularly when the basis for the discrimination is race, creed, or color.

We hope Secretary Seaton will reconsider his position and that the proposed regulations will not be adopted after he hears from Alaskans, native and nonnative alike.

Mr. BARTLETT. Nor, Mr. President, are the practical problems confined to the commercial fishery of Alaska. Section 88.7, which would allow natives in Alaska to fish for personal use "except in those waters where the State of Alaska has determined that a complete prohibition on all fishing is necessary to prevent the destruction of existing salmon or other fish populations," threatens the integrity of the State's efforts to achieve a sound program of regulation for the great sport fishing of Alaska. Section 88.7 appears to place the State of Alaska into the dilemma of having to deny sport fishing to all, or of having to try to regulate the sport fishing of nonnatives while natives enjoy immunity from State regulations. Obviously, no sound conservation program, consistent with recreational use, can be established under such handicaps.

Mr. President, the abolition of fish traps and the prohibition against exclusive rights of fisheries have been the desire of an overwhelming number of Alaskans. I ask unanimous consent that a table showing the votes of the 1956 referendum, with percentages, be inserted at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Alaska referendum, 1948

	For traps	Against traps
1st division	1,113	7,179
2d division	821	1,151
3d division	262	7,227
4th division	428	2,665
Territorial total	2,624	19,712

1948 votes on fish trap ban—Angoon, Kake, Metlakatla precincts

	For traps	Against traps
Angoon	9	41
Kake	6	122
Metlakatla	28	112

Alaska referendum, 1958

	For	Against	Percent	
			For	Against
Approval or proposed State constitution	17,447	8,180	68	32
Absolute ban on fish traps	21,285	4,004	84	16
"Alaska-Tennessee plan"	15,011	9,556	61	39

1958 votes on fish trap ban—Angoon, Kake, Metlakatla precincts

	For traps	Against traps
Angoon	14	84
Kake	21	137
Metlakatla	65	68

Mr. BARTLETT. Mr. President, I ask unanimous consent that materials showing examples of the historic opposition of natives in Alaska to traps and exclusive rights of fishery, be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESOLUTION No. 64—FISH TRAPS

Whereas this organization has for many years taken a definite and consistent stand against the use of driven pile and floating fish traps in Alaskan waters; and

Whereas Alaska as a whole has by official referendum vote in the last territorial election confirmed and proclaimed its will by an overwhelming vote in favor of the abolition of fish traps and asking for appropriate legislation: Therefore be it

Resolved, That this convention urge immediate enactment of such laws and that it be done at the earliest possible date and this organization continue to work with other Alaska organizations on the problem and that the ANB Fisheries Committee be instructed to continue their work as authorized and instructed by the grand camp; and be it further

Resolved, That copies of this resolution be sent to the House Merchant Marine and Fisheries Committee, to appropriate Senate committees, to the Honorable E. L. BARTLETT, and that the grand officers be authorized to send copies to other interested organizations and other Government officials deemed appropriate.

Adopted November 18, 1949.

Attest:

LESTER ROBERTS,
Alaska Native Brotherhood.

ABOLITION OF ALL FISH TRAPS

(Resolution 64-98, introduced by Klawock Camp No. 9 convention at Yakutat, November 9-14, 1959)

Whereas the native peoples of Alaska, through their officially recognized organization, have consistently opposed the use of fish traps in Alaskan waters; and

Whereas their opposition to these fish traps is in no way contrary to the State constitution of Alaska: Therefore be it

Resolved, That this convention of the Alaska Native Brotherhood and the Alaska Native Sisterhood reiterate our stand for complete abolition of traps, and that a copy of this resolution be directed to the Governor of Alaska.

AL WIDMARK,
Grand President, A.N.B.

Attest:

C. E. PECK,
Grand Secretary, A.N.B.

Mr. BARTLETT. These tables and documents indicate that the people of Alaska want no part of exclusive or several rights of fishery, and no part of fish traps. Our Constitution reflects this. We can only regard the promulgation of the Secretary's regulations as an interference by the Federal Government with local affairs in Alaska.

The people of Alaska, Mr. President, want—as our Constitution expresses it—a society in which "all people are equal and entitled to equal rights, opportunities, and protection under the law; and all persons have corresponding obligations to the people and to the State."

We want—as our Constitution expresses it—a State in which "no person is to be denied the enjoyment of any civil or political right because of race, color, creed, or national origin."

The action of the Secretary of the Interior, in promulgating these regulations, strikes at the Alaska concept of a society of political equals. Under the Secretary's hypothesis, one group of Alaskans will be subject to State laws and regulations and another group of Alaskans will be immune from them. Indeed, the Secretary's hypothesis appears to seek the division of Alaskans into at least three groups—the nonnative group, the Angoon-Kake-Metlakatla group, and the non-Angoon-Kake-Metlakatla native group. The Secretary's policies cut at the heart of Alaskans' desires for a community of political equals.

Mr. President, the Department of the Interior has taken a position which goes far beyond the question of fish traps, and far beyond the question of fisheries. If section 4, and all of the statutory and judicial authorities I have mentioned, are used by the Secretary as empty vessels into which he can pour anything he desires, we may face regulations involving lands and minerals, promulgated by the Secretary, and treating Indians, Aleuts, and Eskimos on a far different basis—without reason or basis in sound policy or tradition—from other Alaskans. Section 4, of course, speaks not only of fishing, but of property in general.

These considerations bring the problem into its national focus. Here is the Secretary of the Interior borrowing the doctrine of interposition, to encourage resistance to State laws and regulations. Here is the Secretary of the Interior creating difficult problems in the enforcement of the conservation laws, and contributing nothing to the well-being of any native or native community whose special rights, if any there be, are protected amply in the absence of Federal regulations. The language of section 4 of the Statehood Act is similar to, and based upon, language in previous statehood acts. For example, I refer to section 4 of the 1889 enabling act for North Dakota, South Dakota, Montana, and Washington, to section 25 of the Oklahoma Enabling Act of 1906, and to section 3 of the Utah Enabling Act of 1894. Yet the Secretary of the Interior undertakes action in Alaska which, as far as I know, is quite without precedent, and relies upon a statutory provision based upon similar provisions in previous statehood acts.

Mr. President, I do not propose, and I am surely not qualified, to argue the forthcoming Supreme Court case here on the Senate floor. The State of Alaska will be ably represented. It may be that the Secretary's position will be sustained in whole or in part. For example, the possibility is recognized that Metlakatla may stand on separate legal footing. But the Secretary is acting now, before the Supreme Court has heard the case, when virtually all of the authorities and all of the decisions, statutes, and legislative history, point the other way. He is taking serious action on the basis of conjecture, on the basis of a legal argument which Mr. Justice Brennan could only say is not "frivolous or even implausible," but which he noted would raise "questions as to the constitutionality under the 'equal footing' doctrine." Is it the duty of the Secretary of the Interior, in the face of all of the legislative history and legal authorities I have

have cited, and more besides, to anticipate the resolution of conjectural issues? Assuming some doubt about these legal issues, should the Secretary not have awaited judicial determinations before plunging into the matter as he has, with divisive effects in Alaska?

There is sad irony in the fact that more than a year after statehood, and under a national administration which grinds out of thousands of mimeograph machines its statements against centralized government in Washington, the people of Alaska are subjected to the forceful intrusions of a far-distant executive.

Mr. President, I ask unanimous consent that an editorial entitled "Last Fish Trap Battle Centers on Alaskans," from the Anchorage Daily Times of Friday, May 29, 1959, be inserted in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LAST FISH TRAP BATTLE CENTERS ON ALASKANS

Alaskans have tried for a generation to get rid of fish traps. They have always been opposed by the powerful, rich salmon packers who owned most of them.

Today the Alaskans are on the verge of winning their long war. Fish traps are outlawed under the constitution of the new State. Fish traps are banned under orders from the Governor forbidding the issuance of licenses for them. Fish traps are illegal under State statutes that make it unlawful to build, operate or maintain a trap on State-controlled lands. The tidelands are owned by the State and traps must be on them.

Under this barrage of law, regulation and the prevailing sentiment in Alaska, the powerful, rich salmon packers who proved invincible for so many years, have been vanquished. They know traps are doomed.

But the trap argument is still with us. And who is defying the law? Alaskans. Alaskans are now having trouble with Alaskans in getting rid of traps.

In southeastern Alaska there is an Indian community on Annette Island. It is Metlakatla. This community is one of the finest, most advanced, and picturesque communities of Indians in all of Alaska. The people there own and operate many enterprises, including salmon packing facilities. They own, as a community, four fish traps that operate in connection with their cannery.

The superintendent has announced that they will operate their traps in defiance to the law and admonitions from the Governor to abandon them. He contends that the State cannot abrogate the right of the Indians to operate traps.

Two other Indian communities, Angoon and Kake, may also defy the law by operating traps.

The issue is based on the fact that the Secretary of the Interior exempted Indian-owned traps from his order abolishing traps. The State contends that there is no exemption under State law or State regulations.

So now the long trap fight has veered around to the point where it is Alaskans versus Alaskans instead of Alaskans versus outsiders. The Governor has indicated that every legal means available to the State will be used to enforce the law forbidding traps.

It is understandable why the perpetuation of the traps is desirable from the point of view of the operators. Traps are the most efficient method of catching fish.

But the stand of the trap operator in defiance to the law and the Governor appears to be untenable. It seems to be based on the premise that traps are bad only when they are owned by salmon packers who reside outside of Alaska, and that they are not bad when they are owned by Alaskans.

The arguments against traps have never been based on such a point. Alaskans have become convinced that traps are bad in that they deplete the salmon resources, damage or kill fish even when they are not operating, prevent effective administration of conservation measures.

Alaskans wrote into their State constitution a blanket prohibition against traps, without mentioning the matter of ownership.

The Governor is right in his forthright stand in opposition to the proposals from Metlakatla or any other village. He has no authority to exempt any traps. Neither can he ignore the problem that has been raised, unless he is willing to be unfaithful to his oath of office.

Metlakatla is a fine community made up of fine people. All Alaskans are proud of them and their great achievements. It is unfortunate that they must lose their traps under the new laws, but it is inevitable.

INCORPORATION OF INDOOR SPORTS' CLUB, INC.

Mr. HUMPHREY. Mr. President, there is a dramatic story of individual courage being written every day in every corner of this Nation by thousands who are leading productive and satisfying lives despite physical handicaps. Many thousands of these men and women are not only personally independent but are supporting families and have as well extraordinary records of community service.

The physically handicapped seek opportunity to prove themselves on their own abilities. Industry after industry across the Nation has testified with open admiration of the contributions of physically handicapped employees to the production and the morale of their organizations.

The Indoor Sports' Club is an example of the determination and ability of the physically handicapped to help themselves despite seemingly overwhelming odds. The club is an international club for the physically handicapped which was founded in 1930 in California as a nonprofit, cooperative organization to create educational, economic, and social opportunities for its members.

The Indoor Sports' Club now has grown into an organization of more than 3,000 members in the United States, Canada, and Great Britain. The club works through all civic, religious, social, and fraternal organizations to bring about a better understanding and acceptance of the abilities and the needs of the physically handicapped.

Working together, with limited resources, using their ingenuity to overcome all sorts of handicaps, the Indoor Sports' Club is an excellent example of the dramatic change in the situation of the physically handicapped—largely through their own determination—during the past few years.

Mr. President, because of the very real contribution of the Indoor Sports' Club to the present and future of our Nation, I introduce for appropriate reference a bill to federally charter the Indoor Sports' Club.

I ask unanimous consent that a brief résumé of this club's background, purpose, activities, and qualifications for membership, entitled "Meet the Indoor Sports," be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the résumé will be printed in the RECORD.

The bill (S. 3390) to incorporate the Indoor Sports' Club, Inc., introduced by Mr. HUMPHREY, was received, read twice by its title, and referred to the Committee on the Judiciary.

The résumé presented by Mr. HUMPHREY is as follows:

MEET THE INDOOR SPORTS—AN INTERNATIONAL CLUB FOR THE PHYSICALLY HANDICAPPED

Founded in California in 1930 as a nonprofit organization and incorporated in the State of California in 1936, the Indoor Sports Club started primarily as a small local organization for the seriously physically handicapped. Within the past 8 years it has grown into a club of more than 3,000 members in all sections of the United States, Canada, and Great Britain. Its purpose is to encourage and provide opportunities for an active social and business life for the physically disabled. It believes in cooperation between all civic, religious, social, and fraternal organizations to bring about a better understanding and acceptance of the seriously physically handicapped by the able-bodied.

It pledges to support all legislation which gives the disabled better opportunities for adequate rehabilitation and employment and at the same time, supports programs which would raise the present submarginal welfare benefits now generally given to the forgotten minority, those citizens whose total and permanent disabilities are of such a serious nature that they cannot now, and never will be, employable. It actively encourages a greater number of disabled to become gainfully employed citizens, taking part in all phases of community life. It has shown to the heads of the Nation's businesses that physically handicapped persons make better than average employees and can be productive, taxpaying citizens if given a fair opportunity.

Membership is composed of all seriously disabled persons of any age and of all types of disabilities: Illness, war and accident victims, blind, disease, congenital handicaps, etc. Their main purpose is to prove that the physically handicapped, through association, can achieve happiness and a full and useful life, even after seemingly insurmountable tragedy has struck.

In the recent past, most so-called shut-ins were only folks who were shut out, because either they themselves or their families do not realize that practically all of the social and business activities of the able-bodied are open to them. The scope and importance of the club, based upon "ability, not disability," has given its thousands of members a new start. They do not ask for charity, only an opportunity to prove themselves. Besides helping each other, they volunteer for community services in many ways.

The club's individual member's greatest desire is to be treated as a person, not as a poor, dear cripple. Many are no longer content to sit on the sidelines, accepting outmoded labels such as shut-ins, unfortunates, cripples. Carrying forward this program is the club's twofold purpose: (1) To prove that physically handicapped persons are fully capable of leading a productive and full life; (2) to educate the public that the disabled can, if given a fair chance, compete with others toward a goal of economic self-sufficiency.

HOW CHAPTERS OPERATE

Each individual chapter of the club is a self-governing unit, both financially and in determining its own social activities. Working under the framework of bylaws approved by the district and national organizations, the number of members in different chapters varies from 15 to 20 in smaller groups up to 150 and more.

The various chapters elect their own officers, hold meetings, plan social activities, promote jobs for handicapped, and take part in community life. The Indoor Sports' Club is really a way of life for its members, for they do care what happens to others. The comradeship they offer each other has paid off in many ways.

The success of the Indoor Sports' Club is due mainly to the untiring efforts of national, district, and chapter officers and other members, all of whom give their services without monetary compensations. In many cases, this proves to be a full-time job. The club has no paid employees, rents no offices (the homes of members serve for this purpose). Nonetheless, the club is a project for disabled the country over, a project which is becoming more and more important with each passing year.

MEMBERSHIP QUALIFICATIONS

Membership in the Indoor Sports' Club, Inc., and the chapters thereof shall be confined to physically disabled persons who have been so disabled for at least 6 months.

The term "physically disabled person" shall be defined as persons who—

1. Are confined to bed or wheelchair the majority of the time or require the use of a mechanical aid.
2. Require the assistance of at least one other person to get about.
3. Have lost, or lost the use of, a limb or the major part thereof.
4. Have a severe visible physical disability to the extent that they feel out of place in an able-bodied world.

CATHOLIC COLLEGE STUDENTS PROTEST DISCRIMINATION

Mr. HUMPHREY. Mr. President, I have previously expressed my sympathy with the peaceful protests of southern Negro students seeking equal rights with their fellow citizens. I have received a resolution adopted by the three universities and six colleges that comprise the Confederation of Northwest Catholic College Students during their spring meeting March 24–28, 1960.

Mr. President, I ask unanimous consent that this resolution of sympathy and cooperation of these students from the Northwest with their fellow students be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE CONFEDERATION OF NORTHWEST CATHOLIC COLLEGE STUDENTS

Whereas it is the general understanding of this confederation and of civilized society at large, that humanity, not color, ought to be the base for the rights and common privileges of men; and

Whereas this fundamental conviction of the American people is explicitly recognized in our Constitution, our laws, and our national public institutions; and

Whereas at this very time the Negro citizens of these United States residing in the States of South Carolina, Georgia, Alabama, and other Southern States are being denied the common right of common service in common public luncheon establishments of such chain stores as Kress, Kresge, and Woolworth, strictly on the grounds that they are of a different color than the greater part of their supposed fellow citizens: Be it *Resolved*:

1. That the express judgment of these confederations, of its members, student governments, and of its 9,000 individual members condemns and deprecates the intolerant and unjust discrimination practiced against the Negro fellow citizens of the aforesaid establishments.

2. That the confederation warmly commends the activities of the U.S. National Student Association (USNSA), the Congress of Racial Equality (CORE), the National Association for the Advancement of Colored People (NAACP), and the National Federation of Catholic College Students (NFCCS) in their efforts to end this continuing scandal of racial discrimination.

3. That the CNCCS administration write a syndicated article in the campus newspapers of all CNCCS member schools publicizing and explaining the judgment of the confederation on this subject.

4. That the CNCCS senior delegates on each campus be recommended to seek publication in his diocesan paper of an article explaining and publicizing the judgment of the confederation on this subject.

5. That the CNCCS president send to the Governors of Georgia, Alabama, South Carolina, and other affected Southern States a letter expressing the confederation's position.

6. That this confederation congratulates and supports the courageous efforts of the students of certain southern colleges listed below to effect through peaceful sitdowns at the aforesaid luncheon establishments a respect for their proper rights.

7. That copies of the present resolution be sent to the head offices or other branches of Kress, Kresge, and Woolworth stores or other companies practicing racial discrimination; to the presidents of USNSA, CORE, NAACP, NFCCS; to the Governors of the States aforementioned; and to the student body presidents of the colleges listed below:

Friendship Junior College, Rock Hill, S.C.
Morris College, Columbia, S.C.
South Carolina State College, Orangeburg, S.C.
Chaffin College, Orangeburg, S.C.
Morehouse College, Atlanta, Ga.
Clark College, Atlanta, Ga.
Morris Brown College, Atlanta, Ga.
Spelman College, Atlanta, Ga.
Interdenominational Theological Center, Atlanta, Ga.

THE RULE OF LAW

Mr. HUMPHREY. Mr. President, I invite the attention of Senators to the recent radio broadcast by Edward P. Morgan in which he deplored what he called our "fingers-crossed adherence to the World Court," and suggested that we could really prove to the world that we believe in the rule of law by passing Senate Resolution 94, a resolution submitted by me.

There are a few passages which I particularly want to underline:

As it is, we recognize the World Court only if we choose to. Can you imagine the chaos our domestic society would be in if every citizen took the same attitude about justice—and got away with it? There are powerful and respectable forces, however, working in favor of our realistic acceptance of the World Court and eventually the Senate will have to face the issue. In trying to quiet the roar of history a little, the West is concerned, as it should be, about getting from the Russians an enforcible ban on testing of nuclear weapons as a prelude to broader disarmament. But as we probe them for evidence of sincerity and trust, let us probe ourselves, and just as deeply, for the same things.

Mr. President, I ask unanimous consent that the commentary of Edward P. Morgan of March 30 be printed at this point in the RECORD.

There being no objection, the commentary was ordered to be printed in the RECORD, as follows:

COMMENTARY BY EDWARD P. MORGAN—AMERICAN BROADCASTING CO.

If we Americans would apply the same measure of skepticism to our own motives and sincerity on international issues as we apply to those of the Russians we could see more clearly the obstacles in the path of progress. We talk a great game of global cooperation but in a pinch we can be just as lopsided in our reservations as the next country.

A vividly discouraging example of this arose in the Senate Foreign Relations Committee yesterday. By a vote of nine to seven the committee postponed indefinitely action on a proposal by which the United States would pay more than lipservice to the principle of accepting the jurisdiction of the World Court. As it is, we recognize the court only if we choose to. Can you imagine the chaos our domestic society would be in if every citizen took the same attitude about justice—and got away with it?

There, of course, is the key to world crises. You ignore a sheaf of traffic tickets and sooner or later you're hauled into court. Even States can be sued. But national governments defy the law and get away with it. One of the motiwating forces behind the founding of the U.N. was the concept of extending the rule of law to international disputes. A new World Court was created in the U.N. Charter. The United States hailed it but our adherence to it is a joke because of a loophole the Senate made in 1946 called the Connally amendment. This stipulated, in effect, that the United States, not the Court, would decide what disputes involving us the Court would have jurisdiction over. This is a little like a defendant in a lawsuit calling up the judge and saying "sorry, this is none of your business."

Yesterday's postponement was of a resolution by Senator HUMPHREY to remove our fingers-crossed adherence to the World Court by not insisting on deciding ourselves what were matters for purely domestic jurisdiction. The Senate greeted the action, or rather, inaction, with a sigh of relief. It has already been emotionally exhausted by the civil rights debate and it did not want to face another passionately divisive argument. "It's just too hot to handle," one Senator confessed. Presumably he was referring to the apoplectic opposition of right-wing so-called patriotic groups whose nationalism often verges on the violent.

There is a crushing irony to this spectacle: the greatest deliberative body in the world too tired to grapple with an issue on which a system of world order dangles because it had spent itself fighting the Civil War all over again. The administration was for the Humphrey resolution but that didn't stop five Republicans from voting decisively against it.

There are powerful and respectable forces, however, working in favor of our realistic acceptance of the World Court and eventually the Senate will have to face the issue. One of the most active supporters of the World Court is the American Bar Association's committee on world peace through law, largely inspired by Washington attorney Charles S. Rhyne when he was president of the ABA in 1958.

"The basic ungrasped fact of our time," Rhyne has said, "is that the lack of the rule of law in the world community is today the greatest gap in the growing structure of civilization." Urging a strengthened

World Court, Rhyne emphasizes that "law" and "courts" are "universal terms all men comprehend."

"As we listen to the roar of current history," he argues prophetically, "it is absolutely clear that mankind—men, nations and races—must learn to live together or else see civilization as we know it perish in the senseless devastation of war."

In trying to quiet the roar of current history a little, the West is concerned, as it should be, about getting from the Russians an enforcible ban on testing of nuclear weapons as a prelude to broader disarmament. But as we probe them for evidence of sincerity and trust, let us probe ourselves, and just as deeply, for the same things.

This is Edward P. Morgan saying goodnight from Washington.

Mr. HUMPHREY. Mr. President, I regret that the Committee on Foreign Relations saw fit not to report the resolution, at least at this time. I hope that later on the committee will find it possible to report it.

THE WORLD COURT

Mr. HUMPHREY. Mr. President, in three excellent editorials the Denver (Colo.) Post, the Baltimore Sun, and the Norfolk Virginian Pilot have warned against further delay in rescinding the U.S. reservation to its adherence to the Statute of the World Court, lest we permanently endanger the possibility of building a workable system of international law.

I compliment the editors of these newspapers upon their editorials. I encourage Senators to read every word contained in them, because I think the subject matter of the editorials points the way to a more peaceful world, one in which there will be a possibility for justice to triumph over the rule of force.

Mr. President, I ask unanimous consent that the three editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Denver (Colo.) Post, Apr. 5, 1960]

WORLD COURT ISSUE TOO HOT?

The Senate Foreign Relations Committee by a 9–7 vote has postponed indefinitely its consideration of proposals to repeal the Connally amendment which restricts our participation in the World Court.

This existing law says that the United States can judge for itself what it considers to be a domestic issue, and can refuse to let an issue so self-judged be presented to the World Court.

Consequently, nations with whom we might have litigation can take the same privilege of self-judgment.

As a result, very few of our international issues can be brought before the Court.

This year the American Bar Association, the Republican administration through statements by both the President and Vice President, and influential Democratic Senators such as HUBERT HUMPHREY, of Minnesota, and WILLIAM FULBRIGHT, of Arkansas, chairman of the Foreign Relations Committee, have spearheaded a drive to repeal the Connally amendment.

The gist of their case is that we had better practice what we preach about good international relations and the rule of law between nations.

They argue that the United States has little to fear because of the justice of its causes, and much to gain through strengthening international law, by agreeing to let the World Court itself decide when a case has sufficient international import to come before it.

How, they argue, can we say we stand for a system of international law if we at the same time insist on being the sole judges of our own conduct?

Unfortunately those forces in our society that think of themselves as super-Americans, afraid to yield the slightest degree of our sovereign national power to do exactly what we please, have scared the Senate into thinking, as one committee member put it, that the World Court issue is "too hot to handle."

Of the nine Senators voting to postpone action on the measure, five were Republicans. Only one Republican, Senator GEORGE AIKEN, of Vermont, voted to bring the issue to a test now.

The disparity between the strong efforts of Vice President NIXON to urge repeal of the Connally amendment and the failure of GOP Senators to back him on this crucial vote has already been noted by his Democratic opponents who promise it will be a campaign issue.

The average citizen must hope that the Senators will reconsider and push the resolution to a vote, and that they will turn a deafer ear to the minority that thinks this matter is so "hot."

Actually the only thing that is too "hot" for our modern world is the prospect of a breakdown in the international machinery that might help nations adjust their differences peaceably.

The World Court is one such instrument. We should be doing everything in our power to strengthen it if we really think international law, however imperfect, is a better long-run hope than the old rule of bluster and force.

[From the Norfolk (Va.) Virginian Pilot, Apr. 3, 1960]

THE REIGN OF LAW CONTINUES HOBBLED

The Senate Foreign Relations Committee voted by 9 to 7 on Tuesday to postpone indefinitely any consideration of the Humphrey resolution to repeal the Connally amendment of 1946 which limits American participation in World Court cases.

The limitation is that the World Court cannot hear any case involving the United States which the United States says is domestic. This seemed necessary in 1946 when participation in the World Court was first being considered. Fears were expressed then that we should be entrusting matters we regarded as of vital importance to a group of foreign judges. So the practical Senator Connally, then chairman of the committee, proposed the limitation that bears his name.

It worked. It worked so well that the World Court has deteriorated far below hopes that were held out for it. If a government like that of the United States has the power to say whether it will permit cases in which it is interested to be heard, then other governments must have the same power. In direct consequence the World Court is, on its record, a feeble institution.

The resolution to lift this restriction carries the name of its introducer, Senator HUMPHREY, but President Eisenhower has supported and asked for its passage. Vice President NIXON has favored the Humphrey resolution. The State Department has favored it. Why has the committee turned it down?

Primarily because Americans live in the cold war era and are suspicious of losing any degree of their sovereignty. Secondarily because the issue is charged with emotion, as the Foreign Relations Committee has found out from bales of pressure thrown against it. At a time when the civil rights issue has already made half the Senators nervous and jumpy at any sound louder than a whisper, not many of them want to plunge into another hard struggle in which charges of lack of patriotism would certainly be thrown around.

The more's the pity. The real potentialities of the World Court are impossible to measure because it has never had a fair chance. It has been hobbled all its life. It will now continue to be hobbled. No doubt we shall get along by letting the crippled court deal with unimportant matters. But we shall not help—indeed, we shall hurt—any hope of strengthening international law. We shall set a bad example for other nations. And we shall imply a distrust of a judge because he is a foreign judge no matter what other qualifications he may have. In a less tense age Americans would not be acting thus.

[From the Baltimore (Md.) Sun, Mar. 28, 1960]

THE WORLD COURT

What kind of a judicial system is it under which one party to a dispute can say, "No, thanks, I don't think I will concede the jurisdiction of the court" and effectively block legal action? This is precisely the position of the United States with respect to the International Court of Justice, more familiarly known as the World Court. In adopting the so-called Connally reservation in 1946, the Senate reserved the right to determine what disputes affecting the Nation are "essentially within the domestic jurisdiction of the United States" and therefore not subject to court adjudication.

The Senate Foreign Relations Committee now has before it Senator HUMPHREY'S resolution repealing the Connally reservation. On present prospects, the votes to report it out of committee are available. But there is enough opposition within the Senate as a whole to make its passage questionable, and its backers may simply keep it in committee rather than risk a floor fight.

Some opponents of the resolution to repeal say the reservation would give the World Court jurisdiction over domestic American affairs. This the court is specifically forbidden to do and, in the words of an American Bar Association report last year, "The decisions of the court lead us to the conclusion that it has acted with conservatism and has given reason for confidence in its judicial standing, scholarship, and impartiality."

Others say there are Communists on the court. So there are. Two out of the total of 15. But as Senator HUMPHREY says, "I shall always be willing to settle for 13-to-2 ratio on what I believe is my side." Others foresee the court's handing down a decision which the United States considers absolutely intolerable. What then? In this highly unlikely case, the only enforcement agency provided is the United Nations Security Council—on which the United States possesses as large a veto as any of the other permanent powers.

Supporters of the Humphrey resolution to repeal the reservation have two important and wholly valid points. One is the need to encourage the peaceful adjudication of disputes which are of a justifiable character. By repealing the Connally reservation the United States would give such encouragement. Second, the Connally reservation actually weakens this country's position with respect to nations that claim no such right. For the statute of the court provides that every party to a dispute may assert each and every right its opponent has. Thus should this country bring suit, our opponent is also entitled to decide, unilaterally, whether the case is subject to the court's jurisdiction.

The Humphrey repeal resolution is backed not only by the Republican administration, but also by Democratic liberals; also by the American Bar Association and the League of

Women Voters. It is opposed by representatives of an emotional and vocal minority which seems to have the U.S. Senate scared half to death. Theirs is a counsel of fear and false pride, which Senators would do well to disregard.

CIVIL RIGHTS

Mr. HUMPHREY. Mr. President, recently the distinguished Governor of Michigan, the Governors or their representatives of 15 States, meeting in St. Paul, Minn., on March 3 and 4; and a group of public officials and private citizens participating in the Notre Dame University Civil Rights Conference thoughtfully considered the issue of civil rights.

The memorandum issued by Gov. G. Mennen Williams and the findings of the two conferences are excellent examples of the hard thinking and straight talking we must have throughout our Nation on this issue.

My good friend, Governor Williams, spoke of the Democratic Party and the American Negro and reminded all of us that the responsibility of our great Democratic Party is the same to all Americans.

Mr. President, these three statements set for us all clear, specific, and practical goals of equality in employment, housing, education, and voting rights for all our citizens. I ask unanimous consent, therefore, that "the Democratic Party and the American Negro," a memorandum by Gov. G. Mennen Williams, of Michigan, dated March 23, 1960, together with the appended findings of the Notre Dame University civil rights conference, February 14, 1960, and the summary of principles agreed upon at the third annual conference of the committee of Governors on civil rights, St. Paul, Minn., March 3 and 4, be printed in the RECORD.

There being no objection, the memorandums were ordered to be printed in the RECORD, as follows:

MARCH 23, 1960.

From: Gov. G. Mennen Williams.
Subject: The Democratic Party and the American Negro.

Recently I met with a group of distinguished Michigan Democrats, including a number of outstanding Negro leaders, to review ways in which our party could be of continued service to the people of the United States including Negro Americans. I believe that the consensus we reached at that discussion has relevance beyond Michigan's borders and therefore I am passing this summary on to you.

Naturally, the great question of equal opportunity—in voting, in housing, in employment, in education, in public accommodations—is top priority in the thinking of many Negroes on national issues, just as it should be top priority in the thinking of all Americans who understand the fundamental values of our heritage.

However, the mistake we often make is to assume that civil rights is a sort of hermit-issue, existing off in the woods someplace, in a social vacuum. Such is not the case. The essential problem of the Negro is not an abstraction called "civil rights." The Negro's problem is that he has all of the problems of the underprivileged groups in our society plus the race relations problem. Naturally, many of his housing, income, education and other problems stem directly from the race relations problem—but that makes them no less real.

Perhaps the most critical area of interest among Negroes is equal opportunity for decent and adequate housing. For most families, educational and economic attainments have as a principal objective the betterment of living conditions; and decent housing is an integral part of a family's living conditions. Yet, regardless of financial ability or educational accomplishment, Negroes are almost universally relegated to segregated, overcrowded, substandard housing. Housing is the only commodity Negroes cannot buy on the open market.

Therefore, Negroes couple an interest in providing equal opportunity in the sale and rental of housing with an interest in the availability of Federal funds for urban renewal and slum clearance, Federal guarantees of private loans, and the like.

The Negro knows that as a general rule he will be the first fired and the last hired. Therefore he couples an interest in Fair Employment legislation with a special interest in national economic policies which will speed up our growth and substitute a full-time full-employment economy for the periodic recessions which have characterized the Eisenhower era.

He knows that education and training which are restricted because of segregation are further limited by the failure of the national administration to give bold and imaginative leadership in meeting the educational needs of the country. Since education directly relates to employment, among other things, he is aware of the need to implement the recommendation of such groups as the Committee for the White House Conference on Education, the Rockefeller Report, and others that at a minimum, we must double our current annual investment in education.

Certainly the dread of an atomic war knows no barriers of race or color and Negroes are as anxious as other Americans that we arrive at an effective, immediate agreement to ban atomic tests. This concern extends to all of our foreign policy. There is, too, a heightened consciousness on the part of Negroes that the emergence of new nations, particularly in Africa, poses a test for this country. Many of these new nations are peopled by the darker races and in the family of nations have roles not unlike that of the American Negro at home. The relation between the revolution of rising expectations abroad and the fulfillment of long-held expectations at home is not lost on the American Negro.

In other words, it is important to recognize that Negroes are measuring our performance on all national issues and that our basic party responsibility is the same to all Americans. This recognition suggests that we have a further responsibility: to assure at all levels within the party the fullest participation of Negroes as citizens, not as Negroes.

It is, I submit, imperative that we include Negroes as we do other Democrats in every aspect of preconvention and preplatform planning, and in the campaign at all levels of the party and in every section across the country. Such participation will reflect our acceptance of equal opportunity as a party policy; it will also enhance our ability to interpret the ambitions and aspirations of all people.

These recommendations, I believe, will assure that we will have the kind of broad-based thinking applied to our deliberations which will give added substance to our ultimate decisions and that we will go before the American voters secure in the continued confidence of the vast majority of their number.

Because of the crucial debate in Congress on voting rights and of the importance of equal housing legislation under consideration in many States, I have appended to this letter conclusions reached at a recent conference on voting rights legislation at the Notre Dame Law School and a statement on housing legislation by the conference of Governors on civil rights which met early this month in St. Paul, Minn. Both of these conferences were participated in by outstanding Democrats.

THE NOTRE DAME CONFERENCE ON CIVIL RIGHTS—FEBRUARY 14, 1960—SUMMARY OF FINDINGS

1. There must be a Federal body—either a court or administrative agency or the President—empowered to make a finding as to the existence of a pattern or practice of voting discrimination in particular districts.

2. There must be some effective Federal machinery for the registration of persons in such districts who are denied their right to vote by reason of their race or color.

3. This Federal process of registering disenfranchised persons must be no more cumbersome or onerous than the State's existing process of registering other voters.

4. Such Federal registration must be effective for both Federal and State elections.

5. To assure that those thus registered will be permitted to vote enforcement must be available through Federal-court injunctions.

6. The time for the State to challenge the qualifications of a person thus federally registered should come when the person appears to vote, so that, pending decision on the challenge by the Federal courts, his vote can be cast and his ballot impounded and held for subsequent inclusion in the count.

THIRD ANNUAL CONFERENCE, COMMITTEE OF GOVERNORS ON CIVIL RIGHTS, ST. PAUL, MINN., MARCH 3–4, 1960

SUMMARY OF PRINCIPLES AGREED UPON

The following is a summary of principles agreed upon at the third annual conference of the Committee of Governors on Civil Rights. Fifteen States were represented at the conference by Governors or their representatives:

I. Responsibility

A. We recognize the urgent and imperative need for continued and intensified programs in the field of human rights, and the responsibility of all levels of government to contribute to this progress in their own field of operations and to cooperate with each other wherever possible. Any proper concept of States rights includes the imperative of States responsibilities.

B. The Governor of a State, representing all its citizens, must be the spokesman of their aspirations. This purpose can be served by:

1. Encouraging a favorable climate of opinion for disadvantaged groups through public statements in all the media of communication.

2. Keeping open the channels of communication between people and government.

3. Maintaining law and order in general and enforcing existing civil rights laws in particular.

4. Supporting efforts to extend and strengthen State legislation as needed.

5. Increasing the effectiveness of existing State agencies or supporting efforts to create appropriate State agencies to administer civil rights laws.

6. Using appointive power to further opportunities for all, according to individual merit.

II. Voting rights

We call upon the Federal Government to move ahead with urgent speed to secure the ballot for all qualified American citizens in all elections. We endorse the recommendation of the U.S. Commission on Civil Rights that some form of Federal legislation is necessary. Voting is the first responsibility

and the primary right of citizenship, any denial of the ballot strikes at the heart of our system of government; it cannot be tolerated.

III. State action

Constructive progress can be made by State action:

A. To strengthen and/or establish State agencies against discrimination, with functions encompassing education and public relations as well as securing compliance with the law.

B. To evaluate and strengthen where necessary State legislation directed toward insuring equality of opportunity in employment, housing, public accommodations, education, and voting.

C. To encourage and implement both interstate and Federal-State cooperation wherever appropriate and feasible to attain our goals.

IV. Housing

Housing is a field of urgent importance today, not only because of its vital relationship to law enforcement, public health and all of the factors involved in building healthy communities, but also because of the growth and shifts in our population. Our goal of equality of opportunity in housing can be approached by:

A. Enactment, enforcement and strengthening of laws against discrimination to insure fair opportunity in housing.

B. An effective program of public education, understanding, and community action in this field—a program that would seek the cooperation of the Federal Government, local governments, and private volunteer groups.

V. Migrant labor

Migrant labor represents another field in which interstate and Federal action can supplement action within the several States to achieve and maintain:

A. Higher standards of health, housing, transportation, wages, and other conditions.

B. Opportunity for education for children of migrant workers, and effective measures to apply equally to the children of migrant workers our standards relating to child labor.

C. Adequate legal protection against the hazards of illness and injury.

D. Adequate and effective welfare provisions.

VI. Support for Federal action

Federal action is essential in several fields, and it is appropriate that States should encourage and support such Federal action as:

A. Effective measures to insure voting rights.

B. Technical and financial assistance to those areas that are trying in good faith to achieve desegregation of the public schools.

C. Federal fair employment practices legislation.

D. Nondiscrimination policies in Federal agencies dealing with housing.

E. Endorsement of the principles stated in the recommendations of the Federal Commission on Civil Rights.

MINNEAPOLIS RETAIL GROCERS ASSOCIATION

Mr. HUMPHREY. Mr. President, on April 4, the Minneapolis Retail Grocers Association celebrated the 75th anniversary of its founding. I want to congratulate this fine group of community-minded businessmen who have been striving to serve the people of Minneapolis, not only with the best products and merchandising, but also with genuine dedication to protection of public health.

In its long and distinguished history, the Minneapolis Retail Grocers Association was a leader in the fight for the passage of the Pure Food and Drug Act; it pioneered in State and city programs for passage of legislation safeguarding the public health; and it took an active part in the civic and business activities of the community.

The Minneapolis Retail Grocers Association is one of the oldest food trade organizations in the United States. It was, in large measure, responsible in 1893 for the formation of the National Association of Retail Grocers, and, in 1897, for the formation of the Retail Grocers and General Merchants Association of Minnesota.

To inform grocers of new products, new food store equipment, new merchandising operations, and to develop and place into effect programs benefiting both merchant and consumer, were major purposes which brought about the formation of the Minneapolis association on April 4, 1885. More than 100 retail grocers and meat dealers met together shortly after 10 p.m., on that date, in the old Produce Exchange Building, on Hennepin Avenue, to form their organization. Many of the merchants were tired from the work done during the long Saturday of those days, when the working hours extended from early morning to late at night.

The first president of the association was Wesley Neill, an energetic and eloquent merchant. Other officers were H. S. Mallin and A. G. Moshier, vice presidents; F. H. Aldrich, treasurer; and E. S. Winters and L. B. Hopper, secretary and assistant secretary.

Mr. President, I congratulate this group as an excellent example of good business and good citizenship.

EXECUTIVE SESSION

Mr. HARTKE. Mr. President, I move that the Senate go into executive session, for consideration of the nomination on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. SPARKMAN, from the Committee on Foreign Relations:

Leland Barrows, of Kansas, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the State of Cameroun; and

Louis Wellington Cabot, of Massachusetts, to be the representative to the 15th session of the Economic Commission for Europe of the Economic and Social Council of the United Nations.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). If there be no further reports of committees, the clerk will state the nomination on the Executive Calendar.

U.S. COURT OF CLAIMS

The legislative clerk read the nomination of James R. Durfee, of Wisconsin, to be Associate Judge of the U.S. Court of Claims, vice Benjamin H. Littleton, retired.

Mr. HARTKE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EASTLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. EASTLAND. What is the pending business?

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of James R. Durfee, of Wisconsin, to be an associate judge of the U.S. Court of Claims?

Mr. EASTLAND. Mr. President, the Committee on the Judiciary, first through a subcommittee of which the Senator from Mississippi was chairman and of which the Senator from South Carolina [Mr. JOHNSTON] was a member, took testimony. We went very carefully into this nomination.

I think there is no question that Mr. Durfee is an able, high-class gentleman, well qualified in every respect for appointment to the position of associate judge of the U.S. Court of Claims. That is a legal position. An able lawyer on the Court of Claims can save the U.S. Government many millions of dollars.

To begin with, Mr. Durfee has been a very successful Chairman of the Civil Aeronautics Board. There was no objection to his nomination, except from one Member of the Senate; namely the junior Senator from Wisconsin [Mr. PROXMIRE].

I am certain that the junior Senator from Wisconsin is conscientious in his objections. He raised several points against Mr. Durfee, which I shall discuss. One point was that Mr. Durfee was not qualified for the place. Let me read from the RECORD:

> Chairman EASTLAND. Did you know Mr. Durfee when he was practicing law in Wisconsin?
>
> Senator PROXMIRE. I did not, no, sir.
>
> Chairman EASTLAND. Do you know whether or not he was a successful lawyer?
>
> Senator PROXMIRE. It is my understanding that he was a successful lawyer. I have no reason to doubt that. He was certainly popular, as I said earlier, and respected.

There can be no question that this nominee is an able lawyer, well qualified in every respect to be an outstanding member of the U.S. Court of Claims. The word which the junior Senator from Wisconsin uses, the word "respected," is worth a great deal, when we do our duty in confirming nominations. Mr. Durfee is a highly respected gentleman.

The case against Mr. Durfee was based principally on 3 grounds: First, that he flew on an Eastern Airlines plane to

Mexico City, in an inaugural flight; second, that he flew to Rome, on an inaugural flight; third, that he went to a meeting of the airline executives at Pinehurst, N.C.

The law, which he, as Chairman of CAB, is charged with administering, places on members of the Board the duty to work with industry to encourage and develop American aviation.

What is the Eastern Airlines Mexico City charge? There was an inaugural flight to Mexico City. Chairman Durfee was on the plane.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. EASTLAND. I will yield in a moment. Chairman Durfee was invited. Airlines are forbidden to charge for those flights. Our Government for 10 years had been negotiating with Mexico for American-flag carriers to have access to that great country. They had worked out an agreement of nonstop flights for a 2-year period. The chairman of the board, as it was his duty under the law, went down there to confer with officials of the Mexican Government, to expand and to extend the 2-year agreement. I should like to know if it was not his duty under the law to do that very thing. I now yield to my friend from South Carolina.

Mr. JOHNSTON of South Carolina. So far as the CAB was concerned, they passed on that issue even prior to Mr. Durfee's coming into the CAB, did they not?

Mr. EASTLAND. That is correct.

Mr. JOHNSTON of South Carolina. It was more than 10 years ago that they passed on that question. As the Senator knows, a good many Representatives and Senators visited the President of the United States and urged him to take up the matter with the officials in Mexico, in order to initiate this route, and get it into being after the issue was passed on more than 10 years ago. Is that not correct?

Mr. EASTLAND. What the Senator from South Carolina is saying is correct. I should now like to ask my distinguished friend from South Carolina a question. The Senator attended the hearings; in fact, he presided at one of the hearings. Is that correct?

Mr. JOHNSTON of South Carolina. That is true.

Mr. EASTLAND. The Senator heard all the testimony.

Mr. JOHNSTON of South Carolina. I did.

Mr. EASTLAND. Is it the Senator's judgment that Chairman Durfee will make an outstanding appointment to the court?

Mr. JOHNSTON of South Carolina. In my opinion he will make an outstanding appointment to the court. I am saying that although I am a strong Democrat and Mr. Durfee is a Republican. Nevertheless, I think he will make an outstanding man on the court.

Mr. EASTLAND. I should like to ask the Senator another question. Is there any scintilla of merit at all to the objections that are raised against Chairman Durfee?

Mr. JOHNSTON of South Carolina. Not in my opinion, for the simple reason that he was more or less duty-bound to make the initial trip, if it was at all possible for him to do so without interfering with the duties in his own office.

Mr. EASTLAND. What the Senator says is that there is not a scintilla of merit to the objections. The Senator heard all the testimony in this case, did he not?

Mr. JOHNSTON of South Carolina. I do not think there is a scintilla of evidence which should keep one from voting for the confirmation of this nomination. That was the unanimous opinion of the subcommittee.

Mr. EASTLAND. It was the unanimous opinion of the full committee, also. There was one objection, which was not based on anything in the record. It was based upon a decision which Mr. Durfee made as Chairman of the Board. Everywhere one turns he finds an objection to a decision by a judge. People fall out about those things.

Objection is made to a trip Chairman Durfee made to Rome, on an inaugural flight, when the airline was prohibited from charging for that flight. Let us get back again to what the law is.

It is the duty of the Chairman of the CAB to promote and develop American aviation. What did they do? There is no dispute about this in the record. They conferred with the Italian Ministry on Aviation, and with other Government officials, in their effort to revise our bilateral air agreement with the Italian Government, in the interest of two American-flag carriers who had been licensed to fly to Italy. One of them is TWA and the other is Pan American.

Mr. President, it has been the policy of this Government for Board members to make the inaugural flights, ever since 1940. That is 20 years. Yet this is the first time any objection has been made. There is no charge made that this nominee is dishonest, or that any wrong was done.

The third charge is that he went to Pinehurst, N.C., to a meeting of airline executives. The Flying Tiger Airline and another airline were represented. Who was present on that trip? The meeting was publicized in the newspapers. The information was published in magazines. Present were Mr. Frank Pace, former Secretary of the Army; Mr. Juan Trippe, president of Pan American; Col. Harmar Denny, member of the Civil Aeronautics Board; Mr. Eugene Zuckert, formerly Assistant Secretary of the Air Force; Mr. Prescott, president of the Flying Tiger Line; Mr. George Tompkins, president of the Overseas National; and General Wilson, Deputy Commander of Military Air Transport Service. General Twining, Chief of Air Staff, and Senator Symington were also invited but were unable to attend.

What was the purpose of the meeting? The Appropriations Committee of the Senate, the Comptroller General, and other governmental agencies have urged that the Board—meaning the CAB—and our carriers secure a larger allocation of military airlift for commercial carriers. Mr. Durfee was carrying out a public duty when he went there. It is charged that he was not. Let us see whether he was or was not. I read from the Hoover Commission Report of 1954, which states:

> That the peacetime operations of the integrated Military Air Transport Service be restricted and realistically limited to persons and cargo carefully evaluated as to necessity for military air transportation and, only after commercial carriers have been utilized to the maximum practicable extent, should transportation on service carriers be authorized.

This is the statement of the General Accounting Office:

> We believe it important that the Congress direct the Department of Defense to transfer, wherever possible, military mail, cargo, and passengers to United States certificated air carriers.

The House Appropriations Committee said:

> The Government should, to the greatest extent practicable, adjust its use of air transportation so as to use existing unutilized capacity of United States air carriers.

This was the recommendation of the Senate Committee on Appropriations in June 1956:

> That the Department of Defense should, in the future, utilize the services of commercial transportation to the fullest extent possible when it is more economical, and that in evaluating relative costs of transportation, the Department of Defense should recognize the element of time saved as an important factor.

Mr. President, Mr. Durfee was fulfilling the directive of Congress. He was carrying out the directive of the executive branch of the Government.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. JOHNSTON of South Carolina. Is it not true that no charge whatsoever is made on each inaugural trip?

Mr. EASTLAND. The Senator means the inaugural flight, does he not?

Mr. JOHNSTON of South Carolina. The inaugural flight, yes. Is it not true that such flights are made to develop good relationships between the United States and the nations to which the inaugural flights are made?

Mr. EASTLAND. Of course. But Durfee did more than take the flight. In Mexico an attempt was made to arrange for the extension of the agreement. In Rome an attempt was made to arrange for more flights by United States airlines. Inaugural flights present a very great opportunity for the United States to expand its commerce, and the law places that responsibility on the Civil Aeronautics Board.

Mr. JOHNSTON of South Carolina. Mr. Durfee at that time was one of the commissioners, and it was necessary for a commissioner to participate in the inaugural flight so as to develop a better understanding between our Nation and the foreign nation.

Mr. EASTLAND. That is correct. To be perfectly frank, I think that the attack on the Chairman of the Civil

Aeronautics Board, Mr. Durfee, for having made those two flights, is an attack on Congress itself.

I remember last fall when a jet flight was inaugurated to the Caribbean. The airline could not charge its guests. I was invited to make the trip. Would the Senator from South Carolina say that had I gone, I would have done anything wrong by going?

Consider the Maritime Commission. Congress votes millions of dollars in subsidies for ship construction. Members of Congress are invited to go on the shakedown cruises of ships. Is there anything wrong in that? Still we are asked to adopt a different rule for a member of the Civil Aeronautics Board than we adopt for ourselves.

What is the truth about this practice? The truth is that there is nothing wrong in it. Nobody is bribed; nobody is influenced. The record shows that Mr. Durfee has been invited to make 50 inaugural flights, but has made only 2.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. JOHNSTON of South Carolina. To show how close I was to making such a trip, a trip to Mexico, I was invited to go, but I was busy in the Senate and did not go. If I had gone, does the Senator from Mississippi believe that it would have been wrong for me to have done so?

Mr. EASTLAND. Of course not. What does the record show about inaugural flights? It has been the policy since 1940 that officials of the Government and Members of Congress make inaugural flights. Since that time, CAB members who have made such flights have numbered 23; CAB staff, 71; Senators and Representatives, 56. In other words, 2½ times as many Members of Congress have made such trips as have CAB members. Seven members of congressional staffs have made them; other Federal officials have numbered 90; State and local officials, 206; foreign officials, 245; news media, 376.

It is a fact that on inaugural flights over new routes the airlines cannot charge those who make the trip; those who participate, do so by invitation.

The whole matter boils down to the jurisdiction of Representative HARRIS, of Arkansas, chairman of the House Subcommittee on Legislative Oversight. What does Mr. HARRIS say?

> The committee considered this information in the course of its investigation. The facts, of course, speak for themselves. On the basis of these facts and our committee investigation, the committee did not charge Mr. Durfee with any impropriety. Insofar as I know, the personal and professional conduct of Mr. Durfee has not been questioned by any reliable source.

I emphasize the last phrase, "by any reliable sources."

Mr. President, the duties and the work of a U.S. Senator impose a tremendous responsibility. By our actions, we can hurt many persons. It has been the rule of the senior Senator from Mississippi that when a charge of dishonesty was made, it had to be proved, and had to be proved conclusively. Why? Because when we refuse to confirm a nomination on the ground of wrongdoing or of impropriety, we destroy the person concerned, and we embarrass and injure his family.

When the charge was made in this case, I went very carefully into the evidence. I did not find a scintilla of evidence to support the charge.

My friend and colleague, the distinguished junior Senator from Wisconsin [Mr. PROXMIRE], I say again, is conscientious and sincere in his position. But, Mr. President, there is nothing to the charge he makes. The Committee on the Judiciary, after a careful investigation believes that Durfee is well qualified; that Durfee is a man of integrity; that Durfee is a very fine, sound, able lawyer, and that he will make an outstanding member of the Court of Claims.

The committee believes that, by all means, his nomination should be confirmed.

Mr. WILEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WILEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LUSK in the chair). Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

Mr. MANSFIELD. Mr. President, there has been no business intervening since the last quorum call.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the presence of a quorum may be determined by the Presiding Officer.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to suggest the absence of a quorum.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the call of the roll be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I rise to ask my fellow Senators not to consent to the nomination of James Durfee, from my own State of Wisconsin, to be appointed to the Court of Claims.

I emphatically oppose this nomination of my fellow Wisconsin citizen. I do so because he lacks the necessary technical qualification for this particular appointment.

I am convinced I can demonstrate that fact in great detail in the course of this speech.

I also oppose the nomination of Mr. Durfee because his violation of the Judicial Code of Ethics of the Civil Aeronautics Board, of which he is Chairman, specifically unsuits him to a lifetime appointment in one of the country's highest judicial offices.

Wiser and more senior Members of the Senate have advised me that it is dangerous and politically foolish to oppose the appointment of a well-known and popular man from one's own State to a high national position outside the State.

There is no question that the nominee is very well known in Wisconsin. He is also popular. He is a former State chairman of the American Legion. He has been very active in Wisconsin for many, many years. He is a former chairman of the Wisconsin Public Service Commission. I recognize, in opposing the nomination, that I can expect serious opposition in the future for having done so. I have only decided to do this because in good conscience I feel I have no other choice.

POLITICAL PRESSURE FOR DURFEE

Of course, I recognize the immense odds against my success. Since this nomination was initially made last August, I have never known anything like the pressure which has been brought to bear on me to approve it. This includes not only the time of my service in the Senate but also the time before I came to the Senate, when I served in the State legislature and elsewhere.

Several prominent Democratic Senators vigorously urged me to support Mr. Durfee. Mr. Thomas Corcoran, who enjoyed an illustrious career in the Roosevelt administration, and who is considered by many to be very powerful in the high councils of my party, argued with me vehemently and repeatedly that I should approve the nomination of Mr. Durfee, and predicted political reprisals if I failed to do so. Mr. Corcoran went into considerable and very persuasive detail in arguing why it would be politically damaging in Wisconsin for me to oppose Mr. Durfee.

An owner of one of the largest television stations in Wisconsin, who is also a man of very considerable power in my State, traveled from Wisconsin to Washington, D.C., and urged me at length to support Mr. Durfee.

Delegations of airline executives—a large number—called upon me to ask that I support the nominee. Powerful airline executives also visited with me privately and individually to plead that I get behind the Durfee nomination.

Many others came to me individually, of course, including lobbyists from the airlines, to urge support of the nomination.

And in addition, of course, there were a very large number of letters from Wisconsin urging that I support the Durfee nomination.

In sharp contrast, there has been virtually no pressure from Wisconsin to oppose the nomination of Mr. Durfee. The only persons who have come to my office asking that I try to stop approval of the nomination have been persons with no political ax to grind. They have been members of the District of Columbia bar, who of course have no fragment of political influence in Wisconsin, and none in the Democratic Party. These persons opposed Durfee because they were convinced, on the basis of years of practice before the Court of Claims, that the nominee simply does not have the qualifications for the job. As I shall show in detail later, they were correct.

From the pressures brought to bear on me, especially from within my own party, I was, of course, aware of what this nominee has going for him and how very difficult it will be to stop this nomination.

COMMITTEE REPORT LOADED FOR DURFEE

This is only the beginning. These pressures indicate only a part of the formidable force working to secure approval of the nomination. As a matter of fact, I think they indicate only the least significant part.

Let me make my position very clear.

The Judiciary Committee consists of some of the most competent Members of this body in both parties. They are also honorable men. They are excellent Senators. They are men of integrity. They are very conscientious about the discharge of their duties.

What I have to say about the committee report in this case pains me. I can think of few less promising avenues to success than to start by criticizing a committee report, particularly one which contains no minority views. But in this case I have no choice.

This committee report is as unbalanced as the affirmative side of a high school debating brief. It states one side, and one side only. As I think I can show, it gives no consideration to the heart of my objections, and it is in serious error in a number of instances, which I shall point out.

I shall discuss later the errors and inaccuracies in the committee report, as well as its failure to consider even the heart of my objections to Durfee. At this point, I only observe that the Judiciary Committee has acted favorably; and I am sure that this fact will persuade many Senators.

I am going to be frank. No one knows better than Senators how committee reports on a matter of this kind are likely to be put together. This committee report was not made by the Chairman of the Judiciary Committee, the Senator from Mississippi [Mr. EASTLAND]. It was not made by the chairman of any subcommittee. It was not made by any member of the majority party in the Senate, even though this is obviously our responsibility. It was made by my distinguished colleague, the senior Senator from Wisconsin [Mr. WILEY]. It is true that the senior Senator from Wisconsin is the ranking Republican member of the Judiciary Committee. He is also—and this is a big fact in the report—the sponsor of James Durfee for the nomination.

Senators know what affection and deference is felt in this body for my senior colleague. This is, I am sure, particularly true on the Judiciary Committee. Accordingly, Senators should be aware that this is a Wiley committee report. This is not a supposition. In black and white, on the face of the committee report, on the front page, the following is printed:

> Nomination of James R. Durfee: Monday, March 7, 1960—ordered to be printed.

Mr. WILEY (for Mr. EASTLAND), from the Committee on the Judiciary, submitted the following report to accompany the nomination of James R. Durfee:

This is Senator WILEY's committee report. For this reason I feel that this report demands a critical evaluation, as the brief for one side. This committee report is not the opinion of a dispassionate umpire. It is the report of the manager, and, as a matter of fact, the chief proponent of the nominee. It seems to me it is just as though Casey Stengle should continue to serve as manager of the Yankees, but also take the umpire's place and call the balls and strikes, and all the close plays, in a world series game in which his own Yankees were playing for the championship.

As I stated previously, I shall later discuss the committee report in detail.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am delighted to yield to the senior Senator from Oregon.

Mr. MORSE. I should like to have clarified for my own thinking the point which the junior Senator from Wisconsin has just made.

Is it the position of the junior Senator from Wisconsin that the report which I hold in my hand, which is the committee report on the nomination of James R. Durfee, is being submitted to us, not by the membership of the Judiciary Committee, but by only one member of the committee? I raise the question, because of what I observe when I turn to the last page of the report. I do not know what the custom of the Judiciary Committee is. I know only what the custom of committees on which I serve happens to be, in this connection.

When a report is submitted by any of the committees on which I serve, the standard practice is to have the names of the members of the committee who join in the report, and the names of members who do not join in the report, designated. But I judge, from the first words in the report—"Mr. WILEY (for Mr. EASTLAND), from the Committee on the Judiciary, submitted the following report"—that that raises the presumption that the report is the report of the membership of the Judiciary Committee, and apparently the unanimous report of the members of the committee.

While listening to the junior Senator from Wisconsin for the past 5 minutes I had some doubt as to whether or not he believes that this is the unanimous report of a committee, or whether he believes, rather, that it is the report of only the very distinguished senior Senator from Wisconsin [Mr. WILEY].

Mr. PROXMIRE. It has been my assumption that this is the report of the Judiciary Committee. I think the Senator from Oregon raises an excellent point. It may be that my presentation was obscure. I could be mistaken; and I intend to explore this question before a vote is taken. When I wrote this speech, I did not mean to imply that this was not the report of the Judiciary Committee.

On the other hand, I did wish to emphasize that the member of the committee to whom was delegated the function of preparing the report was the senior Senator from Wisconsin, my colleague, the principal sponsor of the nominee.

It has been my experience on committees that the situation varies greatly, but often there is a tendency on the part of committee members to delegate a great deal of the judgment as to what should be in the report, how the material should be handled, what should be considered, and what should not be considered, to the member who writes the report itself.

As I shall attempt to show in the course of this speech, I think this is reflected in what is not in the report. Some of the statements in the report seem to stress only one side, and ignore the other side. That was the point I was trying to make.

Mr. MORSE. I thank the Senator. I only meant to clarify the situation, and clear up my own thinking on it.

One final question, if the Senator will yield further.

Mr. PROXMIRE. I am delighted to yield.

Mr. MORSE. The junior Senator from Wisconsin was the only witness who testified against the nominee; was he not?

Mr. PROXMIRE. I believe I was the only witness who testified against the nominee. It is my recollection that in addition to the nominee himself, only two persons testified for the nominee.

I could be wrong on that point. Of course, some letters are contained in the report.

Mr. MORSE. That was to be covered by my next question. In the testimony of the junior Senator from Wisconsin, did he submit for the record at the hearings communications setting forth objections raised by others than the junior Senator from Wisconsin?

Mr. PROXMIRE. In the course of the hearings I did set forth one letter. My difficulty was that the objections came from people who for obvious reasons could not risk giving their names. It was a matter of bread and butter to them, inasmuch as they were appearing before the Court of Claims. Although they were sincere people, and competent and qualified, they could not give their names. I did include one letter in the hearings from a man who opposed the nomination, but I did not disclose his identity.

Mr. MORSE. If, as a Senator, I wish to analyze the objections the junior Senator from Wisconsin raised pertaining to the nomination, I will not find a thorough analysis of his objections and the answers thereto in the report, but that I will have to read the entire committee hearings in order to find the basis for the objections of the junior Senator from Wisconsin?

Mr. PROXMIRE. The Senator from Oregon is absolutely correct. I thank him very much for this very helpful

colloquy. The nominee has the peculiar advantage of having as his sponsor not only the ranking minority member of the reporting subcommittee—and the only minority member of the subcommittee—but the person responsible for actually making the committee report.

The Senator from Oregon has very helpfully indicated what my position is by bringing that out. I agree that this is the report of the Committee on the Judiciary, but it is also the report written by the senior Senator from Wisconsin.

Mr. WILEY. Mr. President, will my colleague yield?

Mr. PROXMIRE. I yield.

Mr. WILEY. Let me say that this is the report of the committee. I hesitated very much about accepting a position on the subcommittee. However, when I found that my junior colleague from Wisconsin was the only Senator who was prosecuting, I felt I would have to act as a judge, as he will also in deciding the correctness of the conclusions.

The chairman of the subcommittee is a very busy man. He asked me to prepare the subcommittee report. I asked a number of the staff to assist in that respect. He drew the report. The report was then submitted to the committee. The committee was in full session, and the committee accepted the report. That is the way it stands.

Of course, I am used to this kind of tactic: "When you haven't got a case, jump on the other fellow." The only issue is whether Mr. Durfee is the right man for the position. That is the only issue.

My distinguished colleague, of course, in one sense is the prosecutor. I, in another sense, am the defender. We are both on the court. The judges are made up of the membership of this august body.

Consequently, I accepted the assignment on the subcommittee. In view of the testimony as it developed— I tried to be as judicial as I could, and I trust my junior colleague will likewise be judicial, because we are going to act as judges here—I went forward feeling that the nomination should be approved. Mr. Durfee also had the approval of the President, and, in spite of everything to the contrary, the best people have approved him. It seems to me that jumping on the senior Senator from Wisconsin is not the way to try out the issue.

Mr. MORSE. Mr. President, will the Senator yield for an observation?

Mr. PROXMIRE. I shall be happy to yield. Before I do so, I should like to make a brief reply to the senior Senator from Wisconsin, by saying that he presents a very interesting analogy. I would not accept it. I do not consider myself a prosecutor. I meant it when I said to the committee I felt reluctant to oppose the nomination of this gentleman from Wisconsin. I did so because I felt I had a duty to do so. I do not think he should be confirmed. I do not believe he is qualified.

Nevertheless, the analogy which has been chosen by my senior colleague is an analogy which we should pursue a little further. He says I am the prosecutor and he is the defense attorney. Can anyone imagine a more unfair situation than to have on a three-man court the attorney for the defense sitting as one of the three judges, that same man also being responsible for preparing and writing the report which was sent by the committee to the Senate?

My senior colleague had every right to serve on the subcommittee if he chose to do so. I think it is very pertinent and proper, in calling to the attention of the Senate the committee report, on which most Senators will rely, and should be permitted to rely, to point out that the principal sponsor of the nominee is the author of that report. I now yield to the Senator from Oregon.

Mr. MORSE. I wish to say to both Senators from Wisconsin that the senior Senator from Oregon has no intention of involving himself in a family quarrel. I am not making that approach to this problem.

Mr. PROXMIRE. I may say to my colleague from Oregon that he is welcome to get into the quarrel. I always appreciate his contributions.

Mr. MORSE. I am interested only in getting an answer to my questions in trying to find out what the facts are with respect to this nomination.

I assume that the Senators from Wisconsin will have quite a good deal to say in the course of the discussion this afternoon as to what the record shows. I am very much interested in what it does show, and what the analysis of each of the Senators will be in regard to the charges and counter charges involved in the nomination.

If the Senator will permit me to do so, I should like to make an observation in regard to Senate procedure at this point.

I will not say anything about the empty seats in the Chamber, because each Senator has the right to decide for himself whether he wishes to be present. I do think, however, that if a Senator is here he ought to have available to him at his fingertips the report of the hearings, so that he can follow what the two Senators from Wisconsin are saying. The report of the hearings has not been placed on our desks. I obtained the one I have by making a request for it. On an issue of this importance we ought to have on our desks the report of the hearings. We should not have to ask for it. It ought to be automatically placed on our desks.

Mr. PROXMIRE. I thank the Senator from Oregon. I wish to emphasize the point he makes. I was told by the chief clerk of the Committee on the Judiciary that the committee had no intention of printing the hearings before the nomination was discussed by the Senate. At that point I said I would do everything I could to postpone and defer and delay and object to consideration of the nomination until the Members of the Senate had an opportunity to study the hearings. The point the Senator from Oregon has made emphasizes the reason for that. The facts simply are not set forth in the committee report.

My senior colleague from Wisconsin has suggested that we discuss the facts in the case. That is what I have decided to do, in 50 legal-size pages of my speech. These pages contain in great detail the facts of this case. They are entirely germane. They are entirely related to the qualifications and the character of the nominee, and the conditions surrounding the consideration of his nomination by the committee and by the Senate.

SENATE'S TRADITIONALLY GREAT AUTHORITY AND RESPONSIBILITY FOR JUDICIAL APPOINTMENTS

From the beginning of this Republic, the Senate has exercised greater authority and discrimination through the advice and consent clause over judicial nominations than any other. It has with good reason exercised far more critical care in considering judicial nominations than the host of nominations within the executive branch. This has been a wise policy.

The origin of the constitutional function to advise and consent shows that in the Constitutional Convention of 1787 as many members thought that Congress or the Senate alone should appoint judges as thought the President alone should have the appointive power.

The resulting compromise indicates that there was no intention that this function should be a formality on the part of the Senate, but rather as Hamilton said in "The Federalist," No. 76:

> It would be an excellent check upon the spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity.

At the time of the Constitutional Convention in 1787, the Virginia plan provided that the national judiciary should be chosen by the legislature.

The committee of the whole reported on June 13, that members of the Supreme Court should be appointed by the Senate, members of the lower courts by the whole Congress.

The New Jersey plan called for appointment of judges by the Executive.

Tuesday, June 5, Hamilton first suggested "the idea of the Executive's appointing or nominating the judges to the Senate which should have the right of rejecting or approving." This was the compromise which was ultimately adopted.

As a matter of experience there has been a sharp difference both in attitude and action in the Senate's consideration of executive branch appointments in clear contrast to judicial nominations.

On the one hand it is rare for the Senate to reject a nomination to the President's Cabinet although—and I am certain every Member of the Senate recalls it—this very Senate, in the 86th Congress has provided one of the exceptions. In the history of the country

only eight Cabinet nominations have been rejected and only three in more than 100 years. The first was in 1834 under Jackson. There were four under Tyler in 1843 and 1844, one under Johnson in 1867, one under Coolidge in 1925, and the most recent, the nomination of Mr. Strauss, who was nominated to be Secretary of Commerce under President Eisenhower, and whose nomination was rejected in 1959.

The attitude which has generaly prevailed in the Senate was stated most clearly by Senator Guy Gillette when the nomination of Harry Hopkins to be Secretary of Commerce was before the Senate in 1939:

> The President is charged with full responsibility for the executive department. If there is any right (he has) * * * it is the right to name those with whom he is to work in that department, and particularly the official family who are close to him, and his nearest advisers.

Something of the same attitude—unless there is a clear and explicit reason that not being so—has generally prevailed towards single administrators to head non-Cabinet agencies and of advisory commissions.

Since the President is charged with the major responsibility for our foreign affairs, there have been relatively few occasions on which diplomatic nominations have been seriously questioned, although some nominees, associated with unpopular policies, have been closely scrutinized and received a fairly large number of opposition votes.

On the other hand, senatorial scrutiny of judicial appointments, however, has been quite a different matter. Here it is not a question of confirming the President's appointment of his own subordinates, but of choosing members for the third coordinate branch of the Government. The legislative branch has as much claim to control over these appointments as does the executive, since once appointed they are independent and should be independent of both.

A distinguished Senator, who incidentally is the present senior Senator from Illinois [Mr. DOUGLAS], recently summed up this view, as follows:

> The advice and consent of the Senate required by the Constitution for such appointments was intended to be real and not nominal. A large proportion of the members of the Convention (1787) were fearful that if the judges owed their appointments solely to the President, the judiciary, even with life tenure, would then become dependent upon the Executive and the powers of the latter would become overweening. By requiring joint action of the legislature and the Executive, it was believed that the judiciary would be made much more independent.

As a matter of fact, experience and precedent in the Senate have amply borne out the theory that in acting on appointments by the President to the Supreme Court, for example, 21 nominations have been either rejected, postponed, or withdrawn because of Senate opposition. This number constitutes one-fifth of the President's nominations to the Supreme Court, a proportion far higher than has been rejected for any other Federal office.

The grounds for opposition to judicial appointments have ranged from doubts about the qualifications of the nominee to outright partisan considerations, but there has never been the suggestion that the Senate should accept judicial appointments without the most careful, thoughtful, and prayerful scrutiny.

REASONS FOR NOT INVOKING SENATORIAL COURTESY

A number of persons, whose judgment I respect and whose judgment on these matters is probably better than my own, have asked me why, if I feel so strongly against the nomination of Mr. Durfee, I do not pull out the ultimate senatorial weapon, that nuclear warhead intercontinental ballistic missile of Senate nomination action, namely, invoke senatorial courtesy, declaring the nominee to be personally obnoxious to me.

Mr. President, I have chosen not to do so because my opposition to this nomination does not fit either the theory or the precedent required for such an objection. It does not do so because Mr. Durfee is being appointed to a position outside Wisconsin, not to a Federal judgeship or a Federal district attorneyship in Wisconsin. I realize that sometimes senatorial courtesy has been invoked under other circumstances. Let me deal with that subject

Since at least 1840 it has been well-established custom for the Senate to refuse to confirm appointments to Federal district judgeships within a State unless the nominee had been approved (if not initially selected) by the Senators of the party in power from the State in which the vacancy was to be filled or from which the nominee was chosen, which in most cases was the same.

Furthermore, because some very able, competent Senators, whom I greatly admire and respect, have urged me to invoke senatorial courtesy and to declare the nominee obnoxious, I think they deserve an explanation.

The explanation or defense of this practice ranges from the argument that Senators are better able to know the qualifications of the persons in question to the view that this is a necessary patronage device used to build up the Senator's own political fences.

Whatever analysis is made of this custom it is clear that it has been effectively followed only where the nomination was to a post whose jurisdiction lay entirely within one State. It is rarely employed in nominations to national posts even by those Senators from whose State the nominee may be a resident.

In fact, Senate Procedure, written by the distinguished parliamentarian of the Senate, Charles Watkins, and the assistant parliamentarian, Floyd Riddick, states, on page 336:

> Nominations submitted to the Senate for confirmation are occasionally opposed on the basis of being personally objectionable to a particular Senator, or that senatorial courtesy has not been considered. To come within the purview of this practice or unwritten rule the nominee must be from the State of the Senator and the appointment must be to a Federal position within the State as distinguished from a national office, as for example, a member of the Cabinet.

Furthermore, senatorial courtesy usually implies that the President in making the appointment has consulted with the Senator of his own party representing the State from which the appointment is being made. In this case, of course, the President and I belong to different parties, so the requirements of senatorial courtesy would have less force.

I am going into this much detail, Mr. President, because considerable confusion still exists on this matter.

As a matter of fact, only last month the very responsible New York Times reported, in an article on Chairman Jerome Kuykendall, of the Federal Power Commission, that in 1957, when the senior Senator from Washington, Mr. MAGNUSON, led the fight against confirmation of the nomination of Mr. Kuykendall, who is also from the State of Washington, Senator MAGNUSON could have blocked the Kuykendall nomination by declaring the nominee personally obnoxious and that would have ended it.

The theory behind the senatorial courtesy custom; the rules of the Senate, as interpreted by the parliamentarian; and the practice of the Senate all seem to contradict this New York Times interpretation.

Under these circumstances, I shall not invoke senatorial courtesy, because under the rules and precedents of the Senate I seem to be prohibited from doing so.

I also shall not rely on senatorial courtesy, because I feel that the Senate is not only entitled to know in full the reasons for the objection, but in this case it is also entitled to act solely on the basis of the validity of the objections.

I want to make clear, Mr. President, that there is precedent for the Senate's giving weight to the objections of a Senator who represents the State from which the nominee is appointed to Federal office; and that precedent is applicable, regardless of whether a Senator relies on the custom in regard to senatorial courtesy.

For instance, in 1950, when the Senate had under consideration the nomination of Martin A. Hutchinson, of Virginia, to be a member of the Federal Trade Commission, the Senate rejected the nomination, and did so because of the opposition of the Senator from Virginia [Mr. BYRD]. I may say that was an emphatic rejection; as I recall, the vote was 14 yeas to 51 nays. On that occasion, Senator BYRD was very careful to avoid invoking senatorial courtesy. In 1894, the personal objection of Senator Hill, of New York, to the appointment of Messrs. Hornblower and Peckham to the Supreme Court, which prevented confirmation of their nominations; and, in 1915, the objection of Senator Gallinger, of New Hampshire, to confirmation of the nomination of George Rublee, of New

Hampshire, appointed by President Wilson to the Federal Trade Commission, are other examples of the application of the rule to national officers.

Incidentally, the Gallinger-Rublee experience particularly emphasized the weight the Senate has given to the objections of a Senator to the appointment to a national office of a citizen from his State. Senator Gallinger was a Republican. President Wilson, a Democrat, made the appointment. In rejecting the nomination, the Senate, then controlled by a majority of Democrats, opposed the Democratic President, and sustained the minority Republican, Senator Gallinger.

In sum, what I am asking of my colleagues, Mr. President, is not automatic acceptance of my objections, but careful scrutiny of the basis for my objections to this nominee.

REASONS FOR OPPOSITION

I oppose, for two principal reasons, confirmation of the nomination of James Durfee.

First, I believe his qualifications for the position for which he has been nominated are, at the very best, minimal, and fall far below the standard established by the men who now serve on the Court. In a few minutes I shall nail that point right to the wall.

Second, I oppose confirmation of the nomination because the nominee's conduct as Chairman of the Civil Aeronautics Board shows a lack of the judicial behavior that is essential for the proper performance of the duties of the office to which he has been nominated.

I think that objection particularly pertinent today, because I believe all Senators are aware of the serious challenge, today, to America's moral strength and America's moral behavior. Today that challenge exists within this country; and there is also the external challenge by Soviet Russia and communism. Basically, that challenge is really to the character of the American people.

The question is how we are to do something about that. We can talk about it, and we can refer to examples to be found in history; but one way for action to be taken is through our Government. This body is known as the greatest deliberative body on the face of the earth. As Prof. Lindsay Rogers, of Columbia University, has pointed out, the Senate of the United States is the one platform in the country that can demand the attention of the country. If the Senate were to approve this nomination to the Court of Claims, after the nominee has indulged in a violation of precise and specific judicial ethics which were declared and promulgated at the time, and of which he was well aware—and I am positive that I can establish that such a violation did occur—it seems to me the country could hardly feel that its leaders were fully aware of the moral issue at stake.

There are only a few occasions on which it is possible for the leaders of the country to show by their action, as well as by their words, that they believe in the importance of good moral behavior. It seems to me this is one of those occasions. I suppose that a few cases could be described as either all black or all white. However, the case now before us is not one of them, and no one would pretend that it is. This is not a case in which the nomination can be summarily rejected. Of course, such a decision would be an easy one to make. But this case involves one of the difficult and troublesome decisions. That is why I shall go into a great deal of detail, today, and why I appeal fervently to my colleagues to study as carefully as they can all the facts in connection with this matter.

QUALIFICATIONS FOR THE COURT OF CLAIMS

Mr. President, I turn now to the question of the qualifications for appointment to the Court of Claims.

It has been said that, as a matter of history, the growth in power of the Supreme Court and the respect in which it is held by the people have been due largely to the legal ability and the force of character of the men who have composed that Court. This is particularly true, also, of the Court of Claims. It is my understanding that only 38 judges have served on this court since its establishment in 1855. Almost all of the men who have been appointed to this court have, prior to their appointment, demonstrated competence relevant to the kind of work they would do on the court—either on the bench or by appropriate experience in either the Senate or the House of Representatives, or by appropriate experience at the bar.

A man who has been a member of the Court of Claims bar for over 30 years recently wrote me in part as follows:

> The largest and most technical civil cases in America are decided in the Court of Claims. Individual suits against the United States sometimes involve millions of dollars.
>
> In a few minutes I shall demonstrate what some of those suits are.

I read further from the letter:

> They are brought by railroads, aircraft companies manufacturing war planes and missiles, etc. A judge of the court should have an extensive background in this work. Tax refund cases, Government contracts, employee pay cases, etc., require the highest degree of experience and legal skill.
>
> You cannot expect the lawyers who actually practice in the court to come forward on this matter at this late date and express their views. That would be putting one's neck on the block in case Durfee was confirmed. The D.C. bar, of course, has more lawyers who practice in the court than all the rest of the country put together.
>
> As a matter of fact I understand they handle about 70 percent of the cases.

I continue to read from the letter:

> It has consistently refused to endorse Mr. Durfee. It did propose through its Court of Claims Committee the names of three competent and experienced lawyers to the Attorney General.
>
> I want to clarify that letter because there was some discussion, debate, denial, and affirmation of it in the hearings.
>
> When I inquired about this, I was given the following information by Paul Rhodes, chairman of the court of claims committee of the District of Columbia Bar Association.

In October 1958, after Judge Littleton's announced intention to retire from the Court of Claims, the court of claims committee of the District Bar Association considered people acceptable for the position and selected three. Mr. Durfee was not among the three named.

According to the bylaws of the District Bar Association, recommendations for judicial office must come from the judicial selection committee. The court of claims committee therefore transmitted its recommendations to the judicial selection committee, which did not take any action on them. This was a matter of policy adopted by the judicial selection committee, based on the theory that the District Bar Association would impair its ability to influence local court appointments if it expressed its views on courts of national jurisdiction.

When the judicial selection committee refused to act on the three recommendations, the court of claims committee appealed to the board of directors of the bar association through its liaison, Richard Lyon, a director of the association. Each director is assigned to a committee as liaison between the committee and the board. The board of directors then ordered the judicial selection committee to make recommendations to the Attorney General, but the committee refused again to do so.

In November 1958, Rhodes, in an unofficial capacity, wrote to the Attorney General and informed him of the action taken by the court of claims committee.

This committee, composed of members who are familiar with the court and its workings because of constant practice before it, does not share the view that the effectiveness of the bar association in local judicial appointments would be destroyed if it involved itself in Federal appointments.

Mr. Rhodes said he hopes this will not be a permanent policy of the judicial selection committee and feels that it would be appropriate for the committee to change its policy.

To get back to the letter that was written by a member of the bar association, I might add that the District of Columbia bar includes those who serve on both sides, in cases for the Government and in cases against the Government. They serve both claimants and the Government.

Mr. Chairman, I call attention to the dimensions of the responsibility of the Court of Claims. For the year ended October 3, 1959, the Court of Claims had disposed of 2,636 cases.

Amount of money claimed was $402,137,897.30.

Judgment for the plaintiffs totaled $11,434,127.65.

Amount of above judgments carrying interest, $1,881,829.45.

Judgments on defendant's counterclaims amounted to $535,889.78.

The tax cases handled by the court are all for refunds on almost any kind of tax—personal income, corporation, transportation, documentary stamp, excess profits, excise, and so forth.

Some of the larger money cases for the year were:

Plaintiff	Amount claimed	Amount awarded or disposition	Claim
Hingham Management Corp.	$6,000,000.00	Case dismissed	Contract for lease of certain facilities, Naval Industrial Reserve Shipyard, Hingham, Mass., Navy Department.
Todd Shipyard Corp.	2,617,401.18	$2,575,641.38 (stipulated judgment, with interest).	Refund of income and excess-profits tax.
Idaho Maryland Mines Corp.	5,021,799.00	Case dismissed	Compensation for property taken, WPB.
Homestake Mining Co.	10,777,448.01	do	Do.
Empire Star Mines Co., Ltd.	5,266,822.02	do	Requisitioning of gold mine by closure and suspension of operations pursuant to order L-208, WPB.
U.S. Smelting, Refining & Mining Co.	11,900,000.00	do	Do.
Clare Shove (and 5 other parties)	15,000,000.00	do	Do.
Mabel N. Scott (and 3 other parties)	10,000,000.00	do	Do.
Otilia Acensi (and 87 other parties)	9,089,329.67	do	Contract for supplies furnished to guerrilla forces, Philippine Islands.
American Cyanamid Co.	1,689,625.82	do	Refund of excess-profits tax.
Western Contracting Corp.	1,144,535.00	$225,000	Contract for construction, etc., Department of the Army.
Enterprise Ry. Equipment Co.	567,681.52	$561,760.10 (with interest)	Refund of income tax.
Radio Patents Corp. (and 4 other parties)	10,000,000.00	Case dismissed	Infringement of patent, Army.
Sylvania Electric Products, Inc.	7,050,468.00	do	Refund of manufacturers excise taxes.
General Motors Corp.	8,507,624.08	do	Do.
M. Meads	4,216,852.25	$1,405.65	Requisition of saw mill, Department of the Army.
Bulova Watch Co., Inc.	732,134.71	$620,049.96 (with interest)	Refund of income and excess-profits tax.
Melis Alvina Hoover	15,000,000.00	Case dismissed	Compensatory relief and pecuniary damages.
Burnham Chemical Co.	44,711,028.00	Case dismissed; counterclaim dismissed.	Losses and reasonable profits, and damages.
Westinghouse Electric Corp.	3,737,677.62	Case dismissed	Refund of manufacturers' excise taxes.
Chrysler Corp.	5,344,854.45	do	Do.
Jose K. Lapus	2,448,595.00	do	Property requisitioned, Department of the Army.
Henry M. and Murray W. Garson	18,500,000.00	do	Compensation for use of manufacturing methods, designs, process, and engineering developments of war materials, War.
Mississippi Valley Generating Co.	3,543,778.45	$1,867,545.56	Dixon-Yates power contract, AEC.
Chicago, Burlington & Quincy RR. Co.	21,008,304.42	Case dismissed	Refund of income and excess-profits tax.

Source: From report submitted to Congress on Jan. 6, 1960, by the clerk of the Court of Claims on all judgments rendered by the court for the year ended Oct. 3, 1959.

Mr. President, I submit that the fairest standard for evaluating Mr. Durfee's qualifications is to compare them with those of the men who now serve on the court and the retired judge, the Honorable Benjamin H. Littleton, whom Mr. Durfee has been nominated to succeed.

Here are brief résumés of their biographies:

MARVIN JONES, CHIEF JUDGE OF THE U.S. COURT OF CLAIMS

Born near Valley View, Tex.

Received bachelor of arts degree from Southwestern University, Georgetown, Tex., in 1905.

Received bachelor of laws degree from the University of Texas in 1907.

Admitted to the Texas bar in 1907; practiced at Amarillo.

Was appointed chairman of the board of legal examiners for the seventh supreme judicial district of Texas in 1913.

Elected to the 65th through 76th Congresses (1917–1941), 18th Congressional District.

Chairman of the House Committee on Agriculture from December 1931 to November 1940.

Mr. President, I think Senators should be aware of the fact that the Court of Claims is a peculiar creation, in that it is a congressional court. It was originally created to take from the shoulders of the Members of Congress the cases which had been pending before the Congress, which Congress found it simply did not have time to handle, since the cases were too complicated, too technical, and too burdensome. Therefore, the court was created. Extensive experience, such as 24 years of experience in the Congress of the United States, including experience as chairman of one of the most important committees of the House of Representatives, is pertinent and desirable and useful as a background on the Court of Claims. This nominee obviously had extensive experience, from the congressional standpoint, to deal with claims.

Mr. President, I continue with the résumé in regard to Judge Jones:

Appointed judge of the U.S. Court of Claims April 9, 1940.

Confirmed by Senate April 10, 1940.

Assumed duties November 20, 1940, after resigning from the House of Representatives.

On leave from January 1943 to July 1945; January 1943 to June 29, 1943, adviser and assistant to James Byrnes, Director of Economic Stabilization; May 18 to June 3, 1943, President, United Nations Conference on Food and Agriculture, Hot Springs, Va.; member President's War Mobilization Committee; June 29, 1943 to July 1, 1945, Administrator, U.S. War Food Administration.

Resumed duties as judge of Court of Claims, 1945.

Appointed chief judge of Court of Claims, July 10, 1947.

JOSEPH WARREN MADDEN, ASSOCIATE JUDGE, U.S. COURT OF CLAIMS

Born at Damascus, Ill., January 17, 1890.

Received bachelor of arts degree from the University of Illinois in 1911.

Received doctor of jurisprudence degree from the University of Chicago in 1914.

Admitted to the bar of Illinois in 1914; bar of Ohio, 1918; bar of West Virginia, 1922; bar of Pennsylvania, 1927.

Professor of law at the University of Oklahoma, 1914–16.

Practiced law in Rockford, Ill., 1916–17.

Special assistant to the Attorney General of the United States, 1920.

Professor of law at Ohio State University, 1917–21.

Dean of the Law School, West Virginia University, 1921–27.

Professor of law, University of Pittsburgh, 1927–37.

Visiting professor of law at the University of Chicago, North Carolina, Cornell, Stanford, Yale, and Vanderbilt Universities.

Practiced law in Illinois and part time in Ohio, West Virginia, and Pennsylvania.

Assisted West Virginia Revision and Codification Commission in revising property statutes, 1925.

Adviser on property and torts to the American Law Institute since 1934.

Member of the Governor's Commission (Pa.) on Private Policing in Industry in Pennsylvania, 1933–34.

Chairman, National Labor Relations Board, 1935–40.

After this extensive and very excellent background, this remarkably fine background, Judge Madden was commissioned a judge of the court of claims January 8, 1941.

As is true with regard to the Chief Judge, Marvin Jones, since serving on the court of claims Judge Madden has had further extensive experience. I continue with the résumé of his biography:

Went to Germany in July 1945 and served as associate director of the Legal Division and in 1946 as director of the Legal Division and legal adviser to the U.S. Military Governor and the Deputy Military Governor, Office of Military Government for Germany.

Awarded Medal of Freedom in 1947 for work with military government for Germany.

Returned to court of claims in July 1946.

Was exchange legal specialist, Germany, the summer of 1953.

Coauthor of a casebook on property.

Author of a treatise on domestic relations and a casebook on domestic relations.

SAMUEL ESTILL WHITAKER, ASSOCIATE JUDGE, U.S. COURT OF CLAIMS

Born in Winchester, Tenn., September 25, 1886.

Student at Winchester (Tenn.) Normal College, 1902–5; University of Virginia, 1905–6.

Bachelor of Law, University of Chattanooga, 1909.

Admitted to the Tennessee bar in 1909 and practiced in Chattanooga until outbreak of World War I.

This is a man who has had extensive and precise experience in exactly the kind of work which would suit him to be a judge of the court of claims. I continue with his biography:

Attorney, U.S. Department of Justice, 1919–20.

Attorney, Bureau of Internal Revenue, 1920.

Private practice in Chattanooga from 1921 to 1937.

City attorney, Chattanooga, 1923.

Mayor of Riverview, Tenn., 1925–29.

Employed from time to time as special assistant to the Attorney General of the United States, 1933–37.

Assistant Attorney General of the United States, 1937–39.

After this experience on the Government side of the claims work, he was appointed a judge of the U.S. Court of Claims July 13, 1939.

DON NELSON LARAMORE, ASSOCIATE JUDGE, U.S. COURT OF CLAIMS

Born at Hamlet, Ind., December 22, 1906.
Admitted to law practice in Indiana April 18, 1931.
Judge pro tempore, 44th Judicial Circuit of Indiana, 1942–1944.
Elected judge, 44th Judicial Circuit of Indiana, November 1944 and November 1950.
Commissioned judge, U.S. Court of Claims, March 17, 1954.

Judge Laramore served 12 years as a circuit judge. He is a man who has the background and qualifications the nominee does not have. Judge Laramore had served in a judicial office for 12 years before he was nominated to his present position.

Mr. President, I now wish to give the biography of the fifth member of the Court of Claims, the former member, the man whom the nominee has been selected to succeed. Judge Littleton had a particularly excellent background for service on the Court of Claims:

BENJAMIN H. LITTLETON, RETIRED JUDGE OF THE COURT OF CLAIMS WHOSE VACANCY JAMES DURFEE HAS BEEN NOMINATED TO FILL

Born in Weatherford, Tex., in 1889.
Educated in the public schools of Tennessee.
Received bachelor of law degree from Cumberland University, Lebanon, Tenn., in 1914.
Admitted to the Tennessee bar in 1914 and practiced law at Nashville.
Appointed assistant U.S. attorney for the middle district of Tennessee in 1918 (1918–1921).
Appointed special attorney, Treasury Department, in 1921.
Appointed a member of the U.S. Board of Tax Appeals,[1] July 16, 1924, for 2 years.
Reappointed June 6, 1926, for a term of 10 years.
Elected chairman of the Board in April 1927.
Reelected chairman in April 1929.
Commissioned judge of the Court of Claims on November 6, 1929.

It would be difficult to find a better background for the Court of Claims than Judge Littleton enjoys.

The present Tax Court of the United States was formerly the U.S. Board of Tax Appeals. The Board was created by the Revenue Act of 1924, and continued by the Revenue Act of 1926, the Internal Revenue Code of 1939, and the Internal Revenue Code of 1954. The change in name of the Tax Court was made by the Revenue Act of 1942.

To summarize the qualifications of these men to serve as judges on a court that is concerned with claims against the Government and particularly with immensely large tax claims, these men have the following qualifications:

Judge Laramore had served for 12 years as a judge on the bench in the 44th judicial circuit of Indiana prior to his appointment.

Judge Jones had served as chairman of the board of legal examiners in a judicial district in his State and had devoted some 24 years of his life to the Congress of the United States, including 9 years as chairman of the House Committee on Agriculture.

Judge Whitaker had prepared for the Court of Claims by serving as an attorney of the Bureau of Internal Revenue, and in turn as an attorney in the Department of Justice, as special assistant to the Attorney General of the United States and finally for 2 years as Assistant Attorney General of the United States.

Judge Madden's experience for the Court of Claims included service as special assistant to the Attorney General of the United States, professorships of law at the great Universities of Oklahoma, Ohio State, West Virginia, and Pittsburgh as well as visiting professorships at the Universities of Chicago, North Carolina, Cornell, Stanford, Yale, and Vanderbilt. He had been an adviser on property and torts to the American Law Institute and coauthor of a casebook on property.

Judge Littleton, who would be replaced by Mr. Durfee, had served as assistant U.S. attorney in Tennessee, a special attorney in the Treasury Department, a member of the Board of Tax Appeals, now known as the Tax Court, for 5 years, and chairman of the court for the last 2½ years of his term.

Mr. President, I submit that each of these men has had a far broader and deeper and more relevant experience to qualify him for the Court of Claims than has Mr. Durfee, whose background and experience has been confined to the practice of law in Wisconsin, with no evidence of substantial experience in any kind of Government claim work.

This is the heart of the qualification issue.

I wish to emphasize that because the committee report is in error on this point, and I can indicate how it contradicts the testimony of the nominee himself in the hearing.

In contrast with this background, the nominee has had service on two regulatory commissions, one State and one national, neither one of which provided a single day's experience or training in the kind of complex, highly technical work that would immediately confront Mr. Durfee on the Court of Claims. Mr. Durfee has had no visible experience in any of the three areas which have been the classic background for this important court. He has not served in Congress.

I make this point because service in Congress is not essential. Only one of the other five judges has served in Congress. However, service in Congress can be very helpful, because this court is a court established by Congress. It was established to take over the burden constitutionally originally assigned to the Congress. It is a court which deals in claims, claims with which Members of Congress may very well become familiar in their work. The nominee has not served in Congress.

He has not served as a judge on the bench. He has not had any substantial experience in handling claims cases of any kind, either for the public or for the Government.

COMMITTEE REPORT APPROVAL OF NOMINEE'S QUALIFICATIONS FLATLY CONTRADICTED BY TESTIMONY AT HEARINGS

The Wiley committee report meets these objections by dismissing the first two. It admits that the nominee has not had pertinent experience in Congress, and that he has not served in the judiciary, but says in effect, "So what?"

In reply to my assertion that the nominee has no substantial experience in any kind of Government claim work, the report asserts that the nominee has had "extensive experience in the handling of private claim cases." I repeat that, because it is a statement in the committee report which is false. The report asserts that the nominee has had "extensive experience in the handling of private claim cases."

Mr. President, this statement is absolutely wrong. There is not a shred of evidence in the hearings before the Judiciary Committee that Mr. Durfee had had any claims experience whatsoever. Mr. Durfee had ample time and opportunity to show evidence of "extensive experience in handling of private claim work." He did not show any evidence that he had done so.

What is more, Mr. President, the nominee himself in the hearing specifically denied that he had had any such experience that would qualify him for this appointment.

Mr. President, this is such an important contradiction of fact that I will read the question and answer in full from the hearings. This, as I say, goes to the very heart of the qualifications of the nominee. This is found on page 5 of the hearings:

Senator PROXMIRE. The question I have raised as to your qualifications is this—and I wish that you would tell the committee if this is not true—that you have not had congressional experience; that you have not been a judge on the bench; and you have not had cases involving the kind of work that would come before the Court of Claims, to wit—tax cases or Government contract cases, or at least a substantial number of them. You have not developed the kind of experience, in other words, that the present occupants of the Court of Claims have. If you have, it would be extremely interesting to me and the members of this committee I am sure, for you to set forth what your background has been to qualify you.

Mr. DURFEE. Prior to my past 10 years, which I have spent entirely in the regulatory field, I was engaged in the general practice of law in the county seat, a city of about 10,000 people.

I represented one of the two banks in that city. I represented other substantial clients.

I would not claim that I was a specialist in tax cases. I would say that I have had extensive practice and that I worked diligently and fulltime from 1932, when I left the office of district attorney, until 1951.

I would answer the Senator by saying that while I had experience in tax cases and in claims against the Government, not before the Court of Claims, but other courts, I did—as I said, I cannot say that I was a specialist in this kind of practice—that is correct.

I do not know how the English language could be any clearer than that. The nominee himself says that he has not had experience. He has not been a specialist. He has not had any experience—not a single case before the Court of Claims. He indicates that the only experience he has had is the kind of experience any lawyer in a relatively small town would have in connection with occasional claims of estates against municipalities, or possibly against the Federal Government. But he has had no extensive experience at all, which completely contradicts the statement in the committee report and proves it to be false, to the effect that he has had "extensive experience in the handling of private claim cases."

Mr. President, this is one of several instances in which the committee report is seriously in error. And this error is crucial. The report argues that the nominee is qualified. Why? Because, the report argues, he has had "extensive experience in the handling of private claims cases." This is the only qualification that can be found for the nominee. But there is not only no scrap of evidence to support this very important contention. There is in fact the denial of the nominee himself that he has had extensive experience of this kind.

The only hard fact that the committee report can adduce to support the contention that the nominee is particularly qualified for the Court of Claims is knocked flat by the testimony of the nominee himself.

The report negatively concludes by arguing:

> We must note that no objection to this appointment has been officially advanced by any member of the judiciary or the legal profession.

Technically that is a correct statement, but only technically. The fact is that a number of competent practitioners before the Court of Claims specifically came to me to oppose the nomination. Of course, they cannot make their opposition public. Their future bread and butter depends on their success in appearing before the Court of Claims, and the prospect has been very strong ever since the President nominated this man that he would soon sit on the Court of Claims in judgment on cases brought by these practitioners.

Mr. President, I have already placed in the RECORD a letter from one of these men. As a matter of fact, the objection of these lawyers was so disinterested and qualified that I asked my staff to conduct a poll of practitioners now regularly practicing before the Court of Claims. We polled the practitioners before the court. We called everyone that we could reach. The replies were overwhelming to the effect that the nominee is not qualified to sit on the court.

RECORD OF JUDICIAL BEHAVIOR OF NOMINEE

I now come to the second part of my opposition to the confirmation of the nomination. I wish to make it clear that I feel very strongly about the record I have already made. As a rule, much more attention is paid to exciting and sensational and interesting aspects of a nomination than to more solid and important objection. There is no more important aspect in the consideration of a nomination than the question of whether a nominee is acceptable on the basis of qualifications.

On the basis of the case I have made so far, it is clear that there has been no showing made that the nominee is qualified for appointment to the Court of Claims. The only conclusion which can be reached from a fairminded and objective and dispassionate analysis of the nominee's record and of the record made by the judges who now serve on the Court of Claims, based on the experience they had before they were nominated and confirmed to sit on that court, is that the present nominee is not qualified. I emphasize this point.

I go into detail on this point because there has been the tendency, and very likely there will be the tendency in the future, to say, "Oh, the only objection is an objection based on the violation of a code of ethics."

There is that objection, and it is an important one. However, it is not the only one. There is the solid, firm objection that the nominee is not qualified for this office.

It might be said that as Chairman of the CAB, Mr. Durfee has enjoyed a kind of judicial experience. Like the Federal Power Commission and the Federal Communications Commission, the CAB is a quasi-judicial agency.

It has judicial—and promotional, I might say—as well as rulemaking and administrative functions. The behavior of the nominee in his judicial role is for this reason particularly pertinent to his qualifications for this nomination, and they indicate an attitude of the nominee in the performance of judicial functions as a member of the CAB.

There has been considerable discussion of the record of the nominee as Chairman of the CAB. I am not discussing the rulemaking or administrative record, because I feel it is not relevant. The only part of his background, as far as the nomination is concerned, which is central and relevant to that consideration, is the experience of the nominee in his judicial capacity.

Three times the nominee has been tried in his judicial capacity, and it seems to me that three times he has been found wanting. Each of these incidents constitute a serious demerit in the fitness of the nominee for the Court of Claims. In each incident it is the contrast between the behavior of the nominee and the judicial code of the organization which he served as chairman which disturbed me. For this reason I call the careful attention of the Senate to the "Principles of Practice of the Civil Aeronautics Board," sometimes called the "code of ethics." It is so central to my case that I am going to read it. It consists of about two pages. It indicates the kind of precise and exact code the nominee had to live by. This code is of very great importance in evaluating the misbehavior of the nominee. The code itself is why, Mr. President, the misconduct of the nominee, as I shall describe it below, was more serious by far than the misconduct of Chairman John Doerfer, of the FCC, whose conduct has been denounced from one end of the country to the other, with considerable merit, because he accepted the hospitality of a man who is the owner of a number of television stations and radio stations, and who entertained the Chairman of the Commission on his yacht. I feel that what the Chairman of the Federal Communications did was not a violation of any specific code of ethics, because the FCC does not have such a code of ethics. The CAB does have a specific code of ethics. It is explicit. It is clear. The Chairman of the CAB certainly knew it.

When Mr. Doerfer, the Chairman of FCC, accepted the hospitality of Mr. Storer and stayed on his yacht for 6 days, his conduct in that regard deserved censure and rightfully resulted in his resignation under fire. However, his conduct was not in violation of a specific code of ethics. If there had been such a code, which had been promulgated, his conduct would have been that much more serious.

I present herewith the pertinent regulations in full, from which I will read the sections that pertain especially to judicial conduct and the behavior of the nominee:

REGULATIONS, SERIAL NO. PR–10
UNITED STATES OF AMERICA,
CIVIL AERONAUTICS BOARD,
Washington, D.C.

Procedural Regulations, part 300.
Effective March 30, 1051.
Adopted March 27, 1951.

Mr. WILEY. What date was that?

Mr. PROXMIRE. It was effective March 30, 1951. It was adopted on March 27, 1951.

PRINCIPLES OF PRACTICE OF THE CIVIL AERONAUTICS BOARD

Although the standards and principles which usually govern the proceedings of judicial bodies have always been applicable to the Board in the conduct of its quasi-judicial functions, the Board has not previously reduced to written form those principles of practice by which the Board and the persons appearing before it should be governed. In December of 1950 the Board requested a representative committee of industry counsel established as the Civil Aeronautics Board Advisory Committee on Practices and Procedures to assist and to advise it in formulating procedures and practices with respect to proceedings before the Board. As an initial phase in its activity, a statement of rules of conduct which will serve as a guide for all parties and the Board and its staff in relation to proceedings before the Board has been recommended by the Committee and as modified is being adopted and promulgated by the Board as a guide to all parties in relation to matters pending before the Board.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates a new part 300 to the Board's Procedural Regulations to read as follows, effective March 30, 1951:

"Part 300.—Principles of practice of the Civil Aeronautics Board

"300.0. Applicability of part: The principles of practice set out herein to the extent applicable shall govern the relationships between the Board, its staff, and all other persons.

"300.1. Judicial standards of practice: In many respects the functions of the Board are similar to those of a court and parties to cases before it and those who represent such parties are expected to conduct themselves with honor and dignity. By the same token, the members of the Board, and those of its employees who participate with the Board members in the determination of

[1] Now called the Tax Court of the United States.

cases upon a record, are expected to conduct themselves with the same fidelity to standards of propriety that characterize a court and its staff."

Incidentally, that is a phrase which should be remembered as we discuss the conduct of the Chairman of the Civil Aeronautics Board.

"The standing and effectiveness of the Board are in direct relation to its observance, that of its staff, and the parties and attorneys appearing before it, of the highest standards of judicial and professional ethics."

It would be interesting to compare this language with what actually occurred.

"300.2 Hearing cases—Improper influence: It is essential in cases to be determined after notice and hearing and upon a record that the Board's judicial character be recognized and protected. In such cases—

"(a) It is improper that there be any private communication on the merits of the case to a member of the Board or its staff or to the examiner in the case by any person, either in private or public life, unless provided for by law."

In the rear of the Chamber is a picture of a group of gentlemen at Pinehurst, N.C., on a junket which I shall discuss in some detail later, a junket which was paid for by two airlines supervised by the Civil Aeronautics Board. In the picture is the Chairman of the Civil Aeronautics Board, Mr. Durfee. His hosts also appear in the picture.

In this particular case, the nominee and the proponents of his nomination made a great issue of the assertion that it was public business which was being transacted at Pinehurst, N.C.; that the nominee went there for a public purpose, namely, to assist private airlines under the regulation of his Board.

As I shall point out in detail, the bill for the chartered Pullman car, in which Mr. Durfee traveled to Pinehurst, N.C., was paid for by the private airlines which are under his jurisdiction.

I continue to read from the code of ethics:

"(b) It is likewise improper that there be any private communication on the merits of the case to a member of the Board or to the examiner in the case by any members of the Board's staff who participate in the hearing as witnesses or as counsel.

"(c) It is improper that there be any effort by any person interested in the case to sway the judgment of the Board by attempting to bring pressure or influence to bear upon the members of the Board or its staff, or that such person or any member of the Board's staff, directly or indirectly, give statements to the press or radio, by paid advertisements or otherwise, designed to influence the Board's judgment in the case.

"300.3. Conciseness of presentation: Persons practicing before the Board should endeavor to present their cases in concise form avoiding cumulative and repetitious evidence, since the members of the Board participating in the decision of a case, after notice and hearing and upon a record, must familiarize themselves with the evidence in the record and with the arguments made on behalf of the parties orally and in written briefs, and must base their decision solely on the record."

Mr. President, I shall complete my reading of the code of ethics in a few minutes; but before I do so, and without losing my right to the floor, I shall yield to the distinguished acting majority leader and the distinguished minority leader, who desire to transact some business.

ORDER OF BUSINESS

Mr. DIRKSEN. Mr. President, I should like to inquire of the acting majority leader whether it would not be possible, for the convenience of Senators, to establish the meeting time of the Senate for tomorrow, and then to have an understanding that there will not be a yea-and-nay vote on the nomination tonight.

I am informed that the distinguished Senator from Wisconsin [Mr. PROXMIRE] contemplated continuing to speak until approximately 6 o'clock. I ask the Senator if my understanding is correct that he will continue, probably, until 6 o'clock.

Mr. PROXMIRE. That would be my expectation.

Mr. DIRKSEN. Will the Senator expect to ask for a yea-and-nay vote on the nomination?

Mr. PROXMIRE. Indeed, I will.

Mr. DIRKSEN. Would the Senator prefer not to have a vote tonight?

Mr. PROXMIRE. It seems to me that it might be inconvenient for Senators to vote tonight. I understand the distinguished minority leader will speak and that my distinguished colleague from Wisconsin [Mr. WILEY] will speak. I presume there will be some interchanges during the speeches, and that it might be 7 or 8 o'clock before we could vote. I am perfectly willing to stay to vote this evening; but perhaps it would be more convenient for other Senators to postpone the vote until tomorrow.

Mr. DIRKSEN. Mr. President, I respectfully suggest to the acting majority leader that he ask unanimous consent that when the Senate concludes its business today, it recess until 12 o'clock noon tomorrow. In that way the Senate would remain in executive session and would continue to act on the nomination of Mr. Durfee until the matter had been concluded.

Mr. PROXMIRE. That would be satisfactory to me.

Mr. MANSFIELD. As I understand, there is a good possibility that the Senate will reach a yea-and-nay vote on the Durfee nomination tomorrow.

Mr. DIRKSEN. Yes.

ORDER FOR RECESS UNTIL NOON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it take a recess until 12 o'clock noon tomorrow.

The PRESIDING OFFICER (Mr. LUSK in the chair). Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR TRANSACTION OF MORNING BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate meets tomorrow, there be a morning hour as in legislative session, for the transaction of routine business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 634. An act for the relief of Grace C. Ream;

S. 1856. An act for the relief of Frank Podany;

S. 2434. An act to revise the boundaries and change the name of the Fort Laramie National Monument, Wyo., and for other purposes;

S. 2804. An act to donate to the Keweenaw Bay Indian Tribe, L'Anse Reservation of Michigan, a certain tract of Federal land with improvements located thereon; and

S. 2877. An act to authorize the reconveyance of tribally owned lands by the Muckleshoot Indian Tribe of the State of Washington to the original allottees, their heirs, devisees, or assigns.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9331) to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 9307. An act to continue for 2 years the suspension of duty on certain alumina and bauxite, and to extend until July 16, 1960, the suspension of duty on imports of crude chicory and the reduction in duty on ground chicory; and

H.R. 9331. An act to extend and increase the authorized maximum expenditure for the special milk program for children.

NOMINATION OF JAMES R. DURFEE TO BE ASSOCIATE JUDGE OF THE U.S. COURT OF CLAIMS

The Senate resumed the consideration of the nomination of James R. Durfee to be associate judge of the U.S. Court of Claims.

Mr. PROXMIRE. Mr. President, before I yielded the floor temporarily I was reading the Principles of Practice of the Civil Aeronautics Board, the judicial code of ethics under which the nominee has been serving since his appointment to the Board, which has governed his actions and activities on the Board. I had completed reading the sections involving "Applicability of Part, Judicial Standards of Practice, Hearing Cases—Improper Influence, and Conciseness of Presentation."

Mr. President, I now come to the part of the code of ethics which is the most pertinent in regard to this nomination. It is "300.4. Unusual hospitality." This is the portion of the code under which the nominee was to have conducted himself as Chairman of the Civil Aeronautics Board. This is what he was told he should do and could do:

"300.4. Unusual hospitality: It is particularly improper that persons interested in the business of the Board should provide unusual hospitality to the Board or its staff; nor should such hospitality be accepted."

There is only one word in this very important paragraph which is subject to any interpretation. The rest of the language is very clear and explicit. The word to which I refer is "unusual."

The paragraph reads:

"300.4 Unusual hospitality: It is particularly improper that persons interested in the business of the Board should provide unusual hospitality to the Board or its staff; nor should such hospitality be accepted."

This paragraph is essential to an evaluation of the conduct—the judicial misconduct—of the nominee. This paragraph is essential to any fair determination as to whether the nominee should have his nomination confirmed, for a lifetime appointment to the Court of Claims at $25,500 per year. I shall return to this paragraph and place it up against some of the lavish entertainment from airlines, subject to the regulation of the Board and of the Chairman, which was accepted by the nominee.

"300.5. Attorney-client relationship: Persons practicing or appearing before the Board, whether or not members of the bar, should have due regard for the standards of professional conduct applicable to the lawyer-client relationship and to the relationship between a lawyer and a judicial tribunal.

"(a) The nontechnical nature of the Board's procedure calls for special adherence, by practitioners, to scrupulous standards of fairness, candor, and consideration for the rights of others in the pleadings filed, evidence submitted, conduct of the hearing, and briefs and arguments made. In appearing for a client, the practitioner thereby vouches on his honor that in his opinion the client's cause is one proper for determination, and in presenting pleadings and offering evidence he represents that the same are not offered for unwarranted delay and that in his opinion the content thereof is not misleading. Nor should he indulge in offensive personalities, unseemly wrangling, or intemperate accusations or characterizations.

"(b) A practitioner, moreover, should advise his client to observe the law according to his conscientious belief as to its permissible meaning and should use his best efforts to restrain his client from improprieties in dealing with the Board or its staff. If a client persists in such improprieties, the practitioner should terminate their relationship."

The final paragraph in this code of ethics indicates the code meant business:

"300.6. Violations: The Board may disqualify and deny, temporary or permanently, the privilege of appearing or practicing before it in any way to any person who is found after hearing by the Board to have engaged in unethical or improper professional conduct. Violation of any of the foregoing principles shall be deemed to be such conduct."

(Secs. 205(a), 1001, 52 Stat. 984, 1017; 49 U.S.C. 425(a), 641.)

By the Civil Aeronautics Board:

M. C. MULLIGAN,
Secretary.

Mr. President, the Chairman of the Board, when asked by a reporter for the Madison (Wis.) Capital Times what he would do if a member of the Board, an employee of the Board, or a staff member of the Board, violated this code of ethics, said that such a person would be fired forthwith. It is clear that the Chairman of the Board recognized this code of ethics and recognized at least the duty he had to live by it.

INCIDENTS INVOLVING CODE OF ETHICS BY MR. DURFEE

Now, Mr. President, there had been reports in the press that Mr. Durfee, while chairman of the CAB, had accepted hospitality from airlines which had cases pending before his Board. The charge was further made in the press that in this alleged action, Mr. Durfee had violated the code of ethics, as the press put it—the regulations—which I have just finished reading.

In order to determine whether these press accounts were true or false, I wrote directly to the head of each airline which had allegedly entertained Mr. Durfee when he was the Chairman of the CAB.

The first incident involved Pinehurst, N.C.; October 19–21, 1956.

I shall present my replies from these airlines in chronological order. The first letter is from Mr. L. C. Burwell, Jr., who was vice president of the Flying Tiger Airlines during the period October 19 to 21, 1956, when Chairman Durfee is alleged to have been the guest of Flying Tiger and Overseas National Airlines at a golfing party at Pinehurst, N.C.

Here is the letter, in toto. I shall read it into the RECORD.

DECEMBER 4, 1959.

DEAR SENATOR PROXMIRE: I apologise for not answering your letter of November 25 until today, but I was away from the office practically all week. I am glad of the opportunity to set the record straight with regard to the Pinehurst golfing party, since there has been a considerable amount of rumor and distortion about this in the press.

When the reporter for the Capital Times called me, he implied that his paper was anxious to correct certain derogatory rumors relative to Mr. Durfee's participation. This was a misrepresentation on his part because his article as it came out was extremely antagonistic and not factual.

At the time of this outing I was vice president of the Flying Tigers. I did not associate with Overseas National Airways until July 1, 1957. My home is at Pinehurst, and I am a Democrat. I am a colonel in the Air Force Reserve and have been personally extremely interested in airpower, and officially concerned with the role of the Military Air Transport Service in the general air transportation scheme of things.

The Flying Tiger Line, at that time, operated a business amounting to about $6 million a season in transatlantic commercial charters. The two largest competitors in this business were Pan American and, potentially, Overseas National. However, there was one thing on which the management of these three companies could agree, and that was a plan to curtail the competition of MATS in moving routine line-haul traffic that rightly should go by commercial air carrier.

Obviously the president of the Flying Tiger Line indicated that the Flying Tiger Line, Pan American, and Overseas National could increase their profits and benefit privately, financially, and pecuniarily if they could get some kind of an opportunity to transport the cargo which had been transported by the Government by the Military Air Transport Service.

He goes on to say:

I conceived the idea of a golfing weekend and of inviting not only airline officials, but persons in the Government who represented both sides of the argument, plus the Chairmen of the CAB and the Federal Communications Commission, who we wished to persuade to our point of view, but only with advocates for both sides on hand.

We invited, in addition to those that did attend, Lieutenant General Smith, Commander of MATS (who sent his alternate, General Wilson); General Twining, Chief of Air Staff; and Senator SYMINGTON. None of these could come. However, we did have Mr. Frank Pace, formerly Secretary of the Army; Mr. Juan Trippe, president of Pan American, and one of its directors, Mr. Mark McKee; Col. Harmar Denny, member of the CAB; Mr. Eugene Zuckert, formerly Assistant Secretary of the Air Force; and several others who are not important at this time. Mr. Prescott, president of the Flying Tiger Line, and I were there as well as Mr. George Tompkins, president of Overseas National. In order to avoid any appearance of impropriety, I asked Mr. Tompkins if he wished to share the cost and be cohost, which he agreed to do.

This is an interesting notion of impropriety. The head of the Flying Tiger Line feels that any impropriety could be avoided if he shared the cost with one of his two competitors—not with Pan American, but with Overseas National. Somehow a private meeting under those circumstances, with the airlines paying the fare, would be perfectly all right, so long as they divided the cost of entertaining the head of the CAB.

Continuing with Mr. Burwell's letter:

As many of the guests as I could accommodate stayed at my house. All of the guests were from time to time entertained at my house. This was entirely at my personal expense. Those who were accommodated at the Carolina Hotel had their bills paid by the two airlines. The transportation was by rail, and this was paid by the two airlines, using a chartered pullman car. There never was but one outing so that the reference to similar excursions being paid alternately is incorrect. The costs were borne jointly on a 50–50 basis.

Now answering your questions specifically:

1. Mr. Durfee was present.

2. The two airlines bore the costs jointly and the approximate figure per person was $85.

3. Mr. Durfee, to my knowledge, has not accepted any other hospitality, service, or any other consideration from either the Flying Tiger Line or Overseas National Airways.

I would like to add that in addition to the golf and good fellowship, we had serious, and I believe fruitful, discussions as to possible ways and means of allocating logically and fairly certain airlift missions of MATS to the civil industry. When I invited Mr. Durfee, I pointed out that under the act Congress had charged him with the responsibility of fostering the growth of civil aviation and here was a good chance for him to strike a blow for freedom.

In other words, the executive representing the Flying Tiger Line said that in addition to entertaining the head of the CAB, providing golf, good fellowship, poker, and drinks—poker is not

indicated here, but it is indicated in certain of the documents—public business was discussed, and specifically the public business of persuading the Military Air Transport Service to relinquish some of its routes so that the Flying Tiger Line and Overseas National and Pan American could fly those routes for their own profit.

Mr. Burwell concludes:

We got far more accomplished in 2½ days than we had in the past 2½ years, or would have gotten in the next 2½ years through uncoordinated random efforts. The CAB, MATS, and the airlines, I believe, saw each others' positions clearly and without prejudice. I think much good has come out of the meeting.

I hope this answers your questions.

Sincerely,

L. C. BURWELL, Jr.

I would call particular attention of the Senate to two sections of this letter which I will read in connection with the regulations or code of ethics of the Civil Aeronautics Board.

I refer to section 300.4 of the "Principles of Practice of the CAB" which reads:

300.4. Unusual hospitality: It is particularly improper that persons interested in the business of the Board should provide unusual hospitality to the Board or its staff; nor should such hospitality be accepted.

On this point I refer the Senate to the following statement in the Burwell letter on the Pinehurst outing:

In order to avoid any appearance of impropriety, I asked Mr. Tompkins (George Tompkins, president of Overseas National), if he wished to share the cost and be cohost, which he agreed to do.

As many of the guests as I could accommodate stayed at my house. All of the guests were from time to time entertained at my house. This was entirely my personal expense. Those who were accommodated at the Carolina Hotel had their bills paid by the two airlines. The transportation was by rail and this was paid by the two airlines, using a chartered pullman car.

A little later in the Burwell letter:

Now answering your questions specifically:

1. Mr. Durfee was present.

2. The two airlines bore the costs jointly and the approximate figure per person was $85.

3. Mr. Durfee, to my knowledge, has not accepted any other hospitality, service, or any other consideration from either Flying Tiger Line or Overseas National Airways.

Did this constitute a violation of the section 300.4?

In the first place, there is no question that both Flying Tiger and Overseas National were deeply "interested in the business of the Board," before, during, and after this outing.

I call attention to the following applications of Flying Tiger and Overseas National pending on October 19, 20, and 21, 1956, which I received recently from the CAB.

At the very moment that Overseas National and the Flying Tiger Line were entertaining Mr. Durfee, Chairman of the CAB, at Pinehurst, the Flying Tiger Line had the following cases pending before the CAB:

TIGERS

Docket No. 6893, temporary exemption, transport ships crew from Lisbon to Baltimore for Mystic Steamship Co.

Docket No. 8255, temporary exemption, four round trip charter, American Legion Post from Frankfort to New York.

At the same time Overseas National had the following cases pending before the CAB:

OVERSEAS NATIONAL

Docket Nos. 4233, 5302, 5303, 5304, applications for various authorities in the large irregular Air Carrier case, which involved supplemental air carriers the scope of their operations and the type of authorizations to be issued.

Docket No. 8056, United States to various points in Europe, route application.

Docket No. 7838, temporary exemption from certain tariff filing provisions in connection with military charters. (Later dismissed as moot.)

In the second place there is no question that hospitality was offered by these interested persons and no question that it was accepted. The only question remaining is the reference in 300.4 to "unusual" as the description of the kind of hospitality that is forbidden. I ask the Senate to consider what type of entertainment might be considered unusual if this were not. Is there one man in a thousand who would not consider it unusual hospitality if he were taken on a golfing outing to Pinehurst, N.C., in a chartered pullman car for 2½ days of golfing and entertainment? Frankly, I think I have enjoyed my share of entertainment, but I can recall no occasion in my life where the entertainment was as unusual as this weekend. My own opinion is that this was a direct and flagrant violation of section 300.4 of the CAB code of ethics, a judicial code of ethics.

At a time when the character of our people is a matter of the deepest concern to our leadership, and to all the people of America, if the Senate is to approve the promotion to a lifetime judicial appointment of a man who has seriously violated a specific code of ethics by accepting unusual hospitality offered by airlines and paid for by airlines under his jurisdiction, it seems to me that there is a serious lack of concern on the part of Senators for the role this most powerful and most famous deliberative body plays with regard to the public morale and the public character.

COMMITTEE REPORT EVADES CENTRAL ISSUE IN PINEHURST TRIP

The Wiley report meets this sober and serious objection by completely evading it. The report argues that the safari to Pinehurst was justified because constructive public business was discussed. And this is the committee's only argument justifying the trip. Mr. President, this is exactly why this sojourn was not right. This is precisely the purpose of a code of ethics: to prevent the public business from being discussed under circumstances that would obligate public officials to the private interests which they are paid to regulate. Public business was discussed to the very great advantage of the private interests represented, and under circumstances which provided a subtle, pervading guest-host obligation on the part of the Chairman of the CAB—the nominee toward the hosts he has been hired to regulate—in direct violation of the code of ethics of the Civil Aeronautics Board.

The committee report deals with this allegation with this lame little concluding paragraph, all alone, consisting of 25 words:

It is certainly not within the jurisdiction of this committee to interpret the Civil Aeronautics Board code of ethics—

I stop right there to point out that the committee is being completely inconsistent in this regard because, a little later, reference is made in the report to the two inaugural flights taken by the Chairman. In that regard there is no hesitation on the part of the committee to interpret the code of ethics by saying that the code of ethics was not violated. That was the opinion of the committee with regard to two other occasions, but on this occasion it says the subject was not in the jurisdiction of the committee. It says the committee did not interpret the code of ethics.

I continue to quote from the committee's report:

Yet there is nothing in the evidence concerning this meeting which would raise any question in the minds of the members of this committee as to the propriety of the nominee's conduct.

It seems to me that if the Chairman of the Civil Aeronautics Board is going to accept the hospitality of 2½ days at Pinehurst, N.C., extended to him by 2 airlines which have cases pending before the CAB, the impropriety is perfectly obvious. It would also seem possible to ask the question whether the results of the meeting involved an impropriety other than what is an obvious, clear, prima facie impropriety, because there is no report of what happened except from the nominee himself and these interested parties. I will come to the kind of disclosure that was made of this meeting.

The heart of this nomination is the explicit breach of a clearly enunciated judicial code by the nominee. When the committee report says that it is not within the committee's jurisdiction to interpret the code, it evades the moral issue in this nomination.

There has been widespread and proper concern with the possible ethical breaches of the former Chairman of the Federal Communications Commission, who recently accepted lavish hospitality from the owner of television stations, when he accepted the hospitality of 6 days on a yacht owned by that television executive; and there has also been widespread concern with ex parte contacts and privately furnished plane rides by the gas industry with Federal Power Commission officials. These have shocked and aroused the Nation in front page exposés. The Chairman of the Federal Communications Commission

resigned his job under fire after a conference with the President. The Federal Power Commission faces a congressional investigation.

In this case we have a combination of the acceptance of an ex parte approach and lavish entertainment that directly contradicts a specific judicial code. Yet the committee report on the nomination of the violator to a highly responsible lifetime judicial appointment says in effect: whether the judicial code was violated is none of our business.

Mr. President, there may be very little the Senate or the Government can do to stiffen the moral flabbiness of the Nation but I know that we set a pitiful moral example for the Nation when we not only fail to censure this kind of conduct, but actually reward it with a lifetime judicial appointment at $25,500 per year.

COMMITTEE REPORT INCREDIBLY MISLEADING IN RELATING PUBLICITY ON PINEHURST TRIP

Mr. President, the committee report is seriously inaccurate in dealing with this incident. It says and I quote:

It is to be noted further that this meeting was given widespread publicity.

I shall quote that again, because it is such a fantastic statement:

It is to be noted further that this meeting was given widespread publicity.

This statement should be a sure winner in any competition for the title of most misleading of the year. Exactly what publicity did emerge from this meeting?

Was there a report to the aviation industry? There was not.

Was there a report to the Congress or its pertinent committees? There was not.

Was there an account in the New York Times or the Associated Press or the United Press International? There was not.

Was there a report in any daily newspaper or weekly newspaper anywhere? There was not.

Was there any kind of record kept, any stenographic transcript, any notes concerning the agenda or the details discussed or even the conclusion? There was not.

How then was the meeting given widespread publicity?

Mr. President, not in the New York Times, or the Wall Street Journal, not in any aviation publication or any official Government document.

The report was made, not in any of the 1,500 daily newspapers of America, not in any one of the 10,000 weekly newspapers of America. The report was made in Sports Illustrated in December 1956, 6 weeks after the event took place. That is right; I said Sports Illustrated. I suppose the Police Gazette, or Film Fun, Screen Romances, or Confidential would have been as appropriate.

Here in the wholesome aroma of the locker room, the 19th hole, How To Play Bridge, and who is the outstanding exponent of the butterfly kick, a report was made to the American public of this meeting involving the head of America's Civil Aeronautics Board, the top aviation regulatory agency in this country. The only report, that is right, the only report to the American people on this highly significant meeting.

And what was the nature of this report, Mr. President? Well, here it is in all of its entirety, this picture I have mounted in the back of the chamber of the nominee, the top man of the CAB, some other public officials past and present, and some of the leaders of the aviation industry. The description on the top is mine. It reads: "The only public record of the Pinehurst, N.C., conference at which CAB officials and airlines executives discussed public business."

The only words on this meeting appearing in Sports Illustrated are a notation of obscure implication in the upper right-hand corner labeled, "Pat on the Back." The cut line is headed "High Flying Golfers." This is the total report of the meeting, which the committee report calls widespread publicity:

Putting shop talk aside, this group of top aeronautic executives and Government officials held an informal meeting of the exclusive golfing and inside-straight society—

I presume that refers to the poker games they played—

and played their own tournament on the links at Pinehurst, N.C. Participating members are George Tompkins, president, Overseas National Airways; former Army Secretary Frank Pace, Jr., now executive vice president, General Dynamics Corp., and winner of the tournament—

This picture was printed in 1956. Since then some of these people have moved up the ladder.

Juan Trippe, president, Pan American World Airways; Eugene Zuckert, attorney; Ramsay D. Potts, Jr., attorney; Lewis C. Burwell, Jr., vice president, Flying Tiger Airline; Robert Prescott, president, Flying Tiger Line; John Doerfer, Commissioner, Federal Communications Commission—

He is the man who resigned from the Federal Communications Commission under fire—

James Durfee, Chairman, Civil Aeronautics Board; Marsden Blois, president, Miller & Lux; and Col. Harmar Denny, member, Civil Aeronautics Board.

The "golfing and inside-straight society" held a meeting at Pinehurst. Durfee and other big brass in aviation were there. This is the only information given to the American public, Mr. President, and unless they read Sports Illustrated they received no report at all.

Now, Mr. President, if the proponents of this nomination in the Senate want to argue that this meeting was widely publicized in any pertinent, judicious, useful way to an interested public curious about the policies being decided at Pinehurst, they argue in vain. I have in my hand a letter dated only a few days ago from the head of the Congressional Liaison Section of the CAB who declares to me that this Sports Illustrated picture and cutline was the only report made of the Pinehurst meeting. I quote from the letter from Charles T. Donnelly, Chief, Congressional Liaison Section, CAB:

As Chairman Durfee testified before the Judiciary Committee, this trip was covered in a national magazine, Sports Illustrated, which I understand has a national circulation of about 90,000. I understand that this publicity was arranged by those who sponsored the trip. It is not customary for the Board to issue publicity on members' trips except where formal public appearances are involved and, as Chairman Durfee pointed out in his testimony, there was no formal publicity concerning this trip. I am not aware of any other publicity concerning the trip except the news coverage subsequent to the reports of Chairman Durfee and Member Denny on the trip, in October 1957 (a year later) to the House Subcommittee on Legislative Oversight.

That was when Mr. Doerfer and others were under fire for this kind of activity.

The fact is that the public was effectively and completely shut out of this meeting. Mr. Burwell, one of the two principal hosts and the vice president of Flying Tiger is on record in the letter I have previously put into the RECORD as saying:

We got far more accomplished in 2½ days than we had in the past 2½ years or would have gotten in the next 2½ years.

That is great for Flying Tiger. Their profits have zoomed to reflect that Mr. Burwell was substantially correct in the accomplishment for his airline. The Military Air Transport Routes have been decimated since that meeting. Is this good for the defense of this Nation? Is it good for the taxpayer? Who knows? We cannot tell. The public was shut out. The door was slammed in the face of all reporters except Sports Illustrated which let the sports fans know that the big aviation brass had a good time playing golf and poker, because that magazine referred to the golfing and inside straight society.

Mr. President, the only way public officials in the Congress and newspapers outside the Congress can know whether this vitally important meeting violated the public interest is to have a report on it. The fact is that no report was made.

What is worse, from a judicial standpoint, the public, which has a prime interest in meetings as important as this one, has no judicial record on which to rely. Although some contending parties were present, the public was locked out. From a public standpoint, this is the worst aspect of ex parte violations. Yet the nominee indulged in it without apology, without the slightest recognition that anything was wrong.

It is true that an aspect of an ex parte approach, I presume, is that one party to a controversy approaches, or attempts to approach, a judge, and the other party has no knowledge of it. I feel certain that the proponents of Mr. Durfee's nomination will claim that this action was not ex parte, because various contending parties were represented. In this kind of consideration, where the airlines were desirous of taking over, as they admitted, the routes of the Military Air Transport Service, the party which should have been represented above all was the public. The public had the right to know what was taking place. However, the only report made

to the public was the report which appears in the rear of the Chamber—the report of those 10 or 12 happy golfers who were entertained by the airlines.

So there it is. Two private airlines in fact provided a lavish weekend of golf and poker for the nominee as head of the Civil Aeronautics Board. He accepted the hospitality, discussed business in detail with the hosts to their very great satisfaction, but made no report whatsoever to the public. This event certainly was not reported or made known to the public. Mr. President, if there were no judicial code governing the nominee's conduct, his action would be subject to serious criticism. But in this case there was an exact judicial code. The nominee violated it; and not a line in the committee report or in the testimony of the nominee in the hearings questions that on this occasion he violated the code of his own organization.

NOMINEE VIOLATED CRIMINAL LAW IN PINEHURST TRIP

Mr. President, I now come to an extremely serious allegation concerning this trip, because I am convinced that the nominee not only violated the code of ethics of his own organization by accepting this hospitality, but, in fact, violated the criminal statutes of the Federal Government.

I make this serious charge based on a letter which I received from the Comptroller General which offered the opinion on the following hypothesis:

An official of an agency of the United States who might have his transportation, costs, hotel bills, and other expenses paid by an individual, association, or corporation, there being no claim made by such employee or official for payment of any such expenses by the United States, * * * our decisions have indicated generally the view that the payment by others of the traveling expenses of an officer or employee of the Government is prohibited by 18 U.S.C. 1914. However, we pointed out that since 18 U.S.C. 1914 is a penal statute any purported violation thereof would be for final determination by the Department of Justice and the courts.

Of the propriety of the practice of having travel and other expenses of an officer or employee of the Government paid by a private party or parties, the Comptroller General wrote:

While we hesitate to say that the acceptance of gifts by officers of the regulatory agencies offend the sense of propriety in every instance, certainly the acceptance of the more expensive gifts, the payment of hotel bills and traveling expenses by outside agencies gives rise to serious doubts as to their propriety. In our opinion, such practice is not in keeping with the conduct which the public demands of Government officials and should not be condoned, thus avoiding any appearance of favoritism whatsoever.

That is the opinion, not of this Senator; it is the opinion of the Comptroller General of the United States, who raises this very serious question as to the legality of the action of the nominee. It seems to me that no other conclusion can possibly be reached by any court than that if this statute is construed, no matter how it is construed, the nominee violated the law.

Mr. President, I ask unanimous consent that the entire text of the letter from the Comptroller General, dated March 21, 1960, be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., March 21, 1960.

Hon. WILLIAM PROXMIRE,
U.S. Senate.

DEAR SENATOR PROXMIRE: Reference is made to your recent inquiry concerning a weekend trip by Mr. James R. Durfee, Chairman, Civil Aeronautics Board, to Pinehurst, N.C., covering the period October 19 to 21, 1956, as a guest of certain airlines.

We have been unable to locate any record of any charge to the United States in connection with Mr. Durfee's trip to Pinehurst in 1956. Therefore, we assume that the Government paid none of the travel expenses of this trip.

As to the legality of payment by private parties of the expenses of an official of the United States incurred in the performance of official duty (no cost to the Government being involved), the only statute of which we are aware that might be for consideration is that contained in 18 U.S.C. 1914, which provides as follows:

"Whoever, being a Government official or employee, receives any salary in connection with his service as such an official or employee from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality; or

"Whoever, whether a person, association, or corporation, makes any contribution to, or in any way supplements the salary of, any Government official or employee for the services performed by him for the Government of the United States—

"Shall be fined not more than $1,000 or imprisoned not more than 6 months, or both."

In our letter of December 24, 1957, to the chairman, special Subcommittee on Legislative Oversight, Committee on Interstate and Foreign Commerce, House of Representatives, we discussed generally the application of 18 U.S.C. 1914 (pursuant to the subcommittee's request) to various practices of officers and employees of the regulatory agencies accepting entertainment and having their traveling and other expenses paid by an individual, association, or corporation subject to an agency's regulatory authority. One of the practices discussed was that of an official of an agency of the United States who might have his transportation costs, hotel bills, and other expenses paid by an individual, association, or corporation, there being no claim made by such employee or official for payment of any such expenses by the United States.

In commenting on that particular practice in our letter of December 24, 1957, we stated that our decisions have indicated generally the view that the payment by others of the traveling expenses of an officer or employee of the Government is prohibited by 18 U.S.C. 1914. However, we pointed out that since 18 U.S.C. 1914 is a penal statute any purported violation thereof would be for final determination by the Department of Justice and the courts. Also, we referred to the somewhat different view expressed in an opinion of the Attorney General (33 Op. Atty. Gen. 275) which held that where the officer or employee whose expenses are paid from outside sources does not personally benefit therefrom, any more than he would if he paid his own traveling expenses, the provisions of 18 U.S.C. 1914, are not violated.

In testimony before the Subcommittee on Legislative Oversight (February 3, 1958) on the same subject matter, we reiterated the points covered in our letter of December 24, 1957, as noted above, and again stated that the question whether the penal provisions of that statute are violated would be for decision by the Department of Justice and the courts.

Concerning the propriety of the general practice of traveling and other expenses of an officer or employee of the Government being paid by a private party or parties, the concluding paragraph of our letter of December 24, 1957, is as follows:

"While we hesitate to say that the acceptance of gifts by officers of the regulatory agencies offend the sense of propriety in every instance, certainly the acceptance of the more expensive gifts, the payment of hotel bills and traveling expenses by outside agencies gives rise to serious doubts as to their propriety. In our opinion, such practice is not in keeping with the conduct which the public demands of Government officials and should not be condoned, thus avoiding any appearance of favoritism whatsoever."

Referring again to our testimony on this subject matter, we indicated in our statement to the Subcommittee on Legislative Oversight that the views expressed in our letter of December 24, 1957, were furnished solely on the basis of the examples set forth in the subcommittee's letter to us which did not mention individuals.

We do not believe that it is a responsibility of our Office to undertake to express an opinion on the propriety of individual trips where none of the expenses of the officer or employee of the Government are paid by the Government, especially since we have no authority to make a final determination under 18 United States Code 1914, the enforcement of the statute being a function of the Department of Justice and the courts.

Sincerely yours,
JOSEPH CAMPBELL,
Comptroller General of the United States.

Because the Comptroller General contended that I would have to count on the Attorney General for a specific determination of the legality or illegality of the nominee's action, I wrote the Attorney General, asking him to provide me with his opinion.

Mr. President, I shall read my letter to the Attorney General, because it seems to me to be necessary to make it clear that I have done everything in my power to make certain whether there was a violation by the nominee of the criminal code. I think it is extremely important to show how responsible officials of the Government have evaded an answer.

MARCH 22, 1960.

The Honorable WILLIAM P. ROGERS,
Attorney General of the United States,
Department of Justice,
Washington, D.C.

DEAR ATTORNEY GENERAL ROGERS: I recently requested from the Comptroller General his view of the propriety and legality of a trip taken by James Durfee, in his official capacity as Chairman of the Civil Aeronautics Board, to Pinehurst, N.C., in October 1956 at the expense of two airlines which had cases pending before the CAB at the time.

I am enclosing a copy of the reply I received from the Comptroller General.

You will note that he concludes by stating: "We do not believe that it is a responsibility of our Office to undertake to express an opinion on the propriety of individual trips where none of the expenses of the officer or employee of the Government are paid by the Government, especially since we have no authority to make a final determination under 18 United States Code 1914, the enforcement of that statute being a function of the Department of Justice and the courts."

In an earlier paragraph, Mr. Campbell stated that "* * * since 18 United States Code 1914 is a penal statute any purported violation thereof would be for final determination by the Department of Justice and the courts."

In view of the above statements by the Comptroller General, I am anxious to secure your opinion as to (1) the propriety of the specific trip in question, and (2) whether or not it is a violation of 18 United States Code 1914.

For your information, I am enclosing a copy of a letter I received from Mr. L. C. Burwell, who was then vice president of the Flying Tiger Line, one of the cohost airlines, regarding the circumstances and purpose of the Pinehurst trip. I am also enclosing a copy of that portion of Mr. Durfee's testimony before the Senate Judiciary Committee on his nomination to the Court of Claims which relates to this trip.

I would appreciate hearing from you as soon as possible on this matter.

Sincerely,
WILLIAM PROXMIRE,
U.S. Senator.

The Attorney General replied on April 1; he refused to inform me whether, in his judgment, the nominee had violated the law, although the Comptroller General had told me that I must rely on the Attorney General, or else—in effect—go to court and demand the arrest of the nominee, in order to secure a determination. The Attorney General refused to reply, on the ground that he is authorized by law to render legal opinions only to the President and to the heads of executive departments.

I shall read the letter, which was a reply by the Department of Justice to my request as to whether the action of the nominee was a violation of the criminal code.

Let me repeat that the Comptroller General had stated in his letter to me that only the Attorney General was in a position to act on this question, unless I wished to go to court and demand the arrest of the nominee, in order to obtain a court determination of this question.

Mr. President, I now read the letter from the Department of Justice:

DEPARTMENT OF JUSTICE,
Washington, April 1, 1960.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: The Attorney General has asked me to reply to your letter of March 22, 1960, requesting his opinion as to the propriety and legality of a trip taken by James R. Durfee, Chairman, Civil Aeronautics Board, to Pinehurst, N.C., in October 1956 as a guest of certain airlines. Your letter is accompanied by a copy of a letter of December 4, 1959, from L. C. Burwell, Jr., of Overseas National Airways, setting forth the circumstances of the trip in question, a copy of a letter of March 21, 1960, from the Comptroller General, relating to the same trip, and a copy of that portion of Mr. Durfee's testimony before the Senate Judiciary Committee on his nomination to the Court of Claims which relates to that trip.

The Attorney General is authorized by law to render legal opinions only to the President and the heads of executive departments. Consequently, the Attorney General is unable to comply with your request.

Sincerely yours,
ROBERT KRAMER,
Assistant Attorney General, Office of Legal Counsel.

Thus, Mr. President, the Attorney General turned down my request for a determination as to whether the action of the nominee constituted a violation of the Criminal Code.

I then took the only course remaining open to me. I wrote to President Eisenhower and asked him to request the Attorney General to give a legal opinion on whether the Pinehurst trip was illegal. My letter is relatively short and relates directly to this situation. Therefore, I now read the letter to the Senate:

APRIL 7, 1960.

Hon. DWIGHT D. EISENHOWER,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: This letter relates to your appointment of James Durfee, presently Chairman of the Civil Aeronautics Board, to the U.S. Court of Claims.

I am anxious to be as fair to Mr. Durfee as I can. At the same time, as a Senator from Wisconsin, I feel a responsibility to the Senate to get all the facts relating to Mr. Durfee's conduct. They have an important bearing on this nomination.

I now find that only you are in a position to provide me with one essential fact that I need. This relates to the legality or illegality of certain conduct by Mr. Durfee.

The conduct in question involves a trip taken by Mr. Durfee, in his official capacity as Chairman of the Civil Aeronautics Board, to Pinehurst, N.C., in October 1956 at the expense of two airlines which had cases pending before the CAB at the time. Both Mr. Durfee and a host airline's executive have confirmed the fact that public business was discussed at this meeting.

I requested, first, from the Comptroller General and, later, from the Attorney General their opinion of whether Mr. Durfee's action in accepting hospitality from the industry his Board regulates constituted a violation of title 18, United States Code, 1914, which prohibits an employee of the Government from receiving any salary for his services as a Government employee from any source other than the Government or a State.

The Comptroller General replied that prior decisions of his office were that the payment by others of the traveling expenses of an officer or employee of the Government is prohibited by law, but that violation of the law would have to be determined legally by the Department of Justice and the courts.

In view of this reply, I then wrote to the Attorney General, to secure his opinion. I am enclosing a copy of the reply I received from the Assistant Attorney General, Robert Kramer, on behalf of the Attorney General, in which he states:

"The Attorney General is authorized by law to render legal opinions only to the President and heads of executive departments. Consequently, the Attorney General is unable to comply with your request."

I have tried through the only channels available—the Attorney General and the Comptroller General—to secure an opinion of the legality and propriety of Mr. Durfee's acceptance of the airlines' hospitality on the Pinehurst trip. I have been unable to do so. The Comptroller General informed me that he considers conduct similar to that indulged in by Mr. Durfee illegal, but only the Attorney General can make a formal legal determination. When I asked the Attorney General for a formal opinion, he informed me that you and your department heads alone had the right to request such an opinion.

In view of these statements and the fact that Mr. Durfee's nomination is a Presidential nomination to a high judicial post, I respectfully ask that you request the Attorney General to give you a legal opinion on the Pinehurst trip and that you make it available to me.

Since the Senate will act on the Durfee nomination shortly, I believe it necessary for Members of the Senate to have this information before deliberation begins.

Sincerely,
WILLIAM PROXMIRE,
U.S. Senator.

On April 9th, the President replied, through his Deputy Assistant. He said that he would not assist me to secure the definitive legal opinion on the legality of the nominee's trip to Pinehurst—on two interesting grounds: First, the President knew all about the facts of Durfee's trip when he nominated him for the Court of Claims; second, the Senate Judiciary Committee had already looked into "any possible questions which could be raised", and had not questioned the propriety of the nominee's conduct.

Mr. President, I shall ready this curious refusal in the name of the President of the United States to answer a simple question:

THE WHITE HOUSE,
Washington, April 9, 1960.

DEAR SENATOR PROXMIRE: This will acknowledge receipt of your letter of April 7 addressed to the President, with relation to his submission of the nomination of James Durfee to the United States Court of Claims. All of the facts which you relate were known to the President at the time he submitted his nomination of Mr. Durfee to the Senate. According to the March 7, 1960, report of the Senate Judiciary Committee in its consideration of the nomination of Chairman Durfee, all of the matters contained in your letter to the President were considered with care, and somewhat exhaustively, by the committee.

Mr. President, as a result of my earlier discussion of the committee report, I think it apparent that the portion of the letter I have just finished reading can scarcely be considered an accurate description of the action the committee took on the nomination.

I read further from the letter:

Following the hearing and consideration of these matters, Mr. Durfee's nomination was unanimously reported to the Senate. It would seem that any possible questions which could be raised as to the matter concerning you which you relate in your letter have been thoroughly considered and are a part of this report.

Once again, Mr. President, let me say that a most cursory examination of the report would indicate that in the letter which I have been reading to the Senate, the Administration has omitted any reference to a number of exceedingly important allegations which I made in my opposition to confirmation of the nomination, and would also indicate that the Administration either failed to consider them, or else handled them

inaccurately, and certainly without giving them fair consideration.

I read further from the letter from the White House:

After discussing and carefully considering all of the facts in connection with the matter the Senate Judiciary Committee, before which you yourself testified on the very subject matter in question, unanimously found:

"It is certainly not within the jurisdiction of this committee to interpret the Civil Aeronautics Board 'Code of Ethics,' yet there is nothing in the evidence concerning this meeting which would raise any question in the minds of the members of this committee as to the propriety of the nominee's conduct."

I have already addressed myself to that statement by the committee.

I now read the remainder of the letter from the White House:

In view of the foregoing the President must decline to accede to your request.

Sincerely,

GERALD D. MORGAN,
The Deputy Assistant to the President.

Mr. President, from any fairminded reading of the Comptroller General's analysis of the behavior of the nominee, it follows that there is very serious question, and there is a strong likelihood that the nominee has violated the criminal code. If he has not done so, the Attorney General could quickly and easily verify that he has not done so, via a Presidential request. The President has chosen to leave the legality of his nominee's conduct in serious doubt. Why?

REFERENCE TO THE PINEHURST TRIP IN THE SUBCOMMITTEE ON LEGISLATIVE OVERSIGHT

Mr. Durfee has stated that the report of the Subcommittee on Legislative Oversight contained no reference to the matter of his acceptance of free trips.

However, I should like to call the attention of the Senate to some of the questions put to Mr. Doerfer, former Chairman of the Federal Communications Commission, by that subcommittee's chief counsel, Mr. Bernard Schwartz, in which he referred in great detail to this particular trip to Pinehurst and the propriety of taking the trip. It seems to me that the line of questioning followed by the subcommittee's counsel made it very clear that he was questioning the propriety of a member of a regulatory commission accepting the hospitality of private companies under the regulation of that commission or board. I should like to read the pertinent parts of this exchange between Mr. Schwartz and Mr. Doerfer:

Mr. SCHWARTZ. The question is whether it (a vacation or golfing trip) is the expense of any person, corporation, association, or representative thereof subject to your jurisdiction as Commissioner.

Mr. DOERFER. I went to that golf course (Pinehurst) in October of 1956 at the invitation of some airline. Now, whether or not that particular airline has any facilities which we regulate or license, at the moment I wouldn't know.

It seems to me this reply by Mr. Doerfer, this man who resigned, under fire, from the FCC, and whose sensitivity on these matters one might tend to question, saw the relationship between accepting favors and regulating the donors of those favors.

Mr. Schwartz continued:

Did they pay your transportation and expenses, Mr. Doerfer?

Mr. DOERFER. Yes, they did.

Mr. SCHWARTZ. Do you recall any members of regulatory commissions being along on that trip, Mr. Doerfer?

Mr. DOERFER. Yes.

Mr. SCHWARTZ. Would you tell us who they were.

Mr. DOERFER. Mr. James Durfee of the CAB.

I think it is clear from this kind of questioning that the Subcommittee on Legislative Oversight, at least through its counsel, was highly interested in this free trip for members of regulatory commission whose members might be regulating the parties who paid for the trip.

MEXICO CITY INCIDENT

I come to the second incident, the Mexico City incident. The second letter I received in reply to my inquiry concerning the conduct of the nominee was from Mr. Eddie Rickenbacker, chairman of the board of Eastern Airlines. I will submit the letter in toto and then read pertinent parts of the letter as they seem to relate to Principles of Practice of the CAB, section 300.4 "Unusual Hospitality," which, I repeat, provides:

It is particularly improper that persons interested in the business of the Board should provide unusual hospitality to the Board or its staff; nor should such hospitality be accepted.

Now let me say that on August 14, 1957, the CAB, headed by Mr. Durfee, had approved the award of a nonstop route from New York to Mexico City for Eastern Airlines. On September 13, 1957, Pan American Airlines petitioned the CAB to reconsider the allocation of the route to Eastern. From September 15, 1957, to September 18, 1957, Mr. Durfee was alleged to be the guest of Eastern Airlines on a special trip to Mexico City and back. On October 23, the CAB upheld the award of the route to Eastern Airlines and denied the petition of Pan American.

This is a significant factor in the situation which the committee report ignores. The Chairman of the Civil Aeronautics Board not only accepted hospitality from Eastern Air Lines, participating in the inaugural flight to Mexico City and back and being entertained for 4 days at the expense of Eastern Air Lines in Mexico City, but he accepted that hospitality and went on the trip 2 days after the very route for which the inaugural flight was being taken was subject to a petition by another airline challenging its allocation to Eastern. Pan American petitioned the CAB to revoke the allocation of this route to Eastern Air Lines on September 13, and while this petition was pending, the Chairman of CAB turned to Eastern and said, "I will accept your hospitality. I will go on the trip." In fact, he went on the trip, went to Mexico City, and accepted all of the hospitality offered by Eastern Air Lines during the trip. This was, as I have said, at a time when his board and he himself were responsible for determining whether or not Eastern Air Lines should be permitted to keep that route.

I think this is the clearest kind of impropriety, and I would certainly question the propriety of the Chairman of the CAB having a part in the decision as to the right of Eastern Air Lines to retain the route, when he had been a guest on the inaugural flight of that route.

Let me also add for the record that on September 30, 1957—the nearest date to the alleged trip for which statistics were available—there were no less than 76 applications by Eastern Air Lines pending with the Civil Aeronautics Board, according to information recently furnished me by the CAB, as follows:

Docket No. 7375, service to Puerto Rico case.
Docket No. 4842, service to Puerto Rico case.
Docket No. 7759, service to Puerto Rico case.
Docket No. 4096, reopened Charleston-Columbus.
Docket No. 8239, St. Louis-Southeast service case.
Docket No. 8240, St. Louis-Southeast service case.
Docket No. 2396, Great Lakes-Southeast service case.
Docket No. 7286, Great Lakes-Southeast service case.
Docket No. 7287, Great Lakes-Southeast service case.
Docket No. 7288, Great Lakes-Southeast service case.
Docket No. 7289, Great Lakes-Southeast service case.
Docket No. 7290, Great Lakes-Southeast service case.
Docket No. 7291, Great Lakes-Southeast service case.
Docket No. 7292, Great Lakes-Southeast service case.
Docket No. 7529, Great Lakes-Southeast service case.

This, Mr. President, at the time when Eastern Air Lines was entertaining the Chairman of the CAB by flying him to Mexico City and back.

I continue to relate the applications by Eastern Air Lines pending with the Civil Aeronautics Board at that time:

Docket No. 8207, Dallas to the West case.
Docket No. 3207, Chicago-Twin Cities case.
Docket No. 8726, enforcement proceeding.
Docket No. 3406, Southeastern area local service.
Docket No. 5255, Southeastern area local service.
Docket No. 7146, Southeastern area local service.
Docket No. 8147, Southeastern area local service.
Docket No. 8481, Southeastern area local service.
Docket No. 3151, Evansville, Ind.-Minneapolis/St. Paul, via intermediates.
Docket No. 3624, nonstop: Richmond or points north—points west of San Antonio.
Docket No. 3986, Chicago-Minneapolis/St. Paul; St. Louis-Tulsa, etc.
Docket No. 4090, consolidate Routes 5 and 6 and part of Route 10.
Docket No. 4092, remove restriction of Columbia and Charleston, S.C., on Route 6.
Docket No. 4278, more flexible operation on cargo flights on Routes 5, 6, 10, and 47.
Docket No. 4931, extend Route 6 from Roanoke to Chicago (severed from Docket 4837).
Docket No. 5973, St. Louis, Mo.-Kansas City, Mo.

Docket No. 6052, New York-San Francisco/Oakland, via intermediates.
Docket No. 6053, Ft. Worth-San Francisco/Oakland, via Albuquerque, Phoenix, Los Angeles.
Docket No. 6054, Washington-San Francisco/Oakland, via Cincinnati, Indianapolis, etc.
Docket No. 6055, San Francisco/Oakland-New York; New Orleans-Detroit.
Docket No. 6722, Remove restriction from Route 5 re service to Raleigh-Durham.
Docket No. 6829, Intermediates between a proposed Houston-Dallas Route (severed from 4144).
Docket No. 6833, Oklahoma City-San Francisco/Oakland (severed from 6056).
Docket No. 6834, Memphis-Chicago; Memphis-Kansas City; etc. (severed from 6057).

Mr. President, I shall continue, in a minute, listing the enormous number of cases Eastern had pending before the CAB at the very time when the Chairman of the CAB was the guest of Eastern on a flight to Mexico City and the guest of Eastern in Mexico City, where he was wined and dined, as I shall show shortly, very sumptuously.

Mr. President, I am taking the time of the Senate to go into this in detail because it seems to me there is necessary a repetition of the fact that there was not simply one case Eastern had pending before the CAB at that time, but case after case after case after case. In every single case the Chairman of the CAB was acting as a judge to determine whether Eastern or some other litigant should be favored by the decision of the CAB, or whether Eastern should receive some benefits which might occur at the expense of the public. As I say, I am not referring to one or two isolated cases, but to a tremendous number of cases. I am going to continue to read the list of cases which were pending at the time the Chairman of the CAB was entertained lavishly in Mexico City by Eastern Airlines:

Docket No. 7153, Miami-Dallas and El Paso; Birmingham-Dallas.
Docket No. 7293, extend Route 10; Chicago-Seattle, via intermediates.
Docket No. 7294, extend Route 10; St. Louis-San Francisco; Chicago-San Francisco.
Docket No. 7295, extend Route 10; Chicago-Seattle, San Diego, and San Francisco.
Docket No. 7452, delete restriction on Pittsburgh-Akron, Cleveland, Detroit service.
Docket No. 7453, Washington-Minneapolis/St. Paul, via Pittsburgh, Cleveland, etc.
Docket No. 7499, Birmingham-San Antonio, via intermediates (severed from 7286).
Docket No. 7500, Pittsburgh-New York/Newark/Detroit-Minneapolis/St. Paul (severed 7287).
Docket No. 7501, New York/Newark-Pittsburgh (severed from 7288).
Docket No. 7502, New Orleans-Louisville; Houston-Louisville (severed from 7289).
Docket No. 7503, Atlanta-Lexington/Frankfort; Detroit-Minneapolis/St. Paul (severed from 7290).
Docket No. 7504, Birmingham-San Antonio, via intermediates (severed from 7291).
Docket No. 7505, Chicago-Seattle, via intermediates (severed from 7292).
Docket No. 7779, New Orleans, La.-Louisville and Chicago, Ill. (severed from 7529).
Docket No. 8274, Cleveland, Ohio-Syracuse, N.Y., via Buffalo and Rochester, N.Y.
Docket No. 8275, Syracuse, N.Y.-Cincinnati, Ohio, via Pittsburgh, Columbus, Dayton.
Docket No. 8276, New York, N.Y.-Cincinnati, Ohio, via Philadelphia and Pittsburgh.
Docket No. 8277, Washington, D.C.-Pittsburgh, Pa.
Docket No. 8278, Pittsburgh, Pa.-Buffalo, N.Y.
Docket No. 8528, Atlanta-Dallas/Fort Worth; Chattanooga-Dallas/Fort Worth.
Docket No. 8529, Chattanooga-Memphis, via Huntsville and Muscle Shoals.
Docket No. 8653, Rockford, Ill., and Rochester, Minn. (on Chicago-Twin Cities route) (3207).
Docket No. 8870, remove certain restrictions on routes 5 and 10; etc. (from 3406).
Docket No. 2055, New York-Montreal and Quebec.
Docket No. 3825, Miami/Tampa-Bogotá: Miami-Caracas, New Orleans-Bogotá; etc.
Docket No. 5925, extend routes 6 and 10 to West End, Grand Bahama, British West Indies.
Docket No. 6605, Boston and New York-Mexico City.
Docket No. 7250, Pittsburgh-Toronto; Pittsburgh-Buffalo-Toronto.
Docket No. 7365, Miami-Nassau; New Orleans-Nassau, via Miami (severed from 6717). 6717).
Docket No. 8926, consolidate routes 5 and 6 with FAM-33 (Bermuda route).
Docket No. 8581, Hugh Knowlton.
Docket No. 9035, nonstop: Ottawa-Patrick Henry Field; P. H. Field-Washington.
Docket No. 4287, suspend Capital's route 51, Washington-Rocky Mount via Richmond.
Docket No. 6591, complaint re resort's tariff on Miami Stopovers.
Docket No. 7154, petition for investigation re southern transcontinental interchange.
Docket No. 7155, petition for investigation re southeast-southwest interchange.
Docket No. 8268, night coach fares.

If ever an airline had an interest in the business of the CAB in September of 1957 it would seem to be Eastern.

Here is the Rickenbacker letter:

EASTERN AIR LINES, INC.,
New York, December 21, 1959.

MY DEAR SENATOR: I have received your letter of November 25, 1959, addressed to our vice president, Robert Ramspeck, and we are happy to give you the information requested concerning the participation of Mr. James R. Durfee, chairman of the Civil Aeronautics Board, on the ceremonial preinaugural flight conducted by Eastern Air Lines between New York and Mexico City, September 15–18, 1957.

In order to answer the specific questions you asked, we requested, and your office kindly supplied, copies of the articles you referred to, as published in the Capital Times, of Madison, Wis., under the dates of March 31 and April 30, 1958.

The following are the facts:

1. The ceremonial introduction of new international air services has long been an accepted tradition between the countries and the airlines involved.

Representatives of the Government, including officials responsible for aviation, are customarily honored guests on these important "get-acquainted" occasions.

In this case, the successful conclusion, after nearly 11 years of effort, of the first bilateral air agreement between the United States and Mexico, was of unusual interest on both sides of the border. It made possible the first direct U.S. air services between New York and Washington and the capital city of Mexico over the New York-Mexico City direct route which, until September 1957, had been monopolized by a government-owned European-flag airline.

This final checkflight, over the new route, preparatory to inauguration of regularly scheduled service, therefore, presented an exceptional opportunity for aviation officials of both countries to meet and exchange views, to make proper response to the invitation to attend the president of Mexico's official reception, and to encourage, through press and other public channels, a better understanding of the common interests of both countries.

2. There was nothing "unusual" about the program carried out by Eastern Air Lines. The food and beverage service on the preinaugural flight was identical with the standard set for the subsequently established regular service on this route and is competitive with the paralleling "continental" service of Air France.

Mr. President, whether the hospitality is "unusual" does not depend upon whether the chairman of the board of Eastern Air Lines considers a menu offered to a guest to include an unusual dish. The point of the "unusual" phrase in the code of ethics, as indicated by a great deal of discussion and interpretation by the Comptroller General and others, relates to whether the entertainment constitutes more than a casual meal at somebody's house, or the offer of a cigarette or a cigar, or something of that kind. Certainly anyone would say that a 4-day trip to Mexico City and being entertained in Mexico City for 4 days would constitute "unusual hospitality." Perhaps it would not be unusual to the man who is the chairman of the board of one of the great airlines of the country, but I think to the overwhelming majority of the American people it would be extremely unusual.

I continue to read the letter:

3. All details of the preinaugural program and the list of invited guests were publicly announced, in advance, in Washington and Mexico City and the information was publicized throughout the United States and Mexico.

4. The schedule of the flight was as follows:

Southbound, September 15, 1957:
Leave New York, 10 a.m., e.d.t.
Arrive Washington, 11:03 a.m., e.d.t.
Leave Washington, 11:30 a.m., e.d.t.
Arrive Mexico City, 4:15 p.m., c.s.t.
Northbound, September 18, 1957:
Leave Mexico City, 11 a.m., c.s.t.
Arrive New Orleans, 2 p.m., c.s.t.
Leave New Orleans, 3 p.m., c.s.t.
Arrive Washington, 8:20 p.m., e.d.t.
Leave Washington, 8:50 p.m., e.d.t.
Arrive New York, 9:48 p.m., e.d.t.

5. The program of entertainment for the preinaugural guests from the United States was purposely limited in order to enable them to devote maximum time to informal activities with their official counterparts in Mexico.

6. The trip to Acapulco (where President Eisenhower and President Lopez Mateos subsequently met), was at the invitation of Mexico's former President Miguel Aleman. Aeronaves de Mexico (now owned and operated by the Government of Mexico), which was designated to operate the reciprocal service on the Mexico-New York route, was the participating host. There were no hotel accommodations required in Acapulco.

The 1-day trip was scheduled to allow for sightseeing and a luncheon at the home of Mr. Aleman. The party was to return to Mexico City at 5 p.m. the same day, to attend a dinner given in their honor by the national airline of Mexico, Aeronaves.

Due to inclement weather, the trip to Acapulco was canceled and a sightseeing trip around Mexico City and outlying areas was substituted.

7. The preinaugural party was accommodated at the Hotel Del Prado in downtown Mexico City.

8. For more than 13 years Eastern Air Lines has maintained, in Mexico City, the largest and best located city ticket office of any U.S.-flag airline, located on the plaza at the corner of Reforma and Morelos Avenues. It also has one of the major locations at the airport terminal.

9. On July 18–21, Eastern also operated preinaugural flights over the New Orleans-Mexico City route. This route was certificated to Eastern by the Civil Aeronautics Board and the President in 1946, but, until conclusion of the bilateral air agreement with Mexico in 1957, could not be implemented.

The purpose of this New Orleans introductory program was to introduce, to Mexico, civic and other representatives of the principal cities to be served on this route.

A guest list of those who participated on these flights is also attached.

10. The personal expenses, paid by Eastern Air Lines, were limited to individual hotel accommodations and the nominal charge for continental breakfasts which are served in the rooms, according to custom.

Eastern Air Lines did pay for the hotel accommodations and for the continental breakfasts, as well as for the cost of the flight.

11. Attached are documents, publicly distributed at the time these flights were being planned and carried out, including the flight schedule, itinerary and list of guests.

The only other occasion on which Eastern Air Lines was host to Mr. Durfee was during an introductory program for the first "Golden Falcon" type Douglas DC–7B aircraft. This consisted of a 45-minute luncheon flight, circling Washington. Members of the Civil Aeronautics Board and some 55 members of the staff were guests on this educational flight, one of a series conducted in the principal cities of the eastern half of the United States.

If there is any further information you desire, we would be most happy to try to locate it for you.

Sincerely,

EDDIE RICKENBACKER,
Chairman of the Board.

Now, Mr. President, in the first place, Mr. Rickenbacker confirms the fact that Mr. Durfee did take the flight. That is not an allegation. It is a confirmation by the chairman of the board.

In the second place, Mr. Rickenbacker asserts that Mr. Durfee was the guest of Eastern Air Lines. He says that Eastern provided food and beverage service which he describes as "identical with the standard set for the subsequently established regular service" on the route and Rickenbacker says it is no better than Air France "continental" service. Rickenbacker says there is nothing unusual about the program in this sense. He also points out that the entire program was publicly announced throughout the country, and says the entertainment was deliberately limited to enable guests from the United States to "devote maximum time to informal activities with their official counterparts in Mexico."

Mr. Rickenbacker also said:

The personal expenses, paid by Eastern Air Lines, were limited to individual hotel accommodations and the nominal charge for continental breakfasts which are served in the rooms, according to custom.

Mr. Rickenbacker did not answer my request for the approximate value of this trip. Unaccounted for, at the least, were air transportation and several items listed in the itinerary, such as reception and cocktails, Sunday evening, September 15, at the Del Prado Hotel, where the group stayed; cocktails and luncheon in the Chandelier Room of the Del Prado the following day, where the party reviewed the Independence Day parade; and later the same day, from 9:30 to midnight, dinner and entertainment at El Rancho del Artista.

An industry source told me that the excursion cost Eastern Air Lines in his opinion $2,000 per person or a total of $110,000. Even if the cost was only half this much, a 4-day excursion to Mexico City and back on Eastern Air Lines with cocktail parties, midnight dinners, and entertainment, would be considered by most persons as "unusual" entertainment. Certainly any judge of any court would consider such entertainment by any litigant to be unusual, at the very least. And I remind the Senate that if the code of ethics of the CAB serves any purpose at all it is to place the Board of the CAB in a judicial posture.

As a matter of fact, the code of ethics of the CAB, which I read earlier, refers to the insistance that the CAB does recognize that it is subject to a stringent code of ethics.

It seems to me that no judge in America would consider accepting, under any circumstances, the entertainment incident to an inaugural flight, regardless of how it is justified, regardless of what public purpose may be advanced by the interested parties who offer the entertainment. No judge could possibly accept from a litigant entertainment costing, conservatively, $1,000, and involving a lavish trip of this kind to Mexico City, without violating judicial ethics outrageously.

For these reasons the Mexico City trip constitutes in my judgment a second flagrant violation of the CAB code of ethics by Mr. Durfee. To construe it any other way would make the code of ethics a pious and ridiculous affirmation that in fact limits no one in any sense. It would mean the code of ethics is a meaningless mockery.

If this is not a violation of the code of ethics, I should like to see one hypothesized. It seems to me this is a clear violation.

I should like to modify that statement by saying that it seems to me the trip to Mexico City is not as clear a violation as the trip to Pinehurst, N.C. I admit that there is a difference between the trip to Mexico City, on an inaugural flight, for which there have indeed been precedents, and the trip to Pinehurst, N.C., for which there was no precedent, no authorization in the law, in a situation in which the Comptroller General makes it very clear that it seems there has been a violation of the law. The Attorney General, who is the only authority who can pass on the question, refuses to pass upon the question whether or not there was a violation of the law. It seems to me, however, that this Mexico City trip, too, constitutes a violation, which, if it is condoned, makes the code of ethics a meaningless mockery.

The committee report treats this flight together with another inaugural flight to Rome, Italy, so I will defer my reply to the committee report on this point until I discuss the trip to Rome.

I also wrote to the executives responsible for the trip to Rome, and I received a reply to my inquiry concerning the conduct of the nominee.

ROME, ITALY, INCIDENT

The third letter I received in reply to my inquiry concerning the conduct of the nominee was from Mr. Charles S. Thomas, president of Trans World Airlines. Once again I refer to the CAB code of ethics and the section which provides, and I repeat:

It is particularly improper that persons interested in the business of the Board should provide unusual hospitality to the Board or its staff; nor should such hospitality be accepted.

Did TWA have any interest in the business of the CAB during the period October 2 through October 6, 1957, when Mr. Durfee is alleged, along with his wife, to have been the guest of TWA on a 4-day trip to Rome, Italy?

The CAB has informed me that as of September 30, 1957, the nearest date to the Rome trip for which figures are available, the TWA had 15 applications pending before the CAB, 5 of which were regarded as of major importance. I submit the list of applications which TWA had pending at the CAB on September 30, 1957:

Docket No. 5065, Transpacific certificate renewal case, Docket No. 5031 et al. (deferred portion).

Docket No. 7378, transfer Cincinnati to Detroit route.

Docket No. 8216, *T.W.A. v. Northwest*, Capital's family fare plan.

Docket No. 7209, Seven States Area case.

Docket No. 8997, complaint re Southwest's EX–2, CAB 15; PR–4, CAB 43; PF–5, CAB 44.

Docket No. 7831, St. Louis-Southeast Service case.

Docket No. 7268, Great Lakes-Southeast Service case.

Docket No. 8235, control of TWA and Northeast by Howard Hughes.

Docket No. 7157, extend route 2, Albuquerque to Houston, via Fort Worth and Dallas.

Docket No. 8061, Hughes Tool Co. and TWA.

Docket No. 7703, eliminate restriction on route 2 re Las Vegas to Los Angeles.

Docket No. 7797, Las Vegas on segment 5 of route 2; Las Vegas to Phoenix service.

Docket No. 7957, remove restriction, Los Angeles to San Francisco/Oakland service on route 2.

Docket No. 3473, include Kuwait between Basra and Dhahran.

Docket No. 4546, include Madrid, Spain, on international route.

These include, as I have said, five really major applications, applications on which the Chairman of the Civil Aeronautics Board would be called upon to act. These were pending at the time the Chairman of the Civil Aeronautics Board was the guest of Trans World Airlines, on an inaugural flight, not merely to Mexico City, but halfway around the world, to Rome, Italy, a flight which he did not take alone, but on which he took his wife as a companion.

Certainly TWA qualifies as a concern which had an obvious and vital interest in the business of the Board.

Second, did Mr. Durfee in fact accept unusual hospitality from TWA during the period?

I submit for the information of the Senate the letter in toto from the President of TWA, Mr. Thomas.

TRANS WORLD AIRLINES,
New York, N.Y., December 1, 1959.

Hon. WILLIAM PROXMIRE,
U.S. Senate, Washington, D.C.

DEAR SENATOR PROXMIRE: In reply to your letter of November 25, TWA was host on a 4-day trip to Rome in October 1957, to approximately 100 Americans who were representative of their many respective fields, which included education, religion, the arts, sciences, sports, business, government and finance. The purpose of the trip was a meeting in Rome with their counterparts from European nations in furtherance of the President's people-to-people program.

Of course, a number of other Americans took this trip. As the president of TWA points out, they represented many fields, but there was only one man who was the chairman of the board which had the responsibility for regulating TWA, a responsibility which can properly be said to involve economic life or death, a responsibility which is immense, a responsibility which is judicial, and a responsibility which is proscribed by judicial code, which explicitly says that the chairman shall not accept hospitality from any firm or agency or person subject to regulation, or which has business pending before the Board.

The letter from Mr. Thomas continues:

As TWA's contribution to the program, our company helped to arrange the Rome meetings and transported representatives under International Air Transport Association authority as part of our Polar route and our New York to Rome nonstop inaugural flights.

Mr. and Mrs. James Durfee were guests on one of these flights and Mr. Durfee was an honored guest on the dais at the people-to-people dinner of all nations as a representative of American civil aviation. The dinner and preceding people-to-people meetings were attended by representatives from all over Europe, particularly NATO countries, and it was the consensus that the meetings made a positive contribution to the cause of better understanding between the United States and nations abroad.

Three groups—one each from Los Angeles, San Francisco, and New York—departed from the United States on October 2 and arrived in Rome on October 3. They departed from Rome for the United States on October 6.

Mr. and Mrs. Durfee were in the group departing from New York. The cost of their transportation, if paid for at 1957 fare levels, would have been $1,776. The approximate cost of their accommodations in Rome was $100.

In reply to the second part of your question, Mr. Durfee, to the best of my knowledge, has not accepted any hospitality, services or other consideration of value from TWA.

Sincerely,

CHARLES THOMAS.

Of course, it is hard for me to understand that statement by Mr. Thomas, in view of what he said in a preceding paragraph, that the cost of the transportation, if paid for at 1957 levels, would have been $1,776, and that the approximate cost of the accommodations in Rome was $100, which was paid for by TWA.

Did the Chairman of the CAB—Mr. Durfee—accept hospitality from this airline which had such a massive interest in the business of the CAB?

The answer, of course, is "Yes," on the testimony of the president of TWA.

Was this hospitality unusual?

Mr. President, any time anyone will provide a trip from New York City to Rome and return for any man and his wife with $25 a day hotel room in Rome for 4 days, that hospitality would be unusual for the most jaded millionaire.

Is there any lawyer anywhere who would not call such hospitality unusual for a judge who enjoyed it at the expense of a litigant before his court?

Once again, Mr. President, the nominee for the Court of Claims flagrantly violated the code of ethics of the agency he served as the responsible chief. Any contrary view must assume that there is nothing unusual about a hospitality that would fly a man and his wife halfway around the world and back.

COMMITTEE REPORT COMPLETELY MISSES ETHICAL POINT ON INAUGURAL FLIGHTS

What is the reply of the Judiciary Committee to the allegations I make that, by accepting hospitality on these inaugural flights, the Chairman of the Board of CAB has both violated the code of ethics of his organization and has put himself under an obligation to an airline which is subject to regulation by his Board?

The Wiley committee report response to my charge that Durfee had violated the code of ethics of the CAB by taking these flights at airline expense to Mexico City and Rome flatly contradicted its refusal to deal with the code of ethics question on the Pinehurst trip. On the Pinehurst junket, the report ducks the entire code issue by saying that interpretation of this code of ethics is beyond the jurisdiction of the Judiciary Committee.

Mr. Morgan, of the Office of the President of the United States, relied on this interpretation of the Committee on the Judiciary in refusing to tell me whether or not the trip to Pinehurst constituted a violation of the code of ethics. He relied on the statement that the interpretation of the CAB code of ethics is beyond the jurisdiction of the Committee on the Judiciary.

As I said, that was a fantastically ridiculous position for the Committee on the Judiciary to take.

Why in the world is that beyond the jurisdiction of the Committee on the Judiciary? If it is, and, as Mr. Morgan implies, it is beyond the jurisdiction of the President, who has jurisdiction? I presume the Chairman of the Board of the CAB would have jurisdiction. Yet the Chairman of the CAB is the man who has violated the code. Therefore I would presume that what the Committee on the Judiciary has been telling us is that nobody can judge the Chairman of the Board of CAB. They cannot judge the conduct. The President cannot judge it, apparently. Congress cannot judge it. Only the Chairman himself can judge it.

This is a very apt companion to the whole manner in which the case has been treated, when the responsibility for writing the committee report was assigned to my senior colleague from Wisconsin, a man for whom I have great esteem, but who, as everyone recognizes, is the principal sponsor of the nominee, and therefore has his case to plead. The same situation would obtain if I had been assigned to write the committee report, as the chief opponent of the nomination. It would have been just as improper for me to write the committee report, because it is well known that I am the principal opponent of the nominee.

If the committee is going to say that in the Pinehurst case the committee has no jurisdiction to judge the Code of Ethics of the CAB, they could at least be consistent about it. In the inaugural flight situation the report has no hesitation in interpreting the code of ethics, and flatly says that the nominee "was not in disregard" of it. That is the interpretation of the committee of the code of ethics. They interpret it in this case.

In other words, the report chooses to interpret the code of ethics when it feels it can make an interpretation favorable to the nominee. When the interpretation is likely to be unfavorable the report walks away from it as outside the committee's jurisdiction.

I am convinced that inaugural flights taken by members of the Board of the CAB have violated the code of ethics ever since the code was promulgated. Let me take up each point made by the committee report on this issue in turn:

First. The committee argues these flights are customary. Many CAB officials over a long period of time have gone on these flights without any serious question being raised about their propriety.

Mr. President, the fact that it has been customary for CAB officials to accept free transportation and hospitality from the airlines on such flights does not mean that it is a wise or ethical policy.

I should like to ask: Why is it an ethical policy? Who authorizes inaugural flights? They are authorized by the CAB. Who determines whether or not the airlines may charge for the inaugural flights? That determination is made by the CAB. The CAB tells the airlines, "You cannot charge for inaugural flights." Then the Chairman of the CAB takes flights. The staff members take flights. The Board members take flights. I do not want to use the term "racket" in the most sinister sense, but in a casual sense I would say that this is a nice, cozy little racket.

The CAB authorizes an inaugural flight and tells the airlines that it cannot charge for that flight. Then the staff of the CAB, the members of the Board, and the CAB Chairman take the flight. They take these flights to Mexico City and to Rome, and all over the world. The expenses are paid for by the airlines.

I can see how an appointment to the CAB might be a much-sought-after position. Any judge, any lawyer, any American citizen would agree that this is not

request for the approximate value of

of ethics a meaningless mockery.

in the business of the Board.

ethical conduct, that this is not right, that there is no justification for it.

The fact that the CAB felt it had to write an exception to its own code of ethics to permit such flights indicates that they were regarded as violating the general principle that Board members should not accept unusual favors from companies with cases pending before them. Bribery was customary in many State legislatures for many decades. This did not mean that it was an ethical practice.

As Walter Lippmann recently wrote:

It is not asking too much that in the highest places men must be an example of what ought to be the general practice. They cannot excuse themselves by saying that in fact they have done only as many others have done.

I remind the Senate that this nominee is not being considered as an object of censure, although I think he has violated the law. He is being considered for promotion to a top post in the Federal judiciary—a lifetime responsibility at $25,500 per year.

Second. The committee report argues that, shortly after adopting its code of ethics, the CAB held that participation in inaugural flights was not within the prohibitions of the code. Incidentally, that point has never been proved or established.

The decision of the CAB to set up an exception to its section 300.4 in the CAB code of ethics does not make the practice of inaugural flights ethical. The general principle as set forward in the code of ethics is sound, and the fact that an exception was written indicates that the CAB regards participation in inaugural flights as unusual hospitality. It does not mean that the CAB should have written the exception.

Third. The committee report argues that Durfee was justified in taking these flights because they promoted better international understanding and U.S. friendly relations with foreign countries.

Mr. President, the basic issue in this controversy over inaugural flights is this: If the participation of CAB officials was necessary to the friendly relations of the United States with Mexico and Italy then the expenses of CAB officials should be paid for by the U.S. Government. To hold otherwise is to take the position that the U.S. Government must depend on the financing of private airline companies in order to carry on its necessary diplomatic relations. Whether the flights and Durfee's presence on them were necessary to our friendly relations with Mexico and Italy or not is not the question here. This was used as an argument for Durfee's presence. If it is true, the airlines should not have paid. For them to do so would be as if the United Fruit Co. paid for maintaining our Ambassador to Guatemala, as if our Ambassador to Guatemala had accepted pay perquisites from the United Fruit Co.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. HUMPHREY. Mr. President, I have assured the distinguished junior Senator from Wisconsin in my discussions with him prior to his address today that I believe the case he is making with reference to this nomination is a very valid one. The junior Senator from Wisconsin is performing a very great service. I compliment him upon it and assure him of my cooperation and support, as I indicated to him at the time of the exchange of our correspondence and our visits concerning this matter.

Mr. PROXMIRE. Mr. President, I wish to thank the Senator from Minnesota for his expression of support in opposing the nominee. He wrote to me and told me that he would support me in this case. Certainly there is no Member of the Senate whose support I would rather have than that of the Senator from Minnesota. He has tremendous intellectual capacity, strong character, and a long record of great interest in decency, honesty, responsibility, and morality in government. So his support is of very great importance to me.

Mr. HUMPHREY. I thank the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, a moment ago I referred to the allegation, as set forth in the committee report, that such inaugural flights are proper because they serve a public purpose, and that therefore it is perfectly proper for the airline companies to pay the transportation and hotel and related expenses of the Chairman of the Board which regulates the airline companies.

I pointed out that for the airline companies to pay those expenses would be as bad a procedure—in fact, it would be worse—than if the United Fruit Company were to pay for maintaining our Ambassador to Guatemala.

This is exactly why the Comptroller General, in a letter dated December 24, 1957, to the chairman of the House Subcommittee on Legislative Oversight, at that time Representative MOULDER, said:

While we hesitate to say that the acceptance of gifts by officers of the regulatory agencies offend the sense of propriety in every instance, certainly the acceptance of the more expensive gifts, the payment of hotel bills—

And the nominee's hotel bills were paid—

and traveling expenses—

And the nominee's travel expenses, and then some, were paid—

by outside agencies gives rise to serious doubts as to their propriety. In our opinion such practice is not in keeping with the conduct which the public demands of Government officials and should not be condoned, thus avoiding any appearance of favoritism whatsoever.

But, Mr. President, if the Senate confirms the nomination of Mr. Durfee to the Court of Claims, it will be clear that such practices are condoned by the Senate, because in the remarks I have made today in the Senate, I have called attention to the fact that those practices have been indulged in; and neither in the committee report nor in the hearings is there any denial that the chairman of the Civil Aeronautics Board was at Pinehurst, N.C.—that is shown by the picture that is displayed in the rear of this Chamber—and that he was entertained there by the airlines, and that his expenses there and the cost of his travel there were paid by the airlines; also that the nominee was at Mexico City, under a similar arrangement; also that he was at Rome, Italy, under a similar arrangement. All that is, in fact, stipulated.

The committee report contends that one of the functions with which the CAB is charged is that of encouraging and promoting the aviation industry in the United States, and that by participating in these ceremonial flights, CAB officials help to fulfill this function.

Once again, Mr. President, if this is true, then the Government, not the airlines, should have paid Mr. Durfee's expenses. It is true that the Government is charged with encouraging the aviation industry. It may be unfortunate that the promotional and quasi-judicial functions are combined in one agency; but they are. This lays a great responsibility on Board members to carry out their promotional activities in such a way as not to prejudice themselves in their judicial activities. If the interest of the United States were furthered by Mr. Durfee's taking those flights, if he was fulfilling his duty in the CAB by them, the trips should be paid for by the Government.

Mr. President, of course I recognize there is a difference—and an important difference—in degree between the Pinehurst junket and the inaugural flights. There is no sanction in precedent or law for the Pinehurst trip. Precedent is an extenuating circumstance in the nominee's flight to Mexico City for 4 days of wining and dining at the expense of Eastern Airlines, and the travel to Rome and a $25 a day hotel suite in the Eternal City, with Mrs. Durfee as a companion, all at the expense of TWA. I would argue that the participation of the nominee in those flights and also the defense of this practice by the nominee as good public policy cast serious doubt on his understanding of the responsibilities of the judicial function of the CAB.

Mr. President, the saddest alibi given by the nominee and his supporters for such "freeloading" is that the CAB officials are prohibited from paying their own way, or the Government from paying for them. I asked the nominee, in the hearings, who determined that the airlines could not charge for such flights; his reply: the counsel for the CAB. I asked who authorized inaugural flights; the answer: the CAB. So it is clear that the CAB is responsible for this cozy little relationship. The CAB authorizes each inaugural flight. It interprets the law as forbidding the airlines to charge for it. The officers and staff of the CAB enjoy the flights and the payment of all expenses at the destinations. The nominee not only condones this; he defends it, and takes part in it.

ERRORS IN THE COMMITTEE'S REPORT

Mr. President, there are a series of grave errors in the committee report on this issue. At the top of page 3, the committee report misquotes the code of ethics of the CAB, by erroneously substituting the word "answered" for the correct word, "accepted."

A more serious error in the committee's report appears in its handling of

the opinions of the Comptroller General. On page 4, it quotes the Comptroller General as having stated the following:

We have no authority to make a binding determination as to proper interpretation of this statute and from the standpoint of the audit functions of this office I have no reason to question your determination as to the continued official nature of the flights mentioned or the participation therein by officials of the Civil Aeronautics Board, or their staffs, under the circumstances related. While in my opinion such action would not be a violation of 18 U.S.C. 1914, that is, as stated above, a matter for final determination by the Attorney General or the courts.

Actually, in reading from a copy of the original letter, which I have in my hand, we find that there are two paragraphs, which should read as follows:

We have no authority to make a binding determination as to the proper interpretation of this statute.

But the words I shall read now were very conveniently omitted from the report:

Therefore, any contrary construction of our role in this area is and should be regarded as incorrect.

Then the report quotes correctly the following part of the letter of the Comptroller General:

From the standpoint of the audit functions of this Office I have no reason to question your determination as to the continuing official nature of the flights mentioned or the participation therein by officials of the Civil Aeronautics Board—

But then the report quotes the Comptroller General as having used the words "or their staffs." However, that is not what he said. He said:

or their wives, under the circumstances related. While in my opinion such action would not be a violation of 18 U.S.C. 1914, that is, as stated above, a matter for final determination by the Attorney General or the courts.

But, Mr. President, of course the Comptroller General does not audit private payments. He audits only public payments. But no public payments were involved. The Comptroller General believes that such acceptance of hospitality violates the proprieties.

It seems to me unfortunate that we cannot rely on Senate committee reports to quote accurately and fairly from documents which they claim to be reproducing exactly.

These relatively minor inaccuracies are followed by a major omission. In the succeeding paragraph on page 3, the report says that it was implied that the presence of the nominee on the inaugural flight to Mexico City was ethically improper because some 76 applications by Eastern Air Lines were pending with the CAB at the time. Certainly I implied that; in fact, I said so.

But, Mr. President, there was a more specific objection to the nominee's decision to take that particular inaugural flight. That is because 2 days before Chairman Durfee took that flight on Eastern Air Lines, in inaugurating Eastern's route, Pan American Airways protested the assignment of that very route to Eastern. So the very route over which the Chairman was flying, at the expense of Eastern Air Lines, was in litigation before him at that time. The committee report also fails to mention that 1 month after the completion of the flight, the Pan American Airways petition was denied by Mr. Durfee's CAB.

Let me repeat, for emphasis, that Pan American Airways protested the assignment of that route to Eastern Air Lines; but after the protest was made, the Chairman of the Civil Aeronautics Board, which determined whether Eastern Air Lines or Pan American Airways would be assigned that route, accepted an invitation from Eastern Air Lines to travel to Mexico City, at the expense of Eastern Air Lines; and while he was in Mexico City he was entertained at the expense of Eastern Air Lines; and the cost of his return flight was also paid by Eastern Air Lines. Then, 1 month after his return from that trip, he upheld the assignment of that route to the company—Eastern Air Lines—which had entertained him in that way; and he rejected the protest by the competing company, Pan American Airways.

It seems to me that this is a clear impropriety and an obvious reason why the code of ethics was promulgated.

DURFEE MISCONDUCT PART OF PATTERN OF DEVELOPING MORAL WEAKNESS

Mr. President, in deciding his vote on this issue every Senator should recognize that this nomination to a Federal judgeship of a man who has accepted lavish hospitality from airlines which he was appointed to regulate comes at the very time when the country has been shocked by the acceptance of similar hospitality by the Chairman of the Federal Communications Commission. Mr. John Doerfer's—the FCC Chairman—indiscretion was followed by the President's acceptance of his resignation. But what is the difference between the Doerfer 6 days on a yacht and the Durfee 2½ days at swank Pinehurst?

There is a difference. It is that the nominee now before the Senate violated a specific code of ethics of his own organization, by accepting hospitality from airlines with business pending before the Board he headed. On the other hand, the Chairman of the FCC, who has been the object of a Niagara Falls of denunciation, accepted hospitality from a person with no cases pending at the time before his agency. And even if cases had been pending, the FCC Chairman—who has been denounced widely and nationally—would have violated no judicial code of his organization. Obviously, the misconduct of the nominee, on whose nomination we are to act tomorrow, is a great deal more serious than that of the widely denounced Mr. Doerfer.

I wonder how many Members of this body would vote for the former Chairman of the FCC for promotion to a lifetime job on the Court of Claims at $25,500 a year. Not many. Why? Why would we not vote for Doerfer if we would vote for Durfee?

If any Senator can show me how the misconduct of the FCC Chairman was as serious as the misbehavior of Mr. Durfee, I would like to hear about it. Mr. Doerfer would be forthwith rejected by this body because he is hot property. Why should Durfee be treated with such kid-glove kindness?

Later on I am going to refer to an editorial in the New York Times which makes exactly this point. The New York Times is certainly a dispassionate, qualified, unbiased observer, and it points out there is no difference in principle between what Doerfer has done and what Durfee has done.

The Doerfer and Durfee incidents are unfortunately not isolated. Most recently it has been revealed that the same Thomas Corcoran, the "Tommy the Cork" of the New Deal, who came to me last summer to vehemently urge my support for Durfee, has approached the FPC ex parte, secretly, in behalf of a gas client who paid Mr. Corcoran handsomely. Corcoran appears to have persuaded the FPC in his private visit to benefit the client by hiking rates.

The FPC is under vigorous congressional investigation for this incident and for the acceptance by three Federal Power Commissioners of a private plane ride—gas company furnished—to a funeral.

This latter incident has been roundly denounced throughout the country. One of the most eloquent denunciations was in yesterday's Washington Post by Roscoe Drummond, who wrote in part:

The transportation gift to the three Federal Power Commissioners with business before the Commission could, perhaps, be extenuated if it were an isolated instance. It isn't. It is part of a long, unending pattern of dubious conduct by Commissioners accepting interested hospitality and engaging in behind-the-scenes contact which Attorney General Rogers has urged Congress to forbid as improper.

Mr. President, I ask unanimous consent that this article by Mr. Drummond be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FAVORS AND CONTACTS—DUBIOUS CONDUCT IN THE REGULATORY AGENCIES

(By Roscoe Drummond)

A pattern of dubious conduct is continuing to disfigure the regulatory agencies of the U.S. Government.

The unsavory record ranges all the way from the indictment of a Federal Communications Commissioner for allegedly selling his vote in the Miami channel 10 case to the acceptance by three Federal Power Commissioners of private-plane transportation given to them by a gas pipeline company with $45 million in rate increases pending before the Commission.

The offenses against sound public policy center on two main aspects of misconduct. One concerns back-door, under-the-table, over-the-cocktail ex parte contacts between applicants and the Commissions and the other concerns the acceptance by Commissioners of substantial favors and hospitality from industry people with business before the Commissions.

There is no evidence that the situation is getting better.

The moral climate is sorry and somebody needs to do something about it. Either Congress will have to try to do it by legislation or President Eisenhower—many of whose appointees have seriously let him down—

could usefully invite resignations if the Commissioners are not prepared to hew to the line of ethical conduct. Or both.

Some are disposed to extenuate the acceptance by the Chairman of the Federal Power Commission, Jerome K. Kuykendall, and two other Commissioners of the gift of private-plane transportation to attend the funeral of a fellow Commissioner in Shreveport, La. But two facts must stick in the craw of anybody who feels that the Commissioners, like judges, should not be beholden to those over whom they must sit in judgment.

It apparently never even occurred to Chairman Kuykendall to ask the Comptroller General whether such a trip was a reasonable charge against the Government. Nor did he seek commercial transportation. He said he "couldn't afford it." The United Gas Pipe Line Co. offered its plane. He accepted. He did have doubts—or else, believing he was doing right, he was afraid of congressional criticism unless he could clear it with somebody. And whom did he clear it with? The Comptroller General or the Justice Department? No, with Congressman OREN HARRIS, chairman of the House subcommittee investigating the regulatory agencies.

This transportation gift to the three Federal Power Commissioners by a company with business before the Commission could, perhaps, be extenuated if it were an isolated instance. It isn't. It is part of a long, unending pattern of dubious conduct by Commissioners accepting interested hospitality and engaging in behind-the-scenes contact which Attorney General William Rogers has urged Congress to forbid as improper.

Commissioner Richard A. Mack had to resign from the FCC after being indicted for accepting thousands of dollars from an attorney operating in behalf of a TV applicant who won the grant.

Former FCC Chairman George C. McConnaughey, while the Pittsburgh multi-million dollar channel 4 case was pending, negotiated a secret agreement to set up a law practice with George C. Sutton, attorney for one of the applicants. It provided that Sutton would help McConnaughey and Robert D. L'Heureux, aide to McConnaughey and a third firm member, earn $160,000. McConnaughey resigned from the FCC 1 day before this agreement went into effect.

His successor as FCC Chairman, John C. Doerfer, resigned earlier this year after he was caught yachting as the guest of George B. Storer, owner of radio and TV stations under FCC jurisdiction, his host on a similar expedition in 1955.

This isn't all of it. I can't escape the conviction that the Eisenhower Administration will regret it if it doesn't act decisively to disavow and disassociate itself from this sorry record. The only way to do so is to clean it up—and clean it out.

Mr. PROXMIRE. Mr. President, once again would anyone compare in seriousness the nationally denounced acceptance of a plane ride to a funeral by the three Power Commissioners with the conduct in which the nominee now before the Senate indulged? The moral misconduct of the nominee is clearly far more serious. But far from being censored, he is up for a handsome promotion—a lifetime appointment to the Federal court.

Mr. President, I should like to read from an editorial in the Washington Post, labeled "Hitchhikers":

Well, it seems that the Chairman and two members of the Federal Power Commission were waiting for an airplane to fly to some funeral, see, when along came this big, beautiful private plane owned by a gas pipeline company with $45 million in rate increases pending before the Commission. So the Chairman and the two members of the FPC hopped aboard, natch, and flew down to the funeral—and then back to Washington to deliberate on those rate increases; and it was all perfectly all right, you understand, because the funeral was for another Commissioner of the FPC—and besides, they cleared it in advance with that official arbiter of propriety, Congressman HARRIS.

It is hard to say which is the more astonishing—the obtuseness of this behavior or the inanity of the explanation. The country has already learned that Mr. Kuykendall, the FPC's gregarious Chairman, is a man not excessively meticulous about the proprieties. One would suppose, however, that he and his colleagues would at least have the simple mother wit to avoid hitchhiking with a petitioner at a time when a congressional spotlight had been focused on such hitchhiking—and just after another Commission Chairman, John Doerfer of the Federal Communications Commission, was persuaded to resign for indulging in it.

The Eisenhower administration—which came to Washington on a "clean up the mess" or "hound's tooth" crusade—seems to have picked for Federal regulatory Commissions some remarkably insensitive freeloaders. Men who can't see anything wrong with cadging a free ride or taking other favors from a litigant simply don't belong in public positions involving regulation of natural resources or commerce. This rule applies equally to funerals, to weddings, to bridge games or to golf matches.

Another editorial which is also excellent and well worth reading, is entitled "Buddy-Buddy and the FPC."

I ask unanimous consent that these two excellent editorials decrying this trip, one from the Washington Post, and one from the Washington News, be printed in the RECORD at this point.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 14, 1960]

HITCHHIKERS

Well, it seems that the Chairman and two members of the Federal Power Commission were waiting for an airplane to fly to some funeral, see, when along came this big, beautiful private plane owned by a gas pipeline company with $45 million in rate increases pending before the Commission. So the Chairman and the two members of the FPC hopped aboard, natch, and flew down to the funeral—and then back to Washington to deliberate on those rate increases; and it was all perfectly all right, you understand, because the funeral was for another Commissioner of the FPC—and besides, they cleared it in advance with that official arbiter of propriety, Congressman HARRIS.

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The Eisenhower administration—which came to Washington on a "clean up the mess" or "hound's tooth" crusade—seems to have picked for Federal regulatory Commissions some remarkably insensitive freeloaders. Men who can't see anything wrong with cadging a free ride or taking other favors from a litigant simply don't belong in public positions involving regulation of natural resources or commerce. This rule applies equally to funerals, to weddings, to bridge games or to golf matches. It ought to be particularly plain to the chairman of a congressional subcommittee engaged in the oversight of executive conduct. No one has empowered Mr. HARRIS to issue permits for impropriety.

[From the Washington Daily News, Apr. 14, 1960]

BUDDY-BUDDY AND THE FPC

Just how "buddy-buddy" some members of the Federal Power Commission have been with people in the industries they are supposed to regulate is not entirely clear. Nor the effects thereof.

But Chairman Kuykendall and the other Commissioners must have been aware—for more than a year—that Congress was looking down its nose at any off-the-record conferences between Federal agencies and their industrial subjects. And threatening legislation to outlaw such back-door contacts.

The FPC members also must have known of the censure other agency heads suffered when it was disclosed they had been accepting small favors from the people they are supposed to regulate.

Yet the FPC has been tagged in at least two instances of unofficial meetings with representatives of firms with pending cases. And in each case the FPC subsequently made decisions which broke with previous policies.

Now, it turns out, three FPC members accepted a free ride in an airplane owned by a pipeline company which has asked the FPC for rate increases worth $45 million.

Mr. Kuykendall says he sees nothing wrong in this. That's what some other Government officials said just before they were forced to quit their jobs.

In this case, however, Mr. Kuykendall cleared the trip with Representative OREN HARRIS, chairman of the committee investigating the FPC and other regulating agencies. The only net of that is to raise a question about Representative HARRIS' own perspicacity.

Three years ago Speaker SAM RAYBURN suggested a sweeping review of all the Government's redtape factories—the FPC, FTC, FCC, and others among them. Despite the Harris committee's meanderings and the notable scandals it has turned up, this rock-bottom type of inquiry is still needed. Obviously, Representative HARRIS is not the man to head it up.

Mr. Durfee's misbehavior has been disapproved by the National Tennessean.

I think most people are aware of Mr. Kuykendall's misbehavior and Mr. Durfee's misbehavior, but there are many persons not aware of the fact that Mr. Durfee, who has not been subject to censure, but who is up for promotion, has had his conduct disapproved. The Nashville Tennessean is a newspaper with an outstanding national reputation, and it questions Durfee's nomination both on the grounds of violation of ethics and lack of qualifications.

I ask unanimous consent that this editorial from the Nashville Tennessean be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Nashville Tennessean, Jan. 30, 1960]

CLAIMS COURT NO PLACE FOR MR. DURFEE

The Senate judiciary subcommittee is weighing the nomination of Mr. James Durfee, Chairman of the Civil Aeronautics Board, to the U.S. Court of Claims, and thanks to Senator WILLIAM PROXMIRE, there are heavy opposition arguments to weigh.

Senator PROXMIRE has raised questions about Mr. Durfee, both on the grounds of qualifications and violations of the code of ethics of the Agency he heads. And the Wisconsin Senator has documented instances in which Mr. Durfee accepted the hospitality of airlines which had cases pending before his Board for weekend golfing trips and airlines flights to Mexico, Rome and elsewhere.

Senator PROXMIRE has further argued that Mr. Durfee, a native of his own State, lacks the technical training and experience required. This is a point Mr. Durfee and his supporters can't challenge very well.

Mr. Durfee would succeed Judge Benjamin H. Littleton, who served as assistant U.S. attorney for middle Tennessee, special attorney for the Treasury Department, a member of the Board, and later, Chairman of the Tax Court of the United States before joining the claims court. In contrast, Mr. Durfee has no tax or Goverment claim experience, no actual judicial experience or any substantial background in claims matters.

A court in which the largest and most technical civil cases in America are decided is no place for one lacking a high degree of experience and legal skill. The Judiciary Subcommittee thus cannot escape the obvious: Mr. Durfee won't do.

Mr. PROXMIRE. Mr. President, this to my knowledge is the first time the question of the recent misbehavior of Federal employees has been squarely put to the U.S. Senate. Our decision is peculiarly important because this country is at an ethical crossroads. The greatest weakness in America today is not a military weakness or lack of economic growth or even educational shortages. These are all important weaknesses, but the fundamental, basic weakness in America is a moral weakness. Our difficulty is that we rarely have an opportunity to confront the moral problem directly and decisively, except when the decision is black and white and very simple. We suffer from a kind of nibbling away at moral substance. There are many sincere and inspiring calls to arms against this moral illness, but there is rarely or never any action. If the Senate approves this nomination it will be adding another who-gives-a-damn vote, this time from the body we proudly call the greatest deliberative body in the world, to the serious moral weakness of our country.

Mr. President, I ask unanimous consent that a brilliant and incisive analysis of how serious and widespread this moral sickness has become, an article entitled "Ethics Is Everybody's Business," by Mr. Roland Gammon, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ETHICS IS EVERBODY'S BUSINESS

(By Roland Gammon)

Even as Charles Van Doren played out his scapegoat role in the recent television quiz scandals, he wrote an article for the new literary quarterly, Leisure, in which he quoted the English poet William Wordsworth:

"The world is too much with us; late and soon,
Getting and spending, we lay waste our powers."

Unconsciously, perhaps, Van Doren wrote his own epitaph—and that of the dollar-dedicated society in which we live. The plain fact is that the sickness of an acquisitive society has become so acute we either must redeem it or perish.

Today, as both industry and Government widen their scandal inquiries, sharp censures stir the air Madison Avenue thought it owned: "an unholy mess," "this leeching industry," "vapid huckstering." "ill-gotten gains," "a diet of violence," "chromium-plated materialism." Slowly, a morally awakening America begins to suspect that television's bloated face may be its own.

Indeed, TV's tarnished image illuminates the landscape around us. The festering rottenness of much of media not only supported a fraud on the American people, but belatedly caused cries of alarm from its leaders. CBS president Frank Stanton admitted to the Harris committee, "Whoever may be to blame in this whole tawdry business, all broadcasting has been hurt."

"Clean up or give up," cried Donald S. Frost, president of the Association of National Advertisers.

"Greed is the universal denominator in all this," wrote Journal-American radio–TV critic Jack O'Brian.

"Integrity is our deepest lack today," deplored the Reverend Robert McCracken from his Riverside Church pulpit.

"The flannel-suited faithful have crammed our souls into a tube of toothpaste," bristled Drew Pearson's aid, Jack Anderson.

And New Jersey's Governor Robert Meyner dipped deep into U.S. history for the most damning quote of all: "It is a thing of splendid abilities, but utterly corrupt. It shines and stinks like a rotten mackerel by moonlight."

HISTORY REPLETE WITH LESSONS OF TOLL CORRUPTION MUST PAY

Of course, smile the cynics. It has all happened before and will again. Didn't Aristophanes indict a luxury-loving Greece with the charge, "Whirl is king, having driven out Zeus." Didn't Louis XV, contemplating the corruption of his court and the poverty of his peasants, accurately prophesy, "Après moi, le déluge." And when Swiss theologian Leonard Ragaz was asked why Czarist Russia collapsed, didn't he answer, "Karl Marx came because Jesus Christ was not allowed to come."

Dare we ask, even at Christmas and Chanukah, does the Christ spirit (i.e. love, charity, unselfishness) still abide in America? Or are mechanized, manipulated Americans too busy and too grasping to care? Beyond the crowded churches and synagogues, beyond the staggering statistics in church attendance, building and organized giving, is the bedrock of honorable conduct still there? Of deep faith, fair play, and righteousness in action? Of all things, dare we ask, can an honest man succeed on Madison Avenue?

The current convulsion along ad alley—and the idiot dream life which is its television product—only reflect a decadence disease wasting the entire country. In themselves, the television scandals are more effect than cause. They are part of a creeping corruption that stains almost every area of American life. They are the result—as is the mounting evidence of wrongdoing in business, labor, and government—of our substitution of thing worship for God worship, our debasing of moral values into money values, our surrender to the bitch-goddess success no matter what the cost. Because this crisis in character persists, we are deep in our time of trouble as a civilization.

Sordid as the recent revelations are, the tragedy of what President Eisenhower calls the "TV mess" goes far beyond the spiritual illiteracy of a few hundred producers, directors, sponsors, and contestants directly involved. It goes beyond the overcommercialism and business-as-usual callousness of certain network brass, agency nabobs, and major advertisers who only now have begun to clean house. The heart of the matter remains: the TV, deejay, and deceptive-ad scandals were spawned by a society that has overthrown its traditional values system and substituted lipservice to religious principles for their practice. Replacing "In God we trust" with "What's in it for me?" has not only changed the national motto, it has hastened America's twilight of honor.

IF AMERICA EVER CEASES TO BE GOOD, AMERICA WILL CEASE TO BE GREAT

More than a century ago, the French philosopher Alexis de Tocqueville wrote of our new democracy, "America is great because she is good and, if America ever ceases to be good, America will cease to be great." Today the majority of Americans are still good. But how long can any society survive what has been called "this revolution in self-indulgence"? At the present rate, it is only a matter of time before the poison of our elaborate make-believe—the papier-mache worlds of films, frills, fashion, broadcasting, advertising, and slick publicity—destroys the glossy animal who manufactures it.

Several years ago, assigned to write a magazine article on war hero John Crown, I visited the wounded veteran in Halloran General Hospital. This young paraplegic, who had "come back from death to a world I no longer care for" and who was soon to die, spoke of his shock at our cakes-and-circus culture. "All the world's troubles originate in the common man," he told me. "The selfish and greedy ways of nations are just the ways of individual man multiplied a thousandfold. When the morals of the common man drop, so do the morals of the United States and the world. Until each of us stops demanding more wages and more profits, stops 'hogging' the road with his car, stops fighting over a seat on the bus, stops arguing over who is going to cut the grass or occupy Trieste, there will be no peace in the world."

Any observer doubting this drift need only recall the events of the last two decades. Despite the heroism, sacrifice and generosity excited by war and postwar recovery, we also produced enough corruption to shame a land built on law, liberty, and love of God. Instead, worshiping the dollar as deity, we lived fast but not deep; wallowing in a fun morality, which made liquor, television, gambling, brand loyalty, credit buying and banal entertainment tribal rites for millions. We failed to develop an ethical counterpart to our materialism. Today, too much is spoiled by overuse and enslavement to a vulgar conformity.

A FRAME OF REFERENCE FOR THE RECENT TRADE SCANDALS

The results: individual and collective tragedy. Read and heed any page in our postwar saga of scandal—the conviction of both Congressmen and businessmen for wartime profiteering; the recurring inquiries into influence peddling from Capitol Hill to the Pentagon to the Government's regulatory bureaus; the rise and fall of "boiler room" swindlers in Wall Street; the corruption of college stars in the conspiracy to "fix" intercollegiate basketball games; the payoff bribes in New York's fire department (not to mention similar rackets in the welfare, building, police, and weights-and-measures departments) which resulted in the imprisonment of Commissioner James Moran; the gangster infiltration of big labor with such union leaders as Beck and Hoffa under indictment or investigation; the revelations about conniving executives, who in such telltale novels as "The Hucksters," "The Great Man," "The Big Wheel," "Executive Suite," and "The Hot Half Hour" foul their nests; the insurance company swindles in Texas, the gambling gyps in Nevada and Florida, the Apalachin underworld conference in New York, as well as the dope, prostitution and numbers rackets in most major cities, and most recently the long-overdue exposure of greed and corruption in the boxing business, the "payola" deejay and disgrace, the paid radio-TV "plugs" and blatant commercials that "exaggerate, irritate, and nauseate."

Are these but isolated incidents unrelated to a spreading skein of deceit? Not at all. They are the outcroppings of a society whose values run cockeyed, whose once-rugged individualists are hollow men and whose fat-dripping prosperity in part derives from plain cheating. Silently, contagiously, sometimes inside and sometimes outside the law, the national cheating habit deepens: contract kickbacks, shady deals, political grafting, media payoffs, business embezzlement, income concealment, labor featherbedding, capital price fixing, farm overpayments, shoddy workmanship, venal journalism, academic cribbing and, perhaps worst of all, a goof-off psychology which Madison Avenue's Charles Brower, president of Batten, Barton, Durstine & Osborne, has labeled an American stampede away from "responsibility • • • with laundrymen who won't iron shirts, waiters who won't serve, with carpenters who will come around someday maybe, with executives whose minds are on the golf course, with spiritual delinquents of all kinds who have been triumphantly determined to enjoy what was known until the present crisis as the new leisure.

The fuzzy minded, morally warped public relations field has been as guilty as any other. In their headlong haste to tell and sell, fake and take, plant a story, rig a "plug," or pay off a columnist or picture editor, public relations practitioners generally condone the very malpractices they have helped to create. From corporation consultants to Broadway press agents, too many publicists would rather be rich than right, safe than courageous, self-important than self-denying. Too many press agents, who can't think a straight thought or write a declarative sentence, are the not-so-hidden persuaders who believe the communications system exists only for their own manipulation. Little or no creative thinking has been done regarding the need for stricter morality in business or worthier aims for the Nation.

I speak from experience. On rare occasions during my editorial career on Life, Pageant, and See, I heard the siren song of fixers who wanted editorial space at a price (as most editors do, I refused outright); more often the blandishments took the form of free lunches, whisky, watches, lighters, leather goods, toiletries, parties, jewelry, and junkets. Today, as a freelancer who writes inspirational articles and as vice president of a public relations agency which is trying to set standards of excellence in a profession painfully lacking them, I recognize the problem persists. I recognize, too, that the price is never right when people sell themselves for a mess of pottage.

ANGLES REACHING NO RETURNS; WHY NOT REVERT TO HONESTY?

Having tried everything else, let us try honesty for awhile. If we can't go back to plain living, let us at least practice high thinking, gracious speaking, just dealing. In good conscience, Madison Avenue's everyman must learn to be the gentleman he seems, must lead in correcting the professional abuses that prevail. He also must learn to say "No" to both client and cash when the proposition turns out to be something less than the best.

"No man can serve two masters • • • God and mammon," was the winged warning of Jesus to Israel. Its terrible truth applies as inexorably to us as it did to Canaan, Babylon, Egypt, Persia, Greece, Rome, medieval Europe, and a dozen other civilizations that passed from the earth because of inner decay and outer attack. In fact, more than 100 years ago, the British historian Lord Macauley warned, "Your Republic will be as fearfully plundered and laid waste by barbarians in the 20th century as the Roman Empire was in the 5th, with this difference: That the Huns and Vandals who ravaged the Roman Empire came from without, and that your Huns and Vandals will have been engendered within your own country by your own institutions."

Only changed men can change that course. Only rededicated men, cherishing the American dream more than they do the American dollar, can build the city of God instead of the city of swine. For if our godless grasping continues, if our preoccupation with singing commercials, rock 'n' roll, the Dow-Jones ticker, and intercontinental rocketry grows apace, then our perpetual adolescent society careens blindly toward its doom.

When Gen. Robert E. Lee was an old man, a war widow came and asked him to bless her son. "Teach him he must deny himself," Lee replied. Today, in an era of moon shoots and 600-mile-an-hour jets, the greatest distance we have to travel is still within. Indeed, if we media men would reestablish respect for television and advertising, help reform the excesses of much of American business, we too must learn to deny ourselves, mend our ways, live according to the moral laws which are binding on all men. Then, and only then—when, with all our getting, we get understanding—can honest men succeed on Madison Avenue and America rise to the world leadership to which she is called.

Mr. PROXMIRE. Mr. President, there are two interesting historical forecasts in this remarkable article which suggest how much is at stake in this great moral problem. That peerless French observer of American life, Alexis de Tocqueville, said it simply and beautifully when he wrote, after his magnificent survey of America 130 years ago—as Mr. Gammon points out:

America is great because she is good and if America ever ceases to be good, America will cease to be great.

This perceptive concern for the character of our people was also reflected in Macauley's warning:

Your republic will be as fearfully plundered and laid waste by barbarians in the 20th century as the Roman Empire was in the 5th, with this difference: that the Huns and Vandals who ravaged the Roman Empire came from without, and that your Huns and Vandals will have been engendered within your own country by your own institutions.

I also ask unanimous consent, Mr. President that an article entitled "The Age of Payola," by William Attwood of Look, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE AGE OF PAYOLA

(By William Attwood)

HAVE OUR MORAL STANDARDS BEEN DESTROYED BY THE PURSUIT OF THE DOLLAR?

"Payola" is the year's new word. It does not sound as ugly as "bribe," but it means the same thing.

It was first coined to describe the money that disk jockeys took to plug certain records. Now the word is being applied to almost any shady deal involving a payoff. And judging from recent newspaper headlines, payola is just one phase of an epidemic of immorality in this supposedly God-fearing Nation.

Just look at some of the evidence:

In New York, a borough president is indicted on charges of conspiracy to obstruct justice and three violations of the city charter. Meat markets and fuel-oil dealers have been accused of defrauding the public of millions of dollars a year, with the cooperation of city inspectors.

In Chicago, police officers have been arraigned on charges of conspiring with a confessed burglar; and in New Haven, a group of Yale students from good families are accused of having lascivious relations with a 14-year-old girl.

On a national scale, no one seems immune from the cancer of moral indifference. A James Hoffa still rides high in the labor movement. High-ranking generals are treated to a Bahamas junket by a big aircraft company with defense contracts. Ministers go on preaching brotherhood to all-white congregations. A Mississippi grand jury refuses to indict known murderers. Charles Van Doren makes $129,000 on a rigged television show, lies to a grand jury, says he is sorry, is praised by Congressmen for his frankness—and keeps the money. And in Washington, the man who was the President's closest and most trusted assistant accepts gifts from Bernard Goldfine and makes phone calls on his behalf.

A syndicated columnist feels moved to write about Sherman Adams: "If he is a fellow of this sort, then they are all fellows of this sort; and we are all going to hell."

Are we? Do these symptoms of moral decay indicate a real slackening in our standards of right and wrong? Is this really the age of payola? And if so, do we care?

In January, a Look survey on the mood of America produced some disturbing clues: Less than 10 percent of the people interviewed felt that honesty was a prime requisite for success, and nearly three out of four said "most people" would have done what Van Doren did.

To find out more about the state of our private and public morality at the start of this new decade, 12 Look reporters were sent out to question their fellow Americans in all walks of life and in all parts of the country. They visited small towns and big cities, interviewed hundreds of people and returned to New York with nearly 60,000 words of notes.

They asked questions about cheating—in school, in business and between husbands and wives; about graft and shoplifting and insurance claims; about the things people would do if they were sure they wouldn't be caught. And to insure

frankness, it was agreed that no names would be used nor any community identified by Look.

This report is a summary of the answers the reporters brought back. It may shock you or it may reassure you, depending on how cynical you are. But it should not surprise you too much. For these are your neighbors talking, your friends, and fellow citizens.

"Who am I to say what's right and wrong?" This casual remark by a young woman in Pennsylvania summed up an attitude that Look reporters found prevalent from coast to coast. A moral relativism seems to have replaced the moral certitudes of the past. Would you fake an insurance claim? "It depends on the amount," said the hotel desk clerk. Would you return a lost wallet? "It depends who owned it," said the garage mechanic. "If it belonged to a rich man. • • •" Is it wrong to break a law? "It depends • • •" said the young woman.

It was a rare American who thought the change in our moral standards was for the better. Some detected no change, but a majority of those interviewed said our standards were deteriorating—one in five in a Kansas city, two of three in New York State, three out of four in Ohio and everybody in a Mississippi community.

Those who were pessimistic pointed to the rise in the national crime rate, to the increase in illegitimacy, to the public indifference to scandals and fraud, to the notion that wealth is the only criterion of success, to the growing preoccupation with the big deal and the fast buck, and to a lack of understanding of what morality is all about.

Morality, according to the dictionary, is the ability to discriminate between right and wrong. That is what makes it troublesome. Asked what actions are immoral, most people put malicious gossip high on the list; they also included theft, forgery and taking a bribe. Some thought drug addiction was immoral, but an equal number considered it a sickness. Only a minority saw anything wrong in drunkenness, gambling or traffic violations. Perjury and premarital sex relations were condemned, with reservations. The latter is widely excused, by and for men; the former is justified to protect one's family. (In a west Texas town, 46 out of 50 people called perjury immoral, yet all but 14 would commit perjury for their family's sake, and all but 26 for their own sake.) People usually agree that tax evasion is immoral, yet often admit fudging their own returns.

Americans seem even more confused about abstract morality. A Texas clergyman thought of it in terms of "sex or some awful thing like that." Others spoke of a code of financial ethics. Some, who admitted to frequent lying and cheating, cited the Ten Commandments. A Look reporter summed up most people's attitude toward morality as having to do with "a vague, unrealistic code which they should be familiar with, but which does not affect themselves."

In Vermont, a radio-station manager declared that everybody he knew padded his expense accounts. What about his own salesman? "I'd fire him if I caught him at it," he said. "It would be my money he was taking."

Van Doren's deception elicited these comments from teenagers in an eastern city where the juvenile crime rate rose 6 percent last year: "After all, he didn't hurt anybody." "Basically he was wrong, but those who enticed him were more wrong." "Once he took a wrong step, he couldn't stop it." A salesman finally spoke the words that every Look reporter heard again and again: "What's all the fuss about? It was entertainment."

Part of our moral confusion stems from conflicting laws. A bartender remarked, "What's legal in one State is against the law in another." A clergyman added, "What's right in one church is wrong in another." And Look reporters found little disposition to turn to Washington for moral guidance. An admittedly cynical Oklahoma lawyer put it bluntly: "We used to hear about mink coats and deep freezes in the White House. Now it's vicuna coats and oriental rugs. What's the difference?"

PEOPLE CHEAT ON EVERYTHING

Out of the confusion, a new American code of ethics seems to be evolving. Its terms are seldom stated in so many words, but it adds up to this: Whatever you do is all right if it's legal or if you disapprove of the law. It's all right if it doesn't hurt anybody. And it's all right if it's part of accepted business practice.

Under this code, you may cheat the Government on your income tax. And by their own admission, close to half the people do in the communities surveyed (tax lawyers usually put the figure higher). They chisel because they consider the law unfair and because of the "impersonality" of government. Said a Vermont farmer, "Most people are being stole blind by the Government anyway." A Colorado merchant didn't feel people were any more dishonest: "Darn near everybody will pay you if they owe you money. But on the income tax, plenty will take a chance."

Similarly, you don't try to cheat the corner grocer—he is a person. But you have a different feeling about the supermarket—that's a corporation. So is an insurance company. A claims adjuster told a Look reporter that most people are out to get as much as they can. "It didn't use to be this bad," he added. "I hate to say this, but 75 percent of the people we deal with now have no morals at all."

Yet a lost wallet in America will generally find its way back to its owner. Confronted with a hypothetical well-stocked wallet, most people reacted like the Illinois cab driver: "I'd figure that the guy who owned it needed the money."

Under the new code, you may cheat in school. A high-school principal pointed out, "Parents these days are less interested in what Johnny learns than in what marks he gets." So the pressure is there, and the rationale is easy: Good marks will get you into college, and a college degree will get you a good job.

"All around me," said a high school senior in New Jersey, "people cheat on everything and tend to think less and less about it. It's part of the high school code. Most of my friends don't see that it matters."

The only deterrent, according to other students, is getting caught. But if you can get away with it—why not? As they say, nobody gets hurt.

Cheating the law is taken for granted, so long as the particular law is regarded with disdain. Thus all 50 people interviewed in one Texas town said they violated liquor and traffic ordinances. In general, the regulations violated without many qualms are those pertaining to taxes, liquor, customs, traffic and farm subsidies.

Nearly everyone interviewed also admitted to lying several times a day, mainly to "avoid trouble," to "spare someone's feelings," to "keep my wife happy," or just to "get along." In a New York community, 60 percent of the people interviewed said they lied to their spouses, and 50 percent, to their children. The same people—or 85 percent of them—also said they tried to teach their kids the difference between right and wrong.

Lying for business reasons is considered part of the game and, by many, a greater part than ever before. "I'm bargaining for my clients and I have to get them the best possible deal," said an Illinois divorce lawyer. "The type of job I got, you have to tell lies to protect the boss," said a court bailiff in the same town. And a southern editor observed, "People are not as ethical as they used to be. I remember when any number of agreements and deals were made simply on the basis of a spoken promise and a handshake. My father used to say, 'If a man can't trust me to keep my word, I can't trust him.' How far do you think you'd get with that today?"

Cheating on the expense account is rarely regarded as cheating. "Everybody does it—their bosses expect them to," a midwestern appliance salesman told a Look reporter (whose boss didn't expect him to).

So it would seem that our changing code of ethics is creating a fifth American freedom—the freedom to chisel. And of those who try to explain it, nearly everyone blames our high standard of living. A newspaperman in California put it this way: "The desire for luxuries plus high taxes and inflation makes it hard for people to keep up. They have to stretch. So they are tempted to do more for a buck—and do it in a less honest way."

An advertising man summed it up: "In the pursuit of the dollar, anything goes." (Or, to quote the maxim so popular in dictatorships, the end justifies the means.)

The effect on young people is predictable. "Everyone is on the lookout for an easy dollar," said a smalltown editor in New Jersey, "in television, business, everywhere. If parents and people in top brackets take payola, how can it help but be reflected in their children?"

It can't. The only reason we have juvenile delinquents is that we have grown-up delinquents. The cycle is both vicious and self-generating.

Most adults still pay lip service to the old-fashioned virtues and are essentially honest in their dealings with people they know. They want to trust others and try not to lie. But a group morality appears to be replacing personal codes of ethics. That is, you no longer refrain from doing something because you couldn't live with yourself—you refrain from doing something because you couldn't live with your neighbors.

Some cheating is tolerated—and even approved—by the group, just so long as it doesn't seem to hurt anyone. "Everybody cheats," said a group-directed young man in Pennsylvania. "Look at the big shots. They have lawyers who do nothing but cut corners for them. Why shouldn't I do the same thing?"

A clergyman deplored the trend: "Most of us have lost our sense of importance and personal value. If a man stands up against the crowd for something he thinks is right, we say he should see a psychiatrist."

A Look reporter found an extreme and ironic case of neomoral conformity in Colorado, where a man who did not chisel on his income tax boasted that he did. To be well regarded by his friends, he pretended to be doing what he assumed the group considered smart.

Moral indignation is out of fashion: It isn't smart to get mad. Nor are people concerned with making moral judgments unless they are discussing clearly criminal behavior. The thing to be these days is cool, sophisticated—and tolerant of wrongdoing. The Biblical admonition, "Judge not, that you be not judged," has gained wide acceptance. Even in supposedly rock-ribbed Vermont, people hesitated to criticize the actions that led to Sherman Adams' resignation; they would only call him unwise or confused.

In Kansas, a restaurant owner gave an explanation for this attitude: "You get away with what you can. So when a guy like Van Doren gets caught, people feel sorry for him. It might have been them."

A suburban banker near New York had this to say: "When you're better fed, better

clothed, and better housed than ever before, you tend to have more compassion for people in trouble. But I think we are inclined to excuse too easily today, especially when someone's wrongdoing doesn't hurt us personally."

And in the same community, a 40-year-old woman officeworker said, "When I was a young girl, black was black and white was white. Today, evil is no longer shown as evil, but as part of the human condition."

So great is our tolerance that it extends even to excessive virtue. A veteran of the Korean war was telling a Look reporter that he knew of only one married man in his company who was faithful to his wife. "But no-one kidded him," he said, "because he didn't brag about it. In fact, we all respected him for it."

Tolerance encourages candor. People everywhere freely confessed to their moral lapses. So it is fair to conclude that hypocrisy is declining in America, once you accept the fact that many people regard churchgoing as no more than a social ritual.

Candor—you might even call it an aggressive ingenuousness—is most prevalent among the young. In a Vermont high school, a student told a Look reporter—with the evident approval of his classmates—that he would probably steal $10,000 if he could get away with it. "You'd be OK," he said, "so long as you kept busy and didn't have time to think about what you'd done."

In Mississippi, a school principal took a Look reporter into a classroom to discuss the Van Doren case. After discovering that only 3 of the 26 students thought Van Doren should have been fired, the principal asked the class how they would react if he offered $1,000 for the highest mark in an exam, and then gave one student the correct answers. A boy replied, to approving nods, "Well, sir, it's your $1,000. You have the privilege of deciding how you're going to hand it out."

In another town, a Look reporter asked many people what they would do if they collected an insurance claim for a lost watch and later found the watch. Those over 30 hesitated, then said they would call the insurance company. Younger people, without exception, said they would keep both the money and the watch. "Who would I be stealing from?" said one.

Tolerance and candor are especially noticeable in relation to sex. And wherever Look reporters went, they found that in any discussion of morality, sexual freedom among teenagers was often uppermost in people's minds. This has nothing to do with payola (there is no money in most 1960 sex), but it does reflect another change in our concepts of right and wrong. The writer of this article—a teenager in the thirties—can remember when a little necking after the movies was the ultimate gratification you could reasonably expect from a date. Judging from the gleanings of this survey, times have changed.

In one small Vermont town, three of last year's eight young marriages were "forced." In one Mississippi high school class, four of the six pregnant wives were married after they became pregnant. In Colorado, an honor student, 2 months pregnant, was taking part in a panel discussion on how to handle dates. And in every town surveyed, police blotters reflected the more lurid details of this new freedom.

The reasons given by clergymen, teachers, psychiatrists and teenagers themselves are various: irresponsible and indulgent parents; early dating (going steady makes it all right and dissipates guilt); mobility (cars); and money; the stimulation of the mass media ("they get it from all sides"); the growth of leisure.

One thing, however, is certain: The word "sin" has become archaic. Only one Look reporter heard it used, and that was when a minister said, "The identity of sin is being lost."

A New Jersey judge felt that youth no longer had a sense of responsibility: "I see this when I sit in municipal court and young people come before me. They just don't have an awareness toward their community, toward the fellow in the other car, toward the girl in their car, toward anyone but themselves."

The responsibility of parents to set an example was also cited by many people. Yet in every town, adultery, though not always widespread, was felt to be increasing—usually because of leisure and boredom. "And don't think that the kids don't know what's going on," said a State trooper. "After all, they use the same motels."

What is behind all this evidence of slackening morals? Objective morality is rare in America, but Look reporters found people ready to talk when the problem was put in personal terms. ("You know, I never thought of these things in just this way." • • • "I'm glad I talked to you." • • • "I wish I had more time to think of these things.") And what bothers them most is the feeling that there is no longer a firm center of moral authority. Since Freud, people find it harder to believe that behavior principles derive from God. A Mississippi editor remarked, "People are just not scared of God any more." Even God's ministers seem to have doubts about how they would react to certain situations. In New England, one asked plaintively, "Who knows what any of us would do if faced with the temptation of $129,000?"

Parental authority has lessened too. In one southwestern town, hardly any children could recall their parents teaching them anything about right and wrong. Many parents claimed they did, yet half of them admitted that they did not punish their children for lying. Most teachers in the same town said they passed students who should have been flunked. They called this "social promotion."

"People don't have the courage of their convictions," said a Colorado psychiatrist. "A good example hasn't been set for the children—and they're disturbed." A judge in Ohio agreed that this was the reason he now tried 600 juvenile cases a year, as against 20 back in the 1940's. A policeman in New Jersey shrugged. "It's soft times," he said. "We're easy on everyone, including ourselves." An executive in California said we lacked leadership: "People left unattended tend to drift. Leadership has a lot to do with morality, all the way down."

There still exists a longing for "old-fashioned morality," as symbolized by a stern but kindly father dispensing wisdom at the head of the table. The hazy authority of "group morality" has not yet provided a satisfactory substitute.

"To be an American," said the philosopher George Santayana, "is of itself almost a moral condition, an education and a career." Even if this statement was once true, it would have to be rewritten today. Yet the reporters who worked on this survey did not all come back dismayed or even more cynical than they started out. They agreed with the bishop who pointed out to one of them that Americans are "not maliciously sinful." In fact, those who went to rural communities—especially in the Midwest—were surprised at the extent to which people trusted each other's good faith. Doors were left unlocked, religious precepts were taken seriously, juvenile delinquency was seldom a serious problem, and strangers were taken at their word (no one ever asked the reporters for their credentials).

"A small town out here is like a large family," said a Kansas State senator. "If you do wrong, there's no place to hide. Also, I guess we're not so status seeking and success oriented. Not so sophisticated, maybe."

People everywhere also seem less cynical than might be expected. They would rather take a chance and trust somebody, even if they knew there was more chiseling going on. They were, however, found to be generally cynical about the integrity of politicians, although they nearly always praised their own congressman and local officials. And it is a fact that the kind of big-city machines once run by Hague and Crump are vanishing; flagrant graft is no longer tolerated.

Look reporters also found evidence that our consciences may be dulled, but not dead. In Mississippi, for example, one reporter made a point of never mentioning segregation to the people he interviewed. Yet every one of them brought up the subject. A local editor explained why: "We southerners spend more than half our time thinking about the race problem. We have a massive guilt feeling about it."

In any survey, there are people who make things look worse than they are—like the cab driver who said, "The whole country is beat." And there are those who try to make things look better—like the high-school principal who stressed student participation in the charity drive, but did not mention the previous week's basketball game, at which several schoolgirls were drunk, money was stolen from the locker room, and tires were slashed all over the parking lot.

But in general, the reporters felt that people usually tried to tell the truth as they saw it. There is a greater willingness to face the facts and not to cover up unpleasant realities. This attitude is what led one elderly businessman to remark with a chuckle, "I think we are just beginning to find out that we aren't as good as we always thought we were."

Summarizing the conclusions of 12 Look reporters, you can say this about American morality, 1960 style:

1. People are not inherently dishonest and are still inclined to trust each other.

2. They are under pressure from society to maintain their high standard of living. This has resulted in a recasting of old standards of right and wrong, so that anything that guarantees success—if you don't stretch the law too much—is all right; a deal once considered questionable would now be considered shrewd.

3. Moral authority has become diffused; the group is replacing church and family as the arbiter of what is done and not done. The group consists of others in a community we consider to be like ourselves; as such, it is incapable of moral direction.

4. Lacking a clear-cut code of ethics, people are falling back on a kind of personal, relative morality, which justifies most actions—even illegal ones—that don't actually cause harm to another person.

Thus, you needn't worry that payola will destroy our moral standards; indeed, payola is more of a symptom than a cause of our changing standards. The thing to worry about—if you feel like worrying—is that Americans do not seem to feel any personal responsibility for improving the Nation's moral condition. Headshaking and platitudes about human nature are as much a part of our bland and undistinguished morality as a euphemism like payola.

More than 50 years ago, after a lengthy investigation of corruption, Lincoln Steffens concluded that any society that conditioned people from the cradle to look at riches and power as the only goals worth seeking—whatever the cost—not only invited but insured corruption. His conclusion would probably be as valid in 1960 as it was when he and the other muckrakers stirred the Nation's conscience with their revelations.

The big difference today is that fewer people would care.

Mr. PROXMIRE. Mr. President, this Attwood article is quite a journalistic feat. It is not just the armchair rumination of one writer. It is the product of a concentrated, systematic study by 12 Look reporters in all parts of the country. The finding that too many Americans have lost their moral bearings should help arouse this Senate to the vital importance of setting an example of insistence on moral standards in passing on top Federal appointments.

One of the points which is emphasized by Mr. Attwood, as brought out in the article in Look magazine, is that in too many areas of the country people are not acting with the kind of strong moral character which we all recognize, as American citizens, is desirable and necessary for our country, because the people lack a specific moral code and because they lack any guidelines.

I would make two points in reference to that. The first point is that the best kind of example or precept which can be set is the kind which can be set by our national leaders, by U.S. Senators and by the President of the United States. We have that opportunity in respect to this nomination.

The second point I would make is that it is understandable how people can act in a way which lacks any moral foundation or sense when they do not have moral direction. This cannot be said of the nominee, because he had an explicit and exact code which said, "Do not accept 'unusual hospitality'." It was very clear when he violated the code.

Mr. President, I also ask unanimous consent to have printed in the RECORD a study which I had made by the Library of Congress some time ago of gratuities to public officials. This study was extremely competent and very, very enlightening. It provides an excellent basis for an understanding of the kind of moral judgment we can exercise in this very difficult case.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

A STUDY OF GRATUITIES AND THE PUBLIC EMPLOYEE

PREFACE

This report is an attempt to analyze from ethical and historical standpoints the problem of gift receiving as it relates to employees of the Federal Government. By "gift receiving" the report refers to the receipt of gifts by Federal employees from persons or organizations outside the Government service, though not those gifts received from foreign governments, since this area is well covered by statute.

In researching the problem for available material, it was found that the problem of gratuities is too minute to be widely treated in the literature. Therefore it had to be approached through more general problem areas which are given better coverage. It was found that the various authors in the field included the problem under such general headings as (1) Corruption in Government; (2) Conflicts of Interest; (3) Graft; (4) Bribery; (5) Undue Influence; (6) Venality; (7) Ethical Standards, Integrity, Honesty; (8) Public Morality.

All of these terms have similar or identical connotation. The problem remains the same whatever name it goes by.

DEFINITION OF THE PROBLEM

Gift receiving by Federal employees may occur in any agency or department of Government. It probably becomes most acute, however, in those places which have direct dealings with private persons and/or organizations doing business directly with the Government. Research and development, procurement, and contracting are specific areas in which the close relationship between governmental and private interests may cause a breakdown in governmental ethics.

In order clearly to understand the problem of gift receiving by employees of the Federal Government, the terms involved in the study must be defined. What is a gift? How does a gift differ from a bribe, and how does a bribe differ from extortion? Rev. William Joseph King, in his dissertation Moral Aspects of Dishonesty in Public Office, classifies the terms in this way:

"In the concept of graft there are, what one may call, three degrees or phases, namely, the gift, the bribe, and extortion. Any transaction classified as graft can usually be put under one of these classifications. By a gift we mean 'something that is freely and spontaneously offered without any agreement to do what is evil and without any hope of recompense, at least in the near future.' A gift, taken strictly, excludes any preceding debt of justice on the part of the donor. However, by chance, some debt of gratitude or dutifulness may intervene but then the gift could not be said to be entirely free. Among the various divisions of gifts A. Vermeersch speaks of the 'donation allectiva' by which he understands a gift given with the hope of some other action or gift in return. This hope in the mind of the donor does not make the gift a conditional one nor does it give the donor the right to demand anything back should his hopes be frustrated.

"Bribery is the 'practice of tendering and accepting private advantage as a reward for the violation of duty.' The duty involved is clearly understood, but it is neglected or misperformed in view of the personal advantage gained in the acceptance of the bribe. The bribed official knows the better and chooses the worse.

"Bribery contains the element of choice and when that factor is seriously curtailed we have extortion." [1]

In actual practice this classification does not seem to be as clear as Reverend King states. The dividing line is very thin between bribery and receipt of "innocent" gifts. An item which may be treated as a gift, given one set of circumstances, might actually be considered as a bribe, given another. The employee's psychological makeup, his job ethics, his homelife, his income and debt status, and so forth, are all variables in the decision of how to classify a gift received.

We can get some idea as to the problem of defining "gratuities" by listing the various terms that are used in the various departmental rules and regulations:

1. Gift; gratuity.
2. Favor; present; pecuniary favor; considerations.
3. Loans; advances; financial accommodations.
4. Unusual discount.
5. Service, gratuitous service.
6. Entertainment.
7. "Other thing of value."
8. Item of slight or substantial value.
9. Free transportation.
10. Unusual concessions.
11. Item of significant or substantial value.
12. Compromising social activities.
13. Free board from a timber operator.
14. Money; positions for relatives or friends; tips on horseraces or stocks; free trips on boat or other transportation lines; accommodations at hotels or clubs; tickets for theaters, prizefights, etc.
15. Anything of economic value.
16. Rewards; etc.

The receipt of articles under any of these terms makes the receiver liable to punishment, in some form or another.

Charles H. Garrigues, in his book "You're Paying for It," gives a rather interesting and amusing definition of the term "graft":

"Graft • • • resembles electricity • • •: In that, while everybody knows something about what it is and what it does, almost nobody is able to define it with any degree of intelligence. We know that graft exists, that it results in the construction of expensive and ornate public buildings, in the protection of vice and crime, and in the creation of other 'special privileges;' but we are not, for the most part, able to put our finger upon [2] any particular aspect of government and say with certainty: 'This is graft.'

"Graft in the broadest sense is merely any act which constitutes the avoidance by a public official of the terms of his contract of employment with the public, and the substitution of his own interest in place of the public interest as the controlling factor over his conduct.[3]

"The philosophical foundation of graft will be simplified even further if one will keep in mind two facts which the student of 'practical politics' learns early:

"1. The proportion of self-interest in the breast of the public official is neither greater nor less than the proportion of self-interest in the breast of the private businessman, citizen or taxpayer.

"2. That official is most successful from a standpoint of self-interest who subordinates the public good to his own welfare and decides his course of conduct solely on the basis of 'What will I get out of it?' rather than 'What will the public get out of it?'[4]

"The first of these facts is fairly self-evident. The ethics of politics is neither higher nor lower than the ethics of business. Politicians and other grafters are just like you and me—except that they work in a slightly different medium."[5]

An additional classification, which falls below the status of the term "gifts," relates to advertising mementos. These include pencils, pens, calendars, blotters, matchbooks, etc., upon which is imprinted the name of the business firm plus a possible advertising message. Again, there is a problem of definition or, at least, of clear categorization of such items. Which items should be considered as mementos, and at what stage do they become gifts or even bribes? For example, a $1 or $2 pen with the firm's name printed on the barrel might be considered as an advertising memento. But could a $25 pen, similarly imprinted, be classified as such? The fundamental, underlying factor that has to be considered in analyzing and classifying gratuities must be a determination of the influence which they have on the administrative decisions of the recipient.

(An interesting sidelight on this particular problem is the treatment that such mementos receive in some local Government purchasing offices. As many of them come through the mail in the course of business, it is rather difficult, and perhaps foolish, to return them. Therefore, the rule is for the various employees of the offices to keep such mementos off the tops of the desks and out of sight. The main reason is that open display of such items might be taken by the general public as evidence of favoritism.)

[1] King, Rev. William Joseph, "Moral Aspects of Dishonesty in Public Office," Washington, D.C., Catholic University Press, 1940, pp. 7–8, Classifications of graft (JA79K5 1949).

[2] Garrigues, Charles Harris, You're Paying for It. A guide to graft, New York, Funk & Wagnalls Co., 1936, p. 2.

[3] Ibid., p. 5.

[4] Ibid., p. 7.

[5] Ibid.

GRATUITIES AND PUBLIC MORALITY

In 1948 there occurred a gratuities scandal in the British Civil Service which caused Sir Hartley Shawcross to comment on the Services' highly rated integrity. The story, as related in Time magazine under the title "It's Not Done in Britain," goes as follows:

"John Belcher, a Labor Member of Parliament and Parliamentary Secretary to the Board of Trade, was found to have accepted a gold cigarette case, a suit of clothes, unlimited hospitality, and a week's vacation at a seaside resort from one Sydney Stanley. In return, Belcher helped Stanley around the Government, helped his friends get licenses for construction work on a resort hotel, and helped quash prosecution of a Stanley client for alleged shady dealings in a gambling pool.

"Sir Hartley Shawcross, then the Laborite Attorney General, eloquently voiced the uncompromising British attitude toward corruption in public office: 'Our whole system of government rests upon public confidence in the honor and integrity of those whether as ministers or civil servants who are officers of the Crown. * * * If in the end some perhaps once-promising and once-worthy political or public career is ended and the bell tolls on it * * * let no one take it as the occasion for smug self-righteousness or partisan satisfaction. It is a matter which affects every political party and every citizen, and every party and citizen suffers for it.' " [6]

Herman Finer, a well-known authority in the field of comparative government, stated that the integrity of the British civil servant "goes back to a way of life—a civilization; like civilization, like civil service." [7]

It can be observed from the British situation that the problem of gifts is just a section of the whole problem of ethics in government which in turn is just a part of the more total problem of public morality. It should also be noted that there is a great variation between the standards of ethics prevailing in the world of commercial business and those which should be maintained in governmental organizations. Gift-giving is an accepted practice of business administration; but, for many reasons to be enumerated later, such a practice cannot be accepted in public administration.

The political action committee of the CIO has written an interesting survey of the problem of private versus public ethics:

"Graft in the Government, generally speaking, results from the impact of ordinary business morals upon a weak or corrupt official.

"When an expensive camera is given an official, some businessman has ordered his corporation's money spent to buy the camera—and to buy favors.

"When a businessman sends deep freezes and gifts of perfume to officials, he is simply doing what comes naturally. That is the way he buys friendship and favors in ordinary business affairs.

"A businessman hungry for profitable contract has lunch with the man who can award the contract. If he gets the specifications of the contract drawn to favor him, he is in clover. And when he starts dealing with the Government, he will get public contracts drawn favorably—if he can.

"In business, it's smart salesmanship. In Government, it's graft." [8]

Wesley C. Clark, in his thesis, Public Administration and Private Interest, states that the morality of public administration "is not a constant; it varies from time to time." [9] He goes on to say:

"Depending upon many factors, it may favor administration in the public interest, and again it may favor administration in the private interest. In this variation is to be found the answer to many of the ills which beset the Federal administration today.

"Five major factors contribute to this administrative climate, and there are a multitude of subdivisions of these factors. First there is the moral tone of the Nation, second the machinery of administration, third the staff of administration, fourth—and perhaps most important—the leadership which guides the staff and controls the machinery of administration, and, fifth, the news spotlight in which administrative activities are conducted." [10]

It is interesting to note the emphasis that Clark places on national morality as a conditioning factor of public morality:

"The basic attitudes of Federal administrators cannot be expected to differ greatly from the attitudes of the Nation as a whole. It is axiomatic that Washington in any area cannot lag far behind or run far ahead of the thinking of the people of the Nation. This is just as true in respect to moral standards as in respect to defense or tax measures. Thus, if the moral standards of the Nation are lax, if there is a negligent attitude toward other people's money, this attitude will be reflected in administrative Washington, as well as in legislative and judicial Washington." [11]

The report of the Douglas Subcommittee on Ethical Standards in Government also noted the intertwining of public and private ethics:

"Ethics in government is a subject with endless ramifications. The standards of conduct of the legislative, executive, and judicial branches of Government are interwoven. The standards of conduct of all these public servants also are interwoven with those of all who actively take part in public affairs, and of all who do business with the Government. The morals of official conduct may be distinguished, but certainly not separated, from public morals generally. The moral standards of the country, indeed, provide the ethical environment which in turn conditions the standards of behavior of public officials. Low standards in the conduct of public affairs are a symptom of low standards in the country generally. High standards in the country are reflected in high standards in Government," [12]

The problem next confronting us is: What are the variable judgments of the persons who are determining how high the ethics of the country are? Each person certainly has his own criteria, conditioned by his psychological makeup and geographical surrounding. For example, the criteria used by a businessman in judging public morality would be quite different from those utilized by a public servant with different objectives and obligations.

Senator ESTES KEFAUVER, in an appraisal of public ethics in the United States for the Annals of the American Academy of Political and Social Science, stated that "our standards of public ethics are unquestionably much clearer and much higher today than ever before. Indeed this fact is evidenced by the very intensity of our horror at each new instance of failure of our public servants to live up to them. Unfortunately—and here is the rub—our performance and enforcement of our standards fall far short of them. Indeed, in some respects, like the entrance of the criminal gangster into politics, our position is more serious than it has ever been before; the threat to our basic institution is more menacing than ever. Moreover, it is naturally disheartening to discover that, while we have been closing the doors to the success of the old methods of corruption and influence, our antagonists have been discovering and employing more insidious methods of ingress against which we have not yet established adequate bars." [13]

Senator DOUGLAS wrote (Ethics in Government):

"My own conclusion is, therefore, that there has been an appreciable long-time improvement in the level of political morals. But occasionally there are relapses and these generally come in the wake of great war. While there has been a distinct improvement in the ethics of government (1952), the recent revelations have certainly shown that the present standards of behavior are by no means good enough and need radical improvement." [14]

The report of the Douglas subcommittee said that the basic integrity of Government is relatively high:

"The overwhelming weight of testimony taken by the subcommittee is that the basic integrity of the Federal Government is relatively high. Most public servants, it was agreed, are honest and faithful. Witnesses with the longest experience in public affairs stated that standards of official conduct and public morals generally are rising, although the existence of dips in this long-term trend was conceded. The general trend, also, does not preclude significant deviations in particular levels of activity.

"We also believe that the ethical standards of public officials are probably higher than those prevailing in business and other walks of life. On this point, also, there was persuasive testimony from men of experience in both Government and business and from observers of both. Public officials are more conscious of the problem of moral standards." [15]

CODES OF ETHICS AND THE GRATUITIES PROBLEM

As has been stated before, the problem of gratuities in the Government can be categorized under the general term "ethics" or "morality." It might not be illegal to receive a gift from an outside entity in the performance of duty; but certainly it would violate the provisions of good ethics. The problem is the determination of whether or not written "codes of ethics" are sufficient to solve the gratuities situation.

Various attempts have been made in the various governmental jurisdictions to adopt codes of ethics. The already noted 1951 Douglas subcommittee of the Senate Committee on Labor and Public Welfare (82d Cong., 1st sess.) conducted hearings and issued a report recommending the establishment of a Commission on Ethics in Government to enforce supplemental proposed legislation. The proposed legislation (an amendment to the Administrative Procedure Act, S. 2293) cited in its section 102(b) that

[6] It's Not Done in Britain, Time, vol. 58, October 8, 1951: 24, p. 24.

[7] Finer, Herman, The Bookshelf, Public Personnel Review, vol. 13, 1952, p. 200.

[8] CIO political action committee Corruption pamphlet No. 4, Washington, CIO, 1952, p. 24.

[9] Clark, Wesley C., The Annals of the American Academy of Political and Social Science, March 1952, Public Administration and Private Interest, p. 67.

[10] Ibid., p. 69.

[11] Ibid.

[12] U.S. Senate Subcommittee of the Committee on Labor and Public Welfare, Ethical Standards in Government, Washington, U.S. Government Printing Office, 1951, committee print, p. 7. (Hereafter this document will be cited "U.S. Senate report.")

[13] KEFAUVER, ESTES, The Annals of the American Academy of Political and Social Science, March 1952, Past and Present Standards of Public Ethics in America: Are We Improving? p. 8.

[14] DOUGLAS, PAUL. Ethics in Government, Cambridge, Harvard University Press, 1952, p. 19.

[15] U.S. Senate report, op. cit., pp. 11–12.

"it shall be improper conduct for any officer or employee in the executive branch of the Government—to accept, directly or indirectly, any valuable gift, favor, or service from any person with whom he transacts business on behalf of the United States"; [16] and (e) "to become unduly involved, through frequent or expensive social engagements, with any person outside the Government with whom he transacts business on behalf of the United States." [17] Section 107 stated that "Notwithstanding the provisions of any other law, the head of any agency in the executive branch of the Government (1) may summarily dismiss any officer or employee in his agency whom he finds has violated section 102 of this title." [18]

The duties of the Commission as set forth in the bill (S.J. Res. 107) would have been "to make a thorough and complete study and investigation of the moral standards of official conduct of officers and employees of the United States; the effect thereon of the moral standards in business and political activity of persons and groups doing business with the Government or seeking to influence public policy and administration; and, in relation thereto, the moral standards generally prevailing in society which condition the conduct of public affairs or which affect the strength and unity of the Nation." [19]

Extensive hearings were held by the Douglas subcommittee prior to the issuance of the report. Many interesting facets of the gratuities problem were brought to light by learned political scientists and persons working with the problem day to day.

For example, Paul Appleby, noted writer in the field of public administration and author of the book "Morality and Administration," testified as to difficulties he had experienced in the Department of Agriculture in coping with the gift problem:

"One of the problems that is involved in this area is the problem of gifts to officials. That is not as simple a problem as it sounds. When a farmer out in the country, for example, sends a big watermelon to the Secretary of Agriculture, he is expressing a certain intimate relationship with the Government, and pride in a way that on the whole is good and not bad, and yet the receipt of the big watermelon can be expanded into the receipt of various gifts, and it becomes rather difficult to draw the line.

"In the Department of Agriculture, during my time, our practice was to receive gifts of that kind, and send them to public institutions, orphanages, and so on." [20]

Senator DOUGLAS then asked Appleby: "What would you do with neckties and whisky?" [21]

He replied:

"We never got them in our day in our office. The regulations of the Department were such that I think that they were very infrequently given. We notified recipients of the dispositions of gifts in that fashion and thus tried to make receipt of such gifts as were permitted free from any invidious suggestion. But I can see that in a government as big as this, there would be opportunity for a good many gifts that would gradually emerge from the simple and sincere and legitimate into the evil, and I know that some such gifts are given and received.

"Related to that is the problem of social involvement. I have known of a few Government employees who got involved with people who had a great deal more money than they and tried to keep up with them socially, and developed also a clique kind of interest in such associations, tending to impair their judgments.

"I think for myself the rather simple business of whether or not to accept a luncheon invitation was a serious problem, depending altogether on my relationship with the person concerned, whether I knew he was confident he would not get anything from me that he was not going to get otherwise. I sometimes wondered whether it was good business for me to be a friend of people on the Hill. When I became friendly with them, they called me more readily about all kinds of importunities that came to them, and it was often very embarrassing because they were good friends.

"So those friendly gifts that may become serious and social involvement are the most elementary source of venality and favoritism." [22]

The testimony in 1951 of Hon. Frederick J. Lawton, Director, Bureau of the Budget, as related to the gratuities problem, went as follows:

"Senator DOUGLAS. Would you say it would be a good rule that no public official should accept favors or gifts from persons who have business relationships with his agency?

"Mr. LAWTON. I think that there is no call in the ordinary circumstances for any person who has relations with a Government agency that is supposed to carry out a program to expect that he has to in effect bribe his way into special consideration.

"Senator DOUGLAS. But suppose he does it; then what should happen?

"Mr. LAWTON. I am definitely opposed to the granting of particular and specific favors or gifts to public officials in connection with the performance of their duty, be they either elected or appointed.

"Senator DOUGLAS. Should the person who receives such favors be disciplined?

"Mr. LAWTON. I certainly think so.

"Senator DOUGLAS. What do you think about this practice——

"Mr. LAWTON. Provided you draw a reasonable line. If a man gets a cigar or something of that sort, it is a different thing from getting a Cadillac.

"Senator NEELY. Let us analyze that. Is the offense to be appraised on the basis of the amount that one receives?

"Mr. LAWTON. No; but commonly accepted social amenities are something different, in my judgment, from attempts to influence by favors or gifts.

"Senator NEELY. Where would you draw the line? You suggest that it may be all right with a cigar or a box of candy. What would you say about a handbag that cost $10 or $50? Would you consider it proper for a Government employee to accept one of these in return for a public service?

"Mr. LAWTON. No; I would not consider it to be proper.

"Senator NEELY. Would you consider it appropriate for someone in your department who was going to pass on a matter that I had pending before it to accept a present costing more than $50?

"Mr. LAWTON. No present at all in that sense." [23]

The testimony of H. Jerry Voorhis, former Member of Congress from California, noted the problem of the administrative lobbyist and the use of the wining and dining technique of influencing decision-making:

"Now we come to the problem of what I call insidious lobbying, that is, lobbying or attempts to influence administrative decisions which is not openly carried on but takes place through so-called social contacts and private meetings. The problem of the frank, open lobbyist is very simple compared to this one, even if the registered lobbyist's purposes are not calculated to serve the highest general public interest.

"In my humble opinion, among the worst influences upon our Government and one of the places where unethical practices are most often broken down are Washington cocktail parties and a certain type of dinner party. * * * By that I mean that I think things are said that have no business being said; that they get on a basis where people are, to say the least, relaxed, and I think that a lot of bad practices take place." [24]

August Heckscher, in an article in the June 1951 Yale Review entitled "Ethics in Public Life," summed up his reasons for the establishment of a code of ethics. Note that this was written around the time of the Douglas hearings:

"The code governing (governmental-business) relationships would probably turn out to be a matter of commonsense. The administrator would be expected to do his business in office hours, not at bars, or at cocktail parties, or on the golf course. He would be expected to refuse all gifts from those with whom he had official dealings—whether at Christmas or at any other time. What is significant is that until now rules of this kind have not been promulgated at all; it has been assumed that simple moral postulates, or the injunctions of the Criminal Code, could cover all the intricacies of a changing human relationship." [25]

Dr. Theodore M. Green, of Yale University, asserted that "the formulation of 'standards of propriety' might be a useful reminder to busy and harassed executives and legislators who are already men of basic integrity.

"I am less optimistic about the likelihood of such restraints being too effective with respect to men who are determined to avoid them." [26]

Senator AIKEN, of Vermont, appended his additional remarks to the report. They present an interesting critical statement:

"The report of the subcommittee headed by Senator DOUGLAS contains a considerable amount of valuable information. And while the conclusions and recommendations contained in that report have much to commend them, and while I do not believe that either this report or the recommendations made by any commission established as a result of this report—even if such recommendations are approved by Congress—will automatically result in the elimination of corruption and debasement from the Government. Laws alone will never improve the ethical and moral standards in the Government; only a clear sense of the honor and duty imposed on those who hold the trust of public service can accomplish that end. 'I have done nothing illegal'—the defense so often put forward by those charged with improper and reprehensible conduct—represents an indifference to the public trust which, if continued, can successfully thwart even the most comprehensive legislation." [27]

The bills were presented by the full committee to the Senate but nothing further was done.

An article in the summer 1953 issue of Public Administration Review entitled "A Code of Ethics as a Means of Controlling Administrative Conduct," by Philip Moneypenny, associate professor of political science at the University of Illinois, stated, in reference to the Douglas subcommittee:

"A measure of skepticism seems in order with respect to the changes in administrative conduct that would result in such a code.

[16] Ibid, p. 71.

[17] Ibid.

[18] Ibid, p. 72.

[19] Ibid., p. 70.

[20] United States Senate Subcommittee of the Committee on Labor and Public Welfare Hearings, Establishment of a Commission on Ethics in Government, Washington, United States Government Printing Office, 1951, p. 172, hereafter this document will be cited "United States Senate hearings."

[21] Ibid., p. 172.

[22] Ibid., pp. 172–173.

[23] Ibid., p. 85.

[24] Ibid., p. 313.

[25] Heckscher, August. Ethics in Public Life. The Yale Review. New Haven, the Yale University Press, June 1951, p. 587.

[26] U.S. Senate hearing, op. cit., p. 61.

[27] U.S. Senate report, op. cit., p. 66.

There are already statutes on the books which prohibit some of the transactions most subject to public censure. Would not a code of ethics be just another official pronouncement without any force of itself to secure the standards which it develops? There are reasons for believing, however, that under appropriate circumstances a deliberately formulated ethical code might be of use in controlling administrative conduct than would be achieved by the spontaneous development of individual or group standards among administrative personnel." [28]

Three House concurrent resolutions relating to Codes of Ethics for the Government Service were submitted during the 1st session of the 85th Congress (Note: Concurrent resolutions are not normally legislative in character but are used merely for expressing facts, principles, opinions, and purposes of the two Houses. They are not equivalent to a bill and their use is narrowly limited within these bounds. They do not require Presidential approval): (1) House Concurrent Resolution 5 (Jan. 3, 1957), Mr. BENNETT of Florida; (2) House Concurrent Resolution 43 (Jan. 5, 1957), Mrs. ST. GEORGE; (3) House Concurrent Resolution 175 (May 15, 1957) (passed House Aug. 28, 1957), Mr. BENNETT of Florida.

Essentially, these three bills are the same. Below is the text of House Concurrent Resolution 175, which still needs Senate concurrence:

"*Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of the Congress that the following code of ethics should be adhered to by all Government employees, including officeholders:

"CODE OF ETHICS FOR GOVERNMENT SERVICE

"Any person in Government service should—

"1. Put loyalty to the highest moral principles and to the country above loyalty to persons, party, or Government department.

"2. Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.

"3. Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.

"4. Seek to find and employ more efficient and economical ways of getting tasks accomplished.

"5. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.

"6. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.

"7. Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.

"8. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.

"9. Expose corruption wherever discovered.

"10. Uphold these principles, ever conscious that public office is a public trust."

Both House Concurrent Resolutions 5 and 43 contain an interesting preamble, which states:

"Service of any person in any capacity in or under the Government requires both conscientious vocational labor and righteous personal conduct. It should be characterized by devotion to God and country.

"As a desire and purpose to forward the best interests of the United States are an essential part of the loyalty of citizenship, no person who fails to have such desire and purpose should be in the Government service."

At hearings on a similar bill held before the Committee on Post Office and Civil Service of the House of Representatives (84th Cong., 2d sess.), the Honorable Philip Young, Chairman, U.S. Civil Service Commission, states the CSC's objections to the phrasing of the bill on gift receiving, namely, "and never accept favors or benefits from persons doing business with the Government." [29] He said that the phrase "should be literally adhered to by some employees, but is unduly restrictive toward others." [30] He went on to say:

"I believe that a code of ethics would serve a real purpose in making new officials and employees aware of, and thoughtful about, the special ethical obligations that must be a part of public life in a free government.

"Another purpose to be served by practical standards of conduct is that it would put the public on notice as to its obligations in dealing with public servants. For example, expensive entertainments and gifts are many times the practice in securing private contracts, and many businessmen naturally but thoughtlessly assume that this practice is appropriate in their negotiations with Federal employees for Government contracts.

"A code of ethics that specifically covered this point would put the business world on notice that such practices were not acceptable, and would make it easier for public servants engaged in making contracts to decline offers of entertainment or gifts without appearing to be self-righteous or suspicious."

In further explanation, "a contracting or purchasing officer should certainly adhere strictly to this principle in his relationships with the representatives of private business with whom he has official dealings. However, it seems unduly restrictive to apply this rule to, say, a research engineer in his relationships with friends, relatives, or neighbors who may do business with the Government, but with whom the employee has no official dealings." [31]

Mr. Young then observed that since the problems in the various branches of Government were so different, there ought to be separate codes of ethics for each of the areas, as well as different ones for career and appointed employees.

These hearings produced some interesting colloquy pertinent to the problem. For example:

"Mr. BENNETT. I take a sack of potatoes from GRACIE PFOST. Why? Because I know GRACIE PFOST sent me those potatoes because she wanted to advertise the Idaho potatoes, and she sure did a good job of it, because they were wonderful potatoes, and I myself have sent out citrus as an advertising scheme from Florida.

"I think that if you got a souvenir of a pen set, set in star sapphires and diamonds, you would have a pretty good idea it was just not a souvenir. • • •

"Mr. MOSS. • • • Let's assume that there is a classified employee who is faced with the problem at Christmas time as to whether or not he could accept a gift of very nominal value.

"Mr. BENNETT. I regret to say, but I just don't believe that these people who send these hams, and crates of oranges, and so forth, to the classified employees have any noble intentions in most cases. I know it is done." [32]

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"Mr. MOSS. (not in the same context) • • • (but) I am mindful of the fact that there are many companies in the United States who, as a matter of course, over a period of years, build up mailing lists for sending out Zippo lighters, or calendars, or desk pads, items of very small value: They are advertisements. They are a favor of some sort. They have perhaps some benefit.

"Mr. LESINSKI. • • • It seems to me that the people who are the most flagrant abusers, we will say, and need a code of ethics, are the appointed officials of the Federal Government. In other words, you have a civil service law that is not adhered to by various agencies, and you have other things that are brought out, and the employees in the Federal Government suffer by it accordingly. Personally, from my experience, I think that should be spelled out.

"Mr. BENNETT. Somebody has suggested language • • • indicating that 'all those in the Government service' includes elected officials, employees, officeholders, and all these various terminologies.

"Actually, when this was written it was intended to be all embracing from the President down to the janitor, and including all appointees, those elected, and anybody else." [33]

In the area of State governments, it is found that the New York State Legislature adopted a code of ethics for State employees which embraced the gratuities problems from several angles, but not specifically. For example:

"An employee of a State agency, member of the legislature or legislative employee should not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties, or that he is affected by the kinship, rank, position, or influence of any party or person.

"An officer or employee of a State agency (etc.), should endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust" (public officers law, sec. 74 Code of Ethics).

The County Board of Arlington, Va., established a commission to study the problem of ethics in the county government and to draw up a code of ethics which could be adopted. For reasons as political as those which caused its inception, the commission's recommendations were never adopted. However, the report of the Citizen's Commission on Ethics in Government is noteworthy for its astute observations in the field of ethics. Much of this textual material can be applied to the gratuities situation.

The Commission was headed by Fritz Morstein Marx, a noted professor of political science and distinguished public servant. Much of the material contained in the report reveals the effects of Dr. Marx' political science background.

Actually the code that was proposed by the Commission contained no enforcement provisions. It was intended, however, as a guideline to good administrative behavior rather than as a punitive measure.

The preamble and the code set out the basic responsibilities of public office:

"In a free society, all public offices are held for the benefit of the public, as all government exists solely so that the people may

[28] Moneypenny, Philip, Public Administration Review, summer 1953, 185.

[29] U.S. House of Representatives, Committee on Post Office and Civil Service, hearing, Code of Ethics for Government Service, Washington, U.S. Government Printing Office, March 26, 1956, p. 8, hereafter this document will be cited "U.S. House of Representatives hearings."

[30] Ibid.

[31] Ibid.

[32] Ibid., p. 13.

[33] Ibid., pp. 14–15.

govern themselves. Those holding public office, as servants of the public, are not owners of authority but agents of a public purpose. In the exercise of the authority given them by the people, they are under three basic obligations. They are bound to do their best—that is, to serve with efficiency. They are bound to do what they are told to do—that is, to respect legality. And they are bound to do right—that is to heed the commands of morality. Public ethics is part and parcel of public office.

"As all public offices are held for the benefit of the community, public officials and employees owe a fundamental loyalty to the community as a whole. Each of them is a guardian of the public interest, even when his functions allow little discretion or may seem relatively unimportant. Each must serve equally all members of the community. This fundamental loyalty can not exist when it is overwhelmed by other loyalties—to a particular group of the public, to a particular economic interest, or to a particular political organization. Reconciliation is possible only as long as the narrower loyalties are subordinated to the basic allegiance. The attitude of individual public officials and employees on this point has great significance for their views on public ethics. All those in public offices owe it to the public to indicate their own position on the resolution of conflicts between narrower loyalties and the fundamental loyalty to the community as a whole.

"Because those holding public office are not owners of authority but agents of a public purpose, they have no right to exercise public functions or use public influence for personal gain or other private ends. Compensation for public office—sufficient to support competence and integrity—should be legally defined and made a matter of common knowledge. Official authority and public influence are not meant to be available for personal advancement or enrichment or for the benefit of any special interest.

"It is easy to turn down requests for special favors when such requests are made in ignorance of public ethics or when the public official or employee has not been put under any personal obligation. Favors are asked for and granted in return for favors received or expected by the official or employee or by others to whom he is tied. When he thus puts himself under an obligation, the official or employee in effect disqualifies himself and betrays the public confidence vested in him. No one in public office is entitled to become involved in a situation where such obligation may be assumed to exist.

"The final judge of official conduct is the public as a whole. But the public as a whole forms its judgment in broad generalization. It cannot look into the detail of the uncounted official actions performed each day and lost to public notice. This explains why wrong appearances may have no less damaging effect on public opinion than proved corruption. Each public official and employee must give continuous thought to the question of how his actions and behavior might be interpreted—and misinterpreted—by the public.

"Blind confidence in the integrity of those holding public offices is not a healthy attitude in a free society. Public wakefulness is to be cherished by all citizens, including those in public office, who also ought to appreciate that such wakefulness may run to excesses of reckless condemnation. One way in which public officials and employees themselves can contribute to keeping such excesses to a minimum is by taking steps promptly to meet any specific suspicions raised about their official conduct. This is not accomplished by mere denial. The pertinent facts must be laid out before the public, if necessary after special inquiry under impartial auspices, and well ahead of mounting public pressure.

"All public officials and employees share in the distinction that is attached to public service. Each of them must remember that his failings as well as his achievements affect the standards of public service. That applies to every aspect of the reputation the public service enjoys—to its efficiency, to its compliance with the laws, and to its adherence to the commands of public ethics. A high standard of official conduct cannot last for any length of time unless it is bolstered in the daily work performed at all levels of public responsibility In turn, each instance of unethical conduct endangers the standard—like a rip in a sail. Although the importance of personal example is not minimized by low position, it is particularly far-reaching in the higher positions because these cast the longest shadow across both the public service and the community.

"The principal appointive officials have the greatest practical familiarity with governmental work. They are thus in a strategic position to spot the points where a breakdown of public ethics has occurred or might occur. Such a breakdown can often be overcome or avoided altogether by developing procedures based upon a recognition of public ethics. It is a requirement of public ethics that the principal appointive officials exert sufficient influence in the development of reasonably foolproof procedures." [34]

Even though these abstracted parts of the proposed code applied to the problems of Arlington County, Va., it can be seen that they actually apply to all aspects of public administration. They are extremely relevant to the gratuities problem, because, as has been noted, the acceptance of gifts is a definite breakdown of public ethics. Note especially the phrase above "although the importance of personal example is not minimized by low position, it is particularly far-reaching in the higher positions because these cast the longest shadow across both the public service and the community" and the parallels that can be drawn in the Federal situation.

One of the problems encountered in enforcing codes of conduct, or specific regulations prohibiting the receipt of gratuities in the performance of duty, is that there is often inadequate publicity of the rules. Many of them, possibly, are broken out of sheer ignorance of the regulations. Detection of violations by supervisors is often difficult because of the subtleness of the process.

One agency in the Federal Government does give publicity to its regulations concerning gifts. In his letter to the Legislative Reference Service, the Acting Director of the Bureau of Land Management, Department of Interior, Earl J. Thomas stated:

"Members of the public who conduct business with the Bureau of Land Management are also reminded of our policy on gifts. A notice addressed to the public discouraging gifts is posted in each Bureau office where public business is conducted."

The notice reads as follows:

"To the Public:

"As Federal employees, our pledge and constant aid is to conduct the public business with integrity and with impartiality to all members of the public we serve.

"We seek to be the recipients of the general public's trust and confidence only—and not of material favors or gifts of any kind. The latter—even though prompted by personal friendship or individual gratitude—find no rightful place within the framework and tenets of the public service of which we are a part. 'Thank you' has a universal and single meaning and to us it is fitting recognition for any job which the public considers we have done well.

"EMPLOYEES OF THE BUREAU OF LAND MANAGEMENT."

The General Services Administration, the procuring agency for the Federal Government, has a printed form listing the Standards of Conduct of the GSA. All employees are asked to read and sign this document at the time of entering on duty. The regulation concerning gratuities states (rule No. 7):

"Gratuities: GSA employees shall not accept any gratuity or favor of any nature whatsoever, directly or indirectly, from any person, firm, corporation, or other entity, which has done, is doing, or proposes to do business with this Administration. Tentative or firm offers of money or other consideration, such as offers of future employment, which are made to influence official action, would, of course, constitute attempted bribery, a Federal criminal offense."

It further states "it is the policy of the General Services Administration that its employees shall be required, as a condition of their employment, to comply with the standards of conduct set below," and "I hereby certify that I have read the complete text of the General Services Administration Standards of Conduct, and that I am familiar with the provisions contained therein."

In his chapter, "Ethical Conduct in Public Service," Norman J. Powell ("Personnel Administration in Government") listed six conclusions that he arrived at after surveying the ethical standard of the Federal Government:

"1. Bureaucratic and legislative ethics are components of the ethical system of the community; public employees and officials will tend to have the same value system as the general population.

"2. The diversity, power, and energy of a democracy's agencies for checking on the public official make it altogether likely that corruption occurs less often and in lesser degree in a democratic society than in one which is totalitarian.

"3. Public standards of ethics are higher than they were in the past and they are higher than in private affairs.

"4. We are all eager to announce our devotion to virtue, but find that in present-day government unethical conduct is only partially a matter of blatant thievery. Often it is difficult to determine when bureaucratic behavior is acceptable and when one or another standard will impair or further the general interest. Modern problems of governmental ethics emerge from the positive role of government in performing acts and making choices that immediately affect intimately the lives and fortunes of people free to influence their governors. For instance, when government makes loans to individuals, both the official and the would-be borrower can easily find themselves in a situation where the correct thing to do is unclear, or personally disadvantageous, or where the wrong thing has strong attractions.

"5. Basic in the effort to deal with unethical conduct are the necessities for highly moral public opinion, competent government organization, effective administration of public finances, and dynamic management. The ultimate factor is the character of the people in the community; their concern with public affairs; and their intelligence in electing able people and checking on their work through pressure groups, the press, and other mass communications mediums, and other avenues.

"6. Confronted with the need to cope with immediate problems, jurisdictions have engaged in activities like setting up codes of ethics or establishing statutory restrictions

[34] Arlington County, Va., Citizen Commission on Ethics in Government, report, Attachment E, Code of Public Ethics, Arlington, Va., office of the county board August 15, 1952, pp. 3–7; 8–10.

on employee behavior. In devising agency techniques for promoting appropriate conduct by public officials, it would appear valuable to accentuate the positive by installing and maintaining a good personnel system." [25]

RECEIPT OF GIFTS BY THE PRESIDENTS

Judging by the writings of the period, in particular those of Washington, we can see that the Federalist period, in general, frowned on breakdown in morality, such as the receipt of gratuities.

In a letter written in 1794 to a Mrs. Matthew Anderson, the President said:

"MADAM: Not before the 8th instant had I the honor to receive your favor of the 17th of May, accompanied with a piece of silk of your own manufacture.

"Contrary as it is to an established maxim of mine, not to accept a present from anyone, yet, considering this as a mark of your peculiar attention to me and as evidence of what our climate, aided by industry, is capable of yielding, I receive, and thank you for this effort of your skill.

"I shall have it made up, and will wear it as a memento of your politeness, having the honor to be your, etc." [26]

In another case Washington returned a set of figurines to the sender:

"The President of the United States presents his compliments to Mr. Ciracchi and with many thanks for his offer of the very elegant figures sent him, begs leave to restore them again to Mr. Ciracchi. His situation calling for uniformity of conduct in these cases, he relies that Mr. Ciracchi will ascribe it in the presence [sic] instance to its true motives, and accept the assurances the President now gives of the high sense he entertains of his talents and merit." [27]

Washington did accept a number of books and seeds for his farm, for example, in a letter of appreciation, he says:

"As I have spent a great part of my life * * * in rural affairs, I am always obliged by receiving such communications or novelties in that way, as may tend to promote the system of husbandry in this country." [28]

An article in a 1789 magazine, the American Museum, stated:

"Good government manifestly depends much more on the goodness of the men who fill the public offices than on the goodness of the form of government, constitution, or even laws of the State; for the errors of all these, under the administration of good men, will be mended or made tolerable, either by the authority of the legislature or favorable construction; but weak and wicked men will pervert the best laws to the purposes of favor or oppression." [29]

Of the Jeffersonians, Leonard D. White, noted public administration historian, says that "the standard of official behavior approved by the Republicans was as laudable as that established by the Federalists."

"Circumstances within government favored sound canons of official ethics. * * * Persons of dubious character were automatically excluded from consideration [for appointment]. Personal integrity was taken as a matter of course. * * * External circumstances also favored high official standards. The pressures on officials were light. The General Government had relatively few contacts with citizens. It dispensed few favors and interfered with no established ways of life. Conversely, citizens had little to ask of government." [30]

Gilson Willets says of the period:

"Huge cheeses were sent to Jefferson and Jackson. But Mr. Jefferson insisted upon paying 50 percent more than the value of the mammoth product of dairy." [31]

Rayner's "Life of Jefferson" credits him with saying: "When a man considers himself a public trust, he should consider himself as a public property." [32]

The Jacksonians have often been credited with slipshod ethics in government but the record seems to be in conflict. Leonard White says that "President Jackson was annoyed by receiving a present of a lion and two horses from the Emperor of Morocco. He had to ask Congress what to do with these animals, and meanwhile instructed all foreign agents not to receive presents under any circumstances." [33]

Gilson Willets' account of the Jackson administration went as follows:

"President Jackson received so many gifts during his first weeks at the White House that he knew not where to store them, nor what to do with the more perishable of them. A newspaper account printed at the time (1829) says:

" 'The general is not likely to lack stores for the maintenance of the Republican hospitality of the palace. His supplies are daily coming in from every quarter in the shape of voluntary and gratuitous tribute. A great cheese, for instance, has been sent to him from New England; beef from New York; and the Kentuckians, they say, are to send him a whole hog'." [34]

The impression that White leaves his readers is that while the Jacksonians' morality did break down in many areas, particularly in the field offices, there was a very great effort on the part of the top officials to maintain the high standards of ethics that had prevailed under the Federalists and the Republicans. For example, this account of Secretary of the Treasury (and later Chief Justice) Roger B. Taney is illustrative:

"An acquaintance in the New York customhouse sent Secretary of the Treasury Taney two boxes of his favorite cigars. The Secretary insisted on paying for them, writing to his friend, 'You will, perhaps, smile at what you may think my fastidiousness about such a trifle as your cigars. But I have thought it the true rule for a public man, and that it ought to be inflexibly adhered to in every case.' " [35]

Also note this account of Jackson's Postmaster General:

"More alarming was the practice discovered by Amos Kendall by which purser and navy agents made valuable presents to the clerks who examined their accounts. He promptly forbade such transactions on pain of instant removal.

"Despite much contemporary aspersion, Amos Kendall, fourth auditor and Postmaster General from 1829 to 1840, might well be remembered as the defender of traditional standards of public morality. To him is due the first code of official ethics that has come to attention. In an 1829 circular addressed to his clerks he preached a little sermon on the duties of public officers and laid down a series of rules of conduct. (The code as relates to gifts states:)

" '5. The acceptance of any present or gratuity by any clerk from any person who has business with the office, or suffering such acceptance by any member of his family, will subject any clerk to instant removal'." [36]

The noted historian, Sydney Warren, commented on the Congress in the Jackson era:

"The atmosphere was such that even genuinely patriotic public officials who served their country well did not consider it immoral to use their positions to make some extra income. Daniel Webster of Massachusetts and Henry Clay of Kentucky were retained as attorneys by the Bank of the United States while holding their seats in Congress. Their votes went to support the bank and Webster supplied President Biddle with confidential information about his colleagues. Webster also served his wealthy Boston constituents so well with his advance reports on Government measures and projects that on one occasion he was handed $37,000 so that he would not carry out his threat to retire because he was unable to support himself on his congressional salary." [37]

John Quincy Adams also was known for his high standards of ethics, witness this story related by L. D. White:

"John Quincy Adams received a gift of soap from a manufacturer exhibiting at a Washington fair. His inclination was to decline the present but his wife, as he put it, shamed him out of that fancy. 'My principle has always been,' he wrote in his diary, 'to refuse all presents offered me as a public man; but, where the value is very small, I thought it would be ridiculous to make a point upon it. It has not always been easy for me to draw the line of distinction'." [38]

White also says that "President Polk would accept nothing of greater value than a book or a cane, a rule applied also to Mrs. Polk. Buchanan made it an invariable rule as President to accept no gifts of any value even from his intimate friends." [39]

Gilson Willets says that "Lincoln accepted many gifts, but Johnson would usually have none of them." [40]

For example, a letter from President Lincoln to a Mrs. A. Wathers in 1861:

"I take great pleasure in acknowledging the receipt of your letter of November 26; and in thanking you for the present by which it was accompanied. A pair of socks, so fine, and soft, and warm could hardly have been manufactured in any other way than the old Kentucky fashion." [41]

In reference to President Grant, Willets says:

"Honors of all kinds were thrust upon General Grant, during and after his term at the White House. While President, he received a carpet from the Sultan of Turkey as well as a silver coffeepot and a number of splendid leopard skins from the dons of Mexico. Meantime the people had given him a house, and had even asked him to accept gifts of money, all this in line with the universal honors that were showered upon him." [42]

Ira R. T. Smith, who was the long-time Chief of Mails in the White House, wrote much about Presidential gift receiving in his book, "Dear Mr. President," based on his intimate knowledge. He says that President McKinley "was careful about accepting anything more than a crate of oranges or a box of cigars." [43]

Theodore Roosevelt "received many odd gifts, especially canes in the shape of the 'big stick' that he made famous, and his daughter Alice received a trainload of gifts when she was married." [44] Roosevelt was very determined to return all the gifts that he could, however, according to Willets. He did receive, of course, many anonymous gifts that were impossible to return:

"There come to the White House (1908) huge stacks of express packages, these being gifts of every conceivable character, from live guinea pigs to suspenders. 'At last I feel I can afford two pair of suspenders,' said the President (T. Roosevelt) to (his) Secretary when he first saw the suspenders. Yet the suspenders were returned to the donor along with other gifts galore.

" 'The President regrets that he cannot accept the deer head you so kindly sent him, as he is obliged to adhere to his rule to accept no presents. The deer head, therefore, is returned to you today by express.' Such, in substance, is the stereotype signed by (his secretary), a dozen or more of similar purport leaving the White House in the mail of every working day." [45]

Smith says that "one of the most-talked-about affairs given by the Tafts was in celebration of their silver wedding anniversary." [46] He adds:

"I have a list of the silver gifts from this country alone that covers 21 typewritten pages, and record more than 300 donors, who sent items ranging from umbrella handles to elaborate tea sets. When everything was counted up, the gifts included 131 silver dishes and bowls, and almost as many vases and pickle forks. It seemed unlikely the Tafts would be able to make use of all of them, but they made a wonderful display of gleaming silver." [47]

As for later Presidents: "Woodrow Wilson and Herbert Hoover were not interested, and did not want, even the most expensive gifts, but Calvin Coolidge kept a close record of all presents, and took many of them home to Vermont when he left the White House." [48]

"F. D. R. received a tremendous assortment of gifts, with canes (because he was crippled) probably the leading item. He took an interest in odd gifts, little carvings, ship models, and trinkets, and littered the place with those that happened to strike his fancy." [49]

Smith continues with this little story of F. D. R.: "The end of prohibition brought one wave of gifts that I well remember. All the manufacturers were eager to get their products publicized, and we were buried under 5-gallon cans of pretzels and bottles of legal beer. Three times a day the express trucks would bring a new load, and I was soon giving pretzels to anybody who would take them. The beer, for the most part, went over to the White House, but Mr. Roosevelt merely admired the freak bottles—some of them holding 10 gallons—and declined to drink any. He had been drinking a homebrew that was stirred up by Henry Nesbit, the steward, and he kept right on drinking it after repeal. Said he liked it better." [50]

President Truman, like all Presidents, received many gifts. Smith says that "once when (he) made an offhand remark about his own difficulties in getting white shirts during the war, he was inundated with a flood of white shirts in the next mail." [51]

An article in the U. S. News & World Report entitled "It's Christmas All the Time for United States Presidents," says that "Mr. Eisenhower's presents, on the whole, are more costly than the gifts that either President Truman or President Franklin D. Roosevelt received—even though Mr. Truman was the recipient of a bowling alley and Mr. Roosevelt was mentioned in at least two wills." [52]

The article continues:

"The gifts, in each case, generally center around the Chief Executive's hobbies and avocations. Mr. Roosevelt received many presents for his New York home. And there were presents for Mr. Truman to use in his home in Independence, Mo.

"Mr. Truman, in office, liked music and history. Besides getting the usual food, 10-gallon hats, and peace pipes, that every modern President receives, he got hundreds of records and books.

"Mr. Roosevelt, whose love for the sea was well known, received flotillas of ship models and closets full of yachting caps. He also received thousands of items for his stamp collection. About the only animals among his gifts were pet dogs and a horse.

"People appear to enjoy making gifts to President Eisenhower. Almost all Presidents in the past have received and accepted varied offerings. But gifts to Mr. Eisenhower are attracting more attention and, at times, are tending to be of more monetary value than those given to previous Chief Executives. * * * In general, however, acceptance of gifts by Presidents always has been taken for granted. There is no law that bears on the subject, no fixed standards by which acceptance or rejection of such gifts is measured.

"In the case of officials below the President the rules are more explicit. During the administration of Harry Truman, there was intense criticism inside and outside of Congress when gifts of home freezers, valued at a few hundred dollars, were accepted by some officials. There was much criticism, too, of gifts of mink coats." [53]

The article goes on to tell of the policy on the receipt of gifts at the time of its writing:

"The White House, at this time (1955) has no rigid policy on gifts. There is no limit on the value of a gift the President may receive, although no cash is ever accepted. A White House official explaining why a President can receive a thousand-dollar gift while a Government employee of less rank may be suspect if he receives a $25 ham, says: 'The Office of the President is too big to be influenced by any gift.' " [54]

"The White House, in fact, is always on guard against manufacturers who send gifts and then point out that their products are used by the President. But firms sometimes can get their products accepted by appealing to their local Congressman. The Congressman often will petition the White House. An Eisenhower assistant reports that 'Ike sometimes accepts gifts which he would otherwise refuse, but it is hard to turn down Congressmen who ask him to accept gifts from groups in their districts.'

"As commander of Allied Forces in Europe during World War II, Mr. Eisenhower, then a general of the Army, received a large number of gifts, some of great value. There was, for example, a $100,000 diamond-studded Order of Victory decoration which he received from Soviet Marshal Georgi Zhukov. Then there were anonymous gifts that included 10 Chippendale chairs, a mahogany Hepplewhite table, and a 200-year-old Indian carpet, as well as elaborate jewels and swords.

"Those gifts were transferred by General Eisenhower to the Eisenhower Museum in his home town of Abilene, Kans., along with 2,500 other items." [55]

In summary, Gilson Willets says:

"All the Presidents have been made the recipients of a great number of presents from admirers throughout the country. Not all of such presents have been accepted. Most Presidents have made it a rule to return all gifts received from strangers, on the ground that to accept gifts from utter strangers was to become saddled with obligations which might at some inopportune moment confront a President to his extreme embarrassment." [56]

APPENDIX I. EXAMPLES OF ENFORCEMENT OF GIFT-GIVING RULES

"Testimony was presented * * * that a former quartermaster at Fort Dix, N.J., had accepted favors of salesmen who did business with the post's commissary. Col. Robert A. Gaw, the former quartermaster, is being tried by Army court-martial on charges of accepting such gifts.

"The * * * reserve officer is accused of having violated Army regulations by having accepted 3 dinners, 2 lunches, drinks, a case of canned peaches and admission to a baseball game" (New York Times, October 4, 1956, p. 15).

"The Agriculture Department said today that eight of its employees at Dallas, Tex., had been formally reprimanded for accepting gifts from persons doing business with the Government.

"Two other employees of the Production and Marketing Administration at Dallas received letters of caution. Another, John R. Ball, was cleared of charges that he had accepted gratuities.

"The Department said the service of the eight reprimanded had been otherwise satisfactory. It told them no other action had been taken because 'the acceptance of such gifts and favors as you received was known to and improperly condoned by your official superiors in the Dallas office.'

"The Department told an appropriations subcommittee of the House of Representatives last January that 16 Dallas employees were reported to have accepted gratuities ranging from weekend outings to Bibles, belt buckles, and picture calendars.

"The Dallas production and marketing chief and his assistant were subsequently discharged for neglect of duty. Stephen G. Benit resigned during an investigation of charges that he had taken a cash gift of $1,000" (New York Times, April 2, 1952, p. 22).

APPENDIX II

Bills introduced in the 85th Congress, 1st session, relating to changes in the "conflict-of-interest" statutes:

H.R. 249, to require persons who obtain commissions for rendering assistance in the obtaining of Government contracts to register with Congress.

H.R. 257, to revise the laws relating to the claims and services of former employees in matters affecting the Government of the United States. This bill broadens the scope of the statutes by specifying more actions against the United States which fall under the jurisdiction of the act.

S. 1057, to require Members of Congress, certain other officers and employees of the United States, and certain officials of political parties to file statements disclosing the amount and sources of their incomes, the value of their assets, and their dealings in securities and commodities.

[25] Powell, Norman John, "Personnel Administration in Government," Englewood Cliffs, N.J., Prentice-Hall, Inc., 1956, pp. 126–127.

[26] Washington, George: Writings of, Editor: John C. Fitzpatrick, Washington, U.S. Government Printing Office, 1944, vol. 33, p. 433.

[27] Ibid., vol. 32, p. 43.

[28] Ibid., vol. 32, p. 59.

[29] White, Leonard D., "The Federalists," New York, the Macmillan Co., 1948, p. 268.

[30] White, Leonard D., "The Jeffersonians," New York, the Macmillan Co., 1951, pp. 411–412.

[31] Willets, Gilson, "The Inside Story of the White House," New York, the Christian Herald, 1908, p. 171.

[32] Rayner, B. L., "Life of Thomas Jefferson," Boston, Lilly, Walt, Coleman & Holden, 1834, p. 356.

[33] White, Leonard D., "The Jacksonians," New York, the Macmillan Co., 1954, p. 432–433.

[34] Willets, op. cit., p. 173.

[35] White: "Jacksonians," op. cit., p. 433.

[36] Ibid., p. 433–444.

[37] Warren, Sydney, "Corruption in Politics," Current History magazine, 1952 volume, p. 69.

[38] White: "Jacksonians," op. cit., p. 433.

[39] Ibid.

[40] Willets, op. cit., p. 171.

[41] Lincoln, Abraham, writings of, edited by Roy P. Bosler, New Brunswick (N.J.) Rutgers University Press, vol. 11, p. 57.

[42] Willets, op. cit., pp. 172–173.

[43] Smith, Ira R. T., "Dear Mr. President," New York, Julien Messner, Inc., 1949, p. 204.

[44] Ibid.

[45] Willets, op. cit., p. 172.

[46] Smith, op. cit., p. 85.

[47] Ibid.

[48] Ibid., p. 204.

[49] Ibid., p. 205.

[50] Ibid., pp. 208–209.

[51] Ibid., p. 207.

[52] U. S. News & World Report, "It's Christmas All the Time for United States Presidents," vol. 39, Dec. 16, 1955, pp. 39–41.

[53] Ibid.

[54] Ibid.

[55] Ibid.

[56] Willets, op. cit., p. 171.

"That each Member of the Senate and House of Representatives (including each Delegate and Resident Commissioner); each officer and employee of the United States who (1) receives a salary at a rate of $10,000 or more per annum, or (2) holds a position of grade GS–15 or above, and each officer in the Armed Forces of the rank of colonel, or its equivalent, and above; and each member, chairman, or other officer of the national committee of a political party shall file annually with the Comptroller General a report containing a full and complete statement of—

"(1) the amount and resources of all income and gifts (of $100 or more in money or value, or in the case of multiple gifts from one person, aggregating $100 or more in money or value) received by him or any person on his behalf during the preceding calendar year."

S. 2259, to improve the efficiency of the Government by regulating the outside employment by officers and employees of the departments and agencies of the Government, and for other purposes.

S. 2461, to prohibit the unauthorized disclosure of certain information by members, officers, and employees of regulatory agencies of the Government.

S. 2462, to prohibit certain communications with respect to adjudicatory matters pending before Government agencies.

Mr. PROXMIRE. Mr. President, the most persuasive and convincing national comment on this nomination was made Sunday by the newspaper which is widely acknowledged to be the greatest in the country, the New York Times. The New York Times directly addressed itself to the Durfee nomination. Mr. President, because of the pertinence of this editorial, I am going to read it into the RECORD rather than simply ask that it be printed in the RECORD.

A QUESTION OF PROPRIETY

The slack sense of public ethics that has characterized a number of officials of this and previous administrations, and has resulted in their ouster, is a serious malady of American political life. It was most recently displayed in the case of Chairman John C. Doerfer of the Federal Communications Commission, who resigned after it was disclosed that he had accepted extensive (and expensive) hospitality from an executive in the radio and television industry—the very thing the FCC was set up to regulate.

We agree with Senator PROXMIRE of Wisconsin that there is no difference in principle between this case and that of the Chairman of another of the great Federal regulating agencies, the Civil Aeronautics Board, who in 1956 and 1957 allegedly accepted lavish hospitality from airlines whose applications were pending before the very same agency. According to Senator PROXMIRE, Chairman James R. Durfee of the CAB made trips at the expense of the Flying Tiger Airlines, Eastern and TWA, in the two latter cases 4-day excursions to Mexico City and Rome, respectively.

We find it difficult to follow Mr. Durfee's reasoning that he was acting properly and in the course of his official duty to promote aviation on these trips, even though the two foreign excursions were inaugural flights. One can fully accept his contention that he was not actually influenced in favor of the lines because of these junkets; but it was and is his duty to avoid placing himself in a position where the issue could even be raised. This is precisely the question of propriety that arose in connection with Chairman Doerfer of the FCC. We think it entirely proper of Senator PROXMIRE to raise it in the case of Chairman Durfee of the CAB.

Mr. President, the hour is late. I have a few more paragraphs, but because they represent a summary and conclusion, since they will consume very little time tomorrow, and because at least two of the principal arguments in favor of the confirmation of the nomination will be made tomorrow, I would prefer to stop now, and I intend to stop now. I shall carry on with my summary and conclusion tomorrow, preferably after my colleague, the distinguished senior Senator from Wisconsin [Mr. WILEY], and the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN] have made their speeches.

Mr. President——

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). The Senator from Wisconsin.

RECESS

Mr. PROXMIRE. Mr. President, unless there is further business to come before the Senate at this time, I move that the Senate stand in recess until 12 o'clock noon, tomorrow.

The motion was agreed to; and (at 6 o'clock and 26 minutes p.m.) the Senate took a recess, under the previous order, until tomorrow, Wednesday, April 20, 1960, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

TUESDAY, APRIL 19, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

II Peter 1: 2: *Grace and peace be multiplied unto you through the knowledge of God, and of Jesus, our Lord.*

Most merciful and gracious God, whose presence and power are the supreme needs of our minds and hearts, we beseech Thee to govern and guide us by Thy divine spirit as we assemble in this Chamber to take counsel together for the common good of our beloved country and all mankind.

Show us how we may mobilize our resources and contribute of our moral support and material substance toward the building of a nobler civilization with none of the members of the human family in dire need or seeking their own selfish advantage but all striving to widen the areas of cooperation and helpfulness and achieving a more intimate fellowship with Thee and a closer union with one another.

Grant that in spite of the many obstacles and reverses, which our Speaker and Representatives, in the business of statecraft, are continually encountering, may they carry on with increasing tenacity of faith, confident that our troubled world is moving on toward a new day when there shall be peace and more lasting reconciliations and agreements among all nations.

Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 8042. An act to authorize the Secretary of Commerce to resell four C1–SAY–1 type vessels to the Government of the Republic of China for use in Chinese trade in Far East and Near East waters exclusively.

The message also announced the appointment of the following Senators to the Canada-United States Interparliamentary Group for the meeting to be held in the United States during April 1960; Mr. FULBRIGHT, Mr. RUSSELL, Mr. WILEY, Mr. AIKEN, Mr. MAGNUSON, Mr. CAPEHART, Mr. MORSE, Mr. CASE of South Dakota, Mr. MANSFIELD, Mr. COTTON, Mr. CHURCH, and Mr. BARTLETT.

MEMBERSHIP OF U.S. DELEGATION OF CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. The Chair lays before the House the following letter of resignation.

The Clerk read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 18, 1960.

Hon. SAM RAYBURN,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: It is with regret I must inform you that it will be impossible for me to serve as a member of the U.S. Delegation of the Canada-United States Interparliamentary Group.

Your courtesy in the matter is very much appreciated.

Respectfully,

HAMER H. BUDGE,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER. The Chair lays before the House the following announcement.

The Clerk read as follows:

Pursuant to the provisions of section 1; Public Law 86–42, the Chair appoints as a member of the U.S. Delegation of the Canada-United States Interparliamentary Group for the meeting to be held in the United States during April 1960, the gentleman from North Dakota, Mr. SHORT, to fill the existing vacancy thereon.

COMMITTEE ON GOVERNMENT OPERATIONS, SUBCOMMITTEE ON FOREIGN OPERATIONS

Mr. HARDY. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight tonight to file a report from the Subcommittee on Foreign Operations.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

THE CONSENT CALENDAR

The SPEAKER. This is the day for the call of the Consent Calendar. The Clerk will call the first bill on the calendar.

AGRICULTURAL ATTACHÉ ROTATION

The Clerk called the bill (H.R. 8074) to amend section 602 of the Agricultural Act of 1954.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

HUBBELL TRADING POST NATIONAL HISTORIC SITE, ARIZONA

The Clerk called the bill (H.R. 7279) to authorize the establishment of the Hubbell Trading Post National Historic Site, in the State of Arizona, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD, Mr. WEAVER, and Mr. GROSS objected.

RELIEF OF THE BOROUGH OF FORD CITY, PA.

The Clerk called the bill (H.R. 5850) for the relief of the borough of Ford City, Pa.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MEMBERSHIP ROLL OF INDIANS OF YAKIMA RESERVATION

The Clerk called the bill (H.R. 1176) to amend the act of August 9, 1946 (60 Stat. 968), providing for the preparation of a membership roll of the Indians of the Yakima Reservation.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 1(d) of the Act of August 9, 1946 (60 Stat. 968), is amended by changing the period at the end thereof to a comma and by adding "and all children of one-fourth or more blood of the Yakima Tribes born after the date this clause becomes effective to a parent who is an enrolled member at the time of the birth of the child, regardless of such parent's domicile."

SEC. 2. Section 3 of such Act is amended by changing the period at the end thereof to a comma and by adding "subject to review by the Secretary of the Interior."

SEC. 3. Section 4 of such Act is repealed.

SEC. 4. Section 7 of such Act shall be without force and effect in the probate of any estate of trust or restricted property of a deceased member of the Yakima Tribes who dies after the date of this Act.

With the following committee amendments:

Page 1, strike out all of lines 3 through 9 and insert in lieu thereof the following: "That subsection 1(d) of the Act of August 9, 1946 (60 Stat. 968), is amended by placing a period after 'member', by deleting the rest of the sentence, and by adding the following new sentence: 'No child enrolled pursuant to this subsection shall be eligible for a per capita payment that was authorized prior to his enrollment.'"

Page 2, strike out all of line 2 and insert in lieu thereof the following: "subject to review by the Secretary of the Interior. The Secretary is also authorized to review any refusal of the Yakima Tribal Council so to correct the roll."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HEADQUARTERS SITE FOR MOUNT RAINIER NATIONAL PARK, WASH.

The Clerk called the bill (S. 1358) to authorize the Secretary of the Interior to provide a headquarters site for Mount Rainier National Park in the general vicinity of Ashford, Wash., and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ESTABLISHMENT OF NATIONAL HISTORIC SITE AT BENT'S OLD FORT, COLO.

The Clerk called the bill (H.R. 6851) authorizing the establishment of a national historic site at Bent's Old Fort near La Junta, Colo.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

KURE BEACH, N.C.

The Clerk called the resolution (H. Res. 470) providing for sending the bill H.R. 10919, with accompanying papers, to the Court of Claims.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. PELLY. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

FORT LARAMIE NATIONAL MONUMENT, WYO.

The Clerk called the bill (H.R. 8567) to revise the boundaries and change the name of the Fort Laramie National Monument, Wyo., and for other purposes.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the bill (S. 2434) be considered in lieu of H.R. 8567.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the present consideration of the Senate bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve the sites of historic buildings and roads associated with Fort Laramie, the boundaries of the Fort Laramie National Monument are hereby revised to include the following area:

Beginning at the intersection of the section line common to sections 28 and 29, township 26 north, range 64 west, sixth principal meridian, with the northerly right-of-way line of the Fort Laramie Canal;

Thence southwesterly along said right-of-way line to the intersection of said line with the center of Deer Creek;

Thence northerly along the center of Deer Creek to the intersection of said center with the north line of the southeast quarter, section 29;

Thence westerly along said line to a point 1,100 feet east of the southwest corner of the northeast quarter, section 29;

Thence due north 1,320 feet to the point of intersection with the north line of the southwest quarter northeast quarter, section 29;

Thence westerly along said north line to a point at the intersection of said line with the easterly right-of-way line of the county road;

Thence northerly and easterly along said right-of-way line to a point 955 feet east of the section line common to sections 20 and 21;

Thence due south to the point of intersection with the section line common to sections 21 and 28;

Thence easterly along said section line to a point 2,090 feet east of the section corner common to sections 20, 21, 28, and 29;

Thence due south to the point of intersection with the northerly bank of Laramie River;

Thence easterly along said northerly bank to a point 150 feet west of the westerly right-of-way line of the county road, in section 27;

Thence northerly on a line paralleling at 150 feet said right-of-way line of county road to a point 660 feet north of section line common to sections 22 and 27;

Thence northwesterly in a straight line to a point on the southerly right-of-way line of the State highway relocation a distance of 150 feet east of the section line common to sections 21 and 22;

Thence northeasterly along said right-of-way line to the point of intersection with the lot line common to lots 1 and 2, section 22;

Thence southerly along said lot line to a point at the intersection of said line as

projected with the westerly or right bank of the North Platte River;

Thence southerly along said bank to its confluence with the northerly or left bank of the Laramie River in section 27;

Thence westerly along said bank of the Laramie River to the westernmost intersection of said bank with the north line of the south half of section 27;

Thence westerly along said line and the north line of the south half of section 28 to the point of intersection with the northerly right-of-way line of the Fort Laramie Canal;

Thence westerly along said right-of-way line to the point of beginning.

SEC. 2. In furtherance of the purposes of this Act, the Secretary of the Interior is authorized to procure, in such manner and subject to such terms and conditions as he may deem to be in the public interest, lands and interests in lands within the revised boundary described in section 1 hereof. To avoid the undesirable severance of parcels in private ownership which extend beyond the aforesaid revised boundaries, the Secretary may, in his discretion, and with the consent of the owners, acquire lands or interests in lands that are in such ownership but which lie outside the revised boundary. Property so acquired outside such revised boundary and federally owned lands excluded from the monument pursuant to section 1 hereof may be exchanged by the Secretary of the Interior for any land of approximately equal value within the monument boundaries.

SEC. 3. The Fort Laramie National Monument is hereby redesignated as the Fort Laramie National Historic Site and any remaining balance of funds appropriated for the monument shall be available for the purposes of the national historic site.

SEC. 4. The administration, protection, and development of the Fort Laramie National Historic Site shall be exercised by the Secretary of the Interior in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535), entitled "An Act to establish a National Park Service and for other purposes", as amended.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider and a similar House bill (H.R. 8567) were laid on the table.

MANUFACTURE AND SALE OF CIVIL WAR CENTENNIAL MEDAL

The Clerk called the resolution (S. J. Res. 61) to amend Public Law 305 of the 85th Congress relative to the establishment of a commission to commemorate the 100th anniversary of the Civil War, to authorize the manufacture and sale of a Civil War Centennial Medal.

There being no objection, the Clerk read the resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Act of September 7, 1957 (71 Stat. 627; 36 U.S.C. 745), is hereby amended by adding at the end thereof the following new subsection:

"(d) The Secretary of the Treasury is authorized and directed to prepare designs, models, and dies for a commemorative medal with suitable emblems, devices, and inscriptions to be determined by the Commission, with the approval of the Secretary of the Treasury, and to strike and furnish to the Commission medals in such numbers, not less than one thousand at one time, as the Commission may request during the calendar years 1961 through 1965. Such designs, models, dies, and medals shall be furnished to the Commission at not less than the estimated cost of manufacture including labor, materials, use of machinery, and overhead expenses, and may be sold by the Commission at cost or at a premium. Such medals shall be considered to be national medals within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368). The cost of the designs, models, dies, and medals shall be payable from and the proceeds of the sales of the medals shall be reimbursed to, the appropriation then current for the expenses of the Commission, and the proceeds shall be available for the purposes of this Act."

With the following committee amendments:

On page 2, line 12, after "from" insert "the appropriation then current for the expenses of the Commission".

On page 2, line 13, strike out "reimbursed to," and all of lines 14, 15, and 16 and insert in lieu thereof "covered into the miscellaneous receipts of the Treasury of the United States."

The committee amendments were agreed to.

The resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENDING THE LINCOLN SESQUICENTENNIAL COMMISSION

The Clerk called the resolution (H.J. Res. 598) to extend the time for filing of the final report of the Lincoln Sesquicentennial Commission.

There being no objection, the Clerk read the resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 5 of the joint resolution entitled "Joint Resolution to establish a Lincoln Sesquicentennial Commission" approved September 2, 1957 (71 Stat. 587), is amended by striking out "March 1, 1960," and inserting in lieu thereof "June 30, 1960".

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REVIEW OF CERTAIN AGENCY ORDERS

The Clerk called the bill (H.R. 7847) to make the uniform law relating to the record on review of agency orders (Public Law 85-791) applicable to the judicial review of orders issued under the Federal Aviation Act of 1958 and the Food Additives Amendment of 1958.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 1006 of the Federal Aviation Act of 1958 (72 Stat. 795) is amended to read as follows:

"(c) A copy of the petition shall, upon filing, be forthwith transmitted to the Board or Administrator by the clerk of the court, and the Board or Administrator shall thereupon file in the court the record, if any, upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code."

SEC. 2. The first and second sentences of paragraph (2) of subsection (g) of section 409 of the Federal Food, Drug, and Cosmetic Act, as added by the Food Additives Amendment of 1958 (72 Stat. 1788), are amended to read as follows: "A copy of such petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose, and thereupon the Secretary shall file in the court the record of the proceedings on which he based his order, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have exclusive jurisdiction to affirm or set aside the order complained of in whole or in part."

With the following committee amendment:

On page 2, line 12, strike out the last sentence and insert in lieu thereof the following:

"Upon the filing of such petition the court shall have jurisdiction, which upon the filing of the record with it shall be exclusive, to affirm or set aside the order complained of in whole or in part. Until the filing of the record the Secretary may modify or set aside his order."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTEND PAYMENT FOR PROPERTY TRANSFERRED BY RFC

The Clerk called the bill (H.R. 9983) to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 703 of the Federal Property and Administrative Services Act of 1949 (60 Stat. 722) is amended by striking out the figures "1961", and inserting in lieu thereof the figures "1963".

(b) Section 704 of such Act (60 Stat. 723) is amended by striking out the figures "1960", and inserting in lieu thereof the figures "1962".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISCONTINUANCE OF CERTAIN REPORTS NOW REQUIRED BY LAW

The Clerk called the bill (S. 899) to provide for the discontinuance of certain reports now required by law.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following reports or statements now required by law are hereby discontinued, and all Acts or parts of Acts herein cited as requiring the submission of such reports or statements are hereby repealed to the extent of such requirements:

REPORTS UNDER EACH EXECUTIVE DEPARTMENT AND INDEPENDENT ESTABLISHMENT

1. The annual report to the Post Office and Civil Service Committees and the Appropriations Committees of the Senate and House of Representatives of the action taken in reviewing certain positions, together with information comparing the total number of employees on the payroll on June 30 and their average grade and salary with similar information for the previous June 30 (65 Stat. 757; 5 U.S.C. 43, note).

REPORTS UNDER DEPARTMENT OF THE TREASURY, HOUSING AND HOME FINANCE AGENCY, GENERAL SERVICES ADMINISTRATION, AND SMALL BUSINESS ADMINISTRATION

2. The quarterly reports to Congress of progress in liquidating the assets and winding up the affairs of the Reconstruction Finance Corporation as required by section 106(b) of the Reconstruction Finance Corporation Liquidation Act (67 Stat. 231; 15 U.S.C. 609, note) and by Reorganization Plan Numbered 1 of 1957.

REPORT UNDER THE DEPARTMENT OF STATE

3. The annual statement of expenditures from the contingent fund, including contingent expenses of foreign intercourse and of all the missions abroad (R.S. 209; 5 U.S.C. 164).

REPORTS UNDER THE DEPARTMENT OF TREASURY

4. The annual report to Congress of expenditures from the earnings of the Pershing Hall Memorial Fund (49 Stat. 426; 36 U.S.C. 492).

5. The inclusion in the annual report of amount expended under the Mustering Out Payment Act of 1944 (58 Stat. 10; 38 U.S.C. 691g).

6. The semiannual report to the Congress of claims paid which became due as the result of the correction of military records of the Coast Guard (10 U.S.C. 1552(f)).

7. The annual report to the Congress of the number by rank and age group of officers of the Coast Guard above the rank of lieutenant commander who are entitled to flight pay and the average monthly flight pay for the preceding six month period (60 Stat. 20; 37 U.S.C. 418a-1).

8. The report to Congress within twenty days after receipt of a payment exceeding $3,000 due the United States in settlement of a claim for damages to property in the Coast Guard service caused by a vessel or floating object or in settlement of a claim for damage cognizable in admiralty in a district court of the United States (14 U.S.C. 647(b)).

9. Inclusion in the annual report of the Secretary of the Treasury of the amounts expended under authority of the Armed Forces Leave Act of 1946 as required by section 8 of that Act (60 Stat. 967; 37 U.S.C. 37).

REPORTS UNDER THE DEPARTMENT OF DEFENSE

10. The semiannual report to Congress by the Secretary of Defense of claims paid which became due as the result of the correction of military records (10 U.S.C. 1552(f)).

11. The semiannual report to the Committees on Armed Services of the Senate and House of Representatives of the regulations governing the length of tours of duty outside the United States by members of the Army and Air Force (10 U.S.C. 714).

12. The report of proposed participation by personnel of the Armed Forces in international amateur sports competition (69 Stat. 11; 22 U.S.C. 1982(b)).

13. The report to Congress of all projects for the establishment or development of military, naval, or air force installations and facilities by the construction, installation, or equipment of temporary or permanent public works which have been authorized by the Congress and for which adequate funds have not been appropriated (64 Stat. 245).

14. The annual report to Congress by the Secretary of the Air Force of amounts paid or received in settlement of admiralty claims for damage, towage, and salvage and the report to the Committees on Armed Services of the Senate and House of Representatives within twenty days after paying a claim in an amount over $3,000 or after receiving payment of a claim (10 U.S.C. 9805).

15. The annual report to Congress by the Secretary of the Army of amounts paid or received in settlement of admiralty claims for damage, towage, and salvage and the report to the Committees on Armed Services of the Senate and House of Representatives within twenty days after paying a claim in an amount over $3,000 or after receiving payment of a claim (10 U.S.C. 4805).

16. The semiannual report to Congress by the Secretary of each military department of the research and development contracts made during the reporting period including specific information on each contract costing more than $50,000 (10 U.S.C. 2357).

17. The semiannual report to the Armed Services Committees of the Senate and House of Representatives by the Secretary of each military department of the exercise of authority to expend out of appropriations available for military construction amounts for public works projects not otherwise authorized by law and not exceeding $200,000 per project (70 Stat. 1016; 5 U.S.C. 171z 4).

18. The semiannual report to the Armed Services Committees of the Senate and House of Representatives by the Secretary of each military department of options procured on real estate during the reporting period (68 Stat. 560).

19. Inclusion in the annual report to Congress by each military department of the amounts expended under authority of the Armed Forces Leave Act of 1946 as required by section 8 of that Act (60 Stat. 967; 37 U.S.C. 37).

20. Inclusion in the annual report by each military department of the amounts expended under the Mustering-Out Payment Act of 1944 (58 Stat. 10; 38 U.S.C. 691g).

21. The annual report to Congress by the Secretary of the Navy of amounts paid or received in settlement of admiralty claims for damage, towage, and salvage and the report to the Committees on Armed Services of the Senate and the House of Representatives within 20 days after paying a claim in an amount over $3,000 or after receiving payment of a claim (10 U.S.C. 7624).

22. The annual report to Congress by the Secretary of the Navy of all vessels used for experimental purposes which have been stricken from the Naval Vessel Register (10 U.S.C. 7306(b)).

23. The annual report to Congress by the Secretary of the Navy of the appropriations for the Navy Department showing the amount appropriated, amount spent, the amount remaining unspent and estimate of probable demands (10 U.S.C. 7217).

24. The report to Congress by the Secretary of the Navy not less frequently than once every six months of all land acquired for the construction of ships or the production of ordnance material for ships to be constructed (56 Stat. 53).

25. The report every six months by the Secretary of the Army of the amount of dairy products acquired from the Commodity Credit Corporation and used to provide additional butter and cheese and other dairy products as a part of the ration of the Army, Navy, or Air Force and in hospitals under the jurisdiction of the Department of Defense (68 Stat. 900; 7 U.S.C. 1446a(b)).

REPORTS UNDER THE POST OFFICE DEPARTMENT

26. The inclusion in the annual report of operations of the postal savings system of the names of post offices receiving deposits, the number of depositors in each and the amount on deposit (36 Stat. 814; 39 U.S.C. 751).

27. The annual report by the Postmaster General of the number of articles bearing penalty indicia procured or accounted for through him by each executive department and agency, by each independent establishment and by each organization and person authorized by law to use the penalty privilege (62 Stat. 1048; 39 U.S.C. 321j).

REPORTS UNDER THE DEPARTMENT OF THE INTERIOR

28. The report to Congress of the action of the Secretary of the Interior to reserve lands within any Indian reservation valuable for power or reservoir sites or irrigation projects (36 Stat. 858; 43 U.S.C. 148).

29. The report to Congress of all withdrawals of public lands of the United States from settlement, location, sale, or entry (36 Stat. 848; 43 U.S.C. 143).

30. The annual report to Congress of any contract or contracts made under the provisions of the Act of June 4, 1936, and moneys expended thereunder (49 Stat. 1458; 25 U.S.C. 455).

31. The report to Congress of investigations made to determine the effects of domestic sewage, mine, petroleum, and industrial wastes, erosion silt, and other polluting substances on wildlife (60 Stat. 1080; 16 U.S.C. 665).

32. The annual report to the Appropriations Committees of the Senate and House of Representatives justifying and showing all investments and expenditures made or proposed out of the Colorado River Dam fund for the joint use of the project and of other Federal activities at or near Boulder City (62 Stat. 1130, 63 Stat. 784; 43 U.S.C. 618p).

REPORTS UNDER THE DEPARTMENT OF COMMERCE

33. The annual report to Congress covering the progress made in classifying the highways into groups composed of roads of similar service importance (54 Stat. 871; 23 U.S.C. 20a).

REPORTS UNDER THE DEPARTMENT OF AGRICULTURE

34. The annual report to Congress of activities relating to the Puerto Rico hurricane relief loans (45 Stat. 1067, 70 Stat. 525).

35. The monthly report to Congress with respect to the activities carried on under the authority for cooperation with Mexico in control and eradication of foot-and-mouth disease and rinderpest (61 Stat. 8; 21 U.S.C. 114d).

36. Inclusion, in the annual report of the Secretary on the operations of the Commodity Credit Corporation to dispose of all stocks of agricultural commodities held by it, of a detailed program for the expansion of markets for surplus agricultural commodities through marketing and utilization research and improvement of marketing facilities (70 Stat. 198; 7 U.S.C. 1851(b)).

37. The report of the estimates of national farm housing needs and of progress made toward meeting such needs (63 Stat. 435; 42 U.S.C. 1476(b)).

38. The annual report to Congress of the receipts, expenditures, and results of the cooperative agricultural extension work in all States receiving such benefits and as to whether the appropriation of any State has been withheld and if so the reasons therefor (38 Stat. 374; 67 Stat. 85; 7 U.S.C. 347).

39. The annual report to Congress of the receipts and expenditures and work of the agricultural experiment stations in all States and whether any portion of the appropriation available for allotment to any State has been withheld and if so the reasons therefor (69 Stat. 673; 7 U.S.C. 331g).

REPORT UNDER THE SMITHSONIAN INSTITUTION

40. The annual communication to Congress of the report of the National Yeomen F or of such portions of such report as the Secretary of the Smithsonian Institution may deem of national interest and importance (49 Stat. 1506; 36 U.S.C. 139b).

REPORT UNDER THE VETERANS' ADMINISTRATION

41. The monthly report of the amount of dairy products used in Veterans' Administration hospitals which was acquired from the Commodity Credit Corporation (68 Stat. 900; 7 U.S.C. 1446a(a)).

REPORT UNDER THE GENERAL SERVICES ADMINISTRATION

42. The annual report to Congress of activities under the Abaca Production Act of 1950 (64 Stat. 437; 50 U.S.C. 546).

REPORT UNDER THE FEDERAL COMMUNICATIONS COMMISSION

43. Inclusion in the annual report of information regarding each new employee, including biographical data and experience, Commission positions held and compensation paid, together with the names of employees leaving the employ of the Commission (66 Stat. 712; 47 U.S.C. 154(k)).

REPORT UNDER THE NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

44. Inclusion in the annual report to Congress on civilian positions established for professional and scientific services of a description of the qualifications of each incumbent together with a statement of functions performed by him (63 Stat. 411; 50 U.S.C. 159).

REPORTS AS TO RESTORATION OF UNOBLIGATED BALANCES OF APPROPRIATIONS

45. Reports transmitted to the President of the Senate and the Speaker of the House of Representatives as to the amount of each appropriation balance which is restored to an appropriation account upon a determination by the head of the agency concerned of necessity therefor under section 1(a)(2) of the Act of July 25, 1956 (70 Stat. 648; 31 U.S.C. 701).

With the following committee amendment:

Page 1, line 3, strike out all after the enacting clause and insert the following: "That the following provisions of law, which relate to the submission of certain reports to Congress or other Government authority, are hereby repealed, as follows:

"(1) Section 209 of the Revised Statutes (5 U.S.C. 164), relating to a certain statement of expenditures required to be made by the Secretary of State with respect to contingent expenses of certain activities abroad, which reads as follows:

"'SEC. 209. The annual statement of expenditures from the contingent fund required to be made by the Secretary of State, must include all the contingent expenses of foreign intercourse and of all the missions abroad, except such expenditures as are settled upon the certificate of the President.'.

"(2) Section 3 of the Act entitled 'An Act authorizing an appropriation to effect a settlement of the remainder due on Pershing Hall, a memorial already erected in Paris, France, to the Commander in Chief, officers, and men of the Expeditionary Forces, and for other purposes', approved June 28, 1935 (49 Stat. 426; 36 U.S.C. 492), which reads as follows:

"'SEC. 3. An itemized report shall be transmitted to the Senate and House of Representatives on the first day of each regular session of Congress of expenditures made in pursuance herewith.'.

"(3)(A) Section 646(b) of title 14 of the United States Code, relating to certain reports to Congress by the Secretary of the Treasury with respect to certain claims against the United States for damage by Coast Guard vessels, which reads as follows:

"'(b) On payment of any claim determined, compromised, or settled under this section at a net amount exceeding $3,000, but not exceeding $25,000, payable by the United States, the Secretary of the Treasury within twenty days of payment shall report to the Congress setting forth the nature of the claim, the vessel involved, the amount paid with respect thereto, the basis of the determination, compromise, or settlement, and other pertinent facts. The Secretary of the Treasury shall report to the Congress, at each session thereof, all claims which have been paid under this section. During any war the reports required under this section may omit any fact or facts disclosure of which, in the opinion of the Secretary, would be prejudicial to the national security.'.

"(B) Section 647(b) of title 14 of the United States Code, relating to certain reports to Congress by the Secretary of the Treasury with respect to certain claims of the United States for damages to Coast Guard property, which reads as follows:

"'(b) Within twenty days after receipt of a payment in a net amount exceeding $3,000 due the United States pursuant to determination, compromise, or settlement of any claim under this section, the Secretary of the Treasury shall report to the Congress setting forth the nature of the claim; the vessel or vessels involved; the amount received; the basis of determination, compromise, or settlement; and other pertinent facts. During any war the reports required under this section may omit any fact or facts, disclosure of which, in the opinion of the Secretary, would be prejudicial to the national security.'

"(4) Section 1552(f) of title 10 of the United States Code, relating to reports to Congress by the Secretary of Defense with respect to claims incident to correction of military records, which reads as follows:

"'(f) The Secretary of Defense for the military departments, and the Secretary of the Treasury for the Coast Guard, shall report to Congress every six months on claims paid under this section during the period covered by the report. The report shall include for each claim the name of the claimant, a brief description of the claim, and a statement of the amount paid.'.

"(5)(A) Section 714 of title 10 of the United States Code, relating to reports to Congress with respect to length of tours of duty outside the United States by members of the Army and Air Force, which reads as follows:

"'§ 714. Reports to Congress on length of tours of duty outside United States by members of Army and Air Force

"'The Secretary of Defense shall advise the Committees on Armed Services of the Senate and the House of Representatives, on April 1, and October 1 of each year, of the regulations governing the length of tours of duty outside the United States by members of the Army and the Air Force, including any changes in those regulations.'.

"(B) That part of the analysis of chapter 41 of title 10 of the United States Code which reads as follows:

"'714. Reports to Congress on length of tours of duty outside United States by members of Army and Air Force.'.

"(6) Section 406(b) of the Act entitled 'An Act to authorize certain construction at military and naval installations, and for other purposes', approved June 17, 1950 (64 Stat. 245), which reads as follows:

"'(b) The Secretary of Defense is authorized and directed to make a report to the Congress at the beginning of the first session of the Eighty-second Congress, and at the beginning of the first session of each succeeding Congress, listing all projects for the establishment or development of military, naval, or air-force installations and facilities by the construction, installation, or equipment of temporary or permanent public works which have been authorized by the Congress subsequent to the beginning of the Eightieth Congress and for which adequate funds for the completion thereof have not been appropriated. The report shall include any recommendations which the Secretary of Defense deems appropriate with respect to the rescission of all, or any portion, of the authority to proceed with any such project.'.

"(7)(A) Section 9805 of title 10 of the United States Code, relating to certain reports to Congress by the Secretary of the Air Force with respect to certain claims against and by the United States, which reads as follows:

"'§ 9805. Reports to Congress

"'The Secretary of the Air Force shall report to the Committees on Armed Services of the Senate and the House of Representatives within 20 days after paying a claim in an amount over $3,000 under section 9802 of this title, or receiving payment of a claim under section 9803 or 9804 of this title. The report shall include a description of the claim, the names of the vessels involved, a statement of the amount paid or received, the basis of the determination, and other pertinent information. The Secretary shall also report to Congress at each session all amounts paid or received under those sections during the period covered by the report. However, during a war, the Secretary may omit from a report under this section any information the disclosure of which he believes would prejudice the national security.'.

"(B) That part of the analysis of chapter 951 of title 10 of the United States Code which reads as follows:

"'9805. Reports to Congress.'.

"(8)(A) Section 4805 of title 10 of the United States Code, relating to certain reports to Congress by the Secretary of the Army with respect to certain claims against and by the United States, which reads as follows:

"'§ 4805. Reports to Congress

"'The Secretary of the Army shall report to the Committees on Armed Services of the Senate and the House of Representatives within 20 days after paying a claim in an amount over $3,000 under section 4802 of this title, or receiving payment of a claim under section 4803 or 4804 of this title. The report shall include a description of the claim, the names of the vessels involved, a statement of the amount paid or received, the basis of the determination, and other pertinent information. The Secretary shall also report to Congress at each session all amounts paid or received under those sections during the period covered by the report. However, during a war, the Secretary may omit from a report under this section any information the disclosure of which he believes would prejudice the national security.'.

"(B) That part of the analysis of chapter 451 of title 10 of the United States Code which reads as follows:

"'4805. Reports to Congress.'.

"(9) The last sentence of section 8 of the Armed Forces Leave Act of 1946, as amended (60 Stat. 967; 37 U.S.C. 37), which reads as follows: 'Amounts expended hereunder shall be included in the annual reports to the Congress by the Departments concerned.'.

"(10)(A) Section 7624 of title 10 of the United States Code, relating to certain reports to Congress by the Secretary of the Navy with respect to admiralty claims against the United States, which reads as follows:

"'§ 7624. Reports to Congress

"'(a) The Secretary of the Navy shall report to the Committees on Armed Services of the Senate and the House of Representatives within 20 days after an amount over $3,000 is paid by him under section 7622 of this title or is received by him under section 7623. The report shall include a description of the claim, the names of the vessels involved, a statement of the amount paid or received, the basis of the determination, and other pertinent information.

"'(b) The Secretary shall report to Congress at each session all claims that have been paid under section 7622 of this title during the period covered by the report.

"'(c) During a war the Secretary may omit from a report under this section any information the disclosure of which he believes would prejudice the national security.'.

"(B) That part of the analysis of chapter 653 of title 10 of the United States Code which reads as follows:

"'7624. Reports to Congress.'.

"(11) Section 4 of the Act entitled 'An Act to authorize the construction of certain naval vessels, and for other purposes', approved February 6, 1942 (56 Stat. 53; Public Law 440, Seventy-seventh Congress), which reads as follows:

"'SEC. 4. The Secretary of the Navy from time to time, but not less frequently than once every six months, shall transmit to the Congress a full report of all acquisitions of land effected under authority of this or any subsequent Act.'.

"(12) Section 302 of the Penalty Mail Act of 1948, as amended (62 Stat. 1048; 39 U.S.C. 321j), which reads as follows:

"'SEC. 302. The Postmaster General shall report to the Congress and to the Bureau of the Budget within ninety days after the close of each fiscal year the number of envelopes, labels, wrappers, cards, and other articles bearing such penalty indicia procured or accounted for through him during such fiscal year by each executive department and agency, by each independent establishment, and by each organization and person authorized by law to use the penalty privilege.'.

"(13) That part of section 13 of the Act of June 25, 1910 (36 Stat. 858; 43 U.S.C. 148), relating to the authority of the Secretary of the Interior to reserve certain Indian lands valuable for power or reservoir sites or for irrigation projects and his reports thereon, which reads as follows: ', and he shall report to Congress all reservations made in conformity with this Act'.

"(14) Section 3 of the Act entitled 'An Act to authorize the President of the United States to make withdrawals of public lands in certain cases', approved June 25, 1910, as amended (36 Stat. 848; 43 U.S.C. 143), which reads as follows:

"'SEC. 3. That the Secretary of the Interior shall report all such withdrawals to Congress at the beginning of its next regular session after the date of the withdrawals.'.

"(15) Section 4 of the Act entitled 'An Act authorizing the Secretary of the Interior to arrange with States or Territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes', approved April 16, 1934, as amended (49 Stat. 1459; 25 U.S.C. 455), which reads as follows:

"'SEC. 4. That the Secretary of the Interior shall report annually to the Congress any contract or contracts made under the provisions of this Act, and the moneys expended thereunder.'.

"(16) The last sentence of section 10 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 470), providing for an annual report to Congress of transactions involving loans to Indians, which reads as follows: 'A report shall be made annually to Congress of transactions under this authorization.'.

"(17) Section 3 of the Act of December 18, 1942 (56 Stat. 1057; 30 U.S.C. 15), providing for the establishment of a research laboratory for the utilization of anthracite coal, which reads as follows:

"'SEC. 3. The Secretary, acting through the United States Bureau of Mines, shall make a report to Congress at the beginning of each regular session of the activities of, expenditures by, and donations to, the laboratory established under this Act.'.

"(18) Section 2 of the Act entitled 'An Act to authorize appropriations for the Bureau of Reclamation for payments to school districts on certain projects during their construction status', approved June 29, 1948 (62 Stat. 1106; 43 U.S.C. 385b), which reads as follows:

"'SEC. 2. The Secretary of the Interior shall furnish to the Congress each year, on or before the 3d day of January, a report on all activities undertaken during the preceding fiscal year pursuant to the provisions of this Act, together with such recommendations with respect to problems relating to it as he shall think appropriate.'.

"(19) Section 6 of the Act of October 26, 1949, as amended (63 Stat. 929; 16 U.S.C. 468e), establishing the National Trust for Historic Preservation in the United States, which reads as follows:

"'SEC. 6. The National Trust shall, on or before the 1st day of March in each year, transmit to Congress a report of its proceedings and activities for the preceding calendar year, including the full and complete statement of its receipts and expenditures.'.

"(20) Section 3 of the Act entitled 'An Act to authorize the Secretary of Agriculture to cooperate with the Government of Mexico in the control and eradication of foot-and-mouth disease and rinderpest', approved February 28, 1947, as amended (61 Stat. 6; 21 U.S.C. 114d), which reads as follows:

"'SEC. 3. Thirty days after the enactment of this Act, and every thirty days thereafter, the Secretary of Agriculture shall make a report to the Congress with respect to the activities carried on under this Act.'.

"(21) Section 7 of the Act of May 8, 1914, as amended (67 Stat. 85; 7 U.S.C. 347), relating to annual reports to Congress with respect to agricultural extension work, which reads as follows:

"'SEC. 7. The Secretary of Agriculture shall make an annual report to Congress of the receipts, expenditures, and results of the cooperative agricultural extension work in all of the States, Territories, or possessions receiving the benefits of this Act, and also whether the appropriation of any State, Territory, or possession has been withheld, and, if so, the reason therefor.'.

"(22) The last paragraph of section 7 of the Act of March 2, 1887, as amended (69 Stat. 674; 7 U.S.C. 361g), relating to annual reports to Congress with respect to the work of agricultural experiment stations, which reads as follows:

"'The Secretary of Agriculture shall make an annual report to the Congress during the first regular session of each year of the receipts and expenditures and work of the agricultural experiment stations in all the States under the provisions of this Act and also whether any portion of the appropriation available for allotment to any State has been withheld and if so the reasons therefor.'.

"(23) The first sentence of section 3 of the Act of June 15, 1936 (49 Stat. 1506; 36 U.S.C. 139b), establishing The National Yeomen F, which reads: 'That said organization shall report annually to the Secretary of the Smithsonian Institution concerning its proceedings, and said Secretary shall communicate to Congress such portions thereof as he may deem of national interest and importance.'.

"(24) Subparagraph (3) of section 4(k) of the Communications Act of 1934, as amended (66 Stat. 712; 47 U.S.C. 154(k)(3)), which reads as follows:

"'(3) information with respect to all persons taken into the employment of the Commission during the year covered by the report, including names, pertinent biographical data and experience, Commission positions held and compensation paid, together with the names of those persons who have left the employ of the Commission during such year: *Provided*, That the first annual report following the date of enactment of the Communications Act Amendments, 1952, shall contain such information with respect to all persons in the employ of the Commission at the close of the year for which the report is made;'.

"(25) That part of paragraph (2) of subsection (a) of the first section of the Act of July 25, 1956 (70 Stat. 648; 31 U.S.C. 701(a)(2)), relating to the simplification of Government accounting and the facilitation of the payment of Government obligations, which reads ': *Provided further*, That prior thereto the head of the agency concerned shall make such report with respect to each such restoration as the Director of the Bureau of the Budget may require, and shall submit such report to the Director, the Comptroller General, the Speaker of the House of Representatives, and the President of the Senate'."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

The title of the bill was amended to read: "An act to repeal certain provisions of law requiring the submission of certain reports to Congress, and for other purposes."

A motion to reconsider was laid on the table.

AMENDING SECTION 403 OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

The Clerk called the bill (H.R. 7480) to amend the Federal Food, Drug, and Cosmetic Act, with respect to label declaration of the use of pesticide chemicals on raw agricultural commodities which are the produce of the soil.

Mr. McFALL. Mr. Speaker, at the request of a Member who cannot be present, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ROTATION OF CIVILIAN EMPLOYEES OF THE DEFENSE ESTABLISHMENT

The Clerk called the bill (H.R. 10695) to provide for the rotation in oversea assignments of civilian employees under the Defense Establishment having career-conditional and career appointments in the competitive civil service, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 81 of title 10 of the United States Code is amended by adding at the end thereof the following new section:

"§ 1586. Rotation of career-conditional and career employees assigned to duty outside the United States

"(a) In order to advance the programs and activities of the Defense Establishment, it is hereby declared to be the policy of the Congress to facilitate the interchange of civilian

employees of the Defense Establishment between posts of duty in the United States and posts of duty outside the United States through the establishment and operation of programs for the rotation, to the extent consistent with the missions of the Defense Establishment and sound principles of administration, of such employees who are assigned to duty outside the United States.

"(b) Nothwithstanding any other provision of law, the Secretary of Defense with respect to civilian employees of the Department of Defense other than employees of a military department, and the Secretary of each military department with respect to civilian employees of such military department, may, under such regulations as each such Secretary may prescribe with respect to the employees concerned and in accordance with the policy and other provisions of this section, establish and operate programs of rotation which provide for the granting of the right to return to a position in the United States to each civilian employee in the department concerned—

"(1) who, while serving under a career-conditional or career appointment in the competitive civil service, is assigned at the request of the department concerned to duty outside the United States,

"(2) who satisfactorily completes such duty, and

"(3) who applies, not later than thirty days after after his completion of such duty, for the right to return to a position in the United States as provided by subsection (c) of this section.

The Secretary of the department concerned may provide by regulation for the waiver of the provisions of paragraphs (2) and (3) of this subsection, or of either of such paragraphs, in those cases in which the application of such paragraphs, or either of them, would be against equity and good conscience or against the public interest.

"(c) The right to return to a position in the United States granted under this section shall be without reduction in the seniority, status, and tenure held by the employee immediately before his assignment to duty outside the United States and the employee shall be placed, not later than thirty days after the date on which he is determined to be immediately available to exercise such right, in accordance with the following provisions:

"(1) The employee shall be placed in the position which he held immediately before his assignment to duty outside the United States, if such position exists.

"(2) If such position does not exist, or with his consent, the employee shall be placed in a vacant existing position, or in a new continuing position, for which he is qualified, available for the purposes of this section in the department concerned, in the same geographical areas, with rights and benefits equal to the rights and benefits of, and in a grade equal to the grade of, the position which he held immediately before his assignment to duty outside the United States.

"(3) If the positions described in paragraph (1) and paragraph (2) of this subsection do not exist, the employee shall be placed in an additional position which shall be established by the department concerned for a period not in excess of ninety days in order to carry out the purposes of this section. Such additional position shall be in the same geographical area as, with rights and benefits not less than the rights and benefits of, and in a grade not lower than the grade of, the position held by the employee immediately before his assignment to duty outside the United States.

"(4) If, within ninety days after his placement in a position under paragraph (3) of this subsection, a vacant existing position or new continuing position, for which the employee is qualified, is available for the purposes of this section in the department concerned, in the same geographical area as, with rights and benefits equal to the rights and benefits of, and in a grade equal to the grade of, the position which he held immediately before his assignment to duty outside the United States, the employee shall be placed in such vacant existing position or new continuing position.

"(5) If, within the ninety-day period referred to in paragraphs (3) and (4) of this subsection, the employee cannot be placed in a position under such paragraph (4), he shall be reassigned or separated under the regulations prescribed by the United States Civil Service Commission to carry out section 12 of the Act of June 27, 1944 (5 U.S.C. 861).

"(6) If there is a termination of or material change in the activity in which the former position of the employee (referred to in paragraph (1) of this subsection) was located, he shall be placed, in the manner provided by paragraphs (2), (3), and (4), as applicable, of this subsection, in a position in the department concerned in a geographical area other than the geographical area in which such former position was located.

"(d) Each employee who is placed in a position under paragraph (1), (2), (3), (4), or (6) of subsection (c) of this section shall be paid at a rate of basic compensation which is not less than the rate of basic compensation to which he would have been entitled if he had not been assigned to duty outside the United States.

"(e)(1) Each employee who is displaced from a position by reason of the exercise of a return right under subsection (c)(1) of this section shall be placed, as of the date of such displacement, without reduction in seniority, status, and tenure, in a vacant existing position or new continuing position, for which he is qualified, available in the department concerned, in the same geographical area as, with rights and benefits equal to the rights and benefits of, in a grade equal to the grade of, and at a rate of basic compensation not less than the last rate of basic compensation to which he was entitled while in, the position from which he is displaced.

"(2) If the employee cannot be placed in a position under paragraph (1) of this subsection, he shall be reassigned to a position other than the position from which he is displaced, or separated, under the regulations prescribed by the United States Civil Service Commission to carry out section 12 of the Act of June 27, 1944 (5 U.S.C. 861).

"(f) The President may, upon his determination that such action is necessary in the national interest, declare that, for such period as he may specify, an assignment of an employee to duty in Alaska or Hawaii shall be held and considered, for the purposes of this section, to be an assignment to duty outside the United States.

"(g) For the purposes of this section—

"(1) 'rotation' means the assignment of civilian employees referred to in subsection (b) of this section to duty outside the United States and the return of such employees to duty within the United States; and

"(2) 'grade' means, as applicable, a grade of the compensation schedule for the General Schedule of the Classification Act of 1949, as amended, or a grade or level of the appropriate prevailing rate schedule."

SEC. 2. The analysis of chapter 81 of title 10 of the United States Code is amended by adding at the end thereof the following new item:

"1586. Rotation of career-conditional and career employees assigned to duty outside the United States."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KEWEENAW BAY INDIAN TRIBE (MICHIGAN)

The Clerk called the bill (S. 2804) to donate to the Keweenaw Bay Indian Tribe, L'Anse Reservation of Michigan, a certain tract of Federal land with improvements located thereon.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of the right, title, and interest of the United States in the land described below, together with the buildings and improvements thereon, is hereby declared to be held in trust for the Keweenaw Bay Indian Tribe, L'Anse Reservation, Michigan: A tract of land in the northeast quarter southeast quarter of section 28, township 51 north, range 33 west, Michigan meridian, more particularly described as follows: Beginning at the quarter post between sections 27 and 28 thence west on quarter line a distance of 33 feet as the place of beginning; thence west on quarter line a distance of 100 feet; thence south 150 feet; thence east 100 feet; thence north a distance of 150 feet to the place of beginning, containing 15,000 square feet, or 0.34 acres more or less.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MUCKLESHOOT INDIAN TRIBE (WASHINGTON)

The Clerk called the bill (S. 2877) to authorize the reconveyance of tribally owned lands by the Muckleshoot Indian Tribe of the State of Washington to the original allottees, their heirs, devisees, or assigns.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of the constitution, bylaws, and corporate charter of the Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington, the Tribal Council of the Muckleshoot Indian Tribe may, with the approval of the Secretary of the Interior, reconvey to the former owners or their heirs or devisees all of the right, title, and interest which the tribe and the United States acquired in restricted allotted lands in exchange for assignments of tribal lands. Each such conveyance shall have the same force and effect as the patent issued to the original allottee.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WIND RIVER INDIAN RESERVATION, WYO.

The Clerk called the bill (H.R. 5870) to place in trust status certain lands on the Wind River Indian Reservation in Wyoming.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right, title, and interest in and to the south half of the southwest quarter of the southwest quarter of the northwest quarter of section 28, township 1 north, range 1 east, Wind River meridian, containing 5 acres, more or less, shall hereafter be held by the United States in trust for the benefit of the Shoshone and Arapahoe Tribes of the Wind River Indian Reservation, Wyoming.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That all the right, title, and interest of the United States in and to the following-described tracts of land on the Wind River Indian Reservation in Wyoming shall hereafter be held in trust by the United States for the benefit of the Shoshone and Arapahoe Tribes of said reservation:

"SECTION 28, TOWNSHIP 1 NORTH, RANGE 1 EAST, WIND RIVER MERIDIAN

"(1) South half, southwest quarter, southwest quarter, northwest quarter, comprising 5.0 acres more or less.

"SECTION 32, TOWNSHIP 5 NORTH, RANGE 4 WEST, WIND RIVER MERIDIAN

"(2) Beginning at a point 553.8 feet south of the corner of sections 29, 30, 31, and 32; said point being corner numbered 1; thence south 106.2 feet to corner numbered 2 which is identical with the southwest corner of northwest quarter northwest quarter northwest quarter, section 32; thence east 200 feet to corner numbered 3, thence north 106.2 feet to corner numbered 4; thence west 200 feet to corner numbered 1 and place of beginning, comprising 0.487 acres.

"(3) Beginning at a point 118.2 feet south of the corner of sections 29, 30, 31, and 32; said point being corner numbered 1; thence south 435.6 feet to corner numbered 2; thence east 200 feet to corner numbered 3, thence north 435.6 feet to corner numbered 4; thence west 200 feet to point of beginning, or described as a 2-acre tract in the northwest quarter northwest quarter, section 32.

"(4) West half southwest quarter northwest quarter northwest quarter, section 32, comprising 5.0 acres."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill, S. 1751, to place in trust status certain lands on the Wind River Indian Reservation in Wyoming.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right, title, and interest in and to the following described lands on the Wind River Reservation in Wyoming, shall hereafter be held by the United States in trust for the benefit of the Shoshone Tribe and the Arapahoe Tribe of the Wind River Indian Reservation in Wyoming:

LAND DESCRIPTION

Section 32, township 5 north, range 4 west, Wind River meridian

Tract 1: Beginning at a point 553.8 feet south of the corner of sections 29, 30, 31, and 32; said point being corner numbered 1; thence south 106.2 feet to corner numbered 2 which is identical with the southwest corner of northwest quarter northwest quarter northwest quarter, section 32; thence east 200 feet to corner numbered 3, thence north 106.2 feet to corner numbered 4; thence west 200 feet to corner numbered 1 and place of beginning, comprising 0.487 acres.

Tract 2: Beginning at a point 118.2 feet south of the corner of sections 29, 30, 31, and 32; said point being corner numbered 1; thence south 435.6 feet to corner numbered 2; thence east 200 feet to corner numbered 3; thence north 435.6 feet to corner numbered 4; thence west 200 feet to point of beginning, or described as a 2-acre tract in the northwest quarter northwest quarter, section 32.

Tract 3: West half southwest quarter northwest quarter northwest quarter, section 32, comprising 5.0 acres.

Mr. ASPINALL. Mr. Speaker, I offer an amendment to strike out all after the enacting clause of the bill S. 1751 and to insert in lieu thereof the language of the House bill H.R. 5870 as passed.

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: Strike out all after the enacting clause and insert the following: "That all the right, title, and interest of the United States in and to the following-described tracts of land on the Wind River Indian Reservation in Wyoming shall hereafter be held in trust by the United States for the benefit of the Shoshone and Arapahoe Tribes of said reservation:

"Section 28, township 1 north, range 1 east, Wind River meridian:

"(1) South half, southwest quarter, southwest quarter, northwest quarter, comprising 5.0 acres more or less.

"Section 32, township 5 north, range 4 west, Wind River meridian:

"(2) Beginning at a point 553.8 feet south of the corner of sections 29, 30, 31, and 32; said point being corner numbered 1; thence south 106.2 feet to corner numbered 2 which is identical with the southwest corner of northwest quarter northwest quarter northwest quarter, section 32; thence east 200 feet to corner numbered 3; thence north 106.2 feet to corner numbered 4; thence west 200 feet to corner numbered 1 and place of beginning, comprising 0.487 acres.

(3) Beginning at a point 118.2 feet south of the corner of sections 29, 30, 31, and 32; said point being corner numbered 1; thence south 435.6 feet to corner numbered 2; thence east 200 feet to corner numbered 3, thence north 435.6 feet to corner numbered 4; thence west 200 feet to point of beginning, or described as a 2-acre tract in the northwest quarter northwest quarter, section 32.

"(4) West half southwest quarter northwest quarter northwest quarter, section 32, comprising 5.0 acres."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A similar House bill (H.R. 5870) was laid on the table.

A motion to reconsider was laid on the table.

NAVAJO TRIBE

The Clerk called the bill (H.R. 8295) to authorize the transfer to the Navajo Tribe of irrigation project works on the Navajo reservation, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, I would like to ask the author of the bill several questions.

Is the net effect of this proposed legislation that the balance of $5.9 million will not be paid back to the Federal Government or be reimbursable as long as the Indians maintain ownership?

Mr. UDALL. As coauthor of the bill I can answer the gentleman's question, which is a good one. The answer is "No." Under the Leavitt Act, which is general legislation affecting all Indian irrigation projects, repayment is deferred until such time as the Indian trust is ended. Therefore, what is being transferred here is merely the right to operate and maintain the project. This will involve an annual saving of $200,000 when the Indian tribe takes over from the Federal Government.

With regard to repayment, it is not affected in any way. It is left in the present status, and when the Indian trust is ended at that time a repayment contract must be made.

Mr. FORD. Under the current circumstances, without this legislation, I assume that the reimbursable payments to the Federal Treasury for construction costs would continue. Under this proposed legislation those reimbursements would not continue; they would be held in abeyance during the term of the Indian trusteeship?

Mr. UDALL. There are no payments currently at all, so that is not affected in any manner.

Mr. FORD. Why are there not payments?

Mr. UDALL. There are no payments on any Indian irrigation projects because the Indians are wards of the Government and the U.S. Government is trustee. The Leavitt Act provides there shall be no payment at all until the trust is ended. So that is not affected in any way. There are no payments at the present time; there will be none until the Indian trust is ended.

Mr. FORD. When we can look forward to the abandonment of the Indian trusteeship?

Mr. UDALL. When the Federal trusteeship is terminated, and in this particular instance this is in the indefinite future.

Mr. FORD. The normal period of repayment of this account is 40 to 50 years; is that correct?

Mr. UDALL. That is right.

Mr. FORD. Can we expect that the Indian trusteeship will be terminated sometime prior to the normal repayment period for these reimbursable construction costs?

Mr. UDALL. There is no way of fixing a date until the trust status is ended. We would then assume, under the Leavitt Act and past practices, that when termination occurs a 40- or 50-year period would be set up and the payments would begin, but the whole thing is held in abeyance until the United States terminates the trust.

Mr. FORD. But if and when this trusteeship is terminated, then the owners of the land so affected would make payments against these reimbursable costs to the Federal Treasury?

Mr. UDALL. That is correct.

Mr. FORD. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to transfer to the Navajo Tribe all of the right, title, and interest of the United States to any irrigation project works constructed by the United States within the Navajo Reservation prior to the date of approval of this Act, including machinery, equipment, tools, supplies, buildings, facilities, and improvements which are usable for the care, operation, and maintenance of such works and which are not needed for the continued efficient operation of the irrigation construction program within the Navajo Reservation: *Provided*, That no such transfer shall be made without the prior approval of the Navajo Tribe.

SEC. 2. Prior to or at the time of each such transfer, the Secretary and the chairman of the Navajo Tribal Council shall agree on the number of Department of the Interior personnel who shall be provided by the Secretary to train tribal personnel and to assist in operating irrigation project works transferred to the tribe until such time as tribal personnel are trained and qualified to assume full responsibility for any such irrigation project works. The Secretary and the chairman shall also agree on the time during which such Department personnel shall be provided. The cost of their employment shall be paid by the tribe.

SEC. 3. The transfer to the Navajo Tribe pursuant to this Act of any irrigation project works located in whole or in part within the boundaries of the reservation established by Executive order dated December 16, 1882, for the use and occupancy of the Moupi (Hopi) and such other Indians as the Secretary of the Interior may see fit to settle thereon shall not be construed to affect in any way the merits of the conflicting claims of the Navajo and the Hopi Indians to the use or ownership of the lands within said 1882 reservation.

SEC. 4. The irrigation project works transferred to the tribe pursuant to this Act and the land on which such works are located, shall be subject to no restriction on use, management, or disposition because of Indian ownership, but any such lands and project works and the income therefrom shall be exempt from all forms of taxation as long as, but no longer than, such lands and irrigation project works remain in the ownership of the Navajo Tribe or in the ownership of a legal entity controlled by the Navajo Tribe or its membership, unless otherwise provided by Congress.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FUNDS TO KICKAPOO TRIBAL COUNCIL OF OKLAHOMA

The Clerk called the bill (H.R. 9028) to provide that certain funds shall be paid to the Kickapoo Tribal Council of Oklahoma.

There being no objection, the clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall pay to the Kickapoo Tribal Council of Oklahoma the unexpended balances of funds in the Treasury of the United States under the following symbols and titles:

(1) 14X7053 Kickapoos in Oklahoma Fund;

(2) 14X7553 Interest and Accruals on Interest, Kickapoos in Oklahoma Fund;

(3) 14X7916 Interest and Accruals on Interest, Kickapoo General Fund.

The funds paid the Kickapoo Tribal Council of Oklahoma under this Act shall be used for the rebuilding and repair of the Kickapoo tribal community house near McLoud, Oklahoma, and for other tribal business purposes.

With the following committee amendment:

Page 1, line 9, strike out the semicolon and insert in lieu thereof a period and strike out all of lines 10 and 11.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMEND VETERANS' PREFERENCE ACT OF 1944

The Clerk called the bill (H.R. 1907) to amend the Veterans' Preference Act of 1944 to define mothers for purposes of such act.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, I would like to ask the author of the bill or a member of the committee, What is the need for this proposed legislation?

Mr. ALFORD. Mr. Speaker, if the gentleman will yield, the chairman of the subcommittee is unable to be present today, so I shall attempt to answer that.

H.R. 1907 amends the Veterans' Preference Act of 1944 to define the terms "mother" and "mothers" to include a natural mother, a mother through adoption, or a female who stands in loco parentis to a deceased or service-connected permanently or totally disabled ex-serviceman or ex-servicewoman for not less than 1 year prior to the date the ex-serviceman or ex-servicewoman attained the age of 21 years.

As I understand this simply would protect, for example, a woman who had a nephew and reared this child and then would be granted preference. She would come under the Veterans' Preference Act. Does that answer your question?

Mr. FORD. I appreciate what the aim and the objective is, but I am a bit uncertain that the enactment of this legislation will not add any additional costs to the Federal Treasury. I find in the summary that I have here there is the statement there would be no additional cost to the Government. I have grave doubt that that is an accurate statement.

Mr. ALFORD. We were assured that there would be no additional cost to the Government. This purely and simply gives the same rights to a female who is, in fact, acting as the mother of a veteran in preference for employment.

Mr. FORD. If that is true, then it would seem to me that we are enlarging the number of people who would be eligible for these benefits, and if you enlarge those eligible, you would inevitably have more costs; is that not right?

Mr. Speaker, I withdraw my reservation of objection and ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

WAIVER OF COLLECTIONS ON CERTAIN RAISED MONEY ORDERS

The Clerk called the bill (H.R. 9507) to authorize the Postmaster General to waive collections on raised money orders cashed by banks and other business concerns, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BARR. Mr. Speaker, reserving the right to object, I wonder if there is anyone present who can explain what this bill attempts to do?

Mr. FOLEY. Mr. Speaker, if the gentleman will yield, this bill would authorize the Postmaster General to withhold insistence that banks reimburse the Federal Government in the amount of $10,000 a year. There is no objection by the Postmaster General and there was no objection before the subcommittee or the full committee in considering this particular matter. This is a situation which has worked some hardship on commercial establishments that have accepted money orders and have been the unwitting victims of forgers or persons skilled in changing the amounts on money orders. The full committee has recommended that the Postmaster General's position be confirmed and that this bill be passed.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Postmaster General in his discretion may waive collection from any person not in the employ of the Post Office Department of claims arising from the overpayment of money orders when upon investigation he finds that—

(1) the overpayment resulted from alterations in the money order which were not apparent from visual inspection, and

(2) the person who paid the money order took it in good faith and for value, and had no notice of any defects in the money order.

(b) Nothing contained in this Act shall (1) affect the liability, or authorize the relief, of a person who alters a money order, or (2) relieve the Postmaster General of responsibility to pursue collection action against a person who alters a money order.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELIMINATION OF PENALTY CHARGES ON SHORT-PAID MAIL

The Clerk called the bill (H.R. 9889) to eliminate the mandatory requirements for penalty charges on short-paid mail, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HAYS. Mr. Speaker, reserving the right to object, I should like someone on the committee, or the author of the bill, to tell us what this bill proposes to do.

Mr. PORTER. Mr. Speaker, if the gentleman will yield, this bill provides that the Postmaster General has the discretion whether or not to make a penalty charge on short-paid mail. As it is now he does have some discretion but if he does not exercise it, he is supposed to charge whatever the cost would be as computed by the cost ascertainment system. This has been thought to put too much of a burden on the Postmaster General. All that this bill does is to say that whenever the postage is insufficient, the Postmaster General may charge the penalty that he thinks is proper. This is just a matter of giving him more discretion in the interests of more efficient and flexible administration.

Mr. WALTER. Mr. Speaker, reserving the right to object—and I shall not object—I am just wondering whether or not the gentleman's committee is aware of the fact that several years ago the Committee on the Judiciary, at the request of the Postmaster General, recommended to the House and subsequently the Congress passed a law which, in the statement of the Postmaster General, was designed to eliminate forever the possibility of the dissemination of pornographic literature through the mails. Despite this fact, according to the press, the Postmaster General is still talking about additional legislation in order to meet this problem. I am just wondering whether the gentleman's committee is going to report additional legislation which, as I say, is not needed, or insist that the Postmaster General take the necessary steps to enforce the law which is already on the statute books.

Mr. PORTER. Mr. Speaker, if the gentleman will yield to me, I have no knowledge of the status of any pending legislation. We do have a very capable subcommittee headed by the gentlewoman from Pennsylvania [Mrs. GRANAHAN], but I agree with the gentleman from Pennsylvania [Mr. WALTERS] that the Postmaster General would do well to enforce the laws already on the books.

Mr. POAGE. Mr. Speaker, reserving the right to object, I want to ask the gentleman if he can tell us whether this bill enables the Postmaster General to impose penalties upon the recipient of this short-postage mail.

Mr. PORTER. Only in the event that he thought it was needed to protect the postal service. However, we are assured, according to our hearings, that this would be a very unusual event.

Mr. POAGE. Does it allow the Postmaster General to charge me a fee in the event somebody sent me some mail that I did not want and which did not have sufficient postage on it?

Mr. PORTER. This is already in the law. This does not change that situation, as I understand it.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of the first section of the Act entitled "An Act to revise the laws relating to the handling of short paid and undeliverable mail, and for other purposes", approved April 9, 1958 (72 Stat. 83; 39 U.S.C. 272a(b)), is amended to read as follows:

"(b) The Postmaster General shall prescribe by regulation from time to time the charges to be collected on delivery for any matter mailed without prepayment of any lawfully required postage or without prepayment of the full amount of the lawfully required postage. The Postmaster General may waive the collection of any charges when he deems such waiver to be in the best interest of the Government."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

USE OF CERTIFIED MAIL BY GOVERNMENT AGENCIES

The Clerk called the bill (H.R. 10996) to authorize the use of certified mail for the transmission or service of matter required by certain Federal laws to be transmitted or served by registered mail, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (1) section 12(b) of the Act of August 2, 1939, as added by section 4 of the Act of July 19, 1940 (54 Stat. 767; 5 U.S.C. 118k), is amended by inserting "or by certified mail" immediately following the words "registered mail" wherever such words appear therein.

(2) Section 6(b) of the Commodity Exchange Act (42 Stat. 1001, 1002; 7 U.S.C. 9) is amended by inserting "or by certified mail" immediately following the words "registered mail".

(3) Section 3 of the Act of March 3, 1927 (44 Stat. 1373; 7 U.S.C. 473), is amended (A) by inserting "or by certified mail" immediately following the words "registered mail" and (B) by inserting "or receipt for certified mail" immediately following the words "registry receipt".

(4) Section 6(c) of the Perishable Agricultural Commodities Act, 1930 (46 Stat. 534; 7 U.S.C. 499f), is amended by inserting "or by certified mail" immediately following the words "registered mail".

(5) Section 365 of the Agricultural Adjustment Act of 1938 (52 Stat. 63; 7 U.S.C. 1365) is amended by inserting "or by certified mail" immediately following the words "registered mail".

(6) The proviso in the last sentence of section 373(a) of the Agricultural Adjustment Act of 1938, as added by section 6 of the Act of June 13, 1940 (54 Stat. 394; 7 U.S.C. 1373), is amended by inserting "or by certified mail" immediately following the words "registered mail".

(7) Section 409(d) of the Federal Seed Act (53 Stat. 1287; 7 U.S.C. 1599) is amended (A) by striking out the words "registering and mailing a copy thereof" in clause (3) of the first sentence and inserting in lieu thereof "mailing a copy thereof by registered mail or by certified mail" and (B) by striking out the words "registered and mailed" in the last sentence and inserting in lieu thereof "mailed by registered mail or by certified mail".

(8) Section 107(d) of the Soil Bank Act (70 Stat. 193; 7 U.S.C. 1831) is amended by inserting "or certified mail" immediately following the words "registered mail" wherever such words appear therein.

(9) Section 301 of the Act of March 9, 1933 (48 Stat. 5), as amended (12 U.S.C. 51a), is amended by inserting "or by certified mail" immediately following the words "registered mail" in the first sentence thereof.

(10) The last sentence of section 2(a) of the Act of August 17, 1950 (64 Stat. 456; 12 U.S.C. 214a), is amended by inserting "or by certified mail" immediately following the words "registered mail".

(11) The last sentence in section 5(d)(1) of the Home Owners' Loan Act of 1933, as added by section 503 of the Housing Act of 1954 (68 Stat. 635; 12 U.S.C. 1464), is amended by inserting "or by certified mail," immediately following "registered mail,".

(12) Section 402(c)(4) of the National Housing Act, as amended by section 501 of the Housing Act of 1954 (68 Stat. 633; 12 U.S.C. 1725), is amended by inserting "or by certified mail" immediately following "registered mail".

(13) Section 5(f) of the Federal Trade Commission Act, as amended (52 Stat. 113; 15 U.S.C. 45), is amended (A) by striking out the words "registering and mailing a copy thereof" in clause (c) of the first sentence and inserting in lieu thereof "mailing a copy thereof by registered mail or by certified mail" and (B) by striking out the words "registered and mailed" in the last sentence and inserting in lieu thereof "mailed by registered mail or by certified mail".

(14) The first sentence of section 8(e) of the Investment Company Act of 1940 (54 Stat. 805; 15 U.S.C. 80a–8) is amended by inserting "or by certified mail" immediately following the words "registered mail".

(15) The second sentence of section 40(a) of the Investment Company Act of 1940 (54 Stat. 842; 15 U.S.C. 80a–39) is amended by inserting "or certified mail" immediately following the words "registered mail".

(16) The second sentence of section 211(c) of the Investment Advisers Act of 1940 (54 Stat. 855; 15 U.S.C. 80b–11) is amended by inserting "or certified mail" immediately following the words "registered mail".

(17) The first sentence of section 5 of the Act of March 29, 1944 (58 Stat. 133; 16 U.S.C. 583d), is amended by inserting "or by certified mail" immediately following the words "registered mail".

(18) Clause (2) of section 505(g) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1053; 21 U.S.C. 355) is amended by inserting "or by certified mail" immediately following the words "registered mail".

(19) Section 2284 of title 28, United States Code, is amended by striking out "Such notice shall be given by registered mail by the clerk, and shall be complete on the mailing thereof." and inserting in lieu thereof the following:

"Such notice shall be given by registered mail or by certified mail by the clerk and shall be complete on the mailing thereof."

(20) The second sentence of section 2410(b) of title 28, United States Code, is amended by inserting "or by certified mail," immediately following "registered mail,".

(21) The third sentence in the third paragraph of section 17 of the Mineral Lands Leasing Act of February 25, 1920, as amended by the Act of July 29, 1954 (68 Stat. 584; 30 U.S.C. 226), is amended by inserting "or by certified mail," immediately following "registered mail,".

(22) The last sentence of section 207(b) of the Federal Coal Mine Safety Act, as added by the first section of the Act of July 16,

1952 (66 Stat. 700; 30 U.S.C. 477), is amended by inserting "or by certified mail" immediately following the words "registered mail".

(23) The third sentence of section 207(1) of the Federal Coal Mine Safety Act, as added by the first section of the Act of July 16, 1952 (66 Stat. 702; 30 U.S.C. 477), is amended by inserting "or by certified mail" immediately following the words "registered mail".

(24) The first sentence of section 208(b) of the Federal Coal Mine Safety Act, as added by the first section of the Act of July 16, 1952 (66 Stat. 702; 30 U.S.C. 478), is amended by inserting "or by certified mail" immediately following the words "registered mail".

(25) Clause (1) of the last paragraph of section 7(a) of the Act of August 13, 1954 (68 Stat 713; 30 U.S.C. 527), is amended by inserting "or by certified mail" immediately following the words "registered mail" wherever such words appear in such clause.

(26) Clause (1) of the last paragraph of section 5(a) of the Act of July 23, 1955 (69 Stat. 370; 30 U.S.C. 613), is amended by inserting "or by certified mail" immediately following the words "registered mail" wherever such words appear in such clause.

(27) Section 2(b) of the Mining Claims Rights Restoration Act of 1955 (69 Stat. 682; 30 U.S.C. 621), is amended by inserting "or certified mail" immediately following the words "registered mail".

(28) The first sentence of section 3491(C) of the Revised Statutes, as added by the Act of December 23, 1943 (57 Stat. 608; 31 U.S.C. 232), is amended by inserting "or by certified mail," immediately following "registered mail,".

(29) Section 3491(D) of the Revised Statutes, as added by the Act of December 23, 1943 (57 Stat. 609; 31 U.S.C. 232), is amended by inserting "or by certified mail," immediately following "registered mail,".

(30) The second sentence of section 19(c) of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1435; 33 U.S.C. 919) is amended by inserting "or by certified mail" immediately following the words "registered mail".

(31) Section 19(e) of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1435; 33 U.S.C. 919) is amended by inserting "or by certified mail" immediately following the words "registered mail".

(32) Section 784(b) of title 38, United States Code, is amended by inserting "or by certified mail" immediately following the words "registered mail".

(33) Section 5226 of title 38, United States Code, is amended by inserting "or by certified mail" immediately following the words "registered mail".

(34) The second paragraph of section 2 of the Act of August 24, 1912, as amended (47 Stat. 1486; 39 U.S.C. 233), is amended by striking out "by registered letter" and inserting in lieu thereof "by registered mail or by certified mail".

(35) Section 205(d) of the Social Security Act, as amended (42 U.S.C. 405), is amended by inserting "or by certified mail" immediately following the words "registered mail" wherever such words appear therein.

(36) The last sentence of section 4(d) of the National Science Foundation Act of 1950, as amended (73 Stat. 467; 42 U.S.C. 1863(d)), is amended by inserting "or by certified mail" immediately following the words "registered mail".

(37) Section 12(a) of the Railroad Unemployment Insurance Act (52 Stat. 1107; 45 U.S.C. 362) is amended by inserting "or by certified mail" immediately following the words "registered mail".

(38) The first sentence of section 19a(h) of the Act of February 4, 1887, as added by the Act of March 1, 1913 (37 Stat. 702), and thereafter amended (49 U.S.C. 19a(h)), is amended by striking out the words "registered letter" and inserting in lieu thereof "registered mail or by certified mail".

(39) Section 105(a) of the Renegotiation Act of 1951 (65 Stat. 12; 50 U.S.C. App. 1215) is amended by inserting "or by certified mail" immediately following the words "registered mail" wherever such words appear therein.

(40) Section 107(e) of the Renegotiation Act of 1951 (65 Stat. 20; 50 U.S.C. App. 1217) is amended by inserting "or by certified mail" immediately following the words "registered mail" wherever such words appear therein.

(41) The second sentence of section 9(b) of the Professional Engineers' Registration Act (64 Stat. 862; D.C. Code, sec. 2–1809(b)) is amended by inserting "or by certified mail" immediately following the words "registered mail".

(42) The first sentence of section 10 of the Act of March 19, 1906 (34 Stat. 71), as amended (48 Stat. 845; D.C. Code, sec. 5–310), is amended by inserting "or by certified mail" immediately following the words "registered mail".

(43) Clause (c) of the first sentence of section 3 of the Act of April 14, 1906 (34 Stat. 115; D.C. Code, sec. 5–315), is amended by inserting "or by certified mail" immediately following the words "registered mail".

(44) The first sentence of section 5 of the Act of December 24, 1942 (56 Stat. 1084; D.C. Code, sec. 5–321), is amended by inserting "or by certified mail" immediately following the words "registered mail".

(45) The Act of May 29, 1928 (45 Stat. 953; D.C. Code, sec. 7–221), is amended by striking out "registered letter" wherever such words appear and inserting in lieu thereof "registered mail or by certified mail".

(46) Section 5 of the Act of March 5, 1938 (52 Stat. 103; D.C. Code, sec. 11–805), is amended by inserting "or by certified mail" immediately following the words "registered mail" wherever such words appear.

(47) The first proviso in section 2 of the Act of April 11, 1935 (49 Stat. 152; D.C. Code, sec. 16–613), is amended by inserting "or by certified mail" immediately following the word "registered mail".

(48) The fourth sentence in the first paragraph of section 24 of the Life Insurance Act (48 Stat. 1137; D.C. Code, sec. 35–423) is amended (A) by inserting "or by certified mail" immediately following the words "registered mail"; and (B) by striking out the words "registered receipt" and inserting in lieu thereof "the return receipt for such registered or certified mail".

(49) The third sentence of section 23(b) of the Fire and Casualty Act (54 Stat. 1075; D.C. Code, sec. 35–1327(b)) is amended by inserting "or by certified mail" immediately following the words "registered mail".

(50) The first paragraph of section 9 of the Act of August 25, 1937 (50 Stat. 794; D.C. Code, sec. 45–1409), is amended by inserting "or by certified mail" immediately following the words "registered mail" wherever such words appear therein.

(51) The last sentence of section 10(2) of the Act of August 25, 1937 (50 Stat. 795; D.C. Code, sec. 45–1410), is amended by inserting "or by certified mail" immediately following the words "registered mail".

(52) The first proviso in section 3 of the Act of February 28, 1898, as added by the Act of February 22, 1944 (58 Stat. 20; D.C. Code, sec. 47–1008), is amended by inserting "or by certified mail" immediately following the words "registered mail".

(53) The first sentence of section 2 of the Act of March 2, 1936 (49 Stat. 1154; D.C. Code, sec. 47–1012), is amended by inserting "or by certified mail" immediately following the words "registered mail".

(54) The first sentence of section 5 of title XII of the District of Columbia Income and Franchise Tax of 1947 (61 Stat. 352; D.C. Code, sec. 47–1586d) is amended by inserting "or by certified mail" immediately following the words "registered mail".

(55) The first sentence of section 3(c) of the Act of April 23, 1924, as added by section 3 of the Act of August 17, 1937 (50 Stat. 678; D.C. Code, sec. 47–1903), is amended by inserting "or by certified mail" immediately following the words "registered mail".

(56) The fifth sentence of section 14(a) of title IX of the District of Columbia Revenue Act of 1937, as added by section 4 of the Act of July 10, 1952 (66 Stat. 546; D.C. Code, sec. 47–2413(a), is amended by inserting "or by certified mail" immediately following the words "registered mail".

SEC. 2. Return receipts for the delivery of certified mail which is utilized under any provision of law shall be received in the courts as prima facie evidence of delivery to the same extent as return receipts for registered mail.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JUDICIAL OFFICER FOR THE POST OFFICE DEPARTMENT

The Clerk called the bill (H.R. 11516) to create a judicial officer for the Post Office Department.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HAYS. Reserving the right to object, Mr. Speaker, I should like someone to tell us what this bill does.

Mrs. GRANAHAN. There is no money involved in the creation of this judicial officer because the Department already has such an officer. The only thing this bill does is expedite the examining and the conviction on charges of using the mails of people sending out pornographic material. There is a person already in that position, although he is not a permanent fixture.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be in the Post Office Department a judicial officer, who shall be appointed by the Postmaster General and who shall perform such quasi-judicial duties as the Postmaster General may designate. This officer shall be the agency for the purposes of the requirements of the Administrative Procedure Act, as amended (5 U.S.C. 1001 and the following), to the extent that functions are delegated to him by the Postmaster General.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONVEYANCE OF CERTAIN REAL PROPERTY TO HIGHLAND FALLS, N.Y.

The Clerk called the bill (H.R. 6479) to provide for the conveyance of certain real property of the United States to the village of Highland Falls, N.Y.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army shall convey to the village of Highland Falls, New York, all right, title, and interest of the United States in and to the real property described in section 2 of this Act, together with the right-of-way described in such section 2, to be used by such village for cemetery purposes.

SEC. 2. The real property and the right-of-way referred to in the first section of this Act are more particularly described as follows:

Beginning at the southwesterly corner in a stone wall, said point being south 12 degrees 49 minutes 48 seconds east 49.34 feet along a stone wall from cannon numbered 33 which was formerly the common corner of the patent to John Moore; the lands of Grover Cox; and the lands of Lena Adolph, thence passing through the lands formerly of Lena Adolph the following courses and distances: north 39 degrees 29 minutes 07 seconds east, 668.12 feet; south 50 degrees 30 minutes 53 seconds east, 486.57 feet; south 39 degrees 29 minutes 07 seconds west, 716.00 feet to a point in the northerly line of the Sacred Heart Catholic Cemetery, thence along the northerly boundary of said cemetery and formerly the southerly line of Lena Adolph the following courses and distances: north 50 degrees 30 minutes 53 seconds west, 30.45 feet; south 39 degrees 29 minutes 07 seconds west, 8.00 feet; thence along a stone wall north 50 degrees 30 minutes 53 seconds west, 44.55 feet to the northwesterly corner of said cemetery; thence continuing along a stone wall marking the southerly line formerly of Lena Adolph and the northerly line formerly of Grover Cox the following courses and distances: north 47 degrees 29 minutes 52 seconds west, 364.58 feet; north 12 degrees 49 minutes 48 seconds west, 60.00 feet to the point or place of beginning, containing 7.96 acres more or less.

Together with a right-of-way over an existing lane on the lands of the United States Military Academy for the purpose of ingress and egress to the aforesaid lands, approximately parallel to the southeasterly side of the Sacred Heart Cemetery and continuing approximately parallel to the southeasterly side of the lands now being conveyed for a total distance of 800 feet, whence the lane leaves the lands of the United States Military Academy and enters into the lands hereinabove described.

With the following committee amendment:

Page 1, lines 3 and 4, delete ", without consideration," and insert in lieu thereof the following: ", at 50 per centum of the fair market value as determined by the Secretary of the Army,".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SAN FRANCISCO PALACE OF FINE ARTS

The Clerk called the bill (H.R. 8024) to amend the act of May 9, 1876, to permit certain streets in San Francisco, Calif., within the area known as the San Francisco Palace of Fine Arts, to be used for park and other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to relinquish the interests of the United States in certain lands to the city and county of San Francisco, in the State of California", approved May 9, 1876 (19 Stat. 52), is amended by adding at the end thereof the following new section:

"SEC. 2. Notwithstanding any provision of the first section of this Act to the contrary, the use of Lyon Street from the northerly line of Bay Street to the northerly line of Jefferson Street, and of North Point, Beach and Jefferson Streets from the westerly line of Baker Street to the easterly line of Lyon Street, as public highways and streets, may be terminated by the City and County of San Francisco and such public highway and street areas may be used for park, cultural, recreational, educational, museum, artistic and musical purposes by the City and County of San Francisco, or by the State of California, if the San Francisco Palace of Fine Arts is conveyed by the City and County of San Francisco to the State of California pursuant to the California Statute entitled 'An act to provide for the acquisition, repair, and operation of the San Francisco Palace of Fine Arts as part of the State Park System, and making an appropriation therefor' (Calif. Stats. 1957, ch. 2386, p. 4132)."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

OXNARD HARBOR DISTRICT, PORT HUENEME, CALIF.

The Clerk called the bill (H.R. 8713) to authorize the Secretary of the Navy to convey certain real estate to the Oxnard Harbor district, Port Hueneme, Calif., and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is authorized to convey to Oxnard Harbor District, Port Hueneme, California, an instrumentality of the State of California, all that tract or parcel of land situate, lying and being in the United States Naval Construction Battalion Center, Port Hueneme, California, comprising wharf numbered 1, and contiguous area, consisting of twenty-two and seven-tenths acres, more or less, and being more particularly described as follows:

Beginning at the northeast corner of wharf numbered 1, said point being particularly described as coordinate 6,013.48 feet north, 6,669.75 feet east as shown on the map of the United States Naval Construction Battalion Center, Port Hueneme, California; thence from said point of beginning, south 89 degrees 55 minutes 40 seconds west 1,386.1 feet, along the north edge of the wheel guard on the north side of wharf numbered 1 and the extension of this line to the westerly side of the dolphin which is at the western end of the catwalk that extends westerly from the west end of wharf numbered 1 to a point, said point being westerly 185.0 feet from the west end of wharf numbered 1; thence,

South 53 degrees 05 minutes 41 seconds east 106.4 feet to a point, said point being on the line of the bulkhead that extends westerly from the west end of wharf numbered 1 and is 100.0 feet westerly from the west end of wharf numbered 1; thence,

South 37 degrees 47 minutes 40 seconds west 397.4 feet to a point, said point being at the approximated mean high tide line and said point being also on the northeasterly side of the cattle chute of wharf F; thence,

North 52 degrees 15 minutes 20 seconds west 62.4 feet to a point, said point being on the northeasterly side of the said cattle chute of wharf F; thence,

South 37 degrees 44 minutes 40 seconds west 10.0 feet to a point, said point being at the northwesterly end of the cattle chute of wharf F; thence,

South 37 degrees 01 minutes 40 seconds west 82.0 feet to a point, said point being at the northwesterly end of wharf F; thence,

South 36 degrees 51 minutes 39 seconds west 68.58 feet to a point; thence,

South 37 degrees 01 minutes 40 seconds west 352.0 feet to a point, said point being approximately in line with the extension of the channel side edge of wharf F; thence,

South 52 degrees 58 minutes 20 seconds east 142.0 feet more or less to a point in the easterly line of the 13.5 acre parcel, sold to the Hueneme Dock Corporation by deed recorded in book 584, page 426 of Official Records of Ventura County; thence,

North 37 degrees 01 minutes 40 seconds east 452.0 feet more or less along said easterly line to a 2-inch by 2-inch wood stake set in concrete, said stake being on the north line of parcel D as delineated on Map numbered 1, Lands in Subdivisions 84, 85, and 87 of Rancho El Rio De Santa Clara o' La Colonia, recorded in book 3, page 13 of Miscellaneous (Maps) Records of Ventura County; thence easterly along said northerly line of parcel D;

North 89 degrees 56 minutes 39 seconds east 1,686.16 feet to a point; thence,

South 45 degrees 04 minutes 20 seconds east 74.18 feet to a point; thence,

North 88 degrees 28 minutes 04 seconds east 91.25 feet more or less to a point in the easterly line of said parcel D; thence,

North 0 degrees 14 minutes 13 seconds west 798.15 feet along said easterly line of parcel D and parcel C as delineated on map numbered 1, Lands in Subdivisions 84, 85, and 87 of Rancho El Rio De Santa Clara o' La Colonia recorded in book 3, page 13 of Miscellaneous (Maps) Records of Ventura County to a point; said point being on an easterly extension of a line parallel to and south 4.0 feet from the southerly edge of bulkhead on wharf numbered 2; thence,

South 89 degrees 53 minutes 34 seconds west 253.2 feet along the said easterly prolongation to a point; thence along the following courses and distances which are at approximate mean high tide line;

South 32 degrees 50 minutes 41 seconds east 44.0 feet to a point; thence,

South 04 degrees 59 minutes 11 seconds east 37.8 feet to a point; thence,

South 21 degrees 20 minutes 06 seconds east 27.2 feet to a point; thence,

South 09 degrees 47 minutes 21 seconds east 37.8 feet to a point; thence,

South 20 degrees 20 minutes 46 seconds east 21.5 feet to a point; thence,

South 0 degrees 54 minutes 44 seconds west 174.0 feet to a point, said point being 10.0 feet northeasterly measured radially from the center line of track A; thence,

Northwesterly 114.03 feet along a nontangent curve concave to the southeast, having a radius of 360.21 feet and a central angle of 18 degrees 08 minutes 14 seconds to the east end of wharf numbered 1; said curve being 10.0 feet northeasterly of measured radially and parallel to the center line of track A; thence,

North 0 degrees 04 minutes 20 seconds west 13.2 feet to the point of beginning and containing 22.07 acres more or less.

SEC. 2. The conveyance herein authorized shall be made at the fair market value of the property as determined by the Secretary of the Navy and shall be made upon such terms and conditions and shall include such reservations as the Secretary of the Navy shall determine to be in the public interest.

With the following committee amendment:

Page 1, line 9, delete the words "seven-tenths" and insert in lieu thereof the words "seven-hundredths".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ALLOWANCES FOR CERTAIN MEMBERS OF UNIFORMED SERVICES

The Clerk called the bill (H.R. 10068) to amend section 303 of the Career Compensation Act of 1949, to authorize travel and transportation allowances, and transportation of dependents and of baggage and household effects to the homes of their selection for certain members of the uniformed services, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Reserving the right to object, Mr. Speaker, may I ask the gentleman from South Carolina a question? Do I understand correctly that a Regular Army officer involuntarily separated from the service can claim his home at any place and have his transportation and that of his dependents and household effects paid to that place?

Mr. RIVERS of South Carolina. That is correct.

Mr. GROSS. To Hawaii or Guam or the South Sea Islands?

Mr. RIVERS of South Carolina. Any place he selects. That is the law.

Mr. GROSS. I am astounded that the Government pays these expenses any place anywhere in the world an officer wants to go.

Mr. RIVERS of South Carolina. Under the present law his home is where he elects it to be when he is released from the service, but that does not apply to a Reserve officer. The bill would enable the Reserve officer, when he is released, to select his place of residence.

Mr. GROSS. I agree with this legislation in that respect, and I am not opposing it, but I think there ought to be some restriction put upon the selection of a home by a discharged officer of any of the military services.

Mr. FORD. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Michigan.

Mr. FORD. This fact as far as the Regular officer is concerned and other personnel is just one reason why the transportation cost of the Department of Defense is almost $300 million each year. This is going to add some cost, how much I cannot forecast because we do not know where they are going to select their homes when they retire.

Mr. RIVERS of South Carolina. This puts the Reserve officers on an equal footing with the Regulars. We are going to make a study of that, and the chairman has already directed that that be done.

Mr. GROSS. May I ask the gentleman this question? What about a noncommissioned officer, if he is involuntarily separated from the service?

SAME AS OFFICERS

Mr. RIVERS of South Carolina. The law now only applies to Regular officers.

Mr. GROSS. I understand, but what about a noncommissioned officer? Is his transportation and the transportation of his dependents and household goods paid to anywhere in the world that he wants to designate as home?

Mr. RIVERS of South Carolina. I am not sure about anywhere in the world, but it is paid to anyplace within the continental United States. I am not sure about anywhere in the world, and I do not think that is the case.

Mr. GROSS. And the same thing is true of the noncommissioned officers; is that correct?

Mr. RIVERS of South Carolina. They are both on the same footing.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (2) of the second sentence of section 303(a) of the Career Compensation Act of 1949 (37 U.S.C. 253(a)) is amended to read as follows:

"(2) is retired with pay for any other reason, or, immediately following at least eight years of continuous active duty (no single break therein of more than ninety days), is discharged with severance pay or involuntarily released to inactive duty with readjustment pay;".

SEC. 2. Clause (2) of the last sentence of section 303(c) of the Career Compensation Act of 1949 (37 U.S.C. 253(c)) is amended to read as follows:

"(2) is retired with pay for any other reason, or, immediately following at least eight years of continuous active duty (no single break therein of more than ninety days), is discharged with severance pay or involuntarily released to inactive duty with readjustment pay;".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. That is the last eligible bill on the Consent Calendar.

KURE BEACH, N.C.

Mr. PELLY. Mr. Speaker, I ask unanimous consent to return to Calendar No. 373, and ask for the present consideration of the resolution (H. Res. 470) providing for sending the bill H.R. 10919, with accompanying papers, to the Court of Claims.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the resolution, as follows:

Resolved, That the bill (H.R. 10919) entitled "A bill for the relief of the town of Kure Beach, North Carolina," together with all accompanying papers, is hereby referred to the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code; and the court shall proceed expeditiously with the same and report to the House, at the earliest practicable date, such findings of fact, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitation should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy, and conclusions based on such facts as shall be sufficient to inform Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL MILK PROGRAM

The SPEAKER. The Chair recognizes the gentleman from Texas [Mr. POAGE] to call up a conference report.

Mr. POAGE. Mr. Speaker, I call up the conference report on the bill (H.R. 9331) to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1520)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9331) to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children, having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken by the Senate amendment insert the following:

"SEC. 2. Such Act is further amended by adding after the first sentence thereof the following new sentence: 'There is authorized to be appropriated for the purposes of this Act for the fiscal year beginning July 1, 1960, separate from any other appropriation of funds for Commodity Credit Corporation, such amount as may be deemed to be necessary to reimburse Commodity Credit Corporation for amounts advanced by it under this Act.'"

And the Senate agree to the same.

That the Senate recede from its amendment to the title.

HAROLD D. COOLEY,
W. R. POAGE,
THOS. G. ABERNETHY,
LESTER R. JOHNSON,
CHAS. B. HOEVEN,
PAUL B. DAGUE,
CLIFFORD G. MCINTIRE,
Managers on the Part of the House.

ALLEN J. ELLENDER,
SPESSARD L. HOLLAND,
HUBERT H. HUMPHREY,
WILLIAM PROXMIRE,
GEORGE D. AIKEN,
MILTON R. YOUNG,
B. B. HICKENLOOPER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 9331) to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

HOUSE BILL

The bill as passed by the House authorized the use of an additional $4 million of funds of the Commodity Credit Corporation for the special school milk program for the current fiscal year and an additional $1 million of CCC funds for the fiscal year ending June 30, 1961. The House bill also authorized an appropriation for the fiscal year 1961 of up to $15 million over and above the amount available from CCC, thus making a total authorization of $100 million available in fiscal 1961. The House bill did not extend the program beyond its current expiration date on June 30, 1961.

SENATE AMENDMENT

The amendment adopted by the Senate also authorized the use of an additional $4 million in funds of the Commodity Credit Corporation for this program for the current fiscal year, but it provided an additional $11 million in CCC funds for the fiscal year 1961 and put the program on a permanent basis by providing $95 million out of CCC funds for the fiscal year 1961 and each fiscal year thereafter. The Senate amendment provided that the entire financing of the program would be out of CCC funds.

CONFERENCE BILL

There were, therefore, three differences between the bills passed by the two bodies. The first was on the length of extension of the program; the second was the level of expenditure; and the third was the method of financing. These differences were resolved as follows:

(a) Length of extension: The Senate receded to the House and left unchanged the termination date as provided in present legislation. Therefore, under Public Law 85-478, as amended, this program is scheduled to expire on June 30, 1961.

(b) Level of expenditure: Both the House bill and the Senate amendment provided a total of $95 million of CCC funds for the current fiscal year. The House receded to the Senate on the amount of funds available for the fiscal year 1961. Thus the conference bill provides $95 million out of CCC funds for the fiscal year 1961.

(c) Method of financing: The conferees have established a new method of financing the special school milk program. In recognition of the fact that the program has developed beyond its original concept as a price support activity and because in all fairness this consumer-oriented program should not be charged against farmers as a price support loss, the conference bill provides that commencing in the fiscal year 1961 the Commodity Credit Corporation will be reimbursed by a separate and special appropriation item for any expenditures made under the act. This provision in the conference bill is not intended to apply to years prior to the fiscal year 1961.

HAROLD D. COOLEY,
W. R. POAGE,
THOS. G. ABERNETHY,
LESTER R. JOHNSON,
CHAS. B. HOEVEN,
PAUL B. DAGUE,
CLIFFORD G. MCINTIRE,
Managers on the Part of the House.

Mr. POAGE. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PRIVATE CALENDAR

RELIGIOSA LUIGIA FRIZZO ET AL.

The SPEAKER. This is the day for the call of the Private Calendar. The Clerk will call the first bill on the calendar.

The Clerk called the bill (H.R. 3805) for the relief of Religiosa Luigia Frizzo, Religiosa Vittoria Garzoni, Religiosa Maria Ramus, Religiosa Inez Ferrario, and Religiosa Roberta Ciccone.

Mr. AVERY. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

OUR LADY OF THE LAKE CHURCH

The Clerk called the bill (H.R. 5150) for the relief of Our Lady of the Lake Church.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Our Lady of the Lake Church, Mandeville, Louisiana, the sum of $1,284.17. The payment of such sum shall be in full settlement of all claims of such church against the United States for refund of customs duties which were assessed on an organ boarding imported from Germany and paid by such church at New Orleans on September 25, 1958. Such organ boarding was denied free entry in spite of the fact that its hand-carved panels constitute original sculptures of the type granted duty-free status by paragraph 1807 of the Tariff Act of 1930: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MOCK FOOK LEONG

The Clerk called the bill (H.R. 9043) for the relief of Mock Fook Leong.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mock Fook Leong, of New York, New York, is relieved of all liability and responsibility to the United States based upon departure bond numbered 5345770, issued October 10, 1951, and that said bond is canceled as of the date of its execution.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

STAFF SERGEANT JOHN E. AND MRS. CAROLINE ALMEIDA

The Clerk called the bill (H.R. 4428) for the relief of Staff Sergeant John E. and Mrs. Caroline Almeida.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Staff Sergeant John E. and Mrs. Caroline Almeida, Otis Air Force Base, Falmouth, Massachusetts, the sum of $100,000. The payment of such sum shall be in full settlement of all claims against the United States of John E. and Caroline Almeida arising out of the loss by their son, John David Almeida, of his left eye which resulted from a splinter of glass, from a windowpane in quarters assigned to John E. and Caroline Almeida by the Department of the Air Force, entering the left eye of John David Almeida on May 13, 1957. This claim is not cognizable under the tort claims procedure, as provided in title 28, United States Code: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike "to" and insert "the sum of $15,000 to the legal guardian of John David Almeida, the minor son of".

Page 1, lines 6 and 7, strike "the sum of $100,000. The payment of such sum shall be".

Page 1, lines 8 and 9, strike "of John E. and Caroline Almeida arising out of the loss by their son," and insert "based on the loss by the said".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

The title was amended so as to read: "A bill for the relief of the legal guardian of John David Almeida, a minor."

A motion to reconsider was laid on the table.

CHARLES BRADFORD LaRUE

The Clerk called the bill (H.R. 9442) for the relief of Charles Bradford LaRue.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the limitations of time prescribed by section 6 (c)(5) of the War Claims Act of 1948, as amended, are hereby waived in favor of

Charles Bradford LaRue, of Fries, Virginia, and his claim for benefits under section 6(e) of such act is hereby authorized and directed to be acted upon under the remaining provisions of such section 6(e) if such claim is filed with the Foreign Claims Settlement Commission within six months after the date of enactment of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GRACE C. REAM

The Clerk called the bill (S. 634) for the relief of Grace C. Ream.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Grace C. Ream of Washington, District of Columbia, an employee of the Department of the Air Force, is hereby relieved of all liability for replayment to the United States of the sum of $651.96, representing overpayment of salary paid to her as the result of an administrative error which occurred when her salary was adjusted retroactively, on March 21, 1957, on the basis of her previous employment in the legislative branch of the Government.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Grace C. Ream, the sum of any amounts received or withheld from her on account of the overpayment referred to in the first section of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARTIN PYSZ

The Clerk called the bill (H.R. 1725) for the relief of Martin Pysz.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the National Service Life Insurance Act of 1940, the national service life insurance policy (V 1255876) issued to Martin Pysz, of Tuckahoe, New York, which became effective on April 1, 1943, shall be held and considered to have become effective on March 1, 1943, the said Martin Pysz having become totally disabled as a result of the explosion of an antipersonnel mine which occurred on March 11, 1943, while he was on active duty with the Armed Forces of the United States in north Africa.

With the following committee amendments:

Page 1, line 7, insert "upon an application for waiver of premiums filed by him within six months subsequent to the date of enactment of this Act,".

Page 2, line 3, insert: "Waiver shall not be granted of any premium which became due more than one year prior to the receipt of such application in the Veterans' Administration."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RICHARD L. NUTH

The Clerk called the bill (H.R. 3107) for the relief of Richard L. Nuth.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Richard L. Nuth of Cambridge, Massachusetts, the sum of $595, such amount representing reimbursement to said Richard L. Nuth for paying out of his own funds a judgment rendered against him in the courts of the State of Massachusetts, arising out of an accident which occurred on September 19, 1955, when he was operating a Post Office Department vehicle in the course of his duties as an employee of the Post Office Department: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PHILADELPHIA GENERAL HOSPITAL

The Clerk called the bill (H.R. 8806) for the relief of the Philadelphia General Hospital.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated the sum of $814 to the Philadelphia General Hospital, of Philadelphia, Pennsylvania, in full settlement of all claims against the United States. Such sum represents hospitalization for Joseph Whyte, C2338625, a Spanish-American War veteran, who was referred to the Philadelphia General Hospital by the Philadelphia Veterans Administration Hospital on July 21, 1958: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike out "$814" and insert "884".

Page 2, line 2, after the word "Act" strike out "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN E. SIMPSON

The Clerk called the bill (H.R. 9106) for the relief of John E. Simpson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That John E. Simpson is hereby relieved of liability to repay to the United States the sum of $2,400 which was paid to him for reemployment leave.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the United States, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 3. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 4. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PIETRO MELA

The Clerk called the bill (H.R. 9226) for the relief of Pietro Mela.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the limitations of time contained in section 33 of the Trading With the Enemy Act, as amended, with respect to the filing of claims and the institution of suits for the return of property or any interest therein pursuant to section 9 or 32 of such Act, Pietro Mela may, within six months after the date of enactment of this Act, file a claim or institute a suit for the return, pursuant to section 9 or 32 of such Act, of all right, title, interest, and claim of any kind or character whatsoever of said Pietro Mela in and to the estate of his uncle, Pietro Mela, which estate was vested by the Alien Property Custodian by vesting order numbered 5559, executed January 7, 1946. Any such claim or suit for return of said property shall be received, considered, and determined as if such claim or suit had been filed within the time limitations prescribed in section 33 of such Act. Any return made pursuant to authority conferred by this Act shall be subject to the provisions of section 20 of the Trading With the Enemy Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARLENE A. GRANT

The Clerk called the bill (H.R. 9249) for the relief of Marlene A. Grant.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Marlene A. Grant, Acme, Michigan, the sum certified to her by the Secretary of the Navy under section 2. The payment of such sum shall be in full settlement of all claims of the said Marlene A. Grant against the United States for quarters allotment payments due her under the Dependents Assistance Act of 1950 as the minor daughter of William Grant, United States Navy (service number 6461175).

SEC. 2. As soon as practicable after date of enactment of this Act, the Secretary of the Navy shall certify to the Secretary of the Treasury the sum determined by the Secretary of the Navy to be equal to the amount of the Government contributions to the basic allowance for quarters made to William Grant, United States Navy (service number 6461175), under the Dependents Assistance Act of 1950, during the period beginning September 1, 1953, and ending July 31, 1955, both dates inclusive.

SEC. 3. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, lines 6 and 7, strike "certified to her by the Secretary of the Navy under section 2. The payment of such sum shall be" and insert "$1,773.30".

Page 1, line 9: Strike "quarters allotment payments" and insert "basic allowance for quarters".

Page 2, line 2, strike the period and insert a comma.

Page 2, lines 3 to 10, strike:

"SEC. 2. As soon as practicable after the date of enactment of this Act, the Secretary of the Navy shall certify to the Secretary of the Treasury the sum determined by the Secretary of the Navy to be equal to the amount of the Government contributions to the basic allowance for quarters made to William Grant, United States Navy (service number 6461175), under the Dependents Assistance Act of 1950,".

Page 2, line 12: Strike "3." and insert "2.".

Page 2, line 13: Strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

E. W. CORNETT, SR., AND E. W. CORNETT, JR.

The Clerk called the bill (H.R. 9470) for the relief of E. W. Cornett, Sr., and E. W. Cornett, Jr.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized and directed to pay, out of money heretofore made available for the eradication of the disease vesicular exanthema in swine to E. W. Cornett, Senior, and E. W. Cornett, Junior, Grand Prairie, Texas, the sum of $1,003.80. The payment of such sum shall be in full settlement of all claims of the said E. W. Cornett, Senior, and E. W. Cornett, Junior, against the United States arising out of the destruction in July 1954 of swine owned by them because of the infection and exposure of such swine to the contagious disease vesicular exanthema. Such sum represents 50 per centum of the amount of losses incurred by the said E. W. Cornett, Senior, and E. W. Cornett, Junior, by reason of the destruction of such swine, 50 per centum of the amount of such losses having been heretofore paid to them by the State of Texas: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 10, strike out "1954" and insert "1953".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LOUIS J. ROSENSTEIN

The Clerk called the bill (H.R. 10230) for the relief of Louis J. Rosenstein.

Mr. HEMPHILL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore (Mr. PRICE). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

ALADAR SZOBOSZLAY

The Clerk called the bill (H.R. 10947) for the relief of Aladar Szoboszlay.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision contained in section 202 of the General Government Matters Appropriation Act 1960 (73 Stat. 161), prohibiting the payment of compensation from appropriations contained in that or any other Act to officers or employees whose post of duty is in the continental United States, and who are not citizens of the United States, payments for services rendered by Aladar Szoboszlay, as an employee of the United States Department of Agriculture, contrary to the citizenship prohibition, are validated and the said employee shall not be required to refund the amounts thereof. Furthermore, any service rendered by said employee during the period October 4, 1959, through October 16, 1959, for which he was not compensated on account of the citizenship prohibition cited above shall be paid for out of current appropriations available.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HOUSTON BELT & TERMINAL RAILWAY CO.

The Clerk called the bill (H.R. 9071) for the relief of the Houston Belt & Terminal Railway Co.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Houston Belt and Terminal Railway Company the sum of $28,614.16. The payment of such sum shall be in full settlement of all claims of the said Houston Belt and Terminal Railway Company against the United States for reimbursement for actual expenses borne by such company for alteration of its bridge 3.62 over Brays Bayou in Houston, Harris County, Texas, which alteration was made in connection with the improvement of Brays Bayou for flood-control purposes and for which amount such company has not otherwise been reimbursed, and if Houston Belt and Terminal Railway Company had not made such bridge alteration, such alteration would have been made subsequently at the expense of the United States as a part of its flood-control project which included the improvement of Brays Bayou; and such bridge alteration inured to the benefit of the United States in subsequently carrying out such flood-control project which it approved and authorized: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

K. J. McIVER

The Clerk called the bill (H.R. 9752) for the relief of K. J. McIver.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $151.35 to K. J. McIver of Columbia, South Carolina, in full settlement of his claims against the United States for reimbursement for the loss of his personal property when fire destroyed a Government-owned automobile on November 3, 1958, which he had been operating on official business as an employee of the Treasury Department and was struck by a private automobile near Rock Hill, South Carolina: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 2, after the word "Act" strike out "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. HENRY H. COHAN

The Clerk called the bill (H.R. 11388) for the relief of Dr. Henry H. Cohan.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, the Secretary of the Treasury be, and he is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Dr. Henry H. Cohan of Philadelphia, Pennsylvania, the sum of $6,010.59, in full settlement of all claims against the United States for losses sustained by the said Dr. Cohan as a result of damage to and destruction of his personal property in the warehouse of the Christian J. Ludwig Company, Philadelphia, Pennsylvania, by a fire that occurred there on October 4, 1958: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon his conviction thereof shall be fined in a sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ENTRY OF CERTAIN ALIENS

The Clerk called the resolution (H.J. Res. 678) relating to the entry of certain aliens.

There being no objection, the Clerk read the resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Hisako Sakai, shall be held and considered to be the natural-born alien child of Sergeant First Class Santiago Magana Juarez, a citizen of the United States.

SEC. 2. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Chrysavgi Kontopoulos, shall be held and considered to be the natural-born alien child of Mr. and Mrs. James Kontos, citizens of the United States.

SEC. 3. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Janko Tomas Baic, shall be held and considered to be the natural-born alien child of Mr. and Mrs. George Baic, citizens of the United States.

SEC. 4. For the purposes of the Immigration and Nationality Act, Allison Lee Hudson (also known as Kazuka Shima) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee.

SEC. 5. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Stavros Panagiotis Orfan, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Egnatis Orfan, citizens of the United States.

SEC. 6. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Maria Papaconstantinou, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Eugene A. Megas, citizens of the United States.

SEC. 7. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Carmen Alicna Campos, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Luis Vergara Campos, citizens of the United States.

SEC. 8. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Ivica Basic, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Peter Nogich, citizens of the United States.

SEC. 9. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Mariano Vittorio Simeone, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Floyd A. Simeone, citizens of the United States.

SEC. 10. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Jadwiga Franciszka Wybraniec, shall be held and considered to be the natural-born alien child of Mr. and Mrs. John Wybraniec, citizens of the United States.

SEC. 11. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Aristides Evangelou Katsikes, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Gust Katos.

SEC. 12. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Anna Wala, shall be held and considered to be the natural-born alien child of Mr. Stanley Wala, a citizen of the United States.

SEC. 13. The natural parents of the beneficiaries of this Act shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

With the following committee amendment:

On page 4, after line 3, insert new sections 13 through 35, to read as follows:

"SEC. 13. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Salvatore Savarese, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Michele Savarese, citizens of the United States.

"SEC. 14. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, Rachele Savarese shall be held and considered to be the natural-born alien minor child of Mr. and Mrs. Michele Savarese, citizens of the United States.

"SEC. 15. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Joanna T. Yphantis, shall be held and considered to be the natural-born alien child of Mr. and Mrs. James Isaac Yphantis, citizens of the United States.

"SEC. 16. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Mieko Nishikawa Yoshida, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Minoru Yoshida, citizens of the United States.

"SEC. 17. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Isabella Valentino, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Berardo Valentino, citizens of the United States.

"SEC. 18. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Eutychia Apostolopoulos, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Constantine Apostolopoulos, citizens of the United States.

"SEC. 19. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Dionisia Loumakis, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Nikolas Loumakis, citizens of the United States.

"SEC. 20. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Annunziata Monteroso Cutri, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Joseph Cutri, citizens of the United States.

"SEC. 21. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Georgitsa Damelos, shall be held and considered to be the natural-born alien child of Mr. George S. Damelos, a citizen of the United States.

"SEC. 22. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor children, Branko Namesnik and Katica Namesnik, shall be held and considered to be the natural-born alien children of Mr. and Mrs. Ivan H. Namesnik, citizens of the United States.

"SEC. 23. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Wanda Marianne Maliga, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Joseph Maliga, citizens of the United States.

"SEC. 24. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Stanislaw (Gonder) Wojciechowski, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Joseph Wojciechowski, citizens of the United States.

"SEC. 25. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Cesarea Lonigro, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Michele Lonigro, citizens of the United States.

"SEC. 26. For the purposes of the Immigration and Nationality Act, Anna Rosati shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon the payment of the required visa fee.

"SEC. 27. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Maria A. Margaritis, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Athanas Margaritis, citizens of the United States.

"SEC. 28. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor children, Ceferino N. Southerland and Miguel R. Southerland, shall be held and considered to be the natural-born alien children of Sergeant and Mrs. Andrew Southerland, citizens of the United States.

"SEC. 29. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Mara Zorich, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Luka Zorich, citizens of the United States.

"SEC. 30. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Antonietta Alfonsi, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Enrico Alfonsi, citizens of the United States.

"SEC. 31. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Carmina Paolina Sabatucci, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Nazareno Sabatucci, citizens of the United States.

"SEC. 32. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Maria Jozefa Koziol, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Karol Koziol, citizens of the United States.

"SEC. 33. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Leszek Sharetzsky, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Antonio Sharetzsky, citizens of the United States.

"SEC. 34. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Krystallia Sanderson (also known as Kristallia Mandaka), shall be held and considered to be the natural-born alien child of Mr. and Mrs. Angelo Sanderson, citizens of the United States.

"SEC. 35. For the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Joanin P. Demas, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Peter C. Demas, citizens of the United States."

On page 4, line 4, renumber section 13 to read "SEC. 36."

The committee amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. HEMPHILL. Mr. Speaker, I ask unanimous consent that further calling of the Private Calendar, with the exception of Calendar Nos. 456 and 480, be suspended.

Mr. WALTER. Mr. Speaker, reserving the right to object, Calendar No. 456, S. 1856, presents a unique situation. It is the case of a father and son who are refugees. The father has a visa and is and has been ready to be moved to live with a relative in the United States, but the son is overseas without a visa. All this bill does is to give the son an opportunity to be moved immediately by using a number at the head of the list instead of waiting for his turn to be reached. I trust the gentleman will permit this bill to go through.

Senator MORSE has talked to me several times about it. It is a very urgent situation.

Mr. HEMPHILL. Mr. Speaker, will the gentleman yield?

Mr. WALTER. I yield.

Mr. HEMPHILL. When I submitted the request I asked that Calendar Nos. 456 and 480 be omitted from the request for the specific purpose of accommodating the gentleman from Pennsylvania and the gentleman from Massachusetts. These two bills would be considered, under my request.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

FRANK PODANY

The Clerk called the bill (S. 1856) for the relief of Frank Podany.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Frank Podany shall be deemed to have been born in Czechoslovakia.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CORA V. MARCH

The Clerk called the bill (H.R. 11190) for the relief of Cora V. March.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Cora V. March, Washington, District of Columbia, the sum of $25,000 in reimbursement for expenditures of the said Cora V. March and her husband, the late General Peyton C. March, incurred by them over a period of many years in the performance of highly important services for the Government of the United States. The expenses reimbursed by this Act could not be paid under any other provision of law and were incurred by the late General Peyton C. March and Cora V. March while voluntarily rendering services at the request of the Secretary of War, for which they received no compensation: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, any contract to the contrary notwithstanding. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 11, after the words "United States." insert "These services were contributed by General March to the War Department and the Nation following his retirement in 1921 and included personal eyewitness investigations abroad with reports thereon to the Secretary of War for the official use of the U.S. Government with respect to such matters as the military, financial, and economic conditions in Europe, the deployment of U.S. troops, and foreign relations of the United States with our allies and former enemy countries.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. That concludes the call of the Private Calendar.

INDEPENDENT OFFICES APPROPRIATION BILL, 1961

Mr. THOMAS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11776) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1961, and for other purposes.

Pending that I ask unanimous consent that general debate be limited to 2 hours, to be equally divided and controlled by the gentleman from New York [Mr. OSTERTAG] and myself.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 45]

Adair	Fino	Morris, N. Mex.
Addonizio	Fisher	Moss
Albert	Flynn	Moulder
Alexander	Fountain	Mutter
Andersen, Minn.	Frazier	Nix
	Frelinghuysen	Norblad
Anderson, Mont.	Gallagher	Osmers
	Garmatz	Passman
Andrews	Gary	Perkins
Anfuso	Gavin	Philbin
Ashley	Gilbert	Poage
Ashmore	Glenn	Powell
Auchincloss	Grant	Prokop
Bailey	Gray	Quigley
Barden	Green, Oreg.	Rabaut
Barrett	Green, Pa.	Rains
Becker	Hagen	Reece, Tenn.
Blitch	Halpern	Rees, Kans.
Bolton	Hargis	Riley
Bonner	Harris	Roberts
Bray	Healey	Robison
Breeding	Henderson	Rodino
Brewster	Hess	Rogers, Mass.
Brock	Hoeven	Rogers, Tex.
Brooks, La.	Horan	Rooney
Buckley	Hull	Roosevelt
Burdick	Jackson	Rostenkowski
Burleson	Jennings	St. George
Cahill	Johnson, Md.	Santangelo
Canfield	Jones, Mo.	Scott
Carnahan	Keith	Sikes
Celler	Keogh	Sisk
Chelf	Kilburn	Slack
Chiperfield	King, Calif.	Springer
Collier	King, Utah	Staggers
Cook	Kitchin	Steed
Cooley	Kluczynski	Taylor
Curtis, Mass.	Lafore	Teague, Tex.
Curtis, Mo.	Latta	Teller
Daniels	Lesinski	Thompson, La.
Davis, Ga.	Libonati	Thompson, N.J.
Davis, Tenn.	Lindsay	Tuck
Devine	McGinley	Utt
Diggs	McGovern	Wallhauser
Dingell	McSween	Wampler
Dorn, N.Y.	Mack, Ill.	Whitener
Dorn, S.C.	Magnuson	Whitten
Dowdy	May	Widnall
Downing	Meader	Williams
Dulski	Merrow	Willis
Durham	Metcalf	Withrow
Edmondson	Mitchell	Wolf
Fallon	Montoya	Young
Farbstein	Moore	Younger
Fenton	Moorhead	Zelenko

The SPEAKER. On this rollcall 266 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CIVIL RIGHTS

Mr. BOLLING, from the Committee on Rules, reported the following privileged

resolution (H. Res. 503, Rept. No. 1524), which was referred to the House Calendar and ordered to be printed:

Resolved, That immediately upon the adoption of this resolution, the bill H.R. 8601, with the Senate amendments thereto, be, and the same hereby is, taken from the Speaker's table, to the end that the Senate amendments be, and the same are hereby agreed to.

INDEPENDENT OFFICES APPROPRIATION BILL, 1961

The SPEAKER. The question is on the motion offered by the gentleman from Texas [Mr. THOMAS].

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11776, with Mr. IKARD in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. THOMAS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the committee brings to you the independent offices appropriation bill for 1961, involving some $8¼ billion, and I use that as a round figure. There are covered in this bill some 19 agencies. Several of them have three or four or a half dozen parts. The committee, in my humble judgment, has worked out a good comprehensive report. We have reached agreement on practically every item in this bill, and I might say with all accuracy there are no serious disagreements on either side of the aisle, or on either side of the full committee, for that matter, on most of these items. I do not think there is too much in the bill that will give the House too much concern. In a bill of this magnitude, covering as many agencies as it does cover, of course, there is going to be some disagreement; and whether it is serious or not too serious is the question. Practically every agency covered came to the committee wanting an increase in number of personnel. As a matter of fact, I think they wanted an increase in the neighborhood of 7,900. We gave them a little bit more than half of the requests.

Overall, there are cuts throughout the bill amounting to about $270 million or $271 million. Of course, there are several agencies covered in this bill which are quite large. The biggest one is the Veterans' Administration, with total appropriations somewhat in excess of $5 billion, amounting to 60 percent or 65 percent of the total appropriation. The items for the Veterans' Administration are made up largely of compensation and pension items, and, of course, there are the usual items covering hospitalization, research, and so forth.

Mr. Chairman, I would like to call to the attention of the membership a little item, but an item that could grow, and an item with which I believe you ought to be conversant. In years gone by we have carried a general limitation in this bill with respect to the allowance for newspapers and periodicals. In the absense of a special or specific limitation in the bill itself for each of the agencies, the limitation for this purpose was $50. We looked into the situation, and, lo and behold, we found that the item had grown like Topsy. We found that the words "newspapers and periodicals" did not mean exactly that, and it meant something else. Finally, the matter was submitted to the Comptroller General. The Comptroller General said, "The language means just exactly what it says"—and the sequel of it means that you have been spending beyond your limitation.

Mr. Chairman, I have a list here which I will include in my remarks in the RECORD:

Amounts requested in 1961 by agencies in the bill for newspapers and periodicals

Agency	1961 newspaper and periodical limitation requested	1961 total estimated expenditures (including scientific, technical, trade, or traffic periodicals)
Office of Civil and Defense Mobilization	$8,500	$17,700
Civil Aeronautics Board	1,000	9,000
Civil Service Commission	500	3,500
Federal Aviation Agency	5,000	21,500
Federal Communications Commission	275	6,800
Federal Power Commission	500	2,500
Federal Trade Commission	1,000	3,500
General Accounting Office	500	7,400
General Services Administration:		
Federal Supply Service	300	2,100
Expenses, supply distribution	250	4,500
Transportation and Public Utilities Service	100	4,500
Office of Administrator	250	280
Administrative operations fund	600	16,000
Housing and Home Finance Agency:		
Office of the Administrator	3,000	6,000
Federal Housing Administration	1,000	7,700
Public Housing Administration		3,900
Federal National Mortgage Association		1,000
Interstate Commerce Commission	600	10,850
National Aeronautics and Space Administration: Research and development	1,000	258,000
National Science Foundation	500	4,000
Securities and Exchange Commission	1,500	30,500
Selective Service System	250	650
Veterans' Administration:		
General operating expenses	3,500	18,500
Medical administration and miscellaneous operating expenses	2,700	15,000

For example, one agency on this list is the Federal Trade Commission. In this current fiscal year, this agency had a limitation in the bill for newspapers and periodicals of $700. We found out they spent $3,200 and they were charging the difference between the $700 limitation in the bill and the $3,200 actually spent, to the purchase of technical magazines and trade journals and that such magazines and journals were not counted as newspapers or periodicals. The word "periodicals," as the committee intended it to mean, and the Comptroller General ruled, covers everything. We do not have any bone to pick with the Federal Trade Commission. The limitation for the CAB is $1,000. In truth they have spent $9,000. OCDM has a limitation of $8,500. They were spending $19,200. The Civil Service Commission has $250, and they were spending $3,250, and so on. I will put this in the RECORD. This ought to be corrected.

We took the limitations off and advised them to take the matter up again next year, when we will want full information on this type of expenditure.

There is an item here for the Public Buildings Service in the General Services Administration. That agency supervises many, many different things. It is a difficult job, and I speak the sentiments of the entire committee when I say there is perhaps no finer man or no more able Administrator in any Government service than Mr. Floete. He has a good staff, and the staff deserves a lot of credit.

The Public Buildings Service deals with public buildings and the operation of them. I want to read some of these figures about what they do. Of course they have no jurisdiction over military buildings or purely postal buildings, but they have enough jurisdiction without that.

Government-owned space this year is 81 million square feet. Leased space is 38,500,000 feet. That is a lot of space that they have to maintain.

But the point I am trying to make, and what I want to show to you, is that we are building some public buildings and we have for the last 2 or 3 years, and in spite of those public buildings, your rent bill inside the District of Columbia itself goes up every year. Yet the Civil Service Commission tells us that after all we have only 2,300,000 people in Government service.

Another group says that perhaps there would be a budget request for 31,000 more employees this year. But they were careful to point out that it was a budget estimate and they had not gotten the money.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield.

Mr. GROSS. This bill is $1,108 million above the amount spent for the same agencies and departments last year. Will the gentleman tell the House where the bulk of this increase or at least some of the increase comes from?

Mr. THOMAS. Well, the big increase goes to the Veterans' Administration by virtue of a law which Congress passed late last session, increasing pensions and benefits. That is the biggest part of it.

Mr. GROSS. That is $500 million, as I understand it.

Mr. THOMAS. That is right.

Mr. GROSS. There is still $600 million more.

Mr. THOMAS. The next increase is for the Space Agency. They have budget estimates for $915 million. This is an increase of 375 or 400 million dollars over last year.

There was another substantial increase in the Federal Aviation Agency.

That is the lion's share; it is 98 percent of the increase.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. THOMAS. I shall be delighted to.

Mr. GROSS. Are there any supergrades in this bill?

Mr. THOMAS. There is money in here for them, not any new authorization.

Mr. GROSS. That is what I mean, authorization.

Mr. THOMAS. The answer to that is No.

Mr. GROSS. Then you did not give the Federal Power Commission the supergrades they asked for?

Mr. THOMAS. That is correct.

Mr. GROSS. On page 9 of the bill I notice $5,000 for entertainment to the Federal Aviation Agency.

Mr. THOMAS. That is correct.

Mr. GROSS. Does not the gentleman think this business of the agencies coming in and getting money for entertainment funds has been overdone to some extent?

Mr. THOMAS. Yes, I do, and I am glad the gentleman asked that question. We had submitted to us requests by several agencies for an allowance for this type of expenditure. Some we questioned, some we did not; some we cut, some we allowed. But here is the way these agencies put it up to us: Some of them are doing business with folks abroad or folks from abroad coming here, and there naturally has to be some entertainment. We gave it consideration.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. THOMAS. Yes.

Mr. GROSS. Let me point out to the gentleman that it does not say anything about overseas operations and this $5,000 for entertainment could be spent in the United States of America if they wanted to.

Mr. THOMAS. I direct the gentleman's attention to the original authorization.

Mr. GROSS. Let me ask the gentleman this question: This $10,000 on page 27 of the bill in connection with the Space Agency; is that for entertainment too?

Mr. THOMAS. Yes; that is for entertainment. They wanted $20,000 but we cut it in half.

Mr. GROSS. That is by reason of the fact that it has been fashionable to entertain overseas; is that right?

Mr. THOMAS. That was my impression but I will say to my colleague, they have 25 or 30 tracking stations in many countries. I expect they are in 40 or 50 overseas countries doing business. We decided we had better let them have a little expense money.

Mr. OSTERTAG. Mr. Chairman, I yield myself 15 minutes.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. OSTERTAG. Mr. Chairman, as our distinguished chairman of the subcommittee has pointed out, the Subcommittee on Independent Offices Appropriations has had an arduous task in dealing with some $8,413,000,000 requested by some 18 agencies of our Federal Government.

I should like to take this opportunity, first of all, to pay tribute to our distinguished chairman who has done such an outstanding job in guiding the work of this committee and his great fund of knowledge with regard to the operations and functions of all of these independent agencies of our National Government.

It has been a pleasure to work alongside of the distinguished gentleman from Illinois [Mr. YATES], the gentleman from Tennessee [Mr. EVINS], and the gentleman from Massachusetts [Mr. BOLAND].

And then on our minority side, we have had the gentleman from Arizona [Mr. RHODES] and the gentleman from North Carolina [Mr. JONAS]. It has been rather harmonious, and while the chairman has pointed out that there is no real serious disagreement among the members of the committee as to dollars and programs, there are some differences, of course, in a program so expansive and covering such a wide area of operation.

As our chairman has pointed out, these 18 independent agencies have requested an appropriation of $8,413,000,000 for the fiscal year 1961.

This bill in and of itself provides for $8.145 billion, or a reduction made by the committee of approximately $270 million.

It might interest you to know that of the 18 agencies and of the $8¼ billion, there are four agencies within this appropriation bill that absorb seven-eighths of the total appropriation. They are the Veterans' Administration, the Federal Aviation Agency, the National Aeronautics and Space Agency, and the General Services Administration.

I might point out in connection with the Veterans' Administration and our veterans program that this area constitutes five-eighths of this total appropriation bill.

With regard to the Veterans' Administration, I want to point with pride and pay tribute to the outstanding job that the Veterans' Administration is doing in the interest of our veterans and good government. The VA has operated efficiently and it has operated well. The point remains, however, that we must provide the compensation and pensions necessary for the veterans of America. You might be interested to know there are now 3,235,000 veterans receiving compensation and pensions. The bill under the appropriation for the Veterans' Administration calls for a total sum of $5.397 billion, but the amount recommended by the committee is a reduction of $74 million. This was not in the area of veterans' benefits or veterans' services, but primarily in relation to building construction. The area of compensation and pensions for our veterans calls for a sum of $3.8 billion for next year. Readjustment benefits amount to $344 million. I might call your attention to the fact that in connection with the veterans' program the committee increased the amount over the budget request by $1.6 million, which was applied to the medical research program, granting a total appropriation of $17 million for that purpose.

I shall not go into any further detail as to the veterans' program or of any of the other agencies, for that matter, because time will not permit. Suffice it to say that the big areas of appropriations and the big areas requiring the most serious consideration apply to the four agencies I have previously mentioned.

The Federal Aviation Agency has come in for considerable attention and concern. I am confident everyone is aware of the fact that the Federal Aviation Agency is in some respects a new agency of Government and doing a tremendous job. I might point out to you that the Federal Aviation Agency and the Space Agency are comparatively new agencies as far as this committee is concerned. They account for a large part of the increases over previous appropriation bills for the independent agencies.

The budget estimate for the Federal Aviation Agency was $713 million. The committee has approved $671 million or a reduction of $41 million. When we pause to take into account the terrific expansion of this Agency and the responsibility for the traffic controls, for that regulation, and for the use and control of our airways throughout this country, you can well imagine the terrific expansion and the added responsibility that is going to be ours through the means of this Agency.

I might point out, too, that within the Federal Aviation Agency appropriation $80 million is included for grants to localities for airports. This is in line with the budget request.

Then, in connection with the Space Agency, the budget request totaled $915 million. The committee approved the total sum of $876 million, which amounts to a reduction of approximately $39 million. The Space Agency, as you well know, is comparatively new, and while this is a substantial increase over the budget request and the appropriation of last year, I am sure that we are all agreed that the Space Agency has made terrific strides in this past year. Most of these funds are for important projects involving research, the Mercury project, the Delta vehicle, the Saturn program, all of them having to do with the exploration of outer space. The Mercury program begins man's travel in space, and the committee has approved the sum of $105 million for this purpose. It might be well to take into consideration in our thinking about the Space Agency in that we have recently transferred, by authority of the Congress, the Saturn project from the jurisdiction of the Army ballistic missile center to the new Space Agency. The recent successes that have been realized by virtue of the space program, the Tiros, Pioneer V, and Explorer VII, are good examples. And, I might say, that in the testimony before our committee Dr. Glennan and others of authority assure us that there is no country in the world, including Russia, that has realized the same progress and our success in the exploration of outer space. We are definitely out in front and I feel that we can be well satisfied with our record to date.

Now, there are probably a number of items that will come before the committee for consideration during the debate and the discussion of this bill relating to the General Services Administration and Public Buildings. The Federal Supply Service is an important part of the GSA. Utilization transfers to civilian agencies was $141 million last year and expected to reach $215 million

this year. I assume that further discussion will take place in connection with the cut that was made by the committee dealing with two specific hospitals in the veterans' program. However, the point remains that these items can and will be discussed on their own merits, and I shall not take the time of the committee to discuss these items at this time. Practically all of the agencies have received their normal amount of funds. All of these agencies have not been adjusted upward or downward to any measurable degree, and while the committee has done a job in trying to retrench and reduce Government spending, I am sure that we do not look on $270 million, which the committee took out of this appropriation bill, as being a small amount. I think when we reduce this bill by some $270 million and make it stick, that that is a substantial amount in retrenchment, and I hope, generally speaking, that the main provisions of this bill and the items in it will prevail.

Mr. McINTIRE. Mr. Chairman, will the gentleman yield?

Mr. OSTERTAG. I yield to the gentleman from Maine.

Mr. McINTIRE. Mr. Chairman, I notice in the report and in the bill that consideration has been given by the committee to the request of the General Services Administration in regard to customhouses along the Maine border. This is a program that we have been interested in over a number of years. One new customhouse is under construction and is to be completed at Madawaska, and the bill carries a provision for a customhouse at Jackman, Maine, in the Second Congressional District, and in Vanceboro and Van Buren, in the Third Congressional District. I certainly wish to express to the chairman of the subcommittee and the ranking minority member and other members of the committee our appreciation for their consideration of these items in this bill.

Mr. OSTERTAG. I thank the gentleman.

Mr. THOMAS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. HOLIFIELD].

Mr. HOLIFIELD. Mr. Chairman, 2½ years ago Congress enacted Public Law 85–606 which represented an increased Federal commitment to the support of civil defense in this country. That law described civil defense as the joint responsibility of the Federal, State, and local governments and authorized the expenditure of $25 million of Federal funds annually for matching, on a 50–50 basis, State and local civil defense personnel and administrative costs.

Prior to the enactment of Public Law 85–606, Federal contributions in support of State and local personnel and administrative costs were specifically prohibited by the Federal Civil Defense Act of 1950. The removal of that prohibition and the authorization of $25 million annually for this purpose has been hailed in some quarters as the only positive civil defense step taken by the Federal Government in the past 10 years. To date, however, even that step has turned out to be an empty gesture.

On three separate occasions the House has refused to appropriate funds in support of personnel and administrative costs. In each instance that provision of the appropriation bill has been eliminated by the Independent Offices Subcommittee of the Appropriations Committee. It is my understanding that this year the subcommittee included funds for this purpose, only to have the provision eliminated by the full Committee on Appropriations before the bill was reported to the House. The funds in question amount to $12 million.

I am generally familiar with the arguments usually advanced by opponents of this type of assistance to the States. In the past, it has been said that this money would be used to hire political workers at various city halls throughout the country, and that the Federal Government would have no way of monitoring the use of these funds to see that qualified workers are appointed to carry out essential civil defense functions. Such charges are unfounded. Public Law 85–606 specifically requires a merit system for all civil defense employees at the State and local levels in order to establish eligibility for these funds. The act requires the States to submit detailed administrative plans for approval by the Office of Civil and Defense Mobilization, and it is my understanding that all 50 States have submitted such plans and that such plans have been approved.

On numerous occasions in the past I have expressed to the House my personal belief that the civil defense tasks in this country can be carried out only through vastly increased Federal programs. My belief has not changed in this respect, but in the absence of such Federal action, financial assistance in support of State and local programs represents a step in the right direction.

During the past year it has been my privilege to work with the Governors' Conference Special Committee on Civil Defense, chaired by Gov. Nelson Rockefeller, of New York. Gov. Pat Brown, of California, also serves on this committee, as do Governor William, of Michigan, Governor Clyde, of Utah, and Governor Hollings, of South Carolina. At the request of Governor Brown, I met with the committee to help plan the agenda for the White House Conference on Fallout Protection which took place last January.

At the conclusion of that conference, the committee issued a unanimous statement calling for increased Federal assistance for civil defense in this country.

I may note also that a year ago, in the absence of Federal action, Governor Rockefeller made a bold attempt to cope with some of the pressing civil defense problems at the State level through enactment of far-reaching State legislation. The New York State legislature, however, refused to accept the full responsibility and the Governor was forced to withdraw his proposed legislation and turn to the Federal Government with a renewed plea for increased financial assistance.

I am not submitting an amendment at this time to restore the $12 million item to the Appropriation bill, but I hope the Senate will see the folly of this type of penny-pinching and make full restoration before the bill reaches the conference stage. If the Members will take the necessary time to examine the fundamental issues involved, I believe the House will be willing to accept a conference report providing for such a restoration.

During the past 5 years the House Military Operations Subcommittee, of which I am chairman, has conducted numerous studies and investigations of civil defense requirements in this country. In our reports we have endeavored to point up the need for civil defense activity at every level of Government, with special emphasis on the urgency of immediate Federal action.

In the beginning our subcommittee was almost alone in recognizing the growing importance of civil defense, but in recent years there has been a noticeable increase in public awareness of our civil defense needs. I hope the Congress will take this opportunity to stimulate and help this effort to achieve the proper recognition instead of rebuffing the State and localities at this critical moment in our history.

Mr. OSTERTAG. Mr. Chairman, I yield 10 minutes to the gentleman from Arizona [Mr. RHODES].

Mr. RHODES of Arizona. Mr. Chairman, this is a bill of rather considerable magnitude which has been reported by a subcommittee which has worked long and hard under the very able chairmanship of the always genial gentleman from Texas [Mr. THOMAS].

This subcommittee has a jurisdiction which is certainly broad to say the least. It is a jurisdiction which, as a relatively new member of the committee, I have found very difficult to master. However, I feel that the fact that this subcommittee has worked in this area has caused the agencies which are embraced within that jurisdiction to do a better job than otherwise they might have done. I think we have been fair in almost all instances with these agencies and where we have cut too deeply one year we have done our best to rectify such action in future years. I do not intend to claim for this subcommittee any degree of omnipotence or omniscience or any other virtues which do not apply to the average, ordinary individual. We are doing our work as best we can and trying as best we can to do right by the agencies which we have the honor to represent in the appropriations field, and also, to be fair to, and mindful of the burdens borne by that modern day Atlas, the American taxpayer.

I may say, Mr. Chairman, that one of the glamour boys of the area which we represent is the National Aeronautics and Space Administration. I say that in no derogatory sense because certainly it is not only a glamorous agency but one that is entrusted with a mission which in my opinion is as important as any mission any department in the Government now possesses.

I feel a sense of urgency as far as outer space is concerned. I know there are those who feel it might be a nice luxury to be able to master the use of space travel, to go to the near planets, and sometime, perhaps, in the distant future another generation of Americans may go to the far planets or far beyond. But to me there is an ordinary, everyday, 1960-type emergency too. Up there in space we have an unoccupied area which might be put to military use if an enemy were able to use it. If an enemy of this country desired to occupy that space and we were unable to do so, then possibly some use might be made arising from that very fact of occupancy which would be inimical to the best interests of the United States of America. In other words, if I had to tell the House right now what use could be made of outer space militarily, I would probably have to pass, because I could not possibly predict this. However, you do not have to be much of a military genius to know that the mere nonexistence of a certain art in the state of war at this time does not preclude the existence of that art sometime in the future. You do not have to be very smart to know that if there is an area which an enemy can occupy and you cannot occupy, that enemy will be bending every effort to make use of the area and to do so at your expense. So to me this is a very important agency and one which I feel we have provided well for and should continue to provide well for as time goes on.

Another agency toward which I have a great feeling of urgency is the Federal Aviation Agency. I do not think it is necessary to go into this too deeply because everybody knows that this is the Agency which promulgates the rules and regulations for the operation of aircraft, for the certification of aircraft and personnel, for standards of maintenance, and for almost everything which goes into the safety of citizens who travel by air, whether those citizens travel by commercial carrier or by private aircraft.

I feel also that we did a good job of providing for the needs of this Agency. However, as airplanes come into being and into operation which are faster and faster, there will be increasing need for research, development, and new equipment to provide the necessities of air safety for the people of this country.

In the Federal Trade Commission section of this bill the committee has provided some 75 new positions. In the report we state that we feel a great sense of urgency toward the antimonopoly and antimerger work of the Federal Trade Commission. We state that 73 new positions were created for this particular facility, and 2 additional hearing examiners. The fact that the increases for the Federal Trade Commission appear to be fairly well earmarked for the items which I have mentioned, does not, I am sure, constitute a directive to the Federal Trade Commission not to operate in other areas such as that encompassed by the Textile Labeling Act, for example. In other words, the money is there, and full authority exists to operate in this area, and the mere failure to mention certain activities in the report is not in any sense to be interpreted as a directive not to operate such activities.

Mr. THOMAS. I think the gentleman speaks the sentiments of the committee 100 percent.

Mr. RHODES of Arizona. I thank the gentleman from Texas.

Mr. Chairman, I have not had any individual or group of individuals indicate any amount of dissatisfaction with this bill except for the appropriation for the Veterans' Administration, insofar as hospitals are concerned. If I disagree with the subcommittee or the majority of the subcommittee on any one item, it will be in this particular area. But, I want to say again, Mr. Chairman, I do not know of any group of Members of Congress who have worked harder or longer and gotten along better, and who have at times disagreed, but never in a disagreeable manner, as have the members of the Subcommittee on Independent Offices, on both sides of the aisle.

Mr. MATTHEWS. Mr. Chairman, will the gentleman yield?

Mr. RHODES of Arizona. I yield.

Mr. MATTHEWS. If I may, I would like to ask the distinguished chairman of the committee, the gentleman from Texas [Mr. THOMAS] to answer one brief question. I notice there is an item of $25 million that has been made available for the acquisition of sites and for the planning of new Federal buildings. Could the gentleman tell me if included in that amount there is an item of $350,000 for a Federal building at Gainesville, Fla.?

Mr. THOMAS. The gentleman from Florida is 100 percent correct.

Mr. MATTHEWS. Mr. Chairman, I thank my colleague very much, and I also want to thank the gentleman from Arizona for yielding at this time.

Mr. RHODES of Arizona. I congratulate the gentleman from Florida for clearing up this matter. The gentleman has served his people well today, as he does every day.

Mr. MATTHEWS. I thank my colleague.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. THOMAS. Mr. Chairman, I yield to the distinguished gentleman from Illinois [Mr. YATES], a member of the committee, 10 minutes.

Mr. YATES. Mr. Chairman, this is a good bill. This bill bears the stamp of our very dynamic and able chairman, Mr. THOMAS, the gentleman from Texas, with whom I have served for 12 years as a member of this subcommittee. Each year my respect and admiration for the gentleman's abilities continue to grow. Service on his subcommittee each year has been a distinct pleasure and privilege to learn with him more of the operations of the Government agencies. He is without a peer as a chairman and as a Member of the House.

This bill, Mr. Chairman, brings to the House recommendations for appropriations of $8,146 million plus. It covers appropriations for 19 different agencies of government, including the regulatory agencies, and it is about one of these that I want to address myself now. Having worked as a member of the staff of a regulatory agency myself, I appreciate the very detailed and complicated nature of the functions they perform. The work seems endless, particularly when facts and estimates are under contest and subjected to close scrutiny by contesting parties. Even if the Commissioners and their staff are imbued with an overwhelming desire to perform their duties conscientiously and expeditiously, they encounter great difficulties in carrying out its purposes, but in spite of these they can perform their tasks. If, however, there is little intent or zeal on the part of the Commissioners to promote the public good and to exercise their legislative responsibilities, the agency is doomed. It must inevitably deteriorate and fail. The damage done to the public, which expects the protection intended by the legislation creating the agency, is irreparable.

The Federal Power Commission is one of the most important agencies of our Government. It was established originally to protect the public in a number of fields. The wholesale sale of electric power is one of its functions. Another responsibility given to it in 1938 was to protect the public from gouging by excessive rates filed by gas companies engaged in selling gas in interstate commerce.

Commission members during the 1930's and 1940's did a fine job in the public interest. But with the 1950's began a disintegration of its operations, until today it is not carrying on the purposes given to it by the Congress. Its morale has been shattered. Since 1953 particularly its able and conscientious staff members have either been replaced or departed voluntarily. The Commission, which was directed by the Congress to protect the public from unfair and exorbitant rates, is not interested in protecting the public as it should be. Actually the Commission is on a sitdown strike against the congressional mandate to regulate the natural gas industry.

Up to the late 1940's when the question was raised as to whether natural gas producers should be subject to regulation by the Federal Power Commission, there was some conflict of opinion. It was to settle any doubts that the bill to exempt the producers of natural gas from regulation was filed in the Congress in 1949, but it was never enacted into law. Then, in 1954, in the famous Phillips case, the Supreme Court ruled that producers of natural gas were subject to regulation by the Federal Power Commission. In an effort to overrule that decision, the gentleman from Arkansas [Mr. HARRIS], filed a bill in 1955 the effect of which was to exempt producers from effective regulation, but again that bill did not become law. Since that time the bill has not again been filed, and for a very good reason—there has been no need for the bill. Natural gas producers are not being regulated effectively now. There is no effective rate regulation. The Federal Power Commission has refused to take the steps necessary to bring natural gas producers within the regulatory processes. Having testified on several occasions in favor of the legislation exempting producers of natural gas, the Commissioners apparently take the position that this relieves them of the responsibility of enforcing the law.

Thus, in the 6 years since 1954 when the Phillips decision was rendered by the

Supreme Court—6 years mind you—the reluctant Federal Power Commission has not moved to carry out the law.

Last year in an extension of the Phillips case, one of the Federal Power Commission's most able and experienced examiners completed months of testimony by writing a decision which promulgated a set of rules for the regulation of rates for the natural gas industry. It could have been done years ago had the Federal Power Commission wanted to do so. It should have been done years ago, but regardless of this point, the fact remains that it was done last year. For one whole year the Commission has been deliberating over that decision and has not yet acted. Recently it has been disclosed that the Phillips Co. has made an offer of settlement under which it would not appeal the examiner's decision if certain findings were made. It was an offer which in effect would negate the entire purpose of the proceedings and the examiner's decision. If accepted, its effect will be to set back the cause of good regulation for years. The rate of increase of gas rates over the years has been shocking. The prices of gas produced by independent producers at the wellhead have doubled or trebled within the last decade because of lack of thorough consideration by the Power Commission. Even increases in rates of pipeline companies, which admittedly are subject to regulation by the Commission, have not received the complete and painstaking examination necessary in the public interest.

Mr. Chairman, I read from GD Information Service of April 15, 1950, page 5:

This report indicates a steady and rapid increase in price at each of the three levels in the gas industry. This is not to say, of course, that all of the increase in pipeline rates is attributable solely to increases in purchased gas costs; claimed increases in rate of return and increases due to expensive expansion have also had their impact. Yet, an analysis of pipeline rate filings does support the claim that most of such filings were precipitated by an increased cost in purchased gas, and that of all pipeline rate increases made in the past 5 years, at least 50 percent of the total dollars is attributable to the increased wellhead price (even after eliminating the effect of duplicative filings).

The Commission attempts to show its activities on behalf of the public in rate matters in its discussion on page 206 and the following pages of the hearings, but the information is obviously incomplete. The information furnished is only a small fraction of the total rate picture.

Mr. Chairman, I quote again from GD Information Service as follows:

THE INCREASE IN PIPELINE RATES

Although pipeline rates have increased steadily during almost all of the 1950's, the increases have been particularly sharp since mid-1957. It is difficult, of course, to make a wholly accurate estimate of the magnitude of this rise, yet it seems clear that it would be on the order of 30–35 percent. Since mid-1957, each of the three largest pipelines—United Gas Pipe Line, El Paso Natural Gas, and Tennessee Gas Transmission—have made effective, or have proposed to make effective, rate increases ranging from 34–40 percent. Again, it should be noted that although there has been a steady pattern of filings during the past 3 years, the situation seems, if anything, to be getting worse. Within the past 6 months all but two of the major pipelines have either made rate increases effective or have filed for increases.

A comparison of the change in rates during the past 3 years for several major pipelines is shown below. In each case the rate shown is the rate at 100 percent load factor; this was done to facilitate comparison between rates. The inclusion of Tennessee, El Paso, and United seems obvious; these are the three largest companies, and serve the Northeast, the South, and the west coast, respectively. Panhandle and Northern were included as relatively old-line companies serving different areas of the Midwest.

Table IV

Pipeline	Area	Rate at 100 percent L.F.		Increase	
		Mid-1957	Mid-1960	Cents per M cubic feet	Percent
		Cents	*Cents*		
United Gas Pipe Line	Mississippi	18.8	27.2	8.4	51.1
El Paso Natural Gas	California	23.8	33.4	9.6	40.3
Panhandle Eastern	Michigan	26.3	33.9	7.6	28.9
Northern Natural	Minnesota	30.7	36.6	5.9	9.2
Tennessee Gas	New York	38.0	49.7	11.7	30.8

Depiction of the increase in rates of existing pipelines does not fully portray the rise in the cost of purchased gas to distributors and consumers. In recent years, a number of new, high-priced pipelines, or high-priced projects, have been certificated. Thus, for example, authorization of the Transwestern line, which would bring 45-cent gas into California, does not show up as an increase in pipeline rates, but the impact on the distributing companies is similar. So, too, with the Trunkline project to serve Consumers Power. Changes in the source of gas supply can have a like effect—Panhandle's abandonment of its sale to Michigan Consolidated was estimated to increase that company's gas costs by $5 million annually.

THE PRICE OF GAS AT THE RETAIL LEVEL

When it filed its amicus brief in the CATCO case a year ago, the FPC sought to argue that, whatever its past dereliction in the area of producer regulation, there had been no adverse effect on the consumer. To demonstrate this, the FPC brief cited various figures published by the Bureau of Mines and Bureau of Labor Statistics. Subsequently, by letter to the court, the FPC conceded that it had used some of these figures erroneously.

The question of impact on the consumer is an important one, and bears careful study. Utilizing the figures compiled monthly by the Bureau of Labor Statistics, it becomes apparent that there has been a marked change in the retail price of natural gas in the past few years; again the key date appears to be mid-1957.

Table V shows the changes in the retail price index for natural gas; for purposes of comparison the overall Consumer Price Index (CPI) is also shown. This chart indicates that following the Korean war the Consumer Price Index went up drastically, reaching 113.5 in 1952. It then tended to level off during the next 3 years before beginning a second but more gradual rise, which is apparently still continuing. The index for natural gas, on the other hand, did not jump with the Korean war, but, in 1951, after 3 years of relative stability, began a steady 6-year upward ascent of approximately three points per year. As a result, the natural gas index caught up with the CPI in 1955 and continued roughly level with it until 1957. Since 1957, however, the natural gas index climbed at a much sharper rate than the Consumer Price Index: In 1957 both indexes were 120.2—in other words, they had climbed to precisely the same degree since the 1947–49 base period; the latest figures (February 1960) indicate that although the CPI is 125.6 (an increase of only 5.4 points since 1957) the natural gas index is 140.3 (an increase of 20.1 points).

TABLE V.—*Bureau of Labor Statistics indexes for natural gas and Consumer Price Index, 1950–59*

[1947–49=100]

	1950	1951	1952	1953	1954	1955
Gas	100.8	100.5	108.7	108.2	110.6	115.7
CPI	102.8	111.0	113.5	114.4	114.8	114.5

	1956	1957	1958	1959	1960[1]
Gas	117.8	120.2	127.9	132.6	140.3
CPI	116.2	120.2	123.5	124.6	125.6

[1] February 1960.

A comparison by months (table VI) shows an even darker picture, and pegs the date of the present rise at July 1957.

TABLE VI.—*BLS indexes for natural gas and Consumer Price Index, 1957–60 (by months)*

	1957		1958		1959		1960	
	Gas	Consumer Price Index	Gas	Consumer Price Index	Gas	Consumer Price Index	Gas	Consumer Price Index
January	119.0	118.2	125.6	122.3	130.1	123.8	138.7	125.4
February	118.9	118.7	126.2	122.5	130.7	123.7	140.3	125.6
March	118.9	118.9	126.3	123.3	130.6	123.7		
April	118.8	119.3	126.3	123.5	130.0	123.9		
May	118.8	119.6	126.9	123.6	130.3	124.0		
June	118.6	120.2	127.7	123.7	130.9	124.5		
July	118.7	120.8	127.9	123.9	131.4	124.9		
August	120.9	121.0	128.5	123.7	132.4	124.8		
September	121.8	121.1	129.5	123.7	134.5	125.2		
October	122.0	121.1	129.8	123.7	135.6	125.5		
November	122.8	121.6	129.8	123.9	135.8	125.6		
December	122.8	121.6	130.1	123.7	137.5	125.5		
Annual average	120.2	120.2	127.9	123.5	132.6	124.6		

SOME TENTATIVE CONCLUSIONS

Most of the figures used in this report are averages, and, by definition, averages may and usually do include a wide range of individual prices. Unquestionably there are some areas of the country in which the retail price of gas has remained stable or has declined since mid-1957; by the same token, there will be areas in which the increase in price is much sharper than the average. The same, of course, holds true with respect to the wellhead prices shown in tables I and II, and with respect to the pipeline prices shown in table IV. Yet, the use of average prices does have validity, for it shows, as individual prices do not, the overall impact on the Nation.

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So far as the increase in producer prices is concerned, most of the increase is directly attributable to higher prices in new contracts (i.e., attributable to the FPC's initial price policy) rather than to producer rate increase filings under section 4. The most remarkable aspect about the rapid rise in producer prices during the 1950's, and particularly since 1954, is that it has been accomplished in the absence of any real showing that a higher price was needed either to keep the gas producers financially healthy or to encourage exploration. Instead the rise has resulted from the producers' ability to demand, almost entirely on the basis of what the market would bear, an ever higher price for gas reserves.

Nor is it a question of inadequate appropriations, Mr. Chairman. If the Commission had given any indication—I repeat, any indication—of a dedication to public interest, there would have been a determined fight by those of us who favor the purposes of the Federal Power Commission Act to provide its total appropriation. But certainly, insofar as the Natural Gas Act is concerned, the Commission is not a regulatory agency. It is essentially a repository for the papers filed by those subject to its regulation.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield.

Mr. VANIK. I want to concur in the remarks of the gentleman. I agree with him thoroughly. I think the Federal Commission has permitted the gas rate increase that has been applied for.

Mr. YATES. In effect, there is no need any longer for the Harris bill or the Kerr bill, because of the administrative inactivity; yes the calculated overlooking of the requirements of the law by the present Federal Power Commission. I agree with the gentleman.

Mr. Chairman, I want to leave the regulatory agencies now and note several good things that are contained in the bill which have not yet been mentioned. One is the provision of $5 million to initiate a pilot program in an area of critical need, housing for the elderly in this country. The Housing Act of 1959 contained an authorization of $50 million for the construction by nonprofit organizations of housing for our aged citizens, yet, the Bureau of the Budget refused to approve an appropriation for this item. Not one penny. The committee overruled the administration. Recognizing the desperate plight of so many of our senior citizens, the committee began a program which it hopes will take hold and grow. There are 14 or 15 million Americans over 65 years of age. Their needs require the attention of Congress not only in the field of housing but also in the field of medical care, employment, recreation and others. In the field of employment they are being discriminated against terribly and we must take steps to break down this discrimination. An authoritative study was made by the 20th Century Fund a few years ago. It estimated that 60 percent of the people in the country aged 65 and over had incomes of less than $1,000 a year; only 20 percent had incomes of over $2,000 a year. Obviously, they need help, and I am proud and delighted with our committee for establishing this pilot program for housing for the elderly. We hope it will serve as the basis, as the framework, for an expanded program in the future.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield.

Mr. FASCELL. I want to compliment the gentleman for his interest over a long period of time in this particular field. It is one of the major social problems confronting the people of this country. I would like to concur in his remarks on the need for this program of housing for the elderly and also to compliment the committee for putting this pilot program in the bill.

I rise in strong support of the committee's recommendation that the House appropriate $5 million to initiate a pilot program for the construction of housing for the elderly.

After considerable study, discussion, and deliberation last year, Congress enacted into law a program calling for establishment of a revolving fund of $50 million by which long-term, favorable interest loans could be made to private nonprofit corporations interested in developing housing specifically designed to accommodate our elderly population. I was an enthusiastic cosponsor of this legislation which I felt provided a practical and sound answer to one of the most pressing needs of the elderly—housing specially designed to suit their physical needs and tailored to their financial limitations.

The administration declined to exercise the authority granted in the Housing Act of last year, and submitted no budget request for the program for the coming fiscal year. I heartily commend Chairman THOMAS and his committee members for the decisive, affirmative action they took in recommending an appropriation to get this program under way, with instructions that the administration report back next year on the results of the test program which the committee directed be initiated in widely separated parts of the United States.

As the Representative of the Fourth District of Florida which includes Miami, Miami Beach, and Key West—an area blessed with a mild, temperate climate so attractive to those of advanced years—I have had a continuing interest in the affairs and the problems and the needs of the large number of elderly we are fortunate in counting among our population in south Florida.

This interest and concern is shared by an alert and enlightened citizenry in the Greater Miami area. This community has undertaken a tremendous program of practical, responsive assistance to its elderly residents.

We have, as a community, long understood that piecemeal efforts are inadequate. The concept of a total approach through basic research and welfare services, and a coordination of the two, has been in all of our minds for many years.

One basis for that opinion is the fact that University of Miami faculty members, with administration encouragement, have consistently been officers and committee members of the welfare planning council. Three university members are on its current executive board. Two of the three chairmen of the senior citizens division have been university people. Further, in the field of the aging, the university and the council are linked in a joint committee. In the 2 years of this joint association the difficulties of combining research and services have been aired in extensive and often heated debate. Friendships between town and gown have emerged unblemished; much knowledge of the extent and difficulty of the joint association has been had, and the groundwork for mutual efforts have been laid.

Perhaps a chronological listing of events may best present the facts:

In 1954 the senior citizens division was established as a coordinating planning division with the welfare planning council. The three other divisions—family and child service, health and recreation—at first overshadowed the senior citizens division. This has been overcome. There is present acceptance of a concern for the aged in the other divisions.

In 1955 establishment with the university school of medicine of a geriatrics clinic. The leadership of Dr. Samuel Gertman, and the useful progress of the clinic, are known to you and need not be elaborated here. Dr. Gertman's dedication and energy have stimulated many projects in the field and his influence is certain of continuing value to the community.

In 1957 establishment of a council on gerontology at the University of Miami. The members of this body, appointed by the president of the university, were drawn from the fields of medicine, education, sociology, psychology, human relations, government, law and economics. The council was set up to act as a clearinghouse for university research in gerontology and to maintain active liaison with community organizations conducting programs on behalf of the aged.

In 1957 formation of the joint committee on gerontological projects. In the community were agencies eager to expand services and attempt new methods. There seemed potential value in a joining of forces for cooperative and multidisciplinary work among agencies and the university. The welfare planning council and the university council on gerontology each appointed its members to the joint committee. Several surveys and demonstration projects were prepared and submitted by members of the committee. Since programs must be based on adequate financing, a structure

was created whereby the university might receive funds and administer them on behalf of approved projects.

The joint committee—and its principals—may be compared to an existing machine ready for service but lacking fuel. The university is a young one, not yet having sufficient endowment to release faculty for research projects contemplated by the joint committee. The welfare planning council is dependent upon united fund money. Its professional staff likewise has a work load which permits no further burdens. Meanwhile the professional and lay workers involved are going about their tasks in specific areas, many of these related to what the joint committee might undertake if activated.

In the field of geriatrics—as will appear in an attached report of the research projects in our school of medicine—there are ample outside funds for research in the medical problems of the aging. In the allied disciplines necessary to the conduct of gerontological projects—sociology, psychology, economics, and so forth—we must abide in hope that outside funds will make possible the underwriting of the administrative direction necessary to get the show on the road.

For your understanding of the situation in Dade County, the above brief historical summary needs to be supplemented by what promising projects are currently under way in the county. Without burdening you with too much detail, let me touch on some of the present prospects, all of them having some university and community liaison through "interlocking directorates."

SENIOR CITIZENS DIVISION

Friendly visiting project: The Junior League of Miami pays for a half-time trained social worker to guide the program. A pilot project to determine the need and to indoctrinate volunteers, accomplished 2 years ago, preceded the present going program.

Housing for the elderly: The senior citizens division provided the stimulus for the first public housing for the aged in this area. Martin Fine, member of the Miami Housing Authority, is chairman of the senior citizens division housing committee. The site for a 60-unit low-cost housing project for the aged has been selected, the architect chosen, and construction scheduled to begin this summer.

Day center: The above housing project also includes a building for a day center to be maintained by the housing authority. The division is presently engaged in organizing a countywide day center board of governors with a view to underwriting the staffing of the day center. A budget of $35,000 a year is contemplated, with expectation that the day center will eventually receive united fund support. This will be a pilot plant which many present senior citizens may emulate. Civic response is high.

A second day center is projected for Miami Beach. Details cannot be as yet disclosed. We feel that day centers are of prime importance for both service and research. The local newspapers are lined up to give support. We feel that successful day centers will provide a platform for public education in the whole spectrum of problems of the aged. We are involving substantial citizen support. While it will be a year before the centers can be organized and opened, they will surely be so and on a sound staffing basis.

Nursing homes: Three years ago the division began joint meetings with the operators of nursing homes, overcoming an initial suspicion on their part. Two nursing homes institutes have been held with excellent results. The very real problems of nursing home operators have been made known to county authorities concerned.

The late Dr. Michael Takos, of the county health department and also a member of the division, initiated an epidemiological survey of indigent patients in local nursing homes. This is being continued with Dr. A. W. Menzin, Dr. Takos' successor, in cooperation with Dr. Eugene Flipse of the university school of medicine. The report is nearing completion. The university, through its IBM services and through its sociology, anthropology and psychological departments, aids in the planning and analysis of this project.

Chronic illness: An organizing committee for a study on chronic illness, subsidized by the United Better Health Foundation with an initial $5,000 and a contemplated $50,000 a year for 3 years, is developing a project design. The five committee members are drawn from the county health department and divisions of health and senior citizens of the welfare planning council.

The Greater Miami Jewish Federation is also participating in a national study of chronic illness financed by the U.S. Public Health Service.

SOME COMMUNITY PROJECTS

Metropolitan government: Metro is Dade County's new top administrative structure and is presently setting policy for hospitals and welfare which, in relation to our senior citizens, holds the promise of much good. Information on needs is being exchanged with the health department. The government department and the university's bureau of business and economic research have completed a report, done at the instance of the Ford Foundation, on the factors in the creation and development of Metro.

The University of Miami School of Medicine has many projects concerning research in the field of aging.

Sight conservation program for the elderly: This is presently being undertaken through cooperative efforts of the Lions Club, the University of Miami, and the county health department.

Rehabilitation program: In a project supported by the polio foundation, school of medicine students at Jackson Memorial Hospital are engaged in a study involving 125 patients with fractured hips and 150 patients suffering strokes. The county health department is also participating.

Part-time employment of the elderly: While the Miami Chamber of Commerce conducts an educational campaign among employers and the State employment service is active, a great need for work in this area remains unmet. The Lutherans are laying employment plans in connection with their housing project. Discussions on the subject are continuing.

Retirement hotels: Interviews of 400 guests have been made. The role of the retirement hotel—likely to grow in importance hereabouts—is under study.

Psychology: Dr. Granville Fisher, chairman of the Psychology Department, University of Miami, and member of the senior citizens division, has applied for a $109,720 grant from the National Institute of Mental Health for a program involving teaching, training, and research in gerontology.

What happens here in Dade County in the next decade is certain to shape the destiny of the region for a long time to come. To give proper direction, there are the assets of a flexible and novel metro government, a university deeply involved in all facets of civic life, and a welfare planning council engaged in self-study and a tailoring of services to emerging needs.

The pioneer public housing project I have discussed is the first of its kind in the Southeastern United States. It will include single bedroom and efficiency apartments; the design calls for wider doors for wheelchairs and walking aids, safety bars in bathrooms, signaling devices so neighbors can be summoned in emergencies, low cabinets, ranges and ovens, lower steps and ramps. The units are designed for easy access from one room to another and architects are developing the outside design to provide easy methods of garbage and trash disposal. Included in the housing center also is a community recreation building, also designed for the aged, which will be open to all senior citizens, whether they live at the center or not. To be eligible for housing, an applicant must have lived in Florida for 1 year, in the county for 6 months, and one member of the family must be over 65; the minimum rent, $20 a month, includes utilities and all kitchen equipment.

I am proud to discuss this program with the Members of the House. I am vigorous in my support of the pilot program which the committee has wisely called for in its bill. I have already communicated to the Housing Administrator my belief that in view of the high concentration of elderly in the Fourth District of Florida and in view of the pioneer program which the community has already researched, planned, and is now programing, Miami is ideally suited as a site for participation in the test program which the committee expects the administration to get under way during this coming fiscal year with the funds provided in this bill.

We have the problem in south Florida—we also have the people, governmental, educational and civic bodies united in efforts to solve it. The time is ripe for quick assistance and healthy encouragement from the Federal Government to give nonprofit organizations an opportunity to participate.

I hope all of the Members will support the committee's recommendations for this appropriation.

I take this opportunity, Mr. Chairman, to express my appreciation to the distinguished chairman of this subcommittee, Mr. THOMAS of Texas and the members of his committee for their favorable consideration of the public building project at Miami, Fla.

This Federal building has been long-planned by GSA and is well conceived. This committee approval for construction will save the taxpayers many thousands of dollars annually and will likewise tremendously improve and make far more efficient operation and management of the many Federal departments located in our area. I thank the gentleman for his courtesy in making this time available to me.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I should also like to congratulate the gentleman and his committee for including this $5 million for building housing for the elderly. I think it is a great step in the right direction. However, I could not let this opportunity pass without registering my own chagrin that we stopped at $5 million. I am not at all convinced that we are dealing with this in any adequate way and I am disappointed that this was not included in the budget request. This merely manifests again the total lack of understanding by the administration that this is the No. 1 problem today, the care of our aged and senior citizens.

I feel that we ought to include $50 million as was recommended in the authorization bill we passed last year. The committee at that time had given a great deal of study to this whole subject and they included a recommendation of $50 million. At the appropriate time, unless there are compelling arguments to the contrary, I am going to offer an amendment to restore the full $50 million, because in my district and all over the country we have great need of housing for our elderly citizens.

I congratulate the committee for making a good start in this direction, but I hope the bill when it passes will contain the full $50 million.

Mr. YATES. I appreciate the gentleman's contribution. We share his interest in this vital area and want action. Yes, the committee would have liked to inaugurate the total $50 million program, but we felt it should follow this pilot study. Pilot studies in each of the sections of the country will lay the foundation for the future for the total program.

I agree with the gentleman that the time is long past when this should have had the attention of Congress. We should have devoted ourselves to the program many years ago. As a matter of fact I have been urging the Congress to take action to help our aging citizens since I have been in the Congress.

Now we have at long last made a start on this program. The committee has overruled administrative inaction. This is not the end of the program. It is the beginning. We expect that it will be carried on and expanded in the future.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield further?

Mr. YATES. I yield.

Mr. PUCINSKI. While I congratulate the committee on making a good start and having the courage to make the appropriation outside of the budget request, I do not think $5 million will go very far even with the pilot program.

Mr. YATES. May I say to the gentleman that $5 million goes much farther than no million dollars as the administration recommended.

Mr. PUCINSKI. That is correct. But we have in America today 16 million people on social security. Let me cite one example. On my desk is a letter from a family, a man and wife, receiving a total of $130 in social security benefits monthly. Their rent right now is $75 a month, and they have been served notice that the rent is going up another $5. That shows the overwhelming magnitude of this problem. It is a monumental one.

Mr. YATES. I appreciate the gentleman's interest and his zeal. May I say to him that housing for the elderly has been on the books for several years, but there has been no action. We want to get the program rolling, and that is the reason that the committee is putting $5 million in this bill. I think there is a question as to whether HHFA can profitably use the $50 million. It has not done very much in this field up to the present time. I am as interested as the gentleman in the problems of our aged citizens, and shall support the action of the committee.

Mr. PUCINSKI. I merely point out that I am well aware of the sincerity of the committee and the deep interest the gentleman has in this entire problem of housing for the aged. I think it is wonderful the committee has made a start in that direction; however, I will offer my amendment at the appropriate time to raise it to $50 million.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. VANIK. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. VANIK. Mr. Chairman, I want to concur in the splendid remarks of my distinguished colleague from Illinois [Mr. YATES].

The Federal Power Commission has for a long time failed in its obligation to regulate in the public interest.

As a matter of fact, it has countenanced and permitted gas rate increases which bilk the consumer in a manner almost approaching larceny by license. The Natural Gas Act, designed to protect the public, has been administratively repealed.

Today the gas and oil industry scored a tremendous victory in its struggle for no regulation by bringing about the ouster of William R. Connole, the one public spirited member of the Federal Power Commission. Commissioner Connole apparently made one tragic mistake in the execution of his official duties—he considered them a public trust.

When resolute men of courage and public responsibility are forced out of office by the industries they are supposed to be impartially regulating, the time has come for an indignant public to clean house.

My community of Cleveland, as well as the other populous sections of America which require natural gas from the Southwest for space heat, has suffered a terrible loss in the President's outrageous decision not to reappoint Commissioner Connole. Congress would do well to abolish the Federal Power Commission and start off all over again.

Mr. OSTERTAG. Mr. Chairman, I yield 15 minutes to the gentleman from North Carolina [Mr. JONAS].

Mr. JONAS. Mr. Chairman, the bill now under consideration appropriates $8,146,167,400 of the taxpayer's money and therefore should be of the utmost importance to the peoples' representatives in Congress. The bill represents almost one-tenth of the total money that will be appropriated for fiscal year 1961 and therefore deserves careful consideration by those of us who have been selected by the people as custodians of their tax dollars and as trustees to determine how they shall be spent.

The members of the Independent Offices Subcommittee, which has primary responsibility in making these determinations, have not taken their responsibilities lightly. Under the able leadership of the distinguished gentleman from Texas [Mr. THOMAS], assisted by the able gentleman from New York [Mr. OSTERTAG], and with the help of the gentleman from Illinois [Mr. YATES], the gentleman from Tennessee [Mr. EVINS], the gentleman from Massachusetts [Mr. BOLAND], the gentleman from Arizona [Mr. RHODES], and the gentleman from North Carolina now speaking, the subcommittee conducted hearings on this bill beginning on January 18, 1960, and extending through March 31, 1960. The subcommittee heard a total of 354 witnesses and their testimony is contained in three volumes of printed material 6 inches thick and containing 2,917 pages.

The funds appropriated in the bill before you will finance the operations of the following 19 independent offices and agencies of the Government during the fiscal year which begins July 1, 1960:

Civil Aeronautics Board.
Civil Service Commission.
Federal Aviation Agency.
Federal Communications Commission.
Federal Home Loan Bank Board.
Federal Power Commission.
Federal Trade Commission.
General Accounting Office.
General Services Administration.

Housing and Home Finance Agency and its constituent agencies: Public Housing Administration, Federal Housing Administration, and Federal National Mortgage Association.

Interstate Commerce Commission.

Office of Civil and Defense Mobilization.

National Aeronautics and Space Administration.

National Capital Housing Authority.

National Science Foundation.

Renegotiation Board.

Securities and Exchange Commission.

Selective Service System.

Veterans' Administration.

The importance of these independent agencies is self-evident from a mere recital of their names and I therefore do not believe it necessary to remind members of the committee that this bill is important to every district in the United States.

A bill which provides the operating funds for such widespread operations naturally will be somewhat controversial. I doubt if any seven Members of the House would agree in every particular with its terms. There are just too many areas for possible disagreement to ever expect 100-percent approval on the part of any committee. But if I have learned anything during the 8 years I have served in this body, it is that no individual can have his own way all of the time. Legislation is necessarily the result of compromise and adjustment of views to the realities of the existing situation. The bill before you for consideration today therefore is the product of compromise and adjustment of the individual views of seven of your colleagues. It is the result of many hours of discussion, deliberation, and consideration of conflicting viewpoints and the result represents the collective judgment of the subcommittee on the question of how much money should be appropriated to run a multitude of important activities. If I had been writing this bill alone, I would have made deeper cuts in some areas than did the subcommittee and I confess that in other areas I would have provided more funds than are provided in the bill. Nevertheless, I support the action of the subcommittee, as approved by the full committee, because I believe it represents the best judgment of the Members after having debated and considered the subject matter at great length. Lest the comment just made should be misunderstood, let me hasten to say that the differences within the committee were relatively minor and small when compared with the totals involved in this bill. As a member of the subcommittee who attended all of the hearings and listened to all of the witnesses testify, I can conscientiously report that, in my judgment, adequate and sufficient funds are provided for each of the agencies involved and that none will suffer from lack of adequate financing. As the distinguished chairman of the subcommittee stated in his opening remarks, we submit the bill to you as the best we could do with a difficult problem. We present it to you therefore as the unanimous judgment of your subcommittee.

The committee has provided the Members with a printed report containing 29 pages. These pages contain a detailed explanation of the actions taken by the subcommittee. It shows the budget estimate in each case and the action of the committee thereon. It compares amounts appropriated in the bill with the budget estimates and with funds appropriated last year for each individual agency. The total amount appropriated in the bill is $8,146,167,400, as contrasted with a total of $7,037,807,200 appropriated last year, or an increase over 1960 appropriations of $1,108,360,000, but a decrease of $270,729,600 in the budget estimates.

In all frankness, it should be said that some of these cuts may not stand up in the long run because they are based upon guesswork and will have to be revised during the forthcoming fiscal year if the committee guess proves to be wrong.

For example, the bill carries an appropriation of $60 million for payment of subsidies to air carriers. This represents a cut of $8,984,000 in the estimate made by the Civil Aeronautics Board of the amount that will be required to discharge the legal obligations of the Government for air carrier subsidies.

It should be remembered that in paying these subsidies, the Civil Aeronautics Board is carrying out the mandate of Congress in legislation previously enacted. If the subsidy is earned, the Civil Aeronautics Board must pay it and Congress is obligated to provide the money. It is an obligation of the Government and if in this bill we appropriate less than the amount required this year to liquidate obligations, some future Congress will have to make up the difference.

It should be noted for the record that only 13 local service carriers, 5 carriers serving Alaska, and 3 helicopter operations are currently receiving subsidies. All domestic trunkline and international carriers are in a nonsubsidized status, most of them having been subsidy-free since 1957.

Another example of guesswork is the case of the appropriation to the Veterans' Administration for compensation and pensions for veterans. There is no way to provide firm figures as to how much will be required for this purpose in a future fiscal year. All the VA can do is estimate the amount that will be required and all the committee can do is either accept that estimate in toto or use its own best judgment in estimating the amount that will be required. This is considered guesswork although it is based upon past experience and all available information. The VA estimated that $3,840 million will be required to discharge claims for compensation and pensions for veterans in 1961. The committee approved $3,800 million, or a reduction of $40 million in the estimate. The committee feels that, since the amount appropriated is one-half a billion dollars more than the amount expected to be spent in fiscal year 1960, it should be sufficient to take care of obligations arising in 1961. However, if this considered guess turns out to be wrong, Congress next year will be required to make up the deficit. So long as the law remains on the books, and veterans qualify for compensation and pensions, the Congress is obligated to appropriate the necessary money.

NATIONAL CAPITAL AIRPORT

As all of you know, the Government is in the position of operating commercial airports. The Washington National Airport is an example and I believe the members of the Committee of the Whole will be interested in knowing how the Government is making out on that operation. The total net Government investment in the airport is $32.6 million. Revenues earned through 1960 amount to $31.9 million of which $22.8 million have been used for operation and maintenance, leaving a balance of $9.1 million to be applied to the reduction of the investment. This means that the net investment of the Government in the airport is now down to $23.5 million.

During the last 5 years, passenger traffic using the Washington National Airport increased by 72 percent and aircraft movements increased by 50 percent. In calendar year 1959, more than 5 million airline passengers were enplaned and deplaned at this airport. That is more than 9 passengers every minute of every day and night for 365 days and nights. During this same period, a total of 312,000 aircraft takeoffs and landings were made at this single airport.

Revenues to the airport during fiscal year 1960 will amount to $3,922,000, of which landing fees account for $632,000, plus $72,000 for ramp service, or a total of $704,000 for aircraft use. The remaining income was derived from concessions, rentals and utilities.

The projected cost of the Dulles International Airport now under construction near Chantilly, Va., is $85 million. The estimate is that this investment will require 40 years for recovery. Operations are scheduled to begin July 1, 1961.

It has become a practice in recent years for people to downgrade the United States in comparison with Russia. Many people have therefore been led to believe that within a few years we will be far behind the Communists in industrial production. When officials of the Federal Power Commission were before the subcommittee, some questions were directed to them in order to develop a comparison with Russia and the United States in the production of electric energy. Based upon the figures given the subcommittee by the Federal Power Commission, the margin in favor of the United States is substantial and is steadily growing. Our margin over Russia in the production of electric energy has increased from 297 billion kilowatt-hours in 1950 to 529 billion kilowatt-hours in 1959. It is estimated that by 1975 this margin will have gone beyond 900 billion kilowatt-hours. Following is a table which shows a comparison of the total capacity of electric generating plants and the production

of electric energy in the United States and Russia for the period 1902–59:

Total capacity of electric generating plants and production of electric energy in the United States and Russia (including industrial)

Year	United States [1]		U.S.S.R. [2]	
	Capacity megawatts	Production million kilowatt-hours	Capacity megawatts	Production million kilowatt-hours
1902	2,987	5,969	----------	1,900
1907	6,809	14,121	----------	----------
1912	10,980	24,752	----------	----------
1917	18,494	43,429	----------	----------
1920	----------	56,559	----------	----------
1921	----------	53,125	----------	----------
1922	20,468	61,204	----------	----------
1923	----------	71,399	----------	----------
1924	----------	75,892	----------	----------
1925	----------	84,666	----------	----------
1926	----------	94,222	----------	----------
1927	34,574	101,390	----------	----------
1928	----------	108,069	1,874	5,000
1929	----------	116,747	----------	6,200
1930	----------	114,637	----------	8,400
1931	----------	109,373	----------	10,700
1932	42,849	99,359	4,630	13,500
1933	----------	102,655	----------	16,400
1934	----------	110,404	----------	21,000
1935	----------	118,935	6,830	26,300
1936	43,582	136,006	----------	32,800
1937	44,370	146,476	----------	36,200
1938	46,573	141,955	8,700	39,400
1939	49,438	161,308	----------	43,200
1940	50,962	179,907	11,000	48,300
1941	53,995	208,306	----------	----------
1942	57,227	233,146	----------	----------
1943	60,539	267,540	----------	----------
1944	62,066	279,525	----------	----------
1945	62,868	271,255	10,700	43,300
1946	63,006	269,609	----------	48,600
1947	65,151	307,400	----------	56,500
1948	69,615	336,809	18,000	66,300
1949	76,570	345,066	20,000	78,300
1950	82,850	388,674	22,400	91,200
1951	90,127	433,358	23,500	104,000
1952	97,312	463,055	25,250	119,100
1953	107,354	514,169	28,692	134,400
1954	118,885	544,645	32,815	150,695
1955	130,414	624,902	37,236	170,225
1956	137,342	684,874	43,350	191,653
1957	146,221	716,356	48,380	209,480
1958	160,651	724,752	53,000	233,000
1959 (preliminary)	----------	790,000	59,000	261,000

[1] From Historical Statistics of the United States for Years 1902–38. Data for later years are from Federal Power Commission statistics.

[2] From the United Nations, Economic Commission for Europe, Electrical World, Electrical Engineering, and various other sources.

MOTOR POOL OPERATION

Public Law 152 of the 83d Congress authorized the General Services Administration to establish and operate interagency motor vehicle pools. By the end of 1959, 44 such pools had been established and were in operation. GSA proposes to establish 14 additional motor pools in 1960, and 12 additional pools in 1961, to bring the total up to 70, at which time it is estimated that the program will be saving the U.S. taxpayers approximately $6 million per year.

I am particularly interested in this program because I was the author of the legislation which authorized the establishment and operation of the pools. Each year General Services Administration, in its budget presentation to our subcommittee, makes a detailed report on the operation of these motor vehicle pools and when the bill is under consideration in the Committee of the Whole I usually make a progress report for the information of the Members.

The ownership and operation of the fleet of Government-owned motor vehicles is really big business. The Government-owned motor vehicle fleet, not counting combat and tactical motor vehicles of the Armed Forces, is valued at approximately $500 million and includes approximately 225,000 motor vehicles as compared with 260,000 in 1954 when the motor pool operation was inaugurated. These motor vehicles travel approximately 2 billion miles per year and use in excess of 300 million gallons of fuel. Operation, maintenance, and replacement costs amount to more than $290 million per year.

It is obvious from these astronomical figures that an opportunity exists to save vast sums of money by the practice of economies and efficiencies. By establishing interagency pools in areas where there is a heavy concentration of Government activity, such as New York, Washington, Chicago, San Francisco, and so forth, substantial savings have resulted. The savings result not only from reduced requirements of motor vehicles for Government agencies but by increasing the utilization of existing vehicles which permits three cars to accomplish the work formerly requiring four cars and by consolidating management and controlling maintenance.

General Services Administration officials testifying on this subject before the subcommittee presented evidence indicating that during the last fiscal year total savings from motor pool operations amounted to $5 million and that by the end of 1961, when the total pools are expected to reach 70, the annual savings will be $6 million per year.

The testimony further revealed that a full year's operation of the 33 pools established by June 30, 1958, resulted in a decrease of 21.5 percent in the number of vehicles required to perform agency workload requirements, an increase of 2,407 miles per vehicle and a reduction of 3.59 cents in cost per mile. The cumulative savings during the 1954–58 period amounted to $5.9 million. By the end of 1959, when 44 pools were in operation, the cumulative savings amounted to $10.5 million. By the end of 1960, when 58 pools are expected to be in operation, the expected cumulative savings will be $15.8 million. By the end of 1961, when 70 pools will have been established, the estimated annual savings will be $6 million.

Savings during the period 1954 through 1960 therefore will amount to $15.8 million. This is not a substantial sum when compared with $80 billion budgets but it was worth saving and indicates how savings can be made by concerted effort and a soundly-conceived program. The officials of General Services Administration are entitled to high praise for an efficient and money-saving operation.

PROPERTY UTILIZATION

The Federal Government owns more real and personal property than any organization or government in the world. Much of it was required during the war years and every year substantial amounts are being declared excess to the needs of the Government and are being disposed of by GSA.

General Services Administration will return $50 million in cash to the Treasury in 1960 from sales of real property. It is estimated that $55 million will be returned in 1961 from additional sales. Expenses, including broker fees, are running at about $2 million per year. While these returns are substantial, the record shows that the Government is sustaining heavy losses as a result of these sales. The acquisition cost of the property disposed of in fiscal year 1960 was $500 million so the return is only about 10 cents on the dollar. Critics point to this low return and charge that the property is not being wisely or prudently handled. The subcommittee explored that allegation with GSA officials and were assured that in every instance sales exceed current appraisals and that the average recovery is about 115 percent of the present fair market value of the property.

You may wonder why Government-owned property goes down in value while apparently all other property is constantly going up. The explanation is simple and should be understood. The answer is that in most instances the property offered for sale was constructed for a special purpose and is not suitable for ordinary commercial or industrial use without excessive costs of conversion. An example was cited of an industrial-type property in West Virginia which cost the Government $86 million. It has been surplus for several years and GSA has been trying, without any success at all, to obtain bids for it. If you know of anybody in the market for such a property, it is recommended that you get in touch with GSA.

There is another property in Chicago with 100 acres under roof, the largest plant in the world. The Government's investment there is $120 million and a profitable sale will be difficult because of the conversion cost. Since it may be difficult to dispose of this property for its fair market value, GSA is considering all possibilities of utilizing it for some needed Government activity.

On the other hand, another example cited by GSA is the so-called Studebaker Building in Chicago. This is a very fine, modern building and GSA testified that it has a high market value and will bring a good price. The subcommittee was agreeably surprised to hear Mr. Floete testify that this property is too valuable for the Government to use and that GSA therefore proposes to offer it for sale and expects the Government to recover the full acquisition cost. This attitude is contrary to that usually attributed to agency heads who generally are charged with clinging onto the valuable properties and being willing only to relinquish the unsuitable. But Mr. Floete is an outstanding example of a fine public servant who seems genuinely interested in conducting an efficient and economical operation.

SURPLUS PERSONAL PROPERTY

The disposal of surplus personal property also presents great difficulties

Critics also point to the low return being received in the disposal of personal property, but it should be remembered that much of this property consists of obsolete combat aircraft, artillery guns, and war material which has a very low salable value. Since relatively little is to be gained by selling this property at a fraction of its cost, the subcommittee has been encouraging GSA to step up its utilization program. Whenever GSA can provide agency requirements with surplus personal property already owned by the Government instead of procuring new property, substantial savings result. This utilization program is working out very well for the Government. In 1959, for example, GSA was able to transfer $141 million of this surplus property to civilian agencies of the Government in lieu of purchasing new equipment. It is expected that this amount will go up in 1960 to $215 million and in 1961 to $305 million. This results in substantial savings in procurement.

You are all familiar with the Government's donation program. In 1955, I had the privilege of serving on a special subcommittee of the House Committee on Government Operations under the chairmanship of the distinguished majority leader, the gentleman from Massachusetts [Mr. McCORMACK], which made substantial revisions in the donable property program. Amendments to the act proposed by that subcommittee, and approved by the full committee, were unanimously adopted by the House on March 17, 1955. I think it is safe to say that these amendments have been of inestimable value to the educational, public health, and civilian defense agencies in the country. Donations to these nonprofit organizations in 1959 amounted to $361 million and are expected to rise to $450 million in 1960 and to $550 million in 1961.

While the Government does not realize any return in dollars from the donable program, there should be universal satisfaction in seeing substantial quantities of this surplus property finding its way into the hands of our needy educational and health institutions instead of being thrown on the market for sale at a fraction of acquisition cost.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. I am very much interested in what my friend had to say about the General Services Administration. I want to compliment Mr. Floete. I consider him to be one of the finest gentlemen I have ever met, and certainly one of the finest public officials I have ever met in my many years of public life. He is a dedicated gentleman and public official in every respect, eminently fair. The administration of the program of the General Services Administration under Mr. Floete has been very effective and efficient, about the best humanly possible.

There is another activity in which the gentleman from North Carolina and I participated in addition to the surplus property program. That was to see that the General Services Administration got enough money to protect the Government as a consumer of telephone service and electricity and services of that kind. The people of the country are indebted to the gentleman from Texas [Mr. THOMAS] and the members of his subcommittees for giving the necessary money for that purpose. As the result, the Government and the taxpayers have been saved many millions of dollars, and private users have been the beneficiaries as well as the Government as users of those services.

Mr. JONAS. Will the gentleman agree with the comment I made that while we do not receive any dollar return from this enormous amount of personal property that is donated we do derive many intangible benefits. There are many schools and hospitals that would have difficulty operating if it were not for this program.

Mr. McCORMACK. The gentleman is absolutely correct.

The evidence before the passage of the bill that came out of the subcommittee of which I was chairman and of which the gentleman from North Carolina was a member showed that the Defense Department got around the Donable Property Act by declaring property to be excess rather than surplus. We tightened that up. I do not say that in any unkind or critical sense. We tightened that up and the property beneficiaries receive is based upon acquisition value to the Government, and it is worth 100 cents on the dollar to the schools, colleges, and other beneficiaries, and it has rendered inestimable service to these institutions who are the beneficiaries.

Mr. JONAS. I thank the gentleman from Massachusetts and concur in his comments concerning the high quality of service rendered this Government by Mr. Floete. The members of our subcommittee are aware of the fine work he has done, and we have complimented him in person and in the RECORD.

SPACE

Recent spectacular successes in satellite launchings have taken most of the steam out of the charges that the United States is lagging far behind Russia in this field. The subcommittee had before it some of the scientists in charge of NASA's program and I should like to commend to your examination the testimony of Dr. Glennan, Dr. Dryden, Dr. Silverstein, and Dr. von Braun. You will find their testimony set forth in part III of the hearings beginning on page 173. For the benefit of those who will read this RECORD but who will not have an opportunity to read the testimony given by the subcommittee, I will include as a part of my remarks today some of the exchanges between subcommittee members and these witnesses:

Mr. OSTERTAG. Dr. Glennan, how do we compare with Russia in all factors? We recognize that they have a thrust greater than ours; but, overall, how do we stand?

Dr. GLENNAN. Every morning at 8, I stand before the mirror and say, "We are behind the Russians in total thrust available to us, the level of thrust in our first stage boosters. In all other areas it is my considered opinion that we are not behind the Russians, that we are the equal or the better of the Russians."

I arrive at this conclusion from discussions with capable scientists and from the fact that we have published much more information from the probes that we have sent out in little bits of packages than they have from their tremendously large gadgets.

Mr. YATES. May I ask you then how do you account for Von Braun's statement where he says we are 2 or 3 years behind the Russians?

Dr. GLENNAN. Dr. von Braun works in the rocket field. He is talking about the thrust of the rocket, and nothing else.

He may have guidance in mind, as well, because he has not been able to carry the guidance that he would like to carry, which he thinks he has on his shelves. He is not certain that this is quite as good as he might want it to be, because he has not had the opportunity to test it in flight.

Mr. YATES. If, when Dr. von Braun comes in here, and I ask him what he means by his statement, he is going to tell me we are 3 years behind the Russians in thrust and nothing more.

Dr. GLENNAN. You ask him and see what he will answer.

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Dr. GLENNAN. I was not being facetious because this is a serious business with us. The business of trying to have people understand where we stand in the various elements of this program is tremendously important to me. If I seem a little emphatic about it, I think you will understand.

Mr. OSTERTAG. I think we should be grateful for your emphasis, but what I was trying to bring into focus was the fact that you have had certain successes and you have had certain developments take place and you have a pretty good measurement of what they have done. I believe it is generally conceded that insofar as power or thrust, Russia has achieved that beyond your capability to date.

Dr. GLENNAN. At the present time.

Mr. OSTERTAG. In the overall picture, taking all things into account, our successes and our developments in many respects exceed theirs and/or equal it, and in only one field or one area of this thing are they recognized as being ahead, is that right?

Dr. GLENNAN. That is my statement, sir.

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Mr. JONAS. When, along that list, do you say you will have reached the point you are seeking with respect to thrust?

Mr. OSTERTAG. The timetable on the Saturn? Is that it?

Mr. JONAS. Why can't you skip some of those stages?

General OSTRANDER. Skip some of these?

Mr. JONAS. Yes, and start working on Saturn.

General OSTRANDER. Simply because these will come in earlier than the Saturn is available. There are many things we can do with a smaller payload capacity.

Mr. JONAS. You could not speed up Saturn by concentrating on it?

General OSTRANDER. No, sir. We have speeded up Saturn as much as we can right now.

Dr. DRYDEN. The problem is the one I mentioned. Of course, we already have the Delta. That was a decision made early in 1959. Those vehicles are just beginning to be delivered. They are the things we will be firing over the next year. The alternative is to sit by and do nothing until Saturn comes along.

Mr. JONAS. The work on these intermediate stages is not slowing up the work on Saturn?

Dr. DRYDEN. No. They enable us to do something now.

Mr. OSTERTAG. Their objectives are somewhat different?

Dr. DRYDEN. They carry smaller payloads.

Mr. OSTERTAG. What they seek to achieve is different?

General OSTRANDER. I would like to emphasize we are always going to need a sort of a fleet of trucks. In other words, it would not pay to use the Saturn for some experiment where we only needed to carry, say, 2,000 or 3,000 pounds.

Therefore, what we are trying to do is develop as a comparison, let us say, a half-ton truck, 2-ton truck, 2½-ton truck, and 5-ton truck.

Dr. GLENNAN. I would point out, I think, in this same area, the Vega was canceled so we would not duplicate another vehicle of essentially the same general capabilities and weightlifting and mission capability.

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STATEMENT OF DR. VON BRAUN ON THE SATURN PROGRAM

Mr. THOMAS. Dr. von Braun, tell us about your Saturn program. How are you getting along, what are your many headaches, and what are your hopes and aspirations?

Dr. VON BRAUN. We consider the Saturn project as a project of greatest national importance and urgency because we think it is our only bet to beat the Russians in the payload capability.

I think we have proven that in the payload area and also the capability of obtaining high speeds we are probably almost on a par with the Russians today; in fact, this transmitting equipment beats anything the Russians have even tried to do.

However, in the big rocket area, in the booster area, we are still definitely behind.

Our opinion is that the Saturn booster is at least twice as powerful as the most powerful booster the Russians have thus far employed. We do not know, of course, what they are developing.

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Dr. VON BRAUN. Also liquid hydrogen.

In this connection I would like to make a general remark about how the Saturn is faring in general under the NASA administration.

Immediately after the Saturn project was transferred to NASA, Dr. Glennan appointed a special committee under the chairmanship of Dr. Silverstein to determine this upper stage configuration.

Up to then various competitive ideas had been kicked around, such as just the use of a standard Titan, perhaps with a Centaur top stage, but all this did not look attractive because there would have been a lot of new engineering involved. At the same time the performance was not satisfactory.

The Silverstein committee took up this job of determining the upper stages on the 17th of November, and on December 31, 1959, it came up with a final recommendation. The final recommendation is what you see here, with the C–1 and C–2 configurations.

Dr. DRYDEN. This was a committee with Defense membership. It was a joint committee of NASA and Defense to make this decision.

Dr. VON BRAUN. I also would like to point out that we were happy to be represented on that committee and we were very happy with the final recommendation. In fact, it was a unanimous choice.

On the other hand, we should point out this is a bold choice because liquid hydrogen is a brand new propellant and has a lot of characteristics we are not too familiar with, so it is a bold choice, but the payoff will be great.

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Mr. YATES. May I ask you a question, Dr. von Braun?

ADEQUACY OF FUNDS REQUESTED FOR SATURN

You talk in terms of saving a year by an additional appropriation. Previous statements I had seen attributed to you had indicated we were several years behind the Russians in terms of engine capability. Will the amount of money that is being requested here help eradicate that lag in your judgment, or should we make more available? Will the provision of more money do it, or is this amount adequate for the job?

Dr. VON BRAUN. I do not believe that we could intelligently spend much more money on Saturn. At least we could do nothing but shall we say try parallel approaches and do this kind of thing that may buy us a little more assurance, but I do not think we could buy time with more money. And to answer your question of whether this is enough to catch up with the Russians, we have to know how fast the Russians are running, and this I do not know.

Mr. YATES. This is true, of course, but you had indicated we were years behind the Russians and while it is true, we do not know how fast the Russians are moving, presumably their rate of progress will be as great as it was in the past. Will our rate be speeded up sufficiently so that in time we can catch them?

Dr. VON BRAUN. Well, I think I cannot go much further than just to say I do not see any possibility of speeding up the Saturn beyond this 1 year, no matter how much money you would swamp on us. One could try a parallel approach and develop another booster and thereby playing it safe in case the Saturn should hit a major snag, but otherwise, I do not see——

Mr. YATES. I am sure your statements in the past made many people feel quite concerned about the gap that exists between the stage of our research and the Russian's. Are we doing enough to catch up, are we doing enough to overcome the lag? When you limit your answer to Saturn, does that cover your entire viewpoint? Do you have opinions as to what we should be doing in other activities than Saturn in order to make up the distance?

Dr. VON BRAUN. Saturn involves, of course, elements such as hydrogen upper stages where very considerable fundamental work must be done which cannot be speeded up beyond a certain pace. Beyond that, we hope to go to the nuclear stages, but here again we are confronted with problems where first, as Dr. Dryden pointed out, more knowledge must be acquired.

For example, the Plumbrook facility near Cleveland is to provide basic knowledge on reactors and problems like heat transfer in reactors, and so forth.

Mr. YATES. Can I safely say for the record that in your judgment the request that is being made here for the experiments to be undertaken is as much as we can do at the present time?

Dr. VON BRAUN. Yes, sir. I think by and large this is the case. I may add one little remark, though. I was a little frightened when I heard this morning that elimination of our engineering and office buildings for Huntsville is seriously under consideration.

I think if these construction projects at Huntsville would not be approved, this would really set us back.

Mr. THOMAS. Mr. Chairman, I yield 14 minutes to our distinguished colleague, the gentleman from Tennessee [Mr. EVINS].

Mr. EVINS. Mr. Chairman, this is one of the largest and one of the most important of the annual appropriation bills considered by the Congress. In this bill we are providing funds for services and activities which will influence and affect in one way or another almost every citizen in our Nation.

Included in this bill also are funds for agencies whose activities are vital for the very survival of our Nation.

Your subcommittee on independent agencies held hearings on this bill for some 2 months and the members have taken an additional month to study the testimony and to evaluate in detail the needs of these agencies for which funds are carried in this bill, which we are considering here today.

At the outset, I should like to say that the tremendous task of holding these extended hearings was handled most ably by our colleague and friend, the genial gentleman from Texas, Chairman ALBERT THOMAS. As always he has done a most outstanding job and rendered a great public service. There are some Members, as we all know, who are truly dedicated—dedicated to the public interest—and this country is better for the lives and services of such Members as ALBERT THOMAS.

That we have been able to scrutinize the activities and the proposals of these 18 great Government agencies in this rather brief period is a great tribute to the knowledge, tact, and leadership of our able colleague, AL THOMAS, who serves as chairman of the subcommittee. It has been a great pleasure to be associated with Chairman THOMAS and with all the members of our subcommittee—the gentleman from New York [Mr. OSTERTAG], the ranking minority member of the subcommittee, and all our colleagues—Congressmen SIDNEY YATES, EDWARD BOLAND, CHARLES JONAS, and JOHN RHODES.

This bill, as it comes to you today, represents the efforts of the committee to insure that the agencies concerned shall have sufficient funds to discharge their functions effectively and efficiently but without extravagance or unnecessary frills.

We all know that all agencies have a perhaps natural tendency to over estimate their needs and requirements. We have tried in our considerations of this bill to eliminate only those items which are not strictly vital or necessary or which can be postponed without any significant effect on the public interest.

This bill carries appropriations for 18 independent boards, bureaus, commissions, and agencies—including the Civil Service Commission, the Interstate Commerce Commission, Federal Trade Commission, the Securities and Exchange Commission—the FCC, FPC, the Veterans' Administration, the General Services Administration, the National Science Foundation, the Federal Aviation Agency, and the National Aeronautics and Space Administration.

We should remember that most of these agencies and specifically the regulatory agencies are not agencies of the executive branch but in a real sense agencies of the Congress.

The Congress established them in the first place and in a sense as deputies to administer in detail the functions of regulation which the Constitution places in the hands of the Congress. It is true that there has been a tendency during recent years for these agencies to stray away from this fundamental tie and in some instances even to disregard the intent of the law under which they operate.

But I am pleased to report that there has been a great improvement in most of the agencies in the past 2 or 3 years and certainly we have the responsibility

the General Services Administration got Russians."

different?

to encourage further improvement in the effectiveness of these agencies by giving them the means to discharge their responsibility to the Congress, to the Nation, and to all of the people.

The total appropriation recommendation carried in this bill is $8,146,167,400 for all agencies. This sum represents a cut or reduction of $270,729,600 carried in the budget, but an increase of $1,108,360,200 over the 1960 appropriations.

Mr. Chairman, time will not permit a detailed discussion of all items for each of the agencies and Commissions concerned. I do, however, wish to direct my remarks to the fund requests of three of the agencies coming before our subcommittee. These represent the biggest items—the largest amounts—carried in the bill.

NASA

The reductions recommended in this bill would have been considerably greater except for the fact that the National Aeronautics and Space Administration is receiving an increase of a large order—about 75 percent. This is a very large increase—the largest I believe for any agency of our Government.

In a real sense this increase represents the price we are paying today for being penny wise and dollar foolish a few years ago. It is the price we are paying for our complacency, for our failure to rise to the challenge of the space age in our traditional American way, and for our slowness in recognizing the tremendous progress and capabilities of Soviet Russia in this the space, missile, and rocket age—in this vital field.

There are those who still do not seem to see any urgency in this matter. I am sorry that all of our colleagues were not privileged to hear the testimony of Dr. Keith Glennan, NASA Administrator, and the scientists who are carrying on the work of this most important Agency.

Apparently, the Budget Bureau does not appear to appreciate fully the importance and vital necessity of accelerated progress in this field. It has been very gratifying to note that the scientists who are in charge of this program have a full awareness of the importance to our prestige and even survival as a nation in the work they are doing.

They are dedicated men and although they are undoubtedly handicapped by the lack of enthusiasm in high places for their mission, I feel personally that we have entrusted this work in capable hands and that if we will provide them with the means to do their job as they want to do it, we can have reason to be confident that our deficiencies will be corrected and the advantage that Soviet Russia may enjoy at present will be erased.

Let me point out that part of the increase in funds is not an increase but a transfer. As we know, during the past year, the brilliant team of scientists headed by Dr. von Braun—formerly with the Army and stationed at Redstone Arsenal in Alabama—has been transferred to NASA.

The facilities and personnel at Redstone have been transferred to this Agency.

In the past, funds for Redstone have been carried in the defense budget. Now we are transferring those funds to NASA. Thus, we have an increase in this bill of some $60 million for salaries and expenses. The largest part of this represents the salaries and expenses for the Redstone group who are working on the Saturn and other space vehicles.

In this bill we are allocating some $125 million for construction. Of this, about $25 million is for equipment and the balance for lands and structures.

The construction program involves additions of various facilities at the various present installations of NASA.

The largest construction expenditures are for the Jet Propulsion Laboratory in Pasadena, the Huntsville, Ala., facility, and the Cape Canaveral facility in Florida, each accounting for about $25 million.

With very few exceptions the facilities are actual operational facilities and research facilities. There are a few, but very few, items calling for building or adding to already existing administrative buildings.

Our subcommittee has carefully gone over the construction proposals and has approved those which are directly concerned with the mission of this Agency and reduced or eliminated those which would merely add to administrative costs and overhead.

We recognize that a vast program such as this needs efficient administration and certainly we desire to provide the means for efficient administration. But where we have to make a choice between funds for operational activities and funds for administrative activities, we have favored the operational activities.

By far the largest part of the funds in the NASA budget is for actual research and development—a total of $621,453,000—as compared with $320 million last year and $171 million in 1959.

This is the part of the budget that is specifically directed at the heart of the mission of NASA. These funds are distributed over a number of programs—$85 million for scientific investigations in space which covers the scientific satellites, the lunar and planetary explorations, such as the recent Pioneer V; $25 million for studying and developing practical applications of satellites, such as the use of satellites for communications, weather forecasting, etc.

The sum of $100 million is earmarked for the project of sending man into space—the Mercury project; about $80 million for developing better methods of propulsion in space; and about $200 million for the development of actual space vehicles. Of this last amount, $130 million is earmarked for the Saturn project under the Von Braun group to develop a vehicle capable of carrying large payloads into space.

Although this is a large budget, it represents expenditures that we cannot fail to make if we are to excel in this field and have the interest of our Nation at heart.

We Americans are not accustomed to being second best at anything, and certainly we cannot tolerate being second best in this vital field which may well be crucial in the next century.

History shows that it is those nations which pioneer in opening and developing new frontiers which progress and grow in stature and importance. Always it has been those nations who have dared to leave their own present boundaries and venture into the unknown who have become great. This was true of the Assyrians, the Phoenicians, the Greeks, the Romans in ancient times. In modern times it was the Spanish, the Portuguese, and the British who were not afraid to venture into the unknown world who established empires and wrote history. In recent times we Americans have added to history and progress. Americans have always been pioneers in spirit—and courageous. Today we see a new nation, Soviet Russia, taking the lessons of history to heart, while we have had a tendency to stay home and enjoy the comforts of easy living.

Personally, I feel that we Americans have not lost our adventurous and pioneering spirit. I feel that most Americans want to be bold and imaginative and to explore the new frontiers and to contribute to history. They merely want direction and leadership.

Here we are supplying the foundation for a resurgence of the American pioneer spirit. The price may seem high to some today, but it will be very small to our posterity if it preserves and adds to our stature as a nation.

THE NATIONAL SCIENCE FOUNDATION

Closely related in many respects is the work of the National Science Foundation which is also vital to our future and which is also adventurous and pioneering thought in a different area. Pure science is the basic tool of modern progress.

The sputniks and the general public concern has accelerated the work of the National Science Foundation. Its work is most important. Time was when scientific laws lasted centuries. Today we know they may not last a decade. Just in the past 2 or 3 years, for example, our whole concept of the universe and the basic processes of the universe have had to be modified by the things we have discovered through the penetration of space by satellites. Today we are nearer to the solution of some of the great basic secrets of existence and of life than we ever imagined a few years ago.

Furthermore, the effect that scientific discoveries have on our future is very much more immediate and ominous today than ever in history. I need only cite the terrifying way in which the scientific discovery of how to split and create atoms has affected our recent history and indeed distribution of political power among the nations.

When first announced some 20 years ago the basic discoveries of Fermi and others seemed significant only to a few physicists. They have led, however, to the development of atom and hydrogen bombs—to atomic power. Today they are of frightening significance to every man, woman, and child in the entire world.

It is, therefore, vitally necessary that, as a nation, we encourage and stimulate

sians in terms of engine capability. Will the amount of money that is being requested

agencies held hearings on this bill for some 2 months and the members have

of the agencies in the past 2 or 3 years and certainly we have the responsibility

the greatest possible progress in basic scientific research. The National Science Foundation has been entrusted with this important mission. It is also important in this age when scientists can determine the future of nations that we produce an adequate supply of able and brilliant scientists. This function too has been entrusted to the National Science Foundation.

The budget for the Foundation is also larger this year than last—$190 million against roughly $160 million last year. Slightly more than half of these funds are for the primary mission—that of supporting science through grants and contracts for scientific research, largely at universities and other nonprofit basic research facilities.

This portion of the budget also includes funds for disseminating and exchanging scientific information. Every type of scientific research is supported and the funds are distributed about 50 percent in mathematical, physical, and engineering research; about 35 percent in biological and medical research; about 5 percent in social science research, and the balance in such special fields of importance as Antarctic research, research into the possibilities of modifying weather, and so forth. Even though the funds provided for this research are sizable we are told that they will enable the taking care of only about one-third of the proposals received. And though we have increased our support of science in the past few years many important scientific investigations still have been curtailed, delayed, or dropped because funds are not available.

One of the most interesting of the programs that is being supported is the problem of the fundamental nature of living things. The programs of the Foundation in the past are already producing significant clues to this great secret of life. We are getting closer to understanding and even to duplicating the processes by which living matter is produced through physical and chemical action.

Another basic program is concerned with a study of behavior of the fundamental particles of which the universe is made—the atoms. Through these extremely basic studies we have already had highly practical applications. I mention the atom bomb, and nuclear power. More recently we have read of the possibilities of producing electricity directly from chemical and physical behavior of gas plasmas which give promise of entirely new motors for space, and air propulsion and even for automobiles.

Besides research, another important function of the Foundation is that of supporting the education of scientists. This program is becoming stabilized.

There is only a slight increase in funds for this purpose this year over last year. The largest portion of the funds goes to two activities—20 percent for fellowships to promising students and scientists and 50 percent for institutes at which teachers of science learn to become more effective teachers. These science institutes or seminars take place all over the country and nearly every teacher of science is having an opportunity to participate in them.

These programs—research and support of science through grants of scholarships and fellowships—is most important today. There is evidence that the program of the NSF has resulted in strengthening our position in science and greatly improved the quality of scientists and scientific teaching. Money spent today on these programs will bring dividends in the future.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. EVINS. I yield to my friend.

Mr. RHODES of Arizona. I wonder if the distinguished gentleman, who is making a fine statement, would agree with me that perhaps the reason the Russians got ahead of us as far as thrust is concerned was the fact that they had not mastered the art of miniaturization as far as the bomb was concerned to the extent that we had and, therefore, needed a larger thrust to carry a bomb; whereas we, having mastered the art of miniaturization, have now used that art to equalize the gap between the Russians and ourselves as far as capabilities and thrust are concerned? In other words, we have by miniaturization been able to put satellites out into space which have done a better and more thorough job than those of the Russians.

Mr. EVINS. I would state to my friend that we were delayed by certain developments, but we are going ahead now and making greater progress in the field of thrust. That is the area in which we are directing our efforts at this time and this is the area in which we are behind. Here is where the gap exists.

Mr. RHODES of Arizona. That was a point I wanted to make. However, we have been able to achieve capabilities which minimize the disadvantage between the Russians and ourselves as far as thrust is concerned.

Mr. EVINS. I thank my friend from Arizona.

The third interest to which I wish to address my remarks is the Veterans' Administration.

Mr. Chairman, the Veterans' Administration accounts for by far the largest single item in this bill—more than $5 billion. The committee is recommending an appropriation of $5,397,291,000 for all the VA programs in 1961. This is an increase of $280,358,000 over last year. This program is important, first, because it affects about one-third of the families of our Nation in one way or another, and, secondly, because through it we are living up to the pledges we made to those who have fought for our country that we would minimize the sacrifice which they had to make to defend their country.

Again this year the VA budget shows an increase over last year. Most of this increase is the automatic increase which comes about because as our veterans grow older more of them become eligible for the benefits provided by the world's finest veterans' program.

One large increase has been made necessary by the terms of the revised non-service-connected pension law we passed last year. As a matter of fact, we have an increase of nearly a half billion dollars for compensation and pensions. On the other hand, we have a continued decrease in the readjustment benefits provided by the GI Bill of Rights and similar legislation. This is coming about because most veterans are exhausting their benefits under this provision. Two years ago the readjustment benefits cost some $700 million, last year they went down to about $580 million, and this year they are expected to go down to a little over $400 million. In other words, this reduction in the budget does not reflect any reduction in the services to which our veterans are entitled.

The lower cost simply is because most veterans have already used up their benefits in this area.

We are recommending an increase in the medical budget for both inpatient and outpatient care. The demands of veterans for medical care are increasing and I am sorry to say that the waiting lists are not being diminished but on the contrary they are increasing.

Sooner or later we must face up to this situation and if we need more medical facilities we will, in my view, have to provide them.

Meanwhile, the hospital construction program is continuing. The committee is recommending approximately $40 million for hospital construction which is $7½ million more than last year. The construction program, so long delayed and slowed down, is progressing. I imagine it would progress more rapidly if the Budget Bureau had the same high sense of obligation to the veterans as the Administrator of our veterans program—Administrator Sumner G. Whittier.

We of the committee all agree that he is one of the most able and finest of our several VA Administrators.

We are getting along today at a faster rate on construction and our veterans can look forward to better and more modern hospital facilities in the coming years. This is essential if the growing waiting lists for admission are to be reduced.

We are recording funds also for modernization of present VA hospitals. The bill carries $20 million for this purpose. It is to be hoped that the Budget Bureau will not further delay improved hospital facilities by delaying the expenditures of the funds that we vote for this purpose today.

The bill carries some slight reductions in administrative costs in the overhead and administrative funds, and not in the important services directly to veterans.

This bill provides for increases and improvements in both services and benefits for our veterans and will in no sense reduce the effectiveness of this great agency serving our Nation's veterans.

I have discussed briefly only three of the important items in this bill.

I should like to add that our committee has scrutinized the budget and fund requests of all the agencies involved carefully, and with the desire to bring about the best balance between maintaining the efficiency of these agencies

and the pressing need where we can to economize.

This bill will insure both objectives—that those agencies can perform their functions and services effectively and with lowest cost in the public interest. I urge the passage of the bill as recommended by the committee.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. EVINS. I yield to the gentleman from North Carolina.

Mr. JONAS. The gentleman from Illinois [Mr. YATES] made some rather critical comments about the Federal Power Commission in the gas rate field. I notice on page 206, volume 1, of the hearings, the gentleman from Tennessee, who is now speaking, questioned Mr. Kallina and Mr. Kuykendall about that. I will ask the gentleman if he did not elicit the following information concerning suspensions and rate increases.

On page 206 in response to a question Mr. Kallina stated:

> There is a figure here on independent producers. On independent producers during the calendar year 1959 the Commission allowed 33 tax (rate) increases amounting to $182,000, and the Commission allowed 806 other rate increases without suspension amounting to $5,430,000, so the total allowed by the Commission during calendar year 1959 was 839 increases aggregating $5,612,000.

On page 207, in response to another question, it was stated at the time those rates increases were being allowed, the Commission suspended 1,265 cases aggregating $69.5 million, and in 1958 the Commission suspended 1,064 cases aggregating $37,612,000.

Then the gentleman from Tennessee said:

> That is both sides of the coin and that is a good picture. One year you suspended an amount of $69 million and the next year $37 million as compared to the $5 million and $7 million of increases.

Mr. EVINS. I do not have before me at the moment the volume referred to by the gentleman, but I do recall the testimony. There have been some gas rate increases and there certainly have been some rate increase suspensions.

Mr. JONAS. We went into the matter with the officials of the Federal Power Commission and the record indicated that they had suspended a considerable amount of rate increases requested far exceeding the amount of rate increases they approved.

Mr. EVINS. The gentleman is correct, as I remember the testimony.

Mr. OSTERTAG. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. JUDD].

Mr. JUDD. Mr. Chairman, I should like to comment briefly on the appropriation which I hoped would be in this bill for administrative and personnel expenses of the Civil Defense Administration, which has been a bone of contention for several years. Just to recapitulate for a moment, 2 years ago the Durham bill was passed declaring that the civil defense of the United States is a matter of joint Federal, State, and local responsibility. That act authorized Federal contributions on a 50–50 matching basis for administrative and personnel expenses. Many of us regret that it was impossible in previous years to get the funds thus authorized into this appropriation bill. Each year they were put in by the Senate but resisted in conference by the House conferees, following, I must add, the mandate of the House.

I was pleased when I read in the CONGRESSIONAL RECORD of April 7 that Senator HAYDEN, chairman of the Senate Appropriations Committee, said—and this was during the discussion in the Senate of the second supplemental appropriation bill—that an informal agreement had been reached with the House conferees that it would be better to handle this in the regular appropriation bill, and that something like $3 million would probably be in the regular appropriation bill which is before us today. I was disappointed to find that no such amount is provided in this bill. I trust that the Senate will again insert these funds and that this time the House conferees will accept that amendment.

The main reason is very simple, Mr. Chairman. It seems incredible that we will spend $40 billion to build powerful weapons to try to win a war by killing our enemies, and refuse to spend even a few million dollars to try to win a war by saving the lives of our own people. We can be defeated, or we can encourage war against us by being weak in either of two ways: If an enemy knows that we do not have adequate weapons to strike back decisively, or that we do not have means to protect the lives of our citizens. If we do not have adequate weapons, the enemy can say, "You surrender, or else. Our weapons are superior."

We have weapons that I believe will deter such an ultimatum or attack. But, an enemy can blackmail us in another way. If they know we are not prepared to keep our own people alive in an atomic attack, they can also say, "You surrender or we can destroy your people with our present weapons." If we do not have better preparation of our own people to do what is necessary to save their lives in an atomic attack, then it will be mighty hard to resist such cruel blackmail. I think we ought to have the civil defense funds in this bill to carry out the policy of Congress voted some years ago.

Mr. OSTERTAG. Mr. Chairman, I yield such time as he may desire to the gentleman from Michigan [Mr. FORD].

Mr. FORD. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. FORD. Mr. Chairman, the appropriations bill which contains funds for the National Aeronautics and Space Administration raises serious questions of public policy and national goals. It calls for cuts of almost $39 million below the administration request and the authorization act passed by this House. There will be those who contend that this is a relatively small percentage reduction, but such an interpretation is not an adequate analysis of what is happening.

The United States is a late entrant in the major race for the exploration of space in which the Soviet Union has done so well in certain respects. As of now the Soviet Union is ahead in thrust, or propulsion systems. Our country has the talent and the resources to do equally well provided it makes the decision to do so, and applies itself to this end. At stake is our scientific prestige, our technological progress, and our national defense. I know that some people do not like to characterize this competition as a race, but no one familiar with the details of the space programs looks upon them as anything other than very serious. The amount of money being provided should be a pretty fair indication that even those who have trimmed the program view it as a serious affair.

Since the United States has resolved to compete in this area, and I strongly feel we should compete, and everyone agrees we are up against a formidable rival with a headstart, it seems to me that the next point of logic would be to do what is necessary to win this competition. I have not been altogether sure that the NASA budget as authorized was completely adequate to that end. I recognize that those responsible did their best to balance our needs in the area of space with all the other competing programs Government wants to finance. It was a well-thought out, carefully programed plan, conservative in many respects, and certainly finely cut to allow almost no leeway for mischances on the launching pads or the perils of the budget ax.

Some people argue that any agency can squeeze an extra 5 percent of efficiency out of funds which are provided and therefore that a cut of that size or less can be absorbed without harm. I do not believe that in practice this is so in an area or program where time is of the essence. The top personnel of NASA already are bearing down hard to get the most efficient operation that is practical, and have had to trim their budget request well below what many division heads and individual engineers and scientists think they need. Further, the appropriations act and the legislative history of this bill restrict how funds can be reallocated among uses. I do not doubt the care and the sincerity of the appropriations subcommittee in reviewing this bill. But I do wonder whether they are wise to substitute their judgments for those of NASA who carry the responsibility for performance of the work to put us into the lead in the space sciences. I point also to the careful consideration given the authorization bill by the Science and Astronautics Committee. I am not one who has favored the annual requirement of a detailed prior authorization of all funds before an appropriation is made. But inasmuch as we are operating under such laws at the present time, I think we should avail ourselves of the hard work and the judgments made by the authorizing committee. They give time the year around to detailed study of the space program, and recommended approval of the full amount requested by the administration.

As I review the individual items of the budget which have been cut, I am mystified. The cuts on weather and communications satellites are in the area of applications which offer us the hope of an early payoff to our investments. Our work to put man into space is one of the most competitive with the Soviet Union and where we still have a small chance of being first. Nor can I find any justification for unbalancing other programs which were carefully conceived as an integrated whole. The largest personnel cuts recommended in the budget are in the Goddard Space Center which is supposed to analyze the data returned from outer space. Unless we study the results of the experiments, some of them lose much of their value. One of the most serious weaknesses in our space program has been in tracking facilities, and yet this is another area where cuts have been made.

I can only hope that the commendable zeal of my colleagues to keep the budget in balance for the sake of all of us who pay taxes can be tempered by the overriding and compelling circumstances which surround our space program. The cuts are not large in the total budget, but they can cost us months of delay in programs which will spell the difference between leadership in this field and following second best.

In conclusion, I must say the reductions are unwarranted. I am opposed to them. I trust the other body will correct the deficiency and in the final version NASA will receive the necessary funds.

Mr. OSTERTAG. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. PELLY].

Mr. PELLY. Mr. Chairman, I have asked for this time to address a question to the distinguished chairman of the committee. I understand that in this bill there are administrative costs for various agencies of Government, such as the Federal Communications Commission, the Federal Power Commission, the Interstate Commerce Commission, and so forth. Now, my question is this: Do we recover any of these costs in service fees to various organizations that do business with these agencies?

Mr. THOMAS. The answer is "Yes." In my humble judgment, we ought to recover more.

Mr. PELLY. I agree with the chairman, and I am glad to hear that we do often recover costs.

Mr. OSTERTAG. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. BROYHILL].

Mr. BROYHILL. Mr. Chairman, as many of my colleagues know, the Veterans' Administration has requested funds to build a new veterans hospital to replace the antique on Wisconsin Avenue which presently serves as a hospital for veterans of this area. I feel that this project is of utmost urgency, not only to fill a need of the Washington area, but also as a necessary part of the health plant of a growing nation.

We pride ourselves on being a healthy country. We like to think that the level of well-being attained by medical science in this country is matched nowhere in the world. We view with great optimism the increase in man's lifespan over half a century from 49 years in 1900 to 70 years today.

But these gains were not spontaneous or automatic. They were made possible by the tireless efforts and cooperation of many groups: research scientists, physicians, nurses, hospital workers, industries, government, and groups of citizens throughout the country. In many cases the advances have been costly. But I think most of us agree that we would not turn back the clock for any amount of saving. We want to continue our exceptional progress toward better health.

The veterans hospital which services the Nation's Capital is 50 years old. Veterans of this area are receiving treatment in facilities of the era of the model T.

This hospital has an authorized capacity of 335 beds. These beds have been obtained at the expense of serious overcrowding and substandard physical facilities. The rather obsolete buildings, which were designed as a girls' school, are not and cannot be made acceptable for hospital purposes. Their use for such purpose make the operational aspect of this hospital most cumbersome as well as expensive from a management standpoint in the utilization of personnel. At this time, due to the age of the buildings, the hospital is definitely a maintenance problem with an ever-increasing operating cost. Moreover, a fire of any proportions could very well result in a major catastrophe, as the doors to rooms occupied by patients are too narrow to permit horizontal evacuation by rolling beds.

Some of the nursing units at this hospital are spread over two and three floor levels and are not readily accessible to an elevator. This factor alone is responsible to a great extent for the high rate of turnover in experienced personnel.

The above facts, together with the increased demand for beds in this area, definitely dictate the need for a modern as well as a larger capacity G.M. & S. hospital in the Washington area to provide care and treatment for the veterans who reside in the District of Columbia and nearby Maryland and Virginia.

The present beds at Mount Alto are insufficient in number to adequately meet the needs of the very large veteran population in the Washington area and to support the diagnostic and special treatment services established at that hospital. Since these beds are usually filled with acute-type patients, it is necessary to continually refer the longer term cases to VA hospitals located in one of the surrounding States. The increase in bed requirements has been generated by intensified demand for a considerably larger VA hospital in the Washington area. Since there is not sufficient satisfactory construction at any one point of Mount Alto to provide a nucleus from which to begin a remodeling and addition operation the obvious solution to the VA hospital requirements in this area is through new construction on an alternate site.

The efforts to get a modern veterans' hospital for the Washington area has been a long and frustrating one.

Resolution No. 190 of the Federal Board of Hospitalization approved by the President on October 16, 1945, included a 750-bed general medical and surgical hospital. The site was selected on the Nevius tract in Virginia and funds in the amount of $9,403,800 approved by the Bureau of the Budget on August 12, 1946. The estimate for the 1947 program was $13,794,000 for this hospital at the same location. There was no estimate for 1948.

The site was changed from the Nevius tract in Virginia to the Old Soldiers' Home, Washington, D.C., during 1948. An item was included for this hospital in the 1949 budget through the 1954 budget. In 1954 the scope of the project was reduced from the 750-bed hospital and facilities for the regional office medical activities located in the VA regional office were included as part of the overall project. The purpose of this was to provide clinical facilities for the hospital and the regional office medical activities so that both the hospital and regional office could be served by common facilities. The estimated cost of this project was $18,001,000.

An estimate dated June 18, 1953, for a 500-bed hospital on a 750-bed chassis with bomb protection, special air conditioning, and regional office clinical building, totaled $18,840,000. There was included an item in the 1956 submission to the Bureau of the Budget for a 500-bed hospital on the Soldiers' Home site, which made no provision for a consolidated regional office medical clinic.

On April 26, 1956, the site board report recommended the acquisition of approximately 20 acres on the southeasterly outskirts of the county of Montgomery, Md. It was estimated that the site would cost approximately $100,000. In May 1957, the Administrator of Veterans' Affairs determined that the proposed replacement for the Mount Alto VA hospital would be erected on the Soldiers' Home grounds in Washington rather than in neighboring Montgomery County, Md.

Presidential authorization to add 200 psychiatric beds to the new Washington, D.C., VA hospital was given in a letter dated June 3, 1959. The addition of 200 psychiatric beds required a complete revision to include necessary facilities for these patients. Approval was given with the understanding that the present bed allotment at St. Elizabeths Hospital, Washington, D.C., would be reduced by a like number.

Revision in requirements was undertaken in May 1959. The revised requirements were completed and forwarded to the Bureau of the Budget on August 19, 1959.

The project for construction of a VA hospital on the Nevius site in Virginia called for 750 beds. The Presidential directive of December 19, 1952, authorized a reduction to a 500-bed hospital on a 500-bed chassis with provision for outpatient clinic facilities in the hospital. In the 1954 budget, an estimate was submitted for a 500-bed hospital on a

750 chassis at a projected cost of $16,450,000. A clinical building was included in this plan at a cost of $2,390,000 for a total of $18,840,000. As of February 1960 the total project cost for the 700-bed VA hospital to be located on the site of the Soldiers' Home, Washington, D.C., was estimated to be approximately $21 million.

The net result of this bewildering history is that we are just where we started; we still have an old converted girls school, now some 15 years older, as a hospital for our veterans with a bed capacity far below the minimum needs for the area.

The new hospital as proposed will be 700 beds which will include provision for tuberculous, neuropsychiatric, and general medical and surgical patients. The appropriation requested is $19,760,000.

This new hospital will be designed to serve as a research and testing hospital for many new items of supply and equipment constantly being developed. It will serve also as an administrative research and training hospital with requisite classrooms, recreational halls, and other desirable teaching facilities. There are not presently in any VA hospital suitable facilities for this significant function in the field of progressive hospital administration. The new Washington VA hospital should provide Central Office officials a laboratory wherein they may observe and supervise administrative research and training for the benefit of the VA hospital system as a whole.

The new hospital will be used to provide for the care of acute psychiatric patients. Those veterans with chronic, long-term psychiatric disabilities will be cared for in other VA hospitals within reasonable proximity to the veteran's place of residence. The VA is committed to reduce on a staged basis its allocation of beds at St. Elizabeths Hospital. Furthermore, by reason of modernization, facilities for the care of psychiatric patients at the VA Hospital, Perry Point, Md., will be curtailed to some extent. These facts emphasize the necessity and desirability for proceeding with the construction of the replacement hospital on the site of the Soldiers' Home, Washington, D.C. Activation of the new hospital will permit the VA to eliminate its present bed allocations at the Walter Reed Army Hospital and the Naval Hospital at Bethesda.

Mr. Chairman, lack of action by Congress in the past has prevented building of an adequate veterans' hospital in this area with a consequent cost in suffering to those who already have suffered too much. The appropriation requested is $19,760,000. We cannot afford to quibble over so small a sum to provide adequate medical facilities for the veterans of the Washington area. The price society pays for ill health is always many times the amount needed for sound preventive medicine and good medical care.

It is my great hope that funds will be made available for this hospital and that construction will be started without delay. Mount Alto hospital has seen its better days and I am certain that the entire community will welcome the improvement in hospital facilities for District veterans.

Mr. Chairman, in summary, let me say I was very much surprised and, of course, disappointed, to learn that the Committee on Appropriations had deleted a portion of the request made by the Bureau of the Budget in the amount of $19,760,000 for the construction of a 700-bed Veterans' Administration Hospital here in Washington on the Soldiers' Home grounds. This hospital had been authorized for the past 15 years. There has been a great deal of planning work on that program. Congress appropriated over $3 million toward the planning. As recently as 1957 it appropriated $1,100,000 for the drawing of plans and specifications. We should not delay this much-needed project any longer. The existing facility for the veterans of the Washington, D.C., area was formerly constructed as a girls' school back in 1901. It is obsolete and totally inadequate for the proper operation of a veterans' hospital. It is inadequate so far as the type of facilities that we have there and inadequate in the size of facilities. We only have 335 beds out there. We are having to use beds at Walter Reed, at Bethesda Hospital, St. Elizabeths Hospital, and sending veterans hundreds of miles around for treatment.

Mr. Chairman, I propose when the bill is read for amendment to offer an amendment in an effort to have that amount restored. At that time I hope to discuss the problems of this inadequate facility a little more in detail but for the time being I would like to refer to an editorial that appeared in one of our Washington newspapers recently which pretty well summarizes this particular problem. The editorial is headed "Time for a VA Hospital," and it reads:

TIME FOR A VA HOSPITAL

The House Appropriations Committee has turned up the lamest excuse yet for not approving construction funds for a new Veterans' Administration hospital for this area, a project that has had Presidential and congressional approval for years. Facilities are available, the committee said, "in all surrounding directions."

Well, there is a VA tuberculosis hospital 38 miles away in Baltimore, with a long waiting list. There is a facility at Fort Howard, Md., 53 miles distant, with a long waiting list. There is one in Richmond, Va., 107 miles from here, with a long waiting list. In Washington, there is Mount Alto Hospital, built half a century ago as a girls' school and branded for years as outmoded, inadequate, and dangerous. Moreover, Mount Alto, as a diagnostic center, serves patients from other parts of the country.

As far as we know, there is no other metropolitan area of comparable size in the entire country that is so lacking in proper hospital facilities for its veterans. States with political influence are well provided for. Washington, with no political voice, has been scandalously neglected. But political influence—or the lack of it—ought not to be a factor; need alone should determine where VA facilities are placed, and the need here is evident.

For several years, the proposal for a new VA hospital here foundered on the question of a site; changing defense concepts first dictated a location outside the city, then allowed reinstatement of the original plan to build on the Soldiers' Home grounds. The site is still available, together with planning funds voted in 1957. The House today may have a chance to approve the $20 million needed for construction. It is time to face up to this long-neglected obligation.

I have here in my hands copies of letters from the American Legion and Veterans of Foreign Wars. I know that other Members have received similar communications in which they express their very strong concern over the fact that these funds were taken out of the bill and urge that the House consider favorably reinstating the funds.

During the hearings, the distinguished chairman of the subcommittee, the gentleman from Texas [Mr. THOMAS], stated that we should not appropriate this money now because money is tight, interest is tight, and further expenditures would increase the inflationary spiral.

I do not object to that statement categorically. I think that is an excellent yardstick that should apply to every action taken by this Congress, certainly every action taken in this bill, but I think it should be applied uniformly and not applied to certain projects, because I think that would be discriminatory and unfair.

Mr. THOMAS. Mr. Chairman, I yield 4 minutes to the gentleman from Connecticut [Mr. DADDARIO].

Mr. DADDARIO. Mr. Chairman, little more than a month ago I was fortunate to participate in the second anniversary celebration of the launching of the Nation's first successful Vanguard experiment. At the dinner, some remarks were made by Dr. Milton P. Rosen regarding the future of space exploration that are pertinent to our discussion today.

When I looked over the report of the Appropriations Committee I was forcibly reminded of these words. Dr. Rosen believes that the launching of man in space will accelerate our interest and our achievements in this great scientific venture that has been entrusted to this country. It seems to me a clear lesson exists for all of us in the emphasis we place on Project Mercury.

I have listened to some people who have doubts about this program. I have seen learned papers which question its significance. Yet I am convinced we are on the threshold of a great achievement, and we cannot falter. I do not rest my case on that most facile of arguments, that we are in a great contest which we must win. I would rather argue it on the merits, that we have found a way to penetrate a great unknown, that we stand to gain much in knowledge and practical understanding if we can accomplish space travel, and that we must, therefore, accord it the highest priority.

We cannot just pay lip service to such a goal. We must be prepared to make whatever financial sacrifices are necessary to do what has to be done to achieve our purpose. My committee, under the chairmanship of the distinguished gentleman from Louisiana, has made exhaustive studies of the requirements and difficulties of Project Mercury. We know it can be done. We must support it. I would hope that Congress will fully fund this effort. It seems to me that these words of Dr. Rosen explain in great part why so much depends on this:

REMARKS BY DR. MILTON P. ROSEN

I would like to suggest that the future will be considerably different than what we would expect from a normal extrapolation of what we are doing today.

I think the significant factor is going to be something that will happen within the next 1 or 2 years, the placing in orbit and safe return of a man. It seems to me that this will entirely change the complexion of space flight. It think that almost overnight the emphasis will change from instrumented to manned flight, much as Lindbergh's flight across the Atlantic had a tremendous influence upon aviation. Not tens but hundreds of men will be sent into orbit to acclimate them to the conditions of this new and alien environment.

When they have learned to exist there for a few days, or possibly weeks, we will send men to the moon. First one or two and then larger numbers. I foresee a considerable traffic between the earth and the moon consisting of small parties of explorers, some of whom may stay there for a few months, perhaps a year. I would view the activity as resembling to some extent the activities in the Antarctic during the IGY.

Now I think the moon should not be viewed as a future military base, nor as a vacation land. These two prospects I believe are equally fanciful. The polar regions were discovered 50 years ago and have yet to be primarily used for these purposes.

When we have accustomed men to live in space for months and years, we will undoubtedly send men to the nearer planets—Mars and Venus. Now it may well be asked why we should devote the tremendous energy that it will take, the tremendous amount of funds, to this sort of activity. Certainly there are other worthwhile things we could do—medical research, a cure for cancer, better education, more and more schools, perhaps aid to the underdeveloped countries of Africa, Asia, and South America. All of these are worthwhile purposes, and I for one would support any of them.

But the question keeps arising, Why go to Mars when there is so much to be done here on earth? And I think the answer is something like this: It is not enough that we should be healthy, prosperous, and educated; it is not enough unless we use these gifts to serve purposes beyond our personal comfort and prosperity. Aims that expand the scope of man's activity and knowledge—aims that give purpose to life. Man does not live by bread alone.

Those are the words of Dr. Rosen.

Two other points disturb me about the bill before us today. One is the cut in appropriations for salaries and in the number of positions available to NASA. I do not say that the plans of NASA should be endorsed without question. I myself have certain doubts about future plans of the agency. But I believe that in the formative stage we must take special pains to see that the agency is equipped to do its job.

By that, I mean it must be empowered to seek out, attract, hire and hold qualified personnel to direct and supervise its program. Let no one have any doubts about the importance of this space program to the future of our country. We have, in the past, reported on this floor to the Members about the possibilities in communications, navigation, meteorology and other fields. Some of these have since been tested by the satellites which today whirl about the globe. They offer tremendous savings and improvements in our way of life. We must insure that the direction of this program is entrusted to good men. We must insure that NASA has the ability to recruit them.

The second point concerns both NASA and the National Science Foundation. This Nation's future depends in part on the vigor and imagination of its program in research and development. I would stress in particular the basic research we need. Yet in the budget items for both the NASA and the Science Foundation, there is less than wholehearted support to meet these needs.

Testimony before our committee has emphasized that the level of basic research in this country has been falling until we are scraping the bottom of the barrel for ideas. Maj. Gen. August Schomburg of Redstone Arsenal told us:

There has been a frantic using up of our knowledge in the crash development of missiles in the past 10 years. During the same 10 years the competition for funds for missile development has crowded supporting research out of our budgets. So we have virtually exhausted our reservoir of knowledge. We must replenish it or yield our ascendancy—and eventually yield even our equality in the missile race.

These are the questions that disturb me as I ponder the effects of this bill that is before us. Our committee has been entrusted by this House with studying the programs of the Government for science and astronautics, and determining if they are adequate. We know that on the Nation's ability to develop its technology and to make use of it may well depend our future—not only our security, but the jobs and economy of the future. We insist on a progressive and energetic program. We must see that it is given the legislative support it requires.

Mr. OSTERTAG. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I take this time to ask a few questions of the gentleman from Texas, the chairman of the committee. Do I understand there is $4,760,000 in this bill to continue a subsidy to three helicopter operators?

Mr. THOMAS. That is correct. There is about $4,700,000—that is the figure the gentleman used, I believe.

Mr. GROSS. About $4,760,000. Is there any justification for this? In other words, on what basis do we appropriate $4,760,000?

Mr. THOMAS. That is for New York, Chicago, and Los Angeles, and it is purely an experimental matter.

Mr. GROSS. Experimental in what way—just for hauling passengers?

Mr. THOMAS. For hauling passengers and carrying the mail.

Mr. GROSS. Well, we certainly do not need it experimentally insofar as the actual operation of helicopters is concerned. Only yesterday a helicopter landed near the Washington, D.C., ball park and picked up the President after he had attended the ball game and flew him to his jet plane out at Andrews Field, and from there he went back to his golf at Augusta, Ga. So we certainly do not need to spend this kind of money to demonstrate the feasibility of the use of helicopters.

Now I would like to ask the gentleman if the three buildings provided in this bill, at a cost of some $65 million for the District of Columbia, are authorized by the proper legislative committee.

Mr. THOMAS. May I say to my distinguished colleague that our able, genial, and delightful friend, the gentleman from Alabama [Mr. JONES], who is chairman of the Committee on Public Works, handles this. Our offices are across the hall, and the first thing in the morning we discuss these projects, and in the middle of the day we discuss them, and then, late in the afternoon when we both get back to our offices at 5 o'clock we discuss them.

Mr. GROSS. I would appreciate if the gentleman would make the description of his social and business activities as brief as possible since my time is limited.

Mr. THOMAS. Frankly, I do not know. There is no disagreement. The law is such that not the Congress but the legislative committee of the House must concur exactly with the legislative committee of the other body, and I think strictly, to give the gentleman an honest, frank, and complete answer—I think the answer is "No"; they are not authorized.

Mr. GROSS. The gentleman has $250,000 in this bill for presidential pensions. That is something that has been dear to my heart for a long time. The gentleman will remember, I opposed the presidential pension bill. I wonder if all the attention that was given to this appropriation is to be found on pages 266 and 267 of the hearings. Were any questions asked on this?

Mr. THOMAS. May I say to our distinguished friend that he knows and I know what is involved in this matter. The budget estimate was submitted to us. We have expenses and we have to pay our distinguished and beloved President who will retire in January. There is extra money there for 6 months and we all know what these things are.

Mr. GROSS. Let us ask the gentleman this question. President Eisenhower is going to retire on January 20 of next year. You have $12,000 in this bill to begin his retirement. Is the President going to draw his retirement pay as a general of Army and with the staff that is provided? Can the gentleman tell me whether he is going to draw that retirement in addition to what this bill provides? What is going to be the story on that?

Mr. THOMAS. May I humbly state to my friend that that is his private business. I do not know what he is going to do.

Mr. GROSS. This is not altogether his private business. This is the taxpayers' money with which we are dealing.

Mr. THOMAS. But it is his private business to the extent that he can do it or not do it. What he is going to do, I do not know.

Mr. GROSS. Then the gentleman is saying to me that the President can draw $25,000 a year as a pension from the Government under this legislation dealing with Presidents, and he can also draw, perhaps, the equivalent as a retired general of the Army and he could have two staffs, one a civilian staff and one as is provided for retired officers; is that correct?

Mr. THOMAS. I am not advised as to the last point the gentleman made.

Mr. HOFFMAN of Michigan. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Fifty Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 46]

Adair	Fountain	Moulder
Addonizio	Frazier	Nix
Albert	Frelinghuysen	Norblad
Alexander	Friedel	O'Brien, N.Y.
Allen	Gallagher	Osmers
Andersen, Minn.	Garmatz	Patman
	Gary	Perkins
Anderson, Mont.	Gavin	Philbin
	Gilbert	Pilcher
Andrews	Granahan	Powell
Anfuso	Grant	Prokop
Ashmore	Green, Pa.	Quigley
Auchincloss	Griffiths	Rabaut
Bailey	Halpern	Rees, Kans.
Barden	Hargis	Rhodes, Pa.
Barrett	Harris	Riley
Bass, Tenn.	Healey	Roberts
Becker	Henderson	Rodino
Blitch	Hess	Rogers, Mass.
Bolton	Hoeven	Rogers, Tex.
Bonner	Holifield	Rooney
Boykin	Holland	Roosevelt
Bray	Holt	Rostenkowski
Breeding	Horan	St. George
Brewster	Hull	Santangelo
Brock	Jennings	Scott
Buckley	Johnson, Md.	Shelley
Burdick	Jones, Mo.	Sheppard
Burleson	Kearns	Sikes
Cahill	Kee	Sisk
Canfield	Keith	Slack
Carnahan	Kelly	Smith, Miss.
Casey	Keogh	Spence
Celler	Kilburn	Springer
Chelf	King, Calif.	Staggers
Chiperfield	King, Utah	Taylor
Collier	Kitchin	Teague, Tex.
Cook	Kluczynski	Teller
Cooley	Lafore	Thompson, La.
Curtis, Mo.	Latta	Thompson, N.J.
Daniels	Lesinski	Toll
Davis, Ga.	Libonati	Utt
Davis, Tenn.	McGinley	Vinson
Dent	McGovern	Wallhauser
Diggs	McSween	Wampler
Dingell	Mack	Watts
Dixon	Magnuson	Whitener
Dorn, N.Y.	Martin	Widnall
Dorn, S.C.	May	Williams
Dowdy	Meader	Willis
Dulski	Merrow	Wilson
Edmondson	Metcalf	Withrow
Fallon	Mitchell	Wolf
Farbstein	Montoya	Young
Fenton	Moorhead	Younger
Fino	Morris, N. Mex.	Zelenko
Fisher	Morrison	
Fogarty	Moss	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. IKARD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 11776, and finding itself without a quorum, he had directed the roll to be called, when 260 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Iowa [Mr. GROSS] is recognized for 30 seconds.

Mr. GROSS. Mr. Chairman, in the remaining time I have, I simply wanted to point out to the chairman of the subcommittee that under Public Law 85–745 widows of Presidents, who come under this same provision, must waive the right to any other annuity or pension. Under the act of Congress which authorizes this appropriation, nothing is said whatever about former Presidents waiving any other annuity or pension, so apparently they can draw both.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. GROSS] has expired.

Mr. THOMAS. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. GROSS. Mr. Chairman, I thank the gentleman and yield to him.

Mr. THOMAS. Mr. Chairman, may I say to my colleague that this is my understanding of the law. In the first place, as far as the Presidents are concerned, they are caught squarely in the dual compensation law, which says, in sum and substance, that they may draw only one pension. But as far as the distinguished President himself is concerned, it is my present understanding that he has resigned from the Army, so there is nothing involved about the Army.

Mr. GROSS. The gentleman would not say there would not be a bill in Congress next year to reinstate the President's status as a retired general of the Army?

Mr. THOMAS. I cannot say about that.

Mr. GROSS. The gentleman can very well expect there will be a bill to reinstate him in his retirement as general of the Army.

Mr. OSTERTAG. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. BOW].

Mr. BOW. Mr. Chairman, there came to my attention today a matter that I believe should be corrected from an appropriations standpoint. The chamber of commerce of the United States puts out a publication each month, a copy of which I hold in my hand. It is called Taxpayer's Dollar. This is for the month of April 1960. It is No. 4 of volume 9. Because they made a mistake, and I think you all may hear of it, we had better correct it now.

One paragraph in this issue says this:

> The District of Columbia appropriation bill is the only bill for the next fiscal year (1961) which has been sent to the President. The General Government, Treasury-Post Office, Interior, Commerce, and Labor-HEW bills have passed the House. Excepting the District of Columbia budget, the total amount requested by the President in these bills is $10,262 million. The House increased this amount by about $35 billion.

The House did not increase this amount by $35 billion, and you are apt to get a lot of mail on this asking what happened to us that we increased this amount $35 billion. The House has not done this at all. This is a complete error, and I think it must be corrected. When we go back into the House I will get permission to place into the RECORD figures showing that the House has actually reduced the budget by $280 million, although one or two items were considerably over the budget, and in supplementals we have reduced the budget by $770 million. The House has done an excellent job on this budget.

When this article by the chamber of commerce says we have increased it by $35 billion it is just wrong. I think the Members ought to know about it so when we begin to get mail concerning it we can have this complete record that I will include in my remarks. Theirs is by no means complete as to what the House has done.

They make one further statement on the question of the Department of Commerce appropriation bill, which is over in the other body. They say in referring to the Commerce bill:

> In the latter, the Senate further reduced the President's request.

They say we reduced it but the Senate further reduced it. We are going to conference on that bill very shortly. I should like to say in regard to that bill that although the House worked its will and made a number of substantial reductions, when the bill got to the other body that body restored practically all the cuts we made and then took a $40-million bite out of a trust fund account in the highway program. This makes it look as though they reduced it by $40 million when in fact they have increased it by restoring the budget cuts. Taking the $40 million out of a trust fund makes it look as though they reduced it, when as a matter of fact they put the money back into the bill, and we are going to have to pay the $40 million because it is there.

These are the facts I think the Members of the House and the public ought to know, because I am proud of the work we have done and I am proud of the work the House did on that bill.

Mr. PRESTON. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Georgia.

Mr. PRESTON. I want to thank the gentleman for calling these facts to the attention of the House. He is eminently correct in what he has said. The action of the other body was certainly not what we would call tricky, but it was a devious way of claiming a reduction under the House figure, something rarely done by the other body.

As to the claim that the House raised the figure by $35 billion, I think that must be a mistake.

Mr. BOW. That is right. I think it is probably a mistake in proofreading. I hope we will be charitable and say it is a mistake in proofreading, but they ought to read the proof a little more carefully when they are making a charge of this kind against a responsible parliamentary body such as the House of Representatives.

(The matter referred to is as follows.)

Action on appropriation bills, 86th Cong., 2d sess.

Bill	Estimates	Reported	House passed	House action compared with estimates
1961 bills:				
District of Columbia, 1961	$34,533,000	$27,533,000	$27,533,000	−$7,000,000
Commerce, etc., 1961	799,615,000	760,522,235	760,522,235	−39,092,765
Interior, etc., 1961	550,330,300	543,375,600	543,375,600	−6,954,700
Treasury-Post Office, 1961	4,897,853,000	4,795,414,000	4,795,414,000	−102,439,000
General Government matters, 1961	14,302,500	13,787,500	13,787,500	−515,000
Labor-HEW, 1961	4,000,083,981	4,184,022,731	4,184,022,731	+183,938,750
State-Justice-Judiciary, 1961	713,803,755	676,579,807	676,564,807	−37,238,948
Independent offices, 1961	8,416,897,000	8,146,167,400		−270,729,600
Total on 1961 bills	19,427,418,536	19,147,402,273	11,001,219,873	−280,031,263
1960 supplementals:				
NASA supplemental	23,000,000	23,000,000	23,000,000	
2d supplemental	1,008,398,264	229,175,864	237,505,864	[1]−770,892,400
Total, 1960 supplementals	1,031,398,264	252,175,864	260,505,864	−770,892,400

	Estimates	Law	Reduction
Final actions:			
District of Columbia, 1961	$34,533,000	$27,533,000	−$7,000,000
NASA supplemental, 1960	23,079,000	23,079,000	
2d supplemental, 1960	1,017,784,888	955,370,003	−62,414,885
Total	1,075,396,888	1,005,982,003	−69,414,885

[1] Includes disallowance of $675,000,000 to partially restore CCC losses, this cut will not result in reduction in expenditures since it is for past losses.

The CHAIRMAN. The time of the gentleman has expired.

Mr. THOMAS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Ohio [Mr. VANIK].

Mr. VANIK. Mr. Chairman, I would like to inquire of the chairman of the subcommittee whether there is any provision in this bill for an appropriation for trunk airline subsidies.

Mr. THOMAS. No; there is not.

Mr. VANIK. So that it does not include subsidy for any of the major trunklines; is that correct?

Mr. THOMAS. That is right; the gentleman is correct.

Mr. VANIK. I thank the gentleman.

Mr. Chairman, I certainly want to commend this committee for its fine work on this bill.

Mr. Chairman, it has come to my attention that a trunk carrier has recently applied for a $13 million annual subsidy to permit it to continue operations. In order to support its case for a subsidy, this particular carrier has flooded the press with a demonstration of its plight. At the very same time it was heading toward deficit operations, its payrolls were overloaded. Among the other usual hazards of air travel, this particular carrier has invented a new one—too many employees on the field at takeoff time.

After loading its payroll in a planned augmentation of its debt, the management has arranged for an associate corporation with which it has interwoven financial investments to bring a foreclosure action conveniently coinciding with the subsidy plea now before the CAB. Now we are being besieged with the plight of this carrier in the face of these conditions, and to our attention is directed the fact that this carrier has headquarters in the Washington area employing several thousand employees.

The fact is that the troubles of this trunk carrier are problems of its mismanagement. Subsidies cannot be used with any moral justification as a reward for mismanagement nor are subsidies to be used as insurance for losses resulting from hopelessly inferior operations. There is something basically wrong that the taxpayers' money in subsidies will not cure when a trunk carrier with some of the most lucrative routes in America, operating under substantially the same conditions as all other trunk carriers, falls flat on its face and becomes the first trunk carrier to seek a subsidy since 1951. Those who permitted bad management to destroy the business operation ought to suffer the consequences of their dereliction.

Mr. ASHLEY. Mr. Chairman, I want to join with what my colleague, the gentleman from Ohio, has said with respect to this particular carrier. It is a matter on which we have shared the same view for some time, and I commend him for bringing it to the attention of this body at this time.

Three weeks ago, Mr. Chairman, I pointed out that Capital Airlines is the first trunk carrier to request a subsidy since 1951 and was the last trunk carrier to go off subsidy at that time. I mentioned, too, that Capital has the dubious distinction of being the only carrier in the 22-year history of the Federal Aviation Act to receive an order from the Civil Aeronautics Board compelling a company to improve its service. The CAB's order was the result of Capital's record of substandard service to Toledo, Ohio, the district which I represent, of its diminution of flights from eight to two per day and Capital's continued broken promises for improved service.

I urged a careful study of Capital's top management before granting a recent request for a $12,949,000 subsidy for a 12-month period, and suggested that there is nothing in Capital's record to justify or warrant sending the airline a million dollar check every month at the taxpayers' expense. Recent news headlines have certainly borne out my contention.

Turning to the bill before us, Mr. Chairman, I am pleased to note the inclusion of $3,867,700 for a much-needed Federal office building in Toledo, Ohio. As I understand it, this does not represent total cost of the project, but only the amount which it is anticipated will be expended during fiscal 1961. Total cost of the building has been set at $5.6 million, and date of completion for August 1962. Since funds were appropriated last year for site acquisition and planning, this means that roughly $1 million will be needed in the fiscal 1962 budget for completion of the work.

Mr. THOMAS. Mr. Chairman, I yield to our distinguished colleague, the gentleman from North Carolina [Mr. DURHAM] 1 minute.

Mr. DURHAM. Mr. Chairman, I want to congratulate the chairman of this subcommittee, the gentleman from Texas [Mr. THOMAS]. I hope he will be a Member of this body for a long time because he is a valuable member of the Committee on Appropriations and has always brought out measures that are sound legislation.

Frankly, I am disturbed by the decision of our great Appropriations Committee not to grant funds for the Federal share of personnel and administrative costs of State and local civil defense agencies, as provided for in Public Law 85–606.

Public Law 85–606, as you will recall, is the enactment of H.R. 7576, which I sponsored and which I am proud to say is commonly known as the Durham bill. This law bears the unanimous approval of both bodies of Congress. It was the fulfillment of years of study by conscientious, knowledgeable members of the Armed Services Committees of both the House and Senate—men thoroughly versed in the overall defense needs of our Nation. Opinions and information obtained from leaders of government across the country, plus exhaustive studies made by professional staff experts, resulted in section 2 of the law, stating:

> It is the policy and intent of Congress to provide a system of civil defense for the protection of life and property in the United States from attack • • • that the responsibility for civil defense shall be vested jointly in the Federal Government and the several States and their political subdivisions • • • that the Federal Government shall provide necessary assistance as authorized.

Now, legal dictionaries define the word "shall" in this manner:

> Where a statute declares a thing shall be done, it is a peremptory mandate.

And section 205 of the act states:

> The Director (OCDM) is authorized to make financial contributions to the States for necessary and essential State and local civil defense personnel and administrative expenses.

Certainly no segment of the civil defense program is more necessary or essential than this.

In order to carry out this mandate of the Congress, the Office of Civil and Defense Mobilization requested, for fiscal

year 1961, the modest sum of $12 million. The Independent Offices Subcommittee, headed by the gentleman from Texas [Mr. THOMAS], was evidently convinced of the necessity of initiating this program and included in its report the sum of $3 million. The sincerity of Chairman THOMAS was evidenced by his statements to Senate members of the supplemental appropriations conference, wherein he assured them that $3 million would be in this bill when reported.

I was disappointed, therefore, to learn that the full Appropriations Committee had voted to delete these funds. What can be said against this appropriation? That it will create political jobs? No—all new positions must be filled through a rigid merit system. That it will be a wasteful program? No—on the contrary, it will be considerably less costly than the alternative, outright federalization. Is this just a matter of saving money? If it is—it is unwise economy, in my opinion. I am in complete agreement with the statement of Mr. JOHNSON of Texas, the able majority leader of the Senate, who said:

> If we speed our defenses and they are not needed, all we lose is the money; if we fail to provide proper defenses and they are needed, we could very well lose our country.

Mr. THOMAS. Mr. Chairman, I yield such time as he may require to the gentleman from Ohio [Mr. HAYS].

Mr. HAYS. Mr. Chairman, I see on page 18 of the committee's report, and page 6 of the bill, language stating that no part of the appropriations made herein to the Civil Service Commission shall be available for printing the Official Register of the United States. I heartily compliment the committee for this proposal.

In March 1958, when I was chairman of the Subcommittee To Study Federal Printing, I introduced H.R. 11345, to discontinue publication of the Official Register. Our subcommittee study regarding this subject disclosed that an annual cost of $30,000 was being paid, between 1955 and 1957, by the Civil Service Commission to the Government Printing Office for the few copies of the Official Register required by the Commission. The printing costs had been on an increase each year for the past 3 years. In addition to the printing costs which are charged to the Civil Service Commission, more than 2,000 additional copies—which are distributed in accordance with provisions of law—are charged to the congressional appropriation for printing. Added to the printing costs, the Civil Service Commission reports an annual expenditure of more than $6,000 for preparation of copy and indexing. Further costs are incurred by each department and agency for the compilation of information which they are required to supply to the Civil Service Commission for inclusion in the Official Register. The total overall cost to the Government for compiling, indexing, printing, binding, and distributing the Official Register is conservatively estimated to exceed $45,000 annually.

In response to an inquiry made to the then Chairman of the Civil Service Commission as to the need for continuation of this publication, he replied to me:

> From the standpoint of the Commission's operations, discontinuance of the Official Register would cause no inconvenience or handicap. It is not necessary in any of our work. A canvass of the views of a representative number of agencies revealed no strong reactions one way or another. Some would like to see it continued, others would not be particularly upset if it were discontinued.

I observe on page 718 of the current hearings that Civil Service Chairman Roger W. Jones, in response to a similar question by the gentleman from Texas [Mr. THOMAS], stafed that "it is not important in our judgment."

The Official Register has been published in various forms and at great expense to the Government since 1816. A large percentage of the names listed in the Official Register are now also included in the U.S. Government Organization Manual, which has been printed since 1948. Many of the names are also included in the Congressional Directory. The Official Register is unquestionably an outstanding example of unessential publications which can be discontinued. I think it is a realistic saving, and I am glad the committee put its finger on it. The chairman is to be congratulated for taking this action.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OSTERTAG. Mr. Chairman, I have no further requests for time.

Mr. THOMAS. Mr. Chairman, may I say this has been a fine, clean, wholesome debate. May I say one thing that no one has mentioned in the committee, and I think all have forgotten it. I would like to call the attention of the House to one item, and that is the hearings for the National Science Foundation printed separately under the title "Comparison of United States and U.S.S.R. Science Education." It is a wonderful document and it is available at the Committee on Appropriations. I hope you will all get it and look at it. It is well worth your time.

Mr. BROOKS of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield.

Mr. BROOKS of Louisiana. Has the gentleman explained to the House the reason for the rather heavy cut for the National Science Foundation? It is practically a 17-percent cut.

Mr. THOMAS. We gave them about what their budget was last year, plus about $7 million.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield.

Mr. BOLAND. I think the gentleman has asked a good question, and I think the record will show that the committee has done a very good job. I may say to the distinguished gentleman from Louisiana that this is one of the agencies of the Federal Government of which we are most proud. It started 10 years ago. It started with an appropriation of $3,725,000. In the bill which this committee brings to the floor today we report $160 million. All of this increase has been generated by the interest that has been shown in scientific exhibits throughout the United States, and this is the agency that is responsible for doing that. The request they made was for $190 million. We gave them the same as they used last year. We gave them more than they have had at any time during their 10 years of their existence. I think this is a reasonable figure.

Mr. BROOKS of Louisiana. This is about the amount they had last year.

Mr. THOMAS. It is five or seven million dollars more than they had last year.

Mr. BOLAND. Most of it goes for awards and to educational institutions. We think they have done a good job in that area. We are proud of what this Foundation is doing. They are developing a program that is one of the finest of all. All of the Members who are familiar with the studies they are making are proud of their work. We think we have come a long way in the last couple of years. We think it ought to be able to get along well with $160 million.

Mr. BROOKS of Louisiana. Your time is about consumed, but when we go under the 5-minute rule I am going to ask for time to say something with reference to this matter.

Mr. BOLAND. I appreciate the gentleman's concern.

Mr. THOMAS. Mr. Chairman, I ask that the Clerk read the bill.

The Clerk read as follows:

CIVIL DEFENSE AND DEFENSE MOBILIZATION FUNCTIONS OF FEDERAL AGENCIES

For expenses necessary to enable other Federal agencies to perform such civil defense and defense mobilization functions as may be designated by the Office of Civil and Defense Mobilization, including payments by the Department of Labor to State employment security agencies for the full cost of administration of defense manpower mobilization activities, $6,250,000.

Mr. BROOKS of Louisiana. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, following my questions to the distinguished chairman of the subcommittee [Mr. THOMAS] with reference to the cut for the National Science Foundation, I recognize that this is a good, conscientious, capable committee. On the other hand, the thing that disturbs me, the cut that this agency has sustained in this bill is greater than the cut received by any other agency. It is far more than the average cut given other agencies of Government. It leaves about the amount which this agency received last year.

This is the agency that does the basic research, and I was very much heartened to hear from members of the committee such a fine statement regarding the work of this agency, because I think the National Science Foundation is doing a splendid job. You do not hear of waste or throwing around of money, nor scandals of any sort connected with this agency of the Government.

I have analyzed the cuts quite extensively.

Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD. These are my own remarks.

The CHAIRMAN. Without objection the gentleman may extend his remarks in the RECORD.

There was no objection.

Mr. BROOKS of Louisiana. Mr. Chairman, I wish to register the vigorous objection to the action taken by the Appropriations Committee in cutting so severely the 1961 budget of the National Science Foundation.

If I have ever seen a classic illustration of being "pennywise and pound foolish" this is it.

Mr. Chairman, the reductions made by the committee for the entire independent offices appropriation amount to a total average cut of some 3 percent. Yet the National Science Foundation has been cut 16.5 percent. More than 5 times the average cut.

Why?

Why is the Foundation, which represents the major sustained interest of the U.S. Government in basic research, singled out for this sort of discriminatory treatment? I have searched the committee report, but I can find no real clue there.

Let me take a moment to put this thing into a proper perspective for Members of the House.

The National Science Foundation is charged with stimulating and improving basic research in the United States. Basic, not applied. This means research in totally new areas, concepts, and designs—the end result of which cannot usually be foreseen. It is not a matter of mere development, engineering, or technique. In this latter department, which we call applied research, we in the United States are doing very well.

In fact, it is doubtful if any nation has ever displayed our ingenuity for making useful applications of known scientific facts. But in this era of science in which we find ourselves today, we are scraping the bottom of the barrel of known scientific facts. We must uncover new ones, make new breakthroughs, pioneer deep into unknown fields in order to stay up in the scientific community. We are never going to compete with Russia in the next decade—or any other competent scientific nation—just by continuing to make engineering refinements based on old knowledge.

Mr. Chairman, every noted scientist who has testified before the Congress in the past 3 years—and there have been hundreds—has been in agreement on this point. We must make new basic discoveries.

Yet here we are, leading off into the decade of the sixties—stepping off into a true age of science where knowledge promises to be the most critical commodity a nation can possess—and what are we doing? We are crippling our Nation's basic research effort—an effort already miserably inadequate. We are now preparing to stunt its growth even more.

Returning to my basic thesis, let me suggest to you that by cutting the Foundation's budget by nearly 17 percent, by denying the Foundation this $31 million, we are unlikely in the long run to save a nickel. On the contrary, we can be pretty sure that one day in the not-too-distant future we will wind up behind the scientific eightball because one of the modest programs planned here was killed. Then we shall have to undertake a crash program and spend many times the amount contemplated in fiscal 1961 in order to learn the basic scientific facts we should have been acquiring all along.

Mr. Chairman, I have here a summary of the Foundation's program which will be curtailed or eliminated by the proposed cut—including research on the satellite telescope which competent astroscientists believe would be worth a dozen of the 200-inch Mount Palomar telescopes. I should like to include this summary in my remarks at this point.

REVIEW OF THE NATIONAL SCIENCE FOUNDATION APPROPRIATION FOR FISCAL YEAR 1961

The overall reduction for all independent offices appropriation was about 3 percent. The Committee on Appropriations has recommended a reduction of $31,600,000, or 16.5 percent of the fiscal year 1961 budget estimate of $191,600,000 for the National Science Foundation. The nature of the committee's recommendation is such as to make reductions necessary in three primary areas: Support of Basic Research, Support of Basic Research Facilities, and Science Information Service as shown in the following table:

	Fiscal year 1961 budget estimate	Fiscal year 1961 distribution of committee recommended total	Reduction	Percentage reduction
Basic research	$78,800,000	$70,283,000	−$8,517,000	10.8
Basic research facilities	29,550,000	10,850,000	−18,700,000	63.3
Development of graduate research laboratories	(15,000,000)	(2,000,000)	(−13,000,000)	(86.6)
Science information	8,935,000	5,335,000	−3,600,000	40.3
Foreign currency	(1,600,000)	(0)	(−1,600,000)	(100.0)
Scientific manpower	67,300,000	67,053,000	−247,000	0.4
Program development and management	7,015,000	6,479,000	536,000	7.6
Total	191,600,000	160,000,000	−31,600,000	16.5

The committee report on the independent offices appropriations for fiscal year 1961 states that the National Science Foundation has as its basic objective the support of basic scientific research and the development of trained scientific manpower.

The committee apparently did not consider it necessary to further the attainment of these objectives beyond the general level supported in fiscal year 1960. This action, if sustained by the Congress, will be extremely detrimental to the continued growth of a strong, broadly based national scientific effort which must be undergirded by vigorous expanding basic research programs at colleges and universities adequately supported by modern research facilities. The national potential for basic scientific research has increased several fold in recent years, as shown by the research proposals received by the National Science Foundation which have increased from a total of less than $25 million in fiscal year 1955 to an estimated $190 million in fiscal year 1961. These are generally high quality research proposals which are received from over 300 different institutions of higher learning and involve the work of about 3,000 principal investigators. Even with the funds for basic research grants requested in the President's budget, the foundation would be able to support only about 38 percent of this work. The nature of the Committee on Appropriations' action is such as to make necessary a minimum reduction of $8.5 million for basic research which will result in support for only about 33 percent of proposals. It is not in the national interest to fail to utilize the capabilities of so large a proportion of our college and university scientists to perform basic research in their own fields of science.

In addition, basic research is a vital ingredient of science education programs, particularly at the graduate level and the denial of such a large proportion of research proposals will adversely affect the efforts of many colleges and universities to develop and improve their science departments. Basic research is an important factor in the retention of science faculty members and in the training and development of advanced students. Actually a cut of $8.5 million in the basic research program would eliminate the means of support for approximately 1,000 advanced graduate students who would participate in the research.

The Committee on Appropriations in its report appears to have made a distinction between the Foundation's objective of supporting basic research and the proposed program to share with colleges and universities in the extremely costly effort of modernizing graduate research laboratories and on this basis, apparently intended to reduce $13 million from the $15 million requested for the development of graduate research laboratories. Due to obsolescence and other factors, adequate modern research laboratory facilities are not now available in a majority of colleges and universities. As a means of assisting the institutions to improve their research facilities, the Foundation initiated a $2 million pilot program in fiscal year 1960 with the Federal Government sharing equally with the institutions in the cost of laboratory improvements. The need for this program is shown in part by the response of the colleges and universities who have submitted, through March 1960, proposals for Foundation support totaling over $20,500,000 which would require the investment of an equal amount of their own funds. The size of this response was limited by the experimental nature of the program. The Committee on Appropriations recommended reduction in the National

Science Foundation's budget estimate would make necessary a drastic curtailment in the major benefits which would accrue to the national effort in the field of basic research and science education if universities and colleges were encouraged and assisted in improving their own research laboratory facilities.

The Federal Government, through the National Science Foundation, has financed the construction of two major facilities for research in radio and optical astronomy at a total cost approximating $20 million. The Committee on Appropriations recommended total appropriation would provide only sufficient funds for fiscal year 1961 to continue the interim or preoperational level of support allowed in fiscal year 1960. To continue this interim level in fiscal year 1961, when major instruments will either start operation or be in an operational test phase, will seriously cripple programs requiring nearly a full operating staff and will also require the elimination of all new programs such as the advanced optical or space telescope program. This space telescope program promises to provide one of the major forward steps in astronomy ever undertaken. The program to improve basic telescope research equipment at each observatory would have to be eliminated although experience has shown that rapid technological changes, particularly in electronics, requires a continuous program of improvement to assure the technical adequacy of research performed with the instruments.

Less than full utilization of these costly research facilities would be detrimental to the country's scientific effort in astronomy as well as poor economy considering the major initial investment.

The effect of distributing the total reduction recommended by the Committee on Appropriations would be a reduction of 40 percent below the budget estimate for programs in the critical area of science information. Planned programs to increase the availability of Soviet and other foreign science information will be severely curtailed, particularly the new program which utilizes excess foreign currency accruing from the sale of surplus agricultural commodities. Assistance to valuable U.S. scientific and technical publications which cannot be fully self-sustaining on a subscription basis will be severely curtailed. This is an area for which the Foundation has been assigned special responsibility by the Congress and the President. Planned programs to improve the methods and techniques of disseminating scientific information will also be curtailed. In this latter program area, development of modern searching and retrieval techniques using electronic data processing systems is an urgent necessity if the results of scientific research are to be effectively available to investigators.

Mr. Chairman, in conclusion let me remind you again that this National Science Foundation apportions these research projects. As projects develop, it may be some are terminated while others are continued from year to year. This agency, of course, has expanded; the field of science is expanding, it is expanding terrifically. The work in space is not the only thing which has expanded, but it is all science, whether it be medical science, agricultural science, engineering, all types of basic science are going forward, and all of this is going to require more money in the future, whether we like it or not. I want to call that to the attention of this committee and I hope all of us will keep open minds in reference to the National Science Foundation Act when it comes up, if it does, where it is seriously hurt in reference to serious cuts, that you will give it an audience and a hearing. Our committee has gone over the work of this agency very carefully. We are impressed. I join with what the distinguished gentleman had to say about the fine work. We are impressed with the fine work of this agency and I for one want to see it continued.

The Clerk read as follows:

PAYMENTS TO AIR CARRIERS (LIQUIDATION OF CONTRACT AUTHORIZATION)

For payments to air carriers of so much of the compensation fixed and determined by the Civil Aeronautics Board under section 406 of the Federal Aviation Act of 1958 (49 U.S.C. 1376), as is payable by the Board, $60,000,000, to remain available until expended.

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Gross: Page 5, line 1, strike out the figure "$60,000,000" and insert in lieu thereof the figure "$55,240,000", insert a colon and add the following language: "*Provided*, That none of the funds herein appropriated shall be used for helicopter operations."

Mr. GROSS. Mr. Chairman, I hope the committee will accept this amendment, which simply cuts out $4,760,000 for the purpose of subsidizing the operation of helicopter service in three cities. I know of no reason why the Congress of the United States should continue to subsidize the operation of commercial helicopter service.

I find nothing in the hearings to justify this appropriation. The statement submitted by those who are asking for the appropriation talks in terms of the necessity for continuing this as an experiment in connection with the carrying of passengers. Millions of dollars have been spent for the same purpose in recent years. Now, in my opinion, is an awfully good time to save a little money and stop this unnecessary subsidization.

Mr. YATES. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Iowa [Mr. GROSS].

Mr. Chairman, there is merit to the argument made by the gentleman from Iowa that there seems to be discriminatory treatment in favor of three cities when service of this type and subsidies apply to only three. It is discriminatory but pilot operations always are. I concede there has been a long test period, but that is drawing to a close. This service is nearing the end of its subsidization. The decision will have to be made within the near future, within the next year or two, whether it is a feasible service to be carried on between airports and central points in the metropolitan communities of the country.

Justification for subsidization of its service was offered to the committee by the companies. The argument of the Chicago company appears in the hearings. It is claimed that as a result of this operation the Department of Defense was furnished much valuable information. The Army used the experience of the companies and specifically sought information from them.

The cooperation between them has been very good indeed. Moreover, the Post Office Department considers this service essential for its purposes.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Iowa.

Mr. GROSS. Is there any more reason why we should subsidize a helicopter service than a taxicab service?

Mr. YATES. I would think there is as much reason to subsidize a helicopter service as the service of feeder airlines between small cities. This experiment may well determine the future of helicopter service in metropolitan communities and between adjacent communities. Perhaps this will be the mode of express travel within cities in the future. I do not like subsidies any more than the gentleman does. We are told the value, economically and otherwise, will be determined within the next 2 years. It is not intended to be a perpetual subsidy, although it has proceeded for many years already. I think the companies recognize that Government assistance will be terminated shortly.

The testimony that has been given to the committee is to the effect that the helicopters now being used are of the small type. It is expected that large helicopters, carrying many more people, will be introduced in service within 2 years. The new helicopters are expected to bring in enough revenue to eliminate the need for subsidization.

For that reason I suggest that the companies should be permitted to continue their operation for 2 years to see whether or not their prediction of the future will come true.

Mr. GROSS. Has not the President pretty well established that helicopters are practical?

Mr. YATES. The President is apparently satisfied with helicopter service, because he uses it so frequently. Cost is no factor in the use of his helicopter. This service, it is hoped, will show that other people in the country can use helicopters, too, at reasonable prices.

The reason for the three services is to permit the people of three metropolitan communities to test a service which may prove to be an exceptionally valuable one in the future. I think we ought to permit it to continue for the next 2 years which the companies say they will need. At that time, the subsidies should definitely end.

Mr. GROSS. This is purely a matter of sufficient passengers to sustain the operation; is it not?

Mr. YATES. That is correct. But they do not have sufficiently large helicopters now to carry the number of passengers it would take to provide the revenue to enable the operation to be profitable.

Mr. GROSS. If the gentleman will yield further, then in order to test this out on that basis, if your formula is right, we should put airport helicopter service in St. Louis, Miami, and every city in the United States.

Mr. YATES. I would say to the gentleman that this may well happen in the future, not as a subsidized operation, but as an operation which can sustain itself. I refer the gentleman to the statistics that I placed in the RECORD showing the growth of popularity in passenger travel in helicopter service. I suggest that the trend is favorable.

Mr. THOMAS. Mr. Chairman, I ask unanimous consent that all debate on this paragraph close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN of Michigan. I would just like to ask the gentleman who was speaking in favor of this amendment, will there be an opportunity, after there has been a demonstration about the practicability of this device or service to get rid of it? So that you may understand what I am trying to ask permit me to digress. We all know that the railroads have been flirting in certain ways with the trucklines, making agreements for the hauling of freight. Presumably they are also having some negotiations with the planes as to the carrying of passengers as well as freight. Now, this service which you speak about we all realize may be necessary at the moment and while the experiment is being carried on, but how are you going to end it when it reverts to private enterprise? Suppose we want to quit. Having in mind this decision rendered by the Supreme Court on Monday last where the railroads attempted to close certain passenger stations. The result would be that some of the people operating the telegraph would be out of a job. A court enjoined a strike called in protest. The Supreme Court reversed the decision which held that the railroads could not close those stations and the no longer necessary jobs because the Norris-LaGuardia act so provided. Now, if we establish this helicopter service and the Supreme Court sticks to that kind of a decision, how are you going to get rid of it if the employees do not wish to be deprived of their jobs?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentleman from Illinois.

Mr. YATES. I suggest to the gentleman that that question is a Civil Aeronautics Board question. If it certifies this operation, why, then they will be able to proceed. Insofar as subsidization of this operation is concerned, the way to get rid of it is by striking it from the appropriation bill.

Mr. HOFFMAN of Michigan. Suppose there is a labor dispute between the operators of a helicopter and the company or whoever is operating the service, there is a labor dispute, and the Supreme Court says, "You cannot end the service." That is what they said Monday in no uncertain terms. There you are. And, this particular railroad is bankrupt. What are you going to do? Continue the appropriation to subsidize the railroad so that these telegraphers can have jobs?

Mr. YATES. The gentleman ought to take that up with the Supreme Court.

Mr. HOFFMAN of Michigan. They do not listen to me. But, if recent decisions are to prevail, if unneeded employees cannot be discharged, if demands for higher wages are not met, if a strike can tie up a business and a court refuses to permit the employer to go out of business or move, will the court tell him where to get the money to continue in operation?

As soon as the decision to which I made reference is printed, which I assume will be tomorrow, I will put it in the RECORD.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, I hope our friend from Iowa will withdraw this amendment. I ask that because I am inclined to agree with him. This thing has been going on for 8 years. A good many Members on both sides of the aisle have spoken about this particular matter. Certainly I hope the gentleman will let it go one more year, and if they can make up their minds in one more year, we can all get together and make up their minds for them.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I am delighted to yield.

Mr. GROSS. Since most legislation is a compromise, and with the gentleman's assurance that he will do his best to stop the appropriation next year, if that is the understanding——

Mr. THOMAS. I did not say I would do my best to stop it. I said I would do my best to look at it, because I am agreeing with my very good friend that perhaps 8 years is a long enough time to experiment.

Mr. GROSS. I cannot see this idea of going on for another 2, 3, or 4 years.

Mr. YATES. Mr. Chairman, if the gentleman will yield, I said 2 years.

Mr. GROSS. Two years.

Mr. YATES. I said 2 years to mark the end of the subsidization, which is what the gentleman wants and I want. But, I think the 2-year period from now, giving them a chance to bring a superior helicopter into operation, will provide an adequate test.

Mr. GROSS. I cannot see another $10 million for this kind of a subsidy.

Mr. YATES. I agree with the gentleman. I do not think it will be $10 million.

Mr. THOMAS. Mr. Chairman, will my friend from Iowa withdraw his amendment, and then we will see if we cannot get rid of this next year.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, accepting the statement of the gentleman from Texas [Mr. THOMAS], and with that understanding, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. The amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

FEDERAL AVIATION AGENCY

Expenses

For necessary expenses of the Federal Aviation Agency, not otherwise provided for, including administrative expenses for research and development and for establishment of air navigation facilities, and carrying out the provisions of the Federal Airport Act; purchase of 20 passenger motor vehicles for replacement only; not to exceed $5,000 for representation allowances and for official entertainment; and purchase and repair of skis and snowshoes; $365,245,000: *Provided*, That there may be credited to this appropriation, funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the maintenance and operation of air navigation facilities.

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Gross: On page 9, lines 1 and 2, strike out the language which reads as follows: "not to exceed $5,000 for representation allowances and for official entertainment."

Mr. GROSS. Mr. Chairman, this is a relatively small amount of money, but this entertainment business is catching on in every agency, bureau and department of Government and it ought to be stopped.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. YATES. The gentleman does not mean catching on; the gentleman means pouring in.

Mr. GROSS. I accept the gentleman's amendment. It certainly is pouring in.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield.

Mr. RHODES of Arizona. As I read the bill, the gentleman's amendment would strike the words "for representation allowances and for official entertainment" which would then make the bill read, "not to exceed $5,000 and purchase and repair of skis and snowshoes."

The gentleman did not mean his amendment to have that result.

Mr. GROSS. My amendment would strike out the language "not to exceed $5,000 for representation allowances and for official entertainment." The bill will still provide for snowshoes and skis.

Mr. RHODES of Arizona. I just wanted to make sure that I had the $5,000 to do it with.

Mr. GROSS. I do not know whether

Mr. THOMAS. This is the first time

Border station, El Paso, Texas, $1,055,700;

Mr. GROSS. I do not know whether the skis and snowshoes are to go to Squaw Valley, Calif., or where they are to go.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am happy to yield to my friend from Michigan.

Mr. HOFFMAN of Michigan. How does the gentleman distinguish between entertainment and snowshoes and skis?

Mr. GROSS. I do not.

Mr. HOFFMAN of Michigan. What do you use them for—for entertainment?

Mr. GROSS. This might be to patrol some communication line; I do not know.

Mr. HOFFMAN of Michigan. You know some folks you would like to put on skis, do you not?

Mr. EVINS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. EVINS. Mr. Chairman, I will say to the gentleman that as I recall the testimony of General Quesada—he was the general who flew General Eisenhower over the Normandy Beaches and is now head of the Federal Aviation Agency—his principal function is to control the air space of the Nation and also international airways. He testified to our committee that there are some 68 international airlines that come into the United States or into parts of the United States and there have to be international conferences to adjust the air space control. He wants money to represent the United States at these meetings. What he uses it for I do not know but he very strongly stresses the fact that he needs this fund at these conferences.

Mr. GEORGE P. MILLER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. GEORGE P. MILLER. Mr. Chairman, I have just returned from the Second Conference on the Freedom of the Seas, held in Geneva. Our Ambassador had a very limited amount of money for entertainment. This was embarrassing to him. Other countries, whether it should be or should not be, do a good deal of entertaining. It is at such places that a lot of the smalltalk takes place at these conferences.

I am sure he could not have carried on and would not have had the success he did if some of the interests, fishing interests in particular, who were there and very much concerned, had not picked up the tab on his entertainment. I am sure in these modern days we should have money available for that purpose.

Mr. GROSS. It seems it has become very necessary for the American taxpayers to provide entertainment and liquor all over the world for everybody. We passed a bill the other day to provide $1 million for the State Department and related agencies for that purpose. I did not vote for it but some of the rest of you did.

Mr. THOMAS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. THOMAS. This is the first time this item has been in this bill. This is a new agency, and it has been in operation only 3 years. They have 50 or 60 people of their own scattered in 10 different countries. Maybe they will have more than 60 people in these countries. This is a small matter, and if it will help matters any I suggest we adopt the gentleman's amendment and take it to conference, unless the gentleman wants to withdraw it.

Mr. GROSS. No; I will not withdraw it.

Mr. THOMAS. We went into it thoroughly in the committee, and they said they needed it.

Mr. GROSS. This is becoming so fashionable all through the Government that somehow, some day, you are going to have to put a stop to it.

Mr. THOMAS. We are not going to give it to them just because they want it.

Mr. GROSS. You have another $10,000 in this bill for entertainment. I intend to try to get that out, too.

Mr. THOMAS. If an agency comes in and shows without any doubt about it that they are doing business legitimately and have people over there, we will give them the money.

Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GROSS].

The amendment was rejected.

The Clerk read as follows:

CONSTRUCTION, PUBLIC BUILDINGS PROJECTS

For expenses, not otherwise provided for, necessary to construct public buildings projects and alter public buildings by extension or conversion where the estimated cost for a project is in excess of $200,000 pursuant to the Public Buildings Act of 1959 (73 Stat. 479), including equipment for such buildings, $144,836,000, to remain available until expended: *Provided*, That the foregoing amount shall be available for public buildings projects at locations and at maximum construction improvement costs (excluding funds for sites and expenses) as follows:

Post office and Federal office building, Camden, Arkansas, $633,250;

Courthouse and Federal office building, San Francisco, California, $37,286,100;

Courthouse and Federal office building, Hartford, Connecticut, $7,636,400;

Federal office building, Miami, Florida, $7,076,250;

Post office and courthouse, Thomasville, Georgia, $1,094,000;

Border station, Jackman, Maine, $289,850;

Border station, Van Buren, Maine, $284,750;

Border station, Vanceboro, Maine, $254,150;

Immigration and Naturalization Service center (construction and alterations), Detroit, Michigan, $874,650;

Border station, Sweetgrass, Montana, $586,500;

General Services Administration stores depot annex, Albuquerque, New Mexico, $469,200;

Post office and courthouse, Bismarck, North Dakota, $3,224,050;

Federal office building, Toledo, Ohio, $3,867,700;

Post office and courthouse (construction and alteration), Philadelphia, Pennsylvania, $5,601,500;

Courthouse and Federal office building, Memphis, Tennessee, $9,587,150;

Border station, El Paso, Texas, $1,055,700;

Post office and Federal office building, Dayton, Washington, $282,200;

Federal Office Building Numbered Nine, District of Columbia, $20,031,100;

Federal Office Building Numbered Ten, District of Columbia, $38,326,500; and

United States Court of Claims and Court of Customs and Patent Appeals building, $6,375,000: *Provided further*, That the foregoing limits of costs may be exceeded to the extent that savings are effected in other projects, but by not to exceed 5 per centum.

Mr. GROSS. Mr. Chairman, I make the point of order against the language beginning with line 9 on page 16 of the bill and running through line 14 to and including the "$6,375,000" that it is not authorized by law.

The CHAIRMAN. Does the gentleman from Texas care to be heard on the point of order?

Mr. THOMAS. Mr. Chairman, there is no question about it. The point of order is good.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

HOUSING FOR THE ELDERLY (PAYMENT TO REVOLVING FUND)

For payment to the revolving fund established pursuant to section 202 of the Housing Act of 1959, $5,000,000.

Mr. PUCINSKI. Mr. Chairman, I offer an amendment which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. PUCINSKI: On page 24, line 22, after the comma, strike out "$5,000,000" and insert "$50,000,000."

Mr. PUCINSKI. Mr. Chairman, referring to the discussion we had earlier in the day on this appropriation, I should like to commend the committee and its chairman, the gentleman from Texas [Mr. THOMAS] for the good judgment they have shown in this entire matter in reducing the entire budget request by some $270 million. While I am in full agreement with the committee's effort to keep the cost down, I could not, in good conscience, fail to raise a protest and make an effort to restore this particular appropriation for direct loans, long term, low interest rate loans to private nonprofit institutions that want to build housing for our aged citizens. You recall, this House originally authorized an allocation of $100 million for this purpose. The conference committee reduced that figure to $50 million. Today, the committee comes before us with the recommendation that we expend only $5 million for a pilot program. I do not think $5 million is really going to constitute even a pilot program. If the House were to adopt my amendment and allocate the full $50 million for this purpose, we could only build 5,000 units in America for housing the aged in low rental housing. There are in this country some 16 million people today drawing social security. There are an additional 4 million people today drawing old age assistance. Three out of every five of those drawing social security today receive less than $20 a week. I said earlier on the floor, that I have a letter on my desk from an elderly couple who

are receiving a total of $130 a month in social security benefits. Their rent right now is $75 a month and they have been served notice that the rent is going up to $80 a month shortly. How in God's name can this couple survive on the remaining $50? This bill is not a handout. This is for direct loans, long-term, low-interest-rate loans to be given to reputable, respectable, not-for-profit organizations to build housing at low rent for our senior citizens. It would also provide loans to private not-for-profit organizations which now operate homes for the aged to renovate or expand their existing facility to provide low-cost housing for more senior citizens.

How in the world can we appropriate millions and billions of dollars with impunity for everything else that confronts our country and completely ignore the problem of the senior citizens, which is one of the greatest problems in America today. I do hope the House will support this amendment. Fifty million dollars will build only 5,000 units. This is a drop in the bucket compared to the need. This $50 million—originally $100 million was suggested—was supported by the American Municipal League, by the U.S. Conference of Mayors, and the National Housing Conference and the American Hospital Association.

This is a serious problem in America. When I was a youngster and you were young fellows, you had a house where you could always find an extra room for grandpa or grandma. But since the war we have built these small homes where there is hardly room for the immediate family. They cannot take care of the older parents, because they have no room. The program I propose is a program that is just as American as America itself. This is no handout. We are not asking for relief. All these people are asking for is long-term, low-interest loans, so that they can set up low-interest housing. They can get financing under the FHA at 5¾ percent, but a nonprofit organization financing its housing under these high interest rates has to charge more for rental than the average old couple can afford to pay. By the time you get through paying 5¾ percent on a mortgage you cannot possibly bring the rent down to the level that recipients of pensions can pay. This legislation would bring rent on the average home built for old people down at least $20 a month. This may well mean the difference between this old couple surviving and not surviving. I strongly urge this House, with all due respect to the committee—I think the committee has done a magnificent job on this bill in cutting out many things—but in this instance I hope the House will support this amendment.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. PUCINSKI] has expired.

Mr. THOMAS. Mr. Chairman, I ask unanimous consent that all debate on this paragraph close in 7 minutes, with 2 minutes reserved to the committee.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. JOHNSON of Colorado. Mr. Chairman, I rise in support of the amendment. It has been my good fortune for most of the past 6 or 7 years to be intimately associated with the construction of a number of homes for the elderly in my own area. I have had occasion to talk to many of the builders. I have been able to talk to many people who were occupying buildings that were built by our churches.

May I call to the attention of the House that admission to many homes financed conventionally costs from $10,000 to $15,000. I would say that the rental payment for many of the homes financed by the conventional plan run upwards from $125 to $150 per month, which severely limits the income levels that can be served by such housing for the elderly.

Even the FHA projects with which I am acquainted, have rental schedules that are close to the margin or beyond it, for many pensioners in my own State where we guarantee $105 a month.

What the gentleman is proposing is not a program of grant or gifts. He is proposing loans. This is identical to the college dormitory program. What is proposed here is that the Government make available loans from the Federal Treasury which will be fully repaid with interest.

I call attention to the fact that in Colorado the Legislature has appropriated money to build housing for rent within the income of the aged.

The alternative to this program is not a conventionally financed program, because that will not answer the purpose. The alternative, I submit, will be a series of State and local homes not managed by nonprofit organizations interested in the well-being of the people they serve, but by the Government, and the cost will be higher, not lower.

I strongly support the amendment. I hope the House will vote for the amendment offered by our colleague from Illinois. I now yield to him.

Mr. PUCINSKI. I agree with the gentleman from Colorado in what he has said and appreciate his support for my position.

As the gentleman from Colorado said, the only alternative is public housing and those other forms where the Government does not get its return.

Mr. JOHNSON of Colorado. As a matter of fact, Mr. Chairman, this bill deals with a revolving fund. Once we set this money to work, it will be paid back and used again to build other homes. It is my hope that the original appropriation will build not 5,000 homes but 50,000.

Mr. Chairman, I strongly urge the adoption of this amendment.

Mr. HOFFMAN of Michigan. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. HOFFMAN of Michigan moves that the committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. HOFFMAN of Michigan. Mr. Chairman, this motion is made at this time to make the record clear as to why the amendment is opposed. It is not because care or homes for the older citizens are not approved but the proposed method is not only inadequate but wasteful and cannot succeed—it would but make a bad situation worse. Increase the appropriation to $500 million. We still would not even begin to solve the problem. The gentleman speaks eloquently and with a sympathy we all share. There is not a Member of this House who disagrees with the desire of the gentleman from Illinois to take care of the unfortunate aged. But it is an impossibility to do that the way we are trying to do it. I know a little something about this; I am getting along in years myself, and so is the good wife. We build or provide a home, then we find we have to maintain it and that entails not a little effort and expense.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I cannot. You expressed the thought very well, but we should not waste any more money in an effort to do the impossible.

You cannot take care of the older people by just building them a home; somebody must bring many of them groceries. Somebody must get some of them up in the morning. Somebody must help put some of them to bed at night. There are many necessary things which must be done each day for most of them. There are many practical questions that enter into the picture. Questions which must be answered almost each hour of the day and which cannot be properly answered by just furnishing a home. That is but a very very small part of the problem.

You remember the money we spent on WPA, PWA, CCC, and I do not know how many other places. Of course, in the old days everyone was against the poorhouse; remember the poem "Over the Hill to the Poorhouse." No one wanted to go to the poorhouse—that was a disgrace as it was to accept charity—certainly I did not. When I came here I found hundreds and thousands of people living in apartment buildings, houses in one sense, but just rooms in another sense; living in what some considered coops or pens—certainly not homes with yard and garden. I did not think much of it until I realized that those people were living in the Nation's Capital, that they had hot and cold running water, that they had electricity for light, heat, and other uses. They did not have to go out and cut wood or carry coal, dig out ashes, and they did not have to go down in the back yard to find a pump. There were a dozen or more burdensome chores that did not come each day. They were very comfortable and most of them as happy and contented as it is possible for an aging individual to be. They were growing old but gracefully and appreciatively.

Why cannot some committee or some organization find some way to build group housing where each couple would have two or perhaps three rooms, where they could live in comfort, let them cook their meals and consider taking care of the place as a home as long as they could? And as the individual or couple failed—as they all would—be given such assistance and kindly care as needed.

We must devise some way to take care of those who cannot care for themselves, but certainly this is not the way, and the occupants can be given better care than if we attempted the impossibility of trying to keep individuals or couples in a separate building with the attention necessary to watch for their needs. I understand that in recent years some of them arrived in Chicago, for instance, with all their possessions wrapped in a sheet or pillowcase. We cannot kill them off. We cannot throw them into the river. We must take care of them, and we must find some way to take care of the aged people, no matter where they come from or live.

We spend billions to help strangers. Why not build up-to-date properly equipped apartment houses with sufficient attendants and services and do the job with kindness and affection. I speak on this matter here in this way so that a vote against the amendment could not be construed as a refusal to do a manifest duty.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HOFFMAN of Michigan. Mr. Chairman, I ask unanimous consent to withdraw my motion.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. THOMAS. Mr. Chairman, I certainly want to commend our distinguished friend, the gentleman from Illinois, and the gentleman from Colorado, but I respectfully suggest that in the interest of helping the old folks this amendment should be voted down.

Let us recount what has happened. There was an authorization of $50 million for this program which was passed some time last year. There was no budget estimate for even one penny. In order to give the administration some basis for establishing the program we wrote into the bill an appropriation of $5 million.

We discussed this quite adequately with the housing people. We asked them to set up four or five pilot projects throughout the country so that they could gain some experience. Then we went to the legislative committee of the House and we cleared it with the chairman of the legislative committee, the gentleman from Alabama [Mr. RAINS], who said:

We will be glad to accept this $5 million.

On that basis we put it in here. Let us not upset the applecart. I think the President will accept this. So let us vote the amendment down and get four or five pilot projects started and see what it is going to do. The experts tell us that this program will cost $15 or $20 per month cheaper than the FHA program, and, Mr. Chairman, the public housing program, we are told, would even be $15 or $20 cheaper than this.

Let us take a look at it. We ought to help these old folks, but in our desire to help them let us not set the program back 2 or 3 years.

I respectfully suggest that the amendment be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. PUCINSKI].

The question was taken; and on a division (demanded by Mr. PUCINSKI) there were—ayes 4, noes 72.

So the amendment was rejected.

The Clerk read as follows:

GENERAL PROVISIONS

Not to exceed 5 per centum of any appropriation made available to the National Aeronautics and Space Administration by this Act may be transferred to any other such appropriation, but the "Salaries and expenses" appropriation shall not be thereby increased.

Not to exceed $10,000 of appropriations in this Act for the National Aeronautics and Space Administration shall be available for scientific consultations and any emergency or extraordinary expense pursuant to section 1(f) of the legislative authorization for appropriations for the fiscal year 1961.

Mr. GROSS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. GROSS. The language on page 27, beginning with line 14 through line 19, I contend is legislation providing for an appropriation not authorized by law.

The CHAIRMAN. Does the gentleman from Texas desire to be heard?

Mr. THOMAS. Mr. Chairman, we will have to admit the point of order is good, the entire legislation has not been cleared by both bodies or signed by the President, so if the gentleman wants to make a point of order against any section of it, to be perfectly frank about it, it is good.

The CHAIRMAN. The gentleman from Texas concedes the point of order and the Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

NATIONAL SCIENCE FOUNDATION

Salaries and expenses

For expenses necessary to carry out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including award of graduate fellowships; services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates not to exceed $50 per diem for individuals; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services; $160,000,000, to remain available until expended: *Provided*, That of the foregoing amount not less than $30,250,000 shall be available for tuition, grants, and allowances in connection with a program of supplementary training for secondary school science and mathematics teachers: *Provided further*, That not to exceed $1,600,000 of the foregoing appropriation may be used to purchase foreign currencies which accrue under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704), for the purposes authorized by section 104(k) of that Act.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to ask the chairman of the committee if during the hearings, on the justification for these educational grants, he found any evidence of any grants being made for the purpose of studying the relationship between husband and wife and the norms and consonances as perceived within those relationships.

Mr. THOMAS. I will say to my distinguished friend, the language is rather broad. But these grants are made for the study of medicine and so forth. To be perfectly frank about it, there are about 2,100 different categories, and if you read some of the titles of them, it is rather confusing, I must confess.

Mr. GROSS. The gentleman will recall that only a few days ago we discovered that the Department of Health, Education, and Welfare was making grants or had made a grant of $33,000 for that purpose, for studying the relationships.

Mr. THOMAS. I do not think they are doing anything like that.

Mr. BROOKS of Louisiana. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, what is our national space program? Is it the bold and competitive program that many Members of Congress would like to see? Is it the measured program proposed by the administration, which has been described as "creeping into space"? Or is it a still more modest program, which Congress is willing to support by appropriations?

The authorization act for the National Aeronautics and Space Administration calls for exactly the amount of money requested by the President. Under the independent offices appropriation bill—H.R. 11776—this amount would be cut by almost $40 million.

What will the country think if Members of Congress, who have been criticizing our space program for its slow progress and lack of urgency, refuses to give the Space Agency even the modest amount that the President says it needs?

How can this Government do its business properly if its accepted programs are nullified or undermined by budgetary decisions? Without the necessary funds, a policy is a mere aspiration. It is the budget and appropriations made by Congress that translate our policies into programs.

When Dr. Glennan recently appeared on the "Meet the Press" television program, he was asked whether the cuts in the space budget made by Congress last year had slowed down the space program. His reply was that budget cuts always force a reduction of certain projects and particularly long-range projects. He said that last year's cut had delayed the development of the F–1 engine at least 6 months. He added that others thought it had set back the program by 12 to 18 months.

There is no reason to doubt Dr. Glennan's further statement that NASA budgets are tight. In the space business, as you know, failures are apt to occur. Space budgets must allow for unexpected costs resulting from failures—for example, the provision of backup vehicles. It is too much to expect that they can also allow for cuts by Congress.

Mr. Chairman, the independent offices appropriation bill—H.R. 11776—would reduce the budget request of the National Aeronautics and Space Administration by $38,985,000. The amount allowed for salaries and expenses would

be cut by $4,260,000 and the requested increase in staff by 373 positions.

The NASA budget estimates for fiscal year 1961 have passed the careful scrutiny of the Committee on Science and Astronautics. Most of the proposed increase in salaries and expenses over last year's budget was due to the transfer of the Huntsville facility, now called the Marshall Center, from the Army to NASA. The Congress has already approved this transfer. It should be understood that this transfer will not raise Government costs as a whole, since the resulting increase will appear not only as an addition to the NASA budget but as a deduction from the Army budget.

Apart from the Marshall Center, the bill would eliminate 373, or almost 40 percent, of the 962 new positions requested. The only reason given for this action in the report that accompanies the bill is that the NASA headquarters office already is overstaffed. But only 75 of the requested new positions would be at NASA headquarters. No reason is given for eliminating almost 300 more.

There are now 533 authorized positions at NASA headquarters. This hardly seems too many for an agency that will soon employ 16,000 people and is conducting a highly complicated, urgent program in many different places throughout the country and the world. Furthermore, the concentration of NASA personnel in Washington is low compared with other independent agencies. For NASA, the concentration is only about 5 percent. This compared with nearly 9 percent for the Federal Aviation Agency and more than 25 percent for the Atomic Energy Commission. In some independent agencies, the headquarters concentration runs almost as high as 50 percent—or 10 times what it is for NASA.

In addition to the 75 new headquarters positions included in the NASA budget estimates, 75 new positions are requested at the Wallops Island Station, and 786 at the Goddard Space Flight Center. To complete the list, there would also be 26 new positions at various offices in the field.

Is there any serious doubt of the need for the new positions requested at Wallops and Goddard? In response to our expanding space activities, the Wallops Island Station is being converted into a major test center. During the next fiscal year, it will be called upon to launch, track, telemeter, and recover a substantially greater number of satellites and space probes. The Goddard Center is an entirely new laboratory for research in the space sciences. Its establishment was authorized by the Congress 2 years ago by Public Law 85–657. During the next fiscal year, it will begin to carry out its assigned programs of earth satellites, sounding rockets, and manned space flight.

The bill allows in full the funds requested for rocket and vehicle development. But development presupposes people. After careful study, the Committee on Science and Astronautics concluded that the new positions requested by NASA were both reasonable and necessary for the programs that had been approved.

Of the approximately $39 million cut, the largest reduction was made in the funds for research and development, which everyone concedes comprises the heart of the space program.

It is regrettable that the Appropriations Committee saw fit to reduce these important funds, although I commend it for approving the full $277,608,000 authorized by the Congress for rocket and rocket vehicle development, including the important Saturn program.

An analysis of the research and development reductions reveals that they shape up as follows:

Aeronautical and space research, $10,135,000.

Scientific investigations in space, $2,100,000, including $400,000 in the program for sounding rockets and $1,700,000 in the scientific satellites program.

Satellite applications, $1,400,000 in the vital programs for the development of meteorological and communications satellites.

Manned space flight, $2,750,000 in the Project Mercury program.

Vehicle systems technology, $1,200,000 in the programs connected with space exploration.

Tracking and data acquisition, $1,628,000 for the operation of facilities necessary to support the overall space flight program.

These programs are all equally important and it would serve no useful purpose to single out any of them for emphasis, but I would like to point out that a cut in funds does not necessarily represent a saving in the ultimate cost of these programs.

For example, the sounding rocket program, which was cut $400,000, is designed to extend and to fill in gaps in the knowledge so far acquired on the earth's upper atmosphere. Now, this data can be obtained in good part by the use of scientific satellites, but it is much cheaper to acquire this information, where we can, by sounding rockets. There is a tremendous difference in the cost of sounding rockets and satellites.

Again, the meteorological and communications satellite programs, which were cut $1,400,000, will some day, in the not-distant future, bring incalculable benefits to all humanity, including economic benefits to this country and its people.

The best way to save on some programs is full steam ahead.

Of course I know that it is generally said that no agency is ever satisfied to see its budget estimates reduced, and while there have been reductions in the construction and equipment portions of the National Aeronautics and Space Administration budget estimates, I can find no serious damage to the agency's program where there has been a minor reduction in each construction request, particularly where these items are based on a square-foot construction cost. Nor do I take serious issue with the Appropriations Committee's action in disallowing fallout shelter construction in some of the buildings. However, the Appropriations Committee has seen fit to disallow the construction of four buildings and facilities, and this I do seriously question.

One of the most serious deletions made by the Appropriations Committee in dealing with the construction and equipment portion of the NASA authorization bill is the request for $4,400,000 for funds for construction of a central laboratory and office facility at the Marshall Center. This deletion creates a very serious problem, not only for the space agency but likewise for the Department of the Army, for the funds requested are necessary to relieve the congested administrative office situation that presently exists in the joint use of buildings by personnel both of NASA and of the Army Ballistic Missile Agency. Under the terms of the Army-NASA transfer plan dated December 11, 1959, it was agreed that Buildings 4488 and 4484 would be retained by the Department of the Army and NASA was to provide for the new construction, but until such time as this was provided, NASA and the Army would jointly occupy the two buildings that formerly housed the Development Operations Division of ABMA and the Aeroballistic Laboratory and the Research Projects Laboratory.

Transfer of the Development Operations Division from ABMA has of necessity increased personnel requirements of both the Von Braun team and the Army Ballistic Missile Agency, and as this occurs there is greater congestion and a bad situation becomes worse. NASA assumed the responsibility under the transfer plan of providing adequate housing to relieve the then already congested situation, and certainly in all good conscience and good faith this item must be restored, for in effect this construction carries out the terms of the transfer plan of the Von Braun team which the Congress has already approved.

I have been informed that the Department of the Army strongly supports the request by NASA for this central laboratory and office facility. The inhouse effort which the Army had devoted to the space programs, and which has been transferred to NASA, is less than one-fourth of the total Army's inhouse program at Redstone Arsenal although about 50 percent of the usable working space has been transferred. This has forced the Army to refurbish and utilize undesirable, inferior and temporary type of structures for many of its remaining administrative and laboratory needs. Obviously, therefore, the expanding NASA programs cannot be accommodated by commandeering further facilities from the Army. In this respect it is cogent to note that the fiscal year 1960 program at the Army Ordnance Missile Command, exclusive of space efforts, is equal dollarwise to the fiscal year 1959 program including space.

The expanding national space program, Saturn, Nova, and Centaur, coupled with the added emphasis on military missile programs such as Pershing and others, makes it abundantly clear that we cannot continue to try to squeeze a size 11 foot into a size 9 shoe.

The Appropriations Committee states in its report that it has allowed the requests for all of the essential facilities at the Marshall Center, including the

Saturn static test facility, extension to assembly building, and so forth, and yet it is denying $1,948,000 for completion of the Guidance and Control Building, and likewise denying $215,000 for an addition to the Fabrication Laboratory. I would not question the sincerity of the gentlemen of the Appropriations Committee in their determination of what is not essential, but I am suggesting that were these buildings in the Marshall Center not essential for the effective furtherance of our national space program, they would not have been placed in the budget in the first place and in the second place they would have been removed either by your Committee on Science and Astronautics or by the Bureau of the Budget.

The justification for the completion of the Guidance and Control Building may be summed up with the simple statement that this is necessary to convert a building that was formerly devoted primarily to military weapons to research and development oriented to payloads, satellites and space vehicles, thereby assuring successful completion of the programs assigned to the Marshall Center.

The justification for the addition to the Fabrication Laboratory is simply that it is required to adequately house the activities presently being conducted therein. For example, a portion of the entrance lobby has been enclosed and is now occupied as an engineering office. Also some units are housed in buildings located at considerable distance, resulting in inefficient liaison and coordination activities. The Saturn program has been greatly implemented by funding, and as the chain is only as strong as its weakest link, then the work of the Saturn development can proceed only as quickly as the Saturn facilities are likewise implemented. Further progress in the Saturn program makes this addition even more acutely needed.

The Appropriations Committee is also denying $435,300 requested for construction of a publications library and technical services building at the Jet Propulsion Laboratory. Oddly enough, it did not deny a request for $60,000 for the purchase of 3.4 acres of property lying contiguous to the southwest boundary of the Laboratory upon which it is proposed to construct this building.

The programs generally at the Jet Propulsion Laboratory have greatly changed over the past few years, so that the Laboratory now has a greatly expanded mission. Its personnel growth has been rapid and suitable buildings have not been constructed to keep pace with the increase in personnel.

This particular building would contain not only the general administrative offices of the Laboratory but would also house the main library, the reproduction department and a central documents control room and editorial office for the technical reports group. There are not sufficient facilities at the Laboratory to allow a regrouping of these administrative groups to enable them to function efficiently, and I do indeed urge that this item be restored.

Mr. GEORGE P. MILLER. Mr. Chairman, will the gentleman yield?

Mr. BROOKS of Louisiana. I yield to the gentleman.

Mr. GEORGE P. MILLER. I may say that I do not know of any element in this bill that could be removed with safety if we are going to go forward with the projects that NASA has set out for itself, which are so important to close the gap between this country and the Soviets. I am not familiar with where this $15 million is coming from.

Mr. BROOKS of Louisiana. I can tell the gentleman where part of it is coming from. When the Army gave up the Von Braun team and turned it over to NASA they had to arrange to provide for quarters and accommodations in buildings to be built down at Huntsville. A part of that is affected here. The work of NASA is not going to be adequately handled unless they have those facilities.

Mr. McDONOUGH. Mr. Chairman, will the gentleman yield?

Mr. BROOKS of Louisiana. I yield to the gentleman from California.

Mr. McDONOUGH. As I read the report of the committee, this is a reduction of the President's budget.

Mr. BROOKS of Louisiana. By $39 million.

Mr. McDONOUGH. The administration recognized the need for additional funds in order to meet the challenge we are facing from the Soviet Union in running the civilian space program. Although Saturn and Mercury are pretty well taken care of in the budget, this will have its effect upon the research and development and the building construction program that needs to be carried on. So the responsibility is not with the administration but with the committee.

Mr. BROOKS of Louisiana. I will say this to the gentleman. I earnestly believe that we are making a mistake. We ought to give them the money that is requested and needed. Our committee spent several weeks, more than a month, on this bill. I think it is a serious mistake not to give them the money.

Mr. EVINS. If the gentleman will yield, I am sure the chairman of the committee is very serious in this advocacy of this, but there are 19,000 employees in the NASA program, and it is only a year and a half old. They have $160 million. That is not going to stop the program.

Mr. BROOKS of Louisiana. The employees are largely transfer employees.

Mr. EVINS. They have 19,000 employees and there are 8 installations all over the country.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. BROOKS of Louisiana. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

Mr. THOMAS. Reserving the right to object, Mr. Speaker, I move that all debate on this paragraph on page 26 close in 7 minutes, including the time requested by the gentleman from Louisiana, with 3 minutes to be reserved to the committee.

The motion was agreed to.

Mr. BROOKS of Louisiana. Actually, NASA simply succeeds NACA. NASA took over the employees of NACA, who had been on the Federal payroll for many years. In addition, this year it took over the Von Braun team that consisted of approximately 5,000 employees in one group, because of the transfer. Normally the funds for the Von Braun team would have shown up in the Defense Department appropriation, but because they are transferred in a bloc this year to NASA, naturally the funds show up there. It is not quite fair to say that this agency, only 2 years old, has expanded from zero to 19,000 employees. On the contrary, it has consolidated with other agencies that have served long, hard, and faithfully and without criticism the U.S. Government, and it is to a large extent retaining those employees. There are relatively few new employees under the NASA program. I think the record ought to reflect that.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. GEORGE P. MILLER].

Mr. GEORGE P. MILLER. Mr. Chairman, I want to emphasize what the chairman of the Committee on Science and Astronautics has told you about the NASA organization. While it is true that it is a new organization in name it is not in any way a new organization in fact. The National Advisory Committee on Aeronautics, its predecessor, antedated the war. It did a great job in the field of aeronautics.

When NASA was set up, its entire organization was transferred to NASA. Then, also transferred to it, was the group at Huntsville known as the Von Braun team. If this team, one of the greatest groups in the country, headed by one of the greatest scientists, the man who developed Jupiter, the first successful missile that we attained, if this team, I repeat, is to be fully utilized to the maximum, you have to give it the space, the tools, and the facilities with which to work. That is what you are denying him when you cut $16 million out of the proposed construction appropriation for NASA. I ask you to consider very seriously the effect this will have upon the program that some people in the United States are critical of because they say we are not moving fast enough. That we should be doing more in overtaking the lead that the Russians now have in this field.

Mr. McDONOUGH. Mr. Chairman, will the gentleman yield?

Mr. GEORGE P. MILLER. I yield.

Mr. McDONOUGH. Is not the action before us contrary to the recommendations of the committee in considering the authorization bill, and also contrary to the President's budget?

Mr. GEORGE P. MILLER. It certainly is.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, may I say to my good friend, the gentleman from California, and my good friend, the gentleman from Louisiana, that no one has the monopoly on this subject.

We are as much in favor of this program as anybody. We are trying our best to go ahead with it. We are told that this is the 16th largest business in the United States, and I guess it is. It looks as if it is going to get much bigger. Here is $915 million. Talk about slowing it down? Nothing could be further from the truth. The big problem with this agency is to use well the money that it has.

They inherited 9,000 employees in California, Ohio, and Virginia from the old NACA. Then they took over one more laboratory in California with 2,500 employees. There is the new center being built nearby, and nobody is hurting Von Braun in Alabama. He is the brains, and if we ever lose him, Lord help the program. Let us be frank about it.

Referring to the big satellite projects, the booster is what we need. What we need is that thrust. You have $382 million for the Saturn and Mercury programs. Do you know how much was cut out of it? Not one penny was cut out of it. We specifically employed the agency not to cut it. We will pinpoint the little measly $39 million. It is guesswork out here in the Pacific where you are going to try to pick up that falling object, and you have here allocated $35 million for that. Nobody could tell within 20 percent what it is going to cost to pick it up after it has fallen. My time has expired and all I can say is that we will help this program and we are just trying to put a little sense into it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RENEGOTIATION BOARD

Salaries and expenses

For necessary expenses of the Renegotiation Board, including hire of passenger motor vehicles, and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates not to exceed $50 per diem for individuals, $2,870,000.

Mr. McCORMACK. Mr. Chairman, I move to strike out the last word.

If I may have the attention of the chairman of the subcommittee, as I understand the position of my friend, just so that we can have the record clear. The Committee on Appropriations has one problem and the legislative committee has another problem. But, as I understand my friend and the subcommittee, there is always a supplemental budget and if they say that NASA shows there is additional need for money, just as you did last year, where you put through a $23 million supplemental budget, this year you will make a supplemental appropriation.

Mr. THOMAS. This is based on an overrun, and if the estimates prove to be inaccurate, we are going to give them whatever they need. You know it and we all know it.

Mr. McCORMACK. Exactly. In other words, the subcommittee also put through a deficiency item. I remember I went to the chairman of the subcommittee and he took that item and put it through especially. It was held up in the other body due to the civil rights bill there, and, as I remember, you took it out specifically and put it through as a separate and individual resolution.

Mr. THOMAS. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. THOMAS. On a big program like this, you rightfully put in the authority for the transfer of 5 percent of the money between appropriations for research and development and construction. At no given time can they come up with a firm program—and they should not because they ought to have the right to change their minds. They do change their minds. Last year they cut out the Vega $41 million program after $17 million had already been spent. Now that was all right and nobody objects to that. They may substitute one that will cost $66 million.

Whatever they need they are going to get. There is no disposition on the part of anybody to cut them off. We are just asking them to be prudent as they move along.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. YATES. There is the 5 percent interchange in this bill. If the agency wants to they can take 5 percent from one fund and allocate it to another fund.

Mr. EVINS. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. EVINS. There is no disposition to hurt the program. We want to accelerate it and go forward. There is no cut in funds for the investigating work. It is only for one fancy building which they can get along without. There is no disposition to interfere with the program.

Mr. BROOKS of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. BROOKS of Louisiana. I have always thought this subcommittee was very fair. As the gentleman has already said, he is going to keep an open mind, and if they need money and they can make a proper showing, they can get it, and he will back them up.

Mr. GEORGE P. MILLER. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. GEORGE P. MILLER. I would like to say that I join with the chairman of my committee. We have found the chairman of this committee very sympathetic.

Mr. McCORMACK. I want the record to show that in a deficiency a short time ago there was an item for NASA and I personally went to the distinguished gentleman from Texas [Mr. THOMAS] and the chairman of the full committee, the gentleman from Missouri [Mr. CANNON], and asked them to take that item out and put it through separately, and the chairman of the subcommittee and the chairman of the full committee and the members of the subcommittee and the full committee cooperated. And the chairman of the subcommittee has assured us that the same consideration will be extended in connection with any deficiency appropriation that may be necessary during the next fiscal year where there is a case made out.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. SAYLOR. As a result of this assurance by the subcommittee, does the gentleman think we will hear anything more about this missile gap?

Mr. YATES. Let me point out that the President himself says there is a distinction between that missile and scientific experiments.

Mr. EVINS. Dr. von Braun testified we are behind in the trust and power field. The building will not hurt it.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. McCORMACK] has expired.

The Clerk read as follows:

SECURITIES AND EXCHANGE COMMISSION

Salaries and expenses

For necessary expenses, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 2131), and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), $8,525,000.

Mr. HOFFMAN of Michigan. Mr. Chairman, I move to strike out the last word.

I ask unanimous consent, Mr. Chairman, to revise and extend my remarks, and I ask unanimous consent that my remarks may appear in the RECORD following the remarks of the gentleman from Iowa [Mr. GROSS].

The CHAIRMAN. Is there objection?

There was no objection.

NEW GENERAL MEDICAL AND SURGICAL HOSPITAL IN CLEVELAND

Mr. SCHWENGEL. Mr. Chairman, I ask unanimous consent that the gentlewoman from Ohio [Mrs. BOLTON] may extend her remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mrs. BOLTON. Mr. Chairman, northern Ohio will be deeply grateful to the committee for including in this bill—H.R. 11776, the independent offices appropriation bill for fiscal year 1961—funds for the construction of a new general medical and surgical hospital in Cleveland. This new hospital was authorized in 1948 to replace the present Crile VA Hospital which was built by the Army in 1942 as a temporary structure and acquired by the VA in 1946. The present Crile Hospital physical plant is woefully inadequate for the care of the more than 715,000 veterans who reside in the 38 northern Ohio counties over which the Cleveland VA regional office has jurisdiction. It is to be located on a tract of land which is in close proximity to Western Reserve University's School of Medicine. This will greatly assist in the medical care of our veterans as many faculty members also serve as specialists on the staff of the VA hospital. As the committee has pointed out, the established policy of the Veterans' Administration in locating new hospitals as close

as possible to medical centers has been invaluable in providing inpatient care to veterans.

The architectural planning for the construction is already underway, and with the funds provided this year the VA should be in a position to award a construction contract by next January or early spring.

The Clerk read as follows:

CONSTRUCTION OF HOSPITAL AND DOMICILIARY FACILITIES

For hospital and domiciliary facilities, for planning and for major alterations, improvements, and repairs and extending any of the facilities under the jurisdiction of the Veterans' Administration or for any of the purposes set forth in sections 5001, 5002, and 5004, title 38, United States Code, $39,100,000, to remain available until expended.

Mr. SAYLOR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAYLOR: On page 34, line 23, after the word "Code", strike out "$39,100,000" and insert "$75,000,000."

Mr. THOMAS. Mr. Chairman, will the gentleman yield briefly?

Mr. SAYLOR. I yield if it is not taken out of my time.

Mr. THOMAS. Mr. Chairman, I ask unanimous consent that it be not taken out of the gentleman's time.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. THOMAS. Mr. Chairman, it is getting quite late. We would like to finish this bill tonight. If there is any record vote it will, of course, go over until tomorrow. Could we not agree to time for debate on the Veterans' Administration items?

Mr. Chairman, I ask unanimous consent that all debate on the Veterans' Administration section of the bill close in 15 minutes, the last 3 to be reserved to the committee.

Mr. SAYLOR. Mr. Chairman, I object.

Mr. VAN ZANDT. Mr. Chairman, I object.

Mr. THOMAS. Mr. Chairman, I ask unanimous consent that all debate on the Veterans' Administration section close in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. SAYLOR. I object.

Mr. THOMAS. Mr. Chairman, I move that all debate dealing with the Veterans' Administration section close in 25 minutes, the last 5 to be reserved to the committee.

The CHAIRMAN. The question is on the motion.

The motion was agreed to.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. SAYLOR. Mr. Chairman, at the insistence of the Appropriations Committee for an overall plan for hospitalization of veterans, the Veterans' Administration several years ago presented to the Congress with the President's approval a plan whereby the number of hospital beds in the United States for veterans should be fixed. As a part of that program and in an effort to make sure that the Appropriations Committee would know what the present and future needs of this country would be for the proper care of our veterans population, the Veterans' Administration came up with a 12-year program which would call for the rehabilitation and modernization of 125,000 beds of its hospital system which were authorized for veterans in an orderly and planned basis.

Over a 12-year period it called for the expenditure of $900 million in equal annual installments. The Veterans' Administration this year asked for the first year's appropriation of $75,000,000 so that there could be an orderly development and rehabilitation of the hospitals.

The Appropriations Committee in the bill before you cut the request from $75 million to $39,100,000.

The effect of this cut will mean that the approved program of 12 years cannot be carried out as scheduled. It will not only defer the two hospitals which have been completely deleted, but it will also of necessity push back a number of other sorely needed projects which would be accomplished according to the schedule which the Veterans' Administration has presented.

The requested appropriation provides for construction of hospitals and domiciliary facilities and becomes available for use after Presidential approval of individual projects or groups of projects. The facilities may include new and replacement hospitals, acquisition of sites, modernization of existing plants, and fixed and initial portable equipment.

The Veterans' Administration recognized the need for a comprehensive appraisal of requirements to modernize the VA hospitals and domiciliaries constructed prior to World War II. In October 1958 the Administrator appointed a task force to study and appraise jointly with the Bureau of the Budget, the hospital and domiciliary replacement and modernization requirements through fiscal year 1971.

The task force concluded its study in June 1959 and recommended—with concurrence of the Bureau of the Budget—a program of replacement and modernization of our hospital system estimated to cost approximately $900 million, including the unfunded portion of post-World War II new hospital program.

The Veterans' Administration and the Bureau of the Budget have agreed that this cost should be apportioned over a period of 12 years or at the rate of approximately $75 million annually. This appropriation request is the first increment of funds for the plan and is the estimated additional amount needed in 1961 for the following projects and programs:

New hospitals—construction initial portable equipment and technical services:	
Cleveland, Ohio, 800 beds	$21,250,000
Washington, D.C., 700 beds	19,760,000
	41,010,000
Replacement hospital—construction and initial portable equipment, Martinez, Calif., 500 beds	11,714,000
Modernization, improvement and repair:	
1960 major (construction and initial portable equipment)	14,470,300
1961 major (technical services	3,787,000
1961 minor (construction, initial portable equipment and technical services)	4,856,200
	23,113,500
Total required	75,837,500
Less savings from prior year programs	837,500
Net appropriation request	75,000,000

The Veterans' Administration hospital system is the largest single system in the world. Its 125,000 beds in 172 hospitals are distributed throughout the United States. The capital investment in this system is estimated to be in excess of $2.5 billion. Maintenance of these facilities is essential to continued care of the veteran population as prescribed by the Congress. From a long-range viewpoint, the facilities and medical organization are a tremendous social asset to our country.

Maintenance of the physical plant is a complex problem. In addition to normal deterioration of structures due to age, there is the increasing rate of functional obsolescence brought about by the rapid advancement in medical techniques and technology in recent years. The changing diagnostic category and geographic location of patients also has impact on the physical plant.

There is a wide range in the ages of structures. It varies from over 70 years to current new construction. At the close of World War II, a major bed expansion program was established to care for the anticipated increase in the number of service-connected veterans returning from that war. This program, which provided 37,740 beds, is now substantially complete. During the period 1946–60, VA obligated in excess of $1 billion on postwar construction, most of which was for new hospitals, replacement hospitals, and modernization of existing hospitals.

Only limited resources were applied to maintenance and improvement of the older pre-World War II hospitals in the system. Some of these hospitals have reached a stage where, aside from functional obsolescence, physical deterioration will require replacement and/or major modernization.

It is recognized that aside from the additional new construction, VA has not since World War II kept abreast of the physical and functional obsolescence that is accruing in our hospital system. The Administrator of Veterans' Affairs, in his appearance before the Veterans' Affairs Committee in July and August 1958, pointed up this problem and raised the question of "Where do we go from here?"

As an answer to that question the Administrator of Veterans' Affairs presented his 12-year program and this is what it includes:

What the $900 million program includes:

	Cost in millions
A. Modernization of pre-World War II hospitals	$589.1
1. Modernization of 72 hospitals—65,629 beds	503.7
a. Application of per bed cost formula—35,297 beds, including improved bed spacing but not modernization for 7,422 neuropsychiatric beds	263.4
b. Individual hospital estimate—additional funding required for 22 hospitals where modernization is partially completed or in progress involving 20,765 beds	$96.2
c. Individual hospital estimate—special modernization problem involved at 9 hospitals (9,567 beds), including the modernization and partial replacement of 2 surplus military hospitals, Augusta and Richmond—1,525 beds	127.1
d. Initial portable equipment	17.0
2. Cost of air conditioning beyond minimum requirements	85.4
1. Replacement of 3 pre-World War II hospitals subject to modernization	76.0
b. Remainder of pre-World War II hospitals	9.4
B. Hospital replacement program	180.3
1. Replacement of 3 per-World War II hospitals (1,939 beds) and a 350-bed new addition to the Bay Pines, Fla., hospital	72.4
2. Replacement of 12 surplus military hospitals—8,090 beds	195.7
	268.1
Deduct funded portion of replacement program, including the 1960 budget	78.8
C. Completion of post-World War II program	75.9
1. Unfunded cost of Cleveland, Ohio, 800-bed general hospital	21.3
2. Correction of deficiencies in existing hospital	13.0
3. Air conditioning	41.6
D. Unfunded balance of fiscal year 1960 $33 million construction program	28.7
E. Consolidation of six regional office outpatient clinics	5.9
Total estimated cost	888.9

In addition to modernization the program includes a replacement program as follows:

Location	Authorized bed capacity	Estimated cost (in millions)	Remarks
Bay Pines, Fla. (addition)	350	$7.0	Authorized; construction not funded.
Coral Gables, Fla.	800	22.5	Do.
Downey, Ill	800	23.3	Under construction.
Fort Thomas, Ky.	350	6.3	Not yet authorized.
Jackson, Miss.	500	14.2	Authorized; funds appropriated.
Long Beach, Calif.	1,600	23.1	Construction of 1st phase completed.
Martinsburg, W. Va.	765	20.0	Not yet authorized.
Memphis, Tenn.	1,000	25.0	Authorized; not funded.
Nashville, Tenn.	500	13.8	Authorized; final plans stage; funds appropriated.
Oakland, Calif.	500	12.1	Authorized; construction not funded.
San Juan, P.R.	200	6.0	Not yet authorized.
Temple, Tex.	500	15.0	Authorized; not funded.
Vancouver, Wash.	575	14.4	Not yet authorized.
Washington, D.C.	900	24.5	Authorized; construction not funded.
Wood, Wis.	1,290	35.5	Authorized; not funded.
Total	10,379	268.1	
Deduct amount funded, including 1960 budget		−78.8	
Estimated unfunded cost of program		189.3	

The CHAIRMAN. The Chair recognizes the gentleman from Maryland [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, I rise in support of the pending amendment and I shall direct my remarks to the committee's action in deleting the new 700-bed hospital in the Washington, D.C., area. The site of this hospital is at the Old Soldiers' Home which is located within the confines of the District of Columbia. I wish to stress to the Members of the Committee that support for this amendment is bipartisan, it is not political. The need for this hospital has been demonstrated through recent years by the findings of various subcommittees. In fact, at one time the hospital was to be located in my congressional district. However, upon further study it was discovered that the space and area in the Soldiers' Home locale adjacent to the Washington Medical Center was a more suitable site.

The committee report states that this is a too extravagant facility. I submit that is not an argument which can stand on its own feet under any circumstances in face of the pressing need we have in Washington, D.C., for the hospital.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland [Mr. LANKFORD].

Mr. LANKFORD. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Pennsylvania. I am particularly interested in replacing the Mount Alto Hospital which is woefully overcrowded, it is woefully outdated, and is not a fit place for our veterans.

The committee has said, and I quote from an editorial that was referred to earlier in the day by the gentleman from Virginia [Mr. BROYHILL], that facilities are available, as the committee said, "in all surrounding directions." The facilities are not available in all surrounding directions. All the members of the committee have to do is to sit in my office for a short period of time and get call after call after call from veterans who need hospitalization and are unable to get it, and to listen in while I call a hospital and get the same answer time after time after time: "We do not have any beds available."

Mr. Chairman, there is a shortage of hospital beds in this area. I do not care what the committee says, there is a shortage; additional beds must be furnished. This has been recognized for years. The replacement for Mt. Alto is needed. The money for planning was appropriated back as far as 1957. Further delay cannot be accepted.

The CHAIRMAN. The time of the gentleman from Maryland has expired. The Chair recognizes the gentleman from Virginia [Mr. BROYHILL].

Mr. JONAS. Mr. Chairman, I ask unanimous consent that the time allotted to me be yielded to the gentleman from Virginia [Mr. BROYHILL].

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BROYHILL. Mr. Chairman, I also rise in support of the Saylor amendment and address myself to the portion of the amendment which restores the funds which were cut from the Budget Bureau's request for the construction of a 700-bed hospital in the District of Columbia.

I should like to again refer to a statement made during recent hearings by the distinguished gentleman from Texas [Mr. THOMAS], the chairman of the Subcommittee on Appropriations, concerned with this item, that this project can be delayed for 5 or 10 years due to the fact that money was tight and interest was tight and further expenditures would increase the inflationary spiral. I agree with the gentleman from Texas that this is an excellent yardstick to apply to every item in this bill and, in fact, to every action taken by this Congress. Furthermore, I have no quarrel when the application of this yardstick might reduce appropriations for my own congressional district. However, I feel that this yardstick should be applied equally and uniformly to all items, rather than singling out one or two items and then attempting to fit the items to the yardstick. This is most unfair and discriminatory. Moreover, when we have all decided and agreed that a program is desirable and necessary, we should carry out the program in an orderly fashion.

Insofar as delaying this project is concerned, I should like to call to the attention of the House the fact that this project has already been delayed for 15 years. Three million dollars has already been appropriated for planning. In fact, $1,100,000 was appropriated for plans and

specifications as recently as 1957. I see no justification for postponing and/or delaying any longer.

The existing facilities located at Mount Alto are totally inadequate. It only has a 335-bed capacity and was never designed for use as a hospital to begin with. In fact, it was originally constructed as a girls' school back in 1901. The buildings are old and dilapidated and the maintenance is extremely costly. Due to the improper layout there is a great deal of administrative difficulty in operating this facility. Many of the rooms and wards have to be used as hallways and the difficulty in properly utilizing personnel causes an extremely costly turnover. In fact, in many instances nurses have to serve on two or three floor levels at the same time with no accessible elevators.

Probably the most serious defect is the fact that it is a fire hazard, and in the event of a fire the results would be catastrophic. For one thing, the doors are too narrow to remove bedridden patients in the event of emergency. These obsolete facilities are a disgrace to this Nation which owes so much to its veterans. This Washington facility is by far the most outmoded one in the country.

Mr. Thomas has stated that he has been at Mount Alto and that the facilities there are adequate. I believe that Mr. Thomas is the only individual who has this opinion. If I had the time I could show you all the pictures I have here proving the obsolescence and inadequacy of these facilities. However, since time does not permit, I have them here for anyone who cares to review them to have the opportunity to do so.

Now in regard to the need for a 700-bed facility in Washington, I should like to point out that a 750-bed facility was authorized as far back as 1945. That was 15 years ago, and everyone knows that this area has an explosive population. Our population has increased since 1945 to approximately 2 million today, and all estimates of the experts indicate that the area will have 3½ million by 1970.

If we compared the ratio of hospital beds per veteran in the Washington area with the country as a whole, we would find it compares most unfavorably. It compares unfavorably even with the number of persons per bed in civilian hospitals throughout the country. For example, the national average of civilians per hospital bed is 108 nationwide, the national average for veterans per Veterans' Administration hospital bed is 190. In the Washington area, the average veterans per hospital bed numbers 392. Can there be any doubt about the need for more veteran hospital beds in the Washington area?

It has been pointed out that the Washington veterans can use other Veterans' Administration hospitals at a distance from Washington. I should like to state here that these hospitals, which are located in Richmond, Roanoke, and West Virginia, are likewise overcrowded and have long waiting lists. Furthermore, no veteran in any other metropolitan center of this great Nation of ours has to travel so far in order to receive adequate treatment in a veterans hospital.

At the present time, due to inadequate facilities at Mount Alto Hospital, we have the Veterans' Administration here using 10 beds at Walter Reed Army Hospital, 40 beds at Bethesda Naval Hospital, and 350 beds at St. Elizabeths Hospital. All but 150 beds at St. Elizabeths could be turned back if this new hospital was constructed. In addition, the outpatient clinic now located in the Munitions Building can be moved to this new hospital. By consolidating all these far-flung operations, we can certainly expect better staffing and more efficiency in performing veterans medical care in this area. I repeat that the existing obsolete facility at Mount Alto is seriously and dangerously overcrowded, and at the present time only the most acute emergency cases can be treated. I should also like to point out here that many calls from Members of Congress in behalf of their constituents must be turned down regardless of the emergency nature due to inadequate facilities.

I realize that a challenge has been made to the effect that the proposed cost of this hospital is exorbitant. I do not believe, however, that the many other things planned for inclusion in this facility have been taken into consideration in determining whether or not the cost is proper. One thing that is planned to be included is a research and testing hospital for new items of supply and equipment for use in veterans hospitals throughout the country. Another item is an administration research and training hospital, including classrooms, and so forth, which would be of benefit to all of the 170 other Veterans' Administration hospitals throughout the Nation in providing them VA-trained personnel.

I am reliably informed by responsible officials of the Veterans' Administration that if we consider the actual cost per bed for this hospital facility alone, the cost per bed would be less than that provided for in the Hill-Burton Act.

A very important factor that we must consider is that this is the first leg of a $900 million 12-year program of repair and remodeling, as well as improvement of our Veterans' Administration hospital program. A $75 million request was made this year but was cut to $39,100,000. What are we going to do? Scuttle this program? Postpone it? Delay it? Or, in a piecemeal fashion, alter the entire program by hit and miss cuts in the appropriations?

I should like to submit that this hospital has the full support of the administration and, as I have stated before, was included in the budgetary request this year. It also has a very strong and enthusiastic endorsement of all our national veterans organizations. Many of the Members have already received telegrams and letters to this effect, I am sure.

Some people feel that our Nation's Capital should have one of the best Veterans' Administration hospital facilities in the country. I do not believe, however, that anyone thinks that it should have the worst in the country. I hope the membership will support the amendment to restore these funds.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. BALDWIN].

Mr. RHODES of Arizona. Mr. Chairman, I ask unanimous consent that the time allotted to me be yielded to the gentleman from California [Mr. BALDWIN].

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. BALDWIN. Mr. Chairman, I rise in support of this amendment. This amendment would simply restore the budgeted sum for hospitals under the VA program. It would restore the sum for the hospital that was slated in the budget to be constructed in northern California and restore the sum for the hospital to be built here in Washington. This is the amount requested by President Eisenhower; approved by the Bureau of the Budget, and approved by the Veterans' Administration.

There are many in the House today who have received wires from the DAV. Some have received letters from the VFW. Some have received wires from the American Legion. All of them are in complete agreement on the restoration of these sums. I might say as far as the California hospital is concerned that this is a bipartisan matter. I have here in my hand a telegram from the Governor of California, Governor Pat Brown, who is of the Democratic Party. The wire, which is addressed to the chairman of the Subcommittee on Independent Offices, the gentleman from Texas [Mr. THOMAS], reads as follows:

> There have for several years past been pending before Congress bills to appropriate funds for the construction of a new veterans hospital in northern California. I have in the past recommended this appropriation, and I take this means of again recommending it to you.
>
> The veterans groups in California are unanimous in the belief that such a hospital should be constructed. The present facilities are now, and have been for some time, inadequate. I hope you will give favorable recommendation to this appropriation.

This also has the support of the labor groups. I have in my hand a letter from the president of the California State Building and Construction Trades Council, also addressed to the chairman of the Independent Offices Subcommittee, the Honorable ALBERT THOMAS. That letter reads as follows:

> DEAR MR. THOMAS: It is my understanding that the budget for fiscal year 1961 recommends that the sum of $11,714,000 be appropriated for a Veterans' Administration Hospital to replace the present Oakland VA Hospital.
>
> On behalf of the California State Building and Construction Trades Council, I should like to urge that this appropriation be approved by your subcommittee. There is an urgent need for this new hospital in northern California.
>
> Sincerely yours,
>
> BRYAN DEAVERS.

I also have a letter from the AFL–CIO which I would like to read at this same point, because it brings out the fact that this has labor support. This is dated April 14, 1960, from George D. Riley, legislative representative, and is addressed to me. It reads as follows:

> DEAR REPRESENTATIVE BALDWIN: In your discussion of the necessity for a Veterans' Administration hospital facility in the Bay area, it will be appreciated if you will make known to the House membership at large the feeling of urgency in regard to this proposed project.
>
> It is fully realized that the influx of population in the immediate and general vicinity is of such need that the Veterans' Administration itself acquired a suitable site several years ago. It further is my understanding that the architectural contract has even been let and that what now is indicated is the appropriation with which to proceed.
>
> Many of the veterans concerned in the situation are members of organized labor. It is their welfare and the welfare of all veterans in general which is at stake here.
>
> We trust that the House will see the importance of this matter which I have heard you and representatives of labor from your district and region in general discuss before both House and Senate Appropriations Subcommittees.
>
> Sincerely,
>
> GEORGE D. RILEY.

The CHAIRMAN. The time of the gentleman from California [Mr. BALDWIN] has expired.

The Chair recognizes the gentleman from California [Mr. GEORGE P. MILLER].

Mr. GEORGE P. MILLER. Mr. Chairman, I support the committee in this matter. I am as conscious of the fact that we need a new hospital in northern California as any man present. I have long worked for it. But when these hospitals are constructed, I want to see them located where they will best serve the interest of veterans and for no other purpose. I offer a challenge to anyone to say that the site selected for the hospital at Martinez is the logical one or one that meets this criteria.

I have before me a letter dated March 23 from the Chairman of the Committee on Veterans' Affairs in which he tells me that three times they have investigated this hospital and they find that the Martinez site is not the proper site for it. The hospital presently is located in Oakland and the only reason it was moved to Martinez, which is on the periphery of the district to be served and not in the center of it is because at the time the matter first came up there was an order issued by the Office of Civilian Defense that you could not locate such a hospital in a so-called target area, Oakland, Calif., because of its strategic position, was designated as a prime target area. So were Washington and Cleveland. The restriction has been removed from these cities.

The CHAIRMAN. The time of the gentleman from California [Mr. GEORGE P. MILLER] has expired.

The Chair recognizes the gentleman from Kansas [Mr. AVERY].

Mr. AVERY. Mr. Chairman, I rise in support of this amendment. More particularly I should like to address myself to the money that is being sought to be restored to replace the Oakland hospital. Oakland is a long way from Kansas, but I would particularly like to have the attention of the gentleman from California who just preceded me, Mr. GEORGE P. MILLER.

I was a member of the Hospital Subcommittee of the Committee on Veterans' Affairs back in 1955. I served under the chairmanship of the late gentleman from Louisiana, the Honorable George Long. The location of this hospital goes back to that date. Back in 1955 we went to Oakland. We not only looked at the old hospital, but they took us over the mountain, so to speak, to look at this general area that had been recommended for the site that is before us today. It is my understanding that since that time all the veterans' organizations have agreed that this is an acceptable location for this hospital and since it has moved along on the basis that it will be located over there, certainly it is not in the interest of the Veterans' Administration hospital program to throw up these objections that are utterly without foundation, except that it just does not happen to be at a convenient location for some of the Members of the California delegation. That is about all there is to it.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. COHELAN].

Mr. COHELAN. Mr. Chairman, I rise in support of the committee's position. This is a dispute over the site location of a hospital. It has nothing to do with the desirability of having a hospital. I earnestly urge those of you who have any doubt about this matter to read the hearings on this subject that are available to you. You will find on page 1153 of the committee hearings a statement by Dr. Hardin Jones, a most distinguished medical scientist, who gets to the heart of the matter when he points out:

> As you know, the Veterans' Administration, since World War II, has looked upon universities, medical science centers, and medical schools as a means of keeping quality of medical care for veterans at the highest possible mark, and associated with it is the policy of using the best talent in medicine that it can, such as Dr. Kay.

Dr. Kay is a noted urologist representing the Alameda-Contra Costa County Medical Society, who also testified in favor of a restudy of the site location. The only thing that is involved here is a restudy of the site location. As indicated in the report, they expect to have a revised proposal submitted in January.

To show how important this is, Mr. Chairman, the only reason there was in the first place for any consideration of the Martinez area was that the Office of Defense Mobilization at that time called it a target area, which it no longer is. Not only has the situation changed, Mr. Chairman, but it has changed to exactly the opposite. Dr. Edward Teller, the distinguished physicist from the University of California testified, among other things, that a hospital properly located in an urban area could be of strategic value. He urged locating the hospital in or near the Berkeley campus of the University of California.

I oppose the amendment and I urge adoption of the committee's report.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. VAN ZANDT].

Mr. VAN ZANDT. Mr. Chairman, this 12-year program of the Veterans' Administration for the replacement and modernization of existing hospitals results from many years of study by veterans' organizations, hearings by the House Committee on Veterans' Affairs, and the suggestions of a subcommittee of the House Committee on Appropriations. The result of all this collective thinking can be found on page 553 of the hearings, where the following appears:

> CONSTRUCTION OF HOSPITAL AND DOMICILIARY FACILITIES, $75 MILLION
>
> This appropriation provides for construction of hospitals and domiciliary facilities and becomes available for use after Presidential approval of individual projects or groups of projects. The facilities may include new and replacement hospitals, acquisition of sites, modernization of existing plants and fixed and initial portable equipment.
>
> The Veterans' Administration recognized the need for a comprehensive appraisal of requirements to modernize the VA hospitals and domiciliaries constructed prior to World War II. In October 1958, the Administrator appointed a task force to study and appraise jointly with the Bureau of the Budget the hospital and domiciliary replacement and modernization requirements through fiscal year 1971.
>
> The task force concluded its study in June 1959 and recommended (with concurrence of the Bureau of the Budget) a program of replacement and modernization of our hospital system estimated to cost approximately $900 million, including the unfunded portion of post-World War II new hospital program.
>
> The Veterans' Administration and the Bureau of the Budget have agreed that this cost should be apportioned over a period of 12 years or at the rate of approximately $75 million annually. This appropriation request is the first increment of funds for the plan and is the estimated additional amount needed in 1961 for the following projects and programs.

Mr. Chairman, I support the Saylor amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, the committee has no opposition to the hospital as such. It is a question of which site should be selected. We do not agree with the Legislative Committee in their determination. The committee was given a copy of a letter written by the chairman of the Committee on Veterans' Affairs, the gentleman from Texas [Mr. TEAGUE], to the gentleman from California [Mr. GEORGE P. MILLER]. The last paragraph of this letter reads as follows:

> With further reference to the situation in California, the late Dr. George S. Long and members of his subcommittee visited the Oakland Hospital. Other members of this committee have visited the proposed site in Martinez, as well as the Oakland Hospital. Without going into details or indicating the views of particular individuals, I think it is sufficient to say that all of those who investigated the matter came to the conclusion that the best interest of the Veterans' Administration and the veterans of the area would be served by building the replacement of Oakland at or near the present site of the

present hospital. In fact, most of the recommendations contemplate using the block adjacent to the present hospital.

You have here an intramural squabble between people in California.

Some want Martinez and some want Oakland. I think you should leave it up to the Legislative Committee and let them decide where the hospital should be. With respect to the statement of the gentleman from Kansas [Mr. AVERY], namely, that he was a member of that group, yet, I suggest to him that this letter is dated less than a month ago, March 23, 1960, and it is pointed out by the chairman of the Committee on Veterans' Affairs that as far as the committee is concerned, the report of the subcommittee which conducted the investigation has not yet been overruled. So that I say to you, if you want the Martinez site chosen by the Veterans' Affairs Committee, why do you not say so, so that the Committee on Appropriations is properly advised?

Mr. AVERY. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield.

Mr. AVERY. In the first place, I should advise the gentleman it is no longer my privilege to serve on the Committee on Veterans' Affairs which would make it a little difficult for me to bring in a recommendation from the Committee on Veterans' Affairs. I have been further advised that the Committee on Veterans' Affairs felt generally that this policy had always been left to the Committee on Veterans' Administration to establish the site of the hospitals. They have never intervened before, and I would so construe the letter which the gentleman has read, not as being an intervention, but as a response in kindness and in consideration of an inquiry of a colleague.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. AYRES].

Mr. AYRES. Mr. Chairman, as a member of the hospital subcommittee and second ranking member of the Committee on Veterans' Affairs, and having served on that committee going on 10 years, I can tell the gentleman from Illinois that it has never been the policy of the Committee on Veterans' Affairs to attempt to designate hospital sites. As the gentleman from Kansas has pointed out, the members of that subcommittee did go out, but they did not come back and make a recommendation to the full committee. The full committee has never advised or given an opinion to the Veterans' Administration as to where the hospital should be located. In view of what has transpired over the past few months, it seems feasible to proceed with the hospital where the Veterans' Administration has planned it, and not to deny the veterans in this area hospitalization. That is exactly what we are going to do if we do not approve of the amendment offered by the gentleman from Pennsylvania. Having served all of this time on the Committee on Veterans' Affairs, I hope the members of the committee will support the amendment so that we will not deny these veterans the hospitalization rights that they are entitled to, which in all probability they will not get if we continue this hassle.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee [Mr. EVINS].

Mr. EVINS. Mr. Chairman, there is $40 million carried in this bill for hospital construction. The hospital in the district of the gentlewoman from Ohio [Mrs. BOLTON] in Branch Hill, Ohio, was approved because there was no controversy about it. But there is a controversy about the site location of the California hospital. The Public Works Appropriation Subcommittee on which I serve has always adhered to the rule that where there is a controversy, the committee defers or delays the matter for another year to see if the local people cannot get together and agree on the project. If you come here with a decision as to the location, I feel sure the committee will provide the funds. Under the circumstances, I think this matter should be deferred. There is $40 million carried in this bill, as I said before, which is $7½ million more than last year. As far as the hospital in the District of Columbia is concerned, I want to point out that we are saturated with construction right here at this time with some nine buildings going up in the District of Columbia with $207,663,000 worth of construction. I feel the committee is generous, and certainly we want to provide for all the hospitals that are necessary. In the State of California, they would be demolishing a 750-bed hospital or a 500-bed hospital and they would be reducing the capacity at the present time.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. OSTERTAG].

Mr. OSTERTAG. Mr. Chairman, as a member of the committee, I might say that this is a matter that is recognized as being controversial and is primarily a matter of location rather than of need.

I think I reported the case, and I heartily support this feature of the report. When we point out that this hospital is sorely need in California there can be no debate or question with regard to need; the sole matter revolves around the question of where it should be located. I have heard and accept the recognition that the Veterans' Committee has not made a recommendation, that the Veterans' Administration has made a decision. It was in the budget, and for that reason I believe that the amendment is in order and a good one.

With regard to the other hospital involved I might point out that the hospital here in Washington while it is claimed to be needed, and as to that I will not quarrel with it, but the planned cost of construction is exceedingly high. However, there is a need for this hospital not only here but for hospitals in the whole program to the point where this $900 million veterans' hospital program can be completed within 12 years.

The CHAIRMAN. The gentleman from Texas [Mr. THOMAS] is recognized for 5 minutes.

Mr. THOMAS. Mr. Chairman, let us see what is involved in this. The amendment restores the amount from $39 million, round figures, to $75 million. It is for two hospitals. One of the hospitals is at Martinez, Calif., at a cost of $11.7 million; and the other is in the District of Columbia at a cost in round figures of $20 million.

As to California, read our report. It sets out why the hospital as proposed should not be built. You would demolish a 750-bed hospital and set up a 500-bed hospital when the veteran population in the area is growing. We think that is wrong. They ought to give it more consideration and they ought to build a thousand-bed hospital.

What I am trying to say is that they need a bigger hospital out there, but where? That is all that is involved, where?

The Legislative Committee in the past has set up a good policy and it is sound; you cannot get around it. It is good for science, it is good for the patients, it is good for the veterans to set up these hospitals near these great medical centers.

Mr. Chairman, this amendment ought to be voted down. The people back home ought to reconsider and if they cannot agree, and if the Legislative Committee cannot agree, then your little subcommittee will go out there ourselves in January and we will come back here, and then we will prayerfully submit a proposition to this House. Is not that fair enough?

As to the District of Columbia: Again we prayerfully ask you to vote down the amendment. Here is $20 million for a 700-bed hospital, and it is the most expensive thing in the United States: $28,200 per bed. Can you tie that any place?

Of course, you cannot expect our very distinguished newspapers here in the District of Columbia to oppose it: come easy, go easy, they do not care what it costs. You have a hospital in Baltimore, you have a hospital in Martinsburg, and a thousand-bed hospital in Richmond. You have veterans' beds set aside in Walter Reed Hospital and you have veterans' beds set aside in Bethesda Naval Hospital.

You have that nice hospital here now. I have been out there myself and I know what it is like. Certainly it is an old building, but there is no finer equipment any place in this country than there is in that hospital, and it is beautifully maintained. The staff does a beautiful job. It is well kept, it is nice to look at, neat, clean, well-painted and well-preserved. It will be an economic waste to throw that hospital out and wreck it. There are at least 5 or 10 more useful years of life in that building. It is a good building and it has a good plant.

You should bear in mind that a ceiling has been set on the number of beds by our distinguished President at 125,000. If you tear down this hospital and add another one, when you get through you are just going to have that figure of 125,000 beds. If you tear down ten or add five new, you still have that ceiling and it is going to be 125,000 beds.

The testimony before our committee is that this year and last year and the year before there was not a service-connected applicant in the entire United States who did not get admission right

off the bat. Does anybody question that statement?

Mr. Chairman, I respectfully ask for a vote, and I hope that the pending amendment will be defeated. We will take care of the California situation in January and this one is not needed in the District of Columbia.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. SAYLOR].

The question was taken; and on a division (demanded by Mr. SAYLOR) there were—ayes 82, noes 38.

So the amendment was agreed to.

The Clerk completed the reading of the bill.

Mr. THOMAS. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. IKARD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11776) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1961, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to, and the bill as amended do pass.

Mr. THOMAS. Mr. Speaker, I move the previous question on the bill and the amendment thereto to final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. THOMAS) there were—ayes 31, noes 43.

Mr. PELLY. I object to the vote on the ground that a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that further consideration of the bill be postponed until tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

The Honorable the SPEAKER,
House of Representatives

SIR: Desiring to be temporarily absent from my office, I hereby designate Mr. H. Newlin Megill, an official in my office, to sign any and all papers and do all other acts for me which he would be authorized to do by virtue of this designation and of clause 4, rule III of the House.

Respectfully yours,

RALPH R. ROBERTS,
Clerk, U.S. House of Representatives.

THE C. & O. CANAL NATIONAL HISTORICAL PARK BILL

Mr. FOLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include an article.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. FOLEY. Mr. Speaker, I am taking this opportunity to call to the attention of the Members of the House, the CONGRESSIONAL RECORD reprint of a National Geographic magazine article, "Waterway to Washington: The C. & O. Canal." The article appears in the April 6, 1960, CONGRESSIONAL RECORD. Written by Jay Johnston of the National Geographic staff, it contains a wealth of historic data about the C. & O. Canal that is helpful to the Members in appreciating H.R. 2331, "to establish the C. & O. Canal National Hostorical Park and Parkway." The bill will soon come to the floor for consideration.

Also, I call attention to the most recent report of the Advisory Board on National Parks, Historic Sites, Buildings and Monuments, unanimously supporting the C. & O. canal bill, H.R. 2331. The full Board report and recommendations appears in the April 12, 1960, CONGRESSIONAL RECORD.

On April 8, 1960, the Washington Post carried the following report of the Board's action:

ADVISORY BOARD URGES FAST PASSAGE OF BILL TO SET UP C. & O. CANAL PARK

Creation of a new national historical park and a new national monument has been recommended by the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments.

The Board yesterday forwarded to Interior Secretary Fred A. Seaton the following recommendations:

Early enactment of legislation, now before Congress, which would authorize establishment of a 15,000-acre C. & O. Canal National Historical Park, from the Nation's Capital through the mountains of Maryland. Seaton previously endorsed the legislation.

Designation of a Missouri area as Ozark Rivers National Monument. The proposed monument would include 113,000 acres along about 190 miles of the Current, Jacks Fork, and Eleven Point Rivers.

The Advisory Board also commended the Department for its efforts to secure congressional cooperation to provide essential protection of Rainbow Bridge National Monument, Utah, against irreparable physical and esthetic damage as the result of the construction of Glen Canyon Dam and urged that this effort be continued.

The Advisory Board is composed of 11 nonsalaried members appointed by the Interior Secretary by direction of the Historic Sites Act of 1935. Its membership includes representatives competent in the field of history, archeology, architecture, and human geography.

The C. & O. Canal recommendation noted that the advisers were reiterating their 1955 call for protection of the historic waterway. They said the canal park unit is needed as a memorial to America's westward expansion and a monument to the canal area. The Board said it hopes that enactment of the pending legislation will enable the Nation to realize this park opportunity without further delay.

Another resolution noted that, as fine as the national park system is, it is not complete and there are significant areas of scenic, scientific, and historic significance that should be considered on a systematic basis for suitability and eligibility for inclusion in the system.

The Board urged that a "national park system more nearly adequate for the foreseeable needs of the United States • • • be planned and appropriate measures taken to acquire and conserve these irreplaceable portions of our national heritage before they are lost."

PANAMA CANAL

Mr. WALTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALTER. Mr. Speaker, for many months, as chairman of the House Committee on Un-American Activities, I have watched with increasing concern, the rising Red tide to the south of us that is now converging on the Isthmus of Panama. Thus, it has been with gratification that I have noted a growing understanding on the part of many Members of the Congress to this threat to hemispheric security as evidenced by their passage on February 2, 1960, by a vote of 381 to 12 of House Concurrent Resolution 459 concerning sovereignty over the Canal Zone territory.

Among those who have spoken out boldly in this regard, no one has presented a more comprehensive analysis of the questions involved than my colleague, the gentleman from Pennsylvania [Mr. FLOOD]. His many statements on this matter over a period of years are a valuable source of documented information on our isthmian and Latin-American policies.

His latest contribution is a notable address on the "Panama Canal: Key Target of Fourth Front," on April 18, 1960, before the National Defense Committee luncheon meeting of the National Society of the Daughters of the American Revolution at the Sheraton Park Hotel, in Washington, D.C.

Presiding over this distinguished gathering from various sections of the country was Mrs. Wilson K. Barnes, national defense chairman of the national society. The chairman of the committee on arrangements was Mr. B. Harrison Lingo.

In order that the full text of our colleague's latest contribution may be available to the Nation at large, especially to libraries, editorial desks, schools, colleges, universities, and Government agencies concerned with Isthmian Canal policy questions, I quote the indicated address:

On the morning of November 4, 1959, the people of the United States were surprised to read press dispatches from Panama about Canal Zone border violence on the previous day under large headlines, such as, "U.S. Troops Guard Canal Zone Against Mob." This news was not surprising to those in close touch with Isthmian developments.

Even though my studies had made it possible to foresee the disorders that occurred on November 3, 1959, and to warn proper authorities of the executive department as well as the Congress far in advance, it is

indeed a sterile satisfaction to state that those grave disturbances occurred precisely on the day as predicted; precisely in the manner prophesied; and precisely with the results expected. It would have been far better had timely action by the Congress or Executive been taken to prevent this distressing incident from occurring.

Unfortunately, the events of that tragic day and the long series of developments leading to them have not been adequately presented by the mass media to the people of our Nation—a failure that has the savor of a conspiracy of silence. Because they are fundamental and transcend all lesser considerations, their adequate clarification is imperative and requires some frank speaking.

In so doing, I wish to emphasize that I am not an enemy of Panama, nor of any just aspirations of its people, among whom I have made numerous and treasured friendships extending back many years. I sincerely trust that what I say today will add to public knowledge in both Panama and the United States and lead to better understanding of the issues involved.

JURIDICAL BASE OF U.S. ISTHMIAN CANAL POLICY

The foundations of our Isthmian canal policies are rooted in four centuries of history and rest upon three important canal treaties.

First. The Hay-Pauncefote Treaty of 1901 between Great Britain and the United States, which facilitated construction of the Panama Canal. In this agreement, Great Britain relinquished its own rights for construction and control of an isthmian canal and recognized the exclusive rights of the United States thereto. The United States, in assuming this obligation, adopted the main points of the Convention of Constantinople of 1888 for the operation of the Suez Canal as the rules to govern the operation and management of the American canal. These provide that the canal shall be "free and open" to "vessels of commerce and of war" of "all nations" on terms of "entire equality" with tolls that are "just and equitable." It also authorizes the United States to protect it against "lawlessness and disorder."

Second. The Hay-Bunau-Varilla Treaty of November 18, 1903, between the Republic of Panama and the United States. On the part of Panama, this convention granted to the United States "in perpetuity" the "use, occupation, and control" of the Canal Zone for the construction of the Panama Canal and its perpetual maintenance, operation, sanitation, and protection, and, most significantly, as if the United States were the "sovereign of the territory" and to the "entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority." On the part of the United States, the main points for the purpose of this address were that it guaranteed the independence of Panama, which had just seceded from Colombia and whose existence depended on the protection of the United States and the success of the canal undertaking. The United States also was authorized to enforce sanitary ordinances and to maintain public order in the terminal cities of Panama and Colon and in the territories and harbors adjacent thereto in event of failure of the Republic of Panama to do so, as well as to acquire property within these cities and adjacent areas for canal purposes through the exercise of the right of eminent domain.

Third. The Thomson-Urritia Treaty of April 6, 1914, proclaimed March 30, 1922, between the United States and the Republic of Colombia, the sovereign of the isthmus prior to the Panama Revolution of November 3, 1903. This treaty aimed at removal of all misunderstandings growing out of the political events in Panama in November 1903, restoration of the cordial friendship that had previously existed between Colombia and the United States, and definition and regulation of their rights and interests with respect to the Panama Canal and Panama Railroad.

The negotiations of these three treaties were the contributions of some of the ablest men of their times. They knew the history of the isthmus as a land of endemic revolution and political instability. They understood the lessons of the Suez Canal, and benefited by them in adopting policies for administering the Panama Canal. They knew the difficulties experienced in the negotiations with Colombia for a satisfactory canal treaty, which was finally rejected by the senate of that country, and thereupon determined to solve permanently the problem of sovereignty in the Canal Zone.

With duality of control as originally proposed in the rejected Hay-Herran Treaty removed, the framers of the Hay-Bunau-Varilla Treaty were justified in feeling that what would have been a perpetual cause of conflict and recrimination, which always accompanies extraterritorial rights, had been eliminated forever.

The Canal Zone is a constitutionally acquired domain of the United States. Under our Constitution, the treaties and statutes that relate to its acquisition, the subsequent construction of the Panama Canal, and its perpetual operation, are "supreme law of the land." Moreover, the framers of the Hay-Bunau-Varilla Treaty were far-visioned. They discriminated between the "grant" of the Canal Zone "in perpetuity" and the "life of this convention," which they realized would probably be modified. They even provided against the possibility of Panama entering "any union or confederation of states, so as to merge her sovereignty or independence," in which case the treaty provides that "the rights of the United States • • • shall not be in any respect lessened or impaired."

CANAL ZONE: U.S. GOVERNMENT RESERVATION

Despite the clear wording of the Panama Canal treaties, so many misconceptions of their key features have characterized press coverage in recent years, even including some of the most respected encyclopedias, that clarifications are essential. In this, the first fact of importance to note is that the original recommendation to secure control of the Canal Zone "in perpetuity" was made by the Isthmian Canal Commission in early 1902. This was followed by the Spooner Act, approved June 28, 1902, authorizing the President to secure by means of a treaty the "perpetual control" of the Canal Zone for the construction and "perpetual" maintenance, operation, sanitation, and protection of the Panama Canal.

It is true that the preamble of the 1903 treaty acquiring the Canal Zone describes the "sovereignty of such territory as being actually vested in the Republic of Panama." This description was used, however, to indicate the transfer of sovereignty over the area from Colombia to Panama as the result of the secession of Panama from Colombia and thereby to show the authority of Panama to cede to the United States that jurisdiction for canal purposes. Certainly it was not used for the purpose of establishing the sovereignty of Panama over the Canal Zone after its occupation in 1904 by the United States.

The fact that U.S. sovereignty over the zone is absolute was clearly indicated by Bunau-Varilla, Panama's Minister to the United States and one of the principal draftsmen of the 1903 treaty, who stated: "After mature thought, I recognized that if I enumerated in succession the various attributes of sovereignty granted, I ran the risk of seeing in the (U.S.) Senate, some other attributes asked for.

"To cut short any possible debate I decided to grant a concession of sovereignty en bloc.

"The formula which seemed to me the best one was to grant to the United States in the Canal Zone 'all the rights, power, and authority which the United States would possess and exercise if it were the sovereign of the territory; to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power and authority.'"

Thus, it is definitely established that the Canal Zone was not sold, ceded, or leased, but granted in perpetuity to the United States for perpetual operation of the Panama Canal. Not only that, all privately owned properties in the Canal Zone were later bought by the United States, and these included the Panama Railroad.

In addition to the titles thus secured, Colombia, in the Thomson-Urritia Treaty recognized the title to both the Panama Canal and Panama Railroad as "vested entirely and absoluetly" in the United States "without any encumberances whatever."

Moreover, President Taft, by Executive order of December 5, 1912, pursuant to the 1903 treaty and the Panama Canal Act, declared that "all land and land under water within the limits of the Canal Zone are necessary for the construction, maintenance, operation, protection and sanitation of the Panama Canal."

All these points, Madam Chairman, and many others that could be stated, remove all doubt as to the sovereign control of the entire Canal Zone. Its status is that of a U.S. Government reservation with full and exclusive sovereign control vested in the United States. The only authorized symbol of such absolute authority is the flag of the United States.

SECRETARIES HAY, TAFT AND HUGHES: CANAL ZONE SOVEREIGNTY VIEWS

The current agitation about the sovereign control of the Canal Zone is not a new issue but an old one periodically dragged out of its tomb for political purposes. Notwithstanding the fact that this subject has been repeatedly clarified, recent references to Panama as the "titular sovereign" of the Canal Zone, or whatever that is, by high officials of our own State Department and others, cannot be dismissed as effusions of the ignorant, for they have been presented as reaffirmations of the views enunciated in 1906 by Secretary William Howard Taft. What are some of the key facts in the history of this matter?

Secretary of Government Tomas Arias of Panama, one of the revolutionary junta of 1903, in a note dated May 25, 1904, addressed to Gov. George W. Davis of the Canal Zone stated:

"The Government of the Republic of Panama considers that upon the exchange of ratification of the treaty for opening the interoceanic canal across the Isthmus of Panama, its jurisdiction ceased over the Zone." Ratifications of this treaty, it may be stated, were exchanged on February 26, 1904.

In spite of this clear, unequivocal declaration, Secretary Arias later presented the "sovereignty" question to the United States. In a comprehensive reply to the Panamanian Government on October 24, 1904, Secretary of State Hay asserted that "the great object to be accomplished by the treaty is to enable the United States to construct the Canal by the expenditure of public funds of the United States—funds created by the collection of taxes" and that "the position of the United States is that the words 'for construction, maintenance, operation, sanitation, and the protection of the said Canal' were not intended as a limitation on the grant, but are a declaration of the inducement prompting the Republic of Panama to make

the grant" of the Canal Zone to the United States in perpetuity.

Though Secretary Hay mentioned the term, "titular sovereign of the Canal Zone," he stated that such sovereign is "mediatized by its own acts, solemnly declared and publicly proclaimed by treaty stipulations, induced by a desire to make possible the completion of a great work which will confer inestimable benefit on the people of the Isthmus and the nations of the world." He also stated that it was difficult to conceive of a country contemplating the abandonment of such a "high and honorable position, in order to engage in an endeavor to secure what at best is a 'barren scepter'."

Later, on April 18, 1906, while testifying before the Senate Committee on Interoceanic Canals, Secretary of War Taft, when commenting in article III of the Hay-Bunau-Varilla Treaty, stated:

"It is peculiar in not conferring sovereignty directly upon the United States, but in giving to the United States the powers which it would have if it were sovereign. This gives rise to the obvious implication that a mere titular sovereignty is reserved in the Panamanian Government. Now, I agree that to the Anglo-Saxon mind a titular sovereignty is • • • a barren ideality, but to the Spanish or Latin mind, poetic and sentimental, enjoying the intellectual refinements, and dwelling much on names and forms, it is by no means unimportant."

Prior to that, on January 12, 1905, Secretary Taft, when commenting on the question of Canal Zone jurisdiction to President Theodore Roosevelt, stated:

"The truth is that while we have all the attributes of sovereignty necessary in the construction, maintenance, and protection of the Canal, the very form in which these attributes are conferred in the treaty seems to preserve the titular sovereignty over the Canal Zone in the Republic of Panama, and as we have conceded to us complete judicial and public power and control over the Zone and the two ports at the end of the Canal, I can see no reason for creating a resentment on the part of the people of the Isthmus by quarreling over that which is dear to them but which to us is of no real moment whatever."

This is not the last significant statement by Mr. Taft on this matter. On February 9, 1909, in an address delivered in New Orleans when he was President-elect, he said:

"If the Hay-Herran Treaty of 1903 had been confirmed by the Colombian Senate, a failure to do which aroused our national indignation, we would not have been at all in the favorable position we are now to complete the canal.

"Because under the treaty with Panama, we are entitled to exercise all the sovereignty and all of the rights of sovereignty that we would exercise if we were sovereign, and Panama excluded from exercising any rights to the contrary of those conceded to us. Now that may be a ticklish argument, but I do not care whether it is or not. We are there. We have the right to govern that strip, and we are going to govern it."

Now, Madam Chairman, these forthright words of Mr. Taft, who was associated with the Panama Canal in responsible capacity longer than any other high U.S. official, should still the clamor of those who have been quoting him out of context.

But Mr. Taft was not the last high official to speak out vigorously on Canal Zone sovereignty questions. On December 15, 1923, Secretary of State Hughes, in a conversation with Dr. Ricardo J. Alfaro, then Minister of Panama to the United States, declared with a refreshing degree of candor that the U.S. Government "would never recede from the position which it had taken in the note of Secretary Hay in 1904." To this he added: "This Government could not and would not enter into any discussion affecting its full right to deal with the Canal Zone under article III of the Treaty of 1903 as if it were sovereign of the Canal Zone and to the entire exclusion of any sovereign rights or authority on the part of Panama."

Moreover, Secretary Hughes declared: "It was an absolute futility for the Panamanian Government to expect any American administration, no matter what it was, any President or Secretary of State, ever to surrender any part of these rights which the United States had acquired under the Treaty of 1903."

In view of all the facts, Madam Chairman, the best case that can be made for Panama's claim of sovereignty over the Canal Zone is that of a reversionary character in the sole event of the United States ceasing to maintain and operate the Canal. Should that ever occur, the United States would probably offer no objection to reassumption by Panama of sovereign control of the Canal Zone. Meanwhile, to encourage Panamanians to think that titular sovereignty is something that it is not, is lacking in forthrightness and counter to the best interests of the United States.

DIPLOMATIC DIKE IS BROKEN

The completion of the Panama Canal within the cost and time estimates and its successful maintenance and operation since opening to traffic in 1914 form one of the most brilliant chapters of the United States history. Former President Theodore Roosevelt always considered them of an importance comparable to the Louisiana Purchase. He and other statesmen who contributed to the success of the enterprise had every reason to be proud of their achievement.

For many years the project went ahead on the force of its initial impetus. The giants of the early years gradually passed from the scene and the conduct of our Isthmian policies fell into less capable hands. Even so, it required the impact of the great depression of 1929–32 and the Cuban Revolution of 1933 to start a chain of events at Panama that are still in motion.

In this connection, it should be recalled that until the abrogation of the Platt amendment of the Cuban Constitution, by treaty on May 31, 1934, following a period of violence in Cuba, the United States had the right to intervene for the "preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty."

It was after this policy of abandonment in Cuba that the Hull-Alfaro Treaty of 1936 between Panama and the United States was negotiated. Its first article abrogated article I of the 1903 Hay-Bunau-Varilla Treaty, by which the United States had undertaken to guarantee and maintain the independence of the Republic of Panama—a provision included in the Panama Constitution and known to Panamanians as the Platt amendment of Panama. This treaty was the first breach in the juridical foundation for the Panama Canal enterprise.

Other surrenders in the 1936 treaty include loss on the part of the United States of important sovereign powers and rights affecting the Panama Canal, especially that of eminent domain within the Republic of Panama, all without adequate compensation to the United States, which had borne all costs of construction, sanitation, and defense. But the erosion did not stop there.

After prolonged secret negotiations started in 1953, the process was further advanced in the Eisenhower-Remon Treaty of 1955. While in nowise abridging the sovereign authority of the United States over the Canal Zone and Panama Canal granted in articles II and III of the 1903 treaty, the 1955 treaty went much further in its surrenders than the 1936 treaty.

The 1955 treaty, which was ratified without adequate debate, gave away additional rights and properties of the United States and increased the Canal annuity from $430,000 allowed in the 1936 treaty to $1,930,000. Among its most regrettable features was surrender to Panama, without proper investigations and without authorization by Congress of valuable Panama Railroad properties in the cities of Panama and Colon, including the designed terminal freight yards and passenger stations in those cities, valued not less than $24 million. Not only that, the 1955 treaty even contemplated the abandonment of the railroad itself.

Fortunately, the Congress intervened and prevented the liquidation of this vital railroad. But its action was too late to save the terminal yards and passenger stations. Now, because there was no treaty requirement for their replacement by Panama, we are going to have a trans-Isthmian railroad without its originally designed and adequate terminal stations and yards.

Can you imagine, Madam Chairman, anything more absurd, or more ominous for the future conduct of our Isthmian policies? To say the least, our treaty power was grossly derelict, not only of U.S. interests, but also of the treaty rights of Colombia in the Panama Railroad. Why is it that our Government failed to have competent negotiators? We had the men of proper qualifications and experience in the United States. Why did we not use them?

The overall results of our sustained surrenders at Panama have been withdrawal of U.S. activities to the Canal Zone and serious impairment of them within the Canal Zone. The costs involved will have to be borne by American taxpayers, Canal Zone residents, the Panamanian masses, and interoceanic commerce that has to pay tolls. But even more important, we have given away our bargaining powers for dealing with Panama.

The results of these diplomatic failures are not accidental, but are a part of a calculated plan. This was revealed by Ambassador Ricardo M. Arias of Panama in a major political address on April 29, 1958, at the Edmund A. Walsh School of Foreign Service of Georgetown University, which was featured by hostile propaganda against the United States. Among his revelations was this significant statement:

"The foreign policy of my country during the last 50 years has been to exert every effort in order to obtain at least for Panama conditions similar to those granted by the United States to Colombia in January 1903."

This pronouncement of Panamanian policy, Madam Chairman, should not be taken lightly, but as a serious warning. Its objectives are rescission of the perpetuity and sovereignty provisions of the 1903 treaty, early establishment of dual sovereignty over the Canal Zone, and finally nationalization of the Panama Canal. It is no wonder that many North Americans have become disturbed about the Panama Canal and wish to know how the present turmoil and uncertainty were ever allowed to develop.

PANAMA CANAL ZONE NOT AN OCCUPIED TERRITORY

World War II commenced in September 1939, which was shortly after the 1936 treaty was finally ratified by the U.S. Senate. In preparation for possible involvement, the United States had to obtain sites for defense installations in the Republic of Panama, all necessary for protection of the Panama Canal. Because of the loss of the right of eminent domain in the Republic of Panama, the United States was denied that method for securing bases and had to obtain them through diplomatic channels, amidst mounting difficulties and exorbitant demands for rentals. It was not until May 18, 1942, that a defense sites agreement was at last signed.

After the war, anti-American clamor erupted, with unanimous demand by the Panama National Assembly for evacuation of all sites. The President of Panama also was quoted as demanding that the 1936 treaty

be made "more effective in terms of benefits for Panama." All of this agitation led to negotiations between Panama and the United States for a defense base treaty.

On December 9, 1947, Foreign Minister Ricardo J. Alfaro of Panama resigned in protest against his government's agreeing to extend the leases on the most important bases still held by the United States. Following this lead, the Panama National Assembly, surrounded by anti-American mobs, threatening to lynch any member who voted for leasing the bases to the United States, unanimously rejected the treaty.

The United States had no legal recourse except to evacuate all military bases in the Republic. It is but fair to state at this point, however, that the mob-dictated action of the Panama National Assembly was counter to the wishes of many thoughtful Panamanians, who recognized that the higher interests of their country required approval of that treaty and not its rejection.

It was in the midst of the defense base agitations in Panama that another more threatening event occurred in Washington. In November 1946, the State Department, following a furious Soviet attack in the U.N. on the United States, charging that American defense bases around the world were evidence of aggression, sent to the U.N. a report of bases listing the Canal Zone as one of the U.S. occupied territories.

Is there any wonder, Madam Chairman, after our own State Department classed one of the most vitally important constitutionally acquired domains of the United States as an "occupied territory" that we should have trouble in defending the legal status of the Canal Zone as a grant in perpetuity? In view of its juridicial history, it would be just as logical to list Alaska or the Gadsen Purchase as "occupied territories." Certainely, there could be no such turning back of the clock of history.

IMPACT OF NATIONALIZATION OF SUEZ CANAL AT PANAMA

Despite the generous treatment afforded Panama in the 1955 treaty already discussed, events having a great impact on the isthmus did not stop. On July 21–22, 1956, Presidents of the American nations met at Panama City in the Republic of Panama, attracting world attention to the great canal project on which the economic well-being of Panama largely depends. While public interest was thus focused toward the West, events of far greater significance were in making in the Near East.

Four days later, on July 26, Egypt nationalized the Suez Canal. Officially indorsed by the Government of Panama, this seizure of the Suez Canal started a chain of events affecting the Panama Canal, which accelerated trends already evident. Nationalization thus became the battle cry of radical elements in Panama, especially by students at the Panama University, where, backed by Communist influence, they proudly displayed a large sign: "The canal is ours."

Foreseeing the pending dangers and realizing the imperative need for a congressional reaffirmation on our Isthmian Canal policy, on June 27, 1957, I introduced a resolution to that effect (H. Con. Res. 205, 85th Cong.). In the light of subsequent developments, it is indeed unfortunate that no action was taken on it. This failure was interpreted on the isthmus as lack of leadership and psychological weakness. It served to encourage radical agitators to continue their course.

In a carefully organized raid into the Canal Zone on May 2, 1958, called Operation Sovereignty, Panamanian University students planted 72 Panamanian flags at places of prominence, including one in front of the Canal Zone administration building—an eventuality that I had foreseen and had sought to prevent by sending timely warning to proper officials.

Though this highly provocative incident was witnessed by Panama Canal authorities, the trespassers were not interfered with by Canal Zone police and were allowed to leave the zone without obstruction.

This 1958 flag-planting mob invasion of the Canal Zone, Madam Chairman, was not a simple student prank as some of our officials tried to explain, but a calculated move in worldwide psychological warfare of Communism form against the United States. It received extensive coverage in Latin America, and also in the Soviet press, further emboldening Panamanian agitators to plan new measures of mob violence. It is, indeed, significant that in this same month of May 1958, that the Vice President of the United States, and his wife, during the latter part of his visit of good will to Latin America, were subjected to the grossest forms of indignity, also perpetuated by students of Peruvian and Venezuelan universities, with the ruthless skill of the trained leadership so characteristic of the Red pattern.

It is extremely pertinent to state at this juncture that had the United States in the 1936 treaty not abandoned its 1903 treaty obligations for the maintenance of public order in the cities of Panama and Colon, the May 2, 1958, mob invasion would have been unthinkable. As it was, the wolves of disorder had tasted blood.

Subsequent to these grave disturbances, Dr. Milton Eisenhower, brother of the President and president of Johns Hopkins University, visited the isthmus as a special representative of the U.S. Government. What useful purpose his visit served is not clear, but we shall hear of him later.

CONGRESS FAILS TO REASSERT U.S. ISTHMIAN POLICY

The situation on the isthmus, meantime, did not stabilize. In a Panamanian enactment signed by President Ernesto de la Guardia, Jr., on December 18, 1958, Panama, by unilateral action, attempted to extend its territorial boundaries by sea from the internationally recognized 3-mile limit to a 12-mile limit. This extended area completely encircled the Canal Zone and, in fact, was aimed at making the Panama Canal another Berlin. Because I so described it in an address to the House of Representatives of the United States, I was formally declared by the National Assembly of Panama as "Panama's No. 1 gratuitous enemy."

Here I wish to assert again that I am not an enemy of Panama and that, if Panama has any enemy No. 1, he is among its own radicals, demagogues and revolutionaries who seem willing to bring their country to the brink of ruin in order to enhance their own political fortunes.

In a note to Panama delivered on January 7, 1959, the United States refused to recognize the Panamanian claim for wider territorial seas. In addition to the technical objections raised by the State Department to the attempted extension, I would say that it is a clear violation of the sovereignty provisions in articles II and III of the 1903 Hay-Bunau-Varilla Treaty, which because of their basic importance I shall quote in part for ready availability:

"ARTICLE II

"The Republic of Panama grants to the United States in perpetuity the use, occupation and control of a zone of land and land under water for the construction, maintenance, operation, sanitation, and protection of said canal of the width of 10 miles extending to the distance of 5 miles on each side of the centerline of the route of the canal to be constructed; the said zone beginning in the Caribbean Sea 3 marine miles from mean low water mark and extending to and across the Isthmus of Panama into the Pacific Ocean to a distance of 3 marine miles from mean low water with the proviso that the cities of Panama and Colon and the harbors adjacent to said cities * * * shall not be included within this grant. * * *

"ARTICLE III

"The Republic of Panama grants to the United States all the rights, power, and authority within the zone mentioned and described in Article II * * * which the United States would possess and exercise if it were sovereign of the territory * * * to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority."

It is well here to point out that in 1903, when the Hay-Bunau-Varilla Treaty was ratified by Panama, the limits of the territorial waters of the Republic and Canal Zone were coterminus. No subsequent agreement has changed these limits. Any change in them would necessarily apply to the Canal Zone as well as to the Republic.

The Department of State acted wisely in refusing to recognize the Panamanian claim for which action it deserves to be commended.

On the same day on which the U.S. note was delivered to Panama, January 9, 1959, I again introduced a concurrent resolution to reaffirm our Isthmanian Canal policy. (H. Con. Res. 38, 86th Cong.) A concurrent resolution, it should be stressed, does not require executive approval, but is an expression of the sense and judgment of the Congress. Despite this fact, the cognizant committee referred it to the executive department for consideration and recommendation. Of course, Madam Chairman, under the prevailing attitude of appeasement here, appeasement there, and appeasement everywhere, the response was negative and the Congress was not given an opportunity to vote on a measure to declare its own sense and judgment concerning this crucial question.

Thus, radicals in Panama had the way cleared for further advancement of their plans in a situation which could only end in tragedy for all concerned.

PANAMA RADICALS CREATE SERIOUS INCIDENTS

Meanwhile, in the Republic of Cuba, the great island country on the northern flank of the Atlantic approaches to the Panama Canal, a revolution was nearing the end. Its recognized government was overthrown by a radical group headed by Fidel Castro. His administration, now revealed as Communist-slanted, has engaged in the process of liquidation of its enemies by firing squads and extensive confiscation of American property by expropriation. With international communism previously entrenched in Venezuela on the southern flank, the conquest of Cuba through subversion saw both flanks of the Atlantic approaches to the Panama area controlled by alien revolutionary systems, which now are converging toward the canal itself.

Thus, it is not strange, Madam Chairman, that nearly a year after the 1958 Panamanian flag-planting mob invasion of the Canal Zone, on April 26, 1959, armed mercenaries from Cuba, in collaboration with radical elements in Panama, invaded that Republic. One part of their plan was to make token occupation of the Canal Zone; another to overthrow the constitutional government of President de la Guardia. But underlying all was the ultimate objective of driving the United States from its control of the Panama Canal.

The landing of the invaders threw political leaders and the upper class Panamanians into hysteria and confusion. The man in the street became apprehensive because of the obvious anxiety of government leaders. They would have become far more deeply concerned had they known that some top Panamanian Government officials moved

their families into the Canal Zone—an area that has so often served as a political sanctuary in times of crises in the Republic.

Fortunately, the attempted invasion proved abortive, with the invaders surrending to Panamanian authorities after intervention by the Organization of American States and the United States. But they were released with practically no punishment. Will there be more invasions of the American Isthmus? The indications are that there will.

Who were those invaders is a question frequently asked. The best answer to that query was supplied by President de la Guardia himself, who, after the invasion, stated:

"That was not just a group of adventurers from our country or even from Cuba. These people were mostly Cubans, but directed and led by militant Communists. Their ambition is the long-stated one of taking over the Panama Canal."

Nothing, Madam Chairman, could be more positive and clear cut than this statement by one in a position to know. Moreover, President de la Guardia's opinion is supported by overwhelming evidence. The formation of Communist-oriented governments in the Caribbean on both flanks of the Panama Canal approaches and recent attempts to invade several Isthmian countries constitutes serious threats, not only to the United States, but also to all the Americas. As such, they are clear violations of the Monroe Doctrine.

Unfortunately, the moves in the conquest of Latin American countries through infiltration and subversion have been made with such skillful secrecy as to beguile our people with a false sense of security. But they should no longer be taken by surprise by seemingly sudden invasions, disorders, and extreme nationalistic agitations.

Mr. Allen W. Dulles, Director of Central Intelligence, recently stated:

"'Nationalism'—as a slogan for the breaking of the ties of friendship between us and the countries of this hemisphere was the line given the Latin American Communist leaders who attended the 21st Party Congress in Moscow last February (1959). Details for the execution of this policy were then outlined to these leaders and some of the fruits of this planning can be seen today in Panama, Cuba, and elsewhere in this hemisphere."

By the time the impact of the April 26, 1959, Cuban invasion of the isthmus was over, the stage was being set for the next move. This was to be a "peaceful occupation" of the Canal Zone by Panamanian mobs on November 3, 1959—the 56th anniversary of Panama's independence from Colombia.

The leaders for this were Aquilino Boyd, a former Minister of Foreign Affairs of Panama and then a candidate for President, also Ernesto J. Castillero. They published their plans. Thus, it is not remarkable that it was possible for me to address the House of Representatives on July 29, 1959, warning against exactly what was to occur, also again to notify proper executive authorities of the pending danger.

Yet these various and most grave incidents, threats and warnings seem to have made no impact on the minds and consciences of those in positions of responsibility in the executive departments or even in the Congress itself.

NOVEMBER 3 AND 28, 1959

Independence Day celebration in Panama started normally, with President de la Guardia, the officers of his government, and the diplomatic corps attending colorful ceremonies in and near the historic Panama Cathedral. In the suburbs of the city, all was quiet, but alongside the Panama-Canal Zone border at the Pacific end of the canal, radical demonstrators were gathering in defiance of what the Panamanian Government had advised.

Canal Zone authorities had taken precautions against the entrance of unruly groups into the Canal Zone, with police and firemen ready for eventualities. A demonstrator made a grab for the pistol of a Canal Zone policeman, who plucked him from a marching group, and the worst boundary violence in isthmian history was immediately underway.

Pummeled with rocks and insulted with profane and obscene epithets, Canal Zone police used remarkable restraint in repelling the assault. But they and the firemen alone were not strong enough to withstand the attack, which forced the Governor of the Canal Zone to call upon the U.S. Army to take over the task of protection against the mob.

Frustrated in their designs, the mob then turned upon American property in Panama. They burned a Panama Railroad passenger car in the railroad terminal, looted stores, and, with Aquilino Boyd among them, stormed the U.S. Embassy, where they tore the American flag from the Embassy mast, ripped it to pieces, and hoisted the Panamanian flag. Lesser disturbances occurred at the Atlantic end of the canal.

It is indeed regrettable that the Panama National Guard did not make timely attempts to maintain order on that fateful day. It was later learned that it had received orders not to appear.

Further details of these disorders are not needed for presentation here, for they are covered comprehensively in the papers of Panama. They were generally ignored in the press of the United States, which has long maintained a near blackout of important news from the isthmus.

Did the U.S. administration issue a prompt and courageous statement backing up Canal Zone authorities to the hilt and warning that further efforts to invade the zone would be repelled by force if Panamanian authorities were unable or unwilling to hold radicals and their Communist monitors in check? It did not.

Instead, the President, at his news conference of November 4, minimized the disorders as "really only an incident" and later sent a diplomatic emissary to Panama to appease those stirring up the trouble. Is there any wonder that the Panama National Assembly, by resolution on November 5, condemned Canal Zone authorities and vowed "not to rest until the Panama flag is raised on our territory on the Canal Zone."

Finally, on November 28, Panamanian mobs attempted to invade the Canal Zone a second time. On this occasion, the U.S. Army initially repelled the invaders until, at U.S. Army request, it was joined in restoring order by the Panama National Guard. The Panamanian forces won prompt public commendation from U.S. Government officials who had not seen fit to commend American authorities.

Now, Madam Chairman, while standing before this splendid body and speaking from a knowledge gleaned from the press of Panama, both English and Spanish, as well as from an extensive correspondence with witnesses, I wish to express my high admiration of the manner in which Canal Zone authorities, both civil and military, stood their ground during these crucial tests, especially the members of the Canal Zone Police and Fire Departments and the soldiers of the Army. They fought with their backs to the wall and measured up to the highest traditions of patriotism and service, also with the restraint and forbearance that comes with responsibility and power.

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TITULAR SOVEREIGNTY AND THE PANAMA FLAG

Meanwhile, amid a tremendous buildup in the Panama press, a State Department emissary arrived on the isthmus for a series of conferences. What special qualifications he had for such a mission are not shown by his record. But after 3 days of discussions, on November 24, he asserted that the United States "reiterated U.S. recognition, stated more than 50 years ago, of Panama's titular sovereignty over the Canal Zone," which was not acceptable to Panamanian demagogs. Canal Zone residents were shocked by the implied surrender of American sovereign rights without the authorization of the Congress. And, I should add, this emissary was acting under orders of the Secretary of State.

Of special interest, Madam Chairman, were some unexpected revelations that events on the isthmus at this time were to

stimulate. One was that on November 3, 1959, Panama was expecting a declaration by the United States acknowledging Panamanian sovereignty over the Canal Zone and that this expectation was based on conversations of the Minister of Finance, Fernando Eleta, with Dr. Milton Eisenhower on September 13, 1958, at Dr. Eisenhower's home in Baltimore.

So startling was this disclosure that the State Department was apparently constrained to issue what seemed to be a formal denial that Dr. Eisenhower had made "any statement which could be construed to commit the U.S. Government to any course of action."

Such an assertion was not a forthright denial of the statement attributed to the brother of the President, but a cleverly worded phrasing that is definitely misleading. Of course, the United States cannot be bound by the statement of a private citizen, even though he is the brother of the President. Nor, may I say, can any official of our Government abrogate, surrender, or annul the solemn obligations of our treaties with other nations. That, under our Constitution, can be done only by means of new treaty provisions promulgated by and with the advice and consent of the U.S. Senate. Otherwise, chaos would follow.

Thus, a controversy over what the President's brother said has added so much fuel to the flames of the ugly situation in Panama that nothing short of open declaration on the subject of sovereignty will meet the situation presented. Because the State Department has made such a complete fiasco over many years on this matter, this question is raised: What are the influences that have been controlling, and still seem to be controlling, the State Department's actions? Regardless of what the intentions may have been, they give aid and comfort to the avowed enemies of the United States, and, indeed, of the entire free world, at a most critical hour, and render our country's task of maintaining this great waterway for the shipping of all lands and the defense of each and every country of the Western Hemisphere more difficult. What more could be accomplished by open, bold, and shameless treason than has thus been done?

We have competent, courageous, and well-informed men and women on isthmian questions in this country. Why is it that such exceptional persons are not used for such exceptional situations instead of relying on routine underlings and anonymous advisers? Surrenders can only lead to further extortions. Why do we not learn this lesson of history?

After the unfortunate "titular sovereignty" statement of the diplomatic emissary, which traces back to an equally unfortunate statement by Secretary Taft in 1906, that is usually quoted out of context, the point chosen for special emphasis by Panamanian publicists was not "titular sovereignty," but "sovereignty," for which status the Panamanian flag would be the symbol. They have emphasized that raising the flag would be only the first step in a movement that would include appointments as judges, postmasters, customs inspectors, and police, and, in fact, the control of all civil activities with eventual jurisdiction over all Canal Zone territory, followed by nationalization of the canal itself. Because of the importance that the first hoisting of the first Panama flag would have, they urge the flag raising be made a notable occasion, with the President of Panama hoisting it, and an Under Secretary of State of the United States dignifying the ceremony with his presence and participation.

Imagine, Madam Chairman, the feelings among well-informed, capable residents of the Canal Zone when they read how the President of the United States, at his December 2, 1959, news conference, stated that the United States had recognized the "titular sovereignty" of Panama over the Canal Zone for 50 years and that he believed that "we should have visual evidence that Panama does have titular sovereignty over the region." Is it strange that the Spanish language press of Panama, which is used as a weapon of warfare against the United States, promptly boasted that the disorders of November 3 and 28 have at last made the Government of our Nation sit up and take notice? Certainly not.

Americans in the Canal Zone, of course, became profoundly concerned, for they know the implications of any such surrender. As patriotic citizens, they felt bound to organize committees to keep the U.S. flag flying with undiminished stature and for U.S. retention of the Panama Canal. They have circularized the Congress, high U.S. officials, and the press, distributed pertinent news clippings, and written many illuminating letters to important leaders, all in protest to what they consider could become the biggest steal in the 20th century.

Can you imagine, Madam Chairman, the picture of American citizens resident on a U.S. Government reservation that is part of the constitutionally acquired domain of the United States being forced to organize and fight to keep the American flag flying and against a pending loss of jurisdiction of the Canal Zone? Certainly we have made ourselves the laughing stock of the world.

Our leaders, in their public utterances, have strayed far away from the historic policy of exclusive U.S. control stressed by American statesmen, starting with President Grant in 1861, when he commended "an American canal, on American soil, to the American people." Now, Madam Chairman and Daughters of the American Revolution, make no mistake about it, the day that the Panama flag is formally hoisted in the Canal Zone marks the beginning of the end of exclusive U.S. control over the Panama Canal. To prevent that I introduced another resolution declaring that the official display of any flag over the Canal Zone other than that of the United States as violative by law, treaty, international usage, and our historic canal policy (H. Con. Res. 450, 86th Cong.).

What the official display of the Panama flag over the Canal Zone would mean for the Panama Canal and world commerce, every realistic student of the subject, every experienced Panama Canal employee, and every thoughtful member of the Armed Forces on the isthmus knows. To say the least, it would be the climax of one of the most disgraceful chapters in the U.S. diplomatic history.

It is appropriate at this point, Madam Chairman, that I should express the fullest admiration for the vitally important work of the U.S. civil employees on the isthmus who, taking their careers in their hands, have courageously endeavored to alert the Congress and the Nation to the true situation at Panama. If for such patriotic services any element in our Government decided to engage in official reprisals, those of us in the Congress who are familiar with canal problems will be glad to have full information.

INTERNATIONALIZATION OR REGIONALIZATION?

Nationalization by Panama is not the real issue. Underlying agitations for it are demands by powerful groups, including high political personalities in the United States, for internationalization under the U.N. or other international authority. It is significant, Madam Chairman, that one of those who has spoken out for such internationalization is an aspirant for the Presidency of the United States. Moreover, he has recently come out for annulment of the 1946 Connally reservation to the United Nations World Court resolution.

This reservation provided that the United States would not accept compulsory jurisdiction of the International Court of Justice in matters which are essentially within the domestic jurisdiction of the United States as determined by the United States.

If the Connally reservation should ever be revoked and the jurisdiction of the U.N. International Court of Justice thereby extended without limit, Panama would be in a position to hail the United States before that tribunal, to which a distinguished Panamanian jurist has just been added as a member. Then Panama could demand that all the Panama Canal treaties be revised according to the latest Panamanian desires. This, Madam Chairman, is a real danger to which all Americans should be alerted before it makes further headway.

The latest proposal for the Panama Canal is its multilateralization through regionalization under the aegis of the Organization of American States, of which body, by the way, Fidel Castro, of Cuba, is a member. Recommended by three professors in the department of political science of Northwestern University, their views reflect scant knowledge and little understanding of the actual problems involved in the maintenance and operation of the great waterway. These so-called experts, lacking any practical knowledge of the conditions involved, have accomplished no more than to add some new terms to the already overburdened bureaucratic jargon on the subject, and to make confusion worse confounded.

Panama itself, it should be especially noted, does not wish either internationalization or regionalization for it is far easier to deal with one nation than with some 82 countries in the U.N. or with 20 other nations in the OAS. Nor is it likely that the larger nations of Latin-America would permit Panama to nationalize the Panama Canal, which means that the recent agitations and mob violence in Panama have played into the hands of those whose aim is to place the Panama Canal under international control.

At this point, Madam Chairman, I wish to urge thoughtful leaders of Panama, who understand this situation well, to do their utmost to still the irresponsible agitations within their midst. They recall the facts of their history and should take them into account. They know that Panama grew out of the Panama Canal undertaking and not the canal out of Panama. They realize that the great sources of their income are from the United States, and that were these disrupted, all of Panama would suffer and even the independence of Panama might be overthrown. Moreover, should the United States ever withdraw from the isthmus, the flag that would ultimately fly over the Canal Zone, would not be that of Panama, but that of an international organization or of Colombia.

One angle of Isthmian history that few Panamanians or North Americans know is that the idea of internationalization is not new. It goes back to the Russian Revolution of 1917, when the Red Guard in Petrograd discussed it with John Reed, notorious North American Communist newspaper reporter. It is still the objective of Communist monitors that underlies much of the agitation for nationalization, for should the internationalization of the Panama Canal be brought about by an indirect process, that would serve as a precedent for internationalization of the Sues Canal and the Dardanelles. Control of the last has been a principal objective of Russia for centuries.

PANAMA CANAL NOT A PANAMANIAN RELIEF AGENCY

In the past few years, Madam Chairman, U.S. leadership in Panama policy matters has failed. Much time has been lost and we have given away our bargaining power to a country that has tragically defaulted on its prime treaty obligations to maintain order in the terminal cities of Panama and Colon. What should be done?

Basic to proper action is an understanding of the mission of the Panama Canal. It is an interoceanic public utility operated and maintained by the United States pursuant to treaty as a mandate for civilization. Moreover, it forms a part of the coastline of the United States.

As such, Panama Canal operations must not be confused and weakened through ill-advised policies of placation, for it is not a local enterprise for local political exploitation. Instead, it is one required by law, pursuant to treaty, to be self-sustaining with tolls that are "just and equitable" for the transit of vessels of all nations on terms of equality.

For many years the foreign policy of Panama has been fixed by mobs, with the Panamanian Government in general forced to accept mob dictation. The United States, in its dealing with Panama, instead of leading from the strength of an impregnable legal position with policies derived from reason and logic, has merely reacted to mob-instigated policies of Panama with surrender after surrender. This process, Madam Chairman, must stop and stop now, for the Panama Canal is not a Panamanian relief agency, but a business activity operated for the economic transit of vessels and for no other purpose.

Its management, reorganized in 1951 on a self-sustaining basis, pursuant to law, is an important treaty responsibility of the United States that must not be violated by any country or interest. Some of the 1955 treaty provisions violated sound business principles, notably the additional $1,500,000 annuity, which violation the Congress partially corrected by transferring budgetary supervision for it from the Panama Canal Company to the Department of State, which was responsible for its perpetration. The current attempts to force Panama Canal purchases in the Republic of Panama may well become the cause of other violations of the act of 1950, for it is inevitable that prices in Panama will be raised and as a precedent, might be used to require all U.S. purchases abroad at exorbitant prices.

Though the geographical location of the Republic of Panama places it in a favored position to do business with the Panama Canal enterprise and other U.S. Government agencies in the Canal Zone, this must rest on sound business practices. Otherwise, the possibilities for evil are great, among them the question of tolls and the cost of servicing vessels at Canal Zone ports.

The businesslike operation of the Panama Canal enterprise is one thing; relief for the Republic of Panama is another. The two must never be confused, and the Panama Canal must never be allowed to degenerate into a relief agency for the Republic of Panama.

PANAMA CANAL: SYMBOL OF FOURTH FRONT

In our concern, Madam Chairman, about the status of the Panama Canal, we cannot view it as an isolated question, but as one directly related to events elsewhere. For many months, the nations of this hemisphere have watched the steadily rising Red tide in various parts of Latin America, especially among the countries of the Caribbean. It is indeed significant that the campaign of the communistically controlled press in Cuba to end the "Yankee occupation" of our Guantanamo Naval Base and of the U.S.-educated, but Yankee-hating Chief Minister of Trinidad to take over our Chagaramus Naval Base on that island, have coincided with the Panamanian campaign of violence to gain "sovereignty" over the Canal Zone.

Prior to World War II, the great fear of the nations most likely to be involved was that of a two-front war—East and West. As to that danger, the United States was protected by two ocean barriers, patrolled by the Atlantic and Pacific fleets with provisions for a quick shifting of forces between the oceans by means of the Panama Canal.

Since World War II, that strategic setup has changed radically, incident to the advent of powerful aircraft, nuclear submarines, ballistic missiles, and other modern weapons. The protective barriers once afforded by the vast expanses of the Atlantic and Pacific Oceans and the icy wastes of the Arctic have in substantial degree been overcome, making them avenues for attacking the United States from three directions. To provide defenses on these three fronts, the Congress has appropriated billions.

While thus preoccupied, what has happened in our backyard to the south? In the vital area of the Caribbean, the forces behind the world revolutionary movement have focused on countries there with oft-repeated aim of bringing about the destruction of the United States and our system of constitutional liberty. Encouraged by the formation of communistically oriented governments in Cuba and other western hemisphere countries, these forces, recognizing the Panama Canal as the strategic center of the Americas, have concentrated on the Isthmus of Panama.

In this light, Madam Chairman, the Panama Canal has become the principal target and symbol of a fourth front in a situation comparable to that which, in 1823, was faced by President Monroe when he proclaimed the Monroe Doctrine. The time has certainly come to extend that doctrine to guard again against the intervention of international communism by means of penetration and subversion. To that end, the United States, as the most powerful leader among the nations of the free world, should make clear to our friends and enemies all over the world, that in the exercise of our inherent right of self-defense and in the maintenance of the Monroe Doctrine, we are determined not to permit the intervention of international communism to endanger the peace and safety of our Nation or of other countries of the western hemisphere.

For that purpose, I introduced a resolution (H. Con. Res. 445, 86th Cong.), which embodies the language and principles of our historic foreign policies. This measure, Madam Chairman, is not based on a blind devotion to the past, but on a realistic appraisal of the present with a view of the future. Not only that, the necessity for such reaffirmation of the Monroe Doctrine was indicated by the President of the United States recently when addressing the Brazilian Congress.

PROGRAM FOR ISTHMIAN SECURITY

The history of the United States-Panama relations since 1936 conclusively shows that they have not been improved by sustained surrenders. Rather, they have progressively worsened in proportion to these surrenders.

The time has come for all appeasement to end and for positive measures, because the Panama Canal is a symbol of U.S. power and prestige. To that end, we must be definite and firm.

The program which I would suggest should include:

First. Reaffirmation of our historic policy of exclusive sovereign control of the Canal Zone and Panama Canal by the Congress (H. Con. Res. 33 and 450, 86th Cong.).

Second. Announcement by our Government that no hostile or other provocative demonstrations or invasions will be tolerated in the Canal Zone or within the strategic vicinity of the Panama Canal.

Third. Reactivation, under the direct control of the Chief of Naval Operations, of the Special Service Squadron for continuous display of the flag in the Caribbean area and other missions of diplomatic character.

Fourth. Proclamation by our Government that the Canal Zone is constitutionally acquired territory by the United States.

Fifth. Extension of the Monroe Doctrine to include penetration and subversion by means of a concurrent resolution of the Congress (H. Con. Res. 445, 86th Cong.).

As to the urgency for action on this program, the unfortunate events at Panama November 3, and 28, 1949, and recently in Cuba, speak far more eloquently than anything I can say. The questions that I have described are not local, but developments in a worldwide movement focusing on Panama. So far, the forces for undermining U.S. authority have had a virtually unobstructed field, with no organized counterforce. We must supply the countermeasures now, and, in doing so, we act not only for the just and indispensable rights of the United States to the Panama Canal, but as well to safeguard the peace and safety of the world.

RELIGIOUS FREEDOM

The SPEAKER. Under previous order of the House the gentlewoman from Oregon [Mrs. GREEN] is recognized for 60 minutes.

Mrs. GREEN of Oregon. Mr. Speaker, one of the great fundamentals of our free society is freedom of religion—freedom of the Nation's churches to teach and preach as the obligations of conscience may direct them. Religious freedom—the first freedom safeguarded by the Bill of Rights—is in many ways the keystone of the arch of freedom. If religious freedom is to mean anything, it must mean the right of the churches to settle their doctrinal differences without either bringing in the state as an arbiter or having the state or any agency of the state intrude itself as a judge. This is as true of questions of the degree to which the church may comment on social questions as it is of any other question of a doctrinal nature.

Churches and church spokesmen may differ among themselves as to the proper answers to these questions. But the agencies of the state may not with the slightest propriety intervene in that argument.

The situation which has brought this problem to the House floor today is in the broad historical context—perhaps a minor one. But the basic question is fundamental to our free way of life and our freedom to worship. I refer to the publication of the Air Force Training Manual 45–0030, and to the controversy which has followed its publication and withdrawal.

Roscoe Drummond, in the Christian Science Monitor for February 27, states the case very well when he says:

The latest Air Force manual to be repudiated broadcast the accusation that "Communists and Communist fellow travelers have successfully infiltrated our churches," accused unnamed pastors of unnamed churches of being "card-carrying Communists," and let go the innuendo that "the National Council of Churches must be Communist ridden because some of its leaders helped to bring about the revised version of the Holy Bible."

For any branch of the Armed Forces to allow itself to be used to disseminate this kind of material is a grave offense for four reasons:

1. Such material doesn't belong in a military manual, and its author, Homer H. Hyde, a technical Air Force and Army writer for many years, now admits he has had "second thoughts as to the propriety" of dealing with

this subject at all in a Defense Department manual. In time of peace, Reserve personnel have access to the same news media that all other citizens have access to and therefore military manuals could well stick to military matter.

2. The effect of such exaggerated, undocumented, unsupported, mostly false charges against the Protestant clergy helps the Communist cause, instead of hurting it. Making statements which are not true about Communist infiltration makes it more difficult to convince people of the facts—that the Communists are constantly at it, are trying all the time to worm their way into worthy causes and need to be watched alertly and discriminatingly. It is the indiscriminate charge which helps the Communist to keep covered up.

3. The specific charge of this particular Air Force manual is contrary to the evidence. In 1953 J. B. Matthews made a similar accusation, and even the late Senator Joseph R. McCarthy, Republican, of Wisconsin, had to fire him as research director of his investigating committee. The Air Force manual stated that the Communists successfully infiltrated the churches. It would be more accurate to say that the Communists unsuccessfully attempted to infiltrate the churches. We know that some of the clergy of different denominations have followed the Communist line, but even the House Committee on Un-American Activities, which is not likely to underrate its findings, reported that such infiltration affects only a minute percentage of men of the cloth.

4. The attacks on the Protestant churches in the Air Force publication unintentionally serve the Communist cause because they smear a religious force which is a great bulwark against all tyranny, including Communist tyranny. Protestant leaders validly make this point:

"Free ministers in free pulpits, preaching to free people the liberating truths of Christ, are a chief bulwark of American freedom and the best guarantee of its future."

It is not what Protestant leaders say against communism which makes Protestantism a powerful and fruitful force standing against tyranny. It is what Protestantism stands for as a religious truth and what it inculcates in the consciousness of its adherents—its concept of spiritual individualism and its total awareness that the human freedoms are essential to the practice and preservation of Christianity and all free religion.

James Wine, the associate general secretary of the National Council of Churches, states the council's views when he says:

We consider this entire matter to be of the most serious proportion.

In a letter addressed to the Honorable Thomas S. Gates, Secretary of Defense, Mr. Wine wrote:

The National Council of Churches vigorously protests that a service document prepared by an agency under the auspices of the U.S. Government contains edited material regarding the Christian churches in America.

The appearance of this material, in the circumstances, is a patent contravention of the first amendment of the Constitution of the United States.

To imply some relationship between the revised standard version of the Holy Bible and communism is insidious and absurd.

To aver by innuendo that the National Council of Churches is associated or in any way influenced by the Communist Party is an example of irresponsibility at its worst. The adoption in the text as official Air Force statements of the opinions of prejudiced persons identified only on page 4 of the appendix; to wit, Circuit Riders, Inc., pamphlet, "Aspotate Clergymen Battle for God-Hating Communist China;" "the National Council of Churches Indicts Itself on 50 Counts of Treason to God and Country," is an incredible reflection upon the judgment and sense of responsibility of all those involved.

It is respectfully urged the document in question be immediately withdrawn and all copies which have been distributed be recalled.

Rev. Roy Ross, the general secretary, in a letter dated March 22, also very clearly states the position of the national council when he writes:

MY DEAR CONGRESSWOMAN: The prompt action taken by the Secretary of the Air Force closes its training manuals to infiltration by propaganda against churches and religious institutions. However, the appearance of such defamatory matter in Government publications heavily underscores the extreme dangers to the American principles of freedom. The dangers lie in the lending or employment of governmental power or media at any official level to induce or coerce regimentation of expression or to make some pattern of civic thought or religious opinion a test of loyalty or to equate concern for the rights of men with infidelity to the American ideal.

The National Council of the Churches of Christ in the U.S.A. and its constituent communions are and always have been unalterably opposed to communism. Its unqualified conviction was expressed in the council's policy statement of May 19, 1958, that:

"No body of people is more concerned to combat communism than the church groups of our country"; and

"These churches are the greatest bulwarks of freedom in the United States."

Such conviction was reasserted in the recent resolution of the council's general board adopted last June:

"Reaffirming the consistent position of the National Council of Churches expressed in many official actions opposing the evils, the violation of human rights by Communist and other tyrannies."

For the very reason that the National Council of Churches and its constituent communions hold this unalterable and consistent opposition to communism in any part of the world, the council, with equal determination, also opposes and condemns—and will continue to oppose and condemn—all efforts, official or private, subtle or overt, intended or otherwise, to use agencies of any branch of Government or media of mass communication under Government regulation to defame church institutions or leaders, to subject church loyalty to the poison of innuendo, to differentiate between religious groups in point of patriotism, and thus to undermine religion itself, the centuries-old nature of the American people as a religious people, and the essential unity of our Nation in its life and freedom.

Such efforts and practices not only are a patent violation of the free exercise of religion as guaranteed by the first amendment to the Constitution of the United States, but also are violations of that amendment's guarantees of freedom of expression and opinion and of every citizen's right to discuss openly and without fear the practices and policies of his Government. They set a pattern which is profoundly un-American, and which, unless opposed and checked, can inculcate familiar totalitarian methods for manipulating the people's mind.

The very purpose of the Bill of Rights was to secure religious liberty and those associated liberties from the invasion of civil authority and to place them beyond the reach of political or official control or of private malevolence insinuating itself into media operating under Government sanction.

Precisely because of the national council's unalterable loyalty to these American constitutional principles, it insists not only on the right but also on the duty of the churches and of religious communions and their members to study and comment upon issues, whether political, economic, or social, which affect human relations, the dignity of the individual, and the right of all men everywhere to liberty under law and justice.

To serve these noble and thoroughly democratic and American ends, the national council conducts itself as the cooperative medium through which 33 Protestant and Orthodox communions in the United States focus the light of the Christian faith on all phases of American life and American concern. That it may so serve fully and loyally, the national council will continue to oppose not only communism and any other form of tyranny over the mind of man, but also all efforts, public or private, to subject the churches of America and their representatives to any ordeal of suspicion, innuendo, and hysteria.

This position was endorsed by the duly elected and authorized representatives of 24 major denominations.

Under unanimous consent I include the complete letter and list of 24 major denominations in the RECORD at this point:

We, the duly elected and authorized representatives of denominations, as indicated, fully and wholeheartedly endorse and support the statement of policy of the National Council of Churches of Christ in the U.S.A. as set forth in the attached letter dated March 22, 1960, by Roy G. Ross, general secretary, National Council of Churches of Christ in the U.S.A.

Norman J. Baugher, Church of the Brethren; Zoltan Beky, Hungarian Reformed Church in America; Eugene Carson Blake, Presbyterian Church in the U.S.A.; Archbishop Bohdan, the Most Reverend Metropolitan, Ukrainian Orthodox Church of America; Gaines M. Cook, Disciples of Christ; Charles J. Darlington, Philadelphia Yearly Meeting of the Religious Society of Friends; Franklin Clark Fry, United Lutheran Church in America; Most Rev. Leon Grochowski, Polish National Catholic Church of America; Kenneth G. Hamilton, Moravian Church; James E. Hoffman, Reformed Church in America; Fred Hoskins, General Council, Congregational Christian; Archbishop of Iakovos, Greek Orthodox Church of North and South America; J. H. Jackson, National Baptist Convention, U.S.A., Inc.; Alfred Jensen, American Evangelical Lutheran Church; Arthur Lichtenberger, Protestant Episcopal; James A. Millard, Jr., Presbyterian Church in the United States; Reuben H. Mueller, Evangelical United Brethren; Glenn A. Reece, Five Years Meeting of Friends; Roy H. Short, Methodist; Sion Archbishop, Primate of the Diocese of the Armenian Church of America; B. Julian Smith, Christian Methodist Episcopal; Edwin H. Tuller, American Baptist Convention; James E. Wagner, United Church of Christ Evangelical and Reformed; W. J. Walls, African Methodist Episcopal Zion.

Other denominational leaders have spoken out very strongly, very eloquently, very persuasively. In a resolution passed on March 2, 1960, by the general council of the General Assembly of the United Presbyterian Church in the United States of America, they deplore the violation of the principle of separation of church and state manifested by the contents of said manual and its 1955 predecessor, 205–5. They absolutely reject the charge that there is any relationship between the Revised Standard Version of the Holy Bible and communism. Mr. Speaker, I ask unanimous consent to insert the full text of this resolution at this point in the RECORD.

RESOLUTION PASSED BY THE GENERAL COUNCIL OF THE GENERAL ASSEMBLY OF THE UNITED PRESBYTERIAN CHURCH IN THE UNITED STATES OF AMERICA ON MARCH 2, 1960

Inasmuch as Air Reserve Center Training Manual, Student Text, NR.45–0500, increment 5, volume 7, violates the first amendment of the Constitution by attempting to indoctrinate Air Force reservists on questions of religion; and

Inasmuch as the same official manual freely slurs the idea of freedom of the press; and

Inasmuch as the same manual and a preceding 1955 security indoctrination manual contain as official statements certain libelous and untrue accusations against the whole body of Protestant clergymen, against the churches of the United States, and against the National Council of Churches as an organization of many of those churches; and

Inasmuch as the same manual implies an absurd and insidious relationship between the Revised Standard Version of the Holy Bible and communism; and

Inasmuch as the Secretary of the Air Force, Dudley C. Sharp, has withdrawn the 1960 manual but has testified before the House Committee on Un-American Activities that he has not yet determined whether the charges contained in the manual were true or false: Be it

Resolved, That the general council of the United Presbyterian Church in the United States of America, meeting in New York City on March 2, 1960, deplores the violation of the principle of separation of church and state manifested by the contents of the said manual and its 1955 predecessor; and

The general council censures the belittling of the idea of a free press; and

The general council affirms its wholehearted support of the National Council of Churches against the false accusation of Communist influence, and endorses without qualification the resolution of the general board of the National Council which resolution was passed on February 24, 1960, at Oklahoma City; and

The general council rejects the charge that there is any relationship between the Revised Standard Version of the Holy Bible and communism; and

The general council calls on the Secretary of the Air Force specifically to state that the charges relative to the clergy, to the churches, and to the National Council of Churches in the aforesaid manuals are unproved allegations, and will not be reissued in any shape or manner; and

The general council urges that the House Manpower Utilization Subcommittee chaired by Representative MELVIN PRICE look into the circumstances surrounding the preparation, authorization, and distribution of the manuals; and

The general council supports the moderator and the stated clerk of the United Presbyterian Church in the United States of America in efforts to aid any inquiry which is sincerely trying to uncover and to expose what appears to be an evil and sinister conspiracy to discredit Protestantism—and, indeed, all religious institutions—in the United States.

The general council of the American Baptist Convention on March 1 issued a statement in which they said:

We deplore the untrue accusations made, the advantage taken of Government agencies, and the subversion of the basic principles of Christian truth and American tradition.

Mr. Speaker, under unanimous consent, I include this statement in full at this point in the RECORD:

STATEMENT BY THE GENERAL COUNCIL OF THE AMERICAN BAPTIST CONVENTION

The general council of the American Baptist Convention, in session at Chicago, Ill., March 1, 1960, adopted the following resolution:

"Forasmuch as attacks on American Protestantism as represented by the National Council of Churches and its member denominations have been renewed and brought to the fore in connection with the recent Air Force manual incident, we hereby resolve that—

"1. We reaffirm that faith in our Lord Jesus Christ that is the basis of our cooperation with the member churches in the National Council of Churches, recognizing that this faith upon which the National Council of Churches is founded is the ultimate antithesis of communism and false ideologies and makes ludicrous the false charges brought against the council.

"2. We deplore the untrue accusations made, the advantage taken of Government agencies, and the subversion of the basic principles of Christian truth and American tradition.

"3. We join once more in our expression of complete confidence in the Christian integrity, the devoted commitment, the dedicated patriotism, and the consecrated leadership of our fellow American Baptist, Dr. Edwin Dahlberg, and the outstanding ecumenical colleagues who share with him in Christian purpose and in their patience under the persecution brought upon them and American Protestant churches."

In a message from the Evangelical and Reformed Church we find this protest:

In the name of 1,800 faithful pastors and the lay people of our 2,740 congregations, and of 34 Evangelical and Reformed chaplains serving in the Armed Forces, we protest.

Irreparable damage has been done to Protestantism, for in a familiar pattern this manual, although officially disclaimed, will long be quoted by extremists to justify their spurious charges.

Leaders in the Greek Orthodox Church were shocked by the attack on the National Council of Churches and its leaders. Archbishop Iakovos, Archbishop of the Greek Orthodox Church of North and South America, telegraphed the following wire to Dudley Sharp, Secretary of the Air Force:

The Greek Orthodox Church of North and South America traditionally and unremittingly opposed to totalitarian tyranny and religious oppression wishes to reassert its faith in the National Council of Churches of Christ in the U.S.A. and its leaders as devotedly upholding the best democratic and religious ideals of the American way of life. Our church affirms this not only as a member of the National Council of Churches, but also on behalf of our highest ecclesiastical authority, His Holiness Athenagoras I, Ecumenical Patriarch of Constantinople and former Archbishop of the Greek Archdiocese of America.

The president of the Union of American Hebrew Congregations, Rabbi Maurice N. Eisendrath, wired Dr. Edwin Dahlberg, president of the National Council of Churches, stating their sense of outrage about the whole matter:

FEBRUARY 25, 1960.

DR. EDWIN DAHLBERG,
President, the National Council of Churches:

We share your profound sense of outrage at the inclusion in an Air Force manual of discredited and absurd attacks upon American religious institutions and specifically the National Council of Churches of Christ. The National Council needs no defense from us. Your profound devotion to democratic ideals has greatly enriched American life and has served as an inspiration to Americans of all faiths who cherish the religious heritage which sustains our national life. Deletion of the defamatory material by the Air Force must be followed by a complete investigation of how and why an agency of Government gave credence to such prejudiced information. Only recently the United States underwent an ordeal of suspicion, innuendo and hysteria. That un-American spirit was repudiated by the American people. We must not permit the vestiges of that evil to be revived and to sow its unhappy crop of division and discord. We must not be diverted from the great challenges which face America today by letting poisoned pens write our governmental manuals. May God bless your deliberations and the work of your hands.

MAURICE N. EISENDRATH,
President, Union of American Hebrew Congregations, New York, N.Y.

Outstanding religious leaders in my own city and State have expressed their convictions, their concern:

The Reverend Harold Glen Brown, minister of First Christian Church and president of the Oregon Council of Churches, one of Oregon's finest, most dedicated church leaders wrote:

I was greatly shocked to learn that the United States Air Force has been guilty of allowing a manual to be printed which included a vicious attack upon the great Protestant religious bodies of America and the spiritual leaders within the Protestant clergy. It is most regrettable that a branch of our Armed Forces would be duped into becoming a tool of narrow sectarian forces which would reflect upon the integrity and loyalty of some of the finest Christian leaders in America today.

I hope you will do all in your power to see that such unfounded, fantastic charges are not repeated in any material published by agencies or branches of the U.S. Government.

A leading Methodist minister writes:

DEAR REPRESENTATIVE GREEN: Along with many other clergymen, as well as the laymen of our churches, I was greatly distressed to learn of the derogatory statements about the Protestant clergy in the recent Air Force manual. I am glad that a congressional committee is investigating the matter, and trust that they will get down to the facts of the situation.

I cannot understand what place such an attack has in an Air Force instruction manual. Why should the authors of such a book go outside their major area of responsibility and pass judgment upon the clergymen of our country? Surely even if there were any truth in the matter, an Air Force manual would definitely not be the proper place to air such charges.

What makes this particularly objectionable is the use of unproven documents to attack respected church leaders, and to brand them as un-American and subversive. These charges are especially ridiculous when they attack the scholarly theologians who

have spent many years producing the Revised Standard Version of our Bible, branding these men as tools of the Communists, and the new version as one inspired by the Communists.

We surely trust that our National Congress will take such action as is necessary to bring to light the true facts and to prevent the recurrence of such unfounded charges by any branch of our Government. To destroy the faith of our people in our churches and our church leaders is certainly a disservice to our country at a time when we need to keep the religious foundations of our country strong and vital.

A minister of an upstate Congregational church expresses the views of many when he says:

This sniping has been going on for many years. The particular combination of reactionary forces which has now appeared will break up in time because of differences in motivation, but it stirs up trouble while it lasts.

It seems increasingly obvious to me that the target of all this agitation is not communism at all, but liberalism of every degree in religion and social problems. The attitude of our United Church officers is well represented by an article in the March 31 issue of the United Church Herald by James E. Wagner, president of the Evangelical and Reformed Church and copresident of the United Church.

One of the leading Portland Congregational ministers has this to say:

DEAR MRS. GREEN: I trust that Congress will speak out strongly on the question of the Air Force manual and its attack on the National Council of Churches. This should not only be a rebuke to those responsible in the Air Force, but also a commendation for the National Council.

As you well know, the National Council of Churches is the largest, strongest, and most representative council of churches in the United States. It represents and has the support of most of our major Protestant denominations, including Methodist, Presbyterian, Episcopalian, Congregational, Christian, American Baptist, and many others.

It is both ridiculous and tragic that somehow the Air Force has listened to a small group of ardently fundamentalist Protestants who are continually attacking the National Council. There must be hundreds, if not thousands, of Senators, Congressmen, Cabinet members, and other executives of the U.S. Government who are members of these various (National Council) denominations and who know the tremendous spiritual force for good in our country and in the world which is represented in the National Council of Churches.

When certain people in the Air Force look to Billy James Hargis for religious instruction, they can only be classed as spiritually illiterate. The idea that the revised standard version of the Bible is somehow tied in with communism shows only abysmal ignorance.

William B. Cate, the executive secretary of the Greater Portland Council of Churches, writes:

DEAR MRS. GREEN: As the executive secretary of the Greater Portland Council of Churches, and personally as a citizen of our State of Oregon, I want to express myself on the recent episode in the Capital surrounding the Air Force manual incident.

The obvious efforts by a radical fringe of the church to damage the reputation of the National Council of Churches and respected ecclesiastical leaders by calling them Communists, is ridiculous for anyone who knows anything about the laymen who select these leaders and help operate the institutions. I am sure this has been your reaction to this affair.

This letter is simply to encourage you to put down such rot whenever it rears its ugly head in areas of our government life.

Mark Talney, executive director of the Oregon Council of Churches, very persuasively states the views of this office when he says:

DEAR MRS. GREEN: May we convey to you our vigorous protest in regard to the vicious materials which have appeared in the Air Force manual. They attack respected church leaders as un-American and subversive, linked with communism. They attack the scholarly theologians who spent many years producing the revised standard version of the Bible, as though those men were dupes of the Communists and the new version a communistically inspired document. They attack the National Council of Churches, representing all the major Protestant denominations, as well as the Episcopal and Orthodox communions.

We were stunned to note that documents produced with the taxpayers' money, and subtly implying the approval of our Government, could be used to promote a sectarian religious viewpoint. And a group of unscrupulous persons, who warn us that the Communists are ever ready to take over all forms of communication for the propagation of their doctrine, took over this form of communication to indoctrinate men of the Air Force with their particular brand of religion (if it can so be called).

And the material was accepted without accused persons and organizations being given an opportunity to know the charges leveled against them.

Our churches are, because of the gospel of human worth and human freedom which they preach, our most potent bulwark against the enslavements and degradation of communism. Christianity has known the brunt of persecution wherever it has encountered communism—and naturally so, since Communists recognize the foe they have to contend with in the Christian church. Among the 20th century martyrs for freedom, the greatest number is from among the ministers and other churchmen who have suffered and died for their faith as they opposed the tyranny of communism, nazism, and fascism. American churchmen are no less ready to endure for the sake of the freedom they cherish. Nor are our church leaders so stupid that they became unknowingly the dupes of communism, or permit an infiltration of Communist doctrine into their organizations.

If you have the opportunity to record our protest publicly in the Chambers, or at hearings held in regard to the Air Force manual, we would be grateful to you. Our churches cannot longer remain silent while such vicious and unscrupulous attacks are being made against them, bringing about the divisions among the churches the Communists most desire to see.

Charles Addleman, executive secretary of the Oregon Christian Missionary Society, expresses his real regret that any agency of the U.S. Government would print such an attack on the National Council of Churches:

I am sorry, indeed, that any phase of our Government or Armed Forces should make such an unfounded statement. I happen to be a member of one of the participating denominations in the National Council of Churches. I know many of our own leaders personally who are holding top positions and have every confidence in them and the spiritual leadership they are giving to the United States of America and in the world. It hardly seems fitting to take the taxpayers' money to publish a manual that brings into disrepute 33 Protestant denominations and approximately 38 million members.

It seems odd that we would accept the verdict of a few disgruntled heresy-hunters. The FBI has not brought charges against any of these leaders as sympathizers of communism. It seems to me when we weaken the voice of Protestantism in America by such an accusation, we are certainly opening doors for atheistic teachings, including communism.

As a representative of the people of Oregon and of the Protestant church leadership in Oregon, I trust you will give careful consideration and vote to withdraw the manual that it may be completely rewritten. I also trust that somehow through the press and also on the records of Congress statements may be made to correct the misrepresentation that has been made and exonerate the National Council of Churches.

Mr. J. Dwight Russell, the executive secretary of the United Presbyterian Church, Synod of Oregon, writes:

DEAR MRS. GREEN: I wish to add my protest to those raised against the inclusion in the Air Force manual of the irresponsible statements and claims of people known for their divisiveness and editorial irresponsibility.

My father has been a Presbyterian minister for over 58 years. I have been a Presbyterian minister for 17 years. I attended a Presbyterian college and a Presbyterian seminary. Never in my life have I heard or seen anything but opposition to communism in the life of our denomination. We have always supported the National Council of Churches of Christ in America (formerly the Federal Council) and will continue to do so.

An honest appraisal of the shortcomings and failures of our American system in light of some of the achievements of Russia does not imply, for a moment, sympathy with or an acceptance of communism. I feel, too, that the present problem of the denial of full rights to the Negroes in the South and the North is a sad commentary on American hypocrisy and self-righteousness. (I must confess that the sins of the church at this point need confession and forgiveness. I, personally, am making every effort I can to bring this about within the life of my church and anyone whom I might be able to influence.) Pride in our country must be based on righteousness; not on self-righteousness.

I am deeply concerned about other things in the Air Force manual and the system and philosophy which permitted them to appear in print. Communism will be defeated only by an idea or ideal which is superior to it. I would be pleased if our representatives in the Federal Government would work to that end because we do have that ideal.

This letter is written as a protest of the way that the National Council of Churches has been treated, not only by the manual, but by the manifest indifference of our Government to the facts of the case. It is a protest, too, of the intimation that many Christian churches are indifferent to communism. Nevertheless, may I assure you of my willingness to help you in any way that I can to correct the situation constructively. The resources of this office will be available to that end also.

Another prominent Methodist minister states the case in this way:

DEAR MRS. GREEN: Please use your influence to get a strong retraction of the vicious material about the Protestant clergy that was in a recent Air Force manual and to get the facts of the case before the congressional committee now investigating this matter.

For an official Government document to make unproven charges against the leaders of our National Council of Churches, representing the larger Protestant denominations, violates our cherished principles of American freedom. The most absurd part of this attack is upon the Biblical scholars who produced the Revised Standard Version

of the Bible, making it appear that the most accurate translation of the Bible that we have is tainted with communistic leanings. Some of these scholars were men under whom I studied in theological school and know personally to be of highest Christian integrity.

Those who have furnished the Air Force with this material and who are spreading this kind of discord in the church are using the "big lie" which was so effectively used by the Nazis in Germany. This lie is big enough and is being repeated enough times to make it now a formidable danger.

A well-known pastor of another Presbyterian church writes:

DEAR MRS. GREEN: I have followed with great interest the matter of the Air Force manual which casts the suspicion that the leadership of the National Council of Churches, and, quite ridiculously, the translators of the Revised Standard Version of the Bible have been under Communist influence.

It is my feeling that a democracy will best fight communism by truth, and by full use of judicial procedures. To this end I urge your support in seeing that any congressional investigation of this matter be thorough, so that either specific charges of communism are filed against specific persons, or else that it be publicly admitted that the statements in the manual are unproved hearsay, and therefore have no place in a Government document.

As a minister in a denomination which actively supports and participates in the National Council of Churches, I feel that this is a personal attack upon me and my fellow churchmen, both lay and clerical, by my Government, ironically coming through the Air Force in which I served in time of war.

Your careful attention to this is respectfully urged.

There have been many other letters addressed to me from concerned people, but let me close with this one from the longtime minister of First Presbyterian Church—the highly respected and much loved Paul S. Wright:

MY DEAR MRS. GREEN: It may be entirely unnecessary to express to you the concern which a great many of us have regarding the material in the Air Force manual which raises unwarranted suspicions concerning the clergy of the churches and the church organization itself. I, myself, would dismiss it as of minor importance if I had not been so unhappily surprised to find many people who believe that the allegations are true. A knowledge of the source from which most of these detrimental statements came would wholly discredit the validity of them. It is a sad and dangerous thing when the currency of speech no longer serves as a medium for the communication of ideas because the same words convey wholly different meanings and values to the people using them. Even so, it is hard to believe that such a term as "Communist infiltration" could be used at all truthfully about the church. I have known literally hundreds of church leaders and to my certain knowledge I have never read or heard from any of them anything that could be called communistic.

If opportunity should arise for you to deal with this matter in such a way as not to serve the forces of disunion in our Nation, it would be greatly appreciated by all our citizens I am sure.

Sincerely yours,

PAUL S. WRIGHT, *Pastor.*

All of this letter is important—but one special sentence is terribly important:

A knowledge of the source from which most of these detrimental statements came would wholly discredit the validity of them.

What is the source? In the bibliography of the Air Force manual—among the 12 civilian publications, we find:

First. Circuit Riders pamphlet—30 of the 95 men who gave us the Revised Standard Version of the Bible—and no date on it—and two pamphlets by Billy James Hargis: First, "Apostate Clergymen Battle for God-Hating Communist China"; second, "The National Council of Churches Indicts Itself on 50 Counts of Treason to God and Country."

Why respected Protestant, Catholic, and Jewish leaders were not consulted or not quoted, I will never know. Why the chaplains of the Air Force itself were not consulted, I will never know.

And they were not. Let me read the letter from the executive secretary of the General Commission on Chaplains and Armed Forces Personnel:

THE GENERAL COMMISSION ON CHAPLAINS AND ARMED FORCES PERSONNEL,
Washington, D.C., February 29, 1960.

Maj. Gen. TERENCE P. FINNEGAN,
U.S. Air Force, Chief of Air Force Chaplains, Headquarters, U.S. Air Force, Washington, D.C.

DEAR CHAPLAIN FINNEGAN: In view of the wide, confused, and confusing discussion being currently carried on in the press, on the radio and on television concerning the Air Force Training Manual for Reserve Non-Commissioned Officers, I desire, on behalf of the General Commission on Chaplains and Armed Forces Personnel, to make the following statements to you as Chief of Air Force Chaplains:

1. On behalf of its 34 member Protestant churches, most of which are also members of the National Council of Churches of Christ in the U.S.A.; and on behalf of the 441 ministers now serving as chaplains in the Air Force with holy orders and ecclesiastical endorsement given them by its member churches, the General Commission on Chaplains and Armed Forces Personnel deplores and denies the false charge made in the Air Force Training Manual for Reserve Non-Commissioned Officers that these churches have been "successfully infiltrated" by Communists and fellow travelers and that, by innuendo, their ministers are somehow untrustworthy and dangerous security risks for the Air Force.

2. The commission also deplores the fact that the Chief of Air Force Chaplains, who is officially charged with full responsibility for the personnel and program of the Air Force chaplaincy, was not consulted, either as to substance or accuracy, by those responsible for writing and approving those sections of the manual that deal specifically with the area of official responsibility of the Chief of Chaplains.

3. The commission desires to assure the Chief of Air Force Chaplains of its confidence in the competence of his office to administer the chaplaincy program of the Air Force; also, of its confidence in the loyalty and integrity of those ministers who have been loaned to the Air Force by the churches that are again publicly under false and unjust attack.

4. The general commission desires also to assure the Chief of Air Force Chaplains of its hereby and united support of his request that hereafter coordination be effected with his office on all matters affecting the area of his official responsibility.

Sincerely yours,

MARION J. CREEGER,
Executive Secretary.

If the material on religion in the Air Force manual does not come from the Air Force chaplains, where does it come from? Largely from Billy Hargis.

The material on communism and religion constitutes a total of 238 lines. Ninety-five of these lines concern reports of religion in China and Korea. Their accuracy is not relevant to this controversy nor, of course, to the loyalty of American clergymen. This leaves 143 lines dealing with the subject of communism and religion in this country, and specifically the National Council of Churches. Of these 143 lines, 77 lines are taken verbatim from the works of one Billy James Hargis, of Tulsa, Okla. One section is quoted and attributed to Mr. Hargis in the text of the manual. Other sections appear without quotation marks but are, nevertheless, the precise wording used by Hargis in an inflammatory pamphlet of his entitled "The National Council of Churches Indicts Itself on 50 Counts of Treason Against God and Country." This pamphlet.

It should not be given the dignity of answer, but now that it is an official Government publication and, therefore, mistakenly quoted as authentic, let us examine it.

"The National Council of Churches Indicts Itself on 50 Counts of Treason to God and Country"—it seems to me that any fairminded person would say that the author automatically indicts himself with such inflammatory words in the title.

But let us examine it more closely—the one pamphlet from which so much is quoted verbatim in the Air Force manual—50 counts of treason to God and country.

Let me read count 42 and ask if you really believe this is an act of treason against God and country?

NATIONAL COUNCIL OF CHURCHES COPYRIGHTS THE WORD OF GOD, WHICH IS UNHEARD OF IN CHRISTIAN HISTORY

The copyrighting of this Bible by the National Council of Churches makes it the National Council Bible.

It is explained in the preface that this copyright is made in order to prevent the corrupting of the text, but this copyright gives the NCC exclusive control over the use to which the book shall be put, and no publisher may be permitted in any extended manner to quote or use this book without the permission of the NCC. The King James Version is not copyrighted by anyone and it has not been corrupted. The National Council of Churches in holding the copyright also receives the financial royalties from the sale of the book. This represents definite commercializing of the Bible by the NCC and making merchandise of the Scriptures for their own pecuniary profit.

People might disagree about the patent laws, but surely no one can honestly argue this is a count of treason.

Let us look at the 36th count of treason:

NATIONAL COUNCIL OF CHURCHES SPONSORS UNITED GOD'S MEETING

Before the 10th anniversary celebration of the United Nations opened in San Francisco, the San Francisco Council of Churches organized a "United Festival of Faith," which was held in the San Francisco Cow Palace.

Dr. C. Frederick Nolde, one of the officers of the World Council of Churches, presided over this conglomerated religious affair. The Roman Catholics declined to cooperate. However, the Hindus, the Mohammedans,

the Buddhists took their places, read from their sacred writing and then all simultaneously prayed to their own Gods. This festival of faith was held in conjunction with the 10th anniversary of the United Nations. The theme could well have been "United Gods." The Secretary of State of the United States, John Foster Dulles, graced the occasion and delivered the address to the interreligious conference. He quoted the Scripture, "Not by might nor power, but by Spirit, saith the Lord of Hosts." He said: "That sentiment is common to all our faiths. It can well guide us as we look to a future which contains greater hasard than any future men have ever faced, but which contains greater opportunity." For John Foster Dulles to quote that text from the Old Testament and say that it is common to all our faiths—the Hindu, the Buddhists, the Mohammedans, the Christian—reveals on his part a lack of understanding as to what these religions are, and particularly a lack of understanding as to what his own professed faith is.

Again I ask, was this really treasonable? Yet, this is the man who is quoted in the Air Force manual.

Let me read count 31:

NATIONAL COUNCIL OF CHURCHES TO BLAME FOR RACE RIOTS IN THE SOUTH

The agitation that brought about the Supreme Court's decision and the ensuing race riots in progress in the South, was brought about by pressure groups such as the National Council of Churches of Christ in the U.S.A. Senator EASTLAND said that the organizations supporting the war on segregation run from the blood red of the Communist Party to the almost equally red of the National Council of Churches of Christ in the U.S.A.

Now, let me quote another count, count 24:

GENERAL SECRETARY OF NATIONAL COUNCIL OF CHURCHES ATTACKS AMERICAN PRIVATE ENTERPRISE

"The principle of competition seems to be nothing more than a partly conventionalized embodiment of primeval selfishness." (Samuel McCrea Calvert, general secretary of National Council, in an official council publication.)

Mr. Speaker, honest people may have honest differences of opinion, but surely we do not need to question the motives of others and accuse them of treason for no better reason than that we disagree.

One long passage in this manual refers to the influence which Harry F. Ward, a "Federal-National Council of Churches leader has had upon thousands of theological students." Ward is later identified in another of Hargis' "counts of treason" as a "founder of the national council." This statement, Mr. Speaker, gives us a good introduction into the unreliability of the material utilized for this Air Force manual. It is false to fact. I will not argue whether Ward was or was not identified with Communist front organizations. I do not know—I am not one to judge. Neither will I argue whether 10 Communists are in the churches of the country, or a dozen or 6 dozen. But I will argue against charges that Communists have successfully infiltrated the National Council of Churches. Let me say this: Harry F. Ward has never had any connection with the National Council of Churches. He was remotely connected with the Federal council—in 1912—38 years before the national council was organized; he was an adviser to one department for a short period—about 1 year. I am told he is now 89 and has been retired for more than 20 years.

To quote him in Air Force manual as Federal-National Council of Church leader and founder of the national council just is not so.

Some of Hargis' other "counts of treason" can be examined in the light of fact, to demonstrate the nature of the sources of this manual.

In count 13, Hargis says:

Dr. John C. Bennett, an Episcopalian and professor at Union Theological Seminary, wrote in the Christian Century for June 11, 1952, in which he said: "Communism wins power because it has much truth in its teachings, because it appeals to the loyalties and not primarily to the cynical self-interest of men."

This part of a sentence, Mr. Speaker, is taken from a paragraph in an article representing the most absolute opposition to any kind of accommodation with communism. Permit me to quote the full context of this quotation from the Christian Century:

The answer to this position must take the form of grave warnings based upon what we know about the nature of communism and on the record to date for several years and show that the good elements in it have been the entering wedge for the evil. Communism wins power because it has much truth in its teaching, because it appeals to the loyalties and not primarily to the cynical self-interest of men, because it is able to soften up opposition by stimulating in people exactly the kind of thinking that I have been describing.

If a sentence is taken out of context in a long book, it may be argued that the person quoting it did not know what else the writer had in mind. If the sentence taken out of context is simply a little different from what precedes and follows it, we may chalk it up to misinterpretation, or to the desire to score a debater's point by twisting the facts just a little. But when part of a sentence is taken out of context in order to "prove" a point diametrically opposed to the point which the full sentence makes, then there is a shorter and uglier word for that kind of practice.

Also, if Hargis had wanted to be fair to Dr. Bennett, he might well have quoted from his book, "Christianity and Communism," written in 1948, in which Dr. Bennett so clearly says:

This book is written by one who believes that communism as a faith and as a system of thought is a compound of half-truth and positive error, that communism as a movement of power is a threat to essential forms of personal and political freedom, and that it is a responsibility of Christians to resist its extension in the world.

Here, Mr. Speaker, we have evidence of the kind of documentation of which Hargis boasts, and which the defenders of the Air Force manual claim supports the manual.

A few other of Hargis' charges deserve analysis, if only to point up the incredibly bad judgment used by those responsible for the Air Force manual in choosing this man as a primary source of information on communism and the churches.

In count 28, Hargis blames the National Council of Churches for our unpreparedness for Pearl Harbor. In count 31, he holds the National Council largely responsible for race riots in the South. In counts 5, 6, 7, 8, and 10, Hargis refers to activities of foreign clergymen in Communist countries. What this material has to do with treason, or with American Protestant clergymen at all, is not made clear.

Eighteen of the 50 charges of treason brought by Hargis against the National Council of Churches refer to doctrinal differences between Hargis and Protestant clergymen. This floor is no place to discuss whether Hargis or a very conservative theologian or a liberal theologian is correct in his interpretation of religious beliefs. But if there is any lesson which this Nation's Founding Fathers learned from the experience of centuries of religious persecution and counterpersecution in Western Europe, it is the danger—to the church and to the state—of allowing "doctrinal differences" and "treason" to be confused. "Treason" has a specific legal meaning under the Constitution of the United States. It in no way involves religious belief. For highly respected American clergymen to be charged with treason because of doctrinal differences with Billy James Hargis is a measure of this man Hargis' unfitness to pass judgment upon the churches of a free people.

Count 16, a count of treason to God and country, accuses the Presbyterian Church of treason because of the adoption by unanimous vote of the General Assembly of the Presbyterian Church in the United States of America of a statement entitled "Letter to Presbyterians." Hargis makes the following statement about the letter:

The letter attacked congressional investigations of communism as revealing "a distinct tendency to become inquisitions," and as confusing "treason and dissent."

Here is what the letter written October 21, 1953, to Presbyterians actually said: This in the days of McCarthy:

A LETTER TO PRESBYTERIANS

Serious thought needs to be given to the menace of communism in the world of today and to the undoubted aim on the part of its leaders to subvert the thought and life of the United States. Everlasting vigilance is also needed, and appropriate precautions should be constantly taken, to forestall the insidious intervention of a foreign power in the internal affairs of our country. In this connection congressional committees, which are an important expression of democracy in action, have rendered some valuable services to the Nation.

At the same time the citizens of this country, and those in particular who are Protestant Christians, have reason to take a grave view of the situation which is being created by the almost exclusive concentration of the American mind upon the problem of the threat of communism.

Under the plea that the structure of American society is in imminent peril of being shattered by a satanic conspiracy, dangerous developments are taking place in our national life. Favored by an atmosphere of intense disquiet and suspicion, a subtle but potent assault upon basic human rights is now in progress. Some congressional inquiries have revealed a distinct tendency to become inquisitions. These inquisitions find their historic pattern in medieval Spain and in the tribunals of modern totalitarian states, begin to constitute a threat to freedom of thought in this country. Treason and dissent are being confused. The shrine of conscience and private judgment, which God alone has a right to enter, is being invaded. Un-American attitudes towards ideas and books are becoming current. Attacks are being made upon citizens of integrity and social passion which are utterly alien to our democratic tradition. They are particularly alien to the Protestant religious tradition which has been a main source of the freedoms which the people of the United States enjoy.

These sentiments may be in disagreement with the feelings of some people. They may not find agreement with the majority of the Members of this House, but certainly we can at least say they are certainly legitimate views for Americans to hold and to publish and the Presbyterians should not be accused of treason. To pick one small section of a sentence and to ignore the other sentiments expressed in the same paragraph is, again, a poor credential for the reliability of the other accusations made by this particular writer.

One paragraph in the Air Force manual quotes Hargis verbatim in regard to Dr. E. Stanley Jones. May I simply say, this is ridiculous. To somehow associate Dr. E. Stanley Jones, that great Christian leader, with communism is an affront to the intelligence of any informed person.

If there ever were a militant anti-Communist, that person is Dr. E. Stanley Jones. If ever there were a dedicated Christian on the face of this earth, that person is Dr. E. Stanley Jones.

It would not be difficult to take each and every one of the counts of "treason" which Hargis alleges against the National Council and prove that it is false. To save time, I shall allow these examples to stand as a mere taste of the approach indulged in by this man, whose "research" served as a major source of evidence for the Air Force manual.

Another source of the evidence in the Air Force manual was a publication issued by the Circuit Riders, over the name of M. G. Lowman. This is the same man who published "20.5 Percent of Episcopalian Clergy" and has a similar one on Methodists and Presbyterians. This is a manual that infers that 20.5 percent of all the Episcopalian clergy are somehow pro-Communist.

The pamphlet, cited by name in the bibliography of the Air Force manual, is entitled "30 of the 95 Men Who Gave Us the Revised Standard Version of the Bible." This pamphlet purports to give the record of affiliations of men who worked on the Revised Standard Version—the scholars—the language experts.

Let me mention only one: Luther A. Weigle, dean emeritus of the Yale Divinity School, and chairman of the RSV Committee, is accused in this pamphlet of affiliation with six organizations. This is the signed statement of Dean Weigle:

Let me take the case of myself as an individual, for it chances that I have been named by some attackers. I am not and have not been a Communist; I do not belong and have not belonged to any Communist-front organizations. Specifically, I have not been a member of any of the organizations that I have seen to be named in any of these attacks upon me; I have never attended a meeting of any of these organizations and I have not contributed to them; I have never been cited before any committee of Congress dealing with un-American activities. To turn the statement around and put it positively, I am in politics a Republican, in theology a Lutheran, and in my ecclesiastical connection and ministerial office, a Congregationalist.

Let me take up another point: The attempts to somehow describe the Revised Standard Version of the Bible as Communist-inspired would be laughable if they were not so absurd, so ridiculous. In commenting on this evidence, our friend Hargis points with horror to the fact that "there was even a Jew on the committee." There was a Hebrew scholar, Harry M. Orlinsky, who served as an adviser to the committee on the question of Hebrew language and grammar. I hope I will not shock Billy James Hargis too much if I point out there was a Jew connected with the original standard version of the Bible—a fellow named Moses, I believe.

This is the sort of flimsy evidence—these pamphlets—which those responsible for the Air Force manual accepted as worthy of being set down in an official document as fact. Perhaps even more damaging than the statements in the manual itself was the naive listing of these pamphlets by title in the bibliography of the manual. Imagine a young Air Force Reserve noncom reading the manual. He looks at the bibliography and finds the title, "The National Council of Churches Indicts Itself on 50 Charges of Treason to God and Country." The address of the publisher and the price are obligingly set forth in the bibliography—free advertising for Billy Hargis' flourishing little business.

What is such an Air Force reservist going to do? Will he carefully suspend judgment until he gets the named pamphlet out of the library? This may take quite a while. I was unable to find one in the Library of Congress. Probably he will not find one at all. You and I know that too many will look at the title and assume that it bears real relationship to the materials presented.

It is incredible to me, Mr. Speaker, that anyone who make a living writing pamphlets for the Air Force should have been so utterly lacking in judgment as to accept this trash without at least asking the persons accused if they had any statement to make. Any politician—any Member of this House knows that when an accusation is made against one of us, responsible journalists and responsible newspapers, before printing it, will afford us the courtesy of checking and seeing if we have a statement to make. This is common courtesy, extended to most people in public life. Yet this Air Force manual went out to reservists everywhere, making sweeping charges against the National Council of Churches, and if it had not been for the alertness of an Air Force enlisted man and his Air Force chaplain, it might still be in circulation, without an opportunity for rebuttal.

Another point, Mr. Speaker—every one of us here in the House receives letters every week on various legislative proposals—some of them described as communistic proposals. The social security system, the income tax, the Forand bill, the admission of Alaska and Hawaii, even the most modest civil rights proposals, have been termed "communistic" by those opponents who cannot find rational reasons for their opposition.

Let me quote from some letters on my desk.

This is one letter that came to my desk:

PORTLAND, OREG.,
February 26, 1959.

As you are well aware, the entire intensive and unreasoning campaign through the years in behalf of statehood for Hawaii is entirely of Communist origin. The admission to the Union of both Hawaii and Alaska is and long has been one of the supreme objectives of Red policy in this country. • • • Eventually, and really now, they are or will be Communist States in our Union, sending completely Red Senators and Representatives to Washington. And there are far too many Reds and their puppets betraying us in Washington now.

Another wrote:

BROWNSVILLE, OREG.,
September 9, 1959.

I am opposed to a law to bring in Korean children or babies to Oregon or any other State. • • • They are not refugees, we don't want them. America first. It is communism that want to mongrelize our white children.

PORTLAND, OREG.,
January 5, 1960.

It seems to me that there are some vital issues that the Congress should be working on. • • •

Three, the income tax, a tool of the Communists which we have adopted to destroy our country, should be repealed.

PORTLAND, OREG.,
January 29, 1960.

Also, above all things, work, talk, and vote to defeat that hellish Federal aid to education bill, S. 8. As we all know, such measures are Communist sponsored and intended to take away all education from local control, no matter what the Reds may say, and place it in the hands of the Federal bureaucracy where the Reds would have complete control of all education in this country.

I also expect you to support the measure for curbing or impeaching of the un-American U.S. Supreme Court that so brazenly operates in behalf of our enemies in their designs to deliver our country to the Reds.

BROWNSVILLE, OREG.,
March 13, 1960.

I was shocked to find out a "fair housing law" was passed. How could any loyal American pass such a thing. That law is strictly Communist.

We all get such letters.

The absurdity of these charges of communism is self-evident. Obviously, whatever the merits of a given proposal, it is possible to support it—or to oppose it—without being a Communist, or a Fascist, or what have you. Only in the never-never world of the lunatic fringe is it impossible for honest men to disagree. Only in the totalitarian world is "everything that is not compulsory, forbidden." Private citizens who agree, or who disagree whether on theological

or political grounds with the work being done by the National Council, or by the organizations opposed to it, have an inalienable right to do so. When they charge those with whose religious doctrines they disagree of being Communists, or when they assail the faith of a clergyman because they disapprove of his political beliefs, then they have gone beyond those bounds, and beyond the limits of legitimate criticism, theological or political.

When these things start happening, Mr. Speaker, it is time to pause—to look at what we have done and wonder where we went wrong.

What I have said this afternoon, as I suggested at the outset, may have offended some of my colleagues. If so, I am sorry. But the defense of freedom is often a painful thing. But the cause of religious freedom—the defense of the fundamental right of freemen to worship as they please and to follow the mandate of their conscience wherever it may lead—is a cause which commands full obedience. The defense of the Nation against Communist subversion is too noble a cause to make use of the techniques which the Communists and other totalitarians have found useful. The end, Mr. Speaker, justified the means only in the Leninist book of ethics. We must defend, if we defend anything at all, not simply a geographical area, not simply the forms of national independence. We must defend a way of life which is basically a set of procedures. The goals which Americans may pursue are manifold, but the methods they may utilize in following those goals are limited, if we are to remain free. We cannot cast either the power of the state or the weight of public opinion against those whose only crime is to be outspoken.

Mr. ULLMAN. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to my colleague from Oregon.

Mr. ULLMAN. I want to say to my very able colleague, the gentlewoman from Oregon, that she is rendering a great service not only to this House but also to the Nation in her presentation of a most important subject this afternoon. I know of her dedicated activities as a lay member of the church; I know of here deep indignation of the unjust and unauthenticated charges in the Air Force manual. I commend her for her very fine statement and I want to join with her in her remarks.

Mrs. GREEN of Oregon. I thank my colleague from Oregon.

Mr. REUSS. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I am happy to yield to my friend from Wisconsin.

Mr. REUSS. Mr. Speaker, I want to commend the gentlewoman from Oregon for her warm and sincere statement this afternoon. It was good to hear it. In the letter from a constituent in Oregon which the gentlewoman has just read she reaffirms the position of the particular denomination of her correspondent against communism. Is it not a fact that in addition to expressions of I am sure all of the constituent denominations in the National Council of Churches against communism, that the National Council of Churches itself specifically on June 4, 1959, reaffirmed its consistent position—and here I quote—"opposing the evils, the violence and the violation of human rights by Communists and other tyrannies?"

Mrs. GREEN of Oregon. The gentleman is so right. This unalterable opposition to communism has been reaffirmed so many times over so many years.

Mr. REUSS. Mr. Speaker, I would ask the gentlewoman from Oregon this question. She, I take it, has at least looked at this now happily withdrawn manual of the Air Force. In that manual was any effort made to set forth the militantly anti-Communist position of the National Council of Churches so that the reader in the Air Force might have the position before him?

Mrs. GREEN of Oregon. I think that a very careful study of these pages of the Air Force Manual would not indicate that the National Council's unalterable opposition to communism has been clearly set forth. And I would say to my friend from Wisconsin that I am going into this in greater detail later on as to just where much of this information was gathered for the material that appeared in the Air Force manual and is now being quoted by others.

Mr. REUSS. I thank the gentlewoman; because it seems to me that the failure of the manual to include what the organization itself has repeatedly said about the nature and menace of world communism casts grave doubts, I might say, on the sincerity of those responsible for its preparation.

Mrs. GREEN of Oregon. And certainly also the objectivity of those responsible.

Mr. CLEM MILLER. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I am happy to yield to my colleague from California.

Mr. CLEM MILLER. Mr. Speaker, I would like to join the gentleman from Wisconsin [Mr. REUSS] in praise of the gentlewoman's presentation here this afternoon as an excellent one, one that has been long coming, and is essential, clearing the air in this important area of discussion. I think that the fundamental issue here is one that goes to the very mission of the Air Force. I honestly do not believe that the mission of the Air Force is to investigate communism or evaluate evidence. That job lies elsewhere. And in the investigation of this matter the failure to perceive this fundamental issue has resulted in intimidation instead of valid investigation.

I thank the gentlewoman.

Mrs. GREEN of Oregon. I thank my colleague for his contribution to this discussion.

Mr. HECHLER. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to my colleague from West Virginia.

Mr. HECHLER. Mr. Speaker, the gentlewoman from Oregon is making a very able presentation of this critical issue which shows her thorough research and her customary courage. I would like to state that I have received communications from ministers and other church officials in West Virginia protesting against the dangerous attacks on our churches by unsubstantiated statements in the Air Force training manual.

Mr. Speaker, I find it difficult to understand why the Air Force or the Department of Defense did not catch up with these patently false statements long before they were publicly released and distributed to Air Force trainees. The churches of our Nation are our greatest bulwark against communism. They are in the frontline of our struggle against communism. How any individual could charge our churches or church organizations like the National Council of Churches with Communist infiltration is completely beyond me. The gentlewoman from Oregon and others are effectively demolishing the charge, so I will not labor the point. I merely wish to add my voice to those who are expressing their shock and indignation that such a charge should ever be made.

Mr. Speaker, I realize that the gentlewoman from Oregon is devoting her main attention to the charge of communism as it relates to this Nation's churches. I would like to pose another question to the gentlewoman. On page 15–4 of Air Reserve Training Center Manual No. 45–0050, there is a rather peculiar statement, as follows:

> Another rather foolish remark often heard is that Americans have a right to know what's going on.

Of course this statement is in the context of a discussion of espionage, but nevertheless I would like to ask the gentlewoman from Oregon how she feels about such a statement as I have just quoted?

Mrs. GREEN of Oregon. I think that this has been commented upon by innumerable people in the press. I think if we take that statement by itself it is ridiculous. I think if we read it in the full paragraph it still is ridiculous, to question the right of the American people to know. I think that this has been demonstrated too many times over the past few years. I think the subcommittee headed by the very capable gentleman from California certainly has pointed that up on innumerable occasions, that there are people who do not want the American public to have all of the facts.

Mr. MEYER. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to my colleague from Vermont.

Mr. MEYER. Mr. Speaker, I would like to thank the gentlewoman for this wonderful presentation. She has gone into everything thoroughly. I would like to add a few personal comments on how I as an individual view this matter. I think it is most significant that George Washington warned us in well chosen words about the inherent dangers in an overgrown Military Establishment. He held this as a threat to liberty under any form of government and particularly hostile to our liberty.

I wonder what he would have to say about the Air Force manual, and a forced political indoctrination in the Armed Forces, particularly of the kind

that so blatantly violates our rights and principles without serving a single useful, or patriotic purpose.

As I think about it, I think about my family, one branch of which came to this country more than 200 years ago and has lived in one small area. I think about those people who came from France and from Germany and from Switzerland and from England and from Ireland, and I return to that one branch that came here more than 200 years ago in search of religious freedom, and their descendants who fought in the Revolution and all our wars, and that recently produced in one family a medical doctor and three other brothers who were ministers, ministers of one of these faiths affiliated with the National Council of Churches that is now under attack.

I think of the words of the old song. Perhaps I do not have them exactly correct, but they go something like this.

> Faith of our fathers, holy faith,
> We will be true to thee to death.

I say that I as an individual will defend this faith against any attack from any quarter. I say that we will not be content to defend it, we will assume the offensive if need be against those forces which attack. We will yield no quarter, we will tolerate no abuse. If those who demand to intrude in this area and abuse us and attack us continue to do so, they will find that an overwhelming force will rise against them and destroy them.

I would like to refer to another branch of my family that came here from the Rhineland in 1848 as liberals who were opposed to the reaction in that country, people who came here in search of political freedom. This issue is the very core of that freedom, and no agency of Government will be permitted to violate it, no, not the Air Force nor any other branch of Government, and no committee of Congress will violate it. If this is un-American, let us make the most of it, or make the least of it. I wonder what is un-American. I say of those people that came here in 1848, that they also came in search of freedom from an overbearing force of reaction or an overbearing force of militarism or anything else which challenges freedom and the right of individual conscience.

I think about a distant relative of mine who became first national commander of the American Legion. You know the Legion stands or stood for our freedom, peace, and liberty. We can remember that First World War and the very words "Liberty Bond." I say this attack upon our religion is not concerned with liberty. It is the exact opposite. What do we have now? We were Americans before this attack. We were Americans before there were charges of un-Americanism, and we will be Americans when all this is gone. We were free before the modern inquisition and we will be free when the inquisitors are dust.

I say we cannot in this country permit it to be said that any religion is any more American than any other religion, or that any religion is any less American than any other religion. We cannot have second-class citizens and we will not have second-class religions. We will call upon all the religions of this country and upon the people of all faiths to defend the Council of Churches from this ridiculous and unlawful attack.

We will not tolerate the imprisonment of men or the persecution of men for political or religious beliefs because, if we do so, we will destroy this country that we all love. We will not force dissenters and men, yes, even men like Willard B. Uphaus into jail because they are different or because they follow conscientious or religious beliefs. Or, at least, if we do it, we will absolutely determine and prove that they are guilty of something that is truly against the American way of life and against our laws.

Mr. Speaker, I want to thank again the gentlewoman from Oregon for letting me join with her and to thank her even more for the great contribution she is making here today.

Mrs. GREEN of Oregon. I thank my colleague from Vermont.

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mr. JOHNSON of Colorado. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. KASTENMEIER] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, I should like to agree wholeheartedly with the gentlewoman from Oregon [Mrs. GREEN] and with the other Members who have today pointed out how unwarranted and how dangerous was the attack on the National Council of Churches contained in the Air Force manuals of unhappy memory.

As dangerous as the attack on the Council of Churches is the contempt shown by the Reserve manual for the processes of discussion and decision that are essential to democracy. The suggestion, as if it were already 1984, that the most trivial incidents of "belittling or sneering at" the policies or accomplishments of the Air Force should be reported to the Air Police is only one of the astounding points made by the manual. Each such point is a single symptom of a general attitude that "big brother knows best," that the people have little right to make the big decisions and less right to know what decisions have been made.

In fact, reading the Regular Air Force manual makes me believe that anyone who studied it as our airmen were supposed to do, who accepted its beliefs masked as they were by the approval of superior authority, would have begun to suspect every segment of American society of containing evil, subversive, or treasonable elements. The churches, the unions, the schools, the PTA's—all are looked on with intense fear that normal Americans are not sufficiently intelligent to assess the ideas expressed at such places, and to come to their own conclusions.

The whole tenor of these security manuals is distrust—radical distrust of the many private organizations and associations, religious and secular, which keep our democracy alive and growing. On the day that Americans find themselves afraid to join such private organizations, to argue at them, to listen to their spokesmen, and to separate their truth from falsehood, American democracy will be in great danger.

To the extent that such indoctrination as we are discussing today tends to make our citizens fearful of independent thought and political action, afraid that they will be fooled by some superhumanly subtle manipulation, to that extent American liberties have been weakened. We must be ever vigilant to prevent such a weakening, by preventing any arm of Government from creating the fog of fearfulness, suspicion, and distrust that would separate us from each other and from our democratic goals.

RELIGIOUS FREEDOM

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Colorado [Mr. JOHNSON] is recognized for 60 minutes.

Mr. O'HARA of Michigan. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Colorado. Mr. Speaker, I yield to the gentleman from Michigan [Mr. O'HARA].

Mr. O'HARA of Michigan. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I decry the inferences that have arisen from the charges of Communist infiltration into the churches contained in the Air Force manual under question. I decry them because their effect is to intimidate church leaders and thereby inhibit them from applying the principles they have learned in lifetimes of service to the social and economic problems of the day and from publicly expressing their conclusions thereon. They can and should make a valuable contribution to the thinking of public officials and the shaping of public opinion.

Mr. Speaker, I certainly have not agreed with everything that the National Council of Churches, or any other similarly constituted church group, has ever had to say on public issues. However, we should welcome the comments of spiritual leaders made in an honest and sincere effort to point out the moral and ethical considerations of public policy.

Some of the most refreshing experiences I have had since becoming a Member of this body have been my talks with members of the Methodist Youth Fellowship and the Catholic Christian Family Movement who have visited my office. I can say without any question that they have presented me with questions and comments upon the issues confronting us in the Congress as appropriate and as penetrating as any group that has ever visited me. I welcome their visits and those of other similarly motivated groups.

I hope that this expression by Members of Congress today will show that the U.S. Congress still seeks and still values the participation in public affairs of men who seek to follow truth wherever it leads them. We hope it shall continue.

Mr. Speaker, the following are some communications I have received on this subject which I call to the attention of my colleagues:

DETROIT, MICH., *April 5, 1960.*

Hon. JAMES G. O'HARA,
U.S. House of Representatives,
Washington, D.C.:

Regarding the Air Force manual case, we want to express confidence in our denominational leaders and in the National Council of Churches. We believe it most unfortunate that unauthenticated charges are used to reflect unfavorably on individual people. We believe it essential to emphasize the importance of the freedom of religion and the pulpit.

FRANK P. MADSEN,
President, Michigan Synod of the United Lutheran Church in America.

HARPER HOSPITAL,
Detroit, Mich., April 7, 1960.

Congressman JAMES G. O'HARA,
House Office Building,
Washington, D.C.

DEAR SIR: I regret and deplore the misguided publication by the Air Force concerning the presence of Communists in the National Council of Churches. I consider this publication as a direct affront by my Government to both my church and myself.

I assure you that there has not been, nor is there now, any reason for questioning the loyalty of either my church or myself to our Government. I sincerely hope that you will see fit to take steps to correct this injustice.

Sincerely yours,

JOHN V. BEAMS,
Chaplain.

LAPEER, MICH., *April 5, 1960.*

Congressman GEORGE MEADER,
House Office Building,
Washington, D.C.:

I personally deplore the kind of attack upon the National Council of Churches and Protestant leadership as reported made in the Air Force Training Manual. I expect you to do all in your power to oppose the inclusion of any such questionable or unauthenticated material in Government briefing documents.

REV. DANIEL W. BOXWELL,
First Congregational Church, Almont, Mich.

CONGREGATIONAL ASSOCIATION OF DETROIT,
Detroit, Mich., April 1, 1960

Representative JAMES G. O'HARA,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN O'HARA: May I express the profound concern of Protestant clergymen and churchmen, in this area and over the Nation, concerning the recent Air Force Manual and its insinuations and suspicions directed at the Protestant clergy.

We are glad that the particular publication has been withdrawn; its challenged passages were malicious and ill founded. The source of the accusations within American life has long since been silenced as totally unreliable. Anyone preparing such a manual ought to know better the source of materials which he incorporates.

In this connection it is to be regretted that unauthenticated Government materials should be made available for such distribution, with the implied authority of Government information. Charges made before committees are not in themselves proven facts.

The freedom of the pulpit is a very important asset in our American life, as well as a constitutional right. Such insidious attempts to intimidate must be resisted strongly.

Sincerely yours,

EDWARD WILLCOX,
Minister.

MICHIGAN COUNCIL OF CHURCHES,
Lansing, Mich., April 1, 1960.

The Honorable JAMES G. O'HARA,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN O'HARA: It occurred to me that it might be a good idea for me to write you, as one of our national leaders, our thoughts regarding the Air Force Manual issue. You will recall that one of these manuals stated that significant numbers of Protestant clergy had Communist leanings and pointed especially at the National Council of Churches. I am glad the manual has been recalled. As you know, the National Council includes 33 denominations and approximately 40 million members throughout the country.

No doubt by this time you have discovered that those malicious attacks originated largely from an extremely small group of persons who have really made a business of attacking Protestant leaders and the National Council of Churches over many years.

It is significant that these attacks upon the Protestant clergy have been repudiated by the official bodies of the various denominations. Moreover, Cardinal Spellman issued a statement supporting the Protestant clergy as did the heads of the three branches of the Jewish faith. A very similar attack a few years ago was vigorously criticized by President Eisenhower.

Those who know my work in Michigan will assure you that I have always taken an unequivocal stand against communism and all its works. I would be gravely concerned if we had disloyal clergymen in our ranks. However, I must honestly say that I do not know a single clergyman in Michigan who has even the slightest leaning toward communism. In fact, it is the churches that have been the strongest bulwark against communism through the years.

It seems unfortunate to me that many of these attacks have been based partially upon various materials from Government sources that have never really been authenticated. I am sure that you also are concerned that this kind of use can be made of information from such a normally responsible source.

It is wonderful to have the churches free to express themselves on all questions where human welfare is concerned. This is one of the glorious features of our American way of life. We do not wish to enforce conformity or uniformity. On the other hand, we must be alert to what is real subversion.

The church people of this State have complete confidence in the loyalty of their clergymen and I am sure that every religious body affiliated with the Michigan Council of Churches would repudiate the attacks that were found in the Air Force Manual and some others which have come from pretty much the same original sources since that time.

Best wishes to you for continued success in your service to our State and Nation.

Most sincerely,

G. MERRILL LENOX,
Executive Director.

Mr. BRADEMAS. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Colorado. I yield.

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that the gentleman from Arizona [Mr. UDALL] may be permitted to extend his remarks following my remarks in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. BRADEMAS. Mr. Speaker, it is altogether fitting and proper that we should today, shortly after Easter Sunday, the day of new beginnings, give some time to considering the attacks presently being made upon the Christian churches of our country. I want to commend our distinguished colleague the gentlewoman from Oregon for her splendid leadership in this matter.

The Christian church, like Christ himself, has had to endure persecution and attack through all the centuries of its existence. The attacks have come from many sources, many persons, many institutions, and, most recently, in the history of our own time, the attacks have come from the totalitarian forces of nazism and the diabolical forces of communism.

People do not normally join or support a church for political reasons, but for religious reasons. It is, nonetheless, true to say that there are few institutions in our own country or in the world that are more effective bulwarks against the menace of Communist tyranny than the Christian churches. Those, therefore, who set about to weaken or destroy the Christian churches play directly into the hands of the Communists.

The facts I have cited make all the more astonishing, the recent publication by the U.S. Air Force of a training manual which singles out for attack and condemnation the Christian churches of our country, one of the great church federations of the Nation, and some of the outstanding Christian leaders of America.

In view of the fact to which I have just referred, that the Christian churches constitute one of the most powerful anti-Communist forces in the United States, it is interesting to speculate on whether or not these anti-Christian attacks in the

Air Force manuals are the result of Communists secretly at work in the Air Force or elsewhere in our Government. To sow seeds of confusion and discord among the churches of America would be an understandable goal of the Communists, and the Communists seem, if, indeed, they are behind these attacks, to have made some headway toward this goal by means of these irresponsible accusations.

Now, Mr. Speaker, as a Christian, as a Protestant, as one active in the county council of churches in my home county of Indiana, as one reared in the Methodist Church, as a former president of a Methodist Youth Fellowship and former president of a college as Wesley Foundation, I want to say clearly and publicly that I believe these attacks in the Air Force Manual and the anti-Christian attitude they represent are an unwarranted slander on the churches of America and that they represent an improper and inexcusable misuse of the money of the taxpayers of our country.

I said I was a Methodist. A few days ago, the leader of the Methodist Church in Indiana, a great churchman and an outstanding American, Bishop Richard C. Raines, issued a pastoral letter to the 350,000 Methodists of Indiana. The letter is to be found in the May 1960 issue of Together, an official publication of the Methodist Church. Bishop Raines is head of the Indiana area of the Methodist Church and president of the division of world missions for the entire church.

Now let me say a word about Bishop Raines. I respect the bishop of my church in Indiana. I admire him. I disagree with his politics. I am a Democrat and he is a Republican, and a conservative Republican at that. I once told him, "Bishop Raines, it's never too late to be saved," but he admonished me with the observation that "You Democrats need more praying over than we do."

Bishop Raines is strongly opposed, for example, to the admission of Communist China to the United Nations. He testified before a committee of the Indiana State Legislature in support of the right-to-work bill. The bishop, whatever you may feel about his views on such matters, is not correctly described as a "leftwinger."

So I think we must give particularly close attention to his pastoral letter just published concerning these attacks upon the National Council of Churches and the Protestant churches of America. The bishop warns us against becoming copiers of the Communist method. Let me read you his letter concerning the "Communist-copiers" and the dangers they represent to American life:

DON'T COPY THE COMMUNIST METHOD

Dear friends, every time I come back to America from overseas, I am more deeply grateful for our heritage of freedom and more ready to pay whatever price is necessary to preserve it. Our American way is to consider every man innocent until he is proved guilty. Under communism the reverse is true. The accused is held guilty unless he can prove himself innocent. Suspicion is deliberately fostered by the Government so that neighbors, even members of families, cease to trust one another.

Today we face the danger of casting overboard the American way and acting on the Communist assumption, without realizing it. Today many more accusations are hurled at persons and institutions than was true 25 years ago, and the accusations are more bitter.

Last fall in an address at Dallas, Tex., I said that the Negro was a human being, and as such in America had the same inalienable rights as I have and should not be discriminated against because of color. I was amazed at the flood of vindictive vituperation which resulted. I understand now how people get stoned to death. One person wrote me that I was not fit to call myself a Christian or a Methodist. I wasn't fit to be an American and ought to go to the African jungles and live with the apes. These people did not respond to a reasonable and courteous rely. I was a fiend and a reprobate to be denounced because I differed from them in my convictions.

BE ALERT; RECOGNIZE THE BIG-LIE TECHNIQUE

Why this unreasonable, blind, hate-filled outburst of accusation today? Part of it is because of the general fear of atomic annihilation which heightens nervous tension. Also we are often taken in by the big-lie techniques used by Hitler and the Communists. If the lie is big enough, seriously threatening enough, and repeated frequently so that decent people unconsciously say to themselves, "Nobody would dare to say that if it were not true," the big lie is accepted as the truth. This betrays our American heritage of holding a person or group innocent until proved guilty.

The National Council of Churches is once again accused of being infiltrated with Communists. The NCC is just the Protestant churches working together similar to the national chamber of commerce. Thus, the actual charge is that the Protestant churches are infiltrated with Communists.

It would be a wise strategy for the Communists to attempt to infiltrate the Protestant Church, for it is one of communism's most effective enemies. Communism has doubtless recruited some of its members to pretend that they are religious, to get a theological education, and to enter the Protestant ministry. If there are such, we as Protestant churchmen are the first to say, "Let us have their names and the evidence. If they are proved guilty, we will deal with them promptly."

But the accusations do not take this specific and definite form. They sound like irresponsible, hate-inspired outbursts. People who make them do not seem to realize that a bona fide Communist is an atheist and has no moral code.

Recently a woman who wrote me making general accusations said, when we talked over the telephone, "John Foster Dulles was a pro-Communist; Secretary Herter and Eisenhower are pro-Communist. Senator McCarthy was the only true American."

Some accusations refer to the period when our Government was an ally of Russia and men of prominence were encouraged to say friendly things about Russia. Other accusations of communistic sympathies are made by people who disagree with the economic or even the theological views of another person or group.

The chairman of the Committee on Un-American Activities wired me in response to my request for evidence and specific evidence against the NCC. He said, "I suggest you study Communist-front affiliations and pro-Communist records as evidenced by the fifth world order study, held under the auspices of the National Council of Churches in 1958, which endorsed diplomatic recognition of Red China."

My determined opposition to the entrance of Red China into the United Nations is well known, but to assume that those who differ with me on this subject are Communists or communistic sympathizers is not only unjust but also absurd.

HONOR AND USE THE AMERICAN WAY

I yield to no man in my fear or hatred of communism, for I have personally seen what it has done and is doing to people. Therefore, I ask that we honor and use the American way, lest we copy communistic procedures while denouncing communism verbally.

Bishop William C. Martin, former president of the NCC, has said, "I am confident that not all of the persons who are making attacks upon the Protestant churches are Communists or even Communist sympathizers. But I am fully convinced that they are serving the cause of Communist falsehood as effectively as if they were on the payroll of the Kremlin."

The time has come when character witness statements about the overall Protestant organizations in the NCC are not enough. We must and do demand the facts—the specific facts. These must be faced. Proof must be given. If proof does not exist; apologies are in order.

When the pastors and laymen of Indiana churches have the facts, I will gladly trust their judgment to come to a sound conclusion. I intend to do my best to get the facts for them.

Cordially,

RICHARD C. RAINES.

Now, Mr. Speaker, Bishop Raines of the Methodist Church is not the only church leader in the State of Indiana to speak out against the accusations being paid for by the American taxpayers in the Air Force Manual. I want to take the time to read a resolution passed by the Indiana Council of Churches concerning this matter and signed by the leaders of the major Protestant churches of my State:

A MESSAGE TO THE CHURCHES OF INDIANA

As persons committed to Jesus Christ as Divine Saviour and Lord and vitally concerned with the spiritual unity of the church, we join in this message to our Christian colleagues in the churches of Indiana.

These are disturbing times. Our people are rightfully fearful of the menace of communism to our religion and to American free institutions. This makes some receptive to the accusations of Communist influence directed at the National Council of Churches and at the Protestant clergy.

We write you to say that we have unfaltering faith in the integrity of the National Council of Churches. Its leaders have proved themselves to be loyal and patriotic citizens. Factually, the National Council's boards and committees are made up of the representatives of our denominations whom we have elected to their tasks. Among them are many brilliant and competent students of history and contemporary life. Many of them are from denominations whose people have experienced untold suffering at the hands of Communist oppressors. Missionaries from their denominations have experienced mental and physical torture. Our church leadership is fully cognizant of the dangers we face and to accuse them of Communist loyalties is to be uninformed or misled by evil forces that seek to destroy the growing unity among our churches.

We believe any person seriously seeking the truth will discover the falsity of these charges. The church has always been under fire by its enemies through the centuries and the latest attack on the integrity of the church is evidence that its enemies are not dead.

The brief letter cannot take up in detail the so-called evidence of communism in the church. Nothing could possibly delight

Communists more than to see the church weakened by dissension and strife.

The National Council of Churches is a great Christian and, therefore, anti-Communist force. Its opposition to communism has been unequivocally stated and demonstrated. It seeks to feed the hungry, clothe the naked, and so remove many of the evils which communism seems to exploit. It is not a dictatorial body with power to stifle freedom of expression and discussion among those who differ as to the best ways of defending our freedoms. Among its leaders are those who for many years have practiced Christian love wherever poverty, strife, and injustice exist. When communism operated openly in this country some church leaders incurred great risk by trying to prevent Communists from controlling important organizations and movements.

The truth which our Master spoke must be our guide. We must love our enemies. We long for the time when they may be our Christian friends. Meanwhile let us not be frightened or misled by false charges.

In Christ's spirit let us try to heal the divisions in our beloved country and so preserve our freedoms.

Rev. Harry W. Bredeweg, president, South Indiana Synod, Evangelical and Reformed Church; Rev. Andrew K. Craig, superintendent, Indiana Conference of Congregational and Christian Churches; Rt. Rev. John P. Craine, D.D., bishop, Diocese of Indianapolis, Protestant Episcopal Church; Rev. Theo. O. Fisher, D.D., president, Church Federation of Greater Indianapolis; Rev. John N. Fox, D.D., executive secretary, Synod of Indiana, United Presbyterian Church, U.S.A.; Grover L. Hartman, Ph. D., executive secretary Indiana Council of Churches; Rev. Laurence T. Hosie, D.D., executive secretary, Church Federation of Greater Indianapolis; Rev. Russell J. Humbert, D.D., L.L.D., president, Indiana Council of Churches; Rev. Galen T. Lehman, executive secretary, Central Region, Church of the Brethren; Bishop Reuben H. Mueller, D.D., L.L.D., West Central area, Evangelical United Brethren Church; Bishop Richard C. Raines, D.D., S.T.D., L.L.D., Indiana area, the Methodist Church; Rev. Monroe G. Schuster, president, Indiana Convention of Christian Churches; Rev. Walter M. Wick, D.D., president, Indiana Synod, the United Lutheran Church.

Mr. Speaker, only today I have received a telegram from Edwin R. Garrison, administrative assistant, the Methodist Church, Indiana area, which reads as follows:

INDIANAPOLIS, IND.,
April 18, 1960.

Congressman JOHN BRADEMAS,
House of Representatives,
Washington, D.C.:

Ministers and laymen are weary of the generalized accusations against church leaders and deplore the fact that we are compelled to take so much time from preaching and teaching the Gospel of Christ in order to answer the questions of people who are confused by the persistent charges of irresponsible critics. We welcome honest investigation and insist that these critics prove that specific leaders among us are subversive or that they apologize for their use of public forums to destroy the confidence of the people in the churches.

EDWIN R. GARRISON,
Administrative Assistant, the Methodist Church, Indiana Area.

I want to make very clear, Mr. Speaker, that the criticism of these anti-Christian attacks is not only to be found among the State leaders of the Protestant churches in Indiana but at the local level as well. The executive committee of the Elkhart County Council of Churches recently passed a resolution affirming to all the Protestant ministers of that county the complete confidence of the committee in the integrity of the National Council of Churches.

A Methodist minister from St. Joseph County, the Reverend John D. Wolf, pastor of St. Paul's Memorial Methodist Church, South Bend, Ind., wrote me a letter on March 17, 1960, in which he said:

I have been meaning to write to you regarding the ridiculous statements of the Air Force manual that has recently been withdrawn from publication. This alerts us to the fact that the McCarthyism of another day did not die with Senator McCarthy. We have learned that the ultra-conservative group called the circuit riders have again decided to attack all liberals within the Methodist Church and the National Council of Churches. I hope that Members of Congress will be alert to any attacks upon any religious group and particularly the National Council of Churches and counter such accusations with the facts. There are those who in the name of anti-communism would love to smear the Methodist Church and the National Council of Churches.

Or listen to some expressions from Christian laymen who are troubled by these unwarranted attacks upon the churches. Here is a letter from a lady in South Bend, Ind., who belongs to a church that is affiliated with the National Council of Churches, who resents the suggestion that she is therefore a Communist and who feels particularly deeply that these charges should have come from an Air Force manual because her son lost his life in military service. Listen to her letter.

Mrs. Smith's letter follows:

SOUTH BEND, IND., *February 22, 1960.*

Congressman JOHN BRADEMAS,
House Office Building, Washington, D.C.

DEAR SIR: It is indeed both shocking and disgusting to find that taxpayers are required to pay for such a thing as the Air Force Manual that had in it such a charge against the National Council of Churches, yet they say in it that your "big brother" is watching you. Is this communistic or isn't it? It seems to me I've heard that in Communist countries everybody watches everybody.

Why is it necessary for our Air Force trainees to know how to mix drinks for officers? Are they required to be bartenders too? Why do they have to know how to shine officers shoes or wash officers' dogs? Who do our Air Force officers think they are? A bunch of snobs? If they are, what are they doing in the Air Force at taxpayers' expense? We taxpayers can't afford to be snobbish, even if we might want to be.

What will become of the morale of our boys?

I'm a Christian woman, Mr. Congressman, I belong to a well-known South Bend church that is affiliated with the National Council of Churches. I'm not a Communist. My boy died for his country, died that his country might be free, but free from what? So that the boys who come after him can mix drinks, shine shoes, wash dogs for snobbish officers and so that his mother can be called a Communist. Putting it like that it's nice isn't it.

"Ye shall know the truth and the truth shall set you free." What are you going to do to find out the truth? Play politics?

Very disgustedly,

MRS. MILDRED L. SMITH.

Let me quote from a communication I received dated February 28, 1960, from Lester N. Nash, a Methodist layman from South Bend, Ind. He says:

I was shocked to learn that my hard-earned tax money was being used to brain-wash boys in the service to destroy our Protestant churches.

To call an organization of 18 million Protestants "Communist" is awful and shouldn't be allowed.

McCarthyism should have its place in history with the Salem witchhunts.

We need a return to sanity.

Mr. Speaker, one of the outstanding Christian laymen in the State of Indiana is Mr. Everett Mishler, of New Paris, who is a member of the Church of the Brethren. Mr. Mishler wrote to me on March 22, 1960, strongly protesting the charges that, as he put it, "the National Council of Churches is honeycombed with Communists."

Mr. Speaker, under unanimous consent, I include at this point in the RECORD a letter from Mr. Mishler to the editor of the Goshen News, published March 15, 1960:

MALICE TOWARD NONE

NEW PARIS, IND., *March 12, 1960.*

DEAR EDITOR: Your newspaper has had several letters in reaction to the guest editorial from the Indianapolis Star concerning the controversial Air Force Manual charging that American churches are honeycombed with Communists or sympathizers.

Just what should the yardstick or pattern be to measure up a true American citizen, dedicated and devoted to building a real democracy based on justice, tolerance, integrity, and freedom of expression and thought and religion?

Would one have to be of white color, member of a certain church denomination, a certain political party, a certain labor or farm or business organization? Should one buy homes, cars, and most everything on installment; try to keep up with the Joneses; accept social security and unemployment compensations; exceptionally high wages, and profits; subsidies, farm production payments, veteran benefits, welfare aid, etc.?

How many of us would be cut out of a qualified list.

We agree that we should be alert to any movements that would seek to overthrow or undermine our real and true democratic form of Government based on justice, equality, and freedom; but there are thousands of our people who are seeking to do what they conscientiously think is right to protect and improve our way of life, yet still other thousands think and consider their activities as subversive and disloyal.

Back in the late forties labeling of subversive front organizations was quite flagrant and irresponsible under the leadership of Senator McCarthy, ably assisted by Senator Jenner, Nixon, and some other Congressmen and aired thoroughly by Fulton Lewis, Gabriel Heatter, etc. Someone in the city of Goshen was supposed to have guarded a master list of between 8,000 and 10,000 Communists in Elkhart County alone. We never had the privilege of seeing it, so we don't know whether it contained the names of Mrs. Gray, Mr. Yoder, or ourselves. No doubt, some folks sincerely thought they were doing a patriotic duty as true Americans when they compiled and handled this list.

Again, back in the thirties, the editor of the Indianapolis Star charged that a farmers cooperative association, that has local county units all over Indiana, was communistic and eventually would herd farmers together in each set of buildings at county seat towns and use them as blockhouses to force farmers to accept it. No doubt, Mr. Butler, the editor at that time, thought he was being a faithful and true American, also. But many of us farmers feel that these cooperatives are our own businesses, transacted in the most real form of American democracy.

Yes, surely, it is high time that we awake and are alert to recognize all forms of movements that would undermine true democracy, but one of the greatest requirements today is for tolerance and justice within our country if we want our freedom to survive as a challenge to the rest of the world.

Just recently, the Goshen area was privileged to see and hear one of the most noble but humble and sincere leaders in American freedom today—Martin Luther King; however many charge him as being backed by Communist agitators.

Certainly, Abraham Lincoln's challenge should be our symbol, "With malice toward none and charity for all."

What is a true American and a real democracy?

Sincerely,

EVERETT MISHLER.

Mr. Speaker, under unanimous consent I insert at this point in the RECORD an editorial entitled "Those Embarrassing Manuals," from the March 19, 1960, issue of the Gospel Messenger, a publication of the Church of the Brethren:

THOSE EMBARRASSING MANUALS

Air Force officials were busy last month publicly withdrawing from use several training manuals that came under fire in congressional investigations.

One manual instructed enlisted men on how to mix drinks for officers' cocktail parties. It was intended to train men who are assigned to the personal staffs of all officers of general rank in the Air Force. Temperance groups were especially indignant over directions like the following: "Most companies making spirits will gladly furnish you with a booklet giving instructions on mixing drinks." The manual said a portable bar serves best for serving drinks at officers' parties.

Apparently mixing drinks was only one of many servant jobs to which enlisted men could be assigned. They must be shown how to wash an officer's dog, tend his potted plants, and buy his groceries. As for the officers themselves they also had a manual to guide them in arranging for cocktail hours and bingo parties.

Another Air Force development that was cut short by public criticism was recently in force in a base in Kansas. Noncommissioned officers there were asked to oversee the personal as well as military lives of airmen, supervising their off-duty activities, inquiring into their family histories and their financial status, even deciding when they needed haircuts. "Big brother is watching you."

The latest manual to be banned from further circulation is one that purports to show how communism had infiltrated the churches. It claims, for example, that the Revised Standard Version of the Bible was prepared by 95 persons, 30 of whom were affiliated with Communist fronts. Although the manual was issued by the reserve training branch of the Continental Air Command, its appearance came as a shock to the Secretary of the Air Force Dudley C. Sharp, who said he "categorically repudiated the publication."

There have been frequent attempts in the past to pin the Communist label on prominent ministers by quoting them out of context and branding them because of certain organizations with which some have been identified. We saw one such publication which included the late Ernest G. Hoff, for many years editor of our Sunday School publications, among those who were active in Communist-led organizations. The only evidence offered was the names of two peace proposals which he must have endorsed many years ago. These were not Communist fronts but movements calling for peace action. Yet someone thought the proposals were soft on Russia and labeled them as Communist—and in this devious way it is only a short step to branding as "red" a man to whom everything about communism was abhorrent.

Many of us know from observation where such unfounded accusations originate but apparently certain Air Force officials did not take the trouble to question the source of the ridiculous charges they were willing to publish.

Is it not about time that Americans subjected not only the Air Force but all branches of the military to a thorough examination? Here is where the lion's share of our national budget goes—and far too many of those billions are used to maintain an undemocratic and a bureaucratic system that will not be reformed simply by withdrawing a few embarrassing manuals.

Mr. Speaker, under unanimous consent I insert in the RECORD a letter to the editor of the Muncie, Ind., Star which was signed by the president of the Ministerial Association of Muncie:

The editorial in the Muncie Star of March 10 is a broadside condemnation of ministers of churches without any specific individuals.

The editorial is entitled "Air Force Manual Is Fine." There are no direct quotes or references in the editorial but presumably you have reference to NR 45–0050, Increment V, volume 7, lesson 15.

This manual declares, "It is known that even the pastors of certain of our churches are card-carrying Communists." The editorial seems to support this charge but does not name even one such. Neither does the manual. Actually, officials of the Air Force were astounded when they realized the broad linkage of the manual to ministers in general and the Revised Standard Version of the Bible and the National Council of Churches to communism. The apology was called for because of the obvious errors in the manual.

It is true that the Christian church, including the ministers, do use such terms as "peace," "democracy," "social justice," "international trade," to use words of the editorial. It is true also that Communist terminology means something different than Christians and most Americans mean. We doubt that ministers will become opposed to peace, democracy, social justice, international trade for that reason. We hope the Muncie Star is not. There are those in all fields of endeavor who are duped into supporting the Communist line, including newspapers who attack Christianity, but this was not what either the manual or the Star editorial says.

We presume the editorial was written by an unknown person outside our community. Yet we believe the Star should either name names or apologize for its uninformed attack upon ministers and leaders of the churches of our Nation.

Mr. Speaker, under unanimous consent I insert in the RECORD a letter dated March 16, 1960, from the Reverend William A. Imler, minister, First Methodist Church, Martinsville, Ind., to the editor of the Indianapolis Star:

MARCH 16, 1960.

EDITOR,
The Indianapolis Star,
Indianapolis, Ind.

To the EDITOR OF THE STAR:

The impression I gain from Holmes Alexander's column in the March 14 Star is that any interest in "peace, social uplift, racial equality, higher wages, lower living costs" is not only un-Christian but anti-American, and that true Americanism would take us plunging into Germany (1940) or Russia (1960) with our big guns (1940) and our H-bombs (1960) flashing destruction, under the blessing of a mystical, spiritual whole religious philosophy. It implies that pacifism is sin, and war a blessing.

This kind of doubletalk adds to, not eliminates, the confusion in the minds of people who are earnestly trying to find their way in this midcentury period.

I thank God that it is yet possible for a man to conscientiously object to war, to stand for pacifism. I say this not as a pacifist, but as a veteran of World War II. This right of individual conscience is one that apparently we would not long have if men of Holmes Alexander's mind had their way.

The National Council of Churches, so popularly under attack today, represents the largest religious segment of the U.S. population. I would venture that the majority of the readers of the Star are members of churches affiliated with the NCC. With regard to the Air Force Reserve Training Manual controversy, I would like to quote the following section of an editorial in the March 2, 1960, issue of the Christian Century: "No one need panic because an official agency of the United States in this way attacked Protestant Christianity through its representatives. It has been done before, without fatal results. Some harm has been done, but the Protestant anvil has worn out many hammers. • • • Vigilance demands that truth be known and that untruth be exposed for what it is. For the truth concerning the actual work of the living Christ through those who minister in his name is nothing to be ashamed of. On the contrary, it is about the most reassuring thing that can be known about America."

I am proud to be a minister of the gospel of Christ, within a church affiliated with the National Council of the Churches of Christ in the United States.

WILLIAM A. IMLER,
Minister, First Methodist Church, Martinsville, Ind.

Mr. Speaker, under unanimous consent, I include in the RECORD the following letters to the editor of the Indianapolis Star from several Protestant ministers and church leaders in the State of Indiana:

STOP BAITING PROTESTANTISM, THE GREATEST ALLY OF FREEDOM

To the EDITOR OF THE STAR:

I have before me your editorial, "What Do You Think?" and the column, "Many Ministers Exposed to Pacifist Training," by Holmes Alexander. Either you are guilty of a new low in journalistic impertinence or you have no understanding of the nature and mission of religious faith in life.

As I grasp the logic of your columns these days, you would have the church remove the cross from its steeple and run up an American flag. That kind of thing has happened before, you know.

In Communist Russia the worship service of the state church begins with a blessing from the presidium of the party. The church has become little more than a tool for atheistic tyranny. Why? Because it has

identified itself completely with one of the kingdoms of this world. And that is not the role of the church.

Alexander fumes about the appeasement policies of Isaiah and Jeremiah (one wonders if he has even read the books), and you impugn the patriotism of those who honestly disagree with you in matters of foreign policy and believe that eventual disarmament is the only hope for world peace. (I hope you saw "On the Beach.") What would you do with a Jesus if One came to town? He said, "Love your enemies," "blessed are the peacemakers," and "seek ye first the kingdom of God." In the light of everything you've been printing these are dangerously un-American sentiments. Obviously, the Nazarene would be a "subversive."

I am bitterly opposed to communism—to its cruelty, its arrogant totalitarianism, its godless materialism. I am also opposed to those who would destroy freedom of thought and expression in America. It so happens that religious freedom gave birth to the other freedoms we now all take for granted. And you would put religious freedom in the pocket of the state.

I have written you only once before. We agreed that time. We were both opposed to the injection of anti-Catholicism into a political campaign. No good could come from fanning the flames of religious controversy. Why don't you practice what you preach? Stop baiting the very Protestantism that is freedom's greatest ally the world over.

JAMES ARMSTRONG,
Minister, Broadway Methodist Church.

BOARD'S DECISION

To the EDITOR OF THE STAR:

I do not want to become a professional letter-to-the-editor writer, but you printed a letter from a local Bible Presbyterian minister which must not go unchallenged. It was headlined, "Help Leaders."

The writer • • • states that Methodist Bishop G. Bromley Oxnam in 1947 distributed to every Methodist minister a book sympathetic to communism. The book in question was "Behind Soviet Power," by Jerome Davis. The letter leaves some vital matters unsaid.

First, the book was not distributed by Bishop Oxnam but by the administrative committee of the board of missions and church extension of the Methodist Church. Bishop Oxnam signed the accompanying letter because he was president of the board, but it was a board decision to send the book.

Second, the writer should have looked further into the statement accompanying the book. It indicated that one cannot really fight communism until he knows something about it. It said the ministers should read Davis' sympathetic treatment of communism so they would better understand the kind of atheistic philosophy they were up against.

Davis' book also was accompanied by a statement of the Federal Council of Churches on the nature of American-Soviet relations. The statement was written by no less a patriot than John Foster Dulles, a board member of the Federal Council. Many have called Mr. Dulles' statement the most severe denunciation of Communist philosophy in existence.

I confess I cannot understand the reasoning implied in the letter from the local minister. The clergy are being roundly condemned for ignorance of the true nature of communism, yet they are castigated for reading anything which might remove this alleged ignorance.

We are sure to lose the battle for men's minds if we make no effort to understand the thinking of those we oppose.

ROBERT L. GILDEA,
Director, Public Relations and Communications, Indiana area, the Methodist Church.

MINISTER THINKS COLUMNIST USES INSUFFICIENT AUTHORITIES

To the EDITOR OF THE STAR:

I must disagree with many points of the column by Holmes Alexander, "Many Ministers Exposed to Pacifist Training," on several counts which, in my estimation, reflect a very juvenile way of presenting certain factual materials as well as endeavoring to bias the public by "stock" and "trite" phrases.

It is because of my respect for the newsmen's profession that I challenge Mr. Alexander. He has based his conclusion that many clergymen are preaching a watered-down gospel (e.g., pacifism, anti-American, anti-Christian creed, materialistic, etc.) on very insufficient authorities.

He quotes from Harry Emerson Fosdick's autobiography out of context in the first place. Let the reader read what Mr. Fosdick goes on to say in regards to his position on pacifism and what he says before the "quoted part" on the folly of war as both President Eisenhower and General MacArthur confirmed. Now, I am not a pacifist (per se) but I do not regard pacifism as anti-American or anti-Christian as Mr. Holmes implies; I believe that war is never a solution to any problem even though it often becomes the lesser of two evils.

Moreover, Mr. Alexander makes other unwarranted generalizations as: (1) "The general run, if not the majority, of divinity students and their teachers in those days were pacifists" (the days of Mr. Fosdick's seminary training)—this he states on the basis of hearsay; (2) "These prophets were appeasers, the do-nothing men of their times." (Now he refers to Isaiah and Jeremiah.) Any study of these two prophets would reveal that they were far from the modern conception of pacifism as a do-nothing attitude; (3) "American ministers who follow the anti-American line • • •." What is anti-American for Mr. Alexander? (4) Speaking of present-day ministers who were trained in so-called liberal seminaries, he says:

"Many men of this youthful background are now our Protestant pastors. A majority, no doubt, have matured. Others are incurable. They are ideologists for peace and prosperity, they borrow, in and out of context, whatever seems to baptize their arguments." Isn't this exactly what Mr. Alexander is doing, borrowing in and out of context to baptize some predetermined view of his?

I challenge Mr. Alexander on both his implications as to what is American from his view, as to what is anti-American, and as to what is Christian from his phrase "anti-Christian."

As a Protestant minister I realize that a minister is human and ought to stand under the same kind of criticism as any other human person (this is the glory of Protestant Christianity on its well-documented Scriptural thesis of the "priesthood of all believers"). Also, a minister is a spokesman for God—his first obligation is to represent his God. This often presents a dilemma—where is his position when a general consensus of human opinion conflicts with his understanding of God, but to represent the will of God as he understands it?

I am an American, proud of my heritage and devoted to my country. As an American I plead for freedom of speech. My plea in this article is for all persons who would make their opinions known (in this instance, about the Air Force manual and the relation of many clergymen to its implication) to be sure whereof they speak and to not represent "hearsay" or personal prejudice as fact (as I believe Mr. Alexander has done). I believe some of the arguments people have put forth pro and con concerning the Air Force manual, the National Council of Churches and clergymen in general have not represented the facts as much as they have served only to whet the grindstone for other axes.

PAUL L. KITLEY,
Pastor, First Christian Church, Monticello, Ind.

"WE SHOULD BE SLOW TO LABEL A PERSON OR GROUPS OF PERSONS"

To the EDITOR OF THE STAR:

I promised myself that I would not write a word to The Star, or to anyone else, believing that words can be twisted and gnarled to prove a point. I have had it happen before. But I cannot remain quiet. Even as the great Apostle Paul said: "Woe is me if I preach not the Gospel."

Mr. Holmes Alexander in his column, "Many Ministers Exposed to Pacifist Training," accuses many of the "clergy whose minds are still adolescent." After reading the column, I wondered "how adolescent" can one get in his reasoning. He accused Jeremiah and Isaiah of being "do-nothing" men. Whom did history prove wrong? What happened to Judah? (Judah did not listen to either of them and disappeared into exile). Why are their names immortalized? Why are their works included in the Holy Scriptures?

He accuses pacifists (of which I am not one, but whose right I would defend) and others of not discussing basic teachings of the New Testament. I have never heard a pacifist refer to Jeremiah or Isaiah, but mainly to the teachings of Jesus. "Love your enemies, do good unto those who persecute you" • • • "turn the other cheek" • • • and in an act of defense, Jesus said to Peter: "Put your sword back into its place; for all who take the sword will perish by the sword" • • • and others. The pacifists that I have met are sincerely interested in taking Jesus at His word—literally, as some of the people we call saints today (St. Francis and others—St. Francis was called a fool for God).

It is strange to see the apostles of discord (the American Council of Churches) and men such as Holmes Alexander and others in the same bed. Can they swallow this attack on Jeremiah and Isaiah in their literalistic interpretations of the Bible? I have not seen anyone reply or are they fearful that they might be found defending some befuddled liberal?

We are in danger of fighting each other in this country, rather than the enemy. We have been enjoying tagging everyone else with a label. We use so much faulty reasoning. For instance, Howard Kershner (L.H.D. and what have you) would reason: "There is no difference between communism and socialism. Social security is socialism, therefore anyone favoring social security is slightly pink or even red. (Hence, many of our leaders can be at least a glowing pink.)" We reason that anyone who disagrees with our viewpoint is either a Red or an adolescent. We do not respect each other's opinions and beliefs.

Would that we could take Dr. Harry T. Hodgkin's attitude: "I will always seek to discover the best and the strongest points in my brother's position. I will give him the credit for sincerity. I will avoid classifying him, and assuming he has all the characteristics of the class to which he is supposed to belong. I will try to remember that I may be mistaken and that God's truth is too big for any one mind."

I believe we should be slow to pin labels on any person or group of persons. Maybe we should be more like Gamaliel, the cautious Pharisee, when his brethren were ready to condemn all Christians. He said: "Keep away from these men and let them alone; for if this plan • • • is of men, it will fail; but if it is of God, you will not be able to overthrow them. You might be found opposing God."

Much of our labeling is done out of fear, hatred, and emotionalism. If we have the truth we need not fear—for truth is eternal. Keep sane, keep humble, love one another (including your enemies and those with whom you may disagree).

HAROLD KRATZAT,
Pastor, Saron United Church of Christ, Linton, Ind.

Mr. Speaker, under unanimous consent I include in the RECORD the following editorial from the February 29, 1960 issue of the Evansville Press, a Scripps-Howard newspaper, entitled "Clean Out the Gremlins—Preparing Manuals Is No Job for Hack Writers and Editors." Editorial follows.

CLEAN OUT THE GREMLINS—PREPARING MANUALS IS NO JOB FOR HACK WRITERS AND EDITORS

We are told the Air Force has about 600 assorted training manuals. It is a safe guess they have cost several million taxpayer dollars.

Judging by the current controversies, some of the authors must have been gremlins.

Congressman CHARLES C. DIGGS, JR., of Detroit, now says the Air Force has withdrawn another manual—called the Strategic Command Security Motivation Pamphlet—because he protested the reprint of a magazine article claiming racial integration in the armed services had reduced efficiency and morale.

The Air Force already was in the soup for publishing manuals on dog care, cocktail mixing and alleged Communist infiltration of churches. These, too, have been withdrawn—after protests.

Take the security manual denounced by the National Council of Churches. Air Force Secretary Dudley C. Sharp first categorically repudiated this one, then testified before a House committee that he believed the objectionable statements were true, then appeared to deny his testimony. This, of course, cleared up everything.

Some of these manuals obviously are unnecessary—such as one which comments philosophically and clumsily, on marriage. In other cases, the information and intent given the writers may have been solid, but the stuff came out as poppycock. Security problems, for instance, are too serious to be handled by hack writers and subjected to only cursory review by some lackey, as the Air Force admitted in the case of the booklet which aroused church leaders.

All this foolishness tends to make our biggest armed service appear not to know what it is doing. If the Air Force is to prepare training manuals, as it must, it should give the job to some editors who understand their work. But first Mr. Sharp had better clean the gremlins out of his own office—since he seems to be more infested with them than anyone.

Mr. Speaker, under unanimous consent I include in the RECORD an article published in the May 1960, issue of Together, a publication of the Methodist Church, entitled "Nation's Press Says Manual Based on Unproved Charges":

NATION'S PRESS SAYS MANUAL BASED ON UNPROVED CHARGES

The now-famous Air Force manual, with its charges that the clergy has been infiltrated by Communists, has caused quite a stir in church circles.

Not unexpectedly, the Indianapolis Star defended the manual. It editorialized: "We have studied the full text of the manual very thoroughly, and we cannot understand why it was withdrawn. • • • We find the manual a very timely, a very reasonable, and a very admirable document. • • • We think the educational department of the U.S. Air Force should be congratulated for having done an excellent job in exposing the underground Communist activities in the U.S. churches."

But most of the Nation's press didn't concur. Here are a few samples of their comments:

New York Herald Tribune: "What in the world an Air Force manual is doing in printing such rubbish • • • is something we wouldn't know. But the sentiments are familiar. This is exactly the same line that J. B. Matthews was peddling during the McCarthy heyday in a notorious article that brought down the wrath of President Eisenhower upon him and forced his resignation from the McCarthy subcommittee. It is incredible to find this vicious canard now being repeated in an armed services manual."

New York Times: "This remarkable document, among other follies, said that pastors of some churches were card-carrying Communists and that 30 out of 95 persons who revised the Bible for the National Council were affiliated with subversive organizations. The writers of the manual didn't know this to be true. It isn't true, as far as anybody has ever proved."

Philadelphia Inquirer: "It must be discovered who wrote such flagrant untruths and anti-American ideas into the manuals and whether it was a deliberate attempt to misguide Air Force personnel or incompetence on the part of a writer who picked up the line from subversive sources without questioning it."

Minneapolis Tribune: "(The manual) was a dangerously irresponsible piece of stupidity. It dipped meddlesomely into the black art of character assassination and recklessly assailed a fundamental precept of American democracy. Thus, it made the unsupported charge that Communists and fellow travelers have 'successfully infiltrated our churches'."

San Francisco Chronicle: "The further imputation of fellow-traveling to the National Council of Churches, as sponsors of the Revised Version, is of course preposterous. This kind of bilge is frequently found in the American Mercury and other greatly agitated publications of its sort, but we are truly surprised that responsible officers of the Air Force are not alert enough to keep it out of indoctrinal manuals."

Tampa (Fla.) Times: "Are churchmen Communistic? The irresponsibility of the statement is obvious. Without even meeting the author, we would venture to say he would not recognize a card-carrying Communist if he saw one, and that his first-hand knowledge of church membership and the ideology of pastors is nonexistent."

Chicago Sun-Times: "There is a temptation to dismiss the Air Force's latest controversial manual as just another bit of military folly. However, it is extremely difficult to laugh off such viciousness. • • • Such claptrap was repudiated by the Air Force, and the manual was withdrawn as soon as the matter became public. It wasn't surprising, however, to see a Chicago area resident, Edgar C. Bundy of Wheaton, rush to the defense of the indefensible Air Force. Bundy, the man who once ranted against 'subversive' influences in the Girl Scout movement, long has been a peddler of the discredited Communists-in-churches line."

Memphis Commercial-Appeal: "The manual contains many absurdities and some downright lies."

St. Louis (Mo.) Post: "The disturbing aspect of the disclosure • • • is that a branch of the military service could harbor officials so stupid, or careless, or both as to allow this nonsense to be put in printed form."

Mr. Speaker, under unanimous consent I introduce into the RECORD the following editorial from the Christian Science Monitor entitled "Calumny by Training Manual":

CALUMNY BY TRAINING MANUAL

The latest training manual blunder by the U.S. Air Force is by far its worst.

It seems incredible that a widely distributed service publication could baldly state that "Communists • • • and sympathizers have successfully infiltrated into our churches" without being corrected by any authority until an airman showed it to his minister.

The Pentagon has now repudiated the attack (primarily aimed at the National Council of Churches of Christ) and recalled the manual. It is to be hoped that the investigation of how such a blatantly false allegation got so far will not be a superficial one aimed only at finding a scapegoat.

Even now, 6 years remote from McCarthyism, occasional self-seeking and hypocritical attempts are made to brand an innocent group "Communist" in order to discredit it. Such calumny unfortunately turns up in some cases of racial strife, business-labor differences, and diplomatic rivalries.

Happily the story of the Air Force manual has been widely publicized, despite a second passage in the booklet which reads: "Another foolish remark often heard is that Americans have a right to know what's going on. Most people realize the foolhardiness of such a suggestion."

Fortunately, most people realize the foolhardiness of the manual writer's whole warped thesis.

Mr. Speaker, under unanimous consent I include at this point in the RECORD a statement entitled "The National Council of Churches—What It Is, What It Does":

THE NATIONAL COUNCIL OF CHURCHES—WHAT IT IS; WHAT IT DOES

WHAT IS THE NATIONAL COUNCIL OF CHURCHES?

It is an agency through which Protestant and Orthodox Churches in the United States express their common faith in Jesus Christ as Divine Lord and Savior, and cooperate to focus the light of that faith on all phases of American life.

The churches act through the 70 program units of the council in a spirit of evangelism to encourage Christians to the use of prayer, to the acceptance of personal responsibility, and to study in all matters affecting the life of the Nation. The churches continue their tradition of concern for the welfare of all members of society by speaking and working through the council.

The council is an expression of its member churches' belief that, in spite of diversity of form and doctrine, they are one in their faith in Jesus Christ. It does for the churches such cooperative work as they authorize it to carry on in their behalf.

WHAT DOES THE NATIONAL COUNCIL DO?

First, it works constantly to make Christians more aware of the central unity of their faith. It aids Christians to direct their faith into channels of action.

Through its division of Christian education, the council gives guidance to the united Christian youth movement. It provides 8 interdenominational summer conferences through the commission on missionary education, which also reaches 7 million persons annually by means of books, play, filmstrips, and films produced by the Friendship Press. The division administers some 600 leadership schools each year, guides religious education and daily vacation schools, coordinates programs for 471 church-related colleges. The division produced and holds the copyright of the Revised Standard Version of the Bible, and serves as the custodian of its basic text.

Through its division of Christian life and work, the council encourages study in the churches of international affairs and worship and the arts; seeks to stimulate among Christians the application of Christian principles to economic life and racial and cultural relations; gathers and analyzes information on religious liberty; helps to coordinate the churches' health and social welfare agencies with national voluntary and Government agencies; aids the denominations in planning a cooperative approach to stewardship and benevolence.

Through its division of home missions, the council works to meet the changing needs of urban and rural churches; maintains a church building consultation service; has programs for agricultural migrants and Indians; provides a clearing house of information and experience for home missions institutions; assists member boards and agencies in recruitment of missionary personnel.

Through its division of foreign missions, the council coordinates the proclaiming of the Gospel overseas by 73 foreign missions boards and 41 denominations. It works with the churches in area committees, and with the churches overseas through national Christian councils, on problems facing Christian missions in 60 countries. It assumes responsibility for the health of missionaries while in the United States, and supplies clinical services through the Associated Mission Medical Office. It conducts a literacy program in 65 countries.

Through Church World Service, 35 Protestant and Orthodox boards and agencies provide world-wide aid to the needy. CWS sends millions of pounds of food, clothing, medicines and other relief aid overseas annually. It rehabilitates war amputees, runs child care centers overseas and has already brought more than 100,000 refugees to the United States.

Through the central department of evangelism, the council holds national Christian teaching missions, campus meetings and programs, services and discussions at military bases. It cooperates in a national parks ministry.

Through the general department of United Church Women, the council promotes the united work of church women in missions, world relations and social action; sponsors the World Day of Prayer; World Community Day for relief and international understanding; May Fellowship Day for the local community; and programs of leadership education.

Through United Church Men, the council helps develop programs that concern the national consciousness of churchmen in local communities, supports their emphasis on Christian colleges and Christian missions in cooperation with existing programs of the National Council.

Through the broadcasting and film commission, the council presents Christian programs on radio and television networks and stations; maintains liaison with the movies; prepares audiovisuals for the churches; provides broadcast training for clergy and laity.

Through the bureau of research and survey, the council gathers and analyzes information, carries out research in cooperation with colleges, universities, and foundations; publishes Information Service, a biweekly review and digest; gathers church statistics, and publishes them in "The Yearbook of American Churches."

Through its Washington office, the council provides information about Government activities affecting the churches and their Christian concerns, and supplies to Congress, executive departments, and nongovernmental organizations, facts about the structure and programs of the council.

WHO IS REPRESENTED IN THE NATIONAL COUNCIL?

Thirty-three Protestant and Orthodox communions in the United States are members of the National Council. These denominations have a total membership of about 36 million.

There are almost 40 other denominations, or boards and agencies of denominations, that are not members of the council but cooperate in one or more of the council's activities.

Member denominations elect their own representatives according to procedures they establish for themselves. Members of the clergy, lay people and youth are included in the representation.

There are 954 local and State councils of churches, and more than 2,000 ministerial associations, which work with the council at the community level. State and local councils of churches also are represented officially in the council.

HOW ARE COUNCIL POLICIES DECIDED?

Council policies are established by denominational representatives, who sit in the general assembly and general board, the two governing bodies of the council.

The general assembly consists of 443 clergymen and 251 laymen. It meets every 3 years and acts as a central body of interdenominational decision. Its next meeting will be in San Francisco in December 1960.

The general board meets 3 times a year and consists of 166 clergymen and 90 laymen. The board reports regularly to member denominations, making the council responsible to its constituent member churches.

Through the assembly and the board, the council speaks as a united voice on matters of ethical, moral, or religious concern to its membership.

Almost all of the council's 70 program units are directed by committees composed of denominational executives. In specific programs and general policies, the council is supervised and governed by representatives of the communions that comprise it—2,700 lay men and women and 2,800 clergymen.

Despite the vast scope of the council's work, the fulltime staff of the council numbers only 700 employees, of whom about 200 are executives, the remainder being clerical and secretarial. Most of these people work at headquarters in New York, but there is a small office in Washington, D.C., and another in Atlanta.

HOW IS THE COUNCIL FINANCED?

The council's funds come from the following sources: About 61 percent is contributed by denominations, local churches, and related organizations; another 12 percent consists of gifts from individuals, corporations, and foundations; approximately 26 percent is derived from gross sales of council materials; and 1 percent comes from investments.

HOW IS THE COUNCIL BUDGET DIVIDED?

The two largest items are spent on interpreting Christianity through evangelism, teaching missions, use and understanding of the Bible, radio, television, and the press; and on relieving distress, furthering reconstruction, and promoting Christian understanding overseas.

The next largest sum is spent to reach the underprivileged and the unchurched.

Instruction to youth, the application of Christian principles to life, and the stimulation of local cooperation are the next three largest budget categories.

Combined costs of administration and central services total 8 percent. With supervision of council programs, and special research-and-survey and advisory services, these complete the list of budget items.

The council's annual net budget varies in size from year to year. It was $12,454,840 in 1959, $11,325,160 in 1958, $13,212,620 in 1957.

WHAT DO THE CRITICS SAY OF THE COUNCIL?

That the council is liberal in its theology. These critics disregard the fact that the council has no theology of its own. The council is forbidden by its constitution to determine theological matters, which are the sole concern of its member churches.

That the council is a superchurch. These critics disregard the fact that the council is forbidden by its constitution to exercise any authority or administrative control over the churches or to prescribe any form of church government.

That the council is liberal in its politics. These critics disregard the fact that the council is not a political organization and has no political affiliation. The member churches express through the council their belief that all political organizations are under the judgment of God and their conception of the witness the Christian citizen must make in whichever field he works, whether it be labor, industry, management, business, social welfare, government.

That the council is a welfare organization. These critics disregard the fact that the member churches authorize the council to contribute to the life of the Nation by expressing the churches' concern for the welfare of all of society. The churches authorize the council to engage directly in some welfare programs just as the churches themselves have always done.

In sum, the council makes it possible for regular church-going Americans to exchange their best wisdom on church work, and to manifest through the council their single purpose in witnessing to their faith in Christ in every realm of life.

WHERE DOES THE COUNCIL STAND?

Communism: The national council is and always has been unalterably opposed to communism. The general board, meeting in Seattle, June 4, 1959, reaffirmed "the consistent position of the National Council of Churches expressed in many official actions opposing the evils, the violence and the violation of human rights by Communist and other tyrannies."

International aid and trade: "This assembly advocates balanced, expanding programs of international aid and trade to the end that, in this interdependent world, its various peoples, all created and cared for by God, may have a more abundant life, with more well-being, knowledge, justice, freedom and peace" (general assembly, Dec. 5, 1957).

Collective bargaining: "We recognize the right of both employers and employees to organize for collective bargaining, and in connection with employees we believe that it is generally desirable to do so" (general board, Feb. 27, 1958).

Segregation: "The National Council of Churches renounces and earnestly recommends to its member churches that they renounce the pattern of segregation based on race, color, or national origin as unnecessary and undesirable and a violation of the Gospel of love and human brotherhood" (general board, June 11, 1952).

Peace and the United Nations: "We believe the United States should seek to strengthen the ties by which the freedom-loving people in all the nations are bound together • • • We believe in the United Nations. We believe the United States should negotiate without appeasement with other governments, both within and without the United Nations • • • We believe the United States, preferably through the United Nations, should implement • • • a program of assistance to the underprivileged peoples of the world" (general board, Jan. 17, 1951).

Religion and public education: "The home and the church must assume their primary roles as teachers of religion. No agency of the State, including the (public) school, can safely or wisely be entrusted with this task" (general board, May 20, 1953).

Freedom to speak: "(We) uphold the right and duty of the churches and their councils to study and comment upon issues of human concern, however controversial • • • (and) resist all efforts to discourage full freedom of discussion and, in discussion, reject attempts to suppress such freedom" (general board, Feb. 25, 1959).

Mr. Speaker, I would like to remind Members of the House that on February 2 of this year, we unanimously passed a resolution expressing the profound sense of indignation and shock felt by Congress at the recent acts of desecration of synagogues and other places of worship.

I was proud to have been one of the sponsors of this resolution.

Just as I believe Congress should have expressed its shock and indignation at the kind of desecration of places of worship represented by the wave of anti-Semitic and anti-Catholic demonstrations in Western Europe and elsewhere in the world, I believe we in Congress must declare our shock and indignation at the type of desecration of religion and religious institutions which is symbolized by the accusations contained in the Air Force Manual.

Now I said the accusations in the manual are a symbol of a type of desecration of religion and religious institutions. Let me cite to the Members of the House the kind of mind which has joined in leading these attacks and I think they will have a clearer understanding of what is behind these anti-Christian activities.

Only yesterday there came to my desk, unsolicited, I assure you, the March-April 1960 issue of a rather unusual newspaper called the Independent American. I think you will be interested to learn just what the Independent American is independent of. First of all, the masthead of the paper declares its belief that "there is no difference between a New Deal Democrat and a Socialist-Internationalist Republican." So the Independent American is for a third party.

Second, if you think highly of Mr. Eisenhower, the Independent American does not think highly of you. The paper quotes an editorial saying:

> The symbol of ridiculous appeasement is Prime Minister Chamberlain's umbrella. • • • Apparently, Mr. Eisenhower has borrowed Mr. Chamberlain's umbrella. Chamberlain carried it only to Munich. President Eisenhower has toted it to the remotest corners of the world.

Maybe you like the distinguished majority leader of the U.S. Senate, a man whom I described in Detroit last month as the most brilliant majority leader in the history of the Senate. The Independent American discusses what it calls LYNDON's trickery and says that "LYNDON JOHNSON stabbed the South in the back with his crafty maneuvers regarding the civil rights bill."

What about Vice President NIXON? Well, he, along with Senators HUMPHREY and KENNEDY, is editorially attacked by the Independent American as a man of fuzzy thinking not fit to be President of the United States.

There is in fact one article in the paper which bluntly declares that Vice President NIXON "places his faith not in the United States but in some ephemeral sort of world government," which "would be controlled by the Soviet Union." It will not therefore astonish Members of the House to learn that the Independent American seriously contends that Senator KENNEDY cast votes in the Senate which "were of assistance to the Communists."

Mr. Speaker, before long we are going to run out of candidates.

I would remind you that this newspaper carries one advertisement which reads in part as follows:

> Rightwing editorials wanted. Patriots, please send us rightwing, patriotic editorials which may appear in your local newspapers.

Now, what does all this in the Independent American have to do with the attacks on the National Council of Churches?

On page one of the issue of this remarkable publication appears an article repeating the very same charges against the National Council of Churches which are the subject of our discussion here today. So a newspaper which castigates as unpatriotic such distinguished Americans as Senators JOHNSON and HUMPHREY and KENNEDY, which says that our distinguished Vice President, Mr. NIXON, wants America to join in a Soviet-controlled world government—such a newspaper says that the Protestant churches of America and their ministers are infiltrated by Communists.

I cannot conceive of a party line more likely to cause hatred and ill will and disunity among Americans than the type of thinking represented by the kind of mind that would produce such diatribes. Perhaps the publication of this newspaper is secretly being masterminded by the Communist conspiracy in this country. I do not know for sure. I do not know for certain that the Communists are behind this newspaper or that the Communists are behind the attacks on the National Council of Churches. But there can be little question that such attacks aid and abet the Communist cause and that they do not strengthen the cause of America in the world.

Mr. Speaker, these attacks are so ridiculous that they would be amusing if they were not taken seriously by some of our citizens. I recall what my friend the gentleman from Illinois [Mr. PRICE] said to me on the floor of the House one day recently following publication of the passages from the Air Force Manual. "Why," said the gentleman smiling, "it is getting so folks will be afraid to go to church."

Mr. Speaker, a little over a year ago, Members of Congress heard one of the most eloquent addresses that, I venture, has ever been delivered in this Chamber when Carl Sandburg spoke on the 150th anniversary of Abraham Lincoln's birth. During his talk, Mr. Sandburg quoted from a letter written by Lincoln in 1855 to a friend in Kentucky. Said Lincoln:

> Our progress in degeneracy appears to me to be pretty rapid. As a Nation we began by declaring that "all men are created equal, except Negroes." When the Know-Nothings get control, it will read: "All men are created equal except Negroes and foreigners and Catholics." When it comes to this, I shall prefer emigrating to some country where they make no pretense of loving liberty.

Mr. Speaker, I am sure that, with a statement like that, Mr. Lincoln would not have enjoyed the support of the Independent American.

Indeed, Mr. Speaker, if Abraham Lincoln had been alive today, he might well have amended one line in his statement to read as follows: "When the Know-Nothings get control, it will read: 'All men are created equal except Negroes and foreigners and Catholics and members of any church affiliated with the National Council of Churches of Christ.'"

Mr. Speaker, as Bishop Raines of Indiana said, let us not be Communist-copiers.

Mr. Speaker, as one of my lay constitutents has suggested, Is it not about time for a return to sanity?

Mr. JOHNSON of Colorado. Mr. Speaker, at this time I yield to the gentleman from Texas [Mr. WRIGHT].

Mr. WRIGHT. Mr. Speaker, as I have listened to this discussion I have reflected in my mind how utterly incompatible are the teachings of Christianity with the doctrines of communism. I lay no claim to being a theologian, but I am a Christian. It is my privilege and pleasure to serve as a member of the Permanent Judicial Commission of the Presbyterian General Assembly, and perhaps this confers upon me a responsibility to say something in this regard. If I understand Christianity and if I understand communism it is not possible, in keeping with intellectual consistency, for any person to believe in both. A man may be a Christian, or he may be a Communist, but he cannot be both.

Christianity's God has instructed, "Thou shalt have no other gods before me."

Communism has commanded, "The state is your highest master. Worship the state."

The Christian's code directs, "Thou shalt honor thy father and thy mother." The Communist masters indoctrinate, "You are the child of the state. The state has reared you and supports you. It is your duty to betray any member of your family to the party if you suspect him of treasonable sentiments."

The sacred laws of Moses declare, "Thou shalt not kill, Thou shalt not steal, Thou shalt not bear false witness." The Communist creed teaches that there are no moral absolutes and that truth is only that which proves the Communist cause.

The Tenth Commandment teaches, "Thou shalt not covet." The entire appeal of communism in the downtrodden portions of the world has been an appeal to covetousness among the have-nots for the possessions of the haves.

Another commandment directs, Thou shalt not commit adultery. The Communist creed teaches it is a woman's duty to bear children to the State, that "the new order protects the young mother's honor from the inhibitions of custom."

The two philosophies are incompatible. They clash on every principle. I wonder truly if they can long exist side by side in a world as small as this one has become.

Why do we as a Nation believe that men and women are destined to be free? Well, if for no other reason than that we believe them to be children of God, created in God's own image, and that nothing less than freedom and human dignity are worthy of them as such. Thus the whole concept of individual liberty, upon which our Government is founded, can be based upon nothing less than a fundamentally and deeply religious concept.

I believe it follows naturally enough that only a deeply religious people can maintain and preserve freedom. This is not true only because irreligious people are so much worse. I think the reason goes much deeper than that.

Ruskin said that the strength of a society may be measured by the amount of persuasion that may be used as opposed to the amount of force that is necessary. The vibrancy of a people is measured in its self-disciplines, and these are more the work of religion than of law.

The late Albert Einstein recounted on one occasion that he had expected when Hitler began his brutal rise to power in Germany that powerful resistance would develop among the great universities, the great centers of learning, but for some reason when the pressure was applied their will to resist melted like butter in the sun.

Then, he said he expected the resistance to come from the trade union movements with their great numerical strength, but for some reason or another effective resistance did not develop from that source.

Then, said Einstein, from the source from which he had least expected it, from the Christian churches in Germany and in occupied Europe, came nazism's only effective resistance.

We all remember those days, how we thrilled to the heroic courage of such men as Pastor Niemoeller, Cardinal Faulhaber, and Archbishop de Jong, who knowingly risked imprisonment and death rather than betray their fundamental religious convictions, which teach that the mind is the expression of the soul, which belongs to God and therefore must be kept inviolate by government.

Thus it seems to me that when we come right down to it not only is Christianity thoroughly and utterly incompatible with communism but the teachings it expresses, the doctrine its members hold, the precepts that it propagates throughout the land, are our surest defense against tyranny of any form, and that anything which undermines that effectiveness, anything which seeks to distort or trample upon that dignity or dictate to the church, is a wicked thing.

Why have the dictators learned that their first act must be to seize control of the church and twist it to their own demented thinking, and if they cannot do that then crush it completely?

This is because they have realized in their own diabolical cleverness that in the final analysis it is only the person whose heart is attuned to a higher law and a higher loyalty who will never make a bargain with tyranny. Let our hearts then attune to the higher loyalty, which is God, that we as a Nation may resist any effort to make bargains with tyranny.

Mr. JOHNSON of Colorado. I thank the gentleman from Texas for his very fine statement.

Mr. COHELAN. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Colorado. I yield.

Mr. COHELAN. Mr. Speaker, I thank the gentleman from Colorado.

Mr. Speaker, I should like to take this opportunity to congratulate the gentlewoman from Oregon [Mrs. GRIFFITHS] on her magnificent statement and views on this very important question. I should like also to take this opportunity to congratulate those who have supported this very fine and definitive statement on this very important subject.

As a member of the subcommittee on manpower utilization, which recently had an opportunity to review this question, it was my privilege to hear an explanation on this issue by the Air Force. I am very happy to say the Air Force very promptly admitted they had made a capital error. I cannot recall the name of the general involved who had charge of the organization of training manuals, but on interrogation he admitted, that there was a very great mistake made and that the methodology of the Air Force in connection with how they put this material together was, to say the very least, careless and most unscholarly and certainly invited the kind of mistake that was made. I would merely like to express the hope that this colloquy that has taken place today along with the excellent and definitive statement by the gentlewoman from Oregon and all that has accompanied it will be read very carefully by those who are in charge of this particular type of activity in our military services when in the future they embark upon this very important matter of developing and editing needed training manuals for our armed services.

Mr. JOHNSON of Colorado. I thank the gentleman from California.

Mr. BARR. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Colorado. I yield.

Mr. BARR. Mr. Speaker, back in February when the Air Force manual furor erupted, my first reaction was outrage. It seemed to me that the manual's attack on our churches was an attack on my way of life—the way my family has lived in this country for about 200 years. My great-great-grandfather, a veteran of the Revolution and a man who loved to boast that he "shot his way into Indiana" about 1805, would have undoubtedly gone for his rifle had anyone attacked his pastor. We live in a more polite age when shooting irons are frowned upon as a method of resolving domestic differences, but my first reaction was to grab for a typewriter and television and radio time. I banged out the following letter to the Secretary of the Air Force; I released it to every newspaper in my district—both daily and weekly; and I said the same thing on television and radio time. This is what I said on February 18:

MY DEAR MR. SECRETARY: I was personally gratified to see your prompt action withdrawing the Air Force manual which attempted to connect communism with the churches in the United States of America. I am, however, deeply disturbed about attitudes in the Air Force that could even bring forth such a dreadful indictment of our religious heritage in this country.

I represent a district that is often regarded as a typical American community. Indianapolis, Ind., is a great urban center located in the heartland of this Nation. It has hundreds of churches of nearly every denomination. After reading the statements included in your manuals we ran a cursory check of our own congressional files, and I thought that you would be interested in the results. We have received many letters from clergymen of different faiths. Only rarely, however, have any of these letters concerned themselves with legislative issues or national policy. Nearly every one was concerned with a personal problem encountered by a parishioner of the clergyman.

A few examples might support my thesis. A Catholic priest once asked if it would be possible to speed up by a day or so a young man's return from Germany so he could be present when his brother was ordained as a priest (the Army granted this request). We received nearly 60 applications for appointment in the year 1960 to the various military academies. Almost without exception these applications were accompanied by a letter from the pastor of the boy's church, with a statement as to his moral character. One minister of the Society of Friends (Quaker) asked our help in his attempts to adopt a little Korean girl. A monsignor appealed to us to assist in straightening out the status of a young Vietnamese from exchange alien to that of student. A Presbyterian minister asked our assistance in helping a displaced family protect its property in Hungary.

The above instances illustrate a trend that runs through my files, and for the life of me I cannot see that it has any connection with communism. On the contrary, it would indicate to me that our Indianapolis clergymen, and undoubtedly clergymen throughout the Nation, are profoundly interested in being "good shepherds of their flocks."

I might add that when I came to the Congress I received one bit of advice directly from my own church, and indirectly from the Catholic hierarchy. This advice was to keep my family together and to bring my wife and children with me to Washington.

I honestly believe that you can consider Indianapolis as typical of the United States. I also believe that my personal experience supports my conviction that the churches in this Nation are concerning themselves with their historic duty of serving the human race. No institution in the world today constitutes such an implacable foe of the entire Communist ideology. I hope that you will not be content with merely withdrawing these manuals, but that you will also take whatever steps are necessary to eradicate this line of thinking in the U.S. Air Force.

Sincerely,

JOSEPH W. BARR.

After firing off this initial blast, I retired to my more normal pursuits—fretting about the financial problems of the United States. I thought that I had said my piece—I had made my position clear—and that was the end of that. I expected to get a large volume of mail on the subject, and I did. Most of the letters supported my position; some attacked it bitterly. This was just about what I expected.

However, the incident does not seem to have been closed. Most of the Protestant clergymen from my district have asked me to stand up today to support this movement on the floor. I am no

theologian; I do not qualify as a philosopher, but if we are going to stand up and be counted around here, I want to make it clear that I stand squarely behind my clergymen. They merit and deserve every ounce of support that I can give them.

This attack seems to be centered on the great spectrum of Protestant churches affiliated with the National Council of Churches. The next attack could be leveled at the Roman Catholic Church or our Jewish brethren. I want to make it abundantly clear at this point that any power or any influence I might possess will be used in their defense as well.

Plato said many years ago that democracies would not work. He insisted that they followed a steady progression into oligarchy and then into tyranny. This Nation is now in about the 180th year of its experiment in democracy. Its success so far has been buttressed by our strong religious heritage. This was a factor which Plato never took into account. In my opinion it is the one factor that can keep our democratic experiment strong and vital.

In conclusion I am submitting for the RECORD the following letter from my bishop, the Right Reverend John P. Craine, D.D., a dedicated Christian and a distinguished American citizen:

THE DIOCESE OF INDIANAPOLIS,
DIOCESAN OFFICE,
Indianapolis, Ind., April 16, 1960.

DEAR JOE: I have heard that there may be a bipartisan consideration of the issue of the Air Force Manual and the National Council of Churches, possibly this coming week in the House. I did want you to be sure of my own deep concern about this issue. I have always been grateful for your openmindedness on such issues.

The whole ecumenical cause is very definitely at stake in this issue. We have made tremendous strides in the last two decades in terms of working together in a common Christian cause. I wish I could say that we had reached deeper theological levels, but the beginning of any endeavor really comes through mutual sympathy and understanding. Once we have established conversations on these levels, and common action, then a real uniting of the cause of Jesus Christ may be more possible than we can dream at this moment.

Now the attack on the National Council of Churches really threatens some of this progress. The tragedy of Protestantism has been its divisiveness, and an individuality which robs the church of any sense of discipline in the purposes and mind of Jesus Christ. The attacks themselves are not new. The only thing that is new has been their acceptance on such a supposedly objective and impregnable level as the U.S. Air Force would imply. But even the U.S. Air Force is run by human beings.

It is unthinkable that any Christian, Protestant, or Catholic, could ever be a thoroughgoing Communist. Their whole basis for being is entirely antithetical to us. My favorite definition of a heresy is the one which describes it as "the overemphasis of a neglected aspect of truth." The Communist heresy began with the idea of the rights of the common man. This is an obvious aspect of truth, though not the whole truth. They have made a total religion out of this, neglecting God who is the author of the rights of man. Now they have become the enemy all that we stand for. No thinking Christian would ever be tempted to follow that leadership.

One of the techniques of the "big lie" is to identify those who are concerned for the inequities and injustices of human systems with communism. The Christian must always be free to be critical of his own government, asking that it always measure up to the standards of Jesus Christ. If this is communistic, then you and I would both have to plead guilty. You and I are both critical of our own Government at points.

If America ever reaches the point where freemen cannot be critical of their government, but are castigated as Communists because they are concerned for human rights and injustices, then we are through with the glorious heritage and destiny which have been ours. I do hope you will commit yourself fully on this issue. Do forgive me for putting this so strongly upon your conscience.

God bless you always.

Sincerely,

JOHN P. CRAINE,
Bishop of Indianapolis.

Mr. JOHNSON of Colorado. I thank the distinguished gentleman from Indiana and the others who have spoken.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein letters and excerpts from letters and articles.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. JOHNSON of Colorado. Mr. Speaker, I rise because there is a great deal of interest and concern in this issue throughout the country and in my district. I should like to open my remarks this afternoon by including the text or portions of the text of a number of letters which I have received from persons active in the church life of Colorado.

Here, for example, is a letter received from the resident bishop of the Methodist Church of the Denver area, Glenn Randall Phillips. This area includes Colorado, Montana, Wyoming, Utah, and eastern Nevada. His letter reads as follows:

The sheer effrontery of the accusations against the National Council of Churches appearing in the Air Force training manual has left me first stunned, but now stirred to the depths. The charges actual and implied involved Protestant churches and honored Christian leaders throughout the land. Their falsity is apparent to any sincere seeker after truth. To be permitted to label any pronouncement as Communist which is different or dares to deal with the application of Christian principles to present-day problems is to threaten the historic freedom of the American pulpit.

Moreover, the license enjoyed by the House Committee on Un-American Activities to open the files of information or misinformation making it available to all kinds of people with all kinds of hates and prejudices is manifestly unfair. Herein, I am convinced, is to be found the unhealthy source of many unwarranted and baseless attacks upon the good name and reputation of some of our best citizens.

Surely a more effective control on this phase of the work of the House Committee on Un-American Activities would serve to guard our sacred heritage of freedom.

Personally and in behalf of our Methodist members and constituents let me thank you for all you may do to help prevent a repetition of harmful and unjust attacks such as those loosed upon the denominations making up the National Council of Churches.

A letter from the dean of St. John's Cathedral, Denver, Colo., the Very Reverend William L. Lea, reads:

I am writing to urge you to oppose to the fullest the kind of attacks upon the churches of America which were recently made in the Air Force Manual with which I am sure you are already familiar. This attack does not affect just the National Council of Churches but the constituent members of the same. These parish churches across the land are, in my judgment, the most effective opponents of the Communist philosophy and that sort of materialism which breeds communism which we have.

There are undoubtedly, some disloyal people in every area of our national life, but from a very wide experience I think I can honestly say that very few of these people are in any way officially connected with the churches of our country. This sort of attack is exactly the kind of thing that would be pleasing to the Russians and it seems to me that we are really playing into their hands.

We should remember, as Palmer Hoyt has pointed out again and again in the Denver Post, that it was during the McCarthy hysteria that we fell so far behind the Russians in basic preparedness. We became so suspicious of each other that we really forgot the true objective of our national defense and the true ideal for which our country has stood for over 150 years.

I do hope you will oppose this manual and all like irresponsible and really rather unfair criticism of the churches of this country.

And here is a letter from the United Presbyterian Church in the U.S.A., the Synod of Colorado, Rev. L. W. Almy, executive secretary:

I am much disturbed about the Air Force manual which accused some 30 translators of the Revised Standard Version of the Bible of being "communistic."

This sort of wild-eyed and irresponsible accusation is unworthy of the Air Force or any other branch of the Government.

I do hope that you will use your influence with the military and see to it that not only is the manual removed and changed, but also that the offense to decent thinking people is not repeated.

Most of the Presbyterian ministers, with probably one or two exceptions, and our own church officially, is solidly behind the National Council of Churches.

From the Colorado Council of Churches, Denver, Colo., the Reverend Edward L. Whittemore, executive secretary, writes the following:

I am sure that you are as distressed as a great many of us in Colorado are regarding the so-called Air Force manual incident. It is incredible that such absurd, untrue, and undocumented charges against many responsible leaders of the churches of America should have been included in these official training manuals of the U.S. Air Force.

As I go about over the State of Colorado, visiting church leaders and members in many areas, and of many denominations, they are all greatly disturbed at this development which slanders the religious leaders of our country. They, and I also, feel that this is a serious departure from the American tradition of the freedom of the pulpit—freedom from restraint and regulation and from fear of reprisal.

This whole affairs seems to be a symptom of the denial of real democracy and freedom of religion through "guilt by association," such as was so prevalent during the "McCarthyism" period. I sincerely hope you will use your influence as congressional committees investigate the origin of these manuals

to clear those smeared in these manuals and to prevent a recurrence of the use of such practices in U.S. Government agencies.

Mrs. S. S. Wheeler, of Fort Collins, Colo., president of the Department of United Church Women, Colorado Council of Churches, writes:

As I've met with women in different areas of Colorado, and last week with some in Wyoming, I've learned that many of them are disturbed over statements made concerning our Government, the Christian churches and their ministers, and at least one document printed by our Government.

I was amazed that the authors of the Air Force Manual 45-0050, increment V, volume 7, would include misleading statements and use some of the references listed. To me it is incredible that some of the publications used for reference should receive any credence, and to use them to guide our youth is indeed most disturbing. The immediate withdrawal of this manual is highly commendable, but the situation which made such a publication possible is a source of concern to loyal citizens, those who believe in the separation of church and State, and those who believe in God.

Freedom of the press, free speech, and freedom of the pulpit, are cornerstones of our country's foundation but there should be integrity to use only properly documented facts when referring to individuals and organizations.

According to the information we have, the activities of the Un-American Committee of Congress is to be commended, but it does seem that their files should be secret and not open to those who will take the charges there as proven fact and use them to further their own selfish purposes. Perhaps this is being done. I sincerely hope so.

Extreme care should be exercised that people whose concerns are for the betterment of humanity are protected in their inalienable rights to work for that situation free from criticism by those promoting selfish interests.

Your continued concern and efforts in these areas are greatly appreciated.

The pastor of the Aurora Christian Church, Aurora, Colo., has written me, and I read the following from his letter:

It is impossible to read and listen to all this irresponsible criticism of the churches and the National Council of Churches of Christ without being disturbed. It was my privilege to be a member of the panel which introduced the National Council to western Oklahoma by radio, and the churches I have served, as well as the brotherhood within which I minister, the Christian Churches (Disciples of Christ), have cooperated with the other representative churches of Christiandom in the United States.

We members of the mainstream of Christianity have kept silent for many years because we did not feel it necessary to try to justify ourselves before the prejudicial groups. If we had catered to them in one particular we would have spent the remainder of our days trying to placate them. There is always something they don't like or that they feel is not scriptural, or that they cannot see through their jaundiced eyes.

Some responsible person should edit the materials incorporated in the training manuals of our Government. No civilian or military executive should allow any self-appointed custodian of America's freedom to place false and libelous materials in the manuals our young citizen soldiers are to read for instruction.

In a letter from the First Methodist Church, Limon, Colo., the Reverend Binford W. Gilbert writes as follows:

Recently a number of unfair charges have been made against the National Council of Churches and pastors of various congregations. The majority of these statements have been of an irresponsible nature.

I am wondering what steps have been taken to document the charges made in the Air Force Manual and apparently in other governmental circles. If there are Communists within the church, certainly we would like to know of them. In several years in the pastorate I have yet to meet my first Communist serving a church.

Although these slurs and attacks on the church are of an irresponsible nature, they can do a great deal of harm among unthinking people. May we encourage that the light of reason and intelligence be turned on this area and, if there are grounds upon which to base accusations of subversion, etc., we would appreciate knowing of them.

The following is from a letter by Marvin H. Adams, minister of the First Methodist Church, Boulder, Colo.:

Our church joins with other bodies protesting the sweeping statement of Communist infiltration in member bodies of the National Council of Church of Christ in the United States of America, as published in one of the Air Force manuals.

Christianity and communism are basically opposed. Secret unfounded indictments in closed files speak of police state and intimidation procedure incompatible with democracy. Furthermore, I served my country with two attendant decorations in World War II and I serve my church with, I hope, some degree of honor and effectiveness. Both serve mankind and God. I resent sweeping accusations and I think persons responsible for these and all who defend their position should be ousted for the good of church and Nation.

Any influence you can use to oppose these scurrilous attacks will be appreciated.

Here is another one from a lay person, Mrs. Frank Havice, Boulder, Colo.:

We are sure that you were shocked as were many here in Boulder at the resurgence of McCarthyism evidenced in the recent Air Force manual incident. The Boulder Council of Churches social action division and the social action committee of the Congregational Church (of both of which I am chairman) have asked me to write to you to express our unalterable opposition to such irresponsible and easily disproved statements as the manual made concerning the National Council of Churches and the translators of the revised standard version of the Bible.

We also want to insist that the freedom of the pulpit to express its opinion without fear of insinuations of disloyalty is a fundamental part of our American heritage and is seriously abridged by such attacks.

We always trust you to express this kind of point of view on civil liberties, but we wanted you to know how solidly the "grass roots" is behind you.

Here is one from Marie H. Talbott, Boulder, Colo.:

"BOULDER, COLO.

DEAR MR. JOHNSON: There is grassroots indignation in Boulder over the scurrilous attack on the Protestant clergy in the new Air Force manual. I know that you, too, are shocked that such unwarranted accusations should have been allowed in the manual. Let's hope this isn't the beginning of a McCarthy revival.

I feel a public apology should be made to the National Council of Churches.

MARIE H. TALBOTT.

The following is quoted from a letter by Steve Ensner, Englewood, Colo., an active layman:

As moderator of the Congregational Church of Washington Park, I would urge the House to thoroughly investigate the ridiculous charges concerning Communist infiltration of our churches and particularly the National Council of Churches.

This is the final inanity of our military that breaks this ex-reservist's back. If you can find any valid explanation for the Air Force's latest in a long line of blunders, please have the Secretary or one of his many highly paid assistants advise me by return mail.

It is not merely the members of the clergy or lay people; other authors, writers, columnists, and responsible commentators have also made similar observations.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Colorado. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Speaker, I want to take this opportunity to commend my distinguished colleagues from Oregon, Colorado, and Iowa in precipitating this much needed discussion today on the Air Force Manual attack on the loyalty and the integrity of the National Council of Churches.

Some people feel that the issue is now closed with the withdrawal of the manual—but it cannot be closed and must not be closed until the motives for the attack have been identified. This has not been done. This is yet to be done.

It may be entirely coincidental, but it is interesting to note that while the Air Force Manual dispute is still warmly with us, we are confronted with another controversy on the role of religion in the national political campaign.

The distinguished junior Senator from Massachusetts, Senator KENNEDY, has made a scholarly contribution on this issue.

How far have we really gone in this 20th Century—when religion and the membership in a church should constitute a bar to either service in the Air Force or the Presidency?

Are we to fear religious men with deep devotion to moral laws? Are we to fear the intrusion of morality and religious conviction into our economic and social life? I think not.

Is it wrong for religious leaders to discuss the crushing wrongs of economic and business immorality which surrounds us? Let those who think so, speak out, so that we may publicly discuss their secret concerns.

Mr. JOHNSON of Colorado. I thank the gentleman.

Mr. Speaker, there have been many others who have published articles of a similar vein. Let me add a few excerpts that have come to my attention since this incident has arisen. Here is an editorial entitled "Some Questions for Americans," published in the Rocky Mountain Churchman, a nonprofit publication sponsored by a number of churches and church organizations in the Rocky Mountain area. This article is by Rev. Edward L. Whittemore, executive secretary, Colorado Council of Churches:

SOME QUESTIONS FOR AMERICANS

(By Edward L. Whittemore)

How long are American Christian Church members going to be so gullible as to continue to swallow and believe irresponsible attacks on the acknowledged and devoted leaders of their churches?

How long are American Christian Church members going to tolerate completely unsubstantiated charges and smears, not to say libels, against some of the most competent and world-renowned Biblical scholars of our generation who gave years of time and effort to the translation of the Revised Standard Version of the Holy Bible?

How long are Americans, both church members and nonchurch members going to permit a return to the fanaticism and irresponsibility of the McCarthyism period of our history as evidenced in this recent resurgence of such attacks on our American churches and their leaders?

How long are Americans going to permit various agencies of government to continue the practice of treating false, absurd, and unsubstantiated charges, lifted from confidential files of the so-called Un-American Activities Committee of the U.S. Congress, as material to be seriously used as a basis for security decisions and for official indoctrination of government employees?

These pertinent and basic questions about American life and government and public morality arise from the recent so-called Air Force Manual incident in which all of these un-American activities occurred, initiated by agencies of the U.S. Government, but based in part on irresponsible materials supplied by civilian forces inimical to the growing and united strength of the best representatives of American Protestant religion.

The Denver Post of April 9 carried a letter from the Reverend H. J. van Gorder, Jr., pastor, First Presbyterian Church, Encampment, Wyo., which I believe would be of interest:

CHURCH SPLIT

Thank you for running the column, "Churchee Pressured To 'Stick to Gospel'" in your March 30 issue. I also appreciated your wire service story some weeks ago about the National Council of Churches. Bringing such matters fairly into the open is an important newspaper service.

There are some points which need clarification. The basic split is not between liberals and conservatives within the Christian faith. These are political terms which do not comport with the actual situation. The tension is between those who seek to proclaim the Gospel of Jesus Christ to the 20th century, and those who have confused the Gospel with certain 19th century (and earlier) human presuppositions. These latter are sometimes referred to as "evangelicals," but this is another misuse of terms. An evangelical is one concerned with the Gospel, not with certain defensive dogmas in the fields of politics, economics, geology, and religion.

We do "stick to the Gospel," but we insist that the Gospel be correctly acknowledged. The Gospel is God's judgment on human sin, no matter what form sin may take in government, in the market place, in personal life, or in the Church.

The Gospel is God's power for righteousness in all forms of human endeavor. For Jesus Christ is Lord of all life, not just of a certain department labeled "Religion." He is redeemer of the world, not just of certain "souls."

It is not that those who oppose the National Council object to church social pronouncements. Would to God they were that consistent. As a matter of fact, they are always ready to purchase social statements from Christian leaders which are favorable to their particular views.

So we find an unholy alliance between political ultra-conservatives and Christian pietistic individualists. The former make spurious appeals to religion, and are ready to pervert Christian faith into a political weapon. The latter compromise faith; they are not above violating the Ninth Commandment, or twisting patriotism to their own narrow ends, in search for a silencer against those who cannot agree with them.

These "anti-Protestants" should carefully study Philippians 1:15-18. They might cease their negative niggling and nefarious slander. They might direct their concern to preaching the total Gospel of Jesus Christ to the total needs of the world. Then we could all within his catholic (ecumenical) church agree to disagree in love on certain issues.

The Reverend H. J. VAN GORDER, Jr.,
Pastor, First Presbyterian Church.
ENCAMPMENT, WYO.

Mr. Speaker, the Denver Post regularly carries a column by Jack Guinn, who frequently has pungent comment with respect to the affairs of the day. His article is as follows:

Recent dispatches have reported a growing controversy on whether or not the church is entitled to make pronouncements on secular affairs. This may confuse the devout citizen accustomed to the notion that religion is a philosophy of conduct in personal and worldly matters. If so, it is because he forgot for the moment he lives in the age of the unwelcome opinion, when the quick and the cagey, even when asked for a view on the weather, will take the fifth amendment.

A few days ago Presbyterian laymen meeting in Chicago were cautioned by a businessman that if the church spoke up on social and political questions, the affluent members of the congregation, who like things the way they are, won't pony up donations. This was followed by a New York Times report that wealthy laymen and religious conservatives were pressuring members of the National Council of Churches to stick to preaching Christianity and stop trying to be their brothers' keepers.

It is popular and perhaps even profitable to pretend that it is not so, but there is much evidence that we have come a long way from the days when a man could openly advocate any plan of government, religion, or marriage that he heard about or thought up and still be allowed to spend his money in the stores and show up at the draft board.

We hear frequently that what troubles America most in this time of crisis is a system of ethics so corroded it looks like money. If this is true, it seems only fair that the professional guardians of the rule book should have their say.

There was a time in history when the church had great power and didn't exactly use it to organize Sunday school picnics, but that passed like the era of kings and small wars. Actually, the only ancient institution of respectability that has come down to us relatively unchanged is the moneylender.

The church long ago split into many quarrelsome factions that agree on very little and it doesn't seem logical to fear its opinion. However, the wealthy laymen usually have information not available to the rest of us and may foresee a time, and even believe it imminent, when the church will control the vote. That will be the day the Democrats and Republicans quit fighting for power.

And everybody goes ice skating on the Styx.

Mr. Speaker, the March 1960 publication of the International Reform Federation entitled "Progress" carries an excellent article, "Who Is the Enemy Within?" The president of the Federation is Dr. John Bradbury, the distinguished and beloved editor of the Watchman Examiner. The secretary is Dr. Charles X. Hutchinson, Jr. The article is as follows:

WHO IS THE ENEMY WITHIN?

The other day a young friend, a Reserve officer, sat down with us at the luncheon table. The conversation turned to the subject of subversion. He had learned some incredible things during his indoctrination. Of course it was all secret information. Only the military, and perhaps the FBI and the Un-American Activities Committee, knew about it—or should know about it. He seemed to be sincerely worried about the internal security of the United States.

Outraged about recent disclosures of the ridiculous stuff with which the Air Force has been inoculating our youngsters, I said something like this: "In recent days the American people have witnessed an astounding attempt to undermine the American way of life—and all in the name of protecting it. The most glamorous of the armed services, the Air Force, to which we look for our security and protection, has cast suspicion on the loyalty of our cherished institutions—the church and the school; has scoffed at the basic principle of our democracy—the right of the people to know; and has subjected our youngsters to the insidious temptations of drinking, gambling, and women, thus threatening the moral fabric of the Nation."

"Wait a minute. Aren't you too harsh in your judgment?" asked my friend. "After all, the Air Force is young, a teenager to be exact; and you know how irresponsible teenagers can be."

"Teenagers can be disciplined," I suggested, "but not the Air Force." Even the top man knuckles under to the House Un-American Activities Committee, talking out of both sides of his mouth at the same time, putting on a ludicrous performance as he attempts to sit on both sides of the fence, until a leading newspaper suggests editorially that "perhaps he would feel more at home back in his own little business in TEXAS."

"But," said my friend, "the Air Force is only parroting what the House Un-American Activities Committee has been saying for a long time, so you cannot be too critical."

To which I replied, "I have little confidence in a Military Establishment which apes the one civilian agency which has demonstrated its un-American activities." I suggested that he read the last paragraph of a recent editorial in the Washington Post which said: "There is no way to measure the injury that (Un-American Activities) Committee has done to the fabric of American life by its encouragement of mutual distrust, its suppression of dissent and its technique of condemnation by innuendo."

Somewhat skeptical, my friend retorted: "Even members of the clergy support the charges of the Air Force and the Un-American Activities Committee, and seem delighted when they press those charges."

"Sad but true," I said. "It seems as though some ministers see 'red' whenever they hear the name 'National Council of the Churches of Christ in the U.S.A.' which represents the great body of evangelical protestantism in the Nation. They use the Red-smear technique in attacking those whom they label as 'liberals.' They deal in hatred, and all in the name of Jesus Christ. It is like a virus, and they spread the infection at every opportunity as far as the money sent in through their radio appeals will stretch. It is a melancholy fact that a few men of great ability prostitute their high calling by maligning their brothers of the cloth."

Censorship Manual issued by the Depart-

Not quite satisfied, my friend replied: "It is natural for you to protect your brothers in the ministry, and I can understand your desire to champion the good name of the church which you serve. But aren't you magnifying this issue out of all proportion?"

I invited him to review the revelations of the last few days and decide for himself whether or not I was exaggerating the seriousness of the situation. I invite the readers of Progress to do the same.

SUSPECT YOUR BUDDIES

At the Forbes Air Force Base in Kansas, the "Big Brother Plan" was hatched. Noncommissioned officers were attached to small groups of airmen to check and report on their military and personal activities—a kind of air force gestapo. The noncom must know all about his charges including family history, what he does when off duty, whether he owns a car, how much he owes on it, what his other financial obligations are, and his attitudes on any and all matters.

Mercifully the plan was canceled after an all-out uproar, but it clearly indicates the thinking of the Air Force officials.

SUSPECT YOUR NEIGHBORS

One Air Force manual cautions the youngsters to "keep an eye out at all times for suspicious activities, actual or implied. If you suspect an individual • • • report him, of course." He may be just a complainer but "he will bear watching" anyway. And "be especially watchful for persons who are trying to undermine the Air Force by belittling or sneering." Be careful about your relatives and friends. Don't tell them a thing.

The Air Force is poisoning the bloodstream of the Nation by sowing seeds of suspicion, and destroying confidence even in intimate personal relations.

SUSPECT YOUR SCHOOLS

In discussing communism and our schools, the manual says: "The Reds are trying to take over our schools and we can only assume that they have succeeded in placing some of their people in our school systems. In fact, our Attorney General and the U.S. Office of Education declare that Communists are operating in many of our schools. We can fight [Communist teachers] by keeping up to date on what's going on in our schools. • • • Find out what's being taught. • • • Keep an eye on textbooks."

The U.S. Commissioner of Education says that it is a completely false statement. "No such statement ever came from the Office of Education at any time." The executive secretary of the National Education Association says: "It is quite untrue and quite unfair to leave the impression that Communists have infiltrated our schools." Both educational leaders testify that the Air Force never checked with their organizations on the accuracy of the statements in the manual.

This is a case of downright dishonesty in an attempt to create distrust. Education Commissioner Derthick tells the truth when he says that American teachers are among "the most serious and dedicated persons" in the United States, and that they are devoted to advancing "the ideals of our American way of life."

SUSPECT YOUR CHURCH

A recent news story begins: "The Soviet Communist Party seems to be stepping up a bit its unrelenting campaign against religion. • • • The latest gimmick in this never-ending campaign is a new monthly magazine entitled 'Science and Religion.'"

The Air Force did the Communists one better. A manual was issued with the official sanction of the United States behind it for the purpose of indoctrinating our youngsters with the idea that the church has to be watched and that "Communists and Communist fellow-travelers have successfully infiltrated our churches." Then to top that off, the Air Force insinuates a close relationship between one of the scholarly achievements of the century, the revised standard version of the Bible, and communism. It would seem that the new translation was a kind of subversive act in itself, put over by people who "have been affiliated with pro-Communist fronts, projects, and publications." Apparently these Communist sympathizers buzz around the headquarters of the National Council of Churches like a swarm of bees. This kind of loose talk is as insidious as it it absurd. If it were not so silly, it would be frightening.

One thing more. "It is well known that even the pastors of certain of our churches are card-carrying Communists." Well known to whom? Did you ever know one? I never have, and I have been around for some time. The Washington Post disposes of this outrageous slander as follows: "To suggest that Communists have succeeded in subverting the clergy is as silly as to suggest that they have succeeded in subverting Congress."

PROMOTE SECRECY

Secrecy in the Federal Government has reached a new peak and has been called "the most serious threat to the theory of open government so far in U.S. history." Many individuals and groups are trying to stop this trend, including Members and agencies of the Congress. Officials are transacting more and more business in secret, but they pay lipservice to the people's right to know.

The Air Force manual strips away all such pretense. It makes the flat statement: "Another rather foolish remark often heard is that Americans have the right to know what's going on. Most people realize the foolhardiness of such a suggestion." How about that?

This is the manual that cautions airmen about evaluating with care anything and everything they hear or read that "touches adversely upon any aspect of the American way of life." I hope the young fellows properly evaluated the manual itself. It would destroy the heart of the American way of life—the right of the people to know. Every American must cry out against such subversion.

WASH THAT DOG

A manual appeared at Lackland Air Force Base in Texas instructing airmen on how to carry on their household chores in an officer's home. The item about dog washing hit the headlines. No wonder the Air Force wants to promote secrecy. The manual solemnly states: "Occasionally pets require baths. The best way to accomplish this is by using soap, water, and plenty of elbow grease." The section on making the officer's bed is just as profound. Perhaps the most important instruction had to do with mixing and serving the officer's drinks.

It would scarcely seem that this is the kind of work the young airman expected when he joined the glamorous Air Force, even if it were not contrary to all regulations. What are we trying to do to our ambitious and patriotic youngsters who enlist with a high ideal of service?

PROMOTE VICE

Congressman at Large FRANK KOWALSKI, of Connecticut, called attention to another manual instructing officers assigned to club duty how to keep their colleagues happy. It tells how to mix martinis, obtain dates for bachelors, promote drinking, and especially increase the sale of mixed drinks at bingo parties. It provides a table showing how to determine the amount of drink consumed during various types of parties.

Mr. KOWALSKI, a West Point graduate and a retired colonel, questions whether officers should be assigned to service clubs at all. Then he continues:

"There is something fundamentally wrong when such manuals incorporating such language and instructions are printed at Government expense.

"Actually worse than these manuals themselves is the kind of thinking behind them—both on the level at which they are prepared and at the high level at which they receive top official approval. We've got to remember that these things aren't being signed by second lieutenants—they are being signed by four-star generals."

This particular manual carries a foreword signed by Gen. Nathan F. Twining, Chairman of the Joint Chiefs of Staff.

More revolting evidence of the deliberate promotion of vice by the Air Force was revealed by Time, concerning conditions at the Airmen's Club, at Kadena Air Base, Okinawa. This is a club of airmen up to corporal's rank, the youngsters in the service.

Every evening busloads of pretty Okinawan hostesses pull up to the club. Each one has passed a physical examination, which is reassuring. The airman buys an "evening's companionship" for 75 cents. An annex is being built to the club. "It's to be for couples only. It will be a place where they can • • • hold hands. Each couple will have their own key."

There are other attractions, of course. "Thirty-four slot machines that will spill out jackpots of up to $1,500; bingo games with $1,000 prizes, plus free trips to Hawaii with all expenses paid; at the bar, cocktails and highballs cost 5 cents each; once a month, all drinks are on the house."

Can you visualize our youngsters, far away from home, with all the restraints of normal life lifted, overwhelmed by plain boredom, just serving time on a lonely island, going through the motions day after day with no special purpose—can you see them struggling against these moral temptations which are deliberately placed in their path? I call it moral subversion. Confronted with the situation, Maj. Gen. Dale O. Smith said he has found "nothing unsavory or anything illegal • • • or anything immoral at the Airmen's Club no matter how you look at it."

SIGNS OF HOPE

While I am stunned by all of these revelations, and while I join with countless Americans who are wondering—and worrying—about the state of mind of a military leadership that permits such a succession of subversive attitudes to be officially proclaimed, yet I discern signs of hope.

We have come a long way from the McCarthy era when truth was polluted and profaned, and the integrity of honest men was subjected to suspicion. These Air Force incidents are a kind of hangover, but we have come a long way.

The American people are calling the various agencies of Government to task for dealing in falsehood, and they are doing it through their elected Representatives. Referring to the Air Force manuals, Congressman ROBERT W. KASTENMEIER of Wisconsin reaffirmed the supremacy of the civil authority. Said he, "With such irresponsible views being taught as factual truth to at least some of our airmen, we must insist on close control over what goes on in the Armed Forces." He added that "one of the most ancient fears about a standing army is that it might teach citizens not to believe in democracy."

A major ground for hope is that the National Council of Churches has defied the false and defamatory attacks of the Air Force and leaped to the defense of our ministers and churches. The Reverend Dr. Edwin T. Dahlberg, the president of the council, assures us that he will not weary. "We are determined to follow through on all the issues that have been raised."

A final reassurance is that not all the releases from the armed services are offensive and subversive. Some of them reflect the true spirit of America. In the Field Press

Censorship Manual issued by the Departments of the Army, the Navy, and the Air Force, we have the official view of the American Military Establishment. This is what it says:

"The American public has a fundamental right to complete information regarding the sufficiency of its military forces. Moreover, the military services depend upon and exist only by virtue of the confidence and support of the American public. This confidence and support can be maintained only if the public is informed of military requirements, problems, and progress."

This is sound American doctrine. It is of such basic importance that I am persuaded that the American people will not permit any of the armed services to repudiate it or subvert it.

Mr. Speaker, many persons have called to my attention a very interesting report in a publication called the Wells Newsletter, by Charles A. Wells. In a very fine column in the issue for April 1, 1960, on "Fanaticism, Fundamentalism, and Truth," Mr. Wells gives his appraisal of the Air Force manual:

FANATICISM, FUNDAMENTALISM, AND TRUTH

The furor over the Air Force pamphlets, charging communism in Protestant churches, arises out of the fact that during World War II, when Russia was our fighting ally, scores of committees, "friendship societies," and organizations of various kinds were active in the aiding of suffering people in allied countries—especially the millions in Russia. The American Communist Party had a heyday of respectability and infiltrated many of these organizations, especially those concerned with aid to Russia. When the war ended, the Communist Party made strenuous efforts to continue the groups associated with Soviet aid, for these fronts offered an excellent means of infiltration into labor unions, Government agencies, schools, and religious organizations. Similar groups were set up by the Reds after the war, ostensibly for honorable purposes of international friendship, racial justice, etc., but in reality for the same subversive ends.

Among the many who joined these groups were distinguished liberals—writers, educators, scientists, and clergymen. Their interest in art, literature, science, theology—subjects that are by their very nature international in scope—made them especially world minded and warm toward causes of global friendship, racial brotherhood, and understanding. In the meantime, an odd liaison had formed between rightwing fanatics in this country and the extreme Protestant fundamentalists whose theological differences had separated them from the National Council of Churches (first organized as the Federal Council of Churches). The council attempts to represent all shades of Protestant theology, while the extreme fundamentalists refuse to have spiritual fellowship with any who do not accept the dogmas of Biblical literalism.

Both of these extreme groups have persistently tried to equate all liberalism with communism, all socialism with Marxism. They refuse to recognize the great difference between the one-party Communist dictatorship and the democratic socialism of Finland, Sweden, Norway, Denmark, and the socialism that brought the postwar economic reformation to England.

In the battle waged by the rightwing fanatics and the fundamental dogmatists against all liberalism, the techniques developed by the late Senator McCarthy—guilt by association—have become the battleax of the ultraconservatives. The device is a simple one: Examine the list of names on the roster or letterheads of an organization that has either been taken over by the Communists or organized by them behind the deceptive facade of an honorable cause, and when a distinguished liberal's name is found, use it as an evidence of "Communist guilt." The fact that these names are pulled out of lists also containing many noted conservatives makes no difference—the end justifies the means. "We're stopping the influence of the Communists, exposing the innocent dupes of the Reds."

A study of the names associated with two of the most frequently cited "subversive organizations," the Soviet-American Friendship Society and the Institute of Pacific Relations (data available in the reference room files of any metropolitan library) will provide ample material for research along this line.

The real impassioned purpose is, of course, to discredit and destroy the influence of all who preach liberal economics, liberal politics or liberal theology. That's why the zaniest of hillbilly fundamentalist freaks can get financial support from wealthy extreme rightwingers and editorial mention in respected conservative publications—which should know better. Such organizations as the American Legion and the DAR have unfortunately perverted their national status by making common cause with these extreme elements. This newsletter is critical of these tactics of the rightwing fanatic fundamentalist—not because we are liberal, but because the ultraconservative tactics (like some of the un-American activities of the Congressional Un-American Activities Committee) are so similar to the most basic philosophy of Marxism—that the end justifies the means. When justice and truth are made secondary to patriotism, economics or even religion, we are lowered to the same level as communism.

Most honest appraisals of the number of religious workers, clergymen or seminarians who were actually drawn into the Communist movement is put at 100 to 150—and this during the war and postwar period when the party was at its peak of popularity (with 100,000 members contrasted to about 8,000 today). With few exceptions, all of these church-connected party members have repented and withdrawn long ago. Any clergyman still in the party would be a rare bird. Neither the party nor his parish would trust him, for some publisher would always be at his door offering him a half million dollars for a now-I-tell-all book.

Mr. Speaker, the March 2, 1960 issue of the Christian Century carried a very fine editorial which deals with this matter. The following remarks are carried in this essay, "The Light of Truth":

THE LIGHT OF TRUTH

Ten years ago the fever since known as McCarthyism first raised our national temperature. Regrettably, the virus spread by the Senator from Wisconsin became epidemic, providing one more reminder that susceptibility to this sickness is always present in American life. It took an insecure state of national health and a reckless man to bring into public use the technique of the Big Insinuation to raise suspicion of Communist subversion against every critic of the Senator. Then almost as suddenly as it erupted, the public phase of the movement waned when television exposed the late Senator to appraisal by the people.

When the climate changed, we all went back to business, most of us wanting to forget the smell of sulphur and the memory of passions we wished could never have been aroused.

• • • • • •

Meanwhile cooler spirits have tried to urge us all to keep our heads and be vigilant. Their prescription is "open discussion in an open society": Keep all channels of reason and communication open, all avenues of discourse and civil dialogue straight and clear. Sometimes, terrorizing reminders of the passionate and profane era return—and serve as warnings. Examples of such reminders: The events at Little Rock, the anti-Semitism of this winter, the persistence of the hate sheets produced by men who want to exploit fears and frustrations. The it-can't-happen-here psychology is gone, but the Nation's grip on sanity is not so secure that we can afford to relax.

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A dramatic reminder of the endurance of this particular "ism" reached front pages on February 17. An Air Force Reserve training manual, an official publication, reproduced typical McCarthyite lies, the essence of which is the charge that the Americans being singled out have been tainted by communism. And in this instance the Americans happened to be churchmen, a group of Protestant churchmen in particular. The smell of sulfur, the form of demonism, reappeared. In a manner incredible to those who did not know how often this sort of thing has happened before, the Air Force had let slip past its copywriters and proofreaders, its redtapers and redtape cutters, a training document that inexcusably went out of its way to accuse the churches of housing Communists. It charged that large numbers of American clergymen were and are card-carrying Communists. Implicated in the charges was the National Council of Churches, because of alleged pro-Communist connections of some scholars who had worked on the Revised Standard Version of the Bible.

No one need panic because an official agency of the United States in this way attacked Protestant Christianity through its representatives. It has been done before, without fatal results. Some harm has been done, but the Protestant anvil has worn out many hammers.

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Making charges of Communist sympathies and subversive intentions against people and institutions has become standard operating procedure—to use an Army phrase—on the part of many people who make a comfortable living out of the cultivation of suspicion and the dissemination of hatred. The McCarthyite tactic of answering demands for proof with new and more outrageous charges is also S.O.P. In the end incessant cries of "Wolf! Wolf!" benefit nobody but the real Communists, whose identities are lost in the excitement.

The havoc wrought by prophets of deceit and apostles of discord is generally temporary, for the truth inevitably catches up with and overcomes its opposite as honest people realize how tragically they have been deceived. But more enduring damage is done by more respectable voices speaking from within Protestantism. Notable here are those who recklessly accuse any churches or church groups of playing into the hands of communism if they deviate from extreme economic conservatism or seek any sort of accommodation with Russia as a means of avoiding war.

Each winter, for example, J. Howard Pew, of Philadelphia, can be counted on to urge businessmen of the United Presbyterian Church to rise in reaction against the social policies of that church. The Presbyterian General Assembly, he charged this month, has regularly made pronouncements which "frequently coincide with Communist objectives." He reports—and at the same time implicitly urges—that wealthy Presbyterians fail to support the national program of the denomination.

The influence of some men of extremist views who control aggregations of corporate wealth is great in military circles, and it would not be surprising if Mr. Wine's inquiries should turn up evidences of these ties. But truth, like light, is a sterilizing agent of considerable power, and when it is

allowed to work it often separates the ex-

consider the social and political conditions

lays down the law to its ministers on secular,

ter of which, entitled the Dethroned

No Communist or Communist fellow trav-

and unusual punishment in contraven-

allowed to work it often separates the exploiters of disaffection from their sources of support. The exposure of the Air Force misrepresentations was a good thing, for it opened to the light a potential source of corruption. It is only when, by economic pressure and reckless insinuation, the purveyors of falsehoods manage to cut off controversy and dialogue that the climate is recreated in which McCarthyism can be reborn, in the churches as well as in the public arena.

So once again, continued vigilance is the price of liberty. Vigilance demands that truth be known and that untruth be exposed for what it is. For the truth concerning the actual work of the living Christ through those who minister in his name is nothing to be ashamed of. On the contrary, it is about the most reassuring thing that can be known about America.

Mr. Speaker, I was in Denver this past weekend discussing this and other matters with an editor of the Denver Post. He called to my attention that the Denver Post for April 17 contains an excellent statement by Dorothy Thompson, on the question "Have Communists Invaded Churches?" I find this article of such fine historic value, and in the finest Dorothy Thompson tradition, that I am inserting it at this point in the RECORD. It should be noted that Dorothy Thompson is herself the daughter of a Methodist minister, and she speaks with a rich background in this field.

HAVE COMMUNISTS INVADED CHURCHES?

(By Dorothy Thompson)

WASHINGTON.—The recent stir over the two Air Force manuals, with their charges of communism in the churches, no longer occupies the current news.

But the debate did not begin yesterday and will not cease tomorrow because it involves, among other things, interdenominational struggles, and, indeed, the whole history of Protestantism.

Nobody should attempt to instruct American soldiers in matters concerning religious individuals and groups who is not familiar with the history of such groups and their relation to the societies in which they exist or have existed.

The charge against many church groups of being subversive or heretical against the established social order has been raised since the first Protestant, Jan Hus of Bohemia, was burned alive in 1415.

A basic thesis of original Protestantism was that the individual can communicate directly with God through his own conscience and the instructions of the Bible.

This idea, from the viewpoint of the then established social and political order, was highly revolutionary, and actually produced the "great revolution" of Cromwell in England and the Puritans who founded the Massachusetts Bay Colony in New England.

The Congregationalist church had its genesis among the English and American Puritans.

The Baptist Church dates back to the Anabaptists who at the time of the Reformation fired the uprising of the peasants and serfs in Germany—which was denounced by Luther.

Methodism, under the leadership of John Wesley, arose in England in the 18th century. Wesley and his gifted brother Charles, who was to write some of the great hymns of modern Protestantism, were bent on religious reform within the established national church.

They were bent upon a revival of religious inspiration and discipline within the established church. But this aim forced them to consider the social and political conditions of England.

The court was frivolous, the church, upholding and upheld by castle and manor house, did not reach the masses of the people. The peasants were filthy, loutish, and illiterate and the workers of the new industrial revolution no better.

The sports of the masses were brutal and brutalizing—bull and bearbaiting on the public commons being among them.

Yet, Wesley averred, Christ had died for them as for all men, and every soul was precious in His sight.

But one could not reach the sunken and dissolute masses without raising them from the brute level by ameliorating their physical conditions. To bring the Bible to the people meant that they must be able to study it—to read.

So Wesley became involved in educating the masses.

Poor Methodists learned to wash themselves, to read, to write, to abandon their drunkenness, to accept the strict Methodist disciplines, to lift their voices in hymns of praise to their Maker and rejoice in the salvation of their bodies and souls.

Inevitably Wesley was accused of dragging the church into the gutter; he was denounced for sedition.

But Wesley, his followers and other religious leaders had altered the whole moral and political climate. With the Bible in their hands they had awakened England to what is now called social consciousness.

And while on the Continent the next century saw the rise of socialist movements following Karl Marx, the labor movement in England drew many of its leaders from the nonconformist churches.

To take an American example in the early part of this century Walter Rauschenbusch was teaching at Rochester University's Theological School in western New York.

Descended from Lutheran pastors, he had joined the Baptist Church and served a long pastorate in Hell's Kitchen, New York City.

The wretched and degrading conditions in this appalling slum section led him to reconsider the whole capitalist system as it then was.

He wrote "Christianity and the Social Crisis," which rocked the Protestant world and was a best seller. He announced himself to be a Christian Socialist. He greatly influenced Norman Thomas.

Even this brief summary indicates that many of our great churches have at least part of their roots in social criticism of the established order.

So before one calls an individual or a group in our modern church subversive or fellow traveling, one had better find out what faith and convictions he or they really hold.

This cannot be established by listing organizations they may or may not have joined at one time or another, under this or that misconception of its real purpose.

"We must be careful," says Air Force Manual 205-5 (1955), the first one published, "not to attack the majority of faithful ministers. We must merely search out those who back Moscow right down the line.

"We can do this, first, by understanding the teaching of our own religion to the hilt; then by getting rid of those who try to pass off Communist ideas as substitutes for what we know are true religious teachings."

If the men of the Air Force are to decide these matters they had better first be given a thorough education in Communist ideas, and then indoctrinated in true religion.

I can conceive of no way to achieve this except by establishing a state church preaching the Gospel according to the armed services.

Apart from their catechisms, creeds, and religious disciplines, no Protestant denomination (who alone have come under attack) lays down the law to its ministers on secular, social, or political questions.

Every church—and this includes the Catholic—has liberal and conservative ministers and members.

As an example of infiltration among the clergy the Air Force manual cites the Reverend Claude C. Williams "whose congregation kicked him out for party activities," "the congregation was ahead of the Air Force," and the Reverend Claude White, retired Episcopalian minister—long since out of circulation.

We are also informed that "the head of the American Communist Party once spoke at Union Theological Seminary in New York, and the legislative secretary before 100 ministers in Washington."

Precisely what is that intended to prove? I myself have attended several Communist rallies to find out what the fellows were up to.

Nikita Khrushchev toured America, addressed every American with a TV set, and inspected U.S. military bases as the guest of the President of the United States, pulling off for later Iron Curtain countries consumption—on doctored films—the greatest propaganda coup of the times.

But Khrushchev never spoke in a church.

The second Air Force manual was written by Homer C. Hyde, a civilian employee of the Air Force, with, of course, anonymous collaborators.

In the chapter "Security Education and Discipline," charges, both vague and specific as to names, are made against churchmen and Biblical scholars most of whom are nationally known to anyone familiar with Christian Protestant personalities.

Charges (never substantiated) are quoted from the Committee on Un-American Activities before which none of these persons were ever called and from several unidentified sources.

And who are they? It is too bad that one cannot describe them all. They include scholars connected with the translation of the revised standard version of the Bible sponsored by the National Council of Churches. Among these:

Millar Burroughs, formerly of Yale University, now retired, America's outstanding scholar on the languages and cultures of the ancient Middle Eastern world, author of the "Dead Sea Scrolls," fervent Christian, conservative in politics, and intransigently anti-Communist.

Frederick G. Grant, Baptist minister and teacher at Seabury-Western Divinity School, a distinguished Biblical scholar cited in 1958 by Princeton University as one whose works have "spread among thousands the manifold truths of Christian doctrine."

John A. Mackay, well known in church circles as an indefatigable champion of religious liberties. Information on Dr. Mackay is quoted from an anonymous news dispatch as "backing a resolution adopted at a general assembly of the church." What church? One constantly notes the imprecision of details. Dr. Mackay is a Presbyterian.

"The governing body of a prominent church group urged the recognition of Red China," the manual says, "and called for a delegation of American church leaders to establish contact with the many thousands of Chinese Christians—deserted, under present conditions by the Christian world."

Whatever one's view of the argument, to read an implication into that viewpoint of favoring Chinese communism is idiotic. Dr. Mackay never said nor implied that there was freedom of religion in Communist China.

The manual seems afraid to state the denominations of these men. E. Stanley Jones, a Methodist, is described as "a missionary of one of the leading Protestant denominations." He is quoted entirely out of context. He is the author of a book, "The Kingdom of God Is Realism," the 12th chapter of which, entitled the Dethroned Powers, is an attack on communism.

The only person named, who, I am convinced, was a Communist is Harry Ward, formerly of Union Theological Seminary, New York. But Ward has been out of circulation in church circles for 25 years and I imagine he is no longer in this world.

I hold no brief for the American Standard Revised Version of the Bible which some of the scholars named contributed to. The writing was appallingly weak and pedestrian, lacking the vigor and imagery of the King James Version, and of the many other English Bibles that had preceded it. But I found no shred of evidence of subversive intent.

Fundamentalist groups—of whom the most prominent are those backing the American Council of Churches and the International Council of Churches—carry on a continual campaign against the National Council and World Council.

Their sparkplug is the indefatigable Carl McIntyre, a former Presbyterian minister.

Their releases, which come regularly to my desk, concentrate on charging that the National Council is full of pro-Communists.

Of course, Communist agents have tried to infiltrate churches, and probably won over some gullibles. But if the men named are pro-Communist we may as well fold up the struggle.

All the great religious leaders of history, whatever their theological beliefs, have denounced materialism. Their lives have been sacrificial and ascetic.

They have been the great testifiers, perpetually affirming and demonstrating in their own lives that over and above the material values of the marketplace and the ranks of "success" are truths, the inner experience of which could transform a life, from one of vice or ever-disappointing purposelessness into one of peace and joy.

Today, in America, there are hundreds and thousands of such spiritual workers "in the vineyard of the Lord" both Protestant and Catholic. They are those who have heeded the call of the still, small voice.

But the truly dedicated are individuals rather than organized groups, and they are hard to hear in the vast noise of our raucous civilization where a thousand voices are simultaneously "selling" ideas, "spiritual values," and commercial products by identical techniques.

It is not communism that has invaded the churches to any notable degree, but the secular, materialistic values that permeate our whole civilization and are precursors of communism.

Church membership grows impressively but the moral and spiritual climate of the country does not, thereby, greatly improve.

Many pulpits have become rostrums for popular lectures, without any compelling spiritual content. Churches are social gatherers to which many people flock partly because it is "good for business" and partly because church membership has been presented (as in the Air Force manuals) as being "American."

Various organized "Christian" groups fight each other often most unscrupulously, using all the techniques of high pressure public relations, publicly denouncing to the secular authorities men whose lives and convictions they do not know, whose published works they have never read, and whom they have never themselves independently investigated.

Such secondhand denunciations were the sole authority for the ghosts who informed the ghosts who produced the criticized Air Force manuals.

The Christian churches alone can discipline their ministries, and the ultimate test is whether these men in and out of the pulpit believe and fearlessly preach Christ as man's redeemer.

No Communist or Communist fellow traveler can or will do this.

Mr. Speaker, there is much more that might well be said, but let me now use a few moments to summarize some additional aspects of this matter which have not been fully discussed in the debate up to this point. I rise not merely because of the interest which this issue has created throughout the land, but I rise because as, a Member of the House, I have taken the oath of office to preserve, protect, and defend the Constitution of the United States from its enemies, including its domestic enemies.

I find at least four constitutional bases for objecting to the Air Force Manual publication. First be it noted that article VI, paragraph 3, of the document makes it clear that "no religious test shall ever be required as a qualification to any office or public trust in the United States." And I interpret that language to include the office of wearing the uniform of the Air Force. I see no reason whatsoever for a violation of the basic principle contained in that basic article. And I wish that more Americans would remember that language with respect to some other issues currently being discussed in the public press.

I call your attention, Mr. Speaker, to the first amendment to the Constitution, which says that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

I submit, Mr. Speaker, that the Air Force Manual trods heavily on the toes of the free exercise of religion. It contains insinuations, indeed it contains charges which are an attack upon the free exercise of religion by millions of Americans.

Mr. Speaker, I call the attention of the Congress to the fact that the Congress shall not deprive any person of life, liberty, or property without due process of law. I submit that some Americans have, by this publication, even though it now be withdrawn, been deprived of a bit of their liberty. They have been deprived of the most precious property they own; namely, their good name, without due process of law. And I want to come back to that point in greater detail in just a moment.

Mr. Speaker, I call attention of the House to the fact that in the Bill of Rights, the eighth amendment says that "excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted." That last clause seems especially relevant to this discussion, because in its own peculiar way the character assassination which this document represents is a cruel and unusual punishment. There is no opportunity for a person to serve out a sentence of guilt even if he be guilty. He is sentenced to the calumny of the community so long as he shall live. And he is sentenced not as the result of an action under due process of law in open court, but he is sentenced by an administrative decision to publish wild, reckless, false, and defamatory charges. And I submit that these charges, without the opportunity for answer, provide cruel and unusual punishment in contravention of the Constitution.

I would point out that article XIV of the Constitution makes it clear that "no State shall deprive any person of life, liberty, or property without due process of law." The Constitution makes it crystal clear that government, before it takes away the property of a man's good name, owes it to him to act fully under due process of law.

Let me, therefore, Mr. Speaker, speak in support of the highest principles of the judicial tradition of the United States and our Anglo-Saxon way of life, which includes the right of a man to be treated in accordance with due process. We begin with a man, a group of men, a body of men, who have a right to their good names. Now if a person is thought to be guilty of a crime in the Upited States, somebody may use due process of law to punish him for the violation of the law. A warrant can be sworn for his arrest, and it is issued upon probable cause. An indictment can be sought. A grand jury can be summoned. There are several routes open by which a person may be brought to court.

But then the accused is brought into a court where he has an open and fair hearing. He is entitled to confront the witnesses against him. He is entitled to counsel for his own defense. He is entitled to summons witnesses to be heard in his defense. He is entitled to present evidence on his own behalf and to examine the evidence brought by others. He is entitled to cross-examine those who would seek to defame him. The tribunal before which he comes is an impartial tribunal. Under certain circumstances he may have a jury trial, so that the evidence may be weighed by a jury of his peers.

And finally, Mr. Speaker, he has the right to a finding of either guilt or of innocence. He has a right to be found not guilty, and he may go out a free man, expunged of the charges through the operation of due process of law. If he is found guilty, he will serve a punishment in accordance with the law of the land and with the finding of the judge and jury, and any other appropriate officials. When that punishment has been completed, he is rehabilitated and restored to the community and he is entitled to say he has paid his debt to society.

In stark contrast to this due process of law is the kind of trial that the Air Force Manual has conducted of many responsible, reputable Americans. In the first place, there were, as the Denver Post calls them, "faceless informers." We do not know who made each of the charges. We know that somebody made some kind of charges. These were unsupported assertions. The men making the charges were not required to swear to their truthfulness. They could not be held responsible. This has been properly called "ordeal by slander."

The SPEAKER pro tempore. The time of the gentleman from Colorado has expired.

Mr. JOHNSON of Colorado. Mr. Speaker, may I ask the gentleman from Iowa if he will yield me 10 or 15 minutes?

Mr. SCHWENGEL. I will be very happy to yield to the gentleman.

Mr. JOHNSON of Colorado. The trial which the Air Force conducted was an ex parte trial, in a court without jurisdiction or responsibility. There was no opportunity for the accused parties to come before the Air Force. This was a star chamber finding, certainly, and unusual punishment has been inflicted not merely on the persons named but upon all persons who have associated, however innocently, with them. I presume that as an active participant in the Council of Churches' activities, I must share in the obloquy, in the defamation, which has been heaped upon all those who are affiliated with any section of the National Council of Churches or with other councils of churches.

So, Mr. Speaker, I rise not merely in defense of an American doctrine of law but I rise in defense of the accused.

Much has been said heretofore about individual charges against certain persons. I should like to take the mass charge against those who translated the Revised Standard Version of the Holy Bible.

THE REVISED STANDARD VERSION OF THE HOLY BIBLE

The Revised Standard Version of the Holy Bible has made its way into general usage more quickly than earlier translations. Since its publication in 1952, almost without exception every important Biblical and theological work published in English-speaking countries has either been based upon it or has cited it as authoritative.

Widespread popular acceptance has accompanied this all-but-universal adoption as the norm of scholarship. Six years after it was published, 37 denominations with a church school enrollment of 22,568,159 were using RSV in curriculum materials prepared for church schools.

Every denomination which has issued an official hymnbook since the Revised Standard Version appeared has incorporated it for responsive and unison readings. These church bodies include the American Baptist, the Church of the Brethren, the Congregational Christian Churches, the Associate Reformed Presbyterian, the Canadian Presbyterian, the Presbyterian U.S., the Presbyterian U.S.A., the Reformed Church in America, the United Presbyterian Church. Dr. David Hugh Jones, editor of "The Hymnbook," in which the latter six denominations cooperated, explained that the committee's choice of the Revised Standard Version was the result of a poll of congregations, resulting in a 2 to 1 preference for the RSV over any other version. The United Lutheran Church publishes, as a supplement to the service book a lectionary of RSV readings.

Appreciation of the Revised Standard Version has come from beyond the constituency of the National Council of Churches. Two Benedictine fathers called it "a scholarly rendering of Scripture which is a delight to read." Father Walter M. Abbott, S.J., wrote:

Some Biblical scholars think that agreement in linguistic studies has reached the point where a uniform translation of the Bible acceptable to both Catholics and Protestants is a real possibility.

In its 1952 letter to the Christian people of America, the National Council of Churches said:

The publication of the Revised Standard Version of the Bible is a basic contribution of this council to the prophetic mission of the church. The Bible is the record of God's self-disclosure to mankind, where the knowledge of His redemptive love is found and where men are confronted with Jesus Christ. Through the Bible we have communion with God. The Bible is in a unique sense the word of God.

From time to time the Bible needs to be retranslated. Fresh light thrown by scholarship upon the meaning of the original Hebrew and Greek texts and the changes which have taken place in the meaning of English words make new translations necessary. We rejoice in a translation of the Bible which combines loyalty to the original languages of Scripture with a fine sensitivity to English as currently spoken.

The letter is at once a confession of faith and a statement of the reasons why a fresh revision of the Bible was imperative. Efforts to put the Bible into English date back to Anglo-Saxon days when King Alfred and others rendered parts of it into their own rude dialect. The first complete English Bible, the work of John Wyclif and his associates, appeared about 1382. This was a translation of the Vulgate, or Latin Bible, the Scriptures principally used during the Middle Ages.

The revival of learning known as the Renaissance was accompanied by recovery of old manuscripts and new interest in Hebrew and Greek, the original languages of Scripture. William Tyndale's translation of the New Testament, the first English version made from the original Greek, appeared in 1525. Coverdale's version, 1537, became the basis of the first authorized version, the Great Bible of 1539. The second authorized version was the Bishops' Bible, of 1568; the third was the King James Version, 1611; the fourth was the Revised Version, 1881–1901.

The Revised Standard Version is the fifth authorized Bible. Authorized Bibles are distinguished from the private translations of individual men. Private translators have included John Wesley, Alexander Campbell, Richard Weymouth, J. B. Phillips, James Moffatt, and E. J. Goodspeed. Moffatt and Goodspeed both served also on the Standard Bible Committee.

From the time the work was initiated in 1929 by the International Council of Religious Education (now the Division of Christian Education of the National Council of Churches) until the finished product appeared in 1952, 32 men served on the Standard Bible Committee. From the beginning, Dr. Luther A. Weigle, now Dean Emeritus of Yale Divinity School, has been chairman of the committee. His associates have been men eminent not only for Biblical scholarship but also for their contributions to hymnody, religious literature, and Christian understanding.

It is possible to illustrate here but briefly the four major reasons which impelled cooperative Christianity to undertake a fresh revision of the English Bible:

First. The discovery of old manuscripts revealed that copyists' errors had crept into the text of earlier versions. The Chester Beatty Papyri, found in 1931, reveal that the true reading of Romans 8:28 is: "We know that in everything God works for good with those who love him, who are called according to his purpose."

Second. New knowledge of the Biblical languages clarified the meaning of terms not previously understood. What Jesus said to those who found him in the temple was: "Did you not know that I must be in my Father's house?"—Luke 2:49.

Third. Earlier translators sometimes misunderstood the text, and errors had to be corrected. At Job 41:6, the King James Version asks, concerning Leviathan, "Shall the companions make a banquet of him?" This is mistranslation of a passage correctly rendered: "Will traders bargain over him?" At I Thessalonians 5:22 the King James translation, "abstain from all appearance of evil," misses the point of the Greek: "abstain from every form of evil."

Fourth. Since language belongs to the realm of living things, it grows and changes. Many words in the 17th century English Bibles are now quite unintelligible: "ouches," Exodus 28:11; "pannag," Ezekiel 27:17; "besom," Isaiah 14:23; "brigandine," Jeremiah 46:4. Other 17th century words which are still recognizable have changed their meanings so much as to be misleading. "Ear" in the King James Version is a verb meaning "plow"—I Samuel 8:12. "Angle" was a noun meaning fishhook—Isaiah 19:8. "Bravery" refers not to courage but to feminine finery—Isaiah 3:18–23.

The illustrations here given could be multiplied many times over. They indicate why revision of the English Bible was urgent.

The Revised Standard Version is not a fresh translation but a revision of earlier English Bibles. The committee's assignment was to translate in the Tyndale-King James tradition. This means that its product incorporates not simply the skills of present-day translators but also the work of many men in many ages.

John Wyclif, who lived from about 1320 to 1384, had a hand in making the Revised Standard Version. To him it owes such phrases as "truly, truly"—John 8:34, et cetera—and "the cup of blessing which we bless"—I Corinthians 10:16.

William Tyndale—1492–1536—wrote a large part of the Revised Standard Version. Into it he placed expressions so diverse as "eye for eye"—Leviticus 24:20—and "love" in I Corinthians 13. Tyndale's translation of John 3:16 was as follows:

For God so loveth the worlde, that He hath given His only Sonne, that none that beleve in Him, shuld perisshe; but shuld have everlastinge lyfe.

Myles Coverdale's—1488–1568—contribution to the Revised Standard Version can be estimated from his translations of Isaiah 55:6:

Seek ye the Lord while He may be found, call upon Him while He is nigh.

And Psalm 73:26:

My flesh and my heart faileth but God is the strength of my heart and my portion for ever.

When the King James translators had finished their work, they prepared a preface which stated:

Zeal to promote the common good, whether it be by devising anything ourselves, or revising that which hath been laboured by others • • • findeth but cold entertainment in the world. It is welcomed with suspicion instead of love.

That this was true of their own work is illustrated by the fact that when the Pilgrims set out for New England they did not bring the King James Bible—then 9 years old—but the Geneva Bible of 1560.

Reception accorded earlier translators had led the King James men to expect this. A spokesman for the established order described John Wyclif as "The Devil's instrument, church's enemy, peoples' confusion, heretics' idol, hypocrites' mirror, schism's broacher, hatred's sower, lies' forger, flatteries' sink."

Another said of Tyndale's work:

The New Testament translated into the vulgar tongue is in truth the food of death, the fuel of sin, the vail of malice, the pretext of false liberty, the protection of disobedience, the corruption of discipline, the depravity of words, the termination of concord, the death of honesty, the well spring of vices, the disease of virtues, the instigation of rebellion, the milk of pride, the nourishment of contempt, the death of peace, the destruction of charity, the enemy of unity, the murderer of truth.

For 70 years after its publication in 1611, the King James Version underwent similar attacks. It was denounced as theologically unsound and ecclesiastically biased, as truckling to the King and unduly deferring to his belief in witchcraft, as untrue to the Hebrew text and relying too much on the Septuagint. The personal integrity of the translators was impugned. Among other things, they were accused of "blasphemy," "most damnable corruptions," "intolerable deceit," and "vile imposture," the critics who used these epithets being careful to say that they were not "the dictates of passion, but the just resentment of a zealous mind."

Happily, the reception accorded the Revised Standard Version by responsible church bodies has been of a different character. For the scholar's study, for the church school curriculum, for private devotions and for public worship, the Revised Standard Version has in large measure already become the Bible of the church. Strikingly dramatizing this acceptance is the fact that, by March 1960, some 15,000 churches had placed the Revised Standard Version pulpit Bible in pulpit or lectern. The number of Revised Standard Version pulpit Bibles in use is increasing at the rate of 500 per month.

Mr. Speaker, the authors of the King James Version of the Holy Bible said: To the most High and Mighty Prince James, King of Britain—and I ask unanimous consent that the full statement they made follow the remarks I am about to make with respect to one paragraph.

Mr. Speaker, if we could rephrase the next to the last paragraph of dedication to the King James translation, it might read something like this:

"And now at last by the mercy of God and the continuance of our labors, which are here brought to a conclusion, we have great hopes that the church shall reap good fruit thereby, and we hold it our duty to offer this work to you as the principal mover and author of this work, humbly craving of you, that since things of this quality have ever been subject to the censures of ill-meaning and discontented persons, it may receive your approbation and patronage.

"For your allowance and acceptance of our labors shall more honor and encourage us than all the calumniations and hard interpretations of other men may dismay us.

"There will be those who malign us because we are poor instruments to make God's holy truth yet more known to the people; or we shall be maligned by self-conceited Brethren who run their own ways and like nothing but what is framed by themselves and hammered on their anvil. Yet we may rest secure, supported within by the truth and innocency of our good conscience having walked the ways of simplicity and integrity as before the Lord and sustained without by the powerful protection of the church hoping it will ever give countenance to honest and Christian endeavors against bitter censures and uncharitable imputations."

Mr. Speaker, I invite the Members to compare that extemporaneous rephrasing with the original text of the inscription to the King James Version. But, I call it to the attention of the House that those who now damn the Revised Standard Version merely betray their ignorance of the history of revisions and all restatements of the Old and New Testaments. It has been the lot of each translator to be roundly damned by those who have accepted a previous translation even though subsequent scholarship may have shown good grounds for the revision.

Mr. Speaker, the translators of the King James Version of the Holy Bible actually said:

Great and manifold were the blessings, most dread sovereign, which Almighty God, the Father of all mercies, bestowed upon us the people of England, when first he sent Your Majesty's Royal Person to rule and reign over us. For whereas it was expectation of many, who wished not well unto our Sion, that upon the setting of that bright Occidental Star, Queen Elizabeth of most happy memory, some thick and palpable clouds of darkness would so have overshadowed this Land, that men should have been in doubt which way they were to walk; and that it should hardly be known, who was to direct the unsettled State; the appearance of Your Majesty, as of the Sun in his strength, instantly dispelled those supposed and surmised mists, and gave unto all that were well affected exceeding cause of comfort; especially when we beheld the Government established in Your Highness, and Your hopeful Seed, by an undoubted Title, and this also accompanied with peace and tranquillity at home and abroad.

But among all our joys, there was no one that more filled our hearts, than the blessed continuance of the preaching of God's sacred Word among us; which is that inestimable treasure, which excelleth all the riches of the earth; because the fruit thereof extendeth itself, not only to the time spent in this transitory world, but directeth and disposeth men unto that eternal happiness which is above in heaven.

Then not to suffer this to fall to the ground, but rather to take it up, and to continue it in that state, wherein the famous Predecessor of Your Highness did leave it; nay, to go forward with the confidence and resolution of a Man in maintaining the truth of Christ, and propagating it far and near, is that which hath so bound and firmly knit the hearts of all Your Majesty's loyal and religious people unto You, that Your very name is precious among them: their eye doth behold You with comfort, and they bless You in their hearts, as that sanctified Person, who, under God, is the immediate Author of their true happiness. And this their contentment doth not diminish or decay, but every day increaseth and taketh strength, when they observe, that the zeal of Your Majesty toward the house of God doth not slack or go backward, but is more and more kindled, manifesting itself abroad in the farthest parts of Christendom, by writing in defence of the Truth (which hath given such a blow unto that man of sin, as will not be healed), and every day at home, by religious and learned discourse, by frequenting the house of God, by hearing the Word preached, by cherishing the Teachers thereof, by caring for the Church, as a most tender and loving nursing Father.

There are infinite arguments of this right christian and religion affection in Your Majesty; but none is more forcible to declare it to others than the vehement and perpetuated desire of accomplishing and publishing of this work, which now with all humility we present unto Your Majesty. For when Your Highness had once out of deep judgment apprehended how convenient it was, that out of the Original Sacred Tongues, together with comparing of the labors, both in our own, and other foreign Languages, of many worthy men who went before us, there should be one more exact Translation of the holy Scriptures into the English Tongue; Your Majesty did never desist to urge and to excite those to whom it was commended, that the work might be hastened, and that the business might be expedited in so decent a manner, as a matter of such importance might justly require.

And now at last, by the mercy of God, and the continuance of our labors, it being brought into such a conclusion, as that we have great hopes that the Church of England shall reap good fruit thereby; we hold it our duty to offer it to Your Majesty, not only as to our King and Sovereign, but as to the principal Mover and Author of the work: humbly craving of Your most Sacred Majesty, that since things of this quality have ever been subject to the censures of illmeaning and discontended persons, it may receive approbation and patronage from so learned and judicious a Prince as Your Highness is, whose allowance and acceptance of our labors shall more honor and encourage us, than all the calumniations and hard interpretations of other men shall dismay us. So that, if on the one side, we shall be traduced by Popish Persons at home or abroad, who therefore will malign us, because we are poor instruments to make God's holy Truth to be yet more and more known unto the people, whom they desire still to keep in ignorance and darkness; or if, on the other side, we shall be maligned by self-conceited Brethren who run their own ways, and give liking unto nothing, but what is framed by themselves and hammered on their anvil; we may rest secure, supported within by the truth and innocency of a

good conscience, having walked the ways of simplicity and integrity, as before the Lord; and sustained without by the powerful protection of Your Majesty's grace and favor, which will ever give countenance to honest and christian endeavors against bitter censures and charitable impurations.

The Lord of heaven and earth bless Your Majesty with many and happy days, that, as his heavenly hand hath enriched Your Highness with many singular and extraordinary graces, so You may be the wonder of the world in this latter age for happiness and true felicity, to the honor of that great God, and the good of his Church, through Jesus Christ our Lord and only Saviour.

There is much more to say, Mr. Speaker, but I should like to close with a brief defense of the accused, the Council of Churches themselves. As I observe the action of the council, I think they can be indeed judged by their faults. They have encouraged joint public worship services which have brought people into the church. During this past weekend in Denver, for example, there was a beautiful public Easter sunrise service at Red Rocks, concluding the daily joint services arranged by the local council. We have seen the benefits of comity, which has helped provide adequate and orderly development of new churches throughout the new areas in our own great metropolitan area.

We have seen through the joint action of the church councils, the various ministries to students, to servicemen, to migrants, and to those overseas. We have seen the joint education programs, the opportunities for the laymen from various congregations to meet and exchange views, understandings, and experiences.

We have seen many fine developments within our American churches; we have seen the joint work in evangelism; we have seen joint education in action. The life of our church councils has enriched the life of our communities.

Those who defame without understanding ought to hang their heads in shame, for they are attacking the very persons whose lives and actions are a living testimonial to the best of Christendom, not to any infiltration of a godless anti-Christian Communist religion. They defame those who to the best of their ability seek to walk humbly before God in keeping with their Christian conscience.

In a free society we must tolerate those who abuse freedom, but certainly we owe it to our neighbors, to our friends, to our great free church tradition, to the principle of separation of church and state, to due process of law, and to the great traditions of America, to arise here as we have this afternoon on the floor of the House, to oppose any further intrusion of the executive or legislative branches of Government into the free worship of the American people.

I am happy that I have had the opportunity to share in the fine statements made by the others who have spoken here this afternoon. We await with great interest what our distinguished colleague, the gentleman from Iowa, shall have to say in concluding this discussion.

I thank the gentleman for yielding.

RELIGIOUS FREEDOM

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Iowa [Mr. SCHWENGEL] is recognized for 45 minutes.

Mr. SCHWENGEL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. SCHWENGEL. Mr. Speaker, before I proceed I hope I will be forgiven when I attempt to correct the remarks of a gentleman on the House floor when he spoke about a Lincoln quote. He quoted directly from the CONGRESSIONAL RECORD, but it was not correctly recorded in the CONGRESSIONAL RECORD, and it makes a vast difference the way it sounds as reported in the CONGRESSIONAL RECORD and the way it was actually stated by Lincoln.

I would be one who would not want Mr. Lincoln misquoted in the CONGRESSIONAL RECORD, so I quote the corrected form. This, as you will remember, has to do with a letter he wrote to Joshua Steed in 1855. In a portion of it he said:

We began as a Nation by declaring that all men are created equal. Now it practically reads that all men are created equal except Negroes. When the know-nothings get control it will read that all men are created equal except Negroes, foreigners, and Catholics. When it comes to this I shall prefer emigration to some country where they made no pretense of loving liberty.

This, you see, puts a little different meaning of what Mr. Lincoln said on the subject.

Mr. Speaker, I take the floor today after having given some pretty serious study and thought to the subject at hand. I spoke to a Member of Congress who made an address on this question, immediately after he finished, that while his remarks, however sincere and honest he felt them to be, would be misinterpreted by the great many people who are working diligently and conscientiously in the religious work of our country.

My forebodings were noted by a lot of people, especially those in my district, so I take the time today to talk about the subject along with my colleagues and to speak on the National Council of Churches—its objectives and its program that needs to be better understood and appreciated.

It is the program of the National Council of Churches and the institution of religion that it represents. I have been inspired to do this because of the controversy that has come about on the Air Force Manual. It seems to me that those people who inspired and authored the section of this document that deals with religion were not adequately informed on the subject of religion in general and the program of the National Council in particular and were not aware of the great dedication of its leaders to the noble and worthwhile ideals that they represent in their dedicated service to their God and country.

From the earliest times in the history of our country, religion has been important to its people. The search for religious freedom, for a place where people could worship according to the dictates of their own conscience, was uppermost in the minds of early immigrants to this country. They have become known as our forefathers. A study of history will reveal much evidence that the successors to those forefathers recognized religion as important to the American way of life. Most agree, and I believe, that the moral philosophy expressed by religion was the foundation upon which was built this great and wonderful ideal we call American.

Among the public statements left us is one by George Washington, that stands out in my mind. It deals with the importance of religion in the body politic. In his Farewell Address he said:

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens.

The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education and minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It seems to me this quote is particularly apt today and worthy of our meditation as we reflect on this important question before us today.

We need often to think on the import of this admonition as we consider the implications and dangers of such statements as have recently been found on this subject in the Air Force manual.

President Abraham Lincoln, whose 150th birthday commemoration has been celebrated for a year-long period, also had some pretty wonderful and apt thoughts on this subject. In an address to the voters on July 31, 1846, he said, in part, on this subject:

I do not think I could myself be brought to support a man for office whom I knew to be an open enemy of, or scoffer at, religion. Leaving the higher matter of eternal consequences between himself and his Maker, I still do not think any man has the right thus to insult the feelings, and injure the morals, of the community in which he may live.

This is a quoted statement from a man who never belonged to a church and who, in a way, was crucified by some leaders of the church. Yet, he saw the virtue of its great ideal and its great program and that it would one day itself see that it was wrong and then readjust its program. He thought it best and I think wisely not to take issue with the church program and let them carry on in their own way.

He goes on to say, "When any church will inscribe over its altar, as its sole qualification for membership, the Saviour's condensed statement of the substance of both law and Gospel, 'Thou shalt love the Lord thy God with all thy heart, and with all thy soul and thy neighbor as thyself,' that church will I join with all my heart and all my soul." This expresses a rather liberal viewpoint that was not questioned even in that time.

The quotes one could find from the statements of our public men on this subject of religion are almost endless and, without exception, when you analyze the true feeling of these great and wonderful people we call our forefathers on this subject you find that they believe in the broad principle of freedom of religion that was guaranteed as a part of a document I choose to call a most wonderful work—the Constitution.

Ever since I have been a member of a church, I have become increasingly aware of the need for our people to understand better the broad and noble objectives of the true religion, the great fundamental truths that have been enunciated by great religious leaders, the virtue of turning the other cheek and being forgiving and the wonderful lessons of love and charity taught in the Bible and which I believe are the central theme of the Judeo-Christian philosophy that most of us embrace.

For this reason, I have associated myself with and encouraged every ecumenical movement in America. In my local community I cooperated enthusiastically with our brotherhood programs that involved the three great faiths—Protestant, Catholic, and Jewish, in many communities simply referred to as the Brotherhood of Christians and Jews. I was a part of the group that helped organize the Scott County Council of Churches a number of years ago, and I might add that this organization has performed a fine service in our community by creating more interest in the religious life of the community.

I encouraged my own denomination to become a member of and support the Scott County Council, the Iowa Council, the National Council, and the World Council of Churches. I have always held to the theory that we have no right to criticize another man's religion in which he has a sincere and devoted belief. I have always held that we should, in no way, discourage any of the evangelistic programs sponsored by any particular church nor by the church in general. I have cooperated with groups which sponsored programs to make an appeal to people who had no or very little faith in any church or religion and in every way tried to encourage people in their own religion.

Because of this background of experience, the study that I have given this subject and my general interest in a more positive program for all churches, I, like many thousands of people that I represent, have become concerned that certain groups, unwittingly I am sure, have been and are tearing at the roots of the religious institutions of our country. Since I believe that a great deal of this is brought about because of their lack of understanding of the objectives of individual churches and the cooperative movement in general, I should like to talk briefly on the program of one of those great institutions, the National Council of Churches of Christ in the U.S.A.

The National Council of Churches—what does it do? It is an agency through which the Protestant and the Orthodox Churches in the United States express their common faith in Jesus Christ as divine Lord and Saviour, and cooperate to focus the light of that faith on all phases of American life.

Is not that a good objective?

The churches act through the 70 program units of the council in a spirit of evangelism to encourage Christians to the use of prayer, to the acceptance of personal responsibility, and to study in all matters affecting the life of the Nation. The churches continue their tradition of concern for the welfare of all members of society by speaking and working through the council.

I ask, what is wrong with that?

The council is an expression of its member churches' belief that, in spite of diversity of form and doctrine, they are one in their faith in Jesus Christ. It does for the churches such cooperative work as they authorize it to carry on in their behalf.

I do not see how anyone can criticize that.

What does the National Council do?

First, it works constantly to make Christians more aware of the central unity of their faith. It aids Christians to direct their faith into channels of action.

Is not this a good idea?

Through its division of Christian education, the council gives guidance to the United Christian Youth Movement. It provides eight interdenominational summer conferences through the Commission on Missionary Education, which also reaches 7 million persons annually by means of books, plays, filmstrips and films produced by the Friendship Press. The division administers some 600 leadership schools each year, guides religious education and daily vacation schools, coordinates programs for 471 church-related colleges.

The division produced and holds the copyright of the Revised Standard Version of the Bible, and serves as the custodian of its basic text.

This should be enlightening and worthwhile. It should not be anything to criticize, in my opinion.

Through its division of Christian life and work, the council encourages study in the churches of international affairs and worship and the arts; seeks to stimulate among Christians the application of Christian principles to economic life and racial and cultural relations; gathers and analyzes information on religious liberty; helps to coordinate the churches' health and social welfare agencies with national voluntary and Government agencies; aids the denominations in planning a cooperative approach to stewardship and benevolence.

What is needed, I think, is much more of this.

Through its division of home missions, the council works to meet the changing needs of urban and rural churches; maintains a church building consultation service; has programs for agricultural migrants and Indians; provides a clearinghouse of information and experience for home missions institutions; assists member boards and agencies in recruitment of missionary personnel.

Is not this aiding and abetting the great admonition by Christ to preach and teach?

Through its division of foreign missions, the council coordinates the proclaiming of the Gospel overseas by 73 foreign missions boards and 41 denominations. It works with the churches in area committees, and with the churches overseas through National Christian Councils, on problems facing missions in 60 countries. It assumes responsibility for the health of missionaries while in the United States, and supplies clinical services through the associated mission medical office. It conducts a literacy program in 65 countries.

This, thank God, has never been and, in my opinion, should not ever be criticized.

Through Church World Service, 35 Protestant and Orthodox boards and agencies provide worldwide aid to the needy. CWS sends millions of pounds of relief aid overseas annually. It rehabilitates war amputees, runs child care centers overseas and has already brought more than 100,000 refugees to the United States.

I might add that Mrs. Schwengel and I had a part in this program, a very small part. We have been responsible for sponsoring 11 of these displaced persons, refugees. They have enriched our lives, and I believe because of the background and experience they have had they have enriched the lives of our countrymen and the lives of the people with whom they have been associated. This, too, I feel is fulfilling one of the great missions and purposes of the Christian faith.

Through the central department of evangelism, the council holds national Christian teaching missions, campus meetings and programs, services and discussions at military bases. It cooperates in a national parks ministry.

Through the general department of united churchwomen, the council promotes the united work of churchwomen in missions, world relations and social action; sponsors the World Day of Prayer; World Community Day for relief and international understanding; May Fellowship Day for the local community; and programs of leadership education.

Through United Church Men, the council helps develop programs that concern the national consciousness of church men in local communities, supports their emphases on Christian colleges and Christian missions in cooperation with existing programs of the national council.

Through the broadcasting and film commission, the council presents Christian programs on radio and television networks and stations; maintains liaison with the movies; prepares audio visuals for the churches; provides broadcast training for clergy and laity.

Through the bureau of research and survey, the council gathers and analyzes

information, carries out research in cooperation with colleges, universities, and foundations; publishes Information Service, a biweekly review and digest; gathers church statistics and publishes them in the Yearbook of American Churches.

Through its Washington office, the council provides information about Government activities affecting the churches and their Christian concerns, and supplies to Congress executive departments and nongovernmental organizations facts about the structure and programs of the council.

Truly, this cannot be a very legitimate cause for criticism of making pro-Communists.

Who is represented in the council? I think this is very important for us to know.

Thirty-three Protestant and Orthodox communions in the United States are members of the national council. These denominations have a total membership of about 38 million.

There are almost 40 other denominations, or boards and agencies of denominations, that are not members of the council but cooperate in one or more of the council's activities.

Member denominations elect their own representatives according to procedures they establish for themselves. Members of the clergy, lay people and youth are included in the representation.

There are 954 local and State councils of churches, and more than 2,000 ministerial associations, which work with the council at the community level. State and local councils of churches also are represented officially in the council.

How are council policies decided? And this is very important for us to know about and understand.

Council policies are established by denominational representatives, who sit in the general assembly and general board, the two governing bodies of the council.

The general assembly consists of 443 clergymen and 251 laymen. It meets every 3 years and acts as a central body of interdenominational decision. Its next meeting will be in San Francisco in December 1960.

The general board meets three times a year and consists of 166 clergymen and 90 laymen. The board reports regularly to member denominations, making the council responsible to its constituent member churches.

Through the assembly and the board, the council speaks as a united voice on matters of ethical, moral, or religious concern to its membership.

Almost all of the council's 70 program units are directed by committees composed of denominational executives. In specific programs and general policies, the council is supervised and governed by representatives of the communions that comprise it—2,700 lay men and women and 2,800 clergymen.

Despite the vast scope of the council's work, the full-time staff of the council numbers only 700 employees, of whom about 200 are executives, the remainder being clerical and secretarial. Most of these people work at headquarters in New York, but there is a small office in Washington, D.C., and another in Atlanta.

How is the council financed?

The council's funds come from the following sources: About 61 percent is contributed by denominations, local churches, and related organizations; another 13 percent consists of gifts from individuals, corporations, and foundations; approximately 26 percent is derived from gross sales of council materials; and 1 percent comes from investments.

How is the council budget divided?

The two largest items are spent on interpreting Christianity through evangelism, teaching missions, use, and understanding of the Bible, radio, television, and the press; and on relieving distress, furthering reconstruction, and promoting Christian understanding overseas.

The next largest sum is spent to reach the underprivileged and the unchurched.

Instruction to youth, the application of Christian principles to life, and the stimulation of local cooperation are the next three largest budget categories.

Combined costs of administration and central services total 8 percent. With supervision of council programs, and special research-and-survey and advisory services, these complete the list of budget items.

The council's annual net budget varies in size from year to year. It was $12,454,840 in 1959, $11,325,160 in 1958, $13,212,620 in 1957.

What do the critics say of the council?

That the council is liberal in its theology. These critics disregard the fact that the council has no theology of its own. The council is forbidden by its constitution to determine theological matters, which are the sole concern of its member churches.

What do the critics say of the council? One criticism often heard is that the church council is a super church. These critics disregard the fact that the council is forbidden by its constitution to exercise any authority or any administrative control over the churches or to prescribe any form of church government.

Another criticism is that the council is liberal in its politics. These critics disregard the fact that the council is not a political organization and has no political affiliation. The member churches express through the council their belief that all political organizations are under the judgment of God and their conception of the witness the Christian citizen must make in whichever field he works, whether it be labor, industry, management, business, social welfare, government.

That the council is a welfare organization. These critics disregard the fact that the member churches authorize the council to contribute to the life of the Nation by expressing the church's concern for the welfare of all society. The churches authorize the council to engage directly in some welfare programs just as the churches themselves have always done.

In sum, the council makes it possible for regular church-going Americans to exchange their best wisdom on church work, and to manifest through the council their single purpose in witnessing to their faith in Christ in every realm of life.

Where does the council stand on some of the controversial issues? First, on the subject of communism which seems to concern so many people, and indeed it concerns me, the national council is and always has been unalterably opposed to communism. The general board, meeting in Seattle, June 4, 1959, reaffirmed the consistent position of the National Council of Churches expressed in many official actions opposing the evils, the violence, and the violation of human rights by Communist and other tyrannies.

On international aid and trade they say:

This assembly advocates balanced expanding programs of international aid and trade to the end that, in this interdependent world, its various peoples, all created and cared for by God, may have a more abundant life, with more well-being, knowledge, justice, freedom, and peace.

On collective bargaining, they say:

We recognize the right of both employers and employees to organize for collective bargaining, and in connection with employees we believe that it is generally desirable to do so.

On segregation:

The National Council of Churches renounces and earnestly recommends to its member churches that they renounce the pattern of segregation based on race, color, or national origin as unnecessary and undesirable, and violation of the gospel of love and human brotherhood.

On peace and the United Nations:

We believe the United States should seek to strengthen the ties by which the freedom-loving people in all the nations are bound together. We believe in the United Nations. We believe the United States should negotiate without appeasement with other governments, both within and without the United Nations. We believe the United States, preferably through the United Nations, should implement a program of assistance to the underprivileged peoples of the world.

On religion and public education:

The home and the church must assume their primary roles as teachers of religion. No agency of the State, including the public school, can safely or wisely be entrusted with this task.

On freedom to speak:

We uphold the right and duty of the churches and their councils to study and comment upon issues of human concern, however controversial, and resist all efforts to discourage full freedom of discussion, and, in discussion, reject attempts to suppress such freedom.

These have all been officially acted upon by the board of the National Council of Churches.

I should like to point out that the preamble to the constitution of the National Council of Churches reads as follows:

In the providence of God, the time has come when it seems fitting more fully to manifest oneness in Jesus Christ as divine Lord and Savior by the creation of an inclusive cooperative agency of the Christian churches of the United States of America to continue and extend the following general

agencies of the churches and to combine all their interests and functions: Federal Council of the Churches of Christ in America, Foreign Missions Conference of North America, Home Missions Council of North America, International Council of Religious Education, Missionary Education Movement of the United States and Canada, National Protestant Council on Higher Education, United Council of Church Women, United Stewardship Council.

The National Council of Churches, working on behalf of its constituent members, carries out its program activities through the following divisions and units of the National Council: First, Division of Christian Education; second, Division of Christian Life and Work; third, Division of Home Missions; fourth, Division of Foreign Missions; fifth, Church World Service; sixth, Evangelism; seventh, United Church Men; eighth, United Church Women; ninth, the Broadcasting and Film Commission.

Part of the criticism has been centered on some of the leaders of the national council. Because a part of this criticism has come to a very dear and personal friend of mine, a great leader of the Baptist Church and a great national leader in the National Council of Churches, Dr. Edwin T. Dahlberg, I think it might be well to take a little time and share with you a brief sketch, at least, of his background, his training, his interest, and his work in this field. Anyone noting this record of achievement, of this very apparent devotion to great ideals, cannot help but admire him and the things for which he stands. A title for a talk on the life of this man could very well be, "Lest We Forget." So I say, lest we forget, let me remind you that Dr. Edwin T. Dahlberg, of St. Louis, Mo., president of the National Council of Churches, is a traveler, lecturer, author, and churchman known favorably on several continents for his interest in the worldwide church and its great program for peace.

A former two-term president of the American Baptist Convention, he is the first Baptist elected to the council presidency and the first churchman chosen while an active pastor to head the 30-member interdenominational body that includes the main stream of Protestantism and of the Eastern Orthodox churches in the United States of America.

Although he has served well the cooperative work of the National Council and the World Council of Churches, Dr. Dahlberg's first love is the local pastorate. He is minister of the Delmar Baptist Church in St. Louis, Mo., which has a membership of 1,400, and belongs both to the American Baptist and the Southern Baptist Conventions. One of five dual alinement churches in St. Louis, the Delmar Church has been described as "a church with a northern accent and a southern exposure."

On the ecumenical front, Dr. Dahlberg plays an important role. He has served 6 years—1948 to 1954—on the central committee of the World Council of Churches; was one of four American Baptist Convention delegates to the constituting assembly of the World Council in Amsterdam, Holland, in 1948; attended the Central Committee meeting in Lucknow, India, in 1953; and was a delegate to the World Council Assembly in Evanston, Ill., in 1954. He was also a delegate to the Constituting Assembly of the National Council of Churches in Cleveland, Ohio, in 1950.

In ecumenical circles and in the pulpit the new National Council president is known for his dedication to the cause of peace. He has lent his weight to peace movements throughout his life, at the same time that he has had a great admiration for the soldier.

During his 39 years in the ministry of five successive Baptist churches in Potsdam and Buffalo, N.Y.; St. Paul, Minn.; Syracuse, N.Y.; and in St. Louis, Mo., Dr. Dahlberg has impressed his congregations and his church colleagues as one of the great preachers of our day. His overwhelming faith and deep sincerity are immediately manifest. Although he does not indulge in forensics, he has emotional fervor and his message is clear, forceful, and convincing. He communicates warmth and feeling. Men and women in the pews feel that he is talking directly to them on meaningful aspects of their own lives. While essentially a serious-minded individual with a deep sense of humility and piety in its best meaning, he has more than the average humor in his sermons and speeches and constantly draws upon his wide background in literature and history to point up parallels and contrasts.

During his first pastorate at Potsdam, N.Y., he had a missionary circuit of three churches in the foothills of the Adirondacks, made a round trip of 46 miles and preached four sermons every Sunday. One of these missionary outstations was at South Colton, N.Y., where he had a church of 35 members, and the other was a Presbyterian church of 15 members at Stark, up in the timber and sugar bush country, where no Presbyterian pastor was available. He feels that those strenuous years, which began with an income of $1,100 and parsonage, were the best possible training for his subsequent ministry. Equipped with good health throughout his life, he has not had to miss more than two or three preaching appointments during his entire career. He believes with Charles Haddon Spurgeon that frequent public speaking is the best protection against "preacher's sore throat" just as cutting wood every day is the best guarantee against a lame back.

Unusually generous toward those espousing different views, Dr. Dahlberg is known among his contemporaries for his deep human sympathies and his sense of justice. One of his most admiring colleagues said recently, "Ed Dahlberg leans over backward to be fair to those who disagree with him, so much so that he may even appear more generous to his antagonists than to his friends."

He has a strong commitment to evangelism. In fact, he wants to see the social gospel preached with a strong evangelical emphasis. He has said on this subject:

My dream has always been that the churches might link the evangelistic emphasis with political and social action. The way things are now, our popular evangelism often has no significant ethical content and our social action has no dynamic spiritual motivation. The danger in this kind of social action is that it will become purely legislative, and that we will lose the significance of individual rebirth, which I believe is a condition of Christian social work.

These twin concerns followed his association with Walter Rauschenbusch, author of "Christianity and the Social Crisis," while a student in Rochester Theological Seminary. There the young seminarian served as Rauschenbusch's personal secretary, a coveted post. Throughout his life he considered the prophet of the social gospel as the most Christ-like person he ever knew, as well as a man of great knowledge and teaching power. Guide and friend, Professor Rauschenbusch opened new vistas of social concern for his pupil, which aided in the development of his philosophy.

Dr. Dahlberg's own specialty as a pastor has been in the field of marital counseling. He believes strongly in the efficacy of the marriage clinic and contends that the best way to maintain stable homes and end the soaring rate of marital breakups is through premarital education—the training of young people in all phases of Christian family life.

In serving the cooperative church movement through the National Council of Churches, its new president has been a member of the general assembly, which elected him, since the formation of the National Council 7 years ago. He carried responsibility as chairman of the committee of 10 which made an exhaustive study of the question of a headquarters city, presenting the committee report favoring New York City to the general assembly in Boston in 1954. He has also served as vice chairman of the department of evangelism.

In his own denomination, Dr. Dahlberg served as chairman of the commission of review which some years ago recommended extensive structural changes in the American Baptist Convention, including the establishment of the office of general secretary and a change in name from Northern to American Baptist Convention. He is presently chairman of the commission on evaluation and recommendations considering further reorganization of the American Baptist Convention. He is also chairman of the evangelism committee of the American Baptist Home Mission Societies, of which he is former president. He has served as a member of the executive committee of the Baptist World Alliance, and is a former president of the Metropolitan Church Federation of Greater St. Louis.

Other responsibilities include membership on the boards of trustees of the Colgate-Rochester Divinity School, Bacone College, Shurtleff College, and the Missouri School of Religion, as well as board membership in the Ministers Life and Casualty Union.

Dr. Dahlberg was born in Fergus Falls, Otter Tail County, Minn., December 27, 1892, the youngest in a family of six children. His father and mother—Elof Dahlberg and Christine Ring Dahlberg—were of Swedish birth, but came to America in their childhood with their parents, who were in search of religious

freedom as well as of better economic opportunity. Persecution of the Baptists was rife in Sweden at the moment, mobs often stoning the homes where Baptist meetings were held, and police arresting the preachers.

Dr. Dahlberg's paternal grandfather, Nils Dahlberg, took up a homestead in Minnesota, the heart of the Swedish colony in this country, and later added to the homestead by the purchase of more land. Edwin's father later bought half of the farm, and upon retirement to Minneapolis in 1903, sold the 420 acres which he had devoted to the successful raising of wheat and cattle.

The Dahlberg family was and is deeply religious, holding to the tradition of family prayers and blessing at the table. When Edwin was 10 years of age the whole family moved to Minneapolis in order to be nearer the University of Minnesota. There they joined the Olivet Baptist Church—now the University Baptist Church—where Edwin was baptized at the age of 11. He was ordained in the same church May 14, 1918. Although his father had hoped Edwin might become a lawyer, the son was influenced by his pastor to go into the ministry, and he did so with his parents' blessing.

Dr. Dahlberg received his B.A. degree from the University of Minnesota, his bachelor of divinity degree from Rochester Theological Seminary, Rochester, N.Y., and his doctor of divinity degree from Keuka College, Keuka, N.Y. While in the university he did not take part in many extracurricular activities, except in debating and in campus religious programs. As one of his classmates said, "My main memory of Ed is of his walking across the campus with a load of books under his arms, looking neither at the squirrels nor the girls." Active in the Twin City youth work of the churches, he served as vice president of the Hennepin County Christian Endeavor Union. This was his first experience in interdenominational work in which he became so interested thereafter.

Called upon widely as a lecturer, Dr. Dahlberg delivered the annual Rauschenbusch Lectures at the Colgate-Rochester Divinity School in 1951, and recently lectured on "Rauschenbusch the Man" at the University of Chicago under the sponsorship of the Federated Theological Faculty. He was also a member of the committee that formulated the "Message to the Churches" of the Amsterdam Assembly of the World Council of Churches.

He is the author of two books, "Youth and the Homes of Tomorrow," and "Which Way For the Christian," besides being coauthor of "Christian Leadership in a World Society."

An ardent traveler, the new National Council president spent 6 months in Europe during his student days, has returned many times since, and 4 years ago visited the mission fields of India, Burma, and Ceylon. In the spring of 1956, during the tensions in the Middle East, he spent a month in Israel as a guest of the American-Israel Society, where he met many of the Jewish religious leaders and studied the social and economic conditions of the State of Israel.

Each Christmas that he has held office as president of the National Council of Churches, on behalf of the National Council, he has visited American Armed Forces overseas.

He has linked traveling in America with another love—mountain climbing. He has scaled Long's Peak, the north and south Arapahoe, and several other 14,000-foot mountains in Colorado. This love of the mountains is a part of his love of solitude. Sociable and friendly by nature, he looks forward with eagerness to opportunities to be alone. For 30 years he has made it a practice to spend an entire night of each vacation, beneath the open sky, in solitary prayer and communion with God. Sometimes this has been in the Mohave Desert, sometimes in the mountains, on the prairie, or by the sea. Three times he has spent such a night of prayer in a rowboat, on the Minnesota and Wisconsin lakes.

In 1918 Dr. Dahlberg married Emilie Louise Loeffler, of Rochester, N.Y. Active as was her husband in the Christian Endeavor Society in her younger years, she has also participated widely in denominational and interdenominational service, having been a member of the board of the American Baptist Woman's Foreign Mission Society, and serving on local YWCA committees. They have three children and eight grandchildren. Their daughter, Margaret Emilie, is the wife of the Rev. Gordon M. Torgersen, pastor of the First Baptist Church, Worcester, Mass.; their older son, Bruce, an ordained Baptist minister, is associate professor of the Old Testament at Smith College, Northampton, Mass., and Keith, their youngest, is a medical missionary in Burma, where on January 1, 1958, he will take charge of the American Baptist Hospital at Kengtung, in the East Shan States where, except for a government physician, he will be the only doctor for a population of 250,000 people.

ADDITIONAL ANECDOTAL MATERIAL

When Dr. Dahlberg was 4 years old he started school in the Buse Township District School, 3 miles south of Fergus Falls—a one-room school with one teacher and nine pupils, ranging from the first to the eighth reader. His teacher, Ada Zendt, was also janitor, playground director, and everything else, for $30 a month. Fond of horses, she drove a spanking pair of handsome Shetland ponies and an old-fashioned cutter across the prairie snows, arriving early each morning to kindle the fire and open the door before the children came from the surrounding farms. "I never had a finer teacher than Ada Zendt," says Dr. Dahlberg.

His father was clerk of the school board. His mother, with the other farm women, used to go to the schoolhouse after each election day, with soap and scrubbing pails, to clean the floors, take out the cuspidors, and make everything ready for the opening of school the next day.

When Edwin was 9 and in the fifth reader, his parents sent him with his brother Henry, 14, and sister Effie, 16, to school in Fergus Falls in order that they might get a more thorough education than in the country school. The three children lived in two rooms over a grocery store, where they did their own cooking and housekeeping under Effie's direction, the boys carrying in the wood and water and lighting the fires. Every Friday night they would go out to the farm, and every Sunday evening their father would drive them back to town again, with a wash boiler filled with food for the following week. Edwin, the youngest, was desperately homesick and lonely at first, loathing the regimented marching in and out at the sound of the town school bell. But he soon became adjusted, and learned to enjoy the strange new games of the town children. Because of his age, he was put in the third grade on the opening day, but his sister Effie intervened with his teacher, Edwin successfully passed a special examination, thus qualifying for the fifth grade. The same experience was repeated when they moved to Minneapolis. Again his sister spoke in his defense, and after another examination he was put in the proper grade.

From there on it was smooth sailing. He was graduated as class valedictorian from East High School, Minneapolis, when he was 16 years old, after serving on the editorial board of the class annual. He remembers that because of his age he was still in knee pants while his classmates were proudly parading in long trousers. During his junior and senior years in high school he had a newspaper route, serving 175 Minneapolis Tribune customers—in the winter on foot and via bicycle in summer. He has always considered his paper route one of the best training experiences he ever had.

With cash saved from this business venture he went to California upon graduation to join his two elder brothers, chemists in a beet sugar factory at Spreckels. Here he spent most of the year as a factory worker, cleaning out the juice boxes and the filter presses. Later he became a bench chemist at Spreckels, running tests on the sugar content of the sirup and molasses samples—a 12-hour job from 7 p.m. to 7 a.m. each night, with no Sundays off, for which he received four $20 gold pieces a month—the most money he had ever earned.

While in Spreckels the 17-year-old boy embarked on his first religious work, assisting in the organization of a worship group for some of the families living in company houses in that 500-population factory town, and teaching a Sunday school class of boys who met in the bell tower of the village school.

It was not a very good example of the separation of church and State—

Says Dr. Dahlberg.

Moreover, the bell rope hung right down through the ceiling of the classroom, so that when my kids got out of control the whole town knew it.

Young Dahlberg's most admired pastor was Dr. Rutledge Thornton Wiltbank, of the Olivet Baptist Church, Minneapolis, a great scholar very highly regarded by

the University of Minnesota faculty. Later Wiltbank left the ministry to become a professor of psychology. The new council president has lost track of him completely, in spite of diligent efforts to locate him. It was Dr. Wiltbank who first asked Edwin if he had ever thought of the ministry as a life work. He said, "We need well-trained men." He especially emphasized the necessity for ministers with a strong Christian faith and a sound scholarship. When Dr. Wiltbank left the ministry, he gave Edwin his library of 1,200 books.

Also, Mr. Speaker, I should like to place in the RECORD the contents of a booklet by the National Council of Churches entitled "Working Together."

WORKING TOGETHER THROUGH THE NATIONAL COUNCIL OF CHURCHES

The National Council of Churches is constituted by, responsible to, and under the direction of the following 33 communions:

Baptist: American Baptist Convention; National Baptist Convention of America; National Baptist Convention, U.S.A., Inc.; Seventh Day Baptist General Conference.

Church of the Brethren.

Christian Churches (Disciples of Christ), International Convention.

Eastern Churches: Armenian Church of North America, diocese; Greek Archdiocese of North and South America; Romanian Orthodox; Episcopate of America; Russian Orthodox Greek Catholic Church of America; Serbian Eastern Orthodox Church; Syrian Antiochian Orthodox Church; Ukrainian Orthodox Church of America.

Evangelical United Brethren Church.

Friends: Five Years Meeting of Friends, Philadelphia Yearly Meeting of the Religious Society of Friends.

Lutheran: Augustana Evangelical Lutheran Church; American Evangelical Lutheran Church; United Lutheran Church in America.

Methodist: The Methodist Church; African Methodist Episcopal Church; African Methodist Episcopal Zion Church; Christian Methodist Episcopal Church.

Moravian: Moravian Church (Unitas Fratrum); Evangelical Unity of Czech Moravian Brethren in North America.

Polish National Catholic Church of America.

Presbyterian: Presbyterian Church in the United States; United Presbyterian Church in the U.S.A.

Protestant Episcopal Church in the United States of America.

Reformed: Hungarian Reformed Church in America; Reformed Church in America.

United Church of Christ: (General Council of Congregational Christian Churches; Evangelical and Reformed Church).

These are the present members of the National Council of Churches. New members are received from time to time. Membership is open to communions which are constituted as autonomous church bodies, possess a history that demonstrates permanency and stability, have an established order of government and ministry, and acknowledge Jesus Christ as Divine Lord and Savior.

In the present membership are most of the major historic bodies of American Christianity except the Roman Catholic. Through their appointed representatives participating in the democratic process of the National Council, they are drawn together into cooperative association. They coordinate many and varied programs and reinforce each other in their life and work.

HOW THE COUNCIL CAME TO BE

With the constituting of the national council at Cleveland in 1950, the member churches acquired at one swoop a long-sought "common voice," a means of effecting a united rallying of Christian forces, a united planning of Christian activity, and a united Christian impact upon the life of the Nation and the world.

Although the council may have appeared to the Nation to have "sprung full grown" onto the American scene when it was established by the churches, it was actually an outgrowth of years of common endeavor. The efforts of U.S. churches to "do together what can be done better unitedly than separately" had begun long before. Until the 19th century, Protestantism was concerned mainly with carrying out the Reformation principle of freedom for the individual and group. Then the separate churches began to feel common responsibility for impact on their local communities and for missionary enterprise. The immensity of the task and the weakness of the unrelated attempts to master it led eventually to efforts to provide mutual support.

Early in the century local Sunday schools began to organize Sunday school unions. The 1824 American Sunday School Union led to the first National Sunday School Convention in New York City in 1832; to the first nationwide cooperative project, uniform Sunday school lessons, in 1872; to the International Sunday School Association in 1905; and, in 1922, to the International Council of Religious Education.

Meanwhile, formal church cooperation on the State and local level began in the 1890's. Early in the 10th century this was accelerated with a widening of the areas of common interest and concern.

Consultation on many foreign missions led to establishment of the Foreign Missions Conference of North America in 1893 and to a series of ecumenical conferences beginning in 1900. The missionary education movement was organized by home and foreign missions boards in 1902.

The denominations themselves organized the Federal Council of Churches in 1908.

Then came the Home Missions Council, the National Protestant Council on Higher Education, the United Stewardship Council, and the National Council of Church Women, all founded by denominational boards to make their work more effective.

But even this was not enough. As these agencies evolved their programs, they found overlappings and divisions of responsibility. Cooperative action among them was discovered helpful. In 1933 the president of the International Council of Religious Education called a conference to consider closer cooperation among the various councils. This led to a permanent intercouncil field staff and in 1940 to the Association of Council Secretaries.

In 1938 the federal council received overtures from the Presbyterian Church, U.S.A., looking to "fuller unity in Christian service." The federal council in turn invited other interdenominational agencies to participate in a study of intercouncil relationships.

This study was concluded in 1941 at a historic Atlantic City conference of 25 representatives from each of 8 interdenominational agencies, plus 6 from the Association of Council Secretaries. This body recommended, from among several alternatives, "the creation of a single corporate agency to succeed all of the existing national councils."

This met with enthusiastic general acceptance, and was followed by 9 years of planning. After approval of a constitution by the denominations and councils of churches, the 13 interdenominational agencies transferred their cooperative work to one agency, the national council, representing the interests of all. Through it, 34 churches—with 37,870,000 members, and in association with over 900 State and local councils of churches and 2,000 ministerial associations—mutually reinforce and strengthen each other.

MANY SHARE IN COUNCIL'S WORK

Related to the National Council of Churches also are the American Association of Theological Schools, the American Bible Society, the Boy Scouts of America, Campfire Girls, Girl Scouts of the U.S.A., National Council of the Young Men's Christian Associations; National Board of Young Women's Christian Associations in the U.S.A., International Society of Christian Endeavor, the International Association of Daily Vacation Bible Schools, General Commission on Chaplains, Commission on Christian Higher Education of the Association of American Colleges, World Council of Churches, and World Council of Christian Education and Sunday School Association.

The service which the national council renders the church population of the Nation goes far beyond its constituent member communions. Individuals or representatives from 34 other U.S. denominations or denominational agencies, plus 4 Canadian bodies, cooperate with one or more national council services.

This would indicate also that the national council serves far more than 37,870,000 members of its constituent communions, and that the figure, if it could be computed, would be closer to 50 million.

The following denominations or one or more of their boards or agencies, not members of the National Council of Churches, are either voting or nonvoting associate members of one or more council units or area committees:

Advent Christian Church.
American Lutheran Church.
Anglican Church of Canada.
Assemblies of God.
Associate Reformed Presbyterian.
Baptist Federation of Canada.
Brethren in Christ.
The Brethren Church.
Church of Christ (Holiness).
Church of God, Anderson, Ind.
Church of the Nazarene.
Churches of God in North America.
Cumberland Presbyterian.
Evangelical Congregational.
Evangelical Lutheran.
Evangelical Mission Covenant.
Finnish Evangelical Lutheran.
Free Methodist.
Friends, California Yearly Meeting.
Friends, Kansas Yearly Meeting.
General Baptist.
Lutheran Brethren.
Lutheran Church—Missouri Synod.
Lutheran Free Church.
Mennonite Church, General Conference.
The Mennonite Church.
National Primitive Baptist.
North American Baptist General Conference.
Presbyterian Church in Canada.
Reformed Episcopal Church.
Salvation Army.
Schwenkfelder.
Seventh Day Adventists.
Southern Baptist.
United Church of Canada.
Universalist.
United Evangelical Lutheran.
Wesleyan Methodist.

HOW THE COUNCIL IS GOVERNED

As the council was officially created by the churches, so also is it wholly responsible to them. The governing body is the general assembly of 694 delegated representatives, 443 clergy and 251 laymen, all named directly or approved by the member communions. The assembly, which meets every 3 years, constitutes a central board of interdenominational strategy, developing a common mind, planning united policies, and providing for concerted action.

In the interim between assemblies, the supervisory body is a general board of 256 members, 166 clergy and 90 laymen, all of whom also directly represent the member

communions or are approved by them. The general board meets several times a year. It reports regularly to each of the denominations and is subject to their review. Thus the council is responsible at all times to the communions which established it as their agency for cooperation, depending wholly on the principle of voluntary cooperation through democratic representative processes. Through these two bodies—the general assembly and the general board—which make all policy decisions affecting the life and work of the organization, the council speaks as a united voice on public matters of concern to its constituent churches.

In addition to the above, each of the council's programs is directed by a committee which includes denominational executives carrying corresponding responsibilities within their denominations. Thus in its specific programs as well as in its broad policies the council is supervised and governed by nearly 5,500 official representatives—approximately 2,700 lay men and women and 2,800 clergymen—of the 34 communions that constitute it.

Closely associated with the National Council are over 900 city, county, and State councils, created by the churches of their own communities and responsible for programs of cooperation there. There are 2,200 councils of churchwomen and 2,000 ministerial associations that provide further networks of local cooperation. All of these are autonomous but linked with the National Council in common aims, program concerns, and functions.

PROGRAMS

From this vast array of U.S. denominations and church members, more than 5,000 lay men and women and clergy, appointed by their denominations, from every State in the Union, serve on council committees and commissions, making the decisions on the council's policies and programs in the various areas of its activity.

The programs which the denominations carry on through the National Council may be briefly indicated by the following divisional and departmental chart.

THIRTY-FOUR DENOMINATIONS — NATIONAL COUNCIL OF CHURCHES, GENERAL ASSEMBLY, GENERAL BOARD

Service units: Broadcasting and films, councils of churches, publication and distribution, public relations, research and survey, Washington office.

General units: Church world service, evangelism, united churchmen, united churchwomen.

Division of Christian education—General Christian education:
- Children's work.
- Youth work.
- United Christian youth movement.
- Adult work.
- Family life.
- Curriculum.
- Leadership.
- Audiovisual and broadcast education.
- Weekday religious education.
- Religion and public education.
- Religious drama.
- Camps and conferences.
- Vacation church schools.

HIGHER EDUCATION

- Christian institutions.
- Campus Christian life.
- United student Christian council.
- Faculty Christian fellowship.
- Ministry.
- Student volunteer movement.
- Interseminary movement.

MISSIONARY EDUCATION

- English Bible.
- Standard Bible committee.
- Use and understanding of the Bible.
- Lesson syndication.

Division of Christian life and work: International affairs, pastoral services, racial and cultural relations.

Division of home missions: Urban church, town and country church, church building.

Division of foreign missions: Area committees for Africa, China, Japan, Philippines, Korea, Latin America, Near East, southeast Asia, southern Asia.

Christian medical council for oversea work.

Associated missions medical office.

Radio, audiovisual education, and mass communication.

Rural missions.

World literacy and Christian literature.

Missionary personnel.

Missionary research.

Oversea union churches.

The work of the National Council of Churches, working on behalf of its constituent members, is performed through the Division of Christian Education. The following units:

Develop basic goals, prepare general guidance materials for children's work; provide counseling services for laboratory schools and State and area committees.

Give executive leadership to the United Christian Youth Movement, the cooperating agency of existing youth groups representing 10 million Christian young people through denominational and State and local councils, and aid the interchange of leadership training and the sharing of information and work of denominational youth fellowship.

Aid the development of adult programs in the churches through cooperative study programs, conferences, and institutes in cooperation with State and city councils.

Work with each other and State councils to improve the administration and leadership of local church programs and administer about 600 leadership schools annually.

Administer through interdenominational committees the preparation of Sunday School curriculum outlines used by thousands of church groups.

Promote audio-visual and broadcast education activities; assist with production planning of interdenominational radio and TV programs; and, through local councils, prepare evaluations of church-related audiovisual materials and publish them in the audio-visual resource guide.

Provide leadership, guidance, and resource materials for family life emphasis by communities, councils, seminaries, and colleges.

Guide weekday religious education and daily vacation church schools enrolling over 6 million children.

Conduct a research and information service on religion and public education.

Syndicate Sunday School lessons to newspapers and magazines through National Council Religious Features.

Promote Christian education through use of dramatic arts.

Counsel and provide guidance materials for camps and conferences.

Undergird their mission work with an educational program; coordinate their missionary education endeavors; publish textbooks, filmstrips, maps, and plays through Friendship Press; produce, in cooperation with the Broadcasting and Film Commission, two major films annually.

Assist the Nation's 471 church-related colleges to chart their course by cooperation with denominational boards of higher education; administer through the Interseminary Committee ecumenical fellowship of seminary students; coordinate their student and faculty programs through the United Student Christian Council and Faculty Christian Fellowship; circulate data concerning the ministry as a vocation; interpret to students the world mission of the church through the Student Volunteer Movement; conduct University Christian Missions in tax-supported institutions; and carry on a ministry to universities and their students through departments of campus Christian life.

Have translated and now publish the Revised Standard Version of the Bible; emphasize the central place of the Bible in our heritage and provide a source of Biblical information; and promote the use and understanding of the Bible throughout the United States.

Through the Division of Christian Life and Work—

Secure a larger combined influence in all matters affecting spiritual, moral, and social conditions.

Sharpen responsible concern of their members in international affairs in light of the Christian faith; encourage study, research, projects, and programs; develop consensus on crucial issues; represent these views to the government, the UN, and Christians overseas; mobilize resources for justice and peace.

Inform and stimulate the conscience of the nation in respect to its economic activities—both public and private; help their members apply Christian principles in their economic life, especially in their lay occupations and as citizens.

Provide consultative and informational services to church and community organizations; conduct educational projects in regard to community responsibilities, civil rights, and legislation in racial and cultural relations.

Give through its department of pastoral services counsel, program assistance and coordinating services to a ministry in hospitals, prisons, and other institutions, and in the field of religion and health.

Accumulate and analyze information on civil and religious liberty and offer consultative services on the subject.

Provide cooperation between their health and social welfare agencies, and between them and national voluntary and governmental agencies; provide for joint consideration of national welfare issues.

Engage in studies, share experience, and provide services and materials, in worship and the arts of music, drama, architecture, literature, and the plastic and graphic arts.

Plan and promote the annual United Stewardship Canvass and provide a cooperative approach to stewardship and benevolence.

Through the division of home missions—

Develop a common urban church strategy by initiating new work, studying new approaches and theological implications, and coordinating present resources.

Help maintain a vital theology for rural life; promote inservice training for rural pastors, and sponsor an annual national convocation on the "Church in Town and Country."

Conduct a church building consultation service on request of local churches.

Provide a migrant ministry on wheels for 250,000 seasonal farmworkers in 30 States with a program of religious ministry, adult education, vacation church schools, recreational activities, child care and community centers, a program carried on by the National Migrant Committee with the help of councils of churches, council of church women, and Federal and State agencies, and designed to provide migrants with the protective benefits and warmth of community life.

Carry on a program of Indian work in Government boarding schools, in information concerning the changing legal status of Indians, and in a number of U.S. communities in an attempt to meet the social, economic, and spiritual needs of these people.

Are, through interdenominational work, developing a strong Alaska community through missions, Christian education, church building, health education, and economic development activity.

Provide a clearinghouse of information and experience of home missions institutions—schools, hospitals, community centers—for their various home-mission boards.

Assist member boards and agencies in recruitment and administration of missionary personnel.

Provide liaison for Spanish-American work in youth work, women's work, and evangelism.

Through the division of foreign missions—

Coordinate, counsel, and interpret the vast cooperative enterprise of 79 foreign mission boards and related agencies representing 45 denominations which proclaim overseas the message of the Gospel of Jesus Christ.

Counsel together in area committees and with the churches overseas through National Christian Councils regarding problems facing Christian missions in 60 countries of 5 major areas—Africa, Latin America, the Far East, the Near East, and southern Asia; transmit support for their work, and serve as a liaison with foundations, government, and private welfare agencies.

Are responsible for the health of missionaries and candidates while in America and serve mission boards with clinical services, including 3,000 examinations annually in the Associated Missions Medical Office.

Counsel medical and nursing candidates and missionaries on furlough through the Christian Medical Council for Oversea Work.

Provide the rural mission programs of 28 mission boards with services in training, literature, planning, youth guidance, and the securing of technical supplies; focus attention on practical agriculture, soil stewardship, adult education, health, and handicrafts for village and rural families.

Use lessons on charts in 200 languages to teach millions of illiterates in 65 countries to read and write and thus develop a literate church, as well as provide a weapon against poverty, malnutrition, and infant mortality; train specialists for this world literacy program and promote the production and use of Christian literature.

Employ modern techniques in audio-visual through RAVEMCCO (Radio, Audio-Visual Education, Mass Communication Committee) in proclaiming the Christian Gospel throughout the world.

Assist mission boards in the recruiting, selection, and training of missionaries through the Committee on Missionary Personnel.

Cooperate with Union Theological Seminary, New York, in the Missionary Research Library, largest Protestant depository for missionary literature; and conduct research in Christian missions.

Serve the oversea union churches by providing counsel, aiding in securing ministers and funds for these churches and, in general, assisting the 600,000 Americans abroad who, as unofficial ambassadors and interpreters, are a tremendous potential for Christian influence.

Promote the overseas observance of World Day of Prayer in 117 countries.

Through general units such as church world service—

America has a Christian concern for the hungry and destitute millions abroad who are victims of war, aggression, famine, floods, earthquakes, and other disasters. Lack of food, shelter, and clothing leads to malnutrition and disease. Many die. Hundreds of thousands who have lost homes, loved ones, and occupations, struggle on the edge of despair. Hope alone is left.

To lessen the distress of these destitute millions, to help the uprooted and the stateless; the homeless, the naked, and the hungry; the widows, the orphaned, the disabled, the sick, through church world service, the churches—

Provide worldwide programs of—

1. Emergency relief to victims of natural catastrophes and those made homeless and destitute by strife;

2. Reconstruction, rehabilitation, resettlement of refugees, both emergency (such as Hungarians in 1956) and regular (such as the 1954–56 admittees).

For the needy abroad—

1. Collect, process, and deliver for American churches food, clothing, medicines, vitamins, seeds, new limbs, dollars;

2. Provide housing;

3. Provide new skills for the disabled;

4. Provide help for the sick in refugee camps, hospitals, and institutions;

5. Provide special attention to child welfare programs in orphanages, hospitals, and day care centers.

European operations are in Greece, Germany, Italy, France, Austria, Yugoslavia, and Turkey; in non-European Korea, Kenya, Uganda, Liberia, Nigeria, north Africa, Middle East, India, Pakistan, Japan, Hong Kong, Taiwan, Okinawa, Philippines, Indonesia, Burma, and Vietnam; in Latin American Brazil, Chile, and Paraguay; and in emergency areas of the Caribbean.

EVANGELISM

Hold scores of National Christian Teaching Missions, University Christian Missions on college campuses, Armed Forces preaching missions, and conferences on evangelism.

Conduct religious censuses and visitation evangelism campaigns in cooperation with local councils of churches and ministerial associations.

Sponsor a Christian ministry in the national parks which serves 250,000 people in 24 park areas.

Prepare programs and literature for churches' use in connection with Reformation Sunday, Universal Week of Prayer, Watch Night, Easter to Pentecost, Worldwide Communion Sunday, etc.

Provide coordinating services for denominational evangelism programs.

UNITED CHURCH MEN

Coordinate and extend men's programs through men's work departments in councils of churches.

Help develop a national consciousness of church men and united church men's units and programs in cities and local communities.

Support emphasis on Christian colleges and Christian missions in cooperation with existing program units of the National Council.

UNITED CHURCH WOMEN

It is a far cry from Boston's "Female Society for Missionary Purposes" at the turn of the century to today's General Department of United Church Women, a national interdenominational organization of more than 2,000 local and State councils, with 25,000 World Day of Prayer observances in the United States and 120 other countries, and a $780,000 budget (more than half of which is given to others).

Today, through UCW, the churches—

Unite Protestant women in allegiance to their Lord and Saviour, Jesus Christ, in the life and work of the church, and in the building of a world Christian community.

Carry on broad major programs in leadership education, Christian world missions, Christian social relations, and Christian world relations.

Provide local councils with advisory services on the work of the United Nations and its agencies, family life, industrial relations, civil liberties, public housing, alcohol, gambling, delinquency, discrimination, segregation, national legislation, attacks on rights and freedom, and techniques for extending the total work.

Promote study on the cooperation of men and women in the church, and on developments in the field of the laity.

ANNUAL OBSERVANCES—SPONSORED BY COUNCIL UNITS (WITH DATE, PURPOSE, SPONSORING UNIT)

Universal Week of Prayer: Beginning the first Sunday of January. To emphasize that prayer is a vital force for developing a closer relationship with God; Department of Evangelism.

Church and Economic Life Week: Beginning the third Sunday of January. To emphasize building Christian principles into economic relations; Department of the Church and Economic Life.

Youth Week: Beginning the last Sunday in January. To dramatize the place and purpose of youth in the program of the church and the community; United Christian Youth Movement.

Race Relations Sunday: Second Sunday of February. To stress action by the churches to achieve brotherly love, regardless of race or color; Department of Racial and Cultural Relations.

Universal Day of Prayer for Students: Third Sunday of February. To unify in prayer Christian students throughout the world; United Student Christian Council.

World Day of Prayer: First Friday in Lent. To unite Christians around the world in a bond of prayer; United Church Women.

One Great Hour of Sharing: Usually in March. To enable the participating denominations in the United States to secure funds for their ministries in world relief and reconstruction; Church World Service.

Easter to Pentecost: The 50 days after Easter. To help conserve the evangelical results; Department of Evangelism.

National Christian College Day: In April, the second, or if necessary, the first, Sunday after Easter. To call attention to the Christian colleges; Commission on Christian Higher Education.

May Fellowship Day: First Friday in May. To foster closer fellowship among Christian Women; United Church Women.

National Family Week: Beginning the first Sunday in May. To provide motivation for home and church cooperation, the rededication of home and family to God; Department of Family Life.

Rural Life Sunday (in the Christian calendar since 450 A.D. as Rogation Sunday). Fifth Sunday after Easter. To emphasize the meaning of Christianity for rural life and of rural life for Christianity; Department of Town and Country Church.

Labor Sunday: Sunday before Labor Day. Emphasizes the religious aspects of Labor Day; Department of Church and Economic Life.

Christian Education Week: Beginning the last Sunday in September. To make people aware of Christian education responsibilities in the home, church, and community; Division of Christian Education.

World-Wide Communion Sunday: First Sunday in October. To secure the attendance of Christians at the communion table at their own church; Department of Evangelism.

Churchmen's Week: In October. Symbolic of the present-day partnership between clergy and laymen; United Church Men.

World Order Sunday: In October. To emphasize working together as brothers for the greater glory of God; Department of International Affairs.

Reformation Sunday: Last Sunday in October (or November 1). To commemorate the Protestant Reformation; Department of Evangelism.

World Community Day: In November. To define Christian responsibility in international relations and undergird the Christian women's action program for world peace; United Church Women.

Stewardship Day: In November. To encourage greater giving to God in expression of our gratitude for His gifts to us; Department of Stewardship and Benevolence.

Share-Our-Surplus Week: During the Thanksgiving season. The annual appeal for funds to distribute overseas Government surplus foods; Church World Service.

NATIONAL COUNCIL PERIODICALS

General

Information Service: Weekly. Bureau of Research and Survey.

Memo: Semimonthly. Washington office newsletter.

National Council Outlook: Monthly. Office of Public Relations.

Religious Newsweekly: Weekly. Office of Public Relations.

Program

City Church, the: Bimonthly.

China Bulletin: Monthly. Division of Foreign Missions.

Christian Scholar, the: Quarterly. Commission on Christian Higher Education.

Church Woman, the: Monthly.

International Affairs: Monthly.

International Journal of Religious Education: Monthly.

Inter-Racial News Service: Bimonthly.

Memo: Monthly. Commission on Christian Higher Education.

Missionary Research Library.

Newsletter: Quarterly. Office for Councils of Churches. Free.

Publisher, the: Bimonthly. Office of Publication and Distribution.

Religious Liberty Bulletin: Quarterly. Free.

Rural Missions: Division of Foreign Missions.

Religious Radio and Television Newsletter: Bimonthly. Broadcasting and Film Commission.

Sight-Sound: Bimonthly. RAVEMCCO. Division of Foreign Missions.

Town and Country Church. Monthly.

Together. Quarterly. Division of Foreign Missions.

United Christian Youth Movement Newsletter: Monthly.

United Church Men's Bulletin.

Lit-Lit Newsletter: Eight issues annually. Division of Foreign Missions.

(Inquiries should be directed to the units indicated.)

WHAT THE COUNCIL DOES THROUGH ITS SERVICE UNITS

The broadcasting and film commission, presents Christian messages on 585 radio and 550 TV stations weekly, in its promotion of religious programing; produces 5 radio and 9 TV programs weekly, films, and filmstrips; maintains a liaison with the broadcasting and film industries; and provides broadcast training.

The office for councils of churches, maintains a liaison with State and local councils of churches; provides assistance to them in program development and evaluation, financial counseling, and securing personnel; and is a clearing center for materials developed by the various councils.

The office of publication and distribution, publishes annually hundreds of pamphlets and materials relating to the program activities of council units (except missionary education); receives orders and serves as a distribution office for them.

The office of public relations provides public relations counsel and planning for council units and constituents; is an information clearinghouse for inquiries from units, constituents, and public; distributes council news through daily releases, a weekly newsletter, and a monthly news magazine; and maintains working relations with secular and religious press, councils, denominations, and religious agencies.

The bureau of research and survey, gathers information needed by the churches and program units of the council; promotes, develops, and carries out research in cooperation with seminaries, colleges, universities, and foundations; interprets and reports research findings; collects church statistics and publishes them in the "Yearbook of American Churches," the only reference book of its kind.

The Washington office, serves both member churches and council units; gives prompt and authoritative notice regarding pending legislation, governmental directives, and other developments in the capital affecting the functioning of the churches and their agencies; secures official interpretations of legislative and administrative acts when required; indicates channels for contacts in Washington and furnishes facilities for effecting them when desired (the office does not engage in efforts to influence legislation); coordinates activities in relation to governmental agencies carried on by council representatives in Washington.

OFFICERS, 1957–60

President, Rev. Edwin T. Dahlberg, St. Louis, Mo.

Vice presidents: Bishop Reuben H. Mueller, Indianapolis, Ind. (for Division of Christian Education); Bishop G. Bromley Oxnam, Washington, D.C. (for Division of Christian Life and Work); Rev. Williard M. Wickizer, Indianapolis, Ind. (for Division of Home Missions); Rev. Virgil A. Sly, Indianapolis, Ind. (for Division of Foreign Missions); Bishop Athenagoras, Jamaica Plain, Mass.; Mrs. Guy A. Benchoff, Woodstock, Va.; Arthur Gardiner Coons, Los Angeles, Calif.; Francis Harmon, New York, N.Y.; Charles C. Parlin, Englewood, N.J.; Bishop B. Julian Smith, Chicago, Ill.; Charles P. Taft, Cincinnati, Ohio; Mrs. Theodore O. Wedel, Washington, D.C.

Treasurer, Charles E. Wilson, New York, N.Y.

Associate treasurer, John H. Platt, Chicago, Ill.

Recording secretary, Rev. Norman J. Baugher, Elgin, Ill.

General secretary, Rev. Roy G. Ross, New York, N.Y.

Associate general secretary, R. H. Edwin Espy, New York, N.Y.

HOW THE 1957 COUNCIL MONEY WAS USED

1. Relieved distress, furthered reconstruction, and promoted understanding overseas through "One Great Hour of Sharing" and CROP; reconstruction projects in Europe and Asia, resettlement of refugees, and other relief programs of Church World Service; $2,874,483.

2. Reached underprivileged and unchurched people. Ministry to defense communities, migrants, American Indians; medical, educational, agricultural work at home and abroad; $1,929,028.

3. Interpreted the Christian faith. Evangelism, teaching missions; use and understanding of the Bible; radio, television, film production; religious and secular press; $1,918,796.

4. Taught our youth ethical values and moral conduct. Sunday, weekday, vacation programs with children; church, campus, camping experiences for youth; training teachers and leaders; $1,283,770.

5. Applied Christian principles to life. Family, business, and community relationships; interracial and international understandings; preservation of freedoms; worship, stewardship, pastoral services; $516,994.

6. Stimulated local cooperation. Work with lay men and women; counseling and leadership training; planning with state and local councils of churches; $415,824.

7. Provided special research, survey and advisory services; $191,919.

8. Administered and supervised these program activities; $759,435.

In summary and in closing, let me say, Mr. Speaker, that I hope all of us will think seriously on these things that have been brought to our attention today so ably and so effectively; things that are so very, very important to the American fabric and way of life. Let us always be aware of our own individual responsibilities as Congressmen and also do our part to preserve that great and wonderful system we are pleased to call America; a place where we have and should cherish the great freedoms.

Not long ago, in rummaging through some old RECORDS, I found the words of a former Member of Congress who had once been President of the United States, who is accused by students of having a pretty liberal attitude toward religion. But he was basically sound, and he one day wrote and gave to us what he chose to call a Congressman's prayer. It was given in an area we now know as Statuary Hall on the 4th day of December 1837, and this might be a good note to close on. It reads like this:

Almighty Father, look in mercy down.
O grant me virtues, to perform my part,
The patriots' fervor, and the statesman's art
In thought, word, deed preserve me from Thy frown.
Direct me to the paths of bright renown.
Guide my frail bark, by truths unerring chart,
Inspire my soul and purify my heart
And with success my steadfast purpose crown.
My country's weal—be that my polar star.
Justice thou rock of ages is thy law,
And when Thy summons calls me to Thy bar
Be this my plea Thy gracious smile to draw
That all my ways to justice were inclined
And all my aims—the blessings of mankind.
—*John Quincy Adams.*

These are good words for us to remember, especially those of us who have the great and wonderful opportunity to serve in this great legislative body.

It is my hope that this discussion helps us all to better understand and appreciate the great objectives of the National Council of Churches of the United States of America, and that criticisms of its program and leaders will in the future be on fact rather than fiction, and that its problems, if any, can be resolved through the good offices of reason rather than an appeal to unwarranted use of an appeal to the baser passions of the people.

THESE DAYS—BY GEORGE E. SOKOLSKY

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD, to include two editorials by George E. Sokolsky.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mrs. GREEN of Oregon. Mr. Speaker, under leave to extend my remarks, I include the following two articles by George E. Sokolsky:

[From the Washington Post, Feb. 20, 1960]

THOSE AIR FORCE MANUALS

(By George E. Sokolsky)

Recently one of the really authentic leaders of anti-Communist activity in the United States wrote to me, "God help us from the anti-Communists."

There are so many varieties of them and some of them are so mixed up. They have a feeling against communism, against Russia, against many things, but they do not know why. They have an emotional antagonism to communism but they refuse to do the homework required to know of a force that came into the world more than a century ago and now dominates the lives of close to a billion human beings. Instinctive opposition to so colossal a force is not good enough.

The pamphlet prepared for the Air Force by Homer H. Hyde is supposed to indoctrinate members of the Air Force against communism. But Hyde does not know where his data about clergymen infiltrating the Protestant churches came from. He says that he got it from Circuit Riders, Inc., of Cincinnati, from Dr. Billy James Hargis, a radio evangelist of Tulsa, from an editorial in the San Antonio "Light," and a pamphlet issued by the House Committee on Un-American Activities.

Actually this data appeared originally in the American Mercury, in an article signed by Dr. J. B. Matthews, a well-informed student of the American Communist problems, whose records on the subject are perhaps the most complete. At the moment that Dr. Matthews' article appeared in the American Mercury, he was to have been appointed in charge of research for the McCarthy committee. The article created such a furor that Matthews withdrew from the post. However, Matthews never properly defended himself. He could truthfully have said that a paragraph had been "edited" into his material which made it more sensational than it would have been had there been no editing.

An issue at stake in this controversy is the Revised Standard Version of the Bible. Be it remembered that the Bible was originally written in Hebrew, Aramaic and Greek. Each English version is a translation direct or indirect from these languages. The first English translation of the Bible from the Hebrew and the Greek was that of William Tyndale, who was burned at the stake in 1536 for doing it.

There have been a great many translations of and commentaries upon both the Old and New Testaments. One of the major difficulties about the King James version is that English is a changing language. Stuart English is not current English. Words have different meanings and different weights in a fluid language such as English is.

I recall once being pestered by a member of one of the sects that base themselves upon the Book of Daniel which they accept as final. This fellow insisted upon converting me to his point of view; I preferred my own wickedness. Finally, in arrogant anger, I told him to learn how to read Daniel in its original tongue and I shall discuss it with him. Of course, I was wrong. It is not essential for one to know every language but it is to be assumed that translations will be improved as scholarship is sharpened and it is also to be assumed that each era will translate works of significance into its own idiom.

When all of the Dead Sea Scrolls shall have become available, additional alterations in some texts may be made and scholars will quarrel about them for a century.

Whoever Homer H. Hyde is, he has not done the kind of work essential to prepare the minds of those in the Air Force to protect themselves from the fallacies of Marxian clergy.

[From the Washington Post, Mar. 18, 1960]

A MISHMASH

(By George E. Sokolsky)

I have carefully read "Air Reserve Center Training Manual—Student Text—Reserve Non-Commissioned Officer Course—Continental Air Command." The issue of this which I read appeared in a small paper "U.S.A." It is a mishmash of clippings and citations, truths, half digested material and tells the reader nothing of any very great significance.

The material deals with espionage and reaches this conclusion:

"Another rather foolish remark often heard is that Americans have a right to know what's going on. Most people realize the foolhardiness of such a suggestion. If a football team should start telling the other side the plays it planned to use, their opponents would sweep them off the field. It's the same in war—hot or cold; if we tell our secrets, we are likely to be beaten, and beaten badly."

Characteristic of the thinking that has gone into this pamphlet, this paragraph contains two separate ideas:

1. It is foolish for the American taxpayer to want to know how his money—with emphasis on the word, his—is being spent;

2. If the truth were known to the enemy, we should be beaten.

The conflict of ideas here is that the power of the budget, under our Constitution, rests in the House of Representatives as the place of origin for appropriations. Not a single item is secret.

What needs to be kept secret are strategic and tactical matters and they are sometimes made available to the enemy by military officers in speeches, articles and testimony before congressional committees.

It is not foolish for the taxpayer to ask questions. That is his civic duty.

Now we come to an unbelievable section of this manual. It is under a subhead, "Communism in Religion," but nothing in it refers to communism in religion. Obviously that is impossible because communism, or to use a more correct term, Marxism-Leninism, rejects religion, being atheistic, materialistic and pragmatic.

Somehow, the Revised Standard Version of the Bible is brought into this as a form of antireligious activity. The paragraph on this subject is short, condensed and nonsensical. After all, the Bible was not originally written in English. The King James Version, revised or original, is a translation from Hebrew, Aramaic and Greek, just as the Vulgate is, and can only be that.

Then there is a long discussion of the misbehavior of individual clergymen. Much of this data is taken from the various hearings of the House Committee on Un-American Activities, but it does not prove that Protestant Christianity should be discarded.

It is difficult to follow the logic of this and I wonder precisely what such a pamphlet would do to convince a young American that communism is evil. It concludes on this note:

"We believe in the dignity of man—of the right of every individual to choose his manner of living, worship, his occupation, in short, everything that he does, so long as the rights of other individuals are respected. In contrast, the Communists believe the state to be supreme—in individual lives, in family life, in morals, in religion, in government, and in the economics of making a living."

But the manual has nothing to do with this conclusion. In fact, it is a negation of the rights of a worker in religion to pursue his conscience.

RELIGIOUS FREEDOM

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. WOLF] and the gentleman from Pennsylvania [Mr. QUIGLEY] have 2 legislative days in which to extend their remarks at this point in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. WOLF] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mr. WOLF. Mr. Speaker, the first amendment to the U.S. Constitution provides that—

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

As you can see from this, one of the fundamental principles of the U.S. Government is freedom of religion, without interference of the State.

I would like to add a few comments on this issue of the manuals. Reserve personnel have access to the same news media that all other citizens have access to and are quite capable, I believe, of making up their own minds concerning the validity of any statement which they may hear from the pulpits of churches which they may attend.

I am sorry that the issue was ever raised and am proud to state that the leaders of the National Council of Churches that I have known have been fine exemplary men. I am glad that the Air Force Manual in question has been withdrawn.

At this point I would like to include the letter of the executive secretary of the Iowa Council of Churches, Mr. J. O. Nelson, a letter from James P. Gable, district superintendent of the North Iowa Conference of the Methodist Church, and a letter from the Reverend Thomas Applebee, of the Community Congregational Church, Manchester, Iowa:

IOWA COUNCIL OF CHURCHES,
Des Moines, Iowa, April 12, 1960.

Representative L. G. WOLF,
House of Representatives,
Washington, D.C.

DEAR MR. WOLF: My purpose in writing is to urge you to do all in your power to help keep the American pulpit a free pulpit and that the Government cease to print, publish, and distribute unvalidated material that reflects against the pulpit and the clergy. I refer more particularly to the recent Air Force manual in which statements occurred slandering the clergy by calling many of them Communists. To refresh your mind look at pages 15 to 20 of the student text, Air Reserve Center Training Manual, NR 45–0050, Incr. V, volume 7, "Reserve Noncommissioned Officers Course."

I have a profound sense of outrage at the inclusion in the above-mentioned manual of discredited and absurd attacks upon the American churches and religious institutions, and especially the National Council of Churches.

If this incident can lead us to a sound procedure of promoting free speech and free assembly in our country perhaps this type of un-Americanism (guilt by association), will come to an end. I sincerely hope and pray you will take the time to understand these matters and serve the people of Iowa making it possible for all pulpits to be free to preach liberty and truth for the truth shall make us free.

Very sincerely yours,

J. O. NELSON,
Executive Secretary.

NORTH IOWA CONFERENCE,
DUBUQUE DISTRICT,
THE METHODIST CHURCH,
Oelwein, Iowa, March 26, 1960.

Hon. LEONARD G. WOLF,
House Office Building,
Washington, D.C.

DEAR MR. WOLF: I just want to join my voice and pen with those of thousands of others in protesting the rank injustice of those ill-founded and entirely unsupported statements of that recently withdrawn Air Force manual which insisted that the American clergy, and the National Council of Churches especially, was infiltrated by communism.

We do not deny that some of the clergy may have been as faithless as have other scattered individuals in all other walks of life, both military and civilian, but I do protest the sweeping assertion, entirely without factual evidence and proof, of the manual to which I refer.

It is difficult to do much now to compensate for damage done, but we shall expect men like yourself to make it clear that, in the future, any and all who are guilty of such an offense must themselves be on trial.

With best wishes to you, I am,

Cordially yours,

JAMES P. GABLE.

COMMUNITY CONGREGATIONAL CHURCH,
Manchester, Iowa, March 31, 1960.

The Honorable LEONARD WOLF,
House of Representatives,
Washington, D.C.

DEAR MR. WOLF: I regret the malicious damage done by such groups as our Iowa DAR, the Air Force manual people, and others who slander all Christian churches when they allege that percentages of ministers in those churches which belong to the National Council of the Churches of Christ in America are disloyal or Communist sympathizers.

I think that the discerning public everywhere have long since come to recognize the kind of poison they put on their arrows and that the net result is not as great as some would imagine. Nonetheless, this irresponsible kind of criticism forces our churches to pay a heavy price of uncertainty about an issue, which at best merely clouds other issues.

If anyone seriously wishes to challenge the right of churches and churchmen to speak on public issues, he is certainly going against the great democratic traditions of our free country and denying the whole validity of our Judeo-Christian heritage.

Sincerely yours,

Rev. W. THOMAS APPLEBEE.

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. QUIGLEY] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mr. QUIGLEY. Mr. Speaker, I am glad to participate in the excellent discussion of religious freedom in our country which is taking place on the floor of the House. For this reason, I would like to associate myself with them on a subject about which I feel very strongly. To begin with, I would like to introduce into the RECORD a recent letter from one of my constituents along the same lines as this debate:

I have personally been very much concerned in recent weeks in regard to the recent publication of the Air Force manual and the incident which received much public attention in regard to the innuendos and implications involved in the use of the various materials which have yet to be proven valid.

Such accusations of the church without absolute proof are indeed a negative contribution to our society and way of life, let alone to speak of the stabilizing force that the church has been from the outset of our country even to the present day.

I am concerned that there will be more investigation and information and consideration of these matters following the Easter holiday of our legislative group and I seek your integrity and moral fortitude in these matters, for this is indeed serious business in which we are engaged.

JOSEPH H. YEAKEL,
Pastor, Fifth Evangelical United Brethren Church.
YORK, PA.

I thank the Reverend Yeakel for his letter and I would like to observe that in my judgment he was being most moderate in his tone. For I might have called the now withdrawn Air Force manual a sordid, shameful and inexcusable abuse of Government power in the wrong direction at the wrong time and against the wrong enemy.

It is my prayer, Mr. Speaker, that the unhappy affair of the Air Force manual is now happily in the past. I suppose the best that one can really hope about going through an experience like this is that we will be a sadder but wiser Nation.

It is, I trust, no longer necessary to din into the Air Force the error of its manuals at this point; but it is perhaps necessary to speak to the men and women who have the same frame of mind as the author in the infamous paragraphs in the manual which labeled the National Council of Churches as "Communist associated."

That sort of thinking seems to me to show contempt for the institution of democracy itself. The target of such a mind is not just the National Council of Churches but thinking people of any sort. For the Christian, if he be a true Christian, must be free to question his government or anyone or anything that does not measure up to the standards of Christianity. If to question government or government action is communistic, then all of us in this Chamber must plead guilty to the charge. If deploring Pearl Harbor, which the Russian Government deplored, or deploring race riots which the Communists have deplored, or holding the same idea as a Communist on a particular subject is to be associated with Communists, then most of us, possibly all of us, might have to wear the label.

Events of the last few months have demonstrated that much as good Americans wish it were otherwise there are still juvenile delinquents among us capable of smearing swastikas on churches and synagogues, and that there are still adult delinquents among us capable of smearing the patriotism and loyalty of good churchmen and honest Americans. It does not cheer one to recognize these ugly facts but, I submit, it does no good to deny their existence or to refuse to admit that they do exist.

I particularly want to pay tribute to my colleague, the gentlewoman from Oregon [Mrs. GREEN] and the other Members who arranged and participated in the discussion of this important matter. It is my judgment that in the doing they have rendered a great public service. By what they said they have given public demonstration that there are Americans of every creed who clearly recognize and abhor the un-American smear technique inherent in the every word of Air Force Training Manual 45–0050. What is more, the words uttered in the well of the House of Representatives this week demonstrate that such Americans can and are elected to the Congress of the United States and that they come from the four corners of our country and wear the label of both major political parties. As long as this is so we have every reason to hope that America will not be destroyed in the name of Americanism.

Americanism is many things but certainly at its very core it is and always must be freedom. No American can sacrifice any of his freedom without America being less of what it should be. Certainly members of the clergy are no less free Americans than, say, Members of Congress. They have the right, in fact, they have the duty, to speak out on the economic, social, and political issues of our country when those issues involve moral questions. If they fail to do so, they would be something less than good clergymen and, at the same time, something less than the best Americans.

These are days when in another connection there has been much debate about the separation of church and state. This, of course, is the sound fundamental constitutional doctrine upon which this Nation was built and, I pray, it shall always rest. But just as we, as Americans, have a strong belief in the necessity of a separation of the church from the state we, as people, have had an equally strong belief in the importance of the church, the necessity of religion and the essential need for sound moral training in our children and ethical conduct on the part of all citizens in and out of government. It would be a sad day indeed if America ever reached the point where the church and the state were not in fact separated. It would be an even sadder one should we ever reach the point where the actions of the state were completely divorced from moral and religious considerations.

Whether they realize it or not, those people in and out of the Air Force, in or out of the Congress, who would say or write or do anything which would have the effect of intimidating members of the clergy of any church expressing their views on what they believe to be the true application of the moral law to the social issues of our age are indeed hurting and harming America as much or more than any dedicated Communist could ever hope to do.

Mr. Speaker, I suggest that in the true spirit of the Easter season we can and should forgive them because surely they know not what they do.

JOINT ATOMIC COMMITTEE SCIENTIFIC HEARINGS ON TEST BAN VIOLATION DETECTION

Mr. SCHWENGEL. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. HOSMER] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. HOSMER. Mr. Speaker, the Joint Committee on Atomic Energy today commenced scientific hearings on matters relating to detection and inspection on possible violations of a proposed nuclear test ban treaty.

I fully agree that the purpose of these hearings is not to examine the wisdom or unwisdom of such a treaty.

But I do believe that this body and the public is entitled to an explanation of why these hearings should be necessary at all.

Bluntly put, the reason is that the Soviet Union cannot be trusted to keep its word. The matter was more diplomatically referred to by President Eisenhower in his 1959 state of the Union message by saying:

> We have learned the bitter lesson that international agreements * * * are regarded in Communist doctrine and in practice to be mere scraps of paper * * * as a consequence, we can have no confidence in any treaty to which the Communists are a party except where such a treaty provides within itself for self-enforcing mechanisms.

This is not to say that the Soviet Union is the only country that ever broke a treaty which no longer served its current purposes. But it is to say that it is the only country that has done it lately. It is the only country that in its 41-year history has signed over 2,000 agreements with non-Communists governments, the only one of which remain unviolated are those to which the expediency of breaking has not yet appeared to the Soviets.

That is the reason the Joint Committee is carefully and fully investigating detection machinery devised to discover cheating on a nuclear test ban treaty.

That is why it is also evaluating inspection machinery to check on this kind of cheating.

That is why we hear talk of self-enforcing mechanism being written into treaty provisions to prevent cheating.

I wish to make it clear that the United States can be relied upon to keep its word. It always has throughout our history. Implicit in the Soviets downgrading of inspection and detection procedures is an admission that there is no question but that the United States keeps its international obligations.

These hearings to examine machinery to detect cheating are being held simply because Communist diplomatic perfidy is a regrettable fact of international life that cannot safely be ignored.

As a consequence, international agreements and treaties are not available today as a means toward peace and relaxation of tensions unless the U.S.S.R. is willing for the first time to sign a paper which enforces upon it, as equally as it does upon others, a rule of peaceful conduct.

If these hearings are to have significance at all, they must be taken as evidencing determination that the "sign now and pay later" treaty days with the Kremlin are over. Detection/inspection machinery is one element important to stopping the use of treaty violation as an artful tool for advancement of Communist aggression. We want law and order in the relationships between the nations of the world. I believe that by insisting on adequate detection/inspection machinery we challenge the Communist leadership to put its name on a piece of paper that really binds the Soviet Union to relax tensions—or, by its refusal, pins upon itself the responsibility for inflaming them.

CARLTON CADETTES VISIT WASHINGTON

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. THOMAS] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mr. THOMAS. Mr. Speaker, I am happy to have as my guests today in the Capitol the Carlton Cadettes from Jefferson Davis High School in Houston.

These beautiful young ladies are the finest example of American high school students. They are all leaders and their character is of the very highest. They reflect great credit on their parents, their school and their community.

I am delighted to have them with us today in the Capitol.

Sponsors: Miss Frances Newton and Miss Leta Faye Arnold.

Bus driver: Mr. Joe Heatherington.

Seniors on trip:

Linda Banks, 409 Milwaukee—Mr. J. R. Banks.

Melanie Beer, 401 Gale—Mr. J. G. Beer.

Judy Bridges, 503 Moody—Mr. J. W. Bridges.

Brenda Christensen, 4412 Beggs—Mr. P. C. Christensen.

Leola Cox, 212 Graceland—Mr. A. L. Cox.

Marsha Cox, 701 Joyce—Mr. C. C. Cox.

Wanda Davis, 211 Fairbanks—Mr. E. B. Davis.

Linda Dawson, 1000 Sue—Mr. C. O. Dawson.

Deanna Dupree, 911 Woodard—Mr. R. B. Dupree.

Loretta Ebelt, 3710 Moore—Mr. F. J. Ebelt.

Linda Fox, 139 Theron—Mr. W. D. Fox.

Shirley Gates, 809 Joyce—Mr. J. E. Gates.

Judy Green, 6105 Helmers—Mr. J. E. Green.

June Greenstein, 512 Sue—Mr. D. W. Greenstein.

Eloise Hernandez, 2814 Elysian—Mr. J. Hernandez.

Geraldine James, 7222 Jay—Mr. G. W. James.

Noel Joseph, 909 Canadian—Mr. K. R. Joseph.

Dorothy Kaspar, 910 Woodard—Mr. A. O. Kaspar.

Kathleen Koska, 3903 Kennon—Mr. R. A. Koska.

Linda Larkan, 7209 Carothers—Mr. R. E. Larkan.

Carolyn Mathes, 6918 South Hall—Mr. W. B. Goettee.

Barbara McGinnis, 2019 Marion—Mr. Robt. Spence.

Lou Ann Phillips, 904 Fairbanks—Mr. T. O. Phillips.

Gloria Saragosa, 8201 Kellet—Mr. F. Saragosa.

Hortencia Sauseda, 3720 Rupert—Mr. Y. D. Sauseda.

Barbara Sharp, 2410 Melbourne—Mr. W. C. Sharp.

Charline Stevenson, 3401 Robertson—Mr. E. K. Stevenson.

Alice Stone, 7221 Carothers—Mr. J. N. Stone.

Sandra Strickland, 7412 Banyan—Mr. V. V. Strickland.

Theresa Trevenio, 4014 Denmark—Mr. Ross Trevenio.

Lynne Whitehurst, 916 Woodard—Mr. N. H. Whitehurst.

MSTS CONTRIBUTES MUCH TO OPERATION BIG SLAM

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. SHELLEY] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mr. SHELLEY. Mr. Speaker, I note with great interest that both the military press and the daily newspapers of this country devoted much space to the recently concluded Operation Big Slam-Puerto Pine. This greatest airlift in peacetime history, which involved some 20,000 men and their equipment, was greeted by mixed reactions in the press. But it was fairly unanimously agreed that the operation was spectacular, if not completely effective.

My purpose in extending my remarks in the RECORD is not to evaluate the airlift per se, but to remind the Members of the Congress that the Navy's Military Sea Transportation Service played a major but virtually unsung role in Operation Big Slam/Puerto Pine.

Before the first U.S.-based Air Force plane landed in Puerto Rico, two MSTS tankers were waiting with 6,930,000 gallons of aviation gasoline to fuel the aircraft for the flights back home. The Tanker Division of MSTS here in Washington, under Capt. R. J. Lavery, U.S. Navy, had juggled schedules for 2½ months to assure that this lift of gasoline would be where it was needed and at the right time.

The two tankers were the USNS *Tallulah* and the USNS *Tonti*, both of

which were manned by skilled civilian merchant mariners from the National Maritime Union. The *Tallulah* is operated for MSTS by Joshua Hendy, Inc., of Los Angeles. The *Tonti* is operated by Marine Transport Lines, of New York.

It is too bad that, more often than not, especially during a razzle-dazzle operation like Big Slam/Puerto Pine, the support forces, to whom credit is really due, almost invariably get lost in the shuffle.

The MSTS global tanker operation, which supplies the military requirements for petroleum throughout the world, certainly rates a pat on the back. No matter how fast and far airplanes can fly, they still must rely on the surface ships for support and the gasoline to get them home again.

This particular incident is only further proof of the fact that we have not yet arrived at the point where we can abandon surface sea transport by ship as a support for military movement. Instead of neglecting and abandoning the U.S. Merchant Marine the dreamers and space planners should be thinking of how to improve and strengthen it.

BLOODSHED IN SOUTH KOREA: RHEE REGIME A BITTER DISAPPOINTMENT TO AMERICA

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent that the gentleman from Arizona [Mr. UDALL] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mr. UDALL. Mr. Speaker, events today confirm my earlier charges that the March election in South Korea was won through strong-arm methods.

The wanton police killings in South Korea today must come as a shock to all Americans who have regarded President Syngman Rhee as a stalwart leader of democracy in Asia. In the past decade we have unstintingly committed our blood and treasure to preserve freedom in South Korea. I believe most Americans have a sense of bitter disappointment now that they are confronted with the fact that the police state methods of the Rhee regime are hardly distinguishable from those of the Communist dictatorships. Ambassador McConnaghy's protest today was both weak and belated. In light of the deep unrest of the Korean people and the murderous conduct of Rhee's police, surely President Eisenhower should cancel his June stopover in South Korea and order a complete review of America's relations with the Rhee government.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BONNER (at the request of Mr. TRIMBLE), for today, April 19, on account of official business.

Mr. THOMPSON of New Jersey (at the request of Mr. MILLS), for today, April 19, on account of official business.

Mr. FOUNTAIN (at the request of Mr. TRIMBLE), for today, April 19, on account of official business.

Mr. WHITENER (at the request of Mr. TRIMBLE), for today, April 19, on account of official business.

Mr. SCOTT (at the request of Mr. TRIMBLE), for today, April 19, on account of official business.

Mr. ALEXANDER (at the request of Mr. TRIMBLE), for today, April 19, on account of official business.

Mr. KITCHIN (at the request of Mr. TRIMBLE), for today, April 19, on account of official business.

Mr. ROONEY (at the request of Mr. DELANEY), for Tuesday and Wednesday, April 19 and 20, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MACHROWICZ, for 30 minutes, on Thursday next.

Mr. WALTER, for 30 minutes, on Thursday next.

Mr. MOELLER (at the request of Mrs. GREEN of Oregon), for 30 minutes, on tomorrow.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. ALGER.

Mr. JONAS, in connection with his remarks in consideration of H.R. 11766 today and to include certain extracts from the hearings.

Mr. REUSS and to include extraneous matter.

Mr. BOW, to include a chart of appropriations in the remarks he made in Committee on the Whole today.

(At the request of Mr. SCHWENGEL, and to include extraneous matter, the following:)

Mr. NELSEN.

Mr. AYRES.

Mr. KEARNS.

Mr. DERWINSKI.

(At the request of Mrs. GREEN of Oregon, and to include extraneous matter, the following:)

Mr. MULTER in two instances.

Mr. RODINO.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 9307. An act to continue for 2 years the suspension of duty on certain alumina and bauxite, and to extend until July 16, 1960, the suspension of duty on imports of crude chicory and the reduction in duty on ground chicory.

H.R. 9331. An act to extend and increase the authorized maximum expenditure for the special milk program for children.

BILL PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 7359. An act to direct the Secretary of the Interior to convey certain public lands in the State of Nevada to the Colorado River Commission of Nevada acting for the State of Nevada.

ADJOURNMENT

Mrs. GREEN of Oregon. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 40 minutes p.m.) the House adjourned until tomorrow, Wednesday, April 20, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2067. A letter from the Chairman, National Advisory Council on International Monetary and Financial Problems, transmitting a report on the activities of the National Advisory Council on International Monetary and Financial Problems for the period January 1 through June 30, 1959, pursuant to section 4(b)(5) of the Bretton Woods Agreements Act (H. Doc. No. 380); to the Committee on Banking and Currency, and ordered to be printed.

2068. A letter from the Assistant Secretary of the Interior transmitting a draft of proposed legislation entitled "A bill to authorize and direct the transfer of certain Federal property to the Government of American Samoa"; to the Committee on Armed Services.

2069. A letter from the Comptroller General of the United States transmitting a report on his review of the negotiation and administration of two contracts dated May 13, 1955, and March 27, 1959, financed by the International Cooperation Administration (ICA), Department of State, under the mutual security program, for the construction of a fertilizer plant in Korea and related operating and training services; to the Committee on Government Operations.

2070. A letter from the Chairman, Federal Communications Commission, transmitting relative to submitting proposed amendments which would amend the Communications Act; to the Committee on Interstate and Foreign Commerce.

2071. A letter from the Acting Chairman, U.S. Atomic Energy Commission, transmitting a draft of proposed legislation entitled "A bill to amend the Atomic Energy Act of 1954, as amended, and the Euratom Cooperation Act of 1958, in several particulars;" to the Joint Committee on Atomic Energy.

2072. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation entitled "A bill to amend section 216(b) of the Merchant Marine Act of 1936, as amended, to permit the appointment of U.S. nationals to the Merchant Marine Academy"; to the Committee on Merchant Marine and Fisheries.

2073. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation as well as a list of the persons involved, pursuant to the Immigration and Nationality Act of 1952; to the Committee on the Judiciary.

2074. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in certain cases of aliens who have been found admissible to the United States, pursuant to the Immigration and Nationality Act; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of New Jersey: Joint Committee on Disposition of Executive Papers. Report pursuant to 63 Stat. 377; without amendment (Rept. No. 1521). Ordered to be printed.

Mr. COOLEY: Committee on Agriculture. H.R. 9818. A bill to provide for the conveyance of certain real property of the United States to the State of Florida; with an amendment (Rept. No. 1522). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS of Texas: Committee on Interior and Insular Affairs. H.R. 8740. A bill to provide for the leasing of oil and gas interests in certain lands owned by the United States in the State of Texas; without amendment (Rept. No. 1523). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. H. Res. 503. Resolution providing for concurrence in the Senate amendments to the bill H.R. 8601, to enforce constitutional rights, and for other purposes; without amendment (Rept. No. 1524). Referred to the House Calendar.

Mr. DURHAM: Joint Committee on Atomic Energy. H.R. 11713. A bill to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; without amendment (Rept. No. 1525). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Fourteenth report of the Committee on Government Operations pertaining to the Development Loan Fund; without amendment (Rept. No. 1526). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Montana:

H.R. 11797. A bill to reduce the cost to the U.S. Treasury of farm price and income stabilization programs, to provide means by which producers may balance supply with demand at a fair price, to reduce the volume and costs of maintaining Commodity Credit Corporation stocks, to provide for distribution to needy people and public institutions of additional needed high protein foods, to preserve and improve the status of the family farm through greater bargaining power, and for other purposes; to the Committee on Agriculture.

By Mr. BARRY:

H.R. 11798. A bill to establish in the General Services Administration an office to disseminate general information concerning the organization of the Federal Government; to the Committee on Post Office and Civil Service.

By Mr. BROCK:

H.R. 11799. A bill to provide a new farm program for certain agricultural commodities, and for other purposes; to the Committee on Agriculture.

By Mr. CARNAHAN:

H.R. 11800. A bill to reduce the cost to the U.S. Treasury of farm price and income stabilization programs, to provide means by which producers may balance supply with demand at a fair price, to reduce the volume and costs of maintaining Commodity Credit Corporation stocks, to provide for distribution to needy people and public institutions of additional needed high protein foods, to preserve and improve the status of the family farm through greater bargaining power, and for other purposes; to the Committee on Agriculture.

By Mr. FULTON:

H.R. 11801. A bill to amend the act of July 27, 1956, with respect to the detention of mail for temporary periods in the public interest, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11802. A bill to repeal the provisions of the Railroad Retirement Act which reduce the annuities of the spouses of retired employees, and the survivors of deceased employees, by the amount of certain monthly benefits payable under the Social Security Act; to the Committee on Interstate and Foreign Commerce.

H.R. 11803. A bill to amend section 701 of the Housing Act of 1954 (relating to urban planning grants), and title II of the Housing Amendments of 1955 (relating to public facility loans), to assist State and local governments and their public instrumentalities in improving mass transportation services in metropolitan areas; to the Committee on Banking and Currency.

By Mr. HAGEN:

H.R. 11804. A bill to amend section 481(b)(4)(C) of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

H.R. 11805. A bill to amend the Federal Trade Commission Act to provide for the issuance of temporary cease and desist orders to prevent certain acts and practices pending completion of Federal Trade Commission proceedings; to the Committee on Interstate and Foreign Commerce.

H.R. 11806. A bill to amend the Federal Trade Commission Act to strengthen independent competitive enterprise by providing for fair competitive acts, practices, and methods of competition, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRISON:

H.R. 11807. A bill to authorize the exchange of certain property within Shenandoah National Park in the State of Virginia, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. INOUYE:

H.R. 11808. A bill to promote the foreign relations of the United States by providing for the establishment of a Center for Cultural and Technical Interchange Between East and West in Hawaii; to the Committee on Foreign Affairs.

By Mr. KILDAY:

H.R. 11809. A bill to amend section 3287(a) of title 10, United States Code; to the Committee on Armed Services.

H.R. 11810. A bill to amend section 303(a) of the Career Compensation Act of 1949 by increasing per diem rates and to provide reimbursement under certain circumstances for actual expenses incident to travel; to the Committee on Armed Services.

H.R. 11811. A bill to provide uniformity in certain conditions of entitlement to reenlistment bonuses under the Career Compensation Act of 1949, and for other purposes; to the Committee on Armed Services.

H.R. 11812. A bill to provide uniform computation of retired pay for enlisted members retired prior to June 1, 1958, under section 4 of the Armed Forces Voluntary Recruitment Act of 1945, as amended by section 6(a) of the act of August 10, 1946 (60 Stat. 995); to the Committee on Armed Services.

By Mr. LAIRD:

H.R. 11813. A bill to amend the Menominee Termination Act; to the Committee on Interior and Insular Affairs.

By Mr. GEORGE P. MILLER:

H.R. 11814. A bill to further amend the shipping laws to prohibit operation in the coastwise trade of a rebuilt vessel unless the entire rebuilding is effected within the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MOELLER:

H.R. 11815. A bill to provide for the acquisition or construction of a building to be used as a residence for pages of the Senate and of the House of Representatives for a Capitol Pages' Residence Board, and for other purposes; to the Committee on House Administration.

By Mr. MOULDER:

H.R. 11816. A bill to reduce the cost to the U.S. Treasury of farm price and income stabilization programs, to provide means by which producers may balance supply with demand at a fair price, to reduce the volume and costs of maintaining Commodity Credit Corporation stocks, to provide for distribution to needy people and public institutions of additional needed high protein foods, to preserve and improve the status of the family farm through greater bargaining power, and for other purposes; to the Committee on Agriculture.

By Mr. NELSEN:

H.R. 11817. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. SISK:

H.R. 11818. A bill to reduce the cost to the U.S. Treasury of farm price and income stabilization programs, to provide means by which producers may balance supply with demand at a fair price, to reduce the volume and costs of maintaining Commodity Credit Corporation stocks, to provide for distribution to needy people and public institutions of additional needed high protein foods, to preserve and improve the status of the family farm through greater bargaining power, and for other purposes; to the Committee on Agriculture.

By Mr. BRADEMAS (by request):

H.R. 11819. A bill to amend an act to provide for the entry of certain relatives of U.S. citizens and lawfully resident aliens; to the Committee on the Judiciary.

By Mr. GLENN:

H.R. 11820. A bill to provide for a program of Federal matching grants to the States to enable the States to provide health insurance for individuals aged 65 or over at subscription charges such individuals can pay; to the Committee on Interstate and Foreign Commerce.

By Mr. HORAN:

H.R. 11821. A bill to amend the act of September 16, 1959 (73 Stat. 561), with respect to the construction, operation, and maintenance of the Spokane Valley project, Washington, under the Federal reclamation laws; to the Committee on Interior and Insular Affairs.

By Mr. ULLMAN:

H.R. 11822. A bill to reduce the cost to the U.S. Treasury of farm price and income stabilization programs, to provide means by which producers may balance supply with demand at a fair price, to reduce the volume and costs of maintaining Commodity Credit Corporation stocks, to provide for distribution to needy people and public institutions of additional needed high protein foods, to preserve and improve the status of the family farm through greater bargaining power, and for other purposes; to the Committee on Agriculture.

By Mr. WIDNALL:

H.R. 11823. A bill to promote the foreign relations of the United States by providing for the establishment of a Center for Cultural and Technical Interchange Between East and West in Hawaii; to the Committee on Foreign Affairs.

By Mr. DURHAM:

H.R. 11824. A bill to amend title 10, United States Code, to exempt certain contracts with foreign contractors from the requirement for an examination-of-records clause; to the Committee on Armed Services.

By Mr. HOLLAND:

H. Res. 505. Resolution to authorize the Committee on Interstate and Foreign Commerce to conduct an investigation and study of the Federal Power Commission; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By Mr. FORAND: Memorial of the Rhode Island General Assembly requesting the chairman and members of the Ways and Means Committee of the U.S. House of Representatives to give favorable consideration to granting an additional $600 exemption to all persons who file Federal income tax returns upon reaching their 70th birthday; to the Committee on Ways and Means.

By the SPEAKER: Memorial of the Legislature of the State of California memorializing the President and the Congress of the United States relative to participation by the State of California in Federal water projects; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LANE:

H.R. 11825. A bill for the relief of Francis X. Foley; to the Committee on the Judiciary.

H.R. 11826. A bill for the relief of Loren W. Willis; to the Committee on the Judiciary.

H.R. 11827. A bill for the relief of Maj. Howard L. Clark; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 11828. A bill for the relief of Joseph S. Yedid; to the Committee on the Judiciary.

By Mr. ROGERS of Colorado:

H.R. 11829. A bill for the relief of Hisoe Iwata; to the Committee on the Judiciary.

By Mr. THOMSON of Wyoming:

H.R. 11830. A bill for the relief of Jean Goedicke; to the Committee on the Judiciary.

By Mr. WILSON:

H.R. 11831. A bill for the relief of Arlie T. Sinks; to the Committee on Armed Services.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

423. By Mr. BARR: Petition of members of United Papermakers & Paperworkers Local No. 31 of the State of Indiana, District No. 11, for passage of Forand bill, H.R. 4700; to the Committee on Ways and Means.

424. Also, petition of members of United Papermakers & Paperworkers Local No. 1047 of District No. 11, State of Indiana, requesting passage of Forand bill, H.R. 4700; to the Committee on Ways and Means.

425. By Mr. MARTIN: Petition of Irene Machado and sundry residents of Fall River, Mass., urging enactment of amendments to the Fair Labor Standards Act; to the Committee on Education and Labor.

426. Also, petition of Henry Longobardi and sundry residents of the 14th Congressional District of Massachusetts urging amendments to the Fair Labor Standards Act; to the Committee on Education and Labor.

427. By Mr. WESTLAND: Petition from Mr. Lester J. Lancaster, president of the Clallam-Jefferson Cattlemen's Association, Sequim, Wash., recommending the 86th Congress pass legislation to revise the laws covering the importation of foreign livestock and meat products; to the Committee on Ways and Means.

428. By the SPEAKER: Petition of city clerk, Worcester, Mass., petitioning consideration of resolution of Worcester City Council requesting passage of legislation known as the Forand bill; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

Electronics in the Field of Rehabilitation

EXTENSION OF REMARKS
OF
HON. CARROLL D. KEARNS
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 19, 1960

Mr. KEARNS. Mr. Speaker, I believe it will be of interest to every Member of Congress, especially to my colleagues from the Commonwealth of Pennsylvania, to learn of a pilot project, which in this age of automatons, has geared for the first time electronics into the field of rehabilitation. The Remington Rand division of the Sperry Rand Corp., the department of property and supplies, and the Department of Justice of the State of Pennsylvania, are cooperatively offering a course for the training of Univac programers to a selected group of 20 youthful prisoners in the State correctional institution at Camp Hill, Pa. Remington Rand is providing, without cost, instructors, manuals, laboratory facilities, and textbooks.

The significant aspect of this development, in view of increasing problems of crime and delinquency, is the demonstration that our system of individual enterprise can do something constructive about it. In this respect I heartily recommend that our industries, corporations, businesses, and union authorities, explore the possibilities, through training and employment, of bringing out the constructive capabilities of the youthful offender.

The officials of the respective organizations are to be congratulated on their dynamic progress in the area of treatment.

Giovanni Da Verrazzano Day

EXTENSION OF REMARKS
OF
HON. ABRAHAM J. MULTER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 19, 1960

Mr. MULTER. Mr. Speaker, Verrazzano was a famous Italian navigator and explorer early in the 16th century. He is remembered and honored for many of his discoveries and exploits. On April 17, we honor his memory with the 436th anniversary celebration of his discovery of New York Bay.

This adventurous son of Italy was born in a village near Florence in about 1485. As the son of a family famous as spice merchants, Verrazzano sailed to many lands and lived in some of them. In 1521 he entered the services of the king of France, and as a French corsair became a veritable terror to Spanish sailors carrying consignments of gold from the West Indies and Mexico to Spain. Two years later the king gave his permission to find a new route to Cathay, China. Late in December of 1523 Verrazzano set sail in search of a new route to Cathay, but by early March of 1524 he was in sight of South Carolina shores. Then sailing north, in mid-April he and his companions were in the vicinity of New York, in sight of the New York Bay. This discovery by Verrazzano climaxed his career, and a few years later he died.

On April 17, the 436th anniversary celebration of his discovery of the New York Bay, on this Verrazzano Day, we honor the memory of this great and gifted explorer.

Electronic Warfare

EXTENSION OF REMARKS
OF
HON. WILLIAM H. AYRES
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 19, 1960

Mr. AYRES. Mr. Speaker, I direct your attention to a special report on electronic warfare appearing in the current issue of Space/Aeronautics, a Conover-Mast publication.

In any war of today or tomorrow electronics will play the prime role as a data gatherer—radar, infrared, optics—and for control and communications. Any side that has the capability of depriving the other of the use of all or part of the electromagnetic spectrum will have the top hand in modern warfare.

This is why electronic countermeasures is so important, this is why it has been a closely guarded secret and has been the least written about phase of all electronics. The ECM—electronic countermeasures—goal is to deprive the enemy of the use of the electromagnetic spectrum, hence to deprive him of the use of his radars, infrared equipment, radio control and communications and his optical viewers, such as cameras.

It can take two major forms: confusion and deception.

In confusion you saturate his electronics with noise, or send several false targets along with the true target.

In deception you give him false information but make him think it is true information.

Countermeasures dates back to the days of the Trojan Horse. The battle of countermeasures and counter-countermeasures is analogous to a game of chess but the stakes are high—human lives and the fate of nations.

In the April issue of Space/Aeronautics the editors have made a complete report on the state of the art at this moment, to the extent that security permits.

Giovanni Verrazzano

EXTENSION OF REMARKS
OF
HON. PETER W. RODINO, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 19, 1960

Mr. RODINO. Mr. Speaker, April 17 is a day of importance for all Americans, for on this day we honor Giovanni Verrazzano, the courageous explorer of the American Continent. Verrazzano Day has a grand significance, which only recently has begun to receive the recognition it deserves.

It was Giovanni Verrazzano who, in 1522, convinced Francis I of France that he should make an expedition to America. By 1524 he succeeded in landing on the coast of North America, possibly off the coast of what is now North Carolina; from there he traveled to Newfoundland, discovering en route the Hudson River and Manhattan Island. Verrazzano returned to France the same year and the account of his discoveries is the first description of the northeast coast of North America.

For some reason these glorious exploits remained in comparative obscurity until very recently. Today, however, the tide has been turned. Largely due to the dedicated efforts of such groups as the Italian Historical Society of America and the newspaper Il Progresso Italo-Americano we are beginning to recognize Giovanni Verrazzano's magnificent achievement. On April 17, 1958, for example, Governor Harriman, of New York, calling Verrazzano the first European to step foot on our New York shores, issued a proclamation hailing the Florentine navigator for having sailed into New York Harbor on April 17, 1524. And in the New York State Museum a plaque formally honoring Verrazzano was formally installed in the Hall of History.

Indeed, as recently as March 9, 1960, a bill to name the proposed bridge between Brooklyn and Staten Island in Verrazzano's honor was signed into law by the present Governor of New York.

The honor accorded Giovanni Verrazzano is a symbol, not only of the greatness of this explorer, but of all the Italian explorers to whose daring and courage America owes so much. On April 17 we salute Giovanni Verrazzano, one of the first of these great sailors, and we pay tribute to his great and glorious voyage.

Representative Clement J. Zablocki Writes With Insight About the United Nations

EXTENSION OF REMARKS
OF
HON. HENRY S. REUSS
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 19, 1960

Mr. REUSS. Mr. Speaker, the dean of the Wisconsin Democratic delegation in the Congress, the Honorable CLEMENT J. ZABLOCKI, of Milwaukee, served with distinction in 1959 as U.S. representative to the 14th General Assembly of the United Nations.

The people of his Fourth Congressional District, the people of Wisconsin, and his colleagues in the Congress have long recognized CLEM ZABLOCKI as one of our outstanding, hard-working legislators. As the third-ranking majority member of the Committee on Foreign Affairs, chairman of the Subcommittee on the Far East and the Pacific, and as a member with broad legislative interests and experience, CLEM ZABLOCKI is always on the job and always does a commendable job. His work at the United Nations was no exception.

CLEM ZABLOCKI has written an article, "The U.N. and Us," which appears in the May 1960 issue of Eagle magazine. In it he gives us a penetrating inside view of the U.N.—its organization, its inner conflicts, its accomplishments, its goals.

The concluding sentences of CLEM ZABLOCKI's article are, I believe, worth special emphasis because they truly assess this still-youthful international organization upon which the hopes of so many of the world's people depend. Mr. ZABLOCKI writes:

The United Nations is far from perfect—but, by the same token, it has done a better job with the tools at its disposal than most critics will admit. In a world divided by communism, and experiencing the resurgence of nationalism and an unparalleled drive for independence, the United Nations has tried to transcend political boundaries and to promote the attainment of objectives dear to all men of good will: peace with justice and a better life for those masses who exist in the midst of poverty, disease, and ignorance. Its record needs no apology.

Mr. Speaker, I submit for the RECORD the entire article referred to:

THE U.N. AND US

(By CLEMENT J. ZABLOCKI, U.S. Representative, Fourth Congressional District, Wisconsin)

When Acting Secretary of State Douglas Dillon called to ask me to serve as U.S. representative to the 14th session of the United Nations General Assembly, I must admit I greeted the invitation with mixed emotions.

I was looking forward to enjoying the fall with my family in Wisconsin and did not relish spending 3 months in New York after Congress adjourned. At the same time I was honored to have been selected for this special assignment. It would give me an opportunity to learn more about the operations of the United Nations. For this reason I accepted.

On September 15, the day on which the 1st session of the 86th Congress ended after an all-night meeting, I headed for New York and the United Nations, a controversial organization to say the least.

Over the years, I came in contact with some people who looked upon the U.N. with grave suspicion—even with disdain. Others, however, spoke highly about the constructive work of the U.N. and of its specialized agencies.

Between these conflicting opinions some facts spoke for themselves. U.N. membership has continued to grow and the area of its activities has expanded. The aspirations of the newly independent and the underdeveloped nations have centered upon it. In an uncertain and strife-torn world, the U.N. has enjoyed growing prestige and has gained many supporters who see in it the hope of mankind.

Upon arrival in New York I was briefed on the nature of my duties, assigned an office and issued a stack of "position papers," outlining our Government's stand on issues before the United Nations.

My work day started early each morning. I answered mail, studied position papers, reviewed instructions from the State Department and dispatches from U.S. diplomatic posts abroad, worked on drafts of speeches, and conferred with my advisers. Two or three times a week, the entire delegation would meet with Ambassador Lodge to discuss issues being debated in the General Assembly, to review U.S. policy, and to recommend changes.

Meetings of my committee and the plenary session of the General Assembly began at 10:30 a.m. and generally continued until 6 p.m. Occasionally, evening and Saturday sessions were thrown in for good measure.

Organizationwise, the United Nations is composed of six principal organs: the Security Council, the Economic and Social Council, the Trusteeship Council, the General Assembly, the Secretariat, and the International Court of Justice.

The three councils have limited membership (11, 18, and 14, respectively), meet

throughout the year, and have primary jurisdiction over their fields. The United States has a permanent representative serving in each council.

The United Nations Secretariat occupies the largest of the three major buildings at U.N. headquarters in New York. Its personnel has been recruited from among the nations of 83 member states. This permanent staff of the United Nations organization works under the direction of the Secretary General, elected by the General Assembly upon the recommendations of the Security Council. The current Secretary General is Dag Hammarskjold of Sweden.

The General Assembly is the only organ in which all 82 member states of the U.N. are represented. Every member state is allowed to have up to five representatives in the General Assembly and as many alternates as desired, but casts only one vote. The U.S. delegation is composed of five delegates and five alternates. Each member acts as an instructed delegate, carrying out policies of the President of the United States without reference to personal convictions.

The General Assembly usually meets once a year, from mid-September to mid-December. It reviews the operations of the three councils, the work of the Secretariat and the International Court, and the activities of the specialized agencies of the U.N. Further, it approves the U.N. budget and allocates its cost among member states. However the General Assembly lacks one important power possessed by other legislatures: it cannot compel compliance with its resolutions. It can only suggest, advise, urge, and call for.

At the beginning of each session, the General Assembly adopts its agenda and assigns the various items to the six regular committees and one special political committee. Each committee deals with a specific field as follows: the first committee, political and security matters; second, economic and financial matters; third, social, humanitarian, and cultural matters; fourth, trusteeship matters; fifth, administrative and budgetary matters; and sixth, legal matters. All 82 member states of the United Nations are represented in each of the seven committees.

After an issue has been decided by a committee, the committee's recommendations, embodied in a draft resolution, are voted upon by the General Assembly convened in a plenary session. Since every member state is represented in each committee, as well as in the plenary, the votes in the plenary tend to follow the vote pattern established in the committee.

I was assigned to represent the United States in the fourth committee, which handled trusteeship matters. I soon discovered the committee was divided into two camps—the so-called colonial powers on the one hand, and the anticolonial forces on the other. In the emotionally charged atmosphere which accompanied the discussion of virtually every issue considered by the committee, there was often complete absence of any middle ground—at least in the eyes of representatives of many of the newly independent nations who fought actively for their point of view and seemed to live by the rule: "If you're not with us, you're agin' us."

The work of the fourth committee sharply affects approximately 100 million people who live in 9 trust territories and 48 non-self-governing territories—most of them in Africa. The committee's agenda and discussions revolve around one of the most distinctive trends of our age: the explosive drive toward independence and economic development in the underdeveloped countries of the world. The protagonists are the impassioned spokesmen for the dependent peoples and for the newly independent nations, craftily supported, for selfish ends, by the Communist bloc. The frequently unwilling antagonists are former colonial powers and their allies.

For its first order of business, the committee faced the complicated task of working out the arrangements and conditions for a plebiscite in the Cameroons under British administration. In effect, the committee's decision would determine the future of the people of the Cameroons—when, and how, and under what conditions they would attain full self-government. For its second item, the committee took up the question of South-West Africa—with its attendant issues of apartheid, repression of the natives by the Government of the Union of South Africa. A review of social, educational, economic, and even political developments in all the trust territories, and in the non-self-governing territories followed. For its last item, the committee turned to the troublesome, long-standing frontier dispute between Somaliland and Ethiopia.

Most of the work of the fourth committee centered on developments and conditions of Africa. To many of us in the United States, Africa is a distant land of deserts and tropical forests, of big-game hunters, primitive native tribes, violence and terrorism, strange cults, and mystery.

All of these things do exist in Africa—but there is far more to Africa than this. Africa today is experiencing a tremendous transformation—what some observers have called the "freedom explosion." From the coast of Tripoli to Capetown, from the Atlantic to the Indian Ocean, a single drive seems to permeate the thoughts and actions of the African peoples: the drive for national identity and independence. In this drive, the nationalist forces are rapidly ridding the continent of the trappings of the old colonial systems.

Today Africa is represented in the United Nations by nine independent states. Within the next decade, 25 more may join the ranks of sovereign African nations. This trend, under the "one nation, one vote" rule, promises to give Africa an important voice in the affairs of the United Nations.

Further, it is in Africa that the contest between communism and democracy has reached a decisive stage. Communist effort to fill the vacuum created by the withdrawal of the Western European powers poses one of the grave threats to future peace and security. These are the reasons why, to many observers, Africa has become the emerging continent which may play a determining role in the outcome of the struggle between communism and freedom.

It is interesting to note some of the characteristics of the men and women who represent the free nations of Africa and many other newly independent states in the United Nations. A large number have been educated in the colleges and universities of Europe and of America. Most are dedicated articulate leaders of the nationalistic independence movements in their homelands. They are, by and large, sensitive and proud people, extremely anticolonial. Many can cite the writings of our own Founding Fathers, the philosophy of Lincoln, Woodrow Wilson's principle of self-determination, and Roosevelt's Atlantic Charter in support of their convictions. Some show strong dedication to the forms of Western democracy—without possibly fully understanding their inner meaning, evolution, and shortcomings. In matters of national independence and economic development, they often tend to rush headlong, without having made sure that the people they represent can walk.

What is of concern to all of us is that, in their compulsion to drive out the influence of Western colonial powers, some of these men and women appear oblivious to the dangers inherent in the new colonialism and imperialism of the Communist system. On the negative side, I must also mention some other contradictions. Struggling in the name of democracy, some adopt methods devised by totalitarian systems. Bitterly resenting what they condemn as the "white man's discrimination," they are not above discriminating themselves—not only against whites, but also against other indigenous groups. Bristling against intolerance, they are often impatient—even intolerant—of policies and considerations which do not conform to their plans and expectations.

In short, they are neither angels nor demons—but humans, with many of the virtues, and some of the shortcomings, of the average human being.

This fact was pointed up in an amusing incident that occurred in the fourth committee.

Returning to the conference room for an afternoon session, members of the fourth committee were taken aback by an outburst from the delegate from one of the newly independent nations. His chair was missing, and the delegate was outraged. He had been insulted and discriminated against. He and his country had been humiliated, he asserted, and he insisted on a public apology.

It turned out that, while holding a lunch-hour conference in the committee room, a few of the delegates moved some of the chairs around—and failed to return the chair of the complaining delegate to its proper place. Most people would have made no fuss about it. Yet this particular delegate stopped the meeting and insisted on a public apology, feeling that his pride and his country's honor were at stake.

I could not attempt to summarize the multitude of problems considered by the 14th General Assembly. They ranged from the preparation of a declaration on the rights of the child, to the condemnation of Communist violation of human rights in Hungary and Tibet, and the refusal to admit Red China to the U.N.; from the adoption of principles regarding primary education in the wild reaches of Africa, to proposals regarding the establishment of a common market for Latin America, agrarian reform, and far-reaching programs of technical assistance to the underdeveloped countries; from discussions about the improvement of the International School at the U.N. headquarters to the investigation of border violations in Laos, continuation of the U.N. Emergency Force in the Near East, and provision of relief and rehabilitation of refugees.

Unfortunately, many newspapers, in reporting U.N. affairs, tend, to turn a phrase, "to accentuate the negative, and eliminate the positive." Certainly much has been written about the failure of the U.N. to cope with Communist subjugation of the peoples of Eastern Europe, and to establish the reign of peace and justice in the world. By the same token, I wonder to what extent the average newspaper reader is acquainted with the constructive work being done by the U.N.

All too often, the United Nations is blamed for the shortcomings of its individual members. The one-sided critics of the U.N. should realize that any organization is only as good as its members—and that this principle applies especially to such a voluntary organization as the United Nations, composed of sovereign nations, each extremely jealous of its rights and privileges. In essence these critics expect the impossible. They blame the United Nations for not doing its job—while they insist that the United Nations cannot be given the tools with which to do it. It is like expecting to mow an acre of lawn—after you have locked up the power mower.

The United Nations is far from perfect—but, by the same token, it has done a better job with the tools at its disposal than most critics will admit. In a world divided by communism, and experiencing the resurgence of nationalism and an unparalleled drive for independence, the United Nations has tried to transcend political boundaries and to promote the attainment of objectives dear to all men of good will: peace with justice, and a better life for those masses who exist in the midst of poverty, disease, and ignorance. Its record needs no apology.

Lincoln's Greatness—1865

EXTENSION OF REMARKS
OF
HON. EDWARD J. DERWINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 19, 1960

Mr. DERWINSKI. Mr. Speaker, on April 10 this year, during the anniversary week of Lincoln's assassination, Congressman FRED SCHWENGEL was one of the speakers at a special ceremony at Ford's Theater. He delivered an address on "Lincoln's Greatness—1865." Under leave to extend my remarks, I include Mr. SCHWENGEL's speech in the RECORD.

LINCOLN'S GREATNESS—1865

Fourscore and 15 years ago next Thursday, a shot was fired in this building that was heard around the world. The assassin's bullet triggered the beginning of the greatest worldwide tribute ever given to an American—indeed to any political statesman in history.

Ever since the morning of April 15, 1865, when the Reverend Dr. Gurley bowed his head on a bloodstained coverlet and prayed fervently in the backroom of the Peterson house across the street from here, historians, poets, philosophers and writers have pondered the mystery of Lincoln's greatness. Barrels of ink have been spread on carloads of paper telling the story of, explaining the mystery of, and commenting on the life of this great and good man.

On February 11, 1959, the President of the United States, speaking at the annual Lincoln banquet which was the real beginning of a year's commemoration of the 150th anniversary of Lincoln's birth, made the observation that, "Abraham Lincoln belongs not only to the ages, but to all humanity. Immortality is his in the hearts of all who love freedom everywhere in the world."

The following day that great poet and historian, Carl Sandburg, gave, from the podium at the Capitol to a Congress in joint session and to the world, the finest statement on Lincoln ever uttered. This dissertation on Lincoln was noted by all the areas of communication more than any other in history except some of Lincoln's own statements.

All of this, plus the tremendous response to the great program inspired and promoted by the Sesquicentennial Commission, chairmanned by that great Senator from Kentucky, JOHN SHERMAN COOPER, has encouraged people to believe that Lincoln has become great since his death. While a good case can be made for this feeling, it shall be my purpose today to suggest that the people he lived with, the people he knew and the people he led through the dark valley of the shadow of death to preserve the Nation sensed his greatness and importance more than we realize. To add sustenance to this contention, we need only to refer to the public records of the time of his death and we will note the universal, immense and moving response of great respect tendered him by the press, by men in public office and by the people in their response to the plans carried out by governmental leaders for his funeral. Most statements and sermons by the clergy of that period speaking from the pulpits of every church in the North and from a vast number of churches in the South were eloquent and inspiring.

The funeral ceremonies lasted from the time of his death, April 15, 1865, until the 4th of May when he was buried at Springfield. Every public official of that time from the mayor of the smallest village to the President of the United States publicly paid tribute to this man. A reporter who was on the funeral train during its 12-day journey from Washington to Springfield, a distance of 1,682 miles, reported that "From the time the train left Washington until it reached Springfield there never was a time when it was out of sight of people during the day or that the lanterns, torches and bonfires could not be seen from the train during the night."

Sandburg reminds us that "in this period along the funeral route bells sobbed, cities wore crepe; people stood in tears and with hats off as the railroad burial car paused in the leading cities." From the record we find that along the route, when his body was taken from the train, over a million people passed by the open casket and newspaper accounts tell of the many hundreds of thousands who wanted to pass by and didn't because there wasn't time and of the many millions that watched the funeral car pass along the route. Here, then, is abundant evidence that the people sensed and deeply mourned the loss of a great man.

Great statesmen, great leaders, and great thinkers inspire others to build and carry forward noble objectives. While it is true that many authors and students have, since his death and in recent years, been inspired to great heights by the life and works of Lincoln, it is also true that the great leaders of that time, using Lincoln, expressed themselves nobly and effectively and in a way that added immeasurably to our heritage.

Here are some of the thrilling and significant statements by the clergy and statesmen who addressed audiences during the period of his funeral.

Probably there has never been a better known preacher than that man who served the pulpit in the great Plymouth Church in Brooklyn for 40 years—Henry Ward Beecher. Among other things, comparing Lincoln to Moses, he reminds us that, "Again a great leader of the people has passed through toil, sorrow, battle, and war, and come near to the promised land of peace, into which he might not pass over, and asks, 'Who shall recount our martyr's sufferings for this people?' Since the November of 1860, his horizon has been black with storms. By day and by night, he trod a way of danger and darkness. On his shoulders rested a Government dearer to him than his own life. At its integrity millions of men were striking at home. Upon this Government foreign eyes lowered. It stood like a lone island in a sea full of storms; and every tide and wave seemed eager to devour it. Upon thousands of hearts great sorrows and anxieties have rested, but not on one such, and in such measure, as upon that simple, truthful noble soul, or faithful and sainted Lincoln."

He continues:

"He wrestled ceaselessly, through four black and dreadful purgatorial years, wherein God was cleansing the sin of his people as by fire."

He pointed out:

"Men were bereaved, and walked for days as if a corpse lay unburied in their dwellings. There was nothing else to think of. They could speak of nothing but that; and yet, of that they could speak only falteringly. All business was laid aside. Pleasure forgot to smile. The city for nearly a week ceased to roar. The great Leviathan lay down, and was still. Even avarice stood still, and greed was strangely moved to generous sympathy and universal sorrow. Rear to his name monuments, found charitable institutions, and write his name above their lintels; but no monument will ever equal the universal, spontaneous, and sublime sorrow that in a moment swept down lines and parties, and covered up animosities, and in an hour brought a divided people into unity of grief and indivisible fellowship of anguish."

He asks: "Do not all soldiers that must fall ask to depart in the hour of battle and victory? He went in the hour of victory."

He explains a facet of Lincoln's greatness by telling us: "He was a man from the common people that never forgot his kind."

He reminds us that "this blow was but the expiring rebellion."

He reminds us of an eternal truth when he says: "Slavery wastes its victims; and it destroys the masters."

He sees the need for the people to be reminded that "the blow has signally failed. The cause is not stricken; it is strengthened. This Nation has dissolved—but in terms only. It stands foursquare, more solid, today, than any pyramid in Egypt. This people are neither wasted, nor daunted, nor disordered. Men hate slavery and love liberty with stronger hate and love today than ever before. The Government is not weakened, it is made stronger. How naturally and easily were the ranks closed. Another stepped forward, in the hour that the one fell, to take his place and his mantle; and I avow my belief that he will be found a man true to every instinct of liberty; true to the whole trust that is reposed in him; vigilant of the Constitution; careful of the laws, wise for liberty, in that he himself, through his life, has known what it was to suffer from the stings of slavery, and to prize liberty from bitter personal experiences."

He describes the power of the spirit of Lincoln "and now the martyr is moving in triumphal march, mightier than when alive. The Nation rises up at every stage of his coming. Cities and States are his pall-bearers, and the cannon beats the hours with solemn progression. Dead, dead, dead, he yet speaketh."

He asks: "Is Washington dead? Is Hampden dead? Is David dead? Is any man that ever was fit to live dead? Disenthralled of flesh, and risen in the unobstructed sphere where passion never comes, he begins his illimitable work."

We know that Reverend Beecher sensed his greatness when he reminds us that: "Four years ago, O Illinois, we took from your midst an untried man, and from among the people. We return him to you a mighty conqueror. Not thine any more, but the Nation's; not ours, but the world's. Give him place, O ye prairies. In the midst of this great continent his dust shall rest, a sacred treasure to myriads who shall pilgrim to that shrine to kindle anew their zeal and patriotism."

That great leader Henry Bellows from the All Souls Church of New York, editor of the Christian Inquirer and President of the U.S.

Sanitary Commission during the Civil War, speaking in New York in 1865 tells us:

"Our beloved President, who had enshrined himself not merely in the confidence, the respect, and the gratitude of the people, but in their very hearts, as their true friend, adviser, representative, and brother; whom the Nation loved as much as it revered; who had soothed our angry impatience in this fearful struggle with his gentle moderation and passionless calm; who had been the head of the Nation, and not the chief of a successful party; and had treated our enemies like rebellious children, and not as foreign foes, providing even in their chastisement for mercy and penitent restoration; our prudent, firm, humble, reverential, God-fearing President is dead" and he continues by observing: "But he has gone. Abraham Lincoln, President of the United States during the most difficult, trying, and important period of the Nation's history; safe conductor of our policy through a crisis such as no other people ever had to pass; successful summoner of a million and a quarter of American citizens to arms in behalf of their flag and their Union; author of the Proclamation of Emancipation; the people's President; the heir of Washington's place at the hearths and alters of the land; the legitimate idol of the Negro race; the perfect type of American democracy."

He bravely points out that maybe we needed to make this sacrifice by saying:

"And may we not have needed this loss, in which we gain a national martyr and an ascended leader, to inspire us from his heavenly seat, where with the other father of his country he sits in glory, while they send united benedictions and lessons of comfort and of guidance down upon their common children—may we not have needed this loss to sober our hearts in the midst of our national triumph, lest in the excess of our joy and our pride we should overstep the bounds of that prudence and the limits of that earnest seriousness which our affairs demand? We have stern and solemn duties yet to perform, great and anxious tasks to achieve. We must not, after ploughing the fields with the burning share of civil war, and fertilizing them with the blood and bones of a half million noble youth, lose the great harvest by wasting the short season of ingathering in festive joy at its promise and its fullness."

Then Reverend Bellows suggests that: "God has startled us, to apprise us of our peril; to warn us of possible mischances, and to caution us how we abuse our confidence and overtrust our enemy."

Rev. Theodore L. Cuyler, pastor of a Presbyterian church, a man who then had an international reputation as a preacher and writer saw virtue in Lincoln's humor. He said:

"Lincoln's humor was as natural to him as breathing. It was a happy gift. It kept his temper sweet, and lubricated his mind, that might otherwise have been worn into sullenness or into despondency by the tremendous friction of care and overwhelming anxieties. None of his jokes were ill-timed or malevolent. Some of them were exceedingly adroit. For instance, when an inquisitive visitor questioned him too closely as to the destination of the Burnside expedition, the President inquired with mock gravity, 'my friend, can you keep a secret?' 'Yes, sir,' he eagerly replied. 'Then,' said Mr. Lincoln, 'I will venture to inform you that the expedition has gone to sea.' "

He comments on his religion by telling us that "Abraham Lincoln's religion, as far as the world saw it—lay in two cardinal principles—a rigid sense of right—and an unfaltering faith in the providence of God. He was a child of providence. 'If I did not seek help from God every morning I could not stand up under the load laid upon me,' was the substance of a remark made to an intimate friend during a gloomy period of the war. What was the degree of our President's heart-faith in Jesus Christ is known only to the Omniscient. He worshipped in God's sanctuary; he once taught in the Sabbath School; he was rigidly moral; he practised abstinence from the wine cup as well as preached it; he set a noble example of industry, continence, fortitude, and integrity."

He underscores Lincoln's faith in the power of right:

"After issuing the proclamation of freedom he said to a friend, 'I did not think the people had been educated up to it; but I thought it was right to issue it, and so I did it.' "

Reverend Cuyler also refers to the people's response to Lincoln's death by telling us that "Lincoln in his coffin has put a world in tears. Never was a man so mourned; never before did all Christendom stand mourners around one single bier. That pistol shot at Washington echoes around the world in the universal wail of humanity. God pity our noble friends abroad when they hear the tidings."

He raises a question that has been discussed since his death when he asks, "Did Lincoln die too soon?" And answers that, "For us and for the world he did; but not for himself. It is all sadly right. God's will be done. The time had come when, like Samson, our beloved leader could slay more by his death than in his life. He has slain the accursed spirit of slavery yet lurking in the North. He has slain the last vestige of sympathy with the discomfited rebellion in every candid foreign mind. That pistol's flash has revealed the slave-drivers' conspiracy to the world—our father died at the right time; for his mighty work was done. He lived to see the rebellion in its last agonies; he lived to enter Richmond amid the acclamations of the liberated slave, and to sit down in the archtraitor's deserted seat; he lived until Sumter's flag rose again like a star of Bethlehem in the southern sky, and then, with the martyr's crown upon his brow, and with 4 million broken fetters in his hand, he went up to meet his God."

Rev. Joseph P. Thompson, a graduate of Yale, a great pastor and the sanitary commission member with General Sherman's army during the Civil War, touches on Lincoln's greatness:

"I count it one of the noblest acts in the history of the race, an impressive proof of the progress of human society, that a nation has rendered its spontaneous homage, a tribute without precedent in its own annals, and hardly equaled in the annals of the world, to a man whom it had not yet learned to call great."

Commenting on Lincoln's education this reverend from Yale reminds us that "whether his books or his teachers be few or many, whether his education be in professional schools or in the open school of nature and of practical life, he who would become a power either in the world of opinion or in the world of action, must make himself a man of self-discipline and culture with such helps as are at his command. Mr. Lincoln made himself, not by despising advantages which he had not, but by using thoroughly such advantages as he had."

He continues:

"He thought out every subject for himself; and he did not commit himself in public upon any subject which he had not made his own by reflection. Hence even familiar thoughts, coming before us in the simple rustic garb of his homely speech, seemed fresh and new. He took from the mint of political science the bullion which philosophers had there deposited, and coined it into proverbs for the people. Or in the great placer of political speculations, he sometimes struck a lode of genuine metal, and wrought it with his own hands."

In his reasoning on the Constitution, Reverend Thompson points out that: "The Union is older than the Constitution; the Union made the Constitution, and not the Constitution the Union."

Then commenting on Lincoln's simple philosophy Reverend Thompson said:

"With a noble contempt for political prejudice, and with a touching moral simplicity, Mr. Lincoln avowed this principle in his treatment of the Negro. In pointing out that more has been given you (by the Creator) you cannot be justified in taking away the little which has been given him. If God gave him but little, that little let him enjoy. In the right to eat the bread, without the leave of anybody else, which his own hand earns, he is my equal, and the equal of Judge Douglas, and the equal of every living man. In his highest prosperity he never forgot his kindred with men of low estate. Amid all the cares of office, his ear was always open to a tale of sorrow or of wrong, and his hand was always ready to relieve suffering, and to remedy injustice. I seem to see him now, leaning against the railing that divides the War Office from the White House, while the carriage is waiting at the door, and listening to the grievance of a plain man, then sitting down upon the coping and writing on a card an order to have the case investigated and remedied. An undignified position do you say? It was the native dignity of kindness."

It seems to me that one of the most eloquent statements by a public official was made by Job Stevenson, a Representative from Ohio, when he gave the principal address for the service at Cleveland. He reminded the American people that "for 4 years the war raged, and the President was tried as man was never tried before. Oh, 'with what a load of toil and care,' has he come, with steady, steadfast step, through the valley and the shadow of defeat, over the bright mountain of victory, up to the sunlit plain of peace.

"Through all these trials the President stood firm, trusting in God and the people, while the people trusted in God and in him. Tried by civil affairs which would have taxed the powers and tested the virtues of Jefferson, Hamilton and Washington, he administered them so wisely and well, that after 3 years no man was found to take his place. He was reelected, and the harvest of success came in so gradually, that he might have said, 'Now, Lord, lettest Thou Thy servant depart in peace, for mine eyes have seen Thy salvation.' Yet he was free from weakness or vanity. Thus did he exhibit, on occasion, in due proportion and harmonious action, those cardinal virtues, the trinity of true greatness—courage, wisdom, and goodness; goodness to love the right, wisdom to know the right, and courage to do the right. Tried by these tests, and by the touchstone of success, he was the greatest of living men."

Abraham Lincoln's very good friend, Matthew Simpson, the Methodist bishop, concluded the final service at the grave by recalling: "How different the occasion which witnessed his departure from that which witnessed his return. Doubtless you expected to take him by the hand, and to feel the warm grasp which you had felt in other days, and to see the tall form walking among you which you had delighted to honor in years past. But he was never permitted to come until he came with lips mute and silent, the frame encoffined, and a weeping Nation following as his mourners. Such a scene as his return to you was never witnessed. Among the events of history there has never been a greater procession of mourners."

He, too, refers to the people's moving response:

"There have been mournings in the kingdoms of the earth when kings and princes have fallen, but never was there, in the history of man, such mourning as that which has accompanied this funeral procession, and has gathered around the mortal remains of him who was our loved one, and who now sleeps among us. If we glance at the procession which followed him, we see how the Nation stood aghast. Tears filled the eyes of manly, sunburnt faces. More persons have gazed on the face of the departed than ever looked upon the face of any other departed man. More faces have looked on the procession for 1,600 miles or more—by night and by day—by sunlight, dawn, twilight, and by torchlight, than ever before watched the progress of a procession."

His closing remark is appropriate and touching. He said:

"We crown thee as our martyr—and humanity enthrones thee as her triumphant son. Hero, martyr, friend, farewell."

Here is abundant evidence of the spontaneous homage of the tremendous outpouring of grief rendered at his death. A tribute that is without precedent in all the annals of history and this to a man who they had not yet learned to call great even though they, in their action, proved him the greatest. From the experiences of this funeral period and from what we have learned about Lincoln since that time, we can believe that there may be something greater than greatness itself. Even though he had not yet been enrolled with the great names of literature; and no feats of arms nor strategy on the field had yet placed him among the military heroes; and even though he was not yet ranked with the great thinkers and philosophers of history, the people sensed his greatness or they would or could not have paid such moving tribute to him at that time. Possibly he was great in his own way. Maybe he represented a new type of greatness. It seems the less it was recognized and acknowledged, the more it is genuine and divine. Even though the people and the leaders had not begun to accord him the epithets and the homage of greatness, the people in their simple way demonstrated so well that they believed him great. He had something that they understood and felt akin to greatness and it may be that there are lessons to learn from their reactions; maybe the recognized grandness in this character, rather than greatness, is the fitting epithet for the life and character of Abraham Lincoln; not greatness of endowment nor of achievement, but grandeur of soul. Grand in his simplicity and kindliness; grand in his wisdom of resolve and his integrity of purpose; grand in his trust in principle and in the principles he made his trust; grand in his devotion to truth, to duty, and to right; grand in his consecration to his country and to God, he rises above the great in genius and in renown, into that foremost rank of moral heroes, of whom the world was not worthy.

The people who were of the Nation he loved knew he was great. The leaders knew too when they saw the multitudes weep and they then expressed the depth of their feelings marvelously as they proclaimed him the greatest of the great, grandest of the grand, a statesman who built his own monument in the hearts of those who love liberty unselfishly for all mankind.

Yes, he was, rather, great and grand in his own time. If it were not so we would not know him so well or love him so much today.

Forest Management

EXTENSION OF REMARKS
OF
HON. ANCHER NELSEN
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 19, 1960

Mr. NELSEN. Mr. Speaker, today I have introduced a bill to authorize and direct national forest management to produce sustained yield and maximum use for all purposes. I feel that an affirmation of the national forest policy of multiple use will affect the economy of our area in many ways.

The Chippewa and Superior National Forests in Minnesota cover vast areas of the finest recreational land and water in the Nation. To use it for only one purpose when it has many present and potential uses is being rather short-sighted and neglectful of its full possibilities for the benefit of the ever-increasing recreational seeking public. This multiple-use policy has existed and been applied ever since the national forests were created. The legislation that I have proposed would further strengthen and implement its management and utilization.

With longer paid vacations, faster transportation, and better highways, the American people are seeking outdoor recreation as never before. The national forests are becoming increasingly important for camping, fishing, hunting, and other forms of recreation, in addition to their importance for timber production and watershed protection. These increasing demands for public recreation use can be accommodated without undue effect upon timber production and watershed protection. I feel that the practice of multiple use and sustained yield which will develop and sustain such integrated uses will result in the maximum benefits to the locality and to the country.

Such legislation would protect national forest resources from possible overutilization in the future as a result of economic pressures or those of single-interest groups.

It seems the legislation is timely and appropriate. The multiple demands are increasing as never before. We have all watched the recreation demand grow—considerably beyond our means to accommodate it. The future will bring heavier demands on all forest resources. Legislation acknowledging the necessity for recognizing all these needs would, most likely, in itself be a great aid in implementing the program.

The growth of recreation use on the Chippewa gives some idea of the rapidly increasing demands on the national forests. The number of recreational visits to the forest in 1955 was 341,000; by 1959 this was more than doubled—706,000. Estimates place the 1965 use at more than 1 million to exceed 1,500,000 by 1970. It seems sure that this increased demand will equally apply to timber and other forest uses.

In Minnesota the travel and tourist industry has become one of major proportions and its impact on our State's overall economy is vital and important. Annually, in excess of $300 million is spent in Minnesota by the recreational seeking public. Other States enjoy a similar return. We are dealing mainly with a replaceable resource and the license buying sportsman is paying the bill. Therefore, wise and protective utilization of our forest and lake areas should be of immediate and sincere concern to us all.

The following facts were revealed at a meeting held in Duluth, Minn., and are taken from a news story in the Duluth News-Tribune, dated March 24, 1960:

A Federal economic survey team heard complaints here yesterday that an excessive amount of land in northern Minnesota is publicly owned.

John Hoene, secretary of the Timber Producers Association, said that nearly 13 million acres in Minnesota is in Federal, State, or county hands now and the Federal Government is seeking to acquire more.

U.S. Commerce Department representatives and specialists of other Federal agencies met in the Spalding Hotel with representatives of area timber and tourist industries.

The Federal study group held a general meeting last night in Ely and will conduct another in Grand Rapids today. The survey team is examining longrun business and industrial potentials for use in coordination of Federal assistance to meet area unemployment problems.

Hoene declared that only about one-quarter of the land is privately owned in this area, compared with 90 percent in Southern States. The Federal Government is offering very little forest land for sale, he added.

Washington Report

EXTENSION OF REMARKS
OF
HON. BRUCE ALGER
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 19, 1960

Mr. ALGER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following newsletter of April 16, 1960:

WASHINGTON REPORT
(By Congressman BRUCE ALGER, Fifth District, Tex.)

Campaign oratory produces some startling statements. Fortunately most voters make allowances for the assertions of politicians during election years. But should the voter have to adopt this "let the buyer beware" attitude toward the statements of those who hold, or aspire to, public office? Bernard Baruch once said, "Every man has a right to his own opinion, but no man has a right to be wrong in his facts." Unhappily, as voters we're often aware of our own inability to test the factuality—the truth—of "campaign" statements. No matter how knowledgeable and realistic a voter may be, or try to be, he's often forced to rely on little more than instinct or intuition—on his general impression of a speaker's mannerisms or physical appearance—in exercising his political judgment.

Some current political shibboleths are worth examining closely. For instance, some would have us believe that the United States has degenerated, militarily and economically, into something of a second-class power. These fellows often call for a crash program to develop one specific weapon or another, and hang the cost. Oddly enough, it's often these same people who loudly advocate ever larger and more expensive welfare programs. Questions about deficit spending and consequent inflation are apt to be shrugged off with the observation that 60 percent of our budget is for defense, "and you can't cut that—we ought to be spending more."

Let's look at some facts: Nondefense spending in recent years has soared at twice the rate of our defense costs. Moreover, by laws already on the books, we have committed ourselves (and our children) to pay out the incredible future sum of $396 billion for programs having nothing to do with defense. This figure doesn't include any of the $290 billion in debt we've already run up. Neither are these contingent liabilities, mind you, but definite nondefense c.o.d. bills which will fall due in the future under the terms of laws already enacted.

Where is the tax money coming from to meet these bills? For a generation now, professional "do-gooders," some labor leaders, and self-styled liberals have convinced many people that the money would come from someone else—that with our progressive tax rates their programs to help the little man would be financed by taxing the well-to-do. Well, the rich can't be soaked any more. If all incomes over $25,000 were seized outright by the Federal Government, it would only raise $1.8 billion in revenue. If all incomes over $10,000 were seized, we would only increase revenues by $5.6 billion, less than it takes to operate the Government for a month. No; the taxpayers with modest incomes must bear the burden for any Federal programs allegedly aimed at providing for his welfare. When this fact sinks in generally, pie-in-the-sky campaign promises, involving greater spending, should lose a lot of their allure for John and Jane Doe who foot the bill.

Any schoolboy can tell you that ours is a government of, by, and for the people, who enact laws through their elected representatives in Congress. Granted, this is the way it should be, but the facts are a little disconcerting. My friend JIMMIE UTT, Congressman from California, recently pointed out that there is more administrative law governing our citizens than there is statutory law enacted by Congress. Thus, regulations are drawn up by almost every board, bureau, and commission in Washington, ostensibly to implement the broad statutes authorizing them. After due publication in the Federal Register, they become part of the body of administrative law governing you and me.

Says UTT: "We are rapidly coming to a point where a complete change of elected officials, including Congress and the White House, can mean little change in policy. You are governed more and more by people for whom you have never voted, for whom you never will vote, whom you have never seen, and whom you cannot recall by your vote. They are entrenched in the boards, bureaus, and commissions, even at the policy level. For example, you may think that the Secretary of Labor sets the policy of his Department, but I know that much of the policy of that Department is set by civil service employees who have been with the Department for 20 years, and they have no intention, now or ever, of recommending to the Secretary of Labor any policy which does not fit their personal philosophy of government, and you cannot remove them or replace them by your ballot. That same situation exists in the State Department, and in fact in every bureau, board, and commission. This is a form of invisible government and can lead to the most oppressive type of tyranny.

"Congress must assume a great deal of the blame for constantly delegating powers and duties which rightly belong to Congress. These delegations of power generally take place under a temporary emergency situation and, once delegated, they are never returned."

Every American Should Have the Right To Vote

EXTENSION OF REMARKS
OF
HON. ABRAHAM J. MULTER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1960

Mr. MULTER. Mr. Speaker, on April 6, 1960, it was my privilege to appear before the House Judiciary Committee in connection with House Joint Resolution 529.

My testimony before the committee was as follows:

STATEMENT OF THE HONORABLE ABRAHAM J. MULTER, REPRESENTATIVE IN THE CONGRESS OF THE UNITED STATES FROM THE 13TH DISTRICT OF THE STATE OF NEW YORK, APRIL 6, 1960

Mr. MULTER. It is always a pleasure to be here, Mr. Chairman, and I appreciate the invitation extended to me to give you my views on this important piece of legislation.

May I say at the outset that I appreciate the statement made by the chairman with reference to the home rule discharge petition, which, incidentally, happens to be my petition No. 2 at the desk, and at the same time take issue with the statement that has been made here that the two problems are different problems.

They are the identical problem, even though it is essential that they be treated differently, because of the legislative technicalities involved. The greater weight of legal opinion seems to be that the only way we can give to the residents of the District of Columbia the right to vote for President and Vice President, and the right to representation in the Congress, is by constitutional amendment. On the other hand, none seem to deny but that home rule can be granted to the District of Columbia by legislative enactment through the usual procedure of a bill being passed by both Houses and the President affixing his signature to it.

When it comes to the further technicality of whether or not we can muster two-thirds in support of the constitutional amendment, let me indicate to you that the platforms of 1956, of both parties, urge representation for the residents of the District of Columbia, both by home rule and by representation in the Congress, and by the right to vote for President and Vice President.

That points up the fact that I think all will agree that at least in the free countries of the world, those that believe in democracy with the small "d" and the republican form of government, with the small "r," as we subscribe to it and advance it, will agree that government is not set up to govern people, but is set up by people so that they can govern themselves. And if we start with that premise we necessarily subscribe to the principle that brought this country into being as a free country; that taxation without representation is tyranny.

May I most kindly call the attention of this committee to the political facts of life. And if they sound partisan, please understand they are not of my making, because I have done my best and will continue to do my best to see that both home rule for the District and representation in the Congress, and the right to vote for President and Vice President, will remain on a bipartisan basis with bipartisan support.

But when we hear the argument that you may not be able to muster a two-thirds vote of the Congress in support of this very fundamental principle, I am constrained to call your attention to the fact that although it is in both national political platforms alike, Republican and Democratic platforms of 1956, and I am sure if the legislation is not enacted at this Congress they will be in both in 1960—they will be in both 1960 platforms.

The CHAIRMAN. The trouble is that a platform is nothing to step on. It is something to get in on, as I understand it.

Mr. MULTER. I appreciate the humor with which the chairman makes that statement. From my long experience with him I know that he does not subscribe to that. I hope most of the members of this committee do not. And I know that the American public is very fast getting educated and getting to the time when they are going to point their finger, and do more than point a finger, at the politician or statesman or the man who runs for public office on a promise which he forgets the day he takes his oath of office.

I think this is the year when many people will be called to account for not having fulfilled their promises. And this is one of the platform pledges that I think people are going to call Members of the Congress to account for if they do not implement it.

In that connection, as I started to say, if we take the home rule petition on the House desk——

Mr. MILLER. Mr. Chairman, might I suggest that the Member restrict his remarks to this bill instead of the home rule bill, because we certainly have a lot of witnesses and it will only complicate the issues if we have too much testimony on home rule.

The CHAIRMAN. I am in favor of home rule, and a good many members of the committee are. I do hope that the gentleman will confine himself to the resolution before us.

Mr. MULTER. I intend to, and it will not complicate the issue to call the attention of this committee, and to all concerned, that of the 187 signatures on the petition for home rule, only 26 percent of the Republicans have signed it and 80 percent of the Democrats have signed it. Now that is the practical side of the situation.

Mr. MCCULLOCH. Mr. Chairman and members of the committee, of course there has been a great deal of talk down through the years about Members of Congress signing petitions to discharge committees of further consideration of bills that may be before them. I have had a long legislative service at both the State and National level. At the State level, in positions of leadership as the minority leader of my party, and as speaker of the House of Representatives of my home State of Ohio, longer than any man who ever served in that position.

By reason of that experience, and by reason of certain other fundamental convictions that I have, I do not sign petitions to discharge committees of further consideration of bills, whether they be bills which I have introduced and sponsored, or whether they be bills introduced and sponsored by others. I am sure the chairman and the members of this committee know that that was my position on the civil rights bill which I sponsored

along with the chairman and which left this committee on August 20, 1959, but which did not have a rule until late February or early March of 1960.

I just want the record to show that there are many people with long legislative experience who do not follow the practice of signing petitions to discharge committees of further consideration of bills.

The CHAIRMAN. However, I don't want to let the impression to go forth that signing of a discharge petition is something unorthodox. It is prescribed in the rules. It is a deliberate method by which a bill can be pried loose from the Committee on Rules. Since it is in the rules, it was the result of great deliberations on the part of the House itself. There is no stigma attached to anybody signing a discharge petition because it is in the regular performance of his duties, and he has the right and sometimes he may have the duty, if his conscience so dictates, to sign that discharge petition.

Mr. MILLER. Mr. Chairman, I am very sorry that the gentleman from New York saw fit to inject this partisan politics into this issue as far as the District of Columbia is concerned. I, of course, support your resolution, Mr. Chairman, and in addition thereto I am in full accord with your statement. There is nothing unorthodox, nothing unusual, about signing a discharge petition. I just happen also to agree with my minority leader, Mr. MCCULLOCH, that as a matter of practice I don't sign it. That is not the important point. The important point is that the same argument, of course, could be made as to the signatures which were attached to the civil rights discharge petition. And yet, when the civil rights bill passed the House, it passed the House with a vote of over 90 percent of the Republicans, and you can't say the same about the Democrats.

The CHAIRMAN. Now the shoe is on the other foot.

Mr. MILLER. So I think that when this bill passes the House it will pass with a greater majority of Republican votes, percentagewise, than Democrats. So we won't talk about the discharge petition, I hope, from now on.

The CHAIRMAN. Let's forget about that and get down to business.

Mr. MILLER. Let's talk about the resolution. I agree.

Mr. MULTER. Mr. Chairman, I think I have touched upon a spot that is quite sore and vulnerable to some of our colleagues. Again I say it is not of my making. If the only way that we are going to get members of both parties on the record to show whether or not they are supporting that which they say they support, it will probably be necessary to have a discharge petition. And there is where the noses will be counted, because before they vote on the record, under a rollcall——

Mr. MILLER. Are you talking about this resolution that we are considering now.

Mr. MULTER. Yes. I am pointing up the facts of life with reference to this resolution.

Mr. MILLER. You don't think this committee is going to pass this resolution out?

Mr. MULTER. I didn't say that at all.

Mr. MILLER. What are you talking about when you talk about a discharge?

Mr. MULTER. If you will let me finish my statement you will probably grasp the point I am trying to make.

Mr. MILLER. Are you talking about home rule again?

Mr. MULTER. I am talking about this resolution before this committee and the basic principle which is the same in both instances.

Mr. MILLER. Do you think we are holding these hearings for nothing, that we are going to have a discharge petition?

Mr. MULTER. I have been in Congress too long not to know why hearings are held and which hearings will be effective and which will not be effective.

The CHAIRMAN. Let the witness complete his statement.

Mr. MULTER. The fact of the matter is, whether we like it or not, a "voice" is not representation. And whether that voice is on the political platform or in Congress, it is not representation. A voice, as a voice, is guaranteed to the citizens of the United States, even to those in the District of Columbia, by the right given to them by the Constitution, to petition their Congress.

We know that the filing of a petition with the Congress does not redress any wrongs or correct any of the injustices or inequities that prevail, either in the District of Columbia or elsewhere. So that when you consider this resolution I beg of you, don't be concerned with whether or not you are going to get the two-thirds vote if and when the bill gets to the floor, or the resolution gets to the floor.

Let's address ourselves to these fundamental principles for which we declare we stand, and put them into a resolution that will do more than just give voice to the citizens of the District; let's give them the right that they should have, which is the right to govern themselves, the right to participate in the Government of their country.

They have a right to vote for President and Vice President. They have a right to vote for representatives in both Houses of Congress. And when electing those persons to represent them in the Congress, giving them the right to introduce a bill or to argue or to debate in committee or on the floor is not giving them their basic right of representation in Government unless those representatives elected to both Houses of Congress will also have the right to vote for them, for and against bills.

The CHAIRMAN. I take it you are for the principle of the right of franchise, the full right of ballots to the people of the District of Columbia. But you don't mean to imply thereby that you would not, as a first step, shall I say, adopt the resolution which we are now considering?

Mr. MULTER. Of course, I would not take the position that we shouldn't take this step by step. I have learned the hard way that good legislation is the result of compromise. And if you fight for every last thing you are entitled to, you may get none of it. So you take it step by step.

Mr. HOLTZMAN. Mr. Chairman, at that point, I wonder if our colleague from New York would not, in line with his most recent statement, join with Mr. ROGERS, Mr. RODINO, and the gentleman from New York in saying that it would be better to set up a broad platform that would be all embracing, and then have the situations meet each particular instance, rather than select the District of Columbia, omit Puerto Rico, omit Guam, omit any other of our possessions. Doesn't the gentleman think that would be a better way?

Mr. MULTER. That would be the ideal way. It would be the better way. Whether Senator KEATING, who preceded me as a witness, is right or not, I am not prepared to say as to whether or not you could get all of that at one time.

Certainly, however, in considering this bill now, which as it applies solely to the District, we ought to at least be sure that we are going to give the people of the District all of their rights, and not a little piece.

We gave them the right to nominate by electing delegates to the conventions. What good is the right to nominate if you don't also have the right to elect? We gave them that little piece. We held out some bait to them, and said, "Here, be satisfied, we will let you elect delegates," as we did in 1956 to the national conventions, "so they can nominate candidates for you." That is only giving them a little piece, but you don't follow through and say we will also give you the right to choose the President and Vice President on election day.

The CHAIRMAN. I want to say in comment to the question offered by my distinguished colleague from New York, for whom I have high regard, that if we attempt to make something in the nature of a general constitutional amendment here it is going to involve us in a great deal of controversy. Our objective is to grant some modicum of relief to the people of the District of Columbia; namely, grant them some form of ballot; in this instance, the right to vote in Federal elections. If we are going to be bogged down with all manner and kinds of controversies that would arise if we have some general proposition, I am going to repeat what I said in this committee not long ago, and those who heard me will forgive the repetition: Cervantes once said that by the street of Bye-and-Bye you get to the house of Never. And if we do anything of the type that is suggested by the gentleman from New York, we will never get anything done whatsoever.

We have an opportunity now, and we should get right down to work and seize time by the forelock. The session is getting short. If any action is to be accomplished it must be accomplished now. And if there is any postponement I fear that it will be postponed indefinitely and no relief will be granted.

In that connection I am going to ask all witnesses to be as brief and cogent as possible. We have a long line of witnesses. I am going to ask the members of the committee to be brief in their questioning, and, if possible, I am going to ask the witnesses to submit their statements. The remaining session is very short. I hope to get action before we conclude this Congress.

But if this matter is going to be drawn out, if these hearings are going to be drawn out, I am afraid we are going to meet with all kinds of obstacles.

I would ask that the witnesses, in self-interest, in favor of this legislation, be brief, and that applies to every witness, whether they are Members of Congress or non-Members of Congress.

Mr. MULTER. Mr. Chairman, I will conclude with the recital of some facts which I think you should have in the record, and with which facts no one, I am sure, can find fault.

In the District of Columbia today we have in excess of 850,000 residents. That is more than the population of 12 States: New Hampshire, Vermont, North Dakota, South Dakota, Delaware, Montana, Idaho, Wyoming, Nevada, New Mexico, Alaska, and Hawaii. That 850,000 population in the District of Columbia is more than the combined total of Alaska, Nevada, and Wyoming. Those three States have nine representatives in the Congress. By that I mean one each in the House of Representatives and two each in the U.S. Senate with the full right to not only voice their opinions and introduce bills, but to vote.

In World War II the District of Columbia sent more persons into the armed services, voluntarily as well as by virtue of the draft, than many of the States whose citizens have full right to vote and full representation in the Congress.

In 1924 the United States appropriated to the District of Columbia, to the operation of the District of Columbia, more than 40 percent of its budget, at a time when the total budget for the United States was in excess of, or just about, $3 billion. Today,

with our U.S. national budget approximately $75 billion, the Congress is appropriating only 11 percent of the governmental budget for the District of Columbia. With proper representation in the Congress I think a better job would be done for our National Capital.

That National Capital, incidentally, has been the model, to some degree at least, for every major republic of the free world, with this distinction: In every one of those capitals their citizens have the full right to vote for all officials of their government, with full right of representation in their congress or their parliament.

I think that we can do no less, Mr. Chairman.

Mr. TOLL. May I make an inquiry of that figure of 850,000?

Doesn't that include one-third of the people who vote in their home towns?

Mr. MULTER. I think that is correct.

Mr. TOLL. You want to eliminate them from this picture, do you not, so that you won't lose the constituents who help you get into Congress?

Mr. MULTER. Those people who are voting back home, if given the right to vote, I think they cherish that privilege and that right and will not give it up simply because they live in the District, where they are earning their livelihood and actually living day in and day out; they would vote here rather than at home.

Mr. TOLL. And they would lose their sponsorship.

Mr. MULTER. Isn't that what we mean by self-government?

Mr. HOLTZMAN. If they lost their sponsorship from the respective States, certainly they would have new sponsorship from the District of Columbia; isn't that so?

Mr. MULTER. We do hope so.

The CHAIRMAN. The 850,000 are residents of the District of Columbia. They can vote outside the District of Columbia, either in Virginia or Maryland?

Mr. MULTER. I think the census figure includes those who reside within the District but maintain their original residences in their original domicile for voting purposes.

Mr. Chairman, if I have hurt anybody's feelings, I am sorry.

That is my statement, sir.

The CHAIRMAN. Are there any questions?

Mr. MILLER. I have one question.

You talked about this resolution and home rule. Of course, you understand that home rule is not before this committee, don't you?

Mr. MULTER. No, it is not.

Mr. MILLER. That is before the District Committee.

Mr. MULTER. That is correct.

Mr. MILLER. You have a discharge petition on that issue?

Mr. MULTER. That is correct.

Mr. MILLER. A discharge petition would be unnecessary if the committee reported the bill out, would it not?

Mr. MULTER. If this committee reports this resolution?

Mr. MILLER. If the District Committee reported the bill out on home rule you wouldn't need discharge.

Mr. MULTER. No, we would not need a discharge petition.

Mr. MILLER. All you need is a majority vote on the District Committee to report it out?

Mr. MULTER. Yes.

Mr. MILLER. What is the complexion of the District Committee, Democrats and Republicans?

Mr. MULTER. If you eliminate the Southern Democrats——

Mr. MILLER. No, no; Democrat and Republican?

Mr. MULTER. Don't try to put words in my mouth.

The CHAIRMAN. I thought we would have a cessation of politics.

Mr. MULTER. May I answer the question? I think the question carries a connotation which requires an answer, otherwise we will get a record that is not fair.

The complexion of the District Committee is such that the Southern Democrats, who traditionally have made pledges, during the course of their campaigns, against home rule for the District, will not vote for it, and will not sign a discharge petition; but if the Northern Democrats and Northern Republicans on that committee join together, we can vote it out. And if they sign the petition we can get it before the House. That is the situation there.

And on the other hand you will have the same situation in the Rules Committee with reference to this very resolution as you had with reference to civil rights. You will probably have to pry this loose from the Rules Committee by getting almost enough signatures on a discharge petition before you will get it out of Rules.